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Congressional Record

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of America

PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Monday, September 13, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MURTHA].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 13, 1993.

I hereby designate the Honorable JOHN P. MURTHA to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, ruler of the world, guardian of the weak, protector of the defenseless, and the author of peace,

Today, we thank You for those who sit together at the table of concord and seek a more excellent way for the peoples and countries of this world to work for justice and live in harmony.

Bless, we humbly and fervently pray, all those who now labor and those who have labored to build this great foundation upon which a house of peace can be constructed.

May all people, everywhere, seek and find in that house, shelter and safety from the tragedies and triumphs of the life.

Reassure us all, oh God, of Your peace which results from hearts softened by Your forgiveness and thoughts molded by Your grace.

Give strength of purpose to those who lead, and enlighten those who sit in council, so that all nations and people will exalt service over gain and righteousness over glory. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT] to lead us in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Friday, September 10, 1993:

S.J. Res. 90. Joint resolution designating September 10, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag.

APPOINTMENT AS MEMBER OF BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 168(b) of Public Law 102-138, the Chair, on behalf of the Speaker, appoints the following Member to the British-American Interparliamentary Group on the part of the House:

Mr. HAMILTON of Indiana, Chairman.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title.

H.J. Res. 220. Joint resolution to designate the month of August as "National Scleroderma Awareness Month", and for other purposes.

The message also announced that the Senate had passed joint resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 50. Joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week";

S.J. Res. 94. Joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week"; and

S. Con. Res. 42. Concurrent resolution expressing the sense of the Congress that the sixtieth anniversary of the Ukraine famine of 1932–1933 should serve as a reminder of the brutality of Stalin's repressive policies toward the Ukrainian people.

AN OPPORTUNITY FOR PEACE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, on this tremendous occasion of the possibility of peace in the world, I want to give tremendous credit to former President George Bush and former Secretary of State James Baker. They were objective. They placed a continual urging for peace in the Middle East, and showed that America could deal with that region in an objective fashion. In addition, the efforts of Jimmy Carter and all Presidents speak well for today, and President Clinton has followed through in those objective efforts of former President George Bush.

But it will not be easy. The last accord brought the loss of Anwar Sadat and the hounding of Menachem Begin. So let God be with Arafat and with Rabin, and with all free people in their quest for peace.

But certainly today is a hallmark and an opportunity for peace for all free people. Let us all join forces today and urge that this continuum move forward.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ADMINISTRATION LACKING IN TRUST ON WORDS AND NUMBERS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, it seems that in order to fulfill their goal of reinventing Government, the Clinton administration decided that it first had to reinvent math.

The Washington Post editorial page, ordinarily the lead vocal in the Clinton chorus, notes today that the savings claimed from reinventing Government are exaggerated.

This should come as no surprise: The Clinton budget numbers never added up:

His claim to cut 25 percent from the White House staff is pure fiction.

The OMB finally released a midsession review of the budget which lowered projections for economic growth by a full percentage point, but expects no impact on the deficit.

The reinventing Government savings are exaggerated.

And next the administration will promise to deliver $90 billion in new health care benefits without harming the economy or increasing the deficit.

Members of Congress and the American public need accurate information and data to make informed policy decisions, but the numbers crunchers in this administration have traded their green eye shades for rose colored glasses.

Mr. Speaker, if we cannot believe their numbers when it comes to a reinventing Government proposal that affects less than one-half of 1 percent of Government spending, how are we supposed to trust their numbers on a health care plan that affects fully one-seventh of our entire economy?

Once again, we see that there are only two things you cannot trust the Clinton administration with—words and numbers.

H. RES. S.O.S.: STAMP OUT SECRECY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, not until it was obvious that Congressman JIM INHOFE had the necessary signatures to bring House Resolution 134 to a vote, did the Rules Committee decide to hold hearings. I guess the House leadership has decided that necessity is to be the mother of intervention.

I am sure you remember House Resolution 134. I like to call it House Resolution S.O.S. because it will stamp out secrecy around here, so that the people who elected us will know what we are doing. Editorial pages and talk shows all over America are lauding the effort. There were rallies over the weekend celebrating the victor and praising Members who signed the petition.

But getting the petition signed means we have just crossed the starting line. The question remains whether the supporters will be able to stay on board until we reach the finish line. There will be several procedural votes before then and the House leadership will be trying to push people off the reform bandwagon at every legislative twist and turn.

Congressman INHOFE and Rules Committee Republicans will be speaking on the floor after today's business to explain what the secret agents are up to. Let us listen and prepare. This opportunity to pass House Resolution S.O.S. and stamp out secrecy in the House may not come again.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV. Such votes, if postponed, will be taken after consideration of House Resolution 248.

AUTHORIZING PLAN, DESIGN, AND CONSTRUCTION OF THE WEST COURT OF NATIONAL MUSEUM OF NATURAL HISTORY BUILDING

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2677) to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct the west court of the National Museum of Natural History building.

The Clerk read as follows:

H.R. 2677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PLANNING, DESIGN, AND CONSTRUCTION OF WEST COURT OF NATIONAL MUSEUM OF NATURAL HISTORY BUILDING.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct the West Court of the National Museum of Natural History building.

SEC. 2. FUNDING.

No appropriated funds may be used to pay any expense of the planning, design, and construction authorized by section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Ordinarily, at this time I would yield 10 minutes of my time to the gentleman from Missouri, Congressman BILL CLAY, chairman of the Committee on House Administration's Subcommittee on Libraries and Memorials and ask that he be allowed to control this time. However, he has been unavoidably delayed, so I intend to proceed at this time.

Mr. Speaker, H.R. 2677 would authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a series of activities to be located in the west court of this Smithsonian Museum. These construction projects include a book store, an enlarged public restaurant, and a new theater. The bill is revenue neutral and would not require a Federal appropriation. The Smithsonian Museum intends to use its own borrowing authority to fund the project. This bill has the support of the members of the subcommittee as well as the full committee.

Mr. Speaker, I urge adoption of H.R. 2677, and I reserve the balance of my time.

□ 1210

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2677. This measure will authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct the west court of the National Museum of Natural History building.

The Smithsonian museums are some of Washington's most visited attractions. However, many people may not realize some of the other vital contributions the museums make with regard to educating our students. The Smithsonian educational programs reach out to students across the nation.

The purpose of this bill is to expand the museum's current west court facilities. It will establish an interactive educational center and an expanded commercial facility. The proposal includes a large-screen theater, greater educational space, and a large increase in the museum's commercial space. The modifications are necessary to improve and advance the education of the museum's visitors.

One of the more amazing aspects of this project is that it will cost the American taxpayer absolutely nothing. This comes at a time when streamlining and belt-tightening by the Federal Government are under way, to promote effective and efficient use of taxpayer dollars. I would like to applaud the efforts of the Smithsonian and commend the Institution on its fiscal responsibility. The Smithsonian has done its part to relieve the burden on the American taxpayer, through independent investment and careful regulation of spending.

Mr. Speaker, I urge my colleagues to give their full support to H.R. 2677.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 2677 is to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct the west court of the National Museum of Natural History building.

The National Museum of Natural History is the largest scientific research institute of the Smithsonian having over 200 active research projects throughout the world. The majority of projects emphasize research that will contribute to the understanding of global environmental change. Over seven million individuals visit the Smithsonian's National Museum of Natural History each year.

Although the Smithsonian has put forth significant efforts to educate the public using traditional exhibit technology, modern audiences actively seek deeper understanding of the world's environment and cultural heritage through more dynamic media. The Smithsonian Institution proposes to establish an interactive educational center and an expanded commercial facility by developing the west court of the museum. The redeveloped west court would total approximately 87,000 square feet of space containing a 488-seat, large-screen film theater, education space, doubling the size of the museum shop and expanding the museum restaurant.

The project will be financed entirely with external debt to the Smithsonian Institution. No federally appropriated funds will be used. It is estimated that total investment in the project will be $32 million. The Smithsonian believes that with a current climate of advantageous interest rates, the project's projected incremental cash flow will repay the debt within 15 years of completion.

Section 1 authorizes the Board of Regents of the Smithsonian Institution to plan, design, and construct the west court of the National Museum of Natural History building.

Section 2 states that no appropriated funds may be used to pay any expense of the planning, design, and construction authorized by section 1.

H.R. 2677 was introduced on July 20, 1993 by Mr. MINETA, for himself, Mr. NATCHER, and Mr. MCDADE. The bill was jointly referred to the Committees on House Administration and Public Works and Transportation. The House Administration Subcommittee on Libraries and Memorials held no hearing on the bill but favorably approved H.R. 2677 on July 22, 1993. On July 28, 1993, the Committee on Public Works and Transportation Subcommittee on Public Buildings and Grounds held a hearing on the bill and approved it by voice vote on August 4, 1993. The full committee approved the bill by voice vote on August 5, 1993.

Mr. BARRETT of Nebraska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 2677.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2677, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CHARLES E. BENNETT FEDERAL BUILDING

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2431) to designate the Federal building in Jacksonville, FL, as the "Charles E. Bennett Federal Building."

The Clerk read as follows:

H.R. 2431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building at 400 Bay Street in Jacksonville, Florida, is designated as the "Charles E. Bennett Federal Building". If a new Federal building is built in Jacksonville, Florida, to replace the building at 400 Bay Street, the new Federal building shall be designated as the "Charles E. Bennett Federal Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the Federal building referred to in section 1 is deemed to be reference to the "Charles E. Bennett Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognize the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very honored to support legislation which pays tribute to a man well known to this institution. Former Congressman Charles E. Bennett was elected to Congress on November 2, 1948. While in Congress for 39 years, Bennett set a record for not missing a single legislative vote.

Congressman Bennett served as vice chair of the House Armed Services Committee, and chair of the Committee on Standards of Official Conduct.

It is a fitting and appropriate tribute to honor this distinguished American by designating the Federal Building located at 400 Bay Street in Jacksonville, FL, as the "Charles E. Bennett Federal Building."

Mr. Speaker, I urge the adoption of H.R. 2431.

Mr. Speaker, I reserve the balance of my time.

Mrs. FOWLER. Mr. Speaker, I rise today to express my support for H.R. 2431, a bill designating the Federal Building in Jacksonville, FL, as the "Charles E. Bennett Federal Building."

Charlie Bennett was born in 1910, and earned both his undergraduate and law degrees from the University of Florida. Like many of his generation, he was a strong believer in patriotism and public service, and this belief determined the course of his life. It first led him into the practice of law, and then into the Army in World War II, where he served heroically. It eventually led him to the Halls of Congress, where he served honorably for 44 years.

Representative Bennett was on the House Armed Services Committee, where he was chairman of the Armed Services Subcommittee on Seapower and Strategic and Critical Materials; and on the Committee on Merchant Marine and Fisheries.

He was a dedicated and conscientious representative of his constituents, and I believe that naming the Federal Building in Jacksonville after him is a much deserved way of recognizing his many years of distinguished service to his district and the Nation.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2431, a bill to designate the Federal building in Jacksonville, FL, as the "Charles E. Bennett Federal Building."

Charles E. Bennett was born December 2, 1910, and educated in Florida schools. He received a B.A. and J.D. from the University of Florida. He practiced law and served as a Member of the Florida House of Representatives in 1941.

Congressman Bennett had a distinguished military career. After enlisting in the Army in 1942, he served for 58 months, including guerrilla combat in the Philippines. He was awarded the Silver Star, Bronze Star, Combat Infantry Badge, Philippine Legion of Honor, and Gold Cross for Gallantry in Action, and French Legion of Honor.

Charles E. Bennett was elected to the 81st Congress on November 2, 1948, and served for 44 years, retiring in 1992. He served as vice chair of the House Armed Services Committee, Chairman of the Seapower Subcommittee, former chair of the Committee on Standards and Conduct. For 39 years, our good friend did not miss one legislative vote on any rollcall. He was truly a Representative of the people in his dedication to his duties.

It is fitting that the Federal building in Jacksonville, FL, be named in honor of this distinguished legislator, and I urge my colleagues to support this bill.

Ms. BROWN of Florida. Mr. Speaker, it is indeed a pleasure to speak today on behalf of H.R. 2431, legislation I introduced to designate the Federal building in Jacksonville, FL, as the "Charles E. Bennett Federal Building."

Congressman Bennett retired at the end of the 102d Congress after serving 44 years in the U.S. Congress. I now have the privilege of representing a large portion of Mr. Bennett's old district and as you can imagine, I have very large shoes to fill.

I have always considered Charlie Bennett to be a great American hero and a person whose career I have attempted to use as a benchmark for my own. For those of us who are fortunate to know him, Mr. Bennett is a fine example to follow.

Mr. Speaker, you, along with many, many Members of this body served with Charlie Bennett in Congress, so I do not need to tell you why he is so deserving of this honor. However, if you will allow me, I would like to mention a few of the notable accomplishments which mark his tremendous career.

Congressman Bennett was elected to Congress in November, 1947 and has the ninth longest record of continued service in the U.S. Congress. He answered over 17,000 recorded votes and did not miss a single legislative vote from June 5, 1951 through to the day of his retirement. As many of you know, Mr. Bennett came to Congress following 4 years of service in the Army during World War II. He contracted polio during the war and has been forced to use walking canes ever since. During his first campaign, some questioned his health and wondered whether he was physically able to meet his congressional responsibilities. In fact, Mr. Bennett was hospitalized several times during his first congressional term. But in the summer of 1951, with his medical difficulties behind him, Bennett decided that the best way to prove his physical abilities, mental resolve and commitment to the job to which he was elected, was to promise himself never to miss a legislative vote—and it was a promise he kept.

Mr. Bennett is a man of honor and integrity and left a legacy behind to prove it. His legislation created the House Ethics Committee—which he twice chaired. In addition, he authored the Code of Ethics for Government Service and other legislation in the area of government ethics. His legislation also made "In God We Trust" our national motto.

Bennett was also a champion of this country's Armed Forces. He believed, and still does, that our fighting men and women deserve the best equipment and training necessary to fulfill the missions to which they are assigned.

As chairman of the House Armed Services Subcommittee on Seapower, Bennett fought to enhance America's sealift capacity and enhance our U.S.-flagged fleet. In Jacksonville, Mr. Bennett is thought of as the father of the Navy. He worked to turn Mayport Naval Station, a surplus military facility when Bennett was elected to Congress, into a aircraft carrier homeport and the second largest such port on the East Coast. In addition, he successfully secured three naval air stations in Jacksonville. But Mr. Bennett's first love is the environment. Last year, he was quoted as saying, "I love the outdoors. It is the closest to God you can get while still on Earth." Because of his desire to protect this Nation's natural and historic resources for future generations, Bennett authored and secured the passage of national legislation to preserve historic sites and treasure ships and protect endangered species and ecologically sensitive sites. His legislation also created the Ft. Caroline National Memorial and the Timucuan Ecological and Historic Preserve in Jacksonville. Putting his money where his mouth is, Bennett also donated all of his excess campaign funds, over $200,000, to the National Park Service for the purpose of land acquisition.

If you think all this makes Charlie Bennett a hero, you are correct. But he was already a hero when he got to Congress. As an Army captain, Mr. Bennett led guerrilla fighters in the Phillipines in the Northern Luzon mountains and was awarded the Silver Star for gallantry in action. The Phillipines decorated him with the Legion of Honor, the highest award for a non-Filipino. He was elected to the Infantry Hall of Fame by the Fort Benning Officer Candidate School.

It is fair to say that no public official has done more for the city of Jacksonville than Charlie Bennett. In fact, few members of Congress have done more for this Institution than Charlie Bennett. He has been a tireless public servant and I admire him greatly.

Mr. Chairman, as you can tell, I think a great deal of Charlie Bennett and hope that all of my colleagues will support this legislation.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 2431.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1220

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2431, the bill just passed.

The SPEAKER pro tempore. (Mr. MURTHA). Is there objection to the request of the gentleman from Ohio?

There was no objection.

GEORGE H. MAHON FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2532) to designate the Federal building and United States courthouse in Lubbock, TX, as the "George H. Mahon Federal Building and United States Courthouse".

The Clerk read as follows:

H.R. 2532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 1205 Texas Avenue in Lubbock, Texas, shall be known and designated as the "George H. Mahon Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "George H. Mahon Federal Building and United States Courthouse.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I see our distinguished former chairman, Mr. Bennett, coming here. It is a great day with a monumental peace accord, but it is a sad day that not more Members are here to greet Mr. Bennett.

Mr. Speaker, H.R. 2532 honors another congressional giant in naming this Federal building after Congressman Mahon. George Mahon was first elected to serve in the U.S. House of Representatives in 1934, representing Texas' 19th Congressional District. He then served in the next 21 succeeding Congresses.

During his long tenure in Congress, Congressman Mahon worked with 8 Presidents and served on the important and powerful Appropriations Committee for 14 years.

It is a fitting and appropriate tribute to designate the Federal building and U.S. courthouse located at 1205 Texas Avenue in Lubbock, TX, as the "George H. Mahon Federal Building and United States Courthouse."

Mr. Speaker, I reserve the balance of my time.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2532, a bill to designate the Federal building and U.S. courthouse in Lubbock, TX, as the "George H. Mahon Federal Building and United States Courthouse."

George Herman Mahon was born on September 22, 1900. He attended Simmons University and received his B.A. in 1924. He graduated from the Law Department of the University of Texas at Austin, receiving an L.L.B. in 1925. In the same year, he was admitted to the Texas Bar.

In November 1934, George Mahon was elected to the U.S. House of Representatives and served in each of the 21 succeeding Congresses.

During his tenure in Congress, George Mahon served with eight Presidents, served on the Committee on Appropriations for 14 years, and in May 1964, became its chairman until his retirement in 1978.

George Mahon served as a delegate to the Democratic National Convention from 1936–64. He also served as a regent of the Smithsonian Institution from 1964–78.

Mr. Mahon passed away in 1985.

It is fitting that the building in Lubbock, TX be named in honor of this outstanding legislator.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I urge support of the bill, and I yield back the balance of my time.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. COMBEST], who represents Mr. Mahon's district.

Mr. COMBEST. Mr. Speaker, I appreciate the gentleman yielding time to me.

Mr. Speaker, I obviously rise in support of H.R. 2532, as the original sponsor of that bill to name the Federal courthouse and building in Lubbock, TX, the George H. Mahon Federal Building and United States Courthouse.

Mr. Speaker, I want to express my appreciation to the gentleman from Ohio [Mr. TRAFICANT], the chairman of the Subcommittee on Public Buildings and Grounds, to the ranking member, the gentleman from Tennessee [Mr. DUNCAN], to the gentleman from California [Mr. MINETA], the chairman of the full Committee on Public Works and Transportation, and to the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. Speaker, when the 19th District was formed in 1935, the first and only Member of Congress that represented the 19th District for 44 years was George Mahon. Mr. Mahon served as chairman of the Committee on Appropriations continuously, longer than any Member in the history of the House of Representatives. When he retired in 1978 he was the dean of the House of Representatives.

For years people in my district have made the suggestion that it would be most fitting to have the Federal building in Lubbock, TX, named after George Mahon. Today we are going to begin to see the first major step in seeing that accomplished, and I think that is only appropriate.

When I first came to the Congress, Mr. Speaker, people always wanted to know where I was from. It was very easy for there to be a location placed upon my hometown. All I had to say was that I represented the seat that was George Mahon's. It does not matter that I am only the third Member that has represented that district in its entire history. No matter how many Members may follow me throughout the history of this country, Mr. Speaker, the 19th Congressional District of Texas will always be George Mahon's seat.

I appreciate the Chair's attention, I appreciate the fast action on this bill, and I would certainly urge support.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 2532.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

A. MACEO SMITH FEDERAL BUILDING

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2223) to designate the Federal building located at 525 Griffin Street in Dallas, Texas, as the "A. Maceo Smith Federal Building."

The Clerk read as follows:

H.R. 2223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 525 Griffin Street in Dallas, Texas, is designated as the "A. Maceo Smith Federal Building".

SEC. 2. LEGAL REFERENCES.

Any reference in a law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the "A. Maceo Smith Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the sponsor of the bill and subcommittee member, Congresswoman EDDIE BERNICE JOHNSON in acknowledging the tremendous contributions made by Mr. Smith.

He was a revered and highly respected civil rights leader. His long productive public career included working with the Urban League, Fisk University, Bishop College, and with the U.S. Department of Housing and Urban Affairs.

It is a fitting and appropriate tribute to designate the Federal building located at 525 Griffin Street in Dallas, TX, as the "A. Maceo Smith Federal Building."

Mr. Speaker, I urge adoption of H.R. 2223.

Mr. Speaker, I reserve the balance of my time.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2223, a bill to designate the Federal building located at 525 Griffin Street in Dallas, TX, as the "A. Maceo Smith Federal Building."

Antonio Maceo Smith was born April 16, 1903, in Texarkana, TX. He received a bachelor's degree from Fisk University and a master of business administration from New York University. He attended Columbia University for postgraduate study in economics and business law.

A. Maceo Smith served for 29 years as intergroup adviser for the Federal Housing Administrator for Equal Opportunity with the Department of Housing and Urban Development.

He participated in and headed many national and local organizations including the first African-American chairman of the Southwest Area YMCA Council, national president of the Alpha Phi Alpha fraternity, local president of the Dallas Urban League, national alumni president of Fisk University, and board member of Bishop College.

Mr. Smith passed away in 1977.

It is fitting that the Federal building in Dallas, TX, be named in honor of this outstanding civic leader. I urge enactment of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, Mr. Smith helped to found the Dallas Negro Chamber of Commerce. He was active with the NAACP, and served is a national board member from 1953 to 1959. He was a member and national president of the Alpha Phi Alpha fraternity, which is the oldest fraternity in the United States for African-American men based on scholarship.

This designation is warranted, and I am proud to support it. I urge passage of the bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have sponsored H.R. 2223, which will name an existing Federal Building in my congressional district for a great American and a great leader of the black community in Texas.

When this legislation is signed into law, the building at 525 Griffin Street in Dallas, TX, will be named the A. Maceo Smith Federal Building.

A. Maceo Smith was an early leader of the black community in Dallas. He earned distinction by fighting for civil rights while also leading the way for blacks to participate in the Texas economy. At the same time he worked tirelessly for racial harmony.

A well-educated man, A. Maceo Smith graduated from Fisk University and New York University. In Dallas, he served as a board member of many distinguished organizations which have promoted racial and religious harmony, such as the National Association for the Advancement of Colored People; the national fraternity, Alpha Phi Alpha; and the Dallas Chapter of the National Conference of Christians and Jews.

In 1976 he was honored by the city of Dallas, which proclaimed, "A. Maceo Smith Day." Unfortunately, Mr. Smith departed this life on December 19, 1977.

It was his efforts to integrate blacks into the business and political communities which have marked his importance.

A. Maceo Smith helped create the Negro Chamber of Commerce in the early 1930's, and was an early organizer of black voters. He also founded the Progressive Voters League, which successfully increased the participation of more blacks in the political process.

It was through his involvement with the N.A.A.C.P. and Alpha Phi Alpha where Mr. Smith made some of his most lasting and important contributions.

As a leader of both organizations at the local level, he helped form a mutually beneficial working relationship between the two. As a recognition of his success in working with Alpha Phi Alpha, He was elected national president in 1969.

The Alpha Phi Alpha Fraternity is the oldest fraternity for black American men based on scholarship. The fraternity proudly claims among its membership Adam Clayton Powell, Thurgood Marshall, Robert Weaver, and Vernon Jordan, as well as many, many other black American scholars in all professions.

Mr. Smith's leadership positions were instrumental when he moved to mend the extremely imbalanced racial situation which existed in Texas at the time. Among the injustices which he countered were a poll tax, the inability of blacks to vote in primary elections, and uneven salaries for black and white teachers.

It did not take Mr. Smith long to bring together the Dallas community to respond to these injustices. In the 1930's, he was part of a lawsuit which successfully overturned the poll tax.

In 1944, he was one of the leaders in the successful campaign and lawsuit for blacks to secure the right to vote in Texas primary elections.

In 1945, Mr. Smith organized plaintiffs to file a lawsuit to equalize teachers' salaries among whites and blacks. At the time, there was a significant difference in the salaries which black teachers were paid, but Mr. Smith was successful in forcing the State of Texas to rectify this situation.

It is particularly gratifying that the Federal building which I intend to have named for Mr. Smith includes office space of the Department of Housing and Urban Development. Mr. Smith was a long-time employee of HUD—a total of 34 years of public service. Probably his most significant contribution at the agency was his role as the Fair Housing Coordinator, where he began the process of desegregating Federal housing projects.

During the days in which Mr. Smith served, he had a built-in incentive to maintain the housing projects to the very best of his ability. You see, as a black man during the 1930's, he was not even permitted to have his office with the rest of his Federal housing colleagues. Rather, he was forced to run his office right out of the projects.

Although A. Maceo Smith died in 1977 at the age of 74, the purposeful manner in which he lived his life continues to benefit every black American in Dallas. It is fitting that A. Maceo Smith, a man who was first in many significant aspects, will be the first black American to have a Federal office building named in his honor in the city of Dallas.

Mr. Speaker, I am hopeful that the Members of this Congress will support my efforts to name this Federal building after an outstanding and distinguished American.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

□ 1230

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 2223.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2223, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

POTTER STEWART UNITED STATES COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2555) to designate the Federal building located at 100 East Fifth Street in Cincinnati, Ohio, as the "Potter Stewart United States Courthouse".

The Clerk read as follows:

H.R. 2555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 100 East Fifth Street in Cincinnati, Ohio, shall be known and designated as the "Potter Stewart United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Potter Stewart United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Potter Stewart was born January 23, 1915, in Jackson, MI, into a family of dedicated public servants. His father, James Garfield Stewart was mayor of Cincinnati and a member of the Ohio Supreme Court.

In 1954 at the age of 39, President Eisenhower appointed Potter Stewart to the U.S. Court of Appeals for the Sixth Circuit. President Eisenhower also appointed him to a recess appointment as an Associate Justice of the Supreme Court of the United States. He was confirmed by the Senate in May 1959. Potter Stewart retired from the Supreme Court on July 3, 1981, after a long career noted for judicial excellence and fairness.

Judge Stewart died December 7, 1985, in Hanover, NH. It is fitting and proper to pay honor to the many contributions of Justice Potter Stewart by naming the Federal building located in Cincinnati, OH, as the "Potter Stewart United States Courthouse."

Mr. Speaker, I reserve the balance of my time.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2555, a bill to designate the building located at 100 East Fifth Street in Cincinnati, OH, as the "Potter Stewart United States Courthouse."

Potter Stewart was born January 23, 1915, in Jackson, MI. He was educated at Yale University and attended Yale Law School. He served in the U.S. Navy in World War II from 1942 to 1945 in active sea duty in the Atlantic, Caribbean, and the Mediterranean.

In 1954 at the age of 39, President Eisenhower appointed Potter Stewart to the U.S. Court of Appeals for the Sixth

Circuit. President Eisenhower also appointed him to a recess appointment as an Associate Justice of the Supreme Court of the United States.

Potter Stewart retired from the Court July 3, 1981, and died December 7, 1985, in Hanover, NH.

It is fitting that the Federal building in Cincinnati, OH be named in honor of this outstanding jurist. I urge enactment.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Speaker, I would like to thank the gentleman from Nebraska [Mr. BARRETT] for yielding the time, and to thank the gentleman from Ohio [Mr. TRAFICANT], my colleague and subcommittee chairman, for his assistance in moving this legislation.

Mr. Speaker, it is with pride that I rise today in support of H.R. 2555, a bill which will recognize the enduring legacy of a distinguished Cincinnati native, the late Associate Justice of the U.S. Supreme Court, Potter Stewart. By designating the U.S. Post Office and courthouse building in Cincinnati, OH, the "Potter Stewart U.S. Courthouse Building," we pay tribute to a man of fine intellect who built his life on public service for the benefit of a nation.

President Ronald Reagan praised Justice Potter Stewart as a "patriot and a good lawyer—indeed a brilliant man of the law." And yes, he possessed all of those qualities and much more.

Justice Stewart devoted his life to serving city and country. He served his country in the U.S. Navy during the Second World War. He then served on Cincinnati's City Council and was vice-mayor. In 1954, he was named by President Eisenhower to the U.S. Court of Appeals for the Sixth Circuit, which resides in the U.S. Post Office and courthouse building in Cincinnati. At the age of 39, Mr. Stewart became the youngest Federal judge in the country.

Following the retirement of Associate Justice Harold H. Burton, President Eisenhower appointed Judge Stewart to the Court during a congressional recess in October 1958, permitting him to join the Court before the Senate confirmed him the following may. At age 43, he was the second youngest Supreme Court appointee since before the Civil War.

Justice Stewart served on the Court for 23 years—during a period of major political, economic and social change in this country. He held that the first duty of a Justice was to prevent moral, philosophical and religious beliefs from clouding his or her interpretation of the principles of the Constitution. Neither a champion of the political left nor of the political right, Mr. Stewart focused on the merits of a case, but shunned broad social and economic interpretations of the law. Libertarians praised his support of the first amendment principles of free speech and freedom of the press. Conservatives commended him for his acceptance of prayer in school and for backing prosecutors and police in many criminal justice cases.

Following his retirement in 1981, Justice Stewart continued to devote time to his wonderful wife, Mary Anne, known as Andi; and to his children and grandchildren, while serving on presidential commissions, lecturing at law schools and volunteers to read textbooks to blind law students.

Upon his death in 1985, President George Bush called Justice Stewart "an outstanding man who was a symbol of decency and honor. He was a constitutional scholar who interpreted the Constitution without succumbing to the temptation to legislate from the bench."

Mr. Speaker, I urge my colleagues to rename the U.S. courthouse in Cincinnati after Potter Stewart. His wisdom and pragmatic administration of the law during some of the momentous decisions of our time must not be forgotten. Enactment of H.R. 2555 would give lasting honor to a fine and brilliant son of Cincinnati.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I am honored to support the bill sponsored by the fine gentleman from Ohio [Mr. PORTMAN] and I urge all Members to support the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 2555.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2555, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

WATER RESOURCES CONSTRUCTION PROJECTS IN THE VIRGIN ISLANDS

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2356) to amend the Water Resources Development Act of 1990 to extend the authority of the Secretary of the Army to carry out certain construction projects in the Virgin Islands.

The Clerk read as follows:

H.R. 2356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 406 of the Water Resources Development Act of 1990 (48 U.S.C. 1405c note; 104 Stat. 4646) is amended by striking subsection (c).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. FRANKS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H.R. 2356, a bill to extend the authority of the Secretary of the Army to carry out Federal construction projects in the U.S. Virgin Islands. This bill is sponsored by the distinguished Congressman from the Virgin Islands, Mr. RON DELUGO.

In 1989, Hurricane Hugo devastated the U.S. Virgin Islands with winds of 200 miles per hour, causing an estimated $1.8 billion in damages. The hardest hit island was St. Croix, which sustained hurricane-force winds for 12 hours causing total or significant damage to 90 percent of the island's structures.

To assist in the reconstruction of the islands' infrastructure, the government of the Virgin Islands sought authority for the Secretary of the Army to manage construction projects which were being financed with Federal assistance, including wastewater treatment facilities required under the Clean Water Act.

In the Water Resources Development Act of 1990, section 406, Congress authorized the Secretary of the Army, upon the request of the Governor, to carry out construction projects that receive Federal assistance and for the payments to be made directly from the Federal agency to the Secretary of the Army. Subsection (c) of section 406 terminates this authority 3 years after enactment, or November 28, 1993.

Several of the rebuilding projects have not been commenced. H.R. 2356 deletes the sunset in the present law and allows the Secretary to continue assisting in the rebuilding of the U.S. Virgin Islands.

I urge my colleagues to vote to join me in support of H.R. 2356.

Mr. Speaker, I reserve the balance of my time.

□ 1240

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 2356 which would extend the authority of the Secretary of the Army to carry out certain construction projects in the Virgin Islands.

In 1990, the Committee on Public Works and Transportation and the Congress authorized the Corps of Engineers to assist the government of the Virgin Islands in connection with federally funded projects.

That authority will expire in November of this year.

The Corps of Engineers has entered into a memorandum of understanding with EPA to undertake five work assignments for wastewater treatment and emergency preparedness improvements in the Virgin Islands.

Only one of the assignments will be under construction prior to the provision's November 28, 1993 expiration date requiring the Corps to suspend work on the other four projects.

This authority is similar to a general authority for the Secretary of the Army to provide reimbursable design and construction assistance to State and local governments for projects receiving Federal financial assistance.

I urge approval of the bill and commend the gentleman from the Virgin Islands for his work in bringing it to the Congress' attention.

Mr. DE LUGO. Mr. Speaker, I thank the distinguished chairman of the Water Resources Subcommittee, the gentleman from Ohio [Mr. APPLEGATE] for his support of my bill and his help in bringing it to the floor. I also thank, Mr. FRANKS, the gentleman from New Jersey, for his support and that of the other minority members of the Public Works Committee.

This measure is very important to the Virgin Islands.

In September 1989, Hurricane Hugo, with its winds of almost 200 miles per hour knocked out virtually the entire infrastructure of the Virgin Islands.

To help rebuild its infrastructure, the Virgin Islands Government sought authorization for the U.S. Army Corps of Engineers to help manage construction projects that were financed through Federal assistance, including wastewater treatment facilities required under the Clean Water Act. This authority was provided for a period of 3 years to the corps in 1990 with respect to wastewater treatment facilities.

However, as you might understand, given the intensity of the storm, the reconstruction of these facilities involved major projects on St. Croix, St. Thomas, and St. John, which could not be completed in 3 years. There are still at least four major work assignments to be undertaken which will be funded by the EPA at an estimated cost of $24 million for which the management services of the corps are needed.

Thus, Mr. Speaker, an extension of the corps' authority to provide these services is needed for an indefinite period. My bill, H.R. 2356 does that. It deletes the sunset in the present law and will continue the authority for the Secretary of the Army to assist the Virgin Islands in rebuilding its water treatment facilities.

Mr. Speaker, I ask my colleagues in the House to support this measure.

Mr. FRANKS of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I too, want to commend the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 2356.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2356, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MODIFYING PROJECT FOR FLOOD CONTROL, JAMES RIVER BASIN, RICHMOND, VA

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2824) to modify the project for flood control, James River Basin, Richmond, VA. The Clerk read as follows:

H.R. 2824

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAMES RIVER BASIN, RICHMOND, VIRGINIA.

The project for flood control, James River Basin, Richmond, Virginia, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4126) is modified to authorize the Secretary of the Army to construct the project at a total cost of $134,000,000, with an estimated Federal cost of $100,500,000 and an estimated non-Federal cost of $33,500,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. FRANKS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 2824, a bill to increase the authorized cost of the James River Basin project to $134 million.

The bill is sponsored by the capable gentleman from Virginia [Mr. BLILEY], whom I am proud to support.

Mr. Speaker, the Water Resources Development Act of 1986 authorizes a flood control project for the James River basin, Richmond, VA. The project plan is to construct levees and floodwalls to protect the city's industrial and downtown areas. The total cost authorized in 1986 by Congress was $91.8 million.

During the construction of the Richmond project, the corps discovered hazardous and toxic waste in one segment. The removal of lead, cadmium compounds, and petroleum products, along with expected inflationary impacts, have caused the project costs to increase to $134 million.

The Water Resources Development Act of 1986, section 902, provides for an explicit limit to the cost increases which may be incurred in any water resources development project without further authorization by the Congress.

Project cost increases are limited to any modifications which do not materially alter the scope of the project and do not increase total project costs by more than 20 percent plus increases for inflation and for changes specifically authorized or required under Federal law. The current section 902 cost ceiling for the project is $123 million, or $11 million less than the current estimate of the cost to complete the authorized work.

If the hidden hazardous waste had not been present, the project could have been completed under its authorized cost.

The project is now about 98 percent complete. Raising the authorized cost will allow the project to be completed in a deliberate fashion. Of the cost, $100.5 million is the Federal share; local sponsors will be responsible for the $33.5 million non-Federal share under the regular cost-sharing rules.

I urge my colleagues to vote in support of H.R. 2824.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support passage of H.R. 2824 which would increase the authorization level of the Richmond flood control project.

Project costs have increased as a result of the discovery of toxic and hazardous substances at the site.

The current estimated cost to complete the project, $134 million, exceeds the current statutorily imposed limit on the corps' ability to obligate funds—$123 million.

The project is 98 percent complete but cannot be finished without an increase in the cost ceiling.

Unless we act soon, the project will be halted this fall.

The recent flooding in the Midwest graphically illustrated the consequences of leaving developed areas unprotected from flood waters.

Accordingly, I urge passage of this bill to allow the project to be completed.

I want to thank Chairman MINETA, as well as the chairman and ranking member of the Subcommittee on Water Resources and Environment, Mr. APPLEGATE and Mr. BOEHLERT for expediting action on this needed bill.

I also commend the gentleman from Virginia, Mr. BLILEY, for his tireless work on an issue of tremendous importance to his constituents.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support for H.R. 2824, legislation which raises the authorized spending level for the Richmond floodwall project to $134,000,000. Passage of this legislation by Congress is necessary to get the project over a legal hurdle caused by the discovery of hazardous waste on the project site. The added cost of the environmental cleanup has triggered a legal spending ceiling that prevents any further spending on the project. This is not a question of not having the appropriate resources; it is a question of being legally able to spend the money that is dedicated to the project.

I want to thank the leadership of the Public Works and Transportation Committee—Chairmen MINETA and APPLEGATE along with ranking members SHUSTER and BOEHLERT have been quick to recognize the need for Congress to quickly solve this legal question. I applaud their commitment to this project and their skill in dealing with their committee's business so efficiently.

We have seen on the Mississippi what havoc a flood can bring to a community. Let's keep the Richmond floodwall project going. I again urge the House to adopt this legislation to allow the Richmond floodwall project to stay on schedule.

Mr. FRANKS of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to support the bill offered by the gentleman from Virginia [Mr. BLILEY]. As happens many times, we see these hazardous compounds produce additional costs. But this bill rectifies that.

Mr. Speaker, I urge the Congress to support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 2824.

The question was taken; and (two-thirds voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FISCAL YEAR 1994 AND 1995 BLM AUTHORIZATION ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2530) to amend the Federal Land Policy and Management Act of 1976 to authorize appropriations for programs, functions, and activities of the Bureau of Land Management, Department of the Interior, for fiscal year 1994, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND STATUTORY REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Fiscal Year 1994 and 1995 BLM Authorization Act".

(b) STATUTORY REFERENCE.—As used in this Act, the term "the Act" means the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

SEC. 2. AUTHORIZATION AND FUTURE REAUTHORIZATIONS.

(a) AUTHORIZATION.—Section 318(a) of the Act (43 U.S.C. 1748(a)) is amended by striking out "October 1, 1978" and by inserting in lieu thereof "October 1, 1995".

(b) FUTURE REAUTHORIZATIONS.—Section 318(b) of the Act is amended by striking "May 15, 1977, and not later than May 15 of each second even number year thereafter" and by inserting in lieu thereof "January 1, 1994, and January 1 of each second odd-number year thereafter".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

□ 1250

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2530, the bill now under consideration.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2530, as reported by the Committee on Natural Resources.

This is a simple bill. It would amend the Bureau of Land Management's Organic Act in two ways:

To authorize appropriation of such sums as may be necessary for the Bureau of Land Management—BLM—to discharge its primary responsibilities during fiscal years 1994 and 1995.

To require submission by January 1 of next year and periodically thereafter of formal requests for further authorizations of BLM funding.

The Bureau of Land Management is an important agency of Government. It is responsible for managing more than 270 million acres of land, and the minerals underlying another 300 million acres, that are the property of all the American people—more lands and minerals than any other Federal agency.

The basic law governing BLM is its Organic Act, the Federal Land Policy and Management Act of 1976 [FLPMA]. That act provides for periodic reauthorization of appropriations for BLM to carry out its primary responsibilities for management of many millions of acres of lands and minerals from coast to coast.

Authorization for funding some BLM activities is provided by other statutes. One example is the program of payments to certain local governments in lieu of taxes.

But implementation of FLPMA is BLM's most important function, and for that the last BLM funding authorization expired at the end of fiscal year 1982.

Until this year, appropriations for BLM have continued, but only because appropriation bills were protected against points of order against these violations of the rules of the House.

This year, that was not the case, and in fact most funding for BLM was stripped from the appropriation bill when a point of order was raised here on the House floor, because of the absence of a BLM reauthorization.

In 1989 and again in 1991, the natural resources committee and the House tried to resolve this problem through passage of BLM reauthorization measures. Unfortunately, the Senate did not act on those bills.

Earlier this year, I introduced a 4-year BLM reauthorization bill similar to the one that our committee reported and the House passed in 1991. At our subcommittee hearing on that bill, BLM's new director, Mr. Baca, testified that the Clinton administration supported enactment of a 4-year reauthorization for BLM. However, he also indicated that the administration wanted to have an opportunity to develop detailed proposals for revisions to FLPMA that would strengthen BLM's ability to properly manage the public lands.

Accordingly, Director Baca suggested that in the meantime, consideration should be given to enactment of a short-term authorization bill.

In response, I introduced H.R. 2530 to provide a 1-year authorization for BLM for fiscal year 1994. In committee, the gentleman from Utah [Mr. HANSEN] offered an amendment to extend the authorization to cover fiscal year 1995 as well. That amendment was adopted, and the bill as so amended was favorably reported from the Natural Resources Committee by a unanimous voice vote.

Prior to the August recess, we had prepared to bring the bill before the House under a rule that specifically made in order an amendment related to grazing fees. However, the bill was not taken up then, and as Members are aware the administration has now announced its intention to address grazing fees and range management reforms through administrative actions. Accordingly, in the interests of expediting action on this reauthorization measure, we are today bringing H.R. 2530 up on suspension rather than under a rule.

While we can never predict events in the other body, I am hopeful that this 2-year authorization is something that can be enacted without unnecessary delay.

Once this bill is enacted, the Natural Resources Committee, working with the administration, will have the opportunity to fashion a longer term measure that will extend the BLM authorization further and will increase BLM's ability to properly carry out its important responsibilities.

Meanwhile, I urge support for this bill, and I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2530, the reauthorization of the Bureau of Land Management. As fully explained by Chairman VENTO, H.R. 2530 reauthorizes the BLM for a full 2 years. I commend the chairman for bringing to the floor a clean reauthorization bill that leaves other issues to stand on their own merit.

The BLM manages vast areas of the West including over 22 million acres in the State of Utah. It is important that the authorizing committee insure the stability of this agency by providing a long-term authorization. Although H.R. 2530 is only a 2-year authorization, it is the best BLM bill to come out of the Natural Resources Committee for some time. I hope our committee can address other issues regarding the mission of the BLM at a later date and independently of reauthorizing the agency.

Mr. Speaker, I urge my colleagues to support H.R. 2530.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge support for the bill and thank my colleague, the ranking member, the gentleman from Utah [Mr. HANSEN] for his support and his amendment to this legislation, which we have accepted, which provides for a 2-year authorization, and which I think is realistic.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2530, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, as passed.

The title of the bill was amended so as to read:

A bill to amend the Federal Land Policy and Management Act of 1976 to authorize appropriations for programs, functions, and activities of the Bureau of Land Management, Department of the Interior, for fiscal years 1994 and 1995, and for other purposes.

A motion to reconsider was laid on the table.

QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR ACT OF 1993

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1348) to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes and amended.

The Clerk read as follows:

H.R. 1348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1993".

SEC. 2. FINDINGS.

Congress finds that.

(1) The Quinebaug and Shetucket Rivers Valley in the State of Connecticut is one of the last unspoiled and undeveloped areas in the Northeastern United States and has remained largely intact, including important aboriginal archaeological sites, excellent water quality, beautiful rural landscapes, architecturally significant mill structures and mill villages, and large acreage of parks and other permanent open space.

(2) The State of Connecticut ranks last among the 50 States in the amount of federally protected park and open space lands within its borders and lags far behind the other northeastern States in the amount of land set-aside for public recreation.

(3) The beautiful rural landscapes, scenic vistas and excellent water quality of the Quinebaug and Shetucket Rivers contain significant undeveloped recreational opportunities for people throughout the United States.

(4) The Quinebaug and Shetucket Rivers Valley is within a 2-hour drive of the major metropolitan areas of New York City, Hartford, Providence, Worcester, Springfield, and Boston. With the President's Commission on Americans Outdoors reporting that Americans are taking shorter "closer-to-home" vacations, the Quinebaug and Shetucket Rivers Valley represents important close-by recreational opportunities for significant population.

(5) The existing mill sites and other structures throughout the Quinebaug and Shetucket Rivers Valley were instrumental in the development of the industrial revolution.

(6) The Quinebaug and Shetucket Rivers Valley contains a vast number of discovered and unrecovered Native American and colonial archaeological sites significant to the history of North America and the United States.

(7) The Quinebaug and Shetucket Rivers Valley represents one of the last traditional upland farming and mill village communities in the northeastern United States.

(8) The Quinebaug and Shetucket Rivers Valley played a nationally significant role in the cultural evolution of the prewar colonial period. Leading the transformation from Puritan to Yankee, the "Great Awakening" religious revival and early political development leading up to and during the War of Independence.

(9) Many local, regional and State agencies, businesses, and private citizens and the New England Governors' Conference have expressed an overwhelming desire to combine forces: to work cooperatively to preserve and enhance resources region-wide and better plan for the future.

SEC. 3. ESTABLISHMENT OF QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR; PURPOSE.

(a) ESTABLISHMENT.—There is hereby established in the State of Connecticut the Quinebaug and Shetucket Rivers Valley National Heritage Corridor.

(b) PURPOSE.—It is the purpose of this Act to provide a management framework to assist the State of Connecticut, its units of local and regional government and citizens in the development and implementation of integrated cultural, historical, and recreational land resource management programs in order to retain, enhance, and interpret the significant features of the lands, water, and structures of the Quinebaug and Shetucket Rivers Valley in the State of Connecticut.

SEC. 4. BOUNDARIES AND ADMINISTRATION.

(a) BOUNDARIES.—The Boundaries of the Corridor shall include the towns of Ashford, Brooklyn, Canterbury, Chaplin, Coventry, Eastford, Franklin, Griswold, Hampton, Killingly, Lebanon, Lisbon, Mansfield, Norwich, Plainfield, Pomfret, Preston, Putnam, Scotland, Sprague, Sterling, Thompson, Voluntown, Windham, and Woodstock. As soon as practical after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a detailed description and map of boundaries established under this subsection.

(b) ADMINISTRATION.—The Corridor shall be administered in accordance with the provisions of this Act.

SEC. 5. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is hereby established within the Department of the Interior the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Commission (referred to in this Act as the "Commission"). The Commission shall assist appropriate Federal, State, regional planning organizations, and local authorities in the development and implementation of an integrated resource management plan for the lands and water as specified in section 3.

(b) MEMBERSHIP.—The Commission shall be comprised of 19 members appointed not later than 6 months after the date of enactment of this Act as follows:

(1) The Director of the National Park Service ex officio (or his delegate).

(2) 3 individuals appointed by the Secretary after consultation with the governor, who shall represent the interests of—

(A) the Connecticut Department of Environmental Protection,

(B) the Connecticut Historical Commission, and

(C) the Connecticut Department of Economic Development;

(3) 6 individuals representing the interests of local government or regional planning organizations from Connecticut appointed by the Secretary after consultation with the Governor, of whom, 3 shall be representatives of the 3 regional planning organizations within the Corridor region and 3 shall be local elected officials from the region; and

(4) 9 individuals from the general public, who are citizens of the State of Connecticut, appointed by the Secretary, after consultation with the Governor, representing conservation, business, tourism, and recreational interests.

A vacancy in the Commission shall be filled in the manner in which the original appointments were made.

(c) TERMS.—(1) Members of the Commission shall be appointed for terms of 3 years and may be reappointed.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Any member of the Commission appointed for a definite term may serve after the expiration of his term until his successor has taken office.

(d) COMPENSATION.—Members of the Commission shall receive no pay on account of their service on the Commission but while away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(e) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members of the Commission.

(f) QUORUM.—(1) 8 members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

(g) MEETINGS.—The Commission shall hold its first meeting not later than 90 days after the date on which its members are appointed, and shall meet at least quarterly at the call of the chairperson or 10 of its members. Meetings of the Commission shall be subject to section 552(b) of title 5, United States Code (relating to open meetings).

(h) PROXY.—Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, but any member so voting shall not be considered present for purposes of establishing a quorum.

SEC. 6. STAFF OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall have the power to appoint and fix compensation of such staff as may be necessary to carry out its duties.

(2) Staff appointed by the Commission—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) shall be paid in accordance with provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) STAFF OF OTHER AGENCIES.—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties.

(2) The Commission may accept the service of personnel detailed from the State, any political subdivision and regional planning organizations, and may reimburse the State, political subdivision, and regional planning organizations for those services.

SEC. 7. POWERS OF COMMISSION.

(a) HEARING.—(1) The Commission may, for the purposes of carrying out this Act, hold hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may not issue subpoenas or exercise any subpoena authority.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission, if so authorized by the Commission, may take any action which the Commission is authorized to take by this Act.

(c) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis, such administrative support services as the Commission may request.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and other agencies of the United States.

(e) USE OF FUNDS TO OBTAIN MONEY.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(f) GIFTS.—Except as provided in subsection (g)(2)(B), the Commission may, for purposes of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source: Provided, That such gifts are used for public purposes.

(g) ACQUISITION OF REAL PROPERTY.—(1) Except as provided in paragraph (2) and except with respect to any leasing of facilities under subsection (c), the Commission may not acquire any real property or interest in real property.

(2) Subject to paragraph (3), the Commission may acquire real property or interest in real property in the Corridor—

(A) by gift or devise; or

(B) by purchase from a willing seller with money that was given, appropriated, or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interest in real property, in the Corridor.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public or private land management agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

(h) COOPERATIVE AGREEMENTS.—For purposes of carrying out the plan, the Commission may enter into cooperative agreements with the State of Connecticut, with any political subdivision, or with any person or organization. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action proposed by the State, such political subdivision, or such person which may affect implementation of the plan referred to in section 8.

SEC. 8. DUTIES OF THE COMMISSION.

(a) PREPARATION OF PLAN.—Within 2 years after the Commission conducts its first meeting, it shall submit to the Secretary of the Interior and the Governor of Connecticut for review and approval of Cultural Heritage and Corridor Management Plan. The Plan shall be based on existing Federal, State, and local plans, but shall coordinate those plans and present a unified historic preservation, interpretation, and recreational plan for the Corridor. The plan shall—

(1) provide an inventory which includes any property in the Corridor which should be preserved, restored, managed, developed, maintained, or acquired because of its national historic or cultural or recreational significance;

(2) recommend advisory standards and criteria applicable to the construction, preservation, restoration, alteration, and use of all properties within the Corridor;

(3) develop an historic interpretation plan to interpret the history of the Corridor;

(4) develop an inventory which includes existing and potential recreational sites which are developed or which could be developed along the Quinebaug and Shetucket Rivers and their surrounding areas;

(5) recommend policies for resource management which consider and detail application of appropriate land and water management techniques, including but not limited to, the development of inter-governmental cooperative arguments to protect the Corridor's historical, cultural, recreational, scenic, and natural resources in a manner consistent with supporting appropriate and compatible economic revitalization efforts;

(6) detail ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act; and

(7) contain a program for implementation of the Plan by the State and its political subdivisions.

(b) IMPLEMENTATION OF PLAN.—After review and approval of the Plan by the Secretary and the Governor as provided in subsection (a), the Commission shall implement the Plan by taking appropriate steps to preserve and interpret the historic resources, develop the recreational resources of the Corridor and its surrounding area, and to support public and private efforts in economic revitalization, consistent with the goals of the Plan. These steps may include, but need not be limited to—

(1) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in preserving the Corridor and ensuring appropriate use of lands and structures throughout the Corridor;

(2) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in establishing, and maintaining visitor centers

and other interpretive exhibits in the Corridor;

(3) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in developing recreational programs and resources in the Corridor;

(4) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in increasing public awareness of and appreciation for the historical and architectural resources and sites in the Corridor;

(5) assisting the State and local governmental or regional planning organizations and nonprofit organizations in the restoration of any historic building in the Corridor;

(6) encouraging by appropriate means enhanced economic and industrial development in the Corridor consistent with the goals of the Plan;

(7) encouraging local governments to adopt land use policies consistent with the management of the Corridor and the goals of the Plan, and to ensure appropriate use of lands and structures throughout the Corridor; and

(8) assisting the State and local governmental entities or regional planning organizations to ensure that clear, consistent signs identifying access points and sites of interest are put in place throughout the Corridor.

SEC. 9. TERMINATION OF COMMISSION.

(a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate on the day occurring 5 years after the date of enactment of this Act.

(b) EXTENSION.—The Commission may be extended for a period of not more than 5 years beginning on the day of termination referred to in subsection (a) if, not later than 180 days before such day—

(1) the Commission determines such extension is necessary in order to carry out the purposes of this Act;

(2) the Commission submits such proposed extension to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate; and

(3) the Secretary, in consultation with the Governor of Connecticut, approves such extension.

SEC. 10. DUTIES OF THE SECRETARY.

(a) APPROVAL OF PLAN.—The Secretary of the Interior, in consultation with the Governor of Connecticut, shall approve or disapprove a Plan submitted under this Act by the Commission not later than 60 days after receiving such Plan. The Secretary, in consultation with the Governor, shall approve a Plan submitted if—

(1) they find the Plan, if implemented, would adequately protect significant historical and cultural resources of the Corridor while providing adequate and appropriate outdoor recreational opportunities and economic activities within the Corridor;

(2) they determine that the Commission held public hearings and provided adequate opportunity for public and governmental involvement in the preparation of the Plan; and

(3) the Secretary receives adequate assurances from appropriate State officials that the recommended implementation program identified in the Plan will be initiated within a reasonable time after date of approval of the Plan, and that such implementation program will ensure effective implementation of the State and local aspects of the Plan.

(b) DISAPPROVAL OF PLAN.—If the Secretary disapproves a Plan submitted to him by the Commission, he shall advise the Commission in writing of the reasons therefor and shall make recommendations for revisions in the Plan. The Commission shall within 90 days of receipt of such notice of disapproval revise and resubmit the plan to the Secretary who shall approve or disapprove a proposed revision within 60 days after the date it is submitted to him.

(c) ASSISTANCE.—The Secretary of the Interior shall, upon request of the Commission, assist the Commission in the preparation and implementation of Plan.

SEC. 11. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission with respect to such activities and, to the maximum extent practicable, coordinate such activities; and

(3) to the maximum extent practicable, conduct or support such activities in a manner which the Commission determines will not have an adverse effect on the Corridor.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—There is authorized to be appropriated $200,000 for fiscal year 1994 and $250,000 annually to the Commission to carry out its duties under this Act except that the Federal contributions to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out those duties.

(b) SECRETARY.—There are authorized to be appropriated annually to the Secretary such sums as may be necessary to carry out his duties under this Act.

SEC. 13. DEFINITIONS.

For purposes of this Act—

(1) The term "Commission" means the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Commission established under section 5.

(2) The term "State" means the State of Connecticut.

(3) The term "Corridor" means the Quinebaug and Shetucket Rivers Valley National Heritage Corridor established under section 3.

(4) The term "Plan" means the Cultural Heritage and Corridor Management Plan to be prepared by the Commission pursuant to section 8.

(5) The term "Governor" means the Governor of the State of Connecticut.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "regional planning organization" means each of the 3 regional planning organizations established by Connecticut State statute chapter 127 and chapter 50 (the Northeast Council of Governments, the Windham Regional Planning Agency or its successor, and the Southeastern Connecticut Regional Planning Agency or its successor).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1348, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1348 establishes the Quinebaug and Shetucket Rivers Valley National Heritage Corridor which incorporates 25 local towns in the Quinebaug and Shetucket Rivers Valley in Connecticut.

The Quinebaug and Shetucket Rivers Valley in northeastern Connecticut includes natural landscapes, parks, and other open spaces as well as mill villages, some native American and colonial archeological sites, and sites associated with the great awakening religious revival in colonial New England.

In January 1989, the National Park Service began a study of the feasibility and suitability of establishing the Quinebaug and Shetucket Rivers Valley Heritage Corridor in northeastern Connecticut. The legislation before us is based on matters reviewed as part of that study.

H.R. 1348 provides for a 19-member Commission which, with the assistance of the Secretary of the Interior, would develop and assist with the implementation of a management plan for the corridor, the purpose of which would be to protect and preserve the cultural, historical, and recreational resources of the valley. This bill authorizes the appropriation of $200,000 for fiscal year 1994 and $250,000 thereafter annually to the Commission; Federal contributions to the Commission could not exceed 50 percent of the annual cost to the Commission for carrying out its duties.

The Commission's primary purpose will be to prepare and assist in implementing a plan to assist appropriate Federal, State, and local agencies in preserving and interpreting the historic and recreational resources of the canal and surrounding area. This plan should enhance existing policies and programs within the corridor and provide a focus to maximize preservation and interpretive efforts.

The committee has worked with the National Park Service to craft a bill acceptable to both. Amendments approved by the committee address the concerns of the National Park Service, and changes made in this substitute address the concerns voiced by the Justice Department over the appointments to the Commission provided for in this bill. The amendment substitutes language addressing this concern by providing for the appointment of members by the Secretary after consultation with the Governor, and requires the appointment of individuals representing the interests of the three named Connecticut agencies.

I was able to visit this area recently, and was impressed both with the resources and with the amount of work the local officials and citizens have done to develop this proposal. Obviously, there is a great deal of support in the area for Federal assistance, but there is no indication that large-scale Federal involvement will be needed or even welcomed. H.R. 1348 provides for an appropriate and workable partnership between the National Park Service and State and local agencies and individuals. I believe this bill will protect and preserve the Quinebaug and Shetucket Rivers Valley resources, and I urge my colleagues' support.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in reluctant opposition to H.R. 1348, the Quinebaug and Shetucket Rivers National Heritage Corridor bill. As fully explained by Chairman VENTO, this bill will create a heritage corridor in the State of Connecticut.

Mr. Speaker, the National Park Service issued a draft study in April 1993 that found:

> The Quinebaug-Shetucket region is not recommended for inclusion in the National Park System. The historic, natural and recreation resources make the QSR distinct from other parts of Connecticut, but do not reflect national significance.

I firmly believe that the National Park Service currently manages more than their resources can accommodate. We certainly should not be adding new areas when the Park Service itself does not recommend the area as a national heritage corridor.

I recommend that this body take a closer look at heritage corridors and fully evaluate the policy of creating these corridors over vast areas that include towns, cities, and industry. I am not opposed to these corridors but I do question whether it is a function of the National Park Service.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I take the words of my colleague as spoken with regard to the heritage corridor issue as one that I am extremely concerned about. I am concerned about the policy path that we have been on and I would hold out to him an ability and willingness to work with him to try and prescribe and define exactly what our legislative policy should be. I certainly intend to do so with a number of other proposals, as the gentleman knows, of this nature. I think this one is appropriate, and I would ask for the Members' support today.

Mr. GEJDENSON. Mr. Speaker, I rise today in strong support of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act. This bill passed the House in the 102d Congress and I urge my colleagues to support this important and long overdue legislation once again.

National heritage corridor designation will establish a management framework that will assist local and State governments, Federal agencies and private groups in preserving and protecting one of the most culturally, recreationally, and environmentally unique and significant areas in the United States.

Many of the resources that this legislation seeks to protect are under constant threat of degradation and destruction as a result of developmental pressures. As the suburbs surrounding cities like Hartford, New York, and Boston expand, some of the last remaining tracts of open space in Connecticut as well as valuable archeological, historical, and recreational sites become vulnerable. I believe we have to take steps to safeguard these areas before they are lost forever.

Mr. Speaker, the area surrounding the Quinebaug and Shetucket Rivers is one of national significance. The mill structures and villages that can be found along the rivers chronicle the development of the textile industry in the United States. From the earliest and simplest mills to the grand structures of the late 19th and early 20th century, one can see the progression of an industry that was once one of this country's most important. The area also contains many discovered and undiscovered native American and colonial archeological sites. These sites have provided us with valuable insight into the lives of the native peoples who populated the area before the arrival of the Pilgrims. We have also learned much about our colonial ancestors who were among the Founders of this great Nation. The Quinebaug and Shetucket River Valley represents one of the most important areas of American cultural evolution during the pre-Revolutionary War era, leading the transformation from Puritan to Yankee and playing an important role in the "Great Awakening" religious revival.

For many years, I have been working with State and local governments and private groups in an effort to preserve and protect this unique area. In 1988, as chairman of the Oversight and Investigation Subcommittee of the House Interior and Insular Affairs Committee, I conducted a field hearing to assess the need for additional parks, recreation areas, and open space in Connecticut. The hearing also examined options for preservation, whether they be State efforts, private efforts, Federal efforts, or some combination.

In that hearing, we learned a great deal about the mood of the residents, the area's important resources and what preservation options might work and their limitations both financially and technically. The most important thing we learned was that the residents were very concerned about the lack of parks, open space, and recreation areas as well as the disappearance of cultural and historical resources that give Connecticut its unique qualities. All 23 witnesses drawn from the environmental, government, and business communities that appeared or submitted testimony, agreed that the potential loss of important, cultural, natural, and historic resources had to be addressed.

We also learned that Connecticut lags far behind the rest of the northeast in the amount of land set aside for public recreation. The Northeastern States have an average of about 300 acres of public recreation land per 1,000 residents. In Connecticut, we have about 100 acres per 1,000 residents. In addition, Connecticut ranks last among the 50 States in the amount of Federal lands such as national parks, forests, and wilderness areas within its borders. Until 1991, when the Weir Farm in Wilton and Ridgefield was established as a national historic site, Connecticut had no national park units. Today, with the existence of the Weir Farm, the National Park Service manages 2 acres in the entire State of Connecticut.

At the hearing, we also learned much about the management framework that the residents of Connecticut would be comfortable with. It became quite clear that people wanted to maintain as much local control as possible. This is much the same sentiment that was expressed more than 20 years ago when Senator Abraham Ribicoff proposed creating a national recreation area at the mouth of the Connecticut River. Residents' concern about the Federal Government taking control of the land defeated the project. Such concerns are as strong today as they were 20 odd years ago.

However, Congress and the National Park Service have devised an innovative, cost effective, and cooperative approach to natural resource protection called the national heritage corridor. The Illinois and Michigan Canal National Heritage Corridor established in 1984, the Blackstone River Valley National Heritage Corridor established in 1986, and the Delaware and Lehigh Navigation Canal National Heritage Corridor established in 1988, provide excellent models for cooperative Federal, State, local, and private partnerships for protecting important cultural, historic, and natural resources.

This concept is even more appealing because it does not call for the National Park Service to take title to the land. In today's budgetary climate, the creation of new national parks may be difficult to justify. In addition, many residents are opposed to such acquisition. Under this concept, local residents retain control over the land and the National Park Service acts as a technical adviser to local governments and private groups.

Mr. Speaker, this approach has overwhelming local support. Officials in the towns that would be included in the corridor are enthusiastic about the plan. Each of the three regional planning agencies in the area, the Northeast Council of Governments, the Windham Regional, and the Southeastern Connecticut Regional Planning Agencies, have expressed their support for national heritage corridor designation. The public interest and support has been simply overwhelming. Over Columbus Day weekend, 1991, we held a series of walking tours along the rivers and of many of the historic sites, archeological digs and other interpretative events. Mr. Speaker, almost 4,000 people turned out over the course of the weekend to participate in these events. A similar event in 1992 drew equally impressive numbers and plans are already being formulated for this year and 1994. During the more than 3 years of effort to establish a heritage corridor, interest and support in the community has never waned.

During the course of investigating ways to protect the region's valuable assets, we looked at various local, State and Federal preservation programs, but found them to be unacceptable or lacking important components. In particular, we considered the Wild and Scenic River Program, but found it to be inadequate and too restrictive for our needs. Due to the quarter-mile boundary requirements associated with it, the program would have precluded much of the economic development opportunities near the rivers that are an important component of the area's current and future economy. Moreover, it would have given significant control of eastern Connecticut's lands and waters to the Federal Government at the expense of the local community.

In pursuit of other options, I requested that the National Park Service conduct a study of the Quinebaug and Shetucket Rivers Valley to determine whether the area was suitable for heritage corridor designation. Staff toured the area and determined that it had great potential for recreation and site interpretation due to the presence of historic mill structures, mill villages, and scenic landscapes, but that further study was required to adequately determine the area's potential for further designation. A draft study was completed by the North Atlantic Region office of the National Park Service in March 1991, and it was submitted to the Service's Washington office.

In April 1993 the Park Service released the report which recognized the unique combination of cultural, historic, and natural resources found in the Quinebaug and Shetucket area. The report described the national significance of the region in the following manner:

> This region represents a cross section of much of New England history—and, as so much of New England's history set the pattern and laid the foundation for the nation as a whole, it is a 24-town laboratory where one can observe the major trends of American development.

The report further concluded that the region was among the last in all of New England to retain the evidence of historical development clearly on the landscape. The report made it clear that the area contains important resources that chronicle American development which have disappeared in other areas. I believe heritage corridor designation will prevent the valuable resources in this area from being destroyed like they have been in so many other parts of the country.

During a hearing before the Natural Resources Subcommittee on National Parks, Forests, and Public Lands, National Park Service Associate Director Denis Galvin expressed the Service's support for this legislation. Associate Director Galvin stressed that the partnerships established in this bill would assist local communities and residents preserve and protect the resources around them. He went on to comment that the other heritage corridors across the country were accomplishing their multifaceted goals of preservation, recreational and economic development, and education. I had the pleasure of giving Secretary of the Interior Bruce Babbitt a tour of the area. He was impressed with the combination of cultural and natural resources. He also expressed strong support for the local, State, Federal, and private partnerships which this bill will create. He is very much in favor of these innovative concepts which show that preservation and economic development can go hand in hand.

Mr. Speaker, my legislation would establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor covering 600 square miles in 25 towns in eastern Connecticut. The bill would create a Quinebaug and Shetucket Rivers Valley National Heritage Corridor Commission. The Commission would be made up of 19 people including the Director of the National Park Service, State and local government officials, and individuals from the general public representing conservation, business, tourism, and recreational interests. The Commission would have 2 years to develop a cultural heritage and corridor management plan for the area that would coordinate existing Federal, State, and local plans for preserving and protecting cultural, natural, and historic resources. The plan would include an inventory of the cultural, historic, and natural resources sites to be preserved and protected, and set standards for the construction, preservation, restoration, and use of the resources within the corridor. The plan would also provide an inventory of the existing and potential recreational sites along the rivers and detail ways in which Federal, State, and local programs could be coordinated. Throughout the planning process, the Commission could draw on the technical expertise of the National Park Service or any other Federal agency.

The cultural heritage and corridor management plan must be approved by the Secretary of Interior after consultation with the Governor of Connecticut. Once approved, the Commission will take steps to implement the plan. The Commission can assist State and local government, and regional planning agencies in developing plans for appropriate use of land and structures. Visitor and interpretation centers will be established and recreational programs will be set up. Efforts will be undertaken to increase public awareness of the historical and archaeological resources and sites in the corridor.

The Commission will also encourage economic development consistent with the goals of the plan. We now realize that economic development and natural resource protection can go hand in hand. Also, in a time of defense cutbacks and lingering recession, we have been made painfully aware of the need for economic diversification. The recreational opportunities along the rivers, as well as the historic sites, could play an important role in boosting the growing tourism industry in Connecticut. New business could be attracted to the region due to the high quality of life afforded the area's residents as a result of national heritage corridor protection. By combining the expertise of the National Park Service and the regional knowledge of the local participants, I believe the Commission could establish standards that balance environmental protection and economic development.

Mr. Speaker, some may contend that the area was not the first industrial area, that it is not the most important recreational area, and that it does not contain the most fascinating archaeological sites. While one can argue that, I believe what makes the Quinebaug and Shetucket Rivers Valley so important is the unique combination of resources found there.

In addition, I would like to make a point that I believe many of my friends from the East, and the West, can appreciate. Because the Eastern part of this country was developed first, most of its open space has been developed and population densities are among the highest in the Nation. We don't have hundreds of thousands of acres that can be set aside like the great national parks on the West. Moreover, as pointed out in a New York Times story in July 1992, many individuals and families on the east coast cannot afford to travel to crown jewel parks like Yellowstone and Grand Canyon. Some of the few parks located near urban centers, such as Gateway located in part of New York City and New Jersey, have seen attendance skyrocket over the last few years as Americans have taken vacations closer to home. The Quinebaug and Shetucket Rivers Valley National Heritage Corridor, located less than 2 hours from New York, Boston, Providence, and Hartford, could provide another place of natural and historical significance for the people of the east coast to visit. The positive impacts of the designation extend well beyond the borders of Connecticut.

I would like to comment again on the local support this proposal enjoys. As I mentioned earlier, Walking Weekends have been attended by thousands of people. Residents across eastern Connecticut enthusiastically support the creation of a national heritage corridor and are anxious to make it a reality. A dedicated group of more than 50 people now sit on the Quinebaug and Shetucket National Heritage Corridor Committee. Committee members have been instrumental in developing this legislation, planning for the area and bringing us to where we are today. This is truly a grassroots effort which has united the people of this area.

Mr. Speaker, designation of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor is an extremely important measure. Through this bill, we will be able to protect some of the last remaining open space in Connecticut as well as historic mill structures and other buildings that chronicle colonial and industrial history of the United States. This legislation will allow local communities the control they so strongly believe in and free the Federal Government from the burden of costly land acquisition. Furthermore, this legislation will promote economic development and diversification in conjunction with natural resource protection. Finally, it will establish a framework for local, State, and Federal partnerships that will become increasingly important as the resources of each becomes more limited. I am pleased to have this legislation come before the House and I urge my colleagues to support it.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1348, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

UTAH SCHOOLS AND LANDS IMPROVEMENT ACT OF 1993

Mr. VENTO. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the House amendment to the Senate bill (S. 184) "to provide for the exchange of certain lands within the State of Utah, and for other purposes."

The Clerk read as follows:

Senate amendments to House amendment:

Page 6, line 16 of the House engrossed amendment, strike out **[**$25,000,000**]** and insert: *$50,000,000*

Page 10, after line 24 of the House engrossed amendment, insert:

(3) Transfer of any mineral interests to the State of Utah shall be subject to such conditions as the Secretary shall prescribe to ensure due diligence on the part of the State of Utah to achieve the timely development of such resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on S. 184, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 184, the Utah Schools and Lands Improvement Act, is the companion bill to one sponsored in the House by the gentleman from Utah [Mr. HANSEN] and the gentlewoman from Utah [Ms. SHEPHERD].

The bill would make it possible for the United States to acquire most State-owned inholdings in the Utah units of the National Park System and the National Forest System and in two Indian reservations, in exchange for a combination of lands, minerals, and money. The effect would be to improve the management of the Federal and Indian lands, while assisting the State to increase funding for its public schools.

As originally passed by the Senate, the bill was similar but not identical to a version that the House passed last year. Last month, the Natural Resources Committee approved the bill with several amendments intended to bring it closer to the 1992 House bill, and the House passed the bill with those amendments just before the August break.

After the House action, Ms. SHEPHERD interceded to resolve the remaining differences between the House and Senate on this matter, and to achieve final passage of this very important bill.

Because of such efforts, we were able to reach an agreement, and the Senate has since returned the bill to us with two further amendments, which we are proposing to accept so that the bill can be sent to President Clinton for signature and enacted.

The first Senate amendment would revise the limits on the total amount of royalties, from existing mineral leases, that could be received by the State as part of the overall exchange. Under this Senate amendment, these royalties could not exceed either 50 percent of the total value of the State lands that are transferred to the National Government, or $50 million, whichever is less. The House had provided for a limit of $25 million.

The bill requires the Secretary of the Interior to offer the State some additional royalties from existing mineral leases, as part of the overall exchange, but the total amount of such royalties to be offered is left to the discretion of the Secretary. The limit on that discretion is a ceiling, not a floor. The effect of the first Senate amendment we are agreeing to here is merely to raise that ceiling, and to give the Secretary an additional measure of discretion in fashioning the offer to be made to the State.

The second amendment would add to the bill a requirement that the transfer to the State of mineral interests—that is, the specified coal deposits—would be subject to due diligence requirements to assure that there will be a timely development of those minerals. I believe these changes are acceptable.

Adding an explicit due diligence requirement is significant because under the bill there is a requirement for interest payments by the United States with respect to any outstanding balance owed to the State until the State has received the full value of the lands and interests transferred to the United States and any mineral rights revert to the United States. Thus, it is important that the State proceed with due diligence to develop any minerals it receives under the exchange, so as to avoid any unnecessary duration of any interest payments that might be related to those minerals, if in fact any should be.

The Secretary will prescribe the terms of the due diligence requirements, including the effects of noncompliance. Certainly, if interest payments would otherwise be relevant, suspension of such interest payments might well be a most appropriate result of any failure by the State to exercise the required due diligence, and it is my expectation that the Secretary will take this into consideration in implementing this provision.

Mr. Speaker, I greatly appreciate the leadership and hard work of the gentlewoman from Utah [Ms. SHEPHERD] on this bill. Her dedication and persistence were indispensable. She enabled us to reach an agreement that will be in the best interests of both the State of Utah—especially its schoolchildren—and the Nation. I also want to thank the ranking member of our subcommittee. Mr. HANSEN, for his valuable help and cooperation on this matter.

I urge the House to concur in the Senate amendments and thus send the bill to President Clinton for signature into law.

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Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. HANSEN. Mr. Speaker, I rise in support of S. 184, the Utah school trust lands bill. Our action today represents final passage of this important legislation.

Mr. Speaker, S. 184 is not perfect in everyone's eyes but it does represent compromise by many divergent groups. I want the citizens of Utah and the Members of this body to know that S. 184 is a value for value land exchange. Regardless of what some critics might say, the State of Utah will receive full value for the school trust lands it is trading to the Federal Government. Whether it be through cash royalty payments or through exchanged land, the school children will receive full value for their land with the assurance that these lands will bring greater future returns for the schools of our State.

Mr. Speaker, I have been working on this issue for years and I am proud that we have finally found a solution that helps guarantee the future of Utah's schoolchildren. I want to thank the present Utah delegation for their work but I especially want to thank those who have worked since the 1970's to provide for the profitable management of our school trust lands.

Mr. Speaker, years ago, when I was in the State legislature, and later, as speaker of the house, I remember the Governor of the State was a Democrat by the name of Scott Mathison, and Governor Mathison came to us and said, "There's got to be some way. We have got to put these lands together." As most people who understand the West know, it is a checkerboard type of land, and we called that project "bold." It truly was a project bold, to try to work together and take all these pieces, put State in one area, and Federal in another area, and private in another. Unfortunately Scott did not live to see this come to pass, but in his memory we are grateful that we were able to do this.

Mr. Speaker, I urge my colleagues' support of S. 184 and look forward to its final passage.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note that the gentlewoman from Utah [Ms. SHEPHERD] has passed along her statement to me. I know she is attending the same program we did at the White House in terms of recognizing the momentous signing and first step towards peace between Israel and the Palestinian nationals, and I know that she will be back. I will submit her statement for the RECORD and again commend my colleagues, the gentlewoman from Utah [Ms. SHEPHERD] and the gentleman from Utah [Mr. HANSEN].

Ms. SHEPHERD. Mr. Speaker, I appreciate this opportunity to speak in support of the Utah Schools and Lands Improvement Act of 1993. I would like to thank the chairman for his instrumental help in bringing this bill to the floor today. The kind of bi-partisan and bicameral unity that has worked creatively and diligently to bring this legislation before us today is nothing short of inspirational. It would be my hope that this harmony could be repeated again and again both in matters uniquely related to the people of Utah but also on some of the pressing concerns of our Nation.

This is an important and historic bill for the State of Utah. It will translate into many millions of dollars for Utah's school children and consistent, integrated management of our wondrous national parks.

Mr. Speaker, Utah has waited a long time for a solution to this difficult and often polarizing dilemma. I look forward to final passage for this bill today.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and concur in the Senate amendments to the House amendment to the Senate bill, S. 184.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate amendments to the House amendment were concurred in.

A motion to reconsider was laid on the table.

GALLATIN RANGE CONSOLIDATION AND PROTECTION ACT OF 1993

Mr. VENTO. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 873) to provide for the consolidation and protection of the Gallatin Range.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Gallatin Range Consolidation and Protection Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) the lands north of Yellowstone National Park possess outstanding natural characteristics and wildlife habitats that give the lands high value as lands added to the National Forest System; and

(2) it is in the interest of the United States for the Secretary, acting through the Forest Service, to enter into an option agreement with Big Sky Lumber Company and Louisiana Pacific Corporation to fulfill the purposes of this Act.

SEC. 3. BIG SKY LUMBER LAND EXCHANGE—GALLATIN AREA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture (referred to in this Act as the "Secretary", unless the context otherwise requires) shall acquire by exchange certain lands and interests in lands of the Big Sky Lumber Company (referred to in this Act as the "Company"), in and adjacent to the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area, the Scapegoat Wilderness Area, and other lands in the Gallatin National Forest in accordance with this section.

(b) DESCRIPTION OF LANDS.—

(1) OFFER AND ACCEPTANCE OF LAND.—If the Company offers to the United States acceptable fee title, including mineral interests, to approximately 37,752 acres of land owned by the Company and available for exchange, as depicted on two maps entitled "Proposed BSL Land Acquisitions", East Half and West Half Gallatin National Forest, dated February 1993 the Secretary shall accept a warranty deed to the land.

(2) EXCHANGE.—In exchange for the lands described in paragraph (1) and subject to valid existing rights, the Secretary of the Interior shall convey, by patent, the fee title to approximately 16,278 acres of National Forest System lands available for exchange as depicted on the maps referred to in paragraph (1), and the five maps entitled "H.R. 873, the Gallatin Range Consolidation and Protection Act of 1993", Lolo and Flathead National Forest, subject to—

(A) the reservation of ditches and canals required by the first section of the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes", approved August 30, 1890 (26 Stat. 371, chapter 837; 43 U.S.C. 945);

(B) the reservation of rights under Federal Oil and Gas Lease numbers 49739, 55610, 40389, 53670, 40215, 33385, 53736, and 38684; and

(C) such other terms, conditions, reservations, and exceptions as may be agreed upon by the Secretary and the Company.

(3) TERMINATION OF LEASES.—

(A) VESTING OF RIGHTS AND INTERESTS.—Upon termination or relinquishment of the leases referred to in paragraph (2)(B), all the rights and interests in such leases reserved under paragraph (2)(B) shall immediately vest in the Company and its successors and assigns.

(B) NOTICE.—The Secretary shall provide notice of the termination or relinquishment of the leases referred to in paragraph (2)(B) by a document suitable for recording in the county in which the leased lands are located.

(c) EASEMENTS.—

(1) IN GENERAL.—Reciprocal easements in accordance with this subsection shall be conveyed at the time of the exchange authorized by this section.

(2) CONVEYANCE BY THE SECRETARY.—The Secretary shall, in consideration of the easements conveyed by the Company under paragraph (3), and under the authority of Section 2 of Public Law 88–257 (commonly known as the "National Forest Roads and Trails Act") (16 U.S.C. 533), or the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), execute and deliver to the Company such easements or other rights-of-way over federally owned lands as may be agreed to by the Secretary and the Company.

(3) CONVEYANCE BY THE COMPANY.—The Company shall, in consideration of the easements conveyed by the Secretary under paragraph (2), execute and deliver to the United States such easements or other rights-of-way across Company-owned lands included in this exchange as may be agreed to by the Secretary and the Company.

(d) NORTH BRIDGER RANGE.—

(1) COVENANTS AND OTHER RESTRICTIONS.—As a condition of the exchange, with respect to such lands depicted on the map entitled "North Bridger Range", dated May 1993, the Company shall agree that—

(A) the holders, or their successors or assigns, of grazing leases on such lands on the date of enactment of this Act shall be permitted to continue to use such lands for grazing under terms acceptable to the Company and the permitees for so long as the Company owns such lands and for two years after the Company has sold or disposed of such lands; and

(B) the timber harvest practices used on such lands shall be conducted in accordance with Montana Forestry Best Management Practices, the Montana Streamside Zone Management Law (Mont. Code Ann. sec. 77–5–301 et seq.), and all other applicable laws of the State of Montana.

(2) FUTURE ACQUISITION.—The Secretary shall consider the desirability of possible acquisition, through exchange under existing law, of any of the lands described in paragraph (1), and shall, not later than one year after the date of enactment of this Act, report to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives concerning the desirability of an exchange.

(e) TIMING OF TRANSACTION.—

(1) DETERMINATION.—The Secretary shall review the title for the non-Federal lands described in subsection (b), and the appraisal and titles for the non-Federal lands described in sections 4 and 5, and, within sixty days after receipt of all applicable appraisal and title documents from the Company, determine whether—

(A) the applicable title standards for Federal land acquisition have been satisfied or the quality of title is otherwise acceptable to the Secretary;

(B) all draft conveyances and closing documents have been received and approved;

(C) a current title commitment verifying compliance with applicable title standards has been issued to the Secretary;

(D) the appraisals comply with applicable Forest Service standards; and

(E) except as provided in section (8)(b), the title includes both the surface and subsurface estates without reservation or exception (except by the United States or the State of Montana, by patent), including

(i) minerals or mineral rights;

(ii) timber or timber rights; and

(iii) any other interest in the property.

(2) CONVEYANCE OF TITLE.—In the event the appraisal and/or quality of title do not meet Federal standards or are otherwise determined unacceptable to the Secretary, the Secretary shall advise the Company regarding corrective actions necessary to make an affirmative determination under paragraph (1). The Secretary, acting through the Chief of the Forest Service, shall effect the conveyance of lands described in subsection (b)(2) not later than sixty days after the Secretary has made an affirmative determination under paragraph (1).

(f) COMPLIANCE WITH OPTION.—Notwithstanding section (3)(e)(2), the Secretary shall not consummate the conveyance of lands described in subsection (b)(2) until the Secretary has determined that title to the lands described in sections 4 and 5 have been escrowed as required by the document entitled "Option Agreement for the Exchange and/or Purchase of Real

Property Pursuant to the Gallatin Range Consolidation and Protection Act of 1993" (referred to in this Act as "the Option"), executed by the Company, as seller.

(g) REFERENCES.—References in this Act to the Company shall include references to the successors and assigns of the Company.

SEC. 4. LAND CONSOLIDATION—PORCUPINE AREA.

(a) ACQUISITION OF PORCUPINE PROPERTY.—The Secretary is authorized and directed to acquire, by purchase or exchange, lands and interests in lands listed as "Exhibit A, Porcupine Area", in the Option, in accordance with the terms and conditions of the Option for the fair market value of such lands and interests, determined at the time of acquisition, in accordance with the appraisal standards specified in the Option.

(b) REPORTS TO CONGRESS.—The Secretary shall report annually to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, on the status of the acquisition authorized by this section.

SEC. 5. LAND CONSOLIDATION—TAYLOR FORK AREA.

(a) ACQUISITION OF TAYLOR FORK PROPERTY.—The Secretary is authorized and directed to acquire, by purchase or exchange, lands and interests in lands as listed as "Exhibit A, Taylor Fork Area", in the Option, in accordance with the terms and conditions of the Option for the fair market value of such lands and interests, determined at the time of acquisition, in accordance with the appraisal standards specified in the Option.

(b) REPORTS TO CONGRESS.—The Secretary shall report annually to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, on the status of the pending acquisition authorized by this section.

SEC. 6. LAND CONSOLIDATION—GALLATIN ROADED AREA.

(a) ACQUISITION OF GALLATIN ROADED PROPERTY.—The Secretary is authorized and directed to acquire, by purchase or exchange, lands and interests in lands as listed as "Exhibit A, Gallatin Roaded", in the Option, in accordance with the terms and conditions of the Option not otherwise acquired, purchased, or exchanged under section 3, 4, or 5.

(b) REPORTS TO CONGRESS.—The Secretary shall report annually to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, on the status of the acquisition authorized by this section.

SEC. 7. SEVERED MINERAL EXCHANGE.

(a) FINDINGS.—Congress finds that—

(1) underlying certain areas in Montana described in subsection (b) are mineral rights owned by subsidiaries of Burlington Resources, Incorporated and its successors and assigns (referred to in this Act as "Burlington");

(2) there are federally owned minerals underlying lands of Burlington lying outside those areas;

(3) Burlington has agreed in principle with the Secretary to an exchange of mineral rights to consolidate surface and subsurface ownerships and to avoid potential conflicts with the surface management of the areas; and

(4) it is desirable that an exchange of lands be completed not later than two years after the date of enactment of this Act.

(b) MINERAL INTERESTS.—

(1) ACQUISITION.—Pursuant to an exchange agreement between the Secretary and Burlington, the Secretary may acquire mineral interests owned by Burlington or an affiliate of Burlington underlying surface lands owned by the United States located in the areas depicted on the maps entitled "Severed Minerals Exchange, Clearwater-Monture Area", dated September 1988, and "Severed Mineral Exchanges, Gallatin Area", dated September 1988, or in fractional sections adjacent to the areas depicted on the maps.

(2) EXCHANGE.—In exchange for the mineral interests conveyed to the Secretary pursuant to paragraph (1), the Secretary of the Interior shall convey, subject to valid existing rights, such federally owned mineral interests as the Secretary and Burlington may agree upon.

(c) EQUAL VALUE.—

(1) IN GENERAL.—The value of the mineral interests exchanged under subsection (b) shall be approximately equal in value based upon available information.

(2) APPRAISAL.—To ensure that the wilderness or other natural values of the area are not affected by the exchange, a formal appraisal based upon drilling or other surface disturbing activities shall not be required for any mineral interest proposed for exchange, except that the Secretary and Burlington shall fully share all available information on the quality and quantity of mineral interests proposed for exchange.

(3) INADEQUATE INFORMATION.—In the absence of adequate information regarding values of minerals proposed for exchange, the Secretary and Burlington may agree to an exchange on the basis of mineral interests of similar development potential, geologic character, and similar factors.

(d) IDENTIFICATION OF FEDERALLY OWNED MINERAL INTERESTS.—

(1) IN GENERAL.—Subject to paragraph (2), mineral interests conveyed by the United States pursuant to this section shall underlie lands the surface of which are owned by Burlington.

(2) OTHER INTERESTS.—If there are not sufficient federally owned mineral interests of approximately equal value underlying lands owned by Burlington, the Secretary and the Secretary of the Interior may identify for exchange other federally owned mineral interests in lands in the State of Montana of which the surface estate is in private ownership.

(e) CONSULTATION WITH THE DEPARTMENT OF THE INTERIOR.—

(1) IN GENERAL.—The Secretary shall consult with the Secretary of the Interior in the negotiation of the exchange agreement authorized by subsection (b), particularly with respect to the inclusion in the agreement of a provision authorizing the exchange of federally owned mineral interests lying outside the boundaries of units of the National Forest System.

(2) CONVEYANCE.—Notwithstanding any other law, the Secretary of the Interior shall convey the federally owned mineral interests identified in a final exchange agreement between the Secretary of Agriculture and Burlington and affiliates of Burlington.

(f) MINERAL INTEREST DEFINED.—For purposes of this section, the term "mineral interests" includes all locatable and leasable minerals, including oil and gas, geothermal resources, and other subsurface rights.

SEC. 8. GENERAL PROVISIONS.

(a) MAPS.—The maps referred to in sections 3, 4, 5, 6 and 7 are subject to such minor corrections as may be agreed upon by the Secretary and the Company. The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives of any corrections made pursuant to the subsection. The maps shall be on file and available for public inspection in the office of Chief, Forest Service, USDA.

(b) TITLE OF LANDS CONVEYED TO THE UNITED STATES.—

(1) QUALITY OF TITLE AND RIGHTS.—Subject to paragraph (2), the rights, title, and interests to lands conveyed to the United States under sections 4, 5 and 6 shall, at a minimum, consist of the surface estate and the subsurface rights owned by the Company or Burlington where applicable.

(2) EXCEPTION.—The Secretary may accept title subject to outstanding or reserved oil and gas and geothermal rights, except that there shall be no surface occupancy permitted on the lands acquired by the United States under sections 4, 5, and 6 for access to reserved or outstanding rights or exploration or development of such lands.

(3) ACCESS.—No portion of lands acquired by the United States under this Act shall be available for access to, or exploration or development of, any reserved or outstanding oil, gas, geothermal, or other non-Federal property interest.

(c) NATIONAL FOREST LANDS.—

(1) IN GENERAL.—All lands conveyed to the United States under this Act shall be added to and administered as part of the Gallatin National Forest of the National Forest System by the Secretary in accordance with the laws and regulations pertaining to the National Forest System.

(2) HYALITE-PORCUPINE-BUFFALO HORN WILDERNESS STUDY AREA.—Lands acquired within the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area shall be managed to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System in accordance with the Montana Wilderness Study Act of 1977 (16 U.S.C. 1132 note).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendment to H.R. 873, the legislation presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 874, the Gallatin Range Consolidation Act, was introduced by my friend and colleague on the Natural Resources Committee, Mr. WILLIAMS. The House passed this bill last spring and the Senate has sent it back to us with amendments. I recommend that the House concur with the Senate amendments.

The purpose of this bill is to block up checkerboard land ownership in the Gallatin Range of the Gallatin National Forest in Montana established as a result of railroad right of way grants over 100 years ago. Through a series of exchanges between the Big Sky Lumber Co. and the Forest Service, approximately 80,000 acres would be added to the national forest. These lands are of great ecological importance and there is widespread support for the measure. Big Sky Lumber Co., the administration, and the environmental community all testified in favor of the bill at our hearing on March 23, 1993.

Furthermore, this bill promotes more efficient government and ultimately could and should save the taxpayer money. It blocks up a checkerboard ownership pattern that has been hampering land managers since the turn of the century. It is in the economic interest of both the adjacent private landowner and the Federal Government to consolidate land ownership so that the land can be managed properly. The bill also authorizes a severed minerals exchange. Currently, the Federal Government owns the subsurface rights, but not the surface rights on some lands and the surface rights, but not the subsurface on other lands. This situation greatly complicates land management. The bill corrects this inefficiency by consolidating Federal ownership so that the Federal Government owns both the surface and subsurface. If we do not pass this legislation, the difficulties involved in managing the checkerboard landownership and the severed minerals will continue to be a drain on the Treasury.

The Senate amendments update the House-passed language to reflect the fact that the Forest Service and not the nature conservancy now hold the options to acquire these lands. They also eliminate the $3.4 million cash equalization provision and provide guidelines on how lands in the North Bridger Range are to be managed.

These amendments are acceptable and reflect the changed ownership of the option and I urge my colleagues to support this measure and help bring resolution to an issue that the Congress and the Forest Service have been trying to resolve since the 1920's.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support the intent of H.R. 873 which is to consolidate the onerous checkerboard land ownership pattern on the Gallatin National Forest.

I believe the Senate made several important improvements in H.R. 873 as passed by the House. The $3.4 million cash equalization payment to Big Sky Lumber in section 3 has been eliminated. Moreover, the role of nonprofit land trusts in facilitating these exchanges has been deleted.

I do remain concerned that over time this legislation will result in a net increase in Federal ownership of 60,000 acres. Although H.R. 873 gives the Forest Service the option of acquiring these lands through exchange, I fear environmental groups will not allow any of this land to be removed from Federal ownership because of its proximity to Yellowstone National Park.

Despite these reservations, I am painfully aware of the difficult task Mr. WILLIAMS had in trying to accommodate many diverse interests at once. As a result, I support this legislation H.R. 873.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS] and I take this opportunity to thank him for his hard work on this measure.

□ 1310

Mr. WILLIAMS. Mr. Speaker, I thank the committee chairman and I thank the chairman of the subcommittee and the other members of our committee for working for so many months with me on this legislation. This has been a dream of the public in this country and particularly in Montana since 1925, and the dream has been to consolidate these lands north of Yellowstone Park into private ownership.

These lands are the home of the Nation's largest elk herd. Along with Yellowstone Park, the mountains of these lands are the last stands of countless endangered species, including the grizzly. This mountain range is the birthplace of some of the Nation's most important rivers, including the only long critically wild river left in this country, and that is the Yellowstone.

The Senate did an admirable job in keeping this legislation on track, and with only minor changes it has returned my bill for agreement to send to the President. The only significant change in the bill is the removal of appropriate funding that the House had requested. That was approximately $3.4 million. As my colleagues remember, that funding was the subject of some debate here in the House. I took seriously the reservations of some folks, and although it was the eleventh hour, I worked with the Senate and the landowners toward a no appropriation solution.

This change, I must say, did harm our ability to accomplish all that we had hoped for in consolidation of lands and making commitments to folks, particularly those along the North Bridger Mountains. These folks are still not satisfied entirely with this Federal policy in this matter.

In spite of those real concerns, this legislation does not ask for any of this Nation's funds to complete the consolidation. The trade, by the way, is supported by the Forest Service, most local landowners, the State of Montana, local and national conservation groups, the Senate, and, I hope today, the House of Representatives. I sincerely ask that we add our voice to this chorus and all vote for the passage of H.R. 873. This could be the single most important step this Nation can make this year in the protection of the Yellowstone National Park and the values that led to the creation of the park so long ago.

There is one more comment I would like to address directly to those folks along the North Bridger Range near Flathead Pass:

> With regard to your concerns, this legislation was not the solution I had hoped for. I believed that we did have some options which would have identified lands to substitute for the critical watershed lands that concern you. The Senate did provide strong direction to the Forest Service to continue to work on a possible trade of lands, and they did provide some greater protection for any possible timber harvest.

I worked with both of our Senators to develop that language. I know, however, that folks in the North Bridgers want more than that, and I want them to know that we do not consider this a closed issue. I am committed to continue to see that their backyard near Flathead Pass, a beautiful area, one that is important environmentally as well as economically, does not become the sacrifice area that many of the people fear.

Mr. Speaker, again I want to thank the chairman for working with us for the realization of this issue which, as I say, has been a dream for folks in Montana since the 1920's.

Mr. VENTO. Mr. Speaker, I commend the gentleman from Montana [Mr. WILLIAMS] on his statement, and I ask for the support of the Members for this measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 873.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION AUTHORIZATION

Mr. CONDIT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2139) to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission.

The Clerk read as follows:

H.R. 2139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2504(f) of title 44, United States Code is amended by striking "(f)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(f)(1) There are authorized to be appropriated to the National Historical Publications and Records Commission such amounts as may be necessary to carry out this chapter for each of fiscal years 1994, 1995, 1996, 1997, and 1998.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. CONDIT] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. SCHIFF] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2139 authorizes appropriations for the National Historical Publications and Records Commission for fiscal years 1994 through 1998.

The Commission is an agency that gives grants for the preservation, publication, and editing of historical materials. Since its founding in 1934, the Commission has supported hundreds of documentary publication projects covering the history of the United States from colonial times to the present. Recent projects have resulted in new volumes of the Black Abolitionist Papers, Papers of the Founding Fathers, George C. Marshall, Susan B. Anthony, and many others.

The Commission's program for the preservation of historical records is generally aimed at the collection and preservation of important records of State and local governments, nongovernmental institutions, societies, and individuals.

Although the Commission only receives a few million Federal dollars, it gets a lot of mileage out of the money. It uses Federal funds in partnership with private funds to increase overall support for historical programs. The Commission is able to generate private support equal to the Federal appropriation.

The Commission is small. Over the last 5 years, its appropriations have ranged between $4 million and $5.5 million. In the Treasury-Postal appropriations bill recently passed by the House, the Commission was given $4 million for 1994. The Senate Appropriations Committee has recommended $6 million. H.R. 2139 authorizes such sums as many be necessary for the next 5 years.

The Commission is administratively part of the National Archives and Records Administration. The reauthorization is strongly supported by the National Archives and by many historical and other organizations. I do not know of anyone who opposes reauthorizing the Commission.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHIFF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the ranking member of this subcommittee, the Subcommittee on Information, Justice, Transportation and Agriculture of the Committee on Government Operations, our colleague, the gentleman from Wyoming [Mr. THOMAS], is unable to be on the House floor at this moment because of another matter to which he is obligated. As the ranking member of another subcommittee, the Subcommittee on Human Resources and Intergovernmental Relations of the Committee on Government Operations, I am pleased to stand in the stead of the gentleman from Wyoming [Mr. THOMAS], today and to endorse the passage of H.R. 2139, which authorizes the National Historical Publications and Records Commission.

Mr. Speaker, I would simply join in the remarks made by the subcommittee chairman, the gentleman from California [Mr. CONDIT] and thank him for his leadership and his work on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHARP. Mr. Speaker, I am pleased to speak on behalf of the reauthorization of the National Historical Publications and Records Commission [NHPRC]. As you know, this Commission includes by law a Member from the House and one from the Senate as well as a member of the Supreme Court. It is in the capacity as the Speaker's appointee to the Commission that I rise today.

The National Historical Publications and Records Commission is a small agency within the National Archives. But its small size is no indication of the large work it does in preserving and making available the historical memory of this Nation through a series of grants in support of documentary publications and preservation programs in all 50 States.

The work of the NHPRC goes a long way toward guaranteeing that the fundamental documents of our Nation's history, at the Federal, State, and local levels are preserved for future generations, as well as for use today by scholars, government officials, school teachers, and the general public. The NHPRC supports such projects as the papers of the Founders of this country, George Washington, Thomas Jefferson, Benjamin Franklin, and others. The list also includes James Adams, Martin Luther King, Jr., Thomas Edison, and Booker T. Washington. In the area of documentary preservation, grants from the NHPRC support projects and programs to save from ravages of time a wide range of valuable records that are vital to understanding the history and development of each State and region in the Nation.

The NHPRC goes about its mission with efficiency and relatively little fanfare. Naturally it has the support of a broad spectrum of associations representing professional historians, librarians, and archivists, such as the American Historical Association and the Society of American Archivists, those most directly concerned with the preservation and use of historical records. But the support for the work of this agency comes from many other groups as well, such as the Veterans of Foreign Wars, the National Association of Counties, the American Family Records Association, the American Library Association, the Association of American University Presses, and the Federation of Genealogical Societies to name just a few of the organizations who support reauthorization of the NHPRC.

Mr. Speaker, many of these organizations stress the urgency of the mission of the NHPRC in light of existing challenges and new ones on the horizon. Funds in support of documentary preservation, and the publication of important historical records at all levels of government have not kept pace with the demand to maintain valuable information that is slipping away from us for want of proper preservation. Furthermore, many of the records of the present and the future will be created, used, and preserved in electronic format. We have no national standards for the preservation of electronic data, and no easy solutions to the many problems attendant to the long-range preservation and use of electronic records. The NHPRC has spearheaded the search for solutions in these important areas. Reauthorization of the NHPRC is an important step toward ensuring that the Nation's memory is properly kept and made available for all Americans to use.

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in support of H.R. 2139, which reauthorizes the National Historical Publications and Records Commission [NHPRC]. This Commission plays a vital role in our effort to preserve our heritage and allow future generations to have access to this important data. The NHPRC provides scholars, legislators, journalists, and others with precise, accessible records regarding our Nation's history.

The NHPRC was established by Congress in 1934 and is part of the National Archives and Records Administration. It is designed to give grants for promoting the publication and preservation of historical documents. This has resulted in hundreds of documentary projects that record the history of national, State, and local governments.

I want to thank Chairman CONDIT for moving this bill expeditiously to the floor. As ranking member of the Information, Justice, Transportation, and Agriculture Subcommittee on Government Operations, I am pleased to see the NHPRC reauthorized for the next 5 years.

Mr. CONDIT. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. SCHIFF. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. CONDIT] that the House suspend the rules and pass the bill, H.R. 2139.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONDIT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2139, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to the provisions of clause 12, rule

I, the House will stand in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 19 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired at 3 o'clock and 3 minutes p.m., the House was called to order by the Speaker pro tempore [Mr. COLEMAN].

ELECTION OF THE HONORABLE G.V. (SONNY) MONTGOMERY AS SPEAKER PRO TEMPORE UNTIL SEPTEMBER 15, 1993

Mr. DERRICK. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 249

Resolved, That the Honorable G. V. (Sonny) Montgomery, a Representative from the State of Mississippi, be, and he is hereby, elected Speaker pro tempore during any absence of the Speaker, such authority to continue not later than September 15, 1993.

Resolved, That the President and the Senate be notified by the Clerk of the election of the Honorable G. V. (Sonny) Montgomery as Speaker pro tempore during the absence of the Speaker.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SWEARING IN OF HON. G.V. (SONNY) MONTGOMERY AS SPEAKER PRO TEMPORE DURING ABSENCE OF THE SPEAKER

The SPEAKER pro tempore. (Mr. COLEMAN). The Chair will now administer the oath of office to the gentleman from Mississippi [Mr. MONTGOMERY] as Speaker pro tempore.

Mr. MONTGOMERY appeared at the bar of the House and took the oath of office administered to him by the Speaker pro tempore, as follows: Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

PROVIDING FOR FURTHER CONSIDERATION OF HOUSE RESOLUTION 248, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 248 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 248

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes. No further amendment to the committee amendment in the nature of a substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 2 of this resolution. Pro forma amendments for the purpose of debate may be offered only by the chairman or ranking minority member of the Committee on Armed Services. Except as specified in section 2 or 3 of this resolution, each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived.

SEC. 2. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules or germane modifications thereof. Amendments en bloc shall be considered as read except that modification shall be reported. Amendments en bloc shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in amendments en bloc, and amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. All points of order against amendments en bloc are waived. The original proponent of an amendment included in amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 3. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business: *Provided,* That the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. The chairman of the Committee of the Whole may recognize for consideration of an amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services announces from the floor a request to that effect.

SEC. 4. After disposition of the amendments printed in the repot of the Committee on Rules, the Committee shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON] pending which I yield myself such time as I may consume. All time yielded during the consideration of House Resolution 248 is for the purpose of debate only.

Mr. Speaker, House Resolution 248 is the third rule recommended by the Committee on Rules providing for the consideration of H.R. 2401, the Department of Defense authorization for fiscal year 1994. This rule provides for the orderly consideration of 54 amendments to the bill; it does not, however, dispose of all the amendments which have been proposed to H.R. 2401. The Committee on Rules anticipates that a fourth rule will be reported today and at the meeting the committee will dispose of the amendments still pending before the committee.

House Resolution 248 provides that only those amendments printed in the report accompanying the rule will be eligible for consideration. The rule also provides that en bloc amendments described in section 2 of the rule are also eligible for consideration. In addition, the rule prohibits the offering of pro forma amendments by any Member but the chairman or ranking minority member of the Committee on Armed Services.

Except as specified in sections 2 and 3 of House Resolution 248, the amendments made in order are to be considered only in the order they are printed in the accompanying report and are to be offered only by the Member designated in the report. Each of these amendments are to be considered as having been read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and opponent, shall not be subject to amendment, and, finally, shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule also waives all points of order against the amendments printed in the report.

Section 2 of House Resolution 248 grants the chairman of the Committee on Armed Services the authority to offer, at any point, amendments en bloc consisting of amendments printed in the report, or germane modifications of those amendments. The Committee on Rules has recommended this procedure in order to expedite the consideration of amendments which have been generally accepted by the Committee on Armed Services. These en bloc amendments shall be considered as read, except that if the chairman offers a germane modification of the amendment originally proposed, that modification shall be read.

The en bloc amendments shall be debatable for 20 minutes which shall be equally divided and controlled by the chairman and ranking minority member of the Armed Services Committee, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. And, because the debate time is so limited on the en bloc amendments, the rule permits the original proponent of the amendment to insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendment.

Section 3 permits the Chairman of the Committee of the Whole to reduce to 5 minutes any postponed votes taken immediately after a 15-minute vote. The Chair is also authorized to take amendments out of the order they are found in the report accompanying this rule, but only if the chairman of the Committee on Armed Services gives at least 1 hour's notice of such a request.

Finally, the rule provides that after the disposition of the amendments printed in the report, the committee shall rise and no further consideration of the bill shall be in order except pursuant to a subsequent order of the House. Mr. Speaker, this rule provides for the orderly consideration of a large number of amendments and was developed in close consultation with the minority.

I urge support of the rule in order that the House may proceed to the consideration of these amendments to the fiscal year 1994 Defense authorization.

☐ 1510

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for yielding us half the time.

Mr. Speaker, as the gentleman from South Carolina has just indicated, we have before us now the third rule providing for the consideration of amendments to the National Defense Authorization Act.

At 4:30 this afternoon, the Committee on Rules will be meeting again to grant one more rule for this bill. This is unprecedented in the 15 years, at least, that I have been here. Hopefully, it will be the last one.

And so Members can anticipate finishing up on this important defense bill tomorrow, depending on how late we work Tuesday, because I believe that the House will not be in session on Wednesday, Thursday, and Friday, because of the Jewish religious observances.

Turning now to the rule presently before us, I must say at the outset that this rule represents an improvement over the two rules that preceded it, since the previous rule was jerry-rigged to produce certain results before the votes were even taken.

This present rule is at least the product of bipartisan discussion, even though it is not an open rule allowing all Members to participate in writing this important piece of legislation.

However, the present rule does contain a fair and proper balance of amendments to be made in order, and I would thank the Democrat majority for that.

And Mr. Speaker, this rule is, I hope, indicative of a return to the traditional method of considering defense authorization bills on a bipartisan basis.

That is the most important issue that ever comes before this body each year. It has always been bipartisan in nature and I hope we are going to go back to that.

Having said all of that, however, I am constrained to oppose this rule.

I oppose this rule because Members are still being denied an opportunity to debate two of the most important and controversial issues of the day.

I am referring to the question of whether or not homosexuals should be permitted to serve in the military and to the presence of United States troops in Somalia for what now appears to be a mission that goes far beyond the humanitarian purposes for which they were originally sent.

Over in the other body, these two controversial issues were not blocked from floor consideration, and Members realize by now that the Senate debated both of these issues at great length and reached positions on both that have broad, bipartisan support. That is exactly the way it should be. That is what these two bodies are here for. But for the House to do anything less, Mr. Speaker, would be a dereliction of our duty, and we certainly would not be representing our constituents back home.

Mr. Speaker, you know we Republicans requested a debate on the Somalia issue prior to the August district work period. That was 6 weeks ago; but here we are again, some 6 weeks later, and the House is still being denied this debate.

Mr. Speaker, since United States troops were first deployed in Somalia 10 months ago, 11 of our soldiers have been killed and more than 50 have been wounded. At least 4 have been wounded just since Friday, as violence in the streets of Mogadishu has escalated to new heights, in a locale where there is not even a government in place.

There is no judiciary system. There is no anything there.

Mr. Speaker, what began 10 months ago as a strictly humanitarian operation of very limited scope and duration has gradually been transformed into a wide-ranging commitment of virtually unlimited scope and indefinite duration. That is not right.

Moreover, the Clinton administration has abdicated control—and this is what really gets me, they have abdicated control over this operation to such an extent that the Secretary-General of the United Nations is now calling the shots concerning what American troops are supposed to be doing and for how long they will continue doing it. The United Nations is telling us, Mr. Speaker, what to do.

Mr. Speaker, the House should not let another day pass without having a full, frank, and fair debate on this issue.

The Democrat leadership should not deny rank-and-file Members from either side of the aisle, Democrats or Republicans, from debating this issue that is so terribly important to the American people.

Mr. Speaker, when the vote is taken on this rule, I will ask all Members to vote down the previous question, vote against the previous question.

If the previous question is defeated, we will immediately bring back a rule that allows three amendments covering all sides of the "gays in the military" issue, so all sides can be heard in a fair and open debate, and we would also make in order an amendment by the gentleman from New York [Mr. GILMAN] on Somalia.

A similar amendment to Mr. GILMAN's was the catalyst for debate in the Senate, and we must conduct the same kind of debate here in the House.

Mr. DERRICK. Mr. Speaker, does the gentleman have other speakers?

Mr. SOLOMON. We do have other speakers. They are not here on the floor. If the gentleman has no further requests, I would be glad to sum up for the minority and go on with the vote.

Mr. DERRICK. That is fine.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I just want to dwell again on the issue of Somalia. We have a situation in which we now have troops in a place called Macedonia, which is not really a country, but those troops are under a foreign command. Those troops have been told by their commander, who is a foreign commander—the first time that American troops have ever served under a foreign command—that even if they are fired upon they are not allowed to defend themselves.

Mr. Speaker, this is the first time in the history of our armed services that this have ever happened.

We now have a similar situation taking place in Somalia. When we put our troops over there, it was to save some starving people. Now the situation has deteriorated such that there is not even a government in Somalia. There is nothing there for us to be defending, and yet our troops are still there with no mission. Such policy, as there may be, is being set by the United Nations, not the United States.

Mr. Speaker, that is wrong. We ought to be debating this issue on the floor. We were not allowed to debate it here on the floor 6 weeks ago. Since that time, American soldiers have died. American soldiers have been wounded, and the situation continues to worsen day by day.

□ 1520

Mr. Speaker, we should bring those troops home, and we should have that debate on this floor today, not tomorrow, or not next week or the weeks after, but we ought to be here today doing it. That is why I ask the Members to vote down the previous question, so that we would have that opportunity on the floor of this House.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, let me say something before I move the previous question. I agree with the gentleman from New York [Mr. SOLOMON]. As the gentleman knows, I went to Somalia about a month or two before we sent troops there, and I came back, and my observation was that our problem was not being able to feed these people, but our problem was going to be when we got them fed, what were we going to do, and that is as it has turned out.

My colleagues, I, like the rest of our countrymen, am embarrassed that this ragtag warlord over there is running all over the place and we cannot seem to do anything with him. We are not equipped and have no business fighting a war over there. We went over there as a humanitarian exercise, and I agree with that.

Having said that, Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question will be postponed.

□ 1522

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the House will stand in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 22 minutes p.m.) the House stood in recess subject to the call of the Chair.

□ 1603

AFTER RECESS

The recess having expired, at 4 o'clock and 3 minutes p.m. the House was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The SPEAKER pro tempore. The pending business is the question de novo on ordering the previous question on House Resolution 248, on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DELLUMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5(b)(1) of rule XV, the Chair may reduce to not less than 5 minutes the time for any recorded vote that may be ordered on adoption of the resolution without intervening business.

The vote was taken by electronic device, and there were—yeas 237, nays 169, not voting 27, as follows:

[Roll No. 424]

YEAS—237

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—169

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari

Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff

NOT VOTING—27

Andrews (TX)
Barton
Brooks
Chapman
Conyers
Cox
DeFazio
Farr
Frost
Hoke
Hughes
Johnson (SD)
Kingston
Kleczka
Lehman
Lipinski
Martinez
Miller (CA)
Owens
Pickle
Porter
Rose
Sharp
Shuster
Washington
Young (AK)
Zimmer

□ 1627

The Clerk announced the following pairs:

On this vote:

Mr. Kleczka for, with Mr. Kingston against.

Mr. Conyers for, with Mr. Porter against.

So the previous question was ordered.

The result of the vote was announced as above recorded.

The Speaker pro tempore (Mr. FIELDS of Louisiana). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 169, not voting 30, as follows:

[Roll No. 425]

AYES—234

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—169

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)

NOT VOTING—30

Andrews (TX)
Bacchus (FL)
Brooks
Chapman
Conyers
DeFazio
Farr
Ford (TN)
Frost
Greenwood
Gutierrez
Hoke
Johnson (SD)
Kingston
Kleczka
Lehman
Lipinski
Martinez
Miller (CA)
Neal (MA)
Owens
Pickle
Porter
Rose
Sharp
Shuster
Washington
Young (AK)
Zeliff
Zimmer

□ 1639

The Clerk announced the following pairs:

On this vote:

Mr. Kleczka for, with Mr. Kingston against.

Mr. Conyers for, with Mr. Porter against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BUDGET AMENDMENT REQUESTS OF DISTRICT OF COLUMBIA FOR 1994 AND 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–136)

The SPEAKER pro tempore (Mr. FIELDS of Louisiana) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's fiscal year 1994 budget amendment request and fiscal year 1993 supplemental budget amendment request.

The District of Columbia Government has submitted a request to decrease its fiscal year 1994 general fund spending authority by $36.968 million with a reduction of 832 FTE positions. In addition, the District's fiscal year 1993 supplemental amendment request includes an increase of $7.367 million in general fund spending authority. The amendments are needed to address a projected operating deficit for fiscal year 1993 and fiscal year 1994 that was not addressed in the District's original budget submission pending congressional action.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 13, 1993.*

RESIGNATION AS MEMBER OF COMMITTEE ON POST OFFICE AND CIVIL SERVICE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana) laid before the House the following resignation as a member of the Committee on Post Office and Civil Service:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 19, 1993.

Hon. TOM FOLEY,
The Speaker of the House, Washington, DC.

DEAR SPEAKER FOLEY: Please be advised that I hereby resign from the Committee on Post Office and Civil Service effective September 13, 1993.

Sincerely,

JIM SAXTON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Operations:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 1993.

Hon. THOMAS S. FOLEY, Speaker,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Please be advised that I hereby resign my seat on the Committee on Government Operations effective immediately.

Sincerely,

RONALD K. MACHTLEY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

MODIFICATION TO SISISKY AMENDMENT TO H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that during further consideration of the bill H.R. 2401, pursuant to House Resolution 248, the amendment numbered 1 in House Report 103–236 by Mr. SISISKY be modified in the form that I have placed at the desk.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. SPENCE. Mr. Speaker, reserving the right to object, would the gentleman from California please explain the purpose of the modification.

Mr. DELLUMS. Mr. Speaker, if the gentleman will yield, I would be happy to explain the modification. Mr. SISISKY's defense response fund amendment, printed in House Report 103–236, strikes section 1005 from the defense authorization bill. That section has already been stricken by a previous amendment and the modification that I placed at the desk is a technical correction that saves section 1005 from being stricken twice.

Mr. SPENCE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Modification to the Amendment offered by Mr. SISISKY of Virginia: The amendment as modified is as follows:

At the end of subtitle A of title X (page 329, after line 25), insert the following new section:

SEC. 1008. DEFENSE RESPONSE FUND.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 127 the following new section:

"§ 127a. Expenses for response operations; Defense Response Fund

"(a) AUTHORITY TO USE RESPONSE FUND.—In any case in which the armed forces are used to carry out an operation described in subsection (c), the Secretary of Defense may provide funds for the cost of such operation, subject to the limitations in this section, from the Defense Response Fund. Such funds shall be available only for the incremental costs to the Department of Defense of carrying out such operation.

"(b) ESTABLISHMENT OF FUND.—(1) There is established in the Treasury a fund to be known as the 'Defense Response Fund'. Amounts in the fund shall be available, subject to the limitations in this section, for transfer to the operation and maintenance and military personnel accounts of the Department of Defense.

"(2) Amounts appropriated to the fund shall remain available until expended.

"(3) Transfers from the fund shall not be charged against the maximum amount of transfer that may be made under any provision in an annual defense authorization or appropriations Act providing general authority for the transfer of funds among accounts and funds of the Department of Defense.

"(c) AUTHORIZED PURPOSES OF FUND.—Amounts in the fund may be used, at the discretion of the Secretary of Defense, only in connection with an operation required of the Department of Defense by the President which is one of the following:

"(1) A foreign disaster relief operation.

"(2) A peacekeeping operation carried out under the auspices of the United Nations or another international organization.

"(3) A peace enforcement operation carried out under the auspices of the United Nations or another international organization.

"(4) An operation to provide support to domestic civil authority.

"(5) A noncombatant evacuation operation.

"(d) FINANCIAL PLAN FOR OPERATIONS EXPECTED TO EXHAUST FUND.—In the case of any operation for which funds are provided under this section which the Secretary of Defense determines may exhaust the balance in the fund, the Secretary shall promptly submit to Congress a financial plan for the operation that sets forth the manner by which it is proposed by the executive branch to obtain funds for the total incremental cost to the United States of the operation.

"(e) PROHIBITION AGAINST USE FOR ONGOING AND SMALL-SCALE OPERATIONS.—(1) Amounts in the fund are not available—

"(A) for ongoing operations (except as provided in paragraph (2)(B)); or

"(B) for small-scale operations.

"(2)(A) For purposes of this subsection, an ongoing operation is an operation that was underway while the budget of the Department of Defense for the fiscal year during which the operation is to be funded was being prepared for submission to Congress.

"(B) The prohibition in paragraph (1)(A) does not apply in the case of an ongoing operation that was expected (as of the time such budget was being prepared) to be completed by the beginning of the fiscal year for which such budget was prepared but which (for reasons that could not be anticipated at the time of such preparation) continued into that fiscal year.

"(3) For purposes of this subsection, a small-scale operation is one for which the total incremental cost to the Department of Defense is expected to be less than $1,000,000.

"(f) NOTICE TO CONGRESS.—Obligations for the incremental costs for any operation described in subsection (c) may not be made in excess of $20,000,000 until the Secretary of Defense submits to Congress notification of the intention to make such obligations in excess of such amount and a period of 20 days has elapsed.

"(g) INCREMENTAL COSTS.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs that are directly attributable to the operation and that are otherwise chargeable to accounts available for operation and maintenance or for military personnel. Any costs which are otherwise chargeable to accounts available for procurement may not be considered to be incremental costs for purposes of this section.

"(h) GAO AUDITS.—In addition to the financial statements and audits required by section 3515 and 3521 of title 31, United States Code, the Comptroller General of the United States shall from time to time carry out examinations of the fund to ensure that proper accounting procedures are followed and to determine whether the requirements and limitations in this section are being complied with.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127 the following new item:

"127a. Expenses for response operations; Defense Response Fund.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1994.—There is authorized to be appropriated for fiscal year 1994 to the Defense Response Fund established under section 127a of title 10, United States Code, as added by subsection (a), the sum of $30,000,000.

(c) TRANSITION PROVISION.—In the case of any operation described in subsection (c) of section 127a of title 10, United States Code, as added by subsection (a), that is ongoing as of the date of the enactment of this Act, the limitation in subsection (e)(1)(A) of such section shall not apply with respect to expenditures during fiscal year 1994.

Mr. DELLUMS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California that the amendment be modified?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The SPEAKER pro tempore. Pursuant to House Resolution 248 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2401.

□ 1643

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, with Mr. DURBIN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to House Resolution 248, no further amendment to the committee amendment in the nature of a substitute is in order except the amendments printed in House Report 103–236 and amendments en bloc described in section 2 of House Resolution 248. Pro forma amendments for purpose of debate may be offered only by the chairman or ranking minority member of the Committee on Armed Services.

Except as specified in section 2 or 3 of House Resolution 248, each amendment may be offered only in the order printed in the report, may be offered only by a member designated in the report, shall be considered as read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

It shall be in order at any time for the chairman of the Committee on Armed Services, or his designee, to offer amendments en bloc consisting of amendments printed in the report or germane modifications thereof. Amendments en bloc shall be considered as read, except that the modifications shall be reported.

Amendments en bloc shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

For the purpose of inclusion in amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by House Resolution 248.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Chairman of the Committee of the Whole may recognize for the consideration of an amendment printed in the report out of the order printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services announces from the floor a request to that effect.

After disposition of the amendments printed in the report, the committee shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The Chair will announce the number of the amendment made in order by the rule and the name of its sponsor in order to give notice to the Committee of the Whole as to the order of recognition.

AMENDMENTS EN BLOC OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, pursuant to section 3 of House Resolution 248, I offer the following en bloc amendments printed in House Report 103–236:

Amendment No. 3, as modified;
Amendment No. 4, as modified;
Amendment No. 12, as modified;
Amendments Nos. 13, 14;
Amendment No. 15, as modified;
Amendments Nos. 16, 17, 18;
Amendment No. 19, as modified;
Amendment No. 20;
Amendment No. 21, as modified;
Amendments Nos. 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40;
Amendments Nos. 41 and 42, as modified;
Amendments Nos. 43, 44, 45, 46, 47, 48, 49;
Amendment No. 50, as modified; and
Amendments Nos. 51, 52, 53, and 54.

The CHAIRMAN pro tempore. The Clerk will designate the amendments and report the modified amendments.

The Clerk proceeded to read amendment No. 3, as modified, offered by Mr. TRAFICANT.

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the en bloc amendments, as modified, be considered as read, and that the en bloc amendments, as designated and as modified, be printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The texts of the en bloc amendments offered by Mr. DELLUMS are as follows:

MODIFICATION TO THE AMENDMENT OFFERED BY MR. TRAFICANT OF OHIO

The amendment as modified is as follows:

At the end of title VIII (page 293, before line 17), add the following new sections:

SEC. 825. COMPLIANCE WITH BUY AMERICAN ACT.

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 826. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Defense shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 827. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States, that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. TRAFICANT OF OHIO

The amendment as modified is as follows:

At the end of title VIII (page 293, before 17), add the following new section:

SEC. 825. RECIPROCITY.

(a) GENERAL RULE.—Except as provided in subsection (b), no contract or subcontract may be made with funds authorized under this Act to a company organized under the laws of a foreign country unless the Administrator finds that such country affords comparable opportunities to companies organized under the laws of the United States.

(b) EXCEPTION.—(1) The Administrator may waive the rule stated under subsection (a) if the products or services required are not reasonably available from companies organized under the laws of the United States. Any such waiver shall be reported to the Congress.

(2) Subsection (a) shall not apply to the extent that to do so would violate the General Agreement on Tariffs and Trade or any other international agreement to which the United States is a party.

MODIFICATION TO THE AMENDMENT OFFERED BY MS. DANNER OF MISSOURI

The amendment as modified is as follows:

At the end of title XXXI (page 589, after line 17), insert the following new section:

SEC. 3139. PROHIBITION ON CONDUCT OF SAFEGUARD C PROGRAM.

None of the funds appropriated pursuant to this Act or any other Act for any fiscal year may be available to conduct the Safeguard C program or any other program to maintain the capability of the United States to conduct atmospheric testing of a nuclear weapon.

AMENDMENT OFFERED BY MR. BILBRAY OF NEVADA

At the end of title VIII (page , after line), insert the following new section:

SEC. 825. CLARIFICATION OF EXCLUSION OF MILITARY ARCHITECTURAL AND ENGINEERING CONTRACTS UNDER SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) Clarificaton of Exclusion.—Section 717(d) of the Small Business Competitiveness Demonstration Program Act of 1988 (title VII of Public Law 100-656) is amended by striking out "and such contract was" and inserting in lieu thereof "but only if such contracts were".

(b) Clarification of Applicability of Freeze on Numerical Size Standard.—Section 732 of such Act (15 U.S.C. 632 note) is amended by adding at the end the following: "As provided in section 717(d), the preceding sentence does not apply to architectural and engineering services assigned to standard industrial classification code 8711 and performed under contracts awarded under the qualification-based selection procedures required by title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)".

(c) Requirement To Lift Freeze on Numerical Size Standard and Military Architectural and Engineering Services Contracts.—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall remove any numerical size standard pertaining to contract awards assigned to standard industrial classification code 8711 that are made by the Department of Defense, in conformance with section 732 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 632 note), as amended by subsection (b).

AMENDMENT OFFERED BY MS. ROS-LEHTINEN

At the end of title I of the bill, insert the following section:

SEC. . CONVEYANCE OF OBSERVATION AIRCRAFT.

(a) Authority To Convey.—(1) The Secretary of Defense may convey without consideration all right, title, and interest of the United States in not more than four light observation aircraft to the organization known as Hermanos al Rescate, a nonprofit organization in the State of Florida consisting of volunteer pilots who fly search and rescue missions from southern Florida over the Florida Straits (hereinafter in this section referred to as the "recipient").

(2) For purposes of paragraph (1), light observation aircraft are the OV-2, the OV-10, or any comparable observation aircraft.

(b) Condition.—As a condition of conveying an aircraft to the recipient pursuant to the authority provided in subsection (a), the Secretary shall enter into an agreement with the recipient under which the recipient agrees—

(1) to use that aircraft solely for search and rescue missions and related activities;

(2) to use that aircraft solely for nonprofit activities; and

(3) to hold the United States harmless for any claim arising with respect to that aircraft after the conveyance of that aircraft.

(c) Limitation on Future Transfers.—In the case of an aircraft conveyed under the authority provided in subsection (a), the instruments provided for the conveyance shall require that any further conveyance of an interest in that aircraft may not be made without the approval in advance of the Secretary of Defense. If the Secretary determines that an interest in an aircraft was conveyed without such approval, then all right, title, and interest in that aircraft shall revert to the United States and the United States shall have the right to immediate possession of the aircraft. The recipient shall pay the United States for its costs incurred in recovering the aircraft for such a violation.

(d) Forfeiture Upon Violation of Terms.—If the Secretary determines that the recipient violated subsection (b)(1) or (b)(2) with respect to any aircraft conveyed under subsection (a), then all right, title, and interest in each such aircraft shall revert to the United States and the United States shall have the right to immediate possession of all of the aircraft. The recipient shall pay the United States for its costs incurred in recovering the aircraft for a violation of those conditions.

(e) Delivery of Aircraft.—The Secretary shall deliver each aircraft conveyed under subsection (a)—

(1) at the place where the aircraft is located on the date of the conveyance;

(2) in its condition on that date; and

(3) without cost to the United States.

(f) Expiration of Authority To Convey.—The authority of the Secretary under subsection (a) to convey aircraft shall expire on the date that is two years after the date of the enactment of this Act.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. INSLEE OF WASHINGTON

The amendment as modified is as follows:

At the end of title X (page 346, after line 23), insert the following new section:

SEC. 1043. REDESIGNATION OF HANFORD ARID LANDS ECOLOGY RESERVE.

(a) Redesignation.—The Hanford Arid Lands Ecology Reserve in Richland, Washington, is redesignated as the "Fitzner/Eberhardt Arid Lands Ecology Reserve".

(b) Legal References.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the ecology reserve referred to in subsection (a) is deemed to be a reference to the "Fitzner/Eberhardt Arid Lands Ecology Reserve".

AMENDMENT OFFERED BY MR. HUNTER

At the end of subtitle B of title III (page , after line), insert the following new section:

SEC. 324. LIMITATION ON USE OF GOVERNMENT FACILITIES FOR CERTAIN MASTER SHIP REPAIR AGREEMENTS.

(a) Limitation.—The only non-Federal Government entity who may include the use of facilities owned, operated, or under the jurisdiction of the Department of Defense in a bid or solicitation for ship repair activities with the Department of Defense is an entity referred to in subsection (b).

(b) Covered Entities.—An entity referred to in subsection (a) is a person who, on or after the date of the enactment of this Act, holds a master ship repair agreement with the Department of Defense in the relevant homeport area.

AMENDMENT OFFERED BY MR. HUNTER

In section 1332 of the bill, after subsection (c) of such section (page 405, after line 16), insert the following new subsection (and redesignate the subsequent subsection accordingly):

(d) Study on Expansion of the Law Enforcement Placement Program To Include the Border Patrol.—(1) The Secretary of Defense, in consultation with the Commissioner of the Immigration and Naturalization Service, shall conduct a study regarding the feasibility of expanding the law enforcement placement program established under section 1152 of title 10, United States Code, as added by subsection (a), to include the placement of members of the Armed Forces who are discharged or released from active duty with the Border Patrol of the Immigration and Naturalization Service.

(2) Not later than March 1, 1994, the Secretary shall submit a report to Congress containing the results of the study required by this subsection.

AMENDMENT OFFERED BY MR. KASICH OF OHIO

At the end of division A, add the following new title:

TITLE XV—NATIONAL COMMISSION ON ARMS CONTROL

SEC. 1501. SHORT TITLE.

This title may be cited as the "National Commission on Arms Control Act".

SEC. 1502. FINDINGS.

Congress finds that—

(1) the global proliferation of strategic and conventional military weapons and related equipment and the technology necessary to produce such weapons and equipment undermines regional security and international stability;

(2) regional arms races involving such military weapons and related equipment diverts vital resources from economic development and increases the risk of aggressive and preemptive war;

(3) national self-restraint in the export of such military weapons and related equipment requires multilateral cooperation; and

(4) as a world leader, the United States has a responsibility to help stop such global proliferation and guide all countries toward a safer world.

SEC. 1503. ESTABLISHMENT.

There is established a commission to be known as the "National Commission on Arms Control" (in this title referred to as the "Commission").

SEC. 1504. DUTIES.

(a) Study.—The Commission shall conduct a study of the factors which contribute to the global proliferation of strategic and conventional military weapons and related equipment and the technology necessary to produce such weapons and equipment.

(b) Conduct of Study.—In carrying out the study under subsection (a), the Commission shall—

(1) identify those factors contributing to global weapons proliferation which can be most effectively regulated;

(2) study the factors essential to promoting and implementing a policy of redirecting and converting existing foreign and domestic defense industries from the production of strategic and conventional military weapons and related equipment to the production and distribution of non-military goods and services;

(3) examine the training program options required for defense industry personnel likely to be directly affected by any program aimed at conversion of defense industries to civilian purposes;

(4) identify and assess policy approaches the United States could utilize to discourage transfers of strategic and conventional military weapons and related equipment and the technology necessary to produce such weapons and equipment to developing nations;

(5) assess the effectiveness of current multilateral efforts to control transfers of such military weapons and related equipment and the technology necessary to produce such

weapons and equipment to developing nations; and

(6) identify and examine methods by which the United States could independently discourage transfers of such military weapons and related equipment and the technology necessary to produce such weapons and equipment to developing nations, including placing conditions on assistance provided by the United States to such developing nations.

SEC. 1505. MEMBERSHIP.

(a) VOTING MEMBERS.—

(1) NUMBER AND APPOINTMENT.—The Commission may be composed of 12 voting members, to be appointed not later than 60 days after the date of the enactment of this Act, as follows:

(A) 4 members appointed by the President.

(B) 2 members appointed by the majority leader of the Senate.

(C) 2 members appointed by the minority leader of the Senate.

(D) 2 members appointed by the Speaker of the House of Representatives.

(E) 2 members appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—The voting members shall be chosen from among individuals with expertise in defense issues, defense conversion, worker training, arms control, diplomacy or international affairs, business, and international economics.

(b) NONVOTING MEMBERS.—The Commission may appoint not more than 6 nonvoting members who shall be chosen from among—

(1) individuals with expertise in defense conversion and worker training; and

(2) executives from the defense industry, financial institutions, and entities organized for the purpose of conducting interdisciplinary research in political, economic, and social issues.

(c) TERMS.—

(1) IN GENERAL.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) BASIC PAY.—

(1) RATES OF PAY.—Except as provided in paragraph 92), each member may be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS–17 of the General Schedule under section 5332 of title 5, United States Code, for each day during which such member is engaged in the actual performance of duties of the Commission.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Except as provided in subsection (e), members of the Commission who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits, by reason of their service on the Commission.

(e) TRAVEL EXPENSES.—Each member may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) QUORUM.—A majority of the voting members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRPERSON.—The Chairperson of the Commission shall be elected by a majority of the voting members.

(h) MEETINGS.—The Commission shall meet at the call of the Chairperson.

SEC. 1506. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission may have a Director, who shall be appointed by the Chairperson. The Director may be paid at a rate not to exceed the maximum rate of basic pay payable for GS–16 of the General Schedule under section 5332 of title 5, United States Code.

(b) STAFF.—Subject to rules prescribed by the commission, the Chairperson may appoint a fix the pay of additional personnel as the Chairperson considers appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS–16 of the General Schedule.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the maximum annual rate of basic pay payable for GS–17 of the General Schedule.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under section 1504.

SEC. 1507. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out section 1504, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any Federal agency any information necessary to enable the Commission to carry out section 1504. Upon request of the Chairperson of the Commission, the head of the agency shall furnish such information to the Commission to the extent such information is not prohibited from disclosure by law.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for the purpose of conducting research or surveys necessary to enable the Commission to carry out its duties under section 1504, and for other services.

SEC. 1508. REPORT.

Not later than 18 months after the date on which the initial members of the Commission have been appointed under section 1505(a), the Commission shall submit a report to the President and the Congress which shall contain—

(1) a detailed statement of the findings and conclusions of the study conducted under section 1504; and

(2) recommendations to support and undertake both unilateral and multilateral initiatives to—

(A) stop the global proliferation of strategic and conventional military weapons and related equipment and the technology necessary to produce such weapons and equipment; and

(B) promote and implement the conversion of existing foreign and domestic defense industries from the production of strategic and conventional military weapons and related equipment to the production of non-military goods and services.

SEC. 1509. TERMINATION.

The Commission shall terminate 30 days after submitting its report pursuant to section 1508.

SEC. 1510. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal years 1993 and 1994 such sums as may be necessary to carry out this title.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. WISE

The amendment as modified is as follows:

At the end of subtitle B of title X (page 332, after line 5), add the following new section:

SEC. 1023. REQUIREMENT TO ESTABLISH PROCEDURES FOR STATE AND LOCAL GOVERNMENTS TO BUY LAW ENFORCEMENT EQUIPMENT IN CONJUNCTION WITH DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

"§381. PROCUREMENT BY STATE AND LOCAL GOVERNMENTS OF LAW ENFORCEMENT EQUIPMENT IN CONJUNCTION WITH DEPARTMENT OF DEFENSE

"(a) PROCEDURES.—(1) The Secretary of Defense shall establish procedures in accordance with this subsection under which States and units of local government may purchase certain equipment in conjunction with the Department of Defense. The procedures shall require the following:

"(A) Each State desiring to participate in a procurement of equipment in conjunction with the Department of Defense shall submit to the Department, in such form and manner and at such times as the Secretary prescribes (i) a request for law enforcement equipment, and (ii) advance payment for such equipment, in an amount determined by the Secretary based on estimated or actual costs of the equipment. Requests shall be submitted annually or at another frequency determined appropriate by the Secretary.

"(B) A request for law enforcement equipment shall consist of an enumeration of the law enforcement equipment that is desired by the State and units of local government within the State.

"(C) A State requesting law enforcement equipment shall be responsible for arranging and paying for shipment of the equipment to the State and localities within the State.

"(2) In establishing the procedures, the Secretary of Defense shall coordinate with the General Services Administration and other Federal agencies for purposes of avoiding duplication of effort.

"(b) REIMBURSEMENT OF ADMINISTRATIVE COSTS.—In the case of any purchase made by a State or unit of local government under the procedures established under subsection (a), the Secretary of Defense shall require the State or unit of local government to reimburse the Department of Defense for the administrative costs to the Department of such purchase.

"(c) GSA CATALOG.—The Administrator of General Services shall produce and maintain a catalog of law enforcement equipment suitable for purchase by States and units of local government under the procedures established by the Secretary under this section.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

"(2) The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior; or any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia or the Trust Territory of the Pacific Islands.

"(3) The term 'law enforcement equipment' has the meaning given such term in regulations prescribed by the Secretary of Defense. Such term includes, at a minimum, handguns, bulletproof vests, and communication equipment.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"381. Procurement by State and local governments of law enforcement equipment in conjunction with Department of Defense.".

(b) DEADLINE.—The Secretary of Defense shall establish procedures under section 381(a) of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report on the procedures established pursuant to section 381 of title 10, United States Code, as added by subsection (a). The report shall include, at a minimum, a list of the law enforcement equipment that will be covered under such procedures.

AMENDMENT OFFERED BY MR. HANSEN

At the end of subtitle B of title XXVIII of the bill (page 516, after line 6), add the following new section:

SEC. 2819. LIMITATIONS ON THE REMOVAL OR DISPOSAL OF PERSONAL PROPERTY AND EQUIPMENT IN CONNECTION WITH THE CLOSURE OR MAJOR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) LIMITATION.—Except as provided in this section, in connection with the closure or major realignment of a military installation pursuant to a base closure law, the Secretary of Defense shall not permit the removal or disposal of any related personal property that—

(1) is located at the installation; and

(2) would be suitable for use by a governmental or private entity obtaining real property at the installation.

(b) AUTHORIZED REMOVALS AND DISPOSALS.—The limitation specified in subsection (a) shall not apply with respect to the removal or disposal of related personal property from a military installation if—

(1) the property is regularly transferred or removed from the installation, such as in the case of military vehicles and aircraft;

(2) the property is unique to the military and its removal is required to support a specific mission of the Armed Forces; or

(3) the removal or disposal is pursuant to a reuse plan for the installation that is approved by the Secretary and consistent with the inventory requirements specified in subsections (c) and (d).

(c) INVENTORY OF RELATED PERSONAL PROPERTY.—As soon as practicable following the selection of a military installation for closure or major realignment pursuant to a base closure law, the Secretary of the military department exercising jurisdiction over the installation shall order an inventory to be taken of related personal property at the installation.

(d) SELECTION OF PERSONAL PROPERTY FOR RETENTION AT INSTALLATION.—Upon completion of the inventory under subsection (c) for a military installation, the entity recognized by the Secretary of Defense as developing the community base reuse plan for the installation shall be given not less than 12 months within which to decide whether or not to retain all or a portion of the related personal property at the installation.

(e) DISPOSAL AUTHORITY.—As consideration for the property selected by the entity under subsection (d) to be retained at the installation, the Secretary of Defense may require the entity to pay to the United States such amount, not to exceed the fair market value of the retained property, as the Secretary considers to be appropriate. Related personal property that is not retained by the entity at the installation shall be removed or disposed of by the Secretary pursuant to subsection (b)(3).

(f) DEFINITIONS.—For purposes of this section.

(1) BASE CLOSURE LAW DEFINED.—The term "base closure law" means each of the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(D) Any other similar law enacted after the date of the enactment of this Act.

(2) RELATED PERSONAL PROPERTY DEFINED.—The term "related personal property" means any personal property owned by the United States that—

(A) is an integral part of real property at a military installation or is related to, designated for, or specially adapted to the functional or productive capacity of the real property, and the removal of this personal property would significantly diminish the economic value of the real property; or

(B) is essential to implement a community base reuse plan and to make the installation fully functional for civilian operations, including such personal property as office furniture and equipment, machine tools and industrial production equipment, dormitory and food service equipment, airport operating equipment, educational and instructional equipment, and spare parts for such personal property sufficient to cover the initial three years of civilian operations.

(3) MAJOR REALIGNMENT.—The term "major realignment" means any action under a base closure law that—

(A) reduces and relocates functions and civilian personnel positions at a military installation; and

(B) affects 500 or more employees at the installation.

MODIFICATION TO THE AMENDMENT OFFERED BY MS. SNOWE

The amendment as modified is as follows:

At the end of subtitle B of title XXVII (page 516, after line 6), insert the following new section:

SEC. 2819. PREFERENCE FOR LOCAL AND SMALL BUSINESSES.

(a) PREFERENCE REQUIRED.—In entering into contracts with private entities as part of the closure or realignment of a military installation under a base closure law, the Secretary of Defense shall give preference, to the greatest extent practicable, to qualified businesses located in the vicinity of the installation and small business concerns. Contracts for which this preference shall be given shall include contracts to carry our activities for the environmental restoration and mitigation at a military installation to be closed or realigned.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "small business concern" has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

(2) The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

AMENDMENT OFFERED BY MR. BROWDER

At the end of title XXI (page 464, after line 13) insert the following new section:

SEC. . CONSTRUCTION OF CHEMICAL MUNITIONS DISPOSAL FACILITIES.

(a) LIMITATION ON CONSTRUCTION.—None of the amounts appropriated pursuant to the authorization of appropriations in section 2104(a) may be obligated for the construction of a new chemical munitions disposal facility at Anniston Army Depot, Alabama, until the Secretary of Defense submits a certification described in subsection (b).

(b) CERTIFICATION.—A certification referred to in subsection (a) is a certification submitted by the Secretary of Defense to Congress that—

(1) the Johnston Atoll Chemical Agent Disposal System has been fully operational for a period of six consecutive months, has met all required environmental and safety standards, and has proven to be operationally effective; and

(2) if the Secretary of the Army awards a construction contract for the chemical munitions disposal facility at Anniston Army Depot, Alabama, the Secretary of the Army will schedule the award of a construction contract for a chemical munitions disposal facility at another non-low-volume chemical weapons storage site in the continental United States during the same 12-month period in which the construction contract for the facility at the Anniston Army Deport is awarded.

AMENDMENT OFFERED BY MR. STUPAK

At the end of section 1321 of the bill (page 386, after line 20), insert the following new subsection:

(c) FEASIBILITY STUDY TO GUARANTEE ASSISTANCE TO ADVERSELY AFFECTED COMMUNITIES.—(1) The Secretary of Defense shall conduct a study to determine the feasibility of assisting local communities recovering from the adverse economic impact of the closure or major realignment of a military installation under a base closure law by reserving for grants to the communities under section 2391(b) of title 10, United States Code, an amount equal to not less than 10 percent of the total projected savings to be realized by the Department of Defense in the first 10 years after the closure or major realignment of the installation as a result of the closure or realignment.

(2) Not later than March 1, 1994, the Secretary shall submit a report to Congress containing the results of the study required by this subsection. The report shall include—

(A) an estimate of the amount of the projected savings described in paragraph (1) to be realized by the Department of Defense as a result of each base closure or major realignment underway or announced as of the date of the enactment of this Act; and

(B) a recommendation regarding the funding sources within the budget for the Department of Defense from which amounts for the grants described in paragraph (1) could be derived.

(3) For purposes of this subsection, the term "base closure law" means each of the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

AMENDMENT OFFERED BY MR. HOLDEN

At the end of title II (page , after line), insert the following new section:

SEC. . AUTHORIZED USE FOR FACILITY CONSTRUCTED WITH PRIOR DEFENSE GRANT FUNDS.

The plasma are facilities constructed using funds provided under grants made to the South Carolina Research Authority from amounts appropriated in the Department of Defense Appropriations Act, 1988 (Public Law 100–463), and the Department of Defense Appropriations Act, 1991 (Public Law 101–511), may be equipped and operated as prototype materials processing facilities.

AMENDMENT OFFERED BY MR. DELLUMS

Page 274, starting on line 9, strike out "Paragraph" and all that follows through the end of line 11 and insert in lieu thereof the following: "Section 2302 of title 10, United States Code, is amended by adding at the end the following new paragraph:".

Page 274, line 12, strike out "(7)" and insert in lieu thereof "(8)".

AMENDMENT OFFERED BY MR. MACHTLEY

At the end of title VIII (page , after line), insert the following section:

"SEC. 825. AUTHORITY TO DISPOSE OF EQUIPMENT WHOSE OPERATION AND SUPPORT COSTS EXCEED COSTS OF PROCURING REPLACEMENT EQUIPMENT.

"(a) AUTHORITY.—(1) Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

§4543. Disposal of property: authority to dispose of certain equipment

"(a) AUTHORITY.—The Secretary of the Army may dispose of equipment that—

"(1) at the discretion of the Secretary, is needed, but whose continued operation and support costs exceed costs of procuring approved replacement equipment; or

"(2) is a major end item and still has commercial utility, such as trucks, trailers, and communications equipment.

"(b) READINESS REQUIREMENTS.—In disposing of equipment under this section, the Secretary shall not compromise the readiness requirements of the Army.

"(c) SENSE OF CONGRESS REGARDING PROCUREMENT OF REPLACEMENT EQUIPMENT.—It is the sense of Congress that the Secretary of the Army should make every effort to increase the procurement of equipment of the type needed to replace the equipment disposed of under the authority provided by this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4543. Disposal of property: authority to dispose of certain equipment.".

AMENDMENT OFFERED BY MR. SKELTON

Strike section 571 (page 5-46, line 2, through page 5-47, line 20).

AMENDMENT OFFERED BY MR. MONTGOMERY

Page 19, line 2, insert "(a) AUTHORIZATION OF APPROPRIATIONS.—" before "Funds".

Page 19, after line 11, add the following new subsection:

(b) MULTIPLE-LAUNCH ROCKET SYSTEM.—Of the total number of Multiple-Launch Rocket System units acquired with funds appropriated pursuant to the authorization of appropriations in section 101 for the Army, the Secretary of the Army shall ensure that one battalion set shall be authorized for and made available to the Army National Guard.

Page 487, line 15, insert "(a) AUTHORIZATION OF APPROPRIATIONS.—" before "There".

Page 488, after line 7, add the following new subsections:

(b) INCREASE IN ARMY NATIONAL GUARD AUTHORIZATION.—The amount provided in subsection (a)(1)(A) for the Army National Guard of the United States is hereby increased by $4,867,000.

(c) OFFSETTING REDUCTION.—The amount provided in section 2104(a) for military construction, land acquisition, and military family housing functions of the Department of the Army, and the amount provided in paragraph (3) of such section for construction of the Chemical Demilitarization Facility, Anniston Army Depot, Alabama, are each hereby reduced by $4,867,000.

AMENDMENT OFFERED BY MR. WELDON

Strike out section 1355 (page 436, lines 4 through 8) and insert in lieu thereof the following:

SEC. 1355. ELIGIBLE SHIPYARDS.

(a) ELIGIBILITY.—To be eligible to receive any assistance or otherwise to participate in any program carried out under the National Shipbuilding Initiative, a shipyard must be located in the United States and, in the case of a private shipyard, must be owned and operated by a United States company.

(b) DEFINITION OF UNITED STATES COMPANY.—For the purposes of this section, the term "United States company" means a company that is not owned or controlled, directly or indirectly, by citizens or nationals of a foreign country. For purposes of the preceding sentence, a company is owned or controlled directed or indirectly by citizens or nationals of a foreign country if—

(1) 50 percent or more of the voting stock of the company is owned by one or more citizens or nationals of the foreign country;

(2) the title to 50 percent or more of the stock of the company is held subject to trust or fiduciary obligations in favor of one or more citizens or nationals of the foreign country;

(3) 50 percent or more of the voting stock of the company is vested in or exercisable on behalf of one or more citizens or nationals of the foreign country; or

(4) in the case of a corporation—

(A) the number of its directors necessary to constitute a quorum are citizens or national of the foreign country; or

(B) the corporation is organized under the laws of the foreign country or any subdivision, territory, or possession thereof.

AMENDMENT OFFERED BY MR. SISISKY

Strike out section 1005 (page 329, lines 1 through 5) and insert in lieu thereof the following:

SEC. 1005. HUMANITARIAN AND CIVIC ASSISTANCE.

(a) REGULATIONS.—The regulations required to be prescribed under section 401 of title 10, United States Code, shall be prescribed not later than March 1, 1994. In prescribing such regulations, the Secretary of Defense shall consult with the Secretary of State.

(b) LIMITATION ON USE OF FUNDS.—Section 401(c)(2) of title 10, United States Code, is amended by inserting before the period the following: ", except that funds appropriated to the Department of Defense for operation and maintenance other than funds appropriated pursuant to such paragraph may be obligated for humanitarian and civic assistance under this section only for incidental costs of carrying out such assistance".

(c) NOTIFICATIONS REGARDING HUMANITARIAN RELIEF.—Any notification provided to the appropriate congressional committees with respect to assistance activities under section 2551 of title 10, United States Code, shall include a detailed description of any items for which transportation is provided that are excess nonlethal supplies of the Department of Defense, including the quantity, acquisition value, and value at the time of the transportation, of such items.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to carry out humanitarian and civic assistance activities under sections 401, 402, and 2551 of title 10, United States Code, in the amount of $48,000,000 for fiscal year 1994.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

AMENDMENT OFFERED BY MR. ORTIZ

Strike out section 822 (page , line and all that follows through page , line), and insert in lieu thereof the following:

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2304 the following new section:

"§2304a. Contracts: prohibition on competition between Department of Defense and small businesses and certain other entities

"(a) EXCLUSION.—In any case in which the Secretary of Defense plans to use competitive procedures for a procurement, if the procurement is to be conducted as described in subsection (b), then the Secretary shall exclude the Department of Defense from competing in the procurement.

"(b) PROCUREMENT DESCRIPTION.—The requirement to exclude the Department of Defense under subsection (a) applies in the case of a procurement to be conducted by excluding from competition entities in the private sector other than—

"(1) small business concerns in furtherance of section 8 or 15 of the Small Business Act (15 U.S.C. 637 or 644); or

"(2) entities described in subsection (a)(1) of section 2323 of this title in furtherance of the goal specified in that subsection.".

(2) The table of sections at the beginning of such chapter is amended by inserting after

the item relating to section 2304 the following new item:

"2304a. Contracts: prohibition on competition between Department of Defense and small businesses and certain other entities.".

(b) EFFECTIVE DATE.—Section 2304a of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. KLEIN

At the end of subtitle D of title I (page 29, after line 9), insert the following new section:

SEC. 133. USE OF F-16 AIRCRAFT ADVANCE PROCUREMENT FUNDS FOR PROGRAM TERMINATION COSTS.

(a) FUNDS FOR PROGRAM TERMINATION COSTS.—Of the amount provided in section 103 for procurement of aircraft for the Air Force, the amount of $70,800,000 shall be available only for program termination costs for the F-16 aircraft program.

(b) PROHIBITION OF FUNDS FOR ADVANCE PROCUREMENT.—None of the amount provided in section 103 for procurement of aircraft for the Air Force shall be available for advance procurement of F-16 aircraft for fiscal year 1995.

AMENDMENT OFFERED BY MR. PORTER

In section 373 (page , line), delete subsection (a)(1) and insert the following:

(a) REPORT.—Not later than February 28, 1994, the Secretary of Defense shall submit to the congressional committees referred to in paragraph (2) a report on any educational arrangement referred to in subsection (b) that is made by the Secretary of Defense for children residing on military installations in the United States. The report shall include the following:

(A) the assessment and recommendations of the Secretary of Defense regarding the justification of the continuing need for school facilities under any such educational arrangement;

(B) A comprehensive review of the Department of Education Impact Aid program to determine whether the program is meeting its objectives with regard to militarily impacted school districts. The review shall address structural as well as funding concerns.

(C) A review of all militarily-impacted school districts which are experiencing financial difficulties to determine whether those districts are experiencing financial difficulty in whole or in part as a result of their responsibility for educating military dependents. The study should focus on students under section 3(a) of the Act of September 30, 1950 (20 U.S.C. 238) and include, at a minimum, a review of all militarily-impacted school districts which are on a State's financial watch list. The study should specifically analyze the effect of the financial difficulty on the students served, including social and educational impacts.

(D) An analysis of, and recommendations regarding, how the Impact Aid program may be structurally improved to better meet the educational needs of military dependents and the schools that serve them. The analysis should specifically address whether the Department of Defense should assume a larger responsibility for the education of military dependents.

AMENDMENT OFFERED BY MR. BAESLER

At the end of title I (page 41, after line 5), insert the following new section:

SEC. 174. CHEMICAL DEMILITARIZATION PROGRAM.

(a) SUBMISSION OF REPORTS ON ALTERNATIVE TECHNOLOGIES.—Section 173(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2343) is amended by striking out the period at the end and inserting in lieu thereof "and a period of 90 days has passed following the submission of the report. During such 90-day period, each Chemical Demilitarization Citizens' Advisory Commission in existence on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994 may submit such comments on the report as it considers appropriate to the Committees on Armed Services of the Senate and House of Representatives.".

(b) EXTENSION OF DEADLINE FOR SUBMISSION OF REVISED CONCEPT PLAN.—Section 175(d) of such Act (106 Stat. 2344) is amended by striking out "not later than 180 days" and all that follows and inserting in lieu thereof "during the 180-day period beginning at the end of the 90-day period following the submission of the report of the Secretary required under section 173.".

AMENDMENT OFFERED BY MR. KENNEDY

At the end of subtitle C of title X (page 346, after line 23), insert the following new section:

SEC. 1043. SENSE OF CONGRESS REGARDING UNITED STATES POLICY ON PLUTONIUM.

It is the sense of the Congress that the start-up or continued operation of any plutonium separation plant presents serious environmental hazards and increases the risk of proliferation of weapons-usable plutonium and therefore should be suspended until the related environmental and proliferation concerns have been addressed and resolved.

AMENDMENT OFFERED BY MR. STARK

At the end of subtitle C of title X (page 346, after line 23), insert the following new section:

SEC. 1043. NORTH KOREA AND THE TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS.

(a) FINDINGS.—The Congress finds the following:

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, to which 156 states are party, is the cornerstone of the international nuclear non-proliferation regime.

(2) Any nonnuclear weapon state that is a party to the Treaty on the Non-Proliferation of Nuclear Weapons is obligated to accept International Atomic Energy Agency safeguards on all source or special fissionable material that is within its territory, under its jurisdiction, or carried out under its control anywhere.

(3) The International Atomic Energy Agency is permitted to conduct inspections in a nonnuclear weapon state that is a party to the Treaty at any site, whether or not declared by that state, to ensure that all source or special fissionable material in that state is under safeguards.

(4) North Korea acceded to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear weapons state in December 1985.

(5) North Korea, after acceding to that treaty, refused until 1992 to accept International Atomic Energy Agency safeguards as required under the treaty.

(6) Inspections of North Korea's nuclear materials by the International Atomic Energy Agency suggested discrepancies in North Korea's declarations regarding special nuclear materials.

(7) North Korea has not given a scientifically satisfactory explanation for those discrepancies.

(8) North Korea refused to provide International Atomic Energy Agency inspectors with full access to two sites for the purposes of verifying its compliance with the Treaty on the Non-Proliferation of Nuclear Weapons.

(9) When called upon by the International Atomic Energy Agency to provide such full access as required by the Treaty, North Korea announced its intention to withdraw from the Treaty, effective after the required three months notice.

(10) After intensive negotiations with the United States, North Korea agreed to suspend its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons and begin consultations with the International Atomic Energy Agency on providing access to its suspect sites.

(b) CONGRESSIONAL STATEMENTS.—The Congress—

(1) notes that the continued refusal of North Korea nearly eight years after ratification of the Treaty on the Non-Proliferation of Nuclear Weapons to fully accept International Atomic Energy Agency safeguards raises serious questions regarding a possible North Korean nuclear weapons program;

(2) notes that possession by North Korea of nuclear weapons (A) would threaten peace and stability in Asia, (B) would jeopardize the existing nuclear non-proliferation regime, and (C) would undermine the goal of the United States to extend the Treaty on the Non-Proliferation of Nuclear Weapons at the 1995 review conference;

(3) urges continued pressure from the President, United States allies, and the United Nations Security Council on North Korea to adhere to the Treaty and provide full access to the International Atomic Energy Agency in the shortest time possible;

(4) urges that no trade, financial, or other economic benefits be provided to North Korea by the United States or United States allies until North Korea has (A) provided full access to the International Atomic Energy Agency, (B) satisfactorily explained any discrepancies in its declarations of bomb-grade material, and (C) fully demonstrated that it does not have or seek a nuclear weapons capability; and

(5) calls on the President and the international community to take steps to strengthen the international nuclear nonproliferation regime.

AMENDMENT OFFERED BY MR. FARR

At the end of subtitle C of title XXVIII (page 544, after line 3), insert the following new section:

SEC. 2836. CONVEYANCE OF SURPLUS REAL PROPERTY, FORT ORD, CALIFORNIA.

(a) CONVEYANCE.—The Secretary of the Army shall convey to the Regents of the University of California and the Trustees of the California State University (in this section referred to as the "recipient institutions") all right, title, and interest of the United States in and to certain parcels of real property located at Fort Ord, California, and described in subsection (b). The conveyance shall include all land and water rights applicable to the parcels, all air quality permits to operate facilities and air emission reduction credits applicable to the parcels, and all infrastructure and improvements on the parcels.

(b) DESCRIPTION OF PARCELS.—The parcels to be conveyed under subsection (a) shall either—

(1) substantially conform to the description of the land and facilities in the Educational Public Benefit Transfer Applications submitted by the recipient institutions with regard to Ford Ord on or before March

8, 1993, as supplemented or amended through September 30, 1993; or

(2) consist of such alternative parcels as shall, after negotiation, be mutually acceptable to the Secretary and the recipient institutions.

(c) CONDITIONS.—The conveyance required by subsection (a) shall be subject to the following conditions:

(1) The recipient institutions shall accept the conveyed parcels as is.

(2) The recipient institutions shall agree to provide the United States, its agents and assigns, access to Fort Ord in order to conduct the ongoing Fort Ord Installation Restoration Program and to comply with the responsibilities of the United States under the amendments enacted by the Federal Facility Compliance Act of 1992 (Public Law 102-386; 106 Stat. 1505).

(3) The recipient institutions shall agree to ensure that they and their successors, agents, and assigns do not disrupt, destroy, or impede the remedial actions performed at Fort Ord by the United States, its agents or assigns.

(d) LEGAL DESCRIPTIONS AND SURVEYS.—The exact acreage and legal description of the parcels to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the recipient institutions.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary determines appropriate to protect the interests of the United States.

AMENDMENT OFFERED BY MR. DELLUMS

At the end of title subtitle C of title I (page 26, after line 16), insert the following new section:

SEC. 124. LONG-TERM LEASE AUTHORITY FOR CERTAIN ROLL-ON/ROLL-OFF VESSELS.

(a) AUTHORITY.—The Secretary of the Navy may enter into a long-term lease or charter for not more than five vessels described in subsection (b) without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(b) COVERED VESSELS.—Subsection (a) applies to roll-on/roll-off (RO/RO) vessels which are required by the Department of Defense for prepositioning or related point-to-point service and which, in the case of vessels for which work is required to make the vessel eligible for such service and for documentation under the laws of the United States, have such work performed in a United States shipyard.

(c) LIMITATION ON SOURCE OF FUNDS.—The Secretary may not use funds appropriated for the National Defense Sealift program that are available for construction of vessels to enter into a contract for a lease or charter pursuant to subsection (a).

(d) CONDITIONS ON OBLIGATION OF FUNDS.—The Secretary may not enter into a contract for a lease or charter pursuant to subsection (a) unless the contract includes the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that lease or charter.

(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that lease or charter for that fiscal year.

(3) A statement that such a commitment given under paragraph (2) does not constitute an obligation of the United States.

(e) DEFINITION.—For purposes of subsection (a), the term "long-term lease or charter" has the meaning given that term in section 2401(d)(1)(A) of title 10, United States Code (without regard to subparagraph (B) of that section).

AMENDMENT OFFERED BY MR. ZIMMER

At the end of title subtitle C of title II (page 70, after line 19), insert the following new section:

SEC. 244. CLEMENTINE SATELLITE PROGRAM.

(a) FINDING.—The Congress finds that the program of the Ballistic Missile Defense Organization within the Follow-on programs program element that is know as the "Clementine" program, consisting of a satellite space project that will, among other matters, provide valuable information about asteroids in the vicinity of Earth, represents an important opportunity for transfer of Department of Defense technology for civilian purposes and should be supported.

(b) CONGRESSIONAL VIEWS.—The Congress urges the Secretary of Defense—

(1) to consider funding for the Clementine program to be a priority within the Ballistic Missile Defense Organization Follow-on programs program element and to provide funds for that program at appropriate levels; and

(2) to identify and appropriate management structure within either the Advanced Research Projects Agency or one of the military departments to which the Clementine program and related programs of general applicability to civilian, commercial, and military space programs might be transferred.

AMENDMENT OFFERED BY MR. WALKER

Page 380, strike out line 14 through 18, and insert in lieu thereof the following:

"(2) The Secretary may increase the Federal share of the costs of partnership activities to not more than 70 percent of such costs in the case of a partnership in which the entity proposing the partnership and a majority of the non-Government participants—

"(A) are small business concerns; and

"(B) are determined by the Secretary to have individually contributed a significant equity percentage toward the non-Federal contribution in relation, if applicable, to the participants that are not small business concerns.

Page 381, line 3, insert after "such costs" the following: ", unless the small business concern is participating in a partnership receiving the financial commitment arrangement authorized in paragraph (2) of the Secretary determines that the small business concern has not made a significant equity percentage contribution in the partnership from non-Federal sources".

Page 381, strike out lines 12 through 16, and insert in lieu thereof the following:

"(2) The Secretary may increase the Federal share of the costs of partnership activities to not more than 70 percent of such costs in the case of a partnership in which the entity proposing the partnership and a majority of the non-Government participants—

"(A) are small business concerns; and

"(B) are determined by the Secretary to have individually contributed a significant equity percentage toward the non-Federal contribution in relation, if applicable, to the participants that are not small business concerns.

Page 382, line 2, insert after "such costs" the following: ", unless the small business concern is participating in a partnership receiving the financial commitment arrangement authorized in paragraph (2) and the Secretary determines that the small business concern has not made a significant equity percentage contribution in the partnership from non-Federal sources".

Page 382, strike out lines 7 through 13, and insert in lieu thereof the following:

"(4) The Secretary may increase the amount of assistance provide under paragraph (1) up to an amount not exceeding 70 percent of the cost of the activities of a regional technology alliance in the case of a regional technology alliance in which the entity proposing the alliance and a majority of the non-Government participants—

"(A) are small business concerns; and

"(B) are determined by the Secretary to have individually contributed a significant equity percentage toward the non-Federal contribution in relation, if applicable, to the participants that are not small business concerns."; and

Page 383, line 5, insert after "such costs" the following: ", unless the small business concern is participating in an alliance receiving the financial commitment arrangement authorized in subsection (d)(4) and the Secretary determines that the small business concern has not made a significant equity percentage contribution in the alliance from non-Federal sources".

Page 383, line 17, strike out "business concerns." and insert in lieu thereof the following "business concerns and are determined by the Secretary to have individually contributed a significant equity percentage toward the non-Federal contribution in relation, if applicable, to the participants that are not small business concerns.".

Page 384, line 13, insert after "such costs" the following: ", unless the small business concern is participating in a program receiving the increased Federal share arrangement authorized in subparagraph (A) and the Secretary determines that the small business concern has not made a significant equity percentage contribution in the program from non-Federal sources".

Page 384, strike out line 23 and all that follows through line 2 on page 385, and insert in lieu thereof the following:

"(2) The Secretary may increase the Federal share of the costs of a program under this section to not more than 70 percent of such costs in the case of a program in which the entity proposing the program and a majority of the non-Government participants—

"(A) are small business concerns; and

"(B) are determined by the Secretary to have individually contributed a significant equity percentage toward the non-Federal contribution in relation, if applicable, to the participants that are not small business concerns."

Page 385, line 13, insert after "such costs" the following: ", unless the small business concern is participating in a program receiving the financial commitment arrangement authorized in paragraph (2) and the Secretary determines that the small business concern has not made a significant equity percentage contribution in the program from non-Federal sources".

Page 386, line 3, strike out the close quotation marks and the final period.

Page 386, after line 3, insert the following new paragraph:

"(15) The term 'significant equity percentage' means—

"(A) a level of contribution and participation determined, when compared to the other non-Federal participants, to demonstrate a comparable long-term financial commitment to the product or process development involved; and

"(B) any other criteria the Secretary may consider necessary to ensure an appropriate equity mix among the participants.".

MODIFICATION TO THE AMENDMENT OFFERED BY MR. PICKETT

The amendment as modified is as follows:

At the end of subtitle F of title III (page 134, after line 16), insert the following new section:

SEC. 375. SHIPS' STORES.

(a) CONVERSION TO OPERATION AS NON-APPROPRIATED FUND INSTRUMENTALITIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall convert the operation of all ships' stores from operation as an activity funded by direct appropriations to operation by the Navy Exchange Command as an activity funded from sources other than appropriated funds.

(b) TRANSFER OF FUNDS.—To facilitate the conversion required under subsection (a), the Secretary of the Navy shall transfer to the Navy Exchange Command from—

(1) the Navy Stock Fund, an amount equal to the value of existing ships' stores assets in that Fund; and

(2) the Ships' Stores Profits, Navy Fund, residual cash in that Fund.

(c) CODIFICATION.—Section 7604 of title 10, United States Code, is amended—

(A) by inserting "(a) IN GENERAL.—" before "Under such regulations"; and

(B) by adding at the end the following new subsections:

"(b) INCIDENTAL SERVICES.—The Secretary of the Navy may provide financial services, space, utilities, and labor to ships' stores on a nonreimbursable basis.

"(c) ITEMS SOLD.—Merchandise sold by ship stores afloat shall include items in the following categories:

"(1) Health, beauty, and barber items.

"(2) Prerecorded music and videos.

"(3) Photographic batteries and related supplies.

"(4) Appliances and accessories.

"(5) Uniform items, emblematic and athletic clothing, and equipment.

"(6) Luggage and leather goods.

"(7) Stationery, magazines, books, and supplies.

"(8) Sundry, games, and souvenirs.

"(9) Beverages and related food and snacks.

"(10) Tobacco products.".

(d) EFFECTIVE DATE.—Subsections (b) and (c) of section 7604 of title 10, United States Code, as added by subsection (c), shall take effect on the date on which the Secretary of the Navy completes the conversion referred to in subsection (a).

Page 295, line 15, insert "exchange, commissary, and nonappropriated fund activities," after "family matters,".

MODIFICATION TO THE AMENDMENT OFFERED BY MR. HUTTO

The amendment as modified is as follows:

At the end of title X (page 346, after line 23), insert the following section:

SEC. 1043. AVIATION LEADERSHIP PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) the training of pilots from the air forces of friendly foreign nations in the United States furthers United States interests, promotes closer relations, and advances the national security.

(2) Many friendly foreign nations cannot afford to reimburse the United States for the cost of such training provided.

(3) It is in the national interest to authorize the Secretary of the Air Force to establish a program of pilot training for personnel of the air forces of friendly, less developed foreign nations.

(b) ESTABLISHMENT OF PROGRAM.—Part III of subtitle D of title 10, United States Code, is amended by inserting after chapter 903 the following new chapter:

"CHAPTER 905—AVIATION LEADERSHIP PROGRAM

"Sec.
"9381. Establishment of program.
"9382. Supplies and clothing.
"9383. Allowances.

"§ 9381. Establishment of program

"The Secretary of the Air Force may establish and maintain an Aviation Leadership Program which will provide undergraduate pilot training and necessary related training (including, but not limited to, language training and programs to promote better awareness and understanding of the democratic institutions and social framework of the United States) to selected personnel of the air forces of friendly, less-developed foreign nations.

"§ 9382. Supplies and clothing

"(a) The Secretary of the Air Force may, under such conditions as the Secretary may prescribe, provide to persons receiving training under this chapter—

"(1) transportation incident to such training;

"(2) supplies and equipment for the use of such persons during training;

"(3) flight clothing and other special clothing required for training; and

"(4) billeting, food, and health services.

"(b) The Secretary may authorize such expenditures from the appropriations of the Air Force as the Secretary considers for the efficient and effective maintenance of the Program in accordance with this chapter.

"§ 9383. Allowances

"The Secretary of the Air Force may pay to persons receiving training under this chapter a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized by members of the armed forces under similar circumstances.".

(c) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle D of title 10, United States Code, and part III of such subtitle are amended by inserting after the items relating to chapter 903 the following new item:

"905. Aviation Leadership Program ... 9381".

AMENDMENT OFFERED BY MR. KENNEDY

At the end of title II (page 81, after line 23), insert the following section:

SEC. 266. GRANT TO SUPPORT ESTABLISHMENT OF RESEARCH FACILITY TO STUDY LOW-LEVEL CHEMICAL SENSITIVITIES.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall make a grant in the amount of $1,200,000 to a medical research institution selected through established acquisition procedures for the purpose of constructing and equipping a specialized environmental medical facility at that institution with the purpose of studying the possible health effects of exposure to low levels of volatile organic chemicals and other substances and the individual susceptibility of humans to such exposure under environmentally controlled conditions, especially among persons who served on active duty in the Southwest Asia theater of operation during the Persian War.

(b) FUNDING SOURCE.—Funds for the grand under subsection (a) shall be made from amounts appropriated to the Department of Defense for fiscal year 1994 for research, development, test, and evaluation.

(c) SELECTION CRITERIA.—To be eligible to be selected for a grant under subsection (a), an institution—

(1) must be affiliated with an accredited hospital and be affiliated with, and in close proximity to, a Department of Defense medical center and a Department of Veterans Affairs medical center;

(2) must enter into an agreement with the Secretary of Defense to ensure that research personnel of those affiliated medical facilities and other relevant Federal personnel may have access to the facility to carry out research;

(3) must have demonstrated potential or ability to ensure the participation of scientific personnel with expertise in research on possible chemical sensitivities to low-level exposure to volatile organic chemicals and other substances; and

(4) must have immediate access to sophisticated physiological imaging (including functional brain imaging) and other innovative research technology that could better define the possible health effects of low-level exposure to volatile organic chemicals and other substances and lead to new therapies.

AMENDMENT OFFERED BY MR. HALL OF OHIO

At the end of subtitle A of title XIII (page 386, after line 3), insert the following new section:

SEC. 1318. ADDITIONAL CRITERIA FOR THE SELECTION OF REGIONAL TECHNOLOGY ALLIANCES.

Section 2513(h) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by striking out paragraph (4) and inserting in lieu thereof the following new paragraphs:

"(4) The potential for the regional technology alliance to combine financial assistance provided under this section with assistance available from other Federal, State, or local agencies, institutions of higher education, and private nonprofit entities.

"(5) The potential for the regional technology alliance to increase industrial competitiveness.

"(6) The potential for the regional technology alliance to meet the needs of small- and medium-sized defense-dependent companies across multiple activity areas including—

"(A) outreach;

"(B) manufacturing education and training;

"(C) technology development;

"(D) technology deployment; and

"(E) business counseling.".

AMENDMENT OFFERED BY MR. CONYERS

At the end of subtitle G of title III (page 143, after line 16), insert the following new section:

SEC. 383. ANNUAL REPORT ON REIMBURSEMENT OF CONTRACTOR ENVIRONMENTAL RESPONSE COSTS FOR OTHER THAN RESPONSE ACTION CONTRACTORS.

(a) ANNUAL REPORT.—Section 2706 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) REPORT ON REIMBURSEMENT OF CONTRACTOR COSTS.—(1) Each year, at the same time the President submits to the Congress the budget for a fiscal year (pursuant to section 1105 of title 31), the Secretary of Defense shall submit to the committees named in paragraph (3) a report on payments made by the Secretary of Defense for defense contractor environmental response costs.

"(2) Each report required by paragraph (1) shall include, for the recently completed fiscal year—

"(A) estimated payments made by the Secretary of Defense to a defense contractor (other than a response action contractor) for environmental response costs at facilities owned or operated by the defense contractor or at which the defense contractor is liable in whole or in part for the environmental response action; and

"(B) the amount and current status of any pending requests by a defense contractor (other than a response action contractor) for payment of environmental response costs at facilities owned or operated by the defense contractor or at which the defense contractor is liable in whole or in part for the environmental response action.

"(3) The committees of Congress to which a report under paragraph (1) is to be submitted are the following:

"(A) The Committee on Armed Services of the House of Representatives.

"(B) The Committee on Armed Services of the Senate.

"(C) The Committee on Appropriations of the House of Representatives.

"(D) The Committee on Appropriations of the Senate.

"(E) The Committee on Government Operations of the House of Representatives.

"(F) The Committee on Governmental Affairs of the Senate.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal years beginning with fiscal year 1992, except that for fiscal years 1992 and 1993, the Secretary of Defense shall submit a report required by such amendment to the committees named in subsection (c) not later than 180 days after the date of enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) The term "defense contractor"—

(A) means a company that is one of the top 100 companies receiving the largest dollar volume of prime contract awards by the Department of Defense during the fiscal year covered by the report required by section 2706(c) of title 10, United States Code, as amended by subsection (a); and

(B) does not include small business concerns, commercial companies providing commercial items to the Department of Defense, or segments or commercial companies providing commercial items to the Department of Defense.

(2) The terms "facility", "response", and "response action contractor" have the meaning given such terms in paragraphs (9) and (25) of section 101, and in section 119(e)(2), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(9) and (25), 9619(e)(2)).

AMENDMENT OFFERED BY MR. CONYERS

At the end of subtitle D of title I (page 29, after line 9), insert the following new section:

SEC. . C-17 AIRCRAFT PROGRAM.

(a) WITHHOLDING OF PAYMENTS FOR SOFTWARE NONCOMPLIANCE.—In accepting further delivery of C-17 aircraft that in accordance with existing C-17 contracts require a waiver for software noncompliance, the Secretary of Defense shall withhold from the unliquidated portion of the progress payments for such aircraft an amount not less than 1 percent of the total cost of such aircraft. The withholding shall continue until the Secretary submits to each of the congressional committees named in subsection (e) a report in which the Secretary certifies each of the following:

(1) That C-17 software testing and avionics integration have been completed.

(2) That the costs of waivers for software noncompliance have been identified and are in accordance with the terms of existing C-17 contracts.

(b) CORRECTION OF WING DEFECTS.—Within 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to each of the congressional committees named in subsection (e) a report in which the Secretary certifies that, in accordance with the terms of existing C-17 contracts, the contractor has identified and is bearing each of the following:

(1) The costs related to wing structural deficiencies (including the costs of redesign, static wing failure repair, and retrofit for existing wing sets).

(2) The costs for required redesign, retesting, and manufacture of C-17 slats and flaps to correct identified deficiencies.

(c) ANALYSIS OF RANGE/PAYLOAD DEFICIENCY.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to each of the congressional committees named in subsection (e) a report containing the following:

(1) An analysis of the operational impacts caused by deficiencies in the range/payload specification, as defined by the C-17 Lot III production contract, including projected operational and maintenance costs, such as the costs of required airborne refueling due to range shortfalls.

(2) A schedule for securing from the contractor, in accordance with the terms of existing C-17 contracts, an equitable recovery for the operational impacts caused by deficiencies in the range/payload specification identified in the analysis required by this section.

(d) REPORT CONTENTS.—Each report required by this section shall include an itemization of the estimated effect on total production costs caused by software noncompliance, wing defects, or range/payload deficiency, as applicable.

(e) CONGRESSIONAL COMMITTEES.—The committees of Congress to which a report required by this section is to be submitted are the following:

(1) The Committees on Armed Serves of the Senate and the House of Representatives.

(2) The Committees on Appropriations of the Senate and the House of Representatives.

(3) The Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives.

AMENDMENT OFFERED BY MR. ANDREWS OF MAINE

At the end of section 102 (page 18, after line 6), insert the following new subsection:

(c) ADDITIONAL AMOUNT FOR PRODUCTION DESIGN SUPPORT FOR DDG-51 PROGRAM.—Within the amount provided in subsection (a)(3) for shipbuilding and conversion—

(1) the amount available for Production Design Support for the DDG-51 program is hereby increased by $38,459,000; and

(2) the amount available for Outfitting is hereby reduced by $38,459,000.

AMENDMENT OFFERED BY MRS. SCHROEDER

At the end of subtitle C of title XIII (page after line), insert the following new section:

SEC. 1337. AMENDMENTS TO DEFENSE DIVERSIFICATION PROGRAM UNDER JOB TRAINING PARTNERSHIP ACT.

(a) DEMONSTRATION PROJECTS.—Section 325A(k)(1) of the Job Training Partnership Act is amended—

(1) in subparagraph (B), by striking out "and" after the semicolon;

(2) in subparagraph (C), by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(D) projects involving teams of transition assistance specialists from Federal, State, and local agencies to provide onsite services, including assisting affected communities in short-term and long-term planning and assisting affected individuals through counseling and referrals to appropriate services, at the site of such reductions or closures within 60 days of the announcement of such reductions or closures;

"(E) projects to assist in establishing transition assistance centers at the installations where large dislocations occur to provide comprehensive services to individuals affected by such dislocations;

"(F) projects involving the joint efforts of Federal agencies, such as the Department of Labor, the Department of Defense, the Department of Commerce, and the Small Business Administration, to assist communities affected by such reductions or closures in developing integrated community planning processes to facilitate the retraining of affected individuals and the conversion of installations to commercial uses;

"(G) projects to develop new information and data systems to assist individuals and communities affected by such reductions or closures, including—

"(i) the development of data bases with the capability to provide an affected individual with a civilian economy skills profile which takes into account the skills acquired while working on defense-related matters; and

"(H) projects to assist small- and medium-sized firms affected by such reductions or closures in the formation of learning consortia, which will promote joint efforts for staff training, human resource development, product development, and the marketing of products.".

(b) STAFF TRAINING, ADMINISTRATION, AND COORDINATION.—Section 325A of the Job Training Partnership Act is amended—

(1) by redesignating subsection (l) as subsection (o); and

(2) by adding the following new subsections after subsection (k):

"(l) STAFF TRAINING AND TECHNICAL ASSISTANCE.—In carrying out the grant program established under subsection (a), the Secretary of Defense may provide staff training and technical assistance services to States, communities, businesses, and labor organizations, and other entities involved in providing adjustment assistance to workers.

"(m) ADMINISTRATIVE EXPENSES.—Not more than 2 percent of funds available to the Secretary of Defense to carry out this section for any fiscal year may be retained by the Secretary of Defense for the administration of activities authorized under this section.

"(n) COORDINATION WITH TECHNOLOGY REINVESTMENT PROJECTS.—The Secretary of defense, in consultation with the Secretary of Labor, shall ensure that activities carried out under this section are coordinated with relevant activities carried out pursuant to title IV of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1890).".

AMENDMENT OFFERED BY MR. HANSEN

At the end of subtitle A of title X (page 329, after line 25), insert the following new section:

SEC. 1008. FUNDING STRUCTURE FOR CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127 the following new section:

"§ 127a. Expenses for contingency operations

"(a) DESIGNATION OF NATIONAL CONTINGENCY OPERATIONS.—The funding procedures prescribed by this section apply with respect to any operation involving the armed forces that is designated by the Secretary of Defense as a National Contingency Operation. Whenever the Secretary designates an operation as a National Contingency Operation, the Secretary shall promptly transmit notice of that designation in writing to Congress. This section does not provide authority for the President or the Secretary of Defense to carry out an operation, but applies to the Department of Defense mechanisms by which funds are provided for operations that the armed forces are required to carry out under some other authority.

"(b) WAIVER OF REQUIREMENT TO REIMBURSE SUPPORT UNITS.—(1) When an operating unit of the Armed Forces participating in a National Contingency Operation receives support services from a support unit of the Armed Forces that operates through the Defense Business Operations Fund (or a successor fund), that operating unit need not reimburse that support unit for the incremental costs incurred by the support unit in providing such support, notwithstanding any other provision of law or Government accounting practice.

"(2) The amounts which but for paragraph (1) would be required to be reimbursed to a support unit shall be recorded as an expense attributable to the operation and shall be accounted for separately.

"(c) OBLIGATIONAL LIMITATIONS.—(1) Obligations attributable to a National Contingency Operation for which customary reimbursement requirements are not applicable by reason of subsection (b) may not be made in excess of $20,000,000 until the President submits to Congress notice of the intention to make such obligations in excess of $20,000,000.

"(2) Upon such notification under paragraph (1), an additional $20,000,000 in obligations attributable to that operation for which customary reimbursement requirements are not applicable by reason of subsection (b) may be made.

"(3) Obligations attributable to a National Contingency Operation for which customary reimbursement requirements are not applicable by reason of subsection (b) may be made in excess of $40,000,000—

"(A) only after the end of the 30-day period beginning on the date on which a presidential notification is submitted under paragraph (2); and

"(B) only if during that 30-day period a joint resolution described in subsection (i) is not enacted into law.

"(4) The President may waive the limitation in paragraph (3) in the case of any National Contingency Operation with respect to which the President has declared a national emergency.

"(d) NOTIFICATION AND PLAN FOR LARGE-SCALE OPERATIONS.—(1) Within two months of the beginning of any large-scale or long-term National Contingency Operation, the President shall submit to Congress a financial plan for the operation that sets forth the manner by which the President proposes to obtain funds for the full cost to the United States of the operation.

"(2) For purposes of this subsection, a large-scale or long-term National Contingency Operation is an operation designated as a National Contingency Operation that was not anticipated and programmed for in the budget for the current fiscal year and which is expected—

"(A) to have a duration in excess of three months; or

"(B) to have an incremental cost to the Department of Defense in excess of $100,000,000.

"(e) INCREMENTAL COSTS.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs that are directly attributable to the operation and that are otherwise chargeable to accounts available for operation and maintenance or for military personnel. Any costs which are otherwise chargeable to accounts available for procurement may not be considered to be incremental costs for purposes of this section.

"(f) INCREMENTAL PERSONNEL COSTS ACCOUNT.—(1) There is hereby established in the Department of Defense a reserve fund to be known as the 'National Contingency Operation Personnel Fund'. Amounts in the fund shall be available for incremental military personnel costs attributable to a National Contingency Operation. Amounts in the fund remain available until expended.

"(2) There is hereby authorized to be appropriated for fiscal year 1994 to the fund established under paragraph (2) the sum of $10,000,000.

"(g) COORDINATION WITH WAR POWERS RESOLUTION.—This section may not be construed as altering or superseding the War Powers Resolution. This section does not provide authority to conduct a National Contingency Operation or any other operation.

"(h) GAO COMPLIANCE REVIEWS.—The Comptroller General of the United States shall from time to time, and when requested by a committee of Congress, conduct a review of the defense contingency funding structure under this section to determine whether the Department of Defense is complying with the requirements and limitations of this section.

"(i) PROCEDURES FOR CONSIDERING RESOLUTION OF DISAPPROVAL.—(1) For purposes of subsection (c)(3), the term 'joint resolution' means only a joint resolution that is introduced within the 10-day period beginning on the date on which the President transmits to Congress the notification under that subsection and—

"(A) that does not have a preamble;

"(B) the matter after the resolving clause of which is as follows: 'That the President may not incur obligations in excess of $40,000,000 as proposed in the notice of the President of ', the blank space being filled in with the appropriate date; and

"(C) the title of which is as follows: 'Joint resolution limiting obligations by the President.'.

"(2) A resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred jointly to the Committee on Foreign Relations and the Committee on Armed Services of the House of Representatives. A resolution described in paragraph (1) that is introduced in the Senate and the Committee on Armed Services of the Senate.

"(3) If the committees to which a resolution described in paragraph (1) is referred have not reported such resolution (or an identical resolution) by the end of the 15-day period beginning on the date on which the President transmits the applicable notice to Congress under subsection (c), such committees shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

"(4)(A) On or after the third day after the date on which the committees to which such a resolution is referred have reported, or have been discharged (under paragraph (3)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, if the motion is made by direction of the committee to which the resolution was referred. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

"(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

"(C) Immediately following the conclusion of the debate on a resolution described in paragraph (1) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

"(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

"(5)(A) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

"(i) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in clause (ii)(II).

"(ii) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

"(I) the procedure in that House shall be the same as if no resolution had been received from the other House; but

"(II) the vote on final passage shall be on the resolution of the other House.

"(B) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

"(6) This subsection is enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127 the following new item:

"127a. Expenses for contingency operations.".

MODIFICATION TO THE AMENDMENT OFFERED BY MR. DURBIN

The amendment as modified is as follows:

At the end of section 1206 (page 361, after line 8), add the following new subsection:

(e) REMOVAL OF RUSSIAN FORCES FROM THE BALTIC STATES.—(1) Paragraph (5) of section 498A(b) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(5) for the Government of Russia until the President certifies to the Congress that the Government of Russia—

"(A) has made further significant progress since the President's certification of the Congress on May 31, 1993, on the removal of all of the armed forces of Russia and the Commonwealth of Independent States from Estonia, Latvia, and Lithuania (including any units of such forces that are demobilized), or has completed with the governments of such countries negotiated agreements that include timetables for such removal; and

"(B) has undertaken good faith efforts, such as negotiations, to end other military practices by Russia and the Commonwealth of Independent States that violate the sovereignty of Estonia, Latvia, or Lithuania, including—

"(i) artillery or similar armed forces training operations on the territories of Estonia, Latvia, or Lithuania without the permission of their governments;

"(ii) interference in the air space or territorial waters of Estonia, Latvia, or Lithuania;

"(iii) the introduction of additional armed forces, military equipment, or related civilian personnel onto the territories of Estonia, Latvia, or Lithuania without the permission of their governments; or

"(iv) the imposition of an economic blockade or interruption of energy supplies upon Estonia, Latvia, or Lithuania;

except that this paragraph does not apply with respect to (I) housing assistance for officers of the armed forces of Russia and the Commonwealth of Independent States who are withdrawn from the territories of Estonia, Latvia, and Lithuania, or (II) food, clothing, medicine, or other humanitarian assistance.".

(2) The amendment made by paragraph (1) shall take effect on the later of (A) October 1, 1993, or (B) the date of the enactment of this Act.

(3) The provisions of paragraph (1) shall not apply if an identical amendment to the Foreign Assistance Act of 1961 is enacted in the Foreign Assistance Act of 1993.

AMENDMENT OFFERED BY MR. SPENCE

In section 3103 of the bill (page 562, after line 15), add at the end the following new subsections:

(e) ECONOMIC ADJUSTMENT ASSISTANCE.—Of the amount provided under subsection (a)(7) for worker training and adjustment, $6,000,000 shall be available for providing economic assistance and development funding for local counties or localities containing the property of the Department of Energy defense nuclear facility known as the Savannah River Site. To the extent practicable, the amount of assistance to be provided should be distributed as follows:

(1) $1,000,000 to plan community adjustments and economic diversification.

(2) $5,000,000 to carry out a community adjustments and economic diversification program.

(f) USE OF TECHNOLOGY TRANSFER FUNDS AT THE SAVANNAH RIVER SITE.—Of amounts authorized to be appropriated in section 3101 for research and development and in this section for nuclear materials support and other defense programs, there are hereby authorized to be appropriated $4,000,000 for technology transfer activities at the Department of Energy defense production facility at the Savannah River Site, South Carolina.

AMENDMENT OFFERED BY MR. DELLUMS

At the end of subtitle A of title II (page 42, after line 23), insert the following new section:

SEC. 203. REENTRY VEHICLE INDUSTRIAL BASE.

Of the amount authorized to be appropriated pursuant to section 201 for the Navy, $5,000,000 shall be available for the contribution of the Navy for fiscal year 1994 to the Reentry Vehicle industrial base.

AMENDMENT OFFERED BY MR. DELLUMS

Strike out section 2833 (page 540, line 8, through line 2, page 541) and insert in lieu thereof the following new section:

SEC. 2833. MODIFICATION OF LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

(a) EXPANSION OF LEASE AUTHORITY.—Paragraph (1) of subsection (b) of section 2834 of the Military Construction Authorization Act of Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2614) is amended by striking out "not more than 195 acres of real property" and all that follows through the period and inserting in lieu thereof "those portions of the Naval Supply Center, Oakland, California, that the Secretary determines to be available for lease.".

(b) CONSIDERATION.—Paragraph (2) of such subsection is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) be for nominal consideration.".

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) by striking out paragraphs (3), (4), and (5); and

(2) by redesignating paragraph (6) as paragraph (3).

AMENDMENT OFFERED BY MR. CONYERS

At the end of title X (page , after line), add the following:

SEC. . PUBLIC PURPOSE EXTENSIONS.

Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended—

(1) in subsection (o) in the first sentence by inserting "or (q)" after "subsection (p)"; and

(2) by adding at the end the following:

"(q)(1) Under such regulations as the Administrator, after consultation with the Secretary of Defense, may prescribe, the Administrator, or the Secretary of Defense in the case of property located at a military installation closed or realigned pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510), or section 2687 of title 10, United States Code, may, in his or her discretion, assign to the Secretary of Transportation for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Transportation as being needed for the development or operation of a port facility.

"(2) Subject to the disapproval of the Administrator or the Secretary of Defense within 30 days after notice by the Secretary of Transportation of a proposed conveyance of property for any of the purposes described in paragraph (1), the Secretary of Transportation, through such officers or employees of the Department of Transportation as he or she may designate, may convey, at no consideration to the United States, such surplus real property, including buildings, fixtures, and equipment situated thereon, for use in the development or operation of a port facility to any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision, municipality, or instrumentality thereof.

"(3) No transfer of property may be made under this paragraph until the Secretary of Transportation has—

"(A) determined, after consultation with the Secretary of Labor, that the surplus real property to be conveyed is located in an area of serious economic disruption;

"(B) received and, after consultation with the Secretary of Commerce, approved an economic development plan submitted by an eligible grantee and based on assured use of the property to be conveyed as part of a necessary economic development program; and

"(C) provided an explanatory statement as specified in subsection (e)(6).

"(4) The instrument of conveyance of any surplus real property and related personal property disposed of under this subsection shall—

"(A) provide that all such property shall be used and maintained in perpetuity for the purpose for which it was conveyed, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

"(B) contain such additional terms, reservations, restrictions, and conditions as the Secretary of Transportation shall by regulation require to assure use of the property for the purposes for which it was conveyed and to safeguard the interests of the United States.

"(5) With respect to surplus real property and related personal property conveyed pursuant to this subsection, the Secretary of Transportation shall—

"(A) determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such conveyance was made;

"(B) reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument if necessary to correct such instrument or to conform such conveyance to the requirements of applicable law; and

"(C)(i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the grantee any right or interest reserved to the United States by, any instrument by which such conveyance was made, if the Secretary of Transportation determines that the property so conveyed no longer serves the purpose for which it was conveyed, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so conveyed, except that any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as the Secretary of Transportation considers necessary to protect or advance the interests of the United States.".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. STARK].

Mr. STARK. Mr. Chairman, I rise in strong support for the Kennedy-Pelosi-Stark amendment expressing congressional concern about plutonium production overseas.

With just a few pounds of plutonium, a rogue nation or a terrorist group can make a primitive, but extremely destructive atomic bomb. Yet Britain, France, Japan, and Russia are planning to produce many tons of this highly toxic, bomb material for their civilian nuclear program, even as the United States and Russia struggle to dispose of the plutonium from their nuclear weapons.

More than a decade ago, the United States wisely rejected the option of using plutonium in civilian power reactors. Since then, the economic rationale has only weakened, while North Korea has shown the hazards of this material in the hands of a rogue regime.

Recent articles in the Economist and Foreign Affairs have emphasized the proliferation risks of plutonium. In a July 10 editorial, The New York Times said "President Clinton would be prudent to make a global ban on production of fissile material a centerpiece of his nonproliferation policy."

This amendment urges Britain, France, Japan, and Russia not to start up or continue to operate plutonium reprocessing facilities until the outstanding proliferation and environmental concerns have been resolved. Britain especially is a concern, as the U.K. is scheduled to bring on line its thermal oxide reprocessing plant [THORP] later this year or early next year. THORP would add 59 tons to the existing worldwide glut of plutonium over the next decade. The plant would also produce a tenfold increase in radioactive emissions into the Irish Sea. Once this plant begins operation and is irradiated, the costs of shut down increase dramatically.

The Irish Government has objected to the startup of THORP, citing the "additional and unnecessary risk to the health and safety of the Irish population." The United States should join Ireland in expressing concern about the environmental and proliferation risks associated with THORP. The U.K. is currently conducting an internal review on whether to startup THORP at all, given its poor economics and high cost of decommissioning. A U.S. expression of concern could tip the scales on this debate.

Let us send a strong message overseas—no more plutonium production, it's a threat to our national security. I urge support for the Kennedy-Pelosi-Stark amendment.

Mr. KENNEDY. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Massachusetts.

Mr. KENNEDY. Mr. Chairman, the United States has already suspended the production of military plutonium and abandoned civil reprocessing. With our amendment, we urge other nations like Russia, Japan, and France to follow this lead.

This message is particularly important for Britain, which will decide soon about start up of a plutonium reprocessing facility called THORP [Thermal Oxide Reprocessing Plant]. THORP could add 59 tons to plutonium stockpiles and further pollute the Irish Sea.

Mr. Chairman, there are hundreds of tons of plutonium stockpiled around the world. Only a small fraction is subject to strong international safeguards.

It is essential that the United States take the lead in ending production of any new plutonium, and in bringing down the current deadly stockpiles.

I will include in the RECORD a written statement and an editorial on the issue from the Boston Globe:

STATEMENT BY REPRESENTATIVE JOSEPH P. KENNEDY II

The United States has suspended the production of military plutonium and abandoned civil reprocessing and commercial breeder reaction development. Our amendment expresses the sense of Congress that the start-up or operation of any plutonium separation plant abroad presents a potential national security threat and therefore should be suspended until all outstanding proliferation concerns have been resolved.

This message is particularly important for Britain, which will decide soon about start up of a plutonium reprocessing facility called THORP (Thermal Oxide Reprocessing Plant). THORP could add 59 tons to plutonium stockpiles and further pollute the Irish Sea.

Plutonium is one of the most highly toxic substances known to humanity. It can be separated from uranium that has been used as nuclear fuel, and can be generated in breeder reactors. All grades of plutonium, whether called civil or military, can be used to make nuclear explosive devices.

A fifteen pound sphere of plutonium, about the size of a large grapefruit, is enough to make a small nuclear device. While the economic viability of plutonium has taken a dramatic downtown over the past decade, the world is awash in this lethal material. Experts estimate that at the end of 1990 there were 910 tons of plutonium stockpiled around the world. Only a small fraction is subject to international safeguards against proliferation. The dismantling of Russian and U.S. warheads will add to those stockpiles.

Continued plutonium separation in Russia, and reprocessing in the United Kingdom, France and Japan could put this deadly stockpile over 1,000 tons.

Plutonium generation by declared nuclear states undermines our vital interest in keeping other countries from developing this capacity. Growing stockpiles of plutonium, sometimes under uncertain control, pose an extraordinary risk that plutonium will be acquired by terrorists or rogue nations. The Department of Defense has stated its view that the proliferation risk posed by reprocessing and separated plutonium under international safeguards are unacceptably high.

Mr. Chairman, security for the United States, is more than just a matter of well-trained forces in uniform and effective weapons. As President Clinton, and Armed Services Chairman Dellums have often stressed, our security will be fundamentally effected by the success or failure of our non-proliferation efforts in the decades ahead.

The Clinton Administration is crafting a plan that calls for a worldwide ban on the production of materials for nuclear weapons. Initial reports suggest that the plan will focus on plutonium that is designated for military purposes. Through passage of this amendment we offer a strong signal of support to the Administration for a vigorous non-proliferation strategy, and would spur the Administration to go further, and seek the end of civil plutonium production as well.

I thank Chairman Dellums for including this amendment en bloc, and for his continued leadership against the proliferation of weapons of mass destruction.

[From the Boston Globe, Aug. 5, 1993]

DOWN THE PLUTONIUM PATH

Congress has an opportunity to caution the major nuclear powers, including the United States, on a significant danger in the post-Cold War world by expressing opposition to the reprocessing of spent fuel from power plants to obtain plutonium.

In an amendment sponsored by Rep. Joseph P. Kennedy 2d to a broad bill, Congress would take the stand that continued operation of plutonium separation plants or the building of any new ones would be a threat to national security and should be suspended.

While such plants in Britain, France and Russia supply fuel for power plants, the disquieting fact is that the plutonium can also be used to make nuclear weapons. Opponents of the technology are especially concerned that even relatively small quantities of plutonium are enough to create powerful weapons—and might fall into hostile hands.

While those concerns may be exaggerated, there is a more important reason for exercising self-restraint in the separation of plutonium: reinforcement of the Nuclear Non-proliferation Treaty, which constrains all but the most reckless nations. The refusal by the United States and other countries to manufacture plutonium would enhance any countermeasures that might be taken against rogue governments suspected or known to have headed down the plutonium path.

From a pragmatic point of view, the temptation to use plutonium as a power plant fuel has been reduced by discovery that natural uranium supplies are more than adequate for existing and projected power plant demands for the foreseeable future. Uranium only slightly enriched with fissionable atoms cannot be used for weapons.

Suspension of plutonium separation makes sense. Congress can endorse the action in good conscience.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to briefly thank the chairman of the committee, the gentleman from California [Mr. DELLUMS], for his willingness to work with this side of the aisle on amendments for the en bloc package. I would also like to recognize the help of my colleague, the gentleman from South Carolina [Mr. DERRICK], for assisting me with my amendment to help alleviate the economic impact being caused by this administration's decision to shut down portions of the Savannah River site in South Carolina.

Mr. Speaker, I reserve the balance of my time.

□ 1650

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me and for his fine work in bringing this bill to the floor.

I rise today to urge my colleagues to support the Kennedy-Pelosi-Stark amendment to express the sense of the Congress that no country should start up or continue to operate plutonium reprocessing facilities until the many outstanding proliferation and environmental concerns have been resolved.

As little as 11 pounds of plutonium is needed for the construction of an extremely destructive atomic bomb. Under the current plans for plutonium reprocessing facilities overseas, material will be produced by the ton that can be used by the pound in nuclear weapons. Production of this material must be limited. In 1988, the Department of Defense found that "opportunities for terrorists acts, including attempts to steal civil plutonium, will increase substantially as a result of the increased commercial use of plutonium." Such a threat highlights the need to limit and control weapons-grade nuclear material.

President Clinton may soon be considering a plan for a worldwide ban on the production of highly enriched uranium and plutonium. One option for this plan may be to ban the production of only nuclear material which is designated for military purposes. By supporting this amendment, Congress will send a strong signal to the administration and the international community that the production of additional plutonium for any use—whether civilian or military—has no place in today's world.

Our amendment is consistent with successful efforts by the Congress to support the principles of nonproliferation. Most recently, Congress played a significant role in influencing the administration on nuclear testing policy. I urge my colleagues to support the pursuit of a world free from nuclear threat. Vote for the Pelosi-Kennedy-Stark amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the committee for its cooperation in working to incorporate the amendment that I had offered into the en bloc amendment.

The amendment ensures that the provision enabling the Federal Government to provide a 70 percent share to small businesses in the various partnership and extension programs of title XIII of the bill are truly limited to small businesses.

The intent of the amendment is to prevent a defense contractor from taking on small businesses as minority interests in the partnerships in order to avoid the current 50 percent matching requirement. This amendment retains the 30 percent cost share for genuine small business applicants and ensures that this assistance is really going to small business by requiring a controlling equity interest in a partnership to be held by small businesses as opposed to entities which are not small business concerns.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Missouri [Ms. DANNER], author of an important amendment that we embrace in the en bloc amendments.

Ms. DANNER. Mr. Chairman, I appreciate the opportunity to offer this amendment.

The amendment I offer today is the final step in eliminating an outdated and costly program that continues to exist.

The program, known as Safeguard C, was instituted in 1963 as a part of the Limited Test Ban Treaty and exists just in case the United States resumes atmospheric or other prohibited nuclear testing. The Departments of Energy and Defense are spending as much as $30 million per year, on the admittedly negligible chance that we may decide to resurrect the practice of detonating nuclear bombs in the atmosphere, in the ocean, or above ground.

Earlier this summer, I offered a similar amendment which eliminated the Department of Energy's funds for Safeguard C. That amendment was adopted. I urge my colleagues to join me once again to cut this expensive dinosaur from defense spending.

This reduction will not affect the chemical weapon destruction facility which operates on the same South Pacific Island as Safeguard C.

Mr. Chairman, I urge adoption of the en bloc amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I rise in support of the en bloc amendment that was based on H.R. 2541. There were many veterans of the Persian Gulf war who have undiagnosed illnesses. The VA and the military medical communities have given these illnesses a catchall diagnosis. Through the VA, we have set up to give priority here to the Gulf war veterans. We now, in the Committee on Armed Services, seek to provide funds for a study of an environmental unit on the effects of multiple chemical sensitivity. We will continue our oversight responsibilities, and I support this en bloc amendment.

Mr. KENNEDY. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Massachusetts.

Mr. KENNEDY. Mr. Chairman, first of all, I want to thank the gentleman from Indiana [Mr. BUYER] for yielding to me.

I want to acknowledge the tremendous contribution that he has made on this particular issue because of his own service in the Persian Gulf and the fact that while he was there he also has since felt the illnesses that so many of his fellow veterans faced in the Persian Gulf syndrome.

We want to acknowledge the work that he has done and say that we want to thank the Chairman for the fine efforts he has made on including this amendment in the en bloc amendment.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentlewoman from Colorado [Mrs. SCHROEDER], chairman of the Subcommittee on Research and Technology.

Mr. BARCA of Wisconsin. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Wisconsin.

Mr. BARCA of Wisconsin. Mr. Chairman, I would like to ask the gentlewoman from Colorado [Mrs. SCHROEDER], who is the distinguished chairwoman of the Subcommittee on Research and Technology, if she would just clarify the report language concerning the Navy MANTECH program.

The Navy has 5 centers of excellence that manage their defense critical technologies programs. One of these, the Center of Excellence for Composites Manufacturing Technology, is operated by the Great Lakes Composites Consortium in my district.

The Strategic Investment Plan for the Navy fiscal year Manufacturing Technology Program for fiscal year 1994 includes $27.9 million for this center in fiscal year 1994. Is it the committee's intent that the Navy fund the important work of the center at that level?

Mrs. SCHROEDER. Mr. Chairman, the Committee substantially increased overall Navy MANTECH funding for fiscal year 1994 to $120 million. It is our intent that the Center of Excellence for Composites Manufacturing Technology be funded according to the Strategic Investment Plan for Navy Manufacturing Technology for fiscal year 1994.

Mr. BARCA of Wisconsin. Mr. Chairman, if the gentlewoman will continue to yield, I thank the gentlewoman for her answer.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I rise in support of the en bloc amendment.

Mr. Chairman, today I have introduced an amendment to H.R. 2401 which will provide needed assistance and protection to communities impacted by a military base closure or major realignment.

One of the lessons learned from past base closures is that once a base or installation has made the final list, or even before, much of its vital equipment or infrastructure begins to disappear out the gate. This can cause tremendous problems for the local community in trying to come up with a private reuse for the facilities. This compounds the already difficult economic adjustment the community faces from the loss of jobs.

For example, the removal or disposal of groundskeeping equipment has left some communities in the past with a new and urgent financial burden of acquiring the same equipment just to maintain and keep the grounds and facilities in proper maintenance. In other cases, the closing of an air base has seen the radar and runway lighting equipment removed, which renders the base's reuse as a commercial aviation facility much more expensive and difficult for the community.

There are many such examples which can be examined from the experiences of communities affected by past closures.

This was recognized as a problem by the current administration, and on July 2, 1993, Secretary of Defense Les Aspin issued a 5-point policy statement signaling needed changes in dealing with future base closings. Point 5 stated that "DoD will no longer automatically remove personal property out of a closing base. Effective immediately, the new policy will strongly emphasize the needs of the community."

While I was encouraged by this policy statement, it did not outline specifics and I was concerned that there were no Federal statutory provisions delegating the Secretary of Defense needed disposal authority for related personal property. That is why this amendment is needed.

This amendment requires that an inventory of related personal property be taken by the affected military service as soon as practicable following the selection of a military base for closure or major realignment. Once that inventory is complete, the local base reuse development group, recognized by the Secretary of Defense as developing a base reuse plan, will be given a minimum of 12 months in which to decide whether or not to retain a portion or all of the listed personal property. It is possible that the community would be able to act much quicker than that. However, 12 months would seem to be a reasonable guaranteed minimum time period for the community to determine its needs.

For purposes of the statute, related personal property is defined generally as property which is an integral part of real property or specially designed for or adapted to the functional or productive capacity of the real property, and the removal of which would significantly diminish the economic value of the real property.

The statute also specifically identifies office furniture and equipment, machine tools and industrial production equipment, dormitory and food service equipment, airport operating equipment, and spare parts sufficient for 3 years of civilian use, as personal property covered under the statute.

The statute is also careful to exclude military unique items, such as military aircraft, vehicles, ships, weapons systems, and munitions. It also preserves the discretion of the Secretary generally to remove items that are urgently needed to support the national security interest associated with a specific mission of the Armed Forces. It is also not the intent of this statute, in the case of military supply depots and warehouses, that line-item storage and routine inventory be covered.

Personal property which is not selected by the community for retention is removed disposed of elsewhere within the Federal Government or to State and local governments according to existing Federal property disposal statutes.

Finally, my amendment grants the Secretary of Defense specific personal property disposal authority only in the case of closing military facilities, and allows the Secretary to accept consideration from the community not to exceed fair market value in exchange for the retained items.

Mr. Chairman, this amendment establishes a realistic, commonsense, and workable mechanism to assist local communities affected by traumatic military base closures. It gives proper recognition to the military's presence in their respective areas. It grants those communities specific rights and gives them a sense of stability to know that they can have a reasonable time in which to come up with the best reuse plan and not have to worry continually about vital equipment sneaking out the front gate.

If communities can rebound quicker from a base closing to a viable economic reuse of the property, everyone benefits. The community certainly benefits through continued employment and a new tax base. The Federal Government and the taxpayer benefit through the elimination of excess properties and the continuing overhead and maintenance costs associated with them. It will also make future base closings more palatable to affected communities.

Mr. Chairman, this amendment has the endorsement of the National Association of Installation Developers, which is a nonprofit organization which, for over two decades, has represented communities affected by base closures, and which represents many communities affected by the 1993 round of closures. I urge the adoption of this amendment today as part of the first group of en bloc amendments to H.R. 2401, the Defense Authorization Act of 1994.

Mr. SPENCE. Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Ms. BROWN], for the purpose of entering into a colloquy.

Ms. BROWN of Florida. Mr. Chairman, I rise in support of the committee's efforts to assist those displaced because of downsizing and base closures.

I am particularly pleased with the committee's support for transition services to retrain workers and to assist businesses in employing them in new civilian positions. The statewide conversion networks you have identified will be invaluable in helping communities avert the disastrous consequences associated with job loss.

As the committee appropriately recognized, these networks will be most effective if they take advantage of the proven expertise of our Nation's community colleges.

In Jacksonville, there is a model of effective worker assessment, training and employability at Florida Community College at Jacksonville.

FCCJ has a great deal of experience in administering networks that have successfully provided training from entry level instruction to sophisticated skills enhancement to thousands of students and employees throughout the southeast.

Through the college's urban resource center, business has been able to assess the abilities of its employees and to upgrade their skills at the job site. This capability is a successful part of the college's overall effort to serve the needs of the business community and to increase the employability of the residents of its communities.

It has also been used as part of the college's overall effort to recognize the plight of the black male and the lack of participation of minorities in higher education.

The assessment and training assets of the college have also been successfully applied to the training of military personnel.

In 1991, the college was singled out to test the Army's teletraining network and was the first in the country to apply the use of video-audio teletraining to the delivery of MOS instruction to persons in the armed services in the Southeast.

The evaluation of the program was extremely positive and it shows great potential as a cost effective and proven method of assisting military and civilian personnel in their transition from employment in the armed services to the private sector.

Mr. Chairman, I would urge the Defense Technology Conversion Council to take advantage of the experience of Florida Community College at Jacksonville in its support of the development of networks for transition services, retraining and business development. It has proved its ability to serve as a national model for networks for transition services to separating military and civilian personnel.

Mr. DELLUMS. Mr. Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank the gentlewoman from Florida for her helpful comments. It sounds as though her community college deserves the attention of the Defense Technology Conversion Council as they begin to distribute conversion funds next year.

□ 1700

Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. INSLEE] for purposes of a colloquy.

Mr. INSLEE. Mr. Chairman, as the Chairman knows, I had proposed an amendment that would have authorized the President to withdraw American troops from countries that engage in unfair trading practices with the United States. At the urging of the Chairman and others, I have withdrawn this amendment with the understanding that the Chairman shares my belief that our national security is dependent on our economic security and that our economic security is threatened by countries that have unfair trading practices. It is inconsistent with our national security interests to protect countries which have unfair trading practices.

Mr. DELLUMS. Mr. Chairman, if the gentleman will yield, the gentleman is correct that unfair trading practices threaten our economic security. We share many mutual goals with the allies in whose countries we station troops. One of those goals is free and fair trade. It is inconsistent with these goals for those countries to engage in unfair trading practices. The President does, indeed, have the authority to withdraw troops if he believes it is necessary and I appreciate the opportunity to highlight this important issue raised by my distinguished colleague from Washington.

Mr. Chairman, I am pleased to yield 30 seconds to my distinguished colleague, the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I have included an amendment in today's en bloc amendments that would help communities deal with the severe economic disruption associated with base closures. The closure of Ki Sawyer Air Force Base in Michigan's Upper Peninsula could drive unemployment rates as high as 24 percent in the Marquette community. We must insure that Sawyer and communities like it have the tools necessary to cope with this difficult economic blow.

My amendment directs DOD to determine the feasibility of how not less than 10 percent of the projected 10 year cost savings resulting from the closure of a particular military base be returned directly to the community in which the base is located. It is only fair that the DOD target a reasonable amount of its cost savings to the communities that have supported military installations and are now being asked to bear the full burden of their loss.

I thank Chairman DELLUMS for his support of my amendment.

I also want to highlight provisions included in this en bloc amendment offered by Mr. HANSEN that would help communities retain important assets during base closures and realignments. During the last round of base closures many communities were hampered in their conversion efforts by premature removal of materials and property from installations scheduled for closure. Wurtsmith Air Force Base in Oscoda, MI, is a prime example. The record of the Air Combat Command and the Air Force Base Disposal Agency during the closure process at Wurtsmith has been disappointing. Community leaders around Wurtsmith, Michigan State officials, and Federal elected officials have spent enormous time just trying to hold the Air Force to its own commitments, including promises to retain key equipment on base during the closure process and to maintain certain properties intact. The property disposal restrictions in this amendment would make certain that communities affected by the 1993 round of closures have full access to the resources at the facility that are essential to its successful conversion.

Specifically, the amendment would require that an inventory be conducted of all property and equipment at a facility scheduled for closure, after which the recognized community redevelopment group will have a minimum of 1 year to decide whether or not to retain part or all of it. This would insure that communities get the first opportunity to purchase and retain any asset that would be helpful to their development efforts.

Mr. Chairman, I strongly support the en bloc amendments.

Mr. DELLUMS. Mr. Chairman, might I inquire as to the amount of time remaining on this side of the aisle?

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from California [Mr. DELLUMS] has 2½ minutes remaining, and the gentleman from South Carolina [Mr. SPENCE] has 7 minutes remaining.

Mr. DELLUMS. I yield 1 minute to the distinguished gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, first of all, I would like to thank Chairman DELLUMS and ranking member Mr. SPENCE for all of their work in putting together this legislation.

I had originally submitted a separate amendment that would have, in effect, terminated the Air Force's F–16 program after fiscal year 1994. However, I am pleased that my amendment has been included in the chairman's en bloc amendment.

My amendment cancels F–16 advanced procurement funds for fiscal year 1995, thereby ceasing all future F–16 purchases by the U.S. Air Force. Meanwhile, it reallocates the previously authorized $70.8 million for advanced procurement to help offset the costs of program termination. My colleagues, by terminating a program that has outlived its justification, we will save the American taxpayer more than three-quarters of a billion dollars every single year.

My provision is identical to action already taken by our colleagues in the other body. The Air Force currently has more F–16 aircraft than it needs to outfit its fighter squadrons. At the same time, Secretary of Defense Les Aspin's bottom-up review calls for a reduction of total aircraft wings from the current 28 down to 20, further reducing our need for these aircraft. Secretary Aspin concluded, as Secretary Cheney had before him, that the Air Force simply does not need any more F–16's. As a result, the bottom-up review supports termination of the F–16 program after fiscal year 1994—as called for by my amendment.

The F–16 is an excellent fighter aircraft—one that helped us win the cold war. But, the cold war is over now and the American taxpayers deserve their dividend. Help me save three-quarters of a billion dollars every year by supporting this important provision in the en bloc amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, it is important that the drawdown of our defense resources proceed rationally. We cannot forget those who will be displaced by the closure of military installations, nor can we diminish our defense industrial base.

I would like to clarify one point, however, with respect to the provision in the en bloc amendment entitled "Limitations on the removal or disposal of personal property and equipment in connection with the closure or major realignment of military installations."

As I understand the purpose of this amendment, it is to ensure that personal property integral to the functioning or productivity of the real property or essential to implementing a community base reuse plan is not arbitrarily removed. It is my understanding that it is not the intent of this amendment to otherwise displace existing property reutilization procedures. It is my understanding that any efforts to use this amendment to circumvent established reutilization procedures would be contrary to this amendment.

Mr. Chairman, I would ask the gentleman if my understanding is correct.

Mr. HANSEN. Mr. Chairman, I would say to the gentleman that that is correct.

Mr. KANJORSKI. Mr. Chairman, if the gentleman will yield further, my concern is that this amendment might be used to transfer or stockpile large quantities of heavy equipment—trucks, tractors, backhoes, and the like—without regard to fair and equitable distribution, as is required by existing law. We might get into a situation where large quantities of heavy equipment are at a base, and while any community could make use of that equipment, giving it all to one community would violate the principle of fair and equitable distribution. I do not think that would be allowed under the amendment.

I would further ask the gentleman from Utah if my understanding is correct.

Mr. HANSEN. Such actions would be contrary to this amendment.

Mr. KANJORSKI. Mr. Chairman, if the gentleman will yield further, I would ask the chairman of the committee if he agrees that this amendment should not be used to transfer large quantities of heavy equipment without regard to fair and equitable distribution.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I would say to the gentleman that I agree. I think such actions would be contrary to the intent of this amendment.

Mr. KANJORSKI. Mr. Chairman, my reading of this amendment agrees with that of the gentleman from California [Mr. DELLUMS]. This is a good amendment, and I ask the gentleman to support it.

Mr. FARR. Mr. Chairman, today the House considers an amendment which is part of the Chairman's en bloc amendment to H.R. 2401, the 1994 Defense authorization bill, which enjoys the strong support of the distinguished chairmen of both the House Armed Services and the Government Operations Committees, as well as the administration, and the State of California. First, I want to thank both Chairman DELLUMS and Chairman CONYERS for their unequivocal support for this important initiative. Without it, this endeavor would not be possible.

This amendment directs the Secretary of Defense to convey parcels of surplus real property at Fort Ord to the University of California [UC] and the California State University [CSU] for the purposes of establishing a university campus and a multi-institutional center for science, technology, education, and policy. These two elements are the keys to fostering economic growth in our economically devastated region of the country. The proposed educational and research complex at the Fort Ord site is a resourceful paradigm that constitutes a tremendous opportunity to convert a taxpayer-built military institution into an entity that would serve the needs of taxpayers in another way, economically, and enjoys the strong support of the community, the State of California and President Clinton and his administration, as an exemplary base reuse model, one of six nationally recognized models.

The universities' initiatives to establish their new facilities at Fort Ord comprise the centerpiece of the Fort Ord reuse strategy. Without the transfer of the parcels, the base's successful reuse will be greatly delayed and the high hopes of the community endangered. Moreover, this legislation is specifically needed to overcome burdensome restrictions that education public benefit conveyances will not allow for, specifically, the ability for the universities to fund their development through private investment. Thus, this measure is critical to the successful reuse of Fort Ord. Without this legislative solution, the educational/science research project cannot become a reality. Enacting this measure will bring the local community a tremendous economic opportunity by converting the Fort Ord region into an area of higher education and research, focusing on marine, atmospheric, and environmental remediation studies; enabling it to attract private industry to form joint public/private partnerships with the governmental entities. Thus, I urge my colleagues in the House to support this legislative initiative.

Mr. MCCURDY. Mr. Chairman, I support the block of amendments offered by the committee, which includes an amendment aimed at correcting certain problems with the C–17. I presume that the intent of the C–17 amendment is not to change the terms of existing contracts nor, in the case of software development, to impose unprecedented or impractical standards for defining completion.

I have been a supporter of the C–17 for many years, and had the opportunity recently to fly in one of the C–17 test aircraft at Edwards Air Force Base. I must say to my colleagues that I was impressed by the C–17's flight characteristics, by the equipment on the aircraft, and by the positive reviews of the pilots and load masters with whom I spoke.

Quite aside from my flight experience, I am even more convinced today about the need for the C–17's capabilities. Secretary Aspin's bottom-up review has just concluded that mobility is central to the win-win strategy articulated by the administration. The aging C–141, which the C–17 is intended to replace, has more serious corrosion problems than we anticipated even a few months ago. The need for the C–17 is not at issue.

The Congress has legitimate concerns, however, about performance and management issues associated with the C–17 development and production program. I share those concerns, and have been encouraged by the actions of the Department of Defense in undertaking a thorough, hard-nosed review of the program. I am hopeful that the Pentagon review will be able to put the C–17's problems behind us. The committee recommendation on C–17 wisely protects this option without prejudging the outcome of the DoD review.

Mr. Speaker, I encourage my colleagues to support the committee position on the C–17.

Mr. DURBIN. Mr. Chairman, I rise in support of the en bloc amendment offered by the gentleman from California [Mr. DELLUMS]. This amendment includes a very important provision which the gentleman and I have worked on, concerning the removal of Russian and CIS troops from the independent Baltic States.

Two weeks ago, on August 31, the world witnessed a historic event, when the last Russian and CIS troops were removed from Lithuania. It was a historic day for all Lithuanians, and for the United States as well, since we never accepted the occupation of the Baltic States and always insisted that Russian troops be withdrawn from the Baltic countries.

Now the work continues, to complete the removal of Russian and CIS troops from Latvia and Estonia. Negotiated agreements, including timetables for troop removal, have still not been concluded between Russia, Latvia, and Estonia, and there are still between 20,000 and 25,000 Russian and CIS troops in Latvia and Estonia. The progress that has been made in the removal of Russian and CIS troops from the Baltics is in large measure a result of incentives provided by the Congress in foreign aid laws, and this provision will continue those incentives.

This provision will condition aid to Russia on a Presidential certification to Congress that:

First, further significant progress, since the President's certification to Congress on May 31, 1993, has been made on the removal of all Russian and CIS Armed Forces, including demobilized units, from the independent Baltic States; or, negotiated agreements between Russia and the Baltics have been completed, including timetables for troop removal; and

Second, Russia has undertaken good faith efforts, such as negotiations, to end other military practices that violate the sovereignty of the Baltics, including:

Artillery and similar armed forces training operations in the Baltics without the permission of the Baltic governments;

Interference in Baltic air space and territorial waters;

The introduction of additional forces in the Baltics without the permission of the Baltic governments; and

The imposition of economic blockades or interruptions of energy supplies.

This provision is the same as the amendment that I offered to the Foreign Assistance Authorization Act, which was included in the chairman's en bloc amendment, and passed in June. American taxpayers—who continue to face difficult economic times at home—should not be asked to provide economic aid to Russia if it continues to practice the cold war policies of its Soviet predecessor.

Exceptions for funds for food, clothing, medicine, and other humanitarian assistance, and for funds intended for housing assistance for Russian and CIS officers who are removed from the Baltics, are included in this provision. It also does not condition funds authorized in section 1204 of H.R. 2401 for the safe dismantling of the nuclear weapons of the former Soviet Union.

This provision leaves intact the exceptions to ineligibility contained in the FREEDOM Support Act, which allow funds to be furnished to Russia if the President:

First, determines that furnishing assistance is important to the national interest of the United States;

Second, determines that furnishing assistance will foster respect for internationally recognized human rights and the rule of law or the development of democratic institutions; or

Third, decides that furnishing assistance is necessary for the alleviation of suffering resulting from a natural or man-made disaster.

Russia has said that it needs to keep troops in Latvia and Estonia to protect ethnic Russian minorities. However, the State Department's 1993 human rights report finds no evidence of human rights abuses against ethnic Russians in the Baltics.

The United Nations Center on Human Rights, the CSCE High Commissioner for Human Rights and National Minorities, the experts of the Council of Europe, and the judges of the European Human Rights Court have all investigated Russia's claim against the Baltics and found no evidence of human rights violations against ethnic Russians in the Baltics.

No country has the right to station troops on the territory of another without that country's explicit permission, and Latvia and Estonia have repeatedly asked Russia to remove its troops. The Baltic countries are fragile democracies, and the continued presence and activity of Russian and CIS Armed Forces in Latvia and Estonia is a violation of these countries' internationally recognized sovereignty, a threat to Baltic political stability, and a barrier to social and economic reform.

Mr. Chairman, I support the en bloc amendment and urge my colleagues to support this provision.

Mr. PORTER. Mr. Chairman, I support the chairman's en bloc amendment which contains my amendment regarding the Impact Aid Program. I thank Chairman DELLUMS for including this provision in his package, and I commend him on his leadership this year as chairman of the Armed Services Committee.

Section 373 of the underlying bill requires a study to determine whether the Department of Defense should continue supporting schools which serve military dependents under the Impact Aid Section 6 Program. My amendment would expand the scope of the study to examine the entire Impact Aid Program and how it affects military dependents, their schools, and their families.

Under current law, most schools which serve military dependents are funded under the regular Department of Education Impact Aid Program. However, 68 schools continue to participate in the Section 6 Program which provides direct Department of Defense reimbursement to schools on a contract basis for education provided to military dependents. While this program remains more costly on a per-pupil basis, it does, unlike the Department of Education Impact Aid Program in many cases, provide adequate and equitable compensation to local schools which serve military families.

The study currently required by section 373 was included in the bill by Members who believe that the Section 6 Program is too costly to the military. They believe that the program ought to be terminated and schools returned to the regular Impact Aid Program.

I am extremely concerned about this new policy direction for several reasons. Most importantly, section 373 contemplates moving 68 schools to an underfunded program that does not work for most of the 2,600 schools and children who participate in it.

Mr. Chairman, we fund thousands of programs at the Federal level. Many of these programs address needs and problems that are properly the responsibility of States, local governments, or the private sector. We fund hundreds of billions of dollars of entitlements, some with little or no justification for Federal involvement. Among all of these Federal activities, impact aid stands out, in my opinion, as an absolute Federal responsibility and obligation. The military houses families on nontaxable Federal land. It then requires that local schools, which are funded primarily through local property taxes, pay to educate the children of these families. Without Federal assistance to pay for the cost of educating these military dependents, most school districts would simply go bankrupt in a short period of time.

I believe that section 373 raises serious questions about Congress' and the military's commitment to the quality of life of our service men and women and their families. The current Impact Aid Program does not work. Its funding formula is inequitable and the program is underfunded. Many schools that participate in the program are forced to compromise the quality of education they offer to both military dependents and community children.

I believe that section 373 ought to be amended to address the larger and more important questions raised by the military obligation to contribute to the education of military dependents. Do military dependents receive a lower quality of education because their schools must rely on annual impact aid appropriations? Is impact aid fair and equitable? Do schools that rely on impact aid experience severe financial difficulties because the program is underfunded? How do these financial difficulties affect military dependents? Does the Department of Defense have a responsibility to ensure a quality of life for service members, including high quality education for their children? Should the DOD take a greater, not lesser, role in ensuring a high quality of education for military dependents? How can the Impact Aid Program be reformed so that it serve rather than hinders local school districts?

My amendment would require the DoD to seriously address these important questions and do so in time to contribute to the reauthorization of the Impact Aid Program in 1994.

My own experience with the Impact Air Program in my district convinces me that the program ought to be entirely overhauled to provide adequate and equitable assistance to school districts in order to provide a quality education for both military and community children.

In North Chicago, following a decade of Federal underfunding of impact aid, local schools were forced to consolidate into a single mammoth district to spread the financial responsibility of educating thousands of children from the Great Lakes Naval Training Center among as many local property tax payers as possible.

Despite these financial and administrative difficulties imposed by the Federal Government, the school district managed to survive for several years by cutting staff, faculty, wages, and programs. This year, the district was forced, owning to a multimillion dollar impact aid deficit, to petition for bankruptcy and further consolidation with five neighboring school districts. Despite a last minute bailout by the State, the school board tells us there is a very real possibility that the school will fail to meet its payroll sometime late this year or next. At that point, the school doors would be closed and children would be sent home for the year. Mr. Chairman, the Federal Government simply should never allow this kind of situation to develop.

In a nearby school district in Highland Park, IL, following years of impact aid deficits, schools which once served Army dependents from Fort Sheridan and now serve Navy dependents from Great Lakes were forced to consolidate into one large district in order to spread the financial responsibility of educating military dependents. This school district, which is located in an urban, high wage, high tax area, provides a subsidy of several thousand dollars per pupil to the military dependents it educates. While the community has repeatedly agreed to raise its own taxes to subsidize the military dependents to ensure that all local children may continue to receive a high quality education, it cannot continue to do so forever.

Mr. Chairman, I believe the Federal Government must accept its important obligation to pay for the education of military dependents. We must provide an equitable impact aid funding formula and we must provide the dollars to make school districts whole. We must give them the resources to provide the children of our service men and women the same quality education that nonservice-connected children receive in America.

Mr. Chairman, my amendment takes the first step toward that goal. It requires the Department of Defense to examine the Impact Aid Program to determine whether the program works for military dependents. It asks DOD to tell Congress whether the military has a responsibility to military families and whether it ought to play a greater role in ensuring a quality education for military dependents. And finally, my amendment asks the DOD, the organization that ought to have the greatest interest in the success of impact aid, how the program should be improved to better serve military dependents.

The impact aid system does not work. It restricts educational opportunities for many military dependents. It is throwing schools into financial chaos, and the problem is getting worse. My amendment begins the process of reforming the program to shift the focus from interagency squabbling and budget games to improving the welfare of military families.

I appreciate Chairman DELLUMS' willingness to include my amendment in his en bloc amendment. I commend it to you.

Mr. SISISKY. Mr. Chairman, I rise in support of the en bloc amendment and request permission to revise and extend my remarks.

Mr. Chairman, the amendment on humanitarian and civic assistance contained in the en bloc is not self-explanatory, so let me outline what it does and why it does it.

Subsection (a) of this amendment would direct the Secretary of Defense to issue regulations no later than March 1, 1994, governing humanitarian and civic assistance activities. Legislation enacted in the National Defense Authorization Act for Fiscal Year 1987 and contained in section 401 of title 10, United States Code, states that such activities should be carried out under regulations prescribed by the Secretary. Almost 7 years have passed and those implementing regulations have yet to be issued.

A recent GAO investigation requested by the Armed Services Committee has uncovered questionable projects carried out under this rubric. The committee plans to await issuance of regulations, which could address these weaknesses, before acting further legislatively.

Among the problems is an overly broad definition used for the term "minimal" in subsection (b)(2), where the statute permits "the incurring of minimal expenditures" outside the bureaucratic impediments of the statute. The new regulations could address that problem. If that "minimal" problem continues, however, the committee will consider repealing this exemption.

The committee is also concerned that neither the Office of Global Affairs nor any other agency is adequately overseeing the conduct of civic action missions abroad. Some programs appear to be make-work projects that fail either to "promote * * * operational readiness skills" of the participating troops or to "serve the basic economic and social needs of the people"—two requirements of the statute. Some of the projects may even detract from the training the troops are supposed to be getting. Therefore, I hope the Secretary of Defense will energize oversight functions of his office with regard to this program.

The committee review of this program also noted that the Department of Defense general counsel, in an opinion dated December 7, 1989, opined that funds could be spent on humanitarian and civic assistance efforts in addition to those administered under section 401. This amendment includes language in subsection (b) that would overturn that opinion.

Subsection (c) of the amendment amends section 2551 of title 10, United States Code, to require the notification sent to the Congress concerning the transportation of humanitarian relief to include a description of all excess nonlethal defense supplies including the quantity, acquisition value, and value at the time of transportation of all excess equipment transferred.

The budget request contained $48 million for transportation of humanitarian assistance supplies for fiscal year 1994 within the Global Cooperative Initiatives Program. Subsection (d) of this amendment authorizes $48 million for programs covered by sections 401, 402 and 2551 of title 10, United States Code.

Ms. ROS-LEHTINEN. Mr. Chairman, the amendment would give the Secretary of Defense the clear statutory authority to transfer a small number of excess light aircraft to the volunteer rescue group, Brothers to the Rescue.

This nonprofit group is made up of volunteers who daily patrol the waters in their airplanes seeking to save lives. The members of Brothers to the Rescue work with the U.S. Coast Guard in finding the location of distressed vessels as well as rafters fleeing Cuba.

They have been in operation since May 15, 1991. They have been on several hundred rescue missions and have saved over 700 lives.

The Brothers to the Rescue have an excellent working relationship with the Coast Guard. The pilots spot the rafts and radio the location to the Coast Guard. The pilots then circle the rafts until the Coast Guard arrives.

The Brothers help anyone in distress. At the request of the Coast Guard they transported a Haitian woman to Miami for medical attention.

The language of the amendment is permissive.

The aircraft sought are Vietnam era observation aircraft.

The unique nature of the Brothers' life-saving work does not fit into any existing statutory authority for surplus property transfer.

The Brothers have had to rely on rented aircraft to supplement their small fleet. While the organization takes care of its own aircraft, the pilots do not have direct control of maintenance for rental planes. They recently lost two aircraft and one Brothers pilot suffered severe damage to his spinal column.

Such authority to convey has been granted before by the Congress, most recently in an amendment to H.R. 4484 in the last session, which allowed the Secretary of Transportation to convey surplus ships to a civilian group.

Ms. SNOWE. Mr. Chairman, today, I am offering an amendment to H.R. 2401, the fiscal year 1994 Defense authorization bill. I believe that it is necessary to ensure that the Federal Government lives up to its responsibility to assist communities adversely impacted by the base closure and realignment process.

Everyone in this body understands the terrible economic dislocation which results from military base closure. Many of our bases are located in rural areas whose economies are largely dependent on the stimulus provided by the base.

I speak from firsthand experience in this matter. Loring Air Force Base, in the district which I represent in Northern Maine, is one of these bases. When Loring closes in September 1994, the local economy will lose $70 million a year. This is about 25 percent of the economic activity in Aroostook County, a county larger than the State of Connecticut. The amendment that I offer today derives largely from the lessons learned by the communities in the Loring area as they prepare for the closure of the base.

The loss of Loring will be economically devastating and nearly 10,000 jobs will be at risk or simply lost. About 900 civilian and 3,000 military personnel are employed at the base, funnelling more than $130 million annually into the Maine economy. Another 6,000 civilian jobs are supported by the air base, generating a total of $240 million annually in personal income.

I might also add, that this amendment is consistent with the new program announced in July by the administration to revitalize communities impacted by base closings. The administration and Congress both understand that the Federal Government must do everything it can to assist workers and cushion communities through this wrenching period.

There are currently no laws or regulations which require the Department of Defense [DOD] to give preference to local contractors. Thus, DOD cannot legally give special consideration to businesses near a base selected for closure, even if the business is fully capable of performing the work at a competitive price.

DOD regulations, as well as the Small Business Act, do establish small business set-asides on certain jobs, but small businesses everywhere can apply for these contracts. There is nothing in DOD regulations that explicitly gives preference to local businesses on small business set-asides.

Base closure, or the impending closure of a base, is a traumatic experience for local economies and businesses. Communities that suddenly lose their economic lifeline need help to adjust and recover. Even with the very real asset of a military base, the job of nurturing and sustaining businesses is a difficult one for communities to undertake. The Federal Government has a responsibility to ease workers and cushion communities through this wrenching period.

The DOD recognized its responsibility to transition assistance for communities and workers. For example, its Office of Economic Adjustment has over 30 years' experience and a good record in helping communities cope with the loss of a military base.

However, since the implementation of the base closure process, the country has never had to deal before with the economic impact of base closings on such a scale. We need to do even more to help communities deal with these closures.

This local preference amendment is very reasonable. It involves only bases being closed or realigned. It is only fair that the Defense Department, to the greatest extent practicable, provide preference to local businesses as a way of lessening the economic burden of base closure. If local businesses are unable to do the work competently, or can only do so for an inordinate amount of money, then the DOD can find a different contractor elsewhere.

I urge all of my colleagues to support this amendment. Thank you.

Mr. PETRI. Mr. Chairman, some have said that a number of National Guard technicians already do not deploy with their units during times of need and that this amendment is truly designed to keep all civilian technicians from deploying at all. I would invite those opponents of this amendment who believe this to be true to tell it to Randy Eddy and Eric Sherry of the Wisconsin Army National Guard who, as technicians, were proud to deploy with their unit to the deserts of Saudi Arabia during Desert Storm.

On September 18, 1990, both these men as technicians employed with the 107th Maintenance Company were activated as part of the first Guard unit in Wisconsin to be called to duty during operation Desert Shield. On November 9, 1990, these two technicians deployed with their unit to Dharain, Saudi Arabia and attached to the 593d Area Support Group.

There they were tasked with the inspection and, if necessary, repair of all vehicles arriving at Port King Abdul Aziz, assuring each was combat ready.

Because of their unit's success they remained in the theatre until July 3, 1991, longer than some active duty Army units.

Although their unit was the first to leave Wisconsin and the last to return home, these technicians did exceptional work. However, after they returned to civilian status and asked Congress to support various bills designed to improve the lot of all National Guard technicians, some Members have implied on this floor that they were unpatriotic.

These two technicians and all their counterparts took great offense at this. Randy and Eric served when called and served our country well. Indeed, they deserve our gratitude.

Mr. Chairman, there does not appear to be any good reason to treat National Guard civilian technicians less well than their counterparts in the Army and Air Force Reserves, and therefore I urge support of the gentleman's amendment.

Mr. CONYERS. Mr. Chairman, as the chief oversight committee of the House, we at Government Operations have been closely monitoring the progress of the Air Force's C–17 Airlifter Program. Over the past 2 years, I have presided at five hearings of our Legislation and National Security Subcommittee where we examined the financial and technical problems with the C–17. Together with our colleagues on the other side of the aisle, we have concluded that legislation is necessary to correct these problems.

This amendment requires the Department to undertake certain steps to correct three specific problems with the C–17 Airlifter—software noncompliance, wing defects, and a range/payload deficiency. With respect to each of the three problems, this amendment requires the Secretary to report to Congress on the status and cost of corrective measures. Existing C–17 contract terms control the rights and obligations of the Government and the contractor. Without adding or detracting from such rights, this amendment provides guidance to the Department to ensure that the problems are identified and that the Congress is informed of the progress in addressing them.

Of the three problems addressed in this amendment, software noncompliance has caused the most protracted development delays with the aircraft. As such, it justifies the imposition of a significant incentive for contractor performance by withholding from the unliquidated portion of the progress payments for noncomplying aircraft an amount not less than 1 percent of the total cost of such aircraft. The intent of this amendment is to provide a significant incentive by the withholding of 1 percent. The expectation is that this incentive will be sufficient to help speed the correction of the software noncompliance. Although this amendment preserves the Department's discretion to withhold a greater proportion of such payments, it is not anticipated that existing noncompliance would warrant withholding an amount greater than 2 percent of the unliquidated portion of the progress payments for noncomplying aircraft.

I would like to thank the ranking member of the Legislation and National Security Subcommittee, AL MCCANDLESS of California, and the ranking member of the standing committee, BILL CLINGER of Pennsylvania, for their bipartisan cooperation in this amendment. In addition, I am grateful to our colleagues on the Legislation and National Security Subcommittee—CARDISS COLLINS, GLENN ENGLISH, STEVE NEAL, CAROLYN MALONEY, TOM LANTOS, CORRINE BROWN, JON KYL, and DICK ZIMMER. Finally, I would like to thank Douglas Necessary and Steven Thompson of the Armed Services Committee staff, as well as Eric Thorson and Steven Vincze of the Government Operations Committee staff.

Mr. BILBRAY. Mr. Chairman, as chairman of the Procurement Subcommittee of the Committee on Small Business, it is my intention through this amendment to rectify an inequity that has been prolonged for too long due to a misinterpretation of current law. Through this amendment, I seek to clarify congressional intent with regards to the Small Business Competitiveness Demonstration Project (Title VII of Pub. L. 100–656), through which the Department of Defense was charged in an effort to study the effects of set asides on small businesses.

Unfortunately, one particular industry, military architectural and engineering services, which both the House and Senate Small Business Committees agree was never intended to be included in this program, continues to be penalized due to classification limits within the Small Business Administration.

I come before you today to provide a classification of this statute that reiterates existing law, enforces congressional intent and removes any misunderstanding that the SBA may have towards SIC Code 8711. Let me assure the committee that numerous efforts have been made by our committee to resolve this question with the SBA, with little success. If is our belief that the only way left is to specify our concerns through specific legislative language.

My staff has worked with the Senate Small Business Committee and the House Armed Services staff on the nature of this amendment. I am hopeful that its enactment will finally clear this continuing misunderstanding within the current regulations. I thank the chairman and the ranking member for their support and urge my fellow members to support its passage.

Mr. INSLEE. Mr. Chairman, I rise in strong support for the amendment to be offered en bloc to the fiscal year 1994 Defense authorization bill which would rename the Hanford Arid Lands Ecology Reserve in Richland, WA in honor of Dr. Richard Fitzner and Dr. Lester Eberhardt, two respected battelle biologists who died in a plane crash on June 3, 1992 while conducting a wildlife survey on the Hanford Reservation.

With their work renowned throughout the region, Dr. Fitzner and Dr. Eberhardt dedicated their professional and personal lives to the dry lands ecology; its threatened and endangered plants and animals; and the thriving populations of other species contained within its boundaries.

In recognition of their highest of contributions made to the scientific community, I ask that the Congress honor the achievements of Dr. Fitzner and Dr. Eberhardt with passage of this amendment.

I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, as the ranking Republican member of the Committee on Government Operations and a member of the Subcommittee on Legislation and National Security, I rise in support of a bipartisan amendment that is being considered en bloc and that concerns the C–17 Program. I am cosponsoring the amendment with the honorable chairman of the committee, Mr. CONYERS.

After extensive hearings on the progress of the C–17 program by our committee, two things have become clear—the C–17 program has experienced extensive technical and managerial weaknesses in the past, and our country urgently needs an enhanced airlift capability in the future. I join other Members in applauding the current efforts of Under Secretary John Deutch at the Department of Defense [DOD] to bring candor and accountability to the C–17 and other defense acquisition programs. Nevertheless, in light of the well-documented problems with the soft-ware, wings, and range/payload capabilities of the C–17, this amendment provides an appropriate level of increased Congressional oversight. The amendment is intended to encourage the expeditious correction of these problems and the enforcement of the rights and obligations under existing C–17 contracts. Through possible withholdings in the range of 1 to 2 percent of the total cost of the aircraft and through reports to Congress, we anticipate that DOD will successfully correct the C–17 problems of the past while allowing continued production and delivery without delay in the future.

Mr. Chairman, let me conclude by stating that this amendment is an example of how Congress can exercise its important constitutional responsibility of effective government oversight to the benefit of all Americans. Our citizens expect and deserve their government to meet our Nation's important defense needs with quality procurement, fiscal responsibility, and accountability at the highest levels. As this amendment shows, Congress can act in a bipartisan manner to produce effective legislation that keeps our defenses strong and fiscally responsible.

Let me emphasize that this amendment is the product of the careful, deliberative, and diligent efforts of Members and staff on both sides of the aisle. I wish to commend, in particular, Chairman CONYERS and his staff, Congressmen MCCANDLESS and HORN and their staffs, and Steve Thompson and Douglas Necessary of the House Armed Services Committee staff for their noteworthy efforts.

Mr. KIM. Mr. Chairman, I rise in opposition to the Conyers amendment to further unnecessarily delay, and restrict the C–17. The C–17 will play a key role in our post-cold war security policy and I strongly encourage support for this aircraft.

I support the C–17 for two important reasons: First, the United States needs a new, modern airlifter to supplement and replace the existing C–5 Galaxy, and C–141 Starlifter. We have a serious air mobility shortfall which, if not immediately addressed, could seriously hurt our key national security interests. The C–17 will successfully address this shortfall. Second, the $41 billion C–17 program is an extremely important defense contract which provides thousands of quality jobs to southern California.

I recognize that our still-struggling economy and overwhelming budget deficit necessitates a re-evaluation of our force structure—which means doing more with less, and relying more on systems that perform more than one task. However, with the resource constraints we face, we will need to make the most of our prior investments. I think the C–17 is a good example of the kind of sophisticated, dual-use, and forward-thinking technology we can put to use.

Our military and civilian defense leaders all agree that mobility will be increasingly important in the times ahead of us. Many fail to realize how the C–17 will increase our airlift capabilities. The C–17 is more capable than the C–5 or the C–141 because it has the transport capability of the huge C–5, but can land on runways that the C–5 cannot. Acquisition of this aircraft will give the Air Force an intra-theatre airlift capability that it does not have at this time. It would eliminate having to transfer equipment to aircraft that can land in smaller, unfinished runways—which are sometimes the only available runways in areas of conflict. This saves money, energy, and most of all, time. When our troops are deployed to danger areas, they must have the supplies they need to accomplish their mission. The C–17 can bring them what they need, when they need it, and does it faster and better than any other aircraft can. Some claim that the C–141 is adequate. The C–141 has been a fine aircraft—the workhorse of the airlift command for a quarter century. But like any good workhorse, it has reached a point where it should go out to pasture. Already, loads are restricted and some C–141s have even been pulled from service due to dangerous structural cracks. They're reaching the end of their service life. It is time for new technology, broadened capabilities, and greater efficiencies. It is time to modernize our fleet with the kind of airlift the military experts say they need like the C–17.

I realize that the C–17 has faced many challenges. Started in the early 1980's, it has suffered from the shortcomings of a fixed price development contract, and from the fits and starts of annual appropriations that have reduced funding every year. There is plenty of blame to go around for the program being over cost and behind schedule. I am not here to defend the C–17 development program, but rather, to focus the attention of the House on the product of that program—the C–17 aircraft itself. Jeopardizing the C–17 aircraft because of concerns about procurement mistakes of the past during the development phase is not responsible national security policy. What is past is past, and I know that there are lessons to be learned. However, we must play with the hand we've been dealt, and the trump card for airlift capabilities into the 21st century is the C–17. There are already numerous effective checks and milestones to meet before production continues. We should not be adding more.

Equally important is the $41 billion defense contract that provides quality jobs to thousands of southern Californians. The C–17 is manufactured by McDonnell Douglas Aerospace of Long Beach, CA. California already has one of the highest unemployment rates in the Nation—over 10 percent. With the proposals for numerous base closings in California and the continued reduction in defense and aerospace spending, Californians simply cannot afford to lose any more defense-related jobs. Further delays in cancellation of the C–17 would jeopardize the future of aircraft production in California. Continued production of this aircraft presents the Federal Government with a "win-win" situation—increased airlift capability for the Armed Forces, and more jobs for Californians.

Although many challenges lie ahead, significant progress is being made in testing and evaluation of the C–17's operational capabilities. I understand that the C–17 has flown over 500 sorties and 1860 cumulative hours of flight, averaging more flight test sorties per month than the C–141A, C–141B, C–5A, YC–15, B–1A, and B–1B. Over 100 percent of the 3509 cumulative test points planned for the C–17 have been accomplished as of August, 1993. I am told the C–17 has demonstrated most key flight and ground capabilities during test program and has set 14 world records for lifting payload to altitude. The plane, which depends heavily on electronics, including a fly by wire system, has successfully completed its electronic interference and lightning strike testing. The plane will have to operate in the extremes of heat and cold, and has successfully completed the hangar-based portion of this testing. Durability for first 30,000-hour lifetime started November 1992 and a test article has now exceeded 12,000 equivalent flight hours, almost one half a lifetime, on the way to two full lifetimes, by February 1995.

Over the past several months, I have heard my colleagues acknowledge the need for our Armed Forces to rely more on technology and less on personnel—to be smaller, yet more effective. Now is our opportunity to give them that technology. The C–17 can transport more supplies directly where they are needed, and does it quicker than any other aircraft in our inventory. I urge my colleagues to give our forces the ability to do more with less—to give them the technology that will deliver crucial equipment where it is needed, when it is needed, to ensure their success whenever they are sent into harms way. That technology is the C–17.

Mr. SPENCE. Mr. Chairman, I would like to thank Chairman DELLUMS for his willingness to work with me on an issue of great importance to thousands of people in South Carolina affected by the Department of Energy's sudden decision to close down portions of the Savannah River Site.

I would also like to thank my colleague from South Carolina, Mr. DERRICK, for his active support of these initiatives.

As a result of DOE's decision to close portions of the Savannah River Site complex, more than 2,600 people will lose their jobs. Consequently, the unemployed rate in Barnwell County is expected to reach almost 16 percent. While the figures are not available for Aiken County, they are expected to be approximately the same. The Spence-Derrick amendment will provide up to $6 million in much needed economic and development assistance for the local communities impacted by these layoffs.

The amendment dictates that the Savannah River Site, as a defense nuclear facility, be treated in the same manner as DOD facilities. This would ensure equitable treatment of employees and communities affected by the closure or realignment of a defense nuclear facility. As such, the program proposed in the amendment is entirely consistent with section 1322 of our bill which addresses assistance programs for defense closures and realignments.

The amendment also provides $4 million for the Savannah River Site lab, as a production site lab, to study critical technology transfer issues consistent with similar work being done by the national labs.

The Spence-Derrick amendment is a small but positive start in the right direction for all of those people who will find themselves out of work as a result of the Savannah River Site shutdown. I believe it is the least we can do for people and communities that have devoted themselves for decades to protecting the national security of the United States.

Mr. DELLUMS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendments en bloc, as modified, offered by the gentleman from California [Mr. DELLUMS].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 1 printed in House Report 103–236.

AMENDMENT OFFERED BY MR. SISISKY, AS MODIFIED

Mr. SISISKY. Mr. Chairman, I offer an amendment, as modified.

The Clerk read as follows:

Amendment offered by Mr. SISISKY, as modified: The amendment as modified is as follows:

At the end of subtitle A of title X (page 329, after line 25), insert the following new section:

SEC. 1008. DEFENSE RESPONSE FUND.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 127 the following new section:

"§127a. Expenses for response operations; Defense Response Fund

"(a) AUTHORITY TO USE RESPONSE FUND.—In any case in which the armed forces are used to carry out an operation described in subsection (c), the Secretary of Defense may provide funds for the cost of such operation, subject to the limitations in this section, from the Defense Response Fund. Such funds shall be available only for the incremental costs to the Department of Defense of carrying out such operation.

"(b) ESTABLISHMENT OF FUND.—(1) There is established in the Treasury a fund to be known as the 'Defense Response Fund'. Amounts in the fund shall be available, subject to the limitations in this section, for transfer to the operation and maintenance and military personnel accounts of the Department of Defense.

"(2) Amounts appropriated to the fund shall remain available until expended.

"(3) Transfers from the fund shall not be charged against the maximum amount of transfer that may be made under any provision in an annual defense authorization or appropriations Act providing general authority for the transfer of funds among accounts and funds of the Department of Defense.

"(c) AUTHORIZED PURPOSES OF FUND.—Amounts in the fund may be used, at the discretion of the Secretary of Defense, only in connection with an operation required of the Department of Defense by the President which is one of the following:

"(1) A foreign disaster relief operation.

"(2) A peacekeeping operation carried out under the auspices of the United Nations or another international organization.

"(3) A peace enforcement operation carried out under the auspices of the United Nations or another international organization.

"(4) An operation to provide support to domestic civil authority.

"(5) A noncombatant evacuation operation.

"(d) FINANCIAL PLAN FOR OPERATIONS EXPECTED TO EXHAUST FUND.—In the case of any operation for which funds are provided under this section which the Secretary of Defense determines may exhaust the balance in the fund, the Secretary shall promptly submit to Congress a financial plan for the operation that sets forth the manner by which it is proposed by the executive branch to obtain funds for the total incremental cost to the United States of the operation.

"(e) PROHIBITION AGAINST USE FOR ONGOING AND SMALL-SCALE OPERATIONS.—(1) Amounts in the fund are not available—

"(A) for ongoing operations (except as provided in paragraph (2)(B)); or

"(B) for small-scale operations.

"(2)(A) For purposes of this subsection, an ongoing operation is an operation that was underway while the budget of the Department of Defense for the fiscal year during which the operation is to be funded was being prepared for submission to Congress.

"(B) The prohibition in paragraph (1)(A) does not apply in the case of an ongoing operation that was expected (as of the time such budget was being prepared) to be completed by the beginning of the fiscal year for which such budget was prepared but which (for reasons that could not be anticipated at the time of such preparation) continued into that fiscal year.

"(3) For purposes of this subsection, a small-scale operation is one for which the total incremental cost to the Department of Defense is expected to be less than $1,000,000.

"(f) NOTICE TO CONGRESS.—Obligations for the incremental costs for any operation described in subsection (c) may not be made in excess of $20,000,000 until the Secretary of Defense submits to Congress notification of the intention to make such obligations in excess of such amount and a period of 20 days has elapsed.

"(g) INCREMENTAL COSTS.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs that are directly attributable to the operation and that are otherwise chargeable to accounts available for operation and maintenance or for military personnel. Any costs which are otherwise chargeable to accounts available for procurement may not be considered to be incremental costs for purposes of this section.

"(h) GAO AUDITS.—In addition to the financial statements and audits required by section 3515 and 3521 of title 31, United States Code, the Comptroller General of the United States shall from time to time carry out examinations of the fund to ensure that proper accounting procedures are followed and to determine whether the requirements and limitations in this section are being complied with.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127 the following new item:

"127a. Expenses for response operations; Defense Response Fund.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1994.—There is authorized to be appropriated for fiscal year 1994 to the Defense Response Fund established under section 127a of title 10, United States Code, as added by subsection (a), the sum of $30,000,000.

(c) TRANSITION PROVISION.—In the case of any operation described in subsection (c) of section 127a of title 10, United States Code, as added by subsection (a), that is ongoing as of the date of the enactment of this Act, the limitation in subsection (e)(1)(A) of such section shall not apply with respect to expenditures during fiscal year 1994.

Mr. SISISKY. Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. SISISKY] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. HANSEN. Mr. Chairman, I am opposed to the amendment, as modified.

The CHAIRMAN pro tempore. The gentleman from Utah [Mr. HANSEN] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I rise in support of this amendment. What we have here is a friendly disagreement between the Republicans and Democrats on the Armed Services Committee. Let me give the Members some background on the issue.

It may sound odd, but when we budget for the military, we really budget for peacetime operations, not for emergencies, even though the military exists for emergencies. So, whenever something happens around the world and the military actually has to do something, it has to scramble to find the funds to pay the bills. It ends up robbing Peter to pay Paul, canceling an exercise, halting a training program—all in order to free up money to pay for the gas needed to deploy.

Our subcommittee worked up language designed to fix that by allowing the startup costs of many unanticipated operations to be paid for on an interim basis from the resources of the defense business operations fund. This is a little financial sleight of hand that allows bills to be paid without putting any money up front. Both the Republican and Democratic leadership of the subcommittee felt this solved the problem.

Defense Secretary Aspin said this resolved one of his problems but did nothing for another. His second problem is that the services are historically reluctant to take to the field, fearful that they will get stuck with the bill. Even with the mechanism we devised, the services still could get stuck. Secretary Aspin asked for a cash account that could be tapped so the services would know they would be reimbursed. The Republicans on our committee said they didn't want to go that far.

Personally, I think both approaches are sound. You should have a cash account to start out with. If the emergency is so big that it drains the account, then you can use the second, noncash funding mechanism. With both the cash fund and the noncash mechanism, you've covered the waterfront.

Since both the Republicans and Democrats on the committee agree on the noncash mechanism, it has been included in the en bloc. Since we do not agree on the cash fund, that is coming up for a separate vote now.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment is redundant, unnecessary, and takes us down an increasingly slippery path toward greater involvement in future Somalias.

This amendment is redundant and unnecessary because the House has already adopted a provision dealing with the issue of how best to fund contingency operations.

But more importantly, this amendment is ill-advised because it puts in place a mechanism to grant the Pentagon blank checks to pay for unspecified peacekeeping adventures throughout the world.

When you combine this with where this administration seems to be going in the area of peacekeeping, we should be very, very cautious about what new authorities and latitudes we grant.

This administration is on the verge of moving U.S. foreign policy interests in a direction where the United Nations will receive a large role in determining how and where we commit U.S. forces abroad.

The issue is no longer how U.S. interests apply, but rather how global multilateralism is served by the United States shouldering the burden of military peacekeeping operations.

I consider such a policy untenable and believe the House should reject any amendment or provision that encourages or supports this administration's shift toward greater and greater involvement in ill-defined peacekeeping operations.

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Mr. Chairman, I reserve the balance of my time.

Mr. SISISKY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding the time for the purpose of a colloquy.

I would like to understand from my distinguished colleague, the gentleman from Virginia, that the intention of his proposed section 1005 is to provide authorization for the expenditure of funds from the defense response fund for only such operations that have been authorized to be performed. This gentleman recognizes that we are in a dialog within our institution and with the other body, as well as with the administration, on precisely what actions are required to authorize the use of U.S. military force. It is my understanding that this section does not attempt to answer that debate; that is to say, that nothing in this proposed section may serve as a standing authorization for the use of force, simply that it would authorize funds to be used, up to the limits, for those uses of our military forces that have secured the required authorization. Is that correct?

Mr. SISISKY. Mr. Chairman, if the gentleman will yield, yes, the chairman is correct. It is the intention of the author of this amendment that it is solely to authorize the use or financial resources for operations which have otherwise been authorized pursuant to our Constitution and laws governing the use of military force. It cannot and should not be read to create an authorization to use force by itself; it is simply an effort to provide an authorized source of funds for those times when the use of force is necessary and is undertaken consistently with our constitutional and statutory requirements.

Mr. DELLUMS. Mr. Chairman, with that explanation, I am pleased to rise in support of the amendment and urge my colleagues to adopt the amendment.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in opposition to the two amendments offered by Mr. SISISKY as part of the Defense Department's so-called global cooperation initiative. That initiative—and these amendments are an integral part of the Clinton administration's plan to significantly increase U.S. involvement in U.N. peacekeeping operations.

The Clinton administration has made the expansion of international peacekeeping a centerpiece of its foreign policy. Indeed, I do not think I exaggerate in saying that international peacekeeping is to this administration's foreign policy what health care reform is to its domestic policy.

But, in contrast to the months of internal review that the administration already has devoted to health care reform, and the many months of deliberation on health care that lie ahead of us here on Capitol Hill, we are being asked to approve the first elements of the administration's international peacekeeping policy with only 10 minutes of debate per amendment.

There have been no hearings on where we are going with international peacekeeping. When I wrote to the administration to ask that they publicly release their policy paper on international peacekeeping—the so-called PRD–13—in order that the Congress and the American people might publicly debate this important issue, I was politely told that the time is not yet ripe for such a debate. I offer my exchange of correspondence with the administration on this subject for the record.

Mr. Chairman, increased U.S. participation in international peacekeeping will take us down a perilous path. It may be a path that eventually we may have to travel, but we should not begin such a journey without more careful deliberation than we are giving it here today.

We need only look to the two international crisis of the hour—Somalia and Bosnia—to see some of the risks. In Somalia, we are bogged down enforcing a U.N. mandate that goes far beyond the mission for U.S. forces originally outlined by President Bush, a mandate that bears no relationship to any reasonable calculation of U.S. national interests.

In Bosnia, where our national interests are far more significant, we stand on the sidelines waiting for the United Nations to agree on a policy that will demonstrate to the Serbian aggressors that their aggression must stop. While the United Nations fiddles, Bosnia burns.

Some in Congress may be prepared to embark on adventures in international peacekeeping without careful deliberation and without even insisting that President Clinton lift the veil of secrecy that now conceals his policy from the American people. However, I am not.

In the weeks ahead, I intend to work with my colleagues to forge a policy on international peacekeeping that can command the support of the American people. I invite those Members who share my interest in this matter to join me in that effort. In the meantime, I urge the defeat of the Sisisky amendments.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, August 3, 1993.

Hon. ANTHONY LAKE,
Assistant to the President for National Security Affairs, The White House, Washington, DC.

DEAR MR. LAKE: I understand that the administration has been devoting considerable time and effort to examining the policy questions presented by the increasing number and scope of international peacekeeping operations. I commend the administration for its foresight in this regard, and hope to be able to work with you in forging a policy on peacekeeping that can command the support of the American people.

I think it inevitable that there will be an extensive public debate on this issue, both within the Committee on Foreign Affairs and elsewhere. To facilitate this debate, it would be useful for us to have an unclassified version of the administration's policy on peacekeeping. Accordingly, I would appreciate your preparing and releasing unclassified versions of both Presidential Review Directive 13, regarding international peacekeeping operations, and the corresponding Presidential Decision Directive.

I recognize that it may be necessary for you to withhold some portions of the directives because of national security considerations. Nevertheless, I think it would serve both interest and ours to release those portions of the directives that are already unclassified or can be declassified.

Please contact Mr. Stephen Rademaker of my staff at 225-6735 if you have any questions about this request.

Sincerely,

BENJAMIN A. GILMAN,
Ranking Republican Member.

THE WHITE HOUSE,
Washington, DC, September 1, 1993.

Hon. BENJAMIN A. GILMAN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GILMAN: Thank you for your letter of August 3, 1993, requesting unclassified versions of the Presidential Review Directive on peacekeeping and the corresponding Presidential Decision Directive. Your support on this and other foreign policy issues will be very important to us in the days and months ahead.

As you know, the Administration's policy on peacekeeping matters is still under intensive interagency review. I understand that your staff has been briefed on the progress of this review by National Security Council staff.

It has not been the NSC's policy to release unclassified versions of classified presidential policy documents. But once the current review process is completed, and the President has signed a formal Decision Directive, we will be in a position to make a decision regarding your request.

In the meantime, however, I would, of course, be happy to arrange a briefing for you on the Administration's review of peacekeeping policy. As always, I greatly value your opinions and look forward to working with you on these issues.

Sincerely,

ANTHONY LAKE,
Assistant to President,
for National Security Affairs.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I rise in strong opposition to the amendment. A number of years ago, the late historian Barbara Tuchman in her work "The March of Folly," chronicled significant points in history in which great nations, despite all warnings to the contrary, pursued policies contrary to their own best self interest. I say to my colleague that it is easy to read history, difficult to live history, and the challenge is to successfully create history.

It is important that we do not yield and join the march identified by Mrs. Tuchman.

Mr. Clinton delights in relegating difficult foreign policy decisions to multilateral organizations. Passing difficult choices off to the United Nations has become a cornerstone of the Clinton foreign policy. The order, counterorder and disorder resulting from this approach is evident in the administration's dealings from Bosnia to Somalia.

At the same time, we continue to make speedy and drastic cuts in our defense spending. For all its hype, the much vaunted Bottom-up Review has created a much smaller force that is supposed to accomplish the same missions as the Base Force through the mythical use of force enhancers.

With increased commitments and reduced forces, we are now asked to establish a startup fund for more ill-advised adventures to pressure our precious, and rapidly dwindling, defense assets.

This is one march I urge others not join. Resist the folly, vote no on this amendment.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in opposition to the amendment.

This amendment and the one to follow are part of a broad-based policy which the Clinton administration seeks which will be proposed to subordinate U.S. forces to the United Nations or to multilateral command.

Let us look at the experience we have had in a similar situation in Somalia. When America sent troops to Somalia to restore order so humanitarian relief efforts could move forward, there was widespread support. Now there is little support for the international peacekeeping mission in Somalia. In that country under U.N. command our troops have worn out their welcome and have come under increased danger as the number of deadly incidents have increased.

I recently read in the New York Times on August 27 and I quote, "Mr. Aspin is expected to describe a policy framework for Somalia that could be used as a model for American involvement in other peacekeeping operations around the world."

Mr. Chairman, the United Nations has played a significant role in recent years, but it should be our ongoing policy where American troops are involved that we regularly subjugate our American role and our U.S. troops to the United Nations.

Mr. SISISKY. Mr. Chairman, I yield myself my remaining 30 seconds.

Mr. Chairman, I do not know how this amendment got into all of this. It is absolutely amazing. A "Dear Colleague" was distributed saying that this amendment was part of a policy to dramatically increase U.S. involvement in peacekeeping operations around the world. I wish Members would read amendments first.

This amendment does not endorse, advance, restrict, halt an event, or otherwise impact on any policy. It simply provides a mechanism for paying for five very limited types of operations. I would hope that this body would vote "yes."

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from Virginia [Mr. SISISKY], as modified.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SISISKY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 248, further proceedings on this amendment will be postponed.

It is now in order to consider Amendment No. 2 printed in House Report 103-236.

AMENDMENT OFFERED BY MR. SISISKY

Mr. SISISKY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SISISKY: Page 353, strike out the heading for title XII (lines 18-21) and insert in lieu thereof the following:

TITLE XII—POST-COLD WAR PROGRAMS

Subtitle A—Cooperative Threat Reduction with States of Former Soviet Union

Page 353, line 23, strike out "title" and insert in lieu thereof "subtitle".

Page 358, line 19, strike out "1208" and insert in lieu thereof "1216".

Page 362, redesignate section 1208 as section 1216, and insert after line 10 the following:

Subtitle B—New Post-Cold War Initiatives

SEC. 1211. REPORT ON SECTIONS 1212 AND 1213.

(a) PREPARATION OF REPORT.—The Secretary of Defense shall prepare, with the concurrence of the Secretary of State, a report on the programs described in sections 1212 and 1213. The report shall include an overall plan for the activities to be carried out pursuant to such sections. The report shall discuss the extent to which the programs will be carried out using the authorities provided in this subtitle and authorities previously provided by law and the extent to which the enactment of additional statutory authorities will be requested.

(b) SUBMISSION TO CONGRESS.—The Secretary of Defense shall submit the report prepared pursuant to subsection (a) to the appropriate congressional committees.

SEC. 1212. PROMOTION OF DEMOCRACY PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to be known as the Promotion of Democracy Program. This program shall consist of military-to-military activities, defense contact activities, and comparable activities that are designed to assist the military forces of other countries in understanding the appropriate role of military forces in a democratic society.

(b) INELIGIBLE COUNTRIES.—The authority of subsection (a) may not be exercised with respect to a country that is ineligible to receive assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 and following; relating to international military education and training).

(c) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary of Defense shall submit to the appropriate congressional committees a report with respect to the Promotion of Democracy Program. Each report shall describe, on a country-by-country basis, the activities carried out under this section during the preceding fiscal year, planned for the current fiscal year, and proposed for the coming fiscal year. Each report shall also discuss the relationship between the activities carried out under this section and the international military education and training activities carried out under chapter 5 of part II of the Foreign Assistance Act of 1961.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Promotion of Democracy Program under subsection (a) the amount of $23,100,000 for fiscal year 1994.

(e) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations provided in subsection (d) may be obligated only after the date on which the Secretary of Defense submits to the Congress the report described in section 1211.

(f) CONCURRENCE AND CONSULTATION.—Activities may be carried out under this section only pursuant to a program of assistance that is undertaken with the concurrence of the Secretary of State or at the direction of the President.

(g) CINC INITIATIVE FUND AMENDMENT.—Section 166a of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking paragraph (7); and

(B) by redesignating paragraph (8) as paragraph (7); and

(2) in subsection (e)(1)—

(A) in subparagraph (A), by striking "$15,000;" and inserting "$15,000; and";

(B) in subparagraph (B), by striking "subsection (b)(5); and" and inserting "subsection (b)(5)."; and

(C) by striking subparagraph (C).

SEC. 1213. PREPARATIONS FOR INTERNATIONAL PEACEKEEPING.

(a) TRAINING OF FOREIGN MILITARY PERSONNEL.—(1) The Secretary of Defense may carry out a program to provide training for personnel of military forces of foreign countries in programs and tactics relevant to international peacekeeping and peace enforcement activities.

(2) As part of such program, the Secretary may provide transportation of foreign military personnel to and from a training site. The Secretary may not provide reimbursement or other payment for subsistence expenses or other personnel costs of the foreign military personnel participating in the program.

(b) CENTERS FOR THE DIRECTION OF INTERNATIONAL OPERATIONS.—(1) The Secretary of Defense may carry out a program to assist the United Nations, at its headquarters in New York, and the headquarters of regional organizations to establish command, control, and communications centers for the direction of international peacekeeping and peace enforcement operations. Such assistance may include support for the organization, equipping, and staffing of such centers.

(2) This subsection does not provide authority to transfer title to any property, other than excess defense articles. Any equipment provided under this subsection, other than excess defense articles, shall be provided by loan (for a fixed or an indefinite period).

(3) Support provided under this subsection for the staffing of a center may be provided only in the case of United States military, civilian, or contract personnel.

(c) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary of Defense shall submit to the appropriate congressional committees a report with respect to the programs carried out under subsections (a) and (b). Each report shall describe the activities carried out during the preceding fiscal year, planned for the current fiscal year, and proposed for the coming fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to carry out the programs authorized by subsections (a) and (b) the amount of $10,000,000 for fiscal year 1994.

(e) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations provided in subsection (d) may be obligated only after the date on which the Secretary of Defense submits to the Congress the report described in section 1211.

(f) CONCURRENCE AND CONSULTATION.—Activities may be carried out under this section only pursuant to a program of assistance that is undertaken with the concurrence of the Secretary of State or at the direction of the President.

SEC. 1214. RELATION TO FOREIGN ASSISTANCE POLICIES.

To the maximum extent practicable, activities carried out under section 1212 or 1213 of this subtitle or section 401, 402, or 2551 of title 10, United States Code, shall be carried out consistent with the policies applicable to similar types of activities carried out under United States foreign assistance programs.

SEC. 1215. NOTICE TO CONGRESS.

During fiscal year 1994, not less than 15 days before obligating any funds made available with respect to any activity carried out under section 1212 or 1213 of this subtitle, the President shall transmit to the appropriate congressional committees a report on the proposed obligation. Each such report shall specify the activities and policy objectives under such sections for which the President plans to obligate such funds and the amounts of the planned obligations.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. SISISKY] will be recognized for 5 minutes, and a Member opposed, the gentleman from Utah [Mr. HANSEN], will be recognized for 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment provides a total of $33 million for three new, post-cold-war programs.

No. 1, this amendment authorizes the Pentagon to help create a U.N. operations center—that is, a command, control and communications center that would allow the United Nations or other regional organization to stay on top of the many farflung peacekeeping operations.

No. 2, this amendment authorizes the Pentagon to train units from other countries in peacekeeping techniques. If country X says this battalion is delegated for U.N. peacekeeping duties, we would then be able to take the entire unit, from private to colonel, and run it through a rigorous training course, teaching such things as fire discipline. One concern is to make sure all such units are working from the same set of operating rules so units don't trip one another up.

No. 3, this amendment authorizes military-to-military contacts around the world for the purpose of impressing upon foreign armed forces the appropriate role of the military in a democracy. We created such a program last year for the ex-Soviet nuclear powers: Russia, Ukraine, Kazakhstan, and Belarus. This amendment would expand the program worldwide.

These are programs Defense Secretary Aspin has an interest in. They were part of the very few amendments to the Cheney budget that the new administration submitted.

I recommend passage of this amendment by emphasizing one key point: All around the world, we are being urged to do this or that peacekeeping operation because no one else can do the job. This amendment will allow us to train others to do the job and help keep us out of peacekeeping operations.

□ 1720

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment.

Mr. Chairman, this amendment is a key element in the Clinton administration approach to empower the United Nations at the expense of American interests and taxpayer dollars.

First, it proposes that the American taxpayer buy the United Nations a brand new war room for the bureaucrats in New York to run the many military "peacekeepings" being contemplated around the world.

Second, it proposes that the American taxpayer also foot the bill for the costs of training foreign military forces in the art of peacekeeping—something that I presume we will first learn how to do ourselves.

Last, it creates and funds an account within the Department of Defense for the new Assistant Secretary of Defense for Democratic Security and Human Rights, to teach foreign militaries their appropriate role within a democracy.

Mr. Chairman, every single one of the programs proposed by this amendment are foreign assistance programs.

They have no business being funded out of the defense budget and, in fact, are the reason that the State and Defense Departments have been at each other's throats for the past few months over who is in charge of peacekeeping programs within the executive branch.

With the drastic cuts this administration is imposing on the defense sector, the last thing we need is to dream up new, untried, and highly questionable programs to which to divert dwindling defense dollars.

Vote no on the Sisisky amendment.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have not only great respect for the gentleman from Virginia, but great affection for one of the strongest pro-defense Members in the House.

But I feel in his words and in his body language that his heart is not in this, that he is carrying water for Mr. Aspin. And I smell Morton Halperin all over this odious task. The whole thing makes me uneasy.

We need hours and hours and hours of hearings on everything we are trying to do on this idea of peacekeeping. I thought our distinguished chairman, the gentleman from California, Mr. DELLUMS, nailed down beautifully a few of the important aspects of the U.S. role in peacekeeping operations. But I think we need to remind the American people that we are living under an administration that is filled with draft dodgers and doves who never before wanted to see American force used anywhere. But if they can put our men and women in harm's way under a United Nations flag and establish a war room up on the East River in New York to have our men do the fighting and pay most of the United Nations' bills, then they are all for it. It makes them feel good. But I say no way, no way. Let us have indepth hearings. I urge a no vote on all of the Sisisky amendments, though I do so with a heavy heart because I truly respect the gentleman from Virginia.

So, Mr. Chairman, this is why I rise in strong opposition to amendment numbered 41 offered by Mr. SISISKY which would establish a $30 million Defense Response Fund. I repeat this fund could be used to pay for the initial cost of various unplanned emergencies including so-called peacekeeping operations. I fear that what this fund may be used to start up may be extremely costly to end. During a time of drastically declining defense resources, we find ourselves entangled in the quagmire of Somalia where a mission of famine relief has turned into a clear-cut police action. We should heed the lessons of Somalia and not establish programs which could lead to future troop deployments without any end in sight.

I don't believe we should take steps that in effect would give a blank checkbook to the President or even the United Nations for committing U.S. forces overseas. Instead, we should carefully evaluate each situation and ask: What are American interests in the situation? What are the military objectives of the mission? Who is in command and who is directly responsible for U.S. troops? When and how will we determine the mission is complete and American soldiers can come home?

I ask my colleagues to join me in opposing this measure and retain our responsibility for carefully reviewing the circumstances under which U.S. forces will be deployed overseas. And may I insert at this point a letter that we sent to Mr. Clinton on this very subject.

CONGRESS OF THE UNITED STATES,
Washington, DC, August 3, 1993.

Hon. BILL CLINTON,
President, The White House, Washington, DC.

DEAR MR. PRESIDENT: With the House scheduled to begin consideration of the FY94 Defense Authorization bill this week, we wanted to express our strong concern and objections to a central element of your defense program—the so-called Global Cooperative Initiatives.

These programs, comprising almost half a billion dollars of the defense budget request, represent a disturbing trend to fund an increasing amount of foreign assistance and peacekeeping activities out of the defense budget function. Wholly apart from the merit of these programs, humanitarian assistance, foreign disaster relief, promotion of democracy, peacekeeping and related activities all belong in the foreign operations and State Department appropriations and not buried within a defense budget that is already enduring drastic reductions. While next year's allocation for these activities may appear modest in relation to the overall defense account, the impact over a five-year period to an already declinng budget is likely to be significant and lead to a further erosion of military preparedness and capability.

Of particular concern with the Global Cooperative Initiatives program is the component requesting $200 million to establish an earmarked contingency fund for peacekeeping operations. As you know, the defense budget is a peacetime budget designed to, as a general rule, only fund the equipping, training, and maintenance of a capable military force for the possibility of hostilities. By comparison, funding for actual military operations are not included in the annual budgets and have historically required congressional approval through reprogramming or supplemental budget requests. By seeking an earmarked peacekeeping fund, the Administration is asking Congress to prospectively approve the necessary funding resources to engage in unspecified and undetermined military operations. We consider this to be an alarming precedent that incrementally eats away at the constitutional prerogative of Congress to control the purse strings.

We understand that this package of initiatives has been the subject of intense debate within the Administration. Since the Congress has yet to receive a formal legislative proposal on this package, we strongly urge you to reconsider these ill-conceived proposals.

Sincerely,

Bob Michel, Dick Armey, ————, ————, Newt Gingrich, Henry J. Hyde, Tom DeLay, Duncan Hunter.

Continuing, Mr. Chairman, I am also opposed to the amendments numbers 42 and 44 offered by Mr. SISISKY which would authorize over $30 million in funding for U.S. military support of the U.N. and "Promotion of Democracy" programs.

We consider this amendment as reports surface of Presidential Decision Directive No. 13 [PDD-13], which would allow for the regular subordination of U.S. combat forces to U.N. or multinational command. Part of this amendment would take a big step toward realizing the objective of PDD-13 by requiring the United States to set up military situation rooms at the U.N. headquarters in New York City.

We cannot afford to become the policemen of the world. Instead, we need to clearly define U.S. interests, clearly define U.S. military objectives, and keep U.S. troops under U.S. command and U.S. responsibility. We must heed the advice of our great battlefield commander, Matt Ridgway, who warned: "Except for valid security reasons, any action that cannot be satisfactorily explained to the troops, the Congress, and the general public, should be regarded as suspect and thoroughly examined."

I believe it is far too premature and far too dangerous to take the steps outlined in this amendment before we know exactly how far the President intends to go in using U.S. troops for U.N. objectives and placing U.S. troops under foreign command. So may I also put in the RECORD at this point yet another letter to the Commander in Chief signed by 20 of my colleagues. Thank you, Mr. Chairman.

CONGRESS OF THE UNITED STATES
Washington, DC, August 26, 1993.

The PRESIDENT,
The White House Washington, DC.

DEAR MR. PRESIDENT: We are writing about published reports that your administration is preparing a presidential executive order that would authorize the men and women of our nation's armed forces to serve under foreign commanders.

While we do not know the specific details of this executive order, any attempt to permit foreign command of U.S. armed forces causes us great concern. We are equally alarmed that, according to newspaper reports, the drafting of the executive order is nearly complete and it may be presented for your signature in early September.

We believe that submitting U.S. armed forces to foreign command raises many serious constitutional, military and international policy issues which, to date, have not been adequately debated.

We respectfully request that you cancel any plans to sign such an executive order and instruct officials of your administration to fully brief the U.S. Congress, upon its return in September, about possible administration proposals or policy changes regarding foreign command of U.S. servicemen. Such policy changes would have significant impact on our national security and should be thoroughly studied and debated by the U.S. Congress.

Your cooperation and assistance would be greatly appreciated.

Sincerely,

Senator Malcolm Wallop.

Representatives John T. Doolittle, Robert K. Dornan, Henry Hyde, Chris Cox, Cass Ballenger, Ed Royce, Duncan Hunter, James V. Hansen, Gerald Solomon, Sonny Montgomery, James M. Inhofe, Bob Livingston, Tom DeLay, Randy "Duke" Cunningham, Sam Johnson, Elton Gallegly, Richard Pombo, Jon Kyl, Chris Smith.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, earlier I quoted a philosopher, and now I will quote a Chinese philosopher.

Mr. Chairman, the great Chinese philosopher Sun Tzu wrote, "If not in the interests of the state, do not act. If you cannot succeed, do not use troops. If you are not in danger, do not fight."

This amendment is just another step toward Mr. Clinton's stated goal of placing U.S. troops under U.N. command to execute Mr. Bhutros-Ghali's international interventions.

The United Nations is not up to this task. Giving the United Nations more money for command and control equipment and a larger staff will not correct the problem. The multilateral approach can only work if the nations involved have a common political goal. We saw this approach work as the Allies defeated the Nazis in World War II, the U.N. forces held the line against communism in Korea, and the coalition defeated Saddam Hussein in the gulf.

This is different. With this amendment, we allow other nations to decide where and when our forces should intervene and under what circumstances. It is the worst of all possible worlds: It facilitates vague missions to be carried out with unclear political goals. Vote "no" on this amendment.

Mr. HANSEN. Mr. Chairman, I yield the balance of our time to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I also have great respect for the gentleman from Virginia [Mr. SISISKY] and the wisdom that he shows and reflects daily on our committee.

Let me just say that my friend and many other members of the committee talked recently about burden-sharing, about the idea that we should not spend as much money as we are presently spending to defend the world and particularly in Europe and Japan; that we are picking up bills with respect to national security that we should not be picking up.

I would suggest to my friend, the gentleman from Virginia [Mr. SISISKY], that under his amendment the Department of Defense and the U.S. taxpayers do pick up the costs of peacekeeping training for non-U.S. military forces at U.S. training facilities. And I think that this is precisely the type of expense under the idea of burden-sharing, of some equity being picked up by our allies; this is particularly and precisely the type of expense that our allies and other U.N. members should be picking up themselves.

When they come to the United States and they are availed of all of the facilities that we have at Fort Benning, at our many military bases around the country, at places like Fort Bragg, where the Special Forces and Ranger units exist and they have the opportunity to be instructed by first-class, top-of-the-line instructors and people who know about high technology in the military, they are already using great resources that the taxpayers have given them. They should at least pick up some of the expenses in this. I think this is a good burden-sharing move for Members of this body to vote "no" on this amendment.

Mr. SISISKY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I really appreciate these compliments that my colleagues from the other side of the aisle have given me, that I work with them on a daily basis to keep America strong, and I like them. But, you know, this is crazy. They are all blaming this on the Clinton administration. I thought it was the other President before this who started all of this.

You know, I hear it argued that these programs will increase our involvement in peacekeeping operations. These programs neither increase nor decrease our involvement. But gentlemen, if we do become involved, would you not like to know that the foreign unit next to us has been trained by us? If you oppose our participating in peacekeeping operations, you should also be in favor of this amendment.

Look, if we train foreign troops to be successful peacekeepers and we help the United Nations run a professional operations room, it is much less likely that we will ever be called on to join a peacekeeping operation. Look at Somalia: We went in there because the United Nations was not able to run such a big operation and because other countries were not skilled enough at the task. So, let us make the United Nations better able to run such operations, and let us train other countries in the skills needed to do the task. Think ahead; think ahead.

The sum of the opposition argument is that this amendment will suck the United States into all sorts of foreign peacekeeping operations. If you think that equipping the United Nations to manage peacekeeping operations for the first time and training other countries to handle the peacekeeping task will get our troops more involved, then vote "no." If you think that preparing the United Nations and other countries to do the job will make it less likely we will get involved, then vote "yes." It is as simple as that.

☐ 1730

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from Virginia [Mr. SISISKY].

The question was taken; and the Chairman pro tempore stated that the noes appeared to have it.

Mr. SISISKY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 248, further proceedings on the amendment offered by the gentleman from Virginia [Mr. SISISKY] will be postponed.

It is now in order to consider amendment No. 5, printed in House Report 103–236.

For what purpose does the gentleman from Michigan [Mr. BONIOR] rise?

AMENDMENT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BONIOR: At the end of title X insert the following new section:

SEC. . NATIONAL GUARD CIVILIAN TECHNICIANS.

(a) INCLUSION WITHIN THE COMPETITIVE SERVICE.—Section 709(d) of title 32, United States Code, is amended by striking the second sentence and inserting the following: "A position authorized by this section is within the competitive service, as defined by section 2102 of title 5.".

(b) APPEAL RIGHTS.—

(1) AMENDMENTS TO TITLE 32, UNITED STATES CODE.—Section 709 of title 32, United States Code, is amended—

(A) in subsection (e)—

(i) by striking paragraphs (3) through (6) and inserting the following:

"(3) a right of appeal which may exist with respect to clause (1) or (2) shall not extend beyond the adjutant general of the jurisdiction concerned."; and

(ii) by adding "and" after the semicolon at the end of paragraph (2); and

(B) by striking subsection (f) and by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(2) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Subchapter II of chapter 75 of title 5, United States Code, is amended—

(A) in section 7511(b) by striking paragraph (5) and by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively; and

(B) in section 7512 by striking "or" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", or", and by adding after subparagraph (E) the following:

"(F) an action, affecting a technician described in section 709 of title 32, as to which subsection (e)(3) of such section applies.".

(c) CLARIFICATION.—Section 709 of title 32, United States Code, as amended by subsection (b)(1)(B), is further amended by adding at the end the following:

"(h) Nothing in this section shall prevent the applicability of section 6130 of title 5 with respect to persons employed under this section.".

(d) EFFECTIVE DATE; OTHER PROVISIONS.—

(1) EFFECTIVE DATE.—This section and the amendments made by this section—

(A) shall take effect 60 days after the date of the enactment of this Act; and

(B) shall apply in the case of any person who performs service under section 709 of title 32, United States Code, on or after the date as of which this section takes effect.

(2) TREATMENT OF PRIOR SERVICE.—Any period of service performed under section 709 of title 32, United States Code (or a prior corresponding provision of law) before the effective date of this section shall be considered a period of service performed in a position within the competitive service for purposes of any determination relating to an individual's—

(A) tenure or status;

(B) order of retention in a reduction in force; or

(C) eligibility for coverage under subchapter I or II of chapter 75 of title 5, United States Code (relating to adverse actions).

(3) PRIOR APPOINTMENTS.—Nothing in this section, or in any amendment made by this section, shall affect the validity of any appointment to a position under section 709 of title 32, United States Code, made before the effective date of this section.

(4) DEFINITION.—For purposes of this subsection, the term "competitive service" has the meaning given such term by section 2102 of title 5, United States Code.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. BONIOR] will be recognized for 5 minutes, and a member opposed will be recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Chairman, I am opposed.

The CHAIRMAN pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I rise to offer this amendment on behalf of the gentleman from Georgia [Mr. GINGRICH] and myself. Our amendment is about one basic issue, and that is fairness.

Our amendment guarantees the National Guard civilian technicians have the same rights guaranteed to every other Civil Service employee, including Air Force and Army Reserve civilian technicians.

National Guard civilian technicians serve a critical role in our National Defense. They have waited far too long to have their basic rights restored. What the gentleman from Georgia [Mr. GINGRICH] and I would like to do is to make sure my colleagues understand what this amendment does not do. It does not change the requirement that the National Guard civilian technicians maintain dual military and civilian status.

It does not diminish the State Adjutant General's military authority.

These technicians—and I repeat this—these technicians will continue to deploy with their units if activated.

It does not eliminate the requirements that the National Guard civilian technicians wear a uniform.

Our amendment will give the National Guard civilian technicians who worked hand in hand with the Army Reserve technicians during the Gulf War the same basic rights. It will give the National Guard civilian technicians the same rights that everyone else who earns a federal paycheck has. That right is to appeal adverse personnel actions to the Merit System Protection Board.

It will establish the same treatment for all civilian technicians with respect to personnel related matters.

It will eliminate the need for costly legal battles.

Mr. Chairman, it makes sense. It is sound legislation. It is long overdue. It is time we passed this amendment and give these brave men and women the rights they deserve.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 2 minutes.

The Bonior amendment takes away the rights of the State Governors and adjutants general to manage the National Guard military technicians in their States.

This amendment says that if a technician vacancy in your hometown armory becomes available, the job must be bid nationally on a competitive basis. This could prevent a local guardsman from getting the job while allowing a person from another State or even a thousand miles away to be selected because of civilian civil service regulations. Today, the adjutant general conducts a statewide competition to select the best guardsman for the position. This is done on a best qualified basis.

Let's face it, this amendment is being promoted to protect older technicians, but the problem is, it hurts young National Guard men and women who will not be able to get these jobs because they won't have Federal veterans preference or other Federal seniority. Most States have their own veterans and guardsman preference systems and we should honor this proven selection process.

The Defense Department on Friday issued a statement saying this amendment should be defeated and they said, the technician system now in place works well and should not be changed.

Under the bottom-up review, the Defense Department is giving the National Guard more responsibility in the immediate combat readiness area. So, we need young people coming into the system to fill combat technician positions and not someone who is overweight and can't pass the physical to go overseas.

Two years ago, this same small group of technicians tried to amend the DOD authorization bill to say that technicians would not have to wear military uniforms or even to be a member of the National Guard. The amendment was soundly defeated.

I am afraid if this amendment is adopted, it will be a foot in the door to try again to initially take away the requirement to wear the military uniform and ultimately to even be a member of the local Guard unit.

The whole issue of appeal rights has been exaggerated. There has been only one case in the last 5 years where a technician has gone to court to appeal a decision by the Governor and the adjutant general and the court did rule in the individual's favor in that case.

The Department of Defense says this amendment will reduce combat readiness. Now more than ever, we need to improve the combat readiness of National Guard units. The National Guard's Military Technician Program has functioned superbly for 25 years operating under the States' jurisdiction. This program has been so effective because it emphasizes the military requirements in selecting applicants for positions.

Today, our National Guard men and women are performing more roles with increasing responsibilities both at home and abroad.

I urge you to vote no on the Bonior amendment.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Mississippi [Mr. MONTGOMERY].

In essence, this amendment would extend the right of appeal for military technicians beyond the adjutant general of the State and outside of the military. Therefore, I must oppose it.

The amendment infringes on the constitutionality provided for the States to supervise the militia in terms of appointing officers and regulating training; but just as importantly, on a practical level the amendment would undermine the readiness of the Army and Air National Guard units by de-emphasizing the military nature of the technical programs.

Divided control over State and National Guard units and the personnel there would undermine the military chain of command and downgrade the readiness of National Guard units.

This, Mr. Chairman, is at a time when we are trying to improve their readiness because of an expected increase in reliance on the Guard.

Mr. Chairman, I think it is in the best interest of the individuals in the Guard and the Guard units to defeat this amendment.

Mr. BONIOR. Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank my colleague for yielding this time to me.

Mr. Chairman, I rise in strong support of this amendment.

In America's workplace, we have an expectation that fairness and due care will be taken in situations where a person's livelihood may be threatened based on allegations of misconduct or poor performance.

For civilian technicians in our National Guard, the original 1968 Technicians Act recognized that these workers, like competitive service employees, should be protected from termination based on erroneous accusations. But that act unfortunately stopped short of providing the technicians the same procedural remedies which protect all other competitive service employees from arbitrary and even capricious terminations.

Mr. Chairman, this amendment finally corrects that oversight by providing those procedural protections to civilian technicians. It includes the requirement that cause be proven by the employer at a post-termination evidentiary hearing before a neutral hearing officer who has been trained in the proper conduct of such procedures and who has the authority to award reinstatement if injustice has occurred.

This amendment relieves the State Adjutants General of the burden of final responsibility for procedural fairness in terminations. It assures those Adjutants General who make prompt decisions based on available information that, after any termination, a professional hearing examiner will be available to conduct a thorough inquiry and ensure that the government has not erred and, in so doing, lost a valuable employee.

I say to my colleagues this is a fair and practical measure that deserves our support. It finally gives our civilian technicians the confidence they have lacked in fair treatment regarding terminations and, I am convinced, that it also will greatly assist the Adjutants General in these employment decisions.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

As chairman of the Subcommittee on Civil Service which has jurisdiction over Mr. BONIOR's amendment, I rise in strong opposition to the amendment offered by my good friend Mr. BONIOR.

This proposal, which has had no hearings or thoughtful consideration, is absolutely opposed by the National Guard and the Pentagon.

It raises profound constitutional and readiness considerations as to State National Guard administration of civilian technicians.

It deserves a hearing which I would have been glad to accommodate on the subcommittee on Civil Service if I had been asked.

The amendment would also make Guard technicians subject to the OPM reduction-in-force RIF regulations using seniority rather than performance review to determine who looses their jobs during a reduction in force. The amendment will also give civil service credit for the years a technician has been in the Guard.

Proponents argue civilian technicians have had many costly legal battles and should be allowed to appeal conduct-related adverse personnel actions to the Merit Systems Protection Board.

But really only a handful of cases have gone to the courts and there is much evidence that the current system is fair.

Concerns have been raised that this change will also enable out-of-State personnel to win jobs through bumping and retreating less senior in-State residents during a reduction in force, creating a lack of cohesion within the States' Guard structures.

For all these reasons and more, the National Guard is opposed. Vote "no" on the Bonior amendment.

Mr. BONIOR. Mr. Chairman, before I yield to my friend, the gentleman from Georgia, the distinguished chief deputy whip [Mr. LEWIS] I would like to point out that this question of job transfer from State to State is not the intention of this amendment at all. I would be delighted to work to close that problem if people have a concern about that.

I do not believe frankly that is a problem with this amendment, but if there is language to be offered in the future to rectify that, I am perfectly amenable to it.

What we are trying to do here is correct an inequity, to allow these technicians to have the same basic rights as Army Reserves and other Reserves who have the right to go to the Merit System Protection Board.

Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and colleague, the gentleman from Michigan, for yielding this time to me.

I rise today in support of the Bonior-Gingrich amendment.

This amendment is about justice. It is about equality. It is about treating people fairly.

There are three branches of our military who have civilian technician programs—the Army Reserve, the Air Force Reserve and the National Guard.

National Guard technicians do not have the same rights as those in the Army Reserve. Or those in the Air Force Reserve.

You see, they do not have the same right to appeal their punishment. They must buy this right—with time, with money, with great effort.

The Bonior-Gingrich amendment gives National Guard technicians the right to appeal to the Merit Systems Protection Board, a neutral Federal agency. Technicians in the Reserves already have this right.

My colleagues, it is time to ensure that National Guard technicians receive justice. That they are not denied equality.

The Bonior-Gingrich amendment will help ensure that all civilian technicians have these fundamental rights. I urge you to vote for the Bonior-Gingrich amendment.

□ 1740

Mr. MONTGOMERY. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan. I am very concerned that the amendment completely overlooks the fact that military technicians have always been employees of the State. They are administered, hired, and fired by purely State officals—the State Adjutants General. They carry out functions constitutionally reserved to the States.

Technicians were made nominal Federal employees by the National Guard Technicians Act of 1968 for the purpose of improving their pay and benefits by making them eligible for Federal pay scales and retirement and other benefits. The decision to make them nominal Federal employees was a device designed to skirt the constitutional issues that require the State to control all aspects of technician employment. The 1968 Technicians Act very specifically commented on the compromise nature of the law because it was quite clear to those who crafted the act that the States could not be denied the authority to employ and administer technicians.

If this amendment becomes law, the State Governors would suddenly find themselves having to respond to binding orders from a Federal administrative body dealing with issues that are explicitly reserved to the States by the Constitution. This is surely a burden that this body would reluctantly place on the Governors of this Nation.

Mr. Chairman, I would hope that any injustice that may exist in the system could be dealt with without challenging the Governors in this manner. I for one would welcome the opportunity to examine this issue more closely to determine the nature and scope of the problem.

At this moment, I ask my colleagues to vote no on the Bonior amendment.

Mr. BONIOR. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Michigan [Mr. BONIOR] is recognized for 30 seconds.

Mr. BONIOR. Mr. Chairman, I just want to respond to my friend and colleague, the gentleman from Virginia [Mr. PICKETT]. These individuals we are talking about here in their civilian jobs receive Federal paychecks. They work 9 to 5, and all they are asking is for that same right as their fellow technicians that they served with, in the Persian Gulf, the Army and Air Force Reserve technicians. All they are asking for is the same basic right to appeal grievances that are brought against them, and I would ask my colleagues to support the Bonior-Gingrich amendment. It seems to me that this is the fairest and best way to approach a problem that we really should have tackled many, many years ago.

The CHAIRMAN pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] has 30 seconds remaining.

Mr. MONTGOMERY. Mr. Chairman, I yield those 30 seconds to the chairman of the Subcommittee on Military Forces and Personnel, the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I find myself in opposition to this amendment. I have tried over a period of several days to work out an acceptable compromise that would achieve some positive results. However, Mr. Chairman, there is a small problem caused by the Constitution of the United States which states in part that the States have the right to reserve, and it has reserved the States respectively, the appointment of officers, the authority of training of the militia according to discipline prescribed by Congress, and, further, the National Guard Technicians Act of 1968 states that to recognize the military requirements and the State characteristics for National Guard by providing certain statutory administrative authority of the State level with respect to the technician program.

So, we see we have the Constitution, as well as the intent of the original 1968 act.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan.

Mr. Chairman, I would like to focus the attention of my colleagues on the foundation document of our Nation, the U.S. Constitution. It confers on the Congress the power "To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the states respectively, the Appointment of the Officers, and the Authority of training the militia according to the discipline prescribed by Congress."

Mr. Chairman, it is clear to me that the Founding Fathers intended that the States retain extensive control over matters relating to the National Guard. The National Guard Technicians Act of 1968 was a carefully constructed compromise which balanced the interests of the individual technician with the military requirements and constitutional prerogatives of the States. One of the stated objectives in the report which accompanied the act was "To recognize the military requirements and State characteristics of the National Guard by providing for certain statutory administrative authority at the State level with respect to the technician program."

The courts have recognized and approved the compromise nature of the National Guard Technicians Act of 1968. The amendment in question would destroy the balance in the act and infringe on the constitutional rights of the States.

Mr. Chairman, the constitutional issue in this debate requires that this amendment be defeated. If there is evidence that the Adjutants General in the States are not managing military technicians in a fair and effective manner, an argument that remains unproven in my view, I would suggest that such mismanagement be corrected with legislation that directly addresses the problems identified. In any event, the solution must remain within the direct control of the States.

Mr. Chairman, I urge my colleagues to vote no on the amendment offered by our colleague from Michigan.

Mr. QUILLEN. Mr. Chairman, I rise in support of the amendment offered by my colleague on the Rules Committee, Mr. BONIOR, to make the National Guard civilian technicians part of the competitive service.

Earlier this year, I introduced a separate bill, H.R. 1234, to achieve this same goal, and I'm pleased that the Rules Committee has made this amendment in order.

Competitive service employees in other branches of Federal service have a host of protection available to them such as equal hiring practices, veterans preference in a reduction in force, protection from forced retirements, and the right to appeal conduct-related adverse personnel actions to the Merit Systems Protection Board.

National Guard civilian technicians should enjoy the same rights as all other civil service employees, and adoption of this amendment will correct a longstanding injustice.

The CHAIRMAN pro tempore. Pursuant to the rule, all time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. BONIOR].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. BONIOR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 248, further proceedings on the amendment offered by the gentleman from Michigan [Mr. BONIOR] will be postponed.

It is now in order to consider Amendment No. 6 printed in House Report 103–236.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HUNTER: At the end of subtitle A of title III, insert the following new section:

SEC. 305. INCREASE IN FUNDING FOR OPERATION AND MAINTENANCE.

(a) FUNDING INCREASE.—The amount provided in section 301(1) for operation and maintenance, Army, is hereby increased by $100,000,000. The amount provided in section 301(2) for operation and maintenance, Navy, is hereby increased by $100,000,000. The amount provided in section 301(4) for operation and maintenance, Air Force, is hereby increased by $100,000,000.

(b) OFFSET.—The amount provided in section 1204 for so-called Nunn-Lugar activities is hereby reduced by $300,000,000.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. HUNTER] will be recognized for 5 minutes, and a Member opposed, the gentleman from California [Mr. DELLUMS], will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I want to just briefly tell my colleagues what this amendment does and reserve the balance of my time.

For those who are concerned about it because it does reduce the Nunn-Lugar dismantlement activity account, it does two things: It leaves Nunn-Lugar in great shape because we have authorized in the past some $900 million for Nunn-Lugar for the dismantlement of nuclear systems in the former Soviet States. We have only used a few percent of that money, less than $50 million. So, we have a lot of money left in that account. So, it leaves that account absolutely brimming with money. We have got almost $800 million there, and it takes the request this year to an additional $400 million down to $100 million, which still leaves about $900 million in the Nunn-Lugar armament nuclear system disarmament account.

Now what does it do with the money? It takes the money and lays it against our most critical and pressing military need, and that is readiness. Today, my colleagues, we have aircraft that are forgoing some of their important maintenance. The operations in Somalia are stretching the maintenance activity on marine vehicles. We have ships that need to be repaired where those repairs are being deferred because we do not have O&M money, and basically what we are starting to do is walk down this path towards a hollow military that we walked down in the late 1970's.

Mr. Chairman, readiness means saving American lives, and we can use this $300 million for readiness.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California [Mr. DELLUMS] for 5 minutes.

Mr. DELLUMS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. HUNTER], my distinguished colleague. First let me say to my colleagues, Mr. Chairman, that we have just received a letter today from the Department of Defense signed by Deputy Secretary of Defense William Perry in strong opposition to the amendment offered by my distinguished colleague, and I lay it on the desk for those who are interested.

Second, Mr. Chairman, let me now give my colleagues a number of arguments specifically in opposition to this amendment and reasons for opposition to it.

First, Mr. Chairman, the delays in spending the money authorized reflect the efforts of both administrations to negotiate agreements that comply with the congressional mandate and maximize the reduction of the threat in the four former Soviet States in which nuclear weapons are now located.

Second, spending has been delayed, for example, in Ukraine, where our negotiators have insisted on Ukrainian compliance with the pledges to eliminate nuclear weapons in Ukraine and accede to the Non-Proliferation Treaty as a nonnuclear state. Secretary Aspin recently secured Ukrainian agreement to begin deactivating and dismantling ICBM's and hopes soon to announce Ukrainian/Russian agreement on storage of fissile materials from those weapons.

Third, many of the toughest negotiating jobs are being completed, and the administration anticipates much clearer sailing ahead.

Fourth, the committee has already added $1.45 billion to the budget request to fund readiness enhancement, and does not believe that the additional $300 million this amendment would add to the O&M accounts of the services is needed. The amendment, if passed, would leave only $100 million in the authorization for Nunn/Lugar initiatives, a quarter of the administration's request. At a time when cooperation is necessary for the development and disarmament of the FSU, a reduction in funding for this program would be sending a message of "no confidence" to the FSU.

Finally, Mr. Chairman, elimination of most of the weapons of mass destruction of the former Soviet Union and the nonproliferation of the remainder of its arsenal is clearly in the United States national security interest. As Bob Strauss told the Armed Services Committee when he was Ambassador to the former Soviet Union, "We should not hesitate to spend a few hundred million dollars to destroy the weapons of the former Soviet Union that we spent $4 to $5 trillion to counter."

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, September 13, 1993.

Hon. RONALD V. DELLUMS,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Secretary of Defense, I am writing to urge that the House of Representatives not approve the amendment to H.R. 2041 offered by Congressman Hunter to increase operations and maintenance for the Army, Navy, and Air Force by reducing from $400 million to $100 million the funds authorized for Nunn-Lugar programs in FY 1994.

The Administration's request for an additional $400 million in DOD Nunn-Lugar funds for FY 1994 reflects the President's determination that continuation and expansion of the current program will be a critical element of the U.S. policy of cooperation and partnership with the new independent states of the former Soviet Union. To date, the DOD has notified Congress of proposed obligations totaling near $700 million for specific Nunn-Lugar projects with the four eligible states—the Russian Federation, Belarus, Ukraine and Kazakhstan—for which the necessary agreements are signed or awaiting signature or parliamentary ratification. If ongoing discussions with Ukraine and Kazakhstan prove successful, additional implementing agreements could be signed in the next few months that commit virtually the entire $800 million authorized for Nunn-Lugar programs under current law. While we have encountered some delays in the past in actually obligating funds notified to Congress, these largely were due to difficulties within the recipient states' governments in finalizing the formal agreements necessary for the U.S. to begin the flow of assistance. We've made considerable progress on this score in recent months—in July and August alone, additional agreements worth a total of $274 million were signed with the Russian Federation and Belarus—and, as a result, actual obligations and expenditures are beginning to increase rapidly.

Much remains to be done, however, to secure and accelerate the progress made toward denuclearization and nonproliferation in the new independent status. And even as we continue to insist that these states do their part and press our NATO allies and Japan to increase their assistance programs, requirements for additional U.S. assistance cannot be avoided or short-changed. If it were to become law, the proposed amendment would make it impossible for the U.S., for example, to meet additional and significant Russian assistance requirements to dismantle strategic offensive arms in accordance with the START II treaty and to advance the safe and environmentally-safe elimination of its chemical weapon arsenal. We also would be severely limited in our ability to help keep on track the difficult and politically-sensitive processes of denuclearization, demilitarization, and defense conversion in Belarus, Ukraine, and Kazakhstan.

By providing urgently needed assistance to the eligible states to facilitate the safe and secure transportation, storage, and elimination of thousands of the former Soviet Union's weapons of mass destruction and their delivery systems, as well as strengthening safeguards against the proliferation of such weapons, the Nunn-Lugar program is making a unique and extremely cost-effective investment in our national security. Failure to make the needed investment now could mean that the U.S. will need to devote additional resources in the future—far beyond the proposed $300 million "saving"—to deter or defend against such weapons and proliferation risks in the future. In short, the Nunn-Lugar program is not "foreign assistance" in the traditional mode, and thanks to the Administration's efforts, and particularly those within the DOD, to enhance the effectiveness of the program, Congress can be assured that the expanded program will remain as solid a contribution to U.S. security as any other $400 million in the DOD budget.

For these reasons, I urge that the House of Representatives not approve the amendment proposed by Congressman Hunter.

Sincerely,

WILLIAM J. PERRY.

Mr. Chairman, the Committee on Armed Services opposes this amendment. The Nunn-Lugar Programs assist with the destruction and nonproliferation of the weapons of mass destruction of the former Soviet Union thus increasing both United States and global security.

Mr. Chairman, I reserve the balance of my time.

□ 1750

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I rise today in opposition to Mr. HUNTER's amendment. This amendment would redirect $300 million appropriated to assist the former Soviet Union with programs that facilitate both the destruction and nonproliferation of weapons of mass destruction, or so called Nunn-Lugar Programs. The funds would be redirected into the Services O&M or readiness accounts.

While I respect Mr. HUNTER's concern for the readiness of our Armed Forces, it is in the interest of our national security that the Nunn-Lugar initiative receive full funding. Every dollar we spend on this program is going toward both nuclear disarmament and stability in the former Soviet Union, and a safer world for us all. If this amendment passes, it would leave only $100 million in the authorization for Nunn-Lugar initiatives, a quarter of the administration's request. At a time when cooperation is necessary for the development and nuclear disarmament of the former Soviet Union, a reduction in funding for this program would, in a sense, be a message of "no confidence" by this body.

This program not only facilitates our national security, but it is also integral for the internal security of the former Soviet Union. The Nunn-Lugar Programs lessen the number of nuclear weapons in the republics, and facilitates nonproliferation of these weapons. The global community does not need nuclear or chemical weapons available to the highest bidder.

While the need for improved readiness of our Armed Forces is a concern we all share, this need has been met in this authorization bill. As reported out of committee, the bill provides for readiness enhancements far beyond levels requested by the administration. The OPTEMPO accounts were increased by $1.5 billion. This will allow our pilots to fly more hours, our ships to log more time at sea, and our tanks more hours days on the field. In addition to the increase in the OPTEMPO accounts, the committee increased funding for depot maintenance by $765 million to ensure our military hardware is well maintained and ready. Reacting to the additional funding, the Department of Defense has advised the committee that any further funding above the House authorization could not be executed.

We should not compromise the Nunn-Lugar Program in order to provide additional funds for readiness. In a real sense, Nunn-Lugar funding contributes to readiness in that it neutralizes weapons our troops would otherwise face in the battlefield.

I urge my colleagues to consider the possible ramifications if a majority of the funding for this program were to be redirected. Support for this amendment would be compromising both our national security and the security of the former Soviet Union.

More important, this amendment would send a bad signal to our current and potential adversaries that the United States is not serious about reducing the potential for proliferation of these weapons. I urge my colleagues to vote "no" on this amendment.

Mr. DELLUMS. Mr. Chairman, I yield the remainder of my time to the distinguished gentleman from South Carolina [Mr. SPRATT], who chairs the Nuclear Panel of the Committee on Armed Services.

Mr. SPRATT. Mr. Chairman, I rise in strong opposition to the Hunter amendment.

Mr. Chairman, the Nunn-Lugar Programs are a brilliant and bipartisan creation of the U.S. Congress. They are designed, at very low cost, to destroy the weapons of mass destruction of the former Soviet Union. They are the vehicle for taking advantage of the opportunity we have to get rid of the missiles, launchers, and warheads that have held generations of Americans hostage and have cost those same generations a great deal of money spent in our Nation's defense.

Mr. Chairman, here is a summary of progress to date in implementing Nunn-Lugar. The Congress has authorized a total of $800 million to these programs for fiscal year 1992 and 1993, of that amount, $688.54 million—almost 90 percent of the amount authorized—has been notified to the Congress with the intention to obligate. Furthermore, this total does not include the $175 million that Presidents Bush and Clinton have pledged to destroy the missiles and launchers currently located in Ukraine.

Let me add, Mr. Chairman, that as of today, almost $53 million of this amount has actually been obligated in contracts for implementing Nunn-Lugar Programs, and an additional contract scheduled for signature later this week will bring that total to almost $86 million. Furthermore, there are high quality American jobs at stake here—most of these obligated funds have gone to the United States private sector, with much of the remainder going to our Government facilities like our national labs. These are the people that will be performing many of the high-tech jobs in destroying the weapons of the former Soviet Union.

Mr. Chairman, this amendment would not only cut three-quarters of the funds requested by the administration and provided in the committee bill for these vital programs, it would move the money to accounts where the committee bill has already added $1.45 billion above the amount requested.

Mr. Chairman, it makes eminent sense to spend a few hundred million dollars to get rid of the Soviet weapons that we spent $4 to $5 trillion countering over the last 45 years.

I encourage my colleagues to vote no on the Hunter amendment.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, it has been stated that the Nunn-Lugar Program is essential to American security. Everyone on this side of the aisle agrees. There is no more pressing challenge, nor important job for the United States, than to participate in a program, and we really developed the program, to dismantle nuclear weapons that are aimed at us.

The point that we are making is that we have a large pot of money, almost $900 million if this amendment passes, that has not been used. It is sitting there. And so far, under this pressing program, we have only used so far $31 million, less than 4 percent of what is available.

Now, it has been stated by my distinguished colleagues that the administration thinks we can spend this money. Our answer is, let us get on with it. Let us do it. We want to do it. But right now we have a large amount of money simply sitting there. One problem is, this is somewhat complicated by the fact that instead of one Soviet Union, you have four former Soviet States, and the dealings with them are somewhat complicated. It is going to take some time to spend this money.

Now, at the same time, what do we have? Well, we have got a military that is being stretched by the up tempo around the world with respect to Somalia, the Guantanamo Bay operations, Northern Iraq, the former Yugoslavia, all the operations that we are taking part in right now are stretching O&M and stretching readiness.

We have deferred maintenance on trucks, on ships, on aircraft, and we need to get on with it. We need to have readiness.

The most important service that we can do to our young men and women that wear our uniforms is to keep them well-equipped. This does absolutely no damage to Nunn-Lugar. In fact, it might wake a few people up, and they might get on and say hey, let us spend this money.

So far we have only spent $31 million out of almost $800 million that is available. We have a very large pot of money available right now for Nunn-Lugar. And what we are really going to do, if we do not spend this money on readiness, is allow readiness to slip, and essentially simply cut the defense budget, because this $800 million is not going to be used in the near future.

So I would ask my colleagues, vote for the people that wear our uniform around the world, who need ammunition, who need spare parts, who need to have equipment that is ready and works. Vote for readiness. Vote for this amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from California [Mr. HUNTER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the House Resolution 248, further proceedings on the amendment offered by the gentleman from California [Mr. HUNTER] will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to House Resolution 248, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 1, offered by the gentleman from Virginia [Mr. SISISKY]; amendment No. 2, offered by the gentleman from Virginia [Mr. SISISKY]; amendment No. 5, offered by the gentleman from Michigan [Mr. BONIOR] and the gentleman from Georgia [Mr. GINGRICH]; and amendment No. 6, offered by the gentleman from California [Mr. HUNTER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. SISISKY AS MODIFIED

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from Virginia [Mr. SISISKY], as modified.

The Clerk designated the amendment as modified.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Virginia [Mr. SISISKY] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to section 3 of House Resolution 248, the Chair may conduct subsequent votes in this series as 5-minute votes.

The vote was taken by electronic device, and there were—ayes 199, noes 211, not voting 28, as follows:

[Roll No. 426]

AYES—199

Abercrombie
Andrews (ME)
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Carr
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Jefferson
Johnson (GA)
Johnson, E.B.
Johnston
Kaptur
Kennedy
Kennelly
Kildee
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Levin
Lewis (GA)
Lloyd
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Mfume
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Pickett
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Torres
Torricelli
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—211

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Cooper
Costello
Cox
Crane
Crapo
Cunningham
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Filner
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kanjorski
Kasich
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Long
Machtley
Maloney
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Menendez
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Neal (NC)
Nussle
Orton
Oxley
Packard
Pallone
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shepherd
Skeen
Slattery
Smith (MI)

Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thurman
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Williams
Wolf
Young (FL)
Zeliff

NOT VOTING—28

Ackerman
Andrews (TX)
Conyers
de Lugo (VI)
Farr
Frost
Green
Gutierrez
Hoke
Kingston
Kleczka
Lehman
Lipinski
Lowey
Miller (CA)
Neal (MA)
Owens
Pickle
Porter
Ridge
Romero-Barcelo (PR)
Rose
Shuster
Thomas (WY)
Towns
Washington
Young (AK)
Zimmer

□ 1821

The Clerk announced the following pair:

On this vote:

Mr. Kleczka for, with Mr. Kingston against.

Messrs. HUTTO, TAUZIN, and DEUTCH, Ms. FURSE, and Mr. SMITH of New Jersey changed their vote from "aye" to "no."

Messrs. PARKER, McDERMOTT, MOAKLEY, SABO, and HALL of Texas changed their vote from "no" to "aye."

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. DURBIN). Pending before the Committee for the remainder of the evening are three amendments. They are as follows: Amendment No. 2 offered by the gentleman from Virginia [Mr. SISISKY], relating to post-cold war programs; amendment No. 5 offered by the gentleman from Michigan [Mr. BONIOR], on National Guard civil technicians; and amendment No. 6 offered by the gentleman from California [Mr. HUNTER], on increased funds for O&M.

It is the decision of the Chair that rollcall votes, if ordered, on any of these remaining amendments will be reduced to 5 minutes.

AMENDMENT NO. 2 OFFERED BY MR. SISISKY

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Virginia [Mr. SISISKY] for a recorded vote on which further proceedings were postponed.

The Clerk will redesignate the amendment.

The Clerk redesignated amendment No. 2 offered by Mr. Sisisky.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Virginia [Mr. SISISKY] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 210, not voting 29, as follows:

[Roll No. 427]

AYES—199

Abercrombie
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Grandy
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Horn
Hoyer
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson, E.B.
Johnston
Kaptur
Kennedy
Kennelly
Kildee
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Levin
Lewis (GA)
Lloyd
Maloney
Mann
Manton
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Mfume
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Nadler
Natcher
Neal (NC)
Norton (DC)
Oberstar
Olver
Ortiz
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—210

Allard
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Danner
Deal
DeLay
Derrick
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Gunderson
Hall (OH)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Holden
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kanjorski
Kasich
Kim
King
Klein
Klink
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Long
Machtley
Manzullo
Margolies-Mezvinsky
Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Menendez
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Moorhead
Morella
Murphy
Murtha
Myers
Nussle
Obey
Orton
Oxley
Packard
Paxon
Petri
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shepherd
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Strickland
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Torkildsen
Tucker
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wolf
Young (FL)
Zeliff

NOT VOTING—29

Ackerman
Andrews (TX)
Conyers
de Lugo (VI)
Farr
Frost
Green
Gutierrez
Hoke
Kingston
Kleczka
Lehman
Lipinski
Lowey
Miller (CA)
Neal (MA)
Owens
Peterson (MN)
Pickle
Porter
Ridge
Romero-Barcelo (PR)
Rose
Shuster
Thomas (WY)
Towns
Washington
Young (AK)
Zimmer

□ 1830

The Clerk announced the following pair:

On this vote:

Mr. Kleczka for, with Mr. Porter against.

Mr. WILSON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1830

AMENDMENT NO. 5 OFFERED BY MR. BONIOR

The CHAIRMAN pro tempore (Mr. DURBIN). The pending business is the demand of the gentleman from Michigan [Mr. BONIOR] for a recorded vote on which further proceedings were postponed.

The Clerk will redesignate the amendment.

The Clerk redesignated amendment No. 5 offered by Mr. BONIOR.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Michigan [Mr. BONIOR] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 156, noes 256, not voting 26, as follows:

[Roll No. 428]

AYES—156

Abercrombie
Andrews (ME)
Bachus (AL)
Barca
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Clay
Clayton
Clinger
Collins (GA)
Collins (IL)
Collins (MI)
Coppersmith
Coyne
Darden
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Emerson
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Filner
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gekas
Gephardt
Gingrich
Glickman
Gonzalez
Greenwood
Gunderson
Hamburg
Hamilton
Harman
Hastings
Hilliard
Hinchey
Hoagland
Holden
Horn
Hoyer
Inslee
Jacobs
Johnson (GA)
Johnson (SD)
Johnston
Kildee
Klein
Klug
Kopetski
Kreidler
LaFalce
Lantos
Levin
Lewis (GA)
Long
Machtley
Martinez
Matsui
McHale
McHugh
McKinney
Meek
Mfume
Minge
Mink
Murphy
Nadler
Norton (DC)
Oberstar
Obey
Olver
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Quillen
Rangel
Reed
Reynolds
Rostenkowski
Rowland
Roybal-Allard
Rush
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shepherd
Slattery
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Talent
Torres
Torricelli
Tucker
Unsoeld
Velazquez
Vento
Volkmer
Walker
Walsh
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Wynn
Yates

NOES—256

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chapman
Clement
Clyburn
Coble
Coleman
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
DeLay
Derrick
Dickey
Doolittle
Dornan
Dreier
Duncan
Edwards (TX)
English (OK)
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Fingerhut
Foglietta
Fowler
Franks (CT)
Gallegly
Gallo
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hobson
Hochbrueckner
Hoekstra
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jefferson
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kim
King
Klink
Knollenberg
Kolbe
Kyl
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Natcher
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Ravenel
Regula
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sabo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Traficant
Underwood (GU)
Upton
Valentine
Visclosky
Vucanovich
Weldon
Whitten
Wilson
Wise
Wolf
Young (FL)
Zeliff

NOT VOTING—26

Ackerman
Andrews (TX)
Carr
Conyers
de Lugo (VI)
Farr
Frost
Green
Gutierrez
Hoke
Kingston
Kleczka
Lehman
Lipinski
Miller (CA)
Neal (MA)
Owens
Porter
Ridge
Romero-Barcelo (PR)
Rose
Shuster
Towns
Washington
Young (AK)
Zimmer

□ 1840

The Clerk announced the following pair:

On this vote:

Mr. Kleczka for with Mr. Porter against.

Ms. SNOWE, Mrs. MALONEY, Messrs. KENNEDY, MOAKLEY, and MARKEY, Mrs. KENNELLY, Mr. UNDERWOOD and Mr. MEEHAN changed their vote from "aye" to "no."

Mr. DEUTSCH, Mr. HASTINGS, and Mrs. MEEK changed their vote from "no" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. HUNTER

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from California [Mr. HUNTER] for a recorded vote on which further proceedings were postponed.

The Clerk will redesignate the amendment.

The Clerk redesignated amendment No. 2 offered by Mr. HUNTER.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from California [Mr. HUNTER] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 149, noes 263, not voting 26, as follows:

[Roll No. 429]

AYES—149

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Barcia
Bartlett
Barton
Bateman
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chapman
Clinger
Coble
Collins (GA)
Combest
Condit
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goss
Grams
Greenwood
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
McCandless
McCollum
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Moorhead
Nussle
Orton
Oxley
Packard
Paxon
Petri
Pickle
Pombo
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Reynolds
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Rowland
Royce
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (NC)
Thomas (WY)
Torkildsen
Traficant
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)

NOES—263

Abercrombie
Andrews (ME)
Bacchus (FL)
Baesler
Ballenger
Barca
Barlow
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Byrne
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)

Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Gunderson
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Levin
Lewis (GA)
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton

Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Regula
Richardson
Roemer
Rostenkowski
Roukema
Roybal-Allard
Rush

Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torres
Torricelli
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff

NOT VOTING—26

Ackerman
Andrews (TX)
Conyers
de Lugo (VI)
Farr
Frost
Green
Gutierrez
Hoke

Kingston
Kleczka
Lehman
Lipinski
Miller (CA)
Moakley
Neal (MA)
Owens
Porter

Ridge
Romero-Barcelo (PR)
Rose
Shuster
Towns
Washington
Young (AK)
Zimmer

☐ 1847

The Clerk announced the following pairs:

On this vote:

Mr. Kingston for, with Mr. Kleczka against.

Mr. Porter for, with Mr. Moakley against.

Mr. BRYANT changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MAZZOLI] having assumed the chair, Mr. DURBIN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 241) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, due to a recent series of previously scheduled town hall meetings and individual meetings with constituents I was unable to register my votes.

Had I been present:

Rollcall votes 426, 427, and 429. I would have voted "no" on No. 426 and No. 427 and "aye" on No. 429.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1490

Mr. FIELDS of Louisiana. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 1490.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

TRANSFER OF SPECIAL ORDER TIME

Mr. INHOFE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. UPTON] be able to take the 60 minute special order granted for today to the gentleman from Indiana [Mr. BURTON].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

☐ 1850

TRANSFER OF SPECIAL ORDER TIME

Mr. LAROCCO. Mr. Speaker, I ask unanimous consent that the special order granted to the gentleman from Michigan [Mr. BONIOR] for today, September 13, 1993, be allocated to the gentlewoman from Ohio [Ms. KAPTUR].

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Idaho?

There was no objection.

FACTFINDING TRIP TO CROATIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, last week I returned from a factfinding trip in Croatia which was sponsored by the Congressional Human Rights Foundation. Accompanying me on this trip were my legislative director, Brian Dean, and Stuart Feldman of Senator HATCH's staff. The delegation visited Zadar, Zagreb and Split. By the end of the month, unless the United States and the United Nations act forcefully and creatively, the war in the former Yugoslavia will spread from Bosnia and Herzegovina back into Croatia.

Mr. Speaker, this must be stopped at all costs, but it will require creative diplomacy on the part of the United States, as well as an understanding by the international community, that firm action must be taken to prevent the spread of the war.

The United Nations Security Council Resolution 743 of February 1992 authorizes a protection force to demilitarize the protected areas in Croatia and to create conditions making the return of all displaced persons and refugees to their homes in these protected areas possible. The United Nations has failed in accomplishing this mandate. Refugees contine to flee the protected areas, and none have returned. Paramilitary forces in the protected areas have not been disarmed, and weapons and forces are entering the protected areas from Bosnia and Herzegovina. The United Nations forces are permitting the denial of water and electricity to coastal cities such as Zadar and Biograd by occupying forces in the protected areas. Under the, quote, watchful eye, unquote, of the United Nations shelling is continuing in civilian areas from the UNPA's. Two civilians were killed 2 weeks ago in the Croatian city of Zadar by shells fired from the protected areas. Last week, on Friday, an artillery attack was launched on Karlovac killing 11 people, and on Friday, a shell hit Zagreb with 9 wounded. The United Nations protective forces, UNPROFOR for short, have permitted paramilitary forces to repeatedly shell the Maslenica bridge, which is the only land corridor connecting central Croatia to its southern coast. UNPROFOR in Croatia is serving as a shield for the militarization of the region and increasing the likelihood of another all-out Serbo-Croat war when the United Nations mandate expires at the end of the month. If the mandate is renewed without change, refugees and displaced persons will not be able to return to their homes, and ethnic cleansing will once again have succeeded. Civilians living in the areas adjacent to the protected areas will continue to live under the threat of arbitrary shelling from forces within those protected areas, and drinking water and electricity will remain cut off to cities and villages in Croatia. A protected U.N. stay, under the current mandate, creates a de facto autonomous state within the internationally recognized borders of Croatia, a ministate created through borders altered by force and the forced relocations of civilian populations. Thus, the mandate should be strengthened and renewed.

Mr. Speaker, today I have introduced a concurrent resolution urging the United Nations Security Council to give the unperformed mandate the teeth it needs to disarm occupying forces. This resolution also urges the Security Council to create conditions permitting the immediate return of refugees and displaced persons to their homes, to require the reopening of the safe land corridor connecting northern Croatia with its southern coastal regions and to demand that water and electricity being denied to civilians in coastal Croatia be restored immediately. I have sent letters to the President, to Secretary of State Christopher and the United Nations Ambassador Albright asking them to make administration policy along these lines as the unperformed mandate expires. Attention has been focussed on the horrors that have occurred in Bosnia, however we should not ignore a parallel situation which could trigger another round of bloodshed in Croatia.

Mr. Speaker, I yield to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I just want to urge the gentleman from Wisconsin [Mr. SENSENBRENNER] though to focus on this issue carefully. I, as the gentleman knows, was a strong supporter of Croatia, and I still am, but I have a bill in to take away the most-favored-nation status from Croatia because Croatia now has 5,000 regular army people fighting in Bosnia and Herzegovina, and, if the gentleman has been reading the news reports and reading the intelligence reports, Croatian forces have been involved in ethnic cleansing of Moslems in that area, and President Tudjman has the ability—

Mr. SENSENBRENNER. Reclaiming my time, which is not in great quantity, let me say that the trip report I have submitted to the Congressional Human Rights Foundation very clearly states my urging the Croatian regular army forces be pulled out of Bosnia-Herzegovina and counterproductive activities, such as Croatian forces obstructing U.N. relief convoys, cease immediately.

Mr. ENGEL. Thank you, Madam Speaker.

To date, more than 150,000 Bosnians have been killed in a bloody war on the soil of the former Yugoslavian state, in the heart of the European continent, 150,000 men, women, and children have been tortured, raped and massacred while the free world looked on. A world that claims to protect freedom and human rights. A world that has said genocide should never occur again. A world that pretends to have learned the lessons of the past.

Last week, Bosnian President Alija Izetbegovic visited the United States and asked for the help and support of this free world. His pleas remained unanswered. Unanswered foremost by the European powers who are unwilling or unable to stop the bloodshed in their backyard. They reject lifting the arms embargo on the Sarajevo government, thereby depriving the Bosnian Moslems of their ability to defend themselves. Instead they have been acquiescing to the partition of Bosnia and Hercegovina and the triumph of Serbian and Croatian aggression. In their opinion, a solution has to be found with the agreement of all concerned parties, even if such an agreement means to reward the persecutor and punish the persecuted. A division of Bosnia along ethnic lines would be—to use Mr. Izetbegovic's words—a "Capitulation of Legality to Force."

Dividing up Bosnia along ethnic lines is a disgrace, and bears little hope for a lasting peace in the Balkans. To the contrary, Serbs and Croats plan to divide Bosnia among themselves, and will claim the lands they have occupied by force. The Serbs will not stop there, but continue their bloody raid by trying to gobble up their smaller neighbors.

The next victim of Serbian aggression will be Kosova, where the 90 percent Albanian majority already suffers a silent ethnic cleansing. I have seen the devastating situation in Kosova firsthand. Albanians are fired from their jobs, Albanian hospitals are closed, and children are denied access to schools because of their ethnic affiliation.

The stakes in Kosova are high. If the Serbians do resort to open bloodshed in Kosova, Albania, Bulgaria, Macedonia, Turkey, and Greece are likely to be dragged into the conflict. This would result in a refugee crisis that would rival and possibly eclipse the disaster we are still witnessing in Bosnia.

Madam Speaker, it is not too late for action in the former Yugoslavia. I urge the United Nations to lift the arms embargo on Bosnia and allow the Bosnian Moslems to defend themselves. And I strongly urge for the deployment of peacekeeping forces in Kosova.

If the free world does not act now, we all will be guilty of having allowed the extinction of a people living in the heart of Europe. If we really have learned the lessons of the past we cannot close our eyes and turn our backs on another genocide.

Thank you, Madam Speaker.

SAVINGS IN AMERICA

The SPEAKER pro tempore (Ms. VELÁZQUEZ). Under a previous order of the House, the gentleman from Indiana [Mr. LAROCCO] is recognized for 5 minutes.

Mr. LAROCCO. Madam Speaker, I want to take a few minutes again today to speak to the House about savings in America.

As I have noted in previous special orders on this issue, Americans don't save very much money.

Our personal savings are about half what they were 15 years ago, and we weren't big savers even back then.

Various changes in our economy and tax policies have failed to stem the declining rate of savings.

Even in the mid-1980's, when we had massive tax cuts and high interest rates at the same time, Americans did not increase our personal savings rate.

In the early 1970's, 9 percent of take home pay was saved. We're saving about a third that much now.

Some economists had predicted that when the baby boomers started having children of their own, they would also start saving. The early returns indicate that baby boomers are in fact saving a little more as they age, but not as much as their parents did at the same age.

Well, Madam Speaker, we have another chance to get our savings rate up, and I hope that we don't let it get away from us. If we try, we might be able to get Americans to save some of the unexpected money they now find in their possession because they have refinanced their mortgages.

This year, a large majority of the American families who have home mortgages are seeing extra dollars in their pockets as a result of refinancing to take advantage of lower interest rates.

These extra dollars are part of the money that families budgeted for and expected to mail off as house payments.

When the Smith family got its original, higher rate mortgage a few years ago, their lender calculated that they could afford payments of—for example—$700 a month.

Now, with interest rates down, the Smiths have refinanced and they make a mortgage payment of only $550 a month.

That's $150 a month in more or less unanticipated money in the Smith family cash box—almost $2,000 a year.

Now, multiply the Smith's small windfall by literally millions of American families. Mortgage refinancing is going on all over the country, with high-income and lower income families and big mortgages and small mortgages.

As a result of this furious refinancing activity, about $4½ billion that American families had budgeted for mortgage payments won't be going to their mortgage holders this year.

So, is there any chance that a decent share of this windfall will be saved?

For the sake of our country, it had better be.

We've all heard the comparisons before, but I think we need to hear them again. Americans save less than the citizens of every one of the other G–7 countries, the countries with developed economies.

This means that not only the Japanese—who are the world's premiere savers—but the Italians, the Germans, the French, the British, and the Canadians all save more of their take-home pay than we do.

We spend more on ice cream and we have more TV sets per household, but we save less. Let me add, we also pay less in taxes than citizens of the other countries I named, so tax burden isn't the reason for our anemic savings rate.

What I would like to do this afternoon is to issue a challenge to the bankers, investment counselors, retirement planners, and mortgage refinancers of America. I would like to challenge these financial professionals to go after the Smiths and the money that has been freed up in their family budget because of their new mortgage. Convince them to save some of it before it burns a hole in their pockets.

Whether the money goes into CD's, bank savings accounts, IRA's, stocks, bonds, or other instruments is not the big issue. The big issue is the need to put some money away instead of spending it all immediately.

This is a challenge we have to meet if there is going to be college money for our children, retirement money for ourselves, and investment money for the American economy.

It's a matter of personal responsibility. It's a matter of national survival.

Madam Speaker, I will be returning to this topic in the days to come.

□ 1900

COMMITTEE ON RULES ATTEMPTS TO DISCHARGE DISCHARGE PETITION

The SPEAKER pro tempore (Ms. VELÁZQUEZ). Under a previous order of the House, the gentleman from Oklahoma [Mr. INHOFE] is recognized for 5 minutes.

Mr. INHOFE. Madam Speaker, on August 4 we had a special order to introduce something here to many of the Members of Congress who were not familiar with it, a system called a discharge petition. Since that time there has been a lot of attention drawn to it. Since that time also, I might add, we have secured the names of 218 Members who have signed the discharge petition, along with nine more waiting in line and wanting to do it.

But I wanted to use this time just to mention the fight is not over yet. Tomorrow there will be a Committee on Rules meeting at 9:30 where I will be testifying, and I anticipate that they are going to try to come up with some excuse to torpedo this thing, which I think reflects the wishes of the people.

Real briefly, the three arguments that are used against it are really phony. One is it will destroy the committee system.

Madam Speaker, under the best of circumstances, it would take at least 6 weeks to get 218 signatures on a discharge petition. The rules say you wait 30 days before you do that, and then 7 legislative days after that. Then it can only come up on a second or fourth Monday. That means it will take at least 3 months.

I suggest if a committee chairman was not willing to have a hearing on a bill in that many months, then maybe the committee system does need a little changing.

One of the most ridiculous arguments is if we do this, the lobbyists and special interests will find out what we are doing around here.

Madam Speaker, let me tell you, the lobbyists and special interests know what we are doing; it is the people that do not know.

The third argument is it will lead to bad law. The interpretation of those who have been in the leadership around here is anything they do not want is bad law. Limited terms is bad law; budget balancing amendment to the Constitution is bad law; the line item veto is bad law. So I think this merely reflects the wishes of the people.

I would say this also: that the discharge petition process is the last vehicle available to express the will of the majority in Congress.

Madam Speaker, I yield to the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Madam Speaker, I thank the gentleman from Oklahoma.

Madam Speaker, I think what we have to assess is why did my colleagues and the Members of this Congress sign that discharge petition? The reason they signed it is because the American people have said, "We want more open government." The American people have said government has got to change. The American people have said the Government needs to respond to openness, that government needs to do its business in the open, the Government needs to be honest with the people that it represents, and that is why they signed this discharge petition.

Well, guess what? Tomorrow morning in the Committee on Rules the gentleman from Oklahoma [Mr. INHOFE] is going to see people refusing, denying the people of this country.

Madam Speaker, I hope the gentleman from Oklahoma [Mr. INHOFE] continues to get the kind of press he has gotten nationwide, to open up the government system, to open up Congress, and to change the way Congress is doing its business. All I can say is I hope the gentleman from Oklahoma [Mr. INHOFE], I hope tomorrow you can learn a few verses from the song "Times, They Are A'Changing," and I hope you have that opportunity to rehearse it there in front of them.

Mr. INHOFE. Madam Speaker, I thank the gentleman from Colorado [Mr. MCINNIS], because times are clearly changing. People are more informed, and people are not going to tolerate this old secret way of doing business.

Madam Speaker, I yield to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Madam Speaker, I compliment the gentleman for his time, commitment, and energy to help open up government and open up this institution. I truly am, as a new Member of Congress, outraged at the Committee on Rules, how it controls the process that has led to making the Congress a very partisan institution.

If I had been asked a year ago, "Steve, you have an option: you can either control the substance, or you can control the process; which do you choose?"

A year ago, as a citizen of this country, I would have said, "I would like to control the substance." Now, as a Member of this Congress, I would say that is wrong. If you control the process, you control the substance, and that is what the Committee on Rules does.

This is just another answer to those who have been attacking the gentleman from Oklahoma [Mr. INHOFE] and others of us even here, saying, "You represent those special interest groups. See how fast that undue pressure? It only took 3 weeks to get 218 signatures."

Madam Speaker, that confuses me, because the gentleman from Oklahoma [Mr. INHOFE], I know, has been working over 6 months. How long has the gentleman been working on this?

Mr. INHOFE. Madam Speaker, we are talking about years. As far as this discharge petition is concerned, it has been 6 months. It is a long, arduous process of getting that number. To have someone suggest that it happened in 3 weeks, of course, it is just that they are ill-informed.

Mr. BUYER. Madam Speaker, I would say to the gentleman from Oklahoma [Mr. INHOFE], it is a compliment, though, when they say you represent special interests, when it is the special interest of the American people on issues of the line item veto, the balanced budget, and term limitations.

Mr. INHOFE. Madam Speaker, I thank the gentleman.

Madam Speaker, I would yield to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Madam Speaker, first I want to congratulate the gentleman from Oklahoma [Mr. INHOFE] for the marvelous job the gentleman has done to open up government.

Madam Speaker, I would like to ask a question: how can people who signed on this discharge petition turn around and vote for a procedure to gut the very discharge petition we are talking about?

Mr. INHOFE. Madam Speaker, I thank the gentleman for that question. I do not think it is going to happen. We have two lists here. This list is 218 people who signed discharge petition No. 2. The other is nine people standing in line who have stated they are going to do it.

Madam Speaker, I do not think there is one individual who signed that who would then turn around and vote for a procedural vote that would gut and torpedo the system. So it is not going to happen. The people are going to win this one.

LET THE SUN SHINE IN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Madam Speaker, for months Members of the minority have labored to inform the American people about how the majority leadership uses its absolute power to stifle debate and sidetrack meaningful reform. We've even used display charts showing the dramatic increase in closed rules and restrictive rules—both of which disenfranchise members of both parties and diminish opportunity for full deliberation.

The status quo around here has capitalized on the fact that many of its methods for shutting off debate and killing worthwhile proposals for change are procedural, and not attention-getting in the eyes of the news media, no sex appeal, in advertising terms. In short, the leadership has hidden behind procedure to influence the substance of what we do. But last week we had a breakthrough—thanks to the Wall Street Journal, talk radio and an American public fed up with business-as-usual, the House—led by JIM INHOFE of Tulsa, OK—was able to muster the needed 218 signatures on a discharge petition—the first step toward a significant reform in the rules.

Our goal is to let the sun shine in onto the inner workings of the house—to provide the people with an accurate measuring stick to rate their Representatives and to provide opportunity for debate and voice on some issues that enriched leadership has arbitrarily and in some cases arrogantly bottled up. What we are attempting is simply to lift the veil of secrecy that currently surrounds the discharge petition process. Why is this so important: Why does this change have significant potential consequences? The way things stand now, a handful of incredibly powerful committee chairmen have the ability to kill popular legislative proposals by effectively burying them in committee. This is what is happening to legislation implementing national term limits; it's happening to the many worthwhile proposals for spending cuts; it's happening to the repeal of the onerous Social Security earnings test; and it's happening to the notch fix.

The only recourse that sponsors and supporters of these bills have is the arcane process of the discharge petition. Under this procedure, if 218 Members of this House—that's 50 percent plus one—sign such a petition then a bill may be released from committee and can come straight to the floor. But discharge petitions are rarely successful because the list of those who sign is kept secret.

This means Members can tell their constituents they support a bill even though they aren't willing to go the extra mile to actually get the bill passed.

By making the names public, Members will have to be up front about their level of support for a particular bill.

I know that after all the recent fanfare many Americans believe we have won this battle—and opened up the process. But the leadership around here knows that there are many ways to block reform—and they are not about to give up their absolute power without a fight. So we are alert to counter moves—look-alike, sound-alike but do-nothing proposals of their own designed to sidetrack real reform. They did it with the line-item veto. And they attempted to do it during the House bank and post office scandals but public outrage was too great

But we can win the fight for reform—if the American people keep watching and keep making themselves heard. Don't be fooled by a poor substitute—hold out for the Inhofe resolution—hold out for real reform.

Madam Speaker, I yield to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Madam Speaker, I thank the gentleman for yielding. I would like to ask the gentleman from Florida [Mr. GOSS], as a member of the Committee on Rules, and, of course, I am not on the Committee on Rules, but I have read a couple of things to expect as to what they might try to do. Does the gentleman have any idea what that would be?

Mr. GOSS. Madam Speaker, I am very happy to reclaim my time to try to explain this, that there are actually a number of options that the Committee on Rules could take to sort of sidetrack the effort that the gentleman from Oklahoma [Mr. INHOFE] has made so far.

The Committee on Rules has not made any such determination. The fact is it is meeting now on other matters, and the fact is it is going to have hearings tomorrow. It is impossible to predict what the outcome will be. But I think it is very beneficial to remind the Committee on Rules that there are 218 Members of this body, plus several others who have indicated an interest as well, in seeing this matter come to a vote on the question of the secrecy in the discharge. I think that is a very clear, loud message, and those of us who favor that will certainly be reminding those in the Committee on Rules during the Committee on Rules hearing.

Mr. INHOFE. Madam Speaker, after the gentleman from Alabama [Mr. BACHUS] proceeds, I have another comment to make.

Mr. GOSS. I yield to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS of Alabama. Madam Speaker, the gentleman from Oklahoma [Mr. INHOFE] predicted last week that the Committee on Rules may try to sidetrack this discharge petition. I thought at that time that the gentleman may have a bit of paranoia. But Roll Call this morning reported that the discharge bill may be gutted. It goes on to say that the Committee on Rules at this present time is plotting their strategy.

I would ask the gentleman from Oklahoma [Mr. INHOFE], why in the world would the Committee on Rules try to gut this bill, when Americans are calling for more openness and more honesty from their Representatives, and for reform of Congress, and the discharge petition of the gentleman from Oklahoma [Mr. INHOFE] goes further than anything on the floor of this House?

Mr. INHOFE. I appreciate the question from the gentleman from Alabama [Mr. BACHUS]. I know I can only respond by saying that I do not think they are going to be able to do it. I think that any attempt to subvert the discharge petition, the only means, this is the only vehicle by which the will of the majority of the House, which reflects the will of the American people, can be heard, and I do not think it is going to happen. And I appreciate that question.

□ 1910

I would like to make a comment in the form of a question to the gentleman from Florida, who is on the Committee on Rules. It is my understanding that any of the procedures or scenarios that I have seen that the Committee on Rules can come up with are going to ultimately require a recorded vote; is that correct?

Mr. GOSS. Madam Speaker, reclaiming my time, I believe that the gentleman from Oklahoma has properly characterized the circumstance, but never underestimate the creativity of the Committee on Rules. I think we have all learned that.

My view is that one way or another, either on this floor in one manifestation of this House in operation or another, we will have to have a vote of the House, of the Members of this House, on some aspect of this. So the vote will come forward some way.

Mr. INHOFE. I think that is what you accomplish when you do get your 218th signature. At least it says that that committee of jurisdiction, in this case the Committee on Rules, will be released, discharged from their jurisdiction. But that will not happen until the 27th of September.

Mr. GOSS. Even if the gentleman's discharge petition did not come to a vote on the date certain that has been selected for it, some other Committee on Rules opportunity, some issue would be out there that they would have had to create, and it would essentially be the same issue.

Mr. INHOFE. I have talked to a number of the Democrats who have signed

Discharge Petition No. 2. I have yet to find one who is not going to see it through.

In other words, if you sign a discharge petition to discharge a bill, to do away with the secrecy and the discharge system, you are not going to turn around then and vote for a procedure that is going to torpedo that entire effort.

Mr. GOSS. Let me be clear that the purpose of this is to remove the secrecy from the discharge so that we can get on with some of the other benefits that come from that process that have been explained. I do not believe that any gutting amendments, any cute changes in the program, any watering down, any pale imitations will pass the laugh test. I believe there are enough people watching on this now so that that is not going to happen.

I am not saying it cannot happen. I am saying it is not likely to happen, as long as there is as much interest as I see in this Chamber tonight and as much interest as I see in the media abroad in our country.

Mr. INHOFE. Madam Speaker, I thank the gentleman very much. I thank him for having this short special order just to explain what might happen in the Committee on Rules. I appreciate his support very much.

ON THE NATIONAL PERFORMANCE REVIEW AND IN SUPPORT OF H.R. 2245

The SPEAKER pro tempore (Ms. VELÁZQUEZ). Under a previous order of the House, the gentleman from New Jersey [Mr. FRANKS] is recognized for 5 minutes.

Mr. FRANKS of New Jersey. Madam Speaker, last week the spotlight turned to Vice President AL GORE and the findings of his eagerly awaited National Performance Review. After the narrow passage of the President's budget and the ever-growing demand by the public for more and bigger cuts in Federal spending, a great deal is riding on these recommendations to improve the management of the Federal Government.

After failing to eliminate one single Federal program from the fiscal year 1994 budget, performance review is President Clinton's second—and perhaps final—chance to convince the American people that he is serious about ending business as usual in Washington and bringing fiscal responsibility to the way the Federal Government spends our tax dollars.

An enormous question remains to be answered: Will the National Performance Review's 6-month exercise to bring efficiency and enhanced productivity to the Federal Government actually lead to improved performance and less expensive government? Will the National Performance Review, as the President promised last spring, represent a historic step in reforming the Federal Government? Or will it—like a long list of past reform efforts dating back to the Hoover Administration—produce only short-lived and largely symbolic changes in the Federal Government?

In our efforts to bring about a real revolution in the way the Federal Government works, we should look for two things that you don't often see here in Washington—clear thinking and political leadership. We must understand our goals and be truly determined about reaching them.

There need to be some basic principles that guide the creation of any sustained effort aimed at generating an effective and long-lasting performance review and evaluation system.

First, you need to forge a politically difficult but essential alliance uniting Congress, the President and the Federal bureaucracy. All these groups are powerful stakeholders in the Federal Government. And, if even one is excluded, the process is doomed from the outset. Whether under Presidents Kennedy, Carter or Reagan, every recent drive to improve Government efficiency has failed because it was sabotaged by at least one of these stakeholders who was never allowed to participate as a full partner at the decision-making table.

In some cases, upon completion of so-called reform efforts, Federal workers have been the ones who rebelled, dismissing as another useless paper chase new reporting requirements aimed as greater fiscal responsibility.

But Congress, by itself, lacks any sustained institutional focus on management improvement or performance. Consumed with the process of spending tax moneys Congress gives precious little attention to the results that spending achieves. Too often Congress in its enabling legislation micromanages the programs it creates, frustrating the Government managers who must in fact implement these programs.

Real change will only take place when there is an institutionalized, permanent, cooperative effort on the part of Congress, the Federal bureaucracy and the President to increase Government efficiency and build a framework that can be used to pare down spending. It must be a team effort, pushed by a public outraged at the way their tax dollars are being mishandled.

Second, a new approach to managing the Government requires tackling both the budget deficit and the so-called performance deficit. To address either successfully, you must do both.

The budget deficit provides the political impetus to sell the American people on the need to overhaul Government in order to improve the delivery of services. The same system of evaluation and review helping us to improve service can also support our efforts to reorder our spending priorities. Performance review should not be viewed as a quick fix—an instant source of savings. When properly constructed, it involves a painstaking process of evaluating Government services and then making the tough choices as to what we must provide and what we can afford to do without.

Cutting out all managerial inefficiencies in the Federal Government is a worthwhile goal. And certainly one does not have to dig very far to uncover a gold mine of waste in the Federal bureaucracy. But if the President settles for just rooting out managerial inefficiency, the results of the National Performance Review will be short-lived and the budgetary savings will be minimal.

We need to make Government smaller—as well as more efficient. That's what real performance reviews and evaluations can help us do—enable us to reassess our priorities and subsequently reduce or eliminate nonessential spending.

Third, you must build a system that makes sense and is easy to follow. In the 1960's, there was programming budgeting. In the 1970's, there was zero-based budgeting. Both these efforts were meant to revolutionize government—but they never lived up to those lofty expectations. Both movements produced mounds of paperwork that were impossible for Government workers to understand and too cumbersome to implement. These improvements were quickly discarded.

And, finally, performance review must be a permanent way of doing business in Washington. The President has vowed that his performance review will be revolutionary. I don't know of any revolution that's been won in just 6 months. It takes years to earn the support of the principal stakeholders and to execute real change. If the President wants to lead this revolution, his administration must be committed to giving it the time and attention it deserves and to ensure this movement carries on long after he leaves office.

These are not just my ideas. These principles reflect extensive research into performance review conducted by a number of highly regarded individuals, including those who wrote a recent study on the subject for the Brookings Institution.

This spring I sought to put all these principals into action by introducing the Permanent Performance Review Act of 1993. This legislation would provide a permanent and comprehensive system of evaluating the Federal Government's performance. It would involve Congress, the President and the Federal agencies. The commission—which would include the four most powerful leaders in Congress—would supervise self-studies that would be undertaken by all the major government agencies. These self-studies would serve as a starting point for a comprehensive performance evaluation and review. The final product would be a series of legislative recommendations that Congress would be required to consider.

I was pleased to receive an extremely positive response to this proposal from Professor Gerald Garvey of Princeton University, coauthor of a recent Brookings Institution study on performance review.

Madam Speaker, performance review can work. It can achieve President Clinton's bold goals of redesigning, reinventing and reinvigorating the entire national government. But it won't happen merely with the release of the National Performance Review's findings. These recommendations should serve as the first step in a new direction—toward a leaner, more cost-efficient Government. But we can't stop here. If we never make the fundamental changes needed to institutionalize this new approach to managing tax dollars, National Performance Review will go the way of other reform movements. It will prove to have been just another fad that quickly went out of style, another grand expectation for Government never realized.

ON NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Madam Speaker, the NAFTA agreement is so comprehensive that the study of it is much like peeling an onion * * * the more you peel, the more you cry, and the more difficult it becomes to continue peeling.

One of the layers that has been called to my attention by the Purcell sisters in Topeka, KS, who have been conducting study groups on the agreement, is the section (Appendix 1603.D.4) applying to the entry of temporary professional level workers into the United States from Mexico.

The section says that "the United States shall annually approve as many as 5,500 initial petitions of business persons of Mexico seeking temporary entry * * *".

Discussions of this section by proponents most often explain the need for this section by references to the need for engineers to come in to temporarily set up and or service machines sold into this country. And that sounds very reasonable to me.

But, under what circumstance would we have the need for a temporary hotel manager from Mexico, or a forester, or graphics designer, or mathematician, or range manager/conservationist or on and on from agriculturist/animal breeder through biologists and chemists to veterinarians and zoologists?

Over sixty professional job categories are covered—A to Z—which, as more and more companies—in this country—are turning to more and more temporary workers makes me begin to worry about the ready availability of temporary workers in neighboring nations who—over time can come in here and be forgotten.

Last week the news carried unemployment figures back to the first of the year—some reported job losses as high as 400,000. Four hundred thousand American workers being laid off while many in the graduating class of '93—both high school and college—are still looking for jobs and we are considering as many as 5,500 temporary workers coming into this country every year.

I am going to have the list of professionals included in the RECORD later this week. Maybe I am being an alarmist. Maybe a Mexican company will move to the United States which has need of temporary teachers, temporary zoologists * * * maybe * * *

If not, then there seems to be a rather cynical pattern, possibly, being designed here. The lower skilled jobs will be exported to Mexico, the higher skilled workers imported in from Mexico * * * so that at both ends of the scale, competition in salaries can be brought into play on the American labor force.

Now, despite the huge market Mexico represents, in truth, Mexico's total economy is only 5 percent of ours and, except in certain industries—mainly agri-business and financial services—the further opening of Mexican markets will have little impact on the Gross Domestic Product [GDP] of the United States.

The most optimistic NAFTA supporters promise that 150,000 to 200,000 new jobs will be created in the United States if the NAFTA passes. However, during the debate on the Budget, James Carvell, representing the White House, reported that we should support job retraining programs because between 150,000 to 200,000 jobs would be lost when NAFTA passed and we will need to retrain all of these displaced workers.

Obviously, if you listen to the proponents—the NAFTA will be a wash in whether jobs are gained or lost. But, no one is discussing what kind of jobs we will gain—or lose.

However, if 5,500 Mexican professionals leave Mexico every year to come here for temporary employment * * * it will represent a major brain drain to such a small economy, such a poor nation.

There is no doubt in my mind that some of our companies will have more sales opportunities in Mexico after the NAFTA than they now have, but there will be more opportunities for their workers and their companies in the United States, also.

See how complex each layer of the onion skin becomes?

It is not enough to just read the words of the documents involved * * * the real puzzle is how they are going to work * * * how they can work as written * * * how they are meant to work as written.

We will keep puzzling over this huge document and bring more of our questions to the floor * * * so you can think about it, too, Madam Speaker.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1340, RESOLUTION TRUST CORPORATION COMPLETION ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-237) on the resolution (H. Res. 250) providing for consideration of the bill (H.R. 1340) to provide funding for the resolution of failed savings associations, and for other purposes which was referred to the House Calendar and ordered to be printed.

□ 1920

TRIBUTE TO PAUL B. HENRY

The SPEAKER pro tempore (Ms. VELÁZQUEZ). Under a previous order of the House, the gentleman from Michigan [Mr. UPTON] is recognized for 60 minutes.

Mr. UPTON. Madam Speaker, today we are going to pay special attention and respect to a dear departed colleague, PAUL HENRY, who represented the Grand Rapids District in Michigan so well. We have a number of Members that will be speaking from both sides tonight.

To start off this hour of special orders, I yield to the chairman of our delegation, the Honorable JOHN DINGELL.

Mr. DINGELL. Madam Speaker, I always find it difficult to say goodbye to good friends, particularly those friends who have served in this institution as well and as honorably as has PAUL HENRY. Tonight in this House we join together to bid our good friend a fond farewell and to remember his contribution to our institution and to our lives.

There is one way to describe PAUL: He was one class act. He was a very decent, strikingly honest, and highly honorable and capable individual who worked very hard at his job—but even harder at just being a tremendous individual.

PAUL was elected to the Congress in 1984, and served five very productive terms. He sat on both the House Committee on Education and Labor and the Science, Space and Technology Committee. Shortly after PAUL was elected to Congress, he quickly established his reputation for fostering cooperation and good work on the Michigan congressional delegation.

PAUL was a team player in every sense of the word. He never let partisanship detract from his good work within our delegation and his genuine desire to help Michigan. He was widely known and loved for his integrity, fairness, and kindness and those personal assets won PAUL much acclaim for his accomplishments from both sides of the aisle.

We thought of PAUL as just doing what was right. He authorized legislation to restructure the Commerce Department as the "U.S. Department of Manufacturing and Commerce" and worked tirelessly to forge a working relationship between government and our Nation's struggling manufacturing sector.

PAUL also was at the forefront of pressing for improvements in our Nation's air, water, and solid waste laws. He was a champion of national bottle legislation, and, on that score, I can tell you that I had many earnest discussions with PAUL about how to best accomplish those goals before the House Energy and Commerce Committee.

PAUL HENRY's personal and professional attributes have been widely recognized. The National Journal named him as a congressional "Rising Star" in 1990, and in his statement following PAUL's unfortunate death, President Clinton said this of PAUL:

> It's tragic when such a productive and promising life is cut short much before its time. His personal courage and bravery will be an inspiration to us.

I believe all of us will miss our good friend, PAUL. We mourn his death. But, in the final analysis, we can be comforted by the fact that this good soul, who served this institution in a superb manner, who loved and provided for his family, and who served humanity in an extraordinary way, will rest in the good hands of the Lord.

I respectfully yield to the gentleman from Michigan [Mr. UPTON], who was one of PAUL's closest friends.

Mr. UPTON. Madam Speaker, I thank the gentleman for his contribution.

I yield to the gentleman from Virginia [Mr. WOLF], one of PAUL's closest friends in the House.

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, I thank the gentleman for taking the time for this special order tonight.

There are so many things that could be said and so many memories. I rise to offer my condolences to PAUL's wife, Karen, and to his three children, and also to his mom and dad, Dr. Carl Henry and Mrs. Henry. As many know, Dr. Henry is one of the leading theologians in the United States, and was the founder of Christianity Today.

When we think of PAUL HENRY, there are a number of words that come to mind: Honesty; clearly he was one of the most honest people you could possibly meet; decency was another word; integrity is another word; character; just knowing PAUL HENRY, when you told him something you knew he would do it, you could trust him absolutely, total character; courage to go through what he did; we never know what and how we will face it or react when the time comes, but that of courage.

He loved his family very, very deeply. Many times we would talk, when the House was in late at night, about our families. I had a daughter who graduated from Wheaton College, and PAUL was one of the more distinguished graduates of Wheaton College. I believe Dr. Henry went to Wheaton College.

We would talk about our kids. I have a daughter, another daughter, who works in New York City, and one of his daughters works in New York City. In fact, they both went to the same church, Trinity, up in New York City. He loved his family very, very much.

He loved his Lord. He loved the Lord. He lived his life in a way that clearly showed that his religious beliefs and his faith was something that was very, very important. He loved the Lord not only with his heart but he served Him. Much of what PAUL HENRY did, if you wanted to try to find out why he was the way that he was, the answer was to find out what he believed in and his faith. His faith was very, very important to him.

Lastly, and in closing, I would urge any Members that have not had the opportunity to call FRED, who was a very good friend of PAUL's, and try to borrow the film of his funeral.

□ 1930

Many Members went. There were well over 100 Members of the House and Senate that went. But for any Member who wanted to see his life, if they would just view the film of the funeral, it was a tribute to PAUL'S life.

So in closing, let me just say I offer my prayers and best wishes to the family, his wife, Karen, and the three children, and Dr. Carl Henry and Mrs. Henry. I just know that they will get to be with PAUL again in the next life.

Many times we think this is going to be the good life. This life is going to be the good life. This life is not really very good, if you think about it. There is a lot of pain and suffering. The next life is the best life, and they will all be together in the next life, which will be a very good life.

Madam Speaker, it is with great sadness today that I rise to recognize the late PAUL HENRY for his service to the United States Congress and our Nation.

PAUL was not only a friend to so many of us on both sides of the aisle, but more importantly a well-respected and hard-working Member of the House. PAUL was a political scientist by training. He was educated at Wheaton College and received his Ph.D. from Duke University. He entered his career as a public servant soon thereafter, working as an assistant for former Representative John Anderson of Illinois. PAUL always had a deep desire to serve the people of his home State of Michigan, however, and returned to Michigan to launch a campaign for the Michigan House in 1978. He was elected and served from 1979 to 1983, when he was elected to the Michigan Senate in 1983. Throughout his 6-year tenure, PAUL distinguished himself through his excellent service to the State of Michigan and its citizens.

PAUL was elected to the U.S. Congress in 1984 and quickly earned the well-deserved reputation as a detailed and effective legislator. For the last several years PAUL worked hard on behalf of his legislation regarding national deposits on glass, aluminum, and plastic beverage containers. As a member of the House Education and Labor Committee, PAUL worked to streamline burdensome Government overregulation as well as improve the safety of the workplace for employees throughout the Nation. He also fought on behalf of civil rights for all citizens, and for tough crime legislation protecting our people and keeping criminals off the streets.

PAUL'S devoted service and honesty has been recognized by his constituents. He was reelected in 1986, 1988, and 1990, in each instance receiving more than 70 percent of the vote. It is a credit to PAUL than in 1992 he easily won reelection with over 60 percent of the vote despite being gravely ill. His dedication to the people of Michigan and our Nation earned him the deep respect and admiration of all of us. His leadership and integrity will be sorely missed, but his service and contributions to our country will always be remembered. It is an honor for me to recognize PAUL HENRY for his public Service, and my deepest sympathies go to PAUL'S widow Karen, their three children, and PAUL'S parents, Dr. and Mrs. Carl Henry.

Mr. UPTON. Madam Speaker, I yield to the gentleman from Michigan [Mr. BONIOR], the Democratic whip.

Mr. BONIOR. Madam Speaker, I thank my colleague for yielding to me.

Madam Speaker, having studied for the priesthood, I was taught to believe in miracles, and all of us in the Michigan delegation knew that PAUL HENRY was sick, but we held out hope that a miracle might happen and that the day that came would never come. But now that it has, I realize that the true miracle is the courage, and the bravery that PAUL HENRY showed in the face of unbelievable odds and unbeatable odds, and the passion with which he lived his life.

Madam Speaker, history tells us on the day that John Kennedy died, a tailor in New York City put up a sign on the door that read, "Closed today due to death in the family." That is I think how we all feel. It is like we have had a death in our family.

We did not see eye-to-eye on every issue, but I do not think there was a Member of this body who was more respected and more liked than PAUL HENRY, and we are all going to miss him. While flying out to the funeral last month, somebody asked me how he thought PAUL would be remembered, and it struck me then that PAUL HENRY was a man of some very interesting contradictions, very Midwestern contradictions. We know from the many causes fought right here on this House floor that he was both soft-spoken and persuasive, self-deprecating and proud, deeply religious, as Mr. WOLF has indicated, yet a firm believer in man's ability to effect his own fate.

Politically PAUL was a deeply patriotic man who spoke out against flag burning, a fiscal conservative who voted in favor of extending unemployment benefits, a defense supporter who said no to both the MX missile and the Nicaraguan Contras. It seemed that PAUL was not so concerned with the right or the left as he was with the right and the wrong. He followed I think what we all strive to follow in our own public life and hopefully in our personal lives, an inner compass, and worked hard to make this country a better place to live, and I think that is how he is going to be remembered.

I always got the feeling that to PAUL the richest life, the fullest life is a life that is dedicated to helping others, whether through the Peace Corps as he did in his early career, or as a teacher as he did for many years before he came to the legislature in Lansing, and of course as a legislator here where he made his true mark. And if PAUL could see us I think paying tribute to him this evening, I have a feeling he would probably wonder what we were all doing standing around when there is so much work to be done.

I think sometimes if we had a few more PAUL HENRYS around here we would shout at each other a lot less and we would work together a lot more.

So, Madam Speaker, our thoughts today go out to PAUL's wife Karen and his children, Kara, and Jordan and Megan. Their father was a credit to this institution and to our State of Michigan, and we will miss him. In the days ahead as we lead this National through some difficult times, I hope we can all show a little bit of courage and bravery and dedication that marked PAUL HENRY's entire life. In the end, Madam Speaker, that would be the highest tribute we can pay to him.

Let me also say at the close of my remarks how much I appreciate and think the whole delegation appreciates the warm and touching friendship that FRED UPTON had with PAUL HENRY. FRED was with him through thick and thin on this floor and through the very difficult battle he had at the end of his life, and we all got strength from FRED as he reported to us on a regular basis of PAUL's health and spirits. And so FRED, thank you for going out of your way the extra mile to do something for one of the great people that have served here.

Mr. UPTON. I thank the gentleman.

Madam Speaker, I yield to the gentleman from Texas [Mr. DELAY], a member of the Republican leadership and a classmate of Mr. HENRY's.

Mr. DELAY. Madam Speaker, I thank the gentleman for yielding. There are so many things you can say about PAUL HENRY, but I think the thing that you can say the most about him, the character of the man, the feeling of the man, is that only a person like PAUL HENRY could have a friend like FRED UPTON.

PAUL and I did come to Congress together. I can remember those days in the freshman orientation where PAUL distinguished himself right off as a free thinker, an independent thinker, a person that took everything, every little detail seriously. And you could always count on PAUL knowing everything there was to know about the issue at hand. He carried that throughout his service here in the House, a serious man, a very intelligent man, but a man that was so warm, a man that certainly as the gentleman from Virginia said, had true faith, a man of God because he lived his faith. He did not carry it on his sleeve. He lived it every day, and he was an example of his love for his Lord.

PAUL HENRY was always a dear friend to everyone on this floor, as has already been said. But let me just tell of an incident. I will not get into the details. But it was a time when PAUL HENRY thought I was doing something that he did not approve of. And he came to me in a very loving way, and a very brotherly way, and we sat down on the floor. He explained his feelings to me and pointed out to me in a wonderful way, and changed my mind, which very seldom is done on the floor of this House. But PAUL did it in such a loving way that you had to listen to him, and you could always tell that he was being straightforward and honest with you, which is the kind of man that we all ought to be on this floor and in life. He is an example for all of us. He was an example to his children. He was an example to his wife, Karen. He will be sorely missed by them I know. But this House has been diminished by the vacating of the seat and PAUL HENRY leaving us.

We know where he is. We know where he is he is happy, and he is looking down on us and probably commenting on what has been going on on this floor, and bringing his soft-spoken voice to us I am sure.

I really miss him, and I know that those that knew him in this body miss him and will miss him always.

Mr. UPTON. Madam Speaker, I yield to the gentleman from Massachusetts [Mr. MOAKLEY], chairman of the Committee on Rules.

Mr. MOAKLEY. Madam Speaker, I thank the gentleman for yielding in this very somber eulogy to an outstanding American, PAUL HENRY. I concur with all the remarks. I think he was just an outstanding person who will be missed greatly by both sides of the aisle.

Mr. UPTON. Madam Speaker, I yield to the gentleman from Michigan [Mr. CARR].

Mr. CARR. Madam Speaker, I thank the gentleman for yielding and want to associate myself with the remarks of Congressman DAVE BONIOR, particularly those that applaud and appreciate the friendship of RED UPTON and the friendship that he had with PAUL HENRY.

□ 1940

Madam Speaker, it was very true, I might say, particularly to the family that not a day went by that members of our delegation, people who knew PAUL, his friends, both here and around the county, were not thinking of him. We all could not crowd into his hospital room or his bedroom, we could not all make regular phone calls to the family; but yet we all were praying for PAUL every day. Not a day went by that I did not think about him. I know that he was a great help to me, that our good friend and colleague, FRED UPTON, took the time and attention to be that conduit of information and care from the delegation to the Henry family and to PAUL himself and to give us the news and, hopefully, the encouraging news of PAUL'S recovery.

Unfortunately history shows that it had a different result. I want to join with all of my colleagues here and those who served with PAUL, who are no longer Members of Congress and who cannot be with us tonight, but I know who would share these remarks and expressing our condolences to Karen, to the children and to PAUL'S parents.

PAUL was an engaging person, he was an engaging personality. PAUL was engaged: when you talked to PAUL, you were talking to a real person.

You could look him in the eye and you could see his eyes coming back at you, you could see that PAUL was listening to what you had to say, and that made it all the easier to listen when PAUL spoke.

So many times people will take to the microphones in the House and some will run into the Cloakroom. There are some people in little schoolrooms across America who, no matter what the question is, they have got their hands up, "Call on me, teacher, call on me."

Sometimes I think a disproportionate number of those people get elected to Congress because it does not matter what the topic is, it does not matter what the day is, they have got to stand up and they have got to talk.

That is probably good for our country, but when PAUL talked, it was from the heart, but it was also with a measure of intellect. When Paul said something, you wanted to listen. Any number of times here in the thick of debate, when passions were running high, sometimes it is very hard to get the House in order. I can think of no time that PAUL HENRY did not step to the podium but what the House became quiet in respect to this kind and thoughtful person, and they listened to the points that he had to make because inevitably PAUL had something to say.

He chose his words well; he offended no one; he sought to include everyone, even his opponents, on the issue, into the discussion.

He left no one with no way out from their own arguments of their own beliefs. He respected people too much for that.

That is the kind of person we need in the Congress of the United States, and that is why, apart from our personal friendship, I am going to miss PAUL HENRY so very much.

I thank the gentleman for yielding.

Mr. UPTON. I thank the gentleman, Mr. CARR.

Madam Speaker, at this point I yield to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. I thank the gentleman for yielding.

Madam Speaker, this fall Congress will face many complex and difficult issues—health care, NAFTA, welfare reform, possibly campaign finance reform, and reforming Congress. Unfortunately, a colleague we grew accustomed to being in the thick of things and offering his own perspective won't be a part of that debate.

PAUL HENRY, a dear friend and colleague passed away after fighting valiantly for months against brain cancer. Our prayers continue to be with him, his wife Karen, and his children Kara, Jordan, and Megan; this is a difficult time for them. The strength they have shown has been a comfort for all of us.

I cannot think of a greater testament to PAUL than his wonderful family.

As are other Members of Congress, his staff, his friends, his family and all who knew PAUL, I too am deeply saddened. His death is a terrible loss for all of us and a terrible loss for this institution.

On both sides of this aisle, among Republicans and Democrats, liberals, conservatives, and moderates, PAUL HENRY was highly regarded for his keen intellect, his irreproachable integrity, and his thoughtful compassion. A Peace Corp volunteer in Africa, PAUL brought that same kind of compassion to his responsibilities here in the House of Representatives and to his constituents.

With his background as a college professor, PAUL demonstrated a logical and intellectual approach that stayed with him through his service in the State legislature and here in Congress.

Like his students we can say that we learned from him and from his knowledge. I wish I had the opportunity to serve with PAUL longer.

We often discussed issues before votes, and I enjoyed talking with him a great deal. I asked PAUL many questions during those times, and his answers were always helpful and they made me better prepared. And I became better prepared because he would ask me questions as well about these issues, and we were more than just members of the same State, same party, we were friends. He will be greatly missed.

At a time when this institution is struggling so much within itself and with the difficult issues facing our country, more people like PAUL HENRY would be a blessing for the work which lies ahead.

PAUL was a deliberative and deep thinker—one of the brightest minds in Congress—a citizen legislator in the true vision of our Founding Fathers. There are not many Members that are sought out as PAUL was—to discuss issues and concerns.

"One of the rising stars in Congress," is what a respected news magazine said of PAUL HENRY in 1990. Yes, he truly was a star—not only as a legislator, but as a human being.

Madam Speaker, we ask ourselves why is it that a star which shined so brightly can so suddenly be extinguished? It is a question we ask ourselves many times when someone who has lived and is living such a full life as PAUL passes away before we think it is their time to go.

Madam Speaker, as the minority leader, Mr. MICHEL, said during PAUL's eulogy, PAUL's star is shining in the heavens above us right now. His presence in this Chamber will be missed, but his presence in our minds and the principles he embodied will stay with us forever.

I thank the gentleman for yielding.

Mr. UPTON. I thank the gentleman for his kind remarks.

Madam Speaker, at this point I yield to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. I thank the gentleman for yielding.

Madam Speaker, Chairman DINGELL, Mr. UPTON, and fellow colleagues, even though I am from Michigan—PAUL HENRY's home State—in all honesty—I probably knew PAUL less than any Member in this Chamber tonight. I had the opportunity to meet PAUL on a few occasions when I was in the Michigan House of Representatives. PAUL HENRY served in the Michigan House long before me, and PAUL HENRY established himself as a leader here, in the U.S. House, long before I arrived.

My colleagues have described PAUL HENRY in human terms—that I cannot—nor should I attempt. But, I would like to describe to my colleagues, and the American people, what I as a freshman Congressman have learned and seen through PAUL's illness and death.

I see a little of all of us, you, my colleagues, and you the American people,—in PAUL HENRY.

I see it, and with all due respect to PAUL HENRY and his family, not just through PAUL's death, but through the death of Roy Erickson, from my home county of Menominee, in Michigan's upper peninsula.

Like PAUL HENRY—Roy Erickson was a husband and a father. Roy had 3 children, PAUL had 3. PAUL was 51, Roy was 35. Roy never was a State representative, nor a Member of Congress. He was a Menominee County Commissioner, District No. 4.

PAUL HENRY and Roy Erickson just did not live long enough. Roy was just 35, when he died 12 hours after PAUL HENRY passed away. Like PAUL, Roy had dreams, ambitions and a deep love for his family and his fellow citizens. Roy was a member of the Menominee County Board of Commissioners, he worked and farmed the land, and Roy, like PAUL, has a great love for our Creator, and was extremely active in his Church.

So Saturday, shortly after I learned of PAUL's death, I saw Roy's wife, Julie, amongst Menominee County's farmers giving of themselves, celebrating with friends and family—the dedication of another centennial family farm.

Neither of us knew then, that in just a few hours, Roy Erickson would suddenly be taken from us.

The centennial farm that we were celebrating is the same farm owned by the same family for 100 years. Neither PAUL HENRY or Roy Erickson lived to be 100. PAUL barely lived half as long as that farm. But both PAUL and Roy believed in and lived to better their family. Not just their immediate family, but they gave to their community family—whether it was the Menominee County Board of Commissioners, the Michigan State Legislature, or the U.S. Congress.

They both gave of themselves for us, so we can all be a better family. We are gathered here in this sacred chamber, or you the American people who are gathered with your family, to remember both men, in their own way, who dedicated their lives to you.

I am confident in saying that PAUL HENRY never met Roy Erickson here on Earth—but I know that they are both looking down on us tonight. And as we listened earlier to FRED UPTON's eulogy of PAUL HENRY, the man, the husband, the father, the politician, the Congressman, we were again reminded of PAUL HENRY's love of family, for all of us and his country.

There was another eulogy the day after PAUL HENRY's eulogy in a little Catholic Church in Birch Creek, Menominee County, MI, for the man, the husband, the father, the politician, the county commissioner. The eulogy will not be by Members of Congress, but by Roy's family and his neighbors.

I began these comments by communicating what I have seen and learned in the 72 hours after PAUL HENRY's death. Life is too short—true. We cannot predict our future—true. But, we can all learn from PAUL HENRY and

Roy Erickson. As the distinguished minority leader, Mr. MICHEL stated at PAUL's funeral—PAUL HENRY represented civility. Roy Erickson reminds us that civility begins at home—our immediate family, in our little local communities, like Birch Creek, like Menominee.

PAUL HENRY taught us about civility in our larger communities like Grand Rapids and the State of Michigan, but PAUL HENRY wanted that civility to truly be between us all—whether in a little town or a big town, whether in a little county building, the State legislature or even on the floor of this Congress.

So when we speak on this floor, or with one another—may PAUL HENRY remind us of our civility, our own morality, so we may learn from PAUL what he taught us and what appears on the front page of the order of his funeral service. "Learn to do right! Seek justice, encourage the oppressed. Defend the cause of the fatherless, plead the case of the widow. Come now, let us reason together, says the Lord."

As Congressman PAUL HENRY would say to us, as we begin debate on difficult issues such as NAFTA and health care reform. Come now, let us reason together—with civility. If we can learn civility as we deal with one another, then we have learned from the life of PAUL HENRY.

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Mr. UPTON. Madam Speaker, I yield to my colleague, the gentleman from western Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Madam Speaker, it is with deep respect for my former colleague, PAUL B. HENRY, that I join in this special order this evening. I want to thank the senior member of the Michigan delegation, JOHN DINGELL, and the senior Republican, FRED UPTON, for offering me and so many of my colleagues this occasion to honor PAUL.

Unfortunately, I did not have the opportunity to get to know PAUL well. His service and mine in the Congress overlapped for only the past 7 months. So my experience of him in office is gained largely secondhand—from hearing about his work from his many former colleagues who are now my colleagues—commenting on his integrity, his intelligence, his diligence in doing his job, and his respect for his colleagues on both sides of the aisle.

There are instances every day where I am reminded of his example and challenged to meet the standards that he set. Many of my constituents in Michigan's second congressional district were represented by PAUL for the previous 8 years as part of the fifth congressional district under earlier district lines. I am reminded each week as I go home of the close attention he paid to his citizens and how important that is for good representation.

Constituents in the southern part of my district—west of Grand Rapids—are part of the same extended families, attend the same churches, learn at the same schools, read the same newspapers and listen to the same media. As such, their expectations for congressional service learned from PAUL are very high, and a challenge to meet.

Several of the members of my staff in Washington and in West Michigan worked for PAUL in years past—both on his personal staff and on his many and always successful campaigns. Their devotion to him speaks volumes about his character.

Finally, PAUL and I also share the membership in the same religious denomination, the Christian Reformed Church. Of special importance in our tradition is the belief that public service is and can be a noble vocation and moral call. For these and many other reasons, I feel a close affinity with PAUL.

PAUL was of great assistance to me in getting my start here in Congress. His Washington staff, headed by Mary Lobisco, was tremendously helpful during the early transition days of my coming to Congress. All of his Grand Rapids staff, headed by Anne Knox, were invaluable in training and advising my district staff in casework and other constituent relations. In addition, his staff on the Education and Labor Committee, on which I served with PAUL, was extremely helpful to me in learning the ropes of the committee. I owe a debt of gratitude to all of them, and to PAUL, for their willingness to help me and my staff get our feet on the ground, based on solid principles.

My friend and colleague FRED UPTON summed up PAUL's contribution to this institution very well during his eulogy at PAUL's memorial service—"Those of us who want to make Congress better should look to the marker established by PAUL * * * He was a principled leader in every sense of the definition, with all the respect and love one could have."

I miss PAUL. I had hoped to serve with him in the House of Representatives for a long time, to learn from him in many ways, and to join him in bettering this institution and in serving the people of western Michigan. I am sorry I did not have that chance. PAUL set a standard for integrity, intelligence and dedication to which we all should strive. The editorial page of one of my newspapers said it so well—"When death cuts short such a person's life, the most meaningful tribute we can make is to resolve to act with greater integrity in our lives. That is the way it is with well-lived lives. They serve as models for the rest of us. In that way a life lived with integrity never really dies."

Our prayers and thoughts continue for Karen and PAUL's family.

Mr. UPTON. Madam Speaker, I yield to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Madam Speaker, I thank the Congressman very much for yielding to me.

FRED, you have been a wonderful friend to PAUL. You inspired us with your attentive and caring friendship. May we all have lots of close friends like you, or at least a few.

Well, it has been 6 weeks. We were going to do a special order in early August, but events were so hectic then that we never finished here, so it was decided to wait until we returned.

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I am glad we did, because the passage of time has been a test, and that is:

Do we still remember, and do we still remember vividly?

And the answer of all of us who have come forth tonight is:

Very much so, very much so.

Those of us who were here can remember PAUL standing there 20 feet away. We remember some of the debate, his discussion of environmental issues, and he had a record of accomplishment on those. We can remember his discussion during the very, very controversial issues of the National Endowment for the Arts, and he was a voice of reason in that debate.

I remember working just a few feet away from PAUL on unemployment compensation issues, the extension of benefits. PAUL cared. He thought we should do something for those who were long-term unemployed through the area from which he came was clearly not the most heavily impacted by unemployment in Michigan or the country.

However, Madam Speaker, in these few minutes I would like, rather than talking about his accomplishments, because those have been noted earlier, to say a few words about two more personal matters: one, friendship, and the other, integrity. PAUL proved that friendship does matter.

I have such vivid memories: a parade; I think it was in Ionia. I do not quite remember why it was there. It was after I had run for Governor. I do remember that I was not running for anything. I believe I may have been there representing my brother, but, while the reason for being there is very foggy, my recollection of PAUL, Karen and the family, those recollections are very vivid. It must have been his district, and he welcomed me there, and my wife there, like long lost friends.

The family also clearly mattered. We walked together. I believe there was a buggy there for one of the children; it was that long ago. And I remember Karen's warmth, and we kind of walked down together, though I was not at all sure that it was to his advantage in his district to be walking down the street with me. It may have been better for him to be greeting the crowd as their Representative, and it was a quite Republican area.

Madam Speaker, we had a lot of fun that day, and I remember it so vividly, and I also remember, not so far from here, when PAUL used to bounce down the steps, and sometimes we were in a hurry, we wanted to get across the street, running through traffic, back to our office. But for PAUL there was almost always time for a smile, for a conversation, for maybe a discussion of the issue. So, he was a wonderful friend.

He also had a wonderful sense of integrity. We could trust PAUL to tell us what was on his mind, rather unvarnished and rather unblemished. He did stand for honesty. He stood for integrity. PAUL had faith, and it surely served him, and Karen, and Kara, Jordan, and Megan as well.

I also think that he had a belief that there was life after death, also in the sense that goodness survives, that decency survives, that honesty survives and that friendship is remembered. He was so right.

Madam Speaker, we come here today to praise his accomplishment legislatively, but also to remember his goodness, his decency, his honesty, and to say to you, PAUL, and to the family, "Thanks for your everlasting friendship."

Mr. UPTON. Madam Speaker, I thank the gentleman from Michigan [Mr. LEVIN], and, as he related the story about bounding down the steps, it reminded me, too, of all the times we would steal away into the cloakroom and buy a Klondike or a Dove bar, and we just sort of walked around to get out of the maze of some of the issues here, just be a person, and that is what PAUL was.

Mr. LEVIN. Very much so.

Mr. UPTON. I now yield to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Madam Speaker, I thank the gentleman from Michigan [Mr. UPTON] for yielding to me this evening, and, Madam Speaker, before I share some thoughts with regard to our late colleague, PAUL HENRY, I would like to thank my good friend, the gentleman from Michigan [Mr. UPTON] who shared a special relationship with PAUL, and of course the gentleman from Michigan [Mr. DINGELL] for putting together, organizing, this special order this evening to pay tribute to one of America's outstanding public servants who has left us much too soon.

Madam Speaker, our colleague, PAUL HENRY of Grand Rapids, MI, was a true role model, a role model not just for us here in this institution, but for all Americans. He was a dedicated husband and father, a committed public servant, active in his church and throughout the community. PAUL HENRY'S motivation was not partisan advantage, but to use his God-given ability to do his share to make the world a better place.

PAUL HENRY was a pioneer. When President Kennedy made the call to young Americans to form the Peace Corps, PAUL HENRY was one of the earliest volunteers working for America by helping the people of Ethiopia and Liberia.

PAUL HENRY began his career working for another former Member of this body, John Anderson of Illinois. When John Anderson offered an alternative voice within the Republican Party while seeking the GOP nomination in 1980, PAUL HENRY took up his cause following his convictions. He deserves our respect for not always doing what was popular, but doing what he felt was right, and, Madam Speaker, PAUL HENRY has done his share, made his mark and left us all the richer for having the benefit of his wisdom and the example of his leadership.

PAUL HENRY was truly one of Michigan's best and brightest, one of the best my home State could send to Washington. When we lose a colleague as bright and vital as PAUL HENRY, we feel a strong sense of loss here in this institution, and likewise the people of western Michigan, for whom PAUL HENRY had the honor of serving, understand the loss best when their best and brightest was no longer their voice in the people's House.

But clearly, Madam Speaker, the greatest loss is felt by the Henry family who remain in our prayers. Husband, father, teacher, leader, servant—PAUL HENRY has left us much too soon, but his legacy lives on in the strength and character of his family, his wife Karen, children Kara, Jordan, and Megan. They are an outstanding testimony to values and beliefs that PAUL HENRY held dear, and from that we should learn perhaps the most important of PAUL HENRY'S life lessons.

Mr. UPTON. Madam Speaker, I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Madam Speaker, as my colleagues know, I cannot help but believe that PAUL HENRY was one of God's gifts to his family, to his community, to his children, to the State of Michigan, and to the United States of America.

I first came to know PAUL when he was on the State Board of Education in Michigan. We were subsequently elected to the Michigan House of Representatives in the same year, 1978. We served in the House for 4 years. In 1982 we were both elected to the Michigan Senate. We happened to be seatmates for the 4 years in the House. We were also seatmates in the Senate, and also our offices were next to each other.

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It gave me the opportunity to discover the vigor that PAUL HENRY had in trying to decide what was the best way to go in terms of policy decisions for the State of Michigan.

He was very interested in education. When he left to become a United States Congressman in 1984, before he left I took up some of his initiated efforts in the areas of education. Later those became Michigan law.

PAUL HENRY, I suggest, is not only one of God's gifts, but his wife, Karen, is also one of God's gifts to the community and to the church. They have raised a wonderful family. And PAUL HENRY is not going to just vanish from the face of the Earth. His life is going to be immortal in terms of the influence that he has had on other people. Certainly, the influence that he and Karen have had on Kara, Jordan, and Megan. Certainly the influence they have had on their church and community.

I commend, and hope to emulate, his dedication, his ability, and his perseverance, in trying to discover the best way to go, that is going to best help humanity.

So we share with his family the grief of their loss, but also celebrate the tremendous life and influence he has had.

Thank you, FRED, for the time.

Mr. UPTON. Madam Speaker, at this point I yield to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Madam Speaker, FRED UPTON, FRED, thank you for your efforts here, and certainly Chairman DINGELL, in having this special order.

I certainly join with our other Members of the House to pay tribute to a dear friend and colleague who passed away before his time. You know, as you stop and think about somebody we have known for a long time, I have known PAUL for a long time. It goes back almost 30 years to when PAUL and I were undergraduates together at Wheaton College. And you go back in time with those types of experience that you have together at a small college like that; PAUL was a year ahead of me in school, and he was my ROTC sergeant in my platoon. PAUL was a great leader in that respect, and he was also a stickler for shiny shoes and clean rifles, and handed out demerits when they needed to be.

But he lived his life like that. PAUL was a stickler. He was a stickler for what was right, for what was good, for what was decent, for what was fair, and for the rights of not just his electorate, but people all over this world; people who were downtrodden, people who needed help, and people who were too proud sometimes to reach out. And PAUL was there to work for those causes, to share.

As you talk about PAUL walking down the steps, we shared an office over in Cannon. And I know my first term in Congress, we were talking about families, about bringing the families back to Washington or leaving them back at home in the district, and what was right. And PAUL was invaluable. He kind of put his arm around me, and I guess as an undergraduate still as he saw me, we shared those concerns, what is best for the family.

His wife Karen was teaching in school, just as my wife was teaching school back in Illinois, and we talked about the pros and cons of what we should do and how to make ends meet, as it was, as a new Member of Congress. And PAUL'S friendship was certainly invaluable.

But his example, as we hear all the stories tonight and all the examples of how PAUL lived his life, I think certainly is the marker that any man, certainly any legislator, can lay out as a measure, as a measure that others following behind him can live up to, can follow, can try to emulate. And certainly the impact that PAUL HENRY put on this place, was certainly one that was indelible. It is here for a long time.

To remember the words and the deeds and the commitment of PAUL HENRY is certainly something that will not fade away in this place, as all too many voices do fade away in this place after the light goes out.

PAUL will be around here for a long time, his commitment of what he believed in, how he did the job, and his commitment to people.

So, FRED, I thank you for bringing this special order before us, you and Chairman DINGELL. It is something that is certainly fitting.

I want to extend again our great condolences to Karen and the family that PAUL loved so well. I know they can be proud of what he did and what he stands for. Certainly PAUL was one who loved his Lord, and that gift to his family will last forever.

Thank you very much.

Mr. UPTON. Thank you very much, DANNY.

Madam Speaker, I would insert in the RECORD at this point a number of articles relating to PAUL HENRY. First a eulogy delivered by the Republican leader, Mr. MICHEL; the eulogy delivered by myself; a story written in the Detroit Free Press by Karen Schneider and Jean Calmen; an editorial on PAUL'S accomplishments from the Detroit Free Press; an editorial in the Grand Rapids Press; an editorial in the Cadillac Evening News; an editorial in the Holland Sentinel; a story by Hugh McDiarmid; a story by George Weeks; and a story by Richard Ryan.

REMARKS BY ROBERT H. MICHEL

Karen, Kara, Jordan, Megan, members of the family and friends. I speak today with a heavy heart for my colleagues on both sides of the aisle who are sorely grieved to lose one of our most highly respected and dearly loved members.

It's particularly sorrowful for me because Paul's last vote was cast for me as Speaker on the opening day of the 103rd Congress.

We all had high hopes and expectations for Paul's beating the odds because he was such a good Christian soldier.

While we mortals find it difficult to reconcile, I suspect Paul would have had an answer for us rooted in Scripture.

One word comes to mind when I think of Paul's contribution to our public life: That word is "Civility".

We Americans have developed a rich political vocabulary for the ugly side of public life.

How often we hear: "It's not enough to get mad; we have to get even."

But civility seems to have no similar public vocabulary.

So we might ask: what is this quiet, but vital, public virtue that was at the heart of Paul Henry's life?

I'd define it this way:

Civility means knowing that raising the level of your voice doesn't raise the level of the discussion.

It means recognizing that listening is a very good way of communicating.

Civility means realizing that peaks of uncommon progress can be reached by paths of common courtesy.

Civility means being tough without being mean and being principled without being fanatic.

Civility means believing in the power of reason to influence public debate, and the power of the spirit to transform private lives.

Civility is the public embodiment of the Golden Rule: "Do unto others as you would have them do unto you."

By those standards, Paul Henry was the embodiment of civility.

If I were asked to sum up Paul's impact on those of us who knew him, I would recall a favorite phrase of my father: "Dare to be a Daniel."

By that he meant we should have the courage of Daniel in the lion's den, retaining our convictions in difficult times, trusting in Providence, doing what's right, especially when it is unpopular to do so.

Paul Henry dared to be a Daniel.

He dared to think through problems instead of being carried along with the crowd.

He dared to take a look at an old problem from a new angle, when others were content with mouthing slogans.

He dared to bring to bear on difficult political questions a formidable array of philosophical and religious insights, when it would be so easy to just go along and get along.

When we have truly difficult votes in the House, we say to other members: "Vote your conscience on this one."

Paul Henry didn't have to be told to vote his conscience: he simply didn't know any other way to vote.

For him voting one's conscience was a political as well as a moral imperative.

Three years ago, National Journal, one of the most admired and prestigious publications in America, named Paul Henry a "Rising Star" in Congress.

In one sense, the great tragedy for his family and friends, and for us in the Congress and the nation, is that Paul's political star never got the opportunity to rise to its zenith.

And yet, in another sense, Paul's star is now visible in a way none of us could have foretold.

It has arisen to a permanent place in the political firmament.

Twenty-five hundred years ago, a wise man said: "He who exercises government by means of his virtue, may be compared to the north polar star, which keeps its place, and all the stars turn toward it."

And that sums it up: Paul Henry always tried to exercise government by means of virtue.

And because he did, for years to come, Paul's memory will serve as a guide and an inspiration for those who seek to improve our public life.

His star is now fixed, steady and permanent.

It's singular brightness can serve to show us all the way toward a much higher level of civility, thoughtfulness and courage as exemplified in the life and works of our dear friend Paul Henry.

CONGRESSMAN FRED UPTON'S EULOGY IN REMEMBRANCE OF CONGRESSMAN PAUL B. HENRY

In Chapter 2 of Timothy, Paul tells his good friend Timothy to be faithful and learn from the way he has lived his life, saying, "I have fought the good fight, I have finished the race, I have kept the faith * * * Finally, there is laid up for me the crown of righteousness which the Lord will give me * * *"

Paul Henry and I were very best of friends. He was a thoughtful, honest, caring, intelligent, decent guy. He was also my mentor and confidant, who set a wonderful example for all of us in Congress. He never let Washington go to his head.

Congressmen Carl Pursell, Dave Camp, Paul, and I did almost everything together. We sat next to each other coming home to Michigan, we ate sometimes 5–6 meals a week with each other, we talked about legislative issues almost daily and cast literally thousands of votes together. I have to echo what Bob Michel said—Paul Henry WAS The Soul of our delegation, the soul of Congress.

His colleagues listened when he spoke leading debates both in committee and on the House Floor. He was a principled leader in every sense of the definition with all the respect and love one could have. Since his diagnosis, there hasn't been a single day when a handful of Members haven't stopped me to inquire about his status—even freshmen.

Paul lived his Faith and he never lost that Faith or his wonderful sense of humor as he struggled the last several months.

Paul was a regular at the weekly prayer breakfast. As we shared life's struggles, we developed an even stronger bond through the Bible. Our favorite verse that we both leaned on was always the 23rd Psalm. The Lord is my Shepherd * * * we'd help each other out by repeating those words. In fact, sometimes we'd just smile at each other and say 2–3.

Many of you know that Paul's dad is a leading theologian. Paul had a calling too—for helping others. From his service in the Peace Corps, to a Congressional Staffer, to Professor, to elected office. He deeply believed that public service indeed is a sacred trust.

Paul never lost that perspective. As some say, once a staffer, always a staffer. No task was too small. All of his staff here and in D.C. reflected his deep caring and thoughtfulness—they were family too. When Paul got the very rare, angry constituent phone call, it was standard practice for him to deal with it personally.

He was a tireless worker—here and in D.C.

In D.C. he'd work late and come in at 7:00–7:30 a.m. Paul's personal touch on everything confirmed to all of us that he did his homework well.

Every weekend he spent home with his family. Sundays, of course, were sacred. You'd see him here in the morning, but after that, Sundays were always Karen & Paul days.

Paul was known for his ability to understand an issue and work with all sides to hammer-out the winning formula that everyone knew was best. He won not with politics but with substance.

He was always viewed as a rising star. The National Journal wrote that he is the kind of person who is well-regarded even when people disagree with him.

Today there's a lot of cynicism about Congress. One of this country's leading columnists is David Broder. Broder wrote specifically last year of Paul that "he represents the other side—the unpublicized side of politics and Congress. When people express their scorn for politicians and legislators, it tells me that we in the press have not done our job in depicting what the honorable men and women in those fields contribute through their service."

Those of us that want to make Congress better should look to the marker established by Paul.

In public life one has to juggle legislative priorities as well as family responsibilities. Not everyone can honestly say he or she made a difference. Paul certainly could. He stuck by his convictions and altered the lives of many still to come.

He had so many successes * * * work for the disabled; tax incentives to encourage savings for college; the National Institute of Health bill.

Paul was respected for his work on a national bottle bill and OSHA reform.

As I said earlier, Paul kept his family priorities. I can remember a birthday or anniversary that conflicted with a state GOP Convention in Detroit. Even though Paul was the odds on favorite to be the GOP front runner in the '94 Senate race—Paul's priorities were right. He spent the weekend in Chicago with his wife Karen and even took in a Cubs game.

Last fall, Paul's daughter Megan was part of the homecoming Court at a Friday night football game. Paul, who had nearly a perfect voting record, missed votes to surprise her and returned back to D.C. for votes that next day. Looking back, we're reminded that Paul has his priorities in the right place all the time.

A lot of Members bring their families to D.C. Paul kept his family home yet shared them through his values with all of us.

As I've gotten to know the family better through Paul's struggle, I know that his legacy will live on through Karen, Kara, Jordan, and Megan. As Paul had such a knack for the personal touch, I cannot believe all the love and warmth and care that this family extends to others.

We still have Paul through them and their touch shines through like a rainbow.

I was at a funeral for a good friend and what made it so sad was that none of us really had the chance to say goodby or thank you.

Though his experience has been so tough on Paul and his family, I know that he knew how we all appreciated him through our love. The wonderful nurses, those that brought him meals every day and even added a little extra ice cream when I showed up. The carrot cakes, flowers and beautiful notes all helped him as he "walked in the shadow of death where he feared no evil" and now we know that "goodness, kindness, and mercy will follow him in the House of the Lord Forever."

The 1986 Almanac of American Politics, sometimes viewed as the Bible of Capitol Hill, summed up Paul like this, "The question is, to what use will a GOP of this stripe—and a Jr. Member of Minority Party in the House put it to * * *"

The answer can be again found in the Bible in Matthew, "Well done, good and faithful servant, well done."

Life will always be too short. When you really think about it, it doesn't take very long to live a life and Paul made the very best of his.

Because of his life, all of us have a better chance to make the very best of ours.

The country and our world is truly a better place.

HON. PAUL HENRY

(By Karen Schneider and Jean Calmen)

The commodity most prized by U.S. Representative Paul Henry, R-Mich., who died after a battle with brain cancer, was integrity.

Henry, 50, a five-term moderate Republican who had been considering a run at the U.S. Senate, had it in spades.

It meant he occasionally broke with his party or president to vote his conscience.

It meant that when he got caught up in the House bank scandal, he was anguished that it might tarnish his reputation for moral rectitude.

It meant that, at times, he became a honest broker of compromises between extreme elements in Congress.

"The word 'integrity' went hand in hand with Paul," said U.S. Rep. Frank Wolf, R-Va., who became close to Henry at weekly prayer breakfasts on Capitol Hill.

"There was not a more ethical person in Congress."

Henry's integrity combined with an analytical mind to make him a leader in hashing out issues and crafting compromises on important legislation, from state budgets in the Michigan Legislature to obscenity standards for the National Endowment for the Arts.

Born in Chicago, Henry was the son of Helga and Carl Henry, a noted theologian of modern evangelical Protestantism. He joined the Peace Corps after graduating from Wheaton College in Wheaton, Ill. serving in Ethiopia and Liberia. He also taught political science at Calvin College in Grand Rapids before beginning a career in the Michigan Legislature.

He often spoke of his faith in God, telling colleagues in an open letter this year about his struggle against cancer: "My life is in God's hands, as it always has been. My walk with Him goes on."

A member of the Christian Reformed Church, Henry drew on his faith during the most difficult of political times. During his first months in Congress in 1985, Henry was torn over whether to vote for the controversial MX missile.

The issue brought Henry's deepest convictions into conflict, recalled former Rep. Carl Pursell. Henry's support for a strong national defense clashed with his distaste for wasting taxpayers' money and his religious opposition to offensive weapons.

"We were sitting on the House steps for hours talking about that issue," said Pursell, also a moderate Michigan Republican. "It was very emotional for him."

Henry was lobbied hard by former President Gerald Ford, who once represented the same western Michigan district, and by President Ronald Reagan.

"It was pretty hard to tell Gerry Ford 'no,'" Henry confided to his good friend, Fred Upton, who joined him in the House as the Republican congressman from St. Joseph a year later.

But vote 'no' he did. He went on to help forge a compromise that reduced the number of missiles.

"He withstood mighty, mighty pressure," Upton said recently. "That vote and others set Paul apart from the go-along, get-along crowd, and established that Paul's vote was hard to get."

That kind of reasoned stance was in evidence when Henry served in the state House and Senate.

"I always knew when * * * I needed him for a vote, he was not going to be guided by politically expediency," former Gov. William Milliken said recently. "When he couldn't give his vote, he would always very candidly tell me why, and I respected that."

Henry bucked a Republican president again in 1992, when he voted to lift the ban on federally financed transplants using cells from aborted fetal tissue.

Henry was ardently opposed to abortion, but he believed that "there are aborted fetuses out there, so can you put that to good use to enhance the life of others?" recalled Doug Koopman, a former Henry staffer.

"He ticked off a lot of people," said Koopman, "but it was a mark of his openness to the other side."

The vote cost him an endorsement from Michigan Right to Life last fall.

"They took it out on Paul," Upton said. "But Paul felt in his heart that it was the right thing to do."

One of the most upsetting events in Henry's political career was the revelation in 1992 that he, like hundreds of other House members, had written some checks at the House bank without enough money to cover them.

He called a reporter into his office and pored in detail over his checkbook and bank statements to show that he was unaware at the time that he was writing bad checks.

But what tore at him were the critical news accounts and editorials in his hometown newspaper in Grand Rapids. Already slender, Henry lost weight as he agonized about the attacks on his integrity.

"Paul was just sick about it," Upton recalled.

Henry loved his work in Congress, but his strict morality also left him occasionally frustrated with the behavior of some of his colleagues. When told that another Congress member had put his hand on a female staffer's knee, Henry was shocked—though such sexual harassment was not uncommon on Capitol Hill. It was inconceivable to him that such behavior went on in Congress.

Henry was known for his advocacy of a national bottle bill, which would establish a 10-cent deposit on bottles and cans for states that don't adopt recycling programs. He served on the Education and Labor Committee, where he supported school reforms. He also pushed for ways to shore up the nation's, and his district's, manufacturing base.

Well respected for his intelligence and thoughtfulness, Henry was also very independent. "Paul did work more independently than other folks," said Koopman, his former aide.

Henry was touted as a strong potential Republican challenger to U.S. Sen. Donald Riegle Jr., who is seeking re-election next year. It was a mark of the man that when former GOP national committeeman Peter Fletcher was quoted as saying Henry would be a good candidate, Henry picked up the phone.

"He called to say he appreciated it and was flattered," Fletcher recalled.

Henry loved music, especially opera. He and his wife Karen supported the arts community in Grand Rapids. In addition to his wife, he is survived by his daughters Kara and Megan, son Jordan, and parents.

Henry was a smoker, and often fudged about how much regular exercise he was getting. But he had been in good health when, during his re-election campaign last October, he suffered memory loss and headaches. He was admitted to the hospital, and doctors removed a three-inch tumor from his brain.

He was re-elected to a fifth term 13 days later. Although he returned to Washington briefly in January and was sworn in with his colleagues, he quickly returned home to Grand Rapids.

Several days before discovering his tumor, Henry confided in Upton that he wasn't going to run for the Senate. He said that he didn't want to put his family through the stress and that he was content with his life.

"He would have made a great senator," Upton said.

[From the Detroit Free Press, Aug. 3, 1993]

COURAGE AND ACCOMPLISHMENT

Because he died at age 51, much about Paul Henry's political career must be recounted in terms of potential and promise.

But for the cancer that claimed his life last week, the Republican Congressman from Grand Rapids might well have become a formidable statewide candidate, perhaps for senator next year. In personal terms, though, Mr. Henry had long since demonstrated that he was a fulfilled man, one who knew who he was and who was beyond being defined either by his future in politics or by disease.

His civility, his intelligence, his willingness to look at each issue on its merits all marked him as a man who deserved to be and had to be taken seriously. Rep. Henry was an honest conservative, but he understood and connected with the world beyond his western Michigan district.

Mr. Henry brought to public life a rootedness and a view of the world shaped by his personal religious faith. He was sensitive to the concerns of those whose background might not be as stable and traditional as his.

That combination made him a politician with potentially broad appeal. It also made him an exceedingly engaging and impressive human being.

[From the Grand Rapids Press, Aug. 2, 1993]

PAUL HENRY: CITIZEN, FRIEND—GRAND RAPIDS AND THE COUNTRY WELL-SERVED BY THIS UNCOMMON MAN

The death of Paul Henry on Saturday surprises no one. It grieves us all. We say that not just as journalists who covered him as a public official, but as neighbors who encountered him at school meetings, at church and at countless other civic and neighborhood functions. He was a part of this community and a true representative of it.

We knew that many of you feel a similar sort of attachment. His warmth, graciousness and loyalty to the people of West Michigan were palpable. Much of that came through in a letter he wrote last April to his constitution, his last letter to them, "So many people," he said, "find themselves alone in these situations. I am truly blessed to be a part of the fair and thoughtful West Michigan community."

A measure of the community's affection and respect for him was the support given throughout his illness. This wasn't a partisan matter. Democrats and Republicans and others of no party affiliation were willing to wait with him through this time. His years of service earned him that patience and the fervent prayers that went with it.

In his various public offices—member of the State Board of Education, state House of Representatives, state Senate and Congress—Mr. Henry was no different than the man known to his Grand Rapids neighbors and friends. He was unpretentious, far more taken with the seriousness of his work then with his own importance in doing it. And his professionalism enabled him to separate policy differences with other people from his personal feelings toward them. Campaign opponents were among his friends. They, in turn, respected him for his thorough, even scholarly, approach. And he was, in fact, an intellectual—a reasoning, inquiring person in addition to being well grounded in principle. He held a doctorate in political science and at one time taught political science at Calvin College.

On the political scale, Paul Henry was usually known as a Republican moderate but he really defied easy labeling. He picked his own way through issues, gradually changing from support of the Nicaraguan Contras, for instance, to opposition when he saw that policy failing. He was generally loyal to Republican presidents, and was like minded, though he wasn't reluctant to differ and hold his ground. Nor was he reticent about stepping into highly-charged cultural debates. Three years ago he was at the center of a raucous national controversy over federal arts funding, arguing successfully for "general standards of decency" in awarding grants and rejecting projects which "deliberately denigrate" religious, racial or ethnic groups.

On that issue, as on most others, he accurately reflected both his own opinions and those of his district. Also like his district, he held strong religious views. They motivated and defined him in his work as well as in his family life. They led him to an idealism which, in early adulthood, took him into the Peace Corps and service in Liberia and Ethiopia. At the end, through these past few months, that same faith sustained him through the frustration and darkness of brain cancer. "My life is in God's hand, as it has always been," he wrote to his colleagues in Congress. "My walk with Him goes on."

Paul Henry was 51 when he died. For the past 14 of his years, he represented the people of Grand Rapids in Lansing and Washington, always with integrity and uncommon dedication. This parting now, so premature, saddens and pains the community he loved. Because it loved him, too.

[From the Cadillac Evening News, Aug. 3, 1993]

PAUL HENRY LEAD WITH CONSCIENCE

(By Mark Lagerwey)

United States Representative Paul Henry (R-Grand Rapids) will be laid to rest today. But his political insights will live on. To that end, his life should be celebrated beyond the Third District.

Henry, a victim of brain cancer, had a refreshing political posture that should be heeded by the partisan guardians of gridlock.

The difference in Paul Henry's life was his ability to rise above partisan standards. It was, I think, a skill he had honed decades ago.

As a peripheral observer outside his district, I am not qualified to say whether Henry's propensity to avoid the political incrowd of both conservative and liberal traditions was the result of inconsistencies or justifiable convictions. As a former student of his, I can say it was probably the latter.

Professor Henry may have been at his political prime back in the early 1970's when I took his class at Calvin College. Back then, his political ambitions were still only dreams and his convictions were equally youthful and not particularly in line with the radical, 60's era.

Many classes were spent in splendid debate between long-haired students and this conservative instructor. Many discussions ended with differences unreconciled.

But, like most good arguments, the topics of these debates were soon lost. What remained was a profound sense of respect and tolerance for differing perspectives and the simple acknowledgment that ideology takes a second chair to a moral and conscientious human spirit.

One of his favorite books at that time was entitled "The End of Ideology." Henry's lectures emphasized that man is a fallen creature.

"The purpose of politics," he said at one of his classes, "isn't to bring the truth—it's a pragmatic holding pattern."

Paul Henry earned a kind of "moderate" label during the better part of five terms in Congress. His votes against MX missile funding and Reagan-era policies on Nicaragua consternated conservatives while his votes on economic policies often left liberals wanting.

Paul Henry transcended simple partisan politics and avoided ideologues. More simply, he voted his conscience. And it was a good and Christian conscience.

In discussing various Soviet theories of controlling human behavior, Henry revealed the simple flaw he saw in politics.

"They're trying to find a perfect way to determine personality," he said. "Man, however, isn't perfect. He's often inconsistent and irrational. It's the same with ideology. No one should follow a certain ideology."

It's a message that Washington could use during times when politicians are honestly hoping to end the partisanship holding legislation hostage.

Paul Henry led with compassion and conscience. And he was doing it long before his first visit to Washington.

REPRESENTATIVE HENRY—WEST MICHIGAN LOSES MAN OF INTEGRITY

Congress, the American people and his constituents are poorer for Rep. Paul Henry's death Saturday.

He was, by all accounts, the kind of elected representative every legislative body, but particularly Congress, needs more of. His constituents described him as accessible, approachable and caring.

The fact that voters last November elected him to a fifth term weeks after doctors removed a malignant tumor from his brain speaks to his abilities and his service. His death at 51, when he surely would have continued to serve his country's people so capably for many years, is a tragedy.

At a memorial service in Grand Rapids Sunday, the word "integrity" was used repeatedly to describe the late representative's life of service. Integrity is defined as the condition of being whole, complete, upright, honest and in unbroken condition. When death cuts short such a person's life the most meaningful tribute we can make is to resolve to act with greater integrity in our own lives.

That is the way it is with well-lived lives. They serve as models for the rest of us. In that way a life lived with integrity never really dies.

Paul Henry was a class act of Michigan politics, as courageous in fighting for his beliefs as in fighting for his life.

He won many of the former, and just lost the latter.

Had he not been stricken with brain cancer, fifth-term U.S. Rep. Henry, R-Grand Rapids, probably would be the current frontrunner for the Republican nomination to oppose Democratic U.S. Sen. Don Riegle.

The value of the nomination was trumpeted last week by Republican National chairman Haley Barbour, who branded Riegle "one of the most vulnerable" Democratic senators.

"Michigan is one of our best opportunities to pick up a Senate seat," Barbour said in an interview at the Grand Traverse Resort near Traverse City, where he attended a meeting of the Republican Governors' Association.

Henry, who had almost as secure a House seat in west Michigan as Democrats do in Detroit, backed off running for the Senate in the past but seemed to be gearing for a bid in 1994.

After Henry was stricken, many of those who would have supported him were encouraging U.S. Rep. Fred Upton of St. Joseph to run. Upton nearly did, but on Thursday announced that he would not—and at the same time paid tribute to Henry.

Henry had many tributes long before his death. The National Journal named him a congressional "Rising Star" in 1990.

Henry was a rarity among modern day Republicans—a moderate in an era of conservatism.

But Henry marched more to his heart than to a label when he was a lawmaker in Lansing and in Washington.

As the 1992 Almanac of American Politics put it:

"Henry has been tagged a moderate, but he has taken stands more interesting than the label. He is pro-life but spoke out against the flag-burning amendment, which he called 'a cheapening of the Constitution.' . . . A free market man on most economic issues, he voted against the 1990 budget summit package, and has pushed a national bottle deposit bill with a recycling trust fund from unclaimed deposits."

Michigan's late, great Phil Hart became know as the "conscience of the Senate." Had he lived, and stayed there, Henry might well have become the conscience of the House—which, of late, does not seem to have one.

A congressman who stood tall while the reputation of Congress sunk low.

Who will replace Henry in a seat that once was held by Gerald R. Ford—but won by Henry with greater margins than Ford ever got?

Henry had an ability to instill "the highest respect for public service," and to get people involved in the process that sustains it, according to Grand Rapids attorney Richard F. Vander Veen III.

Vander Veen, whose father once held the seat, is among the Democrats being mentioned as a contender to seek the seat that Henry filled with such dedication, compassion and distinction.

POLITICS

(By Hugh McDiarmid)

The stories about the death of U.S. Rep. Paul Henry of Grand Rapids are full of well-deserved praise for his probity and principled, straight-arrow approach to politics and government. Many suggest that, had he not been done in at age 51 by a brain tumor, he would have been a favorite for the Republican U.S. Senate nomination in 1994.

All true.

Many of them also mention that he was widely known as a Republican "moderate," a term that, in Henry's case, is worth further exploration.

That's because, among Michigan Republicans in recent years, the "moderate" label and politicians, such as Henry, who wear it proudly have become suspect as outsiders and, in some party circles, as objects of derision.

The 1980 presidential election year was something of a watershed for him.

Seeking a second term in the Michigan House, Henry not only signed on with the quixotic presidential campaign of liberal U.S. Rep. John Anderson, then an Illinois Republican (for whom he'd worked years earlier in Washington), but agreed to be Anderson's Michigan chairman. And when, early on, Anderson defected from the GOP, preferring to run as an independent, Henry bowed out to support George Bush, but reluctantly and with this cool explanation: "There is such a thing as institutional obligation. . . . It's sometimes difficult, but I have chosen to be a Republican, and I'll remain one."

Then in 1984, despite being an all-but-announced congressional candidate in a fairly conservative, Grand Rapids district and despite the GOP's Reagan-inspired plunge to the conservative right, he agreed to be the keynote speaker at a gathering in Lansing of the Michigan Moderate Republican Conference.

That group was a melange of disaffected, Bill Milliken-era GOPers, many of whom were openly hostile to President Ronald Reagan and some of whom were involved in distinctly non-GOP agendas—pro-choice, equal rights for women, a "big-tent" approach to civil rights and minorities, environmentalism, etc.

Yet Henry saw it as an opportunity and urged then-GOP state Chairman Spencer Abraham and others to get involved with the moderates.

"It was my feeling that we should not let the gap continue to grow", he explained later. "There is a danger in leaving people out."

He also said this: "There is a role for ideologues of both the right and left because they raise the issues. But when it comes to resolving the issues, moderation prevails."

Hmm! Anyway, the party ignored him and the GOP moderates drifted off. Henry went on to Congress to become . . . well, GOP leaders respected his intellect and his probity, but he was not always a team player.

For example, his "no" vote (the only one from a Michigan Republican) in March 1985 on MX missile funding—despite an Oval Office lobbying effort by Reagan—enraged them.

In Michigan, the board of the Michigan Conservative Union condemned him and sponsored a noisy (but unsuccessful) effort to have him censured by the GOP State Committee.

There were subsequent votes in Congress—in support of designating Michigan wilderness areas, in support of fetal tissue research, etc.—that cut against the grain of GOP orthodoxy and in which Henry demonstrated an independence that marked him as something of an outsider politically.

But he was always a thoughtful, responsible outsider . . . or moderate or independent . . . or whatever people preferred to label him.

That's what distinguished him from many of his colleagues, and it's what earned him so much respect.

Anyway, there seem to be fewer and fewer Paul Henrys around any more, certainly not in today's Republican Party.

And that's a shame.

[From the Detroit News, Aug. 1, 1993]

TRIBUTES POUR IN FOR PAUL HENRY

(By Richard A. Ryan)

WASHINGTON.—Rep. Paul Henry was remembered Saturday as a professorial lawmaker whose thoughtful approach to issues earned him a reputation for conscience and integrity.

The soft-spoken Henry, 51, who served eight years in Congress in the seat once held by former President Gerald Ford, died of brain cancer at 3:25 a.m. Saturday in his Grand Rapids home. He had been ill since undergoing surgery last October.

Republicans and Democrats alike mourned their colleague, an ex-college professor who took his duties seriously.

"He was a very decent, honest, honorable and capable individual who worked very hard," said Rep. John Dingell, D-Trenton, the dean of Michigan's congressional delegation. "He was well liked by everyone."

"If there were more Paul Henrys here in the Congress, we could get things done rather than sitting around shouting at one another," said Rep. Dale Kildee, D-Flint, who served with Henry on the House Education and Labor Committee. "He really wanted to accomplish things for this country. He will be sorely missed."

Chuck Yob, a Republican national committeeman from Grand Rapids, said Henry "was a straightforward, honest guy and in politics, I hate to say it, that is not always the rule. He had all of the things we pray for every day in an elected official."

Henry, R-Grand Rapids, was running for re-election to a fifth term last fall when he experienced severe headaches. Examination revealed the cancer and in an operation Oct. 21, doctors removed a 3-inch tumor from the right frontal lobe of his brain. The cancer was diagnosed as glioblastoma multiforme, one of the most malignant varieties with an average survival rate of about one year.

Henry easily won re-election to a fifth term two weeks after the surgery, defeating Carol Kooistra with 63 percent of the vote.

After the operation Henry made two appearances in public. Last Thanksgiving Day, following a tradition started in 1984, Henry read the president's annual Thanksgiving proclamation at the Mayflower Congregational Church in Grand Rapids. Henry, whose father is Carl Henry, the noted Christian theologian who founded the magazine "Christianity Today," was deeply religious.

He was a member of the Dutch Reformed Church.

Last January, Henry flew to Washington to take the oath of office. In an emotional scene, Henry—by then in a wheelchair—was surrounded by his friends and colleagues as he was sworn in by House Speaker Tom Foley.

"He was a Republican in the mold of Arthur Vandenberg and Jerry Ford," said U.S. Sen. Carl Levin, D-Mich. "He was an ideal public servant."

In April, Henry took out an advertisement in Roll Call, a newspaper circulated on Capitol Hill, in which he proclaimed his determination to "return to the fray" in Congress.

"My life is in God's hands, as it always has been," Henry said in the ad. "My walk with Him goes on." But in mid-May Henry's aides admitted for the first time that it was not likely he would return to Washington.

"We had all been hoping for a miracle," Republican Gov. Jon Engler said in a statement Saturday.

Henry is survived by his wife, Karen, a former concert pianist, and three children, Kara, Jordan, and Megan.

On Saturday, President Bill Clinton said: "It's tragic when such a productive and promising life is cut short much before its time. His personal courage and bravery will be an inspiration to us."

Henry was born in Chicago and received his undergraduate degree at Wheaton College in Illinois and his master's and doctorate degrees from Duke University. After a stint as a Peace Corps volunteer in Ethiopia and Liberia, Henry taught political science at Duke and later Calvin College in Grand Rapids.

Henry as elected to the Michigan House of Representatives in 1978 and spent four years in the House and two years in the state Senate before being elected to Congress. He defeated Keary Sawyer, the son of ex-Rep. Harold Sawyer, in a hard-fought Republican primary and had not faced a serious challenge since.

He was considering running against Democratic Sen. Donald Riegle in 1994 before being stricken.

Gary Lytle, a longtime lobbyist for Michigan Bell Telephone Co. who now lobbies for Ameritech, called Henry "a helluva guy."

"I have been doing this for 10 years," Lytle said, "and of all the members I've ever called on, he was absolutely one of the nicest, most honest, most decent guys I've ever dealt with. I think Grand Rapids and Michigan have suffered quite a loss."

As a congressman, Henry was hard to label. He was generally conservative, but with an independent streak, even though his Grand Rapids district is considered one of the nation's most conservative.

In his first year in Congress, Henry defied President Reagan and voted against building the MX missile and providing assistance to the Nicaraguan contras. His actions prompted a few Michigan Republicans to attempt to censure him for "hostile behavior."

He opposed President Bush and voted for such issues as fetal tissue research and extending benefits to the long-term unemployed.

"I'm a fiscal conservative," he said once, "but not a Scrooge."

Henry fought unsuccessfully in Congress for passage of a national bottle bill that would require deposits on bottles and cans similar to the Michigan law. His environmental efforts won him the endorsement of the Sierra Club in his re-election campaign last year.

He was viewed by his colleagues as a voice of reason in the squabble over funding of the National Endowment for the Arts. He opposed funding what he considered to be pornographic or blasphemous art, but neither did he want to put the government in the position of being a censor.

Rep. Frank Wolf, R-Va., said that Henry's thoughtfulness and care in deciding issues helped influence the decisions of others.

"He was the type of person that for a number of us you would want to see how Paul Henry was voting," Wolf said. "I found his advice and judgment to be very, very sound."

Madam Speaker, PAUL and I had a very special relationship and a very special friendship. He served his constituents very well. He traveled home nearly every weekend. He paid close personal attention to all of his mail. And we talked and conferred on literally hundreds of votes cast in this Chamber.

As it has been said many times this evening, when Paul spoke on issues on this floor, people on both sides of the center aisle listened, and his arguments in support of or against an issue were substantive. They were based on the merits, not on the politics.

He was not afraid to look a Republican President in the eye and say no; and, consequently, when he said yes, folks in both parties knew that his convictions were strong.

I could easily fill the night with the many, many stories of our relationship, the two of us. Some of them were serious; obviously some of them were not. But he was viewed by everyone as very conscientious, effective, hardworking, thoughtful, and caring. He believed very strongly that public service indeed was a sacred trust.

All through his life PAUL focused on helping others, whether it be in the Peace Corps, as a congressional staffer, as a state legislator, or, later, as a Member of Congress.

On his last day in the chamber when he was sworn in, Jim Ford, who is on the floor tonight, the Pastor of the House, talked to PAUL with regard to his brain cancer and related the story that the word was out that only about 5 percent of those that had this particular type of cancer were able to survive a year. And as Jim and PAUL talked, PAUL said, "Jim, we are all a child of God."

PAUL had a great sense of humor. He had many practical jokes that he played on people on both sides of the aisle. A particular story that I remember involved a Member of our Michigan delegation, DALE KILDEE. Both DALE and PAUL had a spotless record in terms of voting. I do not think either one of them really had missed a vote in the last decade.

I can remember racing off to the airport after a vote, bounding down the stairs, as SANDY LEVIN was relating, trying to catch our car and catch a plane that left literally in 12 minutes from National Airport. And as we got onto the plane, tired, on a hot summer day, DALE KILDEE was in the seat across the aisle, and PAUL and I played a little joke on DALE.

We said, "Boy, when that little beeper went off when we got across the 14th Street Bridge, did you make it back to cast the vote to adjourn?"

Well, we did not have a vote to adjourn that night or that afternoon. But DALE just about died. And all the way to Dayton, where we changed planes and went our ways, to Grand Rapids, South Bend, or Detroit, DALE was worried that he had missed a vote, the first one in a long, long time.

□ 2020

As folks across this country listen to this special order, I would like to reflect for a moment on a lesson that many of us learned through PAUL's struggle: How many times is it when we might lose a friend and we wonder why we did not give them an extra pat on the back or a hello, or were we too busy, had we not wished that we had said something?

Well, we learned with PAUL, we really did, and it was marvelous.

As I would travel to his house and hold his hand, to see the volumes of letters, not only from Members of Congress, but his constituents and people around the country who wrote praising his work. And I know that that outpouring of love was appreciated deeply by PAUL. Not a day would go by when Members in this House on both sides of the aisle would not stop and ask how their dear friend PAUL was doing. And that gave him strength; it really did.

In fact, near the end of his life, he took out a letter and wrote this:

"On my desk at home in Michigan, I keep a very special album. Its pages contain the scores of cards and letters you have sent to me during my battle with cancer. You will never know just how uplifting your kindness and support have been to me and my family. I count as one of God's great blessings the opportunity I have to serve so many fine people. Caring and thoughtfulness and hope knows no political party. Please note that despite the frustrations of continuing my recovery at home, I remain determined to return to the fray on Capitol Hill. My family and I have grown through this struggle. We face our challenges together each day. God has not taken us out of the storm but he is leading us through it. Your letters, your encouragement, your humor and my great staff members"—and they were great, still are—"who keep my offices running smoothly are so important along the way. My life is in God's hands, as it has always been. My walk with him goes on."

That is PAUL. That really was.

Last fall our Michigan delegation held a celebration honoring our esteemed retiring Members of Congress. For this event, all of us in the delegation recorded our thoughts on tape that was given to those retiring Members.

Thinking of PAUL, I pulled out that tape and watched a little bit of it again today.

On it, a buoyant PAUL HENRY, with a smile and enthusiasm we will always miss, says words which have a special significance today. He says this:

"It is unfortunate that the public sees politics so often only in terms of combat and political hyperbole and is unaware of the fact that generally we work very closely together and very strong friendships have bound us together. I am sure that these friendships will continue to grow over the years."

It was just a few weeks later, after we did that special order, that PAUL, who appeared so full of life, was diagnosed with this terrible brain cancer. It is still hard to believe.

Today, I know I speak for all of us when I say that his death has left us all with a tremendous amount of sadness. Yet, it is also true that his life and the way that he lived it has left us all with a tremendous amount of hope. If he could keep his faith in the face of such pain and adversity, then certainly, as we deal with our daily struggles, so can we.

PAUL's example of fighting the good fight and keeping his faith, of keeping his concern for others with that marvelous sense of humor, despite his own suffering, is a lesson and a legacy to us all.

Mr. MICHEL. Madam Speaker, I am honored to be part of the tribute for Congressman PAUL HENRY. Obviously the loss of such a talented colleague and a wonderful person like PAUL has deeply moved all of us. It was my privilege and a great honor to have said a few words in honor of PAUL at a ceremony of remembrance in Grand Rapids. At this time I would like to insert the eulogy I gave for PAUL HENRY on August 3, 1993.

EULOGY FOR PAUL HENRY

(Remarks by Robert H. Michel)

Karen, Kara, Jordan, Megan, members of the family and friends. I speak today with a heavy heart for my colleagues on both sides of the aisle who are sorely grieved to lose one of our most highly respected and dearly loved members.

It's particularly sorrowful for me because PAUL's last vote was cast for me as Speaker on the opening day of the 103rd Congress.

We all had high hopes and expectations for Paul's beating the odds because he was such a good Christian soldier.

While we mortals find it difficult to reconcile, I suspect PAUL would have had an answer for us rooted in Scripture.

One word comes to mind when I think of PAUL's contribution to our public life: That word is "Civility."

We Americans have developed a rich political vocabulary for the ugly side of public life.

How often we hear: "It's not enough to get mad; we have to get even."

But civility seems to have no similar public vocabulary.

So we might ask: what is this quiet, but vital, public virtue that was at the heart of PAUL HENRY's life?

I'd define it this way:

Civility means knowing that raising the level of your voice doesn't raise the level of the discussion.

It means recognizing that listening is a very good way of communicating.

Civility means realizing that peaks of uncommon progress can be reached by paths of common courtesy.

Civility means being tough without being mean and being principled without being fanatic.

Civility means believing in the power of reason to influence public debate, and the power of the spirit to transform private lives.

Civility is the public embodiment of the Golden Rule: "Do unto others as you would have them do unto you."

By those standards, PAUL HENRY was the embodiment of civility.

If I were asked to sum up PAUL's impact on those of us who knew him, I would recall a favorite phrase of my father: "Dare to be a Daniel."

By that he meant we should have the courage of Daniel in the lion's den, retaining our convictions in difficult times, trusting in Providence, doing what's right, especially when it is unpopular to do so.

PAUL HENRY dared to be a Daniel.

He dared to think through problems instead of being carried along with the crowd.

He dared to take a look at an old problem from a new angle, when others were content with mouthing slogans.

He dared to bring to bear on difficult political questions a formidable array of philosophical and religious insights, when it would be so easy to just go along and get along.

When we have truly difficult votes in the House, we say to other members: "Vote your conscience on this one."

PAUL HENRY didn't have to be told to vote his conscience; he simply didn't know any other way to vote.

For him voting one's conscience was a political as well as a moral imperative.

Three years ago, National Journal, one of the most admired and prestigious publications in America, named PAUL HENRY a "Rising Star" in Congress.

In one sense, the great tragedy for his family and friends, and for us in the Congress and the Nation, is that PAUL's political star never got the opportunity to rise to its zenith.

And yet, in another sense, PAUL's star is now visible in a way none of us could have foretold.

It has arisen to a permanent place in the political firmament.

Twenty-five hundred years ago, a wise man said: "He who exercises government by means of his virtue, may be compared to the north polar star, which keeps its place, and all the stars turn toward it."

And that sums it up: PAUL HENRY always tried to exercise government by means of virtue.

And because he did, for years to come, PAUL's memory will serve as a guide and an inspiration for those who seek to improve our public life.

His star is now fixed, steady and permanent.

It's singular brightness can serve to show us all the way toward a much higher level of civility, thoughtfulness and courage as exemplified in the life and works of our dear friend PAUL HENRY.

Mr. GILMAN. Madam Speaker, it is a sad duty to rise in tribute to our departed colleague, the late PAUL B. HENRY of the Third Congressional District of the State of Michigan.

Although we all knew that PAUL has been ill for some time, his passing nonetheless shocks and saddens all of us. PAUL was one of those Members of Congress who brightened this Chamber and made our tasks and toils more pleasant because of his reasonableness and his ability to bring us together on many issues. PAUL was singularly gifted in that he had the unique ability of respecting and soliciting other opinions and views on a variety of issues, while never wavering from his own firm convictions and from the high standards which were the hallmark of his career and his life. PAUL HENRY will long be remembered in this Chamber due to his impeccable integrity.

PAUL had been a Member of Congress since 1984, but even before his first election he had been highly touted as an eventual candidate for the other Chamber or for the governorship of his home State of Michigan. Back in 1990, the National Journal labeled PAUL HENRY one of the young "rising stars" in the Congress, and no one in this Chamber disputed that assessment.

PAUL HENRY's contributions to this body were legendary and immeasurable. As a veteran of Peace Corps service, PAUL brought to the House humanity and compassion, which the insight of service abroad with that organization instilled in him. As a former professor at Duke University and Calvin College, as well as a former member of his school board at home, PAUL reminded us all that an investment in the young of our Nation is the most worthwhile investment we can make, because it is an investment in the future of our cherished way of life.

As a former Member of both houses of the Michigan State Legislature, PAUL brought to the Congress experience and expertise in the art of legislating and in the practice of compromise and parliamentary procedure. As a devoted husband and father, PAUL reminded us all of the family values which have made our civilization thrive throughout the centuries.

Congressman PAUL B. HENRY was only 51 years young at the time of his most untimely passing, but his legacy in this Chamber and in his Third District of Michigan will not soon be forgotten.

Mr. Speaker, I join with our colleagues in expressing sincerest condolences to his wife Karen Anne, to his daughters Kara and Megan, to his son Jordan, and to his many other relatives, friends, and loved ones. Our expressions of sorrow may be of small comfort to them, but perhaps the knowledge that many of us share their grief will help ease their irreparable loss.

Mr. HASTERT. Madam Speaker, I join today with other Members of the House to pay tribute to a dear friend and colleague who passed away on July 31, Congressman PAUL HENRY of Grand Rapids, MI.

Those of us on Capitol Hill will remember PAUL as an able, dedicated Member of this body who served his constituents well over the last 9 years of his life. I can add that I knew PAUL 30 years ago, when we both were undergraduates at Wheaton College in Wheaton, IL, and I can truly say that his spirit and dedication to improving the human condition were lifelong attributes.

PAUL graduated from Wheaton College a year before I did, in 1963, and followed his studies by volunteering for 2 years in the Peace Corps. PAUL spent those 2 years in Liberia and Ethiopia, joining in that great American effort to bring hope and a new beginning to those less fortunate. Those of us who knew him would not be surprised at that decision; that is the kind of man PAUL was.

As a teacher and a legislator, who served in both the Michigan State house and senate before coming to Washington, PAUL showed us time and time again that a life of public service is a truly noble cause—and one that is not to be taken lightly.

He will be missed. PAUL HENRY will be missed in this House, where we will no longer have the benefit of his knowledge and energy. I will miss PAUL because I have lost a colleague that I was proud to call my friend.

Mr. CONYERS. Madam Speaker, on this most sullen of occasions, we come today to honor one of our fellow Congressmen, PAUL HENRY. Although Representative HENRY and I sat on opposite sides of the aisle, I respected and admired this fellow Michigander and most honorable statesman.

Congressman HENRY's many years of public service, both in the Michigan State Legislature and in the U.S. House of Representatives, exemplified his dedication to his constituency, his commitment to public service, and to those causes in which he believed strongly.

Whether it was fighting for the taxpayer against wasteful Government spending when he won the "Bulldog of the Treasury Award," or when he was delivering constituent services to the people of western Michigan, PAUL HENRY served in this Congress with the utmost dignity, honor, and modesty.

PAUL was dedicated to the citizens of western Michigan. He had a reputation for getting out into the community and listening to his constituents, and understanding their needs and concerns. People in the Grand Rapids area will certainly miss the personable and thoughtful Congressman that they found in PAUL HENRY.

But most importantly, PAUL HENRY's strong Christian faith and his rich family life helped him and his family through these most trying of times. PAUL will be missed by many.

Mr. PRICE of North Carolina. Madam Speaker, I appreciate this opportunity to pay tribute to our colleague, the late PAUL HENRY of Michigan. I do so with great sadness that a life so useful and so promising has been cut short, but also with gratitude for the privilege of knowing PAUL and for the contribution he made to this House and to our country's public life.

PAUL had strong ties to my State of North Carolina. He and his wife Karen lived in Durham in the late 1960's while PAUL was pursuing his doctorate in political science at Duke University. They have continued to visit our State and have many friends there.

PAUL and I pursued similar academic courses. We finished our graduate work at about the same time, and I came to Duke to teach political science shortly after he left to assume a faculty appointment at Calvin College. His main academic interest was in political philosophy, but he had strong practical and policy interests as well. He was drawn to the political arena, and in 1979, after 8 years of teaching, was first elected to the Michigan State house.

PAUL was a man of deep religious faith and reflection. He grew up in a family steeped in biblical learning and theological discussion, and he sought constructively to relate his faith to the challenges of public life, both in his scholarly work and in his personal career. His was a deeply rooted faith, but always, in Augustine's phrase, a "faith seeking understanding." He was a source of inspiration and insight to many of us here.

I felt a special kinship to PAUL because of the similarity of our backgrounds and interests. We have arrived at somewhat different points politically and philosophically, although not as different as our respective party labels would suggest. And I feel considerable regret—the kind of regret we feel most acutely when a friend and colleague departs prematurely—that the pressures and preoccupations of our life here prevented me from spending more time with him.

But whether one knew PAUL HENRY well or simply observed the way he conducted his life and work, there was universal admiration for him in this body. I have seldom heard more sincere tributes than those delivered by Mr. MICHEL, Mr. UPTON, and others at the moving and majestic memorial service in Grand Rapids—tributes to which PAUL's colleagues there assembled said a silent "Amen." We are all better for having known him, just as the House of Representatives and our country have been blessed and enriched by his faithful service.

Mr. HORN. Madam Speaker, I rise today to join those paying tribute to one of the truly extraordinary individuals who has served in this body in recent years, PAUL HENRY.

My singular regret is that, having come to the House of Representatives only after his illness, I missed the opportunity to work with a man who, by all accounts, represented the very best in public service and in a commitment to our country.

PAUL HENRY was known for his fairness, his intellect, and his compassion. He took a centrist approach on social issues and a free market stance on economic ones. "The Almanac of American Politics" described him in this way: "In the House, HENRY has been tagged as a moderate, but has taken stands more interesting than the label." And he said of himself, "I'm a fiscal conservative, but not a scrooge."

A former Peace Corps volunteer, PAUL HENRY began his career in Washington as a legislative assistant to Representative John Anderson. He then taught political science at Duke University and Calvin College and served in the Michigan State Legislature before being elected to the House in 1984. Named a "Rising Star" in Congress by National Journal in 1990, PAUL HENRY will be deeply missed by all who have known him—and also be those of us who, while not having the honor to know him personally, know of his many contributions on behalf of his fellow citizens.

Mr. GUNDERSON. Madam Speaker, earlier today, I returned from a weekend trip to Wisconsin. As I arrived at National Airport, I carried my bags to the congressional parking lot, got into my car, and drove to the Capitol. Nothing is unusual about any of this—except for one thing. For the past decade, it has become custom as I'd drive in or out of that parking lot to see a car with the candy-bar bumper strip. That "Oh-Henry" bumper strip said so much to me about our late dear friend and colleague, PAUL HENRY.

PAUL HENRY represented everything that is good and wholesale about our country. His Midwestern roots showcased his satisfication with the basics of life. There was nothing flamboyant or artificial about PAUL HENRY. There were no surprises or disappointments. But there was everything reliable and good—in a sense just like that candy-bar logo he used. In PAUL HENRY, what you see—is what you get. We all liked that very much. And the Congress today would have a whole lot better reputation if there were more "Paul Henry's".

For the past decade, I had the personal privilege of serving in Congress with PAUL. We considered ourselves "governing Republicans" and thus political soulmates. We were seat mates on the Republican side of the Education and Labor Committee. And we considered each other a personal friend.

Everyone knows of PAUL's deep religious faith and his keen intellect. I came to admire this often. But at no time did he use the strength of these two pillars better than during the reauthorization of the National Endowment for the Arts. As members of the Education and Labor Committee, with jurisdiction over the Endowment, we were both deeply committed to finding a solution to the controversies surrounding this agency. It would have been easy to walk away from this fight; vote against reauthorization, and make easy and cheap political points. But PAUL was not that kind of legislator.

While I worked on the simple issue of grant reform, PAUL HENRY took on the almost impossible task of defining pornography as it pertained to this agency. To recognize the conflicts of church vs. state; artist vs. taxpayer; and constitutional rights vs. public interest, is no easy challenge. But I would suggest that the National Endowment for the Arts is a viable agency today because PAUL HENRY spent time in the Chamber.

More recently PAUL served as the ranking Republican on the OSHA Subcommittee. As organized labor made a valiant effort last session to pass new legislation, PAUL HENRY provided the leadership expected from his type of legislator. First, he spent countless hours on the subject mastering the issues. Second, he spent considerable time meeting with groups on both sides of the issue seeking input, information, and possible consensus. When it became clear that labor and he would not agree—he took what seemed to him the next logical step. He didn't just oppose their bill. Rather, he laboriously developed his own alternative in the true "PAUL HENRY" style. He sought positive and voluntary ways to achieve the same goals of worker protection. Yet, he recognized the need for a strong Government response to intentional and callous abusers. He was committed to the philosophy that encouraged faith in the responsibility of our citizens. Yet, he was willing to use the force of Government when necessary. There is no doubt in my mind that the PAUL HENRY substitute prevented Congress from passing a bad piece of legislation too quickly. If we are now successful, in passing a bipartisan reform bill in this Congress, we all have only PAUL HENRY to thank.

These are just two of the many examples of PAUL HENRY's mark on this Congress and the country. I could literally go over almost every issue before our committee and recall a similar positive contribution from PAUL HENRY. PAUL was loyal, honest, and always a man of his word. One could always depend on him and look forward to working with him on an issue. You knew that PAUL would do his homework, and proceed in a constructive manner.

For me, one of the most pleasant memories was our many personal conversations. These went beyond the mundane issues of the day. Each summer PAUL and his family took a trip through my district. And each summer PAUL would stop in my hometown. First, he would go into my local campaign office to tell the campaign workers how much he enjoyed working with me. Then he would go to the Norske Nook Cafe, my hometown's popular and famous restaurant known for its homemade pies. This was PAUL HENRY—enjoying the best of life's basics. And while he did it, he always found time for a nice word about a friend.

This summer, we missed PAUL in Osseo and at the Norske Nook. This year we have missed PAUL here in Congress and at the Education and Labor Committee. Yet we have all been blessed and touched by PAUL HENRY—who he was to us personally, and what he stood for professionally. To his family we say today, as we did at PAUL's funeral in Grand Rapids earlier this summer. "Thank you for sharing PAUL with us. We are better for it as individuals, as a Congress, and as a Nation."

Mr. FORD of Michigan. Madam Speaker, I would like to express my sincere grief over the passing of my friend and colleague, Congressman PAUL B. HENRY.

As a member of the Michigan delegation and from his dedicated service to the Education and Labor Committee, I knew and respected PAUL as a man of exceptional honesty, integrity and character. In Michigan politics he was a Republican in the tradition of former Gov. William Milliken and not the more strident current Governor.

While we sometimes disagreed on issues that came before the Education and labor Committee, his basic respect for the dignity of the individual made it possible for us to work together to enact civil rights laws such as the Civil Rights Restoration Act and the Americans With Disabilities Act. He supported the Civil Rights Restoration Act over the vetoes of both President Reagan and President Bush.

Even where we strongly disagreed, as we did on issues such as occupational health and safety, PAUL HENRY's basic integrity made him a constructive critic, who made proposals that allowed the opportunity for dialog and cooperation. For example, as the ranking minority member of the Health and Safety Subcommittee, he proposed legislation in 1990 that would have expanded the right of employees to know the types of hazardous substances in their workplaces.

His service in the Peace Corps from 1963 to 1965 is an early indication of his commitment to helping people and the world we live in. This commitment continued in his political career as both a State Representative and a State Senator prior to his election in 1984 as the U.S. Representative for Michigan's fifth district.

As a member of the Christian Reformed Church, religion played a meaningful role in his life and his strong faith guided his work. He always placed an important emphasis on family. He is survived by his loving wife, Karen, and their three children. They have suffered with him through his long and painful illness. I extend to them my deepest sympathy.

PAUL HENRY has had a significant impact on this body and on our country. He was a distinguished and well-respected Member of Congress and will be genuinely missed by all who had the pleasure and honor of knowing and working with him.

Mr. PORTER. Madam Speaker, the death of our colleague PAUL HENRY, is a profound loss for the Congress, the citizens of Michigan, and our entire Nation. One of America's most respected and promising leaders has been taken from us much too soon, and together with PAUL's family, we are shaken and deeply saddened.

PAUL was once described as combining "the conservative instincts of an evangelical Christian, the open mind of a former Peace Corps volunteer, and the intellectual approach of a political scientist." This is an unusual mix of traits, but then, PAUL HENRY was an unusually gifted and engaging man.

PAUL was someone who valued careful deliberation and consensus above rhetorical flourishes and partisanship. His integrity and sound judgment helped guide many debates in this House toward resolution, and he held his office as a sacred trust. As our distinguished Republican leader said at yesterday's service, "PAUL HENRY didn't have to be told to vote his conscience. He didn't know any other way to vote."

Throughout his service in public office, PAUL distinguished himself as a hard-working legislator, and in every chamber of which he was a member—the Michigan House and Senate and then this body—he gained the respect, admiration, and friendship of Members on both sides of the aisle. PAUL was one of those rare elected officials who had what the pundits call "reach"—the ability to understand other points of view and to make connections and alliances with people across the political spectrum. This is why Mr. UPTON, PAUL's Michigan colleague and close friend, referred to him yesterday as "the soul of Congress."

But most of all, we will miss PAUL's delightful friendship and his warm personality. He never allowed the cancer which he was fighting to beat back his bright spirit or his sense of humor. One recent press account captured this well, relating this comment that PAUL made to a nurse who was helping him roll over in bed: "I'm a Republican * * * I do better on the right side."

Madam Speaker, in his all too short life, PAUL HENRY contributed great intelligence and compassion to the public policy debates in this country, and we will long cherish his memory. He showed us all what distinguished public service really means.

I join my colleagues in expressing deepest condolences to PAUL's wife, Karen, and his three children, Kara, Jordan and Megan. All Americans share in your great loss, and our thoughts and prayers are with you.

Mr. BALLENGER. Madam Speaker, I am pleased to pay a special tribute to our colleague PAUL HENRY. PAUL was a friend to all and well respected by colleagues on both sides of the aisle. PAUL was considered a rising star in the House and served his country, and his constituents with distinction.

I first met PAUL in my freshman year during our tenure together on the House Education and Labor Subcommittee on Health and Safety. As the only two Republican members of the subcommittee, PAUL offered a guiding hand and helped me learn the in's and out's of Congress, as well as the laws affecting health and safety in the workplace. His leadership in the area of occupational safety and health was well known and will be especially missed this year as the Education and Labor Committee grapples with this difficult issue.

I would like to share one particularly fond memory of PAUL. The Subcommittee on Health and Safety was in charge of the Mine Safety and Health Act [MSHA]. PAUL thought it only proper that we go down into a coal mine to see for ourselves what it was like. Before our trip, we both agreed that coal miners had difficult jobs. After several hours in the mine, we agreed even more. I still have the picture of PAUL and myself in our coal miners outfits, headlamps and all—quite a sight.

PAUL HENRY will surely be missed in Congress and I wish to offer my deepest condolences to his wife, Anne, and his three children.

Mr. ZELIFF. Madam Speaker, I was deeply saddened when I learned of the passing of our colleague, PAUL HENRY. This institution lost one of its most respected and honorable Members, and in these turbulent times, that loss is even more magnified.

I knew PAUL since I was elected in 1990, and had the opportunity to serve with him in the Republican whip organization. For me and the rest of this year's sophomore class, he served as a true role model. He was always there to offer advice and to lend a helping hand. In addition, PAUL was a distinguished man who had the integrity and charisma to be respected on both sides of the aisle.

His ability to demand respect from so many different people was a tribute to what he could have accomplished if he hadn't been taken from us so early. All of his qualities ensured him a spot high not only within the Republican party, but in national politics. He had a lot to offer this country, and a lot to offer those of us he left behind. It is my hope that my colleagues will join me in working to continue his spirit of cooperation among all people, and to continue working toward a better future for our country.

Mrs. MORELLA. Madam Speaker, I rise today to pay tribute to our courageous colleague, Congressman PAUL HENRY, who passed away in July at the age of 50 after a 10-month battle with brain cancer.

It is difficult to know where to begin in talking about PAUL's attributes; professionally, he was a brilliant former political science professor who was one of the Republican Party's rising stars; personally, he was a soft-spoken, thoughtful, always considerate friend who cared deeply about people.

PAUL had forged a distinguished career even before he was elected to represent Michigan's Third District in the House in 1983. Holder of a Ph.D. from Duke, PAUL served in the Peace Corps, taught at Calvin College, and worked as an aide to Illinois Congressman John Anderson before his election to the State House and State Senate.

In Congress, he was best known for his work on the Education and Labor Committee, where he became the ranking member of the Human Resources Committee earlier this year. His encyclopedic interests on the committee included OSHA and college funding issues.

I worked most closely with PAUL on the Science, Space, and Technology Committee, where he focused on technology issues, especially those dealing with manufacturing. On a personal level, PAUL's incisive questioning at a hearing proved of great assistance as I recrafted provisions of legislation I developed on computer software. At his death, PAUL was the ranking member of the Committee's Subcommittee on Investigations and Oversight.

Thanks in part to his many committee-related initiatives, PAUL was quickly—and justifiably—cited by many—including the National Journal and columnist David Broder—as one of the Republicans' stars for the future. He was viewed as a certain candidate for the Senate in the near future.

How tragic to have the life of this great man snuffed out at the age of 50. We can find some consolation in the fact that he carved out a big legacy in Congress over the past decade, a legacy that will not soon be forgotten.

My thoughts go out at this time to PAUL's widow, Karen, and to their three children.

Mr. RAMSTAD. Madam Speaker, I rise today to join my colleagues in remembering PAUL HENRY.

Everyone who had the opportunity to serve with PAUL in this House knows that he was one of the most fair, thoughtful, and respected Members of Congress.

As his constituents knew, he always represented his district with integrity and dedication.

This House, Grand Rapids, and the country lost one of the most admired and honest men in public service when PAUL passed away. We can take but small comfort in the knowledge that his suffering has come to an end and he is now in Heaven watching over all of us.

As one who considered PAUL a role model as a new Member of Congress, and still to this day, I mourn his passing and wish to convey my deepest thoughts and prayers to his family.

Mr. QUILLEN. Madam Speaker, I rise tonight with a heavy heart to pay a most deserving tribute to our late dear friend and esteemed colleague from Michigan, PAUL HENRY, who was taken from us July 31st.

PAUL came here to Congress in 1985 after a distinguished career of service in the Peace Corps, as a college professor, and as a State legislator. He was elected by the people of a district that know men of integrity when they see them, for PAUL held the seat in the House formerly held by such notables as Senator Arthur Vandenberg and President Jerry Ford.

Upon his arrival, he sought those assignments and duties that would allow him to do the most good for the most people. A man of unshakable religious faith, PAUL HENRY always sought to apply his Christian principles to the legislative process. When those principles conflicted with party politics or political ideology, PAUL would always place his beliefs first, and I admired him for it. He strove tirelessly to represent the best interests of his constituents and the Nation.

Madam Speaker, a cruel illness has robbed us of a man of faith, integrity, compassion, and seemingly limitless potential. I join my colleagues in remembering PAUL and in sending our sincere condolences to his widow and children. We can only wonder what PAUL's future would have held, had cancer not stricken him down, but we know that this country is better off because of PAUL HENRY's service to it.

Mr. SENSENBRENNER. Madam Speaker, I join my colleagues today in paying tribute to a Member of this body that all of us will truly miss. When we lost PAUL HENRY to his battle with cancer, we lost not only a fellow colleague, but also a true friend.

So much has been said in recent days about our friend, that I find it difficult to offer more to the gracious words already spoken. I met PAUL shortly after he was first elected in 1984 and enjoyed the distinct privilege of serving with him on the House Science, Space, and Technology Committee. I quickly learned to appreciate PAUL's skills and abilities as a legislator coupled with his sincerity and fair treatment of those around him.

Congress' reputation has suffered in recent months, but PAUL HENRY always stood as a beacon of integrity in this institution. He was an integral part of the Republican party and well respected by Members on both sides of the aisle. Although we can no longer take advantage of his presence, the memory of our friend provides us all with an example to which to aspire.

I pass along my sincerest sympathy to his family in this time of sorrow, and wish them an added measure of grace in the days to come.

Mr. ORTON. Madam Speaker, it is always sad to hear of the death of a colleague. The sense of loss is all the more acute in the case of PAUL HENRY, whose decency, strong religious grounding and ability to bridge political partisanship made him a friend on both sides of the aisle.

PAUL was popular with his constituents and popular with his colleagues. He was serious about improving the educational standards of this country. He sought what he thought to be the best solution to each public policy issue regardless of whether this labeled him as a liberal or conservative. His background in the Peace Corps, in academia and in State politics gave him an even-handedness which we all admire.

One of PAUL's greatest legacies to this body will be the example of his character: forged from solid values and yet dedicated to hearing all sides and finding common ground. He will be sorely missed.

I extend my prayers and sympathies to PAUL's wife, Karen Anne, and his three children.

Mr. CLINGER. Madam Speaker, the death of PAUL HENRY is an enormous loss to the Congress and to this Nation. His probing intellect and dedication to this institution were an asset that will not easily be replaced.

PAUL was a tireless worker on behalf of his constituents who were extraordinarily well served throughout his 9 years of service in this body. He was a man of great compassion for those in our society who were downtrodden or in pain and worked tirelessly to address the concerns and resolve the problems which individual constituents brought to him.

PAUL HENRY was a man of ideas. He was an intellectual force in this House—one whose thoughtful contributions to debate were always listened to and respected even if one did not agree with his position. He relished the give and take, thrust and parry of the debates. As a senior member of the Education and Labor Committee he was a regular and valued participant during the consideration of some of the most contentious and controversial issues over this last decade.

I have known PAUL best as a Member of the House Wednesday Group. To all of his colleagues in the group, he was a warm and thoughtful friend. Moreover, he was a friend whose judgment one could rely upon completely. On issues coming to the House floor from his committee with which I was unfamiliar, I came to trust PAUL's counsel and analysis with ever increasing confidence. He was always a solid and totally reliable resource.

It is difficult to accept the loss of someone with such talent and with so much promise for the future. PAUL HENRY has made a lasting contribution to this place and has touched the lives of many, many people. The tragedy is that his death cut short a life of such exceptional promise.

Mr. GALLEGLY. Madam Speaker, I join in mourning the passing of our colleague PAUL HENRY. He was a man who served his constituents well, but more importantly, he was a man who was respected for his honesty and integrity, and he will be missed.

PAUL was an independent-minded Congressman, a political scientist who understood the ways of Congress and who held a deep and abiding respect for this institution. At the same time, his deep religious faith and moral convictions led him to take principled stands that sometimes would have been easier to have avoided. But all of us who knew him understood and respected his views, his faith and his hard work.

The reception he received this January when he briefly returned to Washington to be sworn-in stands as vocal testimony for the respect PAUL had on both sides of the aisle.

With the rest of my colleagues, I join in extending my condolences to PAUL's wife, Karen, and their three children. I hope they are comforted in their faith, and in the knowledge that PAUL HENRY leaves a legacy that will not soon be forgotten.

Mr. ROEMER. Madam Speaker, with great sadness I rise today in tribute to the distinguished Representative of Michigan's Third Congressional District, PAUL HENRY.

I had the opportunity to serve with Congressman HENRY, my neighbor to the north, on the Committee on Science, Space and Technology and the Committee on Education and Labor. On both panels, Congressman HENRY was respected by Republicans and Democrats alike for his keen understanding of complex legislative issues and for his willingness to work with Members from both sides of the aisle in an effort to develop good public policy. As a new Member of Congress, I believe that PAUL HENRY's independence, dedication and integrity were an example of what a representative of the people should strive to be.

But what touched me most about PAUL HENRY was his faith in God and his loyalty to his family. For PAUL HENRY, his service as a U.S. Representative did not eclipse his commitment to God and to his wife Karen and their children, Kara, Jordan and Megan. He never forgot that he was a Christian. He never forgot that he was a husband. He never forgot that he was a father.

May the wonderful examples of PAUL HENRY live long after his passing.

Mr. CRANE. Madam Speaker, PAUL HENRY will always be remembered by his colleagues as a conscientious, hard working Member of the House of Representatives who well-served the citizens of Michigan who sent him to this chamber. He will also be remembered as a good friend who continually sought to be helpful.

And those who sent him to Washington to look after their interests should know that PAUL had the most fiscally responsible voting record in the Michigan congressional delegation. He was well known to us as one who was concerned with reducing the overall cost of government. He fought the extravagances of the "tax and spend" group who believe big government and big spending provide the answer to every problem this country faces.

PAUL's last election victory will long be remembered by many of us. He continued his campaign for reelection in November although he underwent major surgery in late October. And almost two-thirds of those voting in that election contest cast their ballots for PAUL.

PAUL was born 51 years ago in my home town of Chicago and, as you might imagine, he had a close link with members of the Chicago area delegation. Following graduation from high school in California, he returned to Illinois for his collegiate education. After obtaining a bachelor's degree at Wheaton College, he went on to Duke University where he received a Ph.D in political science.

He had an illustrious and, certainly, a most interesting career with service in the Peace Corps in Liberia and Ethiopia; teaching assignments at Calvin College in Michigan and Duke University; membership on the Michigan State Board of Education; and election to the Michigan State House of Representatives and Senate before his first of five elections to the U.S. House of Representatives in 1984.

PAUL HENRY was a gentleman, an outstanding Member of Congress and a friend.

We extend our sympathy to his wife, Karen, and to his children, Kara, Jordan and Megan.

Mr. DE LA GARZA. Madam Speaker, today we remember and pay tribute to PAUL B. HENRY.

Congressman, State representative, political scientist, Peace Corps volunteer, father, husband and devout christian, he brought to this Chamber a wealth of life experience that made him an independent thinker and a distinguished individual.

His struggle with cancer moved all of us, from his diagnosis during last fall's campaign to his reelection only weeks after surgery, from his emotional return here for the swearing in of the 103d Congress to the grace he showed in his last months. As he addressed his colleagues not long ago in Roll Call, "I count as one of God's great blessings the opportunity to serve with so many fine people. Caring and thoughtfulness know no political party."

PAUL HENRY will be missed. My condolences go out to his wife, Karen, and three children.

Mr. GALLO. Madam Speaker, just a few weeks ago, we lost a good friend and valued colleague, the Honorable PAUL B. HENRY of Michigan.

PAUL and I came to Congress in 1985 and our friendship was forged during the early debates in the House on the Republican's role as the minority party and on our mutual commitment to the cause of responsible conservatism.

Because we both came from State legislatures, we shared many insights on the legislative process and its impact on people. He understood, as we all must, that the first question about a pending piece of legislation must be, how will this affect my constituents?

PAUL's abiding strength during good times and bad was derived from his faith—his religious faith, and his faith in the democratic process.

In that fine combination of personal faith and public dedication, PAUL said many times that he considered his opportunity for public service to be one of the great blessings of his life.

And, at a time when it has become fashionable in the media and among the public to see dark political motives in the every action of each Member of this House, PAUL stood as the proof that those critics were wrong—the highest calling for service in this House is the ability to reach out to people and to understand their concerns.

PAUL knew that service means more than just understanding. It includes a commitment that each of us makes to do our best every day to give the average citizen a level playing field in dealing with a government that has become too big and too impersonal.

In a town where it is big business to second-guess the actions of elected officials and to label them based on the causes they champion, it is a great complement to PAUL that no one was ever able to put a label on him.

He took each issue as an opportunity to solve problems for people and he always called them as he saw them, based on his own analysis of the situation.

Madam Speaker, it is always difficult to lose a friend and a colleague, but it is particularly sad when that individual is taken at the prime of life.

PAUL HENRY'S legacy to us is his dedication to the high principle of public service. His friendship will be greatly missed, but his example will live on among us during these contentious and challenging times.

Our sincere condolences go out to his family, with our heartfelt appreciation for PAUL HENRY'S many contributions to our democracy and for his high standard of service to the people of the United States.

Mr. WOLF. Madam Speaker, it is with great sadness today that I rise to recognize the outstanding service of my colleague and dear friend PAUL HENRY during his all-too-brief tenure in the House.

As we all know, PAUL passed away May 31 as a result of brain cancer. He is, however, remembered by all of us as a very hard worker—devoted to God, his family, our Nation, and the people of Michigan's 3d Congressional District. PAUL was a political scientist, educated at Wheaton College and Duke University, where he earned his Ph.D. in 1970. Following his service as an aide to former Congressman John Anderson, PAUL when elected to the Michigan House in 1978, and 4 years later, in 1982, PAUL was elected to the Michigan Senate.

In 1984, PAUL came to Washington to serve Congress, and he quickly earned the well-deserved reputation among his colleagues and others as an honest, thoughtful, and effective Member of the House. As a member of the House Education and Labor Committee, Paul worked to improve the quality of life for all the people of Michigan as well as our entire Nation. He dedicated his time and effort in working to reduce crime on our Nation's streets and improve opportunities for all Americans with regards to jobs and education. He also concentrated on gaining support for legislation he sponsored requiring a 5-cent deposit on beverage cans and bottles. PAUL always was deeply concerned about working conditions for employees, especially construction workers, who face some of the highest rates of death and injury among workers, and employees exposed to hazardous substances.

PAUL's strength and dedication were recognized not only by his colleagues in Congress but more importantly the people he so ably served in the Third Congressional District. Following his victory in 1984 with 62 percent of the vote, PAUL went on to win three more terms in the House, each time compiling well over 70 percent of the vote. The deep support of his constituents meant a great deal to PAUL, and even after PAUL was diagnosed with a brain tumor before the 1992 election, the voters in the Third District acknowledged PAUL's service in the past and his ability to overcome long odds in easily re-electing PAUL to a fifth term.

I know I speak for all of us in recognizing PAUL's accomplishments in the House and his service to our Nation. I, like so many others, will miss PAUL's wisdom, integrity, and civility. We should be guided, however, by the devotion to God and dedication to country by which PAUL HENRY lived. His outstanding career in the House will always be remembered. To his wife Karen, his three children, and his parents Dr. and Mrs. Carl Henry, we offer our deepest sympathy.

Mr. WALKER. Madam Speaker, this special order in memory of our former colleague, PAUL HENRY, is truly a sad occasion. No one would have thought a year ago that we would be paying our last respects to such a young, energetic, and bright man. When PAUL went home to Michigan last October to campaign for reelection, he had already served the people of the 6th District of Michigan for 8 years, and we certainly had no reason to suspect he would not be back to complete another term.

I had the privilege serving with PAUL on the Science, Space, and Technology Committee for the 8½ years he spent in Congress, an assignment which I know he considered an important priority. During those 8 years I came to know him and to respect him as a thoughtful and always knowledgeable member of the committee. Earlier this year, the committee confirmed his appointment as the ranking Republican member of the Investigations and Oversight Subcommittee; unfortunately, we never had the benefit of his leadership in that post. He was also deeply committed to his work on the Education and Labor Committee.

PAUL's contribution in the fields of science and technology and education has not gone unnoticed, however. Grand Valley State University announced last week that it plans to name its new science complex at its Allendale campus in his honor. This is a fitting tribute to

PAUL, combining his interest in improving the quality of education with his recognition that a strong science and technology base will keep this Nation prosperous.

We will miss PAUL's wisdom and experience. I extend my deepest sympathy to his wife, Karen, and their children for their loss.

Mr. HOUGHTON. Madam Speaker, PAUL HENRY was a friend—a decent, intelligent man, and a special "life giver." He was what this institution needs in bucketfuls—a fine person, broad gauge, with a deep sense not of self service, but of service.

No man is irreplaceable, but PAUL comes closer than almost any I know.

Mr. FISH. Madam Speaker, I rise this evening to pay tribute to PAUL HENRY. PAUL's steadfast ideals and dedication to the people of Michigan and the entire country brought honor to the institutions in which he served, and his work and commitment will not be forgotten.

Ever since he came to Congress in 1985, I knew him to be a thoughtful, diligent contributor who made friends quickly and easily. He shared his life with others; serving in the Peace Corps, teaching college, and then representing the Grand Rapids area in both State and Federal politics. He was widely respected by Members on both sides of the aisle, and he fought his illness with great courage and dignity.

I would like to express my deepest sympathy to PAUL's wife, Karen Anne, and their three children. I hope they can take some comfort in knowing that we share their loss. We miss him.

Mr. BAKER of Louisiana. Mr. Speaker, the ability to stand for principle, and yet not be unreasonable in your perspective is a rare gift. To attend to every responsibility, and yet have time for everyone, is a difficult task. But to remain a sensitive and caring person in the midst of public life, may be the most challenging task of all. PAUL HENRY, was not just a Congressman, he was a caring man who fought for principle and who believed in his country. He was always ready to help a friend, but never failed to perform his duties as a Member of Congress.

The loss to his family is painful and deep. Among his broad circle of friends there is much emptiness. There are many with whom he worked who will miss his strong leadership. But this great country will be less determined and less noble, less able to become what we all hope for, without the strength of PAUL HENRY.

Miss COLLINS of Michigan. Mr. Speaker, Congress has lost one of its most dedicated Members with the untimely death of PAUL HENRY. Representative HENRY and I first met when we served in the Michigan State legislature together during the late 1970's. It was then that I first had the opportunity to realize what a caring and giving public servant PAUL HENRY was. Years later, it was my honor to serve with him again, here in the House of Representatives.

PAUL HENRY quickly distinguished himself in Congress by serving as a strong voice for children and education. He made certain that their voice was heard by initiating the College Savings Bond Program and the Elementary and Secondary Education Act.

PAUL HENRY faced his battle with cancer as he tackled every other challenge—with a courage and strength that served as an inspiration to all of us.

There is no greater tragedy than that of unrealized potential. It is tragic, indeed, that this body and our Nation will be denied the benefits of the future achievements of PAUL HENRY. The National Journal recently deemed PAUL HENRY "A Rising Star." We can now only speculate as to just how high PAUL's star would have climbed, and how many voiceless children would have benefited from its rise.

PAUL HENRY's legacy as a public servant, however, will not die. It has been said that no amount of darkness can overcome the light of a single candle. During his life PAUL HENRY lit a candle of commitment, dedication and excellence that will burn in all of our hearts and souls, forever.

Mr. GOODLING. Madam Speaker, I was privileged to attend, with many of my colleagues, the memorial service for PAUL HENRY in Grand Rapids, the depth of loss felt by all was unmistakable. Here is a man who, while some comfort can be taken in knowing that today he sits with God, will be truly missed—in his home district, in his home State of Michigan, here in Congress, and among all those he touched during his all too brief journey on this Earth.

Although it sounds trite I suppose, to say Paul was a man who, when he came to that fork in the road, usually took the one less traveled. Oh, I'm sure, politics occasionally played a role in that decision, but more often he took that road because it was the course demanded by his sense of what was the right thing to do. These weren't decisions Paul made lightly, based on some quick gut reaction that can be categorized under one political philosophy, but rather ones based on a very deliberative, thoughtful review of everything he could get his hands on pertinent to the relevant issues. Described by his first primary opponent as a "John Anderson Liberal Republican," PAUL, in fact, defied political labels, often following the Republican mainstream but, as often, charting his own course.

Examples on the Committee on Education and Labor range from the large to the small. Last year he spearheaded the development of an OSHA reform bill when, frankly, it was a less than popular thing to do with either the business community or even many of his fellow members on the committee. However, his efforts set the stage and will be built upon this year. Similarly, a few years back, he developed a key alternative on occupational disease notification with then-ranking Jim Jeffords.

He was heavily involved in job training issues, with a constant commitment to watching out for older workers. But I also remember the smaller examples which bear out PAUL's fine attention to detail and his willingness to cut across the grain. He supported the original Civil Rights Act of 1990 when his party and President were opposed, but conditioned that support on the correction of one little-noticed, but important, provision dealing with attorney fees. He knew it was wrong and although few of the rest of us paid much attention to it—and the press even less—worked successfully behind the scenes to correct it. There was no glory here, only hard work.

In another situation, he successfully worked to correct a highly technical, but critical, problem concerning ERISA preemption of State prevailing wage laws when, frankly, few were supportive of his efforts. Now, however, that same bill is up again for consideration on the House floor and the fix PAUL negotiated is known as the Henry language, and we are fortunate he paid attention to the small details when the rest of us did not.

But let me talk about some other areas where Paul's contributions were crucial.

First and foremost, PAUL HENRY was an educator and a Member who turned his intellectual powers on issues he believed had moral, educational, or religious significance. For example, when the committee was drafting Federal child care legislation, he was a major proponent of allowing religious institutions to participate. He believed in the need for quality child care services for young children but also believed we should respect the parent's choice to give their children a moral and religious training.

In 1990, drawing on his love of the arts, his commitment to free expression, and his strong moral code, PAUL HENRY played a key role in crafting compromise legislation that ensured the reauthorization and continuation of the National Endowment for the Arts.

As a former college professor, PAUL believed that all Americans had a right to a higher education and should be encouraged to do the very best. He was an active member of the Subcommittee on Postsecondary Education, and through his intellect and attention to detail, he made many contributions over the years to the Higher Education Act.

PAUL was willing to take sides on issues that politics alone would have led him to avoid. For example, in 1991, it became known that USDA's regulations for the WIC Program were going to continue excluding cereals that contained fruit from WIC food packages. Given the importance of this industry in his district, one might think he would have come down hard on the Agency. Instead, Mr. HENRY was persuaded that the WIC regulations excluding cereals that contained fruit were warranted. A few weeks later Mr. HENRY met with Kellogg's executives and, in effect, told them he was going to stand by the USDA position.

These are small examples in a life rich with many contributions that demonstrate PAUL's devotion to getting things right—and in doing the right thing—and they provide just a small insight into why he was so highly respected in the House. He will be sorely missed in the committee and the Congress as a whole.

PAUL HENRY was a man who took politics seriously because of the effect laws can have on others, but he never took himself too seriously as a politician. He could step back from it all and put it in the context of his faith and his family, whom he put first in his life—ahead of politics. The rest of us can learn from the course he set and only hope to do half as well.

GENERAL LEAVE

Mr. UPTON. Madam Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Ms. VELAZQUEZ). Is there objection to the request of the gentleman from Michigan?

There was no objection.

ON NAFTA

The SPEAKER pro tempore (Ms. VELAZQUEZ). Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

IN TRIBUTE TO THE LATE HON. PAUL B. HENRY

Ms. KAPTUR. Madam Speaker, in listening to the prior special order, I must add my own comments, as a sister from the neighboring State of Ohio, to my colleagues in the Michigan delegation, to the gentleman from Michigan, Congressman FRED UPTON, a friend to all of us here and, certainly, a lifelong friend to PAUL HENRY and to his family.

What a credit to PAUL. He is smiling down on all of you right now, paying such a beautiful eloquent tribute to such a fine, good, decent man.

As emotional as the tribute was, I think he would be a bit humbled by it all and probably would not have wanted you to do it. But I know that from my own experience with him, in traveling that route between Washington and Detroit Airport oftentimes, what amazed me about PAUL was how he always found time to read books, which is so very hard in this job.

I do not think in the years that I have served with PAUL HENRY there was ever an unkind word that I heard the man utter to anyone. He truly was a gentleman's gentleman and raised the level of this institution. I know with capable leaders like the gentleman from Michigan [Mr. UPTON], his legacy will continue in this Congress. I am just honored to have been here in the Chamber when this tribute was paid by the entire Michigan delegation and as a next-door Buckeye from the State of Ohio. I am just glad to have known our dear colleague, PAUL HENRY, and wish his family, Karen and Kara and Jordan and Megan, Godspeed in the days and the weeks and the months ahead. Your strength will strengthen them.

JOINT STATEMENT OF THE ARAB AND JEWISH COMMUNITIES OF GREATER TOLEDO

Madam Speaker, I wanted also to place in the RECORD this evening a beautiful statement that was written and signed today, this historic day of September 13, 1993, on the day that the Working Peace Accord and Statement of Principles was signed by the nation of Israel and the Palestinian Liberation Organization.

In my home community of Toledo, OH, northwest Ohio, a wonderful event occurred. I am very fortunate to represent a community that has a large number of citizens who trace their origins to the Middle East. They are people who come from different faiths, Jewish, Christian, Muslim, but together they have helped to build one of the finest communities in the United States of America.

Today, they gathered at the Federal building in downtown Toledo as the ceremony was transpiring on the lawn of the White House, and they drafted their own statement and signed it as a community of great hope, a statement of hope, that I would like to read into the RECORD.

It says:

> We, the members of the Arab and Jewish communities of Greater Toledo, representing the Christian, Muslim and Jewish faiths, have issued the following joint statement acknowledging our common support of the Declaration of Principles agreed upon by the State of Israel and the Palestine Liberation Organization.
>
> The Arab and Jewish communities of Greater Toledo join together today in thanksgiving and in appreciation for this historic beginning. This event marks the dawning of a new era in the relations between the Israeli and Palestinian peoples, which will hopefully in turn usher in an era of peace for all parties to the Middle East conflict.
>
> We realize that there will be many challenges that will be confronted during the days and years which lie ahead. We hope and we pray that a rapport of trust and confidence will be established which allows for the creation of a comprehensive, just and lasting peace for all the peoples of the region.
>
> This special part of the world, the birthplace of Judaism, Christianity and Islam, gave the world a vision of peace inscribed in our sacred writings—the Torah, the New Testament and the Koran. It is most appropriate that the peoples of the region realize the beautiful vision of their prophets and teachers. We fervently join together as communities intricately bound to the Middle East with our sincere and earnest prayer. May God grant the leaders of the Middle East the wisdom and the insight to fulfill the goal of an everlasting peace for our brothers and sisters.

□ 2030

The signers of this statement of hope were from our community: Laila Asad, Rabbi Arnold Beinstcok, Nabil L. Hanna, Nadeem Salem, Mr. Steve Edelstein, Reverend Michael Ellias, Yehia Shousher, Mr. Neil Light, Michael Sugheir, Joanne Rubin, Samir Abu Absi, Rabbi Alan Sokobin, Maryse Mikhail, Michael Berebitsky, Howard Fried, Marla Levine, and Jack Gallon.

Madam Speaker, I include for the record this statement and the names just noted.

Madam Speaker, I would also like to say what an honor it is for me to serve citizens like these in the Nation's Capital. In watching their faces today as we jointly watched that ceremony on the White House lawn, and sharing that very historic moment with them, it gives me a great fulness of heart to know that there are citizens like this in our country who are not narrowly focused, but who reach across the lines of faith and heritage and have good will for all people. It is a great honor for me to enter their names in the historic record this evening of September 13, 1993.

Madam Speaker, I would like to move on to events that are before us this week here in Washington, D.C., because we expect this week, probably tomorrow, the President of the United States to make a major statement from the White House with the support of several others to push through this Congress this fall a treaty, actually an executive agreement, that was negotiated by the Bush Administration, more familiarly known as the North American Free Trade Agreement.

In my own judgment, I hardly think it will be free. We have here in Washington the situation now where lobbyists are literally prowling the halls trying to ram through this Congress an agreement that does not have the support of the American people. They are spending a lot of money to do it. This is an issue where the American people must speak up. They must speak up to their Members of Congress and they must speak up to the Members of the other body, for fully $25 million and more will be spent to try to push this agreement through Congress.

What makes it so troublesome, if we look at the document which is about 2,000 pages long, and I have read it, and I am waiting for the President to send up the side agreements, it is written in language that I am sure most college professors would have difficulty deciphering. It is not a document of high purpose. It is a document of technicality. It will be a lawyers' field day. Lawyers from this country, from other nations, will have to define words that are left hanging in the text.

I really am concerned about what it will mean for the future of our country, our working people, our farmers, those who govern our States, localities, our small businesses, so many people who have so much at risk with this agreement that is largely not well publicized and not well understood by the public.

Thousands and thousands of jobs and companies and businesses and farm enterprises are on the line in our country as a result of this negotiated agreement. The agreement was really done by what I would call experts, trade experts, people who are not subject to election by the people of the United States.

We know that this is an agreement that will not be debated. Of the three countries that it concerns, the United States, Canada, and Mexico, the agreement will not be debated in Mexico, because Mexico does not allow for dissent or full debate on any issue. It is a one-party state. It is a nation that borders us on the south, but its traditions and its political systems are very, very different from our own.

In Canada the vast majority of Canadian people do not support this agreement. Yet that government allowed the agreement to be approved with very little debate. Where will this agreement rest for full debate? In this Chamber, in the House of Representatives of the United States of America, the most democratic body of government on the face of the Earth. We welcome that debate.

This week it was announced that in Glendale, WI, Briggs-Stratton Co. will move an additional 230 jobs to Mexico, jobs lost in the State of Wisconsin. The press release read that those jobs would be expanded after August of 1994. Very interesting, the timing on the movement of jobs from the United States to Mexico. We have already lost over 2,100 companies south of the border. Now they anticipate over 700,000 people employed at very low wages south of the border, while our people are forced to look for work, more people working part-time in our country than ever before in our history, people who do not get full benefits, people who are having difficulty supporting their families, and the people in Mexico who end up working in these jobs, not earning a living wage.

Who is really making money out of this deal? I find it ironic that one of the corporations that is supporting this accord, IBM, recently announced thousands and thousands and thousands of layoffs in our country. Yet they are here in Washington trying to lobby this agreement so that more of those jobs, IBM jobs, can be moved to Mexico. Is that right? Is that really the best we can do as a country and as a continent?

We know that other companies are poised to move south. In fact, the State of Yucatan in Mexico has advertisements in the trade magazines telling our companies just to call a number and they will make it very easy for companies to find labor, people who will work for $1 an hour. Is that the best we can do as a country and as a continent?

I would say to Members of Congress who are listening to this special order this evening, if they have not traveled the highways and the byways of Mexico, they should not vote for this agreement. If they have only traveled to the tourist spots of Acapulco and Puerto Vallarta and Cancun, they should not vote for this agreement. They should put themselves in the shoes of the people of our country who have lost their jobs, and the list is endless, then go see where those jobs have gone in Mexico, and then make their judgment.

This past May I, along with the gentlewoman from Maryland [Mrs. BENTLEY], who spoke earlier this evening, led a congressional bipartisan delegation of eight women Members on a factfinding mission to Mexico to find out what happened to our jobs and to examine the human face of trade, the people who are affected in our country and in Mexico, and what effect has U.S. trade with Mexico and the presence there of over 2,100 of our companies had on our people here back at home, and also on the people of Mexico; how have our people benefited, and how have Mexican workers and their families benefited, or have they rather suffered from the growing transnational company presence in that country?

What has happened to living conditions here in our country, and what about in Mexico? It is particularly vital that we ask these questions because we expect the full court press to begin this week to try to line up votes in this Congress. By any measure, NAFTA will increase United States corporate movement to Mexico. Whatever effect these corporations have had on the Mexican people up to now, this accord will amplify. We know over 700,000 U.S. jobs are already located south of our border, and they have moved there at an alarming rate since 1985. They are companies whose names we recognize. In fact, if I unrolled them, we could wrap the room with their names.

They are names you know: Proctor Silex out of North Carolina; Trico out of Buffalo, NY; Delco from Indiana; General Motors, from throughout the United States; Green Giant from California; Converse shoes. You had better check the labels on your shoes. Then here is Dura Corp. from my own community in Toledo, OH, and Zenith Corp. Zenith, remember, those are the televisions that used to be made in the United States. They put out of work thousands of workers in Illinois, thousands of workers in Missouri, and now 12,000 people of Mexico are employed in the Zenith plant down there.

□ 2040

And all of that production is sent back here to the United States. The people of Mexico cannot afford to buy the televisions they are making.

And what happened to the workers of the United States who used to work at Zenith, where are all of these stories in the press about what happened to our people? The press is almost silent on the thousands and thousands and hundreds of thousands of U.S. citizens whose lives have been impacted by the movement of these jobs to the south. Where are the old investigative reporters? Where are the modern-day Edward R. Murrows? Where are the stories that should be written about our people who are out there trying to make it after their jobs have moved out of town?

I asked myself throughout our visit who has benefited from all of this. What we found in Mexico was dismaying. The Mexican people who work at the plants called maquiladora plants, and that is translated golden mills, and I can tell you who is making the gold, have not benefited from their association with these companies. Worker after worker related their personnel stories of subsistence pay. One woman said to me, "MARCY, you must understand. I work for hunger wages." She does not make enough to support her family, but she lives at the edge of survival.

Dangerous working conditions. A man who worked in a furnace in a U.S.-owned company whose job was to crawl up into that furnace every night, and to clean it out with no protection, no ability to wash off those chemicals. And his wife told me when he comes home at night he is blue in the face, and he is sick, and he has very bad headaches. No one cares. There is no occupational safety and health protections for the people in that country.

Exploitation by American managers and companies. Yes, exploitation. I talked to one plant manager who drove down to a company every day. He lived in California, went into Mexico during the day, and drove back to California at night. And I said, "Sir, how much do these workers in your plant make for social security benefits? Do they get to put aside social security?" He said, "Congresswoman, I don't worry about that. I worry about the bottom line." I said, "Well, sir, if you don't worry, who does worry about these workers?" They have no voice. And what about denial of labor rights. What about the fact that the people there cannot speak up for themselves? They do not have the legal protections of citizens in our country. They do not have a court system like ours.

And what a shame that the side agreement on labor that was supposed to be put into this treaty has come up so short. If there is a violation, if someone really wants to wage a compliant, and they are found guilty, there is no sanction, there is no penalty. It is a toothless side agreement, and even if it were an agreement that had some teeth, we were told by the Secretary of Commerce of the nation of Mexico that the side agreement will have no ability to really affect anything in the main body of the agreement. That is not something I want to buy for the people of our country.

We complied data while we were down there and actual samples that show the exploitation of the Mexican workers by United States companies does not stop at the factory door. In fact, we went through the neighborhoods, we went through the industrial parks. We saw the release of toxic chemicals into the environment near where the people lived. United States companies operating in Mexico have created a severe health risk. A multibillion-dollar continental cleanup problem exists already, and this accord has not even been passed. We ought to clean up the past mess before we allow any more to be created.

The samples that we took in these communities were contaminated with such toxic industrial pollutants as lead, mercury, benzene, xylene. These are dangerous chemicals. Some concentrations were so great that the samples would be considered as hazardous waste in our country, and our samples were taken from shallow drainage ditches that ran unfenced behind residential and industrial areas where children played and livestock grazed. Clearly, the manufacturers responsible for this pollution have not made a good-faith effort, and I underline good-faith, to comply with the requirements of Mexican environmental law or of plain common sense. They have created a life-threatening continental mess that will cost billions of dollars to clean up.

And where is that money to clean it up supposed to come from? Certainly not from the taxpayers of the United States who have lost their jobs by the thousands to Mexico? Why should they be asked to pay? And certainly not the citizens of Mexico who are earning such low wages they cannot even afford to buy what they make? Certainly not them. And so where is the money to come from for all of the cleanup?

Most of the samples that we took had an extremely high number of coliforms and fecal coliforms in drinking water, too dangerous to drink, indicating that the areas from which those samples were taken right near where people lived were contaminated with human fecal matter. That is not surprising. People who work at United States-owned factories in Mexico live in communities without running water, no electricity, no heat in the wintertime, and no sewage system. Their ramshackle outhouses are often flooded. And it is no wonder that they have had outbreaks of cholera, typhoid fever having been reported, and where some of the water drains into our country serious, serious problems with hepatitis B.

We have released a report that is available to the public entitled "Economic and Environmental Conditions in the Lower Rio Grande Valley along the Texas-Mexico Border." This report finds that United States-owned plants in Mexico have flaunted Mexican environmental requirements and have contributed to environmental degradation. And if you would like a report all you have to do is write Congresswoman MARCY KAPTUR, U.S. Congress, Washington, DC. They will find me. I will send you that report.

As disturbing as our findings are, it is certain that conditions for Mexican families will worsen if this agreement is approved. By easing investment rules, this agreement will increase United States investment in Mexico, and that means more factories down there doing business as usual, contaminating their own workers and communities.

A second report that has been released that I can make available is one entitled "NAFTA's Corporate Cadre." This report, released by the Institute of Policy Studies here in Washington, details the leadership of the organizations here in Washington promoting this treaty, and the main one is called USA-NAFTA, and it is dominated by the heaviest polluters. Ten of the top leaders in this pro-NAFTA coalition rank in the top 30 U.S. releasers of toxics in 1992. You know some of the names. Du Pont ranks No. 1. Monsanto, No. 3. 3M is No. 8. Now these companies are working with the USA-NAFTA coalition that is going to be coming out with a big press announcement this week so that they can go to Mexico and pollute down there and leave a legacy for us to have to clean up in this country with Superfund money. We can only imagine what this means for the health and safety of millions of people who will reside on this continent in the years to come.

Our delegation took samples at sites along the border which showed dangerous toxic contamination. For instance, one sample we took from an open ditch that runs between various chemical companies in a residential area close to the GM plant located, called Finsa in Matamoros, Mexico, contained enough petroleum hydrocarbons to qualify it as a hazardous waste four times over under the definitions used in our country. High levels of mercury were also present. The samples also were contaminated with benzene, toluene, ethyl benzene, and xylene, again at levels to qualify as hazardous waste.

☐ 2050

Further east along the same canal closer to residential areas, a sludge sample that we tested contained mercury at 145 times acceptable levels. These industrial pollutants cause brain damage, birth defects, and other health problems. We also obtained samples from the soil and water in the residential communities, known as colonias, where the people live down there. Many of these people lived near the companies that had moved down there from our country. Many of these residential areas are sited very close to the companies, the companies and their toxic chemicals. The colonias are also without those basics necessary to human health—running water and sewers, decent sewage control—even those residents working at plants that were so spanking brand-new that you would swear you must be in a suburban area of the United States, in industrial areas.

But just go to where the workers live; one water sample we took from a residential area was contaminated with coliform bacteria at 400 times our standards here. A soil sample we took from where children were playing was contaminated with coliform at rates 1,500 times U.S. standards. A third sample that we took was taken near a water outlet where children run through and play near, an outhouse. It was contaminated with coliform at rates over 1,000 times U.S. standards. We released these results from our trip to the colonia roma in Reynosa, Mexico, and we know that that type of bacteria and exposure is linked to typhoid fever and choloera.

Let me say that Reynosa is home to some companies that you would know the names of: General Electric, General Motors, TRW Corporation, and many, many other U.S. companies.

This NAFTA agreement must be defeated, and in its place we must negotiate a trade agreement that does not jeopardize the jobs or the standard of living or the environmental conditions of the people of the United States of America but also genuinely addresses the terrible conditions of the region south of the border.

We need tough enforcement of international standards, we need to uphold the standard of living of the United States and our democratic principles as what we expect of the nations to the south of us that wish to do business with us, and we need secure and dedicated funding sources paid for by the polluters, adequate to clean up both present and future contamination.

In future days I will be reading from many of the people whom we visited while we were in Mexico, particularly those who have been silenced by their own governments. I will enter those into the RECORD.

Madam Speaker, I make a plea to the President of our country to try to build democracy through any agreement to which the United States is a party. Trade is not enough by itself, but in fact the power of this marketplace must be used to build democracy in all nations whose people hunger for a better way of life, and a functioning democracy should be the first threshold of entry into any common market of the Americas.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. INHOFE) to revise and extend their remarks and include extraneous material:)

Mr. INHOFE, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mr. FRANKS of New Jersey, for 5 minutes, today.

Mr. HYDE, for 60 minutes each day, on September 20, 21, 22, 23, 24, 27, 28, 29, 30, and October 1.

Mrs. BENTLEY, for 5 minutes, today.

(The following Members (at the request of Mr. LAROCCO) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, on September 14.

Mr. LAROCCO, for 5 minutes, on September 14.

Mr. DINGELL, for 60 minutes, today.

Mrs. MALONEY, for 60 minutes, on September 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. INHOFE) and to include extraneous matter:)

Ms. ROS-LEHTINEN.

Mr. GALLO.

Mr. SOLOMON in two instances.

Mr. HYDE.

Mr. SANTORUM.

Mr. GILMAN.

(The following Members (at the request of Mr. LAROCCO) and to include extraneous matter:)

Ms. SLAUGHTER.

Mr. FARR.

Mr. BECERRA.

Mr. NEAL of Massachusetts.

Mr. MARTINEZ.

Mr. FORD of Tennessee.

Mr. SANGMEISTER.

Mr. OLVER.

Mr. SLATTERY.

Ms. DELAURO, in two instances.

Mr. BLACKWELL.

Mr. MOAKLEY.

Mr. DEUTSCH.

(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Ms. KAPTUR.

Mr. CLAY.

Mr. SERRANO.

Mr. PAYNE of New Jersey.

Mr. FORD of Tennessee.

Mr. DE LUGO.

Mr. TRAFICANT.

Mr. HUGHES.

SENATE JOINT RESOLUTIONS AND A CONCURRENT RESOLUTION REFERRED

Joint resolution and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 50. Joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week," to the Committee on Post Office and Civil Service.

S.J. Res. 94. Joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week," to the Committee on Post Office and Civil Service.

S. Con. Res. 42. Concurrent resolution expressing the sense of the Congress that the sixtieth anniversary of the Ukraine famine of 1932–1933 should serve as a reminder of the brutality of Stalin's repressive policies toward the Ukrainian people, to the Committee on Foreign Affairs.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 126. Joint resolution designating September 10, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag.

ADJOURNMENT

Ms. KAPTUR. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 14, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1870. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of September 1, 1993, pursuant to 2 U.S.C. 685(e) (H. Doc. 103–134); to the Committee on Appropriations and ordered to be printed.

1871. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification of the Navy's intent to offer for transfer a vessel to the Government of Morocco, pursuant to 10 U.S.C. 2321j; to the Committee on Armed Services.

1872. A letter from the Secretary of Health and Human Services, transmitting the fourth biennial report of the Director of the National Institutes of Health, pursuant to 42 U.S.C. 283; to the Committee on Energy and Commerce.

1873. A letter from the Assistant Secretary for Legislative Affairs, Department of Defense, transmitting notification of a proposed transfer of United States origin major defense equipment by the Government of the United Kingdom to the Government of Austria (Transmittal No. DRSA–1–93), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

1874. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Edward P. Djerejian, of Maryland, to be Ambassador to Israel and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1875. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Thomas A. Loftus, of Wisconsin, to be Ambassador to Norway; of Alan John Blinken, of New York, to be Ambassador to Belgium; of Swanee Grace Hunt, of Colorado, to be Ambassador to the Republic of Austria; of Parker W. Borg, of Minnesota, to be Ambassador to Iceland; of William Lacy Swing, of North Carolina, to be Ambassador to Haiti; and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1876. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Thomas Michael Tolliver Niles, of Kentucky, to be Ambassador to Greece; by Richard W. Teare, of Ohio to be Ambassador to the Republic of Vanuatu; and by Edward Joseph Perkins of Oregon, to be Ambassador to Australia; and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1877. A letter from the Chairman, the J. William Fulbright Foreign Scholarship Board, transmitting the annual report of the Board; to the Committee on Foreign Affairs.

1878. A letter from the Secretary of the Interior, transmitting a copy of the final engineering report for the Mni Wiconi Rural Water Project, South Dakota; to the Committee on Natural Resources.

1879. A letter from the Secretary, Department of Transportation, transmitting a reporting on emergency vehicle weight restrictions on interstate highways, pursuant to Public Law 102–240, section 1023(e)(4) (105 Stat. 1955; to the Committee on Public Works and Transportation.

1880. A letter from the Administrator, General Services Administration, transmitting a copy of the report of building project survey for Rockford, IL; to the Committee on Public Works and Transportation.

1881. A letter from the Administrator, Agency for International Development, transmitting the AID section 653(a) report—development assistance program allocations—fiscal year 1993; jointly, to the Committees on Foreign Affairs and Appropriations.

1882. A letter from the Secretary, Department of Commerce, transmitting the annual report of the National Technical Information Service for fiscal years 1991 and 1992, pursuant to Public Law 100–519, section 212(f)(3) (102 Stat. 2596); jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 250. Resolution providing for consideration of the bill (H.R. 1340) to provide funding for the resolution of failed savings associations, and for other purposes (Rept. 103–237). Referred to the House Calendar.

SUBSEQUENT ACTION ON BILLS INITIALLY REFERRED UNDER TIME LIMITATIONS

Under clause 5 of rule X, the following actions were taken by the Speaker:

[Submitted September 10, 1993]

The Committee on Science, Space, and Technology discharged from further consideration of H.R. 1845; H.R. 1845 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STUDDS (for himself, Mr. Young of Alaska, and Mr. Saxton):

H.R. 3049. A bill to extend the current interim exemption under the Marine Mammal Protection Act for commercial fisheries until April 1, 1994; to the Committee on Merchant Marine and Fisheries.

By Mr. BILBRAY:

H.R. 3050. A bill to expand the boundaries of the Red Rock Canyon National Conservation Area; to the Committee on Natural Resources.

By Mr. BREWSTER:

H.R. 3051. A bill to provide that certain property located in the State of Oklahoma owned by an Indian housing authority for the purpose of providing low-income housing shall be treated as Federal property under the act of September 30, 1950 (Public Law 874, 81st Congress); to the Committee on Education and Labor.

By Mr. SANTORUM:

H.R. 3052. A bill to amend the Harmonized tariff Schedule of the United States to correct the tariff treatment of certain nickel catalysts; to the Committee on Ways and Means.

By Mr. VALENTINE:

H.R. 3053. A bill is suspend until January 1, 1997, the duty on keto ester; to the Committee on Ways and Means.

H.R. 3054. A bill to revive and extend until January 1 1996, the suspension of duty on norfloxacin; to the Committee on Ways and Means.

H.R. 3055. A bill to revive and extend until January 1, 1996, the suspension of duty on Tfa Lys Pro in free base and tosyl salt forms; to the Committee on Ways and Means.

By Mr. WALKER:

H.R. 3056. A bill to amend certain provisions of title 5, United States Code, relating to the treatment of Members of Congress for retirement purposes; to the Committee on Post Office and Civil Service.

By Mr. GILMAN (for himself and Mr. Solomon):

H.J. Res. 259. Joint resolution concerning United States policy towards Somalia; to the Committee on Foreign Affairs.

By Mr. KLECZKA:

H.J. Res. 260. Joint resolution designating the week of October 24 through 30, 1993, as "National Health Care Quality Week"; to the Committee on Post Office and Civil Service.

By Mr. SENSENBRENNER:

H. Con. Res. 142. Concurrent resolution respecting actions to be taken by the Security Council of the United Nations in Yugoslavia; to the Committee on Foreign Affairs.

By Mr. DERRICK:

H. Res. 249. Resolution electing the Honorable G.V. (Sonny) Montgomery, a Representative from the State of Mississippi, as Speaker pro tempore until September 15, 1993; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

241. By the SPEAKER: Memorial of the Legislature of the State of Oregon, relative to the Forestry Incentive Program; to the Committee on Agriculture.

242. By the SPEAKER: Memorial of the Legislature of the State of Oregon, relative to earthquake funding and earthquake hazard mitigation efforts; to the Committee on Science, Space, and Technology.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. TOWNS:

H.R. 3057. A bill to renew patent numbered 3,387,268, relating to a quotation monitoring unit, for a period of 10 years; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. Gutierrez.

H.R. 115: Mr. Gejdenson, Mr. Wynn, and Mr. Stark.

H.R. 134: Mr. Gallegly, Mr. Kim, Mr. Quinn, and Mr. Franks of Connecticut.

H.R. 207: Mr. Roemer.

H.R. 214: Mr. Durbin.

H.R. 302: Mr. Schaefer.

H.R. 323: Mr. Franks of New Jersey.

H.R. 465: Mr. Roemer.

H.R. 500: Mr. Vento and Mr. Bilbray.

H.R. 595: Mr. Gekas.

H.R. 604: Ms. Furse.

H.R. 608: Ms. Thurman.

H.R. 611: Mr. Johnson of South Dakota.

H.R. 672: Mrs. Kennelly and Mr. Towns.

H.R. 786: Mr. Fazio.

H.R. 799: Mr. Barcia of Michigan.

H.R. 863: Mr. Franks of Connecticut, Mr. Schiff, and Mr. Johnson of Georgia.

H.R. 1036: Mr. Andrews of Maine and Mr. Pomeroy.

H.R. 1129: Ms. Ros-Lehtinen.

H.R. 1130: Mr. Franks of Connecticut.

H.R. 1156: Mr. Beilenson and Mr. McKeon.

H.R. 1164: Mr. Costello and Mr. Clay.

H.R. 1194: Mr. Markey, Mr. McDermott, Mr. Stupak, Mr. Emerson, Mr. Durbin, and Mr. Brewster.

H.R. 1231: Mr. Roemer.

H.R. 1251: Mr. Portman.

H.R. 1279: Mr. Holden and Mr. Canady.

H.R. 1300: Mr. Royce.

H.R. 1509: Mr. Murphy.

H.R. 1523: Mr. Roemer.

H.R. 1595: Mr. Buyer.

H.R. 1627: Mr. Inglis of South Carolina and Mr. Linder.

H.R. 1775: Mr. Upton, Mr. Kopetski, Mr. Pomeroy, Mr. Ravenel, Mr. Evans, and Mr. Studds.

H.R. 1797: Mr. Miller of California and Mr. Edwards of California.

H.R. 1798: Mr. Washington.

H.R. 1799: Mr. Washington, Ms. Byrne, Mr. Miller of California, and Mr. Fish.

H.R. 1867: Mr. Lehman.

H.R. 1888: Ms. Pryce of Ohio, Mr. Hastings, Mr. Stenholm, Mr. Bacchus of Florida, Mr. Fish, and Mr. Bereuter.

H.R. 1910: Mr. Santorum, Mr. Tanner, Mr. Swett, Mr. Gekas, Mr. Sam Johnson, Ms. Slaughter, Mr. Allard, Mrs. Lloyd, Mr. Crapo, Mr. Packard, and Mr. Inglis of South Carolina.

H.R. 1948: Ms. Byrne and Mr. Andrews of Maine.

H.R. 2013: Mr. Santorum, Mr. Engel, Mr. Torres, and Mr. Serrano.

H.R. 2019: Mr. Foglietta.

H.R. 2076: Mr. Barrett of Wisconsin, Mr. Serrano, Mr. Payne of New Jersey, Mr. Oberstar, Mr. Andrews of Maine, Mr. Pallone, Mr. Meehan, Ms. Slaughter, and Mr. Lehman.

H.R. 2151: Ms. Pelosi, Mr. Neal of Massachusetts, Mr. Visclosky, Mr. Goss, and Mr. Gejdenson.

H.R. 2152: Ms. Pelosi and Mr. Neal of Massachusetts.

H.R. 2159: Mr. Hughes, Mrs. Clayton, and Mr. Poshard.

H.R. 2211: Mr. Herger and Mr. Farr.

H.R. 2271: Mr. Shays.

H.R. 2292: Mr. Pallone and Mr. Hinchey.

H.R. 2307: Mr. Rogers.

H.R. 2415: Mr. Baker of California.

H.R. 2427: Mr. Jacobs, Mr. Rahall, Mr. Markey, Mr. Studds, and Mr. Emerson.

H.R. 2429: Mr. Bacchus of Florida, Mr. Dellums, Mr. Frank of Massachusetts, Mr. Gillmor, Mr. Hyde, Mr. Lipinski, Mrs. Meek, Mr. Owens, Mr. Parker, Mr. Pastor, Mr. Romero-Barcelo, Mrs. Schroeder, Mr. Serrano, Mr. Tucker, Mr. Frost, Mr. Borski, Ms. Norton, Mrs. Unsoeld, Mr. Jefferson, Mrs. Clayton, Mr. de Lugo, Mr. Hastings, Mr. Engel, Ms. Velazquez, Mr. Gilman, Mr. Swift, Mrs. Collins of Illinois, Mr. Shays, Ms. Eddie Bernice Johnson of Texas, Mr. Markey, and Ms. Roybal-Allard.

H.R. 2479: Ms. Pelosi, Mr. Dellums, Mr. Hinchey, Mrs. Unsoeld, Ms. Norton, Mr. Owens, Mr. Engel, Mr. Gutierrez, Mr. Stokes, Mr. Yates, Mr. Bacchus of Florida, Mr. Stark, and Mr. Miller of California.

H.R. 2599: Ms. Pelosi and Mr. Visclosky.

H.R. 2606: Mr. Sundquist.

H.R. 2610: Mr. Coyne, Mr. Sabo, and Mr. Yates.

H.R. 2612: Ms. Woolsey and Mr. Brown of Ohio.

H.R. 2622: Mr. Solomon, Mr. Walsh, and Mr. Levy.

H.R. 2640: Mrs. Vucanovich and Mr. Hancock.

H.R. 2641: Ms. McKinney and Mr. Wilson.

H.R. 2646: Mr. Dornan, Mr. Goss, Mr. Sam Johnson of Texas, Mr. Lewis of Florida, Mr. Oxley, and Mr. Solomon.

H.R. 2731: Mr. Zimmer and Mr. Smith of Texas.

H.R. 2745: Mr. Ridge and Mr. Klink.

H.R. 2831: Mr. Cunningham.

H.R. 3006: Mr. Ford of Tennessee.

H.R. 3007: Mr. Foglietta, Mr. McDermott, and Mr. Owens.

H.R. 3021: Mr. Solomon, Mr. Burton of Indiana, Mr. Kim, Ms. Molinari, Mr. Hunter, Mr. Saxton, and Mr. Hall of Texas.

H.R. 3024: Mr. Lightfoot, Mrs. Johnson of Connecticut, Ms. Pryce of Ohio, Ms. Ros-Lehtinen, Mr. Inglis of South Carolina, Mr. Livingston, Mr. Baker of Louisiana, Ms. Molinari, Mr. Quillen, Mr. Istook, Mr. Bonilla, Mr. Bateman, Mr. McHugh, Mr. Fawell, Mr. Hall of Texas, and Mr. Gallegly.

H.J. Res. 11: Ms. Waters, Mr. Young of Alaska, Mr. Towns, Mr. Wise, Mr. Tanner, Mr. Upton, Mr. Valentine, Mr. Wilson, Mr. Hayes, Mr. Dicks, Mr. Bevill, Mr. Slattery, Mr. Weldon, Mr. Bacchus of Florida, Mr. Baesler, Mr. Brown of California, Mr. Darden, Mr. McNulty, Mr. Frost, Mr. Neal of North Carolina, Mr. Ford of Michigan, Mr. Yates, Mr. Doolittle, Mr. Boucher, Mr. Gene Green of Texas, Mr. Romero-Barcelo, Mr. Gonzalez, Mr. Schiff, Mr. Sangmeister, Mr. Wyden, Mr. Horn, Mr. Flake, Mr. Hinchey, Mr. Filner, Mr. Inslee, Ms. Lowey, Mr. Pete Geren of Texas, and Mr. Sisisky.

H.J. Res. 79: Mr. Regula and Mr. Stenholm.

H.J. Res. 86: Mr. Stark, Mr. Bonilla, Mr. Andrews of Maine, and Ms. Brown of Florida.

H.J. Res. 112: Mr. Shaw and Mr. Bliley.

H.J. Res. 148: Mr. Hayes, Mr. Livingston, Mr. McCrery, Mrs. Johnson of Connecticut, Mr. Tauzin, Mrs. Kennelly, Mr. Gekas, Mr. Hall of Ohio, Mr. Crane, Mr. Regula, Mr.

BURTON of Indiana, Mr. COLEMAN, Mr. APPLEGATE, Ms. PRYCE of Ohio, Mr. GORDON, Mr. FIELDS of Texas, Mr. KLEIN, Mr. HAMBURG, Mr. GILLMOR, Mr. FOGLIETTA, and Mr. FRANKS of Connecticut.

H.J. Res. 155: Mrs. MINK, Mr. PRICE of North Carolina, Mr. SMITH of New Jersey, Mr. RAHALL, Mr. GOODLING, Mr. REGULA, Mr. COSTELLO, Mr. GUNDERSON, Mr. SMITH of Texas, Mr. COBLE, Mr. SCHAEFER, Mr. KNOLLENBERG, Mr. EVANS, Mr. ROSE, Ms. MARGOLIES-MEZVINSKY, Mr. SAXTON, Mr. FORD of Michigan, Mr. SOLOMON, and Mr. LEWIS of Florida.

H.J. Res. 242: Mrs. MINK, Mr. ENGEL, Mr. GEKAS, Mr. BORSKI, Mr. FRANK of Massachusetts, Mr. MANTON, Mr. BROWN of California, Mr. KLEIN, Mr. MONTGOMERY, Mr. PRICE of North Carolina, Mr. TRAFICANT, Mr. NEAL of Massachusetts, Mr. WOLF, Mr. CASTLE, Mr. COYNE, Mr. SLATTERY, and Mr. RAHALL.

H.J. Res. 256: Mr. LIGHTFOOT, Mrs. JOHNSON of Connecticut, Ms. PRYCE of Ohio, Ms. ROS-LEHTINEN, Mrs. MEYERS of Kansas, Mr. INGLIS of South Carolina, Mr. LIVINGSTON, Mr. BAKER of Louisiana, Ms. MOLINARI, Mr. QUILLEN, Mr. ISTOOK, Mr. BONILLA, Mr. BATEMAN, Mr. McHUGH, Mr. FAWELL, and Mr. HALL of Texas.

H. Con. Res. 17: Mr. CALLAHAN.

H. Con. Res. 56: Mr. SERRANO.

H. Con. Res. 66: Mr. MARKEY and Ms. BYRNE.

H. Con. Res. 95: Mr. CLAY.

H. Con. Res. 104: Ms. MOLINARI.

H. Con. Res. 127: Mr. RIDGE and Mr. KLINK.

H. Con. Res. 138: Mr. SCHUMER, Mr. YATES, Mr. ACKERMAN, Ms. MALONEY, Mr. SAXTON, Mr. KING, Mrs. UNSOELD, Mr. BATEMAN, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. BACCHUS of Florida, Ms. ROS-LEHTINEN, Mr. SHAYS, Mr. SHAW, Mr. FILNER, Mr. OLVER, Mr. KLEIN, Mr. EDWARDS of California, Mr. GLICKMAN, Mr. DEUTSCH, Mr. FROST, and Mr. CARDIN.

H. Con. Res. 140: Mr. COX, Mr. HOYER, Mr. FRANKS of New Jersey, Mr. GALLO, and Mr. LAZIO.

H. Con. Res. 141: Mr. MILLER of Florida, Mr. LEVY, Mr. PETERSON of Florida, Mr. SHAW, Mr. BUNNING, Mr. GREENWOOD, and Mr. CAMP.

H. Res. 26: Mr. ANDREWS of New Jersey and Mr. BAKER of California.

H. Res. 134: Mr. GALLEGLY, Mr. KIM, Mr. QUINN, and Mr. FRANKS of Connecticut.

H. Res. 236: Mr. DORNAN, Mr. WOLF, Mr. TOWNS, Mr. REED, Mr. DOOLITTLE, Mr. BLUTE, Mr. DELLUMS, and Mr. MACHTLEY.

H. Res. 239: Mr. THOMAS of Wyoming, Mr. PACKARD, Mr. KLUG, Mr. GENE GREEN of Texas, and Mr. MANZULLO.

H. Res. 247: Mr. LIGHTFOOT, Mrs. JOHNSON of Connecticut, Ms. PRYCE of Ohio, Ms. ROS-LEHTINEN, Mrs. MEYERS of Kansas, Mr. INGLIS of South Carolina, Mr. LIVINGSTON, Mr. BAKER of Louisiana, Ms. MOLINARI, Mr. QUILLEN, Mr. ISTOOK, Mr. BONILLA, Mr. BATEMAN, Mr. McHUGH, Mr. FAWELL, Mr. HALL of Texas, and Mr. GALLEGLY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1490: Mr. FIELDS of Louisiana.

SENATE—*Monday, September 13, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, Jr., offered the following prayer:

Let us pray:

Heavenly Father, on this occasion we pray for peace. As we offer this prayer, not far from here preparations are being made for the formal signing of a historic peace accord in the Middle East. It comes to mind that it was into that same region You sent messengers to proclaim, "Peace on earth, goodwill toward men."

The world longs for a Messiah to fulfill that promise. Until then, we are exhorted to pray for * * * *kings and for all that are in authority that we may lead a quiet and peaceable life* * * *.—I Timothy 2:2. And so we make supplications, prayers, intercessions, and thanksgiving for the national leaders who are assembling this day to wage peace.

We remember those who serve in this Senate who, at this time, are seeking the most reasonable means of maintaining the peace through strength. Grant them wisdom and foresight in this endeavor. And for those who lack peace in their homes and even within themselves, we offer this prayer as well.

We know that true peace is elusive. It cannot be achieved only through strong defenses and good diplomacy.

Your Word declares, *There is no king saved by the multitude of a host: a mighty man is not delivered by much strength. An horse is a vain thing for safety: neither shall he deliver any by his great strength.*—Psalm 33:16, 17.

Grant us therefore grace on all fronts among the nations, within our cities and homes, and within our hearts to discover the missing peace that can only be found in You. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 13, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order leadership time is reserved.

APPOINTMENT BY THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Republican leader, pursuant to Public Law 102-325, appoints Carolynn Reid-Wallace as a member of the National Commission on Independent Higher Education.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 1298 which the clerk will report.

The bill clerk read as follows:

A bill (S. 1298) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Leahy amendment No. 821, to extend the moratorium on the sale, transfer or export of antipersonnel landmines abroad.

(2) Brown amendment No. 825, to ensure proposals for merger of United States Space Command and the United States Strategic Command proceed with thorough cost-benefit analysis and consultations with Canada.

(3) Harkin amendment No. 829, to strike the provision requiring the conversion of the Kinetic Energy Antisatellite (KE-ASAT) Program.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

AMENDMENT NO. 840

(Purpose: To require the Secretary of Defense to terminate the Defense Business Operations Fund if the Inspector General of the Department of Defense determines that the fund was not in compliance with applicable financial management standards during fiscal year 1993)

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 840.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 84, strike out line 15 and insert in lieu thereof the following:

Comptroller General considers appropriate, including recommendations for alternatives to the Fund.".

SEC. 312A. COMPLIANCE OF DEFENSE BUSINESS OPERATIONS FUND WITH FINANCIAL MANAGEMENT REQUIREMENTS.

(A) CONDITIONAL REQUIREMENT FOR TERMINATION OF DBOF.—The Secretary of Defense shall terminate the Defense Business Operations Fund at the end of December 31, 1994, unless the Inspector General of the Department of Defense certifies to the congressional defense committees before such date that—

(1) as determined pursuant to the audit required by section 3521(e) of title 31, United States Code, for fiscal year 1993, the Defense Business Operations Fund was, for such fiscal year, in compliance with all laws, regulations, directives, requirements, guidance, and manuals considered by the Inspector General for purposes of the audit;

(2) the Inspector General did not include in the report submitted to the Secretary of Defense pursuant to section 3521(f) of title 31, United States Code, a disclaimer of opinion regarding the financial statements so audited for fiscal year 1993; and

(3) the Inspector General concluded, on the basis of such audit, that the assets of the Defense Business Operations Fund were protected against loss from unauthorized use for fiscal year 1993.

(b) MATTERS REQUIRED TO BE CONSIDERED.—In conducting the audit required by section 3521(e) of title 31, United States Code, for fiscal year 1993, the Inspector General shall consider (among any other matters that are considered in accordance with generally accepted government auditing standards) all laws, regulations, directives, requirements, guidance, and manuals considered by the Inspector General during the audit of the financial statements of the Defense Business Operations Fund that the Inspector General conducted for fiscal year

1992 under such section, to the extent that such laws, regulations, directives, requirements, guidance, and manuals continued to be applicable to the Defense Business Operations Fund during fiscal year 1993.

Mr. GRASSLEY. Mr. President, this is one of the four amendments that is on the list for unanimous-consent agreement that we had that I will be offering today.

This amendment deals with the defense business operation fund. We call this DBOF for short.

Mr. President, I have had an opportunity to come to the floor on at least four other occasions this year to talk about the defense business operation fund. I have tried to show how DBOF is used in practice. It is one thing to have a very good program set up to take care of cash-flow and cash management in the Defense Department, and to have that set up with good intentions with good theory; but it is another thing to see how it operates in practice.

I think you will find in this particular instance that this is not operating the way the good intentions of the people that set it up had indicated.

DBOF is really a cash generator for a new Pentagon slush fund to circumvent the will of Congress. I do not think it was set up for that purpose. At least Congressmen and Senators who were involved with setting it up did not have that in mind. But neither did Congress 40 years ago when it set up M accounts have in mind that over a period of 40 years they would turn into the accumulation of $50 to $60 billion of money that in effect provided the Defense Department leeway to spend money, in some instances for things that were not even authorized, to get around the control of Congress on the purse strings of the taxpayers.

I have spoken about some of these bad practices in my past speeches going back to March of this year. I do not want to cover that same ground again today. I can, if need be, for the education of my colleagues about what this procedure does.

But instead, what I want to do today is focus on the sorry state of DBOF's financial statements and to send out what I think is a cure notice.

For my colleagues on the Armed Services Committee, let me just suggest to you that what I am going to point out as bad policy—again I do not point any fingers to any Members of this body—that when you passed something in the past that you set it up with any intent that the will of Congress be subverted, or the Constitution not be followed, or that we would waste the taxpayers' money. I am not saying that at all.

My friends, I am saying to you that this is something that has evolved with the defense business operation fund that is bad business practice, contrary to law, and a waste of taxpayers' dollars, and that even the Armed Services Committee has seen some of this and has set in motion some changes in DBOF that you hope will cure the situation in the same way the House Armed Services Committee has tried to make some changes.

I am saying to you that as I have reviewed DBOF, I feel that we are not focusing enough on the illegality of the expenditures or the situation and the conditions of the books; for instance, the fact that the books cannot be even audited.

If I could say to the managers of the bill, I know that neither one of you will say that when books cannot be managed and reviewed and audited, you think this is a good situation. I know that you know this is not a proper situation. But I think I find it necessary to point out where I believe the corrections that have been suggested in this bill are not enough, and I am suggesting some additional things that, over a period of the next year and a half, will give an opportunity to get the legality certified, to get the books audited, and to make sure that the fund is put in a proper business management condition.

Mr. President, under existing law, the curtain automatically drops on DBOF on April 15 of next year. Section 341 of Public Law 102–484. Sections 331 through 334 of the House version of the defense authorization bill would leave that same April 1994 deadline intact, but would convert DBOF to a regulated operation with no more direct appropriations from Congress. The bill that is before us, by comparison, extends DBOF's life until December 31, 1994, and would lay down a series of what the committee calls milestones to address these shortcomings.

At this point, I think it is very important to point out to my colleagues that the Senate Armed Services Committee, through its legislation, admits that there is something wrong with DBOF. So the fact that DBOF has problems is not something in dispute between me and my colleagues on the Armed Services Committee. But as I say, I do not think we have done enough to see that the problems of DBOF are taken care of.

So my amendment would still stick with that December 1994 date recommended in the Senate bill. This new deadline gives DBOF an extra 8 months to clean house and get its books in order, but that is it.

Again, to the managers of the bill, an original "Dear Colleague" letter of mine went out, and it said that in my original amendment I wanted to do away with DBOF by April 15, 1994—the original scheduled termination of it—without any conditions whatsoever, or without any opportunity to improve and make it work. The amendment that I have before the body today keeps the same deadline that the committee has in this bill, but sets down three conditions that must be met for DBOF to continue beyond December 31, 1994.

So remember this: The amendment that is before the Senate is not the original one that I was talking about in my "Dear Colleague" letter.

If by this time next year DBOF has not cleaned up the books, then DBOF would be phased out on December 31, 1994. That is the same date that is in the bill. My intention, though, is that there would be no more extensions. And the purpose of my amendment is to get the house in order, so that it is working as anticipated, so that it is not a slush fund, so that the inspectors general and the General Accounting Office do not tell us money is being spent without legal authority for that expenditure, and that the inspector general will be able to audit the books.

The General Accounting Office would be required, under my amendment, to develop DBOF alternatives by March 1, 1994, and this would be for consideration in connection with next year's defense authorization bill. Mr. President, if my amendment were adopted, DBOF would not be authorized to operate beyond December 31, 1994 unless the following conditions were met.

I hope you will listen to these conditions, and I hope if the managers of the bill scold me for anything, they scold me for not being brave enough or adventuresome enough in trying to put conditions on here that will probably be harder to meet.

Mr. LEVIN. I wonder if the Senator will yield at that point?

Mr. GRASSLEY. If I do not lose the floor, I will yield.

The ACTING PRESIDENT pro tempore. Without objection, the Senator yields without losing the right to the floor.

Mr. LEVIN. Mr. President, on this pending amendment, the Senator from Ohio, Senator GLENN, wants to be heard, and he is not here this morning. In no event can we dispose of it this morning, because Senator GLENN asked to be heard on it.

We are in an unusual situation today. It is our intent to recess at 10 o'clock until 1 o'clock so that most of us can go over to the White House. I wonder whether or not the Senator from Iowa would be willing to set aside his amendment. I hate to interrupt him to do this, but there are a few other things we would like to do before 10, if possible. Since we cannot dispose of it in the absence of Senator GLENN, I wonder whether or not the Senator from Iowa might be willing to set aside his amendment, with the understanding that it recur at a certain time this afternoon, or immediately following the disposition of a particular amendment this afternoon, so that the Senator would have some certainty that it will in fact come up. We are trying to find out——

Mr. GRASSLEY. Mr. President, if the Senator will give me a time or a point, the answer to his question should be yes.

Mr. LEVIN. I thank my friend from Iowa. We are trying to find out what that time would be from Senator GLENN's office. Would the Senator from Iowa be willing to yield to Senator DECONCINI while we are waiting this time, without losing his right to the floor, and temporarily setting aside his amendment? Senator DECONCINI has a 2-minute speech, not on any pending amendment.

Mr. GRASSLEY. What I will do is this. My amendment would come up at 1 o'clock and at that time, if that is not appropriate, because Senator GLENN or other people who want to participate cannot be here, then I would at that time set it for a more definite time. So it will come up at 1 o'clock now. Will the Senator make the point?

Mr. LEVIN. Yes. That is a very reasonable request.

I ask unanimous consent that the amendment from the Senator from Iowa be laid aside and that it recur at 1 o'clock, and between now and then Senator DECONCINI be recognized and then I immediately be recognized to see if we can pass some amendments which have been cleared between now and 10 o'clock.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE MIDDLE EAST PEACE PROCESS: ISRAEL WILL NEED A STRONG UNITED STATES COMMITMENT

Mr. DECONCINI. Mr. President, I rise today to express both my elation and trepidation regarding the historic turn of events in the Middle East. The peace agreement and exchange of recognition between Israel and the PLO is one of the historical landmarks of our century.

During my many visits to the Middle East and my meetings with regional leaders—Israeli and Arab alike—I have often wondered out loud if we would see a time when men and women of vision would take a gamble for peace; whether there would be more leaders such as Menachem Begin and Anwar Sadat who, for the long-term good of their peoples, would risk everything—including their lives—to construct a foundation upon which a lasting Middle East peace could be built. Clearly, Prime Minister Yitzhak Rabin is such a man. Imagine my surprise that, perhaps, the PLO's Yasser Arafat could be another.

The peace agreement and exchange of recognition between Israel and the Palestine Liberation Organization is a major breakthrough in a process that has stretched over several generations of Jews and Palestinians. It holds great promise for future generations of these peoples to at last live in peace and security.

However, there are many people on both sides who are convinced that their leaders have sold them out. They believe that this agreement greatly threatens their security and compromises their dignity. Many Israelis believe that yielding the Gaza Strip, Jericho, and perhaps eventually major parts of the West Bank to the Palestinians leaves them with indefensible borders. Palestinian critics say the agreement falls far short of providing them a homeland. Both may be correct, but this agreement is just a first step in a long and difficult process. The benefits of this momentous development will not be immediately apparent to peoples accustomed to decades of mistrust, violence, and death, but the alternative to this agreement is many more decades of mistrust, violence, and death.

Responsible leaders of Israel, and of the Palestinians, have the moral obligations to their peoples to take the risk inherent in this bold initiative in order to give this peace agreement the opportunity to take hold. Likewise, the United States has a moral obligation to help ensure the success of this effort.

From my visits to Israel, I know for certain that the citizens of Israel want to live in peace with their neighbors. Also, having met with Palestinians in east Jerusalem, I believe that many Palestinians are sincere in their desire for peace. And even though no peace plan can rectify the centuries of inequities, nor quickly erase the memories of the injustices which have characterized the tortured history of this region, this plan lays a cornerstone upon which a better future can be built based on justice and mutual respect.

In agreeing to this plan, Israel has demonstrated tremendous courage and faith in the international community in accepting conditions which surrender strategic military terrain to the PLO—an organization which only now has formally renounced its pledge to destroy Israel. The PLO has stained its hands with the blood of many innocent people through terrorist attacks, from the murder of Israeli athletes at the Olympic games in Munich, Germany in 1972 to the infiltration of terrorists on to a peaceful Israeli beach in 1990. For some 30 years, the PLO has taught Palestinians to revile the State of Israel. With such a history, establishing real trust between Israel and the PLO cannot occur merely by signing a piece of paper.

Of equal if not greater concern is the fact that the leadership of the PLO is not monolithic. Yasser Arafat's leadership of the mainstream PLO fatah faction is not strong. There are many radical factions, such as the PELP, the popular front for the liberation of Palestine, which will do all that they can to destroy any peace agreement. What guarantee does Israel have that a divided PLO will have control over the actions of all Palestinians in the areas it controls? Can we be certain that these territories will not become bases for terrorist or outright military attacks against Israel?

The answer lies in large part with the United States. A bold agreement of this type between Israel and the Palestinians will take many years to become fully implemented. The United States must work hand in hand with Israel's leaders—and with Arab States which are supporting this agreement—to foster the cooperation necessary to ensure its success.

In order to provide the Israeli leadership the firm platform from which to oversee the implementation of this peace plan, the United States Government must pledge any and all moral, political, and material military support necessary to make it clear to any of Israel's adversaries that Israel is secure. We must demonstrate to the opponents of peace that the precarious geographic and military position Israel is accepting cannot be exploited to destroy Israel.

Let there be no doubt, there are Israelis who will try to overturn this plan because they believe it will lead to Israel's destruction. There also are Palestinian, and other Arab and Moslem factions and governments which support implementation of this accord because they believe that it will be the first step in the destruction of Israel.

It is only through the strongest United States commitment to the security of Israel that those who would seek to exploit this agreement to Israel's disadvantage will see the futility of their efforts. With sustained United States support, I hope and believe that Israel will, at long last, be able to live in peace with the Palestinians and with all its neighbors.

I urge the administration to fulfill its public commitment to Israel to provide whatever support it requests in order to maintain its qualitative edge militarily and to defend itself during this long, difficult, and dangerous period of transition to a lasting peace. A bold gamble for peace has been made. It is incumbent upon the United States, which has long worked for such a day, to provide the security necessary to make the plan a reality.

THE PHOENIX CARDINALS

Mr. DECONCINI. Mr. President, I congratulate the Phoenix Cardinals on their victory yesterday. I thank the fans of the Washington Redskins for their kindness and courtesy during that game.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

AMENDMENT NO. 841

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 841.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . AMERICAN DIPLOMATIC FACILITIES IN GERMANY.—(a) No embassy, chancery, or consular facilities in Germany other than the facilities already occupied as of January 1, 1993 by U.S. diplomatic personnel may be purchased, constructed, leased, or otherwise occupied unless such facilities are purchased, constructed, modified or leased with funds provided by the German Government as an offset for the value of facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Governor of Germany.

(b) The Secretary of State or his representative may not enter into any legal instrument to purchase, construct, modify, or lease any facility in Germany acquired pursuant to subsection (a) of this section until the Secretary of Defense certifies that the United States Government has received or is scheduled to receive cash payments or offsets-in-kind of a value not less than 50 percent of the value of the facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Government of Germany.

Mr. LEVIN. Mr. President, this amendment has been cleared. I will briefly recount what is in it.

If there are any other amendments we can dispose of in the next 10 minutes that have been cleared, it would be useful to do that.

This is an amendment of mine which addresses an important issue that concerns the facilities we built over the years in Europe and that were returned to Germany as we moved our forces.

We have a treaty agreement with Germany that Germany will pay the United States for the value of the facilities that we return to them.

So far, the United States has turned back or announced plans to turn back nearly $3 billion in facilities. We have to deduct from that amount the cost of environment cleanup and repair of damages. Once that is done, we will have returned facilities with a residual value of $2½ billion to Germany that they are supposed to reimburse us for.

So far the Government of Germany has paid the United States less than $3 million out of the $2½ billion in residual value which they are supposed to pay.

Germany has also built a small sewer system with a total cost of $25 million, but that can be deducted and still leave just about $2½ billion. The main point of that sewer system was to help cities downriver from the training facility in any event.

The problem is that as a country we have no leverage in our negotiations. We cannot threaten to stay in Germany until they pay us because we do not need to stay in Germany with all of our forces there, and we cannot afford it.

So this would bring some pressure on the German Government. The amendment would effectively prohibit the United States from going to the enormous expense of building a new embassy in Berlin and moving to Berlin our diplomatic activities until Germany pays at least 50 percent of what it owes on residual value and it then states that the cost of any new embassy would come from remaining residual payments. It is strong medicine but justified because of the frustration we had in getting some commitments observed, and I know of no other way to really force this issue, and in a diplomatic way, this does it.

There is some reservation on the part of some in the State Department on this, but we think it will increase their leverage in their negotiations with Germany, and we think it is appropriate given the years of discussions which have not yet borne adequate fruit.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend my colleague, Senator LEVIN, on his persistence toward ensuring that the United States receives a return on the investments it made in Germany while standing guard against the Soviets during the 40 years of cold war. He has been at the forefront of this effort and I support his amendment.

Mr. President, the United States is in the process of closing 773 military locations in Europe, most of which are in Germany. Our Government is currently negotiating with the German Government on the transfer of these facilities and unfortunately is not having much success in getting a fair return on our investment. This amendment will, in my judgment, hasten that process and at the same time ensure that the United States receives a return on its investment in its former facilities.

Mr. President, I urge the Senate to support the amendment.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 841) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 842

(Purpose: To enact sanctions against Serbia and Montenegro)

Mr. LEVIN. Mr. President, I send to the desk an amendment which has not yet been cleared, but I want it to be pending and everyone have notice. This is an amendment relative to sanctions on Serbia that Senators DOLE and SIMON are cosponsoring. I do not know if it has been cleared. I will not seek its passage right now, but I do send it to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. DOLE, and Mr. SIMON, proposes an amendment numbered 842.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert:

SECTION 1. SANCTIONS AGAINST SERBIA AND MONTENEGRO.

(a) CODIFICATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions against Serbia and Montenegro described in the following directives of the executive branch of Government are hereby enacted into law:

(1) Executive Order 12808 of May 30, 1992, as continued in effect on May 25, 1993.

(2) Executive Order 12810 of June 5, 1992.

(3) Executive Order 12831 of January 15, 1993.

(4) Executive Order 12846 of April 25, 1993.

(5) Department of State Public Notice 1427, effective July 11, 1991.

(6) Proclamation 6389 of December 5, 1991 (56 Fed. Register 64467).

(7) Department of Transportation Order 92-5-38 of May 20, 1992.

(8) Federal Aviation Administration action of June 19, 1992 (14 C.F.R. Part 91).

(b) PROHIBITION ON ASSISTANCE.—(1) No funds appropriated or otherwise made available by law may be obligated or expended for Serbia or Montenegro.

(2) The prohibition of paragraph (1) includes funds which were obligated but not expended under any law enacted before the date of enactment of this Act.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance of the respective institutions to Serbia or Montenegro.

(d) EXCEPTION.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against the Republic of Serbia and the Republic of Montenegro those United States-supported programs, projects, or activities involving reform of the electoral process, or the development of democratic institutions or democratic political parties, in these two countries.

(e) WAIVER.—(1) Nothwithstanding any other provision of this section (other than paragraph (2)), the President may waive the application, in whole or in part, of any sanction or prohibition contained in this section if the President determines, and so certifies to Congress, that it would be in the national interest of the United States to do so.

(2) The waiver authority of paragraph (1) may not be used to waive any sanction or prohibition in Section 1 (a),(b),(c) unless the territory of Bosnia-Hercegovina, as recognized by the United States on April 2, 1992, is controlled by a government of Bosnia-Hercegovina recognized by the United States, and that government or its people, are not subject to military action in or against it by Serbia and Montenegro or Bosnian Serbian forces.

Mr. LEVIN. Mr. President, this in a nutshell would put into law the sanctions currently against Serbia which currently exist in Executive order.

It is important that the Serbians know that they cannot simply obliterate a country and assume that the pending sanctions against them are going to be lifted. Even if they can force a negotiated agreement to dismember Bosnia, they should be put on notice that for the sanctions that are currently in Executive order to be lifted, it is going to require, if my amendment passes, that not only the President agree to lift the sanctions but that the Congress agree to lift the sanctions as well.

That is the thrust of this amendment.

Again, I do not know whether it has been cleared or not. I am not going to seek its adoption at this moment. I did want to describe what is in it.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEVIN. Mr. President, I ask unanimous consent that immediately after the disposition of the amendment of the Senator from Iowa at 1 o'clock, or some other agreement relative thereto at 1 o'clock, that this amendment then be the pending amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

Mr. LEVIN. Mr. President, on behalf of the majority leader I ask unanimous consent that the Senate stand in recess until 1 o'clock today.

There being no objection, the Senate, at 9:58 a.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DORGAN].

AMENDMENT NO. 840

The PRESIDING OFFICER. The pending order of business of the Senate is Grassley amendment No. 840 now before the Senate.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa, Senator GRASSLEY.

Mr. GRASSLEY. Mr. President, the amendment that we discussed for about 10 minutes this morning is before this body. It deals with the Defense business operation fund, or DBOF. As I said before—I have previously spoken on other occasions on this subject—I have tried to show how DBOF is used in practice. It is a cash generator for a new Pentagon slush fund to circumvent the will of Congress.

I am not going to cover the same ground that I have in other speeches going back to March. Instead, I want to focus on the sorry state of DBOF's financial statements and to send out a cure notice. The bottom line is that you cannot audit this fund. You ought to be able to audit every fund.

Mr. President, the curtain automatically drops on DBOF on April 15, 1994. That is under current law. However, sections 331 through 334 of the House fiscal year 1994 defense authorization bill would leave the April 1994 deadline intact but would convert DBOF to a regulated business operation with no more direct appropriations from Congress.

Section 311 of this bill, which I amend, could extend DBOF's life until December 31, 1994, and would lay down a series of milestones to address shortcomings.

My amendment, Mr. President, would stick with the same December 1994 date that is recommended in the Senate bill. The new deadline would give DBOF 8 extra months to clean house and get its books in order and that is it. If by this time next year DBOF has not cleaned up the books, then DBOF would be phased out on December 31, 1994. There would be no more extensions, just that simple. The General Accounting Office would also be required, under my amendment, to develop DBOF alternatives by March 1, 1994, for consideration in connection with next year's defense authorization bill.

Mr. President, if my amendment were adopted, DBOF would not be authorized to extend beyond December 31, 1994. That is the same date that is in the present bill. But it would not be extended beyond that point unless the following conditions were met:

First, the Department of Defense inspector general's audit of DBOF's fiscal year 1993 financial statements must indicate that the fund's financial operations comply with all applicable statutes, including the Chief Financial Officers Act of 1990.

Second, the Department of Defense IG's audit of DBOF's fiscal year 1993 financial statements must not contain a disclaimer of opinion.

Third, the Department of Defense IG's audit of DBOF's fiscal year 1993 financial statement must verify that all assets are protected against loss from unauthorized use.

So, Mr. President, I am asking basically three things in this amendment, probably three things that are so simple you might wonder what is the controversy about my amendment. I am not sure that I know what the controversy about my amendment is because I am just trying to make it possible and bring to the attention of the people of this body that a fund that the inspector general says cannot be audited ought to be audited. That is just a commonsense approach to governance and to accounting.

Second, the General Accounting Office would study how DBOF operates. Obviously, the General Accounting Office has found some problems with the fund. They ought to be, as an outside arm, in a position to recommend, as a fiscal agent for Congress, some changes for the fund. If that cannot be done, then what would a follow on to the fund be?

Then, lastly, just simple common sense again, that there not be any money expended from this fund that is not expended for legal purposes. That is going on now, including as I said once before a few days ago, that $2 million was absconded from a base from this fund. That $2 million being taken illegally for personal use by a person who is now in jail was not found because it was audited and found. It was found because of the living style of this individual who took the $2 million. People started raising questions and they turned it over to the prosecutors, and the prosecutors found out about the $2 million.

So I say, Mr. President, the reason for my amendment is just plain simple common sense. We are staring another Department of Defense financial horror story right in the face. That happens to be the Defense business operating fund.

The Department of Defense IG completed an audit of DBOF's financial statements on June 30, 1993. The results are presented in audit report No. 93-134 entitled the "Principal and Combining Financial Statements of the Defense Business Operations Fund, FY 1992." This report is the basis for my amendment. This report was required by the Chief Financial Officers Act passed by this body in 1990.

The IG says in this report that the books of DBOF are in a terrible mess. DBOF's financial house is in total disarray.

Mr. President, I want to briefly summarize some of the things that are the results of the IG's audit of DBOF so my colleagues can better understand what is going on.

This is what the IG found after auditing the DBOF financial statement for fiscal year 1992: There were inadequate controls over cash, impossible to verify the accuracy of net disbursements totaling $3.1 billion because of inadequate audit trails and deficient automatic systems.

When you hear that, you have to know something is wrong, $3.1 billion that the inspector general could not verify because of inadequate audit trails and deficient automated systems.

There was a $249 million difference between what DBOF reported to OMB and what was presented as net disbursements in financial statements.

Another thing the IG said is that transactions were not recorded timely. Another complaint: Misreporting of intrafund transactions. Another point: Accounts receivable not confirmed and revenue not recognized; lack of supporting documentation.

Let me just explain a little bit about that. Once again, this is not CHUCK GRASSLEY's analysis of this. This is from the IG's report. Lack of supporting documentation; subsidiary records were not available to support adjustments of $2.7 billion on the Defense Fuel Supply Center statements of cashflows and $1.1 billion on the center's statement of budget and actual expenses. There were another $645.8 million in unsupported adjustments against other accounts.

"Capital assets and inventory is not valued accurately," was another complaint of the IG. "Accounts not reconciled" is yet another one. "Unreliable weekly flash cash reports." In other words, impossible to compare the weekly flash cash reports to actual information. Meaningful trend analysis has been impossible.

"Inadequate audit trails." Explaining this, it is impossible to perform tests to verify transactions due to the lack of audit trails. Revenue of $1.07 billion, expenses of $998.9 million, and as sets of $339.9 million could not be substantiated in the Air Force transportation business area. So inadequate audit trails, lack of uniform accounting systems, lack of standard general ledger, and failure to comply with laws and regulations.

Mr. President, I am looking at the DOD IG's list of laws and regulations violated by the Defense business operating fund. There are here eight provisions of Federal statutory law and seven separate regulations that have been violated by the Defense business operating fund.

In fact, on this whole list there is only one that was complied with—the Antideficiency Act, Public Law 99-344.

These are regulations not abided by with this account:

The Budget and Accounting Procedures Act of 1950; the Military Construction Codification Act, Public Law 97-214; Federal Managers' Financial Integrity Act of 1982; Debt Collection Act, Public Law 97-365; Prompt Payment Act of 1988; Department of Defense Appropriations Act, 1992; Chief Financial Officers Act of 1990; National Defense Authorization Act for Fiscal Years 1992 and 1993; Joint Financial Management Improvement Program Core Financial Systems Requirements; Treasury Financial Manual, June 12, 1990; U.S. Standard General Ledger, November 12, 1992; General Accounting Office Policy Procedures Manual for Guidance of Federal Agencies; OMB Bulletin 93-02, Form and Content of Agency Financial Statements; DOD Accounting Manual, June 17, 1991; DOD Guidance on Forms and Content of Financial Statements for Fiscal Year 1992 Financial Activity, December 30, 1992.

What I have just read there, Mr. President, is 15 different laws, or regulations that the inspector general says was not followed by DOD in the management of DBOF. I want to add one more. Section 1501 of title 31 of the United States Code for failing to maintain documentation to support financial transactions.

I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LAWS AND REGULATIONS REVIEWED AND AUDITOR ASSESSMENT OF MANAGEMENT COMPLIANCE

LAWS AND REGULATIONS REVIEWED—MANAGEMENT COMPLIANCE

Budget and Accounting Procedures Act of 1950—No.

Antideficiency Act, P.L. 93-344—Yes.

Military Construction Codification Act, P.L. 97-214; 10 U.S.C. Section 2682, July 12, 1982—No.

Federal Managers' Financial Integrity Act of 1982, P.L. 97-255, August 19, 1982—No.

Debt Collection Act, P.L. 97-365, October 25, 1982—No.

Prompt Payment Act of 1988, P.L. 100-495, October 17, 1988—No.

Department of Defense Appropriations Act, 1992, P.L. 102-172, Section 8121, November 26, 1991—No.

Chief Financial Officers Act of 1990, P.L. 101-576, November 15, 1990—No.

National Defense Authorization Act for Fiscal Years 1992 and 1993, P.L. 102-190, Section 316, December 13, 1991, as amended by the National Defense Authorization Act for Fiscal Years 1993, P.L. 102-484, Section 341, October 2, 1992—No.

Joint Financial Management Improvement Program Core Financial System Requirements (FFMSR-1, January 1988)—No.

Treasury Financial Manual, June 12, 1990—No.

U.S. Standard General Ledger, November 12, 1992—No.

General Accounting Office's Policy and Procedures Manual for Guidance of Federal Agencies, Title 2, Accounting, May 18, 1988—No.

OMB Bulletin 93-02, "Form and Content of Agency Financial Statements," October 22, 1992—No.

DoD 7220.9-M, "DoD Accounting Manual," June 17, 1991—No.

"DoD Guidance on Form and Content of Financial Statements for FY 1992 Financial Activity," December 30, 1992—No.

Mr. GRASSLEY. Mr. President, the list of discrepancies in DBOF financial statements go on and on. I merely selected a few examples to highlight some of the most glaring deficiencies identified by the Department of Defense IG.

I think we have reason to be concerned about what is really going on in DBOF. The IG's assessment squares with other available information on DBOF. The IG is telling us that DBOF financial records are inaccurate, unreliable and incomplete.

The IG is telling us that there are inadequate controls over cash assets. The IG is telling us that there are wide, unexplained gaps on DBOF's balance sheets. DOD officials are using plug figures and arbitrary adjustments to keep the books in balance, but there is no documentation to support those adjustments.

The IG is telling us that there are few, if any, audit trails to follow in this $120 billion fund. The IG is telling us that DBOF is disregarding the laws of the land, that they are not spending money legally.

DBOF's financial records were in such poor condition that the Department of Defense IG had to issue what is called a disclaimer of opinion. That, Mr. President, in the language of accountants, means that the IG could not audit the books.

The IG's auditors could not express an opinion on the accuracy and completeness of the financial statements.

So what is the bottom line? The DOD IG is "unable to ensure the public that DBOF's assets were safeguarded against loss from unauthorized use."

As Mr. Perot says, "Pay attention, folks, that is a red warning flag." There is ample justification for the Department of Defense IG's warning.

Money was indeed stolen—outright stolen—from DBOF.

A low level GS-8 accountant at Reese Air Force Base, TX, named James Lugas, stole $2,094,318.50 from the stock fund and commissary accounts at Reese between November 1989 and November 1992. He is now serving jail time for that crime.

Mr. Lugas picked those two accounts because they were the easiest targets he could find. Well, guess what? They are also part of DBOF.

I think my colleague who is on the floor, Senator GLENN, had something better to say about Mr. Lugas:

Lugas was caught, not as a result of Air Force internal control procedures, but because his neighbors, noticing his lavish lifestyle, believed that he was involved in illegal drug activity and reported him to DEA.

Mr. Lugas recognized the lack of financial control and discipline within DBOF and decided he could rip into DBOF's money sack at both ends and never get caught.

Using plug figures and phony accounting entries, he was able to hide the theft and keep the cash flowing straight into his account at the base. I think that is not just because this money was stolen but, more importantly, the 15 laws and regulations that have been disregarded and, most important, because money is spent illegally, and maybe even more important, that the books are in such shape that the IG cannot give it an audit, is intolerable.

How many others like Mr. Lugas have tapped into this money without detection?

Mr. President, Ms. Alice C. Maroni, Principal Deputy DOD Comptroller told the House Armed Services Committee on May 13 this year that DBOF is supposed to be run like a business.

She said:

> The Business Fund provides the mechanism to adopt a businesslike corporate approach to improve and measure the management of vital support activities which provide goods and services to our operating forces.

Well, Mr. President, if the likes of the IG's audit had been presented to the board of directors of a major corporation in America, I feel certain that the chief financial officer of the corporation—anybody in that position—would have lost their job, been beheaded along with several others.

This would be a financial disaster for any private sector company. Nobody would want to own stock in that private sector corporation. The SEC would prohibit further sale of the stock. Its value would plummet, and the company would quickly collapse.

With revenues and expenses approaching $120 million—that is what we are talking about that goes in and out of this fund—DBOF is equivalent in size to the fourth largest corporation in America. Its annual financial transactions are equivalent to roughly 40 percent of the DOD budget.

Mr. President, there is no financial control over a huge chunk of the defense budget. The breakdown of financial discipline at the Pentagon must be brought to a screeching halt. We have a responsibility, Mr. President, as U.S. Senators, to make this happen.

First, bureaucrats must provide a full and accurate accounting of how they are spending the people's money.

Those of us in Congress, who exercise the power of the purse, have a responsibility to the citizens of this country to make sure that there is a full and accurate accounting for every penny that the Government spends. The taxpayers deserve nothing less than that.

Well, on June 30, the DOD IG submitted a formal audit report to the Congress, an audit required by law. The IG says an accurate accounting of billions entrusted to DBOF cannot be rendered, and the IG cannot assure us that money has not been used for unauthorized purposes—that more money has not been stolen.

Congress now has a responsibility to react in a constructive way, and I believe that my amendment is constructive. If there are any shortcomings of my amendment, if you were at the grassroots listening to this debate, you would say to the Senator from Iowa, "You are not doing enough."

Maybe some of my colleagues think that, but I am doing what I think is reasonable and what is within the context of a bad situation that cannot be corrected overnight, but that we cannot let go on anymore.

I recommend that we give DBOF another year to clean up the books and get control of the money.

That is the same period of time that the Senate Armed Services Committee authorizes DBOF.

Second, we cannot evaluate the performance of DBOF without accurate and complete financial information.

Section 312 of this bill lays down a series of important "milestones" that must be met by DBOF.

Some have suggested that these milestones are "inchstones."

Mr. President, there is no way to measure DBOF's progress toward those milestones without accurate and complete financial information.

Next year's audit of DBOF's financial statements will tell us whether we are in a position to evaluate DBOF's performance.

My amendment would put DBOF on probation for a year.

So the message is clear: Clean up the books and get control of the money or you are out of business on December 31, 1994.

In the process, by March next year, if my amendment is adopted the Government Accounting Office will have recommendations to us.

I hope my colleagues will support this amendment. I think it is reasonable, but most importantly, Mr. President, I do not know how we can justify to the taxpayers $120 million in an in-and-out account that the IG, the inspector general, cannot audit and that $2 million is stolen from to adequately demonstrate that happens to be the case even beyond what the Comptroller General said.

Bottom line: Before I yield the floor, we ought to be able to audit the books, and that is simply all my amendment does. It makes it clear that this body feels strongly enough about the work of the IG and vouching for the expenditure of taxpayers' money that the books ought to be in a position to be audited and then take action as a result of that audit based upon recommendations of the Government Accounting Office. We cannot let this go on anymore.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, I rise to oppose the amendment offered by the Senator from Iowa, Senator GRASSLEY. I hope the amendment will be defeated, but I share the great concern with him about how we manage these financial accounts.

I agree completely with Senator GRASSLEY that the Defense business operations fund, or DBOF as we call it, has very, very serious problems. Our whole accounting system for Government is in a system of turmoil, particularly the Department of Defense. And I agree with that.

But we are not ignoring these problems. The Armed Services and Governmental Affairs Committees have spent a lot of time on this issue this year. I think we already have a formula in this bill that addresses these problems, and I believe that adoption of the Grassley amendment would hurt our efforts to fix these problems.

The DBOF is at the heart of the financial management problems facing the Defense Department today. It has not been there for a long time. It was formed in 1991 to try to put together a financial management system and solve all these problems that are facing the Defense Department.

Now, I know that talking about a defense management auditing system like DBOF is a subject that can put people to sleep in a very big hurry. And maybe that is one of the reasons why we have not addressed this adequately a long, long time ago.

But I want to take just a moment to outline the background of the DBOF issue for my colleagues and what we are trying to do about it.

Beginning October 1, 1991, DOD consolidated its five industrial funds and four stock accounts into a single new revolving fund called the DBOF, or Defense business operations fund. The objective was to improve cash management, make DOD workers more conscious of the cost of their operations and be able to keep a more day-to-day running total on what was going on over there. And, finally, to make a central accounting system for the whole Defense Department, rather than the myriad of different accounting systems we have now.

The Army alone, we had testimony on, has some 43 different accounting systems. We are trying to straighten those out. And the same thing occurs in the other services, also.

Consolidating nine funds into one sounds like a simple arithmetical operation, but is has been anything but simple. Since its inception, DBOF has been plagued with persistent financial and accounting problems which it inherited from the past. Most of these problems, Mr. President, are the result of very, very antiquated finance and accounting systems and lack of attention by senior management to financial management and financial integrity issues.

In April of this year, Deputy Secretary of Defense Perry instituted a detailed review of DOD's implementation of DBOF to make recommendations for changes or improvements in the fund. The recommendations of this DBOF Implementation Review Group are currently being reviewed at the highest levels of the Defense Department.

Over the past several months, I have chaired hearings in the Subcommittee on Military Readiness and Defense Infrastructure on the Armed Services Committee and on the Governmental Affairs Committee that examined the problems with DBOF in detail. During these hearings, we hear from the Acting DOD Comptroller, from the military services, and from the General Accounting Office. In the Governmental Affairs Committee, the Assistant DOD IG presented the results of the DOD IG's financial audit required by the Chief Financial Officers Act of 1990.

My conclusion from these hearings, Mr. President, is that the DBOF inherited serious problems. Right now, though, DBOF is about the only game in town and the best hope we have to bring some order to DOD financial management.

I do not believe the amendment suggested by my friend from Iowa really sets up a system that would replace DBOF. It basically does away with DBOF.

What we need is to solve the DBOF problems, not just ignore them by terminating DBOF as Senator GRASSLEY'S amendment would do. As GAO pointed out in their testimony—

> A full-scale effort to make the fund successful could prove to be the catalyst needed for effective action to correct DBOF's longstanding financial and information management problems.

Mr. President, the provisions already in the committee bill are designed to force DOD to make this full-scale effort. Everybody in town—GAO; The office of the Secretary of Defense, the, OSD, the DOD Inspector General, the military services, and the Armed Services and Governmental Affairs Committees—agrees with Senator GRASSLEY that there are significant problems with the DBOF. But in my view, the committee bill already takes into account the concerns that Senator GRASSLEY'S amendment raises.

Last year, the fiscal year 1993 Defense Authorization Act authorized the Secretary of Defense to operate the DBOF through April 15, 1994. The provisions in the committee bill extend the DOD's authority to operate DBOF for an additional 8 months—through December 31, 1994—for one purpose: in order to give Deputy Secretary Perry time to try to resolve the serious problems with this fund, to make it workable.

The committee bill then directs the Secretary of Defense to establish milestones to address the problems in the DBOF outlined by our hearings, by Senator GRASSLEY, and by the DBOF Review Group within 30 days of the enactment of this bill.

We then require a progress report by February 1 of the next year on how DOD is implementing these milestones.

Finally, we direct GAO to monitor DOD's work and report to Congress on the results next spring.

Mr. President, by authorizing the Secretary of Defense to operate the DBOF only through December 31, 1994, we are insuring that it will take a positive action by the Congress for DOD to continue operating the DBOF after that point. This means that we will be reviewing the DBOF all this year and next, and we will have to consider in next year's authorization bill whether DOD has made sufficient progress in straightening out DBOF's problems to continue operating this fund.

I feel Senator GRASSLEY's amendment is too inflexible because it requires DOD to terminate the DBOF if the DOD IG issues a disclaimer of opinion next year on the CFO audit of the DBOF. The DBOF failed the CFO audit this year, as the testimony before the Governmental Affairs Committee showed in July. I can tell the Senate right now that the problems DOD inherited are so severe that in all likelihood the DOD IG will issue a disclaimer of opinion on its CFO audit of DBOF next year. That is almost to be expected.

The question we have to consider, however, is whether DOD has made significant progress by next year's CFO audit in addressing DBOF's significant problems to warrant continuing the DBOF. That is a judgment we will make next year after reviewing the GAO report and the DOD IG's CFO audit.

Let me just comment that the Senator from Iowa gave some examples of $2 million that was fraudulently obtained on Air Force accounts in Texas. I would say that that fraud occurred before the process was started. The process was started before DBOF was even formed, so that problem in Texas was mainly the Air Force's own internal controls. That came out of our Governmental Affairs hearing.

GAO identified across the whole length and breadth of Government some 400 different accounting systems. When we challenged them on that situation, they could identify actually 200 major different accounting systems in Government. That is the kind of thing we are talking about.

The Army itself has 43 basic different accounting systems. So we are talking about a very mammoth problem, not just in the Department of Defense, which is trying to address some of these problems through DBOF, but also all across other parts of Government. There are similar things that we could point out that would be similar to DBOF where our accounting systems are not really in order.

So the problem with Senator GRASSLEY's amendment is it would terminate DBOF next year if the DOD IG audit does not give DBOF a completely clean bill of health. Even if the audit shows significant progress has been made in addressing the problems in DBOF, if it does not completely pass the CFO audit, DBOF must be terminated.

I was the chief author of the Chief Financial Officers Act of 1990. This act requires an annual financial audit of DBOF and many other funds and agencies in the Federal Government. We have had our first reports pursuant to the CFO reports, which had to be made to the Congress.

In my opinion, use of the CFO Act to justify the termination of DBOF, at this point in time, is inconsistent with the intent of this legislation. Let me explain why.

First, the DOD IG's audit this year of the DBOF that Senator GRASSLEY referred to and that we had a hearing on in the Governmental Affairs Committee was the first audit ever done of DBOF. That was the first time the CFO has been required to make that report. Frankly, no one really expected a clean bill of health on this audit this time around. Audited financial statements commonly produce disclaimers or adverse opinions for a number of years. I think it is unfortunate that is true, but it is.

Our most successful agencies using financial statements have been the Social Security Administration and the GSA. It took 4 years for Social Security to get a clean audit and it took 9 years for GSA to get a clean audit.

We can say we should go faster than that, and I agree that we should. But that is what it has taken to clean up the mess in Government financial auditing in some of the other agencies. So improving financial management in the Federal Government will not occur overnight.

Second, the use of CFO audits to terminate programs or initiatives like the DBOF may have a chilling effect on agencies. Audited financial statements were implemented in the CFO Act as a tool for agencies to improve financial management systems and operations, not to terminate programs.

Third, if we accepted Senator GRASSLEY's logic that financial audit disclaimers should result in terminating programs, we would have to terminate programs all over the Government—even close down entire agencies, if they do not pass muster on their audit.

The majority of agencies producing audited statements have received disclaimers under the CFO Act, we are that far out of tune with what we should be doing in the Federal Government. The Department of Defense is but one Department. The state of financial management in the Federal Government is so poor because we have not given it the attention it requires, and that is why we passed the CFO Act back in 1990.

We worked very closely with Dick Darman in the White House and also with Charles Bowsher at GAO. I know in one of our hearings, the Comptroller General said he felt the CFO Act was the best step forward in financial management in the Federal Government in the last 40 years. Whether it will prove to be that good or not, I do not know. But it is just in the process of coming into play now.

Realistically, I think everyone agrees that there is really no alternative to fixing the problems that DBOF inherited. We really do not want to go back to the old system of having nine separate funds based on differing accounting systems that could not even talk to each other, most of them. So we really did not have a running total of what is going on in the Department of Defense, which DBOF tries to bring about. And, as GAO has pointed out, if DBOF has done one thing, it has focused high-level attention on the problems in DOD's finance and accounting systems, attention that is long, long overdue.

It was as a result of our hearings and bringing this out, making it public and calling attention to this particular area, that led Deputy Secretary Perry to establish the group at the Pentagon that right now is working on making DBOF a workable organization, which it should be. We do not have any other proposal that would replace DBOF now except just going back to the old system of nine separate funds, and we do not want to do that.

So the Armed Services Committee and the Governmental Affairs Committee both share Senator GRASSLEY's conviction that DOD should give some high-level attention to fixing the deplorable state of financial accounting in DOD through DBOF. And the provisions in the committee bill, we believe, will make that happen.

I want to assure the Senate that both the Armed Services Committee and Governmental Affairs Committee will continue to exercise vigorous oversight of the DBOF in the coming year. We will be keeping DOD and DBOF on a very short leash. We are the ones who turned up this situation. We feel we have taken action that will deal with it. And we are going to be monitoring what we have done very closely.

It took about 40 years to get DOD's accounting system into the mess they are in today—and it is a mess. I would like to think we can solve all those problems in a year or two. Unfortunately, that may be optimistic. It may not be too realistic to think we can do it that fast. But we want to work with DOD.

I will certainly work with Senator GRASSLEY and with his office. I think his bringing attention to this on the floor is excellent. I do not criticize that at all. I want to work with him to address the problems of DBOF. The provision in the committee bill, we feel, will do exactly that.

We feel Senator GRASSLEY's amendment therefore is unnecessary and could be counterproductive because it would do away with what progress we feel has been made through the CFO Act, of getting these audits run and trying to bring some sense out of this, making improvements in DBOF.

For those reasons, I oppose the amendment and hope we will defeat it, with the assurances that we are certainly going to monitor this thing very, very closely.

I yield the floor.

Mr. THURMOND. Mr. President, I oppose the amendment offered by my distinguished colleague, Senator GRASSLEY. The amendment would require the Department of Defense to terminate the Defense business operations fund if the fund cannot pass an audit by the Department of Defense inspector general by December 31, 1994. The amendment would be counterproductive, because the issue is not whether the fund can pass the audit, but rather what are the steps which can be taken to make the fund healthy.

The Committee on Armed Services and the GAO have studied the problems which have plagued the fund since its inception in 1991. The committee held hearings on the matter this year. The committee strongly endorsed the conclusions of the GAO, and supported extending the authority to operate the fund until December 31, 1994, in order for the Department of Defense to develop solutions to complex financial problems.

Neither the Congress nor the Department of Defense disputes the nature and magnitude of the massive deficiencies which characterize fund operations. The Department has initiated a comprehensive review of the fund and the Deputy Secretary of Defense has testified that steps will be taken either to resolve the problems or terminate the fund.

The unamended bill before the Senate would allow the Department of Defense to take corrective action by authorizing the Secretary of Defense enough time to act on the conclusions of the implementation review group. The bill would authorize the Secretary to operate the fund until December 31, 1994, with certain limitation and guidance.

The proposed amendment, however, would not solve a single problem. Every problem which the Congress, the GAO, and the Department of Defense have identified will still exist if the fund is terminated. Rather than fix the problems, the amendment would only make matters worse by leaving the Department without any established means to conduct its business operations. Further, any new system or revolving fund will only inherit the current problems. There will be no opportunity to consider any of the implementation review group's conclusions. While I understand my distinguished colleague's sincere desire to reform this terrible situation, and share his displeasure and frustration, I believe the more productive method is to continue fund operations within the guidelines imposed by the bill and enable the Department to correct the problems.

This fund is the principal means by which the Department of Defense conducts its business operations. This means the operations, training, logistics, maintenance, and depot and shipyard operations of all the forces are paid for out of this fund. If the amendment is adopted, some alternative revolving fund will have to be implemented to handle these business operations. However, the amendment does not suggest any feasible alternative, and it is improbable that an effective alternative can be fashioned if the amendment is passed.

I urge my colleagues to oppose this amendment.

Mr. LEVIN. Mr. President, if there is no further debate, or when debate is concluded on this amendment, because it is opposed, I ask that the amendment be stacked following the scheduling of the previous amendment—following the disposition of Senator LEAHY's amendment No. 821, and that no second-degree amendments or amendments to language that may be stricken be in order prior to the disposition of Senator GRASSLEY's amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. I want to withhold that because I believe there may be more debate on this amendment.

Mr. President, I ask for the yeas and nays on Senator GRASSLEY's amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. I understand now there is no desire to have additional debate on this, and so let me make a parliamentary inquiry.

Does it require unanimous consent at this point, debate having concluded on the Grassley amendment, that it be added automatically to the list and stacked after Senator LEAHY's amendment? Does that require unanimous consent? Or is that part of the existing unanimous-consent agreement?

The PRESIDING OFFICER. The Chair is advised it would take unanimous consent to specifically order a vote.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEVIN. Mr. President, I ask unanimous consent that the vote on or in relation to Senator GRASSLEY's amendment occur without any intervening action or debate immediately upon the disposition of Senator LEAHY's amendment, amendment No. 821, and that no second-degree amendment or amendments to language that may be stricken be in order prior to the disposition of Senator GRASSLEY's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PEACE AGREEMENT

Mr. SPECTER. Mr. President, I wanted to make a few comments about the historic event which has just occurred on the White House lawn where the Israeli-PLO agreement in principle was signed.

"It was truly a moment," as President Clinton said, "of history and hope," and when Prime Minister Rabin was asked whether he would shake hands with Chairman Yasser Arafat he was quoted as saying, "If necessary." Very succinct, very pointed.

There was a good bit of drama on the White House lawn as the President came out with Prime Minister Rabin, Foreign Minister Peres, and Chairman Arafat as to what would happen. As the speeches were made, there were some dramatic moments when everyone was watching who was applauding whom as to what comments were made which were being agreed to at least by the courteous line of applause.

But there came a very dramatic moment in the proceedings where President Clinton and I think in an extemporaneous way shook hands with first Prime Minister Rabin and then with Chairman Yasser Arafat and then with a gesture or signal called on the two men to shake hands. And they did.

If an ordinary picture is worth 1,000 words, that picture I think was worth a million words because it sends a message to people around the world that there really is an arrangement between the Israelis and the PLO and will be seen by Palestinians and Arabs around the world as recognition that is real in a way that a printed word cannot depict it.

Prime Minister Rabin was very poignant in his comments about this agreement being not so easy. As we know, so many Israelis have been victims of Palestinian terrorism, PLO terrorism, and so many Israelis have lost their lives or been wounded in wars with the Arabs and, in fact, so have Arabs been wounded or killed.

I think it is important as we take this important first step that we focus on very important principles which ought to follow, which have not been spelled out in the framework agreed to at the moment.

The first of these is there must not be a Palestinian State, and I say that because a Palestinian State implies sovereignty, implies the possibility of an army, and implies the possibility of seeds for future conflict.

I think it is plain that the Palestinian police force has to be very carefully monitored so that it does not become an army.

Also the inviolability of Jerusalem as the unified capital of Israel is a matter of enormous importance, and these items will have to be spelled out as the parties go farther down the road.

I think President Clinton's comment in this morning's Washington Post is a matter of overwhelming importance when he called upon Yasser Arafat to condemn the attacks by militant Islamic Palestinians who killed four Israelis yesterday in Gaza, and that is precisely the kind of conduct that cannot be tolerated, and that is precisely the kind of conduct that Chairman Arafat and the PLO will have to fulfill the commitment already made to stop or do their utmost to stop terrorism and to condemn that kind of conduct.

As noted in the ceremonies today, Mr. President, we look forward to agreements between Israel and Syria, Israel and Jordan, and Israel and Lebanon, but the momentous events of today again in the President's words are clearly a day of history and clearly a day of hope.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 842

The PRESIDING OFFICER. Under the previous order, debate will now occur on the Levin amendment, amendment 842.

The Chair recognizes the Senator from Michigan, Senator LEVIN.

Mr. LEVIN. Mr. President, there are currently in place sanctions against Serbia and Montenegro, based on Executive order. But I believe it is appropriate, indeed important, that Congress codify the sanctions that are in the Executive order so that Serbia will understand that it is going to take two steps with the United States to remove these sanctions, not just one; that it will take an action by the President and the Congress to lift the sanctions which are imposed on Serbia because of the atrocities, the calculated brutalities, the ethnic cleansing, and the territorial aggression that has occurred in former Yugoslavia.

The Milosevic regime should know—and if this amendment is agreed to, will know—that for the sanctions that have been imposed by the United States to be lifted, they will have to convince both the President and the Congress that Serbia's actions merit the lifting of those sanctions.

Serbia should not be allowed to dismember Bosnia, commit horrible atrocities and ethnic cleansing, force Bosnia to accept an unjust peace, and then assume that it can return to the family of nations on a normal basis as if nothing untoward has happened.

In addition, the United States should exercise decisive leadership to see that the United Nation's War Crimes Tribunal is fully staffed and operating. The United States has made a monetary pledge of support, but we need to do much more. We should insist, and lead the way, to ensure that judges and prosecutors are empowered, and that qualified investigators are hired and begin processing information. Files should be opened, and names named.

It is possible to make the extensive information currently held by our Government public without jeopardizing the accused a chance of a fair trial. Last year Secretary of State Eagleberger named a handful of names; we need to do more. Every agency of the United States Government should sanitize and declassify to the extent possible all case studies, all information, and all evidence in their possession of the human rights abuses and atrocities—and potential war crimes—that have occurred in the former Yugoslavia. Our Government has extensive information. We should make public the thousands of names of known individuals who would be arrested if they came into U.N. custody. War crimes have been committed and war criminals continue to operate. The U.S. Government should do all within its power to serve notice that the establishment by the United Nations of an international war crimes tribunal is not an empty gesture. Too many threats and gestures have been just that—empty—and the Milosevic regime has acted accordingly. The United States should name names and do all within its power to ensure that the war criminals responsible for this on-going barbarism know and understand that they will be held accountable. There is no acceptable or justifiable reason to withhold the information we possess—it should be made public immediately.

And the Serbians should know the truth. Right now we have the technical capability of making sure the people of Serbia and Montenegro learn the truth. The United States has airplanes with the capacity to override Serbian radio and television broadcast and replace them with our own or U.N. programming. The planes are named Commando Solo, and were used with great effectiveness during the gulf war. At any time during the last 2 years the United States could have flown Commando Solo near Serbian or Montenegro territory and provided residents with a window to their own troops' ethic cleansing, the world's outrage, and the resolutions and condemnation of the United Nations. The Milosevic regime's control of the airwaves is a powerful weapon. At little risk we could counter this and broadcast the truth to the isolated people of Serbia.

This amendment authorizes and encourages the President to exempt from sanctions projects and activities to strengthen and encourage the development of democratic institutions and democratic political parties. It is appropriate that assistance be targeted to the democratic forces in Serbia, and this would not prohibit that.

Mr. President, in summary, this amendment actually is very straightforward and direct. It states to Mr.

Milosevic, to his regime: "It may be your ethnic cleansers have not yet been bombed, but don't think that you can enforce an unjust peace and then assume the lifting of the sanctions by the United States of America," because if this amendment is adopted, Milosevic will have to persuade a majority of Congress, as well as the President, to lift the sanctions.

Congress has a role in foreign policy, and we have exercised it over and over again in the area of economic sanctions. We have exercised it in the area of arms sales. We have exercised it with China shortly after Tiananmen Square. And this amendment does something similar to what we did after China's actions in Tiananmen Square: We placed into statute, basically, what the President had placed in Executive order so that the Chinese then would know there would be two hurdles, not one, in order for normal trade relations to resume.

Congress has acted relative to countries that seize or nationalize American property. The Glenn-Symington amendment prohibits U.S. aid to countries that proliferate nuclear capability. We have banned IMET to Indonesia. We have acted over and over again as a Congress imposing sanctions, restrictions on weapons sales.

We should act the same way relative to the activities and the atrocities of the Serbs in Bosnia as we have on so many occasions in the past, speaking from our hearts and our heads, saying with, hopefully, one voice to the regime which has ethnic-cleansed portions of Bosnia that our anger with them matches the world's and that we are going to do as a Congress what we can do by imposing sanctions on them in law.

Once they are in law, the Milosevic regime will understand that for them to be removed will require either a Presidential waiver, which is provided for under specified circumstances in this amendment, or it will require congressional action to amend or repeal the law. It is one way we can say something to the Serbs. There are not a lot of ways that we can speak because most of the actions, particularly those involving military activities, are within the jurisdiction of the executive branch, but this is one way Congress can speak. We can say: "Now you are going to have two hurdles to jump. There are going to be two mountains for you to climb, Mr. Milosevic, given what you have done, before we are going to return to normal economic relations" with the former Yugoslavia.

The effect of the existing sanctions, however modest, will be heightened if we tell the Milosevic regime that Congress is doing what we can to toughen them and you are not going to be able to shake them off until both the President and a majority of the Congress can be persuaded to do so.

This amendment is cosponsored by Senators DOLE and SIMON. I do not know if there is debate on it. I understand there is no objection from the Republican side.

I ask unanimous consent, Mr. President, in order to give an opportunity for others possibly to speak on it, in the case of this amendment, that if at the end of today there is no request for a rollcall vote, it then be deemed agreed to and reconsidered and the motion to reconsider laid on the table. That will permit an opportunity for anybody during the day to request a rollcall vote. It is an unusual situation, but I do want to provide an opportunity.

The PRESIDING OFFICER. The Senator is making an unusual request. Will the Senator restate it for the Chair's edification?

Mr. LEVIN. Let me restate it a different way.

The PRESIDING OFFICER. The Chair would like to ask the Senator if he wants to lay this amendment aside for disposal later in the day and for others who wish to debate it?

Mr. LEVIN. Mr. President, instead, when this amendment is adopted, as it may be in the next few moments, I will not then move to reconsider and lay on the table in the event there is opposition. I would leave that path open to those who might oppose. So I yield the floor.

The PRESIDING OFFICER. Is the Senator making a unanimous-consent request?

Mr. LEVIN. I withdraw my unanimous-consent request.

The PRESIDING OFFICER. The Senator from Michigan yields the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

THE ANTIDEFICIENCY ACT

Mr. GRASSLEY. Mr. President, while Senator GLENN and the Senator from Michigan, who is managing the bill, are on the floor, I have a statement I want to make on an amendment that I was going to put in, but because there has been some other understandings on this worked out, I would like to go to the discussion of this amendment at this point so that Senator GLENN can participate.

Mr. President, over the past few months, I have spoken a number of times about the violation of the Antideficiency Act, particularly as related to the advanced cruise missile. I want to focus on ways to make this law work. It is a very good law.

The Antideficiency Act is a very important control mechanism governing the use of public money. It was enacted in 1870, over 100 years ago. It is broad and general and constitutes one of the few controls that has teeth. A violation carries criminal penalties.

Sadly, recent audit reports emanating from the General Accounting Office and the Office of Department of Defense Inspector General suggests this law is being violated with disgraceful regularity. Nobody seems to care and nothing is being done about it. When the Antideficiency Act is violated, it means legal spending limits set by Congress have been exceeded. That means the agency involved is conducting unauthorized business.

Controlling the purse strings is one of Congress' most sacred constitutional responsibilities. The public's money must never be taken from the U.S. Treasury and spent without proper authorization from Congress. Access to the Treasury must be carefully guarded by Congress. Without enforcement of the Antideficiency Act, however, there will be no discipline and integrity in the management of the public's money.

As I said a moment ago, the Antideficiency Act does have teeth. A violation of the act brings severe penalties. Under sections 1349 and 1350, a violation could bring a jail sentence, a fine or suspension from duty without pay, and even removal from office. But it also requires that violations be promptly reported to the President and the Congress.

The reporting requirements are spelled out in section 1351. That section specifies that a violation must be reported immediately to the President and the Congress along with all relevant facts and a statement of action taken. Unfortunately, the law and its legislative history are silent on the question of who is responsible for conducting investigations and reporting results to the Congress and the President. As a result, rules and procedures for investigating violations of the Antideficiency Act are prescribed in departmental regulations.

At the Pentagon, procedures for investigating Antideficiency Act violations are laid down in DOD Directive 7200.1. This directive gives the military services responsibility for investigating, fixing blame, and reporting violations of the Antideficiency Act. This directive is not, however, working very well. It takes the military services forever to bring these cases to a decisive and meaningful conclusion.

As the Deputy DOD IG Derek Vander Schaaf has testified: "By the time these cases are resolved, the people involved have either retired or died." And the punishment at that point being meted out is meaningless.

So existing procedures are not working very well, Mr. President. The military services have repeatedly demonstrated an unwillingness to effectively perform the task. The C–17 and the advanced cruise missile programs are perfect examples of how the services handle Antideficiency Act violations. The DOD IG carefully verified and documented Antideficiency Act violations by both programs.

The IG's charges rest on solid ground. The facts are very clear. The law was plainly violated.

Senior Air Force officials knew about the violations but failed to report them and may have tried to conceal them. The Air Force then attempted to debunk the IG's work, and that did not work either. So the Air Force launched a reinvestigation of the IG investigation. The C-17 and the ACM reinvestigations are now ongoing.

I am not holding my breath, Mr. President. I have no confidence in the outcome. The process has no credibility.

The IG underscored this problem in testimony before Senator GLENN's committee on July 1, 1993:

> I have considerable doubts about the practicality of the DOD directive 7200.1 when senior officials and high profile programs are involved.

Mr. President, the military services simply cannot investigate themselves. A more independent organization within the department should be given responsibility for investigating and reporting violations of the Antideficiency Act. The DOD IG, of course, is the logical candidate for this job.

I have amendments that would give the Department of Defense IG authority, first, to investigate and report Antideficiency Act violations; second, to fix responsibility; and, third, to recommend disciplinary action when appropriate.

My amendments would not force the DOD IG to investigate every single potential violation of law. The IG would have discretionary authority to pick and choose which cases to examine. Hopefully, the IG would investigate only the most flagrant cases.

But, Mr. President, my amendments, hopefully, are unnecessary. I am somewhat confused about the need for new legislation, and so I asked the chairman of the committee to look at this. The manager of the bill, the Senator from Michigan, is with us.

On the one hand, I see the Department of Defense IG telling us that the procedures set forth in DOD directive 7200.1 are ineffective. On the other hand, a careful review of the Inspector General Act of 1978 suggested the DOD IG already has ample authority to conduct those investigations. The only restrictions on the DOD IG's investigative authority pertain to matters involving sensitive intelligence programs and operational plans.

In those areas, the Secretary of Defense may prohibit IG probes but must provide an explanation to Congress when exercising that authority. Otherwise, the DOD IG has essentially unlimited investigative powers.

Under the Inspector General Act, the DOD IG has authority to conduct investigations and audits as needed. The IG has authority in the law to gain access to all documents and records. The IG has authority in the law to issue subpoenas. The IG has authority in the law to take affidavits under oath. The IG has authority in the law to recommend corrective actions concerning abuse, deficiencies and violations of the law. The IG is required by the law to report the violations of Federal criminal law to the Attorney General.

If, for example, the DOD IG found that the Antideficiency Act had been knowingly and willfully violated, or if senior officials attempted to conceal it, that would be a violation of the Federal criminal law and would have to be referred to the Attorney General.

That seems to cover it, Mr. President. What additional investigative authority might the DOD IG need?

I would like to ask the manager of the bill, the Senator from Michigan [Mr. LEVIN], four questions about the DOD IG's authority to investigate violations of the Antideficiency Act.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Michigan.

Mr. LEVIN. Mr. President, I know we will be happy to answer the questions which have been raised by the Senator from Iowa, who has spent a lot of time and energy on problems of fraud and waste in Government procurement. Senator GLENN, I think, is in the position where he can answer the specific questions which the Senator from Iowa wishes to raise.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I think the Senator from Iowa has raised an important question. I am glad to participate in this colloquy with him.

My committee has heard testimony on the issue recently and there is considerable doubt about the effectiveness of current DOD regulations for reporting and investigating violations of the Antideficiency Act.

Mr. GRASSLEY. Mr. President, does the Department of Defense IG have authority in law to investigate such violations? I ask the Senator from Michigan if he would respond to that.

Mr. LEVIN. Mr. President, the inspector general does have ample authority to conduct investigations into violations of the Antideficiency Act.

Mr. GLENN. Mr. President, I agree with that statement.

Mr. GRASSLEY. Mr. President, a further question. Does the Department of Defense IG have authority in law to fix responsibility and recommend corrective action including disciplinary action when appropriate in such cases?

Mr. GLENN. Mr. President, the inspector general has ample authority to assess responsibility and to recommend corrective action, including disciplinary action in appropriate cases. As a practical matter, when misconduct is involved, the IG normally develops findings and conclusions and leaves the development of appropriate recommendations for disciplinary action to supervisory personnel. The inspector general, however, has the authority to recommend processing for disciplinary action in specific cases.

Mr. LEVIN. Mr. President, I agree with the statement of Senator GLENN.

Mr. GRASSLEY. Mr. President, does the Department of Defense IG have authority in law to report such violations as required by section 1351 of title 31 of the United States Code?

Mr. GLENN. Mr. President, the inspector general has the authority and the responsibility to report violations of law, including violations of the Antideficiency Act, to senior Department of Defense officials, to Congress, and to the Department of Justice for criminal prosecution where appropriate.

Mr. LEVIN. I agree, Mr. President.

Mr. GRASSLEY. Mr. President, could any aspect of the Department of Defense Directive 7200.1 be construed as preventing the Department of Defense IG from investigating and reporting violations of the Antideficiency Act?

Mr. GLENN. Mr. President, DOD directive 7200.1 could not prevent the Department of Defense Inspector General from investigating and reporting violations of the Antideficiency Act. Indeed, any regulation which purported to create such limitations would be contrary to the broad statutory authority mandate of all inspectors general as set out in the Inspector General Act.

Mr. LEVIN. And I agree, Mr. President.

Mr. GRASSLEY. Mr. President, I would like to ask the chairmen of the appropriate committees of jurisdiction, in this case Senator LEVIN for the Committee on Armed Services, if they think it would be appropriate to communicate the substance of our dialog to the Department in order to clarify what I consider a very confusing situation.

Mr. LEVIN. Mr. President, it is appropriate to transmit this colloquy to the Secretary of Defense, and I shall see to it that it is done.

Mr. GLENN. I agree with Senator LEVIN, representing the chairman of the Armed Services Committee.

Mr. GRASSLEY. Mr. President, could I say that I do appreciate that there is a consensus. My amendments, which I thought I would have to offer, are now unnecessary, so I will not offer them. I particularly thank the chairmen of the two committees of jurisdiction for their thoughtful responses to my questions.

Before yielding the floor, a unanimous consent.

Senator SIMON, who is now presiding, had asked me to put him down as a cosponsor on my amendment on DBOF.

So I ask unanimous consent to add Senator SIMON as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I yield the floor.

Mr. LEVIN. Mr. President, my amendment is pending but I understand that there may be a Senator on his way over to speak on it. So I ask unanimous consent that we temporarily lay it aside and take up a number of amendments that have been agreed upon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 843

(Purpose: To amend title 38, United States Code, to provide that the effective date of any changes in benefits under the Servicemen's Group Life Insurance Program shall be based on the international dateline)

Mr. SMITH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 843.

Mr. SMITH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert:

SECTION 1. EFFECTIVE DATE FOR CHANGES IN SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) USE OF INTERNATIONAL DATE LINE.—Section 1967 of title 38, United States Code, is amended by adding at the end the following new section:

"(f) The effective date and time for any change in benefits under the Servicemen's Group Life Insurance Program shall be based on the on the date and time according to the time zone immediately west of the International Date Line."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to amendments to chapter 19 of title 38, United States Code, that take effect after November 29, 1992.

Mr. SMITH. Mr. President, the amendment that I am offering would provide that the effective date of any changes under the Servicemen's Group Life Insurance Program be based on the international dateline.

As my colleagues will recall, last year Congress increased the maximum SGLI coverage available from $100,000 to $200,000. Congress established a requirement for the participants in the program to voluntarily elect this increased coverage with an effective date of December 1, 1992.

The Uniform Time Act of 1966 mandates the use of local time within specified time zones for benefit changes to the SGLI Program. However, this causes a fundamental inconsistency, since any change to the SGLI Program occurs at 24 distinct and separate times throughout the world, beginning at the international dateline and ending in the Pacific region. For instance, if a fatal accident occurred in a more westerly time zone before the effective local time, those members would not be covered in the event of an accident, even though the survivors of members who died at another duty station at the same moment somewhere else in the world could benefit from the increase. So we have 24 different time zones that we are dealing with, and depending on where the accident took place one person could be covered and another one not covered.

Unfortunately, this nightmare actually happened. November 30, 1992, when two fatal accidents occurred in the United States. On that day two C–141's from McChord Air Force Base, WA, collided during training operations resulting in 13 fatalities; and a B–1 bomber from Dyess Air Force Base, TX, crashed on a low-level training flight resulting in 4 deaths.

A total of 9 Air Force crewmembers and one Army member who also died that day had signed papers to increase their SGLI coverage from $100,000 to $200,000 effective December 1. However, since the claims were ajudicated based on local time, which ironically was just a few minutes before midnight at the accident scenes, these members were not covered under the SGLI increase.

The result is a very tragic inequity for the survivors of those deceased militarily personnel.

There is no question that the servicemembers intended for their families to benefit from the increased SGLI coverage, and according to Greenwich mean time which is the standard time determinant in every military cockpit throughout the world it was December 1, 1992. Yet because these accident claims were ajudicated based on local time, the claims were denied.

The amendment that I am offering would correct this problem by making the international dateline the time determinant for benefit changes to the SGLI program. Since it would institute this change as of November 30, 1992, the legislation would allow the survivors of the 10 deceased service members to benefit from the law raising the SGLI coverage to $200,000.

According to the Congressional Budget Office, the amendment would result in a one-time cost only of $1 million in fiscal 1994. This $1 million would be funded from the existing SGLI contingency fund. And it would resolve a tragic inequity that continues to haunt the loved ones of 10 gallant servicemen who lost their lives in the line of duty in the United States of America.

I would emphasize that there is strong support for this amendment, Mr. President. The Secretary of Veterans Affairs supports the legislation, and has so indicated by letter. The Assistant Secretary of Defense for Personnel and Readiness supports the legislation. The Air Force supports the legislation. And the House of Representatives has already unanimously passed this legislation.

In the interest of fairness and the last wishes of 10 deceased American personnel I urge my colleagues at this time to support this amendment. It is my understanding that there is no opposition on the other side on this. Assuming that to be the case, Mr. President, I urge adoption of the amendment.

Mr. LEVIN. Mr. President, let me congratulate Senator SMITH for his efforts in this behalf. He has been tireless in trying to correct and adjust what has occurred here. He in the committee pursued this. He continues to do so on the floor. He has done so in a way which we believe is sound and we support the amendment.

Mr. BURNS. Mr. President, I rise today to express my support of this amendment. As you know, 13 Air Force personnel were killed in a plane crash over Harlem, MT, on November 30, 1992, when two Air Force C–141B tanker jets collided. Nine of the flyers had signed up for a supplementary $100,000 life insurance policy, but because the crash occurred at 9:30 p.m. mountain time, on November 30—and the law did not go into effect until December 1, 1992—the additional benefits were not paid.

However, it was 12:30 a.m. eastern standard time on December 1, 1992, when the crash occurred. I think we need to set a standard guideline so this kind of problem will not occur again. And I also feel that the families of these pilots should have the insurance benefit that they were intended to receive.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment (No. 843) is agreed to.

AMENDMENT NO. 844

Mr. SMITH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 844.

Mr. SMITH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SECTION 1. AWARD OF THE NAVY EXPEDITIONARY MEDAL

It is the sense of the Senate that the Secretary of the Navy should direct that members who served in Task Force 16, culminating in the air-raid commonly known as the "Doolittle raid on Tokyo", during April 1942, be awarded the Navy Expeditionary Medal for such service.

Mr. SMITH. Mr. President, this amendment is also agreed to.

Mr. President, America was built on heroism and noble sacrifice. Those virtues were on display when Lt. Col. James "Jimmy" Doolittle and his raiders lifted off from the aircraft carrier *Hornet* on April 18, 1942. Some 625 miles from Japan, 16 B-25's left the tossing deck, barely skimmed the waves, and veered toward Tokyo. Not knowing if they would ever make it back, they landed in history.

In high winds and strong seas, 13 bombers struck Tokyo without serious opposition while, for psychological reasons, the three others were sent to Nogoya, Osaka, and Kobe. Although none of the planes was downed over Japan, the challenge of reaching safety was daunting. In the end, 71 of the 80 pilots and crewman survived the attack. For his role in the raid, Doolittle was promoted to brigadier general and awarded the Medal of Honor.

The Doolittle raid ranks as one of the most brilliantly executed operations in the history of air warfare. Indeed, the news of the raid over Tokyo helped to revive the morale of a nation still benumbed by the Japanese air attack on Pearl Harbor and a winter of successive Japanese victories. The attack so unnerved the Japanese high command that it committed Japan's naval fleet in relentless pursuit of retaliation, culminating in the Battle of Midway. It was the Japanese defeat there that proved to be the turning point of the Pacific war. The rising sun had begun to set.

Often overlooked, yet critical to Doolittle's success was another collection of American heroes. I am speaking of the men from Task Force 16 who escorted the B-25's and launched the fateful attack. Task Force 16 included the aircraft carriers *Hornet* and *Enterprise*, the cruisers *Vincennes*, *Northampton*, *Nashville*, and *Salt Lake City*, the destroyers *Gwin*, *Balch*, *Grayson*, *Benham*, *Monsson*, *Eilet*, *Meredith*, and *Fanning*, and the oilers *Cimarron* and *Sabine*.

These surface combatants ensured safe transport to an appropriate staging location and, with their mission completed, reversed course and headed for the safety of open waters. Predictably, the Japanese launched an armada of ships and planes in pursuit, but the American surface forces were able to escape unharmed.

Mr. President, we as Americans cherish the legacy of our ancestors, and their heroic service in defense of freedom. Without question, the members of Task Force 16 answered the call of duty and earned the respect and admiration of a grateful nation. It is my belief that we have a duty to pay appropriate homage to these men.

Throughout the preparation for, and execution of, this unprecedented mission, members of Task Force 16 were told that they would be awarded the Navy Expeditionary Medal for their service. However, sadly, and in my opinion, unfairly, this commitment was never honored.

The amendment I have offered would seek to correct this injustice by expressing the sense of the Senate that members of Task Force 16 who participated in the mission culminating in the Doolittle raid during April 1942, be awarded the Navy Expeditionary Medal. Congress overwhelmingly supported this proposal in last year's Defense authorization bill, however, the Navy has not acted on the issue. My amendment would follow through on last year's congressional endorsement and once again urge the Navy to award the medal without regard to time limitations on the consideration of such awards. This recognition is richly deserved and long overdue. Should the Navy fail to act on this recommendation, I will reserve the option to undertake appropriate action to ensure that the will of Congress is honored. I urge my colleagues to support the amendment.

I would add for the benefit of my colleagues that I have researched this matter as best as I can, and I believe my amendment would recognize those who have not been recognized previously.

At this time, I would also like to commend Mr. Bud Whited of Grantham, NH. Bud served aboard the U.S.S. *Hornet* during 1942 and has been a tireless advocate for veterans of Task Force 16. Bud has written a gripping recount of the Doolittle raid which appeared recently in the Fleet Reserve Association's Naval Affairs magazine. For the benefit of my colleagues, I would ask unanimous consent that a copy of this article, entitled "The Forgotten Navy Expedition of World War II" be included in the RECORD.

I urge my colleagues to review this excellent article and to lend their support to the pending amendment.

I thank the Chair, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FORGOTTEN NAVY EXPEDITION OF WORLD WAR II

(By Shipmate Bert Whited, Granite State Branch 338)

After the 7 December 1941 Japanese attack on Pearl Harbor, American land and sea forces suffered major set-backs throughout the Pacific. As losses mounted, the American public's morale was at a very low tide. Secretly, President Roosevelt authorized an extremely dangerous and sacrificial mission to retaliate against the Japanese. This Expeditionary Mission was to bomb major industrial targets in Tokyo and in other large Japanese cities. An action of this kind was most desirable at that time due to the psychological impact it would have on the American public, our allies and the enemy.

To accomplish this heroic feat, the aircraft carrier USS HORNET (CV-8) on 2 February 1942, experimented in successfully launching two Army Air Force B-25 bombers from its flight deck in the Atlantic off Norfolk, Virginia. In late February 1942, she sailed for the Panama Canal to join the Pacific Fleet. After a short stop at San Diego, California, she proceeded to the Alameda Naval Air Station in San Francisco Bay. On 1 April 1942, 16 Army B-25 bombers were towed to the dock alongside the HORNET and hoisted aboard. The crew assumed they were ferrying the bombers to Hawaii or some other South Pacific island.

On 2 April 1942 the HORNET sailed under sealed orders with its screen of Cruisers and Destroyers. We were all fully aware of the ship's vulnerability. The B-25's occupied more than half the flight deck preventing use of the elevators to get any of our planes up to the flightdeck. That afternoon Captain Marc A. Mitscher, over the loudspeaker system, revealed our destination—that we were going to span the Pacific Ocean, over 5000 miles, to take Lt. Col. Jimmy Doolittle's bombers and crews to within striking distance of Tokyo. The HORNET's job was to get the bombers to within 400 miles of Japan, then streak from there as fast as her four, peak-driven propellers, could take her. After the bull-horn squawked off, and a moment of stunned silence, wild rebel yells resounded throughout the ship. Thrilled signalmen sent the word from ship to ship in the escort, where echoing cheers rang out. The Task Force crews were told, that if our mission were successful, we would be awarded the Navy Expeditionary Force Medal for this morale building expedition.

On the morning of 13 April 1942, came a welcome sight. It was the USS ENTERPRISE (CV-6) and her screen of ships, sent to escort the HORNET on the last leg of her mad dash to Japan. The renewed presence of patrol planes overhead served to abate some of our tension. The combined Navy Task Groups 16.1 and 16.2 were forged into Task Force 16 and was comprised of the following ships.

TASK FORCE 16

Task group 16.1	Task group 16.2
Carriers U.S.S. Enterprise	U.S.S. Hornet.
Cruisers:	
U.S.S. Vincennes	U.S.S. Northampton.
U.S.S. Nashville	U.S.S. Salt Lake City.
Destroyers:	
U.S.S. Gwin	U.S.S. Balch.
U.S.S. Grayson	U.S.S. Benham.
U.S.S. Monsson	U.S.S. Eilet.
U.S.S. Meredith	U.S.S. Fanning.
U.S.S. Cimarron	U.S.S. Sabine Oilers.

The submarines USS Thresher and USS Trout were operating off the Japanese coast, watching for enemy fleet movements and to report weather conditions. On April 17, the fleet crossed the 180th Meridian, in a latitude considerably higher than Tokyo and following the same route the Japanese took to bomb Pearl Harbor. At 2 pm that day we heard "Tokyo Rose" speaking from the Japanese Radio Station JOAK. She was telling her listeners why it was impossible that Tokyo would ever be bombed.

It was an ever present fear throughout the dash west—that we would be sighted by an enemy ship or patrol plane that would radio in an alarm, warning the Japanese of our coming. At 2:10 am on the 18th, we picked up two blips on radar showing enemy ships dead ahead. The force altered course to avoid them, and at dawn reconnaissance planes were launched from the ENTERPRISE. At 5 am the ENTERPRISE pilots reported a picket boat 42 miles ahead, and an hour later a third vessel was sighted visually from the HORNET. Within ten minutes, cruisers and dive bombers were blasting them from the water, but there could be no assurance that they had not successfully sounded a warning. We were still 550 nautical miles from our intended launching spot, 150 miles further away than desired. It was originally planned to fly the planes off in the afternoon of the 19th which would permit the pilots to bomb at night, after which they would seek out forewarned but unfamiliar landing sites in Free China in the daylight the next morning. As many months of planning had been put into this mission, it could not be abandoned this close to success.

Lt. Col. Jimmy Doolittle conferred with Admiral Bull Halsey and they decided to launch the aircraft as soon as possible. Gasoline tanks were topped off and extra fuel in five gallon cans were stowed aboard each plane, as every ounce of fuel was needed to help the fliers reach their destination.

At 7 am came the call, "Army Pilots man your planes," and the twin-engine, fully loaded bombers, cranked up their engines with an ear-splitting roar. The spread of the bombers' wings left only four feet of clearance between the right wing tip of the bombers and the carrier island structure. The slightest veering from a white line painted down the flight deck would end in disaster. The wind and seas were so strong that sea water was breaking over the HORNETS flight deck. Doolittle, in the first plane to be launched, charged off the deck at 8:24 am on his way to Tokyo. The Flight Deck Launching Officer had to time each takeoff to coincide with the rise and fall of the bow to give the planes as much of a boost as possible as it left the flightdeck. All planes were airborne by 0920 and the operation was marred by only two unfortunate mishaps—a sailor in the flight deck handling crew lost his arm when struck by a propeller, and a B-25 smashed a plexiglass nose cone when it rammed the tail of the bomber ahead of it.

Tokyo had been alerted for a large air raid with Japanese planes conducting a mock air raid. The real raid by the American planes followed so closely that the Japanese public never knew of our attack until it was over. No air raid sirens sounded for at least 15 to 20 minutes after the Doolittle Raiders were over the cities. The actual damage inflicted by our bombers was not great by later bombing standards, but the Japanese officials had a difficult time explaining how such an attack could happen and they suffered considerable "loss of face." The news of the attack on Tokyo gave a great boost to American and allied morale.

None of our bombers were lost over Japan; one landed in Russia; fifteen others in China. Seventy-one of the 80 pilots and crewmen, including Doolittle, survived the raid. One crewman was killed when he bailed out; two were killed in crash landings; five were interned in Russia; eight were captured by the Japanese and the rest managed to reach Free China and safety. Of the eight that were captured, three were executed; one died; and four were freed at war's end.

Our part in this spectacular raid discharged, the carriers HORNET and ENTERPRISE with their task force ships reversed course and made tracks for safer waters. Admiral Halsey made good our retreat without molestation, even though the Japanese launched both planes and ships in pursuit. Within three hours, the combat air patrols from both carriers attacked 16 enemy surface ships sinking several of them, one surrendering to the Light Cruiser USS NASHVILLE and its crew taken prisoner.

During this extremely dangerous undertaking, the crews of the Joint Task Force Ships knew that to successfully complete this mission, they would if necessary, be sacrificed. Again the crews of the ships in Task Force 16 were told they would be awarded the NAVY EXPEDITIONARY FORCE MEDAL for this heroic endeavor, and to this day this medal has not been authorized.

The HORNET was only one year and six days when she was lost, but she took her toll of enemy ships during her short life span, earning four Battle Stars. After returning from the Doolittle mission, she sailed to join the Battle of Coral Sea, but did not arrive in time for action. She did participate in the Battle of Midway, losing her entire Torpedo Squadron Eight, VT-8. She was with the USS WASP (CV-7) in the Solomon Islands in the South Pacific when the WASP was sunk. By October 1942, the ENTERPRISE (bomb damaged in early August), the USS SARATOGA (CV-3) (torpedo damaged on August 31st) were back for repairs. The HORNET was for a short time, the only serviceable aircraft carrier in the Pacific Fleet, carrying out bombing raids on Japanese installations in the South Pacific Islands. By 15 October 1942, in ten months of flight deck operations, the HORNET had registered 6,619 landings.

On 18 October 1942, TASK FORCE 17 (USS HORNET CV-8) was once again joined by TASK FORCE 16 (USS ENTERPRISE CV-6), together to make up TASK FORCE 61. On 24 October this combined group moved east of the Santa Cruz Islands to intercept the Japanese Combined Fleet steaming south to reinforce their land forces on Guadalcanal. Task Force 16, under Rear Admiral Kincaid, was comprised of the aircraft carrier ENTERPRISE, one battleship, two cruisers and eight destroyers. Task Force 17 under Rear Admiral Murray, was comprised of the aircraft carrier HORNET, four cruisers and six destroyers. Squadrons of this combined TASK FORCE 61 engaged the enemy in one of the most critical battles of the war.

Because of the HORNET's involvement in the Doolittle Raids, she became the focal point of all the fury of the attacking Japanese aircraft. At 0910 enemy VAL dive bombers and KATE torpedo planes attacked the HORNET through a curtain of F4F's and anti-aircraft fire. The HORNET took the first bomb hit on the starboard side of the flight deck aft and suffered two near misses off the starboard bow. At 0913 the Japanese squadron commander, his VAL damaged by a shell burst, crashed his plane into the HORNET, slicing off the signal bridge, glancing off the stack and on through the flight deck. He was carrying one 500 pound and two 100 pound bombs. The first 100 pounder detonated on impact with the stack and signal bridge, killing most of the signalmen; the other went off as it passed through a ready room below the flight deck, while the 500 pounder was a dud and was secured to the bulkhead to keep it from rolling around and possibly going off.

Next, two torpedoes exploded in the engineering spaces, knocking out our boilers and rupturing our rudder at an angle, making is more difficult to be towed. Three more 500 pound bombs struck, one detonated on impact with the flight deck, killing most the Marine detachment manning a 1.1 gun mount aft of the island superstructure and most of the sailors manning the twenty mm anti-aircraft gun spaced on the catwalk around the flight deck. The other two penetrated to the fourth deck before exploding and knocking out our generator rooms, causing us to lose all electrical power. This disabled our fire water pumps so we could not effectively fight fires. A Kate made a suicide run at 0917 into the port forward gun gallery coming to rest in the forward elevator pit.

Only after the HORNET became disabled did the Japanese turn to attack the rest of our Task Force ship's. The HORNET, during the many attacks by enemy carrier and land based aircraft, hit by several bombs, torpedoes, and crashing Japanese Kamikaze aircraft lay dead in the water. Herculean efforts were made aboard the HORNET to save her. After hours of exhausting fire fighting, with bucket brigades and fire houses passed from destroyers alongside, the fires and flooding were brought under control. All efforts were made to get three of her boilers on line and the rudder free. The Heavy Cruiser NORTHAMPTON made three attempts to take her in-tow, but additional Japanese raids frustrated these efforts. Over 800 excess squadron personnel and 75 wounded were transferred to destroyers. At 1520 another six Japanese KATES appeared and at 1523 the HORNET took another torpedo on her starboard side.

At 1625 Rear Admiral Charles F. Mason gave the order to "Abandon Ship". As the commanding officer he was the last one to leave the stricken ship. The Destroyer USS MUSTIN (DD-413) became the guardian angel of the HORNET by having some of her crew courageously man a Motor Whale Boat in open seas picking up over 337 HORNET survivors. Admiral Mason and Commander Lockhart were picked up by this Motor Whale Boat and delivered to the MUSTIN. The Destroyer USS ANDERSON (DD-411) and other ships in the Task Force rescued the remainder of the HORNET's men. The final count revealed 111 HORNET men killed and 108 wounded. The MUSTIN and the ANDERSON had the grim duty of destroying the crippled, heavily damaged and abandoned HORNET. Nine more torpedoes hits and nearly 300 rounds of 5-inch shells failed to sink her. By 2040 the HORNET was ablaze throughout her whole length and the two destroyers headed south. At 2120 two Japanese destroyers, Makigumo and Akigumo, closed in on the HORNET and fired four big 24-inch torpedoes into her. At 0130 on 27 October the HORNET finally sank in 2700 fathoms of water off the Santa Cruz Islands. She was the last large U.S. carrier to be lost in World War II.

On 25 October 1992 (because of the International Dateline) it will be the 50th Anniversary of the Battle of Santa Cruz and the loss of the HORNET, and the 11th Joint Reunion of the MUSTIN/HORNET. This reunion is being held at the Merrimack Inn in Merrimack, New Hampshire, where all the crew members of the two Task Forces have been invited to assemble. This would be the appropriate time for our Country, the President, the members of Congress, and the responsible Military Departments to issue the long overdue "Navy Expeditionary Force Medal" to the crews and ships of the Task Force 16.

There are not too many of us left (most over seventy years of age), and we feel it would not be too big a burden for the government to correct this oversight and issue us our medal. We have been assured by many Senators and Representatives that we are deserving of this award and are willing to support us in our efforts.

Mr. SMITH. At this time, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. Mr. President, we support the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment (No. 844) is agreed to.

AMENDMENT NO. 845

Mr. SMITH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 845.

Mr. SMITH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . REPORT ON MILITARY FOOD DISTRIBUTION PRACTICES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Defense Personnel Support Center, a component of the Defense Logistics Agency (DLA), purchases more than 90 percent of the food supplied to military "end-users" such as dining halls, hospitals and other facilities that feed troops.

(2) Semiperishable items, such as canned goods, are stored in four DLA depots. Perishable items, including fresh and frozen vegetables, fruits, and meats, are stored in 21 contractor-operated Defense Subsistence Offices.

(3) Private Sector end-users, including independent restaurants, hospitals, and hotels, obtain their food through direct delivery from distributors.

(4) A Department of Defense comprehensive inventory reduction plan, issued in May 1990, stated that "where DoD requirements can be met through commercial distribution systems in a timely and cost-effective fashion, no value is added by pushing items through the DoD warehousing systems."

(5) A June 1993 GAO Report determined that the Department of Defense could achieve substantial cost savings by expanding the use of private sector food distributors and practices in the military food supply system.

(b) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review which evaluates the feasibility and economic benefits resulting from the expanded use of full-line distributors to deliver food directly to military end-users. The review should address whether the expended use of distributors could reduce depot storage of food (except for war reserve stocks and items bound for overseas), and eliminate the requirement for Defense Subsistence Offices and certain base warehouse activities. The review should include a cost comparison of the Department of Defense supply system with the costs of commercial distributors. The review should also consider what obstacles may exist that would hinder the Department of Defense's ability to procure commercial items and institute commercial logistics practices.

(c) REPORT.—Not later than March 1, 1994, the Secretary shall submit to the congressional defense committees a report on his findings from the review together with any recommendations.

Mr. SMITH. Mr. President, it is my understanding also that this amendment has been cleared on both sides. Assuming that to be the case, I now urge adoption of the amendment.

Mr. LEVIN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, without objection, the amendment (No. 845) is agreed to.

AMENDMENT NO. 842

Mr. PELL. Mr. President, I understand that Senator LEVIN's amendment concerning jurisdiction of the Serbian matter is being put to one side. I ask unanimous consent to speak on it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. My view, Mr. President, is that this is basically an amendment that falls within the jurisdiction of the Foreign Relations Committee, not of the Armed Services Committee. I believe the State Department authorization bill which will be coming up shortly before us might be a more suitable vehicle on which to attach this amendment. I would hope that the Senator from Michigan would concur in that, because otherwise, it would necessitate a vote.

Mr. LEVIN. Mr. President, this is an important amendment. It is long overdue. We have had other amendments on this bill which relate to foreign policy, such as an amendment on the United States-Israeli relationship. We have a unanimous-consent agreement that this amendment, which I have introduced on behalf of Senator DOLE, Senator SIMON and myself, is in order. I think we should proceed with it, and I feel very strongly that the Congress should speak on the question of Serbian sanctions. I think it will add some strength to the American voice, and we need all the strength we have, as far as I am concerned, for reasons I have given before.

I wish to proceed with the amendment and, of course, if the Senator from Rhode Island wishes a rollcall, that is within his rights. But it is important that the Congress act to impose sanctions in law that only the Congress can repeal, unless waived by the President. It will add a very important, new voice that Serbia is going to have to consider if it continues to ignore world opinion in the carving up of Bosnia.

The PRESIDING OFFICER. Is there further debate?

Mr. PELL. Mr. President, I ask for a rollcall vote, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEVIN. I ask unanimous consent that the vote on or in relation to the amendment that I am offering relative to Serbian sanctions occur without any intervening action or debate upon the disposition of Senator GRASSLEY's amendment, and that no second-degree amendment or amendments to language that may be stricken be in order prior to the disposition of my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I ask unanimous consent that I might proceed for 8 minutes as in morning business with a tribute to Senator MALCOLM WALLOP.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR MALCOLM WALLOP

Mr. SIMPSON. Mr. President, on Thursday night in Sheridan, WY, my home State, my long-time friend and senior colleague, Senator MALCOLM WALLOP, announced his decision not to seek reelection when his present term expires. I regret that I was necessarily absent on Friday due to a longstanding commitment I had in Wyoming and was unable to comment here on his decision. Neither was it possible on Thursday evening, when what my friend MALCOLM WALLOP had decided to do had not yet become public. He had called me earlier that evening and told me about his decision, and I certainly was saddened by that prospect.

So this is my first opportunity to pay tribute to my friend in this Chamber. He is a man of great and deep passion. Those of us who know him can attest to his passion. He also possesses a clear and steady vision, and he will be sorely missed by me, his Senate colleagues, and by so many Wyomingites.

I believe the occupant of the chair will recall the first time that he met Senator WALLOP and me was at a function in Florida where we were being honored as outstanding legislators. MALCOLM WALLOP and I were there, as was my friend, Senator SIMON of Illinois.

The Wallop and Simpson families have known each other for nearly 100 years in Wyoming. Our great grandfathers and grandfathers knew each other. The history of the Wallop family in Wyoming, is unique. They came there and raised horses for the Boer war. Those horses were raised on the lush grasslands of Wyoming and taken to Duluth, then up to the Great Lakes, and then around a rather circuitous route to South Africa. Their family also became involved in lumber and ranching. Our families have known each other for a long time—for three generations.

He received his early education in Big Horn, WY. He received his college degree at Yale. Then from 1955 to 1957, he went into the artillery, and I went into the infantry about the same time. Then, together, we served in the Wyoming legislature. I was elected to the Wyoming House in 1964. MALCOLM was elected there in 1968. We have served together—as fellow legislators—now for nearly 25 years.

Ours is a friendship that is not easily forgotten or dismissed. He is a lovely friend of powerful intellect and persuasion and a powerfully passionate man about the things he deeply believes in. Our disagreements were few, but when we had them, we simply met them head on, and then would visit together or go off to dinner together. I might add it is always better to go to dinner with MALCOLM when he is doing the preparing, because he is a remarkable gourmet cook. These are some of my many thoughts as I reflect on his announcement.

This is a man whom I have observed and admired for years. I have watched him in the Intelligence Committee and on the Energy and Natural Resources Committee. I watched him and Senator BENNETT JOHNSTON put together an energy bill when everybody else who had previously tried had failed for decades. They did that for us. For all of us.

He has a great deal of service left to be done here, and he has said, "I do not think the only place to fight for freedom is in the Halls of Congress." His career in the U.S. Senate has been stellar.

In his work on the Armed Services Committee and the Intelligence Committee, no one was a more articulate spokesman for peace through strength. He believed in pushing the Soviet Union "until they drop." That was his commitment, and he ultimately will be remembered in this Chamber as a fervent supporter of the Reagan-Bush defense policies. He made great legislative contributions to what will be the ultimate monument to all of those policies: the demise of communism.

He served on the Senate Finance Committee, and he is without peer in his opposition to tax increases. Further, he was the author of the Wallop-Breaux sport fishing restoration legislation, another great legislative milestone that none will forget.

The West has had no greater friend than MALCOLM WALLOP. There will be no one who will be able to represent the West as he has done. He understands the issues that so uniquely affect our region and, more importantly, as with anything which he has been involved, he had an incredible talent for articulating clearly, concisely, powerfully and earnestly the basis for his views.

His energy, spirit, and courage, which he proudly presented to the people of Wyoming day after day, and year after year, demonstrated his unfailing love for our State and its people.

Here is a man who never rode the fence, never ducked in politics. He has dealt honestly, carefully, consistently, and perceptively with issues large and small. His positive mark on Wyoming and Washington and his place in history are very sharply and clearly etched.

Throughout all the years which we have shared, MALCOLM WALLOP has demonstrated his special ability to guide our State into the future without sacrificing the qualities, the lifestyle, and the historical values that make Wyoming so very special. He is a very gutsy man. He "calls 'em as he sees 'em," never flinching, and always giving immeasurable value to the people he has desired to serve.

Ann and I join with the many thousands of people in our State and throughout the Nation in paying rich and sincere tribute to MALCOLM and his very bright, able, and steady wife, French, a very remarkable and capable businesswoman in her own right, and to their wonderful children, Malcolm, Matthew, Amy, Paul, and Scott, and that dear new grandchild.

I say to my old friend MALCOLM: Thanks. Just a sincere thanks, for never sitting it out, for just getting into the fray in the first instance. And thanks for giving up so much in order to serve so well. And thanks for my wonderful chance to ride along as your sidekick, and we have many a mile to go before you leave. It has been my great personal privilege. We both know that hanging up your spurs does not mean there are no other horses to ride in life, and other intriguing and satisfying trails to follow. Good luck—and a profound personal thanks to MALCOLM—my friend.

SENATOR MALCOLM WALLOP

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, it was a privilege to sit here and listen to my distinguished colleague and friend, from the first day I crossed the threshold of the Senate with him some 14 years ago, to speak on behalf of his partner from the great State of Wyoming and long-time friend, MALCOLM WALLOP. I would simply ask that I add a brief perspective.

I came to know the senior Senator from Wyoming best when he served on the Armed Services Committee. He had risen to a position of seniority and prominence on the Finance Committee. Yet, he felt a very special need to leave that committee and join the Armed Services Committee, in a comparatively speaking less senior position, to begin what I call a crusade on behalf of the complex issues relating to strategic defense.

No one on that committee in due course developed a greater depth of knowledge or a stronger feeling on behalf of the need for this country to remain strong in its ability to develop and modernize the whole realm of strategic weapons, weapons which by their very design and need are defensive—not offensive—defensive weapons, weapons which were instrumental in enabling this country to deter their use; weapons which were instrumental in bringing about literally the demise of the Soviet Union.

Here and there in the history of the causes leading to the demise of the Soviet Union is proper attribution to the strategic systems, and particularly SDI. The former Soviet Union recognized their inability technically, financially, and every other way to compete with the United States and other Western nations that had some modest contribution to that important program.

The final chapter is yet to be written. But in this Chamber, steadfast time and time again, stood the senior Senator from Wyoming, defending that program constantly from the right, from the left, and from all sides. He was able to guide that program in such a way that it became an integral part of the series of factors that led to the decision and the demise, to the breakup of the Soviet Union.

During the deliberation of the present legislation, I participated with the senior Senator from Wyoming, and our goal was to indicate that the Senate of the United States felt ever so strongly that as we begin to approach the next chapter of theater defensive systems, we should recognize that the ABM Treaty should not be an impediment, ABM which was signed in May of 1972 at a time when no one envisioned this whole new range of weapons and the proliferation of weapons that can be utilized in the theater operations where our troops are in advanced positions in theater operations with ballistic trajectory.

The senior Senator from Wyoming and I worked together, and through his leadership we were able to craft, with the assistance of the distinguished chairman of the Armed Services Committee and several others, a resolution to our amendment which in my judgment exceeded our original goals in terms of the purpose of the amendment to convey the sentiment of this Chamber to those in the administration that will be soon studying the relationship between the ABM Treaty and theater ballistic systems.

It is clear that at the time the ABM Treaty was drawn up in 1972, no one ever envisioned the proliferation of these systems today and, therefore, that treaty should not be an impediment in any way to unleashing the brains in this country and elsewhere to develop the best possible deterrent to those threatening systems.

In the judgment of this Senator, the strategic ballistic missiles are now in a fairly fixed position. They are the subject of a series of treaties. But the theater ballistic missiles are now proliferating and become, in my judgment, one of the most serious if not the most serious threat posed against our troops, our national security, particularly, when you can devise rather simply a variety of warheads to inflict damage of mass destruction should they ever be used.

We learned in the gulf war the simplicity of the Scud system. We learned in the gulf war the difficulty of tracking down the source of the Scud. We learned the difficulty of taking the Scud out. Further, nationally we had really our first generation of theater defense to do what we could to defend against that system.

So, Mr. President, I shall miss our colleague and I shall also do my very best working with other Senators to take his place, particularly as it relates to those issues on national security about which he felt so sincerely. I wish him well in his next challenge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

SENATOR MALCOLM WALLOP

Mr. LEVIN. Mr. President, before I send an amendment to the desk, let me just say that I share with the friends from Wyoming and Virginia their comments about Senator WALLOP. He has been on the Armed Services Committee. We have worked together. He was my ranking member for 2 years until he rejoined Finance last year. We worked together extremely well, always cordially. We disagreed on SDI and a number of other issues, but that never got in the way of the warm and open relationship. And I, too, shall miss the directness that he always brought to his job.

While we disagreed, again, probably as often as we agreed, that did not stand in the way of my admiration for the quality, the characteristic that he had of letting you know precisely where he stood and why. And his patriotism is second to none in this body. We, too, shall miss him personally as he returns to Wyoming.

SENATOR MALCOLM WALLOP

Mr. SMITH. Mr. President, there will be a time in the future where we will all have an opportunity to speak of our friend and colleague, Senator WALLOP. But, since I am here on the floor at this time, managing a bill that Senator WALLOP had so much to do with over the years, I thought it would be appropriate just to say I was saddened to hear that he was leaving but happy for his family, as I know he will be pursuing other goals. He is still going to be here for quite some time, obviously, until 1995.

He has been, certainly, a good friend and mentor for me in the few years I have been in the Senate and had the privilege to serve with him, especially in the steering committee and the Armed Services Committee.

I did not want to let this time pass without saying how much I appreciate his friendship and the great service he has given to this body and to the country—certainly to the men and women of Wyoming—and especially on behalf of the military and the Armed Forces of this country. He has fought so hard to see they had the proper funding and the right equipment. I think his leadership in the area of the SDI missile defense will be recorded very favorably by historians in the future.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 846

(Purpose: To require that the Secretary of Defense provide a justification for the recommendation of the closure or realignment of military installations previously considered for closure or realignment)

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senators RIEGLE and HEFLIN and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair is advised of a parliamentary situation. Senator HARKIN's amendment is pending and needs to be laid aside first.

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment of Senator HARKIN be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the Levin amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. RIEGLE, for himself, and Mr. HEFLIN, proposes an amendment numbered 846.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. 2816. JUSTIFICATION OF RECOMMENDATIONS FOR CLOSURE OR REALIGNMENT OF INSTALLATIONS PREVIOUSLY CONSIDERED FOR CLOSURE OR REALIGNMENT.

(a) REQUIREMENT.—(1)(A) The Secretary of Defense shall include with the recommendation of the Secretary for the closure or realignment under a base closure law of an installation referred to in subparagraph (B) the justification described in paragraph (2).

(B) An installation referred to in subparagraph (A) is any installation recommended by the Secretary of Defense for closure or realignment under a base closure law in a year before the date of the enactment of this Act and not recommended for closure or realignment by a base closure and realignment commission in its recommendations for closure and realignment in that year by reason of the failure of the Secretary's recommendation to meet the criteria or force structure plan, as the case may be, upon which the Secretary's recommendation was based.

(2) A justification referred to in paragraph (1) shall include—

(A) an explanation of—

(i) the manner, if any, in which the recommendation of the Secretary for the closure or realignment of an installation referred to in paragraph (1)(A) is the direct result of—

(I) an amendment to the criteria used by the Secretary in making the recommendation since the Secretary's previous recommendation; or

(II) changes in the force-structure plan (or other military requirements) since such previous recommendation; and

(B) the manner, if any, in which the making of such recommendation in accordance with such amendment or changes eliminates the failure referred to in paragraph (1)(B); or

(C) in the event that such recommendation is not the direct result of such amendment or changes, an explanation of the manner in which such recommendation addresses the failure referred to in paragraph (1)(B).

(b) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

Mr. LEVIN. Mr. President, the amendment of Senators RIEGLE and HEFLIN will require the specific explanation and justification for the closure or realignment of a base under the Defense Base Closure and Realignment Act of 1990, if such action had in the previous closure round been proposed by the Secretary of Defense and had been rejected by the Base Closure and Realignment Commission.

We think it is a good amendment. I personally believe strongly it is a good amendment.

I ask unanimous consent that I be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, during the 1991 and 1993 Base Closure and Realignment [BRAC] rounds, approximately 20 military facilities were recommended for closure or realignment by the Department of Defense [DOD] only to be removed from the list of closures or realignments by the Base Closure and Realignment Commission because they did not meet the criteria for closure or realignment or the military's force structure plan. Indeed, Fort McClellan, AL, was removed from the closure list more than once.

Repeated, unjustified closure announcements represent bad military policy, waste valuable resources, unnecessarily disturb employees, and seriously disrupt communities. DOD must not recommend facilities for closure or realignment which failed to meet the closure criteria or force structure plan without justifying how a new recommendation will address that failure. For this reason, I am offering an amendment to mandate that the Secretary of Defense explain how when a second recommendation for closure is made, the new recommendation addresses this failure.

Military agencies must be able to engage in long-term planning. To do so, they must have some degree of stability. Consecutive closure recommendations upset facilities' long-term plans—leaving them unsure about whether they will be in operation in the near or distant future.

Repeated consideration of a base also wastes valuable Federal and local resources. Much time and money are expended by DOD, the General Accounting Office, and the Commission to analyze and review bases on the list. Likewise, many communities expend a great deal of their limited resources in an effort to retain the jobs created by the bases. Localities can ill afford to waste valuable moneys reconvincing the Base Closure Commission of what they had already proven once before.

Communities where these facilities are located are disrupted for prolonged periods—many for up to 6 years—when DOD repeatedly recommends the closure of local facilities previously removed from the list by the commission. Having been spared in the earlier BRAC round because they did not meet closure criteria—only to be targeted again—communities reasonably infer that DOD is attempting to close a local base for reasons other than force structure optimization.

Employees at bases recommended for closure also experience great uncertainty. They feel singled out for adversity and are unable to plan for the future. It is unfair to put them through the emotional wrecking-ball which the base closure process can represent.

I strongly believe that America must reduce its defense budget and I generally support the base closure process. However, we must take the impact of these actions on communities into consideration. We must not permit the Department of Defense to relist bases for closure after those bases had already been removed from the closure list unless the Secretary explains how the new recommendation addresses the failure of the previous recommendation. I therefore urge adoption of my amendment.

Mr. THURMOND. Mr. President, the Base Closure and Realignment Act of 1990 is a success. Since 1991 the year the first Base Closure Commission met, 164 bases have been recommended for closure and 93 bases for realignment with an annual saving of $3.8 billion. Despite these dramatic cuts we have only reduced our infrastructure by 15 percent. At the same time we cut the military forces structure by almost 30 percent, therefore it is obvious that additional base closings will be necessary.

I am sympathetic to Senator RIEGLE's amendment because the Navy recommended NAVELEX Charleston for closure both in 1991 and 1993. Fortunately, the Base Closure Commission did not agree with the Navy. Nevertheless, it caused significant turmoil and expense to the Charleston community and I certainly do not want the facility to go through that turmoil again.

Mr. President, the current law works well, but a little improvement in this area has merit. I agree with the amendment and urge its adoption.

The PRESIDING OFFICER. Is there further discussion? If not, the question is on agreeing to the amendment.

The amendment (No. 846) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. SMITH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment of Senator HARKIN be temporarily laid aside so that two additional amendments which have been cleared can be considered by the body, one of Senator PRYOR and one of Senator ROTH.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 847

Mr. SMITH. Mr. President, on behalf of Senators ROTH and BIDEN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. ROTH, for himself and Mr. BIDEN, proposes an amendment numbered 847.

Mr. SMITH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At an appropriate place in the bill, add the following new section

SEC. 01. SHORT TITLE.

This section may be cited as NATO Review Requirements.

SEC. 02. FINDINGS; POLICY.

(a) FINDINGS.—The Congress finds that—

(1) the North Atlantic Treaty Organization (NATO) has successfully met the challenge of helping to maintain the peace, security and freedom of the United States and its NATO allies for more than forty years;

(2) the national security interests of the United States have been well served by the process of consultation, coordination, and military cooperation in the NATO framework;

(3) recent history has witnessed radical changes in the international security environment, including the fall of the Berlin Wall, the unification of Germany, the disbanding of the Warsaw Pact and the disintegration of the Soviet Union;

(4) the military threats which NATO was established to deter have receded with the end of the Cold War, calling into question both the future value of the alliance and the rationale for U.S. military deployments in Europe;

(5) the post-Cold War security situation continues to present a wild array of challenges to U.S. national interests, many of which interests the U.S. shares with its allies in Europe and Canada;

(6) the international community may prove capable of deterring many threats to the common peace if it can respond decisively to aggression;

(7) the United States must share the burden of its international security commitments with other nations if it is to tend to the needs of its own citizens in a responsible fashion;

(8) several of the newly democratic nations of Central and Eastern Europe have expressed interest in seeking membership in NATO;

(9) many of the security challenges facing the post-Cold War world would be best handled through coherent multilateral responses;

(10) the United States should never send its military forces into combat unless they are provided with the best opportunity to accomplish their objectives with as little risk as possible;

(11) military interventions against antagonistic armed forces cannot be conducted safely or effectively on a multilateral basis unless such operations are jointly planned in advance and are executed by units which have trained together and are familiar with each others operational procedures;

(12) NATO is currently the only organization with the experience, trained staff and infrastructure necessary to support military cooperation with the major military allies of the United States;

(13) the NATO allies already have volunteered to consider requests from the United Nations and the Conference on Security and Cooperation in Europe for assistance in maintaining the peace;

(14) justification of the relevance of NATO in the post-Cold War world will depend largely upon the alliance's ability to adapt its mission and procedures to the new security environment;

(15) justification of future U.S. support for the alliance and for a U.S. military presence in Europe will depend upon NATO's ability to address those security interests which the United States shares with its allies in Europe and Canada;

(16) a summit meeting of the NATO heads of state, which has been scheduled for January 1994, would present an excellent opportunity for the President of the United States to articulate a new, broader security mission for the alliance in the post-Cold War world, one which will enable it to address a wider array of threats to its members' interests and which will help to share more effectively the burden of international security requirements.

(b) POLICY.—It is the sense of the Congress that—

(1) old threats to the security of the United States and its allies in the North Atlantic Treaty Organization have retreated radically but new, more diverse challenges have arisen in the form of ethno-religious conflict in Central and Eastern Europe and the proliferation of weapons of mass destruction in regions proximate to alliance territory and NATO's mission must be redefined so that it may respond to such challenges to its members' security even when those challenges emanate from beyond the geographic boundaries of its members' territories;

(2) future United States military involvement in, and contributions to, NATO should be determined in relation to the alliance's success or failure in adapting itself to confronting the challenges of the post-Cold War world.

SEC. 03. REPORT.

(a) Within 30 calendar days of the enactment of this legislation, the President, in consultation with the Secretary of State and the Secretary of Defense, shall send a report to the Armed Services Committees of the U.S. Senate and House of Representatives and to the Foreign Relations Committee of the U.S. Senate and the Foreign Affairs Committee of the House of Representatives. This report should contain recommendations on—

(1) the manner in which NATO can formulate and implement a strategy to address the new, more disparate threats to the security of its members;

(2) the feasibility of having NATO to conduct security operations beyond the geographic boundaries of the alliance;

(3) the manner in which NATO should restructure its forces, training and equipment for the new security environment;

(4) the desirability of expanding the alliance to include either traditionally neutral nations or the new democratic nations of Eastern or Central Europe who wish to join NATO;

(5) the proper size and composition of United States forces to be deployed in Europe to assist in the implementation of NATO's new mandate and possible reduction in U.S. military deployments in Europe in the event of the alliance's failure to adopt a new mandate;

(6) the structure and organization of NATO headquarters, with particular attention to the need to reinvigorate the NATO Military Committee;

(7) the desirability of having additional NATO forces train in North America in a manner supportive of NATO's proposed new strategy;

(8) the structure of NATO's military command, with particular attention to the need to make NATO's Rapid Reaction Force a credible deterrent in regional aggression;

(9) the levels of U.S. European and Canadian defense budgets and their ability to finance forces consistent with the implementation of NATO's new mandate.

Mr. ROTH. Mr. President, the amendment represents the latest in my efforts to press the executive branch of our Government to take the lead in revitalizing the North Atlantic Treaty Organization so that it can address the security challenges of the post-cold-war world.

Supporters of the transatlantic security link, of which I am one, frequently point out that NATO has enjoyed a history of unparalleled success. It has deterred aggression by the forces of the former Warsaw Pact and ushered Western Europe into a period of unprecedented peace and prosperity. The determination of its 16 members to address their security concerns on a collective basis thwarted Soviet ambitions and, ultimately, caused the inherent contradictions in the Communist economic plan to become manifest. Thus the cold war was ended without firing a shot and the bulk of the credit should go the NATO.

But past successes do not provide an adequate rationale for future commitments. The American people will not, in my opinion, continue to support the deployment of significant numbers of U.S. forces overseas unless the national security benefits of those deployments are clear and manifest.

Unfortunately, in the aftermath of cold war, neither the Bush nor the Clinton administration have urged NATO to make the necessary reevaluation of its role in the new security environment. Consequently, far too many Americans are led to believe that NATO is a cold war institution whose relevance has now passed and that our military presence in Europe is nothing more than a cold war hangover. If nothing is done to change this perception and to place the alliance on a new course, I have no doubt that U.S. support for our military presence in Europe will wither, this will, in turn, prompt congressional action to reduce troop levels and, ultimately, the alliance will exist in name only.

But, Mr. President, these developments need not come about. Consider how many times we have heard Members of this body, and of the House of Representatives, opine that they did not wish to see the United States act as the world's policeman. And yet, at the same time, this Nation has vital interests around the globe, interests which must be protected. How is this apparent contradiction to be resolved? I believe that the answer to this question is clear—by working with our allies to address those security concerns which we hold in common. Thus, the United States will not be compelled to play the role of unilateral policeman while our fundamental security interests will be addressed.

NATO boasts two characteristics in this regard, characteristics which set it apart from all other multilateral organizations. First, NATO's membership enjoys a unique level of cohesion. As industrial democracies they share a host of international interests, interests which they could easily address on a cooperative basis. Second, NATO is the world's only functioning, effective multilateral military alliance. The armed forces of its 16 members train together and they enjoy an integrated command structure which is already in place. As the Bosnia situation has deteriorated, both the United Nations and the European commission have been obliged to recognize that only NATO has the real ability to intervene in the Balkans to real effect. Other organizations have been long on rhetoric but have been woefully incapable of backing up their words with the threat of actual military intervention.

In short, this Nation cannot afford to see NATO wither away, but if NATO is to evolve into a viable post-cold war security institution, its 16 sovereign members must set about the task of defining their common security interests in the 1990's and beyond and then decide how they intend to address those interests.

I have noted that, in some quarters, there is a desire to have NATO adopt this evolutionary course on an ad hoc basis, addressing crises and problems as they occur. I am utterly opposed to this course. The alliance was not formed on an ad hoc basis. Its members came together in 1949, enunciated a set of principles and mutual commitments and then proceeded to address their security concerns on the basis of those enunciated principles. This approach yielded two major benefits. First, it prevented members from wriggling free from their commitments when it might have suited their parochial interests to do so. Second, it enabled the alliance not merely to address threats to their security interests but actually to deter threats to those interests. Everyone knew where NATO stood—its policy was written out in a public document for all to see—and they tailored their policies accordingly, not wishing to trigger the mutual defense commitments contained in articles 5 and 6 of the NATO charter.

In this context, I believe that it is useful to ask ourselves two questions. Do we believe that Saddam Hussein would have invaded Kuwait if he had known that, by so doing, he would precipitate an armed response by NATO's 16 members? Do we believe that Slobodan Milosevic would have moved against Croatia or Bosnia if he had known that his aggression would lead to his militias and regular forces being smashed by a NATO counter-offensive? I suspect that we all know that, faced with the threat of a NATO reprisal, both men would have stayed at home and the world would have been a better place.

If NATO is to set about the task of reorganizing itself to confront the challenges of the post-cold-war world, two points will have to be born in mind. First, this initiative cannot come from NATO headquarters. The signatories to the NATO charter did not abrogate their national sovereignty when they acceded to it. Consequently, the NATO Security-General is much more the creature of the alliance's 16 members than he is their master. Any major initiative to revamp the alliance will have to emanate from the alliance's members rather than from its bureaucracy. Secondly, if any national member of NATO is to launch an initiative to reshape the alliance, then the logical party to commence this process is the United States. European and Canadian members of the alliance have, traditionally, looked to the United States for leadership. The United States already commands the alliance's military structure in the person of SACEUR. It is the U.S. military presence in Europe which makes the alliance unique. In short, it is time for the United States to take the lead.

Last year, I attempted to draw the attention of the executive branch to the need to refocus NATO. I added an amendment to the fiscal year 1993 defense authorization bill requiring the Pentagon to report to the Congress on the role of NATO in the post-cold-war world. I understand that the task of writing the report was pushed over to the lower ranks of the State Department. The final report was, to put it generously, utterly unimaginative.

In my frustration I had seriously considered reviving the Nunn-Roth approach of 1984 and proposing an amendment that would mandate U.S. troop withdrawals from Europe in the absence of a fundamental reappraisal of alliance roles and missions. But I have decided to hold off that course, for the moment. The amendment which I send to the desk requires the President to report to the House and Senate Committees on Armed Services and Foreign Relations detailing exactly how his administration intends to address this critical issue when the NATO heads of state meet in January 1994. The alliance has been in critical need of U.S. leadership on this issue ever since the cold war came to a close. I strongly suspect that if the administration fails to grasp this late opportunity, many of my colleagues will begin to cast a wary eye over United States deployments in Europe.

I thank the managers and their staffs for their cooperation in working out this amendment and I ask that my colleague, Senator BIDEN, be entered in the RECORD as an original cosponsor of this amendment.

Mr. SMITH. Mr. President, this amendment expresses the sense of Congress that the mission of NATO must be redefined in light of dramatic changes in world security and requires the President, in consultation with the Secretary of Defense and the Secretary of State, to submit a report to Congress on the future composition of NATO.

Mr. President, I believe this amendment has been agreed to on both sides and I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President, we support this amendment. We think it is a good amendment on behalf of Senators ROTH and BIDEN.

The PRESIDING OFFICER. Is there further discussion of the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 847) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SMITH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 848

(Purpose: To require an annual submission to Congress regarding budget information on the costs for recruitment of personnel for enlistment, appointment, or induction in the Armed Forces of the United States.)

Mr. LEVIN. Mr. President, on behalf of Senator PRYOR, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. PRYOR, proposes an amendment numbered 848.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 104, between lines 2 and 3, insert the following:

SEC. 340. BUDGET INFORMATION ON DEPARTMENT OF DEFENSE RECRUITING EXPENDITURES.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 227. Recruiting costs

"The Secretary shall include in the budget justification documents submitted to Congress each year in connection with the submission of the budget pursuant to section 1105 of title 31 the following matters:

"(1) The amount requested for the recruitment of persons for enlistment, appointment, or induction into the armed forces, including—

"(A) the personnel costs for Department of Defense personnel whose duties include—

"(i) recruitment;

"(ii) the management of Department of Defense personnel performing recruitment duties; or

"(iii) supporting Department of Defense personnel in the performance of duties referred to in clause (i) or (ii);

"(B) the cost of providing support for such personnel for the performance of those duties;

"(C) operation and maintenance costs associated with recruitment, including the costs of paid advertising and facilities;

"(D) the costs of incentives, including—

"(i) amounts paid under sections 302d, 308a, 308c, 308f, 308g, 308h (for a first enlistment), and 308i of title 37, relating to bonuses and other incentives;

"(ii) amounts deposited in the Department of Defense Education Benefits Fund pursuant to section 2006(g) of this title; and

"(iii) payments under the provisions of chapters 105, 107, and 109 of this title and chapter 30 of title 38; and

"(E) costs associated with military entrance processing;

"(2) the appropriation accounts from which such costs are to be paid; and

"(3) the estimated average total annual cost of recruiting a person for enlistment, appointment, or induction into the armed forces for the fiscal year covered by the budget justification documents, determined and reported separately for—

"(A) each armed force;

"(B) the active component of each armed force;

"(C) each of the reserve components of each armed force; and

"(D) for all of the armed forces.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"227. Recruiting costs.".

Mr. PRYOR. Mr. President, the amendment I am offering today will attempt to shed additional light on the enormous amounts that the Department of Defense spends each year on recruiting.

Two years ago, I began addressing whether it is appropriate to allow the Pentagon to continue spending over $2 billion each year on their recruiting operations. I began speaking out on this issue when I learned that although the Armed Forces were steadily reducing the number of recruits allowed to join their ranks since 1989, their large recruiting budget was not reducing concurrently.

This disturbing trend simply does not make sense to me. By calculating Pentagon figures, I determined that last year the Department of Defense spent approximately $5,700 on each recruit who joined the military. This amount was a drastic increase from the $3,700 we spent per recruit back in 1989. When I became aware of these questionable policies, I began wondering if we were spending too much on recruiting and if there were areas in this huge budget where taxpayer money could be saved while maintaining our recruiting quality and readiness to fight.

These are the questions I have asked the General Accounting Office to answer and I ask unanimous consent that my request letter to the GAO be printed in the RECORD directly following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. I honestly believe that there are numerous ways that our Armed Forces recruiting operation could tighten its belt and save money without jeopardizing the quality of our recruits. The GAO is taking a long, hard look at how this recruiting money is spent in an attempt to determine ways that our dollars could be saved. I look forward to seeing the results of this study.

Mr. President, our Armed Forces recruiting operation should be expected to perform with the same standards of precision and efficiency that are expected from the soldiers they are charged with recruiting. Unfortunately, given the fact that the cost per recruit has risen so drastically over the last four years, I must conclude that our enormous recruiting machine should be closely examined for potential inefficiency and to expose areas where we could save money.

Last year, I introduced legislation to cap the amount we spend on recruiting at $4,600 per recruit. Although my initiative was eventually withdrawn, we did achieve approximately $200 million in savings, mostly in the form of a reduction in the 31,000 person recruiting work force.

Today, my amendment will not seek to cut additional funds. Rather, I believe that the Congress and the American public deserve to know exactly how much money our military requests and spend each year on recruiting. Currently, the Pentagon request for recruiting dollars is spread out over numerous different budget account and categories. My amendment will require the Department of Defense to submit a single, consolidated budget request each year, so we will know exactly how much money is desired.

Second, the amendment will set an official cost per recruit formula so that the Congress, the Pentagon and others can refer to and rely on the same figures when discussing and rationalizing the enormous amounts we spend each year on individuals who join the military.

I must admit that the formula for calculating cost per recruit has become quite popular recently. Aside from my use of this formula, Defense Secretary Les Aspin referred to the cost per recruit formula in a recent commencement address at the U.S. Air Force Academy. In his address, Secretary Aspin used the formula as the baseline for judging recruiting progress and justifying future budgets. Needless to say, if the cost per recruit is going to be used as the baseline for measuring recruiting standards, as Secretary Aspin, myself and others have done in the past, then it is essential that we clarify this formula so that our calculations will be consistent.

Mr. President, I would like to thank the distinguished chairman of the Senate Armed Services Committee, Senator SAM NUNN, who has been most accommodating on this issue over the past few years. I am pleased that the managers of this bill agree that my amendment should be accepted and I thank them for their leadership on these matters.

EXHIBIT 1

U.S. SENATE,
Washington, DC, July 29, 1993.

Hon. CHARLES BOWSHER,
Comptroller General, U.S. General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: I am writing to ask the General Accounting Office (GAO) to conduct a thorough review of the policies and practices of the Department of Defense recruiting operation.

Armed Forces recruiting has taken on an increased importance as we strive for a more lean and efficient military. Even during a period when the size of the of the U.S. Armed Forces is steadily declining, the practice of recruiting obviously must continue, albeit at a reduced level, to prevent the evolution of a "hallow" military force generated from a gap in new recruits.

The tremendous responsibility of attracting the best and brightest men and women for volunteer military service can often be a difficult and strenuous task. However, it is a practice that is generally unfamiliar to the American public, with the exception of the paid advertisements that have become sights and sounds of everyday life.

Few Americans are aware that the Department of Defense spends over $2 billion each year on recruiting. Not only do I feel that it is unclear how this money is spent each year, but I have often wondered if there are areas in which our precious dollars are being wasted on unnecessary or ineffective recruiting practices. In addition, I am disturbed that the overall cost of recruiting has remained virtually unchanged over the past four years despite a substantial decline in the number of recruits allowed to sign up for military service.

As a result of these concerns, I would like the GAO to conduct an in-depth analysis of the Pentagon's recruiting apparatus that focuses on the following points:

1. Identify and describe various methods or systems of recruiting, including the Pentagon's current practice.
2. Analyze the cost versus the benefits of these recruiting practices.
3. Determine how the DOD and the military services measure their recruiting success.
4. Examine why the annual cost per recruit has increased over 30 percent since 1989, and determine if this trend is justifiable.
5. Identify areas in which our military could achieve the same recruiting results at a lower cost to the taxpayers.

Recently I was informed that the quality of our incoming recruits has slipped this year from 99 percent high school graduates to 95 percent, and that an increase in funding will be requested as a remedy. I am concerned that simply throwing additional money at this problem might be a shortsighted solution, and potentially the wrong answer for stemming this or future declines in recruiting quality.

While I firmly believe that successful recruiting is essential to our military readiness, our difficult budget environment prompts me to question the enormous size of this recruiting budget and the efficiency of our massive recruiting operation. Simply stated—I want to know if the taxpayers are getting their money's worth.

As a result, I feel that a GAO study on the practices of the DOD recruiting operation is warranted and I thank you for your consideration of this request. Please contact Steve Ronnel of my staff at (202) 224-2353 if you have any questions.

Sincerely,

DAVID PRYOR.

Mr. LEVIN. Mr. President, Senator PRYOR's amendment would require the Department of Defense to include certain information on the cost of Department of Defense recruiting activities in the justification materials submitted to Congress each year with the defense budget.

The information that would be required would include the cost of military personnel and recruiting activities, the cost of advertising, the cost of recruiting support, the cost of recruiting bonuses, and the cost per accession in each service.

Mr. SMITH. Mr. President, the amendment offered by my colleague on behalf of the distinguished Senator from Arkansas is acceptable to this side.

Mr. THURMOND. Mr. President, the amendment offered by my colleague, Senator PRYOR, from Arkansas, is acceptable to this side.

The PRESIDING OFFICER. If there is no there further discussion, without objection, the amendment is agreed to.

The amendment (No. 848) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SMITH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I inquire of the managers, would it be appropriate to raise an amendment which has been cleared on both sides, which is presently at the desk? It is No. 784. It is cleared on both sides.

Mr. LEVIN. I have no objection.

The PRESIDING OFFICER. The Chair advises the Senator from Virginia that the pending amendment is the amendment by Senator HARKIN.

Mr. WARNER. Mr. President, I ask unanimous consent that the pending amendment be laid aside at this time so that the Senate may act on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 784

(Purpose: To address the entry into the United States of certain former members of the Iraqi Armed Forces)

Mr. WARNER. Mr. President, this is an amendment which asks this body to go on record, in the form of a sense of the Senate, that no person who was a member of the Armed Forces of Iraq during the period from August 2, 1990, through February 28, 1991, and who is in a refugee camp in Saudi Arabia as of the date of the enactment of this act shall be granted entry into the United States under the Immigration and Nationality Act, as amended, unless the President certificates to the Congress prior to such entry that such person, one, assisted the United States or coalition armed forces after defection from the Armed Forces of Iraq or after capture by the United States or by the coalition armed forces; and, two, did not commit or assist in the commission of war crimes.

That is the essence of it.

At the end of the gulf war, approximately 39,000 Iraqis were living in refugee camps in Saudi Arabia. The vast majority of these Iraqis were civilians or Iraqis who had participated in the uprising in southern Iraq following the gulf war.

However, 4,000 of the Iraqis in the Saudi camps were Iraqi soldiers who were captured or who had defected during Desert Storm.

Recent press reports have brought to light United States participation in a multinational effort to resettle Iraqi refugees. In fiscal year 1992, the United States resettled 3,442 Iraqi refugees. In fiscal year 1993, the United States expects to admit 4,600 additional Iraqis.

While the vast majority of these Iraqis are civilians who had a legitimate fear of persecution in Iraq, and thus qualified for refugee status, a small number are ex-soldiers and their families.

The purpose of this amendment is to make sure that combatant ex-soldiers are not given the same status this Nation quite properly affords to other Iraqi refugees.

This practice of allowing the relocation of Iraqi soldiers who may have taken up arms against the United States and its coalition partners during Desert Storm is a matter of great concern to this Senator and other Members of Congress.

I note that on August 6, 75 Congressmen, led by Representative DONALD MANZULLO of Illinois, sent a letter to President Clinton asking him to block entry into the United States of the class of Iraqi soldiers covered by this amendment.

My amendment expresses the sense of the Senate that the United States should change its current practice and prohibit the entry into the United States of Iraqi soldiers who served during Desert Shield/Desert Storm. My amendment would make an exception for those Iraqi soldiers who assisted the coalition war effort following their capture or defection or otherwise.

It is a very simple screening process. I say that because I find it unconscionable that an Iraqi combatant soldier would be admitted into this country under refugee status and given certain privileges and benefits and, indeed, a job, at the time there are many, many veterans of Operation Desert Storm—U.S. soldiers, airmen, marines, and sailors—who cannot or have not thus far been able to get comparable benefits.

I find that inconsistent and unconscionable. I am pleased that this amendment is accepted on both sides of the aisle. I ask for its adoption.

The PRESIDING OFFICER. The amendment has not formally been offered, yet.

Mr. WARNER. Mr. President, I ask that the clerk report the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 784.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 242, after line 19, insert the following:

SEC. 1067. PREVENTION OF ENTRY INTO THE UNITED STATES OF CERTAIN FORMER MEMBERS OF THE IRAQI ARMED FORCES.

It is the sense of the Senate that no person who was a member of the armed forces of Iraq during the period from August 2, 1990 through February 28, 1991 and who is in a refugee camp in Saudi Arabia as of the date of enactment of this Act shall be granted entry into the United States under the Immigration and Nationality Act, as amended, unless the President certifies to Congress prior to such entry that such person—

(1) assisted the United States or coalition armed forces after defection from the armed forces of Iraq or after capture by the United States or coalition armed forces; and

(2) did not commit or assist in the commission of war crimes.

On page 9, after the item relating to section 1066, insert:

SEC. 1067. PREVENTION OF ENTRY INTO THE UNITED STATES OF CERTAIN FORMER MEMBERS OF THE IRAQI ARMED FORCES.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, we have no objection to the amendment. I think it is a good amendment.

My understanding is that there is no objection that we know of and, therefore, we think the amendment should be agreed to.

Mr. WARNER. Mr. President, could I assure the distinguished managers I purposely filed this amendment several days ago and asked that it be printed so that several agencies of the administration might have adequate opportunity to review it. We have been in consultation and there is no objection.

Mr. LEVIN. As always, the Senator from Virginia is courteous to an extreme. We are glad he has had that consultation. His assurance on that is always all it takes.

Mr. WARNER. I thank my colleague from Michigan.

Mr. LEVIN. We support the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 784) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SMITH. Mr. President, I ask unanimous consent the votes by which amendments 843, 844, and 845 were adopted be reconsidered and laid upon the table. They are three previous amendments that I offered a few moments ago, but we neglected to get a reconsideration and have that laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, at this time I would like to offer some personal observations concerning national defense and the Fiscal Year 1994 Defense Authorization Act.

As my colleagues know, I have often cautioned that we are proceeding too far, too fast, in the drawdown of our defense force. In my view, our defense policy and expenditures ought to be threat driven, not budget driven.

Budgeting obviously is critical in any matter that is before us here in the Congress, but we ought to be looking at the threat as we draw down the forces and determine the budget.

With the cold war behind us, the United States stands alone as the preeminent world power. We saw that this morning in the historic ceremony at the White House, with the signing of the accord between the PLO and the Israelis. It was here in the United States of America, at the White House—which indicates the world leadership and credibility that we have.

We must not revert to being one of the pack again, going back to where we cannot exert that leadership in the world. To its credit, the Bush administration under the leadership of Secretary Cheney and Colin Powell recognized this fact and developed a comprehensive strategy to downsize our military force safely and responsibly.

Unfortunately that strategy is not being adhered to. The base force concept that was laid out by President Bush represented a blueprint to preserve the United States' military superiority in a changing world.

But the Clinton administration has left that base force concept and embarked on a course of reductions which more than triple the very substantial cuts that were already initiated by President Bush. And the Clinton budget submission contained no underlying strategy or vision for our Armed Forces.

It would seem to me we ought to have the vision and the strategy laid out along with the budget, rather than the budget laid out with no underlying rationale or reason. There was no global threat assessment or force structure analysis to support the request; only a budget-driven demand to slash some $178 billion from the defense account.

Although the administration has tried to hedge its bets through the so-called bottom-up review, in my opinion the bottom-up review is nothing more than a facade to justify the massive reductions that the President is recommending.

So we decide on the recommendations and then we have a bottom-up review. Would it not be more sensible to have a bottom-up review and, after we decide what that tells us, then determine and submit the budget?

I strongly object to the scope of the administration's reductions and I object to the procedure by which they have been formulated. The Clinton budget slashed defense spending without even awaiting the results of the bottom-up review. I wholeheartedly support the concept of conducting a comprehensive threat and force structure analysis. That is necessary. But how can anyone take such an exercise seriously when the budget request prejudged its results by cutting some $12 billion in fiscal 1994 and $178 billion overall, over the next 5 years? How can you rationally justify that kind of action in that kind of order, no matter how you feel about defense? Conduct your review, tell us what capabilities you need, then lay out the budget.

I would ask the administration, if you are just now completing the bottom-up review—and that is what we hear—what were the massive defense reductions contained in the fiscal 1994 budget premised on? What was the assessment of the threat environment? What military capabilities and corresponding force structure did you envision when preparing the budget request?

As a member of the Armed Services Committee it strikes me as irresponsible that the administration would advocate such massive reductions without any answers to these fundamental questions, or any blueprint for our military in the future.

We did not get to the point where we are today, with the signing of the accord between Mr. Arafat and the Israelis, we did not get to the end of the cold war and the break up of the Soviet Union, without a blueprint and a lot of bipartisan support and sacrifice by the American people. That was hard work. And we had a blueprint.

After World War II, the United States did something of a bottom-up review and determined we needed to confront Soviet communism and the expansion of communism around the world. We decided we were going to be involved in the Middle East to try to facilitate a settlement there. I think that is why we were so successful in the cold war and the Mideast peace process.

Unfortunately, with respect to the Clinton administration's bottom-up review, we now have the product and it is just what we anticipated, a superficial exercise designed to legitimize a predetermined budget cut. It was against this backdrop that the Armed Services Committee formulated the fiscal year 1994 defense authorization bill, which we now have before us. While it certainly would have been preferable to some to receive substantive guidance from the administration, the committee decided, and this Senator agreed, that the Senate must forge ahead in deciding the future shape and content of our Armed Forces.

In general, I support much of the defense authorization bill as it is reported by the Armed Services Committee under the very capable leadership of its chairman, Senator NUNN. Given the administration's predisposition to ravage the defense budget, the committee was faced with nearly an insurmountable challenge and I believe Senators NUNN and THURMOND did the best they could to formulate a responsible defense bill under the circumstances. They are to be commended for their leadership. And this Senator does commend them for their leadership.

Having said that, however, I must say that in certain key areas—and I mean key areas—I believe the bill is flawed.

In certain cases, it falls short of responsibly addressing our defense needs, and I will elaborate on some of those flaws in a moment.

(Mrs. MURRAY assumed the chair.)

Mr. SMITH. Madam President, let me begin, though, with what I consider to be the more positive aspects of the authorization bill before us. First of all, the committee bill includes a 2.2-percent pay raise for military personnel in 1994. I say it should be more, but some did not want any. As a matter of fact, the administration wanted to cut the pay of our military. So I support and commend the leadership of Senator NUNN and Senator THURMOND to see that we provided a pay raise for our hard-working men and women defending the Nation. I strongly support this pay raise which became necessary when the administration, as I said, refused to even include a military pay raise in their budget submission. Imagine, refused to even submit a pay raise for our military.

The men and women of our Armed Forces and their families endure great hardship in their service to our Nation. It is simply unconscionable to suggest, as some in the administration have, that we deny them a pay raise. Many of our enlisted personnel are struggling just to support their families. I have had the privilege on many occasions to go to various bases and installations around the country, and to see the sacrifices that these men and women make. Some are even on food stamps. If you can believe that risking their lives in service of their country, not making enough money to keep them off the eligibility of food stamps. And some would oppose giving them a pay raise.

We have a moral obligation to provide appropriate compensation to these men and women for their service. To its credit, this committee, under the leadership of Senators NUNN and THURMOND, took action to correct a very bad inequity.

The committee also took forceful action to resolve shortfalls in the Navy and Air Force tactical aviation modernization programs. Specifically, the bill would terminate the Navy AFX and Air Force multirole fighter programs and, instead, direct the Navy and the Air Force to pursue two joint strike and fighter programs. One would be based on the Air Force and Navy variant of the F-22, and the other would be based on the common purchase of the F-18 E/F.

These initiatives are quite serious and will very profoundly affect our future force structure and the health of the defense industry. From my own standpoint, I have very strong reservations with the termination of the Navy AFX program. In my view, there is no more urgent Navy requirement than to replace the retiring A-6 aircraft with a stealthy, long-range bomber. However, we do have budgetary constraints and, in light of those constraints and the Navy's failure to actively defend the AFX program, the committee was left with no other viable alternative other than to cancel the program and pursue an F-22 derivative as the high-end replacement for the A-6. Given the fiscal, operational and political dynamics involved, I believe the committee recommendation represents the most responsible course of action on this critical issue.

Importantly, the committee bill adds funds above the budget request for vital readiness programs, including an additional $300 million for depot maintenance and $100 million for real property maintenance. I strongly support these initiatives. However, I am deeply concerned that inadequate attention is being focused on the readiness issue. There is more to readiness than maintaining an active operating tempo. As multiple witnesses have testified before the Armed Services Committee, the United States is walking a dangerous tightrope by living off excess capacity and failing to replenish our stocks of materials and spare parts. Depot maintenance backlogs are increasing, and if we are to avoid the hollow force of the seventies, we must ensure that operations and maintenance accounts are not exploited as a bill payer for other unnecessary spending programs.

In addition, I am happy to say that we were able to build on the technology portion of the defense conversion program established last year. Although the administration only requested $324 million for the technology reinvestment project in fiscal year 1994, the Defense Technology, Acquisition Policy, and Industrial Base Subcommittee, of which I am a member, provided $605 million in the bill. No less important is the fact that we preserved the integrity of the source selection process for these projects. Cost sharing remains an integral component, and the projects are required to be selected using competitive procedures.

Another area where the committee acted, I believe, in a responsible manner was the management of the federally funded research and development centers. These organizations do very important work for their sponsoring agencies, but they have grown in size while organizations conducting research and development within the Pentagon have declined. In the interest of equity and to be more responsive to general defense budget realities, the committee imposed funding and staffing ceilings on each of the various federally funded research and development centers. I think that is wise policy and I support it.

Madam President, I would like to move to an area that is of deep concern to me in the defense budget, and that is the area of strategic programs. This is an area where I have deep differences with some of the committee's activity. In particular I am concerned by the funding levels and the legislative provisions recommended for the Ballistic Missile Defense Program. As a member of the committee who participated in all of the debate, all of the deliberations, all of the discussions on the Missile Defense Act 2 years ago, I am shocked and dismayed over the manner in which Congress has abandoned its commitment to defending the American homeland and our forward deployed troops.

The Armed Services Committee bill severely underfunds the Missile Defense Program at a critical point in development.

We are going to look back someday at this period in history when we walked away from missile defense, and we are going to regret this decision. Senator WALLOP will be one of those who will be remembered as having reminded us of that at this time in history.

Equally disturbing to me is the legislative mandate that 50 percent of the funding for each theater missile defense program be fenced pending completion of an ABM Treaty compliance review. As my colleagues know—or they should know—the 1972 ABM Treaty prohibits nationwide defenses against strategic ballistic missiles.

It was never intended to restrict theater defense systems deployed abroad to protect our forward deployed troops. Should we not have protected General Schwarzkopf when he was in the Persian Gulf or any future commander who may be deployed somewhere out on the front? Should we not protect him from an incoming missile?

The suggestion that somehow the ABM Treaty should be construed to restrict the development, testing, and deployment of theater systems such as the Patriot upgrade, the theater high altitude area defense [THAAD], or the Israeli Arrow is simply absurd and should not be legitimized by this body.

Now, more than ever, Congress and the administration have to put politics aside and get on with the business of defending America. We did not defend America by accident during the cold war. That was sacrifice, not accident.

Those weapons that performed so successfully in the gulf were not an accident. It took a lot of commitment and a lot of years to build them, from those people who built them, and those who used them. That was not an accident, Madam President, and in today's threat environment, there is simply no room for the gratuitous budgetary lowballing and programmatic delays mandated in this bill.

It is not pleasant to have to stand up and say these things, but sometimes they have to be said. The expeditious development and deployment of missile defenses is and must remain a paramount national security priority. This priority is not reflected in this bill. As we watch the technology of missiles spread around the world, to North Korea, Iran, and Iraq, from China and the former Soviet Union, are we going to be prepared to deal with that in the future? Not at the rate we are going.

Madam President, I am also very concerned with the committee's consolidation of and reduction to surveillance and warning programs. The bill also before us would place Brilliant Eyes, the Follow-on Early Warning System, and the Defense Support Program satellite programs into one single account and cut the overall budget level for these programs by $350 million.

In addition, it would place this account under the direct control of the Defense Secretrary and allow the Defense Secretary to select which program he or she wants to pursue and how to spend the money. This is unwise, in my view, and shirks our responsibility in the Senate to exert leadership on the issue of surveillance and warning systems and issues. This is our responsibility as well as the administration's responsibility, particularly in the case of Brilliant Eyes and the Follow-on Early Warning System which are complementary, not competing programs. I think the committee's action in this area is misguided, and I think history will judge that it is misguided. I wish to be on record in this debate as saying so.

I will have more to say on these issues later on during the debate, perhaps on this bill, perhaps in the future at another time. But for now, Madam President, I would conclude my remarks with a word of caution to my colleagues.

This bill is not going to please everybody. That is for sure. As with all compromises, it embodies a great deal of give and take. As I said before, my hat is off to Senators NUNN and THURMOND for their leadership role in this committee and doing the best they can. It represents a bare minimum necessary to sustain our national security—a bare minimum.

I am not saying the savings cannot be achieved in the defense budget. That is not what I am saying. But we need to spend what is necessary to defend America. That is our constitutional obligation. And we are not just talking about today. We have to think about the future.

Additional reductions will almost certainly break the back of our military and result in the hollow force that everybody has been warning about. Everybody who speaks says we do not want to go back to the hollow force of the 1970's after we built down from the Vietnam war. But that is what we are doing. Make no mistake about it, that is exactly what we are doing. You cannot say you do not want to go down to a hollow force and then vote to do it. Be consistent. If you are going to vote to do it, then admit you are doing it.

This committee has worked hard to try to avoid that, and I compliment the leadership on both sides for doing it. But I am afraid that we have come up short, and I think history will judge us that. So what we have here now is a compromise. It is the best that we could hope to get from an administration that is bent on taking it down too fast. I hope the administration will recognize this danger and chart a more responsible course in the future. I doubt it, but I hope so.

I thank the Chair, and at this time I yield the floor.

Mr. LEVIN. Madam President, we are attempting to clear a number of additional amendments. We have not yet cleared additional amendments. But until we do so or until someone comes to the floor to offer an amendment on the unanimous-consent list, I note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I would like to begin my remarks by thanking Senators NUNN and THURMOND and the other members of the Senate Armed Services Committee for the welcome I received upon my assignment there. I am very proud to be a member of this committee, which will have a major role in maintaining the strength of our military, at the same time that we must cut spending as a result of the end of the cold war.

The United States did not emerge from the cold war as the world's sole superpower by chance. Victory was borne on the shoulders of tens of thousands of American men and women whose blood and sweat guaranteed not only our safety but ultimately, our victory. On thousands of battlefields on a hundred foreign shores, through two world wars, the Korean conflict, Vietnam, Grenada, Panama, and Desert Storm, American men and women have given, in President Lincoln's words, "the last full measure of devotion" so that others might live free.

The line was drawn in the sand more than four decades ago when, in Winston Churchill's words, "From Stettin in the Baltic to Trieste in the Adriatic an iron curtain has descended across the Continent." Today, Churchill's quote seems a distant evocation of a bad memory, but what is the end of a bad memory for us represents the awakening for millions of people from a long totalitarian nightmare.

Thanks to our Armed Forces, Presidents Reagan and Bush, and to the

Members of Congress, the Soviet Union did indeed go out with a whimper instead of the bang that could have been devastating to all mankind.

The demise of the Soviet Union, however, did not ensure international tranquility, as events in the remnants of Yugoslavia have made all too painfully obvious.

Madam President, while I strongly support the fiscal year 1994 defense expenditure recommendations contained in this bill, I remain concerned about out-year projections for defense.

The reasons for my concern are simple. In the spring of 1990, many in the Congress hailed the end of the cold war as the time for unprecedented defense cuts. Plans were laid for transferring billions of defense dollars to domestic accounts.

The wake up call, unfortunately, came on August 2, 1990, when Iraqi armored columns lumbered into Kuwait, and though the result was a stunning victory for the allied forces, it nevertheless became clear that we cannot become comfortable and unprepared.

Once again, however, there are some who want to cut defense deeper than may be prudent. Work proceeds in more than one country to develop nuclear weapons. Should Saddam Hussein or Kim Il-song fashion even a crude nuclear weapon, the threat to our allies in the Middle East and Northeast Asia will increase substantially.

It is for these reasons, Madam President, that I will reserve judgment on future levels of defense spending. We all agree that excessive spending on defense is fiscally irresponsible, but we must also agree that budgeting for defense at levels that prove insufficient to protect our national interests would be disastrous.

The difficult task that lies ahead for our military leaders, the President, and Congress is finding the correct balance among our force structure, our infrastructure, and our modernization programs.

Desert Storm made clear the force multiplication benefits of technological superiority are there, and if we are to rely on a much smaller military it is imperative that we maintain our technological superiority.

Also, our bases must reflect the lower numbers of people in our Armed Forces. And our Reserves, which will also be fewer in numbers, should be trained and ready.

We have a great responsibility to support our men and women in our Armed Forces and to assure our children and grandchildren that this America that we love so much will be secure and strong for them.

Madam President, I am going to work toward these goals and hope my colleagues will join me in the first step—by supporting the bill that is being debated on the floor today.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I will shortly send an amendment to the desk and ask for its immediate consideration. But until such time as we get final clearance, I will withhold.

This amendment would provide that the Secretary of Defense shall provide that the Joint Warfighting Simulation Center established by the Secretary on July 1, 1993, be located with the Army Training and Doctrine Command at Fort Monroe, VA.

Madam President, the other body is contemplating a different location, and I find myself in somewhat of an awkward position, because two respected Members of my delegation in the House of Representatives are of the opposite view. But I am forwarding this amendment really at the request of the Secretary of Defense and the Secretary of the Army and, it is my understanding, the Chairman of the Joint Staff, all of whom have recognized that this new command should be located at this particular location in the State of Virginia. That is to be located with the Army's Training and Doctrine Command, commonly referred to as TRADOC, at Fort Monroe.

TRADOC is a very important command in the U.S. Army. It is presided over by a four-star general officer. I think that conveys a good deal of significance as to the importance of that command and geographic location to the Department of the Army.

Madam President, I am informed that the Chairman of the Joint Chiefs of Staff recently directed that a Joint Warfighting Simulation Center be established to support warfighting concepts and development of doctrine for the combatant commands and the Joint Staff. The Armed Services Committee directed in its committee report last year that the Joint Staff establish such a center to conduct activities in support of the combatant commanders and the Joint Staff.

This center should be of great assistance to the CINC's in war planning and development of joint war-fighting doctrine.

The Armed Services Committee was advised this spring by a member of the Joint Chiefs of Staff that the best geographic location for the Joint Warfighting Simulation Center is at Fort Monroe, VA, where it would be colocated with the Army's Training and Doctrine Command. The Armed Services Committee indicated in our committee report a strong support for the recommendation of the Joint Staff to locate the center at Fort Monroe.

I understand that the Army has already identified existing facilities there that could be made available for the center, avoiding construction of new, expensive facilities. Further, because of their extensive experience with doctrine development, as well as modeling and simulation, TRADOC is most capable of providing the necessary technical support for the center.

The Armed Services Committee noted in our committee report this year its strong support for the recommendation of the Joint Chiefs of Staff to locate the center at Fort Monroe, VA.

I am proud to join with my distinguished colleague from Michigan, Mr. LEVIN, who introduced this amendment, which directs the Secretary of Defense to provide for the establishment of the Joint Warfighting Simulation Center at Fort Monroe, and I urge our colleagues' support for the amendment.

I also have here a letter dated September 13, 1993, Department of the Army. It states as follows:

> DEAR SENATOR WARNER:
>
> This responds to a recent inquiry by your staff regarding locating the Joint Doctrine Training Center (JDTC) at Fort Monroe, Virginia.
>
> Based on current known stationing requirements, the location of the JDTC will not require extensive new construction. Some repair and/or upgrade of existing facilities will be necessary. A determination of facility needs will be made after operational requirements are final.
>
> If I can be of further assistance or answer any questions, feel free to contact me.
>
> PAUL W. JOHNSON,
> *Deputy Assistant Secretary of the Army, Installations and Housing.*

The other alternative which is being considered by the House is to put it in a nearby area of Norfolk, VA. I am proud to represent both. As I say it is a little awkward for me, but I find to put it at this other location in the vicinity of Norfolk, which is the Armed Forces college there, would require military construction appropriations approximately in the amount of $8 million.

So the reason that I advocate the Senate now designate the site as being at Fort Monroe is twofold. First, it is the recommendation of the Secretary of the Army. Second, it will enable this installation to be colocated there at a far less cost than the proposed $8 million additional for new construction at the alternative site.

So I am trying to be evenly fair to all competing interests, but I have to advocate a proposal which I feel is cost effective and is consistent with the recommendations of those in the Department of Defense responsible for advising the Congress, namely, the chairman of the Joint Chiefs of Staff and his staff and the Secretary of the Army. And it is for that reason that I ask the Senate to adopt this amendment.

Mr. LEVIN. Madam President, I rise in support of the amendment by the Senator from Virginia concerning the Joint Warfighting Simulation Center.

Mr. President, the subcommittee I chair—the Subcommittee on Coalition Defense—directed the Defense Department to establish a joint warfighting simulation center last year. I am pleased and gratified that General Powell and the Joint Chiefs of Staff recognized the need for such a center. I am convinced it will be an important tool for developing doctrine and operational concepts for joint operations in the future.

This spring the Joint Chiefs of Staff decided that the best place to locate this center is at Fort Monroe. JCS decided that Fort Monroe was the best place because that is the location of the Army's Training and Doctrine Command. The Army has a long history of developing combat doctrine, and the Army also is a leader in the use of simulation technology. It was the logical place to put the Joint Warfighting Simulation Center.

At the time the JCS decided to place the simulation center at Fort Monroe, that base was on the base closure list. It was not initially put on the list by DOD, but was added by the Base Closure Commission. The Commission subsequently decided not to recommend closure of Fort Monroe. But because Fort Monroe was on the base closure list at the time, JCS announced that they wanted to locate the joint simulation center in the Tidewater area.

Madam President, I want to point out that I do not personally care if the center is located at Fort Monroe or not. I believe strongly it should be colocated with the Army's Training and Doctrine Command. Colocating it with that command will get this important initiative off to the right start. It also avoids the requirement to build new facilities for the center.

For these reasons I support Senator WARNER's amendment and urge its adoption.

Mr. EXON. Madam President, will the Senator yield for a question?

Mr. WARNER. Yes.

Mr. EXON. I would like to ask the Senator from Virginia whether or not the amendment he has been addressing has been offered or has it not been offered.

Mr. WARNER. Madam President, I have withheld the offering of the amendment so that the majority staff member who has been dealing with this issue could come to the floor. I now observe his presence on the floor. So subject to an acknowledgment from the acting chairman of the committee, I would propose to send the amendment to the desk.

Mr. EXON. The Senator has not sent it to the desk as of now, right?

Mr. WARNER. No; I have not. I am prepared to do so as soon as the distinguished Senator from Nebraska says it is clear on that side.

Mr. EXON. Has the Senator from Virginia finished with the debate? I thought we might suggest the absence of a quorum and see if this might be cleared.

Mr. WARNER. I think the Senator is about to receive a communication.

Mr. EXON. I am advised, and I am happy to advise the Senate and the Senator from Virginia, that we have reviewed the amendment on this side. We have no quarrel or problem with it and are prepared to accept the amendment that I understand will be offered by the Senator from Virginia.

Mr. WARNER. Madam President, I thank my colleague.

I might suggest the substitution of a word. Instead of "quarrel with it," since it is cosponsored by the Senator from Michigan I think there is some endorsement from that side, and let the RECORD so state.

The PRESIDING OFFICER. The Chair will advise the Senator from Virginia the pending question is the Harkin amendment. Is there unanimous consent to set it aside?

Mr. WARNER. Madam President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 849

(Purpose: To designate the location of the Joint Warfighting Simulation Center)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER] for himself and Mr. LEVIN proposes an amendment numbered 849.

Mr. WARNER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 242, below line 19, add the following:

SEC. 1067. LOCATION OF JOINT WARFIGHTING SIMULATION CENTER.

The Secretary of Defense shall provide that the Joint Warfighting Simulation Center, established by the Secretary on July 1, 1993, be located with the Army Training and Doctrine Command at Fort Monroe, Virginia.

Mr. WARNER. Madam President, I urge adoption of the amendment.

Mr. EXON. Madam President, we are prepared to accept the amendment on this side of the aisle and we are able to accept it at this time.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Virginia.

The amendment (No. 849) was agreed to.

Mr. EXON. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Madam President, I thank my distinguished friend and colleague, the Senator from Nebraska.

Mr. EXON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, I further ask unanimous consent that the pending amendment be set aside so that I may offer an amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 850

(Purpose: To strike section 1054)

Mr. BINGAMAN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 850.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 229, strike out line 4 and all that follows through page 231, line 14.

Mr. BINGAMAN. Madam President, this amendment is straightforward. It is proposed to strike a provision currently in the bill that was reported by the committee.

The provision that we try to strike with my amendment provides loan guarantees for the export of defense articles to certain countries.

Madam President, in March 1992, over a year ago, I, accompanied by Senators NUNN, WARNER, and LUGAR, made a trip to Russia and the Ukraine.

The defense conversion in those countries was a major subject of our trip and a major issue that we were focused on. The primary Russian conversion strategy turned out to be very simple.

Their strategy was to increase foreign arms sales. Let me quote from the trip report that we submitted to the full committee on my return. In that report we said:

> Key officials of the Russian Government told the delegation that they intend to generate funds for the later conversion of their defense industry by first promoting sales of

> arms to other countries. This strategy is doubly flawed. First, it is unlikely to succeed economically. Second, even an unsuccessful attempt will stimulate worldwide competition in arms sales, flooding Third World countries with a new generation of weapons, with the greatest sales going to regions of greatest instability. Defense conversion is a far preferable alternative, from the point of view of United States national security and, indeed, security and stability.

Madam President, I believe that this statement, from the report we filed with the Armed Services Committee, applies to U.S. defense industries, as well as to Russian defense industries.

I oppose providing loan guarantees for defense exports for a variety of reasons, but my objections can be summed up in one phrase, and that is that defense conversion is a far better alternative.

We have alternatives to promoting foreign arms sales, and we need to support those alternatives. We need to support a robust conversion program that creates sustainable commercial jobs. And we need to support retraining and economic development initiatives that help communities to weather the defense downsizing that we are going through now. We should not use the scarce Federal dollars in the budget to support a bad and much inferior alternative.

A major reason that we should oppose a new loan guarantee program for defense exports in this bill is the impact that these loan guarantees will have on weapons proliferation.

The opponents of my amendment will argue that there are no proliferation concerns involved; that only our close allies are covered under this program, and that they will purchase these weapons anyway; and that this is a question of whether arms are purchased from the United States or from one of our allies.

I do not believe that is the entire story, Madam President. First, in the provision that we are trying to strike here, they are seeking Government support for foreign arms sales for the very same reasons that other countries are seeking support from their governments; that is, there is a worldwide oversupply of weapons and the competition to sell those weapons is getting stiffer and stiffer.

It would be a mistake to believe that more U.S. arms sales to our allies will not contribute to increased arms sales in other parts of the world. Other countries are not pursuing arms sales for geopolitical reasons that increased arms sales will address. They are pursuing arms sales for the simple reason that they want to maintain jobs, they want to maintain declining defense industries, and they want to earn hard cash.

U.S. export guarantees will not deal with these issues. They will simply lead to increased foreign government subsidies to keep their sales competitive and put increased pressure on foreign governments to sell where the market is the largest—that is, in Third World countries in Asia and in the Middle East.

Another reason that we are opposed to this amendment is the current United States policy is to seek to limit the export of arms from Russia and the other former Soviet Union countries, as well as from China and other major arms exporters. How can we ask these countries to forego defense exports in favor of a real conversion program when we are not willing to do so ourselves?

The fact that these sales would go only to our allies does not answer this question. The close allies of Russia and China include countries such as North Korea and Syria. We subsidize sales to our allies, they subsidize sales to their allies, and weapons proliferate exponentially.

As that 1992 trip report, prepared by Senators NUNN, WARNER, LUGAR, and myself, stated regarding Russian efforts to support arms exports:

> Even an unsuccessful attempt will stimulate worldwide competition in arms sales, flooding Third World countries with a new generation of weapons, with the greatest sales going to regions of greatest instability.

U.S. attempts will have a similar effect on world arms sales.

I believe the reasons to oppose a new defense export loan guarantee program are compelling.

Let me take a few additional minutes here to discuss the arguments of those who support this provision. The provision was proposed by Senator KEMPTHORNE. He is going to speak in just a few moments about his views. But let me address some of the points that were made in committee when this issue was debated and when I opposed his provision at that time.

The major argument that opponents of our striking amendment will raise is that, without export loan guarantees, U.S. companies are at a competitive disadvantage in the international arms market.

Madam President, the idea that U.S. companies are at a competitive disadvantage is preposterous. The United States dominates arms sales worldwide today. In 1991, the most recent year for which figures are available, the United States was responsible for almost 60 percent of the world arms market; more than 4 times as much as France, Germany, and Britain combined.

Foreign military sales are estimated to reach $26 billion this year alone. That is an all-time record, Madam President.

For the countries covered by the Kempthorne amendment, the United States has a virtual monopoly on the market. We have about 87 percent of all arms sales to those countries today without an export program. I wish that all U.S. industries were at such a disadvantage.

There is no evidence that the lack of an additional $1 billion export loan guarantee program is a competitive disadvantage for the U.S. defense industry. It is true that Europeans provide loan guarantees and other assistance to their defense industry. But, from the evidence of arms sales in recent years, this has not put the United States at a disadvantage at all. In fact, the United States dominates the world in NATO and allied arms sales. This is in no small part because of some other existing programs that we do have in place to support arms sales by U.S. defense industries.

Let me just discuss those for a moment. The greatest of these is the foreign military financing program, which this year will provide $3.3 billion in grants to foreign countries for the purchase of U.S. defense articles and services and, in addition, it will provide $855 million in low interest loans for the purchase of U.S. weapons.

For fiscal year 1994, the administration has requested $3.322 billion in grants and budget authority, and an additional $855 million in loan guarantees.

Foreign military financing provides a significant competitive advantage to U.S. companies. No other country, no other ally of ours, provides grants solely for the purpose of purchasing their own defense equipment like we do. This existing program more than compensates for the lack of a loan guarantee program such as is proposed in the Kempthorne amendment.

There is no U.S. arms sales competitive disadvantage. There may, however, be an impact on jobs. This is an issue that opponents of the amendment will also focus on. Let me just look at that impact for a moment.

For the countries covered by the Kempthorne amendment, the United States has, as I mentioned before, 87 percent of the arms sales market. There is little room for expansion in that area. At the same time, that market is shrinking. Each of those countries is seeking to hold onto its own defense industry as they, too, are faced with trying to maintain jobs and capability in a glutted world market. Even if loan guarantees were to increase the U.S. share of this market to 100 percent, there would still be lost jobs in the United States. The result would be a delay in U.S. industry's transition, a much steeper dropoff when the jobs are finally gone. We would simply be delaying the inevitable.

Any way you look at it, arms exports are not conversion. I do not believe that anyone here in this Chamber believes that Russian support for arms exports constitutes Russian defense conversion, and I hope that nobody will argue that United States subsidies for arms exports constitutes United States defense conversion.

The impacts of the defense downsizing will continue to be felt over the next few years. We will be under increased pressure from companies and workers and communities to reverse that trend and to do something to prevent the inevitable transition. We have established a defense conversion program that will help companies to adjust. We funded worker training and economic development programs to help individuals and communities to adjust. We are beginning to address these issues as best we can. But the pressure to maintain the status quo at whatever price will continue.

I urge my colleagues to resist that pressure. We may gain a little from the program but ultimately we will lose a lot. We will lose an opportunity to help transition U.S. defense companies into sustainable commercial development. What company will pursue the difficult and painful process of defense conversion when they see the Federal Government is willing to subsidize them continuing as they have operated in the past? We will lose an opportunity to help transition the economies of Russia and the Soviet successor states away from the defense economy and into commercial development when these countries see the United States does, in fact, consider arms exports to be defense conversion just as they themselves are arguing. And we will lose scarce Federal dollars trying to hold onto a rapidly declining world market, dollars that could be used to support sustainable defense conversion or work force training or community development or even as my amendment proposes to lower the Federal budget.

Finally, I do believe this provision, which Senator KEMPTHORNE has added to the bill, constitutes the camel's nose under the tent. Opponents of my proposal to strike the provision will argue that this is not the case. But let us look at the facts.

First, the Kempthorne provision provides guarantees to NATO, Israel, Australia, Japan, and Korea. There is little evidence that financing is a key factor in sales to most of these countries. Sales where financing may be important, in countries such as Singapore and Taiwan and Indonesia—those countries are not covered.

The United States already controls 87 percent of the arms sales covered by the Kempthorne amendment so there is very little room for growth there. U.S. foreign military growth this year will top $26 billion, and an additional billion dollars in loan guarantees will not significantly impact sales.

For these reasons and others, a defense export loan guarantee program does not make sense unless there is an increase in the number of countries covered or unless the amount of guarantees is substantially increased. I am certain if the amendment that I am offering to strike the provision is defeated, we will be back here next year debating one or the other, probably both, of those expansions in the program.

I support a robust defense conversion program. I support increased Federal funding for commercial exports. I would even support a Federal export loan guarantee program for defense-dependent companies seeking to develop commercial export markets. But I cannot support a Federal subsidy for an industry that already dominates its world market so that a few defense companies can receive unnecessary taxpayer subsidies or, if the proponents of the Kempthorne provision are correct, briefly postpone the inevitable adjustment to the post-cold-war world.

I ask my colleagues to save the Federal Government and the taxpayers of this country $25 million, support my amendment to strike the Kempthorne provision.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Idaho [Mr. KEMPTHORNE] is recognized.

Mr. KEMPTHORNE. Mr. President, I wish to make comments with regard to the amendment that has been offered by my colleague from the State of New Mexico.

Section 1054 of the fiscal year 1994 Defense Authorization Act would establish a 1-year pilot program of Government-guaranteed loans for the exports of defense materials. The aggregate amount guaranteed under this section would not be allowed to exceed $1 billion in fiscal year 1994. In order to guarantee these loans, a subsidy element of $25 million is authorized.

The list of countries eligible for these loan guarantees is limited to the members of the NATO, Israel, Australia, South Korea, and Japan.

The proposed program would be managed by the Department of Defense. The language in the bill does absolutely nothing—I repeat, absolutely nothing—to reduce or diminish existing export controls on defense materials.

I serve on the Defense Conversion Subcommittee of which my good friend from New Mexico serves as the chairman.

I can tell you from experience on that subcommittee that while I am a proponent of defense conversion, it is not immediate. We need a transition to allow us to deal with this very important situation, and I think it is important to note that the proposal before us, to provide for this loan guarantee, utilizes no defense conversion dollars—none.

The defense industrial base is in a rapid state of decline due to deep reductions in defense procurement. As a result of current and projected reductions in defense spending, the Office of Technology has determined that the United States is losing 20,000 defense jobs each month, and we will continue to lose 20,000 defense jobs each month until the end of this century.

At the same time, the Commerce Department indicates that $1 billion in exports creates about 20,000 jobs. With a cost of $25 million to the U.S. Government, we can create 20,000 jobs here in the United States. That $25 million works out to be $1,250 per worker, or the cost of about 6 weeks—6 to 8 weeks—of unemployment benefits.

A number of foreign countries, including Great Britain, France, Sweden, and Italy, provide favorable financing terms to encourage defense exports. There are many documented cases where the United States companies have lost sales because they could not compete with foreign firms offering financing incentives.

During the Armed Services Committee's debate over this very issue, Senator LIEBERMAN told us about a case in his State where Sikorsky Aircraft almost lost a $1.6 billion sale of helicopters to Turkey. In that case, in order to consummate the deal, the Congress agreed to give Sikorsky an one-time waiver so it could offer Turkey a loan through the Export-Import Bank.

I hope Senator LIEBERMAN will be able to make part of the record of this discussion that very case.

The United States helps farmers and other exporters increase sales abroad through loan guarantee programs.

These programs are viewed as a useful tool to help domestic producers export abroad and reduce our trade deficit. Unfortunately, defense materials are prohibited from participating in the financing arrangements offered by the Export-Import Bank.

The Export Loan Guarantee Program, in section 1054 of the defense authorization bill, is similar to the Export Enhancement Program, or EEP, for agricultural exports. The Export Enhancement Program allows the U.S. agricultural producers to receive cash subsidies that allow the U.S. agricultural commodities to be exported to targeted countries at lower and more competitive prices to counter highly subsidized European Community production. Ninety-five countries have been targeted for EEP participation to date, and the amounts spent under this program have reached nearly $1 billion per year. The program the Armed Services Committee has approved in section 1054 will only require that $25 million be set aside. Again, it is for a 1-year pilot program.

This program is not intended in any way to worsen the danger of weapons proliferation. To address this concern, the list of countries eligible for the loan guarantees is limited to friends and allies of the United States.

We know that these countries are going to buy military equipment for their legitimate defense needs. This loan guarantee program will allow American manufacturers and American workers to compete for these sales, and all of these sales will be subject to the constraints contained in the Arms Export Control Act, the interagency review process, and the congressional review process. We have done everything that we can to create a program that will help American workers and defense industries without increasing the dangers of weapons proliferation, which I do not support.

The Senate has also previously expressed its support for a loan guarantee program for defense exports. Two years ago, for example, the Senate passed the fiscal year 1993 State Department Authorization Act which included a provision to establish a loan guarantee program at the Department of State. Unfortunately, this provision was defeated by one vote in conference.

Last year, Senator DODD offered a loan guarantee amendment on the Senate floor, but the amendment became entangled with the Cuban democracy amendment, and both amendments were defeated. This defeat did not, however, reflect the Senate's view of loan guarantees for defense exports.

There are also a number of industry and Government officials who strongly support the concept of loan guarantees.

For example, in a recent letter to the chairman of Martin Marietta, Norm Augustine, the Secretary of Commerce, Ron Brown, expressed his support for defense loan guarantees, and I quote from that letter:

> The Department has been a supporter of defense export loan guarantee proposals in the past and will continue to support them in the future if viable within funding constraints.

In another letter to Secretary Aspin, the president of the Shipbuilders Council of America stated:

> In the export market, as I'm sure you are aware, financing is critical to making sales. Time and again, our industry has lost export opportunities because the governments of our foreign competitors have been willing to provide financing arrangements when our Government has been unable to do so. As part of your initiative to establish a conversion program to assist the defense industry transition to other markets, we urge you to consider including in your FY 1994 budget proposal a Federal export credit guarantee facility for defense exports.

And in her letter to Secretary Aspin, the executive director of the Coalition for Employment through Exports urged the Secretary to "include funding for at least a $1 billion loan guarantee program for defense exports."

Mr. President, the opponents of this modest loan guarantee program will say that the United States is already the world's biggest defense exporter, but these claims, based on 1992 data, present a false picture. Arms sales data from 1992 include three large United States sales to Saudi Arabia, Kuwait, and South Korea which make up 86 percent of the total United States defense sales abroad.

The United States sales to Saudi Arabia and Kuwait made in the aftermath of Operation Desert Storm are one-time events that are unlikely to be repeated. Clearly, the United States defense sales to Kuwait and Saudi Arabia were in our national interest and appropriate. In fact, in light of our role in Operation Desert Storm, had the Saudis and Kuwaitis not relied upon United States equipment to rearm themselves, can you imagine the outcry that would have occurred? I do not understand how we can be criticized for making these sales when we all know that the Saudis and Kuwaitis would have been criticized if they had not bought United States military equipment to rearm themselves.

As I said, the United States defense industrial base is going through a dramatic downsizing. Without U.S. procurement or foreign sales, many of these companies, and many of these American workers, will be out of luck and out of work. The day will come when we will need these defense companies and workers, and unless we take steps now to help them, they will not be in business when our national security once again requires their service.

Mr. President, I reiterate that I serve on the subcommittee under the very able leadership of the Senator from New Mexico. We are working on defense conversion, but this is a one-time pilot project that will help ease the transition for those companies that are so adversely affected by defense downsizing.

This is a modest proposal to help defense companies and defense workers compete on the international market. The language in the fiscal year 1994 Department of Defense Authorization Act will save jobs and capabilities that this country needs.

I urge my colleagues to oppose the Bingaman amendment.

I ask unanimous consent that a group of letters pertaining to the Bingaman amendment be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF COMMERCE,
Washington, DC, June 9, 1993.

NORMAN R. AUGUSTINE,
Chairman and Chief Executive Officer, Martin Marietta Corp. Bethesda, MD.

DEAR MR. AUGUSTINE: Thank you for your thoughtful letter regarding your concern for the U.S. industrial base and the continued financial stability of the U.S. defense industry.

As you are aware, President Clinton has proposed a broad and comprehensive economic plan which I believe addresses many of the concerns of industry and will enhance the competitiveness of the U.S. defense industry in an era of downsizing and conversion. Many of your specific proposals are currently under review within the Administration and Congress.

The Department has been a supporter of defense export loan guarantee program proposals in the past and will continue to support them in the future if viable within funding constraints. We also continue to support efforts to modify nonrecurring cost recoupment policies to enhance the competitiveness of U.S. defense exports against foreign competition.

Many of your specific comments are not under the direct purview of this Department. However, I will seek to ensure that the economic dimensions are considered when policy planning and review are undertaken. In my role as Secretary of Commerce, I will seek to be a strong advocate for the interests of U.S. industry domestically and abroad. Please feel free to continue to provide your insights to the Department on these issues.

Sincerely,

RONALD H. BROWN,
Secretary of Commerce.

AEROSPACE INDUSTRIES ASSOCIATION,
Washington, DC, February 12, 1993.

Hon. LES ASPIN,
Secretary of Defense, Department of Defense, Washington, DC.

DEAR LES: First, let me once again congratulate you on assuming the position of Secretary of Defense. There is no more difficult time for an institution than when it is facing a period of contraction, as we know all too well in the aerospace industry. I am certain you will provide the necessary leadership to DoD as it undergoes such painful transition.

As you prepare your final Fiscal Year 94 budget, I understand that you are committed to including some resources for "conversion", to assist communities, firms, and workers who are affected by reduced defense budgets. I would urge you to include a program that industry has sought for some time—namely a federal export credit guarantee facility for defense exports. Budget authority of $65 million would allow the implementation of a $1 billion guarantee program, which in turn could generate nearly $1.2 billion in exports.

That volume of exports would benefit roughly 20,000 people in the defense industry, plus another 15,000 workers to the benefit of the rest of the economy. It would help maintain production of important weapons systems, and lower unit costs of equipment purchased by DoD. Surely a program which keeps people employed and helps maintain our defense industrial base makes more sense than finding ways to use $65 million to retrain workers and retool defense industries.

I am attaching a more detailed description of such a program. AIA would certainly appreciate the opportunity to meet with you or your representatives on this issue. Industry will press hard for the establishment of such a program during Congressional debate on defense and foreign affairs budgets. however, inclusion in the Administration's own budget proposal would greatly increase the prospects for a program.

There are other important issues affecting the defense industry which I hope we will be able to discuss with you in the near future. I bring this to your attention at this time because of the time sensitivity of the budget process. Thank you for your consideration.

Sincerely,

DON FUQUA,
President.

ELECTRONIC INDUSTRIES ASSOCIATION,
Washington, DC, February 19, 1993.

Hon. LES ASPIN,
Secretary of Defense, Office of the Secretary of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY ASPIN: Congratulations on your confirmation as Secretary of Defense. The country is well-served to have a man of your ability and experience to lead the Department at a time of fluidity in the world situation, as well as what that means in downsizing the defense establishment. As we discussed when you addressed our Legislative Affairs Council, the industrial base is critical to ensuring our ability to meet the national security challenges of the 1990's.

To that end, as you prepare the DOD FY 94 budget, I would urge you to include funds for an export credit guarantee facility for defense exports. For every $1 billion in guarantees, only $65 million in budget authority is needed. A $5 billion guarantee program would preserve jobs, enhance U.S. national security, and help maintain our defense industrial base and U.S. technological leadership.

I look forward to working with you on this and other important defense issues facing our industry and our country at this critical time. You can count on us to work with you and your colleagues to ensure that Congress supports its inclusion in the budget.

Sincerely,

PETE MCCLOSKEY,
President.

SHIPBUILDERS COUNCIL OF AMERICA,
Arlington, VA, February 22, 1993.

Hon. LES ASPIN,
Secretary of Defense, Department of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: On behalf of the shipbuilding and repair industry, I want to congratulate you on your appointment as Secretary of Defense. Although we will miss you as Chairman of the Armed Services Committee, we look forward to working with you in your new position as you lead the Department of Defense in this difficult period.

It is essential that America's shipyards diversity to meet business opportunities in the export of naval and commercial ships if they are to survive the downsizing of DOD. In the export market, as I'm sure you are aware, financing is critical to making a sale. Time and again, our industry has lost export opportunities because the governments of our foreign competitors have been willing to provide financing arrangements when our Government has been unable to do so. As part of your initiative to establish a conversion program to assist the defense industry transition to other markets, we urge you to consider including in your FY'94 budget proposal a federal export credit guarantee facility for defense exports. Budget authority of $325 million would allow the implementation of a $5 billion guarantee program.

As export credit guarantee program using the same credit guidelines as those of the Eximbank would facilitate the construction and export of frigates, mine sweepers, patrol boats, and other vessels to our friends and allies, while creating thousands of jobs in our shipbuilding and other defense industries. The export market for defense systems would be instrumental in preserving a defense industrial base capable of meeting future American defense needs at a fraction of the cost to the American taxpayer.

Related to this issue is the policy DOD will implement with respect to the ships it retires early from the fleet to reduce operations and maintenance budgets. Initial indications are that the Navy will retire 20 ships in FY'94 and may reduce the fleet by as many as 140 ships over the next four years. The retirement of these ships will result in the loss of 40,000 or more jobs in public and private shipyards. Fewer jobs will be lost if the yards are tasked with deactivating the ships and placing them in a reserve status. This policy would enable DOD to reactivate the ships in a future crisis. Should DOD decide to transfer these ships to allied navies, our industry would lose not only the deactivation work but our ability to participate in the export market. Most importantly, the Nation would lose valuable assets which would be very costly to replace.

SCA would welcome the opportunity to meet with you as soon as possible on establishing an export guarantee program in this year's budget request, and to discuss the impact of other policy and budget decisions on our industry. Thank you for your consideration of this important initiative.

Sincerely,

JOHN L. STOCKER,
President.

COALITION FOR EMPLOYMENT THROUGH EXPORTS, INC.,
Washington, DC, March 9, 1993.

Hon. LES ASPIN,
Secretary of Defense, Department of Defense, Washington, DC.

DEAR SECRETARY ASPIN: During the FY '94 DoD budget process, the Coalition for Employment through Exports (CEE) urges you to include funding for at least a $1 billion loan guarantee program for defense exports. This would require a subsidy of about $65 million for each million dollars of loan guarantee authority.

Funding for this program would allow the U.S. defense industry to compete more effectively with our foreign competitors in key markets, i.e., those of our closest allies. As you are aware, the U.S. Export-Import Bank can only provide loan guarantees for non-defense commercial exports. Therefore, a DoD program could fill this critifcal need.

This program will have a significant impact on the U.S. economy. The U.S. Department of Commerce estimates that each $1 billion in exports supports about 20,000 American jobs. In addition, there is a ripple effect which is several times the value of the initial export, in terms of tax revenues, related services, and follow-on business.

CEE is a broad based coalition of U.S. exporters, labor unions, and state governors. Since it was organized in 1981, the Coalition has pioneered efforts to increase awareness of the linkage between U.S. exports and employment. A list of our members is attached. Thank you for your consideration.

Sincerely,

PEGGY A. HOULIHAN,
Executive Director.

AMERICAN LEAGUE FOR EXPORTS AND SECURITY ASSISTANCE, INC.,
Washington, DC, February 22, 1993.

Hon. LES ASPIN,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: As you shape the defense budget to the new global environment, the American League for Exports and Security Assistance (ALESA) recommends you support a program that can offer very substantial support for the U.S. defense industrial base.

A $5 billion defense export loan gurantee program, requiring only $325 million in budget authority and no outlay unless there is a default, can provide continued employment for about 200,000 defense workers, engineers and scientists while at the same time helping our friends and allies meet their defense requirements.

The need for such a program is acute. Grant aid was eliminated in FY '93 for the base rights countries of Turkey, Greece and Portugal. The enactment of a loan guarantee program would allow these countries, and other friends and allies, to continue with modernization programs. U.S. defense companies and local communities would be provided with the extra time needed to adjust to downsizing of the defense industrial case.

An export loan guarantee program would facilitate such an adjustment far more effectively than some of the much talked amount but still . . . defense conversion plans.

Sincerely,

HOWARD M. FISH,
Chairman of the Board.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland [Mr. SARBANES].

Mr. SARBANES. Mr. President, I want to commend the very able Senator from New Mexico not only for offering the amendment, but also for the very strong and powerful statement he made in behalf of his amendment.

I have to submit to my colleagues that this is absolutely the wrong direction in which to move in the post-cold-war era. I understand that we face a difficult problem with respect to defense conversion, and all of us in this body are very sensitive to that problem.

We are in the process now of downsizing our own military, but one of our major foreign policy objectives worldwide is to downsize the military of other countries, as well. We have made a judgment about security requirements which leads us to the conclusion that we can begin to downsize our own military. It is contradictory then to put in place a policy, which, in order to compensate for reductions in our own forces, seeks to find ways to expand the military of others. This runs directly counter to the underlying international realities that have made our own defense spending reductions possible.

First of all, U.S. arms exports already lead world markets. We dominate the world market now in the transfer of military weaponry. As my very distinguished colleague from New Mexico has pointed out, in the countries covered by this amendment, which are NATO and other major non-NATO allies, we have 87 percent of those sales already.

I know it is asserted that it is not the case, but I have to say that this is basically the camel's nose under the tent. This is going to come back obviously in subsequent years to expand the list of countries to move into other countries where the advantage of export guarantees would be much more significant, or to expand the amount of money available for export guarantees, or some combination thereof. So this is but the beginning of what has every promise to it of being an increasingly larger and more difficult program.

The whole idea of defense conversion is to help our industry adjust to the new era and to lead it into commercial applications. If we use conversion money to subsidize military exports, it will only create incentives not to convert. I repeat that: If we use conversion money, in effect, to subsidize military exports, it is going to increase the pressure, the incentives not to convert, and we will lose an important opportunity to take the lead in commercial high-technology industries.

Second, it is in our interest, and has been clearly stated as a major objective, to prevent conventional arms races from spiraling out of control across the globe. We must restrain our own arms sales. I, in fact, think there is a problem, absent this new program, in the increase of U.S. arms sales which have been taking place.

American weaponry is recognized as the best in the world. Countries seeking to improve their defense establishment turn almost automatically to the United States. But to add now a new program, which is what this would be, in order to encourage this runs directly counter to our efforts to try to get other countries to stop arms sales which we consider dangerous and unwise.

We are working very hard to keep constituent Republics of the former Soviet Union and some of the major Eastern European arms manufacturing countries from engaging in and certainly from intensifying their efforts in the arms trade. But I ask you, how can we approach them and seek to dissuade them from these activities when we in this legislation are proposing a new program in order to encourage American arms sales?

Again, it is directly contradictory to a very important objective which we have enunciated worldwide and which we are doing our very best to put into effect.

I, not too long ago, talked with people from the Czech Republic —it was then Czech and Slovak Republic—who were keenly concerned about the American effort to dissuade them from engaging in the arms trade. It seems to me this gives them the basis on which to come back and say, you are trying to dissuade us from engaging in this arms trade and yet you are enacting new—new—approaches to enhancing the arms trade, not engaging in the old activities, which in itself could raise some questions but actually enacting new programs in order to encourage the arms trade.

Now, I just want to point out a couple of other things about this legislation. The language in the bill, which my distinguished colleague from New Mexico is seeking to strike, points out that the President can designate another agency to implement the program.

I am not clear what that means. But there is some concern, one, that the Defense Department would have to establish a whole new apparatus or bureaucracy in order to try to do this program; that they would not wish to do that so they would seek, as this says, to make such arrangements as are necessary with other agencies to process the applications and otherwise implement the programs under this section.

Of course, the real danger again that would work at counter purposes with what we are trying to accomplish is that the Secretary of Defense would seek to make that arrangement with other agencies in the Federal Government, whose prime responsibility is to encourage and provide guarantees and loans for civilian exports. This new program could, therefore, work against our objective, a very firm objective now, to enhance the U.S. role in the commercial export sector.

Now, even if the program were technically funded by the Defense Department, it nevertheless would draw on the time, expertise, evaluation, and monitoring capacity, and administrative support personnel of whatever other agency it is that they may go to.

I know there is a provision that the funds may not be available to the Export-Import Bank to execute the program, but that may well be different from implementing the program. There are certainly other agencies which are also engaged in commercial exports which may be drawn into this process. We need to encourage commercial exports and to do it in a very strong and vigorous way.

Finally, let me simply point out that this, in effect, may well become a new foreign aid program. Many defense loans are never paid back. That is why we require a subsidy appropriation to cover failure to repay loans. This, therefore, is a program to set aside money for foreign countries to buy U.S. weapons just like the existing FMF Program. We already have a program that works in this very arena, and we may argue what the extent of that program may be, but we already have it. And we have had it for a long time. It has been extremely effective in terms of the American penetration of this arms market. But that program, it must be said, has built up a number of constraints and restraints in its application.

Now, we are at the moment engaged—the administration has a major review underway—in the process of consolidating, rationalizing, and streamlining the effectiveness of our foreign assistance program, and there are many who believe that it should include a shift of resources from military assistance to economic assistance.

Now, this language would provide U.S. military aid for projects which were neither developed on the basis of U.S. foreign policy considerations nor based on U.S. assessments of recipient country needs nor considered against other priorities for U.S. foreign assistance.

At the moment, there is a very careful process that is involved with FMF sales in terms of evaluating how they harmonize with basic U.S. foreign policy considerations and with assessments of the recipient country needs.

As I read this amendment, that is not present with respect to this guarantee program. In any event, to the extent that a procedure is provided, it represents a procedure that you are trying to apply to a new initiative.

Now, we are doing well in this particular sector. I do not think we need to launch a new program. I feel very keenly that launching such a new program is going to make it increasingly difficult for the United States to play a leadership role worldwide in trying to restrain and constrain the arms race. We are not going to be in a position to go to other countries interested in making arms sales—and many countries face economic problems far worse than the ones we are confronting—to dissuade them from engaging in arms sales. How in the world are we going to be able to continue to try to do that when they can very easily say, well, you just enacted yet another new initiative in order to enhance your own arms sales.

So I very strongly commend the Senator from New Mexico for offering this amendment. I urge my colleagues to support it and to strike from this bill the language dealing with export loan guarantees in an effort to try to bring it under the defense conversion umbrella.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, could I ask my colleague a question? Could the Senator point with more specificity to the existing laws or policy of our country with which the Senator feels the bill as written is in conflict? I listened but I failed to gain that fact from the Senator.

In other words, I got the general impression that what the Armed Services Committee as a committee of the whole had done and adopted and put in their bill was, in the Senator's judgment, in conflict with some specific law or policy of the United States.

Mr. SARBANES. What I said was that the committee was acting in a contradictory manner to expressed U.S. policy, which has been to try to constrain the arms race worldwide.

Now, we have been downsizing and, therefore, beginning to contract our own defense industry. To then go out and try to encourage arms acquisitions elsewhere in the world when we have been urging countries, in effect, to reduce their own arms expenditure, and particularly urging arms export countries not to engage in the export of arms, we are putting a lot of pressure on them. We have been engaged in intense discussions with Russia, for example, urging them not to engage in the export of significant weaponry to different places around the world. And here we are passing a new program in order to expand our own exports. It is just contradictory.

How are you going to engage in a discussion with these people and try to get them not to carry out arms sales when they can come back and say, well, look, you are in the very process of trying to encourage arms sales with a new program.

Mr. WARNER. I happen to be opposed to the amendment, and I stand foursquare behind the committee action.

What I am trying to get at is the specificity to use the word we are talking about. We have a policy. Can the Senator show the Senate a document which states that the President of the United States, President Clinton and this administration, are out talking, or otherwise trying to suggest the nations stop selling arms?

I know there are instances, like Russia, where we want to stop it in shipments to areas in which it could fuel a conflict, or where we, in our judgment, think that a specific shipment would be in error. For example, we just had an administration policy, which I agree with, with relation to China shipping weapons to potential aggressor nations.

So we support those ad hoc decisions which are not in our national interest. But I cannot find a broad side policy where we are out saying "Let us stop shipping arms and not do it." I cannot find that.

We are desperately in need of maintaining an industrial base. We are soon going to have consideration here of certain programs in the Department of Defense in which we are going to authorize and fund dollars for the purpose of maintaining an industrial base sufficient that if the national security situation deteriorates America once again, for example, will build submarines. That is going to be one of the clearest examples of maintaining an industrial base.

If we can also augment the industrial base, the economic industrial base, by shipping arms and shipping them to countries which are not potential aggressors against the interest of the free world, then we should be doing it. That is precisely why the committee as a whole adopted the amendment of the distinguished Senator from Idaho.

If this bill language is in conflict with an existing law or on existing policy, let us put it out here on the desk.

Mr. SARBANES. I say to my colleague from Virginia, as I understand it in March of last year the Senator from Virginia, Senator NUNN, Senator LUGAR, and Senator BINGAMAN, the author of this amendment, visited Russia and the Ukraine, and defense conversion in those countries of the former Soviet Union was the major focus of your visit.

Apparently the primary Russian conversion strategy, was a very simple one, foreign arms sales. Apparently they were very up front about saying that. This is what is contained in the report that was submitted to the Senate upon the return from the trip. I now quote:

> Key officials of the Russian Government told the delegation that they intend to generate funds for the later conversion of their defense industry by first promoting sales of arms to other countries.

This strategy is doubly flawed. First, it is unlikely to succeed economically. Second, even an unsuccessful attempt will stimulate worldwide competition in arms sales flooding Third World countries with a new generation of weapons, with the greatest sales going to regions of greatest instability.

These arms sales could have the effect of increasing the military threat to the United States from regional powers while delaying the conversion of the Russian defense complex. Defense conversion is a far preferable alternative from the point of view of U.S. national security and indeed international security and stability.

I would submit that the same language would apply to our efforts here at home. Defense conversion is a far preferable alternative to trying to encourage foreign arms sales.

I do not have with me the specific detailing of the approach made to the Czech and Slovak Republics, but I do recall very clearly a meeting that was held with Czech officials in which they made the point that they were backing off arms sales in response to United States pressure. They were paying for it in economic terms.

Of course that is the case. But the whole point of defense conversion is to get out of the defense industry and into the commercial sector. That is what we need to be focusing on.

Mr. WARNER. Mr. President, I am not sure on that general philosophy that the Senator from Maryland and I have a departure. But if you would look at the specific language of the bill, we are directing these sales not to Third World countries, not to potential aggressors, but may I read the provision, section A, page 229.

"During fiscal year '94, the President may issue guarantees"—I might add it is "may", it is discretionary with the President of the United States—"for the sale of defense articles and defense services to the member nations of the North Atlantic Treaty Organization"—our foremost ally—"and to Israel"—our foremost ally—"Australia, Japan, and the Republic of Korea."

That specifically outlines the objective of these sales with our principal allies and friends worldwide.

To me, to adopt this amendment would be to say to our defense industry, which in many instances is struggling to stay alive, we do not want you anymore, close the shop, go home; tens upon tens upon tens of thousands of jobs, particularly in California.

I listened the other day, indeed with great compassion, to our two distinguished colleagues from California. Therein is the tragic story. There is a State that has identified itself with the strong goals of American defense for decades, primarily beginning in World War II. Now it is being severely hit by base closure policies, defense cutbacks, and the like.

This bill is carefully crafted to limit the sales to a targeted group of nations who are our principal allies, not Third World nations.

I suggest that the policy of trying to have restrained proliferation of weapons and things of this nature should be directed to those potential aggressors, not to our allies.

I yield the floor.

Mr. SARBANES. Mr. President, let me just say very quickly, first of all, we already have a virtual monopoly of the arms market the Senator is talking about, without providing a subsidy or underwriting with loan guarantees. It is my understanding that we have close to 90 percent of the arms sales to the very market you are talking about.

Essentially, I submit to you what is going to happen with this amendment is that you are going to have great pressure to expand it to other countries. First of all, the countries will come to you and say: "Why should we not be able to take advantage of the loan guarantee program? Why is it restricted to these other countries?" Countries will put on the pressure to gain the loan guarantee as soon as it is clear that this does not make much of a difference with these recipient countries because we virtually have all of that market. The pressure will grow to expand the list of countries where in fact we may have a somewhat more responsive market.

This is really not the time to come in here and use badly needed resources to provide a subsidy for a program that clearly does not need a subsidy. It defies rationality to understand why people want to give a subsidy and underwrite activity in an area in which our arms exporters already have close to a monopoly. Of course, what the end result is, I submit to you, is that we are going to be confronted, in very short order, with efforts to broaden this program with all of the serious implications that would be associated with that.

So I urge my colleagues to support the amendment of the very able Senator from New Mexico.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. I do not see anybody else waiting to speak. I will conclude my argument here, and then we can get on to another issue. I understand that all votes will be stacked for tomorrow.

I ask for the yeas and nays on the amendment at this time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. Mr. President, let me conclude my argument by just pointing out that in his statement, Senator KEMPTHORNE made this statement, or suggested that perhaps some of the figures that I had earlier cited relating to arms sales were for 1992 and represented a particular position related to the Persian Gulf war. The 87 percent figure that I mentioned, 87 percent of sales to the countries covered by this amendment, was based upon sales from 1987 to through 1991. I wanted to clarify that.

I also wanted to make it clear to my colleagues that the Department of Defense has not supported the Kempthorne provision which we are trying to strike.

We have a letter from Mr. Deutch, Under Secretary of Defense, where he says very clearly that they have not determined the appropriateness of pursuing any kind of loan guarantee program and take no position on this.

I also want to commend my colleague from Maryland, who I think has put the issue in exactly the right perspective, in that he makes the very obvious point that we cannot credibly argue that we want to constrain the arms race around the world at a time when we are, ourselves, gearing up new programs in this bill to promote arms sales to other countries.

Clearly, we want our own companies to succeed in their efforts to compete in the world market. But they are succeeding, Mr. President. I think for our Government to step in and spend what is estimated here at $25 million—that is what the amendment calls for—of taxpayer funds this next year to set up a brand new program to export arms, to support the export of arms to the rest of the world by our defense contractors, I think would be counterproductive to our overall foreign policy objectives. Therefore, I urge my colleagues to support the amendment that I have submitted to strike the Kempthorne provision.

Mr. WARNER. Will the Senator yield for a question?

Mr. BINGAMAN. Yes.

Mr. WARNER. The Senator from Idaho, as I understand, introduced this letter of June 18, 1993, in which the Secretary of Commerce on his stationery, Ron Brown, wrote Mr. Augustine, chairman and chief executive officer, where he says:

> The Department has been a supporter of defense export loan guarantee program proposals in the past and will continue to support them in the future if viable within funding constraints.

I interpret that as an endorsement by the Clinton administration. Does the Senator interpret it differently?

Mr. BINGAMAN. In response to the question, I do interpret it differently, because we have a subsequent letter dated August 31, from John Deutch, where he says that,

> The administration has not yet determined the suitability or efficacy of Government-backed loan guarantees for defense exports.

I ask unanimous consent that the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNDER SECRETARY OF DEFENSE,
Washington, DC, August 31, 1993.
Mr. SHELBY COFFEE III,
Editor, Los Angeles Times, Times Mirror Square, Los Angeles, CA.

DEAR MR. COFFEY: I would like to clarify two points regarding Lee Feinstein's recent article, "Big Military Contractors Go on the Defensive" (August 1, 1993).

First, the Administration has not yet determined the suitability or efficacy of government-backed loan guarantees for defense exports. The Defense Department is currently evaluating loan guarantees as one of several possible tools to help defense contractors remain viable as U.S. military needs decline.

Second, if the Administration were to support loan guarantees in the future, the funds would not be diverted from defense conversion. That $20 billion budget is spelled out in a March 11, 1993 summary of the President's Defense Reinvestment and Conversion Initiative, and the President remains committed to full funding of that initiative.

Sincerely,

JOHN M. DEUTCH.

Mr. WARNER. Well, Mr. President, at best, then we have the Secretary of Commerce who has the prime responsibility for exports, at least on record. There is no ambiguity in this letter. It may well be that the Deputy Secretary of Defense wants to reconsider certain aspects of it, as relates to certain areas of the export. But to me this is a clear indication by the administration.

Has the Senator sought clarification of the Brown letter as relates to the Deutch letter? I think it is important that this body understand what is the position of the Clinton administration on this particular piece of legislation.

Mr. BINGAMAN. Mr. President, in response, all I can say is that we have contacted the Department of Defense and asked them for the position of the administration on this provision that Senator KEMPTHORNE added. They have advised us that this latest letter from the Under Secretary of Defense represents the administration position, and their position is that they have not yet determined the suitability of a government-backed loan guarantee for defense exports.

Mr. WARNER. This letter has not as yet found its way to this side of the aisle. Would the Senator read the letter in its entirety?

Mr. BINGAMAN. I will be glad to.

Mr. WARNER. What is the date of the letter?

Mr. BINGAMAN. The date of the letter is August 31. It is a letter to Mr. Shelby Coffey in Los Angeles at the Los Angeles Times, Times Mirror Square.

It says:

> DEAR MR. COFFEY. I would like to clarify two points regarding Lee Feinstein's recent article, "Big Military Contractors Go on the Defensive" (August 1, 1993).
>
> First, the Administration has not yet determined the suitability or efficiency of government-backed loan guarantees for defense exports. The Defense Department is currently evaluating loan guarantees as one of several possible tools to help defense contractors remain viable as U.S. military needs decline.
>
> Second, if the Administration were to support loan guarantees in the future, the funds would not be diverted from defense conversion. That $20 billion budget is spelled out in a March 11, 1993 summary of the President's Defense Reinvestment and Conversion Initiative, and the President remains committed to full funding of that initiative.

Mr. WARNER. I hardly think a letter to a newspaper is going to be the controlling document here in the U.S. Senate. So I think it is incumbent upon my colleague from Idaho to see if we can get clarification on this. This body is entitled to know the position of the Clinton administration on decisions of the Armed Services Committee.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. To continue that point, in reference to the Deutch letter that the Senator from New Mexico just read, let me reiterate that the money being utilized for this loan guarantee program does not come from defense conversion fund.

It does not come from defense conversion money.

The PRESIDING OFFICER. May I ask the Senator to withhold a second? The Senator from New Mexico has the floor and did not yield the floor.

Mr. BINGAMAN. I meant to yield the floor.

Mr. President, I yield to my colleague.

The PRESIDING OFFICER. The floor is yielded to the Senator from Idaho.

Mr. KEMPTHORNE. I thank the Senator from New Mexico.

Also in reference to the fact that we are talking about an industry that does not need help, I again reference the statistics that we are losing 20,000 American workers every month. As projected, we will lose 20,000 American workers every month in the defense industry until we reach the end of this century.

I again reiterate that these loan guarantees are only targets obviously being made available to our allies in those countries that we listed such as Israel, Australia, Japan, and South Korea where the President may designate that they can be qualified to utilize these funds.

These are our allies. These are people that we have pledged that we will work with and support our common defense.

I think it is far better for us in this program to go ahead and support an industry that has been tremendously important to the well being of this Nation so that we are the superpower in the world, so that they can utilize this program and perhaps make available to our allies that equipment through the loan guarantees so that they can have a strong defense and so we do not have to send our sons and daughters to some parts of the world in order to bring about their defense.

It makes sense to me, Mr. President—and, again, the model is the export enhancement program that has worked so well for the agricultural industry.

So, Mr. President, I urge my colleagues to reject the Bingaman amendment.

The PRESIDING OFFICER. The Senator from Alabama is recognized, Mr. SHELBY.

Mr. SHELBY. Mr. President, I ask unanimous consent that it be in order for me to offer an amendment to the language proposed to be stricken by the pending Harkin amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. I also call for the regular order.

The PRESIDING OFFICER. The regular order is the Harkin amendment.

AMENDMENT NO. 851 TO AMENDMENT NO. 829

(Purpose: To place a limitation on the use of funds for the Kinetic Energy Antisatellite (KE-ASAT) program)

Mr. SHELBY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself, and Mr. SMITH proposes an amendment numbered 851 to amendment No. 829.

Mr. SHELBY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the matter proposed to be stricken, insert at the end the following:

(d) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated to the Department of Defense for fiscal year 1994 may be obligated for the Kinetic Energy Antisatellite (KE-ASAT) program until the Secretary of Defense submits to Congress the report required by section 1363 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2560) that contains, in addition to the matter required by such section, the Secretary's certification that there is a requirement for an antisatellite program.

Mr. SHELBY. Mr. President, I rise to offer an amendment on behalf of myself and the distinguished Senator from New Hampshire, Senator SMITH, to the Harkin amendment No. 829.

The Harkin amendment would strike funding for the Kinetic Energy Antisatellite Program that we know as ASAT.

As we know, the cold war may have ended, but we must continue to be concerned about the increasing number of nations that are developing their own space-launched capabilities.

The Air Force Aerospace Science and Technology Center projects that up to 10 potentially hostile countries could have within the decade tactical ballistic missiles and overhead targeting capability such to threaten the United States in Persian Gulf-type conflicts.

There are nine countries, including China, India, and Brazil, which now have their own overhead satellite. Iraq and Iran are among those nations seeking to purchase satellite capabilities. Much is available either from the former Soviet Union or upon the open international commercial market.

I believe, Mr. President, it is our obligation to continue to seek to counter this threat.

Last year in the fiscal 1993 authorization bill, Congress directed the Secretary of Defense to update the operational requirements document on the kinetic energy ASAT Program. Assistant Secretary Ashe Carter is currently working to provide this document to the Senate.

Thus, Mr. President, we currently have no real direction from the administration, leaving the issue unresolved.

The Armed Services Committee has strongly supported this program in the past, and $225 million has been spent so far on the KE-ASAT Program.

In order that the United States receives a return on its investment, the committee has now directed the Secretary of Defense to convert the current KE-ASAT Program to a tactical ASAT technologies program so that the Army can complete the demonstration validation phase and preserving an option to develop and deploy an ASAT system in the future.

To accomplish this task, the committee authorized $10 million—$4.5 million in unobligated fiscal year 1993 and $5.5 million in fiscal year 1994—in funds to continue engineering development work on the most critical ASAT technologies and produce a prototype for testing which we really need.

The amendment offered by the Senator from Iowa would kill this program at a time when we can finally derive real benefits.

The $5½ million in new funds will not build an ASAT system. It will not lead to destruction of any satellites in space, but, Mr. President, what it will do is prevent the United States from wasting the $225 million spent already on the program.

Mr. President, this amendment takes this process one step further. The amendment fences additional funding for the KE-ASAT Program until, first, the Secretary of Defense provides the operational requirements document required by the fiscal 1993 authorization bill, and, second, the Secretary of Defense certifies there is a requirement for this program.

This amendment would ensure that no additional funds are spent on the program until the administration determines that the program should continue.

Mr. President, funding in the bill before us represents a modest investment that will permit an orderly conclusion to the KE-ASAT Program leaving a prototype rather than simply pulling the rug and leaving us with nothing.

I urge adoption of this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. SMITH], is recognized.

Mr. SMITH. Mr. President, I am very pleased to join with my distinguished colleague from Alabama in sponsoring this amendment. It is a good amendment. I oppose the underlying Harkin amendment which would strike the committee legislation regarding ASAT.

The bill before us includes a very modest $10 million to continue engineering work on the most critical ASAT technologies. This represents a substantial reduction from the $25 million that was appropriated in fiscal year 1993.

I would emphasize, Mr. President, that only $5½ million of this is fiscal 1994 money. The remaining $4½ million comes from unobligated fiscal 1993 antisatellite funds.

To date, the United States has invested $225 million in the ASAT program. There has been a lot of progress made in developing a kinetic-kill vehicle and other key components and technologies. This technology is a national treasure. We must not waste our investment and lose its prospective return by terminating the program at a very, very critical juncture.

By providing $10 million a year over the next 3 years, we will be able to salvage the work that has already been done under the ASAT program, and to complete the engineering work on the kinetic-kill vehicle, the seeker, and the BMCU-cubed element. This will keep important skilled personnel on the job and provide us with a prototype for flight testing.

Most importantly, by sustaining this program at a reduced level, rather than terminating it, we will retain the capability to rapidly test and develop an operational ASAT system should urgent requirement arise. And we will maximize the return on the $225 million that we have already expended.

Mr. President, if we learned anything from the Persian Gulf war, it was that unfettered access to space is indispensable to modern warfare.

The use of satellites for early warning, intelligence, communications, navigation, and weather determination was essential to our military success. Absolutely essential.

Could you imagine if Saddam Hussein had held the capability that we had in the gulf with satellites? The result could have been much different.

However, the use of space assets as a force multiplier is no longer solely the province of the United States and the former Soviet Union. Numerous countries, Mr. President, are developing indigenous capabilities or gaining access to space data that can be used for military operations. This poses a direct threat to United States security interests and our operational capability in future conflicts.

The United States must retain the technology to develop an ASAT system should the requirement arise. We have expended $225 million already and the $10 million per year for the next 3 years will complete the investment. The knowledge and experience gained from the program to date is a national treasure that should not be wasted. This $10 million will simply sustain the program at a reduced level to ensure that the ASAT industrial base is preserved, and that we take full advantage of the money already spent on the program.

Mr. President, the Air Force Aerospace Science and Technology Center projects that up to 10 potentially hostile countries could have, within the decade, tactical ballistic missiles and overhead targeting capabilities sufficient to threaten U.S. troops in a Persian Gulf-like conflict anywhere in the world. There are nine countries including China, India, and Brazil which now have their own overhead satellites. Iraq and Iran are among those nations seeking to purchase satellite capabilities.

General Horner, who my colleagues may recall directed the Persian Gulf air war and is now head of Space Command, has stated,

> In the future, control of space will be every bit as important as control of the sea and air is today. Therefore, it is imperative that we support the development and deployment of a range of capabilities to counter adversary use of space.

General Horner, Mr. President, in a letter to me dated July 20, 1993, reaffirms that. I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SPACE COMMAND,
Peterson Air Force Base, CO, July 20, 1993.

Hon. BOB SMITH,
U.S. Senate, Washington, DC.

DEAR SENATOR SMITH: Thank you for the opportunity to address the critical issue of anti-satellite (ASAT) with you and your colleagues.

There is a clear and unequivocal military requirement for a range of counterspace systems to deal with the evolving space threat. It is clearly unacceptable for a theater adversary to have unimpeded access to information from overhead assets on our intended actions and the disposition of our forces. Additionally, we may need to deny adversary use of space-based communications assets and our Global Positioning System (GPS).

We are in the process of redefining USSPACECOM's requirements in a mission need statement that will be reviewed by the Joint Requirements Oversight Council in the next several months. This document requests evaluation of a variety of capabilities including KE, directed energy, and electronic warfare to meet our needs.

As I stated in testimony to the Senate Appropriations Committee in May 1993, in the future, control of space will be every bit as important as control of the sea and air is today. Therefore, it is imperative that we support the development and deployment of a range of capabilities to counter adversary use of space. In this time of austere budgets, it is also imperative that we explore cost effective means of achieving new capabilities such as piggy backing on existing DoD programs.

Sincerely,

CHARLES A. HORNER,
General, USAF, Commander in Chief.

(Mr. PELL assumed the chair.)

Mr. SMITH. Mr. President, I cannot overstate the importance of satellites to our military's success in Desert Storm. Control of space was essential there and will be essential in all future conflicts.

Had Saddam possessed satellites for intelligence and targeting, General Schwarzkopf would never have been able to execute the famed end around and Iraq would have been able to more effectively target its Scud missiles on United States forces and our allies.

We were fortunate that we had the technology and we had those satellites.

There is no question that the United States has a clear military requirement for antisatellite capability. We have to retain that ability to protect our forces deployed abroad and our overhead satellites. Unfettered access and control of space will be essential in all future military conflicts, in my opinion.

Let me emphasize again to my colleagues, the Armed Services Committee bill would substantially reduce last year's funding. All it does is maintain life support for the most critical technologies. That is what is in the underlying bill. That is what Senator HARKIN would eliminate from the bill.

If we terminate the program, we forfeit any return on this investment. All will be wasted. And those who vote in favor of terminating ASAT will be saying that we do not need a counterspace program. They are essentially saying that we could have won the Persian Gulf war without the satellite technology; that there is no threat posed by the rampant proliferation of ballistic missiles, space launch capability, and satellites.

The truth is that this proliferation does pose a major threat to U.S. security interests and the safety of our combat troops. We must preserve the capability to defend our troops and our military assets in the future. Continuation of the ASAT program provides a hedge against these current and emerging threats.

The substitute amendment that the distinguished Senator from Alabama and I have offered would retain the $10 million in the ASAT funding, but it would fence the funds. We would have preferred to just keep the funding in there as it was in the committee. But because Senator HARKIN has moved to eliminate these funds, this is a compromise. It will fence the funds pending completion of an ongoing Defense Department study on satellites.

Assistant Secretary Carter, as has been stated, has written to the committee and indicated that the study will focus on the U.S. need for an ASAT system.

Thus, it is critical that the Senate preserve the very modest $10 million in the bill to sustain the contractor base and provide maximum flexibility to the administration. That is what the Shelby-Smith amendment does.

I urge my colleagues to support the substitute.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if it is in order for the Senator from New Mexico to offer an amendment. Are the sponsors of this second-degree amendment finished yet?

Mr. SHELBY. If the Senator from New Mexico will yield, on this amendment we have been discussing, I have one unanimous-consent request to enter in the RECORD. Then I will ask for the yeas and nays, and then I will be finished.

Mr. President, I have here a letter addressed to Senator NUNN, chairman of the Armed Services Committee, from Ashton B. Carter, Assistant Secretary of Defense for Nuclear Security and Counterproliferation, regarding the preparation of the report dealing with the antisatellite, or ASAT, efforts. That report is not ready yet.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, DC, August 11, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Section 1363 of the National Defense Authorization Act for Fiscal Year 1993 (H.R. 5006) contains a provision requiring the Secretary to submit to Congress "a report on the foreign development of, acquisition of, or access to satellites with capabilities for military applications and the implications of such development, acquisition or access for the United States."

Preparation of the report is in progress. A main portion of the report focuses on a description of our current and planned antisatellite (ASAT) efforts to counter this global proliferation of satellites with capability for military applications. The Department is currently reviewing our overall policy and approach for acquiring capabilities to counter an adversary's use of space systems to support hostile military action. The completion of the report, therefore, must be deferred until the ongoing review is completed. We will provide the report as soon as possible.

Sincerely,
ASHTON B. CARTER,
Assistant Secretary of Defense,
Nuclear Security and Counterproliferation.

Mr. SHELBY. I also ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, is it in order for the Senator from New Mexico to proceed with an unprinted amendment?

The PRESIDING OFFICER. The Senator may ask unanimous consent to lay aside the pending amendment and then it would be in order.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 852

(Purpose: To ensure sound policy decision making concerning the testing of nuclear weapons to promote nonproliferation and to ensure the safety and reliability of the U.S. nuclear arsenal in accordance with Public Law 102-377)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 852.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 394, after line 12, insert:

"(3) Each year at the time of the President's submission of a budget under section 1105 of title 31, United States Code, the President shall submit a report covering the most recently completed calendar year setting forth—

(A) Whether the Stockpile Surveillance Program of the Department of Energy, and the calculations and experiments performed by Sandia National Laboratories, Lawrence Livermore National Laboratory, or Los Alamos National Laboratory have raised any concerns with regard to the safety, security, effectiveness, or reliability of existing U.S. nuclear weapons; and

(B) If such concerns have been raised, the President's evaluation of each concern and report on what actions are being or will be taken to address it."

Mr. DOMENICI. Mr. President, I might say to my colleague, Senator BINGAMAN, this is not the amendment on the single space rocket technology program, which I will offer shortly, so I will not inconvenience the Senator.

Mr. President, the amendment I have just sent to the desk has been approved by the majority and minority, so I will just take a moment.

With peace, it seems that some would like to forget about the nuclear stockpile. I compliment the President because he is concerned about its status through time; how reliable is it, how safe is it; and all of those qualities that we have been taking for granted, more or less, for the last 3½ decades, with a few years, exception.

In fact, the President has undertaken a program which will be called the Stockpile Stewardship Program. This amendment just builds on that and requires that the President report to the Congress if surveillance, calculation, and experiments have raised any question or concern and to report what he will do in response to it. It makes it clear to the Department of Energy, however, that it is for Congress to get detailed information as to the status of the nuclear weapons stockpile.

To reiterate, the amendment I offer today is intended to make sure that Congress is informed in detail and in a timely fashion of any events or conditions discovered in the DOE Stockpile Surveillance Program. Because nuclear weapons change in unpredictable ways, it is possible that nuclear weapons could become unsafe, unreliable, or even inoperable. It is important that Congress understand these facts in time to make arrangements to remedy the situation.

The President has recently recognized the potential seriousness of this problem when he announced that DOE will undertake a Stockpile Stewardship Program.

This amendment merely requires the President to report to Congress if surveillance, calculation, and experiments "have raised any concern," and to report what he will do in response. It makes it clear to DOE how important it is for Congress to get detailed information.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

Mr. DOMENICI. If the Senator will withhold, before that is done, may I just make a comment to the majority staff? I was told that the majority staff cleared this. Can we wait for a while and try again?

I ask unanimous consent that the amendment the Senator from New Mexico offered be laid aside temporarily so I can proceed with two other matters that are pertinent to the bill and I be permitted to return to this amendment as soon as I hear from the majority staff members.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I was going to offer an amendment regarding a joint Sandia National Laboratory/Defense Nuclear Agency so-called Jupiter X-ray Simulator Program, but I am not going to do that because we are currently trying to draft a colloquy between the chairman and others—perhaps my colleague from New Mexico—regarding it. We all remember that when Congress voted in, by a rather large margin, the desire to at some point in the not too distant future stop underground testing, that everyone acknowledged on the floor if we were going to do that, that we clearly had to have better ways to do simulation so we would not jeopardize the safety and the reliability of the nuclear weapons that we had, because nuclear testing served many purposes. Underground testing served the purpose of determining safety and reliability while it was part of new weapons systems.

We are not engaged in any new weapons of nuclear quality in the Defense Department of the United States, but we have an ongoing responsibility—and shortly without underground testing—to determine the reliability and safety of the myriad of nuclear weapons that will be here for many decades to come as we build down.

This is what I will offer by way of a colloquy, hopefully before this evening passes; if not, tomorrow morning. It will be to assure that, since it seems the Department of Energy and the Defense Nuclear Agency agree we must take this vital step, to get ourselves ready to do so by simulation within the Defense Nuclear Agency and the National Laboratories headed by Sandia. Since we have to take this step, the amendment would have authorized its beginning.

It has been suggested we do not have to authorize it with specificity and, therefore, I will engage in a colloquy instead of an amendment.

This amendment would have authorized an additional $2 million for the design and engineering of the Joint Sandia National Laboratory/Defense Nuclear Agency Jupiter X-Ray Simulator Program.

Now that the President has extended the moratorium on nuclear testing, more than ever we need a simulation capability to ensure the safety of out nuclear weapons stockpile.

While there are many critical concerns regarding nuclear weapons such as safety and reliability, one concern often overlooked is the ability of U.S. weapon systems to operate reliably in hostile radiation environments. The radiation survivability issue is of key importance for the nuclear stockpile weapons and strategic military systems.

Approximately 80 percent of a nuclear bombs energy comes out in radiation, and most of that in x rays. In the atmosphere, these x rays are absorbed rapidly by air to create blast, shock, and the so-called mushroom cloud. Outside the atmosphere, the radiation can damage or destroy nearby objects.

Most of the x-ray energy is in the warm regime where the x-ray frequencies are higher and can penetrate more deeply. These x rays are strongly absorbed within several centimeters of the most materials and can impart so much energy to objects they can do actual physical damage. It is these x rays that can break components, cause gaps to open up where two materials are joined, and knock small parts away from where they are attached.

The Joint Sandia National Laboratory/Defense Nuclear Agency Jupiter X-Ray Simulator Program will fill a critical gap in the United States ability to test for x rays which was lost with the shutting down of the underground nuclear test program.

Mr. BINGAMAN. Will my colleague from New Mexico yield? I am informed the concern that was earlier raised about going ahead with agreement on the earlier amendment has been resolved. If the Senator wants to complete action on that, the committee has no objection.

Mr. DOMENICI. I wonder if the Senator would like to cosponsor that?

Mr. BINGAMAN. I need to review it. I am just not familiar with the substance of it at this point.

Mr. DOMENICI. I assume we can proceed now to agree to the amendment, if there is no further debate.

The PRESIDING OFFICER. Is there any further debate on amendment 852? If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 852) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 853

(Purpose: To provide additional funding and program guidance for the single stage rocket technology and Single-Stage-to-Orbit Program of the Ballistic Missile Defense Organization)

Mr. DOMENICI. Mr. President, I will shortly send to the desk on behalf of myself and my colleague from New Mexico, a member of the Armed Services Committee, an amendment. It will have to do with continuing with the single stage rocket technology program. The first stage has just about been completed and there have been two successful early launches. What this amendment seeks to do is to put the second phase of the single stage rocket technology program—which we will probably call here for the next few minutes SSRT—to put the second phase into an authorized posture so the Appropriations Committee can decide whether they want, within the limits of defense dollar availability, to continue this second phase.

With that background I send an amendment to the desk on behalf of myself and Senator BINGAMAN, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment? The Chair hearing none, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. BINGAMAN, proposes an amendment numbered 853.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 65, between lines 13 and 14, insert the following:

SEC. 228. SINGLE STAGE ROCKET TECHNOLOGY.

(a) ADDITIONAL FUNDING.—In addition to the amount provided for programs managed by the Ballistic Missile Defense Organization pursuant to section 227 and in addition to the funds provided within such amount for research, development, test, and evaluation under the single stage rocket technology and single-stage-to-orbit program, there is authorized to be appropriated $75,000,000 for fiscal year 1994 for research, development, test, and evaluation under the single stage rocket technology and single-stage-to-orbit program.

(b) LIMITATION.—None of the amount authorized to be appropriated under subsection (a) may be obligated until the Secretary of Defense—

(1) submits to the congressional defense committees a program plan for phase two of the single stage rocket technology and single-stage-to-orbit program that sets forth the objectives and technical milestones for phase two; and

(2) certifies to such committees that adequate funding is provided in the future-years defense program for the single stage rocket technology and single-stage-to-orbit program for fiscal years 1995 and 1996.

(c) PROGRAM CHANGES.—It is the sense of Congress that the Secretary of Defense should—

(1) provide for transfer of responsibility for the single stage rocket technology and single-stage-to-orbit program from the Ballistic Missile Defense Organization to the Advance Research Projects Agency to be included under the space launch technology program element;

(2) provide for the management team that, as of the date of the enactment of this Act, is managing the single stage rocket technology and single-stage-to-orbit program to continue managing such program;

(3) conduct an open competition among businesses in the aerospace industry for entering into the contract or contracts for phase two of the single stage rocket technology and single-stage-to-orbit program; and

(4) examine options for sharing responsibility for defraying the costs of the single stage rocket technology and single-stage-to-orbit program among the Department of Defense, other departments and agencies of the Federal Government, and industry.

Mr. DOMENICI. Mr. President, I apologize for not seeking consent. I thought my previous unanimous consent had done that. If it did not, I should have done that myself. I thank the Chair.

As I indicated, the single-stage rocket technology program is currently authorized in the Senate House Armed Services Committee for a second phase authorized level of $75 million.

I could take a long time today on the floor singing the praises and potential of the single-stage rocket technology which the U.S. Defense Department has proceeded with through what is now called its first phase. I do not choose to do that, but, rather, to speak in a rather summary manner about it because I do not think there is any question that if we were not extremely worried about whether we can fit the defense dollar within the budget, that one of the best things we could do for our future, for the future in space and for carrying into space cheaply and responsibly and quickly heavy payloads, would be the adoption of the second phase of the single-stage rocket technology, hoping it will prove as feasible as is currently projected.

Frankly, almost everything that is being talked about on the floor of the Senate regarding space some way or another hearkens back to the Iraq war and to something that did not go as well as our military people wanted. Let me suggest I am not here trying to solve problems that will be solved by increasing the scope and optical capability of the second and third generation of orbiters that we put in space. I am here to talk about one problem, and that is, if you find in a war like the Iraq war that you cannot get certain kinds of surveillance, who do you ask and how do you get it done? Apparently the answer is quite clear. It was sought on three different occasions, but the system we have does not respond overnight. It takes a very long time and the response is not forthcoming.

If this dual use program were a success and we had a very long array of single-stage rockets around for use by the military, then it is pretty clear if there is a deficiency, that deficiency could be fulfilled unless the war was going to be over within a day or so. If it was going to go for any period of time, even as long as 3 or 4 days, this kind of system will solve the problem.

There is far more to it than that. Single-stage rocketry will build a whole new potential into the arsenal of the Defense Department in terms of space. Frankly, while this single-stage rocketry is being touted as having a great potential in the private sector for the development of commercial applications of quick and heavy loads to space that can be done over and over again, clearly the world is taking a step in the direction of producing this technology and gaining, if not surpassing, us.

I think it is commonly known that the French are moving with great diligence and significant dispatch in single-stage rocket technology. It is cheap, easy to build and perhaps a very reliable way to get things into space, both for defense and for commerce.

Having said that, it seems to me that the House is on the right track. They have authorized the second phase. They are saying this is so important to an arsenal of capability that will serve the defense needs of the future and, yes, the commercial needs of the future, that they seek to authorize it.

I hope that before the U.S. Senate decides that they are going to do nothing—which essentially, as I understand it, if it was carried out by both Houses, it would be the demise, the death, the end of single-stage rocket technology development and research within the Department of Defense. I do not think that would be good for the country, and in a defense budget of this magnitude, with as many programs in the R&D technology evaluation and development arena, it would seem to me that it is foolhardy not to set America on this path of at least looking at the second phase of the implementation and development of this very, very promising, reasonably priced, very responsive ability to get into space, to get into space with heavy loads at reasonable costs and responsive timeframes.

I have more detailed remarks indicating some of the testing that has already taken place, some of the successes of the existing contractors. No preference is intended for anyone here. The preference is a preference toward diversity of rockets in space technology, and $75 million does not seem an exorbitant cost.

The main issue is national security, because space has now become a critical component of modern warfare. During the Persian Gulf war, out troops were guided across trackless desert sands by nearly 5,000 NAVSTAR GPS receivers, enabled by satellitess 10,898 nautical miles above the battlefield; Army platoon leaders were so dependent on GPS for navigation that one lieutenant reported stopping his men in their tracks when he lost GPS coverage and waiting for over half an hour for the system to come back on line before marching on. It is also reported that Gen. Chuck Horner, commander of the air war at the time, wanted to launch satellites on three separate occasions during the conflict to replace defective satellites or to add additional capability, but was unable to because of the time required to build and stack an expandable launch vehicle on the pad.

Future conflicts will be no less dependent on the use of space satellites for navigation—GPS; weather—DMSP; and communications—DSCS; and for the national security reasons alone, we must maintain a strong responsive national launch capability. In order to fulfill these requirements, we need a launch capability comparable to what the DC-3 brought to the aviation industry—a low cost, fully reusable, reliable, maintainable, launch-on-demand space transportation system.

Maintaining a superior launch capability is key to maintaining our control of space assets during both peacetime and war. This capability has been called into question recently as the Nation's two main space vehicles—Atlas and Titan—were grounded by a series of tiny mishaps and one catastrophic failure. The reason is simple: We're using vehicles which are derivatives of the early expendable ICBM's designed and built in the late 1950's and early 1960's. Over time, modification of these vehicles has allowed DOD to meet minimum launch requirements; however, they remain costly and less responsive to the user when compared to the capabilities of our foreign launch competitors. The bottom line is a crying need in both our military and civilian sectors for modernization of our current fleet of space launch vehicles.

WHY REUSABLE SSTO'S

According to recent studies performed for the Air Force and NASA, fully reusable single stage to orbit [SSTO] vehicles have the potential of reducing the operational cost of delivering payloads to space by a factor of 10. By comparison, the lowest cost expendable launch vehicles under consideration have the potential of only lowering the cost by a factor of 2.

Studies performed by the Aerospace Corp.—advisors to the Air Force on space launch issues—show reusable SSTO's to be the most cost-effective solution, with the potential of reducing annual Government space transportation outlays from a current level of roughly $10 billion to only $1.2 billion. In addition, data from last year's NASA—MTS study shows a definite life cycle cost advantage for reusable SSTO's. Out of the 18 different alternatives to our current fleet that were studied, only one was significantly less expensive—a fully reusable single-stage-to-orbit system. The study showed that between now and the year 2020, SSTO's would produce a cost savings to the Government of $4 billion. Most of the other options studied were more expensive than retaining our current mix of expendables and the space shuttle, and some showed cost figures out through the year 2020 that were $40–$50 billion more than the cost of retaining our current fleet.

The two key factors that make reusable SSTO's radically lower in cost than today's launch systems are: They are fully reusable like an airplane—one piece up, one piece down. The rocket, or stages of the rocket, will not be thrown away during each launch, and they will be supported by a dramatically smaller ground crew, comparable in size to that needed by an airline.

In addition to the lower cost potential, SSTO's offer the military a whole new set of space missions, like reconnaissance; because of their ability to launch on demand and their ability to launch in any direction and reach any part of the globe within 45 minutes.

SSRT SOLUTION

In 1990, the Strategic Defense Initiative Organization—now called the Ballistic Missile Defense Organization—selected four of the Nation's leading aerospace contractors to conduct a phase 1 feasibility study of the single-stage-to-orbit [SSTO] concept based on available computer, propulsion, and materials technologies. The study's mandate was to answer three main questions:

First, can it be done?

Second, can it be done quickly?

Third, can it be done cheaply?

After a year of studies, all four contractor teams agreed. The answer to all three questions was yes, single-stage-to-orbit will work.

In August 1991, a competition was held, and the McDonnell Douglas Delta Clipper vertical takeoff and vertical landing concept was chosen to proceed into phase 2. To help keep development cost and risk to a minimum, the McDonnell Douglas proposal for phase 2 was to rapidly prototype X-vehicles of increasing size and performance to quickly demonstrate the technology a step at a time. This is the same approach that was so successfully used in the 1950's and 1960's to develop high-performance aircraft, such as the X-15. A series of experimental craft are built, each of which is tested and used to expand the envelope of what is known about the relevant technologies. This approach is being applied in the SSRT Program to demonstrate through flight tests that the technology for SSTO is available today; that is, that no new inventions are needed for SSTO.

The first such SSRT rocket, the DC-X, has been built by the McDonnell Douglas Delta Clipper Team—McDonnell Douglas, Martin Marietta, Pratt & Whitney, Aerojet, Harris, Honeywell, DASA, and Burt Rutan's Selected Composites. It was built in only 18 months by a new rapid prototyping organization, and has successfully completed its initial flight tests at the White Sands Missile Range in New Mexico. The DC-X is demonstrating low-speed, low-altitude flight, maneuverability, autonomous vertical landing, reusability and low-cost operations. A total of $70 million has been spent on the DC-X, and it requires $4.8 million in fiscal year 1994 to complete its flight test program, December 1993.

NEXT STEP

The second test vehicle in the SSRT Program, the SX-2, requires $75 million for fiscal year 1994 and a total of $350–400 million, depending on the option selected by BMDO/ARPA, to meet its 3-year development schedule. The SX-2 will demonstrate high-speed hypersonic performance to space altitudes using the same all-composite materials baselined for the full-scale operational vehicle. This will demonstrate the ability to build and fly vehicles with the mass fraction required for single stage to orbit.

The completion of the DC–X and SX–2 will give the Air Force and NASA a demonstrated SSTO technology option for consideration, rather than having to rely on paper studies and analyses during their deliberations on a next generation spacelift system.

WHY ARPA FUNDING

Because SSTO's could reduce the cost of launching payloads by a factor of 10, SSRT is a key technology not only for meeting the space launch needs of the military, but also for keeping the U.S. civilian and commercial launch industry competitive. As such, the Advanced Research Projects Agency [ARPA] is well suited for funding a triple-use technology program such as SSRT.

In 1975, U.S. industry owned 100 percent of the world commercial launch market. Today the United States only launches 28 percent of the world's commercial satellites. The French launch 60 percent of these satellites with their newer technology expendable Ariane rocket. Low-cost reusable SSTO rocket technology would allow U.S. industry to capture back 100 percent of this market.

The SSRT Program is a prime example of what the dual-use approach to DOD technology investment should be from now on. There is no other single DOD program that could be used for a variety of military missions and commercial applications than the SSRT Program. This program should also be heralded as the way DOD should do business from now on, especially in the development of technology for space applications.

The last major program in which DOD developed technology for commercial applications was the jet engine. The SSRT Program could have the same impact on the commercial use of space as the DOD jet engine development program had on the commercial airline industry.

WHY BMDO MANAGERS

The BMDO managers are now 3–4 years into the process of demonstrating a near-term SSTO capability. BMDO managers have been carrying out a well-planned Advanced Technology Demonstration [ATD] Program to demonstrate the availability and cost effectiveness of single-stage-rocket technology. They have demonstrated their ability to produce X-vehicles one step at a time, with confidence, within budget, and in a short time. And they have been able to do so while keeping BMDO overhead costs to less than 3 percent of appropriated funding, therefore most of the money goes into building the hardware. The SSRT team has been together for almost 4 years and has a considerable amount of experience and learning that can be best applied to the next phase. Because of this, they have the best understanding of cost and risk, and they have the best chance of coming in on schedule and budget.

Every effort should be made to continue DOD control of this program, so that continuity and continued success can be achieved.

AIR FORCE POSITION

General Horner, commander in chief of U.S. Space Command, feels that space launch is a critical national need, and that the system with the best cost and responsiveness should be the one pursued. All the studies point to SSTO's as best suited for fulfilling these needs. The Air Force is now beginning concept exploration studies for the next generation launch system, and they are going to consider both reusable and expendable vehicles. The SSRT Program will give them a demonstrated SSTO technology option for consideration, rather than having to rely on paper studies and analysis.

PILOT PROGRAM FOR ACQUISITION REFORM

The SSRT Program is an ideal pilot program for DOD technology acquisition reform. This space transportation system is being specified, designed, rapidly prototyped in X-vehicle stages, and tested for ground and flight operations in a commercial practices style, yet the program is DOD initiated and managed. This is accomplished with a small two-man Government program office who establishes a minimum set of requirements and then contracts out the development work, giving the contractor the freedom to demonstrate the technology in the most efficient, timely, and cost-effective manner.

In the words of Secretary of Defense Les Aspin and Deputy Secretary of Defense Bill Perry, the SSRT Program could be characterized as a "rollover-plus" development approach leading to a "silver bullet" operational capability. Rollover-plus is accomplished by the rapid prototype X-vehicle development stages allowing lessons learned in design, manufacturing, and operations to be rolled over into succeeding development stages. In this manner both overall development costs and risk are reduced. The silver bullet is accomplished with the operational SSTO, called the Delta Clipper DC–1, where a handful of very responsive vehicles will achieve a combination of space operations in a more rapid and timely manner. This could totally transform our ability to support new national security policies and strategies. This transformation will have immediate triple-use applicability—military, civil, and commercial.

MC DONNELL DOUGLAS TEAMMATES ON SSRT

The majority of the work accomplished to date on the SSRT Program has been performed in California, New Mexico, and Florida. Other States that have companies working on SSRT include Colorado, Missouri, Alabama, New York, Texas, and Vermont.

SSRT IN NEW MEXICO

Flight testing of the DC–X in New Mexico will proceed through December 1993. Development and flight testing of the SX–2 will continue in New Mexico, and a decision later to proceed with full-scale development will result in the construction of manufacturing facilities and a fully operational spaceport in New Mexico. Also, BMDO program managers have expressed their desire to move the SSRT Program office from Washington, DC, to New Mexico so that the program management can be executed out of the Air Force Phillips Lab located at Kirtland AFB, and Col. Rich Davis, the new commander of Phillips Lab, has concurred with this plan.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to strongly support the amendment that has been offered by my colleague from New Mexico. The amendment would provide authorization for $75 million to proceed with the next stage of work on the single-stage-to-orbit program. This is a program that I have just become knowledgeable about in the last several months. It is one which has attracted my attention, of course, for a variety of reasons, both because of the work on the Armed Services Committee, but also because the testing of the program has occurred, as does the testing of many programs, at White Sands missile range.

There was a very successful test of this program just this past week. In fact, I noticed last night as I was flying back from New Mexico to Washington and watching the news program shown on the airplane, the evening news carried a very detailed report about the successful test of the program which we are discussing today.

This program holds tremendous potential and tremendous capability for the commercial access to space in that it provides much more flexibility than the alternatives that we are presently using. The suggestion was made by the program manager, one of the key industry people working on this program, that this is a rocket that can be used in the morning, flown for one mission, and then flown in the afternoon for another mission. There is no requirement for a long, drawn out turnaround and spacing period between the use of this rocket technology.

The other major factor that needs to be considered in support of this program is the cost. This is a tremendous advancement over where we are today in the reduction in cost which allows us to get into space. Present programs require very substantial costs. I have seen figures, which I do not have right in front of me, indicating that the cost of a flight into space by this technology, this single-stage-to-orbit rocket is many times less expensive than the cost of the present systems being considered.

So I think the program is well worth the additional authorization that is being proposed by my colleague. I compliment him for the amendment. I hope very much we will follow the lead of the House of Representatives and go ahead with this authorization.

Mr. President, before I yield the floor, let me indicate to my colleague that I ask to be added as a cosponsor of his earlier amendment on weapons stockpile safety reports, if that is permitted.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senator BINGAMAN be made an original cosponsor of that amendment, which has already been adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I have nothing further to say on this amendment. I assume in due course we will have a vote on it. I wonder if it would be appropriate to ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I am sorry that I cannot support the amendment proposed by the Senator from New Mexico. I was captivated, as he was, with the success of the McDonnell Douglas test flight. That team was able to put together a flying demonstrator in a remarkably short time. But that flight did not demonstrate the hardest part of getting to orbit. It was just the first step. We must realize that the full scale launch vehicle, the Delta Clipper, will be a high risk project.

Mr. President, all the experts agree that single stage to orbit has the smallest payload for a given weight of any launch system. To get 20,000 pounds to orbit, the Delta Clipper would have to weigh 1.4 million pounds. If there is the slightest weight growth, even 2 percent, that is 28,000 pounds, and the payload will be squeezed out. That is correct: The Delta Clipper could easily end up with no payload at all.

It is not clear that a Delta Clipper is what we need at all. The proponents say that we could be flying 10 tons to orbit 4 times a week with a Delta Clipper fleet. But what we need, what is costing too much with our current systems, is to get 20 tons to orbit four or five times a year. So if it works, it would be far more capacity than we need. And if it works, four flights a week mean 4 million pounds of payload per year into orbit. Now a pound of satellite costs at least $50,000. We clearly do not need to launch 4 million pounds of satellites: That would cost $200 billion per year. So Delta Clipper may be a terrific accomplishment, but may not be what we need at all.

I want to remind my colleagues that, even in the face of very severe problems with our national launch systems, DOD has not included any space launch modernization in the bottom-up review. DOD proposed to make do with the current launchers. So if we were to start a program in ARPA as the Senator suggests, it is doubtful that DOD will plan for further funding. Senators ought to realize that the contractor's estimate is that the R&D for this program will cost $3 billion. There is no way that DOD will be able to find funds for a program of this size.

But NASA is funding an SSTO program. Administrator Goldin has directed that the Marshall Space Flight Center begin a $200 million program to examine whether SSTO is possible. I would advise my colleagues to hold off until the facts become clear before we begin a research effort of this size.

Mr. EXON. Mr. President, I now wish to make some remarks—not too extended, but more than one sentence—with regard to the position of the Armed Services Committee and this Senator in opposition to the amendment offered by the Senator from New Mexico, Senator DOMENICI.

This amendment would add about $75 million, without an offset, to the ballistic missile defense budget for a program that the Ballistic Missile Defense Organization terminated—I emphasize "terminated"—earlier this year. BMDO does not need to develop a space launch vehicle. The administration's bottom-up review has been completed, and in this area, the President has decided as of now that the Department of Defense will not—I emphasize "not"—be investing in new space launch vehicle systems.

Mr. President, this amendment would undo a decision that the President has made after a very laborious review. This program would be extremely expensive. The amendment offered by the Senator from New Mexico is only a start, a very small start. This is a very expensive and extensive program. It would cost many billions of dollars. Let me repeat that, Mr. President: It would cost many billions of dollars to develop and deploy such a system, and the technical risks are very high. The amendment does not explain where this money would come from.

This is business as usual, that we have condemned ourselves time after time after time as we try to get a handle on the budget. We have been struggling for years and years to find funds for the national aerospace plane. Again, I emphasize it is a very expensive project. This space plane was also touted as a savior of the U.S. launch industry, and it was claimed that it would be developed in 5 years for just a few billion dollars. Years later, we now know that it would have cost many times more and would have taken far longer than first estimated.

Proponents of this version of the single stage to orbit system make similar promises. We have not been able to fund one of these high-risk endeavors. We certainly cannot afford two of them. Moreover, the Department of Defense logistics space booster systems, such as Titan IV, Delta II, and Atlas II, are already underfunded in the DOD future years budget by several billions of dollars.

This amendment would simply add to the Pentagon's already severe budget problems. It would add to the problems of the committee. And, in that event, I simply state that the committee in conference is facing a House bill that not only adds money for this program, but also for the national aerospace plane, a new expendable booster, and product improvements to all of our existing launch vehicles.

Mr. President, I simply say, in all sincerity, and after a thorough review, that the outyear tail—"tail" meaning future expenditures—on all of this the House is going to be confronting us with in conference, is in the neighborhood of $40 billion.

If ever there was a time when we should recognize and realize that "here we go again" it is the exciting programs that may be well received as far as the futuristic systems are concerned. I suggest that in the days of the cold war, this and every other system like it would roll through the Senate as it has rolled through the House, because we were in that era when anything that banged or exploded, especially in space, was something that we applauded and moved ahead on rapidly.

I simply say that in all good conscience at best these are questionable, high-risk technologies of the future, and I would simply say, Mr. President, that we just cannot afford these at this time.

Our job in conference will be devastated if this amendment passes the Senate. We would be going to conference with the House of Representatives spending on these programs with a tail, as I have said, of about $40 billion, and if they are approved in the U.S. Senate, we would not be in a position to do anything or make any changes significantly in conference with the House.

Therefore, I simply say that while these amendments are, unfortunately, in the House package, we are going to have a very difficult proposition to do what we in the Senate Armed Services Committee feel would be appropriate to scale them back significantly. It would take away whatever influence we have if the Domenici amendment is passed.

The committee bill provides a pool of money for space-launched technology for the Secretary of Defense to allocate as he sees fit. If he chooses, he can provide funds for this program. I suspect after the bottom-up review he would not, but the Secretary would have that option.

Mr. President, this is a very irresponsible amendment for the country as a whole. The Secretary of Defense has terminated this program. I emphasize once again. The DOD budget cannot support this program. The Ballistic Missile Defense Organization does not need this system. The committee bill already provides a pool of money that could be used for this effort if the Secretary of Defense changes his mind and decides to pursue it.

Finally, this amendment would make it difficult for the committee to achieve a reasonable outcome in conference with the House of Representatives, as I have previously mentioned.

Certainly, with the added funds that this would provide indiscriminately spread about the space-launched wish list, we would be in a very, very difficult position.

Mr. President, I would like to respond briefly, if I might, to some of the points that were made by the proposer of this amendment.

The shuttle, I suggest, was originally promised to fly once a week, or about 65 times a year. The national aerospace plane was going to cost only $5 billion, take 5 years, and would weigh 50,000 pounds. Ten years later it will take another decade at a cost of $15 billion and weigh 500,000 pounds.

Mr. President, we have heard all of this kind of talk and less than thoughtful planning, I suggest, before.

The tests cited by my able colleague were very simple and do not begin to address the difficult and expensive technical hurdle that this program must clear to be successful, notwithstanding separate and apart from the tremendous costs that we do not provide for. And I emphasize once again that this is another program that we are beginning without any offset in the face of the bottom-up review by the Department of Defense and the President, which says we cannot afford it.

Mr. President, I certainly urge a vote against the amendment offered by the Senator from New Mexico. As I understand it, a vote has already been ordered. I ask the Chair; is that correct?

The PRESIDING OFFICER. The yeas and nays have been ordered.

ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

Mr. GORTON. I would like to engage the distinguished chairman and ranking member of the Armed Services Committee in a colloquy concerning the Department of Energy's Environmental Restoration and Waste Management Program.

Mr. NUNN. I would be pleased to discuss the matter with the Senator.

Mr. GORTON. It is my understanding that the committee's bill authorizes $5.302 billion for the Department of Energy's Defense Environmental Restoration and Waste Management Program. This amount is $164 million below the President's request and $48 million above the House authorization level. Are these figures correct?

Mr. NUNN. The Senator is correct.

Mr. GORTON. I also understand that the committee specified specific projects within the cleanup program that should be cut, whereas the reductions in the House bill are to be made at the Department's discretion. The cuts in the Senate bill include $85 million from the Hanford Waste Vitrification Plant and $27 million from the related multifunction waste remediation system. Is this also correct?

Mr. NUNN. That is correct.

Mr. GORTON. I thank the Senator from Georgia. As the Senator knows, cleanup of the Hanford site in Washington State is governed in part by a compliance agreement signed in 1989 by the State of Washington, the Department of Energy, and the Environmental Protection Agency. Known as the Tri-Party Agreement, this document has provided a legally enforceable timetable for cleanup of Hanford, while allowing the flexibility necessary to make adjustments due to technological advances and unforeseen circumstances.

The Department earlier this year announced that it would seek a series of amendments to the Tri-Party Agreement to accommodate major changes in the design of the tank waste remediation system. The Department has since been negotiating these amendments with the State and EPA according to the procedures contained in the Tri-Party Agreement. These negotiations are expected to be completed by September 30.

The Department has frequently cited Hanford's 177 waste tanks as its most pressing safety problem. One of the central issues in the negotiations is the schedule for construction of the vitrification plant, which is designed to stabilize in glass logs the dangerous radioactive and mixed wastes in these tanks. Construction of the plant was to start this spring, but was delayed 6 months at the request of the Department so that technical questions could be discussed with the State.

I am optimistic that the State, the Department of Energy, and EPA will be able to agree on a new construction start date for the vitrification plant at the conclusion of their negotiations. This new start date may require some or all of the President's $112 million request for the project.

In the meantime, I am concerned that the committee's targeted cuts in the cleanup program may prejudice these negotiations. While I understand the committee's interest in slowing the growth of the cleanup program, we must also recognize that the Department has certain legal obligations pursuant to the compliance agreements it has signed with individual States. As such, it seems to this Senator that we should allow the Department to distribute any necessary program cuts so that it can fulfill its legal obligations and protect the health of the public. This was the approach taken in the House bill.

I would like the chairman and ranking member to confirm that it was not the committee's intention to influence or prejudice the ongoing Tri-Party Agreement negotiations.

Mr. NUNN. The Senator from Washington is correct. The President's budget request for the vitrification plant and related facilities assumed start of construction in March 1993 to meet the Tri-Party Agreement milestone. As the State and the Department had already agreed to delay construction by 6 months, and because additional delays appeared possible, the committee felt it was appropriate to eliminate the fiscal year 1994 authorization for these programs. If, however, the State and the Department agree that some funding for the vitrification plant and related facilities will be required in fiscal year 1994, I would be willing to revisit the issue in conference or at the appropriate time.

Mr. GORTON. Does the distinguished ranking member concur with the chairman's view?

Mr. THURMOND. Yes, I agree with the chairman that it was not the committee's intention to prejudice ongoing Tri-Party Agreement negotiations. At the conclusion of these negotiations, I will work with the Senator from Washington to see that adequate authorization is provided for cleanup of the Hanford site.

Mr. GORTON. I thank my colleagues for this clarification. The timely and efficient cleanup of the Hanford site is a matter of the utmost importance to my State, and I very much appreciate the continued cooperation of the Armed Services Committee in this endeavor.

KC-135R REENGINING PROGRAM

Mr. DOLE. Mr. President, I wish to bring to the attention of the Senate a very important program to the Air Force and the Air National Guard. I am referring to the modernization of the KC-135 refueling tanker fleet.

Until recently, the tankers' primary mission had been to refuel the strategic bomber fleet. That role has now transitioned with the changes in our force structure. Forces focusing more on mobility from bases within the United States will be dependent on tankers for deployment. Smaller forces will need tankers as a force multiplier allowing them to carry more weapons, transport more cargo, and stay on station longer. The end of the cold war has not reduced the need for modernizing the tanker force. In fact, the need is even greater.

Air refueling tankers played a very important part in the success of the Persian Gulf war, with, I note, Guard aircraft performing 33 percent of the tanker missions during the war. Nonetheless, tankers were the limiting element in that operation even though nearly 300 aircraft were committed to the theater. The necessity to fully modernize this operational asset is clear.

As many of my colleagues know, the KC–135 engine replacement program was initiated in the early 1980's as the most cost effective means of providing additional fuel offload capability required by the Air Force to meet mission commitments. The first completed replacement with a CFM–56 engine was delivered to the Air Force in 1984. Since then, Congress has appropriated funds to upgrade all 390 aircraft in the active Air Force fleet, as well as the first 10 Reserve tankers. This has been a highly successful, virtually problem free procurement modernization program, meeting or exceeding all specifications.

Mr. President, modernization of the KC–135E aircraft to the R model is essential for the Guard to meet mission requirements within budget and manpower constraints. The replacement engines allow a tanker aircraft to offload 27 percent more and utilize airfields with shorter runways and hotter climates. Fuel consumption in the new engines is 18 percent better. Engine maintenance is 90 percent less, eliminating the need for engine shops at each base. Unlike the KC–135E, the KC–135R meets all current and proposed noise requirements at Air National Guard bases. In summary, the modernized R aircraft are highly cost effective, paying for itself in 5 to 10 years.

I must remind my colleagues that, for the last several years, many important missions have been transferred in whole or in part to the Guard, with the result that the active military now relies much more heavily on the capabilities of the Guard and Reserve to effectively carry out their operations. Just last week, Secretary Aspin, in his briefing on the bottom-up review, stressed the importance of well-trained, well-equipped Guard and Reserve forces. In addition, in "The Bottom-Up Review: Forces for a New Era" dated September 1, Secretary Aspin has included the following statement:

> Large numbers of aerial refueling aircraft would be needed to support many components of a U.S. theater campaign. Fighter aircraft, deploying over long distances, require aerial refueling. Airlifters can also carry more cargo longer distances if enroute aerial refueling is available. Aerial surveillance and control platforms, such as AWACS and JSTARS, also need airborne refueling in order to achieve maximum mission effectiveness.

For these reasons, I believe it is essential to continue this vital program.

I yield to the distinguished Senator from Ohio for his comments.

Mr. GLENN. Mr. President, I have worked for many years in support of the KC–135R reengining program. The points raised by the distinguished Republican leader are accurate and to the point. Let me add just a few other pertinent comments.

First, the original Air Force plan in the late 1970's was to modernize every tanker in its fleet and in the Air National Guard. A critical shortfall in aerial refueling capability had been identified by that time, with the increased dependence on air refueling of greater numbers of bombers, fighters, and transport aircraft to carry out their missions. The Air Force correctly concluded that modernization of its entire active and reserve tanker fleet to the R configuration was the most cost-effective solution to the tanker shortfall.

The Air Force also planned to complete the active fleet modernization before continuing the program in the Guard. I have no quarrel over this prioritization by the Air Force. However, in the fiscal year 1994 budget request, the Air Force did not include funds to continue the Guard tanker modernization program.

I believe this is a very serious mistake on the part of the Air Force. Many high-ranking Air Force officials have expressed concern over the budgetary constraints which led to this omission, since tanker requirement studies continue to report significant shortfalls. I believe it is up to the Congress to ensure that the program is continued in the future.

Mr. THURMOND. Mr. President, I agree with the arguments of the Republican leader and the distinguished Senator from Ohio. This aircraft modernization program has proven to be effective, economical, and essential to the readiness of our Active and Reserve Forces. I fully support its continuation.

Mr. DOLE. Mr. President, I thank my colleagues for their support. Their efforts on behalf of this important program will ensure the readiness of the Guard tanker fleet to perform its mission in support of the Active Air Forces. I trust that the Air Force will take heed of the debate in this body today and will ensure that funding for the Guard's KC–135R reengining program is included in the fiscal year 1995 budget request.

THE MODIFICATION OF M–113 ARMORED PERSONNEL CARRIERS

Mr. COATS. Mr. President, I would like to take a few moments to join in a brief discussion with the distinguished chairman of the Senate Armed Services Committee, the senior Senator from Georgia, Senator NUNN, to clarify a matter we addressed in our recent committee markup regarding modifications necessary for the Army's M–113 armored personnel carrier.

Mr. NUNN. Mr. President, I would be happy to discuss this matter with the Senator from Indiana. This was an issue we took up in our markup this year. It is an important issue and I want to ensure that we make our intentions absolutely clear.

Mr. COATS. Mr. President, the M–113 armored personnel carrier has been a mainstay in the Army's inventory for many years. In the Army's heavy divisions, the M–113 family of vehicles serves as the primary carrier for mortars, as a frontline ambulance, and as a command and control vehicle. During the gulf war, many of these older versions of the M–113 had trouble keeping up with the M1A1 tank and the Bradley fighting vehicle.

The Army has had a program for years to upgrade the older model M–113's in both the active Army and the National Guard so they can keep pace with the more modern armored vehicles in our heavy forces. An upgrade program which includes a new power pack, the M113A3, is available now to redress the mobility deficiency.

Army funding for the M–113 family of vehicles conversion program was scheduled to begin in fiscal year 1994, but $70 million the Army had programmed for conversion was taken from the carrier modification program before the Army budget was submitted.

I am aware that in our committee bill and report, we provided the required funds in the carrier modification program so that the Army could carry out this program.

A provision in our bill, section 101(3) provides $1,009,679,000 for weapons and tracked combat vehicles.

Section 111 provides an additional $148 million for procurement of AGT–1500 tank engines and modified M–113 carriers. It is my understanding that of that amount, $60 million is for the modified M–113 carriers and cannot be obligated in fiscal year 1994 in accordance with section 111(b).

Mr. NUNN. That is correct.

Mr. COATS. The committee report reflects the fact that a total of $72 million is provided for the modified carriers. It is my understanding that $60 million is for the amount provided in section 111, and that $12 million is for the amount provided in section 101(3), and that the $12 million provided in section 101(3) may be obligated in fiscal year 1994.

Mr. NUNN. That is correct. The committee provided $12 million in the general authorization for tracked vehicles and that money may be obligated in fiscal year 1994.

Mr. COATS. That certainly makes it clear, and I appreciate the chairman's taking the time to do so.

Mr. NUNN. It is an important matter and I appreciate the Senator bringing the matter to my attention. As a result of his attention to the carrier modification program, we have been able to make some progress both in the active Army and the National Guard, upgrading some of the carrier fleet.

Mr. COATS. I thank the chairman of the Armed Services Committee for his courtesy and attention to this matter.

Mr. NUNN. I thank the Senator from Indiana for his superb work on this issue and his continuing fine work on our committee.

DEPARTMENT OF ENERGY PRODUCTION FACILITIES AND CRADA AUTHORITY

Mr. DANFORTH. Would the Senator from Georgia yield for a question?

Mr. NUNN. I would be happy to yield to the Senator from Missouri.

Mr. DANFORTH. A provision in the bill removes the substantial and primary purpose requirement from the definition of laboratory under the Stevenson-Wydler Act. Does this change mean that the weapons production facilities, including the Department of Energy Kansas City plant, now fall within the definition of a Federal laboratory as defined by Stevenson-Wydler and are eligible to enter into cooperative research and development agreements [CRADA's]?

Mr. NUNN. Yes, that is precisely what this provision does.

Mr. DANFORTH. Is the Senator from Missouri correct that this bill authorizes the use of funds appropriated to the Department of Energy for national security programs for partnerships, including CRADA's, for production facilities, including the Kansas City plant, to the extent such partnerships are consistent with the goals and objectives of such programs?

Mr. NUNN. The Senator from Missouri is correct.

Mr. DANFORTH. I thank the chairman of the Armed Services Committee for his clarification and for his help on these provisions. These provisions are very good news for the Kansas City plant and the Kansas City area.

Over the past several years, because of reductions in the United States's production of nuclear weapons, production facilities for components of nuclear weapons have experienced a diminished workload. Nevertheless, in order to meet future defense needs and maintain current weapons, certain capabilities must be maintained. The Department of Energy has selected the Kansas City plant as the main facility to produce nonnuclear components for nuclear weapons into the future.

Over its many years of producing nonnuclear components, the Kansas City plant has developed practical expertise in making very intricate parts. From machining miniature parts with precision dimension control, to producing fiber optic cables and digital electronics, Kansas City plant employees are knowledgeable in most of the world's highly advanced manufacturing processes and technologies.

Since 1989, the Department of Energy laboratories have been authorized to use cooperative research and development agreements, or CRADA's, for technology transfer activities. CRADA's are agreements that the laboratories are able to enter into with private companies to help the companies with research and development. The DOE production facilities—those facilities which refine, process, and produce the components—were, however, specifically kept from entering into relationships with the private sector. At that time, the production, maintenance, and upkeep of weapons was all that was thought appropriate for those facilities. In this bill, the Senate is recognizing that in a world of reduced activities for these facilities, an important part of maintaining technical expertise is in technology transfer. And in addition, the Senate is recognizing that these facilities, which have expertise in making very intricate equipment, can provide a significant benefit to the private sector by sharing their expertise.

The Kansas City plant has already proven to be helpful to Midwestern companies. Plant employees are currently advising a number of midwestern companies on environmentally benign methods for cleaning parts and assemblies. The Government's investment in cleaning equipment and in the chemistry of solvents, together with Kansas City plant employees' knowledge of solvents and EPA guidelines, have resulted in a number of lower-cost, environmentally beneficial methods to clean various products—methods passed on to the private sector at no cost to them. Up to now, however, because the Kansas City plant does not have CRADA authority, its technology transfer capability has been very limited.

Given the authority to enter into CRADA's with private companies in the Kansas City area and throughout the country, the Kansas City plant may eventually be providing components for an all-electric vehicle manufactured in the United States. Kansas City plant employees may be providing expertise and building components for an Earth-penetrating radar system which sees environmental contamination in the ground or can find weaknesses in bridges or other structures. Or they may be incorporating laser-based technology in the system of a major communications corporation.

I believe that giving the Kansas City plant CRADA authority will further the utility of the plant to the Kansas City community and to the country at large. Midwestern firms, which for years viewed the plant as a secretive, off-limits site, will now be able to look to the plant as a great resource for high-technology manufacturing techniques and processes.

ADMISSION OF HOMOSEXUALS

Mr. STEVENS. Mr. President, I want to commend the chairman and ranking member of the Armed Services Committee for their work to achieve a reasonable and balanced solution to the matter of the admission of homosexuals into the military. Their initiative, which addresses the concerns of the Joint Chiefs of Staff, reflects well on this body, and on behalf of the men and women who serve in uniform.

This issue has highlighted the many facets of military personnel and conduct policies. The 1991 Tailhook scandal and other events have brought attention across the country to how the military handles conduct questions. I think the Department and Congress should look further into this matter.

One approach might be to establish a Military Conduct Advisory Panel, that could serve to involve military personnel and senior departmental officials directly in a dialog on these issues. A key component of any initiative should be the involvement of the senior enlisted advisers of each service, to ensure that the men and women who constitute our military forces have a clear and direct voice in these discussions.

The development of such a panel could serve both the Congress and the Department in avoiding controversies such as those we have witnessed this year. While I will not offer an amendment to this bill on this matter, I would like to submit with my statement a draft of the amendment I have suggested.

I would like to ask the chairman and ranking member of the Committee on Armed Services if they would review this proposal, and consider the establishment of such a panel as they address this matter in the conference on this bill?

Mr. NUNN. I want to commend Senator STEVENS for his suggestion that the Department of Defense should establish a panel of senior civilian and military personnel officials to undertake a thorough review of how the Department handles military conduct issues. The Senator from Alaska, who is the ranking member of the Defense Appropriations Subcommittee, is one of our leading authorities on military policy.

Problems ranging from sexual harassment to drug and alcohol abuse present serious challenges to military morale, good order, and discipline. There is a need to ensure that the Armed Forces address such problems in a manner that strikes an appropriate balance between the rights of individuals and the needs of the Armed Forces. An organized means of obtaining the advice and recommendations of senior military and civilian officials on such issues certainly could be of benefit to the Secretary of Defense.

At this point, I do not have a firm view as to whether legislation is needed to establish such a panel, or whether the Secretary of Defense should have the flexibility to establish the structure that best suits his assessment of the Department's needs. I will certainly consider whether there would be an appropriate opportunity to consider such legislation in conference. In any case, I would be pleased to work with the Senator from Alaska in communicating this idea to the Secretary of Defense.

Mr. THURMOND. I join with the chairman in commending my good friend, Senator STEVENS, for his thoughtful proposal. I agree with the chairman that the Secretary of Defense could benefit from establishing a panel to provide advice on these difficult conduct issues. The Senator from Alaska has my assurance that we will give this idea very careful consideration.

Mr. STEVENS. I ask unanimous consent that the draft amendment of the Advisory Commission on Military Conduct be printed in the RECORD.

There being no objection, the draft amendment was ordered to be printed in the RECORD, as follows:

DRAFT AMENDMENT

SEC. . ADVISORY COMMISSION ON MILITARY CONDUCT.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish the Advisory Commission on Military Conduct.

(b) INTENT.—To assist the Secretary, the Joint Chiefs of Staff and all senior leaders of the Department of Defense to fulfill all requirements of existing and potential personnel management and human relations issues, the Department shall create an Advisory Commission on Military Conduct to evaluate, comment on, design and implement policies related to the men and women serving in the military.

(c) MEMBERSHIP.—The Commission shall include the Assistant Secretary of Defense for Force Management and Personnel, the Vice Chairman of the Joint Chiefs of Staff, the General Counsel for the Department of Defense, the Inspector General for the Department of Defense and the Senior Enlisted Advisors of the Military Services. The Assistant Secretary of Defense for Force Management and Personnel shall serve as the Chairperson for the Commission. The Vice Commandant of the Coast Guard and the Senior Enlisted Advisor for the Coast Guard will be ex-officio members of the Commission.

(d) ACTIVITIES.—The Commission shall serve as a resource to the Secretary to evaluate personal conduct and performance issues associated with the Uniform Code of Military Justice and such other Department of Defense regulations and directives that impact on the conduct of military personnel. The Commission shall recommend specific changes to Departmental policies whenever necessary to help ensure that all Departmental and Service policies are consistent and fair in the treatment and regulation of conduct by military personnel.

(e) AUTHORITY.—The Commission shall respond to inquiries by the Department of Military Services on matters pertaining to military conduct. The Commission will review and comment on such regulations and directives as may be issued on matters related to conduct by military personnel. The Commission will also review and comment upon such legislation as may be enacted for implementation by the Department. The Commission shall have no authority to promulgate, change, modify, supersede or adjudicate any existing statute or Department of Defense regulation or directive.

(f) REPORTING.—The Commission shall on June 1, 1994 and thereafter annually issue a report to the Congress describing the Commission's work and activities in the review of military conduct issues. This report shall identify all regulations, directives and legislation reviewed by the Commission since the previous report.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. GLENN). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I seek the floor for just a few minutes—I am not going to take a long period of time like I did this morning. But because of intervening business, I did not have an opportunity to respond to some of the Members who disagree with my amendment. I would like to take a little time to do that for the benefit of people who, on a Monday, are just getting to town to participate in the process.

I would like to remind my colleagues about my amendment. My amendment deals with the defense business operations fund, which is a $120 billion in-out account, revolving account, by which the Defense Department pays and receives money from business that it does. It was set up several years ago possibly to replace the M accounts that were building up to $50 or $60 billion. We did away with those M accounts for the reason that they were becoming ways in which the Defense Department was getting around congressional control over expenditures. So we did away with the M accounts, and DOD set up the defense business operations fund.

I have offered an amendment on that, that will be up for a vote tomorrow at 2:15. It will be the second vote that we have in this series of votes that are being stacked for the business that we did today and Friday.

My amendment would do basically three things: My amendment would call for the General Accounting Office to study alternatives to the defense business operations fund and propose those to Congress by March of next year so they can be considered in the debate of the Senate Armed Services Committee.

Second, that the inspector general, under the Financial Officers Act, will audit the books and certify that the money has been spent legally, which is the third point.

My amendment simply does that, nothing more. My amendment basically says that you ought to be able to audit the books if you are going to know whether the money is being spent wisely. There is not any disagreement that I have heard on this floor about the poor condition of the books in this account—other books, for that matter. So that is not the basic disagreement. The basic disagreement is whether or not the procedure that is set up by the Senate Armed Services Committee in their milestones is the proper way to accomplish getting those books in order.

I have listened to people who have offered testimony in opposition to my amendment who say we ought to go with what the Senate Armed Services Committee has done and that will take care of it; that there are milestones set up to measure progress toward getting what everybody agrees needs to be done to get this accounting and expenditure situation under control.

Well, the point about the milestones is simply this—and it makes the point of my argument—if the accounting and the auditing are not in order, how are you going to be able to judge whether certain milestones are being met in the legislation that is before us?

My amendment would make a very definite procedure to get there, to make sure we can judge whether or not adequate changes are being made, whether the auditing can be done, whether the books are being kept as they should be kept, and then actually a determination of the extent to which the money is being spent legally.

We have the inspector general saying he cannot certify that this money has been spent legally. He cannot certify that the books are being kept accurately.

These milestones then are of good intent. I cannot argue with the intent of what the committee has tried to do. But the problem is you cannot measure progress toward milestones without accurate and complete financial data.

So my Defense business operations fund performance review will tell us by June 30, 1994, if we have accurate and complete financial data on DBOF's operation and if we are in a position to evaluate DBOF's progress toward a comprehensive management plan. If DBOF fails next year's audit evaluation, then we cannot evaluate DBOF's performance. If we cannot evaluate DBOF's performance, then the Defense business operations fund should be terminated and alternatives considered. And by that time, we will have alternatives presented to us by the General Accounting Office. That will be by March 1, 1994. Congress then would have ample time to formulate alternatives to DBOF for incorporation in the fiscal year 1995 defense authorization bill.

The bottom line is that the time for phony DOD-inspired fixes is over. DBOF will have had 3 years of failing performance reviews. And this is on top of what we discovered long ago about the M accounts. The M accounts were to get around congressional control over expenditures. By allowing the M accounts to be there, we were not meeting our constitutional responsibilities of making sure that every dollar was spent as a consequence of congressional enactment.

So it is time to take a stand. It is time to draw a line, and that is basically what my amendment does. The financial abuses must stop. If DBOF's books cannot be audited and a full accounting of the people's money cannot be rendered, then the time has come to call in the FBI, to lock the doors, to seal up the safes and the file cabinets and begin a top-to-bottom audit until we know how the money has been spent.

The distinguished Senator from Ohio spoke this morning. He is now in the chair. I do not speak to this because he is in the chair and he cannot respond. I will be glad to wait on the floor if I say something that he wants to counteract. I will be glad to stay here.

He made a very impassioned plea that my amendment went too far and the work of the committee has gone far enough. I cannot say that I disagree with what the Senator from Ohio considers good intentions on the part of the committee. And I can compliment him for the very good intentions he had when he passed the Chief Financial Officers Act. It is a very important piece of legislation, and it will go a long ways toward getting our books in order.

But in his conversation in rebuttal to my amendment he did mention there is this general feeling that the books are not in order and the committee recognizes that. So the Senator from Ohio heard me say, well, how are you going to really judge performance against the milestones that are in the Senate Armed Services Committee bill if we do not get the books in order and if they cannot be audited? Because you need successfully audited books to know that the performances which are demanded by the Senate Armed Services Committee are being met. And my amendment calls for that.

Well, the Secretary of Defense recognized that there were problems with this back on April 20. He directed a review of the Defense business operations fund. He set up a special committee to look into the situation. He said in his memo to the Chairman of the Joint Chiefs of Staff and a lot of other people whom I will not relate:

> If acceptable oversight of this system cannot be established, it is highly unlikely that either the Department of Defense or the Congress will continue this system.

"This system" he is referring to is the Defense business operations fund.

Well, in today's Baltimore Sun we have an article. Again, this is something that the Senator from Ohio referred to in his remarks today. He said Deputy Defense Secretary Perry was looking into this. That is true, he is looking into it. And presumably the report has not been issued by the Secretary of Defense yet, but there was a 135-page report, a draft of which was obtained by the Baltimore Sun. And this is what this newspaper article, referring to this leaked report, says about DBOF and about the work of Perry:

> The management team—

I am quoting from the Sun.

> The management team, composed of senior defense and military officials, led by Deputy Defense Secretary William J. Perry, concedes that the bookkeeping is so bad it is virtually impossible to adequately manage any aspect of the operations.

Meaning the Defense business operations fund.

I am not going to read the whole article. I want to quote about three more paragraphs.

When Mr. Aspin ordered the review, he warned that the business fund may be replaced "if acceptable oversight of this system cannot be established."

I want to point out that Mr. Aspin is saying this. At the highest levels of the Defense Department, they are saying what I am saying in my amendment—that if we cannot audit this, then it ought to go out of existence in December of next year. That is the same date as in the bill.

The article goes on to say:

> Since then—

Meaning since Aspin ordered this review—

> an unpublicized audit by the Pentagon inspector general's office found that the fund's managers violated 15 laws and regulations mostly dealing with financial reporting, citing significant weaknesses in internal controls over money. Auditors said in the June 30 report that they are "unable to assure the public that the business fund assets were safeguarded against loss from unauthorized use."

Then the last paragraph, I want to quote:

> The auditors actually threw up their hands saying they couldn't do a thorough review because the trail of checks, receipts, invoices, and records was incomplete. Records showing $3.1 billion in cash payments couldn't be verified.

I have taken all the time that I want to take. But I thought after an outstanding presentation on the part of the Senator from Ohio, Senator GLENN, in opposition to my amendment and out of my respect for the work that he has done on the chief financial officers legislation, I thought it important that I say where I agree with Senator GLENN and where I disagree with Senator GLENN and consequently, then, the importance of my amendment being adopted.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 853 is the pending business.

Mr. EXON. I advise the Chair that I assumed the Domenici amendment was the pending business. The Senator from Nebraska was prepared to answer and speak in opposition to the Domenici amendment. But we are trying to accommodate time constraints of several Members.

I have been requested by the Senator from Ohio if he would have a brief period of time for the purpose of offering an amendment. I am not sure what that amendment is. But to accommodate all Senators, I would like to ask unanimous consent at this time that we would agree to set aside the Domenici amendment for the time being, the Senator from Nebraska reserving the right to insert and have placed in the RECORD immediately following the presentation by the Senator from New Mexico on the remarks in opposition by the Senator.

Further, I ask unanimous consent that at this time we temporarily set aside the Domenici amendment and recognize the Senator from Ohio for up to 2 minutes; that following the presentation of that amendment, we will recognize the Senator from Pennsylvania for up to 5 minutes for some statements he cares to make; and then we would return to the Domenici amendment.

I hope to seek recognition at that time to make my remarks on behalf of the committee.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Ohio is recognized for 2 minutes followed by the Senator from Pennsylvania for 3 minutes.

AMENDMENT NO. 854

(Purpose: To prohibit the use of funds for a Department of Defense task force on the effects of antitrust laws on the national defense technology and industrial base)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 854.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 190, after line 24, insert the following:
>
> **SEC. 825. PROHIBITION REGARDING A TASK FORCE ON ANTITRUST LAWS.**
>
> No funds available to the Department of Defense may be expended for the establishment or support of a task force for reviewing the antitrust aspects of defense industry consolidation.

Mr. METZENBAUM. Mr. President, this is a very brief amendment. It deals with the fact that the Defense Department is moving in an area to develop a task force which would inject itself into the question of whether or not the defense company mergers are or not appropriate. The Senator believes that the FTC and the Antitrust Division of the Department of Justice already have sufficient authority and are already doing enough of a job in this area. We do not need a task force. I therefore ask that the amendment be considered at the appropriate time.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on the adoption of the amendment.

Mr. EXON. I object. There was no agreement that we would accept this amendment. We were simply offering the Senator from Ohio the opportunity to propose the amendment. We would not agree to a vote at this time until we have had an opportunity to review the amendment in more detail. As far as I know——

Mr. METZENBAUM. The Senator from Ohio recognizes that as a fair position. I was not moving forward in preparing to have it adopted. I am perfectly agreeable to having it considered at a later point or, if necessary, by a rollcall vote. I have not asked for a rollcall vote as yet. But if it will be accepted without a rollcall vote, that would be fine with me. If not, I will ask for it.

Mr. EXON. It may very well be that we would agree, although we have not checked with the other side on this. The Senator has a right to a rollcall vote if it is not agreed to at a later time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. SPECTER. Mr. President, the time requested was 5 minutes articulated by the distinguished Senator from Nebraska.

Mr. President, I thank the Chair. I thank my colleague, the Senator from Nebraska, for yielding me the time. I want to comment briefly on four amendments which I have filed.

Amendment No. 787 was designed to accelerate the pace where women would be—Mr. President, the Senate is not in order.

The PRESIDING OFFICER. Will all conversations cease? The Senator deserves to be heard. Please take conversations to the Cloakroom.

Mr. SPECTER. Mr. President, as I was saying, amendment No. 787 is designed to expedite the entry of women in combat and it was designed to correspond to legislation passed in the House, an amendment passed in the House, which would accomplish that, and after discussion of this amendment with a number of interested parties, it was my conclusion that it would be preferable to enter into a colloquy among Senator ROTH, Senator KENNEDY, Senator SHELBY, and myself with the thrust being that this be accommodated in conference and not take up the time of the Senate with a request for a rollcall vote when there appeared to be substantial opposition. I think the objective can be accomplished with a colloquy and the conference. So I am not taking up the time for a rollcall vote.

Amendment No. 788 is an amendment to provide for more input from a variety of sources on the redevelopment programs when military bases are closed or are converted to civilian use.

There has been a problem that a number of interested parties are not consulted. I have had concerns expressed to me by employees, for example, at the Philadelphia Navy Yard that $50 million has been allocated but nobody is listening to their concerns.

I had discussed this matter with the distinguished chairman of the Armed Services Committee, Senator NUNN, and the staffs have been working on it. I think this is going to be a matter which is going to be relatively easy to work out.

I am not asking that it be adopted now because Senator NUNN has to pass on it. But the way the schedules work around here, I wanted to get a minute or two to explain the purpose of the amendment which is to give employees a chance to be heard and to have the regional and local chambers of commerce and local, State, and regional governments in whose jurisdictions receive more than 5 percent of the civilian employees so that people are consulted and heard and have input. How it will be decided will depend upon the specific circumstances.

Mr. President, amendment No. 789 was an effort to use zinc which had been stockpiled for the U.S. Mint. I have been informed that there is a serious question as to the quality of the zinc. Rather than try to resolve that in the time that this issue is on the floor, I have decided to defer this amendment until another time.

There is one other amendment which I have filed, Mr. President. That relates to—Mr. President, I suggest the absence of a quorum for a moment until I get my papers. That will just a take a minute.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have the paper now before me.

This amendment No. 786 relates to action to be taken where there are grossly inadequate estimates as to closure costs. It had seemed to me that we ought to have some sort of a provision which would require the Department of Defense to absorb the excessive closing costs from their other appropriations.

But after reflecting on the matter and discussing it again with the distinguished chairman of the Armed Services Committee, I have decided to modify that amendment, which would require an audit. We have a real concern. The navy yard in Philadelphia, for example, was estimated to cost $126 million, and the most recent estimates are up to $574 million. The Naval Warfare Center estimated the cost at $180 million to close, and it is now reported to be up to $300 million. The Charleston naval complex estimated the cost to be $1.5 billion. Now it is up to $4 billion.

I must say candidly that there is a question in my mind as to what the Department of Defense is doing. They are putting in figures which make it look like all savings, and they are unrealistic. I wonder how sincere they are and what the issue of good faith is. Unless we know what these costs are, we cannot evaluate whether the bases ought to be closed.

The Department of Defense estimates we will save $13.2 billion by 1998 as a result of base closures. But now we are told that the cost to close the bases will be about $14.2 billion—for a net cost of $1 billion.

Obviously, when Senators are called upon to consider base closures in their area, which are very difficult matters, and we do not know what the cost is to close them, we cannot make a determination as to what ought to be done.

The provisions are now being reviewed by staff, and I think we can work something out on this in short order but, again, it is not ripe for consideration until Senator NUNN returns. I wanted to make those points. That will take care of these important but relatively uncontested as-modified amendments in closing this evening.

Mr. EXON. Mr. President, the previous unanimous consent we entered into was to have the Senator from Nebraska recognized after the conclusion of the remarks and action by the Senator from Ohio and the Senator from Pennsylvania. I believe, though, to cooperate with my fellow Senators—I hope that the Chair will recognize the manager on the other side of the aisle at this time for some requests that he has, with the understanding then that the previous agreement under the unanimous-consent request would take over and the Senator from Nebraska would be recognized for remarks in opposition to the amendment offered previously by Senator DOMENICI.

The PRESIDING OFFICER. The Republican manager is recognized.

Mr. KEMPTHORNE. Mr. President, I want to associate myself with the remarks of the junior Senator from Arizona. Senator JOHN MCCAIN is the ranking member of the Subcommittee on Military Readiness and Defense Infrastructure and it is reassuring to watch this American hero fight to maintain the readiness and capability of our Armed Forces. As you watch JOHN MCCAIN in action, it quickly becomes clear that no one cares more about the fighting ability of our forces, and the welfare of our men and women in uniform, than the Senator from Arizona. Senator McCAIN and his staff have taken it upon themselves to alert the Senate and the Nation about the looming readiness problems stemming from the proposed deep cuts in defense spending requested by this administration. I want to thank Senator McCAIN for his effort and I want to reiterate my commitment to work with Senator McCAIN and my colleagues to do everything we can to maintain the readiness and capability of the Armed Forces that this administration inherited from Presidents Reagan and Bush.

Mr. President, the readiness of our Armed Forces is the key factor that will determine whether our men and women in uniform can defend the interests of the United States.

Readiness means we recruit the best people, we pay them a decent salary, we give them the best training, we give them the best equipment, and we maintain the equipment so that the men and women who wear the uniform of the United States can fight and win this Nation's battles.

In the past, we have seen the consequences of our failure to maintain military readiness. If our troops are not properly trained and equipped to fight, we inevitably pay for this failure with increased casualties. This is the history of our Nation's previous efforts at downsizing the military.

I am committed to working to see that this does not happen again.

Mr. President, earlier this year the Deputy Secretary of Defense, Dr. Bill Perry, came to the Armed Services Committee to discuss the DOD fiscal year 1993 outlay problem with the committee. At that hearing, I asked Dr. Perry if the outlay problem was a result of the fact that we had so little cushion in the readiness accounts. To my astonishment, Dr. Perry testified that we did not have a small cushion in the readiness accounts but instead, Dr. Perry acknowledged that we had a negative cushion.

Mr. President, if we underfund the operations, maintenance, procurement, munitions, logistics, training, and personnel accounts with this negative cushion, we will be headed toward a hollow military.

This year, the Armed Services Committee made some tough choices so that we could forestall some of the projected decline in readiness. However, this is not enough. Instead, the administration and the Congress need to make a better effort to understand all of the factors that contribute to readiness, sustainability, and capability. The work of Senator McCAIN represents an important contribution toward this understanding and I urge my colleagues to heed the words of our friend from Arizona.

Mr. President, I yield the floor.

GOING HOLLOW: THE RISING THREAT TO AMERICAN MILITARY READINESS

Mr. McCAIN. Mr. President, I would like to congratulate Senator NUNN, Senator THURMOND, and Senator GLENN for what I believe is an important beginning. This year's Authorization Act takes an important step toward coming to grips with the problem of readiness.

For far too long, readiness has been the stepchild of the executive branch and the Congress. The executive branch has used readiness funds for operations, and to maintain immediate operational tempos at the expense of future capabilities. The Congress has focused on procurement and technology, and has raided both manpower, and operations and maintenance funds for defense budget cuts and special interest projects.

A BEGINNING IS NOT A SOLUTION

This year, despite a continuing real decline in defense spending, the Authorization Act preserves readiness funding, and even makes some limited improvements.

This funding is a recognition of the most critical lesson of Desert Storm: That it was the readiness of our personnel and equipment which allowed us to win a massive victory in a few weeks over one of the largest armies and air forces in the world, with minimal losses of American and allied lives. It was readiness that allowed us to end Iraq's aggression with minimum losses of civilian life. We were even able to greatly reduce the casualties of our enemy.

The fiscal year 1994 Authorization Act, however, is only a beginning. Our Chiefs of Staff have already warned us that we are on the razor's edge of going hollow. They have told us in hearings and in letters that we are losing the combat readiness and edge that is an essential aspect of deterrence, defense, and the ability to repel aggression.

This act will not make up for the inadequacies of the President's budget request, or the past actions of Congress. It will not avoid a slow but catastrophic loss of readiness unless we moderate the proposed cuts in our defense budget, and do a better job of matching our forces to the changing requirements of the post-cold-war era.

Both this act and the House version of the Authorization Act talk a great deal about preserving readiness. Rhetoric, however, is not readiness and neither bill responds to the recent letters and testimony of the Joint Chiefs of Staff. Nor, will it stop us from going hollow.

WHY WE ARE GOING HOLLOW IN SPITE OF THE FISCAL YEAR 1994 DEFENSE AUTHORIZATION ACT

This fact becomes all too clear when we compare that act we are debating, and the budget request upon which it is based, to what we need to keep our forces ready and keep them from going hollow:

First, the act still mirrors the amended fiscal year 1994 defense budget request in fully funding only one narrow part of readiness. The only aspect of readiness we properly fund is the tempo of operational activity or OPTEMPO.

This kind of funding not only fails to preserve readiness, it ultimately renders our forces hollow. If we continue to fund high levels of near term OPTEMPO at the expense of other longer term aspects of readiness, we will delay and reduce major overhauls and depot maintenance, and keep personnel deployed for excessive periods in the field. We will reduce sustainability, use war reserve munitions and parts for OPTEMPO activity, and increase wear on our major combat equipment.

We must put an end to statements in both our budget requests, our report language, and our floor statements to any claim that funding OPTEMPO funds readiness. Such statements mislead our men and women in uniform and mislead the American people.

Second, we are only increasing the funding of operations and maintenance by a net of $25 million. We have no precise figure for the resulting shortfall in funding, but it is at least several billion dollars.

Third, our depot level maintenance backlogs have been rising for the last 3 years, despite many cuts in our forces. They total $2.1 billion today, versus $420 million in 1991. Similarly, the cost of our backlogs in real property maintenance have risen from $3 billion in the mid-1980's to $14 billion today.

We do add, or transfer, $200 million to reduce depot maintenance backlog to address this readiness shortfall. However, this scarcely compensates for a total backlog that is now over $2 billion and growing.

We add, or transfer, $100 million to reduce real property maintenance backlog to address this part of our readiness shortfall. Yet, this will leave a total backlog that is now over $14 billion and growing.

These trends are clear proof that maintaining high OPTEMPO without funding other aspects of readiness is driving our forces hollow. They are also building the kind of massive funding gap we had when our forces went hollow in the 1970's.

Fourth, we are continuing to misuse and underfund the Defense Business Operations Fund, or DBOF. For the last 3 years, the Department of Defense and the Congress have combined to slash these readiness funds. The DBOF is short of funds and the services are running short of cash to support operations.

The DBOF account was short in fiscal year 1993 by billions and the Stockpile Transaction Fund was $200 million short of their directed fiscal year 1993 rebate. Nevertheless, we have agreed to again underfund O&M and readiness by $3.5 billion in fiscal year 1994.

It is meaningless to talk of preserving readiness when the administration's amended budget request has a built-in deficit that will probably reach at least $3.5 billion, and when we do not end this deficit or make up for the shortfall in prior years.

We urgently need to reform the Defense Budget Operations Fund, as is called for in the fiscal year 1994 Defense Authorization Act, properly fund it, and make it work. If we do not, we will continue to tax our combat units for readiness services they do not receive. At the same time, operations and maintenance funds will remain a target for Members of Congress who use the money for pork or token budget cuts.

Fifth, we are underfunding at least some war reserves and munitions stocks. Each of the services now tends to meet its munitions goals by redefining the stocks on hand as adequate to meet a shrinking force posture, or by using war reserves to provide munitions and other supplies for training.

The net result is smaller stocks of munitions per weapon, and a failure to purchase the most advanced forms of smart weapons, fuses, and conventional weapons in the amount required. In the process, we are risking our industrial base for smart and conventional munitions by reducing orders below a critical threshold.

Sixth, we are underfunding major equipment life cycles. History has shown us that periods of diminishing defense resources inevitably mean that equipment and munitions must be kept in service much longer than the military services originally planned. Unless a concerted effort is made to adjust maintenance and overhauls to provide for longer life cycles, existing readiness standards will still mean we drift toward a hollow force.

Seventh, we are underfunding the upgrading of existing weapons and munitions. Lower defense budgets mean weapons and munitions must have longer lives of effective service, and we must shift part of our remaining R&D and procurement dollars to upgrade the weapons we already have.

Our present budget puts far more emphasis on high technology and R&D for new weapons—most of which will not deploy until well after the year 2000—than it does on upgrading when they go into combat. Until we have a new and comprehensive upgrading strategy, reflecting real-world shifts in our retention of combat equipment, we will move toward hollow forces.

Eighth, we are underfunding manpower quality. More than anything else, our victory in Desert Storm was a tribute to manpower quality. Men and women worked around the other problems in readiness, and exhibited an overall level of individual combat performance that had previously been limited to a small portion of our total force.

Maintaining this manpower quality requires decent pay. Providing a 2.2 percent pay raise is only a modest step in providing such support. It does not compensate for the fact that military pay has already fallen more than 18 percent behind comparable civilian pay by the late 1980's.

The act does properly fund recruiting, but does not fully fund proper living conditions and morale and welfare services. It does not ensure reasonable tours of duty, or that future budget submissions will deal fairly with pay and other personnel issues and avoid fiscal opportunism.

Each service is also experiencing near record levels of turbulence and insecurity. This is reflected by extended tours of duty, sudden changes of assignment, high rates of relocation, and a series of changes in personnel policies which confront all men and women in service with the inability to predict their career patterns or know whether they can stay in the service.

These problems are compounded in the case of military families. Spouses often lose their jobs with relocations. Moves entail significant unexpected expenses. And, dependents often have adjustment problems. At the same time, unit and crew continuity is lost as moves break up well trained and cohesive units—depriving them of much of their readiness.

Ninth, I believe that we are underfunding manpower strength. President Clinton has already stated that the United States needs military forces of at least 1.4 million men. This is 200,000 men less than the force called for by President Bush, and may well push the services towards personnel levels that are too low to meet our readiness needs.

It is my view that the amended fiscal year 1994 budget request, and this act, put us on a path where we are only budgeting the money to maintain a force of about 1,000,000 men at the end of the 1990's. The end result may well be personnel levels that are too low to provide effective combat capability.

Tenth, we are funding operations at the expense of readiness. We are using readiness funds to pay for peacekeeping and humanitarian operations. In theory, much of this expenditure will be repaid through supplemental appropriations or out of Department of Defense contingency funds. In practice, it is very unlikely that the services will ever be fully repaid for the cost of their operations, and they will be forced to pay for peacekeeping and humanitarian actions to an extent that will affect their readiness.

Eleventh, we are spending savings before we know they are achievable and realized. It is very easy to achieve management efficiencies on paper, and to cut infrastructure or reduce support funding to achieve budget savings. In practice, however, there is an increasing tendency to cut first and determine the practicality of such savings later.

Twelfth, we are misusing and underallocating base realignment and closing funds. Unlike regular military construction funds, the Department of Defense has considerable discretion in how it allocates BRAC funds for both military construction and environmental cleanup. The Department has begun to systematically abuse this funding under the guise of flexibility in several different ways. The net result is that BRAC underfunds clean up activities in its budget—forcing costly drawdowns from fast-spend accounts like operations and maintenance which directly affect readiness.

The Authorization Act attempts to correct this situation, but we are concerned that the Department violates at least the spirit of the base closing legislation by shifting the target of BRAC funding and does not provide all of the funding necessary to actually transfer a given function. It also is failing to adequately fund housing and morale, welfare, and recreation facilities.

Finally, we are using defense funds to pay for new lower priority programs. This administration's fiscal year 1994 budget request identifies $1.6 billion worth of defense reinvestment and economic growth initiatives. Many of the activities funded under this title are useful programs, but many are simply bright ideas that have to be funded out of readiness funds, essentially trading important existing jobs for the possibility of creating new ones.

Another $888 million is to be spent on reducing the threat from the former Soviet Union and global cooperation initiatives. Many are useful programs, but should be funded as foreign assistance. The present act reinforces this tendency in a number of ways. We need to concentrate on using the defense budget to pay for defense.

The Armed Services Committee is also to blame. We added an amendment in markup to give $20 million per year, indefinitely, to the American Metalcasters Consortium for R&D. The funds are to come from stockpile sales. Yet, the stockpile funds cannot meet the fiscal year 1993 rebate; and probably cannot meet the $500 million rebate for fiscal year 1994. This $20 million special interest, set-aside R&D program will cause a chain reaction reduction to O&M and readiness.

THE NEED FOR ACTION BY THE CHIEFS, THE ADMINISTRATION AND THE CONGRESS

There is one portion of the present act that may help us come to grips with some of these issues. The act requires a new annual assessment of the readiness and capability of U.S. military forces to carry out the full range of their assigned missions. It tasks the chairman and each of the service chiefs with providing their personal judgment regarding any significant problems or risks affecting the capabilities and readiness of U.S. forces, and to identify any areas which may lead to a decrease in force readiness.

This legislation will only work, however, if the chairman and each service chief fully meet their commitment to the committee to provide their personal advice, frankly and honestly. We can do nothing with comforting illusions, or can-do responses that disguise the facts. We must have the timely warning we did not receive in the late 1970's. If we do not get that warning, we will save dollars and pay in body bags.

We also cannot succeed without budget requests from the administration that fully fund readiness. No warning from our military can substitute for a far more honest approach to defense budgeting and programming. No bottom-up review can be anything other than a delusion if it does not realistically examine readiness and readiness costs, and ensure we can actually afford the strategy and force posture we need.

More broadly, the Congress needs to understand that it may pose a more serious threat to the American military than any single foreign enemy. It cannot continue to raid readiness for domestic spending, earmarked projects, and pork without making our forces hollow and risking the lives of our men and women in uniform.

AMENDMENT NO. 842

Mr. EXON. Madam President, I ask unanimous consent that the yeas and nays on Senator LEVIN's amendment No. 842 regarding Serbian sanctions be vitiated, that the amendment be agreed to, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

So, the amendment (No. 842) was agreed to.

AMENDMENT NO. 850

Mr. EXON. Madam President, I ask unanimous consent for the regular order with respect to the Bingaman amendment No. 850.

The PRESIDING OFFICER. Are there amendments to the amendment?

Mr. EXON. I believe we are not asking for a vote at this time.

Let me clarify this before the Chair makes a ruling.

AMENDMENT NO. 855

Mr. EXON. Madam President, on behalf of Senator MITCHELL, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] for Mr. MITCHELL proposes an amendment numbered 855.

Mr. EXON. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the language proposed to be stricken insert the following: On page 231, line 10, insert after "(f)":

NATIONAL SECURITY COUNCIL REVIEW PROCESS.—In addition to the interagency review process for arms sales to foreign governments referred to in subsection (e), the National Security Council shall review the proposed defense sale and determine that it is in accord with U.S. security interests, that it contributes to collective defense burden sharing, and that it is consistent with United States nonproliferation goals.

"(g)"

The PRESIDING OFFICER. If there is no further debate, without objection, the Mitchell amendment is agreed to.

So, the amendment (No. 855) was agreed to.

Mr. EXON. Madam President, I move to reconsider the vote.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, I am offering two amendments in behalf of myself, Senator MOSELEY-BRAUN, Senator BOND, Senator DANFORTH, Senator GRASSLEY, and Senator HARKIN. Let me explain the amendments very briefly.

One is an amendment that simply says to the Corps of Engineers they may—not they shall—they may pay 100 percent on reconstruction or repairing levees in the floods that we have had in the Midwest.

There are local levee districts that, frankly, cannot come up with the 20-percent matching funds, or in some cases they had been local levees built by local farmers in levee districts, and the Corps of Engineers acknowledges they are extremely important but these farmers just do not have the resource to say do it, and there ought to be a mechanism by which we can do it.

The second thing is we urge the Corps of Engineers, insofar as practicable, to get the levees finished by December 15 so that we will not have spring flood problems.

My staff and the staffs of Senator BAUCUS and Senator CHAFEE have been working on this. It may be that we will not have to have a rollcall on these two amendments.

The second amendment simply asks for a long-term study of where we go.

On the Mississippi, south of Cairo, IL, south of Illinois, the Corps of Engineers handles all the levees. North of the southern tip of Illinois, there is no system. It is just patchwork, a Federal levee here, a State levee there, a local levee district somewhere else.

I want to offer these two amendments at this point, and I would like to have either one of my colleagues on the floor or you, Madam President, to proceed. What I would like to do is ask for a rollcall. I hope we can get an agreement so that we can vitiate the rollcall, but I ask unanimous consent that we have rollcalls tomorrow on these two amendments.

Mr. EXON. Madam President, the Senator from Illinois is correct. He is certainly entitled to a rollcall vote, as I understood him to say, though he had hoped we would be able to work something out. As I understand the statement he just made, that indicated he wishes to reserve his right for a rollcall vote in case we cannot get something worked out that would be unanimously agreed to.

Is that correct?

Mr. SIMON. That is correct.

What I would like to do is ask for a rollcall on these two amendments, and then I may very well tomorrow move to vitiate the request for a rollcall.

Mr. EXON. I suggest that we have no opposition to that on this side of the aisle and I suspect not on the other.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. I am advised that my amendments have to be pending before I can ask for the yeas and nays.

So I will propose the two amendments at this point, Madam President.

Mr. EXON. Madam President, I suggest that we must go through the procedure of setting aside the pending amendment. Is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. EXON. The Senator from Illinois will have to set aside the pending amendment, which is a Domenici amendment, to allow consideration of his amendments.

Mr. SIMON. Madam President, I ask unanimous consent that the pending amendments to the Domenici amendment be set aside so that I may offer these two amendments.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

AMENDMENT NO. 856

(Purpose: To authorize the Secretary of the Army to pay 100 percent of the repair costs of Federal and non-Federal levees damaged as a result of the widespread flooding in the Midwest in 1993)

Mr. SIMON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the first Simon amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] for himself, Ms. MOSELEY-BRAUN, Mr. BOND, Mr. DANFORTH, Mr. GRASSLEY, and Mr. HARKIN proposes an amendment numbered 856.

Mr. SIMON. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . PAYMENT OF FLOOD-DAMAGED LEVEE REPAIR COSTS.

Notwithstanding the Act of May 15, 1928 (45 Stat. 534, chapter 569; 33 U.S.C. 702a et seq.), the Act of June 15, 1936 (49 Stat. 1508, chapter 548; 33 U.S.C. 702a–1 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any other provision of law, the Secretary of the Army may—

(1) pay 100 percent of the costs of repair of Federal and non-Federal levees (including land, easements, rights-of-way, source of borrow, and construction costs) damaged as a result of the wide-spread flooding in the Midwest referred to in the Emergency Supplemental Appropriations for Relief From the Major, Widespread Flooding in the Midwest Act of 1993 (Public Law 103–75); and

(2) ensure, to the maximum extent practicable, that all repair referred to in paragraph (1) is completed not later than December 15, 1993.

Mr. SIMON. Madam President, I ask for the yeas and nays on that amendment tomorrow.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

AMENDMENT NO. 857

(Purpose: To direct the Secretary of the Army to conduct a study to assess the adequacy of current flood control measures on the Upper Mississippi River and its tributaries)

The PRESIDING OFFICER. The pending amendment is laid aside and the clerk will report the second amendment

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] for himself, Ms. MOSELEY-BRAUN, Mr. GRASSLEY, Mr. BOND, Mr. DANFORTH, and Mr. HARKIN, proposes an amendment numbered 857.

Mr. SIMON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . STUDY OF FLOOD CONTROL MEASURES ON UPPER MISSISSIPPI RIVER AND TRIBUTARIES.

(a) PURPOSES.—The purposes of this section are—

(1) to improve the flood protection on the Upper Mississippi River and its tributaries in order to protect public health and safety, maintain commerce, and reduce economic losses due to flooding;

(2) to assess the adequacy of flood control measures in use at the time of the assessment (referred to in this section as "then current flood control measures"), both Federal and non-Federal, on the Upper Mississippi River and its tributaries and recommend improvements to protect critical public facilities and prevent the release of hazardous materials into flood waters; and

(3) to study environmentally constructive options; and

(4) to examine the Federal and non-Federal roles in funding the construction and maintenance of flood control measures on the Mississippi River and its tributaries and recommend changes to improve flood protection for high priority facilities.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of the Army shall conduct a study to assess the adequacy of then current flood control measures on the Upper Mississippi River and its tributaries.

(2) CONTENTS.—In conducting the study under this subsection, the Secretary shall—

(A) identify critical water, sewer, transportation, and other essential public facilities that do not have adequate flood protection at the time of the study;

(B) identify high priority industrial, petrochemical, hazardous waste, and other facilities that require additional flood protection due to the special health and safety risks caused by flooding;

(C)(i) evaluate then current Federal, State, and local flood impact review requirements for infrastructure improvements and other development in the flood plain of the Upper Mississippi River and its tributaries; and

(ii) recommend changes to reduce the potential loss of life, property damage, economic losses, and threats to health and safety caused by flooding, and to preserve a healthy environment;

(D) examine the differences in Federal cost-sharing for construction and maintenance of flood control projects on the Upper and Lower Mississippi River systems and assess the effect of the differences on the level of flood protection on the Upper Mississippi River and its tributaries;

(E)(i) assess the then current Federal policy on pre-event repair and maintenance of both Federal and non-Federal levees; and

(ii) recommend actions to help prevent the failure of the levees during flooding;

(F)(i) assess the impact of the then current system of levees and flood control projects on the flood levels experienced on the Upper Mississippi River and its tributaries in 1993; and

(ii) evaluate the cost-effectiveness of alternative flood control measures, such as the preservation and restoration of wetlands;

(G) recommend flood control improvements, changes in Federal cost-sharing, and other measures to reduce economic losses, damage to critical public facilities, and the release of hazardous materials from industrial, petrochemical, hazardous waste, and other facilities caused by flooding of the Upper Mississippi River and its tributaries; and

(H) assess the environmental impact of then current flood control measures and the flood control improvements recommended pursuant to this subsection.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this subsection.

Mr. SIMON. Madam President, again I ask for the yeas and nays on this amendment tomorrow if we are not able to work this thing out.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SIMON. Madam President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. While the Senator from Illinois is here, I wonder, Madam President, if I might enter into a colloquy with him about an amendment on which the Senator and I are cosponsors.

This amendment is cleared on my side. It is under examination on the other side.

This is to expedite the conversion of Fort Sheridan, IL, to civilian uses acceptable to the affected communities, and the Secretary of the Army may, subject to Fort Sheridan conceptual land use improvement and boundary plan, et cetera. I am just trying to go through this thing quickly.

It is to swap land here in Arlington. The Senator is familiar with this.

Mr. SIMON. I am.

Mr. WARNER. I hope the Senator would be here this evening so that we could again address this to the majority side in the hopes that we can docket this one along with the others.

Mr. NUNN. Who has the floor, Madam President?

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. NUNN. I ask the Senator from Virginia if he would yield to me for a moment.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. I thank the Senator from Virginia.

Madam President, on this question—because the staff has just briefed me on this particular proposal—while the Senator from Illinois is here, is this something that the Senator from Illinois is in favor of and both delegations are in favor of?

Mr. SIMON. Yes.

Mr. WARNER. Mr. President, I might also add, this is an amendment by myself, the Senator from Virginia [Mr. ROBB] and both Senators from the State of Illinois.

Mr. NUNN. I thank the Senator.

While Senator GLENN is here on the floor, since he chairs the Military Construction Subcommittee and normally this kind of matter would go through the Senator from Ohio, I would like him to either ask a question or give us his views on it. I just told him about it, because I felt he had to be acquainted with it as we looked at it and tried to decide the committee's position on it.

Mr. GLENN. I thank the chairman. I just heard about this a few minutes ago and was briefed on it back in the cloakroom. I would be glad to comment on it.

I understand the views of the Senator from Illinois, the delegations, and the Senator from Virginia. I do question, though, whether we should be putting it through in this manner.

You have a lot of things to be considered here. It is not just getting the agreement of the two States. You have zoning considerations. You have the National Capital Planning Commission —and we have all been up against that one as we tried to get the Korean War Memorial, and all sorts of things, trying to find a spot for these things. You have the National Park Service consideration. You have to look into the title of the land, as to how it was deeded over to the Marriott people back many years ago, way back some 35 years or 40 years ago now, and what the arrangements were on that.

The value of the land, we would have to have it appraised.

It would not follow at all the normal procedures that we normally would go into.

I would be happy to have the Armed Services Committee, the staff on military construction and Government property, be glad to have them look at it.

I just would not be able to agree to it here on the floor without having a signoff of all these other people. It is a major consideration.

Mr. WARNER. Madam President, our distinguished colleague brings up a very valuable point, but I assure him this amendment is drawn carefully, such that it does not override any of those jurisdictions and their authority enumerated by the distinguished Senator from Ohio. It does not in any way infringe on the National Park Service jurisdiction or anything else.

I can assure the Senator of that.

Mr. GLENN. I am questioning whether it would be a transfer of land, without checking with those people to see if other uses might be contemplated for that land. I did not know the land would be becoming available, nor do I think most people in the different commissions and committees around Washington that have jurisdiction over these things. I doubt that many of them were even aware of this. I was not aware of it.

Mr. WARNER. I have to tell my good friend, this has been in your staff for 1 week today.

Mr. GLENN. Well, I say to the Senator from Virginia, why was it not in our staff 6 months ago so we could consider it in committee and have hearings on it?

Mr. WARNER. I would have to yield to my colleague from Illinois.

Mr. GLENN. The fact it had been there 1 week ago today, we were in recess during that period. And here we are back and the Senator wants a transfer because it was in our committee 1 week ago today.

Mr. SIMON. I have to tell the distinguished Senator from Ohio, there is no attempt to bypass him. I just found out about this, I guess, about 2 weeks ago, when Congressman PORTER contacted me. We checked with the local people. I know the Illinois side of it. I, frankly, do not know anything about the Virginia side of this.

On the Illinois side, the communities involved have agreed. They have agreed we are going to have 250 acres set aside as forest preserve, and the other part of this can be developed.

I say to my colleague from Virginia, if I could have his attention, it occurs to me if we could work out an agreement with the Senator from Ohio and agree to put it on tonight, with the understanding that if, after his staff checks this out and you are in conference and there is any problem at all, that if we just get the word from the Senator from Ohio, we will pull it off.

Mr. WARNER. Madam President, if I could read just one provision which is typical throughout.

The Secretary of the Army shall establish at the Twin Bridges parcel conveyed pursuant to subsection (a)(2) a National Museum of the United States Army. The development, operation, and all improvements related to the development of the Twin Bridges parcel for the National Museum of the United States Army shall comply with the zoning, site planning, and permit requirements of the County of Arlington, Virginia, and the Commonwealth of Virginia and shall be subject to a memorandum of understanding entered into by the Secretary of the Army and Arlington County, Virginia. The Secretary may use only donated funds to pay for the costs of development, construction, and infrastructure improvements related to the establishment of the National Museum of the United States Army.

We did these things and we wrote it carefully, I say my good friend, the Senator from Ohio, so as not to override any jurisdictional, local, or State requirement.

Mr. GLENN. Madam President, I appreciate this, and I know that the Senator from Virginia is very serious about this.

I understand his desire to have this established there. I appreciate that.

But this does not address what the Park Service might have in mind for a parcel like that; it does not address what the National Capital Planning—which is very tight in their restrictions—what they might have to say about this.

I would be very happy to have a hearing on it and be glad to commit to a hearing and see if we could examine both ends of it. I do not know, out at Fort Sheridan, whether there are other Federal uses of that land that anyone has contemplated or not.

So these are things that we normally try to consider in committee when we can have hearings, have witnesses, and get everyone signed off on them, before they come to the floor. I am sorry that was not done in this case. I would have been happy to take it up in the subcommittee or full committee, as far as that goes.

I find it very difficult to agree here on the floor at this late time.

Mr. WARNER. Will the Senator be kind enough just to have the staff take a look at it and brief him carefully on it? I recognize he has just come into the equation. This often happens on any bill. Very few of the floor amendments have been before our committee, or have been before subcommittees. The staff has been working 2 days on this. I understood there was almost complete closure on it, and I ask the Senator for the courtesy of whether or not he could take a look at it with the staff before he takes his position.

Mr. GLENN. I will be glad to look at it overnight and get back on the floor tomorrow.

Mr. WARNER. Madam President, the bill is to be brought down tonight. Unless this amendment is acted upon tonight, or voted tomorrow, then it is not to be a part of the legislation.

Mr. GLENN. I am sorry, I just—to say we agree to it tonight and run the traps, in effect, through all the different groups: National Planning Commission, the National Park Service, and the value of the lands, and all the other things that I think should be done in making certain all these things are considered—it would not be possible to do that this evening.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 858

(Purpose: To provide for the community reuse of Fort Sheridan, IL, and the acquisition by the Army of property in Arlington, VA, through exchange of property at Fort Sheridan, IL)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. ROBB, Mr. SIMON, and Ms. MOSELEY-BRAUN proposes an amendment numbered 858.

Mr. WARNER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 353, between lines 4 and 5, insert the following:

SEC. 2842. LAND CONVEYANCES AND EXCHANGE, FORT SHERIDAN, ILLINOIS.

(a) REUSE AND EXCHANGE AUTHORITY.—(1) Notwithstanding any other provision of law and in order to expedite the conversion of Fort Sheridan, Illinois, to civilian uses acceptable to the affected communities, the Secretary of the Army may, subject to the Fort Sheridan Conceptual Land Use Improvement and Boundary Plan adopted by the Fort Sheridan Joint Planning Committee, on September 2, 1993, convey to The Equitable Life Assurance Society of the United States (hereafter in this section referred to as "The Equitable"), or a person designated by The Equitable—

(A) all right, title, and interest of the United States in and to any or all of the surplus real property of the United States that is within the historic district of Fort Sheridan, together with any improvements thereon; and

(B) all right, title, and interest of the United States to any or all of the surplus real property of the United States at Fort Sheridan, that is commonly referred to as the "Northern Lands".

(2) As consideration for the conveyances of surplus real property authorized by paragraph (1), The Equitable shall—

(A) convey, or cause to be conveyed, to the United States all right, title, and interest in and to a parcel of real property, consisting of approximately 7.1 acres, that is located in Arlington County, Virginia, and is commonly known as the "Twin Bridges" parcel, together with any improvements thereon; and

(B) pay to the United States the amount, if any, by which the fair market value of the surplus real property conveyed to The Equitable or its designee pursuant to paragraph (1) exceeds the fair market value of the real property conveyed to the United States pursuant to subparagraph (A).

(b) CONVEYANCE FOR FOREST PRESERVE PROTECTION AND ENHANCEMENT.—(1) In order to ensure the continued protection and enhancement of the open spaces of Fort Sheridan, the Secretary of the Army shall, subject to the Fort Sheridan Conceptual Land Use Improvement and Boundary Plan adopted by the Fort Sheridan Joint Planning Committee, on September 2, 1993, convey to the Lake County Forest Preserve District, Illinois (in this section referred to as the "District"), all right, title, and interest of the United States to a parcel of surplus real property at Fort Sheridan consisting of not less than 250 acres located north of the southerly boundary line of the historic district at the post, including improvements thereon.

(2) As consideration for the conveyance by the Secretary of the Army of the parcel of real property under paragraph (1), the District shall provide maintenance and care to the remaining Fort Sheridan Cemetery, pursuant to an agreement to be entered into between the District and the Secretary.

(c) NAVY PARCEL.—(1) In order to facilitate the reuse of Fort Sheridan, the Secretary of the Navy may, subject to the Fort Sheridan Conceptual Land Use Improvement and Boundary Plan adopted by the Fort Sheridan Joint Planning Committee, Sept. 2, 1993 convey to The Equitable, or a person designated by The Equitable, all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 11.48 acres, that is located immediately west of and adjacent to the historic district of Fort Sheridan, Illinois, and is under the administrative control of the Secretary, together with any improvements thereon.

(2) As consideration for the conveyance authorized by paragraph (1), The Equitable shall—

(A) construct, or pay the costs of constructing, at a location on land at Fort Sheridan, Illinois, that is under the administrative jurisdiction of the Secretary of the Navy 30 units of military family housing that, as determined by the Secretary, are suitable replacements for the 30 units of military family housing that are located on the property conveyed pursuant to paragraph (1); and

(B) pay to the United States the amount, if any, by which the fair market value of the property conveyed pursuant to paragraph (1) exceeds the cost of constructing such replacement units of military family housing.

(d) USE OF TWIN BRIDGES PARCEL.—The Secretary of the Army shall establish at the Twin Bridges parcel conveyed pursuant to subsection (a)(2) a National Museum of the United States Army. The development, operation, and all improvements related to the development of the Twin Bridges parcel for the National Museum of the United States Army shall comply with the zoning, site planning, and permit requirements of the County of Arlington, Virginia, and the Commonwealth of Virginia and shall be subject to a memorandum of understanding entered into by the Secretary of the Army and Arlington County, Virginia. The Secretary may use only donated funds to pay for the costs of development, construction, and infrastructure improvements related to the establishment of the National Museum of the Unites States Army.

(e) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary of the Army, with respect to the transactions described in subsection (a), and the Secretary of the Navy, with respect to the transaction described in subsection (c), shall determine—

(1) the fair market value of the parcels of real property to be conveyed pursuant to this section; and

(2) the fair market value of any other consideration to be provided under this section.

(f) DESCRIPTIONS OF PROPERTY.—The exact boundaries, acreage, and legal descriptions of the real property conveyed pursuant to subsections (a), (b), and (c) shall be determined by surveys that are satisfactory to the Secretary of the Army (in the case of property conveyed pursuant to subsections (a) and (b)) and the Secretary of the Navy (in the case of property conveyed pursuant to subsection (c)). The costs of such surveys shall, in each case, be borne by the person to whom such real property is conveyed, except that, in the case of the Twin Bridges parcel conveyed pursuant to subsection (a)(2), the survey cost shall be borne by The Equitable.

(g) PROCEEDS.—Any proceeds received by the Army pursuant to the transactions described in subsections (a) and (b) shall be deposited in the Department of Defense Base Closure Account established under section 207 of the Defense Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) or, in the case of any proceeds received after closure of such account, in the Department of Defense Base Closure Account 1990 established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(h) USE OF FUNDS.—The Secretary of the Navy shall use any amounts paid to the Secretary of the Navy under subsection (c)(2)(A) to pay for the construction of 30 units of family housing to replace the units located on the property to be conveyed under subsection (c)(1). Any amount paid to the Secretary under subsection (c) that is not expended for the construction of such military family housing units shall be deposited in the Department of Defense Military Family Housing Management Account in accordance with section 2831(b)(3) of title 10, United States Code.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army, with respect to the transactions described in subsections (a) and (b), and the Secretary of the Navy, with respect to the transaction described in subsection (c), may require any additional terms and conditions and undertake any additional obligations and actions that such Secretary considers appropriate under the circumstances to enhance or encourage the reuse of Fort Sheridan, Illinois, or to protect the interests of the United States.

Mr. WARNER. Madam President, I ask that this amendment be subject to a record vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. NUNN. Did the Senator from Virginia ask for a rollcall vote? I will be glad to.

Mr. WARNER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. If the Senator will yield, this has hit me cold. I have not had a chance to review it. I did have a chance to talk with the staff about it.

I have some questions that really maybe the Senator can answer now. It is my understanding we have not done this with any bases before that have been closed, and that the law requires the proceeds from the sale of base property, where the bases have been closed, will go into the BRAC account; and that BRAC account is part of what we get from the closing of the bases.

If we are going to start directly swapping lands out of a closed base for another purpose, that bypasses the BRAC account, that starts a new project on it and the Government gets no proceeds from it at all, then closing the base would have been to no avail to the taxpayers.

As a matter of fact it seems to me we are about to spend more of the taxpayers' money. Maybe the Senator can disabuse me of that concern.

Mr. WARNER. The distinguished chairman raises valid questions. I am going to suggest momentarily—it is on the docket for tomorrow. I can assure the Senator, given an opportunity to speak on this—No. 1, it is costing the Government $5 million a year, sunk, lost funds—am I not correct, I ask the Senator from Illinois, just to keep Fort Sheridan open?

Mr. SIMON. That is correct.

Mr. WARNER. They tried to sell it for 3 years and had no buyers.

Mr. SIMON. That is correct.

Mr. WARNER. And if there is a difference in value between the two properties it does go into the BRAC account.

Mr. SIMON. That is my understanding.

Mr. WARNER. I assure my colleague the two members of the delegation being on the committee, the Senators from Illinois and Virginia, being on the Senator's committee, we are not trying to pull the wool over anybody's eyes. We have been working on it for several days and I understood the staffs were ready for signoff. I suggest overnight we look at this.

Mr. NUNN. That is a good suggestion. As the Senator from Virginia knows, I will be glad to work with him on any amendment, but what we have to watch is doing something in one case so that all of a sudden everybody else who has a base being closed or has community problems says, "Wait a minute, this is what we ought to do," and all of a sudden we have a precedent here that none of us quite know what we are doing.

I think we have to think it through. We have to know what we are doing. I think we have to know what the precedent is. I think we have to know whether there is a precedent for other transactions or whether this is unique. I know nothing about why Fort Sheridan has not been able to be sold. I have no knowledge of that. Perhaps the Senator from Illinois could enlighten us on that point.

I guess what we are saying here is we believe we have to slow down on this amendment and know what we are doing.

Mr. GLENN. Will the Senator yield for just one additional comment? The kind of things that come up, and this has just come to my attention a few minutes ago, but another consideration is I see nothing in here that says what happens if there is contamination—at either end: Fort Sheridan in the conveyance of land, or over here at the Marriott property at the other end of the 14th Street Bridge. What if we are in the millions of dollars worth of cleanup? Do we have to add that? I do not know. I do not know if there is any contamination there, but we have a whole list of things we check off every time a piece of Government property is to be transferred or sold to make sure what the Government's future liability may or may not be. And that has not been considered. Nor do I see language in here that would deal with that. Nor do I know it is a problem. But it may or may not be a problem. I do not know. That is just one of the great number of things we consider when these land transfers are underway.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Let me suggest to our colleague from Ohio, if he would have his staff look at this overnight, let us see if we can get this thing worked out. If we cannot, we cannot. We may decide to go ahead and ask for a rollcall and get a recorded vote on this.

The other option is, if the Senator sees there are still some problems, if the Senator could give us the assurance we are going to move quickly in the Senator's subcommittee on this, that would be an option. It is not my preferred option but it is at least another option we could consider.

Obviously I do not speak for the chief sponsor on this. I would like to see this worked out by tomorrow if we at all possibly can. But I understand the points raised by Senator NUNN and Senator GLENN on this.

Mr. NUNN. I would say to my friend from Illinois, and my friend from Virginia, I think that would be the best course of action, just to take a look at it overnight. For instance, we do not know, has the Army requested this?

Mr. WARNER. Oh, surely. Madam President, absolutely. This is not some sort of a midnight expedition by four Senators. This is a request from the Department of Army, with DOD concurrence.

Mr. NUNN. Have we gotten any letter or anything on that?

Mr. WARNER. Madam President, I think it would be advisable if the majority side had an opportunity to let the two staffs operate.

Mr. NUNN. That will be good. And we can see where we are tomorrow. The Senators of course can either decide to go ahead with a rollcall vote tomorrow if we have not been able to agree, or the Senator's suggestion is possible. We will have other legislation coming through this year.

The thing I would worry about is not this transaction per se, but I worry about what this does to every other base that has been closed and whether we are doing something here, all of a sudden, that is going to harm us somewhere else.

Mr. WARNER. For 14 years I have had the privilege of working with our distinguished chairman. I know he is absolutely fair and very conscientious not to let our committee invade the territory or jurisdiction of other committees and, indeed, try to set those precedents. We have stood with him.

To the best of my knowledge this amendment does not constitute that type of situation. I must tell the Senator in good faith, overtures from the staff of the majority indicated that this possibly could be achieved. But I will let them speak for themselves.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, not all of the land involved in this swap is military land, so it does not necessarily come under just the military committee. Normally on an acquisition of property, which you would have to have before you swapped it, it would come under the General Services Administration and all their rules for how we acquire property and so on. We have in effect, as far as the disposal of military property goes, we have cut GSA out of that program and basically assigned the program of disposal of military property to the Pentagon but with the understanding they will basically follow the GSA procedures, even though they are doing it independently. So that is just another consideration here.

I am not trying to throw roadblocks in the way, I am just trying to be realistic about what we can honestly do here on the floor without triggering things like our distinguished chairman indicated might occur. There might be 50 different land swaps like this around the country. So I think we do have to look at it and consider everything. I will be glad to do that as best we can overnight and come back on the floor tomorrow.

I yield the floor.

Mr. EXON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that the senior Senator from Indiana, Senator LUGAR, be added as a cosponsor to my Serbian sanction amendment which was adopted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I understand that the rollcall which had previously been ordered on that amendment has now been vitiated. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I thank the Chair.

UNANIMOUS CONSENT AGREEMENT

Mr. NUNN. Madam President, I want to propound four unanimous-consent requests relating to amendments that have been debated.

Madam President, I ask unanimous consent that the vote on, or in relation to, Senator SHELBY's amendment No. 851 occur, without any intervening action or debate immediately upon the disposition of Senator GRASSLEY's amendment No. 840 and that no second-degree amendments or amendments to language that may be stricken be in order prior to the disposition of Senator SHELBY's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, I ask unanimous consent that the vote on, or in relation to, Senator HARKIN's amendment No. 829 occur, without any intervening action or debate immediately upon the disposition of Senator SHELBY's amendment No. 851 and that no second-degree amendments or amendments to language that may be stricken be in order prior to the disposition of Senator HARKIN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, I ask unanimous consent that the vote on, or in relation to, Senator BINGAMAN's amendment No. 850 occur, without any intervening action or debate immediately upon the disposition of Senator HARKIN's amendment No. 829 and that no second-degree amendments or amendments to language that may be stricken be in order prior to the disposition of Senator BINGAMAN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, I ask unanimous consent that the vote on, or in relation to, Senator DOMENICI's amendment No. 853 occur, without any intervening action or debate immediately upon the disposition of Senator BINGAMAN's amendment No. 850 and that no second-degree amendments or amendments to language that may be stricken be in order prior to the disposition of Senator DOMENICI's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. I thank the Chair.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Without objection, the previous amendment will be set aside.

AMENDMENT NO. 859

(Purpose: To limit the amount to be made available for the Trident II missile program)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 859.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 33, following line 24, insert the following:

SEC. 136. TRIDENT II MISSILE PROGRAM.

Of the funds authorized to be appropriated in this Act for procurement of TRIDENT II Missiles, none may be obligated prior to April 1, 1994 unless the President has certified to Congress that he has unsuccessfully attempted to reach an agreement with Russia, Ukraine, Kazakhstan and Belarus on detubing as a means of reducing launchers to meet the START II limits.

Mr. EXON. Mr. President, reserving the right to object, the Senator from Nebraska does not know the content of the amendment being offered by the Senator from Arkansas. Which slot has the Senator from Arkansas decided he would employ under the slot agreement that we had with regard to the amendment he has just offered? I agree to not reading the amendment, but I would like to have an explanation as to the nature of the Senator's amendment.

Mr. BUMPERS. Mr. President, this amendment deals with whether or not we want to continue buying D–5 Trident II missiles at the rate we have been buying them, in light of the START II treaty. That limits us to 1,750 SLBM warheads.

Mr. EXON. I ask the Senator from Arkansas, then, did he have a slot reserved on the list of amendments that we had with regard to a D–5 amendment?

Mr. BUMPERS. I did not, Senator. You raise a perfectly legitimate point. When we called, we told them my amendment dealt with the D–5, but when it was transcribed they put SDI instead of D–5.

Mr. EXON. That explanation is satisfactory with me, although I did not think there was a D–5 amendment.

Mr. BUMPERS. The Senator is correct. I did not realize that was the objection. My staff told me that somebody made a mistake.

Mr. EXON. Somebody transferred that. I can see how it could happen. I thank you.

Mr. NUNN. Mr. President, the Senator from Arkansas is correct. He put us on notice several weeks ago that he was going to have a D–5 amendment, and I think this was a staff error that labeled it the wrong amendment. So I encourage the debate to go ahead and take place.

Will the Senator yield to me for a few unanimous-consent requests?

Mr. BUMPERS. Yes, I am happy to yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that the vote on or in relation to Senator METZENBAUM's amendment No. 854 occur without any intervening action or debate immediately upon the disposition of Senator DOMENICI's amendment 853, and that no second degree amendment or amendments to language that may be stricken be in order prior to the disposition of Senator METZENBAUM's amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that the vote on or in relation to Senator SIMON's amendment No. 856 occur without any intervening action or debate immediately upon the disposition of the Metzenbaum amendment No. 854, and that no second-degree amendment or amendments to the language that may be stricken be in order prior to the disposition of Senator SIMON's amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that the vote on or in relation to Senator SIMON's amendment No. 857 occur without any intervening action our debate immediately upon the disposition of the Simon amendment No. 856, and that no second-degree amendment or amendments to the language that may be stricken be in order prior to the disposition of Senator SIMON's amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that the vote on or in relation to Senator BROWN's amendment No. 825 occur without any intervening action or debate immediately upon the disposition of Senator SIMON's amendment No. 857, and that no second-degree amendment or amendments to language that may be stricken be in order prior to the disposition of Senator BROWN's amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is ordered.

Mr. BUMPERS. Mr. President, this amendment, for people who do not follow strategic warfare in the Senate—and there are several Members who do not—this amendment is fairly complicated. I am going to do my very best to simplify it so that everybody can understand it.

First of all, there are a few things that you have to keep in mind. No. 1, at the conclusion of building all of our Trident submarines, we will have 18 Trident submarines. We now have eight Trident submarines, equipped with what we call the C–4, popularly known as the Trident I missile. Each one of those missiles on the Trident submarine, each Trident I missile has eight warheads.

For all practical purposes, the Senate should bear in mind that it was our intention to put 24 missiles on every Trident submarine; all 18 of them are equipped to carry 24 missiles. It was our intention to put eight warheads on each missile.

Here is where we are right now, Mr. President. We have eight Trident submarines equipped with the C–4 Trident missile, with eight warheads each. We have in our inventory, 415 C–4 missiles. We have in our inventory—or will have shortly—235 D–5 missiles, which also carries 8 warheads, and which we intend to put on the last 10 Trident missiles. Bear in mind that the first 8 Trident submarines are already at sea, have been for a long time, and they all carry 24 missiles each with 8 warheads on each missile.

We have about 6 more of the remaining 10 Trident submarines at sea, and they are equipped right now—the ones that are at sea—they are equipped with the D–5 Trident II missile with 8 warheads each.

Mr. President, this gives us today, and this is very important —I want everybody to look at this chart—today we have 650 missiles for our Trident fleet each with 8 warheads. That is in our inventory today. And 650 missiles times 8 warheads gives us 5,200 warheads on what we call SLBM's. They are missiles and warheads to be fired from submarines. Bear in mind some of these missiles—I forgot to tell you—some of these missiles are on Poseidon subs, all of which will be phased out in about 1996. But the main point is we have 5,200 warheads on our submarines today, or in inventory, and under the START II treaty we are going to be allowed 1,750 warheads.

Mr. President, what this debate is about and what this amendment is about is how are we going to download or detube submarines to reduce the existing inventory of 5,200 warheads to 1,750? We have to get rid of 3,450 warheads.

Let me go to the second chart, and I will show you a couple of options on how I think we ought to do it and how the Navy says they want to do it. And that is really the issue for the Senate to decide.

I will tell you on the front end, if you do it the way I want to do it you will sacrifice nothing strategically, you will come out with precisely the same number of warheads that the Navy will come out with under their plan. Only under my plan you will save $9.6 billion. We are not talking about peanuts, Mr. President. We are talking about real money at a time when the Secretary of Defense is going to have to come up with $13 billion in additional cuts over the next 5 years that he has not yet figured out how he is going to attain.

So here are the two ways we can approach this. Option I we will call the Bumpers option, and the one that this amendment would provide for. We will put 12 missiles on each submarine, rather than 24, and we will put 8 warheads just as we do now on each missile. If you put 12 missiles on each of our 18 submarines and each missile with 8 warheads, you will come out with 1,728 warheads or 22 less than we are going to be permitted under the SALT treaty and which must meet that limit around the turn of the century.

Now, Mr. President, what does this mean? I said in my earlier remarks that there are 24 tubes for missiles on every Trident submarine. If you put 12 missiles instead of 24 you have to do what the Navy calls detubing. You can fill the other 12 with concrete or anything to prove to the Russians, for example, that we are in compliance with the 1,728 warhead level that we agreed to in the START II treaty.

Here is what the Navy wants to do. Now bear in mind under option I, I am saying we need to detube 12 tubes on every Trident submarine and leave 8 warheads on each missile and can come to 1,728. The Navy predictably says, "No", we want to put a missile in every tube; we still want 24 missiles on every submarine.

"What we want to do," says the Navy, "is reduce the number of warheads on each missile from 8 to 4." That might just be hunky-dory, Mr. President, except for one thing. That will cost us, the taxpayers of America, $9.6 billion more money. I could stand here all night and talk about all the nuances of this, but here is the simple option that this Senate is going to have to make. Do you want to put 12 missiles with 8 warheads on each submarine or do you want to put 24 missiles with 4 warheads on each submarine? You get absolutely nothing, no military, no strategic advantage, and you do it the way the Navy wants to do it, and you are going to spend $9 billion-plus that we can save.

Mr. President, you do not have to be a mathematician to figure that out.

I made this chart as simple as I know how. Everybody ought to be able to understand it if they will just focus on it.

Tragically when people come in here to vote on these amendments they have not heard the debate, have not thought about it, they do not know what you are talking about, and they vote "no," and say, Dale Bumpers—why would I take his word over the Navy's?

I will tell you the reason for that, because I am using common sense and good judgment in trying to make sure that we maintain the strategic advantage we have always had at sea. At sea is where we have always had our advantage, and my amendment is just plain old common horse sense.

The only reason in the world the Navy can give you for wanting to download every nose cone to four warheads is because that way they get to keep buying missiles. If they get their way, they are going to buy somewhere between 133 missiles and 300 missiles that we do not need, do not want, should not buy. You know what they cost? Forty-five million dollars each.

You think about a missile that costs $45 million for one, and us getting ready to buy somewhere between 133 and 300 that we could not use to save our life or ought to use. It is nothing in the world but a way to spend money.

So, Mr. President, here is the reason for the amendment. Here are the savings of option I over option II. If we cancel the purchase of 133 missiles, and that is the bare minimum—if you cancel the purchase of those 133 missiles, at $45.7 million each there is a savings of $6.1 billion.

Then if you do what I want to do it costs $1 billion to detube 12 missile tubes on each submarine. So you have a net savings after you do what I want to do of $5.1 billion.

But there is more to the story. How about these eight submarines out there with C–4's on them, not the D–5 which we consider buying now but the C–4's that we long since bought and do not build anymore?

First of all, if you cancel retrofitting the eight submarines I am talking about, and what the Navy wants to do is to go back and retrofit the first eight submarines, take the C–4 missiles off of them and retrofit them with the D–5 missiles, there is absolutely no justification for doing that. The C–4 missile is a fine missile and has eight warheads on it, individually targeted warheads. But the Navy says, well, at some point they are going to wear out and they are not going to be useful. That is true, and there is a lot more to the story on what we might do. But what they want to do, of course, is to keep buying these missiles and retrofit the first eight that are already outfitted with a fine missile. It does not need to be replaced.

So if you cancel what the Navy is planning to do in retrofitting those first eight submarines and cancel the purchase of the 200 D–5 missiles that they are going to buy to put in those tubes, you save $9.1 billion.

And then if you cancel the retrofitting of the first eight submarines, you save another $8.5 billion, then you save $17.6 billion. And then you offset that with the cost of extending the life of C–4 missiles at $8 billion and detube the C–4 subs, that is detubing down to 12 missiles per sub, that is another $1 billion. All of that costs you $9 billion.

When you count the savings of $17.6 billion and subtract from that the cost of extending the life of the C–4 missile and detubing the first eight submarines, you have a net savings of $8.6 billion from canceling the retrofitting and a potential total savings of $13.7 billion for my option over the Navy's option.

Mr. President, I know that this is not a very sexy subject. I know that when you are throwing out numbers the way I have been throwing them out here, some people understand it and some people do not. I do not know how you deal with that on the Senate floor. I have been in this posture before, of getting into a fairly complicated argument with people who have not kept up, as I said, and who just come in and vote "no."

But I can tell you one thing: If you want to maintain a strategic deterrence, if you want our submarine fleet to continue being the star of our strategic forces, the most invulnerable part of our strategic forces, and with the ability to wipe out, let us say, of the old Soviet Union, wipe out every city of 100,000 people or more twice, maybe three times, the Navy fleet could do it under my amendment. Even if we did not have bombers or ICBM's, we could do it with our submarine fleet alone and save up to $13.7 billion.

Mr. President, Les Aspin is going to come before the Appropriations Subcommittee on Defense in the morning and one of the first questions he is going to be asked is: "Mr. Secretary, how are you going to come up with this additional $13 billion you say the Defense Department is going to save? It is not in this bill; no savings in this bill. How are you going to do this? How are you going to do it administratively? What kind of legislative recommendations are you going to make to the U.S. Congress to save $13 billion over the next 5 years and meet the President's target that he gave us and we adopted here that night in September when we voted on the President's economic package?"

I can tell you right now, here is one of the simplest ways in the world.

Mr. President, there is one other element I want to talk about before I yield the floor, and it is this: I confess to you that I wrote the President about this sometime ago. I set out precisely the arguments I have made here. My guess is the President sent it over to the Navy and they sent it back to him and he sent me a letter. Let me paraphrase:

> DEAR DALE: I love to save money, but if we do what you want to do, we are going to have to go back and renegotiate the START Treaty with Russia, Kazakhstan, Belarus, and the Ukraine. Considering the fight between the Ukraine and Russia over those missiles in the Ukraine, which Ukraine did not want to give up, I think it would be very difficult, if not impossible, to get them to agree to this.

Now the President—my very dear friend—and I disagree on that.

I do not think you can assume on the front end that the Russians and the Kazakhstans and the Ukranians and the Belarussians would object to this. Why would they object? They lose nothing by allowing us to do it.

And START II provides for a lot of on-site inspections.

Let me ask you this, Mr. President, and Members of the Senate: If the Navy gets its way and they detube, I mean if they put 24 missiles on each submarine, as they want to do, they have to download the warhead on each one of those missiles and put 4 warheads on it instead of 8. Now, the Russians are going to say, "You say there are only four warheads under that cone. How do we know there is not eight? We want a verification of that." And they are entitled to it.

So what is the difference? The Navy wants to talk about verification. What is the difference in Russia wanting to see under the nose cone to make sure there is only 4 warheads there and wanting to go aboard a submarine to make sure you put concrete in 12 tubes?

It is going to have to be verified either way. So why would the Russians object to the President saying, "How about us saving ourselves about $10 billion here and you helping us do it?"

Do you know what I think Boris Yeltsin would say? I think he would say, "That's just jake with me. I couldn't care less. As long as you only have 1,728 warheads on your submarines, that is all we care about. How you do it, we couldn't care less."

So, Mr. President, in my amendment, I have said that we will not spend any of the money in this bill to buy any more D-5 missiles than we have bought right now, and we have them coming out of line and they are going to be building them all next year whether my amendment passes or fails.

But what I am saying is, none of the funds appropriated will be spent until April 1, 1994—unless—unless the President certifies to the Congress that he has unsuccessfully attempted to get all the parties to agree to this proposal.

In my opinion, if the President made an honest, all-out effort to get that done, it would be a piece of cake. I do not think it will be a problem at all.

I will tell you what the problem is. The problem is how are we going to get the defense budget down to stay mean and lean. The problem is how are we going to reduce the deficit, how are we going to get rid of the national debt.

And it is not going to be by walking in here and knee jerking a vote on a very important issue here, where we have a chance to save $10 billion with absolutely no sacrifice, no jeopardizing of our strategic forces.

Mr. President, I yield the floor.

Mr. NUNN. Mr. President, Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I congratulate the Senator from Arkansas for his diligence and tenacity in this area, if not for the proposal itself. He has looked at this program over the years very carefully and he makes, in any presentation, a very persuasive and powerful argument, even though in this case I think that there are very significant facts that go strongly against the Bumpers' amendment.

Let me start by reading into the RECORD certain parts of a letter dated August 2, 1993, from President Clinton, relating to this amendment.

He says, in a letter addressed to me,

> DEAR MR. CHAIRMAN: During floor debate on the FY 1994 defense authorization bill, an amendment may be offered to delete further funding for procurement of Trident D-5 submarine-launched ballistic missiles.

I know the Senator's amendment is not precisely that amendment but that is where it is aimed. Continuing to quote from President Clinton:

> I wanted to advise you that I would be strongly opposed to such an amendment.
>
> As you know, the United States currently plans to deploy a fleet of 18 Trident nuclear-powered ballistic missile submarines (SSBNs) as the sea-based leg of the Triad of strategic nuclear forces the United States will maintain under the START II Treaty.

I am skipping some of that letter, but getting down to the point of most relevance:

> Some have suggested that the United States could save money by simply deploying half as many D-5 missiles on each Trident submarine while doubling the number of warheads carried by each missile. In other words, instead of having each submarine carry 24 missiles, each of which would be armed with 4 warheads, we would deploy only 12 D-5s on each Trident while having each missile carry 8 warheads.

Continuing to quote from President Clinton,

> There are a number of major problems with this "detubing" proposal. First, we have negotiated the START II Treaty on the assumption that each D-5 would be attributed as carrying 4 warheads, not eight. Second, under START rules the 12 "empty" missile tubes on each submarine would count as though they were each occupied by a D-5 missile with four warheads. As a result, this approach would place the United States in violation of the START II warhead ceilings unless we obtained permission from our treaty partners to change the Treaty.

"Unfortunately"—and this goes to the heart, Mr. President—this goes to the heart of the Bumpers amendment, because the Senator from Arkansas, to his credit, recognizes the START II Treaty would have to be changed and he is, in effect, in this amendment, trying to get to this result by saying to the President go back and negotiate it again with Russia and the other parties that would have to give their consent.

Going back to the President's letter:

> Unfortunately, a U.S. proposal along these lines would open a pandora's box in terms of inviting counterproposals by our START partners for relief from other treaty dismantlement requirements they find onerous. If the United States were to ask Russia, Ukraine, Belarus and Kazakhstan for permission to revise or eliminate the strict START SLBM launcher elimination procedures, each of these states would likely demand a quid pro quo in areas under both START and CFE where they are already pressing us to simplify or waive weapons elimination requirements. The result would be an unraveling of the meticulously negotiated dismantlement procedures contained in both accords, with an attendant degradation in the irreversibility of these agreements.
>
> For this and other reasons which Secretary Aspin has enunciated in a recent letter to you, I am opposed to any amendment that would, if adopted and enacted into law, terminate D-5 production after the FY 1993 procurement is completed.
>
> Sincerely,
>
> BILL CLINTON.

I also submit for the RECORD a letter from Secretary Aspin where he says, quoting him at the bottom of his letter, not reading it all:

> Terminating D-5 missile production now would shut down the only operating strategic ballistic missile production line in the United States. Sustaining a low rate of D-5 production, and the associated industrial and technology bases, provide a key and unique hedge against future uncertainties.
>
> Finally, ending production would also eliminate incentives for Russia to implement both START I and START II. While we are optimistic that START I and START II will ultimately enter into force, it is highly premature and unwise to make force structure decisions now—such as stopping D-5 missile production—based on that optimism.
>
> Continued D-5 production is, therefore, essential to the future health of our deterrent capability. I strongly urge your continued support for this critical program.

Mr. President, I ask unanimous consent the complete text of the President's letter, as well as Secretary Aspin's letter, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NUNN. I also submit a letter by the Chairman of the Joint Chiefs of Staff, Colin Powell, dated July 27, 1993. Again, skipping the first three paragraphs and getting down to the heart of the letter:

> I do not support the proposal to renegotiate the terms of the START II Treaty with Russia to allow either country to decrease the number of missiles carried by a submarine. The Russians have already indicated there are parts of the Treaty they would like to renegotiate. Our goal of early ratification and entry-into-force of START I and II would be undercut if negotiations were reopened with little certainty of where they might lead.
>
> I believe that production of the D-5 should not be prematurely terminated. The vast majority of the TRIDENT investment is behind us, and procuring the remaining missiles for Atlantic Ocean TRIDENT submarines will ensure a credible deterent force well into the 21st century.

That is the end of General Powell's letter. I will come back to the "21st century" remarks in my own remarks.

I ask unanimous consent the Powell letter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. NUNN. This is a June 30, 1993, letter from Gen. George Butler, U.S. Air Force, commander in chief of the Strategic Command.

Quoting from General Butler:

> As to the first option, START requires counting all SSBN missile tubes, whether they contain a missile or not. If D-5 missile production is halted now, the Navy may be forced to field new TRIDENT II submarines with only 12 missiles while, in order to comply with START II, attributing 24 missiles to each TRIDENT II boat. With fewer missiles per boat, more warheads would have to be loaded on the existing missiles, incurring severe operational drawbacks in terms of survivability and targeting flexibility.

Again, I will come back to that reference. And I ask unanimous consent that that letter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. NUNN. Finally, if the Senator from Arkansas is not by this time persuaded with the overwhelming evidence I have presented from his President, the Chairman of the Joint Chiefs, the Secretary of Defense, and Chairman of the Strategic Command, I am going to leap over the ocean to the United Kingdom or further, I hope, persuasive evidence.

This letter is from Simon Webb, British Defense Staff in Washington. Quoting from that letter:

> The construction of British Trident submarines will continue until around the end of the decade, and a significant number of our remaining missile inventory remains to be purchased. On current plans the UK would not complete its missile procurement for another 4 to 6 years. Any radical change in US missile procurement would have significant implications for the UK's ability to fund other defence commitments.

I ask unanimous consent that letter also be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 4.)

Mr. NUNN. Mr. President, the bottom line of the START concerns—and the Senator certainly acknowledges this—is that if the Bumpers amendment, that would basically require the President to renegotiate these agreements, is agreed to by the U.S. Senate, we in effect are taking an already enormously complex situation, with the Ukraine involved, their Parliament being reluctant to ratify, with Kazakhstan being involved, with Belarus being involved, we would have to renegotiate not only with the Russians but with each one of those countries. We would have to basically renegotiate the START agreement, and who knows how long it would take? We do not know whether it is going to be ratified now by all the parties because there is an enormously complex kind of struggle and debate going on in the Ukrainian Parliament about whether they ought to follow President Kravchuk's commitments and actually enter into START agreement.

We do not know what kind of Pandora's Box we would be opening here. I know no one has been more dedicated to arms control than has the Senator from Arkansas over the years. He has been a real leader. I commend him for that—in pursuing arms control agreements and encouraging the Senate to pursue arms control agreements. I really cannot imagine an amendment that would require the President in this kind of complicated, complex environment, dealing with all the countries of the former Soviet Union and dealing with one of our major allies, trusted ally, Great Britain—saying go back and renegotiate all of this and come back and tell us in April.

I think this would open up tremendous problems, and I know the Senator from Arkansas is very conscientious, and I know he has thought about these.

Mr. President, what is the reason for doing this? The reason is to save money, and that is an understandable reason. We could save money if we shut down the Trident line. But let us assume for a minute that we did not have any of these complications, that the Russians would come in here tonight and say, "We agree," the Ukrainians would come in here and say, "We agree," and we do not want anything else for it. The first thing that would happen is I would probably faint if they said that because there is quid pro quo and leverage in every one of these negotiations. It is certainly possible the Russians would agree but, believe me, no one knows right now what they would ask for in return.

What about the Ukrainians? They are negotiating every single small or even large bit of enriched material coming out of their warheads now. If we basically said to the Ukrainians right now, "We want you to not only ratify START, which you have not done, we want you to agree to this change, which, by the way, will save us $9 billion," how much is that going to cost us? I do not know. I know we would have some very serious negotiations. There would be an awful lot of leverage. We cannot even get to that point because the Ukrainians are not willing to ratify START right now; their Parliament has not, even though the Government has committed to it.

The British have relied on us for years for their own Trident program. They went into that program on good faith believing that the United States would not basically make such precipitous changes in the program that it would cause severe disruption in their own plans for their own program, which, of course, involves buying D-5 missiles from us. That would be something that the British would take very seriously if we were to make this kind of step.

But let us assume all of that happened. Let us assume just for the purposes of argument the Russians came in and said, "We'll agree. We'll change START II. You save $9 billion. We want to help you, and we don't want anything in return. We want to help the American taxpayers save $9 billion."

Let us assume the Ukrainians came in and said, "We'll help you save money. We'll agree to change START II. Now we'll ratify it. We like the change, perhaps we'll ratify it. We want to help the American taxpayer. We don't want anything in return."

Let us assume the Kazakhstan Government did the same thing. And then let us assume the British came in and said, "Well, we had a Trident program, but we are willing to let it go down the tube and tell our taxpayers that we wasted millions and millions of dollars. We can't complete our program, but we will do everything to help the Americans save money in defense." Let us assume all that would happen. Would we still want to adopt the Bumpers amendment? The answer, Mr. President, is no. Why? Because, Mr. President, the Trident program is supposed to last and these missiles are supposed to last and these boats are supposed to last for the next 33 years.

In the last 5 years, since 1988, we have seen the most radical changes in the world since World War II, maybe even going back beyond World War II:

The end of the Soviet Union; the falling of the Berlin Wall; the changes in Eastern Europe, thank God, moving toward democracy and sovereignty; moving toward democracy in Russia. We have seen the Russian empire basically break up. We have seen South Africa end apartheid, at least the beginning of the ending of apartheid, and we also are very thankful for that.

We also have seen today a historic—historic, unprecedented—event that many people in this country, if not most and throughout the world, never dreamed would happen in their lifetime, and that is a signing of an agreement between the Palestine Liberation Organization and the State of Israel.

Mr. President, who can predict what the next 3 years are going to hold, let alone the next 5 years, 10 years, 33 years? Are we willing to make a change on the floor of the U.S. Senate to our most survivable leg of the triad based on knowledge now that is so limited in terms of what is going to happen in the future? I do not think so. I do not think we want to take the heart of our survivable deterrent and make that kind of sweeping change.

So I hope that there will be some serious thought given to this amendment. As General Butler said, head of the strategic command, now a unified command, or rather a command that basically includes the other elements, not just the Air Force, of the overall deterrent, including the ships and missiles and so forth, General Butler makes it clear that even if all of these things happened that I described and every country signed up and said, "We are so anxious to help you to save money that we are going to ask you for nothing and we are going to change the START agreement to help you," even if that happened, we would be reducing the operational flexibility of the U.S. submarines. We will be doing it for the next 33 years.

What is operational flexibility? It means that when you have eight warheads on a missile, those eight warheads are independently targetable, but they have to go in an envelope. There is a certain area they go to. You have to shoot within a certain area if, God forbid, we ever did. The whole targeting of the strategic command planning would be radically changed. I do not know how much that would cost. Believe me, the whole targeting would be changed because where they plan it now, you would have four warheads going in an envelope and you would have twice as many envelopes. With this you would cut the number of envelopes down to the number that would be required for eight warheads. So you would be making a very large change in the targeting.

I will have to admit this: We are going to have to review that whole targeting anyway. There is no doubt in my mind that the targeting of the U.S. strategic forces is going to have to be updated.

Mr. President, we also need to think about this: We basically agree to dramatically reduce our missiles. We have taken our bombers off alert. We do not have bombers in the air now. We are not as concerned about a surprise attack, or bolt out of the blue, as we formerly were. Yet, we still do not want to ever—now, 5 years from now, 10 years from now, 15 years from now—as long as there are nuclear weapons, we do not want to ever put all our eggs in one basket and say to our adversaries or would-be adversaries or whoever they will be in 20 years, "Here is the basket."

If we basically have eight warheads per missile, what that does is it reduces the range at which these Trident boats can go in the ocean and still be able to reach a target. You have less range when you have a missile with eight warheads. You have more range if you have less warheads. In other words, the boat can be further from the target and still hit the target. That means you have more oceans to use if you have less warheads. That is one of the many reasons some people wanted for a long time, including the Vice President, to move to much more of a single-warhead situation. That is the reason some people want a different kind of submarine and were opposed to the Trident, because it tends to put so many warheads on one missile.

We would basically be saying if we do get into a difficult situation 5 years from now or 10 years from now, we are going to have less operational range, and if there were breakthroughs in antisubmarine technology, it gives the adversary less ocean to have to deal with because those boats, in a confrontational situation or period of high tension, whether it lasted 2 years, 3 years, or 5 years, would have to be much closer to the target because they would not have the range on the missile.

So, Mr. President, for these reasons, even if everyone agrees —and I think it is pretty obvious to anyone observing the situation getting agreement with no quid pro quo, no very expensive quid pro quo from other countries, would be very difficult—I do not think we would want to do this even in our own interest.

As has been said in the letters I put in the RECORD, this would eliminate the last missile production line in the United States. We no longer produce the MX missile. We no longer produce the Midgetman missile. We no longer produce the Minuteman missile. We no longer produce the Trident I missile or C–4 missile. All of those production lines are shut down. This is the last one.

Are we so sure of world events, not just now but next year, the year after, 3 years, 5 years, 10 years from now, that we want to be completely out of the missile business altogether? The Russians are not. The Chinese are not. The North Koreans are not. Although they do not have the kind of range, they are busy producing missiles. The Middle Eastern countries that are trying to buy missiles, they are getting into the business. Are we so sure that we are going to get rid of all our missile production lines? I do not think so.

Mr. President, I know the Senator from Arkansas has presented this amendment in good faith. I think his arithmetic is basically correct. I think he has multiplied correctly. I think he has added correctly. He has subtracted correctly. I think the dollars are pretty well correct. But the substance of the amendment is badly flawed, and I hope that my friend from Arkansas, who is so thoughtful on these issues, would think very carefully before pushing this amendment to a vote. I hope, if it is pushed to a vote, our colleagues will have followed this debate and will understand that this is a very serious amendment. It would have very serious consequences. I would think at this point in our history it is ill-advised.

So, Mr. President, I yield the floor.

EXHIBIT 1

THE WHITE HOUSE,
Washington, August 2, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During floor debate on the FY 1994 defense authorization bill, an amendment may be offered to delete further funding for procurement of Trident D–5 submarine-launched ballistic missiles (SLBMs). I wanted to advise you that I would be strongly opposed to such an amendment.

As you know, the United States currently plans to deploy a fleet of 18 Trident nuclear-powered ballistic missile submarines (SSBNs) as the sea-based leg of the Triad of strategic nuclear forces the United States will maintain under the START II Treaty. My FY94 budget request contains $1.14 billion to procure the next annual increment of D–5 SLBMs to go aboard the Trident SSBNs and to purchase long-lead items for the FY 1995 buy. Although the Bottom-Up Review (BUR) is considering a number of options for reducing the number of Trident SSBNs below the eighteen currently planned, no decisions have been made to do so. Moreover, even at the lowest Trident levels that remain under review pursuant to the BUR, additional D–5 missile procurements are required in FY 1994 and 1995.

Some have suggested that the United States could save money by simply deploying half as many D–5 missiles on each Trident submarine while doubling the number of warheads carried by each missile. In other words, instead of having each submarine carry 24 missiles, each of which would be armed with 4 warheads, we would deploy only 12 D–5s on each Trident while having each missile carry 8 warheads.

There are a number of major problems with this "detubing" proposal. First, we have negotiated the START II Treaty on the assumption that each D–5 would be attributed as carrying 4 warheads, not eight. Second, under START rules the 12 "empty" missile tubes on each submarine would count as though they were each occupied by a D-5 missile with four warheads. As a result, this approach would place the United States in violation of the START II warhead ceilings unless we obtained permission from our treaty partners to change the Treaty.

Unfortunately, a U.S. proposal along these lines would open a Pandora's box in terms of inviting counterproposals by our START partners for relief from other treaty dismantlement requirements they find onerous. If the United States were to ask Russia, Ukraine, Belarus and Kazakhstan for permission to revise or eliminate the strict START SLBM launcher elimination procedures, each of these states would likely demand a quid pro quo in areas under both START and CFE where they are already pressing us to simplify or waive weapons elimination requirements. The result would be an unraveling of the meticulously negotiated dismantlement procedures contained in both accords, with an attendant degradation in the irreversibility of these agreements.

For this and other reasons which Secretary Aspin has enunciated in a recent letter to you, I am opposed to any amendment that would, if adopted and enacted into law, terminate D-5 production after the FY 1993 procurement is completed.

Sincerely,

BILL CLINTON.

THE SECRETARY OF DEFENSE,
Washington, DC, July 19, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In advance of the upcoming mark-up of the President's FY 93-94 Defense Budget, I would like to reaffirm the importance I attach to continued Trident II (D-5) missile production.

While the risk of nuclear war is at an all time low, maintaining a robust and credible nuclear deterrent is critical as we work to reduce the residual nuclear threat. Looking out to our nuclear force under START II, the United States will rely more heavily on submarine launched ballistic missiles (SLBMs). Terminating D-5 missile production now would have the following adverse consequences:

The D-5 missile production requested for FY 94 and FY 95 is required to equip the ten Atlantic SSBNs scheduled to carry D-5 missiles, of which five are now operational and the remainder are in various stages of construction. Continued production in these years will be needed even if we were to reduce the number of operational tests to below currently accepted levels. D-5 procurement in FY 96 and beyond depends upon future judgments regarding overall Trident submarine force size, the possible D-5 retrofit of C-4 missiles now carried by older Trident submarines, and the size of the operational test program.

Modifying the submarines under construction—as some have suggested—to carry C-4 missiles would leave us with brand new SSBNs carrying an aging, less capable missile whose service life is limited.

Terminating D-5 missile production now would shut down the only operating strategic ballistic missile production line in the United States. Sustaining a low rate of D-5 production, and the associated industrial and technology bases, provide a key and unique hedge against future uncertainties.

Finally, ending production would also eliminate incentives for Russia to implement both START I and START II. While we are optimistic that START I and II will ultimately enter into force, it is highly premature and unwise to make force structure decisions now—such as stopping D-5 missile production—based on that optimism.

Continued D-5 production is, therefore, essential to the future health of our deterrent capability. I strongly urge your continued support for this critical program.

LES ASPIN.

EXHIBIT 2

THE CHAIRMAN, JOINT CHIEFS OF STAFF,
Washington, DC, July 27, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As we near markup of the President's FY 1994 Defense Budget, some in Congress are questioning the need for continued production of the TRIDENT II (D-5) missile. I strongly support D-5 production and urge your support of this critical strategic program.

The D-5 missile on TRIDENT submarines will be the backbone of US strategic deterrent forces in the START II environment. START II negotiations eliminated MIRVed land-based missiles and shifted 50 percent of the deterrent burden to the survivable and more stabilizing sea-based leg of the TRIAD.

D-5 missiles are required for equipping, testing certification, and logistic support of the 10 Atlantic Ocean TRIDENT submarines (the last 4 of which are still under construction). These submarines were designed to carry the D-5 and, with a minimum 30-year hull life, will constitute the heart of our strategic force structure when START II takes effect. If funding for D-5 production is discontinued now, we must either send submarines to sea with empty tubes or conduct costly modifications to the Atlantic Ocean TRIDENT submarines to carry the older and less capable C-4 missile, which has a limited service life. Either option impacts operational flexibility and creates significant inefficiencies in our strategic program.

I do not support the proposal to renegotiate the terms of the START II Treaty with Russia to allow either country to decrease the number of missiles carried by a submarine. The Russians have already indicated there are parts of the Treaty they would like to renegotiate. Our goal of early ratification and entry into force of START I and II would be undercut if negotiations were reopened with little certainty of where they might lead.

I believe that production of the D-5 should not be prematurely terminated. The vast majority of the TRIDENT investment is behind us, and procuring the remaining missiles for Atlantic Ocean TRIDENT submarines will ensure a credible detterent force well into the 21st century.

I appreciate your support for continued D-5 production.

Sincerely,

COLIN L. POWELL,
Chairman of the Joint Chiefs of Staff.

EXHIBIT 3

DEPARTMENT OF DEFENSE,
U.S. STRATEGIC COMMAND,
OFFUTT AIR FORCE BASE, NE,
June 30, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In anticipation of the FY94 Defense Budget mark-up, I would like to offer my observations regarding TRIDENT II submarines and missiles.

For the post-START strategic force, the TRIDENT II submarine and D-5 missile will remain a critical element. Terminating D-5 missile production now, as some have suggested, would force a choice between two equally undesirable options: (1) fill only a portion of the missile tubes on the TRIDENT submarines currently under construction; or (2) modify these new submarines to carry older C-4 missiles.

As to the first option, START requires counting all SSBN missile tubes, whether they contain a missile or not. If D-5 missile production is halted now, the Navy may be forced to field new TRIDENT II submarines with only 12 missiles while, in order to comply with START II, attributing 24 missiles to each TRIDENT II boat. With fewrer missiles per boat, more warheads would have to be loaded on the existing missiles, incurring severe operational drawbacks in terms of survivability and targeting flexibility.

The second option, modifying the new submarines to carry C-4 missiles, would likely cost as much as procuring the additional D-5's. Further, it would result in new SSBNs carrying an aging, less capable missile.

For these reasons, I conclude that FY94 budget proposal for D-5 production funding is essential to the U.S. strategic deterrent capability. I ask your support for these critical programs.

Warm regards,

GEORGE L. BUTLER,
General, USAF Commander in Chief.

EXHIBIT 4

BRITISH DEFENCE STAFF WASHINGTON,
Washington, DC, July 28, 1993.

Hon. SAM NUNN.

DEAR MR. CHAIRMAN, A paper was circulated to members of Congress recently by the British American Security Information Council ("Trident Termination: British Program No Barrier"). I would like to correct the seriously misleading impressions about the British Trident missile procurement which this paper contains.

Firstly, the paper suggests that because the UK has ordered sufficient missiles to meet its current requirement, there would be no impact on the UK if US missile production were to terminate early. This is wrong. The construction of British Trident submarines will continue until around the end of the decade, and a significant number of our remaining missile inventory remains to be purchased. On current plans the UK would not complete its missile procurement for another 4 to 6 years. Any radical change in US missile procurement would have significant implications for the UK's ability to fund other defence commitments.

Secondly, the paper suggests that the UK may be paying less than the full cost of Trident missiles. This, too, is wrong. Under the terms of the international agreement governing British procurement of Trident missiles and associated equipment from the US, all purchases are made under joint US/UK contracts. Common prices and conditions apply irrespective of which country receives the missiles or equipment. There is no differentiation. In addition to these basic costs, the UK pays an additional administrative surcharge on all its purchases. The full cost of the missile procurement programme—whether US or UK—is reflected in full in estimates published by the two Governments each year and subject to normal audit procedures.

Far from increasing US costs this highly successful transatlantic cooperation has reduced costs of Trident missiles to both countries.

Yours sincerely,

SIMON WEBB,
Minister, Defence Materiel.

Mr. BUMPERS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I will not belabor this amendment much longer, but I do want to respond to some of the things the distinguished Senator from Georgia, the chairman of the committee, has said that I think deserve a response.

First of all, not one of the letters from the President, Secretary of Defense, Chairman of the Joint Chiefs, or General Butler, who is commanding officer of the strategic command, not one of those letters said that doing what I am suggesting we do and save $10 billion would jeopardize our strategic forces one iota.

The reason they do not make that argument is because it would not. We do not lose militarily. This is a very important point. We lose nothing militarily by putting 8 warheads on 12 missiles rather than 4 warheads on 24 missiles. Nobody argues that.

Number two, to suggest that the Russians would probably not agree to this because it would reopen the whole thing, I understand why that argument would be made but I simply strongly disagree.

Mr. NUNN. If the Senator will yield on that point, I do not think I made that argument. I did not try to make that argument. The Russians might agree to this, but they would want something in return.

For instance, what the Russians want now from us is they want us to relax the conventional forces agreement which basically, as the Senator well knows, tells where they can deploy their conventional military forces. They want to move more conventional forces into the regions where they have had conflict—for instance, the Armenia-Azerbaijan region. That is an area in which they want to move. They want to move forces closer to the border areas. They have areas where we are trying to work with other countries to bring about an end to ethnic hostilities.

So I am not saying the Russians will not agree. I think there is a strong chance they might agree in exchange for some other things, and it is those "other things" that we do not know. I cannot predict what they would do. My guess is though they would want some substantial changes in the CFE agreement and perhaps in the START agreement for their own purposes. I think the last thing we want to do right now though is make major changes in the CFE agreement that would heighten the problem with possibilities of really very large conflict in the former Soviet Union.

Mr. BUMPERS. Mr. President, let me say to the Senator from Georgia that we are talking about apples and oranges now when we talk about the CFE, the Conventional Forces Europe Treaty, and the START Treaty. The CFE Treaty deals with conventional forces. The START Treaty deals with strategic forces.

I agree with the Senator from Georgia that the Russians might want something in exchange, but so far as I am concerned, if I were a negotiator, I would say to them, "The CFE agreement is not at issue here. What is at issue here is the START Treaty and the ability for us to make a savings of $10 billion, some of which, incidentally, Russia, we might be willing to share with you." They want American aid.

If I were our START negotiator and I went there and I said, "How about you all agreeing to the Bumpers amendment," and they said, "Well, we will do that if you will let us move more tanks down closer to where the fighting between the Armenians and Azerbaijanis is taking place," "No dice. If you want to negotiate that separately, we will get the CFE negotiator over here, but do not mix that up with this."

Number two, my father taught me you do not ever get anything unless you try. It seems to me the defense against this amendment is we should not even try to save $10 billion, not even broach the subject with the Russians for fear they might want something in exchange. Well, let them ask. It might be something that would strengthen the treaty from our standpoint. But when you talk about reaching 1,728 warheads and how you do it, what possible difference could that make to the Russians? I am not saying that they would not object. But if you walk into the grocery store and you buy $2 worth of groceries and you give the guy a $20 bill and you say, "Would you give me two 5's and eight 1's instead of a 10 and a 5 and three 1's," and the clerk says, "Certainly, I would be happy to," what does he care as long as he gives me $18 change? And so here it is the same thing.

Let me make a very salient point. As a matter of fact, I do not know of a point I could make that I think is any greater. I think the Russians would jump on this like a chicken after a Junebug, and here is why.

But before I tell you why, let me tell you why I think we negotiated for four warheads per missile instead of eight. Two reasons; one, as long as you put four warheads on instead of eight, you need more missiles. The more missiles you need, the longer you can keep that line open.

Now, Mr. President, you are looking at a Senator who is not very impressed with that bottom-up review I have been hearing so much about. I do not think we need 12 aircraft carriers. And I do not think we need 8 warheads on all these missiles. But I think the reason we negotiated, it was not only to keep the missile line open, but the other reason we did it, because I know how the military thinks, as long as they have 24 missiles on every submarine with 4 warheads, any time there is a crisis, a breach of relations between the United States and Russia, they can upload every one of those 24 missiles back to 8 warheads, and instead of 1,728 warheads, they have 3,456 warheads. I know how they think.

But the Russians are not stupid. They know that, too. And do you know one of the biggest problems Boris Yeltsin has had with his Parliament on the START II Treaty? This very proposition.

Let me read a little something here from a CBO report. I want you all to know I have read this sucker from cover to cover, and that is not one night's reading. Listen to this. This is on page 77 of the CBO study on Trident force options dated July 1993, 2 months ago, less than 2 months ago. Here is what they say:

> Second, it could be difficult for Moscow to argue that filling tubes with concrete is not a verifiable method given that the United States accepted the Russian proposal to convert its SS–18 silos for use by smaller missiles by partially filling them with concrete.

We agreed to let them fill their SS–18 silos with concrete to put in a smaller missile.

They have their own detubing and we have already agreed.

> Third, Yeltsin might be willing to consider detubing if curtailing the D–5 arsenal could help him get the START II treaty ratified by a skeptical Russian parliament. Detubing might modify some hard line critics of the treaty who argue that it is too favorable to the United States because it forces Russia to eliminate the core of its nuclear arsenal—that is, its large multiple warhead ICBM's—without limiting the strength of the United States arsenal.

It goes on. It says:

> Indeed, some Russian deputies in the parliament have complained about the ease with which the United States could upload its SLBM's.

Their fears are justified. I am as certain as I am of my name that the reason we negotiated for four warheads per missile instead of eight was precisely for that reason. They may be hardliners, and they may be Communist, but they "ain't" stupid. They know exactly why we wanted four warheads on a missile.

That is the reason I think they would jump on it like a chicken after a Junebug and say, you bet you.

Mr. President, how is this going to be verified? I will tell you. The Russians call up and they say, "We will be there in 24 hours. We want to look over your submarines. We want to be sure there are only 4 warheads under each nose cone." We have to open it up and let them look.

If you adopt the Bumpers amendment, you do not change one word of the treaty. They call, and they say, "We will be there within 24 hours to make sure you put concrete in 12 of those tubes." Come on. You are welcome.

So if verification is no argument, you will have to verify what is on these submarines either on the nose cone or whether we have detubed and put concrete in 12 of those missile tubes.

Mr. President, let me go to another point here. The argument is made here that we are going to have to reopen—even the President of the United States and the Secretary of Defense all made the same argument—that we are going to have to go back to the Russians, and the Kazakhs, and the Belarussians, and so on, and renegotiate the whole thing. That is going to open Pandora's box.

No. 1, I do not think it would take 30 days to change a couple of paragraphs of that treaty and save the U.S. taxpayers $10 billion without sacrificing one iota of strategic defense.

But No. 2, same CBO study. You do not have to alter the START II treaty. Listen to this. I especially want the attention of my distinguished Senator from Georgia on this. Here is what the CBO report says. It is rather lengthy. I hope I could have his attention.

> If detubing can be viewed as an issue of eliminating launchers, formal changes to the START Treaty itself may not be required—may not be required.
>
> Instead, the procedures for launcher elimination established in the conversion or elimination protocol could be altered by the Joint Commission established to implement START. That is the Joint Compliance and Inspection Commission. Indeed the text of the protocol obligates the parties to use this Commission for changes that "May be necessary to improve the viability or effectiveness of the treaty," rather than resort to formal amendments but only as long as those changes "do not affect the substantive rights or obligations of the parties."

Mr. NUNN. Mr. President, will the Senator yield briefly?

Mr. BUMPERS. Yes.

Mr. NUNN. I say to the Senator, the President of the United States has said the treaty would have to be renegotiated. The Secretary of Defense has said the treaty would have to be renegotiated. The U.S. Secretary of State has said the treaty would have to be renegotiated. All of this is a matter of public record.

If the Bumpers amendment were to pass, and we were to have a change, is the Senator serious in thinking or believing that our negotiators could go over there and say, "Wait a minute. We have read a CBO report, and notwithstanding what the Secretary of State said, the Secretary of Defense, and the President, about their treaty having to be renegotiated, we made these changes, we are relying on CBO, the Congressional Budget Office. We think they are right now and we have all changed our mind."

And the Russians would say, "Whoops, we will go along with that. That is CBO. They are a powerful outfit. We believe they are right. We think you were probably originally wrong when you made that statement. Maybe the CBO has something they know that the State Department, Defense Department, and the White House don't know, but it is too late now when you have the President of the United States and all of these people on record saying that this kind of fundamental change that would require renegotiation to hold up the CBO report and say it could."

I mean that is an interesting point, I say to my friend from Arkansas. But it has no practical application.

Mr. BUMPERS. The CBO has nothing to do with it. CBO is not a negotiator. CBO is not even a player. The CBO report is nothing in the world but a discussion most factually of what is involved here.

Mr. NUNN. Correct.

Mr. BUMPERS. CBO says you may be able to amend the treaty this way. But I will tell you what it does say. It says that the START treaty itself provides for the Joint Compliance and Inspection Commission to deal with precisely the thing I am talking about here. CBO has nothing to do with it.

All I am saying is the President could call Boris Yeltsin on the phone. I assume he would answer. And he would say, "Mr. President, we have this little problem. We have a chance to save $10 billion here if we could make a couple of changes in the START treaty. But if you would rather not address it in the START treaty, we could take it up with the Joint Commission and you could come before the Joint Commission and complain or object if you want to."

That is another method of doing it. "We will negotiate with you directly or we will go to the Joint Commission."

There is something else that I would say if I were the President. If Yeltsin said, "I do not know about that." I would say, "Mr. President"—to Yeltsin—"you did it in a similar almost identical way in implementing the INF Treaty, the Intermediate Nuclear Forces Treaty."

We had the same kind of commission. We used it time and time again instead of going back to the negotiations with the Russians and resolved every single dispute with that commission.

Mr. NUNN. I say to my friend from Arkansas, I think if President Clinton did call President Yeltsin and said, "We believe, or we had believed, Mr. President, that we had to renegotiate this but if you renegotiate under the terms of the treaty—we have said that publicly—but if you will agree to go back to this commission, we won't have to renegotiate it."

I think the first thing President Yeltsin would say is, "I've enough problems with my Parliament now. They ratified this treaty. Now, do you believe that we really need an amendment, and you are going to bypass our Parliament, you are going to bypass the Senate which has ratified it, and simply go over and renegotiate it?"

I say to the Senator, I think the CBO points may have been interesting at one point in time. But that horse is out of the barn.

Mr. BUMPERS. This study by CBO was compiled long after the START II treaty was negotiated.

Mr. NUNN. It was out of the barn before they ever started looking at the barn then because at that stage when the President of the United States has said this requires an amendment to the treaty, we are not going to be able basically in this body—is this body going to accept that?

Mr. BUMPERS. He misspoke because he indicated that this is the only way we could do this. And I am saying it is not the only way. It is not the only way just because CBO says it. It is a fact that the Commission was set up in the treaty itself to deal with precisely this kind of thing.

Mr. NUNN. Is the Senator saying that the treaty that has been ratified by the U.S. Senate—basically we are going to allow this kind of bypassing of the treaty process?

Mr. BUMPERS. Absolutely. We did it time and time again on the Intermediate Nuclear Forces Treaty. That Commission made change after change after change when we brought it up to them.

Mr. NUNN. To the treaty or to the interpretation?

Mr. BUMPERS. If there was any question about it, but this Commission could actually decide that as long as we were within the 1,728 warhead level, and the Russians did not object, we could go right now to 8-missile warheads, on 12 missiles per submarine.

I promise you. And I will tell you something else. If I were the President of the United States and I called Boris Yeltsin, I would say: Mr. President, here is the proposition. And then after I gave him the proposition, I would say: You know, you have some hardliners in your Parliament, and Boris would say: Tell me all about it. I know I have hardliners in my Parliament. And he would say: You remember how they squawked because in the START agreement you allowed us to put 4 warheads on each of 24 missiles? And the reason they squawked was because they knew we could upload those warheads in nothing flat. Here is our deal: We will opt for 12 missiles with 8 warheads and put concrete up there so we cannot upload. And your hardliners ought to love that, and you will save us $10 billion.

Mr. NUNN. The Senator has a much greater sense of anxiousness for countries all over the world to save us money than I do. I say to the Senator that here is a set of questions for the administration from the House Armed Services Committee on arms control implications of the ballistic missile submarines, July 1993.

Question to the administration:

> Is it possible for an SLBM detubing procedure to be negotiated without reopening the START treaties?

Answer from our administration:

> The procedures for removing launchers from accountability are found in the conversion or elimination protocol of the START I, which is an integral part of the START I Treaty. Any change to that would require agreement of the five START I parties: Belarus, Kazakhstan, Russia, United States, and Ukraine. If such a change offered substantive rights and obligations, the change could only be made by amendment, which would require not only agreement, but also ratification by the five parties to START I. For example, while it is impossible to state for certain in the absence of a formal proposal, incapacitating tubes rather than removing them would almost certainly be a change involving substantive rights and obligations.

Senator, this is as close as it gets.

Mr. BUMPERS. That is an opinion like the CBO's.

Mr. NUNN. The only difference is they are not the executive branch of Government.

Mr. BUMPERS. Who is answering the question?

Mr. NUNN. The Clinton administration.

Mr. BUMPERS. I promise you they do not want it, because they are negotiating something that will allow us to upload in case of a crisis. I am telling you that we lose nothing if we really are sincere about the START Treaty. We lose nothing strategically, militarily, by doing what I am proposing to do and will save ourselves $10 billion. I do not care whether the Russians and the Kazakhs want to save us $10 billion or not. I can tell you the folks in Arkansas are depending on me to save all the money I can.

Mr. NUNN. Senator, as I said, even if they agreed, it is fundamentally against our national security interest to make this kind of change. As I said, and General Butler, the head of strategic command, said, it limits the flexibility, the targeting, and limits the overall space in which our Trident submarines will be operating, not just this year but next year, 5, 10, 15, 20 years from now. None of us know what will happen in the future. This is fundamentally against our national security interests according to all of the military experts, even if all of those people agree.

Mr. BUMPERS. Let me ask you this, Senator. You made a statement. Why is this against our national security interest?

Mr. NUNN. I read the letter from General Butler which said basically that this kind of proposal would limit the flexibility of targeting. As I explained a few minutes ago, when you put eight warheads on one missile as opposed to four, and you have to shoot those warheads, the targeting has to be within a certain geographic zone. If you have two packages of four each, you have two zones. You have much more flexibility of targeting. So it limits our targeting flexibility.

It limits the range of the missile when you put on more warheads; the missile goes a shorter distance. This means the Trident boats have to be closer to the target. That means there is less ocean for them to operate in, and they themselves are more vulnerable.

The Senator may be able to tell me no one in the world is ever going to try to make our submarines vulnerable. We have Russian scientists right now who say they spent 10, 15 years—and even one Russian scientist says they developed a technique so they would be able to detect our submarines. I would think, Senator, if we are going to make our submarines more vulnerable, it ought to be done under great care and circumstances.

Mr. BUMPERS. Senator, you know we are going to have 18 submarines with 1,728 warheads. What on Earth does that have to do with the debate?

Mr. NUNN. I will repeat. If you have eight warheads on a missile, that missile has shorter range. It will not go as far as when you have four warheads on a missile. Therefore, if you get into any kind of crisis, whether 5 years or 10 years from now, or even if you are operating in a state of hostility, you have to have your submarines operating closer to the adversary, in closer proximity.

That means that anyone trying to make your submarines vulnerable can draw a map on the ocean and say we do not have to look in nearly as much of the ocean, because they have a limited range, and they have to be closer to the target. So that is why it limits the flexibility. I am not saying that is going to happen 2 years or 3 years from now. It has been the case for the last 25, 30 years, and we have tried to open up as much of the ocean as possible.

The Trident submarines, the missiles, the things we have designed have been trying to open up the oceans. Now we put a lot of warheads on for economic purposes. But many people debated whether that was wise. There were many who believed we should have less warheads or less warheads per missile tube, more submarines, cheaper submarines. That argument lost, and those who favored less boats—we used to have 40, 45 boats; now we have 18. So that in itself means that we have less targets, and now we are moving less warheads per tube.

Thankfully, this is not an arms control environment. The other side is doing it, too. That gives us more flexibility and makes targeting more difficult.

That is what I mean by our own national security. It may be at some point we should move in the direction the Senator wants to. The world may be different. But at this juncture, I think it is adverse to our national security interests to move in that direction.

Mr. BUMPERS. Let me say——

Mr. NUNN. A part of the CBO report that was not quoted by the Senator is on page xix of the CBO report, in the summary that the Senator referred to.

Mr. BUMPERS. What page are you on?

Mr. NUNN. Page xix, under the section called "Effects on Cost and Capability."

Mr. BUMPERS. OK.

Mr. NUNN. At the top of page xix, the right-hand column.

> Option 4, however, raises important concerns about timing. If the United States and Russia cannot reach an agreement over the next 18 months to allow detubing, this option would terminate D-5 procurement before detubing was accepted as a permissible method for meeting the limits of the START II treaty.
>
> If subsequent negotiations fail, the United States, having terminated the D-5 program, would be unable to deploy about 500 of the 1,750 SLBM warheads that would be permitted by START II.

I understand that was the Senator's proposal at one point, and he is now saying let us negotiate first. I think his amendment, which we are dealing with, has addressed this problem. You are saying go out and negotiate it first before you do it.

But if we do not reach that conclusion to terminate that Trident line, it would have the result that the CBO itself points out.

Mr. BUMPERS. In a briefing by the Navy of congressional staffers, the Navy said that detubing submarines and putting 12 missiles with 8 warheads each on them will not change our sailing orders, our modus operandi, one whit.

I have to ask, who are we trying to get close to? These are the same arguments I listened to ever since I have been in the Senate, when the Soviets were considered to be coming up the Potomac River any day getting us. We spent $2 or $3 trillion during the eighties, quite certain that whole thing was going to happen any minute.

I never bought into that, and the Senator from Georgia knows this is not the first time I tried to bring a little sanity to the Defense Department.

But here we are now. The cold war is supposed to be over. We are supposed to be friends with our former enemies. Yet we do not dare approach them about a proposition which cannot possibly make any difference to them strategically and cannot possibly make any difference to us strategically, if the Navy told the staffers correctly when they said this does not make one iota of difference.

Here you have a chance not only to bring sanity to it as you reduce from 5,200 to 1,728; you have a chance to save money.

Why is it we always wanted the cold war over?

No. 1, we wanted a good night's sleep; and No. 2, we wanted to save billions of dollars that we had been squandering not just on strategic, but conventional forces, too.

Here you have one of the most beautiful opportunities you will ever have to maintain everything you want strategically and save $10 billion at the same time.

I know everybody wants to go home, and I do not want to belabor this. Momentarily, I am going to withdraw the amendment.

I will tell you why I offered the amendment. It is complex, and unless Senators hear the debate, I know how they are going to vote. So I am going to do my best to enlighten the Members of the Senate. I have been working on this for a year. I am going to do my very best between now and in the appropriations process on defense to enlighten Senators as to what we are talking about, and the ability to save a lot of money.

If I get the opportunity, I am also going to try to enlighten the President about what is involved.

It makes no earthly sense to say we should not even try—should not even try—to save $10 billion.

As far as the Brits are concerned, let them order all the D–5's they want.

But to us, what is the purpose of the START treaty? I could not care less in the START treaty, if it does not mean we bring some stability to the nuclear forces of the world—namely, Russia and the United States—and save a bundle of money. They need to save it worse than we do. God knows, they ought to understand our argument that we are trying to save $10 billion.

So, Mr. President, with that—I do not want to cut off the debate—I am prepared to withdraw the amendment.

Did the Senator from South Carolina wish to speak?

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. THURMOND. Mr. President, as I understand, the Senator is withdrawing his amendment?

Mr. BUMPERS. Yes.

Mr. THURMOND. After all that big speech he made, he is going to withdraw his amendment?

Mr. BUMPERS. I am bursting to hear what the Senator from South Carolina says. I postpone withdrawing the amendment until we hear his eloquent voice.

Mr. THURMOND. Mr. President, I want to read from a letter from the President.

> Unfortunately, a U.S. proposal along these lines would open a Pandora's box in terms of inviting counterproposals by our START partners for relief from other treaty dismantlement requirements they find onerous. If the United States were to ask Russia, Ukraine, Belarus and Kazakhstan for permission to revise or eliminate the strict START SLBM launcher elimination procedures, each of these states would likely demand a quid pro quo in areas under both START and CFE where they are already pressing us to simplify or waive weapons elimination requirements. The result would be an unraveling of the meticulously negotiated dismantlement procedures contained in both accords, with an attendant degradation in the irreversibility of these agreements.

This is like the amendment the Senator from Arkansas offered last year; he was not able to convince the Senate to approve it last year, and he should not now. This amendment would terminate the program with a total of 235 Trident missiles. But the Navy has to have 188 for tests and logistics over the 33-year life of the Trident force. That leaves 47 missiles, less than 2 boats. Mr. President, 8 of the 10 Trident submarines will have no missiles. Even if the Navy were to deploy all the test missiles in the submarines, there are only enough for seven boats. So we would retire three brand-new boats now, and one more each 4 years starting in 1995. Mr. President, this is the most precipitate and thoughtless disarmament that this body has ever considered.

What the Navy has asked for is to build 193 more missiles at an efficient rate, and then to decide in 1996 whether or not to modify or backfit the eight older boats for the D–5 missile. The options are not attractive: It will cost $14 billion to upgrade the old missile to last the lifetime of the submarines. Mr. President, I submit that is not money wisely spent.

But the Senator from Arkansas has an alternative proposal: He would have the Navy put the Trident to sea with only half its missiles. Well, this is even worse. We would have to abandon a Trident submarine every 2 years.

Some have suggested that since these boats would only be half loaded, they would only count as half as many launchers under START. Mr. President, that is illegal; START counts all Trident boats as having 24 launchers. There is no provision for detubing. We would have to renegotiate START—a very bad idea, because Ukraine and Kazakhstan, and even the Russian Legislature have been pushing to renegotiate. I assure the gentleman from Arkansas that we do not want to go down that road.

This amendment would unilaterally force the United States to go down to START II levels, regardless of what Russia and the other former Soviet states do. The United States would go to START II levels even before the Russians have gone to START I. We would have removed the primary incentive for the former Soviets to disarm. And we would have disarmed ourselves.

Mr. President, I want to read further from a letter from the President to me dated August 2, 1993:

> During floor debate on the fiscal year 1994 defense authorization bill, an amendment may be offered to delete further funding for procurement of Trident D–5 submarine-launcher ballistic missiles. I wanted to advise you that I would be strongly opposed to such an amendment.

I agree with the President. I support the President. And I urge my colleagues to defeat the amendment.

Mr. BUMPERS. Mr. President, I want to say to the distinguished Senator from South Carolina, he should save all the eloquence and all the ideas he was getting ready to talk about, because we are going to talk about it again when it comes up on the appropriations bill, and at that time the amendment is not going to be withdrawn.

With that, Mr. President, I withdraw the amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be withdrawn.

So, the amendment (No. 859) was withdrawn.

AMENDMENT NO. 858

The ACTING PRESIDENT pro tempore. The pending business is the amendment by Senator WARNER numbered 858.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, earlier in the day the Senator from Virginia, together with Senator SIMON, Senator ROBB, and Senator MOSELEY-BRAUN, sent to the desk an amendment which is now numbered 858. At this time I withdraw that amendment—ask unanimous consent that amendment be withdrawn.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is withdrawn.

The amendment No. 858 is withdrawn.

Mr. WARNER. Mr. President, what I want to do is couple together in the RECORD what I am about to do with the earlier remarks so anyone studying the RECORD can have a sequence here, so they can follow what has been done.

What I propose to do now is send to the desk an amendment which in a sense is in the nature of a substitute for the previous amendment.

AMENDMENT NO. 860

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

> The Senator from Virginia [Mr. WARNER], for himself, Mr. SIMON, Mr. ROBB, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 860.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the bill, insert the following new section:

The Secretary of Defense shall review, and shall provide a report of such review to the Committees on Armed Services of the Senate and the House of Representatives not later than September 24, 1993, a proposed transfer of lands under the control of the Secretary of the Army, and lands under the control of the Secretary of the Navy, locates at Fort Sheridan, Illinois, for a parcel of real estate, consisting of appropriately 7.1 acres, located in Arlington County, Virginia and commonly known as the "Twin Bridges" parcel, including the proposal to utilize the "Twin Bridges" parcel for the purpose of constructing and operating the National Museum of the United States Army, utilizing solely donates funds for the construction and operation of such museum.

Mr. WARNER. Mr. President, what I am recommending now to the Senate—and I am informed by the distinguished chairman it is acceptable on the majority side—is that rather than effect this land transfer by law now, we would ask the Secretary of Defense and the Secretary of the Army to conduct certain studies so the Senate has a complete assurance that this proposed transfer of land is consistent with the wishes of the local communities as well as the Department of Defense and that the Secretary of Defense will take into consideration the views of other parties.

It is my hope this public session, of course, of the Senate, will serve as notice for parties who are interested to come forward and express any concerns, if there exist any concerns. I am advised by the chairman of our subcommittee he will promptly hold a hearing to ascertain the propriety of such recommendations as may be further made by the Secretary of Defense or the Secretary of the Army and to take into consideration concerns of any viewpoints that might be inconsistent with the goals of this substitute amendment.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. NUNN. I urge the adoption of the substitute amendment—amendment in the nature of a substitute that the Senator from Virginia has sent to the desk. This would give us some time to look into this. I do not think it will take a lot of time. We are asking the Secretary of Defense to give us a report within a very limited period of time.

I will also, with the Senator from Ohio, Senator GLENN, give his subcommittee a chance to look into it and determine whether they need any kind of a hearing—maybe they will, maybe they will not—and also give any parties, as the Senator from Virginia has noted, opportunity to note any objections if they have any. It is my hope this can be worked out and we will be able to accommodate the Senator from Virginia and the Senator from Illinois and the delegations who are interested in seeing this military base be put to some use, and are also interested in seeing a museum located here in the Washington-Virginia area.

Mr. WARNER. Mr. President, I ask unanimous consent other material be printed in the RECORD subsequent to the remarks of the Senator from Virginia and the chairman.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF THE ARMY,
Washington, DC, September 8, 1993.

Memorandum for the Secretary of Defense.

Subject: Proposed Exchange of Portions of Fort Sheridan, Illinois, for Property in Arlington, Virginia, for the National Museum of the U.S. Army—Information Memorandum.

The Army has been discussing with Arlington County, Virginia, and the cities of Highland Park, Highwood, Lake Forest, and Lake County, Illinois, the merits of using a portion of Fort Sheridan, Illinois, in a value-for-value exchange for a parcel of land in Arlington County. The Arlington County parcel is owned by Equitable Real Estate Management, Inc. Authorizing legislation, which is being sponsored by Arlington County and the three Illinois communities and Lake County at Fort Sheridan, is required to provide authority for the exchange.

Fort Sheridan closed June 1, 1993, in accordance with the Base Closure and Realignment Act of 1988, and the Army is in the process of disposing of the property. To date there has been no viable interest for acquisition of the Historic District, other than that expressed by Equitable. Disposal and exchange will expedite the adaptive reuse of the Historic District and save the Department approximately $5.7 million per year in maintenance and protection costs.

Preliminary estimates indicate that the two properties are roughly equivalent in value. Once the development parameters of the Fort Sheridan property have been identified, appraisals will be obtained, and an exchange agreement negotiated. If the Fort Sheridan property is valued at more than the Twin Bridges property, Equitable will be required to pay the difference for the exchange to occur.

The Joint Planning Committee at Fort Sheridan, composed of elected representatives from the three Illinois communities and Lake County, is now working on guidelines governing the reuse proposal by Equitable. Any development would, of course, be subject to restrictive covenants concerning the Historic District, and local planning and zoning procedures.

The Army plans to use the Arlington County site, formerly the site of the Twin Bridges Marriott Hotel, for the construction of the National Museum of the U.S. Army. The museum will tell the story of the Army and its role in the development of the Nation and be a tribute to the American soldier. The Army is the only military service without a national museum, and the United States is the only one of today's leading powers without a national museum for its Army. Construction of the museum would be funded by private donations.

The Army began searching for a site in the National Capital Region for the National Museum of the U.S. Army over ten years ago. During this period the Army evaluated sites at Fort Myer, Arlington Cemetery, and over 50 locations in and around the Washington area. It was during this search that the possibility of using the Twin Bridges site was raised. However, no appropriated funds have been set aside to purchase property for the National Museum and the Equitable is not amenable to simply donating the property to the Army.

Should authorizing legislation be obtained, both the Army and Equitable must be satisfied that the property to be acquired is suitable for its intended purpose, is economically viable, and environmentally clean. An exchange agreement would be negotiated only after all of these conditions have been satisfied.

After investigating the potential benefits of this exchange both for the Army and for the reuse and development of Fort Sheridan, we have determined that this exchange is advantageous to the government and also meets the desires of the Fort Sheridan communities for a reuse plan protecting open space and preserving the cultural resources of the Historic District. In the event that this exchange becomes infeasible, the Army will not complete the transaction and will proceed with the traditional disposal methodology.

Members of Congress from Virginia and Illinois are introducing and supporting special legislation to authorize this exchange. I will keep you informed on the progress of this action.

GORDON R. SULLIVAN,
Acting General.

OFFICE OF THE UNDER SECRETARY OF DEFENSE,
Washington, DC, September 8, 1993.

Memorandum for Special Assistant to the Secretary of Defense through the Deputy Under Secretary of Defense (Environmental Security).

From: Special Assistant to the Deputy Under Secretary of Defense (Environmental Security).

Subject: Fort Sheridan Land Swap Legislation.

Purpose: ACTION—to provide information on the Fort Sheridan land swap between Equitable Real Estate Management Inc. and the Army and provide a recommendation relative to special legislation seeking authority to exchange land rights.

DISCUSSION

The Army has been discussing with the communities surrounding Fort Sheridan, and with Arlington County the merits of a land exchange for a 7.1 acre parcel of land in Arlington for 156 acres of Fort Sheridan land.

Concern arose over this potential deal because of: a perception that the Fort Sheridan lakefront land is significantly more valuable than land in Arlington with limited commercial value; a perception that the Army was so eager to build a museum that it is willing to make a bad deal; it would take the Fort Sheridan property out of the base closure disposal procedures; and Arlington County might block the museum leaving the Army with an unmarketable piece of property.

However, based on recent developments, we should not oppose the proposed legislation and, therefore, kill the deal because: the legislation is permissive, not mandatory; Arlington County has indicated it will not block the museum, if parking and traffic flow conditions are met; the legislation requires Equitable to pay the fair market difference between the Arlington and Fort

Sheridan parcels; if we oppose the legislation, we will kill the deal and be back to square one at Fort Sheridan (a 1988 base closure site which is costing DoD $5 million per year to maintain) opening us up to Chicago area criticism that we are thwarting the local reuse efforts; and the local planning board on Thursday, September 2, 1993, voted 8–0 to support the proposal.

RECOMMENDATION

Do not oppose the legislation because opposing it would kill a locally supported reuse effort. The legislation is permissive and does not lock us into a deal. However, OSD should closely monitor the future negotiations.

Mr. WARNER. Mr. President, I would also like to serve notice we will explore openings in this matter, assuming there is a sequential flow of actions of the Department of Department of Defense of a more formal nature than have taken place thus far, and a hearing if necessary by our subcommittee, that we might be able to dispose of this matter somehow in conference. I will address that later.

The ACTING PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 860) was agree to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 861

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of the Senator from Kansas, Mr. DOLE, and the Senator from Massachusetts, Mr. KENNEDY, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. DOLE, for himself, and Mr. KENNEDY, proposes an amendment numbered 861.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

Of the funds authorized to be appropriated in Section 201(1), $2,000,000 shall be available to continue the support of advanced laser burn treatment diagnostics and therapeutic research under the Army's medical research program.

Mr. DOLE. Mr. President, I offer an amendment which would designate $2 million of the funding authorized in this bill for DOD's medical research program to continue the vital research into advanced laser burn treatment diagnostics and therapeutic research.

Mr. President, burns affect over 1.4 million Americans annually, almost 40 percent of whom are children. Additionally, over 100,000 of these victims have severe burns requiring extensive hospitalization and treatment. Nearly 6,000 civilians die from burn injuries each year. Hospital stays are lengthy; recovery is slow and painful. The economic cost of these tragedies is staggering, exceeding $3.8 billion.

Burns also affect the national security of the United States because burn trauma is the leading cause of combat casualties during armed conflict, accounting for approximately 20 percent of all military injuries. With advancements in modern weaponry, unfortunately these types of injuries will become an even greater problem in military medicine.

In 1992, Congress was made aware that recent developments in laser medicine, using so-called smart lasers, had led to possible new diagnostics and therapeutic treatments for burn victims and significantly higher expectations for success. The Congress instructed the Department of Defense to initiate funding for this work in 1992 on a peer-review basis at hospital-based institutions which demonstrated expertise in medical laser system development and which were recognized for their expertise in the diagnosis and treatment of burns.

This peer-reviewed laser burn program has been well managed by the Department of Defense. It is my understanding that an innovative application of smart lasers, robotics, and computer-assisted real time imaging has created a significant advance in the treatment of burn injuries. The previous method entails tremendous loss of fluids which must be replaced by transfusion, increasing the risk of infection, and the area of burn damage removal must be covered by skin grafts which are often a less than optimal solution.

The breakthroughs developed by this program in burn diagnostics and therapy promise a substantial reduction in the morbidity and mortality of burns, because of the speed of identification of the degree of tissue damage, minimal loss of fluids and electrolytes, and more rapid skin healing. The minimized transfusions required with the new laser therapy similarly minimize the risk of infection with AIDS or hepatitis-B.

Laser burn therapy will help reduce health care costs because much in-patient therapy can be transferred to an out-patient arena. Millions of dollars will be saved on transfusions, and invasive procedures are minimized, speeding recovery time. By being able to perform diagnostic work more quickly and precisely and by being able to treat burns precisely and in a minimally invasive manner, we can now have burn patients up and about much quicker and more economically in the past.

The immediate impact of this research is the alleviation of some of the pain and suffering which attends any victim of burn trauma. Beyond that immediate reward, the victim's family and the American people as a whole benefit because of the less costly, speedy recovery of victims and the reduced morbidity and mortality resulting under the new treatment.

This program also has the potential to involve some of the National Laboratories. It is my understanding that a CRADA has already been issued to help develop the robotics that will be necessary to transform this technology to private use. The National Labs have already converted some of their weapons dollars into health care applications since the robotics necessary to ready this project for commercialization will be assisted by the Labs.

Mr. President, this is a classic example of converting military dollars to a commercial application. A technology developed for use in the military arena has the added advantage of benefiting hundreds of thousands of American citizens every year. The Congress and the Department of Defense should be congratulated on the success of this effort to date.

In terms of funding commitment, the dollars allocated to this program are insignificant in light of the potential benefits of this technology. Very rapid strides have been made in the past year. This program has enjoyed bipartisan support since its inception, and that support continues today in the cosponsorship of this amendment by my colleagues from Massachusetts, Senator KENNEDY.

Mr. President, I am happy to support this successful, humanitarian program and highly recommend that it be continued. I urge my colleagues to support the amendment.

Mr. KENNEDY. Mr. President, this amendment supports a program begun in fiscal year 1992 for the more effective treatment of burn injuries. In the National Defense Authorization Act for fiscal years 1992 and 1993, Congress recognized the importance of developing innovative therapies for the diagnosis and treatment of these injuries, and provided for $1 million in funding for each year. This amendment authorizes $2 million for the third year of this four-year program, with an authorization of $1 million planned for fiscal year 1995.

Combat burns are a major source of military field casualties requiring specialized treatment. With advancements in modern weapons, it is anticipated that burns will become an even greater problem in military medicine.

This program, managed by the Department of Defense, has made significant advances in laser medicine that promise significantly higher success rates in treating these injuries. The program is also developing important techniques that will be beneficial to civilian burn injuries as well.

Each year, approximately 1.5 million Americans sustain such injuries, and many of them require hospitalization. Six thousand persons die from their injuries. Hundreds of thousands of the victims are children, and their recovery is slow and painful. The health care provided for burn patients is expensive—requiring nearly $4 billion a year.

I commend the Department of Defense for their management of this program, and I am pleased to join Senator DOLE in supporting it. Boston's Wellman Laboratories at Massachusetts General Hospital has received some of these funds, and important biomedical applications have already been developed there.

The Wellman Laboratories is a hospital-based, multidisciplinary research facility. It has long been recognized as one of the world's most preeminent laser medicine research laboratories. Its innovative applications of lasers for medical treatment are widely used throughout the world.

Because of the Wellman Laboratories' research, some burn-related conditions which were once untreatable now respond to laser treatment. Diseases which had required invasive surgery and long-term hospital stays have been replaced by noninvasive, outpatient procedures that reduce hospital stays and make it possible for patients to return sooner to their families and to their jobs.

This research program serves as a model for developing productive partnerships among industry, academic faculties, and the Federal Government to expedite the transformation of promising research discoveries into practical applications. It is also a model for facilitating the transfer of research technology to the Armed Forces and the private sector. It promises new jobs and a wealth of new opportunities for business and greater competitiveness in domestic and foreign markets. Governments of other nations, including Austria and Germany, already have established national centers in laser medicine. Despite the governmental assistance by other countries to their domestic laser medicine industries, the United States remains the world's undisputed leader in this vital area of research. Congress and the administration can and should help this Nation maintain our lead.

Laser burn treatment is an excellent example of the effective use of defense spending to benefit nondefense industries and all Americans. I urge my colleagues to support this valuable program.

Mr. NUNN. Mr. President, this is an amendment I urge be passed. The Army medical laser burn treatment program has been a successful program and promises to revolutionize the way burns are treated. I urge passage.

Mr. WARNER. Mr. President, I urge the adoption of the amendment.

The ACTING PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 861) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 862

(Purpose: To require the administrator of the Environmental Protection Agency to establish a program to provide career training through the hazardous substance research center program of the Environmental Protection Agency to qualified military personnel and qualified Department of Energy personnel in order to enable such individuals to acquire proficiency in hazardous and radioactive waste management)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. DOLE, for himself, Mrs. KASSEBAUM, and Mr. BURNS proposes an amendment numbered 862.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 242, after line 19, add the following:

SEC. 1067. ENVIRONMENTAL EDUCATION OPPORTUNITIES PROGRAM.

(a) PROGRAM REQUIRED.—(1)(A) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the EPA and the Secretary of Energy, shall establish a scholarship program for education and training for qualified individuals in order to enable such individuals to acquire career training in environmental engineering, environmental sciences, or environmental project management in fields related to hazardous waste management and cleanup.

(B) The program established pursuant to paragraph (A) may include educational activities and training related to—

(i) site remediation;
(ii) site characterization;
(iii) hazardous waste management;
(iv) hazardous waste reduction;
(v) recycling;
(vi) process and materials engineering;
(vii) training for positions related to environmental engineering, environmental sciences, or environmental project management (including training for management positions); and
(viii) environmental engineering with respect to the construction of facilities to address the items described in clauses (i) through (vii).

(C) The program established pursuant to paragraph (A) shall include educational activities designed for personnel participating in a program to achieve specialization in the following fields:

(i) Earth sciences.
(ii) Chemistry.
(iii) Chemical Engineering.
(iv) Environmental engineering.
(v) Statistics.
(vi) Toxicology.
(vii) Industrial hygiene.
(viii) Health physics.
(ix) Environmental project management.

(b) FUNDING.—(1) From amounts appropriated pursuant to this authority, the Secretary of Defense shall award scholarships to individuals described in paragraph (g) to attend programs at institutions of higher education at both undergraduate and graduate levels which lead to the awarding of an academic degree or a certification that is supplemental to an academic degree.

(c) REPAYMENT.—(1) Any individual receiving educational assistance from the United States under the program carried out under this section shall agree to pay to the United States the total amount of the educational assistance provided to the individual by the United States under the program, plus interest at the rate prescribed in paragraph (4), if the individual does not complete the educational program for which the assistance is provided.

(2) If an individual fails to pay to the United States the total amount required pursuant to paragraph (1), including the interest, at the rate prescribed in paragraph (4), the unpaid amount shall be recoverable by the United States from the individual or his estate by—

(A) in the case of an individual who is an employee of the United States, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method as is provided by law for the recovery of amounts owing to the United States.

(3) The Secretary of Defense may waive in whole or in part a required repayment under this subsection if the Secretary of Defense determines that the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) The total amount of educational assistance provided to an individual under a program carried out under subsection (a) shall, for purposes of repayment under this section, bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(d) COORDINATION OF BENEFITS.—Any educational assistance provided to an individual under the program carried out under subsection (a) shall be taken into account in determining the eligibility of that individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(e) COST AND FUNDING.—(1) The cost of carrying out the program required by this section may not exceed $8,000,000 in any fiscal year.

(f) REPORT TO CONGRESS.—Not later than January 1, 1995, the Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of EPA, shall submit to the Congress a report on activities undertaken under the program established under this section and recommendations for future activities under the program.

(g) DEFINITIONS.—In this section:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "hazardous substance research centers" means the hazardous substance research centers described in section 311(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(d)). Such term includes the Great Plains and Rocky Mountain Hazardous Substance Research Center, the Northeast Hazardous Substance Research Center, the Great Lakes and Mid-Atlantic Hazardous Substance Research Center, the South and Southwest Hazardous Substance Research Center, and the Western Region Hazardous Substance Research Center.

(3) The term "hazardous waste" means—

(A) waste listed as hazardous waste pursuant to subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.);

(B) radioactive waste; and

(C) mixed waste.

(4) The term "mixed waste" means waste that contains a mixture of waste described in subparagraphs (A) and (B) of paragraph (3).

(5) Individuals eligible for training, assistance, and services—

(1) CERTAIN MEMBERS OF THE ARMED FORCES.—A member of the Armed Forces shall be eligible for training, adjustment assistance, and employment services under this section if the member—

(A) was on active duty or full-time National Guard duty on September 30, 1990;

(B) during the 5-year period beginning on that date—

(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

(C) is not entitled to retired or retainer pay incident to that separation; and

(D) applies for such training, adjustment assistance, or employment services before the end of the 180-day period beginning on the date of that separation.

(2) CERTAIN DEFENSE EMPLOYEES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a civilian employee of the Department of Defense or the Department of Energy shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

(i) during the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending, as determined by the Secretary of Defense or the Secretary of Energy, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

(ii) is not entitled to retired or retainer pay incident to that termination or lay off.

(B) SPECIAL RULE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE EMPLOYED AT CERTAIN MILITARY INSTALLATIONS.—

(i) IN GENERAL.—A civilian employee of the Department of Defense employed at a military installation being closed or realigned under the laws referred to in clause (ii) shall be eligible for training, adjustment assistance, and employment services under this section beginning on the date on which such employee receives actual notice of termination, or the date determined by the Secretary of Defense under clause (iii), whichever occurs earlier.

(ii) CERTAIN DEFENSE LAWS.—The laws referred to in this clause are—

(I) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note); and

(II) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(iii) DATE.—The date determined under this clause is the date that is 24 months before the date on which the military installation is to be closed or the realignment of the installation is to be completed, as the case may be.

(6) The term "radioactive waste" means solid, liquid, or gaseous material that contains radionuclides regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) of negligible economic value (considering the cost of recovery).

Mr. WARNER. This amendment is forwarded also on behalf of Senators KASSEBAUM and Senator BURNS. I urge its adoption.

Mr. NUNN. Mr. President, I urge the adoption of the amendment. This expands the existing scholarship program in the environmental area where the United States will need trained professionals in the future.

Mr. DOLE. Mr. President, when it comes to cleaning up our hazardous waste sites, we face a major obstacle—we lack trained professionals. Last year, a Department of Energy review determined that there is a shortfall of over 13,000 scientists, engineers, and technicians in the environmental disciplines. This lack of individuals with technical expertise hinders the cleanup process and the construction of new environmentally safe facilities.

Mr. President, the amendment I introduce today capitalizes upon the prior training of men and women within the Departments of Defense and Energy that have hands-on experience dealing with the environmental problems facing our Nation, and who may be affected by our continued defense drawdown.

This legislation expands the Department of Defense's existing scholarship program, enabling those individuals to obtain scholarships for education in environmental sciences and engineering at the 24 universities, in 14 States and the District of Columbia, which participate in the EPA's Hazardous Substance Research Center Program. Upon receiving their degrees, these individuals will be fully prepared to compete for well-paying jobs in the private sector.

The amendment allows the Department of Defense, the EPA, and our Nation's universities to work together to increase the number of individuals qualified to address our Nation's environmental problems. While providing technical training for the men and women transitioning out of defense-related jobs, we will expand the pool of qualified professionals, and expedite the environmental cleanup of our hazardous substance sites.

Mr. President, this amendment is one I think everyone here can support. Now, as with all newly established programs, we may discover some aspects of the program that require fine tuning, however, this amendment is fiscally responsible—it is paid for. It is an amendment that will ease the transition of, and increases access to higher education for our men and women in uniform. It is an amendment that will make it possible for us to solve the environmental problems, that are facing our Nation. I look forward to reviewing the Secretary's report on the implementation of the program, and will work to ensure that all taxpayers' dollars utilized under this program are responsibly and effectively spent. I urge my colleagues to join me in supporting this amendment.

Mr. THURMOND. Mr. President, I support the amendment offered by my distinguished colleague, the Republican leader, Senator DOLE. This amendment would enable the Secretary of Defense to provide funds for individuals from the Department of Defense and the Department of Energy to study environmental sciences, an area which is in great need of people with these types of skills.

I commend my colleague for his foresight in this matter. The amendment would address a deficiency, provide needed skills in the work force, and become an important aspect of defense conversion.

I urge my colleagues to support this amendment.

The ACTING PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 862) was agreed to.

AMENDMENT NO. 863

(Purpose: To conform the statutory ethics requirements affecting Department of Energy employees to the Government-wide statutory ethics requirements codified at 18 U.S.C. 207 and 208 and 41 U.S.C. 423)

Mr. NUNN. Mr. President, on behalf of the Senator from Louisiana, Senator JOHNSTON, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. JOHNSTON, proposes an amendment numbered 863.

The ACTING PRESIDENT pro tempore. Without objection, reading of the amendment will be dispensed with.

The amendment is as follows:

On page 413, after line 18, insert the following new section:

SEC. 3139. STANDARDIZATION OF REQUIREMENTS AFFECTING DEPARTMENT OF ENERGY EMPLOYEES.

(a) Part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 through 7218) is repealed.

(b) The table of contents for the Department of Energy Organization Act is amended by striking out the matter relating to part A of title VI.

Mr. JOHNSTON. Mr. President, this amendment repeals eight sections of the Department of Energy Organization Act (P.L. 95-91) that were enacted in 1977 and that deal with conflict-of-interest requirements, financial reporting requirements, and post-employment restrictions for Departmental employees. These sections were enacted by the Congress prior to passage of government-wide ethics requirements in the Ethics in Government Act of 1978, and in some sense served as a prototype for these requirements. Since the passage of the Ethics in Government Act and the Ethics Reform Act of 1989, though, the need for specific statutory ethics requirements that are different from government-wide requirements and unique to the Department of Energy [DOE] has disappeared.

Adoption of the amendment would not affect the applicability of government-wide conflict-of-interest requirements, financial reporting requirements, and post-employment restrictions to DOE employees. These restrictions, codified in 18 U.S.C. 207 and 208 and 41 U.S.C. 423, are not affected by the amendment and would remain fully in force for DOE employees. In fact, adoption of the amendment would remove the rationale for a current exemption to government-wide financial disclosure requirements (contained at 5 CFR 2634) that DOE has been granted by the Office of Government Ethics.

This amendment has been cleared by the Committee on Governmental Affairs. The language of this amendment is identical to language approved by the Senate in the fiscal year 1992-93 Department of Defense authorization bill, and Congress has twice enacted into law temporary suspensions affecting these sections of the Department of Energy Organization Act.

The Department of Energy and the administration strongly support this amendment, as does the exclusive bargaining representative for DOE headquarters employees, the National Treasury Employees Union. Repeal of these sections of the Department of Energy Organization Act has also been recommended by the National Academy of Sciences in its 1992 report on "Science and Technology Leadership in American Government: Ensuring the Best Presidential Appointments."

I ask unanimous consent that the following letter from the Secretary of Energy be entered into the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, September 10, 1993.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am taking this opportunity to provide Department of Energy views on a proposed amendment to S. 1298, the Department of Defense Authorization Act for Fiscal Year 1994. The amendment would repeal part A of title VI of the Department of Energy Organization Act.

This part imposes unique requirements on the Department's employees in the areas of conflict-of-interest, financial reporting and post-employment contact with the agency. Repeal of these requirements simply would put the Department on the same basis as every other civilian agency with respect to these areas.

The Department of Energy strongly supports this amendment. The language is identical to language approved by the Senate in the FY 1992-93 Department of Defense authorization bill; and Congress has twice enacted into law temporary suspensions of these provisions. From December 1, 1989 through May 31, 1991, part A of title VI was not in effect.

The Office of Management and Budget has advised that there is no objection to the submission of this letter.

Sincerely,

HAZEL R. O'LEARY.

Mr. NUNN. Mr. President, this proposed amendment would promote uniformity in the administration of conflict-of-interest laws by repealing statutes that impose undue requirements on the Department of Energy. I urge the adoption of the amendment.

The ACTING PRESIDENT pro tempore. Is there further debate?

Mr. WARNER. Mr. President, the amendment is acceptable to this side.

Mr. THURMOND. Mr. President, the Republican members of the committee do not object to the Johnston amendment repealing specific conflict-of-interest restrictions on Department of Energy personnel. These restrictions were put into law at a time when there were few comprehensive statutes covering all Government employees. Since the passage of the Procurement Integrity Act, such special coverage is duplicative and unnecessary. The Senate already approved the repeal of these provisions as part of action taken on the Department of Defense Authorization bill for fiscal year 1992. It is my hope that more comprehensive action reconciling duplicative conflict-of-interest statutes can be taken in the near future.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 863) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 864

(Purpose: To authorize National Guard and Reserve aircraft replacement)

Mr. WARNER. Mr. President, on behalf of Senators STEVENS, BYRD, HATFIELD, and INOUYE, I send an amendment to the desk to add some $150 million to the National Guard account to be used for updating outdated aircraft.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. STEVENS, for himself, Mr. BYRD, Mr. HATFIELD, and Mr. INOUYE, proposes an amendment number 864.

The ACTING PRESIDENT pro tempore. Without objection, further reading of the amendment will be dispensed with.

The amendment is as follows:

On page 16 of the bill, "SEC. 106. RESERVE COMPONENTS.", is modified by adding at the end of the section the following new item:

"(8) For National Guard aircraft replacement and modernization, $150,000,000."

Mr. STEVENS. Mr. President, I propose this amendment on behalf of myself and Senators BYRD, HATFIELD, and INOUYE. We offer this increase to the National Defense Authorization Act to provide funds for the National Guard to replace and modernize critically needed aircraft.

Numerous recent disasters have highlighted our Nation's dependence on the National Guard in times of emergency. In my State, during the *Exxon Valdez* oilspill and through other crises, that airlift capability of the National Guard has been an irreplaceable component of relief efforts.

The $150 million proposed in this amendment would permit the Chief of the National Guard Bureau to prioritize funding to replace and modernize aircraft in the Army and Air National Guard and permit the retirement of aging aircraft that have little safe flying life remaining.

It is the intention of the sponsors of this amendment that these funds be authorized in this bill to facilitate the appropriation of funds for fiscal year 1994 to meet critical National Guard requirements.

On behalf of the sponsors of this amendment, I want to express our appreciation to Chairman NUNN and Senator THURMOND, the ranking minority member of the committee, for their support of this amendment. They are both longstanding advocates for the National Guard, and we look forward to working with them to ensure that the needs of the National Guard across the country are addressed by the Congress.

Mr. President, I urge the adoption of the amendment.

Mr. WARNER. Mr. President, I ask unanimous consent that a letter to Senator THURMOND be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 7, 1993.

Hon. STROM THURMOND,
Ranking Minority Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR STROM: We are aware that the National Guard faces the retirement of a number of key cargo and mission support aircraft in the coming years, due to age and safety of flight limitations. Recognizing that the Department has been slow to meet the equipment modernization needs of the National Guard, we ask that you consider and accept an amendment to the 1994 National Defense Authorization Act that would provide an additional $150 million for National Guard aircraft replacement and modernization.

We appreciate your concern over the direct earmarking of funds for specific aircraft. Consequently, we propose that the funds be allocated by the Chief of the National Guard Bureau to meet the needs of the Army and Air National Guard. We would include the funds in the same fashion in the FY 1994 Defense Appropriations bill.

Recent disasters have illustrated again the vital role played by the National Guard in every state, and the continuing ability of the Guard to provide critical cargo and personnel transportation in such emergencies is essential.

We appreciate your attention to this matter, and look forward to working with you on passage of the 1994 Defense Authorization and Appropriations bills.

With best wishes,
Sincerely,
ROBERT C. BYRD.
TED STEVENS.
MARK O. HATFIELD.
DAN INOUYE.

Mr. NUNN. Mr. President, I urge the adoption of the amendment. I want to clarify an important concern on this matter.

The Senator from Georgia and I think the Senator from Virginia both recognize the need for ongoing modernization of operation support aircraft operated by the National Guard. There has been controversy in recent years, however, with earmarking funds for specific types of operational support aircraft by the Congress.

I have received a letter, which the Senator from Virginia put in the RECORD, from the sponsors of the amendment. They state:

> We appreciate your concern over the direct earmarking of funds for specific aircraft. Consequently, we propose funds be allocated by the Chief of the National Guard to meet the needs of the Army and Air National Guard. We would include the funds in the same fashion in the fiscal year 1994 Defense Appropriations bill.

I believe that letter has been inserted in the RECORD.

Mr. WARNER. I urge the adoption of the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 864) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 865

(Purpose: To determine whether certain land in Fort Missoula, Missoula County, MT, shall be conveyed to the Northern Rockies Heritage Center; and to make such conveyance, if necessary)

Mr. WARNER. Mr. President, on behalf of the Senator from Montana [Mr. BURNS], I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BURNS, proposes an amendment numbered 865.

The ACTING PRESIDENT pro tempore. Without objection, further reading of the amendment will be dispensed with.

The amendment is as follows:

On page 353, between lines 4 and 5, insert the following new section:

SEC. 2842. CONVEYANCE OF LAND IN FORT MISSOULA, MONTANA.

(a) LAND USE DETERMINATION.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Army shall determine whether a parcel of land consisting of approximately 11 acres, and improvements thereon, located in Fort Missoula, Missoula County, Montana, is excess to the needs of the Department of the Army.

(b) AUTHORIZATION.—If the Secretary determines that the property identified in subsection (a) is excess to the needs of the Department of the Army, the Secretary may, subject to subsection (c), convey to the Northern Rockies Heritage Center, a nonprofit corporation incorporated in the State of Montana, all right, title, and interest of the United States to such property.

(c) CONDITIONS.—The conveyance authorized in subsection (b) shall be subject to the conditions that——

(1) the property conveyed may be used only for historic, cultural, or educational purposes;

(2) the Northern Rockies Heritage Center shall enter into an agreement with the Secretary of Agriculture concerning the use of the property by the Department of Agriculture;

(3) the Northern Rockies Heritage Center shall indemnify the United States against all liability in connection with any hazardous materials, substances, or conditions that may be found on the property; and

(4) the Northern Rockies Heritage Center shall, prior to the conveyance and for the first year of operation of the Northern Rockies Heritage Center after the conveyance, establish, to the satisfaction of the Secretary of the Army, that it has the ability to maintain G.L. the property described in subsection (a) for the purposes described in paragraph (1).

(d) REVERSIONARY INTEREST.—If the property conveyed pursuant to subsection (b) is used for purposes other than those specified in subsection (c)(1), all right, title, and interest to and in the property shall revert to the United States at no cost to the United States, which shall have immediate right of entry on the land.

(e) DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (b) shall be determined by surveys that the Secretary determines are satisfactory. The Northern Rockies Heritage Center shall pay the cost of any survey required by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may establish such additional terms and conditions for the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(g) CONGRESSIONAL NOTIFICATION.—If the Secretary determines that the property identified in subsection (a) is not excess to the needs of the Department of the Army, the Secretary shall notify Congress in writing of the plans of the Department of the Army for maintaining and utilizing the property. Such notification shall be made not later than 60 days after the date of enactment of this Act.

Mr. BURNS. Mr. President, I rise to offer an amendment to S. 1298 which authorizes the Secretary of the Army to convey a portion of Fort Missoula, MT, to the Northern Rockies Heritage Center.

This amendment is the cumulation of over 2 years of hard work by numerous groups and individuals in the Missoula community. When the Army stated its intention to declare excess most of the land it owned at the historic Fort Missoula, the idea was born for a consortium of museums and organizations to form an educational and historical center at the fort. The Northern Rockies Heritage Center, a nonprofit corporation, was established with support from the city of Missoula, Missoula County, the Missoula Chamber of Commerce, the University of Montana, Missoula school districts, and the Missoula Economic Development Corp. The Center's major goals are threefold: To preserve the integrity of historic Fort Missoula; to collect, preserve, interpret the natural and cultural history of the Northern Rockies and its role in national and international events, and to improve Montana's economy by creating an end destination for tourism.

I agree with the above-named parties that the Northern Rockies Heritage Center is the best use of this portion of Fort Missoula, and I believe that the center will be a tremendous benefit to the Missoula area and the State of Montana.

Throughout the process of putting this project together I have enjoyed working with all the parties whose commitment and dedication made the Northern Rockies Heritage Center a reality. The Missoula Chamber of Commerce and the center's board of directors, especially its president, Roger Bergmeier, were integral to this project. I commend everyone for their hard work.

Mr. BAUCUS. Mr. President, I rise in support of the amendment to convey a portion of Fort Missoula, MT, to the Northern Rockies Heritage Center. This amendment is an excellent way for local communities to make use of land and facilities that the Army no longer needs as a result of the end of the cold war. It represents a realization that the end of the cold war can produce new opportunities for the Government and for the people.

The Northern Rockies Heritage Center will offer new educational opportunities for the citizens of Montana. Once in operation, the center will provide visitors with greater insights into the natural and cultural history of the Northern Rockies. It will also provide an economic opportunity by creating a noteworthy tourist attraction that can draw visitors from outside Missoula and also Montana. I want to commend the public-private partnership that has been created which has allowed this effort to take place.

Mr. WARNER. Mr. President, this amendment has been agreed to by both sides. It relates to a piece of land in the State of Montana. I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

Mr. NUNN. I urge the adoption of the amendment.

Mr. WARNER. I urge the adoption.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 865) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 866

(Purpose: To make miscellaneous amendments to the bill)

Mr. NUNN. Mr. President, on the amendment I send to the desk on behalf of myself, I will also say that the Senator from Colorado, Senator CAMPBELL, and the Senator from Mississippi, Senator LOTT, are very concerned with this amendment. They brought it to my attention.

This amendment clarifies a provision in the bill concerning the authority for personnel rated 100 percent disabled to receive military retired pay and VA disability compensation concurrently without any offset. And it revises authority of crediting of gifts to the national security education funds and authorizes military construction projects at Army medical facilities in Colorado and National Guard at Biloxi, MS.

I urge the adoption.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 866.

The ACTING PRESIDENT pro tempore. Without objection, further reading of the amendment will be dispensed with.

The amendment is as follows:

On page 104, between lines 2 and 3, insert the following:

SEC. 340. REVISION OF AUTHORITIES ON NATIONAL SECURITY EDUCATION TRUST FUND.

(a) CREDITING OF GIFTS TO THE NATIONAL SECURITY EDUCATION TRUST FUND.—Section 804(e) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904(e)) is amended by adding at the end the following:

"(3) Any gifts of money shall be credited to and form a part of the Fund.".

(b) REPEAL OF AUTHORIZATION REQUIREMENT.—Section 804(b) of such Act is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

On page 153, strike out line 15 and all that follows through page 154, line 6, and insert in lieu thereof the following:

SEC. 632. SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.

(a) SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.—A person who has a service-connected disability rated as total may be paid a special pay under this section if the person is entitled to emergency officers', regular, or reserve retirement pay based solely on—

(1) the person's age;

(2) the length of the person's service in the uniformed services; or

(3) both the person's age and the length of such service.

(b) AMOUNT OF SPECIAL PAY.—The amount of special pay that may be paid a person under subsection (a) for any month may not exceed the monthly amount of the compensation that is paid such person under laws administered by the Secretary of Veterans Affairs.

(c) FUNDING.—The cost of the special pay authorized to be paid under this section shall be paid out of funds available to the Department of Defense for travel of personnel of the Department of Defense in positions within the Office of the Secretary of Defense, the Office of the Secretary of the Army, the Office of the Secretary of the Navy, and the Office of the Secretary of the Air Force.

(d) DEFINITIONS.—In this section, the terms "compensation" and "service-connected" have the meanings given such terms in section 101 of title 38, United States Code.

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), this section shall take effect on January 1, 1994.

(2) This section shall not take effect if, before January 1, 1994, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives the report required by section 641 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2424).

(f) APPLICABILITY.—(1) Except as provided in paragraph (2), this section shall apply to months that begin on or after the effective date of this section.

(2) This section shall not be effective for months that begin after September 30, 1994.

On page 269, line 8, strike out "$599,153,000" and insert in lieu thereof "$603,553,000".

On page 269, in the table below line 11, strike out the item relating to Fort Carson, Colorado, and insert in lieu thereof the following:

Colorado	Fitzsimons Army Medical Center.	$4,400,000
	Fort Carson	$4,050,000

On page 272, line 6, strike out "$2,364,930,000" and insert in lieu thereof "$2,369,330,000".

On page 272, line 9, strike out "$599,153,000" and insert in lieu thereof "$603,553,000".

On page 303, line 8, strike out "$230,993,000" and insert in lieu thereof "$233,793,000".

Mr. WARNER. Mr. President, we concur in the adoption of the amendment and urge its adoption.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 866) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 867

(Purpose: To amend, and express the sense of Congress regarding, the defense acquisition pilot program authority provided in Section 809 of Public Law 101-510)

Mr. WARNER. Mr. President, I send an amendment to the the desk on behalf of Mr. ROTH.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. ROTH, for himself, Mr. NUNN, Mr. BINGAMAN, Mr. THURMOND, Mr. SMITH, Mr. GRASSLEY, and Mr. COHEN, proposes an amendment numbered 867.

The ACTING PRESIDENT pro tempore. Without objection, further reading of the amendment will be dispensed with.

The amendment is as follows:

On page 190, after line 24, insert the following:

Subtitle D—Defense Acquisition Pilot Program

SEC. 831. DEFENSE ACQUISITION PILOT PROGRAM AMENDMENTS.

(a) REPEAL OF LIMITATION ON NUMBER OF PARTICIPATING DEFENSE ACQUISITION PROGRAMS.—Section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) is amended by striking out "not more than six".

(b) REPEAL OF REQUIREMENT TO DESIGNATE PARTICIPATING PROGRAMS AS DEFENSE ENTERPRISE PROGRAMS.—Section 809 of such Act is amended by striking out subsection (d).

(c) PUBLICATION OF POLICIES AND GUIDELINES FOR PUBLIC COMMENT.—Section 809 of such Act is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(d) PUBLICATION OF POLICIES AND GUIDELINES.—The Secretary shall publish in the Federal Register a proposed memorandum setting forth policies and guidelines for implementation of the pilot program under this section and provide an opportunity for public comment on the proposed memorandum for a period of 60 days after the date of publication. The Secretary shall publish in the Federal Register any subsequent proposed change to the memorandum and provide an opportunity for public comment on each such proposed change for a period of 60 days after the date of publication.".

(d) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Section 809 of such Act is amended—

(1) by redesignating subsection (f) as subsection (e); and

(2) in paragraph (2)(D) of subsection (e), as so redesignated, by striking out "specific budgetary and personnel savings" and inserting in lieu thereof "a discussion of the efficiencies or savings".

SEC. 832. REFERENCE TO DEFENSE ACQUISITION PILOT PROGRAM.

A reference in this subtitle to the Defense Acquisition Pilot Program is a reference to the defense acquisition pilot program authorized by section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note).

SEC. 833. MISSION ORIENTED PROGRAM MANAGEMENT.

It is the sense of Congress that—

(1) in the exercise of the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), the Secretary of Defense should propose for one or more of the defense acquisition programs covered by the Defense Acquisition Pilot Program to utilize the concept of mission oriented program management that includes—

(A) establishing a mission oriented program executive office; and

(B) designating a lead agency for the mission oriented program executive office;

(2) the duties of the program executive officer for each of one or more of such programs should include—

(A) planning, programming, and carrying out research, development, and acquisition activities;

(B) providing advice regarding the preparation and integration of budgets for research, development, and acquisition activities;

(C) informing the operational commands of alternative technology solutions to fulfill emerging requirements;

(D) ensuring that the acquisition plan for the program realistically reflects the budget and related decisions made for that program;

(E) managing related technical support resources;

(F) conducting integrated decision team meetings; and

(G) providing technological advice to users of program products and to the officials within the military departments who prepare plans, programs, and budgets;

(3) the Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition, should prescribe policies and procedures for the interaction of the commanders of the unified and specified combatant commands with the mission oriented program executive officers, and such policies and procedures should include provisions for enabling the user commands to perform acceptance testing; and

(4) the management functions of a program manager should not duplicate the management functions of the mission oriented program executive officer.

SEC. 834. SAVINGS OBJECTIVES.

It is the sense of Congress that the Secretary of Defense, on the basis of the experience under the Defense Acquisition Pilot Program, should seek personnel reductions and other management and administrative savings that, by September 30, 1998, will achieve at least a 25-percent reduction in defense acquisition management costs below the costs of defense acquisition management during fiscal year 1993.

SEC. 835. PROGRAM PHASES AND PHASE FUNDING.

(a) ACQUISITION PROGRAM PHASES.—It is the sense of Congress that—

(1) the Secretary of Defense should propose that one or more defense acquisition programs proposed for participation in the Defense Acquisition Pilot Program be exempted from acquisition regulations regarding program phases that are applicable to other Department of Defense acquisition programs; and

(2) a program so exempted should follow a simplified acquisition program cycle that is results oriented and consists of—

(A) an integrated decision team meeting phase which—

(i) could be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

(ii) should be conducted by a program executive officer; and

(iii) should usually be completed within 1 to 3 months.;

(B) a prototype development and testing phase which should include operational tests and concerns relating to manufacturing operations and life cycle support and should usually be completed within 6 to 36 months and should produce sufficient numbers of prototypes to assess operational utility;

(C) a product integration, development, and testing phase which—

(i) should include full-scale development, integration of components, and operational testing; and

(ii) should usually be completed within 1 to 5 years; and

(D) a phase for production, integration into existing systems, or production and integration into existing systems.

(b) PHASE FUNDING.—To the extent provided in legislation pursuant to subsection of (c)(1)(B) of section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) and to the extent provided in appropriations Acts, the Secretary of Defense is authorized to expend for a defense acquisition program participating in the Defense Acquisition Pilot Program such sums as are necessary to carry out a phase of the acquisition program cycle after the Secretary determines that objective quantifiable performance expectations relating to the execution of that phase have been identified.

(c) MAJOR PROGRAM DECISION.—It is the sense of the Congress that the Secretary of Defense should establish for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program an approval process having one major decision point.

SEC. 836. PROGRAM WORK FORCE POLICIES.

(a) IN GENERAL.—The Secretary of Defense shall review the incentives and personnel actions available to the Secretary for encouraging excellence in the acquisition workforce of the Department of Defense and may provide an enhanced system of incentives, in accordance with applicable law, for the encouragement of excellence in the work force of a participating acquisition program.

(b) ENHANCED SYSTEM OF INCENTIVES.—The Secretary of Defense should consider providing for program executive officers, program managers, and other acquisition personnel of defense acquisition programs participating in the Defense Acquisition Pilot Program an enhanced system of incentives which—

(1) in accordance with applicable law, relates pay to performance; and

(2) provides for consideration of the extent to which the performance of such personnel contributes to the achievement of cost goals, schedule goals, and performance goals established for such programs.

SEC. 837. EFFICIENT CONTRACTING PROCESSES.

It is the sense of the Congress that the Secretary of Defense, in exercising the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), should seek to simplify the procurement process, streamline the period for entering into contracts, and simplify specifications and requirements.

SEC. 838. CONTRACT ADMINISTRATION: PERFORMANCE BASED CONTRACT MANAGEMENT.

It is the sense of the Congress that the Secretary of Defense should propose under section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) that, for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program, payments under section 2307(a) of title 10, United States Code, be made on any of the following bases:

(1) Performance measured by statistical process controls.

(2) Event accomplishment.

(3) Other quantifiable measures of results.

SEC. 839. CONTRACTOR PERFORMANCE ASSESSMENT.

(a) COLLECTION AND ANALYSIS OF PERFORMANCE INFORMATION.—The Secretary of Defense shall collect and analyze information on contractor performance under the Defense Acquisition Pilot Program.

(b) INFORMATION TO BE INCLUDED.—Information collected under subsection (a) shall include the history of the performance of each contractor under the Defense Acquisition Pilot Program contracts and, for each such contract performed by the contractor, a technical evaluation of the contractor's performance prepared by the program manager responsible for the contract.

Mr. ROTH. Mr. President, once in awhile, an opportunity for significant improvement in Government efficiency presents itself. I believe that we have such an opportunity through reforming the Defense Department's acquisition process. Many efforts are coming together to create this opportunity. Among these are: the President's initiative to reinvent the Federal Government and show the American people a concrete, credible plan to streamline and revitalize the Federal Government; the House and Senate passage and the President's signing of my bill, S. 20, "The Government Performance and Results Act of 1993"; the establishment of the Deputy Under Secretary of Defense for Acquisition Reform; and the bi-partisan Governmental Affairs Committee and Armed Services Committee joint initiative to streamline Federal procurement laws.

I am offering this amendment for myself and for Senators NUNN, BINGAMAN, THURMOND, SMITH, GRASSLEY, and COHEN to take advantage of such an opportunity. I want to thank my colleagues, Senators NUNN, THURMOND, BINGAMAN, SMITH, GLENN, LEVIN, and COHEN and their staffs for their expert support in reaching an agreement on this amendment. I also wish to thank Deputy Secretary of Defense, William Perry for his support of the concepts I am proposing.

Mr. President, many taxpayer dollars can be saved by reforming the Federal buying system. Vice President GORE's report noted that it is possible to save more than $20 billion through acquisition reforms. Deputy Secretary of Defense Perry has said that savings for the Defense Department could reach $40 billion per year.

As you know, Mr. President, for many years I have identified significant problems associated with the defense acquisition system and I have worked to address these problems. Developing and buying today's weaponry is important work. It's also expensive. This year, Congress gave the Department of Defense $92 billion for researching, developing, and buying new weapons. Another $50 billion will have been spent in buying items such as spare parts and diesel fuel. Several billion dollars more will be spent to pay hundreds of thousands of Defense Department employees who develop, buy, maintain, and upgrade weapon systems. While the system is able to produce good weapons, it is wasteful, inefficient, and takes too long to field needed technologies.

There has been little progress in the 2 years since I introduced an earlier version of a comprehensive acquisition reform bill. Currently, a Defense Department program manager still has to follow more than 840 bureaucratic procedures in order to get a weapons system concept into production. In 1991, the Defense Sciences Board Task Force study found that DOD required 16 years to field a new weapon which was about twice as long as the private sector is fielding similar high technology items four times as fast as the Defense Department.

In addition, the Defense Department has become increasingly unable to produce the best technology in an affordable manner, when it's needed. The vast majority of weapon acquisition programs are experiencing serious cost and schedule problems. The GAO reported that program cost increases on the order of 20 to 40 percent are common. Acquisition costs for Navy major weapons systems are over budget by as much as 179 percent, Air Force systems by as much as 158 percent, and Army systems by as much as 220 percent, even after accounting for the effects of inflation and quantity.

However, the winds of change are beginning to stir, both within the administration and within the Congress, and the need for change is being widely understood. For example, the Armed Services Committee in its report on S. 1298 has expressed clearly the Congress' dissatisfaction with the C–17 Program. I quote, "The committee is at the limit of its patience with the C–17 Program, due to serious mismanagement by the Air Force and the contractor, and is approaching the point of advocating program termination." The C–17 transport's cost and schedule overruns have seriously delayed its availability. It now costs several times more than the C–5 transport. After spending $10.4 billion developing the C–17, the aircraft is basically unaffordable and does not meet all of its requirements. Again, to quote from the authorization bill report, "Having to pay per-unit costs exceeding $380.0 million on a cargo aircraft is alarming. A unit cost this high further concerns the committee that this may be the harbinger of continuing cost problems." After spending billions of dollars and about two decades to develop the C–17, the Air Force and the Congress are considering other alternatives, including buying commercial aircraft.

I have given careful though to this issue for many years, and over the years, my conclusion has not changed: without major cultural and structural reform, the Pentagon cannot make major reductions in the cost and time it takes to field a technology. In December 1992, GAO reported that: "the fundamental problem of the acquisition process is a prevailing culture that is dependent on generating and supporting new weapons acquisition." Until the buying system is changed, the results won't change. Cost and schedule overruns will continue.

Dr. Perry recently stated that reform will not happen "* * * all at once. The barnacles have taken decades to accumulate; it will take years to scrape them off." He also commented that he was summoning "* * * the spirits of acquisition reform from the deep. They have been called before, but have not come." This is exactly why the timing of this amendment is excellent. It is an immediate opportunity to start scrapping some of the barnacles off an outdated, inefficient acquisition system.

Mr. President, I wish to congratulate Senator NUNN, Senator THURMOND, the other members of the Armed Services Committee, and the leadership of the Defense Department on setting a course that allows us to join forces to start solving these huge and costly problems. I have talked with Dr. Perry, Dr. John Deutch, and Ms. Colleen Preston on these issues. I am very pleased to see that a major part of the Defense Department's acquisition reform focuses on taking advantage of the pilot programs authorized by Congress in the National Defense Authorization Act for fiscal year 1991. This amendment enhances the pilot program concept to test reforms in a framework Vice President GORE calls a reinvention laboratory.

The amendment that I am offering provides policy guidance to the Defense Department to test a comprehensive reform of the defense buying system in order to achieve a goal of reducing the Pentagon's acquisition management costs by 25 percent. The acquisition reform vision which I am proposing is entirely consistent with Vice President GORE's National Performance Review recommendations. These reforms will be applied on a trial basis using the DOD pilot programs. I would like to take the time to mention two of the National Performance Review's recommendations so that you can see how we are providing the opportunity for the Defense Department to establish reinvention laboratories.

First, on acquisition reform, the Vice President's report on the National Performance Review states that "The DOD acquisition is large and extraordinarily complex. It needs to enable DOD to take advantage of the technological advances and efficient procurement practices of the commercial marketplace." A key goal of my amendment is to authorize pilot programs the freedom to take advantage of efficient procurement procedures and technology currently in use in the commercial world.

Second, the Vice President's report identifies the need for Congress to "Encourage More Procurement Innovation." The report calls on the Congress to "Provide new legislative authority to test innovative procurement methods. Establish a mechanism to disseminate information governmentwide on innovative procurement ideas." My amendment does exactly that. It provides the legislative authority and suggests a number of innovative methods; in addition, the Defense Department is encouraged to develop and test innovative concepts of their own.

Mr. President, this amendment provides the opportunity to test many more of the NPR findings including recommendations to: build an innovative procurement work force, ensure customer focus in procurement, foster reliance on the commercial marketplace, expand electronic commerce for the Federal marketplace, promote excellence in vendor performance, authorize multiyear contracts, and others. I think you can see that my initiatives in this amendment, through the enhancement of the pilot program, provide the freedom and opportunity to test acquisition innovations.

My proposal incorporates the principles of unity of command, lean management structure, fast processes, and pay for performance for both Government workers and contractors. Under the current law, the Defense Department can select up to six programs for special waivers from Federal procurement laws. But, these laws were put in place for a reason, generally to prevent future recurrences of a horror story. With my amendment, DOD will identify management and process reforms that show promise for achieving the program objectives. In addition, my amendment will enable the Defense Department to identify additional pilot programs. The law requires that Congress approve defense acquisition programs included in this pilot program and my amendment does not change this.

This amendment establishes the sense of Congress that DOD recommend at least one defense acquisition program within the pilot program to implement the concepts making the defense buying system more responsive to its customers. The proposal includes the authority for DOD to establish a mission oriented program executive office.

Second, my amendment provides policy to DOD for programs to follow a results oriented acquisition process. Program managers will be given the authority and accountability for achieving results. The pilot programs will be exempt from acquisition regulations regarding program phases and will use a simplified acquisition program cycle. My proposal also provides full funding for each phase of the acquisition cycle which removes the major source of program instability.

Third, my legislation establishes a DOD-wide goal for reducing acquisition costs by 25 percent over the next 4 years.

Fourth, it proposes an incentive structure tied to program results for program executive officers, program managers, and staff. The rate of pay will be related to the contribution to the achievement of cost, schedule, and performance program goals.

Fifth, the legislation encourages defense acquisition programs to seek to simplify the procurement process, to streamline the timeline for entering contracts, and to simplify contract specifications and requirements.

Sixth, the amendment enables pilot programs to manage its contractors on the basis of performance. Currently, contractors are rewarded with greater profits when cost and schedule overruns occur rather than for minimum cost. In my concept of performance-based contract administration, contractors are given a financial incentive to act ethically and efficiently.

In summary, Mr. President, there is both a need and an opportunity for reforming Defense acquisition. But, I must point out that bureaucracies are inherently unable to reform themselves. S. 1298, the pilot program, and my amendment, together, provide an initial step. This update to the pilot program legislation supports the acquisition reform initiatives of DOD, provides legislative authority to test innovative procurement methods, and demonstrates the savings to be realized from a streamlined acquisition vision. Later in this session of Congress, I will introduce legislation that will provide the comprehensive reinvention of the Defense Department's acquisition system.

I want to thank Senators Nunn, Bingaman, Thurmond, Smith, Grassley, and Cohen for joining me in offering this amendment. The approach that I am proposing has been endorsed by the Business Executives for National Security and the Center for Strategic and International Studies. I ask unanimous consent that two letters along these lines that I have received be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Business Executives
for National Security, Inc.,
Washington, DC, August 23, 1993.

Hon. William V. Roth,
U.S. Senate,
Washington, DC.

Dear Senator Roth: On behalf of Business Executives for National Security (BENS), I am writing to express our strong support for your proposal to create a Reinventing Defense Acquisition Pilot Program. This innovative proposal offers an excellent opportunity to save money while also ensuring that U.S. troops fight with state-of-the-art technologies.

BENS has long supported efforts to streamline the defense acquisition process. Our 1992 Commission on Fundamental Defense Management Reform laid out a number of proposals for change. Your amendment is an important step in implementing many of these proposals, including pay for performance, increased use of commercial specifications, greater flexibility for program managers, and a streamlined acquisition process.

We are pleased that your pilot program will be applied to the Strategic Lift Warfare Mission. As you know, the Senate Armed Services Committee has been especially critical of the Pentagon's management of airlift programs. This area is certainly ripe for reform.

BENS commends you for your outstanding work in developing this proposal and we stand ready to work with you in securing its final passage. If we can be of assistance, please do not hesitate to contact me or Erik Pages of the BENS policy staff. We look forward to working together.

Sincerely,

Tyrus W. Cobb,
President.

Center for Strategic & International Studies,
Washington, DC, September 8, 1993.

Senator William V. Roth, Jr.,
Hart Senate Office Building,
Washington, DC.

Dear Bill: It is encouraging to know that you are developing a comprehensive proposal to reform defense acquisition as we know it. To your credit, you are leading your colleagues in the Senate with a vision seldom found for this arcane field of public policy.

As you know, over the past six years the Center has produced several substantive reports on the necessity of transforming the way that the Department of Defense does its business. Later this month we will publish Securing a Viable Defense Industrial Base: Policy Choices for an Era of Austerity. Cochaired by Senator Christopher Bond and Representative Dave McCurdy and led by Dr. Dan Gouré of our staff, this study group again calls for major acquisition reform—this time as one of six complementary policy thrusts needed to transform the defense industrial base into that needed for the post-cold war era.

While our latest report by the Bond-McCurdy study group covers much more than acquisition reform, I note that the content of its recommendations on that subject closely parallel those outlined in your vision document. As we all know, there is no shortage of problem analysis, nor even of good ideas for acquisition reform. The real problem is creating political support for such a comprehensive package. For that purpose, your approach to implementation—limited pilot projects to demonstrate both feasibility and positive results from a performance-based acquisition system—should be strongly welcomed by your colleagues.

With warm regards.

Sincerely yours,

David M. Abshire,
President.

Mr. THURMOND. Mr. President, I rise in support of the amendment offered by the Senator from Delaware, Senator Roth. This amendment establishes a series of important approaches to effective implementation of the pilot authority for innovative acquisition management that was enacted as section 809 of the Defense Authorization Act for fiscal year 1991.

Over the last 10 years, Senator Roth has been one of the leading proponents of a thorough reform of the defense acquisition process. The amendment before us today is one result of a reform proposal Senator Roth has been refining for the last several years. This proposal has been developed in close cooperation with the Department of Defense and the Senate Armed Services Committee and I commend the Senator from Delaware and his staff for his willingness to work with all interested and affected parties in putting together his reforms.

I urge the adoption of the amendment.

Mr. GRASSLEY. Mr. President, I rise today in support of the amendment offered by the distinguished Senator from Delaware, Senator Roth, to enhance the management performance of certain defense acquisition pilot programs. As an original cosponsor of this amendment, I wish to commend my friend from Delaware for his continued fine work and leadership in the area of effective management of Federal dollars. Not just in the area of defense dollars, but tax dollars throughout the entire Government.

In a sense, you might say that this amendment represents a reinvention of defense acquisition. It follows closely the Vice President's reinvention lab concept. It will allow Congress to test out reform concepts in the hope that we can learn and expand the use of performance management in Federal programs.

What this amendment does is allow Congress to set up an exchange—of traditional checks and balances for new performance management standards. As the Defense Department seeks to free itself from the barriers to effective management—many placed in its way by Congress—we in turn respond, through this amendment, with the flexible yet results-oriented requirements for better management performance. This results-oriented process would replace the management by consensus approach used by DOD managers over the past 16 years. In other words, instead of a process that requires 846 approvals, DOD officials can now manage for results.

For example, the amendment requires a definable goal by a date certain. By 1998, the Defense Department must show that it has implemented the lessons learned from these pilot programs to reduce overhead costs by 25 percent across the DOD buying system. The SECDEF would be required to track actual contractor performance by contract to see if removing statutory authority actually leads to lower costs and greater time savings. Finally, the amendment would—perhaps for the first time in a defense program—link pay for Government managers and progress payments for defense contractors to the achievement of the cost, schedule, and performance goals as set out for these pilot programs. This will be a unique approach to incentivizing for better results and improving accountability in the acquisition of defense goods.

Once again, Mr. President, let me commend the Senator from Delaware for his unique and insightful contribution to the management of Federal programs. I am pleased to be associated with this amendment and I hope we can continue to apply such reinvention techniques for management improvements—and not just to defense programs, but to all Federal programs.

Mr. WARNER. Mr. President, this amendment is acceptable on both sides, and I urge the adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

Mr. NUNN. I urge the adoption of the amendment. I would like to be added as a cosponsor to the amendment. I ask unanimous consent that I be added.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I would like to make a couple remarks about the amendment.

This amendment is an expansion of the pilot project program that we put in the authorization bill in 1990. We, in effect, urged the Department of Defense in 1990 to undertake pilot projects, and we waived almost all the normal procurement laws and rules relating to those projects so that they would be able to determine if we could begin moving away from the cumbersome acquisition process that is encumbered not only by laws but also by rules and regulations of DOD.

I sponsored that amendment that was in the bill. It was never really implemented by DOD. Even though they constantly complained about having all the rules and regulations, they had the authority under the law, under six pilot projects I believe it was, to waive all of those requirements. They did not avail themselves of this. I believe Secretary of Defense Aspin and Under Secretary Perry will avail themselves of this authority. This is an expansion and clarification of that authority, and I think it is a good amendment.

I urge its adoption.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 867) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 868

(Purpose: To provide for the termination of certain existing reporting requirements of the Department of Defense)

Mr. WARNER. Now, Mr. President, I send to the desk an amendment on behalf of the Senator from Arizona [Mr. MCCAIN].

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 868.

The ACTING PRESIDENT pro tempore. Without objection, further reading of the amendment will be dispensed with.

The amendment is as follows:

On page 242, below line 19, add the following:

SEC. 1067. TERMINATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

Not later than April 30, 1994, the Secretary of Defense shall submit to the Armed Services Committees of the Senate and House of Representatives a list of the reports required of the Department of Defense by law on that date that the Secretary determines are unnecessary or incompatible with the efficient management of the Department of Defense. Unless otherwise provided by a law enacted after the date of the enactment of this Act, the requirement for the submittal to Congress of any report included in the list submitted under this section shall expire on October 30, 1995.

Mr. WARNER. Mr. President, this amendment is acceptable on both sides.

Mr. MCCAIN. Mr. President, my amendment would, as of October 1995, sunset hundreds of reports we require the Department of Defense to submit annually to Congress. This would provide 2 years for the Congress and the Department of Defense to determine the reports actually required to supply Congress with the essential information it needs to provide and care for the Armed Forces of the Nation. After that time, it would eliminate the countless unnecessary reports we have mandated over the years.

Let me stress that my amendment is not designed to eliminate any report or source of information that the Congress actually needs. It is instead designed to force the Congress, in conjunction with the Department of Defense, to come to grips with the need to decide on a reporting system that actually meets its needs and serves the public interest. My amendment would sunset reports required by law and by the reporting language accompanying congressional bills.

My amendment also would not deny any Member of Congress any necessary information on Defense. It would not inhibit the ability of Members to make telephone or letter requests for information. It would simply stop the wasteful expenditure of time and money on reports.

Sunsetting the existing reporting system at the end of 2 years provides ample time in which to decide on the reforms we need. Any report that cannot win congressional support within that time is almost certain to be unnecessary.

This will almost certainly mean eliminating hundreds of our present reports. It will produce major savings of taxpayer dollars, and substantially reduce the administrative workload of the Department of Defense. It will allow DOD personnel to focus on their real mission: National defense.

THE GROWING BURDEN OF CONGRESSIONAL REPORTS

The need for this amendment should be clear to every Member of this body. For years, the Congress has placed massive and costly reporting burdens on the Department of Defense.

Far too many of these requirements are duplicative and inefficient. Many are imposed as a way of avoiding legislative action. The current system does not provide an efficient transfer of useful information, nor does it help Congress to effectively "* * * raise and support Armies * * * and make rules to govern the Armed Forces," as the Constitution charges us to do.

This burden has gotten so large and so costly that it is difficult for the Department of Defense to determine the number of reports it is required to provide to the Congress, and their costs. However, in a 1990 report by Secretary Cheney to the President, the Department of Defense found that the average congressional reporting requirement cost $50,000 and took about 1,000 man-hours to prepare.

We can be more precise about the trend in the number of reports the Congress has required. Secretary Cheney noted in his report that only 36 reports were required of DOD in 1970, while in 1990 the number has grown to 861.

This year, DOD must produce well over 1,000 reports for the Congress. This total is more than 360 times larger than the number of reports required in the darkest periods of the cold war, and it does not include responses to daily individual requests for information made by Members of Congress.

Given the growth in the number of reports and their individual cost over the last 3 years, it is likely that Congress' present reporting requirements cost close to $70 million, and consume a total of over 1.3 million man-hours.

This incredible paper chase has become an enormous burden on the Department. In response, the Department has contracted civilian firms to produce some of the data and language for the reports, while has given rise to a whole new industry of professional consulting firms around the beltway.

THE RIGHT TO INFORMATION VERSUS THE RIGHT TO WASTE

The Congress does, of course, need to receive information from the Department of Defense. It needs to allow DOD to preserve an efficient management information system, to support its budget requests, and to explain its policies. The Congress and the American people have a need and a right to know.

The Congress should not mandate waste. it should not have a right to mismanage or impose reporting burdens which inhibit the Department from accomplishing its primary mission of national defense. Just as importantly, however, the American people have a right to expect that their hard-earned tax dollars are well spent and not frittered away on unnecessary or duplicative reports.

Instead of serving the public interest, we are abusing it. We have more than 30 full committees and 77 subcommittees claiming some measure of DOD oversight responsibility. We keep adding to the reporting burden, and time and again, the resulting reports are unnecessary and/or duplicative.

Leading Members of the Congress acknowledged this fact in their comments about the Secretary's 1990 report to the President. That June, then chairman of the House Armed Services Committee, Les Aspin, said,

> Dick Cheney has been complaining about having to send over too many reports. We took a close look at it and concluded he was right * * * Reports often materialize out of nowhere. They get tucked into legislation with little or no thought given to the burden they impose.

I am sure that Secretary of Defense Aspin now agrees even more fully with that assessment.

EXAMPLES OF UNNECESSARY REPORTS

Let me be more specific about some of the abuses and waste that now occur, and provide you with a few cases of wasteful reporting requirements.

There are 22 separate reports about environmental cleanup, planning, and other issues required this year, including one report on "Environmental Scholarship and Fellowship Programs." There is no excuse for this many reports on the same subject. There is no earthly reason why funds for the defense of our Nation should be spent on a report on environmental scholarship programs.

We have mandated a Kurdish relief reporting requirement which is currently due quarterly until the end of time. This should not be a Department of Defense report. It should be a State Department requirement.

We require a report on controllable pitch propellers for sealift vessels. This report is a classic case of micromanagement, has dubious value, and does not even have a specified due date.

We have a long list of similar reporting requirements which micromanage to no apparent purpose. These include reports on the Restriction on Obligation of Funds for New Museums, Dental Readiness of Members of Early Deploying Units, Separate Departments of Social Work and Optometry, Report on Reductions in Uncertain Programs, Report on International Mine Clearing Efforts in Refugee Situations, Consideration of Community Ability to Compete for the Relocation of Finance and Accounting Activities, Service Credit for Concurrent Enlisted Active Duty Service Performed by ROTC Members While in the Selected Reserve, Combat Boots, Mail Service Pharmacy Benefit, and the Pacific Environmental Leadership Effort.

Sometimes reports combine waste with pork. There are numerous examples of reports with the sole purpose of justifying a pork project, or which are pork because the money necessary to complete the report must be spent in a Member's district or State. Examples include the report on the Defense Access Road, Pohankaloa Training Area, HI; report on the Elmendorf Air Force Base Hospital Replacement; Muskingum, OH, Training Area report; report on Fort Ray; Eaker Air Force Base, AR, study; report on the Professional Military Education Center in Tennessee. None of the operations or actions at these facilities are more important than those at the hundreds of other facilities which are not reported on.

Our micromanagement of military acquisition programs is evident in the fact that every major Defense acquisition program has to report quarterly on its unit costs, prior to adjustments if adjustments are required, if any waivers are required, if there are any cost increases, and quarterly if any determinations are made. It is no wonder that our weapons systems cost so much with all the wasted time spent reporting on every half step made in the program.

We even try to micromanage the fine details of defense industry. We require the Department to prepare a report on the "Defense Industry Executive Salaries and Benefits." We add this requirement to all the other countless burdens we place on defense industry.

SOLVING THE PROBLEM INSTEAD OF DISCUSSING IT

Mr. President, we have gone far beyond the bounds of reason in creating a reporting system whose impact is often to waste taxpayer dollars or keep Defense personnel from doing their proper job.

We do not need 1,000 reports. In fact, this number is so large that it often obscures the information we really do need. I would venture to say that a majority of my distinguished colleagues have not seen or read more than one or two such reports this year.

In many cases, reports from DOD are not read by any Member of Congress, which guarantees that the information contained is not used to make legislative decisions, and that the time and money spent by the Department is totally wasted.

The sentiments embodied by this amendment were echoed in Vice President GORE's National Performance Review report which was unveiled this week. On page 34 of that report, "Reduce the burden of congressionally mandated reports," is listed as a major action item by the Vice President, who went on to state that:

> In fiscal year 1993, Congress required executive branch agencies to prepare 5,348 reports. Much of this work is duplicative. * * * Meanwhile, trapped in this blizzard of paperwork, no one is looking at results.

Vice President GORE continued:

> We propose to consolidate and simplify reporting requirements, and to redesign them so that [there is] a clear picture of the agency's financial condition, the condition of individual programs, and the extent to which the agency is meeting its objectives. We will ask Congress to pass legislation granting OMB the flexibility to consolidate and simplify statutory reports and establishing a sunset provision in any reporting requirements adopted by Congress in the future.

My amendment supports the desires of many people, in all branches of the Government, to truly make an effort to reform the way our Government does business. My amendment will give Congress ample time to agree on the reports it actually needs.

At the same time, it recognizes that the time is at hand to cut costs, improve efficiency, and put an end to the wasteful reporting practices mandated by the Congress. We must act decisively, and I urge you to support this amendment to the fiscal year 1994 Defense Authorization Act.

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. Is there further debate?

Mr. NUNN. Mr. President, I again urge adoption of this amendment.

This amendment directs the Department of Defense to submit by April 30, 1994, a list of reports it believes should be repealed. We have numerous reports that come from DOD. There are always complaints about the cumbersome nature of those reports. They are required by law. Many of them are necessary but for many of them time has passed if it was ever there.

It would be my hope that these reports could be cut down. Basically, this amendment says those reports that should no longer be prepared will not be renewed after October 30, 1995, unless specifically reenacted into law in the meantime.

In other words, DOD has the ability to come up and say there are too many reports. Here is what we want to eliminate. If the Congress does not pass another law, then those reports will automatically be terminated.

Mr. President, I was interested to look back in the history of this. We passed a similar provision which I believe the Senator from Virginia and I cosponsored several years ago.

Mr. WARNER. That is correct, Mr. President.

Mr. NUNN. After hearing complaint after complaint about the number of reports, we said OK, here is the ball; you run with it. You tell us what you do not want and we will repeal them.

Lo and behold, DOD got over there and looked at the reports and decided they liked about 98 percent of them. The list they came back with eliminated about 2 percent of the reports. So we are reinventing the reinventing of Government here tonight, and I hope that with the Vice President's strong retention and commitment, and this administration getting rid of reports and paperwork, that they will take advantage of this invitation.

The ACTING PRESIDENT pro tempore. Without objection, the amendment (No. 868) is agreed to.

Mr. WARNER. Mr. President, we are fortunate here in the Senate to have the Senator from Georgia have a sense of humility and a sense of humor. It is needed.

Mr. NUNN. I thank the Senator from Virginia.

AMENDMENT NO. 869

(Purpose: To provide for the employment of certain Department of Defense civilian personnel to carry out environmental restoration at closed or closing military installations)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mrs. BOXER, proposes an amendment number 869.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 323, between lines 19 and 20, insert the following:

SEC. 2816. EMPLOYMENT OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL TO CARRY OUT ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) IN GENERAL.—(1) The Secretary of Defense may, in keeping with the cost saving and cleanup schedule goals of the Department of Defense with respect to the closure of military installations—

(A) provide such training to the personnel described in paragraph (2) as the Secretary determines necessary in order to qualify such personnel to carry out environmental assessment, remediation, and restoration activities (including asbestos abatement) at military installations closed or to be closed pursuant to a base closure law; and

(B) employ such personnel to carry out such activities, or require contractors engaged in carrying out such activities to employ such personnel.

(2) The personnel referred to in paragraph (1) are Department of Defense civilian personnel whose employment would be terminated (except for the employment of such personnel under paragraph (1)) by reason of the closure of a military installation pursuant to a base closure law.

(3) This subsection shall not be construed to revise or modify any requirement established under Federal or State law relating to environmental assessment, remediation, or restoration activities at military installations referred to in paragraph (1)(A).

(b) PRIORITY IN TRAINING AND EMPLOYMENT.—The Secretary shall give priority in providing training and employment under subsection (a) to persons employed at any military installation whose closure pursuant to a base closure law will directly result in the termination of the employment of at least 1,000 Department of Defense civilian employees.

(c) FUNDING.—Notwithstanding any other provision of law, the Secretary may carry out the training and employment referred to in subsection (a) using funds available for environmental training in addition to funds in the following accounts:

(1) The Department of Defense Base Closure Account established under section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The Department of Defense Base Closure Account 1990 established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(d) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

Mrs. BOXER. Mr. President, this amendment addresses the need to speed the cleanup and conversion of our country's closing military bases, while at the same time easing the burden of military base closures on local communities. It will allow the Secretary of Defense to retain civilian base employees who would otherwise lose their jobs because of a base closure to assist in the environmental cleanup of those bases.

Mr. President, I cannot overstate how terribly important it is to my State, and our country, that closed and abandoned bases get cleaned up and returned to productive economic use as quickly as possible. These bases are often situated in heavily populated areas, where land is very valuable, and have developed infrastructure—roads, sewers, buildings—that give them tremendous economic potential. With millions of Americans out of work, it is imperative that we do whatever it takes to put the national investment in these bases to work for America's people. But there is a great obstacle to rapid conversion. The legacy of environmental contamination left at the closing bases blocks the way for rapid and productive reuse efforts to move forward. Nationally, nearly every base slated for closure has serious contamination problems. In California, all of the 28 bases proposed for closure are heavily contaminated, with no less than 10 of those 28 bases appearing on the Superfund national priorities list. Questions about the extent and cost of cleanup must be answered before local communities can seriously begin to plan for the eventual reuse of the base site. And cleanup activities must be well underway before land transfer and actual conversion activity can effectively take place.

The amendment I am offering today will give the Secretary of Defense a flexible tool to help break this jam and move the cleanup and conversion process forward. Under current practice, the Department of Defense puts most base environmental assessment and cleanup work out to bid. This process can be time consuming and cannot guarantee that local citizens will be employed in the process.

This amendment allows the Secretary of Defense to retrain and employ Department of Defense civilian employees to perform environmental cleanup work on closing military bases. It will complement the many measures proposed to make the environmental cleanup process more responsive to the needs of a closing base's surrounding community. This retrain and employ approach can create jobs for the affected community and help expedite the cleanup and conversion process.

Environmental cleanup cannot guarantee long-term work for a major base's entire civilian work force, but it can provide an employment bridge for significant numbers of workers while retraining them for productive future employment. Though private contractors may employ many workers, there is no guarantee that those workers' earnings would benefit the local community.

This amendment will also help speed the cleanup and conversion process by directly involving local community members in the environmental restoration of a closed base. Training and employing base workers should involve enough of the local community to give it a meaningful role in the cleanup process. Such community participation reduces the potential for conflict between the community and the regulatory agencies in charge of the cleanup and in that way removes potential obstacles to rapid cleanup.

Every base cleanup and conversion is unique. Each closing base confronts us with a different set of environmental problems. In some instances, retraining a base's civilian work force will not be an appropriate and cost effective way of cleaning up that base's environmental contamination. My amendment addresses this fact by giving the Secretary of Defense flexibility in deciding where to utilize the amendment's retrain and employ approach. The amendment also gives the Secretary of Defense the authority to require, where appropriate, that private contractors hire former base employees for contracted base cleanup work.

Civilian defense employees in California tell me that they can clean up contaminated bases more cost effectively than private contractors. They have been unable to proceed, they tell me, because the Department of Defense is uncertain about its authority to retain base employees to do this work. I offer this amendment to remove this barrier; to leave no question about the Department of Defense's authority to so use base employees; to give the base employees who helped this country win the cold war the chance to prove whether in fact they can produce a more cost effective cleanup solution; and to add to the tools from which the Secretary of Defense can choose in managing the environmental restoration of closing bases, a tool that addresses the economic impact and environmental contamination problems raised by a base's closure.

Mr. NUNN. Mr. President, this amendment would provide discretionary authority to the Secretary of Defense to provide training to employees of the Defense Department or the military services to enable them to conduct environmentally related activities on the bases or facilities where they work if those bases or facilities are being closed pursuant to a base closure law.

The Secretary would only provide such training if the training and use of employees was economically sound, did not interfere with the existing military obligations, the Defense Department, or military services. If the training is provided, then the DOD must give hiring preference to those employees who receive the training.

I urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. Is there further debate?

Mr. WARNER. Mr. President, we find the amendment acceptable. I urge its adoption.

The ACTING PRESIDENT pro tempore. Without objection, the amendment (No. 869) is agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to. And I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 870

(Purpose: To amend title X, United States Code, to ensure that small businesses are afforded the opportunity to participate fully in National Defense Technology and Industrial Base programs)

Mr. NUNN Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. MITCHELL, proposes an amendment numbered 870.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 180, after line 24, insert the following

SEC. 804. SMALL BUSINESS PARTICIPATION.

(a) DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—(1) Section 2511 of title 10, United States Code, is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following new subsection (g):

"(g) SMALL BUSINESS PARTICIPATION.—(1) The Secretary shall ensure that small businesses and consortia involving one or more small businesses are afforded an opportunity to participate in the partnerships program.

"(2) The Secretary shall conduct seminars or similar programs for small businesses in order to disseminate information regarding the partnerships program widely to small businesses.

"(3) The Secretary shall establish a goal that at least 15 percent of the total amount appropriated for a fiscal year for partnerships under this section be expended for partnerships that involve small businesses or consortia involving one or more small businesses.

"(4) In this section, the term 'small business concern' has the meaning given the term 'small business' pursuant to section 3 of the Small Business Act (15 U.S.C. 632).".

(2) Not later than the date on which the President submits to Congress the budget for fiscal year 1995 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a plan for achieving the goal required by subsection (g)(3) of section 2511 of title 10, United States Code, as added by paragraph (1)(B).

(b) SBA MEMBERSHIP OF THE NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The Administrator of the Small Business Administration.".

Mr. NUNN. Mr. President, this amendment requires the Secretary of Defense to ensure that small businesses are afforded an opportunity to participate in the defense conversion program. It sets a goal of 15 percent participation in one conversion program, and places the administrator of the Small Business Administration on a National Defense Technology Industrial Base Council.

I urge adoption of the amendment.

Mr. MITCHELL. Mr. President, President Clinton last March fulfilled a commitment to help guide this country from an economy reliant on defense expenditures to one capable of realizing its civilian economic potential. This administration worked with the Congress to establish the technology reinvestment project and soon will announce recipients of initial grants. The money will be used to help develop technologies that have both military and commercial applications.

My amendment to the Defense authorization bill will help ensure that small businesses have a meaningful role in developing dual-use technologies. This legislation would include the Small Business Administrator on a panel created last year to advise the Department on industrial base critical technology investments. The amendment would as well set a goal of 15 percent for small business participation in dual-use technology contracts awarded by the Department of Defense. Congress would monitor progress toward achieving this goal through annual plans submitted by the Secretary of Defense. My amendment is an acknowledgment of the quality work done at small businesses by requiring that the DOD establish an information-sharing process that affords small businesses ample opportunity to receive technical assistance about, bid on, and win technology development contracts.

Our military recognizes the contribution small business makes to the defense of our Nation. Small businesses now receive 20 percent of all contracts awarded to business firms for work in America. Small businesses create and sustain the overwhelming number of jobs in the United States. This amendment is a statement of support for those enterprises as well as the men and women who operate them, and the workers who help them succeed.

Mr. WARNER. Mr. President, I ask unanimous consent that I may be designated as a cosponsor. This is an excellent amendment. I urge its adoption.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is there further debate? Without objection, the amendment (No. 870) is agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 871

(Purpose: To make available certain Department of Defense food stocks for humanitarian assistance in Bosnia, Hercegovina and Armenia)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOLE, for himself, Mr. WARNER, and Mr. LUGAR, proposes an amendment numbered 871.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 242, below line 19, insert the following:

SEC. 1067. DEPARTMENT OF DEFENSE FOOD STOCKS FOR ASSISTANCE IN BOSNIA-HERCEGOVINA AND ARMENIA.

Beginning not later than 10 days after the date of enactment of this Act, the Secretary of Defense shall make available to the Office of the Foreign Disaster Assistance of the Agency for International Development, out of stocks for which there exists appropriations, of the Department of Defense, 500,000 cases of meals ready to eat for distribution over the next four months, as humanitarian relief, in Bosnia-Hercegovina and Armenia. To the extent possible, these supplies should come from surplus stocks.

Mr. DOLE. Mr. President, I understand that this amendment has been cleared on both sides of the aisle.

Mr. President, my amendment urges the Secretary of Defense to make available to the U.S. Office of Disaster Assistance, 500,000 cases of meals ready to eat [MRE's] from Department of Defense stocks, for distribution to Bosnia and Herzegovina and Armenia. The amendment urges that these MRE's are to be taken from surplus stocks to the extent possible. The amendment leaves the amount to be distributed to each country to be determined by the U.S. Office of Foreign Disaster Assistance. In my view, a split of about 60 percent for Bosnia and Herzegovina and 40 percent for Armenia would be appropriate.

In many areas of Bosnia and Armenia, fuel and electricity are largely unavailable. Moreover, water supplies are limited. As such, there is an urgent need for prepared foods which do not require either cooking or water to be added. This need for prepared foods will increase as winter approaches and the impact of fuel shortages are more harshly felt. And, winter is around the corner—there is already snow on some of the mountains above Sarajevo.

Mr. President, last year the Congress provided funding for meals ready to eat above the request submitted by the Department of Defense. Therefore, the provision of these MRE's to the humanitarian relief operations in Bosnia and Armenia should not negatively affect United States Department of Defense requirements for MRE's.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. Is there further debate? Without objection, the amendment (No. 871) is agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 872

(Purpose: To provide for notification and disbursement regarding funds made available in fiscal year 1994 for assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. DOLE and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOLE, proposes an amendment numbered 872.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 101, between lines 20 and 21, insert the following:

(e) NOTIFICATION AND DISBURSAL.—(1) The Secretary shall notify on or before June 30, 1994, each local educational agency eligible for assistance under subsections (b) and (d) of section 386 of Public Law 102-484 for fiscal year 1994 of such agency's eligibility for such assistance and the amount of such assistance.

(2) The Secretary shall disburse the funds made available pursuant to subsection (d) no later than 30 days after notification to eligible local education agencies.

Mr. DOLE. Mr. President, for 43 years, Congress has supported the education of the sons and daughters of military personnel through the Impact Air Program. The program has consistently funded strong instruction, but administrators have always been asked to do more with less. With such limited budgets these schools can barely maintain their academic programs, let alone introduce innovative instruction that will be necessary to meet the six education goals by the year 2000.

To help districts that have a high impaction of military-connected students, Congress has in the past provided $50 million in supplementary funds from the Department of Defense. I am pleased to see that we are continuing this practice, as these funds go a long way toward compensating impact aid districts for their limited budgets.

But money is still tight. And to make the most of each dollar, most impact aid school districts finish their school budgets in late spring to early summer. Which creates a problem when the Department of Defense does not notify them about supplemental money until the fall. It is just too late.

To resolve this problem, I have had an amendment accepted by both sides which will require the Department of Defense to notify applicant schools by June 30, 1994, and to disburse award amounts within 30 days after notification.

Mr. President, it is my understanding that this amendment is acceptable to both the Department of Education and Department of Defense, and most certainly to those hundred-plus schools who require early notification so that they can properly budget for the next academic year.

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 872) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 873

(Purpose: To expand the scope of the authority to contract for certain services at military installations being closed and to place certain conditions on the exercise of such contracting authority)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator MITCHELL and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. Nunn], for Mr. MITCHELL for himself and Mr. THURMOND, proposes an amendment numbered 873.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

After section 2918 (as added by amendment No. 828) insert the following:

SEC. 2919. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) SECTION NOT TO TAKE EFFECT.—Section 2916 shall not take effect.

(b) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(5)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

(c) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(4)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

Mr. NUNN. This amendment would restrict the applicability of the provision in the bill which would waive the statutory authority for contracting of DOD in policing fire functions in the case of closing military bases. Senator MITCHELL's amendment would limit this waiver for last 180 days prior to such base's actual closure and ensure that such services will be provided by professional employees.

I urge adoption of the amendment.

Mr. WARNER. Mr. President, we find it acceptable.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 873) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 874

(Purpose: To make technical amendments to the bill and technical and clerical amendments to existing law)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator THURMOND and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. THURMOND, proposes an amendment numbered 874.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 37, strike out lines 9 through 11, and insert in lieu thereof the following:

(b) LEVEL FUNDING.—Of the amounts authorized to be appropriated in this title, $10,000,000 shall be available for fiscal year 1994 for engineering development under the program.

On page 65, line 19, strike out "or devices" and insert in lieu thereof ", or devices,".

On page 72, line 19, strike out "Amounts" and insert in lieu thereof "To the extent provided in appropriations Acts, amounts".

On page 152, between lines 11 and 12, insert the following:

(k) ARMY ENLISTMENT BONUS.—(1) Section 308f(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(2) The amendment made by paragraph (1) shall take effect as of September 30, 1992.

On page 192, strike out line 9 and all that follows through page 193, line 3.

On page 242, after line 19, insert the following:

SEC. 1067. TECHNICAL AND CLERICAL AMENDMENTS.

(a) MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 401 is amended by striking out subsection (f).

(2) Section 1408 is amended—

(A) in subsections (b)(1)(A), (f)(1), and (f)(2), by striking out "subsection (h)" and inserting in lieu thereof "subsection (i)"; and

(B) in subsection (h)(4)(B), by inserting "of" after "of that termination".

(3) Section 1605(a) is amended by striking out "(50 U.S.C. 403 note)" and inserting in lieu thereof "(50 U.S.C. 2153)".

(4) Section 1804(b)(1) is amended by striking out "his or her" and inserting in lieu thereof "the volunteer's".

(5) Section 2031(a)(1) is amended in the second sentence by striking out "Not more than 200 units may be established by all of the military departments each year, and the" and by inserting in lieu thereof "The".

(6) Section 2305(b)(4)(A) is amended by realigning clauses (i) and (ii) so that they are indented two ems from the left margin.

(7) Subsections (a), (e), and (g) of section 2371 are amended by striking out "Defense Advanced Research Projects Agency" and inserting in lieu thereof "Advanced Research Projects Agency".

(8) Section 2469 is amended by striking out ", prior to any such change,".

(9)(A) Section 2490a is transferred to the end of chapter 165, redesignated as section 2783, and amended—

(i) in subsection (b)(2)—

(I) by striking out "title 10, United States Code" and inserting in lieu thereof "this title";

(II) by striking out the comma after "Justice)"; and

(III) by striking out "of such title" and inserting in lieu thereof "of this title"; and

(ii) in subsection (c)(1), by striking out "Armed Forces" and inserting in lieu thereof "armed forces".

(B) The table of sections at the beginning of chapter 147 is amended by striking out the item relating to section 2490a.

(C) The table of sections at the beginning of chapter 165 is amended by adding at the end the following new item:

"2783. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds.".

(10) Section 2491 is amended—

(A) in paragraph (2), by striking out "nonmilitary application" and inserting in lieu thereof "nonmilitary applications"; and

(B) in paragraph (8), by striking out "subsection (f)" and inserting in lieu thereof "subsection (b)(4)".

(11) Section 2501(b)(2) is amended by striking out "and thereby free up capital" and inserting in lieu thereof "that, by reducing the public sector demand for capital, increases the amount of capital available".

(12) Section 2513 is amended—

(A) in subsection (b), by striking out "ELIGIBLE CENTERS.—" and inserting in lieu thereof "ELIGIBLE ALLIANCES.—"; and

(B) in subsection (c)(2)(B)—

(i) by striking out "two" in clause (ii) and inserting in lieu thereof "one"; and

(ii) by redesignating the clause (iii) added by section 4223(d) of Public Law 102-484 (106 Stat. 2681) as clause (iv); and

(iii) by striking out "an" in clause (iv), as so redesignated, and inserting in lieu thereof "An".

(13) Section 2771 is amended—

(A) in subsection (a), by striking out "who dies after December 31, 1955"; and

(B) in subsection (b), by striking out "for the" and all that follows and inserting in lieu thereof "for the uniformed services.".

(14) Section 9315 is amended—

(A) in subsection (b), by striking out "Air Training Command" and inserting in lieu thereof "Air Education and Training Command"; and

(B) in subsection (c), by striking out "Air Force Training Command" and inserting in lieu thereof "Air Education and Training Command of the Air Force".

(b) SUBSECTION HEADINGS.—

(1) Section 2507 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "AUTHORITY.—" after "(a)";

(B) in subsection (b), by inserting "CONDITION FOR USE OF AUTHORITY.—" after "(b)";

(C) in subsection (c), by inserting "PENALTY FOR NONCOMPLIANCE.—" after "(c)";

(D) in subsection (d), by inserting "LIMITATIONS ON DISCLOSURE OF INFORMATION.—" after "(d)";

(E) in subsection (e), by inserting "REGULATIONS.—" after "(e)"; and

(F) in subsection (f), by inserting "DEFINITIONS.—" after "(f)".

(2) Section 2523 of such title is amended—

(A) in subsection (a), by inserting "IN GENERAL.—" after "(a)"; and

(B) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) PROGRAM REQUIREMENTS.—(1)".

(c) AMENDMENTS TO PUBLIC LAW 102-484.—Public Law 102-484 is amended as follows:

(1) Section 1051(b)(2) (106 Stat. 2498) is amended—

(A) by striking out "'section 101(47) of title 10,'" and inserting in lieu thereof "'section 101(47) of title 10'"; and

(B) by striking out "'section 101 of title 10,'" and inserting in lieu thereof "'section 101 of title 10'".

(2) Section 1313(2) (106 Stat. 2548) is amended, effective as of October 23, 1992, by striking out "'structure and'" and inserting in lieu thereof "'structure, and'".

(3) Section 1365 (106 Stat. 2561) is amended by striking out "(e) DEFINITION.—" and inserting in lieu thereof "(d) DEFINITION.—".

(4) Section 1441 (106 Stat. 2566) is amended in the matter preceding paragraph (1) by striking out "the FREEDOM Support Act of 1992" and inserting in lieu thereof "the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-511; 106 Stat. 3345; 22 U.S.C. 5861)".

(5) Section 1505(e)(2) (106 Stat. 2571) is amended by striking out "(d)(2)" in the matter preceding subparagraph (A) and inserting in lieu thereof "(d)(4)".

(6) Section 1828 (106 Stat. 2585; 36 U.S.C. 5108) is amended by striking out "board of the directors" and inserting in lieu thereof "board of directors".

(d) CROSS REFERENCE AMENDMENTS IN OTHER LAWS.—

(1) Effective as of December 19, 1991, section 12 of the Coast Guard Authorization Act of 1991 (Public Law 102-241; 105 Stat. 2213) is amended by striking out "Section 406(b)(2)(E) of title 37," and inserting in lieu thereof "Section 406(b)(1)(E) of title 37,".

(2) Section 3(c)(2) of Public Law 101-533 (22 U.S.C. 3142) is amended by striking out "section 2522 of title 10" and inserting in lieu thereof "section 2506 of title 10".

(3) Section 109(17) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking out "section 101(8) of title 10" and inserting in lieu thereof "section 101(a)(9) of title 10".

(4) Section 179(a)(2)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12639(a)(4)) is amended by striking out "section 101(4) of title 10," and inserting in lieu thereof "section 101(a)(4) of title 10,".

On page 266, line 7, strike out "1208)" and insert in lieu thereof "1207)".

On page 275, in the table below line 16, strike out the item relating to Land Acquisition, Various Locations, and insert in lieu thereof the following:

Land Acquisition	$2,140,000

On page 347, line 25, strike out "Maricopa County, Arizona," and insert in lieu thereof "the Flood Control District of Maricopa County, Arizona (in this section referred to as 'the Flood Control District'),".

On page 348, line 1, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 3, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, beginning on line 15, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 17, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 18, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 24, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 1, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 4, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 9, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 12, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, beginning on line 16, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 392, line 3, strike out "chlorofluorocarbons" and insert in lieu thereof "substances".

On page 412, beginning on line 24, strike out "the congressional defense committees" and insert in lieu thereof "Congress".

On page 431, line 5, insert "(a) ADDITIONAL USES.—" before "Section".

On page 431, between lines 11 and 12, insert the following:

(b) CONFORMING AMENDMENT.—Section 9 of such Act is amended by striking out paragraph (4).

On page 431, line 17, strike out "'total mobilization'" and insert in lieu thereof "', based upon'".

Mr. NUNN. Mr. President, a number of technical amendments are contained in the amendment I propose. This is necessary because, since the bill was reported to the Senate July 17, we have identified the need for a number of technical amendments.

I urge its adoption.

Mr. WARNER. Mr. President, this amendment is acceptable, and we urge its adoption.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 874) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 875

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator REID and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. REID, proposes an amendment numbered 875.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new sections:

SEC. . PROHIBITION ON MILITARY ACTIVITIES, DUCK VALLEY RESERVATION, NEVADA/IDAHO.

(a) MILITARY OVERFLIGHTS.—Notwithstanding any other provision of law, aircraft under the jurisdiction of the military departments may not carry out flights for military purposes in the airspace that is less than 15,000 feet above ground level of the Duck Valley Reservation of the Shoshone-Paiute Tribes, Nevada/Idaho.

(b) OTHER ACTIVITIES.—Notwithstanding any other provision of law, the restriction referred to in subsection (a) applies to the area that extends 15 miles from the boundary of such reservation.

(c) DEFINITION.—In this section, the term "military departments" has the meaning given such term in section 101(a) of title 10, United States Code.

SEC. . PROHIBITION ON ESTABLISHMENT OF THE IDAHO TRAINING RANGE, MOUNTAIN HOME AIR FORCE BASE, IDAHO.

Notwithstanding any other provision of law, the Secretary of the Air Force may not carry out any activities with respect to the development or establishment of the Idaho Training Range.

Mr. NUNN. Mr. President, this amendment will have a second-degree amendment to be proposed on behalf of Senator KEMPTHORNE by the Senator from Virginia.

Very briefly, this is a Reid original amendment that has been sent to the desk. It will provide a prohibition against the expansion of low-flying aircraft in the vicinity of Duck Valley Reservation in Idaho and Nevada. I believe the Senator from Virginia will have a second-degree amendment.

Mr. REID. Mr. President, the Department of the Air Force is currently planning to create a 150,000-acre training area, called the Idaho Training Area, in southwest Idaho in the vicinity of the Duck Valley Indian Reservation of the Shoshone-Paiute Tribes.

It is a training area that, by admission of the Department of Defense, is unneeded.

No other group of people will be so strongly impacted by this proposed range expansion of Mountain Home Air Force Base than the people of the Duck Valley Reservation, a reservation which straddles the Idaho/Nevada border.

Not only have the people on this reservation suffered from low-level and supersonic overflights, not only have they suffered loss of land and livelihood, but the people who were originally removed from the proposed range area have never been compensated.

That is not the case with ranchers in the area who want to leave because of the expansion. One of them is receiving $1.7 million.

Two separate treaties were signed in the 1860's by the Idaho Territorial Governor and the chiefs of the Boise Basin and Bruneau Shoshone. Those treaties have not been honored.

The native Americans who live on this reservation have been loyal and patriotic, serving in our Armed Forces even before they became official citizens in 1924. Now, the Government wants more.

The Air Force has proposed creating a huge training area that will impact even further upon the Duck Valley Reservation. This is a training area that the Department of Defense says it can live without.

This is land that the Shoshone-Paiute Tribes say was set aside perpetually for hunting and other traditional uses. It also includes historical and archeological sites important to the tribes. It is the site of graves, battlefields, and sacred land.

It has been preserved in almost pristine condition by its isolation, making it an invaluable archeological area.

Currently, the Indian Affairs Committee is considering a bill that would protect these sacred sites, and that bill is probably going to become law very shortly. But, until then, the Native Americans have no protection.

The alleged need for the training area is for a composite wing being located at Mountain Home Air Force Base. A move that has been criticized by the General Accounting Office.

The GAO report states that:

> The Air Force's use of the range has raised some environmental concerns, including impacts on and changes in management of vegetation and wildlife, recreation, Native American culture, wilderness values, and special land use designations.

In this era of military build-down, why are we expanding a military installation when the job can be done with existing facilities?

The Defense Department has stated in writing that the Saylor Creek Training Range—a range that already exists at Mountain Home Air Force Base—"is capable of supporting much of the day-to-day training performed by composite wings."

The Defense Department also stated that the 20 percent of the training that cannot be accommodated at Saylor Creek can easily be accommodated at Nellis Air Force Base in Nevada and at the Utah Test and Training Range.

In fact, the Defense Department said that flying time to these other ranges would enhance training by including midair refuelings and by adding realism to training missions.

So the questions remain: Why are we going to spend money on an unneeded military installation? Why are we going to take more away from the Shoshone-Paiute tribes? Why are we going to desecrate lands sacred to a people who have already been taken advantage of?

There is another issue at stake here that has great importance to the integrity of the Congress. And that is that the Air Force is attempting to sidestep the Engle Act, which requires that all land withdrawals over 5,000 acres be approved by Congress.

The land is to be acquired by buying out two ranches and through a land exchange with the Bureau of Land Management.

This is a clear attempt to go around Congress. And the Congress ought to stop it.

The amendment I am offering puts a halt to the unneeded Idaho Training Range.

In addition, my amendment would require that overflights of the Duck Valley Reservation be at least 15,000 feet above ground level, and it creates a buffer zone of 15 miles around the reservation.

The Native Americans who live on this reservation attempt to live a quiet pastoral life. But that isn't always easy with fighter jets flashing by overhead.

The reservation has been bombarded with the roar of low-flying jets and jolted by window-breaking sonic booms—the flights coming out of Mountain Home Air Force Base.

Military airspace covers the entire Duck Valley Reservation and the noise will only get worse if the Idaho Training Range is established. Not only does the noise disrupt the lifestyle of the tribes, but it has created certain dangers.

Cattle have been spooked in the valley, and ranchers have lost control of their horses and been bucked off. It is only a matter of time before somebody gets hurt.

The tribes have been fighting for almost 130 years to be free and live the life they love. That is why I am offering this amendment to give them some relief. I hope my colleagues will support this amendment—an amendment which will also save the taxpayer millions of dollars.

There was a story told by a Duck Valley medicine man named Powonto, who, at the time of the telling in 1962, was 104 years old. He told the story of the day in 1866 when the white man came to wipe out his people.

> My people were camped at Sihwigyo (which means Willows all in a row) repairing our equipment and digging wild potatoes. It was morning when the soldiers rode over the hill to the west of the willows. They came shooting, but our braves held them off while the people withdrew under the rimrock to the east. There a stand was made until nightfall. A council was held and it was decided to pull out to the water in the canyon. A trail was to be left so that the soldiers would follow. An ambush was planned. Our braves would be positioned so as to keep the soldiers from water. We would force them to withdraw.

Pawonto's people were successful that day in making the soldiers withdraw. But the soldiers are still coming, and they are more powerful this time. Pawonto's people are still fighting the battle of North Fork.

I understand that a substitute is being offered to this amendment. Though I will accept this substitute at this time, it should be known that I will continue to pursue this issue in the Appropriations Committee.

Mr. INOUYE. Mr. President, I rise to express my strong support of the amendment offered by the distinguished Senator from Nevada.

The Shoshone-Paiute Tribes of the Duck Valley Reservation have advised me of the proposed bombing range expansion. Apparently, their reservation communities are subject to constant low-level overflights and four or five sonic booms each day by military aircraft. The low-level flyovers and the bombing range expansion pose a serious threat to the free exercise of the Shoshone-Paiute Tribes' religion—some of their most sacred sites are affected by these assaults.

I have been told by tribal officials of the Shoshone-Paiute Tribes that the proposed range is 5 miles from the Duck Valley Reservation, and that the land involved is the location of their most sacred religious sites, of burial sites, and the spiritual heart of their people. It is also the location of the battlefield on which, 100 years ago, efforts were made to exterminate their ancestors. It would be most unfortunate if the U.S. Government now returns to this site to exterminate the spiritual existence of these tribes.

The impact of the establishment of this bombing range threatens an area revered and used by the tribes for centuries as their most sacred traditional place of worship and should not be underestimated. The proposed bombing range and the low-level flyovers would cause serious damage to the sacred areas which are an integral and necessary part of the Shoshone-Paiute Tribes' spiritual belief systems and traditional religious ways of life.

The Shoshone-Paiute Tribal leaders have requested that I take the necessary steps to put a stop to the expansion of the bombing range and the low-level overflights. The amendment proposed by my esteemed colleague, Senator REID, would require a 6-month study to evaluate the effects of the low-level overflights and put a halt to the expansion of the development of the Idaho Training Range until after the completion of the study. This study is vitally important to determine the proper means necessary to protect the tribes sacred religious sites from being desecrated.

AMENDMENT NO. 876 TO AMENDMENT NO. 875

(Purpose: To provide for a study of the effects of Air Force activities on the Duck Valley Reservation of the Shoshone-Paiute Tribes)

Mr. WARNER. Mr. President, I send a substitute amendment on behalf of Senator KEMPTHORNE to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Virginia [Mr. WARNER], for Mr. KEMPTHORNE, proposes an amendment numbered 876 to amendment No. 875.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 2854. STUDY OF EFFECTS OF AIR FORCE ACTIVITIES ON DUCK VALLEY RESERVATION.

(a) STUDY.—The Secretary of the Air Force shall carry out a study to determine—

(1) the effects on Air Force operations of a requirement that overflights of the Duck Valley Reservation of the Shoshone-Paiute Tribes occur no lower than 15,000 feet above ground level of such reservation;

(2) the effects on such operations of a requirement that no military activities occur within such reservation or the area within 15 miles of the boundary of such reservation; and

(3) whether such operations can be carried out within the areas referred to in paragraph (2) in accordance with the following:

(A) The provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(B) The provisions of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(b) REPORT.—The Secretary shall submit to Congress the report required under subsection (a) not later than 120 days after the date of the enactment of this Act.

Mr. KEMPTHORNE. Mr. President, on Friday the Senator from Nevada, Senator REID, stated his intent to offer an amendment concerning the Duck Valley Reservation and the proposed Idaho training range.

The Idaho training range is a proposal supported by the Governor of Idaho, the Air Force, and the National Guard Bureau. The proposed range will augment the existing Saylor Creek range used by the Air Force Composite Wing at Mountain Home Air Force Base. The proposed range will allow us to maximize the investment the Nation has made in the composite wing based at Mountain Home.

The Reid amendment would require the Air Force to complete a study on the effect of air operations on the Duck Valley Reservation before funds for the Idaho training range could be spent. Parts of the study called for in the Reid amendment would duplicate work that is already being conducted as part of the environmental impact statement for the Idaho training range. In an effort to delete this duplication, I am offering a substitute amendment that will limit the Air Force study to items not covered by the environmental impact statement.

I want to thank the Senator from Nevada for agreeing to accept my substitute amendment.

At the same time, I understand that the Senate Appropriations Committee will have to consider the issue of appropriating the authorized funds for the Idaho training range. The entire Idaho delegation supports the proposed Idaho training range and will work together in support of this appropriation. At the appropriate time, I hope my colleagues will take the time to consider my reasons for supporting the range proposal.

I look forward to working with my colleagues in the Senate to secure the funding for this important training range proposal.

Mr. WARNER. Mr. President, this amendment would require the Secretary of the Air Force to study the effects of the Air Force activities on the real estate described by the distinguished chairman. I understand that Senator REID accepts this substitute.

Mr. NUNN. It is my understanding that Senator REID will accept the substitute which has been worked out.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 876) to amendment No. 875 was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I urge the Reid amendment as amended.

The PRESIDING OFFICER. Without objection, the Reid amendment, as amended, is agreed to.

So, the amendment (No. 875) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 877

(Purpose: Base closure surplus military equipment)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of the Senator from Michigan, Senator LEVIN.

The PRESIDING OFFICER. The clerk will report.

This legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. LEVIN proposes an amendment numbered 877.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the end of title XX, insert the following section:

SEC. . AVAILABILITY OF SURPLUS MILITARY EQUIPMENT.

The Secretary of Defense shall make his best effort to make available surplus military equipment scheduled for retirement or disposal owing to military downsizing, base closure or realignment to communities suffering economic hardships from the closure of a military base, if such equipment is important to the economic development efforts of those communities, and if such equipment does not have an alternative military use.

Mr. NUNN. Mr. President, this amendment on behalf of Senator Levin encourages the Secretary of Defense to make his best effort to make available excess military equipment scheduled for retirement or disposal from military downsizing, base closure, or realignment, to communities that have suffered economic hardship from the closure of military bases.

I urge adoption of the amendment.

Mr. LEVIN. Mr. President, the committee bill contains several important provisions to assist communities that are being affected adversely by base closure and realignments, and additional provisions were added on the Senate floor to make certain that assistance is swift and fair.

My amendment would direct the Secretary of Defense to extend the Department's efforts in this regard to communities that have already suffered economic dislocation from base closures, even where those closures may have occurred in the seventies or eighties.

The amendment states simply that "the Secretary of Defense shall make his best effort to make available surplus military equipment scheduled for retirement or disposal owing to military downsizing, base closure or realignment to communities suffering economic hardships from the closure of a military base, if such equipment is important to the economic development efforts of those communities, and if such equipment does not have an alternative military use."

This would enable a community such as Kincheloe in Michigan's Upper Peninsula, which suffered the closure of an Air Force base over a decade ago, to receive full consideration from the Department of Defense where economic redevelopment projects could benefit from certain items of surplus military equipment.

Mr. President, at bases closed before 1988, there may no longer be a formally constituted conversion authority like there is at the bases now in the process of being closed, but there may still be community redevelopment efforts that would benefit from the conveyance of surplus military equipment.

The assistance programs we are putting into place for the most recent base closure communities are essential, but for communities where bases were closed years ago without the benefit of such programs, the Defense Department may still be able to help by conveying surplus equipment that does not have an alternative military use where that equipment would directly help new development.

This amendment instructs the Secretary of Defense to help where he can in this regard. I urge the Senate to adopt this amendment.

Mr. WARNER. Mr. President, I ask unanimous consent I might be designated a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I urge its adoption.

Mr. THURMOND. Mr. President, The Senator from Michigan, Senator LEVIN, has an amendment which permits the Secretary of Defense to make excess military equipment available to communities impacted by base closure. The amendment is in keeping with the President's Community Assistance Program and the Pryor provision accepted earlier by the Senate.

Mr. President, I agree with the amendment and urge its adaptation.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

So, the amendment (No. 877) was agreed to.

AMENDMENT NO. 878

Mr. NUNN. Mr. President, on behalf of Senator BREAUX, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BREAUX proposes an amendment numbered 878.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the end of title subtitle C of title I (page 26, after line 16), insert the following new section:

SEC. 124. LONG-TERM LEASE AUTHORITY FOR CERTAIN ROLL-ON/ROLL-OFF VESSELS.

(a) AUTHORITY.—The Secretary of the Navy may enter into a long-term lease or charter for not more than five vessels described in subsection (b) without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(b) COVERED VESSELS.—Subsection (a) applies to roll-on/roll-off (RO/RO) vessels which are required by the Department of Defense for propositioning or related point-to-point service and which, in the case of vessels for which work is required to make the vessel eligible for such service and for documentation under the laws of the United States, have such work performed in a United States shipyard.

(c) LIMITATION ON SOURCE OF FUNDS.—The Secretary may not use funds appropriated for the National Defense Sealift program that are available for construction of vessels to enter into a contract for a lease or charter pursuant to subsection (a).

(d) CONDITIONS ON OBLIGATION OF FUNDS.—The Secretary may not enter into a contract for a lease or charter pursuant to subsection (a) unless the contract includes the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that lease or charter.

(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that lease or charter for that fiscal year.

(3) A statement that such an commitment given under paragraph (2) does not constitute an obligation of the United States.

(e) DEFINITION.—For purposes of subsection (a), the term "long-term lease or charter" has the meaning given that term in section 2401(d)(1)(A) of title 10, United States Code (without regard to subparagraph (B) of that section).

Mr. NUNN. Mr. President, this amendment would allow the Military Sealift Command to enter into a long-term charter. It can charter up to five roll-on/roll-off vessels to serve as prepositioning ships or related point-to-point service. This will permit the Navy to extend lease terms for sealift operations.

I understand there has been objection raised to this amendment.

Mr. WARNER. Mr. President, that is my understanding. I am informed there is objection on this side.

Therefore, to protect this objection, this matter cannot be acted on finally tonight and should be sequenced for tomorrow in the course of rollcall votes.

Mr. NUNN. Mr. President, I understand the Senator is attempting to work out the difficulties. It may be by tomorrow this amendment will be able to be agreed upon on both sides before the scheduled rollcall votes.

Mr. THURMOND. Mr. President, I rise today to oppose the amendment by Senator BREAUX that will authorize the Secretary of the Navy to enter into a long-term lease for a maximum of five roll-on/roll-off vessels that are required by the Department of Defense for prepositioning or related point to point service.

I am concerned that this amendment might threaten the results of the Department's mobility requirement study. Until new construction contracts are awarded and a full commitment is made to the execution of this congressionally mandated program, I do not support any attempts to solve our strategic mobility requirements by chartering existing vessels, especially any that may be of foreign construction.

I encourage my colleagues to vote against this amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, to protect the Senator from Louisiana and also to protect those who object to the amendment, I ask unanimous consent that the vote on, or in relation to, Senator BREAUX's amendment occur, without intervening action or debate, immediately upon the disposition of Senator BROWN's amendment No. 825, and that no second degree amendments or amendments to language that may be stricken be in order prior to the disposition of Senator BREAUX's amendment; that upon disposition of the Breaux amendment the bill be read a third time and, without intervening action or debate, the Senate proceed to vote on final passage of the bill.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. NUNN. Mr. President, I ask for the yeas and nays on final passage of the bill.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. Mr. President, I ask unanimous consent that following the vote on the Leahy amendment, No. 821, each succeeding vote relative to the amendments on the DOD bill be 10 minutes in duration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NUNN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

POLICY CONCERNING HOMOSEXUALS IN THE ARMED FORCES

Mr. LEVIN. I would like to engage the chairman of the committee, Senator NUNN, in a colloquy concerning section 546 of the bill, entitled "Policy Concerning Homosexuality in the Armed Forces."

My first question is as follows: Have many homosexuals, including some whose orientation was known, served and do they continue to serve in the Armed Forces, with distinction, patriotism, and honor?

Mr. NUNN. In our hearing on July 20, 1993, General Powell testified that "homosexuals have privately served well in the past and are continuing to serve well today." There have been instances, such as the circumstances described in *Watkins* v. *United States*, 875 F.2d 699 (9th Cir. 1989), cert. denied 111 S.Ct. 384 (1990) where an individual has served openly, but open homosexuality appears to be an exception because DOD's longstanding policy provides for discharge in such circumstances.

Mr. LEVIN. The administration's policy, announced on July 19, 1993, acknowledges that one should not be separated from military service unless one's homosexual orientation is manifested by homosexual acts, or statements that demonstrate a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage. Is this pending legislation consistent with this policy?

Mr. NUNN. The July 19, 1993 policy states:

> Servicemembers will be separated for homosexual conduct * * * Homosexual conduct is a homosexual act, a statement by the servicemember that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage. A statement by a servicemember that he or she is a homosexual or bisexual creates a rebuttable presumption that the servicemember is engaging in homosexual acts or has a propensity or intent to do so.

The pending legislation, which is conduct-based, is consistent with that policy.

Mr. LEVIN. The administration's policy of July 19, 1993, makes a distinction between homosexual orientation and a propensity to engage in homosexual conduct. Is this pending legislation consistent with that distinction?

Mr. NUNN. As used in the July 19, 1993 policy, the term homosexual orientation does not include homosexual conduct, statements, or marriages. An individual will be separated under the July 19, 1993 policy for homosexual conduct, statements, or marriages. The pending legislation, which is conduct-based is consistent with the July 19 policy. The only grounds for separation in the legislation are homosexual acts, statements, and marriages.

Mr. LEVIN. On July 20, 1993, I asked General Powell whether he agreed that people should not be subjected to harassment, including homosexual persons who comply with the administration's policy of July 19, 1993. He answered "yes" to that question. Does the Chairman agree?

Mr. NUNN. Yes. The committee report, on pages 288–89, contains a very clear statement condemning harassment or mistreatment of persons who are gay or lesbian.

Mr. LEVIN. Is the language in this bill consistent in all respects with the President's policy of July 19, 1993?

Mr. NUNN. Yes. Nothing in the legislation is inconsistent with any aspect of the July 19, 1993 policy as described by authoritative administration witnesses in testimony before the Armed Services Committee. While we believe that the legislation improves the clarify of the policy, the legislation is consistent with the administration's policy as certified to the committee by the DOD General Counsel, Jamie Gorelick.

Mr. LEVIN. Under this legislation, is a person who considers him or herself homosexual in orientation alone, while making no statements regarding his or her sexuality and abstaining from any action in violation of the Uniform Code of Military Justice [UCMJ], allowed to serve?

Mr. NUNN. Because of the concept of orientation can mean many different things, the pending legislation does not use that term as a basis for separation. Instead, the committee specified those matters that demonstrate a propensity or intent to engage in homosexual conduct: homosexual conduct, statements, or marriages. An individual may not be separated under this legislation unless there is evidence of homosexual acts, statements, or marriages.

Mr. LEVIN. In the policy prior to 1982, homosexual tendencies were grounds for discharge. The word tendencies was used to describe a person's speech, appearance, or mannerisms. Does this legislation provide, in any way, for a person in the military to be separated because he or she is thought to have homosexual tendencies?

Mr. NUNN. The statute does not authorize use of the pre-1982 homosexual tendencies standard.

Mr. LEVIN. Does the prohibition on sodomy in the UCMJ, including consensual sodomy, apply to both homosexual and heterosexual sodomy? If so, is that changed in any way by this legislation?

Mr. NUNN. Article 125 of the Uniform Code of Military Justice prohibits sodomy, including homosexual and heterosexual sodomy. The legislation does not affect article 125.

Mr. LEVIN. The administration's policy of July 19, 1993, provides that there will be evenhanded investigations under the UCMJ and that this policy applies equally to both heterosexual and homosexual conduct. Does the pending legislation affect the administration's ability to investigate violations of the UCMJ evenhandedly?

Mr. NUNN. The July 9, 1993, policy states that commanders "will investigate allegations of violations of the Uniform Code of Military Justice in an evenhanded manner without regard to whether the conduct alleged is heterosexual or homosexual or whether it occurs on-base or off-base." The pending legislation does not affect the administration's ability to investigate violations of the UCMJ evenhandedly.

Mr. LEVIN. With respect to investigations, is there anything in this legislation that is inconsistent with the administration's policy of July 19, 1993, which states that the Armed Forces will use its scarce resources in a manner which acknowledges that sexual orientation is a private and personal matter?

Mr. NUNN. There is nothing in the legislation that is inconsistent with the administration's July 19, 1993 policy on investigations, as explained in testimony before the committee by the General Counsel of the Department of Defense, Jamie Gorelick. The term sexual orientation, as used in the July 19, 1993 policy, does not include homosexual conduct, statements, or marriages.

Mr. LEVIN. Does the requirement for detailed explanations of applicable law and regulations governing sexual conduct referenced in sec. 654(d) include those laws and regulations prohibiting adultery and heterosexual sodomy, even between consenting adults?

Mr. NUNN. The legislation requires the briefings to cover all elements of sexual conduct covered by military laws and regulations, including sexual harassment, adultery, and sodomy, including consensual and nonconsensual homosexual and heterosexual sodomy.

Mr. LEVIN. Would the chairman agree that under the administration's July 19, 1993, policy, that a local commander who believes that there is no propensity on part of the servicemember to violate the UCMJ or other regulations, but also believes that person has a homosexual orientation, can choose not to separate the servicemember?

Mr. NUNN. The term homosexual orientation, as used in the July 19, 1993 policy, does not include homosexual conduct, statements, and marriages. The only grounds for separation in the pending legislation are homosexual conduct, statements, or marriages. Therefore, if the commander does not have evidence of homosexual conduct, statements, or marriages, there is no basis for separation under the statute.

Mr. LEVIN. I appreciate the opportunity to engage in this colloquy with the chairman of the committee.

Mr. NUNN. I appreciate the opportunity to engage in this discussion with my good friend from Michigan. He has given a great deal of thought to this subject, and his probing questions made an important contribution to our hearings and debates. While we have not always agreed, I know that he has approached this issue with care and diligence.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I have been informed that there were some amendments that we did approve here tonight by unanimous consent that were not reconsidered and tabled. I ask unanimous consent that those amendments that were not reconsidered and tabled be considered as having been reconsidered and tabled.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WARNER. I agree with the distinguished chairman.

We also thank very much the staff of the Senate for bringing that to the attention of the managers.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. I wonder if the chairman and I should not have a brief colloquy here now.

It appears to this Senator, and I am sure the chairman, that we are nearing the conclusion, and that there is a unanimous-consent order that, at the conclusion of business tonight when the Senate stands in recess, there shall be no further consideration of this bill, apart from the votes that are to be calendared in tonight; am I not correct?

Mr. NUNN. The Senator from Virginia is exactly correct.

Mr. WARNER. Therefore, if there are Senators still considering some matters relating to this bill, I think the chairman would want to put them on notice at this time that the time remaining is very short.

Mr. NUNN. I say to the Senator from Virginia, he is exactly correct.

We do not know of any other amendments that are planned to be offered this evening, and the unanimous-consent agreement does require the amendments to be offered this evening or today before the close of business, otherwise they will not be eligible to be presented tomorrow.

Mr. President, the managers have been on the floor for over 9 hours today handling amendments, excluding the 3-hour break for the White House signing ceremony. The floor has been open to business for over 9 hours, and there have been very few moments of quorum calls, so it has been a productive day.

I believe that 12 rollcalls have been ordered for tomorrow beginning at 2:15. I suggest that any Senator who wants to preserve a voting record would take note of that because we will have an unusual number of rollcall votes and they will be sequenced, with no second-degree amendments in order on these amendments.

So unless any other Senators want to offer their amendments tonight—and we have several we are still working on—I put anyone on notice who is listening that we are not going to be in business much longer unless there is someone here who wants to offer an amendment.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the role.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

Mr. NUNN. Mr. President, I want to make a few comments tonight about four very special individuals who have worked long and hard on this bill and many other defense fills.

Mr. President, this defense authorization bill marks the culmination of months and months of work by the Armed Services Committee members and our dedicated staff. We began work in this bill with full committee hearings in February and March. We followed then full committee hearings with subcommittee hearings in April, May, and June. In July, we went through a lengthy markup process that produced the bill we have been debating on the Senate floor since last Wednesday evening.

This year, as in years past, throughout the process of working on this bill and on our other legislative and oversight activities in the committee, the members and staff of the committee on both sides of the aisle have worked together very closely.

The staff of the Armed Services Committee is a highly capable, professional, and dedicated group of individuals who work together as an effective team under the leadership of the staff director, Arnold Punaro.

Unfortunately for the committee, but fortunately for the executive branch and for the Clinton administration, one member of the committee staff has already left to join the executive branch, and the departure of three others of our professional staff is imminent. I want to thank these individuals tonight for their dedicated service to the work of the Armed Services Committee and to the national security of our country.

Back in January, Robert Bell of the committee staff left to join the staff of the National Security Council. Bob had been on the committee staff since December 1984, and he worked in the areas of arms control and strategic programs. Bob's encyclopedic knowledge of arms control issues and his keen insight into the process of negotiating arms control agreements made him an invaluable member of the committee staff. Members on both sides of the aisle on the committee and in the Senate, as well as many in the House, looked to Bob Bell for advice on arms control and proliferation issues because they knew they would get an up-to-date objective advice from a nationally recognized expert in the field. They knew they would get that advice candidly and frankly and honestly.

If we had to lose Bob, I am at least pleased that Bob continues to work closely with the committee from his important, new position on the staff of the National Security Council in the Clinton White House.

Just before the August recess, President Clinton nominated John Hamre of the committee staff to be the Comptroller of the Department of Defense, a very important position. I certainly would not presume to prejudge the outcome of the confirmation process. I still would like to retain just a modicum of leverage over Mr. Hamre for the next couple of weeks, but I do think he will be confirmed because he is an excellent choice for this important position.

John Hamre came to the staff of the Armed Services Committee in May 1984 from the staff of the Congressional Budget Office. He has been the principal staff member for the committee on conventional programs, including research and development, and acquisition of ground combat systems, tactical aircraft and tactical missile programs. John has also worked a great deal on overall budget analysis, he has worked closely with the Budget and Appropriations Committees.

During his 9 years on the committee, John has worked with all members of the committee and earned their respect and gratitude for his professionalism, his bipartisan approach to national security issues, and his detailed knowledge of defense programs. John also understands and appreciates Congress' role in the authorization and appropriations process. I look forward to working with him in his new position, assuming he is confirmed.

When we returned from the August recess, Mr. President, President Clinton nominated Fred Pang of the committee staff to be the Assistant Secretary of the Navy for Manpower and Reserve Affairs. Again, without presuming the outcome of the confirmation process, I think the President has made an excellent choice and I believe that Fred will enjoy the support of all members of our committee and all Members of the Senate.

Fred Pang joined the committee staff in January 1987, after a distinguished career in the Air Force and the Office of the Secretary of Defense. From Fred's vantage point in the Defense Department, or on the committee staff, he has been heavily involved in every major piece of military personnel legislation enacted by the Congress in the last two decades, whether it was the Defense Officer Personnel Management Act in 1981, the reform of the military retirement system in 1986, or the Persian Gulf Benefits Act of 1991.

Most members of the armed services that are leaving the military early are grateful for the severance benefits and the options they have with various severance benefit plans. I can say to the members of the military that they have several more options than they would have had, had it not been for Fred Pang.

Fred is dedicated to the men and women in the military. He has spent his entire adult career working for the men and women in the military on personnel matters.

I know every member of the Armed Services Committee will agree with me that Fred's expertise in the area of defense manpower and personnel issues is exceeded only by his commitment to the welfare of the men and women of the Armed Forces and their families. Like John Hamre and like Bob Bell, we will miss Fred very much.

Finally, Robert Bayer of the committee staff will be heading across the river in the near future to be Deputy Assistant for Defense for Economic Adjustment and Base Realignment and Closure. Bob has handled military construction, base closure and community impact issues for the committee since he joined the staff in October 1983.

Bob has been by my side this week as we have debated and changed some of the base closing procedures. Bob will be implementing these procedures that he has had so much to do with in his new position.

It is easy to see why Secretary Aspin wants Bob in this tough job, important job. Bob will be helping those communities that already have base closings and realignment adjust to the very difficult economic circumstances, as well as looking down the read to what bases we are going to retain in our overall force structure in the future.

Bob worked closely with two Senate task forces, one headed by Senator RIEGLE in 1990, and one headed by Senator PRYOR last year. The Pryor task force has given more recommendations this year for overall adjustment for communities and for individuals that are incorporated in this bill by amendment.

Both of these task forces looked at ways to mitigate the impact of the defense drawdown on local communities, and Bob has played a key role in that as well as drafting the base closure legislation that set up the current base closing process.

I really hate to see these members of the staff leave. We already miss Bob Bell. Fortunately, as I said he is at the National Security Council and we can still manage to get him on the telephone for both advice from our perspective, as well as, of course, his vigorous representation of the administration viewpoint on national security issues.

We will miss John Hamre very much. He is going to be extremely difficult to replace. Fred Pang is going to be very difficult to replace and Bob Buyer will be difficult to replace. These four staff members represent more than 33 years of combined service to the Armed Services Committee, to the Senate, and to the men and women in the military, as well as—bottom line—our national security.

I can say to my friend from Virginia that these are people going to work for a Democratic administration and a Democratic President. But we have never asked our staff in a single interview whether they were Democrats or Republicans. I have worked with these individuals for many years, a cumulative total of 33, if you take them altogether—I have not been here that long, but that is adding them altogether—and I would say they are excellent. I even suspect one or two of them may have Republican tendencies. We hope that that will not in any way impede their objective and wise analysis of the issues because of what happened in the U.S. Senate.

Mr. WARNER. Mr. President, you said it; I did not. But it is true.

Mr. NUNN. It is true. I will say to my friend from Virginia, he knows each of these individuals almost as well as I do. I know all members of the Armed Services Committee—I am confident I can speak for all Members on both sides of the aisle in saying thank you to the two Bobs and to Fred and to John, all of whom are true professionals.

They do not get much credit. They do not get their name in the paper, because they are truly professional staff members and they do their job. But this Nation's security is dependent on these individuals, and other individuals on our staff on both sides like them.

They deserve an awful lot more thanks, and I must say—the taxpayers may not like this, but it is true nevertheless—there is not a single one of them that could not go out in the private sector and double or triple their salaries tonight. Each one of them is dedicated to the Nation's security and feels they can do better even at much less pay than they would be able to command in the private sector. There is not a single one of these individuals, and I must say others on our committee staff on both sides, who is not in great demand in the private sector.

They do sacrifice for the public service, and we truly are indebted to them.

Mr. WARNER. Mr. President, I do not know if there is anything I could say to add to the comments by our distinguished chairman. Indeed, each of these individuals has been here for the 14 years I have been privileged to serve in the Senate. I would say, Mr. President, despite whatever political leanings they may have, certainly during the period of President Reagan and President Bush, each of these individuals worked very closely with the Department of Defense, the NSC staff and, as you said, in fulfillment of the nonpartisanship for which our committee has been noted for over many, many years, long prior to when you and I joined this committee, and all of our predecessors, beginning I think with the distinguished chairman from Georgia, who set the mold on that many years ago. Richard Russell, I think, followed by John Stennis, John Tower, Barry Goldwater, and Scoop Jackson. These gentlemen worked for them, as they did for the Secretaries of Defense and the White House staff.

It is fortunate that President Clinton and Secretary Aspin will be gaining their services. It is a real credit to our country. They are fine men; well trained.

Mr. NUNN. I thank the Senator from Virginia. I certainly know each one of these staff members treasures the time they have spent on the committee and working with the Senator from Virginia as the ranking Republican, before the Senator from South Carolina. I am sure I can speak for each of them what a great pleasure it was—because the staff, under the guidance of the Senator from Virginia during the time he was the ranking member of this committee and they continued working with him as a member of this committee—but during that time, I do not think there has ever been better staff cooperation.

Mr. WARNER. I concur in that. I think our remarks are stated on behalf of all members of our committee and, indeed, the balance of the senior staff that are fortunately staying on to assist the chairman, myself, and others.

Mr. NUNN. I might add that if this pace continues, and the administration continues to raid the Armed Services Committee staff, we may lose through turmoil the capable staff director, Mr. Punaro, who is under considerable strain. And he has served notice to me that if one more member of the staff goes to the Clinton administration, he is going to probably leave himself because after putting together such a capable staff—and Arnold has done it as well as anybody I have known—losing people like this is a blow to all of us, but particularly to the director of the staff, who is responsible for making these key personnel decisions, subject, of course, to my approval.

So, Mr. President, I thank each of them. I thank the members for their cooperation with these fine staff members over the years.

I also wanted to thank the Presiding Officer, who may be learning more about the defense bill than he ever cared to know. He has been sitting in the chair since, I believe, about 6:30 or 7 o'clock this evening, and has done an excellent job.

I say to the Senator from Tennessee, we are grateful to the Chair for presiding, and for his patience.

Mr. WARNER. Mr. President, I join in that; not only exercising patience, but exercising the rights of the Chair to seek brevity in the repetitive presentation of a number of these amendments.

AMENDMENT NO. 879

(Purpose: To require the submittal to Congress of reports on special access programs and similar programs carried out by certain departments and agencies of the Federal Government)

Mr. NUNN. Mr. President, on behalf of the Senator from West Virginia, Senator BYRD, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BYRD, proposes an amendment numbered 879.

The ACTING PRESIDENT pro tempore. Without objection, further reading of the amendment will be dispensed with.

The amendment is as follows:

On page 242, after line 19, insert the following:

SEC. 1067. REPORTS RELATING TO CERTAIN SPECIAL ACCESS PROGRAMS AND SIMILAR PROGRAMS.

(a) IN GENERAL.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report on each special access program carried out in the department or agency.

(2) Each such report shall set forth—

(A) the total amount requested by the department or agency for special access programs within the budget submitted under section 1105 of title 31, United States Code, for the fiscal year following the fiscal year in which the report is submitted; and

(B) for each program in such budget that is a special access program—

(i) a brief description of the program;

(ii) in the case of a procurement program, a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(b) NEWLY DESIGNATED PROGRAMS.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report that, with respect to each new special access program, provides—

(A) notice of the designation of the program as a special access program;

(B) justification for such designation; and

(C) the current estimate of the total program cost for the program.

(2) In this subsection, the term "new special access program" means a special access program that has not previously been covered in a notice and justification under this subsection.

(c) REVISION IN CLASSIFICATION OF PROGRAMS.—(1) Whenever a change in the classification of a special access program of a covered department or agency is planned to be made or whenever classified information concerning a special access program of a covered department or agency is to be declassified and made public, the head of the department or agency shall submit to the appropriate oversight committees a report containing a description of the proposed change or the information to be declassified, the reasons for the proposed change or declassification, and notice of any public announcement planned to be made with respect to the proposed change or declassification.

(2) Except as provided in paragraph (3), a report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change, declassification, or public announcement is to occur.

(3) If the head of the department or agency determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change, declassification, or public announcement concerning a special access program of the department or agency, the head of the department or agency may submit the report required by paragraph (1) regarding the proposed change, declassification, or public announcement at any time before the proposed change, declassification, or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) REVISION OF CRITERIA FOR DESIGNATING PROGRAMS.—Whenever there is a modification or termination of the policy and criteria used for designating a program of a covered department or agency as a special access program, the head of the department or agency shall promptly notify the appropriate oversight committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) WAIVER OF REPORTING REQUIREMENT.—(1) The head of a covered department or agency may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the head of the department or agency determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the head of a department or agency exercises the authority provided under paragraph (1), the head of the department or agency shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the appropriate oversight committees.

(f) INITIATION OF PROGRAMS.—A special access program may not be initiated until—

(1) the appropriate oversight committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

(g) DEFINITIONS.—In this Act:

(1) The term "appropriate oversight committees", in the case of a special access program carried out in a covered department or agency, means—

(A) each committee of the Senate and the committee of the House of Representatives having jurisdiction over legislation that authorizes the program, as determined under the Standing Rules of the Senate and the Rules of the House of Representatives, respectively; and

(B) the Committees on Appropriations of the Senate and House of Representatives.

(2) The term "covered department or agency" means any department or agency of the Federal Government that carries out a special access program (other than the Department of Defense or an agency in the Intelligence Community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a))).

(3) The term "special access program" means any program that, under the authority of Executive Order 12356 (or any successor Executive order), is established by the head of a department or agency whom the President has designated in the Federal Register as an original "top secret" classification authority that imposes "need-to-know" controls or access controls beyond those controls normally required (by regulations applicable to such department or agency) for access to information classified as "confidential", "secret", or "top secret".

Mr. NUNN. This is an important amendment, and I believe it will be agreed to on both sides.

It extends to all Federal agencies and departments that have initiated special access programs in the national security area the same reporting requirements that are now in place for the Department of Defense and the intelligence community. It requires an annual report of such special restricted programs to the committees of their jurisdiction, their budgets, their rationale, and milestone. In any case, where an agency or department head feels extraordinary sensitivity pertains to bearing on the national security, he may provide separate reporting restricted to the chairmen and ranking members of the committee of jurisdiction. The experience we have had over the last decade with DOD and the intelligence community is that the level of security and protection for the reported information is very high.

Mr. President, this is an important amendment, and I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

Mr. WARNER. Mr. President, I concur in the remarks by the distinguished chairman. This amendment is put forth by a Senator who has a knowledge of the Government and of this Congress second to none and I think is long overdue. I commend the Senator from West Virginia and urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

So the amendment (No. 879) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 880

(Purpose: To amend title 10, United States Code, to remove a restriction on the requirement for the disposition of real property at deactivated intercontinental ballistic missile facilities to adjacent landowners)

Mr. NUNN. Mr. President, I send an amendment to the desk by Senator DASCHLE.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. DASCHLE, proposes an amendment numbered 880.

The ACTING PRESIDENT pro tempore. Without objection, reading of the amendment is dispensed with.

The amendment is as follows:

On page 356, between lines 19 and 20, insert the following:

SEC. 2854. DISPOSITION OF REAL PROPERTY AT MISSILE SITES TO ADJACENT LANDOWNERS.

Section 9781 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by substituting "Administrator of General Services" for "Secretary of the Air Force";

(2) in subsection (a)(2), by striking out subparagraph (D) and inserting in lieu thereof the following:

"(D) is surrounded by lands that are adjacent to such tract and that—

"(i) are owned in fee simple by one owner, either individually or by more than one person jointly, in common, or by the entirety; or

"(ii) are owned separately by two or more owners."; and

(3) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and revising the single paragraph thereof to read as follows:

"(b)(1) the Administrator shall convey, for fair market value, the interest of the United

States in any tract of land referred to in subsection (a) or in any easement in connection with any such tract of land to any person or persons described in paragraph (a)(2)(D)(i) who, with respect to such land, are ready, willing, and able to purchase such interest for the fair market value of such interest. Whenever such interest of the United States is available for purchase under this section, the Administrator shall transmit a notice of the availability of such interest to each such person or persons."

(B) by adding at the end the following new paragraph:

"(2)(A) In the case of a tract of land surrounded by lands that are adjacent to such tract and are owned separately by two or more owners, the Administrator shall dispose of that tract of land in accordance with this paragraph.

"(B) The Administrator shall conduct a sealed bid competitive sale at which all of such owners are afforded the opportunity to compete to acquire the interest of the United States in such tract. The Administrator shall restrict to the owners of the adjacent lands the opportunity to compete in the sealed bid competitive sale.

"(C) Subject to paragraph (C), the Administrator shall convey the interest of the United States in the tract to the highest bidder.

"(D) The Administrator shall satisfy the requirements of paragraph (1) regarding notice, fair market value, and the qualifications of the purchaser in disposing of the tract in accordance with the results of the sealed bid competitive sale.

"(E) If all bids received by the Administrator pursuant to subparagraph (A), are less than the fair market value of the tract of land, the tract of land shall be disposed of in accordance with the provisions of title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).".

(4) In subsection (c), by substituting "Administrator" for "Secretary;"

(5) In subsection (e), by substituting "Secretary of the Air Force" for "Secretary" as it first appears in the subsection and by substituting "Administrator" for "Secretary" as it last appears in the subsection; and

(6) In subsection (f), by substituting "Administrator" for "Secretary."

Mr. NUNN. Mr. President, it is my understanding the amendment will be agreed to on both sides. I will not ask for a vote until the Senator from Virginia returns. In the meantime, I will explain it.

It is my understanding this amendment deals with contiguous property owners of the former sites of the Minuteman missiles. Those missile silos are now being dismantled in large numbers, have been and will be over a period of time. The current law provides anyone who owns property anywhere around the silo, in other words, all around the perimeter, would have the right to bid on that land so it could be reclaimed as part of their property at the fair market value.

The provision in the statute does not provide, however, if there are multiple owners of the several different tracts of land contiguous to the silo. This amendment being proposed by Senator DASCHLE would allow all of those owners to have a right to bid on their former property or on the entire site. The bidding would be required to bring a fair market value. If not, it would not be sold.

So this would provide for many cases where there is not one owner of all the property surrounding.

So when the Senator from Virginia returns, I will urge adoption of this amendment.

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

So the amendment (No. 880) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 881

(Purpose: To ensure that there is full and open competition in the procurement of operational support aircraft for the Department of Defense)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Texas, Mrs. HUTCHISON.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 881.

The ACTING PRESIDENT pro tempore. Without objection, reading of the amendment will be dispensed with.

The amendment is as follows:

On page 33, after line 24, insert the following:

SEC. 136. OPERATIONAL SUPPORT AIRCRAFT.

None of the funds appropriated for the Department of Defense for fiscal year 1994 may be obligated for a procurement of any operational support aircraft without full and open competition (as defined in section 2302(3) of title 10, United States Code), unless—

(1) the procurement is within an exception set forth in section 2304(c) of title 10, United States Code;

(2) the justification and certification requirements of section 2304(f) of such title are satisfied; and

(3) the Under Secretary of Defense for Acquisition certifies to the congressional defense committees that the procurement is within an exception set forth in section 2304(c) of such title.

Mrs. HUTCHISON. Mr. President, the amendment I offer today will ensure that future procurement of operational support aircraft for the Department of Defense be accomplished through a fair and open competitive bid process. There are several capable aircraft that can be utilized in the operational support aircraft role, and I simply wish to ensure that there be a fair and open competition for their acquisition.

Mr. WARNER. I understand the amendment is acceptable on the other side. Therefore, I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

Mr. NUNN. Mr. President, I urge adoption of the amendment.

This amendment requires competition in the procurement of small VIP-type passenger and cargo aircraft. I heartily endorse the amendment and urge its adoption.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

So the amendment (No. 881) was agreed to.

AMENDMENT NO. 882

(Purpose: To provide for reports on the costs of the closure or realignment of military installations)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Pennsylvania [Mr. SPECTER] and ask for its consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SPECTER, proposes an amendment numbered 882.

The ACTING PRESIDENT pro tempore. Without objection, reading of the amendment is dispensed with.

The amendment is as follows:

On page 323, between lines 19 and 20, insert the following:

SEC. 2816. REPORTS ON COSTS OF THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) ESTIMATED COSTS OF CLOSURES AND REALIGNMENTS.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the costs (other than costs related to environmental restoration and remediation) estimated at the time of the report of the closure or realignment of any military installation referred to in paragraph (2) under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) as follows:

(A) Not later than 6 months after the date of the enactment of this Act, in the case of such installations approved for closure or realignment under such Act in 1991 and not closed or realigned on such date.

(B) Not later than January 1, 1995, in the case of such installations approved for closure or realignment under such Act in 1993.

(2) A military installation referred to in paragraph (1) is an installation whose closure or realignment results in the termination of employment at the installation of not less than 1,000 Department of Defense civilian employees.

(b) EXCESS COSTS.—If the costs (other than costs related to environmental restoration and remediation) to be incurred by the Secretary in carrying out the closure or realignment under a base closure law of a military installation referred to in subsection (a) exceeds by more than 50 percent the costs estimated for such closure or realignment in the cost estimate prepared by the Secretary in recommending the installation for closure or realignment—

(1) the Secretary shall notify the Comptroller General that the costs of such closure or realignment will exceed such estimated costs; and

(2) not later than 6 months after the date of such notification, the Comptroller General shall submit to such committees a detailed audit of the costs to be incurred by

the Secretary in carrying out such closure or realignment, including an assessment of the reasons that such costs differed from the cost estimated for such closure or realignment in such costs estimate.

(c) ANNUAL REPORT ON EXCESS COSTS.—(1) The Secretary shall submit to the congressional defense committees an annual report on the estimated costs of activities related to the closure or realignment, as the case may be, of each installation for which the Secretary makes the determination referred to in subsection (b).

(2) Each report under paragraph (1) shall include—

(A) an estimate of the costs to be incurred by the Secretary in completing the closure or realignment, as the case may be, of the installation; and

(B) if the amount of such costs exceed the amount of estimated costs for such completion in the report on the installation submitted under this section in the previous year, an explanation of such excess.

(3) The Secretary shall submit the report required under paragraph (1) at the same time as the President submits to Congress the budget for the Department of Defense under section 1105 of title 31, United States Code. The Secretary shall submit a report for each installation referred to in that paragraph until the completion of the closure or realignment, as the case may be, of such installation.

(d) REQUIREMENT RELATING TO REPORTS.—Costs shall be expressed in each report required under this section in constant fiscal year 1993 dollars.

(e) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

Mr. WARNER. I understand this amendment has been cleared on the other side.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. If there is no objection, the amendment is agreed to.

So the amendment (No. 882) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 883

(Purpose: To provide that local base closure reuse authorities consult with certain persons and entities affected by base closures)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Pennsylvania, Mr. SPECTER, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SPECTER, proposes an amendment numbered 883.

The ACTING PRESIDENT pro tempore. Without objection, reading of the amendment is dispensed with.

The amendment is as follows:

After section 2818 (as added by amendment No. 828), insert the following:

SEC. 2819. CONSULTATION REQUIREMENT FOR LOCAL REUSE AUTHORITIES AND GOVERNMENTS.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2907, is further amended by adding at the end the following new subparagraphs (I) and (J):

"(I) Subject to subparagraph (J), the local reuse authority with respect to a military installation closed under this part, or the local government in whose jurisdiction the installation is wholly located, as the case may be, shall certify to the Secretary that such authority or government, as the case may be, has consulted in the efforts of such authority or government on such plan and, to the maximum extent practicable, included in such efforts the following:

"(i) The civilian employees of the Department of Defense at such installation.

"(ii) The regional and local chambers of commerce, if any, in such vicinity of the installation.

"(iii) Appropriate representatives of any governmental entity in the region in which such installation is located, if the number of employees of such installation on the date of the approval of closure of such installation constitutes more than 5 percent of the total civilian workforce of the area under the jurisdiction of such governmental entity.

"(J)(i) The certification required under subparagraph (I) shall be submitted, in the case of installations approved for closure under this part for which no reutilization and redevelopment plan has been submitted to the Secretary on or before the date of the enactment of this Act, before the submittal of such plans for such installations.

"(ii) Each local reuse authority or local government, as the case may be, that has submitted an interim reutilization and redevelopment plan to the Secretary under this part on or before the date of the enactment of this Act shall submit a certification to the Secretary under subparagraph (I) before the submittal of its final reutilization and redevelopment plan.".

Mr. WARNER. I understand the amendment has been cleared on both sides. I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

Without objection, the amendment is agreed to.

So the amendment (No. 883) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEFENSE FINANCE AND ACCOUNTING SERVICE, KIRTLAND AFB

Mr. DOMENICI. Mr. President, I have an amendment concerning the Defense Finance and Accounting Service operation at Kirtland Air Force Base. I wonder if I could have the chairman's attention on this. I may decide not to submit this amendment, but would want to seek some assurances from the chairman.

Mr. President, first let me summarize the situation. The Defense Finance and Accounting Service was established in 1991 to achieve savings through standardizing and consolidating the finance and accounting policies and operations of the various services and agencies of the Department of Defense.

We have a DFAS installation in New Mexico at Kirtland Air Force Base. This facility was originally an Air Force finance and accounting office and has responsibility for managing the large complicated contracts in the Air Force.

The Defense Department plans to close the Kirtland DFAS site and move it to Columbus where DFAS operates the remainder of the contract payment operations.

The problem is it is my understanding that the Columbus operation is not capable at this time of undertaking the contract operations currently underway at Kirtland. And there are serious questions whether Kirtland is more cost effective than Columbus, even with larger and more complex contracts.

I support DFAS and the need to consolidate, but not at the expense of orderly operations at Kirtland and fairness to the people who work there.

I am convinced that if DFAS proceeds with their announced plans on consolidation, they will jeopardize critical contract management activity currently under way at Kirtland. My amendment would prevent any transfer of operations from Kirtland to Columbus for fiscal year 1994 until I can receive the assurances I believe we all need that the operations will be continued smoothly and the people at Kirtland will be treated fairly.

Mr. NUNN. Mr. President, if the distinguished Senator from New Mexico will yield on this point.

I have learned a good deal more about this issue since I have talked with the Senator and my staff has looked into this issue. I too believe you deserve the assurances that DFAS will be able to continue to process contract activities smoothly and that DFAS employees in Kirtland are treated fairly.

Let me say to the Senator that while I cannot provide the assurances he seeks today, I know how we can secure those assurances.

The President has nominated a new comptroller for the Department of Defense. That individual—Mr. John Hamre—happens to be a member of the staff of the Armed Services Committee. We will be holding a nomination hearing for this position and for several other positions in coming weeks.

I will be pleased to work with the distinguished Senator from New Mexico and with Senator BINGAMAN, who is a member of the Armed Services Committee, to develop a series of questions concerning the Defense Finance and Accounting Service operation at Kirtland Air Force Base. As part of the nomination process, we will pose those questions to Mr. Hamre to insure that he is fully aware of the situation and your concerns about the future of the Defense Finance and Accounting Service at Kirtland.

THE SHELBY SUBSTITUTE TO THE HARKIN AMENDMENT TO DEAUTHORIZE THE ASAT PROGRAM

Mr. THURMOND. Mr. President, I offer my strong support to the substitute amendment offered by Senators SHELBY and SMITH to the Harkin amendment.

Senator HARKIN'S amendment would kill the Asat Program. But I believe the Armed Services Committee acted wisely and responsibly in keeping a minimal Asat technology program alive. To allow it to die at this stage simply for lack of the modest $10 million we authorized would waste the $225 million already invested, and just as the program had reached the threshold of success. No argument on grounds of economy can justify cutting the $10 million in the Asat Program if it causes $225 million to be wasted.

Some Members do not want to militarize space. But I must remind my colleagues that space is already militarized. In fact, space has become the decisive theater of modern warfare. As the gulf war showed conclusively, the U.S. military relies on space for navigation, surveillance, intelligence, targeting, attack warning, command, control, and communications. While the platforms performing these missions may not be offensive weapons, they are still essential elements of a modern military, a vital force multiplier. They militarize space as much as Asat weapons would. I also remind my colleagues that ballistic missiles are space weapons. Their warheads pass through space on the way to their targets. To suggest otherwise is like saying that a battleship is not a weapon of the highs seas—simply because it spends time in port.

Space has become such a vital factor in U.S. military operations that space control—or at least assured access to space and unrestricted freedom to operate—are essential to our long-term national security. Military leverage is shifting to the ultimate strategic high ground of space. Space control and space denial may determine the course of a future ground war without a shot ever being fired by terrestrial forces.

Right now U.S. space platforms can operate with relative safety. But space launch and satellite technology are proliferating all over the world. A future enemy may well develop the ability to blind our forces by attacking our satellites. The modest $10 million Asat technology program approved by the Armed Services Committee is simply a hedge against that day. It would allow work to continue on the key technologies and so that the United States does not forfeit space control in a future conflict. Those Senators who worry about weapons in space need not worry, for this is not an acquisition program. It would simply keep us on track to completing an Asat prototype which we could then put on the shelf, or produce and deploy if ever needed. It would make sure the $225 million already invested is not wasted.

Rather than kill Asat outright, I hope the Senate will accept the Shelby-Smith substitute, which is a reasonable compromise. This amendment fences the $10 million in the bill for Asat until the Secretary of Defense completes an Asat study already in progress. If the Defense Department certifies that there is a valid Asat requirement—as General Horner, head of Space Command believes there is—then the money could be released to keep the program on life support. If no requirement is validated, then those who want to leave us defenseless in space can have their way. But in the meanwhile, it would be irresponsible to kill this modest program.

I urge my colleagues to accept the Shelby-Smith substitute to the Harkin amendment.

DEPARTMENT OF DEFENSE PROGRAM ON LYME DISEASE

Mr. COATS. Mr. President, I would like to take a few moments to join in a brief discussion with the distinguished chairman of the Force Requirements and Personnel Subcommittee of the Armed Services Committee, the Senator from Alabama, Senator SHELBY, concerning a Department of the Army program on Lyme Disease.

Mr. SHELBY. Mr. President, I would be happy to discuss this matter with the Senator from Indiana. Armed Forces personnel can and are contracting this disease throughout their world assignments.

Mr. COATS. Mr. President, the U.S. Army Environmental Hygiene Agency is the lead agency in the Department of Defense [DOD] Lyme Disease Program. It has been actively involved evaluating the risk of soldiers exposed to tick-borne disease since 1984 and Lyme disease since 1987. It has conducted over 180 assessments during operational field studies on tick control and repellent measures. Educational materials and training, including lectures, audiovisual materials, posters, and technical guides have been produced. All these efforts have been done through use of normal operational funding. In fiscal year 1992, $300,000 was spent on this effort. In fiscal year 1993, the available funding was cut to an estimated $200,000, a level at which, due to military downsizing, it will remain in fiscal year 1994. It is my understanding that the other body will address this issue during it's deliberation of the Defense Authorization bill this week.

Mr. SHELBY. This is correct. Congressional efforts in the past have proven to be unsuccessful in supporting this lead agency effort.

Mr. COATS. Mr. President, we need to expand this effort to include research and development of preventative measures for use in both military and civilian environments, including: Evaluation of antitick repellents in clothing, studies comparing tick control measures, and tick carriers, along with anti-tick pesticide dispersal. The environmental Hygiene Agency at Aberdeen Proving Grounds in Maryland has assisted many Lyme organizations and groups across the country. Important discoveries have led to significantly improved disease protection for the Armed Forces.

Mr. SHELBY. It is my understanding that arthropods (ticks, insects, etc.) spread diseases which injure more Armed Forces personnel during wartime than all the direct contact injuries.

Mr. COATS. Mr. President, funding for this program could evaporate at any time it is operationally funded. A DOD Lyme Disease Program with the U.S. Army Environmental Hygiene Agency providing the lead would require a $500,000 one time start up cost for equipment, facilities and software purchases. Labor and operating expenses would cost an additional $500,000 per year.

Mr. SHELBY. Lyme disease is a debilitating disease which saps its victims of strength and spirit. Nearly 50,000 cases have been recorded by the Center for Disease Control [CDC] since it began tracking Lyme disease in 1982—10,000 of them last year alone.

Mr. COATS. Mr. President, this area of effort has a proven track record and a history of military and public support. It takes a long time to develop this type of excellent reputation. I urge that we join with the other body during the Joint Conference on the DOD Authorization bill later this month, and show our support for this important effort. I thank the Senator from Alabama for his time and support on this effort.

Mr. SHELBY. I thank the Senator from Indiana for his efforts on behalf of men and women in uniform.

KC-135R REENGINING PROGRAM

Mr. DOLE. Mr. President, I wish to bring to the attention of the Senate a very important program to the Air Force and the Air National Guard. I am referring to the modernization of the KC-135 refueling tanker fleet.

Until recently, the tankers' primary mission had been to refuel the strategic bomber fleet. That role has now transitioned with the changes in our force structure. Forces focusing more on mobility from bases within the United States will be dependent on tankers for deployment. Smaller forces will need tankers as a force multiplier allowing them to carry more weapons, transport more cargo, and stay on station longer. The end of the cold war has not reduced the need for modernizing the tanker force. In fact, the need is even greater.

Air refueling tankers played a very important part in the success of the Persian Gulf war, with, I note, Guard aircraft performing 33 percent of the tanker missions during the war. Nonetheless, tankers were the limiting element in that operation even though nearly 300 aircraft were committed to the theater. The necessity to fully modernize this vital operational asset is clear.

As many of my colleagues know, the KC–135 engine replacement program was initiated in the early 1980's as the most cost effective means of providing additional fuel off-load capability required by the Air Force to meet mission commitments. The first completed replacement with a CFM–56 engine was delivered to the Air Force in 1984. Since then, Congress has appropriated funds to upgrade all 390 aircraft in the active Air Force fleet, as well as the first 10 Reserve tankers. This has been a highly successful, virtually problem free procurement modernization program, meeting or exceeding all specifications.

Mr. President, modernization of the KC–135E aircraft to the "R" model is essential for the Guard to meet mission requirements within budget and manpower constraints. The replacement engines allow a tanker aircraft to offload 27 percent more fuel and utilize airfields with shorter runways and hotter climates. Fuel consumption in the new engines is 18 percent better. Engine maintenance is 90 percent less, eliminating the need for engine shops at each base. Unlike the KC–135E, the KC–135R meets all current and proposed noise requirements at Air National Guard bases. In summary, the modernized "R" aircraft are highly cost effective, paying for itself in 5 to 10 years.

I must remind my colleagues that, for the last several years, many important missions have been transferred in whole or in part to the Guard, with the result that the active military now relies much more heavily on the capabilities of the Guard and Reserve to effectively carry out their operations. Just last week, Secretary Aspin, in his briefing on the bottom up review, stressed the importance of well-trained, well-equipped Guard and Reserve forces. In addition, in "The Bottom-Up Review: Forces for a New Era" dated September 1, Secretary Aspin has included the following statement:

> Large numbers of aerial refueling aircraft would be needed to support many components of a U.S. theater campaign. Fighter aircraft deploying over long distances, require aerial refueling. Airlifters can also carry more cargo longer distances if enroute aerial refueling is available. Aerial surveillance and control platforms, such as AWACS and JSTARS also need airborne refueling in order to achieve maximum mission effectiveness.

For these reasons, I believe it is essential to continue this vital program.

I yield to the distinguished Senator from Ohio for his comments.

Mr. GLENN. Mr. President, I have worked for many years in support of the KC–135R reengining program. The points raised by the distinguished Republican leader are accurate and to the point. Let me add just a few other pertinent comments.

First, the original Air Force plan in the late 1970's was to modernize every tanker in its fleet and in the Air National Guard. A critical shortfall in aerial refueling capability had been identified by that time, with the increased dependence on air refueling of greater numbers of bombers, fighters, and transport aircraft to carry out their missions. The Air Force correctly concluded that modernization of its entire active and reserve tanker fleet to the "R" configuration was the most cost effective solution to the tanker shortfall.

The Air Force also planned to complete the active fleet modernization before continuing the program in the Guard. I have no quarrel over this prioritization by the Air Force. However, in the fiscal year 1994 budget request, the Air Force did not include funds to continue the Guard tanker modernization program.

I believe this is a very serious mistake on the part of the Air Force. Many high-ranking Air Force officials have expressed concern over the budgetary constraints which led to this omission, since tanker requirement studies continue to report significant shortfalls. I believe it is up to the Congress to ensure that the program is continued in the future.

Mr. THURMOND. Mr. President, I agree with the arguments of the Republican leader and the distinguished Senator from Ohio. This aircraft modernization program has proven to be effective, economical, and essential to the readiness of our active and reserve forces. I fully support its continuation.

Mr. DOLE. Mr. President, I thank my colleagues for their support. Their efforts on behalf of this important program will ensure the readiness of the Guard tanker fleet to perform its mission in support of the active air forces. I trust that the Air Force will take heed of the debate in this body today and will ensure that funding for the Guard's KC–135R reengining program is included in the fiscal year 1995 budget request.

AMENDMENTS NUMBERED 856 AND 857

Mr. BAUCUS. Mr. President, the Senator from Illinois has two amendments: One allowing the Secretary of the Army to pay 100 percent of the cost for repairing Federal and non-Federal levees damaged by the recent flooding in the Midwest; and one directing a Secretary of the Army to conduct a study to assess the adequacy of current flood control measures on the Upper Mississippi River.

Both amendments are under the jurisdiction of the Environment and Public Works Committee because they direct the Secretary of the Army's flood control responsibilities, which are within the scope of the Civil Works division.

I am sympathetic to the plight of the victims of this recent disaster and I understand the motivation of my colleague from Illinois to take action to address the immediate needs of his constituents. However, I cannot support his amendments.

The amendment to provide 100 percent Federal repair of levees weakens the foundation of the Corps of Engineers' policy on cost sharing.

Currently, the Corps has authority to provide assistance to Federal and non-Federal levees damaged from flooding. In the emergency supplemental appropriations bill enacted last month, the Congress provided a total of $180 million to repair approximately 40 Federal and 164 non-Federal levees eligible for Federal assistance.

Some of that work has already started. And the Corps hopes to complete a minimum level of protection at all those levees by the end of the construction season this year. So there has already been substantial resources committed to the flood recovery.

One of the criteria for assistance to non-Federal levees is a 20 percent local cost sharing requirement. Given the widespread devastation from this disaster, I understand that it may be difficult for some local levee sponsors to meet that requirement at this time.

However, the Corps of Engineers reports that the cost-share requirement under this emergency repair program can come in various forms of in-kind contributions, including providing personnel and equipment for the repair effort. That should help ease some of the burden.

I also pledge to work with the Senator and the administration to see if there are other ways to ease the immediate burden, possibly by deferring any necessary cost sharing that cannot be met by in-kind contributions, while maintaining the integrity of the Corps' emergency assistance program. The Corps of Engineers has already indicated a willingness to review this issue. If such action can be taken administratively by the Corps, the Senator's constituents may receive some relief in the near future.

Furthermore, as chairman of the Environment and Public Works Committee, I will be conducting a oversight hearing on the Corps' response to the flooding in the Midwest and their overall policy on flood protection in the near future. The wisdom of the levee construction on the Upper Mississippi has received increased attention as a result of the recent flooding, and I believe it is an issue the authorizing committee needs to take a serious look at.

I also will work with the Senator to outline a study that addresses his concerns and request the Corps of Engineers to develop alternatives to the traditional cost-share policy for this unprecedented situation and present them to the committee within 60 days.

Finally, the Senator's amendments fall within the purview of the Environment and Public Works Committee, not within the authority of the Armed Services Committee and this bill. Thus, I must oppose them on jurisdictional grounds. This simply is not the bill on which to debate the serious questions that have been raised about this Nation's flood control policy in the wake of the devastation in the Midwest this summer.

So I urge my colleague from Illinois to withdraw his amendments from this bill and to work with me, the Environment and Public Works Committee, and the Corps of Engineers to address his concerns so that the levees can be repaired in a timely and responsible way.

THE REPEAL OF U.S. CODE SECTION 6015, THE COMBAT EXCLUSION LAW

Mr. SPECTER. Mr. President, I would like to address some concerns surrounding the process of review included in the repeal of the combat exclusion law which is contained in this bill. As you know, the notification requirements contained in the bill prevent the Secretary of Defense from implementing a new policy before 60 congressional business days and 90 calendar days have elapsed—a period of time that could amount to 6 months or even a full year. While prudence and congressional oversight are essential on this issue, I am concerned that the process outlined creates an indefinite and unnecessarily lengthy delay that could adversely impact the morale and readiness of our Armed Forces.

Until the military is certain that it will be allowed to assign women to combat units, military leaders will not begin training individuals for assignment to new billets or be able to accurately plan ahead for the necessary structural changes. Therefore it is possible that an even longer delay than the one provided in the notification requirements will result. The military should not be given a carte blanche to make whatever changes it sees fit in its assignment policies, but it should be informed as to when the personnel changes it requests will take effect so that it can plan accordingly.

Mr. ROTH. I applaud the senior Senator from Pennsylvania for his efforts in addressing the important issue of timely implementation of personnel changes regarding military personnel policies for female service members. The notification delay is time consuming and there is no intention that it would have any positive effect on military capability.

Having expressed our concerns with the consequences of the process outlined in this bill, I now wish to express our disagreement with the assumption of the need for such stringent restrictions on the implementation of new policy. If the military had a history of rash and unwise decisions in the area of personnel assignments, then we would be more compelled to intervene. But it has historically been conservative about taking large steps in this area, and can be expected to do so in the future as well.

Mr. KENNEDY. I thank my colleagues from Delaware and Pennsylvania for their statements. I have always supported relaxing all restrictions on women from serving in any combat tasks that they can fulfill. As a member of the Armed Services Committee, I am pleased that the committee's bill removes the current statutory ban on women serving on combat ships. This step removes the final legal restriction on women's combat roles.

I share the concerns of my colleagues, however, about the lengthy notification requirements required in the bill. I would like to see the requirements eliminated. I believe that the Defense Department is fully capable of setting personnel policies to meet its needs. I am confident that as in the past, Congress will retain its ability to deal with departmental personnel policies, without cumbersome notification requirements.

Under the 150 legislative day notification period in the committee bill, the services could be restricted from making optimal use of available personnel. The Navy, under the assumption that the ban on women serving on combat ships will be lifted, is now going through its assignment process for the next 6 months. Five hundred female officers and sailors are prepared to fill billets currently filled by males. To impose a lengthy notification period could interfere with this planning process, forcing the Navy to make less effective use of its available personnel. The Navy has carefully prepared for this policy change, and it is ready to implement it now. Any additional delay will serve no constructive purpose.

Mr. SPECTER. I thank the senior Senator from Massachusetts for his thoughtful comments. The House version of the repeal of the combat exclusion law outlines a process of review that imposes a fixed delay of 60 calendar days between the day the Secretary proposes a policy and the day that he can begin its implementation. This language avoids the problems of the two-stage notification process in that it sets a definite period of delay. It also gives the military the ability to plan for change in advance. I would like to ask the Senators from Alabama and Massachusetts if they would be willing to keep an open mind on the issue of notification requirements as they go to conference on this bill.

Mr. SHELBY. I appreciate the concerns expressed by the Senators engaged in this colloquy, and will be happy to consider their concerns when I deal with this matter in conference. I trust that my colleagues understand the purpose of the notification requirement, which was sponsored by Senator COATS, is to ensure proper congressional oversight.

From my perspective, I believe it is very important that we make sure that the Defense Department's policies with regard to the assignment of women in the military allow for the broadest opportunities for women consistent with combat readiness and privacy requirements. In general, I believe the review procedure provided for in the bill will help us to fulfill our responsibilities in this regard; however, I will review the details to conference to ensure that the Defense Department is not unnecessarily impeded in implementing policies in this area.

JUPITER

Mr. DOMENICI. Mr. President, last spring the President announced his decision to extend the nuclear testing moratorium for the United States. The moratorium was extended because the administration believes that this policy will assist in countering nuclear proliferation world wide. I hope this is true and I support the President's efforts.

Nonetheless, although we have stopped testing, the DOD and the DOE will still need to test military equipment against nuclear weapon effects to assure survivability.

Underground nuclear tests were the cheapest and best way to test for survivability. With the test moratorium, DOE and DOD will have to simulate nuclear weapons effects with large electrical machines. Without nuclear tests, the Jupiter program will be needed to test our defense systems.

Would the Senator from Georgia engage me in a colloquy on this matter?

Mr. NUNN. The Senator from New Mexico raises a very important issue. In the absence of nuclear weapons testing, we will have to look to machine simulation to test our military systems and equipment for survivability against the radiation effects caused by nuclear explosions. Machine simulation is the only means by which we can test the survivability of military equipment, particularly communication equipment.

Mr. DOMENICI. I thank the Senator from Georgia for those comments.

Mr. President, the Defense Nuclear Agency plans to expend $6 million in fiscal year 1994 for the development of the Jupiter X-ray Simulator. The Department of Energy will add several million to this effort in fiscal year 1994.

The total cost of the Jupiter program is $240 million over 6 years.

Mr. President, with the testing moratorium in place, I cannot overestimate the importance of having the capability to test our weapon systems against the radiation effects of nuclear weapons. I will work with the committee to make sure we have the testing capability that we need.

Mr. NUNN. I share the Senator's concerns and will work with the Senator from New Mexico to that end.

Mr. NUNN. Mr. President, I have several parliamentary requests I would like to frame for the Chair, so I will make sure that we appear on the floor and all Senators understand the parliamentary situation. So I ask to clarify, am I correct in stating that after the Senate recesses tonight no more amendments will be in order to the DOD authorization bill?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. NUNN. I thank the Chair.

Mr. President, am I correct in stating that the only amendments that will be voted on tomorrow are those 11 amendments which have been subject to a unanimous-consent agreement on sequencing?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. NUNN. I thank the Chair.

Mr. President, am I correct in stating that no second-degree amendments will be in order tomorrow?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. NUNN. I thank the Chair.

Am I correct, Mr. President, in stating that no debate will be in order tomorrow on any amendment on or to the bill?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. NUNN. Mr. President, am I correct in stating that upon disposition of the Breaux amendment, we will immediately have a third reading of the bill and then immediately vote on the final passage without any intervening action or debate?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. WARNER. Mr. President, I would like to begin by commending the distinguished chairman of the Armed Services Committee, Senator NUNN, and the distinguished ranking member, Senator THURMOND, for their outstanding work on this bill.

A unanimous vote by the committee to report this bill favorably to the floor reflects their exemplary leadership and the bipartisan spirit which characterized this entire process.

Mr. President, I am extremely proud of the conduct of our military establishment over the past several years. I know of no other military force in history which has so faithfully and effectively executed so many difficult, disparate missions while at the same time reducing its own size, scope, and strength.

The men and women—both military and civilian—who have been involved in this effort deserve our praise and commendation. Many of them in fact were involved in actions which, in effect, limited or perhaps terminated their own careers and livelihood.

This complex endeavor has been characterized by outstanding leadership and management. I would like to take this opportunity to commend the former Secretary of Defense, Dick Cheney, and the Chairman of the Joint Chiefs, Gen. Colin Powell, who set such high standards for a reasonable, rational downsizing of our Armed Forces. General Powell of course has continued to assist the new Secretary of Defense, Les Aspin, and his new management team as they strive to achieve an appropriate force structure with declining resources.

General Powell will be retiring from active duty at the end of this month and I would like to take this opportunity to commend him for his outstanding service as the Chairman of the Joint Chiefs of Staff. I believe he will go down in history as one of the best Chairmen of the Joint Chiefs this country has ever had.

One of the more recent efforts of the new DOD management team is the bottom-up review. I commend Secretary Aspin, his Deputy Secretary Bill Perry, and Under Secretary John Deutch as well as General Powell, the Joint Chiefs, and the military service for a job well done.

The bottom-up review is an impressive, forward-looking effort to properly size our forces for the future. It is realistic and quite frankly, very close to what I believe the Bush administration would have recommended, in time.

However, I am concerned that the recommendations of the bottom-up review may require some $15 to $20 billion more over 5 years than the Clinton administration had planned for. We are still awaiting word on whether or not the 5-year defense plan incorporating the result of the bottom-up review is in fact underfunded, and if so how the administration intends to cope with this problem. In any event, I do not believe we can reduce the defense budget further, nor do I believe we can reduce our Armed Forces below that recommended in the bottom-up review in the foreseeable future.

Mr. President, it is essential that we maintain the high quality of personnel we already have in our Armed Forces, and that we continue to modernize our forces and provide sufficient funds for operations, maintenance, and training.

Mr. President, we must stop using the defense budget as a source of funds for domestic programs. I have a copy of a letter dated August 4, 1993, from Secretary of Defense Aspin to the chairman of the Armed Service Committee which expresses his concern about this problem.

Secretary Aspin points out in his letter that since 1985, the peak year for the Reagan defense buildup, the constant dollar value of the defense budget has declined by 34 percent and by 1998 it will have declined by 41 percent.

I would like to quote one short paragraph from Secretary Aspin's letter:

> The Department of Defense has carried its fair share of the sacrifice necessary to put our nation's fiscal house in order. The Department cannot be looked on as a bank to be used for financing domestic programs.

Mr. President, I ask unanimous consent that Secretary Aspin's complete letter be included in the RECORD.

Mr. President, I also want to express my concerns regarding the administration's ballistic missile defense program. As my colleagues know, I have been a strong supporter of missile defenses for many years. The gulf war affirmed my convictions that we have the technologies at hand or in development to make these missile defenses work. And, when you need missile defenses, it is absolutely essential that they exist and are operational.

Through the bottom-up review process, the Clinton administration has decided to refocus the ballistic missile defense program with an emphasis on robust theater missile defenses to counter the threat resulting form proliferation of ballistic missile technology and weapons of mass destruction. I concur with the administration decision to field a robust theater missile defense system.

On the other hand, I regret that the Clinton administration has decided to reduce funding for national missile defenses, downgrading this program to a mere technology program. I still believe, as the Congress mandated in the Missile Defense Act of 1991 and its amendment of 1992, that we should move to develop and deploy national missile defenses in a timely and deliberate manner.

I regret also that the Armed Services Committee decided to subject theater missile defense components and systems upgrades to Anti-Ballistic Missile [ABM] Treaty compliance review and fenced one-half of all funds for these systems and upgrades until a compliance review report is submitted to the Congress. In this case, the committee's action could not only increase costs and delays in fielding theater missile defense but yield less capable systems once they are deployed if ABM compliance becomes a fixed position.

I am disappointed that the committee could not arrive at a more favorable consensus on this issue. At some point we will have to answer the fundamental question: Why should the United States take steps that will cost extra money, cause delays, and lead to less technically capable systems when these steps were not envisioned by the drafters of the ABM treaty? In 1972, and in the years prior, no one had in mind a theater missile threat—intercontinental missiles were the problem.

Mr. President, at this point I ask that a letter from the Under Secretary of Defense, John Deutch to the chairman of the Armed Services Committee, Senator NUNN, dated September 7, 1993, be entered in the RECORD.

Secretary Deutch urges in his letter that the Senate adopt the funding level of $3.5 billion for ballistic missile defense and that we not allocate funds by program elements in order to allow flexibility to the Department

Secretary Deutch states and I quote:

> Budget cuts below the Armed Services Committee level and program defences this year will endanger our ability to deliver our new plan.

I am aware that there are those who annually attack the ballistic missile defense program in order to reduce its funding. I hope that this year the Senate will refrain from reducing the Armed Services Committee recommended level of $3.5 billion, and allow the new administration to pursue its new approach which Secretary Deutch describes as "fiscally and technically conservative, based on valid requirements and responsive to Congressional direction." The proliferation of theater missiles is, in my view, the most serious military threat facing the free world.

Mr. President, on another issue although the administration had not recommended nor provided funds for a pay raise for our military personnel for fiscal year 1994, I am pleased that the Armed Services Committee agreed that we should do so.

The committee has recommended a 2.2 percent pay raise for military personnel effective in January of fiscal year 1994.

Mr. President, as I close, I would like to express my high regard, respect, and admiration for the chairman and ranking member of the Armed Services Committee as well as the other committee members on both sides of the aisle. We are indeed fortunate to have such a splendid group of Senators on this committee, including two new members, Senator HUTCHISON from Texas, and Senator BRYAN from Nevada who have already demonstrated their high capabilities in our committee markups this year.

Mr. President, I yield the floor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, August 4, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: When you take the FY 1994 National Defense Authorization Bill to the Senate floor, I urge you to continue to guard against attempts to use defense funds for domestic programs.

Our defense program, as outlined by President Clinton in his economic plan, reflects a new way of thinking about national security and represents a dramatic shift away from the Cold War forces of the past. However, we still face challenges and dangers. Strong, ready and capable military forces are an important element in our national security strategy for meeting these challenges. The proliferation of weapons of mass destruction and the means of delivering them constitute a real danger. We also confront a variety of regional problems that could erupt into armed conflict affecting vital U.S. interests. We must promote and defend democracy as it emerges around the world. And we must be capable of delivering flexible, adaptable forces for the challenges of peacekeeping and peace enforcement in this new era.

With the demise of the Soviet threat, there is no question that our forces can be smaller; we are reducing them substantially. Our challenge is to protect key defense capabilities while this downsizing takes place. The budget proposed by President Clinton sets the Department on a measured course toward forces capable of meeting the challenges of the future, while avoiding serious disruption to military capability, readiness or the domestic economy.

Those who think that the Department has been insulated against the painful budget cuts needed to reduce the deficit are misinformed. The FY 1994 request submitted by the Administration for the Department of Defense is $8.8 billion in discretionary budget authority below the level approved by Congress for FY 1993. FY 1994 outlays for the Department are projected to be $13.6 billion below the FY 1993 level. From 1985, the peak year for Department of Defense military funding since the end of the Korean war, the constant dollar value of the Defense program has declined by 34 percent, and by 1998 it is projected to decline by 41 percent. That is a real budget cut, no matter how you measure it. Since the 1990 budget summit agreement, defense spending is the only category of discretionary spending that has been cut. These budget cuts have had a real impact on programs. Our plans to restructure the defense force require cuts of several hundred thousand active duty military personnel to achieve a force level of about 1.4 million by 1997. The National Defense budget authority reductions of $85 billion from the Bush Administration adjusted baseline for FY 1994–97 require substantial force structure cuts, elimination of weapons procurement, and tightening the belt on infrastructure. These currently planned reductions are painful, not easy. Within the reduced budget levels, funding must be provided for new missions such as environmental cleanup, defense conversion, and for rising health care costs.

The Department of Defense has carried its fair share of the sacrifice necessary to put our nation's fiscal house in order. The Department cannot be looked on as a bank to be used for financing domestic programs.

I look forward to working with you as we reshape our defense program for the twenty-first century.

Sincerely,

LES ASPIN.

OFFICE OF THE UNDER SECRETARY
OF DEFENSE,
Washington, DC, September 7, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: When you take the Fiscal Year 1994 Defense Authorization Bill to the Senate floor, I realize you will be under strong pressure to reduce funding for the Nation's ballistic missile defense (BMD) program. I urge you to support the funding level approved in your committee and to fight attempts to further cut this important program's budget.

As you are aware, the Department of Defense (DoD) has completed the Bottom-Up Review and refocused the BMD program. The revised BMD funding profile through the Future Year Defense Plan is $18 billion—averaging about $3.6 billion a year. Your committee approved $3.2 billion, plus $250 million for the Brilliant Eyes program, which totals about $3.5 billion for the missile defense effort. The Department supports the Senate Armed Services Committee position and will do so in the House of Representatives as well.

Given the present and projected threat of potential adversaries acquiring ballistic missiles, and possibly arming them with weapons of mass destruction, the Administration has decided to proceed with a robust theater missile defense (TMD) acquisition program. At the same time, the national missile defense (NMD) program approach will be refocused toward technology development. We are also focusing our advanced technology efforts towards emerging theater missile threats.

Now that the Department has made the difficult choices with regard to missile defenses, I am certain you will appreciate the importance of continuing the program on the right course. I urge you and your colleagues to adopt your committee funding level and not allocate funds by program elements. This combined budget and programmatic flexibility will enable the Department to provide for a more rational transition to meet the objectives set out by the Secretary of Defense. Budget cuts below the Armed Services Committee level and program fences this year will endanger our ability to deliver our new plan.

I know how strenuously you have worked over the years on this issue. The Department has adopted a new approach that is fiscally and technically conservative, based on Valid requirements and responsive to Congressional direction. I trust we can count on your continued support.

Sincerely,

JOHN M. DEUTCH.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I ask unanimous consent that Senators may insert statements in the RECORD tomorrow on either the bill or amendments thereto as though read.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. NUNN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTERNATIONAL CONFERENCE ON PROTECTION OF WAR VICTIMS DECLARES SUPPORT FOR HUMANITARIAN LAW

Mr. PELL. Mr. President, over 100 government delegations met in Geneva August 30 to September 1 for an International Conference for the Protection of War Victims, organized by the Government of Switzerland, with the active participation of the International Committee of the Red Cross.

This is the first time governments have met in a conference specifically for this purpose, and the meeting could not have been more timely. The conflict in the former Yugoslavia, renewed fighting in Somalia, Sudan, Angola, and elsewhere in Africa, the proliferation of regional conflicts in the territory of the former Soviet Union, all provide a stark, tragic background for a conference on protection of war victims. The Government of Switzerland should be commended for its initiative in convening this conference as an urgently needed way to reaffirm support for international humanitarian law.

The Geneva Conventions, first agreed to in 1864, mark the beginning of the modern era of humanitarian law in armed conflicts. The original conventions, their periodic updating and improvement, and their 1977 protocols, embody the basic principles and rules aimed at protecting the sick and wounded, prisoners of war, the civilian population, and other war victims.

I would like to pay particular tribute to the International Committee of the Red Cross, in practice the moral custodians of the Geneva Conventions. In his statement to the conference, the U.S. representative, Ambassador Warren Zimmermann, described the ICRC as "an organization marked by dedication, a strong humanitarian spirit, professionalism, and a rare courage." Just a few days before the conference, three ICRC delegates were killed while on duty in the field, bringing the total of ICRC representatives killed to 17 in 1993 alone.

The United States has long contributed to the ICRC's humanitarian programs, and I am glad to note Ambassador Zimmermann's statement that "the U.S. will continue to provide strong support for the ICRC's work and the work of the Red Cross movement as a whole." I hope the International Conference of the Red Cross and Red Crescent will be able to meet again soon without the problems of participation that plagued its last two meetings. This conference provides a good precedent for that.

The main purpose of this conference was to reaffirm governmental support for international humanitarian law. The final declaration of the conference, adopted by consensus on September 1, is an eloquent plea for an end to the violence and hatred that we see expressed in such horrific ways: massacres and mistreatment of women and children, rapes, torture, starvation, denial of medical care, displacement of civilians, and failure to account for the missing. We should be proud that the United States took part in this conference and played a vital role in drafting the declaration.

It is similarly important that the United States complete its review of the 1977 Protocol I to the Geneva Conventions with a view to submitting it to the Senate for ratification, along with Protocol II which was submitted in 1987. I am glad to note that the administration's review is proceeding on the 1954 Convention on the Protection of Cultural Property, and the 1980 Convention on Certain Conventional Weapons and its protocols, particularly the one concerning land mines. Our capacity for leadership in humanitarian law will be enhanced by our ratification of these important treaties.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the declaration adopted by the International Conference for the Protection of War Victims, and the excellent statement to the conference by the U.S. representative, Ambassador Warren Zimmermann.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECLARATION ADOPTED BY CONSENSUS, SEPTEMBER 1, 1993

The participants in the International Conference for the Protection of War Victims, held in Geneva from August 30 to September 1, 1993, solemnly declare the following:

I

1. We refuse to accept that war, violence and hatred spread throughout the world, and fundamental rights of persons are violated in an increasingly grave and systematic fashion. We refuse to accept that wounded are shown no mercy, children massacred, women raped, prisoners tortured, victims denied elementary humanitarian assistance, civilians starved as a method of warfare, obligations under international humanitarian law in territories under foreign occupation not respected, families of missing persons denied information about the fate of their relatives, populations illegally displaced, and countries laid to waste.

2. We refuse to accept that, since war has not been eradicated, obligations under international humanitarian law aimed at limiting the suffering caused by armed conflicts are constantly violated. We vigorously condemn these violations which result in a continued deterioration of the situation of persons whom the law is intended to protect.

3. We refuse to accept that civilian populations should become more and more frequently the principal victim of hostilities and acts of violence perpetrated in the course of armed conflicts, for example where they are intentionally targeted or used as human shields, and particularly when they are victims of the odious practice of "ethnic cleansing". We are alarmed by the marked increase in acts of sexual violence directed notably against women and children and we reiterate that such acts constitute grave breaches of international humanitarian law.

4. We deplore the means and methods used in the conduct of hostilities which cause heavy suffering among civilians. In that context we reaffirm our determination to apply, to clarify and, where it is deemed necessary, to consider further developing the existing law governing armed conflicts, in particular non-international ones, in order to ensure more effective protection for their victims.

5. We affirm the necessity to reinforce, in accordance with international law, the bond of solidarity that must unite mankind against the tragedy of war and in all efforts to protect the victims thereof. In that spirit, we support peaceful bilateral and multilateral initiatives aimed at easing tensions and preventing the outbreak of armed conflicts.

6. We undertake to act in cooperation with the UN and in conformity with the UN Charter to ensure full compliance with international humanitarian law in the event of genocide and other serious violations of this law.

7. We demand that measures be taken at the national, regional and international levels to allow assistance and relief personnel to carry out in all safety their mandate in favour of the victims of an armed conflict. Stressing that peace-keeping forces are bound to act in accordance with international humanitarian law, we also demand that the members of peace-keeping forces be permitted to fulfill their mandate without hindrance and that their physical integrity be respected.

II

We affirm our responsibility, in accordance with Article I common to the Geneva Conventions, to respect and ensure respect for international humanitarian law in order to protect the victims of war. We urge all States to make every effort to:

1. Disseminate international humanitarian law in a systematic way by teaching its rules to the general population, including incorporating them in education programmers and by increasing media awareness, so that people may assimilate that law and have the strength to react in accordance with these rules to violations thereof.

2. Organise the teaching of international humanitarian law in the public administrations responsible for its application and incorporate the fundamental rules in military training programmes, and military code books, handbooks and regulations, so that each combatant is aware of his or her obligation to observe and help enforce these rules.

3. Study with utmost attention practical means of promoting understanding of and respect for international humanitarian law in armed conflicts in the event that State structures disintegrate so that a State cannot discharge its obligations under that law.

4. Consider or reconsider, in order to enhance the universal character of international humanitarian law, becoming party or confirming their succession, where appropriate, to the relevant treaties concluded since the adoption of the 1949 Geneva Conventions, in particular:

The Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts of 8 June 1977 (Protocol I);

The Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflict of 8 June 1977 (Protocol II);

The 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and its three Protocols;

The 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict.

5. Adopt and implement, at the national level, all appropriate regulations, laws and measures to ensure respect for international humanitarian law applicable in the event of armed conflict and to punish violations thereof.

6. Contribute to an impartial clarification of alleged violations of international humanitarian law and, in particular, consider recognizing the competence of the International Fact-Finding Commission according to Article 90 of Protocol I mentioned in Part II, paragraph 4 of this Declaration.

7. Ensure that war crimes are duly prosecuted and do not go unpunished, and accordingly implement the provisions on the punishment of grave breaches of international humanitarian law and encourage the timely establishment of appropriate international legal machinery, and in this connection acknowledge the substantial work accomplished by the International Law Commission on an international criminal court. We reaffirm that States which violate international humanitarian law shall, if the case demands, be liable to pay compensation.

8. Improve the coordination of emergency humanitarian actions in order to give them the necessary coherence and efficiency, provide the necessary support to the humanitarian organisations entrusted with granting protection and assistance to the victims of armed conflicts and supplying, in all impartiality, victims of armed conflicts with goods or services essential to their survival, facilitate speedy and effective relief operations by granting to those humanitarian organisations access to the affected areas, and take the appropriate measures to enhance the respect for their safety, security and integrity, in conformity with applicable rules of international humanitarian law.

9. Increase respect for the emblems of the red cross and red crescent as well as for the other emblems provided for by international humanitarian law and protecting medical personnel, objects, installations and means of transport, religious personnel and places of worship, and relief personnel, goods and convoys as defined in international humanitarian law.

10. Reaffirm and ensure respect for the rules of international humanitarian law applicable during armed conflicts protecting cultural property, places of worship and the natural environment, either against attacks on the environment as such or against wanton destruction causing serious environmental damage; and continue to examine the opportunity of strengthening them.

11. Ensure the effectiveness of international humanitarian law and take resolute action, in accordance with that law, against States bearing responsibility for violations of international humanitarian law with a view to terminating such violations.

12. Take advantage of the forthcoming Conference for the review of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and the three Protocols thereto, which provides a platform for wider accession to this instrument, and to consider strengthening existing law with a view to finding effective solutions to the problem of the indiscriminate mines whose explosions maim civilians in different parts of the world.

With this Declaration in mind, we reaffirm the necessity to make the implementation of international humanitarian law more effective. In this spirit, we call upon the Swiss Government to convene an open-ended intergovernmental group of experts to study practical means of promoting full respect for and compliance with that law, and go prepare a report for submission to the States and to the next session of the International Conference of the Red Cross and Red Crescent.

In conclusion we affirm our conviction that, by preserving a spirit of humanity in the midst of armed conflicts, international humanitarian law keeps open the road to reconciliation, facilitates the restoration of peace between the belligerents, and fosters harmony between all parties.

STATEMENT BY AMBASSADOR WARREN ZIMMERMANN, U.S. REPRESENTATIVE TO THE INTERNATIONAL CONFERENCE FOR THE PROTECTION OF WAR VICTIMS, AUGUST 30, 1993

It is a credit to the Government and people of Switzerland that they have convened this International Conference for the Protection of War Victims. We come together in Geneva, birthplace of international humanitarian law, to express our outrage at the widespread violations of that law throughout the world.

Let me begin by paying tribute to the International Committee of the Red Cross—an organization marked by dedication, a strong humanitarian spirit, professionalism, and a rare courage. As a major contributor to the ICRC's medical and relief activities, protection and training, and dissemination of international humanitarian law, the U.S. Government will continue to provide strong support for the ICRC's work and the work of the Red Cross movement as a whole.

Each day brings vivid and horrifying accounts of new atrocities in many parts of the world: summary executions; torture; rape; the use of starvation as a weapon of war; the indiscriminate use of military force against civilians. The United States unambiguously and wholeheartedly condemns such abuses, wherever they are committed, whoever commits them.

It is vital that we in the international community reconfirm our commitment to international humanitarian law. That law is for many the only shield from harm, the only hope for recovery from injury, the only recourse for the punishment of violators. War itself is horrifying, but this week we meet to emphasize to all people everywhere that even in war there are limits beyond which no one may go.

In many conflicts, we see savage treatment of civilians, prisoners of war, and the wounded; the destruction of civic and cultural property without any reasonable military justification; and unnecessary assaults on the environment. We have seen particularly brutal crimes against women, and the tragedy of children doomed to death by deliberate policies of violence or starvation. Our governments meet this week here in Geneva to say enough! No more! This barbarism must stop.

International humanitarian law has developed through both custom and conventions. The various Geneva conventions constitute a legal bulwark against the forces of chaos. They embody principles of humanity relevant to every culture and people. They are the minimum standard by which we call ourselves civilized.

Yet today, they are under attack in many quarters. Most disturbing of all, those who have dedicated their lives to upholding the conventions and assisting those in need find themselves, likewise, under attack. The International Committee of the Red Cross is mandated to provide assistance and protection to the victims of conflict. There is no more noble cause. Yet the ICRC, itself, has become a target. Witness the slaying last week of two ICRC nurses in Sierra Leone, the latest of seventeen Red Cross workers killed in the past year.

No one gains by such attacks; we all share the tragedy and loss. We must rededicate ourselves to the fullest respect for the Red Cross, Red Crescent, and other recognized emblems, and those who labor under them. We must educate those who do not know about international humanitarian law, and punish those who do not care.

As Monsieur de Martens, who contributed so much to the development of the law of armed conflict, said in 1900, only with "compulsory teaching in military training establishments and in the instruction of the soldier" can the application of international humanitarian law be guaranteed. The world has unfortunately not yet learned this simple lesson. Each state must continuously instruct the forces under its control—including the civilian, military, or paramilitary authorities at all levels—in the law applicable to armed conflict. This training should not be merely a classroom exercise. The forces must have operational rules conforming to the law of armed conflict. In the United States we have found that training in the law of armed conflict directly benefits the effective operation of our armed forces; our military sees the protection of victims as facilitating, rather than hindering, its operations.

States should assist one another in educating their forces. We stand ready to share our education programs with any government that asks. In addition, we are now including international humanitarian law in our expanded International Military Education and Training (IMET) programs and the American Red Cross has just released new training materials for the American public which will be made available through local units.

Educational efforts must be supplemented by effective enforcement: when forces violate international humanitarian law, they must be held individually accountable. Punishment for violations is under the purview of national laws. In the United States, for example, we have an extensive system of administrative and judicial punishments for members of our forces who violate international humanitarian law. When effective national enforcement appears unlikely, however, the international community must be willing to step in. On May 25, the UN Security Council took a major step by establishing an international tribunal for the prosecution of persons accused of serious violations of international humanitarian law in the former Yugoslavia. We expect this tribunal to be impartial and thorough. It should serve as a model for other conflicts and a warning to those who believe that they can avoid punishment for despicable acts.

Internal armed conflicts can be particularly devastating, and states have a special responsibility to take measures to alleviate threats to civilians. All participants in internal armed conflicts should apply the provisions of the Geneva Conventions (whether by special agreement or otherwise), particularly those provisions that ensure access and the delivery of humanitarian assistance, international monitoring, and enforcement of international humanitarian law. One hundred and thirty years ago, in the midst of a terrible civil war in my country, President Abraham Lincoln issued the first comprehensive code on the law of armed conflict. This document—General Orders 100—is a reminder that States must address the harsh reality of civil war by promulgating adequate rules and directives for their forces.

States should also take steps to limit or end the threat posed to civilians by weapons that can have indiscriminate effect. Particularly in civil wars, this includes landmines: today there are some 85 million landmines uncleared throughout the world, and new mines are laid daily. Over 150 people are maimed or killed each week; nearly all are unarmed civilians, often injured years after conflicts end, when the mines no longer serve any possible military purpose. We urge states to limit the use of landmines and other explosive devices to what is provided for in Protocol II to the 1980 Convention. In addition, we urge exporting states to join countries such as the United States and France, which already have unilateral moratoria or limitations on the export of anti-personnel landmines. Furthermore, the international community should take steps to limit trade in those landmines that pose the greatest threat to civilians—those that lack self-neutralizing features and have insufficient quantities of metal to be detected easily. Only by such restraint can lives be saved.

Mr. Chairman, the United States supports this Conference and the draft declaration we will adopt. That declaration will reconfirm the importance of adherence to the principles of international humanitarian law in a time of massive violations of those principles. It will provide a mechanism for redoubling our efforts to protect and assist the victims of conflict. Already, in accordance with the draft declaration's urging, the United States is reviewing Additional Protocol Number I of 1977 and the 1954 Convention on the Protection of Cultural Property, with a view to deciding whether to become a party. We are also nearing completion of our review of the 1980 Convention on Certain Conventional Weapons and its protocols. Through these measures and others, we intend to put meaning into the words we say here. We hope other states will do likewise.

If we collectively focus our energies on teaching international humanitarian law, training our military forces, and ensuring access and safety for relief workers, we will save many lives. Moreover, we will reaffirm our humanity, our brotherhood, and our commitment to the highest standards of civilization and behavior.

CABLE TELEVISION

Mr. DOLE. Mr. President, last week, millions of Americans opened up their newspapers to discover that the cable television legislation passed by Congress last year was going into effect—and that their cable rates were going up.

As a result, there are quite a few members of this Chamber—and quite a few folks at the White House—who should be reaching for the fork they will need to eat a big helping of crow.

Proponents of the cable legislation assured Americans last year that burdensome regulations—and not competition—would bring lower rates. And they wasted no time in proving that the entire debate was not about legislating sound policy. It was about embarrassing then-President Bush.

When President Bush rightly vetoed the bill, the Clinton campaign team swung into high gear.

George Stephanopoulos stated—and I quote—"Bush has vetoed the most important consumer legislation of the year—all to protect his rich friends in the cable monopolies."

And my good friend Vice President GORE was one of the biggest proponents of reregulating cable TV. He said, quote:

> I'm going to direct this to the President: If you veto the cable bill, you (will) have sided with the monopolists and against the American people. And the American people may just veto your desire for another four years.

So let us set the record straight. President Bush did not veto the bill because he was siding with cable companies, but because he believed that it would, as he stated, "Hurt Americans by imposing a wide array of costly, burdensome and unnecessary requirements on the cable industry and the government agencies that regulate it."

No doubt about it, Mr. President, there is no judge like father time. I guess there is some good news for consumers—and that is the fact that the administration has not made any effort to make these cable rate increases retroactive.

Increased rates are not the only problem. This morning's Washington Post points out that cable TV companies are dropping C-SPAN coverage for home shopping channels of all things. I will bet that was not intended either. But what do you expect when you give broadcasters the right to demand carriage on their local cable TV system and the system is full? Something has to give and in this case it was C-SPAN.

So where do we go from here? I say its time for a reality check. Whether we like it or not, technology is changing the communications industry each day. And only competition, not burdensome regulations, can accommodate these advancements.

However, because Congress does not understand this, it has a penchant for enacting archaic legislation. As a result, we block competition from stimulating the communications industry and providing consumers with better services. And if we do not act quickly, we might as well say sayonara to the one industry in the world that we still dominate.

Mr. President, the Cable TV Act catastrophe has only reinforced my belief that true competition is the best regulator of the marketplace. I can only hope that my colleagues will come to the same conclusion before it is too late.

DISTURBING NEWS ABOUT VOCATIONAL REHABILITATION

Mr. DOLE. Mr. President, during the recess GAO released a report on the Nation's Vocational Rehabilitation program. It is a unique and important study, and deserves our close attention. For the first time since the Rehabilitation Act was passed in 1973, we have some solid data on VR's value to the disabled.

Unfortunately, the news is not very good. Put simply, only one-third of people who successfully graduate from VR work regularly, and even then often only for small wages.

I suppose even a little help is better than none. But many people with disabilities do not get that. GAO also found that only 1-in-20 eligible individuals receive any services.

Mr. President, when we passed the Americans With Disabilities Act in 1990 we were determined to open a new window of employment opportunity for millions with disabilities. But we also knew that for many that window would remain closed because they lacked job skills and education.

That is where VR comes in—or should come in—by providing the disabled with help to become gainfully employed, and thus join the economic mainstream and achieve some kind of financial security and independence.

What then is the problem, and what's the remedy? The acting head of VR, quoted in the Washington Post on August 31, seemed to imply the fault lies with the disabled. I hope I am wrong about that, and will give the gentleman the benefit of the doubt.

Mr. President, I believe the real problem is that the work place and the labor market have changed dramatically since VR was first authorized in 1920. But VR has not kept up with the times.

For this reason, I endorse GAO's recommendation that the National Commission on Rehabilitation services be established. Authorized by last year's Rehab Act amendments, the Commission is charged with coming up with good ideas to improve VR and other Rehab Act programs. But in the 11 months since the amendments were passed, the Department of Education, which is to set up the Commission, has not acted. I have written Secretary Riley on this matter and hope he acts quickly.

I have three suggestions for the Commission. First, it should interpret its charge broadly, and look beyond the Rehab Act to all the Nation's disability programs, including Social Security.

The Commission should ask provocative questions: Are VR customers satisfied? Since most people are working when they become disabled, how can we prevent job loss? Why is VR in the Department of Education, not in Labor with other employment and training programs? Indeed, do we ever need VR, or should people with disabilities be integrated into these other programs? Or perhaps VR services should be paid for by health insurance like other rehab services. This might give the greatest choice to people with disabilities.

Second, the Commission must translate our good intentions into goals. Consider this goal—by the year 2000, the level of joblessness among the disabled will be reduced to that of the nondisabled. We may need a goal like this to get any action.

Third, the Commission must look to the future, something VR has not done well. As one expert has noted, "We (in disability services) continue to plan for yesterday to overcome the deficits of a decade ago." What kind of disability programs do we need for the 21st century? How can these programs become wellsprings of innovation?

Some may believe the Commission is not needed because we fixed VR's problems with the Rehab Act Amendments. I don't agree. We tinkered with VR, but did not tackle its core problems. Indeed, 20 years ago, in 1973, GAO released a report on VR that found virtually the same problems. People with disabilities cannot wait 20 more years for a program that works.

Mr. President, let me add that I do not want my remarks misunderstood as critical, of the Nation's VR professional. They are smart, committed and hardworking. Indeed, I believe many of them are even more frustrated than I am. We must make VR work for them as well.

I would also like to commend my colleague in the House, Mr. OWENS, Chairman of the Subcommittee on Select Education and Civil Rights, for requesting the GAO study. We need more studies like this to ensure that all our disability programs really make a difference.

In closing, the poet Archibald MacLeish once wrote, "America was always promises." But America's biggest promise—a job—is too often an empty promise to the disabled. Only one-third are working, 30 percent are in poverty—nearly 3 times the general population. The lesson here is simple: For people with disabilities, as for most Americans, working is essential to a decent income. We must do better, anything less is unacceptable.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as any American even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,384,113,738,028.86 as of the close of business on Friday, September 10. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,068.17.

REPORT ON TRIP TO RUSSIA, POLAND, AND IRELAND

Mr. LEAHY. Mr. President, from July 2–12, 1993, I visited Russia, Poland, and Ireland in my capacity as chairman of the Foreign Operations Subcommittee. My purpose was to discuss regional relations and evaluate ongoing programs of foreign aid to each nation. I ask unanimous consent to include in the RECORD at this point the report on my trip which I submitted to the distinguished chairman of the Appropriations Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON APPROPRIATIONS,
U.S. SENATE,
Washington, DC, September 9, 1993.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR BOB: During the Fourth of July recess, with the approval of the Majority Leader I led a delegation of Senators to Russia, Poland, and Ireland. I am making my trip report available to you in the hope that it will be of use to the Appropriations Committee as it considers the President's special request for Russia and the other new independent republics of the former Soviet Union, as well as U.S. assistance programs in Poland and Ireland.

With best regards.

Sincerely,

PATRICK LEAHY,
Chairman, Foreign Operations Subcommittee.

REPORT OF CODEL LEAHY TO RUSSIA, POLAND, AND IRELAND, JULY 2–12, 1993

Senator Patrick Leahy, chairman of the Agriculture Committee and chairman of the Foreign Operations Subcommittee of the Appropriations Committee, led a delegation of senators to Russia, Poland and Ireland from July 2–12, 1993. In addition to Senator Leahy, the delegation consisted of Senators Thad Cochran, Thomas Daschle and Mitch McConnell, and Walter J. Stewart, Secretary of the Senate. Ambassador Thomas Simons, U.S. Coordinator for Assistance to the New Independent States of the former Soviet Union, accompanied the delegation throughout the trip. Mr. Ralph Johnson, U.S. Coordinator for Assistance to Central and Eastern Europe, joined the delegation in Warsaw. Senator McConnell left the delegation at the end of the Moscow stop and visited Ukraine before returning to the United States separately. The delegation was joined by Senator Claiborne Pell, chairman of the Foreign Relations Committee in Ireland for meetings with Irish officials.

The delegation was assisted by Charles Riemenschneider, staff director of the Agriculture Committee, Mark Keenum, Professional Staff Member of the Agriculture Committee, Eric Newsom, staff director of the Foreign Operations Subcommittee, and Robin Cleveland, of Senator McConnell's office. Jan Paulk, of the Office of Inter-Parliamentary Services, provided logistical and scheduling assistance, and Lt. Colonel Nikki Watts, USAF Senate Liaison Office, was the military escort.

PREPARATIONS

Prior to the trip, members of the delegation met Ambassador Strobe Talbott, Special Representative of the President for the New Independent States and Ambassador Thomas Simons for a briefing on the Administration's proposed $1.8 billion special assistance package for Russia and the republics of the former Soviet Union. Members also received an intelligence briefing on the political and economic situations in Russia and Poland. The State Department, the Agency for International Development, the Department of Agriculture and the Congressional Research Service prepared extensive briefing books for the delegation on the full range of foreign assistance, bilateral and multilateral issues between the US and the states of the former Soviet Union.

DELEGATION ACTIVITIES, RUSSIA

Although the delegation met as a group for key discussions with US and Russian officials, in order to maximize its contacts the delegation divided up many meetings and site visits among its members. In Moscow, the delegation received a briefing from the Embassy Country Team and met Russian entrepreneurs and private sector businesspeople at a dinner hosted by Ambassador Thomas Pickering. The delegation also met other Russian and American businesspeople at a reception in honor of the anniversary of the Russian-American joint venture newspaper, "WE/MWE." The delegation met former President of the Soviet Union, Mikhail Gorbachev, and other Russian officials at the Ambassador's Fourth of July reception at Spaso House, followed by site visits to Children's Hospital Number 3 or the McDonald's processing plant. The Deputy Chief of Mission of the US Embassy hosted a dinner for the delegation with Americans working with the private sector in Russia, including representatives of American private voluntary organizations. The next morning, the delegation held a roundtable breakfast with representatives of American businesses operating in Russia to discuss business conditions and the role of US assistance. Later the delegation met Mr. Zhitnikov, Minister for International Economic Cooperation and Mr. Klystun, Minister for Agriculture, to discuss priorities for US assistance. Members of the delegation then visited the Moscow Commodity Exchange, and with Russian farmers working with the VOCA program. Prior to departure, the delegation met Mr. Khasbulatov, Speaker of the Russian legislature and a foe of President Boris Yeltsin and the reformers.

In St. Petersburg, part of the delegation met with American farm families working in the region to help in the privatization of agriculture in a USDA-sponsored model farm, and with representatives of CARE, CARESBAC and other US humanitarian organizations receiving assistance from the US government. During this time Senator Leahy visited Petrozavodsk, capital of the Karelian Republic, which has a sister state relationship with Vermont. There, Senator Leahy met the Karelian Prime Minister, Mr. Blinnikov, the chairman of the Karelian Supreme Soviet, Mr. Stepanov, Mr. Morisov, chairman of the foreign affairs commission of the Karelian Government, and Mr. Katanandov, Mayor of Petrozavodsk to discuss the progress of reform in Karelia, and the Karelia-Vermont sister state relationship. The officials and Senator Leahy also discussed plans for opening a "Karelia House" in Waterbury, Vermont to promote business and cultural links between Vermont and Karelia. Senator Leahy met representatives of Vermont organizations working in Karelia, and visited the production facilities of Ben and Jerry's ice cream plant in Petrozavodsk to discuss problems Ben and Jerry's have had with Russian and Karelian Government authorities in carrying out its operations. Finally, Senator Leahy met a number of Karelian youths who had participated in the student exchange program with Vermont managed by the Vermont-based organization "Project Harmony."

In St. Petersburg, the entire delegation met Mayor Anatoly Sobchak, a leading reformer and, at the same time, critic of President Yeltsin. After a tour of the port facilities and a discussion of problems US grain shippers have had in offloading shipments, the delegation met a number of local officials and businesspeople, as well as representatives of American companies at a reception hosted by the Consul General.

POLAND

In a brief visit to Poland, after briefings in the US Embassy, the delegation met the Polish Foreign Minister to discuss US-Polish and regional relations, and the US assistance program in Poland. The Polish American Enterprise Fund hosted a lunch for the delegation, followed by discussions with representatives of American private voluntary organizations and companies working in Poland. Following a classified briefing at the US Embassy, members of the delegation met with Cochran Fellows who had participated in the agriculture exchange program initiated by Senator Cochran. The Embassy hosted a reception for the delegation to continue discussions with Polish officials, and representatives of the Polish and American private sector.

The next day, the delegation visited the Skierniewice Farm Advisor Center outside Warsaw to discuss use of US assistance in modernizing Polish agriculture. The delegation then visited the farm village of Nowa Wies to inspect the water supply system constructed by the Water Supply Foundation with US assistance, and to examine a vegetable hot house farm also helped by the US assistance program.

IRELAND

In a very brief visit to Ireland on the return flight at the invitation of the President of Ireland, the delegation met with representatives of the International Fund for Ireland to discuss how US contributions to the IFI are used to promote reconciliation in both parts of Ireland. The delegation also met the Taoiseach (Prime Minister), Mr. Reynolds, and concluded its short stopover with a meeting with Her Excellency, Mary Robinson, President of Ireland.

FINDINGS, RUSSIA

The delegation's discussions with Foreign Minister Andrei Kozyrev and Speaker Ruslan Khasbulatov were most illuminating. They framed the basic positions of the contending sides sharply: Westernizing, democratic, free enterprise, radical reform on the one side, nationalist, inward-looking, grudgingly incrementalist change on the other. Despite quite optimistic assessments by our Embassy officials of the current political balance of power, the delegation's impression is that there is still a lot of fight left in the elements represented by Speaker Khasbulatov. There are still some political crises to come as the old guard resists fundamental changes which threaten its privileged position.

The meetings with US business people, farmers, representatives of US private voluntary organizations, and Russian entrepreneurs helped highlight what our current, relatively limited assistance program can accomplish. The help channeled through representatives of the US private sector is impressive. Most representatives of the private sector, Russian and American, warned against providing assistance to or through central government institutions. The Embassy and the AID Mission in Moscow are trying to focus on strengthening local institutions, both government and civic. The delegation agrees with this priority.

One of the concerns the delegation raised is the perceived slow use of prior US assistance in Russia. The delegation was informed by the US Coordinator, the Embassy and the AID Mission that in fact the pace of obligation of already appropriated assistance is accelerating rapidly. It has taken about a year to develop the programs, establish the management infrastructure, negotiate the contracts, and begin implementation. The delegation was assured the necessary infrastructure to use the assistance is now largely in place. AID said that it has already obligated over $1.2 billion of the $1.6 Vancouver package and expects to obligate the balance before the end of the year.

In virtually all its discussions the delegation heard a strong emphasis on support for privatization and for substantial long-term technical assistance in the key sectors of government, administration, the legal system, and the financial structure. There was unanimous criticism of short term consultants and of spreading US aid around in "show the flag" projects. Nearly everyone with whom the delegation met, whether government or private sector, Russian or American, argued for concentration of our efforts on the areas where the US has a special advantage, in particular in depth technical training and assistance, and to do everything we can to create the conditions where US business can invest in Russia and participate in the privatization process. A special problem, where US technical aid is vital, is the lack of a standard commercial code of law and enforceable business regulations which apply across the country. This creates great uncertainties for business, which cannot forecast developments which will affect it. The lack of predictability in the political, economic and business climate is extremely hard for US business people to invest and to expand.

Overall, the delegation gained valuable insights into the political dynamics in Moscow, and of the importance of US and Western aid for the chances of a radical transformation of the Russian political and economic structures. The Embassy assured the delegation the reformers clearly have the upper hand and that vital economic reforms have gone on apace even as the political struggles were waged between President Yeltsin and the Congress. There have been real, and significant, economic changes in Russia, albeit concentrated in the major urban areas, such as Moscow and St. Petersburg, and in pockets of the country. The Embassy said the political dynamics in Moscow and the regions now favor the constitutional reform process President Yeltsin has set in motion. The Embassy predicts elections this fall or early next year for a new Parliament, and ratification of the new constitution drafted by the constituent assembly next year.

It is the delegation's impression that significant political and economic reform is visibly occurring, although unevenly and, in many places, still superficially. From the delegations conversations with many Russians and Americans, official and private sector, the reforms, especially the economic changes, do not yet appear to be a nationwide and deep phenomenon giving hope for a better future to all elements of society. The pace and scope of reform needs to be pressed harder once the political position of President Yeltsin and the reformers is firmly consolidated. According to the Embassy and to other US and Russian observers, that consolidation appears to be happening. Nevertheless, while US assistance will be critical in key areas and sectors, and is undoubtedly seen by the reformers as a vital symbol of Western, particularly American, support, clearly a fundamental transformation of Russian society is a long term proposition, the work of a generation. Expectations of what can be realized in a few years, and of the contributions Western assistance can make in an economy the size of Russia's, should be kept realistic.

POLAND

The delegation was impressed by the visible manifestations of economic improvement in Warsaw and environs. There are no lines, stores are full of consumer goods, the streets are jammed with automobiles, the people are well dressed, and there seems to be an aura of confidence that Poland has touched bottom and is at last on the way up. The farm areas the delegation visited outside Warsaw appeared prosperous and productive.

Of course, Warsaw and its surrounding farm areas do not necessarily represent an accurate picture of the conditions elsewhere in Poland, as the Embassy and representatives of the Polish Government assured the delegation. According to US Embassy and AID personnel, to an important extent the improving situation seen by the delegation represents some major success stories of US and other Western assistance. There are areas of poverty and privation, and unemployment continues to be a severe economic and social problem nationwide.

The delegation does not doubt that Poland still needs US and other Western assistance to complete its transition to democracy and a functioning free enterprise system. The delegation was very pleased to see the impressive progress which has been made in Poland and was gratified to hear the praises of the US assistance program from Polish officials. Nevertheless, the delegation agreed with the assessment of US officials that the program need not and should not continue at current high levels much longer. The program to assist the more economically advanced nations of Eastern Europe, such as Poland, to make the difficult transition from communism to democracy and free enterprise was never intended to be of indefinite duration. It was believed—and the delegation saw evidence of the validity of this belief—that once Poland received critical help to get through the most difficult period of this transition, the need for assistance would drop significantly and, eventually, disappear altogether.

IRELAND

In the brief visit to Ireland, the delegation welcomed the opportunity to discuss how nearly $220 million in US contributions to the International Fund for Ireland have been used. The IFI was created as a US effort to assist the Anglo-Irish Agreement and to promote reconciliation between the two parts of Ireland.

The delegation spent a considerable period of time discussing the IFI with Mr. William

McCarty, President of the Fund. He described the Funds programs, its relations with the Irish and British Governments, and its activities in support of economic development and reconciliation. Mr. McCarty said that the Fund had created 20,000 permanent jobs in Ireland, nearly all in the most depressed areas in the North and along the border between the two parts, as well as many temporary jobs. He also emphasized the importance of the exchange programs and cultural activities aimed at strengthening understanding between the two communities.

HEALTH CARE

Mr. INOUYE. Mr. President, I would like to bring attention to what I believe is a solution to part of our current health care crisis. For years, we have been locked into a paradigm which as essentially run our health care system into the ground. This concept involves giving the option of delivering health care to a privileged few. This method has not only been unsuccessful, but it has practically bankrupted our entire health care system, has severely lessened the quality of care, and has limited access to care for many. We have long neglected a professional group of care givers who are not only able to render appropriate and timely care, but who can increase access, make care less costly, and at the very least maintain the quality of care given. I speak of the highly qualified group of nurses known as Advanced-Practice Nurses. Having spent years receiving specialized training and experience, they are qualified to deal with a wide range of primary medical problems. These nurses can be utilized in numerous situations ranging from the inner-city health center to being the sole source of health care in rural areas. Some nurses deliver babies while others are trained in the field of preventive care, pediatrics, anesthesia, and family medicine.

We have for too long neglected this valuable resource in the delivery of much needed health care. We have done little to help their cause. We have blindly restricted their roles, prevented them from writing prescriptions, and even refused to pay them. It is time for us to remove our blindfolds and realize that these professionals hold the answer to much of our health care dilemma. Research has shown that in the area of primary care, nurses are as good or better than physicians. If we are to provide universal coverage and attempt to slow the rise of health care costs, we must utilize these health care providers.

As a staunch advocate of the nursing profession and its seemingly limitless opportunities, I was most pleased to see my thoughts echoed in two timely articles which recently appeared in the Wall Street Journal.

Mr. President, I ask unanimous consent that articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Aug. 13, 1993]

NURSES' LIB

There is a proposal being considered by Hillary Rodham Clinton's health care task force that deserves a close look: Loosening the regulations that restrict nurses' work. Permitting nurses to play a more active role in screening patients and treating run-of-the-mill ailments is a cost-effective solution to the shortage of primary-care physicians. As any mother will confirm, you don't always need an M.D. to diagnose a child's recurring ear infection or sore throat.

The antiquated regulations on nurses date back to the 1930s and are in part a cultural artifact of an age that saw nurses, who were mostly women, as assistants to physicians, who were mostly men. The regulations limit, in particular, the services of nurses practitioners, a group of more than 23,000 advanced nurses whose training extends about two years beyond that of an ordinary RN. In many states, NPs must be supervised by a physician, even if the services of a physician are unneeded; NPs generally are not permitted to prescribe even simple medication. Nor are NPs allowed financial autonomy. In many states, Medicare and insurance companies will pay only doctors, who then compensate the nurses at their discretion.

Yet nurses, especially NPs, often provide the most basic level of primary care with as much skill as physicians. According to a 1986 report by the U.S. Office of Technological Assessment comparing the quality of care provided by nurse practitioners and physicians, in 12 of 14 areas, NP care was rated higher than physician care.

Our current health-care system doesn't reward such success in preventive care. Doctors who treat the sickest patients have the greatest cash flow. Fair enough. Accordingly, there's been amazing growth of med school students who choose to specialize. In 1992, for instance, only 14.6% of medical students pursued general medicine, an all-time low.

While many student doctors are learning to treat serious illnesses, fewer are focusing on how to deal with ordinary, everyday ailments. As a result, there is an acute shortage of primary care providers. Obviously someone should be doing this work.

Nurse practitioners are well positioned to fill the void. According to a study conducted last year by an economist at Wellesley College, the U.S. would save $6.4 billion to $8.75 billion in health care costs each year if the barriers NPs face were removed.

In Oregon and Washington, NPs already have significant autonomy. This has meant immediate savings for health care consumers; at community nursing centers, complete physicals can be had for as low as $30 and vaccinations for $6. Besides physicals and immunizations, these centers provide weight-control programs, screening for early detection of cancer, hypertension and vision and hearing problems; and treatments for minor illnesses such as ear infections, sore throats and the flu. Here, it seems, is one avenue to low-cost primary care.

As the administration puts the finishing touches on its health care proposal, we recommend that it follow the advice of Leah Binder of the National League of Nursing. Ms. Binder told us: "Let the 'invisible hand' determine how much it should cost to get a primary care checkup. Now nurses are prohibited from services which they could provide safely and of equal quality to physicians." The "invisible hand?" What a novel idea.

[From the Wall Street Journal, Sept. 3, 1993]

NURSE PRACTITIONERS FIGHT JOB RESTRICTIONS

(By Adrienne Petty)

Joanne Hayden, a 42-year-old college official in Ventura, Calif., says she knows how to cut $6 billion from the nation's health-care costs—if insurers and skeptical doctors would go along.

They may, given the fierce lobbying campaign that the nation's 100,000 advanced-practice nurses are leveling at Congress and the Clinton administration.

Fed up with condescending physicians who made her feel like a "whiny woman," Ms. Hayden turned five years ago to nurse practitioner Mary Jones's 44, who administered progesterone supplements that eased Ms. Hayden's debilitating premenstrual syndrome. The fee was $40 a visit, about 30% less than her doctor charged.

But Ms. Hayden's insurance company refused to pay for the work of a nurse practitioner. Over two years, Ms. Hayden paid more than $4,000 out of her own pocket for prescriptions and monthly visits to Ms. Jones's clinic.

"That's a big chunk of money," Ms. Hayden says. "But I was willing to pay; the inconvenience was worth it."

BILLIONS IN SAVINGS?

Still, that is wasteful and unfair, say advanced-practice nurses, a category that comprises nurse practitioners, nurse anesthetists and nurse midwives. If they could receive Medicare and private-insurance payments for such services, these nurses say, they could save the nation between $6.4 billion and $8.75 billion in health-care costs annually. Not only do they charge less, but they have the ability to cure the shortage of primary-care physicians by taking over more of the doctors' routine duties, the nurses claim.

Indeed, five times more money is spent training a physician than a nurse practitioner, and working doctors usually charge more for services, according to a 1986 study by the Office of Technology Assessment. Yet only 18 states will pay advanced-practice nurses directly through Medicare, and only 24 states require direct reimbursement for nurses by private insurers. Medicare only reimburses advanced-practice nurses in rural areas.

Such skilled nurses—with up to two years of medical training beyond registered nurses, who typically spend two years in nursing school—must bill through a supervising physician to receive pay from an insurer for the basic medical services they perform.

Although nurse practitioners are proving increasingly popular, particularly among women baby boomers concerned about preventive care, the payment restriction hurts. "I'm just squeaking by," says Claire Mills, a woman's health nurse practitioner with a solo practice in Sonora, Calif., who hasn't made a profit from that practice yet. Although Ms. Mills claims a faithful following of about 1,000 patients, many of whom are willing to pay her out of their own pockets, she misses out on patients who can't afford to go outside of their health plans for care.

Ms. Mills says she lost about $500 during the two years it took for her to receive a Medicare billing number because she saw several patients free of charge.

Nurse-payment restriction especially hurt elderly people in underserved areas. Some of them often forgo primary care because they can't afford to pay nurses, says Jan Towers of the American Academy of Nurse Practitioners. "Not every nurse practitioner is Mother Teresa. If they can't be paid, it's hard for them to practice," says Ms. Towers. As a result, she says, many of these low income people get care from hospital emergency rooms, which cost taxpayers in the long run.

NATIONAL CAMPAIGN

Seeing an opportunity in President Clinton's effort to restructure the health-care system, nursing advocates have mounted a national campaign to change that. First, they built political clout by endorsing Mr. Clinton for president. Now, as both members of and consultants to Hillary Rodham Clinton's health-care reform, they are pressing for increased automony for nurses and elimination of financial barriers.

"We've simply tried to lay out the case that continuing to let physicians always control care doesn't make economic sense and doesn't make quality-of-care sense," says Virginia Trotter Betts, president of the American Nurses Association.

Physicians strongly disagree. M. Roy Schwarz, senior vice president of the American Medical Association, says nurses lack the training to work independently. "Our view is they should all practice under the supervision of a physician," he says. Some doctors also fear that turning over more primary-care responsibilities to nurses could actually drive even more physicians from general medical practices into higher-status specialties.

LOUD AND CLEAR MESSAGE

"It will send the message loud and clear to the medical students: 'Why bother to go into family care? You can go to nurse practitioner school.'" says Michael R. Stefan, a family-practice physician in Los Angeles. "I spent 11 years in medical school, and you're telling me someone else could do it better and for less money with less education? That's ludicrous."

And the California Medical Association charges that increased autonomy for nurses, from prescribing authority to direct reimbursement, would add another layer to health-care costs.

Nurses don't buy that. "Studies show that doctors don't like primary care anyway," says Pam Maraldo, president of Planned Parenthood Foundation of America and former head of the National League for Nursing. "It's not sexy, it's not remunerative enough, so why don't they just let nurses do what they do. There's enough to go around."

Advanced-practice nurses say they could also play a greater role in mainstream settings such as health-maintenance organizations. Proposals under development by the Clinton administration consider HMOs such as Boston's Harvard Community Health Plan as models for reform. Such plans, which stress prevention and primary care, use advanced-practice nurses extensively.

The Harvard plan employs nearly 400 "mid-level clinicians," including advanced-practice nurses, who work with teams of physicians. Under the plan, an advanced-practice nurse might play "gatekeeper." For example, most gynecological patients first consult with nurse practitioner Maureen Fagan. Once she has assessed their needs, she either treats them herself or refers them to a physician at the HMO if the patient needs services beyond her scope of expertise.

Direct reimbursement is not an issue at HMOs such as the Harvard plan, where doctors and nurses are paid a salary collected from a set of fee for the care of patients.

Thus, if President Clinton relies on the HMO model and abolishes the traditional fee-for-service system, the issue of direct reimbursement could become irrelevant. But nurses insist that the fight is necessary no matter what the pay mechanism. "The issue is to be listed as a qualified provider," the ANA's Ms. Trotter Betts says. "The lack of direct reimbursement is simply one of the barriers."

COMMENDING VIRGINIA WALKER BOYLAN

Mr. INOUYE. Mr. President, I rise today to submit to the Members of the Senate, a resolution of the Committee on Indian Affairs commending Virginia Walker Boylan for her long and faithful service to the House of Representatives and the U.S. Senate.

On September 15, 1993, Virginia Boylan will complete 20 years of Federal service and will be leaving the Senate for the private practice of law.

Virginia began her service on the Committee on Indian Affairs in 1979 under the chairmanship of Senator John Melcher. She has proven to be a committed and dedicated worker, and her presence will be sorely missed.

The members and staff of the Committee on Indian Affairs join thousands across this country in wishing Virginia Boylan the very best in her future endeavors. We owe her a debt of gratitude and appreciation for all that she has done for this Nation's first Americans.

Mr. President, I ask unanimous consent to have this resolution printed in full in the RECORD immediately following these remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas, Virginia Walker Boylan is a graduate of the American University of Washington, D.C. and Catholic University School of Law, of Washington, D.C.;

Whereas, Virginia Walker Boylan entered into legislative work in 1968 through her work with the League of Women Voters drafting testimony to the Congress presenting the League's positions regarding education, civil rights, housing and social services programs;

Whereas, Virginia Walker Boylan began her work on Capitol Hill in 1971 as a Legislative Assistant to Representative John Melcher, researching, analyzing and monitoring legislation on education, labor, health, housing, welfare, Social Security, women's issues and foreign policy;

Whereas, Virginia Walker Boylan joined the staff of the Select Committee on Indian Affairs of the United States Senate, now the Committee on Indian Affairs of the United States Senate, in 1979;

Whereas, Virginia Walker Boylan has served with outstanding dedication in the positions of Staff Attorney, Minority Counsel, Senior Counsel and Deputy Staff Director of the Committee on Indian Affairs;

Whereas, Virginia Walker Boylan is acknowledged to be a person with a sound knowledge and understanding of Indian law and policy;

Whereas, Virginia Walker Boylan has contributed to the development of modern Indian law on such diverse issues as the 1991 amendments to the Indian Civil Rights Act otherwise known as the Duro legislation, pending legislation to support tribal justice systems, the Indian Gaming Regulatory Act, the Indian Mineral Development Act, the Federal Oil and Gas Royalty Management Act, the Indian Education Act of 1988, amendments to the Tribally-Controlled Community Colleges Act, amendments to the Navajo-Hopi Settlement Act, the Colorado Ute Indian Water Rights Settlement Act, the Institute of American Indian and Alaska Native Art and Culture Development Act, the Indian Arts and Crafts Protection Act, pending legislation to provide support for Indian agricultural resources development, the Native Hawaiian Education Act, and numerous other legislative initiatives;

Whereas, Members of the United States Congress, officials of the Executive Branch of the United States government, Indian tribal government leaders, legal scholars, and others involved in the development of Indian law and policy have come to rely on the knowledge and commitment of Virginia Walker Boylan in the area of Indian Affairs; and

Whereas, the retirement of Virginia Walker Boylan will deprive the United States Senate and the Committee on Indian Affairs of the dedicated services of a loyal staff member;

Now, Therefore, Be It Resolved, That the United States Senate commends Virginia Walker Boylan for her many outstanding contributions and accomplishments in the field of Indian law and policy, expresses the gratitude and appreciation of the United States Senate and the American people for her long, loyal and dedicated services to the Senate, and extends to her the best wishes of the Senate and the American people for a long and happy future.

MESSAGES FROM THE PRESIDENT

DISTRICT OF COLUMBIA FISCAL YEAR 1994 BUDGET AMENDMENT REQUEST—MESSAGE FROM THE PRESIDENT—PM39

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's fiscal year 1994 budget amendment request and fiscal year 1993 supplemental budget amendment request.

The District of Columbia Government has submitted a request to decrease its fiscal year 1994 general fund spending authority by $36.968 million with a reduction of 832 FTE positions. In addition, the District's fiscal year 1993 supplemental amendment request includes an increase of $7.367 million in general fund spending authority. The amendments are needed to address a projected operating deficit for fiscal year 1993 and fiscal year 1994 that was not addressed in the District's original budget submission pending congressional action.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *September 13, 1993.*

MESSAGES FROM THE HOUSE

At 6 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks announced that the House agrees to the amendments of the Senate to the amendment of the House to the bill (S. 184) entitled "An Act to provide for the exchange of certain lands within the State of Utah, and for other purposes."

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 873) entitled "An Act to provide for the consolidation and protection of the Gallatin Range."

The message also announced that pursuant to the provisions of section 168(b) of Public Law 102-138, the Speaker appoints Mr. HAMILTON, chairman, to the British-American Interparliamentary Group on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1406. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, notice of an intention relative to military personnel accounts; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Armed Services.

EC-1407. A communication from the Acting Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report of the Corporation for fiscal year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC-1408. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the state of emergency with respect to chemical and biological weapons; to the Committee on Banking, Housing and Urban Affairs.

EC-1409. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's annual report on the Community Development Block Grant for 1993; to the Committee on Banking, Housing and Urban Affairs.

EC-1410. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Luxembourg; to the Committee on Banking, Housing and Urban Affairs.

EC-1411. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Algeria; to the Committee on Banking, Housing, and Urban Affairs.

EC-1412. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Malaysia; to the Committee on Banking, Housing and Urban Affairs.

EC-1413. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Romania; to the Committee on Banking, Housing and Urban Affairs.

EC-1414. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing and Urban Affairs.

EC-1415. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Colombia; to the Committee on Banking, Housing and Urban Affairs.

EC-1416. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the State of Bahrain; to the Committee on Banking, Housing and Urban Affairs.

EC-1417. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the State of Israel; to the Committee on Banking, Housing and Urban Affairs.

EC-1418. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the role and effectiveness of citizen advisory groups; to the Committee on Armed Services.

EC-1419. A communication from the Principal Deputy Comptroller (Comptroller of the Department of Defense), transmitting, pursuant to law, a report of a proposed obligation of funds relative to dismantlement of strategic nuclear delivery vehicles in the Republic of Ukraine; to the Committee on Armed Services.

EC-1420. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report identifying contracts awarded with a waiver of the prohibition on contracting with entities unless they certify that they do not comply with the Secondary Arab boycott of Israel; to the Committee on Armed Services.

EC-1421. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report dated August 16, 1993, relative to appropriations legislation; to the Committee on the Budget.

EC-1422. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report dated August 13, 1993, relative to direct spending and receipts legislation; to the Committee on the Budget.

EC-1423. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report dated August 13, 1993, relative to direct spending or receipts legislation; to the Committee on the Budget.

EC-1424. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report dated August 18, 1993, relative to direct spending or receipts legislation; to the Committee on the Budget.

EC-1425. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report dated August 11, 1993, relative to direct spending or receipts legislation; to the Committee on the Budget.

EC-1426. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report dated August 2, 1993, relative to direct spending or receipts legislation; to the Committee on the Budget.

EC-1427. A communication from the Commandant of the U.S. Coast Guard, transmitting, pursuant to law, notice of a delay in the submission of a report by the Committee on Oil Pollution Research; to the Committee on Commerce, Science and Transportation.

EC-1428. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to motor fuel coloring and marking; to the Committee on Commerce, Science and Transportation.

EC-1429. A communication from the Secretary of State, transmitting, pursuant to law, a report relative to the Magnuson Fishery Conservation and Management Act for calendar year 1992; to the Committee on Commerce, Science and Transportation.

EC-1430. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, a report relative to civil aviation security for the period January 1991 through December 1991; to the Committee on Commerce, Science and Transportation.

EC-1431. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the selection of a prime contractor for the redesigned Space Station program; to the Committee on Commerce, Science and Transportation.

EC-1432. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Navy's compliance with the Marine Plastic Pollution Research and Control Act; to the Committee on Commerce, Science and Transportation.

EC-1433. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the safety of import vehicles for calendar year 1992; to the Committee on Commerce, Science and Transportation.

EC-1434. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to environmental compliance for fiscal year 1992; to the Committee on Commerce, Science and Transportation.

EC-1435. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the security of an airport at Lagos, Nigeria; to the Committee on Commerce, Science and Transportation.

EC-1436. A communication from the Administrator of the Environmental Protection Agency and the Secretary of Transportation, transmitting jointly, pursuant to law, a report entitled "Clean Air Through Transportation: Challenges in Meeting National Air Quality Standards;" to the Committee on Commerce, Science and Transportation.

EC-1437. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to cigarette ignition propensity; to the Committee on Commerce, Science and Transportation.

EC-1438. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the final report required by the Fire Safe Cigarette Act of 1990; to the Committee on Commerce, Science and Transportation.

EC-1439. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Fiscal Year 1990 and 1991 Toxic Substances Control Act Report to Congress"; to the Committee on Environment and Public Works.

EC-1440. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to the Building Project Survey for Rockford, IL; to the Committee on Environment and Public Works.

EC-1441. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a draft of proposed legislation to modify the project for flood control at Halstead, Kansas, to authorize the Secretary of the Army to construct the project at a total cost of $1,100,000; to the Committee on Environment and Public Works.

EC-1442. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Agency's report on drinking water; to the Committee on Environment and Public Works.

EC-1443. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to worker adjustment assistance training funds; to the Committee on Finance.

EC-1444. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the designation of Peru as a beneficiary of the Andean Trade Preference Act; to the Committee on Finance.

EC-1445. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to states' reevaluation of their need payment standards; to the Committee on Finance.

EC-1446. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the negative case action under the Aid to Families with Dependent Children program; to the Committee on Finance.

EC-1447. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to child support; to the Committee on Finance.

EC-1448. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a Presidential determination with respect to trade relations with Romania; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-276. A petition from a citizen of the State of Michigan relative to Social Security; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION 70

POM-277. A concurrent resolution adopted by the General Assembly of the State of Indiana to the Committee on Finance.

Whereas, many researchers have questioned the cost effectiveness of certain economic development incentives, such as tax abatements, enterprise zones, tax increment financing, and waivers of certain regulatory guidelines, and have suggested that the increasing use of these incentives has led to unhealthy competition among states and local units of government that have attempted to attract certain economic development projects;

Whereas, state and local officials have agreed with these researchers to some extent, but have noted that a jurisdiction that voluntarily reduces the use of these incentives while other jurisdictions continue to offer them would be identified as having a poor business climate and would run the risk of losing vitally important opportunities for capital development and job creation or retention; and

Whereas, the developers of certain projects have sought to expand the use of such incentives by requiring states and local units to provide the developer with a completely finished facility, in addition to providing job training funds and infrastructure improvements such as roads, sewers, and water lines; and

Whereas, it appears that, absent federal regulation, this situation is likely to deteriorate as the level of competition among states, localities, and the rest of the world continues at an accelerated pace: Now, therefore,

Be it "Resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

"Section 1. That we urge Congress to examine this situation and to consider enacting federal legislation that would establish nationwide controls on the types of incentives that may be offered by state and local governments in order to attract economic development projects. We suggest those incentives be limited to job training and infrastructure improvement such as roads, sewers and water lines.

"Section 2. That the Principal Clerk of the House of Representatives shall transmit copies of this Resolution to the leadership of both houses of Congress and to the members of the Indiana Congressional delegation."

POM-278. A resolution adopted by the Legislature of Rockland County, New York relative to Head Start and child immunizations; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HOLLINGS (for himself and Mr. RIEGLE):

S. 1449. A bill to establish a common market to bind together the countries of North America, Central America, and South America in a common commitment to promote democracy and mutually beneficial economic development; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. JEFFORDS, Mr. BURNS, Mr. GORTON, Mr. GRAHAM, Mr. KEMPTHORNE, and Mr. MACK):

S. 1450. A bill respecting the relationship between the workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act; to the Committee on Labor and Human Resources.

By Mr. RIEGLE:

S. 1451. A bill to establish an Office of Outreach Coordination in the Social Security Administration to coordinate outreach activities and services, to provide grants to local governments and nonprofit organizations for outreach activities and services, and for other purposes; to the Committee on Finance.

By Mr. BRADLEY (for himself and Mrs. KASSEBAUM):

S.J. Res. 131. A joint resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week"; to the Committee on the Judiciary.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself and Mr. RIEGLE):

S. 1449. A bill to establish a common market to bind together the countries of North America, Central America, and South America in a common commitment to promote democracy and mutually beneficial economic development; to the Committee on Finance.

AMERICAN COMMON MARKET ACT OF 1993

Mr. HOLLINGS. Mr. President, I rise today to reintroduce a bill that would bind together the countries of North America, Central America, and South America in a common commitment to promote democracy and mutually beneficial economic development by establishing a common market for the Americas.

Mr. President, the first common market in the Americas was founded more than 200 years ago when the citizens of the Thirteen Colonies pledged their lives, their blood, and their sacred honor to form a union of liberty and democracy. The wealth our country has experienced throughout its history springs directly from those values and that commitment.

The Europeans understand that free markets do not work in the absence of democracy. Rising from the ashes of World War II, their nations banded together to build a common market grounded in social and economic justice—free markets, free press, free association, and free elections—and buttressed by democratic institutions.

The accession treaty to the European Community declares that,

> The principles of pluralistic democracy and respect for human rights form part of a common heritage of the peoples of the states brought together in the European Communities and constitute therefore essential elements of membership.

Mr. President, in the North American Free-Trade Agreement the word democracy does not appear. Yet the agreement attempts to integrate two developed, democratic, capitalist countries with a country that has been called the perfect dictatorship—without an attempt to address the fundamental differences between the nations. The disparity in wages between the United States and Mexico is indicative of the larger schism which will

tear our economy apart unless we learn this lesson: The benefits of free markets cannot be enjoyed unless there are democratic institutions to protect the rights of its citizens.

Instead of pursuing the narrow economic agenda of the previous administration, we should offer a new vision for the Americas, one that will fulfill the legacy left by President Kennedy, who 30 years ago recognized that social change must accompany economic change. In his words,

> No program which is restricted to the technicalities of economic development can fully answer the needs of the Americas. Only an approach to economic progress and social justice which is based on a wide acceptance of the fundamental ideals of political democracy and human dignity can conquer the many ills of our hemisphere and respond fully to the aspirations of our people.

Mr. President, the common market for the Americas enshrines the features necessary for the development of democracy and free markets—features that are absent from NAFTA:

First, admission to the common market for the Americas will require each country to commit to basic tenets of representative democracy.

Second, common market countries will agree to a social charter that will protect worker rights and guarantee the right to form independent labor unions.

Third, unlike NAFTA, which simply provides unlimited access to the U.S. market, the common market would be focused outward and would encourage exports from the Americas to other hemispheres.

Fourth, to prevent the nations of the common market from engaging in competitive devaluations, the market would create a mechanism to align exchange rates.

Fifth, the common market would also establish a common policy on competition so that large industrial conglomerates who operate free of the constraints of antitrust laws do not capture markets by engaging in predatory practices.

This bill to promote a common market for the Americas is identical to one I introduced last week, with the exception that this version does not contain a provision to strip away China's textile quota under the multifiber agreement. While I would like to see China's textile quota transferred to Mexico, this provision is not fundamental to a common market for the Americas.

Mr. President, after decades of neglect it is time once again that we offer our neighbors to the south a proposal that puts people first by finally putting democracy first. Gone are the days of the cold war that forced us to embrace totalitarian regimes who shared our anti-Communist policies. As nations around the world are throwing off the mantle of oppression, it is time we stand with the forces of change and democracy rather than with the forces of status quo and oligarchy.

By Mrs. FEINSTEIN (for herself, Mr. JEFFORDS, Mr. BURNS, Mr. GORTON, Mr. GRAHAM, Mr. KEMPTHORNE, and Mr. MACK):

S. 1450. A bill respecting the relationship between the workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act; to the Committee on Labor and Human Resources.

MIGRANT WORKER PROTECTION

Mrs. FEINSTEIN. Mr. President, today I am introducing a bill respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act. The legislation is identical to H.R. 1999 introduced in the House by Congressman VIC FAZIO.

In 1985, 19 migrant farmworkers employed by the Adams Fruit Co. suffered injuries in an accident while they traveled to work in an Adams Fruit van. The company was found liable and the injured farmworkers received damages to the fullest extent under the workers' compensation system. In addition, 10 of the workers filed suit against Adams Fruit for motor safety violations under the Migrant and Seasonal Agricultural Worker Protection Act.

In March 1990, the U.S. Supreme Court in Adams Fruit Co. Inc. versus Barrett ruled that a private right of action under the Migrant and Seasonal Agricultural Worker Protection Act cannot be barred by the exclusivity provisions of a State workers' compensation law. In so ruling, the court disregarded one of the basic concepts of workers' compensation, the assurance of a prompt remedy for injuries in exchange for limited liability on the part of the employer.

In basing the decision entirely on language it found ambiguous, the Supreme Court ruled in the Adams Fruit case that the Migrant and Seasonal Agricultural Worker Protection Act provides a private right of action for certain job-related injuries even when the employer has provided workmen's compensation coverage for the agricultural worker.

California and 34 other States require workers' compensation coverage of agricultural workers. The Supreme Court ruling means that paying workmen's compensation does not protect employers in these States from being sued by an injured farm worker. Moreover, the Adams Fruit decision does not require that worker's compensation and Migrant and Seasonal Agricultural Worker Protection Act remedies offset each other, thus allowing double recovery by plaintiffs.

In sum, the decision in the Adams Fruit case threatens to undermine the workmen's compensation system for agricultural workers and force a return to a fault-based tort system that workmen's compensation was intended to replace.

Last year Congress passed a 9-month moratorium on cases brought under the Adams Fruit decision. This moratorium expired July 6, 1993. The legislation I am introducing today would make that moratorium permanent.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. FINDINGS.

The Congress finds that—

(1) the fundamental premise of the workers' compensation system, which is the exclusivity of workers' compensation for workplace injuries as an alternative to a fault-based system relying on costly and lengthy litigation in the courts, must be preserved,

(2) this premise was threatened by the decision in 1990 of the United States Supreme Court in Adams Fruit Co. Inc. v. Barrett, 494 U.S. 638, which held that migrant and seasonal farmworkers could bring a private right of action for certain job-related injuries under the Migrant and Seasonal Agricultural Worker Protection Act even where the employer has provided workers' compensation coverage of such farmworkers,

(3) the Adams Fruit decision did not reflect the intent of the Congress when it enacted the Migrant and Seasonal Agricultural Worker Protection Act in 1982,

(4) the Adams Fruit decision singles out agricultural employers as the only employers in America who can be subjected to lawsuits as a result of workplace injuries even where they have provided workers' compensation to their employees,

(5) Congress expressed its disapproval of the Adams Fruit decision in Public Law 102–392 by overturning the decision until July 6, 1993, and

(6) it is essential that the exclusivity of workers' compensation be permanently restored.

SEC. 2. ELIMINATION OF EXPIRATION.

Section 325(c) of the Legislative Branch Appropriations Act, 1993 (29 U.S.C. 1854 note) is amended to read as follows:

"(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to all cases in which a final judgment has not been entered before October 6, 1992."

Mr. BURNS. Mr. President, I rise today to join my colleague from California, Senator FEINSTEIN, to introduce the Migrant and Seasonal Agricultural Worker Protection Act amendment. This bill will protect America's producers.

Under the Migrant and Seasonal Agricultural Worker Protection Act, employers are put at risk for being sued for injuries which occur on the job even when the employer provides workers' compensation. A recent Supreme Court decision has increased the threat of seasonal workers ability to make unjust law suits against agriculture producers.

The chief sponsor of this bill, Senator FEINSTEIN, can probably tell us many stories of how this hole in the Migrant and Seasonal Agricultural Workers Protection Act has affected agriculture communities in her home State of California. Well, in my home State of Montana, we have had problems of seasonal workers suing farmers, as well.

One instance that comes to my mind is a case in eastern Montana. A seasonal worker from Texas filed suit against a farmer who did not hire a friend of the worker, also from Texas—you heard me right. In fact, the farmer in Montana was never even notified that he was being sued until the judge contacted the farmer when he failed to appear in court. The seasonal worker had sued for breach of contract.

While we all want to protect America's workers, we also want to protect our producers and employers. I am glad the gentlewoman from California has taken charge of this fight, and I look forward to working with her to see that this bill is signed into law.

Mr. GORTON. Mr. President, today I join my fellow Senators in introducing legislation which will permanently overturn the 1990 Adams Fruit Supreme Court decision. That decision was based on an interpretation of the Migrant and Seasonal Agricultural Worker Protection Act. The Court ruled that the act permitted an agricultural worker to sue his employer for damages occurring from a workplace injury, or death—even when the worker was already covered by workers' compensation.

In Washington State, where agricultural employers must provide workers' compensation for their seasonal workers, this ruling negatively impacts the agricultural employer. The employer is accountable for making payments to the workers' compensation program which gives the employee protection coverage. Yet under this decision the employer still potentially faces indeterminate liability for damages if the injured employee chooses to file suit.

In the 14 States where providing workers' compensation coverage remains an option, this decision removes the incentive for the agricultural employer to provide this coverage for his seasonal or migrant workers. This adversely affects those migrant and seasonal workers whose only recourse for injury becomes costly and time-consuming litigation.

The workers' compensation system was devised to benefit and protect both the employee and the employer. Workers' compensation provides the employee prompt payments for injuries, in return the employee agrees to receive exclusive coverage for his injuries under the workers' compensation system, thus protecting the employer from further suits. This system benefits both the employer and employee by keeping the settlement process out of the courts.

The Supreme Court decision removed the cornerstone upon which all workers' compensation programs are comprised—exclusivity—and placed the entire workers' compensation system at risk. This decision essentially gives migrant farmworkers greater scope for redress than any other group of employees in the United States, by allowing them to potentially receive two settlements for the same injury.

The Adams Fruit decision does not reflect the intent of Congress when it passed the Migrant and Seasonal Agricultural Worker Protection Act. To express disapproval of the Adams Fruit decision, Congress passed an amendment at the close of the 102d Congress which temporarily imposed a moratorium on new cases until July 1993.

This amendment will permanently overturn the Adams Fruit decision. It will prohibit a worker covered by workers' compensation from also filing a lawsuit for tort damages under the Migrant and Seasonal Agricultural Worker Protection Act. This will restore the exclusive remedy of workers' compensation for workplace injuries.

I feel it is important to note that a worker who is not covered by workers' compensation can sue for such damages.

Workers' compensation programs benefit employees as well as employers. This bill protects workers' compensation coverage for seasonal workers and protects agricultural employers by returning them to the same footing as all other employers in the United States.

By Mr. RIEGLE:

S. 1451. A bill to establish an Office of Outreach Coordination in the Social Security Administration to coordinate outreach activities and services, to provide grants to local governments and nonprofit organizations for outreach activities and services, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY OUTREACH ACT

Mr. RIEGLE. Mr. President, I rise today to introduce legislation to help children, disabled Americans, homeless individuals, and seniors receive Social Security and other Federal benefits to which they are entitled. This legislation expands on the Homeless Outreach Act of 1992, S. 3378, which I introduced last Congress. The bill I am introducing today would provide grants to local governments and nonprofit organizations to locate people who face barriers in accessing Federal assistance programs and to provide assistance in applying for benefits.

Too many Americans encounter barriers in receiving benefits under the Social Security Act, the Food Stamp Act, and other Federal programs. These barriers can include illiteracy, mental illness, homelessness, disabilities, and language differences. Without assistance provided by these programs, many of these Americans are unable to secure basic necessities.

Charles Winter of Ann Arbor, MI, is one individual who had difficulty obtaining benefits. He is a Vietnam veteran who tried for 3 years to get Federal supplemental security assistance [SSI]. Mr. Winter did not have the ability to pursue or follow up on his own application. Because he was homeless and lived off the highway somewhere, he never received any paperwork from the Social Security Administration, including denials. It was not until he got in touch with my office in Lansing that he was able to receive SSI and get off the streets. This legislation will help people like Mr. Winter obtain the help they need.

This legislation is designed to break through the barriers by locating hard-to-reach individuals and helping them obtain benefits. Representatives from organizations receiving the grants would make regular visits to places like soup kitchens, shelters, street sites, and day centers where people in hard-to-reach populations congregate. Outreach would be done in the language appropriate for the community. Since many of these organizations work with seniors, homeless, and disabled Americans on a daily basis, they should be effective in locating potentially eligible individuals. They would provide applications for SSI, food stamps, and Social Security disability benefits [SSDI], and help guide potential beneficiaries through the applications process.

The legislation creates an Office of Outreach Coordination within the Social Security Administration to administer this program. This office will establish the guidelines for awarding grants and will provide technical assistance to Social Security Administration field offices.

This legislation also contains some special procedures for handling the applications for homeless persons. It would require the Social Security Administration to give priority consideration to a homeless person's application for benefits. For those homeless applicants who face the denial of benefits for failure to file complete information, the Social Security Administration must attempt to locate the individual before denying them benefits and assist them in filing the correct information. The legislation would also require the Social Security Administration to promulgate regulations to ensure that homeless individuals have access to presumptive disability payments under the SSI Program.

Mr. President, many homeless people, children, disabled Americans, and the mentally ill need this legislation. Many of these people cannot easily walk into a Social Security office and apply for benefits because of disabilities, lack of transportation, language barriers, and mental illness. In some cases, people cannot even write their own names, let alone fill out a lengthy eligibility form. This legislation gives those organizations most familiar with these populations the ability to help people obtain the benefits they need for survival. This legislation does not extend new benefits to anyone. It simply gives the Social Security Administration the tools it needs to effectively reach out to people who are unable to apply for assistance. I encourage my colleagues to support this important outreach legislation and I ask unanimous consent that the text of the bill be included in the RECORD.

S. 1451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SSI Outreach Act of 1993".

SEC. 2. STATEMENT OF FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) many individuals, including senior citizens, homeless individuals, children, and disabled individuals, face extraordinary difficulties in securing benefits under the Social Security Act, the Food Stamp Act of 1977, and other Federal programs, to which they are otherwise entitled;

(2) without the benefits under such programs these individuals, lacking any resources, are unable to secure other vital necessities;

(3) many barriers exist that prevent potentially eligible individuals from securing benefits under such programs, including—

(A) communication barriers such as illiteracy in English or a foreign language and sensory impairments;

(B) disabilities which limit mobility and connections to social services organizations;

(C) homelessness often coupled with mental illness, drug addiction, or alcoholism;

(D) distrust or fear of government bureaucracy;

(E) concern that eligibility will preclude future work attempts;

(F) lack of transportation;

(G) lack of access to a telephone;

(H) lack of an understanding of how to contact Social Security Administration field offices;

(I) lack of any connections to social service organizations; and

(J) cognitive or other mental impairments which limit a person's ability to understand benefits, rights, or procedures.

(b) PURPOSE.—It is the purpose of this Act to overcome the barriers to securing benefits under the Social Security Act and the Food Stamp Act of 1977 faced by many homeless individuals and other hard to reach populations by establishing an office in the Social Security Administration which will be responsible for coordinating outreach activities and services, including an outreach grant program. The grant program will help establish innovative approaches to identify individuals potentially eligible for such benefits and to aid such individuals in the application process for such benefits.

SEC. 3. ESTABLISHMENT OF OFFICE OF OUTREACH COORDINATION.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereafter referred to in this Act as the "Secretary") shall, within 180 days after the date of the enactment of this Act, establish within the Social Security Administration an Office of Outreach Coordination, to be administered by a Director of Outreach Coordination (hereafter in this section referred to as the "Director") who shall be appointed by the Commissioner of Social Security.

(b) DUTIES OF THE DIRECTOR.—The Director shall—

(1) administer the grant program established under section 4 and provide technical assistance to the entities receiving grants under such section;

(2) formulate and provide information and technical assistance to Social Security Administration field offices regarding—

(A) outreach policies and methods; and

(B) local outreach activities and services; and

(3) implement the requirements of section 1635 of the Social Security Act.

SEC. 4. GRANTS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS FOR OUTREACH.

(a) IN GENERAL.—The Secretary shall, through the Office of Outreach Coordination in the Social Security Administration (established under section 3), provide grants to local governments and nonprofit organizations submitting applications to the Secretary under this section, to conduct outreach activities and services targeted at homeless individuals and other hard to reach populations, as determined appropriate by the Secretary.

(b) GRANT CRITERIA.—The Secretary shall provide grants under this section only to entities that demonstrate to the Secretary that the entities—

(1) have experience with low-income people;

(2) have, in the case of entities applying for grants to work with a specific hard to reach population, sufficient experience in working with such population, including—

(A) knowledge of the community in which such population lives; and

(B) proficiency in any applicable foreign language;

(3) are able to conduct outreach activities and services appropriate to the targeted hard to reach population, including—

(A) regular visits to places frequented by homeless individuals, including soup kitchens, homeless shelters, street sites, and day centers;

(B) the provision of information to individuals and organizations regarding eligibility for benefits under the Social Security Act and the Food Stamp Act of 1977, and provision of applications to apply for benefits under such programs;

(C) the provision of assistance to individuals in completing applications to establish eligibility for benefits under the Social Security Act and benefits under the Food Stamp Act of 1977; and

(D) the provision of assistance to individuals with respect to—

(i) obtaining appointments for any medical examination required in order to obtain benefits for which such individuals may be eligible under the Social Security Act so that all such examinations take place within 2 weeks after submission of the application for benefits under such Act;

(ii) obtaining and developing evidence of disability and supporting documentation for nondisability-related eligibility requirements under the Social Security Act; and

(iii) other matters relevant to obtaining benefits under the Social Security Act, including arranging transportation, and where appropriate, arranging for persons to accompany applicants to any necessary medical examinations; and

(4) are able to meet such further requirements as the Secretary determines to be appropriate to carry out the purposes of this section.

(c) ASSISTANCE TO APPLICANTS AND BENEFICIARIES WHO ARE HOMELESS INDIVIDUALS IN OBTAINING NEEDED GOODS AND SERVICES.—An entity that receives a grant under this section to conduct outreach activities to homeless individuals may use some of the funds received under the grant to assist homeless individuals in gaining access to appropriate services in the community, including permanent housing assistance, nutrition, physical and mental health care, and case management services.

(d) REPORTING REQUIREMENTS.—The Secretary shall provide that each entity receiving grants under this section shall be required to prepare and submit to the Office of Outreach Coordination an annual report on the use of grant funds and on the activities of the entity undertaken to carry out the purposes of this section.

(e) GRANT FUNDS.—In order to provide for grants under this section, the Secretary shall set aside and utilize no less than .37 percent of the amounts available on an annual basis for the administrative expenses of the Social Security Administration.

(f) ADMINISTRATIVE PROVISIONS.—The Secretary shall—

(1) promulgate such regulations as may be necessary to carry out this section within 240 days after the date of the enactment of this Act;

(2) notify local governments and nonprofit organizations of the availability of grant funds under this section within 270 days after the date of the enactment of this Act; and

(3) begin to award grants under this section as described in subsection (a) within 360 days after the date of the enactment of this Act and annually thereafter.

SEC. 5. SPECIAL PROCEDURES RELATING TO HOMELESS INDIVIDUALS.

(a) EXPEDITED CONSIDERATION OF APPLICATIONS.—Within 240 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to ensure that, in determining disability for purposes of awarding benefits under the Social Security Act, priority consideration shall be given to applications received from homeless individuals.

(b) ASSISTANCE IN FILING DOCUMENTS FOR APPEAL AND IN SEEKING REPRESENTATION.—If the Secretary issues a decision to deny, suspend, reduce, or terminate benefits under the Social Security Act to a homeless individual, the Secretary shall take affirmative steps to locate the individual and—

(1) inform the individual of the importance of appealing such decision; and

(2) if the individual indicates a desire to file such an appeal, assist the individual in filing the necessary forms.

(c) PROCEDURE GOVERNING THE POTENTIAL DENIAL OR SUSPENSION OF BENEFITS FOR A HOMELESS INDIVIDUAL.—

(1) DETERMINATION.—Before the Secretary decides to deny, reduce, suspend, or terminate benefits under the Social Security Act to a homeless individual on the grounds that the individual must provide additional information before receiving, or continuing to receive, such benefits, the Secretary shall determine whether the individual is likely to have difficulty in responding to the request due to—

(A) a mental or physical impairment;

(B) advanced age;

(C) inability to communicate in English;

(D) lack of transportation;

(E) lack of a fixed address; or

(F) any other comparable limitation.

(2) ACTION.—If the Secretary determines that an individual has one of the limitations described in paragraph (1), the Secretary shall—

(A) take affirmative steps to locate the individual and assist the individual in filing an appeal from an adverse decision regarding such benefits, and in securing the evidence required to establish eligibility for, or to restore, such benefits; and

(B) try to contact the individual by telephone and, if unsuccessful, make a personal visit to the last known address of the individual, contact individuals in the neighborhood, friends, or the post office, of the individual, and, to assist in these efforts, contact social agencies, shelters, soup kitchens, and any other agencies that provide services to homeless individuals.

(3) RESTORATION OF BENEFITS.—If the efforts described in subparagraphs (A) and (B) of paragraph (2) are unsuccessful, and such benefits are denied, suspended, reduced, or terminated, and the individual within 12 months of such denial, suspension, reduction, or termination contacts the Social Security Administration with the necessary information to seek restoration of benefits, the Secretary shall—

(A) immediately resume payment of such benefits; and

(B) from funds retained in the local office accounts, pay the benefits of the individual for the current month and for subsequent months until regular monthly payments of benefits resume.

(d) REGULATIONS ON PRESUMPTIVE DISABILITY.—Within 60 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to ensure that presumptive disability payments made under section 1631(a)(4)(A) of the Social Security Act and emergency advance payments made under section 1631(a)(4)(B) of such Act are fully available to homeless individuals.

SEC. 6. REPORTING REQUIREMENTS.

(a) EVALUATIONS.—

(1) IN GENERAL.—The Secretary shall prepare an evaluation of the activities carried out under this Act.

(2) CRITERIA.—At a minimum, the criteria used by the Secretary in evaluating such activities shall—

(A) fully take into account the special circumstances of the individuals reached through the outreach activities conducted under this Act and the need of such individuals for personalized attention and follow-through assistance; and

(B) emphasize the extent to which—

(i) the procedures used to carry out the outreach activities take into account such circumstances; and

(ii) the assistance made available to such individuals through such activities meets such need.

(b) REPORTS.—Not less frequently than annually, the Secretary shall submit to the appropriate committees of Congress a full and complete report containing the evaluation described in subsection (a) and such recommendations for additional legislative or regulatory action as the Secretary may determine to be appropriate.

SEC. 7. DEFINITION.

For purposes of this Act, the term "homeless individual" means any individual—

(1) who lacks a fixed, regular, and adequate nighttime residence; or

(2) whose primary nighttime residence is—

(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including a welfare hotel, a congregate shelter, and transitional housing for the mentally ill);

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

By Mr. BRADLEY (for himself and Mrs. KASSEBAUM):

S.J. Res. 131. A joint resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week"; to the Committee on the Judiciary.

GEOGRAPHY AWARENESS WEEK

Mr. BRADLEY. Mr. President, I rise today with my distinguished colleague from Kansas, Senator KASSEBAUM, to introduce a resolution to declare the week of November 14 through November 21, 1993, and November 13 through November 20, 1994, as "Geography Awareness Week."

Mr. President, 6 years ago I introduced the first Geography Awareness Week resolution because I saw alarming reports of geographic illiteracy in our Nation. Surveys found that our Nation's students had at best a distorted understanding of our world and at worst were totally ignorant of the most basic geography. A survey by the Asbury Park Press in one part of New Jersey found that on the average, 12th graders could identify only 41 percent of the States. In Boston, 39 percent of the surveyed students could not name the six New England States.

As the world changes before our eyes, citizens who lack basic geography information will be lost. South Africa is in the process of reinventing itself as a pluralistic, open society, yet one in two adult Americans cannot locate it on a map. The emergence of peace in the Middle East may turn out to be one of the most important historical developments of the 1990's, but only those who know the geography of that troubled region can understand why that peace was so elusive—and two out of three Americans do not even know where Egypt is.

Mr. President, since Congress first took note of the problem by establishing Geography Awareness Week, we have started to confront the problem of geographic illiteracy. Many schools have reintroduced geography as part of their curriculum. Teachers across the country use Geography Awareness Week as an opportunity to develop events and lessons that focus on geography. But much needs to be done to revitalize and expand the role of geography in the public consciousness.

I sponsored the first statewide geography bee in New Jersey 6 years ago. Over 600 eighth graders from all over the State competed. Robin Cadwallender, a 13-year-old eighth grader from Hopatcong, NJ, won that competition. Now, we have a national geography bee—modeled after that first New Jersey bee—which is in its second year. All 50 States are involved in the competition, run much like the national spelling bee.

I believe that national attention must be focused on the importance of world geography in preparing our young people for the future of an increasingly interdependent and interconnected world. Knowledge of geography offers necessary perspectives and information for understanding ourselves, our relationship to the Earth, and our interdependence with other peoples of the world.

Yet even with this critical need to know, a majority of American students today still receive no significant exposure to geography in school. This is illustrated by one Gallup poll which ranked Americans in the bottom third in an international test of geographic knowledge, with those aged 18 to 24 ranking last. Less than half of these young people could find Central America on a map; only one in three could locate Vietnam; and three-quarters could not find the Persian Gulf. Clearly, continued ignorance such as this places the United States at a distinct disadvantage in matters of business, politics, and the environment.

That's why I am introducing this resolution—to focus national attention on the essential role that knowledge of world geography plays in our lives. It is my hope that this will be just one step in a revitalization of the study of geography. All of our citizens should have access to the sort of education which will help them appreciate both the great beauty and diversity of this Nation and its place in the world.

Mrs. KASSEBAUM. Mr. President, once again I am pleased to join with Senator BRADLEY in introducing a resolution designating the week of November 14, 1993, and the week of November 13, 1994, as National Geography Awareness Week. I cannot stress enough how important the knowledge of geography is in a world of constant change and increasing democracy. One cannot appreciate the transformations taking place in many parts of the world without the knowledge of geography.

The commemoration of Geography Awareness Week over the past 6 years has provided the United States with an opportunity to concentrate on the national improvement of geographic literacy. Public officials, schools, businesses, and communities have participated in special events and activities promoting the Nation's geography awareness.

The national goals for education include geography as a core subject in which American students will demonstrate competency after 5th, 8th, and

12th grades. Currently, American students receive limited exposure to geography in their curricula, and unless renewed emphasis is placed on geography, the United States will remain at a distinct disadvantage in international business and politics.

I believe National Geography Awareness Week will once again strengthen public awareness of the importance of improving geographic literacy in our educational systems and our communities. I urge our colleagues to join with Senator BRADLEY and me in supporting this resolution.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the names of the Senator from Tennessee [Mr. SASSER] and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 359, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 561

At the request of Mr. DODD, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 561, a bill to establish a child and family services and law enforcement partnership program, and for other purposes.

S. 915

At the request of Mr. BAUCUS, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 915, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1361

At the request of Mr. SIMON, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Hawaii [Mr. INOUYE], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1361, a bill to establish a national framework for the development of school-to-work opportunities systems in all States, and for other purposes.

SENATE JOINT RESOLUTION 94

At the request of Mr. DOLE, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Rhode Island [Mr. PELL], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Virginia [Mr. WARNER], the Senator from Florida [Mr. GRAHAM], the Senator from Utah [Mr. BENNETT], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 94, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week."

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT OF 1994

GRASSLEY (AND SIMON) AMENDMENT NO. 840

Mr. GRASSLEY (for himself and Mr. SIMON) proposed an amendment to the bill (S. 1298) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, as follows:

On page 84, strike out line 15 and insert in lieu thereof the following:

Comptroller General considers appropriate, including recommendations for alternatives to the Fund.".

SEC. 312A. COMPLIANCE OF DEFENSE BUSINESS OPERATIONS FUND WITH FINANCIAL MANAGEMENT REQUIREMENTS.

(a) CONDITIONAL REQUIREMENT FOR TERMINATION OF DBOF.—The Secretary of Defense shall terminate the Defense Business Operations Fund at the end of December 31, 1994, unless the Inspector General of the Department of Defense certifies to the congressional defense committees before such date that—

(1) as determined pursuant to the audit required by section 3521(e) of title 31, United States Code, for fiscal year 1993, the Defense Business Operations Fund was, for such fiscal year, in compliance with all laws, regulations, directives, requirements, guidance, and manuals considered by the Inspector General for purposes of the audit;

(2) The Inspector General did not include in the report submitted to the Secretary of Defense pursuant to section 3521(f) of title 31, United States Code, a disclaimer of opinion regarding the financial statements so audited for fiscal year 1993; and

(3) the Inspector General concluded, on the basis of such audit, that the assets of the Defense Business Operations Fund were protected against loss from unauthorized use for fiscal year 1993.

(b) MATTERS REQUIRED TO BE CONSIDERED.—In conducting the audit required by section 3521(e) of title 31, United States Code, for fiscal year 1993, the Inspector General shall consider (among any other matters that are considered in accordance with generally accepted government auditing standards) all laws, regulations, directives, requirements, guidance, and manuals considered by the Inspector General during the audit of the financial statements of the Defense Business Operations Fund that the Inspector General conducted for fiscal year 1992 under such section, to the extent that such laws, regulations, directives, requirements, guidance, and manuals continued to be applicable to the Defense Business Operations Fund during fiscal year 1993.

LEVIN AMENDMENT NO. 841

Mr. LEVIN proposed an amendment to the bill S. 1298, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . AMERICAN DIPLOMATIC FACILITIES IN GERMANY.—(a) No embassy, chancery, or consular facilities in Germany other than the facilities already occupied as of January 1, 1993, by U.S. diplomatic personnel may be purchased, constructed, leased or otherwise occupied unless such facilities are purchased, constructed, modified or leased with funds provided by the German government as an offset for the value of facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Government of Germany.

(b) The Secretary of State or his representative may not enter into any legal instrument to purchase, construct, modify or lease any facility in Germany acquired pursuant to subsection (a) of this section until the Secretary of Defense certifies that the United States Government has received or is scheduled to receive cash payments or offsets-in-kind of a value not less than 50% of the value of the facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Government of Germany.

LEVIN (AND OTHERS) AMENDMENT NO. 842

Mr. LEVIN (for himself, Mr. DOLE, and Mr. SIMON, Mr. DECONCINI, and Mr. LUGAR) proposed an amendment to the bill S. 1298, supra; as follows:

At the appropriate place, insert:

SECTION 1. SANCTIONS AGAINST SERBIA AND MONTENEGRO.

(a) CODIFICATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions against Serbia and Montenegro described in the following directives of the executive branch of Government are hereby enacted into law:

(1) Executive Order 12808 of May 30, 1992, as continued in effect on May 25, 1993.

(2) Executive Order 12810 of June 5, 1992.

(3) Executive Order 12831 of January 15, 1993.

(3) Executive Order 12846 of April 25, 1993.

(5) Department of State Public Notice 1427, effective July 11, 1991.

(6) Proclamation 6389 of December 5, 1991 (56 Fed. Register 64467).

(7) Department of Transportation order 92-5-38 of May 20, 1992.

(8) Federal Aviation Administration action of June 19, 1992 (14 CFR Part 91).

(b) PROHIBITION ON ASSISTANCE.—(1) No funds appropriated or otherwise made available by law may be obligated or expended for Serbia or Montenegro.

(2) The prohibition of paragraph (1) includes funds which were obligated but not expended under any law enacted before the date of enactment of this Act.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance of the respective institutions to Serbia or Montenegro.

(d) EXCEPTION.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against the Republic of Serbia and the Republic of Montenegro those United States—supported programs, projects, or activities involving reform of the electoral process, or the development of democratic institutions or democratic political parties, in these two countries.

(e) WAIVER.—Notwithstanding any other provision of this section (other than paragraph (2)), the President may waive the application, in whole or in part, of any sanction or prohibition contained in this section if the President determines, and so certifies to Congress, that it would be in the national interest of the United States to do so.

(2) The waiver authority of paragraph (1) may not be used to waive any sanction or prohibition in section 1(a)(b)(c) unless the territory of Bosnia-Hercegovina, as recognized by the United States on April 2, 1992, is controlled by a government of Bosnia-Hercegovina recognized by the United States, and that government or its people, are not subject to military action in or against it by Serbia and Montenegro or Bosnian Serbian forces.

SMITH (AND OTHERS) AMENDMENT NO. 843

Mr. SMITH (for himself, Mr. GORTON, and Mr. BUMPERS) proposed an amendment to the bill S. 1298, supra; as follows:

At the appropriate place, insert:

SECTION 1. EFFECTIVE DATE FOR CHANGES IN SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) USE OF INTERNATIONAL DATE LINE.—Section 1967 of title 38, United States Code, is amended by adding at the end the following new section:

"(f) The effective date and time for any change in benefits under the Servicemen's Group Life Insurance Program shall be based on the date and time according to the time zone immediately west of the International Date Line."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to amendments to chapter 19 of title 38, United States Code, that take effect after November 29, 1992.

SMITH AMENDMENTS NOS. 844–845

Mr. SMITH proposed two amendments to the bill S. 1298, supra; as follows:

AMENDMENT No. 844

At the appropriate place in the bill, insert the following:

SECTION 1. AWARD OF THE NAVY EXPEDITIONARY MEDAL.

It is the sense of the Senate that the Secretary of the Navy should direct that members who served in Task Force 16, culminating in the air-raid commonly known as the "Doolittle raid on Tokyo", during April 1942, be awarded the Navy Expeditionary Medal for such service.

AMENDMENT No. 845

At the appropriate place in the bill insert the following:

SEC. . REPORT ON MILITARY FOOD DISTRIBUTION PRACTICES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Defense Personnel Support Center, a component of the Defense Logistics Agency (DLA), purchases more than 90 percent of the food supplied to military "end-users" such as dining halls, hospitals and other facilities that feed troops.

(2) Semiperishable items, such as canned goods, are stored in four DLA depots. Perishable items, including fresh and frozen vegetables, fruits, and meats, are stored in 21 contractor-operated Defense Subsistence Offices.

(3) Private Sector end-users, including independent restaurants, hospitals, and hotels, obtain their food through direct delivery from distributors.

(4) A Department of Defense comprehensive inventory reduction plan, issued in May 1990, stated that "where DoD requirements can be met through commercial distribution systems in a timely and cost-effective fashion, no value is added by pushing items through the DoD warehousing systems."

(5) A June 1993 GAO Report determined that the Department of Defense could achieve substantial cost savings by expanding the use of private sector food distributors and practices in the military food supply system.

(b) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review which evaluates the feasibility and economic benefits resulting from the expanded use of full-line distributors to deliver food directly to military end-users. The review should address whether the expanded use of distributors could reduce depot storage of food (except for war reserve stocks and items bound for overseas), and eliminate the requirement for Defense Subsistence Offices and certain base warehouses activities. The review should include a cost comparison of the Department of Defense supply system with the costs of commercial distributors. The review should also consider what obstacles may exist that would hinder the Department of Defense's ability to procure commercial items and institute commercial logistics practices.

(c) REPORT.—Not later than March 1, 1994, the Secretary shall submit to the congressional defense committees a report on his findings from the review together with any recommendations.

RIEGLE (AND HEFLIN) AMENDMENT NO. 846

Mr. LEVIN (for Mr. RIEGLE for himself, Mr. HEFLIN, and Mr. LEVIN) proposed an amendment to the bill S. 1298, supra; as follows:

At the appropriate place insert the following:

SEC. 2816. JUSTIFICATION OF RECOMMENDATIONS FOR CLOSURE OR REALIGNMENT OF INSTALLATIONS PREVIOUSLY CONSIDERED FOR CLOSURE OR REALIGNMENT.

(a) REQUIREMENT.—(1)(A) The Secretary of Defense shall include with the recommendation of the Secretary for the closure or realignment under a base closure law of an installation referred to in subparagraph (B) the justification described in paragraph (2).

(B) An installation referred to in subparagraph (A) is any installation recommended by the Secretary of Defense for closure or realignment under a base closure law in a year before the date of the enactment of this Act and not recommended for closure or realignment by a base closure and realignment commission in its recommendations for closure and realignment in that year by reason of the failure of the Secretary's recommendation to meet the criteria or force structure plan, as the case may be, upon which the Secretary's recommendation was based.

(2) A justification referred to in paragraph (1) shall include—

(A) an explanation of—

(i) the manner, if any, in which the recommendation of the Secretary for the closure or realignment of an installation referred to in paragraph (1)(A) is the direct result of—

(I) an amendment to the criteria used by the Secretary in making the recommendation since the Secretary's previous recommendation; or

(II) changes in the force-structure plan (or other military requirements) since such previous recommendation; and

(B) the manner, if any, in which the making of such recommendation in accordance with such amendment or changes eliminates the failure referred to in paragraph (1)(B); or

(2) in the event that such recommendation is not the direct result of such amendment or changes, an explanation of the manner in which such recommendation addresses the failure referred to in paragraph (1)(B).

(b) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; U.S.C. 2687 note).

ROTH (AND BIDEN) AMENDMENT NO. 847

Mr. SMITH (for Mr. ROTH for himself and Mr. BIDEN) proposed an amendment to the bill S. 1298, supra; as follows:

At an appropriate place in the bill, add the following new section

SEC. . 01. SHORT TITLE.

This section may be cited as NATO review requirements

SEC. . 02. FINDINGS; POLICY.

(a) FINDINGS.—The Congress finds that—

(1) the North Atlantic Treaty Organization (NATO) has successfully met the challenge of helping to maintain the peace, security and freedom of the United States and its NATO allies for more than forty years;

(2) the national security interests of the United States have been well served by the process of consultation, coordination, and military cooperation in the NATO framework;

(3) Recent history has witnessed radical changes in the international security environment, including the fall of the Berlin Wall, the unification of Germany, the disbanding of the Warsaw Pact and the disintegration of the Soviet Union;

(4) the military threats which NATO was established to deter have receded with the end of the Cold War, calling into question both the future value of the alliance and the rationale for U.S. military deployments in Europe;

(5) the post-Cold War security situation continues to present a wide array of challenges to U.S. national interests, many of which interests the U.S. shares with its allies in Europe and Canada;

(6) the international community may prove capable of deterring many threats to the common peace if it can respond decisively to aggression;

(7) the United States must share the burden of its international security commitments with other nations if it is to tend to the needs of its own citizens in a responsible fashion;

(8) several of the newly democratic nations of Central and Eastern Europe have expressed interest in seeking membership in NATO;

(9) many of the security challenges facing the post-Cold War world would be best handled through coherent multilateral responses;

(10) the United States should never send its military forces into combat unless they are provided with the best opportunity to accomplish their objectives with as little risk as possible;

(11) military interventions against antagonistic armed forces cannot be conducted

safely or effectively on a multilateral basis unless such operations are jointly planned in advance and are executed by units which have trained together and are familiar with each others operational procedures;

(12) NATO is currently the only organization with the experience, trained staff and infrastructure necessary to support military cooperation with major military allies of the United States;

(13) the NATO allies already have volunteered to consider requests from the United Nations and the Conference on Security and Cooperation in Europe for assistance in maintaining the peace;

(14) justification of the relevance of NATO in the post-Cold War world will depend largely upon the alliance's ability to adapt its mission and procedures to the new security environment;

(15) justification of future U.S. support for the alliance and for a U.S. military presence in Europe will depend upon NATO's ability to address those security interests which the United States shares with its allies in Europe and Canada;

(16) a summit meeting of the NATO heads of state, which has been scheduled for January 1994, would present an excellent opportunity for the President of the United States to articulate a new, broader security mission for the alliance in the post-Cold War world, one which will enable it to address a wider array of threats to its members' interests and which will help to share more effectively the burden of international security requirements.

(b) POLICY.—It is the sense of the Congress that—

(1) old threats to the security of the United States and its allies in the North Atlantic Treaty Organization have retreated radically but new, more diverse challenges have arisen in the form of ethno-religious conflict in Central and Eastern Europe and the proliferation of weapons of mass destruction in regions proximate to alliance territory and NATO's mission must be redefined so that it may respond to such challengers to its members' security even when those challenges emanate from beyond the geographic boundaries of its members' territories;

(2) future United States military involvement in, and contributions to, NATO should be determined in relation to the alliance's success or failure in adopting itself to confronting the challenges of the post-Cold War.

SEC. 03. REPORT.

(a) Within 30 calendar days of the enactment of this legislation, the President, in consultation with the Secretary of State and the Secretary of Defense, shall send a report to the Armed Services Committees of the U.S. Senate and House of Representatives and to the Foreign Relations Committee of the U.S. Senate and the Foreign Affairs Committee of the House of Representatives. This report should contain recommendations on—

(1) the manner in which NATO can formulate and implement a strategy to address the new, more disparate threats to the security of its members;

(2) the feasibility of having NATO conduct security operations beyond the geographic boundaries of the alliance;

(3) the manner in which NATO should restructure its forces, training and equipment for the new security environment;

(4) the desirability of expanding the alliance to include either traditionally neutral nations or the new democratic nations of Eastern or Central Europe who wish to join NATO;

(5) the proper size and composition of United States forces to be deployed in Europe to assist in the implementation of NATO's new mandate and possible reduction in U.S. military deployments in Europe in the event of the alliance's failure to adopt a new mandate;

(6) the structure and organization of NATO headquarters, with particular attention to the need to reinvigorate the NATO Military Committee;

(7) the desirability of having additional NATO forces train in North America in a manner supportive of NATO's proposed new strategy;

(8) the structure of NATO's military command, with particular attention to the need to make NATO's Rapid Reaction Force a credible deterrent to regional aggression;

(9) the levels of U.S., European and Canadian defense budgets and their ability to finance forces consistent with the implementation of NATO's new mandate.

PRYOR AMENDMENT NO. 848

Mr. LEVIN (for Mr. PRYOR) proposed an amendment to the bill S. 1298, supra; as follows:

On page 104, between lines 2 and 3, insert the following:

SEC. 340. BUDGET INFORMATION ON DEPARTMENT OF DEFENSE RECRUITING EXPENDITURES.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 227. Recruiting costs

"The Secretary shall include in the budget justification documents submitted to Congress each year in connection with the submission of the budget pursuant to section 1105 of title 31 the following matters:

"(1) The amount requested for the recruitment of persons for enlistment, appointment, or induction into the armed forces, including—

"(A) the personnel costs for Department of Defense personnel whose duties include—

"(i) recruitment;

"(ii) the management of Department of Defense personnel performing recruitment duties; or

"(iii) supporting Department of Defense personnel in the performance of duties referred to in clause (i) or (ii);

"(B) the cost of providing support for such personnel for the performance of those duties;

"(C) operation and maintenance costs associated with recruitment, including the costs of paid advertising and facilities;

"(D) the costs of incentives, including—

"(i) amounts paid under sections 302d, 308a, 308c, 308f, 308g, 308h (for a first enlistment), and 308i of title 37, relating to bonuses and other incentives;

"(ii) amounts deposited in the Department of Defense Education Benefits Fund pursuant to section 2006(g) of this title; and

"(iii) payments under the provisions of chapters 105, 107, and 109 of this title and chapter 30 of title 38; and

"(E) costs associated with military entrance processing;

"(2) the appropriation accounts from which such costs are to be paid; and

"(3) the estimated average total annual cost of recruiting a person for enlistment, appointment, or induction into the armed forces for the fiscal year covered by the budget justification documents, determined and reported separately for—

"(A) each armed force;

"(B) the active component of each armed force;

"(C) each of the reserve components of each armed force; and

"(D) for all of the armed forces.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"227. Recruiting costs.".

WARNER (AND LEVIN) AMENDMENT NO. 849

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1298; supra; as follows:

On page 242, below line 19, add the following:

SEC. 1067. LOCATION OF JOINT WARFIGHTING SIMULATION CENTER.

The Secretary of Defense shall provide that the Joint Warfighting Simulation Center, established by the Secretary on July 1, 1993, be located with the Army Training and Doctrine Command at Fort Monroe, Virginia.

BINGAMAN (AND DORGAN) AMENDMENT NO. 850

Mr. BINGAMAN (for himself and Mr. DORGAN) proposed an amendment to the bill S. 1298, supra; as follows:

On page 229, strike out line 4 and all that follows through page 231, line 14.

SHELBY (AND SMITH) AMENDMENT NO. 851

Mr. SHELBY (for himself and Mr. SMITH) proposed an amendment to amendment No. 829 proposed by Mr. HARKIN to the bill S. 1298, supra; as follows:

In the matter proposed to be stricken, insert at the end the following:

(d) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated to the Department of Defense for fiscal year 1994 may be obligated for the Kinetic Energy Antisatellite (KE-ASAT) program until the Secretary of Defense submits to Congress the report required by section 1363 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2560) that contains, in addition to the matter required by such section, the Secretary's certification that there is a requirement for an antisatellite program.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 852

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 1298, supra; as follows:

On page 394, after line 12, insert:

(3) Each year at the time of the President's submission of a budget under section 1105 of title 31, United States Code, the President shall submit a report covering the most recently completed calendar year setting forth—

(A) Whether the Stockpile Surveillance Program of the Department of Energy, and the calculations and experiments performed by Sandia National Laboratories, Lawrence Livermore National Laboratory, or Los Alamos National Laboratory have raised any concern with regard to the safety, security, effectiveness, or reliability of existing U.S. nuclear weapons; and

(B) If such concerns have been raised, the President's evaluation of each concern and report on what actions are being or will be taken to address it.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 853

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 1298, supra; as follows:

On page 65, between lines 13 and 14, insert the following:

SEC. 228. SINGLE STAGE ROCKET TECHNOLOGY.

(a) ADDITIONAL FUNDING.—In addition to the amount provided for programs managed by the Ballistic Missile Defense Organization pursuant to section 227 and in addition to the funds provided within such amount for research, development, test, and evaluation under the single stage rocket technology and single-stage-to-orbit program, there is authorized to be appropriated $75,000,000 for fiscal year 1994 for research, development, test, and evaluation under the single stage rocket technology and single-stage-to-orbit program.

(b) LIMITATION.—None of the amount authorized to be appropriated under subsection (a) may be obligated until the Secretary of Defense—

(1) submits to the congressional defense committees a program plan for phase two of the single stage rocket technology and single-stage-to-orbit program that sets forth the objectives and technical milestones for phase two; and

(2) certifies to such committees that adequate funding is provided in the future-years defense program for the single stage rocket technology and single-stage-to-orbit program for fiscal years 1995 and 1996.

(c) PROGRAM CHANGES.—It is the sense of Congress that the Secretary of Defense should—

(1) provide for transfer of responsibility for the single stage rocket technology and single-stage-to-orbit program from the Ballistic Missile Defense Organization to the Advance Research Projects Agency to be included under the space launch technology program element;

(2) provide for the management team that, as of the date of the enactment of this Act, is managing the single stage rocket technology and single-stage-to-orbit program to continue managing such program;

(3) conduct an open competition among businesses in the aerospace industry for entering into the contract or contracts for phase two of the single stage rocket technology and single-stage-to-orbit program; and

(4) examine options for sharing responsibility for defraying the costs of the single stage rocket technology and single-stage-to-orbit program among the Department of Defense, other departments and agencies of the Federal Government, and industry.

METZENBAUM AMENDMENT NO. 854

Mr. METZENBAUM proposed an amendment to the bill S. 1298, supra; as follows:

On page 190, after line 24, insert the following:

SEC. 825. PROHIBITION REGARDING A TASK FORCE ON ANTITRUST LAWS.

No funds available to the Department of Defense may be expended for the establishment or support of a task force for reviewing the antitrust aspects of defense industry consolidation.

MITCHELL AMENDMENT NO. 855

Mr. EXON (for Mr. Mitchell) proposed an amendment to the bill S. 1298, supra; as follows:

In the language proposed to be stricken insert the following:

One page 231, line 10, insert after "(f)":

"NATIONAL SECURITY COUNCIL REVIEW PROCESS.—In addition to the interagency review process for arms sales to foreign governments referred to in subsection (e), the National Security Council shall review the proposed defense sale and determine that it is in accord with U.S. security interests, that it contributes to collective defense burden sharing, and that it is consistent with United States nonproliferation goals.

"(g)"

SIMON (AND OTHERS) AMENDMENT NO. 856

Mr. SIMON (for himself, Ms. MOSELEY-BRAUN, Mr. BOND, Mr. DANFORTH, Mr. GRASSLEY, and Mr. HARKIN) proposed an amendment to the bill S. 1298, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PAYMENT OF FLOOD-DAMAGED LEVEE REPAIR COSTS.

Notwithstanding the Act of May 15, 1928 (45 Stat. 534, chapter 569; 33 U.S.C. 702a et seq.), the Act of June 15, 1936 (49 Stat. 1508, chapter 548; 33 U.S.C. 702a–1 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any other provision of law, the Secretary of the Army may—

(1) pay 100 percent of the costs of repair of Federal and non-Federal levees (including land, easements, rights-of-way, source of borrow, and construction costs) damaged as a result of the wide-spread flooding in the Midwest referred to in the Emergency Supplemental Appropriations for Relief From the Major, Widespread Flooding in the Midwest Act of 1993 (Public Law 103–75); and

(2) ensure, to the maximum extent practicable, that all repair referred to in paragraph (1) is completed not later than December 15, 1993.

SIMON (AND OTHERS) AMENDMENT NO. 857

Mr. SIMON (for himself, Ms. MOSELEY-BRAUN, Mr. GRASSLEY, Mr. BOND, Mr. DANFORTH, and Mr. HARKIN) proposed an amendment to the bill S. 1298, supra; as follows:

At the appropriate place, insert the following new section.

SEC. . STUDY OF FLOOD CONTROL MEASURES ON UPPER MISSISSIPPI RIVER AND TRIBUTARIES.

(a) PURPOSES.—The purposes of this section are—

(1) to improve the flood protection on the Upper Mississippi River and its tributaries in order to protect public health and safety, maintain commerce, and reduce economic losses due to flooding;

(2) to assess the adequacy of flood control measures in use at the time of the assessment (referred to in this section as "then current flood control measures"), both Federal and non-Federal, on the Upper Mississippi River and its tributaries and recommend improvements to protect critical public facilities and prevent the release of hazardous materials into flood waters; and

(3) to study environmentally constructive options; and

(4) to examine the Federal and non-Federal roles in funding the construction and maintenance of flood control measures on the Mississippi River and its tributaries and recommend changes to improve flood protection for high priority facilities.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of the Army shall conduct a study to assess the adequacy of then current flood control measures on the Upper Mississippi River and its tributaries.

(2) CONTENTS.—In conducting the study under this subsection, the Secretary shall—

(A) identify critical water, sewer, transportation, and other essential public facilities that do not have adequate flood protection at the time of the study;

(B) identify high priority industrial, petrochemical, hazardous waste, and other facilities that require additional flood protection due to the special health and safety risks caused by flooding;

(C)(i) evaluate then current Federal, State, and local flood impact review requirements for infrastructure improvements and other development in the flood plain of the Upper Mississippi River and its tributaries; and

(ii) recommend changes to reduce the potential loss of life, property damage, economic losses, and threats to health and safety caused by flooding, and to preserve a healthy environment;

(D) examine the differences in Federal cost-sharing for construction and maintenance of flood control projects on the Upper and Lower Mississippi River systems and assess the effect of the differences on the level of flood protection on the Upper Mississippi River and its tributaries;

(E)(i) assess the then current Federal policy on pre-event repair and maintenance of both Federal and non-Federal levees; and

(ii) recommend actions to help prevent the failure of the levees during flooding;

(F)(i) assess the impact of the then current system of levees and flood control projects on the flood levels experienced on the Upper Mississippi River and its tributaries in 1993; and

(ii) evaluate the cost-effectiveness of alternative flood control measures, such as the preservation and restoration of wetlands;

(G) recommend flood control improvements, changes in Federal cost-sharing, and other measures to reduce economic losses, damage to critical public facilities, and the release of hazardous materials from industrial, petrochemical, hazardous waste, and other facilities caused by flooding of the Upper Mississippi River and its tributaries; and

(H) assess the environmental impact of then current flood control measures and the flood control improvements recommended pursuant to this subsection.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this subsection.

WARNER (AND OTHERS) AMENDMENT NO. 858

Mr. WARNER (for himself, Mr. ROBB, Mr. SIMON, and Ms. MOSELEY-BRAUN)

proposed an amendment to the bill S. 1298, supra; as follows:

On page 353, between lines 4 and 5, insert the following:

SEC. 2842. LAND CONVEYANCES AND EXCHANGE, FORT SHERIDAN, ILLINOIS.

(a) Reuse and Exchange Authority.—(1) Notwithstanding any other provision of law and in order to expedite the conversion of Fort Sheridan, Illinois, to civilian uses acceptable to the affected communities, the Secretary of the Army may, subject to the Fort Sheridan Conceptual Land Use Improvement and Boundary Plan adopted by the Fort Sheridan Joint Planning Committee, on Sept. 2, 1993 convey to The Equitable Life Assurance Society of the United States (hereafter in this section referred to as "The Equitable"), or a person designated by The Equitable—

(A) all right, title, and interest of the United States in and to any or all of the surplus real property of the United States that is within the historic district of Fort Sheridan, together with any improvements thereon; and

(B) all right, title, and interest of the United States to any or all of the surplus real property of the United States at Fort Sheridan, that is commonly referred to as the "Northern Lands".

(2) As consideration for the conveyances of surplus real property authorized by paragraph (1), The Equitable shall—

(A) convey, or cause to be conveyed, to the United States all right, title, and interest in and to a parcel of real property, consisting of approximately 7.1 acres, that is located in Arlington County, Virginia, and is commonly known as the "Twin Bridges" parcel, together with any improvements thereon; and

(B) pay to the United States the amount, if any, by which the fair market value of the surplus real property conveyed to The Equitable or its designee pursuant to paragraph (1) exceeds the fair market value of the real property conveyed to the United States pursuant to subparagraph (A).

(b) Conveyance for Forest Preserve Protection and Enhancement.—(1) In order to ensure the continued protection and enhancement of the open spaces of Fort Sheridan, the Secretary of the Army shall, subject to the Fort Sheridan Conceptual Land Use Improvement and Boundary Plan adopted by the Fort Sheridan Joint Planning Committee, on Sept. 2, 1993, convey to the Lake County Forest Preserve District, Illinois (in this section referred to as the "District"), all right, title, and interest of the United States to a parcel of surplus real property at Fort Sheridan consisting of not less than 250 acres located north of the southerly boundary line of the historic district at the post, including improvements thereon.

(2) As consideration for the conveyance by the Secretary of the Army of the parcel of real property under paragraph (1), the District shall provide maintenance and care to the remaining Fort Sheridan Cemetery, pursuant to an agreement to be entered into between the District and the Secretary.

(c) Navy Parcel.—(1) In order to facilitate the reuse of Fort Sheridan, the Secretary of the Navy may, subject to the Fort Sheridan conceptual land use Improvement and Boundary Plan adopted by the Fort Sheridan Joint Planning Committee, Sep. 2, 1993 convey to The Equitable, or a person designated by The Equitable, all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 11.48 acres, that is located immediately west of and adjacent to the historic district of Fort Sheridan, Illinois, and is under the administrative control of the Secretary, together with any improvements thereon.

(2) As consideration for the conveyance authorized by paragraph (1), The Equitable shall—

(A) construct, or pay the costs of constructing, at a location on land at Fort Sheridan, Illinois, that is under the administrative jurisdiction of the Secretary of the Navy 30 units of military family housing that, as determined by the Secretary, are suitable replacements for the 30 units of military family housing that are located on the property conveyed pursuant to paragraph (1); and

(B) pay to the United States the amount, if any, by which the fair market value of the property conveyed pursuant to paragraph (1) exceeds the cost of constructing such replacement units of military family housing.

(d) Use of Twin Bridges Parcel.—The Secretary of the Army shall establish at the Twin Bridges parcel conveyed pursuant to subsection (a)(2) a National Museum of the United States Army. The development, operation, and all improvements related to the development of the Twin Bridges parcel for the National Museum of the United States Army shall comply with the zonning, site planning, and permit requirements of the County of Arlington, Virginia, and the Commonwealth of Virginia and shall be subject to a memorandum of understanding entered into by the Secretary of the Army and Arlington County, Virginia. The Secretary may use only donated funds to pay for the costs of development, construction, and infrastructure improvements related to the establishment of the National Museum of the United States Army.

(e) Determinations of Fair Market Value.—The Secretary of the Army, with respect to the transactions described in subsection (a), and the Secretary of the Navy, with respect to the transaction described in subsection (c), shall determine—

(1) the fair market value of the parcels of real property to be conveyed pursuant to this section; and

(2) the fair market value of any other consideration to be provided under this section.

(f) Descriptions of Property.—The exact boundaries, acreage, and legal descriptions of the real property conveyed pursuant to subsections (a), (b), and (c) shall be determined by surveys that are satisfactory to the Secretary of the Army (in the case of property conveyed pursuant to subsections(a) and (b)) and the Secretary of the Navy (in the case of property conveyed pursuant to subsection (c)). The costs of such surveys shall, in each case, be borne by the person to whom such real property is conveyed, except that, in the case of the Twin Bridges parcel conveyed pursuant to subsection (a)(2), the survey cost shall be borne by The Equitable.

(g) Proceeds.—Any proceeds received by the Army pursuant to the transactions described in subsections (a) and (b) shall be deposited in the Department of Defense Base Closure Account established under section 207 of the Defense Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) or, in the case of any proceeds received after closure of such account, in the Department of Defense Base Closure Account 1990 established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(h) Use of Funds.—The Secretary of the Navy shall use any amounts paid to the Secretary of the Navy under subsection (c)(2)(A) to pay for the construction of 30 units of family housing to replace the units located on the property to be conveyed under subsection (c)(1). Any amount paid to the Secretary under subsection (c) that is not expended for the construction of such military family housing units shall be deposited in the Department of Defense Military Family Housing Management Account in accordance with section 2831(b)(3) of title 10, United States Code.

(i) Additional Terms and Conditions.—The Secretary of the Army, with respect to the transactions described in subsections (a) and (b), and the Secretary of the Navy, with respect to the transaction described in subsection (c), may require any additional terms and conditions and undertake any additional obligations and actions that such Secretary considers appropriate under the circumstances to enhance or encourage reuse the of Fort Sheridan, Illinois, or to protect the interests of the United States.

BUMPERS AMENDMENT NO. 859

Mr. BUMPERS proposed an amendment to the bill S. 1298, supra; as follows:

On page 33, following line 24, insert the following:

SEC. 136. TRIDENT II MISSILE PROGRAM.

Of the funds authorized to be appropriated in this Act for procurement of TRIDENT II Missiles, none may be obligated prior to April 1, 1994 unless the President has certified to Congress that he has unsuccessfully attempted to reach an agreement with Russia, Ukraine, Kazakhstan and Belarus on detubing as a means of reducing launchers to meet the START II limits.

WARNER (AND OTHERS) AMENDMENT NO. 860

Mr. WARNER (for himself, Mr. Simon, Mr. Robb, and Ms. Moseley-Braun) proposed an amendment to the bill S. 1298, supra; as follows:

At an appropriate place in the bill, insert the following new section:

"The Secretary of Defense shall review, and shall provide a report of such review to the Committees on Armed Services of the Senate and the House of Representatives not later September 24, 1993, a proposed transfer of lands under the control of the Secretary of the Army, and lands under the control of the Secretary of the Navy, locates at Fort Sheriden, Illinois, for a parcel of real estate, consisting of approximately 7.1 acres, located in Arlington County, Virginia and commonly known as the "Twin Bridges" parcel, including the proposal to utilize the "Twin Bridges" parcel for the purpose of constructing and operating the National Museum of the United States Army, utilizing solely donated funds for the construction and operation of such museum.".

DOLE (AND KENNEDY) AMENDMENT NO. 861

Mr. WARNER (for Mr. Dole for himself and Mr. Kennedy) proposed an amendment to the bill S. 1298, supra; as follows:

Of the funds authorized to be appropriated in Section 201(1), $2,000,000 shall be available to continue the support of advanced laser burn treatment diagnostics and therapeutic research under the Army's medical research program.

DOLE (AND OTHERS) AMENDMENT NO. 862

Mr. WARNER (for Mr. DOLE, for himself, Mrs. KASSEBAUM, and Mr. BURNS) proposed an amendment to the bill S. 1298, supra; as follows:

On page 242, after line 19, add the following:

SEC. 1067. ENVIRONMENTAL EDUCATION OPPORTUNITIES PROGRAM

(a) PROGRAM REQUIRED.—(1)(A) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the EPA and the Secretary of Energy, shall establish a scholarship program for education and training for qualified individuals in order to enable such individuals to acquire career training in environmental engineering, environmental sciences, or environmental project management in fields related to hazardous waste management and cleanup.

(B) The program established pursuant to paragraph (A) may include educational activities and training related to—

(i) site remediation;
(ii) site characterization;
(iii) hazardous waste management;
(iv) hazardous waste reduction;
(v) recycling;
(vi) process and materials engineering;
(vii) training for positions related to environmental engineering, environmental sciences, or environmental project management (including training for management positions); and
(viii) environmental engineering with respect to the construction of facilities to address the items described in clauses (i) through (vii).

(C) The program established pursuant to paragraph (A) shall include educational activities designed for personnel participating in a program to achieve specialization in the following fields:

(i) Earth sciences.
(ii) Chemistry.
(iii) Chemical Engineering.
(iv) Environmental engineering.
(v) Statistics.
(vi) Toxicology.
(vii) Industrial hygiene.
(viii) Health physics.
(ix) Environmental project management.

(b) FUNDING.—(1) From amounts appropriated pursuant to this authority the Sec. of Defense shall award scholarships to individuals described in paragraph (g) to attend programs at the hazardous substance research center institutions of higher education at both undergraduate and graduate levels which lead to the awarding of an academic degree or a certification that is supplemental to an academic degree.

(c) REPAYMENT.—(1) Any individual receiving educational assistance from the United States under the program carried out under this section shall agree to pay to the United States the total amount of the educational assistance provided to the individual by the United States under the program, plus interest at the rate prescribed in paragraph (4), if the individual does not complete the educational program for which the assistance is provided.

(2) If an individual fails to pay to the United States the total amount required pursuant to paragraph (1), including the interest, at the rate prescribed in paragraph (4), the unpaid amount shall be recoverable by the United States from the individual or his estate by—

(A) in the case of an individual who is an employee of the United States, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method as is provided by law for the recovery of amounts owing to the United States.

(3) The Secretary of Defense may waive in whole or in part a required repayment under this subsection if the Secretary of Defense determines that the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) The total amount of educational assistance provided to an individual under a program carried out under subsection (a) shall, for purposes of repayment under this section, bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(d) COORDINATION OF BENEFITS.—Any educational assistance provided to an individual under the program carried out under subsection (a) shall be taken into account in determining the eligibility of that individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(e) COST AND FUNDING.—(1) The cost of carrying out the program required by this section may not exceed $8,000,000 in any fiscal year.

(f) REPORT TO CONGRESS.—Not later than January 1, 1995, the Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of EPA, shall submit to the Congress a report on activities undertaken under the program established under this section and recommendations for future activities under the program.

(g) DEFINITIONS.—In this section:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "hazardous substance research centers" means the hazardous substance research centers described in section 311(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(d)). Such term includes the Great Plains and Rocky Mountain Hazardous Substance Research Center, the Northeast Hazardous Substance Research Center, the Great Lakes and Mid-Atlantic Hazardous Substance Research Center, the South and Southwest Hazardous Substance Research Center, and the Western Region Hazardous Substance Research Center.

(3) The term "hazardous waste" means—

(A) waste listed as hazardous waste pursuant to subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.);

(B) radioactive waste; and

(C) mixed waste.

(4) The term "mixed waste" means waste that contains a mixture of waste described in subparagraphs (A) and (B) of paragraph (3).

"(g) INDIVIDUALS ELIGIBLE FOR TRAINING, ASSISTANCE, AND SERVICES.—

"(1) CERTAIN MEMBERS OF THE ARMED FORCES.—A member of the Armed Forces shall be eligible for training, adjustment assistance, and employment services under this section if the member—

"(A) was on active duty or full-time National Guard duty on September 30, 1990;

"(B) during the 5-year period beginning on that date—

"(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

"(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

"(C) is not entitled to retired or retainer pay incident to that separation; and

"(D) applies for such training, adjustment assistance, or employment services before the end of the 180-day period beginning on the date of that separation.

"(2) CERTAIN DEFENSE EMPLOYEES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a civilian employee of the Department of Defense or the Department of Energy shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

"(i) during the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending, as determined by the Secretary of Defense or the Secretary of Energy, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

"(ii) is not entitled to retired or retainer pay incident to that termination or lay off.

"(B) SPECIAL RULE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE EMPLOYED AT CERTAIN MILITARY INSTALLATIONS.—

"(i) IN GENERAL.—A civilian employee of the Department of Defense employed at a military installation being closed or realigned under the laws referred to in clause (ii) shall be eligible for training, adjustment assistance, and employment services under this section beginning on the date on which such employee receives actual notice of termination, or the date determined by the Secretary of Defense under clause (iii), whichever occurs earlier.

"(ii) CERTAIN DEFENSE LAWS.—The laws referred to in this clause are—

"(I) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

"(II) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(iii) DATE.—The date determined under this clause is the date that is 24 months before the date on which the military installation is to be closed or the realignment of the installation is to be completed, as the case may be.

(6) The term "radioactive waste" means solid, liquid, or gaseous material that contains radionuclides regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) of negligible economic value (considering the cost of recovery).

JOHNSTON AMENDMENT NO. 863

Mr. NUNN (for Mr. JOHNSTON) proposed an amendment to the bill S. 1298, supra; as follows:

On page 413, after line 18, insert the following new section:

"SEC. 3139. STANDARDIZATION OF REQUIREMENTS AFFECTING DEPARTMENT OF ENERGY EMPLOYEES.

(a) Part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 through 7218) is repealed.

(b) The table of contents for the Department of Energy Organization Act is amended by striking out the matter relating to part A of title VI."

STEVENS (AND OTHERS) AMENDMENT NO. 864

Mr. WARNER (for Mr. STEVENS for himself, Mr. BYRD, Mr. HATFIELD, and Mr. INOUYE) proposed an amendment to the bill S. 1298, supra; as follows:

On page 16 of the bill, "Sec. 106. Reserve Components." , is modified by adding at the end of the section the following new item:

"(8) For National Guard aircraft replacement and modernization, $150,000,000."

BURNS AMENDMENT NO. 865

Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill S. 1298, supra; as follows:

On page 353, between lines 4 and 5, insert the following new section:

SEC. 2842. CONVEYANCE OF LAND IN FORT MISSOULA, MONTANA.

(a) LAND USE DETERMINATION.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Army shall determine whether a parcel of land consisting of approximately 11 acres, and improvements thereon, located in Fort Missoula, Missoula County, Montana, is excess to the needs of the Department of the Army.

(b) AUTHORIZATION.—If the Secretary determines that the property identified in subsection (a) is excess to the needs of the Department of the Army, the Secretary may, subject to subsection (c), convey to the Northern Rockies Heritage Center, a nonprofit corporation incorporated in the State of Montana, all right, title, and interest of the United States to such property.

(c) CONDITIONS.—The conveyance authorized in subsection (b) shall be subject to the conditions that—

(1) the property conveyed may be used only for historic, cultural, or educational purposes;

(2) the Northern Rockies Heritage Center shall enter into an agreement with the Secretary of Agriculture concerning the use of the property by the Department of Agriculture;

(3) the Northern Rockies Heritage Center shall indemnify the united States against all liability in connection with any hazardous materials, substances, or conditions that may be found on the property; and

(4) the Northern Rockies Heritage Center shall, prior to the conveyance and for the first year of operation of the Northern Rockies Heritage Center after the conveyance, establish, to the satisfaction of the Secretary of the Army, that it has the ability to maintain C.L. the property described in subsection (a) for the purposes described in paragraph (1).

(d) REVERSIONARY INTEREST.—If the property conveyed pursuant to subsection (b) is used for purposes other than those specified in subsection (c)(1), all right, title, and interest to and in the property shall revert to the United States at no cost to the United States, which shall have immediate right of entry on the land.

(e) DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (b) shall be determined by surveys that the Secretary determines are satisfactory. The Northern Rockies Heritage Center shall pay the cost of any survey required by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may establish such additional terms and conditions for the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(g) CONGRESSIONAL NOTIFICATION.—If the Secretary determines that the property identified in subsection (a) is not excess to the needs of the Department of the Army, the Secretary shall notify Congress in writing of the plans of the Department of the Army for maintaining and utilizing the property. Such notification shall be made not later than 60 days after the date of enactment of this Act.

NUNN AMENDMENT NO. 866

Mr. NUNN proposed an amendment to the bill S. 1298, supra; as follows:

On page 104, between lines 2 and 3, insert the following:

SEC. 340. REVISION OF AUTHORITIES ON NATIONAL SECURITY EDUCATION TRUST FUND.

(a) CREDITING OF GIFTS TO THE NATIONAL SECURITY EDUCATION TRUST FUND.—Section 804(e) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904(e)) is amended by adding at the end the following:

"(3) Any gifts of money shall be credited to and form a part of the Fund.".

(b) REPEAL OF AUTHORIZATION REQUIREMENT.—Section 804(b) of such Act is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

On page 153, strike out line 15 and all that follows through page 154, line 6, and insert in lieu thereof the following:

SEC. 632. SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.

(a) SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.—A person who has a service-connected disability rated as total may be paid a special pay under this section if the person is entitled to emergency officers', regular, or reserve retirement pay based solely on—

(1) the person's age;

(2) the length of the person's service in the uniformed services; or

(3) both the person's age and the length of such service.

(b) AMOUNT OF SPECIAL PAY.—The amount of special pay that may be paid a person under subsection (a) for any month may not exceed the monthly amount of the compensation that is paid such person under laws administered by the Secretary of Veterans Affairs.

(c) FUNDING.—The cost of the special pay authorized to be paid under this section shall be paid out of funds available to the Department of Defense for travel of personnel of the Department of Defense in positions within the Office of the Secretary of Defense, the Office of the Secretary of the Army, the Office of the Secretary of the Navy, and the Office of the Secretary of the Air Force.

(d) DEFINITIONS.—In this section, the terms "compensation" and "service-connected" have the meanings given such terms in section 101 of title 38, United States Code.

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), this section shall take effect on January 1, 1994.

(2) This section shall not take effect if, before January 1, 1994, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives the report required by section 641 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2424).

(f) APPLICABILITY.—(1) Except as provided in paragraph (2), this section shall apply to months that begin on or after the effective date of this section.

(2) This section shall not be effective for months that begin after September 30, 1994.

On page 269, line 8, strike out "$599,153,000" and insert in lieu thereof "$603,553,000".

On page 269, in the table below line 11, strike out the item relating to Fort Carson, Colorado, and insert in lieu thereof the following:

Colorado:

Fitzsimons Army Medical Center, $4,400,000; Fort Carson, $4,050,000.

On page 272, line 6, strike out "$2,364,930,000" and insert in lieu thereof "$2,369,330,000".

On page 272, line 9, strike out "$599,153,000" and insert in lieu thereof "$603,553,000".

On page 303, line 8, strike out "$230,993,000" and insert in lieu thereof "$233,793,000".

ROTH (AND OTHERS) AMENDMENT NO. 867

Mr. WARNER (for Mr. ROTH, Mr. NUNN, Mr. BINGAMAN, Mr. THURMOND, Mr. SMITH, Mr. GRASSLEY, and Mr. COHEN) proposed an amendment to the bill S. 1298, supra; as follows:

On page 190, after line 24, insert the following:

Subtitle D—Defense Acquisition Pilot Program

SEC. 831. DEFENSE ACQUISITION PILOT PROGRAM AMENDMENTS.

(a) REPEAL OF LIMITATION ON NUMBER OF PARTICIPATING DEFENSE ACQUISITION PROGRAMS.—Section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) is amended by striking out "not more than six".

(b) REPEAL OF REQUIREMENT TO DESIGNATE PARTICIPATING PROGRAMS AS DEFENSE ENTERPRISE PROGRAMS.—Section 809 of such Act is amended by striking out subsection (d).

(c) PUBLICATION OF POLICIES AND GUIDELINES FOR PUBLIC COMMENT.—Section 809 of such Act is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(d) PUBLICATION OF POLICIES AND GUIDELINES.—The Secretary shall publish in the Federal Register a proposed memorandum setting forth policies and guidelines for implementation of the pilot program under this section and provide an opportunity for public comment on the proposed memorandum for a period of 60 days after the date of publication. The Secretary shall publish in the Federal Register any subsequent proposed change to the memorandum and provide an opportunity for public comment on each such proposed change for a period of 60 days after the date of publication.".

(d) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Section 809 of such Act is amended—

(1) by redesignating subsection (f) as subsection (e); and

(2) in paragraph (2)(D) of subsection (e), as so redesignated, by striking out "specific budgetary and personnel savings" and inserting in lieu thereof "a discussion of the efficiencies or savings".

SEC. 832. REFERENCE TO DEFENSE ACQUISITION PILOT PROGRAM.

A reference in this subtitle to the Defense Acquisition Pilot Program is a reference to the defense acquisition pilot program authorized by section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note).

SEC. 833. MISSION ORIENTED PROGRAM MANAGEMENT.

It is the sense of Congress that—

(1) in the exercise of the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), the Secretary of Defense should propose for one or more of the defense acquisition programs covered by the Defense Acquisition Pilot Program to utilize the concept of mission oriented program management that includes—

(A) establishing a mission oriented program executive office; and

(B) designating a lead agency for the mission oriented program executive office;

(2) the duties of the program executive officer for each of one or more of such programs should include—

(A) planning, programming, and carrying out research, development, and acquisition activities;

(B) providing advice regarding the preparation and integration of budgets for research, development, and acquisition activities;

(C) informing the operational commands of alternative technology solutions to fulfill emerging requirements;

(D) ensuring that the acquisition plan for the program realistically reflects the budget and related decisions made for that program;

(E) managing related technical support resources;

(F) conducting integrated decision team meetings; and

(G) providing technological advice to users of program products and to the officials within the military departments who prepare plans, programs, and budgets;

(3) the Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition, should prescribe policies and procedures for the interaction of the commanders of the unified and specified combatant commands with the mission oriented program executive officers, and such policies and procedures should include provisions for enabling the user commands to perform acceptance testing; and

(4) the management functions of a program manager should not duplicate the management functions of the mission oriented program executive officer.

SEC. 834. SAVINGS OBJECTIVES.

It is the sense of Congress that the Secretary of Defense, on the basis of the experience under the Defense Acquisition Pilot Program, should seek personnel reductions and other management and administrative savings that, by September 30, 1998, will achieve at least a 25-percent reduction in defense acquisition management costs below the costs of defense acquisition management during fiscal year 1993.

SEC. 835. PROGRAM PHASES AND PHASE FUNDING.

(a) ACQUISITION PROGRAM PHASES.—It is the sense of Congress that—

(1) the Secretary of Defense should propose that one or more defense acquisition programs proposed for participation in the Defense Acquisition Pilot Program be exempted from acquisition regulations regarding program phases that are applicable to other Department of Defense acquisition programs; and

(2) a program so exempted should follow a simplified acquisition program cycle that is results oriented and consists of—

(A) an integrated decision team meeting phase which—

(i) could be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

(ii) should be conducted by a program executive officer; and

(iii) should usually be completed within 1 to 3 months;

(B) a prototype development and testing phase which should include operational tests and concerns relating to manufacturing operations and life cycle support and should usually be completed within 6 to 36 months and should produce sufficient numbers of prototypes to assess operational utility;

(C) a product integration, development, and testing phase which—

(i) should include full-scale development, integration of components, and operational testing; and

(ii) should usually be completed within 1 to 5 years; and

(D) a phase for production, integration into existing systems, or production and integration into existing systems.

(b) PHASE FUNDING.—To the extent provided in legislation pursuant to subsection of (c)(1)(B) of section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) and to the extent provided in appropriations Acts, the Secretary of Defense is authorized to expend for a defense acquisition program participating in the Defense Acquisition Pilot Program such sums as are necessary to carry out a phase of the acquisition program cycle after the Secretary determines that objective quantifiable performance expectations relating to the execution of that phase have been identified.

(c) MAJOR PROGRAM DECISION.—It is the sense of the Congress that the Secretary of Defense should establish for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program an approval process having one major decision point.

SEC. 836. PROGRAM WORK FORCE POLICIES.

(a) IN GENERAL.—The Secretary of Defense shall review the incentives and personnel actions available to the Secretary for encouraging excellence in the acquisition workforce of the Department of Defense and may provide an enhanced system of incentives, in accordance with applicable law, for the encouragement of excellence in the work force of a participating acquisition program.

(b) ENHANCED SYSTEM OF INCENTIVES.—The Secretary of Defense should consider providing for program executive officers, program managers, and other acquisition personnel of defense acquisition programs participating in the Defense Acquisition Pilot Program an enhanced system of incentives which—

(1) in accordance with applicable law, relates pay to performance; and

(2) provides for consideration of the extent to which the performance of such personnel contributes to the achievement of cost goals, schedule goals, and performance goals established for such programs.

SEC. 837. EFFICIENT CONTRACTING PROCESSES.

It is the sense of the Congress that the Secretary of Defense, in exercising the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), should seek to simplify the procurement process, streamline the period for entering into contracts, and simplify specifications and requirements.

SEC. 838. CONTRACT ADMINISTRATION: PERFORMANCE BASED CONTRACT MANAGEMENT.

It is the sense of the Congress that the Secretary of Defense should propose under section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) that, for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program, payments under section 2307(a) of title 10, United States Code, be made on any of the following bases:

(1) Performance measured by statistical process controls.

(2) Event accomplishment.

(3) Other quantifiable measures of results.

SEC. 839. CONTRACTOR PERFORMANCE ASSESSMENT.

(a) COLLECTION AND ANALYSIS OF PERFORMANCE INFORMATION.—The Secretary of Defense shall collect and analyze information on contractor performance under the Defense Acquisition Pilot Program.

(b) INFORMATION TO BE INCLUDED.—Information collected under subsection (a) shall include the history of the performance of each contractor under the Defense Acquisition Pilot Program contracts and, for each such contract performed by the contractor, a technical evaluation of the contractor's performance prepared by the program manager responsible for the contract.

McCAIN AMENDMENT NO. 868

Mr. WARNER (for Mr. McCAIN) proposed an amendment to the bill S. 1298, supra; as follows:

On page 242, below line 19, add the following:

SEC. 1067. TERMINATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

Not later than April 30, 1994, the Secretary of Defense shall submit to the Armed Services Committees of the Senate and House of Representatives a list of the reports required of the Department of Defense by law on that date that the Secretary determines are unnecessary or incompatible with the efficient management of the Department of Defense. Unless otherwise provided by a law enacted after the date of the enactment of this Act, the requirement for the submittal to Congress of any report included in the list submitted under this section shall expire on October 30, 1995.

BOXER AMENDMENT NO. 869

Mr. NUNN (for Mrs. BOXER) proposed an amendment to the bill S. 1298, supra; as follows:

On page 323, between lines 19 and 20, insert the following:

SEC. 2816. EMPLOYMENT OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL TO CARRY OUT ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) IN GENERAL.—(1) The Secretary of Defense may, in keeping with the cost saving and cleanup schedule goals of the Department of Defense with respect to the closure of military installations—

(A) provide such training to the personnel described in paragraph (2) as the Secretary determines necessary in order to qualify such personnel to carry out environmental assessment, remediation, and restoration activities (including asbestos abatement) at military installations closed or to be closed pursuant to a base closure law; and

(B) employ such personnel to carry out such activities, or require contractors engaged in carrying out such activities to employ such personnel.

(2) The personnel referred to in paragraph (1) are Department of Defense civilian personnel whose employment would be terminated (except for the employment of such personnel under paragraph (1)) by reason of the closure of a military installation pursuant to a base closure law.

(3) This subsection shall not be construed to revise or modify any requirement established under Federal or State law relating to environmental assessment, remediation, or restoration activities at military installations referred to in paragraph (1)(A).

(b) PRIORITY IN TRAINING AND EMPLOYMENT.—The Secretary shall give priority in providing training and employment under subsection (a) to persons employed at any military installation whose closure pursuant to a base closure law will directly result in the termination of the employment of at least 1,000 Department of Defense civilian employees.

(c) FUNDING.—Notwithstanding any other provision of law, the Secretary may carry out the training and employment referred to in subsection (a) using funds available for environmental training in addition to funds in the following accounts:

(1) The Department of Defense Base Closure Account established under section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Department of Defense Base Closure Account 1990 established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(d) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

MITCHELL (AND WARNER) AMENDMENT NO. 870

Mr. NUNN (for Mr. MITCHELL for himself and Mr. WARNER) proposed an amendment to the bill S. 1298, supra; as follows:

On page 180, after line 24, insert the following:

SEC. 804. SMALL BUSINESS PARTICIPATION.

(a) DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—(1) Section 2511 of title 10, United States Code, is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following new subsection (g):

"(g) SMALL BUSINESS PARTICIPATION.—(1) The Secretary shall ensure that small businesses and consortia involving one or more small businesses are afforded an opportunity to participate in the partnerships program.

"(2) The Secretary shall conduct seminars or similar programs for small businesses in order to disseminate information regarding the partnerships program widely to small businesses.

"(3) The Secretary shall establish a goal that at least 15 percent of the total amount appropriated for a fiscal year for partnerships under this section be expended for partnerships that involve small businesses or consortia involving one or more small businesses.

"(4) In this section, the term 'small business' has the meaning given the term 'small business concern' pursuant to section 3 of the Small Business Act (15 U.S.C. 632).".

(2) Not later than the date on which the President submits to Congress the budget for fiscal year 1995 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a plan for achieving the goal required by subsection (g)(3) of section 2511 of title 10, United States Code, as added by paragraph (1)(B).

(b) SBA MEMBERSHIP ON THE NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The Administrator of the Small Business Administration.".

DOLE (AND OTHERS) AMENDMENT NO. 871

Mr. WARNER (for Mr. DOLE for himself, Mr. WARNER, and Mr. LUGAR) proposed an amendment to the bill S. 1298, supra; as follows:

On page 242, below line 19, insert the following:

SEC. 1067. DEPARTMENT OF DEFENSE FOOD STOCKS FOR ASSISTANCE IN BOSNIA-HERCEGOVINA AND ARMENIA.

Beginning not later than 10 days after the date of the enactment of this Act, the Secretary of Defense should make available to the Office of Foreign Disaster Assistance of the Agency for International Development, out of stocks for which there exists appropriations, of the Department of Defense, 500,000 cases of meals ready to eat for distribution over next four months, as humanitarian relief, in Bosnia-Hercegovina and Armenia. To the extent possible, these supplies should come from surplus stocks.

DOLE AMENDMENT NO. 872

Mr. WARNER (for Mr. DOLE) proposed an amendment to the bill S. 1298, supra; as follows:

On page 101, between lines 20 and 21, insert the following:

(e) NOTIFICATION AND DISBURSAL.—(1) The Secretary shall notify on or before June 30, 1994, each local educational agency eligible for assistance under subsections (b) and (d) of section 386 of Public Law 102-484 for fiscal year 1994 of such agency's eligibility for such assistance and the amount of such assistance.

(2) The Secretary shall disburse the funds made available pursuant to subsection (d) no later than 30 days after notification to eligible local education agencies.

MITCHELL (AND THURMOND) AMENDMENT NO. 873

Mr. NUNN (for Mr. MITCHELL for himself and Mr. THURMOND) proposed an amendment to the bill S. 1298, supra; as follows:

After section 2918 (as added by amendment No. 828) insert the following:

SEC. 2919. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) SECTION NOT TO TAKE EFFECT.—Section 2916 shall not take effect.

(b) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(5)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

(c) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(4)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

NUNN AMENDMENT NO. 874

Mr. NUNN (for himself and Mr. THURMOND) proposed an amendment to the bill S. 1298, supra; as follows:

On page 37, strike out lines 9 through 11, and insert in lieu thereof the following:

(b) LEVEL FUNDING.—Of the amounts authorized to be appropriated in this title, $10,000,000 shall be available for fiscal year 1994 for engineering development under the program.

On page 65, line 19, strike out "or devices" and insert in lieu thereof ", or devices,".

On page 72, line 19, strike out "Amounts" and insert in lieu thereof "To the extent provided in appropriations Acts, amounts".

On page 152, between lines 11 and 12, insert the following:

(k) ARMY ENLISTMENT BONUS.—(1) Section 308f(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(2) The amendment made by paragraph (1) shall take effect as of September 30, 1992.

On page 192, strike out line 9 and all that follows through page 193, line 3.

On page 242, after line 19, insert the following:

SEC. 1067. TECHNICAL AND CLERICAL AMENDMENTS.

(a) MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 401 is amended by striking out subsection (f).

(2) Section 1408 is amended—

(A) in subsections (b)(1)(A), (f)(1), and (f)(2), by striking out "subsection (h)" and inserting in lieu thereof "subsection (i)"; and

(B) in subsection (h)(4)(B), by inserting "of" after "of that termination".

(3) Section 1605(a) is amended by striking out "(50 U.S.C. 403 note)" and inserting in lieu thereof "(50 U.S.C. 2153)".

(4) Section 1804(b)(1) is amended by striking out "his or her" and inserting in lieu thereof "the volunteer's".

(5) Section 2031(a)(1) is amended in the second sentence by striking out "Not more than 200 units may be established by all of the military departments each year, and the" and by inserting in lieu thereof "The".

(6) Section 2305(b)(4)(A) is amended by realigning clauses (i) and (ii) so that they are indented two ems from the left margin.

(7) Subsections (a), (e), and (g) of section 2371 are amended by striking out "Defense Advanced Research Projects Agency" and inserting in lieu thereof "Advanced Research Projects Agency".

(8) Section 2469 is amended by striking out ", prior to any such change,".

(9)(A) Section 2490a is transferred to the end of chapter 165, redesignated as section 2783, and amended—

(i) in subsection (b)(2)—

(I) by striking out "title 10, United States Code" and inserting in lieu thereof "this title";

(II) by striking out the comma after "Justice)"; and

(III) by striking out "of such title" and inserting in lieu thereof "of this title"; and

(ii) in subsection (c)(1), by striking out "Armed Forces" and inserting in lieu thereof "armed forces".

(B) The table of sections at the beginning of chapter 147 is amended by striking out the item relating to section 2490a.

(C) The table of sections at the beginning of chapter 165 is amended by adding at the end the following new item:

"2783. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds.".

(10) Section 2491 is amended—

(A) in paragraph (2), by striking out "nonmilitary application" and inserting in lieu thereof "nonmilitary applications"; and

(B) in paragraph (8), by striking out "subsection (f)" and inserting in lieu thereof "subsection (b)(4)".

(11) Section 2501(b)(2) is amended by striking out "and thereby free up capital" and inserting in lieu thereof "that, by reducing the public sector demand for capital, increases the amount of capital available".

(12) Section 2513 is amended—

(A) in subsection (b), by striking out "ELIGIBLE CENTERS.—" and inserting in lieu thereof "ELIGIBLE ALLIANCES.—"; and

(B) in subsection (c)(2)(B)—

(i) by striking out "two" in clause (ii) and inserting in lieu thereof "one"; and

(ii) by redesignating the clause (iii) added by section 4223(d) of Public Law 102-484 (106 Stat. 2681) as clause (iv); and

(iii) by striking out "an" in clause (iv), as so redesignated, and inserting in lieu thereof "An".

(13) Section 2771 is amended—

(A) in subsection (a), by striking out "who dies after December 31, 1955"; and

(B) in subsection (b), by striking out "for the" and all that follows and inserting in lieu thereof "for the uniformed services.".

(14) Section 9315 is amended—

(A) in subsection (b), by striking out "Air Training Command" and inserting in lieu thereof "Air Education and Training Command"; and

(B) in subsection (c), by striking out "Air Force Training Command" and inserting in lieu thereof "Air Education and Training Command of the Air Force".

(b) SUBSECTION HEADINGS.—

(1) Section 2507 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "AUTHORITY.—" after "(a)";

(B) in subsection (b), by inserting "CONDITION FOR USE OF AUTHORITY.—" after "(b)";

(C) in subsection (c), by inserting "PENALTY FOR NONCOMPLIANCE.—" after "(c)";

(D) in subsection (d), by inserting "LIMITATIONS ON DISCLOSURE OF INFORMATION.—" after "(d)";

(E) in subsection (e), by inserting "REGULATIONS.—" after "(e)"; and

(F) in subsection (f), by inserting "DEFINITIONS.—" after "(f)".

(2) Section 2523 of such title is amended—

(A) in subsection (a), by inserting "IN GENERAL.—" after "(a)"; and

(B) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) PROGRAM REQUIREMENTS.—(1)".

(c) AMENDMENTS TO PUBLIC LAW 102-484.—Public Law 102-484 is amended as follows:

(1) Section 1051(b)(2) (106 Stat. 2498) is amended—

(A) by striking out "'section 101(47) of title 10,'" and inserting in lieu thereof "'section 101(47) of title 10'"; and

(B) by striking out "'section 101 of title 10,'" and inserting in lieu thereof "'section 101 of title 10'".

(2) Section 1313(2) (106 Stat. 2548) is amended, effective as of October 23, 1992, by striking out "'structure and'" and inserting in lieu thereof "'structure, and'".

(3) Section 1365 (106 Stat. 2561) is amended by striking out "(e) DEFINITION.—" and inserting in lieu thereof "(d) DEFINITION.—".

(4) Section 1441 (106 Stat. 2566) is amended in the matter preceding paragraph (1) by striking out "the FREEDOM Support Act of 1992" and inserting in lieu thereof "the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-511; 106 Stat. 3345; 22 U.S.C. 5861)".

(5) Section 1505(e)(2) (106 Stat. 2571) is amended by striking out "(d)(2)" in the matter preceding subparagraph (A) and inserting in lieu thereof "(d)(4)".

(6) Section 1828 (106 Stat. 2585; 36 U.S.C. 5108) is amended by striking out "board of the directors" and inserting in lieu thereof "board of directors".

(d) CROSS REFERENCE AMENDMENTS IN OTHER LAWS.—

(1) Effective as of December 19, 1991, section 12 of the Coast Guard Authorization Act of 1991 (Public Law 102-241; 105 Stat. 2213) is amended by striking out "Section 406(b)(2)(E) of title 37," and inserting in lieu thereof "Section 406(b)(1)(E) of title 37,".

(2) Section 3(c)(2) of Public Law 101-533 (22 U.S.C. 3142) is amended by striking out "section 2522 of title 10" and inserting in lieu thereof "section 2506 of title 10".

(3) Section 109(17) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking out "section 101(8) of title 10" and inserting in lieu thereof "section 101(a)(9) of title 10".

(4) Section 179(a)(2)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12639(a)(4)) is amended by striking out "section 101(4) of title 10," and inserting in lieu thereof "section 101(a)(4) of title 10,".

On page 266, line 7, strike out "1208)" and insert in lieu thereof "1207)".

On page 275, in the table below line 16, strike out the item relating to Land Acquisition, Various Locations, and insert in lieu thereof the following:

Land Acquisition	$2,140,000

On page 347, line 25, strike out "Maricopa County, Arizona," and insert in lieu thereof "the Flood Control District of Maricopa County, Arizona (in this section referred to as 'the Flood Control District'),".

On page 348, line 1, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 3, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, beginning on line 15, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 17, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 18, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 24, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 1, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 4, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 9, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 12, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, beginning on line 16, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 392, line 3, strike out "chlorofluorocarbons" and insert in lieu thereof "substances".

On page 412, beginning on line 24, strike out "the congressional defense committees" and insert in lieu thereof "Congress".

On page 431, line 5, insert "(a) ADDITIONAL USES.—" before "Section".

On page 431, between lines 11 and 12, insert the following:

"(b) CONFORMING AMENDMENT.—Section 9 of such Act is amended by striking out paragraph (4)."

On page 431, line 17, strike out "'total mobilization'" and insert in lieu thereof "', based upon'".

REID AMENDMENT NO. 875

Mr. NUNN (for Mr. REID) proposed an amendment to the bill S. 1298, *supra;* as follows:

At the appropriate place in the bill, insert the following new sections:

SEC. . PROHIBITION ON MILITARY ACTIVITIES, DUCK VALLEY RESERVATION, NEVADA/IDAHO.

(a) MILITARY OVERFLIGHTS.—Notwithstanding any other provision of law, aircraft under the jurisdiction of the military departments may not carry out flights for military purposes in the airspace that is less than 15,000 feet above ground level of the Duck Valley Reservation of the Shoshone-Paiute Tribes, Nevada/Idaho.

(b) OTHER ACTIVITIES.—Notwithstanding any other provision of law, the restriction referred to in subsection (a) applies to the area that extends 15 miles from the boundary of such reservation.

(c) DEFINITION.—In this section, the term "military departments" has the meaning given such term in section 101(a) of title 10, United States Code.

SEC. . PROHIBITION ON ESTABLISHMENT OF THE IDAHO TRAINING RANGE, MOUNTAIN HOME AIR FORCE BASE, IDAHO.

Notwithstanding any other provision of law, the Secretary of the Air Force may not carry out any activities with respect to the development or establishment of the Idaho Training Range.

KEMPTHORNE AMENDMENT NO. 876

Mr. WARNER (for Mr. KEMPTHORNE) proposed an amendment to amendment No. 875 proposed by Mr. REID to the bill S. 1298, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 2854. STUDY OF EFFECTS OF AIR FORCE ACTIVITIES ON DUCK VALLEY RESERVATION.

(a) STUDY.—The Secretary of the Air Force shall carry out a study to determine—

(1) the effects on Air Force operations of a requirement that overflights of the Duck Valley Reservation of the Shoshone-Paiute Tribes occur no lower than 15,000 feet above ground level of such reservation;

(2) the effects on such operations of a requirement that no military activities occur within such reservation or the area within 15 miles of the boundary of such reservation; and

(3) whether such operations can be carried out within the areas referred to in paragraph (2) in accordance with the following:

(A) The provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(B) The provisions of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(b) REPORT.—The Secretary shall submit to Congress the report required under subsection (a) not later than 120 days after the date of the enactment of this Act.

LEVIN (AND WARNER) AMENDMENT NO. 877

Mr. NUNN (for Mr. LEVIN and Mr. WARNER) proposed an amendment to the bill S. 1298, supra; as follows;

At the end of title XX, insert the following section:

SEC. . AVAILABILITY OF SURPLUS MILITARY EQUIPMENT.

The Secretary of Defense shall make his best effort to make available surplus military equipment scheduled for retirement or disposal owing to military downsizing, base closure or realignment to communities suffering economic hardships from the closure of a military base, if such equipment is important to the economic development efforts of those communities, and if such equipment does not have an alternative military use.

BREAUX AMENDMENT NO. 878

Mr. NUNN (for Mr. BREAUX) proposed an amendment to the bill S. 1298, supra; as follows:

At the end of subtitle C of title I (page 26, after line 16), insert the following new section:

SEC. . LONG-TERM LEASE AUTHORITY FOR CERTAIN ROLL-ON/ROLL-OFF VESSELS.

(a) AUTHORITY.—The Secretary of the Navy may enter into a long-term lease or charter for not more than five vessels described in subsection (b) without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(b) COVERED VESSELS.—Subsection (a) applies to roll-on/roll-off (RO/RO) vessels which are required by the Department of Defense for prepositioning or related point-to-point service and which, in the case of vessels for which work is required to make the vessel eligible for such service and for documentation under the laws of the United States, have such work performed in a United States shipyard.

(c) LIMITATION ON SOURCE OF FUNDS.—The Secretary may not use funds appropriated for the National Defense Sealift program that are available for construction of vessels to enter into a contract for a lease or charter pursuant to subsection (a).

(d) CONDITIONS ON OBLIGATION OF FUNDS.—The Secretary may not enter into a contract for a lease or charter pursuant to subsection (a) unless the contract includes the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that lease or charter.

(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that lease or charter for that fiscal year.

(3) A statement that such a commitment given under paragraph (2) does not constitute an obligation of the United States.

(e) DEFINITION.—For purposes of subsection (a), the term "long-term lease or charter" has the meaning given that term in section 2401(d)(1)(A) of title 10, United States Code (without regard to subparagraph (B) of that section).

BYRD AMENDMENT NO. 879

Mr. NUNN (for Mr. BYRD) proposed an amendment to the bill S. 1298, supra; as follows

On page 242, after line 19, insert the following:

SEC. 1067. REPORTS RELATING TO CERTAIN SPECIAL ACCESS PROGRAMS AND SIMILAR PROGRAMS.

(a) IN GENERAL.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report on each special access program carried out in the department or agency.

(2) Each such report shall set forth—

(A) the total amount requested by the department or agency for special access programs within the budget submitted under section 1105 of title 31, United States Code, for the fiscal year following the fiscal year in which the report is submitted; and

(B) for each program in such budget that is a special access program—

(i) a brief description of the program;

(ii) in the case of a procurement program, a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(b) NEWLY DESIGNATED PROGRAMS.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report that, with respect to each new special access program provides—

(A) notice of the designation of the program as a special access program;

(B) justification for such designation; and

(C) the current estimate of the total program cost for the program.

(2) In this subsection, the term "new special access program" means a special access program that has not previously been covered in a notice and justification under this subsection.

(c) REVISION IN CLASSIFICATION OF PROGRAMS.—(1) Whenever a change in the classification of a special access program of a covered department or agency is planned to be made or whenever classified information concerning a special access program of a covered department or agency is to be declassified and made public, the head of the department or agency shall submit to the appropriate oversight committees a report containing a description of the proposed change or the information to be declassified, the reasons for the proposed change or declassification, and notice of any public announcement planned to be made with respect to the proposed change or declassification.

(2) Except as provided in paragraph (3), a report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change, declassification, or public announcement is to occur.

(3) If the head of the department or agency determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change, declassification, or public announcement concerning a special access program of the department or agency, the head of the department or agency may submit the report required by paragraph (1) regarding the proposed change, declassification, or public announcement at any time before the proposed change, declassification, or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) REVISION OF CRITERIA FOR DESIGNATING PROGRAMS.—Whenever there is a modification or termination of the policy and criteria used for designating a program of a covered department or agency as a special access program, the head of the department or agency shall promptly notify the appropriate oversight committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) WAIVER OF REPORTING REQUIREMENT.—(1) The head of a covered department or agency may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the head of the department or agency determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the head of a department or agency exercises the authority provided under paragraph (1), the head of the department or agency shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the appropriate oversight committees.

(f) INITIATION OF PROGRAMS.—A special access program may not be initiated until—

(1) the appropriate oversight committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

(g) DEFINITIONS.—In this Act:

(1) The term "appropriate oversight committees", in the case of a special access program carried out in a covered department or agency, means—

(A) each committee of the Senate and the committee of the house of Representatives having jurisdiction over legislation that authorizes the program, as determined under the Standing Rules of the Senate and the Rules of the House of Representatives, respectively; and

(B) the Committees on Appropriations of the Senate and House of Representatives.

(2) The term "covered department or agency" means any department or agency of the Federal Government that carries out a special access program (other than the Department of Defense or an agency in the Intelligence Community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a))).

(3) The term "special access program" means any program that, under the authority of Executive Order 12356 (or any successor Executive order), is established by the head of a department or agency whom the President has designated in the Federal Register as an original "top secret" classification authority that imposes "need-to-know" controls or access controls beyond those controls normally required (by regulations applicable to such department or agency) for access to information classified as "confidential", "secret", or "top secret".

DASCHLE AMENDMENT NO. 880

Mr. NUNN (for Mr. DASCHLE) proposed an amendment to the bill S. 1298, supra; as follows:

On page 356, between lines 19 and 20, insert the following:

SEC. 2854. DISPOSITION OF REAL PROPERTY AT MISSILE SITES TO ADJACENT LANDOWNERS.

Section 9781 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by substituting "Administrator of General Services" for "Secretary of the Air Force";

(2) in subsection (a)(2), by striking out subparagraph (D) and inserting in lieu thereof the following:

"(D) is surrounded by lands that are adjacent to such tract and that—

"(i) are owned in fee simple by one owner, either individually or by more than one person jointly, in common, or by the entirety; or

"(ii) are owned separately by two or more owners."; and

(3) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and revising the single paragraph thereof to read as follows:

"(b)(1) the Administrator shall convey, for fair market value, the interest of the United States in any tract of land referred to in subsection (a) or in any easement in connection with any such tract of land to any person or persons described in paragraph (a)(2)(D)(i) who, with respect to such land, are ready, willing, and able to purchase such interest for the fair market value of such interest. Whenever such interest of the United States is available for purchase under this section, the Administrator shall transmit a notice of the availability of such interest to each such person or persons."

(B) by adding at the end the following new paragraph:

"(2)(A) In the case of a tract of land surrounded by lands that are adjacent to such tract and are owned separately by two or more owners, the Administrator shall dispose of that tract of land in accordance with this paragraph.

"(B) The Administrator shall conduct a sealed bid competitive sale at which all of such owners are afforded the opportunity to compete to acquire the interest of the United States in such tract. The Administrator shall restrict to the owners of the adjacent lands the opportunity to compete in the sealed bid competitive sale.

"(C) Subject to paragraph (C), the Administrator shall convey the interest of the United States in the tract to the highest bidder.

"(D) The Administrator shall satisfy the requirements of paragraph (1) regarding notice, fair market value, and the qualifications of the purchaser in disposing of the tract in accordance with the results of the sealed bid competitive sale.

"(E) If all bids received by the Administrator pursuant to subparagraph (A) are less than the fair market value of the tract of land, the tract of land shall be disposed of in accordance with the provisions of title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).".

(4) In subsection (c), by substituting "Administrator" for "Secretary;"

(5) In subsection (e), by substituting "Secretary of the Air Force" for "Secretary" as it first appears in the subsection and by substituting "Administrator" for "Secretary" as it last appears in the subsection; and

(6) In subsection (f), by substituting "Administrator" for "Secretary."

HUTCHISON AMENDMENT NO. 881

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1298, supra; as follows:

On page 33, after line 24, insert the following:

SEC. 136. OPERATIONAL SUPPORT AIRCRAFT.

None of the funds appropriated for the Department of Defense for fiscal year 1994 may be obligated for a procurement of any operational support aircraft without full and open competition (as defined in section 2302(3) of title 10, United States Code), unless—

(1) the procurement is within an exception set forth in section 2304(c) of title 10, United States Code;

(2) the justification and certification requirements of section 2304(f) of such title are satisfied; and

(3) the Under Secretary of Defense for Acquisition certifies to the congressional defense committees that the procurement is within an exception set forth in section 2304(c) of such title.

SPECTER AMENDMENT NOS. 882–883

Mr. WARNER (for Mr. SPECTER) proposed two amendments to the bill S. 1298, supra; as follows:

AMENDMENT NO. 882

On page 323, between lines 19 and 20, insert the following:

SEC. 2816. REPORTS ON COSTS OF THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) ESTIMATED COSTS OF CLOSURES AND REALIGNMENTS.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the costs (other than costs related to environmental restoration and remediation) estimated at the time of the report of the closure or realignment of any military installation referred to in paragraph (2) under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) as follows:

(A) Not later than 6 months after the date of the enactment of this Act, in the case of such installations approved for closure or realignment under such Act in 1991 and not closed or realigned on such date.

(B) Not later than January 1, 1995, in the case of such installations approved for closure or realignment under such Act in 1993.

(2) A military installation referred to in paragraph (1) is an installation whose closure or realignment results in the termination of employment at the installation of not less than 1,000 Department of Defense civilian employees.

(b) EXCESS COSTS.—If the costs (other than costs related to environmental restoration and remediation) to be incurred by the Secretary in carrying out the closure or realignment under a base closure law of a military installation referred to in subsection (a) exceeds by more than 50 percent the costs estimated for such closure or realignment in the cost estimate prepared by the Secretary in recommending the installation for closure or realignment—

(1) the Secretary shall notify the Comptroller General that the costs of such closure or realignment will exceed such estimated costs; and

(2) not later than 6 months after the date of such notification, the Comptroller General shall submit to such committees a detailed audit of the costs to be incurred by the Secretary in carrying out such closure or realignment, including an assessment of the reasons that such costs differed from the cost estimated for such closure or realignment in such costs estimate.

(c) ANNUAL REPORT ON EXCESS COSTS.—(1) The Secretary shall submit to the congressional defense committees an annual report on the estimated costs of activities related to the closure or realignment, as the case may be, of each installation for which the Secretary makes the determination referred to in subsection (b).

(2) Each report under paragraph (1) shall include—

(A) an estimate of the costs to be incurred by the Secretary in completing the closure or realignment, as the case may be, of the installation; and

(B) if the amount of such costs exceed the amount of estimated costs for such completion in the report on the installation submitted under this section in the previous year, an explanation of such excess.

(3) The Secretary shall submit the report required under paragraph (1) at the same time as the President submits to Congress the budget for the Department of Defense under section 1105 of title 31, United States Code. The Secretary shall submit a report for each installation referred to in that paragraph until the completion of the closure or realignment, as the case may be, of such installation.

(d) Requirement Relating to Reports.—Costs shall be expressed in each report required under this section in constant fiscal year 1993 dollars.

(e) Definition.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

AMENDMENT NO. 883

After section 2818 (as added by amendment No. 828), insert the following:

SEC. 2819. CONSULTATION REQUIREMENT FOR LOCAL REUSE AUTHORITIES AND GOVERNMENTS.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2907, is further amended by adding at the end the following new subparagraphs (I) and (J):

"(I) Subject to subparagraph (J), the local reuse authority with respect to a military installation closed under this part, or the local government in whose jurisdiction the installation is wholly located, as the case may be, shall certify to the Secretary that such authority or government, as the case may be, has consulted in the efforts of such authority or government on such plan and, to the maximum extent practicable, included in such efforts the following:

"(i) The civilian employees of the Department of Defense at such installation.

"(ii) The regional and local chambers of commerce, if any, in such vicinity of the installation.

"(iii) Appropriate representatives of any governmental entity in the region in which such installation is located, if the number of employees of such installation on the date of the approval of closure of such installation constitutes more than 5 percent of the total civilian workforce of the area under the jurisdiction of such governmental entity.

"(J)(i) The certification required under subparagraph (I) shall be submitted, in the case of installations approved for closure under this part for which no reutilization and redevelopment plan has been submitted to the Secretary on or before the date of the enactment of this Act, before the submittal of such plans for such installations.

"(ii) Each local reuse authority or local government, as the case may be, that has submitted an interim reutilization and redevelopment plan to the Secretary under this part on or before the date of the enactment of this Act shall submit a certification to the Secretary under subparagraph (I) before the submittal of its final reutilization and redevelopment plan.".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on proposals to reorganize the Department of Agriculture. The hearing will be held on Tuesday, September 28, 1993 at 9:30 a.m. in SR-332.

On Wednesday, October 6, 1993 at 9:30 a.m. in SR-332 the committee will mark up legislation that would reorganize and reform the Department of Agriculture.

For further information, please contact Mike Fernandez of the committee staff at 224-5207.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding an oversight joint hearing with the Senate Committee on Labor and Human Resources, Subcommittee on Employment and Productivity, beginning at 3 p.m. in 485 Russell Senate Office building on the JTPA Program and Implementation of the Indian Employment Training and Services Demonstration Act.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON JUVENILE JUSTICE

Mr. NUNN. Mr. President, I ask unanimous consent that the Juvenile Justice Subcommittee of the Committee on the Judiciary, be authorized to meet during the session on the Senate on Monday, September 13, 1993 at 8:30 a.m., in Milwaukee, WI, to hold a field hearing on "Kids and Guns, a Wisconsin Perspective."

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO UNITED BLOOD SERVICES

• Mr. DECONCINI. Mr. President, I rise today to commend and thank United Blood Services for 50 years of dedicated service to our country. Their motto is "to provide lifesaving blood to people in need" and United Blood Services has demonstrated that this motto is indeed their guide.

In 1942, Katherine "Kitty" Baldwin and Opal Davis recognized the need for a dependable blood supply in the Phoenix, AZ, area. In March 1943, with the assistance of Mrs. Baldwin's husband, Louis B. Baldwin, they were able to convince the Maricopa County Medical Society to adopt a resolution to sponsor a community blood program. In October 1943, the new community blood program known as the Salt River Valley Blood Bank opened its doors. From this humble start 50 years ago, United Blood Services has become one of the premier blood suppliers in the Nation.

Today, United Blood Services manages 21 blood donation centers in 14 different States, aiding nearly 20 million Americans. They collect 158,000 blood donations annually to meet the needs of patients in 61 area medical facilities. These donations come from caring people willing to donate their blood to those in need.

I want to congratulate United Blood Services, the excellent staff, and those individuals who volunteer their time and service. Not only has United Blood Services saved individual lives, they have saved someone's father, mother, brother, and sister. They have provided a critical assistance not just to Arizona, but to the entire country. Thank you, United Blood Services, for your 50 years of dedication, caring, and service.•

HEALTH CARE COSTS

• Mrs. HUTCHISON. Mr. President, I ask unanimous consent to have printed in the Congressional Record a Texas House concurrent resolution.

The concurrent resolution follows:

"House Concurrent Resolution No. 145

"Whereas, Rapidly rising health care costs, which now consume 14 percent of the gross national product, threaten to destroy our nation's employment base and economic security; and

"Whereas, American workers have shown a genuine willingness to cooperate with business owners in efforts to confront the problems that are at the root of rising medical costs and health care spending; and

"Whereas, In recognition of the cooperative spirit that characterizes America's approach to the problem of health care, members of the 102nd Congress have sponsored legislation that would create medical savings accounts; and

"Whereas, Built up by contributions from employees and employers, these medical savings accounts would allow complete freedom in choices of routine health care while offering protection against the costs of catastrophic illnesses; and

"Whereas, By giving American workers true control over their medical finances, administrative costs would be substantially reduced, and normal market incentives would apply to decisions in health care spending; now, therefore, be it

"*Resolved*, That the 73rd Legislature of the State of Texas hereby requests the Congress of the United States to enact the appropriate changes in the Internal Revenue Code to allow employers to set up tax-free medical savings accounts that would enable consumers to control medical care spending; and, be it further

"*Resolved*, That medical savings accounts be included as a part of the national health care initiative being developed by the Congress; and, be it further

"*Resolved*, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the speaker of the house of representatives of the United States Congress, to the president of the Senate of the United States Congress, and to all members of the Texas delegation to the Congress, with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States."•

AN INTERNATIONAL CRIMINAL COURT

• Mr. DODD. Mr. President, on January 28, 1993, I introduced Senate Joint Resolution 32, a joint resolution calling on the United States to support efforts of the United Nations to establish a permanent international criminal court. I am pleased to report that this measure has made steady progress through the legislative process. On July 23 the Foreign Relations Committee reported to the Senate a State Department authorization bill containing language virtually identical to that contained in Senate Joint Resolution 32. As a result the full Senate should have the opportunity to vote on this measure some time in the very near future.

I introduced this measure, Mr. President, because I support the idea of an international criminal court, and I want to encourage debate in this country over this very important issue. Ever since the end of the Nuremberg trials after World War II, the international community has recognized that it is possible to enforce the rule of law on an evenhanded, multilateral basis. However, past efforts to develop a permanent structure to adjudicate crimes against the international order have not borne fruit, primarily due to the difficulties of reaching agreement on such a structure during the cold war.

Today, with the cold war over, the United Nations has embarked on this task once again. In fact, a U.N. body known as the International Law Commission has been examining the issue of the international criminal court at every one of its annual meetings since 1990, seeking to promote a consensus on the many issues that must be resolved before such a court can come into being. However, the debate on this issue has been hampered by the fact that most members of the general public are unaware of the work of the Commission or the importance of this issue.

Accordingly, in an effort to build a more comprehensive public record on this matter, it is my intention to submit for the CONGRESSIONAL RECORD on a regular basis materials and documents that are relevant to the consideration of this issue. The purpose of this effort is simple: to allow Members of Congress and their staff—as well as any individuals with an interest in public affairs—to see for themselves the extensive and groundbreaking work that has recently been done on this issue by the international community.

One particular item that I want to call to the attention of my colleagues today, Mr. President, is a report that was issued last year by a blue ribbon task force of the American Bar Association. This task force, composed of several prominent members of the academic community and headed by former Attorney General Benjamin R. Civiletti, examined the arguments for and against an international criminal court and explored some of the many issues that must be resolved before such a court can come into existence. Acting on the basis of the information contained in this report, the ABA lent its formal endorsement to the concept of the international criminal court at its 1992 annual meeting.

One of the more important sections of this report, Mr. President, is the section entitled "Nature and Scope of the Court's Jurisdiction." In this section, the task force discusses the types of crimes the international criminal court might cover and the manner in which individuals would be brought under its jurisdiction. These are some of the more difficult questions that must be resolved before such a court can be established, since they go to the heart of the court's manner of operations.

Mr. President, the blue ribbon task force has been continuing its work and in the next several months will be releasing an update to its 1992 report. In the intervening time, however, I will enter this particular section into the CONGRESSIONAL RECORD so that those who have an interest in the concept of an international criminal court can have the benefit of the ABA's discussion of how such a court might operate. I look forward to working with my colleagues in support of this very important proposal in the future.

I ask that a copy of Section III, Nature and Scope of the Court's Jurisdiction from the report of the American Bar Association Task Force on an International Criminal Court be placed in the CONGRESSIONAL RECORD at this point.

The material follows:

REPORT OF THE AMERICAN BAR ASSOCIATION TASK FORCE ON AN INTERNATIONAL CRIMINAL COURT

III. NATURE AND SCOPE OF THE COURT'S JURISDICTION

The issue of the appropriate nature and scope of jurisdiction for an international criminal court raises complex questions deserving of extensive consideration, and the International Law Commission has spent considerable time on this issue. Concerning the nature of an international criminal court's jurisdiction, there would appear to be four possibilities: (1) exclusive; (2) concurrent; (3) transfer of proceedings, i.e., the state with original jurisdiction would not lose jurisdiction but merely transfer the criminal proceedings to the court, which would apply the substantive law of the transferring state, including its provisions on penalties; or (4) appellate review jurisdiction.

Under the exclusive jurisdiction approach, states would relinquish their jurisdiction over crimes coming within the jurisdiction of the international criminal court. State would agree that their national courts would not exercise jurisdiction regarding crimes over which the international criminal court has jurisdiction. The primary argument in favor of such an approach is that, at least in theory, "a single court with exclusive jurisdiction would [be] conduc[ive] to the development of a coherent and consistent body of law. . . ."[1] Few countries, however, would be willing to relinquish, in advance, their authority to undertake domestic prosecutions concerning certain categories of crimes.

Among the many difficulties it would raise, a transfer of proceedings approach would probably violate Article III, Section I of the U.S. Constitution, which provides:

> The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior courts, shall hold their Offices during good behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Under a transfer of proceedings approach the international criminal court would exercise the judicial power of the United States and apply U.S. law, although it would not be a tribunal established by Congress, its judges would not be appointed by the President with the advice and consent of the Senate, and they would not be assured of life tenure and undiminished compensation.

Appellate review jurisdiction by an international criminal court would raise similar constitutional difficulties for the United States and presumably for other states as well. Further, except for perhaps contributing to the development of a coherent and consistent body of law, it would not afford any of the benefits that an international criminal court might provide.

The Task Force would favor a system of concurrent jurisdiction between the court and nation states. As suggested by our recommendations, the court's jurisdiction should depend upon the consent of both the state where the crime is alleged to have been committed and the state of which the accused is a national. Other states might have jurisdiction under international law to try the accused, but the state where the crime is committed and the state of nationality would appear to be the states with the strongest interest in the crime and only their consent should be required for the court to exercise jurisdiction. In some cases the crime may be committed in more than one state. For example, narcotic offenses involving Colombians have often been committed in Colombia but the effects of these crimes have been felt in the United States and have constituted crimes under United States law. In such instances the United States may have the greater interest in the prosecution of the crime, especially if the crime did not cause much injury in Colombia. As a practical matter, it would also be necessary to obtain the consent of the state where the alleged offender was apprehended, if that was a state other than the territorial state or the state of nationality, since the state with custody would be the one that would transfer the alleged offender to the court's jurisdiction.

One member of the Task Force disagrees with the proposal that the court's jurisdiction should depend upon the consent of both the state where the crime is alleged to have been committed and the state of which the accused is a national. In that member's view, if the state where the offense is committed is willing to punish the offender, then it should do so. If not, then the offender should be rendered to somebody else. As to the state of nationality the member points out that there are many regimes who not only condone but encourage international lawlessness by their nationals, and suggests that one purpose of an international court is to deal with such situations. Examples cited include the Letellier/Moffitt murders sponsored by Chile and the sabotage by French agents against Greenpeace that resulted in a death. One might add, as a further example, Libya, which currently is refusing to extradite two Libyan intelligence agents who allegedly were responsible for the bombing of Pan Am Flight 103 and a French airliner to Britain, France, or the United States.

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[1] Footnotes follow at end of article.

The majority of the Task Force members disagrees with this reasoning. With respect to the state where the offense is committed, it is correct that, if it is willing to punish the offender, then it should do so. In many instances, however, it may be unable to do so because it lacks custody of the offender. The state which has custody, moreover, may be unable (because of lack of an extradition treaty, for example) or unwilling to extradite or otherwise render the offender to the state where the crime was committed. Under such circumstances, the state where the crime was committed might be willing to allow an international criminal court to exercise jurisdiction, especially if the state of custody was unable or unwilling to prosecute.

As to the state of nationality, the Task Force would suggest that an international criminal court is not an appropriate mechanism for dealing with the problem of state sponsorship of international crimes. In such cases the primary problem is not the inability to prosecute and punish the alleged individual offenders. Rather, the problem is how to deal with the state sponsoring lawlessness, to induce it to cease and to hold it responsible for such sponsorship.[2]

Moreover, the Task Force would suggest that few, if any, states would be willing to agree to the jurisdiction of an international criminal court with the authority to try their nationals without their consent. The proposal that the court's jurisdiction should depend on the consent of both the state where the crime is committed and the state of nationality of the accused is based on provisions found in the United Nations draft statute of 1953.[3] Our reading of the recent debates in the International Law Commission and the Sixth Committee lead us to conclude that most states would still demand these limitations on the court's jurisdiction.

It should be noted that it would be highly unlikely that the United States would be willing to allow an international criminal court to have jurisdiction in a situation where it was the state in whose territory the crime was alleged to have been committed and it had custody of the alleged offender. For the United States to cede jurisdiction to an international criminal court under these circumstances would raise profound and perhaps insurmountable constitutional issues (such as the right to a jury trial). However, in a situation where the accused was a U.S. national who allegedly had committed the crime abroad, the United States, depending upon circumstances, might greatly prefer that he be tried before an international criminal court rather than by the courts of the territory in which the crime was committed. Also, in a situation where the United States was seeking extradition of an accused and the state where he was apprehended was resisting extradition, an international criminal court might present a compromise alternative.

It is debatable whether there would be U.S. constitutional objections to such an approach. In the situation where the U.S. national had committed the crime abroad and the United States agreed to his prosecution before an international criminal court sitting outside the United States and imposing punishment outside of the United States instead of prosecution before the courts of the country where he committed the crime, arguably there would be no grounds for constitutional objection merely because the United States might cooperate in the prosecutorial effort—such cooperation also might occur if he were tried before the courts of the territorial state. There might be a closer question in the situation where the United States was seeking extradition of a U.S. national, the requested country refused to extradite and instead proposed transferring the alleged offender to the jurisdiction of an international crime court. Here the United States would be giving up jurisdiction it was entitled to exercise over the accused. Unlike the transfer of proceedings situation, however, it would not have the accused in custody in the United States, and it would have made a determination that it would not be able to obtain such custody. Under these circumstances the choice might be between no prosecution of the alleged offender or prosecution before an international criminal court. It is possible but by no means certain that it would be within the foreign affairs powers of the President to opt for the latter alternative.[4] This is an issue that requires further analysis.

Another key aspect of the jurisdiction of an international criminal court would be its appropriate scope. Here, at least four alternatives appear to present themselves. First, the jurisdiction of the court might include all crimes listed in an international criminal code, perhaps along the lines of the code that the International Law Commission has sought to develop for some time now. This would seem to be an exceedingly ambitious and questionable enterprise, especially since it has so far proven impossible to reach agreement on such a code, and we would counsel against it.

Second, the court's jurisdiction might be limited, at least in the first instance, to international drug trafficking. This is the approach favored in the 1990 resolution and report adopted by the Section of International Law and Practice. Upon reflection some members of the Task Force concluded that this "modest initiative" is too modest. In their view, a court whose jurisdiction was limited to international drug trafficking would focus on a crime of surpassing concern to the United States but would have nothing to do with the prosecution and punishment of a wide range of equally significant international crimes also of great concern to the United States as well as other countries. Moreover, it is quite possible that an international court whose jurisdiction was so limited would find itself with little or nothing to do.

Other members of the Task Force would continue to favor the establishment of a court on a regional basis with its jurisdiction limited to international drug trafficking. They point out that a number of Caribbean and Latin American countries, which have been unable or unwilling to prosecute or extradite major drug traffickers, have indicated interest in establishing an international criminal court as a third option to prosecution or extradition. In their view, many of the more thorny problems of a full-blown international criminal court with expansive jurisdiction would be lessened or avoided in a scaled-down regional court with jurisdiction limited to offenses defined in the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. They contend that, if a full-blown court is ever to be feasible, it makes sense first to experiment with a more limited international criminal court of this type.

Third, the jurisdiction of the court might be somewhat more expansive and include drug trafficking plus few crimes as to which there seems to be widespread agreement on the need for their prosecution and punishment. Trinidad and Tobago, for example, has suggested that the court's jurisdiction cover genocide, torture, crimes against diplomats and international trafficking in illicit and narcotic drugs.[5] This approach might meet some of the arguments raised against the proposal that the court's jurisdiction be limited to drug trafficking.

Other members of the Task Force would favor the so-called "accordion or Chinese menu" approach to jurisdiction. That is, State A might agree to the court's jurisdiction over one crime, say, drug trafficking. In contrast, State B might agree that the court could exercise jurisdiction over a lengthy list of international crimes. This is the approach long favored by the Foundation for an International Criminal Court, and might allow for maximum flexibility and for room to experiment. The "Chinese menu" from which states would select might be quite lengthy but would be limited to crimes already covered by widely ratified international conventions.

Supporters of this approach admit that it would allow the court to exercise jurisdiction—at least if the territorial state and the state of nationality gave their consent over some politically charged crimes, for example, genocide, torture, war crimes, and such manifestations of "terrorism" as hijacking of or attacks against aircraft, attacks against internationally protected persons, including diplomats, and international hostage taking. However, they contend, there is now a strong international consensus that such crimes should be punished regardless of the motivation or affiliation of the perpetrator, and a strong argument can be made that they should be central to the role of an international criminal court.

Opponents of the "Chinese menu" approach point out that it differs little from any blanket recognition of jurisdiction, since the consent of the states of nationality and of offense are required to proceed in that context as well.

FOOTNOTES

[1] Statement of Patrick Robinson, Representative of Jamaica to the UN Sixth Committee, on November 7, 1990, at 13–14, quoted and cited in Sharf, supra, note 16, at 160.

[2] See Report to the Special Working Committee on Responses to State-Sponsored Terrorism, in Nonviolent Responses to Violence-Prone Problems 9–65 (B.H. Oxman and J.F. Murphy, Chairs, 1991).

[3] Revised Draft Statute for an International Criminal Court, supra, note 3. Article 27 of the Draft Statute provided: No person shall be tried before the Court unless jurisdiction has been conferred upon the Court by the State or States of which he is a national and by the State or States in which the crime is alleged to have been committed.

[4] For a brief discussion of some of these issues, see L. Henkin, Foreign Affairs and the Constitution 198–201 (1972).

[5] Statement of Ms. Marjorie R. Thorpe, The Permanent Representative of the Republic of Trinidad

and Tobago, in the Sixth Committee, November 19, 1989, at 1 (copy on file with the Task Force's Reporter).•

ACADEMIC SUPPORT FOR RISK ANALYSIS AMENDMENT

• Mr. JOHNSTON. Mr. President, I want to share with my colleagues the September newsletter of the Harvard Center for Risk Analysis. The newsletter is entitled "Risk Analysis and the EPA Cabinet-Level Bill," and is devoted entirely to the risk analysis amendment that was added here in the Senate to the EPA elevation bill.

The lead author of the newsletter is John D. Graham, Ph.D., the director of the Harvard Center for Risk Analysis. Dr. Graham provides some very thoughtful comments on the amendment. He begins by stressing the importance of employing good science, saying that:

> The Johnston amendment's provisions requiring risk estimates based on the best available science is likely to strengthen the hands of professionals within EPA who believe that agency policy should be responsive to scientific progress. It will also strengthen the hand of the Agency's Science Advisory Board in discussions with the Secretary of the Environment and key program offices. While it may seem obvious that EPA should use good science, students of the Agency have documented that the Agency's leadership, when preoccupied with public fears and legal pressures, has sometimes allowed good science to be neglected.

At the same time, Dr. Graham acknowledges the concern, expressed by some, that the amendment may cause EPA to devote too much time and resources to the required analyses. To alleviate this concern, he suggests that:

> Congress should make clear that the Secretary of the Environment is authorized to tailor the intensity of each risk analysis to the overall importance of the rule in question. There is no need to produce the Cadillac version of risk analysis when something less will do the job. The current language allows EPA to decide how detailed each analysis must be, but it is important for Congress to emphasize that "paralysis by analysis" is not intended.

I completely agree, and will stress this important point when this bill reaches conference.

Dr. Graham concludes by identifying the long-term benefit of the amendment.

> In the long run, implementation of the Johnston amendment will generate a knowledge base about risks, benefits and costs that will inform the Congress and the public as new environmental laws are written and existing ones refined.

Although the amendment does not in any way change existing environmental statutes, I share Dr. Graham's hope that the EPA certifications resulting from the amendment will produce a body of environmental risk analyses that will be useful when environmental statutes are reviewed and revised by the Congress.

It should be noted that Dr. Graham is eminently qualified in the field of risk analysis. He is the author of four books on the subject, including "In Search of Safety: Chemicals and Cancer Risk," Harvard University Press, as well as dozens of scientific articles. He has also served on several committees of the National Academy of Sciences, and is a national councilor in the Society for Risk Analysis.

I ask that a copy of the newsletter appear in the CONGRESSIONAL RECORD at this point.

The newsletter follows:

[From Risk in Perspective, September 1993]

RISK ANALYSIS AND THE EPA CABINET-ELEVATION BILL

(By the Harvard Center for Risk Analysis)

Congress is considering legislation that would elevate the Administrator of the U.S. Environmental Protection Agency (EPA) to Cabinet status. In the Senate, an elevation bill was passed with a floor amendment attached that requires the new Secretary of the Environment to publish a formal risk analysis with any final regulation relating to human health, safety, or the environment. The House may consider a similar amendment this fall. In this issue of Risk in Perspective, we examine the case for this amendment to the EPA Cabinet bill.

THE JOHNSTON AMENDMENT

The risk-analysis amendment passed by the Senate was introduced by Senator Bennett Johnston (D-LA). It requires each final rule to be accompanied by a risk analysis containing the following information:

1. an estimate of the human health or ecological risk to be addressed by the rule and the rule's anticipated impact on the target risk:

2. a comparative analysis of the risk addressed by the rule compared to other risks to which the public is exposed; and

3. an estimate of the costs associated with implementation of, and compliance with, the rule.

When publishing the risk analysis, the Secretary is required to certify that the best available scientific data have been used, that the rule will substantially reduce the risk that is to be addressed, and that the rule will produce benefits to health or the environment that will justify the cost of the rule. If such an analysis cannot be performed, the Secretary of EPA may still promulgate a desired rule but a statement of reasons for not performing such an analysis must be provided. The amendment does not modify or alter any existing statute implemented by EPA and does not create any new grounds for judicial review.

RISK ESTIMATES USING THE BEST AVAILABLE SCIENCE

The Johnston Amendment's provision requiring risk estimates based on the best available science is likely to strengthen the hands of professionals within EPA who believe that agency policy should be responsive to scientific progress. It will also strengthen the hand of the Agency's Science Advisory Board in discussions with the Secretary of the Environment and key program offices. While it may seem obvious that EPA should use good science, students of the Agency have documented that the Agency's leadership, when preoccupied with public fears and legal pressures, has sometimes allowed good science to be neglected.

The phrase "best available science" should not be overinterpreted. The newest scientific information is not always the best. Technical arguments about what information is best can be complex. The Johnston Amendment permits EPA scientists, in collaboration with the larger scientific community, to define this phrase on a case-by-case basis.

COMPARING RISKS

The specific requirement for comparative risk analysis, if implemented creatively, should assist regulators, Congress, and the public understand the magnitudes of risks addressed by EPA rules. While ill-considered risk comparisons can be misleading or esoteric, a growing body of scientific research on risk comparison provides guidance to EPA on how to implement this provision intelligently. Risk comparison are a useful tool when employed to offer citizens a sense of perspective about the magnitude of target risks. When risk comparisons are used to imply acceptability of risks, they are likely to be controversial.

REPORTING THE COSTS OF RULES

Under current executive orders, EPA is required to report the cost of "major" rules (e.g., those that cost more than $100 million per year). The Johnston amendment, which requires cost estimates for all final rules, reflects growing public concern about the economic impacts of environmental regulation on both states and localities and the private sector. For example, several environmental ballot initiatives at the state level were defeated in 1990 and 1992, in part because of voter uneasiness about the state of the economy and the potential costs of stringent regulatory requirements.

Vice President Al Gore has written that the most attractive policies are those that simultaneously promote environmental protection and economic growth. If a final rule is not accompanied by some form of economic impact analysis, it is difficult to understand how the public will be able to discern whether the rule meets the criteria that Vice President Gore has advanced. In the long run, the President, Congress and the public need economic information on regulatory costs to steer environmental policy in a direction that is consistent with economic policy and vice versa.

DUBIOUS OBJECTIONS

Although the Johnston Amendment is intended as an informational mechanism, some skeptics have interpreted it as a drastic move to rewrite the decision making criteria contained in all existing environmental laws. If true, the Amendment would certainly justify far more scrutiny than it has received to date. However, the plain language of the Amendment makes clear that the risk-analysis requirement is an informational mechanism that does not modify existing environmental laws.

Some have interpreted the Johnston Amendment to mean that each rule must be accompanied by a precise cost-benefit analysis showing that the dollar benefits of the rule exceed its costs. If true, this would be troubling since it is difficult to place a dollar value on many important health and ecological benefits. Yet the Amendment does not require a strict cost-benefit analysis, does not require all consequences to be expressed in dollar units, and does not require net benefits (benefits minus costs) to be greater than zero. The Amendment simply requires the Secretary of the Environment to certify that "the regulation will produce benefits to human health and safety or the environment that will justify the cost to the Government and the public of implementation of and compliance with the regulation." While a net benefit calculation is one form of justification, the Amendment does not rule out other justifications based on ethical, practical, public health or ecological reasoning.

WAYS TO IMPROVE THE JOHNSTON AMENDMENT

A legitimate concern is that the Amendment requires EPA to estimate the risks addressed by the rule but does not require EPA to estimate any health or ecological risks that may be created by the final rule. Rather than reduce risks, some environmental policies simply shift risks from air to water, from one chemical to another, or from one region of the country to another. Congress should require that any risks caused by the rule be estimated and reported to the public.

Some environmentalists are concerned that poor quality cost information may discourage adoption of promising environmental rules. Historical experience suggests that the actual costs of EPA rules often prove to be larger or smaller than what EPA projects. It is important that the quality of cost information be scrutinized, perhaps with an external review process similar to that applied to risk information.

Another concern about the Johnston Amendment is that EPA may devote too much time and resources to producing the required analyses. To alleviate this concern, Congress should make clear that the Secretary of the Environment is authorized to tailor the intensity of each risk analysis to the overall importance of the rule in question. There is no need to produce the Cadillac version of risk analysis when something less will do the job. The current language allows EPA to decide how detailed each analysis must be, but it is important for Congress to emphasize that "paralysis by analysis" is not intended.

Finally, some have expressed concern that risk analysis will not promote the welfare of low-income and minority populations. To the contrary, risk analysis is likely to assign high priority to risks (e.g., childhood lead poisoning) that place disproportionate burdens on minority populations.

CONCLUSION

The new Secretary for the Environment should be an active player in broad national policy debates, including economic policy. To participate in these debates credibly and intelligently, the Secretary certainly needs to know the risks, costs and benefits of her Agency's policies. Risk analysis is a crucial tool for environmental policy makers that fosters analytical thinking about how scarce resources and public attention should be allocated. Moreover, the results of EPA's risk analyses should provide state and local governments and businesses with the facts they need to justify spending their scarce resources. In the long run, implementation of the Johnston Amendment will generate a knowledge base about risks, benefits and costs that will inform Congress and the public as new environmental laws are written and existing ones refined.•

HAITI'S FUTURE

• Mr. LEAHY. Mr. President, while all the world's attention is on the historic peace agreement signed today by Israeli President Rabin and Yasser Arafat in Washington, few people may have noticed what happened in Haiti over the weekend.

With President Aristide's return home set for October 30, those who stand the most to lose have stepped up their efforts to initiate him and his supporters, and sabotage the Governor's Island accords.

The most recent atrocity occurred this past Saturday, when a squad of armed men, almost certainly plainclothes police, walked brazenly into a church where a Mass was being held in memory of those killed in an army attack 5 years ago. They grabbed Antoine Izmery, a prominent Haitian businessman and a strong supporter and close friend of President Aristide, and dragged him outside where they shot him in the head. He died in the street.

This cold blooded act of defiance graphically shows the fragility of the Governor's Island accords, and the grave danger facing Prime Minister Robert Malval who is in Port-Au-Prince, and President Artistide when he arrives there next month.

Prime Minister Malval, who has courageously risked his life for democracy in Haiti, is a crucial link in the successful implementation of the accords. If he becomes the next victim of the Haitian police's murderous campaign, the Clinton administration's policy toward Haiti will collapse and President Aristide's hopes of returning will be dashed.

The last chance for a peaceful return to constitutional government in Haiti hangs in the balance. Immediate action by the United States in needed. The administration should immediately:

Do whatever is required to assure Prime Minister Malval's safety. If this requires providing the assistance of the embassy's security personnel, that should be done.

Send a high level United States military delegation to Haiti, preferably led by General Colin Powell as one of his last acts as Chairman of the Joint Chiefs. He should convey to the leaders of the Haitian military and police that the United States will hold them and their institutions accountable for the safety of Prime Minister Malval, President Aristide, and other officials in his government. If the Haitian military and police hope to have any future at all, they had better make sure that no harm comes to these people.

Additionally, other United States officials and leaders from other countries should travel to Haiti to demonstrate visible support for the Prime Minister, President Aristide, and his government.

Mr. President, I cannot overemphasize the precariousness of the situation in Haiti. The Governor's Island accords were a triumph for the Haitian people, the Clinton administration, and the United Nations. Today, all that is in danger of being lost. The administration should act forcefully to prevent any further tragic loss of life in Haiti, and to protect the Governor's Island accords.•

ORDERS FOR TOMORROW

Mr. NUNN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m., Tuesday, September 14; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the majority leader be reserved and the time for the Republican leader available for his use during the period reserved for the two leaders; that at 9:40 a.m., the Senate proceed to the consideration of H.R. 2520, the Department of the Interior appropriations bill; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m., in order to accommodate the respective party conferences.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. NUNN. Mr. President, on behalf of the majority leader, Senator MITCHELL, I would like to announce for the information of the Senate, that on Tuesday rollcall votes are possible on Tuesday morning relative to amendments to the Interior appropriations bill, and that as I have indicated beginning at 2:15 p.m. there will be at least 11 rollcall votes on amendments, and a rollcall vote on final passage.

So there will be at least 12 rollcall votes relative to the DOD bill occurring back to back with all votes after the first vote being 10 minutes in duration.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NUNN. Mr. President, if there is no further business to come before the Senate today. I now ask unanimous consent that the Senate stand in recess as previously ordered.

COMMENDATION OF THE CHAIRMAN AND STAFF

Mr. WARNER. Mr. President, prior to the close of the Senate, I want to say what a pleasure it has been for me to work with the distinguished chairman of the committee and the staffs of both sides. I think the committee has put together an excellent bill under leadership of the Senator from Georgia and leadership of the Senator from South Carolina. I am very pleased with the final outcome. I think the wisdom of the majority leader and the Republican leader in allowing us to deal with the bill today in the manner we have, in stacking the votes for tomorrow, not only facilitated the work of the Senate as a whole, but it did personally accommodate a number of Senators.

I am confident that the work of those Senators was adequately handled today should they have not been here.

Mr. NUNN. I thank my friend from Virginia. It is always a pleasure to work with him. We have done it for many years and we will many years in the future.

The Senator from South Carolina, Senator THURMOND, has done an excellent job. He has been on our committee for a long number of years. This is his first year as ranking member. I am grateful to him and his very capable staff. They have done a superb job. I believe we have, as the Senator from Virginia has said, put together a good bill.

I also want to really express my appreciation to the majority leader, Senator MITCHELL, for basically coming up with the procedure that allowed us to facilitate this bill and its final passage, and also to accommodate Senators in handling their amendments in a logical way. I thank Senator DOLE for being a part of that agreement, and all Senators for allowing us to proceed as we have. I appreciate the work of the capable staff. I thank the majority staff for a superb job on the floor.

RECESS UNTIL TUESDAY, SEPTEMBER 14, 1993, AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 on Tuesday.

There being no objection, the Senate, at 10:06 p.m., recessed until Tuesday, September 14, at 9:30 a.m.

EXTENSIONS OF REMARKS

TENNESSEE VALLEY AUTHORITY BOARD OF DIRECTORS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. FORD of Tennessee. Mr. Speaker, I requested that Mr. Craven Crowell and Mr. Johnny Hayes respond to some questions during the Senate hearings on their confirmation to the Tennessee Valley Authority Board of Directors in order to have both the questions and the responses included in the record for June 29, 1993, the day of the hearings. Unfortunately, the responses were not provided until after the record was closed.

I feel that the issues raised in this discussion are extremely important and under the leave to extend my remarks in the RECORD, I include the following question and answer dialog:

TENNESSEE VALLEY AUTHORITY,
Knoxville, TN, July 27, 1993.

Hon. HAROLD E. FORD,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. FORD: We are pleased to respond to questions you have submitted to us. We have attempted to be as specific as possible. However, we will be in a better position to provide details once we complete our current reviews of TVA programs and activities.

We look forward to working very closely with you and your staff in the years ahead, and we want to assure you that we are committed to having a workforce that mirrors the diversity of the Valley.

Sincerely,

CRAVEN CROWELL,
Chairman.
JOHNNY H. HAYES,
Director.

Enclosure.

CONGRESSMAN HAROLD FORD'S QUESTIONS DIRECTED TO CRAVEN CROWELL AND JOHNNY H. HAYES RELATING TO THEIR CONFIRMATION TO THE TVA BOARD

I. The TVA Mandate.

A. Question: What is your interpretation of the TVA charter with regard to economic development for African-Americans who are 98 percent of the racial minorities in the Tennessee Valley Authority service area?

Answer: The historic purpose of TVA is to promote the economic well-being of all of the citizens of the Tennessee Valley, regardless of race.

B. Question: What are your views and opinions concerning the track records of TVA in the employment of racial minorities; and the appointment of racial minorities and women to senior management positions?

Answer: Our goal is to establish a TVA workforce which mirrors the diversity of the population we serve and to foster an environment in TVA where the positive benefits of diversity are recognized and valued. TVA has already made significant progress in promoting diversity at the vice president level, but we believe there is substantial room for improvement at all levels. Meeting our goal will require continuing that progress at the officer level and extend it to all levels in the organization. We plan to accomplish this through proactive efforts including training programs, active recruitment efforts, and career development programs and top management attention to our progress to ensure the desired result.

C. Question: What specific knowledge do you have concerning the incidence of poverty, economic disadvantage, and economic disparities of African-Americans in comparison with the majority white population in the Valley?

Answer: Fourteen percent of the Valley's population is African-American—more than 1.1 million people. As 1990 census illustrates, the Valley's African-American population lags behind the white population in key economic indicators. The African-American poverty rate is 34 percent as compared to 13 percent of the white population. African-American unemployment is more than double white unemployment, 12.3 percent as compared to 5 percent. Those African-Americans who are employed are heavily overrepresented in low-paying service and laborer jobs and severely underrepresented in managerial and professional jobs (10 percent African-Americans versus 20 percent whites). Over the next two months, we will be examining this problem.

D. Question: What should the role of TVA be in eliminating the causes of poverty, economic disadvantage, and economic disparity that exists in African-American communities in the TVA service area?

Answer: Again, TVA's mandate is to be the catalyst for economic development to improve the quality of life in the Tennessee Valley region for all of its citizens. Specifically, one of TVA's strategic goals include a commitment to "achieve economic progress by minorities and other socially and economically disadvantaged groups that is 10 percent greater than national indexes." While TVA cannot cure all of the Valley's ills, we are committed to helping the region achieve this goal.

1. Question: How should TVA use the economic resources and economic leverage generated by its multi-billion dollar per year earnings from the sale of electrical power?

Answer: TVA has begun implementation of the Large Contractor Compliance Plan, a partnership between TVA and its large contractors to ensure subcontracting goals are met and that minority firms receive an appropriate share of procurement. TVA established a mentor protege initiative to assist minority-owned businesses seeking to do business not only with TVA, but with other businesses as well. TVA has also established a $15 million Valley Investment Fund with power dollars designed to promote the growth of Valley minority businesses. This is an area where we intend to learn more about and will concentrate on in greater detail.

2. Question: What changes would you make in the priorities for the allocation of TVA's appropriated funds (historically over $200 million per year and now in the $150 million per year range) in addressing the needs of minority development?

Answer: TVA's appropriations from Congress have remained essentially frozen at the $135 million level over the past few years. We intend to carefully review the expenditures of our appropriated monies. We will be in a better position to assess this situation after a thorough review of TVA programs and operations. However, it is our intention to ensure significant minority participation in all projects funded by Congress.

3. Question: Do you support the commitment in the current TVA Strategic Plan to achieve economic progress by minorities at the rate that is 10 percent greater than the growth rate of the U.S. national economy?

Answer: Yes, we do agree with that goal. However, we must say that we are in the process of beginning a thorough review of TVA programs and operations, of which the goals set by TVA will be a part of this review. We will be in a better position to assess all of TVA's goals, and how we intend to meet them, following this review.

4. Question: How would you accomplish this?

Answer: After the review, we will be in a better position to assess ways of meeting goals.

II. Organization and Management

A. Question: Considering the persistent and pervasive nature of poverty and economic disadvantage among African-Americans, what changes would you make in the organizational structure of TVA, and in the composition of the TVA senior management team to address those issues?

Answer: As noted earlier, we intend to establish a TVA workforce which mirrors the diversity of the population we serve and to foster an environment in TVA where the positive benefits of diversity are recognized and valued. Again, we must emphasize that we will be better prepared to address this following our review. We do hope to enhance TVA's efforts in the hiring and promotion of African-Americans.

B. Question: TVA has never had a African-American president responsible solely for minority economic development. Do you support creation of such a position?

Answer: TVA has a corporate level vice president responsible for functions relating to minority economic development. This person reports directly to the Board of Directors. Again, this and other organizational questions will be reviewed.

C. Question: TVA has entered into many partnerships and cooperative alliances with the majority partnerships and cooperative alliances with the minority private sector in the Valley to stimulate and promote breakthrough in the field of minority economic development?

Answer: TVA currently does have ongoing partnerships not only with minority businesses but with Valley communities as well, to promote and identify opportunities for minority-owned businesses. This, too, will be an area we will want to review in greater detail to see what opportunities exist for improvement.

D. Question: The TVA Board created a Minority Economic Development Advisory Council to inform and advise the Board on matters pertaining to minority economic development. Would you continue this approach? If not, what mechanism?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Answer: We support TVA's commitment to customer-focused service. Although we will assess the role of the Council during our review, it seems clear that we will need to continue to seek out the views of the Valley's African-American community in some systematic way.

III. MINORITY BUSINESS

A. Question: TVA has one of the worst records among federal agencies in the awarding of contracts to minority-owned firms. What would you do to significantly raise the level of utilization of these firms as suppliers of the goods and services purchased by TVA at an annual expenditure of several billion dollars?

Answer: As noted above, we have been told that TVA has begun implementation of the Large Contractor Compliance Plan, a partnership between TVA and its large contractors to ensure subcontracting goals are met. TVA has also established a 7-step process for increasing the use of minority suppliers in direct purchase of goods and services. One step in this process is the mentor/protege initiative to assist minority-owned businesses seeking to do business not only with TVA, but with other businesses as well. TVA has also begun the process of setting new minority procurement goals for each major line organization. We are committed to full participation by female and minority-owned enterprises in TVA's business opportunities, and we will actively promote business and developmental opportunities for such businesses. Our ultimate goal would be for our level of purchases from minority suppliers to equal or exceed their proportion among the Valley's population. This is an area in which we intend to learn more about and will concentrate on in greater detail.

B. Question: Lack of access to capital, credit, insurance, and bonding are documented structural barriers to the economic growth and job creation capacity of small minority business concerns. What actions would you propose that TVA take to address these issues, considering that the resulting business expansion and job creation would have a positive impact on TVA's power?

Answer: We understand that these are concerns of the minority business community and agree that job creation and expansion would have a positive impact on the TVA power system. However, it would be premature to propose specific solutions to these problems at this time without having additional knowledge and a thorough review of what actions TVA is currently taking to address these issues.

C. Question: TVA has recently invested $15 million in a minority business venture capital fund. How would you strengthen and increase the capital base of this program?

Answer: We intend to give this project additional study before we feel additional recommendations can be made.

IV. PROGRAM INNOVATIONS

A. Question: TVA has been viewed as a national experiment in regional economic, industrial, and economic development; yet its track record in promoting innovations in minority economic development is extremely poor. What would you do to support and promote innovations by the minority private sector to advance the state-of-the-art in minority economic development?

Answer: We will want to give a great deal of attention to what specific programs TVA has in place before we can recommend any changes. In addition, we would be happy to review any state-of-the-art innovations that you feel would advance minority economic development.

B. Question: Research and development is necessary to create a knowledge base and to produce new insights regarding the causal relationships that generate poverty, economic disadvantage, and economic disparities. Would you promote and support the creation of a Center for Sustainable Minority Economic Development in the minority private sector in the Valley to promote such R&D?

Answer: This is a subject we would need to review before any commitment can be made to support such a center.

PEACE IN THE MIDDLE EAST

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. GALLO. Mr. Speaker, the word "historic" is perhaps one of the most over-used words in Washington. But today's events at the White House are both historic and momentous. The possibilities that were set free this morning were like a flock of doves, rising into the beautiful, blue, late summer sky. The chance for peace in the Middle East—a peace that comes with healing in its wings—has never been more real and more attainable.

I was impressed by the determination of all who spoke this morning—but most especially by that of Prime Minister Rabin and of Chairman Arafat—to fully realize the promise of this beginning and bring to their people the full blossom of peace. As these two men stood there—firm, resolute, confident, and hopeful—I was reminded of the words of the prophet Isaiah: "How beautiful upon the mountains are the feet of him that brings good tidings, that publishes peace."

Among both Israelis and Palestinians there are those who accept this agreement on its face and already are celebrating the arrival of peace.

Among both Israelis and Palestinians there are those who are hopeful, yet apprehensive, and will not let themselves proclaim the good news of peace until deeds match words.

And, among both Israelis and Palestinians there are those who reject the thought of any peace that is not the result of outright victory, one over the other.

The challenge that faces the leaders who stood together today is to resist the temptation to believe that their hard work is over, to produce the results that will convince their people that they are serious, and to stand firm against those who would undermine their work through violence that leads to recrimination.

The United States, of course, has an important role to play in promoting this process and solidifying its results. As a Member of Congress, I stand ready to do my part to make certain that this Government lives up to its obligation to support and uphold the bold, brave beginning that I today witnessed at the White House.

IN HONOR OF WILLIAM E. IOVANNE, SR.

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Ms. DELAURO. Mr. Speaker, on Sunday the Italian American Historical Society of Greater New Haven will present its annual Distinguished Service Award to William E. Iovanne, Sr. I am pleased to pay tribute to this extraordinary man.

A lifelong resident of the Wooster Square neighborhood, Bill has been a leading member of our community for many years. He entered the family business that his father started decades ago, and directed the Iovanne Funeral Home with the kind of compassion and professional skill that has earned him the respect and friendship of us all. But Bill is much more than an accomplished businessman. An active participant in New Haven, he has always devoted a great deal of time and effort to helping others. From his years as softball coach to his tenure on the board of trustees, he has made Sacred Heart Academy a primary focus. His commitment to education is well-known, and he has clearly done a great deal for young people. He has also lent his talents to preserving Italian-American heritage in Wooster Square. As president of the Alpha Club, he has cultivated our cherished traditions while thoughtfully and successfully nurturing ties among different generations.

William E. Iovanne, Sr., is an outstanding individual who has always placed his family and his community first. A loving father and a gifted leader, he continues to make a real impact on our lives. I commend the Italian American Historical Society for recognizing his contributions, and I congratulate him for receiving this well-deserved award.

TRIBUTE TO PEACE OFFICERS WHO GAVE THEIR LIVES FOR THEIR COMMUNITY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to honor those peace officers who gave their lives to their community. Recently, the newly rebuilt South Avenue Bridge in Youngstown, OH was dedicated to these men of the Mahoning Valley.

The Peace Officers Memorial Bridge opened on August 26, 1993, after a long delay in construction. The span rejoins the downtown Youngstown area with the merchants along South Avenue.

Mr. Speaker, the Peace Officers Memorial Bridge is a tribute to these men for their sacrifice. Their families and their community can be proud of their roles in protecting the community. As a former sheriff, I know the dangers the peace officer faces on a day-to-day basis.

Mr. Speaker, I want to take this time to read the final rollcall:

William Freed, May 15, 1891, Youngstown Police Department.

Alfred Evans, November 5, 1911, Youngstown Police Department.

Samuel Banks, October 4, 1919, Youngstown Police Department.

John Costantino, May 11, 1920, Campbell Police Department.

Alexander Warren, May 3, 1921, Youngstown Police Department.

Joe Ruby, November 11, 1923, Campbell Police Department.

George Leonard, March 29, 1924, Youngstown Police Department.

Ben Yeaden, February 4, 1925, Youngstown Police Department.

Henry Clemons, December 4, 1927, Youngstown Police Department.

John Harkins, November 16, 1952, Struthers Police Department.

Raymond Darwich, November 16, 1952, Struthers Police Department.

Frank Cichon, December 21, 1963, Youngstown Police Department.

Albert Masi, February 12, 1973, Campbell Police Department.

John "Sonny" Litch, October 22, 1981, Mahoning County Sheriff.

Richard Becker, November 6, 1983, Poland Township Police Department.

Ralph DeSalle, June 13, 1984, Youngstown Police Department.

Paul Durkin, September 22, 1987, Youngstown Police Department.

Millard Williams, April 14, 1992, Youngstown Police Department.

STATEMENT ON THE NATIONAL SERVICE TRUST ACT OF 1993

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. MARTINEZ. Mr. Speaker, as I rise in support, I want to make it very clear that I am not attempting to justify any aspect of this bill. I think this bill justifies itself. I would rather let the opponents of the bill justify their reasons for opposing the bill.

It seems to me, Mr. Speaker, in many cases we get very isolated here and do not recognize that all people who serve at any level of government are serving the greater needs of our constituencies, and those constituencies are all alike, the same people. There are many great people out there in the Nation that have never even thought of community service. This bill provides them the opportunity to do that, but, more importantly, it meets community unmet needs. That is something that some of our colleagues cannot seem to grasp, that on the local level of government, with the austere budgets they must work under, that they have a lot of unmet needs in those communities and there are people there with the incentive of education who would provide those communities with those services for those unmet needs.

More than that, Mr. Speaker, they would provide the young person with an opportunity to obtain an education through working for that credit that he might not otherwise be able to obtain. And, therefore, if we look at this bill as it is and as it is really represented, without going into any infinite details about it, it is an investment. As many of my colleagues on the other side have said for years, government ought to work like business. They ignore the fact that, in any business, in order for someone to make a profit, they have got to make an investment. We look at the programs, like the Job Corps, that for every dollar invested returns to the Federal Government $1.40.

Mr. Speaker, I can envision in the community service provided to those communities by these community participants that we will see like figures, and, Mr. Speaker, I urge my colleagues to look deeper than just these spurious arguments that are made against this bill and vote for it.

What are those arguments? I'd like to take a few minutes to review each of them and comment on each of them.

The ranking member of the Education and Labor Committee, Mr. GOODLING, calls this a new spending program that contemplates over $1.5 billion in new spending and the establishment of a new Government entity with offices in each State. It is true that the authorization levels for the 3 years for which the legislation provides is $1.5 billion. The President sought to have the level set at $389 million for the first year and such sums for the ensuing 2 years. That was the figure that was used in the House-passed version. It was the minority on the Senate side that insisted on setting the specific levels for the 3 years, and it was the Republicans who insisted that the House recede to those levels. And those are the authorized levels. This House and the Senate, in the appropriations process, will have three chances each, not counting the inevitable conferences over appropriations bills over the next 3 years, to refine those numbers and report out appropriations lower than the authorized amounts. Thus, the authorized levels are but a guide against which appropriators can measure the needs of the country and the benefits of the programs. The Education and Labor Committee in the House and the Labor and Human Resources Committee in the Senate will each maintain a vigilant oversight of this program to ensure that the investment that is being made is paying off.

Mr. GOODLING decries the significant expense of this program on a per participant basis. I would point out that the payback for that investment is such that we cannot afford to delay the investment. Every participant will be engaged in meaningful service—restoring communities' infrastructure through the various Youth Corps programs. Reducing the level of hopelessness through working directly with children in the schools and in the streets will lead to less graffiti, less gang involvement and less need to place youngsters into juvenile detention facilities. As my friend, Congressman ROBERT SCOTT of Virginia, has pointed out, it costs $30,000 to incarcerate a youth for a year and only a few dollars to keep him in school. That kind of payback is immediate and long lasting.

Participants working in conjunction with regular public safety organizations will enable our hard-pressed police to better deal with crime in the streets. If national service participants can work as community outreach officers, or can perform many of the indirect police support activities, we can put more sworn officers on the streets and can, as the saying goes, "take a real bite out of crime" and save our citizens, towns and cities, States and Nation many dollars many times over.

National service participants who are able to work in concert with the health care professionals will provide much-needed nonmedical assistance to those who need it and who, without such assistance, would be forced into expensive hospitals or nursing facilities. For every day that a national service participant can provide basic needs assistance to an elderly person whose sole problem is that he or she is too feeble to manage day to day, we will spend less than $100, and save as much as $1,000 of our burgeoning health care costs. This is a pretty good return on an investment in anyone's book.

Mr. GOODLING bases part of his argument on the fact that the services contemplated by this bill are already being performed in programs administered by the Commission on National and Community Service and the ACTION Agency. Yes, of course that is true. And that is why those activities are being folded into the new corporation for national and community service. We are not creating a new agency, we are combining several agencies into a more effective approach under this legislation. A total of nine existing service programs are consolidated or eliminated under this legislation, for a savings of upwards of $100 million per year. Yet this new program will enable those current programs that are worthy of additional support to expand and provide greater opportunities to more people to perform those services.

Finally, Mr. GOODLING again pushes for his "means testing" of the educational award. I would point out that we have provided post-service stipends for participants in the Peace Corps and Vista for a generation now, and those programs do not even have restrictions on what the stipend is used for. In this case, the participant can only use the stipend for one purpose—additional education. And the participant must include certain other sources of educational support before determining how much of an award he or she may get. And this award, under the bill as passed by the House and Senate, will be taxable. So some participants will not get the benefit of the entire award, some will not even claim the benefit in the 7 years (increased from 5 years under Mr. GOODLING's amendment) after the service is completed. And, when the stipend is drawn down for education, the recipient will have to pay taxes on the amount of the award.

Ms. MOLINARI continues to decry the program as not a volunteer program. I believe this is a paper tiger. No one is forced into this program. The fact that one is to be paid minimum wage certainly is no real incentive for a college graduate who can earn many times that amount in a "real job" to elect to take a year or two to provide service. Even the addition of an education stipend that might add as much as $2.79 per hour to that minimum wage but that can only be collected in the form of tuition at a time when the increase in cost of attending school over the year of service might be more than the award, is not a real incentive. I maintain that people will volunteer to do this because it is right and because the lifetime rewards are far greater than the few dollars that one might receive in the stipend or the educational award. Webster's

Ninth New Collegiate Dictionary defines volunteer differently than does the gentle lady from New York. "One who enters into or offers himself for a service of his own free will: as (A): one who enters into military service voluntarily."

I doubt that the gentlelady would require that those who serve in America's all-volunteer Army should serve without a stipend, or should not receive the Montgomery GI bill benefits that accrue from such service. Why should it be different for those who serve in this volunteer force for good in our communities?

Mr. THOMAS of Wyoming speaks of the problem of a large Federal bureaucracy that will be created by this bill. Frankly, one of the reasons that I sponsored this bill and one of the best aspects of this bill is that it is bottom up. It is the local non-profit and the local government that will hire and train and put the participants in national service to work—with youngsters on the streets and playgrounds, with the elderly in their homes or in board and care facilities; on our sadly ravaged rural public lands, in inner city neighborhoods with depleted housing stock, on the local neighborhood streets assisting the police in fighting crime and gangs. All of those programs require the maximum participation of local business, non-profits, elected officials and residents. The Federal establishment will be there to provide oversight and assistance, not to perform these jobs. And, believe me, oversight will be needed. We worked closely with our Senate colleagues to fashion oversight responsibilities on the Federal level, and a presence for (not in) each State that will allow the chief financial officer and the inspector general to ensure that the Federal funds, and the local and State matching tax dollars that will be needed, are not wasted and are used in accordance with the best practices that can be devised.

My colleague from Florida, Mr. GOSS, and the gentlelady from New Jersey, Mrs. ROUKEMA, both refer to this as an entitlement program. How that interpretation can come from a bill that limits participation to 20,000 the first year and, perhaps, 100,000 over the first 3 to 5 years, is a mystery to me. Entitlement means just that—that any one who fits the mold for a program has a right to participate in that program. Since there is no mold devised in this program, since virtually any citizen or national in the United States is allowed to try to take part, the limiting factor is money. We have been quite careful to limit that aspect of the program, and cap the funding in a meaningful way. This is not an entitlement, pure and simple, and I believe that those who make that argument know that.

Mr. HEFLEY of Colorado raises the specter of mandates for local government, and decries the fact that this bill requires a match on the part of local governments that wish to participate. I agree—if they wish to sign on, they must match Federal dollars to do so. No pain, no gain. But, even this argument fails to sway when one considers that the National Governor's Conference wholeheartedly and in a bi-partisan fashion, supported this bill. In my discussions with local policy makers in my district, I found no one who felt that the request for shared burden under this legislation was bad. Why? Because they recognize that this is an investment that makes sense.

The funds plowed into these projects, whether Federal, local or private, will pay very significant and almost immediate dividends. Local properties that are restored and rehabilitated are added to local tax rolls and produce funds for local governments. Local efforts that reduce crime also reduce the costs of local government. Kids who are given a new chance as a result of the efforts of national service participation will spray less graffiti, and will cause less public destruction—further reducing the costs of local government. Where a national participant can provide an elderly patient with home-based services that enable that person to live at home rather than in an expensive boarding facility, State Medicare costs are reduced. Every able bodied worker who is taught to read by a national service participant will produce increased earnings as an employee, reducing public welfare and increasing the amount of his or her contributions to the tax base of the locality, the State and the Nation.

This bill will not, as Mrs. ROUKEMA charges, increases the deficit—it will result in more civic pride, better housing, better citizens and a better America. We cannot afford to wait on this program—the time to make President Clinton's vision of hope and investment in our most precious resources—our people of all ages—is now and I gladly vote for this bill and for the future of America.

Thank you Mr. Speaker.

100TH ANNIVERSARY OF ST. THOMAS PARISH IN WEST WARREN, MA

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I am pleased to announce to my fellow Members the 100th anniversary of the St. Thomas parish in West Warren, MA. In entering their second century, St. Thomas has had a long lasting record of invaluable community and spiritual service. The evolution of St. Thomas parish is an inspirational story, rich in history.

In 1893, after several affiliations with other Catholic institutions in Ware, MA, St. Thomas became an independent parish. Under the leadership of Rev. Humphrey Wren, the first resident pastor, St. Thomas began their legacy in Massachusetts. A rectory was constructed in 1899 which has not only served as a place of worship for many years, but also as the sisters' home.

By 1904, St. Thomas expanded their contributions to both their parishioners and the community with the beginning of the St. Thomas Parochial School. Fleeing from religious persecution during the reign of Louis XIV of France, the Daughters of the Holy Spirit were welcomed to St. Thomas', where they served as teachers in the parochial schools.

The St. Thomas parish, parochial school, and convent have worked together throughout the history of the parish in order to maintain their legacy of commitment and dedication to religious instruction and community service in West Warren, MA. St. Thomas parish, under the present leadership of Father Gerard Branconnier, has set their sights on continued prosperity and success as they enter their second century.

Mr. Speaker, I ask my colleagues to join me in congratulating the St. Thomas parish as they celebrate their centennial and wish them continued success in their next 100 years.

TRIBUTE TO GUS ARRIOLA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. FARR. Mr. Speaker, it is with heartfelt pleasure and pride that I rise today to pay tribute to cartoonist and artist, Mr. Gus Arriola, on the occasion of his 76th birthday.

For 43 years, Mr. Arriola's classic comic strip, "Gordo," appeared in hundreds of daily and Sunday newspapers. Among the best in his field, Mr. Arriola's comic strip exposed a largely ignorant, 1940's American audience to Mexican heritage; it's culture, history, and beauty.

Just as profoundly, Mr. Arriola used his comic strip's collection of humans and menagerie of talking animals and bug philosophers to humorously comment on human shortcomings and current issues.

Mr. Arriola was born in Mexico and raised in the United States since he was 8 years old. Truly a Mexican-American, he is a man who is at home in both cultures.

The strength of the family has always been central to Mr. Arriola. His wife of more than 50 years, Mary Frances, has been his partner and inspiration since the days he courted her on the back lots of MGM. For the past several years, they have made their home on the picturesque Monterey Peninsula.

Further inspiration came from his son and only child, Carlin. As the bright and venturesome Carlin grew up and collected pets and creatures of all kinds, some of Mr. Arriola's observations of Carlin's activities showed up in his strip. In 1980, Carlin tragically died at the young age of 35 in an auto accident.

In 1984, Mr. Arriola distributed a seven panel remake of an earlier strip honoring, Rachel Carson, the distinguished biologist and writer of "Silent Spring." The panels depicted birds and insects accumulating flowers and disbursing them over the late Carson's grave. Without a word of dialogue and with exquisite artistry, the panel's poignant symbolism not only honored Ms. Carson, but also reminded the world of the dangers of pesticides.

Recently, Mr. Arriola received his newest honor. The Smithsonian Institution announced that the Carson strip will become part of a permanent, 12,000 square foot exhibit titled "Science in American Life." The exhibit will focus on the way in which science affects society and how society affects the way science is conducted.

Mr. Arriola has been called "a weaver of strip legend and a creator of comic character in the best tradition." Although he retired in 1985, I am proud Mr. Arriola's splendid legacy and colorful family of animals will be immortalized in the Smithsonian Institution for all families to appreciate.

Mr. Speaker, I ask my colleagues to join me now in honoring Mr. Arriola on the occasion of his 76th birthday. It is with great pride and respect that I pay tribute to Mr. Arriola's outstanding accomplishments.

REUNION AT ARTS HIGH SCHOOL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, next weekend will be a special weekend in the 10th Congressional District of New Jersey. The Arts High School Alumni Committee will host an All Classes Reunion Dinner-Dance at the Sheraton Meadowlands Hotel. Out of the 500 people who will be attending the reunion, 22 States are represented from as far west as California, as far south as Florida, and as far north as Vermont. The year of graduation of the attendees vary from a young of 1934 to an attendee who graduated in 1990. Many of the students who will be attending the reunion met at Arts High School and were married soon after graduation.

Arts High School was, and still is a premier high school in Newark specializing in fine art and music which is open to Newark residents tuition free after passing a qualifying examination in academics and their chosen field of art or music. In addition, Arts High was and is accessible to the handicapped, therefore, it was a place which could accommodate those persons who are physically challenged. Not only was the focus of Arts High School on music and art, the students also excelled academically with a high percentage continuing on to higher education in medicine and in the field of academia.

The reunion committee made up of students from the 1950's, the 1960's, the 1970's, and the 1980's was formed in the winter of 1992 to provide moral support for a high school in which all of the alumni had such fond memories. The committee hopes to continue after the dinner-dance to lend support to Arts High School by the formulation of an alumni association to support the efforts of the students by offering scholarships to the student body.

Mr. Speaker, I know my colleagues join me in saluting the Arts High School alumni who are coming together this weekend to share the memories of their shared pasts, but more importantly, they have agreed to help their soon to be alumni counterparts college career a little easier to take. I know my colleagues join me in thanking the alumni for continuing to care about your high school—the premier performing arts school in the 10th Congressional District—Arts High School.

TRIBUTE TO ABATE OF OHIO INC.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of the American Bikers Aimed Towards Education [ABATE] of Ohio, Inc. for its efforts on behalf of not only motorcyclists, but all motorists.

Mr. Speaker, ABATE's region zero is in my 17th Congressional District in Ohio, and I have had the pleasure of witnessing up close the good words of ABATE. The organization demands that its members operate their bikes in a safe, courteous fashion while encouraging others to do the same. A points program has been established to certify a member's willingness to educate his or herself. Members can accumulate points, for example, by passing or teaching a rider education course, learning CPR and taking Red Cross First Air courses.

On an even larger scale, ABATE continually works to ensure all bikers are covered by insurance and that those who ride receive fair treatment when attempting to acquire it. The organization also serves as a watchdog for biker discrimination and antimotorcycle legislation at all levels of government.

ABATE's region zero now boasts over 700 members, who meet monthly to discuss the month's events and legislation. County directors in my 17th district are Jim Stoughton, Mahoning County; Bob "Bummer" Baldwin, Trumbull County; and Rod Bentley, Columbiana County.

Mr. Speaker, I join the safety-conscious citizens of my district in honoring ABATE of Ohio Inc. Their efforts to educate and assist motorcyclists in my district are both worthwhile and necessary.

CLINTON ADMINISTRATION PLAYING FAST AND LOOSE WITH BUREAUCRACY IT VOWS TO REFORM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. SOLOMON. Mr. Speaker, I am placing in today's Record a recent Washington Post article headlined "Hill Inquiry Finds Clinton White House Careless in Personnel and Pay Practices."

It's a little ironic that the Gore National Performance Review group recommended lightening up on Government personnel regulations, procedures and practices in light of this revelation that the Clinton administration is already playing too loose with existing rules.

While there is certainly a good case to be made that the Government has itself too tied in red tape over its management of the bureaucracy, one wonders how many more abuses will occur if it goes in the opposite direction.

According to my best source, this preliminary GAO report was apparently leaked by the White House to preempt formal release next week by Jim Lightfoot. However, no matter what spin the White House tries to put on it, they only confirm what has already come out in "travelgate", and that is that they are incompetent at best.

[From the Washington Post, Sept. 5, 1993]

Hill Inquiry Finds Clinton White House Careless in Personnel and Pay Practices

(By Ann Devroy)

A congressional inquiry has found a pattern of irregular, sloppy business practices in Clinton White House operations, including backdating of some employee pay raises and paying 25 workers out of both the transition and White House accounts during the first three weeks of the administration, according to a draft copy of the findings.

The inquiry into White House personnel practices by the General Accounting Office is to be released later this month. A draft copy, the result of negotiations between the White House and the GAO last week, was obtained by The Washington Post.

The finding of White House failures to keep its house in order comes at a particularly impolitic time for President Clinton, who on Tuesday will announce a major initiative to reform government practices overall.

White House Press Secretary Dee Dee Myers said yesterday that the "double dipping" by employees—which totaled about $17,000 in overlapping payments from the campaign and the White House—"was wrong and is being corrected." Overall, she said the GAO findings were "relatively minor" and reflected the "rough patches" the Clinton team went through as it entered office.

She said it "should not be surprising or unexpected" for a new administration to have some start-up problems, but neither The Washington Post nor congressional subcommittee workers could find any record of earlier transitions displaying this range of personnel and pay irregularities.

This is the third report criticizing the Clinton administration's management of the White House.

Earlier this year, the GAO, which is the investigative arm of Congress, found that the White House had failed to follow normal procurement procedures in obtaining a new computer system. In addition, an internal White House review of the firing of travel office workers, in which the administration office and its director, David Watkins, played a major role, highlighted a number of failures in that operation.

The latest inquiry was sought by Republicans on the House subcommittee that oversees the White House budget after career employees complained privately that they were being asked to engage in questionable personnel practices, including processing of retroactive pay actions, according to Rep. Jim Lightfoot of Iowa, the senior Republican on the subcommittee.

Lightfoot said in an interview that the report documents a "pattern of incompetence and a tremendous inability by the Clinton people to understand the scope of the job they were undertaking." He said he concluded from the study and other information gleaned by his subcommittee that problems at the White House are the result not of wrongdoing but of "incompetence * * * They just constantly say they are too busy and too behind to follow proper procedures and rules."

The key findings of the report include:

Double dipping. The report documents 25 employees of the Executive Office of the President who for a time received pay from both the White House and the General Services Administration, which processes pay for presidential transition employees.

The White House, in the report, acknowledges such double pay was an error, and says 10 of the 25 employees have reimbursed the government in part for the double payments.

Retroactive pay actions. Of the 611 people named to jobs between Inauguration Day and April 24, the period covered by the review, 230 were "retroactive appointments." In effect, the workers received lump sum pay checks for between one and nine pay periods after they formally were appointed to jobs and their papers processed. The total payments were $335,800.

The White House submitted statements from supervisors avowing that the employees had been working for the weeks covered by retroactive pay and said the pay was required because the White House was unable to have the paperwork completed and processed on time. Officials "told us [they] were too busy to take care of these personnel matters," the GAO report states.

Government rules discourage retroactive pay because of the difficulty in proving that an employee actually worked and because of the potential for abuse.

Retroactive salary adjustment. Twenty-two new appointees received salary increases retroactively, and eight received salary reductions. The increases ranged from $1,000 to $25,000 per year and the GAO found that in the case of some employees, their work had been performed at an approved salary rate when the superviser made the decision to extend the raise retroactively.

The GAO questioned the legality of some of the retroactive raises, but accepted Justice Department justifications in response. It noted in its report, however, that retroactive pay adjustments are "usually prohibited by law unless specifically authorized by statute" and are inconsistent with "generally applicable federal personnel rules."

The GAO said the Clinton legal team has asserted very "broad authority" to make retroactive pay adjustments and questioned whether such a claim could "be used in unreasonable or abusive ways." The GAO suggested that the White House be asked to offer Congress some "clarification" of how it intends to use the broad new pay authority it is claiming.

Financial disclosures. The GAO found that 14 of 147 senior administration officials required by law to file public financial disclosure reports had failed to do so. The White House has requested waivers of penalties for 11 of those workers on the basis that they did not know such forms were required. Two employees have paid $200 late filing penalties and the case of another is pending, the report states.

Asked yesterday if any consideration is being given to replacing the Watkins team, Deputy Chief of Staff Roy Neel, who now oversees administrative functions, said, "We are always trying to improve our operations. We are satisfied the Office of Administration is running an effective and competent operation now." Neel said new procedures and rules have been put in place to ensure no repeat of what he called start-up "sloppiness" in the White House.

But Lightfoot had a different view. "Every time we find one problem, they have the same answer, 'It was a mistake, we are going to get it under control.' It's more incompetence than anything else, and total disorganization."

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF 25TH ANNIVERSARY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Ms. SLAUGHTER. Mr. Speaker, as the congressional Representative of the 28th District of New York, I am proud to ask my colleagues in the House of Representatives to join with me in celebrating an important event in my community of Rochester, NY.

The National Technical Institute for the Deaf [NTID], a college of Rochester Institute of Technology, is celebrating its 25th year of educating deaf students. During that time, more than 3,000 young deaf adults have graduated from NTID's technical programs in business, science and engineering, and visual communications, and the more than 200 professional programs at RIT, and have gone on to successful careers nationwide.

What started out to be an experiment has become a proven success. Twenty-five years after NTID's fledging programs began, the institute's innovative approach to educating deaf students has become a model of technical education for deaf students, one that is emulated worldwide.

NTID has transformed the legislation that Congress enacted in 1965 into a living entity.

Preparing deaf students to excel in technological fields has been at the heart of NTID's operation for the past 25 years. Today, roughly 95 percent of deaf RIT graduates who enter the work force find technical or professional jobs in their areas of NTID of specialization.

NTID has flourished and matured through the wisdom and guidance of devoted facility and staff members, who strongly support the institute missions and demonstrate their dedication to teaching.

This special college is celebrating, and I join the celebration, together with my colleagues in the U.S. Congress, by commending all those people affiliated with this world class post-secondary institution and wishing NTID continued success and prosperity.

IN HONOR OF THE HAGAMAN MEMORIAL LIBRARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Ms. DELAURO. Mr. Speaker, next week the Hagaman Memorial Library will celebrate its 65th anniversary in East Haven, CT. I am pleased to pay tribute to this cherished local institution—an important part of the community for many years.

East Haven's library dates to 1909, when a woman named Lottie Street established a collection of books in a cloakroom upstairs in the town hall. Rapidly outgrowing that space and then two other locations, the library captured the attention of Isaac Hagaman, a bachelor who had earned a comfortable fortune in New York's hotel trade. Upon his death in 1925, Hagaman left much of his estate to the town of East Haven, for the purpose of constructing and maintaining a library. The new building was completed in 1928 and opened that September.

In the more than six decades since, the library has prospered and assumed an increasingly significant role in East Haven. Indeed, all members of the community have benefited from this vital cultural and educational resource, which has changed with the times to reflect new developments in technology. From audio and video tapes to a computerized card catalog and a range of children's materials, the Hagaman Library consists of much more than books. It is truly a central part of East Haven, a place where friends and neighbors come not only to read and learn but also to visit.

The library has always depended on people—on the citizens who frequent it, on the volunteers who support it, and on the librarians who skillfully monitor a circulation that now exceeds 100,000 items annually. The vision of Lottie Street and Isaac Hagaman has been realized only through the commitment of those whose efforts and inspiration have made East Haven such a thriving community for so many years. I congratulate that entire community on this special occasion; happy anniversary to the Hagaman Library, and best wishes for a wonderful, well-deserved celebration.

RECOVER CONFISCATED AMERICAN PROPERTIES IN NICARAGUA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Ms. ROS-LEHTINEN. Mr. Speaker, the speech by Deborah De Moss at a dinner in her honor given by the Committee to Recover Confiscated American Properties in Nicaragua on Thursday, September 9, 1993, follows:

THE CONTINUED STRUGGLE FOR A FREE AND PROSPEROUS NICARAGUA

Congresswoman Rose-Lehtinen, Congressman Diaz-Balart, Members of the Committee to Recover Confiscated American Properties in Nicaragua, representatives of the Committee in Nicaragua, and distinguished guests.

I wish to dedicate this very special evening in memory of a true Nicaraguan Freedom Fighter Aristides Sánchez. Aristides passed away three nights ago but for him, "la causa" never died. The consolation we have is that he is now celebrating his new life with Jesus Christ. Each one of us owes a debt of gratitude to Aristides and Cecilia. For twelve years they gave up their private and professional lives to fight for liberties in Nicaragua. I was motivated and challenged by Aristides and Cecilia every day these past twelve years.

Aristides is a true hero and a champion in the struggle for a new Nicaragua. His life should serve as an example to all of us. Artistides continued His struggle up to the last moments of his life. During the last days he asked me that all of us continue the fight in Nicaragua. Aristides will remain in our hearts forever. Men like Aristides never die.

I ask you to pray for the Sanchez family in this difficult time. Let us express our gratitude to Aristides Sanchez for everything he has done in defense of freedom in Nicaragua.

I extend a very special welcome to all those people who traveled here tonight from Nicaragua, and from across the United States. I particularly welcome Congressman Humberto Castilla from Nicaragua, who is here tonight, and who has fought so hard for freedom in Nicaragua.

It is a great honor to receive these awards tonight, and to share this evening with so many special friends. I do not deserve any special recognition because everything we have done in this struggle has been done with team work. I have worked hand in hand with many of you in this room, and with many in Nicaragua.

Most of all, I wish to recognize the work of the rest of Senator Helms team at the Foreign Relations Committee in Washington. Admiral Nance steers the ship, and keeps the State Department on its toes. Unfortunately, he is unable to be with us tonight due to the fact that the Foreign Relations Committee is in the midst of considering the Foreign Aid Bill. I give a big thank you to Garrett Grigsby, Randy Scheuneumann and Tom Klein, who work on Latin American issues with me at the Committee, and who have been involved in every aspect of the Nicaragua issue. And a special thank you to my sister Elisabeth, for her hard work and dedication to recover confiscated properties for American citizens.

Now, I wish to express my personal thanks to the leaders of the Committee to Recover Confiscated American Properties In Nicaragua. It is my belief that without the work of the Committee, and its sister committee in Nicaragua, not one property would have yet been returned to an American or a Nicaraguan unless, of course, your last name happens to be Chamorro or Lacayo. Let's give a round of applause for both Committees.

Tonight we are here to celebrate some accomplishments in our battle for property rights in Nicaragua. In 1864, Abraham Lincoln said, "Property is the fruit of labor—property is desirable—it is a positive good in the world. That some should be rich, shows that others may become rich, and is just encouragement to industry and enterprise. Let not him who is houseless pull down the house of another; but let him labor diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built.* * *"

I guess the Sandinistas are too lazy and shameless to follow the advice of Abe Lincoln!

I think the famous English wriget G.K. Chesterton best described the Sandinistas attitude about private property he just didn't know he was describing the Sandinistas! In 1908, he said: "Thieves respect property. They merely wish the property to become their property that they may more perfectly respect it."

When I spoke here in Miami at the dinner in September of last year, I could not tell you anything positive as to our fight to recover confiscated properties in Nicaragua. Now, one year later thanks to God and the committees to recover confiscated properties, we can speak of several success stories.

(1) The Sandinistas have less money because they have been forced to pay several legitimate property owners.

(2) We convinced the Department of State to create a new post in our Embassy in Managua to handle property claims. Carlos Garcia is going to dedicate full time to the problems of confiscated property owners. Carlos is doing a great job. In only six weeks he has the Sandinista property thieves in turmoil.

(3) We have confirmed a new Ambassador who is very aware of the realities in Nicaragua. Ambassador Maisto is an excellent career diplomat. You have to give Ambassador Maisto and Carlos Garcia the information they need and all your support.

We also have a few specific successes in the resolution of property claims:

(1) We forced the Attorney General to move his offices from the home of Aristides and Cecilia Sanchez. The Sanchez's now have possession of their home. Unfortunately, the Attorney General has moved to another stolen home!

(2) We forced the Nicaraguan Government to pay the legitimate owners of Rosario Mines.

(3) We forced the Sandinista Army to pay $70,000 to Sandra Leets de Montenegro for her home which was confiscated by Humberto Ortega.

(4) We forced somebody (we don't know exactly who) to pay $85,000 to Mangui and Peter Sengelmann for their home which is occupied by Ricardo Wheelock. The Senglemanns saw the fruit of their labor after a tireless struggle. The Sandinistas had to resolve this case, because they knew that Mangui would never let them rest in peace.

You cannot imagine how women like Cecilia Sanchez, Mangui Sengelmann, Sandra Leets and Edith Cohen have fought to recover their properties. These women have motivated us to be allies in their cause. I assure you that, with more men and women fighting like these ladies, we are going to win, not only one or two battles, but the entire war.

These success stories would have never happen had we not worked together day after day. We have achieved much, but there is much more to be done. The fight has hardly begun.

Until this day, September 9, I can only tell you of four Americans who have had all their claims resolved. And we estimate that there are more than 700 confiscated Americans.

We need to send a very clear message to the Nicaraguan government: We will not be satisfied with the fact that the government has resolved a couple of what I call "high profile" cases, or cases of people who are well known or who have made a lot of noise. They have only resolved a few cases that were greatly irritating to Antonio Lacayo and to the Sandinistas. But they cannot fool us.

We are committed to this struggle for a free Nicaragua. We will not throw in the towel until every property of every citizen (from any country) has been returned or fair compensation paid.

I would like to give you some suggestions for your negotiations with the Nicaraguan government.

(1) If you want the return of your property, don't accept anything less;

(2) Tell the government that you want your home or dollars, and to give the government bonds to the Sandinista property thieves;

(3) Don't sign any document before you receive your property or fair compensation; and

(4) Don't sign anything afterwards unless it is the whole truth. Ask for a copy of each document that you sign.

Ladies and gentlemen, we have the Nicaraguan government and the Sandinistas worried. But we have much more work before us. We have to achieve the following goals:

(1) Remove the terrorists and weapons caches from the properties of many people, including that of Aristides Sanchez and his sister, Ernestina Arana;

(2) Remove the Libians from the farm of Haydee Marin;

(3) Remove General Ortega from the home of Guillermo and Gloria Cano;

(4) Remove Joaquin Cuadra from the home of Bruce Cuthbertson;

(5) Remove Daniel Ortega from the home of Jaime and Amparo Morales;

(6) Remove the Cuban Ambassador from the home of Nestor Teran;

(7) Remove the PLO Embassy from the home of Patricia Mora;

(8) Remove the Chief of Police of Managua, Alvaro Guzman, from the home of Fatima Saenz (after all, he is supposed to be the first law enforcement officer in Managua);

(9) Remove Minister Emilio Rappacciolli from the home of Maria Lourdes Teran, and all other government officials and government offices occupying confiscated homes; and finally,

(10) Remove Supreme Court Justice Ramon Romero Alonso from the home of Raul Alberto Rios.

Respect for private property is essential if we hope to live to see a truly free and democratic Nicaragua. Respect for private property is essential if the people hope to achieve prosperity and economic stability.

Emeline Pankhurst, the radical English leader in 1912 said: "There is something that Governments care far more for than human life, and that is the security of property, and so it is through property that we shall strike the enemy."

The Nicaraguan government needs to make concrete changes and take concrete actions, not just make announcements and promises; but it is not like Daniel Ortega is saying, that Senator Helms is pressuring President Chamorro. It is the people of Nicaragua who are demanding democratic reforms.

To close, I would like to emphasize that the right to property, human rights, religious liberty and political freedom are all necessary for a free and democratic Nicaragua. It is useless to achieve one without the others.

We shall not forget the struggle of the Nicaraguan Resistance and Enrique Bermudez. First they killed him, the military head of the Nicaraguan Resistance, and now they are eliminating one by one all those who fought to free their country. We are going to denounce the assassination of more than 300 freedom fighters.

According to the OAS, Sandinista military and paramilitary forces are responsible for these assassinations. I do not know of any other place in Latin America where an army is at the service of a political party.

We are going to demand that the government of Nicaragua respect the lives of the boys who fought to see a free Nicaragua. I am going to insist that the Nicaraguan government provide guarantees for these excombatants and their families.

Finally, we are going to demand that the government of Violeta Chamorro return to the principles of the UNO platform, the coalition which elected her, and that she govern with them, not with the Sandinistas nor with Lacayo; and if she does return to the principles for which she was elected, Senator Helms and I will be the first to congratulate and support her.

Let us remember the lives and the struggles of Aristides Sanchez, Arges Sequeira, Enrique Bermudez, and the thousands of Freedom Fighters of the Nicaraguan Resistance. Let us all leave here tonight united, with a new vision and a new motivation.

Let us ask God to guide us in this struggle for a truly free Nicaragua. Thank you for this great honor. I love you all. May God bless you and bless Nicaragua!

TRIBUTE TO THE YOUNGSTOWN DISTRICT PURCHASING MANAGEMENT ASSOCIATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of the Youngstown District Purchasing Management Association [YDPMA] located in my 17th Congressional District in Ohio.

Mr. Speaker, since 1986 the YDPMA has served to better local purchasing managers through educational opportunities, updates and informative symposiums, and seminars. Its purchasing management certification program gives both knowledge and credibility to the purchasing manager.

The YDPMA is also deeply involved in the Youngstown community. Students are encouraged to attend its meetings and functions, thereby familiarizing themselves with the profession. The YDPMA also encourages students by providing an annual scholarship to Youngstown University.

Currently the YDPMA boasts a membership of 120. Its growing numbers are a reflection of its outstanding leadership. The officers are president Sandy Vuksanovic, vice president Robert A. Guthrie, secretary Edward Cutler, Jr., C.P.M. and treasurer William J. Ferguson.

Mr. Speaker, I join the citizens of the 17th District of Ohio in saluting this fine organization. It is groups such as the YDPMA that maintain the levels of professionalism necessary to guide us through these rough economic times.

HONORING WAYNE T. ALDERSON

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. SANTORUM. Mr. Speaker, today, I have submitted the cosponsorship of two fellow Pennsylvania colleagues for legislation I introduced, House Concurrent Resolution 127 and H.R. 2745. I wanted to offer a brief explanation to accompany those cosponsorships.

Both House Concurrent Resolution 127 and H.R. 2745 honor the life and services of Wayne T. Alderson in awarding him the Congressional Medal of Honor. Representatives TOM RIDGE and RON KLINK joined me as original sponsors of the legislation, and their names were supposed to appear with mine on the official bill prints. Due to a clerical error, when the bills were submitted, Mr. RIDGE and Mr. KLINK were not credited to the legislation.

With resubmitting their names today, I would like the RECORD to accurately reflect their genuine support and work as original sponsors of both House Concurrent Resolution 127 and H.R. 2745.

IN MEMORY OF MARION MURPHY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the passing of one of my constituents, a remarkable public servant and humanitarian.

Marion Murphy spent nearly a quarter century in public life, serving for nearly 10 years as town clerk of the town of Newburgh and, since 1980, serving as county clerk of Orange County, NY. In both capacities, Marion was the epitome of an outstanding public servant, whose watchword was always service to the people above all else.

Her devotion to her job was duly recognized by her peers who awarded her the prestigious Clerk of the Year Award for 1990 as the outstanding county clerk of New York State.

Marion also served on the Orange County Heritage Commission, on the Orange County Citizen's Foundation, and the county's land use committee.

Marion was also known as one who gave her all to worthwhile charitable pursuits. The United Way of Orange County, the Newburgh Day Nursery, and Sacred Heart Church are among her many concerns which received the benefits of her energies and her devotion.

Marion Schultz Murphy was a lifelong resident of the Newburgh, NY, area. She attended the Newburgh public schools, and was a graduate of Orange County Community College and Mount St. Mary College.

I invite my colleagues to join in extending our condolences to her widower, Joseph, her two sons, Timothy and Thomas, to her two daughters-in-law, and to her grandchildren. Marion was a giant of a person who will long be missed.

FIRST BAPTIST CHURCH CELEBRATES 200TH YEAR IN SARATOGA SPRINGS, NY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. SOLOMON. Mr. Speaker, the 22d Congressional District of New York is rich in history. Our churches, in many cases the oldest buildings in their communities, are virtual depositories of that rich history.

I'd like to bring to your attention one of those fine old churches, the First Baptist Church in Saratoga Springs.

The First Baptist is one of the oldest churches in Saratoga, and will be celebrating its 200th anniversary this year. My hometown newspaper, the Post-Star, recently published an account of that 200-year history, and I proudly enter it in today's RECORD.

FIRST BAPTIST CHURCH PREPARES TO CELEBRATE ITS 200TH ANNIVERSARY

(By Betty French)

SARATOGA SPRINGS.—One of the earliest churches in Saratoga Springs, the First Baptist Church, will be celebrating its 200th anniversary in 1993.

Church members are now planning a year-long celebration to commemorate the move by 10 members of the Kayderosseras area Baptist Church in Beemis Heights, Stillwater, to form a branch in Saratoga Springs in 1793.

Don Mercer, a member of the church's Pastor Relations Committee and a director of the Saratoga Springs Preservation Foundation, has delved into the history of the church.

Mercer said though 12 more members joined that early congregation, the original group continued to meet in homes and a local schoolhouse for a few years. For the first 10 years, the church had lay preachers.

The Rev. M. de Forest Lowen is a retired pastor who was raised in Saratoga Springs. He also has become very involved in the history of the First Baptist Church.

By 1795, Lowen said, the First Baptist congregation members had decided they needed to build a church.

Every third week of the month, the members took up a special collection to raise money. According to early records, Lowen said, it was called a "liquor collection."

In those days, church members and their friends would gather to build the church. Each would be assigned a special job, and the group would continue to work until the structure was complete.

When the church was finished, they could all celebrate by drinking liquor bought with the liquor collection, Mercer said.

It evidently took them time to raise enough money to purchase the land near Geyser Park, since the church was not built until 1808.

In 1820, Saratoga Springs leader Gideon Putnam died without a will, but it was known that he had expressed a willingness to donate land for a religious building.

Learning this, the parishioners voted to incorporate as the Baptist church meeting house. William Waterbury was trustee, Deacon John Waterbury was president and Francis Wayland was pastor.

All this prepared them to get the land from the Putnam estate. The congregation then sold the Geyser Park meeting house and agreed to build a 50-foot by 38-foot building

The Geyser Park meeting house was moved and became part of the old United States Hotel on Broadway.

This first two-story church was built for $2,500, but by 1844 it was too small, and it was demolished to make way for the larger present structure. A parsonage building constructed in 1844 burned down in 1886.

The present church, built in 1855, could seat 1,000 people and cost $18,000. Lowen said it also had a clock tower and a bell. That clock was the official timekeeper for the town until the present city hall was built in 1870 with a clock.

The church is especially notable because it is a purely American construction, wrote James Kettlewell, a Skidmore College professor whose book "Saratoga Springs—An Architectural History" will be released soon. The church does not follow the traditional English style of church design like almost all other churches do.

The main worship center of the church is on the second floor, which is unusual. The interior is trim, almost severe, with tall stained glass windows. A Tiffany-style window faces worshipers, while another is above the front entrance. The church presently seats 600 people and the congregation now totals 275.

The church has had its share of historically notable people. Back in 1820, a son of pastor Wayland, Francis Wayland Jr., became president of Brown University, Lowen said.

Another, more contemporary Wayland, George Wayland Carpenter, who died 12 years ago, graduated from Union College as an engineer, but decided to become a missionary.

Carpenter helped build a hydroelectric dam and other plants in the Belgian Congo. Eventually he became director of all Baptist missionaries in Leopoldville during World War II and executive secretary of the World Council of Churches for Africa. He was also a consultant to the United Nations and American presidents during those years, Lowen said.

The Waterbury name was also closely involved with the church. Norman Waterbury was very active in the Baptist missionary efforts and served in India during the 1890s: Another family member, Etta Waterbury, also wanted to be a missionary, but she had poor health. After her death, the family donated funds in her name to construct the Etta Waterbury Memorial Hospital in Nellore province, southern India, which is still run by the Baptist Churches in the U.S.A.

The pastor hired when the present building was completed also had a famous name. The Rev. Luther Beecher, who had been serving in Albany, was a relative of Henry Ward Beecher, a famous reformist in those days, and Henry's sister Harriet Beecher Stowe, who wrote "Uncle Tom's Cabin," the anti-slavery booklet that helped start the Civil War.

Luther Beecher was a very important asset to the church, Lowen said, and the congregation grew to almost 1,000 members. But Beecher didn't stay at the church for long. He retired in 1861 to pursue a longtime goal. He founded a school for girls called Temple Grove Seminary, at Circular and Spring streets. That main building became known as Skidmore Hall.

The seminary was not successful, though, and after Beecher died, the school was sold to Charles Dowd. It continued until 1898. Then, in 1902, the place was purchased by Lucy Scribner Skidmore for her Young Women's Industrial Club, which eventually became Skidmore College.

The present pastor, Jim Sinclair, said the church today draws many first-time worshipers, in addition to its regular members.

"We seem to fill the congregation's needs with a middle-of-the-road philosophy," Sinclair said.

The church council will soon meet to talk about goals for the future, which will then be presented, to the members for their input, Sinclair said. The church also supports international and national missions.

Locally, the church holds a Thursday morning thrift shop, which is open to the public. And, among other activities, it has a theater group, The First Baptist Players, who offer about three plays a year free to the public.

Sinclair said his private goal is to encourage continued growth in the congregation and to help parishioners develop ministry skills that could be used in other aspects of their daily life.

THE 1ST INFANTRY DIVISION'S IMPACT ON THE KANSAS ECONOMY AND THE SHAPING OF FUTURE MILITARY POLICY

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. SLATTERY. Mr. Speaker, I rise today to recognize the impact of the 1st Infantry Division on the Kansas economy. Located at Fort Riley since 1955, the Big Red One continues to play an active role in our State by employing over 18,000 persons with a total payroll exceeding $560 million. Kansas products and services purchased by Fort Riley in fiscal year 1992 totaled more than $88 million, including 101 contracts awarded to Kansas firms. Northeast Kansas and the 1st Infantry Division are good neighbors. They support each other well. Citizens are well aware of the job opportunities, retail sales, and events which would not be possible without the Big Red One. The community strongly supports the soldiers and their families as evidenced by the programs available during the Persian Gulf war. Fort Riley is the ideal location for the 1st Infantry Division with over 67,000 acres of land available for maneuver training.

The defense authorization bill currently being considered in this Chamber represents a four percent decrease from that which was appropriated in fiscal year 1993. I realize that we will probably cut defense spending further in the coming years. But we must be careful. I believe it would be counterproductive to cut defense spending so quickly that it would destroy the readiness of our military while laying thousands of military personnel off at a time when jobs are not available. I urge my fellow Members' cautious and thorough evaluation of the Department of Defense's bottom-up review.

Mr. Speaker, I am reminded of the 1st Infantry Division's motto, "No Mission Too Difficult, No Sacrifice Too Great, Duty First." We must all work together, with the able leadership of Armed Services Committee Chairman DELLUMS, to shape our Nation's future military policy.

A TRIBUTE TO CHIEF ROBERT KLINT OF THE EAST JOLIET FIRE PROTECTION DISTRICT

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. SANGMEISTER. Mr. Speaker, I rise today to honor a dedicated firefighter who has been protecting lives and property in my Congressional District for 50 years.

On September 25, the family and many friends and admirers of Chief Robert Klint will honor him for his half century of service to the East Joliet Fire Protection District, 30 of those years as chief.

When Bob Klint started as a 21-year-old firefighter in 1943, the volunteer fire department that served the unincorporated areas of East Joliet relied on pancake breakfasts, door-to-door solicitation and hand-me-down and government surplus equipment to keep going. In 1959, the fire protection district was formed, allowing the department to levy taxes; 4 years later, Bob Klint became chief. Under Chief Klint's leadership the department and the services it provides have grown steadily. The district now employs full-time firefighters and has a budget of nearly $500,000 a year.

Mr. Speaker, I congratulate Chief Bob Klint on his 50 years of service to his community, and I wish him many more years of protecting East Joliet.

TRIBUTE TO ANDREW SPISAK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of Andrew Spisak, a man of exceptional bravery from my 17th Congressional District in Ohio.

Mr. Spisak was a corporal in Company C, 30th Infantry during the Second World War. On November 8, 1943, the Germans launched a counterattack on his company's position at Cannavinelle Hill, near Casino, Italy. Corporal Spisak, an assistant rifle squad leader, was 1 of 42 men holding the key position. Soon after the seige began, he took over a light machine gun left unmanned by its fallen crew. As the bullets and mortar shells rained down, regularly falling within a few yards of him, Corporal Spisak fought off the enemy for more than 2 hours. Col. Don E. Carleton writes in his account of the battle that Corporal Spisak "not only fired the machine gun, but also carried out his assistant squad leader duties efficiently and aggressively throughout the counterattack."

But, Mr. Speaker, Cannavinelle Hill wasn't the only venue for Corporal Spisak's bravery. He was nominated for the Distinguished Service Cross at Volturno River. He also received several other awards for his bravery and service, including 6 Spearheads, Silver Star, Bronze Star, Purple Heart and Cluster, Soldiers Medal, Combat Infantry Badge, French Croix de Guerre with Palm, Oak Leaf Cluster, European African Middle Eastern Ribbon, Good Conduct Medal, American Defense Ribbon, and Five Bronze Stars—Battle.

Mr. Speaker, I join all Americans in a long overdue salute to Corporal Spisak for his countless acts of bravery during World War II. I am especially proud of the last line in Colonel Carleton's written account: "Residence at enlistment: Youngstown, Ohio."

CUBANS REPATRIATED

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. DEUTSCH. Mr. Speaker, today I rise to recognize the bravery of eight Cubans who survived a shipwreck off the coast of Mexico only to be deported and returned to Cuba. In a spectacular reversal of policy, these courageous individuals were picked up from Cuba by Mexican authorities and taken to Mexico where they were later given United States visas.

These Cubans left Castro's oppressive regime bound for the freedom of south Florida only to have their boat diverted by gulf currents and shipwrecked off the Mexican coast. The prompt return of these individuals to Cuba sparked days of raucous protest by the Cuban community in front of the Mexican Consulate in Miami, FL. It is for the sheer will of the Cuban community and the hard work of the Cuban-American National Foundation that the Mexican Government reversed itself. In an unprecedented display, Mexican authorities secured an agreement with the Castro regime for the return of the eight freedom seekers.

Once returned to Mexico, the fate of the Cubans was still unsure when the United States did not immediately issue visas. While the issuance of the visas was being negotiated, the Cubans feared they would be stranded in Mexico, apart from their families and unable to reach the United States. Finally however, the United States Government recognized the plight of these Cubans caught in a political limbo and issued visas for all eight asylum seekers who were then transported to Miami. I was overjoyed to be among those lucky enough to greet these eight Cuban heroes upon their arrival in the United States.

I celebrate the heart and spirit of these eight Cubans who risked their lives and their family's lives in order for the chance to be free. They are our reminder of the simple pleasures that liberty provides us as Americans and the abusive, unlivable situation that exists in Cuba, just 90 miles off of United States shores. The situation was best summed up by Hilda Perez as the Mexican authorities forcibly placed her back on a plane to Cuba. "Please don't take us there," she cried.

THE PAN AFRICAN SOCIETY—FORGING A NEW FUTURE

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. BLACKWELL. Mr. Speaker, on Tuesday, September 14, at 5 p.m., the Pan African Society will host a reception in honor of Chief Moshood K.O. Abiola, President-elect of the Federal Republic of Nigeria and Bangaly Cumara, Director General of the Republic of Guinea. The reception will be held in the foyer of the Rayburn House Office Building, and I encourage Members of the House and Senate to attend to meet and greet these important guests of the United States.

The reception will be followed by a conference of major significance, planned by the Pan African Society and scheduled to take place from October 20–23, 1993. The conference will be held on the campus of the Richard Stockton College in Pomona, NJ. The purpose of the conference, according to Jesse Woods, distinguished president of the Pan African Society, is to develop and support a policy framework regarding Africa and the Diaspora. From the conference, a policy statement will be developed, centering on political, economic and social development for Africa and people of African descent.

The Pan African Society was founded in 1991 and is based in the United States. Its vision is reflected in the inspirational words of Jesse Woods who has stated that: "We seek to bring strength where there is weakness, bounty where there is scarcity and unity where there is confusion." That is a timely and prolific vision. The continent of Africa is fertile ground for emerging democracies and for the possibility of expanded trade, investment and economic exchange with the United States. Africa has an annual population growth of about 3 percent, the highest of any region in the world. The continent's population is expected to more than double, from 648 million in 1990 to 1.6 billion by 2025. Now is the time for the United States to encourage communication between Africans and African-Americans and to bolster its financial support to Africa. The noble goals of the Pan African Society can best be achieved through enterprise and business cooperation between people of African descent worldwide.

With the restructuring of the Soviet Union, the United States has a golden opportunity to restructure and realign its foreign aid concentration towards nations interested in democracy and economic reform. Direct assistance to Africa from the United States represents just 10-percent of its total foreign aid budget. The United States ranks fifth among the leading donors of bilateral economic development aid to the continent. If the United States is to remain the world's democratic and economic superpower, we must remain a major force in the world community, particularly in Africa.

The Pan African Society has the vision to forge a new future for people of African descent. I encourage members to attend its reception as well as its planned conference. We are in the midst of unfolding and historic events. The Pan African Society is at the center of this history-in-the-making. I am pleased and honored to be associated with them. Thank you.

BOSNIA—WHAT PEACE

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. HUGHES. Mr. Speaker, Saturday's New York Times reported that "Mideast Peace Gains Momentum". We hail today's fulfillment of this extraordinary headline and rejoice in the possibility of genuine peace in the Middle East. That same day the New York Times also reported that Alija Izetbegovic, Moslem President of Bosnia and Herzegovina announced he will accept land concessions in an attempt to secure a peace pact with Croatia and Serbia. Mr. Speaker, I have greater hopes for the peace process in the Middle East than I do for the war ravaged former Yugoslavia.

The most recent breakdown of the Geneva peace talks casts a long shadow of doubt upon the prospects of a conclusion to the continuing crisis. The coming winter looms ahead for the former Yugoslavia, and it looks terribly grim. Despite international efforts to implement various peace proposals, little genuine progress has occurred, and the people keep dying in Mostar, Jabianica, Konjic, and the list goes on. Even in Sarajevo, which is supposed to be demilitarized, sniper fire claims lives every day. Now Sarajevo is bracing for what appears to be an imminent resumption of deadly fighting in its surrounding mountains.

The findings by the International Committee of the Red Cross of grisly Croatian run detention camps in which Moslem prisoners, some of whom are mere children, are tortured and starved to death is a haunting reminder of the international community's failure to forge a solution to this enormous urgent crisis.

President Clinton recently underscored his commitment to obtaining congressional approval before he would send American troops to act as peacekeepers in the former Yugoslavia. The Congress must address this issue in a full forum, and be prepared to respond to the President's request for this authorization.

But perhaps, Mr. Speaker, Congress should do more than this. Perhaps we need to reexamine the value of pledging to send support when the fighting subsides, and the peace is negotiated. Instead, the United States must exercise its leadership now and work with our NATO partners in order that a time will come when peacekeeping forces are needed.

I am hopeful that President Izetbegovic's efforts to renegotiate a peace will yield concrete results. I fear however, that every day that passes increases the possibility that the Moslems will soon surrender all hope, and the brutal aggression of the Serbians will be rewarded with greater parcels of Moslem land. I urge the President to seek anew, cooperation with our allies in order to bring the force of the international community's will to bear to end this slaughter.

SAVE JOBS: SUPPORT THE C–17

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. CLAY. Mr. Speaker, I support the continued procurement of the C–17. Today, we are at a crossroads in history. For the greater part of this century, the United States was a world superpower, permanently poised on the verge of a major military confrontation. Now, America is emerging from the darkness and insanity of our past war mongering and assuming a more compassionate role as a leader in humanitarian efforts around the world.

As a senior Member of the House, I participated as this body endeavored to address the many, tremendous, and overwhelming changes which have transpired in our Nation's defense policies over the past two decades. From this Chamber I have witnessed a technological revolution that has reshaped our world and our thinking about national security. Shifting opinions and perceptions about our defense needs have diffused some of the real issues we must address if we are to reorder our defense systems.

I did not support the Carter-Bush-Reagan era defense buildup and I often spoke against the perils of an economy dependent on the military-industrial complex. I have anticipated the great many difficulties our society would face when we finally moved to disengage our economy from its economic dependence on military procurement. I believe we must tread carefully through this economic transition. We must act wisely to protect and preserve American jobs as we build the defense systems that will most benefit our new global role.

Mr. Speaker, the C-17 will enable us to succeed in our new mission. Our Nation's long-established role in lending assistance to our less fortunate neighbors has taken on new meaning and a special emphasis in the last few years. Earthquakes, oilspills, floods, famines, and other catastrophes are among the most important battles facing us in the future. With this realization, I believe we must acknowledge the importance of the C-17. The C-17 aircraft is a valuable resource that we should develop to help meet the humanitarian challenges of the future.

The cost effectiveness, versatility, and flexibility of the C-17 make it a uniquely valuable aircraft. The C-17 is less expensive to operate—requiring fewer aircrew members and maintenance personnel than the comparable C-141 or C-5. And, unlike similar aircraft, it can transport injured victims and deliver heavy equipment and cargo loads directly to small fields or primitive landing areas.

Mr. Speaker, when the cold war ended, we were engulfed in debate and rhetoric about the new world order. In the best of times, the notion of a world order is ever elusive and fleeting and the only constant continues to be change. Today we are in the throes of a military reorganization and an economic transformation. As we reshape our defense systems we must be mindful to protect our economy and preserve American jobs. The C-17 offers an ideal opportunity to achieve our defense policy objectives while safeguarding more than 13,000 American jobs.

Mr. Speaker, I applaud this administration's efforts to restructure the U.S. military for the new era. I believe the C-17 is an excellent aircraft which is very well suited to our Nation's future security needs.

TRIBUTE TO THOMAS J. PILECKI, PARTICIPANT IN SYMPOSIUM "CREATING AN ART RENAISSANCE IN AMERICA"

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Thomas J. Pilecki, principal of the South Bronx's renowned St. Augustine School of the Arts, who will be a panelist in a symposium taking place tomorrow in the Senate caucus room entitled "Creating an Art Renaissance in America."

This important discussion of the need for apprenticeship education in America is being held in conjunction with "Birth By Fire: A Renaissance in Bronze," an exhibition of works from the studio of sculptor and teacher Greg Wyatt that is being held in the rotunda of the Russell Senate Office Building through next Friday, September 24. As many of our colleagues will recall from a similar exhibit he held last year in the rotunda of the Cannon Building, Greg Wyatt is sculptor-in-residence of the Cathedral Church of St. John the Divine in New York City and president of the Fantasy Fountain Fund. For more than 10 years Mr. Wyatt has labored in his Renaissance style studio in the crypt of the world's largest gothic cathedral to produce magnificent works in bronze and, with financial support from the Fantasy Fountain Fund, to train his apprentices—high school and college artists aged 16 to 25 from New York's tri-State area.

Working side-by-side over the past year, Greg Wyatt and his apprentices have planned and created a whole new exhibition to demonstrate the teaching and creative processes of his studio. In addition to works of bronze sculpture, the exhibition features two- and three-dimensional models of monuments, plexiglass architectural models, and numerous computer rendered images, bas-relief sketches, and anatomical studies. Mr. Wyatt's apprentices will participate in the youth symposium he will moderate tomorrow afternoon on the value of art apprenticeship programs.

The other participants in "Creating an Art Renaissance in America," which will take place tomorrow evening, include Carrie Rebora, director of the Henry R. Luce Center at the Metropolitan Museum of Art; Ivonne A-Baki, artist-in-residence at Dudley House on the Harvard University campus; and David W. Heleniak, immediate past president of the MacDowell Colony, Inc., an artist colony in Peterborough, NH.

Mr. Speaker, under Thomas Pilecki's leadership the St. Augustine School of the Arts, which has been featured admiringly on "60 Minutes," "The McNeil/Lehrer Newshour" "ABC Nightly News" and in the New York Times, has become a national model for educational reform. Just last week PBS broadcast "Something Within Me," a documentary hosted by Bill Cosby which investigated the activities and accomplishments of the pupils, teachers, and administrators of this fine school. I am pleased that Mr. Pilecki will have the opportunity to share his expertise in this important forum.

CONGRATULATIONS TO ROGER J. KINEAVY

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. MOAKLEY. Mr. Speaker, I wish today to congratulate my District Director Roger J. Kineavy who was the University of Massachusetts 1993 Distinguished Alumni for the volunteer work he does on behalf of the hungry and homeless and young children afflicted with AIDS, in the Ninth Congressional District. I would like to share with you remarks made by Alumni President Mr. Boyce Slayman and the accepting of this award by Roger J. Kineavy.

THE 1993 UNIVERSITY OF MASSACHUSETTS AT BOSTON DISTINGUISHED ALUMNI AWARD

Each commencement the Alumni Association recognizes one of its own who has distinguished herself or himself in a particular field of endeavor.

This year's award is being presented to a graduate of the college of public and community service by Boyce Slayman, President of the Alumni Association.

For most of his adult life Roger J. Kineavy, Class of '83, has been a committed public servant. For the past 21 years, he has ably served the public as district manager of the 9th Congressional District for Congressman Joe Moakley.

In this capacity Roger Kineavy lent a helping hand and a compassionate ear to thousands of people. From tracking down lost social security checks, to cutting through red tape at the small business administration, to securing federal funds for elderly housing, to coordinating some of the states largest job creating projects; in his role as Joe Moakley's key staff person, Roger Kineavy has tirelessly and effectively served the public.

In addition to his public service through his governmental career, Roger Kineavy has dedicated himself to community service in his private life, helping the troubled, the hungry, the homeless and sick—and especially, sick children. Two efforts, in particular, deserve brief recognition:

Eight years ago, Roger founded our brother and sisters table at the Sacred Heart Parish in Quincy. Each Wednesday, Roger gathers, prepares, transports, and serves meals for the honored guests at the Long Island Shelter. He and his volunteer team usually feed over 400 people each week. And, importantly, Roger personally raises all of the monies needed to fund this charitable enterprise; and,

Three years ago, Roger volunteered to raise money to help establish the STAR Program at the Dimmock Community Health Center, in Roxbury.

An innovative, national model, the STAR Program provides intensive day care for children born with AIDS, and coordinates delivery of essential services to these children's families. Compassionately committed to comforting children and families living with AIDS, Roger plays a major role in raising operation funds.

For these and other public and community services too numerous to enumerate today, June 5, 1993, I am pleased and honored to present Mr. Roger J. Kineavy, College of Public and Community Service Class of 1983, the Alumni Association's 1993 Distinguished Alumni Award.

Roger, the University is proud of you as are your family, your employer. The award consists of a University chair with a plaque and your name engraved upon it, which will be delivered later today, and this certificate, which simply states * * *

Reverend Clergy, President Hooker, Chancellor Penney, distinguished honorees, Class of 1993, parents and friends, and most importantly my wife, Janet and my children.

I would like to give thanks and praise to my Lord and Savior, Jesus Christ, for the graves and blessings he has given to me. Without him in my life, I am nothing, with him in my life, I know that I am very special. To the University of Massachusetts, and the Alumni Association, you humble me today with this prestigious award. As I stand here, I do so on behalf of Project STAR, the center who cares for children afflicted with the AIDS virus and all of my friends who are homeless and are guests at the Long Island

Shelter. Serving these beautiful people for the past nine years, has been both an honor and a privilege for me.

In America, we are so rich in resources that it is often difficult to understand why so many are hungry and homeless, and others afflicted with AIDS. We do not have to go very far to see how many people are down on their luck. We all know someone, a family member, a friend, or a neighbor who is struggling with the difficulties of which I speak. I know that our government is very hard at work trying to come up with solutions to these complex and difficult problems. But there are no easy answers. As an individual, I have come to believe that it is my responsibility to assist those in need. In doing so, I brighten their lives and my own immeasurably.

Over the years, I have observed the volunteers who assist me with both the hungry and homeless and the youngsters afflicted with the AIDS virus. They treat these individuals with respect, gentleness, kindness, and understanding. It is truly remarkable, the rapport they have with those they serve. I have come to see through volunteers that character is chiseled into a thing of beauty by the way that they care for our brothers and sisters who, at this moment in their lives, are unable to care for themselves. We must always by generous and share our gifts and talents with our brothers and sisters. This has been our motto, and over the years we have been truly blessed for it.

To the Class of 1993, most of you will be leaving this beautiful campus after devoting four years of your life in pursuit of excellence in education. You will go into the workplace with the tools that you have acquired throughout your studies. There will be uncertainty. Many of you will be nervous, some even scared. There are no limits as to what you can accomplish. Please believe that! Never relinquish any dream, because it may seem beyond your power to achieve. Think of the tiny snow covered shoot in the hard ground. It is no certainty that even as it works its way up, that sunlight and warmth will greet it. What a task that must seem. But, the inner drive within the seed compels it to carry out its task. The human person is equal to that task, and can carry out any challenge placed before them.

Remember that you will make a difference, like others who have gone before you. They had the same kind of feelings and they made a difference. I am confident that you will as well. As you begin this great challenge, have faith in God, for his love is unconditional, and also faith in your parents, who have been with you through thick and thin and will continue to be by your side in the years ahead. Foremost, have faith in yourself. You are special and possess many gifts that will make the world a better place.

I would like to share this award with a few people to whom I owe a great sense of gratitude and whom I love very much. My mother and father, who went home to the Lord when I was very young, my wife, Janet, mother of our eight children, my dear friend, Congressman Joe Moakley. They taught me by their example that justice is stronger than injustice, truth suppresses lies, that the human spirit can overcome inhumanity, peace is possible, and that all men can truly love one another.

Thank you and may God bless you.

TRIBUTE TO THE 32D ANNUAL JOHN R. CALLAHAN SCHOLASTIC BANQUET

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Mr. TRAFICANT. Mr. Speaker, I rise in honor of the 32d Annual John R. Callahan Scholastic Banquet, held earlier this summer in my 17th Congressional District of Ohio.

Mr. Speaker, for the past 32 years the Salem High School Key Club has sponsored the banquet to recognize the scholastic excellence of its students. All students, grades 10 through 12, are eligible to attend if they have maintained a 3.2 or higher grade point average throughout the year. Mr. Callahan, for whom the banquet bears its name, was a former high school assistant principal, key club advisor and Kiwanis Club member. He believed the banquet was an important way of recognizing and encouraging academic achievement at Salem High School.

Mr. Speaker, I was fortunate enough to have been chosen as the keynote speaker at the banquet and I expressed to the students my gratitude for their hard work. Their success is the community's success. I was also fortunate to have been seated alongside Key Club members who worked to organize the banquet: president Marco Nicotera, vice president Jesse Horning, treasurer Charlie Straub, sergeant at arms Ross Ramunno, Lt. Governor Mark Ramunno and Kiwanis advisor Dave Firestone.

Mr. Speaker, I was both inspired and proud at the banquet. I join the citizens of the 17th district in saluting its organizers, the honored students and, most of all, the parents of the Salem school district.

GREATER TOLEDO STATEMENT OF HOPE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1993

Ms. KAPTUR. Mr. Speaker, I would like to bring to the attention of my distinguished colleagues the following joint statement by the Arab and Jewish Communities of Greater Toledo, OH, my home district. These citizens gathered in the Federal building in downtown Toledo to sign their "Statement of Hope" on this historic day of September 13, 1993, as the nation of Israel and the Palestinian Liberation Organization signed their working accord to peace. I am honored to represent a district of our Nation where citizens band together, regardless of heritage, to promote a more beautiful and peaceful world.

We, the members of the Arab and Jewish communities of Greater Toledo, representing the Christian, Muslim and Jewish faiths, have issued the following joint statement acknowledging our common support of the Declaration of Principles agreed upon by the State of Israel and the Palestine Liberation Organization.

The Arab and Jewish communities of Greater Toledo join together today in thanksgiving and in appreciation for this historic beginning. This event marks the dawning of a new era in the relations between the Israeli and Palestinian peoples, which will hopefully in turn usher in an era of peace for all parties to the Middle East conflict.

We realize that there will be many challenges that will be confronted during the days and years which lie ahead. We hope and we pray that a rapport of trust and confidence will be established which allows for the creation of a comprehensive, just, and lasting peace for all the peoples of the region.

This special part of the world, the birthplace of Judaism, Christianity and Islam, gave the world a vision of peace inscribed in our sacred writings—the Torah, the New Testament, and the Koran. It is most appropriate that the peoples of the region realize the beautiful vision of their prophets and teachers. We fervently join together as communities intricately bound to the Middle East with our sincere and earnest prayer. May God grant the leaders of the Middle East the wisdom and the insight to fulfill the goal of an everlasting peace for our brothers and sisters.

Laila Asad, Nabil Hanna, Steve Edelstein, Yehia Shousher, Michael Sugheir, Samir Abu Absi, Maryse Mikhail, Howard Fried, Jack Gallon, Rabbi Arnold Beinstock, Nadeem Salem, Reverend Michael Ellias, Neil Light, Joanne Rubin, Rabbi Alan Sokobin, Michael Berebitsky, Marla Levine, Congresswoman Marcy Kaptur.

What an honor to represent such a group of citizens.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 14, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 15

9:30 a.m.

Environment and Public Works

Clean Water, Fisheries and Wildlife Subcommittee

To resume hearings on S. 1114, authorizing funds for programs of the Federal Water Pollution Control Act, and related measures including S. 1304, to improve the conservation of wetlands and thereby restore and maintain the physical, chemical, and biological integrity of the Nation's waters.

SD–106

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of David J. Barram, of California, to be Deputy Secretary of Commerce, and Steven O. Palmer, of Michigan, to be an Assistant Secretary of Transportation.

SR–253

Energy and Natural Resources

To hold hearings on the nominations of Tara O'Toole, of Maryland, to be Assistant Secretary for Environment, Safety and Health, and Jay E. Hakes, of Florida, to be Administrator of the Energy Information Administration, both of the Department of Energy.

SD–366

Finance

To hold hearings to examine the North American Free Trade Agreement (NAFTA), focusing on how the Agreement advances U.S. economic interests, including labor, environmental, and related matters.

SD–215

Judiciary

Business meeting, to consider pending calendar business.

SD–226

Special on Aging

To hold hearings to examine the marketing of hearing aid devices, focusing on concerns about misleading advertising and questionable sales practices.

SD–G50

Joint Economic

To continue hearings to examine the historical evolution of the growing crisis of the American health care system, focusing on the economic impact of rising health care costs and the impact on various segments of American society.

2322 Rayburn Building

3:00 p.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To hold joint hearings with the Committee on Indian Affairs to examine the Job Training Partnership Act program and the implementation of the Indian Employment Training and Services Demonstration Act.

SR–485

Indian Affairs

To hold joint hearings with the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity to examine the Job Training Partnership Act program and the implementation of the Indian Employment Training and Services Demonstration Act.

SR–485

SEPTEMBER 20

2:00 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings on S. 1406, to make the Plant Variety Protection Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory.

SR–332

SEPTEMBER 21

9:30 a.m.

Governmental Affairs

To hold hearings to examine environmental problems in the Federal Government.

SD–342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 986, to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, S. 1033, to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, S. 1341, to establish the Wheeling National Heritage Area in the State of West Virginia, and H.R. 1305, to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service.

SD–366

SEPTEMBER 22

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Reed E. Hundt, of Maryland, to be a Member of the Federal Communications Commission.

SR–253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

SEPTEMBER 23

9:00 a.m.

Office of Technology Assessment

Board meeting, to consider pending business.

EF–100, Capitol

10:00 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on S. 687, to regulate interstate commerce by providing for a uniform product liability law.

SR–253

Environment and Public Works

To hold oversight hearings on implementation of programs of the Clean Air Act Amendments of 1990.

SD–406

SEPTEMBER 28

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation to reorganize the Department of Agriculture.

SR–332

OCTOBER 6

9:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up proposed legislation to reorganize the Department of Agriculture.

SR–332

POSTPONEMENTS

SEPTEMBER 15

9:30 a.m.

Indian Affairs

To hold hearings on S. 1146, to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona.

SR–485

HOUSE OF REPRESENTATIVES—*Tuesday, September 14, 1993*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of the Book of Ecclesiastes:

For everything there is a season, and
a time for every matter under heaven:
a time to be born, and a time to die;
a time to plant, and a time to pluck up what is planted;
a time to kill, and a time to heal;
a time to break down, and a time to build up;
a time to weep, and a time to laugh;
a time to mourn, and a time to dance;
a time to cast away stones, and a time to gather stones together;
a time to embrace, and a time to refrain from embracing;
a time to seek, and a time to lose;
a time to keep, and a time to cast away;
a time to rend, and a time to sew;
a time to keep silence, and a time to speak;
a time to love, and a time to hate;
a time for war, and a time for peace.

O gracious God, may these words from scripture remind us that the time of war has past, and the time of peace has come. May each person and all the nations be faithful as peacemakers. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 1, rule I, further proceedings on this vote will be postponed until later this afternoon.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will recognize the gentleman from New York [Mr. LEVY] to lead us in the Pledge of Allegiance.

Mr. LEVY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

JUSTICE DEPARTMENT RIPS OFF CONSTITUTIONAL RIGHTS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the sixth circuit court in Cincinnati is now investigating the way the Justice Department has handled the case of John Demjanjuk, who was convicted of being the infamous Ivan the Terrible, and evidence now shows he was not. Allan Ryan, the first director, has really taken a page out of some chapter that is very damaging to America. To cover their own tracks, he is now blaming it on the Soviets.

That is a stone cold lie. My investigation uncovered two documents back to August 1978 and July 1981 that prove without a doubt the Justice Department knew that Marchenko was Ivan. Yet they pursued a prosecution on Demjanjuk as Ivan.

Mr. Speaker, Allan Ryan, the Office of Special Investigation, and everyone over there that perpetrated a fraud and a hoax on the courts of America and Israel, should be brought to justice themselves. It is time to not pass go, but go directly to jail, for the people responsible for supposedly protecting America's Constitution and rights.

Demjanjuk is not Ivan. Bring him back. Give him his day in court. Look at all the allegations. That is the least we can do after we ripped him off.

Congress has allowed the Justice Department to rip off his constitutional rights, and that is a crime in itself.

INTRODUCTION OF THE RURAL EMERGENCY ACCESS CARE HOSPITAL ACT

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, today I am introducing legislation to help small, financially strapped rural hospitals keep their doors open to provide health care to rural people. My bill would reclassify these facilities as Rural Emergency Access Care Hospitals [REACH] so they may stabilize patients in times of emergency.

Due to excessive regulations, low reimbursement rates and inpatient stays, many rural communities are finding that they cannot support a full-service hospital. Many are now forced to close their doors, which restricts access to basic medical services even further.

But my legislation provides an alternative. As REACH's, these facilities could continue to receive Medicare reimbursement for emergency services, despite not meeting all the requirements of a hospital. Due to the geographic boundaries, severe weather conditions and physician shortages, rural areas see this as a critical component for any health care delivery system.

Many communities resist closing an underutilized facility for fear of losing the emergency room. The REACH Act, however, helps communities plan effectively and accommodate different levels of medical care throughout the State.

TIME FOR CONGRESS TO WORK ON HEALTH CARE

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON of Florida. Mr. Speaker, at the Governor's Conference in Tulsa, OK, President Clinton spoke about the need for flexibility in national health care reform.

He is right. Health care reform cannot be accomplished in Washington, DC, alone, but must be responsive to local needs and resources. What is right in rural Vermont is not necessarily best for urban Florida.

As health reform moves from theory to reality, Members of Congress must discard all notions of health care Utopia—both the tall tales of Government simplicity and the polished presentations of magic competition. Instead, we must move forward with a workable, community-based national health care plan that establishes strong national requirements, but also recognizes the diversity of our Nation.

The President's plan has got it right. Now it is time for Congress to get past ideology and go to work.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

EXCISE TAXES ARE REGRESSIVE AND UNFAIR

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, I rise to warn my colleagues to think about fairness before they jump on the sin tax bandwagon to pay for health care.

The problem with excise taxes is now and always has been the same—they hit low- and middle-income taxpayers harder, in relative terms, than other taxes.

They are regressive and unfair.

And, to make it worse, just like other taxes, excise taxes cost jobs. Plenty of them.

For example, a $1 increase in the cigarette tax would kill as many as 23,000 jobs in my own State of Kentucky—10,500 jobs directly involved in the tobacco industry and another 12,500 spinoff jobs.

Excise taxes are regressive and unfair, and they kill jobs, particularly in States like Kentucky where alcoholic beverages and tobacco products are major industries.

There has to be a fairer way to pay for health care. Excise taxes aren't the way to do it.

A DAY OF HOPE

(Mrs. MEEK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK. Mr. Speaker, yesterday I saw a sight I thought I would never see—the Prime Minister of Israel shaking hands with the Chairman of the Palestine Liberation Organization on the White House lawn with the President of the United States between them.

I remember when Prime Minister Begin signed the Camp David accords with President Sadat on the same table with President Carter.

Yesterday was a day of hope, but much more remains to be done to finally bring peace to the Middle East. There are still those whose all-consuming hatred will try to stop peace, and we must be vigilant against this threat. It appears that there is movement toward peace also with Jordan and Syria. President Clinton made a brilliant plea and was correct when he stated many months ago that peace cannot be imposed on the Middle East from outside, it must come through negotiation among those of the area.

Israel has been a beacon of democracy for almost 50 years. It has a talented and educated work force. The people of Israel deserve to live at peace as much as any people in the world. Yesterday was a major step toward beating the swords of the Middle East into plowshares.

Yesterday was a day of hope, but it was also a day of caution. We must remain vigilant against those consumed by hatred who prefer war. It has taken too many lives to get from Camp David to this point. We must support and protect those who wish to give peace a chance.

□ 1010

THE NORTH AMERICAN FREE TRADE AGREEMENT

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, who would have believed that Ross Perot and Pat Buchanan would ever team up with Jesse Jackson, Ralph Nader, and the AFL–CIO on any issue. Yet, for reasons which I cannot understand, this unlikely group has set its sights on defeating NAFTA. Former President Gerald Ford may have had it right when he said:

> With that line-up of opponents, NAFTA has to have some merit.

NAFTA's opponents try and tell us that businesses and jobs will flow to Mexico under the free trade agreement. It is an effective argument that plays upon people's emotions and uncertainties about their economic future. But the fact is, Mr. Speaker, jobs that are at risk from foreign competition will remain at risk, with or without NAFTA.

The facts are on our side. Mr. Speaker. Trade with Mexico means jobs for American workers. What we need now is leadership. To his credit, President Clinton recognizes the value of free trade and the benefits of NAFTA. But he must back up his words of support with determined action. The resources of the administration must be mobilized. It would be a tragic mistake if we allowed this important initiative to fail. I urge my colleagues to vote yes on NAFTA.

SECURITY

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEPHERD, Mr. Speaker, I recently received this report from the General Accounting Office which concludes that retiree health benefits are not secure under our current health care system. But I did not need the GAO to spell it out for me—the desperate situation of our retirees is made perfectly clear in the flood of mail I receive from my district every day.

Take the case of Robert Anderson from Salt Lake who, because his former employer is shifting the entire burden of retiree health coverage to the retirees themselves, will be left with only $2.22 from his monthly retirement check after he pays his premium. Less than two bucks and a quarter each month after 28 years of service.

Mr. Anderson is not alone—our Nation's health care crisis threatens the security of every family and business in this Nation. I'm confident that the plan President Clinton will announce next week will provide desperately needed solutions, not just for early retirees, but for all Americans. I urge my colleagues to join me in returning health care security to the people of this Nation by supporting the President's plan.

PROSPECTS FOR LASTING PEACE IN MIDDLE EAST

(Mr. LEVY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVY. Mr. Speaker, late last week, a historical accord was reached between Israel and the Palestine Liberation Organization. Not since the 1978 Camp David agreement has the prospect for a lasting peace seemed brighter in the Middle East.

During the August recess, I traveled with the largest congressional delegation ever to visit Israel. It was during that trip that real breakthroughs in the peace process first became apparent. The excitement shared by most Israelis and Palestinians was something that I will never forget.

Harmony throughout the Middle East may be imminent. Peace negotiations between Israel and neighboring countries continue to take place, bolstered by the Israeli-PLO accord which was signed yesterday. The task at hand, however, is not complete.

It is the duty of our Government to ensure that the principles signed yesterday protect and confirm Israel's right to exist in peace. Israel is the only legitimate democracy in the Middle East and it is in this country's best interest to reaffirm the United States commitment to the security of our preeminent ally in the region.

A TRIBUTE TO AMY BIEHL

(Mr. GORDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORDON. Mr. Speaker, during a speech at the University of Capetown, South Africa in 1966, the late Robert Kennedy said:

> Each time men and women stand up for an ideal, or act to improve the lot of others, or strike out against injustice, they send forth a tiny ripple of hope.

When Robert Kennedy gave that stirring address, Amy Biehl was not yet born. But 27 years later, his words and the life of Amy Biehl are tightly bound.

On August 25, Amy was stabbed to death by a mob outside of Cape Town, South Africa, not far from the site of Robert Kennedy's speech. She was the first American known to have been killed in that nation's violence.

Amy, who grew up in Texas before moving with her family to California, previously worked in my office. She had gone to South Africa as a Fulbright scholar to assist with the effort to bring about a peaceful transition from apartheid to majority rule.

Amy was dedicated to helping humanity, to working for positive change wherever she went. Of her passion, a former professor said, "She really believed in the transforming power of democracy."

In 10 short months in South Africa, she touched the hearts of many with her energy, her perseverance, and her optimism.

Unfortunately, the mob saw only her white face. A black friend, speaking at a memorial service in South Africa, said it all, "I want to say to people that you have killed your own sister."

Amy aspired to make a difference, to send forth her tiny ripple of hope. In her mother's words: "Amy's wish was that we all work together as people and that racial issues and violence are not the answer."

It is true anywhere, South Africa, south Los Angeles or south Nashville, that is Amy's message. Now it is up to us all to hear it, to learn from it, and most of all, to carry it out.

WHITE HOUSE RETROACTIVE APPOINTMENTS

(Mr. LIGHTFOOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIGHTFOOT. Mr. Speaker, last week the GAO released a report prepared at my request and the request of other minority members of the House Appropriations Subcommittee on Treasury, Postal Service and General Government. This report detailed 217 instances of retroactive appointments by the White House, 22 retroactive pay raises for White House employees, and 25 White House employees who double-dipped on the White House payroll and the transition office payroll.

While the Vice President is busy reinventing Government, it appears the White House staff is busy reinventing Federal payroll practices. For all but a select few White House appointees, backdated pay raises and double-dipping from two Federal accounts is prohibited. In fact, these White House payroll actions were so unprecedented, the GAO had never been asked to rule on such practices before.

For a President who made a campaign issue out of cleaning up Government and raising ethical standards in the White House, he is being poorly served by his staff. Someone needs to clean up the White House. If the White House staff cannot even manage its own operations, how can the President expect to succeed in reinventing the entire Government?

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, I rise today in support of H.R. 796, a bill to ensure that women have the freedom to access reproductive health clinics.

All over the country antichoice people are blocking clinic entrances, and targeting providers and their families. This violence has led to one murder, and just last month the shooting of Dr. Tiller in Wichita by a woman from Oregon. This terrorism must stop. We must respect the law of this Nation and the rights of our citizens.

The freedom of access to clinic entrances bill will help stop the violence. It will make it a Federal crime to block clinic entrances, and it also allows Federal law enforcement officials to step in if local police refuse to keep a clinic open.

The Supreme Court has reaffirmed a woman's right to choose. While the decision is difficult, once it is made, women should not be prevented from or harassed while exercising their rights, and physicians must be allowed to practice medicine without fear for their lives.

I urge my colleagues to pass H.R. 796. We must stop the violence against American women and American physicians.

□ 1020

NAFTA, A BAD DEAL FOR FLORIDA

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, I rise to announce my strong opposition to the approval of the North American Free-Trade Agreement. Today's signing of the supplemental accords on labor, the environment, and import surges is nothing for Floridians to be pleased about, as none of the concerns of Florida's agriculture, the State's second largest industry, were addressed.

The agriculture sector alone in Florida stands to lose up to 60,000 jobs and $300 million in farmgate value under the NAFTA. For a sector of the economy that has a $16 billion overall economic impact on the State, these losses are completely unacceptable.

Today I am also announcing that I have joined my other two colleagues from Florida who serve on the Agriculture Committee, Mr. CANADY and Mrs. THURMAN, as members of the bipartisan anti-NAFTA caucus. This sends a clear message from the Florida delegation, Mr. Speaker: The NAFTA is simply a bad deal for Florida, and a bad hit on the little guy.

NO PROGRESS TOWARD PEACE IN IRELAND UNTIL THE BRITISH LEAVE

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, the newspapers and this floor are replete with statements and pronouncements, analyses about the Israeli-Palestinian agreement and the possibility for peace. Virtually every word, Mr. Speaker, said yesterday and in past days about terror and war and pain and death are equally applicable to Northern Ireland.

Today I stand here and vow to speak out and keep on speaking out about the occupation of Northern Ireland by the British, to bring to the attention of the American people that we have as much an interest in seeing that peace comes to Northern Ireland as we do anywhere else in the rest of the world, perhaps even more so, Mr. Speaker, given the history of Ireland, England, and the United States.

The British must leave Northern Ireland. No progress will be made until the British make this clear and unmistakable. I think it is an outrage that the people of the United States have, because of the power of the British press and the disinclination of the American press to bring this issue home, that the British are allowed to occupy Northern Ireland and commit virtually every kind of terror and horror that is possible to think of. There is no justice, no court system worthy of the name against the people of Northern Ireland.

Over 40 percent of the British military budget is spent on occupying Northern Ireland. Billions of dollars are spent in occupying and terrorizing the people of Northern Ireland. The irony here, Mr. Speaker, as I close today, is that the Irish National Defense Forces are among the leading peacekeepers in the world. For more than three decades the Irish National Defense Forces have been going everywhere else in the world but in Ireland itself, seeing to it that peace is achieved.

It is time for the United States to lead the way and bring the expectation of peace and freedom to Northern Ireland.

INQUIRY REGARDING LEGISLATIVE SCHEDULE

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I rise in order to raise a question about the upcoming schedule. As I understand it, our side has just been informed that we are now going to recess immediately following the 1 minutes and not go on to take up the RTC rule. I am just wondering, for the information of the Members, whether or not that is, in fact, correct, and whether or not there is some explanation as to why the House cannot seem to proceed with business. We went through long recesses yesterday, and now we are apparently going to do another one today.

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, my knowledge of the situation is rather sketchy, but we are negotiating that right at the moment and hope that we might be able to move right ahead.

Mr. WALKER. The word was passed to our side about that.

Mr. DERRICK. If the gentleman will continue to yield, the gentleman is correct, that was the word, but we are hoping to maybe change that.

Mr. WALKER. That would be useful.

Mr. DERRICK. If the gentleman will yield further, I do not know that we will be able to.

Mr. WALKER. I really do believe if we are going to start this pattern of simply breaking up days with recesses, that Members who have schedules and everything else that we are trying to accommodate, it really does make it very difficult.

Mr. DERRICK. If the gentleman will yield further, it is sometimes necessary to do that. I agree with the gentleman that it will certainly be at a minimum.

Mr. WALKER. I agree with the gentleman that it sometimes is necessary. I have been around here, though, a good while. I must tell the gentleman that we have had kind of a spate of this here recently, where it seems to be an everyday occurrence.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I just saw the distinguished chairman of the Committee on Armed Services walk on the floor. The Members really need to know what the schedule is going to be for the rest of the day. Are we going to take up the remainder of that third rule that provided for amendments on the bill from the Committee on Armed Services? Or are we just going to take up the RTC bill? Or not take up any of them? The Members need to know. The religious holidays start later this afternoon, and Members need to make their plans. Somebody needs to enlighten us on the floor here.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding to me.

First, the question propounded by my distinguished colleague, the gentleman from New York [Mr. SOLOMON], the questions have to be answered above this gentleman's pay grade. However, with respect to H.R. 2401, the DOD authorization bill for fiscal year 1994, as my colleague will recall, the rule under which we are operating allowed us to debate roughly eight amendments. Four or five of them we dispensed with on yesterday, five of the nine, and the other four, several of those amendments have been withdrawn to work out different arrangements that will probably be accommodated in a second en bloc amendment, which left only the amendment that would be offered by this gentleman for a 10-minute debate.

It just seemed to me that it was not very efficient utilization of time to bring the entire staff over here for the purposes of debating one 10-minute amendment.

Second, this gentleman considered that since I am Chair of the Committee on Armed Services, maybe I ought to figure out how to redraft my own amendment in such a manner that I am able to put it in a second en bloc amendment. Frankly, there is no particular reason to come to the floor for the purpose of those remaining amendments.

With respect to what happens to us in the future, that is in the hands of my distinguished colleague and the leadership of this body. We are prepared to go to work under whatever rule is made available. I hope that enlightens my colleague with respect to the few moments we have here.

Mr. WALKER. I thank the gentleman.

It seems to me we are in a state of confusion, and we are settling the confusions here by declaring recesses. I would hope we could get the schedule worked out so Members would have some degree of confidence in what we are doing and when we are doing it.

A TRIBUTE TO AMBASSADOR TERENCE TODMAN UPON HIS RETIREMENT

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, it gives me great pleasure to again pay tribute to one of our Nation's most distinguished and experienced diplomats, the Honorable Terence Todman, who, I am very sorry to report, retired last month from service to this Nation at the Department of State.

Terence Todman served the United States with honor and esteem in a career that spanned more than four decades. He rose to the rank of Career Ambassador, the highest in our Diplomatic Corps, and was our Ambassador to six countries: Chad, Guinea, Costa Rica, Spain, Denmark, and Argentina. He also served as Assistant Secretary of State for Latin American Affairs.

Ambassador Todman received numerous awards, including the presidential Distinguished Service Award, the President's Meritorious Service Award and the Department of State's Superior Service Honor Award. In Spain, he was awarded the Grand Cross of the Highest Order of Isabela la Catolica, and in Denmark, the Grand Cross of the Order of Danneborg. On August 11, 1993, Ambassador Todman was presented with the Secretary of State's Distinguished Service Award.

Beyond these remarkable achievements, Ambassador Todman also was the highest ranking African-American in the U.S. Diplomatic Corps. A native of St. Thomas, VI, he is one of our most illustrious native sons and a source of enormous pride for the people of the Virgin Islands, whom I represent.

This outstanding career diplomat retired on August 13, 1993, and we can only hope that he will have many productive years as a private citizen of the country he served with such distinction.

Today, I am proud to rise to recognize the achievements of this extraordinary man, and to express my great appreciation to Ambassador Terence Todman for his outstanding accomplishments and exceptional contributions to this Nation and the nations of the world.

□ 1030

AN EXAMPLE OF ONE AMERICAN FALLING THROUGH THE CRACKS OF OUR HEALTH CARE SYSTEM

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, Mr. James Cooley of Belton, SC, has worked hard most of his life at a local textile plant in my district. He paid his bills and his mortgage on time and made sure his family was comfortable. But now his life has been turned upside down. Suffering from kidney failure, he continued to work while undergoing dialysis treatments.

In January of this year, under doctor's orders, Mr. Cooley was forced to quit his job. Without the contribution from his employer, he was unable to obtain insurance at anything approaching a reasonable rate. His wife works, but her income is not enough to cover all their bills and too much for him to qualify for Medicaid.

Even though he has worked hard his entire life and has been a responsible father, citizen, and taxpayer, James Cooley no longer has anything to show for it. The house he's lived in and paid a mortgage on for 20 years belongs now to a finance company because mounting medical bills forced him to refinance his home. He must accept charity from strangers simply to pay his bills. His life savings has gone to pay only a portion of the bills from the hospital.

All this because he was unlucky enough to get sick in a country where the health care system failed him.

Too many people like Mr. Cooley are falling through the cracks of our health care system. We have a health care crisis in this country which has reached epic proportions, and a solution is desperately needed. The time for action is now.

THE SCHEDULE

Mr. DERRICK. If I may continue, I would say to the gentleman from New York [Mr. SOLOMON] we are going to proceed with the rule. But I would have to say on behalf of the majority that it is my understanding from our leadership that your leadership requested that we recess so that your leadership and others could come back from the White House where they are having a meeting on NAFTA. I think you and I agree on NAFTA so we were not invited to that meeting, since we oppose it, but anyway, we will be proceeding.

PROVIDING FOR CONSIDERATION OF H.R. 1340, RESOLUTION TRUST CORPORATION COMPLETION ACT.

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 250 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 250

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1340) to provide funding for the resolution of failed savings associations, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the committee amendments now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs now printed in the bill, modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered as read. All points of order against the committee amendment in the nature of a substitute, as modified, are waived. No amendment to the committee amendment in the nature of a substitute, as modified, shall be in order except the amendments en bloc printed in part 2 of the report. The amendments en bloc may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question of the House or in the Committee of the Whole. All points of order against the amendments en bloc are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, as modified. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 1340, it shall be in order to take from the Speaker's table the bill S. 714 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1340 as passed by the House. All points of order against motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 714 and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 250 is a rule providing for the consideration of H.R. 1340, the Resolution Trust Corporation Completion Act. The rule provides for 1 hour of debate time equally divided and controlled by the chairman and ranking minority member of the Banking Committee. The rule waives all points of order against consideration of the bill. The rule makes in order, as an original bill for the purpose of amendment, the Banking Committee amendment in the nature of a substitute, as modified by part one of the report to accompany the rule. The committee amendment, as modified, shall be considered as read and all points of order against the committee substitute, as modified, are waived.

The rule makes in order only the amendments en bloc printed in part 2 of the report to accompany the rule. The amendments en bloc may be offered only by the member designated in the report, shall be considered as red, shall be debatable for the time specified in the report, and shall not be subject to amendment nor a demand for a division of the question. All points of order against the amendments en bloc are waived. The rule provides one motion to recommit with or without or instructions.

The rule also provides that after passage of H.R. 1340, it shall be in order to take S. 714 from the Speaker's table and consider it in the House. All points of order are waived against the Senate bill and against its consideration. The rule further makes in order a motion to strike out all after the enacting clause and insert the House-passed bill. All points of order against the motion are waived. Finally, the rule makes in order a motion to insist on the House amendments and to request a conference.

Mr. Speaker, we are finally approaching completion of the work of the Resolution Trust Corporation and this legislation provides the final spending necessary for the resolution of the savings and loan cleanup. The legislation changes the April 1, 1992, date limitation and reduces the amount of funds currently authorized for the savings association insurance fund. The bill contains a series of important management reforms including a requirement that the Treasury Secretary certify that the RTC is complying with the goals established by Congress. The bill further expands the minority and women-owned business programs and expands the FDIC and RTC affordable housing program. Finally, the bill extends the statute of limitations for certain tort claims and establishes a task force to facilitate the transfer of the RTC to the FDIC.

Mr. Speaker, House Resolution 250 is a fair rule that will expedite consideration of this important legislation. I urge my colleagues to support the rule and I reserve the balance of my time.

□ 1040

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished gentleman from California [Mr. DREIER] was assigned to manage this rule for the minority this morning. Unfortunately he is at the White House, detained on the controversial NAFTA issue. So he will not be here.

So I will be speaking in his place and will submit his statement for the RECORD.

Mr. DREIER. Mr. Speaker, here we go again with another closed rule on a major piece of legislation. For months we were told that restrictive rules on the President's major policy initiatives were necessary because he deserves to have an up or down vote on his program.

That is past us now, Mr. Speaker, and we are still faced with procedural shenanigans that prevent free and open debate on a savings and loan cleanup bill that is a major concern to every American.

At this moment, Mr. Speaker, the Rules Committee is holding a hearing on the resolution introduced by the gentleman from Oklahoma [Mr. INHOFE] to make public the names on discharge petitions. The purpose is to improve accountability and deliberation in this body. That hearing would not be taking place were it not for the loud public outcry against discharge petition secrecy and the efforts to manipulate the process.

Fortunately, Mr. Speaker, a massive public outcry is not necessary to end the rules abuses that prohibit fair, open, and orderly debate on the House floor. All my colleagues have to do is vote against this rule so that we can offer an open rule, and the leadership will begin to get the message.

So far this year, the Rules Committee has imposed gag rules on 73 percent of the legislation that has passed through that committee.

The Democrat leadership, via the Rules Committee, proposes that we vote on a $26.3-billion bill to fund the Resolution Trust Corporation and the savings association insurance fund without considering alternatives that may improve the bill and its prospects for passage.

Last night in the Rules Committee, motions were offered to allow the full House to debate six germane amendments to the bill, as well as an open rule, and each motion was defeated on a party-line vote.

Mr. Speaker, H.R. 1340 has been on the whip schedule for nearly 3 months because the House and Banking Committee leaderships have been striving for a bipartisan consensus on RTC funding. Ironically, at a time when that consensus can probably be reached with an open rule, the leadership risks throwing it away with this gag rule.

The substitute amendment made in order by the rule is certainly an improvement over H.R. 1340 as reported by the Banking Committee. It gives the RTC more time to close down insolvent institutions before that responsibility is transferred to the currently under-capitalized savings association insurance fund. It also subjects the minority preference provisions to the least-cost-to-the-taxpayer requirement.

However, Mr. Speaker, it is misguided to believe that this legislation cannot be improved. It does not provide a long-term solution to the savings and loan crisis, and it virtually assures that we will have to revisit this issue in a few short years.

Mr. Speaker, this rule imposes a shroud of secrecy over the legislative process at a time when the public is demanding openness and accountability from this institution.

Therefore, I urge my colleagues to defeat this rule so that we can open the shades and let the sunshine in.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, just as we have had so many savings and loan failures in the last several years, we have also witnessed the bankruptcy of democracy in this House when it comes to allowing Members to work their will on major legislation. And this is major legislation, spending billions of dollars of the taxpayers' money.

Mr. Speaker, it used to be that most major bills that come to the floor with the exception of, perhaps, tax legislation, came here under an open amendment process in which all Members could participate. Every one of us could represent our 600,000 constituents back home.

Mr. Speaker, that open amendment process has deteriorated over the years until today we are looking at close to three-fourths of the important bills coming to this floor coming under restricted or closed rules. That means every Member in this House is being gagged.

The present rule is one more example of that, allowing as it does just one set of amendments to be voted on before we must vote the entire bill up or down.

Mr. Speaker, I appreciate that there are members of the Committee on Banking, Finance and Urban Affairs, from both sides of the aisle, who sponsored that en bloc amendment—and it does make some improvements in the bill. I have read it. But to think that some Members represent the House as a whole or somehow have a monopoly on wisdom and expertise in this area is a sad miscalculation, and it is an insult to the other 384 Members of this House who do not serve on the Committee on Banking, Finance and Urban Affairs.

The very fact that this amendment did not emerge until some months after the bill was reported should give Members some idea as to the imperfections of this bill and the ability of the Banking Committee to gauge the mood of this House.

Up in the Committee on Rules last night we offered a series of amendments to this rule: An open rule, followed by amendments to make in order just nine additional amendments that had been presented to our committee, mostly from members of the Banking Committee. All nine of those amendments were rejected, all but one on a straight party-line vote. And yet, Mr. Speaker, you and the Democrat leadership are asking for bipartisan support on this piece of legislation. That really is an outrage.

I will not take the time of this House to detail all nine of those amendments, but they covered such important areas as the minority parity provision and offsetting spending cuts to pay for this so-called final installment. And that was a bipartisan amendment offered by a Democrat and a Republican.

We are not even going to be able to debate the issues of pay-go and cutting back the amount of this bill by $6.4 billion. That is something of interest to every Member of this House. More importantly, and most important of all, we will not debate limiting depositors to no more than one insured account of $100,000.

Mr. Speaker, that is how we got ourselves in this mess in the first place, when, back in 1980, by voice vote, we raised the amount of guaranteed deposit insurance from $40,000 for one individual account up to $100,000; any individual could then have as many of those insured accounts as he wanted.

This particular amendment was the only one of the nine amendments we proposed that would have required a waiver of points of order. But it would have been one of the most sensible steps we could have taken to prevent future S&L failures, bank failures, and to solve this RTC mess once and for all.

Mr. Speaker, if just one or two of these amendments had been allowed and adopted by this House, JERRY SOLOMON and many other Members would have brought ourselves to voting for this bill, because we would have done something about curing this mess.

Now, perhaps the majority leadership knows something that I do not know. Maybe they do have the votes and can simply thumb their collective noses at the Members who wish to improve this bill through further amendments.

Even if that is the case, I think the real test of this legislation for the good of the Members in this House should be to let the people's Representatives fully work their will through the amendment process, which we did last year and it came out to be a halfway decent bill.

Mr. Speaker, without that kind of process and input, we are only risking passing laws that will not have the full support of the people and may therefore be destined to fail.

Think about it, my colleagues; do you really want to be able to face your constituents and say, "We did all we could to pass good legislation"? Or do you want to go back to them in November of next year and try to explain how you helped make this S&L mess worse than it is today by forfeiting your rights as legislators?

I cannot do that. If you are not willing to fully exercise your responsibilities as freely elected Representatives of the people and prefer to yield those rights to others, then you may be bringing about your own term limit, my friends, quicker than any constitutional amendment could ever do.

I ask Members to vote down this rule and then vote down this bill so that the House can truly work its will on legislation that is in the best interests of the American people and certainly in the best interests of the American taxpayers.

ROLLCALL VOTES IN THE RULES COMMITTEE ON PROPOSED AMENDMENT TO THE RULE ON H.R. 1340, RESOLUTION TRUST CORPORATION COMPLETION ACT, MONDAY, SEPTEMBER 13, 1993

1. Open rule—This amendment in the nature of a substitute provides for an open rule with ninety minutes of general debate.

Vote (Defeated 4-6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Beilenson, Hall, Gordon, Slaughter.

2. McCollum (FL)—To strike minority parity and minority acquirer provisions.

Vote (Defeated 4–6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Beilenson, Hall, Gordon, Slaughter.

3. Bachus (AL)—To limit regional pay differentials paid to RTC employees to the level appropriate to their federal government counterparts.

Vote (Defeated 4–6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Beilenson, Hall, Gordon, Slaughter.

4. Grams (MN)—A) To require the President to identify reductions in federal spending to offset any additional funding for RTC; and,

B) To require the President to identify offsets in the form of spending reductions, tax increases, or some combination of the two, for additional RTC funding.

Vote (Defeated 4–6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Beilenson, Hall, Gordon, Slaughter.

5. Upton/Kaptur—To require States which have been home to "Excessive Costs" due to the resolution of their state-chartered thrifts to pay a federal deposit insurance premium if the state's state-chartered thrifts are to remain eligible for federal deposit insurance.

Vote (Defeated 3–6): Yeas—Solomon, Quillen, Dreier; Nays—Moakley, Derrick, Beilenson, Hall, Gordon, Slaughter.

6. Roth (WI)—A) To make appropriations unnecessary by clarifying existing law so that the RTC borrowing may be used to pay losses.

B) Provides for state contributions for resolving failing savings and loans that are state-chartered.

Vote (Defeated 3–6): Yeas—Solomon, Quillen, Dreier; Nays—Moakley, Derrick, Beilenson, Hall, Gordon, Slaughter.

7. Johnson (TX)—To cut the amount provided to the RTC by $6.4 billion and provides a total of $11.9 billion in new RTC funding.

Vote (Defeated 3–6): Yeas—Solomon, Quillen, Dreier; Nays—Moakley, Derrick, Beilenson, Hall, Gordon, Slaughter.

8. Hoke (OH)—Limits the maximum amount of Federal Deposit Insurance payments that any one individual could receive, during their lifetime, to a total of $100,000.

Vote (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Derrick; Nays—Moakley, Beilenson, Hall, Gordon, Slaughter.

9. Adoption of Rule (Adopted 6–3): Yeas—Moakley, Derrick, Beilenson, Hall, Gordon, Slaughter; Nays—Solomon, Quillen, Dreier.

NOTE: The individual amendments would be printed in the Rules Committee report, would not be subject to amendment, would be debatable for 20-minutes each, and appropriate points of order would be waived.

OPEN VERSUS RESTRICTIVE RULES—95TH–103D CONG.

Congress (Years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	33	9	27	24	73

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: Rules Committee Calendars & Surveys of Activities. 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong. through Sept. 14, 1993.

OPEN VERSUS RESTRICTIVE RULES—103D CONG.

Rule number, date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. Feb. 3, 1993.
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–176. A: 249–171. Feb. 4, 1993.
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. Feb. 24, 1993.
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. Mar. 3, 1993.
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. Mar. 10, 1993.
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency Supplemental Appropriations	37 (D–8; R–29)	1 (not submitted (D–1; R–0)	A: 240–185. Mar. 18, 1993.
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted (D–2; R–2)	PQ: 250–172. A: 251–172. Mar. 18, 1993.
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. Mar. 24, 1993.
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. Apr. 1, 1993.
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. Apr. 28, 1993.
H. Res. 164, May 4, 1993	O	H.R. 820: National Competitiveness Act	NA	NA	A: Voice Vote. May 5, 1993.
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. May 20, 1993.
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0. May 24, 1993.
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote. May 20, 1993.
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. May 26, 1993.
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194. May 27, 1993.
H. Res. 192, Jun. 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. Jun. 10, 1993.
H. Res. 193, Jun. 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. Jun. 14, 1993.
H. Res. 195, Jun. 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 294–129. Jun. 16, 1993.
H. Res. 197, Jun. 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign Aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. Jun. 16, 1993.
H. Res. 199, Jun. 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. Jun. 22, 1993.
H. Res. 200, Jun. 16, 1993	MC	H.R. 2295: Foreign Operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160 . Jun. 17, 1993.
H. Res. 201, Jun. 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. Jun. 17, 1993.
H. Res. 203, Jun. 22, 1993	MO	H.R. 2445: Energy and water appropriations	NA	NA	A: Voice Vote. Jun. 23, 1993.
H. Res. 206, Jun. 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. Jul. 30, 1993.
H. Res. 217, Jul. 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. Jul. 21, 1993.
H. Res. 218, Jul. 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 200, Jul. 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. Jul. 22, 1993.
H. Res. 226, Jul. 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. Jul. 27, 1993.
H. Res. 229, Jul. 28, 1993	MO	H.R. 2330: Intelligence Authorization Act, fiscal year 1994	NA	NA	A: Voice Vote. Aug. 3, 1993.
H. Res. 230, Jul. 28, 1993	O	H.R. 1964: Maritime Administrative authorization	NA	NA	A: Voice Vote. Jul. 29, 1993.
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National defense authorization	147 (D–103; R–44)		A: 246–172. Sept. 8, 1993.
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. Sept. 13, 1993.
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a matter that none of us here in the Congress really want to deal with or like to deal with. It is a very unpleasant matter because it is truly one of the great financial blemishes against our Government over the history of our country, compared with the Teapot Dome scandal and other scandals over the years.

As everyone in this body knows, because of certain economic schisms back in the late 1970's and early 1980's, the net worth of the savings and loan institutions of this country plummeted from around $4 billion or $5 billion to a minus figure. They had more liabilities than they had assets, and many of them were, as a practical matter, in bankruptcy. And the only way they were kept going was by borrowing money. Eventually the Congress was faced with the problem and tried to deal with the situation without getting a lot of taxpayer dollars involved through increasing the powers of the S&L's, or making them more like banks. Whereas the traditional loan portfolio of the S&L's was residences and some commercial assets, their powers were expanded to allow them to get into more commercial loans, in the hopes that by developing these additional areas, the S&L's would be able to pull themselves out of their current situation.

Unfortunately, that did not work due to plummeting real estate values in the Southwest and in the West. In addition because there were some unscrupulous operators who took advantage of the situation, by 1984 or 1985 it was obvious that what the Congress had done in the early 1980's was not working.

At that time the Congress and the Reagan administration—the administration, I believe, did not want to have the S&L's fall on its watch, they wanted the next President to deal with it—and the Congress did not deal with it either.

□ 1050

So, they both are subject to criticism for not dealing with it at that time.

On George Bush's behalf, and I admire him for this, immediately, when he took office, he did take the problem and start dealing with it, as unpopular as it was, and we discovered the taxpayers were going to have to bail out their situation to the tune of several hundreds of billions of dollars.

Now this money does not go to compensate some disreputable operator of an S&L. What this money goes for is to pay off the depositors because they were insured up to a $100,000 each by their Government, and that is where this money goes.

That is not to say most of the S&Ls in this country were run on sound fiscal policy and remain strong today. I know in my State of South Carolina, I think maybe we had one major S&L have financial difficulties, but in most parts of the country they remain today, even stronger than they were back in the 1970's.

But the net result of this is that we had an obligation that was incurred by our Government for the depositors who had invested their money, up to a $100,000 in these S&L's, and the Congress has been dealing with it, Republicans and Democrats, and, as I said, I commend President Bush for taking the initiative on a very unpopular thing. But it is something that we have to do; it is the responsibility of Government.

Now my friend, the gentleman from New York [Mr. SOLOMON], mentioned several amendments that were not made in order. That is true, and that is not to say that some of these amendments were not very worthwhile. But I think we have to understand that this legislation before us has one primary purpose, and the most important word, probably, in the title of the legislation is "completion," to bring it to an end. The title of it is "Resolution Trust Corporation Completion Act." "Completion" is the most important word there, and the limitation is put on, that they go out of business in 1995, and hopefully we will be able to put an end to a most unfortunate chapter in the fiscal affairs of this country.

To do that, Mr. Speaker, $26 billion are involved. Eighteen billion dollars of that has already been appropriated and authorized. Another $8 billion is yet to be appropriated, and hopefully, if we can get this piece of legislation through, we will bring this matter to an end and be able to get on with our business. This matter has been something that no one wanted to deal with, but it is like going to a bank and signing a note, or cosigning a note, for someone, which we did as a government, and that note coming due, and the payment is not made, and then reneging on what we promised to do.

As for the amendments, the one amendment limiting the accounts to $100,000, I think it is a very positive amendment and one that, given a different situation in a piece of legislation that I think should come before this body to deal with this, I would certainly support. But I say to my colleagues, "I think, when you talk about this being a limited rule, it is a limited rule in that there is just one major amendment made in order."

I think that we have to understand also that this legislation has a limited purpose, and the purpose of this legislation is to bring the S&L business to a closure, to completion, hopefully by March 1995.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER], chief deputy whip of the Republican Party.

Mr. WALKER. Mr. Speaker, I was fascinated by what we just heard from the gentleman from South Carolina [Mr. DERRICK] about the nature of this bill and the reason why it has to be limited. We seem to have a very short memory in this House. Just a few weeks ago we were being told how the Committee on Rules was going to make every effort to bring bills to the floor under open rules, and now we are right back to the same old process, that wherever they do anything with the least bit of controversy connected with it, we end up with a closed rule, and in this case many of the Members were willing to have their amendments made in order by the committee, and the committee saw fit not to even make those amendments in order so that we had a closed rule that at least covered the broad gamut of the legislation.

And for the gentleman to say this bill has a very limited purpose is also somewhat amusing when we understand that this bill covers employment and contracting quotas. It extends the life. He says it is a completion act. This is not a completion act; this extends the life of the RTC for 18 more months, so this is not completing it. This is giving it new life, and it is giving it new life for more money. What we are doing is adding more money to the pot to be spent, and what are these people spending the money on? Well, they have been spending the money on all kinds of interesting little items.

For example, Mr. Speaker, they spent $199 million for attorneys fees during this period of time, from January 1 of this year to July 31 of this year, and they collected $114 million in the same time. So, we are paying $199 million in attorneys fees and only getting back $114 million. Now there is something wrong here, folks. As my colleagues know, this is not an operation which is doing things the way I would suggest is good economics.

Then take another look at how we are spending the taxpayers' money here. This is the money we are going to give them for another 18 months. They are paying $16,000 a day to the Federal Express for overnight delivery. That is kind of a high bill that we have got here. The RTC general counsel picked up $779, taxpayers' money, and went to the Superbowl in Atlanta. My colleagues, I would suggest that maybe that is not something the taxpayers want to do. And poor screening of personnel resulted in 6,000 money orders being lost worth $6 million.

We need to do better, my colleagues, and this bill should be rejected; the rule should be rejected.

Mr. DERRICK. Mr. Speaker, I yield 6 minutes to the gentleman from North Carolina [Mr. NEAL].

Mr. NEAL of North Carolina. Mr. Speaker, I rise in support of the rule allowing for consideration of the Resolution Trust Corporation Completion Act, H.R. 1340.

Congress created the RTC in 1989 to resolve the large number of savings and loans which became insolvent during the 1980's. Its mission is to resolve failed thrifts and honor the Government's promise to insured depositors. Once this mission is complete, the job of resolving failed savings associations will be transferred to the Federal Deposit Insurance Corporation, which will use funds from the savings association insurance fund, SAIF.

The funds provided by H.R. 1340 will complete the resolution of these failed thrifts.

H.R. 1340 is a strong bill. The Banking Committee carefully analyzed the RTC's funding needs and investigated the criticisms brought against the agency's policies and practices by the public, auditors and Members of Congress. The bill provides adequate funds to complete the job of protecting depositors while making necessary changes in the RTC's operating procedures to address the criticisms of the agency's practices. In short, it protects this Nation's depositors at failed thrifts and requires the RTC to make serious management reforms.

This bill was reported by a strong bipartisan vote, 35–16, from the Banking Committee. It has the support of the administration and of many private sector groups. A letter to all Members of the House from 22 groups—including the American Bankers Association, the Independent Bankers Association, the National Association of Realtors and the National Association of Home Builders, as well as the Consumer Federation of America and the Low Income Housing Coalition—makes the case well. It says,

> "[t]he United States government has an obligation to honor its commitment to depositors under the Federal deposit insurance program. To deny funding would send a dangerous signal to depositors. It would also generate a shock wave which would be felt throughout the financial system as a whole, with unfortunate side effects for business expansion and job growth.

I submit the entire letter to be printed in the RECORD.

One important fact often gets lost in voting on RTC funding: The RTC does not vail out the shareholders, officers or directors of failed savings and loans. When an institution fails, the shareholders are wiped out, and the RTC gives them nothing. Officers and directors also receive nothing when the institution is closed. The only people bailed out in the savings and loan crisis are the insured depositors, who relied on the U.S. deposit guarantee.

I recognize that voting for this bill is not politically easy. However, there are no alternatives. Without such funding, the U.S. Government would be forced to renege on its deposit insurance guarantee, which would have disastrous economic and political consequences.

This is not a partisan rule. While it precludes amendments proposed by Republicans, it also precludes amendments proposed by Democrats. Frankly, most of those were amendments that have been soundly defeated in the past and they were proposed by Members who had no intention of voting for final passage even if their amendments were adopted.

This is a fair rule. It provides debate on a bipartisan leadership amendment which incorporates many Republican positions and addresses many Republican, as well as Democratic, concerns. Both parties were actively involved in the drafting of this amendment and were able to reach a satisfactory compromise.

Specifically, the amendment addresses Republican concerns with funding for the SAIF, the budget implications of the various management reforms and the affordable housing program provisions, and the RTC's contracting procedures. It also extends the authority of the RTC to receive insolvent thrifts by 18 months so that the RTC has sufficient time available to finish the job of resolving the thrift crisis.

Voting for this rule to consider H.R. 1340 is a vote for responsibility: Congress cannot shirk its duty to provide funds for insured depositors any longer. Delay is costing the American taxpayer $3 million per day. The American people want us to deal squarely with this issue, and not hide behind false hopes that this problem will eventually go away if we ignore it long enough.

This bill seeks to provide enough funding to the RTC so that Congress should never again have to vote on more funding for the RTC. If this bill is defeated now, or if its funding provisions are reduced, Congress will be faced with this issue again in the future.

With passage of this bill, we can finish the job of protecting America's depositors, and close the curtain on the thrift crisis once and for all.

I urge your support for the rule on H.R. 1340.

☐ 1100

Mr. Speaker, I include here the full text of the letter to which I referred, as follows:

JUNE 23, 1993.

DEAR REPRESENTATIVE: In anticipation of a floor vote on legislation to fund the Resolution Trust Corporation, we the undersigned organizations respectfully request your support for H.R. 1340, the Resolution Trust Corporation Completion Act.

As reported by the House of Representatives Committee on Banking, Finance and Urban Affairs, H.R. 1340 requires no new appropriation of federal funds for the RTC, and imposes certain management reforms on the RTC to ensure responsible use of any taxpayer dollars. H.R. 1340 simply makes available $18.3 billion for resolution of failed thrifts; funds which were previously appropriated in 1991, but never spent. H.R. 1340 also cuts in half the $32 billion originally authorized in 1989 for the Savings Association Insurance Fund (SAIF). This reduction to $16 billion reflects the reduced funding needs for SAIF. Moreover, prior to an appropriation for SAIF, the FDIC must meet stringent certification requirements.

The RTC has successfully resolved 654 insolvent saving and loan institutions since passage of the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) in 1989. Nevertheless, 85 institutions with $53.2 billion in depositor accounts remain in conservatorship. Every day that resolution funding is delayed, it costs the American taxpayer $3 million. The American people cannot afford to delay any longer. Moreover, passage of H.R 1340 will facilitate growth and economic recovery in the housing and real estate industries to the benefit of the entire country.

The support the bill received in the Senate and the House of Representatives Banking Committee has been broadly bipartisan. This program is designed to protect depositors who placed their savings in insured institutions. No federal funds have been used to "bailout" bankrupt S&L's or to pay off shareholders.

The United States government has an obligation to honor its commitment to depositors under the Federal deposit insurance program. To deny funding, would send a dangerous signal to depositors. It would also generate a shock wave which would be felt throughout the financial system as a whole, with unfortunate side effects for business expansion and job growth.

Failure to pass H.R. 1340 may have adverse consequences for an economic recovery. Leaving institutions in conservatorship could cause severe disruptions in credit availability to borrowers, many of which are dependent on funding for ongoing projects. Even borrowers with performing loans may find that renewals or obtaining credit under previous loan commitments are not forthcoming.

Each day we delay the funding only exacerbates the problem. Credit worthy borrowers searching to renew or refinance existing loans may find institutions in conservatorship unable or unwilling to respond to their credit needs. This could seriously hamper small business growth, the employment it generates, and impede any meaningful economic recovery.

Again, we urge you to vote in favor of H.R. 1340, the Resolution Trust Corporation Completion Act, when it comes to the floor of the House of Representatives.

Respectfully yours,
American Bankers Association.
American Resort Development Association.
Association for Commercial Real Estate.
Association of Local Housing Finance Agencies.
Council for Rural Housing and Development.
Consumer Federation of America.
Independent Bankers Association of America.
International Council of Shopping Centers.
Low Income Housing Coalition.
Mortgage Bankers Association of America.
National Apartment Association.
National Association of Home Builders.
National Bankers Association.
National Association of Industrial and Office Parks.
National Association of Realtors.
National Council of State Housing Agencies.
National Farmers Organization.
National Realty Committee.
National Multi Housing Council.
Real Estate Capital Recovery Association.
Small Business Legislative Council.
The Schuyler Group.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, much of what the distinguished gentleman from North Carolina [Mr. NEAL] just said is very true, but what is also true is that if all the Republican amendments, all nine of them, had been made in order, and if any one of them would have passed, they would have improved the bill, not hurt the bill. It would have made what the gentleman said even more true.

Mr. Speaker, I yield such time as he may consume to the very distinguished ranking Republican of the Committee on Banking, Finance and Urban Affairs, the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, as Members know, I support the need to resolve the RTC issue, and I intend to support the underlying bill that will be before us this morning, but it is impossible as a member of the minority not to support the minority's position on the rule itself.

This is a very controversial bill, a very large bill, with multibillion-dollar implications, and whether I or any other Member on this floor may like or dislike some of the amendments filed with the Rules Committee, or any other amendment that any other Member of this body wants to raise on the floor, is irrelevant. Those amendments should be made in order. Nonmembers of this committee of jurisdiction deserve a chance to reflect their judgment and exert their will.

Mr. Speaker, I would stress this: Fairness is not a circumstance in which both parties are precluded from the right to offer amendments. Fairness in the legislative body is one in which all Members of the body have the right to offer amendments. In America, after all, if we really think things through, process is our most important product. Good rules make good neighbors. They also make for better legislation.

Therefore, Mr. Speaker, although I will vote for the bill itself, I am compelled to urge a "no" vote on the rule.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule, the closed rule or the modified-closed rule that is before us.

Mr. Speaker, the issue of the S&L problems, the honoring of the deposit insurance, has been with us for some time. Since 1989, we have had numerous measures, especially in 1989 when we had a measure before the House to deal with it, and subsequent to that we have had several measures before the House, some of which have been successful, others of which have not been successful, and all of those rules were modified-open or modified-closed rules. They were not open rules by which any Member could offer an amendment, as with tax and appropriation measures allowing full amendment process is not and has not and will not be the practice.

I think the basis for such process is that the fundamental problem here in terms of honoring the deposits of savers across this country, and we have to try to set up a government facility to intelligently and completely deal with the assets from failed institutions. That basically is what is before us.

We have had numerous ideas offered on the floor at various times. Certainly in committee it was a completely open process in terms of amendments being offered. But, frankly, I do not think that with the crisis that exists with regard to S&L's and the dollars which are needed, which are substantial, in this bill, $18 billion being released that is already appropriated and another $8 million being authorized for the policy path for the takeover by SAFE of failed institutions, we really need to revisit fundamentally every issue that touches on financial institutions. For instance, there is the suggestion that we ought to limit the deposit insurance to $100,000, something I favor. But make no mistake about it, that would have a profound effect on the marketplace today if we would bring it up. It really deserves to be considered deliberately in the context of overall reform legislation with regard to banking, branch banking, interstate banking, and other matters. The same should be realized and acknowledged.

We have had in the past and will have such issues on the floor. In the future, I think the intention is to bring those issues up in an orderly way but not in this crisis legislation. In fact many amendment suggested by Members today on the floor wouldn't be permitted on an open rule they amend the budget act, provide spending and policies that affect numerous committees and topics that are not within the scope of the legislation before the House. They don't seem to consider this issue under regular order but want shotgun amendments that would likely kill the legislation and defeat the purpose of meeting the responsibility inherent in the Government Deposit Insurance Program.

Mr. Speaker, I urge the Members to vote for this rule and also for final passage of the measure.

Mr. DERRICK. Mr. Speaker, would the Chair inform us as to how much time remains?

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from New York [Mr. SOLOMON] has 20 minutes remaining, and the gentleman from South Carolina [Mr. DERRICK] has 10 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have just heard the previous speaker say that he is in favor of limiting to $100,000 the guaranteed banking deposit. We have heard the manager of this rule say he is in favor of it, everybody on both sides of the aisle is in favor of it; yet we are going to be deprived of voting on it on the floor of this House. That is what is wrong with this rule. That is why it ought to be defeated.

Mr. Speaker, I yield 3 minutes to the distinguished long-time member of the Committee on Banking, Finance and Urban Affairs, the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding this time to me, and I think the gentleman has pointed out very ably what is wrong with this rule and why it should be defeated.

I happen to be opposed not only to the rule but to the underlying bill. But at the moment, as to the matter before us on the rule, the fact is that we were not as the minority, or for that matter, some of the majority that was interested in some of these amendments, allowed to offer an amendment on minority contracting that would strike some very egregious provisions that are in this bill, or an amendment to cut the RTC funding, which a lot of us think should not be there at all, but others believe they are just simply inflated and would like to reduce it by sizable amounts, since those are multiple billions of dollars.

There was no allowing of an amendment out here on the floor to limit the excessive RTC and FDIC salaries, which many believe have been exaggerated and would like to have the opportunity to vote on. And there was no opportunity to vote on a pay-as-you-go limitation, which many would like to have had an opportunity to vote on.

The rule is not fair in that regard, but it is also not fair in the way it crafted a sort of a compromise in the back room between, I guess, the chairman of the Committee on Banking, Finance and Urban Affairs and the chairman of the Committee on the Judiciary over how we handle the extension of the statute of limitation on directors' and officers' liability for the kind of things that might have been going on in S&L's in the past.

□ 1110

A lot of us do not believe that these matters should be retroactive. In the Committee on the Judiciary at least, and I serve on that committee as well, we provided a provision that was to come to the floor that would have stripped out the retroactive feature and not allowed any of the extension of the statute of limitations to go back and look backward, which is really an inherently unfair thing to do for anybody. We are having trouble as it is to get officers and directors to serve in banks.

But, no, there is a decision made in this self-executing rule that we will not be able to amend out here today that puts retroactivity back, at least for a portion of those provisions dealing with the statute of limitations.

On the underlying bill, it is asking for $18.3 billion more for the RTC. The Government Accounting Office says at most they need $11.9 billion. They have $7 billion in cash on hand. They could borrow from the Treasury on a line of credit $5 billion. They have $38 billion in assets they could borrow against.

There is no reason in the world we need to be out here with this bill at all today, and I certainly hope my colleagues recognize that when we get the full debate.

Then in the minority issue, that we are not allowed to amend today, except by this agreed upon amendment that improves it around the edge, and adds I think more confusion to it, we are putting quotas within quotas and locking it into statute. And even though there is going to be gobbledy-gook out here on the floor saying, "Well, the underlying present law provisions apply," where we already know we have minority contracting going on for the tune of $780 million, the fact of the matter is that the provisions in the banking bill are still going to stay there, the provisions that do provide for quotas.

What is a court going to do? Who is going to litigate this? How much is it going to cost?

I would submit, voting for this bill in the end, no matter what happens on that amendment, is going to result in a vote for quotas in this bill, and for minority quotas, in setting forth how many women, how many blacks, how many Hispanics, and so forth, in percentage can be given contracts by the RTC.

We have no business passing the bill today. We certainly have no business passing this rule. I urge a no vote on the rule, and ultimately, should it prevail against my wishes, I certainly hope the Members of this body would vote this bill down and send it back to committee. We do not need the funding, we do not need the bill.

Mr. DERRICK. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I certainly rise in strong support of H.R. 1340 and the bipartisan leadership amendment, and especially this rule now before you.

In this bill, Democrats and Republicans have worked together to do what is best for the country. Not the stockholders, not the bond holders, not the special interests that profited from the debacle known as the S&L scandal. And there are those here that would like for us to go back and protect some of them, as the recent attempts in the so-called bipartisan agreement, which fortunately could not meet the budget requirements and which I would never stand for. If I had ever thought that anything I had recommended would bail out or help stockholders or bond holders, I would not be before you.

But today we have finally gotten a truly bipartisan agreement on this bill. It has taken weeks, it has taken months. It took the diligent work of a lot of members of the Committee on Banking, Finance and Urban Affairs, on both sides.

Consequently, this bill resolves concerns of both the Democrats and the Republicans. It guarantees that the new administration will implement many long overdue management and fiscal reforms. It will allow the RTC to dispose of assets quickly, without cutting out local investors and contractors. It will offer opportunities to minority and women-owned businesses, while continuing to resolve savings and loans at the least possible cost.

Most importantly, it will continue to protect the millions of our constituents whose life savings sit in terminally ill savings and loans.

To bring H.R. 1340 to the floor today, Members on both sides of the aisle participated in the open extensive debates at subcommittee and full committee. Now the House must move on in that same bipartisan spirit.

If we sit here in Washington quarreling over small changes or continued sustained efforts to protect the malefactors that have profited thus far without getting caught by the law, and which, incidentally, I want to correct the statement made by one of the predecessor spokesman who said that he thought that that part having to do with the extension of the statute of limitations was something concocted between the chairmen of the Committee on the Judiciary and Banking, Finance and Urban Affairs, that is a total falsehood. We referred sequentially that part to the Committee on the Judiciary, and what has resulted is what we have in this bill as the action of the Committee on the Judiciary, which should have and did have total and complete jurisdiction.

So let us not sit here and quibble, while the taxpayer is losing $6 million a day for these dead institutions, that cannot be resolved because you are not giving them the money to do it with.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was somewhat shocked to hear the most respected chairman of the Committee on Banking, Finance and Urban Affairs, stand up here and support a closed rule. The gentleman, for all the years I have known him, has come before the Committee on Rules and requested open rules, because he is a fair chairman.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, let me clarify that point. I have always advocated open rules. But since you all got your way on open rules recently and I have seen the results of unnecessary obstructionism, I have modified my thinking on that.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, the gentleman from Texas [Mr. GONZALEZ] cannot even point to one bill where that has happened. I will be glad to carry on this conversation with the gentleman a little bit later.

Mr. Speaker, I yield 3 minutes to my very good friend, the gentleman from Wisconsin [Mr. ROTH], who is not only an expert in American banking, but an expert in international banking, and is one of the senior members on the Committee on Foreign Affairs.

Mr. ROTH. Mr. Speaker, I thank my good friend for yielding.

Mr. Speaker, let me correct everybody's statements here this morning. This bill doesn't have a thing to do with Democrats, it does not have a thing to do with Republicans, and it does not have a thing to do with protecting savers. This bill in truth has only one purpose, to siphon $18 billion from taxpayers' pockets. This will be a $18 billion transfusion to RTC. And that is the long and short of it.

All the other verbiage is just plain smoke.

The reason for this bill is to get more taxpayer money for RTC.

Mr. Speaker, I had an amendment, before the Committee on Rules. This amendment said rather than having Congress reach into the taxpayers' pockets again, let Congress allow RTC to borrow against their assets. RTC has $84 billion in assets. What happened to our amendment? The Committee on Rules said no to my amendment. Why? Because a majority on the committee are looking for more dollars for RTC.

Now, this amendment was a serious endeavor. This amendment was endorsed by Bill Seidman. There is no one in this House, outside maybe the chairman of the Committee on Banking, Finance and Urban Affairs, that knows more about RTC than Bill Seidman. Bill Seidman has strongly endorsed that amendment. But the Committee on Rules would not go along with it. Why? Again, because the leadership wants 18 billion taxpayer dollars to go into RTC.

RTC does not need more taxpayer dollars. Bill Seidman, the former head of RTC–FDIC, was correct in saying let them borrow against their assets, rather than procuring more taxpayer dollars.

What you are going to do here today by giving RTC $18 billion more, as sure as night follows day, in a few months you will be back again looking for more money. You know why? I can tell you, because when Secretary of the Treasury, Mr. Bentsen, was before our committee, he requested $45 billion. But we told him he could not get that through Congress. So he reconsidered and changed his request to $18 billion.

When I asked him, "If we give you, Mr. Secretary, $45 billion, could you close up RTC this year?" what did he say? "No, I can't give you those assurances."

Therefore, I can give you the assurance that if you give RTC $18 billion today, they will be back tomorrow for more.

Do you know why you are not closing down RTC this year like Albert Casey former CEO of RTC said he could do if he would have been kept on the job? Because you have 7,700 employees down at this department. And the strongest special interest group of all is what? It is the bureaucracy.

You have a payroll at RTC of $360 million a year. You are going to have us believe that you are going to shut this agency down? No way.

You have legal fees, outside legal fees, of $600 million a year. You think these law offices here in Washington who are getting $600 million a year are going to say, "Let's close down RTC"? Let us be honest with the taxpayers of America. If we were honest with them, we would close out RTC this year and would not give $1 to RTC. We would do as Albert Casey said: We would allow them to borrow money from the assets they have, and close RTC this year.

□ 1120

RTC is going to keep going on and on and on. Why? Because you in this Congress do not have the courage as a body to say "no" to this special interest group.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SAM JOHNSON], a member of the Committee on Banking, Finance and Urban Affairs.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in opposition to this rule. This rule before us makes in order only one amendment, one that extends the life of the RTC for 18 months so that more taxpayer money can be wasted.

It appropriates $18-plus billion to the RTC. That is all new, borrowed money, debt. It authorizes $8 billion for the savings insurance fund, when they say they need $18 billion, which tells me we are not going to protect the depositors. We are going to give them less protection. And it includes some ridiculous contracting quota provisions.

What does that mean? More waste, more debt, less depositor protection and contract quotas.

I offered an amendment before the Committee on Rules which would have reduced the funding level of the RTC by $6.5 billion. The RTC currently has $7 billion in cash on hand, not to mention $5 billion in borrowing authority that the gentleman from Florida [Mr. MCCOLLUM] mentioned.

My amendment simply would fund the RTC at what the GAO says they really need, $11.9 billion. However, this is a close rule and does not allow any amendment to cut costs or save taxpayers money.

The reason I filed with the Committee on Rules is because I do not want to waste any more taxpayer dollars. Goodness knows our budget debt now is $4 trillion, and the Congress cannot afford to give anybody an extra $6.4 billion. This restrictive rule is just one more example of the Democrat-controlled Committee on Rules slamming the door in the faces of those Members who are trying to be fiscally responsible and save the taxpayers' dollars.

The American people deserve better. The American taxpayers are going to be the losers. I just found out that this year alone the RTC, from January to July, spent $119 million on outside legal fees. During that same period, they collected $114 million. Guess what? That is losing taxpayer dollars every day they are not managing our funds.

I urge both Democrats and Republicans to vote against this rule. It is not a fair rule. It is not a fair bill for the taxpayers of this Nation.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the distinguished gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Speaker, I rise today in support of the consideration of the Resolution Trust Corporation Collection Act.

As chairman of the Subcommittee on General Oversight, Investigations, and the Resolution of Failed Financial Institutions, I have held a number of hearings on this particular issue. It is clear to me that it is time for us to stop the procrastination and begin the process of cleaning up what is a burden for all of us by virtue of the strain that it places on the financial services industry.

Obviously, no one likes to vote for the money to clean up the problem. We all would agree that it should have never happened in the first place. But the reality is that it did. It is time for us to remove this particular issue from our political agenda, deal with the reality that there is a need, which must be met and must be met immediately.

There is no denial that we have an obligation to those persons who relied on the promises of the Federal Government, those individuals who need our protection, those who are the depositors in these institutions.

In reality, we must all agree that there is no magic solution to the problem. If that were so, the problem could disappear with but the snap of a finger. It cannot be done that way, Mr. Speaker. Therefore, we must vote on it.

The only way to resolve this issue once and for all is to provide the necessary deposit protection money. It is also important to note that the act imposes a wide variety of reforms on the RTC, which would do much to improve the Corporation's performance and to ensure smooth closure of the Resolution Trust.

Also there is only one amendment in order. This amendment was drafted with bipartisan support, in spite of what those who are opposed to it say. It is truly a compromise piece of legislation.

Therefore, I am asking that we vote for the rule, vote for the bill. Let us protect the depositors to whom we have made this obligation, and let us get this matter behind us once and for all.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama [Mr. BACHUS], a member of the Committee on Banking, Finance and Urban Affairs.

Mr. BACHUS of Alabama. Mr. Speaker, the gentleman from North Carolina [Mr. NEAL] and the gentleman from South Carolina [Mr. DERRICK] have talked about an obligation to the depositors of RTC. We have that obligation, but we also have an obligation to the American people to fund this bill with the right amount of money and not with an excessive amount of money.

The Committee on Rules has disallowed an amendment or two amendments by the gentleman from Texas [Mr. SAM JOHNSON] and myself which would save the American people $7 billion. In the words of Everett Dirksen, "A million here, a million there, pretty soon you are talking about real money," let me tell my colleagues, a billion here and a billion there, and soon we are talking about real money.

Let me talk to my colleague for a minute about some of this real money. We have an obligation to the depositors, but we do not have an obligation to RTC employees to continue to pay them 30 percent more in salaries than we pay other Federal employees.

Let us take a look at what we are paying RTC employees. Should we ever wonder, when we are paying this kind of salaries, why they cannot seem to get the job done. With this kind of salaries, they will be working into the next century.

An entry-level secretary at all other Federal agencies in Washington starts at $22,000. But not at the RTC. At the RTC, they pay them 30 percent more, $29,000.

The gentleman from Texas [Mr. GONZALEZ] talked about small change, $7,000 per entry-level secretary is not small change. But it gets worse.

Special assistants are paid $66,000 a year at other Federal agencies; $86,000 at RTC, $20,000 more. Small change?

We were not allowed to put an amendment in, which would have changed that. And how about their general counsel? The general counsel over at Commerce makes $115,000. How about at RTC? The general counsel, doing the same job, makes $40,000 more, $40,000 more than if he worked for the Post Office, if he worked for the Department of the Interior and on and on. And they get free medical, where other Federal employees have to pay for theirs.

Now, folks, what this means is that not only are they paid 30 percent more but, in 1989, we had nine employees at this small agency making $100,000. Today, we have 77 employees making over $100,000, an increase of over eight times.

□ 1130

Mr. Speaker, the gentleman from Texas [Mr. SAM JOHNSON] and I sent around a letter. It says that we want to save the American taxpayers $7 billion next year.

Let us vote on these two amendments. This is not small change. In the interests of the American taxpayers, let us save this $7 billion. Let us cut out this outrage. Let us give them real incentives to finish their jobs. Paying them 30 percent more a year is no incentive, it is a disincentive.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a dilemma today. This measure is a disaster. It was a disaster in the beginning. I fought it on the floor of the House before and I'll fight it again today. The Congress used bad judgment in authorizing the bailout of these savings and loans. What should have occurred is let the healthy ones take over the failing ones and save the taxpayers more than $100 billion, yet we are on the floor today facing a vote on this rule, extending the life of the RTC for 18 months, letting them spend more billions of dollars, all to go down the drain.

I am not going to use the word fraud, because that is too broad, but look at all the money that went down the drain from bad judgment by those who started the program and delayed the sale of properties, and put them on the market all at one time, bringing down the cost of real estate stopping the home building industry, stopping the construction industry; bad judgment all the way.

I urge the people of this Nation to take heed of this measure on the floor today, and to watch its outcome. I urge my colleagues to vote against the rule and against the measure, should the rule succeed.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, I rise in opposition to this rule. I would like to say that on a bipartisan basis, my friend, the gentlewoman from Ohio [Ms. KAPTUR] and I were prepared to offer an amendment. We went before the Committee on Rules to try to do so. I was surprised, perhaps, when the Committee on Rules decided not to allow our amendment to be offered. Because of that, I rise to say no on this rule.

As we know, the S&L fiasco of the 1980's cost America more money than any other scandal in our Nation's history. What is particularly upsetting to me and to other Members, particularly those of us in the Northeast and Midwest, our region was only responsible for about 6 percent of the problem. But we have been asked to pay 45 percent of the costs.

In fact, as I talked to my local savings institution folks, of which, in Michigan, we literally only had a handful of folks, only a number of institutions that went belly-up, some of them are actually paying a higher premium in Michigan than they are at a similar sized institution in Fort Worth, TX, viewed as probably one of the worst areas in the country.

Because our amendment was denied to be offered today, I would ask our Members on both sides of the aisle to vote no on this rule.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. UPTON. I yield to the gentlewoman from Ohio, who was terrific as we began to prepare this amendment for the House floor today. I know she was as disappointed as I am that we were not able to get our amendment made in order.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding to me, and have enjoyed working with him on this amendment and on many others.

We went before the Committee on Rules and asked for consideration just to allow this amendment of concern to an entire quadrant of the country, the Northeast-Midwest region, the opportunity to be offered. To repeat those numbers, our region was only responsible for 6 percent of the problem, and it was asked to pay for nearly half of the bill. All we were asking was the opportunity to bring this to the floor, to allow our amendment to be offered, so we could say to those States that were true abusers, which had all these State-chartered institutions that did not regulate, to pay a portion of the bill. We were not even allowed to come to the floor and to offer that amendment.

This is of concern to hundreds of Members from our region. I think it is fair. Our banks, our savings and loans, were making profits. Premiums have been placed on them that I think are truly onerous. That money is flowing to other regions of the country.

We recognize the need to solve the problem, but we should not be muzzled in our ability to come down here on this floor and to represent our constituents in our region of the country. I would say to the gentleman, I think we are proud of the institutions from our region. We are proud of our regulators. They did their job. Other places in the country did not. We should have the opportunity to offer this amendment.

Mr. UPTON. Mr. Speaker, that is exactly our point. I know that in Michigan—probably like Ohio, and I do not know Ohio as well—we had tough regulators. Because our States have done a good job, we are now being penalized by those States that did not. I think it is a travesty that, as Members of the House, we are not able to offer this amendment on a bipartisan basis.

I would also lend credence to the former chairman of the Northeast-Midwest coalition, Howard Wolpe, who no longer serves in this body, as he tried to push this legislation in previous year as well.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Tennessee [Mr. QUILLEN] has 1 minute remaining, and the gentleman from South Carolina [Mr. DERRICK] has 5 minutes remaining.

Mr. DERRICK. Mr. Speaker, I reserve the right to close debate.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. in the Committee on Rules I offered an amendment to make this measure an open rule but it failed on a partisan vote. I think that that is a poor way to run a railroad. This measure is so important that each Member should have a right to offer amendments and have a full discussion as to whether or not this House should pass this measure.

Mr. Speaker, I urge a no vote on the rule, and I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] yields back the balance of his time, and the gentleman from South Carolina [Mr. DERRICK] has 5 minutes remaining.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when I was a small child in my house, my mother had a remedy for anything that became wrong with we children. There were four of us. It did not make any difference whether it was a cold, a headache, or whatever it was. It was a dose of castor oil. That was supposed to make us well. Probably some of the Members went through the same situation.

This is a dose of castor oil that this House, the Senate, and the administration must take for a thrift industry that we did not act on—the Reagan administration, the House, the Senate—as quick as we should have to deal with the situation.

This is because of a decision that the Government made back in the early 1980's that we thought was the right decision, and we thought it was a way that we could save the taxpayers from becoming involved. Unfortunately, that did not work. It did not work, not because we did not think we were doing the right thing, but it did not work because of many things that we had no control over. One was the complete wipe-out of real estate values in large parts of the northwestern United States and in California. Another major reason is unscrupulous operators that were not looked at close enough by our regulators.

Probably the primary reason was that we saw what was beginning to happen. When the Reagan administration saw what was beginning to happen, and my friend, the gentleman from Texas [Mr. GONZALEZ] talked about it back in the early 1980's and said it was something we needed to do, but we had a reticent administration and we had a reticent Congress.

Because of that we compounded the problem and it became, instead of millions, it became billions, and instead of one and two, it became more and more, and we were eventually talking about $100 billion.

□ 1140

We must accept responsibility for that. And we must take our medicine.

No one wants to vote for this bill. No one likes the idea of voting for it. No one likes the idea of getting up here and defending it. But you know, there is a certain responsibility that goes with the right we have been given to govern, and that right says in this instance that we must, No. 1, vote for this rule.

In this rule we did not tack on in the Rules Committee a lot of things that did not have anything to do with what we are doing here. This bill has one primary purpose, and that is to complete once and for all our involvement on behalf of the people that we represent in the S&L debacle. That is one of the worst debacles that we have seen, fiscally speaking, in the history of our country. To get to that bill we have to pass this rule.

No one, I do not believe, really seriously would want an open rule on something like this. My goodness alive, if we had an open rule we would never do it. We would never get the rule passed, and we would never get the bill passed.

Vote for this rule. It is the responsible thing to do. Vote for this bill, because what this bill does, for the first time in the history of this matter is, bring it to a conclusion, finis, over, in 1995.

Do the responsible thing, take your castor oil and maybe we will get well, and we will get on to other matters.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 191, answered "present" 1, not voting 28, as follows:

[Roll No. 430]

YEAS—213

Abercrombie
Ackerman
Andrews (ME)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Costello
Coyne
Cramer
Danner
Darden
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dixon
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Olver
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Woolsey
Wyden
Wynn
Yates

NAYS—191

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Cox
Crane
Crapo
Cunningham
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kaptur
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Owens
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sanders
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Synar
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Hyde

NOT VOTING—28

Andrews (NJ)
Andrews (TX)
Blackwell
Borski
Conyers
de la Garza
Dingell
Dooley
Engel
Foglietta
Green
Hall (OH)
Huffington
Inslee
Kasich
Lehman
Lipinski
Maloney
Mfume
Miller (CA)
Mineta
Obey
Ortiz
Penny
Ridge
Stark
Sundquist
Towns

□ 1207

The Clerk announced the following pair:

On this vote:

Mr. Mineta for, with Mr. Ridge against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. INSLEE. Mr. Speaker, I was unavoidably detained at the White House during rollcall vote No. 430. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, due to a recent series of previously scheduled town hall meetings and individual meetings with constituents I was unable to register my vote.

Had I been present

Rollcall vote 430. I would have voted "aye" on No. 430.

GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks during the debate on House Resolution 250.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

RESOLUTION TRUST CORPORATION COMPLETION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 250 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1340.

□ 1209

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1340) to provide funding for the resolution of failed savings associations, and for other purposes with Mr. CARDIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. GONZALEZ] will be recognized for 30 minutes, and the gentleman from Florida [Mr. McCOLLUM] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, I want to point out since I spoke on the rule, I will be very brief and then it is my intention to provide some time for the chairman of the subcommittee, the gentleman from North Carolina [Mr. NEAL] to handle the bill and control the time.

Therefore, Mr. Chairman, today, the House has an opportunity to finally close the door on one of the most difficult problems ever faced by this body—the savings and loan crisis.

Since 1989, the savings and loan industry has undergone radical surgery. Hundreds of high-flying institutions that bid up interest rates and handed out money to a cast of unscrupulous characters have been closed. Prudent lending and capital standards have been restored. The S&L industry that remains from the wreckage of the 1980's is well-capitalized, well-run, and well onto the road to long-term health.

During this operation, the Resolution Trust Corporation protected more than $190 billion of our constituents' savings. The RTC has helped a dying industry recover from a $13 billion loss in 1988 to record profits in 1992.

Today the House must finish the task. A large number of dead and terminally ill S&Ls remain open for business, losing more than $3 million every day. Instead of running up the taxpayers' tab, the House should act immediately to move the $46 billion of assets now under the RTC's control into private hands. Approving the funding to resolve these institutions will unlock credit, which can greatly help the ailing economic recovery.

H.R. 1340 provides additional funds by lifting the time limit placed on monies already appropriated to the RTC. In December, 1991, the RTC Refinancing, Restructuring and Improvement Act made $25 billion available to the RTC, but only until April 1, 1992. The Corporation used only $6.7 billion of that appropriation. H.R. 1340 would simply free up the balance of those funds. This amount should be sufficient to complete the RTC's work, making further congressional action unnecessary.

The bill also ensures that the Clinton administration will continue to follow through on its pledges to reform the RTC. These management and fiscal reforms, such as appointing a RTC Chief Financial Officer, are long overdue and sorely needed. The RTC has reached the end of its road and will soon stop taking over S&L's. The changes included in both the bill and the bipartisan leadership amendment should be enough to correct problems and allow the RTC to wrap up its business.

Because of the savings and loan crisis, all of our constituents are concerned about the safety of their savings. Parents who open a passbook savings account so that their children can learn to save, or senior citizens who buy CD's to provide for their retirement depend on the "full faith and credit" of the United States to stand behind their deposits. I ask my colleagues to live up to this expectation today and vote aye on this bill.

Mr. Chairman, I am going to yield to the chairman of the subcommittee, the gentleman from North Carolina [Mr. NEAL], who preeminently handled the bill in its initial stages in the Committee on Banking, Finance and Urban Affairs, and he did a great job. I will have what we call the leadership amendments when we enter into the amendatory process which reveals the bipartisan effort that is reflected in these amendments.

Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. NEAL], who will also be in control of the time on our side.

Mr. NEAL of North Carolina. Mr. Chairman, I thank the distinguished chairman of the full committee, the gentleman from Texas [Mr. GONZALEZ]. The chairman has done yeoman's work on this bill for many years; in fact, I have hardly seen anyone work harder on anything over a longer period of time, and I thank him for his enormous help with this and for his great leadership of the committee.

Mr. Chairman, I rise in support of H.R. 1340.

This bill is called the Resolution Trust Corporation Completion Act for a reason—it gives the RTC the necessary tools to complete the savings and loan cleanup begun in 1989.

It does so by freeing up funds already appropriated to the RTC, but not expended by it, and by requiring management reforms to increase the efficiency and equity of the RTC's operations. In addition, as amended, it will shift the burden for future failed thrifts onto the S&L industry by reducing by 75 percent the existing authorization for the Savings Association Insurance Fund.

What is this funding needed for? It is needed to honor the Government's commitment to depositors. This funding is not used to bail out shareholders, officers, or directors of failed savings and loans.

During the past 4 years, the RTC has closed over 650 failed institutions. Not one shareholder from those institutions has received one cent from the RTC. Officers and directors of these institutions have also received nothing. The only people "bailed out" are the insured depositors who have relied on the U.S. deposit guarantee.

Where does this funding come from? In 1991, Congress appropriated $25 billion to the RTC. The RTC did not use all that funding before the time to do so expired. H.R. 1340 simply gives the RTC more time in which to use the funds remaining from the 1991 appropriation. It does not appropriate a single additional dollar.

Some people have suggested that the RTC does not need any more money to finish the job. Do not be misled by false political panaceas. Those people are wrong. The GAO says so, the CBO says so, the administration says so, and the facts say so.

The GAO, whose cost estimates are the lowest, says that existing RTC resources are inadequate to finish the problem.

Mr. McCOLLUM will tell you that Mr. Seidman, former chair of the FDIC, has a different way to skin the cat, but even Mr. Seidman admits that an appropriation would still be needed. His approach would only delay the need for the RTC to receive an appropriation, without reducing the cost to the taxpayer. Moreover, the GAO concluded that Mr. Seidman's approach "could provide a perverse incentive for RTC to dump assets regardless of price and could cost the taxpayer more."

Moreover, RTC funding is not optional. A recent memorandum from the Congressional Research Service states that "without additional appropriations to the RTC or its successors, there would eventually be a default under the deposit insurance guarantees somewhere in the deposit insurance system" and "there can be no doubt that a default would precipitate runs."

Unless we fund the RTC, we risk a collapse of our banking system. As the Congressional Research Service concludes, "even if a panic were halted, the confidence that makes the deposit insurance system valuable for economic stability might be lost permanently." Simply put, if we fail to fund the RTC, we could precipitate a banking crisis that would make 1933 look like a picnic.

Let me also briefly describe the reform package contained in the bill. I'm sure every single Member of Congress has heard at least one story from a constituent about RTC mismanagement—about the overreliance on bulk sales to the detriment of local real estate markets and excessive photocopying costs that would make a law firm blush.

The Banking Committee investigated the criticisms of the agency and crafted a management reform package to address those concerns. This package will be further refined by the bipartisan leadership amendment to incorporate more fully the concerns of Republicans as well as Democrats.

The package includes 20 management reforms. It improves the asset disposition practices of the RTC, including requiring that all real property be offered for sale on an individual basis before being included in a bulk sale.

It improves contracting procedures and it requires the RTC to give small businesses a better chance to get contracts.

It requires greater oversight against fraud, waste, and abuse.

Moreover, it terminates the RTC a full year earlier than originally scheduled while allowing it to finish the job of resolving the thrift crisis by extending the time it can take over failed institutions by 18 months. It also provides for a transition task force to coordinate the return of the RTC to the FDIC.

Finally, the legislation slashes the existing authorization for the SAIF from $32 billion to $16 billion, and the bipartisan amendment to be offered will slash it to $8 billion. A certification that these funds are necessary and will be used for loss funds only is also required.

The RTC has been an operation now for 4 years. During that time, it has protected almost 22 million depositors and $199 billion of insured deposits in 657 failed savings and loans. According to the General Accounting Office audit of the RTC's financial statements, there could still be as many as 170 more institutions whose depositors the RTC must protect. It is our responsibility to honor our pledge to protect those depositors.

RTC legislation has never been a popular subject in this House. It has been hard for Democrats and it has been hard for Republicans. But now we have come to the end of the process. We have a bipartisan package that provides the necessary funding and reforms. Finally, it appears that this will be the last legislation needed to resolve the S&L debacle of the 1980's.

Mr. Chairman, I urge this House to honor the U.S. deposit insurance commitment and pass H.R. 1340.

□ 1220

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the ranking member of the full Committee on Banking, Finance and Urban Affairs, the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. I thank the distinguished gentleman for yielding this time to me.

Mr. Chairman, on behalf of the minority, I am compelled to begin by noting that of all the issues before this body, this one is brought up with the least good will.

The minority believes proposals of the Bush administration in this area were not given fair shake. The minority believes Mr. Bush and his family were particularly abused by the congressional process. The minority also objects, on fairness grounds, that sins of others with partisan ties to the majority, particularly, Mr. Paul of Florida, were not subjected to appropriate oversight by the committee of jurisdiction.

Having said this, one perspective stands out: Congress is disproportionately responsible for creating the problem. Weak laws, after all, led to weak regulation which led to weak banking practices. Congress, therefore, is disproportionately responsible for solving the problem.

The bad news is that this Congress has the obligation to take the castor oil and heal itself as well as the financial system. The good news is that a near perfect macro economic environment means the patient is improving, largely without governmental assistance.

Five years ago it looked like the S&L hole was in the $200 to $250 billion range; 2½ times this—$500 to $625 billion—as calculated with interest on 30 year bonds. Today's best guess estimates are in the $110 to $130 billion range, with $100 billion already having been obligated and 22 million depositors protected.

Absent economic calamities, the passage of this bill should represent the last payment for the sins of Congresses past. Once the S&L cloud is removed from the financial horizon, the country will have the strongest financial system in the world. Failure to remove that cloud and provide adequate funds for the RTC could not only increase thrift bail-out costs but provide a jolting bolt of no confidence in the financial system.

Mr. Chairman, for the sake of economic stability, I urge my colleagues to honor this body's commitment to the deposit insurance system. Congress needs to pass the legislation.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, with great respect to my colleague who just spoke, my senior member on the committee, I happen to be opposed to this bill, and I think the reason many of us are is that we just plain do not think the RTC needs the money.

There are a lot of other problems with the bill, including minority quotas that are going to be discussed here in a few minutes. There are things we would like to have done to change the way RTC does business. But the bottom line is that there is $18.3 billion in new appropriations being requested in this bill, and, frankly, the RTC has whatever it needs already on hand to close down the remaining S&L's it needs to close down.

It has $7 billion in cash reserves. It can borrow $5 billion, if it needs to, from the Treasury with a statutory line of credit. It has $38 billion in assets it could borrow against if it needed to. The GAO thinks it would take not over $11 billion to $12 billion at the most to do its job.

What are we doing out here trying to put out $18.3 billion when we are having such trouble with the deficit now? I do not think we have any business doing that, and I do not think the Members of this body should be voting that kind of money.

There are discussions about how all the world is going to come to an end here if we do not do this. That is just nonsense, with all due respect. The fact of the matter is that last year, by not closing these institutions, some very respected people have given us estimates that we may have saved as much as $15 billion to $20 billion because we do not have to close all the institutions, because the property values of those institutions in the Southwest, and so forth, have increased in value, and because interest rates went down. Those were savings, and rather than costing the taxpayers by not completing the job last year, we have saved a tremendous amount of money.

Mr. Chairman, the bottom line is that this is a bad bill. We need to have a good, thorough debate on it, but there is no reason for Members to vote for it. I am opposed to it for that reason.

Mr. Chairman, I reserve the balance of my time.

Mr. NEAL of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, this is a good bill. It constructively addresses many of the concerns we all share over the operations of the RTC.

Mr. Chairman, I rise in support of the Resolution Trust Corporation Completion Act (H.R. 1340).

This legislation will give the RTC the funding it needs to pay off the depositors in thrifts that had been denied since April 1, 1992.

This measure also imposes important management reforms that will make the RTC more efficient and responsive.

Asset marketing, information systems, professional liability litigation and minority- and women-owned business contracting are among the many RTC operational areas this bill targets for improvements.

The bill also authorizes money for the Savings Association Insurance Fund [SAIF] to be used to absorb any losses left over from the S&L debacle.

Congress recognized in the Financial Institutions Reform, Recovery and Enforcement Act [FIRREA] of 1989 that starting the SAIF on a sound footing must be an integral part of the thrift clean-up if we want to avoid revisiting the problem.

Although I fully support passage of the legislation before us today, I believe that its approach to the SAIF is seriously flawed and must be corrected in conference.

Without a correction, this legislation will not be the final chapter in the story of the clean-up but the prologue to the next crisis.

Since enactment of FIRREA in 1989, strong and solvent thrifts have front-loaded a great deal of cash that has been required to resolve failed institutions.

They have taken this money from a diversion of all premiums since 1989, additional surcharges on the insurance premiums, transfer of the $3 billion surpluses of the industry-owned Federal Home Loan Bank System, and an additional $300 million in mandatory annual contributions from the system through 2029.

Further, until 2019, SAIF institutions must shoulder an $800 million annual obligation to fund FICO bond indebtedness.

Had SAIF received SAIF member premiums since 1989, it now would have over $6 billion instead of the approximately $800 million with which it will begin operation.

FIRREA anticipated such a problem, and authorized the appropriation of money to cover post-RTC losses as well as help recapitalize the fund on a sound basis.

FIRREA recognized that healthy surviving institutions simply could not afford to pay for the sins of the past while simultaneously handling new problems, building up the fund to a prudent level and raising the industry's own net worth to FIRREA-mandated levels.

Overwhelming these institutions with the crushing financial burden of such high insurance premiums would not just be unfair but counterproductive, perpetuating the S&L crisis and leading to additional failures.

Unfortunately this bill turns its back on a realistic and sensible course charted for SAIF in FIRREA.

The bill establishes what strikes me as an impenetrable roadblock to timely use of any SAIF loss funds.

The bill states that the 1989 Federal commitment to appropriated funds can only be used if the industry is in such bad shape that raising premiums would cause failures.

In other words, the bill tells the financial regulatory agencies to raise the industry's premiums to the point where it will, almost but not quite, drive institutions into insolvency. Only then can these appropriated funds be spent.

Until such time as the FDIC can make the requisite deathbed certification to cover losses once its own very limited resources are depleted, SAIF will have to borrow funds from the Federal Deposit Insurance Improvement Act of 1991's line of credit.

This requirement will force thrift insurance premiums to a point higher than what banks pay.

Banks currently pay an average of 24 basis points for insurance, while thrifts pay an average of 25 basis points.

This premium differential will widen, even more dramatically in 1998, when banks are expected to recapitalize the bank insurance fund.

After 1998, banks premiums could fall to 8 or 10 basis points, according to most analysts.

From a competitive standpoint, a large and enduring premium differential would be a suffocating handicap for the thrift industry.

The market for financial services is quite competitive in the United States.

In this environment, SAIF institutions would be unable to pass their higher insurance costs along to their customers.

Inevitably, their ability to price deposit accounts and other products competitively would be impaired.

Depositors would seek higher yields elsewhere, shrinking the industry's deposit base and putting additional upward pressure on premiums.

Earnings would decline impairing the ability to build capital internally.

Outside capital, of course, would shun an industry suffering from such a congressionally imposed cost disadvantage.

Ironically, FIRREA recognized that assuring a strong capital base for depository institutions is the best protection for the FDIC's insurance funds.

Personally, I very much want to put the thrift crisis behind us and enjoy the benefits of a strengthened, more stable financial system.

Enactment of appropriate RTC/SAIF funding legislation is central to achieving that goal.

But adjusting the SAIF funding mechanism in conference is of vital importance if we want the cure to last.

Neglecting to fix this problem will result in a perpetually broke SAIF, constant media speculation and public uneasiness, and a thrift industry that Congress will have deliberately pushed toward another round of failures.

Mr. NEAL of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LaFalce].

Mr. LaFalce. Mr. Chairman, I have long been an opponent of RTC funding. However, I am now convinced—in light of the reforms to which this administration is committed—that the only responsible course is to allow the RTC to finish its job. We have now gone at least three-quarters of the way across the lake, and at this point it makes sense to swim to the other side.

The S&L bailout has been riddled with problems, and these problems have had enormous consequences for our economy. Allow me to review briefly my longstanding concerns about this issue, and the reasons for my current support.

I. HISTORY OF THE S&L CRISIS

To a large extent, the problems we have experienced in resolving insolvent thrifts resulted from the lax supervisory policies of the Reagan administration and the failure to sufficiently recapitalize the FSLIC insurance fund in 1987.

In 1986, I advocated legislation to improve the quality of examination and supervision for depository institutions, and to increase the number and level of experience of Federal thrift examiners. I believed that we could only prevent thrift failures if we could detect problems early. The House succeeded in passing legislation designed to do precisely that. However, the Reagan administration opposed any enhancement of supervisory procedures and no bill was ever passed in the Senate.

In 1986, the Treasury requested $15 billion in new borrowing authority for the S&L insurance fund (FSLIC). The FSLIC fund had been seriously depleted by the large number of failed thrifts in the mid-1980's. These failures resulted in large part from a lack of adequate supervision by State authorities in a handful of States over their own State-chartered thrift institutions. A quick and fully sufficient recapitalization at that time could have prevented subsequent problems. However, the thrift industry strongly opposed the administration's proposal, fearful that it would lead to higher premiums.

I was a strong supporter of the $15 billion in funding the administration proposed, believing that a full recapitalization was the only way to finally resolve the thrift crisis. Nevertheless, the House approved only $5 billion in funding. The final conference report provided $10.8 billion, but with a $3.75 billion annual cap on the bonds issued to cover the costs of resolution, making the amount wholly insufficient to deal with the crisis in a timely manner.

In my view, some members of the industry, by consistently minimizing the cost of the problem, were only setting Congress up for an eventual taxpayer bailout. As a result, I was forced to oppose the 1987 FSLIC recapitalization bill—in fact, I was the floor manager in opposition. I wrote to President Reagan at that time stating that the amount provided to recapitalize the FSLIC was "woefully inadequate and surely will require Congress to revisit this issue again * * *." I predicted that a poorly funded plan would only perpetuate the crisis atmosphere surrounding the thrift industry and force the burden of recapitalizing the industry onto the taxpayer. Unfortunately, I was proved correct.

Only a year after the passage of the FSLIC recapitalization bill in 1987, it was becoming increasingly apparent that the $10.8 billion in borrowing authority, coupled with the annual cap on FICO bond issuance, would make it impossible for FSLIC to resolve the problems or insolvent thrifts. Therefore, I introduced a bill in September 1988 to increase the capitalization of FSLIC from $10.8 billion to $15.8 billion and to eliminate the $3.75 billion annual cap on the issuance of FICO bonds. Although this legislation was favorably reported by the Banking Committee, the Rules Committee did not allow its consideration on the House floor.

By late 1988, it was becoming increasingly clear that the thrift industry was facing a crisis of major proportions, but neither President Reagan nor the 100th Congress addressed the issue because of assurances that no action was necessary. The Chairman of the Federal Home Loan Bank Board, M. Danny Wall, repeatedly stated in 1988 that a taxpayer bailout would not be needed and that the $10.8 billion would be sufficient to solve the problem.

Had it provided adequate funding, the 1987 FSLIC recapitalization legislation could have contained the thrift crisis. Instead, insufficient funding allowed the crisis to snowball over the next several years and the cost of the eventual cleanup to grow at an astonishing rate. By the time Congress and the Bush administration finally confronted the situation in 1989, it had degenerated into a financial crisis of monumental proportions.

II. THE FIRREA LEGISLATION

In February 1989, to its credit, the new Bush administration unveiled the outlines of a plan to borrow $50 billion to close or resolve 350-plus failing thrifts. The new administration finally acknowledged the need for substantial money to confront the thrift crisis—unfortunately, at that late date, the level of the crisis and the weakened state of the industry required that it be largely taxpayer money.

Moreover, the bailout legislation took an overly draconian approach to thrift resolutions, emphasizing a liquidation strategy rather than a revitalization strategy. As a result, I felt compelled to vote against final passage of the legislation.

My opposition to FIRREA was based on a number of factors. First, the administration's estimates were based on a series of rosy scenario economic assumptions, which resulted in a gross underestimation of the ultimate cost to the taxpayer of the thrift cleanup. Second, I felt strongly that borrowing to pay for the cleanup unnecessarily increased the costs and unfairly passed those costs on to future generations. I offered an amendment on the House floor which would have required that we pay for the bailout rather than borrow and pass the costs on to our children and grandchildren. While the amendment garnered substantial support, unfortunately it was defeated.

Third, States were held harmless of responsibility for the cost of the cleanup, even though much of the original problem was directly attributable to State-chartered institutions operating, in many cases, under lax State regulation and supervision. What started out as a regional problem was allowed to become a national crisis.

Fourth, I believed that the phase-in period for the new capital standards was unrealistically short, with the result that weak, but potentially viable institutions were transformed into problem institutions, thereby adding to the cost borne by taxpayers. I attempted to get approval from the Rules Committee to offer a floor amendment that would have allowed the regulators greater discretion in handling weakened institutions that were nevertheless in a position to consistently improve their capital positions. Unfortunately, this amendment was not permitted to be offered.

Finally, I argued that the Bush administration had given insufficient attention to the structure and accountability of the RTC, despite the fact that, overnight, it became the largest financial institution in the country with asset disposition responsibilities unmatched in our history.

I believe that FIRREA was a flawed prescription for a misdiagnosed problem. At a time we needed a revitalization strategy aimed at getting weak institutions back on their feet, others chose a liquidation strategy that forced viable institutions into bankruptcy. That policy error has had broad economic consequences.

I believe that the inordinate emphasis FIRREA put on liquidation has been responsible in large part for the credit crunch that has restricted economic growth in this country over the past several years. Small businesses have suffered greatly as the value of real estate backing many small business loans has plummeted. Banks, under severe regulatory pressure, have abandoned their traditional lending activities and focused instead on safer investments. The consequences for our economy have been devastating as, without prudent risk taking, there can be no economic growth.

III. REFORMING AND COMPLETING THE RESOLUTION PROCESS

But we now have a new administration, and a new Congress, committed to reform of the resolution process. Therefore, despite the many flaws in the original legislation, I believe our responsibility now is to complete the job that remains.

This is the final leg of what has been for everyone a very painful and disruptive process. The only responsible course now is to finish the resolution process—but in a fair and efficient manner that more appropriately balances safety and soundness concerns against the need for economic growth, and implements the reforms contained in the bill before the House today.

I have been assured that the administration is putting more emphasis on working with weak but viable institutions to give them adequate time to rebuild their capital, thereby enabling them to continue making loans and serving their communities. This change has been a major factor in my decision to support this legislation.

Furthermore, I am very impressed with the Clinton administration's commitment to attacking the credit crunch and reducing the regulatory burden on financial institutions. This administration is doing its best to cope with problems that it has inherited—completing the thrift bailout in a responsible fashion is a necessary part of that effort.

Finally, I truly believe that this bill reflects a serious effort at reform of the RTC resolution process on the part of Congress and the administration. The management reforms, the restrictions on bulk sales in real estate disposition, the improvements made in contracting systems and oversight—all these provisions will improve the efficiency and fairness of the education process. These reforms will enable more people to participate and benefit from the necessary process of thrift resolutions.

Ultimately, despite the wide range of legitimate criticisms many of us have leveled at the thrift cleanup effort undertaken heretofore by the RTC, the reality of deposit insurance cannot be ignored. Simply stated, the full faith and credit of the U.S. Government stands behind depositors in insured banks and thrifts, and we must honor that commitment. I urge my colleagues to do so today by supporting this bill.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in opposition to H.R. 1340, the Resolution Trust Corporation Completion Act, because I am deeply concerned about language in the bill which instructs the RTC to establish guidelines for "achieving a reasonably even distribution of contracts awarded to" minority contractors.

What this language does is set into law something which the RTC has been doing since its inception—ensuring that minority- and women-owned businesses participate in all RTC contracting activities. But it goes a step beyond: it requires an even distribution of contracts among minorities consisting of more than 5 percent of the minority contractors and, that means just three groups, blacks, hispanics, and women.

What will be the result? A totally unfair distribution of contracts. Asian-Americans are locked out completely.

Nonminority women make up 40 percent of the population and currently receive 20 percent of the contracts but this distribution will give them only 10 percent of the contracts.

The two minority groups that are favored by this bill have 20 percent of the population and will receive 20 percent of the contracts—but its only two minority groups and it locks out all the rest.

I have voted for civil rights bills that have been before me in this House—but this is not a civil rights bill—its a quota bill and an unfair quota bill.

I have voted for all RTC bills, that have been before me—I have thought it important to follow through on our promise to depositors to protect their savings, and protect the taxpayers.

However, if enacted in its present form, H.R. 1340 would require the RTC to jump through hoops, rather than allow them to concentrate in obtaining the best dollar bid on contracts. I believe their mission is, and should remain, carrying out contracting and sales at the least cost to the American taxpayer. By including this language in the bill, we are diverting this mission from getting the best value for the taxpayer to carrying out a new social engineering program.

Some will tell you that new language which has been added to this language changes the meaning. Do not believe it.

It does not change the unfair nature of this quota bill. All it does is say contracts have to be bid for—but the bidding would be with restrictions and the RTC would be constrained in awarding the bids by the fact that 10 percent of the contracts must be awarded to African-Americans; 10 percent to Hispanics, and 10 percent to women.

Finally, this new quota sets a new and dangerous precedent. The groups for which contracts will be set-aside do not represent all minority groups. We must make every effort to include the diversity of our population in all of our programs, but the rigidity of this formula actually locks out some minorities, and in that sense is unfair.

If we pass this bill with this new language intact, you can be assured that you will be seeing it again in your committee—in DOD bills; in small business bills; in HHS contracting; in housing and community development programs—in just about any Federal program which contracts with the private sector.

Oppose this new quota within a quota system. It does not belong in this legislation.

□ 1230

Mr. NEAL of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in support of the bill and ask my colleagues to discount some of the doublespeak going on with regard to the funding. We need this funding. It is necessary. I hope the Members will ask for it.

Mr. Chairman, I rise in support of the passage of the Resolution Trust Corporation Completion Act. I realize that many of my colleagues in this House are hesitant to vote "yes". Many aspects of this legislation are complex, with the myriad of issues we face. Some would like this RTC problem of honoring the deposit insurance guarantee to just go away. However, if we do not act—if we vote this bill down—the result will just add to the cost of meeting the obligations of the savings and loan institutions problem and the savings insurance guarantee. In order to pay last month's depositors who were promised a return of two points over prime, they will pay depositors this month at three points over prime. And next month it could soar to 4 points over prime. This means for slowing or stopping withdrawals will be a rising cycle of higher and higher rates. At some point, the market will recognize this pattern for what it is, a less than credible, U.S. Government promise to honor deposits, in the face of congressional unwillingness to authorize funds to liquidate insolvent thrifts, will be discounted and discredited. While I noted that aspect of this U.S. obligation are complex at the base, the fundamental issue is easily understood, the loans and the assets behind them have lost value and combined with the private investment in the S&L's fall short of the saving deposits collectively estimated by the administration after exhausting the defunct FSLIC/SAIF insurance dollar. $18.3 billion appropriation for assets of failed institutions within the RTC and an estimated 8 billion is being authorized anew in this measure to get the Saving Association Insurance Fund [SAIF] up and running and permit the orderly closing of S&L's after 1995.

If the day were to come when the U.S. reneges on this savings insurance program the risk of serious runs on the banks, economic recession even depression, unemployment would follow. Recovery could take years, and before that recovery is realized, the courts in the end would require the Government to honor its deposit insurance commitments. But by then, the political and economic consequences at the ballot box and on our economy would be evident.

One way or another, the Congress the U.S. Government will pay for these deposit insurance obligations. Today, the Members of this House should take the responsible course of action and provide funds for the RTC to complete its assigned work and provide a sound policy path for the future of SAIF.

I say this having been a severe critic of how the RTC operated under the Bush administration. It was wrong for President Bush's managers to suggest last year, during the election, that the problems of resolution and liquidation were virtually over I've said so then and reiterate such now. The Government has been granted some breathing space by the past year's profitable climate for financial institutions. Data for 1992 indicate that some in the savings and loan industry realized substantial profits—greater than $5 billion. We have seen the reduction in estimates of the number of institutions that are likely to fail. We have seen the reduction in estimates of final losses. Time will tell if such optimism is justified.

But make no mistake, significant numbers of institutions appear to be making little headway toward financial health. Improved interest from a declining yield curve doesn't change all bad assets into good assets. These institutions earn a return on equity of less than 6 percent. For the 82 worst institutions, the rate of return is a negative 17.28 percent. Twenty percent of the industry is earning too low a return on equity to even constitute a viable investment. So, there will be difficult decisions and problems ahead, they should be faced today and dealt with in a positive and certain manner.

The bill before us today is an essential step along the way toward the preservation and rationalization of our financial markets. There are good reasons to vote and support this specific measure before the House today.

First, it restores funds that the Bush RTC was unable to spend within the time allotted in 1992 dollars appropriated.

But, second, it conditions the receipt of further loss funds on the adoption of management reforms. In my last report on the operations of the RTC, I made many recommendations for management improvements at the RTC. These were measures that would give the American taxpayers some measure of confidence again. They were intended to restore the trust in the Resolution Trust Corporation. The Clinton administration has taken immediate administrative steps to deal with some of the more egregious practices. They initiated a small investor program so that local businessmen could purchase local assets. They hired a chief financial officer. The improvements they have initiated are not merely a response to my suggestions because they are plain common sense.

The bill before us today incorporates many additional safeguards and improvements in operations: Oversight of the thousands and thousands of contracts executed by the RTC for a variety of goods and services will be tightened up; professional liability litigation will be reorganized and monitored; assets will be offered to local buyers who didn't have the financial clout to purchase assets from the Bush RTC; minority and women-owned businesses will have a real opportunity to compete for RTC work and for asset purchases; the period of time for pursuing claims against savings and loan malefactors is extended by 2 years; and payment of excessive bonuses to high-level employees of the RTC is restricted.

These management reforms are critical. Last month, the General Accounting Office released a report on the condition of the RTC's loan portfolio pricing and sales. The GAO found that:

> Although RTC policy states that loan portfolio characteristics provide the basis for setting a reserve price before a loan portfolio is offered for sale, three out of the four RTC offices were visited did not consider these characteristics when pricing loan portfolios. These offices routinely set reserve prices at 85 percent of the loan portfolio's book value because this was the minimum reserve price that could be approved locally. As a result, RTC could not evaluate the reasonableness of the bids received or determine whether it was maximizing recoveries on loan portfolio sales.
>
> Although the 60 investors we surveyed generally gave high marks to certain aspects of RTC's loan portfolio sales process, they also raised concerns about: (1) vague announcement letters for loan offerings, (2) inaccurate portfolio information in bid packages, (3) late notification of bidding results, and (4) nonresponsiveness to problems after loan sales were closed. According to some investors, these problems discouraged their participation or caused them to submit lower bids in RTC loan portfolio sales.
>
> RTC headquarters did not systematically collect, summarize, and analyze loan portfolio sales results. It delegated the reporting of sales result to each RTC field office and the National Sales Center in Washington, D.C. Each of these offices developed its own sales reporting format. RTC's ability to measure program results and identify needed improvements has been impeded because it does not maintain consistent and comprehensive information about loan portfolio sales.

If we want to put a stop to these practices, we have to pass this bill and this measure contains essential management reforms.

Third, this bill makes prudent provisions for funding the Savings and Loan Insurance Fund, by insuring that the financial institutions will do all they can to carry their fair share of the funding.

Fourth, this bill does not simply throw the resolution and liquidation process into the hands of the FDIC after the RTC takes its last conservatorship in 2½ years. The bill provides for a commission to evaluate the functions and procedures and management systems successfully used by the RTC so that the FDIC will not have to reinvent these sound practices or suffer the inefficiencies that troubled the RTC.

I urge a vote for this bill. Without a bill, the situation will only be uncertain without direction. With a revised loan we will meet our responsibilities to the taxpayers, to the depositors, and to the stability and health of the American economy.

Mr. NEAL of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, I want to congratulate you, subcommittee Chairman NEAL, Mr. LEACH, and others on both sides of the aisle for bringing this legislation up today. As those of us who serve on the Banking Committee know all too well, funding the RTC is a difficult vote. It is even more difficult to hammer out a bill that will draw the bipartisan support needed for passage. I believe that these Members have done that hard, thankless work, and I salute their efforts.

When Congress passed the first RTC funding bill over 4 years ago, we made a promise to taxpayers that we would not spend a penny more than needed for the thrift cleanup. We also promised that, if we could turn some lemons into lemonade by expanding opportunities for affordable housing and minority contracting, we would. I believe that the legislation made in order by the rule goes a long way toward honoring our pledge to the average citizens of this country. I urge my colleagues to support this bill and leadership amendment for the following reasons:

First, it saves taxpayers $8 billion in cleanup costs by reducing SAIF funding by that amount. Second, it provides the RTC with a further, decent interval of time to continue the cleanup effort. This additional period will actually save taxpayers money because it will avoid the costly delays that would have resulted from quickly switching the RTC's function to another agency. Third, the bill codifies and strengthens affordable housing and minority contracting provisions, without violating pay-as-you-go principles.

Finally, and very importantly, this legislation extends from 3 to 5 years the statute of limitations for prosecuting the people who caused the thrift scandal and stole literally billions of dollars from taxpayers. I want to especially thank Chairman GONZALEZ and Chairman BROOKS for their efforts to shape this provision. A similar version was adopted earlier this year in the other body by a 2 to 1 margin.

We all know that Congress extends the statute of limitations only in the most exceptional circumstances. There can be no doubt that those circumstances exist here. For one thing, a great deal is at stake: if the crooks don't pay for their misdeeds, the taxpayers will have to. According to the General Accounting Office that could cost taxpayers over $8 billion. For another, these cases have proven to be extremely complex to prosecute, because they involve sophisticated schemes to commit financial wrongs.

Moreover the RTC department in charge of tracking down culprits has been severely hampered in its efforts by senior level RTC officials. These officials, most of whom are now gone, undertook a controversial "reorganization" which had the effect, if not the intent, of severely impairing the agency's efforts to bring S&L crooks to justice. In fact, some 50 percent of RTC investigators and prosecutors have been laid off or reassigned to other agencies. some of these employees have testified that numerous cases that should've been filed were not. As a result, the RTC has filed suit in connection with only about 25 percent of the S&L's it's taken over—even though the agency estimates that fraud was committed in about 80 percent of all the thrifts that've been taken over so far.

I know that some of my colleagues may be concerned that this provision may encourage the RTC to sue people who did nothing wrong. Let me make three brief points in response. First, the bill only extends the statute of limitations for the most egregious wrongs; if does not extend it for simple errors in judgment, or for unintentional mistakes. Second, nothing in this provision requires the RTC to bring suit; the agency will be required to use its good judgment. Third, the General Accounting Office has never found a case that should not have been brought. So those who did nothing seriously wrong will have nothing to fear from this amendment.

In conclusion, I urge my colleagues to support this legislation. It will help bring S&L wrongdoers to justice, and help us keep our vow to protect the interests of taxpayers.

The CHAIRMAN. The Chair will advise that the gentleman from Florida [Mr. McCOLLUM] has 22 minutes remaining, and the gentleman from North Carolina [Mr. NEAL] has 14 minutes remaining.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, if you read this bill carefully, you will find that what some of the proponents of this bill are saying is correct. They say they need $18 billion, but you see what they need $18 billion for is for the RTC, to keep the agency going. Not to resolve the problem.

This bill is a real kick at the taxpayers of American. Bill Seidman mentioned in a letter to me that rather than milk the taxpayers, why not allow the RTC to borrow on its assets?

Now, my good friend, the gentleman from North Carolina [Mr. NEAL], had stated, well, in order to do that, you see, we would have to change the law.

Mr. Chairman, I would say to my friend that is why I had an amendment before the Committee on Rules that your majority party Members voted down, which would have given us the opportunity to do that. That is why we are opposed to your rule. Because our amendment held that we would give the RTC the ability to borrow against its assets. As Mr. Seidman says here, and I will include his letter for the RECORD in its entirety, we would "avoid the current problem of appropriating funds based on present RTC loss estimates which are uncertain at best."

Mr. Speaker, I would say to my friends that when the proponents of this bill would have us believe that in voting for this $18 billion, you will never have to face this issue again, that is baloney! You will be facing this issue again and again possibly—before the next election, for billions more.

Mr. Chairman, there is another issue that has not been debated, and that is the disparity, the unfairness of this bill. You see, 56 percent of all the losses did not stem from Federal institutions; 56 percent were due to State oversight and sometimes absolute dereliction on the part of State governments.

Mr. Chairman, there are some States in this country that did not have a single failure. Fifteen States, Alabama, Georgia, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Mexico, New York, North Carolina, Oregon, South Carolina, South Dakota, and West Virginia. Yet a taxpayer from the States will have to pay as much as a taxpayer from the eight States that caused most of the problem.

Now, is that fair? I do not consider that fair. Another point, the title of this bill is really a misnomer. It is not a completion, it is just a continuation of a problem.

Mr. Speaker, we should follow the advice of Bill Seidman in resolving the RTC problem. That is what we should do. That is why I want Members, before they vote, to read this letter, so that when they have to come back in another 12 months and vote again, they will not be surprised.

Mr. Chairman, for the RECORD I include the letter of Bill Seidman dated June 21, 1993:

WASHINGTON, DC.
June 21, 1993.

Hon. TOBY ROTH,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ROTH: It was a pleasure hearing from you and I look forward to continuing our discussion on RTC funding and other issues of mutual interest.

With regard to the RTC, I think it would be reasonable to fund remaining and future thrift resolutions by allowing the RTC to borrow from the Treasury against the appropriately $100 billion of assets currently held by the agency. The debt could be repaid as RTC assets are sold. While it is likely that in the future additional funding still may be needed in the form of direct appropriations, allowing the agency borrowing authority now, using its inventory as collateral, would avoid the current problems of appropriating funds based on present RTC loss estimates which are uncertain at best. Another advantage is that it directly ties RTC funding to assets sales. This should have the effect of speeding the RTC sales effort to a conclusion and ultimately saving taxpayer dollars.

I applaud your efforts and support your RTC Funding and Termination Amendment.

With best wishes.

Sincerely,

L. WILLIAM SEIDMAN.

□ 1240

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Chairman, for some time now, the American people have been telling us that they want a smaller Government, one that spends less. Why is the Congress not listening?

This bill goes before us and goes against the grain of what the American people are saying and what many of us have been trying to achieve, a balanced Federal budget. Instead of cutting bureaucracy, this measure on the RTC, wasting taxpayer dollars for an additional 18 months, instead of cutting spending, this bill increases spending and appropriates billions of dollars which are completely unneeded, as the gentleman from Florida [Mr. MCCOLLUM] said.

The GAO states the RTC only needs $11.9 billion, but the Committee on Banking, Finance and Urban Affairs is trying to give them 18.3 billion taxpayer hard-earned dollars. The American people ought to be appalled.

Let us go over this chart. I want to give Members a brief history of what has happened during the requested funding of the RTC.

The first number that Members see up there, $28 billion, down from some 40-odd billion earlier, is the amount the administration said they needed in March. As Members will quickly learn, they had no real idea what the RTC really needed.

The second number that Members see, which again was blocked out, $25 billion is the revised number after the GAO found $5 billion in cash they did not know they had. Maybe if we give them some more time, they can find $10 or $15 billion more, and we will not need any. Maybe they can pay the taxpayers.

The third numbers my colleagues see, $18.3 billion, that is what the Democrat-controlled Committee on Banking, Finance and Urban Affairs decided the RTC needed, another figure pulled out of the air.

Finally, $11.9 billion is the latest GAO funding estimate, but the Congress still wants to give them $18 billion. I think we need to take a look at what the RTC has on hand and determine what they really need.

They have $7 billion in cash on hand, cash. That is more than the amount that we appropriated to help the Midwest flood victims. They have a $5 billion credit line, as the gentleman from Florida [Mr. MCCOLLUM] said. And finally, not on here, but they have got $79.1 billion in assets that they can sell to finance the RTC operations.

Seventy-one are currently at the RTC, costing $12 billion to close, by their estimate; 39 are probable to fail, still, costing $5 billion to close. And 52 are possible to fail, costing $2 billion to close.

If we added that all up, it is $19 billion. They have got 10 or 12 that they can put their hands on in cash and almost $80 billion in assets they can sell, easily covering that and the insurance fund.

The 39 probable to fail have $39 billion in assets, but they only have $871 million—million, not billion—in unperforming loans.

Why do these thrifts, who made $61 million in profit in the first quarter of this year, why do they need $5 billion to resolve them?

The 52 possible to fail have a median capital ratio of 3.5 percent. The statutory minimum is 3. It sounds like to me we have got a fairly sound industry.

The dollars are there to protect the depositors and fully fund the insurance fund. They do not need one red cent from this Congress or the taxpayer. I cannot figure out why we are even talking about this measure at this time.

In addition to the RTC funding mishap, we are extending the life of this irresponsible agency by 18 months, including contracting quotas and extending a statute of limitations retroactive.

Retroactive, that word seems to be popping up everywhere. If Members will recall, we have retroactive taxes. We have got retroactive statutes with the RTC. It sounds like every issue is going to be retroactive with this Congress.

Can this Congress ever get its act together? We need to protect the American taxpayer. I challenge my colleagues to do what is right. Show the American people they are listening to them by voting against this wasteful bill. Do not appropriate any more taxpayer money for this bureaucratic nightmare. Vote for America, vote against this RTC funding.

Mr. NEAL of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

I want to try to clarify a couple of things said earlier. The gentleman from Texas [Mr. SAM JOHNSON] just said something about a committee deciding on this amount.

What we did, I would like to say to my colleagues, is we took the best estimates we could get from GAO, the FDIC, CBO and used their best intelligence. They are the ones in the field who analyzed it.

We do not know independently of them, but it is their best estimates. And it is the most responsible estimates we could possible find, not something drawn out of the air.

In regard to the letter of the gentleman from Wisconsin [Mr. ROTH] from Mr. Seidman, I would like to point out that in that same letter, a little further on in the letter, Mr. Seidman said the following: "While it is likely that in the future additional funding still may be needed in the form of direct appropriations."

In other words, Mr. Seidman himself is saying, in the same letter that the gentleman from Wisconsin [Mr. ROTH] quotes from, saying we do not really need the money, Mr. Seidman himself says that it is likely that additional funding in the form of direct appropriations will be needed.

What we are trying to do is do this in the most efficient way possible, not something pulled out of the air.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I rise in strong support of H.R. 1340, the Resolution Trust Corporation Completion Act.

Since 1934, the integrity of our banking system and indeed of world financial markets has been based on public confidence in our system for deposit insurance. It is essential that we honor the commitment we have made to depositors in order to preserve the integrity of that system.

That system now faces its stiffest test. Some 90 thrift institutions are insolvent and in conservatorship, and 80 more are on the verge of conservatorship. We cannot close or liquidate these S&L's because the assets are insufficient to pay the depositors. The losses from these failed S&L's increase at the rate of approximately $3 million per day. If we fail to act we will be breaking a covenant we made with depositors who relied on the insurance and we will be undermining public and world confidence in our banking system. The ultimate cost to this Nation in higher interest rates, a weakened economy, and loss of prestige in world financial markets is incalculable.

As a new Member of Congress, I did not create this problem. But as a responsible member of the Banking Committee, I felt a clear obligation to address it. The good news is that the Banking Committee not only addressed the problem, but has crafted a solution which will complete the thrift industry cleanup without one new previously unappropriated dollar of Federal funds.

We rejected the funding requests which had been submitted by the RTC as excessive and unnecessary. Instead, we merely freed up $18.3 billion which had been appropriated in 1991 and which remained unspent. After extensive reviews of the figures and discussions with the General Accounting Office, the RTC, and Treasury officials, the committee is satisfied that this will enable us to complete the cleanup of failed institutions.

This bill forces the RTC to clean up a host of management problems which have affected the agency in the past. It is gratifying to note that in response to the committee's comments, the administration has already instituted a number of these reforms and assures us that they all will be implemented.

It is ironic that many of those who would sanctimoniously turn their backs on these problems are the very same persons who supported the policies of deregulation which enabled excesses and resulting losses of the 1980's to occur.

But I do not seek to find fault. That will serve no purpose. And why the S&L crisis took place is not relevant to this debate.

What is important is that thousands of your constituents invested their hard-earned money in federally insured savings and loans.

What is important is that this Government has a legal obligation to repay those depositors who lost their investments through no fault of their own.

What is important is that we are spending approximately $3 million each and every day that we do not allow the RTC to complete the closure of the failed S&L's, sell the assets, and repay the depositors.

All of us here and now have an obligation to address these problems in a responsible, courageous, and cost-effective manner. This bill does just that.

I urge all Members on both sides of the aisle to support this legislation. Do not let the actions of the past govern the future.

☐ 1250

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is a sorry chapter in the history of American finance and financial institutions. It was not caused by greedy people or all crooked directors. Much of it was caused on the floor of this House. In 1980, when the thrifts were allowed to pay more for interest to keep money in the thrifts, it was done on this floor and a Democrat President signed that bill. Two years later when the thrifts asked to lend money out at higher yields, it was approved on the floor of this House. A Republican President signed that bill.

When this Congress realized there was a problem, for 6 or 7 years it was kept behind closed doors while markups were canceled and efforts to deal with the thrift problem were hidden. We now have an RTC.

We all on this side of the aisle intend to honor the commitment made to depositors. We just question where the money is needed. Those are honest differences. We have an RTC that has turned into a rogue animal, arrogant, going after innocent people, $800 million in lawsuits, and some to people who were innocent bystanders.

I happen to have one contact who, after spending $350,000 in legal fees to defend himself, they did not even bring him to court. They just gave him a letter saying there was nothing wrong with what he did. We need to shut down the RTC as quickly as possible.

In the Atlanta Business Chronicle they are shopping for new space for expansion in the IBM Tower, one of the most expensive pieces of real estate in the city. In the Atlanta Business Chronicle, the same issue that had that story, the same report had another story on the RTC telling that it opened the First National Bank Tower with 50 unoccupancies that they could have moved into themselves. These people need to be shut down, the sooner the better. We think they have the money to do it, so please vote against this bill.

Mr. NEAL of North Carolina. Mr. Chairman, I would ask the Chair how much time remains on either side.

The CHAIRMAN. The gentleman from North Carolina [Mr. NEAL] has 10½ minutes remaining, and the gentleman from Florida [Mr. McCOLLUM] has 13 minutes remaining.

Mr. NEAL of North Carolina. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, again I rise with a clear understanding that if we do not today pass this legislation we will be struggling for a long time trying to bring about a solution that is in the best interests of the taxpayers.

Mr. Greenspan yesterday, as he talked about this particular issue, said that if adequate funds are not appropriated for SAEF, it looks likely that SAEF member institutions will operate at an ongoing disadvantage to our financial concerns, and consequently would be less able to attract capital to maintain their financial health.

We must, Mr. Speaker, I believe today pass this particular piece of legislation. We have negotiated, we have compromised, we have brought the bill down from $16 to $8 billion. It seems to me that this legislation, with the minor provisions that are made available for minority procurement, is indeed fair and appropriate and just. As chairman of the oversight committee, I am one of the few Members of this House who has even been down to the RTC. Most of us who are voting on this bill do not even know what they do, what they are trying to do, the means by which they have tried to change their management and by which they have tried to do a more efficient job.

Mr. Speaker, I came on the Committee on Banking, Finance and Urban Affairs 6½ years ago. At that time the first issue that I faced was the issue of the failed S&L's. I am tired of dealing with this issue.

As the Members know, some of the Members who are members of that committee, there are times when I have not voted for it, but today I stand, having changed my position, because I think it is the best position for the American taxpayer.

Please vote for the bill. Let us get it over with.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of H.R. 1340, the Resolution Trust Corporation Completion Act.

I want to congratulate the members of the Banking Committee for their efforts in once again reporting this important RTC funding bill.

As a battle-scarred veteran of previous RTC funding bills, I know the pressure many in this House are under when it comes to RTC funding. I hope we will all summon the courage to do the right thing and pass this legislation. Bring to an end this sad chapter in the history of our financial institutions.

H.R. 1340 would lift an April 1, 1992, cutoff date which ended the RTC's ability to spend previously appropriated funds to finish the cleanup of the thrift mess and permit the RTC to use those remaining $18 billion to continue the process of closing down remaining insolvent S&L's, and to pay off those depositors which the Government Insurance Program guarantees.

H.R. 1340 contains no new funds for the RTC. It merely removes an arbitrarily set date for cutting off the use of the funds and permits the RTC to spend the money the Congress has already authorized and appropriated.

For the benefit of my colleagues, I want to emphasize this point. We are not providing any new funds for the RTC.

Congress was simply wrong and very shortsighted last year in failing to pass similar legislation. Since April 1, 1992, the inability of the RTC to close down insolvent thrifts has cost the American taxpayer up to $3 million each and every day.

This, I say to my colleagues, is the real banking scandal of the year. This is costing your constituents real money out of their taxpayers' pockets.

Mr. Chairman, our lack of political will up to now has now cost the American taxpayer over $1 billion. This is real money. This is the real banking scandal—$1 billion. This unwillingness to fund the RTC is almost as big a scandal and a more complete waste of taxpayer money as even the original S&L debacle. This lack of political courage also represents the worst example of gridlock which the American voter demanded we end when they went to the polls last November.

I believe we are simply kidding ourselves, and shirking our responsibilities to the thrift depositor and the American taxpayer by refusing to proceed with this funding request.

I do not need to remind my colleagues on both sides of the aisle that it was a Republican administration which went full steam ahead to clean up the S&L debacle.

And, it was a Republican administration which signed the FIRREA bill into law creating the RTC.

And it was a Republican administration which first requested this last increment of funds for the RTC.

And, it was many of us Republicans in the Congress who led the effort on behalf of President Bush to explain the need for completing this task last year.

I believe it is totally irresponsible for all Members to decide that innocent depositors and taxpayers no longer matter and that we will not support the final resolution of the S&L mess which we demanded be cleaned up.

I want to urge my colleagues to do the right thing—vote for RTC funding. We must understand the basic essential: Delay equates into added and unnecessary costs.

The failure to pass H.R. 1340 is costing the American taxpayer money: $1 billion more so far. How fiscally responsible is that?

Just by way of example, many Members argued during the budget debate for more cuts in Federal spending. Many used the honey, mohair, and wool subsidies as examples of how we could cut unnecessary Federal spending.

Do you realize that the projected 5-year budget savings associated with eliminating those subsidies, $72 million, has all but been spent since the beginning of the August recess simply by failing to fund the RTC?

Let me repeat, to all the Members who want to save money by cutting honey and mohair subsidies, failure to fund the RTC and close out the S&L bailout has already cost $1 billion.

Must we subject our hard-working, taxpaying citizens to this irresponsible loss of money? To pretend this issue will simply go away is the most irresponsible position we can take. I would say to the Members, wait until their constituents understand the costs. They will react.

Yes; the S&L debacle was an indictment of a deregulation frenzy that went awry, and yes, it was a sorry commentary on our regulatory process and even on our role as congressional overseers.

However, this is history. There simply is no alternative. These billions of dollars are buying fairness. Without the funds, the cost of the S&L failures would fall on innocent depositors. This is the kind of gridlock that causes such cynicism among the American people and loss of faith in the Congress. People will lose their savings. We must face the reality of our commitment to our depositors, our citizens, our taxpayers, and to the very law we created.

H.R. 1340 also requires the RTC to make various and important management reforms to its operation. These include:

First, revision of the RTC's procedures for reviewing and qualifying applicants for contracts. This is an attempt to strengthen contractor systems and oversight and to ensure uniform procurement guidelines.

Second, the bill requires the oversight Board to establish and audit committee for the RTC and to maintain effective internal controls to prevent, identify, and correct fraud, waste, and abuse.

Third, the bill requires the RTC to appoint an assistant general counsel for professional liability.

Fourth, the bill also requires the RTC to maintain effective management information systems, to appoint a Chief Financial Officer, and requires the GAO to report biannually on the progress the RTC is making to implement these management reforms.

Mr. Chairman, if we are not prepared to accept this course of action, what is the answer? I urge my colleagues to act as the responsible custodians of the public trust that we are.

I urge Members to give serious consideration to the issue of RTC funding. Let us get on with the job of cleaning up this mess once and for all.

Mr. Chairman, I urge passage of this bill.

Mr. NEAL of North Carolina. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from New York [Mrs. MALONEY], a member of the committee.

Mrs. MALONEY. Mr. Chairman, like many freshmen, I campaigned against the savings and loan debacle, which is the costliest scandal in our Nation's history.

Bailing out the S&L's has already cost the taxpayers at least $100 billion and will cost the taxpayers billions more, as we continue to clean up the mess of the two previous administrations.

However, now that 100 new Members are here, we have to choose between sticking our head in the sand and ignoring the problems before us—or we can work toward creating solutions and establishing new guidelines and laws to minimize the future risk to our taxpayers.

What we are being asked today is to honor the Government's promise to guarantee the insured bank deposits of the American people.

Unless we pass the bill, the Government will have no choice but to borrow these funds on the open market, thereby making the bailout cost hundreds of millions more because of interest payments.

Democrats and Republicans alike are justly concerned because of the rampant mismanagement which plagued RTC under the previous administrations.

The freshmen Members secured adoption of an amendment requiring that all property be offered on an individual basis prior to any bulk sale.

The bill puts an end to the RTC paying outrageous prices for photocopying, legal work, and other services.

The bill establishes an RTC chief financial officer, an audit committee, requires corrective responses to problems discovered in audits, and requires tough new controls against waste, fraud, and abuse.

The bill also requires management and disposition plans for individual properties, an end to excessive bonuses, and GAO audits of RTC operations every 6 months.

If we fail to pass this legislation, the Government will be forced to spend millions of dollars to continue the practice of borrowing funds on the open market.

And there will be no mandated reforms of RTC's activities.

So I urge my colleagues to make the responsible choice and vote "yes." Honor the Government's commitment to the depositors and vote a responsible yes.

Mr. McCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Chairman, I rise in opposition to the bill.

Mr. Chairman, I rise in opposition to H.R. 1340. While I recognize that Congress has an obligation to help finish the cleanup of the S&L mess and that RTC funds are necessary to pay for thrift failures that have already occurred, H.R. 1340 as presently drafted goes too far beyond the responsible intent of general thrift cleanup.

Specifically, this bill contains new, controversial minority contracting provisions. The RTC already has a successful minority outreach program. Thirty percent of RTC contracts already go to minority- and women-owned businesses. That is over $780 million in contracts. This has been accomplished without any legislatively mandated quotas.

While the Banking Committee leadership may claim that their en-bloc amendment dilutes the effects of this new quota system, an unfair quota still remains. Through law, not RTC administrative rules, this quota system sets aside contracts specifically for African-American, Hispanic, and women-owned businesses. A quota within a quota. It appears to me that other minorities, including but not limited to native Americans and Asian-Americans, have been excluded. Why is Congress mandating a new form of racial tension and competition? Why have other minorities been excluded? This is irresponsible and unfair. It opens the Pandora's box for extensive litigation by other minorities creating a new mess for the already troubled RTC.

Rather than micromanage the RTC, Congress ought to be providing it with greater flexibility. The RTC already has a successful minority outreach program. The saying goes, "If it ain't broke, don't fix it." I strongly believe that the RTC minority outreach program is working well and this new socalled fix by Congress will not enhance it, it will break it.

I urge my colleagues to reject this flawed RTC bill. This is not an emergency situation. We have time to send it back to committee and redraft it into a better, more responsible measure that genuinely helps clean up the S&L mess.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS], a member of the committee.

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in opposition to the bill. I opposed it during committee and I continue to be opposed to it.

Mr. Chairman, this has been the most interesting debate that I have listened to for a very long time. I am not naive enough, of course, to think that politics is not the principal part of what we do here, but it does seem to me from time to time there are issues of this kind where we start with a certain number of facts and we make some factual decisions.

It is sort of interesting, there are people who campaigned against the idea, but now they are here, and they are for it. That is interesting as is the idea that somehow this administration is going to change things very much, as if the administrations have had a lot to do with this whole thing.

□ 1300

This is an illustration I guess of the fact that the Government should not be in these kinds of decisions.

Listen to what we have said here today. If you came down from some strange country and listened to this, would not your reaction be to ask: What are the facts? What are the financial facts that we are talking about here? Are we talking about thrifts and conservatorships, 71 of them, assets of $334 billion, total assets $79 billion? What does it cost to resolve those?

It costs $22 billion. They have that available in cash and performing loans. Then you have had sort of a sale process of moving from the first request of $42 billion that we were going to have to resolve this thing. Now politically, suddenly we are down to $25 billion, and then we are down to $18 billion, and the GAO says you can do it for $11.9 billion. And here we are, we are asking for $18 billion.

The RTC has cash and assets available. This is the strangest thing I have ever seen. I am certainly opposed to this idea and opposed to this bill, and I think we ought to put the pressure on this bureaucracy to solve it within the money that they have.

I do not blame them for continuing to want to be in this position, but I do not think we ought to continue it, and I will vote against the bill.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. GRAMS], a member of the committee.

Mr. GRAMS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in opposition to H.R. 1340, the RTC Completion Act.

I find it amazing, Mr. Chairman, that just 5 weeks after passing the largest tax increase in American history in the name of deficit reduction, the House of Representatives is considering another $26.3 billion in deficit spending for the RTC and SAIF.

But that is exactly what this body is about to do. Under current budget law, funding for the RTC is not subject to the same pay-as-you-go, or PAYGO standards as other programs. As a result, Congress has already used over $100 billion in deficit spending for the RTC—without a single spending offset. And today, we will up that total by another $26.3 billion.

During markup in both subcommittee and full committee, I offered amendments which would require any additional funding for the RTC be offset by spending reductions in other programs—amendments which the rule prohibits from consideration on the floor today. I offered these amendments for the taxpayers in my district and across the country who have called on Congress to cut spending first.

By passing this bill today, Congress will be sending these taxpayers the opposite message: we cut spending last—or not at all. Mr. Chairman, that is not representative government, and that is not what our children—who will have to bear the economic burden of what we pass today—deserve,

For these reasons, I urge my colleagues to vote against the bill today.

Mr. NEAL of North Carolina. Mr. Chairman, I yield 1½ minutes to another member of the committee, the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Chairman I rise in support of this bill—a bill, I believe, which is the final chapter of the S&L debacle. I commend Chairman GONZALEZ, Mr. NEAL, and Mr. LEACH for crafting a bipartisan measure that will reduce the costs to the American taxpayer and close the chapter on the S&L cleanup.

I come from a State that has had few failed thrifts. However, many people in Wisconsin have advised me that Congress must pass this bill. It is imperative that we safeguard the insured deposit earnings of working Americans and retirees. Every day we delay passing this legislation costs the taxpayers approximately $3 million.

It is in everyone's interest to get this issue behind us, especially while interest rates are low and it can be done more cost effectively.

This bill allows RTC to complete the job of protecting depositors while making necessary changes in its operating procedures to address the criticisms of the agency's practices, building on the administration's reforms. This is a fiscally responsible bill that assures that no new funds will be provided to the RTC, beyond what is necessary to meet our Federal obligations.

I am pleased that the committee adopted language Mr. BACHUS and I offered which would limit the salaries and bonuses of RTC employees as well as prohibit any employee from earning more than the head of the Agency. This is in line with Vice President GORE's initiatives to reinvent Government.

Mr. Chairman, as a freshman Member, I am casting a responsible vote in support of this measure, not only because the Federal Government has the obligation to pay insured depositors but, also, because I am confident that this will be my last as well as first vote on this issue.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of H.R. 1340, the Resolution Trust Completion Act. This legislation is well named. For the last several years, different Congresses have danced, kicked, and otherwise ducked this issue without arriving at a final resolution. As a direct result, the bill to taxpayers—your constituents and mine—has gone higher and higher. Today's vote can free us of this burden. A vote for H.R. 1340 is a vote for fiscal responsibility. It is a vote to end the savings and loan mess once and for all.

The Federal Government promised to insure depositors. It is our responsibility to fulfill that promise. However, because the RTC was never properly funded, the RTC has been unable to carry out its mission, with the result that taxpayers will ultimately pay more: If we fail to provide the funds now, we will, in all likelihood, pay even more later.

Opponents of this bill argue that the money is not needed because the General Accounting Office says that the RTC needs less money than the bill provides. I would caution my colleagues about relying on the GAO. Many who are against this bill have never cited GAO studies before. In fact, many opponents of this bill regularly criticize GAO. But, in a moment of apparent conversion, they suddenly view the GAO as credible.

I also want to point out that the GAO audit is not imcompatible with this bill. The GAO states that $19 billion will be needed to finish the RTC's mission. Some argue that we need to appropriate far less since the RTC has $7 billion in reserves. But reserves are just that—reserves in case of unforeseen circumstances. Just as we should save money for various disaster relief funds, we should not rely on the RTC's backstop to provide funding for the RTC's daily expenses.

In addition, an analysis by the Congressional Budget Office reminds us that if we fail to provide this money now, then this House will be back to vote on this again in the future. And, recently, Federal Reserve Board Chairman Alan Greenspan testified that it would be irresponsible for the Congress not to fund the RTC. I reiterate—putting off this action will almost certainly continue to raise the cost of the S&L mess and prolong the length.

We are in a time of historic interest rate spreads and a stable real estate market. If history is any guide, neither will last forever. Just look at the bond market. Over the last few weeks, we have seen some volatile swings. Yes, rates have come back to their lows, but surely there is a message here. When conditions worsen, the price of this cleanup will rise. H.R. 1340 recognizes this fact. It contains a cushion—some breathing room for unanticipated fluctuations that we know all too well can occur so we won't have to revisit the issue of providing more resources. This bill requires that in order to use any funds in excess of $10 billion, the Treasury must certify to Congress that these funds are necessary. We are providing enough funds to get the job done. It makes sure that unneeded funds are not used. At the same time, it ensures as best possible that, we do not have to repeat this painful process. I urge a "yes" vote on H.R. 1340.

Mr. NEAL of North Carolina. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON]. He is not a member of the committee, but he has worked extremely hard on this issue, and we appreciate his efforts.

Mr. RICHARDSON. Mr. Chairman, today, I rise in support of H.R. 1340, the Resolution Trust Corporation Completion Act. H.R. 1340 will allow the RTC to finally close the remaining insolvent S&L institutions thereby honoring the Federal Government's insurance commitment to protect depositors in these institutions. Without the funds included in H.R. 1340, the RTC will have no choice but to keep insolvent S&Ls open, allowing them to be a heavier burden on taxpayers.

In 1991, Congress passed legislation appropriating $25 billion for the RTC to handle the large number of failed thrifts, but provided that no funds could be committed after April 1, 1992. When the deadline passed, only $6.7 billion had been spent. The lack of loss funds prevented the RTC from shutting down failed thrifts and paying off depositors. H.R. 1340 simply repeals the expiration date for the authority of the RTC to use $18.3 billion of previously appropriated funds to resolve institutions in default. The bill does not provide for the appropriation of any new funds to the RTC and the funds will be used solely for the benefit of protecting insured depositors or for the administrative expenses of the RTC. Funds will not be for the benefit of S&L shareholders in any manner. The bill also prohibits the sale of assets to persons who have been involved with defaulted loans or embezzlement of financial institutions obligations. Furthermore, the bill cuts the current authorization to cover future losses incurred by the insurance fund.

In order to receive funds, the RTC must implement serious fiscal and management reforms. These reforms include enhancing opportunities for minority and women-owned businesses to contract with the RTC, appointing a chief financial officer to handle financial affairs, limiting RTC employee bonuses, and ensuring qualified companies provide goods and services at a reasonable price. It will also require the RTC to strengthen internal controls against waste, fraud, and abuse and require the RTC to develop a comprehensive business plan. Furthermore, it assists low income persons in high-cost areas with participating in the affordable housing program, gives homeless families preference in obtaining homes, and gives tenants the right of first refusal to buy homes they are renting.

H.R. 1340 would also extend the statute of limitations which would allow depositors to be justly compensated for the gross negligence and intentional misconduct resulting from the unjust enrichment to the thrift institution. The new time limit balances the need to obtain the maximum recovery from S&L crooks with the need to preserve due process safeguards.

Shifting the burden on our remaining healthy S&L's will hurt the ability of banks and S&L's to attract the deposits they use to make loans and will jeopardize the health of remaining institutions. H.R. 1340 does not bail out incompetent and crooked S&L managers and shareholders, but serves to protect depositors and help the recovery. This legislation is essential to the safety and stability of our financial system, and providing funding now will avoid further costly delays which harm the American taxpayer. Finally, failure to provide timely funding for the RTC can only undermine confidence that the Government will honor its promises. I strongly lend my support to H.R. 1340 and urge my colleagues to do the same.

□ 1310

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama [Mr. BACHUS], a member of the committee.

Mr. BACHUS of Alabama. I thank the gentleman for yielding this time to me.

Mr. Chairman, we have talked about courage this morning. Well, I say let us have the courage to give this sorry piece of legislation a swift death. Mr. NEAL of North Carolina gave us a list of things that this bill contains. But something is in this bill that he did not tell you about, something that was not on that list.

Let me tell you what it is: It is excessive, very excessive salaries for RTC employees.

Now, 599 out of 600 Federal employees are paid at one rate, but under this bill, in this schedule the other one-half of 1 percent of Federal employees are paid at a much higher rate.

How high? How excessive are these salaries?

Someone said, "Hold onto your hat." Well, hold onto your hat and listen to this: How cost effective is this bill? A secretary at RTC makes $29,500 starting out. Other Federal employees, $22,000. Is this excessive?

And $66,000 for a special assistant at all other Government posts. RTC, $86,000. $20,000 difference.

General counsel, $115,000 at most Federal agencies. But RTC, under this bill, $154,000. That is $40,000. That is twice what the average citizen in my district makes in a year.

I will tell you, Mr. BARRETT of Wisconsin was right; my amendment and his amendment cut out these bonuses that these employees are paid at these high salaries that they were giving out like candy at Halloween. But it did not cut this out.

I close by saying this: The gentleman from South Carolina [Mr. DERRICK] talked about castor oil, and also, "Let us get the job done."

Well, this is very expensive castor oil in this bill. Let us save the $7 billion that the gentleman from Texas [Mr. JOHNSON] and I have talked about.

Now, the gentleman from Minnesota [Mr. VENTO] talked about doublespeak; the gentleman from Texas [Mr. GONZALEZ] talked about small change.

Well, I say, as Everett Dirksen said, "A billion dollars here and a billion dollars there, pretty soon it adds up to real money," money paid for by the American people for these excessive salaries.

Mr. NEAL of North Carolina. Mr. Chairman, I yield 2 minutes to a senior member of the Committee on Banking, Finance and Urban Affairs, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I thank the gentleman for yielding this time to me.

Mr. Chairman, preliminarily on the question of the employees, people should understand that if employees did not have some other Federal job when they went over to the RTC, it is a temporary job. They are not comparable, in that these are not like other Federal jobs, lifetime tenure jobs. The RTC is a temporary agency. In a couple of years, most of the people whose salaries are being described, if they did not have a prior Federal job, would have zero salary because when the RTC goes out of existence, they are out of a job.

I want to talk particularly about one aspect of this, and I do have to say this is a very especially tough piece of work, and I am very pleased to express congratulations to the gentlemen from Texas, North Carolina, Iowa, New Jersey, because this has had a lot of good work on it.

One piece that I want to talk about is the improvements to the affordable housing piece. We have talked here a lot about increasing home ownership. In the RTC program, and amendments to this, to both of the RTC and the FDIC, we do more to advance the goal of helping lower income people become owners than any other single piece of legislation that has come before us because we take homes that are vacant, that the Federal Government acquired through this process, and we well them to low-income people who can meet the criteria so that they can become homeowners.

There was an unhappy necessity to pay off depositors. The great bulk of this money goes to the depositors.

One of the things we decided, however, was—out of this fiscal wreckage—was to try to help some other people. One of the important things that this bill does is to improve the low-income housing section. It will provide us the most efficient per unit housing program for multifamily housing, and it will, as a result of our passing this today, help with a program that will have put more low-income people into home ownership than anything the Federal Government has ever done.

Finally, people have talked about whether or not some States should pay for it, or others. I would assume those who advocate the principle of each State paying for its own have a retroactive amendment to the flood relief, because I did not have any floods, but I did not—in Massachusetts—begrudge paying for the floods that were a national problem.

If people are ready to say that this has got to be done on a State-by-State basis, let us see that on flood relief as well.

The CHAIRMAN. The Chair would like to advise the managers that the gentleman from Florida [Mr. McCOLLUM] has 3½ minutes remaining, and the gentleman from North Carolina [Mr. NEAL] has 2½ minutes remaining.

The gentleman from North Carolina [Mr. NEAL] is entitled to close debate.

Mr. McCOLLUM. If I might inquire at this time, I only have myself as the closing speaker left. If the gentleman has only one left, that is fine.

Mr. NEAL of North Carolina. Mr. Chairman, we are expecting another speaker or two, but they are not here. If they do not show up quickly, we will be prepared to close.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of my time or as much as I may consume.

Mr. Chairman, I think there are a number of things that need to be clarified here in this debate today that I have heard that are misleading. I do not want to accuse anybody of trying to do that, but I think factually they are. One of them is the position of Mr. Seidman, who is the very distinguished former head of the Federal Deposit Insurance Corporation, and his letter that Mr. ROTH quoted from. It has been quoted and misquoted several times.

The bottom line is that while he did use the word "likely," he said, "likely may be needed" in the future, that we have money. But I have talked to him many times, and I know the emphasis that Mr. Seidman has is on the "may be needed," hedging himself in the letter. But the bottom line is that he feels very strongly that it is improbable that we will need it. Indeed, the amount of money that is already on reserve and that could be borrowed certainly can take care of whatever the needs of the RTC are, which is really the bottom line. We do not need to have any new funding for the RTC. It has $7 billion in cash. As Mr. JOHNSON pointed out in his statement, it can borrow; its line of credit, if it needs it, goes up to an additional $5 billion. That is 12 right there. GAO says they only need $11.9 billion, which is right at that $12 billion. They have plenty of assets out there that are appreciating in value. In fact, it was Mr. Seidman who pointed out to us the fact that we have saved $15 billion to $20 billion in the last year just by not giving them any more money, because they then did not close institutions they otherwise would have closed, institutions that, because the economy has improved, because the value of the real estate assets have increased in Texas and other States which have been affected primarily by this situation, that they now have these additional assets. They are going to wind up paying us money back when this is all done.

We should not be out here spending more money. Somebody said there were not any new funds involved in this. I take issue with that; there are new funds.

This $18.3 billion is new money. The authorization that included that figure back last year expired, it disappeared as of April 1, 1992. It is not on the books. If you are going to appropriate, which this bill does, not just authorize but appropriate, $18.3 billion more for the RTC right now, you are, make no mistake about it, you are deficit financing by $18.3 billion, adding to the deficit.

Does anybody who is not opposing this bill, or anybody who does oppose it—as somebody says—lack political courage? I think that is nonsense. As the gentleman from Alabama said, the courage is to stand up and say, "Enough is enough," in this case. The RTC has done a horrible job in most of its administration. The public is angry about it. It is an unfortunate chapter in our history.

All of us want to do the right thing. Lots of institutions have been closed that never should have been closed. Other people have been having their properties seized and actions taken that really should not have been done in the process.

Now, I cannot go back and rectify all of this, but if they do not need the additional money—which they do not need—why in the world are we going to give it to them when we have such a huge debt already, approaching the $4 trillion mark, at this point, I guess going over $5 trillion in the next 3 or 4 years? Why are we going to add billions of dollars more by giving to this organization?

Then, on top of that, despite all of what you are going to hear in the next few minutes on an amendment that is being proposed—by the way, which is not a leadership amendment; our leadership has never had anything to do with it. There is a quota system being mandated in here. I do not remember we ever legislated an actual quota system for contracting in this Congress. We put language in encouraging people to contract, but not actually setting it out and saying it has to be this much and this much and this much to minorities, to women, et cetera. That is what is in the bill the way it reads now, no matter what the language is they are fooling around with, because they have left it in the bill, they did not take it out of this amendment that is coming up.

□ 1320

The bill is basically a bad bill. It is flawed. It should be defeated.

I think my colleagues would do well to get on with the business of voting the RTC authorization bill down and let them go finish the job with the money they already have. They have plenty of it to do the job. They do not need one red cent more.

Mr. Chairman, I urge a no vote on this bill.

Mr. NEAL of North Carolina. Mr. Chairman, I yield myself the balance of the 2½ minutes.

It does seem that the opposition is placing their reliance in opposition to this bill almost entirely on this one opinion by Mr. Siedman. Now, Mr. Siedman is a fine gentleman, no question about that; but this is what the GAO had to say about his approach:

It could provide a perverse incentive for the RTC to dump assets regardless of price and could cost the taxpayer more.

The most fiscally responsible way to deal with this problem is to pass this bill. Every day that goes by that we do not pass this bill, that we do not give the RTC the money it needs to close down these insolvent institutions costs American taxpayers $300 million—$300 million a day the taxpayers are being charged because we have not passed this legislation.

Now, my colleagues, for almost 60 years we have promised the American people who placed their deposits in America's financial institutions that they would be safe.

It is inconceivable that we would try to go back on our word.

Ultimately if we do not pass legislation like this, that is what will happen. Mr. Siedman says one thing, but no one else agrees with him; the GAO, CBO, FDIC, the Bush administration, this administration, all say that does not make sense. That is just wishful thinking, that we have to have the money that is in this bill.

So not only would it be unconscionable for us to go back on promises made to the depositors, but we are also told by experts that that could lead to financial panic. If the people of this country actually believed that we were going to do that, they would start pulling their money out of banks and savings and loans so fast you could not count it, and you would see runs on banks. We cannot risk something like that.

The most fiscally responsible way to deal with these promises we have made is this bill, and I urge my colleagues to get this problem behind us, It is the most efficient way. It is the fair way.

I believe I can say to you that if we pass this bill, we will not have to authorize anymore money for these institutions.

So help us pass this bill, get this behind us. Fulfill and keep the promises that we have made to the American people.

Mr. FISH. Mr. Speaker, in addition to my other objections to H.R. 1340, I want also to point out what a risk it poses in the area of SAIF funding specifically at section 8(b). The manner of release of funds under this provision would be destabilizing for the industry as well as debilitating for the FDIC and our communities.

This bill would require the FDIC to increase the thrift industry's premiums to a level where many SAIF members might well be pushed to insolvency, before appropriate funds could be used. Basically, a scenario in which productive institutions are turned into failures. Consequently, SAIF premiums would be sharply increased above and beyond what bank insurance fund members pay * * * protecting the taxpayers? Hardly, just more risk for the taxpayers and terrible odds for institutions that although healthy are struggling.

Mr. REED. Mr. Chairman, I rise today in support of H.R. 1340. This legislation will provide strong and decisive action by the Congress to provide the needed resources to the RTC and the Savings Association Insurance Fund (SAIF) to end the cleanup of the failed institutions without unnecessary additional cost to taxpayers.

My decision to support funding for the RTC was not an easy one to make. I have expressed serious concerns in the past regarding the operation of the RTC and its use of taxpayer dollars. However, based on current circumstances and the provisions included in H.R. 1340, I have concluded that my support of RTC funding at this time is the right thing to do.

The most compelling fact at this juncture is that H.R. 1340 is the least-cost method to finally complete this resolution. Eighty-five institutions with approximately $53.2 billion in depositor accounts remain in conservatorship. Every day that resolution funding is delayed, it costs the American taxpayer $3 million and clouds our economic outlook.

H.R. 1340 also imposes management reforms on the RTC to ensure responsible use of taxpayer dollars. The reforms are designed to ensure that the maximum price is received from the sale of assets from failed thrifts, and the least-cost method is used for holding assets in conservatorship or receivership before bringing them to market.

All Americans have a stake in H.R. 1340. What began as a regional problem in the Southwest has now spread throughout the country and has reached New England. Indeed, this problem has lingered for so long that a major Rhode island institution is currently in conservatorship by the RTC. The longer his institution remains in conservatorship, the more difficult it will be to preserve its franchise value and the jobs of its employees.

The intent of the legislation before us today is to protect the interests of depositors and taxpayers by honoring the Government's obligation to depositors under the Federal deposit insurance program. In Rhode Island, we have witnessed first hand what this commitment means to working men and women who put their trust in our deposit insurance system. With the help of banking Chairman HENRY B. GONZALEZ, the Federal Government provided Rhode Island with a Federal loan guarantee to assist the State as it worked to restore funds to depositors caught in its credit union crisis. H.R. 1340 reaffirms the Government's commitment to fulfill its promise to protect insured deposits.

The S&L cleanup has been a lengthy and painful process. Now the end is in sight for what has been a spiraling appropriation. Let us finally put this behind us by supporting H.R. 1340.

Mr. CASTLE. Mr. Chairman, I want to express my opposition to H.R. 1340, the Resolution Trust Corporation Completion Act. I cannot vote to appropriate an additional $18.3 billion of the taxpayers' money for the savings and loan cleanup when there is no firm estimate on the amount that will actually be needed to resolve failed thrift institutions. This would add an additional $18 billion to the Federal deficit when it is possible that the RTC may only need as little as $7 billion to complete the job. The RTC currently has $10.1 billion in existing cash reserves.

In addition, I cannot ask the residents of Delaware to pay for the failure of a small number of other States to adequately regulate their own State-chartered savings and loan associations. Eight States account for nearly all the losses from the failure of State-chartered thrifts—$47.5 billion. The RTC's own data shows that these States account for at least 56 percent of the Nation's total losses from savings and loan failures. These State governments should be held accountable for the huge losses of their State regulated institutions.

I am also troubled by the fact that Members were not permitted to offer amendments to this legislation when it was brought to the floor. The Members of this body should have an opportunity to vote on how much funding should be authorized for the RTC. However, the Rules Committee would not permit an amendment to reduce the funding from $18.3 to $11.9 billion. The figure the General Accounting Office has said is a more realistic target to complete the work of the RTC.

Mr. Chairman, this is a difficult vote for every Member of Congress. On the one hand, we want to put the savings and loan debacle behind us and complete the Federal Government's commitment to protect the insured deposits of our constituents. However, this legislation does not adequately address serious questions about what level of funding is needed to complete this task. I am not convinced that the case has been made to spend $18 billion for the work of the RTC. I cannot support this legislation.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendments printed in part 1 of House Report 103-237, is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 1340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resolution Trust Corporation Completion Act".

SEC. 2. FINAL FUNDING FOR RTC.

Section 21A(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(i)) is amended—

(1) in paragraph (3), by striking "until April 1, 1992"; and

(2) by adding at the end the following new paragraphs:

"(4) CONDITIONS ON AVAILABILITY OF FINAL FUNDING IN EXCESS OF $10,000,000,000.—

"(A) CERTIFICATION REQUIRED.—Of the funds appropriated under paragraph (3) which are provided after April 1, 1993, any amount in excess of $10,000,000,000 shall not be available to the Corporation before the date on which the Secretary of the Treasury certifies to the Congress that, since the date of the enactment of the Resolution Trust Corporation Completion Act, the Corporation has taken such action as may be necessary to comply with the requirements of subsection (w) or that, as of the date of the certification, the Corporation is continuing to make adequate progress toward full compliance with such requirements.

"(B) APPEARANCE UPON REQUEST.—The Secretary of the Treasury shall appear before the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, upon the request of the chairman of the respective committee, to report on any certification made to the Congress under subparagraph (A).

"(5) RETURN TO TREASURY.—If the aggregate amount of funds transferred to the Corporation pursuant to this subsection exceeds the amount needed to carry out the purposes of this section or to meet the requirements of section 11(a)(6)(F) of the Federal Deposit Insurance Act, such excess amount shall be deposited in the general fund of the Treasury.

"(6) FUNDS ONLY FOR DEPOSITORS.—Notwithstanding any other provision of law other than section 13(c)(4)(G) of the Federal Deposit Insurance Act, funds appropriated under this section shall—

"(A) be used only for the purposes of protecting insured depositors or the administrative expenses of the Corporation; and

"(B) not be used in any manner to benefit shareholders of an insured depository institution in connection with any type of resolution by the Corporation or the Federal Deposit Insurance Corporation of an insured depository institution for which the Corporation has been appointed conservator or receiver or any other insured depository institution in default (as defined in section 3(x)(1) of the Federal Deposit Insurance Act) under any provision of law, or the provision of assistance in any form under section 11, 12, or 13 of the Federal Deposit Insurance Act.".

SEC. 3. RTC MANAGEMENT REFORMS.

(a) IN GENERAL.—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(w) RTC MANAGEMENT REFORMS.—

"(1) COMPREHENSIVE BUSINESS PLAN.—The Corporation shall establish and maintain a comprehensive business plan covering the operations of the Corporation, including the disposition of assets, for the remainder of the Corporation's existence.

"(2) MARKETING REAL PROPERTY ON AN INDIVIDUAL BASIS.—The Corporation shall—

"(A) market all assets consisting of real property (other than assets transferred in connection with the transfer of substantially all of the assets of an insured depository institution for which the Corporation has been appointed conservator or receiver) on an individual basis, including sales by auction, for no fewer than 120 days before such assets may be made available for sale or other disposition on a portfolio basis or otherwise included in a multiasset sales initiative; and

"(B) prescribe regulations—

"(i) to require that the sale or other disposition of any asset consisting of real property on a portfolio basis or in connection with any multiasset sales initiative after the end of the 120-day period described in subparagraph (A) be justified in writing; and

"(ii) to carry out the requirement of subparagraph (A).

"(3) DISPOSITION OF REAL ESTATE RELATED ASSETS.—

"(A) PROCEDURES FOR DISPOSITION OF REAL-ESTATE RELATED ASSETS.—The Corporation shall not sell real property or nonperforming real estate loans which the Corporation has acquired as receiver or conservator, unless—

"(i) the Corporation has assigned responsibility for the management and disposition of such assets to a qualified person or entity to—

"(I) analyze each asset on an asset-by-asset basis and consider alternative disposition strategies for such asset;

"(II) develop a written management and disposition plan; and

"(III) implement that plan for a reasonable period of time; or

"(ii) the Corporation has made a determination in writing, that a bulk transaction would maximize net recovery to the Corporation, while providing opportunity for broad participation by qualified bidders, including minority- and women-owned businesses.

"(B) DEFINITIONS.—

"(i) IN GENERAL.—The Corporation may, by regulation, define any term in subparagraph (A) for purposes of such subparagraph.

"(ii) SPECIAL RULE.—In defining terms pursuant to clause (i) for purposes of subparagraph (A), the Corporation may define—

"(I) the term 'asset' so as to include properties or loans which are legally separate and distinct properties or loans, but which have sufficiently common characteristics such that they may be logically treated as a single asset; and

"(II) the term 'qualified person or entity' so as to include any employee of the Thrift Depositor Protection Oversight Board or any employee assigned to the Corporation under subsection (b)(8).

"(C) IMPLEMENTATION.—The Corporation may implement the requirements of this paragraph in such manner as the Corporation considers, in the Corporation's discretion, to be appropriate.

"(D) EXCEPTIONS.—This paragraph shall not apply to—

"(i) assets transferred in connection with the transfer of substantially all the assets of an insured depository institution for which the Corporation has been appointed conservator or receiver;

"(ii) nonperforming real estate loans with a book value equal to or less than $1,000,000;

"(iii) real property with a book value equal to or less than $200,000; or

"(iv) real property with a book value in excess of $200,000 or nonperforming real estate loans with a book value in excess of $1,000,000 for which the Corporation determines, in writing, that a disposition not in conformity with the requirements of subparagraph (A) will bring a greater return to the Corporation.

"(E) COORDINATION WITH PARAGRAPH (2).—No provision of this paragraph shall supersede the requirements of paragraph (2).

"(4) DIVISION OF MINORITIES AND WOMEN'S PROGRAMS.—

"(A) IN GENERAL.—The Corporation shall maintain a division of minorities and women's programs.

"(B) VICE PRESIDENT.—The head of the division shall be a vice president of the Corporation and a member of the executive committee of the Corporation.

"(5) CHIEF FINANCIAL OFFICER.—

"(A) IN GENERAL.—The chief executive officer of the Corporation shall appoint a chief financial officer for the Corporation.

"(B) AUTHORITY.—The chief financial officer of the Corporation shall—

"(i) have no operating responsibilities with respect to the Corporation other than as chief financial officer;

"(ii) report directly to the chief executive officer of the Corporation; and

"(iii) have such authority and duties of chief financial officers of agencies under section 902 of title 31, United States Code, as the Thrift Depositor Protection Oversight Board determines to be appropriate with respect to the Corporation.

"(6) BASIC ORDERING AGREEMENTS.—

"(A) REVISION OF PROCEDURES.—The Corporation shall revise the procedure for reviewing and qualifying applicants for eligibility for future contracts in a specified service area (commonly referred to as 'basic ordering agreements' or 'task ordering agreements') in such manner as may be necessary to ensure that small businesses, minorities, and women are not inadvertently excluded from eligibility for such contracts.

"(B) REVIEW OF LISTS.—The Corporation shall—

"(i) review all lists of contractors determined to be eligible for future contracts in a specified service area (commonly referred to as 'basic ordering agreements' or 'task ordering agreements') and other contracting mechanisms; and

"(ii) prescribe appropriate regulations and procedures,

to ensure the maximum participation level possible of minority- and women-owned businesses.

"(7) IMPROVEMENT OF CONTRACTING SYSTEMS AND CONTRACTOR OVERSIGHT.—The Corporation shall—

"(A) maintain such procedures and uniform standards for—

"(i) entering into contracts between the Corporation and private contractors; and

"(ii) overseeing the performance of contractors and subcontractors under such contracts and compliance by contractors and subcontractors with the terms of contracts and applicable regulations, orders, policies, and guidelines of the Corporation,

as may be appropriate for the Corporation's operations to be carried out in as efficient and economical a manner as may be practicable;

"(B) commit sufficient resources, including personnel, to contract oversight and the enforcement of all laws, regulations, orders, policies, and standards applicable to contracts with the Corporation; and

"(C) maintain uniform procurement guidelines for basic goods and administrative services to prevent the acquisition of such goods and services at widely different prices.

"(8) AUDIT COMMITTEE.—

"(A) ESTABLISHMENT.—The Thrift Depositor Protection Oversight Board shall establish and maintain an audit committee.

"(B) DUTIES.—The audit committee shall have the following duties:

"(i) Monitor the internal controls of the Corporation.

"(ii) Monitor the audit findings and recommendations of the inspector general of the Corporation and the Comptroller General of the United States and the Corporation's response to the findings and recommendations.

"(iii) Maintain a close working relationship with the inspector general of the Corporation and the Comptroller General of the United States.

"(iv) Regularly report the findings and any recommendation of the audit committee to the Corporation and the Thrift Depositor Protection Oversight Board.

"(v) Monitor the financial operations of the Corporation and report any incipient problem identified by the audit committee to the Corporation and the Thrift Depositor Protection Oversight Board.

"(9) CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—The Corporation shall maintain procedures which provide for a prompt and determinative response to problems identified by auditors of the Corporation's financial and asset-disposition operations, including problems identified in audit reports by the inspector general of the Corporation, the Comptroller General of the United States, and the audit committee.

"(10) ASSISTANT GENERAL COUNSEL FOR PROFESSIONAL LIABILITY.—

"(A) APPOINTMENT.—The chief executive officer shall appoint, within the division of legal services of the Corporation, an assistant general counsel for professional liability.

"(B) DUTIES.—The assistant general counsel for professional liability appointed under subparagraph (A) shall—

"(i) direct the investigation, evaluation, and prosecution of all professional liability cases involving the Corporation; and

"(ii) supervise all legal, investigative, and other personnel and contractors involved in the litigation of such claims.

"(C) REPORTS TO THE CONGRESS.—The assistant general counsel for professional liability shall submit semiannual reports to the Congress not later than April 30 and October 31 of each year concerning the activities of the counsel under subparagraph (B).

"(11) MANAGEMENT INFORMATION SYSTEM.—The Corporation shall maintain an effective management information system capable of providing complete and current information to the extent the provision of such information is appropriate and cost-effective.

"(12) INTERNAL CONTROLS AGAINST FRAUD, WASTE, AND ABUSE.—The Corporation shall maintain effective internal controls designed to prevent fraud, waste, and abuse, identify any such activity should it occur, and promptly correct any such activity.

"(13) FAILURE TO APPOINT CERTAIN OFFICERS OF THE CORPORATION.—The failure to fill any position established under this section or any vacancy in any such position, shall be treated as a failure to comply with the requirements of this subsection for purposes of subsection (i)(4).

"(14) REPORTS.—

"(A) DETAILED DISCLOSURE OF EXPENDITURES.—The Corporation shall include in the annual report submitted pursuant to subsection (k)(4) a detailed itemization of the expenditures of the Corporation during the year for which funds provided pursuant to subsection (i)(3) were used.

"(B) PUBLIC DISCLOSURE OF SALARIES.—The Corporation shall include in the annual report submitted pursuant to subsection (k)(4) a disclosure of the salaries and other compensation paid during the year covered by the report to directors and senior executive officers at any depository institution for which the Corporation has been appointed conservator or receiver.

"(C) COMPREHENSIVE LITIGATION REPORT.—The Corporation shall develop and provide semiannually a comprehensive litigation report of all civil actions which—

"(i) are filed by the Corporation pursuant to section 11(k) of the Federal Deposit Insurance Act or any other provision of applicable law asserted by the Corporation as a basis for liability of—

"(I) directors or officers of depository institutions described in subsection (b)(3)(A); or

"(II) attorneys, accountants, appraisers, or other licensed professionals who performed professional services for such depository institutions; and

"(ii) have been filed before January 1, 1993, and remain open, or are initiated, on or after January 1, 1993.

"(15) MINORITY- AND WOMEN-OWNED BUSINESSES CONTRACT PARITY GUIDELINES.—The Corporation shall establish guidelines for achieving a reasonably even distribution of contracts awarded to the various subgroups of the class of minority- and women-owned businesses whose total number of registered contractors comprise not less than five percent of all minority- or women-owned registered contractors.

"(16) CONDITIONS ON DISCRETIONARY WAIVERS OF CONFLICTS OF INTEREST.—The Corporation may not grant any waiver from the requirements of any regulations prescribed by the Corporation relating to conflicts of interest to any minority or nonminority contractor who is otherwise eligible (under such regulations) for such waiver unless the contractor is under subcontract with a minority- or women-owned business, or is part of a joint venture described in subsection (r)(2), for the performance of a portion of the contractor's obligation under the contract.

"(17) CONTRACT SANCTIONS FOR FAILURE TO COMPLY WITH SUBCONTRACT AND JOINT VENTURE REQUIREMENTS.—The Corporation shall prescribe regulations which provide sanctions, including contract penalties and suspensions, for violations by contractors of requirements relating to subcontractors and joint ventures.

"(18) MINORITY PRIORITY IN ACQUISITION OF INSTITUTIONS IN PREDOMINANTLY MINORITY NEIGHBORHOODS.—

"(A) IN GENERAL.—In considering offers to acquire any insured depository institution, or any branch of an insured depository institution, located in a predominantly minority neighborhood (as defined in regulations prescribed under subsection(s)), the Corporation shall give a first priority to an offer from any minority individual, minority-owned business, or a minority depository institution.

"(B) COORDINATION WITH SUBSECTION (u).—Any offer from any minority individual, minority-owned business, or a minority depository institution to acquire any depository institution or branch described in subparagraph (A) shall be eligible for capital assistance under the minority interim capital assistance program established under subsection (u)(1).

"(C) PERFORMING ASSETS.—In the case of an acquisition of any depository institution or branch described in subparagraph (A) by any minority individual, minority-owned business, or a minority depository institution, the Corporation may provide, in connection with such acquisition and in addition to performing assets of the depository institution or branch, other performing assets under the control of the Corporation in an amount (as determined on the basis of the Corporation's estimate of the fair market value of the assets) not greater than the amount of net liabilities carried on the books of the institution or branch, including deposits, which are assumed in connection with the acquisition.

"(D) FIRST PRIORITY FOR DISPOSITION OF ASSETS.—In the case of an acquisition of any depository institution or branch described in subparagraph (A) by any minority individual, minority-owned business, or a minority depository institution, the disposition of the performing assets of the depository institution or branch to such individual, business, or minority depository institution shall have a first priority over the disposition by the Corporation of such assets for any other purpose.

"(E) APPLICABILITY OF LEAST-COST TEST.—

"(i) IN GENERAL.—Section 13(c)(4)(A) of the Federal Deposit Insurance Act shall not apply with respect to any action by the Corporation under this paragraph.

"(ii) DUTY OF CORPORATION TO CONDUCT TRANSACTIONS IN LEAST-COSTLY MANNER.—The Corporation shall take such action as may be appropriate to ensure that any transaction under this paragraph is carried out at the least possible cost to the Corporation as may be practicable.

"(F) DEFINITIONS.—For purposes of this paragraph—

"(i) ACQUIRE.—The term 'acquire' has the meaning given to such term in section 13(f)(8)(B) of the Federal Deposit Insurance Act.

"(ii) MINORITY.—The term 'minority' has the meaning given to such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

"(iii) MINORITY DEPOSITORY INSTITUTION.—The term 'minority depository institution' has the meaning given to such term in subsection (s)(2).

"(iv) MINORITY-OWNED BUSINESS.—The term 'minority-owned business' has the meaning given to such term in subsection (r)(4).

"(19) SUBCONTRACTS WITH MINORITY- AND WOMEN-OWNED BUSINESSES.—

"(A) IN GENERAL.—The Corporation may not enter into any contract for the provision of services to the Corporation, including legal services, under which the contractor would receive fees or other compensation or remuneration in an amount equal to or greater than $500,000 unless the Corporation requires the contractor to subcontract with any minority- or women-owned business, including any law firm, and to pay fees or other compensation or remuneration to such business in an amount commensurate with the percentage of services provided by the business.

"(B) LIMITED WAIVER AUTHORITY.—

"(i) IN GENERAL.—The Corporation may grant a waiver from the application of this paragraph to any contractor with respect to a contract described in subparagraph (A) if the contractor certifies to the Corporation that the contractor has determined that no eligible minority- or women-owned business is available to enter into a subcontract (with respect to such contract) and provides an explanation of the basis for such determination.

"(ii) WAIVER PROCEDURES.—Any determination to grant a waiver under clause (i) shall be made in writing by the chief executive officer of the Corporation.

"(C) REPORT.—Each quarterly report submitted by the Corporation pursuant to subsection (k)(7) shall contain a description of each waiver granted under subparagraph (B) during the quarter covered by the report.

"(D) DEFINITIONS.—For the purposes of this paragraph—

"(i) MINORITY.—The term 'minority' has the meaning given to such term by section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

"(ii) MINORITY- AND WOMEN-OWNED BUSINESS.—The terms 'minority-owned business' and 'women-owned business' have the meaning given to such terms in subsection (r)(4).".

(b) BORROWER APPEALS.—Section 21A(b)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(4)) is amended by adding at the end the following new subparagraph:

"(C) APPEALS.—The Corporation shall implement and maintain a program, in a manner acceptable to the Thrift Depositor Protection Oversight Board, to provide an appeals process for business and commercial borrowers to appeal decisions by the Corporation (when acting as a conservator) which would have the effect of terminating or otherwise adversely affecting credit or loan agreements, lines of credit, and similar arrangements with such borrowers who have not defaulted on their obligations.".

(c) GAO STUDY OF PROGRESS OF IMPLEMENTATION OF REFORMS.—

(1) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of the manner in which the reforms required pursuant to the amendment made by subsection (a) are being implemented by the Resolution Trust Corporation and the progress being made by the Corporation toward the achievement of full compliance with such requirements.

(2) INTERIM REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit an interim report to the Congress containing the preliminary findings of the Comptroller General in connection with the study required under paragraph (1).

(3) FINAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress containing—

(A) the findings of the Comptroller General in connection with the study required under paragraph (1); and

(B) such recommendations for legislative and administrative action as the Comptroller General may determine to be appropriate.

(4) DISCLOSURE OF PERFORMING ASSET TRANSFERS.—

(A) REPORT REQUIRED.—The Comptroller General of the United States shall submit an annual report to the Congress on transfers of performing assets by the Corporation to any acquirer during the year covered by the report.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall contain—

(i) the number and a detailed description of asset transfers during the year covered by the report;

(ii) the number of assets provided in connection with each transaction during such year; and

(iii) the fair market value, as determined by the Comptroller General, of each transferred asset at the time of transfer.

SEC. 4 EXTENSION OF STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by adding at the end the following new paragraph:

"(14) EXTENSION OF STATUTE OF LIMITATIONS.—

"(A) TORT ACTIONS FOR WHICH THE PRIOR LIMITATION HAS RUN.—

"(i) IN GENERAL.—In the case of any tort claim—

"(I) which is described in clause (ii); and

"(II) for which the applicable statute of limitations under section 11(d)(14)(A)(ii) of the Federal Deposit Insurance Act has expired before the date of the enactment of the Resolution Trust Corporation Completion Act,

the statute of limitations which shall apply to an action brought on such claim by the Corporation in the Corporation's capacity as conservator or receiver of an institution described in paragraph (3)(A) shall be the period determined under subparagraph (C).

"(ii) CLAIMS DESCRIBED.—A tort claim referred to in clause (i)(I) with respect to an institution described in paragraph (3)(A) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the institution.

"(B) TORT ACTIONS FOR WHICH THE PRIOR LIMITATION HAS NOT RUN.—

"(i) IN GENERAL.—Notwithstanding section 11(d)(14)(A) of the Federal Deposit Insurance Act, in the case of any tort claim—

"(I) which is described in clause (ii); and

"(II) for which the applicable statute of limitations under section 11(d)(14)(A)(ii) of the Federal Deposit Insurance Act has not expired as of the date of the enactment of the Resolution Trust Corporation Completion Act,

the statute of limitations which shall apply to an action brought on such claim by the Corporation in the Corporation's capacity as conservator or receiver of an institution described in paragraph (3)(A) shall be the period determined under subparagraph (C).

"(ii) CLAIMS DESCRIBED.—A tort claim referred to in clause (i)(I) with respect to an institution described in paragraph (3)(A) is a claim arising from gross negligence or conduct that demonstrates a greater disregard of a duty of care than gross negligence, including intentional tortious conduct relating to the institution.

"(C) DETERMINATION OF PERIOD.—The period determined under this subparagraph for any claim to which subparagraph (A) or (B) applies shall be the longer of—

"(i) the 5-year period beginning on the date the claim accrues (as determined pursuant to section 11(d)(14)(B) of the Federal Deposit Insurance Act); or

"(ii) the period applicable under State law for such claim.

"(D) SCOPE OF APPLICATION.—Subparagraphs (A) and (B) shall not apply to any action which is brought after the date of the termination of the Resolution Trust Corporation under subsection (m)(1).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(d)(14)(A)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(14)(A)(ii)) is amended by inserting "(other than a claim which is subject to section 21A(b)(14) of the Federal Home Loan Bank Act)" after "any tort claim".

SEC. 5. LIMITATION ON BONUSES AND COMPENSATION PAID BY THE RTC AND THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) IN GENERAL.—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding after subsection (w) (as added by section 3(a) of this Act) the following new subsections:

"(x) PERFORMANCE-BASED CASH AWARDS.—

"(1) ESTABLISHMENT OF PERFORMANCE APPRAISAL SYSTEM REQUIRED.—The Corporation shall be treated as an agency for purposes of sections 4302 and 4304 of title 5, United States Code.

"(2) PROCEDURES FOR PAYMENT OF PERFORMANCE-BASED CASH AWARDS.—

"(A) IN GENERAL.—Section 4505a of title 5, United States Code, shall apply with respect to the Corporation.

"(B) LIMITATION ON AMOUNT OF CASH AWARDS.—For purposes of determining the amount of any performance-based cash award payable to any employee of the Corporation, under section 4505a of title 5, United States Code, the amount of basic pay of the employee which may be taken into account under such section shall not exceed the amount which is equal to the annual rate of basic pay payable for level I of the Executive Schedule.

"(3) ALL OTHER BONUSES PROHIBITED.—Except as provided in paragraph (2), no bonus or other cash payment based on performance may be made to any employee of the Corporation.

"(4) EMPLOYEE DEFINED.—For purposes of this subsection, subsection (y), and sections 4302 and 4505a of title 5, United States Code (as applicable with respect to this subsection), the term 'employee' includes any officer or employee assigned to the Corporation under subsection (b)(8) and any officer or employee of the Thrift Depositor Protection Oversight Board.

"(y) LIMITATIONS ON EXCESSIVE COMPENSATION.—

"(1) COMPENSATION.—Notwithstanding any other provision of this section, no employee (as defined in subsection (x)) may receive a total amount of allowances, benefits, basic pay, and other compensation, including bonuses and other awards, in excess of the total amount of allowances, benefits, basic pay, and other compensation, including bonuses and other awards, which are provided to the chief executive officer of the Corporation.

"(2) NO REDUCTION IN RATE OF PAY.—Notwithstanding paragraph (1), the annual rate of basic pay and benefits, including any regional pay differential, payable to any employee who was an employee as of the date of the enactment of the Resolution Trust Corporation Completion Act for any year ending after such date of enactment shall not be reduced, by reason of paragraph (1), below the annual rate of basic pay and benefits, including any regional pay differential, paid to such employee, by reason of such employment, as of such date.

"(3) EMPLOYEES SERVING IN ACTING OR TEMPORARY CAPACITY.—Notwithstanding paragraph (1), in the case of any employee who, as of the date of the enactment of the Resolution Trust Corporation Completion Act, is serving in an acting capacity or is otherwise temporarily employed at a higher grade than such employee's regular grade or position of employment—

"(A) the annual rate of basic pay and benefits, including any regional pay differential, payable to such employee in such capacity or at such higher grade shall not be reduced by reason of paragraph (1) so long as such employee continues to serve in such capacity or at such higher grade; and

"(B) after such employee ceases to serve in such capacity or at such higher grade, paragraph (2) shall be applied with respect to such employee by taking into account only the annual rate of basic pay and benefits, including any regional pay differential, payable to such employee in such employee's regular grade or position of employment.

"(4) ALLOWANCES DEFINED.—For purposes of paragraph (1), the term 'allowances' does not include any allowance for travel and subsistence expenses incurred by an employee while away from home or designated post of duty on official business.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—

(1) Section 5314 of title 5, United States Code, is amended by striking the item added to such section by section 315(c) of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991.

(2) Section 21A(a)(6) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(6)) is amended by adding at the end the following new subparagraph:

"(K) To establish the rate of basic pay, benefits, and other compensation for the chief executive officer of the Corporation.".

SEC. 6. FDIC—RTC TRANSITION TASK FORCE.

(a) ESTABLISHMENT REQUIRED.—The Federal Deposit Insurance Corporation and the Resolution Trust Corporation shall establish an interagency transition task force for the purpose of facilitating the transfer, in accordance with section 21A of the Federal Home Loan Bank Act, of the operations and personnel of the Resolution Trust Corporation to the Federal Deposit Insurance Corporation or the FSLIC Resolution Fund, as the case may be, in a coordinated manner which best preserves and utilizes the operational systems and personnel teams of the Resolution Trust Corporation which have successfully performed management, conservatorship, receivership, or asset-disposition functions.

(b) MEMBERS.—

(1) IN GENERAL.—The transition task force shall consist of such number of officers and employees of the Federal Deposit Insurance Corporation and the Resolution Trust Corporation as the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the chief executive officer of the Resolution Trust Corporation may jointly determine to be appropriate.

(2) APPOINTMENT.—The Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the chief executive officer of the Resolution Trust Corporation shall appoint the members of the transition task force.

(3) NO ADDITIONAL PAY.—Members of the transition task force shall receive no additional pay, allowances, or benefits by reason of their service on the task force.

(c) DUTIES.—The transition task force shall have the following duties:

(1) Examine the operations of the Federal Deposit Insurance Corporation and the Resolution Trust Corporation to identify differences in the operations of the 2 corporations which should be resolved to facilitate an orderly merger of such operations.

(2) Evaluate the differences in the operational systems of the Federal Deposit Insurance Corporation and the Resolution Trust Corporation.

(3) Recommend which of the operational systems of the Resolution Trust Corporation should be preserved for use by the Federal Deposit Insurance Corporation.

(4) Recommend procedures to be followed by the Federal Deposit Insurance Corporation and the Resolution Trust Corporation in connection with the transition which will promote—

(A) coordination between the 2 corporations before the termination of the Resolution Trust Corporation; and

(B) an orderly transfer of assets, personnel, and operations.

(5) Evaluate the management enhancement goals applicable to the Resolution Trust Corporation under section 21A(p) of the Federal Home Loan Bank Act and recommend which of such goals should apply to the Federal Deposit Insurance Corporation.

(6) Evaluate the management reforms applicable to the Resolution Trust Corporation under section 21A(w) of the Federal Home Loan Bank Act and recommend which of such reforms should apply to the Federal Deposit Insurance Corporation.

(d) REPORTS TO BANKING COMMITTEES.—

(1) REPORTS REQUIRED.—The transition task force shall submit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representative and the Committee on Banking, Housing, and Urban Affairs of the Senate no later than January 1, 1995, and a 2d report no later than July 1, 1995, on the progress made by the transition task force in meeting the requirements of this section.

(2) CONTENTS OF REPORT.—The reports required to be submitted under paragraph (1) shall contain the findings and recommendations made by the transition task force in carrying out the duties of the task force under subsection (c) and such recommendations for legislative and administrative action as the task force may determine to be appropriate.

(e) FOLLOWUP REPORT BY FDIC.—Not later than January 1, 1996, the Federal Deposit Insurance Corporation shall submit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representative and the Committee on Banking, Housing, and Urban Affairs of the Senate containing—

(1) a description of the recommendations of the transition task force which have been adopted by the Corporation;

(2) a description of the recommendations of the transition task force which have not been adopted by the Corporation;

(3) a detailed explanation of the reasons why the Corporation did not adopt each recommendation described in paragraph (2); and

(4) a description of the actions taken by the Corporation to comply with section 21A(m)(3) of the Federal Home Loan Bank Act.

SEC. 7. AMENDMENTS RELATING TO THE TERMINATION OF THE RTC.

(a) AMENDMENT RELATING TO TRANSFER OF PERSONNEL AND SYSTEMS.—Section 21A(m) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(m)) is amended by adding at the end the following new paragraph:

"(3) TRANSFER OF PERSONNEL AND SYSTEMS.—In connection with the assumption by the Federal Deposit Insurance Corporation of conservatorship and receivership functions with respect to institutions described in subsection (b)(3)(A) and the termination of the Corporation pursuant to paragraph (1)—

"(A) any management, resolution, or asset-disposition system of the Corporation which the Secretary of the Treasury determines, after considering the recommendations of the interagency transfer task force under section 5(c)(3) of the Resolution Trust Corporation Completion Act, has been of positive benefit to the operations of the Corporation (including any personal property of the Corporation which is used in operating any such system) shall, notwithstanding paragraph (2), be transferred to and used by the Federal Deposit Insurance Corporation in a manner which preserves the integrity of the system for so long as such system is efficient and cost-effective; and

"(B) any personnel of the Corporation involved with any such system who are otherwise eligible to be transferred to the Federal Deposit Insurance Corporation shall be transferred to the Federal Deposit Insurance Corporation for continued employment, subject to section 404(9) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and other applicable provisions of this section, with respect to such system.".

(b) AMENDMENT RELATING TO DATE OF TERMINATION.—Section 21A(m)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(m)(1)) is amended by striking "December 31, 1996" and inserting "December 31, 1995".

SEC. 8. SAIF FUNDING AUTHORIZATION AMENDMENTS.

(a) AMENDMENT TO SAIF FUNDING PROVISION.—Section 11(a)(6)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(D)) is amended to read as follows:

"(D) TREASURY PAYMENTS TO FUND.—To the extent of the availability of amounts provided in appropriation Acts and subject to subparagraphs (E) and (G), the Secretary of the Treasury shall pay to the Savings Association Insurance Fund such amounts as may be needed to pay losses incurred by the Fund in fiscal years 1994 through 1998.".

(b) CERTIFICATION OF NEED FOR FUNDS AND OTHER CONDITIONS ON SAIF FUNDING.—Section 11(a)(6)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(E)) is amended to read as follows:

"(E) CERTIFICATION CONDITIONS ON AVAILABILITY OF FUNDING.—Notwithstanding subparagraph (J), no amount is authorized to be appropriated for payments by the Secretary of the Treasury in accordance with subparagraph (D) for any fiscal year unless the Chairperson of the Board of Directors certifies to the Congress, at any time before the beginning of or during such fiscal year, that—

"(i) such amount is needed to pay for losses which can reasonably be expected to be incurred by the Savings Association Insurance Fund during such year;

"(ii) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) during such year at the assessment rates which would be required in order to cover, from such additional assessments, losses incurred by the Fund during such year; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to cover such losses could reasonably be expected to result in greater losses to the Government (through an increase in the number of institutions in default);

"(iii) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) during such year at the assessment rates which would be required in order to meet the repayment schedule required under section 14(c) for any amount borrowed under section 14(a) to cover losses incurred by the Fund during such year; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to meet any such repayment schedule could reasonably be expected to result in greater losses to the Government (through an increase in the number of institutions in default);

"(iv) as of the date of certification, the Corporation has in effect procedures designed to ensure that the activities of the Savings Association Insurance Fund and the affairs of any Savings Association Insurance Fund member for which a conservator or receiver has been appointed are conducted in an efficient manner and the Corporation is in compliance with such procedures; and

"(v) with respect to the most recent audit of the Savings Association Insurance Fund by the Comptroller General of the United States before the date of the certification—

"(I) the Corporation has taken or is taking appropriate action to implement any recommendation made by the Comptroller General; or

"(II) no corrective action is necessary or appropriate as a result of such audit.".

(c) AVAILABILITY OF UNEXPENDED RTC FUNDING FOR SAIF.—Section 11(a)(6)(F) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(F)) is amended to read as follows:

"(F) AVAILABILITY OF RTC FUNDING.—At any time before the end of the 2-year period beginning on the date of the termination of the Resolution Trust Corporation, the Secretary of the Treasury shall provide, out of funds appropriated to the Resolution Trust Corporation pursuant to section 21A(i)(3) of the Federal Home Loan Bank Act and not expended by the Resolution Trust Corporation, to the Savings Association Insurance Fund for any year such amounts as are needed by the Fund and are not needed by the Resolution Trust Corporation if the Chairperson of the Board of Directors has certified to the Congress that—

"(i) such amounts are needed by the Savings Association Insurance Fund;

"(ii) any amount transferred shall be used only for losses incurred by the Fund;

"(iii) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) during such year at the assessment rates which would be required in order to cover, from such additional assessments, losses incurred by the Fund during such year; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to cover such losses could reasonably be expected to result in greater losses to the Government (through an increase in the number of institutions in default); and

"(iv) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) during such year at the assessment rates which would be required in order to meet the repayment schedule required under section 14(c) for any amount borrowed under section 14(a) to cover losses incurred by the Fund during such year; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to meet any such repayment schedule could reasonably be expected to result in greater losses to the Government (through an increase in the number of institutions in default).".

(d) APPEARANCES BEFORE THE BANKING COMMITTEES.—Section 11(a)(6)(H) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(H)) is amended to read as follows:

"(H) APPEARANCE UPON REQUEST.—The Secretary of the Treasury and the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation shall appear before the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, upon the request of the chairman of the respective committee, to report

on any certification made to the Congress under subparagraph (E) or (F).".

(e) AMENDMENTS TO AUTHORIZATION OF APPROPRIATION.—Section 11(a)(6)(J) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(J)) is amended—

(1) by striking "There are" and inserting "Subject to subparagraph (E), there are"; and

(2) by striking "of this paragraph, except" and all that follows through the period and inserting the following: "of subparagraph (D) for fiscal years 1994 through 1998, except that the aggregate amount appropriated pursuant to this authorization may not exceed $16,000,000,000.".

(f) RETURN OF TRANSFERRED AND UNEXPENDED AMOUNTS TO TREASURY.—Section 11(a)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)) is amended by adding at the end the following new subparagraph:

"(K) RETURN TO TREASURY.—If the aggregate amount of funds transferred to the Savings Association Insurance Fund under subparagraph (D) or (F) exceeds the amount needed to cover losses incurred by the Fund, such excess amount shall be deposited in the general fund of the Treasury.".

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 11(a)(6)(G) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(G)) is amended by striking "subparagraphs (E) and (F)" and inserting "subparagraph (D)".

(2) The heading of section 11(a)(6)(G) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(G)) is amended by striking "SUBPARAGRAPHS (E) AND (F)" and inserting "SUBPARAGRAPH (D)".

SEC. 9. MORATORIUM EXTENSION.

(a) CONVERSION MORATORIUM UNTIL SAIF RECAPITALIZED.—Section 5(d)(2)(A)(ii) of the Federal Deposit Insurance Act is amended—

(1) by striking "before the end" and inserting "before the later of the end"; and

(2) by inserting "or the date on which the Savings Association Insurance Fund first meets or exceeds the designated reserve ratio for such fund" before the period.

(b) CLARIFICATION OF DEFINITION.—Section 5(d)(2)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)(2)(B)) is amended—

(1) by striking the period at the end of clause (iv) and inserting "; and"; and

(2) by adding at the end the following new clause:

"(v) the transfer of deposits—

"(I) from a Bank Insurance Fund member to a Savings Association Insurance Fund member; or

"(II) from a Savings Association Insurance Fund member to a Bank Insurance Fund member,

in a transaction in which the deposit is received from a depositor at an insured depository institution for which a receiver has been appointed and the receiving insured depository institution is acting as agent for the Corporation in connection with the payment of such deposit to the depositor at the institution for which a receiver has been appointed.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Clauses (ii) and (iii) of section 5(d)(2)(C) of the Federal Deposit Insurance Act and section 5(d)(3)(I)(i) of such Act are each amended by striking "5-year period referred to in" and inserting "moratorium period established by".

SEC. 10. REPAYMENT SCHEDULE FOR PERMANENT FDIC BORROWING AUTHORITY.

Section 14(c) of the Federal Deposit Insurance Act (12 U.S.C. 1824(c)) is amended by adding the following new paragraph:

"(3) INDUSTRY REPAYMENT.—

"(A) BIF MEMBER PAYMENTS.—No agreement or repayment schedule under paragraph (1) shall require any payment by a Bank Insurance Fund member for funds obtained under subsection (a) for purposes of the Savings Association Insurance Fund.

"(B) SAIF MEMBER PAYMENTS.—No agreement or repayment schedule under paragraph (1) shall require any payment by a Savings Association Insurance Fund member for funds obtained under subsection (a) for purposes of the Bank Insurance Fund.".

SEC. 11. DEPOSIT INSURANCE FUNDS.

Section 11(a)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) in subparagraph (C) by striking the period and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) notwithstanding any other provision of law other than section 13(c)(4)(G), used only for the purposes of protecting insured depositors and shall not be used in any manner to benefit shareholders of an insured depository institution in connection with any type of resolution by the Corporation or the Resolution Trust Corporation of any insured depository institution for which the Corporation or the Resolution Trust Corporation has been appointed conservator or receiver or any other insured depository institution in default under any provision of law, or the provision of assistance in any form under this section or section 12 or 13.".

SEC. 12. MAXIMUM DOLLAR LIMITS FOR ELIGIBLE CONDOMINIUM AND SINGLE FAMILY PROPERTIES UNDER RTC AFFORDABLE HOUSING PROGRAM.

Section 21A(c)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(9)) is amended—

(1) in subparagraph (D), by striking clause (ii) and inserting the following new clause:

"(ii) that has an appraised value that does not exceed—

"(I) $67,500 in the case of a 1-family residence, $76,000 in the case of a 2-family residence, $92,000 in the case of a 3-family residence, and $107,000 in the case of a 4-family residence; or

"(II) only to the extent or in such amounts as are provided in appropriation Acts for additional costs and losses to the Corporation resulting from this subclause taking effect, the amount provided in section 203(b)(2)(A) of the National Housing Act, except that such amount shall not exceed $101,250 in the case of a 1-family residence, $114,000 in the case of a 2-family residence, $138,000 in the case of a 3-family residence, and $160,500 in the case of a 4-family residence."; and

(2) in subparagraph (G)—

(A) by moving subclause (I) two ems to the left and redesignating such subclause as clause (i); and

(B) by striking subclause (II) and inserting the following new clause:

"(ii) that has an appraised value that does not exceed—

"(I) $67,500 in the case of a 1-family residence, $76,000 in the case of a 2-family residence, $92,000 in the case of a 3-family residence, and $107,000 in the case of a 4-family residence; or

"(II) only to the extent or in such amounts as are provided in appropriation Acts for additional costs and losses to the Corporation resulting from this subclause taking effect, the amount provided in section 203(b)(2)(A) of the National Housing Act, except that such amount shall not exceed $101,250 in the case of a 1-family residence, $114,000 in the case of a 2-family residence, $138,000 in the case of a 3-family residence, and $160,500 in the case of a 4-family residence.".

SEC. 13. INCLUSION OF SUBSIDIARIES' PROPERTIES IN FDIC AFFORDABLE HOUSING PROGRAM.

Section 40(p) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(p)) is amended in paragraphs (4)(A), (5)(A), and (7)(A), by inserting before "; and" each place it appears the following: "(including in its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship or receivership, which subsidiary has as its principal business the ownership of real property)".

SEC. 14. CHANGES AFFECTING BOTH RTC AND FDIC AFFORDABLE HOUSING PROGRAMS.

(a) NOTICE TO CLEARINGHOUSES REGARDING PROPERTIES NOT INCLUDED IN PROGRAMS.—

(1) RTC.—Section 21A(c) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)) is amended by adding at the end the following new paragraph:

"(16) NOTICE TO CLEARINGHOUSES REGARDING INELIGIBLE PROPERTIES.—

"(A) IN GENERAL.—Within a reasonable period of time after acquiring title to an ineligible residential property, the Corporation shall provide written notice to clearinghouses.

"(B) CONTENT.—For ineligible single family properties, such notice shall contain the same information about such properties that the notice required under paragraph (2)(A) contains with respect to eligible single family properties. For ineligible multifamily housing properties, such notice shall contain the same information about such properties that the notice required under paragraph (3)(A) contains with respect to eligible multifamily housing properties. For ineligible condominium properties, such notice shall contain the same information about such properties that the notice required under paragraph (14)(A) contains with respect to eligible condominium properties.

"(C) AVAILABILITY.—The clearinghouses shall make such information available, upon request, to other public agencies, other nonprofit organizations, qualifying households, qualifying multifamily purchasers, and other purchasers, as appropriate.

"(D) DEFINITIONS.—For purposes of this paragraph:

"(i) INELIGIBLE CONDOMINIUM PROPERTY.—The term 'ineligible condominium property' means a condominium unit, as such term is defined in section 604 of the Housing and Community Development Act of 1980—

"(I) to which the Corporation acquires title in its corporate capacity, its capacity as conservator, or its capacity as receiver (including its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship or receivership, which subsidiary corporation has as its principal business the ownership of real property);

"(II) that has an appraised value that does not exceed the applicable dollar amount limitation for the property under paragraph (9)(D)(ii)(II); and

"(III) that is not an eligible condominium property.

"(ii) INELIGIBLE MULTIFAMILY HOUSING PROPERTY.—The term 'ineligible multifamily housing property' means a property consisting of more than 4 dwelling units—

"(I) to which the Corporation acquires title in its capacity as conservator (including its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship, which subsidiary corporation has as its principal business the ownership of real property);

"(II) that has an appraised value that does not exceed, for such part of the property as may be attributable to dwelling use (excluding exterior land improvements), the dollar amount limitations under paragraph (9)(E)(i)(II); and

"(III) that is not an eligible multifamily housing property.

"(iii) INELIGIBLE SINGLE FAMILY PROPERTY.—The term 'ineligible single family property'

means a 1- to 4-family residence (including a manufactured home)—

"(I) to which the Corporation acquires title in its corporate capacity, its capacity as conservator, or its capacity as receiver (including its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship or receivership, which subsidiary corporation has as its principal business the ownership of real property);

"(II) that has an appraised value that does not exceed the applicable dollar amount limitation for the property under paragraph (9)(G)(ii)(II); and

"(III) that is not an eligible single family property.

"(iv) INELIGIBLE RESIDENTIAL PROPERTY.—The term 'ineligible residential property' includes ineligible single family properties, ineligible multifamily housing properties, and ineligible condominium properties.".

(2) FDIC.—Section 40 of the Federal Deposit Insurance Act (12 U.S.C. 1831q) is amended by adding at the end the following new subsection:

"(q) NOTICE TO CLEARINGHOUSES REGARDING INELIGIBLE PROPERTIES.—

"(1) IN GENERAL.—Within a reasonable period of time after acquiring title to an ineligible residential property, the Corporation shall provide written notice to clearinghouses.

"(2) CONTENT.—For ineligible single family properties, such notice shall contain the same information about such properties that the notice required under subsection (c)(1) contains with respect to eligible single family properties. For ineligible multifamily housing properties, such notice shall contain the same information about such properties that the notice required under subsection (d)(1) contains with respect to eligible multifamily housing properties. For ineligible condominium properties, such notice shall contain the same information about such properties that the notice required under paragraph (l)(1) contains with respect to eligible condominium properties.

"(3) AVAILABILITY.—The clearinghouses shall make such information available, upon request, to other public agencies, other nonprofit organizations, qualifying households, qualifying multifamily purchasers, and other purchasers, as appropriate.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) INELIGIBLE CONDOMINIUM PROPERTY.—The term 'ineligible condominium property' means any eligible condominium property to which the provisions of this section do not apply as a result of the limitations under subsection (b)(2)(A).

"(B) INELIGIBLE MULTIFAMILY HOUSING PROPERTY.—The term 'ineligible multifamily housing property' means any eligible multifamily housing property to which the provisions of this section do not apply as a result of the limitations under subsection (b)(2)(A).

"(C) INELIGIBLE SINGLE FAMILY PROPERTY.—The term 'ineligible single family property' means any eligible single family property to which the provisions of this section do not apply as a result of the limitations under subsection (b)(2)(A).

"(D) INELIGIBLE RESIDENTIAL PROPERTY.—The term 'ineligible residential property' includes ineligible single family properties, ineligible multifamily housing properties, and ineligible condominium properties.".

(b) NEGOTIATED SALE PREFERENCE FOR USE FOR HOMELESS FAMILIES.—

(1) RTC.—Section 21A(c)(13) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(13)) is amended by adding at the end the following new subparagraph:

"(C) PREFERENCE FOR USE FOR HOMELESS FAMILIES.—In negotiating and selling an eligible residential property under this paragraph, the Corporation shall give preference to any offer to purchase the property for use in providing housing or shelter for homeless individuals (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families, but only if the Corporation determines that such sale will result in net present value proceeds substantially similar to the amount of such proceeds that would have resulted from sale of the property under this subsection (other than under this paragraph).".

(2) FDIC.—Section 40(k) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(k)) is amended by adding at the end the following new paragraph:

"(3) PREFERENCE FOR USE FOR HOMELESS FAMILIES.—In negotiating and selling an eligible residential property under this subsection, the Corporation shall give preference to any offer to purchase the property for use in providing housing or shelter for homeless individuals (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families, but only if the Corporation determines that such sale will result in net present value proceeds substantially similar to the amount of such proceeds that would have resulted from sale of the property under this section (other than under this subsection).".

(c) AFFORDABLE HOUSING ADVISORY BOARD.—

(1) ESTABLISHMENT.—There is hereby established the Affordable Housing Advisory Board (in this subsection referred to as the "Advisory Board") to advise the Thrift Depositor Protection Oversight Board and the Board of Directors of the Federal Deposit Insurance Corporation on policies and programs related to the provision of affordable housing, including the operation of the affordable programs.

(2) MEMBERSHIP.—The Advisory Board shall consist of—

(A) the Secretary of Housing and Urban Development;

(B) the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation (or the Chairperson's delegate), who shall be a nonvoting member;

(C) the Chairperson of the Thrift Depositor Protection Oversight Board (or the Chairperson's delegate), who shall be a nonvoting member;

(D) 4 persons appointed by the Secretary of Housing and Urban Development not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, who represent the interests of individuals and organizations involved in using the affordable housing programs (including nonprofit organizations, public agencies, and for-profit organizations that purchase properties under the affordable housing programs, organizations that provide technical assistance regarding the affordable housing programs, and organizations that represent the interest of low- and moderate-income families); and

(E) 2 persons who are members of the National Housing Advisory Board pursuant to section 21A(d)(2)(B)(ii) of the Federal Home Loan Bank Act (as in effect before the date of the effectiveness of the repeal under subsection (c)(2)), who shall be appointed by such Board before such effective date.

(3) TERMS.—Each member shall be appointed for a term of 4 years, except as provided in paragraphs (4) and (5).

(4) TERMS OF INITIAL APPOINTEES.—

(A) PERMANENT POSITIONS.—As designated by the Secretary of Housing and Urban Development at the time of appointment, of the members first appointed under paragraph (2)(D)—

(i) 1 shall be appointed for a term of 1 year;

(ii) 1 shall be appointed for a term of 2 years;

(iii) 1 shall be appointed for a term of 3 years; and

(iv) 1 shall be appointed for a term of 4 years.

(B) INTERIM MEMBERS.—The members of the Advisory Board under paragraph (2)(E) shall be appointed for a single term of 4 years, which shall begin upon the earlier of (i) the expiration of the 90-day period beginning on the date of the enactment of this Act, or (ii) the first meeting of the Advisory Board.

(5) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(6) MEETINGS.—

(A) TIMING AND LOCATION.—The Advisory Board shall meet 4 times a year, or more frequently if requested by the Thrift Depositor Protection Oversight Board or the Board of Directors of the Federal Deposit Insurance Corporation. In each year, the Advisory Board shall conduct such meetings at various locations in different regions of the United States in which substantial residential property assets of the Federal Deposit Insurance Corporation or the Resolution Trust Corporation are located. The first meeting of the Advisory Board shall take place not later than the expiration of the 90-day period beginning on the date of the enactment of this Act.

(B) ADVICE.—The Advisory Board shall submit information and advice resulting from each meeting, in such form as the Board considers appropriate, to the Thrift Depositor Protection Oversight Board and the Board of Directors of the Federal Deposit Insurance Corporation.

(7) ANNUAL REPORTS.—For each year, the Advisory Board shall submit a report containing its findings and recommendations to the Congress, the Federal Deposit Insurance Corporation, and the Resolution Trust Corporation. The first such report shall be made not later than the expiration of the 6-month period beginning on the date of the enactment of this Act.

(8) DEFINITION.—For purposes of this subsection, the term "affordable housing programs" means the program under section 21A(c) of the Federal Home Loan Bank Act and the program under section 40 of the Federal Deposit Insurance Act.

(d) TERMINATION OF NATIONAL HOUSING ADVISORY BOARD.—

(1) TERMINATION.—The National Housing Advisory Board under section 21A(d)(2) of the Federal Home Loan Bank Act shall terminate upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

(2) REPEAL.—Paragraph (2) of section 21A(d) of the Federal Home Loan Bank Act is repealed upon the expiration of the period referred to in paragraph (1).

(e) PROVISION OF INFORMATION REGARDING SELLER FINANCING TO MINORITY- AND WOMEN-OWNED BUSINESSES.—

(1) RTC.—Section 21A(c)(6)(A)(ii) of the Federal Home Loan Bank Act is amended by adding at the end the following new sentences: "The Corporation shall periodically provide, to a wide range of minority- and women-owned businesses engaged in providing affordable housing and to nonprofit organizations, more than 50 percent of the control of which are held by 1 or more minority individuals, that are engaged in providing affordable housing, information that is sufficient to inform such businesses and organizations of the availability and terms of financing under this clause; such information may be provided directly, by notices published in periodicals and other publications that regularly provide information to such businesses or organizations, and through persons and organizations

that regularly provide information or services to such businesses or organizations. For purposes of this clause, the terms 'women-owned business' and 'minority-owned business' have the meanings given such terms in subsection (r), and the term 'minority' has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.".

(2) FDIC.—Section 40(g)(1)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(g)(1)(B)) is amended by adding at the end the following new sentences: "The Corporation shall periodically provide, to a wide range of minority- and women-owned businesses engaged in providing affordable housing and to nonprofit organizations, more than 50 percent of the control of which are held by 1 or more minority individuals, that are engaged in providing affordable housing, information that is sufficient to inform such businesses and organizations of the availability and terms of financing under this subparagraph; such information may be provided directly, by notices published in periodicals and other publications that regularly provide information to such businesses or organizations, and through persons and organizations that regularly provide information or services to such businesses or organizations. For purposes of this subparagraph, the terms 'women-owned business' and 'minority-owned business' have the meanings given such terms in section 21A(r) of the Federal Home Loan Bank Act, and the term 'minority' has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.".

(f) AUTHORITY TO CARRY OUT UNIFIED AFFORDABLE HOUSING PROGRAM.—

(1) RTC.—Section 21A(c) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(17) UNIFIED AFFORDABLE HOUSING PROGRAM WITH FDIC.—

"(A) RTC AUTHORITY.—During the period ending at the end of September 30, 1994, the Corporation shall have the authority and shall carry out the responsibilities of the Federal Deposit Insurance Corporation under section 40 of the Federal Deposit Insurance Act, subject to the agreement under subparagraph (B). To the extent practicable, the Resolution Trust Corporation shall coordinate its activities under this subsection with activities involved in carrying out such responsibilities to provide for effective and efficient management and operation of all such activities.

"(B) AGREEMENT AND CONSULTATION.—Not later than 60 days after the date of the enactment of this Act, the Resolution Trust Corporation and the Federal Deposit Insurance Corporation shall enter into an agreement for the Resolution Trust Corporation to carry out the responsibilities described in subparagraph (A) during the period referred to in such subparagraph. Such agreement shall provide—

"(i) for the Resolution Trust Corporation to act as a contractor of the Federal Deposit Insurance Corporation for the purpose of carrying out such responsibilities of the Federal Deposit Insurance Corporation;

"(ii) for the payment of fees for administrative costs incurred by the Resolution Trust Corporation in carrying out such responsibilities;

"(iii) a method for determining the extent to which the provisions of section 40 of the Federal Deposit Insurance Act shall be effective, in accordance with the limitations under subsection (b)(2) of such section;

"(iv) for the disposition of proceeds from the sales of properties under such section 40; and

"(v) a method for making seller financing available to purchasers of properties, in accordance to the provisions of section 40(g)(1) of such Act.

The Resolution Trust Corporation shall consult with the Affordable Housing Advisory Board under section 13(c) of the Resolution Trust Corporation Completion Act in preparing to carry out such responsibilities.

"(B) TRANSFER TO FDIC.—On and after October 1, 1994, the authority and responsibilities of the Resolution Trust Corporation under this subsection shall be carried out by the Federal Deposit Insurance Corporation. Beginning not later than April 1, 1994, the Resolution Trust Corporation shall consult with the Federal Deposit Insurance Corporation and such Advisory Board to prepare for the Federal Deposit Insurance Corporation to carry out such authority and responsibilities.".

(2) FDIC.—Section 40(n) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(n)) is amended to read as follows:

"(n) RESPONSIBILITY TO CARRY OUT PROGRAM.—

"(1) AFFORDABLE HOUSING PROGRAM OFFICE.—The Corporation shall establish an Affordable Housing Program Office within the Corporation to carry out the provisions of this section after October 1, 1994, and to carry out the provisions of section 21A(c) of the Federal Home Loan Bank Act after such date with respect to any eligible residential properties and eligible condominium properties under such section not disposed of by the Resolution Trust Corporation before such date. The Federal Deposit Insurance Corporation shall dedicate certain staff of the Corporation to the Office and shall consult with the Resolution Trust Corporation and the Affordable Housing Advisory Board under section 13(c) of the Resolution Trust Corporation Completion Act in carrying out its responsibilities. Beginning not later than April 1, 1994, the Federal Deposit Insurance Corporation shall consult with the Resolution Trust Corporation and such Advisory Board to prepare for the Affordable Housing Program Office of the Federal Deposit Insurance Corporation to carry out the authority and responsibilities of the Resolution Trust Corporation under such section 21A(c).

"(2) UNIFIED AFFORDABLE HOUSING PROGRAM WITH RTC.—During the period ending at the end of September 30, 1994, the authority and responsibilities of the Corporation under this section shall be carried out by the Resolution Trust Corporation pursuant to the agreement entered into under section 21A(c)(17)(B) of the Federal Home Loan Bank Act by the Federal Deposit Insurance Corporation and the Resolution Trust Corporation.".

(g) LIABILITY PROVISIONS.—

(1) RTC.—Section 21A(c)(11) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(11)) is amended by adding at the end the following new subparagraph:

"(D) CORPORATION.—The Corporation shall not be liable to any depositor, creditor, or shareholder of any insured depository institution for which the Corporation has been appointed receiver, or of any subsidiary corporation of a depository institution under conservatorship or receivership, or any claimant against such an institution or subsidiary, because the disposition of assets of the institution or the subsidiary under this subsection affects the amount of return from the assets.".

(2) FDIC.—Section 40(m)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(m)(4)) is amended—

(A) by inserting after "receiver," the following: "or of any subsidiary corporation of a depository institution under conservatorship or receivership,";

(B) by inserting "or subsidiary" after "an institution"; and

(C) by inserting "or the subsidiary" after "the institution".

SEC. 15. RIGHT OF FIRST REFUSAL FOR TENANTS TO PURCHASE SINGLE FAMILY PROPERTY.

(a) RTC.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by inserting after paragraph (14) (as added by section 4 of this Act) the following new paragraph:

"(15) PURCHASE RIGHTS OF TENANTS.—

"(A) NOTICE.—Except as provided in subparagraph (C), the Corporation may make available for sale a 1- to 4-family residence (including a manufactured home) to which the Corporation acquires title only after the Corporation has provided the household residing in the property notice (in writing and mailed to the property) of the availability of such property and the preference afforded such household under subparagraph (B).

"(B) PREFERENCE.—In selling such a property, the Corporation shall give preference to any bona fide offer made by the household residing in the property, if—

"(i) such offer is substantially similar in amount to other offers made within such period (or expected by the Corporation to be made within such period);

"(ii) such offer is made during the period beginning upon the Corporation making such property available and of a reasonable duration, as determined by the Corporation based on the normal period for sale of such properties; and

"(iii) the household making the offer complies with any other requirements applicable to purchasers of such property, including any downpayment and credit requirements.

"(C) EXCEPTIONS.—Subparagraphs (A) and (B) shall not apply to—

"(i) any residence transferred in connection with the transfer of substantially all of the assets of an insured depository institution for which the Corporation has been appointed conservator or receiver;

"(ii) any eligible single family property (as such term is defined in subsection (c)(9)); or

"(iii) any residence for which the household occupying the residence was the mortgagor under a mortgage on such residence and to which the Corporation acquired title pursuant to default on such mortgage.".

(b) FDIC.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended by adding at the end the following new subsection:

"(u) PURCHASE RIGHTS OF TENANTS.—

"(1) NOTICE.—Except as provided in paragraph (3), the Corporation may make available for sale a 1- to 4-family residence (including a manufactured home) to which the Corporation acquires title only after the Corporation has provided the household residing in the property notice (in writing and mailed to the property) of the availability of such property and the preference afforded such household under paragraph (2).

"(2) PREFERENCE.—In selling such a property, the Corporation shall give preference to any bona fide offer made by the household residing in the property, if—

"(A) such offer is substantially similar in amount to other offers made within such period (or expected by the Corporation to be made within such period);

"(B) such offer is made during the period beginning upon the Corporation making such property available and of a reasonable duration, as determined by the Corporation based on the normal period for sale of such properties; and

"(C) the household making the offer complies with any other requirements applicable to purchasers of such property, including any downpayment and credit requirements.

"(3) EXCEPTIONS.—Paragraphs (1) and (2) shall not apply to—

"(A) any residence transferred in connection with the transfer of substantially all of the assets of an insured depository institution for *which the Corporation has been appointed conservator or receiver;*

"(B) any eligible single family property (as such term is defined in subsection (c)(9)); or

"(C) any residence for which the household occupying the residence was the mortgagor under a mortgage on such residence and to which the Corporation acquired title pursuant to default on such mortgage.".

SEC. 16. PREFERENCE FOR SALES OF REAL PROPERTY FOR USE FOR HOMELESS FAMILIES.

(a) RTC.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(16) PREFERENCE FOR SALES FOR HOMELESS FAMILIES.—Subject to paragraph (15), in selling any real property (other than eligible residential property and eligible condominium property, as such terms are defined in subsection (c)(9)) to which the Corporation acquires title, the Corporation shall give preference, among substantially similar offers, to any offer that would provide for the property to be used, during the remaining useful life of the property, to provide housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.".

(b) FDIC.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(v) PREFERENCE FOR SALES FOR HOMELESS FAMILIES.—Subject to subsection (u), in selling any real property (other than eligible residential property and eligible condominium property, as such terms are defined in section 40(p)) to which the Corporation acquires title, the Corporation shall give preference, among substantially similar offers, to any offer that would provide for the property to be used, during the remaining useful life of the property, to provide housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.".

SEC. 17. EXPEDITED MARKETING OF COMMERCIAL PROPERTIES TO PUBLIC AGENCIES AND NONPROFIT ORGANIZATIONS FOR USE IN CARRYING OUT PROGRAMS FOR AFFORDABLE HOUSING.

(a) RTC.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(17) EXPEDITED MARKETING OF COMMERCIAL REAL PROPERTIES.—

"(A) AUTHORITY.—Notwithstanding any other provision of this section, the Corporation may, at the discretion of the Corporation, negotiate the sale under this paragraph of eligible commercial real properties of the Corporation to public agencies and nonprofit organizations in an expedited manner.

"(B) USE OF ELIGIBLE COMMERCIAL REAL PROPERTY.—The Corporation may sell an eligible commercial real property pursuant to such negotiations only if—

"(i) the purchaser agrees that the property, during the remaining useful life of the property, shall be used for offices and administrative purposes of the purchaser to carry out a program to acquire residential properties to provide (I) homeownership and rental housing opportunities for very-low income, lower-income, and moderate-income families, or (II) housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families; and

"(ii) the Corporation determines that such sale will result in net present value proceeds substantially similar to the amount of such proceeds that would have resulted from disposition of the property in the manner that would have been used but for disposition under this paragraph.

"(C) DEFINITIONS.—For purposes of this paragraph:

"(i) COMMERCIAL REAL PROPERTY.—The term 'commercial real property' means any property (I) to which the Corporation acquires title, and (II) that the Corporation, in the discretion of the Corporation, determines is suitable for use for the location of offices or other administrative functions involved with carrying out a program referred to in subparagraph (B)(i).

"(ii) NONPROFIT ORGANIZATION AND PUBLIC AGENCY.—The terms 'nonprofit organization' and 'public agency' have the meanings given the terms in subsection (c)(9).".

(b) FDIC.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(w) EXPEDITED MARKETING OF COMMERCIAL REAL PROPERTIES.—

"(1) AUTHORITY.—Notwithstanding any other provision of this section, the Corporation may, at the discretion of the Corporation, negotiate the sale under this subsection of eligible commercial real properties of the Corporation to public agencies and nonprofit organizations in an expedited manner.

"(2) USE OF ELIGIBLE COMMERCIAL REAL PROPERTY.—The Corporation may sell an eligible commercial real property pursuant to such negotiations only if—

"(A) the purchaser agrees that the property, during the remaining useful life of the property, shall be used for offices and administrative purposes of the purchaser to carry out a program to acquire residential properties to provide (i) homeownership and rental housing opportunities for very-low income, lower-income, and moderate-income families, or (ii) housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families; and

"(B) the Corporation determines that such sale will result in net present value proceeds substantially similar to the amount of such proceeds that would have resulted from disposition of the property in the manner that would have been used but for disposition under this subsection.

"(3) DEFINITIONS.—For purposes of this subsection:

"(A) COMMERCIAL REAL PROPERTY.—The term 'commercial real property' means any property (i) to which the Corporation acquires title, and (ii) that the Corporation, in the discretion of the Corporation, determines is suitable for use for the location of offices or other administrative functions involved with carrying out a program referred to in paragraph (2)(A).

"(B) NONPROFIT ORGANIZATION AND PUBLIC AGENCY.—The terms 'nonprofit organization' and 'public agency' have the meanings given the terms in section 40(p).".

SEC. 18. FEDERAL HOME LOAN BANKS HOUSING OPPORTUNITY HOTLINE PROGRAM.

The Federal Home Loan Bank Act (12 U.S.C. 1422 et seq.) is amended by inserting after section 26 the following new section:

"SEC. 27. HOUSING OPPORTUNITY HOTLINE PROGRAM.

"(a) ESTABLISHMENT.—Each of the Federal Home Loan Banks shall establish and operate a program substantially similar (in the determination of the Board) to the 'Housing Opportunity Hotline' program established in October 1992, by the Federal Home Loan Bank of Dallas.

"(b) PURPOSE.—Each program established under this section shall provide information regarding the availability for purchase of single-family properties that are owned or held by Federal agencies and are located in the Federal Home Loan Bank district for such Bank. Each Federal Home Loan Bank shall consult with such agencies to acquire such information.

"(c) REQUIRED INFORMATION.—Each program established under this section shall provide information regarding the size, location, price, and other characteristics of such single family properties, the eligibility requirements for purchasers of such properties, the terms for such sales, and the terms of any available seller financing, and shall identify properties that are affordable to low- and moderate-income families.

"(d) TOLL-FREE TELEPHONE NUMBER.—Each program established under this section shall establish and maintain a toll-free telephone line for providing the information made available under the program.

"(e) DEFINITIONS.—For purposes of this section:

"(1) FEDERAL AGENCIES.—The term 'Federal agencies' means the Farmers Home Administration, the Federal Deposit Insurance Corporation, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the General Services Administration, the Department of Housing and Urban Development, the Resolution Trust Corporation, and the Department of Veterans Affairs.

"(2) SINGLE FAMILY PROPERTY.—The term 'single family property' means a 1- to 4-family residence, including a manufactured home.".

SEC. 19. CONFLICT OF INTEREST PROVISIONS APPLICABLE TO THE FDIC.

(a) IN GENERAL.—Section 12 of the Federal Deposit Insurance Act (12 U.S.C. 1822) is amended by adding at the end the following new subsection:

"(f) CONFLICT OF INTEREST.—

"(1) APPLICABILITY OF OTHER PROVISIONS.—

"(A) CLARIFICATION OF STATUS OF CORPORATION.—The Corporation shall be an agency for purposes of title 18, United States Code.

"(B) TREATMENT OF CONTRACTORS.—Any individual who, pursuant to a contract or any other arrangement, performs functions or activities of the Corporation, under the direct supervision of an officer or employee of the Corporation, shall be deemed to be an employee of the Corporation for the purposes of title 18, United States Code and this Act. Any individual who, pursuant to a contract or any other agreement, acts for or on behalf of the Corporation shall be deemed to be a public official for the purposes of section 201 of title 18, United States Code.

"(2) ESTABLISHMENT OF REGULATIONS.—The Board of Directors shall prescribe regulations governing conflict of interest, ethical responsibilities, and post-employment restrictions applicable to officers and employees of the Corporation.

"(3) USE OF CONFIDENTIAL INFORMATION.—The Board of Directors shall prescribe regulations applicable to independent contractors governing conflicts of interest, ethical responsibilities, and the use of confidential information consistent with the goals and purposes of titles 18 and 41, United States Code.

"(4) DISAPPROVAL OF CONTRACTORS.—

"(A) IN GENERAL.—The Board of Directors shall prescribe regulations establishing procedures for ensuring that any individual who is performing, directly or indirectly, any function or service on behalf of the Corporation meets minimum standards of competence, experience, integrity, and fitness.

"(B) PROHIBITION FROM SERVICE ON BEHALF OF CORPORATION.—The procedures established under subparagraph (A) shall provide that the

Corporation shall prohibit any person who does not meet the minimum standards of competence, experience, integrity, and fitness from—

"(i) entering into any contract with the Corporation; or

"(ii) being employed by the Corporation or any person performing any service for or on behalf of the Corporation.

"(C) INFORMATION REQUIRED TO BE SUBMITTED.—The procedures established under subparagraph (A) shall require that any offer submitted to the Corporation by any person under this section and any employment application submitted to the Corporation by any person shall include—

"(i) a list and description of any instance during the 5 years preceding the submission of such application in which the person or a company under such person's control defaulted on a material obligation to an insured depository institution; and

"(ii) such other information as the Board may prescribe by regulation.

"(D) SUBSEQUENT SUBMISSIONS.—

"(i) IN GENERAL.—No offer submitted to the Corporation may be accepted unless the offeror agrees that no person will be employed, directly or indirectly, by the offeror under any contract with the Corporation unless—

"(I) all applicable information described in subparagraph (C) with respect to any such person is submitted to the Corporation; and

"(II) the Corporation does not disapprove of the direct or indirect employment of such person.

"(ii) FINALITY OF DETERMINATION.—Any determination made by the Corporation pursuant to this paragraph shall be in the Corporation's sole discretion and shall not be subject to review.

"(E) PROHIBITION REQUIRED IN CERTAIN CASES.—The standards established under subparagraph (A) shall require the Corporation to prohibit any person who has—

"(i) been convicted of any felony;

"(ii) been removed from, or prohibited from participating in the affairs of, any insured depository institution pursuant to any final enforcement action by any appropriate Federal banking agency;

"(iii) demonstrated a pattern or practice of defalcation regarding obligations to insure depository institutions; or

"(iv) caused a substantial loss to Federal deposit insurance funds,

from service on behalf of the Corporation.

"(5) ABROGATION OF CONTRACTS.—The Corporation may rescind any contract with a person who—

"(A) fails to disclose a material fact to the Corporation;

"(B) would be prohibited under paragraph (6) from providing services to, receiving fees from, or contracting with the Corporation; or

"(C) has been subject to a final enforcement action by any appropriate Federal banking agency.

"(6) PRIORITY OF FDIC RULES.—To the extent that the regulations under this subsection conflict with rules of other agencies or Government corporations, officers, directors, employees, and independent contractors of the Corporation who are also subject to the conflict of interest or ethical rules of another agency or Government corporation, shall be governed by the regulations prescribed by the Board of Directors under this subsection when acting for on behalf of the Corporation.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(z) of the Federal Deposit Insurance Act (12 U.S.C. 1813(z)) is amended to read as follows:

"(z) OTHER DEFINITIONS.—

"(1) FEDERAL BANKING AGENCY.—The term 'Federal banking agency' means the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation.

"(2) COMPANY.—The term 'company' has the meaning given to such term in section 2(b) of the Bank Holding Company Act of 1956.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply after the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 20. RESTRICTIONS ON SALES OF ASSETS TO CERTAIN PERSONS.

(a) IN GENERAL.—Section 11(p) of the Federal Deposit Insurance Act (12 U.S.C. 1821(p)) is amended by redesignating paragraphs (1) and (2) as paragraphs (2) and (3) and by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) PERSONS WHO ENGAGED IN IMPROPER CONDUCT WITH, OR CAUSED LOSSES TO, DEPOSITORY INSTITUTIONS.—The Corporation shall prescribe regulations which, at a minimum, shall prohibit the sale of assets of a failed institution by the Corporation to—

"(A) any person who—

"(i) has defaulted, or was a member of a partnership or an officer or director of a corporation which has defaulted, on 1 or more obligations the aggregate amount of which exceed $1,000,000 to such failed institution;

"(ii) has been found to have engaged in fraudulent activity in connection with any obligation referred to in clause (i); and

"(iii) proposes to purchase any such asset in whole or in part through the use of the proceeds of a loan or advance of credit from the Corporation or from any institution for which the Corporation has been appointed as conservator or receiver;

"(B) any person who participated, as an officer or director of such failed institution or of any affiliate of such institution, in a material way in transactions that resulted in a substantial loss to such failed institution;

"(C) any person who has been removed from, or prohibited from participating in the affairs of, such failed institution pursuant to any final enforcement action by an appropriate Federal banking agency; or

"(D) any person who has demonstrated a pattern or practice of defalcation regarding obligations to such failed institution.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 11(p) of the Federal Deposit Insurance Act (12 U.S.C. 1821(p)) is amended—

(1) in paragraph (2) (as so redesignated by the amendment made by subsection (a) of this section)—

(A) by striking "individual" and inserting "person"; and

(B) by striking "paragraph (2)" and inserting "paragraph (3)";

(2) in paragraph (3) (as so redesignated by the amendment made by subsection (a) of this section)—

(A) by striking "individual" each place such term appears and inserting "person"; and

(B) by striking "Paragraph (1)" and inserting "Paragraphs (1) and (2)";

(3) by adding at the end the following new paragraph:

"(4) DEFINITION OF DEFAULT.—For purposes of paragraphs (1) and (2), the term 'default' means a failure to comply with the terms of a loan or other obligation to such an extent that the property securing the obligation is foreclosed upon."; and

(4) by striking the heading and inserting the following new heading: "(p) CERTAIN SALES OF ASSETS PROHIBITED.—".

SEC. 21. WHISTLEBLOWER PROTECTION.

Section 33(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831j(a)(2)) is amended—

(1) by striking "or Federal Reserve bank" and inserting "Federal reserve bank, or any person who is performing, directly or indirectly, any function or service on behalf of the Corporation";

(2) by striking "or" at the end of subparagraph (B);

(3) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(4) by adding at the end the following new subparagraph:

"(D) the person, or any officer or employee of the person, who employs such employee.".

SEC. 22. FDIC ASSET DISPOSITION DIVISION.

(a) IN GENERAL.—Section 1 of the Federal Deposit Insurance Act (12 U.S.C. 1811) is amended—

(1) by striking "There is hereby created" and inserting "(a) ESTABLISHMENT OF CORPORATION.—There is hereby established"; and

(2) by adding at the end the following new subsection:

"(b) ASSET DISPOSITION DIVISION.—

"(1) ESTABLISHMENT.—The Corporation shall have a separate division of asset disposition.

"(2) MANAGEMENT.—The division of asset disposition shall have an administrator who shall be appointed by the Board of Directors.

"(3) POWERS AND DUTIES OF DIVISION.—The division of asset disposition shall exercise all the powers and duties of the Corporation under this Act relating to the liquidation of insured depository institutions and the disposition of assets of such institutions.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 1995.

SEC. 23. PRESIDENTIALLY-APPOINTED INSPECTOR GENERAL FOR FDIC.

(a) IN GENERAL.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting ", the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation," after "Chairperson of the Thrift Depositor Protection Oversight Board"; and

(2) in paragraph (2), by inserting "the Federal Deposit Insurance Corporation," after "the Resolution Trust Corporation".

(b) NO REDUCTION IN RATE OF PAY OF EXISTING EMPLOYEES OF THE OFFICE OF THE IG OF THE FDIC.—

(1) IN GENERAL.—Notwithstanding paragraphs (7) and (8) of section 6(a) of the Inspector General Act of 1978, the annual rate of basic pay and benefits, including any regional pay differential, payable to any employee of the office of the inspector general of the Federal Deposit Insurance Corporation who was an employee of such office as of the date of the enactment of the Resolution Trust Corporation Completion Act for any year ending after such date of enactment shall not be reduced, by reason of the amendment made by subsection (a) of this section, below the annual rate of basic pay and benefits, including any regional pay differential, paid to such employee, by reason of such employment, as of such date.

(2) EMPLOYEES SERVING IN ACTING OR TEMPORARY CAPACITY.—Notwithstanding paragraph (1), in the case of any employee described in such paragraph who, as of the date of the enactment of the Resolution Trust Corporation Completion Act, is serving in an acting capacity or is otherwise temporarily employed at a higher grade than such employee's regular grade or position of employment—

(A) the annual rate of basic pay and benefits, including any regional pay differential, payable to such employee in such capacity or at such higher grade shall not be reduced by reason of the applicability of paragraph (7) or (8) of section 6(a) of the Inspector General Act of 1978 so *long as such employee continues to serve in such capacity or at such higher grade; and*

(B) after such employee ceases to serve in such capacity or at such higher grade, paragraph (1) shall be applied with respect to such employee by taking into account only the annual rate basic pay and benefits, including any regional pay differential, payable to such employee in such employee's regular grade or position of employment.

(c) Technical and Conforming Amendments.—

(1) Section 8E(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "the Federal Deposit Insurance Corporation,".

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

"Inspector General, Federal Deposit Insurance Corporation.".

SEC. 24. DEPUTY CHIEF EXECUTIVE OFFICER.

Section 21A(b)(8) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(8)) is amended by adding at the end the following new subparagraphs:

"(E) Deputy Chief Executive Officer.—

"(i) In general.—There is hereby established the position of deputy chief executive officer of the Corporation.

"(ii) Appointment.—The deputy chief executive officer of the Corporation shall—

"(I) be appointed by the Chairperson of the Thrift Depositor Protection Oversight Board, with the recommendation of the chief executive officer; and

"(II) be an employee of the Federal Deposit Insurance Corporation in accordance with subparagraph (B)(i) of this paragraph.

"(iii) Duties.—The deputy chief executive officer shall perform such duties as the chief executive officer may require.

"(F) Acting Chief Executive Officer.—In the event of a vacancy in the position of chief executive officer or during the absence or disability of the chief executive officer, the deputy chief executive officer shall perform the duties of the position as the acting chief executive officer.".

SEC. 25. DUE PROCESS PROTECTIONS RELATING TO ATTACHMENT OF ASSETS.

Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended—

(1) by striking subsection (i)(4)(B) and inserting the following new subparagraph:

"(B) Standard.—

"(i) Showing.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under subparagraph (A) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(ii) State proceeding.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of such State provide substantially similar protections to such party's right to due process as Rule 65 (as modified with respect to such proceeding by clause (i)), the relief sought under subparagraph (A) may be requested under the laws of such State.".

(2) in subsection (b), by adding the following new paragraph:

"(9) Standard for certain orders.—No authority under this subsection or subsection (c) to prohibit any institution-affiliated party from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets, or other property may be exercised unless the agency meets the standards of Rule 65 of the Federal Rules of Civil Procedure without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.".

SEC. 26. GAO STUDIES REGARDING FEDERAL REAL PROPERTY DISPOSITION.

(a) RTC Affordable Housing Program.—The Comptroller General of the United States shall conduct a study of the program carried out by the Resolution Trust Corporation pursuant to section 21A(c) of the Federal Home Loan Bank Act to determine the effectiveness of such program in providing affordable homeownership and rental housing for very low-, low-, and moderate-income families. The study shall examine the procedures used under the program to sell eligible single family properties, eligible condominium properties, and eligible multifamily housing properties, the characteristics and numbers of purchasers of such properties, and the amount of and reasons for any losses incurred by the Resolution Trust Corporation in selling properties under the program. Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress on the results of the study under this subsection, which shall describe any findings under the study and contain any recommendations of the Comptroller General for improving the effectiveness of such program.

(b) Single Agency for Real Property Disposition.—The Comptroller General of the United States shall conduct a study to determine the feasibility and effectiveness of establishing a single Federal agency responsible for selling and otherwise disposing of real property owned or held by the Department of Housing and Urban Development, the Farmers Home Administration of the Department of Agriculture, the Federal Deposit Insurance Corporation, and the Resolution Trust Corporation. The study shall examine the real property disposition procedures of such agencies and corporations, analyze the feasibility of consolidating such procedures through such single agency, and determine the characteristics and authority necessary for any such single agency to efficiently carry out such disposition activities. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress on the study under this subsection, which shall describe any findings under the study and contain any recommendations of the Comptroller General for the establishment of such single agency.

The CHAIRMAN. No amendment to the substitute, as modified, is in order except the amendments en bloc printed in part 2 of House Report 103–237. The amendments en bloc may be offered only by a Member designated in the report, shall be considered as read, are not subject to amendment, and are not subject to a demand for a division of the question.

Debate time on the amendments en bloc will be equally divided and controlled by the proponent and an opponent of the amendments.

The Chair recognizes the gentleman from Texas [Mr. Gonzalez].

AMENDMENTS EN BLOC OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en block is as follows:

Amendments en bloc offered by Mr. Gonzalez: Page 17, strike line 19 and all that follows through page 20, line 21, and insert the following:

"(18) Minority preference in acquisition of institutions in predominantly minority neighborhoods.—

"(A) In general.—In considering offers to acquire any insured depository institution, or any branch of an insured depository institution, located in a predominantly minority neighborhood (as defined in regulations prescribed under subsection (s)), the Corporation shall prefer an offer from any minority individual, minority-owned business, or a minority depository institution, over any other offer that results in the same cost to the Corporation as determined under section 13(c)(4)(A) of the Federal Deposit Insurance Act.

"(B) Capital assistance.—

"(i) Eligibility.—In order to effectuate the purposes of this paragraph, any minority individual, minority-owned business, or a minority depository institution shall be eligible for capital assistance under the minority interim capital assistance program established under subsection (u)(1) and subject to the provisions of subsection (u)(3), to the extent that such assistance is consistent with the application of section 13(c)(4)(A) of the Federal Deposit Insurance Act under subparagraph (A).

"(ii) Terms and conditions.—Subsection (u)(4) shall not apply to capital assistance provided under this subparagraph.

"(C) Performing assets.—In the case of an acquisition of any depository institution or branch described in subparagraph (A) by any minority individual, minority-owned business, or a minority depository institution, the Corporation may provide, in connection with such acquisition and in addition to performing assets of the depository institution or branch, other performing assets under the control of the Corporation in an amount (as determined on the basis of the Corporation's estimate of the fair market value of the assets) not greater than the amount of net liabilities carried on the books of the institution or branch, including deposits, which are assumed in connection with the acquisition.

"(D) First priority for disposition of assets.—In the case of an acquisition of any depository institution or branch described in subparagraph (A) by any minority depository institution, the disposition of the performing assets of the depository institution or branch to such individual, business, or minority depository institution shall have a first priority over the disposition by the Corporation of such assets for any other purpose.

"(E) Definitions.—For purposes of this paragraph—

"(i) Acquire.—The term 'acquire' has the meaning given to such term in section 13(f)(8)(B) of the Federal Deposit Insurance Act.

"(ii) Minority.—The term 'minority' has the meaning given to such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

"(iii) Minority depository institution.—The term 'minority depository institution' has the meaning given to such term in subsection (s)(2).

"(iv) Minority-owned business.—The term 'minority-owned business' has the meaning given to such term in subsection (r)(4).

Page 22, line 19, strike the closing quotation marks and the 2d period.

Page 22, after line 19, insert the following new paragraph:

"(2) Contracting procedures.—In awarding any contract subject to the competitive bidding process, the Corporation shall apply competitive bidding procedures no less stringent than those in effect on the date of the enactment of the Resolution Trust Corporation Completion Act.".

Page 44, line 11, strike "16,000,000,000" and insert "$8,000,000,000".

Page 50, strike lines 18 and 19 and insert the following:

SEC. 13. CHANGES AFFECTING ONLY FDIC AFFORDABLE HOUSING PROGRAM.

Page 50, line 20, before "Section" insert the following: "(a) Inclusion of Subsidiaries' Properties in Program.—".

Page 51, after line 2, insert the following new subsection:

(b) Implemenation of Program.—Notwithstanding any provisions of section 40 of the Federal Deposit Insurance Act or any other provision of law, in carrying such section 40 during fiscal year 1994 the Federal Deposit Insurance Corporation shall be deemed in compliance with such section if, in its sole discretion, the Corporation at any time modifies, amends, or waives any provisions of such section in order to maximize the efficient use of the available appropriated funds. The Corporation shall not be subject to suit for its failure to comply with the requirements of this provision or section 40 of the Federal Deposit Insurance Act in carrying out such section 40 during fiscal year 1994.

Page 57, strike line 12 and all that follows through page 58, line 22, and insert the following new subsection:

(b) Preference for Use for Homeless Families.—

(1) RTC.—Section 21A(c)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(5)) is amended—

(A) by striking "(5) Preference for sales.—When" and inserting the following:

"(5) Preferences for sales.—

"(A) Low-income use.—When"; and

(B) by adding at the end the following new subparagraph:

"(B) Use for homeless families.—In selling any eligible residential property, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer to purchase the property for use in providing housing or shelter for homeless individuals (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.".

(2) FDIC.—Section 40(f) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(f)) is amended—

(A) in paragraph (1), by striking "In general" and inserting "Low-income use"; and

(B) by adding at the end the following new paragraph:

"(4) Use for homeless families.—In selling any eligible residential property, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer to purchase the property for use in providing housing or shelter for homeless individuals (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families."

Page 75, line 20, strike "among substantially similar offers" and insert the following: "among offers to purchase the property that will result in the same net present value proceeds".

Page 76, lines 10 and 11, strike "among substantially similar offers" and insert "among offers to purchase the property that will result in the same net present value proceeds".

Page 76, line 16, strike "**EXPEDITED MARKETING**" and insert "**PREFERENCES FOR SALES**".

Page 77, strike line 1 and all that follows through page 78, line 9, and insert the following:

"(17) Preferences for sales of certain commercial real properties.—

"(A) Authority.—In selling any eligible commercial real properties of the Corporation, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer—

"(i) that is made by a public agency or nonprofit organization; and

"(ii) under which the purchaser agrees that the property shall be used, during the remaining useful life of the property, for offices and administrative purposes of the purchaser to carry out a program to acquire residential properties to provide (I) homeownership and rental housing opportunities for very-low, low-, and moderate-income families, or (II) housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.

Page 78, line 10, strike "(C)" and insert "(B)".

Page 78, line 12, strike "Commercial" and insert "Eligible commercial".

Page 78, line 13, insert "eligible" before " commercial".

Page 78, line 20, strike "(B)(i)" and insert "(A)(ii)".

Page 79, strike line 5 and all that follows through page 80, line 8, and insert the following:

"(w) Preferences for Sales of Certain Commercial Real Properties.—

"(1) Authority.—In selling any eligible commercial real properties of the Corporation, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer—

"(A) that is made by a public agency or nonprofit organization; and

"(B) under which the purchaser agrees that the property shall be used, during the remaining useful life of the property, for offices and administrative purposes of the purchaser to carry out a program to acquire of the residential properties to provide (i) homeownership and rental housing opportunities for very-low, low-, and moderate-income families, or (ii) housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.

Page 80, line 9, strike "(3)" and insert "(2)".

Page 80, line 11, strike "Commercial" and insert "Eligible commercial".

Page 80, line 12, insert "eligible" before "commercial".

Page 80, line 18, strike "(2)(A)" and insert "(1)(B)".

Page 101, after line 7, insert the following new section:

SEC. 27. EXTENSION OF RTC POWER TO BE APPOINTED AS CONSERVATOR OR RECEIVER.

Section 21A(b)(3)(A)(ii) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(3)(A)(ii)) is amended by striking "October 1, 1993" and inserting "April 1, 1995".

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. Gonzalez] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. McCOLLUM. Mr. Chairman, I am opposed to the amendment, and I would like to claim the 15 minutes.

The CHAIRMAN. The gentleman from Florida [Mr. McCollum] will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from Texas [Mr. Gonzalez].

Mr. GONZALEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am glad today to join with many of my colleagues from the Committee on Banking, Finance and Urban Affairs, the gentleman from North Carolina [Mr. Neal], the gentleman from Massachusetts [Mr. Frank], from the Democratic side, and the gentleman from Iowa [Mr. Leach], the gentleman from Louisiana [Mr. Baker], and the gentlewoman from New Jersey [Mrs. Roukema] from the minority, in offering this bipartisan leadership amendment.

Members of this body are painfully aware of our constituents' calls for less Government spending. The House can do so today by passing this amendment. As I have mentioned previously, the S&L's in RTC conservatorship are losing around $3 million every day. So passing this bill would automatically save an enormous amount of money.

But this amendment goes even further. It cuts the authorization in current law for the Savings Association Insurance Fund from $32 billion to $8 billion. Generally, the savings and loan industry capitalizes its own insurance fund without taxpayer dollars. However, because the fund was completely bankrupted during the 1980's, one big S&L failure could topple it again. This amendment cuts the authorization that SAIF can draw on in such an emergency. It also places strict conditions on the use of these taxpayer funds, whereas under current law, there are no restrictions.

The amendment also makes other small changes that improve the bill. It gives the RTC more time to resolve those institutions currently under its control, while still closing the Corporation down 1 year ahead of schedule. The amendment also makes the minority and women-owned business provisions in the bill budget neutral. By voting for this amendment and this bill, Members will avoid increasing the deficit by $3 million today, and ensure that the taxpayers do not assume a burden that properly rests with the savings and loan industry.

Mr. GONZALEZ. Mr. Chairman, I ask unanimous consent that the gentleman from North Carolina [Mr. Neal] be recognized to manage the balance of the time.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Chair recognizes the gentleman from Florida [Mr. McCollum].

Mr. McCOLLUM. Mr. Chairman, I yield myself so much time as I may consume.

Mr. Chairman, I just want to say that we on this side of the aisle in general are not opposed to this amendment, but there are provisions about it that will be discussed; some are for and some are against what has happened, but I think there are going to be provisions discussed to show this really does not do anything substantial to remedy the problems and defects in this bill. The funding amount remains at $18.3 billion.

There is nothing in there that really remedies the bottom line problem with the quota issue with this bill.

The issue on the statute of limitations that I am about to yield time to the gentleman from New York to discuss are still a problem, in fact a greater problem than what came out of the Judiciary Committee which was not allowed on the floor as an amendment. There are lots of problems that remain, but the amendment itself around the edges and the margins are not going to get a lot of objections from us.

Mr. Chairman, I yield 4 minutes to the distinguished ranking member of the Committee on the Judiciary, the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I thank my colleague for yielding this time to me.

Mr. Chairman, after H.R. 1340 was voted out of the House Banking Committee it was sequentially referred to the Judiciary Committee. This was due to its impact on the statute of limitations for civil tort actions and certain conflict of interest rules as applied to bank regulatory agencies. During the Judiciary Committee's consideration of H.R. 1340, Mr. BRYANT offered an amendment to clarify language in section 19 of the bill regarding the application of certain ethics guidelines to the Federal Deposit Insurance Corporation. That amendment was adopted unanimously by the committee and remains in the text of the bill before us today.

Additionally, an amendment was offered by the gentleman from Florida [Mr. MCCOLLUM] regarding an extension of the statute of limitations for certain tort actions contained in section 4 of the bill. The prior language of section 4 of H.R. 1340, as reported by the Banking Committee, provided that the statute of limitations for tort actions would be extended from 3 to 5 years. Also that it would be retroactive back to the date of the enactment of the Financial Institutions Reform, Recovery and Enforcement Act [FIRREA], August, 1989. After considerable debate and compromise, the McCollum amendment was adopted in the Judiciary Committee by a vote of 26 to 8 and would have limited the new extended statute of limitations to causes of action against officers or directors of failed institutions based only upon fraud or intentional misconduct.

The McCollum amendment was directed at willful intentional wrongdoing, not negligence or gross negligence and was intended to narrow the scope of activity for which we would extend the statute of limitations. Our intent was to allow the RTC an extension to cover a situation where an individual knowingly and intentionally violated his or her fiduciary duty to an institution and instead put their own personal benefit first.

The Judiciary Committee amendment was made a part of the text of H.R. 1340 as reported by the Banking Committee and was contained in section 4 of the bill to be considered by this body. However, since the date of the Judiciary Committee markup, disagreement by Banking Committee members to the language has resulted in the new language which is before us today.

Mr. Chairman, I am sincerely disappointed that the Judiciary Committee language has been discarded.

The language before us today would extend the current statute of limitations for tort actions, including actions in negligence, from the current 3 years to 5 years and would allow the revival of claims regarding actions for fraud or intentional misconduct for which the statute of limitations has already expired. In other words, Mr. Chairman, we are reexposing individuals to liability, who, pursuant to this very law were free of liability due to the applicable statute of limitations. The language before us today, Mr. Chairman, creates substantial constitutional questions, and raises questions of fairness and equity.

For these reasons and others unrelated to this provision, I oppose the bill and urge my colleagues to vote no.

□ 1330

Mr. NEAL of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment.

This is a bipartisan leadership amendment to H.R. 1340. It incorporates many Republican positions and addresses many Republican, as well as Democratic, concerns. Both parties were actively involved in the negotiations for this amendment and were, I am pleased to say, able to reach a satisfactory compromise.

The leadership amendment addresses Republican concerns with funding for the SAIF, the budget implications of the various management reforms, and RTC contracting procedures.

Specifically, the amendment extends the date for the RTC to take over failed institutions by 18 months to March 31, 1995. The RTC has essentially been without money for 18 months and this extension permits sufficient time for the RTC to use the funds we provide to resolve those failed institutions that are the byproduct of the S&L debacle of the 1980's.

Current law provides an authorization of $32 billion for the SAIF, which is responsible for resolving thrifts after the RTC is phased out. In light of the most recent cost estimates, the leadership amendment reduces such funding even further than currently provided in H.R. 1340: from $16 to $8 billion. This reduction will ensure that Congress is authorizing only those funds that are absolutely necessary to meet the Federal Government's obligation to pay depositors.

This leadership amendment also requires that the provisions involving affordable housing and the minority preference in acquisitions of institutions located in minority neighborhoods be effectively subject to the least cost test, thereby bringing the cost of these provisions down to zero.

Finally, the amendment requires the RTC to apply competitive contracting procedures no less stringent than those in effect on the date of enactment of the legislation to contracts competitively awarded after the date of enactment. This will ensure that the American taxpayer is getting the best deal possible. It implements Secretary Bentsen's seventh management reform of strengthening the RTC's contracting systems.

The bipartisan amendment leaves intact all of the management reforms concerning asset sales, contracting, oversight, professional liability litigation, and management information included in the original Banking Committee print.

Both parties compromised and worked together to develop this amendment because we understand that Congress must provide additional funds to the RTC: this Nation cannot afford any further delay in funding—estimated to cost taxpayers $3 million a day. We also understand that a failure to fund the RTC would eventually cause a default under the deposit insurance guarantees somewhere in the deposit insurance system, which would precipitate runs on banks and thrifts alike.

Congress must provide additional funding to the RTC. The leadership amendment improves the Banking Committee's vehicle for such funding. It has bipartisan support and addresses many of the questions and concerns of Members on both sides of the aisle.

I urge support of the amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LEACH], the ranking member of the full Committee on Banking, Finance and Urban Affairs.

Mr. LEACH. Mr. Chairman, I thank the gentleman from Florida [Mr. MCCOLLUM] for yielding this time to me. I recognize how a Member votes on final passage may be a close call. But this amendment represents a prudent effort at accommodation between both parties on several important issues.

Here let me stress that the comments of the very distinguished ranking member of the Committee on the Judiciary [Mr. FISH] related to a provision of the bill that was a self-executing part of the rule. It does not go to this amendment whatsoever.

This amendment, Mr. Chairman, has two crucial provisions. One is that it reduces the obligations on the taxpayer. In fact, with this amendment the obligations on the taxpayer are about half what the administration requested earlier this spring. Second, as this body knows, some controversy has sprung from the quasi-quota provisions in this bill. This amendment causes a least cost resolution of the rules applied to the minority contracting provisions and, therefore, is a step toward meeting minority party concerns, not, I would say, a step that will be sufficient for all Members, but certainly a step toward minority concerns.

Finally, Mr. Chairman, let me just comment about the timeliness of congressional action. The refusal of this Congress to take appropriate steps in the early 1980's cost the taxpayer tens of billions of dollars. Ironically, a cautious approach to resolution of some of these issues in the early 1990's during a near perfect macroeconomic environment for the financial services industry has probably saved the taxpayer a quarter to a third of what was lost by tardiness of action a decade earlier. Today it strikes me that the safest economic bet would appear to be to seek rather rapid resolution of the final RTC problem cases and to wrap all of the issues up in the next year to year and a half, as this bill contemplates.

Mr. Chairman, now is the time, once and for all, to put this issue behind us and get on with dealing with the problems of the economy at large instead of those that relate to one particularist sector, the financial community. Accordingly, I urge adoption of this amendment and, on final passage, would hope Members would give the benefit of the doubt to resolving a problem we unfortunately helped create.

Mr. NEAL of North Carolina. Mr. Chairman, I yield 4½ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the leadership amendment offered by our distinguished chairman and ranking member of the Banking Committee, and I am happy to lend my name to the amendment.

This amendment attempts to address several concerns expressed by Republican members, including myself, which we have with the text of the bill before us. Although the amendment contains five provisions, I want to focus on two specific additions.

First, this amendment reduces the amount of funds made available to the Savings Association Insurance Fund by $8 billion. This agreement was in direct response to the concerns of the gentleman from Louisiana [Mr. BAKER].

Despite the recognized need to provide adequate funds for the SAIF, in order to avoid the mistake we made in the 1980's of not adequately monitoring the stability of the FSLIC, I believe the $8 billion is sufficient to meet the Government's obligations to depositor's.

The second provision attempts to address the controversy surrounding the section of the bill dealing with the distribution of contracts within the minority and women-owned business set-aside program. The bill requires the RTC to develop guidelines which would help the RTC find ways to award contracts to minority firms on a more equal basis than is now being achieved.

Unlike some, I believe the RTC is doing a good job in providing outreach services to help minority and women-owned businesses participate in the set-aside program for contracting. It is disconcerting that some would want to force the RTC into creating what is essentially a quota within a quota system. I see no evidence that the RTC's current competitive contracting program is not fair and above board and that the contracts are being let on something other than a competitively bid process.

The current language in the bill is unfortunate, precedent setting, and serves no real purpose. However, it is there and it was felt that the Congress had to make it clear that any guidelines written with respect to the distribution of contracts could not serve to undermine or supersede existing contracting procedures. This is what the language of the amendment states.

While several of my colleagues have expressed deep concerns over this provision and are uncomfortable with the language of the amendment, I believe it is an improvement.

Mr. Chairman, I point out to my colleagues that this amendment was crafted in bipartisan spirit of cooperation and I urge their support for it.

□ 1340

Mr. McCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana [Mr. BAKER], a member of the committee.

Mr. BAKER of Louisiana. Mr. Chairman, I thank the gentleman for yielding this time to me, and I wish to express my appreciation to the chairman of the committee and the ranking member, the gentleman from Florida [Mr. McCOLLUM], and all who were involved in trying to forge what has been a very difficult solution to what is basically a big mess. Everyone in America knows what the RTC is all about, and unfortunately very few constituents feel very good about the activities of the RTC and where taxpayer money has been going.

But at the moment we have an entirely different problem that we should concern ourselves with. What happens if this Congress does nothing today? We have all heard the stories about the $3 million running costs for each day the Congress refuses to act. But there is something more important here than just the $3 million-a-day cost. On September 30 of this year the RTC as we know it will no longer have the ability to deal with new problems. They only become an administrative agency, and the law allows them to stay alive through 1996. So with the money they now have, they continue to limp along for another several years without any enhanced ability to deal with new problems.

Where do the new problems go when an institution gets into trouble? They will be forced over into the SAEF fund, another insurance fund that is in trouble. So if a California or a New York or a New England institution gets in trouble and there is not enough money in the SAEF fund to deal with that conservatorship, what happens? Those folks are going to come back to this Congress and say, "We have depositors who need to be paid off. We need to shut these institutions down and save money."

I say to my friends that if we do not act today and do nothing, we are going to ensure that this Congress deals again and again and again with the funding of the RTC.

What does the amendment in front of us do? Contrary to other comments, this amendment shortens the life of the RTC from 1996 to 1995. They are gone, they are dead, they are history. But in the meantime we give them managerial authority to deal with the problems they currently have and forestall putting those obligations into the SAEF fund, because there is no money in the SAEF fund.

Now, even if you are not interested in what happens to the savings and loan in your hometown, you must deal with the fact that if there are no funds in SAEF and there is no way for them to pay off losses, the premiums that the S&L will pay may go up to 30 base points. What does that mean? It simply means that for the savings and loan it gets harder and harder and harder for it to stay alive in a tough marketplace. It means more institutions may close. It means that more people will come back to this Congress. And guess what? They will ask us for money.

Now, if we want to resolve the RTC matter once and for all, as distasteful as this vote may be, we will be voting for the least-cost alternative proposed on this floor to date. We are our allowing the $18 billion previously authorized to be used again, and we have cut the SAEF authorization from $16 billion down to $8 billion. The $26 billion figure in this bill is the lowest opportunity we will have to responsibly fund the actions of the RTC. By refusing to act, we are guaranteeing another politically distasteful vote and, much worse, more irresponsible use of the taxpayer money, and we will pass by the one opportunity we have to do this the right way.

Mr. Chairman, I urge the Members to carefully consider this amendment. To vote against it is in no one's best interest.

The CHAIRMAN. The Chair wishes to advise that the gentleman from Florida [Mr. McCOLLUM] has 4 minutes remaining on the amendment, and the gentleman from North Carolina [Mr. NEAL] has 5½ minutes remaining.

Mr. NEAL of North Carolina. Mr. Chairman, may I inquire, who has the right to close?

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] has the right to close.

Mr. NEAL of North Carolina. Mr. Chairman, I have no further speakers, but before I yield back the balance of my time, I yield myself such time as I may consume to make the following comments.

Mr. Chairman, I wish to take just a moment to thank again the chairman of the committee, the gentleman from Texas [Mr. GONZALEZ], the ranking member, the gentleman from Iowa [Mr. LEACH], the gentleman from Louisiana [Mr. BAKER], and the gentlewoman from New Jersey [Mrs. ROUKEMA] and the others on our side who have worked to forge a bipartisan approach to solve this problem that none of us like, because it is something that all of us wish would magically go away. But I do thank all who have worked so hard to try to solve this problem in the interest of the American taxpayers and on behalf of those who have depended on the word of the Federal Government. I do sincerely thank the Members.

Mr. BAKER of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. NEAL of North Carolina. I yield to the gentleman from Louisiana.

Mr. BAKER of Louisiana. Mr. Chairman, earlier in my comments I commented on the work of the chairman and the ranking member on our side in working out the details to date, and certainly in as much time as the gentleman from North Carolina and I have spent butting heads over this issue in the last 2 months, I wish to make it quite clear that the gentleman has been most significant in his contributions and efforts in trying to reach a middle ground and a responsible solution. I certainly wish to express that feeling to the gentleman from North Carolina.

Mr. NEAL of North Carolina. Mr. Chairman, I thank the gentleman for that observation, and let me say that he certainly has made every effort to work something out. I have to say that the gentleman was a very staunch opponent and did yeoman work in coming in with something that he felt comfortable with, something that would work. I thank him again for this effort.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. McCOLLUM] to close the debate.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I have remaining.

Mr. Chairman, if I could, I would like to state first of all again up front that it is not a problem of what this amendment does, but it is what this amendment does not do and what some people may be led to believe it does. It is not an amendment that corrects the fundamental flaws of the RTC bill, and as opposed to what has been characterized out here, it is not a true leadership amendment.

It is true that a handful of our Republicans on the Banking Committee who are in senior status did indeed negotiate this amendment in good faith with the majority party, but in fact it is only a handful of the members of the Banking Committee, and it had absolutely nothing to do with the full leadership of the Republican Party. They had nothing to do with it on this side. I dare say that the overwhelming majority of those on our side of the aisle do not feel this amendment remedies the problems in this bill, and that is why they did not participate in it.

So with all due respect and from my understanding of the terminology used, I do think that the Members need to understand that when it is characterized as a leadership amendment, that is very misleading. It is not in the sense that we traditionally bring that term forward here and say that there has been an understanding between the two leaderships of the two parties.

Second, I would like to say what the amendment does not do. First of all, what the gentleman from New York [Mr. FISH] talked about at the beginning of this debate on the amendment is relevant, not that it is in the amendment but in the fact that it is a self-executing rule that this amendment did not address, and that is the question of the extension of the statute of limitations, keeping officers and directors liable retroactively for the type of tort activity which many of us do not believe should be done retroactively. And I think the gentleman, who is a senior member of the Judiciary Committee, expressed the view that I have, speaking also as a member of that committee, very well. From our standpoint, that is an egregious thing to do, to go back and have the retroactive feature that is put into place in this bill. And the amendment we are dealing with now does not correct that problem.

☐ 1350

It keeps it. It is there. It is an extraordinarily bad feature, and it really should not be in the law.

Second, the discussion with regard to these minority quotas are not adequately addressed by any means in this. The language of the committee is still there that sets the quotas up for hiring, for contracting out.

The RTC's current competitive bidding procedures will continue to apply, they say, in the amendment that we have before us. I would suggest to Members that since the language in the bill, original bill remains the same, that we have two scenarios that can result.

One is extensive litigation by any subgroup that feels slighted by the contracting process, or de facto implementation of quotas within quotas given the ambiguity that is here.

RTC spent $190 million on lawyers fees last year. Wait till they get ahold of this thing with the ambiguity that is written into it and what I think is a demand for quotas within quotas that is still in the bill and see how many lawyers fees will be run up after that. And then, of course, to me the most egregious part of this all is the fact that while, yes, the gentleman from Louisiana [Mr. BAKER] is right, we did reduce the amount of authorization for the SAIF Fund, we did not do anything to reduce or eliminate the primary funding of RTC. There is still $18.3 billion that are unnecessarily being appropriated in this bill. The amendment does not address that. There is no reduction. Not one red cent of that is needed. That is the most egregious part of this bill, $18.3 billion.

RTC has $7 billion in cash. Nobody has disputed that. Why do they not go ahead and spend it? They have $5 billion in a line of credit, and they have billions of assets they could borrow against.

I think that the irresponsible thing is to vote for this bill.

The argument being made, that it costs $1 billion a day to continue this process, pales by comparison, I do not even know if that figure is correct, but is pales by comparison to the $15 billion or $20 billion we saved last year alone by not giving them more money. Now we are about to do that, closing institutions that do not need to be closed, in some cases. And quite frankly, they just do not need the money to do what they have already got scheduled to do.

It is adding to the deficit, the $18.3 billion. And this amendment does not remedy that fact. We are adding $18.3 billion unnecessarily to the deficit.

RTC has all the money it needs to complete its job. I am not quoting from just Mr. Seidman, as somebody said a while ago. That is the fundamental analysis done by a lot of people, and it is consistent with GAO findings.

I urge my colleagues, while they may adopt this amendment, do not be fooled by it. In the end, we need a ‘‘no’’ vote on the final passage of this bill. Vote against this wasteful, shameful continuation of the Resolution Trust Corporation.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in support of the Gonzales-Leach amendment. While I would have preferred more favorable SAIF provisions, I realize this compromise is the best we can do at the present time.

The amendment, which extends RTC's authority to resolve defunct thrifts for an additional 18 months, will allow the SAIF time to accumulate reserves so that the industry may assume responsibility for future S&L failures after March 31, 1995. However, with $800 million a year in premiums diverted to pay interest on bonds issued to resolve the FSLIC, the SAIF may not be able to accumulate enough reserves by the March 31, date and therefore would still face the burdensome certification language in H.R. 1340.

This language, while supported by some Members as responsible taxpayer policy, may have disastrous effects on the future of the S&L industry. Under H.R. 1340, S&L's cannot access the $16 billion SAIF authorization until the Treasury certifies that they are unable to pay higher premiums required to cover any additional industry losses. This provision may significantly increase the premiums of healthy, federally insured thrifts. And at a time when Bank Insurance Fund premiums are declining, the unfavorable differential between the two will severely weaken S&L's ability to attract capital and complete with banks. In effect, this provision could increase S&L failures and taxpayers costs.

I support the Gonzalez-Leach amendment as it is the best we can do at the present time, and I encourage my colleagues to support it and the bill so that the RTC can finish its mission. However, should inadequate SAIF reserves warrant implementation of the bill's certification requirements, I urge the Banking Committee to revisit this issue to prevent further S&L failures. In Connecticut and the Northeast we need a strong S&L industry to foster continued growth in our housing markets which will in turn create many new jobs in our region. Support Gonzalez-Leach.

Mr. FLAKE. Mr. Speaker, I rise in support of this important legislation. During the debate on the rule, I stated that in my capacity as chairman of the Subcommittee on General Oversight, Investigations, and the Resolution of Failed Financial Institutions, I have held hearings that concluded that we cannot afford to delay the cleanup of this burden and financial strain.

It is our obligation to make good on Federal Deposit Insurance promises and to protect our Nation's insured depositors. The only way to fulfill our obligation is to provide the necessary depositor protection funding. In addition, it is critical to use this vehicle to impose the necessary reforms on the RTC which would do much to improve the corporation's performance, efficiency, and ensure a smooth closure of the RTC.

To the best of my knowledge, I am the only Member of Congress to set foot in the RTC and see their operation first-hand. From this visit, I am encouraged that the new administration has made managerial changes and that the RTC is on track to closing its business. As chairman of the subcommittee that has oversight over the RTC, I am convinced that this legislation will help the RTC to complete its mission. It is hard for me to believe that the savings and loan bailout was the first issue that I addressed in the Banking Committee when I arrived in Congress 7 years ago. It is clearly time to responsibly deal with this issue and put it behind us forever.

The negative ramifications of inaction would be vast. For example, Federal Reserve Chairman Alan Greenspan stated in yesterday's Wall Street Journal, "if adequate funds are not appropriated for the SAIF, it is likely that SAIF member institutions would operate at an ongoing disadvantage to other financial concerns and consequently would be less able to attract capital to maintain their financial health." Let me emphasize that access to these funds should not be denied by inappropriately harsh certification requirements. We can ill afford either to let the almost completed cleanup of the troubled and insolvent thrifts lose its footing toward more stable conditions, or ignore conditions that will cause future instability and risk.

I ask my colleagues to make this difficult vote and stand to fulfil our obligation to this Nation's insured depositors. Please vote in support of this legislation.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendments en bloc offered by the gentleman from Texas [Mr. GONZALEZ].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NEAL of North Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 411, noes 15, answered ‘‘present’’ 1, not voting 11, as follows:

[Roll No. 431]

AYES—411

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak

Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—15

Allard
Bentley
Bonilla
Combest
Doolittle
Everett
Hilliard
Hoke
Johnson, Sam
Knollenberg
Quillen
Rahall
Ridge
Schaefer
Taylor (NC)

ANSWERED "PRESENT"—1

Hyde

NOT VOTING—11

Borski
Conyers
Ford (TN)
Frost
Hayes
Huffington
Lehman
Lipinski
Miller (CA)
Towns
Tucker

□ 1413

Mr. ALLARD changed his vote from "aye" to "no."

Ms. MOLINARI and Messrs. SMITH of Oregon, KLUG, and DUNCAN changed their vote from "no" to "aye."

So the amendments en bloc were agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the Committee amendment in the nature of a substitute, as modified, as amended.

The Committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore. (Mr. TORRES) having assumed the chair, Mr. CARDIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1340) to provide funding for the resolution of failed savings associations, and for other purposes, pursuant to House Resolution 250, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. SOLOMON. Mr. Speaker, I demand a separate vote on the so-called en bloc amendments.

The SPEAKER pro tempore. The Clerk will report the amendments on which a separate vote has been demanded.

The Clerk read as follows:

Amendments en bloc:

Page 17, strike line 19 and all that follows through page 20, line 21, and insert the following:

"(18) MINORITY PREFERENCE IN ACQUISITION OF INSTITUTIONS IN PREDOMINANTLY MINORITY NEIGHBORHOODS.—

"(A) IN GENERAL.—In considering offers to acquire any insured depository institution, or any branch of an insured depository institution, located in a predominantly minority neighborhood (as defined in regulations prescribed under subsection (s)), the Corporation shall prefer an offer from any minority individual, minority-owned business, or a minority depository institution, over any other offer that results in the same cost to the Corporation as determined under section 13(c)(4)(A) of the Federal Deposit Insurance Act.

"(B) CAPITAL ASSISTANCE.—

"(i) ELIGIBILITY.—In order to effectuate the purposes of this paragraph, any minority individual, minority-owned business, or a minority depository institution shall be eligible for capital assistance under the minority interim capital assistance program established under subsection (u)(1) and subject to the provisions of subsection (u)(3), to the extent that such assistance is consistent with the application of section 13(c)(4)(A) of the Federal Deposit Insurance Act under subparagraph (A).

"(ii) TERMS AND CONDITIONS.—Subsection (u)(4) shall not apply to capital assistance provided under this subparagraph.

"(C) PERFORMANCE ASSETS.—In the case of an acquisition of any depository institution or branch described in subparagraph (A) by any minority individual, minority-owned business, or a minority depository institution, the Corporation may provide, in connection with such acquisition and in addition to performing assets of the depository institution or branch, other performing assets under the control of the Corporation in an amount (as determined on the basis of the Corporation's estimate of the fair market value of the assets) not greater than the amount of net liabilities carried on the books of the institution or branch, including deposits, which are assumed in connection with the acquisition.

"(D) FIRST PRIORITY FOR DISPOSITION OF ASSETS.—In the case of an acquisition of any depository institution or branch described in subparagraph (A) by any minority individual, minority-owned business, or a minority depository institution, the disposition of the performing assets of the depository institution or branch to such individual, business, or minority depository institution shall have a first priority over the disposition by the Corporation of such assets for any other purpose.

"(E) DEFINITIONS.—For purposes of this paragraph—

"(i) ACQUIRE.—The term 'acquire' has the meaning given to such term in section 13(f)(8)(B) of the Federal Deposit Insurance Act.

"(ii) MINORITY.—The term 'minority' has the meaning given to such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

"(iii) MINORITY DEPOSITORY INSTITUTION.—The term 'minority depository institution' has the meaning given to such term in subsection (s)(2).

"(iv) MINORITY-OWNED BUSINESS.—The term 'minority-owned business' has the meaning given to such term in subsection (r)(4).".

Page 22, line 19, strike the closing quotation marks and the 2d period.

Page 22, after line 19, insert the following new paragraph:

"(20) CONTRACTING PROCEDURES.—In awarding any contract subject to the competitive bidding process, the Corporation shall apply competitive bidding procedures no less stringent than those in effect on the date of the enactment of the Resolution Trust Corporation Completion Act.".

Page 44, line 11, strike "16,000,000,000" and insert "$8,000,000,000".

Page 50, strike lines 18 and 19 and insert the following:

SEC. 13. CHANGES AFFECTING ONLY FDIC AFFORDABLE HOUSING PROGRAM.

Page 50, line 20, before "Section" insert the following: "(a) INCLUSION OF SUBSIDIARIES' PROPERTIES IN PROGRAM.—".

Page 51, after line 2, insert the following new subsection:

(b) IMPLEMENTATION OF PROGRAM.—Notwithstanding any provisions of section 40 of the Federal Deposit Insurance Act or any other provision of law, in carrying such section 40 during fiscal year 1994 the Federal Deposit Insurance Corporation shall be deemed in compliance with such section if, in its sole discretion, the Corporation at any time modifies, amends, or waives any provisions of such section in order to maximize the efficient use of the available appropriated funds. The Corporation shall not be subject to suit for its failure to comply with the requirements of this provision or section 40 of the Federal Deposit Insurance Act in carrying out such section 40 during fiscal year 1994.

Page 57, strike line 12 and all that follows through page 58, line 22, and insert the following new subsection:

(b) PREFERENCE FOR USE FOR HOMELESS FAMILIES.—

(1) RTC.—Section 21A(c)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(5)) is amended—

(A) by striking "(5) PREFERENCE FOR SALES.—When" and inserting the following: "(5) PREFERENCES FOR SALES.—

"(A) LOW-INCOME USE.—When"; and

(B) by adding at the end the following new subparagraph:

"(B) USE FOR HOMELESS FAMILIES.—In selling any eligible residential property, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer to purchase the property for use in providing housing or shelter for homeless individuals (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.".

(2) FDIC.—Section 40(f) of the Federal Deposit Insurance Act (12 U.S.C. 183q(f)) is amended—

(A) in paragraph (1), by striking "IN GENERAL" and inserting "LOW-INCOME USE"; and

(B) by adding at the end the following new paragraph:

"(4) USE FOR HOMELESS FAMILIES.—In selling any eligible residential property, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer to purchase the property for use in providing housing or shelter for homeless individuals (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.".

Page 75, line 20, strike "among substantially similar offers" and insert the following: "among offers to purchase the property that will result in the same net present value proceeds".

Page 76, lines 10 and 11, strike "among substantially similar offers" and insert "among offers to purchase the property that will result in the same net present value proceeds”.

Page 76, line 16, strike “EXPEDITED MARKETING” and insert “PREFERENCES FOR SALES”.

Page 77, strike line 1 and all that follows through page 78, line 9, and insert the following:

“(17) PREFERENCES FOR SALES FOR CERTAIN COMMERCIAL REAL PROPERTIES.—

“(A) AUTHORITY.—In selling any eligible commercial real properties of the Corporation, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer—

“(i) that is made by a public agency or nonprofit organization; and

“(ii) under which the purchaser agrees that the property shall be used, during the remaining useful life of the property, for offices and administrative purposes of the purchaser to carry out a program to acquire residential properties to provide (I) homeownership and rental housing opportunities for very-low, low-, and moderate-income families, or (II) housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.”.

Page 78, line 10, strike “(C)” and insert “(B)”.

Page 78, line 12, strike “COMMERCIAL” and insert “ELIGIBLE COMMERCIAL”.

Page 78, line 13, insert “eligible” before “commercial”.

Page 78, line 20, strike “(B)(i)” and insert “(A)(ii)”.

Page 79, strike line 5 and all that follows through page 80, line 8, and insert the following:

“(w) PREFERENCES FOR SALES OF CERTAIN COMMERCIAL REAL PROPERTIES.—

“(1) AUTHORITY.—In selling any eligible commercial real properties of the Corporation, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer—

“(A) that is made by a public agency or nonprofit organization; and

“(B) under which the purchaser agrees that the property shall be used, during the remaining useful life of the property, for offices and administrative purposes of the purchaser to carry out a program to acquire residential properties to provide (i) homeownership and rental housing opportunities for very-low, low-, and moderate-income families, or (ii) housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.

Page 80, line 9, strike “(3)” and insert “(2)”.

Page 80, line 11, strike “COMMERCIAL” and insert “ELIGIBLE COMMERCIAL”.

Page 80, line 12, insert “eligible” before “commercial”.

Page 80, line 18, strike “(2)(A)” and insert “(1)(B)”.

Mr. SOLOMON (during the reading). Mr. Speaker, I ask unanimous consent that the amendments en bloc be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendments en bloc.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 406, noes 15, not voting 12, as follows:

[Roll No. 432]

AYES—406

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonior
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—15

Allard
Armey
Bentley
Bonilla
Combest
Doolittle
Hilliard
Hoke
Johnson, Sam
Knollenberg
Quillen
Rahall
Ridge
Schaefer
Taylor (NC)

NOT VOTING—12

Borski
Brown (CA)
Conyers
Hinchey
Huffington
Hyde
Jefferson
Lehman
Lipinski
Miller (CA)
Towns
Tucker

□ 1434

Mr. BONILLA changed his vote from “aye” to “no.”

Mr. EVERETT and Mr. DEFAZIO changed their vote from “nay” to “yea.”

So the amendments en bloc were agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TORRES). The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The amendment in the nature of a substitute, as modified, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. McCOLLUM

Mr. McCOLLUM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. McCOLLUM. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCOLLUM moves to recommit the bill H.R. 1340 to the Committee on Banking, Finance, and Urban Affairs with instructions to report back the same forthwith with the following amendments:

Strike section 2.

Strike so much of section 3(a) as would include paragraph (15)–(17) in the new subsection (w) of section 21A of the FHLBA.

Strike section 4(a).

In section 5, add the following new subparagraph at the end of section 21 of the FHLBA:

"(z) REGIONAL PAY DIFFERENTIAL.—Notwithstanding any other provision of this Act, any locality based comparability payment or any other form of regional pay differential extended to any employee of the Thrift Depositor Protection Oversight Board or any employee assigned to the Corporation under subsection (b)(8) shall be made in conformity with standards for executive agencies under title 5 of the United States Code."

Mr. McCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. McCOLLUM] is recognized for 5 minutes in support of his motion to recommit.

Mr. McCOLLUM. Mr. Speaker, this motion to recommit is very simple. It takes the $18.3 billion in funding and strikes it from the bill. It strikes the quota system, the mandated quotas that are put into this bill for minority and women-owned businesses. It strikes the backroom deal that was made that unfairly and retroactively extends the statute of limitations against directors and officers, and it adds language to limit excessive regional pay for FDIC and RTC personnel, and would allow the RTC to exist with its present funding capacity for the duration of the time needed to do the job.

The amendment we just passed through this bill does not really do much to it. I voted for it because around the margins it improves it. It cuts back the safe fund and so forth; but make no mistake about it, unless you vote for this motion to recommit, you are gong to wind up with a vote in a few minutes on the final passage of an RTC bill that funds it for an additional $18.3 billion.

Now, that is not needed. The RTC does not need one penny more. They have $7 billion in cash right now. They have a $5 billion line of credit with the Treasury should they need it, and the GAO says they do not need more than $11.9 billion.

I do not know what we are doing with nearly a $4 trillion debt, adding to the deficit with another $8.3 billion this afternoon.

This motion to recommit strikes that $18.3 billion out of the bill and lets the RTC live for a while longer to finish its functions with the money it already has.

The assets in RTC it could borrow against, it could sell shortly, some say $38 billion, some say $70 billion worth of assets, it is going to put money back in the Treasury, I would hope, because the value of these assets has been appreciating.

There are those on the other side and some on our side today who have been saying, "Whoa, now, really and truly we need to have all this money."

Somehow, you know, it has got to come to this and we have to make the final cut.

Well, truthfully, we do not need a final cut here.

The $18.3 billion authorization that some say still exists died last April—died. So do not fool yourselves nor let anybody else fool you. If you vote for this bill today the way it is, you are voting for an additional $18.3 billion appropriation and you are adding to the deficit $18.3 billion that is not needed, that is not necessary.

□ 1440

Bill Seidman has said many times to me he did not believe it was necessary. We debated edges off a letter he wrote down here to one of our colleagues earlier. The bottom line is that because we did not put any money into this last year, contrary to the critics, we actually saved about $20 billion of taxpayer money because we did not close any of these S&L's that did not need to be closed and because the properties that are being held now have appreciated in value in Texas and elsewhere, and, as long as interest rates are down where they are now, it is going to continue to happen that way.

Mr. Speaker, we are absolutely crazy not to pass this motion to recommit or, at the very least, if it does not succeed, the vote against the final passage of this bill. We do not need to be giving away $18 billion of taxpayer money.

Now, if that is not bad enough, I think my colleagues ought to know that in this bill still, despite the amendment that was just passed, is a quota system, a mandated quota system for minorities and women. We have never done that legislatively before. RTC already allocates a special proportion of minorities and women, $7 or $8 million in contracts. What are we doing codifying it?

There are those who say, "Well, we say, 'Follow the current guidelines,' but they didn't take the language out that came out of committee that mandates the quotas. The very best case scenario, we're going to give them a whole lot more in attorneys fees to add to the already $190 million they spent last year."

Mr. Speaker, the fact of the matter is we do not need to put quotas in statute. There is no reason to do that, and it is a very bad provision in this bill, and it is precedent setting. We should not pass this bill in this form. My motion to recommit strikes it out of there. If the motion to recommit does not pass, again another solid reason to vote "no" on this bill.

I would like to point out something else. Today, again and again, this agreement that just got passed that I voted on; I said, "OK, it's all right," was characterized as a leadership amendment or a leadership agreement. Only a handful of members of the Committee on Banking, Finance and Urban Affairs on our side of the aisle had anything to do with this. The overwhelming majority of those on this side of the aisle did not have anything to do with that amendment and understand that it did not do a thing to the basic flaws of this bill. It did not substantially change a thing. It is still $18.3 billion in new money put in this bill for RTC that just is not needed, $18.3 billion to an organization that has been wasting it, an organization we all know has its problems, but, above all else, an organization that flat out does not need it to finish its business.

So, Mr. Speaker, what this amendment does, what this motion to recommit does, is very simple. It does away with the $18.3 billion, it does away with the quotas, does away with the retroactive feature of extending liability, and basically I urge that the motion to recommit be adopted, and, if it fails, vote "no" on the final passage of the bill.

Mr. GONZALEZ. Mr. Speaker, I must strongly oppose this motion.

The SPEAKER pro tempore. (Mr. TORRES). The gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. GONZALEZ. Mr. Speaker, this motion completely eliminates all the funding for RTC, and this is irresponsible, to say the least. For the Congress to pass this would be reprehensible. It would be recreating that period of time in which the Congress sat on its hands, did nothing, while the losses mounted astronomically.

Also, by striking the extension of the statute of limitations proviso it would let those who have ripped off the institutions and the taxpayers get away unaccountable and free. He would do away with that in this motion to recommit.

Finally, Mr. Speaker, by striking the minority and women contracting amendments, which are in the law already, this recommittal amendment would bring to a dead halt efforts to bring about an equitable distribution of contracts instead of those awarded to cronies and favorites.

Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina [Mr. NEAL].

Mr. NEAL of North Carolina. Mr. Speaker, for almost 60 years we have promised people in this country that their deposits will be safe in financial institutions. Now, if we follow the advice of the gentleman from Florida [Mr. McCOLLUM], we will continue to do nothing, and the cost will be somewhere between $3 and $6 million a day.

We have been doing what the gentleman from Florida [Mr. McCOLLUM] says is what we ought to do. No new money, and the cost is at least a billion dollars a year.

Mr. Speaker, it is totally irresponsible not to face up to this problem. If we do not pass this today, we will have to come back again next week, next month, sometime, to pass this bill. We have to fulfill this promise, and passing the bill is the most economically responsible way to do it.

The gentleman from Florida [Mr. McCOLLUM] talks about minority quotas. There are no quotas in this bill. Every outreach program in the bill, with every outreach program, there is a requirement that there be no net cost. It cannot be a quota. We have worked out in this leadership amendment a clear mandate that there are no quotas. We have got to quit kidding ourselves. There is no way to do this on the cheap.

I say to my colleagues, “The only responsible way is to pass this bill, and I urge you to pass this bill today, fulfilling our promise that we have made for almost 60 years, avoid financial panic, and do it in the most economically sensible way.”

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 242, answered “present” 1, not voting 10, as follows:

[Roll No. 433]

AYES—180

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hilliard
Hobson
Hoekstra
Hoke
Horn
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Istook
Johnson, Sam
Kaptur
Kasich
Kim
Kingston
Klug
Knollenberg
Kyl
Lambert
Lancaster
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Mineta
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Penny
Peterson (MN)
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Williams
Wolf
Young (FL)
Zeliff
Zimmer

NOES—242

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Baker (LA)
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pickle
Pomeroy
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
¶Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

ANSWERED “PRESENT”—1

Hyde

NOT VOTING—10

Borski
Brown (CA)
Conyers
Cox
Huffington
Lehman
Lipinski
Miller (CA)
Towns
Wilson

□ 1504

Mrs. MINK, Mr. MORAN, and Mr. LEVIN changed their vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TORRES). The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 208, answered “present” 1, not voting 10, as follows:

[Roll No. 434]

AYES—214

Abercrombie
Ackerman
Andrews (ME)
Bacchus (FL)
Baker (LA)
Barlow
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Boucher
Brooks
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Coppersmith
Coyne

Danner
de la Garza
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
Eshoo
Farr
Fawell
Fazio
Fields (LA)
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Glickman
Gonzalez
Grandy
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hinchey
Hoagland
Hochbrueckner
Houghton
Hoyer
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
King
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lightfoot
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
Meehan
Meek
Mfume
Michel
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pickle
Porter
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tejeda
Thornton
Thurman
Torres
Tucker
Unsoeld
Valentine
Velazquez
Vento
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOES—208

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Bartlett
Barton
Bateman
Bentley
Bevill
Bilirakis
Bliley
Blute
Boehner
Bonilla
Brewster
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Darden
Deal
DeFazio
DeLauro
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Engel
English (OK)
Evans
Everett
Ewing
Fields (TX)
Filner
Fish
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Hefner
Herger
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hughes
Hutchinson
Hutto
Inglis
Inhofe
Istook
Johnson (GA)
Johnson, Sam
Kaptur
Kasich
Kildee
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Livingston
Lloyd
Long
Lowey
Machtley
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McNulty
Menendez
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Nadler
Nussle
Owens
Oxley
Packard
Pallone
Paxon
Penny
Peterson (MN)
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Sanders
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Sharp
Shaw
Shuster
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thompson
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Hyde

NOT VOTING—10

Borski
Brown (CA)
Conyers
Gordon
Huffington
Hunter
Lehman
Lipinski
Miller (CA)
Towns

□ 1523

Ms. MCKINNEY changed her vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

A bill to provide for the remaining funds needed to assure that the United States fulfills its obligation for the protection of depositors at savings and loan institutions, to improve the management of the Resolution Trust Corporation ("RTC") in order to assure the taxpayers the fairest and most efficient disposition of savings and loan assets, to provide for a comprehensive transition plan to assure an orderly transfer of RTC resources to the Federal Deposit Insurance Corporation, to abolish the RTC, and for other purposes.

A motion to reconsider was laid on the table.

Mr. GONZALEZ. Mr. Speaker, pursuant to the provisions of House Resolution 250, I call up from the Speaker's table the Senate bill (S. 714) to provide funding for the resolution of failed savings associations, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of S. 714 is as follows:

S. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Thrift Depositor Protection Act of 1993".

SEC. 2. THRIFT RESOLUTION FUNDING PROVISIONS.

Section 21A(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(i)) is amended—

(1) in paragraph (3), by striking "until April 1, 1992"; and

(2) by adding at the end the following new paragraphs:

"(4) RELEASE OF RTC FUNDS CONTINGENT ON CERTIFICATION BY THE CHAIRPERSON OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.—Of the amount appropriated under paragraph (3), not more than $10,000,000,000 shall be paid after the date of enactment of the Thrift Depositor Protection Act of 1993 by the Secretary of the Treasury to the Corporation until the Chairperson of the Thrift Depositor Protection Oversight Board (hereafter in this subsection referred to as the 'Chairperson') has certified under paragraph (5) to the Congress that a program that meets the criteria specified in paragraph (5) has been put into place to curb waste, fraud, and abuse at the Corporation.

"(5) CERTIFICATION.—The Chairperson shall certify to the Congress that—

"(A) the Corporation has formulated and is implementing, in a manner acceptable to the Chairperson, a program to—

"(i) strengthen internal controls against waste, fraud, and abuse;

"(ii) respond to problems identified by auditors;

"(iii) prepare a comprehensive business plan for the balance of the Corporation's mission;

"(iv) expand opportunities for minorities and women by, among other things, elevating the director of minority and women's programs to a vice presidential position and voting member of the executive committee and by reviewing and restructuring the use of basic ordering agreements to ensure that minorities and women are not inadvertently excluded;

"(v) improve the professional liability section of the Corporation by, among other things, appointing a senior attorney, at the assistant general counsel level or above, responsible for the professional liability section;

"(vi) improve management information systems to provide complete and current information on a cost-effective basis;

"(vii) strengthen contractor systems and contractor oversight, including contracting for legal services, by, among other things, appointing a senior officer whose responsibilities shall include setting uniform standards for contracting and enforcement and who shall be a voting member of the executive committee;

"(viii) provide for the appointment of a chief financial officer who does not have other operating responsibilities and who will report directly to the chief executive officer of the Corporation and who will comply with the provisions of sections 9105 and 9106 of title 31, United States Code;

"(ix) improve the management of legal services by—

"(I) utilizing staff counsel when such utilization would provide the same level of quality in legal services as the use of outside counsel at a lower estimated cost; and

"(II) employing outside counsel, in accordance with section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, subsection (t) of this Act, and regulations promulgated under those provisions, under a negotiated fee, contingent fee, or competitively bid fee agreement, if the use of outside counsel under such agreement or fee would provide the most cost-effective and appropriate resolution to the action; and

"(x) ensure that every regional office of the Corporation contains a client responsiveness unit responsible to the Corporation's ombudsman; and

"(B) the Thrift Depositor Oversight Board has provided for the appointment of an audit committee.

The certification shall be accompanied by a report that describes in detail the implementation of the program specified in the certification, including the specific measures that have been and are being undertaken to correct the problems identified.

"(6) TESTIMONY.—The Chairperson shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives 30 days prior to the expected expenditure of any funds requiring a certification under paragraph (4). The Chairperson shall, at the request of either committee, testify before such committee during the 30 days following the notification.

"(7) INABILITY TO CERTIFY.—If the Chairperson is unable to make a certification required by paragraph (4), the Chairperson shall notify the Congress and the Corporation of the reasons for the inability to provide the certification. Upon such notification, the Corporation shall—

"(A) begin to correct any deficiencies in the program described in paragraph (5), or explain why it is not possible to take such action; and

"(B) request that the Chairperson provide the certification.".

SEC. 3. SAVINGS ASSOCIATION INSURANCE FUND PROVISIONS.

Section 11(a)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)) is amended—

(1) by striking subparagraph (E) and inserting the following:

"(E) TREASURY PAYMENTS TO FUND.—

"(i) IN GENERAL.—To provide sufficient funding for the Savings Association Insurance Fund to carry out subparagraph (F), the Secretary of the Treasury shall pay to such Fund not later than September 30, 1998, out of moneys in the Treasury not otherwise appropriated, such amounts as the Secretary of the Treasury may find necessary, not to exceed $8,500,000,000.

"(ii) CERTIFICATION REQUIRED.—No funds shall be paid under clause (i) in any fiscal year unless the Chairperson of the Federal Deposit Insurance Corporation has first made a certification to the Congress in that year that further increases in the deposit insurance premiums paid by members of the Fund could create a substantial risk that losses due to additional failures caused by the increases would exceed the increased premium income or such increases would threaten the ability of the thrift industry to maintain or raise adequate capital and continue to provide financial services on a competitive basis.";

(2) in subparagraph (F)—

(A) by striking "The Secretary" and all that follows through the colon and inserting the following: "From amounts provided in subparagraph (E), the Secretary of the Treasury shall pay to the Savings Association Insurance Fund, for each fiscal year described in the following table, such amounts as the Corporation and the Secretary of the Treasury determine are necessary to pay insurance losses at failed institutions, unless, after deducting losses anticipated during that fiscal year, the Fund is expected to meet the minimum net worth referred to in such table in the applicable fiscal year:";

(3) by striking subparagraph (H) and inserting the following:

"(H) DISCRETIONARY RTC PAYMENTS TO THE SAIF.—

"(i) IN GENERAL.—Upon request by the Corporation and not later than 2 years after the date on which the Resolution Trust Corporation terminates pursuant to section 21A(m) of the Federal Home Loan Bank Act, the Secretary of the Treasury may pay to the Savings Association Insurance Fund to carry out subparagraph (F), or to the FSLIC Resolution Fund, any funds made available by section 21A(i) of the Federal Home Loan Bank Act to be paid to the Resolution Trust Corporation that the Secretary of the Treasury determines are not required to meet the obligations of the Resolution Trust Corporation.

"(ii) USE OF FUNDS BY SAIF.—Funds paid to the Savings Association Insurance Fund under clause (i) may only be used to resolve institutions that the Director of the Office of Thrift Supervision has identified, not later than October 1, 1993, as problem institutions.";

(4) in subparagraph (J)—

(A) by striking "and" at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) the amount in clause (ii) shall be reduced by any funds provided in subparagraph (E)."; and

(5) by adding at the end the following:

"(K) RELEASE OF SAIF FUNDS CONTINGENT ON CERTIFICATION BY THE SECRETARY OF THE TREASURY AND THE CHAIRPERSON OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.—

"(i) INITIAL CERTIFICATION.—No funds appropriated in subparagraph (E) or made available under subparagraph (H) shall be paid by the Secretary of the Treasury to the Savings Association Insurance Fund until—

"(I) the Secretary of the Treasury, in consultation with the Chairperson of the Federal Deposit Insurance Corporation has certified to the Congress that such additional funds are needed to meet obligations of such Fund to depositors, as set forth in subparagraph (F); and

"(II) the Chairperson of the Federal Deposit Insurance Corporation has certified to the Congress that—

"(aa) further increases in the deposit insurance premiums paid by members of the Fund could create a substantial risk that losses due to additional failures caused by the increases would exceed the increased premium income or such increases would threaten the ability of the thrift industry to maintain or raise adequate capital and continue to provide financial services on a competitive basis;

"(bb) such Fund is implementing a program to operate efficiently;

"(cc) such Fund is implementing a program to prevent waste, fraud, and abuse in its operations;

"(dd) the Corporation has provided for the appointment of a chief financial officer who does not have other operating responsibilities and who will report directly to the Chairperson of the Corporation, comply with the provisions of sections 9105 and 9106 of title 31, United States Code, and take appropriate steps to respond to any recommendations of the Comptroller General of the United States in the most recent audit of such Fund conducted under section 17(d), or certify that such action is not necessary or appropriate;

"(ee) the Corporation has provided for the appointment of a senior officer whose responsibilities shall include setting uniform standards for contracting and contracting enforcement in connection with the administration of the Fund;

"(ff) the Corporation is implementing the minority outreach provisions mandated by section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989;

"(gg) the Corporation has provided for the appointment of a senior attorney, at the assistant general counsel level or above, responsible for professional liability cases; and

"(hh) the Corporation is taking steps to improve the management of legal services by utilizing staff counsel when such utilization would provide the same level of quality in legal services as the use of outside counsel at a lower estimated cost, and, if the use of outside counsel would provide the most cost-effective and appropriate resolution to the action, employing such counsel, in accordance with section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and regulations promulgated under those sections, under a negotiated fee, contingent fee, or competitively bid fee agreement.

"(ii) SECOND CERTIFICATION.—No funds in excess of $8,500,000,000 of the amount appropriated in subparagraph (E) or made available under subparagraph (H) shall be paid by the Secretary of the Treasury to the Savings Association Insurance Fund until—

"(I) the Secretary of the Treasury, in consultation with the Chairperson of the Federal Deposit Insurance Corporation has certified to the Congress that such additional funds are expected to be needed to meet obligations of such Fund to depositors, as set forth in subparagraph (F); and

"(II) the Chairperson of the Federal Deposit Insurance Corporation has certified to the Congress that—

"(aa) further increases in the deposit insurance premiums paid by members of the Fund could create a substantial risk that losses due to additional failures caused by the increases would exceed the increased premium income or such increases would threaten the ability of the thrift industry to maintain or raise adequate capital and continue to provide financial services on a competitive basis;

"(bb) such Fund is implementing a program to operate efficiently;

"(cc) such Fund is implementing a program to prevent waste, fraud, and abuse in its operations;

"(dd) the Corporation has provided for the appointment of a chief financial officer who does not have other operating responsibilities and who will report directly to the Chairperson of the Corporation, comply with the provisions of sections 9105 and 9106 of title 31, United States Code, and take appropriate steps to respond to any recommendations of the Comptroller General of the United States in the most recent audit of such Fund conducted under section 17(d), or certify that such action is not necessary or appropriate;

"(ee) the Corporation has provided for the appointment of a senior officer whose responsibilities shall include setting uniform standards for contracting and contracting enforcement in connection with the administration of the Fund;

"(ff) the Corporation is implementing the minority outreach provisions mandated by section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989;

"(gg) the Corporation has provided for the appointment of a senior attorney, at the assistant general counsel level or above, responsible for professional liability cases; and

"(hh) the Corporation is taking steps to improve the management of legal services by utilizing staff counsel when such utilization would provide the same level of quality in legal services as the use of outside counsel at a lower estimated cost, and, if the use of outside counsel would provide the most cost-effective and appropriate resolution to the action, employing such counsel, in accordance with section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and regulations promulgated under those sections, under a negotiated fee, contingent fee, or competitively bid fee agreement.

The certifications required by this clause shall be made not later than 30 days before the date by which such additional funds are expected to be needed.

"(L) TESTIMONY.—The Secretary of the Treasury shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives 30 days prior to the expected payment of any funds requiring a certification under subparagraph (K). The Secretary of the Treasury and the Chairperson of the Corporation shall, at the request of either committee, testify before such committee during the 30 days following the notification.".

"(M) INDEPENDENT REPORT BY THE GENERAL ACCOUNTING OFFICE.—No funds appropriated in subparagraph (E) or made available under subparagraph (H) shall be paid pursuant to a certification under clause (i) or (ii) of subparagraph (K) by the Secretary of the Treasury to the Savings Association Insurance Fund for 60 days after such certifications are made, unless the Secretary determines, and notifies the Congress that an emergency exists. During such 60 day period, the Comptroller General of the United States shall transmit a report to the Congress that—

"(i) states whether such certifications have been verified; and

"(ii) states whether—

"(I) further increases in the deposit insurance premiums paid by Savings Association Insurance Fund members could create a substantial risk that losses due to additional failures caused by the increases would exceed the increased premium income;

"(II) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) during such year at the assessment rate which would be required in order to meet the repayment schedule required under section 14(c) for any amount borrowed under section 14(a) to cover losses incurred by the Fund during such year; and

"(III) an increase in the assessment rate for Savings Association Insurance Fund members to meet any such repayment schedule could reasonably be expected to result in greater losses to the Government (through an increase in the number of institutions in default).".

SEC. 4. APPEALS PROCEDURE.

Section 21A(b)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(4)) is amended by adding at the end the following new subparagraph:

"(C) APPEALS.—The Chairperson of the Thrift Depositor Protection Oversight Board shall certify to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives that the Corporation has formulated and is implementing, in a manner acceptable to the Chairperson, a program to provide an appeals process for business and commercial borrowers to appeal decisions by the Corporation (when acting as a conservator) to terminate or otherwise adversely affect credit or loan agreements, lines of credit, and similar arrangements with such borrowers who have not defaulted on their obligations.".

SEC. 5. FINAL REPORT ON RTC AND SAIF FUNDING.

(a) IN GENERAL.—The Secretary of the Treasury shall prepare and transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives final reports relating to the use of the funds provided by this Act to the Resolution Trust Corporation and the Savings Association Insurance Fund. Each such report shall contain a detailed description of the purposes for which the funds were used.

(b) TIME FOR SUBMISSION.—The reports described in subsection (a) shall be transmitted—

(1) not later than 45 days after the final expenditure of funds under this Act by the Resolution Trust Corporation; and

(2) not later than 45 days after the final expenditure of funds under this Act by the Savings Association Insurance Fund.

SEC. 6. THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUDIT COMMITTEE ESTABLISHED.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(w) THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUDIT COMMITTEE ESTABLISHED.—

"(1) IN GENERAL.—There is hereby established the Thrift Depositor Protection Oversight Board Audit Committee (hereafter referred to in this section as the 'Committee'), the members of which shall be appointed by the Chairperson of the Thrift Depositor Protection Oversight Board.

"(2) FEDERAL ADVISORY COMMITTEE ACT NOT APPLICABLE.—The Committee shall not be deemed an 'advisory committee' within the meaning of section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 7. INDIVIDUAL SALES OF REAL PROPERTY BY THE RESOLUTION TRUST CORPORATION.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(x) INDIVIDUAL SALES OF REAL PROPERTY.—

"(1) IN GENERAL.—For 90 days after acquiring title to any real property, whether held directly or indirectly by an institution described in subsection (b)(3)(A) for which the Corporation is acting as receiver, the Corporation may sell any such property only on an individual basis.

"(2) EXCEPTION FOR CERTAIN RESOLUTIONS.—Notwithstanding paragraph (1), the Corporation shall not be required to set aside real property for a 90-day period for individual sales if such property is sold simultaneously with a resolution in which a buyer purchases assets and assumes liabilities (or acts as agent of the Corporation for purposes of paying insured deposits) of an institution described in subsection (b)(3)(A) or in which assets are transferred to a new institution organized pursuant to the provisions of section 11(d)(2)(F) of the Federal Deposit Insurance Corporation Act (12 U.S.C. 1821(d)(2)(F)).".

SEC. 8. INDIVIDUAL SALES OF REAL PROPERTY BY THE FEDERAL DEPOSIT INSURANCE CORPORATION.

Section 11(d) of the Federal Deposit Insurance Corporation Act (12 U.S.C. 1821(d)) is amended by adding at the end the following new paragraph:

"(20) INDIVIDUAL SALES OF REAL PROPERTY.—

"(A) IN GENERAL.—For 90 days after acquiring title to any real property, whether held directly or indirectly by an institution for which the Corporation has been appointed receiver pursuant to subsection (c), the Corporation may sell any such property only on an individual basis.

"(B) EXCEPTION FOR CERTAIN RESOLUTIONS AND BRIDGE BANK PURCHASES.—Notwithstanding subparagraph (A), the Corporation shall not be required to set aside real property for a 90-day period for individual sales if such property is sold simultaneously with a resolution in which a buyer purchases assets and assumes liabilities (or acts as agent of the Corporation for purposes of paying insured deposits) of an institution for which the Corporation has been appointed receiver pursuant to subsection (c) or in which assets are transferred to—

"(i) a bridge bank organized in accordance with the provisions of subsection (n);

"(ii) a new national bank organized in accordance with the provisions of subsection (m); or

"(iii) a new institution organized pursuant to the provisions of paragraph (2)(F) of this subsection.".

SEC. 9. LIMITATION ON CASH BONUSES.

Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act (12 U.S.C. 1833b) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Federal Deposit Insurance Corporation"; and

(2) by adding at the end the following subsection:

"(b) LIMITATIONS ON CASH BONUSES BY THE FEDERAL DEPOSIT INSURANCE CORPORATION.—Notwithstanding the provisions of subsection (a)—

"(1) no executive-level employee of the Federal Deposit Insurance Corporation who is on assignment to the Resolution Trust Corporation or whose work is allocable to the Savings Association Insurance Fund shall receive a cash bonus in excess of that which may be awarded to a Senior Executive Service employee pursuant to chapter 53 of title 5, United States Code; and

"(2) no employee of the Federal Deposit Insurance Corporation on assignment to the Resolution Trust Corporation or whose work is allocable to the Savings Association Insurance Fund shall receive any cash bonus if such employee has given notice of an intent to resign to take a position in the private sector before the payment of such cash bonus or accepts employment in the private sector not later than 60 days after receipt of such bonus.".

SEC. 10. WHISTLE BLOWER PROTECTION.

(a) AMENDMENTS TO THE FEDERAL HOME LOAN BANK ACT.—Section 21A(q) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)) is amended—

(1) in paragraph (1), by striking "regarding" and all that follows through the end of the sentence and inserting the following: "regarding—

"(A) a possible violation of any law or regulation; or

"(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

by the Corporation, the Oversight Board, or such person or any director, officer, or employee of the Corporation, the Oversight Board, or the person."; and

(2) by inserting after paragraph (4) the following:

"(5) BURDENS OF PROOF.—The legal burdens of proof that prevail under subchapter III of chapter 12 of title 5, United States Code, shall govern adjudication of protected activities under this subsection.".

(b) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 33 of the Federal Deposit Insurance Act (12 U.S.C. 1831j) is amended—

(1) in subsection (a)(1), by striking "regarding" and all that follows through the end of the sentence and inserting the following: "regarding—

"(A) a possible violation of any law or regulation; or

"(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

by the depository institution or any director, officer, or employee of the institution."; and

(2) by adding at the end the following:

"(f) BURDENS OF PROOF.—The legal burdens of proof that prevail under subchapter III of chapter 12 of title 5, United States Code, shall govern adjudication of protected activities under this section.".

SEC. 11. DEPUTY CHIEF EXECUTIVE OFFICER.

Section 21A(b)(8) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(8)) is amended by adding at the end the following new subparagraphs:

"(E) DEPUTY CHIEF EXECUTIVE OFFICER.—There is established the office of deputy chief executive officer of the Corporation. The Chairperson of the Thrift Depositor Protection Oversight Board, with the recommendation of the chief executive officer, may appoint the deputy chief executive officer, who shall be an employee of the Federal Deposit Insurance Corporation in accordance with subparagraph (B)(i) of this paragraph. The deputy chief executive officer shall perform such duties as the chief executive officer may require.

"(F) ACTING CHIEF EXECUTIVE OFFICER.—

"(i) IN GENERAL.—Subject to subparagraph (C), the chief executive officer may designate the deputy chief executive officer to act as chief executive officer if the chief executive officer dies, resigns, or is sick or absent; or if the chief executive office fails to make such a designation or is unable to make such a designation due to death or disability, the Chairperson of the Thrift Depositor Protection Oversight Board may designate the deputy chief executive officer to act as chief executive officer if the chief executive officer dies, resigns, or is sick or absent.

"(ii) POWERS.—An acting chief executive officer designated under clause (i) shall possess the power to perform the duties vested in the chief executive officer pursuant to subparagraph (D).".

SEC. 12. GENERAL COUNSEL OF THE RESOLUTION TRUST CORPORATION.

Section 21A(b)(8) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(8)), as amended by section 11 of this Act, is amended by adding at the end the following new subparagraph:

"(G) GENERAL COUNSEL.—There is established the office of general counsel of the Corporation. The chief executive officer, with the concurrence of the Chairperson of the Thrift Depositor Protection Oversight Board, may appoint the general counsel, who shall be an employee of the Federal Deposit Insurance Corporation in accordance with subparagraph (B)(i). The general counsel shall perform such duties as the chief executive officer may require.".

SEC. 13. INSPECTOR GENERAL OF FEDERAL DEPOSIT INSURANCE CORPORATION.

(a) AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 11—

(A) in paragraph (1), by striking "the chief executive officer of the Resolution Trust Corporation;" and inserting "the chief executive officer of the Resolution Trust Corporation; and the Chairperson of the Federal Deposit Insurance Corporation;"; and

(B) in paragraph (2), by inserting "the Federal Deposit Insurance Corporation," after "Resolution Trust Corporation,";

(2) by inserting after section 8B the following new section:

"SEC. 8C. SPECIAL PROVISIONS CONCERNING THE FEDERAL DEPOSIT INSURANCE CORPORATION.

"(a) DELEGATION.—The Chairperson of the Federal Deposit Insurance Corporation may delegate the authority specified in the second sentence of section 3(a) to the Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, but may not delegate such authority to any other officer or employee of the Corporation.

"(b) PERSONNEL.—Notwithstanding paragraphs (7) and (8) of section 6(a), the Inspector General of the Federal Deposit Insurance Corporation may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General and to obtain the temporary or intermittent services of experts or consultants or an organization of experts or consultants, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the Federal Deposit Insurance Corporation.";

(3) by redesignating sections 8C through 8F as sections 8D through 8G, respectively; and

(4) in section 8F(a)(2), as redesignated, by striking "the Federal Deposit Insurance Corporation,".

(b) POSITION AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by inserting after "Inspector General, Small Business Administration." the following:

"Inspector General, Federal Deposit Insurance Corporation.".

(c) TRANSITION PERIOD.—The individual serving as the Inspector General of the Federal Deposit Insurance Corporation before the effective date of this section may continue to serve in such position until and unless the President appoints a successor under section 3(a) of the Inspector General Act of 1978, except as otherwise provided by law. For the purposes of the preceding sentence, the term "successor" may include the individual holding the position of Inspector General of the Federal Deposit Insurance Corporation on or after the date of enactment of this section.

SEC. 14. AUTHORITY TO EXECUTE CONTRACTS.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(y) AUTHORITY TO EXECUTE CONTRACTS.—

"(1) AUTHORIZED PERSONS.—A person may execute a contract on behalf of the Corporation for the provision of goods or services only if—

"(A) that person—

"(i) is a warranted contracting officer appointed by the Corporation, or is a managing agent of a savings association under the conservatorship of the Corporation; and

"(ii) provides appropriate certification or other identification, as required by the Corporation in accordance with paragraph (2);

"(B) the notice described in paragraph (4) is included in the written contract; and

"(C) that person has appropriate authority to execute the contract on behalf of the Corporation in accordance with the notice published by the Corporation in accordance with paragraph (5).

"(2) PRESENTATION OF IDENTIFICATION.—Prior to executing any contract described in paragraph (1) with any person, a warranted contracting officer or managing agent shall present to that person—

"(A) a valid certificate of appointment (or such other identification as may be required by the Corporation) and signed by the appropriate officer of the Corporation; or

"(B) a copy of such certificate, authenticated by the Corporation.

"(3) TREATMENT OF UNAUTHORIZED CONTRACTS.—A contract described in paragraph (1) that fails to meet the requirements of this section—

"(A) shall be null and void; and

"(B) shall not be enforced against the Corporation or its agents by any court.

"(4) INCLUSION OF NOTICE IN CONTRACT TERMS.—Each written contract described in paragraph (1) shall contain a clear and conspicuous statement (in boldface type) in immediate proximity to the space reserved for the signatures of the contracting parties as follows:

" 'Only warranted contracting officers appointed by the Resolution Trust Corporation or managing agents of associations under the conservatorship of the Resolution Trust Corporation have the authority to execute contracts on behalf of the Resolution Trust Corporation. Such persons have certain limits on their contracting authority. The nature and extent of their contracting authority levels are published in the Federal Register.

" 'A warranted contracting officer or a managing agent must present identification in the form of a signed certificate of appointment (or an authenticated copy of such certificate) or other identification, as required by the Corporation, prior to executing any contract on behalf of the Resolution Trust Corporation.

" 'ANY CONTRACT THAT IS NOT EXECUTED BY A WARRANTED CONTRACT OFFICER OR THE MANAGING AGENT OF A SAVINGS ASSOCIATION UNDER THE CONSERVATORSHIP OF THE RESOLUTION TRUST CORPORATION, ACTING IN CONFORMITY WITH HIS OR HER CONTRACTING AUTHORITY, SHALL BE NULL AND VOID, AND WILL NOT BE ENFORCEABLE BY ANY COURT.'.

"(5) NOTICE OF REQUIREMENTS.—Not later than 30 days after the date of enactment of this Act, the Corporation shall publish notice in the Federal Register of—

"(A) the requirements for appointment by the Corporation as a warranted contracting officer; and

"(B) the nature and extent of the contracting authority to be exercised by any warranted contracting officer or managing agent.

"(6) EXCEPTION.—This section does not apply to—

"(A) any contract between the Corporation and any other person governing the purchase or assumption by that person of—

"(i) the ownership of a savings association under the conservatorship of the Corporation; or

"(ii) the assets or liabilities of a savings association under the conservatorship or receivership of the Corporation; or

"(B) any contract executed by the Inspector General of the Corporation (or any designee thereof) for the provision of goods or services to the Office of the Inspector General of the Corporation.

"(7) EXECUTION OF CONTRACTS.—For purposes of this subsection, the execution of a contract includes all modifications to such contract.

"(8) EFFECTIVE DATE.—The requirements of this subsection shall apply to all contracts described in paragraph (1) executed on or after the date which is 45 days after the date of enactment of this subsection.".

SEC. 15. TERMINATION DATE OF THE CORPORATION.

Section 21A(m)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(m)(1)) is amended by striking "December 31, 1996" and inserting "December 31, 1995".

SEC. 16. ASSISTANT GENERAL COUNSEL FOR PROFESSIONAL LIABILITY.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(z) ASSISTANT GENERAL COUNSEL FOR PROFESSIONAL LIABILITY.—

"(1) APPOINTMENT.—The Corporation shall appoint, within the Division of Legal Services of the Corporation, an Assistant General Counsel for Professional Liability who shall report to the Associate General Counsel for Litigation and the chief executive officer of the Corporation.

"(2) DUTIES.—The Assistant General Counsel for Professional Liability appointed under paragraph (1) shall—

"(A) direct the investigation, evaluation, and prosecution of all professional liability cases involving the Corporation; and

"(B) supervise all legal, investigative, and other personnel and contractors involved in the litigation of such claims.

"(3) REPORTS TO THE CONGRESS.—The Assistant General Counsel for Professional Liability shall submit semiannual reports to the Congress not later than April 30 and October 31 of each year concerning the activities of the Assistant General Counsel.".

SEC. 17. DEFINITION OF PROPERTY.

(a) Section 9102(e) of the Department of Defense Appropriations Act, 1990 (16 U.S.C. 396f note) is amended by striking "real, personal," and inserting "real, personal (including intangible assets sold or offered by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, such as financial instruments, notes, loans, and bonds),".

(b) Section 12(b)(7)(vii) of Public Law 94-204 (43 U.S.C. 1611 note) is amended by striking "real, personal," and inserting "real, personal (including intangible assets sold or offered by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, such as financial instruments, notes, loans, and bonds),".

SEC. 18. CIVIL STATUTE OF LIMITATIONS FOR TORT ACTIONS BROUGHT BY THE RTC.

(a) RESOLUTION TRUST CORPORATION.—Section 11(d)(14) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(14)) is amended—

(1) in subparagraph (A)(ii), by inserting "except as provided in subparagraph (B)," before "in the case of";

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) TORT ACTIONS BROUGHT BY THE RESOLUTION TRUST CORPORATION.—The applicable statute of limitations with regard to any action in tort brought by the Resolution Trust Corporation in its capacity as conservator or receiver of a failed savings association shall be the longer of—

"(i) the 5-year period beginning on the date the claim accrues; or

"(ii) the period applicable under State law."; and

(4) in subparagraph (C), as redesignated—

(A) by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)"; and

(B) by striking "such subparagraph" and inserting "such subparagraphs".

(b) EFFECTIVE DATE; TERMINATION; FDIC AS SUCCESSOR.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall be construed to have the same effective date as section 212 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(2) TERMINATION.—The amendments made by subsection (a) shall remain in effect only until the termination of the Resolution Trust Corporation.

(3) FDIC AS SUCCESSOR TO THE RTC.—The Federal Deposit Insurance Corporation, as successor to the Resolution Trust Corporation, shall have the right to pursue any tort action that was properly brought by the Resolution Trust Corporation prior to the termination of the Resolution Trust Corporation.

SEC. 19. COST EFFECTIVENESS OF FEDERAL PROPERTY MANAGEMENT.

(a) FINDINGS.—The Congress finds that—

(1) the Federal Government owns over 400,000 buildings that cost the taxpayers hundreds of billions of dollars;

(2) the Federal Government is the largest single tenant and builder of office space in the United States;

(3) the Federal Government currently has $11,400,000,000 of construction in the works which, when completed, will add approximately 23,000,000 square feet of office space;

(4) the Federal Government is constructing, or entering into long-term leases for buildings constructed expressly for the Federal Government, in areas with building vacancy rates as high as 30 percent;

(5) significant budget savings can be achieved if, before considering new construction, Federal agencies aggressively explore the possibilities of purchasing or leasing suitable office buildings available in the market or acquiring suitable real estate under the control of the Federal Deposit Insurance Corporation or Resolution Trust Corporation;

(6) the physical space requirements of Federal agencies and the Judiciary are too often overstated and inflexible and, therefore, do not permit the acquisition or lease of existing properties which may be suitable and cost-effective;

(7) current scorekeeping rules may be discouraging agencies from entering into the most responsible arrangements for securing office space (for example, in some cases, a lease/purchase agreement may be most cost-effective but current scorekeeping rules require that the budget authority and outlays for the entire obligation, paid over a period of years, be scored in the year the contract is signed); and

(8) the Federal Buildings Fund, established in 1972 as a revolving fund to cover the General Services Administration's cost of rent, repairs, renovations, and to pay for the construction of new Federal buildings, and funded by the rent agencies pay to the General Services Administration, has failed to be self-sustaining and has required billions in appropriations to finance new construction.

(b) COMPREHENSIVE REVIEW OF FEDERAL PROPERTY MANAGEMENT.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall conduct a comprehensive review of Federal property management policies and procedures and make recommendations to promote better coordination between Government agencies, maximize efficiency, and encourage flexibility to make decisions which are in the best interest of the Federal Government.

(2) INCLUDED IN REVIEW.—The review required by this subsection shall include—

(A) recommendations requiring the General Services Administration, the Department of Defense, the Postal Service and all other Federal agencies and the Judiciary, when appropriate, to develop or modify existing building requirements in such a way as to allow for—

(i) the purchase, lease, lease/purchase of existing buildings at market rates; and

(ii) the purchase of Resolution Trust Corporation-owned and Federal Deposit Insurance Corporation-owned real estate rather than new construction of buildings;

(B) in conjunction with the Director of the Congressional Budget Office, developing recommendations to revise scorekeeping rules for Federal property leasing, lease/purchase, construction, and acquisition to encourage flexibility and decisions which are in the best interest of the Federal Government; and

(C) recommendations on whether the Federal Buildings Fund should be maintained, alternatives for meeting the Fund's objectives, and changes to the Fund that will enable it to meet its objectives and become self-sustaining.

(c) REPORT.—Not later than two months after the date of enactment of this Act, the Director of the Office of Management and Budget shall report the recommendations developed pursuant to this section to—

(1) the Senate Committees on Governmental Affairs, Budget, Appropriations, and Environment and Public Works; and

(2) the House of Representatives Committees on Government Operations, Appropriations, and Public Works and Transportation.

SEC. 20. SENSE OF THE SENATE RELATING TO PARTICIPATION OF DISABLED AMERICANS IN CONTRACTING FOR DELIVERY OF SERVICES TO FINANCIAL INSTITUTION REGULATORY AGENCIES.

(a) FINDINGS.—the Senate finds the following—

(1) Congress, in adopting the Americans with Disabilities Act of 1990, section 12101, of title 42, United States Code, (the ADA) specifically found that—

(A) some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing;

(B) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, commmunication, recreation, institutionalization, health services, voting, and access to public services;

(C) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;

(D) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;

(E) individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotyphic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society;

(F) the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals; and

(G) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the chief executive officer of the Resolution Trust Corporation, the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Housing Finance Board shall take all necessary steps within each such agency to ensure that individuals with disabilities and entities owned by individuals with disabilities, including financial institutions, investment banking firms, underwriters, asset managers, accountants, and providers of legal services, are availed of all oportunities to compete in a manner which, at a minimum, does not discriminate on the basis of their disability for contracts entered into by the agency to manage the institutions and their assets for which the agency is responsible or to perform such other functions anthorized under any law applicable to such agency.

SEC. 21. RTC CONTRACTING.

(a) No person shall execute, on behalf of the Corporation, any contract, or modification to a contract, for goods or services exceeding $100,000 in value unless the person executing the contract or modification states in writing that—

(1) the contract or modification is for a fixed price, the person has received a written cost estimate for the contract or modification, or a cost estimate cannot be obtained as a practical matter with an explanation of why such a cost estimate cannot be obtained as a practical matter;

(2) the person has received the written statement described in paragraph (b);

(3) the person is satisfied that the contract or modification to be executed has been approved by a person legally authorized to do so pursuant to a written delegation of authority.

(b) A person who authorizes a contract, or a modification to a contract, for goods or services exceeding $100,000, shall state, in writing, that he or she has been delegated the authority, pursuant to a written delegation of authority, to authorize that contract or modification.

(c) The failure of any person executing a contract, or a modification of a contract, on behalf of the Corporation, or authorizing such a contract or modification of a contract, to comply with the requirements of this section shall not void, or be grounds to void or rescind, any otherwise properly executed contract.

SEC. 22. REPORT TO CONGRESS BY SPECIAL COUNSEL.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the Special Counsel appointed under section 2537 of the Crime Control Act of 1990 (28 U.S.C. 509 note) shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report on the status of its efforts to monitor and improve the collection of fines and restitution in cases involving fraud and other criminal activity in and against the financial services industry.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) information on the amount of fines and restitution assessed in cases involving fraud and other criminal activity in and against the financial services industry, the amount of such fines and restitution collected, and an explanation of any difference in those amounts;

(2) an explanation of the procedures for collecting and monitoring restitution assessed in cases involving fraud and other criminal activity in and against the financial services industry and any suggested improvements to such procedures;

(3) an explanation of the availability under any provision of law of punitive measures if restitution and fines assessed in such cases are not paid;

(4) information concerning the efforts by the Department of Justice to comply with guidelines for fine and restitution collection and reporting procedures developed by the interagency group established by the Attorney General in accordance with section 2539 of the Crime Control Act of 1990;

(5) any recommendations for additional resources or legislation necessary to improve collection efforts; and

(6) information concerning the status of the National Fine Center of the Administrative Office of the United States Courts.

SEC. 23. REPORTING REQUIREMENTS.

The Resolution Trust Corporation shall provide semi-annual reports to the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs. Such reports shall—

(1) detail procedures for expediting the registration and contracting for selecting auctioneers for asset sales with anticipated gross proceeds of $1,500,000 or less;

(2) list by name and geographic area the number of auction contractors which have been registered and qualified to perform services for the Resolution Trust Corporation; and

(3) list by name, address of home office, location of assets disposed, and gross proceeds realized, the number of auction contractors which have been awarded contracts.

MOTION OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GONZALEZ moves to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1340, as passed, as follows:

[The engrossed provisions of H.R. 1340, as modified, as amended, will be printed in a subsequent issue of the RECORD.]

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

A bill to provide for the remaining funds needed to assure that the United States fulfills its obligation for the protection of depositors at savings and loan institutions, to improve the management of the Resolution Trust Corporation ("RTC") in order to assure the taxpayers the fairest and most efficient disposition of savings and loan assets, to provide for a comprehensive transition plan to assure an orderly transfer of RTC resources to the Federal Deposit Insurance Corporation, to abolish the RTC, and for other purposes.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

Mr. GONZALEZ. Mr. Speaker, I move that the House insist on its amendments to S. 714 and request a conference with the Senate thereon.

The motion was agreed to.

The SPEAKER pro tempore (Mr. OBEY). Without objection, the Chair appoints the following conferees:

From the Committee on Banking, Finance and Urban Affairs, for consideration of the Senate bill, and the House amendment, and modifications committed to conference: Messrs. GONZALEZ, NEAL of North Carolina, LAFALCE, VENTO, SCHUMER, FRANK of Massachusetts, KANJORSKI, KENNEDY, FLAKE, LEACH, and MCCOLLUM; Mrs. ROUKEMA, and Messrs. BEREUTER, ROTH, and BAKER of Louisiana.

As additional conferees from the Committee on Government Operations, for consideration of section 13 of the Senate bill, and section 23 of the House amendment, and modifications committed to conference: Mr. CONYERS, Mrs. COLLINS of Illinois, and Messrs. ENGLISH of Oklahoma, CLINGER, and MCCANDLESS.

As additional conferees from the Committee on the Judiciary, for consideration of sections 18 and 22 of the Senate bill, and sections 4 and 19 of the House amendment, and modifications committed to conference: Messrs. BROOKS, HUGHES, BOUCHER, FISH, and GOODLATTE.

There was no objection.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal

The Journal was approved.

GAO REPORT ON TECHNOLOGY REINVESTMENT PROJECT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, during last Thursday's debate on increasing funding by $300 million for the President's technology reinvestment project designed to facilitate defense conversion, we heard assurances from Mr. WALKER of Pennsylvania that these funds would be wasted if spent in support of the Advanced Technology Program [ATP] being conducted by the Department of Commerce.

We heard allegations that the GAO reported that ATP grantees had indirect costs over 100 percent and that 4 had rates over 200 percent going as high as 250 percent. Only Mr. WALKER had custody of the GAO report.

Mr. WALKER referred to the GAO report stating that in reference to additional ATP funding through the TRP, "* * * GAO is now ready to certify that the money is being poorly used and we are not getting new technology."

Mr. Speaker, GAO is ready to certify no such thing. The report Mr. WALKER referred to is a letter to him describing the Advanced Technology Program's indirect cost rates and program evaluation status. Let me tell you what the GAO actually said.

First, the ATP Program is designed to assist U.S. businesses to rapidly commercialize significant new scientific discoveries and technologies, and refine manufacturing technologies to help American firms become and remain commercially competitive.

What Mr. WALKER did not tell us was that 140 small, medium, and large firms are participating in projects carried out by ATP grants. The 100 to 250 percent indirect costs attribute to 20 of the 140 firms Mr. WALKER mentioned were overhead rates approved on a case-by-case basis by procedures established by the Office of the Inspector General of the Department of Commerce. His letter from GAO did not challenge either the basis or methodology utilized in approving such rates. In fact, GAO made no recommendations with respect to the ATP Program in Mr. WALKER's letter.

What Mr. WALKER did not tell us was that only four ATP projects have been completed as of this date and every single one has been judged a technical success by ATP officials.

GAO told Mr. WALKER that ATP officials were establishing measures of success to judge the completion of future projects. The GAO had not issued a broadside slamming the ATP projects and condemning the program.

Let's let people read it for themselves. How to do this technology transfer is so important. We need all the help we can get so it is done efficiently and correctly.

At this point, I am asking unanimous consent that the GAO correspondence to Mr. WALKER dated September 3, 1993, be reprinted in the RECORD.

REPORT TO THE RANKING MINORITY MEMBER, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, HOUSE OF REPRESENTATIVES

U.S. GENERAL ACCOUNTING OFFICE,
RESOURCES, COMMUNITY, AND ECONOMIC DEVELOPMENT DIVISION,
Washington, DC, September 10, 1993.

Hon. ROBERT S. WALKER,
Ranking Minority Member, Committee on Science, Space, and Technology

DEAR MR. WALKER: You requested that we assess the implementation of the Advanced Technology Program (ATP) by the National Institute of Standards and Technology (NIST) within the Department of Commerce. ATP was established by the Omnibus Trade and Competitiveness Act of 1988 (P.L. 100-418) and modified by the American Technology Preeminence Act of 1991 (P.L. 102-245). Its purpose is to assist U.S. businesses in creating and applying the generic technology and research results necessary to (1) rapidly commercialize significant new scientific discoveries and technologies and (2) refine manufacturing technologies. The acts require that ATP focus on improving the competitive position of the United States and its businesses, give preference to discoveries and technologies that have great economic potential, and avoid providing undue advantages to specific companies. Since April 1991, NIST has awarded funding to 60 projects proposed by individual companies or joint ventures. The administration has proposed that funding for ATP be increased from $68 million in fiscal year 1993 to $200 million in fiscal year 1994—that is, by 194 percent—and to $744 million in fiscal year 1997.

In June 1993, we briefed your office on the preliminary results of our review. As agreed with your office, this report contains information on (1) ATP awardees' indirect cost rates, (2) completed ATP projects, and (3) NIST's plans to evaluate ATP's effectiveness. We will continue to assess other aspects of NIST's implementation of ATP and will report our results at a later date.

BACKGROUND

Under the Omnibus Trade and Competitiveness Act, NIST may reimburse ATP awardees' indirect costs only if the awardees are participating in joint ventures. To comply with the act, NIST considers a joint-venture participant's total ATP project costs—both direct and indirect costs—for matching purposes, according to NIST's ATP Director. Indirect costs include such components as (1) general and administrative expenses and (2) expenses for operating and maintaining facilities. Because indirect costs cannot be accounted for directly, a rate is set as a percentage of the direct costs. Separate rates may be established for individual components of indirect costs. Direct costs are expenses directly associated with a project, including researchers' salaries and research equipment. In addition, given the broad nature of indirect costs and the different structures and practices of various businesses, classification of direct and indirect costs is not uniform and may vary widely among businesses.

Department of Commerce policy limits the indirect cost rates recipients of funding may use to less than 100 percent of the total direct costs. However, ATP received a waiver from this limit in February 1992; the indirect cost rates of a participant in a joint venture receiving funding from ATP may exceed 100 percent of the direct costs in NIST and Commerce's Office of Inspector General (OIG) determine that the rates are adequately documented and essential to meeting ATP's objectives. Commerce's OIG reviews a joint-venture participant's indirect cost rates if (1) one or more components exceed 100 percent of the component's direct cost base or (2) the participant has not had an indirect cost rate audited and approved by another federal agency.

RESULTS IN BRIEF

NIST and Commerce's OIG have approved the indirect cost rates of 20 of the 98 businesses participating in joint ventures under ATP. These rates ranged from under 5 percent to over 250 percent. Commerce's OIG has established procedures that are intended to ensure that awardees properly manage ATP funds.

ATP began making awards 2-½ years ago; to date, four projects have reached their originally estimated completion dates. ATP project officers considered all four projects technical successes. However, participants in two of the projects have experienced problems that could affect the potential commercial success of the ATP-funded technologies. The lead company for one project declared bankruptcy at the end of the ATP award period for reasons unrelated to the ATP project. For the other project, the ATP project manager noted that the overall economic climate of the relevant industry is not currently receptive to new technologies. ATP officials stated that the project's participants are pursuing other avenues for using the ATP-funded technologies.

NIST's ATP staff have initiated a program evaluation of ATP with a short-term focus on improving the program's efficiency and effectiveness and a long-term focus on measuring the program's impacts. NIST has funded two preliminary studies that examined cost savings and indicators of success. However, the small number of completed projects and other factors impede a program evaluation of ATP at this time. Commerce's a OIG officials also expressed interest in conducting a program evaluation of ATP at an appropriate future date.

INDIRECT COST RATES OF ATP PARTICIPANTS

Since April 1991, NIST has awarded ATP funding through cooperative agreements to 98 companies participating in 18 joint ventures and 42 companies as individual awardees.[1] (See table 1.) These awardees include 65

Footnotes at end of article.

small businesses, 28 large businesses, and 47 Fortune 500 companies.

TABLE 1.—BUSINESSES AWARDED ATP FUNDING BY TYPE OF AWARD AND COMPANY SIZE

Award	Small businesses[1]	Large businesses[2]	Fortune 500 businesses	Total
Joint venture	36	24	38	98
Individual	29	4	9	42
Total	65	28	47	140

[1] The Small Business Administration generally defines a small business as having fewer than 500 employees.

[2] This figure includes 12 business consortia. Eighteen university-affiliated organizations and one federal laboratory are participating in some of the joint-venture projects.

Note.—Some businesses are listed more than once because they are participating in more than one ATP project.

Of the 98 joint ventures, 20 companies have had their indirect cost rates reviewed and approved by Commerce's OIG. NIST officials initiate the approval of indirect cost rates by requesting that the OIG review a particular company's rate. Usually, the company has already had a rate approved by the Defense Contract Audit Agency (DCAA) for Department of Defense contracts.[2] Commerce's OIG generally accepts this indirect cost rate if DCAA's audit report adequately documents the rate and ATP officials consider the rate essential to meeting the program's objectives. If the company does not already have a federally approved indirect cost rate and Commerce is the primary federal funding agency, Commerce's OIG negotiates one on the basis of documentation that the company provides.

Most joint-venture participants have several different approved rates that are applied to different bases, or portions, of their budget. These rates ranged from under 5 percent to over 250 percent. Sixteen of the 20 companies had one or more indirect cost components for which the approved rate was over 100 percent; 4 of these 16 companies had at least one indirect cost component for which the approved rate was over 200 percent.[3] In addition, the OIG negotiated a rate of less than 100 percent for one company and reviewed two companies' indirect costs because they were expressed in dollars rather than as a percentage of direct costs. Commerce's OIG is currently reviewing indirect cost rates for eight joint-venture participants.

Before ATP provides funding, NIST requires each joint-venture participant that is receiving federal funds for the first time to submit an independent certified public accountant's (CPA) report on the adequacy of the participant's accounting and internal control systems. NIST also requires that each recipient arrange for an audit of its financial accounts at least every 2 years to ensure proper management of ATP funds. At present, Commerce's OIG is working with NIST officials and CPA firms to develop auditing procedures for all projects. The OIG reserves the right to perform direct audits to resolve any issues that might result from the CPAs' audits or that might otherwise be deemed necessary.

FOUR ATP PROJECTS HAVE BEEN COMPLETED

ATP began funding ATP projects in April 1991 by making awards to 11 projects in response to its first solicitation. ATP has selected 49 additional projects in response to its second and third solicitations. Only 4 of the first 11 ATP projects were scheduled for completion by August 20, 1993. Technical work for all four projects has been completed. However, each of the four projects was granted an extension to complete work at no additional cost to ATP. Two of the projects have submitted their final reports to NIST.

ATP project officers considered all four projects technical successes. However, participants in two of the projects have experienced problems that could affect the potential commercial success of the ATP-funded technologies. One of the two joint-venture participants for one project declared bankruptcy at the end of the project for reasons unrelated to the project. The other participant in that joint venture plans to continue to try to commercialize the technology.

According to the ATP project officer for the second project, the overall economic climate of the relevant industry is not currently receptive to new technologies. ATP officials stated that the project's participants are pursuing other avenues for using the ATP-funded technologies.

Table 2 lists ATP projects nearing completion. Completion dates of ATP projects are approximate because of the uncertainties inherent in research, which may affect projects' timetables.

Table 2.—ATP Projects Nearing Completion Dates

Number of projects	Projected completion date
1	July–December 1993.
11	January–June 1994.
24	January–June 1995.

EVALUATION OF THE ATP PROGRAM HAS BEEN INITIATED

According to ATP officials, program evaluation is critical to the development of a results-oriented, efficiently run program. Early in the program, ATP staff developed an evaluation plan and measurable goals to track performance. The plan includes four principal elements: (1) assessing the program's effectiveness and efficiency; (2) profiling applicants, recipients, technologies, and projects; (3) tracking interim indicators of success; and (4) measuring long-term economic impacts.

ATP staff established 12 indicators of short- to medium-term ATP benefits, including an increase in leveraged investments in research and development, an increase in the number of collaborations and strategic alliances, and creation or retention of high-technology jobs, and the conversion of defense companies to civilian applications. NIST's ATP staff are currently assessing short-term objectives by, for example, funding two preliminary studies that examined cost savings and indicators of success. This evaluation includes profiling applicants and awardees and conducting and analyzing a survey to gauge the "customer satisfaction" of awardees in order to identify areas to improve the program's administrative process.

ATP staff have also established 11 criteria for measuring ATP's long-term success, including (1) value added; (2) the creation of new industry; and (3) changes in sales, manufacturing costs, product quality, the time it takes to bring a technology to market, and market share. However, ATP staff face barriers in evaluating their long-term objective of identifying ATP's impact and the factors that lead to a successful ATP project. First, ATP staff need to wait for more projects to be completed before they can evaluate the program. Second, ATP projects are evaluated on both their technical and commercial success. Even after a project is completed, its commercial success may not be evident for several more years. Even then, commercial success may be difficult to determine because the resultant technical developments might be incorporated into a different product that eventually reaches the commercial market.

SCOPE AND METHODOLOGY

In conducting our work at NIST in Gaithersburg, Maryland, and at the Department of Commerce in Washington, DC., we (1) interviewed ATP and OIG officials and (2) reviewed proposal folders and award records, OIG audit reports on ATP awardees, and DCAA's reports on indirect cost rates. This report does not identify the individual cost rates of specific companies because such information is considered proprietary. We performed our review between March 1993 and August 1993 in accordance with generally accepted government auditing standards.

VIEWS OF AGENCY OFFICIALS

We discussed the facts in this report with cognizant Department of Commerce officials, including NIST's General Counsel, NIST's ATP Director, and the Deputy Assistant Inspector General for Audits. They provided additional information that clarified program evaluation work on ATP and the OIG's reviews of indirect costs. We have incorporated their comments as appropriate. However, as requested by your office, we did not obtain written agency comments on a draft of this report.

As arranged with your office, unless you announce its contents earlier, we plan no further distribution of this report until 15 days after the date of this letter. At that time we will send copies to the Secretary of Commerce; Commerce's Director of NIST, ATP Director, and Inspector General; and other interested parties. We will make copies available to others on request.

Please contact me at (202) 512-3841 if you or your staff have any questions. Major contributors to this report are listed in the appendix.

Sincerely yours,

VICTOR S. REZENDES,
Director, Energy and Science Issues.

MAJOR CONTRIBUTORS TO THIS REPORT—RESOURCES, COMMUNITY, AND ECONOMIC DEVELOPMENT DIVISION, WASHINGTON, DC.

Jim Wells, Associate Director.
Robert E. Allen, Jr., Assistant Director.
Richard Cheston, Assignment Manager.
Andrew J. Vogelsang, Evaluator-in-Charge.
George Warholic, Evaluator.

FOOTNOTES

[1] Cooperative agreements enable NIST to provide both financing and technical assistance to businesses awarded ATP funding.

[2] DCAA performs contract audit functions for Defense, including evaluation of the acceptability of costs claimed or proposed by contractors. DCAA approves indirect cost rates on the basis of on-site audits. These rates are also used by other agencies.

[3] A more detailed breakdown of companies' indirect cost rates was not included in this report because the NIST's concern about the release of proprietary information.

APPOINTMENTS TO COMMISSION ON LEAVE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 303(a) of Public Law 103-3, the Chair on behalf of the Speaker appoints to the Commission on Leave the following members on the part of the House:

Mrs. UNSOELD of Washington; Ms. Pamela L. Egan of Helena, MT; and Ms. Ellen Bravo of Milwaukee, WI.

There was no objection.

SENSE OF CONGRESS CONCERNING HISTORIC OPPORTUNITY FOR PEACE IN THE MIDDLE EAST

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 143) expressing the sense of the Congress concerning the historic opportunity for peace in the Middle East.

The Clerk read as follows:

H. CON. RES. 143

Whereas the conflict in the Middle East has caused untold suffering for many decades;

Whereas the people of the State of Israel have the right to live in peace within secure and recognized borders;

Whereas successive administrations of the United States Government have worked diligently to achieve a just and lasting peace in the Middle East;

Whereas under the leadership of President Carter, Israeli Prime Minister Begin and Egyptian President Sadat signed the historic Camp David Accords of 1978;

Whereas under the leadership of President Bush, a dialogue among the parties to the Middle East conflict was initiated at Madrid in October 1991;

Whereas this dialogue was continued through the strong and constructive efforts of President Clinton and his administration;

Whereas the Government of Norway, through its Foreign Minister, played an instrumental role in facilitating the negotiations that led to the signing of the Declaration of Principles between Israel and the Palestine Liberation Organization;

Whereas the Palestine Liberation Organization has recognized the right of the State of Israel to exist in peace and security, announced that it renounces terrorism and other acts of violence, and agreed to amend its charter to delete all references to the destruction of the State of Israel;

Whereas the State of Israel has recognized the Palestine Liberation Organization as the representative of the Palestinian people;

Whereas Israel and the Palestine Liberation Organization have agreed to a Declaration of Principles concerning an interim period of limited autonomy for Palestinians on the West Bank and in Gaza; and

Whereas many difficult issues remain to be resolved in future discussions: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the agreement between Israel and the Palestine Liberation Organization, and hopes it will serve as an historic opportunity to move toward a comprehensive and lasting peace in the Middle East;

(2) applauds the efforts of the Clinton administration to facilitate these developments;

(3) welcomes the decision of the Palestine Liberation Organization to recognize the State of Israel and to renounce terrorism and other acts of violence and accept the path of peaceful coexistence;

(4) welcomes the decision of the State of Israel to enter into the Declaration of Principles, and reaffirms its commitment to helping assure the continued security of the State of Israel;

(5) commends all those who have worked diligently to achieve these accords;

(6) encourages all parties to the Middle East peace process to continue to work vigorously in the pursuit of a comprehensive peace for the region; and

(7) endorses continuing United States engagement in the peace process, and is committed to supporting efforts to make this agreement a success.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, most Members of this body, as well as many Americans and people all over the world, will not soon forget the events that unfolded on the south lawn of the White House yesterday.

We were moved by the courage of the Israelis and Palestinians, who put aside decades of war and hatred.

As we watched the handshake between Prime Minister Rabin and Chairman Arafat, we saw how difficult it was for the parties to take those steps for peace. We also saw that both sides are sick of the violence and are searching for a better way.

We also recognized the months and years of tough negotiations that helped to produce that remarkable agreement. The two former Presidents and seven former Secretaries of State who were present at the ceremony all played some part in producing the agreement signed yesterday.

But yesterday was only the beginning. Today, and tomorrow, and the day after that for the next 5 years, much hard work will be required to bring the peace to fruition.

The United States will be at the side of those laboring for peace. Our help will be needed. It will be essential.

For this reason it is vitally important that Congress go on record in support of the agreement signed yesterday by Israel and the PLO.

We support them as they move toward dialog, understanding, and cooperation. We reaffirm our willingness to engage in the peace process. We offer our help as they continue to take risks for peace.

Today, along with my colleague from New York, Mr. [GILMAN], the ranking member of the Committee on Foreign Affairs, I am introducing House Concurrent Resolution 143, which highlights at this historic moment our support for our friends in the Middle East and our continuing commitment to the peace process. I ask my colleagues to move to adopt this resolution.

The resolution:

Supports the agreement signed yesterday between Israel and the PLO;

Applauds the Clinton administration's efforts to bring it about;

Welcomes the recent moves by the PLO to renounce terror and recognize Israel;

Welcomes the decision by Israel to enter into the Declaration of Principles;

Commends those who have worked to produce these agreements, with special mention of the Government of Norway;

Encourages all parties to continue to work toward peace; and

Endorses continuing American engagement in the peace process.

By adopting this resolution today, Members of Congress can show their support and deep admiration for the peacemakers in the Middle East. We can applaud them for the risks they have already taken, and pledge our support for the difficult steps that lie ahead.

Mr. Speaker, I reserve the balance of my time.

☐ 1530

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of suspending the rules and passing House Concurrent Resolution 143, concerning the opportunity for peace in the Middle East. I am proud to join my distinguished committee chairman, the gentleman from Indiana [Mr. HAMILTON], in cosponsoring this resolution.

This resolution commends the signing of the Declaration of Principles between Israel and the PLO—and all those who worked so diligently for so long to bring it about.

I particularly want to commend the government of Norway and its Foreign Minister and Dr. Jerje Ron Larsen, Director of the FAFO institute of Oslo, Norway for their steadfast efforts in facilitating the negotiations that led to the signing of this agreement.

The picture of Israel's Prime Minister, Yitzhak Rabin, and PLO Chairman Yasser Arafat shaking hands—seen in every capital of the Arab world—captured an exhilarating moment signifying immense change in the world of the Middle East.

It is a momentous beginning, but it is only a beginning. Yesterday's ceremonies may have opened a whole new chapter on the Middle East, but a great deal of hard work lies ahead to turn this peace plan into reality.

This sense of Congress resolution urges all parties to the Middle East peace process to continue to work vigorously to achieve a comprehensive peace in the region.

It endorses continued U.S. engagement in the peace process and states that the Congress of the United States is committed to support efforts to make this agreement a success. I urge my colleagues to support it.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. I thank the chairman for yielding me this time.

Mr. Speaker, on Sunday four Israelis were killed by terrorists. They were killed for no other reason than that they are Jews.

On Sunday President Clinton asked, in a sense pleaded with Yasser Arafat to condemn those acts of violence and terrorism. On Monday Yasser Arafat made no mention of renouncing those terrorist incidents that had just occurred 1 day before.

Yasser Arafat is in this building right now as we speak. He is in this building, possibly even hearing my words, and I ask him the same thing that the President of the United States did, that his actions will speak louder than his words, that he has an opportunity if he is truly willing to renounce terrorism to renounce those violent deaths. That will not bring back the people, will not stop the pain, but will give a true indication of his desire and hope for peace.

The hope and the fear that we have for the future of this agreement I think is shared by people in this country and throughout the world. As a Member of Congress I know this Congress is going to do our part to work toward the efforts of peace in the Middle East. But let us not be concerned, be willing to ignore the reality of the actions and the lack of actions that have occurred up to this time and still occur at this moment in this building.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I congratulate the chairman and the ranking member for bringing forth this resolution so quickly. Members of this House have been praying for years, decades that the Israelis and Palestinians would directly negotiate the way to make peace in the Middle East, that third parties and third-party countries would not force any settlement on Israel that would compromise Israel's security. Well, Israel and the Palestinians have negotiated the plans for peace. That is the only foundation that can lead to peace in the Middle East. Now we pray.

We know there are many risks. We pray that we will see real peace in the Middle East.

I am very pleased to support this resolution and, with the rest of my colleagues, hope that we will now enjoy peace in the Middle East.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding this time to me.

I thank the chairman, the gentleman from Indiana [Mr. HAMILTON], and the gentleman from New York [Mr. GILMAN] for introducing this resolution. Let me say that as I support the resolution, as I went to the ceremony yesterday and over the last week have thought about this, my reaction is really a torn one. My heart wants to believe in this and wants peace. My head says be very, very careful.

Mr. Speaker, this is a new era, but anyone who thinks that the day for jubilation is here should reexamine the situation in the Middle East.

I am worried; I am worried about what is going to happen when the Hamas, the militant Palestinian organization, uses Jericho and Gaza and then later other enclaves as a base to attack and kill Israeli citizens; what will the Israelis be able to do and be allowed to do under this agreement? That is not yet spelled out. I am worried too that the world will continue its usual pattern which is that since Israel is the more pliable, more democratic, more pro-Western country, all the pressure goes on her.

I must say I think President Clinton did a very important thing over the last few days by bolstering Israel, by asking Arafat to condemn the attacks in Gaza—which he has not done yet, the terrorist attacks in Gaza—and let me say if he cannot condemn those attacks verbally, what is the PLO going to do when it actually comes to putting them down?

□ 1540

But the fact that Israel stood, that there would be a President unlike the previous administration that would not twist her arm into untenable positions, helped pave the way for peace.

When Yitzhak Rabin gave his speech, tears rolled down my cheeks yesterday. But I think I shared his somber mood. Peace, we want it in our hearts, but let us be careful with our heads and let us not exult too soon. There is a long, long way to go.

Mr. WAXMAN. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 143, a resolution praising the recent progress that has been realized towards peace between Arabs and Israelis. Yesterday we witnessed one of the most important events in the history of the Middle East. I hope that the agreement between Israel and the Palestinian Liberation Organization will usher in a new era of prosperity and cooperation throughout the region. More importantly, I hope that this accord will at last bring to an end the decades of needless bloodshed that have so deeply scarred the people of the Middle East. I think that Prime Minister Rabin summed up the feelings of Jews and Arabs throughout the world when he said, "Enough." Enough war. Enough terror. Enough living in fear. Today can be the day that Israelis and Arbas are at last allowed to move forward and realize the unique potential that a peaceful Middle East holds.

It is very hard for many Jews to accept Israel's recognition of the PLO. It was not easy to see Prime Minister Rabin and Yasser Arafat shaking hands at the White House. And yet, I do not think we should ask whether Arafat is to be trusted. Rather, the question is whether Prime Minister Rabin can be trusted with Israel's security, and I believe he can. No one is better equipped to know Israel's security needs than former Defense Minister and Military Chief of Staff Yitzhak Rabin.

I am aware of all the barriers ahead. There are extremists on both sides who are prepared to do virtually anything to derail the peace agreement. The months and years to come will require vigilance, hard work, and compromise. There will undoubtedly be more violence and more bloodshed caused by opponents of peace. But today, at long last, is a day for hope.

Mr. FLAKE. Mr. Speaker, I rise today to commend Palestine Liberation Organization Chairman Arafat and Israelis Prime Minister Rabin for setting aside their bitter differences and giving an opportunity for peace in the Middle East by signing this historic agreement. Mr. Speaker, history has a strange way of righting past wrongs. In 1979, when Jewish leaders discovered that Former U.N. Ambassador Andrew Young secretly met with a PLO representative to resolve Arab-Israelis differences, Israelis leaders pressured President Carter to force the U.N. Ambassador to resign. Moreover, when Jesse Jackson met with Arafat and secured an agreement to trade land for peace, the exact basis for the present Arafat and Rabin agreement, Jackson was publicly scorned by Jewish leaders. Why were these bold and imaginative leaders who have now been proven to be on the right side of history scorned? Because they violated a principal tenement of the no-talk United States-Israeli policy toward the PLO.

This no-talk policy led to two decades of war and turmoil in the Middle East. Even more ironic, Mr. Speaker, this historic agreement is the result of secret negotiations between the Israelis and the PLO because of fear that naysayers would ruin the talks. As I have talked to leaders in the Jewish, PLO, and African-American communities across this country, I am convinced that peace is a far better alternative than war. Therefore, we must ignore all negative opposition to this unprecedented peace accord. We must take this opportunity to raise and keep peace as a world priority.

For these reasons, as a Member of Congress, I am most gratified that these longtime combatants of war have decided to take their place on the right side of peace.

Mr. GEPHARDT. Mr. Speaker, yesterday, while the entire world looked on, Israel and Palestinian leaders put aside generations of hatred, animosity, and bloodshed, to achieve a dramatic and defining step on the long road toward peace.

With the initialing a Declaration of Principles agreement, a new era of hope has dawned—not only in the Middle East but throughout the entire world. From the ashes of the cold war have emerged the seeds of new alliances and relationships never before dreamed possible.

To the Israeli and Palestinian people, we offer our deeply held hopes that with the handshake between your two leaders yesterday the foundations of peace have truly begun to take root.

Changing the course of history is a monumental task that will hold many turbulent and trying moments ahead. The American people—as they have for over four decades—stand ready to support the cause of peace in the region.

As President Clinton so eloquently noted yesterday,

> For too long the young of the Middle East have been caught in a web of hatred not of

their own making. For too long they have been taught from the chronicles of war; now we can give them the chance to know the season of peace.

In supporting this resolution, we not only celebrate yesterday's triumphant accord but also embrace the challenge of sustaining a season of peace for generations to come.

Mr. HASTINGS. Mr. Speaker, I rise today to express my elation with the framework for peace signed yesterday between the State of Israel and the Palestine Liberation Organization. It is almost unbelievable that after 30 years of warfare and vitriolic verbiage, the two sides could come together with such breathtaking stealth and agree to lay down their arms.

I applaud Prime Minister Rabin for taking the leap of faith and believing one can make peace with an enemy whose raison d'etre has been your destruction. And I commend Chairman Arafat for learning that terrorism is not a viable political platform.

We all know that this is only the beginning of the process, and that every step along the path might very well bring tears of frustration over cultural differences and inbred hatreds. Israel has much experience to offer in farming, irrigation, establishing schools, healthcare, and transportation infrastructures. I hope that her neighbors will take advantage of the opportunity to learn and grow together.

Mr. LEVY. Mr. Speaker, I rise in full support of the resolution now before us and I especially commend the Chairman HAMILTON and Mr. GILMAN for quickly bringing this measure to the floor on the eve of the New Year celebration.

Mr. Speaker, late last week, a historical accord was reached between Israel and the Palestinian Liberation Organization. Not since the 1978 Camp David agreement has the prospect for a lasting peace seemed brighter in the Middle East. Yesterday, we all witnessed history as the pact was signed at the White House. This is certainly the first major breakthrough in the peace negotiations that began in Madrid 2 years ago.

Harmony throughout the Middle East may be imminent. The task at hand, however, is not complete. Now, more than ever, as Israel takes risks for peace, the United States-Israel relationship becomes even more important. Not only will the United States need to remain actively involved in the peace process, but Israeli confidence in the support of the United States becomes even more important as Israel continues to assume new risks for peace.

Again, I thank you for my foreign affairs colleagues for quickly moving this resolution. I urge its support.

Mr. KYL. Mr. Speaker, As someone who has cared deeply about the struggle to preserve peace in the Middle East, I wish to extend my sincere congratulations to the Israeli and Palestinian people on the signing of the Jericho-Gaza first agreement. I believe it is especially meaningful that the peace accord comes at a time when people throughout the world are making the choice for freedom and democracy.

The challenge of uniting warring people to preserve the peace will be a difficult one. The people of Israel and Palestine will need our help, our patience, and our financial assistance. Today, I offer a historical reference: Our country once faced a challenge similar to yours over a century ago; thanks to the leadership of President Abraham Lincoln, our country weathered the divisions and animosity that inevitably follow the end of war.

During Lincoln's second inaugural address on March 4, 1865, he offered the Nation his salve for the wounds of war. Lincoln said:

> With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace, among ourselves, and with all nations.

It is my greatest hope that the Israeli and Palestinian people will be blessed with unending peace and stability which they so richly deserve.

Ms. ROYBAL-ALLARD. Mr. Speaker, I join with my colleagues in congratulating Israel and the Palestinians on the signing of this historic peace agreement. This is a moment that so many of us hoped we would live to see.

To have peace in the Middle East at hand is a dream that has been realized before any of us would have imagined it possible. That Israelis and Palestinians have made such a major step toward a peaceful solution to their historic conflict must demonstrate to all of us that peace is possible however deep the schism that exists.

I want to salute Norway for the role it played as mediator and intermediary in hosting and guiding the historic meetings between Israeli representatives and the PLO. Also, I commend those individuals who showed so much courage in the early negotiations, when it was unclear whether there would be a positive result from the first tenuous and tense meetings.

President Clinton's support, along with the major luminaries of politics and diplomacy, including several former Presidents, is extremely important to the peace process. I urge my colleagues to continue to support this developing relationship between Israel and the PLO, between Arab and Jew, so that this agreement and fragile new peace have a chance to endure.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OBEY). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 143.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR RECEIPT OF A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES IN JOINT SESSION OF CONGRESS

Mr. HAMILTON. Mr. Speaker, I send to the desk a concurrent resolution (House Concurrent Resolution 144) providing for receiving a message from the President of the United States in a joint session of Congress.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 144

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, September 22, 1993, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT OF THE HOUSE FROM WEDNESDAY, SEPTEMBER 15, 1993, TO TUESDAY, SEPTEMBER 21, 1993

Mr. HAMILTON. Mr. Speaker, I send to the desk a privileged concurrent resolution (House Concurrent Resolution 145) providing for adjournment of the House from Wednesday, September 15, 1993, to Tuesday, September 21, 1993.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 145

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, September 15, 1993, it stand adjourned until noon on Tuesday, September 21, 1993.

The concurrent resolution was agreed to. A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 22, 1993

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday, September 22, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

NATIONAL REHABILITATION WEEK

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 50) to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mr. HOUGHTON. Reserving the right to object, Mr. Speaker, I do not object, but should simply like to inform the House that the minority has no objection to the legislation being considered.

Mr. McDADE. Mr. Speaker, I rise to observe the passage of the resolution to designate the third week in September for 1993 and 1994 as National Rehabilitation Week. I am grateful to the committee, Chairman CLAY, and the ranking Republican, JOHN MYERS, for bringing up the resolution to designate National Rehabilitation Week.

For several years now, the House of Representatives has passed similar resolutions prompting more than 3,500 rehabilitation facilities in all 50 States to participate in activities dedicated to promoting awareness of the great potential in rehabilitative services.

Allied Services of Scranton, PA, the National Headquarters for National Rehabilitation Week, has for several years developed community outreach activities and communicated the message that through rehabilitation there is hope.

A recent survey found that more than half of the general public is uninformed about the tremendous capacity of rehabilitative medical services to improve the quality of life for the millions of temporarily and permanently disabled Americans. Rehabilitation is a vital, cost-effective way in which to improve the lives of Americans with disabling conditions.

Rehabilitation services are as diverse as our population. They bring together determined disabled Americans with skilled professionals who help them achieve the greatest possible level of independence. The wide range of rehabilitation therapies include physical therapy, occupational therapy, speech language pathology and audiology, and respiratory therapy.

Whether they are provided in a hospital, nursing home, clinic, outpatient facility or in the home, rehabilitation services provide customized patient treatment.

If we reflect for a moment, we all know someone whose life has been improved by rehabilitative therapy. It might be a grandmother who has suffered a stroke who learned to speak again. It might be a child born without the use of his limbs who now can play with a specially modified toy. Certainly, we can all think of an athlete who has retaken the field after a career-ending injury.

I would like to take this opportunity to thank my colleagues who join with me in celebrating the daily victories of people with disabilities and in saluting those who provide care to the disabled, and I thank the gentleman for yielding.

Mrs. VUCANOVICH. Mr. Speaker, today I rise in support of educating women and men about their health and about a killer disease called breast cancer. I strongly support House Joint Resolution 11 which designates October 1993 as Breast Cancer Awareness Month.

Ten years ago I learned about breast cancer the hard way—after being diagnosed with the disease. Sure I had heard about the disease, but no one had ever recommended that I get a mammogram as a means of early detection. Now I know, but it is not without heartache and pain. But now I can share my story with men and women of our Nation, and hope that they will take notice of their health.

An estimated 182,000 new cases of breast cancer will be diagnosed among American women this year. Men, too, are affected and 1,000 new cases are expected to be diagnosed in 1993. But not all of these cases have to result in a mastectomy, or even worse—death. A monthly self-breast exam, regular visits to your physician and a mammogram after age 40 can save many lives. I am proof of that.

Next month is a time for Members of Congress to get the word out about this disease. Without public education about early detection, citizens do not have a chance against this devastating disease, not a chance.

Give your citizens a chance at life. Vote for House Joint Resolution 11. I know I will.

Mr. HOUGHTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 50

Whereas the designation of a week as "National Rehabilitation Week" gives the people of this Nation an opportunity to celebrate the victories, courage, and determination of individuals with disabilities in this Nation and recognize dedicated health care professionals who work daily to help such individuals achieve independence;

Whereas there are significant areas where the needs of such individuals with disabilities have not been met, such as certain research and educational needs;

Whereas half of the people of this Nation will need some form of rehabilitation therapy;

Whereas rehabilitation agencies and facilities offer care and treatment for individuals with physical, mental, emotional, and social disabilities;

Whereas the goal of the rehabilitative services offered by such agencies and facilities is to help disabled individuals lead active lives at the greatest level of independence possible; and

Whereas the majority of the people of this Nation are not aware of the limitless possibilities of invaluable rehabilitative services in this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the week of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, is designated as "National Rehabilitation Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities, including educational activities to heighten public awareness of the types of rehabilitative services available in this Nation and the manner in which such services improve the quality of life of disabled individuals; and

(2) each State governor, and each chief executive of each political subdivision of each State, is urged to issue a proclamation (or other appropriate official statement) calling upon the citizens of such State or political subdivision of a State to observe such week in the manner described in paragraph (1).

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL BREAST CANCER AWARENESS MONTH

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 95) to designate October 1993 as "National Breast Cancer Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mr. HOUGHTON. Reserving the right to object, Mr. Speaker, I do not object, but should simply like to inform the House that the minority has no objection to the legislation now being considered.

Mrs. MORELLA. Mr. Speaker, I rise in strong support and sponsorship of House Joint Resolution 11, a bill to commemorate October as "Breast Cancer Awareness Month."

Mr. Speaker, 46,000 women will die from breast cancer this year, more than died during the Vietnam conflict, and another 182,000 women will be diagnosed with this disease. This commemorative resolution has been critical in bringing public attention to this epidemic and in educating women about breast cancer. One out of eight women will be diagnosed with breast cancer.

It is certainly appropriate that, as we are considering this resolution, members of the National Breast Cancer Coalition are lobbying for the development of a comprehensive, national strategy to end the breast cancer epidemic. They are circulating a petition calling on the President to bring together the administration, the Congress, the scientific community, private industry, and women with breast cancer and other breast cancer advocates, to develop and implement a comprehensive plan to end this epidemic. I urge my colleagues to join in this effort, and I applaud the National Breast Cancer Coalition for its continuing commitment to this issue.

We are finally moving in the right direction; funding for breast cancer research has been substantially increased in the past several years. But we must be vigilant in keeping this momentum going by ensuring access for all women to appropriate methods of detection and treatment for breast cancer, by ensuring that breast cancer research continues to be well funded, and by ensuring that the Cancer Registries Act is implemented quickly.

I commend the gentlewoman from Illinois for her sponsorship of this critical resolution, and I urge my colleagues to support it.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today in proud support of my bill, House Joint Resolution 11, which designates October 1993 as "National Breast Cancer Awareness Month." With the strong support of more than 200 of my colleagues who cosponsored this legislation and with the assistance of the chairman who quickly brought the resolution to the floor, I am pleased that once again, October will be recognized and respected as "National Breast Cancer Awareness Month."

I truly regret, however, that the need for such a resolution is so great. The cruel, hard facts are that breast cancer is a fatal disease that strikes one out of every nine women. It has no known cause, no known cure and by this time next year, over 180,000 American women will have been diagnosed with breast cancer and tragically, more than 45,000 women will die.

Fortunately, if detected early, through mammograms, self-examinations and regular clinical exams, breast cancer can be treated and lives can be saved. In order for women to receive early treatment, however, public awareness must be increased so that getting an exam becomes as routine as the change of seasons. By designating October as "National Breast Cancer Awareness Month," we each have an opportunity to focus on breast cancer and alert women to the steps that they should regularly be taking to detect the cancer early.

For the last several years, because of these resolutions, October has been a time when cancer, women and community organizations have sponsored special public awareness events. Doctors, hospitals, and cancer groups have sponsored free or low-cost mammograms. News programs, newspapers and women's and health magazines have featured stories about the dangers of the disease and Members of Congress have alerted their constituents to the importance of early detection.

Clearly, we all have our work cut out for us in combatting this fatal disease. By working together, however, I am hopeful that the activities of National Breast Cancer Awareness Month will alert more women to the need for exams which could lead to more lives saved in the year ahead. And that, Mr. Speaker, is what this commemorative is all about.

Ms. HARMAN. Mr. Speaker, during the August recess my mother died of lung cancer. She fought heroically, but decades of smoking wrought their toll. She was an extraordinary woman, and the biggest reason why her daughter has such a desire to succeed. I loved her dearly, and shall miss her enormously.

Cancer kills. And, sadly, cancer kills unnecessarily. I am delighted to join with my colleagues in discussing the preventable and treatable aspects of breast cancer.

Breast cancer is the leading form of cancer in women. According to current statistics, 1 in 8 women will get breast cancer in their lifetime. In January 1960, the number was 1 in 20, in the year 2000 the number is predicted to increase to 1 in 7. Thirty percent of those diagnosed will die of the disease.

Detecting breast cancer early, when it is most treatable, is the key to improving a woman's chance of survival. According to the National Cancer Institute the best way to detect breast cancer early is with mammography. Still not enough women are getting regular mammograms.

Critical research has been done by a good friend Dr. Saar Porrath of Los Angeles who claims that approximately 180,000 women will get breast cancer this year in the United States. Of this total, nearly 30,000 will be in the 40 to 49 age group. A total of 40,000 will be under age 50. Thankfully about half of these women are expected to have relatively early breast cancer, stage 0 and stage 1. Dr. Porrath says that all of stage 0 and most of stage 1 are found through mammography.

We must send a message to the American women of the importance of mammography screening. We must make mammography available to all women. It is of paramount importance that we make the information about breast cancer detection guidelines, as recommended by the National Cancer Institute, available to all women and encourage them to follow these guidelines. It is equally vital that we conduct extensive research to find a cure for this epidemic which is the leading cause of cancer death among women.

I strongly encourage all of my colleagues to join in the chorus to make everyone aware that early detection is the key to survival and focusing our medical research is the key to finding a cure.

Mr. HOUGHTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 95

Whereas breast cancer will strike an estimated 182,000 women and 1,000 men in the United States in 1993;

Whereas the risk of developing breast cancer increases as a woman grows older;

Whereas breast cancer is the second leading cause of cancer death in women, and will kill an estimated 46,000 women and 300 men in 1993;

Whereas the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940's to over 90 percent today;

Whereas most breast cancers are detected by the woman herself;

Whereas educating both the public and health care providers about the importance of early detection will result in reducing breast cancer mortality;

Whereas appropriate use of screening mammography, in conjunction with clinical examination and breast self-examination, can result in the detection of many breast cancers early in their development and increase the survival rate to nearly 100 percent;

Whereas data from controlled trials clearly demonstrate that deaths from breast cancer are significantly reduced in women who have been screened by mammography;

Whereas many women are reluctant to have screening mammograms for a variety of reasons, such as the cost of testing, lack of information, or fear;

Whereas access to screening mammography is directly related to socioeconomic status;

Whereas increased awareness about the importance of screening mammography will result in the procedure being regularly requested by the patient and recommended by the health care provider; and

Whereas it is projected that more women will use this lifesaving test as it becomes increasingly available and affordable: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1993 is designated as "National Breast Cancer Awareness Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the joint resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

EXPRESSION OF GRATITUDE AND PRAYERS FOR HEROISM AND SERVICE

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, we have had the defense bill on the floor for the better part of a week, and it is unfortunate that because the pace is so tight around here that we do not get a chance to take a moment to reflect on American heroes of the past. We have passed two incredible anniversaries without any mention of them.

Yesterday was the 75th anniversary of the battle in which my father participated at San Mihiel in France. U.S. involvement in that battle helped to shorten World War I. the Battle of San Mihiel was less than 2 months before the end of the war on November 11, 1918. The German surrender on November 11 was instigated by the 15,000 German prisoners taken at San Mihiel.

Fifty years ago this week on September 9, 1943 our American forces and British forces invaded Salerno, Italy to begin what Churchill called the end of the beginning. On that day 50 years ago, an American battalion, the 2d Battalion of the 134th Regiment, 45th Division, was almost totally annihilated.

There were 450 missing soldiers until we were able to walk the battlefield a few weeks later. That American battalion showed how the best German units could fight. Italy surrendered 50 years ago on September 8.

In these conflicts, many young Americans did accept the draft and fought for their country, giving what Lincoln called a full measure of devotion. Because of their sacrifice we should take at least one moment to reflect with a few prayers on the great legacy that has been left us in this country by our parents, by our grandparents, and by all of those great Americans who came before them.

So, Mr. Speaker, on this 50th anniversary of "Operation Avalanche," the 5th U.S. Army's landing on Salerno led by Lt. Gen. Mark Clark let me insert into the RECORD an article from Army magazine on the Allied invasion of Italy. And may we reflect on nearby Bosnia, where United States forces, many still deployed in Europe, are poised again to participate in dangerous combat operations.

The Salerno landings clearly illustrate some of the problems we could encounter without adequate forward deployed forces and overseas bases.

In September 1943 our planes could patrol over Salerno for only 20 minutes due to the lack of nearby Allied air bases. When engaged by enemy aircraft, this time was reduced to only 10 minutes. Imagine what the consequences would have been if our airpower in the 1991 gulf war had such limitations due to the lack of forward air bases. We may experience the same fate in areas such as Bosnia because of shortsighted closure of European air bases.

We do not need to arbitrarily reduce and eliminate military forces abroad for economic reasons. Instead, we need to carefully examine our strategic interests and decide what is necessary to protect these interests abroad. Let us make smart decisions in this Chamber based on long-term strategic requirements rather than making reckless Clinton motivated reductions that may lose many American and allied lives. I submit the Army magazine article on "Operation Avalanche."

[From Army Magazine, Sept. 1993]

THE SALERNO LANDINGS: A CAMPAIGN OF ATTRITION

(By Martin Blumenson)

The familiarity is reassuring. Not much has changed during the past 50 years. In what was once a Greek colony founded in the sixth century B.C., framed by open fields, a few trees, and some low-growing brush, the Doric temples rise tranquilly, graceful and haunting in their timeless beauty.

Nearby, the massive town wall, huge stones immaculately fitted together, the work probably of Etruscans, stretches on and on, emitting a sense of overwhelming power. Closer to the sea is the medieval tower, a somewhat squat and heavy structure serving as an observation post in turn for Italian, German and American troops.

Two things are new. The Mediterranean used to be visible from anywhere along the main road, a narrow macadam path running parallel to the coastline: now, however, a stand of thick deciduous growth between the beach and the plain shuts off a view of the sea. And in a hamlet near the water, in a small park difficult to locate, unobtrusive yet somehow uncomfortably out of place, is the plain marble memorial to the men of the 36th Division, originally a National Guard outfit from Texas, who battled ashore around Paestum, Italy, 20 miles south of Salerno, early in September 1943.

Three questions arise in connection with the Salerno landings: Why did the Allies choose to invade there? How close did the Germans come to driving them back? What were the consequences of the venture?

The choice of Salerno is a tangled tale, meandering and strange. It starts early in January 1943, with mention of Italy as a target for amphibious enterprise. President Franklin D. Roosevelt, Prime Minister Winston Churchill, and their military advisers were meeting at Casablanca, French Morocco, while the North African campaign was still in progress. Tentatively deciding to invade Sicily after winning Tunisia, they spoke briefly of what to do beyond Sicily.

Their views diverged. Interested in the eastern Mediterranean, the British opted to go from Sicily to Italy, take the toe, instep, ankle and heel, then continue across the Adriatic Sea to strike somewhere in the Balkans. The Americans, favoring an eventual blow across the English Channel, looked to Sardinia and Corsica on the route to southern France as the best way to complement a cross-Channel attack.

Despite their differences, both partners wanted to drive the Italian government from the war. An Italian surrender would deprive the Germans of the Italian units fighting alongside them in the Soviet Union, as well as 29 Italian divisions in the Balkans and five in France helping in occupation duties.

To push Italy out of the conflict, the Allies talked some of going from Sicily to southern Italy, then of moving a relatively short distance up the boot to seize the port of Naples and the airfields around Foggia. The rough terrain was discouraging. Offensive warfare was sure to be slow and painful.

No immediate objective after Sicily was obviously attractive.

Four months later, in May, as the fighting in Tunisia came to a close, the Allies conferred again. In Washington, D.C., they confirmed their decision to invade Sicily and named early July as the date.

As before, they discussed what to do if the conquest of Sicily failed to knock Italy out of the war. They could reach no firm agreement on what they called post-Sicily operations.

All they could do was to enunciate their strategic goals in the Mediterranean area, what they hoped to accomplish: compel the Italians to surrender and tie down the maximum number of German forces.

It was clear by this time that shortages in landing craft and assault shipping, as well as anticipation of strong enemy opposition, made a major undertaking across the English Channel impossible in 1943.

Thus, if the Allies were to maintain pressure on the Axis after Sicily, they would have to launch some Mediterranean activity. But where?

Was it possible to campaign up the boot of Italy as far north as Naples and Foggia, even perhaps to Rome? The prospect was altogether too grim. Not only was the thoroughly defensible nature of the ground forbidding, but Adolf Hitler intended to fight there.

As revealed by the Allied Ultra Secret intelligence intercepts, Hitler suspected Italy to be leaning toward a renunciation of the alliance and the struggle, yet, even if Italy succeeded in withdrawing from the war, Hitler planned to defend all of Italy as well as the Balkans. That put an end, at least for the moment, to serious Allied consideration of the Italian mainland as the place to go.

The Allies wished to have some unifying focus in mind beyond Sicily. Seeking such a vision, Churchill, his principal military adviser, Field Marshall Sir Alan Brooke, Chief of the Imperial General Staff, and Gen. George C. Marshall, the U.S. Army Chief of Staff, traveled together at the end of May from Washington to Algiers. There they consulted with Gen. Dwight D. Eisenhower, the Supreme Commander of the Allied forces in the Mediterranean Theater.

Gen. Eisenhower favored invading Sardinia and Corsica unless the Sicilian campaign turned out to be relatively easy and Italy seemed to be on the verge of capitulation. In that case, Gen. Eisenhower thought it best to go from Sicily to the Italian mainland.

Churchill warmly seconded Eisenhower. Entering Italy led to Rome or to a cross-Adriatic penetration into the Balkans. Both appealed to Churchill.

Trying to forestall any move that might delay or supersede a cross-Channel strike or pull the Allies into the eastern Mediterranean, Marshall offered a compromise: have Gen. Eisenhower set up two planning staffs, one to prepare for Sardinia and Corsica, the other for southern Italy, and defer the final decision until sometime after the Sicilian landings when the Allies could better gauge the strength of Italian adherence to the alliance with Germany.

The others accepting, Eisenhower complied. On 3 June, he assigned two British corps headquarters stationed in North Africa the task of planning for an invasion of southern Italy. The X Corps was to be ready to land in the toe and head for Crotone, a minor port in the instep. If the X Corps was held up, the V Corps was to come ashore amphibiously somewhere near Crotone.

A week later, on 10 June, Gen. Eisenhower instructed the Fifth U.S. Army headquarters to prepare two plans, one to invade Sardinia, the other to seize the port of Taranto in the heel. Five days later, he asked Gen. Henri Giraud, head of the French forces in North Africa, to look into taking Corsica.

At the end of June, Gen. Eisenhower saw two possibilities open after Sicily: the British X and V Corps invading the toe and instep, then thrusting to the heel or to Naples; or the Fifth U.S. Army invading Sardinia. Taranto, too far to be covered by aircraft based on Sicilian airfields, was no longer in the cards.

Shortly thereafter, Ultra Secret intelligence reported a change in Hitler's thinking. If the Italians committed what he called treachery and capitulated to the Allies, Hitler would be unable, without the Italian army, to hold the entire Italian peninsula.

In case of Italian surrender, Hitler intended to withdraw to a defensive line in the northern Apennine Mountains, there to protect the rich agricultural and industrial Po River valley.

The implications of this potential course of action vividly impressed the Allies. If the Italians capitulated and the Germans pulled out to the northern Apennines without contesting the territory below, the Allies could put into the mainland almost anywhere and follow the retiring Germans up the boot, taking Naples, Foggia and Rome without effort. The prospect was suddenly tempting. The Allies eagerly awaited the evidence to be revealed in Sicily.

The invasion of Sicily on 10 July and the fighting during the first few days indicated not only the decline of Italian combat power but also the propensity of Italy to capitulate. War Department planners in Washington on 15 July therefore felt it possible to assume greater risks in the field. A descent on Naples, followed by a march to Rome, they believed, might be very much in order.

Four days later, on 19 July, British planners in London reached the same conclusion. They recommended invading the west coast of Italy, anywhere between Rome and the toe, then following the withdrawing Germans up the boot.

Gen. Eisenhower had already on the preceding day asked his superiors, the Combined Chiefs of Staff, for permission to land on the Italian mainland after Sicily. He was thinking very conservatively of entering the toe. The Combined Chiefs approved his request two days later, on 20 July, but reminded him to go ashore as far north as possible.

Three days later, on 23 July, the Combined Chiefs were more specific. They told Gen. Eisenhower to invade southern Italy at Naples. On 26 July, the day after Benito Mussolini's fall from power, the Combined Chiefs instructed Eisenhower to launch an invasion of the Italian mainland in order to propel Italy out of the war. They wanted him to put on an operation code-named Avalanche, which had Naples as its objective.

Gen. Eisenhower switched the Fifth U.S. Army headquarters from responsibility for Sardinia to Avalanche. The staff considered landing sites in the Gulf of Naples and in the Gulfs of Gaeta and Salerno, north and south of Naples, respectively.

Two days later, in 28 July, Eisenhower saw little point to having the X Corps mount an operation in North Africa, make a long sea voyage for a landing in the toe, then proceed overland to Crotone. It was simpler to go from Sicily across the Strait of Messina, the two miles of water separating Sicily from the toe.

The Germans by this time had become certain of eventual Italian capitulation.

When that occurred, the German troop units in Italy were, Hitler ordered, to disperse the Italian armed forces, destroy naval installations, make air force stations inoperative, knock out key military facilities and communications in southern Italy, and withdraw to Rome, the first step of a retirement to the northern Apennines. There was to be no defense south of Rome.

With Ultra Secret transmitting this information to the Allies, the risks of entering the Italian mainland suddenly diminished. On 2 August, Eisenhower intended to rush parts of the Eighth British Army, still fighting in Sicily, across the Strait of Messina when the Sicilian campaign ended. Soon thereafter, the Fifth U.S. Army, consisting of the British X Corps and still undesignated U.S. forces, was to execute Avalanche.

On 16 August, the day the Sicilian campaign came to an end, Eisenhower made his final decision. He directed Gen. Sir Bernard L. Montgomery, the Eighth British Army commander, to cross the Strait of Messina as soon as possible.

He instructed Lt. Gen. Mark W. Clark, the Fifth U.S. Army commander, to launch Avalanche on 9 September, when the phase of the moon would provide sufficient light for the predawn landing activities.

And where was Avalanche to take place? The Fifth Army staff quickly eliminated the Gulf of Naples. The beaches were poor, the sea approaches were heavily fortified and high ground immediately behind the water gave defenders dominating positions from which to repel landings.

The planners looked longer at Gaeta, closer to Rome. The beaches were better. There was no high ground to block landings or access to Naples. Unfortunately, the sea approaches had strong fortifications, the offshore gradients were unfavorable and a sandbar posed a difficult problem for unloading. But the most telling reason for rejecting Gaeta was its distance from Sicily. Fighter planes operating from Sicilian airfields would be unable to cover and support an amphibious operations because the range was too great.

Almost by default, Salerno and the 20 miles of beach to the south became the choice. The beaches were acceptable, the defenses were field fortifications and lighter than at Naples and Gaeta.

Even though high ground dominates the immediate coastal plain and interposes a serious barrier between Salerno and Naples, the distance from Sicily was barely within reach of fighter aircraft equipped with additional gasoline wing tanks.

Planes could patrol over Salerno for 20 minutes before having to return to base. If they engaged German aircraft, they could stay for ten minutes only.

In the final analysis, the availability of air support, slender though it was, dictated the selection of Salerno for the Avalanche landings.

How difficult was it to come ashore and to stay? According to Allied estimates, a total of 102,000 German soldiers were in Italy after the Axis evacuation from Sicily. If the Italians fought alongside the Germans in Italy, 35 Axis divisions would oppose the few that the Allies could put ashore.

On the other hand, there was reason for optimism. On 17 August, the day after the Sicilian campaign ended, the Fifth U.S. Army headquarters issued an intelligence report based on Ultra Secret information. If the Italians surrendered, the G2 said, the Germans in Italy would probably retire slowly to the Pisa-Rimini line in the northern Apennines.

The statement was correct. On the same date, Col.-Gen. Heinrich Gottfried von Vietinghoff Gennant Scheel, the Tenth German Army commander in Italy, received notice of his mission.

When Italy surrendered, Col.-Gen. Vietinghoff was to withdraw all his troops from southern Italy to the Rome area.

He must have asked what his course was to be in the event of an Allied invasion, for on the following day came further word. If Italy capitulated or if the Allies invaded, Vietinghoff was to move his forces to Rome.

Part of Gen. Mongtomery's Eighth Army crossed the Strait of Messina on 3 September, and the Germans, in compliance with Hitler's policy, began to withdraw slowly from the toe.

The ground was perfectly defensible; the British incursion posed no great threat. There was no particular reason to hurry. The Germans fought a skillful delaying action, giving way grudgingly.

Unknown to the Germans, emissaries from the Italian government signed a surrender document with the Allies on 3 September. Because the German presence everywhere and particularly in Rome inhibited Italian efforts to surrender, the Allies promised to invade the mainland in order to help the Italians capitulate. Once on Italian soil, the Allies would endeavor to tie down the maximum number of German forces.

Marshal Pietro Badoglio, head of the Italian government in Rome, and Gen. Eisenhower, Supreme Allied Commander in Algiers, broadcast news of the capitulation over the radio in the late afternoon of 8 September, the eve of the Avalanche landing.

The announcement prompted most of the Italian troops to disperse and go home. The Germans disarmed and disbanded the others. Along the western and eastern shorelines, German soldiers took over the coastal defenses abandoned by the Italians.

Around Salerno, the 16th Panzer Division was stretched thinly over a large area. The only fully equipped armored division in southern Italy, it had 17,000 men, more than 100 tanks, and 36 assault guns, all organized into four combat teams.

They would react at once to landings and seek to drive the invaders back into the sea, but their main purpose was to fight to preserve the routes of withdrawal for the units in the toe.

On the Allied left flank of the landing beaches, U.S. Rangers and British Commandos were poised to seize high ground and thus facilitate a later advance to Naples. Facing the city of Salerno, the British X Corps had the 46th and 56th Infantry Divisions in the initial assault waves; the 7th Armored Division was to follow.

On the Allied right, the U.S. VI Corps headquarters directed the 36th Infantry Division. Having arrived in North Africa early in 1943, both organizations were scheduled to invade Sicily. They were scratched in favor of combat-experienced forces, and they were transferred to the Fifth Army.

Gen. Clark wished for an additional American division, but there was insufficient assault shipping to carry more men. Somehow, enough vessels were found to hold part of the 45th Division as a floating reserve.

Available for later participation were the 3rd and 34th Infantry Divisions and the 1st Armored Division. The 82nd Airborne Division was to be airlifted from Sicily to drop near Rome in order to protect the Italian royal family, but the operation was canceled at the last minute.

Announcement of the Italian surrender brought happy cheers from the men aboard the invasion fleet. The landings, most troops believed, would be unopposed.

* * * Recovery from the initial shock was remarkable. Brave individuals rose to their feet—often to their own astonishment—threw hand grenades, fired submachine guns and started to make things happen.

Of course, it was difficult to get ashore, for men to get rid of their fright, to coalesce into groups and to go about their duties. Every amphibious operation against a hostile shore is precarious. The interval between arriving on the coast and getting established there is a nightmare for ground troops.

It was also difficult to remain. The Germans temporarily relaxed pressure against the Americans to concentrate against the British who were after the more important objectives of Salerno, the airfield at Monte Corvino and the nearby towns of Battipaglia and Eboli. As German troops retiring from the south came into the Salerno area, they turned again on the Americans.

Undeniably, a crisis of serious proportions developed on the Allied beachhead. The Germans increased their forces around Salerno faster than the Allies could. Gaining numerical superiority, the Germans launched counterattacks that came close to success. They overran and destroyed two infantry battalions of the 36th Division, one near Persano, the other near Altavilla, and hurt a few others badly.

At several times during the course of the engagement, the Germans were certain that they had sent the Allies reeling back into the sea.

"The battle of Salerno," the German Tenth Army diarist entered into his journal on the evening of 13 September, "appears to be over." The Germans, he thought, had won.

Gen. Clark considered evacuating one of the two beachheads, and his staff worked on plans to take the VI Corps off its beaches for movement by ships and relanding in the X Corps area, and also to transfer the X Corps to the VI Corps area. Other measures made abandoning any part of the shoreline unnecessary.

The British dispatched two cruisers and two battleships from Malta to Salerno to thicken the naval fires on ground targets. Three British cruisers rushed at top speed from Salerno to Tripoli to pick up and deliver British replacement to the beachhead. The VI Corps floating reserve, the 45th Division, was put ashore, and vessels hastily gathered proceeded to Sicily to transport parts of the 3rd Division to Italy. On two successive nights, two battalions of the 82nd Airborne Division dropped into the beachhead to reinforce the hard-pressed defenders.

Ultimately, two events made it possible for the Allies to hold and consolidate on the Italian mainland. First, the Allied soldiers displayed guts, tenacity and staying power as they stood up to the German attacks.

Conspicuously touring the front to encourage his troops, Gen. Clark displayed disregard for his personal safety, exposed himself to enemy artillery and machine-gun fire, and thereby imparted confidence and steadiness to his men, actions for which he was later awarded the Distinguished Service Cross. All ranks simply refused to admit defeat.

And second, after coming close to driving the Allies from the beaches, the Germans eventually gave way because of the strategic framework of their commitment.

They might have drawn strength from the north to overwhelm the Allies, but their opposition at Salerno was based on the need to ensure the withdrawal of the formations from southern Italy to the Rome area. This they accomplished, and they broke off.

On 18 September, nine days after the initial landings, the Germans began to retire slowly to the north. They thus brought the battle to an end.

As for the consequences of Avalanche, the Salerno invasion opened a major Allied campaign in terrain inappropriate for offensive warfare. Their aim was to tie down the maximum number of Germans. To this end, they pushed against the Germans following hard on their heels. On 1 October, the Fifth U.S. Army took Naples and the Eighth British Army secured the Foggia airfields.

Then, with Gen. Clark's forces in the western side of the Italian peninsula, and Gen. Montgomery's on the other side of the Apennines, the two Allied armies set out for Rome. They expected to reach Rome rather quickly as the Germans supposedly headed for the Pisa-Rimini line in the northern Apennines.

Unfortunately for Allied anticipations, Hitler changed his mind. Instead of giving up the excellent defensible ground south of Rome, he decided to contest it. The German withdrawal, always slow, always skillful, always stubborn, stopped at the Gustav Line.

There the Germans demonstrated how tough they were. In virtually unbreakable defensive positions, they kept the Allies out of Rome for almost a year. That virtual stalemate produced painful and controversial actions, among them the Rapido River, Monte Cassino and Anzio.

Salerno marked the start of a campaign of attrition. It was never altogether clear whether the Allies were tying down the Germans in Italy or whether the reverse was true.

ORDER OF BUSINESS

Mr. CARDIN. Mr. Speaker, I ask unanimous consent that the special order for the gentleman from Michigan [Mr. BONIOR] on September 14, 1993, be allocated to the gentlewoman from Connecticut [Ms. DELAURO].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

SAVINGS IN AMERICA

The SPEAKER pro tempore (Mr. SANGMEISTER). Under a previous order of the House, the gentleman from Idaho [Mr. LAROCCO] is recognized for 5 minutes.

Mr. LAROCCO. Mr. Speaker, for several days now, I have been discussing the problems created by our country's low personal savings rate.

Today I want to discuss some of the ideas that have been advanced to account for this distressing phenomenon.

Unfortunately, there is little consensus about why we do not save. I believe that we urgently need to discover the reasons for the low and declining personal savings rate in America so we can take action to reverse it.

We do know a few things about savings propensity, but they are not encouraging.

We know, for example, that when taxes are cut, Americans do not increase their savings.

We know that high interest rates—that is, high rates of return on savings—do not correlate with increased savings.

We know that we do not save more when the economy is growing. In fact, some economists suggest that when Americans perceive the economy to be healthy, they save less because they have fewer fears for the future.

In fact 1950s, the personal savings of Americans amounted to more than 8 percent of our net national product. By the beginning of the 1990s, we were down to less than 2½ percent. What happened?

First, many of us got personally wealthier—through no fault of our own!

We bought houses and found that their value went up year after year, even though we had not remodeled or added a garage.

So, even though the balance in our savings account was minuscule, the growing equity in our homes made us feel confident that we had something we could tap if we needed money.

An industry based on second mortgage lending burgeoned as families began to turn to the equity in their homes when they needed money to meet a medical emergency or a college tuition bill, or just to go on vacation.

This trend has two results.

First, families maintain month-to-month bill paying ability, even though we have not saved money ahead of time for our emergencies, vacations, and college-bound children.

And, second, the American economy loses all of the positive effects of having resources at its disposal for investment.

Mr. Speaker, on an individual basis, I guess I am happy for people whose home ownership investment has increased their borrowing power beyond all expectations.

We have to recognize, however, that as a Nation we have gone from having a big stock of savings available to finance investment to a new economic and personal ethic where we borrow against the value of the family home—and that should not make anybody happy.

A second theory that has been advanced to account for our disinclination to save is our country's low inflation rate. Low inflation, of course, means that prices do not rise much—but it does not necessarily mean that we spend the same amount of money from year to year.

We spend just as much or more than we spent last year, because we're buying more things or better things. Our grocery store tab goes up because we're buying steak instead of hamburger, not because the meat that cost us $1 a pound last year now costs us $3.

When we suffer inflation, we get scared that our income may not grow fast enough to keep us in hamburger, let alone steak.

Historically, even though inflation reduces the amount of money we have available to save and erodes the value of our savings, it has managed to scare us into saving. Lack of inflation leads us to feel we don't need the hedge of savings.

I am certainly not recommending a return to inflation as a means to improve our savings rate, but we need to recognize the illogic of our savings behavior.

A third theory is that U.S. demographic shifts are responsible for our changed savings conduct. Two major, related demographic factors are the massive entry of women into the salaried workforce and the decrease in American family size. Both factors have changed our perception of our need to have family savings.

The fact that our households, on average have fewer children than postwar households means that we don't have as many future needs to plan for. We do not save very much in our childrens' college funds, plus we have fewer children to save for, so overall savings decrease.

Second, the fact that most women now work outside the home has led us to feel we can get by with less money in the family emergency account. In the 1950s, with one bread-winner per household, families knew that they needed savings in case Dad lost his job. Now, with two wage earners in many household, these families feel more secure—even though the fact is that most families spend virtually all of the income of both bread winners and would be dramatically affected by the loss of Mom's job or Dad's job.

Mr. Speaker, these are some of the factors which have contributed to the mistaken decision against savings made by so many Americans.

In the days to come, I will be back before the House to discuss ways we may be able to reverse this trend.

□ 1550

THE CRISIS IN BOSNIA

The SPEAKER pro tempore (Mr. SANGMEISTER). Under a previous order of the House, the gentleman from New Jersey [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, the nightmare in Bosnia wages relentlessly as the world, reticent to become involved, stares in disbelief. The media has tired of the 17-month-old war, and Americans and Europeans sitting in front of the television news seem to be numbed by the countless deaths, the refugees, the ethnic cleansing, the war crimes, and the detention camps.

Last week, as ranking member of the Helsinki Commission, I joined a number of our colleagues in meeting with Alija Izetbegovic, President of Bosnia and Herzegovina. Our meeting preceded his scheduled meetings with Secretary of State Warren Christopher and President Clinton. With respect and distinction, President Izetbegovic sought to measure the level of support which he can expect from the United States. His strength at the bargaining table is only as strong as the will of his own people combined with the security offered by the outside world. The deafening silence of nations around the globe has left, and will continue to leave, the Bosnians and their President alone at the negotiating table against the aggressive Serbs and the advancing Croats.

The latest map which was configured at the Geneva talks is not acceptable to President Izetbegovic who would be left with only 29 percent of the original land mass of Bosnia and Herzegovina. The land would not even be contiguous and several of the six sections would face imminent strangulation by economic and ethnic pressures. The bottom line of the map which was on the table in Geneva is this: Aggression pays dividends, especially if the situation is murky and no political leaders in the free world are willing to be leaders on a very tough issue.

I can understand why President Izetbegovic finds the current map unacceptable. The Serbs would be granted more than 50 percent of the land as a payoff for their aggression. I read with surprise that the Croats would gain as much as 17 percent of the Bosnian territory. It was only months ago that we were coming to the defense of the Croats decrying the aggression by Serb troops and irregulars on their territory.

President Clinton has expressed his commitment to utilize U.S. troops once an enforceable peace settlement has been obtained. The Bosnians are in the position, though, that they need a clear understanding of what political and military commitment the United States—and other countries—is willing to take, on their behalf. The history of the last 8 months, though, points to an irresolute U.S. foreign policy.

As I did with our former President, I call upon President Clinton to take the leadership in this crisis of human tragedy. With all due respect, bold leadership has not been evident. I implore the President to act on his promises of support and defense. The first step, which would at least let the Bosnians fight with some effectiveness against their aggressors, would be the lifting of the arms embargo. We simply cannot be deterred or take "no" for an answer. This would permit them to obtain ammunition, antitank and antimissile munitions. The mournful cry of President Izetbegovic will continue to haunt the United States and the Security Council members. The other day he pleaded, "Defend us or let us defend ourselves. You have no right to deprive us of both."

I continue to support strategic air strikes of the Serb troops which refuse to withdraw from Mount Igman around Sarajevo, military staging grounds and supply lines. On July 23, 76 Members of the House, including myself, and 13 Senators sent an urgent letter to President Clinton outlining seven steps which we believe the United States should communicate with the international community. The steps include the use of aerial bombardment by NATO forces of Serb militant positions in the surrounding hills and the elimination of Serb blockades. The position of Serb forces remains threatening and, in my opinion, the United States has abrogated its leadership role in the name of multilateral agreements.

While the United States continues to flounder with its stated, diplomatic policy toward the former Yugoslavia, we cower behind the cloak of multilateralism and the whims of the U.N. Security Council. But even where there has been international agreement, in the case of prosecuting war crimes, leadership is missing. Last February, member States of the United Nations pledged to establish an international war crimes tribunal. The victims continue to await the appointment of a prosecutor and the establishment of prosecutors office.

Yesterday, as I listened to the despondent and sober position of the Bosnian government and their people, I could only think that this may indeed be the last opportunity we have to take the leadership role which the United States should and does command. If we are going to shore up the Bosnian weak negotiating position, then let us declare our position and move decisively in what is a moral commitment.

Otherwise, the Commander in Chief should acknowledge to Congress, the American people, and the victims of aggression in the former Yugoslavia, that he can not justify a unilateral military response by the United States. At least, then, the Bosnians will know that they stand alone, that they will have to defend themselves.

Mr. Speaker, that acknowledgment and admission would be unconscionable.

TOURISM CAUCUS PROPOSAL: MAKING IT A FEDERAL CRIME TO ATTACK FOREIGN TOURISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, the media has covered quite extensively of late the problem existing for our visitors coming from foreign shores to the United States. Unfortunately some of the incidents involved have been so notorious that they have received even international recognition. Part of the problem associated with it, Mr. Speaker, has to do with the idea that those coming from foreign countries to the United States find themselves as tourists in a sense of a spirit of adventure, are not quite necessarily familiar with their surroundings, or have only an understanding which might involve reading of maps, perhaps reading some tourism pamphlets. They are focussed, quite obviously, on an individual and collective basis, as elsewhere, than on safety.

Mr. Speaker, we have those in our Nation who see this as an opportunity to prey upon these individuals and groups who are coming to visit with us, and, as a member of the tourism caucus, I want to indicate that we will shortly be bringing forward a bill to make it a Federal crime to attack a foreign tourist, someone who is here on a visa, a visitors visa, someone who is coming to the United States in order to enjoy the benefits of recreation and tourism, the kinds of things, the visit, that we would like to extend to all visitors. We think that we will be able to put together a bill that will in general involve an opportunity for local jurisdictions, and particularly law enforcement officers in local jurisdictions, to have the opportunity to work with the State Department, to work with the United States Travel and Tourism Agency, to work with the Department of Justice, to see to it that, if there is a question of bringing witnesses before grand juries or for trial, if there is a question of taking depositions, perhaps in foreign nations, there is a question of working with other embassies, our own embassies and consulates overseas, if there is a question of interstate travel, there is a question of utilizing the auspices of the FBI and other agencies equipped to work with local law enforcement jurisdictions, that we will be able to see to it that witnesses are able to appear, that victims are able to be compensated, that victims will be able to participate in successful prosecutions.

I am sorry to say that some criminal elements in our country recognize that there is a weakness in our existing jurisprudence system that allows them to take advantage. I say to my colleagues, "In other words, you are much less likely to be prosecuted, let alone be successfully prosecuted, if you attack a foreign tourist, if you attack someone who is unlikely to be able to speak the language necessarily, let alone be able to appear as necessary to fulfill all the requirements of our jurisprudence system."

So, Mr. Speaker, I want to indicate to those throughout the country who understand the value of tourism to our economy, those who understand that tourism is one, two, or three in value to 13 States, that it is, that tourism is, the No. 1 economic generator in many, many areas, that we are not going to stand by and see this kind of attack in general take place, and most certainly we are not going to see our international friends who are coming to visit us be victimized in this way.

Mr. Speaker, a comprehensive bill will be forthcoming. We expect to have sponsorship and bipartisan support for it, and I can assure my colleagues on behalf of the gentleman from Minnesota [Mr. OBERSTAR], the chair of the tourism caucus, that this bill will have strong support from within the caucus and that we will be reaching out to all the Members of the House and the other body for swift passage. We will be working with any and all interested groups and individuals to see to it that the full Federal resources are brought to bear to aid and assist all local law enforcement jurisdictions.

REPORT ON RESOLUTION RELATING TO CONSIDERATION OF SENATE AMENDMENT TO H.R. 20, FEDERAL EMPLOYEES POLITICAL ACTIVITIES ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–238) on the resolution (H. Res. 251) relating to the consideration of the Senate amendment to the bill (H.R. 20) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, which was referred to the House Calendar and ordered to be printed.

☐ 1600

WORK FOR JOBS IN AMERICA

The SPEAKER pro tempore (Mr. SANGMEISTER). Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS of Florida. Mr. Speaker, I rise today to share with my colleagues the results of a remarkable event in my district in central Florida this past Saturday. As most of my colleagues know, on most Saturdays in my district I lead what we call Citizen Saturdays. These are community service projects. We go out and build children's playgrounds, tutor disadvantaged kids, clean up beaches, rivers, and lakes, and build homeless shelters. We go door to door collecting food for the hungry and children's books for child care centers. These are our Citizen Saturdays.

This past Saturday was my 123d Citizen Saturday. It was a jobless fair. It was the first jobless fair we have ever held. We had 65 businesses from throughout central Florida participating, businesses that have jobs available now for workers who need them. We had dozens more working as volunteers, setting up the fair and making it operate as it should.

Mr. Speaker, we had 8,000 people attend. Eight thousand people attended our jobs fair on our Citizen Saturday. They lined up going out the doors at the community college where we held the event, and I spent most of the day talking to these people, most of whom are out of work.

Mr. Speaker, I am privileged to represent the 15th Congressional District of central Florida. It is one of the most exciting districts in the entire country. The Kennedy Space Center is there. We have high technology, we have citrus, we have tourism, we have wonderful events. We also have more than 30,000 people in my district who are out of work, and there are thousands more who are underemployed and need better jobs. And 8,000 of them were at our job fair.

I believe we helped them. Some of them now have jobs. Others have chances for work that they did not have before. Many of them have new information about how to get new skills, how to work with the JTPA, how to work with the community colleges.

Mr. Speaker, I came away believing that we simply must redouble our efforts to help the American people find work and help the American people compete in this new world in which we find ourselves. We simply must do much more to help them.

The deficit reduction bill that we passed a month ago will help. It is a start. We need to do a lot more to bring down the budget deficit so we can free up private capital for investment and private jobs, and not just in public debt. So I am working hard with many of my colleagues on both sides of the aisle to prepare for another bill next month that will cut spending even more, to prepare for entitlements reform that will begin to control that part of the budget that is mushrooming beyond control, to work with Vice President GORE and others in trying to pass his proposals to reinvent our Government and streamline it, to save money and bring down the budget deficit. I am working hard, too, for the lineitem veto and the balanced budget amendment, so that we can stop spending money that we do not have and make it possible for the private sector to grow and flourish and create real long-term economic growth.

Of course, we must also provide health care for our people, and we must do it in an affordable fashion. I share the goals of the President for cost containment and for universal access. I like his basic approach. I am waiting to see how he wants to pay for it and how it is going to work in the real world. But we must control health care costs if we are going to bring down the budget deficit, and the American people must have decent, affordable health care if they are going to compete in this world.

Mr. Speaker, we must invest in education, technology, and children if we are going to have a competitive America. That is why I have worked hard in my brief time in this House to shift our spending priorities to invest in those things that create the conditions that are most conducive to economic growth and the creation of jobs. That is why I have worked hard for the space program, for the President's high technology initiative, and for all those ways in which we can improve our technology and improve our chances of getting more of the value added in the world's share of the gross national product.

Mr. Speaker, there is much more that we must do. There is much more that we must do, and I encourage my colleagues to do as I have done, if they can: Hold a job fair in your district. Talk to those who are seeking work. Talk to those who need better jobs. There are thousands of them out there.

Mr. Speaker, those people seem grateful that we even knew they were there. I want to assure any who may be listening, I know you are there, and I care.

A TO Z ON MEXICAN PROFESSIONALS COMING TO AMERICA UNDER NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, last night I spoke about the gigantic number of professional job categories that will be allowed to come into the United States as temporary workers from Mexico under the North American Free-Trade Agreement. Over 60 categories are involved, ranging from accountants to zoologists, A to Z.

As I said last night, there might be a justifiable reason to bring in a very special engineer or technology expert for a certain piece of equipment on a temporary basis.

But that is not what we are talking about. We are talking about opening the door to annually approve as many as 5,500 initial petitions of businesspersons of Mexico seeking temporary entry under section D of annex 1603 of our Code to engage in a business level activity at a professional level in a profession set out in appendix 1603.D.1.

Now, it says that the United States shall not take into account the renewal of a period of temporary entry, or the entry of a spouse or children accompanying or following to join the principal businessperson, and so on, which means that the door is going to be wide open and the flow can just keep going.

Now, let us go through this list of people:

Accountant, Architect, Computer Systems Analyst, Disaster Relief Insurance Claims Adjuster (claims adjuster employed by an insurance company) Economist, Engineer.

Forester, Graphic Designer, Hotel Manager, Industrial Designer, Interior Designer, Land Surveyor, Landscape Architect, Lawyer (including Notary in the Province of Quebec), Librarian, Management Consultant, Mathematician (including Statistician), Range Manager/Range Conservationalist, Research Assistant (working in a post-secondary educational institution).

Scientific Technician/Technologist[1], Social Worker, Sylviculturist (including Forestry Specialist), Technical Publications Writer, Urban Planner (including Geographer), Vocational Counselor, Medical/Allied Professional, Dentist, Dietitian, Medical Laboratory Technologist (Canada)/Medical Technologist (Mexico and the United States)[2], Nutritionist, Occupational Therapist, Pharmacist.

Physician (teaching or research only), Physiotherapist/Physical Therapist, Psychologist, Recreational Therapist, Registered Nurse, Veterinarian, Scientist, Agriculturist (including Agronomist), Animal Breeder, Animal Scientist, Apiculturist, Astronomer, Biochemist, Biologist, Chemist, Dairy Scientist, Entomologist, Epidemiologist, Geneticist, Geologist, Geochemist, Geophysicist (including Oceanographer in Mexico and the United States), Horticulturist, Meteorologist.

Pharmacologist, Physicist (including Oceanographer in Canada), Plant Breeder, Poultry Scientist, Soil Scientist, Zoologist, Teacher for College, Seminary or a University.

Mr. Speaker, if each year 5,500 professionals from the above list migrate to the United States from Mexico and 5,500 from Canada, or even if it is just half the amount, and they choose to get lost somewhere in the 50 States, we might point out that Mexico, in particular, will be the loser, along with those whose jobs they take in the USA at a lower salary in order to grab any opening available. Mexico will be the loser because it will lose that important talent of some 5,500 professionals each year, and Americans who are replaced by lower paid persons will be the losers here.

So it goes on and on with some of the discrepancies and some of the differences that we should take into account when we consider the North American Free-Trade Agreement.

Mr. Speaker, my next piece will discuss the difference in investment allowances between the United States and those in Mexico.

☐ 1610

A REVIEW OF THE ANTI CAR THEFT ACT OF 1992

The SPEAKER pro tempore (Mr. SANGMEISTER). Under a previous order of the House, the gentlewoman from Florida [Mrs. THURMAN] is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, yesterday another foreign tourist was murdered in Florida. This brings to at least nine the number of foreign visitors who have been killed in Florida since last fall. Some have been singled out because of their rental cars; fortunately, the Florida Legislature changed the law that made identifying rental cars too easy for thieves and murderers. Others were the unfortunate victims of robberies.

As a Representative from a State that depends on tourism, I am deeply disturbed by these heinous acts of violence against innocent people. The nine murder victims, the last killed just yesterday at a highway rest stop east of Tallahassee, were all taking advantage of my State's unequaled vacation opportunities. They were, in effect, guests of our wonderful State. They were relaxing, taking in the sights, basking in the sunshine, and enjoying our beaches, when their lives were ended, coldly and cruelly.

Last year, Congress took action in this area. The Anti Car Theft Act of 1992 created a new Federal offense for armed carjacking, punishable by imprisonment of up to 15 years. If death results, the perpetrator could be sentenced to life. The law requires that the offender possess a firearm when stealing the vehicle by force or by intimidation.

My review of the law indicates that the statute is deficient in two ways: First, it requires the criminal to steal or attempt to steal the car; but too often the motive is robbery and no attempt to steal the car is made; and second, it requires the possession of a firearm, and the criminal may not necessarily possess a gun—a lead pipe or tire-iron might be sufficient.

I intend to work with other interested Members to amend the present law so that criminals who prey on tourists and other visitors to Florida are prosecuted, convicted, and put into prison.

At the very least, we must eliminate the firearm requirement and that we add a deliberate stopping of a motor vehicle—by, for instance, bumping one car with another. We also should consider appropriate changes to permit prosecution of criminals who accost tourists on the street.

I hope to work with the gentleman from Hawaii on this matter.

ON THE PROSPECT OF PEACE IN NORTHERN IRELAND

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, yesterday I stood in amazement as Prime Minister Rabin of Israel and Chairman Arafat of the PLO shook hands, thereby beginning a process of ending a century standing dispute.

This compact should provide impetus to resolve the longest standing political dispute in the Western World, the six counties of Northern Ireland.

In the last 5 years we have witnessed the demise of the Berlin Wall, the yoke of Marxism being lifted in Eastern Europe, Soviet troops leaving Lithuania, majority rule coming to South Africa, and the dissolution of the Soviet Union. Only in Northern Ireland has there been little if any progress.

It is time for the British to begin talks with the Irish Government and Sinn Fein to begin the process of disengagement from Northern Ireland which is favored by the English people who can no longer financially afford the burden of occupation. It is time to begin the process of the formal reunification of Northern Ireland with the Irish Republic.

Nowhere in the world does partition work. Yesterday President Clinton used the term the "conflicting claims of history." Today that term applies fully to Northern Ireland.

I am today urging President Clinton to proceed with naming of a special envoy; former President Jimmy Carter would be an excellent choice. The envoy would make formal recommendations to Great Britain and Ireland in how best to proceed with the peaceful reunification of Ireland. The judgment of history awaits us.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 60 minutes.

Ms. DELAURO. Mr. Speaker, there is little mystery about the health care problem that we face in our country. The cost of health care in the United States has risen beyond the reach of average Americans. Very few families can afford today to pay out of their own pockets the cost of childbirth or the cost of braces for children or an operation to remove a ruptured appendix. These, as we all know, are not unusual medical procedures. On the contrary, they are problems that every family faces.

Most families are lucky enough to have employers who offer health care coverage that pays. The unlucky, the unlucky pray each night that an emergency does not arise that could demand medical care. For these people, even nonemergency procedures become a family crisis.

It should be noted, with alarm, that the number of people in our Nation without health insurance continues to rise. Each month, 2 million more people lose their health care coverage. But if families are covered, then someone is covering the cost, and generally that means employers.

Businesses pay an ever-increasing share of the national health care cost. Workers pay larger and larger chunks of their paychecks for insurance coverage, and Government payments, in the form of Medicaid and Medicare, continue to rise as costs go unchecked.

Sadly, the increased costs that are being charged do not go to improved health care. In fact, for each dollar in health care cost that is spent at a hospital, 25 cents goes toward administrative bookkeeping and paperwork, the redtape that is involved with the health care system.

We have a system today where the number of health care administrators has increased four times faster than the number of doctors. Imagine, four times faster than the number of doctors to care for people in our country.

We have a system that all agree is broken. Costs rise to pay for more and more paperwork. Excellent care is available but only to those who can afford it or who are lucky enough to be covered. The result is a population, people in this Nation that are burdened and businesses that cannot afford to stay in business.

What we need, Mr. Speaker, is reform. We need a plan that will provide relief to the business that is paying more and more in health care for its employees. We need an alternative for the family that sees a bigger chunk of its monthly paycheck going to health insurance. We need a solution that treats those who are unlucky, part-time employees and full-time employees without coverage and the unemployed, with some dignity.

I, for one, am extremely excited that our President has made health care the centerpiece of his administration. I am hopeful that the reforms that he will soon recommend will be the prescription that our health care system needs.

Let me share just a couple of examples that illustrate the kinds of health care problems that millions of Americans face every single day, problems of average people who are caught in the cracks of a system that grow larger each day that no solution is being offered for them.

One unemployed woman in Connecticut recently contacted my office, after she found herself caught in a maze of regulations and requirements that comprise our current system. She suffers from a congenital heart defect that is rapidly deteriorating. She has no insurance. She is too young, by 1 year, to be eligible for Medicare. And she cannot get Medicaid because her husband's income is too high to allow her to be eligible, despite his own lack of insurance that would cover her. So they find themselves in a situation of nowhere to turn.

A man approached me, seeking advice. His wife was injured on the job at a local supermarket, a supermarket that offers health insurance but only after the first year of employment.

□ 1620

The man's employer will not offer health insurance. This family has two children. After being hurt on the job his wife will receive worker's compensation while she recovers, but neither the man nor the couple's children are covered.

Let me give another example. A child in my district was born with a cleft palate. Though both his parents are employed and they have insurance, the company refuses to cover the necessary operations for this child because the defect is what the insurer calls a preexisting condition. How many of us, how many families, have heard that term, preexisting condition, that denies them the health coverage they so need so they can survive an illness, a child's illness?

These examples are more and more becoming the norm for working Americans. Many families are unable to get health insurance, and when they do, it comes with strings attached that prevent coverage for major illnesses. When they are lucky enough to have insurance, they feel trapped in their jobs because they have health coverage and may lose it should they choose to change employers.

Let me just make a note on preexisting condition. I have a preexisting condition. I am a cancer survivor, and I am fortunate enough to be able to purchase my health insurance, and I can afford it. However, if I were to leave my job and look for insurance somewhere else, who wants to insure me as a cancer survivor? That is what people face every single day.

By far the largest problems facing American families today, however, is one of cost. The majority of Americans have some insurance, but the cost, even for those, continues to rise unchecked. It is a hidden tax that adds only one more burden on those who already suffer because of recession, or because of economic uncertainty.

Under our current system the future looks bleak, indeed. Costs would continue to rise, sapping businesses and families of needed cash. Health care plans would continue a trend of insuring more and more healthy Americans, while those with serious illnesses and medical problems would be left to fend for themselves.

The case for reform could not be clearer. Americans know that. They are ready for the types of change that are being proposed by the President. The administration's plan makes some very, very baseline guarantees. It will provide security. It will give families the confidence to know that they will not lose their health care if they lose their jobs. It will give all Americans the security to know that they will have health care. Preexisting conditions, like a cleft palate or asthma or others that everyone can mention, will no longer be the cause for denial of health coverage.

Choice of physicians will continue to be a central component to health care, so Americans can maintain the confidence that they have in their family doctors. Baseline minimum care will be provided to all Americans regardless of their employment situation. Most importantly, compensation will help to reduce the costs of health care, both for families and for employers.

These are not small items. They represent major landmark reforms, and achieving these provisions will not be an easy task. It is a task that Americans are looking to those of us who are in Congress to perform; one, quite frankly, that they are not sure we are up to.

I believe we are up to it. If Congress cannot address an issue of such magnitude, that affects every single American family and business, then we will have truly ignored our responsibility and the mandate of those who have sent us here.

Mr. Speaker, for the families and businesses in my district, for those who are paying too much each month and getting less, for those who find themselves, for one reason or another, without insurance, for those who find themselves without health care, for whatever reason, I urge this body to tackle this problem with all the vigor and energy that it demands. We simply cannot afford the consequences of doing any less. The American public has every right to demand of us to focus on this problem and to do something about it.

Mr. Speaker, I yield to the gentlewoman from the First District of North Carolina [Mrs. CLAYTON]. The gentlewoman from North Carolina is a member of the Committee on Agriculture and the Committee on Small Business, and has been very, very active in rural health care delivery in her home of Warren County, NC. She, too, will address the issue of health care.

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman from Connecticut [Ms. DELAURO] for organizing this special order on health care. Developing a national health care system that is affordable and accessible to all

Americans is the most pressing concern facing this Congress.

My interest comes from having served as a county commissioner for 10 years in a rural community which suffered from a severe deficiency in health care and other human services. When we were faced with the possibility of closing the only hospital in the county, we were forced to create a secondary system which focused on primary preventive care. I am happy to report that the facility continues to serve the county well, and is viewed as a model throughout the State.

Preventive health care, in my opinion, is a major component of any plan that would seek to answer the needs of rural and urban/inner city populations. In fact, when one looks at the problems of both these groups, one finds that a lack of access and a lack of resources are common threads that bind the two together. Prevention, therefore, is an effective, efficient tool for reaching these populations and allowing them to have some control over and responsibility for their own health care. Even those undeserved communities with some type of preventive health care systems often experience a greater demand for services than they can deliver.

James D. Bernstein, the director of North Carolina's Office of Rural Health, has said that any health care reform system must be "sensitive to the vulnerable populations—the poverty-stricken, aging, children, and diseased—of rural American, and recognize the fragile nature of its health care delivery system". Further, health care reform must address the lack of capital for renovation and expansion and the lack of qualified staff, which are the main reasons for instability in rural health care.

In reforming our health care system we also need to get rid of the cultural and structural defects. There are troubling statistics that detail racial health disparities for all the major disease categories. Therefore, we must consider race and ethnicity in developing any master plan. Critical items we must address in order to effectively deal with undeserved populations include community-based prevention; screening and early detection; diagnosis and treatment; and family planning, including obstetrical and gynecological care.

As we consider health care reform, we must be mindful that both health options and health care providers are very limited in many parts of rural America. We must increase support for the availability and stability of health care professionals, and expand the concept of neighborhood health centers which focus on preventive measures.

The task ahead of us is monumental, but not insurmountable. I applaud the President and Mrs. Clinton for taking on this challenge. I am eager to work with my colleagues to ensure that all Americans, rich or poor, in rural, urban, or suburban areas have the health care coverage they need.

□ 1630

Ms. DELAURO. Mr. Speaker, I yield to my colleague, the gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. Mr. Speaker, I am very pleased that the gentlewoman from Connecticut called us together to talk here about this subject. It is an extraordinarily complicated issue that this Congress faces and that the American people are facing, and I am pleased to be a part of trying to make it clear to them. I think the best way to make it clear is to talk about people.

As Congress approaches the unprecedented and exceedingly difficult challenge of overhauling our Nation's health care system, I would like to take a moment to discuss a trend which seems to be growing with alarming speed.

I am referring to subtle and insidious attempts to undermine real health care reform, embodied in the phrase "I support health care reform, but * * *" I am hearing it at every turn—from multimillion dollar ad campaigns on television to alarmist press statements from the health care industry to, sadly, speeches by my colleagues here on the House floor.

They say "not just now" or "not this way" or "not quite yet." But the message from the most important group, my constituents, it has been that we need comprehensive health care reform, and we need it now.

The problems that I hear time and time again in letters and phone calls from my district are not unique to Utah. Across the Nation, families are one job or one illness away from financial catastrophe. Health care costs are spiraling with no end in sight, resulting in personal bankruptcies and prolonged labor disputes which are threatening our Nation's economic competitiveness in a global economy.

Moreover, such flaws in the system as exclusions for preexisting conditions, lengthy waiting periods for coverage at new jobs, and the constant threat of unexpected premium increases or losing coverage entirely have resulted in an insurance system that does not provide assurance for most Americans.

And because inequities in the system pit mom and pop businesses against large firms, industry against industry, and even the youngest against the old, the people who desperately need help often end up paying the most and getting the least. The bottom line is that our families and business lack the basic security they need to be productive, confident contributors to our society.

This morning on the House floor I talked about the plight of my constituent Robert Anderson and his fellow retirees in Utah. Mr. Anderson worked for 28 years in Salt Lake City as an engineer for one of our Nation's largest high-technology firms, and took early retirement after the company offered a generous set of incentives, including full lifetime health coverage.

But in response to mounting health costs and a recent change in accounting standards, the company has chosen to discontinue its retiree health benefits plan, shifting the burden entirely to retirees and their families. True, Mr. Anderson receives a substantial retirement check each month, but with projected monthly premiums for retired couples nearing $700, Mr. Anderson expects to receive only slightly more than $2 a month until he becomes eligible for Medicare.

Two dollars a month. It's understandable that Mr. Anderson and his more than 500 fellow retirees in the intermountain area feel slightly undercompensated for their decades of service. Make no mistake, thousands of others are in similar positions, and thousands more will be soon if we fail to enact prompt, serious health care reform.

The only solace I can offer families and businesses in my district that are experiencing these problems is that help is on the way. Preliminary reports indicate that President Clinton's soon-to-be-unveiled reform proposal will ensure that early retirees to not continue to have the rug pulled out from beneath their feet. But more importantly, by reforming the insurance system, reducing administrative waste, and controlling costs, the plan will return the health security to American families and businesses that they deserve.

Mr. Speaker, my constituents won't accept "I support health care reform, but * * *" any longer. The time for action is now. I urge my colleagues to join me in securing health care that's always there for every American.

Ms. DELAURO. I want to thank my colleague from Utah for really putting a face on this problem and making it so crystal clear that the need is there and that we cannot deal with this issue in terms of numbers and statistics, but it is human beings and their lives which we are dealing with every day. I know of the gentlewoman's fundamental desire to make change in this area, and I thank her for participating in this effort tonight.

Mr. Speaker, I yield to my colleague, the gentleman from Maryland [Mr. CARDIN], who has been a member of the Ways and Means Subcommittee on Health since the 101st Congress. And my colleague is very, very well versed in the need for health care reform and the issues that are going to be addressed in the upcoming debate on health care reform.

Mr. CARDIN. Mr. Speaker, I want to thank my colleague from Connecticut for yielding me this time. It is extremely important that the American people focus in on the need for health care reform, and that we enact a comprehensive health reform package before this Congress adjourns the 103d Congress. I am very pleased the gentlewoman took this time in order for us to articulate the concerns that have been expressed in each one of our congressional districts.

We have the finest individual health care quality in the world in the United States. If you are fortunate enough to know how to access the system and if you can afford the health care, you will get the highest quality individual care in the United States. In fact, people from all over the world come to the United States for their health care needs, for individual treatment. They come to my own district, to Baltimore, where we have great institutions such as Johns Hopkins University and the University of Maryland Medical Center for their individual care.

But as good as the individual care is in this country, that is how wrong our system of health care is. We need to change the way that we deliver our system of health care in this country, and that is what President Clinton has tried to sensitize the American people to.

Let me put some faces, some real examples which were given to me in my congressional district, and this is true in every congressional district in the country.

I have had a small business person come to my office and ask what he or she should do. They have a health care plan with a small number of employees, and they are afraid to hire a particular employee because someone in their family has a health care need, an extraordinary health care need, and if that person is employed it means that the premium for that small company will double next year. What should that person do?

We have many small employers in my district, and in our district, who cannot find affordable health insurance for their employees. No wonder so many of our small companies today do not provide health care benefits. They cannot find an insurance policy that will not double if someone gets ill in their group, or there will be restrictions on preexisting conditions.

I have people in my district who are literally job-locked, here in the Nation that spends more on health care by far than any other nation in the world, two or three times what our Asian and European friends spend on health care, yet we tell employees in our country you cannot leave your employment because if you go to the next job you will not be able to get the health care you need. There will be restrictions on your preexisting conditions.

□ 1640

What type of a system provides that type of insecurity to the American worker?

I have elderly people who live in my district who depend upon prescription drugs, and yet they have no insurance protection for those prescription drugs. Many are spending $100, $200, $300 a month on prescription drugs, and have no health insurance benefits to cover that.

Many of my elderly constituents cannot get the prescription drugs they need because they literally cannot afford the prescription drugs which they need. Let me tell you that drug therapy will keep them out of hospitals and more-expensive health care facilities, and yet we will pay for the expensive health care costs, the more-expensive costs, but we will not pay for the less-expensive costs of prescription drugs.

These problems are being addressed by the President's proposal which will be up next week. He will deal with small employers and their ability to buy insurance protection for their employees. He will deal with the portability of insurance so a worker can go from one employer to the next without fear of losing his health care benefits. He will deal with prescription drugs in our Medicare Program. He will deal with mental health.

I have a hard time explaining to my constituents the difference between reimbursement for a physical illness and a mental illness. The President's proposal will remove that distinction which makes no sense at all.

I have many employers who have companies in my Third Congressional District who have a hard time understanding. They are providing insurance protection for their employees, but they have a hard time understanding why they have to pay not only for their employees but they have to pay for the people who are uninsured, who do not have insurance, for the employer who does not provide health care benefits because their premiums, insurance premiums, are higher to make up for the uncompensated care. That is not a fair system. The President's proposal will deal with that inequity by having everyone share fairly in the cost of health care.

I have workers in my district who are looking forward to getting a pay raise one day, and when they negotiate and find so much compensation must go to pay for their health care benefits in order to be able to continue their health care benefits. Today we find that the average health care cost in this country is rising two and three times the growth rate of our economy generally. How can you justify a system that is already spending more by far than any other nation on health care?

The President's proposal will deal with that problem by setting up discipline on how much we can afford to spend in the Nation on health care.

The President's proposal will deal in a comprehensive way with health care reform and will address the problems that have been asked of me by the people whom I represent.

The proposal is being presented to us in such a way that we can add to it and improve it. I hope my colleagues in this House will work together and improve the package to make sure that we address the problems that my constituents want answered.

Let me mention one additional point, and that is the lack of preventive health care in our society, the primary health care needs that are not being met.

I have many children in my district who have no insurance at all; they are in families where the people work but they have no insurance protection. These children are not getting the necessary preventive health care that we need to have a healthy future generation.

They will come into the health care system in a much more cost-producing way for much more intense care later on, because of a lack of preventive health care.

The Clinton proposal will deal with preventive health care, will deal with the training of more people in primary health care; not just physicians, but other health care professionals, to provide primary health care needs of our society.

In the United States we have three times more people trained in high-cost specialty areas than we do in primary health care. No other nation in the world has a higher ratio than 1 to 1. No wonder we find in many of our underserved areas people rush to an emergency room, an emergency room that is expensive, rather than seeing a primary health care professional.

It makes a lot more sense to have these primary health care people in our community.

The Clinton proposal will deal with that problem. As the gentlelady has pointed out, the proposal will deal in a comprehensive way with reforming our health care system so that we can go back to our districts and tell our constituents that everyone will be able to enjoy the high-quality care that we have in this country. We do not want to compromise quality. In fact, we want to enhance the quality of health care in the United States. But we want everyone to be able to enjoy the quality of health care, we want to make it affordable, we want to provide real security to the American worker and to the American family so that we all can enjoy quality health care.

I thank the gentlewoman for yielding to me and for bringing this matter to the attention of the American people.

Ms. DELAURO. Mr. Speaker, I want to thank the gentleman from Maryland for his passion on this issue. That is really what is required.

I do want to make one comment on the comments with respect to the elderly and prescription drugs. What I found in my district is one of three things happen when a senior goes into a pharmacy: They will present the prescription, they ask the cost; they will either get it half-filled or they will not get it filled at all or, if they do get it filled, they will then maybe during the course of the week not get the proper nutrition, will not get enough food for the week.

So in all of those three cases their health is deteriorating in some way.

This is wrong, this is wrong and it has got to stop. That is what I hope we are about in the next several weeks and months in this body.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. BONIOR], the majority whip. My colleague has been an active leader in the health care debate, and I know he is going to continue to provide strong leadership in the discussion on health care legislation in the upcoming months.

Mr. BONIOR. I thank my colleague for yielding and for her leadership this afternoon.

Mr. Speaker, not long ago I received a heartbreaking phone call from a woman in my district. She called to tell me a story about her parents, and about a health care system that has gone horribly awry.

She asked that I tell her story to other people, and to my colleagues, in the hopes that no other family will be forced to go through what they have gone through.

Four years ago, her father, named William, was working as a plant supervisor in Warren, MI. At the time, he was 57 years old. And like so many other people in my district, one day he got some bad news: The plant he worked for was making some changes. It was downsizing. And his name was at the top of the list.

So after a lifetime of hard work and dedicated service, he was forced into early retirement.

But William needed to work, and throughout the next year, looked for a job. But work was hard to come by. Not many people wanted to hire a 57-year-old man, especially during a recession.

In the spring of 1991, while he was still unemployed, William began to feel sick, so he went to the doctor. The doctor did an exam, took tests, took more tests, and came back with terrible news: William was diagnosed with cancer.

He was scared, but he and his wife, Loretta, thanked God he was covered. They were paying monthly premiums on a health plan he had continued when he left the plant.

So Loretta called the insurance company and let them know about the diagnosis—the insurance company said don't worry, you're covered.

William started treatment, and piled up some pretty big bills.

In November 1991, less than 2 weeks before Thanksgiving, he was admitted to the hospital. He stayed for exactly 1 month.

On the day he was discharged from the hospital, Loretta and William were handed a bill for $34,000.

Immediately, Loretta handed over her insurance card, and the hospital called the insurance company to verify coverage.

The insurance company said, "don't worry, they're covered." Except for a $2,500 copayment that William and Loretta would have to pay, the insurance company said it would pick up the tab.

So the hospital signed the bill, and they went home.

But William continued to get worse, and a few weeks later, as the family was celebrating Christmas, William died. Loretta buried him on New Year's Eve.

In the month that followed, she took the health insurance and other benefits out of her husband's name, and put it in her name.

One day in February 1992, while she was still grieving her husband's death, Loretta got a letter in the mail. It was from the hospital.

She opened it and was shocked to find it was a bill for $34,000.

The insurance company had never paid the bill.

She thought there had to be some kind of mistake, because the insurance company said they'd pay it.

So she called the insurance company and they said: No mistake. You have to pay the bill yourself.

Her husband's policy it turned out, had a lifetime maximum of $30,000, which he had exceeded earlier in the year.

In all her dealings with the insurance company, nobody had ever mentioned it to her. When she asked why, they said it wasn't their policy to discuss plan details over the phone.

They said it was her responsibility to know how the plan worked.

She called her husband's old company, and asked why she was never told. The company said tough luck if she didn't know. Employees were told about the policy.

She called some of her husband's former coworkers, and they all said they had never heard of the lifetime maximum.

It turns out that her husband's company had them all sign their health care agreements before they ever got to see the booklet explaining how it worked.

So she was stuck with a bill she couldn't pay and a policy she didn't understand.

She hired a lawyer, but the lawyer dragged his feet.

The insurance company wouldn't return her calls. And when she did get through, they chastised her and they blamed the whole thing on her.

In the summer of 1992, the hospital sued her for payment.

They put a lien on her house.

They put a freeze on her few assets.

And she was forced to declare bankruptcy.

But the hospital wouldn't let her declare bankruptcy, so she petitioned for a hearing.

More than a year later, on the day before she was scheduled to appear in bankruptcy court, Loretta got another letter in the mail. A letter from the insurance company. A letter notifying her that the $34,000 hospital bill had been paid in full.

No explanation. No reasons for the delay. No nothing.

After 2 years of getting threatened, being humiliated, and having her character assassinated, the insurance company finally paid a bill it said it would pay 2 years before.

And what does Loretta have to show for it?

She has no money.

Her credit is shot.

Bills are piled up.

She's developed an ulcer and high blood pressure.

She let her health insurance lapse, because she couldn't pay.

Creditors put off for the past year are now lining up.

And today, she's a 57-year-old widow looking to reenter the work force and facing the same rejection her husband found 3 years before.

In short, her life has been ruined.

All because her husband died of cancer.

And she still doesn't know why it all happened.

Thank God she's a strong person. Thank God she's a survivor. Thank God she's able to carry on with her life.

Mr. Speaker, this, in a nutshell, is everything that's wrong with our health care system today.

Here you have a family who worked hard and played by the rules, who did everything that was asked of them.

They paid their health insurance premiums on time, they paid them in full, and they only asked that their health insurance be there for them if they really needed it.

But when the time came, and they needed the health insurance that they had spent years paying for, they were left out in the cold.

Mr. Speaker, nobody deserves to be treated like that.

As bad as this story is, the scary thing is, it could happen to any one of us. We are all at the mercy of the insurance companies. Today it was Loretta—but tomorrow, it could be my family, or your family, or any one of us.

Mr. Speaker, I wish this was the first time I heard a story like this. I wish I could believe that this wasn't happening to other people.

But we all know this kind of thing is happening every day.

I know I'm not the only Member of this body who gets phone calls or letters like this week after week, month after month.

They come from people who are frustrated, who are frightened, and who are fed up with a system that makes no sense; that provides no coverage at crucial times; and that does nothing to protect them from price gouging and rising costs.

They come from people whose very idea of security is being shattered before their eyes.

When Loretta's daughter told me her story, she said:

> I hate to tell you all this because we're proud people. But we just want to make sure this doesn't happen to other families. And if it does a bit of good to change our health care system, it will have been worth it. It will give meaning to my father's death.

Mr. Speaker, how many horror stories do we have to hear before we take health care reform seriously?

How many stories will it take to convince us that we can't just tinker around the edges—that we can't just fool around with a few adjustments here and there.

How many stories will it take before we understand that nothing short of comprehensive reform of our health care system from the bottom up will make it work again.

The American people have already spoken on this. Last November, they asked us to change the health care system, they voted for that change, and it's time that we get on with that change.

That is what many of us were sent here to do.

Someone once said that gravity isn't easy, but it's the law. Health care reform won't be easy, but it's the law most of us will be judged on. And we'd better get on with it.

I give the President a lot of credit on this issue. America has talked about health care reform for over 50 years, but Bill Clinton is the first President since Harry Truman to make health care reform his cause.

Later this month, the President's health care reform bill will be before this body. And for the sake of America's future, we must make health care reform our top priority.

While we don't know all the details of the President's plan yet, the general goals are clear: Savings, simplicity, choice.

But above all, security.

We must provide Americans with the security of knowing that no matter what happens—whether they switch jobs, lose their jobs, get laid off, or have a preexisting condition—they and their family will never lose their health care coverage.

Mr. Speaker, Loretta isn't the only person who saw her security shattered before her eyes.

Not long ago, I read a letter from a man from Hazel Park, MI, who wrote that 14 years ago, he was diagnosed with Hodgkin's disease.

With the help of a strong will and some good doctors, he fought it, and by 1985, was pronounced cured—cured by everyone but his employer's insurance company, who refused to cover him because he was a bad risk.

So, after 15 years on the job, his boss was forced to lay him off, just because the insurance company wouldn't cover him. And now he has no job—and he, his wife, and his two children have no health insurance.

The other day I heard a similar story about a man who desperately wanted to change jobs, but he couldn't. It turns out he had a son with Down's syndrome, and if he changed jobs, the new company's insurance wouldn't pick up the tab.

Down's syndrome, as people know, is a preexisting condition. And now, after working hard and succeeding to the point where other companies are ready to give him a promotion, he's locked into his current job because of health insurance.

But what if something happens to the company he works for?

What if he's laid off?

What if he loses his job?

What does he do then? Pay thousands of dollars a year to continue his coverage? Or drop coverage altogether and hope for the best?

It's an impossible choice, but millions of people make these choices every day. Every single month, 2 million people lose their health coverage. Over the next 2 years, 1 out of every 4 Americans will be without health coverage at some point.

In 1990, more than half of the uninsured were full-time workers and their families.

One woman, whose family lost their health insurance after her husband lost his job, summed it up better than any of the pundits. She wrote: "I'm not looking for a handout. But when middle class, skilled trades people can't make it, something's wrong. We need help with health care. It's urgent now."

And she's right. It's time we provide people with the security and peace of mind to know that no matter where they go or what they do, their health care will always be there for them.

Nothing we do in this Congress will be as important. Nothing we do will be more long-lasting. Nothing we do will touch the lives of more people than health care reform.

I hope we all have the courage to do what is right. Because the future of our children and the future of our country depends on it.

□ 1700

So, Mr. Speaker, I hope we all have the courage to do what is right because the future of our children and the future of our economy depends upon it, and I thank my colleague, the gentlewoman from Connecticut [Ms. DELAURO], for giving me time this afternoon to share with her and my other colleagues some of the horror stories and some of the phases of health care that I have personally seen and heard of in my congressional district.

Mr. Speaker, I could go on into the evening on this, on other tragedies. We all know what they are like. We all know who is affected. It is time we get on and we did it, just like the commercial: Just do it.

Do it now.

Ms. DELAURO. Mr. Speaker, I want to thank my colleague, the gentleman from Michigan [Mr. BONIOR], not only for his comments tonight, but for his really extraordinary leadership on this issue.

Mr. Speaker, the gentleman from Michigan [Mr. BONIOR] made the point that it is an incredible story. It is not a story; it is real life. And the fact is that it is just multiplied in everyone's district, and, as someone who has been diagnosed with cancer, let me say: For yourself, and for your family, the thing you are thinking about at the moment when you have to face what is going to happen to you is that you are thinking about whether or not you are covered by your insurance company. You want to know, your family wants to know, are you going to be able to survive, are we going to be able to conquer this, are we going to be able to cope with this, and to have the added burden then of an insurance system that fails you at this moment; the havoc it plays with people really is unconscionable.

Mr. Speaker, that is the kind of thing that we have to turn around. That is what our mission has to be here, an understanding of people's lives and what we have to try to do about it.

I look forward to working with the gentleman from Michigan [Mr. BONIOR] in the months ahead. I know we will do more of these evenings, and I will be calling on my colleagues to talk about this issue and urge my colleagues to take this on as their mission, to change our health care system, and I thank the gentleman from Michigan.

Mr. Speaker, I yield to my colleague, the gentlewoman from Maryland [Mrs. MORELLA], who would like to address a health care related issue as well.

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman from Connecticut [Ms. DELAURO] for this special order and for allowing me this particular time to talk about an element of health care. But, as I was listening to the discussion, there is just no doubt that in all of our districts in this country we are hearing about health care reform, a health care plan that is affordable, accessible and qualitative, and we need to come up with a plan that is not partisan. It affects all people.

As I listened to the majority whip speak and the comments of the gentlewoman from Connecticut following that, I was reminded of the fact that I have a daughter who is, as a matter of fact, living in Connecticut who had twins born prematurely at 26 weeks, and one of them has required major surgery. As preemies, Mr. Speaker, one was 2 pounds 8 ounces, and one was 2 pounds 10 ounces. One of them has required many different operations because of water on the brain. We have no idea whether or not the health insurance is going to cover it. We have not had a chance to even think about the magnitude of it because of the immediate health concerns. This is one of many different instances where there is a great need to come up with health care reform.

I also want to comment on women's health issues. It is interesting that the gentlewoman from Connecticut [Ms. DELAURO] has this special order at a time when this morning we had a press conference on the women's health equity package which has 32 bills in it and the plea also that this health care reform package be equitable to women and include the full range of reproductive health care also. And just before the special order we had a commemorative. It was to commemorate October as Breast Cancer Awareness Month. It was House Joint Resolution 11, one that I am a strong supporter of and a sponsor of, and it is certainly appropriate that, as we consider that resolution and as this special order on health care is taking place, that members of the National Breast Cancer Coalition are lobbying for the development of a comprehensive national strategy to end the breast cancer epidemic.

Mr. Speaker, I certainly urge my colleagues to join in this effort, and I want to again commend the gentlewoman from Connecticut [Ms. DELAURO] for allowing me this time to make comments on this issue.

Ms. DELAURO. Mr. Speaker, I want to thank my colleague, the gentlewoman from Maryland [Mrs. MORELLA], for her courage of talking about her own family and their circumstances and the issue of breast cancer. Part of what has got to be a part of the health care reform system is emphasis on preventive care and as it has to do with cancer, with other diseases, so that we place our emphasis in an area where we can begin to do the screening and the detection, so that we can, instead of just addressing an issue in a crisis or an illness in a crisis, be able to try to do the prevention that we know we can do if we focus our time, and our attention and our resources at the first part of the process, and whether it is for breast cancer, or ovarian cancer, or childhood immunization so that we can make sure that every child in this country is immunized, these are the focus and the directions that we have.

I am optimistic, I am encouraged, and I think we do have the courage within this body to move forward on a comprehensive health care package that provides security to all people in this Nation and provides quality health care that is affordable.

THE ANIMAL ENTERPRISE PROTECTION ACT

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GEKAS. Mr. Speaker, I simply want to introduce a bill which I think is important to all of the Members.

Last year, Mr. Speaker, we passed the Animal Enterprise Protection Act of 1992 which emanated from the Committee on the Judiciary in response to a violent wave of the last few years of terrorism exerted against agricultural and scientific research facilities by the extremist animal rights groups that took it upon themselves to do these vicious acts. Well, we have learned that as a result of that act which we passed in 1992, which also called for a further study of the impact of these terrorist animal rights attacks on these facilities, we have learned, as a result of the report which was issued, that this kind of terrorism has been, unfortunately, extended, and more incidents are coming through statistically every day, extended to not just the exhibits, the agricultural exhibits or the scientific research centers, but also to the homes and the properties of individuals who are engaged in this research or animal exhibits throughout the country, a wilder step than we ever thought would be undertaken by the animal rights terrorists.

So, Mr. Speaker, today I am introducing a bill to extend the coverage then that we intended for these kinds of activities under the original act to include protection for the individuals, and the researchers and the agricultural people in their homes and their properties even though they be miles away from the research facilities and agricultural compounds which we had protected under the act of 1992.

☐ 1710

I will introduce this legislation today and ask for cosponsors to put an end to this kind of activity.

JOBS BILL NEEDED NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, this Congress is moving into its final place for this session. Between now and adjournment, there are many items on the agenda. But more important than the specific items on the agenda is the fact that a whole tone is going to be established, a whole new mindset, for the way we are going to approach the next 4 or 5 years.

It is important to note that and to understand how important it is to come to grips with certain issues now and see to it that as we move into a process of dealing with very important bills, like the National Health Program, as we move into dealing with the North American Free-Trade Agreement, as we move into a process of cutting more out of the budget, a process which certainly could be a devastating one for the American people if we are not careful. I think we should stop and consider and remember what happened this past summer during the recess.

All of us went home. All of us had a chance to get closer to our constituents. All of us have had some sense of what people want, and that is about all it is, a sense of what they want, because they are not the experts. We are supposed to be the experts in government. We are supposed to be able to point the way and direct energies and resources of our Nation in a certain productive manner.

The people out there are basically angry. I certainly found plenty of anger in my district. The anger seems to have intensified because of the fact I found a great deal of disappointment, and I was a cause of a lot of that disappointment.

I told the people who gathered around my office as I come and go and always ask me about jobs, I told them that there was some help coming, that they were going to be able to finally provide more jobs for people. I told them that as soon as we got a new administration, a Democratic administration, I told them in more detail last spring as we contemplated the stimulus package which the new President had placed before the Congress, that here it is, that specifics were in that package. It called for the creation of new summer jobs, about $2 billion in additional funds.

What it would have meant for New York City was a doubling of the number of jobs that could have been provided for youth during the summer. It meant that twice as many young people in my congressional district would have been able to get summer jobs as were available to get jobs after that stimulus package went down.

So I, in contemplation of the stimulus package that made a lot of sense, I told them that some relief was coming.

There were also jobs for adults, jobs and very important services. If we had increased the Head Start Program, starting with a summer program for Head Start, not only would it have provided jobs for teachers and paraprofessionals, but the custodians that clean the building up and the people that prepare the food. There was a whole range of jobs that would have been provided while we were meeting another objective, and that objective is to help prepare children to be ready for school when they start school. The Head Start Program meets that objective, which is one of our first education goals.

So while we were meeting that education goal in an area where there is a great need for more day care, Head Start Programs would help children prepare for school before they start school, and we would also be providing jobs. It made a lot of sense, and I said it might happen. I thought very certain it would happen at one point.

Then it all faded. The stimulus package was filibustered away. I think it was a very cruel act by the other party in the other body. At the same time, I think perhaps our own leadership of our own party surrendered too soon.

I certainly think some parts of the stimulus package could have been saved. We could have had at least the concrete jobs, like the jobs that Head Start would have provided, like the summer youth employment jobs. I think they could have been saved, had we not surrendered so rapidly and caved in with such timidity.

But the result of it all was that not very much changed. This administration has come. The people who were unemployed before, a very high unemployment rate among youth, 30 to 35 percent, has been there the last 11 years. The whole time I have been in Congress it has not changed. The high unemployment among adults, things have only gotten worse.

In New York City alone, unemployment has gone up to 11 percent. It has always been concentrated in my congressional district, with a large number of poor people. So things have gotten worse under the new administration.

Can we be surprised that they are angry, these unemployed people who have been unemployed from one administration to another? They see no change. On the horizon there is nothing planned. There is nothing in the works down here that I can point to to say we are finally going to get some relief from the joblessness.

In fact, it is only worse. The people in my district at least know how to read, and they read the paper and know that IBM is laying off people now; Kodak is laying off people; other large corporations are laying off people. Many of these are middle management people, clerical people. A lot of people who were lucky enough to have jobs before are not going to have them this time next year. So the anger they feel cannot be relieved with any hope.

I am certain that among the Members of Congress, this scenario is played out many times. There are probably very few districts where there is not a great degree of uncertainty about employment for the future, and it is now increasing.

So it is a very serious problem, where the jobs issue looms so large, and there is very little on the horizon to relieve it. No job creation programs are being proposed. As we move through the authorization process for the defense budget, and soon we will have the appropriations process for the defense budget, the one place where you could certainly realize large savings and provide funds for jobs, there seems to be no budging in terms of this administration, no proposals to really make the kinds of cuts that are necessary. At the same time, more budget cuts are being proposed.

I would say perhaps there is some hope that we will get a jobs program together and there will be some funding, that a new stimulus package might come. But, no, we are only contemplating some special consideration of additional budget cuts.

There are obviously budget cuts that we could have been making this week and last week, since Congress came back from recess. We had obvious opportunities to make some tremendous, significant budget cuts. And those funds have been squandered. We do not seem to be in a mood really to make the cuts where the money is.

Mr. Speaker, we have just passed today a bill for the RTC, the Resolution Trust Corporation, to complete its work, $18 billion additional money. As to the total, I will quote from the Washington Post, because these figures shift. Everybody has a different figure. But, Mr. Speaker, common sense will tell you it is a lot of money, because we are talking about hundreds of billions of dollars.

The Washington Post said that the amount of money that was voted by this Congress today, by the house of Representatives today, will probably bring the total cost of "sanitizing"—they call it "sanitizing"—the S&L situation to $165 billion. In other words, they are saying $165 billion has been appropriated to date with this new infusion. That is their figure. As I said before, it depends on how you look at it.

Since this $165 billion is off budget, it is borrowed money. In other words, not wanting to confuse anybody here, just think of what the interest rate on $165 billion would be over 10 years, and you will know that the total cost is much more than $165 billion.

□ 1720

It is all borrowed money that has to be paid back. So you have to figure the interest rate, which leads a number of experts, over the last few years, to use the figure of $500 billion as the total cost for the S&L bailout, the S&L swindle, the savings and loan swindle of the American people.

That means when it is all done, about $500 billion of the American taxpayers money will have been paid into the situation to make up for the money that was taken out of it by people who were incompetent or corrupt and probably both. And it is almost indistinguishable in the banking business. Anybody who is incompetent in a business that is very tightly controlled, with tight rules, incompetence very rarely is the problem. It is usually some form of corruption that you are dealing with.

The corruption caused the failure of the savings and loans to the tune of $500 billion bailout with $165 billion to date authorized and appropriated.

I am going to quote just one paragraph from the Washington Post. It says:

> This bill would provide $18 billion in cleanup funds, a final installment of what will probably be a total cost of about $165 billion to sanitize the S&L's, eliminating the bankrupt, the derelict, and the fraudulent institutions that will restore the industry to viability. If Congress acts promptly, the cost can be finished this summer.

This is the Washington Post, before the debate took place today. It was apparent, during the debate today, that this job will not be finished this summer, that it will be a long time before the S&L swindle, scandal is fully resolved. That is why it is going to cost us $500 billion instead of $165 billion.

During the debate it was also pointed out that there is a probability, and the experts inside the banking industry are saying, they will not say it publicly, loudly, but that we did not really need to use any more taxpayers funds for this purpose, that you could have found some other way to do it, borrowing against the assets of the savings and loans operations that have been taken over, establishing a premium on the S&L's and the banking industry in general and letting the banking industry pay for its own problems or for the cleanup of the remainder of the problems that they created.

These things could have happened. And instead of you, the taxpayers, having to ante up another few billion dollars to clean up the situation, they could have taken care of it themselves.

If you are angry, if people are angry about Government, I can understand it. The problem is, you ought to target your anger specifically at the specific outrageous situations. Here is one. Savings and loans cleanup is one of those specific situations where the outrage of the American people should be targeted.

You should understand fully the implications of this whole swindle, which is probably the largest swindle in the history of mankind, the largest swindle. The Teapot Dome scandal, the Suez Canal scandal, all the scandals that have ever taken place with Government involved and the financial industry involved, all of them together do not add up to the amount of money that was taken in the savings and loan swindle.

Yet, it has been handled in a way which has not aroused the outrage of the American people. You do not hear the talk show hosts, your favorite talk show host seldom talks about the savings and loan scandal. You do not hear any discussion of the fact that billions of dollars were stolen, and very few people have been prosecuted.

In the process, yes, the taxpayers must pay for the stolen, make up for what has been taken. The Federal Deposit Insurance Corporation was established for that purpose. The depositors do not lose. One way or another, of course, we would not let the depositors lose. But there is no reason why, in the process of restoring what has to be restored for the depositors, we cannot also make certain that those who stole the money are punished, that crime does not pay.

This is a situation where white collar crime has paid billions, billions. Yes, they got Mr. Keating. Keating was the worst offender. Mr. Keating is responsible for a minimum of $2 billion of taxpayers money having to be used to replace what went out of his banks.

Mr. Keating was such a monster, so widely publicized that, yes, finally, he was convicted and given 12 years. I will not talk about what is a just sentence, if you steal $2 billion, are responsible for $2 billion being taken, whether 12 years is a just sentence or not. But at least he was convicted. He was sent to jail.

Thank God for the State of California, which took the initiative, prosecuted Mr. Keating before the Federal Government prosecuted him. They prosecuted him because beyond the $2 billion, Mr. Keating also stole hundreds of thousands of dollars from senior citizens who were induced into coming to his bank and buying some stock in the bank that was not federally insured. They thought they were buying some shares that were insured, and they were not insured. So the State of California took him to court and put him in jail before the Federal Government. The Federal Government was embarrassed to have to come along and prosecute Mr. Keating after the State of California prosecuted him.

The record of the Federal Government, our Justice Department, under the Bush administration, is a dismal one. And it appears that there has been no escalation of prosecutions and convictions and recoveries under this administration, although it is hard to tell since this administration has been in power only for 9 months.

Let us look at some statistics of concern.

The American people are having to bail out savings and loans, the scandal, to the tune of $500 billion. Yet, over a 5-year period, the people who were responsible for this monstrous scandal, this dinosaur scandal, the biggest of all time, over a 5-year period, a recent report, issued by the Justice Department, which brings us up to March 31, 1993, it is entitled "Attacking Financial Institution Fraud, Fiscal Year 1993," sent a report to the Congress of the United States from the U.S. Department of Justice.

They talk about the savings and loans, the indictments related to the savings and loans swindle. The indictments involve $9,292,000,000. The indictments were related to cases that involved that much money, $9,292,000,000.

One might ask the question, if we have appropriated $165 billion to clean it up and the estimate is it is going to cost us $500 billion before it is all over, why have we only had prosecutions related to $9 billion of the $165 billion that has been lost. But that is one question.

But of those cases that have been prosecuted, only $9 billion, not only $9 billion, a lot of money, $9,292,000,000. In these cases involving this $9 billion, 1,475 defendants were charged. Of the defendants charged, 1,475, and your arithmetic is good enough to quickly process this, only 771 were sent to jail, 771 sent to jail.

You can see that is about half of those who were charged. Fines were imposed for crimes which amounted to $9 billion, fines were imposed amounting to $17,614,000. They were fined and restitution was ordered amounting to $628 million.

Now, do not let the figures make you dizzy. Millions, billions. The people who were responsible for stealing $9 billion were fined $17 billion, and they were ordered to restore $629 million, not even equal, when you add it up, to $1 billion.

□ 1730

This is just a small part of the total situation. Does crime pay? Yes. We have let crime pay. If you are angry at the way your Government is being run, here is a specific instance, a specific situation that you ought to focus your anger on. You ought to call your talk show host and ask him why doesn't he talk about the fact that billions of dollars were stolen from the American people, because we have to replace it as taxpayers, and so little was done about recovering the money, so little has been done about prosecuting those who were responsible, so few have gone to jail.

I will not even check to see what kind of sentences were given, but we can see from the paltry amount of money that they were fined and the amount of money that was recovered, there has been no great passion related to what the Justice Department has been doing.

If we move to the FDIC, and these are cases that were prosecuted, people were indicted, there were other cases where people were not indicted but collections have been made. In addition to those cases, plus this, altogether the FDIC has collected $1.8 billion as of last April, 1993.

Out of a situation where we have had to appropriate $165 billion to recover, we have collected $1.8 billion through the FDIC's efforts, and the RTC, the Resolution Trust Corporation that we have funded to the tune of many billions of dollars, they have collected $363.6 million; about $2.2 billion collected by a process not related to the Justice Department indictments.

If you are angry, you have good reason to be angry. Our Government should have started reinventing itself by dealing with the S&L crisis. The RTC should have been the first target for the reinvention of government, to save taxpayers' money; $18 billion, the Washington Post said, but actually the bill was down to $16 where you ought to target your anger.

Let us look at what has happened in the past week, yesterday and last week, with the defense authorization. We are in a situation where pledges have been made to make additional cuts in the budget. Pledges have been made to bring the budget down below where it was when we voted on the reconciliation package. The first opportunity to begin making those cuts was in the defense authorization bill, where there are large amounts of money available to be cut. The defense authorization bill was up and still is under consideration, and then we have another opportunity in about 2 weeks on the defense appropriation bill.

Here is an area where you ought to challenge every Congressperson who says they are sincere about making cuts, ask them the direct question:

> How did you vote when the opportunity to make these cuts came up? How will you vote when the opportunity returns again on the appropriation for the defense?

There is a lot of information available. You don't have to wade through very technical documents to find out exactly what is at stake, how much money is in the defense budget, how much is really probably waste, how much is dedicated to the cold war that is already over, and how much is really needed to take care of conflicts that are going to break out.

You don't have to be a genius now to figure out some of these things. There is a lot of help you can get from various publications that are around.

Mother Jones, in its September-October issue, has a very straightforward, simply written article which I would commend to the Members. They start by saying that:

> There are statements being made by the Democratic leadership that we are going to cut the defense budget. Immediately the Republicans are blowing those statements up out of proportion and saying that we are going to gut the defense budget. Neither these statements by the Democratic leadership nor the statement by the Republicans is correct. Nobody is really proposing any drastic cuts of the defense budget.

I quote from the Mother Jones article in the September-October issue:

> Don't believe the hype. The administration plans to spend $1.3 trillion on the military over the next five years, nearly $14,000 for every household in America. The national defense budget will only decline from $290.7 billion in 1993 to about $230 billion in 1979.
>
> Conservatives decry cuts of 40 percent from Cold War heights, but the reductions follow the feeding frenzy, of course, of the high budgets of the 1980s when Reagan bloated military spending by 50 percent in real terms. At the end of this century, this bureaucratic binging will leave military spending at levels roughly comparable to those that Richard Nixon and Gerald Ford thought necessary in the midst of the Cold War.
>
> At the height of the Cold War, the period considered most dangerous, we are going to be spending, when this whole reduction of the defense, according to what the administration is proposing, is finished, we are going to be spending just as much money then as we were spending in the midst of the Cold War under Nixon and Ford.

To quote another paragraph from the Mother Jones article:

> The most important security concern really for Americans is what they feel as they walk through a city at night. That is not a problem for the Army. Another important security concern is that other countries have better-educated, better-trained work forces. This is not a problem for the Army. We need a military capable of defending us, but we no longer need Cold-War-sized forces.

To continue to quote from the Mother Jones article:

> but a bloated military budget is the most costly, least efficient public works program imaginable.

They are answering the charge that is being made that we cannot afford to cut defense. When we cut defense, you are going to be cutting jobs.

> A bloated military budget is the most costly, least efficient public works program imaginable. Under the most generous estimates, each job generated by the military budget costs about $50,000 per person. We waste scarce resources and the talents of our most skilled workers and scientists making weapons we no longer need, while we starve investments that we cannot do without.
>
> After reviewing a range of economic models, the Congressional Budget Office concluded that reducing military spending and reinvesting in savings at home could generate more jobs, fuel greater growth, and create better prospects for the next generation.

If you are angry, then direct your anger at policy-makers and legislators who keep insisting that we need to continue to fund certain weapons systems in order to provide jobs; that these weapons systems are necessary to provide jobs.

Why are we streamlining Government? Why are the Vice President and the President reinventing Government? To cut down on the number of workers in Government? Because we do not think the Government ought to provide jobs for people. The Government is supposed to provide services, and when they are not needed, those jobs should be cut.

I agree with that 100 percent. We do not want make-work Federal Government. We do not want a make-work bureaucracy for the Federal Government. Why do you want the military to provide make-work situations which are very expensive, $500,000 per person?

The people who want to re-fund or build another *Seawolf* submarine in Connecticut, a *Seawolf* submarine costs about $2.3 billion. Just use your common sense. You don't have to be a genius to figure this one out. To build a *Seawolf* submarine costs $2.3 billion.

A *Seawolf* submarine cannot be used for anything except warfare. A *Seawolf* submarine has no other use. We would not want to convert a *Seawolf* submarine into a tourism vehicle. You cannot have people taking joy rides on *Seawolf* submarines, because they go under the water. It is too dangerous. The insurance would be fantastic. Why go into that kind of thrill seeking, going deep under the water, just to make us of a *Seawolf* submarine in some civilian way?

It will have no use. We will not fight a war with any opponent who acquires a weapon like the *Seawolf* submarine. That is pretty much admitted.

The argument that is being given for the re-funding of the *Seawolf* submarine program, the funding of another *Seawolf* submarine, is that we need to keep the technical skills alive and the technology alive which is involved in a *Seawolf* submarine.

□ 1740

Now if you are a sophomore in high school, whether you have taken a science class or not, you have heard a little bit about how fast-paced technology goes, how rapidly we are moving in terms of new technology. The likelihood that the *Seawolf* technology is going to keep pace by building another is nil. And why do you want to keep the same technology which we know from experience will be obsolete in a few years because new kinds of engines are being invented, new metals are being invented? You know, there is a whole series of things that are happening that will make the *Seawolf* technology obsolete, whether you build another one or not.

But what is the argument being used? The real argument is that the *Seawolf* submarine will provide jobs for the workers in Electric Boat shipyards in Groton, CT. Yes. And I think they ought to have jobs. I think that everybody deserves a job. I think that where our country should go now is we ought to declare war on unemployment and talk about providing jobs for every American who wants to work. That is the real goal.

So providing jobs for a handful of workers, relatively small number of works on a *Seawolf* submarine would not be considered acceptable if we were concerned with an employment policy instead of a situation which leads us down a blind alley, a dead-end street. What we should be concerned with is providing employment for the people of Connecticut who are unemployed. Yes, the *Seawolf* submarine workers might have to take a pay cut, but if you have other kinds of jobs, you could provide twice as many jobs. The most conservative estimate is that for every dollar spent on defense you can provide twice as many jobs spending the money on civilian projects as you can providing a weapons systems for defense. So you can create twice as many jobs for the State of Connecticut by giving the State money, $2.3 billion, and saying provide employment for as many people as possible doing productive work. If you need to build schools, build schools. If you need to build roads, build roads. If you need a better health care system, more workers for preventive health care, more technicians, train them and use them, because for as long as there are human beings we know their skills are going to be needed.

There are many ways to provide jobs if you are going to have an expenditure of $2.3 billion. Use your common sense.

They are talking about another aircraft carrier at a cost of $3.5 billion. I mean another aircraft carrier. The only reason we are building another aircraft carrier is to provide employment for workers who work on aircraft carriers.

Let us provide jobs for that area, Newport News, VA. That is where they build aircraft carriers. Let us give Newport News and the surrounding area, plus maybe the State of Virginia, give them $3.5 billion and say create jobs that are useful and productive. It is a far better expenditure.

If you are angry, if you think your Government is stupid, here are examples of where we are stupid and clinging to the stupidity stubbornly. We refuse to budget at all.

I am going to quote one more quote from the Mother Jones article.

> The great British historian, Arnold Tornby, concluded that great civilizations, like dinosaurs, decline because they cannot adjust to a changed world. The world has surely changed. Now the choice is ours.

You have a right to be angry at the new administration, to be angry at the Congress and your Senators and angry at everybody who is clinging to the old world while the number of people who are out of work increases. You have a right to be angry while Sears lays off people, IBM lays off people, Kodak lays off people. There is an escalation because when these big companies lay off people, the kind of services that they were paying for in smaller companies will lead to reductions in jobs in those companies, and any fool I think, any sophomore in college can tell you that if they are laying off large numbers of people that in a few years we will be in a real Great Depression that no amount of economists can camouflage. That is where we are going.

It is time to be angry. It is time to make some demands. It is time to focus that anger, and not on trivial things. Let us focus it where the billions are, and the billions are in the S&L swindle, and the billions are in the defense budget. The billions are in the CIA.

We had an amendment at the time the Intelligence budget was on the floor, and never mind what the amount of money we are spending. The New York Times says we are spending $28 billion on Intelligence programs. We do not know exactly what the figure is because those of us who wanted to criticize the CIA did not want to go and look at it and be hemmed in by a code that requires that you not discuss the budget of the CIA and the Intelligence program in detail. But the New York Times estimated $28 billion. And we were on the floor with an amendment to cut it by 10 percent per year over the next 5 years, 10 percent of $28 billion; $2.8 billion off of $28 billion.

During the cold war, while we were fighting the Soviet Union, and we needed the spies, and we needed the satellites, we needed everything, that is over now for at least 3 years. Why do we still need to spend $28 billion? Why can we not cut it by 10 percent?

Who are the Congress persons who voted against it? Only 104 voted for the cut. So ask your Congressman: "Why didn't you take that opportunity to save money that could be used for a job-training program, for a program which creates jobs?" There are numerous ways to create jobs in productive ways. We still need roads, bridges, we still need to build schools. We still need a health care system that is going to require more money but will employ large numbers of people. It is not designed to provide jobs. The health care system, the National Health Insurance Program will provide services that are vitally needed, but in the same provided services it is going to provide new jobs. It may cut out white collar jobs for people in the insurance industry, but it is certainly going to increase the number of people who are actually providing the services in health care.

Do we need it? The New York Times Magazine of Sunday, August 2, 1993, did a rather lengthy article called "Cold War Without End: America won, but you'd never know it from all of the efforts still expended on fighting the Evil Empire," by Thomas L. Friedman. They have an elaborate set of charts and discussions of specific ways in which we are still spending money to fight the Communists, to fight the Soviet Union, and it is clear that the money is not needed.

If you want to look at the problem in any detail and be able to challenge the policymakers, challenge your Congressperson, challenge the people that you are angry at in some specific way, then call your talk show, your favorite talk show host and ask him why he does not talk about the fact that we are spending billions of dollars to fight communism and we are still spending billions of dollars on intelligence operations that are not needed. We are still spending on *Seawolf* submarines, and we are still building aircraft carriers that are not needed. Ask your favorite talk show host to get serious, and stop arousing your sentiments and getting into intensely emotional areas about trivial things that happen here in Congress.

Ask your Congressman how he voted when Representatives DELLUMS and DEFAZIO offered an amendment last week which would cut in half the amount of money being spent for star wars. What is star wars? Star wars was a suspect effort from the very beginning. The majority of the scientists in the United States said it would never work. Star wars was supposed to stop missiles from coming from the Soviet Union. Only the Soviet Union had intercontinental ballistic missiles, and only the Soviet Union was the threat, and they were supposed to be able to stop them from penetrating the atmosphere in the United States. It was always dubious, never successful. Recent articles have shown that phony tests were conducted. They rigged the tests to make it appear that there was some possibility that they could successfully create such a program.

Nevertheless, disregarding all of that, when the chairman of the Armed Services Committee, the chairman himself came before the House and said we need to cut $1.5 billion from this star wars program, not wipe it out completely but cut $1.5 billion, which is about half. It still has about $3 billion being spent for programs that everybody has agreed will reap, will produce no useful results. Everybody is agreed that star wars is not needed. There are new names that have been assigned to it. It is called the ballistic missile defense. Yet when the chairman of the Armed Services Committee came before the House and said we should cut it by $1.5 billion, it failed, his amendment to cut the budget by $1.5 billion failed.

□ 1750

Ask specifically your legislators, your Congressperson, "How did you vote when this opportunity to cut $1.5 billion was before you?"

Mr. Speaker, $1 billion is a lot of money, a billion dollars is a lot of money, and now they are cutting out perks from Congressmen, parking at the airport, charging more for haircuts, and all of that which may have some validity. They are taking care of that, they have saved a few pennies. Yet here we are talking about $1.5 billion.

Mr. Speaker, the gentlewoman from Colorado [Mrs. SCHROEDER], was trying to be a little more conciliatory, she wanted to only cut $200 million, to decrease the budget for star wars from $3 billion to $2.8 billion. And she would use the money that was saved for the technology reinvestment project, which would lead to the creation of research and development for new jobs. Her amendment failed. It was voted down.

Ask your Congressman how he voted, focus in on these billions. That was just $200 million, but it all adds up.

Later, Representatives DELLUMS, PENNY and WOOLSEY—and DELLUMS, again, is the chairman of the Committee on Armed Services, he is the head of the committee, and he wanted to save $1.2 billion by changing the procurement for the D-5 missile, which is intended for the Trident II submarine. Again, the submarines are used to fight superpowers. The only superpower we would need a submarine to fight no longer exists, the Soviet Union. Why do we need D-5 missiles for Trident submarines? DELLUMS said you could cut that by $1.2 billion. It was voted down.

There were a few other amendments related to making billion-dollar cuts, reduction in our forces throughout the world. You know, we are closing bases in the United States, which impacts on the economies of our local communities. I say why are we rushing to do that before we close the bases overseas?

Let us protect our own economy, and let us pull back some of the $100 billion we are spending in Germany and Japan, nations that can take care of themselves very well. And even Korea, even Korea; Korea can take care of much of its own defense, although we recognize the threat of the North Koreans and we should keep alert there. It is one of those cases where we are making a nation dependent on us to a degree that is not necessary.

So, if you have anger, then focus it on the billion-dollar targets. We could be using that money instead for other purposes.

There are people who say that now that the Soviet Union no longer exists, now that communism has been defeated, this Nation is going to have a hard time making the policy congeal, that there is no way we can get the American people mobilized and focused on the single set of objectives that would allow them to function as a Nation, to make the necessary decisions and to set priorities. They say we are in trouble because the Soviet Union does not exist anymore. That is what some psychologists and philosophers and policymakers are saying.

I say let us declare war on unemployment. If we do not have a foe like the Soviet Union, if communism has been defeated, let us defeat unemployment now. Let us set as an objective in America the employment of every American who wants to work. Instead of being angry and negative, all the voters out there should join in declaring war on unemployment and begin to ask your Congressmen, your Congressperson, ask the President, ask everybody, "What are you going to do to guarantee that everybody who wants to work will have a job?"

Our new national purpose should be to provide those jobs for everybody who wants to work. You do not have to provide make-work jobs. There is much work to be done. There is research and development for people who have scientific and technical skills, instead of developing more weapons; there are all kinds of products that other countries are developing that will outpace us in the competitive world market if we do not develop and improve our own research and development capacity.

These jobs are created in private industry where people can go to work for small companies, large companies, whatever; but we never know what kind of things are going to result from research and development. We do know there are going to be good results because the immediate past history indicates that the economy is driven by new technology.

So, what are we waiting for? Why are we impounding and allowing the defense industries to hold hostage the best and brightest minds and also the money necessary for research and development?

We need new health care systems. When you provide health care for everybody who needs health care, it is obvious that we do not have the capacity to do it. Our hospitals are not big enough; our preventive care, our outpatient operations, none of it out there is capable of serving everybody who needs health care. So, there is a need to build, a need to train, a need to have a greater investment in human capital to improve our health care systems. Let us get on with it. And in the process of improving the health care systems, you provide jobs, jobs that are needed and jobs that will never be outdated, never become obsolete.

In education, we are falling steadily behind our competing industrialized nations in production, in our ability to provide the kinds of products at the cost level that our competitors provide them. We have talked about this for the last 5 years, and yet our educational system continues to go downhill. Nothing new by the Federal Government has been done in education over the past 5 years.

This year, as schools opened, two of the largest cities in America serving the largest number of students did not open their doors because of financial difficulties, difficulties related to financial matters.

New York City has not opened its doors, the schools are closed. They will not be opened, maybe, until September 20 and maybe longer than that, because they have a major asbestos problem which has not been cleaned up because the resources are not there and because those resources that were available were used in a corrupt manner. Most of all, because they are trying to do the impossible.

The buildings in New York City are so old, the majority of them, it would be better to build new buildings rather than try to make the old buildings asbestos-free. The money is not there to build new schools in New York City. They are not there to build new schools in a number of places across the country where they are very much needed.

Chicago, the school system remains closed, the doors will not open because the law of the State requires that the school system's budget be balanced before school is started; financial difficulties, a $300 million shortfall.

They could not find $300 million necessary to keep the schools going at the same level.

Across the country there have been numerous instances of schools closing before the school year ended. Last year there was a celebrated case in Michigan where the schools closed in April instead of June. Are we witnessing the beginning of the abandonment of public education in America, at the time when we refuse to cut the budget of star wars? Three billion dollars for star wars would take care of all the budget cuts in all the school boards across the country this year. Three billion dollars would allow the budget cuts made in the last 2 years in all the school boards across the country to be restored. That is what $3 billion can do.

Yet we are insisting that $3 billion must be poured down the drain to continue funding star wars. We are insisting that $1.8 billion has to be continued for the Trident missile; we have insisted that we have to put another $2.3 billion for the *Sea Wolf* submarine. It is madness.

If you have fears, it is time to shed them, to look at the decision-making pattern that is taking place at a critical time in the life of our Nation. If you do not confront it, if you do not deal with it now, if you do not tell our leaders that "the jig is up, whatever it is that motivates you and drives you to make stupid, ridiculous decisions about funding while we make speeches about savings, making savings, and the need to sacrifice, whatever it is, you had better come to grips with it and face it."

The future relations, the future of the world and of the Nation is dependent upon us realizing that as we go toward the year 2000, the last thing we should be concerned with is warfare and weapons of war and an economy that is driven by the defense industry. Let us declare war on unemployment.

If we need a purpose, if we need a goal, then the goal should be to provide a job for every person who wants to work. The President was on the right track when he proposed a stimulus package of $16 billion in outright appropriations, another $3 billion in tax credits. So, he was on the right track.

□ 1800

The President was moving to provide investment and stimulate the job creating process. The largest economy in the world, probably second to ours, the second economy to ours is Japan. That is exactly what the Japanese are doing right now, only instead of $19 billion, they have just proposed a new package of $47 billion to stimulate their economy on top of previous stimulus programs.

Investment in the infrastructure, investment in services that are needed, you do not have to be a genius to figure out the trickle-down effect and the byproducts that result from spending money on services and products that are needed and having the government make that investment. It comes back to the government in terms of income taxes that are paid, in terms of the stimulation of the economy that will generate other taxes and in terms of all the benefits that flow from having human beings out there with jobs, families with jobs.

Give people jobs and income and they will solve most of their other problems.

We are about to consider welfare reform. The President has a program which is based on the principle that nobody should be on welfare more than 2 years. I would agree with that principle. Nobody should be on welfare for more than 2 years, but guarantee them a job after two years, guarantee them a job.

How are you going to guarantee them a job if Sears is laying off, if IBM is laying off, all these other people are decreasing the number of jobs, while at the same time the Federal Government is refusing to take the investment steps necessary to increase jobs.

How did that happen? Nobody should be on a Federal subsidy more than 2 years.

Let the farmers hear that, too. No farmer should be on a Federal subsidy for more than 2 years.

No submarine base should be built, if it has been in business for more than 2 years, they should close up. They should not realize a Federal subsidy. No Federal subsidy anywhere should be provided for more than 2 years.

In the meantime, there are things that are very much needed that we can do and in getting them done we can declare war on unemployment.

If you want a purpose, if you want to sound the bugle and rally the Nation, bring people together, then let us declare war on unemployment. Unemployment is where we should be directing our energies. Let us provide jobs for everybody who wants to work. That is where the future of the Nation should be going. We can help ourselves, we can help the world by declaring war on unemployment.

COMMUNICATION FROM CHAIRMAN OF SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION
Washington, DC, September 10, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, consistent with Rule L (50) of the Rules of the House, that a former employee of the Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation has been served with a subpoena issued in a criminal case pending in the United States District Court for the Eastern District of Pennsylvania.

After consultation with the General Counsel, I will make determinations consistent with those required by the Rule.

Sincerely,

ROBERT A. BORSKI,
Chairman, Subcommittee on Investigations and Oversight.

COMMUNICATION FROM THE HONORABLE DOUGLAS APPLEGATE, A MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DOUGLAS APPLEGATE, a Member of Congress.

HOUSE OF REPRESENTATIVES
Washington, DC, September 13, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the New Philadelphia, Ohio Municipal Court of New Philadelphia, Ohio.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

With best regards, I remain

Sincerely yours,

DOUGLAS APPLEGATE.

COMMUNICATION FROM THE HONORABLE PETER HOEKSTRA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable PETER HOEKSTRA, a Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 14, 1993.

Hon. TOM FOLEY
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the 28th Judicial Circuit Court of Michigan.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

PETE HOEKSTRA.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUTTO (at the request of Mr. GEPHARDT) after 3:30 p.m. on September 14, on account of official business.

Mr. TUCKER (at the request of Mr. GEPHARDT) from 1 p.m. to 2:30 p.m. on September 14, on account of foot surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOUGHTON) to revise and extend their remarks and include extraneous material:)

Mr. CASTLE, for 5 minutes, on September 15.

Mr. PORTER, for 5 minutes, today.

Mr. KIM, for 5 minutes, on September 23.

Mr. PACKARD, for 5 minutes, today.

Mr. HORN, for 60 minutes, on September 15.

Mrs. BENTLEY, for 5 minutes, today, in lieu of 60 minutes earlier approved.

(The following Members (at the request of Mr. CARDIN) to revise and extend their remarks and include extraneous material:)

Mr. BACCHUS of Florida, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mrs. THURMAN, for 5 minutes, today

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HOUGHTON) to revise and extend their remarks and include extraneous material:)

Mr. GILMAN.
Mr. COLLINS of Georgia.
Mr. GEKAS.
Ms. SNOWE.
Mr. WELDON.
Mrs. VUCANOVICH.
Mrs. BENTLEY.
Mr. SOLOMON.
Mr. MCDADE.
Mr. SMITH of New Jersey.
Mr. LEVY.
Mr. HOKE.

(The following Members (at the request of Mr. CARDIN) and to include extraneous matter:)

Mr. OLVER in two instances.
Mr. KANJORSKI.
Mr. DARDEN.
Mr. MONTGOMERY.
Mr. SLATTERY.
Mr. FAZIO.
Mr. NEAL of Massachusetts.
Mr. FOGLIETTA in three instances.
Mr. RUSH.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. STUDDS.
Mr. PORTER.
Mr. MFUME.
Mr. REGULA.
Mr. BAKER of Louisiana.
Miss COLLINS of Michigan.
Mr. HALL of Texas.
Mr. STOKES.
Mr. BLACKWELL.
Mr. KLEIN.
Mr. BAKER of California.
Mr. MICHEL.
Mr. LEWIS of California.
Mr. COSTELLO.
Mr. GILLMOR.
Mr. DINGELL.
Mr. FLAKE.
Mr. TORRES.
Mr. WAXMAN.
Mr. CRANE.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, September 15, 1993, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them for official foreign travel during the fist and second quarters of 1993, pursuant to Public Law 95-384, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or Employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Victoria Nimmo	2/11	2/16	Jamica		1,080						1,080
Committee total					1,080						1,080

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, Aug. 12, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1993

Name of Member or Employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Anita R. Brown	6/6	6/9	Canada		300.00						300.00
Commercial transportation							824.54				824.54
Gary Mitchell	6/6	6/9	Canada		300.00						300.00
Commercial transportation							824.54				824.54
Committee total					600.00		1,649.08				2,249.08

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA, Chairman, July 30, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1993

Name of Member or Employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Italy, Turkey, Syria, and Morocco, April 3–11, 1993.											
Hon. Dave McCurdy	4/3	4/6	Italy			728.00					728.00
	4/6	4/8	Turkey			498.00					498.00
	4/8	4/9	Syria			215.00					215.00
	4/9	4/11	Morocco			376.00					376.00
Hon. Patricia Schroeder	4/3	4/6	Italy			728.00					728.00
	4/6	4/8	Turkey			498.00					498.00
	4/8	4/9	Syria			215.00					215.00
	4/9	4/11	Morocco			376.00					376.00
Hon. Owen B. Pickett	4/3	4/6	Italy			728.00					278.00
	4/6	4/8	Turkey			498.00					498.00
	4/8	4/9	Syria			215.00					215.00
	4/9	4/11	Morocco			376.00					376.00
Hon. James M. Inhofe	4/3	4/6	Italy			728.00					728.00
	4/6	4/8	Turkey			498.00					498.00
	4/8	4/9	Syria			215.00					215.00
	4/9	4/11	Morocco			376.00					376.00
Hon. John M. McHugh	4/3	4/6	Italy			728.00					728.00
	4/6	4/8	Turkey			498.00					498.00
	4/8	4/9	Syria			215.00					215.00
	4/9	4/11	Morocco			376.00					376.00
Ms. Alma B. Moore	4/3	4/6	Italy			728.00					728.00
	4/6	4/8	Turkey			498.00					498.00
	4/8	4/9	Syria			215.00					215.00
	4/9	4/11	Morocco			376.00					376.00
Mr. Warren L. Nelson	4/3	4/6	Italy			728.00					728.00
	4/6	4/8	Turkey			498.00					498.00
	4/8	4/9	Syria			215.00					215.00
	4/9	4/11	Morocco			376.00					376.00
Mr. John M. Reskovac	4/3	4/6	Italy			728.00					728.00
	4/6	4/8	Turkey			498.00					498.00
	4/8	4/9	Syria			215.00					215.00
	4/9	4/11	Morocco			376.00					376.00
Delegation expenses	4/6	4/8	Turkey						81.78		81.78
	4/8	4/9	Syria						894.38		894.38
	4/9	4/11	Morocco				120.00		1,272.00		1,392.00
Visit to Germany and Belgium May 21–24, 1993:											
Hon. Marilyn Lloyd	5/21	5/23	Germany			586.00					586.00
	5/23	5/24	Belgium			328.00					328.00
Hon. Floyd Spence	5/21	5/23	Germany			586.00					586.00
	5/23	5/24	Belgium			328.00					328.00
Hon. Norman Sisisky	5/21	5/23	Germany			586.00					586.00
	5/23	5/24	Belgium			328.00					328.00
Hon. Herbert H. Bateman	5/21	5/23	Germany			586.00					586.00
	5/23	5/24	Belgium			328.00					328.00
Hon. H. Martin Lancaster	5/21	5/23	Germany			586.00					586.00
	5/23	5/24	Belgium			328.00					328.00
Hon. James H. Bilbray	5/21	5/23	Germany			586.00					586.00
	5/23	5/24	Belgium			328.00					328.00
Hon. Don Johnson	5/21	5/23	Germany			586.00					586.00
	5/23	5/24	Belgium			328.00					328.00
Mr. Ronald J. Bartek	5/21	5/23	Germany			586.00					586.00
	5/23	5/24	Belgium			328.00					328.00
Mr. Thomas M. Garwin	5/21	5/23	Germany			586.00					586.00
	5/23	5/24	Belgium			328.00					328.00
Committee total					22,762.00		120.00		2,248.16		25,130.16

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RONALD V. DELLUMS, Chairman, July 29, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Bruce Chafin	6/15	6/18	Sweden		966.00		2,593.65				3,589.65
John Hambel	6/15	6/18	Sweden		996.00		2,593.65				3,589.65
Peter Stockton	6/15	6/18	Sweden		966.00		2,593.65				3,589.65
Bruce Chafin	4/11	4/16	Egypt		660.00						660.00
	4/16	4/28	Greece		1,320.00		3,187.55				4,507.85
Peter Stockton	4/11	4/16	Egypt		660.00						660.00
	4/16	4/28	Greece		1,320.00		3,187.85				4,507.85
Dennis Wilson	4/11	4/19	Egypt		1,056.00						1,056.00
	4/19	4/22	Greece		495.00		3,623.95				4,118.95
David Finnegan	5/24	5/28	Switzerland		845.00		3,049.45				3,894.45
Tim Westmoreland	6/05	6/11	Germany		1,701.00		756.25				2,457.25
David Tittsworth	4/09	4/10	France		666.00						666.00
	4/10	4/11	Germany		573.00		614.15				1,187.15
John D. Dingell	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
Carlos Moorhead	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
Henry Waxman	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
Thomas Bliley	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
Edward Markey	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
Al Swift	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
Michael Oxley	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
Thomas Manton	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
Edolphus Towns	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
Craig Washington	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
Paul Gillmor	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
Alan Roth	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
Dennis Fitzgibbons	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
Sharon Davis	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
Don Shriber	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
Margaret Durbin	4/4	4/7	England		918.00						918.00
	4/7	4/11	France		666.00						666.00
	4/11	4/13	Germany		573.00						573.00
England codel expenses:											
Local transportation									3,421.00		3,421.00
Rental vehicles									3,454.90		3,454.90
Security services									47.89		47.89
Parking fees									15.78		15.78
German codel expenses:											
Control room									1,713.06		1,713.06
Driver									148.31		148.31
Mileage									131.12		131.12
Taxi and parking									94.88		94.88
Committee total					46,796.00		22,200.45		9,026.94		78,023.39

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Note.—France codel expenses to be filed on supplemental as they are received.

JOHN DINGELL, Aug. 19, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jill Brady	5/6	5/15	Japan		[3]3,150.00		[4]3,301.45				6,451.45
David Honness	5/23	5/29	United Kingdom	837.55	1,290.00		[4]1,017.45				2,307.45
Christopher G. Mann	6/8	6/12	Norway		[3]900.00		[4]1,102.45				2,002.45
James H. Mathews	6/25	7/2	Japan	284,577	2,618.00		[4]996.45				3,614.45
Rodney H. Moore	6/25	7/2	Japan	284,577	2,618.00		[4]995.45				3,613.45
Karen L. Steuer			Japan						202.47		202.47
Committee total					10,576.00		7,413.25				18,191.72

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Cash advance issued by Department of State.
[4] Commercial airfare.

GERRY E. STUDDS, Chairman, Aug. 6, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Barbara-Rose Collins	4/6	4/7	India								
	4/7	4/10	Nepal		300.00						300.00
	4/10	4/15	India		1,140.00		7,720.45				8,860.45
Committee total					1,440.00		7,720.45				9,160.45

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NORMAN Y. MINETA, Chairman, July 30, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Greg Laughlin	4/3	4/10	Europe		1,700.00		2,573.45				4,273.45
Hon. David E. Skaggs	4/12	4/12	North America		163.00						163.00
Hon. Dan Glickman	4/12	4/14	North America		326.25						326.25
	4/14	4/15	Central America		100.00						100.00
Commercial airfare							1,126.95				1,126.95
Michael W. Sheehy, staff	4/12	4/14	North America		326.25						326.25
	4/14	4/15	Central America		100.00						100
Commercial airfare							1,125.95				1,126.95
Committee total					2,715.50		4,827.35				7,542.85

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN GLICKMAN, Chairman, July 30, 1993.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1883. A letter from the Secretary of Energy, transmitting the Uranium Purchases Report, 1992, pursuant to Public Law 102–486, section 1017(b) (106 Stat. 2950); jointly, to the Committees on Energy and Commerce and Natural Resources.

1884. A letter from the Acting Comptroller General, General Accounting Office, transmitting the results of the audit of the Panama Canal Commission's financial statements as of September 30, 1991 and 1992, pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Government Operations and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 251. Resolution relating to the consideration of the Senate amendment to the bill (H.R. 20) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes (Rept. 103–238). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2440. A bill to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes (Rept. 103–239, Pt. 1). Ordered to be printed.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2739. A bill to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes; with an amendment (Rept. 103–240). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STUDDS (for himself and Mr. MANTON):

H.R. 3058. A bill to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDREWS of Maine (for himself, Mr. OBERSTAR, and Ms. SNOWE):

H.R. 3059. A bill to establish a National Maritime Heritage Program to make grants available for educational programs and the restoration of America's cultural resources for the purpose of preserving America's endangered maritime heritage; to the Committee on Merchant Marine and Fisheries.

By Mr. DARDEN:

H.R. 3060. A bill to authorize the Secretary of the Treasury to issue regulations to require that the pay of Federal employees be paid by electronic funds transfer or any other method determined by the Secretary to be in the interest of economy or effectiveness, with sufficient safeguards over the control of, and accounting for public funds; to the Committee on Government Operations.

By Mr. DUNCAN:

H.R. 3061. A bill to provide that a Federal employee shall be ineligible for an annual pay adjustment before completing at least 1 year of service, and to revise the criteria governing appointments in the competitive service; to the Committee on Post Office and Civil Service.

By Mr. FIELDS of Texas:

H.R. 3062. A bill to amend the Controlled Substances Act to eliminate a Federal entitlement to legal representation in death penalty cases; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. FRANK of Massachusetts:

H.R. 3063. A bill to authorize U.S. participation in the replenishment of the resources of the International Development Association and the Asian Development Bank, to authorize a United States contribution to the Global Environment Facility, to authorize the provision of special debt relief for the poorest, most heavily indebted countries through the multilateral approach of the Paris Club, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GEKAS:

H.R. 3064. A bill to amend section 43 of title 18, United States Code, to extend this protection to individuals who work in animal enterprises; to the Committee on the Judiciary.

By Mr. JACOBS (for himself, Mr. ARCHER, Mr. INHOFE, Mr. TORRICELLI, Mr. LIPINSKI, and Mr. POSHARD):

H.R. 3065. A bill to amend the Internal Revenue Code of 1986 to establish medical care savings benefits; to the Committee on Ways and Means.

By Mr. KYL (for himself and Mr. DURBIN):

H.R. 3066. A bill to amend title 10, United States Code, to provide congressional consent for the employment of retired members of the Armed Forces of the United States by governments of newly democratic nations; to the Committee on Armed Services.

By Mr. LANTOS:

H.R. 3067. A bill to amend title 10, United States Code, to ensure proper classification as employees and independent contractors of persons awarded Federal procurement contracts; to the Committee on Armed Services.

H.R. 3068. A bill to amend the Federal Property and Administrative Services Act of 1949 to ensure proper classification as employees and independent contractors of persons awarded Federal procurement contracts; to the Committee on Government Operations.

H.R. 3069. A bill to amend the Internal Revenue Code of 1986 and the Revenue Act of 1978 to revise the procedures applicable to the determination of employment status; to the Committee on Ways and Means.

By Mr. LAROCCO:

H.R. 3070. A bill to amend the Public Health Service Act to provide grants for the development of rural telemedicine, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Florida (for himself, Ms. THURMAN, and Mr. CANADY):

H.R. 3071. A bill to amend the Lime Research, Promotion, and Consumer Information Act as it relates to the composition of the Lime Board, the conduct of the referendum, the definition of lime, and for other purposes; to the Committee on Agriculture.

By Mrs. MINK:

H.R. 3072. A bill to amend title 10, United States Code, to extend eligibility to use the military health care system and commissary stores to an unremarried former spouse of a member of the uniformed services if the member performed at least 20 years of service which is creditable in determining the member's eligibility for retired pay and the former spouse was married to the member for a period of at least 17 years during those years of service; to the Committee on Armed Services.

H.R. 3073. A bill to amend title 10, United States Code, to expand eligibility for commissary benefits for persons qualified for certain retired pay but under age 60; to the Committee on Armed Services.

By Mr. RANGEL:

H.R. 3074. A bill to extend the emergency unemployment compensation program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. SCHROEDER (for herself, Ms. SNOWE, Ms. SLAUGHTER, Ms. BROWN of Florida, Ms. BYRNE, Mrs. CLAYTON, Mrs. COLLINS of Illinois, Ms. DELAURO, Ms. ESHOO, Mrs. JOHNSON of Connecticut, Mrs. LLOYD, Ms. LOWEY, Mrs. KENNELLY, Ms. MCKINNEY, Ms. MALONEY, Mrs. MEEK, Mrs. MINK, Ms. MOLINARI, Mrs. MORELLA, Ms. PELOSI, Ms. ROYBAL-ALLARD, Ms. SCHENK, Ms. THURMAN, Mrs. UNSOELD, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WOOLSEY, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BROWN of California, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. HOCHBRUECKNER, Mr. LANTOS, Mr. MARTINEZ, Mr. MCDERMOTT, Mr. NADLER, Mr. SANDERS, Mr. WHEAT, and Mr. YATES):

H.R. 3075. A bill to promote greater equity in the delivery of health care services to American women through expanded research on women's health issues and through improved access to health care services, including preventive health services; jointly, to the Committees on Energy and Commerce, Ways and Means, Armed Services, Education and Labor, Foreign Affairs, the Judiciary, and Veterans' Affairs.

By Mr. STARK (for himself, Mr. KENNEDY, Ms. PELOSI, Mr. MARKEY, Mr. EVANS, Ms. MCKINNEY, Mr. KOPETSKI, Mr. SERRANO, Mr. FILNER, Mr. ANDREWS of Maine, Mr. TORRES, Mr. WAXMAN, Mr. HASTINGS, Mr. EDWARDS of California, Mr. FRANK of Massachusetts, Mr. UNDERWOOD, Mr. MILLER of California, Mr. HINCHEY, Mr. DURBIN, Ms. ESHOO, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SANDERS, Mr. DEFAZIO, Mr. MCCLOSKEY, Ms. FURSE, Mr. HAMBURG, and Mr. FISH):

H.R. 3076. A bill to address the policy of the United States on plutonium use; to the Committee on Foreign Affairs.

By Mr. TALENT:

H.R. 3077. A bill to amend the Internal Revenue Code of 1986 to allow tips received for providing food or beverages for consumption off the employer's premises to be taken into account under the credit for the employer Social Security tax on certain tips; to the Committee on Ways and Means.

By Mr. THOMAS of Wyoming (for himself, Mr. GUNDERSON, Mr. ROBERTS, Mr. STENHOLM, Mrs. MINK, Mr. STRICKLAND, Mr. ENGLISH of Oklahoma, Mr. GRANDY, and Mr. BEREUTER):

H.R. 3078. A bill to amend title XVIII of the Social Security Act to permit certain rural hospitals under the Medicare Program to serve as rural emergency access care facilities under the program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Ms. WOOLSEY (for herself, Mr. BECERRA, Mr. BEILENSON, Mr. BERMAN, Mr. BROWN of California, Mr. DELLUMS, Mr. EDWARDS of California, Ms. ESHOO, Mr. FARR, Mr. FAZIO, Mr. FILNER, Mr. HAMBURG, Ms. HARMAN, Mr. MARTINEZ, Mr. MATSUI, Mr. MILLER of California, Mr. MINETA, Ms. PELOSI, Ms. ROYBAL-ALLARD, Ms. SCHENK, Mr. STARK, Mr. TORRES, Mr. TUCKER, Ms. WATERS, and Mr. WAXMAN):

H.R. 3079. A bill to protect the integrity of the Point Reyes National Seashore and the Golden Gate National Recreation Area [GGNRA], and for other purposes; to the Committee on Natural Resources.

By Mr. BARTLETT of Maryland (for himself, Mrs. BENTLEY, Mrs. MORELLA, Mr. CARDIN, Mr. WYNN, Mr. HOYER, Mr. GILCHREST, and Mr. MFUME):

H.J. Res. 261. Joint resolution designating September 14, 1994, as "Francis Scott Key Day"; to the Committee on Post Office and Civil Service.

By Mr. HAMILTON (for himself and Mr. GILMAN):

H. Con. Res. 143. Concurrent resolution expressing the sense of the Congress concerning the historic opportunity for peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. HAMILTON:

H. Con. Res. 144. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

H. Con. Res. 145. Concurrent resolution providing for an adjournment of the House from Wednesday, September 15, 1993, to Tuesday, September 21, 1993; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. ROEMER.

H.R. 133: Mr. ROEMER.

H.R. 326: Mrs. THURMAN,, Mr. MARTINEZ, Mr. COSTELLO, Mr. SMITH of Iowa, Mr. WISE, Mr. MURPHY, Mr. ROSE, Mr. LEHMAN, Mr. HASTINGS, and Mr. WYDEN.

H.R. 393: Mr. KLEIN.

H.R. 401: Mr. DORNAN.

H.R. 410: Mr. TORKILDSEN.

H.R. 468: Mr. SANDERS and Mr. RUSH.

H.R. 502: Mr. ARMEY.

H.R. 518: Mr. NADLER, Mr. ANDREWS of Maine, Mr. KLUG, Mr. TRAFICANT, and Mr. DEUTSCH.

H.R. 535: Mr. WILLIAMS, Mr. THOMAS of Wyoming, and Mr. BOUCHER.

H.R. 558: Mr. HOLDEN and Mr. CANADY.

H.R. 656: Mr. YATES.

H.R. 657: Mr. ARMEY.

H.R. 727: Mr. WASHINGTON, Mr. RUSH, and Mr. DIXON.

H.R. 760: Ms. SCHENK and Mr. FRANK of Massachusetts.

H.R. 778: Mr. OBERSTAR, Mr. HAMILTON, Mr. YOUNG of Alaska, Mr. STENHOLM, Mr. LAUGHLIN, Mr. WYDEN, Mr. EVERETT, and Mr. COMBEST.

H.R. 794: Mr. BARRETT of Nebraska and Mr. MURPHY.

H.R. 830: Mr. WILSON, Mr. CLINGER, Mr. DEAL, and Mr. MORAN.

H.R. 935: Mr. FARR and Mr. EDWARDS of California.

H.R. 1043: Mr. ROEMER.

H.R. 1141: Ms. MOLINARI.

H.R. 1277: Mr. INGLIS of South Carolina, and Mr. ROGERS.

H.R. 1295: Mr. MOORHEAD, Mr. CUNNINGHAM, Mr. DORNAN, Mr. WALKER, Mr. RIDGE, Mr. ROBERTS, Ms. DUNN, and Mr. JOHNSON of Georgia.

H.R. 1385: Mr. FISH.

H.R. 1432: Mr. SCOTT.

H.R. 1457: Mr. SABO, Mr. NADLER, and Mr. RUSH.

H.R. 1504: Mr. SAM JOHNSON and Mr. BAKER of Louisiana.

H.R. 1518: Mr. SENSENBRENNER and Mr. ARMEY.

H.R. 1538: Mr. HOCHBRUECKNER, Mr. MARTINEZ, Mr. RUSH, Mr. SANDERS, Mr. BEILENSON, Mr. CLAY, and Ms. WATERS.

H.R. 1583: Mr. BATEMAN and Mr. MCCANDLESS.

H.R. 1604: Mr. KREIDLER.

H.R. 1608: Mr. BILBRAY, Mr. BISHOP, Mr. BOEHLERT, Ms. BYRNE, Ms. ESHOO, Mr. FIELDS of Louisiana, Mr. GENE GREEN of Texas, Mr. HANCOCK, Mrs. LLOYD, Mr. PICKLE, Mr. POMEROY, Mr. REGULA, Mr. SABO, Mr. SCHUMER, Mr. SMITH of Iowa, and Mr. STEARNS.

H.R. 1671: Mr. KANJORSKI and Mr. DEUTSCH.

H.R. 1675: Mr. WILSON, Mr. ROMERO-BARCELÓ, and Mr. INSLEE.

H.R. 1749: Mr. SANDERS.

H.R. 1800: Mr. ACKERMAN and Mr. KLINK.

H.R. 1933: Mr. BARRETT of Wisconsin, Mr. FALEOMAVAEGA, Mr. COLEMAN, Mrs. SCHROEDER, Mr. UNDERWOOD, and Mr. COYNE.

H.R. 1945: Ms. MARGOLIES-MEZVINSKY, Mr. MENENDEZ, Mr. BACHUS of Alabama, Mr. COX, Mr. TAYLOR of Mississippi, Mr. BONILLA, and Mr. GORDON.

H.R. 2043: Mr. MINETA and Mr. SERRANO.

H.R. 2074: Mr. MAZZOLI.

H.R. 2088: Mr. BLUTE, Mr. HUTCHINSON, Mr. JOHNSON of Georgia, Ms. MOLINARI, Mr. OXLEY, Mr. ROGERS, and Mr. WALSH.

H.R. 2171: Mr. ANDREWS of New Jersey, Mr. VALENTINE, Mr. UPTON, Ms. MCKINNEY, Mr. JOHNSON of Georgia, and Mr. FAWELL.

H.R. 2177: Mr. BARCIA of Michigan.

H.R. 2221: Mr. COOPER, Mr. MONTGOMERY, Mr. OXLEY, Mr. STUMP, Mr. SWETT, Mr. TANNER, Mr. TAYLOR of Mississippi, and Mr. VALENTINE.

H.R. 2286: Mr. GINGRICH and Mr. STENHOLM.

H.R. 2415: Mr. PACKARD, Mr. EMERSON, Mr. CASTLE, and Mr. MICA.

H.R. 2417: Mr. SCHAEFER, Ms. PRYCE of Ohio, and Mr. KIM.

H.R. 2424: Ms. MALONEY, Mr. HOBSON, Mr. HALL of Ohio, and Ms. PRYCE of Ohio.

H.R. 2525: Mr. SANTORUM, Mr. GENE GREEN of Texas, Mr. GOODLING, Mr. PORTMAN, Mr. BOEHNER, Mr. JACOBS, Mr. MACHTLEY, Mrs. JOHNSON of Connecticut, Mr. CAMP, Mr. HOUGHTON, Mr. WYDEN, and Mr. DEUTSCH.

H.R. 2543: Mr. SABO and Mr. FORD of Michigan.

H.R. 2638: Mr. TORRICELLI, Mr. FISH, Mr. STARK, Mr. CLAY, Mr. GILCHREST, and Ms. NORTON.

H.R. 2651: Mr. FORD of Michigan.

H.R. 2664: Mr. KOPETSKI.

H.R. 2676: Mr. CLYBURN and Mr. SANDERS.

H.R. 2720: Mr. WYDEN, Mr. CASTLE, Mr. HASTINGS, Ms. PRYCE of Ohio, Mr. COPPERSMITH, Mr. KNOLLENBERG and Mr. GALLEGLY.

H.R. 2787: Mr. FILNER and Mr. CLAY.

H.R. 2834: Mr. KREIDLER.

H.R. 2835: Mr. KREIDLER and Mr. HOKE.

H.R. 2864: Mr. KREIDLER, Mr. BAESLER and Mr. KLUG.

H.R. 2884: Mr. MAZZOLI and Mr. CASTLE.

H.R. 2921: Mr. REYNOLDS.

H.R. 2968: Mr. BILBRAY and Mr. TORRICELLI.

H.R. 3005: Mr. BLUTE, Mr. BURTON of Indiana, Mr. MCHUGH, Mr. DUNCAN, Mr. BAKER of California, and Mr. LIVINGSTON.

H.R. 3024: Mr. SCHIFF.

H.R. 3028: Mr. MAZZOLI.

H.R. 3041: Mr. PETERSON of Minnesota.

H.J. Res. 11: Mr. FIELDS of Texas.

H.J. Res. 86: Ms. MCKINNEY.

H.J. Res. 106: Mr. BARRETT of Wisconsin, Mr. BILIRAKIS, and Mr. TAYLOR of North Carolina.

H.J. Res. 165: Mr. HUGHES, Mr. PETRI, Ms. BYRNE, Mr. OLVER, and Mr. LEWIS of Georgia.

H.J. Res. 166: Mr. BISHOP.

H.J. Res. 206: Mr. STARK, Mr. LEWIS of Georgia, Mr. BEILENSON, Mr. RICHARDSON, Mr. CRANE, Mr. NEAL of Massachusetts, Mr. OXLEY, Mr. BLUTE, Mr. BACHUS of Alabama, Mr. BEVILL, and Mr. KASICH.

H.J. Res. 249: Mr. FAWELL and Mr. BACHUS of Alabama.

H.J. Res. 257: Mr. ZIMMER, Mr. MAZZOLI, and Mr. BILIRAKIS.

H. Con. Res. 3: Ms. SNOWE, Mr. KNOLLENBERG, Mr. CLINGER, and Mr. PETRI.

H. Con. Res. 52: Mr. CARDIN, Mr. RUSH, Ms. BROWN of Florida, Mr. GALLO, Mr. LEACH, Mr. INSLEE, Mr. TOWNS, Mr. CLAY, and Mr. WASHINGTON.

H. Con. Res. 59: Mr. GIBBONS.

H. Con. Res. 110: Ms. DANNER.

H. Res. 234: Ms. PELOSI, Mr. BROWN of California, Mr. WALSH, and Mr. BARRETT of Wisconsin.

H. Res. 247: Mr. TRAFICANT, Mr. SCHIFF, and Mr. PETE GEREN of Texas.

SENATE—*Tuesday, September 14, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Almighty God, Your word exhorts Your people to pray for the healing of the land: *If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land.*—II Chronicles 7:14.

You are the Lord of history, and You know how desperately our land needs healing—economically, morally, and spiritually. Put it on the hearts of Your people to take seriously this exhortation to humble themselves, to seek Your face, to turn from their wicked ways, and to pray, with the assurance that You will forgive their sins and heal their land.

Be with each Senator and his/her staff as they work through the issues of today. And may they also, as God's people, take this exhortation seriously.

In His name who is life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 14, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the time of the majority leader and Republican leader is reserved.

The Chair, in his capacity as a Senator, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTERIOR APPROPRIATIONS ACT OF 1994

The ACTING PRESIDENT pro tempore. The Senate will now proceed to the consideration of H.R. 2520, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, $604,415,000, of which the following amounts shall remain available until expended: not to exceed $1,462,000 to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–6a(i)), and $69,418,000 for the Automated Land and Mineral Record System Project: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors; and in addition, $15,300,000 for Mining Law Administration program operations to remain available through September 30, 1994, to be reduced by amounts collected by the Bureau of Land Management and credited to this appropriation from annual mining claim fees so as to result in a final fiscal year 1994 appropriation estimated at not more than $604,415,000: Provided further, That in addition to funds otherwise available, not to exceed $5,000,000 from annual mining claim fees shall be credited to this account for the costs of administering the mining claim fee program, and shall remain available until expended.

FIRE PROTECTION

For necessary expenses for fire management, emergency rehabilitation, fire presuppression and preparedness, and other related emergency actions by the Department of the Interior, $117,143,000, to remain available until expended.

EMERGENCY DEPARTMENT OF THE INTERIOR FIREFIGHTING FUND

For emergency rehabilitation, severity presuppression, and wildfire suppression activities of the Department of the Interior, $116,674,000, to remain available until expended: *Provided*, That such funds also are available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That notwithstanding any other provision of law, persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That only amounts for emergency rehabilitation and wildfire suppression activities that are in excess of the average of such costs for the previous ten years shall be considered "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $10,817,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901–07), $104,108,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94–579 including administrative expenses and acquisition of lands or waters, or interests therein, **[**$14,877,000**]** *$8,177,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended; *and, in addition, for activities authorized under Public Law 102–259 to be carried out by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, $5,000,000, to remain available until expended.*

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $83,052,000, to remain available until expended: *Provided*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California landgrant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,025,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93–153, to be immediately available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: Provided further, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: Provided, That appropriations herein made for Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": Provided further, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, **[**$492,229,000**]** *$476,831,000*, of which $11,799,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and which shall remain available until expended; and of which **[**$2,500,000**]** *$1,500,000* shall be provided to the National Fish and Wildlife Foundation for endangered species activities: *Provided*, That such amount shall be matched by at least an equal amount by the National Fish and Wildlife Foundation.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; **[**$53,209,000**]** *$75,588,000*, to remain available until expended **[**of which $1,800,000 shall be available as a grant from the United States Fish and Wildlife Service to Ducks Unlimited, Inc., for construction of the Federal portion of the dike and pumping station at Metzger Marsh**]**.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION FUND

To conduct natural resource damage assessments and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and the Act of July 27, 1990 (Public Law 101–337); **[**$7,260,000**]** *$6,260,000*, to remain available until expended: *Provided*, That notwithstanding any other provision of law, any amounts appropriated or credited in fiscal year 1992 and thereafter, may be transferred to any account to carry out the provisions of negotiated legal settlements or other legal actions for restoration activities and to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and the Act of July 27, 1990 (Public Law 101–337) for damage assessment activities: *Provided further*, That sums provided by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated or otherwise disposed of by the Secretary and such sums or properties shall be utilized for the restoration of injured resources, and to conduct new damage assessment activities.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, and for activities authorized under Public Law 98–244 to be carried out by the National Fish and Wildlife Foundation, **[**$61,610,000**]** *$76,204,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended by Public Law 100–478, **[**$9,571,000**]** *$8,571,000* for Grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), **[**$11,748,000**]** *$13,748,000*.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), $1,169,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, **[**$11,257,000**]** *$13,257,000*, and in fiscal year 1992 and thereafter, amounts received during the immediately preceding fiscal year under section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) as penalties or fines or from forfeitures of property or collateral, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $1,000,000, to remain available until expended, to be available for carrying out the Partnerships for Wildlife Act only to the extent such funds are matched as provided in section 7105 of said Act.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 130 passenger motor vehicles, of which 112 are for replacement only (including 43 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

For expenses necessary for scientific research relating to species biology, population dynamics, and ecosystems; inventory and monitoring activities; technology development and transfer; the operation of Cooperative Research Units; and for the general administration of the National Biological Survey, [$163,604,000] *$156,837,000*, of which [$162,177,000] *$155,410,000* shall remain available until September 30, 1995, and of which $1,427,000 shall remain available until expended for construction: *Provided, That the National Biological Survey is authorized to accept lands, buildings, equipment, and other contributions, either cash or in-kind, from public and private sources, and to prosecute projects in cooperation with other agencies, Federal, State, or private: Provided further, That the National Biological Survey is authorized to accept the services of outside individuals or entities without compensation.*

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $1,599,000 for the Volunteers-in-Parks program, $38,400 for a lump-sum payment to Marlene Anita Hudson of Washington, District of Columbia, which payment shall be in addition to any other amount that is otherwise payable under any other provision of law based on the death of James A. Hudson, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, [$1,059,033,000] *$1,063,335,000*, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $78,559,000 to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100–203: *Provided, That the National Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation.*

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, [$35,606,000] *$43,844,000, of which not to exceed $610,000 shall be for the Roosevelt Campobello International Park Commission.*

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $40,000,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1995.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, [$183,949,000] *$191,136,000*, to remain available until expended [of which $2,000,000 for the Boston Public Library shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a]: *Provided, That of the funds provided under this heading, not to exceed $450,000 shall be made available to the City of Hot Springs, Arkansas, to be used as part of the non-Federal share of a cost-shared feasibility study of flood protection for the downtown area which contains a significant amount of National Park Service property and improvements: Provided further, That notwithstanding any other provision of law a single procurement for the construction of the Franklin Delano Roosevelt Memorial may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18.*

[URBAN PARK AND RECREATION FUND

[For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501–2514), $5,000,000, to remain available until expended.]

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1994 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, [$89,460,000] *$95,587,000* to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $28,053,000 is for the State assistance program including $3,303,000 to administer the State assistance program: *Provided*, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States $9,000 shall be available in 1994 for administrative expenses of the State grant program.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the John F. Kennedy Center for the Performing Arts, $20,629,000, of which $12,697,000 shall remain available until expended.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 447 passenger motor vehicles, of which 323 shall be for replacement only, including not to exceed 345 for police-type use, 12 buses, and 5 ambulances: *Provided*, That none of the funds in this Act may be used to upgrade the Burr Trail National Rural Scenic Road in Utah except to meet health, safety and environmental concerns: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further, That notwithstanding any other provision of law, the National Park Service may hereafter recover all costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time*[: *Provided further*, That none of the funds in this Act may be used to pay overtime to any individual employee of the United States Park Police in excess of $20,000 per year]: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; $584,685,000, of which $63,488,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further*, That notwithstanding any other provision of law a single procurement for the construction of an addition to the EROS Data Center in Sioux Falls, South Dakota may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for purchase of not to exceed 22 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the United States Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95–224.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; [$193,197,000] *$192,897,000*, of which not less than [$65,896,000] *$64,896,000* shall be available for royalty management activities; and an amount not to exceed $5,000,000 for the Technical Information Management System of Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to current preset receipts and from additional fee collections relating to OCS administrative activities performed by the Minerals Management Service over and above what the Minerals Management Service currently collects to offset its costs for these activities: *Provided*, That $1,500,000 for computer acquisitions shall remain available until September 30, 1995: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due: *Provided further*, That the sixth proviso under the heading "Leasing and Royalty Management" for the Minerals Management Service in Public Law 102–381 (106 Stat. 1385–1386) is amended by striking the words "this account" after the words "shall be credited to" and inserting in lieu thereof "the leasing and royalty management account of the Minerals Management Service".

OIL SPILL RESEARCH

For necessary expenses to carry out the purposes of title I, section 1016, and title VII of the Oil Pollution Act of 1990, [$5,681,000] *$5,331,000*, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, [$169,336,000] *$171,584,000*, of which [$105,063,000] *$107,311,000* shall remain available until expended.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions, and fees from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 15 passenger motor vehicles for replacement only; $110,552,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1994: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1994 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That notwithstanding any other provisions of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 22 passenger motor vehicles for replacement only, $190,107,000 to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That of the funds herein provided up to $20,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed $12,000,000: [*Provided further*, That 16 full-time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office:] *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices; maintaining of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, [$1,492,650,000] *$1,489,685,000*, including $316,111,000 for school operations costs of Bureau-funded schools and other education programs which shall become available for obligation on July 1, 1994, and shall remain available for obligation until September 30, 1995, and [$52,582,000] *$52,701,000* for housing and road maintenance programs, to remain available until expended, and of which, payments of funds obligated as grants to schools pursuant to Public Law 100–297 shall be made on July 1 and December 1 in lieu of the payments authorized to be made on October 1 and January 1 of each calendar year, and of which not to exceed $74,764,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1995; and the funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1994 as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee; and of which [$1,983,000] *$2,483,000* for litigation support shall remain available until expended, $4,934,000 for self-governance tribal compacts shall be made available on completion and submission of such compacts to the Congress, and shall remain available until expended; and of which $1,179,000 for expenses necessary to carry out the provisions of section 19(a) of Public Law 93–531 (25 U.S.C. 640d–18(a)), shall remain available until expended: *Provided*, That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further, That of the amount appropriated under this head in Public Law 102–381, $250,000 for activities related to the Alaska Native Claims Settlement Act shall remain available until expended: Provided further,* That $199,000 of the funds made available in this Act shall be available for cyclical maintenance of tribally owned fish hatcheries and related facilities: *Provided further, That not to exceed $83,808,000 of the funds in this Act shall be available for payments to tribes and tribal organizations for indirect costs associated with contracts or grants or compacts authorized by the Indian Self-Determination Act of 1975, as amended: Provided further, That notwithstanding any other provision of law, any locality qualified to select land as a native village under the Alaska Native Claims Settlement Act (Public Law 92–203 as amended) shall be eligible to participate in funding for the Indian roads program: Provided further, That for the purpose of Indian Reservation road construction, all public Indian reservation roads (as defined in 23 U.S.C. 101), identified in the 1990 Bureau of Indian Affairs Juneau Area Transportation Study (and in any subsequent update of such Transportation Study) shall be included as BIA system adjusted miles in the Bureau of Indian Affairs highway trust fund formula for distribution for fiscal year 1994: Provided further, That this provision shall expire upon implementation by the Secretary of the Interior of a relative needs based highway trust fund allocation formula pursuant to 23 U.S.C. 202(d): Provided further,* That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for all such tribes or individuals have been audited and reconciled to the earliest possible date, the results of such reconciliation have been certified by an independent party as the most complete reconciliation of such funds possible, and the affected tribe or individual has been provided with an accounting of such funds: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That $297,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation: *Provided further*, That the Task Force on Bureau of Indian Affairs Reorganization shall continue activities under its charter as adopted and amended on April 17, 1991: *Provided further, That any reorganization proposal shall not be implemented until the Task Force has reviewed it and recommended its implementation to the Secretary and such proposal has been submitted to and approved by the Committees on Appropriations, except that the Bureau may submit a reorganization proposal related only to management improvements, along with Task Force comments or recommendations to the Committees on Appropriations for review and disposition by the Committees: Provided further,* That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further*, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further*, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further*, That any such change must be part of a comprehensive tribal plan for reducing the long-term need for general assistance payments: *Provided further*, That any such tribal plan must incorporate, to the greatest extent feasible, currently existing social service, educational training, and employment assistance resources prior to changing general assistance eligibility or payment standards which would have the effect of increasing the cost of general assistance: *Provided further*, That any net increase in costs to the Federal government which result solely from tribally increased payment levels and which are not part of such a comprehensive tribal plan shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1994, may be transferred during fiscal year 1995 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 1995: *Provided further*, That notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs, other than the amounts provided herein for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1994: *Provided further*, That the Bureau shall form a Joint Task Force with representatives of Alaska Natives and Alaska schools to examine the needs of the schools and formulate recommendations to address those needs in fiscal year 1994: *Provided further, That any funds provided under this head or previously provided for tribally-controlled community colleges which are distributed prior to July 1, 1993 which have been or are being invested or administered in compliance with Section 331 of the Higher Education Act shall be deemed to be in compliance for current and future purposes with Title III of the Tribally Controlled Community Colleges Assistance Act.*

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; and preparation of lands for farming, **[**$172,799,000**]** *$150,429,000*, to remain available until expended: *Provided*, That $1,500,000 of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project and for other water resource development activities related to the Salt River Pima-Maricopa Water Rights Settlement Act, Southern Arizona Water Rights Settlement Act and Fort McDowell Indian Community Water Rights Settlement Act may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further, That funds appropriated for construction of the Wind River Indian Irrigation Project in fiscal year 1990 (Public Law 101–121), fiscal year 1991 (Public Law 101–512), fiscal year 1992 (Public Law 102–154), and hereafter shall be made available on a non-reimbursable basis: Provided further,* That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 87–483, 97–293, 100–512, 101–486, 101–602, 101–618, 101–628, 102–441, 102–575, and for implementation of other enacted water rights settlements, and for necessary administrative expenses, $103,259,000, to remain available until expended: *Provided*, That of the funds provided herein, $1,260,000 shall be available pursuant to Public Laws 96–420, 98–500, 99–264, and 100–580; and $3,000,000 shall be available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100–86 (101 Stat. 659)), 31 U.S.C. 3334(b), and (2) to restore to Individual Indian Monies trust funds amounts invested in credit unions or defaulted savings and loan associations and which were not Federally insured, including any interest on these amounts that may have been earned, but was not because of the default.

NAVAJO REHABILITATION TRUST FUND

For Navajo tribal rehabilitation and improvement activities in accordance with the provisions of section 32(d) of Public Law 93–531, as amended (25 U.S.C. 640d–30), including necessary administrative expenses, $2,466,000, to remain available until expended.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, $1,970,000.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of expert assistance loans authorized by the Act of November 4, 1963, as amended, and the cost of direct loans authorized by the Indian Financing Act of 1974, as amended, $2,484,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $10,890,000.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $8,784,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal any part of which is to be guaranteed not to exceed $69,000,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $906,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 260 passenger carrying motor vehicles, of which not to exceed 212 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, **[$82,107,000]** *$81,457,000*, of which (1) **[$77,569,000]** *$76,869,000* shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, drug interdiction and abuse prevention, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) **[$4,538,000]** *$4,588,000* shall be available for salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99–396, *or any subsequent legislation related to Commonwealth of the Northern Mariana Islands covenant grant funding*, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99–396: *Provided further*, That $1,025,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation: *Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this head in this act or previous appropriations acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).*

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), and grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; **[$24,038,000]** *$23,338,000*, to remain available until expended, including **[$18,605,000]** *$17,964,000* for operations of the Government of Palau: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further*, That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1994 shall be credited as an offset against fiscal year 1994 payments made pursuant to the legislation approving the Palau Compact of Free Association (Public Law 99–658), if such Compact is implemented before October 1, 1994: *Provided further*, That not less than $300,000 of the grants to the Republic of Palau, for support of governmental functions, shall be dedicated to the College of Micronesia in accordance with the agreement between the Micronesian entities.

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, $22,102,000, to remain available until expended, as authorized by Public Law 99–239: *Provided*, That the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99–658, shall be the effective date of the Palau Compact as determined pursuant to section 101 of Public Law 101–219.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, $64,111,000 of which not to exceed $7,500 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $33,359,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General, $24,283,000.

CONSTRUCTION MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, **[$2,494,000]** *$2,194,000*.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, **[$1,000,000]** *$1,500,000*.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 18 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 137 or for Sale 151 in the April 1992 proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the April 1992 proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

[SEC. 111. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any mining or mill site claim located under the general mining laws.

[SEC. 112. The provisions of section 111 shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by that date.]

SEC. 113. None of the funds in this Act may be used to publish a National final rule defining the term "valid existing rights" for purposes of section 522(e) of the Surface Mining Control and Reclamation Act of 1977 or to publish a final rule disapproving any existing State definition of valid existing rights.

[SEC. 114. None of the funds appropriated or otherwise made available in this title may be used to fund operation or support of Grazing Advisory Boards established by order of the Secretary of the Interior.]

SEC. 115. None of the funds appropriated under this Act shall be available for the planning or implementation of an increase in entrance fees above the levels in effect on January 1, 1993, charged at the Blackwater National Wildlife Refuge, Maryland.

SEC. 116. None of the funds in this Act may be used to implement an agreement between the Secretary of the Interior and Save Our Cumberland Mountains, Inc. regarding the operation and maintenance of the Applicant/Violator System.

SEC. 117. In implementing Section 1307 of Public Law 96–487 (94 Stat. 2479), the Secretary shall deem the holder of entry permit LP-GLBA005–93 to be a person who, on or before January 1, 1979, was engaged in adequately providing visitor services of the type authorized in said permit within Glacier Bay National Park.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, [$193,083,000] *$192,583,000*, to remain available until September 30, 1995.

[INTERNATIONAL FORESTRY

[For necessary expenses of international forestry as authorized by Public Laws 101–513 and 101–624, $11,996,000, to remain available until September 30, 1995.]

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, [$148,955,000] *$154,107,000*, to remain available until expended, as authorized by law[*:-Provided, That of the funds previously appropriated under this head as a grant to the National Tree Trust Foundation, $3,000,000 shall be provided as a grant to the Texas Reforestation Foundation*].

EMERGENCY PEST SUPPRESSION FUND

For necessary expenses for emergency suppression of pests, $15,000,000, to remain available until expended: *Provided*, That these funds, or any portion thereof, shall be available in fiscal year 1994 only to the extent that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That Congress hereby designates these amounts as emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL FORESTRY

For necessary expenses of international forestry as authorized by Public Laws 101–513 and 101–624, $6,996,000, to remain available until September 30, 1995.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Forest Service Fire Protection", "Emergency Forest Service Firefighting Fund", ["Forest Service Law Enforcement",] and "Land Acquisition", [$1,237,272,000] *$1,300,153,000*, to remain available for obligation until September 30, 1995, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1993, shall be merged with and made a part of the fiscal year 1994 National Forest System appropriation, and shall remain available for obligation until September 30, 1995: *Provided further*, That timber volume authorized or scheduled for sale during fiscal year 1993, but which remains unsold at the end of fiscal year 1993, shall be offered for sale during fiscal year 1994 in addition to the fiscal year 1994 timber sale volume to the extent possible: *Provided further*, That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

[FOREST SERVICE LAW ENFORCEMENT

[For necessary expenses for Forest Service law enforcement, including criminal investigations, as authorized by law, $67,781,000, to remain available for obligation until September 30, 1995.]

FOREST SERVICE FIRE PROTECTION

For necessary expenses for firefighting on or adjacent to National Forest System lands or other lands under fire protection agreement, and for forest fire management and presuppression on National Forest System lands, $190,108,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously appropriated for this purpose under the heading "Forest Service Firefighting", Forest Service, may be transferred to and merged with this appropriation and accounted for as one appropriation for the same time period as originally enacted.

EMERGENCY FOREST SERVICE FIREFIGHTING FUND

For necessary expenses for emergency rehabilitation, presuppression due to emergencies or economic efficiency, and wildfire suppression activities of the Forest Service, $190,222,000, to remain available until expended: *Provided*, That such funds are available for repayment of advances from other appropriation accounts previously transferred for such purposes.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, **[**$237,423,000**]** *$257,795,000*, to remain available until expended, of which **[**$96,495,000**]** *$97,867,000* is for construction and acquisition of buildings and other facilities; and **[**$140,228,000**]** *$159,928,000* is for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1994 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed $60,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, **[**$56,700,000**]** *$51,050,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended and $300,000 which shall be derived from funds appropriated under this head in Public Law 101–512 for acquisition of land and interests therein at and near the Old Chief Joseph Gravesite and which shall be available for all activities under this heading.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,212,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $96,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 182 passenger motor vehicles of which 20 will be used primarily for law enforcement purposes and of which 164 shall be for replacement only, of which acquisition of 122 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 28 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Forest Service Firefighting appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided*, That no funds shall be made available under this authority until funds appropriated to the "Emergency Forest Service Firefighting Fund" shall have been exhausted.

The appropriation structure for the Forest Service may not be altered without advanced approval of the House and Senate Committees on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

All funds received for timber salvage sales may be credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest, *and for timber sales preparation to replace sales lost to fire or other causes, and sales preparation to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales programs described above: Provided, That notwithstanding any other provision of law, moneys received from the timber salvage sales program shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended.*

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 102–116.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93–153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of administering a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Rock Creek, Madera County, California, until a study has been completed and submitted to the Congress by the Forest Service in consultation with the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the California State Water Resources Control Board, the California Department of Fish and Game and other interested public parties regarding the project's potential cumulative impacts on the environment, together with a finding that there will be no substantial adverse impact on the environment. Findings from the study must be presented at no less than three public meetings.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101–2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

[None of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.]

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

[None of the funds available in this Act shall be used for timber sale planning, scoping or preparation using clearcutting in the Ouachita and Ozark-St. Francis National Forests, Arkansas.]

None of the funds made available in this Act shall be used for timber sale planning or scoping using clearcutting on the Ozark-St. Francis National Forest in Arkansas, except for sales that, in the discretion of the forest supervisor, are necessary as a result of natural disaster or a threat to forest health, or for maintaining or enhancing wildlife habitat, or habitat for endangered and threatened species, or for research purposes.

[None of the funds available in this Act shall be used to alter the current understory, midstory or overstory composition or the current proportion of pines and hardwoods through the life of each timber stand in the Ouachita and Ozark-St. Francis National Forest, Arkansas.]

None of the funds in this Act shall be used in the Ozark-St. Francis or Ouachita National Forest in Arkansas for timber sales that both permanently and substantially alter the current understory, midstory, or overstory composition of a forest stand. The current proportion of pines and hardwoods is to be generally maintained through the life of such forest stand except as necessary for threatened or endangered species, wildlife habitat improvement, ecosystem restoration, to improve visual quality, to comply with forest plan goals to increase the proportion of hardwoods in the forest, fire protection, or for research purposes.

[None of the funds available to the Forest Service in this Act shall be used to plan or conduct timber sales or to plan or build roads in the Rocky Face, Hidden Creek or Johns Mountain areas of the Chattahoochee National Forest, Georgia.

[The Forest Service may offer for sale salvageable timber in Region 5 and Region 6 in fiscal year 1994: *Provided*, That for forests known to contain the Northern spotted owl, such salvage sales may be offered as long as the offering of such sale will not render the area unsuitable as habitat for the Northern spotted owl: *Provided further*, That timber salvage activity in spotted owl habitat is to be done in full compliance with all existing environmental and forest management laws.]

Pursuant to section 405(b), and section 410(b) of Public Law 101–593, funds up to $1,000,000 for matching funds shall be available for the National Forest Foundation.

[None of the funds available to the Forest Service in this Act shall be used to begin preparation of timber sales in fiscal year 1994 using the scaling method.]

It is the sense of Congress that the Secretary of Agriculture should issue rules at the earliest practicable date on the issue of below-cost timber sales.

The Secretary of Agriculture, acting through the Forest Service, shall reimburse the Agricultural Stabilization and Conservation Service for administrative costs incurred under the Stewardship Incentive Program for the actual cost of services provided by the Agricultural Stabilization and Conservation Service, except that the actual costs shall not exceed 10 percent of the total annual appropriation for the program.

As a pilot effort, for the purpose of achieving ecologically defensible management practices, the Kaibab, Dixie, Idaho Panhandle, Stanislaus and Coconino National Forests and the Lake Tahoe Basin Management Unit are authorized to apply the value or a reasonable portion of the value of timber removed under a stewardship end result contract as an offset against the cost of stewardship services received including, but not limited to, site preparation, replanting silviculture programs, recreation, wildlife habitat enhancement, and other multiple-use enhancements on selected projects: Provided, That timber removed shall count toward meeting the Congressional expectations for the annual timber harvest.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

The first paragraph under this head in Public Law 101–512, as amended, is further amended by striking the phrase "$150,000,000 on October 1, 1993, and $100,000,000 on October 1, 1994" and inserting "$100,000,000 on October 1, 1993, $100,000,000 on October 1, 1994, and $50,000,000 on October 1, 1995" and by striking the phrase "$250,000,000 on October 1, 1993, and $250,000,000 on October 1, 1994" and inserting "$150,000,000 on October 1, 1993, $250,000,000 on October 1, 1994, and $100,000,000 on October 1, 1995".

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, [$433,163,000] *$429,070,000*, to remain available until expended: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further, That notwithstanding any other provision of law a single procurement for health and safety renovations at the Morgantown Energy Technology Center's Building 4 may be issued which includes the full scope of the required renovation: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18.*

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1993, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $214,772,000, to remain available until expended: *Provided*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply in fiscal year 1994.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, [$702,825,000,] *$677,013,000*, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1994 determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided*, That [$261,325,000] *$248,225,000* shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509 such sums shall be allocated to the eligible programs as follows: [$213,600,000] *$200,000,000* for the weatherization assistance program, [$18,810,000] *$19,310,000* for the State energy conservation program, and $28,915,000 for the institutional conservation program: *Provided further*, That $3,000,000 made available in the third proviso under this head in Public Law 102–154 (105 Stat. 1022–1023) shall be available without restriction for use in the weatherization assistance program: *Provided further*, That [$18,091,000] *$19,366,000* of the amount provided under this heading shall be available for continuing research and development efforts begun under title II of the Interior and Related Agencies portion of the joint resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99–190), and implementation of steel and aluminum research authorized by Public Law 100–680: *Provided further, That existing facilities, equipment, and supplies, or previously expended research or development funds are not accepted as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: Provided further, That the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds: Provided further, That funding provided under this head for electric and hybrid vehicle battery research and development conducted on a cooperative basis with non-Federal entities shall be available only as matched on an equal basis by such entities: Provided further, That* *hereafter the Department of Energy, for a period of up to five years after the completion of individual projects may provide appropriate protections, including exemptions from subchapter II of chapter 5 of title 5, United States Code, against the dissemination of information that results from activities conducted by the United States Advanced Battery Consortium or its contractors, or participants in the hybrid vehicle propulsion development program and their contractors and that would be a trade secret or commercial or financial information that is privileged or confidential if the information had been obtained from and first produced by a non-Federal party participating in the United States Advanced Battery Consortium or in the hybrid vehicle propulsion development program.*

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $12,994,000, to remain available until expended.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, $8,901,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $206,810,000, to remain available until expended: *Provided*, That appropriations herein made shall not be available for leasing of facilities for the storage of crude oil for the Strategic Petroleum Reserve unless the quantity of oil stored in or deliverable to Government-owned storage facilities by virtue of contractual obligations is equal to 700,000,000 barrels: *Provided further*, That the requirements of 42 U.S.C. 6240(g) shall not apply in fiscal year 1994.

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided*, That outlays in fiscal year 1994 resulting from the use of funds in this account shall not exceed [$79,580,000] *$75,580,000*: *Provided further*, That no outlays resulting from appropriations made in fiscal year 1993 for acquisition, transporting, and drawing down oil to be stored in the Strategic Petroleum Reserve for national defense purposes shall be counted against any outlay ceiling established for the SPR petroleum account.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, [$86,053,000] *$86,953,000*, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

The thirty-day waiting period required under this head in Public Law 101–512, Department of Energy Administrative Provisions, relating to a contract, agreement, or arrangement with a profit-making or non-profit entity to conduct activities at the Department of Energy's research facilities at Bartlesville, Oklahoma, is hereby waived.

[REVISION OF AMOUNTS FOR DEPARTMENT OF ENERGY

[The amounts otherwise provided by this title for the Department of Energy are revised by reducing the amount made available under the heading "Fossil Energy Research and Development" by, and also transferring from the remaining amount made available under such heading to the appropriation for "Energy Conservation" an additional, $24,873,000.]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVII and section 208 of the Public Health Service Act with respect to the Indian Health Service, [$1,652,394,000] *$1,641,592,000*, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa–2 for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $337,848,000 for contract medical care shall remain available for obligation until September 30, 1995: *Provided further*, That of the funds provided, not less than $11,526,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act, as amended: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, [$8,000,000] *$7,000,000* shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1995: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act, as amended, shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, and for expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVII and section 208 of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, [$296,997,000] *$293,682,000*, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That of the funds provided herein, $500,000 is available to initiate planning and design for the replacement facility at Winnebago, Nebraska upon approval of a program justification document by the Assistant Secretary for Health.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings *and renovation of existing facilities*; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902); and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without the review and approval of the Committees on Appropriations: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without the advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act of 1988, [$83,500,000] *$83,405,000*, of which $60,304,000 shall be for subpart 1, $19,161,000 shall be for subparts 2 and 3, and $200,000 shall be for collection and analyses of data on Indian education: *Provided*, That $1,735,000 available pursuant to section 5323 of the Act shall remain available for obligation until September 30, 1995.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, [$26,936,000] *$27,736,000*, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by Public Law 99–498, as amended (20 U.S.C. 56, Part A), $12,563,000, of which not to exceed $350,000 for Federal matching contributions, to remain available until expended, shall be paid to the Institute endowment fund: *Provided*, That notwithstanding any other provision of law, the annual budget proposal and justification for the Institute shall be submitted to the Congress concurrently with the submission of the President's Budget to the Congress: *Provided further*, That the Institute shall act as its own certifying officer.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; [$302,083,000] *$302,349,000*, of which not to exceed [$27,579,000] *$24,552,000* for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $5,400,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $24,000,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $10,400,000, to remain available until expended.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $51,908,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized $2,831,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $6,352,000.

National Foundation on the Arts and the Humanities

National Endowment for the Arts

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, **[**$137,228,450**]** *$140,836,000* shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, **[**$28,634,900**]** *$29,392,000*, to remain available until September 30, 1995, to the National Endowment for the Arts, of which $13,187,000 shall be available for purposes of section 5(l): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

National Endowment for the Humanities

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $151,300,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, of which $5,000,000 for the Office of Preservation shall remain available until September 30, 1995.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $26,191,000, to remain available until September 30, 1995, of which $14,228,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

Institute of Museum Services

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $28,777,000.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses**[**:–*Provided further*, That none of the funds in this Act may be used for the President's Committee on the Arts and the Humanities**]**.

Commission of Fine Arts

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $805,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956(a)), as amended, $7,500,000.

Advisory Council on Historic Preservation

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89–665, as amended, $2,959,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

National Capital Planning Commission

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $5,868,000: *Provided*, That all appointed members will be compensated at a rate equivalent to the rate for Executive Schedule Level IV.

Franklin Delano Roosevelt Memorial Commission

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), $49,000, to remain available until September 30, 1995.

Pennsylvania Avenue Development Corporation

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92–578, as amended, $2,738,000 for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92–578, as amended, **[**$4,289,000**]** *$4,389,000*, to remain available until expended.

LAND ACQUISITION AND DEVELOPMENT FUND

The Pennsylvania Avenue Development Corporation is authorized to borrow from the Treasury of the United States $7,193,000, pursuant to the terms and conditions in paragraph 10, section 6, of Public Law 92–576, as amended.

United States Holocaust Memorial Council

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388, as amended, $21,679,000.

TITLE III—GENERAL PROVISIONS

Sec. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

Sec. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

Sec. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

Sec. 306. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

Sec. 307. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

[Sec. 308. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands in the State of Texas which will be exported by the purchaser: *Provided*, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

[Sec. 309. Notwithstanding any other provision of law, payments to States pursuant to 16 U.S.C. 500 for National Forests affected by decisions relating to the Northern Spotted Owl from fiscal year 1994 receipts shall not be less than 70 per centum of the average annual payments to States, based on receipts collected on those National Forests during the five-year baseline period of fiscal years 1986 through 1990: *Provided*, That in no event shall these payments exceed the total amount of receipts collected from the affected National Forests during fiscal year 1994.

[SEC. 310. Notwithstanding any other provision of law, the payment to be made by the United States Government pursuant to the provision of subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 876) to the Oregon and California land-grant counties in the State of Oregon from fiscal year 1994 receipts derived from the Oregon and California grant lands shall not be less than 70 per centum of the average annual payment made to those counties of their share of the Oregon and California land-grant receipts collected during the five-year baseline period of fiscal years 1986 through 1990: *Provided*, That in no event shall this payment exceed the total amount of receipts collected from the Oregon and California grant lands during fiscal year 1994 or $38,111,000, whichever is lower.]

SEC. 311. Section 314 of Public Law 101-512 (104 Stat. 1959–1960) is amended by striking the words "cooperative agreement" and inserting in lieu thereof: "any other agreement or compact".

SEC. 312. Section 1405, subsection (a) of title 36, United States Code, is amended by striking all of the first sentence through the words "confirmation of the Council and who" and inserting in lieu thereof: "There shall be an Executive Director of the Holocaust Memorial Museum who shall be appointed by the Chairperson of the Council, subject to confirmation of the Council, who may be paid with nonappropriated funds, and who, if paid with appropriated funds,".

[SEC. 313. Section 42 of title 20, United States Code, is amended by inserting "the Speaker of the United States House of Representatives," immediately after the phrase "the Chief Justice of the United States,".

[SEC. 314. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

[(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

[(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

[(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

[(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.]

SEC. 315. The Forest Service and Bureau of Land Management may offer for sale salvageable timber in the Pacific Northwest in fiscal year 1994: Provided, That for public lands known to contain the Northern spotted owl, such salvage sales may be offered as long as the offering of such sale will not render the area unsuitable as habitat for the Northern spotted owl: Provided further, That timber salvage activity in spotted owl habitat is to be done in full compliance with all existing environmental and forest management laws.

SEC. 316. Notwithstanding any other provision of law, payments to states pursuant to 16 U.S.C. 500 for National Forests affected by decisions relating to the Northern Spotted Owl from fiscal year 1994 receipts shall not be less than 70 per centum of the average annual payments to states, based on receipts collected on those National Forests during the five-year baseline period of fiscal years 1986 through 1990: Provided, That in no event shall these payments exceed the total amount of receipts collected from the affected National Forests during fiscal year 1994.

Notwithstanding any other provision of law, the payment to be made by the United States Government pursuant to the provision of subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 876) to the Oregon and California land-grant counties in the State of Oregon from fiscal year 1994 receipts derived from the Oregon and California grant lands shall not be less than 70 per centum of the average annual payment made to those counties of their share of the Oregon and California land-grant receipts collected during the five-year baseline period of fiscal years 1986 through 1990: Provided, That in no event shall this payment exceed the total amount of receipts collected from the Oregon and California grant lands during fiscal year 1994.

SEC. 317. None of the funds provided in this Act may be used to initiate any new construction or land acquisition project, or any new operating program which is estimated to have a total cost in excess of $500,000, unless such project or program is described in the budget justification material submitted to the Congress or is expressly provided for in this Act or its accompanying reports or is requested through established reprogramming procedures: Provided further, That this provision shall not apply to emergency acquisitions or transfers made pursuant to emergency transfer authority.

SEC. 318. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands until an environmental assessment has been completed and the giant sequoia management implementation plan is approved. In any event, timber harvest within the identified groves will be done only to enhance and perpetuate giant sequoia. There will be no harvesting of giant sequoia specimen trees. Removal of hazard, insect, disease and fire killed giant sequoia other than specimen trees is permitted.

SEC. 319. None of the funds appropriated in this Act may be used to implement any increase in government housing rental rates in excess of 10 per centum more than the rental rates which were in effect on September 1, 1993, for such housing.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1994".

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

My colleague is here.

Mr. President, the bill before the Senate is the fiscal year 1994 Department of the Interior and related agencies appropriations bill.

As we begin consideration of this bill, I remind all Senators that a unanimous-consent agreement was reached just prior to the start of the August recess which limits the amendments that will be in order to this bill. The list has 64 amendments on it, but I am hopeful that we can ascertain how many of these amendments will actually be offered. A number of the amendments have already been withdrawn, and numerous others have been categorized to the subcommittee staff as placeholders, with little or no expectation that they will be offered.

I encourage all Senators who have amendments on the list and who intend to offer the amendments to confirm with the managers and/or the respective cloakrooms that they do intend to offer those or that they do not in which case if they do not we can go ahead and strike those amendments off the list.

This will help us expedite consideration of this bill. The start of the new fiscal year is a little over 2 weeks away. In that time, we must complete action here in the Senate, and then go to conference with the House. As many Senators are aware, the conference on this bill is never easy. We gain nothing by further delay.

Now, let me turn to the specifics of the Interior bill. The allocations for the subcommittee total $13,736,000,000 in budget authority and $13,731,000,000 in outlays. The bill reported by the Appropriations Committee is $55,462,000 million under the Interior allocation in budget authority and slightly less than the outlay allocation, based on the most recent Congressional Budget Office scoring estimates. The bill presently totals $13,680,538,000 for budget authority and the outlay scoring totals $13,730,319,000, which is $681,000 below the 602(b) allocation assigned by the full committee to the subcommittee. When compared to the President's budget, the recommendations represent a decrease of $254,149,000 in budget authority and a decrease of $233,561,000 in outlays below CBO's scoring of the budget. Therefore, even without considering a single item brought to our attention by interested parties, we had to make reductions from the amounts requested in the budget.

As is the usual practice on the Interior bill, this bill has been formulated in a bipartisan manner, and I thank Senator NICKLES and his staff for their cooperation in preparing the bill which is before us today.

Senator NICKLES participated in the hearings and was an active participate in the hearings and his staff and mine have continued their cooperation in the usual characteristic way with excellent cooperation between the two staffs. So this is not an easy task. The subcommittee received about 1,800 requests for projects of interest to Members of the Senate—there are not that many Senators, not 1,800 Senators, but there were 1,800 requests for projects of interest to Members of the Senate—requesting $2.7 billion in add-on funding.

The recommendations before the Senate today represent the result of extensive review of the President's budget proposals through subcommittee hearings with agencies, briefings, and input through written testimony from the public.

Now I should say to my Senate colleagues who are less than satisfied with the funds allocated within this bill that many of these programs would have received additional funding within the economic stimulus package, which was never brought to a vote before the Senate earlier this year as a result of the filibuster. The President had proposed nearly $750 million for many of the same types of projects brought before the subcommittee in preparation for markup. The subcommittee has attempted to provide the resources needed for these programs in the context of this bill. In many cases, that has meant additional funds were not available to address other priorities suggested by Senators. The programs in this bill have an identified maintenance, rehabilitation, and reconstruction backlog of about $6 billion. We are doing everything we can to keep that from growing.

I would like to highlight some of the items of interest in the bill. These include:

The subcommittee has attempted to protect the operational base of the agencies funded in the bill. The National Park Service operating account is increased by 9 percent over last year, which will mean more campgrounds stay open, more interpretive programs will be offered, and deferrals of maintenance will be kept to a minimum.

Total funding in the bill for Federal land acquisition and State outdoor recreation grants is $236 million. This amount is $47.6 million below the fiscal year 1993 level and $22.7 million above the President's request for fiscal year 1994. The subcommittee received requests for increases totaling $374 million above the amounts already in the budget for land acquisition.

Total funding for construction in the land management agencies amounts to nearly $535.3 million. This total is about $46.8 million, or 8 percent, below the fiscal year 1993 appropriation for these same construction accounts and $10.1 million below the President's request for the same. The requests for increases above the budget for construction totaled $577 million.

Funding for energy conservation programs grows by $98.1 million, or 17 percent, over the fiscal year 1993 enacted level. Funding for the energy weatherization grants program is recommended at $200 million, an increase of about 8 percent over last year.

Funding for fossil energy research and development is $10.7 million, or 2.5 percent, above the fiscal year 1993 appropriation. The recommendation includes increases above fiscal year 1993 of 39 percent for natural gas research, 53 percent for petroleum programs, and a reduction of 13.6 percent for coal research and development.

Indian programs are funded at a total of $3.8 billion, which includes significant increases for Indian education, health care, contract support, and funding for negotiated land and water claim settlements.

The bill includes $157 million for the National Biological Survey, the new science research agency proposed at the Interior Department.

The recommendations restore the funding for the BLM, which was stricken during House floor consideration on a point of order. This funding will allow for the continued management of 270 million acres owned by the Federal Government, principally in the West.

The bill contains none of the mining-claim patent moratoria language which was in the House bill.

The bill does continue the same language as enacted last year related to Outer Continental Shelf oil and gas leasing moratoria in the areas of California, Oregon, Washington, the North, Mid- and South Atlantic, Florida south of 26 degrees north latitude, and the North Aleutian Basin in Alaska. The administration has written the committee in support of this position.

The bill further supports the goals of the Energy Policy Act through the development and deployment of advanced technologies within the Energy Conservation Program which will significantly reduce energy consumption in the transportation, industrial, building, and utility sectors.

The bill includes no specific legislative protection regarding timber harvest and the spotted owl in the Pacific Northwest. The subcommittee has provided flexibility to the administration, subject to the committee's reprogramming guidelines, to allocate additional resources to address the highest priority areas identified by the President subsequent to the forest conference.

With respect to the balance of the Timber Sales Program, the committee has not concurred in the administration's proposal to proceed with eliminating timber sale programs that might be below cost. The switch to ecosystem management will increase the cost of the timber sales programs, and any assessment should reflect this directed policy change.

The bill provides funding for the National Endowment for the Arts at a level of $170.2 million. This restores one-half of the reduction taken by the House. No restrictive language regarding the NEA is included.

And finally, the bill retains language added by the House providing for a payment to the widow of James Hudson, the Park Service employee who took care of the Lincoln Memorial, and who died recently while on the job. Despite having been employed by the National Park Service for 8 years, Mr. Hudson was considered to be a temporary employee. This language will allow for the payment of benefits commensurate with what a permanent employee of the same tenure would receive.

Mr. President, I remind Senators that the subcommittee has attempted to balance the many competing demands for funds within the bill, while still maintaining program continuity within the base. The bill addresses issues of concern to many States.

Mr. President, before turning to Senator NICKLES for any statements he may wish to make regarding this bill, I ask unanimous consent to have printed in the RECORD the clarification of several items in the Senate report accompanying this bill, Senate report 103–114.

There being no objection, the clarification was ordered to be printed in the RECORD, as follows:

SENATE REPORT 103–114 CLARIFICATIONS

On page 24, in the section dealing with ecosystems research for the National Biological Survey, the funding provided for landscape functions is actually $3,250,000, rather than $2,450,000. Also on page 24, the funding in the National Biological Survey for the gap analysis project is $1,751,000. These are corrections in the text; the numbers in the table are correct.

On page 36, with respect to the Franklin Delano Roosevelt Memorial, the correct amount for the total estimated cost should be $49,000,000, which includes the previously unknown estimated cost of $1,200,000 for upgraded electrical utilities. Thus, with the Committee's recommendation of $11,000,000 a total of $36,550,000 in Federal funds will have been provided for this project. So, rather than completing the Federal share this year, an estimated $2,450,000 in Federal funds remain to be appropriated. The Committee continues to expect $10,000,000 to be raised privately.

On page 38, in National Park Service land acquisition, the Palo Alto National Battlefield is in Texas, not California.

On page 78, the date for the Arizona wild and scenic rivers report should be December 31, 1993.

On page 35, the funds for Crater Lake are for continuing work related to the removal of facilities from the rim. The Committee understands that an estimated $396,000 will be required in FY 1995 for construction documents.

Mr. NICKLES addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, let me say, it is a pleasure for me, as ranking Republican on the Interior Subcommittee, to work with Chairman BYRD on this committee and on others, but on this committee especially.

This committee is a very important committee. It is one that affects probably every single Senator and certainly I would say every single congressional district, as well, because we are dealing with a lot of issues that affect land and water and Indian tribes in my State and yours.

So I would just say it is an important bill. In some cases, it is a controversial bill, because we get into issues like grazing policy and sometimes mining and other issues that are vitally important to the West, and I expect we will have some debate on that.

I have always found Senator BYRD and his staff to be very fair, openminded, and willing to work with all members of the committee, subcommittee, and full committee, as well. I appreciate that.

I also appreciate the very competent staff that Senator BYRD has assembled. Sue Masica has done an excellent job; as well as Cheri Cooper on my staff. It is a pleasure to work with true professionals who do the work in trying to put together and fashion a package that is responsible, reasonable, and affordable. That is not easy to do, given the demands that the Senator mentioned, I think, 1,800 requests from Members. That is a lot of requests, with a lot of those requests trying to tell the Federal Government or give some suggestions to the Federal Government on how to better manage some of the facilities that we have.

Many of those are very well taken. Some are not affordable, and so we have to wrestle with competing issues and competing with the fiscal realities.

Mr. President, this bill before us, as Senator BYRD said, has $13.736 billion for budget authority and $13.731 billion for outlays. It is evident that the chairman and his staff have done an excellent job of meshing the competing demands. The committee's recommendations will contribute to a balanced Federal budget while continuing to provide the expected Government services.

The Interior appropriations bill for fiscal year 1994 is 10 percent over the fiscal year 1993 enacted level. We have provided for the Secretary's request to form the National Biological Survey [NBS]. To name a few of the 40 agencies funded by the Interior bill and taking into consideration the adjustment for the NBS: the Bureau of Land Management is increased by 8 percent; the Fish and Wildlife Service is increased by 10 percent; the National Park Service is increased by 5 percent; the Bureau of Indian Affairs is increased by 14 percent; the Forest Service remains approximately level with the fiscal year 1993 appropriations; Fossil Energy is increased by 3 percent; Energy Conservation is increased by 17 percent; and Indian Health Service is increased by 4 percent.

The construction accounts and land acquisition accounts are below the fiscal year 1993 enacted levels. Both of these items contribute to substantial future funding requirements. Across the Nation we have experienced the closing and use-restrictions of campgrounds, parks, and roads because of insufficient operations and maintenance dollars. The construction accounts for the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service total $535.3 million, which is a decrease of $46.8 million from the fiscal year 1993 enacted level of $582.2 million. The land acquisition accounts for these same agencies total $236.0 million, which is a decrease of $47.6 million from the fiscal year 1993 enacted level of $283.7 million.

The Indian activities, which are funded under the Interior bill, require 28.6 percent of our allocation resources, while still not meeting the health and other needs of the Indian population. The demands for Indian activities continue to increase yearly taking more of the interior bill's limited resources. Our recommendation provides a total increase of 8 percent in Indian activities.

The timber sale program is an area of great concern to many of the Members of the Senate. We have tried to put together a timber sale program which would rectify the devastating effect of the House action and fit within our allocations. The following adjustments are made to the timber program: First, timber harvest is restored to the budget request level of $67.1 million. Fiscal year 1993 level is $69.7 million. Second, timber roads are $76.9 million which is $5 million below the request with language on savings assumed from road use restrictions and more timber purchaser responsibilities. Third, $5 million is added to partially restore the administration's reduction of $46 million for below-cost sales. Fourth, expanded salvage sale authority, which was deleted by the House, is included.

Mr. President, again, I just want to say it is a pleasure to work with Chairman BYRD on this committee. As he mentioned, I believe we had, at the close of business before the recess, 64 amendments that were listed as pending.

I urge those Senators who have amendments—and many of those are just mentioned as "relevant"—to contact us and notify us, one, whether they intend to offer the amendment; two, and more preferably, that they would like to withdraw the amendment; or, three, if they wish to pursue the amendment, if they would please give us the language and see if we might be able to accept that language and, if not, please bring it to the floor so we might discuss it and dispose of it one way or another.

So, again, we have some time this morning that would be an excellent time for Members to dispose of amendments. I encourage them to come to the floor and do so.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. STEVENS. Mr. President, I ask unanimous consent I be excused from attending the session of the Senate tomorrow, the 15th, so I might travel to Ketchikan, AK, to attend the remembrance ceremony for a very dear friend who has passed away, Pete Cessnun, former State legislator of the State of Alaska.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Does the Senator suggest the absence of a quorum?

Mr. STEVENS. I do.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I compliment the senior Senator from Alaska, Mr. STEVENS, for his insistence upon conforming with the provisions of paragraph 2 of rule 6 of the Standing Rules of the Senate. He always does this. And I would wager that there are not a majority of Senators who even are aware of this rule. There may have been in the past. But he always comes to the Senate and asks unanimous consent that he be permitted to proceed elsewhere on matters that, I take it, do not constitute Senate business.

That is a rule that nobody else seems to pay any attention to. But this Senator from Alaska, Mr. STEVENS, always does. I compliment him and say to myself and other Senators, we might do well to emulate him in this regard.

Mr. STEVENS. Mr. President, I thank the Senator.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERIOR APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

EN BLOC AMENDMENTS NOS. 884–889

Mr. BYRD. Mr. President, there are several amendments that have been cleared on both sides, and Mr. NICKLES and I are ready to present these at this time.

I ask unanimous consent that on behalf of myself and Senator NICKLES, the following amendments be agreed to en bloc, including several technical and conforming corrections to the bill.

These are:

An amendment (No. 884) on behalf of Senators MURRAY and HATFIELD that reallocates funds provided in the bill for timber receipt payments to implementation activities associated with the President's Pacific Northwest forest plan;

An amendment (No. 885) on behalf of Senator DECONCINI that reallocates funds among Arizona projects;

An amendment (No. 886) on behalf of Senators DOLE and KASSEBAUM that reallocates funds from one Kansas project in the Fish and Wildlife Service to the Haskell Indian Junior College;

An amendment (No. 887) on behalf of Senator NICKLES and myself restoring language carried in the bill in prior years related to rural development activities of the Forest Service;

An amendment (No. 888) on behalf of Senators HATFIELD and INOUYE related to the FDR Memorial Commission; and

An amendment (No. 889) on behalf of Senator NICKLES and myself making technical and conforming corrections.

The amendment offered on behalf of Senators MURRAY and HATFIELD provides for the use of funds scored against the bill for timber receipt payments to be used instead to begin implementation of the economic assistance and jobs-in-the-woods components of the President's forest plan for the Pacific Northwest. The timber receipt payment provision is no longer needed in the Interior appropriation bill as a result of inclusion of language in the budget reconciliation package addressing this problem. The funds are reallocated to the following purposes: $14,000,000 equally divided for watershed and ecosystem restoration for both the Interior Department and the Forest Service; $10,000,000 for community assistance programs of the Forest Service, with the increased amounts provided as a result of this amendment to be targeted to the Pacific Northwest; and $5,000,000 for the old growth diversification initiative of the Forest Service, which brings the fiscal year 1994 total to a level of $6,500,000. The committee expects the old growth diversification funds to be allocated as follows: 40 percent each to Washington and Oregon, and 20 percent to northern California. The amendment also includes language clarifying the eligible communities in the Community Assistance Program.

The funds for watershed and ecosystem protection are to be expended for the highest priority watersheds, as identified by the Forest Ecosystem Management Assessment Team [FEMAT] report. These projects will help to repair and protect damaged salmon habitat for at-risk salmon stocks and I also create economic activity in distressed areas. It is the committee's understanding that 83 percent of these key watersheds are located principally on Forest Service lands. It is also the committee's expectation that activities funded with these resources will be directed at options with the greatest potential for long-term impact on saving the watershed.

The amendment offered on behalf of Senator DECONCINI reallocates funds provided for the Morris K. Udall Scholarship Foundation to other projects in Arizona, with $400,000 provided in addition to amounts in the budget for the southwestern forestry study and $700,000 to the Office of Navajo and Hopi Relocation to increase the amount included in the committee's recommendation for the former Bennett freeze area.

The amendment on behalf of Senators DOLE and KASSEBAUM transfers $200,000 from Fish and Wildlife Service construction for dike repairs at Kirwin to increased operations at Haskell Indian Junior College. The need for dike repairs to Kirwin NWR has been overtaken by the flood recovery effort.

The amendment on behalf of Senators BYRD and NICKLES restores language from last year's appropriation bill allowing the Forest Service to engage in technical assistance activities associated with rural development in communities adjacent to National Forest System lands. This language will assist the Forest Service in its efforts to assist local communities as they engage in a transition period associated with a declining public timber harvest.

The amendment on behalf of Senators HATFIELD and INOUYE extends the availability of funds appropriated to the FDR Memorial Commission until expended. This extension is necessary due to the need to continue the fundraising effort beyond the end of fiscal year 1994. This amendment has no fiscal year 1994 scoring impact, based on CBO review.

The technical and conforming corrections do not change the scoring of the bill, but instead correct inadvertent errors in the drafting of the bill. Three numbers are being corrected to reflect narrative in the report or to comply with program or formula distributions, and one date is being changed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments considered and agreed to en bloc are as follows:

AMENDMENTS NO. 884

On page 41, after line 15, insert the following:

ECOSYSTEM RESTORATION FUND

For expenses necessary to implement the President's Forest Plan for "Jobs in the Woods" ecosystem restoration in Northern California, Washington, and Oregon, $7,000,000, to remain available until September 30, 1995: *Provided*, That with the approval of the Secretary, such amounts as may be identified in implementation plans may be transferred to the Bureau of Land Management, the Fish and Wildlife Service, and the Bureau of Indian Affairs.

On page 50, line 7, increase the italicized number by $15,000,000.

On page 53, line 12, increase the italicized number by $7,000,000.

On page 53, line 15, increase the italicized number by $7,000,000.

On page 95, delete beginning on line 4 through "1994." on page 96, line 2.

On page 97, after line 5, insert the following:

SEC. . (a) Section 2374(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6612) is amended by inserting ", forage production" after "recreation".

(b) Section 2374(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6612) is amended to read as follows:

(3) The term "rural community" means—

(A) any town, township, municipality, or other similar unit of general purpose local government, or any area represented by a not-for-profit corporation organization under state law for any purpose of promoting broad based economic development, that has a population or not more than 10,000 individuals (according to the latest decennial census), that is located within a county in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation, forage production, and tourism, and that is located within the boundary, or within 100 miles of the boundary, of a national forest; or

(B) any county that is not contained within a Metropolitan Statistical Area as defined by the United States Office of Management and Budget, in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation, forage production, and tourism, and that is located within the boundary, or within 100 miles of the boundary, of a national forest.

(C) any unincorporated area of a county having a population larger than 22,550 individuals (according to the latest decennial census) in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation, forage production, and tourism, and that is located more than 10 miles from an incorporated municipality.

(c) Section 2374 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6612) is amended by adding at the end thereof the following new subsection:

(5) The term "National Forests" means National Forest System Lands.

Mrs. MURRAY. Mr. President, I rise in strong support today of the Byrd-Nickles amendment to H.R. 2520, the Interior Appropriations Act for fiscal year 1994. This amendment means a tremendous amount to my State of Washington, and the entire Pacific Northwest.

Ths amendment is important for two reasons. First, it provides $29 million for watershed restoration and rural economic development. These funds will be used to put our forest ecosystem on the road to stability, including at-risk salmon stocks throughout the Pacific Northwest. Second, the resulting economic activity—construction jobs in the woods, technical monitoring, and biological analysis—will help set a new course for the natural resource economy.

Mr. President, when I traveled through the Olympic Peninsula during the recess, I visited communities that have been fighting for years to resolve the conflict over management of our natural resources. People throughout rural Washington have been buffeted from afar by faceless bureaucrats and court decisions beyond their control. They have seen gridlock of all types prevent movement on issues that affect their day-to-day lives. They've been caught in the middle while scientists and lawyers argue. The only thing they've been able to count on in this situation is more uncertainty.

Likewise, conservation advocates have been frustrated by an unresponsive Federal bureaucracy in their efforts to bring change to Federal forest management. I have often looked at my own kids and wondered whether their children will be able to experience the amazing character of a Northwest old-growth forest.

Today, we can bring some of that uncertainty to an end by adopting this amendment to fund a watershed restoration initiative.

We've heard a lot about watershed restoration. The term has become one of the most heavily used buzzwords in the forest debate. We've heard statements like, "watershed restoration will save the salmon." Or, "watershed restoration will repair damage to the landscape." Or, "watershed restoration will create new jobs."

This may be true, but what does it all mean? As I understand it, watershed restoration begins with the premise that we have overworked the forest landscape, resulting in stress to salmon habitat, water quality, and wildlife cover. It proposes to send construction crews into the forest to undertake a variety of projects. These would include removing some logging roads, stabilizing others to control soil erosion, and converting some into trails for recreational use. It would also involve improving salmon habitat by enhancing in-stream structures and spawning beds.

What would the effects be? Over the next 5 years we would be creating construction jobs. Continued maintenance would be necessary, as would monitoring, data collection, and biological analysis to assess improvements in ecosystem health. Over time, the ecosystem would grow stronger until such time as salmon and other wildlife have stable habitat. This is a long-term proposition. It is definitely not a panacea for advocates of higher timber harvests. It may lead us to a point where higher timber yields are possible. But it will also protect the long-term viability of commercial fisheries and conserve natural resources for our children and grandchildren.

Some people may ask, "can we afford to do this?" The answer is an emphatic "yes." No new money is being spent here. This amendment fits entirely within the Interior budget allocation. It is possible because we used the budget reconciliation bill to repeal a tax subsidy for raw log exports. This enabled us to stabilize payments to counties in lieu of property taxes, which in turn has freed up resources within the Interior allocation. This amendment does not take funds away from any other program or project within the Interior bill.

Perhaps most importantly, this amendment represents the fulfillment of a commitment from myself, other members of our congressional delegation, and the administration to promote new opportunities in historically timber-dependent areas. When the President announced his forest initiative, he pledged to provide incentives for economic diversification to help folks find a silver lining. People in my State has responded. They are not interested in handouts. Rather, they are working hard coming up with new ideas and new proposals to diversify their economies and stabilize the job base for the long term. By adopting this amendment, we can do our part to encourage these efforts. We can show that investing in people and in our communities can pay off.

I want to say a few things about how the agencies involved in these projects should administer these funds. The policy objective behind watershed restoration is twofold: We want to fund work that benefits the environment and create economic activity in distressed areas. Therefore, I want to ensure that funds are used exclusively for restoration work, and that such work is carried out by local personnel. I am not comfortable providing these funds to agencies carte blanche, unless the funds are targeted very narrowly on the problem. It is my understanding that this is the case; these funds will not be used for projects not directly related to improving the natural ecosystem.

I want to commend the chairman of the committee, Senator BYRD, and the ranking members, Senators HATFIELD and NICKLES, for their excellent work on this issue. This effort has respected budget realities, and has been bipartisan in nature. I hope this will set a tone for future discussions on these issues. I urge my colleagues to support the Byrd-Nickles amendment, and H.R. 2520 on final passage. Thank you, Mr. President, I yield the floor.

AMENDMENT NO. 885

On page 4, line 23, delete beginning with the ";" through "expended" on page 5, line 2

On page 49, line 22, increase the italicized number by $400,000.

On page 79, line 21, increase the italicized number by $700,000.

AMENDMENT NO. 886

On page 10, line 10, reduce the italicized number by $200,000.

On page 27, line 23, increase the italicized number by $200,000.

AMENDMENT NO. 887

On page 65, after line 2, insert the following:

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes outside the boundaries of National Forest System lands.

AMENDMENT NO. 888

On page 88, line 18, insert the following:

: *Provided*, That funds provided under this head in Public Law 102–381 shall remain available until expended

AMENDMENT NO. 889

On page 28, line 3, strike "$52,701,000" and insert in lieu thereof "$49,226,000".

On page 29, line 14, strike "$83,808,000" and insert in lieu thereof "$84,808,000".

On page 33, line 15, strike "July 1, 1993" and insert in lieu thereof "September 30, 1994".

On page 85, line 17, linetype "$13,187,000" and insert in italics "$12,858,000".

The amendments (Nos. 884–889) were agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, as I indicated in the beginning, there are 64 amendments on the list. Some of those are coming off. I hope that Senators whose names are listed will take a second look at the amendments and indicate to the managers of the bill as soon as possible if there is a possibility of those amendments coming off the list.

This afternoon, beginning at 2:15 p.m., under the order that has been previously entered, there can be up to 10, 11, or 12 amendments to the Department of Defense authorization bill on which rollcall votes have already been ordered. Under the order that has been entered, the votes on these amendments will be 10 minutes in length, except for the first amendment. A vote on the Leahy amendment will be the usual 15 minutes. But this means that at least 2 hours will be consumed in voting on amendments beginning at 2:15 p.m. today.

Now, tomorrow we will have some time, up to 3 or 4 o'clock, I presume, to act on this bill, after which the Senate will not have any more votes either late tomorrow or Thursday or Friday, which means that if we are going to finish this bill this week, we need to be done with it by 3 or 4 o'clock tomorrow afternoon. Consequently, Senators should come over and call up their amendments.

I suggest that the prospects for a late session today are probably pretty good; the prospects are good. Of course, the longer we wait at this point or at any point during the time we are on this bill for Senators to call up their amendments, then the prospects for our lateness become "gooder," they increase, and the prospects for completing the bill this week become less good.

I urge Senators to come to the floor then and call up amendments.

Mr. NICKLES. Mr. President, I echo the comments made by Chairman BYRD to encourage our colleagues to notify us if they intend to offer their amendments. Frankly, I think they would be wise—I am sure that we will try to accommodate Members if we can. We will be a lot more accommodative, in my opinion, early this morning than we will be very late tonight. So I encourage our colleagues, if they have amendments, to bring them to the floor and let us see the language. If we can work out and agree to the language, that would be well and good. If not, it would be good for us to know what the language is and hopefully debate the amendment and dispose of it one way or another.

I believe it is the chairman's intention that he would like to finish this bill before we adjourn this week. That is certainly my intention as well.

Again, colleagues should be advised, if they have amendments, we have a finite list of amendments. That list is shrinking. We would like for it to shrink even more rapidly. So if they could give us their intentions on the amendment, and if they do care to move forward, if they do so as soon as possible, we would be very grateful.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. NICKLES. I will be happy to.

Mr. BYRD. I thank the Senator for his very supportive statement.

I would estimate—and I wonder if he would agree—once this bill is put aside, in accordance with the order previously entered, that the Senate will not be able to resume consideration of this bill until somewhere between 4 and 5 o'clock this afternoon, so as to allow for the several votes on amendments that have already been discussed and stacked.

Consequently, we will be getting back on it late. It would be of the utmost assistance to the managers if Senators again, if I may repeat, would inform the managers that they will or will not call up their amendments that are listed. Several of those amendments are now in the process of being marked off in accordance with indications there is no intent to bring them up. But after 3 or 4 o'clock tomorrow, there will be no possibility to complete action on this bill this week. So that any and all amendments that are going to require votes, rollcall votes, should be called up and disposed of no later than 3 o'clock tomorrow.

Mr. NICKLES. I appreciate the Senator's comment. I happen to agree wholeheartedly. I only know of one controversial amendment. I see a couple others on the list that may well be controversial. And again, knowing this body and Senators' inclinations, the majority leader has already announced we would be in late tonight. I would like to dispose of these amendments. Most of these I think we can agree to or the sponsors of the amendments, it is my guess, will drop the amendments. There are a few that probably will require some discussion.

Again, I encourage those Senators to bring those amendments forward. We have some that are listed as relevant, and we do not know what they are. We would like to find out what they are. If we can agree to them, that would be great. If not, we can hopefully dispose of them.

With the majority leader saying he is willing to stay in late tonight, with the chairman of the committee saying he wants to finish this bill this week, it tells me that we may well have a late night session tonight with some of these amendments. I would like to dispose of as many as possible this morning and maybe even while we are working on the DOD bill do some staff work and some meeting with Senators to see if we cannot dispose of many as possible so we can finish the bill late tonight or tomorrow.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his helpful suggestions.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, of the 64 amendments that are on the list as shown on the Calendar of Business, page 2, Senator NICKLES and I have now been informed by Senators that there are 31 that can come off the list.

So I therefore ask unanimous consent that these 31 amendments which are on the list of 64 amendments be eliminated from the list with the understanding that if anyone of these Senators has a change of heart and wishes to have his particular amendment restored, so long as it is the same amendment that is identified on the list, that he may have that privilege of doing so.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Republican manager, Mr. NICKLES. I thank his staff, my staff, and all staff members, as well as those Senators who agreed to eliminate their names from the list. I hope that other Senators will do likewise.

The list which Senator NICKLES is aware of, and which is the same list in the hands of both managers, I now send to the desk in accordance with the order that has been entered.

Mr. NICKLES. Mr. President, I compliment the chairman. It now means we believe we have eliminated 31 amendments. We still have 30-some amendments left and some of our colleagues are kind enough now to respond. They are calling and taking off amendments or notifying us. I appreciate that. I encourage others who still have amendments on the list to contact us as soon as possible.

Mr. President, I ask unanimous consent to proceed as if in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHEROKEE STRIP LAND RUN CENTENNIAL

Mr. NICKLES. Mr. President, I would like to take this opportunity to bring to the attention of the Senate an event of significant historical importance to the State of Oklahoma and our Nation. The event which took place 100 years ago this week was the Cherokee strip land run.

The day was September 16, 1893, when more than 7 million acres of land were opened for settlement. The land had long been known as the Cherokee strip. It was 226 miles long and 58 miles wide; larger than the States of Connecticut, Delaware, and Rhode Island combined. Although vast and impressive from rolling prairies in the east to gypsum sand dunes and rugged plateaus in the west, the Cherokee strip was much more than a parcel of land. It was the setting for the largest, most spectacular competitive event in history: the Cherokee strip land run of 1893.

At noon, a shot rang out and more than 100,000 courageous pioneers surged into the strip. The run attracted people from every corner of the Nation and abroad. Most had very few possessions, but all had a dream to stake a claim to the vast opportunity for a better life on the untouched prairies of Oklahoma. When the dust had cleared, more than 40,000 settlers had staked their claims. But these people faced an even greater struggle than the land run itself. They had to prove that they had what it took to be a pioneer. Many settlers carved sod houses out of the prairie and others lived in their covered wagons. The first winters were terribly harsh and tested their endurance. But hard times gave way to better days as crops flourished and cities and industries sprang from the plains. The people here have prevailed with a pioneer spirit, a rare combination of grit and determination combined with respect and gratitude for the land on which they built their future. The stories of these brave homesteaders still echo throughout Oklahoma and the Nation and are a testament to the enduring spirit of the American pioneers. That spirit is alive in Oklahoma today as evidenced by our optimism, determination and enduring pride in our State.

As a native of Ponca City, located in the Cherokee strip, I am honored to join in recognizing my own heritage as well as that of all Oklahomans. Oklahoma is home to people who embody the American ideals of hard work and integrity, as well as loyalty and tolerance toward others.

In our celebration, we also recognize the role of the American Indian in the history of the Cherokee strip and our State. Oklahoma has been blessed with the rich heritage of our native Americans. In fact, the State derives it name from two Choctaw Indian words—okla, meaning people, and homma meaning red. The innumerable contributions of this great people continue to add to the enduring spirit of Oklahoma where all hearts embrace the same hopes, dreams, and aspirations.

Today, the Cherokee strip is the wheat center of Oklahoma. The strip also provided to be rich in oil which continues to be an important industry throughout the region. The windswept prairie has been transformed into modern cities, rich farmlands, and beautiful lakes.

The Nation learned about the Cherokee strip on April 18 of this year when 93 million copies of the commemorative stamp honoring the centennial of the land run were issued. The stamp was designed by Harold T. Holden of Kremlin, OK; who sculpted the Boomer statue which has become the symbol of the centennial. The stamp depicts land run contestants on horseback and in a covered wagon racing to stake a claim. People in the Enid area worked for several years to get the commemorative stamp for the celebration. Only 30 to 40 stamp ideas are chosen each year from more than 4,000 requests. The issuance of the commemorative stamp let all Americans know about the Cherokee strip land run.

And now on the 100th anniversary of this spectacular event, the Cherokee strip land run, I am pleased to have the opportunity to salute that historic event during or centennial celebration. The heritage of the run embodies not only the settling of the Cherokee strip by homesteaders but also the contributions of native Americans, pioneers, and all those who occupied the land before and after the opening. Oklahomans invite all Americans to celebrate with us this historic beginning 100 years ago, the Cherokee strip land run of 1893.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERIOR APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. GRASSLEY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is on H.R. 2520.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 4 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I reserve the right to object. I have no objection. I do hope that Senators however will come to the floor and call up their amendments on the bill. I am not overly interested at this particular point in having Senators come to the floor to deliver morning business speeches. They are important to Senators. I also make such speeches myself. I want to encourage Senators however to come to the floor and call up their amendments on their bill.

Mr. President, I have no objection.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Mr. President, I appreciate very much the indulgence of my colleagues and particularly the distinguished senior Senator from West Virginia. Perhaps there was some query on one other amendment that I had on the pending bill that I was going to offer, and I have decided not to offer the amendment that deals with the C–17.

THE PRESIDING OFFICER. The Senator from the State of Iowa is recognized.

MR. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1453 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, the pending Interior appropriations bill has now been before the Senate over 2 hours, almost 2¼ hours, and we have had one Senator come over and indicate an interest in his amendment. We discussed that amendment with him, and hopefully we will be able to work something out on it.

But there are at least 20 other Senators who have amendments on the list still. The managers are just sitting here on the floor twiddling their thumbs waiting for Senators to come to the floor and call up their amendments. It is not a very good utilization of time of the managers.

I express the hope again that Senators whose names are on the list still will come to the floor and discuss their amendments with the managers or call up their amendments. There is yet time before the Senate goes into recess for the two party conferences today. There is yet time to dispose of one or several amendments.

Mr. NICKLES. Madam President, will the chairman yield?

Mr. BYRD. I yield.

Mr. NICKLES. Madam President, I mention and echo the comments that, if Senators do have amendments, they bring them forward. If not, we might make the assumption they do not intend to offer the amendments. If they do not notify either the chairman or myself, or the staff, of an intention to offer the amendments, maybe we can assume they will not be offered and we might be able to move forward anyway.

We are here and ready to try to be as agreeable as possible and, as I have stated in the past, I think it would behoove Senators, if they do have amendments, to work with the Senator from West Virginia and myself in trying to get those amendments adopted.

We are in a very agreeable mood this morning. So I would encourage our colleagues, if they do have amendments, to bring them forward as early as possible and to notify us if they intend to offer their amendments so we can schedule them accordingly.

We would like to finish this bill today, if possible. I really do not see why we could not.

I only know of a couple amendments that are controversial. Hopefully, we can work out the amendment of the Senator from Montana and, if not, have some debate on it and dispose of it in short order.

If other Senators have amendments, I hope they will bring them forward. If not, I assume they will not call them up.

Mr. BYRD. Madam President, I thank my friend for his comments.

I shall now take my seat confident, and, hopeful, Senators will respond.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:28 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. MURRAY).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Washington, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL addressed the Chair.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1298, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1298) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Leahy Amendment No. 821, to extend the moratorium on the sale, transfer or export of anti-personnel landmines abroad.

(2) Brown Amendment No. 825, to ensure proposals for merger of United States Space Command and the United States Strategic Command proceed with thorough cost-benefit analysis and consultations with Canada.

(3) Harkin Amendment No. 829, to strike the provision requiring the conversion of the Kinetic Energy Antisatellite (KE-ASAT) Program.

(4) Grassley Amendment No. 840, to require the Secretary of Defense to terminate the Defense Business Operations Fund if the Inspector General of the Department of Defense determines that the Fund was not in compliance with applicable financial management standards during fiscal year 1993.

(5) Bingaman Amendment No. 850, to strike provisions providing loan guarantees for the sale of defense articles and defense services to NATO members and to Israel, Australia, Japan, and the Republic of Korea.

(6) Shelby/Smith Amendment No. 851, (to Amendment No. 829), in the nature of a substitute.

(7) Domenici/Bingaman Amendment No. 853, to provide additional funding and program guidance for the single stage rocket technology and single-state-to-orbit program of the Ballistic Missile Defense Organization.

(8) Metzenbaum Amendment No. 854, to prohibit the use of funds for a Department of Defense task force on the effects of antitrust laws on the national defense technology and industrial base.

(9) Simon Amendment No. 856, to authorize the Secretary of the Army to pay 100 percent of the repair costs of Federal and non-Federal levees damages as a result of the widespread flooding in the Midwest in 1993.

(10) Simon Amendment No. 857, to direct the Secretary of the Army to conduct a study to assess the adequacy of current flood control measures on the Upper Mississippi River and its tributaries.

(11) Nunn (for Breaux) Amendment No. 878, to provide for the long-term lease authority for certain roll-on/roll-off vessels.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized..

AMENDMENT NO. 857 WITHDRAWN

Mr. MITCHELL. Madam President, if I may have the attention of my colleagues, there will shortly follow a series of votes on amendments to the pending Department of Defense authorization bill, followed by a vote on final passage of the bill itself.

There are in the list of amendments that have previously been ordered, two amendments by Senator SIMON. And I have been authorized by him, and in his behalf I now ask unanimous consent that the second of his two amendments listed as No. 857 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 857) was withdrawn.

AMENDMENT NO. 825 WITHDRAWN

Mr. MITCHELL. Madam President, there is also listed in the order an amendment by Senator BROWN, No. 825. And in his behalf, I now ask unanimous consent that that amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 825) was withdrawn.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, there will be several votes following one upon the other with no intervening action or debate.

As I previously announced, the first vote will occur under the ordinary time procedure; that is, the vote will be for 15 minutes with an additional time period of up to 5 minutes for Senators to come to the Senate floor to cast their votes. However, all of the succeeding votes, including the vote on final passage, will be for 10 minutes only.

I strongly encourage Senators to remain in the Senate Chamber during these votes so that every Senator who is present will have his or her vote cast and counted on these matters.

In order to minimize the confusion and to help the clerks in this very difficult task, I ask that Senators, while they remain in the Chamber, not stand in the well, and certainly not directly in front of the clerk, so that the clerk has the opportunity to perform his or her task in a way that is accurate, and record every Senator's vote.

I hope that we can proceed through these amendments in a responsible and dignified way and get through this major bill.

I finally want to state, so that there can be no misunderstanding, that we began earlier today on the Interior appropriations bill, and we are going to return to the Interior appropriations bill immediately after the vote on final passage on the DOD bill.

I anticipate that there will be votes on the Interior appropriations bill later today, and Senators should anticipate a lengthy session this evening as we attempt to make good progress on the Interior appropriations bill. It is my hope that we can complete action on that bill by the close of business tomorrow afternoon.

So Senators are hereby placed on notice that there will be a continuing session with votes expected on the Interior appropriations bill after we complete action on all of the amendments and final passage of the DOD authorization bill.

Madam President, I want to thank the chairman and ranking members, Senators NUNN and THURMOND, for their diligence in handling this very important and large and controversial measure.

Madam President, I am advised that there are three amendments with respect to which the yeas and nays have not been ordered, and I will now request the yeas and nays with respect to each of those.

They are: First, the Harkin amendment No. 829. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Next is the Metzenbaum amendment No. 854. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. And finally, the Breaux amendment No. 878. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MITCHELL. Have the yeas and nays been ordered on final passage?

The PRESIDING OFFICER. Yes, they have.

VOTE ON AMENDMENT NO. 821

The PRESIDING OFFICER. The question is on adoption of the Leahy amendment No. 821. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—100

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—0

So the amendment (No. 821) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair reminds the body the remaining votes will be 10 minutes each.

VOTE ON AMENDMENT NO. 840

The PRESIDING OFFICER. The question is on agreeing to the Grassley amendment.

Mr. GLENN. Madam President, I move to table the Grassley amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 57, nays 43, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—57

Baucus
Biden
Bingaman
Bond
Boren
Breaux
Bryan
Byrd
Campbell
Chafee
Coats
Cohen
Coverdell
Craig
Dodd
Dorgan
Durenberger
Exon
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Hatfield
Heflin
Hollings
Hutchison
Inouye
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Levin
Lieberman
McCain
Mikulski
Mitchell
Moseley-Braun
Moynihan
Nunn
Pell
Reid
Riegle
Robb
Rockefeller
Sarbanes
Shelby
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—43

Akaka
Bennett
Boxer
Bradley
Brown
Bumpers
Burns
Cochran
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dole
Domenici
Faircloth
Feingold
Grassley
Gregg
Harkin
Hatch
Helms
Jeffords
Kassebaum
Kohl
Lautenberg
Leahy
Lott
Lugar
Mack
Mathews
McConnell
Metzenbaum
Murkowski
Murray
Nickles
Packwood
Pressler
Pryor
Roth
Sasser
Simon
Simpson

So the motion to lay on the table the amendment (No. 840) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. EXON. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 878

Mr. COCHRAN. Mr. President, I oppose the Breaux amendment regarding long-term lease authority for certain roll-on/roll-off vessels.

The Department of Defense currently has the authority to charter foreign-built and foreign-registered ships in times of emergency, as it did in the gulf war.

It also has the authority to charter ships for up to 18 months, with options to extend the lease period, on an as-needed basis.

There is no doubt that the Department of Defense could save money by executing long-, instead of short-term, leases. But this ignores an important point: Do we need these leases? Has the Department of Defense identified a need for a lease for roll-on/roll-off ships that will be used for prepositioning and point-to-point delivery of equipment? The answer is clearly "no."

The Navy has no requirement for a long-term lease for these ships and has said as much to staff today. Passing this amendment will only lead to requests to appropriate money for these unnecessary leases. We should ask ourselves the question: As our defense budget is shrinking, should we be forcing the Pentagon to spend money on a program the Defense Department has stated is not needed?

The mobility requirement study identified a fast sealift requirement of 20 ships. By the end of this week, the Department of Defense will be under contract for 17 of these ships. While the foreign-built ships specifically targeted in this amendment do not meet the fast sealift requirements—too small and too slow—identified by the Joint Chiefs of Staff, if we approve this amendment this week we'll be standing here debating whether or not these ships are adequate enough for our needs next year.

I'll save us some time for this week and next year. The Navy does not need these ships now. These ships are inadequate for our fast sealift requirements for the future. And in a time of declining defense budgets, we should not force the Department of Defense to purchase unneeded goods and services.

Mr. President, I urge my colleagues to vote against this amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that, in his behalf, Senator BREAUX's amendment No. 878 be withdrawn. And I further ask unanimous consent that the vote on final passage of the bill occur following the disposition of Senator SIMON's amendment, as under the previous order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 878) was withdrawn.

VOTE ON AMENDMENT NO. 851

The PRESIDING OFFICER. The question now is on agreeing to the Shelby amendment No. 851. The yeas and nays are ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 90, nays 10, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—90

Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici

Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mitchell
Moseley-Braun
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—10

Akaka
Bumpers
Byrd
Dorgan
Durenberger
Hatfield
Kohl
Mikulski
Moynihan
Reid

So the amendment (No. 851) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 829

The PRESIDING OFFICER. The question now is on agreeing to the Harkin amendment No. 829. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 40, nays 60, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—40

Akaka
Biden
Bingaman
Boxer
Bradley
Bumpers
Byrd
Chafee
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Feingold
Harkin
Hatfield
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—60

Baucus
Bennett
Bond
Boren
Breaux
Brown
Bryan
Burns
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kerrey
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

So the amendment (No. 829) was rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 850

The PRESIDING OFFICER. The question now is on adoption of the Bingaman amendment No. 850.

Mr. NUNN. Mr. President, on behalf of Senator THURMOND and myself, the managers of the bill, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia to lay on the table the amendment of the Senator from New Mexico. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—63

Baucus
Bennett
Bond
Boren
Breaux
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dodd
Dole
Domenici
Durenberger
Faircloth
Feinstein
Ford
Gorton
Graham
Gramm
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Mitchell
Nickles
Nunn
Packwood
Pell
Pressler
Robb
Rockefeller
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—37

Akaka
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dorgan
Exon
Feingold
Glenn
Grassley
Harkin
Hatfield
Kassebaum
Kohl
Leahy
Levin
Mathews
Metzenbaum
Moseley-Braun
Moynihan
Murkowski
Murray
Pryor
Reid
Riegle
Sarbanes
Sasser
Simon
Wellstone
Wofford

So the motion to lay on the table the amendment (No. 850) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 853

The PRESIDING OFFICER. The question now is on the adoption of the Domenici amendment, amendment No. 853. The yeas and nays have been ordered.

Mr. NUNN. Mr. President, on behalf of myself and Senator THURMOND, I move to table amendment No. 853.

The PRESIDING OFFICER. A motion to table has been made. Does the Senator wish the yeas and nays?

Mr. NUNN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia [Mr. NUNN] to table the amendment of the Senator from New Mexico [Mr. DOMENICI].

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—66

Akaka
Baucus
Biden
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Byrd
Campbell
Coats
Cohen
Conrad
Coverdell
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Faircloth
Feingold
Ford
Graham
Gregg
Harkin
Hatfield
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sasser
Simon
Specter
Thurmond
Warner
Wellstone
Wofford

NAYS—33

Bennett
Bingaman
Bond
Boxer
Burns
Chafee
Cochran
Craig
D'Amato
Danforth
Dole
Domenici
Feinstein
Glenn
Gorton
Grassley
Hatch
Heflin
Helms
Hutchison
Johnston
Kempthorne
Lott
Lugar
Mack
McConnell
Packwood
Sarbanes
Shelby
Simpson
Smith
Stevens
Wallop

NOT VOTING—1

Gramm

So the motion to lay on the table the amendment (No. 853) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 854

The PRESIDING OFFICER. The question is now on the adoption of the Metzenbaum amendment No. 854.

Mr. NUNN. Mr. President, I do not see the Senator on the floor, but he has told me he wants to withdraw that amendment. I know he wants to have 1 minute. It will save us 10 or 15 minutes. I ask unanimous consent that Senator METZENBAUM be recognized for 1 minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, I rise to withdraw this amendment, but before doing so, I would just like to offer a prefatory comment.

We have had a number of meetings with the Department of Defense concerning their establishing a new task force on antitrust issues, and there were some misunderstandings that had occurred. We did not come to any agreement. But during the last hour, I heard from Secretary Deutch who indicated to me that they were prepared to come over, sit down, and work this matter out on a cooperative basis to see to it that there are some public representatives on such a task force; that it not just be a defense-oriented task force.

I believe that will be a much better procedure than going forward with a vote as to do or do we not prohibit them going forward. Under the circumstances, I am prepared and will withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Ohio is thereby withdrawn.

The amendment (No. 854) was withdrawn.

AMENDMENT NO. 856

Mr. CHAFEE. Mr. President, I rise in strong opposition to the amendment offered by the Senator from Illinois [Mr. SIMON]. The amendment would provide the Secretary of the Army with the authority to pay 100 percent of the costs of repairing Federal and non-Federal levees damaged as a result of the recent widespread flooding in the Midwest.

First and foremost, the amendment, dealing with the civil works program of the Army Corps, is within the sole jurisdiction of the Committee on Environment and Public Works. It should not be offered here on the Department of Defense authorization bill. To be sure, I am sympathetic to the plight of the victims of the flooding in the Midwest. But this amendment has not received full Environment Committee review.

Second, the amendment would undermine the Army Corps' longstanding cost-sharing and benefit/cost policy. Currently, the Corps requires a 20 percent local share for levee repair. This amendment would provide the authority to do away with the local match. The proposal, if enacted, has the potential to cost the Government more than $1 billion. And that is over and above the $180 million already appropriated to the Corps for flood response in the recently approved supplemental appropriations bill. Certainly, there are serious fiscal impacts associated with this amendment. That is why I have joined with my colleague Senator BAUCUS, the chairman of the Committee on Environment and Public Works, in offering to hold an oversight hearing on the Corps' overall flood protection financing policy. The Senator from Illinois has raised a serious problem. Unfortunately, the solution he has proposed raises equally serious problems. Hearings should be held and, if this amendment is defeated, they will be held.

Finally, the amendment opens the door to a whole new category of Federal flood assistance. According to the language of the proposal, any levee, not just a Federal levee or a non-Federal levee maintained to Federal standards, but any levee could qualify for Federal assistance. This amendment in no way takes into consideration how particular levees are maintained, if they are publicly or privately owned, rather it puts the Federal Government on the hook for 100 percent of the repair tab.

Mr. President, I understand the Senator from Illinois' desire to come to the aid of his constituents. That is why I supported the $180 million appropriation in the supplemental. But I must oppose this amendment. The financial magnitude of the change in cost-sharing policy envisioned by this proposal is just too great. It is incumbent upon the Environment Committee to review this change in the context of the committee process.

And so Mr. President, although I will vote against this amendment, I pledge to work with the senior Senator from Illinois and the administration to develop an equitable solution to the flood protection needs of our citizens in the Midwest.

VOTE ON AMENDMENT NO. 856

The PRESIDING OFFICER. The question now is on agreeing to the Simon amendment No. 856. The Senator from Montana.

Mr. BAUCUS. Mr. President, I move to table the Simon amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 856. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN] and the Senator from North Dakota [Mr. CONRAD] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—63

Akaka
Baucus
Biden
Bradley
Breaux
Brown
Bryan
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
Dodd
Dole
Domenici
Dorgan
Faircloth
Glenn
Gorton
Graham
Gregg
Hatch
Hatfield
Helms
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—34

Bennett
Bingaman
Bond
Boxer
Bumpers
Campbell
D'Amato
Danforth
Daschle
DeConcini
Durenberger
Exon
Feingold
Feinstein
Ford
Grassley
Harkin
Heflin
Jeffords
Kennedy
Kerrey
Kohl
Mack
Mathews
McConnell
Metzenbaum
Moseley-Braun
Pell
Pressler
Pryor
Sasser
Shelby
Simon
Wellstone

NOT VOTING—3

Boren
Conrad
Gramm

So the motion to lay on the table the amendment (No. 856) was agreed to.

THE BOXER AMENDMENT

Mr. DORGAN. Mr. President, we in the Senate voted last week to maintain the Defense authorization bill's current provisions regarding the military's new policy on gays in the military. I voted against the Boxer amendment and in favor of the bill as it now stands. I would like to take a moment to explain why, now that debate on the larger bill is drawing to a close and before we vote on final passage.

The provision I voted to uphold would essentially codify the President's recently announced policy on gays in the military. That is why the administration supported the bill as it stood. I think it is important to note how this policy was developed.

Back when this issue really arose, in January, I agreed with Gen. Alexander Macdonald, head of the North Dakota National Guard, who said that changing the policy on homosexuals must be done in full consultation with the military. Since then, the President has worked with military leaders and others who know military life so that he could understand their views and the impact these changes might have on our military. The Joint Chiefs' unanimous support for the President's policy shows that full consultation did occur.

I also think that this policy strikes a fair balance between the rights of individuals and the needs of the military. Essentially, the new policy means that homosexual conduct is still forbidden, but that gays may serve in the military as long as they comply with applicable laws and regulations. The committee provision properly recognizes that the military has legitimate concerns about unit cohesion.

To sum up, I feel that the committee language establishes a sound framework for both service by gays in the military and continued unit cohesion and morale. That is why I voted against the amendment from the Senator from California, and why I support the bill's current provision.

Mr. CHAFEE. Mr. President, I support the amendment offered by the junior Senator from California last week.

On Monday, July 19, President Clinton announced his administration's policy on homosexuals in the military. No longer is homosexual orientation to be considered incompatible with military service. No longer will applicants for the armed services be asked to disclose their sexual preference. Homosexual conduct, same-sex marriages, and admission of homosexuality—whether on or off duty, on or off base—will continue to be offenses that warrant investigation and possible expulsion from the military.

I believe the ban on homosexuals in the military should be removed; but this cannot be done immediately. The question for me has always been not should the ban on homosexuals in the services be overturned, but how should it be overturned.

From the outset of this debate, I have understood that any change in policy is likely to be gradual, since the support of senior officers is essential to its success. At the same time, the change must be genuine and not a mere variation on the status quo, in which the fact of a person's sexual orientation is grounds for dismissal from the service.

These are the considerations that President Clinton sought to balance. Clearly, he decided to proceed very cautiously. It is important that the policy ends the practice whereby military recruits are questioned about their sexual orientation at the time of enlistment. I am encouraged that the policy of investigating the sexual status of enlistees will be curbed. Such investigations are extremely costly and are often unrelated to actual cases of misconduct.

But it must be acknowledged that the goal of equal opportunity for all persons in the military has not been met by the President's order. A double standard will still be used to judge what a person may disclose about his or her sexuality: While heterosexuals may speak openly, homosexuals may make no disclosures about their sexual orientation without fear of dismissal. I had hoped that an accommodation might be included in the President's policy to permit gays and lesbians some reasonable level of disclosure in this regard. One's conduct, not one's orientation, should be the basis on which a person is judged.

I am also troubled by the number of legal challenges that we can expect from this policy.

The President's directive has disappointed those who thought he was committed to going further. It clearly has also upset those who believe he should not have embarked on this path in the first place—which is why we must have this debate today.

Last week, we took up the matter of whether the President's directive should remain a Department of Defense directive, or should be enacted into law. In my view, the language is S. 1298 is too restrictive.

The Nunn language would put into law, for the first time, a policy on homosexual service that is, in some ways, more draconian than what was in place before President Clinton sought change. For one, new recruits would have to sign an induction contract that includes a ban on homosexual conduct. Worse yet, it seems that the language in the bill would actually increase the incidence of so-called witch hunts. There would be broad support for investigations of any activity that "affects unit cohesion." That seems to open the door for all kinds of mischief.

The President, with the full support of the Joint Chiefs, has proceeded with caution and wisdom. Let me repeat: President Clinton's policy has the full backing of the military chain of command. He has rejected appeals to emotion, while at the same time remaining mindful of the special needs of the military. The policy has been corroborated by the results of the Rand study, conducted with $1.2 million of taxpayer money. The President took a dispassionate, go-slow approach that, in my view, makes the DOD bill's attempt to codify a policy on homosexuals in the military thoroughly unnecessary.

I regret my colleagues did not support the sense-of-the-Senate amendment of the Senator from California.

SUPPORT OF C–17 CARGO AIRCRAFT

Mrs. FEINSTEIN. Mr. President, I rise today to reaffirm my strong support for the C–17 cargo aircraft.

I recently visited Edwards Air Force Base, where the C–17 is being tested, to learn everything I could about this important program. I received a full program briefing by McDonnell Douglas officials. I received an overview on the flight test program from Air Force personnel. And, I personally talked with test pilots who have flown the aircraft.

As a result of my visit and briefings, I have concluded that continued full-scale production of the C–17 must be a priority.

In today's post-cold-war world, it is vitally important to our national security to have the ability to deliver troops and supplies anywhere in the world—quickly, directly, and efficiently.

The world today, though somewhat safer than during the height of the cold war, is still a dangerous place. As this map illustrates, there are currently over 30 conflicts raging throughout the world—from Yugoslavia to Africa, and from South America to the Republics of the former Soviet Union.

The C–17 is capable of meeting our future airlift needs. Whether delivering tanks to help counter an armed invasion; delivering troops to the front lines; or delivering emergency relief supplies to disaster victims here at home, the C–17 can deliver.

The unique capabilities of the C–17 are unmatched by any other aircraft.

As this chart clearly illustrates, the C–17 is capable of direct delivery. Unlike the C–5, C–141, or C–130 cargo aircraft, the C–17 can take off from an airfield in the United States with a full load of equipment or troops, and through aerial refueling, the C–17 can deliver its cargo to small airfields near the frontlines—landing on runways as short as 3,000 feet. The C–5 and C–141 must land at large airfields and then transfer equipment to smaller aircraft or land vehicles. And, the C–130 does not have the range to provide direct delivery.

This next chart illustrates more unique capabilities of the C–17. Though similar in external size to the C–141, the C–17 can carry twice the cargo. Though much smaller than the massive C–5, the C–17 has a more efficient cross section and is able to carry two trucks, side by side. And, though the C–130 can also land on short runways, the C–17 carries four times more cargo.

The C–17 is also a cost-effective investment as it requires fewer personnel to operate than other cargo aircraft—only a pilot, a copilot, and one loadmaster are needed. Because of the superior technology on the aircraft, including a heads-up display and full fly-by-wire controls, the C–17 is the most technologically advanced airlifter in the world today. As one test pilot recently told me, flying the C–17 is a pilot's dream.

The time for the C–17 is now. The average age of the other cargo aircraft in our current fleet of C–5A's, C–141's, and C–130's exceeds 20 years. These older aircraft are on their last leg. Production of the C–17 is essential to modernizing our airlift capabilities.

The C–17 also plays an important role in the economy of the country and, in particular, my home State of California. Nationally, over 100,000 people are employed as a result of C–17 production. In California alone, 35,000 jobs are dependent on the C–17. These are good, high-wage jobs. Not minimum wage jobs that are all too common in today's economy. These jobs pay $30 to $40 thousand a year. People can raise a family and, yes, buy a home. They are blue collar jobs—good paying jobs.

As you know, California has been hit hard by defense downsizing. More than

250,000 defense-related jobs have been lost in California in just the last 2 years. The State is still in the depths of a recession from which most of the country has already recovered. The nearly 800 California companies that help produce the C–17 and the over $153 million in C–17 contracts that are directed at California, are crucial to my State's economy.

I realize that the C–17 has been the subject of controversy over the past few months, and that many allegations have been raised concerning the program. However, after my visit to Edwards Air Force Base, I was assured by both the Air Force and McDonnell Douglas that the program is proceeding well and that any technical problems are being corrected. McDonnell Douglas' CEO, John McDonnell, has personally assured me that his company is committed to taking corrective action. And General Engel, the commander of the Air Force Flight Test Center, stated that he is extremely pleased with the C–17's progress.

As I have pointed out, there is clearly a need for the C–17. It's unique capabilities are unmatched by any other cargo aircraft in the world today. Our Nation must invest in a new, state-of-the-art airlifter to assure our national security in the post-cold-war world.

America needs a cargo aircraft that can provide superior airlift capability well into the next century. America needs a cargo aircraft that can deliver troops and supplies anywhere in the world, quickly and directly. America needs the C–17.

I urge my colleagues to support this important program.

CONCERNING MILITARY BASE CLOSURE AND REUSE—AMENDMENT NO. 828

Mrs. FEINSTEIN. Mr. President, I am very pleased to cosponsor and support the Pryor amendment, which would greatly assist those communities suffering the effects of military base closures. I commend the Senator from Arkansas' good work on this issue and I am glad that we were able to work together to make effective base reuse a priority in the U.S. Senate.

As we have all witnessed, the base closure process has dealt a devastating blow to communities across the country, particularly in my home State of California. After losing 17 bases in the previous 1988 and 1991 base closure rounds, California stands to lose an additional eight major bases during the current 1993 round.

As a result, the cumulative economic impact on California will total more than 200,000 direct and indirect jobs, and the economic future of communities across the State will be put in jeopardy.

The economic distress to communities in California and across the country as a result of base closures will be devastating. Effective base reuse must be a priority. This amendment is a major step in the right direction.

The current base closure and reuse process is a bureaucratic nightmare. It is disjointed and lengthy, and it does almost nothing to encourage economic development.

For example, the Federal Government may transfer surplus property to localities at little or no cost if the land is made into a park. However, if a locality plans to use the property for a jobs-creating manufacturing plant, that locality must pay full market price for the property. We should encourage economic development at closed military bases, not discourage economic development and jobs creation.

With all the bases that are being closed around the Nation, it is critical that we implement a reuse process that is effective and will lessen the pain of base closure. We must ensure that as soon as the military leaves a site, new economic opportunities are present. We must set up a process that will support economic growth and job creation on a closed military base as soon as possible.

Senator PRYOR's amendment will revolutionize the base reuse process. It will cut down on the bureaucratic red tape. And, it will greatly assist those communities that have been economically devastated by base closures by helping with economic growth and job creation.

Specifically, this amendment will:

Protect communities by requiring the military to maintain the condition of bases and leave all but mission essential property on the base for 2 years after the closure is approved to give communities time to get organized and plan for the redevelopment of the base;

Help create new jobs by making base property available for reuse much earlier than before, and make bases cheaper for communities to obtain—all in the name of creating jobs and restoring communities to economic health;

Initiate a fast-track cleanup of bases slated for closure by removing needless delays to cleanup and redevelopment while still protecting health and safety;

Empower communities by giving communities the attention, the information, and the technical assistance they need to succeed at redevelopment; and

Speed planning and redevelopment grants from the Federal Government to the communities within days of receipt of an application from a community adversely impacted by a closed military base.

This amendment is a bold, new step in the right direction. It will assist communities in California and across the country that have been adversely impacted by a military base closure or major realignment. This amendment will cut down on bureaucratic redtape and put the Federal Government to work at helping communities create new jobs, and lessen the pain of military base closures.

I am happy to be an original cosponsor of this amendment and urge its adoption.

SUPPORT OF THE F/A–18 AIRCRAFT

Mrs. FEINSTEIN. Mr. President, I would just like to say a few words in support of the Navy's F/A–18 multirole attack fighter.

In this post-cold-war world it is vitally important that every scarce defense dollar be spent wisely, and that our Nation's military be ready to meet our future defense-related needs. After reviewing the F–18 program carefully, I am confident that this aircraft is both the right plane for the future and the most cost effective investment we can make.

I was happy to see that the Armed Services Committee authorized 36 F/A–18 C/D aircraft. In addition, I was particularly happy that funds were authorized for research and development of the F/A–18 E/F.

The E/F is the Navy's highest priority, and for good reason. Though the plane is commonly referred to as just the F–18, as the initials F/A indicate, the aircraft has both fighter and attack capabilities. This upgrade program will result in a new and improved F–18 with many advantages over the earlier A/B and C/D versions. Improvements include: Greater payload—a 30-percent increase; longer range—on average, a 50-percent increase; more weapons stations; greater stealthiness—it is less detectable on radar; and enhanced survivability—it can sustain damage and still return home safely.

The F–18 E/F will clearly be able to meet the Navy's needs well into the 21st century. In fact, the Navy estimates that with the aircraft's growth capacity, the F–18 could be in service until the year 2030.

Additionally, the E/F is not a high-risk program. The aircraft's design is not new. Versions of the plane already exist and have been in service around the world since 1980. Also, the F–18 has already been combat tested. During Operation Desert Storm, the aircraft flew bombing missions, participated in fleet defense, and supplied close air support for coalition forces. One F–18 squadron commander recently told me that his kill ratio during Desert Storm exceeded 80 percent.

In addition to the aircraft's superb military capabilities, the F–18 E/F also makes fiscal sense. The cost of the E/F upgrade is substantially less than any of the other proposed Navy tactical aircraft. It just seems to make sense to upgrade an existing program that has already delivered over a thousand similar aircraft without significant delays or cost overruns, rather than invest in a paper plane that is not yet tested or combat ready. At tens-of-millions of dollars less per aircraft, the F–18 E/F is a better buy in today's tight budget climate.

Finally, the F-18 program is also important to my home State of California. More than 40 percent of the aircraft is manufactured and assembled in California. Over 900 subcontractors—ranging from very large corporations to small design and component firms—work on the F-18. With defense downsizing hitting California hard, the more than 12,000 direct, high-quality aerospace jobs that this program will create are extremely important to the economy of my State. The total employment in California as a result of this program could exceed 30,000 people.

I firmly believe that the F-18 E/F is the right aircraft at the right time. It has superb military capabilities and makes fiscal sense. It is a win-win for the Nation and the State of California.

EXPORT FINANCING AMENDMENT

Mr. PELL. Madam President, I am supporting the Senator from Idaho [Mr. KEMPTHORNE] in his amendment to the Defense authorization bill. This amendment authorizes $25 million to support up to $1 billion in exports. These loans would be available to certain of America's allies with whom we have close security ties—NATO, Australia, Japan, Israel, and South Korea.

This loan guarantee program will help U.S. defense contractors in efforts to find competitive financing for allies who do not have either grant money or sufficient national funds to make purchases important to their security interests. The limited magnitude of the program will help ensure that it does not encourage major additional arms transfers. Nonetheless, it will make U.S. companies competitive in certain instances where financing is required.

I would hope very much that, if this funding is approved by the Congress, research and development funds will be used to back the loans. I believe, too, that none of the funds would be made available from defense conversion funds. I should also note my hope that U.S. companies that benefit from these sales will use some of the cash flow in the quest of commercial, nondefense conversion activities.

I should note that this provision will not change at all the legislative review process concerning foreign military sales. Congress will not lose a single opportunity to give a thorough review to sales made pursuant to this provision.

Madam President, I would note finally that a comparable provision was approved by the Committee on Foreign Relations and the Senate 2 years ago. It did not survive in conference, even though it clearly had broad, bipartisan support at that time.

PATUXENT RIVER ANECHOIC CHAMBER

Mr. SARBANES. Mr. President, over the last few years, I have been pressing for the construction of a large anechoic chamber at the Patuxent River Naval Air Station. Completion of this project would give our Nation its first completely integrated test facility for aircraft.

The Naval Air Systems Command has constructed an Air Combat Environment Test and Evaluation Facility at Patuxent River that is unparalleled. The Navy has invested approximately $260 million in creating the laboratories needed for a wide range of testing. In order to accommodate bomber size aircraft and multiple fighter planes, a $60 million large anechoic chamber is required to supplement the small chamber already in use at the facility.

I commend the distinguished chairman of the Armed Services Committee for his foresight in authorizing the start of this project during fiscal 1993. As my friend from Georgia will recall, last year's authorization included $10 million for phase I of this important project.

Mr. NUNN. The Senator from Maryland is correct.

Mr. SARBANES. Did the 1993 authorization also establish $60,990,000 as the upper limit for the cost of the chamber?

Mr. NUNN. The Senator from Maryland is again correct.

Mr. SARBANES. The House has wisely approved an additional $10 million for phase II of this project and has included the funding in its version of the military construction appropriations measure that passed on June 23. I want to ask my friend from Georgia if, during the conference on this authorization measure, it is his intention to continue his support for the construction of the large anechoic chamber at Patuxent River.

Mr. NUNN. As the Senator from Maryland may be aware, the Department of the Navy requested no funds in fiscal year 1994 for this project. I am advised that the lack of completed design of this highly technical facility precludes obligation during the coming budget year of construction funds beyond those authorized and appropriated in fiscal 1993.

I know of the longstanding interest of the senior Senator from Maryland in this project and assure my colleague that, in conference, I will carefully evaluate whether further funding of this important project would be useful in fiscal year 1994.

Mr. SARBANES. I thank my friend for his comments and his fine efforts at managing the critical legislation that is before us today.

MARINE PLASTIC AMENDMENT

Mr. HOLLINGS. Mr. President, I rise today to set the record straight with respect to floor statements made on September 9, 1993, regarding Navy compliance with the requirements of the Act To Prevent Pollution from Ships [APPS]. These statements were made in connection with a floor amendment, adopted as part of the defense authorization bill, making changes to APPS. This act provides domestic implementation of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships 1973, MARPOL Convention. As chairman of the Committee on Commerce, Science, and Transportation, I take this opportunity to review Senate Commerce Committee jurisdiction over this important marine statute, with which the committee has had a long and well-established history of involvement.

On December 6, 1977, Senator Magnuson introduced S. 2346, at the request of the administration, to provide for domestic implementation of the MARPOL Convention. The bill was referred solely to the Commerce Committee.

Similar legislation (S. 2118) was introduced in the 96th Congress on December 11, 1979 and was again referred to the Commerce Committee.

H.R. 6665, the Act to Prevent Pollution from Ships, was passed by the House of Representatives and referred to the Commerce Committee on August 20, 1980. The legislation was reported by the committee to the full Senate on September 22, 1980, and later enacted as Public Law 96-478.

S. 1562 was introduced by Senator STEVENS on July 29, 1987, and referred to the Commerce Committee. The bill amended APPS, providing for domestic implementation of Annex V of the MARPOL Convention, Regulations for the Prevention of Pollution by Garbage from Ships.

E.C. 1661 was referred to the Commerce Committee on August 3, 1987. This executive communication from the Secretary of Transportation transmitted a draft of proposed legislation to implement Annex V.

Upon passage by the House of Representatives, H.R. 940, the Plastic Pollution Research and Control Act of 1987, was referred to the Commerce Committee on October 20, 1987. The bill was reported by the Commerce Committee on December 19, 1987, and the provisions later were incorporated into Public Law 100-220.

E.C. 1524 was referred to the Commerce Committee on September 6, 1989. This communication from the Secretary of Commerce transmitted, pursuant to section 2203 of APPS, a report on the effects of plastic materials on the marine environment.

E.C. 3488 was referred to the Commerce Committee on September 12, 1990. This communication from the Secretary of Transportation transmitted a report on compliance with APPS.

APPS is clearly within the jurisdiction of the Committee on Commerce, Science, and Transportation. Any suggestion in the Senate consideration of this amendment that it is not within the jurisdiction of the Commerce Committee runs counter to the jurisdictional history in this area.

WRAIR

Mr. SARBANES. Mr. President, I am pleased that the Department of Defense is planning to construct a new facility for the Walter Reed Army Institute of Research. This $147.3 million project, slated to be built over a number of years, will be a state-of-the-art research and development support laboratory.

I share the enthusiasm of Montgomery County officials and citizens who look forward to the construction of this worldclass facility at the Forest Glen Annex of the Walter Reed Army Medical Center.

This fiscal 1993 National Defense Authorization Act included $13.3 million for phase I of construction. However, included in the committee's report on this 1994 authorization measure is language deferring further funding for this project until the Army completes a report required by the 1992 National Defense Authorization Act.

I ask the distinguished chairman if he has received that report.

Mr. NUNN. The committee is still waiting for this report on the future of the military medical function. It is my understanding that this report will be submitted to the committee in late December of this year.

Mr. SARBANES. I certainly understand and respect the chairman's desire to review the medical function in light of our changing defense needs. However, am I correct that my friend from Georgia is not opposed to the WRAIR project but simply wants to receive this overdue report before proceeding further?

Mr. NUNN. The Senator from Maryland is correct. I do not intend to authorize further funding for this project until the committee has received and reviewed the DOD report. It may be that this report's findings will generate a more cost-effective facility solution for the Army Institute of Research, as well as other important military medical research and training activities currently in the National Capital Region.

Ms. MIKULSKI. I want to join with my Maryland colleague in expressing my very strong support for this terrific new research facility. I look forward to working with him on authorizing and funding this project once the committee's concerns have been addressed by the Department of the Army.

Mr. SARBANES. I thank the chairman for his comments on this project. I too look to moving ahead with construction after the Army submits its plan for the future.

BANG FOR THE BUCK

Mr. McCAIN. Mr. President, during the course of this debate on the Defense Authorization Act, saving money, cutting Government spending, and trying to maximize the effectiveness of every tax dollar have been constant themes.

A smaller military is inevitable and necessary, given the potential threats we face in today's world. Deficit reduction is needed to combat the threat from a weakened economy. From these two factors, it naturally follows that the dollars we spend on the military must be carefully scrutinized to ensure that they are being spent in the most efficient manner; that we get the most bang for the buck.

I am particularly outraged, then, by the spending practices of some of the Members of the other body. As we approach the time of conference between the Houses of Congress on defense authorization, I feel it is my duty to point out projects that do not increase the ability of our forces to defend the country. There exists at least one project that is not an effective expenditure of our scarce defense dollars * * * there may be more.

House Resolution 2401, subtitle D, section 251 is titled: "Defense Women's Health Care Research Center." This entire section is a ruse for a blatant example of pork spending. This project is not being competitively bid in any respect, because the authorizing language is so detailed in its requirements, only one military health care facility in the United States can possibly meet the specifications. Not surprisingly, the one military health care facility which qualifies for the funding accompanying this project is in the district of the sponsor of the legislation.

Let me outline the stringent requirements which prevent competition for this $40 million project:

Department of Defense shall establish this Center in the Department of the Army, under the authority of the Army Health Services Command.

The Center may be established only at a facility of the Army.

The Center must have been in existence on July 1, 1993.

It must have a physical plant immediately available for headquarters.

It must have ongoing fellowship and residency programs involving research with: First, a Veterans Affairs facility, second, an accredited university with specialties in medical research and clinical diagnostics, and third, a hospital owned and operated by a municipality.

Maximum multistate geographic jurisdiction to allow regional health-related issues to be * * * integrated into national military databases.

An existing relationship for the provision of services to native Americans.

Clearly, the only health care facility in the United States which can meet all these criteria is Fitzsimmons Army Medical Center in Auroa, CO. Is this the best medical facility for this research? We don't know. Can this medical facility provide the least expensive or most efficient research? We don't know. In fact, since this money is being granted without competition, we will never know. Why can't the Air Force, Navy, or civilian medical facilities perform and administer this research? Another unanswered question.

Mr. President, this is an attempt at gross micromanagement of the Department of Defense. This is an attempt to flout all regulations for the awarding of research grants. This is earmarking at its worst. This is pork at its worst.

The readiness of our forces depends largely on their health and well being. Health care research is important to the continued readiness of our forces. I would hope that hearings could be held in both the Manpower and Readiness Subcommittees in both houses of Congress to determine what types of medical research are needed, what types of facilities are needed, the availability of facilities and personnel to conduct this research, and the integration of the health care industry into research of this type. But we should not spend money on projects of this type until all our questions are answered so that we can be sure to get the best return on the taxpayer's investment.

Mr. President and my distinguished colleagues, we cannot allow this type of spending on pet projects enter into the defense budgets that we approve. We cannot allow this type of earmarking for research projects. We cannot let politics and personal power undermine the strength of our armed forces. I urge my colleagues on the Conference Committee to strike this measure from the Fiscal Year 1994 Defense Authorization and Appropriations Acts.

STANDING BY THE B-1

Mr. PRESSLER. Mr. President, I want to take a moment to address our long-range bomber force structure, and specifically, the B-1 bomber's place in that structure. As my colleagues know, the effectiveness of any piece of military equipment in meeting our Nation's defense needs is the subject of much discussion and debate. The B-1 is no exception. There is division within Congress on the future of the B-1. This is unfortunate, because when one looks at the capabilities of the B-1 and our own fiscal capabilities, it is clear the B-1 is a cost effective, strategically useful component of our bomber force.

Contrary to what its opponents would have you believe, the B-1 bomber is making excellent progress. It has the best safety record of any comparable fighter or bomber. It holds 44 world records in range, payload, altitude, and speed. It maintains the highest operational inspection scores for strategic systems in Air Force history. It has the largest bomber payload in the world, 62 tons—including external payload. It has a 94.4 percent mission capable rate in exercises. And it has a 60-year projected structural life.

With limited resources virtually across the board, every element of our force structure faces certain strategic and fiscal realities. The B-52 is limited in its mission capabilities. Our Nation does not have the fiscal capability to make the B–2 the centerpiece of our bomber fleet. That is why the Air force rightly has concluded that the B–1 is the backbone of the bomber force.

The Clinton administration agrees with that assessment. Last week, the Defense Department released its study of the future of the U.S. military, known as the bottom-up review. In that report, the administration made it clear that it plans to invest in the future conventional capabilities of the B–1 bomber. The President has faith in the B–1. Most important, the Air Force believes in the B–1. The dedicated pilots who fly the B–1 out of Ellsworth Air Force Base, in my home State of South Dakota, are proud of the B–1. They have great faith that this bomber can meet its conventional and nuclear missions.

Despite the faith in the aircraft of those who fly the B–1 and of the Commander in Chief, criticism continues. Members of the Senate Armed Services Committee have faulted the B–1 for not performing up to its full potential. Every year, opponents of the B–1 seek to cut large sums from the B–1's budget, thereby effectively slowing its progress towards a better system. This year is no exception. The Senate Armed Services Committee cut the administration's funding request for the B–1 from $306.8 to $220.8 million.

Budget cuts force the cost of bombers and their parts upwards. The $86 million in cuts proposed by the Senate Armed Services Committee not only would force contractors to maintain existing planes with fewer resources, but also thousands of useful parts would pile up at the depot at Tinker Air Force Base in Texas. To make up for fewer resources, the Air Force actually would have to cannibalize parts from existing bombers in order to keep our full fleet of B–1's flying. Air Force experts expect that this would result in the grounding of 18 B–1 bombers within the year. This is bad policy and bad practice.

The Senate Armed Services Committee's recommendations would have the effect of undermining the B–1's current capability and needlessly delay the future development and success of the B–1 bomber.

In the new, post-cold-war environment, the United States will be committing fewer resources to nuclear deterrence in favor of advancing conventional capabilities. Our bomber force must be designed to fill a dual role. First, it must continue to fulfill a commitment to nuclear deterrence missions. Bombers remain the most flexible leg of our deterrent triad. Second, the bomber force must have the flexibility to adapt to new conventional missions. With the capability to carry conventional and nuclear bombs, it is no wonder that the B–1 is the backbone of the bomber fleet.

The Air Force intends to fashion the B–1 as the centerpiece of our long range conventional force. This versatile workhorse will use direct attack or standoff weapons. The Air Force is well on its way toward this goal. Two years ago, B–1 crews logged less than one-third of their time covering conventional missions. This year they will spend two-thirds of their training time on conventional missions.

Of all three heavy bombers—B–1, B–2, B–52H—the B–1 has the highest speed and greatest payload. After the improvement and upgrading of the B–1's electronic counter measures [ECM] has been completed, it will be able to penetrate all but the highest-threat environments. Near supersonic sustained airspeed and maneuverability give the B–1 the unique ability to fly with Air Force fighter aircraft, carrying as many as 24 2,000-pound weapons.

The Air Force is pleased with the potential of the B–1. So am I. So is the President. Cutting off that potential now would only create greater costs in the future and undermine our long-range readiness indefinitely. I intend to work with my colleagues in Congress, as well as with Secretary Aspin, to ensure that the final defense bill includes a strong investment in the future development of the B–1. Our future force structure should be cost effective and flexible enough to fulfill a wide range of missions. The B–1 is representative of a cost-effective, strategically flexible military strategy. That is why continued investment in it is essential.

Mr. HATCH. Mr. President, I would like to speak to the amendment that was offered by my colleague, Senator PRYOR, regarding base closure.

It had been my intention to offer an amendment that would require the Department of Defense to leave in place the assets necessary for communities to help convert these bases from defense to civilian facilities. My colleagues all received a "Dear Colleague" letter outlining my proposed amendment earlier this summer. Senator PRYOR, however, was gracious enough to include the language of my amendment in his more comprehensive proposal that he offered on the floor earlier in the consideration of the Defense Authorization Act of 1993.

I want to express my appreciation to Senator PRYOR for offering his amendment, one which I believe will be of great benefit to communities all across the Nation that are affected by base closures. Mr. President, at this time I would like to share my views regarding the specific language within Senator PRYOR's amendment that speaks to my concerns.

HELPING CLOSED BASES

Mr. President, many Members of this body have just emerged from the painful Base Realignment and Closure [BRAC] process. There is one point we are all agreed upon: that the communities affected by shutdowns and realignments should not be further disadvantaged. The President and the Secretary of Defense have made repeated public statements to this effect, the most powerful of which was endorsed by Les Aspin's July 2 letter to all Senators.

The Aspin letter said, and I quote:

> Today the Administration announced a five point plan to ensure that communities affected by base closing are given the tools and resources to make the transition.

Congress and the administration stand together on this key phrase: That the communities "are given the tools and resources to make the transition."

NEED FOR AMENDMENT

Senator PRYOR's amendment is an important step to ensure the affected communities throughout the country that this commitment will be met.

It limits the conditions under which personal property and fixtures that are necessary to ensure the availability of "tools and resources for making the transition" can be removed from bases marked for closing.

The amendment does not, however, tie the President's or the Defense Secretary's hands. Where there is a specific mission requirement, the property can be removed.

What the amendment does do is to maintain a sense of installation coherency or integrity. If a base was created as a maintenance depot, it should have the inherent operational capabilities to start a commercial life as a maintenance depot.

Mr. President, the amendment should be looked at as a stop-loss measure. Before a productive installation loses its inherent efficiency, or the ability to perform the critical function for which it was designed, the Secretary of Defense would be required to consult with the very community reutilization groups that he has encouraged to come into existence.

This is good public policy. It is good economic sense; and, it will minimize the already staggering losses that many communities now fear.

I am pleased to offer my strong support for Senator PRYOR's amendment. Again, I express my appreciation to the Senator from Arkansas for incorporating my amendment into his own.

THOUGHTS ABOUT DEFENSE SPENDING

Mr. LAUTENBERG. Mr. President, before the Senate votes on this bill authorizing spending for the Department of Defense for fiscal year 1994, I would like to share some thoughts about defense spending with my colleagues.

For many years I have argued that we need to find additional savings in the military and shift priorities. Now, for the first time since 1990, we have a real opportunity to dramatically shift our spending priorities. The cold war is over. The walls in the budget agreement that previously protected defense spending no longer exist in fiscal year 1994. And, the Pentagon has just completed a bottom-up review that calls for changes in defense spending.

The bill we will approve shortly recognizes that times have changed and authorizes less for defense spending next year than we will spend this year. While it does not cut as much as I would like, it moves our Nation closer to getting our fiscal house back in order.

Clearly, the world still demands strong U.S. leadership and the ability to respond quickly to new situations. As the Pentagon's bottom-up review concluded, our military may need to be prepared to respond in some capacity to two regional conflicts at the same time. Altering our defense spending to meet these needs is an important challenge. But it is a challenge we must meet. And it is one we must meet while still reducing the level of funding this Nation spends on defense.

We have a $266 billion deficit. Our national debt is over $4 trillion. Now that the defense walls are down, the bottom-up review is complete, and the cold war is over, there is increasing support for reductions in defense spending. Wasteful programs can be eliminated. We need to streamline programs and eliminate duplication to make the Pentagon budget work better for the American people. We have a responsibility to make these changes. Our Nation needs us to act.

Mr. President, the bill before us today cuts some programs that save the American taxpayers money without undermining our national security. One is the Navy's AX tactical aircraft program. This program was recommended for cancellation as part of the Pentagon's bottom-up review.

The Defense Department does not need and simply cannot afford to proceed with three tactical aircraft programs. There is overlap and duplication that we cannot afford with expensive aircraft procurement. Earlier this year, the Congressional Budget Office estimated that canceling the Navy's AX tactical aircraft program will save $3.6 billion over 5 years.

Another program America simply cannot afford, and which this bill wisely cuts, is the national aerospace plane. The administration requested $43.4 million for development of technology for a high-risk, far-term national aerospace plane [NASP]. The Senate Armed Services Committee zeroed this program.

The NASP is an expensive program that the taxpayers can ill afford. Earlier this year the Congressional Budget Office estimated that total costs for the research and development of the national aerospace plane could reach $15 billion. It also estimated that producing a minimum fleet of operational aircraft could cost an additional $20 billion. To date, the U.S. Government has already spent $1.5 billion on the development of this plane and we are nowhere near completion.

Now, in a world of unlimited resources, our country could contemplate spending more money on this program. But our resources are limited. That is why I am pleased this bill stops the funding for the NASP before any more Government money is invested. It is why I opposed an amendment that was offered, during debate on this bill, to restore and increase funding for the program. Fortunately, that amendment that would have provided $75 million for this program was tabled. That's a $75 million victory for the American people this year and a multi-billion-dollar victory down the road.

Now is the time to say enough is enough. Let's not throw more money at this plane. If we are to find the savings the country needs and make investments in our future, we can start by cutting the NASP program.

Mr. President, I believe we can find additional savings in the defense budget beyond what was recommended by the Senate Armed Services Committee on this bill. That is why I cosponsored an amendment to reduce funding for the strategic defense initiative by $400 million. In a $400 million victory for the American taxpayers, the Senate approved this reduction in funding.

After years of fighting and debating this issue, we succeeded in cutting back the program. The amendment saved $400 million for the American people without undermining national security. Even with the reduction, a significant level of funding for the program is provided to enable the administration to move forward with the modified SDI program.

The threat to our national security from a missile attack has been reduced significantly. And scientists shot down the viability of the original, vastly more expensive space-based interceptor program years ago.

Many have called for cuts in SDI funding for years. Over the years, we have spent tens of billions of dollars on the SDI program. And now we find out that critical tests for the program were reportedly rigged so a flawed system would pass. Some say that these rigged tests were designed to fool our Soviet opponents. This may be an expensive and cruel hoax on the American taxpayer.

Mr. President, reducing funding for the SDI program by a modest $400 million is the least we should do. Frankly, we should cut even more. But the amendment approved by the Senate to cut $400 million from the program is, nevertheless, an important step.

Another program we need to ensure does not grow and cost the taxpayers any additional money is the B-2 bomber. Last week the Senate approved an amendment to cap the B-2 program at 20 planes and limit the total cost of the program to $44.4 billion. I supported this amendment.

I believe that without this cap, there could have been at least one initiative to escalate this program by a minimum of 20 more B-2 planes. At an estimated cost of approximately $2 billion per plane, we simply don't need, and can't afford, more B-2 bombers. We have already provided $30 billion over the past decade for the B-2 bomber program. Still, the first plane is not even operational. We need to stop this and cap the total program.

We are already building too many B-2 bombers. This is a program that we simply cannot afford. In previous years, I supported measures that would have halted the B-2 bomber program at 15 planes. These efforts would have cut unnecessary spending and resulted in a cost savings of over $2 billion.

Unfortunately, these amendments have been defeated. Consequently, funds have been provided for 20 B-2 bombers. The defeat of efforts to cap the program at 15 planes was a multi-billion-dollar loss for the American people. We shouldn't pour salt in the wound by building more than 20 planes.

Mr. President, there are other areas where we can find savings in the defense budget. One is the Army's kinetic energy antisatellite attack program. During the debate on this bill, I supported an amendment that would have eliminated $10 million that was added to this Pentagon budget for this program. Unfortunately, the amendment was not adopted.

The cold war is over and there is no longer a military justification for the ASAT program. The Pentagon did not ask for this money. I believe the $10 million would be better invested in the American people and not on weapons systems that are no longer required.

I also believe we can find additional savings from the nuclear testing budget. During debate on this bill, I cosponsored an amendment to reduce the nuclear testing budget in fiscal year 1994 by $206 million. It was a prudent amendment and entirely consistent with the current U.S. nuclear testing moratorium policy. Unfortunately, it was not adopted.

Earlier this year, President Clinton announced an extension of the nuclear testing moratorium until at least October 1994. I, along with many of my colleagues in the Senate, welcomed that announcement.

Although the testing moratorium has been extended, the fiscal year 1994 budget includes an increase of $53.4 million above the level provided in fiscal year 1993 for nuclear testing. The budget request for fiscal year 1994 is $428.4 million.

In an effort to save the American taxpayers' money and to bring the nuclear testing budget in line with current policy, the House of Representatives reduced the budget request by

$206 million. The Senate should have done the same.

Even if the amendment had prevailed, the nuclear testing budget would have been adequately funded at $222.4 million. Our capability to remain on stand-by would not have been undermined.

Unfortunately the amendment to reduce the budget by $206 million was not approved. Instead, the Senate voted to reduce the budget by much less.

I believe we could have cut the nuclear testing budget more without undermining the national security of the United States.

Mr. President, I also believe the Pentagon needs to do a better job securing increased burdensharing contributions from our allies. During the debate on this bill, I offered an amendment that could have saved the American taxpayers nearly $13 billion by requiring the Pentagon to secure increased contributions from our allies. The savings in fiscal year 1994 alone would have been nearly $1 billion. Unfortunately, an amendment that would save the American people no money and would not require any increases in the contributions of our allies was adopted instead.

I think the Senate and the Pentagon owe the American people more than this. The American people have been bearing the lion's share of the defense burden for too long. Our allies need to do better.

Mr. President, finding savings in the defense budget is only part of the equation in making the Pentagon work more effectively for the American people. Coming up with a workable defense conversion policy that helps defense-dependent workers make the transition to a post-defense-based economy is equally important.

For 40 years, our military objectives shaped our economic strategy. To keep the peace, we produced the best—weapons and supplies designed by our most brilliant minds and manufactured by our most skilled workers.

Now, our victory in America's longest war reduces one burden: leading the world in military strength. But in it also can give us some of the means to tackle another critical burden: The need to reinvent the American economy for a world in which our greatest challenge comes not from foreign aggression but from foreign competition.

The task is monumental. We must challenge our most powerful scientific thinkers to develop the cutting-edge products of the 21st century. We must retrain our skilled defense workers for new industries—and see that there's a job at the end of the line. We must retool our companies to produce and sell new goods across the globe. And we must find new missions in the civilian economy for our military personnel.

It will not be easy. In my own State, defense contracts pump $3 billion a year into the State economy. Defense cutbacks will cost New Jersey about 30,000 jobs by the end of the decade.

During the recent congressional recess, I traveled throughout my State meeting with the workers and business leaders that make the Jersey economy hum. They told me time and again that we need a meaningful defense conversion plan. They told me we need a policy and plan for action that will help to transfer the skills and talent of defense workers to nondefense industries.

That is why, as we downsize the military and get rid of weapons and projects we no longer need, we must also reorder our budget priorities and invest in defense conversion.

This bill takes another step in an effort we began last year.

To keep faith with the people who won the cold war, the bill extends transition assistance for Department of Defense personnel. It offers a wider set of transition benefits than before and permits education leaves so that personnel can retrain for private industry.

For communities hit by base closings, the bill also implements President Clinton's five-point community assistance base-closing plan.

And, most important for my State, where the bulk of jobs lost to defense cuts will be in the private sector, the bill authorizes a total of $605 million for dual-use technology and industrial base extension programs. This initiative authorizes a series of programs to help our defense industry workers and the companies for whom they work compete in the world economy.

For example, to rebuild our defense industrial base, the bill provides funds for dual-use critical technology partnerships, regional technology alliances, and advanced manufacturing technology partnerships. The bill also provides $100 million to bolster defense manufacturing extension programs so that technological know-how reaches our small- and medium-sized manufacturers.

What's more, the bill looks to the future—to technological developments yet to be. It provides $10 million for education programs to train a new generation of engineers. And it establishes a manufacturing science and technology program to speed the development of manufacturing processes for new technologies.

Mr. President, our Government must shed spending it no longer needs, and start investing in the building blocks of a robust economy. And if we do things right, our victory in the cold war can be followed by our victory in the race for global markets.

Mrs. BOXER. Mr. President, I voted against S. 1298, the National Defense Authorization Act of 1994. Although this bill contains many positive features, I was compelled to vote against it because it includes the codification of a grave injustice: blatant discrimination based on sexual orientation.

However, I would like to mention several positive provisions of this bill, which I fully support.

This bill prohibits the use of funds for new nuclear tests. It repeals numerous restrictions on the assignment of women to combat roles. Finally, it imposes reasonable funding limits on the Ballistic Missile Defense Program. These policies are long overdue and will help bring our armed forces in step with the times.

An amendment by Senator NUNN encourages our allies to pay a greater share of the costs associated with maintaining overseas bases. I voted against the Nunn amendment because I supported the underlying Lautenberg amendment, which would have mandated even greater burdensharing. Nonetheless, I am pleased that the Nunn amendment furthers the cause of burdensharing. Mr. President, our allies must pay their fair share.

This bill begins to seriously address the issue of defense conversion and base reuse. No issue is more important to my State of California. The bill authorizes over $600 million for economic conversion programs. The recommendations of the Democratic Task Force on Defense Reinvestment were included in an amendment by Senator PRYOR, which I cosponsored and strongly support.

Finally, two amendments that I offered on this important subject were accepted by the bill managers. The first expresses the sense of the Congress that the President should work the Congress to establish an Office of Economic Conversion Information located within the Department of Commerce. The second authorizes the Secretary of Defense to hire displaced civilian employees for environmental cleanup at closing military bases. I believe that these amendments will help ease the conversion process for areas hit hard by base closures and the defense industry slowdown.

Mr. DOLE. I thank Senator NUNN and my colleagues on the Armed Services Committee for their hard work and thoughtful consideration in crafting this very important Defense bill. I particularly commend Senator THURMOND for so ably assuming his new responsibilities as the ranking Republican on the committee. And I applaud his opening remarks which stressed the importance of maintaining strong military capabilities and high levels of combat readiness—Senator THURMOND is right on the mark.

Mr. President, there is much that is good in this bill. But I am concerned about the pace and direction of our continued military builddown. This bill implements the accelerated military builddown that President Clinton promised during last year's campaign but which, in fact, was doubled in the budget submitted to Congress in February. In my view, we must think carefully about the potential impact of this legislation on both the security and the economy of our Nation. We must avoid taking any irreversible actions that could jeopardize our future security.

It has been nearly 2 years since the collapse of the Soviet Union and the end of the cold war. In that very short time, however, we have been constantly reminded that the world remains a dangerous and unpredictable place. Continuing regional instability, such as the ongoing crises in Somalia and Bosnia, tears at the peace and stability of the global community. Arms proliferation is on the rise. The nuclear weapons of the former Soviet Union are still deployed in Russia and Ukraine. Terrorists continue to prey with near impunity on America's citizens and our friends throughout the world. Future threats cannot be predicted with any level of confidence.

Mr. President, we must heed the lessons of history. By the end of the 1970's, the Armed Forces of this Nation were in abysmal shape. The serious deterioration in our readiness did not occur overnight. It grew slowly over a number of years, but we did not fully realize that our forces were hollow until the damage was already done. Now, however, having learned from that experience of the 1970's, we can recognize the tell-tale signs of declining readiness, namely: Recruiting problems, declining morale, training cutbacks, logistics and support problems, maintenance backlogs, and lack of adequate funding for force modernization.

We cannot afford to repeat the mistakes of the late 1970's. We cannot afford to disband the Army of Desert Storm and return to the Army of desert one. The fact is, in the future, we may not be able to spend billions of dollars to reconstitute our forces, as we did in the 1980's. We must provide the funding and leadership necessary to ensure an adequate national defense—now.

Mr. President, we must also be aware of the impact of continued defense cuts on the 5½ million Americans who make their living in military service or in defense industries and related businesses. National defense is not a jobs program, but that does not mean we should ignore those who won the cold war. Nor can we ignore the very real possibility that this Nation may need the unique skills and expertise of these Americans in the future, should new threats require increases in our current military posture. Since 1986, nearly 1.2 million Americans have lost their jobs because of defense cutbacks. Now, the CBO estimates that another 1.4 million Americans will lose their jobs by 1998 as a result of further cuts called for in the Clinton defense plan. This is half a million more than was estimated under the Defense budgets of the Bush administration. The elimination of these defense jobs will have a significant impact on the economic future of the defense industry and the country as a whole. And the individuals whose careers and livelihoods are devastated by the loss of their jobs must know that their Government will continue to assist them in every way possible to rebuild their lives.

Mr. President, just last week, Secretary of Defense Aspin announced the Pentagon's bottom-up review of the military strategy and the programs and funding required to carry out that strategy. I intend to look closely at that analysis and seek answers to a number of questions.

For example, the Clinton budget is reportedly at least $20 billion short of the amount required to maintain the reduced force levels recommended in that review. If no additional funds are forthcoming from the White House, further cuts will have to be made. And who will bear the brunt of additional cuts? Soldiers and their families? Defense jobs? Readiness? Or our ability to fight and win?

The bottom-up review plan is an example of the worst outcome of any strategy-versus-resources review—the available resources are insufficient to fund the forces required to carry out the strategy. As my colleague from Indiana, Senator COATS, pointed out earlier in the debate on this bill, this mismatch of dollars and commitments can easily lead this country into the dangerous position of sending American soldiers and airmen into harm's way without sufficient support to fight and win—and survive.

Where is the margin for victory in the Aspin plan? It seems to me that the forces recommended in the bottom-up review are, at best, dangerously thin to accomplish the goal Secretary Aspin set forth—namely, to fight and win two major regional conflicts nearly simultaneously.

We should be looking for a lot more detail about the bottom-up review. Right now, it looks to me like the review was driven primarily by available dollars, rather than by the requirement to maintain sufficient forces to ensure our national security.

Mr. President, again, I commend the work of my colleagues on the Armed Services Committee for their efforts to salvage an adequate national defense from inadequate funding. I hope that the cuts recommended in this bill do not prove to be too deep.

Finally, Mr. President, I particularly want to thank my friend and colleague, Senator WARNER, for his personal assistance on a number of issues of great importance to me. His successful efforts, and the cooperation and advice of the Republican committee staff, were invaluable in ensuring that a number of initiatives were included in this bill.

Mr. PELL. Mr. President, I am pleased to support final passage of S. 1298, the National Defense Authorization Act for Fiscal Year 1994.

In doing so, I wish to commend my very able colleague, Senator NUNN, for his leadership and his effective stewardship of this complex bill. I also wish to commend the ranking member, Senator THURMOND, for his considerable efforts in brining this bill to the floor.

This bill authorizes a total of $261.7 billion in budget authority and $278.1 billion in budget outlays. I would note that, according to the Congressional Budget Office, these totals represent reductions of $1.8 billion in budget authority and $700 million in outlays from the President's budget request.

While the reductions in this bill might not equal the amount desired by many Americans, they nonetheless represent a real and impressive decline from the levels which were spent in the 1980's, which exceeded $300 billion.

Mr. President, I am pleased to note that this bill reverses the cold war mind-set by capping the B-2 bomber program at 20 aircraft and by wisely and justifiably reducing the amount to be spent on the ballistic missile defense system. I would add, Mr. President, that my hope is that these are only the first of many steps which are necessary in helping us to refocus our spending priorities. I am further pleased to note that this bill includes an amendment by Senator PRYOR, which I was pleased to cosponsor, which would make community economic redevelopment a primary goal of the military base closure process. It also implements provisions of President Clinton's revitalizing base closure communities plan.

Mr. President, as we move into the post-cold-war era, we will have to face complex economic problems that were heretofore overshadowed by the threat of global conflict. The economic effects of military problems, downsizing are pinching many communities. These economic problems, though formidable, can be overcome with an imaginative, creative and cooperative to help bring about a positive resolution.

Mr. President, instead of throwing money at problems, we can, and should wherever possible, use existing Government structures to leverage minimum public expenditures into maximum public benefits. I am hopeful that, as we move toward defense downsizing, the Federal Government will not shrink from its responsibility to provide creative as well as financial assistance to help impacted communities.

Mr. President, once again, I am pleased to support S. 1298 and commend Chairman NUNN for his tireless work.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Under the previous order, the clerk will read the bill for the third time.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I ask unanimous consent that the Senator from South Carolina, who has been a superb member of this committee for years and years but this is the first Defense authorization bill he has handled in this chamber—he has handled many others—be given 3 minutes for closing remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Madam President, I will not take over 2½ minutes.

Madam President, I commend the distinguished chairman of the Committee on Armed Services, Senator NUNN, for his leadership and wisdom in bringing this year's Defense authorization bill to passage. I thank him and the members of the committee for their hard work and cooperation. I also commend my staff director, Gen. Dick Reynard, and the other members of the Republican staff. This was the first floor action for many of them, and they did a superb job. I also thank the majority staff director, Mr. Arnold Punaro, and the other members of the majority staff; it has been a pleasure to work with them on this bill.

Let me be clear, at the outset of my remarks, in stating that it is an expensive national endeavor to maintain our freedom. Our Nation did not come into existence without cost, and the subsequent cost to preserve freedom has always been high. We in this chamber have been debating legislation whose cost may be measured in mere dollars. Let us be ever mindful that no cost of freedom, no expense, is greater than the sacrifice of our dedicated men and women in uniform. It is they who will ultimately bear the consequent hardships of our decisions, and face the risk of making the supreme sacrifice. They deserve the very best of everything; we owe them our very best effort. That is our solemn responsibility.

At this moment, as we stand here in the safety and comfort of our magnificent Capitol, the men and women of our Armed Forces are deployed in 87 foreign countries, serving with pride, braving the physical hardships of climate and conditions, and asking nothing more than the simple respect of their fellow citizens.

We have heard from some of our colleagues, during the debate on this bill, that the world has changed. They point to the collapse of the Soviet Union and the fact that we go to sleep at night without the fear of massive nuclear attack. They harp on the phrase, "the cold war is over." They are correct. The Soviet Union has collapsed. We go to sleep at night without fear of massive nuclear attack. The cold war is over. These are the simple facts. However, that is all they are: the simple facts.

What troubles me is that so much of the debate has ignored the hard truths of the present, and is nearly devoid of both insightful analysis and a well-reasoned, well-articulated vision of the future. I often wonder why people place such great emphasis on trumpeting the end of the cold war, as if that is some magical phrase which justifies every notional plan to do away with a defense need, and as if, of itself, the phrase constitutes a complete logical argument to support any position.

I wonder how people can take any comfort from their simple assertions about the end of the cold war. I often hear that communism has failed, and democracy has won. How may we conclude this? The Soviet Union has collapsed, but four of its former republics and seven of its client states have rushed to war, not democracy. The hard truth of the present is this: it is a very dangerous world, and the atmosphere of turbulence and instability which accompanies this dangerous condition is not hospitable to democracy. Does anyone doubt this? There are 13 major wars being fought around the world today. There are also 75 smaller conflicts being waged. It should be our serious intent to achieve international stability. Simply to repeat over and over that the cold war has ended will not achieve that end.

The long-awaited bottom-up review has concluded that the Soviet Union has collapsed, and predicted that regional conflicts will likely occur throughout the world. Some of us had already reached these same unremarkable conclusions. After the Secretary of Defense had determined the Armed Forces would be required to win only one major conflict, others in the administration reversed him and said the Armed Forces would have to win two major conflicts simultaneously. Then the administration reported that the size of the force which would be required to perform the two simultaneous conflicts mission was actually two divisions, one carrier, and four air wings fewer than they said would be required last May. The report concluded it could achieve success in regional conflicts by relying on air power and high-technology weaponry. We have seen the dismal results of this naive, academic conclusion in Somalia, where air power and high tech weapons have been unable to prevail in Mogadishu.

I suggest the name of this report be changed to "The Bottom Line Review," because it seems to exist only to support the administration's bottom line dollar figure. The Committee on Armed Services was prudent not to wait for the bottom line review before it began work on the Defense bill.

We should refrain from reminding each other constantly that the Soviet Union has collapsed. We should, instead, focus on the future, and debate such topics as the meaning of the nuclear intercontinental ballistic missile force in Ukraine, or the implications of the trends in Iran, or how the actions we take this year will affect our Nation's future capability. Perhaps we could discuss how we will respond to future threats and, more importantly, how we will shape world events. Those are the questions we should address.

This is a time of great uncertainty. We cannot predict with accuracy what challenges we will confront in the future, but we need only look at all the areas of instability in the world, and recognize the potential for even greater American and international involvement, to conclude that we must not further degrade the level of readiness of our Armed Forces.

The Joint Chiefs have told us in testimony this year that the forces are on the razor's edge of readiness. This assessment may mean many things to my colleagues, but for me it holds special meaning. It means we are placing our men and women in uniform at greater risk than they absolutely must face. They are at greater risk today than they were before Operation Desert Storm because the level of readiness of the forces is in decline by every measure. This decline is attributable primarily and almost exclusively to the amount of money which Congress authorizes and appropriates. The Joint Chiefs' assessment has deep and special meaning for me because I have seen firsthand the dangers and risks which befall soldiers when the readiness of the Armed Forces deteriorates. Some of my colleagues also know this very well; some of them bear all too clearly the physical scars of combat.

We must understand that our level of readiness, and our military capability, serve a purpose vastly more important than preparing to counter an obvious, immediate threat. Readiness and robust military capability communicate our commitment to freedom and our resolve as a nation to preserve freedom throughout the world more clearly than any policy statement, rhetoric, or symbolic gesture. They serve to warn any potential aggressor, or aspiring tyrant, that we will endure only so much before we will intervene with the certainty that characterizes our American spirit.

The dollars we spent on defense since 1980 paid for the best, most capable fighting force our Nation has ever seen. Those expenditures hastened, if not brought about, the end of the cold war and the collapse of the Soviet Union. We brought a defense buildup, and precluded the unspeakable horror of nuclear war.

We must understand, too, that a high state of readiness permits our forces to respond quickly and effectively to crises, and provides our men and women in uniform with the training, equipment, and logistics support which are so essential both to their effectiveness and their survival.

I reflect today on the times in our history when our Nation has allowed military readiness to lapse, in some cases even though dangers were apparent at the time. Col. Harry G. Summers, a distinguished soldier and philosopher, recently observed that the attack on Pearl Harbor, the aggression in Korea, and the invasion of Kuwait all occurred because the aggressors "* * * thought * * * they could get away with it * * * because, in their view, the United States was lacking in * * * the moral will to fight and persevere." In other words, a failure to maintain military readiness in peaceful but uncertain times gives rise to aggressors.

I wish to express my concern, as we conclude this bill, that our military readiness is waning. There are troubling indications that equipment is not being maintained due to lack of funds for depot level maintenance. Aircraft are being cannibalized in order that some planes remain operational, because there is a lack of spare parts. Our bases and installations in the United States are falling into disrepair because funds are not available to keep them functioning at an appropriate standard. As we withdraw our forces from overseas bases, these bases in the United States become even more important because it is from here, not from overseas, that the bulk of our forces will deploy directly into the areas of operation. We are progressively requiring our servicemen and women to deploy more frequently for long periods, both ashore and at sea. This is another effect of meeting requirements with a small force.

The challenge which faces us is to choose wisely how we will allocate our resources. Those who have gone before us in this chamber and those who have held the Presidency have sent our young men and women into combat and other dangerous situations since the founding of our Republic. The wisdom of our decisions will ultimately be judged by the degree of readiness and level of safety of the men and women of our Armed Forces.

Mr. NUNN. Madam President, I want to thank the Senator from South Carolina for his superb effort on this bill and for his leadership and the leadership of his staff.

I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The result was announced—yeas 92, nays 7, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—92

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wofford

NAYS—7

Boxer
Feingold
Hatfield
Metzenbaum
Moynihan
Wallop
Wellstone

NOT VOTING—1

Gramm

So, the bill (S. 1298), as amended, was passed, as follows:

(Note: The text of S. 1298, as amended will be printed in a future edition of the RECORD.)

Mr. NUNN. Madam President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Madam President, I send an amendment to the title of the bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

Amend the title so as to read: "To authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strength for such fiscal year for the Armed Forces, and for other purposes."

The PRESIDING OFFICER. If there is no objection, the amendment to the title is agreed to.

Mr. NUNN. I thank the Chair.

Madam President, I ask unanimous consent that S. 1298, as amended, be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, I ask unanimous consent that the Senate proceed immediately to the consideration en bloc of the following bills, S. 1337 through S. 1339, Calendar Order Nos. 173 to 175, and that all after the enacting clause of each of these bills be stricken and the appropriate portions of S. 1298, as amended, be inserted in lieu thereof according to the schedule which I am sending to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, I also ask unanimous consent that these bills be advanced to third reading and passed, that the motion to reconsider en bloc be laid upon the table, and that the above action occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the bill (S. 1337) was deemed read three times and passed.

(The text of S. 1337 will appear in a future edition of the RECORD.)

So, the bill (S. 1338) was deemed read three times and passed.

(The text of S. 1338 will appear in a future edition of the RECORD.)

So, the bill (S. 1339) was deemed read three times and passed.

(The text of S. 1339 will appear in a future edition of the RECORD.)

Mr. METZENBAUM. Madam President, will the Senator from Georgia be good enough to explain what this procedure is about?

Mr. NUNN. Yes, I will.

This is the same procedure we use every year after we pass the bill because we originally had three parts to the defense bill. One part was the defense itself, one part was DOE, and one part was military construction. Now we merge all three of these into these bills, and that is what these procedural motions are.

Mr. METZENBAUM. There is nothing substantive involved?

Mr. NUNN. Nothing substantive, no. All this is procedure.

Mr. METZENBAUM. I thank the Senator.

Mr. NUNN. I thank the Senator from Ohio.

Madam President, I ask unanimous consent that, if the Senate receives a message from the House that the House has passed H.R. 2401, the House version of the National Defense Authorization Act for fiscal year 1994 reported by the House Armed Services Committee, that the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1298, as amended, be substituted in lieu thereof; that the bill be advanced to third reading and passed; that the title of S. 1298 be substituted for the title of H.R. 2401; that the Senate insist on its amendments to the bill and the title and request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees; that the motion to reconsider the above-mentioned votes be laid upon the table; and that the foregoing occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, I ask unanimous consent, with respect to S. 1298, S. 1337 through S. 1339, as just passed by the Senate, that if the Senate receives a message with regard to any one of those bills from the House of Representatives, that the Senate disagree with the House and its amendment or amendments to the Senate-passed bill and request or agree to a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees and that the foregoing occur without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, I thank the Chair.

I will make my remarks very brief, because I know that the Senator from West Virginia has a very important bill to present.

I thank all Senators for their attention to the debate. I thank Senators for their diligence. I am pleased that we were able to dispose of a total of 103 amendments on this bill over the last 5 days.

If you look at the average Defense bill over the last 6 years, we have averaged about 96 amendments. So we have actually had a few more amendments on this bill than we have had on the average, although it is not far off.

We hear a lot and debate a lot about the historical cold war levels of defense spending, and we all know the curve is coming down. But, as the defense spending comes down, the number of amendments seem to be going up on the bill. As far as I am concerned, that indicates a lot of interest in defense and a lot of concern about how we bring down the defense budget. I consider that to be healthy, although I will not protest if my colleagues decide to present less amendments next year.

This is an important bill. It deserves the attention of all the Senators. We have had excellent attention. We were on the floor 10 hours yesterday, on a day when the Senate was not going to have rollcall votes, and yet we had only about 10 or 15 minutes all day long of quorum calls, indicating Senators were here and they were attentive and they were presenting their amendments, if they had amendments to present.

Madam President, I want to thank the majority leader, Senator MITCHELL, and the Republican leader, Senator DOLE, for their assistance in helping us get prompt action on this bill. With the cooperation of all Senators, we had a minimum amount of dead time on the bill for quorum calls waiting for Senators to come to the floor. In fact, I think we had more prompt attendance of Senators in presenting their amendments than any time I can remember.

I, again, want to thank the Senator from South Carolina, Senator THURMOND. He is an old hand at handling many different types of bills on the floor. This is the first time, however, he has actually been the ranking Republican in handling the Defense authorization bill. It is a pleasure to deal with Senator THURMOND. His word is his bond.

And I also congratulate his staff. It is not easy coming in and managing a bill on the floor. The staff of the minority has done an excellent job. We appreciate very much not only their cooperation, but also their expertise. We learn from them and, hopefully, it is a mutual-type exchange.

I see the Senator from Virginia is on the floor. He and I have been partners in managing a lot of Defense bills. He now has an important job as the ranking Republican on the Intelligence Committee. He remains a key member of our Defense Committee, and I always rely on him for advice in this arena. So I thank him for helping manage this bill and certainly for all of his efforts in the committee.

I also want to thank the staff, not only the Republican staff, but also the staff on the majority side that works under Arnold Punaro and, of course, the minority staff, under the director of the minority staff, Dick Reynard. They have done a superb job. We do not thank them enough. We do, indeed, understand that this bill would not be able to be prepared and be accurate and be in technical form and we would not be able to handle these amendments in this number without superb staff work.

Finally, Mr. President, I want to thank the floor staff, because these are truly professional people. We have benefited from their advice in how to handle this bill. They work diligently. They work long hours. They are really professionals. We are very, very grateful to them, those here on the floor now, those behind the podium, and also those in the Cloakroom that do a superb job.

Mr. President, we look forward to a good conference with the House. We hope we will have a conference report back on this bill within a matter of weeks before the conclusion of the appropriations conference bill.

I thank all of my colleagues.

With that, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. WARNER. Madam President, will the Senator yield just so that I could make a comment?

Mr. REID. Yes.

Mr. WARNER. I wish to extend praise, on behalf of our side, to the distinguished Senator from South Carolina and to his staff for the managing of the bill, and to our distinguished chairman, Chairman NUNN.

This is the first year I can remember where we did not really have any strong controversy. Indeed, bipartisanship has been as strong this year as it has ever been in the history of our committee. I commend the chairman and the distinguished ranking member.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

INTERIOR APPROPRIATIONS ACT OF 1994

Mr. REID. Parliamentary inquiry, Madam President. It is my understanding that the matter now before the Senate is the Interior appropriations bill.

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2520, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate continued with the consideration of the bill.

EXCEPTED COMMITTEE AMENDMENT, PAGE 49, LINES 6 THROUGH 10

The PRESIDING OFFICER. The pending question is on the committee amendment on page 49, lines 6 through 10.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, do I understand that there is a pending amendment which needs to be set aside before further action can be taken?

The PRESIDING OFFICER. Yes.

Mr. WALLOP. I ask unanimous consent that the pending amendment be set aside so that I might offer an amendment.

Mr. METZENBAUM. I object.

The PRESIDING OFFICER. There is an objection.

Mr. METZENBAUM. Madam President, it is my understanding that Senator DOMENICI was prepared to move forward at this point. I do not know of any reason why we should set it aside and not permit the Senator from New Mexico to move forward. There are some of us on the floor who wish to be heard in opposition and may have difficulty being here much later in the evening.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. REID. Will the Senator yield for an inquiry?

Mr. WALLOP. I am happy to yield for an inquiry.

Mr. REID. If I could respond to the Senator from Ohio, the amendment that the Senator from Ohio is interested in, I think, is going to be offered by the Senator from Wyoming. The matter pending is a committee amendment; the one being set aside is a committee amendment.

Mr. METZENBAUM. Will the Senator from Wyoming yield for a question?

Mr. WALLOP. I am happy to yield for a question.

Mr. METZENBAUM. Is it my understanding that the Senator's amendment deals with grazing fees?

Mr. WALLOP. The Senator's understanding is correct.

Mr. METZENBAUM. I withdraw my objection.

The PRESIDING OFFICER. The Senator may proceed.

AMENDMENT NO. 890

(Purpose: To prohibit the use of funds to implement the Rangeland Reform '94 program)

Mr. WALLOP. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 890.

Mr. WALLOP. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 97, between lines 5 and 6, insert the following:

SEC. . None of the funds made available by this Act may be used to revise part 4, 1780, or 4100 of title 43 of the Code of Federal Regulations in accordance with Part VI, Department of the Interior, Bureau of Land Management or part 222 of title 36 of the Code of Federal Regulations in accordance with Part V, Department of Agriculture, Forest Service, of volume 58, number 155, of the Federal Register, dated August 13, 1993, or to continue any action involving the proposed rulemaking contained in such Federal Register.

AMENDMENT NO. 891 TO AMENDMENT NO. 890

(Purpose: To prohibit the use of funds to implement the Rangeland Reform '94 Program)

Mr. DOMENICI. Madam President, I send a second-degree amendment to the desk on behalf of myself, Senators REID, CAMPBELL, HATCH, CRAIG, BURNS, BENNETT, GORTON, MCCAIN, PACKWOOD, BRYAN, DECONCINI, KEMPTHORNE, BROWN, STEVENS, CONRAD, and PRESSLER, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], (for himself, Mr. REID, Mr. CAMPBELL, Mr. HATCH, Mr. CRAIG, Mr. BURNS, Mr. BENNETT, Mr. GORTON, Mr. MCCAIN, Mr. PACKWOOD, Mr. BRYAN, Mr. DECONCINI, Mr. KEMPTHORNE, Mr. BROWN, Mr. STEVENS, Mr. CONRAD, and Mr. PRESSLER) proposes an amendment numbered 891 to Amendment No. 890.

Mr. DOMENICI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

SEC. . None of the funds made available by this or any other law may be used to revise part 4, 1780, or 4100 of title 43 of the Code of Federal Regulations in accordance with part VI, Department of Interior, Bureau of Land Management or part 222 of title 36 of the Code of Federal Regulations in accordance with part V, Department of Agriculture, Forest Service, of volume 58, number 155, of the Federal Register, dated August 13, 1993, or to continue any action involving the proposed rulemaking contained in such Federal Register prior to October 1, 1994.

Mr. DOMENICI. Madam President, first I want to thank Senator WALLOP for his assistance in offering the first-degree amendment so that we can hopefully vote on the Domenici-Reid amendment this evening.

I want everybody to know what I have tried to do. I think everybody knows this issue and we are hopeful that we will vote on it tonight.

I am going to take a few minutes—I do not know how many are in opposition—and there are a number of Senators on our side who want to speak to this issue.

Madam President, and fellow Senators, this is a very simple proposition, as far as what we are going to vote on. The proposition is, as I see it, as follows:

Are we going to let the executive branch of Government, by Executive order, following rulemaking and regulations, without any action by the Congress, not only raise grazing fees on America's grazing permittees 130 percent over the next 3 years, and alter drastically the management of 260 million acres of land? The grazing fee increase is not the single and sole or most paramount issue. Because, in addition to that, the proposed rulemaking and policy changes contemplated to be made by Executive order, will do many other things to change the relationship of ranching families in the rural West to the Federal Government and the public domain.

Again, it has been decades since anyone tried to change the relationship of ranchers and their families, who are permittees, to such things as who owns the future water rights that will apply on the permittee's property and protected by the permittee. They have invested in the public domain, all of a sudden, without anybody having any real, formal hearings as to the consequences, it is proposed that by Executive order that in the future water rights are not to be treated that way anymore.

That would almost be enough for Congress to say, and the Senate at least tonight to say, wait a minute, you cannot do this. So this is all the Domenici-Reid amendment does. It says "wait a minute," for 1 year; 1 year is the duration of this appropriations bill. You cannot use any money in this appropriation, or any other appropriation, to carry out the rulemaking, the policy changes, and ultimately an Executive order altering the entire relationships between grazing permittee families and the Federal Government.

Part of this moratorium will say, during the year—and unless and until we pass a law—you cannot raise the fees, you cannot change the water rights relationship, and you cannot do all those other things such as change will do improvements on the public domain. For decades, the rancher has made the improvements. If they are not doing their job right they get punished and penalized.

Suddenly, in a newfound interest in more government, these proposed rulemakings will say the Government is going to make the improvements.

Who would believe that by Executive order with no hearings you would change the scope and intent of Federal land policy? What is this going to do to the ranching community of New Mexico, with their families and small communities depending upon them?

If that was not enough, these permits, as the occupant of the chair knows, have value as long as you use them appropriately. And in a State like mine, which we call a water-base State, you may have a piece of fee simple land with water on it, and that fee simple land is the nourishment for many sections of Federal land that, used in conjunction, make a ranch.

Additionally, by regulation and rulemaking, it is proposed without anything said by Congress, by legislation or otherwise, that you are going to change those permits to a lesser period of time, and make a less permanent relationship to the permittees and their families. And guess what is already happening? Believe it or not, already today, I say to my friend Senator BENNETT, the banks in New Mexico are saying to the ranchers we are not even going to advance operating money for next year. The ranchers depended upon these loans as operating money for next year; now the security of the grazing permits added to the fee land and State land is in doubt.

Not only do we want to raise the permittees' fees so we put them out of business on that side, and many small ones will go out of business. If somebody chooses to stand up here and say this whole ranching business is protecting the corporate cowboy, let me tell you that is not New Mexico. There is nothing wrong with corporations owning permits. But in my State the numbers defy that. In fact, a huge proportion of my permittee families have 100 animal units per year or less.

What are we going to say to them? Change your permits so the value is less so you cannot finance? Raise your fees 130 percent? Do not permit you to do any valuable work on it—we are going to let Federal people come out and do the improvements? The list goes on.

So we are saying proposition No. 1, the Government should not do this by fiat. And a fiat is an Executive order that follows after rulemaking with no involvement by the Congress of the United States.

We say proposition 1, you cannot disinvolve Congress, and you cannot spend any money appropriated to the Department of the Interior and Forest Service to carry out that kind of rulemaking, leading to that kind of an Executive order. It is plain and simple.

Some will say to us—and we have talked to many on our side—why do we not get on with fixing the grazing fees? Let me tell my colleagues, we thought the Secretary of the Interior—at least I did, this Senator did—went out to my State to talk about grazing fees. He had big hearings, hundreds of New Mexicans went. It was a very friendly kind of meeting about not doing anybody in with the changes. Lo and behold, instead of a grazing fee set of rulemakings, it includes almost every right and privilege that the grazing permittee families have. And these permittees are the ranchers of the West.

So what the executive branch wants to do, if we do not stop them, and in the name of changing grazing fees, literally alters and changes, permanently, the entire ranching lifestyle of the West and Southwest. Never have I found a more clear issue where United States Senators ought to stand up and be heard.

I cannot imagine the U.S. Senate sitting by, watching major changes take place without congressional consent. Let us just take one hypothetical situation: One big, big proposition in America is you ought to have a right to own a house. You ought to have the privilege of getting some benefits for owning a house because we want everybody to own a house.

How would you like it if, by Executive order, we were going to take away the mortgage deduction? Maybe some people think that should be done. It would just mean that millions of people could not own a house. We would change the lifestyle of millions of Americans. By what? By an Executive order followed by rulemaking?

We would not stand here for 2 minutes. It would not be Senator DOMENICI from New Mexico and Senator REID offering it. It would be the leadership of the Senate marching in with everybody behind them.

This is just as serious for the ranching community of America, changing the rules by which they live on the public domain without a bill in Congress and a law signed by the President changing it. This is just as egregious as that.

So let nobody doubt, this Senator has worked as hard as he can on this piece of legislation, probably as hard as on any other with the short notice we have had, to see to it that every Senator understands the significance of not restraining and restricting the use of appropriated money for this rulemaking process. This process which is going to rule the rancher and farmer right off the public domain. So the vote is going to be a simple one.

Does the Senate of the United States want to bow and say, Mr. Secretary, you change it all, you take away the livelihood, the relationships of ranchers to their neighbors and their cities, you just do it by Executive order? Is that what U.S. Senators want to say about a lifestyle in the West that, if any lifestyle is left out there in America that we ought to promote, it is the ranching lifestyle and the rural lifestyle?

Think of it, if we could make that lifestyle apply to more thousands of people, even millions of people—the kind of social encumbrances would we get rid of almost overnight. In fact, many wish we could bring this rural lifestyle to more people. And here we come ramrodding through, in the name of changing grazing fees, a change to the whole lifestyle and relationship of our western rural communities.

We have not even had any hearings on the administration's proposal. How many of Senator BENNETT's ranchers will go out of business? We do not know. How many of New Mexico's thousands of ranching families are going out of business? How many will not be able to finance next year, I ask my friend? Nobody knows. Do you not think we ought to know that?

Mr. BENNETT. Madam President, will the Senator yield for a question?

Mr. DOMENICI. I will be pleased to yield.

Mr. BENNETT. I appreciate the issues the Senator is raising and I am delighted to be a cosponsor of this amendment. But I think we ought to make one thing very clear. Is it the understanding of the Senator from New Mexico that this is not just a ploy to avoid raising grazing fees this year but rather a significant question on separation of powers and the rights of the U.S. Congress?

Mr. DOMENICI. I thank my colleague for the question. I will say unequivocally the answer is this is not a ploy. The Domenici-Reid amendment is not a ploy to avoid an up-and-down confrontation, serious debate, committee hearings on grazing fees, and their validity in terms of the amount that it be raised. The administration's proposal is saying, in the name of grazing fee increases, the executive branch will take away our power as U.S. Senators to address a social issue, an agricultural issue, a conservation issue, and a lifestyle issue for our States—the people in our States.

Mr. BENNETT. Madam President, will the Senator yield further?

Mr. DOMENICI. I will be pleased to yield.

Mr. BENNETT. Is it not the Senator's understanding that there will, in fact, be an increase in grazing fees to take place in fiscal 1994, and that this moratorium will in no way prevent a hearing on that subject and a proceeding on that subject so that those of us in the West should not mistake this amendment for being a blanket prohibition against the increase in grazing fees in a logical fashion in the fiscal year to come?

Mr. DOMENICI. This amendment is absolutely clear—not explicitly—but patently clear that it only applies to rulemaking for the year. Congress is free, and the Senate is free and, in fact, the Senate is already working on a bill. I think the principal cosponsors are on the floor. I think the distinguished Senator from the State of Colorado, Senator CAMPBELL, is here and my good friend, Senator WALLOP, is here. They already have a bill which will change the grazing fees. It has been introduced, and there is a lot of support for it. But while that bill is pending, and while we were thinking and working on it, 4 days after we go on recess, the administration sends us this proposal of rulemaking which changes the whole West. I tell you, the administration's proposal is a pretty tough one for us. There is nothing in this amendment, however, that says Congress is prohibited from doing anything. We can go on with our regular business. I would assume that would happen.

Mr. BENNETT. I thank the Senator, Madam President. I am one who believes that there must be a logical resolution of the grazing fee issue and that inevitably the grazing fees must go up. But I commend and thank the Senator from New Mexico for his amendment because I feel absolutely the way the administration has proceeded in this matter is violative of the congressional prerogatives. I will support the amendment wholeheartedly recognizing that it has really nothing to do with the issue of where the grazing fees ought to be but simply with the issue of where the power ought to be.

Mr. DOMENICI. Madam President, first, let me thank my good friend, Senator BENNETT, for his questions and observations. I do not find myself disagreeing. I thank him once again for the logic and the way he has handled this with me on the floor. I think it has made it all make a lot more sense, and I appreciate that.

Let me just take a couple more moments. This is a bipartisan amendment. I think you heard the names as I read them. I have a list of nine Senators who want to speak. Among those are obviously, my cosponsor, the lead Senator on a bill which would change this by law instead of by regulation. They want to speak. I want to let them speak.

I just want to conclude by putting in the RECORD a letter from Western Commerce Bank which clearly indicates that if this is permitted to proceed, there will not be any money available for operating loans that are made in the normal course of business. This letter indicates the magnitude of changing the kinds of rights and privileges and relationships to the public domain are in the everyday life and value of assets and resources of a ranch family.

There are a couple of other letters from people who are clearly indicating how serious this is going to be. I want to put one in from Dana Reed in Albuquerque. People think this is only a rural community issue. Albuquerque is our largest city, and we have a person here who indicates that the effect of raising grazing fees will be very, very detrimental to some of the community in Albuquerque. I would like to print that in the RECORD.

Then we have one from Mr. Griggs in Artesia. He sets forth, in some detail, all of the businesses that are going to be effected related to the ranchers having less assets, less resources, less to spend and which enumerates all the businesses in a small town like Artesia, NM.

I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

[Memorandum]

WESTERN COMMERCE BANK,
August 13, 1993.

To: Curtis Doyal, FmHA Loan Packager.
From: Don Kidd, President and CEO.

With the recent announcement on grazing fees by Secretary Babbitt, the following guidelines will apply on public ranch loans:

1. Cash flows will be prepared using the announced $4.70 per head per month fee.

2. Although appraisal value is not known at this time, perhaps a $500.00 per head value should be considered for collateral evaluation.

3. Our preference is to not make any more loans using public grazing rights as collateral until these issues can be resolved. These guidelines are to apply to loans now in process.

Albuquerque, NM, June 25, 1993.

Re: Opposition to Grazing Fee Increases.
Senator PETE DOMENICI,
Dirksen Building, Washington, DC.

DEAR SENATOR DOMENICI: I am writing to ask you to consider the effects of a grazing fee increase.

I am not directly involved in agriculture; I work for a day care center in Albuquerque. However, I can easily see how raising the grazing fees for ranchers will seriously damage the businesses and small communities across our country.

Our day care center, as well as a majority of the businesses in our area, depends heavily on the patronage of ranchers or people employed in ranching-related businesses. If these ranchers are robbed of their money any farther by higher fees, they will not survive. Without their success, they have no money to put back into our businesses and economic systems. This is going to hurt everyone—eventually even the people far away from it in Washington.

Please consider what will be best for our country as a whole—not just an elite few. Our ranching and agriculture industry is and always has been the base of our nation. Don't let that base be knocked out now.

Thank you.

DANA REED

Artesia, NM, June 25, 1993.

Opposition to Grazing Fee Increases.
Senator PETE DOMENICI,
Dirksen Building, Washington DC.

DEAR SENATOR DOMENICI: I am writing to ask you to consider what the long-term effects of a grazing fee increase will be before it is too late.

A large majority of the ranchers in our state, as well as the U.S., depend on public lands to graze their animals. These public lands have been available since the founding of our country. However, now we are facing the probability of losing the availability of these public lands because the fees to use them are on the verge of being raised to outrageous heights.

Everyone is going to feel the pains of a grazing fee increase. Many people think only the rancher who grazes his animals on the public lands will be hurt. However, think of the chain of custody this animal and the money and products from this animal go through. There are several links in this chain, and all will feel the hit ranchers will take with high grazing fees. If ranchers are put off the public lands because of high fees, many of them will be forced out of ranching. This will put ranchhands out of work, there are not enough jobs in the U.S. to employ these people. Packing plants, feedlots, and grocery stores will also be hit hard by a reduction in the number of ranchers supplying beef and lamb. Meat prices will naturally go up, but what about the hundreds of by-products from cattle and sheep? And the businesses that ranchers put so much of their money into—clothing stores, feed & supply stores, grocery stores, equipment stores, variety stores, schools, doctors, hospitals, entertainment. All of these businesses will feel the impact of the ranchers being forced to pay higher grazing fees.

I ask you once again to consider what is best for our country—because agriculture and ranching is and always will remain the base of our stability—and not what is supposedly best for those people up in Washington using our money for unintended purposes. Cut the spending on programs and we will not need to hike up fees for people already struggling to make it.

Thank you,

WILL HART GRIGGS.

Mr. DOMENICI. Madam President, let me yield the floor for now. I believe either Senator REID or Senator CAMPBELL wants to speak. But let me just close again by saying to my fellow Senators, all of them on both sides, this is not the grazing issue of last year. This is not the grazing issue that we have all been saying let us fix.

What happened is, this Secretary, whom I have great respect for, indicated we were going to be altering and changing the grazing fees. Lo and behold, for some reason, changing grazing fees has been modified and engrafted upon until now it is a giant that is going to change all of the rights and privileges of ranching families in the public domain with no law—by regulation, by policymaking and rulemaking—to be ultimately culminated in an Executive order.

So if there are those who do not want to support our position because they say it is time to change the grazing fees, let me tell you, we are all ready to sit down in committee and work on that. I do not know what we are going to agree on, but we are ready to. But we need some time to look at all the other relationships being changed just to see what is going to happen to our people. That is why we are here.

We want Senators who are not in the West to know this is a serious problem way beyond grazing fee increases. Somebody decided to take a giant bite out of this apple, not just the grazing fees, but in biting that apple, they destroy the lifestyle of the West, in particular, the western ranching community. I do not think the western ranching community needs that. I do not think they deserve that. I do not think the U.S. Senate, when it finally votes tonight, is going to let that happen through rulemaking and through Executive order.

I yield the floor at this time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Ohio.

Mr. METZENBAUM. Mr. President, we can call this any kind of an amendment you want, but in the last analysis, its objective is to keep the Secretary of the Interior from raising grazing fees. As far as I know, you can talk about all the nuances and all the different problems as to why this is not that and that this is just a conflict between who is going to have the power, but I have always learned around here that if it looks like a fish, if it smells like a fish, and if it swims like a fish, it is a fish.

This is an effort to roll back the effort of the Secretary of the Interior to adjust grazing fees. I oppose that amendment. I have opposed that amendment over a period of years, and I feel that it is time for us to deal with the realities.

Each year we have heard the same arguments and complaints against rangeland reform: A fee increase will run livestock operators out of business; raising grazing fees threatens the fiber of rural America; Washington does not understand the cowboy rancher.

Of course, the real message is: Leave the rancher alone; the politicians in Washington should mind their own business.

Well, we are minding our own business. This is our business. This is a way we are subsidizing too many ranchers throughout this country with the Federal taxpayers' dollars. Frankly, the arguments supporting the position of the Senator from New Mexico, in this

Senator's opinion, are not very persuasive. We lose money every year running a Federal grazing program on lands that belong to each and every taxpayer in the country.

I hear the very same people who are coauthors of this amendment, the very same names—look at them; I am not going to read them out loud, but look at them—they are the very same people who fight the hardest for a balanced budget constitutional amendment, who talk about Government not being responsible, who say that Government spends too much and does not take in enough. But they are the same people who come to the floor regularly, and every one of them who are listed on this as cosponsors, I think almost with no exception, fall into that category, Democrats and Republicans alike—mostly Republicans, I may say—cosponsors of this amendment.

In recent years, we spent $73 million running the Federal grazing program—$73 million to run it. And what did we take in? Twenty-seven million dollars.

So it cost us $46 million—and I say "us" meaning the taxpayers of this country—to let Federal lands be used for grazing.

You would think that if we permitted thousands upon thousands of acres of Federal land to be used for grazing, at least there would be some income to the Federal Government. Oh, no. This is a great program. We take in $27 million and we spend $73 million running the program.

Now, some of my colleagues would ask you to believe that this program serves only the poorest of livestock operators in the United States. That is not the fact. That is not true. My authority for that statement is the GAO.

A GAO report released last spring noted that just 6 percent of those holding grazing permits control almost half the animals allowed to graze on Forest Service lands. And last year, the GAO found similar concentrations for land under the BLM's grazing program. Some of the largest permittees in the Federal grazing program are also some of the wealthiest individuals in the United States, with names like Hunt and Getty and Packard. In fact, the man who supplies McDonald's with nearly half of their french fries is one of the largest permit holders in the Federal grazing program. And as far as I know, the last time I checked, McDonald's did not need any Federal subsidy, directly or indirectly; they were doing quite well selling their french fries at a very substantial price as compared to cost.

What do we charge the french fry supplier to graze his cattle? Roughly one-fifth the market rate charged ranchers on private lands.

Now, of course, that farmer was not alone. Members of the Fortune 500, including oil, gas, and life insurance companies, all received the discounted rate. They are all in the Federal grazing business, and yet we cannot bring ourselves to raise grazing fees one dime. Today we are offered an argument that this is not really an issue about grazing fees; this is an issue about where the power lies, where the decisionmaking lies, or that we have not been able to get through an amendment in this Chamber.

I commend the Secretary of the Interior for having the courage to move forward on this issue. It took some courage to do so, because he knew there was substantial opposition to it. But he stood his ground and did what he thought was right, and he is a westerner, not an easterner.

Our colleagues in the House have been passing fee increases for years, only to meet a wall of opposition when it went to conference. No wonder. Is it any wonder that the American people complain about gridlock, that the American people think we in Congress cannot get anything done, we in Congress are here to block the administration when it tries to achieve an objective, moving in the direction of providing more equity and balance with respect to grazing fees, providing some balance so that the U.S. Government does not have to subsidize the right of others to use Federal lands to graze their cattle.

Here is a program that serves only 3 percent, only 3 percent, of all livestock operations in the United States, according to the GAO, and we cannot support a modest increase in the fee structure as proposed by the Secretary of the Interior.

Let me reemphasize that. Three percent of livestock operators use public lands, and of that 3 percent an extremely wealthy minority control nearly half of the grazing rights.

Moreover, to add insult to injury, we read one GAO report after another which documents how Federal rangelands have been degraded due to overgrazing by livestock.

So not only do we cost the American taxpayers millions of dollars in order to permit the lands to be used by private operators for grazing purposes, and we lose money on it, almost $50 million a year, but we wind up degrading those rangelands as well.

We fail to supervise our own tenants. We let them use those lands in order to graze their cattle, and there is no limitation. This is no way to treat the natural resources owned by the taxpayers of the United States.

I was so pleased to see that the Secretary of the Interior started to address this issue last spring. Secretary Babbitt held field hearings and town meetings in the Western States where there are significant grazing activities. He listened to testimony from ranchers, environmentalists, economists, and State officials and collected over 1,300 written comments.

From these meetings and comments, the Secretary developed a regulatory proposal that focuses on the condition of the Federal rangeland and calls for a modest increase in the Federal grazing fee.

The Secretary based his proposal to increase the fee on several factors. The fee should be based upon fair market value and comparable fees paid for leasing private lands. The fee should provide for a fair return to the public but should not cause significant impact to the stability of the western livestock industry. And, finally, the fee should recover a reasonable amount of the Government's administrative costs.

Just think of it. All he is asking is to recover a reasonable portion of the Government's administrative costs, not even expecting to recover all of the costs in administering this program.

Although the fee in the Secretary's proposal may not match the fees charged by private landowners, it goes a long way toward making this program more self-sufficient and, perhaps more importantly, the Secretary has devoted considerable attention to the condition of the rangelands.

The GAO has been warning us for years that we need to address the health of rangeland ecosystems. If we are going to heed these warnings, we need to implement the rangeland reforms which the Secretary has proposed, and yet the Senator from New Mexico wants to handcuff the administration's efforts in moving ahead with its reform agenda. His amendment will stop the reform proposal dead in its tracks.

The Senator from Utah suggests that really this has to do with more of a power struggle between whether or not you can do this through the power of the administration and by administrative order or whether or not Congress is going to be called upon to make a decision. But when all is said and done, when it looks like a cow, moos like a cow, and gives milk like a cow, it is a cow. This is a cow. This is a cow that provides support to those who are the ranchers in this country who are getting direct subsidy from the U.S. Government.

I ask my colleagues, look at the names of the people who are cosponsors of this amendment. Every single one of them—I have not checked it, but I would guess every single one of them is the supporter of the so-called balanced budget constitutional amendment. Do not worry about a balanced constitutional amendment. Let us reject this effort out of hand because the effort of the Secretary is to move closer to a balanced budget to provide some equity.

Mr. DOMENICI. Might I ask the Senator a question?

Mr. METZENBAUM. Not at this point, please.

The proposal of the Senator from New Mexico would provide no increase in fees, no improvement in the protection of Federal rangelands. It would just say let us maintain the status quo.

When the people of this country voted last November, they voted for a little more than the continuance of the status quo. They voted for changes. And one of the promises that President Clinton made was that taxpayers would be treated fairly when it came to the use of natural resources on Federal lands.

Secretary Babbitt's proposal represents an honest attempt to implement sound policy and change. This amendment only serves as a roadblock in the path of that change. The taxpayers of this country deserve better. I encourage my colleagues to reject this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I rise in favor of the amendment this afternoon and associate myself with the remarks of the Senator from New Mexico, who is the author of the second-degree amendment and the primary amendment.

I think he has said very clearly how important these kinds of significant approaches toward changing public policy on western grazing lands are, not only to the Nation but, most importantly, to the Western States that are directly involved in these proposed changes.

The Senator from Ohio this afternoon has suggested that for those of us who support a balanced budget amendment to the Constitution, somehow this is an inconsistency. Let me suggest to you there is no inconsistency here, for not only do we support limited Government, we support a Government that is responsible in the management of its natural resources, that is interested in the promotion of the economy instead of the destruction of an economy.

A couple of years ago it was proposed on this floor and by another administration that we would raise fees for the necessary certification of mining claims. We did that with the idea that it would raise all kinds of revenue for the public and for the general Treasury of this country.

The reports are now in. As of last month those fees were raised. Those claims are down by better than 50 percent and the revenues will have dropped precipitately to this Government because what the Senator from Ohio and others fail to recognize is that there is a marketplace relationship to the value of a given natural resource.

So for a few moments this afternoon I would like to debate the issue of what is the value of a public grazing fee, how does it work in the marketplace, and what has the Secretary of the Interior proposed.

I argue that many of the facts he has used in the report that is now being touted across the country as the Rangeland Reform of 1994 are facts without basis. If a fact is without a substance or a basis, is it in fact a factor or is it simply reaching out and grabbing a figure that tends to serve another purpose?

I tend to argue this afternoon that some of the figures the Secretary of the Interior has come forward with as a proposed increase in grazing fees over a 3-year period of up to $4.28 an animal unit month, that somehow they have reached out in the air and grabbed those figures and in so doing are truly threatening the very economy of western public land grazing, as has been mentioned.

I have and I would like to submit for the RECORD a letter to the Bureau of Land Management from four college professors, experts in range management and ecosystems management from Colorado, New Mexico, the University of Wyoming, and the University of Idaho. The reason this letter is important is because they argue with Michael Penfold, the Assistant Director for Land and Renewable Resources, who was an integral part in putting the Secretary's proposal together, that he has, in fact, misused their figures and that, taking their figures out of context, as does this report of rangeland reform, he argues entirely in the opposite direction than what they argued in their studies and what they found out to be facts as it relates to the value of western grazing.

In fact, they argue that the assumptions he has made and that the Secretary has followed are the total reverse of their findings. And they go on to say:

> In fact, the cost comparison for Forest Service grazing and all sheep allotments resulted in negative forage values.

In other words, when you compared all of the costs that a grazer had to experience and pay the current fee, that, in fact, he was paying substantially more than it was worth in the sense of private versus public grazing.

And what the Secretary of the Interior's people did was take the issue and turn it around, and then quote this study, a study made by these four gentleman known as the Grazing Fee Task Group Report and argue in the opposite.

This letter that I want to submit for the RECORD shows that these gentleman are not only upset but they are suggesting just exactly what I said, that, in fact, the figures have been misused to prove a point and to make a different argument that my colleague from New Mexico mentioned as a much broader argument than the one that is being proposed by the Senator from Ohio that this is just a grazing fee issue.

Let me carry that discussion a little further. It is not just a grazing fee issue, for in the Rangeland Reform 1994 proposal by Secretary Babbitt are a variety of other issues. For example, expanding the citizen participation process in range management, eliminating grazing fee advisory boards and district advisory boards, to begin Federal ownership of all future and permanent improvements, improvements today that are recognized as private, for the BLM to file for and hold sole title to water rights associated with future land management improvements. All of those items fall in front of the issue of grazing fees.

So is it just a grazing fee issue, or is it a sweeping mandate for change in the management of our public lands? I suggest it is the latter. Those are the facts of the report.

Now let me give you something for the RECORD that is extremely disturbing. I will submit for the RECORD an internal memo from the Department of the Interior, an internal memo to Secretary Bruce Babbitt and to his Director of BLM, Jim Baca. Here is what the memo says:

> A shift in the Administration's approach to mining and grazing revenues was the most visible sign of backsliding on the budget. Part of our role this summer is to help them get back on track—to give them a clear victory in this area. For that reason, we do not think we should release—

Then they talk about draft regulations and a variety of options about fees. Here is what they say that is most important:

> We realize you want to use price increases as a straw man to draw attention from management issues.

Let me repeat that. The internal memo, the decisionmaking memo inside the Department of the Interior said just exactly what many of us are saying, that fee increases are nothing but straw men. No, the Senator from Ohio, they are not fish, and they are not cows. They are, by the words of the Department of the Interior, a smokescreen to get to the real issues. And the real issues are to eliminate the advisory boards, to change the district advisory councils, to take private property and to call it permanent of the Federal Government, and to take away water rights that are associated with grazing fees, and to give greater levels of public participation in overall decisionmaking, opening the door for everyone, in essence, who wants to second-guess the scientists that are our range management experts.

That is what the internal memo says. I will submit that for the RECORD so that now we can see the internal thinking of this new Department of the Interior.

Let us go back. Now they talk about how do you get it done. They talk about strategy. They say, well, we have got to leak certain things to the press—and I quote—We can do this through leaks to the press so that it can be created in the image we want created.

It sounds to me like there is an ulterior motive. That is tragic if that is the case because that is why we have an Energy and Natural Resources Committee in the Senate and an Interior Committee in the House, to look at public policy, to look at all of the nuances of a public policy, to see what kind of impact it will have on these kinds of issues.

Let me quote another couple of areas, because we heard the Senator from Ohio use that old, age-worn argument that range conditions are the worst ever and that somehow we have to change management, we have to change fees, and if we do that, we will improve the conditions of the range.

Well, let me quote another internal memo, called "Grazing Policy Communications Plan, Interior Office of Communications, 6/23/93."

These are their own words. Let us talk riparian zones. "Our own statistics can be used to show that the range is in better shape than at any point in this century." That is the internal memo of the Department of the Interior, BLM—that it is in better shape than at any time in this century.

So they go on to say that, with that in mind, "We must make deliberate and public attempts to prove how bad conditions are in other riparian areas."

Let me repeat. In other words, it is called "bait and switch." The conditions are good enough and everybody knows it. We have to go out and find the worst possible ones and show those to the media and show those to the public press and, in that way, we will begin to change attitudes and interests, and we will, therefore, be able to change the policy at hand.

Well, Mr. President, I could go on and on. Many others wish to debate this issue and point out other things that are important to all of us. There are a variety of other documents I would like to submit for the Record, and I will do that in a bundle with those most important internal documents.

I ask unanimous consent that this material be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record as follows:

Grazing Policy Communications Plan
Interior Office of Communications

I. GENERAL APPROACH

Project goal:

The following are the goals for the communications strategy, which should last through the summer.

Introduce the new regulations into a Western environment that is somewhat receptive, and

Manage the first public comments so the regulations are perceived to be fair and in the long-term interest of the region.

Ultimate story lead:

We'd like stories and editorials to focus on the following points:

The new regulations show real balance: they call for greater protection of the land, but don't lead to excessive regulation or monitoring problems.

They recognize that many things are best done on the local level: riparian zone regulations are run out of Washington, but herd size will be determined at the local level. Local control has therefore been given when necessary.

The fee increases are not so bad, and are far below what many opponents said they would be.

They bring better participation to the process and help avoid past problems in grazing committees by shifting towards the Forest Service model.

II. STEPS PRIOR TO RELEASE OF REGULATIONS

Specific goals:

Prior to the release, we should consider steps to adjust expectations in the following areas.

Riparian Zones. Our own statistics can be used to show the range is in better shape than at any point in this century. With that in mind, we must make deliberate and public attempts to prove how bad the conditions are in many riparian zones.

Grazing Committees/Multiple Use Committees. We shouldhighlight the difference between the Forest Service model and the BLM model. We may also want to prove to Westerners that the grazing committees have often abused their power and need to be reformed to allow the West to be more productive.

Tactics:

Early July—Series of Bob Armstrong and Jim Baca one-on-one interviews with western reporters focusing on grazing committee structural problems and riparian zone issues. Done from Washington or on the road.

Early July—Begin letting reporters know we are shifting away from the incentive-based approach to range management. The positive spin is that we heard during the hearings that this might not work and might require too much management: Secretary Babbitt is listening.

July 9—Western field meeting and tour focusing on the need for riparian zone protection. There can be public participation, but the majority of the activities must underscore riparian protection. This is more of a media event than the four previous hearings—we don't need to accommodate hundreds of people.

Late July—Hold a Western field hearing on the difference between different models for supervising committees affiliated with both the USFS and BLM. This would allow committee members to comment on the strengths and weaknesses of each system. It will pave the way for a major change in committees.

Mid-July—Congressional hearing on problems in the grazing committees—abuse of power and funds. We would need to request this very soon.

Mid-July—Secretary Babbitt, Lyons, Armstrong, Robertson and Baca op-eds focus on two main substantive issues: management of riparian zones and herd size.

Mid-July—Conference call press conferences with Secretary Babbitt, focusing on grazing issues.

Late July—Briefing for Members of the House and Senate on the general approach.

Late July—Announce dates and locations for the hearings where the public will be allowed to comment on the draft regulations. By releasing this date before hand, we show that the process is still fluid and that people will still have a chance to weigh in. This may help to soften some opposition.

Late July—External affairs arranges briefing for cowboys and environmental groups on the general direction for changes in grazing policy.

III. STEPS DURING WEEK WHEN REGULATIONS ARE RELEASED

Goals:

Recognizing that the first impression often sticks, the primary goals for this period are to:

Make sure our friends (and others) hear about the release prior to reading about it in the paper;

Make sure our friends know what to say if they are interested in supporting our efforts; and

Make sure editorial writers and others have the information they need to write favorable stories right away.

Tactics:

Prior to—Send FedEx packages to editorial writers so they have full information about the regs on the day of release. Included are press release, fact sheet, and supportive analytical documents.

Day of—Morning briefing for Senators and Members of Congress.

Day of—Mid-morning, pre-press conference briefing for environmental groups.

Day of—Late morning news conference on the day of the announcement.

Day of—Babbitt, Lyons, Armstrong and Baca do telephone interviews with editorial writers in the West.

Day after—Babbitt does one or two day road show to raise the flag for the new regs. Once done, his participation in this process is concluded.

IV. POST RELEASE

Hold public hearings to receive substantive comment on the new regulations. These may need to be held where there have been successful management efforts in riparian zones—we want some locals who will be vocal in their support of these proposals.

External affairs manages receipt of public comment at the outset only; responsibility then transfers entirely to BLM.

[From the Idaho Statesman]

Grazing Plan Will Bankrupt the West

The Idaho Statesman's Aug. 10 editorial that seems to endorse the Clinton-Babbitt grazing fee proposal does not fully address this critical issue.

The livestock industry supports a statutory solution to this issue. We have proposed more than a 30 percent increase in our own grazing fee.

The livestock industry's proposal starts with the private lease rate and adjusts for the significant costs of doing business on federal lands and their lower productivity.

The 230 percent increase in Bruce Babbitt's proposal will decimate the sheep industry and severely curtail the cattle industry in the West. The Clinton-Babbitt proposal would yield less money to the federal government and Idaho because of lost taxes and jobs.

Our proposal lends stability to the rural economy, where the Babbitt-Clinton proposal will cause significant decreases in rural jobs and infrastructure. This action from a president who was elected on "the economy, stupid" and the promise of helping, not hurting, rural communities.

The Clinton proposal also moves the establishment of management guidelines out of the hands of the local resource managers and local public input process and moves it to Washington.

I agree with both Secretary Babbitt and The Statesman that we want to continue to improve the range. In the most current assessment by the Interior Department, Bureau of Land Management lands were shown to be in the best condition of this century, with the trend on over 87 percent of these lands in stable or improving conditions. We in Idaho are aware of the substantial increase in wildlife numbers since 1960, which attest to the improving range conditions.

Environmentally, the most negative effect of pricing ranchers off the public lands is that it will force the ranchers out of business and they will therefore sell their private lands. I do not think that Idahoans want more mini-ranchettes and subdivisions in the place of the ranches that now exist.

These are just a few of the reasons that we feel The Statesman should re-examine its endorsement of the Babbitt proposal, and instead endorse the Campbell-Wallop Bill as supported by our entire congressional delegation.

To: Secretary Babbitt, Tom Collier, Jim Baca

From: Kevin Sweeney, Lucia Wyman

Date: June 23, 1993

Re: Grazing Issues—One Disagreement, One Suggestion

1. Let's Not Issue Draft Regs with a Range of Possible Fees.—A shift in the Administration's approach to mining and grazing revenues was the most visible sign of backsliding on the budget. Part of our role this summer is to help them get back on track—to give them a clear victory in this area. For that reason, we do not think we should release draft regulations which have a range of possible fees. That might make it seem as if the Administration is unwilling to take the heat and it might drag the issue out over a much longer period. We can help the Administration look decisive.

We realize you want to use price increases as a straw man to draw attention from management issues. But there are other ways this might be done.

There are already people out there who are raising the specter of $8 and $12 AUMs. Others are raising expectations for us; we may not need to do this on our own.

We could also begin to talk about a range of possible fees during the month of July. We can do this through leaks, press releases, op-eds, whatever. But we would keep this period of uncertainty limited—so that the Administration's position gets clear fairly soon.

2. We Need to Sell These Regs—in Advance.—We've not yet done enough to sell the public and media on what will be coming out in the regs. We should work to justify what is in the regs before they actually come out.

There are two major changes which will come out in the regs, and we should construct a few events that help us justify those changes.

Riparian Protection. We should have one or two field trips to focus on riparian zone protection. One is tentatively scheduled for Arizona on July 9—depending on DeConcini's schedule. If he can't make it, we should still do the event, though we needn't do it in Arizona.

Grazing Committees. We may want to have one public meeting in the West where we have a panel of people who sit on grazing committees and multiple use committees talking about how their operations work. The goal would be to have the strengths and weaknesses of the various systems surface.

3. Attachment.—Attached, FYI, is a draft communications plan for the grazing regs. We think it shows we're not relying solely on you to push these regs.

COLORADO STATE UNIVERSITY, DEPARTMENT OF RANGELAND, ECOSYSTEM SCIENCE,
Fort Collins, CO, August 27, 1993.

MICHAEL J. PENFOLD,
Assistant Director, Land and Renewable Resources, U.S. Department of the Interior, Bureau of Land Management, Washington, DC.

DEAR MIKE: As the outside (University) authors of the Grazing Fee Task Group Report (GFTG) we read with interest Rangeland Reform '94. We were especially interested in the reference to the GFTG Report and the support our analysis lends to the fee proposal. We agree with the interpretation of our study findings but feel the brief synopsis provided in Rangeland Reform '94 does not explain or even mention one of the major concerns highlighted in our report. As we summarized in the Executive Summary of our report (Incentive-Based Grazing Fee System, Part I, pp. i–ii):

"The government is not collecting the full market value for grazing public lands, but ranchers are paying full value through the current fee, non-fee grazing costs, and investments in grazing permits. Past grazing fee policy has contributed to the value of grazing permits and current ranchers have paid this cost. Some of the value for public land grazing has been capitalized into the value of public land ranches and is bought and sold in the ranch real estate market. Legal precedent says permit value need not be considered in setting grazing fee policy, but the allocation of permit value remains a central issue in the grazing fee debate.

There is a strong theoretical linkage between grazing fees and permit value. As fees go up, permit values should erode and wealth will be transferred from ranchers to the government. This is the dilemma that policy makers face. The GFTG does not imply that this transfer is right or wrong, but the concern about the fairness of reallocating wealth is obvious."

Our assessment that the value of public land grazing was worth between $3 and $5 per AUM relied heavily on what ranchers have paid to purchase grazing permits. In most instances, a total cost comparison between private and public leases did not support the $3 to $5/AUM recommendation. In fact, the cost comparison for Forest Service and all sheep allotments resulted in negative forage values. In many cases, ranchers are paying more to graze public lands because of the lack of alternatives and/or the complementary between their deeded lands and associated federal permits. Utilizing the permit value approach allowed us to quantify some of these intrinsic values associated with the use of public lands.

The allocation of permit value is a key issue to be addressed in setting grazing fee policy. By proposing a base value of $3.96/AUM the implication is that the value of public land grazing permits belongs to the government and will be reallocated from ranchers to the government. We feel it is important that those setting grazing fee policy, and the general public, realize that a reallocation of value will result from higher grazing fees.

We hope that as federal grazing fees are debated, recognition will be given to the permit value issue. We do not take a position as to who is entitled to permit value. Ranchers took a risk that policies might change when buying the grazing permit. We point out, however, that public land ranchers are paying full market value for grazing public lands when higher non-fee grazing costs and investments in grazing permits are considered. The issue is whether recognition should be given to the investment cost current holders of grazing permits have. To exclude this point from the proposed policy statement and from the synopsis of what we found is misleading.

Sincerely,

E.T. BARTLETT,
L. ALLEN TORELL,
NEIL RIMBEY,
LARRY VAN TASSELL.

Mr. CRAIG. I do believe that this internal packet of communiques inside the Department of the Interior clearly demonstrate where this administration wants to go—that grazing fees are but strawmen, if you will, toward the much larger issue of management and how those public lands are managed. And because a majority of the U.S. Congress has said we believe the public lands are being managed well now under current public policy, and we did not want to change those, this administration is saying that we will do it our way through an Executive order. We will bypass the Congress of the United States; we will bypass the appropriate committees; we will bypass a 200-year-old process of forming public policy, and we will do it through executive fiat. And we will do that in a way that creates the image we want created instead of the facts at hand —the facts at hand that our range conditions are better than they have been in century, and that is not by accident.

That comes as a result of public policy over the last 20 years, created by this Congress, that have much improved the conditions of our lands, and that caused our public grazers to work with those public land management agencies as cooperating stewards of a land that they recognize as not just their lifeblood for their farms, ranches, families, communities, and the States they reside in, but that they are public lands, and that they have a responsibility to manage them wisely and in a way that will perpetuate them and the value of those lands on into the future, not just for their financial well-being, but for the good of a society and a Nation.

That is why we have the quality of public lands we have today, Mr. President. That is why I think this Senate and this Congress can stand proud in the policies that are on the books today.

I also associate myself with the remarks of the Senator from Utah, that grazing fees will be looked at; that the Senator from Colorado and the Senator from Wyoming in the introduction of a change in grazing fees, did the right thing. They worked with the grazing industry of this Nation. They took in the kind of information from this special task force study group, brought about by Western States' universities where the experts in range land science exists; and from that, we found what the values were and have proposed a change in the law. And we are doing it in the way that our system is supposed to work, not through secret memo, not through the method of bait and switch, not by creating a subterfuge, not by creating strawmen, but by being right straightforward and saying: Here are the situations, here are the interests involved, and here is the public policy that this Congress wants to perpetuate.

That is why this amendment is so important, so that we can arrive at a moratorium where those Western State Senators, and others interested, can sit down with this administration and work out a reasonable approach that all can live with, that is sound, responsible public policy, consistent with the findings of the task force involved over the last several months and, more importantly, consistent in maintaining the economies of the West and small town communities that are so reliant on public lands, and that will perpetuate the wise and responsible use of those public resources.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. In an effort to expedite this bill, I wonder if we can have an idea from those Senators who have been waiting a long period of time as to how much time they want, and we will try to come up with an order so that Senators who have other things to do could have that done.

Mr. CAMPBELL. I will need 10 minutes.

Mr. REID. I have over here Senator WALLOP.

Mr. WALLOP. I will take 10 minutes and probably yield back some of that.

Mr. REID. Senator MCCAIN was here. He indicated he wanted 10 minutes. We will put him in this order.

Senator KEMPTHORNE.

Mr. KEMPTHORNE. I will ask for 10 minutes, and I will probably yield back some.

Mr. REID. Senator BENNETT. He wanted 10 minutes.

Senator GORTON.

Mr. GORTON. Five minutes.

Mr. REID. Senator BURNS.

Mr. BURNS. I hope I could use 10 minutes and probably yield back part of that.

Mr. REID. I wonder if we could, in an effort to expedite this, have Senator CAMPBELL recognized for 10 minutes, Senator DECONCINI for 10 minutes; after we hear from Senator WALLOP, then DECONCINI; then Senator MCCAIN for 10 minutes—he is not here on the floor now; Senator GORTON for 5 minutes, Senator KEMPTHORNE for 10 minutes, and I am sure there will be other Senators wishing to come, and we will work out the rest of the time.

Mr. REID. I ask unanimous consent that that be the order of speakers during this phase of this bill.

Mr. WALLOP. Reserving the right to object, and I shall not object. I will yield back some of mine. It is my hope that others of us do as well. I would like to get to a vote on this evening.

Mr. DOMENICI. Reserving the right to object. It is clearly understood that this is just a current list. We are not cutting anybody out. We are just going to put some order into this.

Mr. REID. Yes. There are other people who wish to speak, but there would be some order so that people are not here jockeying to get the floor. I enter that unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. CAMPBELL. Mr. President, I rise in support of the Domenici amendment. The amendment is absolutely necessary if we who represent public lands States are to protect an important way of life—a way of life that is being threatened by an administrative proposal that resembles a bureaucratic locomotive bearing down on ranchers who are bound to our Federal lands.

The amendment would place a moratorium on the issuance of regulations by the Department of the Interior for the next fiscal year. This amendment is necessary not only to stop the implementation of regulations that will literally destroy many rural western communities, but also to give Congress an opportunity to discuss this issue with the administration. The Department must consult with Congress before it raises grazing fees and makes other unprecedented changes in the Government's grazing program.

Congress has never been left out of the decision making process to such a degree before. In fact, when the current grazing fee formula was administratively enacted, the Reagan administration worked with congressional leaders to develop a well thought out fee formula. Only when those meetings failed did the administration move forward unilaterally to increase fees.

Congressional leaders who represent Western States have announced that they are prepared to increase grazing fees and are prepared to work cooperatively with the administration. That was my pledge when President Clinton was unfairly criticized by environmentalists for dropping a grazing fee increase from his budget proposal.

In fact, I and many of my colleagues have introduced a bill to help keep our end of the bargain, a bill that would increase grazing fees about 25 percent in the first year and could raise fees an additional 25 percent each year thereafter. The administration's proposal goes far beyond that significant increase. In the first year, the administration has proposed a 50-percent increase and by the third year, grazing fees would be increased by 130 percent.

The average rate of return in the livestock industry is 2½ percent. After factoring in a number of conditions related to grazing and calving on public and private lands, the administration's proposed fee increases equals a reduction in gross receipts of 4 percent. This result will end grazing on public lands.

The bill ought to be considered prior to the implementation of these administrative reforms. The bill replaces the Public Rangeland Improvement Act [PRIA] formula with a new Federal forage fee formula. This formula is based on the premise that the western public lands grazing permittee should pay the fair value of the forage received from Federal lands.

There are two key objectives to determining the formula for a forage value-based grazing fee: The first is identification of the value of the grass, or forage, as a percentage of the private land lease rate. The second concerns an adjustment which reflects the lower returns derived from Federal lands compared to private lands, as well as the additional costs of doing business on Federal lands compared to private lands.

In short, the Federal forage fee formula is based on the private forage market while reflecting the higher operational costs and lower returns derived from Federal lands. As a result, this formula would promote similar economic opportunity between Federal land and private land livestock producers.

Ranchers are the family farmers of the West. The establishment of a fair and equitable grazing fee formula is necessary to ensure their survival. It may sound redundant, but it is no lie that ranching remains a key component in the rural western economy. Every $1 a rancher spends yields $5 in economic activity throughout the West. Not only does this add billions to the Nation's economy, in much of the West, it is the single largest source of economic activity and tax revenue.

Every western ranching job creates as many as four jobs on Main Street. If ranchers go under, so will the tractor, truck and automobile dealers, the gas, grocery and feed store owners, the veterinarians, doctors and dentists, and many others who make up the commercial and social fabric of rural western towns.

A fee that is not based on sound science and careful study will destabilize the entire livestock industry and the rural western economic infrastructure it supports. If Congress and the administration want livestock grazing on Federal lands, and the billions of dollars in economic activity it represents, it must consider the Federal Forage Fee Formula Act that has been introduced.

A recent study released by Pepperdine University adds dramatic credibility to our legislation. The study, entitled "Montana Ranches Using Federal and Non-Federal Grazing Forage" provides solid, empirical data backing up our new grazing fee proposal. The study is the most exhaustive analysis of western ranching yet. It evaluated confidential bank records, loan files, operating records, and actual sales records. It provides a powerful answer to this question: Who has the advantage, the western Federal land rancher or his private land neighbor? The results were astounding.

This study paints a statistical picture of two types of ranches—one ranch has private rangelands and the other is dependent on Federal lands. For the Federal lands rancher, the cost of doing business with the Government is high. For every $1 that his neighbor, the private land rancher, pockets at the end of the year, the Federal land rancher gets only 66 cents. The Pepperdine study shows that for the public lands rancher, expenses are inherently higher and productivity is less.

The study shows more. In the past 20 years, a generation of time, the Federal land rancher has suffered a loss of ranch value equal to $350 for every unit of production he owns. This means, if a rancher can graze 100 cows on his Federal lands ranch, his loss in ranch value has been $35,000 over the last two decades. Contrast this with his neighbor who has 100 cows on private land. In the same 20-year time frame, his 100-cow ranch has increased in value by $80,000. Make no mistake. Private lands are more productive and are not subject to the uncertainty of doing business with the Federal Government.

I certainly realize that for years a battle has been taking place over America's rangelands. The issue of grazing fees has been at the heart of the argument. Leon Panetta, Director of the Office of Management and Budget, and Interior Secretary Bruce Babbitt have both stated that the fee will be increased, but they also recognize that an increase in fees will not mean a huge windfall in revenue for the Federal Government.

I recognize there is a need for grazing reforms. I am concerned about the erroneous perception of many that the fee, as established by President Reagan in Executive Order 12458, has become a symbol representing unfair subsidies and environmental degradation.

It is equally important to realize that while only 3 percent of the land east of the Rocky Mountains is owned by the Federal Government, more than two-thirds of the land west of the Rockies is federally owned. Within each of the Western States, the quality of the land also varies dramatically. In Nevada, the Federal Government owns more than 83 percent of the land. In many instances, grazing on private land in Western States is simply not an option—it's unavailable or extremely limited.

We are not seeking to preempt the management reforms Secretary of the Interior Babbitt intends to recommend, but rather, we want to dovetail with the Secretary's efforts to address these issues administratively.

It is clear to me that most people care about management issues, that is the Department's ability to effectively steward the resources it manages. To cattlemen, however, the single most important issue is the fee. If it's too high, ranchers go out of business. The ranchers I've talked to realize they'll have to pay more for the privilege of grazing on public lands, but as business people, they need stability—stability that can only be provided if a bill passes to lock a higher fee into place.

It is my hope that by working together this issue can be resolved by separating grazing fees from, for instance, range and riparian area improvements in the political sense, and then, later, successfully relinking them in the land management sense. What I mean by this is that some environmentalists equate high fees with a cattle-free, sheep-free range. But range stewards know there is a place for livestock on the range.

Livestock grazing continues to be one of the most important tools available to rangeland managers to protect and enhance the environment on our public lands and has contributed to an increase in the overall health of the western rangeland. Controlled livestock grazing allows plant life to thrive with sturdy growth, and in turn, provides forage for wildlife, including important game animals. Indeed, 55 years after the passage of the Taylor Grazing Act, it can be said that much of the public rangeland is more healthy and supports a greater diversity of plant and animal life.

The administration's proposed actions seem to be aimed at the very small fraction of ranchers who are not meeting industry standards for proper care of the public resources, putting all operators in the same category. If new regulations are promulgated, the agencies need to do a better job of tailoring them to site specific, on-the-ground application.

The regulatory proposals are grounded on the concept of reforming the management of rangeland ecosystems. Ecosystem management practices should reflect all user considerations, recognizing that people and their socioeconomic needs are an integral part of management decisions. Within the concept of a rangeland ecosystem is the larger question of how to define the borders of an ecosystem, especially when private lands are mingled with federal lands. Ironically, promulgation of new and additional regulations appear contrary to the recommendations made by Vice President GORE's National Performance Review. Rather than eliminating regulations that stifle economic productivity, these proposals add to the confusion.

Other changes proposed by the administration need further examination. For instance, 10-year terms should be retained for new applicants. Five-year terms inhibit long range stewardship planning and assume a new permittee is likely to be an unsatisfactory operator. And replacing local grazing advisory boards with resource advisory councils, involving a wide range of interested parties, is acceptable only if those interested parties are part of the local community.

The critical importance of the administration's reforms call for the fullest public involvement possible. I appreciate the meetings Mr. Babbitt held in several Western States on grazing reform earlier this year. However, the notice of intent regarding the preparation of an environmental impact statement on this issue reached many members of the livestock industry just in the past few days, making it difficult to draft adequate and detailed responses. Surely, a decision of this magnitude requires enough time for adequate public comment. That is another reason why I support the Domenici amendment.

Thus far, however, the administration has done little to incorporate the concerns of western ranchers into their proposed formula. Much work remains to be done in order to ensure that any increase in grazing fees is based on realistic assumptions. This amendment will force the Department of the Interior to seriously consider the views of our constituents, and I urge my colleagues to support it.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Mr. President, if I might ask my colleague from Wyoming to defer for just a moment, I know we have a list of speakers lining up for this amendment, and I think that is well and good. But I would like to encourage all speakers to be very brief. I think most people know how they are going to vote on this amendment. It would enable us to finish. We would like to finish this amendment. We are now trying to seek a time certain to vote. So at least we could let Senators know and they could plan accordingly.

So I am hopeful we will be able to have a vote, say, in 45 minutes or no later than an hour on this amendment, dispose of this amendment one way or another, and then move to other amendments.

The number of amendments on the total bill have been reduced significantly, and we may only have one or two other controversial amendments. It is possible we could finish the bill tonight if we can dispose of this particular amendment.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. NICKLES. I am happy to yield.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on this amendment occur no later than 6:30 p.m. with the time equally divided.

Mr. REID. Mr. President, reserving the right to object, a number of Senators on both sides wish to speak. Everyone will have that opportunity. The only caveat I would suggest is they will not have as much time as originally planned.

We have Senators CAMPBELL, DECONCINI, BAUCUS, BRYAN, BINGAMAN, REID, and CONRAD on this side, and we will divide up the time accordingly with the time we have remaining.

On the Republicans I understand there we have WALLOP, KEMPTHORNE, GORTON, BURNS, BENNETT, MCCAIN, SIMPSON, HATCH, and DOLE.

Mr. DOMENICI. Mr. President, reserving the right to object, I wonder if Senator REID would consider since there are so many more Republicans——

Mr. REID. We have BRADLEY and BUMPERS, too. They were on the other side of the page.

So we have, I think, as many as the Republicans do now if not more.

Mr. DOMENICI. I have no objection.

Mr. BYRD. And that the time be equally divided among those Senators whose names have been stated.

Mr. GORTON. Mr. President, reserving the right to object, I did not understand the list to vote at 6:30.

Mr. BYRD. No later than 6:30.

Mr. GORTON. I cannot conceive all those Senators will have an opportunity.

Mr. BYRD. Oh, yes.

Mr. GORTON. I will object to that.

Mr. BYRD. Oh, I am so sorry.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. This means we have to have an hour and a half window, and when they get back, we will still be talking on this amendment. We have to finish this bill no later than 3 o'clock tomorrow. I want to get to see my little dog Billy if we are going to keep us here to 3 o'clock in the morning.

The quality of mercy is not strained.

Mr. WALLOP. Mr. President, will the Senator perhaps withdraw his request and I will go as though we were on that ration which I gather is about 2 minutes? I will take my 2 minutes and then perhaps we will be able to arrive at an agreement.

Mr. BYRD. Would there be a slim chance I might still get agreement to this request?

Mr. GORTON. Probably not to 6:30. I suspect agreement is possible.

Mr. NICKLES. If the Senator will yield, would the Senator try another offer, say, at 6:45? That would give an hour.

Mr. METZENBAUM. I object to that.

Mr. DOMENICI. Might we proceed as if 6:30 is the time and see if we cannot get 2 minutes for each person, we might come out that way.

Mr. BYRD. I hope the Senator from Washington will not object.

Mr. WALLOP. If the Senator will allow the Senator from Wyoming to proceed, it will only take 2 minutes while the Senator from Washington is doing this.

Mr. BYRD. If I might remind my friend from Washington how we marched arm in arm as comrades just last week on a very important matter, and I shall call upon our long and constant friendship.

Mr. GORTON. The Senator from Washington would certainly prefer if the Senator will allow the distinguished Senator from Wyoming to start using the time and talk about it while he speaks. All this is cutting out further on the time.

Mr. BYRD. I am afraid the objection will come out of the telephone in the meantime.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. WALLOP. Mr. President, while the Senator from New Mexico is on the floor, it had been my observation and understanding of his amendment and of his intent that its basic purpose is to prohibit the use of funds provided by this or any other act to consider implementing grazing fees or regulations through any administrative action or Executive order for a period of 1 year. Is that understanding more or less within the parameters of his amendment?

Mr. DOMENICI. The Senator is absolutely correct. The only other implicit part of it is if Congress were to pass a law.

Mr. WALLOP. Of course.

Mr. DOMENICI. Of course, that would change it.

Mr. WALLOP. It is our purpose, in fact, to pass a law, Mr. President. I assert that. The Senator from Colorado and I have introduced such a provision.

Mr. President, I rise in support of the amendment offered by the Senator from New Mexico [Mr. DOMENICI].

Secretary of the Interior Babbitt recently announced proposed changes in rules and fees for using the Nation's public rangelands—including a number of changes which will be devastating to rural communities, western ranchers, and the financial institutions that serve them.

The current furor over grazing fees is not a national economic and Federal deficit issue, as is being portrayed by environmental groups and the media. It is in fact a personal economic issue for thousands of rural, Western families, and an issue, which if implemented, will seriously reduce net revenues not only to the Federal Government, thereby increasing the Federal deficit, but also to States and counties.

Environmentalists are calling for the Federal lands to be "Cattle Free by 1993." The administration proposal, if implemented, will certainly accomplish the cattle free part of this agenda. The cost will be both economic and environmental degradation.

If this proposal by Secretary Babbitt becomes law, one of two things are going to happen. Environmentalists, in the years to come, will change their slogan from "Cattle Free by 93" to "cows not condos" when much of the open range around resort areas begins changing to 35-acre ranchettes.

Also, in the West, we will see a new pattern where the hardworking families who have fought for generations to stay in the ranching business become employees of a new breed of land barons known as the hobby ranchers.

These are folks who buy up distraught ranches, build themselves a second home out West, buy a few hundred head of buffalo, and serve chocolate dipped biscotti's and cafe lattes to their celebrity friends during roundups. I am sure the Secretary would be one of the more sought after buckaroos at these soirees for making it all possible.

Mr. President, other media coverage continually repeats claims that the present $1.86/AUM fee for grazing would be raised because it constitutes a "subsidy". Most studies show that the total cost of grazing on public land is just as high as grazing on private land. The issue has been studied by many groups outside and inside the Government.

The grazing fee issue needs to be put into perspective. Compared to other agricultural programs there is no subsidy.

If the administration's proposal is implemented it will eventually destroy not only the livestock industry, but also the economic fabric of rural communities in the western United States. Many livestock operations will be adversely impacted immediately upon a fee increase. The remaining operations will be adversely affected over a longer term by the uncertainty and lack of security which now exists.

Financial institutions have lent money based on the long-term tenure of individual ranchers on Federal lands. This tenure is provided by the PRIA formula, and, results in a way to secure loans with the banks. If that security is removed, banks will have to call in their loans, and will not issue new loans which are necessary to support the industry. Mr. President, if this were not bad enough, the banks themselves will be placed in financial jeopardy. Having made loans on a seemingly secure assessment which will be immediately reduced in a case I will elaborate on later, by 18 percent, their reserve margins become slim. The recent S&L crisis tells us where this can lead. Moreover, ranchers will lose their ability to obtain financing. Livestock operations will not be able to stay in business. Property values will be greatly reduced, which in turn will adversely affect the bonding capacity of most Western rural counties. The loss in property taxes from the livestock industry will have to be made up by other business and personal properties. At the same time, counties will lose their ability to fund the public works and emergency services infrastructure.

The devastating impacts of the administration's proposal can already be measured. Mr. President, in Sweetwater County, WY, I know of a widow who has recently put her family ranch up for sale. The appraised value of the property was $1,044,000.

However, since Mr. Babbitt and Mr. Baca announced their rangeland reform program the property has been reappraised at only $858,000. Mr. President, the ranch was devalued instantly the day the administration proposal was made public. The devaluation was based solely on the fact that 186,000 dollars worth of grazing permits are now valued at zero dollars.

This is only one ranch in one area. For those in the environmental community who look forward to robbing widows in the interest of the Federal Treasury, let me make clear what that diminution in value means. The Federal Government loses money in taxes. Currently, the IRS taxes the value of grazing leases. Moreover, estate taxes will be reduced as permits are extinguished. As a result, the States and counties will have their land tax base devalued, and the Western economy will spiral downward. Using this one example, the Federal Government will lose at a minimum $64,000 in estate taxes. Sweetwater County will lose at least $13,000 in annual real estate taxes over the next 10 years. Throughout the West, millions of dollars will be lost to the Federal and State coffers under the administration's proposal.

John Hay, vice president of Rock Springs National Bank in Wyoming has provided me with two real examples of the effects that the administration proposal will have on a successful ranching operation in southwest Wyoming. Mr. President, I would like to briefly describe his examples, and ask unanimous consent that the income statistic be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXAMPLE I.—SMALL LIVESTOCK OPERATION (300 COWS)

Year	Gross income	Ranch income less grazing fee	BLM/FS grazing fee paid	Grazing fees at $4.28/AUM	Income or loss based on grazing fee $4.28AUM
1992	$21,560	$14,014	$7,546	$16,821	$4,739
1991	28,200	20,710	7,490	16,272	11,928
1990	49,486	42,702	6,784	16,041	33,445
1989	50,634	43,663	6,971	16,041	34,593
1988	55,685	49,913	5,772	16,041	39,644
1987	21,898	16,838	5,060	16,041	5,857
1986	4,001	(1,059)	5,060	16,041	(12,040)
1985	5,039	(21)	5,060	16,041	(11,002)
1984	14,994	9,859	5,135	16,041	(1,047)
1983	7,890	2,643	5,247	16,041	(8,151)
1982	17,126	10,155	6,971	16,041	1,085
1981	33,820	25,162	8,658	16,041	17,779
Total income for 12-yr period	310,330	234,579	75,754	193,503	116,830
Average annual income (loss)		19,548			9,736

EXAMPLE II.—LARGE FAMILY LIVESTOCK OPERATION EFFECTS ON EACH OWNER OF INCREASED GRAZING FEE (1,800 COWS)

Year	Gross income	Ranch income less grazing fee	BLM/FS grazing fee paid	Grazing fees at $4.28/AUM	Income or loss based on grazing fee $4.28 AUM
1992	$34,457	$30,578	$3,879	$8,646	$25,811
1991	33,858	30,125	3,643	7,913	25,945
1990	22,034	18,573	3,461	9,154	12,880
1989	49,517	46,283	3,234	8,397	41,120
1988	35,303	32,981	2,322	7,502	27,801
1987	37,626	35,304	2,322	7,361	30,265
1986	17,817	15,997	1,826	5,789	12,034
1985	10,762	9,032	1,730	5,487	5,275
1984	2,355	275	2,080	6,497	(4,142)
1983	12,873	11,220	1,653	5,052	7,821
1982	22,420	19,959	2,461	5,663	16,757
1981	19,466	16,840	2,626	4,866	14,600
Total income for 12-yr period	298,488	267,257	31,237	82,327	216,167
Average annual income (loss)		22,271			18,014

Mr. WALLOP. Mr. President, example 1 is a 300 cow/calf operation that grazes entirely on Federal land, and typically sells off their calves as yearlings. This family operation is run by a father, mother and son. They are debt free so that the figures I have submitted for the RECORD reflect no interest payments. In that regard they are not really a typical ranch family. But, since they are debt free, the repercussions of the administration proposal are particularly interesting.

The family's after-expenses income of $19,548 has to pay living costs, retirement, Social Security, and all other normal costs. The imposition of a fee of $4.28 per AUM causes their expenses to rise precipitously, with no increase in income. With a $4.28 fee, their after-expenses income drops to $9,736 for this family of three. Of course the administration probably can develop some no-cost health and welfare program to deal with this.

Example 2 is an 1,800 cow/calf operation that sells the calves when weaned. It is also a family operation consisting of a father, mother, and four grown children. The children all help to work the ranch. For financial planning purposes, they divide the ranch into five units.

Their after-expenses income of $22,271 for each unit also has to pay living costs, retirement, Social Security, and all other normal costs. The imposition of a fee of $4.28 per AUM causes their expenses to rise precipitously, with no increase in income. With a $4.28 fee, their after-expenses income drops to $18,014 for the family of six.

John Hay explained that these two examples are probably the best run operations that his bank does business with in the area. The rest are marginal by comparison. he told me that he expects the 1,800 cow operation will develop a financial cancer, and die a slow death. The 300-cow operation, even though debt free, will have an immediate heart attack and later die under the administration's proposal. The other, marginal operations carried by his bank will be in major trouble at once.

Mr. President, no one disagrees that overgrazing was a serious problem earlier in this century and that some problems still exist. But, this same chronic overgrazing and associated range deterioration led to passage of the 1934 Taylor Grazing Act. Subsequent legislation such as the Public Range Improvement Act of 1978, establishing the market based fee formula incorporated in the current program and range use procedures wherein BLM and Forest Service personnel have the authority to control the grazing process. By BLM's own estimates the range improvements resulting from the cooperative effort between ranchers and Federal range managers have been substantial. That is the environmental pulse which the administration ignores.

The improved situation on the public range owes much to investment by both ranchers and the Government. Unfortunately four provisions in the new proposed regulations will serve to discourage additional rancher's investment in environmental improvements. Those are the provisions to give the Government sole title to fixed improvements and water rights resulting from ranchers investment, to decrease lease terms, and in the case of disputes, to assess penalties before a formal hearing to determine the scientific and economic facts of the case.

Unless the Government is willing to substantially increase expenditures on labor and materials to replace the expenditures of the ranchers, it is difficult to see how the current rate of environmental improvements will continue. Anyone who believes that in this budget climate we will see massive increases in the Federal budget to replace what private ranches are doing on their own is fooling themselves.

Mr. President, the administrations proposal is a cluster bomb that will devastate all facets of rural Western communities. It should not be implemented until Congress has the opportunity to completely evaluate the pros and cons of such reform. The administration's grazing proposal makes neither economic nor environmental sense. It is a fraud designed to foster a specious social agenda.

Mr. President, let me just say quickly that this is not a ranchers' issue. This is a small-community, small-town, small-county, rural-county issue. School boards depend upon the value of lands within counties for a large proportion of their revenues. Small towns depend upon the jobs created in the ranching community for their economic health. Every job in ranching is five jobs in town someplace.

It is very comfortable to think about how well it would look if some ranchers went to live in Denver or Salt Lake City, if some people who are now living in small towns went to live in Salt Lake City or other kinds of things, but think of the wealth that is lost when trucks do not deliver groceries and shoes and other kinds of things. You do not have a truckdriver, you do not have a trucking company, you do not have a small business man, you do not have a bank account.

You can service all these people within a beltway equivalent, or Denver, or Salt Lake City, or Billings, but you are taking away a huge amount of revenue that otherwise would go to the Federal Government.

Also, these proposed regulations will cost the Federal Government money. Make no mistake about it. This is not a balanced budget issue. The Federal Government today collects inheritance taxes on the value of grazing permits that are conjunctive with ranches that go into estates.

When the Secretary says that those are no longer proprietary rights and can be changed for any reason, for better use as decided by the Secretary, the Internal Revenue Service is no longer going to be able to assign a value to those leases or permits or allotments.

Mr. President, there are requirements within these regulations that are proposed that mean more, more, more employees for the Bureau of Land Management and the Forest Service or they are not going to be able to achieve what is taking place and what is requested.

There are going to be people who are engaged in much litigation overtaking.

The Secretary asserts the right, Mr. President, if you can believe this, to require the grazing activities, all productive activities on private land, if so much as an acre of Federal land exists within a pasture. Now they are going to say you cannot graze your private land this year, Mr. President. There is going to be legislation in here, there is going to be fencing requirements for the Federal Government. There is going to be litigation that will have no end.

Mr. President, there should be hearings on an issue as sweeping as this. This is not an issue of grazing fees, Mr. President. This is an issue of a Secretary with a bit in his mouth who has decided to put in place an entire new regimen for the management of the West under the guise of a grazing fee.

Mr. President, I yield back the remainder of my time and thank the Chair.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. DECONCINI. Mr. President I ask unanimous consent that Bruce Flynn be granted privileges of the floor during the consideration of H.R. 2520, the Interior Appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I am pleased to be a cosponsor of the amendment offered by the Senator from New Mexico [Mr. DOMENICI] and the Senator from Nevada [Mr. REID] which would prohibit any funds in this bill from being used to implement rangeland reform in fiscal year 1994. This delay will provide the time for Congress, working with the administration, to develop a reasonable reform policy.

It is the intent of those of us who support this bill, at least this Senator from Arizona, to work with the administration to ensure that the grazing fees are going to increase. This is not a stall to see that nothing happens. We have been through that and we have won that. But the time has come for reform. And I am clearly representing that I am prepared to increase the fees on grazing.

The grazing issue has been debated on this floor many times. I have stated Arizona's case over and over. However, the comprehensive reform that was proposed by the administration last month adds so many new twists, as Senator WALLOP has just pointed out, that this is not legislation that should not be comprehensively reviewed by a hearing process, if that is what we are going to implement. And the Secretary is proposing implementing that, and he has authority to do that without legislation.

As many of my colleagues are aware, the Secretary of the Interior recently released a grazing reform package. In my view, this package will devastate the ranching industry in Arizona, especially the small family operations that dominate Arizona ranches.

I support reform, but I support reform that is balanced, that would increase the fee by 25 to 30 percent the first year, put into a formula to work out a compromise that will keep it on an increase that is manageable on an annual or every 2-year basis.

We are moving in Congress to come up with a fair and practical reform of Federal grazing policy, and we are negotiating with the administration. S. 1326, recently introduced by Senator CAMPBELL and Senator WALLOP, cosponsored by myself, Republicans and Democrats alike, represents a fair progressive change in the fee structure.

Mr. President, there is a much more responsible and appropriate approach to reforming the grazing fee formula, and it should be given a chance to be considered. The bill only addresses the fee issue. But the time provided by the Reid-Domenici amendment will allow the comprehensive legislation to be developed. It will reform the grazing program and address other land management concerns.

I can not exaggerate how important the Reid-Domenici amendment is to my State. Small family ranching is a way of life in Arizona. Most of Arizona's 3,700 ranches have been in the same family for generations and already operate on the margin.

Sixty-three percent of the cattle produced in Arizona are grazed at least part of the year on public lands. Livestock alone contributes almost three-quarters of a billion annually to the Arizona economy.

In my State of Arizona, only 17 percent of the land of my State is privately held by the taxpayers. Over 50 percent is held by the Federal Government. And, counting the native American land holdings, it is about 70 percent.

If Arizona ranchers are driven off the public land by such exorbitant fees, there is no place for them to go.

But more than ranchers will be affected by Interior's grazing reform proposal. Small communities in Arizona, which lack economic diversity, will be the hardest hit. Many of these communities are already dealing with heavy economic blows, and these rural communities will have a difficult time surviving with a significant loss in direct and indirect ranching revenues.

Mr. President, this amendment is critical to ranching and to the way Government conducts its business. Although technically, the Secretary has the authority to reform the grazing policy administratively, the sheer magnitude of the proposed changes and their effect on rural economies dictate that it be given full congressional attention.

The Secretary, to his credit, did hold grazing hearings in Arizona and around the West. I attended the Arizona hearing. A lot of facts were presented indicating that a substantial increase in grazing fees would be devastating to Arizona ranching. What the Secretary learned, at least in Arizona, warrants a much more extensive examination of grazing fee reform than is embodied in the present administrative proposal.

I do not believe that the administration's proposal was intended to wipe out these ranchers, but that is exactly what it will do.

I ask my colleagues to support this amendment. Give us a chance to work with the administration to find a productive reform of Federal grazing policies, not one that destroys an important western industry.

Mr. President, I thank the Senator from West Virginia for his tolerance and his support in the past in working on legislation that would accommodate it so that there is a public interest and a public gain of increasing the fees, but not devastating rural parts of our State. And the Senator from West Virginia knows so well what rural life is all about and how important it is that you have that rural life and that you do not just wipe it out.

That is exactly what is going to happen if we do not get a comprehensive approach to this, that is going to permit continued public use at a market value.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I sat here for 2 hours and 45 minutes this morning, along with my good friend from Oklahoma, the other manager, and Senators would not even come to the floor.

They had plenty of time to discuss this at that time and there was no necessity for waiting until the amendment was actually before Senate to discuss it. Since I could not get an agreement, I thought I would just move to table. That might bring things to a head pretty fast.

Mr. REID. Will the Senator yield?

Mr. BYRD. Yes.

Mr. REID. I would, with the permission of the manager of the bill and ranking member, ask unanimous consent that the following Senators be allowed to speak and that there be a vote no later than 6:40 tonight on this amendment; that those Senators who are on the list to speak, their time be divided equally among Democrats and Republicans: KEMPTHORNE, GORTON, BAUCUS, BURNS, BENNETT, MCCAIN, BRYAN, BINGAMAN, CONRAD, SIMPSON, HATCH, DOLE, REID, BRADLEY, and BUMPERS.

Mr. NICKLES. And Senator JEFFORDS.

Mr. REID. JEFFORDS.

Mr. DOMENICI. Could we say each one will get a proportion of the time as it bears to the remaining time?

Mr. REID. That is the intent of the request.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators.

The PRESIDING OFFICER. The Senator from Idaho, Senator KEMPTHORNE, is recognized.

Mr. KEMPTHORNE. Mr. President, we just completed 5 days of strong debate and discussion about the defense authorization bill and during that discussion it was pointed out the defense industry is losing 20,000 jobs per month. These are American workers who are being put out of work. It is a downsizing that is taking place.

In the timber industry in the Northwest we know the same thing is happening. Timber workers are being put out of work. It is happening in the mining industry. If this proposal goes through as the administration currently intends, it will now put the ranching industry out of business.

This downsizing throughout the United States is becoming frightening. Does it make sense, then, to have a moratorium on this particular administration proposal so we can assess that policy before we do the damage? It absolutely makes sense.

This is sweeping change that is being talked about. I wish to associate myself with the remarks of the Senator from New Mexico and the Senator from Idaho, who have talked about what the devastation would be to the West—the sweeping changes.

It would also affect, for example, water rights. There are few things as critically important to the West as water rights.

As much as I might wish to discuss this, let me simply read a few paragraphs from a letter from an Idahoan, because they say it far better than I can. This letter starts, "My name is Joe Tugaw and I reside in Twin Falls, ID."

He references his grandfather came west in 1883 and settled in the West. They are third-generation ranchers who have been working the land for 110 years. He goes on to say that he is afraid that he is the last of his family who will be working the land as a rancher. His son's exact comment when his father asked him if he would continue is:

> It is ludicrous for me to subject my young family to the uncertainty of the availability of Federal range at a reasonable cost when a politician can financially destroy our family's business with a stroke of a pen.

It is sad, indeed, when politicians and bureaucrats can disrupt a family's heritage.

This is not a big family operation. He is one of 42 shareholders from 3 States who own a large grazing association in northeastern Nevada.

The PRESIDING OFFICER. The Senator has spoken for 2½ minutes.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent the letter be printed in the RECORD as well as a guest opinion from Brad Little, the president of the Idaho Woolgrowers Association, and urge my colleagues to support the Domenici-Reid amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 1, 1993.

Secretary BRUCE BABBITT,
Department of Interior, Washington, DC.

DEAR SECRETARY BABBITT: I have just returned from a 14-hour drive to and from Bozeman, Montana where I attempted to present oral comments to you regarding the Federal grazing fee issue. I am submitting my comments in written form since I was not selected to communicate to you in person.

My name is Joe Tugaw and I reside in Twin Falls, Idaho. My grandfather came west in 1883 and settled on a ranch in North-Central Washington. My family has been in the cattle ranching business since that time; in fact, we still use the cattle brand brought west by my grandfather 110 years ago. I am a 3d-generation rancher utilizing Federal land but sadly will probably be the last. My children, in spite of their great love for the ranch and the cattle business, have decided not to pursue the family business. My son's exact comments are "it is ludicrous for me to subject my young family to the uncertainty of the availability of Federal range at a reasonable cost when a politician can financially destroy our family's business with the stroke of a pen." It is sad indeed when politicians and bureaucrats can disrupt a family's heritage.

Mr. Secretary, you have stated that you are interested in facts and not rhetoric—here are the facts regarding stewardship.

When we purchased our present ranch 30 years ago it was divided into 4 pastures. We now have fences dividing the ranch into 18 pastures to better manage the cattle. We have increased the water developments from 4 to over 50. These improvements have allowed us to rest 25 percent of the entire ranch each year where the previous owners, who had owned the ranch for 84 years, had to graze all pastures every year. These improved management practices have allowed the deer population on our operation to increase more than 300 percent in the last 20 years.

Most all ranchers are main stream environmentalists since they have chosen to work in concert with the environment as their vocation and avocation.

Here are the facts regarding economics. In my State, Idaho agriculture contributes more to the State's economy than any other business. The cattle segment of agriculture directly adds $750 million to the economy, significantly more than any other facet of agriculture. In fact, 88% of all cattle in my State spend some time on the Federal range lands. So you can see, Mr. Secretary, if the United States Government either prices or regulates us off the Federal grazing land, they would probably cause a decimation of our State's infrastructure.

Other economic facts—I am one of 42 shareholders from 3 States who own a large grazing association in northeastern Nevada. The Grazing Association controls in excess of 324,000 acres, most of which is Federal BLM grazing land. We collectively run 7,000 cows so you can see that the average shareholder has 166 cows; small family ranches by anyone's definition.

The financial books of this association have been audited by a certified public accountant each year for the past 40 years. The most recent 10-year average cost of operating an AUM is $10.59 per AUM plus a $4.00-per-month loss opportunity which represents interest on a share in the association. Additionally, this past year, we can authentically document 570 man days spent by shareholders at no cost to the association to help operate the grazing allotments. I personally have to transport our cattle 90 miles one way to take advantage of this $14.59 per AUM subsidy. So you can readily see that our non-fee costs surpass private grazing lease rates.

The obvious question is why use Federal lands to graze cattle at their present rates. The simple answer is that there are no other available grazing lands in our area.

In summary:

We are good stewards of the land;

We currently pay more to utilize Federal lands than private grazing land;

Pricing or regulating us off the Federal grazing land will severely damage the infrastructure of my State.

Mr. Secretary, we ask that you and the other Government officials use common sense in your deliberation on an issue so vital to my family and my State.

Sincerely,

JOSEPH E. TUGAW, D.V.M.

[From the Idaho Statesman, Sept. 3, 1993]

GRAZING PLAN WILL BANKRUPT THE WEST

(By Brad Little)

The Idaho Statesman's Aug. 10 editorial that seems to endorse the Clinton-Babbitt grazing fee proposal does not fully address this critical issue.

The livestock industry supports statutory solution to this issue. We have proposed more than a 30 percent increase in our own grazing fee.

The livestock industry's proposal starts with the private lease rate and adjusts for the significant costs of doing business on federal lands and their lower productivity.

The 230 percent increase in Bruce Babbitt's proposal will decimate the sheep industry and severely curtail the cattle industry in the West. The Clinton-Babbitt proposal would yield less money to the federal government and Idaho because of lost taxes and jobs.

Our proposal lends stability to the rural economy, where the Babbitt-Clinton proposal will cause significant decreases in rural jobs and infrastructure. This action from a president who was elected on "the economy, stupid" and the promise of helping, not hurting, rural communities.

The Clinton proposal also moves the establishment of management guidelines out of the hands of the local resource managers and local public input process and moves it to Washington.

I agree with both Secretary Babbitt and The Statesman that we want to continue to improve the range. In the most current assessment by the Interior Department, Bureau of Land Management lands were shown to be in the best condition of this century, with the trend on over 87 percent of these lands in stable or improving conditions. We in Idaho are aware of the substantial increase in wildlife numbers since 1960, which attest to the improving range conditions.

Environmentally, the most negative effect of pricing ranchers off the public lands is that it will force the ranchers out of business and they will therefore sell their private lands. I do not think that Idahoans want more mini-ranchettes and subdivisions in the place of the ranches that now exist.

These are just a few of the reasons that we feel The Statesman should re-examine its endorsement of the Babbitt proposal, and instead endorse the Campbell-Wallop Bill as supported by our entire congressional delegation.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Nevada.

Mr. BRYAN. Mr. President, I thank the Chair. I associate myself with the remarks made by the distinguished senior Senator from New Mexico and others who are supporting his amendment.

Let me just make the point that in the State of Nevada, 87 percent of the territorial area of our State is under Federal ownership. So when we talk about public land policy we are talking about more than just a small, inconsequential part.

I favor rangeland reform, and I recognize we need to add some permanence and stability in terms of the grazing fee formula. And I recognize that permanence and stability requires an increase in the present AUM. That is why I am a proud sponsor of the Nighthorse Campbell-Wallop proposal.

A great many of the ranching families in Nevada, who have ranched on that land for generations, since the pioneers came across the plains to my own State, will be wiped out by the proposal which has been offered as a regulatory change by the Secretary of Interior. We simply cannot live with that. The vehicle that has been offered by my distinguished friend and colleague, the senior Senator from New Mexico, gives us in the Congress an opportunity to be part of that process and that is what we are trying to accomplish. We are not seeking to stonewall change but simply to be part of that process.

I urge my colleagues who do not come from public land States, who do not comprehend what we are talking about when 87 percent of your State is owned by the Federal Government, to give us an opportunity to be part of that process, give us that opportunity to engage in meaningful colloquy with the Secretary of Interior to accomplish a compromise that will not devastate those who make their lives on the public lands of our State as part of a great ranching tradition that we want to see continued for their children and their children's children.

I support the amendment proposed by my colleague, Senator DOMENICI, which prohibits the use of funds to implement President Clinton's rangeland reform plan.

The options that are contained in the administration's reform plan will have both a dramatic impact on the livestock industry in Nevada as well as the ability of our land managers to have resources to protect the land for the use of future generations.

Under the current administrative rulemaking process, congressional oversight does not exist on this issue which is so important to my constituents.

The intent of Senator DOMENICI's amendment is simple: We are merely asking that as part of President Clinton's rangeland reform plan, congressional involvement not be circumvented on an issue that is so vitally important to our constituents.

The process by which the administration intends to reform our Nation's public lands stretches the concept of an administrative rulemaking process to the extreme, and it is my hope and belief that a reasonable compromise that takes into consideration the economics of ranching, can be reached with our involvement.

Many of the proposals contained within the administration's proposal are onerous and overburdensome, and may lead to the elimination of the livelihood of many of my constituents in Nevada as well as those of my colleagues I join with today.

Any reform must take into account a basic western rangeland ideal—that when all is said and done, ranching must remain a viable way of life, as it has for generations of Americans.

It was only last spring that several of us from Western States took our plea to the President on the issue of rangeland reform.

At that time it was the administration's original plan that if left unchanged, would have resulted in significant job losses in Western States, and we stressed how imperative it was that a compromise be reached that took into account the realities of modern ranching.

We are again faced with a process that is fundamentally unfair to those that earn a modest living through ranching.

I know that some abuses of our public lands have occurred, and I believe there is a broad consensus within the ranching industry, to prevent such abuses.

The damage caused by harmful grazing practices such as over grazing and degradation of sensitive riparian areas, cannot be ignored.

Ranchers realize that they have to be good stewards of our public rangelands, as well as pay their fair share in grazing fees.

I also recognize that an increase in grazing fees is required to better manage our public lands, and that is why I support the Campbell-Wallop grazing fee formula bill that would raise current fees by 25 percent rather than the massive run up in fees proposed by the administration.

The critical issue is maintaining and improving the condition of our publicly owned range lands. I believe any fee increase that occurs should be dedicated to range restoration.

I agree that there are areas for reform in our public lands policies, and I welcome the interest on the part of the Clinton Administration to do so.

For those of us who represent public land states—Nevada is comprised of nearly 87 percent federally-owned land—it is critical that rangeland reform not spell the demise of our ranching industry.

Because so much of Nevada is federally-owned, responsible multiple use public lands is essential to all Nevadans—the hiker as well as the hunter; the rancher as well as the researcher.

Access to public lands is critical for the cattle and sheep industry, as well as beneficial for balanced, multiple use of the lands.

Management of our public land's is complicated, and this issue is sensitive for those of us who are vitally concerned both about the economy of the Western States, as well as the status and protection of our public lands.

Where abuses have occurred, change is warranted.

However, congressional involvement is needed here, and this is what we are striving for today: That Congress be consulted on proposed changes to a way of life that has existed in the West for over a century.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I join many of my friends and colleagues in support of the moratorium on the Clinton administration's so-called rangeland reform proposal. The Senators who support this amendment do not oppose rangeland reform but, instead, through this amendment ask that Congress be given the time to evaluate and debate the proposal central to a way of life and to a major economic interest in the West.

The administration is attempting, without serious debate, to implement sweeping range management changes without taking into consideration the economic and social impact on rural communities across the West.

We all became aware of the administration's emphasis on speed rather than good policy when it announced its rangeland reform proposal on August 13. The Federal Register announced a public comment period that ended on September 13, providing only 30 instead of the normal 120 days to hear the concerns and views of those who will be most affected.

While shortening the public comment period speeds up the process, it also prohibits the majority of the men and women in the livestock industry, and their friends in rural communities, from providing input.

These families in rural communities will be severely affected by the administration's proposed change and their voices should not go unheard for the sake of expediency. The cost to the industry may exceed $100 million a year. It may also be designed to drive many participants in the industry off the public range entirely.

The administration also plans to bypass the legislative process, preferring instead to handle the proposal by Executive order. Here, too, the administration's desire to shove this proposal through rapidly severely limits the possibility that the best and most acceptable proposal can be drafted and implemented.

Eliminating congressional hearings and debate leaves rural ranchers, farmers, and the communities in which they live without a voice and without representation. This amendment allows Congress to take back the responsibility and to resolve public rangeland management issues. Together we can ensure that a fair, comprehensive solution is debated, public hearings are held, and that sound legislation is passed into law.

The administration's claimed goal is to develop good rangeland management on our public lands. I understand and share the desire to protect our public lands. This is a worthwhile and important goal and what we need is a set of regulations which have been thoughtfully considered, not regulations which have been pushed through quickly. I am convinced that speeding the proposal through administratively, without congressional oversight, will not result in good, workable rangeland management changes.

We need to ensure that district BLM and USFS personnel are consulted during the planning process. As our country makes major changes to rangeland management, we should utilize their expertise. We need them to provide their best insights into which proposals are not only workable, but which proposals will truly provide good rangeland reform. After all, these agency personnel with real-life, on-the-ground experience are the people who will have to implement this proposal.

We must also utilize the expertise of livestock owners. In Washington State a good 1,500 families' livelihoods depend on grazing on public lands. These people have been long-term stewards of the land, and have managed and cared for land under permits for generations. Just like the farmer who tills the soil, the rancher has to care for the public's land to ensure that good grazing is available from year to year. Their families' futures depend on it.

There are many changes included in this proposal—everything from changing permit lengths, grazing fee increases, and water rights, to changing the scope and size of grazing advisory boards. Some will be contentious. Some have pushed for years, not for the sake of what is good for the rangeland, but as an effort to remove all multiple use from public lands. I believe that it is up to Congress to find the balance among these proposed changes.

This amendment allows Congress to take back the responsibility and resolve public rangeland management issues. Together, we can ensure that a fair, comprehensive solution is debated, that public hearings are held, and that sound legislation is passed into law. I ask you to please join me in support of this amendment.

Mr. BINGAMAN. Mr. President, I rise in support of my colleague's amendment to establish a funding moratorium on implementation of "Rangeland Reform '94," as it is designated by the administration. I begin by thanking my colleague for adding me as a cosponsor of this amendment. I also appreciate his leadership on this important issue.

The issue before us is not whether we should have a change in the grazing fee formula. I think that issue has been debated for several Congresses and it is clear that some change in that formula is going to occur.

It is important that it occur and that we get stability in this issue so those who make their living from grazing on the public lands will know what their situation is and will be able to assess their economic future, so that people involved in ranching in public land States will be able to borrow money; so that people will be able to get on with their lives in a reasonable way.

So the issue is not whether some reform will occur; the issue is whether we should allow dramatic changes to occur and whether it should move forward at the breakneck speed that it is being proposed by the administration.

Mr. President, I believe it is important that we slow this process down, that we look at all the ramifications of the rangeland reform proposal that has been made by the administration. This is not just a proposal to change the grazing fee. This is a proposal that the administration has made for comprehensive reform. It requires some real scrutiny by those most affected.

One thing which clearly needs to be done in this process is that we need to look at the variations in forage value in different parts of the West. It is very different to engage in ranching in Montana, as distinct from New Mexico, and we need to look at the arid parts of the West and be sure that ranching can continue in those areas as well.

We need to look at the small ranchers who are most affected.

As proposed by the administration the changes in the grazing formula would eliminate the incentive and in fact eliminate the economic viability of ranching in some parts of my State. New Mexican ranching families are not generally wealthy. These families are working hard to earn enough to continue ranching. They need to be heard. We should not allow their livelihood to be threatened by dramatic changes in the grazing fee formula. Whatever changes we ultimately adopt need to be reasonable and need to protect the continued viability of our ranching industry in public land States.

Mr. President, again, I compliment my colleague for his proposal. I support it. I urge my colleagues to support the moratorium on rangeland reform.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I rise today to underscore the remarks of my colleagues to place a moratorium on the Clinton administration's plan to change the use and management of public lands. I support a bipartisan effort to regain control of commonsense administration of the Nation's public lands.

Little regard for the social and economic ramifications of these proposals have been given to the folks who have dedicated their lives to the land. There's no accountability here. The administration is not dealing in facts and the administration's spokesmen are shading the truth about the condition of the lands in the West. One of the main reasons that we are going through this exercise today is because we are having to deal with hysteria and emotions generated by an administration driven by a environmental agenda.

No one is against change but it has to be constructive change. These proposals are not constructive. They are destructive changes to the heartland of America. I believe it is time for the Congress to act on the actions of this administration and their environmental friends.

We have been dealing with proposed changes in the grazing fees for years. It's like the 1872 mining law, which has been amended over 100 times. It is subject to every environmental protection law in this country. A few weeks ago we saw the timber industry gutted by a plan that had little accounting for the science or for what is really happening in our Nation's forests. This entire facade is nothing more than an assault on the best available technology for public land management.

The bottom line is that the Federal Government is trying to take local government control away from the people. I have always supported government by the people, for the people. This is not what is happening to main street America and to the heartland of this great Nation.

Let us look at the specifics.

The Federal Government is trying to assume control of our water rights and water improvements. Water issues have historically and successfully been administered by the States in the West.

The Federal bureaucracy is significantly growing in the agencies responsible for public lands management. This bureaucratic growth is in the preservation areas, not in the services or management areas. The cost to the taxpayer is ever increasing.

Changing the revenue structure for public land management channels fees away from local communities, schools, local government amenities, and land management improvements. The money goes to Washington, DC, to cover Federal administrative costs instead of being used locally where it is really needed.

Revising the scope and size of local advisory boards complicates the use and management of Federal lands by placing the responsibility in the hands of inexperienced and agenda oriented bureaucrats.

The real land managers will have little financial or management flexibility.

The subsidy, as often mentioned, is to improve the wildlife habitat and wildlife populations as seen by numerous examples throughout the country. This will be destroyed because nature is a slow and cruel manager of its ecosystems and inhabitants.

In closing, I would like to offer that more Federal Government control of land management programs continues to be a failure, so why are we continuing to belabor this issue? The Federal Government has shown time and time again that it is incapable of managing commodities and the land for the good of the people, for betterment of the land, or for a profit.

If the Federal Government is serious about constructive change, the administration should be considering getting the Federal Government out of the commodity and land management business. Efforts would be better spent on focusing on programs that work for the people instead of against the people.

Mr. President, I do not know how many operations the Federal Government has where people pay the Government to improve their property. That has been the case with BLM land in the West, basically, the grazing land. If we compare the range conditions of the 1930's, the last 50 or 60 years, there is hardly any comparison at all because we carry more animal units now. We have the largest number of elk at any time since the Great Depression—white-tailed deer, turkey, antelope. All of this has been done systematically with people who know how to operate the land, who know how to rotate pastures, how to maintain winter range for livestock, how to provide water to a land that was barren of that water prior to their development.

If we want to save money in the Government, let us take a look at redundancy. Just inside the Interior Department, we know that every department or agency employs wildlife biologists—the Bureau of Land Management, the Bureau of Rec, the BIA, the Fish and Wildlife and, of course, the Forest Service under the Department of Agriculture. But they, too, employ wildlife biologists. And then we have just appropriated a huge amount of money to establish the National Biological Survey, patterned after the National Geological Survey.

So right now if you take that cowboy off this range, your cost to the taxpayer increases substantially. So the money lost to the Government will be huge.

Mr. President, I would like to somewhere get involved in the formula of people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BURNS. I thank the Chair.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise in strong support of the Domenici-Reid amendment to the Department of the Interior appropriations bill now being considered by the Senate.

This is an amendment I am proud to cosponsor, and I commend my colleagues for bringing it to the floor today.

There has been, in my opinion, a constant assault against the West and the western way of life by the Clinton administration, which is now pursuing the Department of the Interior's Rangeland Reform '94 plan.

The Secretary of the Interior has declared that "1993 continues to be the year of reform for public lands issues."

But, with reforms like these, this year cannot end soon enough for those of us in the West.

The message of Rangeland Reform '94 is unfortunate. It is a document that expresses complete negativity toward the ranching industry, which is an economic mainstay in many western States like my own.

It does not reward those ranchers, or their communities, who have proven themselves to be good stewards of public lands.

It does not provide incentives for ranchers to continue, or to begin, employing positive stewardship practices on our public lands.

It does not protect the financial interests of those interested in range development and improvements that will benefit both domestic livestock and wildlife.

It will not improve the relationships now existing between permittee and Federal manager that, in many areas, are ripe with animosity, acrimony, and downright mistrust.

It will not bring stabilization to rural communities that are struggling with real issues of economic development in areas with high concentrations of public lands and limited private lands.

As Dr. Roger Banner, a range economist from Utah put it, "the spirit of the proposal seems to be based on the assumption—that ranchers—are 'guilty until proven innocent.'"

The primary component of the plan is the proposed increase in the Federal grazing fee. But, the most damaging impact of the plan, in my opinion, rests in the accompanying reform proposals.

These include redefining the status of affected interest, eliminating grazing advisory boards, modifying the tenure of permits or leases, changing the ownership of future developments, and asserting Federal water rights.

Those who came to my town meetings during the August recess to discuss the grazing fee issue were both frustrated and discouraged about the negative impacts the proposed fee increase would have on their personal livelihoods.

You can imagine their modes after I explained the management reforms that accompany the Federal grazing fee increase. Several ranchers indicated that if they survive the proposed fee hike, and there was no assurance they would, then those additional reforms would literally destroy their operations and force them out of the business.

I keep telling myself that this cannot be the intended result behind the Clinton administration's proposal. Yet, every time I speak with my constituents about Rangeland Reform '94, I learn first hand about the severe consequences it will have.

For example, Gary E. Madsen from Manti, UT, commented:

> We are committed, as a small family ranching enterprise, to succeed, if possible. Last year, our grazing fees were $6,365. Tripling that amount equals $19,095. That is $6,000 more than our son earns, and he labors many hours each day to ensure that we run one of the tightest, most productive operations in the state. In addition, we paid $12,986 for alfalfa, and $10,458 for other leased ground * * * This is not "cheap pasture." At the request of the government, we spent over $6,000 for water facilities that we use for three weeks * * * the antelope use it for 49 weeks. Please do not drive us out of business.

Then, there are the Probert brothers from Scipio, UT, who commented:

> We have approximately 3,200 AUMs, which we run on public lands. Our actual operating costs per AUM are $17.34.

The Millard County Commission expressed:

> These proposed changes would greatly affect the cultural and the traditional lifestyle of our community. * * * The federal grazing lands are very important to the economic survival of rural counties such as ours.

And, finally, Paul Freed from Skull Valley, UT, whose ranching operation has built 67 miles of fence, 22 miles of water pipeline, 37 wells or springs, and 174 miles of roads on public lands, sums up ranchers frustrations in this way:

> We've been on this land for 40 years, and want to be out here another 40 years. So, we're willing to make these improvements at our own expense. It's not our land, but we are the stewards of it and we take that responsibility seriously.

To say the least, Utahans are worried about the Clinton plan. Agriculture is vital to Utah's economy—and even more important in Utah's rural areas.

The Utah State Department of Agriculture estimates that livestock production results in over $1 billion of economic activity every year in Utah.

There are approximately 13,200 farms in Utah consisting of over 11.3 million acres of land. The large majority of these farms and of this acreage is involved in the production of livestock.

In fact, livestock accounted for 75.6 percent of farm cash receipts in 1991, with cattle being the single largest contributing commodity producing 38.7 percent of cash receipts.

Utah has many hardworking individuals and families toiling every day to contribute to this Nation's food production. Livestock production is a valuable contributor to our statewide economy.

To remind my colleagues, 70.2 percent of Utah is currently owned by the Federal Government. This means that many private activities in Utah involve or require, at some point in time, activities of the corresponding Federal agencies.

In order to sustain a viable ranching operation in Utah, for example, access to Federal lands is absolutely critical.

The components of the Clinton rangeland reform plan penalize States with a tremendous amount of Federal and State land within its boundaries and where ranchers have no other recourse than to use public land for grazing purposes.

We do not have as much private land as midwestern States where grazing on private land occurs abundantly. We must use these public lands, which, in most cases, are not in the same condition as private lands and require additional investment and development.

This raises the issue of nonfee costs, which are higher for public land ranchers and which are fairly taken into consideration in the current grazing fee formula.

If the Clinton administration would prefer that Utah ranchers use private land to graze and pay private land fees, then it should propose increasing the percentage of private land in Utah through exchanges, sales, and other means.

I know of many parcels of land that Utah ranchers would be happy to take off the Federal Government's hands.

In the time I have today, let me make these brief comments regarding the management reforms in the proposed plan.

On affected interest, certainly everyone is entitled to be heard on the management of Federal lands.

But, no doubt there will be those who are provided standing as an affected interest through the current proposal who seek such standing to pursue an agenda that is more politically oriented than management oriented.

On eliminating grazing boards, these boards have proven successful in addressing issues related to the management of ecosystems. Activities of various groups should be subject to frequent review from fellow peers.

But, again, replacing the current structure with a new format that includes nonpeer individuals is unfair and unreasonable.

Regarding limitations on the tenure of permits or leases, this is pure and simple a proposal that incorporates the reverse concept of innocent until proven guilty.

I also do not understand how Federal personnel will be able to physically visit every allotment to assess resource conditions, despite their best efforts. The renewal of permits will become a subjective exercise, hinging on the personal relationship between permittee and Federal manager.

And, we all know which party will win that issue.

These reforms do not make sense. They will not achieve the desired results.

My colleagues have already highlighted discrepancies in the proposed increase in the Federal grazing fee.

I would like to add to this debate by referring to comments submitted last week by Dr. Darwin B. Nielsen, an agricultural economist at Utah State University, who has done considerable research on the subject of the Federal grazing fee and is a recognized expert in this field. He is a tremendous resource on the issue of the nonfee costs differences between grazing on private and public lands.

Dr. Nielsen criticizes the two endpoint values used to compute a new base fee, $3.25/AUM and $4.68/AUM. The lowest of these values was estimated by indexing the $1.23 base fee from 1966 to 1991 by the forage value index. The proposal claims this value "accounts for the nonfee cost differences of leasing private as compared with public lands," as the proposal states on page 26.

Dr. Nielsen takes exception to this maneuver. He indicates that each nonfee cost item can be indexed individually from 1966 to 1992 to result in a value of $2.78/AUM and that this method is just as valid as that used by the Clinton administration.

More importantly, the Clinton value of $3.25/AUM assumes there has been no change in the management requirements the Government has imposed on permittees since 1966.

For example, Dr. Nielsen cites the added costs of riparian area management—fencing, herding, and so forth—added since 1966, that must be expended by today's ranchers but which are not accounted for in the methodology utilized by the Clinton administration.

Obviously, the Clinton plan wanted to arrive at a particular amount and used those figures and the appropriate calculations to help it get there.

Dr. Nielsen has also indicated the significant effects that compounding the new base fee and the annual adjustment by a single index of forage value will have on the fee.

Assuming that the forage value index increases by 15 percent, the 1966 base fee of $1.23/AUM would increase to $1.23/AUM 0.15 = $0.18/AUM.

Replacing the current base with the proposed Clinton base of $3.96, the annual change would be $3.96/AUM 0.15 = $0.59/AUM.

The resulting annual increase would be three times greater due to the new base value.

The Forage Value Index has risen over 85 percent of the time since 1969, so it is anybody's guess how high the grazing fee will be in 10 to 15 years under the Clinton proposal.

Let me cite three examples for my colleagues and the Clinton administration of the resulting impact to a rancher's annual income from the proposed increase in the grazing fee. This data is also provided by Dr. Nielsen.

A Utah rancher with a cow-calf operation consisting of 150 head that has a 4-month permit on Forest Service land would see an income level reduced by $1,888 annually.

A Utah rancher with a 300-head cow-calf operation and a 6-month BLM permit would have an annual income reduced by $5,663 annually.

A Utah shepherd, whose operations are more dependent on public lands, with a 2,000 ewe-lamb operation that has a 4-month Forest Service permit and a 6-month BLM permit, would see a reduction of $11,132 in annual income.

Since ranching is not a lucrative proposition, these reductions will come directly from a ranching family's living allowance.

In sum, based on a level of approximately 1.37 million AUM's on BLM and Forest Service lands in Utah, Dr. Nielsen estimates that an increase in the grazing fee of $2.42/AUM, phased in over 3 years, as proposed in the Clinton plan, will cost Utah ranchers at least $3,322,947 annually.

This proposal makes no economic sense for this large segment of Utah's economy.

That is why I commend Senators DOMENICI and REID who are sponsoring the proposed moratorium on implementation of the Clinton rangeland management reform proposal.

I would encourage my colleagues to assess the specific economic impacts to their States before making a final judgment on this amendment.

I am certainly willing to discuss this issue with the Clinton administration in order to achieve a package that is a positive step toward improving management of the Nation's rangelands.

But, the Rangelands Reform '94 is not the right plan and is a step in exactly the wrong direction.

On a related matter, Department of Interior officials indicated on August 9 that there was solid legal authority available to the Secretary to make the policy changes contained within the Rangelands Reform '94 package.

We have called the Department three times within the last 2 weeks to obtain a list of these authorities only to be told that such a list does not exist, but that it could be generated soon.

I recognize the fact that the Secretary has considerable discretion available to him to properly manage the Nation's public lands.

But, I would posit that in this case, where a major proposal is made to reform historic rangeland policies, the Secretary would have this authority in his hand before generating such a proposal and before Congress has to request it.

I hope my request is not being ignored while the Department is hurrying to reconcile its own doubts about its authority to make such changes.

I get the impression that the Department itself may not be absolutely sure that it is operating within existing authorities.

There is a lot wrong with this Clinton-Babbitt proposal on grazing fees; there is a lot that could be devastating to Utahns.

I intend to do everything I can to oppose the proposal in its current form and appreciate the amendment of the Senators from New Mexico and Nevada to impose a moratorium on its implementation so that Rangeland Reform '94 can be more fully examined.

I thank my colleague for this time, and I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today in support of the amendment offered by Senator DOMENICI. As I stand before you, with a heavy heart, I am reminded of the conflict which divided our Nation in 1861—the War Between the States. Today, public lands grazing policy has become a conflict which is just as divisive. While this dispute has not killed people, it has regionalized our country and may devastate many rural communities.

The grazing policies of the Federal Government play a key role in Montana and other Western States. Many in my State make their living off that land. And at the same time, the land, the water, the range, the wide open spaces under the Big Sky are where we go to play. Improving the quality of our public lands is essential to preserving what we think is this Nation's best way of life.

I was heartened by the Clinton administration as they initiated a reform process which held great promise—still holds great promise—in the arena of grazing policy reform.

Therefore, to stall this process by supporting the amendment before us, is a difficult decision for this Senator. I believe that a moratorium is the wrong tool to use. I believe we have a meaningful process to implement grazing reform. It is difficult to stop such an attempt at reform. But I believe we must do so.

As introduced, the proposed grazing reform will hurt public lands grazers and the communities to which they belong. The rural West is highly dependent on the lands governed with these policies. While I believe reform is in order, I believe the Secretary has gone too far. I believe his proposal needs revising and I think we should replace conflict with cooperation.

Even more than I am concerned with the substance of this proposal, I am deeply troubled by the process followed by the Interior Department. I have worked to convince Secretary Babbitt of the need for compromise in this critical issue.

As recently as yesterday, I wrote to Secretary Babbitt expressing my willingness to reach a compromise. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 13, 1993.

Hon. BRUCE BABBITT,
Secretary, Department of Interior,
Washington, DC.

DEAR MR. SECRETARY: This letter is to follow up on the meeting from Friday, September 10, 1993, between our respective staffs regarding the Department of Interior's public lands grazing proposals. Like you, I believe that reform of our public lands grazing program is overdue. While I applaud your efforts thus far to fairly resolve this issue, I remain concerned that your current proposal hurts the public land grazer.

The grazing issue must be resolved, and I stand ready and willing to be a partner toward that conclusion. At the same time, I believe that there are three basic principles that must be adhered to.

First, the process must be structured so that the public is included and listened to. That means public comment should be solicited at every logical juncture, and the time allowed for that comment should be as liberal as possible. Toward this end, I ask that you grant my request of September 9, 1993, and extend the time period for comment on the Advanced Notice of Proposed Rulemaking an additional 90 days beyond the 30 days provided in the August 13, 1993 notice to allow ample opportunity for all interested persons to comment.

Second, the Department of Interior must include western congressional delegations as active, contributing members of the process. We represent the people who use the public lands day in and day out—the cattlemen and sheepmen, as well as the fishermen, hunters and birdwatchers. We are keenly interested in seeing this issue resolved in a manner that fairly addresses the legitimate concerns of all interests. You must make a greater attempt to include us within the process.

Finally, I believe that any final solution to the grazing issue must be subject to the review and approval of Congress. Congress has long been interested in grazing reform, therefore it is appropriate that it be afforded the opportunity to scrutinize the finished product.

If you are willing to give me these assurances, I am willing to work with you to find a fair, equitable solution to an issue that has gone unresolved for far too long. I look forward to your response.

With best personal regards, I am

Sincerely,

MAX BAUCUS.

Mr. BAUCUS. Mr. President, these efforts to avoid a moratorium have been genuine efforts but they have not been productive. Unfortunately, the responses from the Department of the Interior have shown no genuine interest in compromise.

The debate surrounding this issue has been difficult. I am appalled by those who further polarize this issue, attempting to use grazing reform to forward a much broader and disruptive agenda that has come to be known as "Cattle-Free By 93."

They add little productive substance to this process. At the same time, I have refrained from endorsing the Campbell-Wallop bill because it falls short of meaningful reform of the management of our public's resources. Ultimately, the solution lies somewhere between this legislation and what Secretary Babbit has proposed.

The public needs to be deeply involved in this process and will benefit from the 30-day extension of the comment period that was announced by the Department of the Interior yesterday. That extension is a step in the right direction.

But I must emphasize that there is a perception that people are being excluded from this process. That is not just unpopular—it is unacceptable.

Furthermore, it is time for the Department of the Interior to listen to those who know the West—its land and its people—the best. I believe it is essential that the elected officials from throughout the West be involved in crafting this policy. In addition, I believe the final policy changes should be subject to congressional review and approval.

In closing, if Arafat and Rabin can shake hands in a peace agreement for the Middle East, I know that we can successfully resolve this issue. I wish that a moratorium was not the chosen tool, but it is the only means left to us. I reaffirm my commitment to reforming our Federal grazing policy. I hope that between now and the time this bill comes out of the conference that a compromise can be attained.

Mr. President, to stall the resolution of the grazing fee issue by supporting a moratorium is a difficult decision for me. I believe generally moratoriums are wrong; they stop resolution, they prevent parties from coming together to reach a solution. Nevertheless, in this case, I believe that we in the West have no other recourse. In this situation at this juncture, we have to support a moratorium in order to get more sense into the Department of the Interior so that we in the Congress and the administration can work together to finally solve this issue.

I am first concerned about the substance of Secretary Babbitt's proposal. It goes way too far. It raises grazing fees way too much. There are other provisions in it that I think show a lack of sensitivity and understanding of public lands States.

In addition, I am very concerned about the process. Governors, Congressmen, Senators, many people worked with the Secretary to try to find a meaningful resolution. We feel we were stonewalled. We feel that the Secretary did not listen to us. It is for those two basic reasons, No. 1, on the substance of the Secretary's proposal, No. 2, we have no alternative but to support the moratorium so that in the remaining few weeks or couple months maybe in this session of the Congress this year we can resolve it.

I am appalled frankly by those who disrupt this process by arguing for "Cattle Free by '93." That is using the grazing issue as a smokescreen, ulterior motive to have this country frankly removed of any cattle by 1993. At the same time, Mr. President, I do not support the Campbell-Wallop bill. I think it, frankly, is too much stuck in the past. It does not move far enough toward reform.

So in order to get these two approaches together finally, I do support this moratorium so that somewhere between the Campbell-Wallop bill, on the one hand, and the Secretary's provisions, on the other, we can finally reach a resolution this year.

The PRESIDING OFFICER. The Senator's time has expired

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, much that I could say has already been said, and I will not rehash it, about how this will benefit the Federal Treasury, and raising the grazing fees will hurt the Federal Treasury, and all of the other things that have already been said.

There is one basic point I wish to make in an attempt to put this controversy in some historic context. I see the distinguished chairman of the Appropriations Committee in the Chamber. I have been impressed by his understanding of history. I hope we could get a little history into this circumstance.

If we go back to the beginning of this physical Chamber, which is the time of the Civil War, this being an addition to the Capitol at that time, we go back to the time of the passage of the Homestead Act when Congress made a conscious decision that we wanted people in the West and we would make Federal land available to them, to lure them west and hold them there.

On that basis, many families responded to the will of Congress and went west and created a nation that runs, as in the poet's phrase, from sea to shining sea.

There are those who now tell us the time has changed; that the time has come to take people off the public lands, to reverse the historic pattern of the Homestead Act and say get off the public lands; they now belong to another purpose.

That is a debate Congress should undertake. What we are seeing today is an attempt by the executive to move us in the direction of getting people off the public lands, reversing the historic trend without congressional debate.

I am willing to engage in that debate. I think we can win that debate. I support this moratorium because we are seeing an attempt on the part of the administration to avoid that debate which has overwhelming historic consequences for those of us who descended from the people who responded to the congressional tug of the Homestead Act.

I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is the debate we have had many times in the past, and it is filled with misconception; it is filled with misunderstanding; it is filled with, in some cases, misrepresentation.

I have heard colleagues of mine say that the people who are benefiting from the public lands are wealthy ranchers with big operations, with thousands of head of cattle, and these people are being unfairly subsidized by the Federal Government.

Mr. President, none of those characterizations is true, not one of them, not one of them, in my State. In McKenzie County, which is the largest of the grazing counties in my State, there are 190 separate operations with an average herd size of 140. The average income, Mr. President, is less than $15,000 a year.

I just had a meeting with ranchers in the western part of my State. When I went into the meeting, I said, "How many of you are millionaires? All the millionaires put up your hands."

I got a very big laugh. It got a big laugh because, Mr. President, these are not millionaires. These are not people with a net worth of $100,000. These are people who are eking out a living.

Mr. President, let me share the income figures that we just received from the State of North Dakota for three of our western counties which are ranching counties. Slope County: Average income for last year, $11,082; Dunn County: $14,347; Golden Valley County: $14,407.

Mr. President, these are not rich folks. These are not people who are being subsidized because, understand, there is a difference between public lands and private lands.

Let us give this a chance to work. Let us vote for this amendment.

The PRESIDING OFFICER. The time has expired.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Being one of the original sponsors of this and having worked with Senator DOMENICI since early in August, I wish to tell the Senate why I am involved in this. First of all, the State of Nevada is 87 percent owned by the Federal Government—87 percent.

Only 13 percent of the State of Nevada is privately owned.

I, however, recognize that this moratorium, which I am confident will pass, will go to the House and we will meet with them in conference and try to work something out. It is my hope, after having been through this all my time in the Senate, that we will resolve something in the Senate and the House conference to the satisfaction of the cowboys and the environmentalists and other concerned parties. We have to do that.

Now, I am not one of those here today to bash Secretary Babbitt. I think he has approached this in the right way in the sense that he has held townhall meetings throughout the country where thousands of people have attended. In the scoping period, he got 800 comments. I believe that is the way we should approach this. I think he is trying to do the right thing. I think the staff that prepared this information is a little misguided, to say the least, and I think between now and the time we work out this matter in conference we will be able to sit down and resolve it once and for all. We do not need to come back and revisit this every year.

He said in his letter of August 9 on Rangeland Reform '94:

> A number of concerns were raised at these townhall meetings, and on these critical points, we are in solid agreement.'

I agree with Secretary Babbitt.

> Livestock grazing has a place on public lands as a part of the diverse local and regional economies of the West.
>
> The American people expect their land to be managed to ensure environmental quality, health, sustainability and productivity.

We all agree to that.

> The Federal Government should manage the public's land in a business like way . . .

Mr. President, it will be the goal of this Senator, and I think many Senators, to work this out between now and the time it is finished in conference so that we have a law that sets a grazing fee standard; it is not done by Executive order. I think Secretary Babbitt's fee has to be phased in over a longer period of time, with many other changes in his proposal that I think will get this resolved once and for all. That is my goal.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me just comment briefly.

First of all, I wish to thank everybody who helped on this amendment, in particular Senator REID. I thank the Senator for his fine work. It has been very difficult. Obviously, we have not had a lot of time, but I think we have done the best we could.

I do believe if we miss this one opportunity, then grazing reform is left in the hands of bureaucrats and unelected officials not accountable to the voters. And I do not see any way out of that. If this passes, it seems to me that we are back negotiating, working, using our committee structure so that those elected to office will make these kinds of dramatic policy decisions for people of the West. Policy decisions of this magnitude should not be the sole responsibility of appointed public officials. We have no electoral involvement or accountability in this process unless it is with the adoption of this Domenici-Reid 1-year moratorium.

Mr. JEFFORDS. Well, Mr. President, "here we go again." I think during the time the Senate has considered grazing fees, the animals have evolved more than the debate.

This subject is arcane, especially to the 68 Senators who do not represent States containing Federal rangelands. Let me offer some background and a brief history of the issue. It is illustrative.

The Interior Department's Bureau of Land Management [BLM] and the agriculture Department's U.S. Forest Service [USFS] administer livestock grazing on 307 million acres of public rangelands. That is an area about three times the size of California.

There is a miniscule amount of Federal rangeland in the Dakotas, Nebraska, Kansas, and Oklahoma. Virtually all Federal rangeland is concentrated in the 11 westernmost States.

Keep in mind that all Americans—all taxpayers—own these rangelands and the forage they produce.

Anyway, BLM controls 57 percent of the acreage and the Forest Service controls the rest.

There are about 23,600 livestock operators holding Federal grazing permits to BLM or Forest Service lands; 14 percent of the operators hold permits to graze their livestock on both BLM and Forest Service lands.

These producers represent 10 percent of the total number of livestock producers in the 16 Western States, and 3 percent of the national total.

These livestock producers currently pay $1.86 per AUM, or animal unit month. An AUM is the amount of forage an adult cow and her calf or five sheep require 1 month.

The basic issue is straightforward: Ranchers want to keep the fee as low as possible. That is understandable. But we have an obligation to receive fair market value for a resource all Americans own. And fair market value is higher than $1.86 per AUM.

Ranchers used to turn their cattle and sheep out to pasture on public rangelands for free. The Forest Service first started collecting fees in 1906—over the industry's strenuous objections.

BLM did not start collecting a fee until 1936—2 years after the Taylor Grazing Act. That act passed because unregulated overgrazing turned the public domain into a dustbowl—what Garrett Harden referred to as "the tragedy of the commons."

Proposed grazing fee increases were deferred during World War II.

In 1966, a comprehensive survey—the Western Livestock Grazing Survey [WLGS]—indicated that true market value of public forage was $1.23 per AUM. The BLM fee at the time was $0.33. The Forest Service fee was $0.52.

The two agencies intended to bring their fees up to fair market value over 10 years.

There was a moratorium in 1970. There as another moratorium in 1975. There was another moratorium in 1977.

In 1978, Congress passed the Public Rangelands Improvement Act [PRIA], that established in law the formula we currently use to determine the grazing fee.

Authorization for the formula expired in 1985. President Reagan extended it by Executive order indefinitely. The authorizing committee did not hold hearings. It did not object to the Executive order. Why should it? The PRIA formula is deliberately skewed to produce a low fee.

That is why Senator METZENBAUM and I have offered amendments the past 2 years to raise fees.

Let me tell you what has happened.

In 1991, Senators from the West came to the floor and said, "Do not offer this amendment to an appropriations bill. We have not held hearings."

Well of course, that was true. The authorizing committee did not hold hearings after PRIA passed in 1978, not in 1985, when authority for the formula expired, or anytime afterward.

So they won. They promised to resolve the issue in 1992. But they did not. A hearing was held, but nothing else.

So Senator METZENBAUM and I came back again last year. My colleagues again made promises. Empty promises.

In January 1993, the administration changed. Last month, the new administration issued an Advanced Notice of Proposed Rulemaking regarding grazing fees and rangeland reforms.

This document that so concerns our Western brethren is not written in stone. It is not even written in draft form.

The notice followed five public hearings Interior Secretary Babbitt held in Western States. It allowed for public comment for 30 days. Yesterday, the administration extended the public comment period for another 30 days at the request of the Western Governors.

Sometime near the end of October—or later—the administration will publish draft regulations and a draft Environmental Impact Statement [EIS].

The administration has indicated that it will hold public meetings in each of the affected States during the 60-day—or longer—comment period on the draft regulations and draft EIS.

Now we are into spring of 1994. It will be a miracle if final regulations and a final EIS are published by next summer. And then, of course, there will be lawsuits and injunctions and temporary restraining orders.

It is highly unlikely that actual change will occur before March 1995, the beginning of a new grazing season. Even that is pushing it.

It is this course of events that our Western brethren seek to delay with their moratorium amendment.

Frankly, I am a little tired of these dilatory tactics. The time has come.

I have a letter dated September 10, 1993, from Interior Secretary Bruce Babbitt to Senator BYRD. It says, in part,

> It is my understanding that during the Senate floor consideration of H.R. 2520 * * * an amendment may be offered which would restrict range management funding from being used for purposes of implementing the Administration's "Range Reform '94" initiative * * * I strongly urge you to oppose any such effort.

There is no ambiguity to that. Notice, by the way, that it is called Range Reform '94, not Range Reform '93.

Of course, during all of this time, the authorizing committee has ample opportunity to weigh in on the issue. It even has the perfect vehicle—the BLM reauthorization bill. BLM has not had new authority for over a decade. I guess the time is ripe.

Mr. President, it is up to us, the Senators who do not represent Federal rangeland States to drag our colleagues from the West kicking and screaming into the 1990's—an era of multitrillion dollar deficits and an overwhelming demand from our constituents that the Federal Government operate more like a business.

I do not want to talk much longer, but I will make the following observations.

First, the grazing program does not pay for itself. Taxpayers subsidize it. That is a fact.

Second, last year, Senator METZENBAUM and I offered an amendment to raise the grazing fee to $2.40 per AUM. Member after Member came to the floor and eloquently argued that our amendment would bankrupt ranches and devastate rural communities across the West. They spoke of economic ruin, of apocalypse on the range and on Main Street.

I will not embarrass any of them by naming names. But this year, they are all cosponsors of the Campbell-Wallop grazing fee bill. Where does that bill take the fee?

Well, it would go to $2.36 per AUM. Is 4 cents really going to make that much difference? Come on.

By the way, the fee in 1980 was $2.41 for Forest Service land and $2.36 for BLM land. Just adjusting for inflation would take it up to $4.10 today.

Finally, let me read from a few editorials that came out after the administration announced its intentions:

> Interior's grazing fee plan is still good deal for ranchers: Anyone looking at it objectively will conclude it still provides a good deal for ranchers, while improving the public's return on its land at a reasonable level.

That is from the Cheyenne, WY Eagle.

The Great Falls, MT Tribune states, "Grazing fee hike is steep, but not unfair * * * it's necessary to make our government more cost-effective."

The Phoenix, AZ Gazette opines that Secretary Babbitt has announced "a draft policy that returns reason to the debate and offers prudent alternatives to the status quo."

The Denver, CO Post states, "In general * * * the package appears to offer reasonable ways of restoring the health of the nation's rangeland ecosystems without reversing the fortunes of the stock growers who have come to depend on those lands."

The Idaho Statesman claims, "On the face of it, the grazing plan is on the right course * * * Grazing reforms must meet the needs of all those users, including taxpayers."

The Grand Junction, CO Sentinel editorializes, "That keening cry you might be hearing over the next several weeks is not likely to be a pack of coyotes howling to a full moon but angry western livestock interests howling at the Clinton administration * * * Tempting as it might be to suggest otherwise, the Clinton administration is on the right track on this one."

The El Paso, TX Times writes, "Such measures are needed to protect the environment and taxpayers * * * taxpayers have no business subsidizing ranchers."

The Arizona Republic opines, "All in all, the administration's proposal is an ambitious one that reflects the changing character of the West away from the days when the public's natural resources were sold off at bargain-basement prices * * * It is a substantive and thoughtful initial step."

The Oregon Columbian's headline reads "Ranchers finally asked to pay their fair share."

The Kansas City, KS Star's headline reads "Grazing giveaway should stop," and goes on to say, "President Clinton is right to renew his push for higher grazing fees on public lands * * * The interests of the public which owns the land should be Congress' chief concern."

Finally, the Arizona Tribune: "the public's interest should not be subservient to narrow, personal-profit interests of a well-connected industry."

I think that pretty well sums it up, Mr. President. I urge my colleagues to table the amendment.

Mr. MCCAIN. Mr. President, I rise in support of the amendment of the Senator from New Mexico. The amendment would prevent the implementation of the Clinton administration's rangeland reform proposal. I come to the floor in support of this amendment not because I am opposed to efforts to improve our Nation's rangelands, but because the proposal put forth by the administration represents a dramatic change in our Nation's policy toward public lands that should be made by Congress.

It is my belief, and the belief of many others, that policy changes this significant should not be made administratively. They should be made through the legislative process, where the elected Members of Congress and the American people have the opportunity to shape the policy.

The proposed reforms will affect more than 264 million acres of Federal land and impact many rural communities throughout the West. Policy decisions of this magnitude should not be the sole responsibility of appointed Federal officials who have no electoral accountability to the American people. There is clearly a need for congressional hearings and debate on these policy changes.

I share many of my colleagues concerns about the condition of our Nation's public lands. We are blessed with an incredible natural heritage. I firmly believe that we must be responsible stewards of this unique heritage.

I commend the efforts of Secretary Babbitt to begin this discussion about the use of public lands. The reforms contemplated by the Clinton administration, however, go too far and usurp congressional authority by dramatically changing our Nation's policies toward public lands.

The administration is proposing much more than a simple increase in grazing fees. The reforms appear to alter the multiple use concept of public lands which is the very reason these lands were set aside.

Additionally, I have grave concerns that the proposal may inflict unintended harm on rural economies. Public lands comprise a great proportion of my State, as well as many other western States. If you include Indian trust lands, over 70 percent of Arizona is under the control of the Federal Government.

Changes in the administration of these lands can have a dramatic effect on local economies. We have all seen how Federal policies affecting the timber industry on public lands can wreck havoc on small towns in the Pacific Northwest.

The cattle industry is of critical importance to the well-being of many rural communities in Arizona. It has a $302 million annual impact on Arizona's economy. Many people in my State have expressed concern that the proposal would deliver a devastating blow that small, family-run ranching operations would never recover from.

While it is important that such changes in policy be made through Congress, I have been concerned that this amendment may go too far by preventing the administration from continuing the public hearing process which it has already begun. The Secretary of the Interior should be able to continue to conduct public hearings and gather information on this matter. Nevertheless, it is clear that we must act today, if we are to prevent the implementation of these reforms without congressional approval.

Mr. President let me reemphasize that I am not opposed to range reform. In fact, I look forward to working with the administration to develop reforms that will not harm our rural economies.

I simply believe, these reforms are such a dramatic shift in public policy that they should go through the hearing process and be fully examined before they are implemented. The moratorium called for in the amendment by Senator DOMENICI will give us the opportunity to do that. I hope my colleagues will join me in support of this amendment.

Mr. President, I ask unanimous consent to insert into the RECORD several letters from counties and towns in my State that will be affected by the rangeland reforms expressing their support for this amendment. I wish also to insert a letter from the Arizona Cattlemen's Association in support of the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF SIERRA VISTA,
Sierra Vista, AZ, September 14, 1993.
Senator JOHN MCCAIN,
Senate Office Building,
Washington, DC.

DEAR SENATOR MCCAIN: The City of Sierra Vista is aware of current efforts of the Clinton administration to revise the federal policy relating to the fees to be charged for grazing rights on federal land.

The City understands that Senator McCain is going to so-sponsor an amendment to place a one-year moratorium on this issue. We very much support the Senator's efforts on behalf of the ranchers in the State of Arizona. Increasing the fees to be paid for grazing on federally owned land would be most detrimental to the ranching industry, because this sector of the economy is experiencing the same fiscal problems as the other sectors of the American economy. The federal government must give everyone an opportunity to recover from the poor economic conditions that are currently being experienced.

We agree with the Senator's position that the administration's plan does represent a dramatic change in federal policy toward the use of federal lands, and studied consideration must be given to any such changes.

On behalf of the City of Sierra Vista, we wish to extend our support for the Senator's efforts in this area.

Sincerely,

RICHARD F. ARCHER,
Mayor.

NAVAJO COUNTY
BOARD OF SUPERVISORS,
Holbrook, AZ, September 14, 1993.
Senator JONN MCCAIN,
Phoenix, AZ.

DEAR SENATOR MCCAIN: Navajo County encourages your support of Senator Domenici's amendment to block the proposed rangeland reforms initiated by Secretary Babbitt. The proposed rangeland reforms will likely eliminate the small rancher in Navajo County.

We share your concerns that the proposal put forth by the administration represents a dramatic change in our nation's policy toward public lands.

If you need any further information from Navajo County, Please call.

Sincerely,

EDDIE KOURY,
County Manager.

BOARD OF SUPERVISORS,
County of Cochise, AZ, September 14, 1993.
Hon. JOHN MCCAIN,
U.S. Senator,
Phoenix, AZ.
Attn: Mr. Ed Sanchez

DEAR SENATOR MCCAIN: As stated in the enclosed letter to Secretary of the Interior Bruce Babbitt dated September 13, 1993, Cochise County is dependent on commercial ranching and this Board of Supervisors would support a moratorium for a minimum of one year so that an in-depth study of the proposed increase in grazing fees. It would appear that this action could have a tangible negative effect on the economic development of Cochise County. A 35% increase over a three-year period is a huge increase to ask one industry to bear.

Please get in touch with Supervisor Tony Saracino at (602) 432-9200 if you need additional information regarding the position of this Board on this very important issue to our County.

Sincerely,

MIKE PALMER
Chairman, District No. 2.
TONY SARACINO,
Supervisor, District No. 1.
LESLIE THOMPSON,
Supervisor, District No. 3.

BOARD OF SUPERVISORS
County of Cochise, AZ, September 13, 1993.
Hon. BRUCE BABBITT,
Secretary of the Interior
Washington, DC.

DEAR MS. MELANIE BELLER: Cochise County not only leads the state in commercial ranching operations but also provides the following:

(1) Approximately twenty-four million dollars in employment;

(2) Twenty-two million dollars of input supplies;

(3) Taxes in the amount of 5.4 million dollars;

(4) Improvements to public lands in the amount of 3.3 million dollars; and

(5) Implementation of holistic resource management with the support of the University of Arizona Cooperative Extension Services.

Based on the above data, the Cochise County Board of Supervisors would like to request that an economic impact review be conducted prior to the proposed increase of the grazing fees as it appears that this action would have a tangible negative effect on the economic development of Cochise County.

Please feel free to contact Ms. Linda Small, Director of Economic/Community Development at (602) 432-9454.

Sincerely,

MIKE PALMER,
Chairman District No. 2.
TONY SARACINO,
District No. 1.
LESLIE THOMPSON,
District No. 3.

GILA COUNTY BOARD OF SUPERVISORS,
Globe, AZ, September 14, 1993.
Senator JOHN MCCAIN,
Phoenix, AZ.
RE: Rangeland Reform Act, HR 2520

DEAR SENATOR MCCAIN: This letter is in support of Senator Domenici's amendment to the proposed Rangeland Reform Act (HR 2520) which places a moratorium on the expenditure of funds for the completion of the Rangeland Reform '94 Program. Changes of such magnitude as those contained in the Rangeland Reform Act should be accomplished by the Congress who has accountability to the taxpaying public, not bureaucrats. Moreover, it is the feeling of this Board that the public comment period was inadequately short; no rational justification of need has been shown for change; and, there should be an emphasis on the human element when considering ecosystem management to reflect the proposed reform's impact on ranching operations and ranch-dependent communities. Under the proposed reform, grazing fees appear to be uniform. However, no consideration has been given to the different types of rangelands. Because of the varieties of grazing, a regional study including price adjustments by type should be completed.

As you are well aware, the history of Arizona was built upon the five C's—Cattle, Copper, Cotton, Citrus, and Climate. This letter is intended to show the support of the Gila County Board of Supervisors for the cattle industry which still contributes largely to the economy of Gila County, Arizona.

Gila County was established in 1881, created from parts of Yavapai, Maricopa and Pinal Counties. Geographic features of Gila County range from desert in the southern portion to mountainous terrain in the north. Elevations range from 2000 feet to over 7000 feet in the northern pine country. Gila County consists of approximately 4748 miles, of which water covers 41 square miles. Approximately 97% of the land in Gila County is controlled by National Forest in northwest Gila County comprises a lion's share of the county's land—approximately 56%—which is controlled by the U.S. Forest Service. Gila County's economy is primarily based upon copper mining and smelting, ranching, lumbering, tourism and recreation.

It is important to note the impact of range cattle production on the Gila County economy. A study done by the University of Arizona Cooperative Extension Office portrays that the range cattle industry in Gila County plays a significant part in the local economy. In 1991, over $16,000,000 was generated from the sale of livestock, which results in a total impact well over $21,000,000 to the local economy through the local purchase of goods and services by ranchers. Moreover, 280 jobs to residents of the county have been provided through this industry. The $21,000,000 impact is broken down with $16,600,000 from direct sales; $1,200,000 from indirect employment generated as a result of sales; and, $3,600,000 in employment/purchases as a result of spending by cattle industry employees. Furthermore, $2,300,000 was paid for employee compensation (including wages, salaries and benefits); $3,400,000 was generated from self-employment, rental and interest income; and, $500,000 from indirect business taxes. In addition, over 33,000 head of livestock representing personal property taxable assets valued at $20,000,000 at the end of 1991, was established by the local industry.

As you can see, the cattle industry is very important to the well being of the citizens of Gila County. For this reason, the Gila County Board of Supervisors supports the multiple use concept of public lands and considers the current grazing fee structure as reasonable and, therefore, should not be changed. The Board supports the current grazing fee formula established by the Public Range Lands Improvement Act of 1978 as it is based upon science and determined through a formula which allows for market fluctuations. The economy of Gila County, Arizona, as well as many other western state counties depends upon the continuation of the cattle industry.

If you have any questions, please don't hesitate to contact us. Thank you for your time and consideration.

Sincerely,

Gila County Board of Supervisors:

CRUZ SALAS,
Chairman District III Supervisor.
EDWARD G. GUERRERO,
District II Supervisor.
RON CHRISTENSEN,
District Supervisor.
Daniel G. Field,
Clerk of the Board/ Administrator.

YAVAPAI COUNTY
BOARD OF SUPERVISORS,
Cottonwood, AZ, September 14, 1993.

Senator JOHN MCCAIN,
Senate Office Bldg., Washington, DC.

DEAR SENATOR MCCAIN: I understand you are appearing on the Senate floor today regarding the Rangeland Reform. I wish to go on record as supporting Senator Domenici's amendment to the proposed Rangeland Reforms.

If the reforms are initiated they will cause considerable economic hardship on many ranchers and communities.

I have been contacted by a number of my constituents and have enclosed copies of two of the letters received in my office.

Thank you for this opportunity to join in your efforts.

Sincerely,

CARLTON L. CAMP,
Supervisor.

THE STATE OF ARIZONA, COUNTY OF GREENLEE, BOARD OF SUPERVISORS,
Clifton, AZ, September 14, 1993.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: After a short review of the Rangeland Reform '94, we strongly believe that the thirty day comment period does not provide sufficient time to properly review the proposal. Since this proposal will have a dramatic negative economic impact upon our county, we strongly agree with you that a one year moratorium on rangeland management proposal implementation.

Greenlee County is comprised of 77% federal lands, 15% state lands with only 8% being private lands. Any revisions of policy regarding the uses of federal lands in our county has a major impact upon our local economy. We understand that the proposed increase in the grazing fee will reduce the number of ranchers in our county by better than 50%. Such a reduction in any one component of our economy can not be allowed. We must strongly express our opposition to the $4.28/AUM proposed fee. We feel much more research and analysis should be conducted and that such studies should take into account the various components of the area being studied (forage productivity, annual rainfall, topography, access, etc.) as well as economic impacts upon the area.

There is proposed a very short time table to complete further drafting of the new regulations. Such a short time table forces us to the conclusion that these new grazing management regulations will be based more upon political pressure than well thought out and researched management decisions. A one year additional study period would be beneficial.

We wish to express our appreciation for your desire to extend the study and comment period on the proposed proposals.

Sincerely,

Greenlee County Board of Supervisors:

DONALD R. STACEY,
Chairman.
HECTOR RUEDAS,
Member.
H.J. MILLER,
Member.

ARIZONA CATTLE
GROWERS' ASSOCIATION,
Phoenix, AZ., September 14, 1993.

Senator JOHN MCCAIN,
Washington, DC.

DEAR SENATOR MCCAIN: We urge your support of the proposed amendment to the Interior Appropriations bill H.R. 2520 being offered today by Senator Domenici. This amendment would place a moratorium on the proposed rule changes including a more than doubling of the grazing fees which was proposed by Secretary Babbitt and the Clinton Administration.

A halt at this time would accomplish several objectives, some of them being:

It would allow the time necessary to let us develop the date showing why the proposed rule changes would not accomplish what they say they will.

1. The problem with the current Federal Register notice method is that the time for comment was 10 days, then at the end of that it was extended 30 more days, then at the end of that time extended 30 more days (as of yesterday). In each of these we were told that if we did not respond on time we would not be heard.

2. Had we known we had 70 days up front we could have been much more factual in our responses and been able to have the data developed to prove our points.

3. This moratorium will give everyone the time necessary to develop the potential impact studies and factual data gathering to show what may happen.

It will allow the time necessary for the Federal Government to do the impact studies which it will have to have in order to show that the proposed actions are not a major rule change. (what they will discover is that it is a major federal rule impacting the economy by more than $100 million. See Executive Order 12291)

It would allow the western states time to fully develop alternate proposals which would accomplish some of the stated goals of the administration, while allowing the western livestock industry to continue to be good stewards of the land and produce food and fiber for this nation at a reasonable profit.

To the eastern states and to the congress this may not seem significant but to the states in the west and ultimately to the nation it is very important that the multiple use sustained yield on western federal lands be maintained.

1. Without production in the western states the nation must ultimately import more products. This will make us more dependant on the other nations for our food, fiber, and shelter. I don't believe we can afford that luxury.

2. To Arizona to be self sufficient in some areas and have products to sell to other states is equally important. With only 17% of our state in private land we depend on the federal land for 43% of our area and a large part of our basic production.

The regulatory proposals addressed today need to be looked at closely because some of the changes are against the will of Congress and without Congress saying something they will be ignored.

Once again Senator McCain we thank you for your continued support and offer our help if you need it.

Sincerely

WALTER ARMER JR.,
President.

Mr. CHAFEE. Mr. President, I would like to take a moment to speak on the pending Domenici-Reid amendment regarding the administration's plans to increase grazing fees and impose new regulations intended to protect public lands.

In the past, I have supported amendments to increase the fees charged to ranchers who graze livestock on public lands, and I continue to believe that that ought to be done.

Now, however, the administration has put forward a proposal which not only increases grazing fees substantially, but makes significant changes in the way we manage these public lands.

Western Senators have asked for a 1-year moratorium on the administration's rulemaking process. They have promised that this is not simply a ploy to put off reform for another year, and that they recognize the need for both an increase in grazing fees and reform of public land management. They have indicated that they are willing to sit down and negotiate with the administration in good faith.

I have confidence in the senior Senator from New Mexico. I believe that he and the other Senators who have spoken in support of this amendment are honorable people and will live up to their word. Hence, I am willing to give them the year to try and work this out in a way that is hopefully satisfactory to all parties. I think that is the fair thing to do.

Mr. LAUTENBERG. Mr. President, I rise in strong opposition to the Domenici-Reid amendment and urge my colleagues to join me in defeating it.

The public lands of our Nation are owned by all Americans and held in trust for future generations under the stewardship of the Federal Government. Unfortunately, we have not always been good stewards.

Good stewards don't let people use their land without paying a fair value.

Good stewards don't permit uses that harm the land without demanding compensation.

One area that cries out for improvement of our stewardship is the use of Federal lands by the livestock grazing industry. Therefore, I was pleased when President Clinton identified this area for significant reform in his economic and budget proposals. And that was also why I was so disappointed when, after hearing the predictable objections from the industry and its advocates, grazing fee reform vanished from the reconciliation proposals voted on by the Senate.

Now we again have the opportunity for needed reform. The Secretary of the Interior has proposed to reform the fee schedules administratively. And now, we again face opposition.

Mr. President, time and time again I have cited the current grazing fee schedule as evidence of Government waste. It's Government selling itself short. We are leasing our land, the public's land, for a fee that does not even approach fair market value. This low fee encourages overgrazing. This is yet another example of Government subsidizing an industry and, thereby, encouraging abuse of the land.

The current fee levied on ranchers who graze livestock on public lands is $1.86 per animal unit month, or the amount of forage needed to sustain a cow and her calf, a horse or five sheep.

If you take a look at the comparison between the private grazing land lease rate versus the Federal grazing fee, the results are disturbing. The average private rate for 11 Western States has increased from $7.75 in 1980 to $10.03 in 1993. The Federal grazing fee has actually decreased over the same period from $2.36 in 1980 to $1.86 today. Something is clearly wrong.

The Federal Government is selling our precious national inheritance at yard sale prices. Be it mining rights, logging on public lands or leasing Federal lands to the ski industry, this give away has got to stop.

The Secretary's proposal will increase the grazing fees and impose stricter environmental standards on the rangelands. I think this is a step in the right direction but I wonder if it goes far enough.

The proposal increases the current fee from $1.86 per animal unit month to $4.28 per animal unit month over a 3-year period. After that, fee increases or decreases would be limited to no more than 25 percent. But the Director of the Bureau of Land Management has admitted that, "In most States, this fee will still be well below fair market value."

Yet, despite this fact, this amendment wants to stop the Secretary's reform plan dead in its tracks. They want to stop a plan that the Congressional Budget Office estimates can bring in approximately $63 million over 4 years.

If we don't ask this industry to begin to pay more, who will be asked to pay. The taxpayers of New Jersey know who will pay more—it's them. They know that the recently passed budget bill increases their taxes and lets off scot free those who use our public lands. No wonder they are tired of paying more taxes.

Mr. President, how can I, in good conscience, ask a New Jerseyan to subsidize these ranchers? How can I ask someone in need to approve this subsidy to "welfare cowboys," as some have put it? I can't. That's one reason why I voted against the budget. These programs must be reformed, the fees must be increased to reflect fairness.

Mr. President, I oppose any amendment that continues this unfair subsidy, not just because it is guided by a clear special interest and it robs the Federal Treasury and the public of its rightful funds, but also because it continues business as usual.

Mr. DORGAN. Mr. President, I have joined with Mr. CAMPBELL and other Members from the West in a bill we feel will improve the management of Federal rangeland, and will increase Federal grazing fees as well. I think it is a good plan that takes into consideration the interest of the public, as well as the financial well-being of our family ranchers who rent Federal lands.

The amendment offered here today by Mr. DOMENICI would guarantee that we who support the plan offered by Mr. CAMPBELL are seriously considered as we move forward with the administration toward some significant revisions of our Federal rangeland program. I do not believe that is too much to ask.

Let me point out that this is not a simple issue of what Federal grazing fees should be. The issue is one of revising the whole spectrum of law and regulations on the management of Federal grazing lands. It involves the way the land is leased, under what terms, and what is required of the rancher tenants and the Government to assure the land is properly cared for.

The issue is one in which the Senate must insist in playing a central role. The preliminary administration proposal includes some good ideas, and I encourage the administration to keep working to create the best possible plan. We simply do not want the administration moving forward with a full-scale reformulation of regulations in this area while Congress simply stands by and hopes for the best.

I note that the Secretary of the Interior sent a letter to Members of the Senate today concerning his desire to move forward with a maximum of the public input, and full participation by the Congress. The Secretary says he wants to work with the Senate, and that he is in no great hurry to finalize a new grazing program. This amendment only takes the Secretary at his word.

This amendment assures that we will have proper deliberation with the House of Representatives and the administration on a new Federal rangeland program, and so we should pass this amendment.

The PRESIDING OFFICER. Are there any other Senators seeking recognition?

Mr. DOMENICI. I yield back any time I have.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I would like to take just a few minutes to comment on what I see happening—just a few minutes.

Everyone knows what the public wants us to do. They want us to cut spending and to cut Federal subsidies. Last week in the Chamber, I made a little speech about principles I think we should apply to spending, and one of them did relate to subsidies and cutting subsidies.

It is ironic to me that the first amendment out of the block on this important appropriations bill will actually increase the deficit. The administration is proposing a reform of the grazing fee system which is, frankly, long overdue—long overdue. And the amendment that is now before us would stop that process in its tracks—stop it in its tracks. In other words, the administration could not reform the grazing fee system because this amendment says no funds shall go for promulgation of a regulation that would reform the grazing fee system.

Mr. President, the proponents often lament the size of the budget deficit and the process and Congressional input. The fact is that, in this case, due process is meant, as this amendment makes clear, to stall.

Now, I have heard proponents of this bill often talk about reform, but this happens to be an amendment that stops reform in its tracks.

If you recall, the President proposed much more dramatic change in the grazing fee system than the Secretary proposed in regulation. Now this amendment would not even allow the more modest reform envisioned by the Secretary.

I would like to insert in the RECORD a letter from the Secretary of the Interior, Secretary Babbitt. I ask unanimous consent that it be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, September 10, 1993.

Hon. ROBERT C. BYRD,
Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that during the Senate floor consideration of H.R. 2520, the Interior and Related Agencies Appropriations bill for FY 1994, an amendment may be offered which would restrict range management funding from being used for purposes of implementing the Administration's "Range Reform '94" initiative. Such an amendment would effectively place a moratorium on the Department of the Interior's ability to continue our range reform program. I strongly urge you to oppose any such effort.

The Bureau of Land Management has published an "Advanced Notice of Proposed Rulemaking" (ANPR) regarding grazing fees and management reforms in the BLM range program. The ANPR and scoping comment period have been widely publicized in the western states, and we are receiving a great deal of public input on our proposals as a result. In December, the BLM will publish draft regulations and a draft environmental impact statement regarding these range reform proposals. We will have an additional 60-day public comment period on both the proposed rule and the draft environmental impact statement.

The BLM will also hold public meetings in every western grazing state next January to gather additional public comment on the proposals. All of this opportunity for further public dialog and debate is in addition to the five western townhall meetings on grazing which we held earlier this summer.

As you know, the House of Representatives has in recent years approved fee increases on the Interior and Related Agencies Appropriations bill nearly double that which the Administration is now proposing. This year the main sponsors of that measure withdrew their amendment from consideration in response to the Administration's commitment to move forward on this issue. I urge the Senate to refrain from imposing this moratorium for the same reason.

This is an issue which has divided the West for far too long, and I believe that it is time to resolve it. It is my desire to develop the most fair and equitable plan possible that can bring about true range reform. As the administrative process proceeds, I look forward to working closely with members of both the Senate and House to develop such a plan.

Sincerely,

BRUCE BABBITT.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BRADLEY. I urge us to oppose this amendment. For all those who made their big speeches about cutting the deficit, this is the time.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. BUMPERS. Do I need to request time from somebody?

The PRESIDING OFFICER. The Senator has 2½ minutes in his own right.

Mr. BUMPERS. Mr. President, 2½ minutes is fine. I am opposed to this amendment. I know these western Senators feel strongly about this just as they do about mining law reform. I was reluctant to speak because I think sometimes they think I have some kind of a vendetta against them. I do not.

But I have a couple of charts here just to show you where we are. Right here is a comparison of the fees ranchers pay on private and Federal land. In 1980, the Federal grazing fee per animal unit month was $2.36. I am a cattleman. I can tell you that in 1980 cattle were a drag on the market. Today cattle are twice as high as they were in 1980 and the price paid to the Federal Government is $1.86 per animal unit month. If you can believe it—Federal grazing fees have gone down since 1980 while cattle prices have doubled.

Let me tell you one other thing. This is always the proof of the pudding. It is true in mining and everything else. Every State in the Nation except Arizona, charge more, a lot more, than the Federal grazing fee. Colorado, $4.70; Nebraska, $7.53; New Mexico, $3.46. Many of them charge anywhere from two to five times higher than the Federal rate.

If it is good for the States, if the States are willing to charge their own people to this extent for grazing fees, why should we do less? In fact, Mr. President, we should not.

I yield the floor.

Mr. SIMPSON. Mr. President. I rise in support of the amendment that would prohibit the use of funds under this bill to implement the Rangeland Reform '94 Program. I reviewed this proposal when it was first announced by the administration, shortly after Congress began its August recess. It is a very significant, far-reaching initiative which deserves extensive public comment and scrutiny.

So far, that type of democratic, public review has not occurred. For instance, many of my constituents tell me that the State offices for the Bureau of Land Management were less than diligent in making copies of the so-called Rangeland Reform '94 Program available to the general public. Ranchers had to rely on word of mouth about the details. Clearly, that is no way to encourage thoughtful public consideration of issues which so directly—and drastically—affect so many lives in the West.

I am concerned that the realities of ranching in the West have been dismissed by this proposal and instead we are offered some form of politically correct ecosystem management. I fear that this program is another effort by the administration to increase the political influence of the so-called environmentalists while ignoring the contributions of generations of westerners who have preserved, protected, and improved western rangelands.

The administration proposal neglects to address the impact of a significant fee increase on the business climate of rural America. A fair proposal would take into account the affect of a fee increase on small businesses in the West. This ill-advised proposal will lead to the demise of the economies of many small towns across the West. It is inappropriate that by executive edict this administration is attempting to supersede congressional authority with an order of such incredible breadth and scope.

I also find it very troubling that the administration is proposing taking ownership of improvements paid for and constructed at the sole cost of the permittees without compensating them for their financial contributions or for the labor they have expended on those improvements. The Clinton-Babbitt program comes very close to claiming a Federal water right in the West in direct contravention of the various western State constitutions.

The Clinton-Babbitt program proposes the elimination of administrative appeals of some land management decisions. On the surface, that sounds very much like what Republicans have proposed in a wide array of administrative law areas. However, the Clinton-Babbitt proposal is terribly one-sided. It would only impose limits on appeals in decisions that negatively impact ranchers and permittees. Nothing is proposed in their plan to limit the rights to appeal issues in areas that uniquely benefit so-called outside special interests.

Also, the Clinton-Babbitt plan proposes elimination of one of the most successful cooperative management schemes in the history of public lands. Local grazing advisory boards have been uniquely effective in improving stewardship of our public lands. They have improved the overall quality of the lands from the stockman's perspective. They have also helped to improve the capacity of the public lands to provide quality habitat for wildlife, and by helping to provide a quality recreation experience for the public.

This administration is not satisfied with a successful management tool, but rather proposes eliminating grazing advisory boards in favor of a new expanded resource advisory council approach. The local grazing advisory boards work. Those who are directly dependent on the lands for their livelihood and who are directly involved with the management of the lands on a daily basis are much more qualified to ensure sound stewardship. We all know far too many horror stories about the failures of committee management in others areas, Mr. President, and I am extremely concerned about this resource advisory council proposal.

So I join with my colleagues from the western States in attempting to insert some common sense and practical experience into this debate. When national policy is being made which disproportionately impacts a particular segment of our population, Congress and the administration should move very cautiously, indeed. It is not correct for the administration to have stated that "The public has already had substantial opportunity to affect this proposal." We should particularly respect and honor the thoughtful concerns raised by those citizens who will be directly impacted by that policy.

That has not been done by the administration's Rangeland Reform '94 initiative.

I urge my colleagues to support this amendment.

Obviously, I am supporting Senator DOMENICI. This Range Reform '94 business is not about grazing fees. It is about failing to recognize the lifestyle of a large part of the United States of America. We ought to have a moratorium for 1 year to look at what it does, to see what it does, to have hearings, and have a democratic public review that has surely not occurred to this point.

If those who are here want to get a lick at the grazers, those evil, ugly people, you are going to have a chance later. But this is not the place. You can go do that some other time.

While you are doing that—I think that is 30 million bucks in the whole Federal Treasury—we ought to start looking maybe at some of the other stuff which is worth maybe $5.2 billion for corn, $4.6 for wheat, or how much for rice, while grazing is 30 million bucks in the great scheme of America.

That is where we are. This is about the phoniest argument that I have ever seen. I have seen it every year, year after year. It is not about money. If the people would just step up to the plate, block the pitch, either screwballs or straight balls or curve balls, hit it and say, "We don't want those cows on the public land. They are ugly and they leave 'cowpies' all over the prairie."

So that is what we are getting here. Why do we not just really be quite frank about what this is? But if it is all about money, the evil, ugly people, the fat cats, then where this $30 million appears is beyond my comprehension.

This is not about grazing fees. This is about a sweeping proposal which does not fit the facts, will not work, and we have not had any hearings on it at all. This is not at all acceptable to anyone who has any awareness of the true facts. You will not want it to happen to your own State, I can tell you that.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, just a few short weeks ago, the Congress voted—over my opposition—to impose on the American people the largest tax increase in our history. This week, we are being told that we will have another healthy tax hike if we adopt the President's health plan.

I have repeatedly warned that we cannot continue to ignore the genuine complaint of small businessmen and women that they can no longer afford us. Today, we have the same issue before us. Washington wants more money from some small businesses. This time it is the cow and calf ranches and the sheep ranches of the American west.

This time, we have the opportunity to call for a reasoned approach, the opportunity to think about the effect of our actions. We do not have to vote for all or nothing, and voting for the Domenici amendment will give us that opportunity. All the amendment provides is that we in Congress—the elected representatives of the people—should make the decision on the amount of money ranchers in the public-lands States should pay for the right to graze livestock on Federal lands.

But it also gives us the chance to do much more. The proposed regulation that the Domenici amendment seeks to put on hold appears to go much further. Through a series of redefinitions and preference changes, the proposed regulation seems to suggest some desk manager in Washington cares more about the land ranched by families for decades than do the ranch families, that we in Washington know more about range management than those who are dependent on a healthy range for their livelihood.

Make no mistake, voting against the Domenici amendment is a vote to raise the cost of doing business for ranch families in the western States. It is the same as a user fee, the same as a tax—costs will go up and some of these businesses will fail. Most unfortunate, voting against this amendment is also suggesting to those same ranch families they have abused what is most precious to them—the land from which their livelihoods spring.

I can think of no reason for voting against this amendment. If you want to raise fees, we can do it by statute, if you want to drive ranch families from the land, we can do it by statute. But I want to inform my colleagues that voting against the amendment is simply voting to let the executive branch raise the fees and drive these ranch families from the land.

I urge my colleagues from other parts of the country to join with our colleagues from the West, those who know first hand of the proud stewardship of the land by western ranch families, in voting for this amendment.

Mr. DOMENICI. Parliamentary inquiry. How much time remains?

The PRESIDING OFFICER. One minute twenty seconds.

Mr. DOMENICI. I am prepared to yield the time if Senator REID is.

Mr. REID. I yield back the time.

Mr. DOMENICI. I yield back the time remaining on our side for any of our Members.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The PRESIDING OFFICER (Mr. DODD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—59

Baucus
Bennett
Bingaman
Bond
Boren
Breaux
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Faircloth
Feinstein
Ford
Gorton
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Kassebaum
Kempthorne
Kerrey
Lott
Lugar
Mack
Mathews
McCain
McConnell
Moynihan
Murkowski
Nickles
Packwood
Pressler
Reid
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NAYS—40

Akaka
Biden
Boxer
Bradley
Bumpers
Byrd
Cohen
Exon
Feingold
Glenn
Graham
Grassley
Harkin
Jeffords
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Murray
Nunn
Pell
Pryor
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NOT VOTING—1

Gramm

So, the amendment (No. 891) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the underlying amendment, as amended.

The amendment (No. 890) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, may I say to all Members that this morning there were 64 amendments on the list of amendments that would have been eligible to be called up. There are now 19.

There are 19 amendments remaining on the list, and I am advised that because of the religious holiday of which all Members have been informed, practically speaking, unless this bill is finished by 3 o'clock tomorrow afternoon, it will not be finished this week, and we who are on the Appropriations Committee need to take this bill to conference in order to hopefully get it through conference and back to both Houses and to the President before the first of October. So I urge Senators to stay around for a while this evening.

But, in the interest of providing a window, I ask unanimous consent that any votes that may be ordered prior to 8:30 not occur until 8:30 this evening.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I understand Mr. BRADLEY has an amendment which he is prepared to call up shortly and there are other names on the list. I hope that we can, on both sides, encourage other Senators to call their amendments up following Mr. BRADLEY.

Mr. HELMS, I believe, has at least three amendments on the list. So if Mr. HELMS could be prepared to go, also, later this evening, then, beginning at 8:30, the Senate will start voting on any votes that have been ordered in the meantime and we could continue to make progress, therefore, this evening, hoping, as I say, we can finish tomorrow.

I thank all Senators for their attention.

While Mr. BRADLEY is preparing to call up his amendment, there are some other Senators whose names are on the list. If they would kindly inform the two managers as to their wishes, as to whether or not they intend to call up their amendments or, indeed, whether or not we can strike their names from the list, that might be an indicator of progress, as well.

Mr. President, I ask unanimous consent that I may call up Mr. BRADLEY's amendment momentarily and make it the pending business, and that any pending amendment at such time be set aside temporarily.

The PRESIDING OFFICER (Mr. HARKIN). Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, what is the regular order?

The PRESIDING OFFICER. The Senator from West Virginia has obtained unanimous consent to offer an amendment on behalf of the Senator from New Jersey, Senator BRADLEY, and to set aside the pending amendment.

Mr. BYRD. Mr. President, does the Senator yield without losing his right to the floor?

Mr. HELMS. Certainly.

Mr. BYRD. Mr. President, I had intended to call up an amendment on behalf of Mr. BRADLEY because momentarily he has to be away from the floor.

But it is my understanding that he has not seen the amendment. His staff is on the floor. They have the amendment. Inasmuch as Mr. HELMS is prepared to go forward with an amendment at this time and has indicated to me that at such time as Mr. BRADLEY returns to the floor and wishes to call up Mr. BRADLEY's amendment—

Mr. HELMS. If the Senator will yield, Senator BRADLEY has just arrived.

I suggest the absence of a quorum.

Mr. BYRD. Before he does that, I thank the Senator from North Carolina for his willingness to proceed at this point. I think I shall just thank the good Lord for an abundance of blessings in that we have two Senators, both of whom are willing to call up their amendments at this time. And I take my seat.

Mr. HELMS. Mr. President, I wonder if the distinguished Senator from New Jersey would give me sign language about how long his amendment will take, in his opinion. Thirty minutes. I yield the floor. I thank the Senator.

Mr. BYRD. Does the Senator from Alaska wish to take care of some morning business?

Mr. STEVENS. Yes, I would, Mr. President. I thank the chairman. Mr. President, I ask unanimous consent to speak as in morning business. I would like to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 1457 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 892

(Purpose: To limit spending on coal liquefaction programs, and to limit spending on environmental review to prepare timber from the Tongass National Forest)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 892.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 65, line 22, strike "$429,070,000" and insert "$416,155,000".

On page 66, line 7, insert before the period at the end, the following: ": *Provided further*, That of such sums made available under this heading, not more than $15,960,000 shall be available for all programs related to coal liquefaction".

On page 51, line 15, strike "$1,300,153,000" and insert "$1,297,653,000".

On page 52, line 8, insert before the period at the end of the following: "*Provided further*, That none of the sums made available under this Act shall be used to fund environmental review to prepare an amount in excess of 350,000,000 board feet of timber for the Tongass National Forest, or such amount as the President may determine".

Mr. BRADLEY. Mr. President, I am prepared to enter into a time agreement if the distinguished Senator from West Virginia is.

Mr. STEVENS. Mr. President, I apologize. I was speaking to the Parliamentarian. I find that the Senator's amendment, Mr. President, touches the bill in four different places and involves four different issues. Am I correct? Is that the Senator's intent, Mr. President?

The PRESIDING OFFICER. The amendment that the Senator from New Jersey sent up is technically four separate amendments.

Mr. STEVENS. I ask the amendment be divided.

The PRESIDING OFFICER. The Senator has a right to divide the amendment.

Mr. STEVENS. Mr. President, in response to the request of the distinguished Senator from West Virginia, our President pro tempore, would it be possible to postpone the decision on agreeing to a time agreement until we hear the explanation of the amendments of the Senator from New Jersey?

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, the amendment I sent to the desk really deals with two subjects: It reduces funding for coal liquefaction programs by $12 million to the administration's budget request and it specifies that no Federal support will go to support a timber cut in excess of 350 million board feet in the Tongass National Forest. That is recommended by the administration.

My point in connecting these two quite disparate topics is this: Throughout the Federal budget, we reach out with Federal funding to influence the shape and direction of the progress of American industry. With taxpayer dollars, we pick winners, those who are favored because they receive a subsidy.

We use subsidies to keep in motion industries that otherwise might not exist. We subsidize too many industries with the financial wherewithal to fund themselves. I believe that we should not. We do not have the money to spare these days for these kinds of subsidies. More importantly, we do not have the wisdom or the confidence to presume that our winners are the right ones, that our picks justify taking the tax dollars away from schoolteachers, from the small businessman, or from the mineworker.

This amendment is intended to start this process of critical review. I say "start" because, clearly, there is much more to do if we are to balance the budget and because this amendment itself is limited.

Although arguments can be made for bigger cuts in both of these areas, I am only asking that the Senate bill be reduced to the administration's request. In both areas covered in this amendment, it is safe to say the taxpayers have shaped the industry.

For decades the Federal Government has tried to create and propel the industry to produce liquid fuels from coal. We have done research. Twice, during the days of the U.S. Synthetic Fuels Corp. and later during the various solicitations of the Federal clean coal program, we promised billions in Federal support to the private sector for viable projects. We have heard for years that the price of these coal-based fuels is going to come down. The price of the oil that would be produced from coal, it has been projected and promised, will come down, always coming down but always coming down to a point that is just over the market price for oil, and therefore the subsidy is required.

I had a staff member who worked for the U.S. Synthetic Fuels Corp. in the early 1980's. He noticed an interesting phenomenon. As any project moved forward in negotiation, the price of output went up. The estimate might start at $35 per barrel. Which became $45 per barrel, became $60, became $90. Projects shifted from the fringes of viability to hopeless propositions.

We all know and acknowledge the strategic implications of oil. I, for one, have strongly supported the Strategic Petroleum Reserve. But coal liquefaction is not a Federal research project; it is an industry. It makes money or it does not make money. And so far there seem to be very few in the private sector, in the coal industry, who believe in this industry's profit-making potential.

I am sure grand claims can be made for this program, that it has the potential to safeguard the United States and protect us from energy extortion, but let us be honest. These projects are nowhere near competitive and this tiny research effort is not going to change that fact. If it would, the existing coal industry would be stepping forward to foot the bill and take the financial credit.

Two nations in the past have supported their economy with coal-based liquid fuels. During World War II, Germany made airplane and motor fuels from coal. And for decades South Africa used liquid fuels for their sasol plants to drive their economy. We have the technology to make coal liquids but will go broke if we actually do it.

I have not even raised the issue of the global warming, although I could make environmental arguments against this program. That is not my point. My point, as I made the other day in a speech about the need to cut the deficit—and one of the ways to cut the deficit is to cut the subsidies that are going from taxpayers to individual industries, in some cases individual companies—my point is simply that, absent taxpayer money, there would be no coal liquefaction program. And that would be appropriate, given the facts, the risks, and the possibilities for gain.

Now, Mr. President, that brings me to the second amendment, which is the Tongass National Forest. When all the sums are counted up, including preparation of road costs, the timber industry has been dependent on taxpayer subsidies for years. In fiscal year 1992, revenue received from two long-term contracts for 303 million board feet timber was $11.5 million. Expenses of the timber program were payments of $21.6 million, plus payments to the State of $3.2 million, and extraordinary expenses of $9.9 million. Therefore, the loss to the Treasury was $23.2 million.

We all know the Tongass timber industry could not exist as it does without deep taxpayer pockets. For years the Tongass National Forest was the targeted recipient of a $50 million entitlement. This was changed when the Tongass Timber Reform Act made these funds subject to appropriations.

The TTRA also set guidelines as to how to set timber sales levels. The TTRA promised to support a harvest level sufficient to meet market needs, subject to requirements that the harvest be sustainable and not compromise wildlife or recreation needs.

Clearly, all these are very highly technical determinations. I am not a forester. I do not believe any of my colleagues are as well. Yet the Senate report sets a specific preferred harvest level of 410 to 420 million board feet. In general, this sort of deliberate legislative mandate gives me a little concern. Who are we to say that it should be 410 as opposed to the 350 million board feet for which the administration has asked?

However, when viewed in light of the ongoing Federal taxpayer burden, I feel strongly that the Senate should put itself on the record on this issue. The amendment merely attempts to replace Senate language with the administration requested target of 350 million board feet. In the absence of compelling evidence that a higher cut meets the multiple criteria of the TTRA, I feel strongly that we should not attempt to presume a higher yield would be sustained or is appropriate for current market conditions.

Mr. President, those are the two parts of the amendment that I offer.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Alaska.

Mr. STEVENS. Mr. President, it is clear from the statement of the Senator from New Jersey that he intends two amendments, one pertaining to coal and one pertaining to timber. Although they touch the bill in four places, it is two amendments. I have now read the amendment completely and want to indicate to the Chair and to the Parliamentarian that my motion to divide was to divide Senator BRADLEY's amendment into two. I believe that would be consistent with the statement just made by the Senator from New Jersey.

Mr. President, I understand the statement that has just been made by the Senator from New Jersey pertaining to the Alaska level.

The PRESIDING OFFICER. If the Senator from Alaska will yield, the Chair advises that the Senator does have the right to specify the way in which he wishes to divide the amendment.

Mr. STEVENS. It would be divided into two, meaning that the material on the first page of the Senator's amendment is one amendment, and the material on the second page of the Senator's amendment is a second amendment.

The PRESIDING OFFICER. The amendment is, therefore, divided in that fashion.

Mr. STEVENS. I thank the Chair.

Now, Mr. President, when we had the hearings on this matter, I did address the subject of the Senator's amendment at the time when the chief of the Forest Service was before us. I pointed out to the chief of the Forest Service that I had supported the Tongass Timber Reform Act at home—with some criticism, I might add—as a reasonable compromise to get a commitment for a long-term supply for the timber activities in southeast Alaska. We agreed to a proposal that that long-term supply would meet market demand both under the long-term contracts and the short-term sale program of the Department of Agriculture, the Forest Service.

We have tried to work on that together. At the present time we have one mill shut down. It is shut down for a lot of reasons, one of which is timber supply. But we have had levels for the past 2 years of market demand that exceeded 420 million board feet. As a matter of fact, we have not mandated any level, and we do not really mandate a level of sales in this bill. We mandate a preparation of timber for sales. Those sales because of delays, protests, lawsuits could be spread out over a period of years. But we agreed in the Tongass Timber Reform Act that we would prepare timber by the Federal Government, that is we would prepare timber to meet market demands. If we went at the level of market demand, I believe we would be substantially higher than 420 million board feet.

This is the question I asked the Chief of the Forest Service:

> I know that your budget level this year is about 350 million board feet. If we appropriated that level in view of the fact that these 2 mills have been shut down due to constraint on supply based on our past appropriations, how can you meet market demand?

Mr. Leonard replied:

> Senator STEVENS, we have had difficulty providing the level of timber sales that you have. And the Alaska delegation have pushed hard given the constraints of appeals and other disputes over some of the individual areas that people want to go to. I believe there is a sufficient volume currently available to the mills to allow them to be operating there. We do have a problem in terms of the price of pulpwood that raises some questions about economics, and I think that has a role in the decisions on whether or not the mills are currently operating or not. If we are to continue operating at the 350 million board foot level, it would make it very difficult for us to meet the needs of the two long-term contracts and also maintain a supply of timber to the independent mills. As you are aware, currently most of the independent mills are not operating.

I then went on to ask:

> Is there a pipeline now that could meet the demands if we limited the budget level to 350 million board feet?

Mr. Leonard said:

> It is not nearly the level of pipeline that we anticipated——

Mr. President, the pipeline is the amount of timber that is prepared as a backlog ready to meet market demand. It does not have to be put up for sale. There is nothing here that we mandate the Forest Service to sell it. We prepare it for sale with the money we handle it for. The sale level is determined by the Forest Service in order to comply with the Tongass Timber Reform Act to meet market demand.

Mr. Leonard said:

> It is not nearly the 3-year goal. There is some volume coming forth in the pipeline but again it is not the level that was anticipated.

I said:

> I don't want to prolong this, but I am interested in some of the things that are happening. I have been informed that market price has risen dramatically over the past couple of years, particularly in the last 8 months, and that has had something to do with market demand. Can we adequately predict the market demand for saw log timber for pulp in 1994 now?

Mr. Leonard said:

> I think it is clear that market demand for solid wood * * * is going to be very strong. The constraints on timber harvesting in the Pacific Northwest that are becoming obvious in the timber demand and the supply situation of British Colombia both strongly suggests that the demand for solid wood products is going to be very strong and adequate to meet all of the volume we can produce in Alaska.

Mr. President, as we went on and talked about this with the Forest Service Chief it was obvious that there is no question that the 350 million board feet was not sufficient to meet market demand.

We are in this bill asking the Forest Service to continue to prepare timber for sale in the Tongass at the level of 420 million board feet. Again, it does not mandate the sale at any level.

That was the decision we made in the Tongass Timber Reform Act. To now mandate it to be lower than the amount for the Tongass Reform Act is contrary to the intent and purpose of the Tongass Timber Reform Act.

We reached an agreement with those who wanted to restrict the timber development in southeastern Alaska. We put a ceiling on it in effect. At the time I told the people in the timber industry in southeastern Alaska they were limited to market demand as it developed from the timber that was available and by definition that meant that there could be no expansion in the timber activity in southeastern Alaska. But so long as the market then held up, the level of employment, the level of activity in the timber industry in southeastern Alaska would remain stable.

That has in fact been the case. For 2 years the demand has been stable. The timber prepared for sale has been stable. And the industry has been relatively stable.

As I said, one mill is now closed and the effect of that is rather catastrophic downstream. But for the present time these mills I am talking about, Mr. President, are pulp mills. There are other logging operations and timber operations that also process timber.

So the demand right now can use without any question the continued amount of timber that was planned which was the level of the 420 million board feet that has existed since the Tongass Timber Reform Act was put into effect.

Again, now, that is not the sale of timber that has taken place. That is the amount of timber that has been prepared for sale. There is a substantial amount of timber that has been held up by protest. Some people want the land that the timber is on to be made wilderness. Other people are protesting the sales because of the conflict in the economic sector because they do not believe the bids were handled properly. Other people are complaining that the procedures in the Forest Service in making the timber available for sale was not properly handled.

Therefore, as a practical matter, preparing the 420 million board feet this year as we have the past 2 years will not guarantee anything other than that if the demand is there the timber will be put up for sale. Once it is put up for sale, the economic conditions and the protest that come from those who oppose timber development in southeastern Alaska will take over.

I do believe that there will be a problem if the amendment of the Senator from New Jersey passes. It will be the first time Congress tells the Forest Service to prepare less timber than would be necessary to meet market demand.

That is to me the great difficulty with the Senator's proposal because it does amount to a breach of the agreement that was made with the people of Alaska in the Tongass Timber Reform Act.

Prior to that time, Mr. President, the Forest Service worked under a system that required that 4.5 billion board feet of timber be prepared and sold every 10 years, with an average of 450 billion board feet a year. That was objected to by many, because they said we were preparing timber for which there was no demand, and that compromise was reached in the Tongass Timber Reform Act basically with the former chairman, the late Mo Udall, of the House of Representatives. That compromise was that we would agree that timber would be prepared to meet market demand, and that actual sales would be determined by the commercial conditions that existed, including the delays that were brought about by environmental protest.

As a consequence, I cannot but oppose the Senator's amendment. I say that it is most difficult for someone from a State like mine to deal with these issues on a long-term basis. In the 1980 Lands Act, we reached an agreement on the 10-year program, the 450 billion board feet. That was in place for a period of years. It was a long-term concept to try and stabilize the timber industry and, if you will, limit it, because that was less than the amount of timber that was cut in the Tongass in the 10 previous years. In the Tongass Timber Reform Act, we agreed to meet market demand, and market demand at that time was low.

So, by definition, by going into a year-by-year market demand analysis, we were reducing the amount of timber that would be cut from the Tongass, as compared to the then existing law which mandated that 4.5 billion board feet be sold every 10 years.

Now we see an attempt now to lower the amount that can be prepared to meet market demand when, as I have said, the testimony of the chief of the Forest Service is that there is no question about it, that we have more than sufficient demand to meet the level that has been prepared so far.

As he said,

> We have had difficulty providing the level of timber sales that you, the delegation, pushed so hard for, given the constraints of the appeals and other disputes.

The real problem is the availability of timber in terms of preparation. A lot of people, I think, do not understand the Forest Service System in the Pacific Northwest. Keep in mind that a substantial number of timber has been taken out of production in the Pacific

Northwest due to the problem of the spotted owl. We have had a reduction in the harvest from the national forests of the Pacific Northwest. That demand is coming north; and whereas 10 years ago, we exported almost 100 percent of the timber harvested in Alaska, now some 6 percent of it goes south to meet the demands of the industry in Oregon and in Washington that no longer has the availability of the timber from the national forests there.

This concept coming about, as far as the Senator from New Jersey's amendment is concerned, would leave us in the position that notwithstanding that the demand is going up, the amount of timber prepared would be mandated to go down. That is a breach of faith, Mr. President. It amounts to nothing more than a breach of faith.

Those of us who represent a State like this have to sometimes enter into compromises. This was one that was hard negotiated; it was a festering sore, really, the criticism of the 4.5 billion figure in the 1980 act. What it has led to now is a bill that was passed, as I said, with my assistance, with the understanding that we were going to be dealt with on the basis of supply and demand; that the supply would be only that which was necessary to meet the demand projected by the Forest Service.

The demand that has been projected by the Forest Service is in excess of 420 million board feet. It has been more than that for the last 2 years. I see no reason now to decide that we ought to arbitrarily reduce it down to 350 million board feet, which is, in effect, a way of destroying jobs and destroying economic opportunity in an area that is already hard hit, that has one of the highest levels of unemployment in the United States. And in this part of Alaska, the Forest Service employment is the stabilizing factor of the economy of the region.

I can do no more than say to my friend—and I see he is here now—from West Virginia that I believe somebody else ought to speak to the coal liquefaction problem. I hope they will. I ask my friend from New Jersey if, notwithstanding the fact that we have had a division of the amendment—the Senator from West Virginia indicates he does not believe that I have made a request and that it has not been divided. Has the Chair announced a division of the amendment of the Senator from New Jersey yet?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the Senator has indeed divided the amendment, but the Senate, speaking for itself, has not taken any action with respect to that.

Mr. STEVENS. I might say to the Senator from West Virginia, in his absence—and I wish to be fully fair about this—I modified the request to make sure it was divided in two places. I do believe that the Chair has announced that the request had been acceded to.

Mr. BYRD. If the Senator will yield, the Senate itself has not taken any action on division yet. The Senator, it seems to me, has indicated that he wanted the amendment divided. But the Senate has not taken any action on that. Therefore, it seems to me that the Senator has a right to change his mind and not insist upon a division and so state that he does not wish the amendment divided.

Mr. STEVENS. Mr. President, I do not mean to inconvenience the managers of the bill, and particularly my good friend from West Virginia, who is a better Parliamentarian—with due respect to the Parliamentarian—than any Parliamentarian I have ever met, but I do believe that it is the intent of the managers to make a motion to table the amendment as a whole. I discussed that with the Parliamentarian. It was my understanding that I would have to ask unanimous consent to put it back together. I ask my friend from New Jersey if he would have any objection if we went back to the original amendment for the purpose of a motion to table at a later time?

Mr. BYRD. Mr. President, the Senator has the floor. I do not think it makes any difference whether the Senator from New Jersey or this Senator objects.

Mr. STEVENS. It is my understanding—I asked the Parliamentarian if I could move to table both parts of this amendment in view of my past actions toward it, and that would not be possible at the present time.

Mr. BYRD. If the Senator will hear me, if he will immediately announce his intent that he does not want this amendment divided, then any Senator can move to table the amendment.

Mr. FORD. Will the Senator from Alaska yield to me, without losing his right to the floor, so I might ask a question?

Mr. STEVENS. I would like to do that, and I will confer with my adviser.

Mr. FORD. I need a little bit of help here. The procedure, as I understand it, is that you can divide this amendment into eight parts. Where you have a unanimous consent agreement for one amendment, then you turn around and split an amendment into six, eight, or ten parts, but then we would have six, eight or ten amendments. This is what disturbs the Senator from Kentucky. Does the procedure here mean that if the Senator from Alaska or any Senator objects to the split, the amendment cannot be divided?

The PRESIDING OFFICER. As the Chair understands it, the Senator can request the division, and if the Senator had not requested the division, there would be no division. The Senator requested the division, and therefore the request stands before the Senate. But the Senate has not acted on the division itself.

Mr. STEVENS. Mr. President, I still have the floor, I believe.

It was my intent to try to separate the debate so I would be responsible for the part that I was concerned with, which is the Tongass. I had not read it completely. At first, I thought it was four amendments, and so stated; subsequently, I found it was two, and so stated.

I am of the opinion that in the interest of time in the Senate, it would be better if I were in the position or the manager of the bill were in the position to make a motion to table the amendment, as originally offered by the Senator from New Jersey, to determine how long we might have to be here tonight.

I wonder, if I may put a parliamentary inquiry, am I in the position now to withdraw my request that the amendment be divided?

The PRESIDING OFFICER. The Chair in its wisdom observes that since the Presiding Officer has not been able to review all the Senate precedents that pertain to this, that the Senator from Alaska, having asked for a division and, therefore, having that being the standing before the Senate, the Senate not having acted on that and there being no contrary precedent, the Senator is in a position if he chooses to withdraw his division.

Mr. STEVENS. I withdraw my request for a division.

Mr. BRADLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BRADLEY. Mr. President, as I understand it, the Senator, having called for a request for a division, and the Senate having not acted on the request, he is entitled to withdraw that request.

The PRESIDING OFFICER. The Senator is correct.

Mr. BRADLEY. I have no objection.

Mr. STEVENS. I thank the Senator, and I apologize to the Senate.

I was caught, Mr. President, with an amendment that I thought was coming from a different direction. And when I looked at it, I thought I had four amendments rather than the two we have. Then I discovered one of them was not my business, anyway.

I hope my good friend from Kentucky is here to talk about the coal amendment.

Mr. FORD. I am ready to move to table the Senator's amendment.

Mr. STEVENS. At the appropriate time, I do believe.

Before I sit down, let me just say this: I have great respect for the Senator from New Jersey. I know where he is coming from with regard to the management of these resources, and I respect his attempt to try to have an impact on that.

I do feel that, as I said, if we are going to have a basic change in an act such as the Tsongas Timber Reform Act, which was the result of literally years of effort to bring about a change in the then existing basic law, and which was worked out on the basis of compromise and friendship, if the Senator wishes to change that basic compromise, I urge him to approach that Tsongas Timber Reform Act in the same way we approached the 1980 act: To state his objections; introduce a bill; and have it go to the Legislative Committee. Let us have our day in court before the Legislative Committee; do not have it come up in terms of the appropriations process.

The provisions of this bill are consistent with the Tongass Timber Reform Act. The amendment of the Senator from New Jersey, insofar as it amends the Tongass portion of the bill, is inconsistent with the Tongass Timber Reform Act and the definition that we had, that the Forest Service would prepare timber to meet market demand.

So I in time will urge that the Senate stick by the compromise. That compromise was passed in 1990. It was H.R. 987, one of the last bills that came from Mo Udall's committee when he was chairman. It was passed by the Senate, by the way, 99 to 0. It was reported by the Energy Committee, after long years of debate, when we finally reached a compromise, by a vote of 19 to 0. In other words, the existing law was established by the process of compromise through the legislative process. It was not a rider on an appropriations bill.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from West Virginia.

Mr. BYRD. Mr. President, I rise in opposition to the amendment offered by Mr. BRADLEY. Senator BRADLEY's amendment would eliminate the additional funding above the President's fiscal year 1994 budget request that the committee is recommending for the coal liquefaction program at the Department of Energy. Senator BRADLEY's amendment would significantly curtail the Department's coal liquefaction research effort which is designed to accelerate the development of cost effective technologies for the conversion of coal, which comprises 85 percent of U.S. recoverable fossil energy, into transportation fuels.

Without a war raging in the Persian Gulf, it is easy to forget about our Nation's energy policy and our energy security. It is easy to forget that last year this Nation's domestic production of crude oil and natural gas liquids decreased another 180,000 barrels per day. It is easy to forget, perhaps, that the number of oil and gas producing rigs dropped again between 1991 and 1992 from 860 rigs to 721. It may be easy for some to forget that at the same time that this Nation's ability to produce energy from domestic resources continues to decline, our dependence on imported oil continues to increase and now exceeds 50 percent of our daily energy requirements.

As a result, it is imperative that this Nation's energy policy emphasize our ability to use our most abundant domestic energy resource to meet our energy demand. Transportation fuels comprise almost 50 percent of our daily energy requirements. The coal liquefaction provides the means by which this Nation can develop cost effective coal-to-liquid conversion technologies.

The committee recommendation for coal liquefaction is $28,875,000, an increase of $12,915,000 above the fiscal year 1994 budget request and $8,482,000 below the fiscal year 1993 enacted level. The bulk of the committee's recommended increase consists of $8,300,000 to continue construction and operations of two proof-of-concept test facilities. The first of these facilities is a 3-ton-per-day process development unit located in Lawrenceville, NJ which is being used by the Department of Energy to develop improved approaches to reduce the costs of converting liquids from coal directly. The committee is recommending an increase of $4,000,000 to continue work at this facility in an effort to reduce the current costs of coal liquefaction from $33 per equivalent barrel of petroleum to less than $25 per barrel of petroleum equivalent by 1999. I should point out that in testimony before the Interior Subcommittee the Department of Energy noted that during the 1970's—the Senator from Kentucky [Mr. FORD] was here and he would remember this—the costs of producing liquids from coal were then prohibitively high—estimated at that time to cost between $60 and $70 per barrel of petroleum equivalent. The research and technology improvements funded through the coal liquefaction program at the Department of Energy has helped to significantly reduce the cost of the direct conversion of coal to liquids. Continued process development and research at this facility is essential if we are to be able to produce a high quality high octane gasoline feedstock from coal at a commercial scale by the end of this decade. I should also point out that the Department has reduced the cost of this process development work by 50 percent as a result of utilizing the facility in Lawrenceville and that the committee has also directed that the industry cost share which is currently 20 percent is to be increased. This facility is the only direct liquefaction facility capable of providing the economic analyses and design information needed to demonstrate and test commercial operations.

The committee has also recommended an increase of $4,300,000 to continue work at the indirect liquefaction process development unit in LaPorte, TX. By testing the technologies needed to convert synthesis gas to sulfur and aromatic free fuels, the Department is striving to reduce the cost of producing environmentally superior diesel fuel and additives for reformulated gasoline from coal to $23 per barrel of oil equivalent by the year 2000. The LaPorte facility is the only indirect liquefaction facility capable of the economic and design information needed to demonstrate and test commercial operations.

In addition to the $8,300,000 increase recommended by the committee to continue work at the process development units at Lawrenceville and LaPorte, the committee is also recommending an increase of $1,800,000 to continue the research being conducted by the Consortium for Fossil Fuel Liquefaction, which includes the Universities of Kentucky, Utah, Pittsburgh, West Virginia University, and Auburn University. The consortium is applying university research to the development of cost effective iron-based coal liquefaction catalysts and in determining the molecular structure of coal and coal liquids. This research provides essential laboratory support for the development of coal liquefaction technologies. The consortium is also conducting research on methods to liquefy coal and waste materials. The consortium is working to develop the technologies needed to convert plastics, rubber tires, paper, waste oils, and biomass to refineable petroleum using coal liquefaction techniques.

Mr. President, the Energy Information Agency [EIA] projects that by the year 2030 the United States will be importing 18 million barrels of oil per day and that our domestic production of oil will have dwindled to 3 million barrels of oil per day. The committee is attempting to take the long-range strategic view with regard to our energy policy and our energy security. Without a consistent and determined effort to develop the cost effective means to produce transportation fuels from coal—our most abundant energy resource—we will have failed to provide for our future.

I must urge my colleagues to oppose this amendment and to support the committee's recommendation.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI. Mr. President, I wonder if my friend from West Virginia would allow me to make a statement relative to the pending amendment of the Senator from New Jersey.

Mr. BYRD. Yes; I yield the floor.

Mr. MURKOWSKI. Mr. President, as I understand the parliamentary situation currently, we have one amendment and there is the intention of a motion pending to table the amendment which covers two parts, one coal liquefaction and the other the Tongass annual cut.

I want to speak very briefly on the Tongass portion of the amendment.

The PRESIDING OFFICER. The Senator is advised that there has been no motion made to table.

Mr. MURKOWSKI. The statement of the Senator from Alaska is that I understand there is the intention of a motion to table the amendment.

That being the case, and assuming that will ultimately be the disposition of the Senate, I think it is important that the record reflect a few realities.

First, my good friend, the Senator from New Jersey, and I shared a responsibility in the Energy Committee that debated extensively the Tongass Timber Reform Act. I think the record will note the Senator from New Jersey voted in favor of that in a vote of 19 to 0.

I think my friend would recall that there was a belief that we could, at last, resolve the question of the allowable cut in the Tongass and we could address the interests of the environmental community by putting more than 1 million acres of the Tongass in wilderness. Truly, it was an effort by all hands to try to bring about, if you will, peace in the valley. I think that was an honorable intention.

I think we have a situation here where, to suggest that the cut be reduced from 450 to 350 million, with a savings proposed, as I understand it—and my friend from New Jersey can correct me—of only $2.5 million, we should address the ramifications associated with just what this means if the Senator's amendment with regard to the Tongass were accepted.

It would mean a potential loss of 400 to 500 additional jobs. Mr. President, these are jobs associated with primarily two mills in Alaska, two pulp mills, which have sustained contracts with the Forest Service that were initiated under a 50-year contract, and those remaining years terminate in the early 2000's or thereabouts in every case.

The point is, the suggestion by the Senator from New Jersey to reduce the cut to 350 million will simply mean that there will be less timber available for these mills, there will be a potential violation of the contractual terms from which the Federal Government, through the Forest Service, entered into these contracts, and, hence, there will be a consequence of liability and some kind of a financial obligation of the Federal Government for failing to provide enough timber to meet the terms of the contract.

Now, what is so sacred about the terms of the contract? Well, it was a contractual agreement entered into by the Forest Service, with the knowledge of the Congress, and it was accepted. As a consequence, two mills were built and two communities, Ketchikan and Sitka, were basically established on the infrastructure thereof. As a consequence of the dependence on the assurance that the timber would be made available, there was a substantial investment made in both Sitka and Ketchikan.

This may seem trite, until you look at the realization that these two facilities operate year round in both Sitka and Ketchikan and, for all practical purposes, are the only year-round manufacturing that exists in the State of Alaska in the sense of putting out a product that is in a finished form.

I am looking at the Tongass Timber Forest Act preparation for fiscal years 1986 through 1993. It is rather interesting to note that the saw log total anticipated this year, as far as demand is concerned, will be in the area of 450 million board feet. This suggests that we reduce this by 100 million board feet to save $2.5 million dollars and put some 500-plus people out of work, put them on various types of welfare, when indeed just in 1990 we made a commitment to try to stabilize the industry by having the assurance of having enough timber to sustain the industry at its current level. And I think my friend from New Jersey would recognize and recall that it was specifically taking out of the timber block commercial timber that ordinarily would have been available for harvest, and a portion of that, approximately 1 million acres, was put in wilderness.

So there has been a reduction, if you will, in the available timber offered to the industry.

I would also advise my friend from New Jersey that, as you look at the timber makeup of the Tongass National Forest, it is a bit unique, because it represents a virgin forest, but 30 percent of the timber is either dying or dead. It has no other value other than wood fiber. It has no other utilization than to go into pulp manufacturing.

As a consequence, the two pulp mills, and there will never be any more, are designed primarily to utilize this resource from the standpoint of the alternative. If it were not available for pulp, it would simply proceed to die and rot and go through the regeneration process. So this was a carefully designed—not a haphazard—entrance into good forest management practices.

In addition, we have a few sawmills, and I am talking about very few: One in Metlakatla, two in Ketchikan, and one in Wrangell; and for the most part that makes up the sawlog production, and they are dependent on the Forest Service for the ability to put up the sales. You cannot put up the sales unless you put in the roads and other improvements.

I also remind my friend from New Jersey that the Tongass has been profitable 3 out of the last 4 years. Last year it was not, as a consequence of a substantial refund because of stumpage readjustments to one of the pulp mills. But to suggest there is some advantage here to the public and to the Treasury in reducing this by 100 million board feet and saving $2.5 million does not address the real terms associated with the loss of jobs and the inability of the industry to sustain itself.

But probably most significant is the realization that we made in good faith a commitment in the Tongass Timber Reform Act to stabilize the industry at a level, and that vote was 19 to 0, and here we are today, contemplating reducing it; again, without any hearing, without any action before the appropriate committee.

I have the deepest respect for my friend from New Jersey, but I urge he withdraw the amendment and consider the matter in light of the procedure under which we examined, in great detail, the merits of the Tongass Timber Reform Act and addressed it in a manner that represented the vote of 19 to 0.

I thank the Chair and will be happy to respond to any questions the Senator from New Jersey may have with regard to the Tongass.

Mr. BYRD. Mr. President, I take it the Senate is ready to vote, but it is my understanding Mr. HELMS is prepared to call up an amendment. And, also, there is a request on the other side to delay the vote for a little bit because there are certain Senators who will require some time to get to the floor.

It would be my suggestion, unless the distinguished majority whip would think otherwise, that at such time as Mr. BRADLEY is finished speaking on the amendment, it be set aside and Mr. HELMS be allowed to call up his amendment.

Mr. BRADLEY. Mr. President, I am prepared to yield to the distinguished Senator from Kentucky.

Mr. FORD. I just want a couple of minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. BRADLEY. Mr. President, if I could, I would like to just briefly respond to some of the points that have been made by other Senators.

The section of the amendment that deals with Tongass is about $2.5 million of preparation costs—preparation costs: Mapping, and other kinds of things that are done in preparation for cutting in the Tongass National Forest. The amendment says that none of the sums made available under this act shall be used to fund the environmental review needed to prepare an amount in excess of 350 million board feet of timber for the Tongass National Forest or such amount as the President may determine.

So the distinguished Senator from Alaska asserted that this amendment, contrary to the TTRA, does not go with market demand but goes with a specific number of board feet that is an upper limit: 350 million.

That is not the case in this amendment. The point I am trying to make in this amendment is that the decision about how much money to spend preparing is based upon an assessment of how much you believe the market will demand, consistent with the act that the distinguished Senator from Alaska referred to. The administration arrives at that determination through discussions with the Fish and Wildlife Service as well as any other agencies involved—notably, the National Forest Service. And then they make a determination.

It is possible, even though they have said it was 350 million board feet—it is possible the demand has gone up. I do not know if it has gone up to 410 million board feet, as one Senator from Alaska said, or if it has gone up to 450 million board feet, as the other Senator from Alaska has said. I do not know which is which. And the disagreement between the two Senators is not only accounted for in this amendment, but it supports the thrust of this amendment, which is: Give the President some flexibility if the market is more, but do not set a legislated number; do not have the Senate decide in its wisdom that the number is 420 million board feet.

The House, I would argue, is equally wrong to set 280 million board feet. This should be a decision of the executive branch based on the information that we have received. The executive branch did arrive at 350 million board feet as that is what the market will bear.

This amendment is not a rejection of TTRA. It provides, instead, some greater flexibility and goes to the administration's number and simply says, given all the things we are spending money for in this country, if the administration says the market is about 350 million why do we want to spend another $2.5 million preparing for another 70 or 80 or 90 million board feet to be cut? Why do we want to spend that money now?

It is not a lot of money. But why do we want to spend it? We should not. We should save it. We should reduce the deficit by that amount. And that is what this amendment says.

On the coal liquefaction point, the administration asked for $15.9 million for coal liquefaction. The Senate put in $28.87 million, almost double for coal liquefaction.

Does anyone really believe if we spent $50 million for coal liquefaction, if we spent $100 million, that you would be able to produce oil from coal that would be competitive with oil in the ground or oil out of Mexico or Canada or oil from Venezuela? Does anyone expect that?

The answer is no. That is why the Synthetic Fuels Corporation failed, because the world oil price dropped. Yet we continue to spend money investing in technologies that will never make it in the market. And that is the reason I offered this amendment. It might be a good thing to do if we had unlimited money—but in a time where the choice is do we give the money for education or do we give the money for deficit reduction or do we give the money for research into a technology that is never—I would say highly unlikely—to produce competitively priced fuel, for me it is a pretty clear decision. We should reduce the budget deficit. Those are the times we are in. The need is to reduce the budget deficit.

These amendments are consistent with a statement I made on the floor the other day that we need to eliminate subsidies and they are both, I think, consistent with our overall stated objective which is to reduce the budget deficit.

Mr. President, I hope this amendment will be supported.

Mr. MURKOWSKI. Will the Senator yield for a question?

Mr. BRADLEY. I am prepared to yield if the Senator would like to ask a question.

Mr. MURKOWSKI. I ask my friend from New Jersey, relative to the issue of setting by legislative act, as proposed in his amendment, 350 million when, by the same token, the Tongass Timber Reform Act provided for market demand, which could well be 450 million board feet that was developed as a consequence of extended hearings, input, consideration of the environmental concerns, withdrawals into wilderness designation, the merits of suggesting that through legislation, why should we reduce it to 350 million, by 100 million feet? It has no justification relative to the current market demand nor the market demand that has been prevailing since 1989.

Mr. BRADLEY. I appreciate the Senator's question because it allows me to restate what the amendment says. There is nothing in this amendment that limits this to 350 million board feet. It says, "350 million or such amount as the President may determine." Who is the President? He is the National Forest Service, the Fish and Wildlife Service. If they determine the market demand is more, pursuant to TTRA, it can go up to 450 million board feet. There is nothing in this amendment that would prevent that.

Mr. MURKOWSKI. How does the Senator from New Jersey respond to the contractual commitments that have been made to various concerns to ensure that there will be an adequate supply of timber for them to amortize the investment, provide the jobs? Because the Senator from New Jersey knows it takes some time to put up a sale. Roads have to be put in. It has to be laid out. There have to be crews, and there has to be in the pipeline enough timber to ensure the next spring that the logging can take place.

Mr. BRADLEY. Is the Senator referring to the two long-term contracts?

Mr. MURKOWSKI. That is the majority of the timber cut in the Tongass.

Mr. BRADLEY. Is the Senator aware of the Alaska Pulp Corp.?

Mr. MURKOWSKI. The Senator is very aware of that and the reality that that mill is shutting down the end of September.

Mr. BRADLEY. Who has the long-term contract now?

Mr. MURKOWSKI. The long-term contract is Sitka mill. The Sitka mill also has a sawmill they intend to maintain, and they are looking toward some fiberboard technology to continue to operate and provide some 400 jobs in Sitka, a community which is going to be devastated as a consequence of the mill shutting down.

I think it is important to know one of the reasons that the mill is shutting down is the unavailability of timber as a consequence of the environmental lawsuits that have been pending for an extended period of time which have prevented sales from occurring.

Mr. BRADLEY. I will respond only by pointing out that the Senate cut of 410 to 420 million board-feet is 45 percent higher than the average cutting grades of the last 10 years, not since 1989, but over the last 10 years, and that the administration asks for 350 million board-feet.

This amendment says if the President, the National Forest Service, National Wildlife wants more, they can have more. Who is the Senate to say it is 420? Who is determining in the Senate what the market is?

Mr. MURKOWSKI. I refer to my friend from New Jersey, we went through this in 1990 and determined that there would be up to 450 million board-feet made available as a consequence of the commitments to address contractual terms that were prevailing. The two mills are taking up to 350 million board-feet operational. The reason they have not been able to obtain that is there have been various suits, virtually every timber sale is subject to an environmental impact statement, many of which there is a suit filed against and, as a consequence, the uniformity of the timber supply simply is not available.

So I encourage my friend to reflect on the fact that once we make a commitment to the industry up to that amount, obviously the industry geared up to the market demands prevailing and their own ability to meet their market demands to try and achieve that. That is what they have been able to do.

To suggest that it is a subsidy—the Chief of the Forest Service, Mr. Robertson, said, and I quote:

> We are looking at below-cost timber sales on a 3-year average to deal with the unique

situation by the Tongass last year, and the Tongass, contrary to what you read in the press, has been a profitable forest. We made $8.6 million in 1989,$13.6 million in 1990 and $13.1 million in 1991. When you look at the 3-year average, the Tongass is an above-cost forest.

Why are we picking on just the Tongass in the suggestion of the Senator from New Jersey which would do extraordinary harm to my State, and Senator STEVENS' State, the reality of the job base of our community? I find it hard to reconcile, as the Senator is a member of the Finance Committee, suggesting that $2.5 million savings when in reality you are talking about putting 500 Americans out of work.

Mr. BRADLEY. I will respond by saying I was asked during the break a couple years ago about Lawrence Welk's home. That was only a couple hundred thousand dollars. Every dollar counts if we are reducing the budget deficit. This would save $2.5 million. That is the reason it is offered. The other would save a little over $12.5 million to $13 million and that is the reason it is offered.

Although I would like to prolong the debate, I know that the distinguished Senator from West Virginia is on his feet and the distinguished Senator from Kentucky wants to make a statement, and I told the distinguished Senator from North Carolina I would make a sign when I was ready to stop and he would come to offer his amendment. I will say to the distinguished Senator from North Carolina, I am now making my sign.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I understand the Senator from Pennsylvania, Mr. SPECTER, wishes to speak on this amendment. Would he kindly indicate how long he would like to speak?

Mr. SPECTER. Mr. President, if the distinguished Senator from West Virginia will yield, I will estimate 10, 15 minutes. I would like to have perhaps a brief discussion with the distinguished Senator from New Jersey.

Mr. BYRD. Mr. President, these brief discussions concern me. I could move to table now, but I want to make it possible for the Senator from Pennsylvania to speak before I do move to table.

I ask unanimous consent that I may yield 10 minutes to the distinguished Senator from Pennsylvania for a statement without losing my right to the floor, and then that I may yield to Mr. FORD for not to exceed 5 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as I have heard the debate on the floor, I have been concerned about the pending amendment, both as a Senator from Pennsylvania and as a United States Senator. When I take a look at the fossil fuel resource base of the United States, I note that coal represents approximately 85 percent of the U.S. fossil resource base. The balance is made up of oil, shale, gas, and petroleum. Petroleum represents 50 percent of the U.S. consumption of fossil fuels, with the balance being approximately 25 percent coal and 25 percent gas. The United States consumes approximately 15 million barrels of oil per day and about half of that is imported.

The benefits of coal liquefaction are very substantial. This research promises to allow for a reduction in import fuel expenditures. There is an increased domestic income because coal liquefaction plants are obviously located in the United States. There are increased corporate profits to the United States, and there are multiplier effects accruing from increased domestic income and corporate profits. There is a very substantial national security factor because we have coal in the United States. My own State has 23 billion tons of bituminous and 7 billion tons of anthracite coal.

As I have heard the debate unfold, and I have not heard all of it, I wonder if the distinguished Senator from New Jersey would be willing to respond to a question.

Mr. BRADLEY. I will be pleased to respond to a question of the Senator from Pennsylvania.

Mr. SPECTER. The question I have is: Is it not in our national interest to intensify our research on coal liquefaction to try to find a process which will enable us to use this enormous quantity of U.S. fossil resource base amounting to 85 percent to decrease our dependence on foreign oil, as a matter of domestic interest to reduce imports, have a better balance of trade and have a much better position in terms of national defense?

Mr. BRADLEY. I respond to the distinguished Senator from Pennsylvania by saying it depends on what price the ultimate product will be offered in the market. You can do research on a hundred different things. The question is, is it going to take over the market in America and are people going to use it? They will do that only if the price is competitive.

In the early 1980's, when we had the Synthetic Fuels Corporation, there was the disruption of oil in the Persian Gulf, the second disruption. People expected that oil prices were going to go to $40 to $50 to $60 a barrel. We embarked on synthetic fuels. We embarked on the hope that you could produce oil from shale. We embarked on an effort to have oil from coal. And what happened? The price of oil dropped. When the price of oil dropped, all the calculations for how we were going to reduce our dependence on insecure sources of foreign oil from coal liquefaction disappeared because the price exceeded what any American would pay. Instead of dropping it at that point, what we did was pour more money into it.

Now, there are coal technologies and there are coal technologies. If I were going to pick my favorite, I would not pick liquefaction. I would pick gasification. And since 1987, we have spent about $2.4 billion on clean coal research, including coal gasification. At least there you have a cleaner fuel. You have coal gasification.

Coal liquefaction would not be my choice. But both of them have to meet the test of the market. We could pour in not $12 million or $13 million more, which I am trying to cut from this particular budget, we could pour in a billion. Or the Synthetic Fuels Corporation was going to pour in $20 billion. We could produce oil from coal, but the price, if it was going to make it in the market, would be much too high. People would buy regular oil pumped out of the ground. It is as simple as that.

So on the surface this argument that, well, we need to have major investment in coal liquefaction because we are dependent upon foreign sources of oil is, I think, half the story. We are dependent on foreign sources of oil. Not all foreign sources of oil are bad, are dangerous. Mexico is a secure supplier; Canada is a secure supplier; Venezuela is a secure supplier.

So at the beginning of the debate you have to say what you are trying to do is reduce your insecure sources of foreign oil which come, of course, these days from the Persian Gulf.

And then the second question you have to ask is what is the price for this good that we are going to produce? And I view it as a colossal waste of money. If we have to reduce the budget deficit, it is much better to reduce the budget deficit than to put in another $13 million in the hope that someday you are going to produce oil from coal. It will not do the job. It has not done the job. We have been doing it for 12 years.

So my response to the Senator would be that. I did not mean to go on so long. But that would be my response to his question.

Mr. SPECTER. Mr. President, I would not ask the Senator from New Jersey what the price of oil would be on the market in the year 2005 because nobody knows, or perhaps if the Senator from New Jersey——

Mr. BRADLEY. To answer the Senator's question——

Mr. SPECTER. I am not asking a question, Mr. President.

Mr. BRADLEY. I am sorry. I thought the Senator was asking the question.

Mr. SPECTER. No, I am saying I am not asking the question because nobody knows. I was about to say perhaps, if the Senator from New Jersey does, he will have a chance in a few minutes because I will follow up with a question.

But the development of direct liquefaction technology is projected to produce oil at $23 a barrel before the year 2005.

Now, when the Senator from New Jersey talks about imported oil which is at risk, all the imports may be at risk. Who can tell?

The Mideast is the principal source of imported oil. And it seems to this Senator that when you talk about the kinds of costs which are involved here and the appropriation for liquefaction is lower in the budget for next fiscal year than it is at the present time, it is a very prudent investment to be looking at direct liquefaction, given the uncertainties of what the imported oil will be.

The question that I would direct to the Senator from New Jersey, given the fact that imported oil reached as high as $30 to $35 a barrel, what assurances would the American people have that the price of oil by the year 2005 will not be $35 or $40 or even more? If I may have the attention of the Senator from West Virginia, we now have a question pending.

Mr. BYRD. Was the Senator addressing this Senator?

Mr. SPECTER. I am sorry, the Senator from New Jersey. I misspoke. If I may have the attention of the Senator from New Jersey, when you project ahead to the year 2005 and you have direct liquefaction technology capable of producing oil priced at $23 a barrel, what assurances are possible that the price of oil at that time might not be $30 to $35 a barrel, which it had been, or perhaps $40 or more?

Mr. BRADLEY. The Senator's point ignores the issue of scale. The research that the Senator is referring to is projects that produce 10 or 20 barrels of oil a day from coal. The Synthetic Fuels Corporation's experience was that when you were talking about producing that small amount, you would get a lower price. But when you would then produce up to scale, you would have a much higher price. I am not sure precisely what is the project he is referring to, but that is the history of the Synthetic Fuels Corporation.

The PRESIDING OFFICER. The 10 minutes Senator BYRD yielded to Senator SPECTER has expired.

Mr. SPECTER. Mr. President, I understand the unanimous-consent agreement propounded by the distinguished Senator from West Virginia and I abide by it, of course. I may seek recognition on my own at a later time in the debate.

Mr. BYRD. Mr. President, I believe I got consent to yield to the Senator from Kentucky 5 minutes without losing the floor.

Mr. FORD. I thank my distinguished friend. I thank the Chair.

I wish to reiterate some words that the distinguished senior Senator from West Virginia uttered a few moments ago: How soon we forget. How soon we forget. I doubt if there is a person in this Chamber or a Member of this Chamber that rode 18 wheelers trying to deliver oil during the shortage as I did when I was Governor, trying to transfer natural gas someplace else. The emergency clause in the national act gave the big companies an opportunity to buy wells in Louisiana and we had the pipelines to deliver the natural gas. We had big butane tanks. We did everything we could. Hundreds of thousands lost their jobs because we had an energy shortage.

And what happened? Boy, we jumped into the fray. We were going to spend $18 billion to try to find new sources of energy, particularly from coal—particularly from coal. And so they said the price has dropped. Well, sure, the price dropped, because we were about to launch into something we do so well. And so the foreign oil producers dropped the price. We were no longer standing in line at service stations. Everything was lovely. And we relaxed and sat on our laurels. That is exactly what we are trying not to do now in objecting to this amendment.

The price dropped.

Budget deficit. If they cut off our foreign supply of oil, what are we going to do? It could happen. I hope it never does, and it probably will not. But I am not willing to take that chance. I am not willing to take that chance.

And so, Mr. President, I hope my colleagues will join with the distinguished Senator from West Virginia when he moves to table this amendment.

Let me quote from a letter from people I respect. We have one of the better research labs on coal for other sources of energy than anyplace in the country at the University of Kentucky. The President I think sums up what this amendment would do if it is passed.

It is my considered opinion that a decrease in research and development funding for clean coal technologies does not serve the best interests of Kentucky or the Nation.

Coal is our most abundant domestic energy resource, one which safeguards the Nation's energy security and contributes handsomely to economic growth and development. Recent advances in technology hold a very real promise that this important fuel will one day be utilized in a manner compatible with quality environment.

Restoring the country's technology edge is a long-term proposition. In this regard, I hope that you will defend the resources that are now available for the future.

Mr. President, I come from a coal State. We put a lot of money in early on; millions of dollars into the research. It did not come overnight.

One of these days, we are going to have overnight success. And overnight success comes from 20 years of hard work.

So I think we are in the position now to continue methodically in developing liquefaction. And we have other projects out there. They are being screened, and the best projects are being selected. Private money is being put into these projects; it is not all Government. Private enterprise is involved in trying to secure new sources of energy for the security of this country.

I hope my colleagues will join with the distinguished Senator from West Virginia in tabling this.

Mr. BYRD. Mr. President, I thank my friend from Kentucky. I also thank my friend from Pennsylvania and my friend from Alaska.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that I may be permitted to move at this time to table the amendment by Mr. BRADLEY; that the amendment by Mr. BRADLEY then be set aside without a vote occurring at the moment on the tabling motion, because I want to accommodate some Senators on the other side of the aisle who are not prepared to return within the next few minutes; and that the Senator from North Carolina then be permitted to proceed with one of his amendments; provided further that either manager of the Interior appropriations bill may at any time call for the regular order, which would then bring back before the Senate the amendment by Mr. BRADLEY, at which time, of course, the vote would occur on the motion to table.

Mr. BRADLEY. Mr. President, reserving the right to object, will the distinguished chairman modify it so that the yeas and nays be ordered on the amendment?

Mr. BYRD. I intend to ask for the yeas and nays—on the amendment?

Mr. BRADLEY. On the motion to table.

Mr. BYRD. Mr. President, the motion to table is presently before the Senate; is it not?

The PRESIDING OFFICER. The motion has not yet been made.

Mr. BYRD. I move to table the amendment. Now I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I thank the Chair. I thank all Senators.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from West Virginia? Hearing none, it is so ordered.

The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

Mr. President, first I will read a letter dated August 3, 1993, or just a portion thereof, from Anne-Imelda M.

Radice, Ph.D., former Acting Chairman of the National Endowment for the Arts.

It says:

> DEAR SENATOR HELMS:
>
> I have just received information that one of the photographic fellowship applications I approved last September was awarded to an individual whose work appears to use shock quality of prurient subjects as a primary virtue. The April 1993 issue of Vanity Fair features some of this man's work.

Then Ms. Radice continues:

> It is embarrassing to admit that this occurred on my watch. However, it is more distressing to note that this particular award was for one year so that I would not have known what the photographer would have done with the award until after the fact.

Then she has parenthetically:

> (Fellowships for two years require interim reports.)

End of parentheses.

She continues:

> You are probably also aware that when fellowships are presented as a category to the Council and the Chairman——

Meaning the Council and Chairman of the National Endowment for the Arts.

> They are done so in list form which emphasizes geographic region. Some fellowships are given directly. Others are through a subgrant system. I have to admit I do not remember this specific application but do not offer that as an excuse.
>
> This, of course, only points to the difficulties which the Agency will continue to experience with these buy time types of awards. There is really little protection for the taxpayer. Unless the Chairman can be everywhere and know everything, it is impossible to guarantee that such an unfortunate situation cannot reoccur.

Now, Mr. President, let me tell you about the photographic award that the National Endowment for the Arts gave to a man named Joel-Peter Witken.

Joel-Peter Witken is what the NEA deems a "visual artist." Over the past decade, he has received four Fellowship awards from the National Endowment for the Arts. Just last year, 1992, the National Endowment for the Arts gave him a $20,000 Fellowship based on work such as this photograph.

That is this photograph right here. I hope the cameraman will focus on this. This is a picture of the head of a cadaver, cut in two—right down the middle—and laid flat so as to appear to be a photograph of two men kissing each other.

Mr. Joel-Peter Witken received a $20,000 fellowship for a series of photographs such as this. But most of them are worse than this. Some of the photos are so bad that I would not have them on this easel. I would not want them shown on television.

The NEA awards fellowships based on the entirety of the applicant's work and are meant to enable artists to take time off to in the words of the Endowment, "create"—to create more such work.

Let us look at one more here. This is a photograph of another cadaver's head. The photographer scooped out the brains and everything else, and made a flowerpot out of it. Then he took a picture of it. And, as I say, this photographer, Mr. Joel-Peter Witken, received $20,000 of the taxpayers' money in a fellowship.

I will get to some more things in just a minute.

"The NEA's art experts," self-declared art experts, who reviewed Witken's work in 1992, called him, if you can believe this, Mr. President, "a major talent." To which I say "horsefeathers."

According to the official transcript, the NEA panelists—that is to say, the people who made the judgment of giving this idiot $20,000 of the taxpayers' money—said the following about Witken's work:

> [The panelists] conjectured that he probably didn't need the money, but [they] were there to judge the quality of the work, and on those grounds Witken was deserving. . . . One spoke of Witken's importance as an artist, the importance of his work to the field of photography, especially American photography. Following additional discussion, [the NEA] panelists agreed that Witken is a major talent deserving of support.

From the American taxpayers.

To that, I say, Mr. President, borscht and nausea.

A parliamentary inquiry, Mr. President. Am I correct that, notwithstanding any unanimous consent in place at the moment, if I call for the regular order, the pending business will be one of the excepted amendments?

The PRESIDING OFFICER. The Chair's understanding is that a call for the regular order would bring back the Bradley amendment, and that may only be done by the managers of the bill.

Mr. HELMS. All right. In that case, I wonder if I might ask the indulgence of the distinguished Senator from West Virginia, my friend, to permit, by unanimous consent, consideration of an amendment which admittedly at this point is not an excepted amendment but which was intended to be an excepted amendment. By mistake in the closing hours on the last day before the Senate adjourned for the August recess, it was not identified as one of the excepted amendments. I ask the Senator from West Virginia if he would consent to my unanimous-consent request that the committee amendment on page 85, line 7 and line 15, be considered an excepted amendment to which I could offer my amendment. I say to the distinguished Senator that this was intended to be excepted out but it was not.

Mr. BYRD. Mr. President, if the Senator will yield, this would require unanimous consent. Personally, I have no problem with it. But it would require unanimous consent, and I have a felling that there would be an objection on this side to that request. I would hope, therefore, that the distinguished Senator would not make the request at this moment, and let us have time to discuss this approach.

Mr. HELMS. I can understand the Senator's reluctance, and I always have a fallback amendment. On page 97, lines 1 through 4, section 319, if it is found that my proposal with respect to page 85, line 7 and line 15, is not approved, then I will go to that excepted amendment.

AMENDMENT NO. 893 TO EXCEPTED COMMITTEE AMENDMENT, PAGE 97, LINES 1 THROUGH 4, SECTIONS 319

(Purpose: To save the Federal taxpayers $171 million by eliminating funding for the National Endowment for the Arts)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration, with the proviso that tentatively it will be directed to excepted amendment, page 97, lines 1 through 4, section 319.

The PRESIDING OFFICER (Mrs. BOXER). Is there objection to the consideration of the amendment?

The clerk will report.

The legislative clerk read as follows:

> The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 893.
>
> At the end of the amendment add the following new section:
>
> "SEC. . Notwithstanding any other provision of this Act, no funds under this Act shall be appropriated or made available to the National Endowment for the Arts.".

Mr. HELMS. If anybody understands that to mean that I propose to strike all funding of the National Endowment for the Arts—except those funds which are in the pipeline and not yet spent—you have sized it up correctly.

Mr. President, over the weekend, I re-read the July 28 CONGRESSIONAL RECORD account of the debate of an amendment offered by the able Senator from Arkansas, Mr. BUMPERS, to cut the funding for the National Endowment for Democracy. Senator BUMPERS was not on that day—or any other day as far as I know, by his service as a Senator—lacking in eloquence; and if I may be forgiven the observation, he pinned the tail on a lot of donkeys that day.

For example, Senator BUMPERS said: "Do you know whose democracy is threatened? The United States. If we do not get that $4 trillion debt under control, I promise you democracy will not be long for this country."

Senator BUMPERS was exactly right. But just to set the record straight, this Federal debt is far in excess of $4 trillion. As of the close of business yesterday, September 13, the Federal debt stood at $4,384,113,738,028.86, which just happens to work out to be $17,068.17 for every man, woman, and child in America.

DALE BUMPERS was not engaged in a jeremiad as he spoke back in July; he was telling the gospel truth. I do not know how to penetrate the minds of some of those in the Senate who continue to fund things that ought not to be funded and spend money in excess of what ought to be spent. DALE BUMPERS said, "You cannot cut spending in this body * * * I do not care who you are, or how hard you try, you cannot cut spending. It is that simple." And the Senate proved him right by voting to preserve the Federal funding for the National Endowment for Democracy.

What Senator BUMPERS proved once more is that the dead cat of the $4 trillion-plus deficit lies at the doorstep of the United States Congress and nowhere else. Senator Bumpers tried, and even though he lost on this issue, he did try. With a $4.3 trillion Federal debt, I think we all should try to do something to cut Federal spending, and I think we ought to start by cutting off all the money for garbage like this.

The distinguished occupant of the chair was not here a few moments ago when I shared with Senators these photos by Joel-Peter Witken. I explained that each one of these is half of a cadaver's head cut in two, right down the middle, laid flat so that it appears to be two men kissing each other. This is art. This is $20,000 worth of art, paid for by your friendly taxpayers. They would not be very friendly if they knew what their money was going for.

I say to the distinguished Senator from South Carolina that this is another head from a cadaver, except it is chopped off at the Adams apple, with the brains scooped out and converted into a flower pot. This little gem is part of a $20,000 outlay of Federal funds—provided by the American taxpayers.

Here is a fellow driving a spike up his nose. This is the work of that great artist declared by the panelists of the National Endowment for the Arts to be a great, great talent, worthy of $20,000 of the taxpayers money, which they admit he does not even need.

That is what this amendment is all about. I think we ought to back up and come to our senses.

I realize that this amendment may be defeated, but we are going to get Senators on record about it. You vote to table if you want to, but that is getting on record just the same.

There is no doubt there will be some weeping and moaning that this amendment will destroy the arts. We have to encourage creativity. How many times have I heard that garbage on this floor?

It is nonsense, it is horsefeathers, and I hope no Senator will get up and say that today. There is all sorts of arithmetic to prove that such self-righteousness is nonsensical.

One Congressman—I think it was PHIL CRANE— pointed out oceans of private money being spent on art. Private-sector funding for the arts is currently running at $9.3 billion a year. So why not cut out this $20,000 and all of the rest of the wasted taxpayer-provided funds of the NEA?

Let us back up and look at what we are doing. We are talking about $170 million of taxpayers' money being spent on garbage like this.

It should never have been started in the first place. As George Will pointed out in his column back in July, the arts in this country flourished without any Governmental subsidy during the 189 years from the time the Declaration of Independence was signed in 1776 until the NEA was created in 1965. And the arts in this country will continue to flourish if, and when Congress comes to its senses and eliminates this public subsidy.

Madam President, I ask unanimous consent that George Will's column headed "Subsidized 'Art;' Nick in NEA's budget fails to endanger government funding of the repulsive," be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HELMS. Now, Madam President, the National Endowment for the Arts can and will continue to operate without this subsidy. The endowment carries over $6 million to $8 million each year over from the previous year, and they do this year-after-year-after-year. Under the law, the National Endowment for the Arts is also authorized to solicit, collect, and utilize private donations to help pay its way.

So is it all that good if you have enough people who are willing to contribute private funds to see a photograph of a guy wearing a mask and driving a big spike up his nose? Or this handsome—and I think there ought to be one in every home—you know, a flower pot made out of a cadaver's skull with the brains scooped out and with pretty flowers planted inside. Are they not pretty flowers, I ask Senator THURMOND?

That is art for you.

This is my favorite here, this one here, a cadaver's head cut in two right down the middle, laid flat so it appears to be two men kissing each other. You cannot get much better than that with subsidizing art.

As one on the comic page used to say, I may "frow" up; and the American taxpayers feel the same way about it.

So let us get our priorities straight. This bill, unless this amendment is adopted, proposes that the Federal Government spend $39 million more on the National Endowment for the Arts than the Federal Government spends on research for breast and cervical cancer. How is that for priorities?

CLIFF STEARNS, a Congressman from Florida, made precisely that same point when the House was debating this issue. He challenged his colleagues to ask themselves—"which is more important, promotion of art like this, or the health of the women of this Nation?"

I remember well, Madam President, about 4 years ago when I proposed some kind of decency standard be required of those receiving the American taxpayers' money through NEA grants, and I passed around a few examples of the so-called art that the American taxpayers were being forced against their will to subsidize—rotten, disgusting, filthy things that made stomachs churn.

I thought then that I had seen everything, but I have here these photos—and there are plenty more inside the Cloakroom—I have them for any Senator who wants to come over and look at the whole $20,000 worth of art by this guy. But I am not going to put the rest on this easel where they will be transmitted on television. There may be some children watching.

But Senators who saw and remembered the revolting Mapplethorpe photos may conclude that compared with this NEA award, brother Mapplethorpe was a choir boy. This is sickening.

For nearly 20 years this NEA award winning "artist" has mutilated, dissected, and dismembered human corpses—shall we say to "create" his sick work. For one photo, he severed the head from a corpse, he sawed part of the top off and photographed the mutilated, preserved and hollowed-out head as a flower vase. And the National Endowment for the Arts said, oh gee, it is so good; he is so talented. I may throw up.

And Robert Mapplethorpe with his photos; you remember the bullwhips and the fists and where they were inserted in the human bodies. You remember the unspeakable acts between living people that he photographed. And they declared him to be a great artist. This recipient of $20,000 uses boots, feet, whole arms, and medieval torture racks and other items to stage unconscionable poses with both the living and the dead.

Some may wonder why he is not in jail. I think he ought to be locked up before he does harm to himself. He might start cutting off his own head.

But the NEA has awarded him four annual fellowships since 1980, based on what the NEA called the quality of his work—the quality of his work.

But the final straw was the report last month that the NEA had caved in to four California so-called artists who had sued—can you believe it—sued the National Endowment for the Arts. They sued because the NEA, after John Frohnmayer had left and President Bush had replaced him with leadership, Ms. Radice—who is a gutsy lady and has a high sense of decency—insisted that the filthy four, a woman named Karen Finley, another named Holly Hughes, a guy named John Fleck, and another one named Tim Miller, she said—bless her heart—these four should not be given any of the taxpayers' money because this so-called art was indecent and unworthy of funding.

Hooray for Ann Radice. But she is gone. She is gone, not likely to be back.

The National Endowment for the Arts did more than merely agree to give the filthy four the $26,000 in grants that had been denied. The NEA handed over an additional $6,000 to each of the four for—what do you know—"compensatory damages for personal injuries" they alleged they sustained, plus $202,000 for the four of them to pay their attorneys' fees.

You see, they sued because they had a right, they said, to the pockets of the taxpayers of the United States.

Karen Finley, one of the "Filthy Four," is the woman who smears her body with chocolate and then complains how badly men treat women; Holly Hughes does similar lewd acts on the stage; and John Fleck is the guy who urinates on stage on a photograph of Jesus Christ. All these get this money from the taxpayer through the National Endowment for the Arts.

For heaven's sake, Madam President, when, if ever, is enough enough? Does the United States Senate not have better things to do with the taxpayers' money—particularly when the Federal Government is more than $4.3 trillion in debt?

So, I say again, Senator BUMPERS was absolutely right when he said that we must get a handle on this debt—or, as he also said, democracy will not be long for this country.

We could start now—and it would be a small start—by eliminating the $170.2 million Federal subsidy for the National Endowment for the Arts.

Let us give it a try and let us see if the arts in this country will not flourish without a public subsidy, just as the arts flourished for 189 years before the National Endowment for the Arts was created.

Madam President, I yield the floor.

EXHIBIT 1

SUBSIDIZED "ART"

(By George F. Will)

WASHINGTON.—"The arts," laments Rep. Sidney Yates, D-Ill., "will be terribly, terribly hurt" by the "enormous impact" of what the House of Representatives did. What it did was cut 5 percent from the $174.6 million budget of the National Endowment for the Arts.

Now, even allowing for the fact that federal funds often generate matching private contributions, it is a bit much, even by the standards of congressional hyperbole, to say that in this nation that spends many billions on the arts, their fate is imperiled by a nick of $8.7 million from a budget that is just a tad more than three times the sum fetched by the last Van Gogh painting auctioned. Speaking of whom, just think:

Van Gogh painted without a subsidy from the Dutch government. Today that government, like ours, has discovered the pork potential of handouts for the arts "community," as that lobby calls itself. In "The Culture of Complaint," art critic Robert Hughes says of the art subsidized in the Netherlands: "So there it all sits, democratic, nonhierarchical, nonelitist, nonsexist, unsalable, and, to the great regret of the Dutch government, only partially biodegradable."

But I digress.

The little cut in the NEA came from an amendment of Rep. Cliff Stearns, R-Fla., who noted that the NEA's proposed budget was $39 million larger than federal funding for prevention of breast and cervical cancer. "What," he asked, "is more important—promotion of the arts or the health of the women of this nation?"

Good question, but it is unclear what Stearns' opinion is, given that the NEA's budget is still $30 million larger after his amendment. If cancer prevention is a higher priority than arts promotion, then eliminate the NEA, restoring American arts to the conditions that existed between 1776 and 1965, the year the NEA was created. In fact, an amendment to eliminate the NEA got 105 House votes this year, up from 85 a year ago. Just 113 more votes and America's artists would have to work as George Caleb Bingham and Winslow Homer did, without a federal subvention. Imagine.

TAX DOLLARS FOR THE 'TABOO'

The House debate about the NEA was particularly entertaining concerning an exhibit at New York's Whitney Museum, "Abject Art; Repulsion and Desire in American Art." NEA defenders said: Yes, the Whitney has received NEA money, but that exhibit was funded privately. NEA critics countered: Money is fungible, so NEA money helped condition all the Whitney's activities; and the NEA money went to the Whitney's Independent Study Program that organized the "Abject Art" exhibit; and if the Whitney can afford such exhibits without tax dollars, why send those dollars?

There is taxpayer involvement in the Whitney's exhibit, the catalyst for which says the exhibit confronts "taboo issues of gender and sexuality." Taboo? Where? Not Manhattan. Or Manhattan, Kansas, or anywhere else in modern America.

Anyway, the exhibit, which features such "abject materials" as dead animals, menstrual blood and rotten food, includes a three-foot-high mound of synthetic excrement, a film showing a man pushing his head into another man's rectum, framed samples of an infant's fecal stains, and, of course, two hardy perennials that government funding has managed to make into two of the most famous works of contemporary art—Robert Mapplethorpe's "Self-Portrait," a photo of him with a bullwhip in his rectum, and Andres Serranos' "Piss Christ," a photo of a crucifix in a jar of urine.

AN UNREGULATED MARKET?

Sheldon Hackney (Clinton's choice to head the NEA's twin in subsidizing the intelligentsia, the National Endowment for the Humanities), said in defense of NEA support for exhibitions of "Piss Christ" that the best protection we have found for a democracy is an unregulated market in expression." Think about that: Hackney believes that government subsidies create an "unregulated market."

It is peculiar but true that many people who preen about their love—expressed in expenditures of other people's money—for the arts seem to regard the arts as akin to say, soybeans: Subsidize them and they will flourish. Indeed it will, with the help of semantic fiat: Anything funded by an NEA grant is, by definition, art.

Art, perhaps, but alas only partially degradable.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I hope that the Senate would come to an early conclusion on this amendment.

As someone who has been involved in these discussions and debates over some period of time, what we have heard described earlier this evening is so far and distant to the central thrust of the National Endowment for the Arts it is barely describable.

We are talking about an institution which has been in effect for some 30 years, that has virtually helped and assisted every local community, every State, in terms of music and symphony, dance, operas, and supporting local music and arts education programs in grade schools all over this country.

No one is justifying the obscenity here on the floor of the United States. Important amendments were taken in 1990 to make sure that the National Endowment of the Arts would not be funding obscenity. There is a very vigorous process and procedure within the legislation to ensure that that would not be the case, and that if there should be a grant and individuals or fellowships would be involved in that the opportunity for recovery was going to be available.

Individuals can describe in their own words or language what their own perception about the National Endowment for the Arts is about. But, having listened to the description of my colleague from North Carolina, it has virtually no relevancy in terms of the 30 years of existence of the National Endowment for the Arts, where the expansion and the support for the arts has been so dramatic.

I would be delighted to include in the RECORD illustrations, as well, as to the support of the arts program in the State of North Carolina, a wide, diverse range of different programs which have been supported by the NEA in the State of North Carolina.

If the Senator from North Carolina, of course, does not support those programs, it would have been interesting to have heard that debate and discussion every time a local agency in North Carolina had made that application and the Senator from North Carolina wrote to the NEA and said, "Do not support those programs."

That was not the case. There have been a wide range of programs which have been supported in North Carolina and that have impacted the lives and well-being of the people in that State, in terms of the support for the program.

The President has announced an outstanding director for the National Endowment for the Arts, Jane Alexander, someone who has been one of the most creative and talented actresses and individuals who has spent a lifetime in the theater and who is one of the most respected and highly regarded individuals as a creative artist in the country today. Anyone who saw Eleanor and Franklin, the Great White Hope, anybody who has followed her career understands the enormous sensitivity and creativity and judgment that she has.

We will have an opportunity to examine her absolutely extraordinary credentials in our committee in the very near future, and have the opportunity to inquire of her about what policies she is going to follow in the future to be able to deal with the creative arts.

I think, quite frankly, in listening to the Senator from North Carolina, his purpose is very clear. He announced that it was a great mistake that we even started this program almost 30 years ago. That is basically what is at issue here tonight.

This is an individual who was opposed to even the origination of this program, using illustrations that are examples here this evening of different programs of individuals who have been given fellowships that have involved themselves in photography in different instances that I think many of us would find objectionable and perhaps obscene.

But, nonetheless, what we have heard tonight, in the Senator's own words, was that he was opposed to the creation of this program some 30 years ago.

I think any fair examination of this program over the period of 30 years in any of our States, in any of our communities, would find that this program has been an extraordinary stimulus for the acceptance of the arts, has been a powerful factor in leveraging the private sector and their support for the arts.

There may be those who feel that we ought to be the only country in the world that fails to give support for young artists or for the creative aspects of our life and experience. There are those in our society that believe that to be so.

That is not the condition of most or any of the other major industrial and even nonindustrial societies of the world.

But there are those here in the U.S. Senate that favor that position, and we have heard the articulation of one of those this evening.

I do not intend to take a great deal of time of the Members here this evening. But it does seem to me that I would hope that we could reach an early conclusion.

I see my good friend and colleague, the Senator from Rhode Island, who was really the architect of the NEA a number of years ago, with the Senator from New York, Senator Javits. I remember very well the amendments, as the Senator does, that were adopted in 1980 in a bipartisan way, including a statement by my good friend from Utah, Senator HATCH, who gave an enormously moving statement about what the arts meant to him and to his family when he was facing enormous economic challenges in the course of the Depression.

At that time, when a bipartisan effort was made here in the U.S. Senate and accepted in the house and in the conference, with the great leadership of the Senator from West Virginia, Senator BYRD, to deal with the particular issues of obscenity and child pornography, it did seem that we had addressed the objectionable features that had been brought to the attention of the Senate.

So I think, in a very short period of time, we are going to be asked to vote on whether we, as a country and a society, with a $1.5 trillion budget can afford the very modest sum of approximately $170 million to support those aspects of the creative arts and dance and music and symphony and support for artists in our society that add, I think, such a dimension to our lives, with the kind of protections that have been included in the last reauthorization bill.

I hope this amendment of the Senator from North Carolina would not be accepted.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I think the Senator from North Carolina knows of the personal regard I have for him. Sometimes we agree, sometimes we disagree. I must say I agree with him about the paintings he showed us of Mr. Joel-Peter Witken. To my mind, they do not constitute art. They are revolting. But the important thing to remember is that tastes vary.

Let's consider this business of doing paintings of cadavers. There is a famous painting by Rembrandt called "The Anatomy Lesson of Dr. Tulp." There is a great Renaissance master called Caravaggio who was very skilled and very often portrayed human bodies after they died. These are fine works of difficult subject matter. Witken's work is equally difficult.

In this particular case, Mr. Witken received a grant, according to my very roughly done arithmetic, of about one one-hundred-thousandth of the total funding of the NEA in its past or current year. I want to point out that the joy the National Endowment for the Arts has given to our people, the education and inspiration, has been enormously positive. I can think of few programs that have, generally speaking, received wider support and spent its funds more effectively. It would be a great pity if anything was done to reduce or eliminate this National Endowment for the Arts.

It gives me great pleasure to add that the National Endowment for the Arts is at the beginning of an exciting new era. President Clinton has nominated Jane Alexander, a candidate of outstanding qualifications, to lead the Arts Endowment. I have met with her and talked with her about the Endowment and her vision for this unique Federal agency. We must give her the opportunity to begin her tenure there unburdened by additional restrictions or additional budget cuts.

I want to reassure my colleagues that the record of the Arts Endowment has continued to be an outstanding one since we last reauthorized the agency in 1990. As you may recall, the Congress took a long and careful look at Endowment procedures at that time. Many reforms were added to the statute that addressed the important issues of diversity, conflict-of-interest, fairness, and accountability.

I believe the Congress acted wisely in focusing its attention on strengthening the process by which grants are made. Peer review, after all, has been at the core of the Endowment's success for 28 years. It is an important process that insures that taxpayers have a say in how the money is spent.

Attacks on the Arts Endowment from the far right have continued, however. But the basis for these attacks has very little to do with the real ongoing work of the Endowment which has always been to support excellence in the arts across the country. Many of the Endowment's critics, in fact, condemn the Endowment for grants it never even made.

I urge my colleagues to give Ms. Alexander the support she needs from us to begin her chairmanship at the Arts Endowment. I have found her to be open and frank in her private discussions with me and I know that many of my colleagues have had very positive conversations with her. I believe we should give her the chance she needs to take over the reins of the Arts Endowment. I am confident she will be a strong and effective leader who will earn our trust. A year from now, with Ms. Alexander in charge, I hope we will be on this floor discussing the 99 percent of NEA grants that have enhanced the lives of Americans and allowed them to be proud participants in their cultural heritage.

I urge my colleagues to join me in voting against the pending amendment to defund the Endowment.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Madam President, I, too, rise in opposition to the amendment. I would make sure my colleagues are aware we are talking about totally unfunding the endowment. This is a serious amendment. It is not an attempt to try to screen out or censor or anything else; it is just to obliterate the Endowment for the Arts.

I think it is important to keep this in perspective. The endowment has been going for many years—since the 1960's, and of the well over 100,000 grants that have been made by the endowment over that period of time, only about 20 of them have raised any concern of the Senator from North Carolina, or others.

I would like to point out the anomaly as to what happens when the Senator from North Carolina picks on a piece of art that he claims is not—and may well not be—meritorious. Once it is here and televised, let us just remember what happened with Mapplethorpe. Nobody knew or cared about Mapplethorpe until the Senator from North Carolina brought to light his art and the exhibit that he had. Then the lines grew enormously, the prices for the art rose, and hundreds of thousands of dollars went to the Mapplethorpe Foundation.

What does this do? That makes a real problem for the endowment, because the way to really sell your stuff is to get the Senator from North Carolina to pick on it and display it and then you can make a lot of money. So I am amazed we do not have more who are trying to get the attention.

But that is a small, small percentage. What is most of the endowment about? Most of the endowment is about many things which all of us would love to see. Every year I run, for the Arts Caucus, a trip to New York City where we spend part of our time looking at the wonderful arts, whether it is the Metropolitan Opera or whatever. But the money is not there. The majority of money goes to things like the Harlem Boys Choir, or the Hispanic Dance Group which we saw a couple of years ago, young people from the real down, economically depressed areas of New York City. Watching those young people expressing themselves and learning what the arts are about is what the endowment is all about. It is the resident artist who goes through the rural towns and demonstrates the beauty of the arts to the young people who would never see or hear the arts, were it not for the endowment.

Then there is the economic advantages of the endowment. If you take a look at what is spent on the arts in this Nation compared to what is spent in the countries of Europe and other places, we spend just a pittance compared to what other nations spend in order to be able to bring the arts to their people. Our Nation spends just a minuscule amount. Yet in my little State of Vermont, for instance, we find the money we get—and it is a small amount—does tremendous things to leverage more money for our State.

Let us take a look first at the European situation. Germany spends $27 per capita on the arts; $32 in France; the United States, 68 cents. The Japanese, German, and French Governments each spend between $5 billion and $40 billion on the arts. The Federal investments of the United States is somewhere between 0.5 and 3.5 percent of these countries.

Then if you take a look, just using Vermont, the money that goes to us generates many dollars for each dollar that is invested, and this is true throughout the country.

So I urge Senators not to listen just to the minuscule problems that the endowment has but to look at the tremendous gains it gives to the young people of this country, to the struggling artists who try but would not be able to demonstrate their arts, whether it be in the off Broadway theaters or whether it be in music or whether it be in the visual arts, if it were not for help from the endowment.

Yes, we should be mindful there are some grants which are not appropriate and there are ways to recover them, and the endowment over the past years has been actively seeking reimbursement from those who abuse, as some have, their grant money. But to throw out the whole endowment because there has been a minuscule amount of abuse would be a shocking event, and would deter many of our young people from the opportunity to participate in the arts.

So I urge my colleagues to defeat this amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BYRD. Madam President, will the Senator yield?

Mr. WELLSTONE. I will be pleased to.

Mr. BYRD. I wonder if we can get a time agreement on this amendment; 5 minutes under the control of Mr. HELMS and 5 minutes under my control?

Mr. WELLSTONE. I say to the Senator, I need just 2 minutes.

Mr. BYRD. I make that request.

Mr. WELLSTONE. Reserving the right to object for just a moment, I believe the Chair also wanted to speak for a few moments. I wonder whether she might have some time, 3 minutes, and I will be pleased to spell her while she speaks.

Mr. FORD. I will do it.

Madam President, I ask unanimous consent there might be 5 minutes to Mr. HELMS, 3 minutes to the Senator from Minnesota, 3 minutes to the junior Senator from California.

Mr. KENNEDY. Could I have 1 minute, please?

Mr. BYRD. One minute to Mr. KENNEDY.

Mr. PELL. May I have 1 minute?

Mr. BYRD. I think I would be just better off getting the floor and moving to table. How much time does the Senator require?

Mr. PELL. May I have 1 minute?

Mr. BYRD. One minute to the Senator from Rhode Island. Is that agreeable to the Senator from North Carolina?

Mr. HELMS. Yes.

The PRESIDING OFFICER (Mr. FORD). Without objection, it is so ordered. The Senator from Minnesota has 3 minutes.

Mr. WELLSTONE. When Sheila and I were younger, first married, we went to see "Fiddler on the Roof" here in Washington, DC. I remember the wonderful universal message of the play—these were tickets given to us by my parents for an anniversary; we did not have a lot of money—and then saying to Sheila:

> It would be so wonderful if this kind of work by artists could really be available for all people, regardless of race or socioeconomic status.

I really think, Mr. President, that that is what the NEA has been about. It promotes art for all Americans. It gets art out into the community for people, regardless of disability, regardless of where they live. And I do not think that really what we heard on the floor of the Senate by any means represents the heart and soul and what most of this work has been about by artists within our county.

NEA artists have produced many brilliant award-winning, creative works: Pulitzer prizes, book awards, theater awards—just a tremendous amount of creativity and accomplishment. I want my colleagues to remember that this amendment calls for total defunding, total defunding.

My last point is that much of what the Senator from North Carolina has talked about has been over the decade of the eighties. Jane Alexander, President Clinton's nominee to chair this organization, I believe, will usher in a new era. She is a woman with a lifetime of accomplishment and creativity, someone who can provide this organization with tremendous leadership. It strikes me that to talk about totally defunding the NEA would be a step precisely in the opposite direction. It would not be good for the arts. It would not be good for the community. It would not be good for our country, and it really denies a very exceptional woman, I believe, an opportunity to change the course for us.

Mr. President, I yield back the rest of my time, if I have any time left.

The PRESIDING OFFICER. The Senator has about half a minute.

Who yields time?

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I believe under the previous agreement I have 3 minutes.

The PRESIDING OFFICER. The Senator is correct and she may proceed.

Mrs. BOXER. Mr. President, first let me say I do not believe that any Senator was elected to be an art critic. We were elected to be Senators. As for me, I cannot draw a straight line.

Art definitely offends sometimes, and I will say that the photographs that were shown tonight do offend me. But, of course, art sometimes does not offend, and most of the time the NEA does not offend with the work that it supports.

I wish I had brought the photographs of young ballerinas and young people's orchestras and community theaters and artists and communities thriving because of seed money from the NEA. I do not feel it is garbage to say it is important to support the arts. I think it is wise to support the arts. We help young people learn dance and learn to play in orchestras, and we do help theaters and some struggling artists survive.

I certainly would not hang those photographs in my home or my office, and I would not show them on the floor of the U.S. Senate. But I have to say that art is controversial sometimes. So is free speech, which is really what art is all about. We need to be able to handle speech in a free society. The way I look at it, God gave me a neck. I can turn away from things that offend me.

I want to keep helping our communities, and I want to make sure that the NEA stays in business. So I hope we will overwhelmingly defeat this amendment.

I will say that it is absolutely true that the NEA sometimes makes mistakes, but that does not mean we should be the only civilized country not to have an arts program.

So in summing up, unless we change careers, we are Senators not art critics. I do not think we should destroy and completely cut out the NEA because a very small percentage of their grants are offensive. Art offends sometimes; life offends sometimes. I think that we can handle it despite the photographs we have witnessed tonight.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island has 1 minute.

Mr. PELL. Mr. President, beauty is in the eye of the beholder. While my personal view of the beauty of the photographs of Joel Peter Witken is similar to the views of the Senator from North Carolina, it is no reason for this one small item to knock out the whole program, particularly as this program is about to be taken over by the able and competent and knowledgeable Jane Alexander.

In the very State that my colleague represents so ably, there are many arts organizations that receive grants going into the millions of dollars, just as there are in every state across the Nation.

I think that all of us are affected the same way. We want to see this excellent program, which has brought help, inspiration, and beauty to so many of our people not only survive but flourish and prosper, as I am sure it will under Jane Alexander's leadership.

The PRESIDING OFFICER (Mrs. BOXER). The Senator's time has expired. Who yields time?

Mr. KENNEDY. I yield my time to the Senator from Kansas.

Mrs. KASSEBAUM. Madam President, I thank the Senator from Massachusetts.

I would like to speak briefly. I think the pictures that the Senator from North Carolina has shown trouble all of us. For some years, we have been concerned about management of the National Endowment for the Arts. Nevertheless, I also am one who believes the National Endowment for the Arts has served an important function in this country, particularly to help symphonies and fine theater to reach our smaller cities.

As Anne Radice, whom the Senator from North Carolina has mentioned and who has been acting Director of the National Endowment for the Arts, has admitted that nothing is perfect. As much as we might wish that such photographs as those that have been shown by the Senator from North Carolina would not exist, nevertheless, I have great, great admiration and hope for the leadership of Jane Alexander, who has been nominated to be the new Director of the National Endowment for the Arts. I think it is important not to paint the whole scene with the feeling that has been left with a few unfortunate pictures.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from North Carolina has 5 minutes remaining.

Mr. HELMS. Would the Chair repeat the time division remaining, please?

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes remaining.

Mr. HELMS. And nobody else has any time?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I thank the Chair.

Madam President, I dislike doing this, but I heard my friend from Vermont give all the good reasons why the National Endowment for the Arts ought to be protected and nurtured.

They are the same points listed in this memo dated September 13, 1993. The memo was prepared by Marianne Klink, who is congressional liaison of the NEA. I think the memo is 14 pages in length, and it was circulated to all Senators. She made a mistake when she sent it my office in as much as the talking points are against any Helms amendments which may come before the Senate.

But if you will read this, and I am going to put it in the RECORD, you will find JIM JEFFORDS' speech as well as the points we may hear from others opposed to this amendment and the amendments I will offer tomorrow.

I ask unanimous consent this be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Madam President, now then, I do not ever expect Senator KENNEDY to support elimination of stuff like these photos. All of the pious protests that I hear every time this issue comes up refer to the choirs and the symphony orchestras, but these same individuals are silent in seven languages about how to curb the misspending of the taxpayers' money. Let those who so protest come forward with an idea of their own about how to get rid of the garbage which they admit is garbage. Do not give me all this stuff about symphony orchestras. I used to play in one, and there was no NEA to fund it either.

No, they do not want to rattle the cage of people like the yo-yo who produced this kind of garbage. I say unless and until the NEA gets a handle on what it is doing with the taxpayers' money, they are going to continue to have to confront amendments submitted by the Senator from North Carolina.

But the fundamental thing that I want to drive home as we windup is that there is another reason to stop wasting money on things like this, and that is the $4.3 trillion Federal debt that has been run up by a Congress that insisted on spending more money than the Government was taking in.

Mr. President, we could go on all night long. I think Senators know what I am talking about, and I want these Senators who get on their feet and say, "Well, what are we going to do about the symphony orchestras?" to know that they would not hear a murmur from the public, would not hear a peep from them about the NEA if it were not for the NEA-funded garbage like these photos here. And for these Senators who are so compassionate about the small towns and the small choirs—I will help fund them with an amendment I will offer tomorrow—even though I really do not think we need public subsidies because there is a lot of private money available. I am going to have other amendments which will give them an opportunity tomorrow to put their vote where their mouths have been tonight. They can take it or leave it. They can answer to the American people.

I yield back the remainder of my time.

EXHIBIT 1

SEPTEMBER 13, 1993.

To: Senate Staff.

From: Marianne Klink, Congressional Liaison.

Re: Senate Floor Debate on H.R. 2520, FY 1994 Interior and Related Agencies Appropriations.

Senate floor debate on H.R. 2520, which includes appropriations for the National Endowment for the Arts, is scheduled for this week. The materials which are enclosed for your use have been prepared in response to requests from Congressional staff for responses to possible floor amendments pertaining to the Arts Endowment. I hope they will be of interest to you.

Please call our office at 682-5435 if you have any questions or if additional information would be of use to you.

Amendment Prohibiting the Arts Endowment From Making Grants to Individuals

An amendment prohibiting support for individuals would eliminate the National Heritage Fellowships for folk artists and the American Jazz Masters Fellowships. These Fellowships recognize these exemplary American artists in the traditional arts and in the uniquely American art of jazz.

The individual artist or museum professional is as central to the arts as is the scholar to the humanities and the scientist to science. Other agencies of government fund individuals. So should the NEA; that is why artist support is specified in the Arts Endowment's authorizing legislation. The National Science Foundation, the National Institutes of Health, and the National Endowment for the Humanities are among the Federal agencies which support the work of individuals. One category of individuals—artists and museum professionals—who are also taxpayers—should not be singled out and prohibited from receiving awards.

This amendment seeks to legislate on an appropriations bill. If the issue of Endowment funding for individuals is so serious and problematic that it requires a legislative change in the Endowment's authorization, the issue should be referred to the authorizing committee, Labor and Human Resources, for its consideration.

Fellowships provide the opportunity for the creation of work as well as for related research, study, et cetera. The incomes for individuals in the nonprofit arts fields are most often inadequate to sustain a full-time career as poet, composer, painter, craftsman, jazz artist, sculptor, novelist, playwright, or choreographer. Private and public sector support for individual artists is extremely limited at the national, state, and local levels.

The changes enacted in the Arts, Humanities, and Museums Amendments of 1990, which provides statutory authority for the agency, made changes in panel procedures which govern the review of applications from individuals and organizations. Review panels are now more diverse, including qualified individuals from all parts of the country, all cultural and ethnic groups, and with diverse beliefs and aesthetic, viewpoints. Each panel now also includes a lay person, a person not making his or her livelihood from the arts, but knowledgeable about the arts and their role in our society. In addition, the Arts Endowment has never permitted any individual artist to sit on a panel judging applications including from him/herself.

Support for Individuals

While no government can call a great artist or scholar into existence, it is necessary and appropriate for the Federal Government to create and sustain not only a climate encouraging freedom of thought, imagination, and inquiry, but also the material conditions facilitating the release of this creative talent.

With this mandate from the enabling legislation of the Arts Endowment, the agency has been offering support to individual artists from its inception. In 1966, the Endowment made its first awards to individuals in the form of one-year sabbaticals to 50 novelists, poets, painters, sculptors, and composers. Since then, over 11,000 artists have received grants, often at a crucial point early in their careers. The ranks of Arts Endowment fellows include many of the very best artists working in the United States over the past generation. They have won dozens of awards, including 42 Pulitzer Prizes, 47 MacArthur "genius awards," 28 National Book Awards, 11 Obie Awards for Theater, and many other distinctions.

More important than the awards and accolades has been the creativity that these fellows have helped engender: scores of symphonies, operas and songs; reams of poems, short stories, dramas and novels; a spate of new dance from modern to folk to ballet. Reels of new films and videos have been created, and new radio and television programs have filled the airways and made their way into millions of homes, schools, and libraries. New painting, sculpture, photography, crafts, and design have come forth from the imagination of a generation.

Among the many distinguished artists who have received Endowment support are: choreographers Alvin Ailey, Merce Cunningham, Meredith Monk, Mark Morris, Alwin Nikolais, Paul Taylor and Twyla Tharp; composers Dominick Argento, Philip Glass, Ned Rorem and Pauline Oliveros; musicians Ellis, Delfeayo and Wynton Marsalis, David Banker, Toshiko Akiyashi, Dexter Gordon and Emma Kemp; playwrights Wendy Wasserstein and A.R. Gurney; writers Annie Dillard, John Irving, Louise Erdrich, Bobbie Ann Mason, William Kennedy, Rita Dove, Oscar Hijuelos, and Alice Walker; visual artists Laurie Anderson, Dale Chihuly, Chuck Close, Lee Friedlander, Martin Puryear, and William Wegman; designers Frank Gehry and Susana Torre; filmmakers Barbara Kopple and Wayne Wong.

Programs which offer direct grants for individuals: Dance, Design Arts, Folk Arts (Heritage Fellows), International Literature, Media Arts, Music, Opera-Musical Theater, Theater, Visual Arts.

Amendment To Impose "Content Restrictions/Prohibitions" On NEA Funding

It is impossible to apply a content or subject matter restriction at the time of an NEA grant award because, in most cases, the project, production, or program is not yet underway. Future Activity, for the most part, is supported by NEA grants, whether it be development of a new play, opera, design project or a dance touring program, assembly of a museum exhibit, performance of orchestra concerts, production of a video work, or renovation of an historic theater. The "content" the amendment seeks to prohibit or control often does not exist at the time a grant is awarded.

For this reason, current law provides the most appropriate and enforceable accountability for Federal funds. Under the Endowment's reauthorization legislation, a completed project is subject to review by a court of law if obscenity is charged and a clear mechanism for the Endowment's recovery of the Federal grant funds is authorized.

Content restrictions or prohibitions were considered and rejected during the protracted debate on the NEA reauthorization legislation in 1990. Congress determined to reaffirm the role of the courts in determining obscenity and to authorize recovery of Federal funds in those cases. The courts are the proper judges of what is protected under the First Amendment.

Current statutory language is stronger than content-restriction amendments as it clearly defines obscenity. The courts and Congress have wrestled with the definition of obscenity for years. The Supreme Court's definition of obscenity in *Miller* v. *California*, 413 U.S. 15 (1973), is the operative definition and it was adopted as part of the NEA reauthorization statute.

In addition, current statutory language provides that "In establishing . . . regulations and procedures, the Chairpersons shall ensure that—(1) artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public."

Previous floor debate in support of content restrictions in both the House and Senate clearly suggests that its proponents are seeking to restrict support for projects which involve certain subjects and issues, approaches to topics, points of view, and groups of individuals. A reminder of what occurs when a government undertakes this policy was embodied in last year's exhibit at the Smithsonian Institution's Ripley Center entitled "'Degenerate Art': The fate of the Avant-Garde in Nazi Germany."

The procedural changes implemented by the Arts Endowment in 1990 represent an important "opening up" of the Arts Endowment. The NEA made the following major changes in its advisory panel procedures:

The Arts Endowment now requires that membership of each panel change substantially from year to year and that each individual is ineligible to serve on a panel for more than 3 consecutive years. The average turnover ratio of panelists Endowment-wide is currently 77 percent. The minimum turnover ratio for panels in an individual program is 33 percent. One-fourth of the total number of panels at the Endowment turn over 100 percent every year.

Review panels are now more diverse, including qualified individuals from all parts of the country, all cultural and ethnic groups, and with diverse beliefs and aesthetic viewpoints. The Endowment has solicited names of potential panelists from a broad range of private sector groups, organizations, and state and regional arts agencies, has invited Members of Congress to submit names for consideration, and published an announcement in the Federal Register on March 20, 1991.

Each panel now also includes a lay person, a person not making his or her livelihood from the arts, but knowledgeable about the arts and their role in our society.

Effects of "Content Restriction" Amendments

A "content-restriction" amendment, if adopted, could prohibit:

Support for a production of "The Grapes of Wrath," John Steinbeck's epic novel about a tragic period in our nation's history. The amendment also could prevent the Endowment from supporting a production of "A Chorus Line," the longest running play or musical in the history of Broadway. Both of these productions contain sexual references that may be offensive to some.

It could prohibit funding of productions of many of the works of Shakespeare. Dr. Thomas Bowdler's Family Shakespeare omitted "those words and expressions which cannot with propriety be read aloud in the family." It is from that act of censorship that the English language derived the word "bowdlerize," meaning to "expurgate."

If passed when Walt Whitman was alive, this amendment would have prohibited the Endowment from providing him a fellowship, based on his "Leaves of Grass." These poems shocked American Puritanism and English Victorianism when they were published.

The amendment could prohibit funding of productions based on "King Arthur and the Knights of the Round Table." The compilation of the Arthurian legend by Sir Thomas Mallory, in its day, was denounced as "bold adultery" and "wilful murder."

Thomas Hardy's great works "Tess of the D'Urbervilles" and "Jude the Obscure" could fall under the terms of this amendment.

In its day, Sinclair Lewis's "Elmer Gantry" would have run afoul of this amendment. In 1927, as a result of some of its sexual descriptions, "Elmer Gantry" was banned in the libraries of Camden, New Jersey and elsewhere. The U.S. Post Office Department supported these decisions.

The amendment could prohibit funding of publication or discussions or productions of several works by the great American author William Faulkner. In 1948, copies of Faulkner's "Mosquitoes," "Sanctuary," and "The Wild Palms," were "seized" as patently offensive or obscene. In 1950, however, Faulkner was awarded the Nobel Prize for Literature. In 1954, Faulkner's "Sanctuary," "Pylon," and "Soldier's Pay" were placed on the disapproved list of the National Organization of Decent Literature.

It could prohibit the NEA from funding productions of operas like Wagner's "Die Walkure," as that opera depicts sexual activities, including incest.

This amendment, if passed, could prohibit NEA funding of exhibitions containing such works of art as Rembrandt's etching "Adam and Eve" or Picasso's painting "Girl with a Pitcher."

Economic Impact of Arts Endowment Grants

A modest investment of federal funds in the United States—less than 70 cents per person per year—yields a substantial and direct financial return.

Germany spends $26 per citizen. France spends $32.

Almost all grants made by NEA require some match of funds by the grantee from 1:1 to 4:1, and, as a result, attract significant additional support for the arts. The arts generate both direct and secondary benefits in employment and revenue, contributing substantially to the economic health of communities throughout the nation.

In FR 92, NEA awarded $123 million to over 3,500 organizations. This resulted in an additional estimated $1.4 billion generated in matching funds from the private sector—a ten-fold match.

For every dollar the Endowment invests in communities, a 20-fold return in jobs, services, and contracts is created (Source: Arts Working Group, 1992). Endowment grants are an investment, not a hand-out.

Since NEA was established in 1965, there has been tremendous growth in arts organizations, stimulated by Endowment support.

The number of professional non-profit theaters has grown from 56 in 1965 to over 400 today; they serve an audience that has grown from 5 million to over 20 million;

Today there are 230 professional orchestras with budgets exceeding $280,000, more than double the number in 1965; they employ more than 40,000 musicians and administrative staff. Attendance figures have risen from 17.5 million in 1971 to 26.7 million in 1991;

Professional dance companies have increased from 37 in 1965 to over 250 today. Nearly $100 million is spent in employment of dancers and administrative staff alone; millions more is spent for employment of designers, stagehands, lighting technicians, costumers, truckers, etc. Annual audiences have grown from 1 million to over 16 million;

There are over 100 professional opera companies, compared to only 27 in 1965. They pay over $250 million annually to their more than 20,000 artistic and administrative personnel. Audiences for their work have grown to 7.6 million in 1991, compared to 5.5 million in 1981.

The Role of the National Endowment for the Arts

THE ARTS ENDOWMENT PROVIDES FEDERAL LEADERSHIP IN THE ARTS

The Arts Endowment provides vital leadership needed for national progress in arts in education, the encouragement of cultural diversity and the importance of international exchange. Through partnerships with education, business, labor, and community leaders, NEA emphasizes the arts' contribution to building a competitive work force and an involved and educated citizenry, and the role of the arts in helping integrate and unify communities and our society as a whole.

LEVERAGING POWER OF FEDERAL FUNDS

NEA funds leverage significant additional private and public support for the arts. Most endowment grants must be matched by nonfederal funds—from 1:1 to 1:4—and therefore generate significant revenue. For example, in FY 92, NEA awarded on additional estimated $123 million to over 3,500 organizations. This resulted in an additional estimated $1.4 billion generated in matching funds—a ten-fold match.

ARTS ENDOWMENT SUPPORTS PROJECTS WITH REGIONAL OR NATIONAL IMPACT

NEA supports many activities with regional or national impact, such as broadcasting, touring, filmmaking, and other national services. States do not support activities outside their own borders.

The Presenting and Commissioning Program supports presenting and touring activities across the country.

Many other NEA programs include presenting and touring components such as Dance on Tour, Chamber Music Rural Residencies, and folk arts tours and presentations.

NEA dollars play an indispensable role in promoting the production and distribution of copyrighted materials, such as motion pictures, home videos, books and other publications. These all add to our national economic growth. In contrast, most state arts agencies play relatively small roles in these activities.

NEA's Media Arts Program ensures access of quality arts to millions of American households across the nation. NEA has been in the forefront of support for major television and radio broadcast series on the arts as well as crucially-needed preservation of our American film heritage.

Examples of projects supported are: "Behind the Scenes," the innovative children's art series; the new Arts on Radio series that included "Folk Masters from Wolftrap" and "Jazz from Lincoln Center;" the Rural Radio Initiative, which enables residents in 40 of the country's most remote areas to tune in, for the first time, to these and other NEA funded radio programs; the Arts Corps initiative which enabled outstanding graduate student-artists to live and work with local citizens in underserved rural communities from Kodiak, AK, to Macon, GA; We Hold These Truths," a one hour radio docudrama celebrating the bicentennial of the Bill of Rights starring James Earl Jones, Richard Dysart, Ben Vereen, Peggy Lee, Hector Elizondo, and Ester Rolle.

Activities such as the National Heritage Folk Arts Fellowships, Jazz Masters, and Dance/USA, require a national focus and support.

National Impact of NEA Grants: NEA Funding Reaches All Of America

Increasing public participation and access to the arts is central to the Endowment's mission and is addressed in the various programs throughout the agency.

For example, the funding for State and Regional and Local Arts Agencies Programs, and the Underserved Communities Set-Aside Initiative, totals $44.1 million in NEA's FY 94 appropriations request. The regional, state, and local agencies constitute a national network which addresses the needs of states and localities, including rural, inner-city, and artistically underserved areas.

The Presenting and Commissioning Program supports presenting and touring activities. NEA's FY 94 appropriations legislation request provides $5 million for these activities.

Many other NEA programs include presenting and touring components, such as Dance on Tour, Chamber Music Rural Residencies, and folk arts touring and presentations, all of which are designed to make exceptional arts available to the broadest possible segment of the population. Museum special exhibitions, radio and television programming, small presses and literary magazines, and international activities also serve to bring quality arts to Americans in all corners of the country. The nation's dance, opera, and theater companies, museums and orchestras, and its chamber music and jazz groups, which receive support from NEA, are present in communities across the country serving millions of Americans.

Many of NEA's grants to organizations in large cities, such as New York, Los Angeles, or Chicago, in fact directly serve citizens in small towns across America. Even though the NEA check may arrive in New York, the funding serves individuals in communities throughout the country. For example:

In FY 92, NEA provided Affiliate Artists, Inc. of New York City with $22,000 to provide services for the Chamber Music Rural Residencies pilot which places emerging chamber music ensembles of high promise in rural communities for a full school year. Eight community sites in three states—Georgia, Iowa, and Kansas—are participating in 1992–1993. The communities are Tifton, Fitzgerald, and Moultrie, GA; Jesup, Fayette, and Decorah, IA; and Dodge City and Liberal, KS. The chamber ensembles teach children and adults in areas where music teachers are scarce and perform in a variety of settings, both formal and informal. "Sunday Morning" with Charles Kurault (CBS-TV) recently did a feature on the Ying Quartet in residence in Jesup, Iowa.

The College of Fine Arts at Howard University in Washington, DC received a $100,000 Challenge grant to coordinate a program which will establish residence appointments at selected historically black colleges and universities for internationally acclaimed African American visual, performing, and literary artists. Participating institutions include: Albany State College in Georgia, Alcorn State College in Mississippi, Jarvis Christian College in Texas, Johnson C. Smith University in North Carolina, Norfolk State University in Virginia, and Xavier University in Louisiana.

A $14,600 Jazz Special Projects grant was awarded to pianist Judy Carmichael of New York City to support a series of 25 presentations illustrating the history and development of early jazz piano to high school and college audiences. Ms. Carmichael performed at schools in Louisiana, California, Michigan, New York, Connecticut, Missouri, Colorado, and Washington, DC. National Public Radio's "Morning Edition" and "Entertainment Tonight" did features on Ms. Carmichael.

In FY 90, the Spanish Theatre Repertory Company in New York City received a $100,000 Challenge grant to support a three-year project to tour Spanish language theatre productions. The Company performed 16 different productions in a total of 37 locations reaching over 22,000 individuals, extending its reach to audiences in smaller communities where performances were not previously possible. These sites included Taos, NM; Kutztown, PA; Manhattan, KS; Lancaster, CA; and El Paso, TX.

In addition, most dance companies and artists that receive support through the NEA's Dance Program perform outside of their home. In fact, many of the most renowned New York City-based dance companies perform mostly outside New York. For example:

In FY 93, Ballet Hispanico will spend two weeks in New York and 16 on tour to communities such as La Crosse, Eau Claire, Amery, Prairie du Chien, and River Falls, Wisconsin; the Dance Exchange (Liz Lerman) of Washington, D.C. is on tour 16 weeks with no home season; the Alvin Ailey American Dance Theater had a five week season in New York and will tour 29 weeks; and the Paul Taylor Dance Company based in New York performed two weekends in New York and has 20 weeks on tour.

Examples of NEA grants to touring dance companies:

AMAN Folk Ensemble of Los Angeles, received $70,000 in FY 91 to support rehearsals, domestic touring and educational and performance residency activity during the 91–92 season. AMAN Folk Ensemble was in residence in Tifton, Ocilla, Moultrie, and Fitzgerald, GA. Other residency sites included Davenport and Bettendorf, IA and Rock Island and Moline, IL. AMAN also conducted workshops and taught K–12 students in Death Valley, CA.

Merce Cunningham Dance Company of New York City received $373,000 in FY 92 to support its New York and domestic touring season. The company spent nearly a month in residence in Minnesota in February 1993. The company had been performing in Minnesota for three decades and spent two residences over a period of six years. The company visited Moorhead, North Dakota four times during this period to give classes to the public and performances.

The Alvin Ailey American Dance Theatre based in New York City, received a grant of $282,000 in FY 91 to support its New York and domestic touring during the 91–92 season. During a tour through the south, the company performed in Greenville and Spartansville, South Carolina and Opelika, Alabama. Community members raised $25,000 to pay for a performance and lecture-demonstration at the local high school.

NEA supported the New York City-based Feld Ballet with a grant of $79,000 to support national touring in the 1992–1993 season, bringing the company to communities such as Danville, KY; Durham, NH; Lowell, MA; Pomona, NJ; Opelika, AL; Thibodaux, TX; and Lafayette, LA. In addition, in 1991, the Feld Ballet was in residence for 3½ weeks in various rural towns throughout Wisconsin (including the University of Wisconsin-Eau-Claire) and performed in other rural areas such as Boone, NC; and Palmyra, Devault, Williamsport, York, and Kutztown PA.

Through NEA's Dance on Tour Program, NEA provides funding to state arts agencies and regional organizations to help outstanding dance artists and companies tour regularly throughout the country. Between FY 91 and FY 93, through the regional component of Dance of Tour, NEA has supported 820 dance residencies and 1,859 performances in 48 states and the Virgin Islands. Over 170 dance companies and 484 local presenting organizations participated in these activities. Through Dance on Tour's support to state arts agencies, over 220 communities were served by 25 projects in 18 states involving 20 different dance artists/companies between FY 90 and FY 93.

Examples of Dance on Tour support include:

$74,000 to help support a 1991 3½ week residency of the Feld Ballet, based in New York City, in various locations in Wisconsin. The residency featured an assortment of outreach activities, from workshops with professional dances to lecture-demonstrations for children as well as performances;

$25,000 to assist in the Oregon-based Eugene Ballet Company's one-month residency in various sites in New Mexico, including Farmington, Taos, Raton, and Silver City. During this residency, the company conducted over 110 activities serving over 16,000 persons in rural New Mexico. Some of these activities included: four full company performances, lecture-demonstrations in schools, stretch classes for athletes and senior citizens, consultations with high school drill teams, movement-for-actors classes, and talks about career options in dance.

$6,000 to support the New York City-based Trisha Brown Company's one-month residency in 1992 and February 1993 performance in Burlington, VT. The company taught master classes, gave lecture-demonstrations, open rehearsals, videotape screenings, "meet the artist" discussions, and concerts featuring the work developed during the residency;

$6,820 to the Dayton Contemporary Dance Company to help support a residency as part of the American Dance Festival's "Black Traditions in American Modern Dance" in Durham, NC. Activities included lecture-demonstrations, panels with dance historians and discussions with choreographers, and performances;

$35,000 to help support the Los Angeles-based Lewitzky Dance Company's month-long residency in Arizona. The company conducted community classes, open rehearsals, lecture-demonstrations, master classes for children teens, and adults, a "Craft of Choreography" seminar for professional choreographers from all over the state, and performances.

$25,000 to support Rochester, NY-based Garth Fagan Dance's two-week residency in various sites in Kansas in April 1992. Activities included master classes, lecture-demonstrations, including one for 2,800 children in Topeka from four school districts, various other educational activities, and performances.

$15,000 to support Washington, DC-based Liz Lerman/Dance Exchange's residencies at the University of Maine-Farmington and other sites in Maine. Liz Lerman and her company worked with groups of older adults, the university dance company, high school theater students, elementary school students, a group of ministers, terminally ill hospital patients, among others, and performed throughout the state.

NEA's Media Arts Program ensures access of quality arts to American households across the nation. Examples of projects supported are:

"Behind the Scenes," the innovative children's art series;

the new Arts on Radio series that included "Folk Masters from Wolftrap" and "Jazz from Lincoln Center;"

the Rural Radio Initiative, which enables residents in 40 of the country's most remote areas to tune in, for the first time, to these and other NEA funded radio programs.

Mr. BINGAMAN. Mr. President, as we consider the Helms amendment tonight, I would like to highlight some of the truly outstanding work supported by the National Endowment for the Arts in New Mexico. Without NEA funding, New Mexicans would miss out on many worthy arts experiences.

Last year, for example, NEA funded a $25,000 Dance on Tour Grant that allowed the New Mexico Arts Commission to support a three-week statewide tour by the Eugene Ballet. The Mimbres Regional Arts Council, the Farmington Civic Center, the Taos Art Association, and the Raton Arts Council hosted the company for a full performance and multiple residency activities. Four "satellite" presenters—Teen Life Center/Najava Nation in Shiprock, the University of New Mexico Department of Dance, New Mexico Very Special Arts/Buen Viaje Dancers, and the New Mexico Dance Coalition—brought the company to their communities for residency activities. Overall, four full public performance of the Eugene Ballet "Children of the Raven", 45 school/community demonstrations, and 45 additional residency activities took place.

NEA's Challenge Program awarded a $140,000 grant to the Center for Contemporary Arts of Santa Fe for programming for the Teen Project, the first facility in the United States created by an arts institution exclusively for teenagers. The Teen Project's arts programming services serve Santa Fe's 6,300 teens through a variety of projects including internships, seminars, workshops and jobs. At a time when many communities, including Santa Fe, are facing new challenges in bringing culturally diverse groups of teens together, the Teen Project is meeting that challenge. It creates an environment in which teens from all backgrounds come together through the contemporary arts.

The city of Santa Fe Arts Commission received a 3 year grant to support new, small, and emerging arts organizations. The grant will also support and economic impact study of the arts in Santa Fe, and public art in Santa Fe. This grant will help leverage a total of $300,000 in funding for local artist and arts organizations in Santa Fe. Projects funded through this grant include a 1-hour documentary by the Santa Fe Symphony and Chorus and a spring festival celebrating Spanish Colonial life.

Grants from the NEA Folk Arts Program are supporting activities of La Compania de Teatro de Albuquerque and a folks arts apprenticeship program run by the New Mexico arts division, among others. Funding provided through the Folk Arts and Expansion Arts Programs of the NEA are of great assistance to organizations in New Mexico and elsewhere that give voice to our Nation's diverse cultural roots.

Mr. President, I have mentioned just a few of the many programs funded by the NEA in New Mexico. In addition, NEA funds several worthy artists in New Mexico directly. Although New Mexico is known for its arts, without NEA funding they would not be accessible to many New Mexicans. Art provides a vehicle of communication. Through the folk arts, it provides New Mexicans a living link to their history. Through the contemporary arts, it provides a means of education and community building. For all of these reasons, art, and the National Endowment for the Arts, are valuable national resources.

For these reasons and many more I urge my colleagues to defeat the Helms amendment to eliminate funding for the National Endowment for the Arts.

Mr. LEAHY. Madam President, in tonight's debate about the National Endowment for the Arts, those who want to abolish the Federal cultural agency have done their best to shock the Senate. We can debate some of the NEA's grants, but over its existence it has awarded over 100,000 grants to create community celebrations, economic development, better schools, programs for the elderly, and has preserved our national heritage. A tiny fraction—.00001 percent—of grants were controversial, mostly in the last 5 years as the NEA has been used as a political symbol.

In my home State of Vermont, the National Endowment for the Arts supports projects such as the Grass Roots Arts and Community effort in West Glover, which promotes works created primarily by elderly and physically challenged artists living in rural Vermont, it supports the Vermont Folklife Center, and the Vermont Mozart Festival. The Vermont Council on the Arts, which receives a third of its funding from the NEA, recently awarded the town of Hardwick, in northeast Vermont, a grant to support a new park being created on Main Street. The park will feature a mosaic wall consisting of shards of local pottery and glass casts made by residents of this town of 3,000. Many of these citizens from this community have become involved in the arts for the first time.

NEA funding has brought the Acting Company of New York to Burlington, the Underground Railway Theater of Arlington, MA, to Chester, and the Shenandoah Shakespeare Express of Harrisburg, VA, to Poultney, Rutland, and Woodstock.

I cannot imagine Vermont without the wonderful musical performances, dances, fairs, folklife, and art exhibitions. NEA funding is critical to promoting the culture and creativity of what makes my home State of Vermont, VERMONT.

The NEA should not be abolished. It should be encouraged by our support and by our confirmation of a talented and articulate new chairman, Jane Alexander.

The NEA should not be abolished. It should be encouraged by our support and by our confirmation of a talented and articulate new chairman, Jane Alexander.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the amendment by Senator HELMS.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that debate on this amendment be closed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Madam President, I call for the regular order.

The PRESIDING OFFICER. The regular order is the Bradley amendment No. 892. The question is on agreeing to the motion to table the amendment.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, the vote will now occur on the amendment by Mr. BRADLEY, and when that amendment is disposed of, the vote would recur on the amendment by Mr. HELMS. The amendment by Mr. HELMS is open to a tabling motion. I would just as soon vote on it up or down, and I hope that it would be voted on up or down. I recognize any Senator's right, of course, who might not wish to vote on it up or down.

I ask unanimous consent that the second rollcall be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Bradley amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. METZENBAUM] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 17, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—81

Akaka
Baucus
Bennett
Bond
Breaux
Brown
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kerrey
Levin
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—17

Biden
Bingaman
Boren
Boxer
Bradley
Bryan
Campbell
Feingold
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Murray
Wellstone

NOT VOTING—2

Gramm
Metzenbaum

So the motion to table the amendment (No. 892) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the Helms amendment. This is a 10-minute rollcall vote. The yeas and nays have been ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am standing right next to the Senator, and I cannot hear a word he is saying. May we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from West Virginia is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, earlier today there were 64 amendments on the list. Now there are 10. The amendments that are still on the list have been discussed some several times between the authors and the managers. Some of the amendments probably will not even be called up.

I ask unanimous consent that in order that we may complete business tomorrow no later than 1:30 p.m., that the final vote on this bill occur no later than 1:30 tomorrow, with the proviso that Mr. HELMS be entitled to not exceed 1 hour on his second amendment, with the assurance by Mr. HELMS that it will be called up at least 1 hour before the hour of 1:30 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object, Mr. President. We will discuss this for a moment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BYRD. Mr. President, if I may have the attention of the distinguished Senator from North Carolina, I have not discussed this slight modification of the request with him. I will just state it.

I ask unanimous consent that all time on the bill expire no later than 1:30 p.m. tomorrow, and that a vote then occur on the bill, except that if there be a pending amendment at that time, the vote be taken on the pending amendment and then the vote occur on the bill; provided further, that the Senator from North Carolina call up his second amendment no later than 11:30 a.m., and that there be not to exceed 1 hour, equally divided, on that amendment.

Mr. HELMS. Would 12:30 not be better than 11:30? That cuts it short on the front side.

Mr. BYRD. The Senator would be assured one hour, but there are other Senators who still have amendments listed, and the concern is that another Senator might not have the opportunity and the time to call up his amendment if the Senator from North Carolina had an amendment, let us say, that was called up later.

If we finish at 1:30 and the Senator from North Carolina did not call his amendment up until 12:30, then no other Senator would be able to call up an amendment following the disposition of the Senator's amendment.

So if the Senator would agree to call up his second amendment no later than 11:30, then we can be assured that that amendment would be disposed of, and if another Senator then had an amendment, he, too, could have time.

Mr. HELMS. What happens if another Senator is in the middle of his amendment at that hour? How do we solve that problem?

Mr. BYRD. Well, the other Senator will have to defer and let the Senator from North Carolina call up his amendment, because the agreement protects the Senator from North Carolina. He is allowed to call his amendment up no later than 11:30.

Mr. HELMS. I am perfectly agreeable to that. I do not want to forego for any other Senator with his or her amendment.

Mr. BYRD. Mr. President, the Senator only has two amendments remaining, and his second one has to be called up no later than 11:30, so he has to call his first one up sometime prior to that.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. Mr. President, reserving the right to object, just so there is no misunderstanding, do I understand that the Senator from North Carolina has two amendments left?

Mr. HELMS. Correct.

Mr. MITCHELL. The proposal just made by the President pro tempore would require the Senator from North Carolina to call his second amendment up not later than 11:30, but the proposal is silent with respect to his first amendment.

Do I understand it is the intention of the President pro tempore and the Senator from North Carolina that first amendment of the Senator from North Carolina would, therefore, be called up prior to 11:30.

Mr. HELMS. The Senator is absolutely right. It would have to be.

Mr. MITCHELL. Because as stated the agreement would have permitted the Senator to offer his amendment at any time prior to 1:30. I want to make certain that nobody's intention——

Mr. BYRD. No. His second amendment has to be called up no later than 11:30, which means his first amendment has to precede the second amendment or he cannot call it up.

Mr. MITCHELL. It does not make any difference how it is stated. As long as that is the intention and everybody agrees to it, that is fine.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, if I may have 1 more minute.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Senator from Oklahoma, the manager of the bill on the other side of the aisle, and I know the remaining amendments that have not been eliminated from the list and I ask unanimous consent that the list from this point on contain only those amendments.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. There is one by Mr. BURNS, one by Mr. BYRD, two by Mr. HELMS, one by Mr. MACK, two by Mr. METZENBAUM, one by Mr. NICKLES, one by Mr. SIMPSON, one by Mr. HATFIELD one by Mr. BAUCUS, and one by Mr. STEVENS.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the agreement just entered means that a vote on final passage on this bill will occur not later than 1:30 p.m. tomorrow or if a vote on an amendment occurs at 1:30 or just prior to that as soon as that previous vote is completed.

The PRESIDING OFFICER. That is correct.

Mr. MITCHELL. Therefore, Mr. President, there will be no further rollcall votes this evening. Those Senators who have amendments and intend to offer them should be present tomorrow morning when the Senate begins action. I apologize. There is one more vote to occur pursuant to a previous order. That will be the last vote this evening and we will complete action on this bill not later than approximately 1:30 p.m. tomorrow.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. MITCHELL. I yield.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the two managers of the bill will be around for a while this evening, if any Senators wish to discuss their amendments, and there are some that can be accepted among those that have been listed. So I would hope that Senators who wish to have their amendments looked upon favorably and accepted would remain a few minutes and take them up with the managers.

Mr. MITCHELL. Mr. President, the Senate will resume consideration of this measure at 9:30 a.m. tomorrow and, as previously stated, will complete action on this measure no later than 1:30 p.m. tomorrow.

VOTE ON AMENDMENT NO. 893

The PRESIDING OFFICER. Pursuant to the unanimous consent agreement a vote occurs on the Helms amendment.

The question is on agreeing to the amendment of the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. METZENBAUM] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas, [Mr. GRAMM] is necessarily absent.

The PRESIDING OFFICER (Mr. SARBANES). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 15, nays 83, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—15

Brown
Coats
Coverdell
Exon
Faircloth
Helms
Hollings
Mack
McCain
McConnell
Nickles
Nunn
Shelby
Smith
Wallop

NAYS—83

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NOT VOTING—2

Gramm
Metzenbaum

So, the amendment (No. 893) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT, PAGE 97, LINES 1–4

The PRESIDING OFFICER. The pending business now before the Senate is the last excepted committee amendment, page 97, lines 1 through 4.

The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have already been excused from attendance tomorrow at the Senate because I am going to Ketchikan, AK, to attend a memorial service for Pete Cessnun, who served in the Alaska State legislature with me, a very close friend. But I want to remark a little bit about this bill before I go.

There are many items in this bill that are very important to Alaska. We have 85 percent of the national wildlife refuges of the United States, 97 percent of the refuge wilderness of our country, 70 percent of the national park lands, 91 percent of the national park wilderness, and 35 percent of the Bureau of Land Management lands.

I rise now to thank my two good friends, Alaska's great friends, the managers of this bill, for the kindness that they have shown to me, particularly under the circumstances that I must leave. This bill is one of the most difficult appropriations bills because of the many agencies that are funded under it and the many needs that must be satisfied. I think Senator BYRD and Senator NICKLES do a great job in balancing those needs. They do it and they do it fairly. It is a difficult bill to work on.

I remember working on it with the late Senator Alan Bible and with my good friend from West Virginia when he and I were chairman and ranking member of the subcommittee. They have worked hard to make sure that there is a fair allocation of funding to meet the many demands, in spite of the fact that the funds for this bill have been reduced.

I also want to thank the subcommittee staff, particularly Sue Masica and Rusty Mathews, Kathleen Wheeler, Cherie Cooper, Ellen Donaldson, Ginny James, and Larry Benna. I am really speaking tonight because I think they have shown extreme courtesy to me under the circumstances that I must leave. My Alaska issues have been settled and I am grateful to the Senate for that consideration.

I suggest that absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. With objection, it is so ordered.

STATEMENT ON THE INTERIOR APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2520, the Interior appropriations bill and has found that the bill is under its 602(B) budget authority allocation by $55 million and under its 602(B) outlay allocation by $1 million.

I compliment the distinguished manager of the bill Senator BYRD, and the distinguished ranking member of the Interior Subcommittee, Senator NICKLES on all their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the Interior appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2520—FISCAL YEAR 1994 INTERIOR APPROPRIATIONS—SENATE REPORTED BILL

[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary total:		
New spending in bill	13,281	8,773
Outlays from prior years appropriations		4,927
Permanent/advance appropriations	400	18
Supplemental	0	12
Subtotal, disretionary spending	13,681	13,730
Mandatory total	96	96
Bill total	13,777	13,826
Senate 602(b) allocation	13,832	13,827
Difference	−55	−1
Discretionary Totals above (+) or below (−):		
President's request	−254	−238
House-passed bill	645	550
Senate-reported bill		
Senate-passed bill		

IT IS TIME FOR THE ADMINISTRATION TO ACT WITH REGARD TO NATURAL GAS

Mr. JOHNSTON. Mr. President, the last week of this past July was a disappointing time for those who want natural gas to play a larger role in our energy future. By taking one step forward and then one step back, the administration seems to be going nowhere on the issue of increased natural gas production.

The week actually started off well. On Tuesday, July 27, the Interior Department's Assistant Secretary for Land and Minerals Management, Bob Armstrong, told reporters that the Clinton administration is moving toward an outer continental shelf policy that would promote natural gas-only drilling in some areas that are now off limits. I took that to be a serious step toward doing away with the blanket OCS moratoria that is the unfortunate legacy of the Reagan-Bush years.

That afternoon, coincidentally, I offered an amendment in the Appropriation Committee's Interior Subcommittee to partially lift the current OCS leasing moratoria. My amendment, which was adopted, would have lifted the moratoria off the coasts of North Carolina and the Florida panhandle, but would have left bans in place off the East and West coasts and Alaska's Bristol Bay.

Then, on Wednesday, the administration negated our modest progress when OMB Director Leon Panetta sent a letter to Senate Appropriations Chair ROBERT BYRD, telling him that the administration supports continuing the moratoria off the coasts of North Carolina and Florida panhandle, along with the other existing moratoria. That afternoon, the Appropriations Committee voted 10–9 to reinstate the ban that the Interior Subcommittee had lifted the previous day.

This 24-hour two-step is troubling at two levels. The first has to do with simple logic, and the second has to do with fundamental policy. Let me first address the issue of logic.

Why does the administration want to continue the moratoria? According to Mr. Panetta's letter, the administration wants time so that Secretary Babbitt can "carefully evaluate these proposed lease sales." Panetta goes on to say that "the Administration would prefer to address conflicts surrounding existing leases in the Eastern Gulf of Mexico and the Atlantic before considering additional leases in these areas."

This sounds good if you say it fast, but let's think about what Mr. Panetta is saying. Remember, my amendment did not require the Department of Interior to issue leases; it simply removed the prohibition on doing so. Remember also that my amendment did not prohibit the administration from studying OCS issues indefinitely. In effect, it merely said "Study the matter all you want, but if you conclude that leasing in these areas is a good idea, you are authorized to do so."

In response, Mr. Panetta is saying "Please, Congress, don't entrust us with the discretion to issue OCS leases. After we study the issue to death, we might slip and issue a lease if you drop this moratoria." In short, he's saying "Stop me before I lease again."

And who are we protecting the OCS from? Bruce Babbitt, former president of the League of Conservation Voters. Does anybody seriously think that Secretary Babbitt is going to recklessly issue OCS leases?

I like Bruce Babbitt, and I have confidence in his integrity and judgment. In fact, I think he has the potential of becoming one of the best Secretaries of the Interior we have ever had. And that's why I can't understand why the administration wants to keep him in a straitjacket that was made for Jim Watt.

Now the fundamental policy issue. This administration talks a good game about the importance of natural gas. Throughout the campaign last year, we heard that natural gas would be central to a Clinton administration energy policy because it is clean and abundant. And that rhetoric has continued on into the Clinton Presidency. Energy Secretary O'Leary has repeatedly spoken of the importance of natural gas, and now Assistant Secretary Armstrong has added his voice.

But that is the problem, Mr. President, it is all talk. Natural gas is clean, and it is plentiful, but it does not magically appear at the burnertip. You have to go get it by sticking a drill bit in the earth. I hate to shock some members of the administration, but it is true. Natural gas cannot grow as a source of clean fuel if we do not find the political will to allow drilling where the vast reserves have been found.

The Florida panhandle is a great example of one of those vast reserves. Two recent wells drilled off the panhandle have led to the discovery of up to 3 trillion cubic feet of dry gas, according to industry estimates. That is enough to supply Florida's needs for 9 years at current consumption.

This is in addition to the 35 trillion cubic feet of undiscovered natural gas that industry expects can be found north of the 26th parallel. That amount of gas could be worth $76 billion. But only if we hold additional lease sales.

Furthermore, the Florida panhandle is a particularly safe place to drill. Note that we are not talking about the Florida Keys or the Everglades. My amendment would have lifted the moratoria only above the 26th parallel, well north of these sensitive areas.

Remember also that the reserves off the Florida panhandle are expected to be largely, if not entirely, natural gas, not oil. Natural gas cannot spill, it cannot wash up on beaches, it cannot kill birds, it cannot harm fish.

But I am not here, Mr. President, to re-argue the specific merits of my amendment. I am here to urge the administration to back up its rhetorical support for natural gas with something substantial and concrete.

It is all well and good to say how much you favor increased use of natural gas—after all, who could possibly be offended by that statement? But it is quite another thing to say "Increased use requires increased production, and here is where I propose to drill in order to get that increased production." Because when you say that, you are virtually certain to offend those who live in the area where you propose to drill.

And that is where leadership comes in. It is time for the administration to stop hiding behind OCS moratoria that are no longer needed. It is time for the administration to step up to the responsibility of managing leasing of the OCS. It is time for the administration to figure out where on the OCS it is appropriate to drill, and then be willing to take the inevitable criticism that comes with leadership on this crucial issue.

MORNING BUSINESS

TRIBUTE TO SENATOR MALCOLM WALLOP

Mr. CAMPBELL. Mr. President, I see my friend and colleague from Wyoming sitting near the back of the Chamber, and I was surprised as many of us were as to the recent announcement that he will not be running again. Though we may not have voted together on all issues, I have the utmost respect for Senator WALLOP. He has been, I think, a terrific Senator for the American West and has done many battles to protect his people, and he is going to be sorely missed.

VIOLENCE THREATENS HAITIAN ACCORD

Mr. PELL. Mr. President, I am deeply concerned by the recent wave of political violence and repression in Haiti. Last week, Port-au-Prince Mayor Evans Paul was attacked shortly after he was reinstated to office, and at least 2 people were killed and more than 30 wounded in the violence that followed. Over the weekend, one of President Aristide's leading supporters was dragged out of church and shot in the head and at least 11 others were killed in related violence. In addition, Amnesty International reported today that a death list of 21 people, primarily Aristide supporters, has been issued by military auxiliaries who have threatened to carry out a massacre tomorrow. This officially sponsored wave of terror is clearly aimed at undermining the Governors Island Accord signed last July to restore President Aristide to office.

It is critical that the Congress, the President and the rest of the international community publicly condemn these acts and take clear action to demonstrate that such violations of their commitments under the Governors Island Accord will not be tolerated. The United States could begin by revoking the visas and freezing the assets of senior officials of the security forces. It should also withhold all aid to the military and police until the United Nations and Organization of American States civilian observers report a significant improvement in the human rights situations and until there is a change in the high command. If the situation continues to deteriorate, the United States should begin discussions with other security council members about reimposing the embargo that effectively brought the military to the bargaining table last July.

Mr. President, just 2 months ago, the United States and the United Nations successfully negotiated the Governors Island Accord to end the nearly 2-year-old political crisis in Haiti. Unfortunately, I fear that unless there is a strong response from the international community, this wave of violence will continue and the agreement could unravel.

DR. EBEN ALEXANDER, JR., A DISTINGUISHED AMERICAN, CELEBRATES HIS 80TH BIRTHDAY

Mr. HELMS. Mr. President, September 14 marks a special occasion in the life of the Bowman Gray School of Medicine in Winston-Salem, the day Dr. Eben Alexander, Jr., the distinguished professor emeritus of neurosurgery at the university will celebrate his 80th birthday.

Dr. Alexander was born September 14, 1913, in Knoxville. Mrs. Alexander is the former Elizabeth West and the Alexanders have been blessed with four children—Jean Dayton Alexander Sullivan, Eben Alexander III, Elizabeth MacMath Alexander, and Phyllis Alexander Slye.

Dr. Alexander received his A.B. degree in 1935 from the University of North Carolina at Chapel Hill and was graduated cum laude from Harvard Medical School in 1939.

In World War II he served in the U.S. Army Medical Corps, first in 1942–43 as a lieutenant at Sheppard Field, TX, then as a captain at Walter Reed Army Hospital in 1943–44. During the last year of World War II, he was a neurosurgeon at the 99th Evacuation Hospital, Southwest Pacific and 42d General Hospital in Tokyo—where he received the Bronze Star.

In 1949, he joined the Bowman Gray School of Medicine faculty as assistant professor of neurosurgery. In 1954, he was made head of the neurosurgery section in the Department of Surgery.

He has trained countless medical students, surgery residents, and faculty, and he has served on many committees at the medical school and Wake Forest University.

Dr. Alexander, a leader in the field of neurosurgery, and many of his articles have been published in neurosurgery journals; he has served on many national committees and held numerous visiting and adjunct professorships across the United States.

Mr. President, I join Dr. Alexander's family, friends, and colleagues in extending best wishes to this distinguished American on his 80th birthday. And on behalf of all North Carolinians, I extend my genuine gratitude to Dr. Eben Alexander, Jr., for his outstanding service to the Bowman Gray School of Medicine, to his State of North Carolina, and to the United States of America.

THE DEATH OF JOHN W. SHAUGHNESSY, JR.

Mr. DODD. Mr. President, I would like to take this opportunity to remark upon the outstanding achievements of a very dear and loyal family friend, Mr. John W. Shaughnessy, Jr., who recently passed away. Last year, when John celebrated his retirement from Southern New England Telephone in Connecticut, it was with great pleasure that I rose to pay tribute to him before this distinguished body. Today, it is with great sadness that I rise to honor John's memory and extend my deep and sincere condolences to the Shaughnessy family.

For as long as I can remember, John Shaughnessy represented everything a genuine friend should be. Dedicated to assisting others both personally and professionally, John believed strongly that our Nation's citizens must participate in their Government to ensure an effective and honest system. Steadfast in his loyalty and trust, John ardently supported hundreds of candidates for public office—including my own father, Senator Thomas Dodd, and our colleague, Representative BARBARA KENNELLY—regardless of wavering poll results or the political climate of the day.

My words alone cannot fully express that commitment John demonstrated to his family, friends, and community, but his long list of achievements and legacy of friendships stand as eloquent testimony of his life.

During the course of his 43 years of professional service to Southern New England Telephone, John Shaughnessy served as president of the Connecticut Union of Telephone Workers for 26 years and as president of the Telecommunications International Union [TIU] for nearly 20 years. His leadership was instrumental in the successful restructuring of TIU and in its recognition as an independent international union by AT&T.

In addition to being a spirited labor advocate, John was an extraordinarily active member of both the civic and political communities for many years. A lifelong resident of East Hartford, CT, John's exemplary record of service to his community included his tenure as mayor of East Hartford from 1965 to 1967, as town chairman of the East Hartford Democratic Town Committee, and as chairman of the East Hartford Planning and Zoning and Public Building Commissions.

In addition to serving as East Hartford's delegate to the Democratic State Central Committee and the Metropolitan District Commission, John was also an active member of the Redevelopment Agency, the 1980 Charter Revision Commission, and the State Technology Advisory Board. John was a recipient of the East Hartford Chamber of Commerce Distinguished Service Award and was recognized as Irishman of the Year by the Irish-American Home Society. On top of his myriad commitments, John generously devoted his time to serve as a volunteer with the Kidney Foundation.

John Shaughnessy will always be remembered as one of the great labor, political, and civic activists of the town of East Hartford and the State of Connecticut, but, more important, his warm and giving spirit will live on in the hearts and minds of all who loved him. I am proud to honor the memory of John Shaughnessy on this day.

THE DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT

Mr. DOLE. Mr. President, I recently joined as a cosponsor of S. 784, the Dietary Supplement Health and Education Act of 1993. I want to compliment the bill's author, Senator HATCH, for all his efforts to promote preventive health and good nutrition. Millions of Americans rely on dietary supplements to help meet their nutritional and health needs, and the rapidly emerging science in this area underscores the potential benefits of many of these products.

Yet supplement users find today's marketplace confusing, to say the least. Too many false and misleading health claims for supplements are made on the one hand, while the Food and Drug Administration has at times taken a too heavy-handed and even illogical approach to their regulation on the other hand. I believe there is a role for Congress to play in ensuring that Americans have access to safe, quality supplements. No one has done more than Senator HATCH to promote the needed debate on how this is best done.

At the same time, I want to make it clear that I have serious concerns about certain provisions of this bill, and my continued support for it will be contingent on having some of these concerns examined and addressed. The bill's establishment of differing standards for health claims for foods and dietary supplements is one area of concern. I have also heard from health and nutrition experts who believe that the provisions on supplement labeling do not go far enough, while those specifying the steps FDA must take to remove unsafe products from the market go too far. I hope that the Senate Labor and Human Resources Committee will hold hearings on S. 784 and on the regulation of dietary supplements generally, so that these and other issues can be carefully considered.

Again, I want to commend Senator HATCH for his work in this area and to encourage the Senate Labor Committee to move this debate forward.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,385,326,046,894.20 as of the close of business yesterday, Monday, September 13. Averaged out, every man, woman, and child in America owes a part of that massive debt, and that per capita share is $17,072.89.

HOWARD LUNDERVILLE RETIRING

Mr. LEAHY. Mr. President, recently a local paper in Vermont wrote an article about my good friend Howard Lunderville, who is retiring as Williston Fire Department chief. In many ways, Howard Lunderville is the Williston Fire Department, as he has been so much of what is good about Williston.

I first knew Howard when I became State's attorney and he was virtually all the law enforcement of the town of Williston. He and I worked closely together to help improve law enforcement in Williston, and he and so many others volunteered their time and gave their expertise to protect the people there. I don't think there has ever been a call for service from Williston that Howard has not answered.

He is good friend, and I wanted my fellow Senators to know about him.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HAT'S OFF TO MR. WILLISTON

WILLISTON.—After helping put out more than 44 years' worth of fires, Williston Fire Chief Howard Lunderville is hanging up his chief's hat, retiring from the position in the volunteer fire department he has held since 1949.

"I think I should," Lunderville said of his retirement. "I think a younger man should do it."

Lunderville, 70, is widely considered Mr. Williston for his involvement in the town. He proudly lists the ofices he's held. "I was chief of police for 22 years. I founded the department. I'm a senior member of the (Vermont) House of Representatives. It will be 30 years at the end of this term. I was tax collector for 48 years. I retired from that last year." And he's been an usher at 8 a.m. Mass in the Immaculate Heart of Mary Church since the mid-1950s.

Lunderville will be taking it easier. But he isn't completely dropping out of town life. He's still cemetery commissioner, justice of the peace and first constable.

After never missing even one of the fire department's twice-monthly meetings in 44 years, Lunderville says he won't abandon the department.

Town Manager Bert Moffatt said Lunderville will be chief emeritus. "I won't get out of firefighting. I'll be around," Lunderville said.

Lunderville is retiring in a town greatly changed since he helped start the department. He lives on Maple Drive, in the house where he was born. It was a farmhouse in a predominantly farming community. "Now, there are houses all around me."

The department had to change with the town. In the first years of the department, town firefighters battled five to 10 fires a year, Lunderville said. In fiscal year 1991–92, the number of calls ballooned to 175.

The job of fighting fires, like the town itself, became more complicated. "All the new rules and regulations. Some of them are good, and some of them are worthless as far as I'm concerned," Lunderville said. The increased tangle of rules "will do away with a lot of volunteer fire departments."

In a way, that includes Williston's. When Lunderville retires, the fire department will no longer be volunteer but a full town department with a paid staff. "From a financial aspect, it's better if the town has it," Lunderville said.

A selection committee "is going to go into high gear this month" looking for a new fire chief, Moffatt said. Lunderville said that no matter who replaces him, the department will be just fine. "It's the firemen that make the department. They're all good men."

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through September 10, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget—House Concurrent Resolution 287—show that current level spending is below the budget resolution by $1.6 billion in budget authority and above by $0.6 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–1997. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $393.5 billion, $27.3 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated September 8, 1993.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 13, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through September 10, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated September 7, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,
JAMES J. BLUM,
(For Robert D. Reischauer, Director.)

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS SEPTEMBER 10, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level[1]	Current level over/under resolution
ON-BUDGET			
Budget authority	1,250.0	1,248.4	−1.6
Outlays	1,242.3	1,242.9	0.6
Revenues:			
1993	848.9	849.4	0.5
1993–1997	4,818.6	4,820.0	1.4
Maximum deficit amount	420.8	393.5	−27.3
Debt subject to limit	4,461.2	4,293.3	−167.9
OFF-BUDGET			
Social Security outlays:			
1993	260.0	260.0	
1993–1997	1,415.0	1,415.0	
Social Security revenues:.			
1993	328.1	328.1	(*)
1993–1997	1,865.0	1,865.0	(*)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

*Less than $50 million.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS SEPTEMBER 10, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,425
Permanents and other spending legislation	764,283	737,413	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
CIA Voluntary Separation Incentive Act (P.L. 103–36)	1	1	
Unclaimed Deposits Amendments Act (P.L. 103–44)	0	1	
1993 Spring Supplemental (P.L. 103–50)	1,003	1,199	
Transfer of Naval Vessels to Certain Foreign Countries (P.L. 103–54)	(8)	(8)	
Small Business Guaranteed Credit Enhancement Act (P.L. 103–81)	(12)	(12)	
Total enacted this session	984	1,181	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(8,443)	922	
Total current level[1]	1,248,361	1,242,935	849,425
Total budget resolution[2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	1,629	0	
Over budget resolution	0	645	535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding (in millions of dollars):

	BA	Outlays
Public Law:		
102–229		712
102–266		33
102–302		380
102–368	1,060	5,873
102–381	218	13
103–6	3,322	3,322

	BA	Outlays
103–24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
102–50		(30)
102–75	4,190	141
Total 1993 emergency funding	8,790	10,444

[2] Includes a revision under Section 9 of the Concurrent Resolution on the Budget.

Notes: Amounts in parentheses are negative. Detail may not add due to rounding.

FROM BATTLEGROUND TO COMMON GROUND

Mr. PELL. Mr. President, yesterday in the sunshine on the south lawn of the White House, Yitzhak Rabin and Yasir Arafat, after some gentle prodding from President Clinton, grasped hands in the symbolic conclusion to the signing ceremony for the Israeli-Palestinian framework for peace. That gesture, in my mind, signified more than a commitment to the terms of the agreement they signed. To me, their handshake bridged decades of hatred, mistrust, and violence between two peoples that aspire to, and have fought for, the same land. To everyone on the White House lawn, and to the millions more that watched the ceremony on television, the handshake symbolized a hope for peace.

In the past 3 weeks, the world has been dazed as the old taboos on the Middle East have fallen one by one. This morning, for instance, in one of the most unusual functions I have attended as a Senator, the leadership of the Senate met with PLO Chairman Arafat. It goes without saying, of course, that such a function would have been unthinkable just a few weeks ago. Nonetheless, the meeting this morning provided an opportunity for Senators to test Arafat's sincerity and commitment to the promises he has made on behalf of the Palestinian people.

I must say that personally, I came away from the meeting with the impression that Arafat recognizes that he now has a chance to prove that he can be an effective and responsible leader. I asked Arafat how he hoped to promote the economic development of the Palestinian autonomous area in Gaza and Jericho. Arafat responded candidly and, I believe, realistically in saying that the economic situation is difficult, and the Palestinians will need assistance from the Gulf states, the international financial institutions, and of course, the United States. While I think that final judgments on Arafat must hinge on how the autonomy agreement is implemented, I believe that he has at least earned the right to be given a chance.

Now that there is a road map for an Israeli-Palestinian settlement, it might be tempting for all of the parties to rest on their laurels. However, much hard work lies ahead. I expect there will be further outbreaks of violence and accusations of bad faith from both sides. I am convinced, however, that yesterday's ceremony will prove to be more than a fleeting moment of euphoria. I do not think that Prime Minister Rabin and Chairman Arafat would stake their names, their reputations, and, indeed, their very lives, on an agreement they felt was unsound. Both sides recognize the enormity of what they have at stake and, therefore, will work assiduously to see that the agreement remains intact. With the guidance, help, and steady hand of the United States, I am optimistic they will succeed.

Let me close by saying again how much this agreement owes to the persistence and creative leadership of Secretary of State Christopher and President Clinton. Without the framework they helped build, this peace agreement would not have been possible.

I suggest the absence of a quorum.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Rhode Island withhold his request? The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 3 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ISRAELI-PALESTINIAN DEVELOPMENTS

Mr. GRASSLEY. Mr. President, many people say that Americans are better off when their Government goes on vacation. But this year, it may be that the entire world, and especially the people of the Middle East, may have achieved a great accomplishment while U.S. officials were on vacation at the end of August. Of course, I am referring to the historic and momentous breakthrough between Israel and the Palestinians.

Israel has agreed to give up something very real and tangible—land—first Gaza and Jericho and ultimately substantial parts of the West Bank. In return, Israel is hoping that Yasser Arafat and his PLO can deliver peace and stability. The true test of this historic agreement will not be in the words put on the paper and signed here in Washington. No, the true test will be in the execution of the agreement. Deeds, not words, will matter most.

Will Arafat be a leader of the Palestinian people? Will moderate and peace-loving Palestinians control events? Or will PLO rejectionists or even the militant fundamentalists prevail?

And will this Palestinian entity function as a democracy, joining Israel as only the second democracy in the region? That will be a true test of its success.

Mr. President, the Palestinians have been given many opportunities in history. In 1947, they were offered a state—a partition of the region known as Palestine. They rejected the offer and were defeated in Israel's independence war, along with the other Arab states.

In 1979, following the Camp David peace treaty, they were offered autonomy. The Palestinians also rejected that offer.

Today, the Palestinians have accepted essentially the same offer that Prime Minister Begin made during Camp David—a right to control their local affairs. We can only hope that they mean what they say in accepting Israel's existence, and that the Palestinians have given up their "strategy of stages." Like the Israelis, we hope that they will not see autonomy as the first phase of taking all of Israel as their own.

The world has changed significantly in the last several years. And in the process, the PLO has lost all of its gambles—the Soviet Union, its backer, has collapsed. And Arafat bet on the wrong horse in the gulf war. Maybe now, in his weakness, Arafat has a new sense of realism and the new realism has propelled this agreement.

The history of the PLO cannot be changed. The PLO has been responsible for the slaughter of innocent civilians—Israelis and Americans—like Cleo Noel and Leon Klinghoffer. Perhaps the future will be different.

That is what Israel is counting on. The Israeli Government—led by Prime Minister Rabin—is to be commended for its courage. I am sure I speak for so many Americans when I wish the Israeli people well, and I pray that Arafat can deliver the peace that so many in the region yearn for.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority whip.

MESSAGES FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:13 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1348. An Act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes.

H.R. 2139. An Act to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission.

H.R. 2223. An Act to designate the Federal building located at 525 Griffin Street in Dallas, Texas, as the "A. Macoe Smith Federal Building."

H.R. 2356. An Act to amend the Water Resources Development Act of 1990 to extend the authority of the Secretary of the Army to carry out certain construction projects in the Virgin Islands.

H.R. 2431. An Act to designate the Federal building in Jacksonville, Florida, as the "Charles E. Bennett Federal Building."

H.R. 2530. An Act to amend the Federal Land Policy and Management Act of 1976 to authorize appropriations for programs, functions, and activities of the Bureau of Land Management, Department of the Interior, for fiscal years 1994 and 1995, and for other purposes.

H.R. 2532. An Act to designate the Federal building and the United States courthouse in Lubbock, Texas, as the "George H. Mahon Federal Building and United States Courthouses."

H.R. 2555. An Act to designate the Federal building located at 100 East Fifth Street in Cincinnati, Ohio, as the "Potter Stewart United States Courthouse."

H.R. 2677. An Act to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct the West Court of the National Musium of Natural History building.

H.R. 2824. An Act to modify the project for flood control, James River Basin, Richmond, Virginia.

The message also announced that the House has agreed to the following resolution:

H. Res. 249. A resolution electing the Honorable G. V. (Sonny) Montgomery, a Representative from the State of Mississippi as Speaker pro tempore until September 15, 1993.

At 4:47 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 50. Joint Resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

S.J. Res. 95. Joint Resolution to designate October 1993 as "National Breast Cancer Awareness Month".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 143. Concurrent Resolution expressing the sense of the Congress concerning the historic opportunity for peace in the Middle East.

H. Con. Res. 144. Concurrent Resolution providing for a joint session of congress to receive a message from the President.

H. Con. Res. 145. Concurrent Resolution providing for an adjournment of the House from Wednesday, September 15, 1993 to Tuesday, September 21, 1993.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1348. An Act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2223. An Act to designate the Federal building located at 525 Griffin Street in Dallas, Texas, as the "A. Maceo Smith Federal Building;" to the Committee on Environment and Public Works.

H.R. 2356. An Act to amend the Water Resources Development Act of 1990 to extend the authority of the Secretary of the Army to carry out certain construction projects in the Virgin Islands; to the Committee on Environment and Public Works.

H.R. 2530. An Act to amend the Federal Land Policy and Management Act of 1976 to authorize appropriations for programs, functions, and activities of the Bureau of Land Management, Department of the Interior, for fiscal years 1994 and 1995, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2532. An Act to designate the Federal building and the United States courthouse in Lubbock, Texas, as the "George H. Mahon Federal Building and United States Courthouse;" to the Committee on environment and Public Works.

H.R. 2555. An Act to designate the Federal building located at 100 East Fifth Street in Cincinnati, Ohio, as the "Potter Stewart United States Courthouse;" to the Committee on Environment and Public Works.

H.R. 2824. An Act to modify the project for flood control, James River Basin, Richmond, Virginia; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2431. An Act to designate the Federal building in Jacksonville, Florida, as the "Charles E. Bennett Feder Building".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1449. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on rescissions and deferrals; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on Budget, to the Committee on Agriculture, Nutrition and Forestry, to the Committee on Banking, Housing and Urban Affairs, to the Committee on Commerce, Science and Transportation, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, and to the Committee on the Judiciary.

EC-1450. A communication from the Director of the Office of Dependents Schools, Department of Defense, transmitting, pursuant to law, the annual test report for the 1992-93 school year; to the Committee on Armed Services.

EC-1451. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on developing and certifying the Traffic Alert and Collision Avoidance System; to the Committee on Commerce, Science and Transportation.

EC-1452. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the National Technical Information Service for fiscal year 1991; to the Committee on Commerce, Science and Transportation.

EC-1453. A communication from the Deputy Associate Director for Compliance, (Royalty Management Service), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1454. A communication from the Deputy Associate Director for Compliance, (Royalty Management Service), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1455. A communication from the Deputy Associate Director for Compliance, (Royalty Management Service), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1456. A communication from the Deputy Associate Director for Compliance, (Royalty Management Service), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1457. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, a report of key publications; to the Committee on Energy and Natural Resources.

EC-1458. A communication from the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Energy and Natural Resources.

EC-1459. A communication from the Acting Administrator (Energy Information Administration), Department of Energy, transmitting, pursuant to law, the report on uranium purchases for calendar year 1992; to the Committee on Energy and Natural Resources.

EC-1460. A communication from the Secretary of Energy, transmitting, pursuant to law, notice of a delay in the submission of the National Energy Policy Plan; to the Committee on Energy and Natural Resources.

EC-1461. A communication from the Assistant Secretary (Land and Minerals Management), Department of the Interior, transmitting, pursuant to law, notice of leasing systems sale; to the Committee on Energy and Natural Resources.

EC-1462. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation to provide for increases in authorization ceilings for development in certain units of the National Park System, for operation of the Volunteers in the Parks Program, and for other purposes; to the Committee on Energy and Natural Resources.

EC-1463. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on enforcement actions and comprehensive status of Exxon and stripper well oil overcharge funds; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

H.R. 38. A bill to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes (Rept. No. 103-139).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1993" (Rept. No. 103-140).

Special Report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1994" (Rept. No. 103-141).

By Mr. LEAHY, from the Committee on Appropriations, with amendments:

H.R. 2295. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103-142).

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

H.R. 168. A bill to designate the Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville, Tennessee, as the "Howard H. Baker, Jr. United States Courthouse."

S. 1302. A bill to designate the Federal building in Jacksonville, Florida, as the "Charles E. Bennett Federal Building."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Gordon D. Giffin, of Georgia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996. (Reappointment)

Gordon D. Giffin, of Georgia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1993.

Richard Holbrooke, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Richard C. Holbrooke.

Post: Ambassador, Bonn, Germany.

Contributions, amount, date, and donee:

1. Self, $1,000, March 1993, Lieberman '94; $1,000, January 1992, Wirth for Senate; $1,000, March 1992, Action Fund of Shearson Lehman; $1,000, April 1992, Daschle for Senate; $100, April 1992, Haney for Congress; $250, May 1992, Friends of Chris Dodd; $1,000, June 1992, Solarz for Congress; $1,000, June 1992, Clinton Genl. Election; $500, October 1992, Friends of Bob Graham; $500, October 1992, United Democratic Fund; $1,000, October 1992, Friends of Les Aspin; $1,000, January 1991, People for Mrazek; $1,000, March 1991, Feinstein for Senate (primary); $1,000, May 1991, Orlins for Congress; $1,000, June 1991, Weld Committee; $500, September 1991, Philip Howard/City Council; $1,000, October 1991, Clinton for President; $1,000, October 1991, Feinstein for Senate; $1,000, November 1991, Glenn for Senate; $500, December 1991, Sandor Levin for Congress; $200, October 1990, Citizens for Sherri Henry; $1,000, May 1990, Friends of Sen. Rockefeller; $500, January 1989, Ravitch for Mayor; $500, January 1989, Daley for Mayor (Chicago); $500, March 1989, Feinstein for Governor; $1,000, June 1989, Bill Bradley for Senate; $1,000, November 1989, Friends of Sen. Levin; $1,000, November 1989, Re-elect Governor Goldschmidt.

2. Spouse, N/A.

3. Children and spouses names, David and Anthony.

4. Parents names, Trudi Kearl Father, deceased.

5. Grandparents names, deceased.

6. Brothers and spouses names, Andrew and Vivian.

7. Sisters and spouses names, N/A.

William Green Miller, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: William Green Miller.

Post: Ambassador to Ukraine.

Contributions, amount, date, and donee:

1. Self, $250, February 1992, Clinton for President.

2. Spouse, none.

3. Children and spouses names, son, William Lisle Miller; son, Christopher Green Miller; daughter-in-law, Mary Catherine Anthony Miller, none.

4. Parents names, mother, Marion Julia Green Miller, none.

5. Grandparents names, all deceased.

6. Brothers and spouses names, brother, Arthur Green Miller, none; sister-in-law, Nancy Farris Miller, $200, September 1992, Lyn Yeakel for Senate.

7. Sisters and spouses names, none.

Reginald Bartholomew, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Reginald Bartholomew.

Post: Ambassador to Italy.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, Rose-Anne, none.

3. Children and spouses names—Christian and Ana; Sylvie; Damien and Ann; Jon Bartholomew, none.

4. Parents names, deceased.

5. Grandparents names, deceased.

6. Brothers and spouses names, David and Maryann Bartholomew, none.

7. Sisters and spouses names, none.

Richard N. Gardner, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Richard N. Gardner.

Post: Ambassador to Spain.

Contributions, amount, date, donee.

1. Self $1,000, 1/16/92, Clinton for President Committee; $1,000, 9/24/92, DNC Victory Fund; $500, 6/24/92, Solarz for Congress; $500, 7/28/92, Ferraro for Senate; $100, 1/21/92, NYS Democratic Committee; $500, 9/18/91, Ferraro for Senate; $300, 11/7/91, Glenn for Senate; $100, 5/30/91, Democratic National Committee; $175, 9/23/91, DNC/Federal Account; $100, 6/11/91, NY Democratic Victory Fund; $200, 10/15/90, Alan Blinken; $500, 6/9/90, Re-elect Senator Pell Committee; $1,000, 5/22/90, Gore for Senate; $500, 7/16/90, Feinstein for Governor; $1,000, 3/21/89, Bradley for Senate; $100, 3/29/89, NY Democratic Victory Fund.

2. Spouse, $35, 10/9/89, NYS Democratic Committee; $100, 12/20/89, Bradley for Senate.

3. Children and spouses names, none.

4. Parents names, none.

5. Grandparents names, none.

6. Brothers and spouses names, none.

7. Sisters and spouses names, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 1452. A bill to provide relief to areas affected by the flooding in the Midwest by temporarily exempting affected States from certain requirements under the Social Security Act and the Robert T. Stafford Disaster

Relief and Emergency Assistance Act, and by temporarily increasing the Federal share of payments for certain programs under such Act, and for other purposes; to the Committee on Finance.

S. 1453. A bill to provide relief to areas affected by the flooding in the Midwest by temporarily exempting affected States from certain requirements under the Food Stamp Act of 1977 and by temporarily increasing the Federal share of payments under such Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER:

S. 1454. A bill to amend the Public Health Service Act with respect to research on breast cancer; to the Committee on Labor and Human Resources.

S. 1455. A bill to protect the integrity of the Point Reyes National Seashore and the Golden Gate National Recreation Area (GGNRA), and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 1456. A bill to amend the Public Health Service Act to provide for health insurance coverage for pregnant women and children, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. STEVENS:

S. 1457. A bill to amend the Aleutian and Pribilof Restitution Act to increase authorization for appropriation to compensate Aleut villages for church property lost, damaged, or destroyed during World War II; to the Committee on Governmental Affairs.

By Mrs. KASSEBAUM (for herself, Mr. Bennett, Mr. Bond, Mr. Brown, Mr. Burns, Mr. Coats, Mr. Danforth, Mr. Dole, Mr. Exon, Mr. Glenn, Mr. Gorton, Mr. Grassley, Mr. Gregg, Mr. Hatch, Mrs. Hutchison, Mr. Jeffords, Mr. Kerrey, Mr. Kerry, Mr. Lott, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. Murkowski, Mr. Pressler, Mr. Rockefeller, Mr. Simpson, Mr. Smith, Mr. Thurmond, and Mr. Warner):

S. 1458. A bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURNS:

S.J. Res. 132. A joint resolution designating the week of October 17, 1993, through October 23, 1993, as "National School Bus Drivers Safety Week;" to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolution was read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself, Mr. Dole, Mr. Moynihan, Mr. Brown, Mr. Metzenbaum, Mr. Pell, Mr. Helms, Mr. Lugar, and Mr. McConnell):

S. Con. Res. 43. A concurrent resolution expressing the sense of the Congress concerning the historic opportunity for peace in the Middle East; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 1452. A bill to provide relief to areas affected by the flooding in the Midwest by temporarily exempting affected States from certain requirements under the Social Security Act and the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and by temporarily increasing the Federal share of payments for certain programs under such act, and for other purposes; to the Committee on Finance.

S. 1453. A bill to provide relief to areas affected by the flooding in the Midwest by temporarily exempting affected States from certain requirements under the Food Stamp Act of 1977 and by temporarily increasing the Federal share of payments under such act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FLOOD ASSISTANCE LEGISLATION

Mr. GRASSLEY. Mr. President, as if in morning business, I want to introduce some legislation that still deals with the flood situation in the Midwest.

As a result of these devastating floods Congress enacted supplemental flood legislation to address some of the most pressing needs. After the supplemental passed, the Iowa Department of Human Services has signaled a very grave need for additional legislation. That leads to the introduction of legislation addressing needs that were not addressed in this original supplemental bill.

So I rise today to introduce two bills addressing the public assistance needs which have been raised as a result of the devastating floods.

Interestingly enough, the term "public assistance" as defined in the Robert T. Stafford Disaster Relief and Recovery Act, means something different from what is traditionally meant by "public assistance." Under the Stafford Act, public assistance means roads, bridges, and other infrastructure needs.

Unfortunately, there are also many traditionally known public assistance needs that arise after a disaster.

We may recall that most of the damage from the floods was in July and August. But just as a matter of point, this morning on the news, I see that in St. Louis, MO, this is the first time the water has been below flood stage. So ongoing disasters are still associated with this flood.

Traditional public assistance needs from programs such as aid to families with dependent children [AFDC], food stamps, Medicaid, and jobs, see dramatic increases after a natural disaster.

While we address infrastructure needs under the Stafford Act, it seems to me that these traditional public assistance issues also must be addressed as a result of a natural disaster.

The first of my bills, the Flood-Affected States Assistance Act of 1993 defines "designated" areas as those political subdivisions declared by the President to be a major disaster area as a result of the widespread flooding in the Midwest of 1993.

The basic thrust of the bill is to allow a greater Federal match for new participants in the AFDC and Medicaid programs for a period of 2 years. It would provide an enhanced Federal match for certain programs specifically geared to emergency assistance, such as the AFDC Transitional Housing Program, jobs, and emergency assistance to families with children. In addition, it would provide an enhanced Federal medical assistance match of 83 percent for services furnished under the Medicaid Program in the designated areas.

Finally, it would address some minor concerns such as disregarding donated items when considering eligibility for AFDC and Medicaid benefits, and temporarily suspending quality control requirements so the State can focus on people's needs, not on dotting every "I" and crossing every "T".

The second bill I am introducing today, the Flood-Affected States Food Stamp Assistance Act of 1993 would accomplish similar goals in the Food Stamp Program.

We are talking about, in both bills, people on public assistance as a direct result of the flood or secondary reasons from flooding, because without a doubt, in all of these eight or nine States that have been affected, there are going to be people applying for public assistance because of the floods, which people would probably never in the past or in the future have applied for this sort of assistance.

It would provide an enhanced Federal match for new participants, disregard donated items when considering eligibility, and temporarily suspend quality control requirements in the Food Stamp Program.

These two bills raise important issues of concern to those seeking to serve the most needy of our constituents in this postdisaster season. I urge my colleagues to consider these needs with me and cosponsor this legislation.

Mr. President, I ask unanimous consent that the text of the bills be printed in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 1452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flood-Affected States Assistance Act of 1993".

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) Designated.—The term "designated" means—

(A) with respect to a State or a political subdivision of a State, that the President declared, between April 1, 1993, and August 1, 1993, that a major disaster or emergency exists under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42

U.S.C. 5121 et seq.) in the State or political subdivision as a result of the widespread flooding in the Midwest in 1993; and

(B) with respect to an individual or a family, that the individual or family resides in a designated State or a designated political subdivision of a State described in subparagraph (A).

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(3) STATE AGENCY.—The term "State agency" means—

(A) with respect to part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the State agency that administers or supervises the administration of the State's plan approved under section 402 of such Act (42 U.S.C. 602);

(B) with respect to part F of title IV of such Act (42 U.S.C. 681 et seq.), the State agency that administers or supervises the administration of the State's plan approved under section 402 of such Act (42 U.S.C. 602); and

(C) with respect to title XIX of such Act (42 U.S.C. 1396 et seq.), the State agency that administers or supervises the administration of the State's plan approved under section 1902 of such Act (42 U.S.C. 1396a).

SEC. 3. ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR SERVICES FURNISHED TO CERTAIN INDIVIDUALS.

Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) or any other provision of law, with respect to amounts expended by a State as medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.) for services furnished during the 2-year period beginning July 1, 1993, to any designated individual, the Federal medical assistance percentage for such State shall be 83 percent.

SEC. 4. DISREGARD OF CERTAIN DONATED ITEMS AND TEMPORARY FINANCIAL ASSISTANCE WHEN DETERMINING ELIGIBILITY FOR BENEFITS UNDER THE AFDC AND MEDICAID PROGRAMS.

Notwithstanding any other provision of law, an amount equal to the amount of, or value of, a donation or temporary financial assistance (including cash and in-kind services) provided by the Federal Government, a State, a political subdivision of a State, or a private person to a designated individual or designated family as disaster assistance (including assistance provided pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)) as a result of the widespread flooding in the Midwest in 1993 shall be excluded from a determination of income or resources made by a State agency pursuant to a State plan under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under title XIX of such Act (42 U.S.C. 1396 et seq.).

SEC. 5. INDIVIDUAL AND FAMILY GRANT PROGRAM.

(a) FEDERAL PAYMENT.—Notwithstanding subsection (b) of section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178), for the 2-year period beginning April 1, 1993, the Federal share of any grant made under such section to a designated individual or a designated family shall be equal to 100 percent of the actual cost incurred.

(b) ADMINISTRATIVE COST LIMIT WAIVED.—For the 2-year period beginning on April 1, 1993, the 5 percent limitation applicable to administrative expenses under subsection (d) of section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) shall not apply in the case of any grant made to a designated individual or a designated family.

SEC. 6. EXTENSION OF SUBMISSION DEADLINE FOR CERTAIN AFDC AND JOBS PROGRAM REPORTS.

Notwithstanding any other provision of law, with respect to any designated State, each report relating to the State plan that the State agency is required to file with the Secretary under parts A and F of title IV of the Social Security Act (42 U.S.C. 601 et seq. and 681 et seq.) not later than September 30, 1993, shall not be required to be filed until December 31, 1993.

SEC. 7. TEMPORARY SUSPENSION OF CERTAIN STATE QUALITY CONTROL FUNCTIONS.

Notwithstanding any other provision of law, during the period beginning on September 1, 1993, and ending on February 28, 1994, for each designated State—

(1) the State agency of the State shall not be required to carry out quality control requirements under section 408 of the Social Security Act (42 U.S.C. 608) and section 1903(u) of such Act (42 U.S.C. 1396b(u));

(2) the error rate for the State determined under subsection (d) of section 408 of such Act (42 U.S.C. 608) shall be deemed to be zero; and

(3) the ratio of the State's erroneous excess payments for medical assistance to the State's total expenditures for medical assistance under the State plan approved under title XIX of such Act (42 U.S.C. 1396 et seq.) determined under subsection (u) of section 1903 of such Act (42 U.S.C. 1396b) shall be deemed to be zero.

SEC. 8. COMPLIANCE WITH REQUIREMENTS RELATING TO CHILD SUPPORT DATA PROCESSING AND INFORMATION RETRIEVAL SYSTEMS.

Notwithstanding section 454(16) of the Social Security Act (42 U.S.C. 654(16)) or any other provision of law, a designated State shall be deemed to be in compliance with any requirements under part D of title IV of such Act (42 U.S.C. 651 et seq.) relating to the State's statewide automated data processing and information retrieval system for purposes of payments under section 455(a)(1)(B) of such Act (42 U.S.C. 655(a)(1)(B)) until December 1, 1993.

SEC. 9. ENHANCED FEDERAL MATCH FOR CERTAIN NEW ELIGIBLES.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the 2-year period beginning on July 1, 1993, the Federal share of the expenses incurred by any designated State under a program described in subsection (b) shall be 100 percent of such expenses attributable to any unanticipated newly eligible individuals (as defined in subsection (c)).

(b) PROGRAMS DESCRIBED.—For purposes of subsection (a), a program described in this subsection is a State program operated in accordance with a State plan approved under part A, D, or E of title IV of the Social Security Act (42 U.S.C. 601 et seq., 651 et seq., or 670 et seq.), or title XIX of such Act (42 U.S.C. 1396 et seq.).

(c) DEFINITION.—For purposes of subsection (a), the term "unanticipated newly eligible individuals" means individuals who became eligible for a program described in subsection (b) on or after July 1, 1993, and who are in excess of the number of individuals anticipated by the Secretary to become eligible for such program during the period referred to in subsection (a) based on the rate of increase in eligible individuals for such program before the widespread flooding in the Midwest in 1993.

SEC. 10. ENHANCED FEDERAL MATCH FOR TRANSITIONAL HOUSING SPECIAL NEEDS UNDER THE AFDC PROGRAM.

Notwithstanding section 403(a) of the Social Security Act (42 U.S.C. 603(a)) or any other provision of law, during the 2-year period beginning on July 1, 1993, the Federal share of the expenses incurred by any designated State providing transitional housing special needs under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to any designated individual or designated family shall be 100 percent.

SEC. 11. ENHANCED FEDERAL MATCH FOR JOBS PROGRAM.

Notwithstanding section 403(l) of the Social Security Act (42 U.S.C. 603(l)) or any other provision of law, during the 2-year period beginning on July 1, 1993, the Federal share of the expenses incurred by a State with respect to a designated individual who participates in the jobs program under part F of the title IV of the Social Security Act (42 U.S.C. 681 et seq.) shall be 100 percent.

SEC. 12. ENHANCED FEDERAL MATCH FOR EMERGENCY ASSISTANCE FURNISHED TO FAMILIES WITH CHILDREN.

Notwithstanding section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) or any other provision of law, during the 2-year period beginning on July 1, 1993, the Federal share of the expenses incurred by a State with respect to a designated individual or a designated family receiving emergency assistance to families with children (without regard to the 30-day limitation for receipt of such aid in any 12-month period under section 406(e)(1) of such Act (42 U.S.C. 606(e)(1))) shall be 100 percent.

SEC. 13. ENHANCED FEDERAL MATCH FOR CERTAIN OPTIONAL MEDICAL SERVICES.

Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) or any other provision of law, with respect to services covered under the State plan of any designated State under title XIX of such Act (42 U.S.C. 1396 et seq.) at the option of such State which are furnished to a designated individual and paid for by a county of such State in accordance with State law, the Federal medical assistance percentage during the 2-year period beginning July 1, 1993, shall be 100 percent.

SEC. 14. PERMANENT ENHANCED FEDERAL MATCH UNDER THE INDIVIDUAL AND FAMILY GRANT PROGRAMS FOR STATES FREQUENTLY DECLARED TO BE DISASTER AREAS.

Section 411(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178(b)) is amended—

(1) in paragraph (1), by striking "The Federal share" and inserting "Except as provided in paragraph (3), the Federal share";

(2) in paragraph (2), by striking "The Federal share" and inserting "Except as provided in paragraph (3), the Federal share"; and

(3) by adding at the end the following new paragraph:

"(3) ENHANCED FEDERAL SHARE UNDER CERTAIN CIRCUMSTANCES.—If the President has declared a major disaster to exist under this Act in more than one-third of the counties in a State in 2 of the previous 5 calendar years, the Federal share of a grant to an individual or a family under this section shall be equal to 100 percent of the actual cost incurred.".

S. 1453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flood-Affected States Food Stamp Program Assistance Act of 1993".

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) DESIGNATED.—The term "designated" means—

(A) with respect to a State or a political subdivision of a State, that the President declared, between April 1, 1993, and August 1, 1993, that a major disaster or emergency exists under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in the State or political subdivision as a result of the widespread flooding in the Midwest in 1993; and

(B) with respect to a household, that the household is located in a designated State or political subdivision of a State described in subparagraph (A).

(2) HOUSEHOLD.—The term "household" has the same meaning as provided in section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) STATE AGENCY.—The term "State agency" has the same meaning as provided in section 3(n) of the Food Stamp Act of 1977 (7 U.S.C. 2012(n)).

SEC. 3. FEDERAL PAYMENT OF STATE SHARE FOR CERTAIN NEWLY PARTICIPATING HOUSEHOLDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the 2-year period beginning July 1, 1993, the Federal share of the expenses incurred by any designated State under the food stamp program operated pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) shall be 100 percent of such expenses attributable to any unanticipated newly participating households (as defined in subsection (b)).

(b) DEFINITION.—For purposes of subsection (a), the term "unanticipated newly participating households" means households which became eligible for the food stamp program on or after July 1, 1993, and which are in excess of the number of households anticipated by the Secretary to become eligible for such program during the period referred to in subsection (a) based on the rate of increase in eligible households for such program before the widespread flooding in the Midwest in 1993.

SEC. 4. EXCLUSION OF CERTAIN INCOME AND RESOURCES.

Notwithstanding any other provision of law, an amount equal to the amount of, or value of, a donation or temporary financial assistance (including cash and inkind services) provided by the Federal Government, a State, a political subdivision of a State, or a private person as disaster assistance (including assistance provided pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)) to a designated household with respect to the widespread flooding in the Midwest in 1993 shall be excluded from a determination of the income or financial resources of the household pursuant to section 5 of the Food Stamp Act 1977 (7 U.S.C. 2014).

SEC. 5. FULL FEDERAL FUNDING FOR EMPLOYMENT AND TRAINING PROGRAM.

Notwithstanding section 16(h) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)) or any other provision of law, for fiscal year 1994, the Federal share of the cost of carrying out an employment and training program in a designated State pursuant to section 6(d)(4) of such Act (7 U.S.C. 2015(d)(4)) shall be 100 percent of the cost of carrying out the program.

SEC. 6. EXTENSION OF SUBMISSION DEADLINE FOR CERTAIN FOOD STAMP REPORTS.

Notwithstanding any other provision of law, with respect to a designated State, each report relating to the State plan of operation that the State agency is required to file with the Secretary under section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) not later than August 15, 1993, shall not be required to be filed until November 15, 1993.

SEC. 7. SUSPENSION OF QUALITY CONTROL REQUIREMENTS.

Notwithstanding any other provision of law, during the period beginning on September 1, 1993, and ending on February 28, 1994, for each designated State—

(1) the State agency of the State shall not be required to carry out quality control requirements under section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025); and

(2) the payment error rate for the State agency of the State under section 16(c) of such Act (7 U.S.C. 2025(c)) shall be deemed to be zero.

By Mrs. BOXER:

S. 1454. A bill to amend the Public Health Service Act with respect to research on breast cancer; to the Committee on Labor and Human Resources.

NATIONAL BREAST CANCER STRATEGY ACT OF 1993

• Mrs. BOXER. Mr. President, today I am introducing the National Breast Cancer Strategy Act, a bill to develop a coordinated and comprehensive strategy for fighting this terrible disease.

The incidence of breast cancer has reached epidemic proportions. One in nine women are at risk of being diagnosed with breast cancer, and it is the leading killer of women between the ages of 35 and 52. This year, breast cancer will claim the lives of an estimated 46,000 women. While we can detect breast cancer early through mammography screening, we do not yet know what causes it and we do not have a cure. Research is our best hope for averting this national tragedy which strikes so many of our grandmothers, mothers, aunts, and daughters.

The National Breast Cancer Strategy Act will establish an Office on Breast Cancer under the Assistant Secretary of Health to oversee all research activities, and a National Breast Cancer Commission to examine current efforts to promote prevention, early detection, education, and research on breast cancer.

In addition, this bill authorizes an additional $300 million for research on breast cancer supported by the National Cancer Institute. And, in order to attract some of our brightest talent to the cause, the bill establishes a scholarship program to encourage breast cancer research in exchange for repayment of educational loans.

The National Breast Cancer Strategy Act has been introduced in the House by Representatives LLOYD and PELOSI, and it has been included in the Women's Health Equity Act, a broader package of bills to bring national attention to women's health issues. I urge my colleagues to commit to seeking a cure for breast cancer by supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Breast Cancer Strategy Act of 1993".

TITLE I—ESTABLISHMENT OF OFFICE OF BREAST CANCER AND NATIONAL BREAST CANCER COMMISSION

SEC. 101. OFFICE OF BREAST CANCER.

Title XVII of the Public Health Service Act (42 U.S.C. 300uu et seq.) is amended by adding at the end the following new section:

"SEC. 1709. ESTABLISHMENT OF OFFICE OF BREAST CANCER.

"(a) IN GENERAL.—There is established an Office of Breast Cancer within the Office of the Assistant Secretary for Health. The Office shall have a Director who shall be appointed by the Secretary. The Secretary, acting through the Director, shall carry out this section.

"(b) DUTIES.—The Secretary shall coordinate, in conjunction with the Director of the National Cancer Institute, the activities of the Institute relating to breast cancer with similar activities of other agencies of the Federal Government, including the other agencies of the National Institutes of Health, and with similar activities of other public entities and of private entities.

SEC. 102. ESTABLISHMENT OF NATIONAL BREAST CANCER COMMISSION.

Title XVII of the Public Health Service Act (42 U.S.C. 300uu et seq.), as amended by section 101, is amended by adding at the end the following new section:

"SEC. 1710. NATIONAL BREAST CANCER COMMISSION.

"(a) ESTABLISHMENT.—There is established a commission to be known as the 'National Breast Cancer Commission' (in this section referred to as the 'Commission').

"(b) STUDY.—The Commission shall conduct a study on current efforts in both the public and private sectors relating to the prevention, early detection, treatment, education, and research relating to breast cancer.

"(c) REPORT.—Not later than 1 year after the date on which the initial appointments of the members have been completed under subsection (d), the Commission shall submit to the President and the Congress a report containing—

"(1) the results of the study conducted under subsection (b); and

"(2) recommendations relating to such study.

"(d) NUMBER AND APPOINTMENT.—

"(1) APPOINTMENT.—The Commission shall be composed of 15 members as follows:

"(A) 5 members shall be appointed by the President—

"(i) 3 of whom shall be—

"(I) the Secretary of Health and Human Services;

"(II) the Secretary of Veterans Affairs; and

"(III) the Secretary of Defense;

who shall be nonvoting members, except that, in the case of a tie vote by the Commission, the Secretary of Health and Human Services shall be a voting member; and "(ii) 2 of whom shall be selected from the general public on the basis of such individuals being specially qualified to serve on the Commission by reason of their education, training, or experience.

"(B) 5 members shall be appointed by the Speaker of the House of Representatives on the joint recommendation of the Majority and Minority Leaders of the House of Representatives.

"(C) 5 members shall be appointed by the President pro tempore of the Senate on the joint recommendation of the Majority and Minority Leaders of the Senate.

"(2) CONGRESSIONAL COMMITTEE RECOMMENDATIONS.—In making appointments under subparagraphs (B) and (C) of paragraph (1), the Majority and Minority leaders of the House of Representatives and the Senate shall duly consider the recommendations of the Chairmen and Ranking Minority Members of committees with jurisdiction over laws contained in chapter 17 of title 38, United States Code (relating to veterans' health care), title XIX of the Social Security Act (42 U.S.C. 1901 et seq.) (relating to Medicaid), and the Public Health Service Act (42 U.S.C. 201 et seq.) (relating to the Public Health Service).

"(3) REQUIREMENTS OF APPOINTMENTS.—The Majority and Minority leaders of the Senate and the House of Representatives shall—

"(A) select individuals who are specially qualified to serve on the Commission by reason of their education, training, or experience; and

"(B) engage in consultations for the purpose of ensuring that the expertise of the 10 members appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate shall provide as much of a balance as possible and, to the greatest extent possible, cover the fields of medicine, science, law, ethics, health-care and social services.

"(4) TERM OF MEMBERS.—Members of the Commission (other than members appointed under paragraph (1)(A)(i)) shall serve for the life of the Commission.

"(5) VACANCY.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made.

"(e) CHAIRMAN.—Not later than 15 days after the members of the Commission are appointed, such members shall select a Chairman from among the members of the Commission.

"(f) QUORUM.—7 members of the Commission shall constitute a quorum, but a lesser number may be authorized by the Commission to conduct hearings.

"(g) MEETINGS.—The Commission shall hold its 1st meeting on a date specified by the Chairman. After the initial meeting, the Commission shall meet at the call of the Chairman or a majority of its members, but shall meet at least 3 times each year during the life of the Commission.

"(h) PAY.—Members of the Commission who are officers or employees or elected officials of a government entity shall receive no additional compensation by reason of their service on the Commission.

"(i) PER DIEM.—While away from their homes or regular places of business in the performance of duties for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

"(j) DEADLINE FOR APPOINTMENT.—The members of the Commission shall be appointed not later than 60 days after the date of the enactment of this section.

"(k) TERMINATION.—The Commission shall cease to exist 60 days after the date on which its final report is submitted under subsection (c).".

TITLE II—DUTIES OF DIRECTOR OF THE NATIONAL CANCER INSTITUTE RELATING TO BREAST CANCER

SEC. 201. PROVISIONS FOR FULL FUNDING FOR NATIONAL CANCER INSTITUTE WITH RESPECT TO RESEARCH ON BREAST CANCER.

Section 408(a)(1) of the Public Health Service Act (42 U.S.C. 284c(a)(1)) is amended by adding at the end the following subparagraph:

"(C) For the purpose of conducting and supporting research on breast cancer through the National Cancer Institute, there is authorized to be appropriated for fiscal year 1994 an amount equal to the sum of $300,000,000 and the amount obligated by such Institute for such research for fiscal year 1993. For such purpose, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 202. DUTIES OF DIRECTOR.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"SEC. 417. DUTIES OF DIRECTOR OF THE INSTITUTE RELATING TO BREAST CANCER RESEARCH.

"(a) The Director of the Institute shall conduct and support biomedical and behavioral research and research training, the dissemination of health information, and other programs with respect to breast cancer.

"(b) In carrying out subsection (a), the Director of the Institute shall conduct or support multidisciplinary clinical research on breast cancer, including research on assisting individuals with such cancers (and the families of such individuals) and with responding to psychological and social problems that arise as the result of the cancer.

"(c)(1) The Director of the Institute shall establish the Rose Kushner Scholarship Program for the purpose of entering into contracts with individuals under which—

"(A) the Director of the Institute agrees to provide to the individuals scholarships for attendance at accredited health professions schools; and

"(B) the individuals agree—

"(i) to complete the programs of education for which the scholarships are provided;

"(ii) to complete a program of postgraduate clinical training in oncology; and

"(iii) after completing a program of such training, to serve as employees of the National Institutes of Health, for the period described in paragraph (2), in positions that are needed by such Institutes in carrying out programs with respect to breast cancer.

"(2)(A) For purposes of paragraph (1)(B)(iii), the period of service for which an individual is obligated to serve as an employee of the National Institutes of Health is 12 months for each academic year for which the scholarship under such subsection is provided.

"(B) The Director of the Institute may defer the obligation of an individual to provide a period of service under paragraph (1)(B)(iii), if the Director determines that such a deferral is appropriate.

"(C) For any period in which an individual provides service as an employee of the National Institutes of Health in satisfaction of the obligation of the individual under paragraph (1)(B)(iii), the individual may be appointed as such an employee without regard to the provisions of title 5, United States Code, relating to appointment and compensation.

"(3)(A) The Director of the Institute may not provide a scholarship under paragraph (1) for an academic year unless—

"(i) the individual applying for the scholarship has submitted to the Director a proposed academic program for the year and the Director has approved the program; and

"(ii) the individual agrees that the program will not be altered without the approval of the Director.

"(B) The Director of the Institute may not provide a scholarship under paragraph (1) for an academic year unless the individual applying for the scholarship agrees to maintain an acceptable level of academic standing, as determined by the educational institution involved in accordance with regulations issued by the Secretary.

"(4)(A) The Director of the Institute may not provide a scholarship under paragraph (1) for an academic year in an amount exceeding $10,000.

"(B) A scholarship provided under paragraph (1) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred while attending the health professions school involved.

"(C) In the case of a health professions school with respect to which a scholarship under paragraph (1) is provided, the Director of the Institute may enter into a contract with the school under which the amounts provided in the scholarship for tuition and other educational expenses are paid directly to the school. Payments to the school under the contract may be made without regard to section 3324 of title 31, United States Code.

"(5) The provisions of section 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(6) The Director of the Institute may not provide a scholarship under paragraph (1) unless an application for the scholarship is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(d)(1) The Director of the Institute shall, subject to paragraph (2), carry out a program of entering into contracts with appropriately qualified health professionals under which the professionals agree to carry out activities with respect to breast cancer as employees of the National Institutes of Health in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of the professionals.

"(2) The Director of the Institute may not enter into a contract with a health professional pursuant to paragraph (1) unless the professional has a substantial amount of educational loans relative to income.

"(3) Except to the extent inconsistent with this section, 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such section applies to the National Health Service Corps Loan Repayment Program established in section 338B.".

SEC. 203. SPECIALIZED PROGRAMS OF RESEARCH EXCELLENCE WITH RESPECT TO BREAST, LUNG, AND PROSTATE CANCER.

Section 408(a)(1) of the Public Health Service Act, as amended by section 201, is amended by adding at the end the following subparagraph:

"(D)(i) For the purpose of carrying out not less than 10 programs for research on breast cancer, lung cancer, or prostate cancer under the programs designated by the Director of the National Cancer Institute as the Specialized Programs of Research Excellence, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(ii) With respect to the purpose described in clause (i), the authorizations of appropriations established in such clause may not be construed as terminating the availability for such purpose of any other authorization of appropriations (including the authorization established in subparagraph (A).".●

By Mrs. BOXER:

S. 1455. A bill to protect the integrity of the Point Reyes National Seashore and the Golden Gate National Recreation Area [GGNRA], and for other purposes; to the Committee on Energy and Natural Resources.

TOMALES BAY PROTECTION LEGISLATION

● Mrs. BOXER. Mr. President, I am pleased today to introduce legislation to expand the boundaries of Point Reyes National Seashore to protect one of California's most beautiful rural landscapes.

As with many of our national parks, monuments and other protected treasures, the character and beauty of Point Reyes are threatened—not by development or environmental degradation within the national seashore—but by proposed development outside the boundary line over which the Park Service has no control.

This legislation will expand the national seashore boundary to include that area of the eastern shore of Tomales Bay visible from within Point Reyes. To ensure that the expanded area is protected, the bill authorizes the Secretary of the Interior to acquire development rights from farmers and ranchers to create easements to protect the view.

The easements will allow existing agriculture activities to continue and will preserve the pastoral nature of the land adjacent to Point Reyes National Seashore and the Golden Gate National Recreation Areas by guaranteeing no new development.

This bill will not allow the Secretary to acquire land without the consent of the owner, unless the Secretary finds that there is an immediate threat of development.

I believe the bill I am introducing today will become a model for land conservation across the Nation as governments lack the funds to purchase fee title to protect valuable properties from development. This approach may be used to address similar problems at other parks, wildlife refuges, and marine sanctuaries by creating buffer zones that protect view sheds and prevent environmental damage.

This legislation will allow the Park Service, working with the Marin Agricultural Land Trust [MALT], to protect this beautiful area at a fraction of the cost of acquiring title to the properties within the new boundaries. In addition, those properties would be maintained on Marin County's tax rolls.

Without this legislation, 40,000 acres of scenic ranch land will be vulnerable to development. This bill has the strong support of the local farmers and ranchers within the area to be protected, local environmental groups including the Sierra Club, effected local governments and the local chamber of commerce.

I urge my colleagues to add their support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES.

The purposes of this Act are to—

(1) furnish watershed and environmental protection for the Tomales Bay;

(2) maintain the relatively undeveloped nature of the land surrounding Tomales Bay by providing guarantees of nondevelopment; and

(3) protect the pastoral nature of the land adjacent to the Point Reyes National Seashore and GGNRA; and

(4) preserve productive long-term agriculture in the region.

SEC. 2. EXPANSION OF POINT REYES NATIONAL SEASHORE AND ACQUISITION OF DEVELOPMENT RIGHTS.

(a) EXPANSION.—Section 2 of the Act entitled "An Act to establish the Point Reyes National Seashore in the State of California, and for other purposes" (16 U.S.C. 459c–1 is amended by adding at the end the following:

"(c) The Point Reyes National Seashore shall also include the area depicted on the map numbered and dated. Such map shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior, Washington, District of Columbia.".

(b) ACQUISITION.—Section 3 of such Act (16 U.S.C. 459c-2) is amended by adding at the end the following:

"(d)(1) Notwithstanding subsections (a) and through (c) of this section, the Secretary, within the area depicted on the map referred to in section 2(c) of this Act, may acquire lands or interests in lands from the owners thereof only by donation, purchase with donated or appropriated funds, or exchange, except as provided in paragraph (4). The Secretary shall give a priority to acquiring interests in lands (including development rights and conservation easements) and to acquiring such interests from nonprofit corporations.

"(2) In acquiring lands under this subsection, the Secretary may negotiate for the acquisition of lands specifically for trail purposes.

"(3) Lands or interests in lands may not be acquired under this subsection without the consent of the owner thereof, unless the Secretary determines that, in his judgment the lands are subject to, or threatened with, uses which are having, or would have, an adverse impact on the area.

"(4) Lands, and interests in lands, within the area referred to in paragraph (1) which are owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange.

"(5) Section 5 does not apply with respect to lands and interests in lands acquired under this subsection.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of such Act (16 U.S.C. 459c–7) is amended by adding at the end the following: "In addition to the sums authorized to be appropriated by this section before the date of the enactment of this Act, there is authorized to be appropriated such sums as may be necessary for the acquisition of lands and interests in lands under section 3(d).".

SEC. 3. ADDITION TO GOLDEN GATE NATIONAL RECREATION AREA.

Section 2(a) of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California and for other purposes" (16 U.S.C. 460bb–1(a)) is amended by striking "map entitled 'Point Reyes and GGNRA Amendments and dated October 25, 1979'." and inserting "map entitled '________' and dated ________.". The Secretary of the Interior shall—

(1) revise the boundary of Golden Gate National Recreation Area to reflect the amendment made by this section; and

(2) prepare and make available a map displaying such boundary revision in accordance with section 2(b) of such Act (16 U.S.C. 460bb–1(b)).●

By Mr. DODD:

S. 1456. A bill to amend the Public Health Service Act to provide for health insurance coverage for pregnant women and children, and for other purposes; to the Committee on Labor and Human Resources.

CHILDREN AND PREGNANT WOMEN HEALTH INSURANCE ACT OF 1993

● Mr. DODD. Mr. President, I introduce legislation that I have worked on closely this year with the American Academy of Pediatrics. The purpose of the legislation is to focus attention on children and pregnant women as we begin deliberations on the President's health care reform plan. This bill is crafted to focus discussion on and keep visible the special health care needs of children, adolescents, and pregnant women.

The U.S. health care system, while offering some of the finest care in the world, has failed a large portion of our Nation's children. A March 1992 census survey found that 12.3 percent of all children under 18 were uninsured. By race, 11.7 percent of white children, 15 percent of black children, and 26 percent of Latino children lacked health insurance.

More startling, however, is the percentage of children that lacked insurance at some point during 1 year. Close to 23 percent of children lacked insurance at some time during 1987. This staggering figure emphasizes the need to guarantee as part of health care reform continuous health care coverage of children.

We must provide families with the security that they will be able to prevent illness and obtain timely and necessary care for a seriously ill child.

Children comprise a disproportionate share of the total uninsured population. While 29 percent of the U.S. population is under age 21, that group accounts for 36 percent of the uninsured population. I find it unconscionable that access to care is denied to such a large proportion of such a vulnerable population.

The access problem often begins before birth. Many pregnant women also lack insurance coverage: 9 percent of pregnant women had no insurance in 1991. As a result, it's not as surprising as it might otherwise be, that 1 in 4 women did not receive early prenatal care, 1 in 14 infants was born at low birth weight, 1 in 20 infants was born with a birth defect, and 1 in 100 infants died before their first birthday in 1989. These statistics emphasize the importance of access to health insurance and the coverage of preventive care services.

In our current system, having a job and earning an income above the poverty line in no way guarantee access to care. A majority of uninsured children live with parents who work and whose income is above the poverty level. Close to 87 percent of uninsured children live with parents who work.

The families of close to 65 percent of insured children have incomes above the Federal poverty level, while 30 percent of the families' incomes exceed 200 percent of the poverty level.

Our health care system also unfortunately under-emphasizes cost-effective preventive services. Major health indicators suggest that prevention has not received the attention it deserves, in particular prenatal care and immunization: 21 nations have a lower infant mortality rate than the United States and 20 nations have a lower child mortality rate. Our ranking for immunization rates is poor as well.

Children's medical care needs differ from adults. Children require more preventive care but traditionally we have focused more in inpatient care and procedures once a child is sick. Any national benefits package guaranteed under a new health care system must recognize the special needs of children. It should not only include preventive care services, but also waive cost sharing for preventive care to encourage parents to take advantage of those services.

The purpose of the Children and Pregnant Women's Health Insurance Act is to ensure that children and pregnant women have access to appropriate and affordable health care. The bill mandates insurance coverage for all children under age 22 and for pregnant women. It would extend health coverage to the approximately 12 million children and 500,000 pregnant women who now lack coverage.

The centerpiece of the legislation is its benefits package, which is tailored to the special needs of pregnant women and children and which emphasizes preventive care. This benefits package was developed in consultation with the American Academy of Pediatrics.

The bill divides the benefits into three baskets—preventive, major medical, and extended medical services.

Preventive care services include: child preventive care, including routine office visits, routine immunizations, and routine lab tests; prenatal care, including care of all complications of pregnancy; care of newborn infants; family planning services; child abuse assessment; and preventive dental care. No deductibles or coinsurance would be applied to these preventive care services.

Major medical services include inpatient and outpatient hospital services; physicians' services; professional services of certified nurse midwives, nurse practitioners, and other health professionals; diagnostic tests; ambulance services; short-term home health services; medical and surgical supplies and durable medical equipment; corrective eyeglasses and lenses and hearing aids; prescription drugs, insulin and medically recommended nutritional supplements; and acute dental care.

Extended medical services include items and services for the treatment of mental illness, substance abuse, and developmental and learning disabilities; noncosmetic orthodontia; substance abuse services; speech, occupational, and physical therapy; hospice care; respite care; short-term skilled nursing facility services; and nutritional assessment and counseling. These benefits would be provided in consultation with the primary care physician.

The legislation addresses cost containment by including cost sharing through premiums, deductibles, and coinsurance. The bill would further reduce costs through emphasis on preventive care and administrative savings. The bill's requirement that the primary care physician coordinate extended care benefits should further help to control costs.

While the bill designates levels of cost sharing, it makes adjustments for those whose income might prevent them from getting appropriate care for their children. It's important that families share the burden of paying for health care, but not if cost sharing in effect denies children access to care.

The bill includes general insurance reform that would provide security for families. It eliminates preexisting condition clauses and guarantees continuous coverage regardless or health or risk status.

In introducing this bill I hope to open discussion of the special health care needs of children and pregnant women. I look forward to seeing the details of President Clinton's plan and working with the administration and my colleagues to pass comprehensive health care reform legislation.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children and Pregnant Women Health Insurance Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—UNIVERSAL HEALTH INSURANCE COVERAGE FOR CHILDREN AND PREGNANT WOMEN

Sec. 101. Universal health insurance coverage for children and pregnant women.

Sec. 102. Conforming amendments.

TITLE II—PEDIATRIC REPRESENTATION ON HEALTH CARE REFORM BOARDS

Sec. 201. Membership of health care reform boards.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

TITLE I—UNIVERSAL HEALTH INSURANCE COVERAGE FOR CHILDREN AND PREGNANT WOMEN

SEC. 101. UNIVERSAL HEALTH INSURANCE COVERAGE FOR CHILDREN AND PREGNANT WOMEN.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) by redesignating title XXVII (42 U.S.C. 300cc et seq.) as title XXVIII; and

(2) by inserting after title XXVI the following new title:

"TITLE XXVII—HEALTH INSURANCE FOR CHILDREN AND PREGNANT WOMEN.

"SEC. 2700. DEFINITIONS.

"As used in this title:

"(1) ALLIANCE.—The term 'Alliance' means a Health Insurance Purchasing Alliance established in the United States.

"(1) CHILD.—The term 'child' means an individual who is less than 22 years of age.

"(2) COVERED SERVICES.—The term 'covered services' means the benefits and cost sharing limitations required for qualified health plans under this title.

"(3) FAMILY.—The term 'family' means an individual, the individual's spouse, any child of either such individual, and the legal guardian of any such child if such guardian resides with the child.

"(4) FAMILY ADJUSTED TOTAL INCOME.—The term 'family adjusted total income' means, with respect to an individual, the sum for the individual and all the other family members of the individual, of the adjusted gross income (as defined in section 62(a) of the Internal Revenue Code of 1986), determined without the application of paragraphs (6) and (7) of such section and without the application of section 162(l) of such Code, plus the amount of social security benefits which is not included in gross income under section 86 of such Code.

"(5) LEGALLY RESIDING.—The terms 'legally residing in the United States' or 'legally residing' mean a citizen of the United States, an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of any provision of 207(c) of the Immigration and Nationality Act or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act).

"(5) OFFICIAL POVERTY LINE.—The term 'official poverty line' means, for an individual in a family, the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673 of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(6) QUALIFIED HEALTH PLAN.—The term 'qualified health plan' means a health insurance plan, a health maintenance organization, or any other plan for providing health care that meets the requirements imposed by this title.

"(7) RESIDE.—The term 'reside' refers to the individual's principal place of residence.

"(8) UNITED STATES.—The term 'United States' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the U.S. Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"PART A—UNIVERSAL COVERAGE FOR CHILDREN AND PREGNANT WOMEN

"SEC. 2701. CHILDREN'S COVERAGE MANDATE.

"(a) ENTITLEMENT.—Every child who is legally residing in the United States shall be entitled to enrollment in a qualified health plan for the purpose of obtaining access to all covered services. Coverage for any child under a qualified health plan shall be continuous from the effective date of this title or, if later, from the birth of the child, until the child reaches the age of 22. The Alliance established to serve the region in which the child resides shall have direct responsibility for enrolling such children and pregnant women in qualified health plans.

"(b) ALLIANCES.—Not later than January 1, 1995, all Alliances established in the United States shall identify every child born or legally residing in its geographic region and enroll such children in a qualified health plan. A physician or other provider that has rendered health care to a child who is not enrolled in a qualified health plan may inform the appropriate Alliance of such fact and the Alliance shall enroll the child in a qualified health plan and ensure that the physician or provider is compensated for any covered services rendered as if the child had been enrolled in the plan at the time care was sought.

"(c) PREGNANT WOMEN.—Upon application to the Alliance serving the region where she is legally residing, or upon seeking medical care from a physician or provider, every pregnant woman shall be enrolled in a qualified health plan for the duration of the pregnancy plus at least one calendar quarter post partum, and any physician or provider rendering a covered service to a pregnant woman shall be compensated for such service as if the individual were enrolled in a qualified health plan at the time care was sought.

"PART B—BENEFITS

"SEC. 2711. QUALIFIED HEALTH PLANS.

"(a) IN GENERAL.—A qualified health plan shall meet the requirements of this section.

"(b) BENEFITS.—A qualified health plan shall provide at least the covered services identified in section 2712. Nothing in this section shall be construed as preventing a qualified health plan from including benefits in addition to those required in section 2713.

"(c) LIMITATIONS ON EXCLUSIONS.—A qualified health plan—

"(1) may not deny, limit, or condition the coverage (or benefits) under the plan with respect to required health services based on the health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of an individual; and

"(2) may not exclude coverage with respect to required health services related to treatment of a preexisting condition.

"(d) COST SHARING.—A qualified health plan may not impose premiums in excess of those permitted by the Alliance, or deductibles, copayments, or coinsurance with respect to covered services, in excess of what is permitted under this title.

"SEC. 2712. COVERED HEALTH SERVICES.

"(a) REQUIRED HEALTH SERVICES.—

"(1) IN GENERAL.—Except as otherwise provided in this part, a qualified health plan shall provide coverage for—

"(A) preventive care services (as defined in section 2713);

"(B) major medical services (as defined in section 2714); and

"(C) extended medical services (as defined in section 2715).

"(2) REQUIRED HEALTH SERVICES DEFINED.—As used in this title, the term 'required health services' means the health services described in paragraph (1), subject to the deductible and coinsurance permitted with respect to such services.

"(b) REQUIRED OUTREACH SERVICES.—In addition to the required health services under subsection (a), each Alliance shall provide (or make payment) for outreach services to link low-income enrolled individuals with needed required health services. Such outreach services shall include—

"(1) transportation;

"(2) child care at service sites;

"(3) translation services;

"(4) case/care coordination;

"(5) screening follow-ups; and

"(6) health promotions.

"(c) OPTIONAL ADDITIONAL SOCIAL SERVICES.—An Alliance may provide (or make payment) for social services (such as family psycho-social support, therapeutic foster care, pediatric day treatment, parent training, and in-home crisis management) that are necessary to ensure the health of enrolled individuals.

"(d) STANDARDS.—The Secretary shall establish standards to be applied with respect to required health services under this title.

"SEC. 2713. PREVENTIVE CARE SERVICES.

"(a) DEFINED.—As used in this title, the term 'preventive care services' means the following items and services furnished in accordance with any applicable periodicity schedule established under subsection (b):

"(1) Child preventive care, including—

"(A) routine office visits;

"(B) routine immunizations; and

"(C) routine laboratory tests.

"(2) Prenatal care, including care of all complications of pregnancy.

"(3) Care of newborn infants, including attendance at high-risk deliveries and normal newborn care.

"(4) Family planning services.

"(5) Child abuse assessment.

"(6) Preventive dental care for children.

"(b) PERIODICITY SCHEDULES.—

"(1) PEDIATRIC CARE.—With respect to preventive care services furnished to children, the Secretary shall establish a schedule of periodicity that reflects the general, appropriate frequency with which such care should be provided routinely to healthy children. Such schedule shall be established in consultation with the American Academy of Pediatrics.

"(2) PRENATAL CARE.—With respect to preventive care services for pregnant women, the Secretary shall establish a schedule of periodicity that reflects the appropriate frequency with which such care should be provided to pregnant women, taking into account age and other risk factors. Such schedule shall be established in consultation with the American College of Obstetricians and Gynecologists.

"(c) NO APPLICATION OF DEDUCTIBLE OR COINSURANCE.—A qualified health plan may not impose deductibles or coinsurance with respect to preventative care services.

"SEC. 2714. MAJOR MEDICAL SERVICES.

"(a) DEFINED.—As used in this title, the term 'major medical services' means the following items and services (to the extent such items and services are not preventive care services, and subject to subsection (b)):

"(1) Inpatient and outpatient hospital services.

"(2) Physicians' services.

"(3) Professional services of certified nurse midwives, nurse practitioners, and other health professionals (to the extent authorized under applicable State law).

"(4) Diagnostic tests (including laboratory tests).

"(5) Ambulance services.

"(6) Short-term home health services.

"(7) Medical and surgical supplies and durable medical equipment.

"(8) Corrective eyeglasses and lenses and hearing aids.

"(9) prescription drugs, insulin, and medically recommended nutritional supplements.

"(10) Acute dental care.

"(b) TREATMENT OF MENTAL HEALTH SERVICES, SUBSTANCE ABUSE SERVICES, AND DEVELOPMENTAL AND LEARNING DISABILITY SERVICES AS EXTENDED MEDICAL SERVICES.—Major medical services do not include items and services for the treatment of mental illness, for the treatment of substance abuse, or for the treatment of developmental and learning disabilities, but shall include psychiatric services. Such services for such treatment are included in the definition of extended medical services under section 2715.

"(c) APPLICATION OF DEDUCTIBLE AND COINSURANCE.—In accordance with sections 2721 and 2722, a qualified health plan may impose deductibles and coinsurance with respect to major medical services, subject to the limitations specified in such sections.

"SEC. 2715. EXTENDED MEDICAL SERVICES.

"(a) DEFINED.—As used in this title, the term 'extended medical services' means the following items and services (to the extent they are not preventive care services, and subject to subsection (b)):

"(1) Items and services described in section 2714(a) for the treatment of mental illnesses connected with substance abuse and for the treatment of development and learning disabilities (other than the educational component of such treatment).

"(2) Orthodontia (other than cosmetic orthodontia).

"(3) Substance abuse services.

"(4) Speech, occupational, and physical therapy.

"(5) Hospice care.

"(6) Respite care.

"(7) Short-term skilled nursing facility services.

"(8) Nutritional assessment and counseling.

"(b) PLAN OF CARE REQUIREMENT.—A qualified health plan shall provide for coverage of extended medical services only in accordance with a plan of care that—

"(1) is developed in cooperation with the attending primary care physician; and

“(2) applies to all required health services.

“(c) Application of Deductible and Coinsurance.—In accordance with sections 2721 and 2722, a qualified health plan may impose a deductible and coinsurance with respect to extended medical services, subject to the limitations specified in such sections.

“SEC. 2716. SCOPE OF COVERAGE.

“(a) No Amount, Duration or Scope Limitations.—A qualified health plan may not impose any limitation on the amount, duration, or scope for required health services.

“(b) Construction.—Subsection (a) shall not be construed as requiring coverage of—

“(1) preventive care services in a frequency greater than the frequency specified in the appropriate periodicity schedule established under this title;

“(2) extended medical services which are not specified in a plan of care under this title; or

“(3) major medical services or extended medical services which are not reasonable and medically necessary.

“(c) In General.—Except as otherwise provided in this section, section 1862 of the Social Security Act shall apply to expenses incurred for items and services provided under this title in the same manner as such section applies to items and services provided under title XVIII of such Act.

“(d) Preventive Services.—In the case of preventive services provided consistent with the applicable periodicity schedule—

“(1) such services shall be considered to be reasonable and medically necessary; and

“(2) shall not be subject to exclusion through the operation of paragraph (1), (7), or (12) of section 1862(a) of the Social Security Act (as incorporated under subsection (c)).

“(e) Use of Same National Coverage Decision Review Process.—The provisions of section 1869(b)(3) of the Social Security Act shall apply under this title in the same manner as such provisions apply under title XVIII of such Act. Any determination under such title that, under subsection (a), would apply under this title shall not be subject to review under this subsection.

“PART C—PAYMENT FOR SERVICES

“SEC. 2721. APPLICATION OF DEDUCTIBLE.

“(a) In General.—Except as provided in this section and section 2713, a qualified health plan may provide for an annual deductible with respect to expenses for required health services of members of a family, not to exceed $200 with respect to any family.

“(b) Deductible Does Not Apply to Preventive Care Services or Outreach and Optional Services.—The deductible established under subsection (a) may not be applied to preventive health services or to services provided under subsection (b) or (c) of section 2712.

“SEC. 2722. COINSURANCE FOR MAJOR MEDICAL SERVICES AND EXTENDED MEDICAL SERVICES.

“(a) Coinsurance Rates.—Subject to subsection (b), and section 2731, a qualified health plan may require coinsurance with respect to payments for required health services, in an amount not to exceed—

“(1) 20 percent of the costs involved with respect to major medical services; and

“(2) 30 percent of the costs involved with respect to extended medical services.

“(b) No Coinsurance for Preventive Care Services or Outreach and Optional Services.—There shall be no coinsurance under this title in the case of preventive care services provided consistent with any applicable periodicity schedule or to services provided under subsection (b) or (c) of section 2712.

“SEC. 2723. LIMIT ON COST-SHARING FOR REQUIRED HEALTH SERVICES.

“Whenever in a calendar year the amount of deductibles and coinsurance required for family members with respect to required health services under a qualified health plan that are furnished during the year exceeds 10 percent of family adjusted total income, but in no event to exceed $1,000 for an individual or $3,000 per family, payment of benefits under the plan for the family members for required health services furnished during the remainder of the year shall be paid without the application of any coinsurance.

“PART D—ASSISTANCE FOR LOW-INCOME INDIVIDUALS

“SEC. 2731. ASSISTANCE FOR INDIVIDUALS.

“(a) Individuals With Income Below 133 Percent of Poverty Level.—Except as otherwise provided in this section, in the case of a child whose family adjusted total income does not exceed 133 percent of the official poverty line, the qualified health plan shall waive any deductible or coinsurance under the plan for the individual and the individual's family.

“(b) Pregnant Women and Infants Below 185 Percent of Poverty Level.—In the case of a pregnant woman or child under 1 year of age whose family adjusted total income does not exceed the percentage (established by the State under section 1902(l)(2)(A)(i) of the Social Security Act as of the date of the enactment of this title) of the official poverty line, the qualified health plan shall waive any deductible or coinsurance under the plan for such individual.

“(c) Individuals With Income Below 200 Percent of Poverty.—In the case of an individual not described in subsection (a) or (b), and whose family adjusted total income is less than 200 percent of the official poverty line, the qualified health plan shall provide for reductions in deductibles and coinsurance.

“(d) Individuals With Income Below 400 Percent of Poverty.—In the case of an individual not described in subsection (a) or (b), and whose family adjusted total income is less than 400 percent of the official poverty line, the qualified health plan shall provide for reductions in premiums.

“(e) Compensation for Waivers.—Qualified health plans shall be compensated for waivers of copayments and deductibles under this section.”.

(b) Conforming Amendments.—

(1) Sections 2701 through 2714 of the Public Health Service Act (42 U.S.C. 300cc through 300cc-15) are redesignated as sections 2801 through 2814, respectively.

(2) Sections 465(f) and 497 of such Act (42 U.S.C. 286(f) and 289(f)) are amended by striking out “2701” each place that such appears and inserting in lieu thereof “2801”.

SEC. 102. CONFORMING AMENDMENTS.

(a) Federal Financial Participation for State Contribution Toward Children and Pregnant Women's Health Services.—

(1) Transition rules.—The Secretary of Health and Human Services shall, by regulation, develop transition rules for ensuring that States that are required under title XIX of the Social Security Act to pay for medical services to certain children shall continue to maintain their level of effort in contributing to the cost of providing medical services to children enrolled in qualified health plans pursuant to title XXVII of the Public Health Service Act.

(2) Premium.—Section 1905(a) of the Social Security Act is amended—

(A) in paragraph (24), by striking the period and inserting “; and”; and

(B) by adding after paragraph (24) the following new paragraph:

“(25) paying the State's share of any premium to enroll a child or pregnant woman in a qualified health plan pursuant to title XXVII of the Public Health Service Act.”

(b) Use of Uniform Claim Forms.—The Secretary of Health and Human Services shall develop (after consultation with insurers) uniform claims forms for the submission of any claims for payment that may be required by qualified health plans under the Children and Pregnant Women's Health Insurance Act of 1993.

(c) Preemption of Certain State and Federal Requirements.—Effective on January 1, 1995, no State shall establish or enforce any law or regulation that requires the offering, as part of a qualified health plan with respect to any pregnant woman or child, of any services, category of care, or services of any class or type of provider that is less than the benefits required to be provided pursuant to title XXVII of the Public Health Service Act.

TITLE II—PEDIATRIC REPRESENTATION ON HEALTH CARE REFORM BOARDS

SEC. 201. MEMBERSHIP OF HEALTH CARE REFORM BOARDS.

Any board or advisory panel that may be created under State or Federal health care reform legislation for purposes of reviewing fees, standards of care, outcomes research or other matters affecting the quality of care provided to children and pregnant women, shall include representation of pediatricians, family physicians, obstetricians, and experts and advocates on maternal and child health.

TITLE III—EFFECTIVE DATE

SEC. 301. GENERAL EFFECTIVE DATE.

This Act shall become effective on the date of enactment of this Act regardless of whether regulations have been promulgated by the Secretary of Health and Human Services as required under title XXVII of the Public Health Service Act.

INTRODUCTION OF CHILDREN AND PREGNANT WOMEN HEALTH INSURANCE ACT OF 1993

TITLE I—CHILDREN'S COVERAGE MANDATE

Sec. 2701. Children's Coverage Mandate—All children under age 22 will be enrolled in a qualified health plan. (A Health Alliance will have responsibility for enrolling all children in its region.) Any child not enrolled shall be enrolled at the point of service. Pregnant women shall be enrolled upon visitation.

Sec. 2702. Qualified Health Plans—All qualified health plans must provide at least the covered services designated in Sec. 2712. A qualified health plan may not limit or deny coverage based on the health status of the patient. The qualified health plan may not charge premiums, deductibles, copayments or coinsurance greater than those allowed by the Alliance.

Sec. 2712. Covered Health Services—Covered health services are divided into three categories: preventive care services, major medical services and extended medical services. In addition to these services, outreach services will be provided for low income enrollees to link them with the needed health services. The alliance may provide or make payment for social services necessary to ensure the health of enrolled individuals.

Sec. 2713. Preventive Care Services—The following services shall be covered according to a periodicity schedule based on desired usage developed by the Secretary in consultation with the American Academy of Pediatrics: child preventive care including routine office visits, routine immunizations, and routine lab tests; prenatal care, including care of all complication of pregnancy; care of newborn infants; family planning services; child abuse assessment; and preventive care.

The Secretary will also develop a periodicity schedule for all preventive health services for pregnant women.

No deductibles or coinsurance may be applied to preventive health services for pregnant women.

Sec. 2714. Major Medical Services—The following services are included as major medical services: inpatient and outpatient hospital services; physician's services; professional services of certified nurse midwives, nurse practitioners, and other health professionals; diagnostic tests; ambulance; short-term home health services; medical and surgical supplies and durable medical equipment; corrective eyeglasses and lenses and hearing aids; prescription drugs, insulin, and medically recommended nutritional supplements; and acute dental care.

Sec. 2715. Extended Medical Services—The following services are included as extended medical services: items and services for the treatment of mental illness, substance abuse and developmental and learning disabilities; orthodontia (non cosmetic); substance abuse services; speech, occupational, and physical therapy; hospice care; respite care; short-term skilled nursing facility services; and nutritional assessment and counseling. All extended medical services shall be delivered in cooperation with the attending primary care physican.

Sec. 2716. Scope of Coverage—A qualified health plan may not impose any limitation on the amount, duration or scope for required health services. However, the section does not require preventive care services in a frequency greater than the established periodicity schedule; extended care not specified in a plan of care; or major medical or extended medical care services that are not reasonable or medically necessary.

Sec. 2721. Application of Deductible—A qualified health plan may provide for an annual deductible with respect to expenses for required health services of members of a family, not to exceed $200. The deductible does not apply to preventive care services or outreach and optional services.

Sec. 2722. Coinsurance for Major Medical Services and Extended Medical Services—A qualified health plan may require coinsurance with respect to payment for required health services, but the coinsurance percentage may not exceed: 20 percent for major medical services, and 30 percent for extended medical services. There is no coinsurance for preventive care services or outreach optional services.

Sec. 2723. Limit on Cost-Sharing for Required Health Services—There is a limit on cost-sharing of 10 percent of family adjusted income, up to $1000 for an individual or $3000 per family.

Sec. 2731. Assistance for Individuals—There is no deductible or coinsurance under the plan for a child whose family adjusted total income does not exceed 133 percent of the poverty line. There is no deductible or coinsurance under the plan for pregnant women and infants below 185 percent of poverty level. Premiums will be reduced for individuals with income below 400 percent of poverty. Deductible and coinsurance will be reduced for individuals with income below 200 percent of poverty.

Sec. 102. Conforming Amendments—A maintenance of effort is required of the States contribution under Title XIX of the Social Security Act to pay for medical services to certain children. The Secretary will develop uniform claims forms.

TITLE II—PEDIATRIC REPRESENTATION ON HEALTH CARE REFORM BOARDS

Any board or advisory panel that may be created under state or federal health care reform legislation for purposes of reviewing fees, standards of care, health, health budgets, outcomes research or other matters affecting the quality of care provided to children and pregnant women, shall include representation of pediatricians, obstetricians, experts and advocates on maternal and child health.•

By Mr. STEVENS:

S. 1457. A bill to amend the Aleutian and Pribilof Restitution Act to increase authorization for appropriation to compensate Aleut villages for church property lost, damaged, or destroyed during World War II; to the Committee on Governmental Affairs.

REHABILITATION OF CHURCHES ON THE ALEUTIAN ISLANDS

Mr. STEVENS. Mr. President, I introduce legislation to increase authorization for funding to compensate Aleut villages for church property lost, damaged, or destroyed during World War II.

After the Japanese bombed Dutch Harbor and captured Attu and Kiska Islands in June 1942, the U.S. military ordered the evacuation and relocation of Aleut villages on the Pribilof Islands and those west of Unimak Island on the Aleutian Chain.

Nearly 900 Aleuts were relocated from their homes on the islands to live in make-shift housing in southeast Alaska. They were moved for their own protection—but in effect they were interned just like the Americans of Japanese ancestry during World War II.

Living conditions in the camps were dreadful. Housing, food, sanitation, and medical facilities were totally inadequate. Many of the Aleut people did not live through the ordeal.

To make matters worse, the Aleut people who did survive returned to the islands to find out their homes had been ransacked. Their Russian Orthodox Churches had been burned to the ground. Their sacred icons, some of which dated back to czarist Russia, were destroyed, lost or stolen.

Some of the churches were destroyed when U.S. Forces destroyed them in military operations as part of U.S. efforts to recapture Attu and Kiska. Other churches were looted and burned.

In 1988, along with Americans of Japanese ancestry, reparations were approved for the Aleut people who were interned during World War II. Payment of money could not come close to compensating them for their losses. Most importantly, the passage of this legislation recognized the injustice inflicted on Aleut people.

One provision of the Aleutian and Pribilof Islands Restitution Act required the Secretary of the Interior to inventory and assess the real and personal church property damaged or destroyed during World War II, $1.4 million was authorized to be appropriated to compensate the Aleuts for lost or damaged church property.

The inventory and assessment was recently completed. The total cost of replacing church property lost, damaged, and destroyed during World War II is $4.7 million.

In 1987 I introduced, along with my friend the late Senator Matsunaga and many others, the Aleutian and Pribilof Islands Restitution Act. The bill, which passed in 1988, authorized $1.4 million to replace lost, damaged and destroyed church property pending the outcome of the inventory.

The bill I am introducing today would amend the existing authorization to allow full compensation to the Aleut people for the destruction of their churches.

I hope that other Members join me in support of this legislation.

By Mrs. KASSEBAUM (for herself, Mr. BENNETT, Mr. BOND, Mr. BROWN, Mr. BURNS, Mr. COATS, Mr. DANFORTH, Mr. DOLE, Mr. EXON, Mr. GLENN, Mr. GORTON, Mr. GRASSLEY, Mr. GREGG, Mr. HATCH, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KERREY, Mr. KERRY, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. SIMPSON, Mr. SMITH, Mr. THURMOND, and Mr. WARNER):

S. 1458. A bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

GENERAL AVIATION REVITALIZATION LEGISLATION

• Mrs. KASSEBAUM. Mr. President, I introduce legislation recommended by the National Commission to Ensure a Strong Competitive Airline Industry to revitalize an industry that is all but dead in the United States—the general aviation industry. Unlike previous general aviation bills I have introduced, this legislation is narrow in scope. It does not change any product liability laws related to the rules of evidence, joint and several liability, punitive damages, standards of care, or the allocation of damages according to comparative fault. Instead, it simply creates a 15-year statute of repose on civil actions brought against aircraft manufacturers or manufacturers of general aviation component parts.

Mr. President, general aviation is an essential part of America's air transportation system. In fact, 87 percent of all the airplanes operating in the United States are general aviation aircraft. In addition to providing millions of miles of air passenger service, general aviation is invaluable for life-saving medical evacuations, police and customs surveillance, agricultural application, and the training of future pilots. It also provides the type of skilled manufacturing jobs that Labor Secretary Reich has said are so important to our nation's future.

But the domestic general aviation industry is in serious decline. From 1965 through 1982, U.S. manufacturers sold an average of 13,000 light airplanes per year. Today, annual sales have decreased to barely 500, and over 100,000 industry workers have lost their jobs. The United States, which less than a decade ago was a net exporter of piston-powered airplanes, is now a net importer.

According to sources familiar with the industry, the dramatic downturn is primarily the result of laws which, among other things, hold manufacturers liable for planes that were built years, even decades ago. This open-ended liability drives up the price of domestically produced aircraft to the point where they are no longer affordable for many recreational pilots, flight training schools, and small businesses. It also gives a competitive advantage to foreign manufacturers who are not responsible for a large fleet of aging aircraft.

U.S. airplane manufacturers should not be indefinitely held responsible for products that are operated, repaired, serviced and modified by others. To do so is to punish domestic plane manufacturers for the durability of their products. A 15-year statute of repose would limit the manufacturer's liability to a reasonable time period, reduce the cost of new planes, and create thousands of jobs. In fact, one American general aviation manufacturer has already announced that it will hire workers and begin producing new line of piston-powered aircraft if this legislation is passed.

The legislation that I am introducing is supported by general aviation producers and consumers, by management, and by labor. It represents an opportunity to create good jobs at home and compete successfully in the global marketplace. I hope that a hearing can be scheduled quickly on this measure and that the full Senate will soon be given an opportunity to vote on the merits of this bill.•

• Mr. McCAIN. Mr. President, today I cosponsor and strongly support the product liability reform legislation which will create a 15-year statute of repose, after which no civil action for damages arising out of a general aviation accident may be brought against the manufacturer of the aircraft or its component parts.

As I travel throughout Arizona I hear many pleas from general aviation pilots who have seen the demise of a once thriving industry in the United States. In an industry heavily dominated by the concerns of airlines, the needs of the general aviation industry must not be ignored. There are several critical issues affecting the financial health of general aviation, including proposals to increase registration fees and energy taxes that could cripple this aviation section. Product liability has been the single greatest obstacle to the success and survival of the American light aircraft industry.

Everyone in this body knows that Senator NANCY KASSEBAUM has been a long-time leader in supporting legislation to create a national product liability law for general aviation. I am proud to serve with her in this body and support her in this very important endeavor. Today she once again has taken the lead in introducing new and very different legislation from what she has proposed before—the main difference though is that this legislation has wide-based support. Mr. President, two important additional endorsements have come to light on this already well ventilated issue.

First, the National Commission to ensure A Strong Competitive Airline Industry recently recommended aviation product liability reform as one of the principal ways to revitalize our ailing aviation industry. This 26-member bipartisan commission consisted of approintees of the President and the leadership of the House and Senate.

Second, the International Association of Mechanists [IAM] has announced that they enthusiastically support legislation establishing a 15-year statute of repose for general aviation aircraft and component parts manufacturers. In the past, the IAM has been reluctant to support various measures which would amend manufacturers' legal responsibilities for manufacturing defects. However, after an exhaustive review of the general aviation industry and the work of the President's Airline Commission, the IAM now firmly believes that a statute of repose will help revitalize this nearly extinct industry.

Mr. President, the facts are quite compelling, production of new general aviation aircraft has plummeted from 18,000 just a few years ago to nearly 500 last year. Industry employment has been cut in half. Cessna Aircraft, which used to produce nearly 9,000 aircraft a year, has not produced a single or twin-engine piston powered airplane since 1986. Piper Aircraft is in bankruptcy, largely due to product liability costs.

The dire straits of this previously healthy industry has serious consequences. If we do not provide new training aircraft for our future pilots, what will happen to our air transportation system? The average age of the single-engine aircraft is now 28 years. Increased foreign competition is targeting the U.S. marketplace with a great number of general aviation airplanes.

The general aviation industry is intensely regulated by the Federal Government. Every stage of design, production, and testing is scrutinized by the Federal Aviation Administration. The general aviation industry is in serious need of a uniform Federal standard of liability to dovetail with the existing system of Federal regulation.

In a recent meeting, the president of Cessna told me that the company would resume production of piston powered aircraft and have manufacturing plans to immediately start production, at a rate of 2,000 per year, of Cessna 172, 182, and 206 aircraft if this legislation is approved by the Congress.

Mr. President, the general aviation industry is caught in the crossfire between the business community and the trial lawyers. This legislation is simple, straight forward and to the point—even for this nonlawyer—pass this legislation; which is endorsed by the President's Airline Commission, and you will create jobs. Continue the grid lock of the past on this issue—and we will certainly see the demise of the general aviation industry in the United States.•

By Mr. BURNS:

S.J. Res. 132. A joint resolution designating the week of October 17, 1993, through October 23, 1993, as "National School Bus Drivers Safety week"; to the Committee on the Judiciary.

NATIONAL SCHOOL BUSINESS DRIVERS SAFETY WEEK

• Mr. BURNS. Mr. President, I rise today to urge you to officially recognize the people who dedicate their time and effort, everyday, to ensure that the children of our Nation arrive to school safely. I am introducing a joint resolution which will officially designate the week of October 17, 1993 through October 23, 1993, as "National School Bus Drivers Safety Week," and I hope you will join me in cosponsoring this worthy resolution.

Each day 22,000,000 students are transported to and from school by school bus drivers. I believe that a week of national recognition for school bus drivers will raise public awareness and encourage parents and children to appreciate the tremendous contribution school bus drivers make to our communities in getting our children to school safely. School bus drivers have shown a true dedication to their work and the safety rules that foster an effective transportation system.

When well performed, the services provided by school bus drivers go unnoticed. It may only be when problems arise that we remember our school bus drivers and the services they perform. I believe it is appropriate for us to express our respect and gratitude to school bus drivers for the great responsibility they assume in caring for our children during their routes. They are true professionals and merit our recognition and thanks. I hope that my colleagues will join me in recognizing and honoring school bus drivers. I urge you to cosponsor this legislation to designate the week of October 17, 1993 through October 23, 1993 as "National School Bus Drivers Safety Week."•

ADDITIONAL COSPONSORS

S. 155

At the request of Mr. DASCHLE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 155, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 301

At the request of Mr. DASCHLE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 301, a bill to revive and strengthen the "Super 301" authority of the United States Trade Representative to eliminate unfair trade barriers, and for other purposes.

S. 401

At the request of Mr. CAMPBELL, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Wisconsin [Mr. KOHL], the Senator from New Hampshire [Mr. GREGG], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 445

At the request of Mr. CONRAD, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 445, a bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to improve monitoring of the domestic uses made of certain foreign commodities in order to ensure that agricultural commodities exported under agricultural trade programs are entirely produced in the United States, and for other purposes.

S. 520

At the request of Mr. BUMPERS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 520, a bill to prohibit the expenditure of appropriated funds on the Advanced Solid Rocket Motor program.

S. 540

At the request of Mr. HEFLIN, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 602

At the request of Mr. BREAUX, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 602, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes.

S. 784

At the request of Mr. HATCH, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 1004

At the request of Mr. HATCH, his name was added as a cosponsor of S. 1004, a bill to limit amounts expended by certain government entities for overhead expenses.

S. 1128

At the request of Mr. AKAKA, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1128, a bill to amend title 38, United States Code, to permit the burial in cemeteries of the National Cemetery System of certain deceased reservists.

S. 1184

At the request of Mr. HATCH, his name was added as a cosponsor of S. 1184, a bill to limit the amount of indirect costs that may be incurred in conducting federally sponsored university research and development to 50 percent of the modified total direct costs related to such research and development.

S. 1359

At the request of Mr. LEAHY, the names of the Senator from South Dakota [Mr. DASCHLE], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 1359, a bill to amend the Food Stamp Act of 1977 to require the domestic production of food stamp coupons.

S. 1361

At the request of Mr. SIMON, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1361, a bill to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes.

S. 1437

At the request of Mr. DOLE, the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 1437, a bill to amend section 1562 of title 38, United States Code, to increase the rate of pension for persons on the Medal of Honor roll.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. LEAHY, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of Senate Concurrent Resolution 27, a bill to express the sense of Congress that funding should be provided to begin a phasein toward full funding of the special supplemental food program for women, infants, and children [WIC] and of Head Start programs and to expand the Job Corps program, and for other purposes.

SENATE CONCURRENT RESOLUTION 31

At the request of Mr. DODD, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Concurrent Resolution 31, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

AMENDMENT NO. 842

At the request of Mr. LEVIN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Amendment No. 842 proposed to S. 1298, an original bill to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 856

At the request of Mr. DANFORTH, his name was withdrawn as a cosponsor of amendment No. 856 proposed to S. 1298, an original bill to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE CONCURRENT RESOLUTION 43—RELATIVE TO PEACE IN THE MIDDLE EAST

Mr. MITCHELL (for himself, Mr. DOLE, Mr. MOYNIHAN, Mr. BROWN, Mr. METZENBAUM, Mr. PELL, Mr. HELMS, Mr. LUGAR, and Mr. MCCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 43

Whereas the conflict in the Middle East has caused untold suffering for many decades;

Whereas the people of the State of Israel have the right to live in peace within secure and recognized borders;

Whereas successive administrations of the United States Government have worked diligently to achieve a just and lasting peace in the Middle East;

Whereas under the leadership of President Carter, Israeli Prime Minister Begin and

Egyptian President Sadat signed the historic Camp David Accords of 1978;

Whereas under the strong leadership of President Bush, a dialogue among the parties to the Middle East conflict was initiated at Madrid in October 1991;

Whereas this dialogue was continued through the strong and constructive efforts of the Clinton administration;

Whereas the Government of Norway, through its Foreign Minister, played an instrumental role in facilitating the negotiations that led to the signing of the Declaration of Principles between Israel and the Palestine Liberation Organization;

Whereas the Palestine Liberation Organization has recognized the right of the State of Israel to exist in peace and security, has announced that it renounces terrorism and other acts of violence, and has agreed to amend its Charter to delete all references to the destruction of the State of Israel;

Whereas the State of Israel has recognized the Palestine Liberation Organization as the representative of the Palestinian people;

Whereas Israel and the Palestine Liberation Organization have agreed to a Declaration of Principles concerning an interim period of limited autonomy for Palestinians on the West Bank and in Gaza; and

Whereas many difficult issues remain to be resolved in future discussions: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) supports the agreement between Israel and the Palestine Liberation Organization, and hopes it will serve as an historic opportunity to move toward a comprehensive and lasting peace in the Middle East;

(2) applauds the efforts of the Clinton and Bush administrations to facilitate these developments;

(3) welcomes the decision of the Palestine Liberation Organization to recognize the State of Israel, to renounce terrorism and other acts of violence, and to accept the path of peaceful coexistence;

(4) welcomes the decision of the State of Israel to enter into this Declaration of Principles and reaffirms its commitment to helping assure the continued security of the State of Israel;

(5) commends all those persons who have worked diligently to achieve these accords;

(6) encourages all parties to the Middle East peace process to continue to work vigorously in the pursuit of a comprehensive peace for the region; and

(7) endorses continuing U.S. engagement in the peace process, and is committed to supporting efforts to make this agreement a success.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

MURRAY (AND HATFIELD) AMENDMENT NO. 884

Mr. BYRD (for Mrs. MURRAY, for herself and Mr. HATFIELD) proposed an amendment to the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 41, after line 15, insert the following:

ECOSYSTEM RESTORATION FUND

For expenses necessary to implement the President's Forest Plan for "Jobs in the Woods" ecosystem restoration in Northern California, Washington, and Oregon, $7,000,000, to remain available until September 30, 1995: *Provided*, That with the approval of the Secretary, such amounts as may be identified in implementation plans may be transferred to the Bureau of Land Management, the Fish and Wildlife Service, and the Bureau of Indian Affairs.

On page 50, line 7, increase the italicized number by *$15,000,000*.

On page 53, line 12, increase the italicized number by *$7,000,000*.

On page 53, line 15, increase the italicized number by *$7,000,000*.

On page 95, delete beginning on line 4 through "1994." on page 96, line 2.

On page 97, after line 5, insert the following:

SEC. . (a) Section 2374(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6612) is amended by inserting ", forage production" after "recreation".

(b) Section 2374(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6612) is amended to read as follows:

(3) The term "rural community" means—

(A) any town, township, municipality, or other similar unit of general purpose local government, or any area represented by a not-for-profit corporation organized under state law for any purpose of promoting broad based economic development, that has a population of not more than 10,000 individuals (according to the latest decennial census), that is located within a county in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation, forage production, and tourism, and that is located within the boundary, or within 100 miles of the boundary, of a national forest; or

(B) any county that is not contained within a Metropolitan Statistical Area as defined by the United States Office of Management and Budget, in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation, forage production, and tourism, and that is located within the boundary, or within 100 miles of the boundary, of a national forest.

(C) any unincorporated area of a county having a population larger than 22,550 individuals (according to the latest decennial census) in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation, forage production, and tourism, and that is located more than 10 miles from an incorporated municipality.

(C) Section 2374 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6612) is amended by adding at the end thereof the following new subsection:

(5) The "term" National Forests" means National Forest System Lands.

DECONCINI AMENDMENT NO. 885

Mr. BYRD (for Mr. DECONCINI) proposed an amendment to the bill H.R. 2520, supra, as follows:

On Page 4, line 23, delete beginning with the ";" through "expended" on page 5, line 2

On page 49, line 22, increase the italicized number by $400,000

On page 49, line 21, increase the italicized number by $700,000

DOLE (AND KASSEBAUM) AMENDMENT NO. 886

Mr. BYRD (for Mr. DOLE for himself and Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 2520, supra; as follows:

On page 10, line 10, reduce the italicized number by $200,000

On page 27, line 23, increase the italicized number by $200,000

BYRD (AND NICKLES) AMENDMENT NO. 887

Mr. BYRD (for himself and Mr. NICKLES) proposed an amendment to the bill H.R. 2520, supra, as follows:

On page 65, after line 2, insert the following:

Funds appropriated to the Forest Service shall be available for interactions with the providing technical assistance to rural communities for sustainable rural development purposes outside the boundaries of National Forest System lands.

HATFIELD (AND INOUYE) AMENDMENT NO. 888

Mr. BYRD (for Mr. HATFIELD, for himself, and Mr. INOUYE) proposed an amendment to the bill H.R. 2520, supra, as follows:

On page 88, line 18, insert the following: : *Provided*, That funds provided under this head in Public Law 102–381 shall remain available until expended

BYRD (AND NICKLES) AMENDMENT NO. 889

Mr. BYRD (for himself and Mr. NICKLES) proposed an amendment to the bill H.R. 2520, supra, as follows:

On page 28, line 3, strike "$52,701,000" and insert in lieu thereof "$49,226,000"

On page 29, line 14, strike "$83,808,000" and insert in lieu thereof "$84,808,000"

On page 33, line 15, strike "July 1, 1993" and insert in lieu thereof "September 30, 1994"

On page 85, line 17, linetype "$13,187,000" and insert in italics "$12,858,000"

WALLOP AMENDMENT NO. 890

Mr. WALLOP proposed an amendment to the bill H.R. 2520, supra, as follows:

On page 97, between lines 5 and 6, insert the following:

SEC. . None of the funds made available by this Act may be used to revise part 4, 1780, or 4100 of title 43 of the Code of Federal Regulations in accordance with Part VI, Department of Interior, Bureau of Land Management or part 222 of title 36 of the Code of Federal Regulations in accordance with Part V, Department of Agriculture, Forest Service, of volume 58, number 155, of the Federal Register, dated August 13, 1993, or to continue any action involving the proposed rulemaking contained in such Federal Register.

DOMENICI (AND OTHERS) AMENDMENT NO. 891

Mr. DOMENICI (for himself, Mr. REID, Mr. CAMPBELL, Mr. HATCH, Mr. CRAIG, Mr. BURNS, Mr. BENNETT, Mr. GORTON, Mr. MCCAIN, Mr. PACKWOOD, Mr. BRYAN, Mr. DECONCINI, Mr. KEMPTHORNE, Mr. BROWN, Mr. STEVENS, Mr. CONRAD, Mr. PRESSLER, Mr. BINGAMAN, and Mr. SIMPSON) proposed an amendment to the bill H.R. 2520, supra, as follows:

Strike all after the first word and insert the following:

SEC. . None of the funds made available by this or any other Law may be used to revise part 4, 1780, or 4100 of title 43 of the Code of Federal Regulations in accordance with Part VI, Department of Interior, Bureau of Land Management or part 222 of title 36 of the Code of Federal Regulations in accordance with Part V, Department of Agriculture, Forest Service, of volume 58, number 155, of the Federal Register, dated August 13, 1993, or to continue any action involving the proposed rulemaking contained in such Federal Register prior to October 1, 1994.

BRADLEY AMENDMENT NO. 892

Mr. BRADLEY proposed an amendment to the bill H.R. 2520, supra, as follows:

On page 65, line 22, strike "$429,070,000" and insert "$416,155,000".

On page 66, line 7, insert before the period at the end, the following: ": *Provided further*, That of such sums made available under this heading, not more than $15,960,000 shall be available for all programs related to coal liquefaction.

On page 51, line 15, strike "$1,300,153,000" and insert "$1,297,653,000".

On page 52, line 8, insert before the period at the end the following: ": *Provided further*, That none of the sums made available under this Act shall be used to fund environmental review to prepare an amount in excess of 350,000,000 board feet of timber for the Tongass National Forest, or such amount as the President may determine".

HELMS AMENDMENT NO. 893

Mr. HELMS proposed an amendment to the bill H.R. 2520, supra, as follows:

At the end of the amendment add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds under this Act shall be appropriated or made available to the National Endowment for the Arts.".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on "The North American Free-Trade Agreement: Effect on U.S. Agriculture." The hearing will be held on Tuesday, September 21, 1993, at 2:30 p.m. in SR–332.

For further information, please contact Lynnett Wagner at 224–5929.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, September 14, 1993, at 10 a.m. to conduct a hearing on regulatory consolidation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, at 9:30 a.m., September 14, 1993, to receive testimony on United States policy regarding oil and gas development on the Outer Continental Shelf.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 14, beginning at 9:30 a.m., to conduct an oversight hearing on the implementation of the Clean Air Act amendments of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 9:30 a.m. to hear testimony on proposals to make the Social Security Administration an independent agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 14, 1993, at 10:00 a.m. to mark up the ACDA revitalization and authorization bill, and to vote on pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGENDA

The Committee will markup, consider, and vote on the following business items:

I. LEGISLATION

S. 1182, ACDA Revitalization and Authorization.

II. NOMINATIONS

(1) Mr. Reginald Bartholomew, of the District of Columbia, to be Ambassador to Italy.

(2) Mr. Richard N. Gardner, of New York, to be Ambassador to Spain.

(3) Mr. Richard Holbrooke, of New York, to be Ambassador to the Federal Republic of Germany.

(4) Mr. William G. Miller, of Virginia, to be Ambassador to Ukraine.

(5) Mr. Gordon D. Giffin, of Georgia, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1993, and for a term expiring December 17, 1996 (reappointment).

III. TREATIES

Bilateral investment treaties with:

Argentina, Treaty Doc. 103–2; Armenia, Treaty Doc. 103–11; Bulgaria, Treaty Doc. 103–3; Ecuador, Treaty Doc. 103–15; Kazakhstan, Treaty Doc. 103–12; Kyrgyzstan, Treaty Doc. 103–13; Moldavia, Treaty Doc. 103–14; and Romania, Treaty Doc. 103–36.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 14, at 3:00 p.m. to hold nomination hearings on James Laney, to be Ambassador to Korea and John Negroponte, to be Ambassador to the Philipines.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, September 14, 1993, at 2 p.m. to conduct a hearing on S. 1405, the National Flood Insurance Reform Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 1:15 p.m., September 14, 1993, to receive testimony from the Civil War Sites Advisory Commission on its report to the Congress on the Nation's Civil War battlefields.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A TRIBUTE TO DR. BEVERLY NEYLAND, ONE OF NEVADA'S OUTSTANDING PIONEERS

• Mr. REID. Mr. President, Dr. Beverly Neyland has developed an astonishing record of significant firsts throughout her life. As the first female African-American doctor and pediatrician to practice medicine in the State of Nevada, she traveled through untamed waters, finding it necessary to achieve at a higher level than her peers to receive a nominal level of acceptance.

A native of Gloster, MS, she was groomed by parents who wouldn't settle for mediocrity. Dr. and Mrs. Leedell

W. Neyland instilled a work ethic in their daughter that disallowed marginal performance. While her parents would not demand top academic reports, they would demand an optimum effort. Her only obligation was simply to put her best into every situation she has encountered. This indeed is what she has done.

Dr. Neyland's curriculum vitae is a textbook example of the route to success. She completed her bachelor of science degree at Bennett College in Greensboro, NC, in 1967; she attended Meharry Medical College, Nashville, TN, and graduated in 1971. Her internship with Long Beach Memorial Children's Hospital, Long Beach, CA, ended in 1972.

She feels her love of children inspired her to pursue the field of pediatric medicine. It is this deep concern for our children and those less fortunate that warrants special recognition.

Dr. Neyland's tremendous success in pediatrics in Las Vegas is ample evidence that she can accept a challenge and succeed against the odds. With confidence in her ability to practice a high quality of medicine, she has consistently delivered effective and efficient medical care to the children of southern Nevada without regard to race, color, creed, sex, or national origin. She says with emphasis:

> I see all patients as individuals with different personalities and different needs growing out of the social, emotional, and economic conditions under which they must live and develop. Thus, my greatest challenge is to deliver a holistic type of quality medical care to all children regardless of their circumstances.

Having experienced the problems and indignities that African-American females have traditionally faced in the field of medicine, Dr. Neyland has devoted much of her efforts toward helping minority students in Las Vegas to vigorously seek careers in the field of medicine. To this end, in conjunction with the Charles I. West Medical Society and the University of Nevada School of Medicine, she has served as codirector of the Minority Aptitude Program. The program was responsible for taking minority students into a course of study that emphasized careers in health sciences and medicine. While only seven of the students in the program entered medicine over the years, others have gone on to college, where the majority have done extremely well.

Dr. Neyland attributes a large portion of her achievements in life to the encouragement and assistance of a closely knit family which always emphasized education, professional development, and effective competition as hallmarks of success in America. She proudly states, "My parents always insisted that I set high standards for myself and encouraged me to 'reach for the moon'." She feels that even with her current professional accomplishments there are still rivers to cross.

Because of her motivation and desire, her talent and skill, and her ability to meet all challenges, Dr. Neyland is indeed a role model for adults and children alike. I join all Nevadans in saluting her on her outstanding accomplishments.•

BARBARA RALSTON

• Mr. McCAIN. Mr. President, I was extremely delighted to hear that Ms. Barbara Ralston, executive vice president and chief operating officer of Chase Bank of Arizona, will be installed on September 14, 1993, as the national president of Financial Women International. I would like to congratulate Ms. Ralston on her new office.

Mr. President, I would like the Senate to take note of this outstanding achievement. It is one that Ms. Ralston so richly deserves. As a resident of Arizona, she will assume a leadership role in an association representing nearly 13,000 women from all areas of the financial services industry. Her vision is to empower women to attain their professional, economic, and personal goals. I am pleased to have brought her exemplary service to the attention of the U.S. Senate. Her commitment to excellence in the financial services industry stands as a fine example and inspiration to all the members of Financial Women International.

Mr. President, I would like Ms. Ralston to know how much I appreciate her commitment to the great State of Arizona and the women of her industry. I wish her every success in the future.•

AMERICAN LEGION WORLD SERIES CHAMPIONS IN RAPID CITY, SD

• Mr. DASCHLE. Mr. President, I would like to bring to my colleagues' attention the success and commitment of a group of young people and a dedicated coaching staff from my home State of South Dakota. American Legion baseball began in South Dakota, and after a national record, 18 straight State championships, and over 20 appearances at the regional and World Series levels, Rapid City's Post 22 brought home South Dakota's first American Legion World Series Championship, posting a 70 and 5 record along the way. That is the second highest number of wins ever for a winning World Series club.

Many baseball fans across the State and around the Midwest region have commented on the quality of Rapid City baseball year in and year out. The head coach, Dave Ploof, has been at the helm for the past 28 years, demanding the discipline and commitment necessary for success. The program and the Rapid City community deserve to be commended for the many contributions they have made to the children and young adults of the Rapid City area. Their success has been an inspiration to coaches and players in Rapid City and across the State and serves as testament to the fact that time invested in our young people is never wasted.

Baseball fans all over South Dakota and across the United States would be well served by looking carefully at this program and at the quality of effort necessary to produce competitive teams year after year. Rapid City Post 22's success is clearly deserved.

The program expects a great deal from its players: Time, effort, and courage are but a few of those demands. The discipline and commitment their program demands of its players has produced many responsible young adults and valuable members of the Rapid City community. I join with all South Dakotans in hearty congratulations to the team, the coaching staff, and the entire Rapid City community for their commitment to our young people. I hope that their program and its participants will continue to enjoy success in the years to come.•

THE URUGUAY ROUND

• Mr. LUGAR. Mr. President, I have been alarmed by the French Government's apparent determination to reopen an important agricultural trade agreement that our Nation negotiated in good faith last year with the European Community. I am still more alarmed that some others in Europe seem disposed to accommodate French intransigence on this United States-EC accord. I therefore rise to urge both our European friends and the Clinton administration to avoid imperiling the successful completion of the Uruguay round of multilateral trade talks.

My colleagues know that the United States and the EC concluded an agreement on export subsidies and other matters late last year. This pact, known as the Blair House agreement, should serve as the foundation for further progress on agricultural trade issues as we strive to conclude the Uruguay round by the December 15 deadline established by both our own statutes and by the new director general of the General Agreement on Tariffs and Trade.

The Blair House accord calls for 21-percent reductions in the volumes of subsidized exports, and 36-percent reductions in associated budgetary outlays, over a 6-year period. Many U.S. agricultural groups support Blair House, but it is important to note that many of them came to that support only reluctantly, because the United States had pressed for a much greater reduction in market-distorting subsidies. It is, after all, precisely these subsidies—especially those offered by the European Community—which have distorted production and trading patterns in agriculture over much of the past 15 years. The result has been to depress prices received by American farmers, and increase farm program costs borne by taxpayers.

A 21-percent export subsidy cut is a far cry from the outright elimination of subsidies sought by many in the United States. But it does represent modest progress, and would benefit American farmers.

Yet now the French Government apparently finds even this minimalist approach unacceptable. France wants to reopen the Blair House deal and has also attempted to resurrect discredited ideas of the past, such as "re-balancing," a code word for cutting off United States access to European soymeal and corn gluten feed markets.

Mr. President, this approach is completely intolerable and the Clinton administration should make that clear. I applaud the steps the administration has so far taken in this regard, and can only urge them not to slacken their efforts.

It seems clear that reopening Blair House would push completion of the Uruguay round well beyond December 15, the expiration of fast-track authority under United States law. It seems equally clear that if the terms of Blair house are weakened further, support for the Uruguay round among United States agricultural groups would shrink to the vanishing point. There would then be little prospect for congressional approval of a GATT agreement.

Mr. President, future prosperity is in peril if we lose the 20 century's last opportunity to open markets worldwide and put international trade on fairer and more equitable terms. Fewer trade barriers equals more trade, equals more growth and more jobs. The equation for prosperity is that simple, and it is all about addition rather than subtraction.

This is why events far off in Europe are of such immediate and lasting consequence to us here. Our exporting industries, from agriculture to aircraft to pharmaceuticals, depend on growth in world trade. That growth will not occur if France or any other nation can impel the GATT talks backward into protectionism, instead of forward into more open trade.

Neither this administration nor this Congress must permit that to happen.•

BOSNIA AND HERZEGOVINA AND CSCE PRINCIPLES

• Mr. DECONCINI. Mr. President, last week, the President of Bosnia and Herzegovina, Alija Izetbegovic, visited Washington to see what support still lingers in the United States as he holds out for some amendments to the peace settlement proposed in Geneva, and to test United States commitment to ensuring that any peace plan is actually implemented. Despite these efforts, he knows that neither this nor any other negotiated settlement can bring genuine peace, nor be considered right and fair, in light of all that has happened. Deep down, we all know it too.

As we nevertheless seek to cope with this dismal situation, and similar ones that are popping up around the globe, we must keep in mind that, from our perspective, the conflict in Bosnia and Herzegovina is not about territorial rights, correcting historical wrongs, old ethnic hatreds, or anything of the sort. It is about principles, international principles like those enshrined in the Helsinki Final Act, which say human rights will be respected, borders will not be violated, territory will not be taken by force, disputes will be peacefully settled, and international law will be obeyed.

Principles are not to be watered down as part of negotiation; they are to be upheld and enforced. If the international community had come to Bosnia's defense, for no reason other than to enforce these principles, the other problems could have been resolved. Instead, the world has watched aggression and tolerated genocide. And tackling problems on the margins—through mediation, humanitarian aid, and peacekeeping forces—have become all the more difficult by passing over the problems at the core, the violation of these principles. Allowing Serb militants to violate principles has now encouraged Croat militants to do the same. Increasingly, all sides will abandon any civilized behavior, if anything out of a desperate need to survive.

A little more than 1 month ago, President Izetbegovic made the following comment: "The international community has not only betrayed us; it has betrayed itself, because the principles it has deserted here [in Bosnia and Herzegovina] are its own." The Bosnian President was right, and courageous for his determined refusal to abandon these principles as he nevertheless sought a settlement that will bring peace to his desperately troubled country. He knows that any settlement which abandons matters of principle will not bring true peace. As I have said before, the endless rounds of negotiations in Geneva have not been about peace. They have been about appeasement, in a stark and strange contrast to the many U.N. resolutions which uphold the principles of sovereignty, territorial integrity, and human rights. They have been about dividing the Bosnian people further, according to their Moslem, Serb, and Croat heritage.

I think, Mr. President, that I speak for many of my colleagues when I say how regretful it is that the principles Europe and the United States have so often advocated around the world in recent decades have been so easily abandoned by them in the face of genocide in Bosnia and Herzegovina. And I can assure everyone that the Helsinki Commission will continue its efforts to change this horrible reality.

Let me conclude, Mr. President, with one last, and more specific concern. Last weekend some Serb militants turned against others in the northern Bosnian town of Banja Luka. In so doing, many non-Serbs who have remained in this town, many not by their own choosing, were rounded up, beaten, and possibly tortured. Among them was a Muharem Krzic whose whereabouts are currently unknown. I call upon my colleagues in joining me in the call for his immediate release.•

THE UNITED STATES AND AFRICA: A NEW RELATIONSHIP

• Mr. SIMON. Mr. President, recently, Secretary of State Warren Christopher spoke to the African-American Institute meeting in Washington. The meeting was originally scheduled for Africa, but because of some conflict situations it was rescheduled here in the United States.

I'm grateful to my friends, Maurice Tempelsman, Vivian Derryck, and others for their leadership on the African-American Institute, which does a superb job.

In his speech—the first speech of an American Secretary of State to the Institute—Secretary Christopher sounds the basic themes that ought to be part of future policy of the United States toward Africa. That includes encouraging democracy, helping in emergencies, encouraging population planning, and other things that are fundamental to that relationship.

His speech does not call for any bold new vision. I hope that one of these days we can have that.

But it is clearly a constructive first step forward.

In his speech he quotes from President Chiluba of Zambia:

> We know what is right. Democracy is right. The greatest lesson we can learn from the past 27 years is that freedom is at the core of every successful nation in the world and in Africa today.

I was also pleased to see his reference to corrupt dictators like Mobutu. We have needed that kind of tough talk for a long time, and frankly, we need more than just one sentence in a speech.

I was also pleased to note that the first African leader welcomed to the United States was the President of Namibia, Sam Nujoma, a nation that practices an active multiparty political system and, I believe, is destined to do well economically, once the South African crisis has passed.

Secretary Christopher steps very gingerly on the Sudan situation, perhaps being not as firm as he should be with the leaders of that country. I hope they recognize that he is being charitable right now, but that we can be much firmer in the future, if they do not shift their policies.

I ask that the Warren Christopher message be inserted into the RECORD at this point.

The remarks follow:

THE UNITED STATES AND AFRICA: A NEW RELATIONSHIP

(Remarks by Secretary of State Warren Christopher at the 23d African-American Institute Conference)

Good morning, Maurice Tempelsman, Vivian Derryck, friends: I welcome this opportunity to speak to you today about the Clinton Administration's approach to Africa. I am especially pleased to be the first Secretary of State ever to address the African American Institute.

Our Administration is well aware of what you have accomplished, through 40 years of dedicated work, in building better ties between America and Africa, and in helping the people of Africa build better lives for themselves.

Next week, the second Africa/African-American Summit convenes in Libreville, Gabon. Conceived by the Reverend Leon Sullivan, this Summit brings together Africans and African-Americans to form bonds of friendship, share ideas, and do business together. I am pleased that our new Assistant Secretary of State for Africa, George Moose, will be leading the U.S. Government delegation. Congressman John Conyers is leading the Congressional delegation to this important conference.

America and Africa are linked in so many different ways.

As the world's oldest democracy, we have an enduring interest in the success of the new democracies of Africa. As a multi-racial society, the U.S. is especially encouraged by the approaching transition to democracy in South Africa.

And there are links of conscience—and links of cooperation.

When a child dies of hunger in Africa, that tragedy touches us here in America. When American scientists seek a cure for AIDS, they carry the prayers and hopes of both Africans and Americans.

When our Agency for International Development makes a substantial investment in child survival programs, that makes a difference in helping Africa to reduce infant mortality rates. And when the American company Merck provides a drug that frees millions of Africans from the devastating effects of river blindness, that action not only extends the frontiers of pharmacology, but it lessens the distance from America to Africa.

That distance is also lessened by the end of the Cold War. During the long Cold War period, policies toward Africa were often determined not by how they affected Africa, but by whether it brought advantage or disadvantage to Washington or Moscow. Thankfully, we have moved beyond the point of adopting policies based on how they might affect the shipping lanes next to Africa rather than the people in Africa. And that's an improvement.

In today's changed world, we can and will move to a productive new relationship with Africa. The President and I are committed to building that new relationship based upon our common interests and our shared values. The Clinton Administration will make Africa a high priority and give it the attention it deserves.

The Clinton Administration will provide strong and visible support for the movement to freedom in Africa—the movement toward democracies and toward free markets. We will work with the nations of Africa to address the health, environmental and population issues that threaten lives and imperil sustainable development. And we will help Africa build its capacity for preventive diplomacy and conflict resolution so that the people of that continent can live free of the terror of war.

PROMOTING DEMOCRACY AND HUMAN RIGHTS

At the heart of our new relationship will be an enduring commitment to democracy and human rights—and that includes women's rights. President Clinton has made it clear that promoting democracy and human rights is a pillar of American foreign policy. And that pillar stands just as tall in Africa as it does in every part of the world.

It is democracies—not dictatorships—that offer the best means to defend human rights, to put African nations on the path toward progress and to address the vital social and economic concerns that cut across national borders.

The United States will work through our A.I.D. program and with the multilateral assistance and lending institutions to help Africa build its economic capacity. Under the Clinton Administration, these global concerns will not be relegated to the footnotes of our foreign policy agenda. Instead, they will be given top tier attention—the attention they deserve.

Today Africa has gained our attention and respect through the courageous efforts to build democracy and opportunity on that continent. While the drive for democracy and free markets has attracted more recent attention in Eastern Europe and Latin America, the people of Africa are demanding their freedom as well.

Listen to the words of President Chiluba of Zambia: "We know what is right. Democracy is right. The greatest lesson we can learn from the past 27 years is that freedom is at the core of every successful nation in the world and in Africa today."

The people of Africa know where their future lies: not with corrupt dictators like Mobutu, but with courageous democrats in every part of the continent. From Senegal to Benin, from Madagascar to Mali, African nations are building strong democratic institutions. They recognize that democracy offers the only framework for tolerance and harmony because it safeguards individual rights and provides essential protection for minorities.

AAI has played an extraordinarily useful role in promoting democracy. You have monitored elections, trained officials, and provided civic education. You understand that democracy must work not only on election day—but every day—through a vibrant civic culture and a commitment to free and open debate and the rule of law.

Democracy worked on election day last September in Angola. But since then, the people of Angola have been denied the benefits of their participation in that election process. President Clinton acknowledged the importance of that free and fair election when he announced this week that the United States now recognizes the Government of Angola.

We intend to remain actively engaged in promoting a negotiated settlement between the Angolan government and UNITA—a settlement that will enable all the people of Angola to enjoy the benefits of democracy. U.S. recognition is designed to help achieve that goal and to encourage UNITA to join the process of peace and reconciliation. As President Clinton said, we hope UNITA will be a part of the government we recognize. We continue to believe that there can be no military victory in Angola. And I want to emphasize that the United States will not support those who pursue a military solution.

Now South Africa stands on the verge of its own transition to non-racial democracy. The United States supports that peaceful transition. We oppose those who seek to derail the negotiations and we reject those who resort to violence.

We hope that within a short time, a date will be set for a truly democratic election in South Africa. That election will echo around the African continent and across the world as a roaring triumph of human rights.

The credit for that monumental achievement will belong most of all to those in South Africa who dedicated their lives—and in some instances, gave their lives—so that a new day of freedom would dawn. Credit will belong to Nelson Mandela, who walked out of prison after 27 years—unconquered, unbowed, standing tall in his belief that the people of South Africa could still build a future based upon the inherent worth and dignity of every human being.

Credit will also belong to F.W. De Klerk, whose vital contribution can be measured by how far his views have evolved, and by how far a majority of white South Africans have come with him.

The transition to non-racial democracy in South Africa is also the product of principled opposition to apartheid in the international community. In the finest American political tradition, a coalition of conscience in this country has carried out a long and uplifting campaign against the apartheid system half a world away. Our own sanctions have played an important role in the progress made to date.

The installation of a non-racial government in South Africa will resonate with every American, but especially with those in cities and towns across this nation who joined the effort to bring an end to apartheid.

In sharing the spirit and lessons of our own civil rights movement, we are not saying that America has found every answer or that we have yet formed a perfect union. But we are committed to the basic principle that human rights are universal—that every citizen in every country ought to be judged as an individual, irrespective of race or economic condition.

South Africa's successful transition is important for Africa, the United States and the world. The United States will help—and we expect the other industrial democracies to help as well. Once a Transitional Executive Council has been put in place—and a date for elections has been set—we will work with our G-7 partners to help South Africa reenter the global economy. We have urged the World Bank and the parties in South Africa to begin planning now the projects that will translate into economic growth. Similarly, the American business community should be a part of the effort to help the people of South Africa build a strong and vibrant economy once the progress toward democracy is irreversible.

Unfortunately, South Africa has had no monopoly on the violation of human rights on the continent. American policy must reflect that fact. We cannot hold Africa to a lesser standard for human rights than we apply to other parts of the world. I want to make clear that the United States will take human rights into account as we determine how to allocate our scarce resources for foreign assistance.

The promotion of democracy is central to the goals of the Clinton Administration.

That is why President Clinton chose to invite the first President of a democratic Namibia, Sam Nujoma, as the first African head of state to be recognized at his White House.

SUSTAINING AFRICA'S CAPACITY FOR DEVELOPMENT

It is the democratic nations of Africa, reflecting the will of their people, that are best positioned to make the kind of economic changes that improve the lives of their citizens. The development challenge facing most African nations remains imposing, but it is within the capacities of free market democracies to overcome.

Economic crises still afflict many of the continent's nations. For many countries, per capita incomes have been stagnating or even falling; trade and investment flows have remained weak; debt burdens stunt the prospects for new growth. Drought, famine and civil war have turned crises into calamities; no region of the continent has been spared the ravages of man or nature.

This is why the trend toward democracy in Africa must be reinforced by sustainable economic development. The peace and stability that democracy brings can also lead to desperately needed private investment—and with it, development capital, technology transfer and technical expertise. The trend toward disinvestment in Africa will only be reversed when Africa makes itself a more attractive place for new capital. Applying the rule of law, reducing corruption, assuring the remittance of profits, and building more skilled workforces—all of these will help give Africa a far greater role in the global economy.

The first responsibility for building that capacity, of course, rests with African countries themselves. But the developed nations of the world—including the United States—share a responsibility to help. For the coming fiscal year, we are requesting bilateral development funding for Africa of $800 million. In addition, we will continue to provide over half a billion dollars in humanitarian and other assistance to Africa.

The United States and the international community will be more willing to support the economies of African nations that have embarked on serious reform. We are working with other creditor nations to provide additional debt reduction for countries cooperating with IMF adjustment programs. The Administration is requesting congressional support to enable the U.S. to participate in a multilateral debt relief effort. This new initiative would reward those poor countries implementing difficult reforms.

New trade policies will also help African nations to compete in global markets. Protectionist barriers still impede Africa's competitiveness and prospects for growth. Africa has much to gain from a successful conclusion of the Uruguay Round negotiations that the U.S. is pushing with all its might to complete by the end of this year.

Africa's economic future is inseparable from its environmental future. An African that is yielding to the desert sands and to the scrub, and an Africa whose soil is eroding, is an Africa diminishing its capacity to feed itself. An Africa that is losing its forests and renewable water supplies is an Africa that is compromising its ability to meet its basic needs for the future.

One African leader has said that the problem of soil erosion has become so serious that his country, when viewed from space, appears to be bleeding into the ocean. We must help to heal these environmental wounds. To that end, AID will spend at least $70 million on environmental and natural resource projects in Africa this year.

One environmental challenge in which the U.S. was particularly helpful was the devastating drought in southern Africa. Working with interested nations and with the donor community, the U.S. provided close to $1 billion to respond to this catastrophe. Today, the threat of famine is gone and the countries of the region are harvesting a good crop.

Sustainable development cannot be accomplished without a renewed sense of urgency about population growth rates that will double the size of many African nations in 15-20 years. Rapid population growth imperials efforts to combat poverty and to protect the environment. No longer will the United States pretend—as we have done in recent years—that this problem does not exist.

Instead, we will work in partnership with nations in Africa and elsewhere to provide a full range of family planning and reproductive health services, and we will work to improve the status of women in Africa and worldwide.

RESOLVING CONFLICTS IN AFRICA

Let me be clear: the Clinton Administration's new relationship toward Africa will differ in important respects from the approach of the past 12 years. At the same time, I salute former President Bush for launching Operation Restore Hope—a military mobilization for a mission of mercy in Somalia. What a proud moment it was to see American soldiers help to feed starving children in a place far from our shores but clearly close to our hearts.

Certainly America was not alone in that effort. Other nations—including many in Africa—were instrumental in providing relief. While serious problems persist in Somalia, the efforts of the international community have alleviated the worst suffering and provided the opportunity to rebuild that nation. Somalia's experience reminds us that the international community can respond compassionately and effectively. But it also reminds us that we must not wait until thousands upon thousands of people have succumbed to starvation.

Now we need to apply these lessons in Sudan. The civil war in Sudan has resulted in terrible suffering and appalling violations of human rights. The U.S. is working with governments in the region, the UN and others to bring the fighting to an end. We must do whatever we can to ensure the delivery of adequate relief supplies to stem this tragedy, especially as the rainy season begins.

In Liberia, where brutal conflict has raged, we support the efforts of the Economic Community of West African States (ECOWAS) to restore peace. We seek a negotiated settlement leading to full disarmament of all warring factions; free and fair, internationally-monitored elections; and the establishment of a democratic government.

But Liberia's future will be determined in Monrovia, not in Washington. Only Liberians can create a real and lasting peace. Only Liberians can heal the deep scars in Liberian society. And only they can determine who will lead them in the future.

Liberia's suffering must be brought to a swift and peaceful end. That country deserves a better fate, like the future now dawning to the east across the continent in Eritrea. The intertwined tragedies of Eritrea and Ethiopia are now happily receding into history, we hope, never again to be repeated. After thirty years of civil war, an independent Eritrea has emerged, aided in part by peace talks sponsored by the Carter Center in Atlanta.

Just last month, Eritreans voted overwhelmingly for independence from Ethiopia in a UN-monitored referendum. On April 27, Eritrea declared its independence—and the United States recognized it that same day. Alongside a newly democratic Ethiopia, this new nation of Eritrea can take its rightful place as a beacon of hope astride the Horn of Africa.

I have spoken of American efforts to end some of the military conflicts in Africa, but our most enduring contribution may be assisting Africa to build its own capacity for conflict resolution and peacekeeping. The United States is working closely with the Organization of African Unity, providing support for peacekeeping in Rwanda and training for election monitors elsewhere. As the OAU prepares to observe its thirtieth anniversary, it is important not only to recognize what that organization has done, but to focus on how it can play a greater role in preventing and stopping wars on the continent.

I also want to acknowledge the often-overlooked involvement of Africans as peacekeepers abroad. Nigeria and Kenya have been active in the former Yugoslavia—Cameroon in Cambodia—Ghana and Sierra Leone in Lebanon: these and other African nations are making the world safer through their peacekeeping efforts.

The OAU and other African organizations need to step up mediation and preventive diplomacy to give people in Africa the chance to live free of war. In the exercise of creative, often life-saving diplomacy, Africa's destiny will be shaped by Africans.

A NEW RELATIONSHIP

Today I have outlined the basis for a substantially new American relationship with Africa. It will be a new relationship in which Americans can assist Africans in building democratic institutions and laying the foundation for economic growth, but in which our role is to enhance—not to erase—African solutions.

It will be a new relationship grounded in our firm belief that while dictators in Africa are not yet extinct, the future lies in free elections and free institutions.

It will be a new relationship reinforced once a new South Africa has moved from repression to democracy.

The people and governments of Africa are moving toward democracy and free markets with a growing conviction that they are on the path to progress. They are embarked on a uniquely African journey, as awe-inspiring as anything on this continent of such breathtaking beauty.

It is a journey worthy of America's respect and support—and that respect and support is what I pledge today.

Thank you.●

IN HONOR OF WILLIAM GRANT STILL

● Mr. DECONCINI. Mr. President, I rise today to honor William Grant Still, a classical composer whose 100th anniversary of his birth will be celebrated in 1995 by music lovers everywhere. Mr. Still, a man of African-American, Choctaw Indian, and Spanish heritage, drew upon his past and his culture to compose more than 100 orchestral works, 5 symphonies, 7 operas, and many more works for chorus, solo instruments and voice. He was called the Dean of African-American composers, and has been labeled as one of the world's greatest composers and an "American Tchaikovsky." His musical career spanned more than 60 years.

Born in 1895 and raised in a period of history when serious music was an unstable career for an African-American, William Grant Still broke ground for African-American musicians and composers who followed in his footsteps. He holds the impressive distinction of being the first African-American to conduct a major symphony orchestra in the United States, directing the Los Angeles Philharmonic Orchestra in a program of his own compositions at the Hollywood Bowl in 1936. Earlier, in 1933, his "Afro-American Symphony" was proclaimed to be the first major piece of music written by an African-American that was played before an American audience, and he was the first African-American to conduct an all-white orchestra in the deep South less than 20 years later.

His first opera, "Troubled Island," based on lyrics by poet Langston Hughes, was brought before the American public with the assistance of Leopold Stokowski, a world-renowned conductor, Mayor Fiorella La Guardia of New York, and Eleanor Roosevelt, in 1949. He followed this achievement with other operas and ballets that blended African-American idioms and folk lore into a strange and mystical beauty.

His accomplishments were quickly recognized by the music world. He received numerous awards, including the Harmon Award in 1928 for the year's most significant contribution to African-American culture, the Guggenheim Fellowship in 1934, and four honorary degrees from Wilberforce and Howard Universities, and Bates and Oberlin Colleges.

Although he died more than 15 years ago, the demand for William Grant Still's music lives on, as his daughter and other representatives of his company in my State of Arizona can attest. The States of Arkansas and North Carolina are planning major events in his honor from September 1994 through 1995. This is the greatest testament to the power of Mr. Still's music—that it continues to delight and inspire succeeding generations with its stirring lyrics and captivating rhythms. His work has truly stood the test of time.●

IOWA INVESTS

● Mr. GRASSLEY. Mr. President, on August 13, I was informed that the Department of Health and Human Services had approved the waiver requested by the State of Iowa in order to implement the innovative welfare program passed by the State legislature and signed into law by Gov. Terry Branstad.

The plan was the product of discussions which included policymakers, community leaders, and welfare recipients. The Iowa Invests plan was presented to the State legislature in December 1992, passed with just one dissenting vote, and was signed into law on May 4.

With almost record speed the Administration for Children and Families at the Department of Health and Human Services moved through the process of waiver approval.

Under the new law, Aid to Families with Dependent Children [AFDC] is renamed the Family Investment Program. The new program totally changes the philosophical approach to public assistance. Instead of the current sustenance approach of giving just enough to survive but not enough to get ahead, it establishes an asset-based self-improvement approach.

It requires each family to accept responsibility for its own well-being and provides the incentives and means to become independent.

The current use of good cause to excuse someone from participating in an active effort to get off of public assistance is the opposite of Iowa's philosophy under the FIP. The new goal is to assist people to overcome those formerly excusable barriers to participation.

Each participant will have an individual roadmap to self-sufficiency called the family investment agreement.

The importance of this individual approach cannot be overstated. The individual who needs short-term assistance to achieve independence should not have unnecessary barriers to overcome; in contrast, the individual who needs extensive long-term assistance or has a long history of dependency on public assistance should not face an arbitrary cut-off date from assistance.

Each investment family will thus have a family investment agreement outlining steps to be taken and timeframes to be met in accomplishing independence.

These steps and timeframes will be monitored for reasonableness and will be modified as necessary, as long as individuals are demonstrating reasonable efforts to accomplish the goals.

Lack of effort or refusal to participate will result in modification of the agreement and can lead to termination of assistance, rather than a cumbersome and ineffective fluctuation of monthly benefits.

The reason for this change is the belief that Iowans in need of public assistance want and deserve the choice and responsibility inherent in the family investment agreement—not the ineffective and rigid rules inherent in the Family Support Act sanction policies.

The Family Investment Program is based on three broad themes: transitions to work; promoting family stability; and responsibility with consequences. Each of these themes is an integral part of accomplishing independence.

One of the reasons the program was so popular in Iowa is that it requires an immediate change in behavior on the part of the participant. It says "you must take action today; not next week, next month or next year." Because of this focus on action, it brings movement to a system previously bent on inertia. This movement will hopefully result in improved individuals, families, and communities.

Another reason the program is so popular is that it involves the entire community in providing support for the family in need.

This focus is appropriate and should be encouraged as the beginning of true welfare reform.

Mr. President, I am pleased with the waiver granted to the State of Iowa. I look forward to the ongoing evaluation of this plan and the insight it will provide as we consider national reform of our current welfare system.●

C-17 TESTING

● Mr. D'AMATO. Mr. President, fool me once, shame on you; fool me twice, shame on me. I ask that an Air Force point paper on the failure, for the second time, of the wing of the C-17 during static test be included in the RECORD as if read in its entirety.

The article follows:

On Friday, 10 Sep 93, McDonnell Douglas was running the 5th test in a final series of 12 tests on the C-17 Full Scale Static Ground Test article. This particular test case was the repeat test for wing maximum up bending. The test was stopped at approximately 1620 Pacific Daylight Time by the automatic overload control system when a structural anomaly was sensed. The initial "quick look" of the data indicates that the sequence of events were as follows:

a. At or about 145 inches of maximum up deflection of both wings the left outer wing experienced structural damage about half way between the wing tip and outer engine pylon. Initial evaluation of the right wing showed no structural damage.

b. On sensing the damage in the left wing, the test system started an automatic shutdown.

c. Before the shutdown sequence actually started, damage was sustained in a second location in the left wing, between the engine pylons. This sequence took place in less than one second.

The overall load on the wing at the time of failure occurred at an applied load of approximately 145%, short of the 150% specified for the test. While initial analysis indicates the failure area may have been experiencing a stress level of 150% or greater, it is not clear that the wing meets the contractually required strength.

Accordingly, the Air Force has begun a vigorous and detailed technical analysis of the wing to determine whether a re-design and/or a retest of the wing is necessary. The Air Force will augment this process by immediately convening an independent team of nationally recognized experts to rigorously assess whether the design and the engineering process applied to the program meets Air Force requirements. The results of this independent analysis will be presented to the Air Force and the Office of the Secretary of Defense in approximately one month.

Mind you, the meter is running on the C–17 full-scale development contract, of which this test is a part. Prior to this second failure, the overrun on this contract was estimated to be in the vicinity of $1.4 billion. Can things get any worse?•

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that we now have a period of morning business with Senators allowed to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, all of the actions that I have are cleared by the Republican side. I wanted to make that statement prior to my offering the actions.

HISTORIC OPPORTUNITY FOR PEACE IN THE MIDDLE EAST

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 43, submitted earlier today by the majority leader, the Republican leader, Senators MOYNIHAN, BROWN, and others relating to the historic opportunity for peace in the Middle East; that the concurrent resolution be agreed to, the motion to reconsider laid upon the table, the preamble agreed to; further, that any statements relating to this concurrent resolution be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the signing today of the Declaration of Principles Accord and the Mutual Recognition Agreement between the State of Israel and the Palestinian Liberation Organization signals the beginning of the end of the long war in the Middle East.

In an era when the breakup of the Soviet system has been followed by wars and crises in too many regions, this peace agreement between two of the world's most estranged peoples—the people of Israel and the Palestinian people—is a welcome demonstration that the mutual demands of ordinary people for peace, for a chance at a decent life, and for a secure future for their children can prevail over the enmities and hatreds of generations.

The history of Israeli-Palestinian relations has many tragic episodes of killing, terrorism and war, both declared and undeclared. A generation of children has grown up in refugee camps, never knowing a real homeland. A generation of children has grown up fearing unpredictable death and maiming from terrorism directed at their homeland.

Our Nation's long and solid friendship for Israel dates from that nation's founding. The United States has always been committed to helping assure Israel's security. We have also realized that true security and lasting peace would be impossible without recognition of the rights of the Palestinian people.

For these reasons, the United States has worked diligently to promote a stable, just, and lasting peace in the Middle East. American efforts to bring about such a peace have cost our national leaders great efforts over many decades. We regret none of those efforts.

It is a great joy to know that these close neighbors will now turn to building a peace with the energy and political will that has for too long been dissipated in enmity.

Today, Senator DOLE and I have introduced a resolution that expresses the Senate's strong support for yesterday's historic achievement by the Israeli and Palestinian people and the culmination of efforts spanning several United States administrations.

Fourteen years ago, we looked on with hope as Israeli Prime Minister Begin and Egyptian President Sadat signed the historic Camp David Accords that were facilitated by President Carter.

The following decade demonstrated the high price of continued hostilities between Israel and her neighbors. This reality, and the efforts of the Bush administration, led to the opening of a formal dialogue among the parties to the Middle East conflict at Madrid in October 1991.

This dialogue was continued through the strong and constructive efforts of President Clinton, who facilitated the historic agreement which we witnessed yesterday.

The Palestine Liberation Organization has now recognized the State of Israel's right to exist in peace and security. It has renounced terrorism and other acts of violence, and has agreed to amend its charter to delete all references to the destruction of the State of Israel.

Israel has recognized the Palestine Liberation Organization as the representative of the Palestinian people.

Together, Israel and the PLO have agreed to a declaration of principles for an interim period of limited autonomy for Palestinians on the West Bank and in Gaza.

These are achievements that many of us never expected to witness in our lifetime. But with the signing of yesterday's agreement, we have seen progress toward an end of a generation of violence, with the hope that future generations may live in peaceful coexistence.

In the resolution before us today, the Senate expresses its support for the agreement between Israel and the PLO and its hope that this will serve as an historic opportunity to move toward a comprehensive and lasting peace in the Middle East. The signing today of an Israeli-Jordanian agenda for peace signals that such a comprehensive peace is possible.

This resolution applauds the efforts of the Clinton administration to facilitate these developments, and endorses continued U.S. engagement in the peace process.

And finally, this resolution encourages all parties to the Middle East peace process to continue to work vigorously in the pursuit of a comprehensive peace for the region.

Mr. President, the people of the Middle East have struggled against each other for far too long. The constructive efforts of the peoples of the region have been dissipated by animosity and painful hostilities.

The Israelis and Palestinians now have a tremendous achievement that can contribute to a lasting peace in the region. The opportunities it presents must not be wasted; rather, they must be built upon. Only with the resolution of all conflicts between Israel and its neighbors will come the peace and prosperity that all peoples of the Middle East desire and deserve.

Mr. President, I urge the adoption of this resolution.

Mr. DOLE. Mr. President, this morning Senator MITCHELL and I hosted a historic meeting in the Capitol: Palestine Liberation Organization Chairman Yasser Arafat. Just as I did not think I would live long enough to see Chairman Arafat shake hands with Israeli Prime Minister Rabin on the White House grounds, I never expected to see Chairman Arafat drinking coffee in the United States Capitol.

We all recognize that the ceremony yesterday represented the beginning of a long and tortuous path. That path is complicated, as Chairman Arafat pointed out this morning, by the fact that the Gaza Strip is desperately poor. That desperation feeds the Palestinian extremism and fanaticism which Arafat has renounced. Chairman Arafat repeatedly affirmed his commitment to moving forward. In his words, "The only alternative is the peace process."

Implementation of the declaration of principles signed yesterday will not happen overnight, and will not happen without financial assistance. As Chairman Arafat made clear in our meeting, the needs of Gaza and Jericho are many: 56 percent unemployment in Gaza, infrastructure destroyed by years of conflict, the creation of a police force willing and able to enforce the agreement. We hope and we expect that other donors—Arab oil-producing states, the European Community, Japan, and multilateral institutions—will take the lead in providing the necessary resources for implementing this agreement.

But tonight, the pitfalls along the path to implementation are not the subject. We have a resolution before the Senate to commend the parties responsible for the historic developments in the Middle East. I understand the House passed a similar resolution earlier today. The resolution before the Senate recognizes the strong leadership role of President Bush in beginning the process of Israeli-Palestinian dialog in Madrid in 1991. The resolution recognizes the role of Norway in facilitating the negotiations which led to this week's agreement. The resolution also applauds the role of both the Bush and Clinton administrations in facilitating recent developments.

Most importantly, the resolution welcomes the decisions of the Israeli Government and the PLO to meet as peacemakers rather than as enemies. In my view, the most significant fact about the recent agreement is that the parties made it with each other. The United States was an innocent—if supportive—bystander.

I urge my colleagues to support the resolution.

Mr. MOYNIHAN. Mr. President, on Monday I attended the signing of the Israeli-Palestinian agreement setting forth a declaration of principles for limited self-rule for Palestinians. The impossible took place before our eyes. The path to this point has been difficult and rocky. The road ahead is long. But the world has witnessed an historic turning point in that road. In the eloquent words of Prime Minister Rabin, the parties have said "Enough of blood and tears. Enough!" It was evident that those present at the ceremony—and I cannot doubt that millions elsewhere around the world—were deeply moved by this simple, immensely powerful declaration.

As chairman of the Subcommittee on Near East Affairs of the Foreign Relations Committee, I am proud to have helped craft the resolution we adopt today congratulating the parties on this achievement. The bipartisan sponsors of this resolution recognize the historic significance of this development. They also pledge that the Congress will help to nurture these hopeful promises so that they may blossom into a just and lasting peace.

As President Clinton has said, Israel is willing to take risks for peace. We have the responsibility of helping to reduce those risks.

Mr. METZENBAUM. Mr. President, this week we have seen a truly historic event, a Middle East rapprochement, and I am happy to be an original author of this congratulatory resolution.

Mr. President, all Americans, indeed, everyone interested in Middle East peace, has reason to celebrate. The United States can thank administrations past and present for their tireless efforts to bring peace to the Middle East.

Many Americans, of Arab and Jewish descent, of Democratic and Republican affiliation, worked endlessly to promote peace.

Of course, all nations of the world owe a special debt to the Government and people of Norway.

The Israelis and Palestinians had the will to begin fast track negotiations in secret, and the Norwegians offered a perfect venue, and patient mediation.

On this day, I believe that we all can indulge in a moment of self-congratulation.

I think we can reflect positively on the role that American and Western diplomacy can play in a turbulent world, if we make the commitment to engage in such diplomacy: to be proactive, and not sit on the sidelines.

Mr. President, we can indeed take satisfaction in this week's momentous events. But in our moment of satisfaction, we should not ignore the reality of the peace agreement.

Mr. President, what was signed on Monday was an historic step toward just, lasting peace between the Palestinians and Israel. But it was not a peace treaty in the sense we understand it. This agreement was a "Declaration of Principles."

It is, in effect, an ingeniously crafted testing mechanism.

Israel and the PLO cannot erase decades of hatred overnight. No one knows this better than Israelis and the Palestinians.

The testing mechanism embodied in this Declaration of Principles allows each side to demonstrate its long-term commitment to peace, to mutual recognition.

From this day forward, every Palestinian and every Israeli will be watching each other for actions meant to instill confidence.

We in Washington should be watching as well. For our role does not end with this week's celebration. We need to reassure Israel that the risks it is taking will not undermine security.

We need to prove to the Palestinians that laying down their arms will produce real benefits. We need to prove to PLO fighters and Palestinian refugees that blood and tears spent on Nation-building are far, far better than the blood and tears that have been spilled in the streets.

Mr. President, there is indeed a difficult road ahead. But I am hopeful. I recently shared a remarkable experience that gave me hope for lasting Middle East peace.

I recently hosted a luncheon for 46 kids, Palestinian, Israeli, and Egyptian. These kids were part of a program called Seeds of Peace. The program is the brainchild of journalist John Wallach. John raised the funds to bring this group of ostensible enemies—even at their tender age—to the United States for 2 weeks of summer camp. They spent 2 weeks in Maine, in a nonthreatening environment, where they could simply learn about each other while having some fun.

It was 2 weeks away from headlines, tear gas, and masked gunmen.

Two weeks to demonstrate the possibilities for Middle East peace.

When I joined the Seeds of Peace group last Thursday, the kids had hope in their eyes. But even at age 10 or 12, they knew the realities. I was asked by a young Egyptian boy: "How can I make peace when my friends are being shot?" Tough question from a 10-year-old.

I told him what I would tell any Arab, or any Jew for that matter: The time has come to make peace with ourselves. This does not mean forgetting the tragedies, the injustice of the past. It means looking toward the future.

Mr. President, in the years to come, as today's Declaration of Principles is put into effect, I will remember the kids I met last week. I will remember the seeds of peace that were planted this summer.

I will remember that these kids are back in the Middle East, back in Israel, Egypt, and in the Palestinian areas. I will think of them, knowing that they learned understanding and tolerance this summer. I remember how realistic they were, but also how hopeful they were.

Mr. President, if ever there is a question about U.S. involvement in making peace, a question about whether or not it's worth our time I will think to the kids that I met.

The United States has an interest in peace, in stability, in the Middle East.

It is a strategic interest.

It is surely an economic interest.

It is a diplomatic interest.

But with today's signing ceremony in mind, and the memory of the Seeds of Peace kids, I will always know that the U.S. interest in Middle East peace lies in simple humanity. In dignity. In tolerance. These are values that we promote abroad because we value them at home.

Mr. President, on the day that the United States fails to fight for these values, fight with the pen or with the sword when necessary, that will be the day that these values begin to wither at home.

So Israelis and Palestinians, indeed all Arab peoples, have reason to celebrate the future. And here in the United States, we have reason to celebrate, because in pursuing the values we cherish abroad, we have strengthened ourselves here at home.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con. Res. 43), with its preamble, is as follows:

S. CON. RES. 43

Whereas the conflict in the Middle East has caused untold suffering for many decades;

Whereas the people of the state of Israel have the right to live in peace within secure and recognized borders;

Whereas successive administrations of the United States Government have worked diligently to achieve a just and lasting peace in the Middle East;

Whereas under the leadership of President Carter, Israeli Prime Minister Begin and Egyptian President Sadat signed the historic Camp David Accords of 1978;

Whereas under the strong leadership of President Bush, a dialogue among the parties to the Middle east conflict was initiated at Madrid in October 1991;

Whereas this dialogue was continued through the strong and constructive efforts of the Clinton administration;

Whereas the Government of Norway, through its Foreign Minister, played an instrumental role in facilitating the negotiations that led to the signing of the Declaration of Principles between Israel and the Palestine Liberation Organization;

Whereas the Palestine Liberation Organization has recognized the right of the State of Israel to exist in peace and security, has announced that it renounces terrorism and other acts of violence, and has agreed to amend its Charter to delete all references to the destruction of the State of Israel;

Whereas the State of Israel has recognized the Palestine Liberation Organization as the representative of the Palestinian people;

Whereas Israel and the Palestine Liberation Organization have agreed to a Declaration of Principles concerning an interim period of limited autonomy for Palestinians on the West Bank and in Gaza; and

Whereas many difficult issues remain to be resolved in future discussions: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) supports the agreement between Israel and the Palestine Liberation Organization, and hopes it will serve as an historic opportunity to move toward a comprehensive and lasting peace in the Middle east;

(2) applauds the efforts of the Clinton and Bush administrations to facilitate these developments;

(3) welcomes the decision of the Palestine Liberation Organization to recognize the State of Israel, to renounce terrorism and other acts of violence, and to accept the path of peaceful coexistence;

(4) welcomes the decision of the State of Israel to enter into this Declaration of Principles and reaffirms its commitment to helping assure the continued security of the State of Israel;

(5) commends all those persons who have worked diligently to achieve these accords;

(6) encourages all parties to the Middle East peace process to continue to work vigorously in the pursuit of a comprehensive peace for the region; and,

(7) endorses continuing U.S. engagement in the peace process, and its committed to supporting efforts to make this agreement a success.

JOINT SESSION OF CONGRESS

ADJOURNMENT OF THE HOUSE

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of the following concurrent resolutions just received from the House: House Concurrent Resolution 144, providing for a joint session of Congress to receive such communication as the President shall be pleased to make, and House Concurrent Resolution 145, providing for an adjournment of the House; that the concurrent resolutions be agreed to en bloc, the motions to reconsider laid upon the table en bloc, and that the consideration of these items be listed individually in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolutions were agreed to.

ORDERS FOR WEDNESDAY, SEPTEMBER 15, 1993

Mr. FORD. Now, Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. Wednesday, September 15; that following the prayer, the Journal of proceedings be deemed approved to date; the time for the two leaders be reserved for their use later in the day; and that the Senate then resume consideration of H.R. 2520, the Department of Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. WEDNESDAY

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 11:01 p.m., recessed until Wednesday, September 15, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 14, 1993:

DEPARTMENT OF STATE

DANIEL L. SPIEGEL, OF VIRGINIA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN B. CONAWAY, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. RICHARD E. HAWLEY [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD B. MYERS, [redacted] U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. HORACE G. TAYLOR [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. PAUL E. FUNK [redacted] U.S. ARMY.

IN THE FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS 1, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

PAUL SNOW CARPENTER, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

M. EUGENE AARON, OF DELAWARE
ARUNA S. G. AMIRTHANAYAGAM, OF NEW YORK

DEPARTMENT OF AGRICULTURE

RICHARD T. LIVELY, OF VIRGINIA
CHAD R. RUSSELL, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS 4, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

MARK ARMANDO AGUIAR, OF CONNECTICUT
BONITA S. BISSONETTE, OF SOUTH DAKOTA
MARY ELISABETH BROCKING, OF VIRGINIA
KENT C. BROKENSHIRE, OF MARYLAND
JOSEPH PATRICK CASSIDY, OF MASSACHUSETTS
JACQUELINE KAY DUNPHY, OF IDAHO.
JAMES SUYDAM GIBNEY, OF CALIFORNIA
AMY ELIZABETH HOLMAN, OF NEW YORK
DANIEL ALAN HUTCHENS, OF FLORIDA
GLEN KEISER, OF CALIFORNIA
ELLEN K. KRESEN, OF NEW JERSEY
PATRICIA ANNE LACINA, OF CALIFORNIA
KARIN L. LARSON, OF MINNESOTA
LAURA ANNE LOCHMAN, OF INDIANA
LEWIS ALAN LUKENS, OF VERMONT
DORIS RUTH MCBRYDE, OF SOUTH CAROLINA
JAMES EARLE MCCRACKEN, OF MARYLAND
JULIE RETHMEIER MOYES, OF VIRGINIA
WILLIAM JAMES MOZDZIERZ, OF NEW YORK
MICHAEL CHASE MULLINS, OF NEW HAMPSHIRE
NANCY J. NELSON, OF VIRGINIA
GEORGE THOMAS NOVINGER, OF CALIFORNIA
GEOFFREY MARTIN ODLUM, OF CONNECTICUT
LYNETTE JOYCE POULTON, OF CALIFORNIA
JOHN TEMPLEMAN PRICE, OF TENNESSEE
EARLINE MASON REID, OF CALIFORNIA
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SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JAMES G. WALLAR, OF VIRGINIA

IN THE COAST GUARD

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THEODORE G. ROBERGE
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STEPHEN H. GOETCHIUS
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THOMAS J. BLANCETT, III
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PATRICK A. HARRIS
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DWIGHT K. MCGEE
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PETER J. GANSER
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MICHAEL D. KEARNEY
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CHARLIE L. COZBY, JR.
GARY S. ELLIS
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JOSEPH J. SABOE
RICHARD M. GAUDIOSI
MARK J. KERSKI
TEDRIC R. LINDSTROM
ROBERT L. MAKI
ERIC K. CHAPMAN
ROBERT K. ROEMER
ROBERT W. DURFEY, JR.
RICHARD W. MUTH
JEFFREY A. KAYSER
WILLIAM G. DAVIDSON
PHILLIP L. STEPHENSON
MARK J. SIKORSKI
PETER J. DINICOLA
MANSON K. BROWN, III
CLINTON S. GORDON
WAYNE N. COLLINS
BRIAN J. O'KEEFFE
FREDERIC C. HARWOOD
CLIFFORD K. COMER
WILLIAM P. LAYNE, III
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ROBERT A. VANZANDT
ANDREW G. GIVENS
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ROBERT V. PALOMBO
EDWARD J. GLEASON
HUBERT L. HOOD, JR.
THOMAS C. RIGGS
JOSEPH W. EVANS, JR.

THE FOLLOWING RESERVE OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF COMMANDER IN THE UNITED STATES COAST GUARD RESERVE:

CURTIS B. ODOM
JOSEPH R. CASTILLO
KEVIN P. CARPENTIER

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

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JOHN R. ADAMS [redacted]
DAVID J. ADERHOLD [redacted]
WILLIAM D. AIRMAN [redacted]
CECILIA C. ALBERT [redacted]
ANTHONY A. ALDWELL [redacted]
JIMMY R. ALLEN [redacted]
ALBERT A. ALLENBACK, J [redacted]
DONALD A. ANAWALT [redacted]
THOMAS L. ANDREW [redacted]
WILLIAM P. ARD [redacted]
GARY A. ARMISTEAD [redacted]
MICHAEL J. ATHERTON [redacted]
BRIAN R. BADGER [redacted]
ANTHONY G. BADOLATO, JR [redacted]
DARRELL J. BADUREK [redacted]
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RICHARD J. BAKER [redacted]
STEPHEN L. BAKER [redacted]
TERRY L. BAKER [redacted]
GARY A. BALDWIN [redacted]
RICHARD W. BALDWIN [redacted]
JO ANN BALL [redacted]
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GARY P. BAUMGARTEL [redacted]
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DONALD J. BECKER [redacted]
CURTIS M. BEDKE [redacted]
WILLIAM R. BEECHEL [redacted]
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DONALD E. BELCHE [redacted]
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LEROY A. BLOCK [redacted]
DWIGHT R. BOGGS [redacted]
JOEL D. BONEWITZ [redacted]
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THOMAS R. MADSON [redacted]
LEONARD J. MAGGIO [redacted]
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MARK V. MAYER [redacted]
MARY J. MAYER [redacted]
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WILLIE MCCLADDIE [redacted]
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SHAWN C. MCELROY [redacted]
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WALTER L. MCKNIGHT [redacted]
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BRIAN D. MILLER [redacted]
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ROBERT N. MITCHELL [redacted]
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THOMAS B. MONCURE [redacted]
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GARY L. NORTH [redacted]
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WILLIAM T. PAYNE, IV [redacted]
DOUGLAS R. PELTON [redacted]
JOHN C. PEMBERTON [redacted]
ROBERT W. PENAR [redacted]
PAT A. PENTLAND [redacted]
MICHAEL B. PERINI [redacted]
JOHN B. PERRONI, JR [redacted]
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JACK F. PETERS [redacted]
JOHN D. PETRILLA [redacted]
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HENRY P. PHELPS, II [redacted]
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JOHN R. PINNEL [redacted]
TERRANCE R. POMEROY [redacted]
ROBERT B. PRESTON [redacted]
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HENRY L. PUGH, JR [redacted]
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BRUCE F. QUEEN [redacted]
PATRICK C. QUIGLEY [redacted]
LUIS A. RAMOS [redacted]
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GEORGE R. RANEY [redacted]
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JAMES J. RAY [redacted]
MICHAEL H. RAYBURNE [redacted]
ROBYN S. READ [redacted]
JAMES E. REED [redacted]
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LARRY ANDREW RESETER [redacted]
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CLAUDE N. RICHARDS, JR [redacted]
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HUGH C. ROBINSON [redacted]
CHARLES R. ROGERS, III [redacted]
MARC E. ROGERS [redacted]
ARTHUR J. ROONEY, JR [redacted]
STEPHEN T. ROPER [redacted]
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MARK D. SHACKELFORD [redacted]
BARRY L. SHADE [redacted]
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ANTHONY P. SHARON [redacted]
NANCY A. SHEFFLETTE [redacted]
JAMES B. SHELTON [redacted]
REESE S. SHINKLE [redacted]
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JACK O. SLAGLE, JR [redacted]
JAMES W. SMAIL [redacted]
HAROLD J. SMARKOLA, JR [redacted]
BOBBY W. SMART [redacted]
ALAN M. SMITH [redacted]
BARRY H. SMITH [redacted]
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THOMAS D. SMITH [redacted]
DANA M. SPEARS [redacted]
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VIRGIL A. STARKES [redacted]
THOMAS A. STARKOVICH [redacted]
TOREASER A. STEELE [redacted]
BILLY J. STEPHENSON, JR [redacted]
STEPHEN A. STERNE [redacted]
DOUGLAS E. STEWARD [redacted]
ORVILLE L. STOCKLAND [redacted]
JEFFRY H. STOKER [redacted]
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JAMES A. STUDER [redacted]
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GLEN R. TANNER [redacted]
EARL V. TAYLOR [redacted]
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JOHN J. TEEVENS [redacted]
ANN M. TESTA [redacted]
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JAMES H. VANNESS [redacted]
RONALD W. VANORNE, JR [redacted]
FREDERICK D. J. VANVALKENBURG [redacted]
DOUGLAS C. VANWIGGEREN [redacted]
GERALD J. VENTEICHER [redacted]
RAYMOND A. VITKUS [redacted]
RICHARD L. VOLPE, JR [redacted]
BRIAN R. VOORHEES [redacted]
GEORGE WAGASKY, III [redacted]
CARM C. WALGAMOTT [redacted]
DAVID C. WALKER [redacted]
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FRED K. WALL [redacted]
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FRANCIS J. WALLER, JR [redacted]
TEDDY N. WANG [redacted]
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JAMES L. WHITE [redacted]
JOHN L. WIGGINTON [redacted]
KENNETH R. WILLIAMSON [redacted]
WILLIAM H. WILLIAMSON, JR [redacted]
RAYMOND A. WILLSON, JR [redacted]

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GERARD D. WITTMAN xxx-xx-x...
CLINTON C. WOODS xxx-xx-x...
BILLY A. WOOLEY xxx-xx-x...
RICHARD R. WOOLS xxx-xx-x...
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ROBERT YABLONSKI xxx-xx-x...
RONALD D. YAGGI xxx-xx-x...
JAMES H. YOUNG xxx-xx-x...
KARL B. YOUNG xxx-xx-x...
GREGORY S. ZANIEWSKI xxx-xx-x...
ROBERT M. ZDENEK xxx-xx-x...

JUDGE ADVOCATE

To be colonel

THOMAS G. BECKER xxx-xx-x...
WILLIAM P. BOWEN xxx-xx-x...
DAVID W. CHAPPELL xxx-xx-x...
TERENCE A. CURTIN xxx-xx-x...
H. MARTIN JAYNE xxx-xx-x...
SCOTT B. MCLAUTHLIN xxx-xx-x...
ALAN K. PASSEY xxx-xx-x...
RICHARD A. B. PRICE xxx-xx-x...
ALEXANDER W. PURDUE, JR xxx-xx-x...
MICHAEL W. SCHLABS xxx-xx-x...
MARGARET L. SCHREIER xxx-xx-x...
DAVID L. THOMAS xxx-xx-x...

MEDICAL SERVICE CORPS

To be colonel

STEPHEN L. ALCOCK xxx-xx-x...
KENNETH A. ANSELL xxx-xx-x...
DON C. BROWN, xxx-xx-x...
JEFFREY L. BUTLER xxx-xx-x...
THOMAS A. EUREK xxx-xx-x...
CARLISLE HARRISON, JR xxx-xx-x...
STEPHEN K. LECHOLOP xxx-xx-x...
JOHN C. PATCHIN xxx-xx-x...
NEIL G. PATTERSON xxx-xx-x...
ALAN T. PEASE xxx-xx-x...
RICHARD A. PETERSON xxx-xx-x...
ROBERT J. ROBSON xxx-xx-x...
GARRY W. STANBERRY xxx-xx-x...
LARRY F. WITTGAN xxx-xx-x...

BIOMEDICAL SCIENCES CORPS

To be colonel

BARBARA D. BARNICOTT xxx-xx-x...
MICHAEL L. BINION xxx-xx-xx...
KENNETH L. BRIER xxx-xx-x...
MICHAEL H. CALDWELL xxx-xx-x...
KEITH D. CHANDLER xxx-xx-x...
DONALD D. COATES xxx-xx-x...
JOHN G. GRAHAM xxx-xx-x...
RICHARD K. HARRIS xxx-xx-x...
RONALD C. HILL xxx-xx-x...
JOHN JOYCE xxx-xx-x...
JOHN P. NELSON xxx-xx-x...
JAMES W. NORMARK xxx-xx-x...
ERNEST H. OERTLI, III xxx-xx-x...
GARRETT D. POLHAMUS xxx-xx-x...
RICHARD C. POSTLEWAITE xxx-xx-x...
RICHARD L. PRICE xxx-xx-x...
STEVEN R. SEM xxx-xx-x...
CYNTHIA A. SMITH xxx-xx-x...
CARL J. TULLIO xxx-xx-x...
CHARLES A. WATKINS, III xxx-xx-x...
RAYMOND D. WILKINS xxx-xx-x...

EXTENSIONS OF REMARKS

IMPRESSIONS OF IRELAND

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. HOKE. Mr. Speaker, I would like to share my thoughts on Northern Ireland, which I visited during July. In light of the progress toward peace which has just recently been made in the Middle East, we can hope and must strive for similar efforts with respect to the Irish question.

IMPRESSIONS OF IRELAND

(By Representative Martin R. Hoke)

During the recent July congressional recess, I fulfilled a pledge made to West Side residents of Irish descent who are concerned about the state of affairs in Northern Ireland. With the assistance of the U.S. State Department and Cleveland City Councilman Pat O'Malley (D-16), I was privileged to gain an extraordinary exposure to Ireland's expansive landscape of political views and opinions during a visit to Belfast at my own expense from July 6-10.

I met with party leaders representing the entire spectrum of major political parties from Gerry Adams, leader of pro-unification Sinn Fein to Ian Paisley, the leader of the Democratic Unionist Party [DUP], which represents the most extreme loyalist, pro-British element.

Unlike our American political parties, the political parties in Northern Ireland are not distinguished primarily by their commitment to economic or social principles. Whereas our political parties debate ideological differences over the legitimate and appropriate size of government, the role of regulation, how much we should tax ourselves, etc., the Irish parties are distinguished first and foremost by their various commitments to the future geo-political status of Northern Ireland.

At one end of the political spectrum are the pure Republicans, the Catholic faction which demands that Northern Ireland become part of the Republic of Ireland to the south. This is the position held by the Sinn Fein party, which received about 12% of the popular vote in the last election. At the other end of the spectrum is the Protestant faction which believes Northern Ireland should always be a part of Britain. They are represented by the DUP, which received about 17% of the vote in the last election. In the middle are three other parties which have the majority of popular support, although none has a majority by itself. The Social Democratic Labor Party [SDLP], led by John Hume of Derry, is the pro-nationalist, pro-unification party that gathered about 22% of the vote. The Ulster Unionist Party is a pro-union centrist party with 29% of the vote. Finally, there is the appropriately named Alliance Party, the only political party with substantial numbers of both Catholics and Protestants, which predictably is also the smallest party and received only about 8% of the vote.

In addition to meeting with political leaders, I met with representatives of the court system, the Royal Ulster Constabulary, and the Northern Ireland Office—the British Government's representative. I also met with Jean Kennedy Smith, the United States Ambassador to the Republic of Ireland, as well as a host of community development, socio-economic, and business groups.

It's been said the first indication that one is beginning to understand the problems in Northern Ireland is a sense of complete confusion. By that standard, I'm fast becoming an expert. The fact of the matter is there are no simple solutions to these very complex problems. It is at once both axiomatic and profoundly unfortunate that if the problems of Northern Ireland were simple and lent themselves to simple solutions, they would have been resolved long ago.

Lending to the confusion is the practice by nearly every political leader I met in Ireland of using historical events to prove his or her point, reaching back as far as needed to illustrate it. To put this in perspective, bear in mind that Saint Patrick converted the Celts to Christianity in AD 432 and the British came to Northern Ireland nearly four hundred years before Columbus sailed for the Americas.

It is not unusual for Americans visiting Northern Ireland to be struck by the similarities between Ireland's current situation and our civil rights movement of the 1960's. The primary difference being that Ireland suffers not from a history of racial discrimination, rather from a history of religious discrimination, specifically discrimination against Catholics by Protestants. What is unfortunate is that the Irish have not yet benefited from the lessons of the politics of inclusion that we have here in the United States.

Instead of including all political groups with popular support in the political process, the British Government has actually aggravated the natural political polarities by excluding those of dissenting views, specifically the Sinn Fein party. To the extent that all groups are brought within the process and thereby made responsible and accountable for outcomes, society succeeds in pulling dissenting elements into the social and political mainstream. Certainly the past 250 years of American history convincingly illustrate this point.

If I had to single out one flaw in British policy toward Northern Ireland over the past 20 years, it would be its ignorance of this political truth. By way of example, I had the privilege of touring the Conway Mills Project, an established community center that was founded by Father Des Wilson in 1982, a supporter of the re-unification of Ireland. It has applied and been turned down for grants from the International Fund for Ireland (IFI), a program for commercial development in Ireland that receives half of its funding from the United States and the other half from the European Community.

Father Wilson is working in the poorest section of Catholic West Belfast on a number of initiatives designed to improve peoples' lives through economic development, education, and hunger relief. The Conway Mills Community Center includes classrooms and a small business incubator. Actively involved in special community projects, it also has a small theater, a day care center, and an inexpensive snackbar. Frankly, it reminded me of the community center in the Cleveland neighborhood of Tremont.

But the British Government had indicated to the IFI that it did not want Conway Mills to be funded in any way because of the politics of Father Des Wilson. I personally spoke to the Director of the IFI and requested that the Conway Mills grant request be reconsidered. Bear in mind that 50% of the IFI's funding is appropriated by the U.S. Congress. I explained that I thought it was not only important to support Conway Mills because of the value of its programs, but equally important to draw it out of the underground and into the mainstream. This will profoundly impact not only how the individuals involved with Conway Mills are viewed by outsiders, but how those individuals view themselves and their own relation to the larger society in which they live.

Because of the polarized environment and rigid positions held by Ireland's parties, I'm relatively discouraged regarding the prospects for near-term reconciliation of these differences. That notwithstanding, I was tremendously impressed and inspired by one group with whom I met, the Northern Ireland Commission for Integrated Education [NICIE]. Led by Finoa Stephens, this is a parent-driven initiative which has established integrated schools with student bodies composed of about equal numbers of Protestants and Catholics. It is tragic that the vast majority of the people of Northern Ireland grow up never meeting or getting to know people of different religious faiths except in brief commercial transactions, feeding the development of deep-seated prejudice at a very young age. NICIE has only been around for a few years, yet it already has over 18 schools with 4000 students. While this represents only 2% of Ireland's student population, it was the most hopeful indication I saw that these differences will eventually be worked out.

The untenability of the British position is that they built a political and economic system which exploited the religious differences and rivalries between two communities in order to serve and maintain their own colonial purposes. Now in a vastly changed 1990's European Community, Northern Ireland finds itself saddled with the rotting remnants of an unjust foundation. No lasting and equitable solution will be possible without the full inclusion and participation of all political parties. The British and Dublin Governments are clearly in the positions of leadership to initiate a new era of reconciliation and cooperation in which the politics of pride and paranoia are replaced by the politics of inclusion and reason.

A TRIBUTE TO ROLAND E. WEST

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Roland West for his long

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

years of service to his community and his country.

Mr. West was born in Philadelphia, and was raised in Florida. However, after serving his country in the Air Force from 1945 to 1950, and obtaining degrees in business administration and accounting, he decided to return to his place of birth. He subsequently began working for the Internal Revenue Service, first in Camden and then in Philadelphia. By the time he retired in 1986, after 25 years of Government service, Roland had earned an Outstanding Performance Award, a Special Act Award, and a Suggestion Award.

Throughout his life and his career with the IRS, Mr. West has also been very active in his community. He is a member of the Second Baptist Church of Media, PA, where he serves on the trustee board, the budget committee and is chairman of the constitution and by law committee. He is also a life member of the media area branch of the National Association for the Advancement of Colored People [NAACP]. For many years, he has served as the branch's treasurer. In addition, he has been active on the Pennsylvania State Conference of NAACP branches executive board since 1971. Roland has also donated his time to numerous community action groups such as the Delaware County Housing Council, the Steering Committee of the Greater Chester Movement, and the South Media Concerned Citizens Committee.

I join with Mr. Roland's family, friends, and fellow activists to thank him for his years of service. Whether serving his country with the Air Force and the IRS or taking an active part in the affairs of his community. Roland's dedication is an example to every citizen.

A TRIBUTE TO HUMANITARIAN ETHEL WILLIAMS

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. KLEIN. Mr. Speaker, I rise to pay tribute to Ethel Williams, a Paterson native who has dedicated her life to helping her fellow citizens in every way possible.

Ms. Williams began her work in the community as a teacher with the Paterson school system. For 22 years she remained a respected fourth grade teacher and went on to serve as a guidance counselor for pregnant adolescents through the SAGE or Special Aid for Girls Expecting Program until 1980 when she retired.

As administrator and later executive director of the Catholic Community Center, Ms. Williams faithfully came to the aide of the poverty-stricken. While her seasonal newsletters raised funds, her kind words and open arms raised spirits. Through the center, she provided invaluable service to the struggling members of her community.

Ms. Williams' contributions are indeed multifaceted. In addition to the school system and the center, Ms. Williams was dedicated to her church and its African-American congregation. She created several organizations, including BLACK (Black Leadership in Christian Knowledge) for African-Americans at Our Lady of Victories Church, a Commission on Black Catholics, and WINGS (Women in the Nineties Growing Strong) for single parents. She was an active member of the NAACP, National Council of Negro Women, National Office of Black Catholics, National Black Caucus on Aging, National Organization of Women, and Passaic County Network on Adolescent Pregnancy. She is a Third Order Franciscan and an associate of the Franciscan Missionary Sisters of the Immaculate Conception (S.M.I.C.).

These remarkable achievements have not gone unnoticed. In 1981, Ms. Williams was recognized by Pope John Paul with the Cross Pro Ecclesia, the highest honor accorded to a Roman Catholic laywoman. She received the Lumen Christi in 1986, as well, for her service to the poor. Within her own community, she has been honored by the National Head Start Humanitarian Award, the NAACP Community Service Award, a Presidential citation for volunteerism, and Private Industry Council Organization Distinguished Service Award.

A TRIBUTE TO THE TOWN OF PELHAM, MA

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. OLVER. Mr. Speaker, I rise today to congratulate the town of Pelham, MA, and mark the passage of its 25th anniversary. The town has celebrated its proud history with a year-long series of anniversary events.

Incorporated as a township in 1743, Pelham has remained an unspoiled and beautiful New England town throughout its long history. The essential elements of the 18th century town remain, giving Pelham a unique character. Pelham's town hall has been in use since the first town meeting in 1743, which makes it the oldest town hall in continuous use in the United States. The original Evangelical Congregational church is now preserved as a museum, and the old burying grounds also remain intact.

Pelham has played a significant role in American history as home to Daniel Shays, leader of the late 18th century farmers' revolt. That revolt helped the founders of the United States conclude that a constitution strengthening the union of the States was vital to the new Nation.

I ask my colleagues to join me in congratulating Pelham on its 250th anniversary, honoring its history, and wishing the town continued prosperity.

IRAQI PRISONERS OF WAR

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. HALL of Texas. Mr. Speaker, I rise today to call the attention of this House to an almost unbelievable situation.

In the late winter and into the spring of 1991, we watched as the young men and women of our armed services fought bravely on the deserts of the Middle East. As a Nation, we were proud when our high-technology weapons worked just as planned. We were impressed with the decisions made by our military leaders to execute certain plans. And, yes, we were deeply saddened at the deaths of far too many of our young soldiers. In fact, one of the very first Americans to die during the Persian Gulf War was a young marine from my district—Lance Corporal Daniel Walker of Smith County, TX.

And now, Mr. Speaker, the United States is in the midst of a strange practice. We are allowing Iraqi soldiers into our country as immigrants. To me it does not make sense to be proud of weapons that defended us from this enemy, to be impressed by plans to counter their maneuvers, to grieve when they killed our young people and then to turn around and welcome them into our country with open arms.

America is a generous nation. Abraham Lincoln's call for reuniting our nation after the Civil War with "malice toward none and charity for all" set a standard which our nation has followed until this day and will continue to follow in the future. We have been charitable after wars in the past. We helped rebuild Japan following our victory there. We defended and revived our sector of Germany following that victory. We should be charitable to nations now. But this policy is going too far.

We fought the Iraqis. We won. Yet they still refuse to comply to the standard set for them by the United Nations. The threat of further action still looms in that region of the world.

And what is the United States doing? We are accepting into our country enemy prisoners of war. And not only are we bringing these prisoners of war into America, but we are making them eligible for thousands of dollars in medical care, housing, and job placement assistance. On top of that, they are eligible for cash benefits.

This is bad policy for a number of reasons. First, allowing these people into the United States presents the possibility of a severe security threat. It is not wise—in the face of possible further military action—to have the enemy living within our borders.

Aside from the military concerns, this program presents a tremendous financial burden to the American taxpayers. The estimated cost is $7000 per refugee per year. This amount excludes up-front health care the refugees may need upon arrival. Estimates for this program total as high as $70 million.

Just last month we discussed and debated Federal spending. The President has asked every American to sacrifice. And most of my constituents are willing to sacrifice—in exchange for fair, honest, controlled Government spending. In fact, they have already sacrificed in order to pay for the weapons and soldiers who fought Iraq. It is not fair to ask them to sacrifice more to resettle the enemy in our country.

There is an old saying, "We have met the enemy and he is us." Maybe we should change that to, "We have met the enemy and made him us."

Mr. Speaker, this is not wise policy. That is why 74 of my colleagues in this body and I have written to the President and asked him to prevent any future resettlement of Iraqi prisoners of war in our country. As I said, America has always been charitable following a war. But it is more than charitable to bring the captured enemy into our Nation, giving them health care, help them find jobs, and give them cash, when—at this very time—many people here in our country are in need of those things. It is more than charitable to do that for the enemy—in fact, it is just wrong.

A VOICE IN AMERICA'S FUTURE

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mrs. VUCANOVICH. Mr. Speaker, it is with great pleasure that I announce the Nevada winner of the Veterans of Foreign Wars' Voice of Democracy scriptwriting contest. Miss Maryellen Johnson of Gabbs, NV submitted the winning essay and it is my honor to include it in the RECORD:

As I look into the future of America I see my generation joining with the generations before me to speak out and let our voices be heard. We together will work for the changes our nation needs.

To voice my opinion I will use the system our founding fathers have established: the government by the people and for the people. The Constitution was developed insuring my rights and making sure no one could take them away. Many people worked hard, making it possible for me to have a voice in my future and I intend to use it! As an eighteen year old I will be registered and ready to vote.

You see I feel voting is a way to voice my opinion. We are given the right to vote and if used correctly this is a strong, clear voice. I, as an American, can have my say in our country's welfare.

I believe it is never too early to become involved. The first thing to do is learn the systems of government and get an understanding of how it works. This is where it begins, and this is where I have started. I know the more you learn the more you want to take part in our unique and democratic system. I will learn all I can about the system and use my knowledge to develop a voice.

Our country is important to me and I want to help in the decision making. My involvement has encouraged others to become involved. And as my role in the future opens, I will continue to help others use their voice, and I will soon use mine. By really understanding the government we realize one vote makes a difference. By uniting our votes we can amplify our voice. The more united we are the louder our voice will become.

Developing my opinion will come after closely observing the candidates and studying the issues. I won't vote on anything until I am convinced it is what I want. My belief is that we should cast our ballots after researching the facts. I will be informed and then make a responsible decision. By listening to the candidates I will gain an understanding of their ideas. I will also check their voting records.

Our closest link to Washington is the House of Representatives. If we are properly represented our voices will be heard. We must elect Representatives who will stand up for our beliefs. Their common concern should be with us, promoting the general welfare. We want our thoughts to be known. There have been many times candidates will say one thing and do another. The selection of these people is important. When in office they should take responsibility for their actions. We want our ideas to be presented and not the ideas of special interest groups.

After my ballot has been cast this is not the end of my voice in America's future. I will then watch to see if their promises will be carried out. Will their campaign speeches become reality? My voice will now follow our elected officials throughout their terms.

At this time I will know whether or not they have fulfilled their promises. Did they represent the voice of those who trusted their votes? My voice will now re-elect the incumbent or work to place someone new in office.

This process will keep our country progressing and with it I will continue to learn. I will use my voice in America's future to make a difference and I hope to help others do the same. I look forward to my future and to letting my voice be heard!!

TRIBUTE TO JACK T. BRINKLEY

HON. MICHAEL A. "MAC" COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. COLLINS of Georgia. Mr. Speaker, I rise today in honor of the Honorable Jack T. Brinkley who served Georgia's Third District in this body from 1967–1982. In a recent speech in his hometown of Columbus, GA, Mr. Brinkley offered some words of advice to those of us who make up the 110 Member freshman class. Having read his comments, I thought it would be appropriate to share his words with my colleagues.

ADVICE TO A NEW CONGRESSMAN

(By Jack T. Brinkley)

It is true that unsolicited advice is never appreciated, and seldom followed. But if I were to give advice to a newly elected Congressman, these are the things I would say.

The most important document in Washington is a letter from home. Answer your mail faithfully, and your constituents will give you some rope and allow you to vote your conscience.

Be strong on constituent services, for the might of Government versus the individual is awesome. Express an interest for the citizen, write, phone, and go in his or her behalf. Let the issue be decided on merit, not by the weight of bureaucracy. Don't let there be a role reversal where the government is master instead of servant.

Champion community needs:

Shared proceeds of timber harvesting on military reservations with adjacent counties should be 25% gross instead of net to bring parity with national forest proceeds.

New VA cemeteries such as the Region IV at Fort Mitchell should be given a headstart by adequate funding for weekend services which would provide greater utility to veterans.

Columbus mail should not be processed in Macon over the weekend. And in-the-black operation such as our Post Office deserves appropriate letter sorting equipment here.

Military personnel and retirees need congressional champions. If not you, who?

The Social Security notch problem could be adjusted since the gap is larger than anticipated according to legislative history.

Go home as often as you can, vote faithfully, pay attention. Remember who you are, where you are from, and who sent you. Have as your motto, "I don't work for the government, I work for you!"

CONCLUDE

More than 250 years ago Jonathan Swift writing in Gulliver's travels said the person who could make two blades of grass grow where only one had grown before would do more essential service for mankind than the entire race of politicians put together.

I disagree, and recommend our newly elected representatives take this with a grain of salt. We, too, can make the grass grow if we get our role right and put the people's interest before our own.

Finally to paraphrase the words of Jonathan Swift may I express my appreciation to Lions everywhere who have practiced making two people see where only one had seen before!

GUINEA DELEGATION VISITING

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. BLACKWELL. Mr. Speaker, I am pleased to announce that this week we have visting with us a distinguished delegation from the Republic of Guinea. The delegation is lead by the Director General of Guinea, the Honorable Rangaly Cumara. Mr. Cumara is accompanied by three very distinguished members of the Guinean Government.

They are, the Honorable Fara Kamano, Director of Infrastructure and Equipment; the Honorable Mamadie Second Condi, Chief of Services; and the Honorable Aboubacar Toure, President of the Council Administration. In December of last year, I had the moving experience of visiting the west African nation of Guinea.

Guinea is among those in the community of nations that has begun to consider the virtues of democracy as a form of government.

During the course of our fact-finding mission, I met with several Guinean leader, including President General Lansana Conte.

My visit to Guinea reminded me that the blood that joins our people is far stronger than the body of water that divides us. There are miles and faded memories that have caused our division, but the faces tell the story. In Guinea, I saw people in Conakry who I could very well have seen on the streets of Philadelphia. Our mission was a quest to unite because we have been divided by a number of forces that have come between us, Our goal was to rekindle our natural interests and to rebuild a long and lasting bridge of friendship. I believe we have made great strides towards accomplishing that goal.

The continent of Africa is fertile ground for emerging democracies. Africa has an annual population growth of about 3 percent, the highest of any region in the world.

The continent's population is expected to more than double, from 648 million in 1990 to 1.6 billion by 2025. In addition, in Guinea and other African nations, there is encouraging political activity.

That political activity will necessarily give rise to advances in economic activity. Now is the time for the United States to bolster its financial support to Guinea and other African nations and to increase trade and investment. The comfort and warmth I felt in Guinea reinforced my strong belief that political and economic power in Guinea can best be achieved through enterprise and business exchange with Philadelphia. Airports have been constructed in Philadelphia. Airports can be constructed in Guinea. The experience and expertise we have in Philadelphia in building and using ports can be applied to port and other projects in Guinea. We have beautiful landscapes in Philadelphia. We can do the same in Guinea. Philadelphians can help in the installation of Communication systems and in the training and implementation of modern technology. Philadelphia is a city of many images, a tourist attraction. We can help open the gateways of Guinea, and it too can become a major tourist attraction. Bulk products can be repackaged in Guinea for worldwide distribution. Trade and development projects in Guinea can mean jobs and economic development for Philadelphia. We have democracy in Philadelphia. We can have democracy in Guinea.

It is my firm belief that the interests of the United States are best served by playing a more active role in the development of emerging African democracies, like Guinea.

With the restructuring of the Soviet Union, we have a golden opportunity to restructure and realign our foreign aid concentration toward nations interested in democracy and economic reform. Direct assistance to Africa from the United States represents just 10 percent of our total foreign aid budget. We rank fifth among the leading donors of bilateral economic development aid to the continent. Mr. Speaker, if the United States is to remain the world's democratic and economic superpower, we must become a major force in the world economic community.

And, if Philadelphia is to enjoy mutually beneficial business relationships with Guinea, we must start now. We have planted the seed. We have the recipe for success. We must start now. Thank you.

IMPORTANCE OF AUSTRALIA'S PRIME MINISTER'S VISIT TO WASHINGTON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. GILMAN. Mr. Speaker, today Prime Minister Keating of Australia will be visiting Washington. I want to take this opportunity to welcome him and extend my warmest regards to our Australian allies. As you know, one of our most important alliances in the Asian Pacific region is with Australia. We have fought side by side in five conflicts this century.

The ANZUS alliance continues to provide major benefits to both countries. Australia hosts the United States-Australia joint defense facilities, which played an important role during the gulf war. United States naval ships frequently call on Australian ports and our forces exercise and train together periodically on Australian territory.

We also cooperate closely in international peacekeeping efforts. Australian naval forces participated in the gulf war and continue to enforce U.N. sanctions. Australian military forces are also present in Somalia. Australia deserves particular credit in its role in Cambodia, where Canberra was a major player in fashioning the Paris framework agreement that is attempting to bring one of the great tragedies of this century to an end. An Australian general heads the U.N. Cambodia peacekeeping force with which sizable numbers of Australians serve.

Within the border region, Australia launched the Asia Pacific Economic Cooperation [APEC] concept, which envisages an ever more prosperous association of free-trading nations. The United States supports this initiative, and will host a meeting of APEC ministers in Seattle this November. And it was Prime Minister Keating who first proposed holding a meeting of leaders of APEC nations, which President Clinton now plans to do immediately following the Seattle ministerial meeting.

Internationally, Australia and the United States are working to bring the Uruguay round to an early successful conclusion. As chairman of the Cairns Group of nonsubsidizing agricultural exporters, Australia has been particularly effective in promoting increased agricultural market access.

United States-Australian trade now exceeds $13 billion on an annual basis, with the United States enjoying with Australia one of its few bilateral trade surpluses. United States investment in Australia now totals $15 billion.

The United States and Australia similarly are working to stem the proliferation of nuclear weapons and their ballistic missile delivery systems as well as to eliminate chemical weapons from international armories. Australia has been particularly active in the latter area, and deserves great credit for focusing international attention on the problem.

In short, few countries work more closely together than the United States and Australia. Prime Minister Keating's visit represents a valuable opportunity for our two Governments to share views and coordinate policies across a wide range of mutual interests.

SVOBODA CELEBRATES CENTENNIAL ANNIVERSARY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. WELDON. Mr. Speaker, I rise today to congratulate Svoboda the official newspaper of the Ukrainian National Association, which celebrates its centennial anniversary tomorrow September 15, 1993.

Svoboda, meaning Liberty, is the oldest Ukrainian newspaper in the world and one of the oldest ethnic newspapers in the United States. Throughout its history, Svoboda has provided hundreds of thousands of Ukrainian immigrants, in their native language, with information about the United States and the world. It has also been the catalyst for the creation of numerous organizations which have helped provide, without United States Government assistance, educational, social, and cultural needs of the Ukrainian-American community.

Perhaps, more importantly, Svoboda has served as the channel to the West for information regarding Ukraine's struggle for independence. It was through Svoboda that United States political leaders learned of the Stalinist famine in Ukraine in the 1930's, the arrests of Ukrainian human rights activists in the 1970's and 80's, and the final struggle for Ukraine's independence in 1990 and 1991.

I applaud the Ukrainian National Association and the numerous achievements of Svoboda. For the past 100 years, Svoboda has been a shining example of the press serving as the cornerstone of democracy, and the tremendous power of information to effect change, I congratulate them and look forward to their continued success.

ST. LUKE PAVILION CELEBRATES 10TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to St. Luke Pavilion in Hazleton, PA, on the occasion of its 10th anniversary.

St. Luke Pavilion, along with its sister facility, St. Luke Manor, is a 120-bed nursing care residence, owned and operated by the Lutheran Welfare Service of Northeastern Pennsylvania. Lutheran Welfare Service, which has recently celebrated its 35th anniversary, is renowned for its dedication and commitment to our elder citizens. It also operates the acclaimed Hospice St. John, which assists terminally ill patients.

It was on August 11, 1982, that ground was broken for St. Luke Pavilion. In the fall of 1983, the first residents were moved in, and in November of that same year, St. Luke Pavilion was formally dedicated. Designed to provide quality nursing and therapeutic care for its residents, St. Luke's has become the first choice for many Hazleton residents when seeking care for their loved ones in their golden years. Originally funded in part by the Lutheran congregations of the northeastern Pennsylvania region, St. Luke Pavilion now receives its funding from Federal and State health care programs.

Mr. Speaker, I am extremely proud of the services that the Lutheran Welfare Service provides to northeastern Pennsylvania and I am pleased to congratulate the staff and volunteers of St. Luke Pavilion as it celebrates 10 years of fine service to the community.

HONORING CONGRESSMAN JOHN MURTHA

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to honor my colleague, JOHN MURTHA, on the occasion of his being honored as the "Government Leader of the Year" by the Pennsylvania Chamber of Business and Industry.

For 19 years, Congressman MURTHA has been a dedicated public servant for the people of the 12th District of Pennsylvania. He has consistently represented his constituents' interests before the House, while at the same time, as a senior member of the State delegation, he has been an effective advocate for all of Pennsylvania. Mr. MURTHA has worked with me to save jobs at the Philadelphia Navy Yard, helping to bring the U.S.S. *Kennedy* to Philadelphia for its complex overhaul work, and keeping thousands of Pennsylvanians working. Thanks to JACK MURTHA'S work, the *Kennedy* arrives next Tuesday, September 14. Congressman MURTHA has also helped with efforts to preserve Independence National Historic Park in Philadelphia. Throughout his years in Congress, he has worked hard to stimulate the economy of Pennsylvania and help the creation of jobs in his district and across the State. In doing so, he has become the model of what an elected Member of Congress should be.

For these reasons, I join with fellow Pennsylvanians in honoring Congressman JOHN MURTHA as the Pennsylvania chamber's Government Leader of the Year. Our State has benefited greatly from his years of dedicated service. Mr. MURTHA will serve us for many more years to come. My question is: What would we do without him?

A TRIBUTE TO DEAN C. NOLL

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of northern New Jersey, Dean C. Noll. Mr. Noll has served the State for the past 43 years with his work on the North Jersey District Water Supply Commission.

In his service on the commission, Mr. Noll has been credited with the operation of the Wanaque reservoir, the Ramapo pump station, and the Wanaque treatment plant. Along with the Hackensack Water Co., Mr. Noll was also responsible for bringing to life the Wanaque south project which furnishes water for approximately 1.5 million residents of northern New Jersey.

Mr. Noll is a member of the American Water Works Association. He has served as both the chairman of the New Jersey section and as national director. He currently functions as the chairman of the General Policy Council and as a member of the executive committee of the board of directors.

Along with his service on these bodies, Mr. Noll has written several articles for professional articles and has offered his time to provide expert testimony before various courts and congressional committees.

Mr. Speaker, I wish to praise Mr. Noll for his remarkable achievements. His work has greatly benefited the northern New Jersey area.

A TRIBUTE TO THE NORTH AMHERST LIBRARY

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. OLVER. Mr. Speaker, I rise today to pay tribute to the North Amherst Library on its 100th anniversary. I am proud that Massachusetts has a longstanding tradition of support for public libraries, and the North Amherst Library is a part of that tradition. On September 20, 1893, the building which still houses the North Amherst Library was dedicated. The library's roots reach back even further, to the founding of the North Amherst Library Association in 1869. One of its founders was a member of the first class at the Massachusetts Agricultural College, which later developed into the University of Massachusetts.

In 1883, the library moved from its original home in the North Amherst post office to the North Amherst school. When this location became too small, small and large donations as well as an appropriation from the town of Amherst were used to construct a new building. This collective effort created the North Amherst Library, which serves local residents to this day.

Libraries encourage literacy and a love of learning, and they serve as a crucial resource for both young and old. The North Amherst library has been providing these services for 100 years, and now holds approximately 10,000 items as a resource for residents. In 1925 the North Amherst Library became a branch of the Jones Library, and now it can bring the benefits of both libraries to residents around the historic North Amherst village center.

I ask my colleagues to join me in congratulating the North Amherst Library on its 100th anniversary, for its long tradition of service to the community.

THE ELECTRONIC FUNDS TRANSFER FEDERAL SALARY ACT

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. DARDEN. Mr. Speaker, I rise today to introduce the Electronic Funds Transfer Federal Salary Act. This bill would authorize the Secretary of the Treasury to issue regulations requiring payment of the wages and salaries of Federal employees be made by electronic funds transfer or any other method that the Secretary determines is more economical or effective.

Mr. Speaker, use of "direct deposit" payments to Federal employees would have saved the American taxpayer $2.7 million in 1992. It is extremely important that we continue to show the American people that we are seeking out ways to save money and eliminate unnecessary spending. This bill is part of that effort and is consistent with both the administration's "reinventing Government" initiatives and the Congress' ongoing actions to reduce the cost of Government and cut the Federal deficit.

Mr. Speaker, the possibility of achieving cost savings through direct deposit first came to my attention in April of this year when, as a new member of the Appropriations Subcommittee on Treasury, Postal Service, and General Government, I had an opportunity to discuss this matter with Treasury Secretary Bentsen as he testified before the subcommittee. Further discussions with the Federal Financial Management Service led to development of this legislation. This act would provide for exceptions in the cases of intelligence and certain law enforcement personnel, current employees making less than an annual salary of $20,000, and other cases deemed necessary by the Secretary of the Treasury or an agency head.

Mr. Speaker, while it pales in comparison to our National Debt, the $2.7 million that would be saved yearly by this bill is still a lot of money to the American taxpayer. I firmly believe that this measure represents a significant step toward increasing the efficiency of Government.

STATEMENT OF CONGRESSMAN RICHARD NEAL ON THE PROSPECT OF PEACE IN NORTHERN IRELAND

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, yesterday I stood in amazement as Prime Minister Rabin of Israel and Chairman Arafat of the PLO shook hands, thereby beginning a process of ending a century-standing dispute.

This compact should provide impetus to resolve the longest standing political dispute in the Western World, the six counties of Northern Ireland.

In the last 5 years we have witnessed the demise of the Berlin Wall, the yoke of Marxism being lifted in Eastern Europe, Soviet troops leaving Lithuania, majority rule coming to South Africa, and the dissolution of the Soviet Union. Only in Northern Ireland has there been little if any progress.

It is time for the British to begin talks with the Irish Government and Sinn Fein to begin the process of disengagement from Northern Ireland which is favored by the English people who can no longer financially afford the burden of occupation. It is time to begin the process of the formal reunification of Northern Ireland with the Irish Republic.

No where in the world does partition work. Yesterday President Clinton used the term "conflicting claims of history." Today that term applies fully to Northern Ireland.

I am today urging President Clinton to proceed with naming of a special envoy—former President Jimmy Carter would be an excellent choice. The envoy would make formal recommendations to Great Britain and Ireland in how best to proceed with the peaceful reunification of Ireland. The judgment of history awaits us.

BAY PINES VA MEDICAL CENTER HONORS ITS YOUTH VOLUNTEERS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. MONTGOMERY. Mr. Speaker, at a ceremony held on Wednesday, August 18, 1993, at the Bay Pines VA Medical Center in Seminole, FL, 164 youth volunteers from the community were thanked by the medical center's staff for their contribution of over 13,500 hours in service to hospitalized veterans over these past summer months.

Special recognition was given 11 of these youths; 10 were awarded plaques for their special efforts in support of our veteran patients, and one was recognized as the "Outstanding Youth Volunteer for 1993" and presented both a plaque and a $500 U.S. Savings Bond. The individual winners were:

Outstanding Youth Volunteer for 1993: Vincent "V.J." Lentini who volunteered for the medical center's prosthetics service and was sponsored by the American Legion. V.J. has volunteered at Bay Pines for the past 3 years. He is a hard working young man while volunteering at the medical center as well as academically in school where he maintains a 3.9 grade point average. V.J. has proven to be an enthusiastic and invaluable member of the prosthetic team. He has acted as receptionist greeting walk-in patients; answering incoming telephone calls; inputting data into the computer and accomplishing many routine filing and clerical tasks during his volunteer day. For the past 2 years, suffering the effects of Guillain Barré syndrome, V.J. had performed these duties in his wheelchair, but through his intense physical therapy, he is now able to walk with the aid of a cane. V.J. has captured the affection, admiration, and respect of veterans and staff alike. Our hats go off to V.J. for his courage, positive outlook on life, and the successes he has already attained.

HONORABLE MENTION YOUTH VOLUNTEERS FOR 1993

Sponsoring organization—name—work site.

The American Legion—Sami Martin—nursing home care unit.

Salvation Army—Chris Roe—mailroom.

The American Legion—Sal Rinaldo—mailroom.

Paralyzed Veterans of America—Rebekah Potter—personnel.

Fleet Reserve Association—Fariq Hakky—police and security.

VFW Auxiliary—Angie Berrios—nursing ward 4B.

American Legion Auxiliary—Andy Moerschbacher—police and security.

Marine Corps League—Natalie Cunningham—switchboard.

Disabled American Veterans—Corey Lentini—office automation.

Destroyer Escort Sailors—Mark Dahl—medical media.

Outstanding Youth Volunteer Supervisor for 1993: Ms. Gail Masterman of medical administration service. Ms. Masterman has worked with the youth volunteer program for several years. She enjoys working with these young men and women and feels they have a great deal to give of themselves and are very dedicated to their work.

Outstanding Parent Volunteer for 1993: Lida Lentini—Mrs. Lentini has been a faithful parent-volunteer for the past 4 years during each youth orientation. Each morning for the first 2 weeks, she helps sort through paperwork and uniforms. She sells raffle tickets and ice cream and assists at the awards and fun day each year. The list goes on and it is easy to see where her two sons inherit their love of volunteering and helping others. Mrs. Lentini sees the need and without hesitation rolls up her sleeves and gets in there to help.

The medical center's acting director, Thomas A. Cappello, knows well just how important these volunteers are to the delivery of quality care at the hospital. "They help us in many ways and are particularly important in filling in for those 'snow birds' absent during the summer months," he said. "These young Americans can be justly proud of all they give to help these veterans," said Cappello.

Voluntary service chief, Mike Coningham, also sees how these young people involve themselves in caring for these patients. "Almost everything done by these volunteers directly impacts on patient care. We couldn't meet all the patients' needs without their assistance," said Coningham.

Mr. Speaker, I know my colleagues will want to join with me in commending these and other youths for their selflessness and concern in supporting the medical and administrative staffs of the Bay Pines VA Medical Center and other hospitals throughout the VA health care delivery system.

FISCAL YEAR 1994 DEPARTMENT OF DEFENSE AUTHORIZATION ACT—SUPPORT OF COMMUNITY COLLEGE RETRAINING NETWORKS

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mrs. FOWLER. Mr. Speaker, I want to thank the chairman of the House Armed Services Committee for his excellent leadership on this year's defense authorization bill. I am especially pleased with the committee's commitment to assisting communities and workers affected by base closures and defense downsizing.

As you know, my home State of Florida, like many other States, has suffered greatly from base closures and the loss of defense contracts. For that reason, I am greatly interested in developing programs which assist displaced workers through retraining, advanced education, and job placement.

In section 1314 of the House bill, the committee is recommending the development of "statewide defense conversion economic development networks for transition services, retraining and business development." Further, the committee's report language directs the Defense Technology Conversion Council to give special emphasis to the involvement of community college organizations in carrying out the networks.

Such a network has already been established in Florida using Florida Community College at Jacksonville [FCCJ] as the lead institution. In 1991, Congress funded a video/audio teletraining program which provided military program instruction to armed services personnel in Florida. FCCJ developed and delivered the instruction, established and operated the teletraining network, and coordinated the involvement of other community colleges. The Army's TNET system provided two-way compressed video and two-way audio communications via satellite. The project was supported by a number of military organizations including three U.S. Army proponent schools, the U.S. Navy, TRADOC, 2d Army, 81st ARCOM, USARF schools, AETP/ATSC, Florida National Guard, and other branches.

Evaluations from the participating personnel have been extremely favorable. The effectiveness of community college faculty in teaching technical material was borne out by the project. Ultimately, the students' ability to learn via interactive teletraining was reflected in the successful test results for their military occupational specialties. It is believed that this method of training via satellite to multisites can dramatically reduce the amount of money required to train personnel.

In addition to its successful experience training military personnel, FCCJ also benefits from an expertise in serving the unemployed and underemployed. The college and its newly opened urban resource center, have retrained, offered supplemental training to and placed over 65,000 people in the last 8 years.

Through its over 100 partnerships with business and industry, FCCJ's urban resource center has proven its ability to develop and deliver customized training and education programs both on-site and at satellite locations—through teleconference, distance learning, television programs, interactive computer programs, multimedia programs, and electronic classrooms—throughout the Nation. Participants receive an assessment of their skills and the areas needing education enhancement for specific job skill opportunities, work force readiness training, job skill training, and job placement services. Educational services include communications, electronics, health care, and environmental technology and manufacturing technology.

Mr. Speaker, as military personnel, DOD civilians, and defense contractor personnel lose their jobs in the wake of downsizing, the need for new training and education programs will increase. As is implied in section 1314, retraining can lead to business and economic development. And while I am supportive of the provision of such services, I do not believe that we should be duplicative or fiscally irresponsible in the delivery of such service. It is for that reason that I so strongly favor the use of successful and cost-efficient programs already in place.

By building upon the model already established at Florida Community College in Jacksonville, we will be able to serve those in need without unnecessarily wasting funds on startup costs elsewhere. In addition, as exhibited by its 1991 TNET project, FCCJ can train many people at various sites and at a much lower cost.

It is clear to me that if a community college based regional training network is to be established, the Defense Technology Conversion

Council, or any other administering agency, should look no further than FCCJ and the variety of networks the college has established.

PLIGHT OF CORNELIUS MIKHAIL

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. SMITH of New Jersey. Mr. Speaker, in October of last year, an Egyptian Coptic Orthodox pastor named Mikhail Cornelius Mikhail was arrested by state and religious police during his workday at a carpentry shop. After being charged with blasphemy against the Qur'an and the Prophet Muhammad, Mikhail was told that he "would be released if he converted to Islam." Mikhail reputedly restated his Christian faith and was sentenced to 7 years in prison with 1,000 lashes. After serving 4 months' detention, he was deported to Egypt—but not before receiving 500 of the promised 1,000 lashes.

Pastor Mikhail's case was frighteningly reminiscent of the plight of the church in Romania under Ceauscescu or in the Soviet Union under the pre-glasnost Gorbachev of the mid-1980's. But his story does not come from behind the fallen iron curtain; it is a real-life account of the suffering of Christian believers behind the iron veil of Islamic control in the present-day Kingdom of Saudi Arabia.

The persecution of Pastor Mikhail is recounted in a newly released report by Amnesty International on religious intolerance in Saudi Arabia. Amnesty is to be applauded for drawing worldwide attention to the systematic denial of religious liberties by the Saudis and a marked increase in the arrest and imprisonment of Christians in the Saudi Kingdom since the gulf crisis.

According to this seminal indictment, the Saudis are strategically shrewd in focusing on non-Westerners—mainly Asian Christian expatriate workers—as the primary targets of their religious cleansing campaign. The Saudis erroneously assume they can escape international scrutiny if they avoid harassing and imprisoning American or European workers. Thus, the state and religious police routinely break up covert prayer meetings and worship services of Filipino and Korean Christians before arresting believers and their pastors. The light treatment of Christians by police includes confiscation of religious materials, interrogation, beatings, and brief imprisonment before deportation.

Even more troubling are cases like that of Mikhail Cornelius Mikhail. Or the cases of three Filipino Christians, the brothers Sebastian and Abraham Samuel as well as a man known only as Wilmur, whose whereabouts remain unknown after arrests in 1991 and 1992. And finally, Amnesty reports that two Filipino Christians, Florance Madriago and Roque Atilon, charged with organizing a church group in November of 1992, are believed to be still languishing in the al-Ha'ir Prison near Riyadh.

These accounts give only a peek behind the veil hiding religious oppression in Saudi Arabia. The additional cases of Shi'a Muslim adherents and rumors of horrendous treatment of Saudi Christians are suggestive of more horrors yet to be revealed.

In one sense, the West should not be surprised. American service men and women received a dose of Saudi intolerance during the gulf war. Many of us were outraged that our troops—risking their lives to defend principles of liberty for the Saudis—were not allowed to freely worship, were told to remove crosses and other religious symbols, and were forced to call their own chaplains morale officers.

Numerous Members of Congress and I sent a letter to the Bush administration protesting this oppressive treatment of American soldiers. And not too long after the war, Congressman FRANK WOLF and I sent a letter to Secretary of State James Baker strongly objecting to the Saudi deportation of two Christian families who were expelled from the country for giving religious instruction to their children at home.

Unfortunately, the iron veil of Islamic intolerance covers not only Saudi Arabia, but other Muslim nations like Egypt, Turkey, and Iran where reports of religious oppression are mounting. Americans hold dear our constitutional protections guaranteeing freedom for religion and consistently stand behind international statutes mandating religious liberty.

In light of these cherished legal principles, it is time for Congress and the Clinton administration to focus on religious oppression in the Muslim world in our diplomatic dealings with these nations, especially in questions of aid and arms sales where our leverage is greatest. I have requested a Foreign Affairs Committee hearing on religious intolerance in Islamic nations and believe the cases detailed by Amnesty will help expedite congressional attention.

Mr. Speaker, the Amnesty report could not have come at a better time, with international attention riveted on the Middle East and the prospects for peace in the region improving. Hopefully our new vision of the region will become broad enough to include Saudi Arabia and human rights violations there.

The veil has been lifted a bit higher, and it's now up to us to act upon what we have seen.

VIETNAM WOMEN'S MEMORIAL STATUE TO STOP IN BALTIMORE

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mrs. BENTLEY. Mr. Speaker, I rise today to pay special recognition to the Vietnam Women's Memorial Project, Inc., the organization that is sponsoring the whistle stop tour of the Vietnam Women's Memorial statue.

The tour, which began on August 28, in Santa Fe, NM, will stop in Baltimore on September 18, before being dedicated on Veterans Day at the Vietnam Veteran's Memorial in Washington, DC. The bronze statue depicts three military women, one caring for a wounded male soldier.

Founded in 1984, by Diane Carson Evans, a RN who served in Vietnam, the Vietnam Women's Memorial Project [VWMP], is a nonprofit volunteer organization. The VWMP not only is the guiding force behind making the statue a reality, its additional goals are to educate the public about the role of women during the Vietnam war and to locate the many women who served there.

I think the work of the Vietnam Women's Memorial Project is tremendously important. Recently, we have seen long overdue recognition of the men who served so valiantly in Vietnam, but there has been little information on the women who volunteered to serve. These brave men and women deserve our gratitude for the sacrifices they made for their country.

Most of the women who volunteered did so because they felt a sense of patriotism and the need to serve their country. They did not shy away from the challenge and difficulty that comes with war.

Little is known about the women who served in Vietnam. For years after their return they were a silent and forgotten group. Only recently have their stories been told. According to the VWMP, 265,000 military women served during this war, and approximately 11,000 American women were stationed in Vietnam.

These women have been victims of post traumatic stress disorder and found difficulties in adjusting to life at home. The Vietnam Women's Memorial Project, by bringing these women together and honoring them, is going a long way toward healing their emotional wounds.

Ninety percent of the women who served were nurses, and many were wounded in the line of duty. The Wall honoring Vietnam Veterans in Washington lists the names of eight women nurses who were killed.

The women who served in Vietnam dealt with the grim reality of war day in and day out. According to the Vietnam Women's Memorial Project, "many nurses worked around the clock, conducted triage, assisted with emergency tracheotomies and amputations, debrided wounds and inserted chest tubes so surgeons could get to the next critical patient."

In addition to these medical duties, these women also took on the role of family and friends for men who were so far away from their family. It was the women who tried to offer hope and optimism as wounded soldiers were treated for injuries and sent back out to fight.

Mr. Speaker, as the Vietnam Women's Memorial statute makes its way through Baltimore, and ultimately lands at its final destination in Washington, all of us Americans should take the time to honor these brave women who, like the men in Vietnam, were willing to put their lives on the line for their country.

WOMEN'S HEALTH EQUITY ACT OF 1993

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Ms. SNOWE. Mr. Speaker, health care at all stages of women's lives is essential to their well being. Denying women the benefits of the research and services of the health care community reflects the belief that they are not entitled to the same benefits as men. In the belief that everyone—men and women—should benefit equally from the fruits of medical research and the delivery of health care services. With my esteemed colleague Representative SCHROEDER, I am introducing the Women's Health Equity Act of 1993. As cochair of the Congressional Caucus for Women, I am proud to introduce this landmark legislation, which includes 32 individual bills on medical research and health care services for women.

The Women's Health Equity Act seeks to promote a broad health equity agenda for women. It is the result of bipartisan support dedicated to improving health care for women. Each of the individuals bills which comprise this omnibus legislation has been or will be introduced separately.

As part of the Women's Health Equity Act, I have introduced several bills. To require drug companies to study the interaction of new drugs with hormones prior to approval by the Food and Drug Administration, Representative SCHROEDER and I introduced the Pharmaceutical Interactions Safety Act. To require pharmaceutical companies not only to include women in clinical studies, but also to examine gender differences in clinical trials when testing new drugs for Government approval; Representative SCHROEDER and I also introduced the Pharmaceutical Fairness Testing Act.

To address the knowledge gap in prevention and treatment of osteoporosis, a disease whose annual cost is estimated at $10 billion, I introduced the Osteoporosis and Related Bone Disorders Research, Education and Health Services Act to expand and coordinate Federal research. To provide part B Medicare coverage of bone mass measurement for women at risk of osteoporosis, I introduced the Medicare Bone Mass Measurement Coverage Act. To provide a proactive way to address women's health concerns, as well as to provide oversight on these matters, I will introduce the Women's Health Offices Act, which establishes Offices of Women's Health at the Food and Drug Administration, the Agency for Health Care Policy and Research, the Health Resources and Services Administration and the Centers for Disease Control. To expand preventive health services, along with Representative DELAURO, I introduced the Women's Preventive Health Amendments to extend the breast and cervical cancer mortality prevention program to include other preventive health services.

Improving the health of America's women requires a greater understanding of women's health needs and conditions as well as ongoing evaluation in the areas of research, education, prevention, treatment, and the delivery of services. I believe that the 32 bills comprising the Women's Health Equity Act take a giant step in this direction, and I urge my colleagues to cosponsor this legislation.

WALTER GRISHKOT OF GLENS FALLS, NY, HONORED FOR YEARS OF SERVICE TO COMMUNITY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. SOLOMON. Mr. Speaker, this Friday, overdue recognition will finally be paid to a man who I believe personifies the all-American virtues of pride, patriotism, and voluntarism.

That man is Walter Grishkot of Glens Falls, NY, a city he practically put on the map with his enthusiasm, talent, and unstinting willingness to work for the betterment of his community.

Walter Grishkot is a well-known local photographer, and on that basis alone would enjoy a high reputation. But he is even better known for his creative promotional talents, especially for the Adirondack Hot Air Balloon Festival, one of the finest of its kind in the world.

Every fall hot air balloon enthusiasts come to our area, drawing thousands of spectators and filling the skies with their graceful and colorful balloons. Walter Grishkot is the man who made this event a success. And the success of the Adirondack Hot Air Balloon Festival has been of enormous benefit to the entire Glens Falls region.

That is why the Adirondack Regional Chambers of Commerce has decided to honor Walter this Friday at a ceremony at Adirondack Community College for his 21 years of service to the business community. The timing is appropriate, because this is the 200th anniversary of hot air balloon flight.

Mr. Speaker, every cause needs a Walter Grishkot, the kind of person who sweeps everyone along with his can-do attitude and enthusiasm. Like all such people, Walter Grishkot has made his community a nicer place to live.

Mr. Speaker, let us add our voices to those of the Adirondack Regional Chamber of Commerce, and pay our own tribute today to Walter Grishkot, a great American, and a man I am proud to call a friend.

TRIBUTE TO THE WOMEN'S BOARD AT MICHAEL REESE HOSPITAL AND MEDICAL CENTER'S 75TH ANNIVERSARY

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. RUSH. Mr. Speaker, it is with great pride and honor that I rise today to pay tribute to one of Chicago's great medical institutions. The women's board at Michael Reese Hospital and Medical Center will be celebrating its 75th anniversary on September 22, and I wish to submit for the RECORD these words of acclamation.

The all-volunteer women's board is one of the oldest of its kind in Chicago. For the past 75 years, its members have contributed immeasurably to the many medical successes at Michael Reese Hospital. The board's work is so very important in improving the quality of life for patients at the hospital. Over the years, the board has provided medical and dental care for children and families through their welfare council; helped build better housing for hospital nurses and resident doctors; constructed a beauty shop to lift the moral of hospital patients; and developed the first citywide recovery program for mastectomy patients.

Therefore, Mr. Speaker, on this happy occasion, I ask my colleagues to join me in paying honor to the women's board for their 75 years of dedicated and distinguished service to Michael Reese Hospital and Medical Center and to the city of Chicago.

TRUTH ABOUT THE SNAPPLE BEVERAGE CO.

HON. DAVID A. LEVY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. LEVY. Mr. Speaker, the Snapple Beverage Co., headquartered in my district, is one of the Nation's most popular and successful companies. Founded 20 years ago in Brooklyn, NY, Snapple's popularity has skyrocketed as new markets are entered and more people sample Snapple products.

Over the past year, Snapple has been the target of a slanderous rumor campaign designed to hurt sales and injure Snapple's reputation.

While these attacks have occurred principally in only the San Francisco Bay area, it is crucial that the truth be told to prevent any damage to Snapple's unblemished reputation.

The most offensive slur circulating presumes a link between the Snapple Co. and the Ku Klux Klan because of a small letter "k" on Snapple labels. In fact, this notation actually denotes that Snapple products meet kosher dietary standards and has nothing to do with the Klan, one of the most reviled hate organizations in existence.

The complete absurdity of these accusations is even more pronounced considering that the Snapple company's three senior officers, Hyman Golden, Leonard Marsh, and Arnold Greenberg, are Jewish. I have never known the Klan to welcome Jewish supporters and I am sure these gentlemen find such an accusation personally repulsive.

Mr. Speaker, the Snapple Co.'s executives are outstanding citizens who have created one of the finest products on the market today. They are generous people who share their good fortune with the community.

Thankfully, these terrible rumors have had little or no effect on Snapple sales or reputation. However, the company felt it necessary to spend thousands of dollars on an ad campaign to refute the rumor-mongers.

Mr. Speaker, we must not allow efforts of character assassination to succeed in ruining reputations of people and businesses. Many times, vicious rumors are repeated often enough to be believed by sufficient numbers of people to seriously affect a company's business.

Fortunately, in this case, Snapple's sales and reputation have not been severely harmed. This is testimony to the superior nature of the Snapple Beverage Co.'s product, the efforts of company officials to quell the spread of these vicious rumors and Snapple's customers who know quality when they see it.

A TRIBUTE TO MILDRED KERNS

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Mildred Kerns, for a lifetime of community service and activism to the people of Philadelphia.

Mildred has been the Democratic committeewoman for the first ward, 16th division since 1952. In this position, she has served the people of the 1st ward for 40 years. Mildred has provided extensive constituent service to her neighbors. She has assisted in food drives to provide food to low-income neighbors. She has worked with the local police to make the neighborhood safer. In cooperation with street department personnel and elected officials she has worked to improve her neighborhood's appearance by obtaining new street paving, better street lighting, and having vacant properties boarded up. Mildred has also worked to get her fellow citizens more involved in the government that affects their lives. Through her effort, record levels of voter participation have been reached for the 1st ward, 16th division.

Mildred is known for the conscientiousness, honesty and hard work she always displays in helping her community. She has received numerous awards from the State, city, and city council. She has even received a papal blessing for her community service.

Therefore, I rise today with Mildred's friends, family, and fellow first ward neighbors to thank her for her service to the community and the entire city of Philadelphia. She is an example to us all.

A TRIBUTE TO RUTH ANNE HANCE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Ruth Anne Hance, who recently retired from her full-time volunteer position as the executive director of the Explorit Science Center in Davis, CA. Ms. Hance has spent many years focusing her talents and energies toward the enhancement of cultural and educational opportunities for the residents of Davis. I am honored to speak on her behalf today, and enter in the CONGRESSIONAL RECORD a brief and incomplete list of her many accomplishments.

In 1983, Ms. Hance helped found the Davis Science Center, later renamed the Explorit Science Center, an independent, nonprofit, public benefit organization. Ms. Hance served as a member of the board from the center's inception until 1986 when she was unanimously appointed executive director of the center. Under her direction, the center has blossomed into a major regional resource for individuals, families, and schools interested in hands-on, participatory learning about natural science, physical science, mathematics, and engineering.

In addition to her service through the science center, Ms. Hance has served the community as a volunteer for the American Heart Association, the Unicef Fund Drive, and Friends of the Gifted and Talented, Inc.

Since her arrival in Davis more than 20 years ago, Ms. Hance has been a highly visible volunteer in the Davis school system. She has served on many Davis Joint Unified School District advisory committees, including the pupil services advisory committee, the educational advisory council, the community school committee, the textbook committee, the mentally gifted minor program review committee, the science review and model program development committee, and the science resource committee.

Ms. Hance's contributions have not gone unnoticed. In 1971, she was honored at the Davis Teacher's Association recognition breakfast, and in 1973, was awarded a PTA honorary life membership. In addition, Ms. Hance was the recipient of the Yolo County chapter of the Association of California School Administrator's Distinguished Service Award in 1983, and corecipient of Davis' annual Brinley Award in 1987 for service to the community.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in honoring Ms. Hance, and I personally extend my sincere appreciation for all she has done for the community.

NAFTA

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. STOKES. Mr. Speaker, I thank the gentlelady for yielding to me. At the outset, let me say how grateful I am that the gentlelady, Ms. KAPTUR, and our colleague, the gentleman from Ohio, Mr. SHERROD BROWN, have sponsored this special order discussing the impact of the North American Free-Trade Agreement on our constituents, and the State of Ohio. I also want to thank Ms. KAPTUR and Mr. BROWN for their hard work in bringing the facts about this proposed treaty to the attention of the membership of the entire House of Representatives. Their leadership has helped to lead and form the intelligent, reasoned, and forthright debate we have heard on this critical issue for our country's future.

The issue of the free-trade agreement with Mexico is not simply a matter of whether we want to expand trade with our neighbor to the south, as we have already done with Canada. In the abstract, a unified North American market of the United States, Mexico, and Canada makes sense. Canada is already our No. 1 partner, and Mexico is our third largest trading partner.

The question regarding a free-trade agreement with Mexico is how we go about protecting the legitimate rights of workers in all three countries to a decent standard of living, and a safe workplace. We must also be concerned with how a NAFTA Treaty protects the environment, especially in Mexico, where decades of rampant development, with little or no regard for the environment, have created numerous environmental nightmares. Should we allow President Clinton to gain approval of an agreement which ignores the fundamental concerns of working men and women in America, and fails to provide critical safeguards to protect all of our children from the poisoning and destruction of our environment?

The essential point is that the creation of a regional free-trade zone in North America must be very carefully crafted. The United States and Mexico are very different economies, and we possess vastly different standards of living. Mexico has a gross domestic product only one-twenty-fifth as large as that of the United States. Wages in Mexico average less than 10 percent of the United States level, and the average per capita income in Mexico is $1,820 a year.

The single comparative advantage of Mexico for American business is the poverty of its citizens and their willingness to work for subsistence wages. No matter how productive, U.S. workers cannot compete with labor costs of approximately $1 an hour.

Even the Clinton administration does not dispute that a Free-Trade Agreement with Mexico will cost some Americans their jobs. But administration trade officials discount the possibility of wholesale migration of factories and jobs to Mexico. If American companies only wanted a low-wage solution to their competitiveness problems, they argue, they would have pulled up stakes for the border before now.

I have news for anyone who believes that NAFTA will not lead to job dislocations in the United States; the U.S. automotive and electronics industries are already in the process of moving South of the Border. General Motors now has more than 30 maquiladora plants in Mexico, employing over 30,000 workers, making it the largest private employer in the country. Since 1985, the International Brotherhood of Electrical Workers estimates that 12,000 union members have lost their jobs due to the transfer of work from the United States to maquiladora factories in Mexico.

Approval of the North American Free-Trade Agreement in its present form would subject an increasing number of American workers to continuous pressure to lower their wages, benefits, and living standards in order to compete with low-wage Mexican labor using hi-technology machinery and equipment. This is simply an intolerable situation.

I believe that we have a duty to our constituents to insist that any North American Free-Trade Agreement approved by this Congress possess the highest standards for protection of workers and the environment in all three nations. We also have the obligation to insist that a NAFTA Treaty contain strong enforcement mechanisms and sanctions against corporations and nations which violate those standards. I am sad to say that the North American Free-Trade Agreement we are being presented with, including the side agreements, does not even come close to satisfying these conditions. Therefore, I must reaffirm my opposition to the NAFTA Treaty, and pledge to vote against its adoption.

I yield back to the gentlelady, Representative KAPTUR, and thank her for allowing me to participate in this special order.

TRIBUTE TO PAUL HENRY

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. REGULA. Mr. Speaker, PAUL HENRY was a distinguished Member of this body.

His wise counsel and thoughtful, compassionate concern for others earned him the respect and affection of all who knew him.

PAUL was the epitome of what should be sought in a Representative to the Congress.

On a personal note, I miss the delightful and instructive moments of shop talk with PAUL as we stood behind the rail in the Chamber. I am confident I speak for many others.

We all share a great sense of loss of a cherished friend. Our sympathy and prayers reach out to Karen and the family.

POLISH NATIONAL ALLIANCE—MILWAUKEE SOCIETY NAMES RONALD R. WITKOWIAK 1993 POLISH AMERICAN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to Mr. Ronald R. Witkowiak, the Polish National Alliance—Milwaukee Society's 1993 Polish American of the Year. Mr. Witkowiak will receive this honor at the Milwaukee Society's 48th annual Pulaski Day banquet on October 8, 1993.

Wisconsin's Fourth Congressional District is home to a large and vibrant Polish-American community. Each year, the Milwaukee Society names one outstanding member of our community as Polish American of the year. Ronald R. Witkowiak has clearly done much to deserve this distinction.

Ronald Witkowiak presently serves the people of Milwaukee County as district court administrator for the first judicial district. In this position, Mr. Witkowiak has worked to ensure that Milwaukee County's judicial system operates fairly and effectively. The respect which Ronald Witkowiak has earned among his peers is evidenced by his being chosen for leadership roles in organizations such as the National Association of Court Managers, the National Association of Trial Court Administrators, and the Milwaukee County Personnel Council.

In addition to his professional endeavors, Ronald Witkowiak has distinguished himself through the countless hours of service he has dedicated to his community. Mr. Witkowiak has served on the boards of directors for the St. Joseph's Home for Children, the Polish National Alliance—Milwaukee Society, the South Side Businessmen's Association, and Polish Festivals Incorporated. In addition, he has served as a civil service commissioner for the city of Franklin and as president of the University of Wisconsin—Milwaukee board of visitors.

As a member of the U.S. Air Force and Air National Guard, Mr. Witkowiak served our country proudly and ably for more than 30 years. On a more personal level, he has remained above all else a dedicated husband and father, and a close and generous friend who is always ready to lend a kind work or a helping hand.

Mr. Speaker, I am proud to join the Milwaukee Society in congratulating Ronald R. Witkowiak for being named the 1993 Polish American of the Year.

TRIBUTE TO R.C. "BUD" HEYMANN, JR.

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. GILLMOR. Mr. Speaker, I would like to bring to the attention of the Members of the House an honor bestowed to the memory of one of my friends. On September 19, 1993 the COMPASS building in Toledo, OH will be dedicated to R.C. "Bud" Heymann, Jr.

Bud passed away earlier this year and is survived by his wife Mary Ann. The dedication of this building in his name is a fitting memorial to his many contributions to our community.

COMPASS is a nonprofit agency which provides comprehensive alcohol and drug treatment services to Lucas County men and women. In his 16 years as a member of the COMPASS board, Bud gave leadership to the agency in many public and not so public ways. Bud volunteered hundreds of hours to the agency, and was instrumental in helping COMPASS secure this building from St. Vincent's Medical Center. But most of all, he is remembered for the support and encouragement he gave to COMPASS clients. His commitment to COMPASS was an example to young people of the necessity to give back to the community.

In addition to COMPASS, Bud had served as vice president of the Medical College of Ohio. He was a member of the MCO Board of Trustees, the University of Toledo Board of Trustees and the Young President's Organization. This was in addition to his participation in the Toledo Rotary Club, St. Paul's Episcopal Church and the Boys Club of Toledo.

Mr. Speaker, I ask my colleagues to join me in recognizing Bud Heymann as a model of community service, and an example of the strength of character, that is the backbone of so many Ohio cities and towns.

EDWIN KORCZYNSKI: THE CITIZEN-SOLDIER

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. CRANE. Mr. Speaker, the valiant militias which made up George Washington's Revolutionary Army were not professional soldiers who spent their days drilling and studying military tactics. The men who fought at Bunker Hill and who struggled to stay warm at Valley Forge were mostly private citizens who volunteered to become soldiers. These farmers, teachers, lawyers, and businessmen left their families, jobs, and lives, to win and protect freedom in the United States.

In this age of the high tech cruise missiles and smart weapons, we may forget that this same type of citizen-soldier exists today, and Mr. Edwin J. Korczynski, a constituent of mine from Inverness, IL, is a prime example. During Operation Desert Storm, Mr. Korczynski participated in the Civil Reserve Air Fleet [CRAF] operation, where civilian airliners are used for lift capability. In volunteering as a CRAF pilot, Mr. Korczynski helped transport men and supplies vital to the Kuwaiti liberation effort.

I believe his loving daughter, Ediane Ayers, summed up her father's call to duty in a letter she sent to President Bush. She wrote that from the first day of conflict, her father "cast his vote for our American traditions" through his dedication and deeds, not merely with a slip of paper. Through his actions, Mr. Korczynski exemplified the ideals of the Colonial Army's soldiers who answered our fledgling Nation's call.

On this Sunday, September 19, I will have the privilege of presenting Mr. Korczynski with the Civilian Desert Shield/Desert Storm medal, recognizing his efforts throughout the operation. Even though no medal and no honor can fully repay the debt we owe him for his sacrifices, I am proud to have the opportunity to thank a true patriot and a true citizen/soldier, Mr. Edwin J. Korczynski, and I know my colleagues will join me in congratulating him on this award.

TRIBUTE TO ST. CLAIR COUNTY MENTAL HEALTH BOARD

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. COSTELLO. Mr. Speaker, it is with great pleasure that I rise today to personally congratulate the St. Clair County Mental Health Board on its 25th anniversary. Located in Belleville, IL, this mental health board provides St. Clair County with needed mental health services and care for substance abusers and the mentally ill. Our community has greatly benefited from the work done by this board, and the health care options they have provided and made accessible to our citizens.

On this 25th anniversary, I would also like to pay tribute to Dr. Frank Bihss, the charter member and first president of the St. Clair

County Mental Health Board. Dr. Bihss has dedicated 25 years of service as a volunteer board member, and has continually demonstrated his commitment and devotion to the continued good health and well-being of all St. Clair County residents.

Mr. Speaker, I urge you and my fellow colleagues to help me recognize on this day the St. Clair County Mental Health Board for its 25th anniversary, and Dr. Bihss for his 25 years of public service. I hope the board continues its outstanding efforts, and is able to celebrate many more successful anniversaries in the future.

NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1993

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. STUDDS. Mr. Speaker, today Mr. MANTON and I are introducing legislation to implement the Northwest Atlantic Fisheries Convention and authorize U.S. participation in the Northwest Atlantic Fisheries Organization [NAFO] established by the convention. This convention, which entered into force in 1979, provides a forum for multilateral scientific cooperation with respect to the fisheries of the North Atlantic and for the conservation and management of fish stocks that occur outside national zones of fisheries jurisdiction.

Prior to NAFO and the 200-mile limit, the United States and other nations that fished in the Northwest Atlantic were party to ICNAF—the International Convention on Northwest Atlantic Fisheries—which set quotas for shared fisheries that occurred beyond 3 miles. With the extension of coastal State jurisdiction to 200 miles offshore, ICNAF became obsolete and NAFO was created to manage those fisheries occurring outside these 200 mile zones. The United States was very active in the negotiations that led to the development of the NAFO Convention and since that time, has participated as an observer at NAFO meetings. While we ratified the convention in 1983, we never acceded to it, pending the enactment of implementing legislation. Ten years later, this has still not occurred. The time has come for the United States to do the right thing and join NAFO.

We live in a world growing steadily smaller, where activities in the waters off of our coasts have the potential to impact resources of concern to other nations. Environmental problems and solutions cross national boundaries. The United States and all coastal States have a responsibility to participate in international organizations such as NAFO that provide responsible management and conservation for shared resources on the high seas.

While U.S. boats have not fished regularly in the NAFO regulatory area in recent years, they have before and may elect to do so again. In fact, two U.S. boats were spotted there last month. At a time when we are urging Mexico to join the International Commission for the Conservation of Atlantic Tuna—which governs the harvest of tuna and swordfish in the Atlantic Ocean—and Poland to agree to a management treaty for pollock in the Donut Hole in the North Pacific Ocean, it would be hypocritical to continue to ignore NAFO. It could also hinder our ability to negotiate other important international fishery agreements.

By joining NAFO and working cooperatively with other member nations, we assure the credibility of the United States in other international negotiations that are of equal, if not greater importance to our fishermen. Membership will also provide the opportunity to exchange valuable data and information of concern to our scientists and fishermen. Finally, it will provide our Government with the leverage to negotiate a quota for U.S. fishermen in the NAFO regulatory area; a quota they deserve based on historical fishing practices.

Finally, the bill authorizes the Secretaries of State and Commerce to enter into negotiations with Canada to seek a mutually beneficial management agreement for transboundary stocks—particularly cod and haddock—on Georges Bank, an issue of great importance to New England fishermen. This spring, Massachusetts fishermen were extremely frustrated when U.S. regulations kept them from fishing for haddock on Georges Bank while Canadian fishermen continued to harvest the same stocks. Even worse, these same Canadian-caught fish were shipped to U.S. markets to compete directly against the catches of our fishermen.

Clearly, much more needs to be done to achieve the sound conservation and management of fisheries stocks in the Northwest Atlantic Ocean. The New England Fisheries Management Council has just approved dramatic conservation measures aimed at rebuilding the overfished groundfish stocks on Georges Bank. In the short run, these measures will mean smaller catches for New England fishermen. But our fishermen cannot do this alone. Since we share Georges Bank with Canada, we need the support and cooperation of Canadian fishermen. And, we also need to help Canada conserve and manage its stocks which are harvested in the NAFO regulatory area. I believe this bill achieves all these goals and urge my colleagues to support it.

A TRIBUTE TO THELMA PRESS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of my good friend, Thelma Press, of San Bernardino, CA. Thelma is retiring after a long and distinguished career with the city of San Bernardino, including 19 years as the cultural and international affairs director.

Thelma's professional career began under the administration of Mayor Bob Holcomb in 1974 and she has continued to work for Mayor Wilcox and Mayor Minor. As the director of cultural and international affairs, Thelma leaves an outstanding legacy of international goodwill that has touched literally thousands of people in San Bernardino and around the world. As an active member and vice president of Sister Cities International, Thelma has been instrumental in increasing the San Bernardino Sister Cities to eight cities. To say the least, her work has been deeply felt and appreciated. All of us who make our home in the Inland Empire are grateful to Thelma for all she has done.

Thelma serves and has served on the boards of numerous organizations and committees including the San Bernardino Bicentennial Commission, the San Bernardino County Museum Commission, the Sturges Foundation for the Fine Arts, St. Bernardine Medical Center Foundation, the Inland Empire Symphony Guild, the League of Women Voters, and others.

It would be misleading to suggest that Thelma is going to retire to a life of leisure. Her plans include completing the documentation of over 20 volumes of the Police History of San Bernardino, conducting the inventory of Heritage House, restoring St. Bernardine's Church, and fulfilling her commitment as a vice president of Sister Cities International.

Mr. Speaker, I ask that you join me, our colleagues, Thelma's husband Lou, and all of her family and friends in honoring this special lady for her many years of dedicated service. Her contributions have touched the lives of many people and it is indeed fitting that the House recognize Thelma Press today.

SALUTE TO 60 YEARS OF SERVICE

HON. WILLIAM P. BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. BAKER of California. Mr. Speaker, this month, September 1993, the Walnut Creek Professional & Business Women's Club, one of the oldest service clubs in Walnut Creek, celebrates its 60th anniversary.

I am submitting for the CONGRESSIONAL RECORD commendation for the very worthwhile contributions the Walnut Creek Professional & Business Women's Club has made since 1933. These contributions include: Food baskets for needy families, stretchers for the fire department, sewn bandages for WWII casualties, assistance for the War Relief and Hungarian-American Relief funds, the purchase of a seeing eye dog, assistance to the Alexander Lindsay Junior Museum, assistance to the Walnut Creek Youth Athletic Association, assistance to the Battered Women's Alternative Shelter Inc., swimming pool for a local high school, lights for a civic park softball field, the gazebo in Civic Park, doors for the Regional Center for the Arts, annual scholarships for three women entering or re-entering college, the Heather Farms Garden Center, and was the driving force which launched the annual Walnut festival.

I would also like to note that the group's current president, Frances Schroder, is the wife of former Contra Costa Country Supervisor, Robert Schroder, whose Schroder Insurance firm is also celebrating its 60th anniversary this year.

Over the past 60 years, the Walnut Creek Professional & Women's Club has improved the lives of thousands of Walnut Creek residents. I commend their efforts and applaud their accomplishments.

ANNIVERSARY OF THE SVOBODA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. MICHEL. Mr. Speaker, September 15, 1993, marks the centennial anniversary of the official newspaper of the Ukrainian National Association, Svoboda. This word means liberty and for 100 years Svoboda has been a voice of liberty and independence in Ukraine's long struggle for freedom.

I just want to commend Svoboda for its great accomplishments, and to bring to the attention of our colleagues the significance of this event.

Earlier in the year, I had the pleasure of visiting Ukraine and talking with various leaders of that newly independent country. Yes, there are many problems, but I am convinced that the people of Ukraine can overcome them. Svoboda will continue to inform its readers on the emerging opportunities and problems of a proud people whose hope for liberty has been so long championed by a newspaper called Liberty—Svoboda.

TRIBUTE TO CHANCELLOR JAMES C. RENICK ON HIS INAUGURATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. DINGELL. Mr. Speaker, it gives me great pleasure to honor an American committed to higher education, Dr. James C. Renick. On Friday, October 1, Mr. Renick will be inaugurated as the fourth Chancellor of the University of Michigan-Dearborn, a great institution of higher learning in my congressional district. Dr. Renick has been serving the university in the capacity of chancellor and professor of education and public administration, since his appointment in January of this year.

Dr. Renick received his B.A. in 1970 from Central Ohio State University, a masters degree in social work from Kansas University in 1972, and completed his Ph.D. in government/public administration from Florida State University in 1980. During this time, Dr. Renick has become a recognized leader in the areas of university, community, business, and industrial relations. Dr. Renick has demonstrated his expertise in such areas as organizational leadership, organizational development, and minority access to higher education by providing testimonials and research papers for numerous conferences and panels.

Dr. Renick is the former vice provost for academic initiatives and external affairs at George Mason University in Fairfax, VA, has served as the liaison with the State Council of Higher Education for Virginia and the Washington Area Consortium of Universities. He also serves on numerous national boards including the American Association for Higher Education, and the Washington Center's Fellowship Advisory Board.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in recognition of the numerous accomplishments of Dr. Renick. I personally extend my congratulations and appreciation for the important contributions Dr. Renick has made to the many communities with which he has worked. Furthermore, I extend my warmest gratitude for the knowledge and enriching qualities he brings to the Dearborn community.

TRIBUTE TO RICHARD ZULCH

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. GILLMOR. Mr. Speaker, I would like to bring to the attention of the Members of the House an honor bestowed on one of my constituents.

In July 11, Richard Zulch of Wood County, was elected district commander of the First District Ohio American Legion. The first district entails 88 posts in 10 counties comprising over 17,000 veterans.

This recognition by his peers is well deserved. Over the years, Richard has continually earned the respect and trust of his fellow veterans. He is the 2d district commander and the first Vietnam veteran from Wood County to hold this prestigious office. His term will run for 1 year, after which he will remain a delegate-at-large.

I have often spoken to my colleagues here in the House about the strength of character that can be found in the cities and towns of northwest Ohio. It is for this reason I take this time to salute Richard.

Mr. Speaker, I ask my colleagues to join me in congratulating Rich for his duty to country and in encouraging him to continue to hold himself to the high standards for which he is now known.

HONORING CESAR CHAVEZ ELEMENTARY SCHOOL, NORWALK, CA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. TORRES. Mr. Speaker, I rise today to recognize Cesar Chavez Elementary School of Norwalk, CA. The Cesar Chavez Elementary School will be honored with a renaming and dedication ceremony on September 17, 1993.

Opened and originally named the Nette L. Waite Elementary School, in 1978, the school was closed due to declining enrollment. In 1986, the school was reopened and renamed Walnut Elementary School. Walnut Elementary School quickly developed into one of Norwalk's most acclaimed and decorated school. Under the guidance and leadership of it's principal, Chris Foreham, the students and faculty pride themselves on their dedication and commitment to fulfilling the educational needs of the community.

Walnut Elementary School has been nationally recognized for its visual and performing arts programs. The school has received the Golden Bear Award from the California School Board for it's Famous Artist Program. Additionally, Walnut Elementary School has received a 3-year national endowment for its use of dance as an instructional tool and an SB 1274, a California restructuring grant.

Recently, the Norwalk-La Mirada Unified School District Board of Education approved the remaining of Walnut Elementary School to Cesar Chavez Elementary School. It is fitting to rename one of the area's most accomplished schools in honor of a well-known labor leader and an individual admired throughout the world, Cesar Chavez.

Cesar, the son of farmworkers, a fellow native of Arizona, and a man of modest means, through determination, hard work, and vision set out to change the landscape of farming, of harvesting crops, and of feeding America. Cesar set out to change, set out to improve the working conditions for thousands of individuals who pick the crops which feed America.

For Latinos, and for me, Cesar represents the quintessential leader who, through his doctrine of nonviolence, paved the way for the advancement and empowerment of our community. The legacy that Cesar left behind is one that all can identify with and benefit from. The renaming of Walnut Elementary pays homage to a man of immense integrity who tirelessly fought for dignity, equality, and humanity for all Americans.

Mr. Speaker, on September 17, 1933, Cesar Chavez, a national figure, a hero in our community, a man who selflessly sacrificed his life, time and again, for the betterment of America will be honored with the renaming of this school. It is with great pride and honor that I recognize this momentous event, and I ask my colleagues to join me in saluting the Cesar Chavez Elementary School on this special day.

SALUTE TO A LIVING LEGEND—HONORING PARREN J. MITCHELL

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. MFUME. Mr. Speaker, this week marks the 23d annual legislative weekend of the Congressional Black Caucus. During this week, we will honor many people and speak of numerous accomplishments. Amidst the glittering example of the week's events, I want to take time out to honor one who has never lost his passion for justice—a living legend; Parren J. Mitchell.

History shows that when Parren J. Mitchell was about 12 years old, and sat waiting for his brother Clarence to come home for dinner, he experienced what he has called his political christening to the harsh world of racism when his brother burst into the house, ill after having just witnessed a lynching.

It was a christening to a world Parren Mitchell refused to accept and that led him to a life of mounting crusades. He was soon involved in protest against segregated stores in Baltimore and by 1950, Parren Mitchell was in the courts suing the University of Maryland for admittance as its first black student on its College Park campus. And 13 years later, as executive secretary of the Maryland Interracial Commission, he was battling a Prince Georges County restaurant that refused to serve blacks.

After a career that took him from jobs as probation officer to Baltimore's antipoverty program, Parren Mitchell went a step further and was elected in 1970 as Maryland's first black Congressman and second African-American to be elected from a souther or border State in approximately 100 years. He gained a reputation in the U.S. Congress as a passionate man who fought for the poor and disadvantaged, a man who never lost his sense of outrage.

In 1976, Congressman Mitchell, often referred to as "Mr. Minority Enterprise," attached to then President Carter's $4 billion public works bill an amendment that compelled State, county, and municipal governments seeking Federal grants to set aside 10-percent of each grant to retain minority firms as contractors, subcontractor, or suppliers. Called the Mitchell amendment, this single piece of legislation exceeded its own set-aside requirement with awards of more than $625 million, or 15 percent of the bill's total funds going to minority firms. Despite numerous court challenges, ironically similar to today's continuing battles for justice, the Mitchell amendment was upheld as constitutional by the Supreme Court in 1980.

Congressman Mitchell was also responsible for introducing legislation that led to the signing in 1978 of Public Law 95–507. An amendment to a section of the Small Business Act, Public Law 95–507 requires Federal agencies to increase direct procurement opportunities for disadvantaged businesses. In 1982, he went a step further and amended the $71 billion Surface Transportation Act to include a 10-percent set-aside mandate for minority contractors. This amendment provided $7.1 billion to be spent over a 4-year period in contracts to small disadvantaged firms. His achievements go on and on.

Although Parren Mitchell is often identified with minority business legislation, he had much of his legislation concerning housing, employment, health and education enacted into law also. And he was one of the first Members of Congress to get arrested outside the South African Embassy in 1984 while protesting apartheid.

As chairman of the Congressional Black Caucus in the late 1970's, Parren Mitchell was often called the conscience of the Congressional Black Caucus. Indeed, his enlightened leadership has set an example and paved a way that we must ever be mindful of.

Parren's passion for justice has sustained him in his work as chairman of the Minority Business Enterprise Legal Defense and Education Fund [MBELDEF]. The same spirit that rendered him dubbed the little general in his work with the Congressional Black Caucus is present as he continues his valiant efforts toward parity for minority businesses.

Having propelled MBELDEF to a full-time operation with a national volunteer lawyer panel of 160 members, that organization is now on the brink of its 10th anniversary year. MBELDEF is, in effect, a justice system for minorities and a standing tribute to Parren, here again, going a step further.

I recall the oft quoted paraphrase about those who stand tall in our presence appear to be of unusual height because in most cases, they stand on the shoulders of giants who precede them.

Parren Mitchell stands as a living legend and a giant. For his leadership, I am forever grateful. May his passion for justice resound in us all. Parren, thanks for always going a step further.

PRESIDENT SHOULD NOT BACK AWAY FROM RECYCLED PAPER COMMITMENT

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1993

Mr. PORTER. Mr. Speaker, last year I introduced legislation to require the U.S. Government to purchase real recycled paper—paper made with post consumer waste—paper which has been discarded, collected, deinked, and recycled.

One out of every 6 pounds of trash in the United States is printed and writing paper, and the Federal Government is the single largest consumer of paper. Requiring Federal agencies to purchase real recycled paper would be a significant step toward increasing demand for paper made with post-consumer waste and reducing the amount of paper destined for landfills and incinerators. Furthermore, the Federal Government would set a standard for recycled paper for State and local governments, which together consume 5 percent of paper purchased in the United States.

Mr. Speaker, on April 21, the President announced his intention to issue an Executive order to "commit every agency of the national government to do more than ever to buy and use recycled products." I applauded this initiative. In July, a draft of the Executive order was circulated. I was especially encouraged to see that the draft order required Federal agencies to purchase printing and writing paper containing at least 15 percent recycled content derived from post consumer paper. This figure would increase to 20 percent in 1995 and 25 percent in the year 2000.

But now, some members of the paper industry are up in arms over the Executive order and have mounted a vigorous lobbying campaign to weaken the order. If they succeed in twisting the President's arm, no new or real recycling will occur, and the amount of paper piling up in our landfills will continue to grow.

The paper industry's proposal would allow paper to be called "recycled" even if it contained only 10 percent manufacturing scraps or over issued materials that are returned to the mills. In other words, paper that has never been used or discarded by consumers. The paper industry's proposal does nothing to spur investment in equipment necessary to use recovered post consumer paper—the paper that is clogging our landfills and filling our incinerators. Furthermore, the proposal seriously undercuts companies that have already invested $30 to $60 million in the sophisticated deinking technology needed to process post consumer paper. If the President adopts the paper industry's proposal, the Executive order would do nothing more than reward the status quo.

Earlier this month, Mr. Speaker, over 80 organizations wrote to the President to express their opposition to the industry proposal. This letter was signed not only by environmental and consumer organizations, but also by numerous local governments, the League of Cities, the U.S. Conference of Mayors, and the National Association of Counties.

Mr. Speaker, the President needs to stick to the stronger approach he proposed in the original draft of the Executive order. We cannot continue to pretend that we have an unlimited supply of trees to turn into pulp and unlimited space to bury our waste. I along with my colleagues Mr. STUDDS, Mr. TORRES and Mr. MCDERMOTT, am circulating a letter to the President in opposition to the paper industry's proposal. I hope my colleagues will join me in signing this letter.

HOUSE OF REPRESENTATIVES—*Wednesday, September 15, 1993*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

PRAYER

The Reverend Dr. Ed Johnson, First Baptist Church, Rosemount, MN, offered the following prayer:

Almighty God, Ruler of heaven and earth and before whom all individuals and nations are judged. We bow this day before You in earnest prayer to thank You for the bountiful blessings You have given to our country; for our national heritage; for the faith of our fathers; and for the spirit of dedication that caused those who have gone before to build for us a republic dedicated to the proposition that all men are created equal before You and have been endowed by You with certain inalienable rights, including life, liberty, and the pursuit of happiness.

We pray You will bless those who shall conduct business in this distinguished body today as well as our President and Vice President. Help us to give ourselves to serve You and our fellow man and for what You shall be pleased to do we shall be careful to thank You as we pray this in Your Holy Name.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California [Mr. FARR] to lead us in the Pledge of Allegiance.

Mr. FARR of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 144. Concurrent resolution providing for a joint session of Congress to receive a message from the President, and

H. Con. Res. 145. Concurrent resolution providing for an adjournment of the House from Wednesday, September 15, 1993, to Tuesday, September 21, 1993.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 43. Concurrent resolution expressing the sense of the Congress concerning the historic opportunity for peace in the Middle East.

DR. ED JOHNSON, GUEST CHAPLAIN

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, the guest Chaplain for today's session is Dr. Ed Johnson, senior pastor of the First Baptist Church of Rosemount, MN.

Dr. Johnson and his wife Ellie are long-time personal friends of my family.

Pastor Ed, as he is affectionately called, has been pastor of First Baptist since June 1967. At that time, the Church had 37 members, and today the congregation numbers over 2,000 members. Pastor Ed holds a B.A. degree from Tennessee Temple University, a master's degree from Temple Baptist Theological Seminary, and the doctor of divinity degree from Hyles-Anderson College.

In the 26 years Dr. Ed Johnson has pastored First Baptist, the church has received numerous recognitions from Christian organizations for its exceptional growth and service.

Under Pastor Ed's leadership, First Baptist Church carries on an aggressive Bible-centered program designed to reach the entire family.

First Baptist supports 40 missionaries in countries around the world, 7 Christian schools and colleges and several ministries here in the United States. It operates 12 buses over a 15-mile radius, bringing hundreds of people to church each Sunday.

Pastor Ed is also founder of the First Baptist Church Christian School.

In addition to these roles, Pastor Ed carries on a nationwide evangelistic and Bible conference ministry.

He is the past president of the Minnesota Association of Christian Schools and presently serves as the executive director of that association.

He also serves on the board of directors of the American Association of Christian Schools, as well as on the board of the General Council of Baptist Mid-Missions.

Pastor Ed and Ellie are the parents of four children.

Mr. Speaker, I am extremely proud to welcome my dear friend, Pastor Ed Johnson, to the House today, and thank him for serving as guest Chaplain.

TWO STEPS BACK

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the White House plan to reinvent government is an impressive document. With its multicolored layout, its top-grade paper, and its fancy graphics, the National Performance Review pamphlet is a slick production.

But the first 14,000 copies of this report cost $60,000. If AL GORE had followed Government regulations by not including the top-grade paper, the multicolored layout or the slick graphics, the report would have cost $15,000.

That may not seem like a lot of money, but it is symbolic of this Presidency. Once again, the administration takes two steps back to take one step forward.

First, they tried to cut the deficit by spending more money. Next, they tried to stimulate the economy by raising taxes.

And now, their Government reduction plan costs four times more to produce than it should have.

If this is any indication of how the President plans to reinvent the Government, we should deny him a patent. Wasting the taxpayer's money is not a new invention.

TOBACCO TAXES MEAN LOST JOBS

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, the Sixth District of North Carolina is home to tobacco farmers, workers, and manufacturers. There are people who live in our district who work in every cigarette plant in our State. Tobacco is the No. 1 cash crop in our district. The golden leaf has been mighty good economically to the people of our district and State.

Of course, tobacco is under attack these days from all different sides. The latest discussion is over a monster-size

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

increase in cigarette excise taxes to fund health care reform. There has been talk about a $2 a pack increase in cigarette taxes. The speaker was recently quoted as saying he anticipates a very impressive increase in cigarette taxes. Mr. Speaker, the only thing that will be impressive as a result of a huge increase in taxes will be the number of jobs lost—74,000 in North Carolina alone.

We have heard talk lately about tobacco taxes and the recent budget vote. I hope back room deals have not already been struck on increased tobacco taxes. The future of too many hard working North Carolinians is at stake to be playing let's make a deal with tobacco taxes.

THE KENTUCKY DERBY OF HEALTH CARE

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, they're off and running, the Kentucky Derby of health care reform is underway. Today I joined more than 100 of my colleagues in offering our best entry, the Affordable Health Care Now Act. Our Republican House bill is a market-based approach to health care reform—kind to small business, consumer friendly—especially toward seniors—and, best of all, doable right now this legislative session. Our bill will control costs, increase access to care, and maintain quality—all while preserving people's flexibility to choose the right health care for themselves and their families. Republicans offer this plan as a positive addition to the debate—and we will continue to work with the administration to ensure the best possible outcome. We know there are more entries out there to join our strong runner in the field of choices. We are doing nothing less than asking the American people to place their bets on Government's ability to do health care reform properly. If we succeed, everyone can be a winner.

□ 1410

A TRIBUTE TO ROBERT J. STURM

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, in this eventful week in history we heard repeated from the chapter of the Bible Ecclesiastes, "to every thing there is a season—a time to live, a time to die." And so it is with all of us as mortal human beings.

I rise today to pay tribute to the memory of Robert J. Sturm. Bob Sturm was a great community leader and a respected public servant in central Florida. His death yesterday will leave a void in Florida's Seventh Congressional District. His presence, his wisdom, and his leadership will be missed by people of Seminole County, FL. I extend my condolences to Bob's wife, Trudy, to his family and many friends.

I was pleased to have the privilege of calling Bob Sturm my friend. Robert J. Sturm: September 3, 1925 to September 14, 1993.

APPOINTMENT AS MEMBERS OF COMMISSION ON THE SOCIAL SECURITY "NOTCH" ISSUE

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, and pursuant to the provisions of section 635(b) of Public Law 102-393, the Chair, on behalf of the Speaker, appoints to the Commission on the Social Security "Notch" Issue the following Members on the part of the House:

Mr. James C. Corman of McLean, VA; and

Ms. Carroll L. Estes of San Francisco, CA.

There was no objection.

COMMUNICATION FROM THE REPUBLICAN LEADER—APPOINTMENT AS MEMBERS OF COMMISSION ON THE SOCIAL SECURITY "NOTCH" ISSUE

The SPEAKER pro tempore laid before the House the following communication from the Honorable BOB MICHEL, Republican leader:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 635(b)(5) of Public Law 102-393, I hereby appoint the following two individuals to serve as members of the Commission on the Social Security "Notch" Issue:

The Honorable Barber Conable of Alexander, New York and Mr. Arthur L. Singleton of Dunnsville, Virginia.

Sincerely,

BOB MICHEL,
Republican Leader.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Delaware [Mr. CASTLE] is recognized for 5 minutes.

Mr. CASTLE. Mr. Speaker, the problems of unaffordable health care and skyrocketing insurance costs are the greatest financial and social concerns facing American adults, children, small and large businesses, hospitals, and State and local governments.

Too many people live in fear of becoming ill because they have no insurance to cover their bills, too many businesses and governments are struggling to balance their books due to soaring health care costs, and Americans with insurance are growing increasingly frustrated with cost shifting expenses tacked onto their premiums.

Yet the dynamics of finding a solution are conflicting and complex. A recent study found that while 75 percent of the people surveyed were generally happy with their own health care, a nearly equal 74 percent of Americans think the health care system needs a major overhaul. And only 20 percent agree they have to accept limits on their own care.

Let's face it: People want to continue to have the best possible care U.S. technology can provide, yet they want universal care and cost savings. The complex question is whether these three goals are mutually exclusive, or can we strive to achieve them simultaneously.

Today, the House Republican Health Care Task Force released a comprehensive plan of action to expand access to health care, while preserving choice and containing costs. It's called "Affordable Health Care Now." The 24 members of the task force have been working on the legislation for the last 8 months. Meeting numerous times with members of the White House Health Care Committee to exchange ideas.

The House Republican plan addresses the core problems of our health care system. It requires employers to offer health benefit plans to eligible employees. The plan must cover essential and medically necessary medical, surgical, hospital and preventive services. It does not require employers to make any premium payments for their employees; however, it encourages businesses to enroll employees in health plans though multiple employer purchasing pools or State-sponsored health benefit systems.

The plan also eliminates preexisting condition restrictions, such as pregnancy. And it provides health coverage for newborns at birth.

Americans would be guaranteed renewal of their insurance policies, regardless of job changes. To provide much-needed relief for small businesses, insurers who sell insurance in the small group market would be required to offer health benefit plans to all companies that employ 2 to 50 employees. And for the tens of thousands of self-employed Americans, the current tax deduction for the cost of health premiums would be increased from 25 to 100 percent.

Another extremely significant aspect of this plan is that it builds on reforms and initiatives already being pursued in States across this country. It provides much greater flexibility to allow States to redirect Medicaid funds into health allowance programs. It also cuts through the cumbersome, timely Federal Medicaid waiver requirements to allow States to provide coverage to

Medicaid recipients through State or federally qualified managed care programs.

The legislation also provides increased access to community health services in our rural towns; outlines detailed medical malpractice liability reforms; mandates standard claim forms be developed to reduce the enormous mass of paperwork and administrative costs; and provides for long-term care reforms.

In short, the House Republican health care plan empowers States and the private sector to take giant leaps to solving the health care crisis. It does not impose on the American people a health care system run by the Federal Government. It does not burden businesses with an employer-mandated payroll tax.

Yes, savings in Medicaid, Medicare, and other Government programs are going to have to be realized to pay for parts of this health care plan. But with a commitment to enacting health care reform, I believe Congress can put aside partisan politics and pass legislation in the best interests of all Americans.

I look forward to working with my Democratic colleagues and members of the Clinton administration to enact comprehensive reform legislation that will lead to better health care for all Americans.

WITHDRAWAL OF THE FEMA SUNSET ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, on February 4 I introduced the Federal Emergency Management Agency Sunset Act of 1993, H.R. 867. This bill would transfer FEMA's responsibilities to the Department of Defense in order to improve our national disaster response.

Although I still believe that the military should have a more coordinated role in Federal disaster response, I no longer think that we need to abolish FEMA in order to achieve this goal.

I introduced H.R. 867 because of FEMA's repeated Keystone Kops performances during the Loma Prieta Earthquake, Hurricane Hugo, and other previous natural disasters. During the past 12 years, FEMA has been a managerial morass, a political turkey farm for flunkies and political supporters of the Reagan and Bush administrations.

After watching FEMA respond to the floods in the Midwest and prepare for Hurricane Emily, I have concluded that President Clinton has successfully "reinvented" this agency. By appointing dedicated disaster response professionals, especially the new Director, James L. Witt, the President has enabled FEMA to correct the management problems caused by the neglect and incompetence of the two previous administrations.

I still hope to see changes to increase the military's role in Federal disaster response, and to permanently relieve FEMA from the responsibility for preparing for nuclear war. Under the management of President Clinton's appointees and with the commitment of the agency's dedicated civil servants, I now believe that these reforms can and will happen.

Today I ask the committees of jurisdiction to drop consideration of H.R. 867, and I support the management changes instituted by Director Witt.

NAFTA IS AN "AS IS" AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, during the last recess we celebrated Labor Day, which honored the working men and women for their contributions to he country. Each year Detroit's Cadillac Square has symbolized the industrial might of the United States as speakers extol the virtues of American workers, but that time is changing.

In those previous speeches each year, better times and opportunities were anticipated for all of us who work, but this year, there is a cloud on the horizon for working Americans. That cloud is the North American Free-Trade Agreement [NAFTA], which will affect the jobs of many working Americans.

Job losses are anticipated if NAFTA is enacted. In fact, the Federal Government is planning a large retraining effort for those workers who lose their jobs, but this will not correct the problems with NAFTA. Where are the retrained workers going to find comparable paying jobs. Chicago already has lost 47,000 jobs to Mexico, and expects to lose more if the agreement is enacted.

Unfortunately, much misinformation about NAFTA still persists at this eleventh hour before the agreement is presented to Congress. Well informed businessmen and trade experts still believe the agreement can be changed in Congress.

Recently, a friend called my office and told me the agreement was a good one although there were some serious problems with the agreement, which would have to be fixed in Congress. I told him, it is an "as is" agreement. No changes. The flaws stay, it is "as is."

I explained that anyone buying a piece of china, item of clothing, or even machinery marked "as is" understands that the item was flawed, or perhaps broken. My friend understood that explanation immediately and said he would take another look at the NAFTA agreement.

Any American shopper understands what "as is" means, but for some reason many of the people joining in the debate about the agreement do not yet understand. "As is" means Congress can take or leave the agreement as presented. A simple yes or no vote should not be adequate for such an important agreement which radically affects the future of America. Unfortunately the NAFTA Agreement is 2,000 pages long, so it is difficult for businessmen or working men and women to know just what is in the agreement.

The American court system is bypassed in totality which certainly threatens the sovereignty of this country. With the United States courts bypassed, the legal authority rests in dispute resolution panels made up of so-called experts from Mexico, Canada, and the United States. The panels will hear challenges to business and will make decisions about the issue. The losing side or country must accept the decision or pay sanctions.

There is no appeal into the U.S. court system if the decision is disputed. It can only be appealed to yet another NAFTA panel. The process is a bit different if the dispute is in one of the newly negotiated side agreements on the environment or labor.

However, on the side agreements only Canada can go to its own court system for appeals, but the United States and Mexico must use the dispute panels set up in the trination agreement.

That is something which puzzles me. Canada was exempted because it has such an excellent court system that the trade negotiators of the United States and Mexico felt it could handle its own appeals. If Canada can handle its own appeals, why can't the United States? In the NAFTA agreement, or in the side agreements, the American court system is bypassed which threatens the sovereignty of this country.

This "as is" free trade agreement is another step in creating a common market between Canada, Mexico, and the United States. A full common market requires close coordination of most economic policies, temporary entry for business people, cross-border investment, customs unions, and so forth. Again, much of the daily business and commerce into the United States across the Mexican and Canadian borders will be under the jurisdiction of three nations, not just the United States.

An agreement is a desirable thing—if it is drawn correctly. The present agreement was drawn in secrecy and is not well thought out. "As is" is not good enough for the American people. They have worked too hard to build this country and they deserve a better deal than the presently written NAFTA.

□ 1420

GENERAL LEAVE

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. FARR). Is there objection to the request of the gentleman from New York?

There was no objection.

TRIBUTE TO THE LATE JUSTICE THURGOOD MARSHALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. RANGEL] is recognized for 60 minutes.

Mr. RANGEL. Mr. Speaker, today we celebrate the legislative weekend of the Congressional Black Caucus. There are all types of events and workshops taking place all over Capitol Hill, in an attempt for people from all over the country, and indeed, from all over the world, to share their views with us as we attempt to improve the quality of life, improve our national security, and to make America more productive and competitive.

We can only do this, not only for what we want to do as legislators, but in sharing the expertise with others. We have seen fit, with the permission of the family, to take this particular weekend to pay tribute to the late Justice Thurgood Marshall, because there is hardly anything that we are privileged to do today as legislators that is not in some way connected with the fearless and courageous battle that had been fought for us by Thurgood Marshall.

We are reminded of some of the great civil rights victories that were enjoyed by those who were privileged to march and fight side by side with the late Martin Luther King. I was privileged to be with them on that march from Selma to Montgomery. Yet, when we think about it, there was hardly a victory that we had that was not made possible because it was lawyer Thurgood Marshall that had fought the case, not only for the hearts of men, but won those cases in the bowels of our court system.

So when segregation was outlawed in the private places, as well as the public businesses, in our public schools, it was only the enforcement of those laws by the executive branch that was made possible because of the legislative victories that Thurgood Marshall brought us.

It seems that history is sometimes slow in recording the deeds that have been made and the contributions that have been made by Americans until long after they have gone. Because of the fights and the victories that were made by the NAACP, led by Thurgood Marshall in charge of that defense team, there is some kind of easy way of thinking that his victories were for African-Americans in this country. However, there is no way for us to escape the true fact that Thurgood Marshall's victories were indeed the result of him fighting for all of the people in the United States: the disadvantaged, the underprivileged, the poor, and for those who had no real voice in the laws of our land or the interpretation of those laws by our courts.

It just seems to me that we have to recognize as a nation the fact that when our forefathers were drafting the Constitution, a remarkable instrument that has allowed us to survive as a nation for over 200 years, no matter how many emotional, social, economic, and political changes have taken place, that it was written not even thinking of the African-American as being part of this great society. It was written while our forefathers, those who were African-American, were literally not treated as humans but as personal chattel. It was written where it was never even considered that they would be part of this country, except to work and to fight when ordered to do so.

However, it was just not African-Americans that were excluded from the dreams of America by those who wrote the Constitution. If you did not have land, if you did not have property, if you did not have wealth, then there was no place for you, too, in this democracy.

Fortunately, the Constitution was flexible enough to have a legislative body to enact the laws that were necessary to provide for a vehicle to amend the document, but more importantly, to provide for a U.S. court to have the flexibility to change the thinking of the writers of that document to fit the moral and political needs of the Nation in the day in which those cases have been interpreted.

□ 1430

And so we really do not have just a lawyer or another civil rights lawyer or an outstanding U.S. Supreme Court judge. I am certain that those who write literature and the obituaries will be able to find the words with their talents to interpret the life of Thurgood Marshall really as one of the writers of the Constitution, because he has interpreted the law, and fought for that interpretation. He refused to allow Americans today to have the limited dreams of those people who drafted the original document. And he insisted that the rights of all people, regardless of color, or wealth, or social, or economic status be included in that dream.

Today, of course, we can easily think of it as the last group to be recognized, the black folks in this country, north and south, who were always waiting for Thurgood Marshall to come, to bring a piece of the American dream, a piece of the Constitution to their towns, and fearlessly in their courts battling their lawyers, and battling their judges. When he left those towns ultimately, the U.S. Supreme Court made us one family.

We have so far to go. If we can only take what we have inherited from Justice Marshall and take a part of that fearless courage that he possessed, and if each one of us could continue to do just a part of his work, what a wonderful country we will have, what a productive country we would have, and how no one could challenge the morality of what we believe in.

So my colleagues, there will be many people who will be heard today espousing as to the tradition and the wealth that has been left not to us, but to our great Nation. And there will be many, many others who have provided us with papers, and their remarks to be inserted into the RECORD.

At this particular time I would like to yield the floor and the microphone to my distinguished friend and colleague from the State of New York who is a reverend and who is ordained and has his own church, and besides just talking about what we should do as Americans, spends every day and night trying to improve the quality of our lives and still carry out the Lord's work in his community by providing those services through his church and through his office.

Mr. Speaker, I yield to my distinguished colleague, the gentleman from Queens, NY, the Honorable FLOYD FLAKE.

Mr. FLAKE. Mr. Speaker, I thank my good friend, Mr. CHARLIE RANGEL, who has done such a yeoman's job in terms of just standing at the forefront of our fight on major concerns in areas like drugs. But standing today beside him I am reminded that none of us would be able to stand without the contribution made by the Honorable Thurgood Marshall.

I rise today to pay this tribute because Thurgood Marshall's role in the life of every African-American has been so meaningful. I welcome his widow, Cecilia Marshall, and members of the Marshall family who are here in this Chamber today even as we pay this tribute. This event coincides with the opening of the Annual Black Caucus Legislative Weekend, and for this reason it is a perfect opportunity for those of us in the House of Representatives to be reminded once again that the Honorable Thurgood Marshall is one who deserves honors as great as this Nation could possibly give any human being, for indeed, in the annals of history he has to have a place among the foremost and greatest jurists to ever sit on the Supreme Court, and certainly the first black American.

The lives of black Americans have been enhanced and enriched, many of them, by virtue of the various pursuits that he took upon himself. We all share his accomplishments, his legacy, all of the good that he has left behind, all of the lives that he touched, all of the meaningful experiences that we are able to have today because he took it upon himself to do battle on our behalf.

Justice Marshall's success serves as testimony to what can be achieved with the realization and fostering of one's own gifts, the meaning of inner strength, personal commitment, unwavering integrity, the will to speak up, the will to talk on behalf of those who cannot speak for themselves, the desire to lift those who are oppressed, and to turn for those who face life knowing that they would not be able, feeling they would not be able to succeed, giving them a hope and a belief that they would.

As a child of a Baltimore schoolteacher and a yacht club steward, Marshall completed his undergraduate studies at Lincoln University, where I had the privilege of serving as dean some years ago. One of the things that those who have had a Lincoln experience will attest is there was nothing in the world like a Lincoln man, and Thurgood Marshall represented the epitome of the Lincoln man: strong, intelligent, capable, and competent. After being barred because of his race from attending the University of Maryland, Marshall earned his law degree at Howard University Law School, right here in the District of Columbia. He graduated in 1933 at the top of his class. And just as Marshall used that degree to focus his energy to do right where he perceived people had been wronged, and indeed not only perceived they had been wronged, but in most instances because of the laws of the land in fact had been done wrong.

While practicing law in Baltimore, one of his first civil rights cases was a suit by a black student who had also been denied entry into the University of Maryland. Of course, he won that case and many, many more of them.

He also was the lead attorney in the integration of the Little Rock, AR, Central High School. I, as a young boy, had the privilege of seeing not only that work, but the results of that work, because in so doing he opened up the possibility for many people to be able to enter institutions that they could not have otherwise entered.

In 1992 when I left Houston, TX, even the University of Houston had not yet been integrated. The reality is that schools and other institutions that were subsequently integrated were because of the work of Thurgood Marshall. All of us who came today owe him a debt of gratitude. We owe him a debt of gratitude because having been selected by President Johnson and appointed to the Supreme Court, he was able to show us what it means to withstand each and every challenge that life has to present.

I certainly would commend to many of our young people today, particularly the young African-American male, the life of Thurgood Marshall as one that is worthy of emulating. Again and again Thurgood Marshall was rejected. Again and again he was despised. Again and again he found himself being under attack from the mainstream, from business, from education, and from Government. Yet he stood tall, yet he took his position and would not be moved, and when many people would expect that such a bright and talented person would become frustrated and bitter, Marshall concentrated his energy to be positive, and cleared the path for generations to come, and generations even this day which are yet unborn which will be the recipients of the benefits that he has left to us.

I believe that Marshall's endurance changed my life personally. I know that it has opened opportunities for many children. I want to thank him for the gift that he has left us. I want to thank him when several years ago he was here on the Hill, my son, who is now 13, had an opportunity to stand beside him and take a picture, which is now in my son's bedroom to serve as an inspiration for him.

Truly, our lives are better. In the words of the old prophet who declared there would come one who would help to make the rough road smooth, to make the crooked road straight, who would help us to bring up the exalted mountains and to lift up the hills, Thurgood Marshall indeed has done that for us. He has challenged many others that they might go forth and do the same thing.

If I do nothing more in life, if I can but walk at a distance behind him, and from his shadow gain the strength to keep walking, that I will do, for I believe that his life is one that is worthy of following.

Mr. RANGEL. I thank my distinguished friend from New York.

Mr. Speaker, I am now privileged to yield to the gentleman from the sovereign State of Pennsylvania [Mr. BLACKWELL], a civil rights fighter in his own right.

□ 1440

Mr. BLACKWELL. I thank the gentleman for yielding.

Mr. Speaker, I want to join with my colleagues in honoring and paying tribute to a great American, Justice Thurgood Marshall.

I believe it is fitting that we pause to remember and recognize the tremendous contribution that he made, not just to America's justice system, but to social justice as well.

Thurgood Marshall was a great jurist, a relentless voice for the voiceless and a lawyer's lawyer, whose legal career spanned over 60 years and epitomized the suffering and success of the civil rights movement.

Justice Marshall beamed in our cramped and constricted community, a community in which the law at one time ordained segregation in the courtroom and exclusion of African-Americans from the jury box.

As a result of his career as a lawyer and as a Justice, Thurgood Marshall left an indelible mark, not just upon the law, but upon this country as well.

While his accomplishments are well known, some of them are worthy of review. From 1940 to 1961, he traveled the country, defending the rights of minorities and challenging the status quo.

He won dozens of important civil rights victories, prevailing in no fewer than 29 of the 32 cases he argued before the U.S. Supreme Court.

Most notable among his victories, of course, was the landmark, 1954 decision in Brown versus the Board of Education. That case ended "separate but equal" school systems and led to the integration of public schools.

Sometimes called a "national treasure," Justice Marshall said he wanted to be remembered as one who, "Did what he could, with what he had."

For those whose lives he touched, we have a lasting memory to one whose commitment to and reverence for the American justice system was second to none. Justice Thurgood Marshall earned our respect.

Mr. RANGEL. I thank the gentleman for his comments.

Mr. Speaker, this body is privileged to have quite a number of people who have excelled in the area of fighting for civil rights, but one of the Members that fought for it in a climate that has not been as easy as for other Members has been CHARLIE ROSE from North Carolina. Mr. Speaker, I am proud to yield to the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. I thank the gentleman from New York, Chairman RANGEL, for yielding to me.

Mr. Speaker, on August 5, I introduced House Concurrent Resolution 133, as chairman of the Committee on House Administration and vice chairman of the Joint Committee on Printing, which provides for the printing of statements made here today along with other related material and illustrations made in tribute to the late Justice Thurgood Marshall.

The House Administration Committee, which I chair, acted unanimously the same day, to the printing resolution, and I expect the House to adopt this resolution sometime next week so that these proceedings today can be memorialized in print and distributed widely to people who wish to hold in their libraries or in their memory what has been said here today about this great man.

In the fall of 1991, Justice Thurgood Marshall announced his retirement after serving on the U.S. Supreme Court for 24 years.

When he announced his retirement, Julius L. Chambers, director-counsel of the NAACP legal defense and educational fund, stated that for decades Marshall had been the foremost champion of equal justice and opportunity for minorities, and that his powerful voice would be sorely missed.

It has been my honor to know Julius Chambers, having attended the same law school that he did at approximately the same time.

I know that I can speak for myself and my colleagues on both sides of the aisle, that we have missed Justice Marshall greatly, the lawyer, judge, and public servant; and we extend our heart-felt sympathies to his wife Cecilia and their two children, Thurgood, Jr. and John William, and to the rest of the Marshall family.

His focus and concern was not only for the civil rights of black Americans, but for all Americans. The poor, the Native Americans, laborers, the women, disadvantaged, he was there for all. He cared very deeply and worked endlessly for the freedom of speech for all Americans that we all enjoy.

Born on July 2, 1908, in Baltimore, MD, to William and Norma Williams Marshall, he attended local elementary and secondary schools in that city. In 1930 he graduated with honors from Lincoln University, in Chester County, PA, then went on to seek admission to the all-white University of Maryland Law School where his admission was denied. He then chose Howard University where he graduated at the head of his class in 1933.

At only 26 years of age, and 1 year out of law school, Marshall became counsel in 1934 for the NAACP branch in Baltimore, MD. He joined the organization's national legal staff in 1936 and was appointed chief legal officer in 1938. He served from 1940 as director-counsel of the NAACP Legal Defense and Educational Fund until his appointment to the Federal bench.

As a trial attorney his career culminated with the 1954 Supreme Court decision, as has been stated in Brown versus Board of Education of Topeka, KS. This was the key victory to dismantle segregation in the United States.

Thurgood Marshall was nominated in 1961 by President John F. Kennedy for appointment to the Second Circuit Court of Appeals where he was given a recess appointment in October 1961 and was confirmed by the Senate in 1962. President of the United States Lyndon Baines Johnson named him Solicitor General of the United States and nominated him to the Supreme Court in 1967. Neither of these positions had ever been held before by a black American.

I could go on and on about the many accomplishments and honors that have come to Justice Thurgood Marshall in the work that he has done. But in fairness to my colleagues I will be brief. I remind you of a story that someone once told me about Justice Marshall, and I offer this in the sense of humor which Justice Thurgood Marshall certainly enjoyed.

I am told that at one time a major religious denomination had decided to make a charitable contribution to a black church in New York. The church decided that with the money they would buy a plot of land in which they could build a cemetery. Unfortunately when the news broke, the people of the surrounding neighborhood, predominantly white, where the land was located, were outraged and had no intention of this plan going forward. To make a long story short, between the zoning board, the council, and the residents, their plan went nowhere and they decided to hold on to the land. Many, many years later a white gentleman came along and went to the church and talked to the minister about buying the land. Lo and behold the land had appreciated so much in value that it was sold at a price that would allow for the church to buy other land in the city for a cemetery, to pay off the mortgage on the old church, to repair the building, and have much additional money left over.

□ 1450

Upon hearing of this, Thurgood Marshall is reported to have said that the moral of this story is simple, "Thank God for prejudice."

On August 5 I introduced the resolution of which I spoke. I hope that we will be able to print enough copies of these words from the floor of this House so that all can enjoy them for all time.

I thank the gentleman from New York, CHARLIE RANGEL, my dear and close friend, for allowing me to say a few remarks here today. I would sincerely thank him for organizing this special order today and for making me aware of the opportunity that we have now to print this in a way that can be remembered by many Americans.

I thank Chairman RANGEL for his leadership in this area and thank him for recognizing me.

Mr. RANGEL. Mr. Speaker, I thank the gentleman from North Carolina, particularly for his contribution in making certain that the RECORD that is made today will be put in a form that will be lasting and one that Thurgood Marshall's family and friends can be proud of.

CORRINE BROWN, a new Member from the State of Florida, a new addition to the Congress and a proud member of the Congressional Black Caucus. When I first came to the Congress I followed Shirley Chisholm. She increased the number of the Congressional Black Caucus to nine. I got here and there were 13. Last year there were 26.

Now in the House of Representatives we have 39, with another Member in the Senate.

Some may say that CORRINE BROWN got here because of her hard work and support in the community. Others might attribute it to the Voting Rights Act, but if we had to find one person who made that Constitution come alive and let the whole world know, and especially let America know that the Constitution was made for all of us, I am certain we in the Congressional Black Caucus would say that for us, too, Thurgood Marshall made the path.

Mr. Speaker, I yield to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Speaker, we are here today to honor a great American, Thurgood Marshall, one of this Nation's greatest judges and the first African American to serve on the Supreme Court.

When I was sworn in in January, history was made. Sixteen new African-American Members were seated in the House of Representatives and one African-American Senator, CAROL MOSELY-BRAUN was seated, expanding the number of Congressional Black Caucus members to its greatest size ever. There are now 54 women, 19 Hispanics, 9 Asians, and 1 American Indian. This is the highest number of minorities to ever serve in the history of the U.S. Congress. I, and others, would not have the privilege of serving in Washington if it were not for the courage and sacrifice of those great leaders who led the way before us. One of my personal heros is the late Supreme Justice Thurgood Marshall who did so much to make opportunities available for many of us. Most of you know that Justice Marshall, appointed by President Johnson in 1967, was the first black to serve on the U.S. Supreme Court where he championed the rights of the shut-out and the disadvantaged. What you may not realize is the truly remarkable road he traveled to get to the Supreme Court. His journey continues to inspire me.

After growing up in segregated Baltimore he decided to attend Lincoln University. His father, a Pullman car waiter, and his mother, an elementary schoolteacher, made great sacrifices to send him to school. His mother pawned her wedding and engagement rings to help pay his expenses. Marshall worked part time, at different times, as a bus boy, waiter, baker, and grocery clerk. Marshall graduated with honors in 1939 and applied to the all-white University of Maryland Law School. He was rejected because he was black. He then enrolled at Howard University School of Law. When he graduated, he started work with the Baltimore NAACP. One of his first law suits was against the University of Maryland Law School to force them to admit blacks. He succeeded and was responsible for the first black student being enrolled in 1945. He continued these legal fights for 30 years. Marshall argued, and won, more cases before the Supreme Court than anyone I'm aware of. Of course the most talked-about case was the 1954 Brown versus Board of Education decision which ruled that all children had the right to attend schools that were not segregated and second-rate.

I would not be here today without the foundation laid by Justice Marshall. I hope his legacy inspires us and the generations behind us.

Mr. RANGEL. Mr. Speaker, before I got here, LOU STOKES was here from Cleveland, OH. He brought with him a legal record of having scored victories in our courts throughout the country, as well as the political history of his brother, Carl Stokes, who became the first African-American mayor of any major city, so he comes from a family of civil rights fighters; but more importantly, he comes here to continue the great tradition left to us by Thurgood Marshall. I am glad that his remarks will be included in this historic document that is being made today.

Mr. Speaker, I yield to the distinguished gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentleman from New York, CHARLIE RANGEL, for providing us this opportunity to gather in this Chamber in order to pay tribute to a great civil rights pioneer and a great American, the late Supreme Court Justice Thurgood Marshall. With his passing earlier this year, the Nation lost a committed human being and legal scholar.

I believe it is entirely fitting that this special order be held today. Just this morning the congressional Black Caucus, of which I am proud to be a founding member, convened its 23d annual legislative weekend here in the Nation's Capitol. My colleagues and I began the legislative session by sponsoring a special town hall meeting entitled, "The Lani Guinier Nomination: The Meaning of Race In America." Held at Howard University Law School, the town hall meeting provided an opportunity for a close examination of our progress in the area of race relations and civil rights.

Mr. Speaker, no one contributed more to the struggle for civil and individual rights in this country than the late Justice Marshall. For more than six decades, he blazed a pathway to equality through our Nation's justice system. With his passing, the Nation lost a great champion and hero. I join my colleagues at this time in reflecting upon the life of the late Justice Thurgood Marshall.

Long before his appointment to the U.S. Supreme Court, Justice Thurgood Marshall championed the rights of the underprivileged and the unrepresented. In 1936 he was hired as an assistant to the national counsel for the National Association for the Advancement of Colored People [NAACP]. In 1939 Marshall created the NAACP Legal Defense and Education Fund which he headed from 1940 until 1961. Under the umbrella of this organization, Justice Marshall worked within the legal system to improve the rights of minorities. In an unprecedented fashion, he won 29 of the cases which he argued before the Supreme Court.

Mr. Speaker, Justice Marshall earned a place in history for his leadership in the landmark 1954 Supreme Court decision, Brown versus Board of Education. Through a series of well-crafted court cases over several years, Justice Marshall methodically dismantled segregation in our Nation's schools. This decision provided all Americans, regardless of race, creed, or color, equal access to a quality education.

Justice Thurgood Marshall was appointed by President Kennedy to serve on the bench of the U.S. Court of Appeals in 1961. in 1965 he secured a place in history once again when Justice Marshall was appointed by President Lyndon Johnson as the first African-American Solicitor General of the United States. As the Nation's top lawyer, Justice Marshall was responsible for assuring the Supreme Court's approval of the 1965 Voting Rights Act which secured equal voting privileges for all Americans.

Upon President Johnson's nomination and the confirmation of the U.S. Senate, Justice Marshall became the first African-American in the history of the Supreme Court. During his 24-year tenure on the Court, Justice Marshall served as the legal voice of American liberalism. He aggressively assaulted racism, bigotry, and prejudice with his brilliant mind and candid speech which can never be matched. His retirement in June 1991 marked the end of a significant ERA on the U.S. Supreme Court.

Mr. Speaker, I am proud to note that prior to my election to Congress, it was Justice Thurgood Marshall who inspired me in my practice of the law. His writing and words served as a pillar of authority for myself and other young lawyers committed to civil rights. One of my greatest memories is that a few years ago I argued a case before the Supreme Court on which Justice Marshall sat. Arguing before Justice Marshall in the landmark case of Terry versus Ohio is my most cherished moment as a lawyer. As we gather today, we recall the late Justice Thurgood Marshall as a drum major for equality, an idol and a role model for each of us. As his widow, Cecelia Marshall, and members of his family join us, we salute this great pioneer and legend. He will never he forgotten and his words will continue to inspire us in the struggle for justice and civil rights.

□ 1500

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Ohio [Mr. STOKES].

Before recognizing the distinguished gentleman from Georgia [Mr. LEWIS], I would like to point out to my colleagues that sitting with us today is a distinguished former Member, Father Robert Drinan who has not only defended our Constitution outside of these august halls, but was one of the Members that served so well on the Committee on the Judiciary when the very Constitution that Thurgood Marshall was trying to improve upon was threatened with a possible impeachment of a President of the United States. He has continued his fine work and was responsible when he was chairman of the section of individual rights and responsibility of the American Bar Association to persuade the members of that group to establish the Thurgood Marshall annual award for distinguished U.S. attorney devoted to civil rights and civil liberties. That award continues on, but more important than that is the spirit in which Father Drinan lives his life, using the guidelines that have been set by Thurgood Marshall.

Mr. Speaker, though the rules of the House will not permit Robert Drinan's prepared remarks to be stated personally by him, I ask that they be inserted into the RECORD at this time:

REMARKS OF ROBERT F. DRINAN, S.J.

I first met Thurgood Marshall on the steps of the Supreme Court after he had argued a case in the early 1950's in which he once again urged the Supreme Court to abolish the doctrine of Separate but Equal. Thurgood Marshall could not have known at that time that within a few months he would prevail in *Brown* v. *Board of Education* and thereby change for the better the entire future of American society.

Like the entire nation, I followed the career of Thurgood Marshall as he became a Federal judge, the Solicitor General, and finally a Member of the United States Supreme Court. I shared the pride of every American when the entire world gave him veneration on the occasion of his majestic funeral.

When I became Chairman of the Section on Individual Rights and Responsibilities of the American Bar Association, I persuaded the members of that organization to establish the Thurgood Marshall annual award for a distinguished U.S. Attorney devoted to civil rights and civil liberties. The Section on Individual Rights and Responsibilities and indeed the entire American Bar Association were honored to extend the first Thurgood Marshall award to Justice Marshall himself. On that unforgettable evening at a dinner in San Francisco at the annual meeting of the ABA in August 1992, I spoke at some length with Justice Marshall about his life and his career. Although he was characteristically modest, it was clear that he was pleased on that evening that finally the legal establishment of America, the ABA—had honored him for his decisions and his achievements.

I am happy to say that the Thurgood Marshall award was given this year to Judge Frank Johnson, a courageous Southern jurist who implemented the desegregation decisions of Justice Marshall. On that evening in New York City in August 1993 when the legal profession gave the Thurgood Marshall award to one of the great figures in the history of American Law, all of us knew with a deeper certainty that Thurgood Marshall had won the recognition which he earned and deserved.

As a member of the House Judiciary Committee from 1971–1981, it was immensely reassuring to know that Justice Thurgood

Marshall would be a stalwart ally of the expansion of civil rights and civil liberties which the House Judiciary Committee continuously sought to bring about. Justice Thurgood Marshall's presence and his examples continue to be immensely encouraging. For all of that we here today, as well as the entire American people, express gratitude to him today and always.

Now it is my privilege to bring to the floor our chief majority whip, our reverend voice of conscience, our civil rights leader, a man that just did not fight in the courts, but fought upon the streets to enforce those laws that Thurgood Marshall was winning in the courts. It is with high honor that I bring to my colleagues the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and our dear colleague, the gentleman from New York [Mr. RANGEL] a standing Member of this body, for holding this special order. I feel it is fitting, appropriate and proper that we salute and pay tribute to Thurgood Marshall.

As my colleagues know, 30 years ago, September 5, 1963, a bombing took place in Birmingham, AL on a Sunday morning 30 years ago where four little girls were killed in a black church while attending Sunday school. So, it is fitting today that we salute Thurgood Marshall.

When I was growing up in Alabama a few years ago, Mr. Speaker, I saw those signs that said, "White Men, Colored Men," "White Women, Colored Women," "Colored Waiting, White Waiting." Justice Marshall led the legal fight to bring down those signs, and those signs are gone, and they never will return again.

Justice Thurgood Marshall represented the very best of America. He was a source of inspiration to millions of Americans.

Long before I met Justice Marshall, or Thurgood Marshall, I heard others refer to him as Mr. Marshall. But in 1954, May 17, 1954, when the Supreme Court issued that great decision, it was the lawyer, the head of the NAACP Legal Defense Fund, that shepherded that fight through the Supreme Court.

Mr. Marshall was a protector of civil rights, a protector of civil liberties. He defended the Constitution, the Bill of Rights. As a Supreme Court Justice, Thurgood Marshall served this Nation well. He brought tremendous dignity and compassion to the Supreme Court. His years on the bench will be remembered as years of great change for our country and for all of us as Americans.

Justice Marshall served as a guiding light and as an outstanding leader. He traveled the length and breadth of this country, and he told every student in Nashville, when he would come and speak to an NAACP rally or to a group of students at Fisk University, to fight, to stand up. He stool tall. He inspired as all, and I dare to say, if it was not for Thurgood Marshall, I would not be standing here today as a Member of the House of Representatives.

Justice Marshall brought about a nonviolent revolution under the rule of law, and I say to my colleagues, Justice Marshall must be seen as one of the founding fathers of the new America. We must pay tribute to the role this man played in our recent history, and we must never ever forget his contribution to the American society, that Justice Marshall made America a better place, Justice Marshall, our leader, our fighter, our defender."

Mr. RANGEL. The late Thurgood Marshall's name and fame is felt throughout the world, but it really proves that the caucus here from north and south and east and west are able to bring us the feeling of the hearts of many Americans that cannot be here themselves, but through their Representatives, and so one of the newer Members of Congress, the distinguished gentleman from California [Mr. TUCKER], will share his comments with the House.

Mr. TUCKER. Mr. Speaker, and to the very distinguished gentleman who has once again provided great leadership in bringing this wonderful tribute to the House floor today, and, of course, to Mrs. Marshall and the Marshall family, I am so happy that we could use this occasion, particularly at the time at the advent of the Black Caucus legislative weekend here in Washington, DC, to come together, Members, and friends, and African-Americans, to pay tribute to a man who really needs no introduction, but a man who stands tall and who stands proud in the history and annals of civil rights and African-American history.

☐ 1510

Earlier this year, as a member of the Public Buildings and Grounds Subcommittee of the Committee on Public Works and Transportation, I had the esteemed honor and privilege to come to this House floor and to be a cosponsor of the very first piece of legislation that I was involved with as a new Member here in the House. And quite fortuitously and fortunately, that piece of legislation was a bill to name the Federal Judiciary Courthouse here in Washington, DC, after the late and the great Justice Thurgood Marshall.

It was a proud moment for me, because it connected me in some way to the kind of salute that so many African-Americans would like to give to our fallen hero. It was a proud moment for me, because it was an exceptional piece of legislation that was overwhelmingly passed, commending an exceptional human being.

I join today with the comments of many of my colleagues who have preceded me, colleagues from all over the country, and not just African-American, but all Americans, who have alluded to the fact that had it not been for Thurgood Marshall, many of us would not be here. Whether we sit on this side of the rail or that side of the rail, many of us would not be here.

I know myself I probably would not be here, had it not been for Thurgood Marshall, a very special individual indeed. An African-American who, to me and my community, is a role model.

You know, that word "role model" is a very important word. It has been bandied around so many times of late, so much so that of late when we think about the word "role model" we have a tendency to believe that we would open a dictionary and find an African-American slam-dunking a basketball, or throwing a football.

But to me, Thurgood Marshall, Justice Thurgood Marshall, was the role model of role models. As a lawyer, I appreciate his advocacy. As a student of the bar, I appreciate his wonderful academician as a jurist, a man who tilled long and hard in the vineyard, on the cutting edge of warfare. Not the warfare known by so many of my brothers and sisters on the street, some who associate with red, and some who associate with blue, but a man who had the courage to stand in the gap and fight for those things that were not insane, incipient, and irrational, but those things that went to the very heart of human decency, integrity, and civil rights.

Thurgood Marshall was a role model of role models. But he was not only that. He was a great African-American. And if the truth be known and the record be replete, history will reflect and record that he was a great American among Americans. In fact, his work over the many, many years has become a part of the wonderful historic fabric of this country, a wonderful quilt, woven together with stripes of courage, patches of patriotism, stars of unselfishness, and pieces of principle persistence. That is what Thurgood Marshall means, not only to me, but to this country. He indeed is a national treasure. A great American, a great advocate; of course, his career highlighted by the 1954 Supreme Court decision of Brown versus the Board of Education. A great jurist for over 24 years, and, of course, our only black Supreme Court Justice. Not to mention the fact that he was a great civil rights leader in his own right.

As I progress and matriculate as a new Member of Congress, even only 8 months new, the spirit of a Thurgood Marshall inspires me and encourages me to not just revel in his history and revel in his legacy, but to embrace the legacy and pick up his baton.

A few weeks ago, I thought about the legacy of Thurgood Marshall, and I thought about that decision in Brown versus the Board of Education. And Justice Marshall was saying that there is no way that the school system could be separate and at the same time equal. There is no way that segregated schools were fair.

He lived, and indeed, he died for fairness and equality in education. And as such I began to think about his legacy and the current school system, and whether or not his legacy has been honored, whether or not there is equality in the school system today.

Those of you, like me, who have been looking at the news of late, realize that all throughout the country, one of the biggest issues that we have today, in 1993, almost 1994, is inequality within our educational system.

Still today, many years, 40 years after that landmark decision, we still have inequality in our public education system.

So a few weeks ago, I devised a bill called adopt a school. That is a bill targeted specifically at those areas in our society where the poverty rate is such that you find a chronic and consistent incidence of inequality and inequity within our public education system. A piece of legislation targeted at incentivizing corporate America, the private sector, to match and to meet and to marry with the public sector in order to level the playing field.

So indeed, the spirit and the legacy of Thurgood Marshall carries on. It carries on to Members of Congress like myself, who know we must continue to pick up the baton and fight and be ever vigilant to ensure that education is fair for every last American in this country.

Thurgood Marshall has over his lifetime represented the best that this country had to offer. His quote that many that alluded to who preceded me, that he did the best with what he had to work with, showed that he truly did the best with what he had, because he was the best that this country has to offer. He offered us hope. He offered us a way to overcome the sometimes schism and dividing lines of race, creed, and color. He was indeed a crusader for the oppressed. He was indeed a champion of champions.

If you really want to understand what revolution means, I do not think you have to look into the streets to see those who carry the Molotov cocktails in the Los Angeles riots. We should look to men like Thurgood Marshall, who have revolutionized our society. And even in his death and in his memory, he continues to do so, showing indeed that the pen is mightier than the sword.

So today, Mr. Chairman, I thank you for this honor and this privilege to stand with other Members of the House of Representatives, to give tribute and to applaud the brilliant mind, the down to earth spirit, of a great legal giant, who served his entire life.

In closing, Mr. Chairman, I am reminded of a passage in the Book of Books, when another great man named Paul looked back on the annals of his life and summarized it by saying this: "I have fought a good fight, I have finished my course; but, most importantly, I have kept the faith."

To you, Thurgood Marshall, we say God bless, and we will continue to keep the faith.

Mr. RANGEL. Mr. Speaker, at this time I would like to yield to the distinguished chairman of the 39-member Congressional Black Caucus, the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, I thank the gentleman from New York very much.

Mr. Speaker, I have just been called off the floor on an urgent matter, and regret that I am going to have to leave at this moment. I will hopefully try to get back.

Mr. Speaker, I would like to commend the gentleman from New York [Mr. RANGEL] and all the other Members who have come here to add in these remarks. Thurgood Marshall grew up just blocks away from where I had the opportunity to grow up. And as a Baltimorian and a Marylander, those of us who reside in that State share a special pride and a special link and bond.

Mr. Speaker, I again wish to thank the gentleman from New York [Mr. RANGEL] for leading us here to the floor of the House today for this very special order.

Mr. RANGEL. Mr. Speaker and my colleagues, if one would ask who is that constitutional lawyer in the House of Representatives, they would have to talk about the distinguished gentlewoman from the District of Columbia [Ms. NORTON]. Not only has she proven her knowledge of the Constitution by serving as the Commissioner of Human Rights, but also her fight and her struggle for justice, no matter where injustice is.

□ 1520

Thurgood Marshall could not leave a legacy of more legal expertise or fight into the person that has the responsibility of bringing the citizens of the District of Columbia into full citizenship.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. RANGEL], both for his kind words and for his initiative in bringing Members to the floor to speak of one of the great men and one of the greatest lawyers of American history.

Inevitably, perhaps, when we think of Thurgood Marshall, we take his as a point of departure for our own lives, especially those of us who have directly benefited from his work, as I have.

Two of the high points in my own life are directly related to the work of Thurgood Marshall. One of them, I must say, occurred in this very city on May 17, 1954, when I was a student at Dunbar High School. The principal sounded the bell. It was near 3 o'clock. He informed us that the schools in which we sat in the Nation's Capitol had just been declared unconstitutional by the Supreme Court of the United States.

As a child, I had never thought that that is a day I would come to see. Segregation was part and parcel of the way this city operated in each and every way. In this Capital City, one could not go to the movies except with other black people. One could not go downtown to the theater or to see the National Symphony Orchestra. This Capital of the United States was, in virtually every respect, like the places deeper in the South from which some of my colleagues have come.

I knew, though, that the person who had accomplished this historic mission was Thurgood Marshall. You could not go to school in the District of Columbia without knowing his name and understanding his work.

Just a few years later, a high point of my own legal career was to occur very early in that career. In order to argue before the Supreme Court, one has to have been a member of the bar for 3 years. I had just made it, when I got the opportunity, 3 years out of law school, to argue before the Supreme Court of the United States with Thurgood Marshall sitting on the bench.

It was a case of some irony. It was a case I am almost sure delighted the Justice.

In this matter, I represented some men from Princess Anne County, MD, I in my capacity as a lawyer for the American Civil Liberties Union. Young men who had been kept from speaking because of the way in which they chose to speak about black people, about other people of color, about Catholics. I must say, there was almost no ethnic group not on their list of undesirables. And they spoke about such people in terms that I will charitably call "derogatory."

One they had made such a speech, the county attorney went into court the next day and got an order keeping them from speaking the next day. That is know, in our law, as prior restraint. And while people have been kept from speaking in our country on numerous occasions, there are very few cases in which people have been kept from speaking before they spoke. And so I argued that under the first amendment, unless there was a clear and present danger that could not be quelled, these people, these racists, had to be given the opportunity to speak.

I must tell you, I won this case, and there was no dissent, including from Mr. Justice Marshall. And the reason there was no dissent from Mr. Justice Marshall is something that is a lesson that has to be relearned, because Mr. Justice Marshall stood not merely for black people but for a set of principles.

It was Mr. Justice Marshall himself who had argued, in case after case defending the rights of black people, that the first amendment was virtually absolute. It was black people themselves who historically had been the targets of those who wished to abridge free speech. So the Princess Anne County case was an easy case for Mr. Justice Marshall.

It is elementary that the first amendment cannot apply to black people unless it applies to those who are against black people. And indeed, had it not been for the first amendment, black people would have had no weapons whatsoever. We had no rights. We had no guns. We had the power to petition. We had the power to tell them what they were, that they were white racists. And finally, finally, we penetrated.

And who is it, who is it who helped us to penetrate? Well, I must tell you, Mr. Speaker, it was nobody who sat in this Chamber who helped us to penetrate. Thurgood Marshall is a great man in no small part because he found a calling and a chamber in which to argue our rights. And it was not this Chamber, and it was not the Chamber on the other side of the Capitol.

We got our rights because time after time Thurgood Marshall and his comrades marched into the courts of the North and of the South and argued that under the Constitution of the United States we were entitled to our rights. And he argued and he argued and he argued until it could not be gainsaid.

And he argued in the face of precedents that said just the opposite, precedents that said we did not have any rights that had to be recognized except in a segregated context. And when you have the Supreme Court of the United States saying that, you better have yourself a strategy if you want to turn that around. And that is exactly what Thurgood Marshall had.

And so Marshall led his band of lawyers for years, chipping away brilliantly at the precedents against us until he got to 1954. And then there was a major debate within the annals of the lawyers, the NAACP Legal Defense Fund lawyers and the Howard University group. Shall we now put to the Supreme Court of the United States this proposition: That under the 14th amendment, separate but equal is unconstitutional.

It was an extraordinary risk. For had the Court ruled otherwise, the Plessy versus Ferguson precedent would have been strengthened and African-Americans would have been set back a century.

Why did Thurgood Marshall take the risk? Because he had prepared the way, because for years the precedents had led to the point where the NAACP was ready to make that case, to risk that decision. And we know that a decision was unanimous.

Yes, he became a model for black lawyers, for constitutional lawyers and for the American lawyer. I entered law school in 1960. There was no other lawyer but Thurgood Marshall, as far as I was concerned.

I went to law school in imitation of the life of Thurgood Marshall. There were so few black lawyers that a few years later, John F. Kennedy helped to create the Lawyers Committee for Civil Rights under the law, because there were so few lawyers to go South to argue the cases that were then mushrooming up, in part, because students like me, who were part of the Student Nonviolent Coordinating Committee, were challening segregation physically by sitting in and sitting down.

□ 1530

Yes, Thurgood Marshall had been there before in that way as well, for he was a movement lawyer in the literal sense. When Marshall went South to talk to his clients, he risked his life. When most lawyers went south to talk to the students, they were not out in the vineyards where there was danger.

If you wanted to practice civil rights law in the 1930's and 1940's and 1950's, there was no other way to practice it. The problem was to find a man or woman brave enough, and we found him. He was a movement lawyer, all right. He brought together in his own work what we were doing as students and what lawyers in the highest courts did every day.

When Mr. Justice Marshall came to the Court, he understood instinctively and absolutely his role, the role of the first black on the U.S. Supreme Court. Look at his writings. Look at his decisions and opinions. Here we have a man with a judicial philosophy, bringing it to bear across the law from cases involving the death penalty to cases involving abortion. He was a man who brought out of his experience, as a black man, as a black lawyer, as an African-American, a philosophy of rights that he spread across the jurisprudence of our country.

He understood that he was the first black on the Supreme Court. He understood that that gave him an obligation beyond his own race. He understood that we would be looking for what he did in cases involving African-Americans, but he understood his role was one of universal human rights. Through his many decisions, many more who were not black and those of us who are came under constitutional protection, not the least of them women, who only in 1971 were declared to be entitled to equal protection under the 14th amendment.

As I stand in this Chamber, above all I am reminded that this Chamber was unwilling, and that that is what, as much as anything, took Thurgood Marshall to where we could be heard without the din of racism, until we were finally heard.

Today at a forum opening the Congressional Black Caucus weekend, a number of people got up and asked the panelists questions. One of them was a successor, the successor to Thurgood Marshall at the NAACP Legal Defense Fund, the first woman to hold the post he held, Elaine Jones. She asked a question that I found very intriguing. Essentially it was whether lawyers were as important as they once were, as we look to the future of black people.

Ms. PELOSI. Mr. Speaker, it is an honor to participate in the first official tribute by the House of Representatives to the late Supreme Court Justice Thurgood Marshall. I want to thank Congressman CHARLES RANGEL and the Congressional Black Caucus for their leadership in arranging this Special Order and for inviting Justice Marshall's widow, Mrs. Cecilia Marshall, to witness this event. We are honored by her presence.

I will not recount his incalculable, enormous contributions to civil rights in America, as others will do, other than to say that without Thurgood Marshall, America would be so much less than it is today. Without Thurgood Marshall, America would not be the strongest democracy in the world. Without Thurgood Marshall, America would be a country whose Constitution would, like many other countries in the world, be mere words—rather than a document of active deeds.

In fact, many of us who have been elected to this House—blacks, hispanics, asians, and women—would not be here, in this Chamber, were it not for the wisdom of Justice Marshall.

San Francisco mourned the passing of this great man, as did all of America. In our city, we have a leader in the African-American community, Alex Pitcher, who worked on the legal team assembled by Justice Marshall when he began his crusade to desegregate first, American schools and then American society. We have lawyers who were his students and law clerks, who continue his teachings through the zealous pursuit of civil and human rights causes. We have ministers and community activists who pursue the causes of empowerment and equality based upon the principles enunciated by Marshall in his writings and his speeches.

Thurgood Marshall, throughout his life, reminded us that America is a country of great promise, but the promise has not yet been totally fulfilled. We all have a duty to ensure that his legacy of equal justice not only endures, but also expands and thrives until all barriers of hatred and racism are eradicated from this Nation.

Mr. Speaker, Noah Griffin, a San Francisco columnist whose parents worked with Justice Marshall wrote an article recounting his impression of the great Justice. In the article, he quoted Longfellow's eulogy to Charles Sumner as equally appropriate for Marshall, and it was so fitting that I will close with it:

Were a star quenched on high
For ages would its light

Still traveling downward from the sky
Shine on our mortal sight
So when a great man dies
For years beyond our ken
The light behind lies
Upon the paths of men.

Justice Marshall will be greatly missed.

Mrs. MORELLA. Mr. Speaker, I am pleased to participate in this special order honoring former Supreme Court Justice Thurgood Marshall—a great Justice and attorney who was one of the few to participate on both sides of the bench before our Nation's highest court. As a young man, Thurgood Marshall was denied admission to the University of Maryland School of Law because of his color. Years later, however, he not only led and won the fight to end the segregation of this school, but also won the fight to desegregate all of America's schools in the landmark Supreme Court case, Brown versus Board of Education.

However, his influence on our Nation did not end there. His creation of the NAACP Legal Defense Fund provided African-Americans everywhere with the hope that separate but equal would soon fade into the mists of history, alongside slavery. With the realization of this dream, Thurgood Marshall joined the ranks of Martin Luther King, Harriet Tubman, Frederick Douglas, and Booker T. Washington as one of the most influential African-Americans in the political arena.

Thurgood Marshall has been called a thoughtful and principled jurist, but that is far too limiting. He was thoughtful and principled in all of his actions, from his fights to protect African-Americans in the legal and political systems to his leadership in protecting the civil rights of all Americans while serving on the Supreme Court.

Throughout his life in the public sphere, through the many different roles that he played on the stage of life, Thurgood Marshall always held to one thing: That all Americans were protected by the Constitution's greatest promise of equal justice for all, no matter their race, religion, nation of origin, and gender. For his diligence in securing and guarding these protections, the Nation owes to Thurgood Marshall not just our admiration and respect, but our deepest gratitude.

Mr. SANDERS. Mr. Speaker, each of us lives in history. As we each are shaped by those people who came before us and the institutions they established, so each of us in our own fashion shapes the history of our own time and community. Usually, that shaping is seen only in the effect we have on our families and friends, our local community, the places in which we work and worship, the Government as it is formed by the selections we make in the voting booth.

It is given to very few men and women to profoundly alter the course of history. Thurgood Marshall was one such human being.

Born in Baltimore in 1908, the son of a Pullman porter and a schoolteacher, Thurgood Marshall was raised in a country which demanded that he, and every other African-American, be treated, legally, as a second-class citizen. Twelve years before his birth the Supreme Court had ruled, in Plessy versus Ferguson, that racial separation—the infamous "separate but equal" decision—would henceforward be a legally acceptable way in which Government could treat black people. Segregation became the law, and the practice, of the land. In the very year of Marshall's birth, the High Court ruled in Berea versus Kentucky that it was within the power of any State to outlaw even voluntary integration.

The world of segregation was the world in which Thurgood Marshall grew up. He went to a black college, Lincoln University, and to a black law school, Howard University. But Thurgood Marshall thought segregation was wrong, he knew segregation was wrong, and as attorney for the National Association of Colored People he dedicated his life to bringing about an end to segregation, and to establishing full and complete citizenship and equal justice for all Americans, including black people.

Thurgood Marshall would go on to argue 32 cases before the Supreme Court, winning 29 of them, but it is for one case in particular that he will live forever in the history of our Nation. In 1954 the Supreme Court heard the plea of a young black girl who felt she was entitled to the same education as was provided the white girls and boys in her community. The attorney who argued her case before the Supreme Court was Thurgood Marshall. Mustering impeccable legal reasoning, displaying a scholarly command of research in sociology and psychology, bringing to bear one of the finest legal minds this Nation has ever seen, he convinced the Court that the precedent set in Plessy versus Ferguson was unjust, and that justice required that it be reversed.

"Separate but equal facilities are inherently unequal," the Court decided in the most momentous legal decision of this century, Brown versus Board of Education. Acceding to the magisterial legal authority of Thurgood Marshall, the Justices unanimously ruled that the public schools of America would be integrated "with all deliberate speed."

This black man had won a signal victory for his people, for justice, and for all Americans. Had he done no more, he would have been one of the great historical forces of the 20th century.

But he did more. Having opened the way for black Americans to participate fully and equally in American life, he steadfastly kept on, blazing a trail which would show, as fully as did Martin Luther King or Jackie Robinson or James Baldwin, that black Americans if given the opportunity could perform at the highest levels of human achievement. Thurgood Marshall went on to serve as a Federal judge, and as the Solicitor General of the United States. In 1967 he was appointed to the Supreme Court, that very institution which in the very year of his birth had ruled that he and those of his race could be extended less than full citizenship. Having transformed the possibilities which open up before African-Americans, he marched through the newly opened door to become the first of his race to sit on the bench of the highest Court of the land.

For over 20 years Thurgood Marshall served the cause of justice on the Supreme Court, a ceaseless defender of the rights of minorities, a bastion of civil liberties, an immovable defender of a woman's right to control the processes of her own body, and implacable opponent of the death penalty. Even when political tides turned, and his colleagues on the bench became ever more narrow and conservative, ever less vigilant about the importance of defending our basic rights and liberties, Thurgood Marshall never wavered.

The African-American poet Robert Hayden wrote a poem about a great forebear of Marshall's, one whose lifelong fight for freedom and justice prefigured that of the future attorney and Associate Justice of the Supreme Court. Hayden's words about Frederick Douglass resonate today as a fitting tribute to the life and struggle of Thurgood Marshall as well; though not born a slave, as Douglass was, he was born into segregation, and he made the struggle for freedom and liberty his own as fully as it was Douglass':

When it is finally ours, this freedom, this liberty, this beautiful
and terrible thing, needful to man as air,
usable as earth; when it belongs at last to all,
when it is truly instinct, brain matter, diastole, systole,
reflex action; when it is finally won; when it is more
than the gaudy mumbo jumbo of politicians;
this man, this Douglass, this former slave, this Negro
beaten to his knees, exiled, visioning a world
where none is lonely, none hunted, alien,
this man, superb in love and logic, this man
shall be remembered. Oh, not with statues' rhetoric,
not with legends and poems and wreaths on bronze alone,
but with the lives grown out of his life, the lives
fleshing his dream of the beautiful, needful thing.

Thurgood Marshall was a very great American. He profoundly shaped, always for the better, the world we live in today, so that it offers more opportunities, provides more freedoms, guarantees more rights, than did the America he was born into at the turn of the century. We owe him much, and if we hope to repay that great debt, we must carry on, in his name, the struggle for justice which he waged for all his 84 years.

Mr. HILLIARD. Mr. Speaker, I come here before you today to speak of a man of greatness, a man of great dignity and ability; a man who nurtured and enhanced our perceptions of the Constitution so all its citizens could be gathered under the strong arms of Lady-Liberty's protection.

Thurgood Marshall was a fighter. He fought and won many of the tough-hard fights that for decades, many, in the legal profession, said would never be won, but win he did. Of the 32 cases he argued on behalf of the NAACP, he won 29. Justice Marshall was always tenacious. He, like the Maryland snapping turtle, would never let go. Interestingly enough, a lot of these qualities came from his family. Justice Marshall's great grandfather was captured in Africa and brought, as a slave, to the eastern shore of Maryland. His great grandfather's rebellious nature, wore down his master, and won him his freedom. Justice Marshall liked to joke that the more "polite" among his relatives liked to think that their ancestors came from the more cultured tribes of Sierra Leone; but he said he knew in his heart that the Marshalls came from the toughest part of the Congo.

His father carried on the tradition by telling his son that if anyone ever issued a racial slur against him that Thurgood not only had his permission, but his orders to fight them * * * and a fighter for racial equality he indeed became.

His first case, after he graduated from Howard Law School, my alma mater, was to compell the University of Maryland Law School to admit their first African-American student in 1935 * * * from that point on the rest is history. He became the leading lawyer for the NAACP and helped lead the assault on the legalized institution of Jim Crow and in fact, helped tear down the ediface which held together the institution of segregation; the infamous Plessy versus Fergeson 1896 case. His eloquence caused the Court to reverse that case in 1954, with the Brown decision.

In honor of Justice Marshall, we must ensure that the majority does not turn its back on Justice Marshall's historical mission of equality and access for all. As Justice Marshall stated in his last writing on the Court: "We must ensure that our established constitutional liberties are not up for reconsideration."

Mr. FISH. Mr. Speaker, I am privileged today to join my colleagues in honoring the memory of "Mr. Civil Rights," the late, former U.S. Supreme Court Justice Thurgood Marshall.

At the time Thurgood Marshall was nominated to serve at the summit of the Nation's judicial structure, he had already achieved national eminence as the No. 1 civil rights lawyer of his time. He served as the special counsel of the NAACP and director counsel of the NAACP legal defense and educational fund, where he was in constant battle against entrenched tradition and archaic laws that validated segregation in America.

Mr. Marshall's rich experience as a civil rights advocate was expanded by his subsequent service as a judge of the U.S. Court of Appeals for the Second Circuit and as U.S. Solicitor General. Few of the distinguished jurists who have ever served as Justices brought to the Court the wide experience and brilliant achievements of the first African-American appointed to the U.S. Supreme Court.

By the time of his appointment, he held an unequaled record of victories in arguments before the Supreme Court. Specifically, Thurgood Marshall won 29 of 32 cases he argued before the Highest Court in the land for the hopeless and the helpless masses of unrepresented and underrepresented American citizens.

This "rock of justice" became widely recognized and respected for his efforts in bringing about the landmark decision in 1954 in Brown versus Board of Education, which rendered "separate but equal education unconstitutional."

However, we are reminded by the Honorable Robert L. Carter, senior judge in the U.S. District Court for the Southern District of New York and a friend and former colleague of Thurgood Marshall at the NAACP, that Mr. Marshall's contribution to civil rights jurisprudence far extended his noteworthy efforts in the area of school desegregation. Judge Carter stated in an opinion-editorial in the wake of his friend's death:

> Although Thurgood is always credited for his efforts in school desegregation, we were involved in cases striking at segregation in inter and intrastate commerce and in housing. Indeed, he was involved in all aspects of discrimination against blacks in the United States. When I joined the staff [1944], Thurgood was taking cases of black servicemen who were being treated in a discriminatory manner by the military; he handled a number of criminal cases. He took on cases of police brutality, and, of course, he followed up on his victory before the Supreme Court in Smith versus Allwright by seeking to secure the rights of blacks to vote in primaries throughout the South. (Washington Post, Jan. 26, 1993, A-17.)

On the Court, Justice Thurgood continued to champion the cause of civil rights and individual rights for all Americans. His greatness as a lawyer and commitment to the highest ideals of the U.S. Constitution shone through an indifferent and sometimes hostile judicial system to engender equal justice under the law.

We are all poorer by his absence from the legal landscape but richer by his living legacy. Mr. Speaker, as we look to the future, remembering his past achievements and recognizing that there are presently too few role models for our youth, we should hope that generations unborn will possess an even greater appreciation of "Mr. Civil Rights."

Mrs. MINK. Mr. Speaker, I rise with a profound sense of history today as I join my colleagues in this special order honoring Justice Thurgood Marshall, one of our greatest Americans.

Justice Marshall's contributions to our understanding of the Constitution, and to our Nation's progress toward the goal of equality of opportunity embodied in our Constitution, are unparalleled. We owe to his memory an enormous debt for his unflagging commitment to individual rights, and for his work to insure that each one of us, regardless of our race, gender, or social standing, enjoy these rights to their fullest in the knowledge that our legal system protects them.

So often when we think of the civil rights movement we remember the names of the people out in front, people like Martin Luther King, Rosa Parks, or Malcolm X. But Thurgood Marshall made the work of those great Americans possible by first breaking down segregation in the courts. For over 20 years, from 1938 to 1960, Marshall ran the NAACP's legal defense and education fund, and for most of this time he traveled the country using the Constitution to force State and Federal courts to protect the rights of black Americans. Throughout this period Marshall emerged as the architect of the legal strategy that formed the foundation of the civil rights movement, and culminated with the unanimous decision in Brown versus the Board of Education, 1954, which clearly and unequivocally put an end to the separate but equal system of racial segregation then in effect in the public schools of 21 States. This case marked the beginning of the end of official segregation in all public institutions throughout the Nation.

Without Justice Marshall, Martin Luther King would have had a far more difficult time grounding the civil rights movement in the Constitution because he would not have a series of Supreme Court decisions backing him up. In fact, King would not have won his first victory, the Montgomery, AL, bus boycott if Marshall's legal team at the NAACP had not first won a Supreme Court ruling outlawing segregation on buses.

Throughout this period Marshall brought the Constitution to America's people, and he helped all of us understand that the foundation of our law is a living breathing document. Marshall wrote that:

> History makes clear that constitutional principles of equality * * * evolve over time; what once was a "natural" and "self-evident" ordering later comes to be seen as an artificial and invidious constraint on human potential and freedom.
>
> Shifting cultural, political and social patterns at times come to make past practices appear inconsistent with fundamental principles upon which American society rests. When this occurs, courts should look to the fact of such change as a source of guidance on evolving principles of equality.

He brought this same perspective and a similar strategy to the Supreme Court. In his early years as a Justice he eschewed broad or contentious statements of principle and instead worked quietly behind the scenes to encourage unanimity among Justices so that their decisions would carry more weight. This strategy of course changed as the Court veered away from the positions taken by the Warren Court and ultimately came to rest under Rehnquist where Marshall found himself as the only voice defending individual rights on a series of important decisions.

Throughout this time he was unwavering in his belief that the sanctity of the law derives directly from the promise of equality, and equal treatment, embodied in our founding documents. Justice Marshall often found himself dissenting from major decisions in the area of criminal law in his efforts to uphold the rights of the individual against preventive detention, illegal searches and surveillance, and improper methods of interrogation—and he fundamentally objected to the death penalty which he argued violates the eighth amendment and wreaks havoc with our entire justice system. Justice Marshall was also steadfast in his defense of women's rights. This, I think, will be a legacy as important as his work to break down segregation, because it reveals the seamless integrity in his thought.

I've heard tales of times when giants walked the Earth before mere mortals graced the land. We were privileged to have witnessed the strides of one such giant, Thurgood Marshall, as he immeasurably cast his large shadow across the land, challenging and correcting the unjust, and reminding us throughout his life that we could aspire to, and achieve equal rights for all. It is my most sincere hope that we do justice to the memory of Thurgood Marshall, and that we never waver from the path that he defined.

Mr. WASHINGTON. Mr. Speaker, I rise today with great respect for the work and inspiration that Justice Thurgood Marshall was, to me personally, and, to many of my fellow civil rights attorneys throughout the Nation. My service to the people of the great State of Texas as a member of the State House of Representatives, the State Senate, and to all people in the United States as a Member of Congress is but an extension of my service inspired by the example of Justice Marshall.

As a child of the south, I appreciate, with every fiber of my being, what Justice Marshall had to confront while litigating in the pre-Brown south. Simply arguing a civil rights case was an occasion for harassment in many southern communities. The threat of violence was ever present, and law enforcement officials were not reliable sources of protection. In those years, as well as after being appointed to the Supreme Court, Justice Marshall represented the best of the legal profession—a lawyer "living greatly in the law," fighting to expand the rights of people held down by a system every bit as cruel and thorough as South African apartheid.

May we all honor the accomplishments of Justice Marshall by protecting and enlarging the rights of all Americans.

I ask unanimous consent to include in my remarks the statements of my fellow colleagues at the bar, Marcia A. Johnson, Esquire, James M. Douglas, Esquire, and Gerald M. Birnberg, Esquire.

DEJA VU ALL OVER AGAIN: A GLANCE AT PUBLIC SCHOOL DESEGRATION

(By Marcia Johnson, Associate Professor, Thurgood Marshall School of Law)

United States Supreme Court Justice Thurgood Marshall will be remembered for a great number of lifetime achievements. Among the most popular of those achievements is his role in the desegregation of public facilities, particularly public schools. Justice Marshall believed strongly in the integration of the races. Thus, his advocacy in Brown vs. Board of Education was perhaps, as much personal as it was one of legal scholarship. Brown was decided by the U.S. Supreme Court in 1954. Yet almost 40 years after that decision, many American public schools are decidedly segregated by race. What was Brown v. Board of Education? What did it decide; and how close are we to reaching the goal of Brown today?

BROWN VS. BOARD OF EDUCATION

Brown vs. Board of Education actually involved class actions originating in four states. The actions arising in Kansas, South Carolina, Virginia and Delaware were brought by African-American plaintiffs who sought to be admitted into publicly-funded schools on a non-segregated basis.

Kansas

In the Kansas case,the plaintiffs sought to enjoin the enforcement of a Kansas statute which permitted, without mandating, separate schools for African-American and Anglo students. The trial court denied the relief plaintiffs sought after finding that though separate, the schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers. The district court observed, however, that segregation in public education detrimentally affected African-American children.

South Carolina

In the South Carolina case, known as Briggs vs. Elliott, plaintiffs sought to enjoin the enforcement of state laws which required segregation of African-American and Anglo school children in the state's public schools. The trail court found that the schools for African-American children were inferior to the schools for Anglo children. Relying on the Supreme Court decision in Plessy vs. Ferguson the trailcourt ordered the separate facilities to be equalized.

Virginia

Likewise, in Virginia, plaintiffs sought to enjoin the enforcement of mandatory school segregation laws. The Virginia trial court's findings and ruling were almost identical to those of the South Carolina court.

Delaware

In Gebhart vs. Belton, the plaintiffs also sought to enjoin the enforcement of mandatory segregation laws. The Delaware trial court ruled for the plaintiffs, finding that the schools for African-American students were inferior and that segragation itself necessarily results in inferior education for African-American students.

The conflict among the district courts gave rise to the United States Supreme Court's grant of certiorari. The Court was originally heard argument in the 1952 term and reargument in the 1953 term.

THE U.S. SUPREME COURT

After hearing arguments presented, the Supreme Court abolished de jure or legally enforced segregation in public schools. The court found that separate educational facilities are inherently unequal. The court believed that segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprived the children of the minority group of equal educational opportunities. The court found support in its position on modern authority which included a number of treatises on the effect of prejudice and discrimination on African-Americans.

FROM 1954 TO 1993

After the Brown decision, Courts throughout the United States have reviewed a barrage of lawsuits, counter-suits, desegregation orders, and desegregation plans and there has been no dearth of scholarly writings on the issue of school desegregation since Brown. From this litany, two central views on the remedy necessary to ensure equal educational opportunity have stood the test of time; the desegregationist's view and the integrationist's view. The desegregationsits believe that the elimination of laws mandating or permitting segregation is sufficient to comply with the equal protection mandate of the 14th Amendment. The integrationists believe that the vestiges of segregation must be eliminated to meet the requirements of the 14th Amendment, and therefore mandatory integration must be achieved and maintained to comply with the constitution.

Almost 40 years after the Supreme Court's landmark decision, the issue of equal educational opportunity remains a major national controversy. For the most part, public schools remain overwhelmingly segregated by race. Schools are still identifiable by ethnicity, and the quality of education provided in the public schools appears disparate based on race.

Perhaps one of the problems which the school systems, and society in general, have not been able to overcome is the presumption that African-American institutions are inferior to Anglo institutions. This presumption was argued by the Brown plaintiffs and embraced by the U.S. Supreme Court. This presumption itself stigmatizes the African-American because its essence is the belief that only the African-American or minority gains from desegregation and/or integration. This necessarily means that Anglo-Americans have everything to lose and nothing to gain through desegregation/integration. Clearly, Anglo-Americans generally accepted that presumption. Just as clearly, African-Americans did not. During the fourteen years following Brown, many school districts implemented freedom of choice plans to end legally enforced segregation. These plans proved ineffective because Anglo parents kept their children in traditionally Anglo schools and few African-Americans chose to send their children to formerly Anglo schools.

The courts attempted to address America's obvious intent to ignore the Brown mandates by looking at a number of things including residential zoning busing, and perpetual judicial monitoring. None have proved sufficient to meet the ultimate goals of the Brown court, desegregation and integration. In Keyes vs. School District No. 1., the court decided that only purposeful or de jure segregation violated equal protection. In some American communities, geographic zoning is of little value since the entire geographical jurisdiction of the school district may be overwhelmingly one race. Busing, though permitted as a tool of desegregation, is limited to those instances when the travel time students spend does not adversely affect their health or education. Perpetual judicial monitoring was rejected by the Supreme Court in Board of Education vs. Dowell. Writing for the Dowell Court, Chief Justice Rehnquist found that once the school board had shown that it was operating in compliance with the equal protection clause of the 14th Amendment and that it was unlikely to return to its former ways (segregation), overview by the court would end.

Arguably, 1993 takes us back to 1954 in our quest for an effective remedy. It is clear that public schools cannot segregate minority students from majority students by state action. Public schools must take reasonable affirmative measures to ensure desegregated schools exist. However, where desegregation cannot be accomplished by reason of housing patterns or other non state action, then the trend is toward a reemergence of one-race schools.

CONCLUSION

One-race schools contribute to the weakening of America; not because any race of people are inferior but because denial of access to diverse cultures and ethnicities negatively impacts all people. A statement by the Brown trial and supreme courts is as true today as it was in 1954.

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms. To separate children from others of similar age and qualifications solely because of their race * * * affects their hearts and minds in a way unlikely ever to be undone.

Thurgood Marshall should have been proud of the Law School named in honor of him. Through exercise of choice, without mandate or exclusion, this law school enjoys a model ethnic diversity among its student and faculty population. It provides an example of the realization of one of Justice Thurgood Marshall's goals * * * the true desegregation of the public education facility.

Supreme Court Justice Thurgood Marshall was decidedly a daring scholar on a grand scale. Those who met him were often struck by his imposing presence and take-charge attitude. Firm, resolute, brilliant, Justice Marshall was a champion for the right of people disenfranchised pursuant to legal mandate or restriction. Marshall, an integrationist, believed that in order to achieve justice and equality, all people must be included together, in matters public and private. To this end, he supported the creation and enforcement as well as laws, the purpose of which were to remedy the effects of discrimination. Justice Marshall's positions were often controversial, rooted firmly in judicial fairness for all, and easily serve as a model for America's relationship all its children.

A Personal Appreciation for Justice Thurgood Marshall

(By James M. Douglas)

As I dressed to go to school, I had no reason to know that this day would be unlike any of my other days. It's not that my days were not always good; but, rather, I would soon find out that this day would not just be great, this day would be excellent. And so, I dressed as normal, ate breakfast, took my short five minute drive from my apartment to the school of law.

On this not so special day, I went as always to check my messages. As I opened the first message and began to read, this not so special day came to be one of the most important days of my life. The message began very simply "Dear Mr. Douglas". It was what followed that made it so special. The message was short and simple, "The Honorable Thurgood Marshall would like to have lunch with you and a few other students following the finals of the Moot Court Competition." It was only a year earlier, that I met my first Supreme Court Justice, my name sake brethren in legal and political view, Judge William O. Douglas. But this would be different. This would be an opportunity to spend some quality time with the only African-American to ascend to one of the nine top judicial positions in this nation, the United States Supreme Court.

The important day arrived much faster than even I expected. It seems that time either races or creeps—when something important is about to happen, and for this event, time seemed to fly. When the important moment arrived, it was well worth the wait. To meet the great Thurgood Marshall is to meet an individual who is bigger than life. As we—I and a few of my fellow students—sat at a table in a small restaurant, in walked this imposing figure. He moved smoothly across the floor and took a seat at our table. All of the conversations that were in progress immediately stopped, and everyone's attention turned to Justice Marshall.

It was easy to understand how this man managed to rise to such a position of power. At once, he made it clear to all of us "want-a-be" future African-American leaders that we would discuss his agenda rather than our own. We wanted to talk about the latest big legal and political issue, "Affirmative Action". Mr. Marshall wanted to talk about our responsibilities as African-Americans who had been given an opportunity to make a contribution to this society of ours. It should be made clear that we talked about our responsibilities.

What Justice Marshall said that day will always stay with me. He said that basically not many African-Americans would be in positions similar to ours; that in this country only a few African-Americans have a chance to rise to the top and that we were among that few. He challenged us to work as hard as humanly possible, to tap all the skills God had given us, and to develop fully all of our talents. He believed we owed that to ourselves, to all African-Americans, and to every other member of the American society.

After almost three hours he rose, said goodbye, and was gone. But his words have always remained with me. Even though I had always believed in excellence, his words gave me even more resolve. Maybe in some way it was that three hour lunch that changed the direction of my life. For only 10 years later I would be rewarded, challenged, or given an opportunity when I was named Dean of the Thurgood Marshall School of Law at Texas Southern University. Mr. Justice Thurgood Marshall, I can only hope that I can meet the challenge you made to me and my fellow students on that Spring day in 1971.

On Thurgood Marshall

(By Gerald M. Birnberg, Attorney at Law)

By the force of his moral suasion and the keenness of his intellect, Thurgood Marshall brought a reluctant nation kicking and screaming from segregation toward equality, from separation to the promise of a colorblind society, from oppression to opportunity. In the face of defilement, he demanded that the destitute, the downtrodden, and even the despised be treated with dignity. He cherished the Constitution and he insisted that its promise be honored and fulfilled.

Thurgood Marshall reacted to injustice with outrage, to inequality with abhorrence, and to prejudice with a loathing unequaled in this era. His passion for fairness and his craving for right called him to greatness. This is the stuff from which icons are molded, and in Thurgood Marshall they produced one of the truly consequential heroes of our time.

Mr. MAZZOLI. Mr. Speaker, I join my colleagues today in paying tribute to the late Justice Thurgood Marshall, a man who dedicated his life to promoting racial equality and justice for all.

Justice Marshall was born in Baltimore, MD, on July 2, 1908. It did not take long for Justice Marshall to learn the values of hard work and perseverance. Despite being denied admission to an all-white university, he went on to graduate magna cum laude in 1933 from Howard University Law School, where the seed was planted of what would later become Justice Marshall's intense devotion and commitment to the Constitution of the United States.

One of Justice Marshall's most prominent achievements was the landmark case he argued before the Supreme Court in 1954, Brown versus the Board of Education. This watershed case ended the official segregation of the Nation's public schools by establishing that the separate but equal policy violated the 14th amendment of the Constitution.

Justice Thurgood Marshall's life and his career on the Supreme Court were spent encouraging the underdog, inspiring the individual, and promoting better relationships among all races. He sought guidance for his decisions from the life he found around him and sought strength from those he loved and admired.

We salute Justice Thurgood Marshall and perhaps this will inspire people everywhere to emulate the idealism and love which were the characteristics of this beloved Justice.

Mr. CLAY. Mr. Speaker, I rise today to express strong support for House Resolution 170, requesting that the President designate July 2, 1993, as "Thurgood Marshall Day".

History is replete with civil rights victories that are distinctly attributable to the Honorable Justice Thurgood Marshall's unyielding battle to secure justice for all Americans. Therefore, it is only fitting and just that we reserve a day on which to honor this drum major for justice.

Justice Marshall spent his entire adult life fighting segregation because he cherished the principles of the Bill of Rights and felt that it was imperative that the law protect the least powerful among us. He prevailed in his efforts and brought down many walls of segregation, opening the doors of opportunity for disenfranchised Americans.

Justice Marshall argued 32 cases before the U.S. Supreme Court and won 29 of these. His victory in the landmark Supreme Court case Brown versus the Board of Education challenged the separate but equal precedent set forth in Plessy versus Ferguson and made public education accessible for all students, regardless of race. His success in the Supreme Court ruling that outlawed segregation in Montgomery, AL was the genesis of the momentous civil rights movement. In addition to these historic cases, he successfully argued the case of the nine students at Central High School in Little Rock, AR and fought against restrictive covenants in private housing agreements.

Throughout his public service career, Marshall remained indubitably devoted to the highest principles of equality and justice. Even when the Supreme Court took a conservative slant after Reagan and Bush appointments, Marshall stood steadfast in defense of racial equity. In many dissenting opinions, he expressed the belief that it was incumbent upon the Court to protect the rights of those citizens who are least able to protect themselves.

Mr. Speaker, the world will remember Thurgood Marshall as the first black to serve on the U.S. Supreme Court. Those of us who fought alongside him for equal rights will remember him as the foundation and fountainhead of the civil rights movement.

Mr. BECERRA. Mr. Speaker, it is with great appreciation, and yet sadness, that I address this House today in remembrance of Justice Thurgood Marshall.

Justice Marshall is most often cited as the leader of civil rights, particularly the rights of African-Americans. I'd like to think however that the gratitude owed to Justice Marshall goes far beyond the accolades of the African-Americans in this country.

While Justice Marshall did more for the African-American movement than perhaps any other individual, I believe the nickname "Mr. Civil Rights" extends to his role in the women's movement, the rights of children, and the individual rights of all Americans.

Confirmed by the U.S. Senate on August 30, 1967 by a vote of 69 to 11, Thurgood Marshall became the first African-American to serve as a Supreme Court Justice. It was as President Johnson stated "The right thing to do, the right time to do it, the right man, and the right place."

Joining a majority liberal Court, Marshall succeeded at writing several opinions in support of individual's civil rights.

For example, in 1969 in the case of Benton versus Maryland, Marshall argued that the double jeopardy clause of the Constitution applied to not only Federal crimes, but State crimes as well.

Three years later Marshall wrote the majority opinion in Police Department of Chicago versus Mosely. On behalf of the Court, Marshall eloquently stated that all individuals according to the Constitution were free to express themselves regardless of the governments interest in prohibiting particular speech.

Known to be a true civil rights advocate, Marshall continued to fight for the rights of the individual, even when the Court strayed to the conservative end of the political spectrum.

In 1973, Marshall joined the majority opinion of the Court in Roe versus Wade. Like Blackmun, Marshall truly believed that "This right to privacy, * * * is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." Although the Court over the following 20 years slowly eroded that right, Marshall remained a constant advocate of women and their right to not only privacy but equal protection.

That same year, Marshall dissented to one of the most lengthy Court cases in history. While the Supreme Court found that a Texas statute providing for disproportionate funding of education in the State to not be unconstitutional, Justice Marshall vehemently opposed such rationale. Justice Marshall stated, "Here, the children [are] being discriminated against not necessarily because of their personal wealth or the wealth of their families, but because of the taxable property wealth of the residents of the district in which they happen to live." Not only were the States excuses unconstitutional but they were being used to further interdistrict inequality, resulting in discrimination.

On a similar note of discrimination, although one not often viewed as such, Marshall wrote the majority opinion for the Court in Illinois Elections Board versus Socialist Workers Party. Although the State of Illinois believed it was justified in requesting more signatures in order to appear in Chicago elections for new political parties and independent candidates, Marshall wrote, "An election campaign is a means of disseminating ideas as well as attaining political office." The right to be heard prevailed, once again as a result of Justice Marshall's belief in the freedom of speech.

I could stand here for the remainder of the day citing quotations and statements made by Justice Marshall. Rather than do that, I'd like to leave you with the one quote I believe wraps up his life, and what his life means to this country.

"The Constitution was defective from the start * * * 'We the people' no longer enslave, but the credit belongs not to the framers. It belongs to those who refused to acquiesce in outdated notions of 'liberty,' 'justice,' and 'equality,' and who strived to better them * * *. The true miracle was not the birth of the Constitution, but its life."

As a member of a disenfranchised class of individuals, I will always remember those words. And I will always thank Thurgood Marshall for not only saying them, but for being the man who gave meaning to them.

Mr. FAZIO. Mr. Speaker, I join my colleagues in this special order in remembrance of Supreme Court Justice Thurgood Marshall.

Justice Marshall excelled at every step of an illustrious legal career spanning over five decades. During that time, he changed forever society's attitudes about rights for people of color; he persistently enforced the Constitution's protection of freedom and liberty and has been justly described as this century's most important architect of American civil rights.

Today, my colleagues and I try and do justice to this great man and to his achievements. Perhaps his most memorable successes occurred during his 20 years with the NAACP Legal Defense and Educational Fund, which he established. By gaining the right to vote for African-Americans in the South in Smith versus Allwright, through his Supreme Court victory in Brown versus Board of Education, which dismantled racial segregation in public schools, and in his 27 other Supreme Court victories, Thurgood Marshall inspired the civil rights leaders of the sixties.

In 1961, President John F. Kennedy appointed Thurgood Marshall to the U.S. Court of Appeals for the Second Circuit, where he served 4 years. He worked as Solicitor General for 2 years and on June 13, 1967, President Lyndon B. Johnson nominated him to the Supreme Court. Remembered as "the great dissenter," Marshall was quick to check the emerging conservative ideology of the Supreme Court. He was the friend of the disadvantaged, the disenfranchised, and the poor.

As a symbol of gratitude and in recognition of this great man's achievements, Congress has designated a Federal judiciary building in his name. But Thurgood Marshall has left the American people a much more valuable legacy—one of judicial opinion based on the sound principles of law which he helped to establish.

Mr. MINETA. Mr. Speaker, I rise today in tribute to one of the Nation's great jurists, the first African-American to serve on the highest court of the land, and a friend to all minorities, the late retired Supreme Court Justice Thurgood Marshall.

On January 24th, at the age of 84, our esteemed friend passed away. Every day since then, we all have felt a sense of loss because of the role Thurgood Marshall played in protecting and assuring the rights of all Americans. As Chair of the Public Works and Transportation Committee, I am proud that the first legislation passed under my tenure was the designation of the Federal Judiciary Building as the Thurgood Marshall Federal Judiciary Building in our Nation's Capital. It is an equal honor to be part of this body's official tribute to a great American.

As a jurist, Marshall was a relentless voice for minorities, whose legal career was emblematic of the civil rights revolution.

He first came to national prominence as the chief lawyer for the NAACP Legal Defense and Educational Fund, arguing a series of 1954 school desegregation cases known collectively as Brown versus Board of Education. The Supreme Court held in those cases that segregation in public schools was unconstitutional.

In 1967, President Lyndon Johnson appointed Marshall to the Supreme Court, where his record as a jurist was consistent and often courageous. He defended individual rights. He sided with minorities and the underprivileged. He favored affirmative action. He was always opposed to the death penalty. And he was an outspoken advocate for animals. In fact, Marshall was always a consummate humanitarian, with an uncompromising respect for life and all living things.

Finally, I am especially proud to honor Thurgood Marshall as one who has felt the sting of discrimination. As an American of Japanese ancestry, I was one of thousands who were interned by the U.S. Government during the Second World War. If Japanese-Americans 50 years ago had steadfast advocates on the Supreme Court like Thurgood Marshall, then perhaps the tragedies of the internment might not have occurred. Fortunately, because of Americans like Thurgood Marshall those tragedies today are less likely to happen again.

Thurgood Marshall leaves an undying legacy of justice, fairness and compassion. He will forever be a giant among us.

Ms. ROYBAL-ALLARD. Mr. Speaker, honoring Supreme Court Justice Thurgood Marshall today is a very special event for me. This special order, coinciding with the annual Congressional Black Caucus legislative weekend, pays homage to the memory of a brilliant jurist and a pioneer in the struggle for civil rights.

In his early years as chief counsel for the National Association for the Advancement of Colored People Legal Defense and Educational Fund, Marshall was at the forefront of the civil rights movement. His advocacy against segregation and for civil rights earned him an important place in the struggle for human dignity and justice in this century. His Supreme Court victory in Brown versus Board of Education has reverberated through the decades for all minorities in the United States seeking equal access to education.

Marshall's appointment to the Supreme Court in 1967 was a proud moment for America. Justice Marshall continued to advocate for the rights of the individual and the poor against oppression, segregation, discrimination, and capital punishment throughout his long career. His commitment to individual freedom, freedom of the press, privacy, and due process, resulted in numerous important opinions and dissents which stand as documents which will be studied, debated, and followed for generations to come.

Justice Marshall's long and illustrious career is deserving of this special commemoration. He will be sorely missed by all of us who are deeply committed to civil rights, individual freedom, and social justice.

Mr. KANJORSKI. Mr. Speaker, I rise today in tribute to a great leader in American history, Justice Thurgood Marshall, the conscience of the Court.

As a young lawyer for the NAACP, this great-grandson of a slave fought discrimination across our country, winning landmark decisions in the struggle for civil rights. As a Federal judge he was fair to all parties who came before him. As Solicitor General he represented the United States before the highest court in the land. And as a Justice of the Supreme Court he applied our Nation's laws with iron consistency and full reverence for individual rights under the Constitution. Through it all, Thurgood Marshall never wavered in his commitment to simple justice.

Today I want to recognize Justice Marshall's greatest accomplishment—his contribution to liberty.

Thurgood Marshall developed the legal strategy that broke down the walls of State-sponsored segregation. A man of weaker conscience would have accepted the world as he found it, full of discrimination and hatred. Thurgood Marshall devoted his life to human progress. A man of less judicious mind would have destroyed what is good in our country to root out what was bad. Thurgood Marshall knew the Constitution held promise for all Americans. The Court's decision in Brown v. Board of Education, for which Marshall worked so diligently, helped redeem the pledge we have made to each other.

As a young man fighting discrimination case-by-case, and as a Justice of the Supreme Court interpreting our Nation's highest law, Thurgood Marshall knew that our noblest task calling is to live up to our own standards. For, while we sometimes transgress our own high ideals, we have written our principles into a Constitution we are dedicated to follow. It is because Thurgood Marshall used the Constitution to help us mend the wounds of racism that he will be remembered as a great jurist. It is because Justice Marshall worked so hard that we can imagine a time when our country will draw equally upon the talents of all Americans.

Another great American, Dr. Martin Luther King, Jr., showed us the mountaintop; Justice Thurgood Marshall was our guide. Dr. King used civil disobedience to fight for the dream; Justice Marshall used the law of the land to bring justice to our lives. Both men gave us more than we can ever repay.

In legal philosophy there is a perennial debate, asking if law can be separated from virtue, if legal texts derive their force from moral content. For me the answer is clear: By establishing our Government under the Constitution and the Bill of Rights, by adopting the Civil War amendments and the right of women's suffrage, we have forever committed ourselves to building a moral and decent Nation. Justice Marshall showed us that law has no moral force until we give it the virtue of our ideals. Justice Marshall's gift to the Nation a jurisprudence of respect.

Thurgood Marshall's greatest accomplishment was to help us fulfill our highest aspiration, inscribed in stone above all who enter the Supreme Court: "Equal Justice Under Law."

Mr. MFUME. Mr. Speaker, in a rowhouse on Division Street, on the same street I was born except 43 years earlier, a man was born whose career made it possible for me to stand before you here today. If not for this man, none of my esteemed colleagues on the Congressional Black Caucus would likely be standing here before you today.

The man became one of the greatest lawyers of this century, if not in the history of this country because of one thing—his unswerving commitment to the ideals embodied in the Constitution of the United States, and the idea that they should apply to everyone, black or white, male or female.

No other person has argued so many cases before the Supreme Court, and no other man has won so many of those cases he argued. This man used to take pride in the fact that he was the only sitting justice in his time who had defended a man accused of murder. The man got life imprisonment, which was a victory. In those days, when a black man was accused of killing a white person, a guilty verdict meant the gallows. Life imprisonment was then, a sentence of freedom.

Those were the times that faced Thurgood Marshall. If it can be said that a man can be judged by the enemies he makes, then Thurgood Marshall was surely the greatest of men, because surely no man has ever faced down so many intent upon seeing his defeat, or his death. From hostile judges to the people in the highest chambers of Government praying for his retirement, Justice Marshall took them all in stride and endured, and triumphed.

He will be remembered in the history books as the man who forced the justice system of America to hold true to the real principles of justice, but in the streets and towns of America, in places where African-Americans gather, he will be known as the man who brought them the true trappings of liberty and equality. When they were in trouble, the name would be whispered, "Thurgood is coming," as if that alone would give them solace until the man arrived.

Sometimes people forget what "equality under the law means." No less august than the Justice Felix Frankfurter once asked Marshall what he meant by "equal."

Mr. Marshall was clear: "Equal means getting the same thing at the same time in the same place." It was something Marshall himself did not know during those long train trips and drives from city to city and town to town defending those who had little if nothing except hope.

Once he faced a judge in North Carolina whom he told, "Judge, last night I ate the same exquisite meal you ate, drank the same expensive wine you drank, and was served in the same segregated restaurant you were served in, on the very same night."

The difference, said Mr. Marshall, was that "you had yours in the dining room, and I had mine in the kitchen." This was the only kind of equality the future justice knew, and what he would fight so fervently to extinguish.

Mr. Marshall's greatest victory came in the case that is now part of legend, Brown versus Board of Education. With that case, the words, "separate but equal" were banished from the books of law into the dustbin of history.

Justice Marshall made it possible for us to come oh so far. The roads we travel are wider now and better now, but by no means are they less bumpy or less lengthy. Some of the strides we take have been shortened, and the tolls we pay sometimes are as high as they have ever been. But they would be unsurmountable without the guide we had in Justice Thurgood Marshall.

We know that these remarks will be presented to Justice Marshall's widow, Cecelia, and we thank her for her support and the comfort she gave to a man whose shoes we are not big enough to walk in, although he would exhort us to try.

And when I am asked who was the greatest lawyer of them all, I shall send them to Division Street in Baltimore, where a small silver plaque honors the largest of spirit, where humble brick nurtured the greatest of character. It is the boyhood home of Justice Thurgood Marshall, and no monument we could ever erect in the city of Baltimore would do justice, yes, justice, to the man himself.

Mr. COYNE. Mr. Speaker, I want to take this time to pay tribute to the late Supreme Court Justice Thurgood Marshall.

Justice Marshall will be remembered for all time as a towering figure in the history of our Nation's struggle to provide justice to all Americans. His work as both a litigator and as a jurist has earned him a special place in the hearts of all Americans who share a devotion to making real the words: "Justice for All."

Thurgood Marshall occupies a special place in the annuals of the U.S. Supreme Court as an individual who shaped some of the Court's landmark decisions before becoming an Associate Justice. Marshall helped to change the course of this Nation's legal, political and social landscape by fighting for the cause of racial justice as chief counsel for the National Association for the Advancement of Colored People [NAACP]. His legal advocacy for the rights of African-Americans and his devotion to the idea of integration as a litigator before the U.S. Supreme Court achieved its greatest success when the Court ruled unanimously in the decision Brown versus Board of Education that separate but equal public school systems violated the 14th amendment's guarantee of equal protection under the laws.

Thurgood Marshall's success in arguing this landmark case before the U.S. Supreme Court marked a watershed in the struggle for civil rights in the United States. Brown versus Board of Education sent a signal to African-Americans across this country that the legal system of the United States was finally ready to rule against the system of Jim Crow segregationist laws. This 1954 decision provided a legal foundation for the civil rights movement of the 1950's and the 1960's.

Thurgood Marshall was appointed to the U.S. Court of Appeals for the Second Circuit in 1961 by President John F. Kennedy, where he wrote many opinions defending the rights of Americans under the Constitution and the Bill of Rights. Although he had gained a lifetime tenure as a Federal judge, Thurgood Marshall gave up this seat on the court of appeals when President Lyndon B. Johnson nominated him to serve as U.S. Solicitor General. In his role as attorney for the Federal Government, Thurgood Marshall handled the appeal of cases brought before the U.S. Supreme Court in response to the Voting Rights Act of 1965. As Solicitor General, Thurgood Marshall succeeded in keeping intact the legal tool which would be used to open up the American political process to full participation.

When Thurgood Marshall was appointed by President Johnson to serve as an Associate Justice on the U.S. Supreme Court, a defining moment in the history of the Court and of our Nation took place. Thurgood Marshall became the first African-American to ever hold a seat on our Nation's highest court. It is important to note as well the symbolism of that moment when Thurgood Marshall, the grandson of a Union soldier, was sworn into office to occupy the seat held by Associate Justice Tom Clark, who was the grandson of a Confederate soldier.

As a Justice in the Warren Court, Thurgood Marshall worked to strengthen the Court's opinions by pushing for the largest majority votes possible on a number of important decisions. During this time, Marshall often was a quiet voice pushing for unanimity in support of Warren Court decisions that advanced the cause of individual rights. Still, as the Court became increasingly conservative under Chief Justice Burger and currently Chief Justice Rehnquist, Justice Marshall spoke out defiantly and passionately on behalf of the rights of women, minorities, and the disadvantaged. He followed the tradition of great dissenters on the Court by writing opinions that may yet provide a basis for reconsidering the narrow majorities of recent decisions affecting the rights of Americans and the proper powers of a constitutional government.

Thurgood Marshall's life has shaped the course of American legal development and has inspired millions of Americans who have looked to the courts of the United States for protection against injustice. His efforts as a civil rights attorney helped to break down the barricades of de jure segregation and his work as an Asociate Justice served to advance further the cause of freedom for all Americans. His legacy as a dissenter in many recent Supreme Court cases may still serve to shape the direction of future rulings by our Nation's highest court. Justice Marshall has earned his place in the hearts of Americans and in the history of our Nation's struggle to promote the cause of "Justice for All."

Mr. DELLUMS. Mr. Speaker, I rise today to pay tribute to a giant of the legal profession, a profound leader of the African-American Community, a model citizen and statesman of the United States, and a great Justice of the U.S. Supreme Court, Justice Thurgood Marshall.

Many have already spoken of the historic legal efforts undertaken by Justice Marshall during his career prior to his appointment to the bench. I do not intend to provide the biography of this great man, but I do want to acknowledge that his work in cases such as Brown versus Board of Education was both brilliant and of critical importance to advancing civil rights for all Americans, and especially for the African-American community and other dispossessed communities.

The legacy that he leaves through his work as an advocate on behalf of equality and social justice provides one of the few points of redemption and hope in these troubled times. Like the North Star that guided fleeing slaves, his legal victories continue to shine in the firmament as a guide to that place to which our Nation must someday arrive in order to achieve its full moral purpose.

As a Judge and Justice of the U.S. Supreme Court, Thurgood Marshall never forgot that the "Law in its majesty forbids both the rich and the poor from sleeping under bridges and on park benches." He knew that something more than cold analysis and the application of economic principles to those before him was called for as a Justice of the Court. He took most seriously the justice part of his job; and his legal analysis was always impeccable and of the highest order. As a result, his opinions shine with clarity of moral purpose and sterling analysis.

His stunning voice, his commanding intellect and his sterling conscience fix him firmly as one of the greatest justices ever to sit on that august bench. He and his service are a fitting tribute to the extraordinary abilities within the African-American community, abilities which are too often stifled by the type of discrimination that Justice Marshall dedicated his life to defeating.

Now that he has left us and as we memorialize his achievement, let us do what he would have us to do: Let us rededicate ourselves to achieve finally the goals to which he devoted his lifetime—equality, civil rights, a respect for the constitution, and an end to discrimination based on race, sex or any other status.

Ms. VELAZQUEZ. Mr. Speaker, I rise today to join my colleagues in honoring one of history's greatest civil rights figures, a man whose relentless pursuit for equality has touched every American, the late Supreme Court Justice Thurgood Marshall.

For more than half a century, Thurgood Marshall fought to uphold the individual's constitutionally protected rights by opposing racial discrimination, capital punishment, and violation of first amendment freedoms.

He began this quest as chief counsel for the National Association for the Advancement of Colored People Legal Defense and Educational Fund. Of the 32 cases Marshall argued before the Court, he won an astounding 29. Marshall's most important victory, however, came in 1954, when the Supreme Court ruled unanimously in Brown versus Board of Education to overturn the "separate but equal" doctrine. This decision vaulted Thurgood Marshall to the forefront of the civil rights battle and, in 1967, to the Supreme Court.

During his years as a lawyer and a judge, he overcame a myriad of racial injustices and survived physical danger and personal insults. Most people would have backed away from the wall which faced Thurgood Marshall. A few might have attempted to climb it. Instead, Justice Marshall chose to break through the wall using the law as his hammer.

He showed us that the law could be used as a tool of freedom rather than an instrument of oppression. He taught us that the possibility of change by law was a reality and that justice could be achieved without violence for violence's sake.

As a Latino woman, I hold the utmost respect for Thurgood Marshall's struggle to defend individual and civil rights. A struggle which, in his memory, we must all continue to fight.

Mrs. CLAYTON. Mr. Speaker, it is a monumental honor to pay tribute to the life of such an extraordinary man, Thurgood Marshall. This day we celebrate this man and his contributions.

It was the Founders of the oldest living Constitution who defined African-Americans as only 3⁄5 a person. But it was Thurgood Marshall who used this same Constitution to successfully transform the legal position of African-Americans from constitutional disfranchisement to deliverance.

Without Marshall's legal arguing which prompted the Supreme Court ruling outlawing segregation on buses, Martin Luther King, Jr., would not have won his first victory.

Without Marshall's most noteworthy legal representation which prompted the Supreme Court ruling outlawing segregation in public schools, African-Americans would not have been admitted to law schools like the University of Maryland.

It was men like Thurgood Marshall who helped African-Americans define themselves as significant in a political arena which had previously ignored their plight. It was also this same man who affirmed his commitment to protecting not only African-Americans but all individuals from discrimination and the encroachment of the State upon first amendment freedoms.

Many women's rights activists praise his contention that the right of privacy legitimizes the prohibition of States from infringing upon a woman's freedom to have a safe, legal, and affordable abortion.

Many white victims of job bias also praised the Supreme Court's decision giving them the same rights as African-Americans to sue under Federal law.

At the dedication of a bronze statue in his honor in Baltimore on May 16, 1980, Marshall said: "Some Negroes feel we have arrived. Others feel there is nothing more to do. I won't have it that way. There's too much work to be done."

There is still much work to be done. We have won many battles in the quest to end discrimination and first amendment violations. But the war is not yet won.

I challenge us all to honor this great man through celebrating Thurgood Marshall's philosophy about equality through everyday application.

Mr. WATT. Mr. Speaker, Mrs. Marshall and family, I rise today to pay tribute to Justice Thurgood Marshall and to his memory. As I stand here in the well of this Chamber, I am often humbled. Humbled by the distinct responsibility and unique opportunity to serve my country as an elected representative of the people of the State of North Carolina. And humbled by those whose efforts made it possible for me to be here today. Thurgood Marshall was one of those people and one man whose life's work makes me especially humble in this regard.

Thurgood Marshall was a trailblazer in the efforts of Americans, both black and white, to create a truly equal society. As a brilliant litigator and unsurpassed jurist, he led the American people down an uncharted path which ultimately led this country to desegregate its schools, address discrimination openly, and send black representatives to Congress in numbers not seen since Reconstruction.

Spurred on by his superior abilities to recognize discrimination and clearly define injustice, Marshall fought tirelessly for what would seem the simple goal of equality. "Equal," he argued en route to his landmark triumph in Brown versus Board of Education, "means getting the same thing, at the same time, and in the same place." His clear vision and his unique ability to enunciate that vision as forcefully as needed tapped into the American conscience and gave hope to blacks and to whites, to the downtrodden, to those who society would try to forget.

If his moral indignation at discrimination was his compass on the path toward equality, his guidebook was the law. As a lawyer and now a legislator, I am particularly overwhelmed by Justice Marshall's ability to use the law to advance the cause of equality, especially for black Americans. In 1987, he wrote: "What is striking is the role legal principles have played throughout America's history in determining the condition of Negroes. They were enslaved by law, emancipated by law, disenfranchised and segregated by law; and, finally, they have begun to win equality by law. Along the way, new constitutional principles have emerged to meet the challenges of a changing society. The progress has been dramatic, and it will continue."

President Johnson recognized Marshall's unique and historic ability with the law when he remarked at Judge Marshall's swearing in as Solicitor General of the United States in 1965, "Thurgood Marshall symbolizes what is best about our American society: the belief that human rights must be satisfied through the orderly processes of law." Never before had anyone, black or white, been so successful in commanding our legal system toward ends so central to the promises America had been founded upon.

Marshall's deep and intimate understanding of American law is best illustrated by his interpretation of the Constitution. He told us, "I do not believe that the meaning of the Constitution was forever 'fixed' at the Philadelphia Convention. Nor do I find the wisdom, foresight, and sense of justice exhibited by the framers particularly profound." For Marshall, as it must be for all black Americans and for all Americans who truly believe in our system of law, the Constitution is a living document, refined to guarantee equality. Only through its refinement and the constant struggle against discrimination, inequity, and injustice are its promises made whole.

Marshall reminded all the world that the Founding Fathers had deliberately left out African-Americans in their new Nation, creating a mountain of obstacles to be overcome before all people could truly be recognized as having been created equal. "'We the People' no longer enslave," he chided Americans in the Constitution's bicentennial year, "but the credit does not belong to the framers. It belongs to those who refused to acquiesce in outdated notions of 'liberty', 'justice', and 'equality', and who strived to better them." Thurgood Marshall led us, using the law, to strive for these lofty ideals in our time, every place and continuously in our communities, in our States and even in this very Congress to strive for the best we can achieve for our Nation and for equality.

It is ironic that a man who asked only to be remembered as one who "did the best he could with what he had" should have conquered odds so great and accomplished so much for so many. As a public figure of great vision, as a patriot of unwavering commitment, and as a leader of selfless devotion, his legacy is our inheritance. It is a precious gift.

I was not fortunate enough to study and work at Thurgood Marshall's feet when I worked at the NAACP LDF. He had already passed the torch to new leadership at the LDF. But I have been touched by this giant of a man through the tremendous impact he had on my former law partner and mentor, Julius Chambers. Julius taught me the lessons he learned from Thurgood Marshall—integrity, humility, tenacity, and devotion to justice.

My task is to carry on down the trail that Thurgood Marshall blazed. "You either work to improve society, or you become a parasite on it," he said. In my humble attempt to do that work, I miss the able guidance Thurgood Marshall provided. And while there is a light way down at the end of the path Thurgood Marshall led us on, it glares bright without his great frame to shadow and guide us.

Mr. LAFALCE. Mr. Speaker, it has often been said that Thurgood Marshall served as a role model for African-American youth throughout the United States. Much as I am in agreement with this sentiment, I feel it understates the impact he had on all Americans. Individuals from all ages, races, and economic backgrounds can learn a great deal from the life of Thurgood Marshall.

As a young civil rights attorney, Thurgood Marshall dedicated himself to battling the same discriminating system that plagued his everyday life. He always saw his role as an advocate for the people. Although he was faced with many obstacles, nothing could hinder this efforts toward ending segregation in the South.

As a lawyer of the NAACP, he risked his life daily, traveling across the racially volatile South, fighting to end discrimination in areas such as housing, education, voting, and public accommodation. Moreover, his campaign against discrimination was not limited to the United States. In 1951 he traveled to the Far East to protect the rights of African-Americans serving in Korea. Marshall was always willing to forgo personal comforts and financial rewards in order to protect the rights of the unprotected. He was a man who was willing to sacrifice everything for the causes in which he believed.

Thurgood Marshall's accomplishments as a Supreme Court Justice were substantial. Although he will be best remembered as an advocate for civil rights, Mr. Marshall was equally accomplished in all facets of the law. In the area of criminal law, he consistently supported efforts to uphold the rights of the individual against preventive detention, illegal searches and surveillance, as well as improper methods of interrogation. In United States versus Augers (1976), Mr. Marshall, in dissent, argued to protect the elements of fairness in a criminal trial by advocating the use of all evidence, whether it proves innocence or guilt, in the proceedings. He stated that "available evidence tending to show innocence, as well as that tending to show guilt, must be fully aired before the jury."

His voice was independent and he often courageously dissented from prevailing opinion. He saw the role of the Supreme Court as a body that should be a fortress against public pressure while, "enforcing the Constitution for the benefit of the poor and the powerless." Mr. Marshall, along with his colleagues, was able to fulfill these expectations to a remarkable extent.

When asked to summarize the legacy he was leaving behind after retiring from the Supreme Court, Thurgood Marshall stated, "That's up to the people." In my opinion there should be no difficulty evaluating his contribution. He will go down in history as the foremost civil rights attorney of this century. He will be remembered as a man who dedicated his life to the betterment of mankind. He will forever be a model to those who believe in utilizing the legal system to create positive social change. And he will be revered by all Americans as a patriot who elevated the level of our entire society and helped create equity for all the citizens of this great Nation.

Mr. DE LUGO. Mr. Speaker, only rarely in a generation are we blessed with the presence of a man or woman whose works are so significant that they change the lives of the citizens of an entire nation.

Thurgood Marshall was such a man:

A man of extraordinary intellect;

A man of legal scholarship;

A man of genuine bravery;

Thurgood Marshall propelled our Nation toward equality for all Americans, winning victories in courtrooms across the land and in the Nation's highest court.

With extraordinary legal acumen and tremendous force of conviction, Thurgood Marshall commanded one of the most concerted and successful struggles in our history to achieve justice, dignity, and honor for all.

Born in Baltimore of modest means, Thurgood Marshall knew full well the importance of education, both for himself, and for all African-Americans in their battle against racism and segregation.

Graduating from Howard University Law School, Thurgood Marshall became legal counsel to the Baltimore chapter of the NAACP. One of his first duties was to compel the all-white University of Maryland Law School that had rejected him to admit its first black student in 1935.

In private practice he specialized in civil rights and criminal cases, often representing clients who were unable to afford a lawyer.

In 1939, he helped found the NAACP Legal Defense and Education Fund where he led an all-out battle against segregation.

Traveling throughout the South, he gathered a cadre of lawyers to challenge segregationist laws and often argued cases on appeal before the Supreme Court, winning 29 of 32 of them.

His most famous case, Brown versus Board of Education, was responsible for crushing the doctrine of "separate but equal" that had deprived black Americans of equal protection and due process under the law.

In the years that followed, with the NAACP, as President Kennedy's appointee to the Second Circuit Court, and as Solicitor General in the Justice Department, Thurgood Marshall defended the rights of victims of discrimination in voting rights, housing, public accommodations, and the military.

In 1967, Thurgood Marshall was nominated by President Johnson as the first black Associate Justice of the Supreme Court. Eminently qualified, for the next 25 years he never faltered in his commitment to fairness and equality for all Americans under the law.

In later years, as the Court became increasingly conservative, he was credited with using his keen debating skills to convince his fellow justices to "do what was right." He often wrote dissenting opinions and publicly denounced the conservatism of the Court.

Mr. Speaker, when the history of our times is written, when deeds of the heros and villains are recorded, Thurgood Marshall will stand tall among the very greatest Americans of this era.

Thurgood Marshall changed the course of history, changed the lives of millions of Americans and, using our legal system as his weapon, vanquished segregation and injustice that had plagued this Nation for 200 years.

Mr. SCHIFF. Mr. Speaker, I rise today to recognize and to honor the memory of an outstanding citizen of these United States—the late Honorable Supreme Court Justice Thurgood Marshall.

Justice Marshall's life was marked by his great advocacy of civil rights. Once banned from attending the University of Maryland because of his race, he worked diligently to make sure others would not suffer the same segregation.

Although he worked for many causes, he will be most remembered for his work in the 1954 case of Brown versus the Board of Education. It was this case that many Americans see as the most important door that Mr. Marshall opened to let all races into American life.

Justice Marshall championed the causes of many of our Nation's minorities and worked to ensure that the rights of all—African-Americans, Hispanics, native Americans, the poor and underprivileged, were properly protected by the U.S. Constitution.

I am proud to pay tribute to such an American, and I know that Supreme Court Justice Thurgood Marshall will be remembered well in history.

Mr. CLYBURN. Mr. Speaker, Justice Thurgood Marshall was a man who, for many years, took us on a journey of courage into every sector of this Nation.

One of the stopoffs in his journey was a small, rural school district in South Carolina. It was a place where the separate and unequal public education system had reached an intolerable level. Justice Marshall, then an attorney for the NAACP, came to Scotts Branch School in Clarendon County in 1950. His courage ignited a flame in people such as the Reverend J.A. Delaine and Henry Briggs and attorney Harold Boulware and 100 other families who risked their safety and security to join Thurgood Marshall in resisting the system.

The South Carolina lawsuit was named Briggs versus Elliot and it was joined with the Topeka, KS case, Brown versus Board of Education and others to become a landmark Supreme Court case. We all know the outcome of the 1954 decision, and we know the enormous impact it has had on virtually every aspect of American life.

I join you today with great joy in recognizing what the life and accomplishments of Thurgood Marshall have meant to all of us. I'm not certain that I—and many of my colleagues—would even be here today were it not for him.

It's particularly fitting that his name be linked to the values of a lawful society in America. He once said, "Lawlessness is lawlessness. Anarchy is anarchy. Neither race nor color nor frustration is an excuse for either lawlessness or anarchy." This tribute and others to come will help to carry out his beliefs. It is for us here today in many ways to carry out the dreams and wishes of people such as Thurgood Marshall.

Clarendon County is in South Carolina's Sixth Congressional District, the district I am proud to represent in this House of Representatives. Scotts Branch School is still in operation, and still—for the most part—segregated. The surrounding countryside is still in an area of economic hardship.

The lives and the community touched by Thurgood Marshall four decades ago in this small South Carolina setting are still in need of our serious attention. The hope he gave us must not be extinguished. The descendants of those people whom he joined in a journey of courage must realize that the journey is still underway. They must know that there are those willing and able to continue the journey and to take up the challenge Thurgood Marshall has left to us. We are doing his memory and work a great honor in this special order, and I thank you.

Mr. GONZALEZ. Mr. Speaker, I rise today to express my profound admiration for the late Thurgood Marshall, a man of extraordinary insight into the human condition and the need for justice in this world. We are forever indebted to him for his tireless work on behalf of the principles of justice set forth in the U.S. Constitution, and we can be grateful that his legacy is one that will endure through his legal opinions. As our memories fade in the coming years, Thurgood Marshall's writing will continue to call our attention to his purity of thought and vision in applying the Constitution to create justice in our Nation.

While so many today call for ever more stringent law and order, they forget what I believe is the basis for many of Marshall's legal opinions; that is, that before we can have law and order, we must have law and justice. He understood that unless we are a nation of laws and constitutions, there will be justice for no one. A champion of the Constitution is a champion for all, and while some may have wanted to view Justice Marshall narrowly as a representative of blacks or the downtrodden, in fact his life's work was on behalf of everyone. To protect the constitutional rights of one is to ensure the protection of everyone's basic rights.

There is no greater evidence of the strength of Justice Marshall's convictions regarding law and justice than in his legal opinions on the death penalty. Time and again he emphasized the injustices inherent in the death penalty. He, better than anyone else, as the one who argued and won for the Nation the Brown versus Board of Education case which established that separate educational facilities are inherently unequal, knew that other aspects of life are inherently unequal and therefore unconstitutional—such as the death penalty. There can be no equality where there continues to be unequal justice, and our judicial system, our economic system, and indeed many of institutional systems continue to be unequal. Without equality of justice, there can be no law and order. As we in Congress debate so-called anti-crime legislation, through which the majority has repeatedly sought to curtail habeas corpus and expand application of the death penalty, we would do well to pause and consider whether justice will be enhanced. I think not, and as Justice Marshall opposed the death penalty I too will continue my lifelong pursuit of justice through abolition of capital punishment.

Upon his retirement, and upon being asked whether a black should be named to replace him on the Court, Justice Marshall replied that his father had told him there are black snakes and white snakes—and they both bite. I might add that there are brown snakes, too—and they bite, as well. Justice Marshall clearly saw that whether it be in terms of discrimination or privilege, whether it regard a denial of rights or an appointment to the Supreme Court, it matters not—and should matter not—what the color of the skin is. To discriminate for based on skin color is as wrong as discriminating against based on skin color.

I enjoyed Justice Marshall's humor and I learned from his wisdom. He is sorely missed, but he will be greatly remembered. And he will be remembered as great.

ORDER OF BUSINESS

Mr. OWENS. Mr. Speaker, I ask unanimous consent to yield my 60-minute special order to the gentlewoman from the District of Columbia [Ms. NORTON].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

TRIBUTE TO THE LATE JUSTICE THURGOOD MARSHALL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 60 minutes.

Ms. NORTON. Mr. Speaker, Elaine Jones asked whether lawyers were as important as they once were, and while the panel answered in different ways, essentially the answer, I think, is "no," because Mr. Justice Thurgood Marshall has made lawyers less important, because one of the few revolutions in American history has been accomplished.

I am not here to declare that black people are free and equal, but I am here to declare that the revolution of equal protection under law has been accomplished. What remains is to make sure that those laws are applied as he has etched them out and left them in precedents.

Mr. Speaker, I would like to end by quoting from a piece I recently wrote in the New England Law Journal, a piece in which I tried to look at the major problems facing black people. I said:

> As a child growing up in the segregated schools of Washington, it seems to me that black people were on the offense, while whites were in a constant posture of defense, despite the great power they had. From the time of Brown versus Board of Education and before, I felt a part of the strategy of offense of my community.
>
> I felt it even in segregated classrooms. I felt it when I was a student in the sit-in movement. I felt it in the marches and demonstrations I joined. I felt it in court cases that I thought would be difficult to win. I felt it when I was Chair of the Equal Employment Opportunity Commission. I felt it during my entire adolescence, and during most of my adult life, until 1980.

In this piece, I recounted the problems that African-Americans came up against in the period of reaction of the

1980's. Later on in the piece I looked to the work of Thurgood Marshall, and said:

> The Houston group and the NAACP, led by Thurgood Marshall, developed a masterful strategy of offense. The paradigm of this strategy was *Brown*. The cases leading to it and the movement that followed, the NAACP lawyers and the Houston group of legal scholars, moved incrementally, systematically, and willfully to demonstrate that the inferior public schools of the South were in violation of the Supreme Court's "separate but equal" mandate until their skillful offense destroyed the doctrine itself.

The point of this piece, Mr. Speaker, was to indicate that while much work remains to be done through the courts, we have to build upon the legacy of Thurgood Marshall. We simply cannot ask the lawyers to do it all.

Now the problems of black people are diffuse; legal, yes, but legal, social, and economic. With the great victories led by Thurgood Marshall, surely, surely we have the inspiration, the energy, the determination, and the will to move forward to more diffuse and more difficult problems.

Mr. Speaker, I yield to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, it is an honor to be part of this very special order in honor of Supreme Court Justice Thurgood Marshall, and I am humbled by the opportunity to say these very few words.

Mr. Speaker, I want to bear witness to the fact that the beneficiaries of the work of this giant of American history were not limited to African-Americans and not even just to Americans on the mainland of the United States, but indeed, to people like myself who represent small groups of people a world away who seek inclusion, who struggle for participation, and who seek fulfillment for their natural and God-given rights.

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As a brilliant lawyer and constitutional scholar, Thurgood Marshall's unselfish and dedicated work for the NAACP produced Supreme Court decisions which not only altered the course of race relations in this county but also changed the legal framework for all of us and forever improved the social dynamics through which all of this country's diverse peoples relate to each other.

And these changes inspired those of us for whom participation in the Nation's affairs, like those of us on Guam, remains elusive even to this day. We too benefited from his work.

In his 24 years on the Supreme Court, Justice Marshall never forgot from whence he came. His presence on the Court signaled hope and justice for minorities, the indigent, and other downtrodden and forgotten members of this society.

May his rich and significant legacy serve as a constant reminder to his colleagues that the Supreme Court's authority and legitimacy can only be preserved by protecting the powerless. May his rich and significant legacy serve as a reminder to all Americans that, while much has been accomplished, there is much yet to be done as we seek to perfect and improve the state of human justice in this country.

And for those of us who have benefited from the genius of Thurgood Marshall, we have much to be grateful. And we shall not forget. And we shall remain inspired. And we shall go on.

Ms. NORTON. Mr. Speaker, I ask unanimous consent to yield the balance of the 60 minutes, for purposes of controlling the time, to the gentleman from New York [Mr. OWENS].

The SPEAKER pro tempore (Mr. FARR). Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Mr. OWENS. Mr. Speaker, I congratulate the gentleman from New York for this special order to pay tribute to Justice Thurgood Marshall. I would like to associate my remarks with those of my colleagues who have gone before. They have given the facts, the chronologies, the remembrances that are the building blocks of a legend, and indeed, Thurgood Marshall deserves the status of a legend. I would not like to repeat what they have said, but instead I would like to pay tribute to the special quality which Justice Thurgood Marshall shared with many of his fellow civil rights lawyers and freedom fighters of the time.

They were a generation of great risk takers. They were willing to take great risks, and they were willing to make enormous sacrifices. As we strive to lead our youth into a fuller understanding of the greatness of Thurgood Marshall and the implications of his work, we should not fail to emphasize the fact that Thurgood Marshall was not always a Supreme Court justice. Thurgood Marshall was not always a solicitor general.

In the days before Thurgood Marshall had a staff and the support and protection of a U.S. Government, Thurgood Marshall had to piece his cases together with scraps. Thurgood Marshall was a part of a movement that had very few resources. Not only was Thurgood Marshall called upon to give his expertise and his great training and his abilities, but he often had to also pitch in and help with the financing and whatever else had to be done. He was a part of a group that had to carry the overhead and the infrastructure on their backs, pay the light bills, and pay their own transportation. It was a part of a movement that was very much a grassroots movement. The NAACP's funds were collected in churches through collections. Pennies and nickels and dimes made up that budget, however small it was. But it was always, always much too small.

Not only did they have to make these sacrifices, but he had to take great physical risks. Thurgood Marshall and his colleagues had to take great physical risks. Their lives were often in danger, as we have heard from previous speakers. They jeopardized their lives in making those trips into the South to argue cases, and there were many close calls. Never before have so few been called upon to give so much in order to sustain a movement, but they did it.

This is a vital detail which is very important to me. This is a very vital detail of the heritage and the legacy of Thurgood Marshall and those who fought with him, risk taking and sacrifice. That opportunity comes to every generation. There will be other kinds of risk taking and other kinds of sacrifices that the present generation will have to make. That may seem strange, I am sure from the eyes of those who worked with Thurgood Marshall, and the fact that there are almost 10,000 elected officials, black elected officials in the Nation who have the budgets of the governmental units that they serve to help them to do their work. They have staffs, or Members of Congress have staffs and travel budgets. When they are invited by other organizations to come and speak, they usually offer accommodations and the travel budget. We live in a different kind of world. We do not have to make the same kinds of sacrifices. But indeed, the opportunities will always be there, the challenge will always be there to make other kinds of sacrifices, to take other kinds of risks.

As we face those challenges, we should lean on and gain sustenance from the examples of Thurgood Marshall and his colleagues. We must always do more to hold up the bright light of Thurgood Marshall and interpret the full meaning of this light to our children. Let him not be generalized too much. Let it not be that great man who sat on the Supreme Court. Let them fully understand who that great man was and what it took to get to the Supreme Court. Let them fully understand what the decisions in the court, case after case, meant in the building of the step up to the point where we now have a voting rights law and we can enjoy the representation of 39 Members of Congress.

It did not happen by magic. It did not happen by miracles. It happened because there were those like Thurgood Marshall who were willing to work it through, detail by detail, to make whatever sacrifice had to be made, to take whatever risks had to be taken. They were there, and that made all of the difference. The heritage of risk taking, and the heritage of sacrifice must be continually and intensely promoted. Our children must be made to understand the heritage of risk taking and the heritage of sacrifice. If they do not understand they will fall prey to less noble and more destructive patterns of thinking. We cannot leave a vacuum, for their is a new generation among us. There are those among us in large numbers who are well trained and who have gone to some of the best law schools in the Nation as a result of the efforts of Thurgood Marshall, and they are opportunistic, and they are selfish. They are to be feared, they are threatening to poison the minds of our youth. We must make certain that always before our youth, before the generation behind us there are the examples clearly understood of Thurgood Marshall and his colleagues.

Those who have enjoyed the fruits of their labor do not necessarily fully appreciate it. Not all of those who enjoy the fruits of their labor fully appreciate it. There are those who would turn back the clock on the work of Thurgood Marshall, those who have actually benefited from it. Let those who would dare spit on their heritage, spit on the benefits that they enjoy, let then understand that we will strive at all times to keep alive the full legacy of Thurgood Marshall. We will strive at all times to make the new generations behind us understand that he was a man who took great risks, and made great sacrifices in order for us to be able to be where we are.

Thurgood Marshall's legacy cannot be dealt with in a special order. There should be many, many books written, there should be many essays written, analyses made, poems written, fully 100 percent. We should strive to have everybody understand what Thurgood Marshall really meant. This special order today is just one small token in that direction.

Mr. Speaker, I ask unanimous consent to yield the remainder of this 60-minute special order to the gentleman from California [Mr. DIXON] and that he might control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

☐ 1550

Mr. DIXON. I thank the gentleman for yielding to me.

Mr. Speaker, as the Congressional Black Caucus begins its 23d annual legislative weekend, I join my colleagues in rising to honor the outstanding contributions and dedicated service of former Supreme Court Justice Thurgood Marshall. This year's legislative weekend theme is "Generations: Celebrating the Legacy of African-American Leadership." And so today it is certainly with respect and pride that we are celebrating the legacy of this Nation's greatest Supreme Court Justice, Justice Thurgood Marshall.

Justice Marshall will be remembered forever as America's leading crusader in the fight for equality and justice. He vigorously served as a true pillar of the civil rights movement. As the chief architect of the legal strategy which questioned and subsequently put an end to officially sanctioned segregation in the United States, Justice Marshall's legacy is destined to influence the lives of many for years to come.

A celebration of the legacy of African-American leadership would not be complete without the observance and acknowledgement of the profound contributions and achievements of this truly distinguished leader.

Hindered by numerous obstacles, countless confrontations, and seemingly insurmountable challenges, Justice Marshall always seemed to rise to the occasion. He was forced to valiantly display his cunning ability to persevere in spite of all odds and forces working against him early on in life.

After completing high school, Justice Marshall went on to attend Lincoln University in Pennsylvania in 1925, and upon graduation, applied to the State law school in Baltimore. However, because of the segregated time in which he grew up, Thurgood Marshall was not admitted because of the color of his skin.

As a result, he registered at Howard University Law School, whereupon he graduated at the top of his class in 1933 and began a solo law practice in Baltimore during the depths of the Depression.

With an undying passion in his heart for justice and equality for all, Justice Marshall was selected as general counsel to the NAACP Legal Defense Fund in 1936, where for 25 years, he traveled throughout the Nation representing the interests of black citizens who were systematically denied their constitutional rights provided in the Constitution itself.

Thurgood Marshall made it his life ambition to eliminate all forms of racial discrimination. He fought hard to protect individual and minority rights.

One of Marshall's most important victories occurred in 1954, when he successfully argued before the Supreme Court the school desegregation case Brown v. Board of Education. The Court ruled that separate educational facilities are inherently unequal. Justice Marshall also valiantly represented the black students who sought to gain entry to Central High School in Little Rock, AR.

He also fought to protect the civil rights of many of the students who staged lunch counter sit-ins and integrated the southern bus lines in freedom rides.

Justice Marshall's fervent dedication to, and belief in, the Constitution of the United States gained the attention of more than just a few.

Then President John F. Kennedy appointed him to the U.S. Second Circuit Court of Appeals in New York in 1961. Four years later, former President Lyndon B. Johnson nominated him for the position of U.S. Solicitor General.

And on June 13, 1967, Thurgood Marshall was catapulted to greater prominence by being nominated by President Johnson to be the first black to serve on the Supreme Court.

Through Thurgood Marshall's professional career, he sought to enhance and secure equality in the personal lives of all Americans. His legacy is one for all to recognize and acknowledge. Marshall so aptly used our constitutional traditions to revive our democratic traditions.

Mr. Speaker, it is today that we take great pride in rising to celebrate the contributions of the late Supreme Court Justice Thurgood Marshall.

I would also like to acknowledge and welcome Justice Marshall's widow, Cecelia Marshall, as well as other members of the Marshall family. I join the Congressional Black Caucus in celebrating the legacy of this prominent African-American leader.

Mr. Speaker, I ask unanimous consent to relinquish the balance of my time to my distinguished colleague, the gentleman from Georgia [Mr. BISHOP].

The SPEAKER pro tempore (Mr. FARR). Without objection.

There was no objection.

Mr. BISHOP. I thank the gentleman from California for yielding to me.

I would like to thank him for his kindness in yielding the balance of his time to me.

Mr. Speaker, I am very, very honored and privileged to stand in this great body at this auspicious time because it is a celebration of the legacy of Thurgood Marshall. This could not be any more appropriate as we begin the celebration of the Congressional Black Caucus weekend.

Longfellow wrote "Lives of great men all remind us we can make our life sublime, and departing, leave behind us footprints on the sands of time. There is no question that Thurgood Marshall was a great man. But, you know, great men have epitaphs written on their tombstones and certainly Thurgood Marshall will have 1908 dash 1993, the year of his birth and the year of his death. But I submit to you that more important than the year of his birth or the year of his death is that dash that went between. It is what I like to call "the dash of life" for in the dash of Thurgood Marshall's life he truly made a difference.

He was able to make the world, through his life's work, a little more of hope, a little less of fear, a little better for his having traveled here. In the dash of his life he served many roles; he performed many duties. Yet he offered himself in service in so many and varied ways as a legal strategist, as a litigator, as a jurist, as a legend in the fight to tear down the walls of American apartheid in the 20th century.

He was indeed the chief crusader for equal opportunity in education, for equal opportunity in employment, equal opportunity in housing, equal opportunity in public accommodations.

He was an institution-builder, an institution-builder in that he was a part of that group that founded the NAACP Legal Defense Fund, that spearheaded some of the cases which resulted in equal opportunity through justice and through our justice system into law.

On a personal note, but for the institution that was created through the NAACP Legal Defense Fund, whither would I be? As a young law student I was able to benefit from the scholarship fund established through the work of Thurgood Marshall so I could attend and graduate from Emory University School of Law. As a recent law graduate I was able to benefit by the institution that was created by Thurgood Marshall through the NAACP Legal Defense Fund by participating as an intern in the Earl Warren Legal Training Program, which created civil rights lawyers in the South, who would agree to go back to the South and practice civil rights law for at least 3 years in return for receipt of a stipend, office allowance, and expense allowance.

Thurgood Marshall indeed was an institution-builder. He did it, though, not with ease, he did it in the dash of his life with great fights, with many fights. And as I reflect, and as we pause to reflect on the life and the contributions of Thurgood Marshall, I am reminded of a poem.

Someone wrote:

> A tree that never had to fight for sun, sky and air and light.
> That stood out in the open plain and always got its share of rain.
> Never became a forest king but lived and died a scrubby thing.
> A man who never had to toil by land or mind in life's turmoil.
> Who never had to earn his share of sun and sky and light and air.
> Never became a manly man.
> But lived and died as he began.
> Good timber does not grow in ease.
> The roughest storm, the stronger trees.
> The farther sky, the greater length.
> The stronger wind, the greater strength.
> By wind or rain, by sun or snow, in trees or man, good timbers grow.

Thurgood Marshall, a man for all seasons, was indeed good timber.

Mr. Speaker, I ask unanimous consent that I be permitted to yield the balance of my time to my distinguished colleague, the gentleman from Illinois [Mr. RUSH].

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. RUSH. I rise today to pay tribute to the late jurist, Justice Thurgood Marshall, one of this century's greatest champions for civil rights. History will remember him as the first African-American to be appointed to the Supreme Court, but we must also remember him as a young lawyer charged with courage and driving conviction. In remembrance of his stalwart spirit, I ask every one to look back, beyond his appointment to the Supreme Court, as I briefly retrace his steps. In doing so, we will find that Thurgood Marshall helped bring the Nation to its knees in struggle, only to help make it stand on higher ground later.

Thurgood Marshall was born in 1906, 10 years after the court adopted the Plessy versus Fergeson, separate but equal doctrine. Educated in a segregated school system, he would later prove instrumental in overturning this country's racist school system.

In 1929, after graduating with honors from Lincoln University in Oxford, PA, he applied to the University of Maryland's School of Law. Thurgood Marshall was denied admission outright because of his race. Instead, he attended Howard University's College of Law, graduating summa cum laude in 1933.

Shortly after earning his law degree, he was hired by the Baltimore chapter of the NAACP as lead legal counsel. Serving in his new capacity, he tenaciously challenged the admittance practices of the University of Maryland. Because of his efforts, the school that rejected him in 1929, admitted its first African-American student in 1935.

In addition to his work for the NAACP, he also established a private practice that served many indigent clients, handling civil rights and criminal law cases. Truly, he served those who were historically treated unfairly.

By 1938 Thurgood Marshall was appointed as lead counsel for the NAACP's national office. In the ensuing year, Thurgood Marshall established the NAACP's legal defense and educational fund [LDF], serving as both director and chief legal counsel for the fund. His aim—to provide for the desegregation of the American school system. His method—to create a strong coalition of skilled civil rights lawyers. He accomplished this by traveling through the south, encouraging members of the bar to challenge the constitutionality of the segregated school system through the lower courts. Thurgood Marshall's carefully constructed strategy, to couple the successful challenges made in the lower courts with coordinated appeals made in the higher courts, was so effective, that it helped earn him the privilege to argue cases before the U.S. Supreme Court by 1939. Twenty-nine of the thirty-two cases he passionately argued before the Supreme Court, on behalf of the NAACP, were successful, and brought about necessary change.

The greatest triumph of his early career occurred when he was serving as lead counsel for the team of attorneys working on the Brown versus Board of Education case that unanimously overturned the "separate but equal doctrine." Using the language of the Constitution, he proved that racial segregation was unconstitutional. Thurgood Marshall successfully argued that the fourteenth amendment to the constitution provided for equal protection under the law, while the fifth amendment required due process of law. The precedent he set proved crucial in challenging segregation not merely in education, but throughout society. Racial discrimination was rampant in voting methods, housing, public service and public accommodations. His team worked diligently to eradicate the injustices that have plagued this country since its inception.

On September 23, 1961 President John F. Kennedy nominated Thurgood Marshall to the U.S. Court of Appeals Second Circuit. Unfortunately, his confirmation was stalled for 1 year by a group of Senators who unabashedly approved, and held fast to, segregationist doctrines. As a Federal Justice, he delivered over 150 opinions, always challenging other Justices toward a higher moral plane.

Because of his social responsiveness to the needs of our Nation, President Lyndon B. Johnson named Thurgood Marshall Solicitor General to the United States. Serving in that capacity, he filed many amicus curie briefs that helped guide the Supreme Court in making difficult decisions concerning civil and criminal rights.

In 1967, President Johnson nominated Thurgood Marshall to the Supreme Court. After a trying series of sessions with the Judiciary Committee, he was confirmed by a vote of 69 to 11. As a Supreme Court Justice, he often challenged his colleagues in argument and dissent in his life-long struggle for "equal justice under the law." Moreover, he repeatedly commented that his work is not yet done and vociferously warned those empowered to avoid complacency that at times follows progress.

Justice Marshall's achievements represent more than a brilliant career. His life-long struggle for justice and equality under the law opened many doors and created opportunities for African-Americans. Society owes a debt of gratitude to the late Justice Marshall that can never be repaid. He helped to break the mental and societal bonds of slavery and classism. He showed the world that equal opportunity for all is an attainable dream.

I am living that dream. Every one here today is living that dream. We all must strive toward making this dream a reality; it is our duty, it is our responsibility. It is our goal.

□ 1610

Mr. Speaker, I yield the balance of my time, with unanimous consent, to the gentleman from North Carolina [Mr. WATT].

The SPEAKER pro tempore (Mr. FARR). Without objection, the Chair recognizes the gentleman from North Carolina [Mr. WATT].

Mr. WATT. Mr. Speaker, Mrs. Marshall and family, I rise today to pay tribute to Justice Thurgood Marshall and to his memory. As I stand here in the well of this Chamber, I am often humbled. Humbled by the distinct responsibility and unique opportunity to serve my country as an elected representative of the people of the State of North Carolina. And humbled by those whose efforts made it possible for me to be here today. Thurgood Marshall was one of those people and one man whose life's work makes me especially humble in this regard.

Thurgood Marshall was a trailblazer in the efforts of Americans, both black and white, to create a truly equal society. As a brilliant litigator and unsurpassed jurist, he led the American people down an uncharted path which ultimately led this country to desegregate its schools, address discrimination openly, and send black representatives to Congress in numbers not seen since Reconstruction.

Spurred on by his superior abilities to recognize discrimination and clearly define injustice, Marshall fought tirelessly for what would seem the simple goal of equality. "Equal," he argued en route to his landmark triumph in Brown versus Board of Education "means getting the same thing, at the same time, and in the same place." His clear vision and his unique ability to enunciate that vision as forcefully as needed tapped into the American conscience, and gave hope to blacks and to whites, to the downtrodden, to those who society would try to forget.

If his moral indignation at discrimination was his compass on the path toward equality, his guidebook was the law. As a lawyer and now a legislator, I am particularly overwhelmed by Justice Marshall's ability to use the law to advance the cause of equality, especially for black Americans. In 1987, he wrote:

> What is striking is the role legal principles have played throughout America's history in determining the condition of Negroes. They were enslaved by law, emancipated by law, disenfranchised and segregated by law; and, finally, they have begun to win equality by law. Along the way, new constitutional principles have emerged to meet the challenges of a changing society. The progress has been dramatic, and it will continue.

President Johnson recognized Marshall's unique and historic ability with the law when he remarked at Judge Marshall's swearing in as Solicitor General of the United States in 1965, "Thurgood Marshall symbolizes what is best about our American society: the belief that human rights must be satisfied through the orderly processes of law." Never before had anyone, black or white, been so successful in commanding our legal system toward ends so central to the promises America had been founded upon.

Marshall's deep and intimate understanding of American law is best illustrated by his interpretation of the Constitution. He told us,

> I do not believe that the meaning of the Constitution was forever fixed at the Philadelphia Convention. Nor do I find the wisdom, foresight, and sense of justice exhibited by the framers particularly profound.

For Marshall, as it must be for all black Americans and for all Americans who truly believe in our system of law, the Constitution is a living document, refined to guarantee equality. Only through its refinement and the constant struggle against discrimination, inequity, and injustice are its promises made whole.

Marshall reminded all the world that the Founding Fathers had deliberately left out African-Americans in their new nation, creating a mountain of obstacles to be overcome before all people could truly be recognized as having been created equal. We the People no longer enslave, he chided Americans in the Constitution's bicentennial year, but the credit does not belong to the framers. It belongs to those who refused to acquiesce in outdated notions of liberty, justice, and equality, and who strived to better them. Thurgood Marshall led us, using the law, to strive for these lofty ideals in our time, every place and continuously in our communities, in our States and even in this very Congress to strive for the best we can achieve for our Nation and for equality.

It is ironic that a man who asked only to be remembered as one who did the best he could with what he had should have conquered odds so great and accomplished so much for so many. As a public figure of great vision, as a patriot of unwavering commitment, and as a leader of selfless devotion, his legacy is our inheritance. It is a precious gift.

I was not fortunate enough to study and work at Thurgood Marshall's feet when I worked at the NAACP Legal Defense Fund. He had already passed the torch to new leadership at the LDF. But I have been touched by this giant of a man through the tremendous impact he had on my former law partner and mentor, Julius Chambers. Julius taught me the lessons he learned from Thurgood Marshall—integrity, humility, tenacity, and devotion to justice.

My task is to carry on down the trail that Thurgood Marshall blazed. "You either work to improve society, or you become a parasite on it," he said. In my humble attempt to do that work, I miss the able guidance Thurgood Marshall provided. And while there is a light, way down at the end of the path Thurgood Marshall led us on, it glares bright without his great frame to shadow and guide us.

□ 1620

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Virginia [Mr. SCOTT].

The SPEAKER pro tempore (Mr. FARR). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. SCOTT. Mr. Speaker, Thurgood Marshall was a man of two careers. First, he was a litigator for the NAACP Legal Defense Fund. Arguing civil rights cases at great personal risk, Marshall used his legal skills to attack the degrading Jim Crow and segregation laws of the South. Organizing a network of sympathetic lawyers, and instigating local challenges to segregation, he lead the campaign to desegregate America's schools. In leading this charge, Marshall won 29 out of 32 cases before the Supreme Court.

Challenging the doctrine of separate but equal, Marshall was instrumental in ensuring that the next generation of African-Americans would not live in such a condition of degradation. In 1954, Marshall won his most famous case, Brown versus Board of Education, which began the end of legal segregation in America. This was a victory that changed the lives of all Americans, for the better.

Thurgood Marshall's second career was as a lawyer for the Federal Government. Starting with his appointment to the Court of Appeals for the Second Circuit, he later served as the Solicitor General under President Johnson. Writing over 150 opinions for the second circuit, Marshall was noted as taking on the tough issues. As Solicitor General, his legal skills were again proven, when he won 14 of 19 cases for the Government.

However, Thurgood Marshall's most renowned accomplishment came when he was appointed to the Supreme Court of the United States on June 13, 1967. He was the first African-American to earn this honor.

As a Supreme Court Justice, he was a champion of the rights of the underprivileged. Feeling strongly that the courts should protect the rights of the individual, Marshall stated that "when elected officials cower before public pressure, this court, more than ever, must not shirk its duty to enforce the Constitution for the benefit of the poor and powerless."

The history of Thurgood Marshall was one of obstacles faced and barriers surmounted. An inspiration to all Americans, his example of hard work and courage in the face of monumental challenges made him one of the great men of our age.

Marshall left an enduring record of legal and social achievements. He became an American icon. While living the American dream, Thurgood Marshall also shaped that dream. He helped America see that our country could become a colorblind society, founded in equality, housed by fairness, and roofed by justice.

Mr. Speaker, as a fellow member of the Alpha Phi Alpha fraternity, Thurgood Marshall exemplified our motto, "First of all, servants of all; we shall transcend all."

But on this day of remembrance, Mr. Speaker, it should be noted that Marshall's work is only partially completed. We have much to do to solve the problems that face this Nation. However, Thurgood Marshall is an example of what one man can accomplish with dedication and persistence.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Illinois [Mr. REYNOLDS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. REYNOLDS. Mr. Speaker, I rise today to join with those who are honoring Thurgood Marshall. One of the great tragedies of life is that we sometimes never get to tell the great idols of our lives and heroes of our lives what we thought of them in person. They never get to hear the great things that we would think to say about them before they pass on.

As a young man growing up in Mt. Bayou, MS, in the fifties, during the time that the Klan realized that they would no longer have all the courts and those avenues on their side and they turned to violence, my family was extremely pleased to know that there was someone working for us by the name of Thurgood Marshall and the NAACP.

But what was so great about Thurgood Marshall was that he was not a perfect man. He did not start with a silver spoon in his mouth. Even though he also did not start in abject poverty, he grew up not having everybody feel that he was going to be a superstar when he got older. He struggled in his young life. But it proved that he was a human being, just like all of us.

He was a scholar, and he had the courage to ask the tough questions, even at a time when the Supreme Court was changing. He asked the question once in dissent,

> What are we to do as a society when we find that a company or an organization or an institution has discriminated? Is it enough for us to just accept from them that they won't ever do it again, or do we have to do more to guarantee that they won't ever do it again?

If there was ever an American hero, then Thurgood Marshall was that. His courage, his outstanding intellect, his service to this country, is something that all of us, no matter what our background, our race, our religion, ought to be proud of. He set a standard that we can only hope to meet someday as we move forward in our own lives.

I say to Thurgood Marshall's family, it is indeed an honor to participate in today's event, and to let you know that I will do my very best in my humble way to carry on the great tradition, the great standards, that Thurgood Marshall set for this great Nation.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentlewoman from Georgia [Ms. MCKINNEY].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1630

Ms. MCKINNEY. Mr. Speaker, it is an honor to participate in this special order for Thurgood Marshall. Without his leadership, as an attorney, an organizer, a leader and a judge, I would not be a Member of the House of Representatives. His commitment to equal rights was as strong for the rights of women as it was for men.

Thirty years ago we were in the midst of a season of discontent:

Black people decided to sit down at lunch counters all over this country in order to stand up for freedom and justice and dignity.

Black people decided to register to vote to change the policymakers since they couldn't change the policies of oppression that blanketed the South and this Nation.

Young freedom riders, both black and white, defied the racial order of apartheid and bigotry in the South, and some saw their lives ended, as they rode on those freedom rides of the American dream.

Three young men, Goodman, Chaney, and Schwerner, should never be forgotten, as they rode the freedom ride to their death in Philadelphia, MS.

Goodman, Chaney, and Schwerner learned from Justice Marshall. They should never be forgotten, because they represented all that is good in America.

They were young and hopeful, willing to challenge racism of the time in order to do what was right for their country and for their fellow man.

We have just endured another long season of discontent, where Government served the interests of a few of us at the expense of the rest of us. Now the challenge is clear. Not until we completely obliterate the politics of division that this country has endured and remember that words and actions and deeds do indeed have ramifications, and understand the complete sense of alienation that our young people feel about this system that we call their government and our society, will we be able to properly deal with the many frustrations of being young and black in America.

As we look to the tools to fight the ills of scandals, war against Third World people, environmental injustice, a complete neglect of this country's children and the shame of Shaw versus Reno, the tactics, the techniques, the models of corrective legislation behind these tools, we find the hand and the brilliant mind of Thurgood Marshall.

Thurgood Marshall showed us how to fight within the context of the guarantees of our American democracy. He taught us that it is our duty to enhance, enlarge, and increase the scope of our democracy. And he taught us, most importantly, to never give up.

Thanks to Thurgood Marshall, loyal Americans can use the Congress, the streets and the courts to help America be America for all.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from New York [Mr. RANGEL].

The SPEAKER pro tempore (Mr. FARR of California). Is there objection to the request of the gentlewoman from Georgia?

There was no objection.

Mr. RANGELL. Mr. Speaker, as we conclude this tribute to the late and great Justice Thurgood Marshall, let me thank all of the Members that entered their statement into the RECORD but, because of the Jewish holiday and the fact that we are not voting today, could not be with us in person. But also to thank Emile Milne for coordinating this special order and tribute to Thurgood Marshall and to thank the family for sharing the husband, the father, with all of us in the Congress and the country and, indeed, the world.

We hope to put together a bound statement that you will have a legacy from us.

I conclude by pointing out that in a statement that Thurgood Marshall gave on the day that he resigned, he indicated that he would never give up, that he could never give up and he could not compromise with something that is morally correct.

All we can say, in the Congressional Black Caucus, is that we will do our best to make certain that his truths keep marching on.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore (Ms. MCKINNEY) laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, August 5, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted today by the Committee on Public Works and Transportation. These resolutions authorize studies of potential water resources flood control projects by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the provisions of section 4 of the Act of March 4, 1913.

Sincerely yours,

NORMAN Y. MINETA,
Chairman.

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CASTLE) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 5 minutes today, in lieu of 60 minutes previously ordered.

(The following Members (at the request of Mr. RANGEL) to revise and extend their remarks and include extraneous material:)

Mr. SABO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. HOYER, for 60 minutes, on September 21.

(The following Members (at the request of Mr. RANGEL) to revise and extend their remarks and include extraneous material:)

Ms. EDDIE BERNICE JOHNSON of Texas, for 60 minutes, today.

Mr. SABO, for 60 minutes, on September 21.

Mr. DELAY, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CASTLE) and to include extraneous matter:)

Mr. CRANE.
Mr. GILMAN.
Mr. GALLEGLY in two instances.
Mr. GEKAS.

(The following Members (at the request of Mr. RANGEL) and to include extraneous matter:)

Mr. BONIOR in two instances.
Mr. BROWN of California.
Mr. BARCIA OF MICHIGAN in three instances.
Mr. SLATTERY.
Ms. SLAUGHTER.
Mr. HUGHES.
Mr. ANDREWS of Maine.
Mr. KREIDLER.
Mr. VISCLOSKY.
Mr. HOCHBRUECKNER.
Mr. GUTIERREZ.

(The following Members (at the request of Mr. RANGEL) and to include extraneous matter:)

Mr. KOPETSKI.
Mr. BLACKWELL.
Mr. TAUZIN.
Mr. GLICKMAN.
Mr. HANSEN.
Mr. DE LA GARZA.
Mr. HOYER.
Mr. SANGMEISTER.
Mr. SCHAEFER.
Mr. GUNDERSON.
Mr. OBERSTAR.
Mr. VENTO.
Mr. GINGRICH.
Mr. COYNE.
Mrs. SCHROEDER.
Mr. JOHNSON of South Dakota.

ADJOURNMENT TO TUESDAY, SEPTEMBER 21, 1993

Mr. RANGEL. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 145 of the 103d Congress, the House stands adjourned until noon on Tuesday, September 21, 1993.

Thereupon (at 4 o'clock and 38 minutes p.m.), pursuant to House Concurrent Resolution 145, the House adjourned until Tuesday, September 21, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1885. A letter from the Director, Test and Evaluation, Department of Defense, transmitting summaries outlining 13 test projects recommended for fiscal year 1994 funding, pursuant to 10 U.S.C. 2350a(g); the Committee on Armed Services.

1886. A letter from the Secretary, Department of Housing and Urban Development, transmitting the fourth annual report describing the status of multifamily housing subject to subsection (a) of section 203(k) of the Housing and Community Development Amendments of 1978, as amended, pursuant to 42 U.S.C. 1701z–11; to the Committee on Banking, Finance and Urban Affairs.

1887. A letter from the Secretary of Education, transmitting Final Regulations—Drug-Free Schools and Communities Emergency Grants Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1888. A letter from the Commissioner, National Center for Education Statistics, transmitting the Center's report entitled "Adult Literacy in America; A First Look at the results of the National Adult Literacy Survey"; to the Committee on Education and Labor.

1889. A letter from the Commissioner, National Center for Education Statistics, transmitting the Center's report entitled "Setting Performance Standards for Student Achievement"; to the Committee on Education and Labor.

1890. A letter from the Secretary of Health and Human Services, transmitting the Department's Eighth Special Report on Alcohol and Health, pursuant to 42 U.S.C. 290aa–4(a); to the Committee on Energy and Commerce.

1891. A letter from the Department of Energy, transmitting notification that the report required by section 401 of the Telephone Disclosure and Dispute Resolution Act of 1992 will de delayed until mid-September; to the Committee on Energy and Commerce.

1892. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a Presidential Determination concerning Jordon, pursuant to 22 U.S.C. 2364(a)(1); to the Committee on Foreign Affairs.

1893. A letter from the Secretary of Commerce, transmitting the fourth progress report regarding contracting for the rebuilding of Kuwait, pursuant to Public Law 102–25, section 606(f) (105 Stat. 111); to the Committee on Foreign Affairs.

1894. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Mark Gregory Hambley, of California, to be Ambassador to Lebanon and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1895. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 93–33, determination pursuant to section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended; to the Committee on Foreign Affairs.

1896. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's Determination and Memorandum of Justification with regards for assistance to support the ECOWAS peacekeeping operation in Liberia; to the Committee on Foreign Affairs.

1897. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's Management Report for fiscal year 1992, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

1898. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1899. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that the Court will open the October 1993 term on Monday, October 4, 1993, at 10:00 a.m.; to the Committee on the Judiciary.

1900. A letter from the Acting Director, U.S. Fish and Wildlife Service, transmitting a study of the fishery resources and habitats of the Chehalis River, pursuant to Public Law 101–452, section 3(a) (104 Stat. 1055); to the Committee on Merchant Marine and Fisheries.

1901. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's fiscal year 1995 submission to OMB, pursuant to 49 U.S.C. app. 1903(b)(7); to the Committee on Public Works and Transportation.

1902. A letter from the Acting Commissioner, Social Security Administration, transmitting the Social Security Administration's 1993 Report to Congress, pursuant to 42 U.S.C. 904; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 2608. A bill to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program (Rept. 103–241). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 2685. A bill to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes (Rept. 103–242). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 2751. A bill to amend title 5, United States Code, to provide for the granting of leave to Federal employees wishing to serve as bone-marrow or organ donors, and to allow Federal employees to use sick leave for purposes relating to the adoption of a child; with amendments (Rept. 103–243). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MICHEL (for himself, Mr. GINGRICH, Mr. ALLARD, Mr. ARCHER, Mr. ARMEY, Mr. BACHUS of Alabama, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BUNNING, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMP, Mr. CASTLE, Mr. CLINGER, Mr. COLLINS of Georgia, Mr. CRANE, Mr. CUNNINGHAM, Mr. DELAY, Mr. EMERSON, Mr. EWING, Mr. FAWELL, Mrs. FOWLER, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Mr. GALLO, Mr. GEKAS, Mr. GILCHREST, Mr. GILMAN, Mr. GILLMOR, Mr. GOODLING, Mr. GOSS, Mr. GRANDY, Mr. GUNDERSON, Mr. HANCOCK, Mr. HASTERT, Mr. HEFLEY, Mr. HERGER, Mr. HOBSON, Mr. HOKE, Mr. HUNTER, Mr. HUTCHINSON, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. INHOFE, Mrs. JOHNSON of Connecticut, Mr. KASICH, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. KOLBE, Mr. KYL, Mr. LEVY, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LINDER, Mr. MCDADE, Mr. MCHUGH, Mr. MCCOLLUM, Mr. MCKEON, Mr. MCMILLAN, Mr. MANZULLO, Mrs. MEYERS of Kansas, Mr. MILLER of Florida, Mr. MOORHEAD, Mr. MYERS of Indiana, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. PAXON, Mr. PETRI, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. QUINN, Mr. REGULA, Mr. ROBERTS, Mrs. ROUKEMA, Mr. SANTORUM, Mr. SCHAEFER, Mr. SENSENBRENNER, Mr. SHAW, Mr. SHAYS, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SMITH of Michigan, Ms. SNOWE, Mr. SOLOMON, Mr. STUMP, Mr. TALENT, Mr. THOMAS of California, Mr. THOMAS of Wyoming, Mr. UPTON, Mrs. VUCANOVICH, Mr. WALKER, Mr. WALSH, Mr. WOLF, Mr. YOUNG of Alaska, and Mr. ZELIFF):

H.R. 3080. A bill to improve access to health insurance and contain health care costs, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, Education and Labor, and the Judiciary.

By Mr. ROWLAND (for himself and Mr. SMITH of New Jersey):

H.R. 3081. A bill to amend title 38, United States Code, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange; to the Committee on Veterans' Affairs.

H.R. 3082. A bill to improve health care services of the Department of Veterans' Affairs relating to women veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KOPETSKI:

H.R. 3083. A bill to establish the Opal Creek Forest Preserve in the Detroit Ranger District of the Willamette National Forest in the State of Oregon; jointly, to the Committees on Natural Resources and Agriculture.

By Mr. TAUZIN (for himself, Mr. STUDDS, Mr. FIELDS of Texas, Mr. COBLE, Mr. LIPINSKI, Mr. BATEMAN, and Mr. LAUGHLIN):

H.R. 3084. A bill to make a technical amendment to the Internal Revenue Code of 1986 relating to the boat safety account in the aquatic resources trust fund; to the Committee on Ways and Means.

By Mr. DE LA GARZA:

H.R. 3085. A bill to improve administrative services and support provided to the National Forest Foundation, and for other purposes; to the Committee on Agriculture.

By Mr. FRANKS of New Jersey (for himself and Mr. BOEHNER):

H.R. 3086. A bill to reduce the size of the Federal civilian work force; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. GLICKMAN (for himself, Mr. HANSEN, Mr. CARR, Mr. MICHEL, Mr. MINETA, Mr. SHUSTER, Mr. OBERSTAR, Mr. CLINGER, Mr. INHOFE, Mr. LIGHTFOOT, Mr. CUNNINGHAM, Mr. ALLARD, Mr. ARCHER, Mr. ARMEY, Mr. BACCHUS of Florida, Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BEREUTER, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLACKWELL, Mr. BLILEY, Mr. BLUTE, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BORSKI, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BUNNING, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CANADY, Ms. CANTWELL, Mr. CLYBURN, Mr. COLLINS of Georgia, Miss COLLINS of Michigan, Mr. COMBEST, Mr. COPPERSMITH, Mr. COX, Mr. CRAMER, Mr. CRANE, Mr. CRAPO, Ms. DANNER, Mr. DARDEN, Mr. DEAL, Mr. DELAY, Mr. DE LUGO, Mr. DERRICK, Mr. DICKS, Mr. DOOLEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DUNCAN, Ms. DUNN, Mr. DURBIN, Mr. EMERSON, Mr. EVERETT, Mr. EWING, Mr. FISH, Mr. FOGLIETTA, Mrs. FOWLER, Mr. FRANK of Massachusetts, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Mr. GALLO, Mr. GEKAS, Mr. PETE GEREN of Texas, Mr. GIBBONS, Mr. GILCHREST, Mr. GILLMOR, Mr. GILMAN, Mr. GINGRICH, Mr. GORDON, Mr. GOSS, Mr. GRAMS, Mr. GRANDY, Mr. GREENWOOD, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HALL of Texas, Mr. HANCOCK, Ms. HARMAN, Mr. HASTERT, Mr. HAYES, Mr. HEFLEY, Mr. HEFNER, Mr. HERGER, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOKE, Mr. HOLDEN, Mr. HORN, Mr. HOUGHTON, Mr. HUFFINGTON, Mr. HUTCHINSON, Mr. HUTTO, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. JACOBS, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON, Mr. JOHNSTON of Florida, Ms. KAPTUR, Mr. KASICH, Mr. KIM, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. KOLBE, Mr. KYL, Mr. LAUGHLIN, Mr. LEACH, Mr. LEHMAN, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LINDER, Mr. LIVINGSTON, Mr. MACHTLEY, Mr. MANZULLO, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCCURDY, Mr. MCDADE, Mr. MCHUGH, Mr. MCKEON, Mr. MCMILLAN, Mrs. MEYERS of Kansas, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MURTHA, Mr. MYERS of Indiana, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. ORTON, Mr. OXLEY, Mr. PACKARD, Mr. PARKER, Mr. PASTOR, Mr. PAYNE of Virginia, Mr. PAXON, Mr. PENNY, Mr. PETERSON of Minnesota, Mr. PETERSON of Florida, Mr. PETRI, Mr. PORTER, Mr. PORTMAN, Mr. POSHARD, Mr. QUINN, Mr. RAVENEL, Mr. REGULA, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROGERS, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. ROTH, Mr. ROWLAND, Mr. ROYCE, Mr. SANTORUM, Mr. SAXTON, Mr. SCHAEFER, Mr. SHAW, Mr. SHAYS, Ms. SHEPHERD, Mr. SKEEN, Mr. SLATTERY, Mr. SMITH of Oregon, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Ms. SNOWE, Mr. SPENCE, Mr. SPRATT, Mr. STEARNS, Mr. STENHOLM, Mr. STUMP, Mr. SUNDQUIST, Mr. SWETT, Mr. SWIFT, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. THOMAS of Wyoming, Mr. THORNTON, Mrs. THURMAN, Mr. TORKILDSEN, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mr. UPTON, Mr. VALENTINE, Mr. VISCLOSKY, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WALSH, Mr. WOLF, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. ZELIFF, and Mr. ZIMMER):

H.R. 3087. A bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes; jointly, to the Committees on Public Works and Transportation and the Judiciary.

By Mrs. KENNELLY (for herself, Mr. HOUGHTON, Mrs. MEEK, Mr. MATSUI, Mr. CAMP, Mr. CARDIN, Mr. COYNE, Mr. FORD of Tennessee, Mr. GIBBONS, Mr. GRANDY, Mr. HANCOCK, Mr. HERGER, Mr. JEFFERSON, Mr. KOPETSKI, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. NEAL of Massachusetts, Mr. PAYNE of Virginia, Mr. RANGEL, Mr. REYNOLDS, Mr. SANTORUM, Mr. SHAW, Mr. SUNDQUIST, Mr. THOMAS of California, and Mr. FAZIO):

H.R. 3088. A bill to amend the Internal Revenue Code of 1986 and title II of the Social Security Act to simplify employment taxes on domestic services; to the Committee on Ways and Means.

By Mr. KLUG:

H.R. 3089. A bill to provide for programs and activities regarding primary health care; jointly, to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

By Mr. KREIDLER:

H.R. 3090. A bill to amend title 38, United States Code, to improve the ability of the

Department of Veterans Affairs to provide continuity of care in the rehabilitation of chronically mentally ill veterans, and for other purposes; to the Committee on Veteran' Affairs.

By Mr. SMITH of Michigan:

H.R. 3091. A bill to amend the Congressional Budget Act of 1974 to provide for allocations of authorizations of budget authority to authorizing committees of the House of Representatives and the Senate; to the Committee on Rules.

By Mr. TUCKER:

H.R. 3092. A bill to provide for the conveyance of real property located at the Naval Housing Cabrillo Site, Long Beach, CA, to the California State University, Long Beach Foundation; to the Committee on Armed Services.

By Mr. SCHAEFER (for himself, Mr. Gunderson, Mr. Sarpalius, Mr. Andrews of New Jersey, Mr. Bateman, Mr. Ballenger, Mr. Barrett of Wisconsin, Mr. Bliley, Mr. Blute, Mr. Boehner, Mr. Cox, Mr. Holden, Mr. Klein, Mr. King, Mr. Levy, Mr. McCollum, Mr. Murtha, Mr. Quinn, Mr. Ravenel, Mr. Richardson, Mr. Rohrabacher, Mr. Sisisky, Mr. Saxton, Mr. Walsh, Mr. Vento, Mr. Clinger, Mr. Edwards of Texas, Mr. Bilirakis, Mr. McInnis, Mr. Petri, Mr. Coppersmith, Mr. Livingston, Mr. Martinez, and Mr. Kasich):

H.J. Res. 262. Joint resolution to designate October 3 through 10, 1993, as "Great American Beer Week"; to the Committee on Post Office and Civil Service.

By Mr. MINETA (for himself and Mr. Shuster):

H. Con. Res. 146. Concurrent resolution authorizing the use of the Capitol building and grounds for events to commemorate the 200th anniversary of the laying of the cornerstone of the Capitol; to the Committee on Public Works and Transportation.

MEMORIALS

Under the clause 4 of rule XXII,

243. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to Long Beach Naval Base; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 144: Mr. Packard.

H.R. 323: Mr. Fawell.

H.R. 436: Mr. Grandy and Mr. Clyburn.

H.R. 703: Mr. Hobson, Mr. Dornan, Mr. Gillmor, and Mr. Castle.

H.R. 746: Mr. Moran.

H.R. 790: Mr. Roemer.

H.R. 794: Mr. McNulty.

H.R. 967: Mr. Inglis of South Carolina, Ms. Dunn, and Mr. Stupak.

H.R. 1048: Mr. Zimmer, Mr. Hastings, Ms. Norton, and Mr. Johnson of South Dakota.

H.R. 1203: Mr. Frost and Mr. Canady.

H.R. 1309: Mr. Horn, Mr. Wolf, Mr. Gunderson, Mr. Hastert, Mr. Cox, Mr. Canady, and Mr. Franks of Connecticut.

H.R. 1419: Mr. Rush.

H.R. 1528: Mr. Roberts.

H.R. 1738: Mr. Kanjorski.

H.R. 1878: Mr. Quinn, Mr. LaFalce, Mr. Hyde, and Mr. Murphy.

H.R. 1928: Mr. Ballenger and Mr. Stump.

H.R. 1950: Mr. Ravenel, Mr. Bachus of Alabama, Mr. Castle, Mr. Cox, Mr. Royce, and Mr. Quinn.

H.R. 1967: Mr. Visclosky.

H.R. 1968: Mr. Gordon, Mr. Rose, Mr. DeFazio, and Mr. Filner.

H.R. 1970: Mr. Visclosky.

H.R. 2135: Mr. Hansen.

H.R. 2292: Ms. Snowe.

H.R. 2434: Mr. Spence.

H.R. 2623: Mr. Towns.

H.R. 2797: Mr. Miller of California, Mr. Romero-Barcelo, Ms. Eshoo, Mr. Rangel, Mr. Andrews of New Jersey, Mr. Tucker, Mr. Faleomavaega, and Mr. Gutierrez.

H.R. 2873: Ms. Brown of Florida, Mr. Mica, Mr. McCollum, Mr. Underwood, Mr. Johnston of Florida, and Mr. Peterson of Florida.

H.R. 2886: Mr. Weldon, Mr. Emerson, Mr. Klink, Mr. Gillmor, Mr. Murphy, Mr. Boehner, and Mr. Hastert.

H.R. 2925: Ms. Eddie Bernice Johnson of Texas, Mr. Dornan, Mr. Kim, and Mr. Goss.

H.R. 2927: Mr. Kopetski.

H.R. 3023: Mr. Rohrabacher, Mr. Oberstar, Mr. Bacchus of Florida, Mr. Dicks, Mr. Hall of Ohio, Mr. Hughes, Mr. Wynn, Mrs. Morella, Mr. Pickett, Ms. Byrne, Mr. Cramer, Mr. Manton, Mr. Dickey, Mr. Hall of Texas, Mr. Rose, and Mr. Foglietta.

H.R. 3024: Mr. Allard.

H.R. 3041: Mr. Sanders.

H.J. Res. 155: Mrs. Meyers of Kansas, Mr. Swett, Mr. Ewing, Mr. Gallo, Mr. Petri, Mrs. Fowler, Mr. Lightfoot, Mr. Moorhead, Mr. McCollum, Mr. Klug, Mr. Grandy, Mr. Inhofe, Mr. Boehlert, and Ms. Norton.

H.J. Res. 178: Mr. Andrews of Maine, Mr. Andrews of New Jersey, Mr. Barlow, Mr. Bishop, Mr. Bliley, Ms. Brown of Florida, Mrs. Clayton, Mr. Conyers, Mr. Coppersmith, Mr. Deutsch, Ms. Eshoo, Mr. Ford of Michigan, Mr. Franks of Connecticut, Mr. Hastert, Mr. Hefner, Mr. Holden, Mr. Sam Johnson, Mr. Kleczka, Mrs. Maloney, Mr. Klein, Mr. Olver, Mr. Petri, Mr. Pickle, Ms. Pryce of Ohio, Mr. Sabo, Mr. Sanders, Mr. Shays, Mr. Slattery, Mr. Synar, Mr. Taylor of Mississippi, Mr. Tejeda, Ms. Velázquez, Ms. Woolsey, and Mr. Engel.

H.J. Res. 188: Mr. Buyer, Mr. Bishop, Mr. Darden, Mr. Portman, Mr. Torkildsen, Mr. Volkmer, Mr. Baesler, Mr. Barlow, Mr. Barrett of Wisconsin, Mr. Boucher, Ms. Brown of Florida, Mr. Brown of Ohio, Mrs. Clayton, Ms. Danner, Mr. Deal, Ms. English of Arizona, Ms. Eshoo, Mr. Fingerhut, Ms. Furse, Mr. Hamburg, Mr. Inslee, Mr. Johnson of Georgia, Mr. Kennedy, Mr. Klein, Mr. Klink, Mr. Nadler, Mr. Pomeroy, Mr. Richardson, Mr. Romero-Barceló, Mr. Rowland, Ms. Roybal-Allard, Mr. Sharp, Ms. Shepherd, Mr. Stupak, Mr. Swift, Mrs. Thurman, Mr. Watt, Ms. Woolsey, Mr. Wyden, Mr. Crapo, Mr. Greenwood, Ms. Margolies-Mezvinsky, Mrs. Collins of Illinois, Mr. Cooper, Mr. Pallone, and Mr. Pombo.

H.J. Res. 194: Mr. Beilenson, Mr. Foglietta, and Mr. Kennedy.

H.J. Res. 256: Mr. Allard.

H. Con. Res. 110: Mr. Murtha, Mr. Pallone, Mr. McDade, Mr. Waxman, Mr. Jacobs, and Mr. Bateman.

H. Con. Res. 122: Mr. Neal of Massachusetts, Mr. Blute, Mr. Machtley, Mr. Reed, Mr. Dixon, and Mr. Gingrich.

H. Res. 247: Mr. Allard.

SENATE—*Wednesday, September 15, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. The Reverend Richard C. Halverson, Jr., of Falls Church, VA, will offer the prayer.

PRAYER

The guest chaplain, the Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

Let us pray:

Father in Heaven, at a significant time in our Nation's history, Benjamin Franklin raised this question to his colleagues in Congress: "If a sparrow cannot fall to the ground without His notice, is it possible that an empire can rise without His aid?"

Lord, this question reminds us this day, on the eve of Rosh Hashanah, of our utter dependence upon You and Your sovereign guidance by Your grand hand. We pray that in these days You will cause the Sun to rise on our land that we might provide a better, safe haven for our citizens, and a good example to our global friends of a nation wherein the people may freely assemble before Thee.

It is written: *For the kingdom is the Lord's: and He is the Governor among the nations.*—Psalm 22:28.

We make this prayer in the name of Yeshua, who came to save, not to judge, the Nation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 15, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FEINGOLD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

INTERIOR APPROPRIATIONS ACT OF 1994

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 2520 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Mr. PACKWOOD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Oregon.

Mr. PACKWOOD. Mr. President, I am extremely dismayed that the bill before us contains additional funding for the Endangered Species Act.

The formal funding authorization for the Endangered Species Act expired in the last Congress. I have been eagerly awaiting the reauthorization process because it is my view that changes are urgently needed in the Endangered Species Act. Most notably, the law needs to be changed to require greater consideration of the economic costs of preserving millions of acres for animals and plants.

Unfortunately, once again, through an annual appropriation, the Senate is extending the law without the benefit of close scrutiny by the authorizing committee and necessary changes that I believe the Endangered Species Act richly deserves. It is my view that the Senate should not continue to fund this flawed statute in its present form.

As it is currently written, the Endangered Species Act fails to achieve a workable balance between the demands of wildlife protection and the need for jobs and a growing economy. The decision to list a species as threatened or endangered must be based solely on the biological status of the species. Nothing else matters. When we wrote it 20 years ago, I do not think anyone imagined that the cost of protecting a species could equal tens of thousands of jobs.

No one that I know of ever imagined that under the Endangered Species Act if the choice was between a bird or a bug or a slug and tens of thousands of jobs the jobs would have to go according to the Endangered Species Act.

I think it is time for us to reexamine our priorities. We need to consider the frightening consequences of our present approach of protecting wildlife at any cost in terms of marital discord, bankruptcy, child abuse, and suicides that accompany job losses.

The business-as-usual approach of funding the ESA without a thought to the enormous implications that are becoming increasingly common is a disservice to thousands of Oregonians who are out of work or soon will be because their Government has placed the needs of wildlife above the needs of people.

There is a bill currently pending in the House which I support and which is soon to be introduced in the Senate. That bill, introduced by Representative TAUZIN and 84 of his colleagues, makes significant improvements to the Endangered Species Act. Most importantly, the bill takes human costs into consideration.

What we should be doing is having a full debate on the ESA. Instead, here we are, agreeing to an annual appropriation to carry out the provisions of the ESA with not so much as a nod to those communities out there which are being severely impacted by an act out of control.

So, Mr. President, while I will not at this junction move to eliminate funding for the ESA from the bill before us, I wish to alert my colleagues that this Senator is becoming increasingly frustrated with an annual appropriation for an act which is spinning out of control and wreaking havoc for our communities and workers.

I thank the Chair. I yield the floor.

EXCEPTED COMMITTEE AMENDMENT PAGE 97, LINES 1–4

The ACTING PRESIDENT pro tempore. The pending question is the committee amendment on page 97, lines 1 through 4.

Is there further debate on the amendment?

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Ten minutes after ten? And the Chaplain gave his prayer at

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

9:30. I say to my friend from Oklahoma, is this a 9 o'clock town or a 10 o'clock town? I am a 9 o'clock fellow in a 10 o'clock town.

Oh where, oh where has my little dog gone?
Oh where, oh where can he be?
With his ears cut short,
And his tail cut long,
Oh where, oh where can he be?

What are we going to do, may I say to my friend?

Mr. NICKLES. If the chairman will yield, I do not know where the little dog is, but we do have a couple of amendments on wolves and we have an amendment on cougar research. I just would urge my colleagues to follow the advice of the chairman of the committee and bring their amendments forth.

I know we have a Senator from Montana—Senator BURNS has been here this morning. He is ready to offer his amendment. I would encourage him to do so. Hopefully, we can agree with that amendment and dispose of it. We have a couple of other amendments dealing with wolves, and maybe we can dispose of those before Senator HELMS arrives to do the NEA amendments.

Mr. BYRD. Very well, I see the distinguished Senator from Montana is on the floor. Perhaps we are ready to go at last?

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BURNS. I thank the Chair. In responding to the chairman's urgent call for action here, I have an amendment. I have an amendment and I will send it to the desk.

The ACTING PRESIDENT pro tempore. If there is no objection, the pending committee amendment is set aside.

AMENDMENT NO. 894

Mr. BURNS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], proposes an amendment numbered 894.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 894

At the appropriate place, insert:

That funds included in the section entitled as Special Park Increases of the National Park Service budget, for two natural resource management FTEs dealing with the reintroduction of the wolf, shall be instead used for the improvement of the physical infrastructure of Yellowstone National Park.

Mr. BURNS. Mr. President, for those who do not know much about this amendment, let me explain: There is currently allocated in this bill funds to hire two new wildlife biologists to work inside Yellowstone National Park, my amendment would transfer these funds to infrastructure work—improving roads, trails, paths, buildings, et cetera—inside the park.

Yellowstone is the crown jewel of our National Park System. It is our oldest and most beloved park. But the crown jewel is in need of repair. It needs some repair work from the loving it gets each year from the millions of people that get in their cars and take their kids to experience one of the natural wonders of the world. It needs some work folks, it is getting a bit shoddy and rundown at the heels.

There is some money. There is one-third of $1 million in this bill to put two new Government employees in the park studying wolves. That is right studying wolves—watching those very critters that we spent 100 years trying to get rid of.

We do not need to create two new Federal wildlife biologist positions in the National Park Service. We do not need to study the wolf. The Fish and Wildlife Service and the National Park Service have enough wildlife biologists now. We need to keep Yellowstone open and give it the repairs it needs so that it can receive more visitors.

Let me ask this, what will happen if the National Biological Survey is put into effect as Secretary Babbitt wants? Is the Fish and Wildlife Service going to be back asking for even more wildlife biologists? I thank the answer is yes.

Where do we get the money? Do parks such as Yellowstone continue to deteriorate so that we can increase the Federal work force? Do we hire wildlife biologists to study some endangered species in downtown New York? Atlanta? Does each endangered species get its own Federal wildlife biologist? Is this lifetime Federal employment for wildlife biologists? I don't think so, and I don't think that the majority of Montanan's who after all live near the park think so either.

There is no money in the till. Chairman BYRD has done a masterful job as has Senator NICKLES and their staffs in putting 40 pounds of potatoes into a 10-pound sack. But as a member of the Appropriations Committee and a Senator representing a State that bounds this wonderful park, I respectfully point out that I believe, this one-third of $1 million can be put to a better use.

This is an issue of setting priorities. Are people a priority or are wolves a priority? I want to put people first. I want to get the most bang for my buck.

On a side note I am pleased that we are beginning to address the problem of collecting funds at the park gate. Only after I floated my amendment did National Park Service Director Roger Kennedy announce that the gates of Yellowstone will be manned by Park Service employees full time beginning October 1. And I understand that some of those funds will remain at the park. That is good news.

But here is a third of $1 million that could be put to better use and I urge my colleagues listening to this debate to vote to help the park, the crown jewel of the National Park Service, and not to create yet two more Federal employees.

Mr. President, I hope the managers of this important bill can find a way to get an agreement on this. We will work toward that before I ask for any action to be taken.

Basically what this amendment is, it is the setting of priorities. I have spoken to the real cost in Government in doing business. When we talked about cut spending first before increasing taxes, one of the areas we find is the redundancy in Government. Everybody wants to do what everybody else is doing. This sort of allays one of those problems that exist with Yellowstone Park and its management.

This is the crown jewel of the park system. We have a problem up there of decaying infrastructure—roads, buildings, those facilities it takes to make their stay more enjoyable for any American who visits the crown jewel of all national parks.

What I am trying to do is shift some dollars from an area where they are not needed to an area where they are so sorely needed because of our infrastructure problem within the park and, yes, other national parks across the Nation.

I will have a statement on this amendment. I want to get it worked out on both sides of the aisle, that is, make it acceptable, and will work very hard at that.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EN BLOC AMENDMENTS NOS. 895, 896, 897, 898

Mr. BYRD. Mr. President, there are a number of amendments that have been cleared on both sides, and I ask unanimous consent on behalf of myself and Senator NICKLES that the following amendments be agreed to en bloc.

They are:

An amendment (No. 895) on behalf of Senators HATFIELD and MURRAY that addresses the need for early-out authority for the Forest Service to downsize in a rational fashion given the dramatic decreases in the timber sales program;

An amendment (No. 896) on behalf of Senator SIMPSON that earmarks $100,000 within the Fish and Wildlife Service account for a data base of big and small game animal populations in areas affected by possible reintroduction or natural return of wolves to the Yellowstone area;

An amendment (No. 897) on behalf of myself striking a provision in the bill related to employment floors for the Indian Health Service;

An amendment (No. 898) on behalf of Senator STEVENS prohibiting the use of funds for implementation of the Pacific salmon strategy in the Tongass National Forest.

The amendment on behalf of Senators HATFIELD and MURRAY will provide early-out authority to the Forest Service to assist in a rational downsizing of the organization necessary to comply with the significantly reduced size of the timber sales program. This authority is recommended in the hopes that significant reductions in force, and associated costs, can be avoided. While the reinventing Government initiative is looking at this issue, the situation in the Forest Service is more pressing, because of the reductions assumed in the budget this year related to timber sales and associated support costs. The amendment does include a provision that in the event similar Governmentwide authority is provided during this fiscal year, that legislation would supersede the authority provided herein.

The amendment on behalf of Senator SIMPSON would provide $100,000 for the assimilation of a data base related to big and small game animals that might be affected by wolf reintroduction in the West. Whether the wolves are reintroduced or return naturally, concern exists about the potential impact on game herd size. The amendment will allow for the compilation of a data base, most of which can be drawn from existing information available in different data bases, that will help to serve as a baseline for making future comparisons.

The amendment on behalf of Senator BYRD strikes language proposed by the House relative to employment floors for the Indian Health Service. In light of the Vice President's reinventing Government proposals, particularly with respect to the size of the Federal work force, this language is proposed for deletion. This will allow us to discuss this issue further in conference. While the language is stricken, and the committee is willing to work with the administration, it is also important that the administration recognize that when dollars are provided for program operations, the necessary personnel resources must be made available to carry out the program. This is particularly true in a program such as that of the Indian Health Service, where the dollars are provided for the delivery of health care services. These funds are not intended to produce more bureaucrats, rather, they are provided for doctors, nurses, x ray technicians, and other medical professionals.

The amendment on behalf of Senator STEVENS prohibits the use of funds to implement the Bureau of Land Management/Forest Service comprehensive strategy for Pacific salmon and steelhead habitat [Pacfish] in the Tongass National Forest. Specific directions relative to the protection of watersheds, streams, and associated fish habitat were included in the Tongass Timber Reform Act, and the amendment is intended to allow for those provisions to be continued. Efforts to impose stricter standards than legislated in the Tongass Timber Reform Act should be subjected to the same legislative review as was applied to those currently in law.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments considered and agreed to en bloc are as follows:

AMENDMENT NO. 895

At the end of title III, insert:

SEC. 17 FOREST SERVICE SEPARATION PAY.

(a) In order to avoid or minimize the need for involuntary separations, effective for the period beginning upon the date of enactment of this Act through and including September 30, 1994, the Secretary of Agriculture, under such regulations and subject to such conditions as the Secretary of Agriculture may prescribe, shall have authority to offer separation pay to employees of the Forest Service to the same extent the Secretary of Defense is authorized to offer separation pay to employees of a defense agency in section 5597 of title 5, United States Code.

(b) In the event that an authority is enacted to offer separation pay or a voluntary separation incentive similar to such section 5597 of title 5, United States Code, but applicable to employees in the executive branch generally, the authority under subsection (a) shall terminate.

(c) Such payments may be made to employees who agree, during a continuous 90 day period designated by the agency head, beginning no earlier than the date of enactment of this Act and ending no later than September 30, 1994, to separate from service with the agency, whether by retirement or resignation.

(d) An employee who has received a voluntary separation incentive under this section and accepts employment with the Government of the United States within 2 years of the date of the separation on which payment of the incentive is based shall be required to repay the entire amount of the incentive to the agency that paid the incentive.

(e) Total outlays by the Forest Service pursuant to the cooperative work trust funds accounts (12–8028–0–7–302) shall not exceed $279,668,000 in FY 1994.

AMENDMENT NO. 896

On p. 10, line 4, before the period, insert the following; ": *Provided further*, That within funds provided $100,000 shall be made available to the U.S. Fish and Wildlife Service for the purpose of compiling and maintaining a database consisting of big game and small game population levels and hunter harvests in, and adjacent to, areas under consideration for wolf reintroduction: Provided further, That such study shall consist of data obtained from state game and fish agencies and federal agencies with jurisdiction for wildlife management in these areas: Provided further, That such database shall include measured and estimated population levels of game species covering a period ten years prior to the date of enactment: Provided further, That such database shall be updated on a yearly basis after the date of enactment".

Mr. SIMPSON. Mr. President, I rise today to offer an amendment that I believe will ensure that if wolves are ever introduced in the Rocky Mountain States we will have good scientific information available in order to make objective decisions about their management. Wolf reintroduction is not yet a certainty, but the EIS process is moving forward. We need to be prepared for the future.

Prior to the August recess, my friend Senator STEVENS delivered a very fine statement about the problems Alaskans are having with regard to wolf control. We know from scientific studies in Alaska and Canada that wolves can significantly reduce game populations, especially when predation is coupled with a hard winter. Most believe that wolves have not existed in the Yellowstone ecosystem for many decades. If wolf reintroduction does occur, the current natural balance probably will be turned right on its ear. After hearing Senator STEVENS' remarks, I feel we can learn from the experience in Alaska and begin to prepare for a worst case scenario. If reintroduction does take place, we must be prepared to properly manage these large predators. We must begin gathering data now so that professional wildlife managers will have the information available which they will need in order to make objective management decisions in the future.

Wolf packs are very efficient at discovering how to kill the most vulnerable prey species. In Wyoming when the snow gets deep—moose, big horn sheep, elk, deer, and other prey animals become easy targets for wolves. The fact is that we do not have large populations of moose or big horn sheep, and the other big game prey species are currently carefully regulated by hunting. The addition of a new predator will likely mean that significant ecological changes will be observed.

We could be creating serious problems with regard to other wildlife species if we do reintroduce wolves. Those who favor reintroduction like to say that we have too many elk in Yellowstone Park and that big game populations will not be affected by the introduction of a new predator into the ecosystem. But we know how many animals wolves kill in an average year. If wolves are reintroduced and they thrive, the increased numbers of wolves will mean increased wildlife mortality. Of course, some wolf supporters argue that we can offset that predator caused mortality by reducing hunter harvests. However, I would note that this type of compensating action could have severe economic consequences in my neck of the woods. Further, that would erode most public support for the Endangered Species Act.

We also have the studies in Canada and Alaska that detail a most curious wolf behavior—surplus killing. There have been cases where a pack of wolves have hit a caribou herd and killed dozens of calf and young adult caribou in a very short period of time as if a killing frenzy. These wolves have killed many more animals than they could ever hope to consume. The surplus animals are just left to rot on the tundra. It is not difficult to imagine a pack of wolves following the migration of elk out of Yellowstone Park down to the winter feeding grounds near Jackson Hole and then wreaking havoc on a herd that is concentrated in a small area.

If we are going to be able to deal effectively with a large and rather efficient predator like the wolf, we are going to need to know what current and past game population levels and hunter harvest levels have been without the wolf being worked into the equation. Then if they ever become a factor, the professional wildlife managers at the State and Federal levels will have the data necessary to determine what effect wolf predation is actually having on a given game population, and what steps may be necessary to compensate for any deleterious effects caused by excessive predation or surplus killing.

My amendment would provide funding for, and direct the U.S. Fish and Wildlife Service to compile a data base using existing population and hunter harvest information, as well as future information that will be valuable in determining game population trends with and without wolf predation being a factor. This is the type of information that is so necessary for sound, scientific wildlife management. The data base would be updated and evaluated on a yearly basis so that in the event wolves are reintroduced we can stay closely on top of the situation in order to ensure a thoughtful and sensible result. I believe this is a noncontroversial amendment that is based on common sense. I would ask unanimous consent to add Senators WALLOP and BURNS as cosponsors of the amendment and I would urge the adoption of the amendment.

AMENDMENT NO. 897

On page 78, line 6 strike beginning with the ":" through "Appropriations" on page 78, line 12.

AMENDMENT NO. 898

"Sec. . None of the funds provided in this Act may be used to study or implement the Bureau of Land Management/United States Forest Service comprehensive strategy for Pacific salmon and steelhead habitat ("PACFISH") in the Tongass National Forest.".

The amendments (Nos. 895–898) were agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent the motion to reconsider en bloc be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

AMENDMENT NO. 894

The ACTING PRESIDENT pro tempore. The question recurs on the Burns amendment No. 894.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, the pending amendment is an amendment offered by Senator BURNS. It is a very short amendment. It says:

> That funds included in the section entitled as Special Park Increases of the National Park Service budget for two natural resource management full-time equivalent employees dealing with the reintroduction of the wolf, shall be instead used for improvement of the physical infrastructure of Yellowstone National Park.

Mr. President, I think it is a very simple amendment. I hope that our colleagues would agree to it. I personally do not know of the need to have a rollcall vote on it. So I am hopeful we can agree and dispose of this amendment.

We have also previously disposed of an amendment of Senator SIMPSON dealing with a study of the wolf's reintroduction into Yellowstone to see what impact that has on other wildlife in the region.

I compliment the Senator from Montana for the amendment. I am hopeful our colleagues will agree to that amendment.

I also note that the Senator from North Carolina is here as expected to introduce his amendments dealing with the National Endowment for the Arts.

So I appreciate my colleague from Montana being here early and ready to go with his amendment. I do not think we have final agreement on it yet. My guess is, if the Senator from Montana is willing to do so, we might set it aside so we can consider the amendment of the Senator from North Carolina.

Mr. BURNS. Mr. President, on my amendment, we are trying to work out the final stages of the agreement. I think we are very close to an agreement. But it is going to take a little more time. I would leave the judgment of that in the hands of my ranking member and the chairman, the managers of this bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that we temporarily set aside the amendment of the Senator from Montana so we can consider the amendment of the Senator from North Carolina.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Good morning.

Mr. President, last night, I must now confess, I offered an amendment just to get the attention of the Senate. I did not anticipate that it would pass, and I am not surprised that a substantial number of Senators did not vote for it. But they should not be so cavalier about the two amendments I shall call up now.

Last night, as always happens, I heard the wails and the clatters of Senators who said, "Oh, how are we going to support the community choruses out in the smaller counties of America if we do not have the National Endowment for the Arts? Therefore, we cannot do anything to the NEA because the arts are so valuable to the Nation's small towns."

Well, I kind of agree with that, but I also agree with those who contend that the arts flourished for most of the history of this country without a dime's worth of Federal subsidy. But that is not the argument this morning. I wish to emphasize that I hope Senators will remember the arguments from last night on both sides of the aisle—particularly those of the Senator from Massachusetts, who can always be counted on to talk about what is decent and honorable and desirable.

Now, Mr. President, it is my contention that we in this body must get a handle on the National Endowment for the Arts' habit of giving the taxpayers' money to people whose mentality convinces me that they are anatomical phenomena. They have their brains in their crotches. They cannot think of anything else. And that is the reason they produce the rotten stuff that I have exhibited on this floor year after year.

Senators say, "Well, I am not in favor of that. No. No. I am in favor of the symphonies out in the boondocks, the choruses, and the Nation's young people," et cetera, et cetera, et cetera.

OK, they have a deal.

One of the Senators came up to me last night. She said, "I am sorry I could not vote for the amendment."

I said, "Well, why don't you help me accomplish what I have been trying to do for 4 or 5 years—which is to cut out the funding of the people who produce this rotten, vulgar, nauseating garbage."

As I pointed out last night, one guy got $20,000 for sawing a cadaver's head into two parts, and placing the two parts together, so that they faced each other to produce the illusion that the man was kissing himself. Then, in another photo, the same guy scooped out the brains of another cadaver, cut off the head, and stuck flowers in it. He received $20,000 for that sort of thing from the Federal Government. No; not from the Federal Government, from the pockets of the American taxpayer.

Now, Mr. President, the two amendments I intend to offer today are for real. I shall call up the first one momentarily, but let me have a few moments for prefacing remarks.

Mr. President, I regret that I have never met Jane Alexander whom the President has nominated, as I understand it, to become Chairman of the National Endowment for the Arts. But like many other Senators, I admire this lady as a talented and sensitive actress. And unless I learn something about her that I do not now know, it is my intent to support her nomination when it comes up in the Senate. I confess that Dot Helms and I may to a certain degree have become initially attracted to Ms. Jane Alexander because Dot and I chose, years ago, to name our first daughter Jane Alexander Helms—using Dot's middle name and my middle name.

In any event, part of my motivation in offering the amendment which I shall send to the desk presently is to give the incoming NEA Chairman, Jane Alexander, at least a year or so in which she can concentrate on upgrading the quality of art that the American taxpayers are forced to subsidize.

I do not feel that she should be put in the position of having to try to referee the heated public dialog about how some of the NEA's funds have been and are being spent on repugnant art and so-called artists.

So, as the text of the amendment will indicate when the clerk reads it in full, Senators will be given the opportunity to take a stand on the question of restoring the National Endowment for the Arts to its originally intended purposes—the support of mainstream, broad-based arts groups, not individuals, on the national and community levels. For at least a year or so, there will be no more of this sorry business of throwing the taxpayers' money into the hands of individuals on the radical fringe—and that is being charitable—who have so offended and outraged the American people.

To be more precise, the amendment which I shall send to the desk presently will help restore the focus of the National Endowment for the Arts to mainstream institutions of arts and culture, such as symphonies, orchestras, operas, and other nonprofit groups that enjoy a reasonable measure of support and respect from the local communities in which they operate.

Senators have said, time and time again, including the Senator from Massachusetts, "Oh, we cannot harm these local groups. We must encourage their talents."

I agree that most local art groups serve a good purpose, but I do not want to encourage the kind of garbage that I was compelled to exhibit here last night—when I showed what just one sorry character's work was and how he received $20,000 from the NEA for doing it.

Mr. President, I think former Acting Chairman Anne-Imelda Radice said it right in her letter in which she apologized for the NEA having funded Joel-Peter Witken during her watch. She said that there should be no more of the NEA's "buying time," as she put it, "types of awards" to individuals. And there will not be if this next amendment is approved by the Senate. I deeply and fervently wish that Anne-Imelda Radice had been invited to testify before the relevant committee on this issue.

Mr. President, as I said before, the argument always heard on the continued existence of the National Endowment for the Arts, almost without exception—as we heard from Senator after Senator over and over again last night—always refers to symphonies, orchestras, operas, and other mainstream types of art. Of course, that is because most Americans support these manifestations of true art.

But these are the very institutions that have been struggling financially while the National Endowment for the Arts has been giving untold thousands upon thousands of dollars to people who mutilate corpses in the name of art; or who hand out $10 bills to illegal immigrants at the Mexican border, $10 bills that they got from the National Endowment for the Arts; or to individuals who promote vulgar, rotten, homosexual film festivals, or commit acts calculated to outrage the sensibilities of decent Americans who are required to put up the money to reward such garbage.

AMENDMENT NO. 899

(Purpose: To provide that funds from the National Endowment for the Arts shall be used only to give grants and financial assistance to nonprofit groups and not to individuals)

Mr. HELMS. Mr. President, I am going to pause long enough to send the amendment to the desk. It is unprinted. I ask that it be stated.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], proposes an amendment numbered 899.

The amendment is as follows:

At the end of the amendment add the following new section:

"SEC. . Notwithstanding any other provision of this Act, eligibility for the funds made available to the National Endowment for the Arts under this Act, with the exception of grants-in-aid to the states, shall be limited to not-for-profit institutions, organizations, associations, and societies.".

Mr. HELMS. Mr. President, that amendment, I think as the lawyers say, is res ipsa loquitur, "it speaks for itself." But while the NEA has been throwing away the taxpayers' money on bullwhips inserted into the posteriors of homosexuals to be photographed and the other outrageous pictures submitted to NEA in the name of art, while the NEA has been using tax funds to reward people with perverted minds, who have put crucifixes in jars of urine, while the NEA has been rewarding so-called self-styled, self-proclaimed artists who mutilate dead bodies, the symphony orchestras, choral groups, and other groups supporting young people in this country have been denied funding because there is not enough left after NEA has taken care of these strange, strange artists.

The Wolf Organization of Cambridge, MA, after studying 254 orchestras across America for the past 20 years, found that the orchestras are facing "a financial crisis of unprecedented proportions." The annual deficits of the orchestras studied soared from $2.8 million in 1971 to $7 million in 1991. Operating expenses rose from $87.5 to $207 million over the same period.

Meanwhile, from 1985 to 1993, taxpayer funding for symphonies declined by 4 percent in the face of the rising operating costs. So no wonder they are running a deficit.

Mr. President, the orchestras and other groups are in dire straits as is so mournfully discussed on this Senate floor every time there is a proposal to shut off the money to the perverted minds to produce the kind of garbage exhibited here last night. Oh, Senator after Senator gets up and says: We just cannot do this or that to the NEA because the orchestras and the choral groups and the young people need the money.

What I am saying to my friend from West Virginia, is that I agree; let us cut it off for the perverted minds and give it to the kinds of people and organizations that the Senators always bring up. They never mention a mumbling word about what the issue is. They say: "Well, you know, when you have art, there is going to be some art that offends you."

You better believe that is a fact. I was offended by the crucifix in the urine; I was offended by Mapplethorpe taking a bullwhip and inserting it—you know where—and then taking a picture of it and sending it into NEA and getting an award for that kind of trash. But, I am not going to be offended if you cut off the money to minds like that and give it to the symphonies and the other groups that are always mentioned on this floor every time this issue comes up.

You can count on it. I expect that in the debate today, a certain Senator will get up and say: "All art is going to offend somebody sometime." No, it will not. I have never heard a symphony orchestra that offended anybody. I played in some symphonies myself. They almost closed shop because I was in there and fouling up the music. But, there was no Federal subsidy for musical groups like that when I came along. But that is another story.

Let me provide a few arithmetical details, Mr. President. While the symphonies and other mainstream art institutions in this country have been struggling financially, the National Endowment for the Arts spent $8,168,000 in 1992 alone to give 381 individuals NEA fellowship awards. I think, the majority of Americans are fed up with such NEA grants which are ostensibly given to individuals so that they can take time off to "create," but which in reality have next to no oversight concerning how an individual recipient actually spends the money.

Last night, I read into the RECORD a letter sent to me by the Honorable Anne-Imelda Radice, who is former acting head of the National Endowment for the Arts. She apologized to the American people, because one of the grants involving the mutilated heads of corpses got by her because there was no way for her—as the Chairman—to understand everything going on at the NEA.

I ask unanimous consent, Mr. President, to have the entire text of the letter written by Anne Radice printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 3, 1993.

Senator JESSE A. HELMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: I have just received information that one of the photographic fellowship applications I approved last September was awarded to an individual whose work appears to use shock quality of prurient subjects as a primary virtue. The April 1993 issue of Vanity Fair features some of this man's work.

It is embarrassing to admit that this occurred on my watch. However, it is more distressing to note that this particular award was for one year so that I would not have known what the photographer would have done with the award until after the fact. (Fellowships for two years require interim reports.)

You are probably also aware that when fellowships are presented as a category to the Council and the Chairman, they are done so in list form which emphasizes geographic region. Some fellowships are given directly. Others are through a sub grant system. I have to admit I do not remember this specific application but do not offer that as an excuse.

This, of course, only points to the difficulties which the Agency will continue to experience with these buy time types of awards. There is really little protection for the taxpayer. Unless the Chairman can be everywhere and know everything, it is impossible to guarantee that such an unfortunate situation cannot reoccur.

Let us hope that the new Chairman will be able to better channel the funds available to arts activities that reach the widest audience possible.

I wanted to write you as soon as possible about this situation. The Arts Endowment has wonderful programs geared for community activities, world class operas, symphonies, arts education, film preservation, just to name a few. Let us hope that the new Chairman will emphasize those worthwhile national activities.

With best wishes,
ANNE-IMELDA M. RADICE, Ph.D.,
Former Acting Chairman,
National Endowment for the Arts.

Mr. HELMS. Mr. President, I hope that in the days to come, the Senators who vote against this amendment will take a look at this letter and see what a lady who was on the firing line says about the process that the National Endowment for the Arts goes through.

Now, back to the NEA giving Joel-Peter Witken his $20,000 award for his cadaver art—you remember the photo of the head sawed in two, and the other photo where the top of a head was sawed off, scooped out, and flowers were stuck in. Oh, that is art. It just makes me cry to think about the fact that I do not even have a cadaver head in my house. I daresay that nobody else in this Chamber or anybody watching on television has one, either, or would not presume to have one.

But Joel-Peter Witken got $20,000 of taxpayer money, while the New Orleans Symphony had to close up shop because it owed $29,000 to its players' pension fund and was thousands of dollars more in debt.

Would it not have been better not to have given Mr. Joel-Peter Witken that $20,000, and sent it down to New Orleans instead? And that is what this amendment proposes to do in the future.

Mr. President, to survive financially, many institutions of culture have discovered that their futures lie—as does the future of this Nation—with America's children. I certainly agree with that. I have seven grandchildren, and every time I look at them, I think of that.

Time magazine cited an example which is very interesting.

Time magazine said:

> In bad times, the smaller orchestras usually suffer most. A happy exception is the Cedar Rapids Symphony.

In Iowa, of course.

> On the theory that education is the key to future growth, the orchestra has targeted many of its activities toward children. With a high caliber of performances and an impressive array of outreach programs that include free violin lessons for every third-grade public-school student. * * * In its 72nd season, the orchestra has generated an $18,000 operating surplus.

In the name of the Lord, Mr. President, is that not the originally intended role of the National Endowment for the Arts—to help that orchestra and others like it? In order to focus NEA funding on such organizations with broad public support, the pending Helms amendment now at the desk provides that grants be provided only to nonprofit groups, not the likes of Mr. Joel-Peter Witken.

If I may refresh your memory, Mr. President, the photo on the easel is the cadaver head that Joel-Peter Witken sawed in two—down through the nose—and put the two pieces together as if one man is kissing himself. Boy, that is a $20,000 piece of art if I ever saw one.

And here, Mr. President, if the camera can focus in on it, is the photograph of the poor guy who had the top of his head cut off when he died. Mr. Witken scooped out his brains, stuck the flowers inside the head, and then was able to use the photograph to help him win a $20,000 award from the taxpayers.

Baloney.

I am saying, again, that in order to focus the NEA funding on worthwhile organizations with broad public support, the pending amendment provides that grants be provided only to nonprofit groups. There is nothing novel about this provision. It is modeled after an NEA statute, section 956(a), which is used to fund a special support program for "artistic and cultural programs in the Nation's Capital under the direction of the Commission of Fine Arts."

I read all of that because that is a direct quote. Eligibility for that program is limited to nonprofit institutions, which is precisely what my amendment does.

Mr. President, if you will bear with me for just a minute, the limitation that I just referred to helps guarantee that the $7.5 million authorized for the National Capital Program each year goes only to support the major art institutions in Washington, DC—such as the Folger Theater, the Corcoran Gallery of Art, the Phillips Gallery, the Arena Stage, the National Building Museum, the National Capital Children's Museum, and the National Symphony Orchestra, and I might add it is still here.

The pending amendment would similarly focus taxpayer funding on well-recognized and established arts groups instead of dissipating millions of dollars by giving grants to hundreds of individuals, many of whom are already wealthy.

The bottom line is that this amendment will return the NEA to the purposes for which it was founded in good faith by good people: To support mainstream, broad-based national and community arts institutions which are nonprofit, the very type of groups the NEA spokesmen and supporters always cite—just as they did last night—when they are trying to win Congress' support and the public's support. They cite the operas, and they cite the symphonies, and they cite arts education. But they never mention, as I said earlier, the disgusting work, if you want to call it that, of individuals who have been frequent recipients of the NEA's generosity.

I would note, Mr. President, that nobody connected with the NEA has ever given away his or her own money. They are giving away the money of the American taxpayers, and that is why I am standing here this morning.

When the NEA was first proposed in 1965, its original sponsors never mentioned using taxpayers' funds to support a health insurance program for artists, or for housing for them so they could sit back and cut cadavers' heads apart and be creative. Nobody contemplated that the taxpayers would be required to provide legal services for these so-called artists. There certainly was no mention of funding militant politics masquerading as art, nor was there one syllable of discussion of experimental art, let alone being constitutionally compelled to make the American taxpayers provide the money to fund obscenity, to that rotten so-called performance art that so offends the majority of taxpayers.

Go back, as I have, I ask Senators, and see if I am not right about that.

No; the original supporters of the NEA never contemplated funding bullwhips inserted into you-know-where, to be photographed and turned in to the NEA, or crucifixes in urine, or strip shows, or mutilations of corpses in the name of art. And there was no anticipation of having to settle lawsuits whenever the NEA denied grants to artists who so arrogantly abused the public trust.

What the NEA's creators did advocate in 1965, what they did talk about, was providing financial support to institutions which were repositories for the highest cultural achievements of Western, Asian, Middle Eastern, and other cultures. They talked about educating our children. They talked about providing access to the arts for those who were then so difficult to reach—mentally, physically, and geographically.

Now, that is what was contemplated when the NEA was established. If anyone doubts my words, let them go back, as I have, and read the record.

No, Mr. President, the NEA's creators talked about and advocated the best traditions in the arts—beauty and creativity and craft and truth. And that is what the pending amendment attempts to restore.

The Endowment, when the Senate and the Congress approve this amendment, if the Senate and the Congress do approve it, the Endowment and the NEA will be obliged to use its funds responsibly and there will not be any railroading around of the Chairman, as was the case with Anne Radice when she was the acting director at the NEA.

Mr. President, I ask unanimous consent that an article published by Time magazine in its July 12 issue, entitled "Is the Symphony Orchestra Dying?", be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS THE SYMPHONY ORCHESTRA DYING?

(By Michael Walsh)

Buffeted by spiraling costs and falling ticket sales, frustrated by shifting urban demographics and paralyzed by a lack of innovative artistic vision, the nation's 1,600 symphonies today face the greatest challenge ever to their existence.

Long considered indispensable indicators of a community's sophistication, orchestras are in danger of becoming cultural dinosaurs. Some are already extinct: within the past decade, major ensembles have collapsed in cities as disparate as Oakland, California; New Orleans; Denver and Birmingham, Alabama. Endowments have been tapped and seasons shortened; crowd-pleasing pops concerts have been added and community-outreach programs established. And yet the slide continues. Gathering last month in New York City for their gloomiest convention in years, the members of the American Symphony Orchestra League heard a stark message: Change or die.

The numbers are grim. Last year, in the most detailed study of the problem to date, the Wolf Organization of Cambridge, Massachusetts, analyzed data from a 20-year period and declared that the orchestral industry is facing a financial crisis of unprecedented proportions. Deficits of the 254 major orchestras the report traced have soared from $2.8 million in 1971 to $7 million in 1991, while operating expenses rose from $87.5 million to $207 million in the same period.

Although ticket prices have increased substantially, they have not kept pace with operating costs; the average gap between earned income and the cost of making music has risen from $5 per listener in 1971 to $26.17. Further, government support, after rising in the '70s and early '80s, has trailed off, falling more than 4% in the past seven years. "Everybody is hurting," says Joseph Kluger, president of the Philadelphia Orchestra, whose subscriber base has fallen the past two years.

That the American orchestras should find themselves scrambling for survival is ironic, for they are without a doubt the best in the world. The U.S. can boast at least two dozen ensembles that are better than all but a handful of European orchestras. Foreign conductors routinely rave about the quality of the American orchestral musician and applaud the high level of professional music education in the U.S. "In Europe we always have had the impression that the teaching in America is stronger and more serious," says conductor Wolfgang Sawallisch, who takes the helm in Philadelphia next season.

Further, American symphonic culture is not some recent import but a populist movement whose roots stretch back to the mid-19th century: the New York Philharmonic, the nation's oldest, was founded the same year, 1842, as the Vienna Philharmonic. Many of the major U.S. ensembles are more than 100 years old.

The three principal causes of the orchestras' current woes are financial, artistic and social. All have been visible for years, and are gathering steam. But it was not until the recession struck in force that their cumulative weight was felt.

The first and most obvious problem has to do with money. Unlike the newly fashionable lean and mean corporations, symphonic ensembles cannot readily strip down. It takes the same number of musicians—about 100—to play a Strauss tone poem today as it did a century ago, and a major Beethoven symphony still requires almost an hour to perform. Orchestras raise funds through ticket sales (about 35% of their income), government funding and private donations, but income is hard pressed to keep up with expenditures even when an orchestra is performing to near capacity houses.

New Orleans, which folded in 1991, is a case in point. Even with a relatively small $3.8 million annual budget, the orchestra had been struggling for years. Cutting back the season, from 40 weeks in 1980 to 23 weeks in 1990, didn't help. The symphony's demise left it owing $75,000 in back insurance premiums, $29,000 in pension contributions and nearly $100,000 in conductor Dmitri Shostakovich's salary.

The San Diego Symphony was luckier. In 1985 its accumulated deficit was $2 million, and a bitter labor dispute closed the doors of Copley Symphony Hall for the entire 1986-87 season. A management change, coupled with more pops-oriented programming, produced several seasons of balanced budgets. But in the teeth of the recession, a million dollars had to be slashed from the orchestra's $7.7 million budget, accomplished by staff cuts and 7% decrease in players's salaries. Says symphony president Warren Kessler. "The musicians made the concessions we needed to operate."

Changing demographics have also hit orchestras hard. As bastions of Dead White male supremacy, they are, to some critics, politically incorrect targets whose Eurocentric offerings are out of harmony with the larger, more black- and Hispanic-influenced American culture. As the urban cores have changed color, downtown-based orchestras have had an increasingly difficult time persuading affluent suburbanites to come into town after dark. And the collapse of music education in the country's public schools has meant that orchestras can no longer take for granted a constantly replenished, educated audience.

In response, orchestras are busy innovating. The New York Philharmonic, invigorated under the new leadership of managing director Deborah Borda and conductor Kurt Masur, recently instituted a series of informal Rush Hour Concerts, which begin at 6:45 p.m. and feature off-the-cuff commentary from the podium before each piece. The New York musicians also open up the stage to local schoolchildren, encouraging them to try out the instruments, as do players in Baltimore and elsewhere. "It is wonderful to interact with the kids and to see my colleagues do something from the heart," says Baltimore flutist Mark Sparks, the main force behind his orchestra's program. And if minority audiences will not come to the symphony, the symphony will go to them. The Los Angeles Philharmonic offers free concerts in innercity neighborhoods and, in the wake of the 1992 riots, gave a special free performance at a black church in South Central L.A.

The Dallas Symphony is widely admired as a model orchestra for its fiscal health and user-friendliness. When retirees George and Gwen Beardsley appeared at the Morton H. Meyerson Symphony Center to inquire about season tickets one Sunday morning six years ago, marketing director Douglas Kinzey himself was there to persuade them to sign on; returning to their car, they found the garage had closed, so Kinzey drove the elderly couple home. Since then the Beardleys have been loyal subscribers. "We abandoned the whole concept of selling tickets and started building relationships with our customers instead," explains Kinzey.

Perhaps the most serious problem, however, is artistic. Concert programs have changed relatively little in a century, and not at all in the past 30 or 40 years. New works are often presented as a bitter pill to be washed down with familiar symphonic staples. Conductors, meanwhile, too often treat the Central European classical repertoire as a kind of competition course, with each one eager to put his stamp on the Beethoven symphonies or the Stravinsky ballets and thus climb the career ladder. "When I was a student in New York, you could hear orchestras playing diverse repertoires," Leonard Slatkin, music director of the St. Louis Symphony, told the Symphony League convention. "There is now a common repertoire. The overuse of a repertoire results in a malaise and an ennui among your audience."

Another irony is that in the '30s, when the repertoire became codified, prominent conductors like Sergei Koussevitzky in Boston and Leopold Stokowski in Philadelphia were far more adventurous than their contemporary counterparts. Koussevitzky, the Russian-born bassist turned maestro, commissioned and performed dozens of new works by American composers, and Stokowski routinely surprised his audience with major premieres of challenging works, such as Alban Berg's opera Wozzeck. As the recent history of opera in America has shown, there are large untapped audiences hungering for something new. But as long as symphonies insist on treating their customers to the same handful of well-known works—masterpieces though they may be—symphonic music will lack the excitement that attends a new music-theater piece by Philip Glass, John Corigliano or William Bolcom.

Despite all the problems, there are hopeful signs. More than 26 million people attended concerts in 1991, and if season subscriptions are off in many places, single-ticket and short-series sales have gone up. Out of the ashes in Denver and New Orleans have risen new player-managed or partnership ensembles, the Colorado Symphony and the Louisiana Philharmonic. Younger audiences—the norm in Europe, the exception in America—are showing a new discrimination in what they want to hear.

Some years ago, Ernest Fleischmann, the feisty chief of the Los Angeles Philharmonic, proposed a "Community of Musicians," a kind of superorchestra that would provide all of a city's musical needs, from performances of Mahler to string quartets in the schools to playing at weddings and bar mitzvahs. For it is only when the orchestra is seen not as a careerist battleground for carpetbagging conductors but as a vital part of the community, bringing music to a wide and diverse public, that its survival will be assured.

"The measure of the future will be, How can we respond to this changing society and time that we are in?" observes the New York Philharmonic's Borda. "Those who haven't got the vision and the courage to make some of the changes that are going to be needed will fall by the wayside. That may not be a bad thing." In short some may die that others might live. After all, the American orchestra first arose in response to a city's needs. In the end, a solid, productive marriage between ensemble and community may be the soundest innovation of all.

REACHING OUT IN IOWA

In bad times, the smaller orchestras usually suffer most. A happy exception is the Cedar Rapids Symphony. In its 72nd season, the orchestra has generated an $18,000 operating surplus, significant corporate sponsorship and enormous goodwill in a relatively small metropolitan area of 170,000. With a high caliber of performances and an impressive array of outreach programs that include free violin lessons for every third-grade public school student, the organization has transcended its amateur origins to become a model for the whole country.

"I know of no other community of this size that supports an orchestra with a budget of $1.3 million," says conductor Christian Tiemeyer, who has led the orchestra since 1982. "The question I faced when I came was, How can we make music a real part of people's lives? And my answer was to serve the art we love, instead of asking it to serve us."

On the theory that education is the key to future growth, the orchestra has targeted many of its activities toward children. The Third-Grade String Enrichment Program began two years ago after the failure of a bond proposition that would have continued music education in the schools. With a corporate grant, the orchestra's string players provide instruction for nearly 1,200 pupils; those who wish to continue can sign up for lessons, which cost $150 annually. Financial aid is available, and no one has ever been turned down.

Older children can attend the Target Youth Concerts series, sponsored by Target Stores Inc. Each concert costs $1.50; last year more than 7,000 students heard the orchestra. Another children's program is the Discovery Concerts for fifth- and sixth-graders; preschoolers, meanwhile, can join Symphony Kids, half-hour learning-by-doing sessions designed to introduce kids to the joys of music. All this in addition to the orchestra's regular adult Masterworks Series of concerts in the restored Paramount Theater downtown, and pops and chamber concerts all over the city.

The pay isn't high—roughly $5,000 a year—but the orchestra has had no trouble filling ranks with local doctors, lawyers and engineers, as well as teachers and students from the nearby University of Iowa. Even the executive director, Kathy Hall, is an Iowa native and former bassoonist. "There's always going to be a segment of society that considers orchestras élitist," says local music critic Dee Ann Rexroat, "but the Cedar Rapids Symphony is working against that image. It's a little slice of local life onstage."

AMENDMENT NO. 900 TO EXCEPTED COMMITTEE AMENDMENT PAGE 97, LINES 1–4

(Purpose: To provide for a more equitable distribution of National Endowment for the Arts funding among the individual States)

Mr. HELMS. Mr. President, I send the second amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], proposes an amendment numbered 900.

The amendment is as follows:

At the end of the amendment add the following new section:

SEC. . Notwithstanding any other provision of this Act or any other Act, of the funds made available to the National Endowment for the Arts for purposes of section 5(c) of the National Foundation on the Arts and Humanities Act of 1965, as amended, not less than 70 percent shall be for carrying out section 5(g) of the National Foundation on the Arts and Humanities Act of 1965, as amended; provided further, that in making minimum allotments to the states under section 5(g)(3) of the National Foundation on the Arts and Humanities Act of 1965, as amended, the Chairperson shall allot at least $400,000 to each state which has a population of 200,000 or more, according to the latest decennial census, and all funds in excess of such minimum allotments shall be allotted among the states in amounts which bear the same ratio to such excess as the population of each State bears to the population of all states according to the latest decennial census; provided further, the funds made available to carry out section 5(g)(3)(A) of the National Foundation on the Arts and Humanities Act of 1965, as amended, for state and regional arts groups shall not exceed $9,682,475.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. HELMS. Mr. President, I presume that my assumption is correct that both of these amendments would address an excepted amendment in the bill. Am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HELMS. I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HELMS. I did not know there were others.

The ACTING PRESIDENT pro tempore. Under the agreement the time on this amendment will not exceed 100 minutes equally divided.

Mr. HELMS. I thank the Chair.

Mr. President, I do not see Senator BYRD on the floor. I would like to get the yeas and nays on both amendments, if I might. I am going to ask for the yeas for both amendments.

The PRESIDING OFFICER (Mr. KERREY). Is there objection to the request for the yeas and nays en bloc?

Mr. NICKLES. Will the Senator yield?

Does the Senator request the yeas and nays?

Mr. HELMS. It would be approved en bloc, both of them at the same time.

Mr. NICKLES. The Senator wants both of them voted on together?

Mr. HELMS. Yes, I want the Senate to take a stand on both amendments.

Mr. NICKLES. You want rollcalls on each individual amendment?

Mr. HELMS. You bet.

Mr. NICKLES. I wanted to make sure I was clear on that. The Senator is asking for the yeas and nays on both amendments?

Mr. HELMS. Yes.

Mr. NICKLES. I have no objection.

Mr. HELMS. I am sorry I confused the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays are ordered, the Chair clarifies, on both amendments.

Mr. HELMS. Very well. Mr. President, let me make my remarks about the second amendment and then I will yield the floor.

AMENDMENT NO. 900

Mr. HELMS. This amendment will solve a lot of problems that have bothered countless Americans regarding the National Endowment for the Arts. This amendment proposes that henceforth there will be $59,800,000 more in direct NEA block grants to the States than provided by the underlying bill as it is now written.

The purpose of this second amendment is obvious. It is to provide a more equitable distribution of National Endowment for the Arts funding among the States. And we are going to give Senators a little slip indicating how this will affect the awards of NEA funds to their respective States.

Mr. President, even for the States that may receive somewhat less grant money, this amendment will allow the arts leadership in the individual States—let me emphasize that—the arts leadership in the States, all 50 of them, instead of those elitist experts down at the NEA, it will let the people in the States determine which artists and which arts programs in their respective States deserve arts grants.

If there ever was a reasonable proposition, it seems to me that this is it. As I said, the amendment accomplishes this by shifting more of the NEA's funds directly to the arts councils of the individual States. The funding decisions will no longer be made in Washington, DC by a bunch of people who sit around and think that photographs—such as the one on the easel—are such fine, creative art.

The amendment will permit local and State cultures to prevail. And I hope Senators will ponder that statement. It is opposed to the controversial and often disgusting national culture that the NEA is currently imposing on the States from Washington, from the State of New York, from Los Angeles, from San Francisco, et cetera, et cetera, et cetera—as the King of Siam said in the famous Broadway musical.

In other words, Mr. President, the States will be promoting and offering support to the artists whom they have approved—and not artists approved by the elitists in Washington, DC.

I should mention that when I first offered this amendment in the fall of 1991, the only criticism I received from the various State arts councils—and that was just from three or four—was that they did not want to lose the prestige of receiving national level grants. Unfortunately, what those arts councils and most Members of Congress do not realize is that the percentage of NEA funding that goes to the States in block grants is not the 27.5 percent we have been led to believe, but is less than 18 percent, as a result of a few funding quirks built into the NEA's statutes.

First off, the 27.5 figure for the States the NEA's defenders want to point to in the statutes as they now stand is applied only to the NEA's program account, which is less than 80 percent of the NEA's total budget in fiscal year 1994.

Second, up to 25 percent of what is actually set aside for block grants to the States can be redirected instead to fund regional arts councils. And all this has been done and everybody thought it was hunky-dory because nobody looked into it.

Now the Senate may defeat this amendment, but the Senate will be defeating an amendment whose time will come sooner or later, because the States are going to get wind of how they are being shortchanged. And I am going to help them get that wind.

Put simply, Mr. President, the States are given only a sliver of the NEA's budget, and then some of what they do receive is then taken away and given to regional arts groups, not the State arts organizations. This inequity needs to be corrected and the pending amendment, the second Helms amendment, will correct it by requiring that more than 52 percent of the NEA's total 1994 budget be set aside for basic grants to the States, compared to the 18 percent that otherwise will be the case if this amendment is not approved.

So, more than half of the NEA's total funding under the pending amendment will be distributed among the States on the basis of population, which insofar as I am concerned is the fairest way to allocate Federal funds.

I have felt obliged to offer this pending amendment because a handful of States and cities receive clearly disproportionate shares of the NEA budget. For example, how is it that just 6 States out of the 50 received almost half, 47 percent to be precise, of the entire NEA budget in 1992? How did that happen? It was no accident—no accident. It was done on purpose. What is even more remarkable, just six cities, San Francisco, New York, Los Angeles, Washington, Chicago, and Minneapolis, received more than 36 percent of the NEA's grant dollars in 1992 according to the NEA's figures.

Some may say that 36 percent is better than the 41 percent of the NEA's grant dollars those six cities got in 1990. New York City alone received almost 25 cents out of every NEA dollar—a quarter out of every dollar—in 1990 and still received almost 20 cents of every dollar the NEA spent last year.

All of this, Mr. President, demonstrates that the NEA is not supporting the arts all across the Nation in an equitable manner. Rather, it is funneling most of the money to the big cities—where it is often used to help impose or promote a liberal, immoral, prohomosexual, and perverse cultural ethic on the rest of the country.

Mr. President, how do a handful of big cities and States get away with this scam? Because the deck is stacked to give these big cities and States control of the NEA's grant making panels. For instance, New York alone fills one quarter to one-third of the seats on most of the NEA's grantmaking panels.

And how does this happen? Because the NEA requires artists from North Carolina to compete with artists in eight other Southern States for a seat on the NEA's funding panels and artists from 10 Western States must also compete with one another, as do artists from 10 Central Plains States.

But California's artists, on the other hand, only have to compete with two sparsely populated States—Alaska and Hawaii—to get a seat at the tables where the grants are handed out. That is California's only competition.

Even worse is that the only competition faced by the artistic gaggle of self-proclaimed, self-anointed experts from New York—who dominate the panels—comes from Puerto Rico and the Virgin Islands.

Mr. President, this is the kind of geographic diversity on the panels that the NEA says ensures fairness on the panels.

Horsefeathers. No one can tell me that this system of handing out grants is fair to all the States. With such bias in the current system, it should not surprise anyone that the NEA's vaunted arts panels wind up giving New York over 20 cents out of every dollar the NEA spends?

Mr. President, such privileged favoritism for New York City, Los Angeles, and San Francisco on the arts panels also explains—at least in part—the never-ending litany of obscene so-called art that the NEA has promoted with the taxpayers' money.

Indeed, ex-NEA Chairman John Frohnmayer indirectly acknowledged such a connection between big city dominance of the arts panels and the ceaseless parade of filth out of the NEA in 1990. When asked how he would enforce Congress' requirement that the NEA take into consideration general standards of decency and respect for the diverse beliefs and values of the American public when approving grant applications, then Chairman Frohnmayer responded that he would enforce standards of decency by—and get this—increasing the geographic and cultural diversity of the Endowment's review panels.

The Chairman's obvious implication was that a lack of diverse viewpoints on the review panels had contributed to the NEA's funding of obscene and indecent projects.

That is perhaps the understatement of the year, Mr. President. Needless to say, I agree that the New York and California bias prevailing on the peer review panels has entrenched artistic standards at the NEA which are totally at odds with mainstream American values. That bias has also helped steer a disproportionate share of NEA funds to applicants whose work openly mocks the values of the majority of Americans forced to foot the bill.

Those artists deliberately mock middle-class American taxpayers because, as Andrew Ferguson put it in an August 1990 National Review article:

> It is one of the primary premises of the art world that a line [separating art from rubbish] doesn't really exist—that it is in fact a kind of cramp in the consciousness of the unenlightened (read that Middle-class American) mind.

That is the reason I am saying—with the pending amendment—let us let the States decide who should get arts grants. Let us give the States a bigger role in the promotion and sponsorship of art in America. The pending amendment would be more effective in controlling both the fairness of funding and standards of decency because the funding decisions would be delegated to the geographically and culturally diverse arts leaders in 50 separate States. Those leaders will also be closer to the people—not isolated up here in Washington where the American people cannot hold them accountable.

Mr. President, I support what may be called high culture—the opera, the symphonies, music, and museums—and that is why my pending amendment leaves the NEA with almost 50 percent of its budget to dispense at the national level. If the NEA uses those funds responsibly, the endowment will continue to be able to support the higher culture which is important to the Nation.

However, if the NEA continues funding—directly or indirectly—the crudeness of Annie Sprinkle, Tongues United, Stop the Church, Robert Mapplethorpe, Queer City, homosexual film festivals, or the mutilations by Joel-Peter Witkin, then the NEA should be aware that Congress can always come back and distribute 100 percent of the NEA's budget directly to the States—or abolish the NEA entirely.

The bottom line, literally, is that the pending amendment would send more than 50 percent of the NEA's budget directly to the individual States, instead of the 18 percent in the underlying bill.

I urge Senators to support the pending amendment for two reasons. First, to ensure that the NEA's funding is more equitably distributed among the States—32 States should get more money under the pending amendment than they do in the underlying bill. Second, to increase the variety of cultural viewpoints responsible for handing out the NEA's funding by moving many of those decisions to the State and local level—where individualism, originality, creativity, and accountability are most abundant.

I think maybe enough has been said at this time. How much time do I have remaining?

The PRESIDING OFFICER. The time has not begun to run. The Chair intends to start the time running at 11:30.

Mr. HELMS. Is it possible for me to yield the floor and preserve the 7 minutes involved?

The PRESIDING OFFICER. If the Senator yields the floor, the floor will be open for other Senators to be recognized.

Mr. HELMS. I understand that but I do not want to lose my 7 minutes.

The PRESIDING OFFICER. Beginning at 11:30 the time allocated to the Senator will begin to run. At that time the Senator will have 30 minutes.

Mr. HELMS. Very well. That was what I was trying to ascertain. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I appreciate this opportunity to address the issues raised by my colleague from North Carolina.

First, I want to point out that, according to the National Endowment for the Arts, the photographs that were displayed last night on the U.S. Senate floor, which were quite offensive to many, were not produced during the period of the artist's NEA fellowship. So I think it is a very important point. The photographs that the Senator from North Carolina referred to continually in his presentation both last night and today, were not produced during the period of the artist's NEA fellowship.

I think it is critical that we defeat these amendments. If I could sum it up, really, into one reason—and I think it is the best reason I can give—it is because we need to give the new leadership at the NEA a chance. We need to give Jane Alexander a chance.

Next week she will be coming up before Senator KENNEDY's committee. It already appears that she is a very popular choice. As a matter of fact, the Senator from North Carolina has just said he plans to support her, which I think is wonderful. So why, at the very moment we are about to turn over the NEA to such an exciting and devoted leader in the arts, would we strap her with two amendments which would inhibit her work?

As we look at the amendment eliminating individual fellowship grants, we should understand that only 5.2 percent of the NEA's funding goes directly to individual artists. And who are these artists? They include arts educators, choreographers, poets, architects, playwrights, artists in residence at schools and community centers, conservators, musicians, painters, composers and sculptors.

The incomes for individuals in these nonprofit art fields are most often too inadequate to let them maintain it as a full-time career, and financial support for them at the national, State, and local levels is limited.

Since 1966 the endowment has helped spur some of the Nation's most cherished works by awarding grants to over 11,000 of these artists, often at a crucial early point in their careers.

Arts Endowment fellows—and this is what the Senator from North Carolina wants to strip from this bill—have won dozens of awards, including 42 Pulitzer Prizes, 47 McArthur "genius awards," 28 National Book Awards, 11 Obie awards in theater, and many other distinctions.

Why would we want to strip such a program from the NEA? We should be proud of this program.

Among the many distinguished artists who have received Endowment support are: choreographer Alvin Ailey, composer Philip Glass, musician Wynton Marsalis, playwright Wendy Wasserstein, who has hits on Broadway now, writer Alice Walker, who wrote "The Color Purple," and designer Frank Gehry.

Frank Gehry started with an NEA grant. Today, he is so famous that he is being commissioned to design buildings not only by our major cities but by France and countries all across this world.

Why would we strip this program? It makes no sense to me.

Last night, we did see some photographs that were quite offensive. As I said before, they were not produced during a period of time when the artist received NEA funding and in that sense they are quite misleading.

But today, I thought I would show an individual artist's work that was funded by the NEA. For her work, bobbin lace, German-American Sister Rosalia Haberl won the NEA 1988 Heritage Award. I think any one of us can look at the intricacy of this and see how beautiful it really is.

The point I am making is for every piece of art that the Senator from North Carolina can show that he does not like, or that might offend—and he is right, it did—I can show you thousands of works that, by any measure, would not be considered controversial. But that misses the point.

I am not an art critic. The Senator from North Carolina is not an art critic. We have our own vision of what art is, and that is why the NEA has peer review panels. We have citizens and art leaders who sit on these peer review panels so we will foster and fund works of artistic excellence.

Will we make mistakes? Yes. But give Jane Alexander a chance to exert her leadership and strengthen this agency. Give her a chance.

I just met with her. She is so excited about the challenges that lie before her.

I believe that the changes that were made in the statute in 1990 increase the agency's accountability and really do the job. It would be very wrong for us to vote for these two amendments just when we are on the brink of experiencing this new, dynamic leadership, just when all are about to pass the torch to a woman who understands how tough the job is, and knows how to get it done. Let us give her a chance, let us defeat these amendments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend my friend and colleague from California because I do believe she has really effectively made the case and made it very well in response to these two amendments: One, which is really eliminating any of the possibility to provide individual grants. It is a small percentage of the National Endowment for the Arts but an extremely important one. She mentioned some of those who have received the grants at a very early time in their lives, a time when they did not have the kind of recognition which many of them have received.

I think Alvin Ailey, as well as Merce Cunningham, as well as Paul Taylor, all received individual grants in the early parts of their career, all recognized with Kennedy Center honors. It has been universally claimed as being on the cutting edge of some of the most important, creative and inspirational artists that we have in our country.

Alwin Nicholas—the National Medal of the Arts was given to him by President Reagan. Here is President Reagan giving the National Medal of the Arts. Twyla Tharp—I do not know how many people in this body had the chance to see the Twyla Tharp and Baryshnikov performance here in Washington a few months ago. It has traveled the country and widely acclaimed. Here is Baryshnikov, one of the most creative, significant performers, dancers in the world. Twyla Tharp had received an individual grant at an early part of her career.

Those individuals —and I will include many others—the playwrights, visual artists, the filmmakers, and many others, they would have virtually been excluded if the amendment of the Senator had been accepted.

It is interesting in looking through the fellowships and individual artist grants that have even been given in the State of North Carolina: Walker Calhoun, a Cherokee musician, dancer and teacher, teaching in the high schools, received a $10,000 grant;

In 1991, Etta Baker, who is a guitarist and teaches music in many of the North Carolina schools;

Douglas Wallin, an Appalachian ballad singer, Marshall, NC, again, working with musicians and working with gifted students who are interested in ballad singing;

Doc Watson, who is a blind Appalachian guitarist and singer in Deep Gap, NC, has been an inspiration, as I understand it, to many, many young students, particularly students who may have some physical kind of a challenge;

John Dee Holeman who is a dancer-musician in Durham, NC;

Stanley Hicks, an Appalachian storyteller, Vilas, NC, in terms of providing some inspiration to young people, both in storytelling and in writing and poetry.

The list goes on. I will include others who have been able to receive these.

The fact remains, many of those who do receive the grants are basically teachers. That is the only way that they can provide a living for themselves and as individuals eventually receive these grants and go on to being extraordinary leaders in the arts.

Mr. President, as Senator BOXER has pointed out, we have an absolutely extraordinary selection by the President to chair the National Endowment for the Arts in Jane Alexander. We will be having hearings on her nomination in our committee, I believe, on the 22d of this month. We will have an opportunity in that committee process and again when our committee reports that nomination out, to have a debate on that individual.

I think she has been generally acclaimed as being an absolutely extraordinary choice, an absolutely brilliant performer herself, a real inspiration both on and off stage. It seems to me that we ought to give her at least the opportunity to provide leadership for that agency rather than micromanaging that agency prior to the time that she has both the responsibility, the authority and, I believe, the inspirational qualities to really lead that agency.

That agency has been in effect almost 30 years, widely supported as we saw last evening with the extraordinary, overwhelming vote in support of that agency. I think all of us can look at the several kinds of grants that have been granted out of hundreds of thousands of grants that have been given. I think any of us would have looked at a number of those, a handful of those, and made a different judgment and different decision than some of the peer review that was provided.

But, nonetheless, it would be, I think, a very, very serious error and mistake to effectively emasculate that agency prior to Jane Alexander having an opportunity, a chance for leadership. I hope that these amendments will not be accepted.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Chair will note that all time is now controlled and divided between the Senator from North Carolina and the Senator from West Virginia. The Senator from North Carolina has 30 minutes. The Senator from West Virginia has 24 minutes 52 seconds.

Who yields time?

Mr. PELL. Mr. President, may I speak on the amendment?

The PRESIDING OFFICER. Without objection, the Senator may proceed. Time will be charged to the Senator from West Virginia.

Mr. PELL. I thank the Chair.

Mr. President, I think we ought to look at the background, the basic origins of the Endowment for the Arts and the Humanities. I would like to read into the RECORD at this point two sentences as to the purpose of the endowments. It says:

> The Congress finds and declares the following: One, the arts and humanities belong to all the people of the United States. Second, the encouragement and support of national progress and scholarship in the humanities and the arts, while primarily a matter for private and local initiative, are also appropriate matters of concern to the Federal Government.

This shows that for almost 30 years we have had our eye on the ball and steered a pretty straight course between encouragement of nonprofit groups and encouragement of individuals, and I believe it would be a great mistake to change that pattern.

I well remember the thoughts and ideas of the Senator from New York, Mr. Javits, and my thoughts when we laid this legislation down so many years ago. It has lived up to our desires. There have been some errors of judgment made but, in general, it has done a wonderful job, and I think that to knock it out at this time, when it has a new lease on life with an excellent individual being nominated as the chairman, Jane Alexander, would be a fundamental mistake.

I think also that the points of the individuals is very important and an amendment prohibiting support for individuals would eliminate many of the fellowships that have been given in the past, including the American Jazz Masters fellowships, Heritage fellowships for folk artists and the like.

We should bear in mind, too, that the individual artist or music professional is as central to the arts as the scholar to the humanities and scientists to science. Other agencies of Government fund individuals. So should the NEA. That is why artist support is very important. I know over the years, in talking with various chairmen of the endowments, I have advocated the idea of a certificate being given to people who get individual scholarships, and anything that can be done to build up the individual scholarships and the prestige of getting such an award should be encouraged.

I think also that we should bear in mind, while it is often breached, we should not attempt to legislate on an appropriations bill.

For the moment, I will desist. I thank the Chair.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Who yields time?

Mr. METZENBAUM. Mr. President, as I understand it, time is controlled by the Senator from West Virginia; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. METZENBAUM. Mr. President, on his behalf, I yield myself 10 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Ohio is yielded 10 minutes on the time of the Senator from West Virginia.

Mr. METZENBAUM. Mr. President, I never fail to be amazed by the noisy and never-ending war waged by the conservative right against one of the tiniest agencies in the Federal Government: The National Endowment for the Arts. By my count, this is the 10th time in 4 years in which the Senate is being forced to debate the general worthiness of the arts endowment, an agency that over the past 28 years has brought art, dance, theater, opera, symphony and so much more to every community in this country.

What is truly bizarre is the sheer volume of aspersions cast against the National Endowment and the artists it supports here on the Senate floor and elsewhere against an agency that does so much good yet costs so little.

The entire Arts Endowment budget is less than half of what we will spend next year to repair the broken down, obsolete B-1 bomber. We spend more money on military bands each year than we spend on the entire arts and endowment, which is the only Government agency that supports the entire spectrum of art disciplines.

It is a fact that over the course of the past 4 years, we have bent over backward to address the concerns of conservatives who dislike Government support for the arts.

We have attempted to accommodate them. But that is an impossible task. They have no intention of being accommodated. They will never be satisfied until the NEA is abolished. It is because the NEA serves their raw political requirement. They need the NEA to keep themselves in business, just like the whip master needs his whipping boy.

It is a fact that they—and I am talking about groups like the Christian Action Network and the aptly named American Family Association—exist for one purpose and one purpose only, to conduct misleading and mean-spirited attacks on people and institutions that do not comport with their narrow view of American cultural life. What they do not like they call vulgar, rotten, and sick. They really have no interest in presenting constructive solutions. Their aim is to divide and to intimidate, and their whipping boy is the National Endowment for the Arts. The cynicism is thick, even by Washington standards.

But I am not here to talk about bad news, Mr. President. I am here to talk about the National Endowment for the Arts and everything that is good about it. It is an agency with a record of unparalleled achievement. Each year for 28 years it has brought great works of art, dance, theater, opera, and other forms of artistic expression to people in small towns and rural America.

Funding provided through Endowment grants has connected art to the people of this country. Endowment grants have permitted symphony, theater, and dance companies to leave their big city stages and take their works to Americans everywhere. Most people are not aware of that, Mr. President. They are not aware of the fact that the Endowment helps pay for 10,000 artists in residence in more than 11,000 communities in every State of this country.

What would happen to them if this amendment were to be adopted?

They do not know that when their elementary school children take art classes, they learn from teachers and artists supported by the Endowment. Last year, the NEA gave a literature grant to the United Black Artists in Detroit to bring successful artists to the inner city, to read their poetry and conduct writing workshops with children in Detroit. It was a wonderful program for those kids.

And last year, the Utah Opera Company received a grant to support creation of a young artists program to train young singers and to develop a program in which young people perform one-act operas. What a fantastic idea and what a great achievement for the Utah Opera Company.

It was an NEA grant that helped support a tour of the Southern States by the New York City-based Alvin Ailey American Dance Theater. Before he died a few years ago, Alvin Ailey was the foremost African-American choreographer working in the live arts. I will wager that folks in Greenville, SC, and Opelika, AL, as well as other towns across the South, were appreciative of the opportunity to see the Alvin Ailey troupe on their hometown stages.

Last year, the NEA arts program gave a grant to a group in Whitesburg, KY, an Appalachian community, to set up a regional program to teach high school students and their teachers about film, radio, and television production and programming.

In my own State of Ohio, NEA supported scores of projects: The American Repertory Theater of Cincinnati, the Cleveland Playhouse, the Fairmont Theater of the Deaf, the new Cleveland Opera Company, City Folk of Dayton, and museums in Cleveland, Columbus, and Cincinnati. I could go on with references to every State in the Union.

Last year, the Arts Endowment awarded 4,300 grants in communities throughout the Nation.

Are we to put a halt to that, or to somehow hope that the State organizations are going to do that which has to be done? Some of them are staffed to do it and some are not.

Perhaps I should point out for the benefit of my colleague from North Carolina that many worthy projects were funded in his State as well: The North Carolina Arts Council received $25,000; the North Carolina Repertory Company received $7,500 to help support its production season; $9,500 went to support the Eastern Music Festival in Greensboro; $16,555 went to the Winston-Salem Symphony Orchestra; $66,000 went to support the North Carolina Symphony in Raleigh, the Senator's hometown.

I might inquire of the Senator if he has ever had the occasion to attend and enjoy the North Carolina Symphony when he is back in Raleigh; and I hope he has.

There are more. There was $35,000 for the Charlotte Symphony and $30,000 to support the North Carolina Museum of Art in Raleigh, and that is not all. There are many more worthy recipients in North Carolina, as there are in all of the 49 other States. So much for the egregious claim, one that is made year after year by the conservatives, that the National Endowment for the Arts is little more than welfare for a small cadre of elite big-city artists. It is exactly the opposite, as we have seen.

And I will say it again: Funding from the Endowment supports programs that reach into every community in this country. It is a wonderful program, and I say that it is a program we should not let down. What a wonderful opportunity we have as the new nominee of the President, Jane Alexander, a very distinguished woman in the arts, is to accept responsibility of leading the NEA. I look forward to a bright day ahead under her leadership.

Finally, Mr. President, I would like to respond to the comments of the Senator from North Carolina about the works of Joel-Peter Witken. I agree they are distasteful, but the fact remains that people's tastes change over the years. What is considered vulgar or repulsive today may be considered a masterpiece 100 years from now. Igor Stravinsky's "Rites of Spring," when it was unveiled 100 years ago in Paris, was booed and hissed nearly off the stage. It was considered vulgar. Today, it is recognized as a masterpiece. So much for the contention of the Senator from North Carolina that no one was ever offended by a symphony orchestra.

Mr. President, I look forward to this measure being passed, with the amendments of the Senator from North Carolina being defeated. And I hope that my colleagues will see fit to reject both of those amendments.

I believe it is time for each of us to stand up and be counted and indicate our support for the arts of this country, and that means supporting the National Endowment for the Arts.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just a couple comments. First, I may be wrong, but I am sensing that this debate is coming to a conclusion.

The PRESIDING OFFICER. Is the Senator from North Carolina yielding the Senator from Oklahoma time?

Mr. HELMS. Certainly.

Mr. NICKLES. Will the Senator yield me 7 minutes?

Mr. HELMS. As much as the Senator wants.

Mr. NICKLES. Mr. President, to advise our colleagues, I have a feeling this may be coming to a conclusion rather quickly. Some people may be assuming we will not have a vote until 12:30. It may be we could have votes on both of the Helms amendments prior to that time, and so they should be so advised.

Mr. President, Senator HELMS has two amendments, and I have heard terminology used, well, it is the radical right agenda and so on, but I will take exception to that. I just happened to notice an article—and this, by coincidence, is by Mr. Fred Danziger, in a special to the Miami Herald. I think it was written—actually, he is an artist represented by the Rodger LaPelle Gallery in Philadelphia, and it was written for the Philadelphia Inquirer. As an artist, he made a couple of recommendations. He says:

> Is there a better way to do this business of giving out Federal money to the arts?

He says:

> Here's my heretical suggestion: Stop giving money directly to the artists. This is where all the trouble springs from, and, beyond that, these grants do more harm than good to art.

It is a two-page article, but my point is I thought this was an interesting suggestion because many of us have wrestled with the NEA. I will be one to say I think in many cases the NEA supports a lot of groups that do a lot of good within our States, that are supported by a lot of our constituents. So we wrestled with this decision. But it also does a lot of harm. And it happens to fund a lot of individuals that really abuse this system.

So Senator HELMS is trying to correct that. And I might mention again, I do not see this as a radical right agenda.

It says let us give the money to the States and not direct it to individuals, or let us give money directly to large—I say large—give the money directly to grants in aid to the States and it shall be limited to not-for-profit institutions, organizations, associations, and societies, so it will not go directly to individuals.

I think the majority of the money does go to the larger groups and to the States and nonprofit institutions. So I think Senator HELMS has a good amendment. It just happens to be endorsed by this article that I just saw, this article dated September 5, 1993.

I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Sept. 5, 1993]

RX FOR NEA NO ARTIST GRANTS

(By Fred Danziger)

Serving as head of the National Endowment for the Arts is a situation something like that depicted in the Philadelphia Museum of Art's famous painting Prometheus Bound by Peter Paul Rubens.

Its mythological theme depicts the chained-up muscle man with an eagle ripping out his liver. But every night (or so the story goes) the gods make the liver grow back. So every day, the eagle comes and eats it again. I'd bet that John Frohnmayer, the fired-by-Bush director of the NEA could relate to that. And President Clinton's nominee, actress Jane Alexander, will be getting a taste of what it's like just as soon as her confirmation hearings begin Sept. 21.

It shouldn't be that way. The NEA has a mere $175 million to spend (less than a dollar a year per American), so it should be allowed to go on its way in relative anonymity. But remember, Sen. Jesse Helms, R-N.C., is on the case. So lots of stuff will be rehashed once the hearings start about the late Robert Mapplethorpe and Andres Serrano. Before it all ends people will be looking at urine samples in an entirely new light.

Is there a better way to do this business of giving out federal money to the arts? Here's my heretical suggestion: Stop giving money directly to artists. This is where all the trouble springs from, and, beyond that, these grants do more harm than good to art.

To some folks, suggesting this immediately computes that I am trying to undermine the Constitution, censor the arts, and am an all-around lousy guy. I don't expect much support from my fellow artists on this idea, since the individual grants have been a good thing for many of us. But I can't help but ask, have the grants been good for art? For the country? I think not.

If I was the king of Capitol Hill, I'd have free admission to all museums, plenty of arts scholarships to anyone who showed the dedication required, and all the ballet troupes, symphonies and theater companies would never have to worry about utility bills, security guards or paying for those trays of chopped raw vegetables you always have at arts events.

This all helps (except perhaps for the vegetables) to create a knowledgeable public that can then decide for itself what kind of art, or which performances, it wishes to buy from individual artists. This is mostly what the NEA does in any event, and it's the way things ought to work.

It is easy to make a case for government support of the arts in general. If there is any element of human culture that transcends the barriers of race or religion or ideology, it is art. I recall a television broadcast of Arthur Rubenstein playing Tchaikovsky in Moscow. As the camera panned the audience, they zoomed in on a Soviet military man. His chest was covered with medals, and tears streamed down his face. For me, it was the perfect expression of the value of art.

But when political appointees begin to make value judgments about the merits of one artist's work as opposed to another, we had better think very carefully about where that path takes us.

First of all, for every successful grant applicant, there are hundreds of other artists who get the "thank you for submitting" letter. Perhaps in self defense, it is inevitable for artists to suspect that somehow the deck is stacked against them at the NEA. You hear stories about an artist who had a friend on the panel, and darned if that wasn't the year he/she got lucky (and got a grant).

The stories may be apocryphal, but they persist. You also hear lots of wondering about why certain artists seem to get grants year after year. But real or imagined favoritism is not the prime reason to discontinue the individual grants.

The crucial problem is a binary system:

(a) Tax money is taken from us grudgingly at best, and every little bit counts. Sometimes the small bits are even more important than the big bits because people can understand them more easily.

Maybe the average restaurant cook pitches in only a nickel a year for grants to artists. Ah! But the symbolism of that five cents! Piled on top of "honey subsidies," any number higher than zero is wrong.

Put this in concert with:

(b) Art is not "real" in the same sense as a levee, or a hot lunch for a 6-year-old, is real. Art is only "real" like "happiness" is real. It is totally a subjective mental process, dependent upon context. (Recently, flood victims in Iowa cried tears of joy upon seeing water come from a faucet. See context.)

When (a) and (b) combine, well . . . you hear the stories occasionally on the news. A town in Texas is reportedly unhappy because it paid $60,000 to a New York art dealer for what seems to most residents to be nothing more than a plywood box. Folks in a New England town, oblivious to the concept of "cutting-edge" art, were angry about a six-figure expenditure for what seemed to one resident to be "several large stones."

These stories illustrate the problem. The value of art in general as a "bridging device"; but when money is given for something specific (like a plywood box), art becomes a "wedge element" instead.

Anytime someone tries to impose their aesthetic taste on others, you create a dissonance. When these others are being essentially forced to pay for their own displeasure, you also create political issues ripe for creating lots of anger and cynicism about government.

This isn't what art is about, and it's not what the NEA is about. True, art frequently deals with abuses of power and difficult social issues, but somewhere there is a difference between art and artful propaganda.

Goya's "Disasters of WAR" and Picasso's "Guernica" are clearly art. Hitler and Stalin, under the guise of support for the arts, filled museums with propaganda. There is a fine line that marks the difference, and only one thing is certain: The propagandists were paid by government; Goya and Picasso were not.

Axing the grants to individuals will not only take care of any budget cuts the NEA has coming, it will also leave enough money left over to do a lot of whatever is necessary to keep our cultural institutions open and welcoming. The prescription may be to let the institutions themselves do the selecting of artists without any input from Washington. Let them take the heat (and the praise) and deal with the local activists.

Let the NEA foster and sustain and encourage more local art support, but don't let it play "star-maker" in the art world with the taxpayer's money.

Mr. NICKLES. Mr. President, that deals with one of Senator HELMS' amendments. Senator HELMS' other amendment I hope our colleagues will take a close look at. I have not done as much homework as obviously Senator HELMS and others have, but I was surprised to find out that in 1992 five States and the District of Columbia received almost half the funding for NEA. That means that the other 45 States receive 53 percent, 52.9 percent. So the distribution of funds for NEA, at least as late as 1992, is really distorted or really weighted heavily toward a few States: New York, California, Massachusetts, Minnesota, Illinois, and the District of Columbia.

Likewise, maybe I can understand those Senators' speaking very forcefully, wanting to keep their gravy train going because they really have been reaping a bonanza compared to the rest of us. It also means constituents in Montana, Indiana, North Carolina, and Oklahoma are spending a lot of their tax dollars to subsidize artists primarily in a few big cities.

I was surprised by the one chart Senator HELMS has that says "Six Cities Command Arts Funding," and the funding for New York City alone receives 9.3 percent. I had not seen that before. I was not aware of it. That really seems to be a distorted allocation of money, going again to a few cities, probably predominantly to groups and individuals that are accustomed—they know the ropes, they know the application procedures, and they have done quite well.

So I think the second Helms amendment, which we will be voting on, which changes the allocation, gives 70 percent of the money directly to the States and the States can make the allocations. They have minimum allocations for each State. You can have more money going throughout the country to different States. Obviously, a few cities in a few of the major States will receive significantly less and obviously the other 45 States or 40-some States probably will receive a greater proportional share.

I might also mention, in contacts at least with my officials in my State, we have had a lot of contacts from individuals who are very supportive of the arts and they receive their funding through the State art commission, which I believe—I tell you, in my State of Oklahoma, I think they do a pretty good job of allocating the funds.

Incidentally, I cannot remember in my State, where the State art commission has been involved, that they have ever funded something that is really grossly offensive, something like taking a cadaver or something as offensive to one's religion as having a crucifix in urine, and these types of very offensive—I cannot call it art—pieces of work that have been subsidized by NEA through individuals.

If we did give 70 percent of the money to the States as proposed in Senator HELMS' second amendment, I think that would eliminate probably not all, but maybe it would eliminate most of the most egregious examples of what I must say is abuse of the taxpayers' funds through the National Endowment for the Arts.

Finally, I would like to conclude that I am excited about the President's nomination of Jane Alexander to be Chairwoman of the NEA. She has a reputation, she has the prestige, she has the experience, both as a teacher and as a performer. I am excited. I think she will do a good job. I think she will be a significant improvement, in many cases, for our country and, hopefully, will be able to eliminate some of the most offensive types of art as we have seen demonstrated.

I might mention that Senator HELMS has shown a couple of pieces of art that are not art, has shown a couple of works by an individual artist who has been subsidized by the National Endowment for the Arts. He has not shown the most offensive. The most offensive that I have seen—I glanced at some that are in the back room—are not suitable for public viewing. So I just tell my colleagues that I think Senator HELMS has shown some restraint. I compliment him for that.

I also compliment him for his courage in bringing forth these amendments because some people start using terminology pretty loosely on the floor and use terms like "radical right." I do not think either of Senator HELMS' amendments as introduced today, one that says, hey, let us give the money to organizations, to orchestras, different art associations, and to the States instead of individuals, I do not believe that is radical. I think it is a different distribution of funds, which I think will help accomplish the purpose and maybe eliminate some of the most egregious examples of abuse of the taxpayers.

Then, the second Senator HELMS amendment, I hope people will look at the allocation on a State-by-State breakdown. Again, maybe I will claim a lack of knowledge, but I was not aware of the fact that New York City would get almost 20 percent of the arts funding. I was not aware of the fact that five States and the District of Columbia received almost half of the NEA funding throughout the country. I do not think that is right. I do not think that is fair for artists all across the country. So I encourage my colleagues to look at the breakdown as provided with Senator HELMS' second amendment because I think it would be a better, a more fair, a more equitable distribution of funding throughout the country.

I thank the Senator from North Carolina.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I will yield 10 minutes to the distinguished Senator from Indiana.

Let me first thank the able Senator from Oklahoma for his comments.

Let me also say in the friendliest way possible, I am going to regret the day that HOWARD METZENBAUM leaves the Senate because he is an interesting adversary. I am going to miss him. But I had a call during his comments, I do not know who wrote his speech for him, but he needs to check the facts. The former Chairman of the NEA said that none of the educational grants Senator METZENBAUM talked about are individual grants. If he wants to check that with Anne-Imelda Radice, that would be fine.

As for Senator METZENBAUM, I know he does not mean it when he uses various terms like "the conservative right". I can say right back to Senator METZENBAUM that that is a lot better than being a member of the left wing wrong.

Good luck, Senator METZENBAUM.

I yield 10 minutes to the distinguished Senator from Indiana.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. I thank the Senator for the time.

Mr. President, it seems like every year we arrive on the floor to discuss the same subject. I regret that we have to do that because I rise as a supporter of the central mission of the National Endowment for the Arts. The NEA has given aid to a number of important institutions in my own State—philharmonic orchestra, historical societies, art museums, and others—and has promoted projects that I think serve a public purpose.

I think we can debate whether or not in this time of a $4.3 trillion deficit this public purpose ought to be prioritized in terms of our Federal involvement and the amount of Federal expenditures going to this agency. That is a debate that has woven itself in and out of the debate here. While I think that is an important debate, that is really not the debate I want to enter into today.

I want to discuss this continuing controversy that embroils the National Endowment for the Arts in public scorn, public derision, that places the agency as one that on an annual basis is ridiculed by a substantial portion of the American public.

I have suggested to directors, officers, and others involved in the National Endowment for the Arts and the arts organizations around my State, I have suggested that unless the NEA can get its act together in terms of responsible expenditure of public funds, it is going to jeopardize and risk its entire mission because it has certainly placed itself in the position where the public has very little respect for its mission.

Every year we go through the latest examples of funding that most Americans find highly offensive, and find it violates their own sense of decency, and they are violently opposed to expenditure of their own tax dollars for this particular purpose. We went through the Mapplethorpe exhibits and the Serrano exhibits, and today we have someone named Witken, who has, I think, abused the privilege granted to him of subsidizing his art work.

(Mr. AKAKA assumed the Chair.)

Mr. COATS. I have a list here of a number of what are called the latest controversial grants issued by the NEA. I will not take the time to go through these. Senator HELMS has documented these, as others have, and pictures are available for everyone to see. I doubt if I could find a handful of people in the State of Indiana that would think their tax dollars ought to support this type of art.

Those who oppose the Senator from North Carolina and what he is attempting to do here basically boil their arguments into two categories. First, they say that these works ought to be protected by the first amendment. Second, they say, even if there is a situation here where it might not fall under first amendment protection, we are really just talking about a tiny amount. Most of the money in the NEA goes to some very worthy purposes and, by the way, this exception is not all that bad. It just represents a small fraction.

Mr. President, let me say that I do not believe the Senate should act as an art critic or as a censor. I do not think we are qualified to do that. But we do, as elected representatives, have a primary and defining purpose in determining if public funds are spent in the public interest. What we are debating here is not the meaning of art, and it is not the limits of censorship. What we are debating here is the distribution of public funds. I think that is our job. That is what we are elected to do. We are elected to make distinctions in terms of how we spend the public's money. An article in the Washington Post put it fairly succinctly:

> Americans make distinctions between what they will tolerate and what they will subsidize.

So we are not talking here about what Americans will tolerate under first amendment rights. All Senators would say that if some artist wants to go in his basement and create a piece of junk, fine, do it on your own time and out of your own pocketbook. What we are saying here is that we are entrusting you with funds that we ask the public—we do not ask them, we coerce them—to send to Washington for expenditures to supposedly advance the public purpose.

A lot of people are saying: You keep coming back telling us that Medicare recipients are going to have to tighten their belts, and we cannot afford to provide all of the medical service that the elderly or the poor or the underinsured need to have. We just cannot afford to do all that. And we know there are some public works projects that are important for our roads, highways and airport projects, and a number of other things; but the budget constrains us, and we simply cannot fund all that. But, by the way, we can take your money and give it to artists who produce some of what I describe as the most despicable, depraved art that the human mind can possibly create.

The second objection goes to this question of, well, it is just a little bit of money, and after all, artists will be artists just like boys will be boys, and we cannot control all of these people. Every once in a while, they produce something, and we are sort of sorry, but it only represents a fraction of the money.

That works until you come over and look at the art.

I came over here last evening fully intending to vote against the amendment of the Senator from North Carolina, because I thought it was too big of a club for the problem that existed. Well, it was not a mistake. I came over early and had extra time, so I walked back into the cloakroom to avail myself of what we were talking about.

Mr. President, I doubt if there is 1 percent of America that, having viewed these exhibits, would say that that is how they want their tax dollars spent. They would find it personally offensive. They would find that it profoundly blasphemes their faith—and I am not talking about a particular faith. I am talking about artists who take public funds and use it to exploit young children in sexual ways that make it even difficult to look at or talk about. I am talking about artists that use public funds to assail some of the most cherished symbols of faith. "Piss Christ" is just one example.

I cannot, in good conscience, support 1 cent of taxpayer dollars to display for the public, with public funds, a crucifix in the artist's urine. I cannot do that. That is one small example. I do not intend to go into all of the others. But I ask my colleagues, before they vote, walk in the cloakroom and look at what our public funds are purchasing today. When sacred truths are defiled with public help, I cannot support that, nor would uncounted millions of people of deep faith, who see their most cherished beliefs and symbols defiled with public funds.

I cannot tolerate the sexual exploitation of children. There are many Americans, most Americans, who grieve, like Augustine of Rome, over our final descent in the decadence and disorder, when we allow public funds to publicly sexually exploit young children.

Mr. President, I have searched for some solutions to this problem because, as I said, I stand here as someone who has been a supporter of the central mission for the National Endowment for the Arts. I have talked, through my office, with administrators and those who have been nominated to become directors of the NEA. And they come over when they are about to be nominated and they say all of the right things: Oh, Senator, I agree with you that this is intolerable. We cannot let this continue to happen. We are going to crack down on this, and we are going to change the procedures and make sure that you do not have to go to the floor next year with a whole new exhibit to talk about this kind of thing. That is not what we are about at the National Endowment for the Arts.

That sounds good the first time, and that sounds good maybe the second time, even though you get a little skeptical. But it happens over and over and over. I am not going to go into the motives of these individuals. I am simply saying they cannot control the process. It is a process agency. It is not a production agency. They are not making the art; they are processing who makes the art, and they are subsidizing the effort.

But that process is broken, and these individuals have not been able to fix it. Both of the Senators from Oklahoma, whom I admire greatly and I respect their judgment, have said that the new administrator, Jane Alexander, is different and they support her. I respect that, and that has a lot of weight with me, because I think the Senators from Oklahoma share some of the same concerns and values that I am trying to espouse here today. But it may be that no matter how well intended the new administrator of the NEA is, the process is such that they will not be able to effect this kind of a change.

I do not want Congress to micromanage, but I have offered some amendments. I thought that what we ought to do—and I offered this in committee—is take the law as Congress has already passed it and say to the NEA: Use those standards in determining whether or not you will offer public funds to particular entities.

So I said: Look, let us put three conditions on it that the panels must follow when they are evaluating who gets the grant.

First, let us not argue what obscenity is. Let us use the Supreme Court definition and lift that definition. The Supreme Court agreed on it.

Second, I said, in order to get to the question of sexual exploitation of children do not argue what is and is not. Let us take what Congress already said is a violation of the law.

So I just simply added section 2251 of the United States Code, title 18 of the United States Code, which makes it a criminal offense to involve sexual exploitation of minors used in any way in the production of child pornography. We do not have to debate over what is and what is not wrongful use of that. We will just take what the Congress already agreed to.

Third, I said I think they ought to have a standard that says you cannot denigrate the beliefs, tenets, or religions of any children.

I think that is what America is about. I regret to inform my colleagues I got nowhere in my amendment in the committee. It got trashed big time.

So then I come to the floor and offer amendments on the floor and supported amendments from the Senator from North Carolina, and I was very hopeful it was last year or a couple years ago when the Senate passed by a very substantial margin language which would restrict NEA from awarding grants if the material was used in offensive ways relative to sexual connotations. I do not have the language in front of me. I was encouraged the Senate voted very substantially for that. What happened? It was killed in a back-room deal in conference. I think the word was: Welcome, let us vote for it, because it is public, and we will take care of it when nobody is watching; which is exactly what happened.

Senator HELMS came down to the floor and said: Look. I run out of options here. We need to take a big club and get someone's attention down at NEA.

So, he said, let us just eliminate the thing. And I am at the point where I am frustrated. I am saying OK, I am ready to wield that big club, too. I voted for the amendment. And I am sorry it did not pass because I think it would have gotten attention.

Now, he has some other amendments here that are milder but go to the heart of the question. Indiana I think operates pretty effectively in terms of utilizing these funds. Like the Senator from Oklahoma, I really have not come across an example of abuse of these funds. Indiana is going to do pretty well under this. I had no idea that allocation was so distorted that 20 percent went to one city.

I ask 2 additional minutes. Does the Senator have time to yield 2 additional minutes? If not, I will take 30 seconds and wrap up.

Mr. HELMS. If the Senator will do that. I have a couple of points.

Mr. COATS. I will do that.

Mr. President, I made my point. We are here every year arguing the same question. It is time the NEA woke up and fixed the process if they do not want to end up so angering the American public that we are just going to eliminate the entire agency. With the deficit pressure and with the insistence on continuing to fund these kinds of projects I think ultimately that is what is going to happen. I do not think that is what this Senate body wants. I hope we will get someone's attention and take care of this so we do not have to be down here arguing these same things.

I thank the Senator for the generous use of time.

Mr. HELMS. I yield 2 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. Two minutes is yielded to the Senator from Idaho.

Mr. KEMPTHORNE. Thank you very much.

Mr. METZENBAUM. Mr. President, before the Senator proceeds, could I on behalf of Senator BYRD, when Senator KEMPTHORNE concludes, allocate 5 minutes to Senator JEFFORDS, and Senator WELLSTONE is allocated 3 minutes out of his time. I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I believe there is a place for art because when we look at great societies throughout the ages we have seen that art does depict what sort of culture, what sort of heritage those people of those societies have.

In a rural State like Idaho there is definitely a role for art, and there is a need for organizations such as the National Endowment for the Arts to help in exposing art to the young people in the rural areas where perhaps for the first time they are going to have the opportunity to hear a symphony, for the first time perhaps they are going to be able to take their hands and know what it is to work with clay and create art and something that perhaps can encourage them to go on and be appreciative of the arts and what they mean to a culture and a society.

Last night I, too, viewed some of this that some would call art. I found it absolutely repulsive. I think it is amazing that somehow we have funded pieces of work that cannot be displayed on the floor of the U.S. Senate. That is not a question of censorship. That is a question of sponsorship. That needs to stop.

Mrs. BOXER. Mr. President, will the Senator yield for a very quick question?

Mr. KEMPTHORNE. The Senator will yield.

Mrs. BOXER. Is the Senator aware that the NEA has informed Senators that the photographs that were shown last night were not done during the period of time that the particular artist had a grant from the National Endowment for the Arts?

Mr. KEMPTHORNE. Yes. In response to that question I would say, "yes," I am aware of what the particulars are, but there have been support for that sort of activity and support for that artist as well.

Mrs. BOXER. I want the Senator to know those were not NEA-funded.

Mr. HELMS. The Senator is speaking on her own time, please, not on this side's time.

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the time I used to respond be allocated to the other side.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Mr. President, reserving the right to object.

Mr. WELLSTONE. Given the cogent remarks of the Senator from California, I have no objection.

The PRESIDING OFFICER. No objection.

Mr. JEFFORDS. Mr. President, reserving the right to object, how much time was allocated? I think it was 1 minute. I do not know about 2 minutes.

The PRESIDING OFFICER. Time is controlled by the Senator from North Carolina and the Senator from West Virginia.

Who yields time?

Is there objection to the request of the Senator from Idaho?

Mr. BYRD. What is the request, Mr. President?

The PRESIDING OFFICER. The Senator from Idaho has asked to respond on the time of the Senator from West Virginia.

Mr. BYRD. Mr. President, reserving the right to object, I may or may not. Do any of my colleagues on this side wish to have time?

Mr. WELLSTONE. I believe Senator METZENBAUM asked for several minutes for the Senator from Vermont and the Senator from Minnesota, and that has already been understood as I understand it.

Mr. BYRD. As I understood it, Mr. METZENBAUM has already spoken. Does he want additional time?

Mr. WELLSTONE. I stepped outside for a minute. I believe Senator METZENBAUM did request that the Senator from Vermont have 3 minutes.

Mr. JEFFORDS. Five minutes.

Mr. WELLSTONE. And 3 minutes to the Senator from Minnesota.

Mr. BYRD. How much time do I have?

The PRESIDING OFFICER. The Senator from West Virginia has 13 minutes and 14 seconds, and the Senator from North Carolina has 2 minutes and 8 seconds remaining.

Mr. BYRD. How much time did the Senator from Vermont wish?

Mr. JEFFORDS. I would like 5 minutes. I have no objection to 1 or 2 minutes being yielded to the Senator.

Mr. BYRD. I have no objection. The Senator from Vermont wants 5 minutes?

Mr. JEFFORDS. Yes.

Mr. BYRD. Mr. President, does the Senator from Minnesota wish to have any time?

Mr. WELLSTONE. I say 3 minutes would be fine, and before the Senator from West Virginia came back to the floor we had a discussion. The Senator from California raised a question. I believe the Senator from North Carolina wants that charged to our time. It is certainly up to the floor manager. I have no objection.

Mr. BYRD. I have control of the time. It is under my control.

I am going to yield 5 minutes to the Senator from Vermont. He wants 5 minutes.

Mr. JEFFORDS. Five minutes.

Mr. BYRD. How much time does the Senator from Idaho wish?

Mr. KEMPTHORNE. Less than 2 minutes; 1 minute.

Mr. BYRD. Someone asked me to close. I will yield the Senator from Idaho 3 or 4 minutes.

Mr. KEMPTHORNE. Less than 2 would be fine.

Mr. BYRD. Then not to exceed 4 minutes.

And how much time to the Senator from Minnesota?

Mr. WELLSTONE. Three minutes of time.

Mr. BYRD. I yield 3 minutes to the Senator from Minnesota.

The Senator from California?

Mrs. BOXER. No.

Mr. BYRD. Then let me see—5, 4, 3, 12 minutes. I would have how much remaining?

The PRESIDING OFFICER. One minute.

Mr. BYRD. I would have 1 minute, would I not?

I yield 5 minutes to the Senator from Vermont, and not to exceed 4 minutes to the Senator from Idaho. If he does not use it all I get it back. And I yield 3 minutes to the Senator from Minnesota.

Blessed is the peacemaker.

The PRESIDING OFFICER. The Senator from Idaho is recognized for up to 4 minutes.

Mr. KEMPTHORNE. I thank you very much, Mr. President. I also wish to thank the Senator from West Virginia for his courtesy.

Mr. President, I rise in support of the amendment for the concept of shifting greater funds, a larger share of the NEA budget, to the direct control of the States. I think States are closer to the people, and the closer we can get these decisions to the people, the better we are.

I think the States will have less difficulty in defining what is decency and what is art and I think that is where it should reside.

I, too, hope that Jane Alexander becomes the great director of the NEA that we all believe she can and will become.

But this is certainly a step in the right direction, because of the continuation of the allocation of funds in the past for the products that have been produced, I think, are going to require more and more of us to stand up and say, "No more."

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE addressed Chair.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE], is recognized for 3 minutes.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I will just repeat for a moment what I said last night, which is that I think that the few examples that have been presented here on the floor do not represent what the NEA is about, not the heart and soul of what the NEA is about, which is to get art and culture out into our communities, urban and rural, and to make sure all Americans have access to that which is a wonderful human creation, whether they have a disability, regardless of race, regardless of income, and regardless of where people live. That, I think, is the most essential point to make.

The other point I want to make, again, is much of what we have been talking about, or some have been talking about, are abuses that took place during the decade of the eighties.

Now we have Jane Alexander, who will be nominated to head up the NEA, who herself has a marvelous, distinguished career and will provide just the leadership we need.

I find these amendments to be not at all helpful.

Finally, since I rush in response to one amendment introduced by the Senator from North Carolina, let me read from the testimony of Garrison Keillor:

"I grew up in a family that never attended concerts, never went to the theater, never bought a book. We were opposed to them. And I never imagined a person could be a writer, but twice in my life at crucial times grants from the Endowment"—these are individuals grants—"helped me to imagine that I could be. One was in 1969 * * *"

And then he goes on.

Mr. President, it is impossible in a minute to describe the meaning of this. Garrison Keillor is so well-known throughout the country for "Prairie Home Companion," a marvelous artist, a marvelous humorist, a marvelous essayist. Without the endowment from NEA, this individual never would have had his start, never would have been able to contribute not just to Minnesota or New York but to the whole country.

So I hope my colleagues will vote against these amendments.

I yield back the rest of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. JEFFORDS. Mr. President, I have listened very carefully to the statements of the Senator from Indiana, in particular, and also from the Senator from Oklahoma, and the Senator from North Carolina, who has offered the amendments.

We, first, should concentrate on what the facts are. The fact very, very simply is this: The photographs that bring us to this point, none of the funds of NEA were used in the creation of those photographs. None of the funds from NEA were used for the display of those photographs with respect to Joel-Peter Witken, the photographer. His evil, if it is one, was to have made those photographs and later on, and maybe before, received a grant from the NEA to pursue other aspects as a photographer.

So let us make sure we know what the standard is that we are now setting. We are setting the standard that, before the NEA should offer a grant, they should observe and review all of the works of an artist to see if anything is something which would be offensive to the public. That is an incredible standard and one which we must be very careful not to adopt indirectly by approving these amendments.

Those photographs were distributed and placed out for view by the Christian Action Network. That is why the controversy started.

I think the Senator from North Carolina at this time should feel proud of what he has done. As he knows, the NEA has become much more careful about the granting of funds. Thus, we are down now to where they have to scrape around to find photographs—I think that those that we saw last night were from 1985—to find things in the past that are offensive.

But there is nothing that I know of right now that has been offensive since this new review process of the NEA has been started. So we are placed here observing and creating a standard which I do not think anyone recognized or realized until these facts had been revealed. I think this is incredible to remember.

Now the question is whether or not these amendments which we are faced with are appropriate.

There are certainly sound arguments for saying more should go to the States. I can see nothing, from facts that we have seen, that should in any way say that individuals should not be allowed the opportunity to receive grants for the pursuance of the arts.

But I do see that this will trouble people here, that somehow, by redoing the system here, we should then enable the dropping back of funds at the Federal level and preventing funds from going to individual artists.

I think the individual artists one is terrible, in the sense of what it would do for the creation of our arts.

But I wanted to again emphasize that, to me, the Senator from North Carolina has been successful and that there is no evidence or recent evidence that the NEA has been approving grants that have resulted in offensive materials, certainly not over the last year or so when all of this controversy started.

So I hope that you will remember that the facts we are dealing with, the facts that were the bases of all the arguments last night, are related to a photographer who has created some offensive works—offensive to some, perhaps to all—but the particular photographs were not funded by an NEA grant and were not displayed by NEA money.

So, in essence, we would be establishing a standard, if we are going to use it for review, to make decisions to change the NEA system, based upon the fact that we should search every author's past to see whether or not they have created offensive material, and then they should be denied an individual grant from NEA.

I hope that these amendments will be turned down. There is no reason to be concerned at this point. We should continue to request the NEA to make sure that we do not get ourselves in the position that we are in right now, of having to defend what is perceived, probably the general public, to be offensive materials.

But I reiterate again, what we have seen last night and talked about today did not result in the photographer having any NEA funds.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. HELMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 8 seconds remaining.

Mr. HELMS. I am going to ask if I may have a couple extra minutes.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes remaining.

Mr. BYRD. I yield 3 minutes to the distinguished Senator from North Carolina.

Mr. HELMS. Mr. President, I cannot allow to go unchallenged what my friend from Vermont and the Senator from California, Mr. JEFFORDS and Mrs. BOXER, have said. What they have said is simply not accurate. NEA may have told them that, but the facts are these. Joel-Peter Witken, the gentleman who produced this wonderful piece of art—and they say it had nothing to do with the National Endowment for Art: Wrong, wrong, wrong. Joel-Peter Witken is what the NEA has formally deemed a visual artist. Over the past decade, Witken has received four fellowship awards. In 1980, he got $3,000; in 1981, he got $12,500; in 1986, he got $15,000; in 1992, he got $20,000.

It is a matter of record that they based their judgment on this, and anybody who says to the contrary does not know what he or she is talking about. I will consult with them and show them the evidence.

Of this work, let me quote the panelists who made the judgment that he ought to get the $20,000 and the $15,000, and so forth and so on. They said: "Panelists agree"—this is from the minutes—

> Panelists agree that Witken is a major talent and artist of worldwide effect who works in a unique way.

And they had looked at these very pictures. So do not tell me they had nothing to do with the $20,000.

> Panelists agree that Witken is a major talent deserving of support.

Panel summary on Joel-Peter Witken, application A92004725.

> Mr. Witken has a long track record from which the NEA has based its decisions to continue to fund him.

The NEA cannot claim that he just managed to slip something by. So I hope Senators who may have put some credibility in the suggestion that the money that this fellow Witken got had nothing to do with these pictures will not be misled about it.

I have further information. I can carry this debate further. But it simply is not so that these pictures—these pieces of "art"—had nothing to do with the money that Witken got, because it is simply not true.

Mr. JEFFORDS. Will the Senator from North Carolina yield for a question?

Mr. HELMS. I yield. I yield back such time as I may have.

Several Senators addressed the Chair.

Mr. BYRD. Mr. President, I yield 1 minute to the Senator from Vermont [Mr. LEAHY].

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, let us not lose sight in today's debate in a few moments, we will be voting on two amendments offered by the Senator from North Carolina.

The first amendment has been promoted as a redistribution of National Endowment for the Arts funds to the States and regions. But this amendment truly is a very cleverly disguised attempt to dismantle the NEA.

If this amendment passes, my home State of Vermont, a small, rural State, and home to a dynamic arts community would actually lose about $100,000 in funding.

The second amendment we will be asked to vote on would limit NEA funding to nonprofit groups. Individuals would not qualify for grants. This amendment was offered because it is believed that the tiny fraction of controversial grants over the last few years are due to the NEA's inability to oversee grants to individuals.

The Senate will soon be debating the nomination of a new Chair for the NEA. President Clinton has made an excellent decision in choosing Jane Alexander, a talented and articulate person to head this agency. We should give Ms. Alexander the opportunity to run the NEA in a way that promotes all the treasures of our country.

I urge my colleagues to vote against the two amendments. The NEA should be encouraged by our support and by our confirmation of a promising new Chairman, Jane Alexander.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. President, I ask unanimous consent the pending amendments be laid aside for no more than 3 minutes while we discuss another amendment to be incorporated into this legislation.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. I regretfully have to object. There are some of us who are trying to get away. I am afraid as we start to put the vote back, we will be unable to get away.

Mr. BYRD. I hope the Senator will not object, because this is a matter the distinguished Senator from Oklahoma and I have discussed. We are ready to accept the amendment. It will not be pushed back.

Mr. METZENBAUM. All right.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Reserving the right to object, and I do not intend to object, can I have 30 seconds?

Mr. BYRD. I believe I have 1 minute left, if we do not chew it up. I will yield my last minute to the Senator from Vermont.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRAIG. I thank both the chairman and ranking member.

The PRESIDING OFFICER. The amendment is temporarily laid aside for 3 minutes.

The Senator from Idaho is recognized.

AMENDMENT NO. 901

Mr. CRAIG. Mr. President, let me thank the chairman and ranking member for working with us in solving a problem that is important as we attempt to review habitat and repopulation studies in the West, and how that may fit into the ecosystems in the West.

We have asked for some research money to examine the prey base and possible interaction between wolves and mountain lions. Dr. Morris Honocker is doing the research through the Wildlife Research Institute at the University of Idaho.

This amendment would accommodate the kind of research underway, the kind he is continuing to do.

I thank both Members for working with me on this important amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we are happy to work with the Senator from Idaho. We congratulate him on his amendment and are happy to accept it.

Did the Senator ask unanimous consent to lay aside the previous amendment?

Mr. CRAIG. I did.

Mr. NICKLES. Has the Senator sent the amendment to the desk?

Speaking for Members on this side, we have no objection to the amendment.

AMENDMENT NO. 901

Mr. CRAIG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 901.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 4, before the period, insert the following:

"*Provided further*, That $40,000 of the funds provided herein shall be made available for the research program relating to habitat and repopulation studies and possible interactions between wolves and mountain lions in and around Yellowstone National Park.".

Mr. BYRD. Mr. President, on this side, I am prepared to accept the amendment. This has been discussed quite at length yesterday and today, and I hope the Senate will approve the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment—No. 901—was agreed to.

AMENDMENT NO. 900

Mr. NICKLES. Mr. President, I believe the pending business is the Helms amendment, and I believe the Senator from Vermont has been recognized?

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I just want to close again by saying the Senator from North Carolina made no misstatement. I made no misstatement. I believe he should take credit for the changes that have occurred that have not resulted in anything offensive for the past few years. What he said was they looked at the photographs and may have—I am sure he cannot say they did—may have used those in forming their judgment to give the photographer another grant.

But that is much different than saying that NEA funds were used for the creation of the photographs, or that NEA funds were used for the viewing of the photographs. And therefore there is no dispute on the facts.

The question is whether we want to establish a new standard and base the voting on the amendments here upon things which occurred many years ago, and establish a standard that we should review all the works of an artist before we give him or her a grant.

I urge defeat of these amendments because they are really based on facts which would not be relevant to this kind of decision.

Mr. SIMPSON. Mr. President, I rise in opposition to the amendment which would limit the eligibility for National Endowment for the Arts grants to nonprofit organizations and which would eliminate individual grants. This amendment would severely affect the NEA's touring programs and arts education programs at many art museums across America.

Unfortunately, the amendment fails to consider the Endowment's far-reaching support of projects in rural and historically underserved areas, such as my home State of Wyoming. NEA touring programs of musicians, artists, and dancers increase the availability of the arts for all Americans, and that work should be commended. For the most part, those that make the grants at NEA do an excellent job. They have awarded nearly 100,000 grants since 1965.

However, I do agree that the ugly, tasteless, and plain stupid—in my mind—that is the wonderful thing about America—photographs we saw last night on the floor do engender spirited debate over the mission of NEA. Yet, I would submit that those examples were exceptions to the generally demonstrated competency of the NEA grant process over recent years.

The House reduced Endowment funds by 5 percent this year. The $165 million appropriated for the NEA would bring their budget back to where it was in fiscal year 1987. Our bill recommends a $170 million funding level.

Many of my colleagues who support the arts may be feeling the pressure to keep quiet on this controversial issue. But it is my view that the arts are a very integral part of our society and serve as a unifying force of the American spirit. We are all concerned about the economy and the appropriate use of taxpayer dollars. But, this bill's funding of the NEA does demonstrate fiscal restraint. Our efforts to curb the Federal deficit should be balanced with a reasonable and sensible view of the value of arts in America.

The funding application review process has come under fire at the NEA in recent years. A lack of control over the awarding of subgrants has been the real cause of many controversies and severe criticism. I trust that under the able and sensitive guidance of Jane Alexander, the peer review panels will demonstrate realistic responsibility and toe the line where taxpayer dollars are concerned. I believe that she will use basic common sense and professional and personal good taste in her administration of the NEA.

On a local level, the NEA has been instrumental in strengthening arts organizations in Wyoming and has provided so many cultural opportunities for people throughout my State. Between 1987 and 1991, combined Federal and State arts investment in Wyoming totaled over $4 million, and that investment has yielded significant dividends. The NEA supported activities in Wyoming that drew audiences of over 3 million people in that time period. There have been thousands of grants awarded to Wyoming artists.

The Grand Teton Music Festival, the Buffalo Bill Historical Center, and Nicolaysen Museum and many other persons and organizations have flourished with support from the Endowment. Overall, in the 27 years of Federal and State support for the arts in Wyoming, the NEA has helped to increase the number of performing arts companies, museums, arts centers, and other arts organizations from 15 to over 60.

Let us give a creative and articulate woman like Jane Alexander this opportunity to truly lead the National Endowment for the Arts. We cannot legislate good management. Our job is seeing that it works well. I, in turn, wish her well and I do urge my colleagues to table the amendment before us.

Mr. LEVIN. Mr. President, I rise today in support of reauthorization of the National Endowment for the Arts. The NEA provides support to the nonprofit arts institutions which nurture and deliver our culture to the American people and audiences worldwide. Since its creation in 1965, the NEA has contributed to the growth in cultural institutions and awareness throughout the United States. For example, the number of orchestras in the Nation has increased from 110 to 230; opera companies have grown from 27 to 120; and nonprofit theaters have ballooned from 37 to 450. All of this has been achieved while total NEA investment constitutes less than two ten-thousandths of 1 percent of the Federal budget.

Funding for the arts benefits not only the artistic community, but affects all aspects of the economy. In fiscal year 1992, the $116 million invested by the NEA attracted over $1 billion in contributions and funding from businesses, individuals, and other governmental sources. Thus, each dollar spent by the NEA attracted $11 in matching funds and created a twenty-fold return in jobs, services, and contracts. Americans spend $3.7 billion annually on arts events providing the arts with a comparable ranking of 126 in the Fortune 500. However, NEA spending for 1992 equates to just 68 cents from each American taxpayer.

The arts play a crucial role in bridging cultural, ethnic, and economic differences. NEA-funded programs inspire our youth, instill knowledge, skills, discipline, and self-esteem. The NEA-funded artists-in-residence program alone has placed 10,000 artists at over 11,000 community sites in all 50 States and 6 jurisidictions benefiting 4.5 million schoolchildren.

In the State of Michigan, the NEA strengthens arts organizations, assists artists, and provides cultural opportunities. Over the past 27 years, during which the NEA has been contributing to the arts, the number of museums, performing arts companies, and arts organizations in Michigan has grown from 335 to 1,040. Between 1987 and 1991, the NEA granted $5,845,168 directly to Michigan artists and organizations. These funds supported programs which reached approxiamtely 224,681,000 attendees and included 773 grants to artists and organizations in rural areas of the State.

Let me cite some examples of NEA-funded programs in Michigan. In fiscal year 1993, the Michigan Opera Theatre received $68,000 for general operations and community programs to create operas in the Detroit public schools. This funding enabled the Michigan Opera Theatre to continue its many community-oriented programs such as performances of "Faust" interpreted for the deaf; Grandparents' Day performances at a senior citizens' complex for children and their grandparents; and recordings and readings for the blind. The Detroit Repertory Theatre is another example of the excellent organizations encouraged by the NEA.

Founded in Detroit's inner city, the Detroit Repertory Theatre staunchly advocates interracial casting, community cultural services, and African-American playwrights. NEA funding has allowed the theatre to serve approximately 32,000 people annually, 90 percent of whom are African-American. The Detroit Repertory Theatre provides special programs for the economically and socially disadvantaged, as well as those in substance abuse prevention, adult foster care, youth in crisis, spousal abuse, runaway and teenage pregnancy programs.

The economic recession has affected all levels of support for the arts. Contributions from corporations, foundations, and individuals have decreased by 13.5 percent within the last 2 years. According to the Association of Art Museum Directors, contributions from individuals dropped by 41.1 percent alone. NEA funds are, therefore, needed to support existing programs and encourage new creativity. The NEA helps ensure that the arts will continue to teach, build bridges, and reinvest in local communities. The National Endowment for the Arts is crucial to the stimulation of American cultural development and understanding.

Now, there has been controversy over some of the projects funded by the NEA in recent years. I believe some of these projects should not have been funded. There is of course no right to Federal funding. Refusal to fund a project has been mistaken by some as censorship. They are very different acts. The NEA must earn and maintain public confidence and trust or elected representatives will reflect public disenchantment.

But to eliminate funding for the NEA, as has been proposed by some during this debate, is an overreaction which would ignore all the positive contributions that the NEA has made to our national life over the years. It merits our continued support.

Mrs. KASSEBAUM. Mr. President, I would like to speak briefly about the Helms amendment providing that National Endowment for the Arts [NEA] funds be made available only to State agencies and nonprofit institutions, organizations, and societies.

As I understand the amendment, its purpose is to assure that funding go only to groups—not to individual artists and performers. I have some sympathy for what the Senator from North Carolina is trying to do. As I stated last evening, I do not believe the works by Mr. Witkin displayed on the Senate floor are appropriate for support with taxpayer funds. Likewise, I am troubled by the support offered by the NEA to various individual performance artists such as Holly Hughes, Karen Finley, John Fleck, and Tim Miller.

However, I will oppose the Helms amendment for two reasons:

First, I believe it is written far too broadly—casting a net which may pick up some of the work which should not be supported but which will also pick up choreographers, designers, writers, poets, jazz musicians, folk artists, and others whose work is worthy of support. It makes no more sense to wipe out an entire category of support—that of grants and fellowships to individuals—in order to avoid a handful of problems than it would to wipe out all State grants because some State subgrants have presented problems. In fact, some of the examples used by the Senator from North Carolina—notably that of the work of Andres Serrano—stemmed not from an individual grant but rather from a grant to an organization.

My second reason for opposing the amendment is that I do not believe it will be effective in addressing the problem it is intended to fix. It seems to me that it would be relatively easy for solo performing artists to organize themselves into a nonprofit group and to obtain grant money through that channel. On the other hand, jazz musicians, pianists, poets, and folk artists would find it far more difficult to create such alliances and would, therefore, be precluded from receiving NEA support.

Had this amendment been more narrowly focused, I would have been pleased to have supported it. In my view, problems have consistently arisen with respect to individual performance artists. That is a category which simply should not be supported by the NEA.

I would also note that, while I support the Helms amendment which provides that 70 percent of NEA funds go directly to the States, I am troubled that the amendment contains no safeguard against the States simply using the extra Federal money to reduce their own support for the arts. As pointed out particularly by Representative STEVE GUNDERSON, this has become a problem since the 1990 NEA reauthorization bill—which gradually increased the State share of arts funding from 25 percent to 35 percent.

The vote last night to continue funding for the NEA is an indication of strong Senate support for the work of the organization. The reason for this strong support is that we are each familiar with the excellent work supported in our own States and on the national level.

The debate last night and today also showed, however, that underlying this support for the NEA are continued concerns about works which many of us would agree are not worthy of tax support. The challenge is not to dismantle the NEA but rather to find ways to see it is better managed.

One way is to develop procedural reforms in NEA operations—an effort in which several of us participated during the last reauthorization of the agency. I believe we took some positive steps. Of course more can be done, particularly in the areas of strengthening the decisionmaking role of the National Council on the Arts and in dealing with subgrants.

Another way, and this is the real key, is to put the NEA under the guidance of strong leadership. I am very encouraged by what I have heard from Jane Alexander—President Clinton's nominee to chair the NEA. I believe she can prove the strong leadership and direction which is needed. I look forward to working with her and others to shape an effective NEA.

Mr. WOFFORD. Mr. President, Pennsylvania's cultural life is as rich and diverse as its people. The National Endowment for the Arts has played an invaluable role in strengthening our cultural life. Through its grants to organizations and individuals, the NEA has enabled the arts to thrive in Pennsylvania and across the Nation.

From our large cities to the smallest rural areas, the National Endowment for the Arts makes opera, folk arts, drama, dance—our cultural heritage—accessible to all Americans. For example, the NEA provided funds to the Southern Alleghenies Museum of Arts in Loretto to support a program that improves access to the visual arts in this rural area. The Southern Alleghenies Museum not only exhibits an extensive collection of both national and internationally acclaimed masters and regional artists in a central facility, it also operates two satellite galleries that greatly extend the museums's reach into the community.

Since the NEA was founded in 1966, the number of community-based local arts agencies in Pennsylvania grew from 0 to 75, and the number of performing arts companies, museums, arts centers, and other arts organizations grew from 300 to 3,000. And each year, public funding has brought arts education to hundreds of thousands of Pennsylvania schoolchildren.

In the past few years, Congress has taken a careful look at the process for making Federal grants for the arts—and many improvements were made. Yet some continue to try to use the NEA to make a political point. The NEA has made over 100,000 grants. Yet only a handful get national attention. I do not agree with every grant that the NEA has made over the past 26 years. Some are not my taste—and some are personally distasteful. But I was not elected to the Senate to be an arts critic or to micromanage the NEA.

Funds invested in the arts yield a substantial and direct financial return. Almost all grants made by the NEA require some match of funds by the grantee—so NEA funds leverage significant additional private and public support for the arts. In addition, the arts generate both direct and secondary benefits in employment and revenue, contributing substantially to the economic health of communities throughout the Nation. But the greatest contribution of the NEA is that it enriches the lives of millions of Americans and enables us to enjoy and appreciate our cultural heritage.

Mr. MACK. Mr. President, last night the Senate voted on an amendment designed to eliminate Federal funding for the National Endowment for the Arts. While the measure failed, I felt obligated to support it. I would like to take this opportunity to share my thoughts on the matter.

The time has come for us to make some tough choices. Americans everywhere certainly have had to. I'm not talking about whether to buy a new car now or wait until next year, or whether or not to refinance a vacation home. No. Many American families are having to find ways to cut their budgets, counting their pennies to make ends meet, especially as taxes—Federal, State, and local—confiscate an ever-increasing portion of their incomes.

With whatever they have left after taxes, American families have to find a way to pay for food, clothing, shelter, utilities, transportation, education, health care, and their retirement. Only after those obligations are met can they even consider luxury items. If a choice were to come down to food on the dinner table versus going out to a movie, the decision is obvious.

Now we, the family of all Americans, must likewise set priorities and make difficult choices. We routinely hear Members on both sides of the aisle extol the need for fiscal responsibility, cite the growth of the deficit, and decry the lack of funds for vital programs like cancer research. It's time to put our money where our mouths are and fund only the most desperately needed priorities. We must separate the fundamental obligations and responsibilities of Government from those which are, frankly, luxuries. The arts are certainly an important part of our national culture, but this does not mean that they should be funded by Federal tax dollars.

This vote has nothing to do with censorship. I firmly believe in and support the rights of artists to express themselves however they see fit. When the rap group 2 Live Crew was being vilified a couple of years ago for the strong, and many would say obscene, content of their lyrics, I rose to their defense.

While I recognize artists' rights of self-expression, the issue of Federal support is an entirely different matter. When it comes to the arts, we should put the money back into the pockets of individual Americans, and let them decide who they wish to fund and how much they want to spend.

I support the elimination of Federal funding for the National Endowment for the Arts.

The PRESIDING OFFICER. The time of the Senator has expired. All time has expired.

The Senator from Vermont.

Mr. JEFFORDS. I move to table the amendments.

Mr. HELMS. Will the Senator withhold that just for 1 minute?

Mr. JEFFORDS. I will be happy to withhold that for 1 minute.

The PRESIDING OFFICER. All time for debate has expired.

Mr. HELMS. I ask unanimous consent I may proceed for 1 minute to inquire of the Chair on the basis of a parliamentary inquiry.

Will the Chair make clear what the first amendment to be voted on would be?

The PRESIDING OFFICER. Without objection, the Senator has 1 minute.

Mr. HELMS. The first amendment to be voted on—am I correct about this—would be the one that cuts off NEA grants to individuals, especially those who receive large grants for obscene, blasphemous work, and gives them instead to nonprofit groups such as orchestras, operas, choral groups, and so forth?

The PRESIDING OFFICER. The amendment that is being considered at this time is the Senator's amendment No. 900, which is the second amendment.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, if I might clarify things both for my colleague from North Carolina and also all Senators.

The Senator from North Carolina has two amendments. I believe under the parliamentary procedures, we will be voting on the second amendment, which is the amendment which changes the allocation of funding because that was the amendment the Senator offered second.

And then, after voting on the Senator's funding amendment, we will vote on the Senator's first amendment, which deleted direct grants to individuals.

Mr. HELMS. Is that the Chair's understanding?

The PRESIDING OFFICER. The statement of the Senator from Oklahoma is correct.

Mr. HELMS. I thank the Chair, and I thank the Senator from Oklahoma.

Mr. JEFFORDS. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Vermont will state his inquiry.

Mr. JEFFORDS. I intend to move to table both amendments. Am I understanding correctly that I should move to table the first amendment and then just before the vote on the second amendment move to table the second amendment?

The PRESIDING OFFICER. That would be the proper procedure.

Mr. NICKLES. Will the Senator withhold just for a second?

MOTION TO RECONSIDER VOTE ON AMENDMENT NO. 901

Mr. CRAIG. Mr. President, I move to reconsider the vote by which the last amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 900

Mr. JEFFORDS. Mr. President, I move to table the pending amendment.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 900. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER (Mr. DORGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—57

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Bryan
Campbell
Chafee
Cohen
Conrad
D'Amato
Danforth
Daschle
Dodd
Domenici
Dorgan
Durenberger
Feingold
Feinstein
Glenn
Graham
Harkin
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Simon
Simpson
Specter
Wellstone
Wofford

NAYS—39

Bennett
Brown
Bumpers
Burns
Byrd
Coats
Cochran
Coverdell
Craig
DeConcini
Dole
Exon
Faircloth
Ford
Gorton
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
Mathews
McCain
McConnell
Nickles
Pryor
Sasser
Shelby
Smith
Thurmond
Wallop
Warner

NOT VOTING—4

Breaux
Gramm
Nunn
Stevens

So the motion to lay on the table the amendment (No. 900) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 899

The PRESIDING OFFICER. The question now before the Senate is amendment 899 offered by Senator HELMS.

The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I move to table the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Vermont to lay on the table the amendment of the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Texas [Mr. GRAMM], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 65, nays 30, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—65

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Bryan
Bumpers
Campbell
Chafee
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Simpson
Specter
Warner
Wellstone
Wofford

NAYS—30

Bennett
Bond
Brown
Burns
Byrd
Coats
Coverdell
Craig
Dole
Exon
Faircloth
Grassley
Gregg
Hatch
Helms
Hollings
Hutchison
Kempthorne
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Shelby
Smith
Thurmond
Wallop

NOT VOTING—5

Breaux
Domenici
Gramm
Nunn
Stevens

So, motion to lay on the table the amendment (No. 899) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OIL SHALE-TAR SANDS R&D

Mr. HATCH. Mr. President, I rise to express my concern regarding one specific portion of the fiscal year 1994 Department of Interior appropriations bill now being considered by the Senate.

I refer to that section of the bill that deletes funding for oil shale research and development [R&D]. In this case, the Senate bill follows the House, which adopted the Sharp amendment on July 14, eliminating $5 million from the Department of Energy used for oil shale R&D. I believe this action, in addition to the elimination of $742,000 for oil-impregnated or tar sand research from last year's budget, are shortsighted and unwarranted.

As was expressed in the House during debate on the Sharp amendment, the demise of the oil shale industry and its related benefits to society have been prematurely assumed.

There is no doubt that it is not economically feasible to develop oil shale or tar sands reserves, now or in the foreseeable future. The costs to mine, retort, and upgrade synthetic crude oil developed from these resources, particularly oil shale, is cost prohibitive when compared to natural crude oil.

However, current research underway in my home State of Utah as well as in California and Colorado holds the potential of solving many obstacles that have kept oil shale and the oil shale industry from thriving in the United States. Raw oil shale that is produced from retorting can be value enhanced and used as a unique source for niche products important to our economy. These products include dyes, pharmaceuticals, vitamins, flavors and fragrances, agricultural chemicals, and many other beneficial products.

Despite the formation of these niche markets, Congress, in this bill, is taking action to discontinue this research to pursue programs that offer greater near-term economic potential. While I can appreciate the concern about constrained budgets, this action is troubling, especially at a time when access to domestic crude oil resources are being depleted or curtailed.

In Utah, the Uinta Basin, located in the eastern portion of Utah, has been labeled as America's energy storehouse. This is because of the basin's large amount of petroleum reserves that are composed of movable oil in place, tar sands, and oil shales. In total, there is more oil in these reserves in the Uinta Basin than has been produced in the history of the United States since the first well was drilled in 1865. In fact, 10 times more oil. And, the existence of old rocks and deep parts of the basin that have not been adequately explored may produce reserves with much greater quantity.

The oil shale reserves in the Uinta Basin comprise approximately 40 to 60 percent of our Nation's total oil shale reserves. These reserves amount to a total of 1300 billion barrels of oil in place. According to the Utah Geological Survey, concentrations as high as 1 billion barrels of oil per square mile are present in areas of the basin. Only a small portion of this vast reserve has been developed through various demonstration projects.

Utah's tar sands reserves are greater than anywhere in the United States, with the largest quantity located in the Uinta Basin. The basin contains 25 tar sand deposits, including the single largest deposit in the United States. In all a total of 11 billion barrels of oil has been measured in Utah's tar sands reserves with an estimated recoverable reserves range to over 29 billion barrels.

I believe the responsible course for Congress to take is to continue funding for oil shale and tar sands R&D, even in modest amounts, rather than to withdraw it, as we are doing this year. In the event that we encounter another energy shortage in this country, or short-term depletions in our crude oil supply, these resources could be a critical bridge to continue our current way of life.

I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

AMENDMENT NO. 902

Mr. NICKLES. Mr. President, I send an amendment to the desk on behalf of Senator BURNS and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. BURNS, for himself, and Mr. SIMPSON proposes an amendment numbered 902.

The amendment is as follows:

On page 16, line 5 before the "," insert the following: "That funds included in the section entitled as Special Park Increases of the National Park Service budget, for two natural resource management FTEs dealing with the reintroduction of the wolf," shall be instead used for the improvement of the physical infrastructure of Yellowstone National Park: *Provided* That the resources reallocated shall be consistent with accounts remaining for the stated purpose based on the Committee's recommended funding level.".

TIMBER AND AGRICULTURE

Mr. BURNS. Mr. President, I rise today to talk about two elements of the fiscal year 1994 Senate Interior appropriations bill which are important to two of my State's largest employers—timber and agriculture.

The first thing I want to talk about is what is not in this bill. An increase in grazing fees on public lands.

This is good news for Montana livestock producers. Increasing grazing fees on public lands would harm our State's leading industry and the communities that support our cattle and sheep producers.

It is vital that we continue the current relationship that exists between the private and public lands and the livestock and wildlife that thrive in the West. Any action to increase grazing fees could drive livestock off public lands and lead to negative impacts to the wildlife on our public lands.

I think there is a growing realization among those knowledgeable on this issue that the real benefits of having ranchers care for our Nation's public lands are far more than just the economic activity generated from those lands. Those benefits extend to the wildlife that live and multiply because of ranchers' investment in improving the land and water resources they manage.

Ranchers are in fact the best stewards of our western public lands. This bill recognizes this basic fact. I compliment my good friend from New Mexico for the amendment he offered which was accepted. This amendment places a moratorium on the Clinton administration's plan to change the use and management of public lands.

The second item is what was restored to this bill for the Forest Service Timber Program.

This bill restores the funding level at just above the Clinton administration's budget request for the Forest Service Timber Program. This funding level puts the Senate in a good position to restore most, if not all, of the $63 million the House of Representatives eliminated from their Interior appropriations bill for timber sales.

The lower timber program funding level in the House bill is a slap in the face to the timber workers and the communities which rely on a steady supply of timber from our national forest for their economic future.

With this action on the Forest Service Timber Program, the Senate can save thousands of jobs in the timber industry including hundreds in Montana.

This bill funds the Forest Service Timber Program for sales preparation, environmental impact statements, sales, and road building at a $332 million level. The Clinton administration had requested a $330 million funding level which the House of Representatives reduced to $267 million.

The Senate Appropriations Interior Subcommittee also found a way to make the Forest Service timber sales more efficient to offset the $46 million the Clinton administration had proposed to eliminate the timber sales at 15 national forests including the Custer, Beaverhead, Bitterroot, Gallatin, and Deer Lodge in Montana for 1994.

The subcommittee action to find ways to make the timber program more efficient instead of stopping timber sales on the Custer, Beaverhead, Bitterroot, Gallatin, and Deer Lodge National Forests in Montana is a huge victory for those areas in my State that were facing economic disaster because of the Clinton administration's proposal to eliminate below-cost timber sales.

Mr. BYRD. Mr. President, I am in agreement with this amendment.

I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the amendment (No. 902) was agreed to.

AMENDMENT NO. 894

The PRESIDING OFFICER. The question is on the previous amendment of the Senator from Montana, amendment No. 894.

Mr. NICKLES. Mr. President, I wish to vitiate the original Burns amendment. This is a substitute amendment that we agreed to.

The PRESIDING OFFICER. Without objection, the previous amendment will be withdrawn.

So the amendment (No. 894) was withdrawn.

VOTE ON EXCEPTED COMMITTEE AMENDMENTS

The PRESIDING OFFICER. The question now occurs on the first excepted committee amendment.

Mr. BYRD. Mr. President, I ask unanimous consent that all outstanding committee amendments be agreed to en bloc and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the excepted committee amendments were agreed to as follows:

Page 49, lines 6–10 (sec. 116).
Page 87, lines 12–14.
Page 96, lines 3–13.
Page 97, lines 1–4 (sec. 319).

VIRGINIA CITY

Mr. BAUCUS. Mr. President, I rise today to speak to the Senate about a national treasure—a national treasure at risk.

In southwestern Montana, nestled between the Tobacco Root Mountains and the Madison River Valley, in Alder Gulch, is Virginia City. Virginia City is an original gold mining boomtown preserved very much as it was in the 1860's. This early territorial capital includes over 100 buildings that have remained exceptionally undisturbed for the last 130 years. Five historic outlaws lie buried on Boot Hill outside of town. This national historic landmark has a rich history that can be protected and preserved, but this outstanding community is in danger.

In the 1940's the Ford Bovey family of Montana began acquiring the buildings and their historic contents in Virginia City. For almost 50 years, the Bovey family have been the careful stewards of this national treasure.

But, after investing two generations of earnings this family can no longer afford to bear the burden of maintaining this property. Montana's severe weather threatens fragile buildings; the danger of fire is looming; the economic pressure to sell off, possibly piece by piece, this historic community is tremendous. We owe it to future generations to preserve this historic chapter in the history of the American West.

Mr. Chairman, I would like to submit for the RECORD a letter written to me by Dick Moe, a friend to so many in this body and the president of the National Trust for Historic Preservation. He writes:

While other mining camps were either lost by fire, replaced with stone or brick structures or abandoned altogether, Virginia City's mix of Greek Revival, Gothic and Italianate buildings were constructed by the town's first settlers.

We must take swift steps to ensure the future of this mining town so firmly rooted in the past.

Next year, the National Park Service will undertake a feasibility study to identify all of the potential alternatives to preserve Virginia City. This study must proceed quickly. The work of the Park Service is of great importance to the National Trust, the people of Montana, and the residents of Virginia City. The Trust has listed Virginia City as one of the 11 most endangered historic places in America.

I urge the distinguished chairman of the committee and President pro tempore, Senator BYRD, to take into consideration the critical and time-sensitive needs of Virginia City when the Interior appropriations bill goes to conference with the House of Representatives. I further urge the Senate conferees recede to the House in regard to the efforts to preserve Virginia City.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL TRUST FOR
HISTORIC PRESERVATION,
September 10, 1993.

Hon. Max Baucus,
U.S. Senate,
Washington, DC.

DEAR MAX: On behalf of the trustees and nearly quarter of a million members of the National Trust, I am writing in support of your work to secure adequate funding for the Virginia City alternatives study in the FY 1994 Interior Appropriation bill.

Virginia City, a National Historic Landmark, is an authentic, gold-mining boomtown representative of dozens of other mining towns that sprang to life during the gold rush in the American western frontier. While other mining camps were either lost by fire, replaced by brick or stone structures or abandoned altogether, Virginia City's mix of Greek Revival, Gothic and Italianate buildings were constructed by the town's first settlers.

It is vitally important that the National Park Service undertake the work required to determine the best possible way to ensure the preservation of the nation's best example of early mining life. This work has the overwhelming support of the local residents and is of great importance to the National Trust.

I hope that you will do all you can to include adequate funding in the Interior appropriation bill for fiscal year 1994. Specifically, I join you in urging the Senate to recede to the House on this item in the Conference on the Interior bill. It is important that the work commence in the coming fiscal year in order to protect Virginia City's irreplaceable importance in American culture.

Sincerely,

RICHARD MOE,
President.

Mr. CAMPBELL. Mr. President, I rise in support of the bill and want to thank the chairman of the Appropriations Committee for his support. Like West Virginia, Colorado is one of America's most beautiful States. Because Colorado is home to two Indian tribes as well as nationals parks, monuments, forests, and prairies, the funding appropriated by Senator BYRD's subcommittee is very important. He has not let the citizens of my State down.

The bill contains money to help fulfill the provisions of the Ute Indian Water Rights Settlement Act. This will help the Ute Mountain Ute Tribe in continuing its efforts to develop 7,500 acres of irrigation land with water it is scheduled to receive, as a result of the settlement, from the Dolores water project. Senator BYRD knows that the Ute Mountain and Southern Ute Tribes chose to settle their Indian water rights claims rather than to litigate. The subcommittee has long supported the tribes in their efforts to put their wet water to use, and I thank him for continued commitment.

The bill also will help protect the integrity of national park and monument boundaries, fish and wildlife habitat and provide for even more recreational opportunities.

Money has been provided to acquire Cherokee Park. This 18,000-acre parcel of forest land along Colorado's front range will allow the Forest Service to provide access to the area's abundant big-game habitat, mountain bike trails and spectacular fall foliage.

Money has also been provided to acquire land that has worldwide significance as a dinosaur excavation site and an area of critical environmental concern known as McIntire Springs.

The Garden Park Fossil Area near Canon City, CO, has produced many of the dinosaur bones housed in the Smithsonian here in Washington. The BLM has been hard at work organizing community support and planning to build an interpretive center that would link the fossil area with the BLM's recently designated Goldbelt National Backcountry Byway and the National Park Service's Florrisant Fossil Beds National Monument. This acquisition will not only help scientists study dinosaurs, but we would also be buying some property for hiking, fishing, picnicking, biking, and horseback riding. This is the highest priority the BLM has in my State.

The McIntire Springs area near the Conejos River is one of the best remaining examples of the cottonwood-willow riparian plant community that was once abundant along the Rio Grande and Conejos River valleys. McIntire Spring is a large and unique warm spring which generates nearly 7,000 gallons of water per minute at 60 degrees, even when the temperature falls below zero—which is a common occurrence in the valley. The spring supports an extensive wetland that provides nesting and critical habitat for a variety of waterfowl and wildlife, including bald eagles. The site also served as a winter camp for the explorer Zebulon Pike in 1807. The State of Colorado manages a reconstruction of Pike's Stockade which is located within the project area as a historic landmark. The area was later the home of A.W. McIntire, the Governor of Colorado from 1895 to 1897, who built an adobe house near the spring that bears his name.

Finally, the bill contains money to help resolve a serious problem throughout the country. In Colorado alone, 12,000 acres of inholdings exist in Forest Service wilderness areas. The Forest Service needs to provide these inholders with assurances that their inholdings can be purchased for the appraised value. The committee has therefore agreed to appropriate $1 million for a wilderness inholding fund.

The chairman has also been supportive of efforts to recover endangered species. The bill contains money for the Upper Colorado River Endangered Fish Recovery Program. This multi-State, multiagency program is being implemented in the Upper Colorado River Basin with the objective of recovering four endangered fish species while water development proceeds in compliance with the Endangered Species Act.

Without the subcommittee's tireless work and the chairman's support, my efforts to help my constituents would be in vain. I appreciate his support, and I look forward to working with him in the future.

Mr. DOMENICI. Mr. President, I rise in strong support of the fiscal year 1994 Interior and related agencies appropriations bill which is now before the Senate.

I comment the distinguished chairman of the Appropriations Committee, Senator BYRD, and the ranking member of the subcommittee, Senator NICKLES, for bringing this important bill to the Senate. I know it has been an extremely difficult task to fashion a bill that balances the diverse needs and priorities covered by these programs.

The Senate-reported version of the Interior appropriations bill provides $13.7 billion in new budget authority and $8.8 billion in new outlays for the programs of the Department of Interior, including the Bureau of Land Management, the National Park Service, the Fish and Wildlife Service, Bureau of Indian Affairs, U.S. Geological Survey and others, the Indian Health Service, the U.S. Forest Service of the Department of Agriculture, the Energy Conservation and Fossil Energy R&D programs of the Department of Energy, and important arts agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the fiscal year 1994 Interior and related agencies appropriations bill totals $13.8 billion in both budget authority and outlays.

The distinguished chairman has reported a bill that is within the subcommittee's section 602(B) allocation pursuant to the budget resolution. He has done so without the inclusion of often controversial fee proposals that would severely impact the Western States, and I thank him for that.

Mr. President, I would like to commend the subcommittee for its strong support for critical programs of the Indian Health Service and the Bureau of Indian Affairs. The subcommittee has increased the Indian Health Service by $40.3 million above the budget request to provide badly needed health care services to native Americans throughout the Nation. It has tried to avoid shortfalls in important BIA programs, such as education.

I would also like to take a moment to discuss my proposal to establish an Office of Indian Women and Families within the Bureau of Indian Affairs.

As most of my colleagues are aware, American Indians lag behind most Americans in most indicators of well-being, including health, employment, income, education, and housing conditions. Few would deny their unenviable status as the poorest Americans.

A little known fact is that the Indian woman is poorest of the poor. Yet this Government spends millions and millions of dollars every year to provide education, health services, housing, employment training, and economic development activities for American Indians. The Indian woman remains on the economic floor of America while other women run into the glass ceiling.

I want this Government to pay better attention to the impact of its program dollars on the well-being of the American Indian woman and her family. While this year's Interior appropriations bill does not provide funds for an Office of Indian Women and Children in the Bureau of Indian Affairs, I intend to pursue passage of my bill to create such an office.

I feel it is very important to identify and rectify the policy and management weaknesses of the BIA and other Federal agencies, who, despite the best intentions, seem to serve to keep Indian women at the bottom of this Nation's economic ladder.

Mr. President, I want to lend my ongoing support to the subcommittee in addressing many of the operating and maintenance needs at the Federal parks and other public lands agencies. I believe these priorities are well placed.

Finally, I thank the chairman and ranking member for the accommodation they made to several priority items to my home State of New Mexico. I am grateful for their support.

I look forward to working with my Appropriations Committee colleagues toward timely completion of this important bill.

I urge my colleagues to adopt the fiscal year 1994 Interior and related agencies appropriations bill.

REGARDING MINING CLAIM HOLDING FEE REFUNDS FOR SMALL MINERS

Mr. WALLOP. Mr. President, recently several mining claim holders in my State of Wyoming contacted my office about some of the more complex and confusing provisions contained in the regulations implementing the holding fee requirements adopted as part of last year's Interior appropriations bill.

These regulations, promulgated mid-July, nearly 10 months after enactment, set forth the procedures for paying and administering the required rental fees of $200 per claim, due on August 31 of this year. The final rule also established procedures by which small miners could obtain an exemption from payment of those fees.

On July 30, one particular claim holder, Mr. Ken Moore, visited my Sheridan field office to express his confusion and outright frustration with the Bureau of Land Management's decision to refuse refunds to miners who thought themselves eligible for the exemption, filed accordingly, but paid the fees out of fear of losing their claims if by chance they misinterpreted these overly broad regulations.

The reason for this confusion and outrage was and is obvious—the Wyoming BLM office originally sent out an advisory that claimants filing for the exemption could submit the rental fee and after it was determined that the claimant qualified for the exemption, BLM would refund the rental fee. Unfortunately, the Washington office of the BLM had other ideas about refunds and all field offices were notified accordingly.

Wyoming's BLM office therefore had no choice but to issue a separate advisory so notifying its claim holders. For the benefit of my colleagues, I will read the text of the advisory which I note does admit to some confusion about the small miner exemption:

> Please be advised: If the "Certificate of Exemption from Payment of Rental Fee" is filed with the required rental fee for a claim or claims, the rental fee will be accepted and the "exemption" form will be returned to the mining claimant. The rental fee is nonrefundable unless the mining claim or site has been determined as of the date the fees were paid to be null and void ab initio or abandoned and void by operation of law.

The advisory also encourages mining claimants to call or write to the Wyoming BLM office should they have any questions. No doubt their phones rang off the hook.

Mr. President, this refund policy, or lack thereof, is the most blatant example of misguided, irrational Government run amok I have ever encountered. The Internal Revenue Service sends refunds to individuals for overpayment of income taxes; the Minerals Management Service sends refunds on overpayments of mineral royalties. So why is it that the BLM refuses to grant holding fee refunds to small miners eligible for an exemption? In essence, BLM is telling the small miners of America that they can pay the fees to avoid forfeiting their claims, but do not expect to be reimbursed if you have made good on your insurance policy.

Somehow the BLM must have been overlooked in the administration's own movement to reinvent Government by slashing bureaucracy and making public agencies more efficient and responsive. Perhaps we would be better off if we do as some have suggested and "disinvent" Government. American Government will never be responsive or efficient until its ambitions are scaled back. Therein lies the problem with this administration. It is fraught with ambitious policymakers who seem only capable of reinventing a wheel to the detriment of its driver.

It had originally been my intention to offer an amendment along with my friend and colleague from Idaho, Mr. CRAIG, to require a refund to those small miners found to be eligible for the exemption. But I have been told by BLM that they are reviewing the situation to see what, if any, adjustments can be made in their refund policy. I also understand that BLM is still getting all the final results in on holding fee collections, including those from small miners. Perhaps that would explain why BLM Director Baca has been so slow to respond to the letter Senator CRAIG and I sent to him about this matter on August 2. I sincerely hope this dialog will expedite a reply and move Mr. Baca to arrive at a reasonable refund mechanism.

In any event, there is no doubt in my mind that we will have yet another opportunity to address the holding fee issue in the context of broader mining law reform and I will do what I can to establish a more rational holding fee policy for our Nation's small miners.

I ask that certain material pertaining to this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
Cheyenne, WY, July 1, 1993.

To: All Field Offices.
From: Chief, Branch of Mining Law & Solid Minerals.
Subject: Small Miners Exemption.

Attached is the latest Notice that was sent to all claimants that requested information on the Small Miners Exemption. The Small Miners Exemption Form was mailed with the notice to the claimants.

An Instruction Memorandum (IM) is expected in approximately two weeks to clarify procedures. The IM will be sent to you as soon as it is received.

Please note on the Small Miners Exemption Form that was sent to you previously that mill sites and tunnel sites count toward the ten claims or less limit to obtain an exemption from payment of the rental fee. However, mill sites and tunnel sites require that rental fee be paid on them regardless of the status of the owner's lode or placer mining claims.

The last memorandum from this office requested you advise claimants who were filing for the exemption to also submit the rental fee and after it was determined that the claimant qualified for the exemption, we would refund the rental fee. It has been decided by WO that there will be no refunds. If the claimant submits both a small miner's exemption and rental, this office has been instructed to process the rental and retain it, regardless of the status or determination of their small miner's exemption.

Please advise claimants of this change and if the claimant chooses to file a Small Miners Exemption there is no guarantee they will receive it. If the determination of their Small Miners Exemption is made after August 31, 1993, and they do not qualify for the exemption, there is no recourse for them and their claims will be declared Abandon and Void by Operation of Law.

Also clarify to the claimant that a valid Notice(s) or Plan(s) of Operation must cover every individual claim that an exemption is being filed on.

The State Office intends to send notices and new releases to newspapers in the areas of mining claims and notices to all mining claimants, advising them of this change.

If you have any questions please contact Nancy Hite at 307–775–6128, or Pam Stiles at 307–775–6143.

——— ———

Acting Chief.

BUREAU OF LAND MANAGEMENT,
Cheyenne, WY, July 1993.

Attention: Mining Claimants and Miners.

Mining Claimants holding 10 or fewer claims may qualify for an exemption from paying the annual rental fee. Claimants who wish to apply for the exemption must fill out Form 3830–1, "Certificate of Exemption From Payment of Rental Fee." The "Rental Fee" or the "Exemption" form must be filed in the BLM, Wyoming State Office on or before August 31, 1993, for both the 1993 and 1994 assessment years.

We are aware there is some confusion with submitting the rental fee and the exemption at the same time (as a means of protection of the claims, in case the exemption is denied).

Please be advised; if the "Certificate of Exemption from Payment of Rental Fee" is filed with the required rental fee for a claim or claims, the rental fee will be accepted and the "Exemption" form will be returned to the mining claimant; the rental fee is nonrefundable unless the mining claim or site has been determined, as of the date the fees were paid, to be null and void ab initio or abandoned and void by operation of law.

Mining claimants with questions may call or write to Bureau of Land Management, Wyoming State Office, P.O. Box 1828, 2515 Warren Ave., Cheyenne, WY 82003; Branch of Mining Law & Solid Minerals, MS 925, (307) 775–6143 or 775–6254.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
Washington, DC, June 2, 1993.

To: All State Directors.
From: Director.
Subject: Exemption Form for Implementation of Small Miner Certification Process—Rental Fees Under 43 CFR 3833.

Program area: Mining Law Administration, Mining Claim Recordation, Rental Fee Administration.

Issue: Availability of standardized Bureau form for mining claim owners claiming an exemption from payment of the rental fees under the Act of October 5, 1992 (106 Stat 1378) and 43 CFR 23833; as amended.

Policy: Transmitted herewith is the standardized Bureau form to be used by those owners of mining claims who qualify for an exemption from payment of the rental fees under the Act of October 5, 1992 (106 Stat 1378) and the revised regulations under 43 CFR 3833 *et seg.*

Form 3830–1—*Certification of Exemption from Payment of Rental Fee*—is to be used for the "small miner" (43 CFR 3833.0–5(u), 3833.1–6, and 3833.1–7) who is claiming an exemption from payment of the rental fees by performing active exploration of the subject mining claims, or who is producing valuable minerals from the claims within the dollar limits prescribed by the Act of October 5, 1992.

The form will be printed in pads of 50 and mailed from the Service Center directly to each State Office.

Action required: Each State Office will send an appropriate number of form pads to each District and Resource Area Office. The form must be fled with the appropriate State Office no later than August 31, 1993, by those claiming an exemption from payment of the rental fees.

Timeframes: Immediate. The statutory filing date for claiming an exemption is August 31, 1993. Forms are to be distributed immediately upon receipt to all field offices for use by the mining claimants.

Budget Implications: None.

Manual/handbook sections: If Congress extends the rental fee legislation in the 1994 Interior Appropriations Act (it currently expires on September 30, 1994), then the 3833 Manual will be updated to reflect the new regulations and form.

Coordination: Usual channels.

Contacts: Roger Haskins WO 660/NV 920 at (702) 785–6564 or Frank Bruno WO 660 at (202) 653–5182.

HILLARY A. ODEN,
Assistant Director,
Energy and Mineral Resources.

INSTRUCTIONS FOR COMPLETING CERTIFICATION OF EXEMPTION FORM

1. This certification is made under the provisions of the Act of October 5, 1992 (106 Stat. 1374 [1992]), and §1744 of Title 43 and §28–28e of Title 30 of the United States Code, and the regulations thereunder (43 CFR 3833 and 3850).

2. A separate certification must be made for each assessment year for which an exemption is sought.

3. The claimant(s) must-fill in the dates in the first paragraph for the beginning and ending of the assessment year for which the exemption is sought.

4. The name of the State in which the claims are located must be filled in by the claimant(s). If the claims are located in more than one State, a separate exemption form must be filed for each State in which the claims are held. The aggregate of claims listed on separate forms cannot exceed ten.

5. The claimant(s) must identify the Agency (Federal, State, or local) which has issued a Notice, Plan of Operations, or other qualified permit covering the claims for which the exemption is sought, and supply the Agency serial number assigned.

6. If the claims are in separate blocks, and the blocks have different Notices, Plans, or permits assigned to them, a separate exemption form is required for each block.

7. All claim names and BLM serial numbers must be listed for the mining claims for which the exemption is sought

8. Each commodity and its gross dollar value produced during the assessment year must be individually listed, if your claim is in production.

9. All owners of the mining claims and their addresses must be listed.

10. This form must be signed by all of the owners or their designated agent, and the signatures notarized. A notarized designation of agent, signed by all of the owners, must be submitted with this certification, if agent is designated.

11. This form must be filed no later than August 31, 1993, in the BLM State Office where the mining claims are recorded, or the exemption cannot be granted by the BLM for the assessment years 1993 or 1994.

12. If the exemption cannot be granted, and the rental fees have not been paid by August 31, 1993; the statute (106 Stat. 1374) requires that the above mining claims be declared abandoned and void.

NOTICE

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with the information required by this required certification of exemption from rental fees form.

Authority: 30 U.S.C. 28–28e; 43 U.S.C. 1201, 1740, and 1744; and the Act of October 5, 1992 (106 State. 1374); 43 CFR 3833 and 3850.

Principle purpose: This information is to be used to verify that the owner(s) of a mining claim has complied with the Act of October 5, 1992, and is entitled to perform assessment work in lieu of paying the rental fee for the mining claim listed on this form.

Routine use: (1) Adjudication of the claimant(s) certification of exemption from paying the rental fee otherwise required by the Act of October 5, 1992 (106 Stat. 1374). (2) Disclosure may be made to appropriate Federal agencies when location is made within the agency's geographic area of responsibility. (3) Information from the record and/or the record will be transferred to the appropriate Federal, State, or local agency, or a member of the public in response to a specific request for pertinent information. (4) Information may also be provided in the Department of Justice or in a proceeding before a court or adjudicative body; or to Federal, State, local or foreign agencies when needed for enforcement of civil or criminal codes or applicable regulations concerning title rights upon the public land.

Effect of not providing information: Disclosure of this information is requested by the Act of October 5, 1992 (106 Stat. 1371) and 43 CFR 3833 for those owner(s) wishing to take the small miners exemption allowed under 43 CFR 3833 and 3850. Failure to supply the information required in this form to support the owner(s) certification of exemption from payment of the otherwise required rental fees will result in the exemption being disallowed and the mining claims declared abandoned and void by the Bureau of Land Management (BLM).

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.) requires us to tell you that:

This information is being collected to allow the BLM to determine if you qualify for an exemption from the payment of $100 per mining claim or site rental fee established by the Act of October 5, 1992 (106 Stat. 1374) and the implementing regulations at 43 CFR 3833 and 3850. A response to this request is required in accordance with the statute (106 Stat. 1374) to retain your benefit.

BURDEN HOURS STATEMENT

Public reporting burden for this form is estimated to average 5 minutes per response, including time to review instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate, or any other aspect of this form, to the Department of the Interior, Bureau of Land Management, Information Collection Clearance Officer (871), 1849 C Street, N.W. Washington, D.C. 20240;

and the Office of Management and Budget, Paperwork Reduction Project (1004-0114), Washington, D.C. 20503.

Mining Request Awaits Forest OK

GREYBULL.—A Sheridan man has asked the Bighorn National Forest for permission to develop his mining claim northwest of Burgess Junction by using hand tools to explore for gold, silver and platinum a forest spokesman said.

Forester Melissa Martin of the Bighorn said it may be next year before the forest provides a public comment period on William Shoster's proposal.

Martin said Shoster's claim, obtained through the Bureau of Land Management, is for an area along Dayton Gulch Road that includes historic cabins and a mining flume used in the 1920s.

The site may be eligible for inclusion on the National Register of Historic Places," Martin said. He added that forest officials are working with Shoster to develop a master plan to minimize damage to existing buildings.

His claim involves about 20 acres, but the actual mining operation would only involve one to five acres. He would use only hand tools, she said.

The only other mining activity in the area is a silver and titanium mining operation southeast of Burgess Junction being conducted by Richard Cosgrove of Utah, Martin said.

FOREST SERVICE TIMBER AND ROAD BUILDING POLICY

Mr. BAUCUS. Mr. President, I want to speak briefly on the matter of Forest Service timber and road building policy as set out in this bill. I believe the policy outlined here is sound and forward-looking and should be strongly supported when the appropriations bill goes to conference.

The administration's 1994 budget for the Forest Service included a $46 million cut directed against timber programs that fail to make money—below cost timber sales. This cut is part of a 4-year plan to eliminate below cost timber sales on all national forests.

While below cost timber sales are an issue that we need to deal with, the solution to the problem is not to simply eliminate all timber programs that lose money. Such an approach cripples the many forests that need timber programs to carry out legitimate management objectives, prevents the Forest Service from successfully shifting to ecosystem management, and throws thousands of people out of work.

The issue here is twofold:

First, it is a jobs issue. In the State of Montana, nearly 4,000 people are directly employed by commercial timber harvesting on our national forests. Nationwide that number is in excess of 20,000.

The second issue concerns change. Just as the administration is beginning to look at how to reinvent government, the Forest Service timber program needs to be reinvented so it is more fiscally accountable; so that it does not compromise other uses on the land; and so that it is more ecologically responsible.

During the past several months I worked with several of my colleagues to set a framework for funding the Forest Service timber and road building programs in a way that is more environmentally and fiscally responsible. In working with the administration, we developed two initiatives, both of which are reflected in this bill. These initiatives require the Forest Service to become more cost efficient and demands that they move quickly to ecosystem management.

The first proposal requires the Forest Service to do what the private sector has already done—tighten their belt. Savings can be found if the Forest Service consolidates programs between forests, streamlines timber sale preparation procedures, and rearranges timber sale schedules to better meet market demands. Savings can also be found by eliminating 1,500 surplus positions in the Forest Service. Our proposal suggests providing incentives for early retirement so that this downsizing might be accomplished as quickly as possible.

The second proposal concerns timber road construction. Plain and simple, the Forest Service's road policy is no longer makes sense. Since 1976, the Forest Service has built over 100,000 miles of expensive, permanent roads on our national forests. The national forest system road network contains over 360,000 miles of roads.

Anymore, these roads are built for a single purpose, such as accessing timber, and are either closed to public use or public access is restricted. At an average cost of $20,000 per mile, permanent roads are expensive, do not serve the general public, impact fish and wildlife populations, degrade watersheds, fragment forest ecosystems, and are just plain unsightly.

Our proposal, which is included in this bill, recognizes that timber roads need to be built at the minimum standard necessary to protect the environment and reclaimed to the original contour of the land when they are no longer in use. Temporary roads lay lighter on the land and are, in many instances, less expensive than permanent roads. This makes sense for the taxpayer and the environment.

In closing, if we want our national forests provide good timber jobs and at the same time, have healthy wildlife populations, clean streams and lakes, and provide a wide variety of recreational opportunities, then we must look carefully at the problems that currently confront the Forest Service and search for innovative and responsible solutions. I believe the forest Service timber and road budget in this bill reflects just such an approach.

WHITE CLAY CREEK

Mr. BIDEN. Mr. President, I would like to take this opportunity to discuss the White Clay Creek study that is funded under the National Recreation and Preservation Program of the Park Service.

The White Clay Creek watershed, covering parts of Delaware and Pennsylvania, possesses substantial ecological and recreational values deserving of the protection that wild and scenic river designation can provide. Funding for a wild and scenic river eligibility study was included in last year's Interior appropriations. The committee's report specifically referred to the project under recreation and preservation programs.

Funding for fiscal year 1994 has been included in the program budget. However, this year's report does not specifically name the White Clay Creek study under the program. That is why I wish to clarify the Interior Appropriations Subcommittee's continuing support for the study's funding. I thank the chairman for his assistance in assuring the study's progress. Timely completion of the comprehensive study of the White Clay Creek watershed is critical to wild and scenic river designation.

Mr. BYRD. It is the committee's understanding that the Park Service's national recreation and preservation budget includes sufficient funding for the continuation of the study. Because funding for the study was directly incorporated into the Park Service's budget, the committee was not compelled to specifically reference it in the report. I assure the Senator of our support for this important study.

Mr. BIDEN. I thank the distinguished Senator from West Virginia for the committee's support and for his assistance in clarifying the committee's intentions toward the White Clay Creek study.

SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

Mrs. FEINSTEIN. I would like to engage the distinguished Senator from West Virginia in a colloquy regarding an item of great importance to the San Francisco Bay area and the State of California. The San Francisco Bay National Wildlife Refuge, established by Congress in 1972, now compromises over 18,000 acres of wetlands. As you know, wetlands provide habitat critical for many endangered species. In the bay area these include the salt march harvest mouse and the California clapper rail. Preservation of this habitat is especially vital for the clapper rail which now numbers less than 500.

The House of Representatives has provided in its version of the Interior and related agencies appropriations bill $2.5 million for land acquisition for the San Francisco Bay Area Wildlife Refuge and this is the amount that was provided in fiscal year 1993. Unfortunately, because of the budget restraints on the committee there were no funds provided for the San Francisco Bay National Wildlife Refuge for fiscal year 1994. Therefore, I would like to request that the Senator from West

Virginia consider adopting the House position with regard to the San Francisco Bay National Wildlife Refuge during conference negotiations on this bill.

Mr. BYRD. I understand the concern of the Senator from California regarding the land acquisition for the San Francisco Bay National Wildlife Refuge. As she says, the committee faced especially difficult constraints this year for land acquisition, and was unable to fund many worthy projects. I assure the Senator, however, that I will give every consideration to her request when we conduct negotiations with the House.

THE GALLATIN LAND EXCHANGE

Mr. BAUCUS. I would like to express my appreciation for this bill and commend the chairman for the hard work it represents, and I would like to urge the chairman to consider the importance of the Gallatin land exchange when he leads this bill through conference committee.

For over a decade, negotiations have been ongoing between the U.S. Forest Service and Big Sky Lumber Co. to accomplish the exchange of approximately 81,000 acres of lands north of Yellowstone National Park.

This exchange is essential to the greater Yellowstone ecosystem. The land possesses outstanding natural characteristics and wildlife habitats and the exchange represents perhaps the last opportunity for the Federal Government to acquire and protect some of the most beautiful and pristine land left near Yellowstone Park.

The Congress has taken important steps forward by passing legislation authorizing the exchange in the House and through the Senate Energy and Natural Resources Committee.

S. 489 is pending before the full Senate, and I am hopeful it will pass this week through the Senate under a unanimous-consent agreement. The passage of this legislation is critical, however, the exchange cannot be implemented without the required funding for public acquisition. The amount needed is $5 million.

Mr. BYRD. The administration requested $1 million for land acquisition in the Gallatin National Forest and $3 million was added by the House Appropriations Committee. The Senate Appropriations Committee included $1.5 million for this exchange.

Mr. BAUCUS. In order to facilitate the exchange the amount needed to compensate Big Sky Lumber will be closer to $5 million, for that reason I urge the Chairman to recede to the House during conference committee for the purpose of the Gallatin land exchange.

Mr. BYRD. The Senator is well aware of the difficult problems we will face in conference on this bill, and I will give this issue every consideration when the Appropriations Committees meet in conference.

Mr. BAUCUS. I thank the chairman.

MAINTENANCE OF ROADS IN CHECKERBOARD AREAS

Mr. BINGAMAN. It has come to my attention that in checkerboard areas, in which Indian lands and county lands are interspersed, problems sometimes arise in determining how road maintenance responsibilities should be allocated. In the northwest corner of New Mexico, for example, both San Juan and McKinley Counties have had this difficulty in recent years. San Juan County, Navajo Nation, and BIA officials appear to be making progress on this issue, while the future of the problem in McKinley County is at this point unclear. It appears to me in cases such as these the Indian government, the relevant local government, and the Bureau of Indian Affairs should work together to ensure that road maintenance is accomplished in a fair manner. Is it the understanding of the distinguished chairman that the Bureau of Indian Affairs would do well to do all that is within its authority to encourage agreements and memoranda of understanding that lead to an efficient and equitable use of road funds for that purpose?

Mr. BYRD. That is my understanding.

Mr. BINGAMAN. I thank the chairman of the committee.

VIRGINIA CITY, MT

Mr. BAUCUS. I would like to thank the chairman and express my appreciation for this bill, and I would like to urge the chairman to consider the importance of a national historic treasure, Virginia City, MT, when he leads this legislation through the conference committee.

Included in the National Park Service section of this bill is a feasibility study regarding the protection of and management alternatives for this National Historic Landmark.

Virginia City is an early territorial capital dating back to the Gold Rush of 1863. The essence of Virginia City has been preserved like no other place of its time. Five historic outlaws lie buried on Boot Hill above town; buildings remain remarkably undisturbed as they were more than a century ago.

Virginia City's future, however, is threatened. This town is on the National Trust for Historic Preservation's list of the 11 most endangered places. Montana's severe weather threatens fragile buildings; economic pressures threaten to put historic artifacts on the action block and sold. Time is our enemy and to allow this historic jewel to be lost forever, or fall into decay and disrepair, would be an injustice.

I seek the chairman's assistance to see that funding for this study, as well as an appraisal of these historic buildings and their contents, is preserved in conference committee and the study is completed by the Park Service as quickly as possible.

Mr. BYRD. Initially, the administration requested $110,000 for a feasibility study of Virginia City and this was subsequently revised to $74,000. The Senate Appropriations Committee included $74,000 for this study. The House Appropriations Committee earmarked $150,000 for this study.

Mr. BAUCUS. In order to complete this study and appraisal this year, I believe the full $150,000 is required. For that reason I urge the chairman to recede to the House during conference committee for the purpose of the Virginia City study.

Mr. BYRD. The Senator is well aware of the difficult problems we will face in conference on this bill, and I will give this issue every consideration when the Appropriations Committees meet in conference.

Mr. BAUCUS. I thank the chairman.

MAMMOTH CREEK ROAD

Mr. HATCH. Last year, the Department of the Interior appropriations bill included funding for the reconstruction and paving of the Mammoth Creek Road in the Dixie National Forest of Utah. This road will serve as a major forest arterial connection between Utah State highways 14 and 143. The project is compatible with the Dixie National Forest Land and Resource Management Plan and is supported by local users, private land owners, local businesses, and county and local governments.

Congress recognized that improving the Mammoth Creek Road will provide greater opportunity for recreational activities within the Dixie National Forest, which are limited due to the lack of properly constructed, all-weather roadways. With visitation on the rise in the Dixie National Forest, it is important to keep as much area of the forest as possible open and accessible to the local community and nature enthusiasts.

For this reason, Senator BENNETT and I requested additional funding in this year's appropriations bill to keep this important project viable. Because of budget constraints, the Interior Subcommittee was unable to provide funding for this year.

Mr. BENNETT. I would note for the record that a finding of no significant impact was recently determined by the Dixie Forest supervisor for the Mammoth Creek Road project. This means that an environmental assessment will not be required to complete it. Not only is the project necessary for all the reasons cited by Senator HATCH, but it is being done with strong sensitivity to the environment.

Mr. HATCH. I thank my colleague from Utah for mentioning that important point. In order to keep the Mammoth Creek Road project going forward, we believe a reprogramming of recreational road funds to be allocated to the Forest Service's region four in fiscal year 1994 is warranted. I would ask the distinguished senator from West Virginia if he would support a reprogramming of funds to continue this worthwhile project.

Mr. BYRD. The Senator is correct when he states that the Interior Subcommittee worked with very constrained budgets on this year's Interior bill. Providing funding for the Mammoth Creek Road was one worthwhile project which, unfortunately, did not receive funding. I would ask the senior Senator from Utah to elaborate on where a reallocation can occur within region four to continue with this project.

Mr. HATCH. I would suggest to the Senator from West Virginia that region four be instructed to reprogram the outstanding balance from the fiscal year 1994 out-year administrative and support funds otherwise available to Utah to the Dixie National Forest to continue work on the Mammoth Creek Road. This account is primarily utilized for overhead and construction engineering. Reprogramming the balance of Utah's allocation of this account should amount to a figure of $100,000.

Mr. BYRD. I believe that this request is reasonable. It uses funds proposed for Utah for other Utah projects. On that basis, I will not object to this proposed reallocation.

Mr. NICKLES. If the Senator would yield, I, too, believe this suggestion from the Senator from Utah is reasonable and deserves our support. I am aware of the importance of the Mammoth Creek Road to the Dixie National Forest and the surrounding communities and believe this important project should be continued. Therefore, I support the reprogramming request by the Senator from Utah.

Mr. HATCH. On behalf of Senator BENNETT, I thank the distinguished chairman of the Appropriations Committee and the Senator from Oklahoma for their understanding on this matter and their support for this reprogramming request.

AROOSTOOK BAND OF MICMACS

Mr. MITCHELL. Mr. Chairman, I commend you for the bill you have brought to the floor today. Within very tight fiscal constraints and with numerous critical needs to be met, the Interior Committee, under your leadership, has met the challenge and reported an excellent bill.

I am very pleased the subcommittee included in the bill $333,000 in the Indian Health Service [IHS] facilities account for the Aroostook Band of Micmacs. These funds are critical for the development of adequate health services for band members.

As you know, the Aroostook Band of Micmacs reside in northern Aroostook County, in the vicinity of Loring Air Force Base. The base was included on the 1991 base realignment and closure list and will cease functioning as an Air Force facility in September 1994. Located on the base is an excellent 30-bed hospital and medical facility which has been recently renovated and is considered state-of-the-art. It is important to area residents that this facility be maintained, and the Aroostook Band of Micmacs have indicated their interest in securing and operating the facility.

It is my understanding that in addition to the funds appropriated for the band in the IHS' facilities account, the committee also intends for the Indian Health Service to cooperate with the Aroostook Band of Micmacs and the Loring Development Authority to address the economic feasibility of securing the Loring hospital facility for use as a tribal health facility. Is my understanding correct?

Mr. BYRD. I appreciate the Senator from Maine's question, and assure him that his understanding of the situation is indeed correct. As has been done in past cooperative efforts, the committee expects the Indian Health Service to offer its services to the tribe to conduct an in-house economic feasibility study of securing the Loring hospital facility for use as a tribal health facility. The committee looks forward to the results of this study to aid in future decisions made regarding the provision of health services for tribes in the Northeast.

Mr. MITCHELL. I thank the distinguished chairman for clarifying this issue for me, and I also appreciate his support of the Aroostook Band of Micmac's effort to determine the feasibility of securing this facility. I know the senior Senator from Maine, Senator COHEN, also has a question on this provision, and I appreciate the chairman's patience and clarification of this issue.

Mr. COHEN. I, too, appreciate the efforts by the distinguished chairman of the Appropriations Committee to craft a fiscally responsible bill that addresses the needs of the many agencies over which the committee has jurisdiction. I'm also very pleased that the needs of the Aroostook Band of Micmacs were addressed in this bill.

As the chairman and ranking member know, the closure of a military facility anywhere in the country has serious repercussions for the local economy. In the case of Loring Air Force Base, which is located in a very remote area of northern Maine, the impact will be devastating. Every effort is being made to find productive uses for the existing facilities.

The Loring Development Authority strongly supports the band's efforts to use the medical facility at Loring after the base's closure in 1994. The band has made clear its intention to work with others in the Loring community, including but not limited to the Loring Development Authority, to explore the possibility of keeping the hospital open so that it will continue to benefit local residents. Such an effort has the potential to not only aid in health care for Native Americans in the Northeast, but can also potentially mitigate the negative impact closure of the base will have on the surrounding communities.

I would like to clarify one point. Should the band wish to expand upon the in-house study to be conducted by the Indian Health Service, would the committee object to the band using additional resources from within the $330,000 appropriation for facilities? Am I correct in my understanding that such an expenditure of the appropriated funds would be consistent with the committee's intention?

Mr. NICKLES. The senior Senator from Maine's understanding is correct. The funds provided in the facilities account are to be expended to address the numerous situations where an expansion of the Service Delivery Program is precluded by current space constraints. The funds recommended in the facilities account are to be used for one-time expenses associated with the expansion of space, and the use of such funds by the Micmacs to expand on the IHS in-house study is entirely consistent with the committee's intent.

Mr. COHEN. I appreciate the clarification, and speaking for both the Majority Leader and myself, we appreciate the committee's efforts to assist the Aroostook Band of Micmacs, in consultation with the Loring Development Authority, in conducting a feasibility study on the reuse of the Loring medical facility.

TIMBER SALES IN ARKANSAS

Mr. COCHRAN. Mr. President, the Interior bill included language regarding timber sales on two National Forests in Arkansas. Under these provisions, the Commercial Timber Sale Program on the Ozark-St. Francis and the Ouachita National Forests could continue as envisioned in the recent supplements to the forest plans. Under these provisions is it expected that the agency would work to reduce the use of clearcutting and not permanently alter the species composition of the forest?

Mr. BYRD. It is my understanding that the programs would continue as called for under the plans.

Mr. COCHRAN. Further, is it the committee's expectation that the words "permanently and substantially" in the second Arkansas provision would specifically allow the temporary manipulation of the forest stands as caused by commercial timber production?

Mr. BYRD. The Senator is correct, such manipulation could be done so long as it is consistent with the objectives stated in the language.

Mr. NICKLES. I assure my friend from Mississippi that the statements he has made about the affect of the provisions in this bill on forest plans reflect my understanding as well.

Mr. COCHRAN. I thank the chairman and the ranking Republican member of the subcommittee for their assurances.

FOREST COMPOSITION

Mr. COCHRAN. Mr. President, as we consider the fiscal year 1994 Interior appropriations bill, I would like to express my strong concerns over language included in the bill which severely limits clearcutting and modifications to forest composition as described in the Forest Service administrative provisions. These are sensitive subjects for many of my colleagues, and I know that the committee and staff worked hard to modify these onerous provisions. They have successfully modified the House language to a limited degree, and I appreciate their efforts.

However, the language addresses a policy question of national forest management, which is clearly a question which should be addressed by the Agriculture Committee. Even more so, Mr. President, this bill provides over $2.3 billion for the U.S. Forest Service, which is charged with the management of our Nation's forest resources. It is not the job of Congress to micromanage this or any other agency.

These provisions clearly insert the Congress into the local operation of the national forests. This confounds Forest Service efforts to comply with goals and objectives publicly agreed to in local forest plans. Today, these provisions address clearcutting and timber management. Tomorrow, a Member may ask for a provision on wilderness or recreation use. How can the agency develop any integrity with the public when we in the Congress disrupt the local plans with each annual appropriations bill? I would suggest that those with differences of opinion on the management of these lands should try the normal processes of public comment when the forest management plans are introduced.

These provisions affect national forests outside my State, but what prevents the agency from taking this two-State precedent and applying it to the entire Forest Service Southern Region, which does include Mississippi?

The Forest Service has made a tremendous effort to improve the management of the national forests. Harvest levels have been severely reduced. The bill before us provides the lowest national forest sales level since 1952. Operational standards and guidelines to protect forest resources during timber harvests have greatly increased in recent years. The agency announced a major reduction in the use of clearcutting last year. It has also complied with Appropriations Committee directions to reduce clearcutting by a substantial amount. These provisions are unnecessary.

Clearcutting and modification of forest stand structures provide the Forest Service with crucial tools for management of the national forests. These tools allow timber production, but they also allow efficient improvement of wildlife habitat and the cleanup of diseased or damaged timber stands. The exact need for stand modifications and timber harvesting is best left to the local professional with knowledge of local conditions striving to meet forest plan goals.

Mr. President, ideally I would like to offer an amendment to strike the provisions related to the Arkansas National Forest and the Shawnee National Forests. However, I recognize that these provisions represent careful compromises, and therefore, I would like to ask the distinguished chairman of the Appropriations Committee for clarifications.

THE SILVIO O. CONTE NATIONAL FISH AND WILDLIFE REFUGE

Mr. LIEBERMAN. Mr. President, may I ask the indulgence of the chairman of the Appropriations Committee for just a moment? Mr. Chairman, Senator LEAHY and I have some concerns which we have shared with you previously about language on the Silvio O. Conte National Fish and Wildlife Refuge which is presently included in the Senate's committee report. We have revised language that we would like to see adopted as part of the Statement of Managers. The revised language states:

> The Managers agree that the $500,000 recommended for the implementation of the Silvio O. Conte Refuge Act of 1990 in the Connecticut River Basin will be used primarily to complete the planning process as required by statute. It is the understanding of the Managers that the Conte Refuge represents an opportunity for a new kind of wildlife refuge, one that emphasizes building on existing efforts to protect the ecosystem and on cooperative agreements between state, local, federal agencies, private landowners, and nonprofit foundations and citizen organizations.

Mr. LEAHY. Would the distinguished Senator from Connecticut yield?

Mr. LIEBERMAN. I would be happy to yield to my friend from Vermont.

Mr. LEAHY. Mr. President, I also appreciate the distinguished chairman's attention to this matter. Senator LIEBERMAN and I are in agreement that the Silvio O. Conte National Fish and Wildlife Refuge presents the U.S. Fish and Wildlife Service an opportunity to create a refuge and protect an ecosystem without relying solely on traditional methods of large-scale land acquisition. I appreciate Senator LIEBERMAN's sensitivity to the particular concerns of some of my constituents on this matter. We have some impressive success stories in the Connecticut River Valley through the efforts of the Joint River Commissions, and I look forward to seeing more of these innovative and localized approaches to ecosystem protection. Senator LIEBERMAN and I are in agreement that the revised language that we've submitted to you supports our views, and we respectfully request that it be included in the Statement of Managers.

Mr. BYRD. Mr. President, I understand that Senators LEAHY and LIEBERMAN have worked this out between them, and I am happy to take to conference with the House their language concerning the Conte refuge.

SPECIAL FOCUS AND NEW PARKS; TRAILS

Mr. LEVIN. Mr. President, if I could have the attention of the distinguished manager of the bill, the President pro tempore, for just a moment, I would like to discuss two provisions that are included in the committee's report to accompany H.R. 2520.

First, the bill, as reported, would provide a lump sum of $19,400,000 for special focus and new parks in fiscal year 1994. The administration had originally requested approximately $40 million for these parks, but apparently due to budget constraints the committee was unable to provide the full amount.

As the Appropriations Committee chairman knows, I am particularly interested in the $300,000 that the administration had originally requested for the first year of funding for the Keweenaw National Historical Park. This is a park of national significance that took many years to authorize and now deserves to be adequately funded for planning purposes, at least, and for the establishment of an advisory commission.

Mr. President, I would ask the Senator from West Virginia whether or not the Keweenaw National Historical Park will still have, under the language of the Senate version of H.R. 2520, the opportunity to obtain those $300,000?

Mr. BYRD. Mr. President, I would say to the Senator from Michigan that the Keweenaw National Historical Park will have the chance to receive those funds if the administration believes that the park is deserving of them when the lump sum is distributed. The committee has specifically not included any language which would preclude consideration of the park when the National Park Service makes its funding distribution.

Mr. LEVIN. Mr. President, I have a second question for the chairman, regarding Trails. I am a strong proponent of completing the North Country National Scenic Trail and have urged the chairman several times to provide increased funding for the National Trails System. So, I am delighted to see that the committee's report recommends an increase for the National Trails System of $750,000. Unfortunately, there are two provisions in the committee report that appear to diminish the positive effect of this increase. The increase, according to the National Park Service, would be distributed to the various national trails through an objective and merit-based selection process. However, both provisions appear to earmark funds for specific trails without regard to such a process.

I would appreciate some clarification from the manager on this point, in particular. Does the committee's report recommend reducing the $750,000 general increase for the National Trails System, which is already affected by the earmark for the Sante Fe Trail, by an additional $300,000 for the New Jersey coastal heritage trail, which is not a recognized national trail?

Mr. BYRD. Mr. President, the committee report provides that within available funds from the park support account, $300,000 will be provided for the New Jersey coastal heritage trail. This language should be interpreted to mean that the funds should come from the general park support account and not from those funds explicity designated by the committee, such as the $750,000 increase for the National Trails System.

Mr. LEVIN. Mr. President, I thank the Senator for his assistance in clarifying these matters.

Mr. KOHL. Mr. President, I thank the Senator from Michigan for raising these funding concerns regarding the National Trails System, which I share. He and I have worked in cooperation to draw attention to the need for increased overall funding for the National Trails System. I greatly appreciate the chairman's efforts to increase the long distance trails funding by $750,000 in the fiscal year 1994 Interior appropriations bill.

To further clarify this issue, it is my understanding that it is the intent of the Senate Appropriations Committee that the increase would be dedicated exclusively to those trails designated by the National Trails System Act (Public Law 90-543), as amended. I would ask the chairman of the committee if that was the intent.

Mr. BYRD. Mr. President, it is the committee's intent that the $750,000 increase for the National Trails System be used exclusively for those trails designated by the National Trails System Act, as amended.

Mr. KOHL. I thank the Senator from West Virginia for that clarification, I would like to add that there has been a joint effort by many Senators to increase the overall funding for the National Trails System as a whole, instead of having Senators work individually to fund their own favorite trails. Because the National Trails System Act of 1968 envisioned these long distance trails as an integrated, national system, our efforts have focused on the need for a national, rather than parochial, approach to funding, as well. It is for this reason that I am extremely disappointed that $150,000 of the $750,000 increase has been earmarked for the Santa Fe Trail in the Senate bill. It is my strong hope that as the fiscal year 1994 Interior appropriations bill goes to conference, the Senate conferees will recede to the House on this issue, and eliminate any earmark in long distance trail funding.

Mr. LEVIN. Mr. President, I would like to echo the sentiments of the Senator from Wisconsin. As he indicated, we have been working on increasing funds for the entire National Trails System. And, I would like to urge the chairman of the Senate Appropriations Committee to maintain his support for special focus and new parks funding at the maximum amount possible. And, I hope he will keep a kind eye on the Keweenaw National Historical Park, so that no harm befalls it during conference.

Mr. BYRD. I thank both Senators for their interest and will keep these issues in mind as we go to conference on this bill.

ADDITIONAL FTE'S AT ACE BASIN NATIONAL WILDLIFE REFUGE

Mr. HOLLINGS. Mr. President, I would like to bring to the Senate's attention a serious problem regarding the staffing level at the ACE Basin National Wildlife Refuge in South Carolina. The ACE Basin Refuge was created in the late 1980's and its acreage has expanded rapidly in recent years. The refuge currently encompasses 9,695 acres, and negotiations are underway for further expansion. So in the near future the refuge will easily exceed 10,000 acres.

The Fish and Wildlife Service is doing a fine job in seizing every opportunity to expand the refuge, however this expansion has not been matched with personnel resources to oversee it. Currently, there are only three full-time employees staffing the refuge and one of those is strictly clerical. These three are responsible for assembling and managing almost 10,000 acres currently in the refuge as well as the additional lands that will be added in the near future.

Mr. BYRD. I would note that the distinguished chairman of the Commerce Committee is correct. My understanding is the ACE Basin Wildlife Refuge has only three full-time employees, and only two of those are engaged in hands-on management of the refuge.

Mr. HOLLINGS. Mr. President, managing a wildlife refuge is a difficult task even when the refuge is in top condition. However, in the case of ACE Basin, the refuge is being created anew out of a number of long-neglected plantations. Due to this past neglect, a multitude of renovations and improvements are necessary to restore the refuge. In addition, a comprehensive management plan must be implemented. Complicating matters further is the fact that the ACE Basin is a far-flung refuge, whose tracts are noncontiguous, separated by more than 30 miles. We are kidding ourselves if we pretend that three people, even allowing for their dedication and long hours, can adequately oversee such a vast refuge.

Mr. BYRD. Mr. President, the Senator highlights a growing problem. As demand for new acquisitions, whether for new or expanded refuges, increases, the operating budget for the refuge program must try to keep pace. We have attempted in this bill to address this, and similar situations, by providing additional funds for refuges and wildlife. In allocating its resources, the Service should take into account the needs at these new and expanded refuges, and consider a strategy in its fiscal year 1995 budget for how best to meet these requirements while continuing to fulfill its responsibilities at existing refuges. Supporters of our fish and wildlife resources should also understand that the tight budget projections for the next few years will likely make this situation even more critical.

Mr. HOLLINGS. I appreciate the comments of the chairman. I know how difficult it is to balance the competing demands in the Interior bill. The subcommittee continues to try and allow for both, which I believe is desirable. The ACE Basin National Wildlife Refuge has been one of the Fish and Wildlife Service's top acquisition priorities despite tight budgets, and I am sure it will continue to rank high because, as the largest undeveloped wetland ecosystem along the east coast, it is an irreplaceable resource.

TAHOE TALLAC FOREST SERVICE FUNDING

Mrs. FEINSTEIN. I would like to engage the distinguished Senator from West Virginia and the distinguished Senator from Nevada in a colloquy regarding an item of importance for the Tahoe Tallac Historic Site and the State of California and Nevada. The Tahoe Tallac Association is working cooperatively with the Forest Service to develop a master plan for the use and rehabilitation of the 74 acres of forested lakeshore property that is now included in the National Register of Historic Sites. The Interior Subcommittee has been generous in recommending that $425,000 be provided to Tahoe Tallac for its activities. One of Tahoe Tallac's top priorities in the plan for the historic site is the restoration of the Valhalla Boathouse. I would ask that consideration be given to the use of these funds for this purpose.

Mr. REID. Would the Senator from California be in agreement that the $425,000 included by the committee be divided equally between the Tahoe Tallac Historic Site and the restoration of the Valhalla Boathouse?

Mrs. FEINSTEIN. That would be acceptable to me if it is acceptable to the committee.

Mr. BYRD. I appreciate the remarks of the Senator from California and the Senator from Nevada regarding the use of funds for Tahoe Tallac. The committee has no objection.

Mr. NICKLES. As ranking minority member, I am in concurrence with the chairman.

TECHNOLOGY ASSISTANCE SERVICE

Mr. BAUCUS. Senator BURNS and I would like to thank the chairman for this bill, and we would like to clarify the funding for the National Appropriate Technology Assistance Service [NATAS]. It is our understanding that NATAS has received $1.4 million through the fiscal year 1994 Interior appropriations bill as part of the funding provided for the Energy Conservation Program of the Department of Energy. Is that the understanding of the chairman?

Mr. BYRD. The fiscal year 1994 Interior appropriations bill has included the $1.4 million for the National Appropriate Technology Assistance Service as proposed by the administration in its budget request.

Mr. BURNS. The NATAS program has been run successfully from its inception by the nonprofit organization, the National Center for Appropriate Technology [NCAT]. Is it the Chairman's intent that this program should continue to be administered by NCAT to ensure continued quality?

Mr. BYRD. Yes, it is the intent of the Committee that the National Appropriate Technology Assistance Service continue to be managed by the National Center for Appropriate Technology as indicated in the administration's budget request.

Mr. BAUCUS. I thank the chairman. NCAT has demonstrated good innovation and solid technical support and has received special acknowledgment by consumers and industry alike. We appreciate the support of the chairman and the committee.

SOLICITOR'S OFFICE

Mr. COHEN. Mr. Chairman, I would like to express my appreciation for the bill that you have brought to the floor today. As you know, this legislation contains funding for the salaries and expenses of the Solicitor's office of the Department of the Interior.

I wanted to bring to the chairman's attention an issue pending in the Interior Department's Solicitor's office. It is an issue that needs resolution as quickly as possible.

Over a year ago, the Solicitor's office determined that it had responsibility for representing the Penobscot Indian Nation in hydroelectric dam relicensing proceedings before the Federal Energy Regulatory Commission [FERC]. In April of this year, the Department stated to FERC that there was a question as to whether the Penobscot Tribe holds title to the islands in the Penobscot River in Maine, and that it is "currently reviewing the extent and nature of the Nation's landholdings in Maine." I and other members of the Maine congressional delegation asked the Department to indicate what that review entails and what the Solicitor's office has done to complete that review, and after some initial problems we have begun to see some actions taken to answer our questions.

I remain concerned, however, that the work needed to be done on this matter may not receive the priority attention it deserves by the Solicitor's office and the Bureau of Indian Affairs [BIA], and this is not fair to current landowners, to the Penobscot Indian Nation, or to the State of Maine.

It is my understanding that the Committee expects the Department to proceed to resolve the question of ownership of the islands in the east and west branches of the Penobscot River upstream of the town of Mattawamkeag, ME, with a target date of completion of its legal analysis by October 1, 1993, and any subsequent work by the end of this calendar year, December 31, 1993. Is my understanding of this correct?

Mr. BYRD. I thank the Senator from Maine for bringing this matter to the committee's attention and want to assure him that his understanding of the committee's expectation of the Solicitor's office and the Bureau of Indian Affairs is correct. The committee agrees with the Senator that this is an important issue that must be resolved as quickly as possible.

Mr. COHEN. I thank the distinguished chairman for his help on moving this issue to resolution. As he is aware, in 1980 Congress approved the Maine Indian Claims Settlement Act in order to settle the claims by Indian tribes to land in Maine. The questions raised by the Department of the Interior as to the ownership of the islands in the Penobscot River has created some concern in my State, and the sooner it is resolved, the better.

Mr. MITCHELL. I, too, appreciate the comments of the distinguished chairman of the committee as well as his efforts at encouraging the Department of the Interior to resolve this issue in the near future. In addition to the concerns raised by my colleague from Maine, I would also like to point out that the questions raised by the Department of the Interior have caused the Environmental Protection Agency [EPA] to call into question the ability of the State of Maine to issue water quality certifications under the Clean Water Act. So, the issues involved here are not trivial ones, and it is in everyone's best interest to have them resolved as soon as possible.

Mr. NICKLES. The majority leader raises a very good point, and the committee fully expects that the Department of the Interior will work to answer these questions before the start of the next fiscal year.

Mr. MITCHELL. I appreciate the support of the Senator from Oklahoma, in addition to that of the chairman. We will continue to work with them to ensure that this matter is handled expeditiously by the Solicitor's office and the BIA.

Ms. MOSELEY-BRAUN. As we consider the fiscal 1994 Interior and related agencies appropriations bill, I would like to call attention to a very important fossil energy research initiative important to my State of Illinois, the mild gasification process unit. Funding for the mild gasification process unit was not included by the Senate Appropriations Committee, and I would like to take a moment to share with my colleagues the reasons why this project should receive continued funding.

Through a competitive solicitation of the Department of Energy in fiscal year 1991, a team headed by Kerr McGee Coal Corp. and the Institute of Gas Technology in Chicago was selected to test a mild gasification technology design upgrade at the Coal Development Park at Southern Illinois University.

In mild gasification, marginally marketable coals are heated at moderate temperatures and pressures to produce a slate of gaseous fuels, liquid hydrocarbons, and a solid product known as char—all of which can be sold commercially.

The primary product of this effort is char. Produced from coals from Illinois, Wyoming, and West Virginia, char can be briquetted into a high-value metallurgical-grade coke for use by a U.S. steel firms and foundries. Currently, these industries use a coke which soon will be prohibited by the Clean Air Act. The char produced by the mild gasification process is an environmentally acceptable fuel that the steel industry can use to replace regular coke. Char production will also reduce the need to import metallurgical-grade coke, and will open significant new markets for lower grades of coal. States with wet coals and coals with high sulfur content stand to benefit from the economic options that will result from the research conducted at the mild gasification process facility.

Above all, the unique design of this facility has a distinct advantage over other mild gasification designs in that it can be upgraded to a commercial production level within an acceptable cost range.

To date, Congress has provided approximately $6 million of this $18 million initiative. The State of Illinois contributes 20 percent of the total project cost. During consideration of the fiscal year 1994 Interior appropriations bill, the House provided $5 million to continue the mild gasification facility; however, no funds were included by the Senate.

Mr. President, this fiscally sound, ongoing initiative has received considerable financial support from State and Federal Government, and private industry. The mild gasification process unit will provide broad benefits to the Illinois coal industry and to our coal industry nationwide. Commercialization of the IGT technology will not only provide a new market for our domestic coals and reduce the reliance of our steel firms on imported coke, but will introduce a new industry into a severely economically depressed area. Given that the Federal funding match for this research facility is nearly complete, I urge the honorable Senator from West Virginia to give every consideration in conference to providing the necessary funds to complete the mild gasification process facility.

Mr. BYRD. I thank the Senator from Illinois for her comments regarding the mild gasification facility planned for southern Illnois. As I am sure the Senator knows, there are three mild gasification/coal refinery demonstration projects currently being funded by the Department of Energy. Given the budget constraints that the committee was forced to confront, we were simply unable to include the funds needed to initiate construction of a fourth mild gasification facility. I can assure the distinguished Senator, however, that I will give every consideration to this project within the budget limitations that we will continue to face in conference.

LINCOLN ASSASSINS EXECUTION

Mr. SIMON. Mr. Chairman, this past weekend I toured Ford's Theater and the Lincoln Museum. As a Lincoln buff, this was a great experience. In my conversations with those at the museum, including National Park Service employees, I was reminded that those who were convicted of assassinating President Lincoln were executed at a spot now within the boundaries of Fort McNair.

I believe it is appropriate to install a small marker on the site at Fort McNair where the Lincoln assassins were executed. Clearly this was an important moment in our history and one that we should recognize.

Given the chairman's own facility and love of history, I would welcome the chance to work with you, the National Park Service, and the Department of Defense to see that such a marker is installed at the appropriate spot at Fort McNair.

Mr. BYRD. I appreciate the Senator's concern and urge the Park Service to work with the senior Senator from Illinois to address this issue.

WOLVES IN YELLOWSTONE NATIONAL PARK

Mr. BAUCUS. Mr. Chairman, I have reviewed the amendment offered by my colleague from Montana, and I find it acceptable. At the same time, I remain very concerned at the direction we are heading in with regards to wolves in Yellowstone National Park.

I have long believed that if wolves are to repopulate Yellowstone National Park, it should be naturally. Now that this is actually happening, I have reevaluated my position. There is no doubt that Yellowstone National Park and adjoining wilderness will be better off if the wolf returns. As the overgrazed conditions in portions of the park show, these are areas that will benefit from the addition of a new predator. However, we cannot turn a blind eye to potential problems when the wolf leaves the park or the wilderness.

We must take control of the wolf situation and act affirmatively to ensure that repopulation occurs with the minimal conflict to human interests. This means reintroducing wolves as nonessential, experimental populations to allow the Endangered Species Act to operate in the most flexible manner possible. If we cling to the status quo, we will lose the opportunity to be flexible and will have a real problem on our hands.

Mr. BURNS. Mr. Chairman, I appreciate your assistance in this amendment's adoption by the full Senate today. This is a signal to the Park Service that greater importance should be placed on the improvement of Yellowstone's infrastructure than on the reintroduction of the wolf.

My colleague from Montana is correct; wolves are repopulating in Montana and may be migrating into Yellowstone National Park. I have long said that the State of Montana and other wildlife management agencies should take a proactive role in the management of the wolf.

My amendment stopped the creation of two bureaucratic jobs. The creation of new Government jobs is not what Montanans want. They want improvements in the roads, buildings, paths, and other facilities within Yellowstone. This amendment transfers funds to provide the improvement of the infrastructure of our Nation's oldest park.

Mr. BYRD. I have listened to the comments of both of my colleagues, and their concerns will be noted during the conference on this bill.

Mr. NICKLES. The amendment offered by Senator BURNS has been cleared by this side of the aisle.

THE EAST EVERGLADES WATER DELIVERY

Mr. MACK. Mr. President, I come to the floor today to speak for a moment about protecting a national treasure, the Everglades and Florida Bay. And I would also like to make an inquiry of the floor managers as to the utilization of moneys appropriated for the East Everglades modified water delivery.

First let me say I believe the Everglades to be a crown jewel in our National Park System. The Everglades provides a home to a wide diversity of endangered and threatened species of wildlife and safeguards south Florida's water supply. Restoring the natural flow of water through the Everglades is a key element to the restoration of its health and that of Florida Bay, whose sea grass beds are prime habitat for young and adult pink shrimp, snapper, and other fish and is a natural nursery for a multimillion-dollar commercial fishing industry.

The Senator from West Virginia and the Senator from Oklahoma realize the importance of this project to the people of Florida and for the protection of the Everglades National Park and Florida Bay. They have been generous in providing funding for this vital project over the last several years, and I look forward to their continued support.

The Department of the Interior, together with the Office of Management and Budget and the EPA, have expressed their strong support for making the funding for modified water delivery more flexible so that it might also be used for land acquisition of the areas in question should that opportunity present itself.

It is my understanding that in the near future such an opportunity may indeed arise, and I would ask the floor managers if they too recognize the urgency in moving forward in providing for this flexibility after the relevant authorizing committees have had an opportunity to review the proposal.

Mr. BYRD. I understand the Senator's urgency in wanting to provide this flexibility. I also want to make clear to the Corps of Engineers that they are not to go forward in spending the money provided for construction of the modified water delivery while alternative methods to protecting the Everglades are being considered.

Mr. MACK. Would the managers then be willing to consider the necessary appropriations language to transfer this funding on the earliest appropriations bill after the relevant authorizing legislation has been passed?

Mr. BYRD. At that point, I would look forward to working with the Florida delegation and the administration on a proposal to effect this transfer. I wish to reiterate to the Senators from Florida that this money will not lapse and will remain available for possible transfer after due consideration by the authorizing committees of jurisdiction.

Mr. NICKLES. The proposal being contemplated would involve potential cost savings as compared to construction of modified water delivery system, in the long run saving taxpayers dollars. I trust the authorizing committee will take this into account when considering this proposal. While we must be mindful of setting a precedent of a non-Federal entity holding title, in this case it may be the most prudent and cost-effective option.

Mr. GRAHAM. I join my colleague from Florida in expressing our support for moving forward as rapidly as possible in providing maximum flexibility for this funding. The protection and restoration of the Everglades is something for which I have fought since my years as Governor of Florida. As a longstanding member of the Environment and Public Works Committee, I am committed to moving forward on the necessary authorizing legislation at the earliest possible time. I would also like to reaffirm to the floor managers that this is truly a bipartisan effort.

In closing, I would like to thank the floor managers for their commitment to work with Senator MACK and myself on this important issue.

CLOSING OF THE LUNCHROOM AT THE CARLSBAD CAVERNS NATIONAL PARK

Mr. BINGAMAN. Mr. Chairman, I am extremely concerned over plans by the National Park Service to close the underground concession located in the Carlsbad Caverns National Park. This announcement has been met with a good deal of opposition by the local community. Aside from providing a much-needed service to park visitors, the concession has historical and personal significance to many Carlsbad residents. Further, the Park Service has not, in my opinion, provided a convincing argument in favor of shutting down the concession.

I would like to ask the chairman that this matter be considered when the committee goes to conference with the House. It is my hope that the conferees will agree that fiscal year 1994 appropriations should not be used for the purpose of closing this concession.

Mr. DOMENICI. Mr. Chairman, I concur with the statement of my colleague from New Mexico. I will be meeting with the Secretary of the Interior very soon to discuss this matter, and would like the option of addressing this issue during the conference after conversation with the Secretary. I appreciate the accommodation of the chairman and the ranking member in leaving us this option.

Mr. BYRD. I hope the Interior Department will reconsider, given the concerns of the affected parties and the two Senators from New Mexico. I would hope that we would not have to visit this issue during conference, but can appreciate the Senators' concerns about this proposal.

Mr. NICKLES. I concur with the chairman.

CHEROKEE NATION RURAL HEALTH NETWORK

Mr. NICKLES. Senator BYRD, while we are discussing matters relating to the Indian Health Service, I would like to bring to my colleagues' attention a program being implemented by the Cherokee Nation of Oklahoma. The Cherokees, which by the 1990 census count are the largest Indian tribe in the United States, are developing a rather unique model to deliver health care services to its tribal members living within its recognized service boundaries in northeastern Oklahoma.

This Rural Health Network model, previously known as the Cherokee Health Care Management model, has been formulated under the leadership of Principal Chief Wilma Mankiller and is designed to boost the delivery of quality health care to citizens living in rural areas. Utilizing its clinics and hospitals, the Cherokees have developed a model that I believe will be successful in helping to provide quality and comprehensive health care to an area where it is greatly needed, benefiting Indians and non-Indians alike.

Senator BYRD, as a member who represents a rural State similar to Oklahoma, I am sure you can appreciate the need to improve the delivery of health care to rural areas. Therefore, I ask that you join me in supporting the Cherokee Rural Health Network model and in encouraging the Indian Health Service to continue working with the tribe to provide the necessary resources and technical assistance to implement the plan.

Mr. BYRD. I thank my friend from Oklahoma for his statement and share his concern about the need to improve the delivery of health care services to rural areas. From your description, it sounds as if the Cherokee Nation of Oklahoma has put together a fine system for delivering health care services to northeastern Oklahoma. To the extent IHS has been providing technical assistance to this effort up until now, I would encourage them to continue doing so.

OBLIGATIONS OF THE UNITED STATES TO INDIAN COUNTRY

Mr. INOUYE. Mr. President, I rise to thank the chairman of the Senate Appropriations Committee for the multiple ways in which, as chairman of the Interior Subcommittee, he has sought to provide the level of appropriations required to meet the obligations of the United States to Indian country and to address specific issues identified to the subcommittee, but, as chairman of the Committee on Indian Affairs, I must also report that I have some disappointments about what the subcommittee was unable to do.

Mr. BYRD. I thank the chairman of the Indian Affairs Committee for his kind comments.

Mr. INOUYE. I am concerned about the absence of any appropriation to enable the 24 tribally controlled community colleges to make urgently needed repairs and renovations to their facilities. The Committee on Indian Affairs had urged an appropriation of $1,650,000 for this purpose in fiscal year 1994 and had identified offsets for this expenditure.

Mr. BYRD. Unfortunately, there were a number of meritorious proposals that could not be funded within the limits of the allocation made to the Interior Appropriations Subcommittee.

Mr. INOUYE. Mr. President, the executive branch is now engaged in developing the President's proposed budget for fiscal year 1995. Would the chairman agree that the Secretary of the Interior should carefully review the testimony received by the Committee on Indian Affairs and consider the importance of the tribal colleges in affording postsecondary education to more than 14,000 Indian persons and others, determine to propose an appropriation in fiscal year 1995 to meet urgent repair and renovation needs of the colleges?

Mr. BYRD. I agree that this is an issue that would be appropriate to consider within the context of the fiscal year 1995 budget.

Mr. INOUYE. I thank the chairman for his comments regarding tribal colleges. Mr. President, during my tenure as chairman of the Senate Committee on Indian Affairs, the committee has held five hearings on the subject of child abuse and neglect in Indian country. We have heard countless tragic stories of children and their family members who have suffered from the brutality of child abuse, child neglect, and child sexual abuse. Despite the growing and widespread incidence of abuse, sometimes committed by Federal employees, the system has failed to respond to this Federal offense. Under Vice Chairman McCAIN's leadership the Indian Child Abuse Prevention and Treatment Act—Public Law 101-630—was enacted into law on November 28, 1990.

Mr. President, only five tribes within the entire Nation have Indian Health Service programs to address child abuse and neglect. Despite the severity of child abuse and other mental health problems, only 17 mental health workers trained to work with children or adolescents are available to address the needs of more than 400,000 Indian youth, according to the Office of Technology and Assessment [OTA]. In 1990, the OTA found that Indian children have more serious mental health problems in any number of categories than any other group in the U.S. population.

Chairman BYRD, we understand that Senate Report 103-114 provides for a transfer of $1,600,000 from the Indian Health Service direct operations account to the Mental Health Program for purposes of implementing the Child Abuse Prevention and Treatment Program. We are grateful for this appropriation and ask that you work diligently to ensure that this amount is retained in conference.

Mr. BYRD. I will do what I can to retain this appropriation in the conference committee's deliberations.

Mr. INOUYE. Would the chairman agree that this is an issue that both the Indian Health Service and the Bureau of Indian Affairs should consider as they prepare their fiscal year 1995 budget request?

Mr. BYRD. I would agree that these agencies should consider seriously this issue within the context of the fiscal year 1995 budget request.

Mr. INOUYE. Since the authorization for this program extends to both the Indian Health Service and the Bureau of Indian Affairs, I would expect the administration to submit a coordinated proposal for this program in fiscal year 1995.

Mr. BYRD. What amount of funding is authorized for this program in fiscal year 1995?

Mr. INOUYE. Public Law 101-630 authorizes $10,000,000 per annum for both the Indian Health Service and the Bureau of Indian Affairs for fiscal years 1992–95, yet the administration has failed to request funding for this important program for the past 3 years.

Mr. BYRD. It is very difficult to increase funding for new initiatives at the expense of existing programs. I do, however, understand the need for child abuse prevention and treatment and look forward to working with you and the administration on this issue in fiscal year 1995.

Mr. INOUYE. Thank you, Chairman BYRD.

REGARDING THE CLOSING OF LANDFILLS ON TRIBAL LANDS BY THE BUREAU OF INDIAN AFFAIRS

Mr. BINGAMAN. It has come to my attention that the Bureau of Indian Affairs has shut down landfills on tribal lands, pursuant to compliance with the Resource Conservation and Recovery Act. I am concerned about the consequences of this step, in particular its impact on surrounding communities. In McKinley County, NM, the county operates six transfer stations on tribal lands. As a result of the closing of one of the landfills on the Navajo Reservation, the county had to build a new transfer station. In addition, the county has found that the closing of the tribal landfills has placed a considerable burden on its other transfer stations.

Mr. Chairman, I know that this situation is not unique to McKinley County. I believe that it is very important to hold the Bureau of Indian Affairs accountable for the consequences of closing these landfills. BIA should be helping the local communities and tribes work together in a cooperative fashion to mitigate the financial effects of increased solid waste removal burdens. Does the chairman agree that BIA should urge the tribes to make in-kind or financial contributions toward increases in solid waste disposal costs directly related to the closing of landfills in compliance with RCRA?

Mr. BYRD. I agree.

SUPPORT FOR SELF-GOVERNANCE TRIBES

Mr. STEVENS. The chairman is aware of language requested by the Interior Department on September 10, 1993, to permit payment from funding in the fiscal year 1994 appropriation of fiscal year 1992 shortfalls in contract support for self-governance tribes. It is my hope that the managers will be able to keep this issue in mind as we go to conference.

Mr. BYRD. Yes, the committee is well aware of the administration's request, and certainly is mindful of the Senator's interest. Given the Department's strong support for the amended language, we will do what we can. As the Senator from Alaska knows, the committee has attempted to fund fully the needs known at this time in two program areas which have experienced shortfalls in fiscal year 1993—namely, education and contract support. It is my hope that we can fund these programs fully in conference, in order to avoid the need for a supplemental next year. No one who receives funding from these programs should assume that additional resources beyond what is provided in the final bill will be available next year.

SELF-GOVERNANCE COMPACTS

Mr. STEVENS. With respect to self-governance compacts authorized by title III of the Indian Self-Determination Act, is it the chairman's understanding that there is no legislative barrier to additional self-governance compacts being entered into by the Indian Health Service? I have often raised this issue in committee when describing the difficulties of delivering health services to sparse and remote areas of my State.

One of those areas is the region which the Yukon-Kuskokwim Health Corp. serves, whose hub is Bethel, AK. The Yukon-Kuskokwim Health Corp. is the largest tribal contractor dealing with the Indian Health Service in the entire United States, and is at least double the size of the next largest tribal organization. Second, the Yukon-Kuskokwim Health Corp. has developed very sophisticated information systems and related supportive services for operating its health care programs. Lastly, the service area covered by this self-determination contract is vast, and the health care needs of the people of this region extreme. It is my hope that the chairman will be able to assist this region in better serving this population.

Mr. BYRD. It is the committee's understanding that there is no statutory language that would make the Yukon-Kuskokwim Health Corp. ineligible for a self-governance compact through the Indian Health Service. Obviously, not every organization interested in self-governance can be implemented immediately. Within the constraints of funding provided, the Indian Health Service should evaluate the various programs interested in self-governance, and attempt to achieve a balance among the various types of health care delivery systems proposed.

IDAHO NATIONAL ENGINEERING LABORATORY

Mr. CRAIG. I would like to call attention to some most valuable research that is funded in this appropriations bill. The Bureau of Mines utilizes the Idaho National Engineering Laboratory's Research Center for advanced research projects related to Bureau of Mines' missions that can be conducted more efficiently at the INEL. This relationship exists because INEL has facilities and staff that can conduct this research at a lower cost to the Federal Government.

There are two primary areas of focus for this research: First, development of advanced technologies for recovery of metals from low-grade resources and wastes, and, second, development of advanced materials and processes to produce superior materials and facilitate use of substitute materials. Included are projects on solvent extraction of metals, biologically assisting minerals processing, production of titanium from a plasma reactor, ferrous alloy research, neural network modeling of cupola furnaces, noncontracting nondestructive evaluation for materials characterization, nanostructure materials and fracture mechanics of interfaces.

These are very important areas of research and offer some fantastic future possibilities for metal use. The areas being addressed reduce waste and open new and innovative methods of metal production, uses, and evaluation. The research is unique and is taking us to the threshold of metal research and development in the next century and I encourage the continuation of this arrangement between the Bureau of Mines and the INEL.

Mr. BYRD. I thank the Senator from Idaho for calling this research to the attention of the Senate.

Mr. NICKLES. I recognize the importance of this most important research and thank the Senator for his statement.

UTAH BLM WILDERNESS

Mr. HATCH. As my colleagues know, section 2(c) of the Wilderness Act of 1964 states that an area of public land must meet the following criteria to be classified as wilderness:

> (1) affected primarily by the forces of nature, * * * (2) outstanding opportunities for solitude, * * * (3) consists of at least five thousand acres of land * * *, and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

In 1978, the Utah State Office of the Bureau of Land Management [BLM] began an exhaustive process to develop a Utah BLM wilderness proposal in compliance with section 603 of the Federal Land Policy and Management Act of 1976. This was no small task, since more than 22 million acres of Utah land managed by the BLM were available for the study. In total, BLM employees scrutinized over 40 percent of Utah's total land mass to assess each acre's eligibility for wilderness classification.

My colleagues from other States where a similar wilderness exercise has been pursued know how seriously BLM employees undertake this activity. They are meticulous with the tedious details such a project requires, including visitation, analysis, and consultation on each potential parcel. They leave no stone unturned or potential conflict unaddressed.

To say the least, it has been a painstaking process for all concerned parties to reach the point where we are today, with a final BLM recommendation now before Congress awaiting final action and a resolution to this lengthy process. This report was signed, sealed, and delivered in 1991, after clearing all environmental and regulatory hurdles. It recommends a total designation of 1,975,210 acres in 66 specific areas.

As my colleagues can well appreciate, especially those from western public lands States, the topic of wilderness has generated considerable interest from parties both inside and outside of Utah. It seems that almost every one in Utah has an opinion about the subject, many of which, unfortunately, are poles apart.

In most of Utah's rural areas, which are heavily dependent on grazing, mining, and other activities necessitating access to public lands, wilderness is an issue that threatens the very livelihood of the local communities that thrive on the concept of multiple-use management of the public lands. A diminution of this policy could be disastrous to these communities and put their long-term existence at risk. This is not an overstatement of the current situation in Utah. It will take considerable effort to achieve a resolution that addresses the needs of both the opponents and proponents of wilderness.

Personally, I believe there will, and should be, some BLM wilderness designated in Utah. But I will not overlook the concerns expressed to me by local communities that should have substantial, and perhaps the preponderant, say in the management practices that affect lands within their close proximity.

The following list summarizes the BLM's efforts, and requirements, to arrive at this recommendation. This information was provided to me by the Utah State BLM Office:

A total of $10,052,733 has been directly expended to the Wilderness Program in Utah between 1978 and 1992.

Approximately 2,777 workmonths—BLM employee time—has been officially charged to the Wilderness Program during the same 15-year period.

Instant study areas were identified between 1978 and 1980, and initial and intensive inventories were conducted between 1978 and 1985.

Scoping and preparation of the Utah BLM statewide wilderness environmental impact statement [EIS] began in 1984 and concluded in 1990.

Some 13 official scoping meetings were held throughout Utah in 1984 that generated approximately 600 comments. Many other meetings were conducted with State officials and land user groups, and over 1,500 brochures were mailed to individual, organization, and governmental agencies requesting written comments; 147 letters were generated from these brochures containing approximately 1,200 comments.

The 17 official public comment hearings were held throughout Utah in conjunction with the release of the draft EIS in 1986. Approximately 4,500 responses were received under 6,200 signatures as a result of these hearings and the public comment period.

The statewide wilderness study report was prepared during 1990 and 1991, participated in numerous meetings since release of the final EIS with various interest groups, including the State legislature, Members of Congress, and Project 2000, since 1990 when the final EIS was released.

This list is not comprehensive, but it should give my colleagues a good idea of the thorough and fair process involved, and what Utahns have been experiencing, during the past 15 years. And, after this lengthy process, BLM determined that 3.235 million acres of the 22 million it manages in Utah, was deemed eligible for wilderness designation. Of those acres, 1.98 million acres met every classification requirement with no or de minimis conflicts in a final inventory list.

Let me emphasize that this was not a political process that arrived at this result, even though many in Utah would have preferred for the congressional delegation and the Governor to have a strong say in BLM's final decision. It was reached through the dedication and hard work of professionally trained and experienced employees of the BLM. It was the result of a careful and methodical process.

Like most people looking at this issue, the Secretary of the Interior has expressed his personal opinion that the Utah BLM wilderness figure should be somewhere between 3 and 5 million acres. If it was anyone else other than the Secretary making this statement, I would simply place him into one of the two camps. But, since it is the Secretary who has verbalized this position, it raises very serious concerns.

To achieve a wilderness designation in his range would, first, require a withdrawal of the current BLM report that recommends 1.98 million acres; and second, the submission of a report that includes every acre now in BLM's eligible inventory of 3.235 million acres, or, most disturbing, an additional review of all BLM lands for possible inclusion within the existing inventory. I understand the Utah State BLM Office is currently working on a proposal that would recommend how the existing inventory can be increased.

In my view, Mr. President, this scenario constitutes a repudiation not just of the final recommendation, but of the entire BLM wilderness study process.

And, quite frankly, withdrawing the current BLM recommendation formulated by professional land managers to pursue a recommendation that is essentially political is not in the best interests of my State. I am not overstating the possible result when I say that withdrawal will lead to all-out war and continued mistrust by the majority of my rural constituents against the Federal Government. It will set back any current or future efforts to resolve this matter equitably.

With this in mind, would my colleaque from West Virginia, the distinguished chairman of the Appropriations Committee, agree that such action—withdrawing the current BLM recommendation—should be carefully considered before it is undertaken?

Mr. BYRD. Certainly, my colleague understands that the Secretary has the authority to modify the existing BLM recommendations and that eventually Congress, and not the Secretary, will make the final decision on all issues related to Utah BLM wilderness. This includes the total amount of acreage to be designated and the boundaries.

Mr. HATCH. I understand that completely. And, I appreciate the fact that the distinguished President pro tempore has never hesitated to assert the rights of the people's representatives here in Congress over the prerogatives of the executive branch when it is appropriate to do so.

My concern is that 13 years of hard work, not to mention over $10 million of taxpayer money, resulting in a recommendation solidly based on objective data and criteria, whether one agrees with it or not, may be replaced by a different recommendation that requires additional toil, additional analysis, and additional taxpayer dollars to achieve an arbitrary, preordained number of acres for wilderness designation.

In sum, is it worth the effort to redo what has already been done once, and in a rather convincingly manner, just because the result was not what one desired?

Mr. BYRD. Without specifically answering these questions, because I have not consulted with the Secretary recently on this matter and I am unsure as to his plans, I appreciate the position of the Senator from Utah and the data he has presented, and acknowledge the unwavering and thorough efforts of Utah's BLM employees to get us where we are today. They are to be commended. The existing recommendations are symbolic of a process, and this process should be recognized and its conclusions fully considered before any revisions are made that might undermine its effectiveness or validity.

In addition, I would suggest the Secretary keep the Appropriations Committee, in addition to the Energy Committee, fully informed with regard to his intentions on this matter.

Mr. HATCH. I thank my colleague for his input and fair assessment of this matter. I would ask unanimous consent to include a table showing the amount of taxpayer money spent during the last 15 years on wilderness management in Utah, and a chronology of events from 1964 to 1985 detailing the BLM's efforts in this regard.

Mr. President, I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WILDERNESS MANAGEMENT 1978–92

	Management direction and support	Plan amendments	Inventory	Environmental statements	Interim management	Wilderness area management planning	Wilderness area management	Resource protection and rehabilitation	Subtotal	Leave surcharge (18 percent)	Total dollars expended
1978:											
Wilderness management	16.3		22.7	0.3	0	0	0	0	30.3		
Dollars	32,439		49,185	343	0	0	0	0	82,167	21,222	103,389
1979:											
Wilderness management	90.3		290.5	1.1	0	0	0	0	381.9		
Dollars	185,965		605,782	14,612	0	0	0	0	806,359	206,226	1,012,585
1980:											
Wilderness management	59.4		186.8	0.9	0	0	0	0	247.1		
Dollars	146,111		513,970	10,836	0	0	0	0	670,917	133,434	804,351
1981:											
Wilderness management	43.1		110.1	8.6	19.1	0	0	0	180.9		
Dollars	80,371		248,617	23,440	41,148	0	0	0	402,576	97,686	500,262
1982:											
Wilderness management	58.5		6.6	200.3	10.1	0	0	0	275.5		
Dollars	158,958		25,220	537,685	28,879	0	0	0	750,742	148,770	899,512
1983:											
Wilderness management	43.6		0	148.5	8.1	0	0	0	200.2		
Dollars	135,761		0	433,107	25,053	0	0	0	593,921	108,108	702,029
1984:											
Wilderness management	55.5		0	142.3	12.8	0	0	0	210.6		
Dollars	214,214		0	419,262	38,226	0	0	0	671,702	113,724	785,426
1985:											
Wilderness management	18.6		0	116.1	40.5	4.2	8.6	2.2	190.2		
Dollars	88,728		0	348,521	108,017	13,557	24,321	12,914	596,058	102,703	698,746
1986:											
Wilderness management	13.0		0	63.8	56.6	5.1	13.3	2.3	154.1		
Dollars	65,930		0	304,018	171,132	18,352	18,060	6,476	604,898	81,214	688,112
1987:											
Wilderness management	21.9		0	68.5	58.1	1.9	12.2	1.5	162.1		
Dollars	122,178		0	227,352	205,069	11,858	45,168	5,490	618,024	87,534	705,558
1988:											
Wilderness management	15.9		0	68.9	52.5	0.4	12.3	4.5	154.5		
Dollars	109,515		0	242,757	204,907	2,974	33,473	16,942	610,568	83,430	693,998
1989:											
Wilderness management	21.0	4.4	2.0	57.0	40.0	1.0	11.0	1.2	138.5		
Dollars	143,626	14,627	4,912	294,354	161,528	4,917	28,964	6,436	659,704	74,790	734,154
1990:											
Wilderness management	20.8	7.6	4.2	30.3	53.5	1.5	1.6	0.6	134.5		
Dollars	114,168	22,771	9,243	271,843	196,874	4,959	59,677	1,876	681,411	72,630	754,041
1991:											
Wilderness management	32.8	25.6	2.9	6.5	49.6	3.6	22.6	3.2	147.0		
Dollars	201,630	104,384	16,236	27,846	202,955	18,041	69,699	7,724	648,515	79,380	727,895
1992:											
Wilderness management	20.5	32.1	0.4	5.6	54.6	2.6	29.9	5.5	160.2		
Dollars	284,881	125,310	10,920	18,743	190,362	12,264	93,656	38,035	774,171	86,508	860,679
Total:											
Wilderness management	540.2	69.7	626.2	919.6	453.7	20.3	125.9	21	2,776.6		
Dollars	1,971,297	267,092	1,484,085	2,947,597	1,369,031	75,064	348,750	90,403	3,553,369	1,499,364	10,052,733

CHRONOLOGY OF EVENTS—UTAH BLM

1964

September 3: Wilderness Act.

1976

October 21: Federal Land Policy and Management Act (FLPHA).

1977

February 10: OAD 77–17 Procedures for Processing Existing Applications for Exchanges of Land.

March 15: OAD 77–29 Wilderness Resource Consideration in EARs and ESs.

March 22: Formally Identified Natural and Primitive Areas.

April 29: Mineral Inventories for Wilderness Studies.

May 4: Applicability of Wilderness Act to BLM Wilderness Areas.

June 1: Applicability of Sec. 603 of FLPMA to O&C and Coos Bay Wagon Road Lands.

June 6: IM UT–77–240 FY 77 Wilderness Review.

June 22: Wilderness Review Teams Training.

June 27: SO and Comments on Wilderness System.

July 26: Change 1, SO and comments—Wilderness System.

September 9: OAD–71 FY 77 Wilderness Review Work.

September 15: SO Applications of Mining and Grazing Laws.

October 17: Definition of Road.

November: Mineral Inventories for Wilderness Studies.

December 28: IM 77–288 Mineral Surveys (ISAs).

December 28: OAD 77–71, Change 1, FY Wilderness Review Work.

1978

January 8: Application of Mining and Grazing Laws.

January 9: Summary of Mining and Grazing Laws.

March 1: Primitive Areas in Sec. 164.d of Clean Air Act.

March 8: Federal Register—Wilderness Review.

March 16: Public Law 95–237 Review.

March 17: OAD 78–14 Procedures for Exchange Proposals.

March 23: IM 78–150 Clean Air Act.

April 24: Senate Bill 37—Utah Road System.

May 3: OAD 78–14, Change 1—Procedures for Exchange Proposals.

May 4: OAD 78–52 Draft Wilderness Inventory.

May 24: OAD 78–37 Status of Mineral Surveys for Wilderness.

May 30: OAD 78–38 Initiation of Wilderness Inventories.

June 1: Palmer O&G Company Administrative.

June 13: Palmer O&G Company Appeal to GS.

June 15: OAD 77–29, Change 1, Wilderness Resource Considerations in EARs and ESs.

June 16: IM 78–312 Wilderness Protection Stipulations for O&G Leases.

July 1: Draft IMP.

July 20: Evaluating Wilderness Aspects of Emery 3 & 4 Project.

July 31: OAD 78–38, Change 1, Initiation of Wilderness Inventories.

August: Wilderness Inventory—IPP.

September 5: Solicitor Opinion—BLM Wilderness Review.

September 19: OAD 78–61 Wilderness Inventory Handbook.

September 20: OAD 78–60 Reporting Guidelines—ISA's.

September 26: OAD 78–63 Management of Critical Environmental Concerns.

September 27: Wilderness Inventory Handbook Issued.

October 23: OAD 78–38, Change 2—Initiation of Wilderness Inventories.

October 25: FR Notice—Wilderness Aspects—Public Meetings.

October 27: OAD 79–3 Wilderness Resource Considerations in EARs and ESs.

October: Issue Contract for Center Socio-economic Study.

November 2: IM 78–401, Change 4, FY 79 AWP.

December 15: OAD 78–38, Change 3, Initiation of Wilderness Inventories.

December 29: FR Notice—Extension of Public Comment Period.

1979

January 5: FR Notice—Expanded Wilderness Inventory.

February 26: OAD 79–61, Change 1—Wilderness Inventory Handbook.

February 27: IMP Public Hearing.

March 2: OAD 79–24 Wilderness Inventory Schedule.

March: Draft ISA Procedures.

March 22: FR Notice—Public Comment Period on Initial Wilderness Inventory.

March 23: OAD 79–26 Clarification of Jan. 12, 1979 News Release.

April: Initial Wilderness Inventory Proposals.

April 12: FR Notice—Wilderness Study Area Proposal—Public Meeting—Dirty Devil.

May: Final ISA Procedures.

May 10: FR Notice—IPP Wilderness Review.

June 14: OAD 79–40 Procedures for Wilderness Review of 55 ISAs.

June 21: FR Notice—Wilderness Inventory of Paria Canyon ISA.

June 21: Initial Wilderness Inventory Public Hearing.

June 28: OAD 78-61, Change 2.

July 12: OAD 78-61, Change 3.

August: FR Notice—IMP Guidelines for WSAs.

August: Final Initial Wilderness Inventory.

August 8: FR Notice—Initial Inventory Final—Start of Intensive Inventory.

August 16: FR Notice—Prairie Canyon Public Comment Period.

August 29: Facsimile Message 79-112 Changes in Final Inventory Decision.

August 31: FR Notice—Inventory Decision—Paria Canyon ISA—Utah Portion.

September 20: FR Notice—IPP—Moab District.

October 4: FR Notice—Proposed Decisions—Public Comment—Overthrust Belt.

October 4: FR Notice—Initial Inventory Decisions in Effect—Protests.

October 19: FR Notice—Paria Canyon ISA Decision in Effect.

October 29: FR Notice—Accelerated Inventory of Deep Creek Mountains.

October 30: FR Notice—Initial Inventory Decisions on Protests.

October 31: IM UT-79-37—Wilderness Program.

November 16: FR Notice—Deep Creek Mountains—Public Meeting.

November 28: FR Notice—Deep Creek Mountains—Clarification.

November 29: FR Notice—IPP Inventory Decision in Effect.

December 5: FR Notice—Inventory Decision Prairie Canyon.

December 12: Interim Management Policy.

December 30: FR Notice—Initial Inventory Decisions—Interstate Units.

1980

January 16: FR Notice—IMP Guidelines—Correction.

January 16: FR Notice—Inventory Proposed Decisions—ISAs.

January 22: IM 80-236 Final Guidance on Application of Wilderness Criteria During Intensive Inventory.

January: Centaur Socioeconomic Study Completed.

February 6: FR Notice—Final Decisions—Overthrust Belt.

February 12: IH 80-291 Guidelines for Inventory Decision Announcements in Federal Register.

February 13: FR Notice—Status of Wilderness Review.

February 15: FR Notice—Dirty Devil WSA.

February 22: FR Notice—Wilderness Inventory—Overthrust Belt.

March 6: Request for Exception on OAD 78-61, Change 3.

March 11: FR Notice—Status of Wilderness Review.

March 14: FR Notice—Final Decision—Deep Creek Mountains.

March 20: FR Notice—Final Decision in Effect—Overthrust Belt.

March 28: FR Notice—Dirty Devil Decision Protested.

March 28: FR Notice—Intensive Inventory Public Comment.

April 2: Proposed Wilderness Study Areas.

April 24: FR Notice—Proposed Decisions—Intensive Inventory.

May 1: FR Notice—Final Decision in Effect—Deep Creek Mtns.

May 5: FR Notice—Deep Creek Mtns.—Withdrawal.

May 5: FR Notice—Inventory Decision—ISAs.

June 5: FR Notice—Decision on Dirty Devil—Protests.

June 17: BLM Wilderness Appeals to IBLA.

June 18: FR Notice—Inventory Decisions—ISAs.

July: FR Notice—Dirty Devil Decision Appealed.

July 18: Off-Road Vehicle Designation on WSA.

August 7: FR Notice—Status of Wilderness Review.

September 11: FR Notice—Status of Wilderness Review.

September 12: IM 80-772 Wilderness Inventory and IMP Appeals to IBLA.

September 30: Request for Exception on OAD 78-61, Change 3.

October 1: Approval for Exception to OAD 78-61, Change 3.

October 6: FR Notice—Status of Wilderness Review.

November 14: FR Notice—Final Wilderness Inventory Decision.

November 14: Final Decision—Wilderness Study Areas.

December 11: FR Notice—Devils Garden ISA—Protested.

December 17: FR Notice—Status of Wilderness Review.

December 31: FR Notice—Final Inventory Decisions in Effect.

1981

January 19: FR Notice—Wilderness Study and Reporting Schedules.

February 5: FR Notice—Henry Mountain MFP—Wilderness.

February: FR Notice—Parker Mountain MFP—Wilderness.

March 5: FR Notice—Decision on Protests—Final Decision.

March 12: FR Notice—Protest Decisions—Final Decision.

April 6: FR Notice—Changes to IMP.

April 8: IM 81-376 BLM-Forest Service Agreement.

April 8: FR Notice—Stateline Area Decisions.

April 10: Legislative Proposals to Amend FLPMA 603

April 29: Analysis of Possible Changes to IMP.

May 13: FR Notice—Decisions in Effect on Units not Appealed.

June 19: FR Notice—Decisions in Effect.

September: Wilderness Management Policy Issued.

October: Meeting with District—Initiate ISA Studies.

November 18: List of Wilderness Study Areas.

1982

January 20: FR Notice—Wilderness Studies—Amend MFPs.

February 3: Wilderness Study Policy.

March 11: FR Notice—Link Flats ISA—Wilderness Inventory Decision.

March 16: FR Notice—Inventory Decisions in Effect.

March 16: Solicitor's Opinion.

April 15: FR Notice—Negro Bill—Decision to Set Aside & Remanded.

April 20: FR Notice—Decision Link Flat ISA in Effect.

May 3: IM 82-421 Remanded Wilderness Inventory Decision.

May 19: FR Notice—Units Under 5,000 Acres.

May: FR Notice—Negro Bill Canyon—Reassessment.

July 8: FR Notice—List of WSAs.

July 13: Acreage of Split Estate & WSAs Under 5,000 Acres.

July 14: FR Notice—Wilderness Preservation.

July 14: FR Notice—Status of Wilderness Review.

July 30: FR Notice—Comment Period SSAs.

September 3: FR Notice—Extension of Public Comment Period.

September 14: FR Notice—Negro Bill Canyon Decision.

December 30: FR Notice—Units Less than 5,000 Acres.

1983

March 1: FR Notice—Public Comment—SSAs.

June 14: FR Notice—Management Policy.

June 16: FR Notice—Decisions Set Aside and Remanded.

July 12: FR Notice—IMP Changes.

July 19: FR Notice—Inventory Decisions—IBLA.

October 14: FR Notice—Final Decisions—Remanded Units.

November 30: FR Notice—Final Decisions—Remanded Units in Effect.

December 12: FR Notice—Comment Period—SSAs.

December 15: FR Notice—Mill Creek—Boundaries Modified.

1984

January 4: Meeting with PAOs/Liaisons to discuss DEIS Scoping Meetings (USO).

January 9: Scoping Meeting with Sierra Club and Wilderness Association (USO).

January 10: Scoping Meeting with State of Utah (USO).

January 16: FR Notice—Notice of Intent to Prepare Draft Statewide Wilderness EIS and Schedule of Public Scoping Meetings.

January 18: Wilderness Consistency Team Meeting to Discuss Scoping—Also Methodology for Developing a Preferred Alternative.

February 21: Vernal Public Scoping Meeting.

February 22: Logan Public Scoping Meeting.

February 23: Tooele Public Scoping Meeting.

February 28: Price Public Scoping Meeting.

February 29: Moab Public Scoping Meeting.

March 1: Monticello Public Scoping Meeting.

March 6: St. George Public Scoping Meeting.

March 7: Kanab Public Scoping Meeting.

March 8: Escalante Public Scoping Meeting.

March 13: Loa Public Scoping Meeting.

March 14: Delta Public Scoping Meeting.

March 15: SLC Public Scoping Meeting.

March 16: Scoping Meeting with Utah Farm Bureau, Utah Wool Growers, and Utah Cattleman's Association (USO).

March 30: IBLA decision, Utah Wilderness Association 80. IBLA 64, generally affirmed BLM decision.

April 17: EIS Team/State Office Coordination Meeting Scheduling DEIS (USO).

June 26: Management Team Meeting—Discussed 1) results of scoping and 2) procedures for using scoping data for development of the EIS (especially regarding alternatives in SSAs and overview document). (USO)

September 11: Wilderness meeting with State Director, USO Staff and Richfield EIS Team concerning EIS process.

September 12: Decision made to prepare Wilderness EIS in the USO rather than Richfield District.

November 2: IM UY 85-25 issued. NEPA procedures for processing APDs in areas under wilderness review.

November 8: Request for aid in typesetting with Utah Wilderness EIS to the State Director, Montana.

November 14: Annual State Wilderness Report to the Director.

November 27: RMOGA/BLM Wilderness Meeting (USO). Concerned with minerals information in EIS. Want to provide specific updated information where appropriate. EIS Team will accept information, but only additive to SAI reports and as time allows.

December 11: Utah Cattleman's Association, Utah Farm Bureau, Utah Wool Growers Association/BLM Wilderness Meeting (USO). Concerned with consistence of applying wilderness management across the State and over time.

1985

January 11: Utah Wilderness Association, Sierra Club, Wilderness Society and Wasatch Mountain Club/BLM Wilderness Meeting (USO).

February 4: Updated Preparation Plan for the Wilderness EIS sent to the WO, Districts.

February 8: Instruction Memorandum No. 85-254 issued. Concerned with application and enforcement of the IMP and 3802 regulations.

March 4: Management Team Meeting to discuss the preferred alternative for the Wilderness EIS.

March 7: Change 1 issued to IM No. 85-254.

March 19: UWA presents proposal for Utah BLM wilderness.

March 22: WO/OEPR review of 10 WSA preliminary draft analyses for the Wilderness EIS.

March 27: Section 8560, 4-6(j) of the Wilderness Management Regulations, 43 CFR 8560, is withdrawn.

April 3: RMOGA/BLM Wilderness Meeting (USO). Concerned with treatment of minerals in the Wilderness EIS.

April 12: IBLA affirmed Utah BLM inventory decision that 173,229 acres in six areas are not eligible for wilderness study, but required that a total of 77,000 acres be added to three WSAs (Fiddler Butte, Mt. Pennell, Mt. Ellen-Blue Hills).

April 18: U.S. District Court in California ruled that BLM roadless areas of less than 5,000 acres contiguous to potential wilderness areas of other agencies should be returned to wilderness study status. Ten such areas totaling 18,489 acres, previously dropped from wilderness study in Utah, were reinstated. Four split estate areas (Federal surface, non-Federal subsurface) totaling 805 acres were also reinstated as a result of the decision.

April 26: President's wilderness recommendations issued on ISAs: includes nonsuitable recommendations for four Utah ISAs; Book Cliffs, Devil's Garden, Joshua Tree, and Escalante Canyons (Tract 1)—2440 acres total.

May 24: Federal Register notice of revised Wilderness EIS schedules and alternatives to be considered.

May 8: Instruction Memorandum No. 85-247 issued. Concerned with public notification of proposed actions in WSAs and designated wilderness areas.

June 3: Utah Wilderness Coalition/BLM Meeting concerning wilderness EIS (USO).

June 11: Exxon representative meets with State Director concerning Mt. Ellen-Blue Hills boundary (USO).

July 17: Wilderness coalition comprised of 10 conservation groups proposes 5,032,900 BLM acres be designated wilderness.

July 18: Hodel speaks before the Subcommittee of Public Lands, Committee on Interior and Insular Affairs, U.S. House of Representatives, on the status of BLM's Wilderness Program.

August 8: Federal Register notice of revised wilderness DEIS schedule and alternatives to be considered.

August 9: Instruction Memorandum UT 85-273 issued—Concerned with public review of EAs for actions in WSAs.

SUPPORTING CONTINUED OPERATION OF THE HAGERMAN FIELD STATION

Mr. CRAIG. Mr. Chairman, as you are aware, we have a situation in Idaho which deserves our attention. The Hagerman Field Station, an important fisheries research laboratory providing basic research in fish nutrition and hatchery products, is in danger of being closed by lack of appropriations in fiscal year 1994.

Mr. BYRD. Yes; I am aware of that possibility. This closure was proposed in the fiscal year 1994 budget.

Mr. CRAIG. Loss of this facility would be very unfortunate. Hagerman undertakes research which is key to the large aquaculture industry in Idaho. This is an excellent example of State/Federal/private sector cooperation. Research results forthcoming from Hagerman are put to work at other hatcheries outside Idaho, such as Bozeman in Montana and Stuttgart in Arkansas. Senator BUMPERS, I know you are aware of the value of the Stuttgart facility. Isn't it your understanding as well that the operations at Stuttgart are benefited by the research conducted at Hagerman?

Mr. BUMPERS. I understand Hagerman provides valuable information to the aquaculture industry. What are the opportunities within the U.S. Fish and Wildlife Service for continuing the research underway?

Mr. CRAIG. I've had continuing discussions with the agency over the past several weeks. They believe an arrangement can be worked out whereby the University of Idaho would shoulder greater responsibility in the research under some form of cooperative agreement or lease. The University is supportive of this proposal, but needs time to plan and arrange funding for the venture. However, that won't be possible if Hagerman is closed and the equipment removed, as seems to be the current plan.

Until the details of such an agreement can be worked out, I am urging the U.S. Fish and Wildlife Service to hold the equipment in place and maintain the facility so as not to foreclose their management options.

Mr. BUMPERS. Your proposal sounds like a workable solution, and I would lend my support.

Mr. CRAIG. Thank you, Senator. I believe the agency will be able to handle this matter internally. There is no need for Congress to intervene at this time. Let's see what the agency will do. However, I believe we should maintain some oversight. Senator NICKLES, would you be willing to revisit this matter next year if it has not been resolved?

Mr. NICKLES. Senator CRAIG, you've outlined a reasonable proposal. The agency should continue to try and work out an agreement with the university.

Mr. CRAIG. Thank you, Senator NICKLES. Mr. Chairman, I am satisfied that we have made progress on this issue. With your concurrence, I will close discussion of this matter.

Mr. BYRD. While I am willing to encourage the Fish and Wildlife Service to continue working with the university to work out a cooperative agreement for the use of the equipment and the facility, I do not wish for us to direct the continued operation of a station proposed for closure in the budget and for which operational dollars are not included in fiscal year 1994. If the Fish and Wildlife Service believes it is important to keep this facility open, they should propose a reprogramming identifying the funds to be used. But in any event, the Service should do everything possible to help ensure that good use can be made of the equipment and the facility.

HOOSIER NATIONAL FOREST

Mr. LUGAR. Mr. President, would the distinguished Senator from West Virginia be prepared to respond to a question regarding land acquisition funding for the Hoosier National Forest?

Mr. BYRD. I would be pleased to respond to the Senator's question.

Mr. LUGAR. In 1988, with the support of your subcommittee, I helped the U.S. Forest Service to reestablish a program of land acquisition in the Hoosier National Forest. In fiscal year 1992 and fiscal year 1993, the Forest Service expects to acquire 3,842 acres using approximately $2 million in funds appropriated in these years. I am pleased with the land acquisition program of the Hoosier National Forest. Working with the State of Indiana's Division of Nature Preserves and with The Nature Conservancy, the Forest Service has maintained a list of priority acquisitions necessary for the protection of threatened, endangered, and sensitive species; of wetlands and riparian areas and of land with unique geological and cultural features. The Hoosier's land acquisition program also provides additional recreational opportunities in the Charles C. Deam Wilderness Area and in other backcountry areas, thus helping to relieve the pressure on the wilderness area. The average cost of acquisition is $500 per acre. All acquisitions must be on a willing seller basis. These lands contain some of the most beautiful natural areas in southern Indiana.

I noted that although your subcommittee was able to recommend funding for the HNF in the past 2 fiscal years, no funds are included for this purpose in the committee-reported version of H.R. 2520. However, I note that the House passed bill contains $1 million for HNF land acquisition, the same as the President's request. Is the Senator from West Virginia prepared to consider agreeing to the House amount when the bill reaches conference?

Mr. BYRD. I thank the Senator from Indiana for his informative statement.

The Senator can be assured that every consideration will be given to the merits of Hoosier National Forest land acquisition funding in conference with the House.

NOTICE AND COMMENT PROCESS

Mr. CRAIG. Mr. President, last year in the fiscal year 1993 Interior and related agencies appropriations bill, the Congress included a provision requiring the Secretary of Agriculture to establish a notice and comment process for proposed actions of the Forest Service concerning projects and activities implementing Forest Service land and resource management plans, and to modify the procedure for appeals of decisions concerning such projects. The objective of this provision was to preserve appropriate appeal rights while expediting the appeals process. This provision was contained in section 322 of the bill, which was enacted as Public Law 102-381. I ask unanimous consent to insert that language at the conclusion of my statement in the RECORD.

It is now nearly the end of fiscal year 1993 and the requirements of section 322 have not yet been implemented. We have received assurances from the Forest Service that the implementing rule will be published by September 30. If that occurs, then we would have no need for further action, because the requirement of section 322 would have been met.

If, however, the implementation has not been accomplished by the time of the conference on the fiscal year 1994 bill that we are considering now, then I would request that the conference consider adding the language of last year's section 322 to this year's bill in order to assure that the implementation will occur. I ask both the chairman and the ranking minority member of the Interior Subcommittee if they would concur.

Mr. NICKLES. I agree with the Senator from Idaho that we not propose an amendment now, but that the issue be discussed in the conference if the agency has not yet acted in accordance with the Congress' direction of last year.

Mr. BYRD. I understand that the agency will act by September 30, and encourage them to do so. If the Forest Service does not act prior to the conference on this bill, it will just increase pressure on the conferees that we consider this matter, which is authorizing in nature. I have consistently stated my desire that such authorizing matter be kept out of the Interior bill, and failure by the Forest Service to act by the end of the year will send absolutely the wrong signal.

There being no objection, the provision was ordered to be printed in the RECORD, as follows:

SEC. 322. FOREST SERVICE DECISIONMAKING AND APPEALS REFORM.

(a) IN GENERAL.—In accordance with this section, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall establish a notice and comment process for proposed actions of the Forest Service concerning projects and activities implementing land and resource management plans developed under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601 et seq.) and shall modify the procedure for appeals of decisions concerning such projects.

(b) NOTICE AND COMMENT.—

(1) NOTICE.—Prior to proposing an action referred to in subsection (a), the Secretary shall give notice of the proposed action, and the availability of the action for public comment by—

(A) promptly mailing notice about the proposed action to any person who has requested it in writing, and to persons who are known to have participated in the decision-making process; and

(B)(i) in the case of an action taken by the Chief of the Forest Service, publishing notice of action in the Federal Register; or

(ii) in the case of any other action referred to in subsection (a), publishing notice of the action in a newspaper of general circulation that has previously been identified in the Federal Register as the newspaper in which notice under this paragraph may be published.

(2) COMMENT.—The Secretary shall accept comments on the proposed action within 30 days after publication of the notice in accordance with paragraph (1).

(c) RIGHT TO APPEAL.—Not later than 45 days after the date of issuance of a decision of the Forest Service concerning actions referred to in subsection (a), a person who was involved in the public comment process under subsection (b) through submission of written or oral comments or by otherwise notifying the Forest Service of their interest in the proposed action may file an appeal.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2520), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. AKAKA) appointed Mr. BYRD, Mr. JOHNSTON, Mr. LEAHY, Mr. DECONCINI, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, Mrs. MURRAY, Mr. NICKLES, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. GORTON, Mr. HATFIELD, and Mr. BURNS conferees on the part of the Senate.

Mr. BYRD. Mr. President, I wish to thank my colleague on the other side of the aisle, Mr. NICKLES, for an outstanding performance, for his outstanding work, and for his characteristic courtesy, understanding, and cooperation. This kind of cooperation and teamwork is invaluable, as far as I am concerned, and to the Senate, I would say.

Also, I wish to congratulate and express my gratitude to all of the staff people who worked so hard: Sue Masica, Cherie Cooper, and our floor staffs on both sides of the aisle for the help they have given in working out amendments, working out the colloquies, and working out time agreements.

We have beaten the deadline that we gave the Senate. We finished the bill before 1:30 p.m.. It is a very difficult bill, too, may I say.

Let me also thank all of my colleagues who have been so understanding and cooperative. Also, I would like to particularly thank Senator HELMS. He had it within his power, in the context of the rules, to delay this bill over to next week. But he did not do so. So I express my personal gratitude to him.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, let me just say it is always a pleasure to work with Senator BYRD. I compliment him for his management of this bill. He, as usual, shows great leadership. To pass this bill with several potential controversial amendments and to do so in this short of a timeframe, I think is a real testament to his leadership, and I appreciate that.

I would also like to echo his compliments to the very able and professional and competent staff which we have seen exhibited, to Cherie Cooper on our side and Sue Masica and many others on the majority side. They truly are professionals. They have done an outstanding job.

I think we have put together a very good bill that we will take to conference.

I also wish to thank my colleagues, because we had a lot of demands, a lot of requests, a lot of competing interests, and I believe we were successful in trying to accommodate those interests and come up with a good package as well.

So I thank my colleagues and the staff, but, most of all, I thank Senator BYRD for his leadership. We were at a point yesterday evening where we had one amendment that could have grown significantly in time and maybe bogged down the entire process and not enable us to finish the package. I think he showed great leadership in making not only that amendment come to a head but also this entire bill.

I appreciate that and compliment him for his leadership.

Mr. BYRD. Mr. President I thank my distinguished and able colleague.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BURNS. Mr. President, I would like to take this time to thank the managers of this piece of legislation as it goes through. I am happy to be a part of solving maybe some of the big problems that we face in the West and particularly with this interior bill.

This is a good bill. I appreciate the opportunity to have worked on this and I appreciate the work of the managers of the bill.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATHEWS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MATHEWS. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WENDELL AND JEAN FORD: A FORMIDABLE PARTNERSHIP TURNS 50

Mr. HOLLINGS. Mr. President, 50 years ago this Saturday, WENDELL FORD and Jean Neel exchanged solemn vows of marriage. It is now safe to say that they took those vows seriously. It is also safe to say that they were seriously in love on that day a half century ago—as they clearly remain seriously in love to this day.

Of course, our friend WENDELL FORD was not Senator or Governor in 1943. He was simply WENDELL, a young man who had just turned 19, and who would soon join the Army and be thrown into the maelstrom of World War II. He and Jean set up house in a trailer. They could hardly have foreseen the life they would share following the war, as WENDELL built insurance companies and embarked on a brilliant career in Kentucky politics. In the course of that career, our colleague earned a reputation as a rough-and-ready Democrat, as partisan as they come. But, for 50 years, WENDELL's real partisanship and passion have been reserved for Jean—and for the children and grandchildren of their enduring partnership and marriage.

As Senator, WENDELL is the master of rules and he carries the formidable title of whip. But do not be fooled—Jean long ago tamed this tiger. After all, Jean is a formidable figure herself, with plenty of political wiles and talents. It is not hard to see how this relationship has bonded and flourished across five decades.

Mr. President, I join our Senate colleagues in congratulating WENDELL and Jean on this remarkable milestone in their lives. With nearly 19 years in this body, Senator FORD is a senior Member; it puts things in perspective to note that WENDELL and Jean were married more than three decades before he entered the Senate. I am proud to count them as friends. I know I speak for all my colleagues in wishing WENDELL and Jean Ford all the best during their next 50 years together.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Tuesday, September 14, the Federal debt stood at $4,387,136,569,001.27, meaning that on a per capita basis, every man, woman, and child in America owes $17,079.94 as his or her share of that debt.

Mr. MATHEWS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine, Senator COHEN.

THE REPUBLICAN HEALTH CARE PLAN

Mr. COHEN. Mr. President, the reform of our Nation's health care system is, in concert with the economy, the most critical issue facing our Nation today. Our system offers the best health care in the world, yet it is critically flawed. We spend too much and we do not spend wisely, placing our economy in jeopardy; and too many people do not have access to the health care they need.

In the words of the great essayist, Lord Macaulay, "The voice of great events is proclaiming to us. Reform that you may preserve." The Herculean challenge before us is to design a plan that somehow simultaneously controls costs and expands access, without compromising quality.

The proposal I am joining with Senator CHAFEE and our colleagues on the Republican health care task force in announcing today is the product of 3 years' worth of weekly meetings, briefings by numerous experts, countless study sessions and just plain hard work. The proposal—dubbed HEART, or Health Equity and Access Reform Today—is a comprehensive initiative, which incorporates many of the principles outlined in my own health care reform bill, which I introduced last January.

I regret I was not able to join my colleagues at this morning's announcement. I was chairing a hearing dealing with hearing aids, an issue of tremendous importance to the millions and millions of people in this country with hearing loss. But I do want to take just a few moments to express my strong support for the initiative that has been introduced by Senator CHAFEE and my colleagues, and to take a few moments to outline some of its major provisions.

First, it guarantees universal access to a standard benefit packaging emphasizing primary and preventive care. It also provides for fairer and more equitable tax treatment of health care benefits, and includes insurance market reforms to ensure that individuals will not lose their coverage if they become ill, change jobs, become unemployed, or have a chronic health condition. Health plans will have to compete on the basis of price and on the quality of the services they provide, rather than on their ability to exclude sick people from coverage.

The plan emphasizes the principles of individual responsibility and informed consumer choice. Individuals and small businesses will have the option of joining health insurance purchasing cooperatives, which will give them more buying power and access to affordable coverage. Low-income and unemployed persons could also purchase insurance through these cooperatives, with their premiums subsidized or covered by vouchers.

The plan also takes a number of important steps to contain health care costs.

Administrative costs would be reduced by as much as $100 billion a year by replacing the more than 1,100 insurance forms that clog the system with a simplified, standardized claims processing system. Increased outcomes research will help to establish the circumstances under which certain drugs and procedures are most effective, which will help reduce the costly practice of defensive medicine. And a measure of antitrust relief will be provided to enable hospitals and other providers to share costly high-technology equipment and services.

Our plan also places a greater emphasis on prevention. George Bernard Shaw once asked why we pay doctors to take a leg off, but we do not pay them to keep a leg on. We spend billions of dollars on elaborate equipment and services once serious illness or injury occurs. Yet we scrimp on the preventive services that could have helped us avoid such situations all together. Health care reform presents us with a real opportunity to shift our emphasis from curing to preventing.

And finally, health care coverage won't do you much good if health services aren't available in your community. Therefore, our plan takes steps to increase the number of providers in rural areas in order to expand access to care for the millions of Americans who live in these underserved areas.

As we all know, President Clinton is scheduled to announce his health care plan to a joint session of Congress next week, and there certainly will be major differences between our two proposals. Our efforts today are not intended to undercut his announcement. Republicans are serious about health care reform and our purpose is not demolition, but construction.

We believe that our plan lays the foundation for a new approach to health care. We have come to the table, laid down our proposal, and stand ready to work. Obviously, there are strong differences of opinion, but we cannot afford to allow this opportunity to pass. The issue is simply too important—the need too compelling—for partisanship, and we look forward to joining with the President and our colleagues in an effort that is not just bipartisan, but nonpartisan.

Mr. President, I hope we can approach this great challenge of ours in the most constructive and intellectually honest fashion possible because the American people are in desperate need of a health care system which will deliver the kind of quality services they are entitled to at a price they can afford. This is a subject which I know both Democrats and Republicans, in fact, all Americans are concerned about.

This is not going to be resolved quickly. The issues are not going to be tied into a nice neat package and voted upon within 1 or 2 months. It has taken President and Mrs. Clinton months and months of investigation, hearings, and analysis, and only now are they coming forward with a presentation that may still, at this moment, be incomplete. Even at this late hour, one week before it is formally introduced, they continue to refine their proposal.

I assume the President also expects he will, by necessity, have to engage in a good deal of give and take and modification and compromise in order to forge a consensus which will not only stand the test of time but also gain the support of our constituents throughout the country.

I thank the President and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Minnesota.

Mr. DURENBERGER. I ask unanimous consent that I might proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

AN AMERICAN SOLUTION TO AN AMERICAN PROBLEM

Mr. DURENBERGER. Mr. President, during my 15 years in the U.S. Senate I have worked with many of my distinguished colleagues in various ways to improve America's health care system. I believe that we have, in this Congress, a historic opportunity for significant, meaningful, and long-lasting reform.

On May 17, the second of the deadlines set by the White House, I sent a letter to the President, my colleagues, and my constituents. The letter was titled, "The Path to Bipartisan Health Reform: The Key Differences Between the Administration and the Republicans."

I ask unanimous consent that the letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DURENBERGER. My goal was to facilitate bipartisan consensus by identifying points of agreement and differences among us. Now, nearly 4 months to the day since that letter, I want to update where we stand.

It was once said that progress has little to do with speed and much to do with direction. In this period of time, policymakers in Washington have gained a sense of direction for real health reform.

We now have five proposals floating on the complex sea of health reform. The newest entrant is Health Equity and Access Reform Today—the acronym HEART—drafted by the Senate Republican task force. I would like to congratulate my friend and colleague from Rhode Island and his staff for their sustained effort to produce the task force position paper.

A key distinguishing factor among these plans is the extent to which they rely on Government or the market. On a role-of-government scale, with little or no Government, a 1 and Canada a 10, the Medical IRA approach of some Senate and House Republicans is a 1 and the single-payer system of some Democrats—the McDermott-Wellstone bill—is a 10.

Legislation to promote local markets following national rules will not necessarily be a five or a six. I have been a regular participant in both the Jackson Hole group since 1989 and with its founders since 1979, and I have been a weekly participant with the Republican task force since its creation in 1990.

I would say the Republican task force approach, called HEART, may be that five. I would also say the President's American Health Security Act might be the six, according to some people, or it might be an eight, but it is definitely not a four or a three or a two or a one.

The Managed Competition Act, which is being prepared by moderates and conservative Democrats in the Senate and the House, I trust will be probably the middle too. Its nonpartisan approach is one that the proponents of both HEART and the President's American Health Security Act can support.

All five of these proposals, and particularly the three which are in the middle of the spectrum, are the result of serious work for which we can all be proud.

A recent Lou Harris poll reported that policymakers in the House and the Senate of the United States have significant gaps in the knowledge base needed to evaluate proposals before them. I suggest, Mr. President, that this so-called gap is much less among my colleagues who have worked on these plans. Republicans in the Senate have held weekly meetings for 3 years to learn about and discuss health reform options. The Conservative Democratic Forum has worked for several years on refining its plan, and the administration has been at it for a solid 8 months.

I continue to believe that there can be no Republican solution nor Democratic solution. The only way we are going to accomplish our shared goal of national reform is through bipartisan agreement. Many of my Republican colleagues share my intention to work with Democrats and the Clinton administration to accomplish this goal.

It is my hope that we keep all three of the centrist plans pointed in the same direction as we begin the incredibly difficult task of building consensus among interest groups and, more importantly, among the people of this country.

I also believe there are some common principles that all three of these more centrist programs share. We must constantly reinforce those common principles even as we debate the areas where we disagree.

President Clinton recognized that the costs of health care are rising beyond the reach of many Americans. Cost escalation creates the coverage problems that have led many Americans to be insecure about their future ability to buy financial security in the form of health insurance. He recognizes that in order to reduce costs, we must raise our appreciation of quality and value. And that can only be done at the community level in the relationships between patients and their caregivers.

The key to cost containment then is to change the way we buy health care. With smart buyers operating with good information about price and quality, we can change the way medicine is delivered. The result will be real value in health care purchases—higher quality for a lower price—and that is what value is all about.

All three of the plans in the center of the policy debate are committed to market reform. We have all clearly rejected a Government-controlled, single-payer system. Americans will not go to Canada because too many Canadians are already coming to the United States for their health care. We want an American solution for an American problem.

The Republicans and moderate Democrats agree generally on market reform. There are differences in detail, but both are committed to national rules and local markets. The Government sets the rules of the road and the private markets do the heavy lifting. The Clinton proposal gives a strong nod to markets but it riddles them with regulation in the form of premium caps, fixed budgets, and State government regulation. These constraints could well choke off productivity in many markets and will certainly impair innovation in the private sector.

Among my concerns with the Clinton plan are the cumbersome State-run bureaucracies called health alliances masquerading as buying cooperatives. I am concerned that employer mandates will eliminate jobs and injure local economies and again distort the willingness of employers to provide for the health care of their employees.

We must also remember that we need national rules for these local markets. The rules must not interfere with market competition. We must be careful not to delegate too much authority to State governments, and for those of us who think in terms of States as laboratories, let me say the real laboratories in health care reform are local communities, not the States. State government, whether in Little Rock, AR, or St. Paul, MN, is government just as much as it is in Washington, DC. States are no more equipped than the Federal bureaucracy to replace the value of markets.

So, Mr. President, we do not want to force national employers to play by 51 different rule books. That flies in the face of administrative efficiency and simplicity. Even the HEART plan introduced today gives too much discretion to States in my book, and I hope to make this case to my colleagues as the debate proceeds.

As we build consensus, let us keep our eye on the prize; that is, sound markets that will bring us lower prices and higher quality.

Let me conclude with a few do's and don'ts:

Do not let the States overregulate health care in the name of State laboratories.

Do not force efficient States like Minnesota, Utah, and Oregon to finance wasteful health care spending in other parts of the country.

Do not force small employers to purchase high-cost plans.

Do not force national employers to play by 51 different sets of rules.

Do not impose inflexible budgets and arbitrary caps.

Now for some do's:

Do reform health insurance. Create opportunities for accountable health plans. Pass the small group insurance legislation I drafted in 1990 and which the Senate passed twice in 1992 as S. 1872.

Do reform the way Americans buy through accountable health plans.

Do reform Medicare and Medicaid. They are part of the problem; they must be part of the solution.

Do address issues of public health and long-term care. Health is much more than health insurance.

Do be honest about the financing of any plan. We will all lose credibility with the American people if we are not. Do not avoid specifics.

Do get costs under control first and then phase in coverage for all. It is better to do reform right than to do it fast.

So, Mr. President, I look forward to a healthy debate on our differences, but I pray that the debate will focus on our shared values as we hammer out the compromises necessary to succeed. It is going to be a long, hard process. The issues are complicated and the stakes are high. But our hopes, our spirits and our standards of fair play and good will should also be high.

We are poised to engage in a historic enterprise and we owe it to the people of this country to do it right. Let us measure our progress by our sense of direction and not our speed.

Mr. President, let me conclude by asking unanimous consent that a report which I put out today on the State of Minnesota be printed in the RECORD. It documents how that particular market can show the way for everyone else in the country to raise quality and lower costs.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE MINNESOTA HEALTH CARE MARKET: COMPETITION WORKS

(By Dave Durenberger)

The key to comprehensive health reform in America is cost containment. Rising costs have priced some people out of the insurance market and have made others fear the loss of health coverage in the future. Our goal of universal access to health insurance will be unattainable if we do not get a handle on escalating costs.

Supporters of a government-run, single-payer system claim that the only way to control costs is through price regulation. Advocates of market-based reform contend that price competition will lead to lower costs. Economists have been busy trying to estimate the cost implications of both approaches. Their predictive models are complicated and the theoretical projections of the savings of each approach are all over the map.

In my view, government regulation may be able to put a lid on costs in the short run. However, price controls lead inevitably to lower quality and arbitrary rationing. Government efficiency is an oxymoron.

I believe the only way to get costs under control is by making health care markets work. Competitive markets will change the practice of medicine by rewarding providers who offer high quality at the lowest possible price.

My belief is not based on theories or speculation. It is based on the facts of the Minnesota health care market today. Minnesota has developed many of the essential conditions for a sound market. Continuous improvements have occurred and will continue as Minnesotans strive to do even better.

This report tells the Minnesota story. It highlights the impressive cost figures, identifies the key attributes of the competitive market in Minnesota, and notes the additional changes that would lead to even greater savings. Minnesota's health care market in not perfect. But, it provides real proof that markets can bring us high quality at reasonable cost. This is something that government regulation will never do.

MINNESOTA HEALTH CARE COSTS AT A GLANCE

The Twin Cities have the lowest health care costs of the nation's 16 largest metropolitan areas.

In 1991, health care costs in the Twin Cities were 18 percent below the national average (based on local premiums for a standardized benefit package).

In 1992, Rochester's costs were 22% below the national average, ranking 907th of 1050 cities.

Twin Cities employers (15–45 employees) pay 15 percent less than the national average for the most common comprehensive indemnity plan.

Medicare uses the AAPCC (average adjusted per capita costs) formula as a method for calculating rates paid to health maintenance organizations (HMOs) for Medicare beneficiaries (called TEFRA risk contracts). Based on this formula. Minnesota countries' Part A and Part B costs are among the lowest of the top 50 counties that participate.

Minnesota's costs are so low that the federal government could enroll two beneficiaries in Duluth for every one in Philadelphia—with money to spare!

The State of Minnesota Employee Group Insurance Program reduced annual premium increases from 42 percent annual increase in 1989 to less than 6 percent in 1993, saving the state millions of dollars annually.

The Mayo Clinic, recognized worldwide for its quality of care, had an annual rate of cost increase of 4.8 percent between 1988 and 1992.

Health care costs as a percentage of U.S. average

	Percent
16. Minneapolis-St. Paul, MN	0.82
15. Atlanta, GA	0.98
14. Dallas, TX	1.01
13. Cleveland, OH	1.06
12. Baltimore, MD	1.09
11. Chicago, IL	1.11
10. Houston, TX	1.13
9. Washington, DC	1.18
8. San Diego, CA	1.21

	Percent
7. San Francisco-Oakland, CA	1.21
6. Boston, MA	1.23
5. Detroit, MI	1.31
4. New York, NY	1.31
3. Philadelphia, PA	1.35
2. Los Angeles-Anaheim, CA	1.36
1. Miami-Fort Lauderdale, FL	1.38

Source: Medical Cost by Geographic Area, 1991, Milliman & Robertson, Inc.

WHAT DOES IT TAKE TO MAKE A MARKET WORK

Essential Factors for a Sound Market

Sellers in sufficient numbers without monopoly power or collusion, and with freedom of entry and exit. In a truly competitive market, sellers will be rewarded with more business for offering greater efficiency and higher value.

Buyers armed with information, funds to make a choice, incentives to consider price, satisfaction and quality, and power in the marketplace to force sellers to compete.

Government working as a referee, not a player, to correct sources of market failure. Government must not work to replace the market by setting prices or rationing care.

In health care, the sellers are the providers (doctors, hospitals, other personnel) and the buyers are employers, individuals, or government buying for the Veterans Administration, Champus, Federal Employee Health Benefits Program, and the Medicare and Medicaid programs. Government rules affecting the competitive health care market include tax policies, insurance regulations, and antitrust and malpractice law, to name just a few.

WHAT MAKES MINNESOTA DIFFERENT

Some say that Minnesota's low cost health care environment exists because Minnesota is "different"—that there is something in the Scandinavian genes, the proximity of Lake Wobegon, the weather, or some other unknown factor inherent in the region. In most respects, Minnesota has communities like those all over America. That is, people living in close proximity whose commonality is derived from regional identification, e.g.—sports teams, ice fishing, newspapers—and cultural values shaped by its families, churches, schools, and neighborhoods.

What is different is the manner and the pace in which the health care market has evolved in Minnesota. Understanding the evolution of the market will provide lessons for other regions. It is true that all markets are essentially regional or local. The challenge is to understand communities and to adapt regional differences to produce sound markets. Minnesota is truly a laboratory for experimentation. But its successes can be replicated by others.

Sellers: Changing the Way Medicine Is Practiced

The traditional American medical provider marketplace has been seriously fragmented, with solo practitioners paid on a fee-for-service basis, numerous hospitals, and a wide range of insurance companies offering many different coverage options.

Minnesota has been a pioneer in efforts to organize the delivery of health care to achieve greater efficiency and higher quality. Minnesota has been blessed with visionaries among physicians, business and labor leaders, and committed citizens. These individuals sowed the seeds for innovative ways to deliver health care.

The Mayo Clinic in Rochester has been providing care to patients for more than 100 years. Dr. William W. Mayo started a practice in 1864 and was joined by his two sons, William J. and Charles H. Mayo. They became known as the "Doctors Mayo" practice, which was the first private integrated group practice in the nation. The Mayo concept of the integrated system and team medicine, including salaried physicians, is a precursor to today's concept of an accountable health plan or integrated service network.

Minnesota also has a strong organized farmer labor tradition. Its rural roots bred farmers accustomed to buying and selling through consumer cooperatives. The Group Health organization was founded by a consumer cooperative in 1939. However, it wasn't until 1957 that a ruling by the State Attorney General upheld the legality of a prepaid group practice as an alternative to the traditional fee-for-service over the objections of organized medical groups.

In this environment, group practices flourished, including multi-specialty clinics such as Park Nicollet, the Dakota Clinic, the Fargo Clinic, and the Willmar Clinic, to name just a few that subsequently followed the group model.

Minnesota also had a tradition of responsible and creative community and business leadership. In the early 1970s, I was part of an employer association in the Twin Cities called Public Service Options, a joint venture between the Citizens League and the Upper Midwest Council. PSO was established to explore alternative ways to purchasing and delivering public services. We focused on ways to promote competition and consumer choice in public sector institutions.

This kind of thinking was a natural corollary to reform of health services delivery. Two institutions devoted themselves specifically to fostering the growth of integrated systems of care.

For example, InterStudy, founded by Dr. Paul Ellwood in Minnesota, was an interdisciplinary health policy group that actively promoted group practice models on both a national and local level. In fact, Dr. Ellwood is credited with coining the term "health maintenance organization," now commonly used to apply to prepaid plans that provide comprehensive care to enrolled individuals. Walter McClure, another visionary from Minnesota, contributed to the development of market-based approaches to health care.

The Twin Cities Health Care Development Project, supported by local businesses, was also involved in educating the local community on health care plans in this period. It encouraged the growth of multiple HMOs that would compete with each other. It also promoted and marketed the HMO concept to large group purchasers. These efforts secured a firm base for HMO activity.

These early developments led to several key forms of managed care—the HMO, the preferred provider organization (POO) and independent practice association (IPA). HMOs are prepaid plans that provide comprehensive care to enrollees. Physicians can be either employees of the HMO or on contract with it. PPOs limit patient choice to a "preferred" panel of providers who agree to a discounted fee schedule in anticipation of receiving increased volume. The IPA is a more loosely organized referral network for physicians.

HMOs took off in the 1970s following the passage of the HMO Act in 1973. HMOs enrolled 1.9% of the Twin Cities population in 1971. That number grew to 9.8% in 1978. By 1991, over 44% of the Twin Cities' residents were HMO members.

Of course, HMO penetration figures don't tell the whole story. HMOs are only one form of managed care. Some systems of managed care only manage costs by discounting charges in exchange for volume. Only in a truly competitive market—with a few managed care plans held accountable by informed buyers—do you begin to see managed *care*, not just managed *costs*.

Hospitals were also affected by the changing practice patterns. In the 1970s, health plans began to put hospitals in competition for patients enrolled in the plans.

In order to compete, hospitals had to become more efficient. Over the past decade, the equivalent of ten 400-bed hospitals closed down in the Twin Cities.

Percentage of population in an HMO by State

	Percent
California	33.4
Massachusetts	30.9
Minnesota	28.3
Oregon	26.4
Michigan	16.5
Pennsylvania	14.5
Florida	2.4

Source: Source Book of Health Insurance Data, 1992

Hospitals began to consolidate and merge. At this time, in an area with a population of 2.3 million, there are three dominant multi-hospital systems in the Twin Cities: Health Span, Health East and Fairview.

As a result of this activity, Minnesota ranks among the top 18 states, with occupancy rates over 65 percent—one sign that we are making progress in reducing costly excess capacity. The Twin Cities have lower hospital costs per day than almost any major city in the nation.

Change continues to characterize the hospital marketplace in Minnesota. It remains highly competitive. Hospital systems have begun to formulate plans to become HMOs. These developments are further evidence of a marketplace integrating functions so that health care delivery is coordinated and efficient.

Of course, hospital consolidation and closure is not without negative effects, particularly in rural communities. Some larger rural hospitals, especially tertiary care providers, have experienced pressure as Twin Cities hospitals compete for rural referrals.

In regard to smaller, primary care hospitals, government can help them weather the transition. In 1987 I took an idea that was proposed in Eveleth, Minnesota and translated it into the Rural Health Services Transition Act. It guarantees federal grants of up to $50,000 per year to small rural hospitals to help them ensure access and adjust to changing conditions.

Over the past few years, these funds have helped numerous rural hospitals. Minnesota was the second highest recipient in the nation for the 1990–1992 grant years. Twelve hospitals received awards. The Kanabec Hospital in Mora used the grants to shift toward a greater focus on outpatient care. Hendricks Community Hospital renovated the facility to coordinate services between the hospital and less intensive elderly care.

A spirit of change has affected health care markets all across the state. I am constantly learning about creative networks that take many different forms, from Itasca, to Chisago Lakes, to New Ulm. Networks are beginning to service large areas that transcend state lines. For example, the Fargo Clinic in North Dakota provides services to northwest Minnesota, the Sioux Falls area services southwest Minnesota, and there is vigorous competition in southeastern Minnesota, western Wisconsin and northern Iowa among the Mayo Clinic in Rochester and networks in Wisconsin including Marshfield, Gunderson and La Crosse.

Buyers: Changing the Way Medicine Is Purchased

Minnesota is now experiencing creative buying arrangements as well. Competition on the basis of price and quality requires informed purchasers. In the traditional fee-for-service indemnity market, individual buyers have little or no information on the cost or quality of care.

For buyers to purchase wisely, they must have adequate information on the services they are purchasing, they must have incentives to take both cost and quality into consideration, and they must have negotiating power in the marketplace.

Employers Lead the Way

Employers have led the way toward better purchasing of health care. In the 1980s, large employers began to offer a choice of HMOs and traditional indemnity programs. Many made the mistake of pricing their contribution to employees' premiums at the cost of their indemnity plans. This allowed HMOs and PPOs to shadow price their products just under the indemnity plan. Then they could generate profits from the deep discounts they demanded from providers or use these funds to purchase costly frills. This buying strategy did not encourage competition on the basis of cost and quality.

However, as corporate buyers became more sophisticated, the managed care plans in Minnesota have become the leaders in low cost and high quality. The fee-for-service providers have had to reduce prices in order to compete.

While the organization of the delivery of medicine was changing rapidly in Minnesota in the 1970s and 1980s, few buyers took advantage of their market power. Some large employers had been receptive to HMOs and other forms of managed care. However, these buyers did not exercise effective leverage in the changing marketplace and did not make demands for information and value from the providers of care.

Recently, buyers have formed powerful, knowledgeable purchasing groups and have begun to accelerate price and quality competition among providers. Minnesota buyers were fortunate because the consolidations in the marketplace that had already occurred among providers made their efforts to buy wisely much easier than in a totally fragmented marketplace.

Minnesota Purchasing Coalitions

Group purchasing coalitions have formed in both the public and the private sectors. They represent large and small employers in urban and rural communities. Examples include:

The Business Health Care Action Group (BHCAG) includes 14 large Minnesota firms which have formed a purchasing cooperative. Their goal was to purchase care from a single integrated system directly accountable for high quality and affordable cost.

The Employers Association is a group of 400 smaller businesses. Their goal is to exercise more power in the marketplace through large numbers. This group recently signed an agreement with Prudential to offer a plan to participants.

Minnesota Business for Health Care Market Reform organized in late 1991 to encourage private sector reform. Members participate in a region-wide buyers' coalition.

The community of Owatonna formed a partnership between providers and a group of employers called the Owatonna Health Care Partnership (OHCP). Its goal is to design and implement a managed health care system that emphasizes delivery of quality health care services to consumers in the community.

In January of 1993, employers in Red Wing, Minnesota formed a coalition called the Quality Health Network to purchase health care on a group basis direct from local health care providers.

The State of Minnesota Employee Group Insurance program serves 151,000 state employees and dependents. It has instituted a "managed competition" approach that has drastically reduced escalating costs. The program offers a wide range of managed care plans in every county in the state. Through incentives for wise buying, the program has reduced the annual premium increase from 42 percent in 1989 to less than 6 percent in 1993. This comes close to the goals of reforms to keep health care costs at more reasonable rates of growth.

A recent University of Minnesota report shows that competitive market structures generally reduce premiums overall, and that the higher market penetration of HMOs always reduces premiums for other forms of health care delivery such as IPAs.

Managed Care for Medicaid and Medicare

Additionally, Minnesota has a demonstration project to place its Medicaid population in HMOs. Currently 20% of the medical assistance population is enrolled. Ten percent of the top 50 counties participating in prepaid contracts in the Medicare program are in Minnesota. Twenty one percent of Minnesota's 597,000 Medicare enrollees are in forms of prepaid contracts. Unfortunately, problems with Medicare's arbitrary payment formula, which is based on a percentage of the AAPCC, has inhibited the growth of this cost-saving form of Medicare purchasing.

These charts illustrate the significant cost savings that Medicare HMO programs have generated. As we move into health reform, the Minnesota Medicare experience presents an important model. It is an excellent example of the fact that government, whether state or federal, can buy health care wisely, too.

1991 AAPCC rate for selected counties

Philadelphia, PA	580.89
Wayne, MI	512.52
Norfolk, MA	449.27
Ramsey, MN	357.08
Hennepin, MN	353.07
Dakota, MN	316.23
St. Louis, MN	267.64

Source: HCFA

Percentage of Medicare enrollees in managed care plans

	Percent
California	26
Oregon	22
Minnesota	21
Florida	13
Massachusetts	5
Michigan	1
Pennsylvania	1

Source: HCFA/BDMS.

MEDICARE EXPENDITURES IN MINNESOTA

	Percentage below national average	Ranking among States (50=lowest)
Patient days	39	50
Admission rate	21	48
Average length of stay	22	46
Average charge per capita	23	42
Charges per capita	39	50

HOW DOES MINNESOTA'S MARKETPLACE COMPARE TO MANAGED COMPETITION:

Market Reform

Health reform advocates have adopted the term managed competition as a shorthand way to describe a market-based health care system. We have explored the essentials of a market and its relationship to Minnesota. Here is how the managed competition approach relates to market principles.

In its simplest form, managed competition means that the government facilitates market forces, but does not replace them. The institutions that managed competition seeks to create exist in Minnesota in some form.

Elements of Managed Competition

Accountable health plans (AHPs) selling; a basic benefit package to a market of; buyers organized in purchasing pools (HIPCs or alliances) with adequate information to make informed choices and; equitable rules for insurance pricing.

Minnesota's managed care environment has changed the way medicine is organized and practiced. The HMO and PPO are similar in form to the accountable health plan that is central to the managed competition approach. Like the AHP, the HMO and PPO provide a full range of integrated services, often for a single capitated payment. These forms of AHPs dominate the market in the Twin Cities and have influenced practice patterns throughout the state.

The managed competition model requires a basic benefit package offered by all AHPs. HMOs offer a comprehensive benefits that are generally comparable because of the requirements of HMO Act. The consolidation of the marketplace (4 or 5 dominant plans) makes consumer comparison of price and quality significantly easier than in a fragmented fee-for-service marketplace. This is not to say that the marketplace contains an optimum amount of information on price and quality. Sufficient data is not yet available, although plans are beginning to develop "report cards" that will improve consumer comparison shopping.

In a managed competition model, the purchasing group, often called a HIPC (health insurance purchasing cooperative) or a buyers health alliance, obtains leverage in the market by buying in a group. The Minnesota buyers have begun the process of grouping, although not every citizen is yet part of a buying group. Those who obtain coverage within a group are better able to purchase at competitive rates.

Reform of the insurance market is also an essential element. As long as sellers can segment risks down to the individual level, the individual cannot assert power in the marketplace.

In 1991, I introduced a small group insurance market reform bill, S. 1872, and was joined by then Senator Lloyd Bentsen in 1992. The Senate passed the bill twice, but it was never signed into law.

In 1992, the State of Minnesota enacted small group insurance reform as part of its MinnesotaCare legislation. The plan will apply to employers of 2–29 employees. It limits rate increases, guarantees issue, renewability and portability. Premium rates can only vary within 25 percent of the index rate to avoid wide fluctuations in rates among individuals. With insurance market reform, Minnesota obtained another important element of a sound market.

Role of Government

Managed competition does envision a limited role for government. In the area of market reform, it is important to note that sound markets are not naturally occurring. Markets always require some form of government oversight to ensure desired competitive conditions. Examples of government intervention include antitrust laws, tax policy, and insurance regulation. Government should facilitate market activity, not undermine it. There is often a fine line between government setting the rules of the road and government sitting in the driver's seat. When the line is crossed, we get regulation, not competition.

Government has played a minor role in the evolution of the Minnesota health care marketplace. Almost all of the many achievements of the marketplace have been initiated in the private sector.

Rules of the Road

Both the federal and state government can promote and guide the development of the marketplace. The MinnesotaCare legislation contains some useful reforms that will accelerate the competitive market forces. The bill included insurance reform, and established rules for the formation of integrated service networks, Minnesota's name for AHPs. It also facilitates the formation of small group purchasing organizations on a voluntary basis. The Minnesota Health Care Commission is currently laboring to define a basic benefit package. The state must avoid trying to determine exactly how competitive plans should look or to direct the outcome of market competition. As the state refines its efforts, it must be mindful of the limits of government.

Indeed, government at any level must resist the tendency to become too regulatory. There is a danger that some state governments might use their power to impose regulatory barriers to competition to protect inefficient state-based providers. Markets must be protected against inappropriate government interventions. Just as buyers and sellers can learn from observing the Minnesota market, so too can the federal government learn from the state experiences. As we move closer toward national reform, the federal government must also resist the tendency to micromanage the marketplace.

Government Guarantees Access

Sound markets can raise the quality of care and lower prices through competition. However, even the best markets can't guarantee access to care for all. Only good government policy can do that.

Government has a responsibility to ensure universal access to the reformed market for health care. I support a system of vouchers that would help recipients pay for accountable health plans.

The federal government is also a buyer of health care for the 36 million Medicare beneficiaries and the more than 30 million Medicaid recipients. The Medicare program has failed to design viable financing to encourage HMOs to offer contracts to Medicare beneficiaries. With reform of this aspect of Medicare, Minnesota could quickly move toward full HMO enrollment for Medicare beneficiaries.

To do reform right, we must also totally restructure the tax policy, social insurance, and welfare policies which account for nearly half of the nation's $900 billion health care tab. Government policy also drives the rest of the costs upward through incentives that are detrimental to quality and cost.

Government can play an important role in the acquisition, evaluation, and dissemination of information on health outcomes. Government can help us understand what works and what doesn't work, so that everyone can get value for their expenditures.

CONCLUSION

President Clinton and the Congress have placed health care reform squarely on the national agenda. Our limited federal resources require that we design a health care system that can produce higher quality care for more people at lower costs.

It is my believe that market-based reform is the first step to success. I am also convinced that Minnesota's marketplace demonstrates how a competitive system can work. As I have pointed out, Minnesota's market is not perfect, but many essential elements exist.

The lessons of Minnesota are real and valuable. The cost-reducing power of competitive health care markets is not mere theory. Minnesota's health care market works. The results in terms of lower costs and higher quality are indisputable. And, Minnesota's experience can lead the way for successful, market-based health care reform in America.

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EXHIBIT 1

THE PATH TO BIPARTISAN HEALTH REFORM

KEY DIFFERENCES BETWEEN THE ADMINISTRATION AND REPUBLICANS

(By Senator Dave Durenberger)

Congress and the President agree that our national goal in health care is universal access to high quality care through universal coverage of financial risk.

We agree that reducing the cost growth in medical services is key to our success. We agree that only an American solution to the cost of health care can reduce that growth from the current and projected 20% of GNP by the end of President Clinton's first term (what he calls the cost of doing nothing) to 10% of GNP by the end of his second (or Bob Dole's first). And that should be our goal.

We agree that true consumer choice and producer competition is the American solution and that something called "managed competition" can make medical markets work.

So at meetings the last two weeks we've aired our differences on two crucial issues. They are:

"Who manages competition?"

"How do we pay for universal coverage?"

WHO MANAGES COMPETITION?

Not all congressional Republicans and Democrats believe that managing competition is the solution to cost containment.

Some Democrats believe that universal coverage is more important than fixing the market. Indeed, some don't trust markets at all. They favor state or federal government regulation of prices for services. Sometimes they use the term managed competition to describe this regulated system, but with so much government, there is little competition to manage.

On the contrary, some Republicans stress the competition over the management. They believe that individuals, completely unassisted, should "manage" competition. They argue that if every American were required to pay for the first, say $3,000, of medical services and government guaranteed access to catastrophic insurance protection of greater risks, individuals could select the best physicians and services and competition would flourish.

They are both mistaken. Let's look closely at what markets require to work well. The current market in medical services does not work because we consumers do not have the information we need to judge what is of value to us, nor the incentive to acquire that information. Indemnity insurance has combined with fee-for-service medicine to rob us and the providers of the incentives we need to do what is right. We need to change how we buy and how we sell health care services.

President Clinton and a large number of Democrats and Republicans seem to favor a system that changes how services are delivered by changing the way consumers buy coverage. Large employers and cooperative—consumer managed—groups of individuals and small employer purchasers will demand information about cost and quality of health plans.

These plans compete for our business by providing us each year with better health and medical services, more information about what "works" and by increasing our satisfaction level with one plan compared to others.

The most competitive plans will link the financing and administration of services with the medical caregivers. Paid by an annual premium (not on fee-for-service), they will have the incentive to deliver high-quality, cost-effective care. Physicians make most of the diagnostic and treatment decisions. So, rewarding good physician behavior should be the key to higher quality and lower cost.

We know this works because we have evidence in several key markets. The Mayo Clinic and a growing number of multi-specialty clinics in the United States have achieved the size and scale to do excellent medicine at low prices. Mayo's cost increases the last 10 years are 4.8% a year against a national average of 11%.

If every insurance plan in America covered first class airfare to Rochester, Minnesota, our national prices for health care would be less than 10% of the GNP today! In Los Angeles and Miami today, you pay insurance premiums that are 78% above the national average while in Rochester, Minnesota, they are 23% below the average. In Minneapolis-St. Paul, Minnesota, they've dropped from 10% to 15% below the average in ten years of competition "managed" mainly by employers choosing among several strong "accountable health plans".

Decisions about appropriate use of specialists, technology, hospitals and other care settings are made by the medical providers. Decisions about satisfaction and value (appropriate price) are made by consumers.

In order to help consumers make good choices, we need to provide better and more useful information for them. Minnesota's health care market, despite its successes, lacks the necessary information for truly effective consumer choice.

A growing number of state governments, pressured by rising costs of Medicaid and politics, are pressing enactment of laws to prescribe the power of purchasing groups, to dictate doctor-hospital-technology relationships and to authorize purchasing groups to set prices paid to providers.

This is antithetical to markets which reward the choices of good providers with more business and which then pass the dollar savings on to the purchasers of accountable health plans (us).

HOW DO WE PAY FOR UNIVERSAL COVERAGE?

This is where the differences between the Democrats and the Republicans present the President with his greatest difficulty. And, may also present him with his most significant opportunity.

Today there are three differences between the Republican approach, on which more than 40 Republicans in the Senate agree, and President Clinton and the Democrats.

1st: Timing of Universal Coverage

The President and the Democrats want universal coverage legislated this year and in place by 1996. The President and the Democrats seem willing to raise taxes by $100 billion a year to accomplish it.

Republicans oppose universal coverage now for several reasons:

Very substantial price disparities for the same services exist in different parts of the country. A majority of the states are below the national average and about a dozen states are above the national average. Universal coverage now means that states in which the medical practice has been conservative or in which efforts at reform have been increasingly successful would be sending large amounts of tax money to reward inefficient care givers and communities. Adding millions quickly to coverage paid by third-party payers in these and other states will run up the costs and utilization beyond all expectations.

In addition, the reason Republicans reject universal coverage now is that the imposition of universal coverage on the current marketplace will impede and probably defeat efforts to bring costs down through market reform.

The Republican position is that we must provide the national policy framework to restore sound markets a community at a time and then move to universal coverage by redesign of public policies which subsidize the price of health plans for all Americans.

Republicans believe that the process of redesigning public policy can begin now with the passage of insurance underwriting reforms—including guaranteed issue and portability from job to job—which were included in S. 1872, the Bentsen Durenberger bill that passed the Senate in August of 1992. We also believe that we should encourage buyer coalitions to bring about reform of the delivery system.

We believe Medicare should be restructured to provide more comprehensive benefits through the purchase of an accountable health plan. This would replace the confusing and uncertain part A/Part B/Medigap patchwork in the present system. We agree that long term care should be built into Medicare, and that the promise of retiree health benefits by private firms should be supplemental to the Medicare program.

Republicans believe that the current $100 billion annual payroll and income tax subsidy should be restructured. The current system favors well-paid employees and punishes the self-employed. We need a more equitable tax subsidy keyed to the price of the low-cost comprehensive plan in each community.

Republicans believe that Medicaid should be scrapped and a premium supplement paid to guarantee access to health plans for all low-income persons on a sliding income scale.

Republicans believe in individual and community responsibility for public health and for psychosocial and education-related services.

2nd: Employer Mandates

Democrats and Republicans agree that ultimately every American should own a health plan. And we agree on all underwriting insurance reforms. But, the President and many Democrats want to ensure universal coverage now with mandates on all employers to provide coverage or pay a 7% payroll tax to purchasing groups to buy health plans for employees.

Republicans support a mandate on individuals to own a health plan, but believe it should only come into effect when market reform is underway. Republicans believe that employers should be required to offer health plans, and some of us also think there should be a choice of plans presented. But, with so much inequality among employers and with so much price variation, we don't believe employers should be forced to "play or pay."

Republicans believe that unless the cost shifting onto the private marketplace can be eliminated and inequalities reduced, ERISA should remain intact.

3rd: Price Controls and Global Budgets

The President and the Democrats still talk about annual limits on state health spending through fixed budgets on providers and voluntary or involuntary price controls on services.

Republicans reject this arbitrary approach. We believe that the federal government can and should design performance targets on a market-by-market basis to measure changes in the percentage of annual cost growth. Some Republicans do believe that without enforceable annual expenditure limits, the market cannot be made to fulfill expectations of cost containment.

Republicans do not want to penalize the low-cost, high-quality states who have made good progress toward reform, nor to discourage efficient providers or high-value plans from getting more business. If market incentives are properly designed, we will see reductions in cost. Top-down budgets will just invite gamesmanship, rationing, and quality reduction—not real reform.

Republicans and Democrats have many points of agreement. But important differences remain. We are searching for a common ground, for only with bipartisan effort can true health reform succeed.

Mr. DURENBERGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATHEWS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to address the Senate for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NAVAL UNDERSEA WARFARE CENTER

Mr. DORGAN. Mr. President, I wanted to discuss an issue during the defense authorization bill, but inasmuch as I was not going to offer an amendment at the time, I decided to wait until now. The issue is the Naval Undersea Warfare Center.

This is a picture of the center. I will be showing this picture again Monday when we consider the set of base closing recommendations as a privileged motion with 1 hour debate. But let me show the picture now.

This is a picture of a building in Norfolk, VA.

This building is called the Naval Undersea Warfare Center. This building was just built at a cost of $27 million. It is actually a pretty good-looking building. I have not seen it personally. As the picture shows, it has a big parking lot; sits down near a wooded area along some water. It is a building with a lot of special things in it, special computer rooms and special use provisions built into the building.

The ribbon cutting was this summer for this building. The taxpayers paid $27 million for it. As they stood on the steps to cut the ribbon, the dignitaries understood because 2 weeks prior to the time of cutting the ribbon the Navy had decided through the BRAC Commission that they really were not going to use this after all; they were going to move this to Rhode Island.

Mr. President, this is an egregious case of Government waste—one that could cost the taxpayer well over $100 million over the next 15 years.

This is about a botched attempt by the U.S. Navy to disguise the ill-conceived relocation of a Navy facility, using the cloak of base closure for cover.

I support the BRAC process and I certainly do not intend to undermine it in any way. Whether individual Senators see BRAC as a great thing or just a necessary evil. I believe that the Senate as a body feels pretty much the same way.

Nevertheless, I must ask this body a question. How does a Senator who has a legitimate concern about one particular item on the BRAC list, do anything about it.

It is not a good thing for the taxpayers when a recommendation like this one—one that has undergone a tortuous process and resulted in a recommendation not supported by facts—sails past the Congress unchallenged because it cannot be individually addressed.

This, ladies and gentlemen, is not how the base closing process was intended to work.

This relocation defies all sense of logic—indeed, I wish I had thought to call Vice President GORE and have him feature it in his reinventing government exercise.

The serious nature of this matter is of great concern to this body, and serves to explain why the taxpayers of this country no longer have faith in their Government to handle their affairs cost-effectively, efficiently, or wisely.

I must admit I find it baffling to be on the floor of the Senate talking about the relocation of a Navy facility from the Commonwealth of Virginia to New England. However, this is not a parochial issue. The only horse I have in this race is stopping Government waste.

Using rigged figures, unsupported cost analysis, and accounting sleight of hand, the Navy is attempting to rationalize their recommendation to move out of a new $27 million building. What is really alarming—pathetic, actually—is that the ribbon cutting ceremony for this new building—with its elaborate computer rooms and special use space—took place only 2 weeks after the base closure and realignment commission [BRAC], narrowly endorsed the Navy's recommendation to relocate the facility.

No longer able to use the cold war as an excuse to waste taxpayers money, the U.S. Navy has borrowed a game from the pages of baseball lore. The Navy has replaced the cold war with TIGWAR. TIGWAR stands for the incredible game without any rules. TIGWAR was a type of poker game played by professional baseball players when they were on the road, to fill the empty hours between games. Local fans were often persuaded to join the game even though they didn't understand it. The irony was that, only the local yokels ever lost, because the baseball players facing a losing hand, simply changed the rules.

That's what the U.S. Navy is doing. Hiding under the cloak of base closure, the Navy has been playing TIGWAR to pull off the scam of the century. So far, by arbitrarily changing the rules, the Navy has bluffed out all of the other players. It's down to just the Navy, and the American taxpayer.

In its submission to the 1991 BRAC, the Department of the Navy made a point in discussing the important difference between research and development activities which support Navy's undersea warfare activities, and the actual in-service engineering support provided for the fleet.

In emphasizing this important difference, Navy pointed to the Naval Undersea Warfare Center-Norfolk detachment, which is recognized by its acronym NUWC-NORDET, but which I'll call the center—as a vital function which was performed in Norfolk and should stay in Norfolk, near the fleet it served.

With the important continuing function of the center firmly established, the Navy and GSA set about to have a facility constructed which the GSA would lease to the Navy for 15 years, with an option for extensions beyond that period. In addition to the $27 million construction cost, the Navy and GSA together share a firm $80 million lease commitment.

Theoretically, at least, this project met governmentwide criteria: It satisfied the permanent need of a Federal agency for special use space, at a lower cost than leasing through a commercial entity would have.

At this point, logic seems to have flown out the window. In responding to the 1993 BRAC call, Navy recommended relocating the center to Rhode Island. The senior Navy official who should have concurred on this recommendation claimed in writing not to have been aware of the recommendation and to be baffled by it.

In reviewing the recommendation itself, an official of the General Accounting Office [GAO] called the action unfeasible and challenged both the Navy's rationale for the relocation and its cost assumptions upon which the recommendation was based, while further endorsing the concept that the in-service engineering needs of the fleet required a detachment presence in Norfolk.

In a separate report entitled "Military Bases: Analysis of DOD's Recommendations and Selection Process for Closures and Realignment," another GAO official found that "—DOD's practice of ignoring governmentwide cost implications remain unchanged, even though GAO has recommended otherwise," and that "these costs could be substantial when they involve moving from General Services Administration facilities—the center—into newly constructed DOD facilities."

So what does this add up to? You might ask. No. 1, through either incompetence or worse, the Navy caused the expenditure of taxpayer funds to have a special building built to meet its special needs. This process was going on at the same time that the Navy was developing a recommendation to relocate the function to be housed in that building to yet another site. Cost to the taxpayer? Approximately $27 million for the building alone, irrespective of moving and other ancillary costs.

The GAO took specific issue with the individual relocation recommendation itself, and criticized DOD for yet again ignoring recommendations to account for the governmentwide costs of its actions. While I am sure that DOD takes a measure of pride in the money it is saving by closing and realigning bases, for which I applaud them, I feel it is incumbent on the Congress to require DOD—or any other agency for that matter—to show clearly where costs to the taxpayer in general will increase as a result of a DOD action to reduce its own budget.

And that is the root of this problem, Mr. President, the Navy's action, which is supposed to save money and streamline operations, will actually cost the taxpayer money while violating common sense.

How will in-service engineering to the fleet be provided to ships in Norfolk? Does the Navy propose to fly personnel from New England to the Mid-Atlantic every day?

Last month, I wrote to Secretary Dalton with some of these questions. I asked the Secretary for some plain answers. What are the true costs? What is the real rationale?

And further, I asked the Secretary not to take any action to advance this relocation until these questions could be examined. Over 1 month later, I have yet to hear from the Secretary's Office.

At the prodding of my staff, my office received a telephone call from a Navy individual who sought to explain and justify the decision. Only later did I learn that this was the same individual responsible for the Navy's analysis and defending their recommendation.

Mr. President, again, I want to make clear that I support the BRAC process. The changes and realignments that have been undertaken, together with the process by which they are evaluated, approved and finally take place are needed and are useful.

But I must also make clear that, support for the BRAC process and each of the fine Commissioners who served on BRAC 1993—Chairman Jim Courter and the other Commissioners did an excellent job—does not mean that mistakes are not made, that details are not overlooked. That recommendations are flawed. In this case I believe they had to work with faulty information.

Far be it from the Congress to reject the entire BRAC list because of one flawed recommendation. But how much worse would it be if we did not question those ill-conceived Navy recommendations, and allowed Navy to cover its poor decisions by aggregating them with the reasoned ones.

Mr. President, my goal is simple. There are too many controversial issues surrounding this recommendation. I am asking my colleagues to join me in requesting that the Secretary of Defense enjoin the Navy from taking further steps to implement this relocation until the General Accounting Office and the Navy inspector general have reviewed this recommendation—I have requested such a review—and can clearly and unequivocally state that it meets the criteria for approval.

I thank the Chair and my colleagues and ask their support on this issue.

NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. DORGAN. Mr. President, let me turn for just a moment to the issue of NAFTA. President Clinton, whom I have supported many times on votes in this Chamber, is winging his way to Louisiana today on Air Force One, set to give a speech about the wonders of NAFTA. The trade agreement will cure almost anything, they say.

The problem with NAFTA is it just does not work. It is, in my judgment, not in this country's best interests. I think it was Will Rogers who said once, observing someone: "It's not what he says that bothers me; it's what he says he knows for sure that just ain't so."

I listen to the proponents talk about NAFTA. They tell us they can create a trade agreement with Mexico, the wage level of which is one-seventh ours, and somehow we will have more jobs in America. I wonder what kind of coffee they have been drinking. Have they sat in a cafe any place in this country and tried to convince people of their position?

Do they really believe that linking this country with Mexico, with economies as dissimilar as ours are, will relate to new jobs in America? Everyone understands the dynamics here. This agreement is a product of corporate America and all of those who support those broad-minded folks, who seem to think they are the only ones who see over the horizon with respect to this global economy.

It is an effort by corporate America to access countries that pay Third World wages and to produce down in those countries and they ship their products back to access our market and sell in America. They say, Do you know something? This is going to result in more shipments, more exports from America. That creates jobs. We will export more to Mexico. This is good for both of us. Do you know how you can create more American jobs? If you have an automobile company in America, just ship the company to Mexico, have them assemble those cars in Mexico and maybe keep one part of the plant back; keep the engines back.

So you used to build the whole car here. Now you build the car down in Mexico, but keep building the engine here and ship the engine to Mexico. Do you know what that will show up as in the accounts they are trumpeting around this town? That will show up as a major advantage for our country, because now we are exporting more to Mexico. Yes; we exported the whole plant. We just send a few engines to trail along. That shows up as a major advantage. That is not a major advantage to this country. That is job loss to this country.

I am obviously concerned about agriculture. I would urge anybody who is curious about the facts—and it really is hard to get at the facts because everybody wants to talk about this global economy, looking over the horizon—to look at the agreement through the eye of a french-fried potato. Just take a french-fried potato. Freeze it; trade it from us to Mexico, Mexico to us. Ask yourself, how is it treated coming north or going south? It you are not smart enough to figure out that they have a better deal, than stop reading. You are not going to be benefited by reading more pages.

If you do not believe the potato, then take a look at the bean, the edible bean. Take a look at the bean that goes both ways, and ask yourself which bean is advantaged by this trade agreement. Or sugar.

Do not stop. You can read on to the point in the agreement that is written only in Spanish—that was a pure accident. They intended to write it in English, I guess.

But I am not just concerned about agriculture. I am concerned about the broader ramifications to this country and its trade policies.

We have been through this once with the free trade pact with Canada, and frankly we got taken to the cleaners. Our negotiators could not help but lose in a matter of days it that negotiation. They flatout sold out American agriculture with Canada. We are now bearing the brunt of all of those costs. It is costing us tens of millions of dollars of lost income, just in durum wheat, in unfair trade. Now they say before they correct the old problems, they say let us create a whole new set of problems.

At least Canada had an economy that was reasonably similar to ours, in order to try to integrate the two. Mexico has a Third World economy. Its wage level is one-seventh to one-eighth ours. When the European Common Market tried to put together countries, they had a few countries—Portugal and Spain and Greece—that were outside the norm. But they were only one-half the economic distance between the United States and Mexico. Even then, they took a long time, with an enormous amount of investigation, in order to incorporate those countries into a trade pact.

Mr. President, what is at the root here is corporate America wants very much to have an imprimatur of the Federal growth on a trade pact that allows corporate jobs to go south of the border and allows them to still access the American marketplace to sell the goods.

The question I ask is this: Where are the jobs going to be to produce the income to buy the goods if all of our production in this world flies around the globe to look for where they can find sweat wages or dollar-an-hour labor? Who is going to have the job, the income, to take these products off the shelf in our marketplace?

There are plenty of issues that we will discuss in some detail in the coming weeks. I do not support President Clinton on this issue. I think he is wrong. But this is not his treaty, after all. This is a treaty that has been negotiated in the previous administration, and is a furtherance of 10 to 12 years of, in my judgment, bankrupt trade policy.

Our trade policy is to say to other countries, "You treat us unfairly; it is fine with us. We will not do much about it. We do not have the nerve nor the will nor the skill. You go ahead."

In my judgment, it is time for this country, whether we are talking about Japan, China, or Mexico, to construct trade agreements that say to other countries, "Look, we want to trade with you, and the last thing in the world we want is to construct a barrier around our country. We want Americans to have the widest conceivable choice of foreign goods from which to choose. But there is a price for that, and the price is that as you enter the

American marketplace with your products, other countries, you open your marketplace to American products, as well, under the same conditions."

We want our goods to get into the foreign marketplace. That is called reciprocal trade or fair trade. It is not, in my judgment, in this country's interest to construct a trade agreement with Mexico that actually writes into law 10 years of arbitrary and unfair rules that put our producers in an unfair position, but then say that is OK, because after 10 years this will phase out.

That is not progress, in my judgment. That is not advancing this country's best economic interests.

What we can get from all of this, in my judgment, if we are smart, is a debate in which we finally begin to think about what should our country's trade strategy be, not just with Mexico, but with other countries in the world with whom we have a trading relationship.

As I have said, we have found ourselves to be in a very disadvantageous situation with other countries because out trade policy has, I think, been a failure. But we can change that. We can and should ask U.S. producers to compete. I am not suggesting that we shield them from competition under any conditions. I am saying, however, when we ask them to compete, that the rules be fair and we not have U.S. producers with one hand tied behind their backs.

The President, because many Democrats especially were concerned about the Mexican Free-Trade Agreement, negotiated side agreements.

These side agreements are trumpeted as the agreements that make this treaty all right. The fact is, these side agreements are like putting earrings on a hog. It might dress up the hog a bit, but you still have a hog.

There is a news report that quotes the head commerce official in Mexico:

> Flanked by a 10-foot-long flow chart showing the 65 steps which environmental and labor disputes would have to pass through before they would result in trade sanctions under NAFTA, Commerce Secretary Jaime Serra Puche defended what he called the "exceedingly long" dispute resolution process in an appearance before the Mexican Congress. * * * Panels in both environmental and labor affairs would have to be convened for each specific case, and the entire process of 65 steps of consultation and review could take as long as 600 days.

What he is saying to the Mexican Congress is: "Those are side agreements. Don't worry about them. We have constructed a Rube Goldberg device that you will never get through. It has so many steps on the ladder that no one will be able to climb it."

The President of Mexico is saying other things. He is saying, in a speech to his nation to sell NAFTA:

> Eighty-four percent of our exports will immediately be free from import duties to enter the market. We, in turn, will initially open to 42 percent of the products they send to us, which consist of mainly capital goods and other raw materials that are not manufactured in Mexico.

What the President of Mexico is saying to the Mexican people is: "We won. We won this negotiation. Don't worry about this thing. The United States has opened its border wide so we can move these Mexican goods through. But our border is still only open half as much. So we won. Don't worry about it."

NAFTA proponents say, Well, but don't worry about these jobs. This is not about jobs anyway." Oh, really?

Here is a chart that I think probably says it all. This was an advertisement in a magazine.

> I cannot find good, loyal workers for $1 an hour within 1,000 miles of here.

Then it says:

> Yes, you can: Yucatan. When the U.S. is too expensive, and the Far East is too far; yes, you can, in Yucatan.

Does anybody think it adds up to believe that this is not going to create enormous job loss in this country? This is not rocket science. This is an understanding that if you are producing something in this country and you have an opportunity to produce it down south for one-seventh the labor, with productivity that can be reasonably similar in many areas, you are going to move south.

Now, some people say, well, they have all moved south anyway, or they will anyway. We have seen a number of companies move to Mexico. Of course, they have. You bet. For precisely the reasons I am describing. But there will be a lot more moving to Mexico, because the trade agreement dissolves the fears of companies that may have said, wait a second, maybe there is a risk if I move my plant to Mexico and there is not stability there, the Mexican Government decides they are going to expropriate the assets of American companies. That is a big risk.

This trade agreement says to the companies in doubt: Do not worry about that. We have decided this is going to work. This will create an envelope of protection for you. Go ahead and move. In fact, we say we will give you an advantage. We will eliminate the tariffs on the way back, so it is easier to move there and to send your goods back to this country.

Having said all of this, I understand what the proponents of NAFTA say. I have not met one, from Henry Kissinger on down the line, the columnists and highfalutin newspapers, all of the international thinkers, who has a threatened job loss because of NAFTA. Tell me one news columnist, one politician, one hot-shot consultant that might lose his job from NAFTA.

It is the little guys who are going to lose their jobs. Lester Thurow, an economist, was before the Commerce Committee, and I said, "Is it inevitable there will be lower wages in the U.S. as a result of the free trade agreements? Is it inevitable that we will homogenize lower wages in America?" He said, "Only for two-thirds of the American people." I said, "Will we see lower wages in America because of these agreements?" He said, "Only for two-thirds of the American people."

Well, if you are one of the two-thirds of the American people, maybe that ought to give you pause.

Those folks who see over the horizon, who have some omniscient view of the world, tend to call us isolationists, xenophobes, protectionists, and the list goes on. They say, oh, oh, this guy is talking protectionism. Not at all. I am just wondering when, just once, could we win a trade agreement, or at least draw.

Could we have a trade agreement finally that at least puts us in America on an even footing with others? Why is it every time an agreement is done, their markets are still closed and ours are wide open? I just hope that some day it no longer is unfashionable to stand up and say, "I would like very much to protect the economic interests of this country in trade agreements." You way, could it be that those who negotiate the trade agreements on the part of this country do not protect them? The answer is, yes, of course, it could be. The evidence is all around us.

We are going to see, it seems to me, in the next number of months an aggressive, vigorous debate. How will the debate take shape? Well, last night I was watching television briefly, and there was a wonderfully produced ad on television about NAFTA. Was it in opposition to NAFTA? Did some person making $6 an hour, whose job is threatened, whose assembly job is threatened to move south to Mexico, decide, "I am going to produce an ad here to go on television to make my case"? No. People making $6, $8 an hour do not have the money to do that. That was a well-produced ad, bright, colorful, lively. I am sure it was produced and financed by corporate America or Mexican interests. They have a flood of money; they have a bevy and literally an army of the best lobbyists in this town pushing this issue.

Is it a fair fight? In resources, it is not. There were 22 North Dakota farmers who flew in during the middle of harvest season and spent 2 days. Farmers Union members from North Dakota—going office to office lobbying against this trade pact, because they know the details are unfair to them and that it sets them up for a raw deal. Is that a fair fight? Is that a fair skirmish, to have 22 North Dakota farmers going door to door in the Congress, and to have corporate America with colorful ads on television, or a celebration of pageantry at the White House with how many ex-Presidents, talking about the global vision here? No.

I will tell you that the best global vision for this country would be to put our own economic house in order and construct trade agreements with other countries who use our muscle as a country which say: We demand access to foreign markets for U.S. producers, and when you give it to us, then we are willing and interested in competing all around the world on any basis you want to compete. If we cannot win in that competition, we are in big trouble. I guarantee you that we cannot win, and we will not win with those kinds of trade rules, made by those who stand around on street corners chanting "free trade." That does little to advance thoughtful debate on trade policy.

I will finish what I started to say. We will advance this country's interests and we will, in my judgment, improve this country's economic interests if in the next several months, piece by piece, we can construct a discussion about what all of this means and what all of the economic studies are about.

I was on a radio call-in show this morning, and the announcer said, "There were 80 or 90 economists who thought this was a good deal." I said, "Yes, and in the quarter before the last recession, 35 of the 40 top economists in America predicted that the next year would be full of economic growth." I used to teach economics in college briefly, but I have been able to overcome that experience. But I understand that. Harry Truman used to say, "Give me a one-armed economist. I am tired of "on the one hand" and "on the other hand.'" What do they base their assessments on?

I have two points in conclusion. In the principal study that promotes the fact that there will be new jobs created in America with this Mexican trade agreement, they talk about the new jobs created in this country by the amount of exports that go from this country to Mexico. They are silent on the issue of shipments from Mexico to the United States. They do not talk about the jobs displaced by trade coming back. That is the first point.

The second point is that these kinds of economic studies measure only what those who construct them want to measure and, in most cases, they are commissioned by some group or another to create a study with certain confines, and the study, lo and behold, usually matches the conclusions that are desired by those who wanted the study in the first place.

It seems to me that in the next 2 or 3 months, when this President advances his proposal to the Congress and seeks a debate and vote, we will best serve this country's interest by piece by piece taking apart all of these analyses to find out what is behind the economic assumptions and who really is at risk and what kind of enterprise will expand in our hemisphere and how we best represent our country's economic interests.

I am not opposed to all trade agreements. I believe there are conditions under which we could construct an agreement linking the economic interests of Canada, the United States, and Mexico in a hemispheric agreement with which to better compete against the Pacific rim or the European Community. But you do not, in my judgment, achieve that goal by constructing a trade agreement that establishes competition for jobs between the United States and Mexico. That is antithetical to everything this President is talking about regarding the creation of new jobs in this country and, in my judgment, does not advance our best economic interests.

Mr. President, thank you for your indulgence. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. SPECTER. Mr. President, this morning the Republican task force on health care unveiled a comprehensive program for health care reform which I think warrants a few comments, especially this afternoon when the Senate is not overly busy with other matters.

The product is the result of 3 years of effort under the leadership of the distinguished Senator from Rhode Island, Senator CHAFEE, and represents a comprehensive program.

The matter was unveiled today in anticipation of President Clinton's health care package so there may be alternatives to be presented to the conference when the time is right.

It is my hope that the Senate and the House will address health care yet this year. It has long been my view that the issue was ripe for consideration really at an earlier date. I took the floor more than a year ago and offered an amendment to then-pending legislation and urged the Senate take up health care reform back in the summer of 1992.

I did so because it was my view that with the hundreds of bills pending—and I believe the record will show there were some 1,500 bills introduced in the 102d Congress—that we had an ample basis and ample critical mass for moving forward with legislation.

On January 21 of this year, the day after the President's inauguration, I took the floor, complimented President Clinton on his inaugural speech, and made the comment that I had wished he had been a little more expansive on an economic recovery program and on health care and urged that the administration move promptly on the health care issue; again noting the many bills which were present. At least I saw the lack of necessity to reinvent the wheel, but to bring the matter to the floor at a early date.

I introduced, on January 21, Senate bill 18, which was the work of more than a decade on my part. I have been on the Appropriations Subcommittee on Health and Human Services during my 12½ years in the Senate and have introduced legislation—going back as early as 1985 when I noted the problem of low birth-rate babies—in April of this year I tried to bring the matter to the floor again. But there will no longer be any reason or any possible excuse for delay once President Clinton's program is public. We have the program of the Republican task force, and it is very important for the people of the United States that we move ahead with comprehensive health care reform legislation.

It is my thought that when this issue comes to the floor there will be many thoughts and many ideas. The only way the controversies will be resolved will be by the process of debate, compromise where that is possible, or votes where there are differing points of view. But we have had present for a long time a number of fundamentals which we should have addressed long ago and I think that we can promptly address.

For example, on the issue of low birth-rate babies which, as I say, had been the subject of my legislation back in 1985, I was frankly astounded the first time I saw a baby which weighed a pound, about as big as the size of my hand, a human being. When a child comes into the world weighing 16, 18, 20 ounces it is a human tragedy, with a great problem in surviving, great problem in defects which may last a lifetime and may be a short lifetime. Beyond the human tragedy, it is enormously costly with the expense ranging in excess of $100,000, sometimes $150,000, and sometimes more.

That problem can be largely solved with prenatal care and postnatal care. If we informed pregnant women, especially young pregnant women, many of them who are teenagers, the nature of the problem, that would constitute billions of dollars in savings.

I note my colleague, the distinguished Republican leader, has taken the floor.

Mr. DOLE. Go ahead.

Mr. SPECTER. He says go ahead. I can finish the remainder of the hour of my speech.

I will really conclude in the course of a few minutes.

We have a rule around here, especially fellows from Russell, KS. Senator DOLE and I hail from a small town. People ask me how big is Russell, KS? It is 4,998. It used to be 5,000 until BOB DOLE and I left town. But we left our brothers. Unfortunately, Kinney Dole is no longer with us.

But, I shall be relatively brief.

There are many ways where we can have savings in terminal health care cost. One item: It is well known that a large part of expenditures are made in the last few years, few weeks of a person's life, and there is no systematic way of giving an individual the option of what that person wants by way of life supports, when it is obviously a terminal situation to be handled by a living will.

But if someone moves from Kansas to Pennsylvania, as I did, the laws are likely to be different and there is a Federal rule to inform people of these choices.

Again, no one should make a decision for anyone else about that judgment, but there ought to be a mechanism of informing people so they have informed consent, and let them move ahead.

There are enormous savings on insurance cost. One item that is illustrative is insurance policies customary exclude a preexisting condition. But the fact of life of litigation is that it costs an insurance company more to litigate whether somebody had a back ailment before the policy was extended, than it does to pay the cost of medical care.

There are many, many ramifications which can be resolved as threshold matters to save money. There will be points of controversy. There is a sharp difference between what has been announced by President Clinton and what has been announced by the Chafee task force this morning on mandates.

We feel, I feel, and others on our side of the aisle feel there ought to be an individual mandate with individuals being responsible, as opposed to a mandate on business, because of the difficulty of small business incorporating these expenditures.

The final comment I want to make, Mr. President, relates to the question of limitations or rationing or caps. I have long been against those limitations.

Last year in the campaign in Pennsylvania I was asked on a questionnaire whether I favored rationing, and I said no. At that time, I said that I was opposed to rationing for myself and my family and for America. In the course of the past 3½ months I have had personal experience with the health caresystem in America with a medical problem which I found by an MRI examination which the doctor said was not really indicated by my symptoms, but one which I received, in any event, and posed a life-threatening problem which was solved.

I believe that we ought to make medical care available to Americans in accordance with our resources, as opposed to the artificiality of a dollar limitation. It is not a question of the dollars, but it is a question of how many doctors and hospitals and nurses and MRI's and equipment we have to handle the medical care. We can work on the mechanism for paying once that is accomplished.

So that, as we work through this problem, is something that I had been firm on and, with my own personal experience, I am even firmer.

Now that I see the Republican leader on the floor and I see the Senator from Washington seated, I will conclude my comments with my thanks to the Chair.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I assume we are in morning business, is that correct?

The PRESIDING OFFICER. The Senator is correct.

"NO" TO VIETNAM

Mr. DOLE. Mr. President, a few days ago, the Clinton administration decided to ease the trade embargo with Vietnam by allowing United States firms to bid on development projects financed by multilateral development banks.

In my view, now is not the time to lift or to ease the embargo against Communist Vietnam. The Senate Foreign Relations Committee clearly agrees, having defeated a measure last week to call on President Clinton to lift the embargo.

Our relationship with Vietnam over the last 20 years has consisted of nothing but uncertainties and doubts. And, nothing has really changed. The recent documents received from Moscow and released by the Pentagon, yet again, raise more doubts and more questions. How can we justify rewarding a country that continually resists giving the United States a full accounting of our POW/MIA's?

Furthermore, how can we explain easing the embargo to the family members who are yet to know the fates of their loved ones? uncertainty must not result in normalization of trade or diplomatic relations with Communist Vietnam.

Vietnam speaks of a new policy of cooperation with the United States which boils down to nothing more than red carpet treatment for fact-finding representatives of the United States. But few, if any, facts are offered with the red carpet.

If Vietnam wants to cooperate, let them release information about the POW cases that Dr. Henry Kissinger raised in February 1973. Dr. Kissinger provided dossiers to Hanoi, containing news articles and pictures of our POW/MIA's which had appeared in newspapers in Vietnam, Laos, Russia, and other Communist countries. More recently, Gen. John Vessey has presented the Vietnamese with his discrepancy list containing over 135 names. No doubt about it, the Vietnamese should have easy answers to these cases since it was their photos and publications which first illustrated the fact that our men were alive. The United States should not reward Vietnam by easing or lifting the embargo until answers are provided to the POW/MIA's families.

And what about Vietnam's despicable record on human rights? At this point in time, it is a catastrophic error to waste the leverage that a tight embargo gives us without insisting that the 70 million suffering Vietnamese be accorded basic human rights.

Mr. President, according to Amnesty International and Asia Watch, Vietnam is one of the world's most oppressive regimes. In March of this year, the International Red Cross closed its office in Hanoi because its representatives were not permitted access to political prisoners.

In 1975, the so-called liberation of Vietnam—when the Communist North Vietnamese defied the Paris peace accord by marching into Saigon—did nothing but create one of the world's poorest and most repressive countries. These inhuman conditions have created an atmosphere worse than the infamous Vietnamese famine of 1945. Over 1 million proud Vietnamese have left their homeland to escape Communist rule. Rewarding this behavior by easing the trade embargo shows a serious lapse in judgment by the Clinton administration.

It was no accident that on May 24, as news of massive voter turnout in Cambodia suggested the Communists would be defeated at the polls, that a huge demonstration was held in front of the Hue, Vietnam police station in which a Buddhist monk self-immolated. This event—reportedly was witnessed by 10,000 pro-democracy Vietnamese and widely reported in the state-controlled media—surely sent shock waves throughout a regime which remembers vividly that similar events preceded the demise of South Vietnam's Diem Government in 1963. The winds of democratic change may even be blowing in Vietnam. I believe the United States should side with the forces of change not with the Communist bureaucrats who have misled us and repressed their people for two decades.

A third concern is the current situation in Cambodia. Thanks to the efforts of the United Nations, the civil war is nearly over but the battle for democracy continues. One wonders what Hanoi's ultimate objectives are. For example, Vietnamese colonization of strategic real estate, including prime agricultural areas and rich rubber farms, has increased in recent years.

The President's decision to U.S. firms to bid on multilateral projects is not likely to generate much U.S. business since the MDB's procurement process is notoriously stacked against U.S. firms. Even the head of a U.S. venture capital fund concedes the President's decision "doesn't help us much." The irony is that easing the embargo sends a signal of approval to the Communist regime in Vietnam while allowing United States firms to engage in a historically unproductive area.

Perhaps someday Vietnam will do something to deserve the easing—or even lifting—of the trade embargo. But President Clinton's decision is the worst of all possible worlds: A terrible signal condoning Vietnamese behavior is sent and received while United States businesses are unlikely to receive any financial benefit.

THE ECONOMY

Mr. DOLE. Mr. President, Will Rogers once said that "All I know is what I read in the papers."

Last year, Americans who read the papers, watched television commentators, or listened to the speeches of candidate Bill Clinton, were led to believe that America's economy was on its deathbed.

Well, a few weeks ago, the Commerce Department released figures suggesting that while the economy may have been a bit under the weather, it was on its way to a strong recovery.

According to the new figures, the 1990-91 recession was shorter and shallower than previously reported, and real gross domestic product grew at a solid 3.9 percent in 1992, with growth peaking at 5.7 percent in the fourth quarter. Yes, the economy failed to produce as many jobs as we all would have liked, but, it was, as I said, clearly moving in the right direction.

A day after the Commerce Department released these new figures, the White House finally released its mid-session review of the budget—6 weeks after the legal deadline.

The mid-session review confirms what we already knew: Economic growth slowed to a crawl in the first half of 1993. The most recent White House economic forecast projects that the economy will grow only 2 percent this year. That's significantly lower than April's rosy estimate of 3.1 percent growth, and just over half of last year's actual growth rate.

Even more interesting is the fact that over the 5 years covered in the administration's new forecast, projected economic growth falls well short of last year's performance in each and every year. Then, last week, the Congressional Budget Office—the President's hand-picked budget scorekeeper—released its own version of the midsession review. The CBO report contains some interesting information. First of all, it shows that the Clinton budget plan will not reduce the deficit by $505 billion as claimed by the White House, or even by $496 billion as claimed by congressional Democrats. According to CBO, the Clinton plan will reduce the deficit by $432 billion over 5 years. Those numbers are very close to the ones that Republicans were criticized for using during the budget debate this year.

In fact, I think we used the figure $427 billion. This is a $3 or $4 billion difference.

CBO predicts a weaker economy in 1994 and a bleaker deficit picture than the White House does. But, CBO agrees with the White House that over the next 5 years economic growth will never come close to matching last year's 3.9-percent growth rate.

The new CBO forecast predicts that between now and 1998, the economy will never grow at a stronger rate than 2.7 percent.

Why the slowdown? The Chairwoman of President Clinton's Council of Economic Advisers, Laura Tyson, is quick to point the finger at Senate Republicans for blocking the President's $16 billion spending stimulus. But, I do not buy that argument and neither do most economists—neither can my colleagues on the other side.

Over the recess, the distinguished Senator from New Jersey, Senator BRADLEY, was interviewed by Business Week. Senator BRADLEY voted for the Clinton economic plan, but he criticized all the White House hand-wringing over the loss of some of the President's tax stimulus. He said,

> Is that going to make a difference in a $6 trillion economy? Give me a break. That's not even symbolism. * * * Will it have an impact on the economy? Zero.

The same argument applies to the President's spending stimulus.

All this talk about tax increases for the President's budget plan and even more taxes for health care reform has had a more profound negative effect on economic growth than President's Clinton's proposed stimulus plan could possibly have offset.

The fact is that President Clinton and his economic team made a cold, calculated decision. In a recent interview in Business Week, the President was asked why he insisted on pushing for deficit reduction now. He admitted:

> There are really two reasons we decided in this period of slow growth that we could risk a serious deficit-reduction package. One is, I'm not sure there ever was going to be a good time. . . . second, since long-term interest rates have been quite high, there was a real chance that you would get enough refinancing . . . and subsequent reinvestment to offset the plan's contractionary effect . . .

So, there it is in a nutshell. President Clinton is gambling that lower interest rates will keep the economy moving in spite of his economic plan.

But, recent economic news suggests that the President may have miscalculated. The lowest interest rates in 25 years have failed to produce a boom in the economy. The reason is simple: The American people understand that higher taxes, more government, and more mandates will not help the economy grow and create jobs.

Consumer confidence has fallen steadily since January. In the Conference Board's August survey of 5,000 households, almost twice as many people fear there will be fewer jobs in the next few months.

And it's not just consumers that are holding back. A lot of business men and women are less optimistic about the future than they were a year ago. The small business confidence index recorded by the National Federation of Independent Business has come down every month since January.

Mr. President, there were a lot of people—Democrats, Republicans, and Independents—who had serious reservations about the President's tax now, cut spending later—if at all—budget plan. We opposed it, because we believed it would be bad for the economy. That it would destroy hundreds of thousands of jobs.

All of us remember the 1992 election. We remember that the economy was the clear focus of the 1992 Presidential campaign. President Clinton and the Democrats in Congress wanted to end divided government. They wanted accountability. Now, they have it, not one Republican voted for the Clinton budget plan.

If the Clinton plan spurs the economy to new heights, Democrats will fare well. But, if they are wrong, as we believe they are, those who are up for reelection in 1994 will have to answer to the voters.

Let me conclude by saying that if either the White House economic forecast or the new CBO forecast is right, the economy will grow at a far slower pace in 1994 and in 1996 than it did for George Bush in 1992. That is something to think about.

Mr. President, I just want the RECORD to reflect notwithstanding the statements and claims, we had a pretty good year last year. We have some problems this year. It is still our hope the economy will recover, and one way to make certain of that in my view is to do some things that might stimulate the economy not through the public sector but through the private sector. I am fearful of it maybe going in the wrong direction to accomplish that result.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, yesterday we had the magnificent and seldom-seen pleasure of watching the President of the United States and three of his predecessors formally begin the debate over the North American Free-Trade Agreement. In fact, because the two absent former Presidents are also supporters of that North American Free-Trade pact, we have a situation in which six incumbents and former incumbents in that office have joined together unanimously to ask this Congress to ratify a free-trade agreement involving the United States, Canada, and Mexico. Four are Republicans, two, including the incumbent, are Democrats.

If we reflect only briefly on that magnificent show of bipartisan support, we automatically are faced with the necessity to dismiss arguments that somehow or another this proposal will hurt the American economy and cost Americans their jobs.

It is beyond the ability of this Senator to imagine the truth of the proposition that six sitting and former Presidents would join together to do something which they regarded, or which was in fact, anything other than greatly in the interests of the United States, as well as all of its trading partners.

I believe President Clinton deserves a very real commendation for his leadership in this issue. I believe his five predecessors deserve our great praise in having put aside the very real policy differences which divide them on many issues to join with President Clinton in recommending to us that we ratify that agreement. In fact, I believe the sight of these six distinguished American leaders joining together illustrates as graphically as can possibly be illustrated the nature of the debate over this issue, the kinds of Americans who have picked one side or the other side of this issue on which to fall.

There are two fundamental views toward the future of the United States implicit in either supporting or opposing the North American Free-Trade Agreement. Those who are optimists about America, those who believe America to be the strongest economy in the world, those who believe the very policies which have led to the prosperity, not only of this Nation but of every other Nation which has embraced free market principles, those who believe the United States is and will continue to be highly competitive and that American producers need only an even break, an even playing field in order to be able to compete effectively—they have all joined together in support of the North American Free-Trade Agreement.

Optimists about this country, believers in the American dream support NAFTA. Those on the other side, those who believe the North American Free-Trade Agreement to be some kind of threat to our future or to our economy are essentially pessimists about America. Whatever they may believe about our past competitiveness, they seem fundamentally convinced that we are no longer competitive, that we cannot possibly end up creating new jobs in the United States if, horror of horrors, our producers and workers must compete with a much smaller and much poorer economy immediately to our south.

These pessimists do not explain why it is that competition has been so extraordinarily successful for the better part of two centuries. They ignore the fact that a relatively free-trade free-market economy oriented United States is infinitely far ahead of the Mexican economy which, until the last few years, put huge roadblocks in the way of free trade, and in which the great bulk of the economy was owned by the State, by the Government.

They cannot explain how it is that the greatest surge, the greatest increase in Mexican prosperity has taken place just in the last 3 or 4 years, since President Salinas has begun to free up the economy of that republic and has begun to trust in free markets.

Fundamentally, opponents to the North American Free-Trade Agreement fear America's future. They wish, somehow or another, to protect it. They do not believe we are competitive. They fall for the myth which has been proven false year after year, decade after decade, century after century, that the primary contributor to economic success in international trade is a low-wage structure.

If Mexico will gain tremendous competitive advantages as against the United States by a free-trade agreement, simply because it has a much lower wage scale than the United States, why, under those circumstances the immense, huge economic power in the world must be Bangladesh, perhaps the single nation in the world with the lowest wage scale of all. The difference between Mexico and Bangladesh is greater than the difference between the United States and Mexico.

To state that argument is to refute it. Of course Bangladesh and the rest of the Third World are not overwhelmingly and unfairly competitive with the United States or with Western Europe, that is because industrial wages are a modest portion of what creates a true competitive situation.

No, we must choose between the optimists and the pessimists, but that choice is not a choice which will be made upon the basis of pure faith without empirical evidence. The entire history of free economies in this world, from the beginning of the Industrial Revolution in Great Britain and most particularly since the end of World War II, has illustrated the truth that the freer trade is around the world, when that free trade is coupled with free markets, the greater the prosperity of all of the nations and of all of the people in those nations who are the beneficiaries of that free trade.

The opponents, the pessimists about NAFTA, fall into a fundamental trap. Somehow or another, it is their belief, against all the evidence, that international trade is a zero sum game; that every gain in prosperity for one nation or for one group must inevitably be matched by the povertization of the people on the other side of that trade but, of course, that is demonstrably untrue. We engage in trade because both parties benefit from it: the consumers, who are the purchasers; and the producers, who are the sellers. And in order to have a successful international trade regime, we must be both producers and purchasers.

We in the United States, of course, rank first in both. We are the greatest producers, we are the greatest exporters, we are the greatest importers, and we are the greatest consumers. And that, Mr. President, has meant for success in the growth of our own economy.

Of course, it goes without saying that the North American Free-Trade Agreement will benefit the people of Mexico. They will have a larger and more significant market than they have at the present time. But the citizens and industries of the United States will have a larger and more significant and growing market, as well.

If somehow or another this low Mexican wage structure gives them an unfair advantage, why is it that we have a $4 billion to $5 billion a year trade surplus with Mexico today?

The reason, of course, Mr. President, is that the Mexican administration, in freeing up its own economy and creating greater opportunities within Mexico, has also created a greater demand for American products. But in spite of that increase of free trade on the part of Mexico, its tariffs are three times as large, on average, as are those of the United States imposed on its goods. A free-trade agreement which removes all tariffs, therefore, by simple arithmetic is three times as great an advantage to American producers as it is to Mexican producers. And the best, soundest, and most accurate of our predictions will indicate that the trade surplus the United States has with Mexico will grow and not diminish if the North American Free-Trade Agreement is ratified.

Should this agreement be rejected, the ability of the United States to free up other markets throughout the world through the General Agreement on Tariffs and Trade will be greatly undercut. We cannot reject free competition with our immediate neighbor and demand that it be offered to us by France, or by the Pacific rim, or the countries of South Africa and Asia. The implications of this debate will be profound and will be tremendous, and the implications of a rejection will be found by a diminishment in the paycheck of almost every American.

Mr. President, one parochial note. My own State has been tremendously advantaged by liberalization of trade with Mexico. Exports from the State of Washington to Mexico have increased by 578 percent between 1987 and 1992; 4,200 jobs in my State in 1992 were supported by exports to Mexico, 80 percent of which were created in the previous 5 years as a result of trade liberalization.

Agricultural products from wheat to apples; industrial products from computer software to transportation equipment to aircraft—all have benefited by trade liberalization with Mexico and increasing Mexican prosperity. Pressures of illegal immigration have been reduced and will be reduced even more.

As a consequence, it is astounding to find that of 11 members of a congressional delegation from the State of Washington, to this point only four, including the distinguished Speaker of the House of Representatives, formally have endorsed the North American Free-Trade Agreement. For the single State most dependent on international trade not to be leading the fight for the approval of NAFTA is a sad commentary on the congressional delegation from my State.

So, I present this challenge today to other Members of the Washington congressional delegation: Remember your history. Be enthusiastic about the skills of your people; look at the jobs which have already been created by freer trade. Come out of hiding and endorse—as has the leading liberal Democrat, Congressman WYDEN, of our State to the south—the North American Free-Trade Agreement, and help your own President and all of our living former Presidents increase the prosperity of the people of the United States and the people of the world by this significant additional step toward a world free-trade arrangement.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Alabama.

TRIBUTE TO THE FORMER CHAPLAIN OF THE SENATE, REV. DR. EDWARD L.R. ELSON

Mr. HEFLIN. Madam President, while the Congress was out of session for the recess last month, the Senate lost one of its most dear friends and supporters. Not only the Senate, but the Nation lost a faithful servant when our former Senate Chaplain, the Reverend Dr. Edward L.R. Elson, passed away on August 25 at the Presbyterian Home in Washington.

Dr. Elson was appointed Chaplain of the Senate in 1969, and served through 1981. He was the senior pastor of the National Presbyterian Church from 1946 until 1973. As pastor of that congregation, one of the largest in Washington, he was a counselor and spiritual mentor to many high Government officials, including Gen. Dwight D. Eisenhower, who attended services there while he was President. Dr. Elson baptized President Eisenhower and confirmed him as a member of the church in 1953, 10 days after he was inaugurated. Dr. Elson had been close to General Eisenhower during World War II as a chaplain in the Army.

Many of us in this body remember Dr. Edward Elson as a spiritual leader and a humanitarian of the highest caliber. It can honestly be said that he dedicated his life to serving others. His work was manifested in so many diverse and rich ways that the sheer number of people he reached and left an impact on throughout his life are difficult to fathom.

Dr. Elson was invaluable to the spiritual life of this body, his church, his denomination, and his Nation. It was during his pastorate at National Presbyterian Church that the church relocated from its downtown location in Washington at 18th and N Streets to a beautiful new $8.5 million facility on Nebraska Avenue near American University. During his pastorship, National enjoyed unprecedented growth in its membership. His church was the only proper site for his funeral, where hundreds of family, friends, and admirers gathered to pay their respects.

He was ordained by the Presbytery of Los Angeles in 1930 and was pastor of two southern California churches before World War II. He served for a time as moderator of the presbytery, the highest office of the Presbyterian Church.

During World War II, he was an Army chaplain, and was awarded a Legion of Merit and Bronze Star. Later, he was General Eisenhower's emissary to the German Protestant Church Consistory.

Dr. Elson was a prolific student of and frequent visitor to the Mideast, where he met with such leaders as President Nasser, of Egypt; King Hussein, of Jordan; David Ben-Gurion and Golda Meir, of Israel; and the Presidents of Lebanon, Syria, and Iraq. In 1959, he carried a personal message from President Eisenhower to the King of Saudi Arabia. He was a founder and former chairman of the national council and vice president of the board of American Friends of the Middle East. During the administration of President Lyndon Johnson, he served on a team of observers of the 1967 Vietnamese elections. He had also been a president of the Military Chaplains Association, the national chaplain of the Disabled American Veterans, and president of the Washington Federation of Churches.

A recipient of honorary doctoral degrees from 17 colleges and universities, Dr. Elson was born in Pennsylvania and graduated from Asbury College in Kentucky and the University of Southern California. He authored 11 books, including his 1986 autobiography, "Wide Was His Parish."

We could not choose a more fitting epitaph for Dr. Elson than the wonderful title he gave his autobiography—"Wide Was His Parish." His parish was as wide as any one person's could be, because it included all of humanity. He was truly the epitome of a humanitarian, and we are fortunate that God allowed him to stay with us for 86 years before calling him to rest.

I extend my sincere condolences on behalf of the Senate to Dr. Elson's wife of 55 years, Helen Chittick Elson, their four children, Dr. Eleanor Heginbotham, Dr. Beverly Elson Gray, Mary Faith Buchanan, and David Edward Elson, and their entire family.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank the Senator from Alabama for his statement. I surely associate myself with his remarks. I hope that more Senators will have an opportunity, people who knew Reverend Elson, to take time to reflect on his life and put something in the RECORD or speak in the Chamber about him. I thank the Senator, but beyond that say to him that I appreciate very much his leadership in our Wednesday morning Senate prayer breakfasts. He is our leader in that area at the current time, and so it is quite appropriate for the Senator from Alabama to make those comments.

I did not know Reverend Elson as Chaplain of the Senate because he resigned the very month that I was sworn in in the Senate, but Reverend Elson did come to our Wednesday morning meetings quite frequently. And in those meetings I still remember so many times he related the story the Senator from Alabama did about the baptism of President Eisenhower, and it was obviously a joy not only as part of his work but a personal joy for Reverend Elson to have performed that act. So I thank the Senator from Alabama.

Mr. HEFLIN. I thank the Senator from Iowa. He served, too, as chairman of the Senate prayer breakfast for 2 years and did an admirable job in that capacity.

Mr. GRASSLEY. I thank the Senator.

LIFTING OF THE VIETNAM EMBARGO

Mr. GRASSLEY. Mr. President, I rise to comment on some action taken just a day ago, I believe, by the administration, and it involves the question of the Vietnam embargo, which embargo has been on for a couple decades, or a decade and a half.

The administration's decision is to move closer toward lifting of the embargo. I do not know whether they would admit that, but that is the way I see it. I do not support this action, and I believe that it undermines whatever remaining leverage our Nation has for gaining the fullest possible accounting of our missing servicemen.

On July 2, the United States removed its opposition to third countries paying off Vietnam's arrears on its IMF loans. This action then clears the way for the World Bank to make loans to Vietnam.

Now, when we cleared the way in July for World Bank loans for Vietnam, the administration said then that a lifting of the embargo later would depend upon progress Vietnam showed in accounting for missing in action.

Our stated intention was to require progress for progress, a lifting of the embargo for more accounting. The fact is there has been no progress. Since July 2, the Vietnamese have not accounted for a single MIA. Yet, we have moved closer to lifting the embargo this week. It seems to me that this is a terribly puzzling and terribly ambiguous message that we are sending, not just to the Vietnamese but, most importantly, to the families of the MIA's.

Let us look at what was said on July 2 by President Clinton and then see if progress has been made. He said the following:

> Our policy toward Vietnam must be driven not by commercial interests but by the overriding purpose of achieving further progress towards the fullest possible accounting of our POW/MIA's.
>
> Progress to date is simply not sufficient to warrant any change in our trade embargo, or any further steps towards normalization.

President Clinton's comments made in July called for progress. We cannot argue with what he said. I would agree with that statement. I did not agree with lifting of the ability of the World Bank to make loans, but I still agree with his measurement.

President Clinton defined progress July 2 as "the fullest accounting of our POW/MIA's." Yet, since July 2 no MIA has been accounted for. So what is it that then justifies this additional step toward lifting the embargo? Is it unfair to interpret this as a gesture toward commercial interests in the United States, the exact opposite of what the President promised.

It appears now that there is a new definition of what progress entails—progress toward MIA accounting. Instead of full accounting, progress now means doing busy work.

Let me explain. Under the administration's July 2 performance measures for progress, fuller accounting was the overall goal, in clear, measurable terms. This goal has been a total failure since not one more accounting has occurred. Instead, this administration decided to switch its focus and its goal from accounting to some nebulous, nonperformance-type criteria designed to provide lots of wiggle room. For instance, concrete results—those are the words of the President—were required from the search for remains.

Now, this is a rather vague term. Anything can be considered progress when the term "concrete results" does not have to apply to an accounting. And so the results are predictable.

Let us look at what has happened. Twenty-two sets of remains were dug up by the Vietnamese and United States personnel and forwarded to the central ID lab in Hawaii for examination. Not one of these sets of remains has been determined to belong to a missing American serviceman. But that is OK because the goal is no longer full accounting. It is some amorphous, nebulous progress. And, of course, it ends up being busy work like something is being accomplished.

Another example. More cooperation from Laos was required because Laos has been notoriously resistant to providing us any data on the MIA's. Nothing changed in that regard since July, but we wanted to show some progress was being made and so a trilateral meeting was called. Now, presto, there is progress on the issue of Laos cooperation—no additional accounting of MIA's, just a meeting, just busy work.

I hope that this administration is not so blind about performance goals when it presents its initiatives to reinvent Government. Reinventing Government requires measurable performance goals and pay for performance. That is how we improve the way Government works.

Are we going to make an exception to that rule for the Vietnamese? And what does this say about the administration's credibility either with reinventing Government programs or with the families of MIA's? Madam President, it is clear that the administration's rationale for yesterday's action is irrational. No progress has been made toward a full account. It is time that we demand a quid pro quo from the Vietnamese. We need answers.

Before I yield the floor, do I still have some time left?

The PRESIDING OFFICER. The Senator retains 1 minute, 20 seconds.

Mr. GRASSLEY. Let me say this, because there may be people listening who wonder what difference does it make, MIA's, POW's, 20 years after the war? It has something to do with credibility about Government.

Our Government tells people who joined the military or are drafted or who have been drafted, because we do not have the draft, "Ye shall not be forgotten nor forsaken, assuming capture. Every effort will be made to get you out." That is a standard that has been set.

There is also another standard that has been set. Presidents, four or five, Republican and Democrats, have said "This is our Nation's highest priority." Well, as I look back over 20 years of our efforts of trying to get POW/MIA accounting and to get people home or get remains home, I do not think our Government's performance has been commensurate with our rhetoric.

As long as that is our rhetoric and as long as that is our policy, this Senator expects our Government to live up to it or change the policy.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

HEALTH CARE LEGISLATION

Mr. BOND. Madam President, today Senator CHAFEE, I, and a number of our colleagues on this side of the aisle announced the health care plan that we have been working on for about 3 years, which we hope will be a productive and positive contribution to the debate on health care.

I would ask all of my colleagues to take a look at it, because I believe it is a mainstream proposal designed to appeal to a broad cross section of American people, and the Members of this body, of both parties, and of the other body, who believe that we have high quality of health care but we have problems with the cost, with equal availability, and we can best get those costs under control if we rely primarily on competition rather than Government regulation and mandates to bring costs down.

During the 3 years we have been meeting with Senator CHAFEE's task force, we found almost the first 6 months taken up just trying to figure out the definition of the questions, because this is extremely complex. We went back to our States. We talked to patients. We talked to consumers of health care who had all kinds of problems with the system.

We talked with people who are analysts, people who are in the system, who are providers, those who are paying. We tried out a wide range of ideas. From this came the clear understanding first, as I said, that like all health care we first should do no harm.

Our system is the greatest place in the world to be if you are really sick. We do high-technology health care better than anybody else. We want to keep that technological advantage, keep the high quality.

On the other hand, the proposals as we understand them coming in from the administration, go beyond that and want to remake the system and put Government in control in too many areas.

The basic principles which led to the development of our plan were, No. 1, maintaining quality of care; No. 2, assuring every American citizen the security of knowing that they would have health care coverage, and that they would have a choice of who provides that health care; No. 3, the growth of health care costs must be constrained by reforms, but primarily through competition.

With that, what is our approach? First, one of the great problems that we see is that our system is very expensive; 14 percent of our gross domestic product goes to health care, some 12 million people. It is a very, very expensive system for the people who are paying the health insurance premiums, and for our Federal budget deficit. We have got to contain the growth of costs; probably cannot cut them, but at least slow the growth.

Yet, despite the fact that we spend this much on health care coverage, every American family has a fear that they are going to lose their coverage. They may be left without insurance coverage, without a health care plan. I have talked to too many people in my State who had the tragedy as parents of having a child born with birth defects, a very expensive illness which has eaten up their insurance, and in several instances forced them into bankruptcy because they could not pay the costs for giving the child the kind of care they wanted to.

Others have been locked into their jobs because somebody in the family is sick and they know that if they tried to move from one job to another, they would probably run into that catch-22 of preexisting condition: You cannot buy a new insurance policy that will cover a disease that you already have or a sickness or an illness that you already have.

I think that we have to change that system. Our system begins with insurance market reform. Everyone has to be covered. You cannot exclude people for preexisting conditions. You cannot jack up the premiums if somebody gets sick.

A friend of mine had a 700-percent increase in his insurance premium after he successfully recovered from cancer, through cancer treatments. They decided they would really stick it to him. They jacked it up.

This is happening to people all over the country. We cannot do that any longer. We cannot allow insurance companies to offer the lowest premiums to healthy populations and then cutting off the insurance or jacking up the premiums when they get sick.

We also need to make sure that people can move from job to job, so they do not lose their health coverage if they go to another job. That is called portability. In essence we are saying to insurance companies or health plans that you have to compete on price, and quality, and service. You cannot compete on risk avoidance. Insurance should be spreading the risk, not avoiding the risk.

The second thing is containing the cost. We believe that the right kind of competitive framework will keep costs down and keep quality high. We have seen that in example after example around the country, where there have been purchasing cooperatives or purchasing reforms.

In California and Florida, they are trying that. We are going to learn more. I believe that there is a tremendous hope for bringing down costs by giving people the power to purchase through cooperatives that they control and which they can choose, so that the system is voluntary, so that the cooperatives have to compete to offer the best range of health plans at the best costs.

I think we need to move to administrative reforms. I talked before on this floor many times about moving to electronic filing, to allow the consumer to hand in what you would call an ATM card like you do at a bank and have the insurance computed by the computer based on that card information. Electronic transfer of funds can save tens of billions of dollars, provide a consumer coverage if that consumer is away from home and gets sick, and get the health care information. It also helps us identify fraud and abuse, and ultimately identifies what kinds of health treatments work best.

Finally, we believe the best way to ensure the access to this is to provide equity in tax treatment.

Right now, if you are an executive for a large corporation and you have a gold-plated plan, and it pays the first dollar of health insurance, you are not taxed on it no matter what the premiums are. But if you are a farmer, rancher, or are self-employed, you can only deduct 25 percent. If you happen to work for a business that does not provide health care, you have 100 percent after-tax dollars just by bringing equity to the code, by saying that an employer cannot deduct, and an employee cannot exclude, the value of premiums beyond the standard benefit plan, we can make full deductibility available to every person who purchases health care.

I think that is extremely important, because that will put a tremendous number of people back into health coverage. For those people who do not have coverage, and who are below the poverty level, and do not get Medicaid, we begin with a voucher system to give them the full cost of the health care plan and let them choose the plan they want to enroll in. We do that by savings on Government spending on health care, putting caps on the growth of health care costs, and phasing out subsidies that are now caused because there is uncompensated care. We believe that we can generate the savings of roughly $200 billion by the end of this century, which will allow the vouchers to provide 100 percent vouchers to those up to 100 percent of poverty and on a declining level up to 240 percent of poverty—roughly $34,000, as it now stands.

This is the way we would achieve universal coverage. We would do it, I think, in a way we call pay-as-you-save. I think that will enable us to phase in the program and expand the benefits in a responsible manner. We do not accept, and will not go for, employer mandates. An employer who cannot afford to provide health care now, if required to provide health care, will logically throw the person out of work, shut down the business, or at least reduce employment. Then you have a double problem—more people unemployed, and they do not have employer-provided health coverage. Once the system is fully phased in, the individual will have the choice, the opportunity, and responsibility to get health care.

This body, at the request of Senator BUMPERS, adopted an amendment putting the responsibility on the individual or recipient of AFDC for getting their child immunized, and I believe that emphasizing individual responsibility is extremely important.

Madam President, we would also work with the States, allowing maximum flexibility. As a former Governor, I know many things can be tried out in the States; some work and some do not. But by giving States flexibility, we will allow them to make improvements on the system and do what we think is a necessary experimentation with the system.

Finally, we reject the approach, which has been suggested, of going for either price controls, global budgets, or caps. We do not believe the Federal Government can expect a system of competition to work when they are imposing price limits.

When you have limits or controls, people wind up gaming the system, and that is not going to work. We believe that competition can work. If you have price controls, everybody is going to game the system to try to get up to those price controls. If the central government, where the experts in determining how every dollar should be spent in the economy are—if the central government could be perfect in its planning, then the Soviet Union would be the economic powerhouse of the world today. When we have tried price controls, they have not worked; they interfere with competition.

Madam President, in closing, our plan guarantees universal health care. It relies on competition; it protects Americans' rights to choose their doctor; it guarantees they will have the security of a basic benefit plan; it prevents against skyrocketing rates, and realizes that Government cannot solve all of the problems.

I invite my colleagues to join with us in a constructive discussion. We think America is ready for health care reform, and we want to work with our colleagues on both sides of the aisle in developing a workable, effective health care reform that will achieve these goals.

I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, after several years of listening and meeting with people in Washington State, I am convinced there are certain fundamental goals which are essential to the successful national reform of our health care system: security, quality, universal coverage, choice, cost restraints, individual responsibility, paperwork reduction and malpractice reform. For the 85 percent of Americans who have insurance, our system offers the best health care in the world. Any system of reform that jeopardizes this quality of care is unacceptable. The American people will not accept a plan under which they pay more for a lower quality of service. In addition, everyone must have access to affordable health insurance coverage so that all Americans are protected. Reform must slow the rate of growth in both private and Government health costs, but at the same time, Americans should be able to choose from a variety of health insurance plans and providers.

Most importantly, those States, like Washington, which have moved forward with comprehensive health care reform already, change at the national level must not be punished with additional taxes, regulatory duplication, and burdensome mandates.

For almost 3 years, I have worked with the Senate Republican Health Care Task Force to develop a plan which includes the goals I have outlined. The Health Equity and Access Reform Today announced this morning is the result. It is similar in many ways to the President's plan anticipated on September 22, and we are ready to work with the President in attaining those goals.

Both plans rest in part on concepts of managed competition pursuant to which States will establish health care purchasing cooperatives within which employers and individuals will purchase health insurance from competing insurers. The Republican plans will cause insurers to compete on the basis of their ability to provide cost effective quality health care at least at the level of a federally qualified uniform benefit package. Both the Clinton and Senate Republican proposals include insurance reform that will allow individuals to move from job to job without fear of losing health insurance. In addition, insurers will not be allowed to exclude individuals from coverage based on health status. So both plans will reorient competition from risk selection to the efficient provision of quality health care. Finally, both plans include proposals to reduce paperwork and to streamline the billing process through electronic billing and simplification.

As you can see, even before all details are available, there is a remarkable consensus among Republicans, Democrats, and the administration on some of the most important issues involved in this complex topic. While both proposals may be far from perfect and represent only starting points in the discussion, both are serious attempts to improve access and control costs while emphasizing preventive care.

A few fundamental differences exist, however, between the President's approach and the Senate Republican approach. Simply put, the Senate Republican approach is a purer form of managed competition relying on market incentives to improve health care, while the President's vision of managed competition includes additional, and significant Government participation and control.

First, the President's plan includes an employer mandate to pay for the health insurance of its employees. If there is one message I keep hearing over and over again, it is that we cannot trade jobs for health care. In our current economic condition, we cannot squelch economic growth by mandating additional labor costs on the sector in the economy most responsible for creating jobs: small business. The nonpartisan Partnership on Health Care and Employment estimates that an employer mandate in Washington State alone would lead to the loss of 168,000 jobs.

The Republican plan proposes to implement universal coverage, over time, through an individual mandate which the President's plan also requires. Employers will continue to have significant incentives to finance health insurance for their employees, but will not be threatened with going out of business under a Government mandate.

Second, the President's plan relies on price controls in the form of premium setting and caps: both proven to be ineffective and coercive forms of Government intervention. Top-down price controls set in Washington, DC, have been a dismal failure because they fail to recognize the fundamental fact that costs are not just a function of price, but of volume. The last time such controls such as premiums caps were attempted was in 1971 when President Nixon ordered temporary 90-day controls to fight inflation. Three years later, the restraints were lifted after having had little, if any, meaningful effect on inflation, but after having stifled innovation and making goods more scarce. Bureaucratic calculations and enforcement will have only one result: rationing, lower quality, and fewer choices in our health care decisions for our families. Price controls are simply antithetical to a market-based system, which has proven over time to be the only method effectively to restrain rising costs.

The financing for coverage for the uninsured for the President's plan and the Senate Republican plan are likely to differ as well. We believe that reductions and restructuring of Federal spending should be made, the savings from which should be used immediately to finance coverage for those most in need.

The Republican proposal recognizes the special health care needs of rural communities where cooperation, rather than competition, is imperative to provide cost-effective care. We propose antitrust reform that will allow rural hospitals and doctors to share expensive equipment rather than forcing them to look over their shoulders for a Justice Department official. We recognize the main obstacle to health care in rural areas to be transportation. In addition, there must be greater incentives for medical school graduates as well as practicing physicians to practice in rural areas. Finally, we recognize that the health care needs of our rural and urban areas are distinct. A proposal for Seattle cannot be assumed to meet the needs of Goldendale. We must allow States to have the flexibility to design purchasing cooperatives that are appropriate for their diverse health care needs.

The Senate Republican plan also differs from the President's plan in the authority and functioning of the purchasing cooperatives and the competing health plans. In order for market forces to keep costs down and serve the consumer of health care, the purchasing cooperatives should not be regulatory agencies operated by bureaucrats—but true cooperatives that reach balanced agreements between the purchasers and providers of health care services.

Antitrust reform, professional guidelines, mandated benefits, and cost controls will be meaningless unless physicians are able to function in an atmosphere free of frivolous and costly lawsuits. The current system neither serves the medical profession nor those who are victims with legitimate claims. From 1960 to 1984, medical liability awards increased an incredible 1000 percent. A 1988 study found that the average doctor had a 37-percent chance of being sued; 52 percent for a surgeon; and 78 percent for an obstetrician. According to the AMA, defensive medicine fueled by malpractice fears added more than $15 billion to our national health care costs in 1989.

The malpractice reform component of the Senate Republican plan calls for mandatory, nonbinding alternative dispute resolution. If one of the parties wishes to challenge the result of the ADR, he or she may do so; however, if the decision results in a lesser award, the party bringing the claim must pay all legal fees. In addition, the plan includes a cap on noneconomic damages at $250,000, periodic payments for awards exceeding $100,000, and contributions of proceeds from punitive damages to a State health office rather than a law firm. In addition, attorney's fees are limited to 20 percent of the award and the statute of limitations for malpractice actions is shortened considerably.

In contrast, the Clinton plan does not even include caps on awards for pain and suffering and limits attorneys fees to 33 percent. I hope that while restraining the insatiable appetites of trial attorneys, we can provide a system where legitimate claims are expedited and where defensive medicine becomes nearly obsolete. The American Trial Lawyers Association has vowed to fight such a proposal.

Among my highest priorities for those in Washington State is ensuring that Washington State is not punished for moving forward with health care reform. The health equity and access reform today plan is far less burdensome to Washington State than the two leading alternatives—the President's plan and the single-payor option.

Although the Governor of Washington received assurances from the administration that President Clinton's plan would be compatible, it is clear that the President's plan already clashes with our State plan. While in Washington State employers are required to pay at least 50 percent of the lowest cost plan in the area to their employees, the President's plan would require at least an 80-percent contribution equal to the average cost plan in the area.

In addition, under the President's plan, the national board, not Washington State, would determine the cost of the standard benefit package, would set an annual budget for each purchasing alliance, and determine the per capital premium of that alliance.

Supporters of the single-payor system correctly proclaim that it will reduce administrative costs through uniform and simplified billing practices. Those cost savings, however, will be absorbed by the six separate oversight commissions each State would be required to implement in order to carry out the bureaucratic dictates of the national commission in Washington DC. In both the Clinton plan and the Senate Republican plan, administrative costs will also be reduced through electronic billing, claims processing, and uniform paperwork requirements.

Worst of all, the single-payor proposal would punish Washington State with enormous additional taxes to finance health care reform. According to its proponents, the single-payor proposal in the Senate and sponsored by JIM MCDERMOTT in the House of Representatives would require that a health security premium equal to 7.5 percent of incomes taxes paid by each taxpayer. The top corporate income tax rate for corporations whose annual income exceeds $75,000 is increased 34 to 38 percent. The minimum corporate tax rate is increased as well from 20 to 25 percent. The individual income tax rates are increased to 31, 34, and 38 percent for families with incomes over $200,000. The minimum tax rate for individuals is increased from 24 to 28 percent. Millionaires will pay a 10-percent surtax. For the elderly, the portion of Social Security benefits subject to taxation in increased to 85 percent and all individuals 65 years of age or older shall pay a monthly fee of $65 for long-term care. Finally, 5-percent withholding tax is set on interest paid to foreigners.

Not only would the single-payor proposal include the largest tax hike on the middle class in American history, many of those tax increases were already narrowly passed in each chamber of Congress last month during consideration of the President's tax package.

Finally, claims of cost savings face the hard reality that Canada, the single-payor model nation, is facing inflationary health care costs at the same rate as the United States.

The HEART plan, on the other hand, allows States to design health care systems that meet their unique needs. The National Benefits Commission is limited in its authority and would be likely to establish a uniform benefits package quite similar to what the Health Care Commission anticipates. The individual mandate in the State plan is consistent with the Senate Republican proposal which also assumes that it is the right and responsibility of the individual to choose among reasonably priced insurance plans. The insurance reform provisions in the HEART plan are similar to the Washington State plan which eliminate risk selection by health status and breaks job-lock by allowing individuals to go from job to job without losing coverage. Both plans require similar information to be provided to consumers in order for them to make the most cost-conscious health care decision.

Compared to the conflict in the employer mandates and price controls in the President's proposal and the multiple layers of taxation and oversight required by the single-payor plan, the HEART plan is by far the least burdensome on the people of Washington State. As these plans are debated and altered in Congress, we from my State must remain vigilant that Washington State is not punished and required to pay twice for health care reform.

We all must also recognize that in many parts of the country, health care reform is already occurring in both the public and private sector, and the Government simply needs to get out of the way. While we consider the comprehensive reform which could have enormous impacts on one-seventh of the Nation's economy, we must resist throwing the baby out with the bathwater.

We can do so by asking ourselves four basic questions:

First, if my State has already begun health care reform, will I be required to pay twice for national health care reform?

Second, will my health insurance costs and coverage for me and my family actually improve or will I pay more for less?

Third, will this health care plan cost jobs and economic opportunities for my family and community?

Fourth, will this health care plan significantly expand Government involvement with health care decisions for my family?

By keeping these questions in mind, we can ensure, as we must, that the patient will come first. For if we lose sight of the fact that health care is an intensely personal and private matter to Americans, we risk damaging a system that attracts people around the world for its quality and service. While we must move forward with the President to improve what is lacking in our health care system, let us be careful to follow our own Hippocratic Oath and do no harm. We can only do so if we listen to those who must come first—the patients.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, the distinguished Senator from Connecticut, I understand, is trying to catch a plane. I am not attempting to catch a plane this afternoon. So I am going to sit down and perhaps he might be recognized.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Thank you, Madam President, and I thank my colleague from Arkansas for, once again, his graciousness and thoughtfulness, and I will try to be brief here so that my colleague can get about the business of talking about a subject at hand. I am not sure I necessarily want to be here for the subject anyway when he gets to it. But with all seriousness, I appreciate his generosity.

FACES OF THE HEALTH CARE CRISIS

Mr. DODD. Madam President, I come to the floor today to explain our health care crisis through the eyes of a child.

I want to begin by commending our colleague from Michigan, Senator RIEGLE, who last year decided that it would be worthwhile to begin a discussion of health care by trying to put real faces on the debate. He has talked about individual people and families.

Too often, when we debate and discuss these issues, we get lost in the numbers, the details, the percentages and the terminologies. We neglect to talk about this in human terms, what actual families go through, and what it means to them on a daily basis to be faced with a crisis of a health care emergency.

So, I, today, am going to take a couple minutes to talk about children. I will talk of a particular child in a particular family in my State. My purpose, today, is not to endorse a particular aspect of what may come before us next week, but to try and make people aware of what average families, hardworking, good people are going through every single day in this country.

Madam President, as I mentioned, I come to the floor today to explain the health care crisis through the eyes of a child. In all of our discussion of macroeconomic trends and microeconomic behavior, of health maintenance organizations and preferred provider networks, of preexisting conditions and employer mandates, I fear that we may lose sight of what should be a central focus of the health care debate—our Nation's children. And we may forget that each child without insurance has a face.

For I suggest, Madam President, that it is a scandal that right now in this country there are 12 million children without the protection of health insurance. It is a scandal that 1 in 10 Americans under 18 are not covered. It is a scandal that 36 percent of the uninsured are children, a group that makes up only 29 percent of our population.

We have allowed this problem to go on—indeed, to grow worse year by year—despite the fact that our health care system is the finest in the world in terms of technology and effectiveness. Those fortunate enough to have health insurance by and large receive excellent care in the United States of America, while those without coverage are left to fend for themselves and often go without treatment that they desperately need.

And unfortunately, those without coverage are increasingly children, some of the most defenseless of our society. They may not understand the complexities of our health care delivery system or the economic reasons that they do not have coverage. But what they do understand is the pain of an illness left untreated and the slow withering of dreams left unfulfilled. They also understand the looks of anxiety and helplessness on their parents' faces as medical bills mount and hopes of paying them dwindle.

Today I want to talk about one such child, to put her face on the health care debate. I want to talk about Nicole Ianuzzi and her family. In 1991, Nicholas Ianuzzi, Nicole's father, decided to switch insurance companies after his original insurer was sold. He is a self-employed businessman. His insurance policy covered himself and Nicole. His wife was insured through her part-time job at a supermarket, but her policy covered herself only.

In May 1991, Nicole went to the doctor, like most children do on a periodic basis. She was 7 years old at the time. Her doctor thought she had scoliosis, a back condition, and sent her to Newington Children's Hospital. There, doctors suspected that she might have a spinal cord tumor. She was sent to Yale-New Haven Hospital, where the tumor was, unfortunately, positively diagnosed.

Secure in the belief that Nicole was covered under her father's new policy, the family did what any parents would do in such a situation: They saw to it that Nicole received the treatment she needed. Nicole required several surgeries to remove the tumor and to treat related problems.

Fortunately, Nicole's treatment was successful and her prognosis is good. The shock came when the family learned that her father's new insurer refused to pay her hospital and related medical bills. Nicole, the company said, had a preexisting condition that was not covered.

Treatment of Nicole's condition has exacted a staggering financial and psychological toll on the family. Nicole's medical bills have totaled close to $200,000. The Ianuzzi's have been forced to appeal to the public to help with their costs. The Knights of Columbus have raised money to help buy Nicole a wheel chair. Others in the community have been generous, as well.

And for that, I am very proud to represent a State where people step forward to help out.

But for this family to be placed in a situation where they end up almost a quarter of a million dollars in debt because of a preexisting condition is exactly the kind of problem that literally thousands upon thousands of people face in this country every day.

While Nicole is thankfully recovering from her illness, she and her family live with a great deal of uncertainty about the future. Because of Nicole's illness, the Ianuzzis now cannot obtain affordable insurance for Nicole, not even to cover a routine exam for the child. The best they can buy is a policy that costs $937 per month. And this policy—as incredibly expensive as it is—will not cover any problems related to Nicole's back.

Almost $1,000 a month, and this child cannot get coverage for her back. With the mother holding down her job in a supermarket and the father a self-employed businessman to make ends meet, the family is not atypical. They are not the exception. The Ianuzzi family exists in every community across America.

And that is why it is so critically important that we have a national health care policy that will no longer allow for preexisting conditions that deny families the needed coverage they ought to have.

Madam President, the Ianuzzi's story provides further evidence of the need for comprehensive health care reform. We need to assure families and children in this country that their access to health care and health care coverage is secure. We need to assure Americans that they can switch jobs, switch health plans, and get sick without losing coverage and without huge financial risks. But more than anything else, Madam President, we need to care for the Nicoles of this country.

I have spoken at length about Nicole and the need to assure health care coverage for our Nation's youth. The President's health care reform promises to provide this assurance, and I look forward to working with the administration and my colleagues to see if we cannot put together a comprehensive health care reform package.

As chairman of the Subcommittee on Children, Family, Drugs and Alcoholism, I plan to be a voice for children during this process. Children may not hire high-powered lobbyists or organize letter-writing campaigns. But their needs must be met, and we will have failed as their representatives if we fashion a health plan that neglects them.

I firmly believe that expanded coverage must focus on children's special needs, particularly in the area of prevention. This country's high child and infant mortality rates and low rates of immunization are chilling evidence of this need. As a first step, I have introduced child health legislation that focuses on the special needs of children and pregnant women. I plan to continue my efforts to ensure that health care reform does not overlook these, the most vulnerable of our citizens.

Let me point out every briefly that we rank 22d in the world in our infant mortality rate and 21st in the world in our child mortality rate.

Imagine that: The United States of America, the most potent economy on the globe, and yet we rank 22d—21 other nations do a far better job at infant mortality rates than the United States of America, and 21 other nations do better in child mortality rates.

In our country, if nothing else, that is a source that ought to be a collective embarrassment, regardless of where you come out on the health care debate. We like to think of ourselves as No. 1 in a lot of areas. To think we are 21st and 22d in these areas should be a source of collective shame.

In closing, I want to thank my colleague from Michigan, Senator RIEGLE, for coming to the floor nearly each week during the past year to share stories of the impact of the health care crisis on real people. He has reminded us time and time again of the tremendous stakes involved in the debate over health care reform. The decisions we make here in this Chamber will affect real people in a very real way, and each of them has a human face like Nicole.

We will have plenty of time to debate whether or not to agree with a particular plan or a particular point on a particular proposal. I think all of us, regardless of our positions, ought to be doing everything we possibly can so that another hour or another day does not go by in which the Nicole Ianuzzis and their families suffer the consequences of preexisting conditions clauses, and the staggering costs when reimbursement is denied.

Madam President, I yield the floor and I thank my colleague from Arkansas.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I ask unanimous consent I may proceed as in morning business for a time up to 20 minutes. I do not think I will use that amount of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, I want to congratulate my friend from Connecticut. We saw today a prime example of not only the wisdom and commitment of the Senator from Connecticut to health care reform, but his compassion and his ability to put a human face on it, given what are sometimes too many statistics with which we discuss it. It was a pleasure and real privilege for me to have the opportunity to hear his address to the Senate this afternoon.

PRESCRIPTION DRUG PRICES

Mr. PRYOR. Madam President, today I am going to address an issue that has been of vital concern to me and especially to millions of older Americans, the cost of their prescription medicines. I may sound like an old broken record on this subject, but I think some things need to be said this afternoon. I think some warning shots need to be fired.

It seems over the past several months, the pharmaceutical industry has been attempting to convince those of us inside and outside the beltway that they have finally learned their lesson. They are trying to convince us that the days of price hikes for prescription medications that are two and three times the increase in the inflation rate are now over, that this is something in history, that it is a thing of the past. The drug companies are now trying to tell us they have seen the error of their ways and they are themselves voluntarily putting the brakes on the increases in the cost of prescription medicines.

I am here to tell the Senate that this simply does not appear to be the case. For most older Americans, the crisis is not over. It is here. It is real. And it continues on every day.

I know the drug industry is trying. But what they are trying to do is something else. They are trying to convince us, through a multimillion dollar advertising campaign that they are able to voluntarily control inflation in prescription medicines all by themselves.

Let us take a look at some of those advertisements they have been running over the last several weeks, and then let us look at some of the charts, if we may. I am going to point out some inconsistencies in what the pharmaceutical manufacturers are saying and what has become the reality of today's pricing.

Here we have this ad. This appeared in many of the Nation's newspapers, such as the Washington Post and many other papers across America. The ad says "Can't somebody please do something about drug prices going up?" And then here comes the PMA, the Pharmaceutical Manufacturers Association. They say, "We have. We have proposed a program under which the companies can agree to voluntarily limit average price increases to no more than the cost of inflation."

It goes on and on with a little more of their propaganda.

This ad has now been replaced by this particular advertisement by, once again, the pharmaceutical manufacturers. Here is a nice looking lady, could be a young grandmother as a matter of fact. She is asking, "Why should I have to choose between buying groceries and buying medicine?"

The truth is, for years, she has had to choose between buying medicine or buying groceries. That is because drug prices have gone up three times the rate of inflation for individuals this age. She can no longer afford to pay for the cost of the prescription drugs that her doctor has prescribed for her to take.

Now we have another advertisement that has been running across the Nation. This is, once again, the elaborate, expensive propaganda campaign staged by one of the most profitable industries certainly in this country, and perhaps in the world—and that is the pharmaceutical manufacturers. Here they are coming forward and saying, "For the 12 months ended April 1993, the CPI for prescription drugs increased only 3.2 percent, exactly equal to the general inflation rate."

This assertion needs to be challenged. This afternoon I stand on the floor of the U.S. Senate to challenge that assertion and to say that the drug companies are continuing to increase drug prices—at two and three times the rate of inflation. We are getting ready to see that those "voluntary price restraints," those voluntary initiatives, might be commendable, but they are not working. Let's look at the facts

Over the past 3 months, from June through August, general inflation was 0.4 percent. Prescription drug prices increased almost four times this amount to 1.5 percent in just 3 months. This is at the same time when the pharmaceutical industry is saying, "Let us voluntarily control our drug prices. Do not put price controls on us. We are going to voluntarily, within our own industry, take care of this problem."

Second, data from the first half of 1993 indicate that many, many popular prescription drugs taken by older Americans have now increased two and three times the cost of inflation. Let us just look at this chart. I have here some 90 drugs that are now on the market made by many different drug companies.

By the way, we want to commend some of them because some of them have worked to find new prescription remedies. We have wonderful research in this country. The problem is they are abusing the system and charging the American consumer more than any other consumer, more than any other nation in the world. We are subsidizing the rest of the world for the very same prescription medicine.

Here is Cardizem; used for hypertension. That is a heart drug. The inflation rate is roughly at 3 percent and the cost of Cardizem has already increased 8.2 percent this year—over 8-percent increase this year.

Lopressor, we see a 6.7-percent increase, just through January and June of 1993.

We see another drug Maxitrol. It has gone up 7.6 percent in the first 6 months of this year.

We see a drug for arthritis—once again, many of our elderly citizens take this particular drug manufactured by 3M—Norgesic. For 100 tablets, a 7-percent increase already this year in the first 6 months of 1993.

Pilocar—this is for glaucoma. Once again, a drug taken by many, many of our elderly citizens. It has gone up 8.2 percent already this year.

I could go on and on, all of these 90-some-odd drugs. I ask unanimous consent this be printed in the RECORD.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. To date, just 17 of the hundreds of brand name drug manufacturers have said they are going to limit voluntarily their drug price increases. I must say this is a start. This is something I do not really think they have ever said before. Frankly, I do not think they would have ever said it had we not had a President and his wife, President and Mrs. Clinton, who are getting serious about health care reform. This has forced the drug manufacturers to finally plead to not have any controls placed on it. They say they are going to try to police their own industry.

Most of these manufacturers, however, have only agreed to limit their average price increase—that is a very interesting term; their average price increase—to the rate of inflation. Limiting the increase of their average price is relatively meaningless to the average citizen because no one pays an average price. We pay real prices. And many real prices are continuing to escalate beyond our wildest imagination.

Madam President, today I come to the floor of the U.S. Senate to give the drug industry a real chance to see if they are serious in voluntarily restraining their prices. I really want to see if the drug industry of America is willing, in public, to put its money where its mouth is. I am going to offer the drug companies a deal this afternoon. It is not going to be some deal in some smoke-filled room. It is not going to be some deal cooked up by some advertising firm with a lot of slick advertising and a multi-million-dollar budget to back it up.

This deal is going to be made in the clear sunshine. It is going to be made between those drug companies that are promising to voluntarily limit their drug prices to the cost of inflation. I am going to mail tomorrow, Madam President, to each of the drug manufacturers this proposed commitment. This is a commitment by the individual drug firms to the Secretary of Health and Human Services, Dr. Donna Shalala. We have prepared and worked on this commitment for a number of weeks, and we have had it approved and worked on by the Senate legal counsel. We are very indebted that they have helped us prepare this document. Each of the drug manufacturers in America will be mailed a copy of this commitment tomorrow to sign and return.

In the coming weeks, we are going to keep a scorecard, and from time to time we are going to come to the Senate and we are going to talk about these 30 or 40 drug companies—Abbott Labs, Berlex, Bristol-Myers, Du Pont Merck, Glaxo, Hoffman-LaRoche, and on and on.

We have two or three charts with their names. We are going to give a scorecard report to our colleagues in the Senate as to when and if they accept this offer. They have said that they are going to voluntarily restrain their prices. Now let us see if they are serious. We are going to come to the floor and say we had a commitment signed by Parke-Davis or Pfizer, Bristol-Myers, with the date signed, or the date rejected and the reason given for the action taken by the manufacturer.

Hopefully, we are going to find if all of these drug companies, who are members of the Pharmaceutical Manufacturers Association, will either, if I may say it this way, put up or shut up. We are going to see if they are interested in carrying out their commitment in their propaganda campaign and putting that commitment in writing.

Madam President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 5 minutes, 35 seconds.

Mr. PRYOR. Madam President, I also call my colleagues' attention to encourage the drug companies to sign these contracts. I think it is time. I think as the President goes before a joint session of Congress next week, it is time that all of us not only encourage the drug companies, but encourage all of the providers in our health care chain that we have to do a better job. We have to do a better job in cost containment. We think this is a proper approach and a first step in cost containment.

Madam President, I can only say, without any reservation whatsoever, that the elderly citizen, the young citizen that Chris DODD was talking about, the young child, families all across America—as we begin this health care debate, that this is one of those areas that we can and we must do something about.

During the month of August, the President basically took the drug companies at their word. He said, "Maybe the drug companies can voluntarily control their prices." Maybe they will. Maybe we do not need to have a Federal program saying how much they can charge for their drugs.

On September 3, when all the reports came out, the headline in the Washington Post business section said: "Health and Drug Stocks Up on Price Control News."

What happened when the President said we are going to try not putting any price controls on drugs? All their stocks went up.

About that same time, on August 19, right after the President had made the statement that we are going to try not to put any price controls on the pharmaceutical companies, look what the story is: "Drugs Stocks Boost Dow to a Record High."

What the drug companies really want is very simple. You are going to see them out here in the Halls. You are going to see them before the labor committee and the Finance Committee, and you are going to see them lobbying for at least one part of the Clinton health reform package.

The part of that package that they are going to be lobbying for is trying to get the Congress to enact legislation to include coverage for the 37 million Americans who today are not included. The drug companies want every citizen of America to have drug coverage. What they do not want to have is any controls on what they can charge those individuals—and all of us—for the drugs that they sell.

Madam President, I hope that we do not have to have price controls. I do not like price controls. But I think the point that I am attempting to make is that the voluntary restraints that the drug companies have promised that they were going to live by, those restraints, in my opinion, have yet to be made in a meaningful way.

Even this morning in the Washington Post, there is an editorial. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 15, 1993]

THE SKY IS NOT FALLING

In the fight over tax reform in 1986, the aggrieved interest groups all sounded the same. The sky was falling; the bill would be a disaster; their very existence would be threatened were the bill to pass. Then the bill did pass, the sky didn't fall—and the threatened groups survived.

Now the same thing is happening with health care reform, an even more comprehensive undertaking. A book-length draft of the president's plan has become available, and the Chickens Little are all over it. Their warnings are much too dire for this early in the game. Many seem driven at least as much by lobbying reflex as by careful thought. The drug industry warns, as ever, that there could be an end to research if what it regards as price controls are imposed—even though the plan would also expand the industry's market by subsidizing prescription drug purchases by the elderly. The trial lawyers warn that there could be an end to the representation of malpractice plaintiffs if the plan limits the lawyers' share of awards—even though they could still take a third.

The insurance industry says that the plan would discourage investment in health maintenance organizations because it woud limit premiums—even though it would also greatly increase the business of HMOs by likely driving a larger share of the population to use them. People who profess to speak for small business say the mandate that all employers help provide health insurance for all their employees would cripple the small-business sector and its ability to act as an incubator of jobs—even though small businesses would be heavily subsidized, and many would come out of the plan as winners. Doctors say cost constraints might discourage them from ordering needed tests; hospitals say they aren't sure they could cover their costs. And so it goes.

Health care costs now threaten to eat the economy. They represent a seventh of all the dollars Americans spend—and of all the costs they incur. If present trends are allowed to continue, the fraction is headed toward a fifth. Everyone wants the increase curbed—but at someone else's expense. The president would impose progressively tighter controls not so much on particular prices as on the general flow of funds into the health care sector. The beneficiaries of that flow of funds don't want the government to limit them. Too large a role for the national government, they say. Heavy handed. Bound to be counterproductive. Dangerous. Mindless. And what would they propose instead? Mostly belated voluntarism. They should have thought of that a long time ago.

The president wants to bring the cost of health care down to about the same rate of rise as other costs in the society. The people who have been living off more—including all of us when in need of care—may not like it, but that's the right goal to set. The argument then becomes one not of ends but of alternative means.

Mr. PRYOR. Madam President, this editorial is entitled, "The Sky Is Not Falling." It goes on to talk about the health care industry and about the President's health care proposal. It says:

> The drug industry warns, as ever, that there could be an end to research if what it regards as price controls are imposed—even though the plan would also expand the industry's market by subsidizing prescription drug purchases by the elderly.

Then it goes on to say:

> The trial lawyers warn that there could be an end to the representation of malpractice plaintiffs if the plan limits the lawyer's share of awards—even though they could still take a third.

It goes on to say:

Mostly belated voluntarism. They should have thought of that a long time ago.

Madam President, a long time ago was a long time ago. Today is today, and now is now. And it is time to do something about health care reform. One of those areas that we must start in is prescription drugs. This is a critical area. It is an area basically where we have allowed the pharmaceutical companies of America to do what they please. We have encouraged them to do research; we have given them research and development tax writeoffs. We have given them enormous credits where they manufacture these drugs in Puerto Rico under the 936 section of the Internal Revenue Code.

We have given them every benefit, and now we are asking them to give us just a little bit of that back. And that is a fair pricing mechanism where we do not have to impose price controls.

I hope we do not have to impose price controls, and I am certainly going to be working, alongside the administration and with others in this body and in the other body in an attempt to find the ultimate solution to meaningful health care reform. And hopefully the companies that manufacture our prescription drugs will sign these commitments, and they will say we are serious; we are going to do this; and we are going to be a part of cost containment for the health care reform system that is on its way.

I thank the Chair, Madam President. I yield the floor.

EXHIBIT 1

PRESCRIPTION DRUG PRICE INCREASES ON MANY INDIVIDUAL DRUG PRODUCTS TAKEN BY OLDER AMERICANS STILL EXCEEDING GENERAL INFLATION RATE

Drug/manufacturer/use	Percent price increase January–June 1993	Multiple of January–June CPI (1.8 percent)	Multiple of projected 1993 CPI (3.2 percent)
	A	B	C
Betoptic (Alcon) drops [glaucoma]	5.9	3.3	1.8
Brethine (Geigy) 2.5 mg., 100's [asthma]	5.0	2.8	1.6
Bromfed (Muro) PD Caps, 100's [antihistamine]	7.0	3.9	2.2
Calan (Searle) 40 mg, 100's [hypertension]	5.5	3.1	1.7
Calan (Searle) 120 mg, 100's [hypertension]	5.5	3.1	1.7
Calan-SR (Searle) 180 mg, 100's [hypertension]	5.5	3.1	1.7
Copoten* (Squibb) 12.5 mg, 100's [hypertension]	4.9	2.7	1.5
Capoten* (Squibb) 25 mg, 100's [hypertension]	4.9	2.7	1.5
Capozide* (Squibb) 25 mg, 100's [hypertension]	4.9	2.7	1.5
Cardizem CD (Marion) 120 mg, 30's [hypertension]	5.3	2.9	1.6
Cardizem CD* (Marion) 180 mg, 30's [hypertension]	8.2	4.6	2.6
Ceftin* (Glaxo) 125 mg, 20's [antibiotic]	5.4	3.0	1.7
Ceftin* (Glaxo) 125 mg, 60's [antibiotic]	5.4	3.0	1.7
Colestid* (Upjohn) 300 gm, [cholesterol]	9.2	5.1	2.9
Colestid* (Upjohn) 500 gm, [cholesterol]	9.2	5.1	2.9
Corgard* (Squibb) 20 mg, 100's [antiarrhythmic]	4.9	2.7	1.5
Corgard* (Squibb) 40 mg, 100's [antiarrhythmic]	4.9	2.7	1.5
Corgard* (Squibb) 80 mg, 100's [antiarrhythmic]	4.9	2.7	1.5
Coumadin* (Dupont-Merck) 1 mg, 100's [blood thinner]	5.1	2.8	1.6
Coumadin* (Dupont-Merck) 2 mg, 100's [blood thinner]	5.1	2.8	1.7
Coumadin* (Dupont-Merck) 2.5 mg, 100's [blood thinner]	5.0	2.8	1.5
Coumadin* (Dupont-Merck) 10 mg, 100's [blood thinner]	5.1	2.8	1.7
Cyototec (Searle) 100 mg, 60's [antiulcer]	5.5	3.1	1.7
Cytotec (Searle) 200 mcg, 60's [antiulcer]	5.5	3.1	1.7
Danocrine * (Sanofi-Winthrop) 200 mg, 60's [hormome]	5.0	2.8	1.6
Disalcid (Riker) 500 mg caps, 100's [arthritis]	8.0	4.4	2.5
Disalcid (3M) 500 mg tabs, 100's [arthritis]	8.0	4.4	2.5
Disalcid (3M) 750 mg tabs, 100's [arthritis]	8.1	4.5	2.5
Doral (Wallace) 7.5 mg, 100's [sedative]	9.6	5.3	3.0
Doral (Wallace) 15 mg, 100's [sedative]	9.6	5.3	3.0
Eskalith * (SmithKline) 300 mg caps, 100's [antipsychotic]	5.9	3.3	1.8
Eskalith * (SmithKline) 300 mg tabs, 100's [antipsychotic]	5.9	3.3	1.8
Estraderm (Ciba) 0.1 mg, 8's [estrogen]	5.0	2.8	1.6
K–Dur (Key) 10 mEq, 100's [potassium]	6.5	3.6	2.0
K–Dur (Key) 20 mEq, 100's [potassium]	4.8	2.7	1.5
Lanoxin (Burroughs Wellcome) .125 mg, 100's [heart failure]	5.8	3.3	1.8
Lanoxin (Burroughs Wellcome) .25 mg, 100's [heart failure]	5.8	3.2	1.8
Lanoxin (Burroughs Wellcome) .5 mg, 100's [heart failure]	5.9	3.3	1.8
Lopressor (Geigy) 50 mg, 1000's [hypertension]	6.7	3.7	2.1
Lopressor (Geigy) 100 mg, 1000's [hypertension]	6.7	3.7	2.1
Lotrimin (Schering) Cr. 1 percent, 30 gm [antifungal]	6.5	3.6	2.0
Lotrimin (Schering) Cr. 1 percent, 60 gm [antifungal]	6.5	3.6	2.0
Macrodantin (Procter & Gamble) 25 mg, 100's [urinary tract]	9.7	5.4	3.0
Macrodantin (Procter & Gamble) 50 mg, 100's [urinary tract]	9.7	5.4	3.0
Macrodantin (Procter & Gamble) 100 mg, 100's [urinary tract]	9.7	5.4	3.0
Maxair (3M) 200mcg, 25.6 gm [asthma]	8.9	4.9	2.8
Maxitrol (Alcon) Opth. Oint., 3.5 gm [eye drops]	7.6	4.2	2.4
Maxitrol (Alcon) Opth. Susp., 5 ml [eye drops]	7.6	4.2	2.4
Methotrexate (Lederle) 2.5 tabs, 100's [cancer]	5.2	2.9	1.6
Micronase (Upjohn) 1.25 mg, 100's [diabetes]	6.0	3.3	1.9
Micronase (Upjohn) 2.5 mg, 100's [diabetes]	6.0	3.3	1.9
Micronase (Upjohn) 5 mg, 100's [diabetes]	6.0	3.3	1.9
Minocin* (Lederle) 50 mg, 100's [antibiotic]	5.2	2.9	1.6
Minocin* (Lederle) 100 mg, 100's [antibiotic]	5.2	2.9	1.6
Nizoral (Janssen) Cr. 2 percent, 15 gm [antifungal]	6.0	3.3	1.9
Nizoral (Janssen) Cr. 2 percent, 30 gm [antifungal]	6.0	3.3	1.9
Norgesic (3M) Forte Tabs, 100's [arthritis]	7.0	3.9	2.2
Normodyne (Schering) 100 mg, 100's [hypertension]	5.0	2.8	1.6
Norpace CR (Searle) 100 mg caps, 100's [arrhythmias]	5.5	3.1	1.7
Norpace CR (Searle) 150 mg caps, 100's [arrhythmias]	5.5	3.1	1.7
Percocet *(Dupont-Merck) 100's [pain killer]	5.1	2.8	1.6
Peridex (P & G Professional) Oral Rinse [antibacterial]	8.1	4.5	2.5
Persa-Gel (Ortho) 5 percent gel, 90 gm [acne]	4.7	2.6	1.5
Pilocar (Iolab) 0.5 percent, 15 ml [glaucoma]	8.2	4.6	2.6
Pilocar (Iolab) 1 percent, 15 ml [glaucoma]	7.9	4.4	2.5
Pilocar (Iolab) 4 percent, 15 ml [glaucoma]	7.9	4.4	2.5
Questran *(Squibb) 378 gm [cholesterol]	4.8	2.7	1.5
Questran Light *(Squibb) 210 gm [cholesterol]	4.8	2.7	1.5
Restoril (Sandoz) 15 mg, 100's [sedative]	5.0	2.8	1.6
Restoril (Sandoz) 30 mg, 100's [sedative]	5.0	2.8	1.6
Rythmol (Knoll) 150 mg, 100's [arrythmias]	5.0	2.8	1.6
Rythmol (Knoll) 300 mg, 100's [arrythmias]	5.0	2.8	1.6
Symmetrel *(Dupont-Merck) 100 mg, 100's [antiviral]	9.3	5.2	2.9
Theo-Dur (Key) 100 mg, 100's [asthma]	6.5	3.6	2.0
Theo-Dur (Key) 200 mg, 100's [asthma]	6.5	3.6	2.0
Theo-Dur (Key) 300 mg, 100's [asthma]	6.5	3.6	2.0
Tobradex (Alcon) Opth. Susp, 2.5 ml [antibiotic]	6.1	3.4	1.9
Tobradex (Alcon) Opth. Oint, 3.5 gm [antibiotic]	5.4	3.0	1.7
Tobrex (Alcon) Opth. Oint, 3.5 gm [antibacterial]	6.5	3.6	2.0
Tolectin (McNeil) DS Caps, 400 mg, 100's [arthritis]	6.4	3.6	2.0
Tolectin (McNeil) 200 mg tabs, 100's [arthritis]	6.0	3.3	1.9

PRESCRIPTION DRUG PRICE INCREASES ON MANY INDIVIDUAL DRUG PRODUCTS TAKEN BY OLDER AMERICANS STILL EXCEEDING GENERAL INFLATION RATE—Continued

Drug/manufacturer/use	Percent price increase January–June 1993	Multiple of January–June CPI (1.8 percent)	Multiple of projected 1993 CPI (3.2 percent)
Tolectin (McNeil) 600 mg tabs, 100's [arthritis]	6.4	3.6	2.0
Trandate* (Glaxo) 100 mg, 100's [hypertension]	5.0	2.8	1.6
Vascor Filmtabs (Ortho) 200 mg, 30's [hypertension]	6.0	3.3	1.9
Vascor Filmtabs (Ortho) 300 mg, 30's [hypertension]	6.0	3.3	1.9
Voltaren (Geigy) 25 mg, 60's [arthritis]	5.0	2.8	1.6
Voltaren (Geigy) 50 mg, 60's [arthritis]	5.0	2.8	1.6
Voltaren (Geigy) 75 mg, 60's [arthritis]	5.0	2.8	1.6
Zovirax (Burroughs Wellcome) 200 mg, 100's [antiviral]	6.7	3.7	2.1
Zovirax (Burroughs Wellcome) Oint., 5 percent, 2 gm [antiviral]	6.7	3.7	2.1

*Indicates a company that had made a public declaration to hold their price increases, in one way or another, below the increase in the Consumer Price Index.

KEY TO COLUMNS

A—Indicates the increase in the Average Wholesale Price (AWP) for the drug for the period January–June, 1993 as reported in Medispan Data Base. These prices reflect the average prices at which manufacturers report that pharmaceutical wholesalers sell their products to buyers, including community pharmacies. AWPs are generally regarded as "stocker price."

AWPs usually do not reflect actual transaction prices, but such transaction prices are generally calculated as a percentage of the AWP. For example, a buyer may purchase a drug at AWP minus 10 percent. Therefore, if the AWP increases, the actual transaction price increases as well. Therefore, if a product's AWP is $50 and increases to $53, it is an increase of 6 percent. The original transaction price at AWP minus 10 percent is $45, and the new transaction price is $47.7, which is also a 6 percent increase from the original transaction price of $45. Therefore, the increase in the AWP closely reflects percentage increases in actual transaction prices.

B—Indicates the multiple by which the price increase on the drug for the first 6 months of 1993 exceeded the increase in the CPI-U for the first 6 months of 1993, which was 1.8 percent.

C—Indicates the multiple by which the price increase on the drug for the first six months of 1993 exceeds the projected Blue Chip Indicator increase in the CPI-U for the entire calendar year 1993, which was 3.2 percent at the beginning of the year. Therefore, even if the manufacturers do not increase the prices of these drugs any further in 1993, they have already exceeded the projected rate of inflation for 1993 in the first six months of 1993.

Mr. PRYOR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legslative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SVOBODA MARKS 100-YEAR ANNIVERSARY

Mr. DOLE. Madam President, today marks the centennial anniversary of Svoboda, the official newspaper of the Ukrainian National Association. For 100 years, Svoboda has provided hundreds of thousands of Ukrainian immigrants, in America and elsewhere, news about the situation in Ukraine and events around the world.

Svoboda has long served as a pipeline of reliable information on key developments in Ukraine, such as the 1932–33 famine resulting from Joseph Stalin's brutal repression of the Ukrainian people, and more recently, the events leading to the disintegration of the Soviet Union and the Ukrainian nation's struggle for independence.

It is only fitting that "Svoboda"—which means liberty—should celebrate its hundredth anniversary at a time when Ukraine is independent and on the road to democracy. Ukrainian-Americans should take pride in Svoboda's achievements, which I hope will be a reminder to all Americans of the strategic importance of Ukraine—a resource-rich and industrialized country with over 50 million people. It is in the interest of the United States to support the independence of Ukraine, as well as its efforts to establish genuine democracy and a free market economy.

Madam President, Svoboda has played a unique role in United States-Ukrainian relations. I wish to congratulate the Ukrainian National Association and all Ukrainian-Americans on this special occasion.

BARNEY AND THE TAXPAYERS

Mr. DOLE. Madam President, of all the political leaders and celebrities that have come to Capitol Hill this year, few have done so with the fanfare last week of Barney, the smiling purple dinosaur known to millions of America's children from the PBS series "Barney & Friends." And thanks to an article in Monday's Washington Post, we now know why Barney smiles so much.

You see, Barney is not just a dinosaur—he is a cash cow. According to the Post, sales of Barney merchandise could reach one-half billion dollars per year, and the licensing fees merchandisers pay for the privilege of making the more than 200 Barney products could be as high as $50 million per year. I do not have any problem with that. From what I understand, "Barney & Friends" is an excellent program, Barney is a lovable character, and more power to his creators for producing jobs and capitalizing on his blockbuster popularity.

What I do have a problem with is the fact that despite putting up $2.25 million between them—much of it tax dollars—to launch "Barney & Friends" last year, the taxpayer-supported Corporation for Public Broadcasting and the Public Broadcasting Service have not seen one dime from Barney merchandise. That is right, the American taxpayers helped make Barney into a multi-million-dollar enterprise, but the Public Broadcasting System supported so handsomely by the taxpayers does not get a cut of the sales of Barney backpacks, Barney slippers, Barney socks, Barney lunch boxes, Barney videos, Barney bedside lamps, talking Barney, or the scores of other Barney items available at a toystore near you.

CPB officials say they are concerned, and they should be. Eugene Katt, CPB's senior vice president for programming, told the Post:

> Barney has been a lot more successful than we anticipated. We will take a much harder look at licensing and profit sharing. Some income should be used to the benefit of public broadcasting.

Children's television activist Peggy Charen concedes "* * * it seems idiotic to have all that product and no return to public broadcasting."

But Barney-gate is just the tip of the iceberg. The Post article has exposed a problem that some of my colleagues and I took a lot of heat for discussing last year—the enormous taxpayer-subsidized profits of the children's television workshop, the well-heeled but so-called nonprofit corporation behind the fine program "Sesame Street," not to mention the enormous revenue from merchandising associated with programs such as Bill Moyers' "The Power of Myth," "The Civil War," "Wall Street Week," and "The Frugal Gourmet." But if you want to get to the bottom of all this profiteering, you cannot—public broadcasting is not subject to the Freedom of Information Act.

If there was ever an area where Vice President GORE'S and his so-called reinventing government program ought to take a look, it is right here. This may be it. Maybe it is time for taxpayer-supported public broadcasting to drive a hard bargain with some of the profiteers making millions of dollars in licensing fees off of taxpayer-supported programs. According to the Post, a successful toy licenser argues that "PBS could negotiate deals that would bring it $10 million to $15 million per show each year." It seems only reasonable that before the taxpayers are asked to give public broadcasting a raise, a sincere effort ought to be made to share in the merchandising profits generated by taxpayer-subsidized programs, or to phase-out taxpayer subsidies for programs that clearly do not need them.

Again, make no mistake, this Senator and Barney are friends, and there's absolutely nothing wrong with making a buck. However, it is time that this happy dinosaur's financial arrangement with taxpayer-supported public broadcasting went the way of the ice age.

Madam President, I ask unanimous consent that an article from the September 13th Washington Post entitled "PBS Missing Out on Barney's Bucks" be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PBS MISSING OUT ON "BARNEY" BUCKS

(By Ellen Edwards)

He greets you at the entrance to the Toys R Us on Rockville Pike, three feet of purple fur holding a balloon of himself in his paw. At $249.99, the enormous stuffed dinosaur is one of the more expensive Barney items in the store, but there's plenty for the more frugal parent.

Cruise the aisles and Barney stuff is everywhere: slippers ($7.99), backpack ($24.99), slumber tote ($12.99), socks ($3.59), 65-piece party set ($9.99), four kazoos ($4.99), bedside lamp ($24.99), talking Barney ($39.99), "My Barney Birthday Journal" ($3.99). And much more—every one with a happy little tag reading "Barney—A Friend to You and Me."

These items have an edge on a lot of the other neon-colored products screaming to be taken off the shelves: The toddlers who are their primary target have their attachment to Barney reinforces every day on public television—the "educational" network that parents feel good about turning on. No other kind of advertisement was needed to send Barney into the stratosphere of success. With more than 200 products, he brings in what industry sources estimate could be as much as $500 million in annual sales.

But neither PBS nor its parent, the Corporation for Public Broadcasting, will see any income from these toys. Each put in $1.125 million—totaling roughly half the cost—to launch the series "Barney & Friends" last year. But the licensing fees—perhaps as much as $50 million—will go to the Lyons Group, the private company that created "Barney" as a lowly off-the-shelf videotape.

"There has been significant private gain," said Peter Downey, PBS's senior vice president for program business affairs. "We feel very strongly that there should be some public gain."

Alfred Kahn, a licenser who acquired the master license to the Cabbage Patch Kids dolls, the hot item of the mid-'80s, believes that PBS could negotiate deals that would bring it $10 million to $15 million per show each year. He offers a pointed assessment of the current situation: "What a great deal. Somebody [PBS] gives you production money and doesn't ask for anything else."

"Adults think PBS is sharing in the pot," said Kahn, CEO of Leisure Concepts. "They get zip, zilch, nada."

Downey says PBS has raised this matter with the "Barney" producers and that they agree "this is something that needs to be rectified."

Yet the subject of sharing licensing revenues raises tricky questions for PBS, which shuns commercialization. Peggy Charren, founder of the activist group Action for Childrens' Television, points out that because PBS receives no licensing fees, it cannot be accused of choosing programs for their commercial potential. "But it seems idiotic to have all that product and no return to public broadcasting," she said.

"'Barney' has been a lot more successful than we anticipated," said Eugene Katt, senior vice president for programming at CPB. "We'll take a much harder look at licensing and profit sharing. Some income should be used to the benefit of public broadcasting."

"BARNEY'S" BUCKS

Benefits are a two-way street. "Barney" has contributed heavily to the 77 percent increase in PBS's preschool program ratings over the last two years, and has helped raise money for stations during pledge drives. Friday the big cuddly dinosaur visited Capitol Hill to do two shows for the children of members of Congress and, not incidentally, lobby their parents for continued support of public television. The kids' ecstasy over Barney certainly didn't hurt PBS's cause.

Of course, "Barney" is not the first PBS show to make big money from licensed products. "Sesame Street," the grande dame of PBS's children's programming, has 5,000 products and brings in slightly more in licensing fees than "Barney" does. But "Sesame Street" is produced by the nonprofit Children's Television Workshop, which plows its share of the money back into programming.

When "Sesame Street" began in the late 1960s, the producers knew they would have to look for additional revenues: "It was clear we could not expect government, foundations and PBS to support the whole of it," said David V.B. Britt, president and CEO of the Children's Television Workshop. The Workshop decided to generate money by licensing characters from the show, and before long. Big Bird and his monster friends were fixtures of the American home. This year they grossed $31 million for the Workshop. (Additional licensing revenues go to the private production company of the late Jim Henson, creater of the Muppets.)

Yet even with that kind of income, Children's Television Workshop receives about $6.2 million from PBS for "Sesame Street" while it puts in $11.6 million. Over the years, the Workshop has grown into a $120 million annual enterprise, with TV, magazines and books. Still, the Workshop will have a shortfall of $2.4 million this year.

One reason: Licensing revenues are slightly off because of the Barney competition. "We had a long period of growth," said Britt, "and now with the intense competition it has flattened out."

What Children's Television Workshop pioneered, companies producing recent PBS shows are taking to greater heights. PBS's "Shinning Time Station," featuring Thomas the Tank Engine, takes in what could be as much as $40 million a year for its for-profit production company, Quality Family Entertainment. (None of the for-profit companies would reveal their licensing revenues.) "Licensing is the tool by which we extend the magic on the screen," said Quality CEO Angus Wright.

Kathy Quattrone, PBS's vice president for programming, said the success of "Barney & Friends," "Shinning Time Station" and "Lamb Chop's Play-Along," with Shari Lewis, along with that of "Sesame Street," has been "somewhat phenomenal."

"Without our funding, the television programs wouldn't necessarily have been there," said Quattrone. PBS's recent children's programming initiative has made it the leader in preschool programming. And having a program on PBS provides the imprimatur of educational quality that can't be bought on commercial TV.

"PBS did what nobody else was going to do," says Shari Lewis. "The entire commercial broadcasting world had turned their backs totally on the preschool audience, totally on live programming. . . . [Public broadcasting's] hearts and their heads are in the right place. Our children are not for sale to the highest bidder when you deal with PBS."

"AN INNOCENT FIND"

For PBS, finding Barney was serendipity. Sheryl Leach, a Texan, created him with her 2-year-old son in mind and produced home videos at her father-in-law's video business for retail sale. When the preschool daughter of a Connecticut Public Television executive fell in love with one of those videos, her dad got the idea that the goofy purple dinosaur might be made into a show for PBS. It went on the air in April 1992.

"I thought it would be big," says Larry Rifkin, vice president of programming at CPT, "but I had no idea how fast it would be part of the culture. It was an innocent find."

Connecticut Public Television took the idea to PBS, which funded "Barney" at about the same tine it began funding "Lamb Chop" and "Shinning Time Station." PBS made it clear that it was unlikely they would all survive. And after a few months, PBS canceled "Barney."

Until it heard the roar from stations and viewers and reversed itself.

And still. . . "We had no inkling of what was about to happen," said PBS's Downey. "We thought we had a show that was successful by public television standards. Then the bonanza really let loose this past Christmas."

The first year, the Lyons Group production company created 30 half-hour shows. This year there will be 18 more. PBS holds the exclusive rights to broadcast "Barney & Friends" through 1998, but that hasn't stopped Lyons from looking for other outlets for Barney. Lyons is negotiating with all four commercial networks for a lucrative prime-time Barney special next spring. Public broadcasting, of course, couldn't pay that kind of money, but that doesn't means PBS officials are happy about it. "If they go somewhere that we think is to our disadvantage, we have the right to stop carrying the program," said Downey, but added: "So far it has been more a positive than a negative."

Lyons has provided slightly more than half the production costs for "Barney & Friends"—$2.6 million the first season, $1.9 million this season. But Leach said Lyons may assume a greater share of the cost as "Barney" becomes increasingly successful.

Said Connecticut Public Television's Rifkin: "Risk was one of the things this relationship minimized for all of us. It was not a risk for PBS. There was not a dime in R&D. We could have spent $10 million and not come up with a Barney."

The Lyons Group, however, had a substantial risk. "We had to find 50 percent of the budget," said Leach. "It was a tremendous cash drain on our company." This season Kimberly-Clark Corp. will become "Barney's" first underwriter, she said, contributing $795,000 to the production. And she is quick to add that Barney was not an unknown quantity when PBS picked up the show: "Barney was already successful [as a home video] before it aired on PBS," Leach said.

Rifkin is philosophical about what has happened to his "innocent find." "Any relationship with any producer has to be looked at in the whole. It shouldn't be punitive because it catches a tailwind." Still, he said, PBS may look at negotiations differently in the future. "Every experience is informed by the previous efforts. . . .

"I hope everybody recognizes that 'Barney' has been a wonderful boon to everyone who has touched it," said Rifkin, referring to retailers and public television, but especially children. "It's working on every level for everyone. It's a fund-raiser, it's an audience enhancer, it has great value in bringing new audiences to public television."

Mr. DOLE. Madam President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

REPUBLICAN HEALTH PLAN

Mr. KENNEDY. Madam President, I want to commend Senator CHAFEE and his Republican colleagues for the hard work and commitment they have shown in developing the health reform proposal that they announced today. This proposal, along with comprehensive proposals previously introduced by Senator JEFFORDS and Senator KASSEBAUM, shows that there is commitment to reform on both sides of the aisle.

I am pleased to see that the plan introduced today has many points in common with the plan that President Clinton will announce next week. Both proposals share the same goal of universal coverage and affordable health care for all Americans. Both proposals encourage the use of market forces to control health care costs. Both proposals provide assistance to low income Americans. Both proposals enable small businesses and individuals to join purchasing alliances to obtain coverage at an affordable cost. Both proposals include measures to prohibit abusive insurance company practices. Both proposals simplify reporting and data requirements, and reduce the paperwork and red tape that plague the current system and make it so wasteful and inefficient. Both proposals include measures to reform medical malpractice liability, to provide greater flexibility in the application of the antitrust laws to health care, and to improve the quality of care.

The shared goals and the many points in common between President Clinton's plan and the Republican proposal are a positive sign that bipartisan cooperation is not only possible but probable in this all-important debate that is now underway, and I look forward to working closely with Senator CHAFEE and other Republicans on legislation to achieve our goals.

At the same time, there are significant differences between our two approaches that need to be addressed as we work towards a reasonable and realistic compromise.

I am particularly concerned with the approach to achieving coverage in the Republican plan. The requirement on individuals to purchase coverage without any sharing of responsibility by employers, coupled with a Government subsidy, will encourage many businesses to drop coverage and shift an even heavier financial burden onto middle-class families and the taxpayers.

I am also concerned that the failure to back up steps to improve the market with strong limits on spending does not provide adequate assurance that health care will be affordable for businesses and average Americans. Medicare beneficiaries would be asked to accept substantial benefit cuts without steps to fill current gaps in coverage such as long-term care and prescription drugs. The proposal to limit the deductibility of health insurance benefits could result in a tax increase and higher health care costs for millions of middle-class Americans. And the proposed benefit package does not provide sufficient specificity to assure citizens that all their essential medical needs will be met when serious illness strikes.

Nevertheless, the Republican plan is a major step forward. It augurs well for our ability to work closely together in the months ahead, and to develop a truly bipartisan bill that meets the increasingly urgent needs of the American people and the Nation.

THE COMMUNITY FAMILY, INC.—A PIONEER IN ADULT DAY HEALTH CARE

Mr. KENNEDY. Madam President, it is a privilege to take this opportunity to commend an outstanding Massachusetts health service organization which is celebrating its 15th anniversary this year.

The Community Family, Inc., based in Everett, MA, is a national model for community adult day health programs for persons with Alzheimer's disease and other debilitating memory-loss illnesses. In the course of the past 15 years, with its programs in Everett, Medford, and Lowell, The Community Family has served more than 2,500 individuals and it has assisted over 9,000 more through referrals to other facilities and organizations.

The Community Family's primary purpose is to provide supportive on-site medical, social, and therapeutic recreational services to adults who need medical supervision either in a medical day center or memory-loss center. These adult day health programs offer members a place to get together with others and achieve success through activities, crafts, and exercise while receiving the best possible health care. Other services and programs include education, home assessments, family support, especially in helping family members understand their loved one's illness, and assistance in nursing home placement when necessary.

A principal advantage of adult day health programs is that they bring greater peace of mind to family members, because they know their loved ones are safe and well cared for during the day. Fewer workers need to take time off from the job to assist their loved ones, and they can be more productive members of the work force.

The cost of the programs is far less than the cost of institutionalization. As an alternative to institutional care, The Community Family provides supportive environments that enhance the lives of participants and achieve substantial savings in health costs.

The Community Family's farsighted and effective approach is based on its respect for the dignity of each participant and its dedication to effective care. I commend The Community Family for its pioneering achievements of the past 15 years, and I wish them continued success in the years ahead.

SVOBODA, A CENTENNIAL CELEBRATION OF SERVICE TO THE UKRAINIAN PEOPLE

Mr. PRESSLER. Madam President, 100 years ago, on September 15, 1893, the first issue of Svoboda—the oldest and largest continually published Ukrainian-language daily newspaper in the world—was published. Svoboda began as a biweekly newspaper published in Jersey City, NJ, by the pastor of the local Ukrainian Catholic Church, it became a daily newspaper on January 3, 1921.

From the beginning, the editor-in-chief of Svoboda intended the daily to be the people's paper. The paper's goals were laudatory: defend national interests, encourage people to community activity and socially useful work, and raise national consciousness. Svoboda was considered a true beacon of light. Amidst a feeling of hopelessness and despair among newly arrived Ukrainian immigrants in America, Svoboda offered them reassurance, hope, and pride in their heritage. The intent of the founders, from the inception of Svoboda, was to create a crusading newspaper.

Svoboda's first crusade was to establish a national organization for Ruthenians. In the fourth issue of the newspaper, dated November 1, 1893, the leading article on the front page of Svoboda was entitled "We Need a National Organization." The article gave birth to the idea of a national fraternal organization, in America, called the Ruthenian National Association. This new and greatly needed organization would go on to assist needy workers, promote enlightment within the Ukrainian community, encourage political involvement in American life, and act as the protector and benefactor of all Ruthernians. Not long after the founding of the Ruthernian National Association, the fraternal organization assumed the role of publisher of Svoboda.

The Svoboda publishers historically used the editorial pages of the newspaper to shape, define, and defend the Ukrainian national identity. The Svoboda Press publishing house published scores of books, booklets, pamphlets, and magazines in both English and Ukrainian for the generations of Ukrainians, young and old, living in America. The proliferation of this literature not only promoted basic knowledge of Ukrainian literature and history, but also instilled pride in Ukrainian heritage and encourage both Ukrainian and American patriotism.

Today, in its centennial year, Svoboda remains a beacon of light and an inspiration of the newly independent Ukrainian people. For many years, Svoboda has been monitoring the darkest chapters of Ukrainian history. Today, Svoboda joins with its readers and the people of Ukraine to nurture and defend the new democracy now developing in Kiev. The next crusade Svoboda can devote the next hundred years to promoting is the growing political and economic and independence of the Ukraine. I expect Svoboda's next 100 years to be an even greater celebration of Ukrainian achievements. Today is not a 1-day celebration. It is the end of a remarkable 100-year celebration of providing information and inspiration to the Ukrainian people. I wish the current and future editors and writers of Svoboda the best of success.

CENTENNIAL ANNIVERSARY OF SVOBODA

Mr. LAUTENBERG. Madam President, I would like to take this opportunity to extend my congratulations to the Svoboda on its centennial anniversary; 100 years ago today, the first Svoboda, the official newspaper of the Ukrainian National Association, rolled off the press. Since then, the Svoboda has provided hundreds of thousands of Ukrainian immigrants, in their native language, with information about the United States and the world.

The Svoboda, meaning Liberty, is the oldest ethnic newspaper in the United States. It has also been the catalyst for the creation of numerous organizations which have provided, without U.S. Government assistance, for the educational, social, and cultural needs of the Ukrainian-American community.

Over the years, the Svoboda has served as a channel to the West for Ukrainians. It was through Svoboda that United States political leaders learned of the Stalinist famine in Ukraine in the 1930's, the arrest of Ukrainian human rights activists in the 1970's and 1980's and the final struggle for Ukraine's independence in 1990–1991.

I congratulate the Svoboda on its 100 years of achievement.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAPITOL FEDERAL SAVINGS' 100TH ANNIVERSARY

Mr. DOLE. Madam President, I rise today to congratulate and to honor Capitol Federal Savings & Loan Association of Topeka, KS, who are celebrating their first 100 years of continuous operation tomorrow.

Founded by 15 community leaders on September 16, 1893, Capitol Federal has grown from its local roots to become the largest independently operated savings and loan association headquartered in Kansas.

Much of Capitol Federal Savings' success is due to the many years of leadership of my old friend, Henry Bubb.

For over 62 years, Henry Bubb and Capitol Federal were synonymous. Today Capitol Federal enjoys solid leadership under Chairman Jack Dicus.

Over the last 5 years Capitol Federal has maintained strict management policies, resulting in nearly $400 million of capital which promises to vault the association into the 21st century.

By adhering to these simple principles: Safety in savings, sound lending policies, quality customer service, and commitment to community, Capitol Federal has set an outstanding example for the entire savings and loan industry.

Capitol Federal is an example to us all, exemplifying honesty, integrity, and dedication.

On behalf of the people of the State of Kansas, I salute the employees of Capitol Federal Savings as they begin their second century of service.

Madam President, I ask unanimous consent that a brief history of Capitol Federal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CAPITOL FEDERAL—A PROUD HERITAGE

Capitol Federal Savings and Loan Association of Topeka, Kansas, proudly celebrates 100 years of service to its customers and communities. Throughout its history, the Association has remained steadfast in its commitment to thrift and the American Dream of Home Ownership. It continues to base its ideals on its Corporate Philosophy of Safety in Savings, Sound Lending Policies, Quality Customer Service, and Commitment to Community.

As Capitol Federal reaches its Centennial mark, there is much for which the Association can be thankful and to which we all can look with pride. The Association's future looks bright as it nears $4 Billion in assets, expands its Manhattan home mortgage division with an extension facility at 15th and Poyntz, and opens its twenty-fourth office to be located in Lenexa, Kansas.

Capitol Federal represents a history of continued growth and service in Kansas. Capitol Federal's standing in the financial world has been one based on strength and security. The Association is a leader among thrift institutions and commercial banks throughout the Midwest area, ranking as the largest savings and loan association in Kansas and consistently among the 100 largest associations in the United States. The character of Capitol Federal and its people earned the loyalty of generations of customers who stood with the Association through difficult economic times as well as prosperity. A corporate commitment of safety and a strong capital position, to sound lending and underwriting policies and to consumer-oriented financial services has estimated Capitol Federal as one of the most respected institutions of its time.

With recent problems within the financial industry, it is no accident that Capitol Federal has remained strong and has grown. Throughout its history, the Association has demonstrated its ability to "weather the storm." It is a proud heritage we all celebrate during Capitol Federal's Centennial. It is because of Association directors, officers, employees and customers, past and present, that Capitol Federal is so well respected in our communities, our state and our nation.

First known as the Savings and Loan Association of Topeka, Capitol Federal was founded on September 16, 1893, by 15 businessmen in Topeka to promote the habit of thrift and to encourage home ownership. The official charter was dated December 16, 1893, and paid-in capital totaled $3,000. Among the founders were bankers, insurance agents, attorneys, railroad employees, the president of a dry goods store, the Topeka City School Superintendent and a physician. They were: Major William Sims, President and Director, E.L. Copeland, Vice President and Director, Charles S. Elliott, Secretary and Director, William Macferran, Treasurer and Director, P.H. Forbes, Attorney and Director, C.G. Blakely, Accountant and Director, Charles F. Menninger, M.D., Director, W.E. Halm, Director, F.D. Fuller, Director, H.A. Health, Director, F.E. Carringer, Director, William M. Davidson, Director, William Mitchell, and F.F. Dennis.

By 1894, the Association, had grown to assets of $8,000. In 1899, with assets nearing $270,000, the Association's name was changed to the Capitol Building and Loan Association. Twenty-five years after its founding, in 1918, assets totaled $3 million.

In 1924, the Home Office building at 534 Kansas was completed, which proved to be an architectural landmark in the Midwest. In 1932, the Federal Home Loan Bank System was organized and Capitol Federal became a member. By March, 1933, assets had grown to $10 million when the Bank Holiday was declared and all banks closed their doors for one week by Presidential Order. Although the Depression years hit hard, Capitol Federal never had to close its doors. In 1938, we adopted a federal charter and our accounts were automatically insured by the Federal Savings and Loan Insurance Corporation or FSLIC. Accordingly, the name was changed to the present one—Capitol Federal Savings and Loan Association.

By 1941, assets had dropped to $4,600,000 and Henry A. Bubb was named the new President. He was given the task of rebuilding Capitol Federal's assets and of leading the Association through four difficult war years. With Mr. Bubb's leadership, Capitol Federal sold more War Bonds than any other financial institution in Kansas. The 50th anniversary saw assets of only $5.8 million, but a significant backlog for housing and the demand and need for broader financial services had resulted from the war and Henry Bubb was there to set the pace and lead the way. By the close of the 1940s, Capitol Federal assets had grown to $19,600,000.

Mr. Bubb's dynamic leadership within Capitol Federal and for the savings and loan business nationally is a biography of its own. In 1950, he served as President of the national trade organization for savings and loan associations, now known as the U.S. League of Savings Institutions. Recognized for his political expertise, he helped to found the League's Washington office and then served as the League's first Legislative chairman for nine years beginning in 1955. He was conferred the title of "Distinguished Fellow" by the International Union of Building Societies and Savings Associations in 1971, an honor then held by only one other American, President Herbert Hoover.

The fifties and sixties represented the expansion years for Capitol Federal as services were made available to a broad customer base throughout Northeast Kansas. In October, 1950, Capitol Federal brought about a new dimension in the financial business by establishing one of the first branch offices for savings and loan associations at 1201 Topeka Boulevard in Topeka. In March of 1954, a boiler explosion "rocked" the branch office causing great damage to the facility. The explosion blew out windows and left ten inches of water in the basement due to a broken water pipe. Because it occurred at 12:30 a.m., no one was injured. Records were not destroyed and service was not interrupted as customers were sent to the Home Office. It was not long before the office was remodeled to look as it does today.

A second branch office was constructed in Lawrence in 1953. In 1954, a branch office opened at 5600 Johnson Drive in Mission, Kansas, and a new building was constructed at 5251 Johnson Drive in 1955. This expansion took place in part of a fast growing area in the southwest quadrant of the Kansas City metropolitan area.

A milestone was reached in 1958 when Capitol Federal achieved the $100 million mark. In 1961, the construction of the new Home Office building at 700 Kansas was completed. Another branch office was opened in 1962 in Johnson County at 95th and Nall. By that time assets had reached $200 million and Capitol Federal became the largest financial institution in Kansas. Capitol Federal had become the largest financial institution in Kansas, a position it did not relinquish until the mid-eighties when the Kansas Legislature authorized multi-bank holding companies and the first major regional commercial banking center was formed. A third Johnson County office opened in 1963 at the Meadow Lake Shopping Center, 76th Terrace and State Line, allowing some penetration into the Kansas City, Missouri, market. In 1964, the Fairlawn office was added in Topeka at 21st and Fairlawn to serve the expanding southwest area of the city.

A "Capitol Federal First" was accomplished in October, 1964, when $300 million in assets was reached. Capitol Federal was the first financial institution in the four-state District of the Federal Home Loan Bank of Topeka to achieve this distinction. The year 1966 saw the initial efforts by Congress to control dividend rates and to authorize the Federal Home Loan Bank System to establish interest rate ceilings on what institutions could pay for savings. Continued control actions caused the inability for regulated banks and savings and loans to compete for deposits in times of economic inflation and ultimately led to the deregulation of the financial services business in the early eighties and to monumental change in all financial institutions. The number of institutions would be reduced dramatically and competition for deposits would result in a whole new array of financial services available to the consumer.

During our 75th year, 1968, Capitol Federal grew to $400 million in assets. In that same year, Capitol Federal opened its Santa Fe office at 87th and Santa Fe in Overland Park, and construction was begun on the new four-story Johnson County Headquarters at 95th and Nall, replacing the original one-story office built in 1962. In 1969, John C. Dicus was named President, with Mr. Bubb remaining as Chairman of the Board and Chief Executive Officer.

The Seventies saw Capitol Federal move ahead safely and soundly as emphasis shifted to earnings and to improved customer services throughout an effective branch system established during the previous two decades. In December, 1971, Capitol Federal moved west of Topeka and opened its branch office at 14th and Poyntz in Manhattan. In April, 1971, Capitol Federal reached the great milestone of one-half billion dollars in assets. Continued growth was the pattern during 1972 as a fifth branch office in Johnson County opened in November at 5700 Nieman Road. Conversion was made to an on-line data processing computer system in 1972.

In October, 1973, Capitol Federal purchased the Mutual Building and Loan Association of Emporia at 6th and Commercial, and in November, completed construction of its sixth Greater Kansas City office at Santa Fe and Burch in Olathe. The year 1974 saw the opening of a second office in Lawrence and the remodeling of the Emporia office. Late in the year, Capitol Federal introduced its new PASSCARD System as the Association moved into the electronic funds transfer era with its plastic card/statement savings account. As Capitol Federal grew during 1975 so did its PASSCARD System which began offering Money*Matic in four supermarket locations, allowing customers access to their accounts away from our offices.

Construction began in 1975 on a new office in the Mid-State Mall in Salina. In 1976, five more Money*Matic locations had been added and plans were being made to expand the system even further. In June, 1977, Capitol Federal was very proud to reach the ONE-BILLION-DOLLAR mark, and in 1978, our P.S.* Telephone Bill Payment Service began—the first in Kansas.

January, 1980, saw the installation of six IBM 3624 Automated Teller Machines (ATMs) or Passcard Centers in the Johnson County offices. FSLIC insurance on accounts rose to $100,000 per account. In July, 1980, Capitol Federal celebrated the opening of its first Wichita office at 8040 East Douglas, bringing total Association locations to seventeen and the opening of a new market area to Capitol Federal.

"Deregulation" of the Eighties brought tremendous change for the savings and loan business and for Capitol Federal. On January 1, 1981, Capitol Federal introduced NOW Accounts—Checking Plus Interest—to its customers. This was the forerunner to our present Personal Checking Accounts. The greatest impact of deregulation came from the money market deposit account which allowed all financial institutions to compete unregulated for consumer deposits. Home owners became familiar with such terms as RRMs (Renegotiable Rate Mortgage) and ARMs (Adjustable Rate Mortgage). In the summer and fall of 1981, Capitol Federal opened its two new offices at 10101 College Boulevard in Overland Park and 29th and Wanamaker Road in Topeka. 1981 also was the year for the development of the new Consumer Loan Department. The Cash Fund Account made its debut in December, 1982.

In June, 1983, Southwest Federal Savings of Wichita merged into Capitol Federal. This merger brought two more offices into Capitol Federal, the Wichita Downtown office, then located at 130 North Market, and the West Wichita office at 4020 West Maple. ATMs were added to these two offices, bringing the total number of ATMs to sixteen. As of September, 1983, assets totaled over $1.9 billion. 1984 began with the opening of the 27th Money*Matic location at Kansas University, its third.

In July, 1984, as part of the Association's overall plan to be a full family financial center, EXECULINE Home Equity Loans were introduced. In 1985, President Dicus announced the development of a Corporate Business Plan for Capitol Federal. Because of the economic environment, Mr. Dicus saw the need for a plan. He stated, "We cannot assume that our growth is automatically secure for the future."

In January, 1986, Capitol Federal opened an auto-teller facility at the 87th and Santa Fe office, increasing the auto-teller lanes to four and ATMs to two. In June, 1986, we celebrated Mr. Bubb's 60th anniversary with Capitol Federal.

1987 saw Capitol Federal's growth and success continue as the Association reached assets totaling $2.574 billion and regulatory capital of over $233 million. All thrift institutions were required to write off the FSLIC Secondary Reserve against current earnings in 1987 and adverse publicity continued to plague the FSLIC. Congress passed a Recapitalization Bill but little progress had been made in resolving the problem of insolvent thrifts.

In January, 1988, the newly-completed East Olathe office at 2100 East 151st in Olathe held its grand opening. In the fall of 1988, Capitol Federal moved the Association's downtown Wichita office to the Centre City Plaza, 151 North Main. In November, the Association opened its twenty-second office at 10404 West Central in Wichita. On December 1, 1988, Capitol Federal and Bank IV Wichita, N.A., activated an electronic connection between VIA and Passcard, extending ATM service and conveniences to all VIA and Capitol Federal customers twenty-four hours a day. This agreement also opened more than 20,000 (now 30,000) PLUS System* ATM locations throughout the world to Capitol Federal customers. On December 31, Capitol Federal ended its Money*Matic service.

On Tuesday, January 10, 1989, Capitol Federal mourned the death of its longtime Chairman, Henry A. Bubb. For more than 62 years, Mr. Bubb devoted his life to Capitol Federal Savings, and his impact on the Association and the savings and loan business cannot be expressed in words. His commitment to strength, safety and the basic values helped Capitol Federal survive the FSLIC crisis. His dynamic, progressive leadership helped to make Capitol Federal the strong institution it is today.

President John C. Dicus was named Chairman and Chief Executive Officer on January 17, 1989, continuing the tradition of strong leadership begun so many years ago. Chairman Dicus and other members of senior management had been well trained by Mr. Bubb to continue Capitol Federal's all-important tradition of strength and safety. In the words of Director Robert B. Maupin, "Jack's background and ability allowed for a smooth transition in leadership following Henry's death, with no loss of efficiency and productivity during that period of change."

Until 1921, the President's primary function was to preside over board meetings since there was no Chairman. The actual day-to-day operations were controlled and managed by the Secretary. Those who served as President were Major William Sims, William Macferran, and Bennett R. Wheeler. In 1921, Mr. Wheeler became Chairman, and those who have followed him in that position include Charles S. Elliott, M.B. "Byron" Gourley, Mr. Bubb, and Mr. Dicus.

During the 1980s, banks and savings and loans suffered from extremely high inflation rates, the trauma of deregulation and instability in some sections of the economy that resulted in the failure of numerous institutions. While other financial institutions elected to engage in many new and "exciting" ventures, Capitol Federal chose to follow a conservative business plan. Building on strong earnings and capital, Capitol Federal remained "family-oriented" with "more than 90% of loans to single-family home buyers, the savings and loan industry's traditional niche of borrowers." Several articles throughout the 1980s praised Capitol Federal for its commitment to strength and safety and for standing by its basic beliefs. In June, 1989, Capitol Federal was among five savings institutions described as "roses who have weathered the storm" in the issue of Savings Institutions, a publication of the U.S. League of Savings Institutions.

In July, as a part of the Association's Business Plan, a revision of the Corporate Operating Guide was begun. August, 1989, saw changes for savings and loan institutions when President George Bush signed into law the Financial Institution Reform, Recovery and Enforcement Act of 1989 (FIRREA). The new law meant that Capitol Federal deposits would no longer be insured by FSLIC but by the Federal Deposit Insurance Corporation (FDIC), through separate funds, SAIF or Savings Association Insurance Fund.

In May, 1990, two Capitol Federal ATMs opened—one in downtown Lawrence and a new drive-up facility at the College Boulevard office. Capitol Federal received final approval for its application for money from the Federal Home Loan Bank's Affordable Housing Program and began accepting applications for the Program on November 1. Capitol Federal is an Association made up of people helping people fulfill the "American Dream of Home Ownership." Capitol Federal and its people have made a "Commitment to Community," working to make life easier and to assure affordable housing for all. Whether the task is through civic and charitable organizations such as the United Way and American Cancer Society or housing related organizations such as The Kelly House, Mennonite Housing, Cornerstone, or our own affordable housing programs, Capitol Federal and its people will continue to seek out and meet the needs of the communities they serve.

Capital Federal acquired the Mid Kansas Savings and Loan Association Wichita branch at 4000 East Harry at the close of business on February 15, 1991.

In September, 1992, the Wichita downtown location transferred to 301 North Main, Epic Center. With this move, the Administrative and Human Resources departments, which had been located at the 8040 East Douglas office, now became headquartered on the fourth floor of the downtown office. A retail office and an ATM are located on the first floor.

Five years (1987–1992) of depressed savings and loan operations and adverse publicity for the thrift business actually resulted in the best of years for Capitol Federal. Both assets and deposits grew by more than 50% during the period. Capital of nearly $400 million and capital ratio of 10% positioned Capitol Federal for success and prosperity to the year 2000 and beyond. In 1992, assets surpassed the $3.9 billion mark and a new record for annual earnings was established.

Traditional thrifts continued to be successful and remained committed to core retail deposits and residential lending . . . both trademarks at Capitol Federal. The well-managed institutions followed a low risk game plan that maximized the chances for survival and longer term prosperity.

On the threshold of Century II, Capitol Federal has grown from an Association of $3,000 in assets in 1893 to one of almost $4 billion in 1993. Current deposits are at $3.4 billion and mortgage loans total $3 billion. With capital of $438 million (11.09% of assets), Capitol Federal grows and prospers today as a strong financial institution maintaining its healthy capital position well above industry averages and greater than the new minimum standards established by the Office of Thrift Supervision (OTS) to assure the safety and soundness of the entire thrift business.

Capitol Federal remains faithful to its chartered responsibilities through commitment to financial strength and safety. The Association stands ready in its pledge to assist people in residential real estate lending and retail banking services and to meet the opportunities and challenges of its second century and the year 2000 and beyond.

Capitol Federal Savings and Loan Association of Topeka 1993 Board of Directors: J.H. Abrahams, Advisory Director; B.B. Andersen; John B. Dicus, Executive Vice President; John C. Dicus, Chairman and President; Robert B. Maupin, Retired Senior Executive Vice President; Carl W. Quarnstorm; Frederick P. Reynolds; and Marilyn Ward.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Madam President, I rise today in my continuing effort to profile Michigan citizens who are facing a problem with our current health care system. I welcome my colleague, Senator DODD, who will share a story from his home State of Connecticut.

I want to tell the story of Jennifer Linn, a 23-year-old uninsured college student from my hometown of Flint. Earlier this week I spoke with Jennifer about her situation at a health care discussion at Hurley Medical Center in Flint. Because Jennifer is uninsured, she delayed seeking appropriate treatment for a medical condition diagnosed last summer. As a result the condition got worse and required emergency surgery and services that cost far more than the initial treatment would have.

Two years ago, Jennifer left a full-time job that offered little opportunity for advancement, to go to college to gain the skills necessary for a good professional job. She had health insurance through her job but lost it when she quit to go to school.

Jennifer is now a full-time student at Baker College in Flint where she is working toward a degree in surgical technology. As a full-time student who can only work in the summer, her income is limited, so she is unable to afford the cost of health insurance on her own. Although her income is low, Jennifer does not qualify for Medicaid coverage because she does not meet additional eligibility requirements such as being pregnant or having a disability.

In July of this year, Jennifer developed a very painful kidney stone. Jennifer delayed getting treatment for this condition because she had no health insurance to cover the cost of the recommended surgery. Unfortunately, the kidney stone became so large that her kidney stopped functioning and she was rushed to the hospital for emergency surgery. After 6 days in the hospital and two surgeries, the kidney stone was removed. The cost of Jennifer's treatment was over $16,000. She can't afford to pay these medical bills until she finishes school and begins her career.

Jennifer is frustrated that she is unable to find affordable health insurance while she is trying to educate herself and move out of the minimum wage job market.

Young people in America deserve to have access to affordable health care coverage to help them get health care when they need it and protect them from financially damaging illnesses that could cripple their future. I will continue to do all I can to work with my colleagues and President Clinton and Hillary Rodham Clinton to reform our health care system and provide access to affordable health care coverage for all Americans.

THE RETIREMENT OF REAR ADM. WILLIAM L. SCHACHTE, THE ACTING JUDGE ADVOCATE OF THE NAVY

Mr. THURMOND. Madam President, I rise to recognize the dedication, public service, and patriotism of Rear Adm. William L. Schachte, Jr., the Acting Judge Advocate General of the Navy. Admiral Schachte retires from the Navy on October 1 after a distinguished 30-year career.

Admiral Schachte was born and raised in Charleston, SC and is a third generation graduate of Clemson University. After being commissioned as an ensign at officer candidates' school in 1964, Admiral Schachte volunteered for combat duty in Vietnam where he served as the officer in charge of a SWIFT boat operating out of Cam Ranh Bay. He participated in 99 combat missions from January through December 1968.

Following his return from Vietnam, Admiral Schachte earned a law degree from the University of South Carolina in 1973. He obtained a masters of laws degree with honors in international law from the George Washington University in 1979.

Admiral Schachte is a noted expert in international law and law of the sea issues. He served as the Deputy Assistant Judge Advocate General for International Law and was appointed by the Secretary of Defense as the DOD representative for ocean policy affairs. In this capacity, he represented both the Secretary of Defense and the Joint Chiefs of Staff. Additionally, he served as a member of the U.S. delegation to the U.N. Conference on the Law of the Sea. Admiral Schachte's inspiring leadership, operational knowledge, diplomatic acumen, and strategic vision preserved and promoted our Nation's operational freedoms in the maritime environment.

In November 1988, Admiral Schachte was promoted to rear admiral and since his promotion has served as the commander, Naval Investigative Service Command, as a Deputy Judge Advocate General, and, finally as commander of the Naval Legal Service Command. As head of the Naval Legal Service Command, he supervised the provision of military counsel, legal assistance, and claims services to the fleet, all service members and their dependents. His leadership in this area was essential to maintaining the good order, morale, and discipline of our sailors and marines.

Since the fall of 1992, Admiral Schachte has directed all uniformed lawyers in the sea services and has been the legal advisor to the top civilian and military leadership of the Department of the Navy as the Acting Judge Advocate General. As such, he has been at the forefront of the most pressing issues affecting our Nation and the military today.

Admiral Schachte's honors include—the Defense Distinguished Medal; the Defense Superior Service Medal; the Legion of Merit with Gold Star; the Bronze Star with "V"; Combat Action Ribbon; and the Meritorious Service Medal with Gold Star.

Mr. President, our Nation, his wife Carmen, and sons, Bill and David, can be proud of the admiral's many accomplishments. I wish Admiral Schachte and his family best wishes in his retirement.

TRIBUTE TO MAKAZA KUMANYIKA

Mr. LAUTENBERG. Madam President, I rise today to commend the achievements of an outstanding New Jerseyite, Makaza Kumanyika of East Orange.

An original freedom fighter in the civil rights struggle, Makaza Kumanyika's work with Dr. Martin Luther King, Jr., inspired him to dedicate the rest of his life to furthering the social, educational, cultural, and economic quality of life for people of color.

Makaza has always believed that actions speak louder than words, and while others publicly bemoaned the problem of increasing homelessness in the mid-1980's, Makaza founded Isaiah House, the first shelter for homeless families in suburban Essex County. Thanks to his efforts, hundreds of New Jersey families were able to find homes, jobs, and hope.

Makaza believes that those with the God-given talent and ability to foster change have a special obligation to help others, and he has always given his time willingly and unselfishly. A cofounder of the Urban Center for Public/Private Partnerships, he has also devoted himself to the Chad Science Academy in Newark, the Irvington Neighborhood Development Corp., the city of East Orange Clean and Green Center, and many other community organizations.

Quietly and without fanfare, working tirelessly within his own community, Makaza Kumanyika developed an international reputation as one who epitomized the spirit of the human and civil rights movements. He deserves our respect and admiration.

I join with the thousands of people whose lives he has touched to honor Makaza Kumanyika.

THE 350TH LANDING CELEBRATION IN ROSLYN

Mr. D'AMATO. Madam President, I rise today to pay tribute to the historic village of Roslyn, Long Island, NY, as it begins it's official "350th Landing Celebration." For it was in 1643 that John Carman and Robert Fordham were looking for a favorable place to settle when they came upon, what is now, the village of Roslyn; 350 years later, on Sunday, October 3, 1993, Mayor Pasnik and the entire village of Roslyn will celebrate this momentous occasion with appropriate fanfare and festivities.

A monumental celebration of this nature provides a golden opportunity to look back on the protracted history of one of the many great villages in our country. As we look back through the decades at Roslyn we see that the area was originally referred to as Head of the Harbor; and later, Hempstead Harbor. However, confusion at the post office led a committee of local citizens to seek out a new name for the village. On September 7, 1844, Hempstead Harbor was renamed Roslyn, which it is called to this day. It is interesting to note that one of the members on the name selecting committee was William Cullen Bryant, who moved to Roslyn in 1843 and remained for a number of years in the area.

The 18th century was marked by the opening of mills—grist and paper—and visits from such notable persons as George Washington and Bishop Francis Asbury. The 19th century was marked by the establishment of the Methodist Episcopal Meeting House, the Roslyn Presbyterian Church, and St. Mary's Catholic Church. During that period, the Long Island Rail Road and the North Hempstead Gazette came to Roslyn. Also the Rescue Hook and Ladder Company No. 1, the Village School, and the New York Telephone Co. office were established. In 1895 the Roslyn Clock Tower was built and on February 1, 1900, the Roslyn Light & Power Co. was established.

The 20th century has proved to be prosperous for Roslyn with the beginning of the high and junior high school, savings bank, water district, Neighborhood House, Nassau County Police Department, and Temple Sinai. By 1958, the Long Island Expressway reached Roslyn.

Today, if you visit Roslyn you will see that it is one of hundreds of pretty and quaint villages across our great Nation with a very visible history. The village of Roslyn, NY has bloomed, blossomed, and flowered into a viable community that has been shaped and reshaped by many individuals collectively contributing to many historical watersheds that have endowed Roslyn with much more than were survival.

Mr. President, I ask my colleagues in the Senate to join me in honoring the great history of Roslyn village. As a Senator from New York, I am proud to represent Roslyn. It is the good people of Roslyn who make up the very fabric of our American life and history. It is only right that we acknowledge the value of our history as exemplified by this American village. I salute the village of Roslyn and congratulate them on their special anniversary.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that on Monday, September 20 at 2 p.m., the Senate proceed to the consideration of Calendar No. 170, Senate Joint Resolution 114, a joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission; and that the statutory time limitation be reduced to 1 hour, with the time equally divided and controlled between Senators NUNN and FEINSTEIN or their designees; that at 3 p.m., Monday, Senate Joint Resolution 114 be laid aside and the Senate then proceed to the consideration of Calendar No. 194, H.R. 2491, the VA/HUD appropriations bill; that at 6 p.m., the Senate return to

Senate Joint Resolution 114, and without intervening action or debate, the Senate proceed to vote on Senate Joint Resolution 114, and that upon disposition of Senate Joint Resolution 114, the Senate resume consideration of H.R. 2491.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING JOHAN JORGEN HOLST OF NORWAY FOR HIS CONTRIBUTION TO PEACE IN THE MIDDLE EAST

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 144, submitted earlier today by Senator MOSELEY-BRAUN, a resolution to commend Johan Jorgen Holst of Norway for his contribution to peace in the Middle East; that the resolution be agreed to, the motion to reconsider laid upon the table; and the preamble agreed to; further that any statements relative to this measure appear at an appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 144), with its preamble, is as follows:

S. RES. 144

Whereas the Government of Norway of Gro Harlem Brundtland has worked assiduously to develop relationships with the Government of Israel and the Palestine Liberation Organization;

Whereas Foreign Minister Holst personally mediated negotiations between Palestine Liberation Organization Chairman Yasser Arafat and Israeli Foreign Minister Shimon Peres which facilitated mutual recognition and hope for a political solution to the problems of the Middle East;

Whereas many of the meetings were held in the familiar environment of the Foreign Minister's private home so that decades of hostility and suspicion might be overcome;

Whereas Mr. Holst created a channel "behind the scenes" which complemented the official negotiating channel established by the Madrid Process;

Whereas Mr. Holst was able to recognize new opportunities and seize them;

Whereas Mr. Holst has served in the Government of Norway as both Foreign Minister and Defense Minister for the Labor Governments of Prime Minister Gro Harlem Brundtland; and

Whereas Mr. Holst is an expert in security issues and has studied in the United States at Columbia University and has been a research associate at Harvard's Center for International Affairs: Now, therefore, be it

Resolved, That the Senate—

(1) commends Foreign Minister Holst for his vital contribution to the negotiations between the Government of Israel and the Palestine Liberation Organization; and

(2) honors Mr. Holst and the Government of Norway for their contribution to peace in the Middle East.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Government of Norway.

COMMENDING JOHAN JORGEN HOLST OF NORWAY FOR HIS CONTRIBUTION TO PEACE IN THE MIDDLE EAST

Ms. MOSELEY-BRAUN. Madam President, I am submitting a resolution honoring Foreign Minister Johan Jorgen Holst and the Government of Norway for their contributions to peace in the Middle East.

Yesterday, we witnessed a truly historic event—one that I could only dream I would see in my lifetime. Israeli Prime Minister Yitzhak Rabin and Palestine Liberation Organization Chairman Yasser Arafat stood together and pledged themselves to peace. It makes one think that anything is possible.

This agreement might never have come to fruition if not for the diplomatic skill and patience of Johan Jorgen Holst, the Foreign Minister of Norway.

The Norwegian Labor Party, under Prime Minister Gro Harlem Bruntland, has long had good relations with the Israeli Labor Party and its leadership, Yitzhak Rabin and Shimon Peres. In 1988, Norway began funding an academic study of living conditions on the West Bank. This study, done by the Norwegian Trade Union Center for Social Science and Research, established relationships with Israeli and Palestinian institutions on the West Bank, and the PLO.

Mr. Holst was able to step in as a facilitator of negotiations because trust had been built between both the Government of Israel and Norway, and the PLO and Norway.

Many of the negotiating sessions were held in Mr. Holst's private home to encourage an environment of familiarity which helped overcome years of mutual hostility and suspicion.

Mr. Holst's secret diplomacy created a behind the scenes negotiating process that complemented the formal Madrid Process begun in 1991 by President Bush.

Many people over many years have worked to bring peace to the Middle East. But I believe it is important to honor Foreign Minister Holst and the Government of Norway for their leadership, for their courage, and for their great success in bringing Israel and the Palestine Liberation Organization together, and for bringing so much hope to so many in the Middle East.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 340. Richard Holbrooke, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany;

Calendar 341. William Green Miller, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine;

Calendar 342. Reginald Bartholomew, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy;

Calendar 343. Richard N. Gardner, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain;

Calendar 344. Gordon D. Giffin, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1993; and

Calendar 345. Gordon D. Giffin, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996.

I further ask unanimous consent that the Senate proceed to immediate consideration, and that the nominees be confirmed, en block, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Richard Holbrooke, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

William Green Miller, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

Reginald Bartholomew, of the District of Columbia, a Career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

Richard N. Gardner, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Gordon D. Giffin, of Georgia, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1993, vice Evan Griffith Galbraith, term expired.

Gordon D. Giffin, of Georgia, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996. (Reappointment)

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The text of the bill (S. 1298) to authorize appropriations for fiscal year

1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, as passed by the Senate on September 14, 1993, is as follows:

S. 1298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1994".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense Agencies.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical demilitarization program.

Subtitle B—Army Programs

Sec. 111. Modified M113 carriers and AGT–1500 turbine engines.
Sec. 112. Nuclear, biological, and chemical protective masks.
Sec. 113. Chemical agent monitoring program.
Sec. 114. Close tactical trainer quickstart program.

Subtitle C—Air Force Programs

Sec. 121. Modernization of the heavy bomber force.
Sec. 122. B–2 bomber aircraft program.
Sec. 123. Access by Comptroller General to information on heavy bomber programs.
Sec. 124. C–17 aircraft program.
Sec. 125. Joint primary aircraft training system.
Sec. 126. Solid rocket motor upgrade program.
Sec. 127. Live-fire survivability testing of the C–17 aircraft.

Subtitle D—Other Programs

Sec. 131. ALQ–135 jammer device.
Sec. 132. Funding for certain tactical intelligence programs.
Sec. 133. Global Positioning System.
Sec. 134. Sense of Congress on expediting sealift procurement.
Sec. 135. Permanent authority to carry out AWACS memoranda of understanding.
Sec. 136. Ring laser gyro navigation systems.
Sec. 137. Operational support aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Strategic Environmental Research and Development Program.
Sec. 204. Funding for defense conversion and reinvestment research and development programs.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Kinetic Energy Antisatellite Program.
Sec. 212. Javelin missile program.
Sec. 213. Plan for testing new electronic countermeasures system for B–1B bombers.
Sec. 214. Space launch plan.
Sec. 215. Medical countermeasures against biowarfare threats.
Sec. 216. Baseline report for the Arrow tactical ballistic missile defense system.
Sec. 217. Limitations regarding federally funded research and development centers.

Subtitle C—Missile Defense Programs

Sec. 221. Revision of the Missile Defense Act of 1991.
Sec. 222. Funding of certain ballistic missile defense programs.
Sec. 223. Requirement for review of ballistic missile defense systems and components for compliance with ABM Treaty.
Sec. 224. Theater missile defense master plan.
Sec. 225. Extension of authority for transfer of responsibility for far-term follow-on technologies.
Sec. 226. Report on acquisition streamlining to accelerate deployment of initial ABM system.
Sec. 227. Funding for ballistic missile defense programs.
Sec. 228. Testing of national missile defense program projects.

Subtitle D—Other Matters

Sec. 231. Nuclear testing.
Sec. 232. One-year delay in transfer of management responsibility for naval mine countermeasures program to the Director, Defense Research and Engineering.
Sec. 233. Termination, reestablishment, and reconstitution of an advisory council on semiconductor technology.
Sec. 234. Authority to acquire Navy large cavitation channel, Memphis, Tennessee.
Sec. 235. Strategic Environmental Research Council.
Sec. 236. Sense of the Senate on metalcasting industry.
Sec. 237. Interim reconnaissance program.

Subtitle E—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction

Sec. 241. Short title.
Sec. 242. Sense of Congress.
Sec. 243. Joint Committee for Review of Nonproliferation Programs of the United States.
Sec. 244. Report on nonproliferation and counterproliferation activities and programs.
Sec. 245. Definitions.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Funding national defense strategic lift requirements.
Sec. 304. Armed Forces Retirement Home.
Sec. 305. National Security Education Trust Fund obligations.
Sec. 306. Transfer authority.
Sec. 307. Funds for clearing landmines.

Subtitle B—Defense Business Operations Fund

Sec. 311. Extension of authority for use of the Defense Business Operations Fund.
Sec. 312. Implementation of the Defense Business Operations Fund.
Sec. 313. Limitation on obligations against the Defense Business Operations Fund.

Subtitle C—Environmental Provisions

Sec. 321. Authority for military departments to participate in water conservation programs.
Sec. 322. Clarification of authority for energy conservation programs at military installations.
Sec. 323. Clarification of funding for environmental restoration activities at installations to be closed or realigned.
Sec. 324. Annual report on environmental restoration activities of the Department of Defense.
Sec. 325. Extension of period of applicability of requirement for reimbursement of the Federal government for certain liabilities arising under contracts relating to hazardous waste.
Sec. 326. Prohibition on the purchase of surety bonds and other guaranties for the Department of Defense.
Sec. 327. Clarification of scope of indemnification of transferees of closing defense property.
Sec. 328. Shipboard plastic and solid waste control.

Subtitle D—Other Matters

Sec. 331. Repeal of an exception to a limitation on the performance of depot-level maintenance of materiel.
Sec. 332. Maintenance and repair of Pacific battle monuments.
Sec. 333. Purchase of items not exceeding $100,000.
Sec. 334. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.
Sec. 335. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense.
Sec. 336. Promotion of civilian marksmanship.
Sec. 337. Amendments regarding pilot program to use National Guard personnel in medically underserved communities.
Sec. 338. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 339. Annual assessment of force readiness.
Sec. 340. Budget information on Department of Defense recruiting expenditures.

Sec. 341. Revision of authorities on National Security Education Trust Fund.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Temporary variation of permanent end strength limitations for certain grades of officers in the Marine Corps.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserve components.
Sec. 413. Temporary variation of permanent end strength limitations for Air Force personnel serving on active duty in certain grades in support of the reserve components.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Award of constructive service credit for advanced education in a health profession.
Sec. 502. Original appointment as regular officers certain reserve officers in health professions.
Sec. 503. Temporary authority for involuntary separation of certain regular warrant officers.
Sec. 504. Two-year extension of authority for temporary promotions of certain Navy lieutenants.

Subtitle B—Reserve Components

Sec. 511. Limited delegation of Presidential authority to order Selected Reserve to active duty.
Sec. 512. Two-year extension of certain reserve officer management authorities.
Sec. 513. Consistency of treatment of National Guard technicians and other members of the National Guard.
Sec. 514. Exception to requirement for 12 weeks of basic training.
Sec. 515. National Guard management initiatives.
Sec. 516. Frequency of physical examinations of members of the Ready Reserve.

Subtitle C—Service Academies

Sec. 521. Congressional nominations.
Sec. 522. Graduation leave.
Sec. 523. Management of faculties.

Subtitle D—Force Reduction Transition

Sec. 531. Teacher and teacher aide program for separated members of the Armed Forces.
Sec. 532. Extension of personnel management and benefits transition authorities.
Sec. 533. Technical and conforming amendments relating to transition authorities.

Subtitle E—Other Matters

Sec. 541. Assignments of women members of the Armed Forces.
Sec. 542. Reduction in the maximum number of years to be on temporary disability retired list.
Sec. 543. Clarification of punitive UCMJ article regarding drunken driving.
Sec. 544. Authority to reduce active duty service obligation incurred in connection with advanced education assistance.
Sec. 545. Award of Purple Heart to members killed or wounded in action by friendly fire.
Sec. 546. Policy concerning homosexuality in the Armed Forces.
Sec. 547. Employment of retired members by foreign governments.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Military pay raise for fiscal year 1994.

Subtitle B—Bonuses, Special Pay, and Incentive Pay

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Sec. 3504. Employment of commission employees by the Government of Panama.
Sec. 3505. Labor-management relations.
Sec. 3506. Effective date.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Army as follows:

(1) For aircraft, $1,249,539,000.

(2) For missiles, $1,083,810,000.

(3) For weapons and tracked combat vehicles, $1,009,679,000.

(4) For ammunition, $621,049,000.

(5) For other procurement, $2,864,575,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Navy as follows:

(1) For aircraft, $5,755,166,000.

(2) For weapons, $3,000,614,000.

(3) For shipbuilding and conversion, $4,264,647,000.

(4) For other procurement, $2,820,931,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Marine Corps in the amount of $480,521,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Air Force as follows:

(1) For aircraft, $4,041,664,000.

(2) For missiles, $4,245,404,000.

(3) For other procurement, $7,610,888,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Defense Agencies in the amount of $2,044,971,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Inspector General of the Department of Defense in the amount of $600,000.

SEC. 106. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $85,000,000.

(2) For the Air National Guard, $285,000,000.

(3) For the Army Reserve, $65,000,000.

(4) For the Naval Reserve, $55,000,000.

(5) For the Air Force Reserve, $50,000,000.

(6) For the Marine Corps Reserve, $20,000,000.

(7) For reserve component simulation equipment, $75,000,000.

(8) For National Guard aircraft replacement and modernization, $150,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1994, $442,947,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

Subtitle B—Army Programs

SEC. 111. MODIFIED M113 CARRIERS AND AGT-1500 TURBINE ENGINES.

(a) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In addition to the funds authorized to be appropriated in section 101, funds are authorized to be appropriated for the Army for procurement of modified M113 carriers and AGT-1500 turbine engines in the amount of $148,000,000.

(b) LIMITATION.—None of the funds appropriated pursuant to the authorization in subsection (a) may be obligated during fiscal year 1994.

SEC. 112. NUCLEAR, BIOLOGICAL, AND CHEMICAL PROTECTIVE MASKS.

Of the unobligated balance of the funds appropriated for the Army for fiscal year 1993 for other procurement, $9,300,000 shall be available, to the extent provided in appropriations Acts, for procurement of M40/M42 nuclear, biological, and chemical protective masks.

SEC. 113. CHEMICAL AGENT MONITORING PROGRAM.

Funds appropriated for the Army for fiscal year 1993 for other procurement may not be obligated after the date of the enactment of this Act for the Improved Chemical Agent Monitor (ICAM) program.

SEC. 114. CLOSE TACTICAL TRAINER QUICKSTART PROGRAM.

Authority to reprogram funds for the Close Combat Tactical Trainer Quickstart Program. Subject to existing reprogramming procedures, the Secretary of the Army is authorized to reprogram funds in fiscal year 1994 to procure long lead component hardware items to accelerate the Close Combat Tactical Trainer Quickstart Program.

Subtitle C—Air Force Programs

SEC. 121. MODERNIZATION OF THE HEAVY BOMBER FORCE.

(a) FUNDING.—Of the amount authorized to be appropriated under section 103—

(1) not more than $37,400,000 shall be available for procurement of B-52 bomber aircraft; and

(2) not more than $177,355,000 shall be available for the B-1B bomber aircraft program.

(b) LIMITATIONS ON FUNDING.—Of the total amount made available pursuant to subsection (a) for the programs referred to in such subsection—

(1) none of such amount may be obligated or expended until all of the requirements set forth in section 152 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2340) have been met; and

(2) not more than 50 percent of such amount may be expended before the commencement of flight testing in accordance with the test plan required by section 152(a) of such Act.

SEC. 122. B-2 BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Subject to subsection (b), of the amount appropriated to the Air Force pursuant to section 103(1) for fiscal year 1994 for procurement of aircraft, not more than $626,200,000 may be obligated for the B-2 bomber aircraft program.

(b) LIMITATIONS ON OBLIGATION.—(1) None of the funds made available for fiscal year 1994 for the B-2 bomber aircraft program may be obligated until the Secretary of Defense has submitted to the congressional defense committees the certifications and reports described in section 151(d)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2339).

(2) Of the unobligated balances of funds authorized to be appropriated for procurement of B-2 aircraft for fiscal years 1992, 1993, and 1994, none of such funds may be obligated until—

(A) the Secretary of the Air Force—

(i) has entered into a definitized production contract with the prime contractor for air vehicles 17 through 21; or

(ii) has submitted to the congressional defense committees a report setting forth the reasons that a definitized contract cannot be entered into; and

(B) the Secretary of Defense has submitted to such committees a certification that the Department of the Air Force is in full compliance with the B-2 correction-of-deficiency requirements set forth in section 117(d) of Public Law 101-189 (103 Stat. 1376) in all aspects of deficiency correction.

(c) TOTAL PROGRAM LIMITATIONS.—(1) Notwithstanding any other provision of law, funds available for the Department of Defense pursuant to authorizations of appropriations in this or any other Act may not be expended for acquisition of more than 20 fully operational B-2 bomber aircraft that meet the Block 30 requirements (as defined by the Secretary of the Air Force as of August 1, 1993), plus one test aircraft.

(2) The total amount obligated on or after the date of the enactment of this Act for research, development, test, and evaluation for, and acquisition, modification and retrofitting of, the 20 B-2 bomber aircraft (and the one test aircraft) referred to in paragraph (1) and for paying the costs associated with termination of the B-2 bomber aircraft program upon completion of the acquisition of such 20 aircraft (and the one test aircraft) may not exceed $28,968,000,000 (in fiscal year 1981 constant dollars).

(3) The Congress declares that it will consider enacting legislation to increase the

amount of the limitation specified in paragraph (2) if—

(A) for any fiscal year beginning after September 30, 1994, the Secretary of Defense has requested funds for the B-2 bomber aircraft program in the documents submitted to Congress by the Secretary in connection with the budget submitted to Congress pursuant to section 1105 of title 31, United States Code, for that fiscal year;

(B) obligation of the total amount of the funds so requested would not have violated the limitation; and

(C) the requested funds—

(i) have not been made available for such fiscal year as requested; or

(ii) have been made available for such fiscal year but have not been obligated in such fiscal year by reason of any limitation or restriction on the obligation of such funds that is contained in an Act enacted after the date of the enactment of this Act.

SEC. 123. ACCESS BY COMPTROLLER GENERAL TO INFORMATION ON HEAVY BOMBER PROGRAMS.

The Secretary of Defense shall take all actions that are necessary to ensure that the Comptroller General of the United States and employees of the General Accounting Office designated by the Comptroller General have full, free, and prompt access to data, reports, and analyses generated by or on behalf of the Department of the Air Force (including by Air Force contractors) that relate to operation, maintenance, repair, and modernization of heavy bombers, and the plans of the Air Force for operation, maintenance, repair, and modernization of heavy bombers in the future.

SEC. 124. C-17 AIRCRAFT PROGRAM.

(a) FISCAL YEAR 1994 LIMITATION.—None of the funds appropriated for the Department of Defense for fiscal year 1994 may be made available for procurement of C-17 aircraft until—

(1) all limitations and requirements set forth in subsections (b), (c), (d), (f), and (g) of section 134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2335) are satisfied; and

(2) the Secretary of Defense submits to the congressional defense committees a report on the C-17 acquisition program that contains—

(A) the results of the special Defense Acquisition Board review of the program;

(B) a discussion of the corrective actions to be taken by the Air Force with regard to such program;

(C) a discussion of the corrective actions to be taken by the contractor with regard to such program; and

(D) the findings and recommendations of the special Defense Science Board group resulting from the investigation of the program by that group.

(b) FISCAL YEAR 1995 LIMITATION.—None of the funds appropriated for the Department of Defense for fiscal year 1995 that are made available for the C-17 aircraft program (other than funds for advance procurement) may be obligated before the Secretary of Defense submits to the congressional defense committees a report containing a review of the airlift requirements of the Armed Forces. The review shall—

(1) be based on an analysis by a federally funded research and development center; and

(2) reflect consideration of—

(A) the changes in total airlift requirements resulting from the disintegration of the Warsaw Pact and Soviet Union that eliminate any major trans-Atlantic airlift requirement for Europe;

(B) the change in airlift requirements from requirements for airlift of large quantities of outsize cargo for reinforcement of the North Atlantic Treaty Organization (NATO) forces to requirements for airlift in connection with such lesser regional contingencies and humanitarian operations as Operation Desert Shield, Operation Desert Storm, and Operation Restore Hope;

(C) the potential contribution that planned strategic sealift improvements can make toward—

(i) reducing the total demand for airlift; and

(ii) changing the type of cargo that airlift aircraft must carry;

(D) the declining demand for conducting airlift operations in austere airfield environments; and

(E) the trade-off between purchasing the type of additional capability that the C-17 aircraft can provide and purchasing and employing additional support equipment that would increase the cargo airlift capability of commercial cargo aircraft.

(c) LIMITATION ON ACQUISITION OF MORE THAN 5 AIRCRAFT.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1993 that are made available for the C-17 aircraft program (other than funds for advance procurement) may not be obligated to produce more than 5 C-17 aircraft until the program meets the following milestones:

(1) Clearance of flight envelope with respect to altitude and speed.

(2) Takeoff of aircraft at a gross weight of 580,000 pounds and 160,000 pounds payload within a critical field length of 8500 feet at sea level and 90 degrees Fahrenheit day conditions (or equivalent results under other conditions).

(3) Backing aircraft up a two degree slope with a gross weight of 510,000 pounds.

(4) Unassisted 180 degree turn of aircraft on a paved runway of load classification group IV in less than 90 feet, using three maneuvers.

(5) Completion of static article ultimate load (150 percent of design limit load) test condition S.P. 5030 for wing up bending.

(6) Completion of electromagnetic radiation, electromagnetic compatibility, and lightening tests.

(7) Low velocity air drop of 5,000-pound, 8-foot length platform.

(8) Sequential air drop of multiple simulated paratroop dummies from both paratroop doors.

(9) A minimum unit equivalent assembly rate of 6.0 assemblies per year, as measured by the ratio of annualized standard hours earned to that required to assemble one aircraft from the beginning of assembly to the completion of assembly prior to movement to the ramp at the prime contractor's facilities.

(10) For all aircraft scheduled for delivery in the prior 6-month period, delivery of each aircraft within one month of scheduled delivery date.

(d) LIMITATION ON ACQUISITION OF MORE THAN 8 AIRCRAFT.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1993 that are made available for the C-17 aircraft program (other than funds for advance procurement) may not be obligated to produce more than 8 aircraft until the program meets the following additional milestones:

(1) Clearance of flight envelope with respect to loads.

(2) Estimate of payload meets 95 percent of the requirement provided in the full-scale development contract for the key performance parameters for payload-to-range systems performance.

(3) Operational clearance for aircraft to be air refueled from operational KC-10 and KC-135 aircraft at standard Air Force refueling speeds for the specific tanker in a single receiver formation.

(4) Demonstration of combat offload with two 463L pallets using the air delivery system rails.

(5) Airdrop of 70 paratroopers on one pass, using both paratroop doors.

(6) Low velocity air drop of 30,000-pound, 24-foot length platform.

(e) LIMITATION ON ACQUISITION OF MORE THAN 10 AIRCRAFT.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1993 that are made available for the C-17 aircraft program (other than funds for advance procurement) may not be obligated to produce 11 or 12 aircraft until the program meets the following additional milestones:

(1) Estimate of payload meets 97.5 percent of the requirement provided in the full-scale development contract for the key performance parameters for payload-to-range systems performance.

(2) Landing of aircraft with a payload of 160,000 pounds and fuel necessary to fly 300 nautical miles on a 3,000-foot long, 90-foot wide, and load classification group IV runway at sea level, 90 degrees Fahrenheit day conditions (or equivalent results under other conditions).

(3) Low altitude parachute extraction system delivery of a 20,000-pound cargo.

(4) Simultaneous and sequential container delivery system airdrop of 30 bundles.

(5) Low velocity air drop of 42,000-pound platform.

(6) Satisfactory completion of one lifetime of testing of durability article.

(7) Air vehicle mean time between removal at cumulative flying hours to date of measurement indicates that the mature requirement established in the full-scale development contract will be met.

(f) FUNDING OUT OF NATIONAL DEFENSE STRATEGIC LIFT FUND.—Funds appropriated for the Department of Defense for fiscal year 1994 may be made available for procurement of the C-17 aircraft only in accordance with section 2218 of title 10, United States Code.

SEC. 125. JOINT PRIMARY AIRCRAFT TRAINING SYSTEM.

No funds appropriated for the Department of Defense pursuant to an authorization contained in this Act or any Act enacted after the date of the enactment of this Act may be obligated or expended to procure Joint Primary Aircraft Training System aircraft until the Secretary of Defense certifies to the congressional defense committees that the cockpit and ejection seat of such aircraft have been designed for safe and effective operation of the aircraft and ejection system by at least 95 percent of the male pilot trainees and 95 percent of the female pilot trainees.

SEC. 126. SOLID ROCKET MOTOR UPGRADE PROGRAM.

(a) PROHIBITION ON USE OF FUNDS.—Funds appropriated to the Department of Defense may be used for implementing a supplemental agreement described in section 9164 of Public Law 102-396 only under the authorities in subsection (b).

(b) ACTIONS AUTHORIZED.—The Secretary of Defense may—

(1) restructure the provisions of contract F04701-85-C-0019 (hereafter in this subsection referred to as the "prime contract") and

enter into an agreement to reimburse the subcontractor for the Solid Rocket Motor Upgrade (SRMU) subcontract under such prime contract (hereafter in this subsection referred to as the "SRMU subcontractor") for the costs incurred by the subcontractor for development and tooling related to the subcontract;

(2) reimburse the SRMU subcontractor for working capital expenses related to the subcontract only after consultation with the Comptroller General of the United States regarding whether such expenses are allowable under applicable laws;

(3) settle claims arising from disputes between the SRMU subcontractor and prime contractor;

(4) transfer funds to reimburse the subcontractor in accordance with paragraphs (1), (2) and (3);

(5) if the Secretary enters into an agreement to pay the SRMU subcontractor in accordance with paragraphs (1), (2) and (3), take such actions as are necessary to ensure that competitive procedures are used for awarding contracts in any future procurements of solid rocket motors for the Titan IV launch system;

(6) take such actions as are necessary to reduce or eliminate concurrency in the Solid Rocket Motor Upgrade program;

(7) change the type of the subcontract used for the Solid Rocket Motor Upgrade production subcontract and adjust the ceiling price for the prime contract accordingly, but only with respect to the Solid Rocket Motor Upgrade production subcontract; and

(8) if the Secretary decides to reimburse the SRMU subcontractor for development costs, tooling, and claims resulting from the termination or modification of the subcontract, terminate the Solid Rocket Motor Upgrade production subcontract or modify such subcontract regarding the production quantities and production rates.

(c) RELATIONSHIP OF TRANSFER AUTHORITY TO OTHER TRANSFER AUTHORITY.—The authority provided in subsection (b)(4) is not in addition to any other transfer authority provided in this or any other Act.

SEC. 127. LIVE-FIRE SURVIVABILITY TESTING OF THE C-17 AIRCRAFT.

Section 132(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) is amended by striking out "for fiscal year 1993".

Subtitle D—Other Programs

SEC. 131. ALQ-135 JAMMER DEVICE.

Subsection 182(b)(2) of Public Law 101-510 is amended by striking out "meets or exceeds all operational criteria established for the program" and inserting in lieu thereof "is operationally effective and suitable".

SEC. 132. FUNDING FOR CERTAIN TACTICAL INTELLIGENCE PROGRAMS.

Notwithstanding the limitation in section 141 of Public Law 102-484 (106 Stat. 2338), funds authorized to be appropriated under such section are authorized to be made available for the following purposes:

(1) To complete EP-3 Aries conversion-in-lieu-of-procurement for the remainder of the EP-3 Aries aircraft fleet.

(2) To upgrade communications of the EP-3 Aries aircraft fleet to permit dissemination of collected data.

(3) To complete standardization of the RC-135 Rivet Joint aircraft fleet to Block III Baseline 6 configuration.

SEC. 133. GLOBAL POSITIONING SYSTEM.

(a) PROGRAM STUDY REQUIRED.—(1) The Secretary of Defense shall provide for an independent study to be conducted on the management and funding of the Global Positioning System program for the future.

(2) With the agreement of the National Academy of Sciences and the National Academy of Public Administration, the study shall be conducted jointly by those organizations.

(3) Of the amounts authorized to be appropriated to the Department of Defense for fiscal year 1994 and made available for procurement of Global Positioning System user equipment, for procurement of spacecraft, or for operations and maintenance, $5,000,000 may be used for carrying out the study required by paragraph (1).

(b) LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS EQUIPPED.—Funds may not be obligated after September 30, 2000, to modify or procure any Department of Defense aircraft, ship, armored vehicle, or indirect fire weapon system that is not equipped with a Global Positioning System receiver.

(c) REPORTING REQUIREMENT.—Not later than May 1, 1994, the Secretary of Defense, in coordination with the Director of Central Intelligence, shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on the following questions:

(1) What, if any, threats to the health and safety of United States military forces, allied military forces, and the United States and allied civilian populations, and what, if any, threats of damage to property within the United States and allied countries, will result by the year 2000 from Global Positioning System navigation signals, local and wide-area differential navigation correction signals, kinematic differential correction signals, and commercially available map products based on the Global Positioning System?

(2) What, if any, threat to civil aviation and other transportation operations will result by the year 2000 from the signal jamming, deception, and other disruptive effects of Global Positioning System navigation signals?

(3) What, if any, actions can be taken to eliminate or mitigate such threats?

(4) What, if any, modifications of the Global Positioning System and derivative systems can be made to eliminate or significantly reduce such threats, or to increase the ability of the Department of Defense to mitigate such threats, without interfering with authorized and peaceful uses of the Global Positioning System?

SEC. 134. SENSE OF CONGRESS ON EXPEDITING SEALIFT PROCUREMENT.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Joint Chiefs of Staff have verified the urgent need for increased sealift.

(2) The Persian Gulf war provided graphic evidence of the United States longstanding need for increased sealift.

(3) The Congress has appropriated funds for a sealift program in each of the past four fiscal years.

(4) The United States shipbuilding industry and its supplier base would benefit, economically and through sustained employment, from increased ship conversion as well as from new ship construction.

(5) Maintaining or increasing ship conversion and construction helps to preserve the industrial base required for effective national defense.

(6) Enhanced sealift capacity is a vital requirement for the national security of the United States.

(b) EXPEDITED PROCUREMENT.—It is the sense of the Congress that the Secretary of the Navy should move expeditiously to award sealift conversion and construction contracts that represent a fair price to the taxpayer.

SEC. 135. PERMANENT AUTHORITY TO CARRY OUT AWACS MEMORANDA OF UNDERSTANDING.

Section 2350e of title 10, United States Code, is amended by striking out subsection (d).

SEC. 136. RING LASER GYRO NAVIGATION SYSTEMS.

Notwithstanding any other provision of law, none of the funds authorized for appropriations in fiscal years 1994, 1993, and 1992 for the Navy shall be obligated or expended for the procurement of ring laser gyro navigation systems for surface ships under a sole source contract.

SEC. 137. OPERATIONAL SUPPORT AIRCRAFT.

None of the funds appropriated for the Department of Defense for fiscal year 1994 may be obligated for a procurement of any operational support aircraft without full and open competition (as defined in section 2302(3) of title 10, United States Code), unless—

(1) the procurement is within an exception set forth in section 2304(c) of title 10, United States Code;

(2) the justification and certification requirements of section 2304(f) of such title are satisfied; and

(3) the Under Secretary of Defense for Acquisition certifies to the congressional defense committees that the procurement is within an exception set forth in section 2304(c) of such title.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $5,303,738,000.

(2) For the Navy, $8,338,931,000.

(3) For the Air Force, $12,681,597,000.

(4) For the Defense Agencies, $9,775,951,000, of which—

(A) $252,592,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and

(B) $12,650,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1994.—Of the amounts authorized to be appropriated by section 201, $4,549,445,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

Of the amounts authorized to be appropriated by section 201, $200,000,000 shall be available for the Strategic Environmental Research and Development Program.

SEC. 204. FUNDING FOR DEFENSE CONVERSION AND REINVESTMENT RESEARCH AND DEVELOPMENT PROGRAMS.

(a) Of the amounts authorized to be appropriated under section 201—

(1) $10,000,000 shall be available for the national defense program for analysis of the technology and industrial base under section 2503 of title 10, United States Code;

(2) $150,000,000 shall be available for defense dual-use critical technology partnerships established under section 2511 of such title;

(3) $100,000,000 shall be available for commercial-military integration partnerships established under section 2512 of such title;

(4) $100,000,000 shall be available for assistance of regional technology alliances under section 2513 of such title;

(5) $30,000,000 shall be available for defense advanced manufacturing technology partnerships established under section 2522 of such title;

(6) $100,000,000 shall be available for support of defense manufacturing technology extension programs under section 2523 of such title;

(7) $25,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of such title;

(8) $10,000,000 shall be available for support of manufacturing experts in the classroom program under section 2197 of such title;

(9) $30,000,000 shall be available for the advanced materials synthesis and processing partnership program; and

(10) $50,000,000 shall be available for the agile manufacturing/enterprise integration program.

(b) Of the amounts authorized to be appropriated under section 201, $10,000,000 shall be available, in addition to the amounts specified in subsection (a), for the programs, projects, and activities described in subsection (a).

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. KINETIC ENERGY ANTISATELLITE PROGRAM.

(a) CONVERSION OF PROGRAM.—The Secretary of Defense shall convert the Kinetic Energy Antisatellite (KE-ASAT) Program to a tactical antisatellite technologies program.

(b) LEVEL FUNDING.—Of the amounts authorized to be appropriated in this title, $10,000,000 shall be available for fiscal year 1994 for engineering development under the program.

(c) DEVELOPMENT OF MOST CRITICAL TECHNOLOGIES.—The amount referred to in subsection (b) shall be available for engineering development of the most critical antisatellite technologies.

(d) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated to the Department of Defense for fiscal year 1994 may be obligated for the Kinetic Energy Antisatillite (KE-ASAT) program until the Secretary of Defense submits to Congress the report required by section 1363 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2560) that contains, in addition to the matter required by such section, the Secretary's certification that there is a requirement for an antisatellite program.

SEC. 212. JAVELIN MISSILE PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated in section 201(1), not more than $34,937,000 may be obligated for the Javelin missile program until the Secretary of Defense certifies to the congressional defense committees that the Under Secretary of Defense for Acquisition—

(1) has conducted a thorough review of such program;

(2) has determined that the cost problems with the Javelin missile development and production are under control;

(3) has completed a cost-effectiveness evaluation and determined that the Javelin missile should enter production; and

(4) has approved an enhanced producibility plan developed by the Army.

(b) COST GROWTH REPORT.—The Secretary of Defense shall submit to Congress a report on the total extent of the increase in the cost of the Javelin program. The Secretary shall include in the report the Secretary's assessment of the extent of the contractor's liability for the increased cost and the actions being taken by or on behalf of the United States to obtain compensation for the contractor's share of the responsibility for the increased cost.

SEC. 213. PLAN FOR TESTING NEW ELECTRONIC COUNTERMEASURES SYSTEM FOR B-1B BOMBERS.

(a) REQUIREMENT FOR PLAN.—The Secretary of Defense shall develop a plan for testing the new electronic countermeasures system being developed for the B-1B bomber.

(b) CONTENT OF PLAN.—The plan shall contain—

(1) a detailed description of plans for developmental testing and for operational testing, including early operational testing by the Director of Operational Test and Evaluation; and

(2) a full description of the range of test parameters, including B-1B bomber flight conditions, individual threat systems against which countermeasures will be tested, and testing of countermeasures in the presence of multiple threats.

(c) SUBMISSION OF PLAN.—(1) The Secretary shall submit the plan to the congressional defense committees.

(2) The Secretary shall provide a copy of the plan to the Director of Operational Test and Evaluation.

(d) REVIEW AND COMMENT.—The Director of Operational Test and Evaluation shall review the plan and submit any comments on the plan to the Secretary and directly to the congressional defense committees.

(e) SCOPE OF REVIEW.—The review required under subsection (d) shall include—

(1) the adequacy of the test plan to permit measurement of the extent to which the new electronic countermeasures system, if procured and installed in all B-1B bombers, would improve the survivability of B-1B bombers;

(2) the adequacy of available threat simulators to characterize threats that the B-1B bomber is likely to encounter on conventional bombing missions;

(3) the contribution of the new electronic countermeasures system to the effectiveness of the employment of B-1B bombers on conventional bombing missions if the new electronic countermeasures system were installed on all B-1B bomber aircraft; and

(4) such other matters as the Director of Operational Test and Evaluation considers significant.

(f) AVAILABILITY OF AUTHORIZED FUNDS.—Of the amount authorized to be appropriated under section 201(3), not more than $43,500,000 shall be available for the new electronic countermeasures system under the B-1B bomber aircraft program.

(g) LIMITATIONS.—(1) None of the funds made available pursuant to subsection (f) may be obligated until all of the requirements set forth in section 152 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2340) have been met.

(2) Of the amount made available pursuant to subsection (f), not more than $20,000,000 may be obligated until the plan required by subsection (a) has been submitted to the congressional defense committees.

SEC. 214. SPACE LAUNCH PLAN.

(a) PLAN REQUIRED.—The Secretary of Defense shall develop a space launch plan that contains clearly defined priorities, goals, and milestones regarding new space launch vehicles and technology. The Secretary shall submit the plan to Congress at the same time that he submits to Congress the future years defense program in 1994 pursuant to section 221 of title 10, United States Code.

(b) SELECTION OF LAUNCH VEHICLE OPTIONS.—Of the amount authorized to be appropriated in section 201(3) and to be made available for research, development, test, and evaluation of new space launch systems and technology, the Secretary of Defense shall allocate not less than 75 percent of such amount to one of the following options for a space launch system:

(1) A comprehensive demonstration of high-risk, far-term launch technology, such as reusable single-stage-to-orbit and air-breathing propulsion.

(2) A competitive acquisition program for a durable and inexpensive expendable or reusable launch vehicle with an initial operational capability date early in the next decade.

(3) A program to modify existing launch vehicles to achieve decreased cost and increased responsiveness.

(c) LIMITATION.—Not more than one-third of the amount authorized to be appropriated in section 201(3) and to be made available for research, development, test, and evaluation of new space launch systems and technology may be obligated until the Secretary certifies to the congressional defense committees that the option selected for funding in accordance with subsection (b) is fully funded in the future years defense program referred to in subsection (a).

(d) USE OF FOREIGN LAUNCH VEHICLES.—(1) The Secretary of Defense shall conduct one or more studies to determine the potential for using space launch vehicles of foreign countries to launch United States national security payloads. The studies shall be conducted with the goal of determining whether the use of such launch vehicles would result in reduced costs for launches of national security payloads, increased competition in the furnishing of space launch vehicles for launching such payloads, and a reduction in the excessive United States space launch industrial base.

(2) Of the funds authorized to be appropriated under section 201(3) and to be made available for research, development, test, and evaluation of new space launch systems and technology, the Secretary of Defense shall allocate up to $5,000,000 for conducting studies described in paragraph (1).

(e) REQUIREMENT REGARDING DEVELOPMENT OF NEW LAUNCH VEHICLES.—If the Secretary of Defense selects an option referred to in paragraph (1) or (2) of subsection (b) for full funding in the future years defense plan referred to in subsection (a), the Secretary shall explore innovative government-industry funding, management, and acquisition strategies to minimize the cost and time involved.

(f) REQUIREMENT REGARDING MODIFICATION OF EXISTING LAUNCH VEHICLES.—If the Secretary of Defense selects the option referred to in paragraph (3) of subsection (b) for full funding under the future years defense plan referred to in subsection (a), the Secretary's plan shall provide for Department of Defense use of one medium-lift launch vehicle for satellite payloads instead of three medium-lift launch vehicles. The Secretary shall use competitive procedures to select the supplier of medium-lift launch vehicles.

(g) COST REDUCTION REQUIREMENT.—The plan shall provide for reducing the cost of producing existing launch vehicles at current and projected production rates below the current estimates of the costs for such production rates.

SEC. 215. MEDICAL COUNTERMEASURES AGAINST BIOWARFARE THREATS.

(a) FUNDING.—Of the amounts appropriated pursuant to section 201 for fiscal year 1994, not more than $108,300,000 shall be available for the medical component of the Biological Defense Research Program (BDRP) of the Department of Defense.

(b) LIMITATIONS.—(1) Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 may be obligated and expended for product development, and for research, development, testing, and evaluation, of medical countermeasures against biowarfare threat agents only in accordance with this section.

(2) Of the funds made available pursuant to subsection (a), not more than $10,000,000 may be obligated or expended for research, development, test, or evaluation of medical countermeasures against far-term validated biowarfare threat agents.

(3) Of the funds made available pursuant to subsection (a), other than funds made available pursuant to paragraph (2) for the purpose set out in that paragraph—

(A) not more than 80 percent may be obligated and expended for product development, or for research, development, test, or evaluation, of medical countermeasures against near-term validated biowarfare threat agents; and

(B) not more than 20 percent may be obligated or expended for product development, or for research, development, test, or evaluation, of medical countermeasures against mid-term validated biowarfare threat agents.

(c) DEFINITIONS.—In this section, the terms "validated biowarfare threat agent", "near-term validated biowarfare threat agent", "mid-term validated biowarfare threat agent", and "far-term validated biowarfare threat agent" have the meanings given such terms, respectively, in section 241(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484, 106 Stat. 2359).

SEC. 216. BASELINE REPORT FOR THE ARROW TACTICAL BALLISTIC MISSILE DEFENSE SYSTEM.

(a) BASELINE REPORT REQUIRED.—Not later than April 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a baseline report on the Arrow tactical ballistic missile defense system of Israel. The Secretary shall design the report to provide such committees with the information the committees need to perform their oversight function.

(b) CONTENT OF REPORT.—At a minimum, the report shall include the following matters:

(1) The development and procurement schedules for the program.

(2) The estimated total cost of the program.

(3) The estimated total cost to the United States of involvement in the program, including funding provided through foreign military sales financing under the Arms Export Control Act.

(4) The same or similar kinds of information that are included for a major defense acquisition program in a Selected Acquisition Report submitted pursuant to section 2432 of title 10, United States Code, to the extent that the Secretary can adapt the information requirements of that section for application to the Arrow tactical ballistic missile defense system.

(5) An assessment of the performance of the Arrow system.

(6) An evaluation of the development and production risks under the program.

(7) Alternatives to the Arrow system for meeting the tactical ballistic missile defense needs of Israel, including providing Israel with an existing or planned United States weapon system.

(8) For each such alternative—

(A) an assessment of the cost effectiveness of undertaking the alternative;

(B) the technology transfer implications; and

(C) the weapon proliferation implications.

(c) FORMS OF REPORT.—The Secretary shall submit the report in classified and unclassified versions.

SEC. 217. LIMITATIONS REGARDING FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) LIMITATIONS.—(1) Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 pursuant to an authorization of appropriations in section 201 may be obligated for procuring work from any federally funded research and development center named in the table in paragraph (2) subject to the limitations set forth for such center in that table.

(2) The table referred to in paragraph (1) is as follows:

Federally funded research and development center:	Type of work for which funds may be obligated:	Maximum amount that may be obligated:	Maximum number of MTS-years that may be procured:
Center for Naval Analysis	(unspecified)	$45,400,000	230
Institute for Defense Analysis	Systems and engineering in connection with operational test and evaluation	$13,500,000	76
	Research and development in connection with command, control, communications, and intelligence	$33,500,000	136
	Studies and analysis.	$56,000,000	300
Rand Project Air Force	(unspecified)	$24,000,000	116
National Defense Research Institute	(unspecified)	$23,200,000	115
Arroyo Center.	(unspecified)	$21,000,000	104
Logistics Management Institute	(unspecified)	$25,690,000	96
Aerospace Corporation	(unspecified)	$376,770,000	2,165
MIT Lincoln Laboratory	(unspecified)	$299,300,000	994
Mitre	(unspecified)	$399,700,000	2,357
Software Engineering Institute	(unspecified)	$34,590,000	190
Institute for Advanced Technology	(unspecified)	$0	0

(b) AUTHORITY TO WAIVE LIMITATIONS.—The Secretary of Defense may waive a limitation regarding a maximum amount or a maximum number of MTS-years that applies under subsection (a) to a federally funded research and development center if—

(1) the Secretary has notified the congressional defense committees of the proposed waiver and the reasons for the waiver, and the 60-day period that begins on the date of the notification has elapsed; or

(2) the Secretary determines that it is essential to the national security that funds be obligated for work in excess of that limitation within 60 days and notifies the congressional defense committees of that determination and the reasons for the determination.

(c) REPORT ON ALLOCATIONS FOR CENTERS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) The proposed funding level and the estimated personnel level for fiscal year 1994 for each federally funded research and development center.

(2) The funding source for that funding level, by program element, and the amount transferred or to be transferred from that source to each federally funded research and development center.

(d) LIMITATION PENDING SUBMISSION OF REPORT.—Notwithstanding any other provision of this section, no funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 may be obligated to obtain work from any federally funded research and development center until the Secretary of Defense has submitted the report required by subsection (c).

(e) LIMITATION REGARDING EMPLOYEE COMPENSATION.—(1) Except as provided in paragraph (2), during fiscal year 1994 no appropriated funds may be used to pay an employee of a federally funded research and development center named in the table in subsection (a)(2) at a higher rate of compensation than the rate of compensation that the center paid such employee during fiscal year 1993.

(2) The Secretary of Defense may waive the applicability of the limitation in paragraph (1) to any federally funded research and development center that certifies to the Secretary of Defense that the total expenditures of the center for fiscal year 1994, including any increases and planned increases in the rates of compensation for employees of the center, will be less than the amount equal to 94 percent of the maximum amount set forth for such center in the table in subsection (a)(2).

(f) DEFINITION.—In this section:

(1) The term "MTS-year" means a member of technical staff-year, as defined by the Secretary of Defense.

(2) The term "technical staff", with respect to a federally funded research and development center, means the following employees of the center:

(A) Researchers.

(B) Mathematicians.

(C) Programmers.

(D) Analysts.

(E) Economists.

(F) Scientists.

(G) Engineers.

(H) Other employees of the center who perform professional level technical work primarily in any of the following fields:

(i) Studies and analyses.

(ii) System engineering and integration.

(iii) Systems planning.

(iv) Program and policy planning and analysis.

(v) Basic and applied research.

(g) FUNDING.—(1) Of the amounts authorized to be appropriated to the Department of Defense for research, development, test, and evaluation for fiscal year 1994 pursuant to section 201, not more than $1,352,650,000 may be obligated for procuring services from the federally funded research and development centers listed in the table in subsection (a)(2).

(2) None of the funds authorized to be obligated under paragraph (1) may be obligated for the procurement of services from the Institute for Advanced Technology.

(h) UNDISTRIBUTED REDUCTION.—The total amount authorized to be appropriated for research, development, test, and evaluation in section 201 is hereby reduced by $200,000,000.

Subtitle C—Missile Defense Programs

SEC. 221. REVISION OF THE MISSILE DEFENSE ACT OF 1991.

(a) TERMINOLOGY AMENDMENTS.—The Missile Defense Act of 1991 (10 U.S.C. 2431 note) is amended—

(1) in section 234(c)(1)—

(A) by striking out "Strategic Defense Initiative Organization (SDIO)" and inserting in lieu thereof "Ballistic Missile Defense Organization (BMDO)"; and

(B) by striking out "Strategic Defense Initiative Organization's" and inserting in lieu thereof "Ballistic Missile Defense Organization's";

(2) in section 235—

(A) in the section heading, by striking out **"STRATEGIC DEFENSE INITIATIVE"** and inserting in lieu thereof **"BALLISTIC MISSILE DEFENSE PROGRAM"**; and

(B) in the text of such section, by striking out "Strategic Defense Initiative" each place it appears and inserting in lieu thereof "Ballistic Missile Defense program";

(3) in the heading of section 236, by striking out **"SDI"** and inserting in lieu thereof **"BMD"**; and

(4) in sections 234, 235, and 236, by striking out "Strategic Defense Initiative Organization" each place it appears and inserting in lieu thereof "Ballistic Missile Defense Organization".

(b) REPEAL OF FUNDING, REPORTING, AND TRANSFER PROVISIONS.—(1) Section 237 of such Act is repealed.

(2) Such Act is amended by redesignating sections 238, 239, and 240 as sections 237, 238, and 239, respectively.

SEC. 222. FUNDING OF CERTAIN BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) FUNDING FOR CERTAIN BALLISTIC MISSILE RDT&E.—If a decision is not made before February 28, 1994, to proceed into engineering and manufacturing development under a weapon system program referred to in subsection (b), the funds appropriated pursuant to the authorization of appropriations in section 201 that are available for engineering and manufacturing development for such a program shall be available for research, development, test, and evaluation of the Patriot PAC–3 Missile program.

(b) COVERED WEAPON SYSTEM PROGRAMS.—For purposes of subsection (a) the weapon system programs referred to in this subsection are as follows:

(1) The Patriot Multimode Missile Program.

(2) The Extended Range Interceptor (ERINT) missile program.

SEC. 223. REQUIREMENT FOR REVIEW OF BALLISTIC MISSILE DEFENSE SYSTEMS AND COMPONENTS FOR COMPLIANCE WITH ABM TREATY.

(a) FINDINGS.—Congress makes the following findings:

(1) That section 232(a)(1) of the Missile Defense Act of 1991 (10 U.S.C. 2431 note) establishes a goal for the United States to comply with the ABM Treaty (including any protocol or amendment thereto) and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of that treaty (as modified by any protocol or amendment thereto) while deploying an anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles.

(2) That the Department of Defense has conducted no formal compliance reviews of any of the components or systems scheduled for early deployment as part of either the Theater Missile Defense Initiative or the initial limited defense system to be located at Grand Forks, North Dakota.

(3) That the Department of Defense is continuing to obligate hundreds of millions of dollars during fiscal year 1993 for the development and testing of systems or components of ballistic missile defense systems prior to a determination that, if successfully developed, tested, or deployed, those systems and components would be in compliance with the ABM Treaty.

(4) That the Department of Defense is requesting the authorization and appropriation of additional funds for continued development of such systems and components during fiscal year 1994.

(5) That the United States and its allies face existing and expanding threats from ballistic missiles capable of being utilized as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries such as Iraq, Iran, North Korea, and others.

(6) That some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS–2) have capabilities equal to or greater than missiles which had been determined to be strategic missiles 20 years earlier under the U.S.–USSR SALT I Interim Agreement of 1972.

(7) That the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles regardless of their capabilities, unless such systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(8) That it is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles, as soon as is technically possible.

(9) That it is essential that the Secretary of Defense immediately undertake and complete compliance reviews of proposed theater missile defense systems, system upgrades, and system components so as to not delay the development and deployment of such highly effective theater missile defense systems.

(10) That the Secretary of Defense should immediately report to the Congress on any issue which arises during the course of such compliance reviews which appears to indicate that any provision of the ABM Treaty may limit research, development, testing, or deployment by the United States of highly effective theater missile defense systems capable of countering modern theater ballistic missiles.

(b) REQUIRED COMPLIANCE REVIEW.—(1) The Secretary of Defense shall review the program for each system and system upgrade specified in paragraph (2), and the system components, to determine whether the development, testing, and deployment of that system or system upgrade complies with the ABM Treaty.

(2) The systems and system upgrades to be reviewed pursuant to paragraph (1) are as follows:

(A) The Patriot Multimode Missile.

(B) The Extended Range Interceptor (ERINT).

(C) The Ground-Based Radar for theater missile defenses (GBR–T).

(D) The Theater High Altitude Area Defense interceptor missile (THAAD).

(E) The Brilliant Eyes space-based sensor system.

(F) Upgrades to the AEGIS/SPY radar system of the Navy.

(G) Upgrades to the Standard Missile–2 (SM–2) interceptor of the Navy.

(c) REPORT REQUIRED.—(1) For each system and system upgrade specified in paragraph (2) of subsection (b), the Secretary shall submit to the congressional defense committees a report on the results of the review required by that subsection. A report may include the results of the reviews of more than one system and system upgrade.

(2) With regard to the Brilliant Eyes space-based sensor, the Secretary shall include in the report findings on each of the following issues:

(A) Would the current baseline configuration of the Brilliant Eyes space-based sensor comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system and its ground-based interceptors at Grand Forks, North Dakota?

(B) If not, can design changes or operational changes be made to the Brilliant Eyes space-based sensor that—

(i) will result in the usability of the sensor in conjunction with the planned ground-based radar system and its ground-based interceptors being in compliance with the ABM Treaty; and

(ii) will not prevent the system from performing its strategic defense missions with a high degree of effectiveness?

(C) If not, can the Brilliant Eyes space-based sensor be made, through design changes or operational changes, for use only with theater missile defense systems and be in compliance with the ABM Treaty?

(D) If so, to what extent would the Brilliant Eyes space-based sensor enhance the capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively?

(d) LIMITATIONS ON FUNDING.—(1) Not more than one-half of the funds reported pursuant to section 227(c) to be allocated for fiscal year 1994 for a system or system upgrade specified in subsection (b)(2) of this section may be obligated for that system or system upgrade, or any of its components, until the Secretary has completed the compliance review of such system or system upgrade required by subsection (b) and has submitted to the congressional defense committees the report on the results of the compliance review of that system or system upgrade as required by subsection (c). The preceding sentence does not apply with respect to the Brilliant Eyes space-based sensor system.

(2) Not more than $50,000,000 may be obligated for the Brilliant Eyes space-based sensor until the Secretary has completed the compliance review of such system required by subsection (b) and has submitted to the congressional defense committees the report required under subsection (c) for that system.

(e) ABM TREATY COMPLIANCE OF THEATER MISSILE DEFENSE SYSTEMS.—The Secretary of Defense has assured the Congress in the January 1993 Report to Congress on the Strategic Defense Initiative and in the June 1993 Report to Congress on the Theater Missile Defense Initiative that all programs, projects, and activities under both initiatives that are planned for execution in fiscal year 1994 fully comply with the ABM Treaty.

(f) DEFINITION.—In this section, the term "ABM Treaty" has the meaning given such term in section 239 of the Missile Defense Act of 1991 (10 U.S.C. 2431 note).

SEC. 224. THEATER MISSILE DEFENSE MASTER PLAN.

(a) MASTER PLAN REQUIRED.—(1) Not later than March 1, 1994, the Secretary of Defense shall submit to Congress a report containing an updated master plan for theater missile defenses.

(2) The plan shall include the following matters:

(A) A description of the mission and scope of theater missile defense.

(B) A description of the role of each of the Armed Forces in theater missile defense and an explanation of how those roles interact and complement each other.

(C) An evaluation of the cost and relative effectiveness of each interceptor and sensor under development as part of a theater missile defense system by the Ballistic Missile Defense Organization.

(D) A detailed acquisition strategy for theater missile defenses, including an analysis and comparison of the projected life-cycle costs of each theater missile defense system intended for production, showing the component costs for—

(i) research, development, test, and evaluation;

(ii) procurement;

(iii) operation and maintenance; and

(iv) personnel for each system.

(E) The baseline production rate for each system for each year of the program through completion of procurement.

(F) An estimate of the unit cost and capabilities of each element.

(G) A description of the current and planned testing program for theater missile defenses, including a description of demonstration targets to be tracked and engaged by multiple interceptors, target discrimination from decoys, and a shoot-look-shoot capability.

(H) A description of how any projected theater missile defense program will conform to existing Anti-Ballistic Missile Treaty and Intermediate Nuclear Forces Treaty regimes, indicating clearly any potential noncompliance with either treaty regime, when such noncompliance would occur, and the position of the Secretary of Defense as to whether provisions of either treaty regime would have to be renegotiated within that regime in order to address future contingencies.

(I) A description of planned theater missile defense doctrine, training, tactics, and force structure.

(b) OBJECTIVES OF PLAN.—In preparing the master plan the Secretary shall—

(1) seek to maximize the use of existing technologies (such as AEGIS, Patriot, and THAAD) rather than develop new systems;

(2) seek to maximize integration and compatibility among the systems, roles, and missions of the military departments; and

(3) seek to promote cross-service use of existing equipment (such as development of Army equipment for the Marine Corps or ground utilization of an air or sea system).

SEC. 225. EXTENSION OF AUTHORITY FOR TRANSFER OF RESPONSIBILITY FOR FAR-TERM FOLLOW-ON TECHNOLOGIES.

Section 234(d)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2357; 10 U.S.C. 2431 note) is amended—

(1) in subparagraph (A)—

(A) by striking out "1993" and inserting in lieu thereof "1994";

(B) by striking out "(A)"; and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(2) by striking out "(B) For purposes of subparagraph (A)," and all that follows.

SEC. 226. REPORT ON ACQUISITION STREAMLINING TO ACCELERATE DEPLOYMENT OF INITIAL ABM SYSTEM.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Missile Defense Act of 1991 (10 U.S.C. 2431 note) calls for the deployment of an ABM Treaty-compliant anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks by ballistic missiles.

(2) That Act directed the Secretary of Defense to structure a development program with the objective of deploying such systems by the earliest date allowed by the availability of appropriate technology and the completion of adequate integrated testing of all systems components.

(3) Since 1983, in excess of $30,000,000,000 has been provided for research and development of ballistic missile defense capabilities.

(4) Notwithstanding this huge expenditure of funds on missile defense technologies, the Secretary of Defense has proposed deployment of such a system no sooner than 2004.

(5) It is incredible that the initial deployment of a limited defense capability requires another 11 years to accomplish within the congressionally mandated guidance.

(b) REVIEW REQUIRED.—The Secretary of Defense shall conduct an intensive and extensive review of opportunities to streamline the weapon systems acquisition process applicable to the development, deployment, and testing of ballistic missile defenses with the objective of reducing the cost of deployment and accelerating the schedule for deployment without significantly increasing programmatic risk or concurrency. In conducting the review, the Secretary shall obtain recommendations and advice from the Defense Science Board, the faculty of the Industrial College of the Armed Forces, and federally funded research and development centers supporting the Office of the Secretary of Defense.

(c) REPORT REQUIRED.—Not later than May 1, 1994, the Secretary shall submit to the congressional defense committees a report on his findings resulting from the review together with his recommendations for legislation, if any. The Secretary shall submit the report in unclassified form, but may also submit a classified version of the report if he considers it necessary to classify any of the information in his findings or recommendations or any related information.

SEC. 227. FUNDING FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1994, or otherwise made available to the Department of Defense for research, development, test and evaluation for fiscal year 1994, not more than $2,684,535,000 may be obligated for programs managed by the Ballistic Missile Defense Organization, of which—

(1) not more than 48 percent of the total amount may be obligated for Theater Missile Defense;

(2) not more than 32 percent of the total amount may be obligated for the Limited Defense System;

(3) not more than 9 percent of the total amount may be obligated for Other Follow-On Systems;

(4) not more than 10 percent of the total amount may be obligated for Research and Other Support Activities; and

(5) not more than 1 percent of the total amount may be obligated for Small Business Innovation Research program and the Small Business Technology Transfer program.

Notwithstanding paragraphs (1), (2), (3), and (4), the Secretary of Defense may obligate for a ballistic missile defense initiative or program element referred to in any such paragraph a total amount that exceeds by not more than 10 percent the maximum amount determined under that paragraph, except that the total amount obligated for all programs managed by the Ballistic Missile Defense Organization may not exceed the total amount authorized in the matter above paragraph (1).

(b) LIMITATION ON NUMBER OF TMD PROGRAMS.—(1) Subject to paragraph (2), the amount authorized to be obligated for Theater Missile Defense may be obligated only for—

(A) the Patriot PAC–3 Missile program;

(B) not more than 2 other lower-tier theater missile defense programs;

(C) not more than 2 upper-tier theater missile defense programs; and

(D) not more than 2 boost-phase intercept theater missile defense programs.

(2) The President may waive the limitation in paragraph (1) to the extent that the President determines appropriate in the national security interest of the United States.

(c) FUNDS NOT TO BE MADE AVAILABLE FOR BRILLIANT EYES.—None of the funds authorized to be obligated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program.

(d) REPORTING REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the ballistic missile defense program for fiscal year 1994. The report shall specify the amount of such funds allocated for each program, project, and activity managed by the Ballistic Missile Defense Organization and shall list each ballistic missile defense program, project, and activity under the appropriate program element.

SEC. 228. TESTING OF NATIONAL MISSILE DEFENSE PROGRAM PROJECTS.

(a) ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS.—No developmental test may be conducted under the limited missile defense program element of the Ballistic Missile Defense Program until the Director of the Ballistic Missile Defense Organization has notified the Secretary of Defense of the test and the Secretary has reviewed and approved (or approved with changes) the test plan.

(b) INDEPENDENT MONITORING OF TESTS.—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (a) by a group composed of independent persons who—

(A) by reason of education, training, or experience, are qualified to monitor the testing covered by the plan; and

(B) are not assigned or detailed to, or otherwise performing duties of, the Ballistic Missile Defense Organization and are otherwise independent of such organization.

(2) The monitoring group shall submit to the Secretary its analysis of, and conclusions regarding, the conduct and results of each test monitored by the group.

Subtitle D—Other Matters

SEC. 231. NUCLEAR TESTING.

(a) LIMITATIONS.—(1) None of the funds appropriated pursuant to an authorization in this or any other Act may be obligated to support underground explosions of nuclear weapons, or devices, for testing of the effects of nuclear weapon explosions, including the so-called "Mighty Uncle" test.

(2) Funds available for the so-called "Mighty Uncle" test may not be obligated until the Secretary of Defense submits to the congressional defense committees a detailed spending plan for underground nuclear weapon testing that is consistent with the provisions of section 507 of Public Law 102-377 (106 Stat. 1343).

(b) CERTAIN ACTIONS AUTHORIZED.—The Secretary of Defense may proceed with underground nuclear test tunnel deactivation and environmental cleanup and may expend funds for infrastructure activities not prohibited by subsection (a).

(c) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201, not more than $38,000,000 may be used for activities described in subsection (b).

(d) TERMINATION OF SAFEGUARD C PROGRAM.—The atmospheric test readiness program known as "Safeguard C" is hereby terminated.

SEC. 232. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVAL MINE COUNTERMEASURES PROGRAM TO THE DIRECTOR, DEFENSE RESEARCH AND ENGINEERING.

Section 216(a) of the National Defense Authorization for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1317) as amended by section 215(l) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2352) is amended by striking out "fiscal years 1994 through 1997" and inserting in lieu thereof "fiscal years 1995 through 1999".

SEC. 233. TERMINATION, REESTABLISHMENT, AND RECONSTITUTION OF AN ADVISORY COUNCIL ON SEMICONDUCTOR TECHNOLOGY.

(a) TERMINATION OF ADVISORY COUNCIL ON FEDERAL PARTICIPATION IN SEMATECH.—The Advisory Council on Federal Participation in Sematech established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) is hereby terminated.

(b) SEMICONDUCTOR TECHNOLOGY COUNCIL.—Section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) is amended by striking out the heading and subsections (a) through (c) and inserting in lieu thereof the following:

"SEC. 273. SEMICONDUCTOR TECHNOLOGY COUNCIL.

"(a) ESTABLISHMENT.—There is established the Semiconductor Technology Council.

"(b) PURPOSES AND FUNCTIONS.—(1) The purposes of the Council are—

"(A) to seek ways to respond to the technology challenges for semiconductors by increasing efficiency, promoting creativity and entrepreneurship, and fostering precompetitive cooperation among industry, government, and academia; and

"(B) to make available judgments, assessments, insights, and recommendations that relate to the opportunities for new research and development efforts and the potential to better rationalize and align on a national basis semiconductor research and development.

"(2) The Council shall—

"(A) advise Sematech and the Secretary of Defense on appropriate technology goals for the research and development activities of Sematech;

"(B) review the technology developments and core technology challenges for semiconductors and explore opportunities for improved coordination among industry, government, and academia;

"(C) exchange views regarding the competitiveness of the semiconductor technology base and new or emerging semiconductor technologies that could affect national economic and security interests;

"(D) exchange and update information and identify overlaps and gaps regarding the efforts of industry, government, and academia in semiconductor research and development;

"(E) assess technology progress relative to the semiconductor technology roadmap;

"(F) make recommendations regarding the scope and content of semiconductor technology development supported by Federal departments and agencies;

"(G) appoint subgroups as necessary in connection with updating and implementing the semiconductor technology roadmap; and

"(H) publish an annual report addressing the semiconductor technology challenges and developments for industry, government, and academia and the relationship among the challenges and developments for each, with particular emphasis on the role of Sematech.

"(c) MEMBERSHIP.—The Council shall be composed of 14 members as follows:

"(1) The Under Secretary of Defense for Acquisition, who shall be Cochairman of the Council.

"(2) The Under Secretary of Energy responsible for science and technology matters.

"(3) The Under Secretary of Commerce for Technology.

"(4) The Director of the Office of Science and Technology Policy.

"(5) The Assistant to the President for Economic Policy.

"(6) The Director of the National Science Foundation.

"(7) Eight members appointed by the President as follows:

"(A) Four individuals who are eminent in the semiconductor device industry, one of whom shall be Cochairman of the Council.

"(B) Two individuals who are eminent in the semiconductor equipment and materials industry.

"(C) One individual who is eminent in the semiconductor user industry.

"(D) One individual who is eminent in an academic institution.".

(c) CONFORMING AMENDMENTS.—Part F of title II of such Act is amended—

(1) in section 271(c) (15 U.S.C. 4601(c)), by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The terms 'Semiconductor Technology Council' and 'Council' mean the advisory council established by section 273.";

(2) in section 272(b)(1)(B) (15 U.S.C. 4602(b)(1)(B)), by striking out "Advisory Council on Federal Participation in Sematech" and inserting in lieu thereof "Semiconductor Technology Council"; and

(3) in section 273 (15 U.S.C. 4603)—

(A) in the first sentence of subsection (d)—

(i) by striking out "(c)(6)" and inserting in lieu thereof "(c)(7)"; and

(ii) by striking out "two shall be appointed for a term of two years" and inserting in lieu thereof "three shall be appointed for a term of two years";

(B) in the first sentence of subsection (e), by striking out "(c)(6)" and inserting in lieu thereof "(c)(7)"; and

(C) in subsection (f), by striking out "Seven members" and inserting in lieu thereof "Nine members".

(d) AUTHORITY TO CALL MEETING.—Section 273(g) of such Act (15 U.S.C. 4603(g)) is amended by striking out "the Chairman or a majority of its members" and inserting in lieu thereof "a Cochairman".

(e) SOURCE OF SUPPORT FOR SEMATECH.—Section 273 of such Act (22 U.S.C. 4603) is amended by adding at the end the following new subsection:

"(j) SUPPORT FOR COUNCIL.—The Council shall utilize Sematech as needed for general and administrative support in accomplishing the Council's purposes.".

(f) FIRST MEETING OF NEW COUNCIL.—The first meeting of the Semiconductor Technology Council shall be held not later than 45 days after the date of the enactment of this Act.

(g) REFERENCE TO COUNCIL.—A reference in any provision of law to the Advisory Council on Federal Participation in Sematech shall be deemed to refer to the Semiconductor Technology Council established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989, as amended by subsection (b).

SEC. 234. AUTHORITY TO ACQUIRE NAVY LARGE CAVITATION CHANNEL, MEMPHIS, TENNESSEE.

(a) AUTHORITY TO ACQUIRE.—The Secretary of the Navy may acquire all right, title, and interest of any party in and to a parcel of real property, including improvements thereon, consisting of approximately 88 acres and located on President's Island, Memphis, Tennessee, the site of the Navy Large Cavitation Channel.

(b) FUNDING.—To the extent provided in appropriations Acts, amounts appropriated pursuant to section 201(2) for the Navy shall be available for the acquisition of real property authorized under subsection (a).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be acquired under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the acquisition under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 235. STRATEGIC ENVIRONMENTAL RESEARCH COUNCIL.

(a) MEMBERSHIP.—Section 2902(b) of title 10, United States Code, is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2), (3), and (4), as paragraphs (1), (2), and (3), respectively;

(3) by inserting after paragraph (3), as so redesignated, the following new paragraph (4):

"(4) The Deputy Under Secretary of Defense responsible for environmental security."; and

(4) by striking out paragraph (6) and inserting in lieu thereof the following new paragraph (6):

"(6) The Assistant Secretary of Energy responsible for environmental restoration and waste management.".

(b) EXTENSION OF AUTHORITY TO ESTABLISH EMPLOYEE PAY RATES.—Section 2903(d)(2) of title 10, United States Code, is amended by striking out "November 5, 1992" and inserting in lieu thereof "September 30, 1995".

SEC. 236. SENSE OF THE SENATE ON METALCASTING INDUSTRY.

It is the Sense of the Senate that—

(1) The health and viability of the metalcasting industry of the United States are a serious risk, and

(2) The Secretary of Defense should seriously consider providing funds, from within the funds made available pursuant to section 204, for metalcasting industry research and development activities, including the following activities:

(A) Development of casting technologies and techniques.

(B) Improvement of technology transfer within the metalcasting industry in the United States.

(C) Improvement of training for the metalcasting industry workforce.

SEC. 237. INTERIM RECONNAISSANCE PROGRAM.

(a) Of the funds authorized to be appropriated in section 201 for the Joint Program Office for Unmanned Aerial Vehicles, up to $40,000,000 may be obligated and expended for the purposes of initiating a long-endurance, unmanned reconnaissance aerial vehicle program, subject to the conditions outlined in subsection (b) and subsection (c).

(b) The funds may be obligated only to procure, integrate, test and evaluate non-development airframes, sensors, communication equipment, mission planning equipment and ground stations.

(c) None of the funds may be obligated until the Department identifies the programs within the jurisdiction of the Joint Program Office that will be terminated or deferred, consistent with normal reprogramming procedures.

Subtitle E—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction

SEC. 241. SHORT TITLE.

This subtitle may be cited as the "Prevention and Control of the Proliferation of Weapons of Mass Destruction Act of 1993".

SEC. 242. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should have the ability to counter effectively potential threats to United States interests that arise from the proliferation of such weapons;

(2) the Department of Defense, the Department of Energy, and the Intelligence Community have an important role in preventing the proliferation of weapons of mass destruction and dealing with the consequences of any proliferation of such weapons;

(3) the Department of Defense, the Department of Energy, and the Intelligence Community have unique capabilities and expertise that can enhance the effectiveness of United States and international nonproliferation efforts, including capabilities and expertise regarding—

(A) detection and monitoring of proliferation of weapons of mass destruction;

(B) development of effective export control regimes;

(C) interdiction and destruction of weapons of mass destruction and related weapons material; and

(D) carrying out international monitoring and inspection regimes that relate to proliferation of such weapons and material;

(4) the Department of Defense, the Department of Energy, and the Intelligence Community have unique capabilities and expertise that directly contribute to the ability of the United States to implement United States policy to counter effectively the threats that arise from the proliferation of weapons of mass destruction, including capabilities and expertise regarding—

(A) responses to terrorism, theft, or accidents involving weapons of mass destruction;

(B) conduct of intrusive international inspections for verification of arms control treaties;

(C) direct and discrete counterproliferation actions that require use of force; and

(D) development and deployment of active military countermeasures and protective measures against threats resulting from arms proliferation, including defenses against ballistic missile attacks; and

(5) in a manner consistent with the nonproliferation policy of the United States, the Department of Defense, the Department of Energy, and the Intelligence Community should continue to maintain and improve their capabilities to identify, monitor, and respond to the proliferation of weapons of mass destruction and delivery systems for such weapons.

SEC. 243. JOINT COMMITTEE FOR REVIEW OF NONPROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) ESTABLISHMENT.—(1) In support of the nonproliferation policy of the United States, there is hereby established a Non-Proliferation Program Review Committee composed of the following members:

(A) The Secretary of Defense.

(B) The Secretary of Energy.

(C) The Director of Central Intelligence.

(D) The Director of the United States Arms Control Disarmament Agency.

(E) The Chairman of the Joint Chiefs of Staff.

(2) The Secretary of Defense shall chair the committee.

(3) A member of the committee may designate a representative to perform routinely the duties of the member. A representative shall be in a position of Deputy Assistant Secretary or a position equivalent to or above the level of Deputy Assistant Secretary. A representative of the Chairman of the Joint Chiefs of Staff shall be a person in a grade equivalent to that of Deputy Assistant Secretary of Defense.

(4) The Secretary of Defense may delegate to the Under Secretary of Defense for Acquisition the performance of the duties of the Chairman of the committee.

(5) The members of the committee shall first meet not later than 30 days after the date of the enactment of this Act. Upon designation of working level officials and representatives, the members of the committee shall jointly notify the appropriate committees of Congress that the committee has been constituted. The notification shall identify the representatives designated pursuant to paragraph (3) and the working level officials of the committee.

(b) PURPOSES OF THE COMMITTEE.—The purposes of the committee are as follows:

(1) To optimize funding for, and ensure the development and deployment of—

(A) highly effective technologies and capabilities for the detection, monitoring, collection, processing, analysis, and dissemination of information in support of United States nonproliferation policy; and

(B) disabling technologies in support of such policy.

(2) To identify and eliminate undesirable redundancies or uncoordinated efforts in the development and deployment of such technologies and capabilities.

(c) DUTIES.—The committee shall—

(1) identify and review existing and proposed capabilities (including counterproliferation capabilities) and technologies for support of United States nonproliferation policy with regard to—

(A) intelligence;

(B) battlefield surveillance;

(C) passive defenses;

(D) active defenses;

(E) counterforce capabilities;

(F) inspection support; and

(G) support of export control programs;

(2) as part of the review pursuant to paragraph (1), review all directed energy and laser programs for detecting, characterizing, or interdicting weapons of mass destruction, their delivery platforms, or other orbiting platforms with a view to the elimination of redundancy and the optimization of funding for the systems not eliminated;

(3) prescribe requirements and priorities for the development and deployment of highly effective capabilities and technologies to support fully the nonproliferation policy of the United States;

(4) identify deficiencies in existing capabilities and technologies;

(5) formulate near-term, mid-term, and long-term programmatic options for meeting requirements established by the committee and eliminating deficiencies identified by the committee; and

(6) in carrying out the other duties of the committee, ensure that all types of counterproliferation actions are considered.

(d) ACCESS TO INFORMATION.—The committee shall have access to information on all programs, projects, and activities of the Department of Defense, Department of Energy, and the intelligence community that are pertinent to the purposes and duties of the committee.

(e) BUDGET RECOMMENDATIONS.—The committee may submit to the officials referred to in subsection (a) any recommendations regarding existing or planned budgets as the committee considers appropriate to encourage funding for capabilities and technologies at the level necessary to support United States nonproliferation policy.

SEC. 244. REPORT ON NONPROLIFERATION AND COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 1994, the Secretary of Defense shall submit to Congress a report on the findings of the committee on nonproliferation activities established pursuant to section 243.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) A complete list, by program, of the existing, planned, and proposed capabilities and technologies reviewed by the committee, including all directed energy and laser programs reviewed pursuant to section 243(c)(2).

(2) A complete description of the requirements and priorities established by the committee.

(3) A comprehensive discussion of the near-term, mid-term, and long-term programmatic options formulated by the committee for meeting requirements prescribed by the committee and eliminating deficiencies identified by the committee, including the annual funding requirements and completion dates established for each such option.

(4) An explanation of the recommendations made pursuant section 243(e) and a full discussion of the actions taken on such recommendations, including the actions taken to implement the recommendations.

(5) A discussion of the existing and planned capabilities of the Armed Forces of the United States—

(A) to detect and monitor clandestine programs for the acquisition or production of weapons of mass destruction;

(B) to respond to terrorism or accidents involving such weapons and thefts of materials related to any weapon of mass destruction; and

(C) to assist in the interdiction and destruction of weapons of mass destruction, related weapons materials, and advanced conventional weapons.

(6) A description of—

(A) the extent to which the Secretary of Defense has incorporated nonproliferation and counterproliferation missions into the overall missions of the unified combatant commands; and

(B) how the special operations command established pursuant to section 167(a) of title 10, United States Code, might support the commanders of the other unified combatant commands and the commanders of the specified combatant commands in the performance of such overall missions.

(c) FORMS OF REPORT.—The report shall be submitted in both unclassified and classified forms, as appropriate.

SEC. 245. DEFINITIONS.

In this subtitle:

(1) The term "appropriate congressional committees" means the following:

(A) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $15,194,036,000.

(2) For the Navy, $19,081,792,000.

(3) For the Marine Corps, $1,790,489,000.

(4) For the Air Force, $18,932,246,000.

(5) For Defense Agencies $9,523,283,000.

(6) For the Defense Health Program, $9,303,447,000.

(7) For the Army Reserve, $1,096,190,000.

(8) For the Naval Reserve, $782,800,000.

(9) For the Marine Corps Reserve, $83,100,000.

(10) For the Air Force Reserve, $1,356,078,000.

(11) For the Army National Guard, $2,216,944,000.

(12) For the Air National Guard, $2,717,733,000.

(13) For the National Board for the Promotion of Rifle Practice, $2,483,000.

(14) For the Defense Inspector General, $127,001,000.

(15) For Drug Interdiction and Counter-Drug Activities, Defense-wide, $1,168,200,000.

(16) For the Court of Military Appeals, $6,055,000.

(17) For Environmental Restoration, Defense, $2,369,400,000.

(18) For Humanitarian Assistance, $48,000,000.

(19) For support for the 1996 Summer Olympics, $2,000,000.

(20) For support for the 1994 World Cup Games, $12,000,000.

(21) For Former Soviet Union Threat Reduction, $400,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

There is hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Business Operations Fund, $1,161,095,000.

SEC. 303. FUNDING NATIONAL DEFENSE STRATEGIC LIFT REQUIREMENTS.

(a) RENAMING FUND.—Section 2218 of title 10, United States Code, is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"§ 2218. National Defense Strategic Lift Fund";

and

(2) by striking out "National Defense Strategic Sealift Fund" each time it appears and inserting in lieu thereof "National Defense Strategic Lift Fund".

(b) FUND PURPOSES.—Subsection (c)(1) of such section is amended—

(1) by striking out "and" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) construction, purchase, alteration, and conversion of Department of Defense strategic airlift aircraft.".

(c) DEPOSITS IN THE FUND.—Subsection (d)(1) of such section is amended—

(1) by striking out "and" at the end of subparagraph (C);"

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) construction, purchase, alteration, and conversion of Department of Defense strategic airlift aircraft.".

(d) CONTENT OF BUDGET REQUESTS.—Subsection (h) of such section is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the amount requested for programs, projects, and activities for construction, purchase, alteration, and conversion of Department of Defense strategic airlift aircraft.".

(e) STRATEGIC AIRLIFT AIRCRAFT DEFINED.—Subsection (k) of such section is amended by adding at the end the following new paragraph:

"(4) The term 'strategic airlift aircraft' means any cargo aircraft owned, operated, controlled, or chartered by the Department of Defense that has intercontinental range.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Department of Defense for the National Defense Strategic Lift Fund in the amount of $2,669,100,000.

SEC. 304. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1994 from the Armed Forces Retirement Home Trust Fund the sum of $61,918,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 305. NATIONAL SECURITY EDUCATION TRUST FUND OBLIGATIONS.

During fiscal year 1994, $24,000,000 is authorized to be obligated from the National Security Education Trust Fund established by section 804(a) of the David L. Boren National Security Education Act of 1991 (Public Law 102–183; 50 U.S.C. 1904(a)).

SEC. 306. TRANSFER AUTHORITY.

(a) AUTHORITY.—The Secretary of Defense, to the extent provided in appropriations Acts, may transfer funds as provided in this section during fiscal year 1994. Funds so transferred are in addition to the funds authorized to be appropriated in section 301.

(b) FROM THE DEFENSE BUSINESS OPERATIONS FUND.—(1) Subject to paragraph (2), not more than $3,035,300,000 may be transferred from the Defense Business Operations Fund to appropriations for operations and maintenance for fiscal year 1994 in amounts as follows:

(A) For the Army, $880,200,000.

(B) For the Navy, $1,092,700,000.

(C) For the Marine Corps, $121,000,000.

(D) For the Air Force, $941,400,000.

(2) Amounts may be transferred under this subsection only to the extent that the Fund contains cash balances sufficient for such transfers.

(c) FROM THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.—Not more than $500,000,000 may be transferred from the National Defense Stockpile Transaction Fund to appropriations for operation and maintenance for fiscal year 1994 in amounts as follows:

(1) For the Army, $150,000,000.

(2) For the Navy, $150,000,000.

(3) For the Air Force, $200,000,000.

(d) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with and be available for the same purposes and the same period as the amounts in the accounts to which transferred;

(2) shall be deemed to increase the amount authorized to be appropriated for the account to which the amount is transferred by an amount equal to the amount transferred; and

(3) may not be expended for an item that has been denied authorization of appropriations by Congress.

(e) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—An increase under subsection (d)(2) in an amount authorized to be appropriated is in addition to an increase in that amount that results from a transfer of an authorization of appropriations pursuant to section 1001.

(f) RELATIONSHIP TO APPROPRIATED FUNDS.—Funds made available by transfer under this section shall be in addition to funds made available pursuant to an authorization of appropriations in section 301.

SEC. 307. FUNDS FOR CLEARING LANDMINES.

Of the funds authorized to be appropriated in section 301, not more than $10,000,000 is authorized for activities to support the clearing of landmines for humanitarian purposes (as determined by the Secretary of Defense), including the clearing of landmines in areas in which refugee repatriation programs are on-going.

Subtitle B—Defense Business Operations Fund

SEC. 311. EXTENSION OF AUTHORITY FOR USE OF THE DEFENSE BUSINESS OPERATIONS FUND.

Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 2208 note) is amended by striking out "April 15, 1994" and inserting in lieu thereof "December 31, 1994".

SEC. 312. IMPLEMENTATION OF THE DEFENSE BUSINESS OPERATIONS FUND.

Section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 2208 note) is amended by striking out subsections (d), (e), and (f) and inserting in lieu thereof the following new subsections:

"(d) COMPREHENSIVE MANAGEMENT PLAN.—(1) Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, the Secretary of Defense shall submit to the congressional defense committees a comprehensive management plan for the Defense Business Operations Fund. The Secretary shall identify in the plan the actions the Department of Defense will take to improve the implementation and operation of the Defense Business Operations Fund.

"(2)(A) The plan should also include the following matters:

"(i) The specific tasks to be performed to address the serious shortcomings that exist in the Fund's implementation and operation.

"(ii) Milestones for starting and completing each task.

"(iii) A statement of the resources needed to complete each task.

"(iv) The specific organizations within the Department of Defense that are responsible for accomplishing each task.

"(v) Department of Defense plans to monitor the implementation of all corrective actions.

"(B) The plan should also address the following specific areas:

"(i) The management and organizational structure of the Fund.

"(ii) The development and implementation of the policies and procedures, including internal controls, applicable to the Fund.

"(iii) Management reporting, including financial and operational reporting.

"(iv) Accuracy and reliability of cost accounting data.

"(v) Development and use of performance indicators to measure the efficiency and effectiveness of Fund operations.

"(vi) The status of efforts to develop and implement new financial systems for the Fund.

"(e) PROGRESS REPORT ON IMPLEMENTATION.—Not later than February 1, 1994, the Secretary of Defense shall submit to the Congress a report on the progress made in implementing the comprehensive management plan required by subsection (d). The report should describe the progress made in reaching the milestones established in the plan and provide an explanation for the failure to meet any of the milestones. The Secretary shall submit a copy of the report to the Comptroller General of the United States at the same time that he submits the report to Congress.

"(f) RESPONSIBILITIES OF THE COMPTROLLER GENERAL.—(1) The Comptroller General of the United States shall monitor and evaluate the progress of the Department of Defense in developing and implementing the comprehensive management plan required by subsection (d).

"(2) Not later than March 1, 1994, the Comptroller General shall submit to the Congress a report containing the following:

"(A) The findings and conclusions of the Comptroller General resulting from the monitoring and evaluation conducted under paragraph (1).

"(B) An evaluation of the progress report submitted to Congress by the Secretary of Defense pursuant to subsection (e).

"(C) Any recommendations for legislation or administrative action concerning the Fund that the Comptroller General considers appropriate.".

SEC. 313. LIMITATION ON OBLIGATIONS AGAINST THE DEFENSE BUSINESS OPERATIONS FUND.

(a) LIMITATION.—(1) The Secretary of Defense may not incur obligations against the supply management divisions of the Defense Business Operations Fund of the Department of Defense during fiscal year 1994 in a total amount in excess of 65 percent of the total amount derived from sales from such divisions during that fiscal year.

(2) For purposes of determining the amount of obligations incurred against, and sales from, such divisions during fiscal year 1994, the Secretary shall exclude obligations and sales for fuel, commissary and subsistence items, retail operations, repair of equipment, and the cost of operations.

(b) EXCEPTION.—The Secretary of Defense may waive the limitation described in subsection (a) if the Secretary determines that such waiver is necessary in order to maintain the readiness and combat effectiveness of the Armed Forces. The Secretary shall immediately notify Congress of any such waiver and the reasons for such waiver.

Subtitle C—Environmental Provisions

SEC. 321. AUTHORITY FOR MILITARY DEPARTMENTS TO PARTICIPATE IN WATER CONSERVATION PROGRAMS.

(a) AUTHORITY.—Chapter 169 of title 10, United States Code, is amended by adding at the end the following:

"§ 2866. Water conservation at military installations

"(a) WATER CONSERVATION ACTIVITIES.—(1) The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by any water utility for the management of water or for water conservation.

"(2) The Secretary of Defense may authorize any military installation to accept any financial incentive (including an agreement to reduce the amount of a future water bill), goods, or services generally available from a water utility to adopt technologies and practices that the Secretary determines are cost effective for the Federal Government.

"(3) Subject to paragraph (4), the Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into agreements with water utilities to design and implement cost-effective demand and conservation incentive programs (including water management services, facilities, alterations, and the installation and maintenance of water saving devices and technologies by the utilities) to address the requirements and circumstances of the installation.

"(4)(A) If an agreement under paragraph (3) provides for the utility to advance financing costs for the design or implementation of a program referred to in that paragraph to be repayed by the United States, the cost of such advance may be recovered by the utility under terms no less favorable than those applicable to its most favored customer.

"(B) Subject to the availability of appropriations, repayment of costs advanced under subparagraph (A) shall be made from funds available to a military department for the purchase of utility services.

"(C) An agreement under paragraph (3) shall provide that title to any water-saving device or technology installed at a military installation pursuant to the agreement shall vest in the United States. Such title may vest at such time during the term of the agreement, or upon expiration of the agreement, as determined to be in the best interests of the United States.

"(b) USE OF WATER COST SAVINGS.—Water cost savings realized under this section shall be utilized in accordance with section 2865(b) of this title.

"(c) WATER CONSERVATION CONSTRUCTION PROJECTS.—(1) The Secretary of Defense may carry out a military construction project for water conservation, not previously authorized, using funds appropriated or otherwise made available for water conservation.

"(2) Section 2865(e)(2) of this title shall apply to a project to be carried out under the authority of paragraph (1).

"(d) DEFINITION.—In this section, the term 'water utility' means any publicly or privately owned entity (including a municipal or regional authority or water district) that delivers potable water to a military installation through a transmission or distribution system.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2866. Water conservation at military installations.".

SEC. 322. CLARIFICATION OF AUTHORITY FOR ENERGY CONSERVATION PROGRAMS AT MILITARY INSTALLATIONS.

(a) USE OF SAVINGS.—Subsection (b)(2) of section 2865 of title 10, United States Code, is amended to read as follows:

"(2) Of the total amount that remains available for obligation under paragraph (1) and section 2866(b) of this title—

"(A) one-half of such amount shall be used for the implementation of additional energy conservation measures and for water conservation activities at such buildings, facilities, or installations of the Department of Defense as may be designated (in accordance with regulations which the Secretary of Defense shall prescribe) by the head of the department, agency, or instrumentality that realized the savings referred to in paragraph (1) or referred to in section 2866(b) of this title; and

"(B) one-half of such amount shall be allocated among the installations that realized such savings in the same proportions as such savings were realized at such installations and the amount so allocated to an installation shall be utilized at such installation for—

"(i) improvements to existing military family housing units;

"(ii) any unspecified minor construction project that will enhance the quality of life of personnel; or

"(iii) any morale, welfare, or recreation facility or service.".

(b) COVERED UTILITIES.—Subsection (d) of such section 2865 is amended by adding at the end the following:

"(5) In this subsection, the terms 'gas utility' and 'electric utility' mean any publicly or privately owned entity (including a municipal or regional authority or Federal power marketing agency) that deliver natural gas or electricity, respectively, to a military installation through a transmission or distribution system.".

SEC. 323. CLARIFICATION OF FUNDING FOR ENVIRONMENTAL RESTORATION ACTIVITIES AT INSTALLATIONS TO BE CLOSED OR REALIGNED.

Section 2906(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) by inserting "(1)" before "Except for";

(2) in paragraph (1), as so designated, by inserting "and except as provided in paragraph (2)" in the first sentence after "subsection (a)"; and

(3) by adding at the end the following:

"(2) Funds in the Defense Environmental Restoration Account established under section 2703(a) of title 10, United States Code, may be used for obligations incurred for purposes described in section 2905(a)(1)(C)—

"(A) in fiscal year 1994 for installations approved for closure or realignment under this part in 1993; and

"(B) in fiscal year 1996 for installations approved for closure or realignment under this part in 1995.".

SEC. 324. ANNUAL REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) Report on Implementation of Programs.—Paragraph (2) of section 2706(a) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraphs (C) and (D):

"(C) The estimated cost of carrying out response actions at each facility on the National Priorities List for each of the 5 fiscal years following the fiscal year in which the report is submitted.

"(D) The costs incurred for response actions at each facility on the National Priorities List during the fiscal year preceding the fiscal year in which the report is filed."; and

(3) by adding at the end the following:

"(F) The estimated cost of carrying out response actions at facilities other than facilities on the National Priorities List for each of the 5 fiscal years following the fiscal year in which the report is submitted.".

(b) Timing of Report.—Such section 2706(a) is further amended by adding at the end the following:

"(3) The Secretary shall submit the annual report required under this subsection no later than April 15 of each year.".

SEC. 325. EXTENSION OF PERIOD OF APPLICABILITY OF REQUIREMENT FOR REIMBURSEMENT OF THE FEDERAL GOVERNMENT FOR CERTAIN LIABILITIES ARISING UNDER CONTRACTS RELATING TO HAZARDOUS WASTE.

Section 2708(b)(1) of title 10, United States Code, by striking out "and 1993" and inserting in lieu thereof "through 1996".

SEC. 326. PROHIBITION ON THE PURCHASE OF SURETY BONDS AND OTHER GUARANTIES FOR THE DEPARTMENT OF DEFENSE.

No funds appropriated or otherwise made available to the Department of Defense for fiscal year 1994 may be obligated or expended for the purchase of surety bonds or other guaranties of financial responsibility in order to guarantee the performance of any direct function of the Department of Defense.

SEC. 327. CLARIFICATION OF SCOPE OF INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTY.

(a) Indemnification for Petroleum Products.—Subsection (a)(1) of section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2687 note) is amended by striking out "or pollutant or contaminant" and inserting in lieu thereof ", pollutant or contaminant, any petroleum product, or any other derivative of petroleum".

(b) Activities Subject To Indemnification.—Such subsection (a)(1) is further amended by inserting "(including defense activities carried out by a contractor or subcontractor under a contract with the Department of Defense or a military department)" after "Department of Defense activities".

(c) State Ownership or Control.—Subsection (a)(2)(A) of such section is amended by inserting "(including a leasehold interest)" after "or control".

(d) Relationship to Other Authorities.—Subsection (e) of such section is amended—

(1) by striking out "Relationship to Other Law.—" and inserting in lieu thereof "Relationship to Existing Law and Contracts.—"; and

(2) by striking out "in any way" and inserting in lieu thereof "in any way—

"(1) section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), any other provision of law, or any regulation; or

"(2) any provision of a contract of the Department of Defense or a military department, or any provision of a subcontract under such a contract, that provides the Department of Defense or the military department with a right of contribution against the contractor or subcontractor, as the case may be.".

SEC. 328. SHIPBOARD PLASTIC AND SOLID WASTE CONTROL.

(a) Short Title.—This section may be cited as the "Act to Prevent Pollution from Ships Amendments of 1993".

(b) Deadline for Compliance by Ships Owned or Operated by the Department of the Navy with Certain Pollution Control Conventions.—Subsection (b)(2)(A) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902) is amended by striking out "after 5 years" and all that follows and inserting in lieu thereof ", subject to subsection (f) of this section, as follows:

"(i) After December 31, 1993, to all ships referred to in paragraph (1)(A) of this subsection other than those owned or operated by the Department of the Navy.

"(ii) Except as provided in subsection (c) of this section, after December 31, 1998, to all ships referred to in paragraph (1)(A) of this subsection other than submersibles owned or operated by the Department of the Navy when such submersibles are engaged in noncommercial service.

"(iii) Except as provided in subsection (c) of this section, after December 31, 2008, to all ships referred to in paragraph (1)(A) of this subsection.".

(c) Special Area Discharges.—Section 3 of such Act is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) Discharges in Special Areas.—(1) Not later than December 31, 2000, all surface vessels owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V of the Convention.

"(2) Not later than 3 years after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy, shall, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, submit to the Congress a plan for the compliance by all vessels owned or operated by the Department of the Navy with the requirements set forth in paragraph (1) of this subsection. Such plan shall be submitted after opportunity for public participation in its preparation, and for public review and comment.

"(3) If the Navy plan for compliance demonstrates that compliance with the requirements set forth in paragraph (1) of this subsection is not technologically feasible in the case of certain vessels under certain circumstances, the plan shall include information describing—

"(A) the ships for which full compliance with the requirements of paragraph (1) of this subsection is not technologically feasible;

"(B) the technical and operational impediments to achieving such compliance;

"(C) a proposed alternative schedule for achieving such compliance as rapidly as is technologically feasible; and

"(D) such other information as the Secretary of the Navy considers relevant and appropriate.

"(4) Upon receipt of the compliance plan under paragraph (2) of this subsection, the Congress may modify the applicability of paragraph (1) of this subsection, as appropriate.".

(d) Compliance Measures.—Such section 3 is amended by inserting after subsection (d), as redesignated by subsection (c)(1), the following new subsection:

"(e) Compliance by Excluded Vessels.—(1) The Secretary of the Navy shall develop and, as appropriate, support the development of technologies and practices for solid waste management aboard ships owned or operated by the Department of the Navy, including technologies and practices for the reduction of the waste stream generated aboard such ships, that are necessary to ensure the compliance of such ships with Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1) of this section.

"(2) Notwithstanding any effective date of the application of this section to a ship, the provisions of Annex V of the Convention with respect to the disposal of plastic shall apply to ships equipped with plastic processors required for the long-term collection and storage of plastic aboard ships of the Navy upon the installation of such processors in such ships.

"(3)(A) Within 12 months after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy shall promulgate regulations applicable to ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy. The regulations shall be consistent with operational requirements of such ships and shall be revised from time to time in accordance with this subsection.

"(B) The regulations promulgated under subparagraph (A) of this paragraph shall include the following requirements:

"(i) That compacted trash discharged from submersibles be negatively buoyant and contain the minimum amount practicable of plastic.

"(ii) That plastics contaminated by substances other than food not be discharged overboard from any ship during the last 20 days before the ship enters port.

"(iii) That plastics contaminated by food not be discharged overboard from any ship during the last 3 days before the ship enters port.

"(4)(A) The Secretary of Defense shall publish in the Federal Register a report setting forth the names of ships provided with equipment enabling such ships to comply with Annex V to the Convention and describing the amount and nature of the discharges in special areas during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy. ".

(e) WAIVER AUTHORITY.—Such section 3, as amended by subsection (d), is further amended by inserting after subsection (e) the following new subsection:

"(f) WAIVER AUTHORITY.—The President may waive the effective dates of the requirements set forth in subsections (b)(2)(A) and (c) of this section and in subsection (f) of the Act to Prevent Pollution from Ships Amendments of 1993 if the President determines it to be in the paramount interest of the United States to do so. Any such waiver shall be for a period not in excess of 1 year. The President shall submit a report to the Congress each January on all waivers from the requirements of this section granted during the preceding calendar year, together with the reasons for granting such waivers.".

(f) OTHER ACTIONS.—(1) Not later than October 1, 1994, the Secretary of the Navy shall release a request for proposals for equipment (hereinafter in this subsection referred to as "plastics processor") required for the long-term collection and storage of plastic aboard ships of the Navy.

(2) Not later than July 1, 1996, the Secretary shall install the first production unit of the plastics processor on board a Navy ship.

(3) Not later than July 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 50 percent of the ships of the Navy that require such processors in order to comply with the provisions of section 3 of the Act to Prevent Pollution from Ships, as amended by subsections (b), (c), and (d) of this section.

(4) Not later than July 1, 1998, the Secretary shall complete the installation of plastics processors on board not less than 75 percent of the ships of the Navy that require such processors in order to comply with such provisions.

(5) Not later than December 31, 1998, the Secretary shall complete the installation of plastics processors on board all ships of the Navy that require such processors in order to comply with such provisions.

(g) DEFINITION.—Section 1(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)) is amended by adding at the end the following:

"(10) 'submersible' means a submarine, or any other vessel designed to operate under water.".

Subtitle D—Other Matters

SEC. 331. REPEAL OF AN EXCEPTION TO A LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

Section 2466(a) of title 10, United States Code, is amended—

(1) by striking out paragraph (2); and

(2) in paragraph (1), by striking out "(1) Except as provided in paragraph (2), the" and inserting in lieu thereof "The".

SEC. 332. MAINTENANCE AND REPAIR OF PACIFIC BATTLE MONUMENTS.

(a) AUTHORITY.—The Commandant of the Marine Corps may perform necessary minor maintenance and repairs of Pacific battle monuments until, by agreement between the Commandant and the Secretary of the American Battle Monuments Commission, the American Battle Monuments Commission undertakes the responsibility for maintenance and repair of such battle monuments.

(b) FUNDING.—(1) In each fiscal year that the Commandant performs maintenance and repair activities pursuant to the authority in subsection (a), the Commandant may expend for such activities not more than $15,000 of the amount made available to the Marine Corps for such fiscal year for operation and maintenance.

(2) Of the amounts available to the Marine Corps for fiscal year 1993 for operation and maintenance, $150,000 may, to the extent provided in appropriations Acts, be made available for the repair and relocation of a monument located on Iwo Jima that commemorates the sacrifice of American military personnel during World War II.

(c) DEFINITION.—In this section, the term "Pacific battle monument" means a monument on an island in the Pacific Ocean that commemorates combat actions of any of the Armed Forces.

SEC. 333. PURCHASE OF ITEMS NOT EXCEEDING $100,000.

Funds appropriated pursuant to the authorization of appropriations in section 301 may be used to purchase items not exceeding $100,000 for each item.

SEC. 334. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

SEC. 335. CONTRACTS TO PERFORM WORKLOADS PREVIOUSLY PERFORMED BY DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

Section 2469 of title 10, United States Code, is amended—

(1) by inserting "(a) REQUIREMENT FOR COMPETITION.—" before "The Secretary of Defense";

(2) by striking out "threshold";

(3) by striking out "unless" and all that follows and inserting in lieu thereof "to performance by a contractor unless the Secretary uses competitive procedures for the selection of the contractor to perform such workload."; and

(4) by adding at the end the following new subsection:

"(b) INAPPLICABILITY OF OMB CIRCULAR A-76.—Office of Management and Budget Circular A-76 does not apply to a performance change to which subsection (a) applies.".

SEC. 336. PROMOTION OF CIVILIAN MARKSMANSHIP.

Section 4308(c) of title 10, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, such amounts shall remain available until expended.".

SEC. 337. AMENDMENTS REGARDING PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) AGREEMENT WITH DISTRICT OF COLUMBIA.—Section 376 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2386; 32 U.S.C. 501 note) is amended by adding at the end of subsection (a) the following: "In the case of an agreement with the District of Columbia, the agreement shall be with the commanding general of the District of Columbia National Guard.".

(b) NATIONAL GUARD TRAINING AUTHORIZED TO INCLUDE THE PROVISION OF HEALTH CARE.—Section 376 of such Act is amended by striking out subsection (b) and inserting in lieu thereof the following new subsection (b):

"(b) TRAINING AUTHORIZED TO INCLUDE PROVISION OF HEALTH CARE.—Training conducted pursuant to section 270 of title 10, United States Code, and section 502 of title 32, United States Code, may include, as an activity conducted in the course of and incident to required or additional National Guard training, the provision of health care under an agreement entered into pursuant to subsection (a).".

(c) FUNDING, SAVINGS, AND DEFINITION PROVISIONS.—Section 376 of such Act is amended—

(1) by redesignating subsection (f) as subsection (i); and

(2) by inserting after subsection (e) the following new subsections:

"(f) FUNDING AND USE OF OTHER RESOURCES.—Funds appropriated for operation and maintenance of the National Guard may be used for supplies and equipment necessary for the provision of health care to medically underserved communities under an agreement entered into pursuant to subsection (a). Supplies and equipment furnished by a State, a department or agency of the Federal Government, or any private organization or individual may also be used for the provision of health care to medically underserved communities under such an agreement.

"(g) RETIREMENT CREDIT FOR FISCAL YEAR 1993 SERVICE.—Service under an agreement entered into pursuant to subsection (a) that was performed by National Guard personnel before October 1, 1993 (the effective date of an amendment of subsection (b) to clarify the status of service under such an agreement as training), shall be counted as service under section 502 of title 32, United States Code, for the purpose of computing years of service for entitlement to retired pay under subparagraph (A) or (B) of section 1332(a)(2) of title 10, United States Code.

"(h) DEFINITIONS.—In this section:

"(1) The term 'health care' includes medical and dental care services.

"(2) The term 'State' includes the Commonwealth of Puerto Rico, a territory (as defined in section 101(1) of title 32, United States Code), and the District of Columbia.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

SEC. 338. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Section 386(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2395; 20 U.S.C. 238 note) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) there has been a significant increase, as determined by the Secretary of Defense, in the number of military dependent students in average daily attendance in the schools of that agency as a result of a relocation of Armed Forces personnel or civilian employees of the Department of Defense or as a result of a realignment of one or more military installations; or"; and

(4) in paragraph (3), as redesignated by paragraph (2), by inserting "or (2)" before the period at the end.

(b) TECHNICAL CORRECTION.—Section 386 of such Act is amended by—

(1) by redesignating the second subsection (e), relating to definitions, as subsection (h); and

(2) by transferring such subsection, as so redesignated, to the end of such section.

(c) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by subsections (a) and (b) shall take effect as of October 23, 1992, as if section 386 of Public Law 102–484 had been enacted as amended by such subsections.

(d) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 301(5)—

(1) $50,000,000 shall be available for providing assistance to local educational agencies under subsection (b) of section 386 of Public Law 102–484; and

(2) $8,000,000 shall be available for making payments to local educational agencies under subsection (d) of such section.

(e) NOTIFICATION AND DISBURSAL.—(1) The Secretary shall notify on or before June 30, 1994, each local educational agency eligible for assistance under subsections (b) and (d) of section 386 of Public Law 102–484 for fiscal year 1994 of such agency's eligibility for such assistance and the amount of such assistance.

(2) The Secretary shall disburse the funds made available pursuant to subsection (d) no later than 30 days after notification to eligible local education agencies.

SEC. 339. ANNUAL ASSESSMENT OF FORCE READINESS.

(a) ANNUAL ASSESSMENT REQUIRED.—Not later than March 1 of each of 1994, 1995, and 1996, the Chairman of the Joint Chiefs of Staff shall submit to Congress an assessment of—

(1) the readiness and capability of the Armed Forces of the United States to carry out the full range of the missions assigned to the Armed Forces; and

(2) the associated level or degree of risk for the Armed Forces in responding to current and anticipated threats to national security interests of the United States.

(b) CONTENT OF ASSESSMENT.—Each assessment shall include, for the 5-year period described in subsection (c), the following matters:

(1) An unclassified description of the current and projected readiness and capability of the Armed Forces of the United States taking into consideration each of the following areas:

(A) Personnel.

(B) Training and exercises.

(C) Logistics, including equipment maintenance and supply availability.

(D) Equipment modernization.

(E) Installations, real property, and facilities.

(F) Munitions.

(G) Mobility.

(H) Wartime sustainability.

(2) The personal assessment of the Chairman of the Joint Chiefs of Staff regarding the readiness and capabilities of the Armed Forces together with the Chairman's personal judgment on whether there are significant problems or risks regarding the capabilities and readiness of the Armed Forces.

(3) Any factors that the Chairman or any other member of the Joint Chiefs of Staff believes may lead to a decrease in force readiness or a degradation in the overall capability of the Armed Forces.

(4) Any recommended actions that the Chairman of the Joint Chiefs of Staff considers appropriate.

(5) Any classified annexes that the Chairman of the Joint Chiefs of Staff considers appropriate.

(c) PERIOD ASSESSED.—The assessment shall include information for the fiscal year in which the assessment is submitted, the 3 preceding fiscal years, and projections for the subsequent fiscal year.

(d) INTERIM ASSESSMENTS.—If, at any time between submissions of assessments to Congress under subsection (a), the Chairman of the Joint Chiefs of Staff determines that there is a significant change in the projected readiness or capability of the Armed Forces from the readiness or capability projected in the most recent annual assessment, the Chairman shall submit to the Congress a revised assessment that reflects each such significant change.

SEC. 340. BUDGET INFORMATION ON DEPARTMENT OF DEFENSE RECRUITING EXPENDITURES.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 227. Recruiting costs

"The Secretary shall include in the budget justification documents submitted to Congress each year in connection with the submission of the budget pursuant to section 1105 of title 31 the following matters:

"(1) The amount requested for the recruitment of persons for enlistment, appointment, or induction into the armed forces, including—

"(A) the personnel costs for Department of Defense personnel whose duties include—

"(i) recruitment;

"(ii) the management of Department of Defense personnel performing recruitment duties; or

"(iii) supporting Department of Defense personnel in the performance of duties referred to in clause (i) or (ii);

"(B) the cost of providing support for such personnel for the performance of those duties;

"(C) operation and maintenance costs associated with recruitment, including the costs of paid advertising and facilities;

"(D) the costs of incentives, including—

"(i) amounts paid under sections 302d, 308a, 308c, 308f, 308g, 308h (for a first enlistment), and 308i of title 37, relating to bonuses and other incentives;

"(ii) amounts deposited in the Department of Defense Education Benefits Fund pursuant to section 2006(g) of this title; and

"(iii) payments under the provisions of chapters 105, 107, and 109 of this title and chapter 30 of title 38; and

"(E) costs associated with military entrance processing;

"(2) the appropriation accounts from which such costs are to be paid; and

"(3) the estimated average total annual cost of recruiting a person for enlistment, appointment, or induction into the armed forces for the fiscal year covered by the budget justification documents, determined and reported separately for—

"(A) each armed force;

"(B) the active component of each armed force;

"(C) each of the reserve components of each armed force; and

"(D) for all of the armed forces.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"227. Recruiting costs.".

SEC. 341. REVISION OF AUTHORITIES ON NATIONAL SECURITY EDUCATION TRUST FUND.

(a) CREDITING OF GIFTS TO THE NATIONAL SECURITY EDUCATION TRUST FUND.—Section 804(e) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904(e)) is amended by adding at the end the following:

"(3) Any gifts of money shall be credited to and form a part of the Fund.".

(b) REPEAL OF AUTHORIZATION REQUIREMENT.—Section 804(b) of such Act is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1994, as follows:

(1) The Army, 540,000, of whom not more than 84,414 shall be commissioned officers.

(2) The Navy, 480,800, of whom not more than 62,747 shall be commissioned officers.

(3) The Marine Corps, 177,000, of whom not more than 17,851 shall be commissioned officers.

(4) The Air Force, 424,400, of whom not more than 80,632 shall be commissioned officers.

SEC. 402. TEMPORARY VARIATION OF PERMANENT END STRENGTH LIMITATIONS FOR CERTAIN GRADES OF OFFICERS IN THE MARINE CORPS.

(a) VARIATION IN PERMANENT LIMITATIONS.—Notwithstanding the items relating to majors and lieutenant colonels of the Marine Corps in the table in section 523(a)(1) of title 10, United States Code, in the administration of the limitation in such section for a fiscal year referred to in the table in subsection (b) of this section with respect to commissioned officers of the Marine Corps serving on active duty in the grades of major and lieutenant colonel, the numbers applicable to such commissioned officers shall be the numbers set forth for such fiscal year in the table in subsection (b).

(b) TABLE.—The table referred to in subsection (a) is as follows:

"Fiscal year:	Number of officers who may be serving on active duty in the grade of:	
	Major	Lieutenant colonel
1994	3,023	1,577
1995	3,081	1,610
1996	3,139	1,643
1997	3,196	1,677.".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1994, as follows:

(1) The Army National Guard of the United States, 410,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 127,000.

(4) The Marine Corps Reserve, 42,200.

(5) The Air National Guard of the United States, 119,760.

(6) The Air Force Reserve, 81,500.

(7) The Coast Guard Reserve, 10,500.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary an end strength authorized by subsection (a) by not more than 2 percent above or below that authorized end strength.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be reduced proportionately by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1994, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,180.

(2) The Army Reserve, 12,542.

(3) The Naval Reserve, 20,415.

(4) The Marine Corps Reserve, 2,285.

(5) The Air National Guard of the United States, 9,517.

(6) The Air Force Reserve, 648.

SEC. 413. TEMPORARY VARIATION OF PERMANENT END STRENGTH LIMITATIONS FOR AIR FORCE PERSONNEL SERVING ON ACTIVE DUTY IN CERTAIN GRADES IN SUPPORT OF THE RESERVE COMPONENTS.

(a) SENIOR ENLISTED MEMBERS.—Notwithstanding the items relating to pay grades E-8 and E-9 of the Air Force in the table in section 517(b) of title 10, United States Code, in the administration of the limitation in such section for fiscal year 1994 with respect to enlisted members of the Air Force serving on active duty in pay grades E-8 and E-9 for duty referred to in that section, the numbers applicable to such enlisted members are as follows:

(1) Grade E-8, 840.

(2) Grade E-9, 328.

(b) CERTAIN OFFICER GRADES.—Notwithstanding the items relating to lieutenant colonels and colonels of the Air Force in the table in section 524(a) of such title, in the administration of the limitation in such section for fiscal year 1994 with respect to commissioned officers of the Air Force serving on active duty in the grades of lieutenant colonel and colonel for duty referred to in that section, the numbers applicable to such commissioned officers are as follows:

(1) Lieutenant colonel, 636.

(2) Colonel, 274.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1994, Armed Forces are authorized average military training student loads as follows:

(1) The Army, 75,220.

(2) The Navy, 45,269.

(3) The Marine Corps, 22,753.

(4) The Air Force, 33,439.

(b) SCOPE.—The average military training student load authorized for an armed force under subsection (a) applies to the active and reserve components of that armed force.

(c) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1994 a total of $70,711,000,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1994.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR ADVANCED EDUCATION IN A HEALTH PROFESSION.

(a) CREDIT UPON ORIGINAL APPOINTMENT IN A REGULAR COMPONENT.—Section 533(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(b) CREDIT UPON ORIGINAL APPOINTMENT AS RESERVE OFFICER IN THE ARMY.—Section 3353(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in " at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(c) CREDIT UPON ORIGINAL APPOINTMENT AS OFFICER IN NAVAL RESERVE OR MARINE CORPS RESERVE.—Section 5600(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(d) CREDIT UPON ORIGINAL APPOINTMENT AS RESERVE OFFICER IN THE AIR FORCE.—Section 8353(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

SEC. 502. ORIGINAL APPOINTMENT AS REGULAR OFFICERS CERTAIN RESERVE OFFICERS IN HEALTH PROFESSIONS.

Section 532 of title 10, United States Code, is amended by adding at the end the following:

"(e)(1) An original appointment as a commissioned officer (other than as a commissioned warrant officer) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps may given to a person referred to in paragraph (2) in accordance with subsection (a) without regard to the requirement in paragraph (2) of such subsection.

"(2) Paragraph (1) applies to a person who is a reserve commissioned officer of the Medical Corps, Medical Specialist Corps, Nurse Corps, or Veterinary Corps of the Army, a reserve commissioned officer in the Medical Corps or Nurse Corps of the Navy, or a reserve commissioned officer of the Air Force designated as a medical officer, biomedical science officer, or Air Force nurse.".

SEC. 503. TEMPORARY AUTHORITY FOR INVOLUNTARY SEPARATION OF CERTAIN REGULAR WARRANT OFFICERS.

(a) IN GENERAL.—Chapter 33A of title 10, United States Code, is amended by inserting after section 580 the following new section:

"§ 580a. Enhanced authority for selective early discharges

"(a) The Secretary of Defense may authorize the Secretary of a military department, during the two-year period beginning on October 1, 1993, to take the action set forth in subsection (b) with respect to regular warrant officers of an armed force under the jurisdiction of that Secretary.

"(b) The Secretary of a military department may, with respect to regular warrant officers of an armed force, when authorized to do so under subsection (a), convene selection boards under section 573(c) of this title to consider for discharge regular warrant officers on the warrant officer active-duty list—

"(1) who have served at least one year of active duty in the grade currently held;

"(2) whose names are not on a list of warrant officers recommended for promotion; and

"(3) who are not eligible to be retired under any provision of law and are not within two years of becoming so eligible.

"(c)(1) In the case of an action under subsection (b), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

"(A) the names of all regular warrant officers described in that subsection in a particular grade and competitive category; or

"(B) the names of all regular warrant officers described in that subsection in a particular grade and competitive category who also are in particular year groups or specialties, or both, within that competitive category.

"(2) The Secretary concerned shall specify the total number of warrant officers to be recommended for discharge by a selection board convened pursuant to subsection (b). That number may not be more than 30 percent of the number of officers considered—

"(A) in each grade in each competitive category; or

"(B) in each grade, year group, or specialty (or combination thereof) in each competitive category.

"(3) The total number of regular warrant officers described in subsection (b) from any of the armed forces (or from any of the armed forces in a particular grade) who may be recommended during a fiscal year for discharge by a selection board convened pursuant to the authority of that subsection may not exceed 70 percent of the decrease, as compared to the preceding fiscal year, in the number of warrant officers of that armed force (or the number of warrant officers of that armed force in that grade) authorized to be serving on active duty as of the end of that fiscal year.

"(4) A warrant officer who is recommended for discharge by a selection board convened pursuant to the authority of subsection (b) and whose discharge is approved by the Secretary concerned shall be discharged on a date specified by the Secretary concerned.

"(5) Selection of warrant officers for discharge under this subsection shall be based on the needs of the service.

"(d) The discharge of any warrant officer pursuant to this section shall be considered involuntary for purposes of any other provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33A of such title is amended by inserting after the item relating to section 580 the following new item:

"580a. Enhanced authority for selective early discharges.".

SEC. 504. TWO-YEAR EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.

Effective as of September 29, 1993, section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

Subtitle B—Reserve Components

SEC. 511. LIMITED DELEGATION OF PRESIDENTIAL AUTHORITY TO ORDER SELECTED RESERVE TO ACTIVE DUTY.

(a) AUTHORITY TO ORDER THE SELECTED RESERVE TO ACTIVE DUTY.—Section 673b(a) of title 10, United States Code, is amended by striking out "when the President determines that it is necessary to augment the active forces for any operational mission, he" and inserting in lieu thereof "the President".

(b) MAXIMUM NUMBER SERVING ON ACTIVE DUTY CONCURRENTLY.—Section 673b(c) of such title is amended to read as follows:

"(c)(1) Except as provided in paragraph (2), the number of members of the Selected Reserve that are on active duty at any one time under subsection (a) may not exceed 25,000.

"(2) When the President determines it necessary in order to augment the active forces for an operational mission, the number of members of the Selected Reserve that are on active duty at one time under subsection (a) may exceed 25,000 but may not exceed 200,000.".

SEC. 512. TWO-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT AUTHORITIES.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of title 10, United States Code, are amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect as of September 30, 1993.

(2) If the date of the enactment of this Act is after September 30, 1993, the Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

(3) An appointment referred to in paragraph (2) is an appointment under section 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

SEC. 513. CONSISTENCY OF TREATMENT OF NATIONAL GUARD TECHNICIANS AND OTHER MEMBERS OF THE NATIONAL GUARD.

(a) FEDERAL RECOGNITION QUALIFICATIONS FOR TECHNICIANS.—Section 709 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(i) The Secretary concerned may not prescribe for purposes of eligibility for Federal recognition under section 301 of this title special qualifications applicable to technicians employed under subsection (a) that are not applicable pursuant to that section to the other members of the National Guard in the same grade, branch, position, and type of unit or organization involved.".

(b) MILITARY EDUCATION.—(1) Section 523 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1918, 1974; 32 U.S.C. 709 note) is repealed.

(2) Section 506 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1438; 32 U.S.C. 709 note) is repealed.

SEC. 514. EXCEPTION TO REQUIREMENT FOR 12 WEEKS OF BASIC TRAINING.

Section 671(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Notwithstanding paragraph (1) and section 4(a) of the Military Selective Service Act (50 U.S.C. App. 454(a)), under regulations prescribed in accordance with subparagraph (B), the Secretary concerned may establish a period of basic training (or equivalent training) shorter than 12 weeks for persons inducted, enlisted, or appointed in an armed force who have developed skills in the civilian sector that can be readily applied in the armed forces.

"(B) The Secretary of Defense shall prescribe regulations governing the implementation of the authority provided in subparagraph (A). The regulations shall apply uniformly to the military departments. The Secretary of Transportation shall prescribe regulations governing the implementation of the authority provided in subparagraph (A) for the Coast Guard when it is not operating as a service in the Navy.".

SEC. 515. NATIONAL GUARD MANAGEMENT INITIATIVES.

(a) CLARIFICATION REGARDING FEMALE MEMBERS OF THE MILITIA.—Section 311(a) of title 10, United States Code, is amended by inserting ", warrant officers, or enlisted members" after "female citizens of the United States who are commissioned officers".

(b) REPEAL OF REQUIREMENTS FOR PHYSICAL EXAMINATION OF NATIONAL GUARD MEMBERS CALLED INTO FEDERAL SERVICE.—(1)(A) Section 3502 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 341 of such title is amended by striking out the item relating to section 3502.

(2)(A) Section 8502 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 841 of such title is amended by striking out the item relating to section 8502.

(c) INCREASED PERIOD FOR COMPLETION OF UNIT TRAINING.—Section 502(b) of title 32, United States Code, is amended by striking out "30 consecutive days" in the second sentence and inserting in lieu thereof "90 consecutive days".

(d) EXCEPTIONS TO 30-DAY NOTICE FOR TERMINATION OF EMPLOYMENT OF TECHNICIANS.—Subsection 709(e)(6) of title 32, United States Code, is amended by inserting after "termination of employment as a technician and" the following: ", unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment,".

(e) REPEAL OF LIMIT ON NUMBER OF TECHNICIANS EMPLOYED CONCURRENTLY.—Subsection 709(h) of title 32, United States Code, is repealed.

(f) PERSONNEL AUTHORIZED TO MAKE UNSERVICEABILITY FINDINGS.—Subsection 710(f) of title 32, United States Code, is amended—

(1) by inserting "(1)" after "(f)";

(2) in the first sentence, by striking out "of the Regular Army or the Regular Air Force, as the case may be,"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary shall designate a commissioned officer of the Regular Army, a commissioned officer of the Army National Guard who is also a commissioned officer of the Army National Guard of the United States, a commissioned officer of the Regular Air Force, or a commissioned officer of the Air National Guard who is also a commissioned officer of the Air National Guard of the United States to conduct inspections and make findings for purposes of paragraph (1).".

SEC. 516. FREQUENCY OF PHYSICAL EXAMINATIONS OF MEMBERS OF THE READY RESERVE.

Section 1004(a)(1) of title 10, United States Code, is amended by striking out "four years" and inserting in lieu thereof "five years".

Subtitle C—Service Academies

SEC. 521. CONGRESSIONAL NOMINATIONS.

Sections 4342(a), 6954(a), and 9342(a) of title 10, United States Code, are amended—

(1) in the sentence following paragraph (9), by striking out "a principal candidate and nine alternates" and inserting in lieu thereof "10 persons"; and

(2) by inserting after such sentence the following: "Nominees may be submitted without ranking, or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter.".

SEC. 522. GRADUATION LEAVE.

Section 702(a) of title 10, United States Code, is amended by striking out "regular" in the first sentence.

SEC. 523. MANAGEMENT OF FACULTIES.

(a) In General.—(1) Title 10, United States Code, is amended by inserting after chapter 111 the following new chapter:

"CHAPTER 112—MANAGEMENT OF FACULTIES OF THE SERVICE ACADEMIES

"Sec.
"2000. Academy defined.
"2000a. Faculty management.
"2000b. Requirement to report misconduct.

"§ 2000. Academy defined

"For purposes of this chapter, 'Academy' means the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy.

"§ 2000a. Faculty management

"(a) Authority of Secretary of Defense.—The Secretary of Defense may, without regard to any other provision of law relating to the number, classification, or compensation of employees—

"(1) establish such positions for civilian faculty of an Academy as the Secretary considers necessary to carry out the functions of the Academy;

"(2) appoint individuals to such positions; and

"(3) subject to section 5373 of title 5, fix the compensation of such individuals for service in such positions.

"(b) Exclusive Authority.—The authority of the Secretary to take an action under subsection (a) is exclusive.

"(c) Inapplicability of Certain Civil Service Laws.—To provide for the effective and efficient management of the civilian faculty of an Academy, such faculty shall be exempt from the following provisions of title 5:

"(1) Chapter 43, relating to performance appraisals.

"(2) Chapter 51, relating to classification.

"(3) Chapter 53, relating to pay rates and systems.

"(4) Section 5542, relating to overtime pay rates.

"(5) Chapter 61, relating to hours of work.

"§ 2000b. Requirement to report misconduct

"(a) Requirement.—Each officer and each civilian member of the teaching staff of an Academy shall report to the Superintendent of the Academy, or the Superintendent's designee, any fact that tends to evidence the commission of hazing or any violation of an Academy regulation by a cadet or midshipman.

"(b) Failure of Officer To Report.—Any officer who willfully fails to make a report required by subsection (a) shall be reassigned from duties involving the teaching or supervision of cadets or midshipmen and, at the request of the Superintendent, shall be reassigned from the Academy.

"(c) Failure of Civilian Faculty Member To Report.—Subject to the approval of the Secretary of Defense, the Superintendent of an Academy shall remove any civilian member of the teaching staff of the Academy who willfully fails to make a report required by subsection (a).".

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 111 the following:

"112. Management of faculties of the service academies .... 2000".

(b) Repeal of Superseded Law.—(1) Section 6965 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 603 of such title is amended by striking the item relating to section 6965.

Subtitle D—Force Reduction Transition

SEC. 531. TEACHER AND TEACHER AIDE PROGRAM FOR SEPARATED MEMBERS OF THE ARMED FORCES.

(a) Revised Deadline for Applications.—Section 1151(e)(1) of title 10, United States Code, is amended by striking out "before the date of the discharge or release" in the first sentence and inserting in lieu thereof "not later than one year after the discharge or release".

(b) Discretionary Authority To Make Grants To Facilitate Placements.—Paragraphs (1) and (2) of section 1151(h) of title 10, United States Code, are amended by striking out "shall offer" and inserting in lieu thereof "may offer".

(c) Eligibility of Members Not Educationally Qualified for Teacher Placement Assistance.—Section 1151 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) For purposes of this section, a former member of the armed forces who did not meet the minimum educational qualification criterion set forth in paragraph (1)(B)(i) for teacher placement assistance before discharge or release from active duty shall be considered to be a member satisfying such educational qualification criterion upon satisfying that criterion within 5 years after discharge or release from active duty.";

(2) in subsection (e)(1), as amended by subsection (a), by inserting before the period at the end of the first sentence the following: "or, in the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (c)(2), not later than one year after the applicant becomes educationally qualified.";

(3) by redesignating subsection (k) as subsection (l); and

(4) by inserting after subsection (j) the following new subsection (k):

"(k) Identification of NCOs Without Degrees as Candidates for Assistance.—The Secretary shall provide under the program for—

"(1) identifying, during each fiscal year in the period referred to in subsection (c)(1)(A), noncommissioned officers who, on or before the end of such fiscal year, will have completed 10 or more years of continuous active duty, who have the potential to perform competently as elementary or secondary school teachers, but who do not satisfy the minimum educational qualification criterion under subsection (c)(1)(B)(i) for teacher placement assistance; and

"(2) informing the noncommissioned officers so identified of the opportunity to qualify in accordance with subsection (c)(2) for teacher placement assistance under the program.".

SEC. 532. EXTENSION OF PERSONNEL MANAGEMENT AND BENEFITS TRANSITION AUTHORITIES.

(a) Retirement of Certain Limited Duty Officers of the Navy.—Sections 633, 634, 6383(a)(5), and 6383(i) of title 10, United States Code, are amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1998".

(b) Early Retirement Authority for Certain Active Duty Members During Active Force Drawdown.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2704; 10 U.S.C. 1293 note) is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1998".

(c) Guard and Reserve Transition Initiatives.—Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2712; 10 U.S.C. 1162 note) is amended by striking out "September 30, 1995" and inserting in lieu thereof "October 1, 1998".

(d) Waiver of Service Requirement for Certain Reservists Under Montgomery GI Bill.—Section 2133(b)(1)(B) of title 10, United States Code, and section 3012(b)(1)(B)(iii) of title 38, United States Code, are amended by striking out "September 30, 1995," and inserting in lieu thereof in each instance "October 1, 1998".

(e) Program of Educational Leave Relating to Continuing Public and Community Service.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1143a note) is amended by striking out "September 30, 1995" and inserting in lieu thereof "October 1, 1998".

(f) Special Separation Benefits for Certain Voluntarily Separated Members.—Section 1174a(h) of title 10, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1998".

(g) Voluntary Separation Incentives for Certain Voluntarily Separated Members.—Section 1175 of title 10, United States Code, is amended—

(1) in subsections (d)(3) and (h)(6), by striking out "September 30, 1995" each place it appears and inserting in lieu thereof "September 30, 1998"; and

(2) in subsection (h)(7)(A), by striking out "fiscal year 1996" and inserting in lieu thereof "fiscal year 1999".

(h) Uniform Process for Implementing Reductions in Strengths.—Section 402(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1544) is amended by striking out "five-year period" each place it appears and inserting in lieu thereof "eight-year period".

(i) Travel and Transportation Allowances and Storage of Baggage and Household Effects for Certain Members Being Involuntarily Separated.—(1) Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v) and 406(g)(1)(C) of title 37, United States Code, are amended by striking out "five-year period" and inserting in lieu thereof in each instance "eight-year period".

(2) Section 503(c) of the National Defense Act Authorization Act for Fiscal Year 1991 (Public Law 101-510; 37 U.S.C. 406 note) is amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

(j) CONTINUED ENROLLMENT OF DEPENDENTS OF CERTAIN INVOLUNTARILY SEPARATED MEMBERS IN DEFENSE DEPENDENTS' EDUCATION SYSTEM.—Section 1407(c) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)) is amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

(k) REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370(a)(2)(A) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

(l) REQUIRED LENGTH OF COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.—Sections 3911(b), 6323(a)(2), and 8911(b) of title 10, United States Code, are amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

SEC. 533. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO TRANSITION AUTHORITIES.

(a) RETENTION ON ACTIVE DUTY OF ENLISTED RESERVES WITH BETWEEN 18 AND 20 YEARS OF SERVICE.—Section 1176(b) of title 10, United States Code, is amended to read as follows:

"(b) RESERVE MEMBERS.—(1) A reserve enlisted member serving in an active status who is selected to be involuntarily separated, or whose term of enlistment expires and who is denied reenlistment, and who on the date on which the member is to be discharged or transferred from an active status is entitled to be credited with at least 18 but less than 20 years of service computed under section 1332 of this title, may not be discharged or transferred from an active status without the member's consent before the earlier of the following:

"(A) If as of the date on which the member is to be discharged or transferred from an active status the member has at least 18, but less than 19, years of service computed under section 1332 of this title—

"(i) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(ii) the third anniversary of the date on which the member would otherwise be discharged or transferred from an active status.

"(B) If as of the date on which the member is to be discharged or transferred from an active status the member has at least 19, but less than 20, years of service computed under section 1332 of this title—

"(i) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(ii) the second anniversary of the date on which the member would otherwise be discharged or transferred from an active status.

"(2) This subsection does not apply to members who are discharged or transferred from an active status for physical disability or for cause.".

(b) AUTHORITY TO ORDER EARLY RETIREES TO ACTIVE DUTY.—Section 688(a) of title 10, United States Code, is amended in the first sentence—

(1) by striking out "or" after "20 years of active service,"; and

(2) by inserting ", or a member of the Retired Reserve, the Fleet Reserve, or the Fleet Marine Corps Reserve who has been retired under the provisions of section 4403(b) of Public Law 102-484" after "Fleet Marine Corps Reserve".

Subtitle E—Other Matters

SEC. 541. ASSIGNMENTS OF WOMEN MEMBERS OF THE ARMED FORCES.

(a) REPEAL OF STATUTORY RESTRICTION ON THE ASSIGNMENT OF WOMEN IN THE NAVY AND MARINE CORPS.—Section 6015 of title 10, United States Code, is repealed.

(b) ARMY ASSIGNMENTS.—(1) Part II of subtitle B of title 10, United States Code, is amended by inserting after chapter 345 the following new chapter:

"CHAPTER 346—ADMINISTRATION

"3591. Assignments of women members.

"§ 3591. Assignments of women members

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Army may prescribe the kinds of duties which women members of the Army shall be assigned and the military authority which such members shall exercise.".

(2) The tables of chapters at the beginning of subtitle B of such title and of part II of such subtitle are amended by inserting after the item relating to chapter 345 the following:

"346. Administration .... 3591".

(c) NAVY AND MARINE CORPS ASSIGNMENTS.—(1) Chapter 555 of title 10, United States Code, is amended by inserting after section 6014 the following new section 6015:

"§ 6015. Assignments of women members

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Navy may prescribe the kinds of duties which women members of the Navy and women members of the Marine Corps shall be assigned and the military authority which such members shall exercise.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 6015 and inserting in lieu thereof the following:

"6015. Assignments of women members.".

(d) AIR FORCE ASSIGNMENTS.—(1) Part II of subtitle D of title 10, United States Code, is amended by inserting after chapter 845 the following new chapter:

"CHAPTER 846—ADMINISTRATION

"3691. Assignments of women members.

"§ 8591. Assignments of women members

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may prescribe the kinds of duties which women members of the Air Force shall be assigned and the military authority which such members shall exercise.".

(2) The tables of chapters at the beginning of subtitle D of such title and of part II of such subtitle are amended by inserting after the item relating to chapter 845 the following:

"846. Administration .... 8591".

(e) NOTIFICATION REQUIREMENTS.—(1)(A) The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and House of Representatives, on a day during which Congress is in session, any regulation that the Secretary proposes for the purposes of section 3591, 6015, or 8591 of title 10, United States Code, as added by this section. The Secretary may not issue the proposed regulation (or any modification of the proposed regulation) as a final regulation within the 60-day period beginning on the date on which the Secretary transmits the proposed regulation to such committees.

(B) For purposes of subparagraph (A), Congress is in session on a day during which either House of Congress is in session.

(C) A day on which both Houses of Congress are not in session shall not be counted in the computation of the 60-day period referred to in subparagraph (A).

(2) The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and House of Representatives any regulation that the Secretary issues as a final regulation for the purposes of section 3591, 6015, or 8591 of title 10, United States Code, as added by this section. The final regulation may not become effective within the 90-day period beginning on the date on which the Secretary transmits the final regulation to such committees.

SEC. 542. REDUCTION IN THE MAXIMUM NUMBER OF YEARS TO BE ON TEMPORARY DISABILITY RETIRED LIST.

(a) IN GENERAL.—(1) Section 1210(b) of title 10, United States Code, is amended by striking out "five years" in the first sentence and inserting in lieu thereof "three years".

(2) Section 1210(h) of title 10, United States Code, is amended by striking out "five years" and inserting in lieu thereof "three years".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to a member of the Armed Forces who is placed on a temporary disability retired list on or after such date.

SEC. 543. CLARIFICATION OF PUNITIVE UCMJ ARTICLE REGARDING DRUNKEN DRIVING.

(a) CLARIFICATION.—Paragraph (2) of section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended by inserting "or more" after "0.10 grams" both places it appears.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendment to section 911 of title 10, United States Code, made by section 1066(a)(1) of Public Law 102-484 on October 23, 1992.

SEC. 544. AUTHORITY TO REDUCE ACTIVE DUTY SERVICE OBLIGATION INCURRED IN CONNECTION WITH ADVANCED EDUCATION ASSISTANCE.

Section 2005 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) The Secretary concerned, may at any time before October 1, 1998, modify an agreement described in subsection (a) to reduce the active duty service obligation specified in the agreement if the Secretary determines that it is in the best interests of the United States to do so. The Secretary shall reduce the amount required to be reimbursed to the United States proportionately with the reduction in the period of obligated active duty service.".

SEC. 545. AWARD OF PURPLE HEART TO MEMBERS KILLED OR WOUNDED IN ACTION BY FRIENDLY FIRE.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1129. Purple Heart: members killed or wounded in action by friendly fire

"(a) For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

"(b) A member described in this subsection is a member who is killed or wounded in action by weapon fire while directly engaged in armed conflict, other than as the result of an act of an enemy of the United States, unless (in the case of a wound) the wound is the result of willful misconduct of the member.

"(c) This section applies to members of the armed forces who are killed or wounded on or after December 7, 1941. In the case of a member killed or wounded as described in subsection (b) on or after December 7, 1941, and before the date of the enactment of this section, the Secretary concerned shall award the Purple Heart under subsection (a) in each case which is known to the Secretary before the date of the enactment of this section or for which an application is made to the Secretary in such manner as the Secretary requires.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1129. Purple Heart: members killed or wounded in action by friendly fire.".

SEC. 546. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) CODIFICATION.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 654. Policy concerning homosexuality in the armed forces

"(a) FINDINGS.—Congress makes the following findings:

"(1) Section 8 of article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

"(2) There is no constitutional right to serve in the armed forces.

"(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

"(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

"(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

"(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

"(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

"(8) Military life is fundamentally different from civilian life in that—

"(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

"(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

"(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

"(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

"(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

"(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

"(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

"(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(15) The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(b) POLICY.—A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

"(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that—

"(A) such conduct is a departure from the member's usual and customary behavior;

"(B) such conduct, under all the circumstances, is unlikely to recur;

"(C) such conduct was not accomplished by use of force, coercion, or intimidation;

"(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

"(E) the member does not have a propensity or intent to engage in homosexual acts.

"(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

"(3) That the member has married or attempted to marry a person known to be of the same biological sex.

"(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b).

"(2) The documents used to effectuate the enlistment or appointment of a person as a member of the armed forces shall set forth the provisions of subsection (b).

"(d) REQUIRED BRIEFINGS.—The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to require that a member of the armed forces be processed for separation from the armed forces when a determination is made in accordance with regulations prescribed by the Secretary of Defense that—

"(1) the member engaged in conduct or made statements for the purpose of avoiding or terminating military service; and

"(2) separation of the member would not be in the best interest of the armed forces.

"(f) DEFINITIONS.—In this section:

"(1) The term 'homosexual' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms 'gay' and 'lesbian'.

"(2) The term 'bisexual' means a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

"(3) The term 'homosexual act' means—

"(A) any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and

"(B) any bodily contact which a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (A).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"654. Policy concerning homosexuality in the armed forces.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a) may be construed to invalidate any inquiry, investigation, administrative action or proceeding, court-martial, or judicial proceeding conducted before the effective date of regulations issued by the Secretary of Defense to implement such section 654.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings

under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).

SEC. 547. EMPLOYMENT OF RETIRED MEMBERS BY FOREIGN GOVERNMENTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) It is in the national security interest of the United States to promote democracy throughout the world.

(2) The armed forces of newly democratic nations often lack the democratic traditions that are a hallmark of the Armed Forces of the United States.

(3) The understanding of military roles and missions in a democracy is essential for the development and preservation of democratic forms of government.

(4) The service of retired members of the Armed Forces of the United States in the armed forces of newly democratic nations could lead to a better understanding of military roles and missions in a democracy.

(b) CONGRESSIONAL CONSENT.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Military service of retired personnel with newly democratic nations

"(a) CONGRESSIONAL CONSENT.—(1) Subject to subsection (b), Congress consents to a retired member of the uniformed services referred to in subsection (b)—

"(A) accepting employment by, or holding an office or position in, the armed forces of a newly democratic nation; and

"(B) accepting compensation associated with such employment, office, or position.

"(b) DETERMINATIONS AND APPROVAL REQUIRED.—(1) The Secretary concerned and the Secretary of State shall jointly determine whether a nation is a newly democratic nation for the purposes of this section.

"(2) The consent provided in subsection (a) for a retired member of the uniformed services to accept employment or hold an office or position shall apply to a retired member of the armed forces only if the Secretary concerned and the Secretary of State jointly approve the employment or the holding of such office or position.

"(c) CONTINUED ENTITLEMENT TO RETIRED PAY AND BENEFITS.—The eligibility of a retired member of the uniformed services to receive retired or retainer pay and other benefits arising from the retired member's status as a retired member of the uniformed services, and the eligibility of dependents of such retired member to receive benefits on the basis of such retired member's status as a retired member of the uniformed services, may not be terminated by reason of employment or holding of an office or position consented to in subsection (a).

"(d) RETIRED MEMBER DEFINED.—In this section, the term 'retired member of the uniformed services' means a member or former member of the uniformed services who is entitled to receive retired or retainer pay.".

(2) The table of sections at the beginning of chapter 53 of such title is amended by adding at the end the following:

"1058. Military service of retired personnel with newly democratic governments.".

(c) EFFECTIVE DATE.—Section 1058 of title 10, United States Code, as added by subsection (a), shall take effect as of January 1, 1993.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1994.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1994 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1994, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 2.2 percent.

Subtitle B—Bonuses, Special Pay, and Incentive Pay

SEC. 611. MODIFICATION OF AUTHORITY RELATING TO PAYMENT OF CERTAIN SELECTED RESERVE BONUSES.

(a) BONUS FOR ENLISTMENT.—Section 308c(b) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking out "one-half of the bonus shall be paid" and inserting in lieu thereof "an amount in excess of one-half of the bonus may be paid"; and

(2) in paragraph (2), by inserting ", if any," after "remainder".

(b) BONUS FOR ENTRY INTO AFFILIATION AGREEMENT.—Section 308e(c)(2) of title 37, United States Code, is amended—

(1) by inserting "(A)" after "(2)";

(2) by designating the second sentence as subparagraph (B);

(3) in subparagraph (B), as so designated, by striking out "fifth anniversary" and inserting in lieu thereof "sixth anniversary"; and

(4) by adding at the end the following:

"(C) The Secretary concerned may pay in monthly installments a bonus authorized to be paid in a lump sum under this section. The Secretary concerned may determine the amount of the monthly installments. The Secretary concerned may pay a monthly installment authorized under this subparagraph for a month only if the person's service in the Selected Reserve for that month was satisfactory (as determined by such Secretary under regulations prescribed by the Secretary of Defense). The entitlement of a person to a portion of a bonus under this section that is not paid for a month by reason of the preceding sentence shall lapse.".

SEC. 612. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF CERTAIN BONUSES, PAYMENT OF OTHER SPECIAL PAY, AND REPAYMENT OF CERTAIN EDUCATION LOANS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10 United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(d) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(e) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(f) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(g) ENLISTMENT BONUS FOR CRITICAL SKILLS.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(h) RESERVE ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES.—Sections 308b(f), 308c(e), 308e(e), 308h(g) and 308i(i) of title 37, United States Code, are amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(i) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALIST IN THE SELECTED RESERVE.—Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(j) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 1995".

(k) ARMY ENLISTMENT BONUS.—(1) Section 308f(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(2) The amendment made by paragraph (1) shall take effect as of September 30, 1992.

Subtitle C—Travel and Transportation Allowances

SEC. 621. REIMBURSEMENT OF TEMPORARY LODGING EXPENSES.

(a) PERIODS COVERED.—Subsection (a) of section 404a of title 37, United States Code, is amended—

(1) in the second sentence, by striking out "four days" and inserting in lieu thereof "10 days"; and

(2) in the third sentence, by striking out "two days" and inserting in lieu thereof "five days".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Subsection (d) of such section is repealed.

SEC. 622. TREATMENT OF ADVANCE PAY PAID TO MEMBERS EVACUATED FROM HOMESTEAD AIR FORCE BASE.

Notwithstanding any other provision of law, the advance payments of pay for permanent change of station that were received by members of the uniformed services evacuated in August, 1992, from Homestead Air Force Base, Florida, because of Hurricane Andrew, shall be treated as having been paid as evacuation advance pay under the authority of section 1006(c) of title 37, United States Code.

Subtitle D—Matters Related to Retired Pay and Separation Benefits

SEC. 631. SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.

(a) SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.—A person who has a service-connected disability rated as total may be paid a special pay under this section if the person is entitled to emergency officers', regular, or reserve retirement pay based solely on—

(1) the person's age;

(2) the length of the person's service in the uniformed services; or

(3) both the person's age and the length of such service.

(b) Amount of Special Pay.—The amount of special pay that may be paid a person under subsection (a) for any month may not exceed the monthly amount of the compensation that is paid such person under laws administered by the Secretary of Veterans Affairs.

(c) Funding.—The cost of the special pay authorized to be paid under this section shall be paid out of funds available to the Department of Defense for travel of personnel of the Department of Defense in positions within the Office of the Secretary of Defense, the Office of the Secretary of the Army, the Office of the Secretary of the Navy, and the Office of the Secretary of the Air Force.

(d) Definitions.—In this section, the terms "compensation" and "service-connected" have the meanings given such terms in section 101 of title 38, United States Code.

(e) Effective Date.—(1) Except as provided in paragraph (2), this section shall take effect on January 1, 1994.

(2) This section shall not take effect if, before January 1, 1994, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives the report required by section 641 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2424).

(f) Applicability.—(1) Except as provided in paragraph (2), this section shall apply to months that begin on or after the effective date of this section.

(2) This section shall not be effective for months that begin after September 30, 1994.

SEC. 632. STANDARDIZATION OF MINIMUM SERVICE REQUIREMENT FOR ELIGIBILITY FOR CERTAIN SEPARATION BENEFITS.

Section 1174(a)(1) of title 10, United States Code, is amended by striking out "five" and inserting in lieu thereof "six".

SEC. 633. EXPANSION OF ELIGIBILITY FOR CERTAIN SEPARATION BENEFITS.

(a) Special Separation Benefits Programs.—Section 1174a(c)(2) of title 10, United States Code, is amended by striking out "before December 5, 1991".

(b) Voluntary Separation Incentive Program.—Section 1175(d)(1) of title 10, United States Code, is amended by striking out "before December 5, 1991".

SEC. 634. APPLICABILITY TO COAST GUARD RESERVE OF CERTAIN RESERVE COMPONENTS TRANSITION INITIATIVES.

(a) In General.—Subtitle B of title XLIV of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2712) shall apply to members of the Coast Guard Reserve in the same manner and to the same extent as that subtitle applies to the reserve components of the Department of Defense. The Secretary of Transportation shall implement the provisions of that subtitle with respect to the Coast Guard Reserve.

(b) Funding.—Funds made available to the Department of Transportation shall be used to carry out the provisions of subtitle B of title XLIV of such Act with respect to the Coast Guard Reserve.

(c) Period of Applicability.—The provisions of subtitle B of title XLIV of such Act shall apply to members of the Coast Guard Reserve during the period beginning October 1, 1993, and ending on September 30, 1996.

(d) Prospective Eligibility.—No member of the Coast Guard Reserve shall be eligible for any benefits provided under the provisions of subtitle B of title XLIV of such Act before the date of the enactment of this Act.

(e) Scope of Reference.—In this section, a reference to subtitle B of title XLIV of the National Defense Authorization Act for Fiscal Year 1993 includes the amendments made by sections 4417, 4419, and 4422 of such Act.

Subtitle E—Benefits for Former POWs and Other Members Held Captive

SEC. 641. PERMANENT AUTHORITY FOR CLAIMS BY FORMER PRISONERS OF WAR BASED ON VIOLATIONS OF GENEVA CONVENTIONS.

Section 6 of the War Claims Act of 1948 (50 U.S.C. App. 2005) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g)(1) As used in the subsection, the term 'prisoner of war' means any person appointed, enrolled, enlisted, or inducted under competent authority as a member of the Armed Forces of the United States who was held in captivity as a prisoner of war during any period declared by the President or Congress to have been a period in which the Armed Forces were involved in conflict with a force hostile to the United States, except that such term does not include any member who, at any time, voluntarily, knowingly, and without duress gave aid to, collaborated with, or in any manner served such hostile force.

"(2)(A) The Commission may receive any claim referred to in subparagraph (B), determine the amount and validity of such claim according to law, and provide for payment of compensation for such claim.

"(B) A claim referred to in this subparagraph is any claim filed by a prisoner of war for compensation for the failure of a force hostile to the United States, or its agents, while holding such person as a prisoner of war, to furnish the prisoner of war with the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of August 12, 1949.

"(C) A claimant shall bear the burden of proving the allegations contained in the claim.

"(D) Compensation shall be provided to any prisoner of war under this paragraph at the rate (as determined by the Commission) of one-half the average of the subsistence portion of the per diem rates paid worldwide by the Government to members of the Armed Forces for each day that the person was held as a prisoner of war and received food that, in quantity or quality, did not meet the requirements prescribed under the terms of the Geneva Convention.

"(3)(A) The Commission may receive, determine according to law the amount and validity of, and provide for the payment of any claim filed by any prisoner of war for compensation—

"(i) for the failure of a force hostile to the United States, or its agents, while holding such person as a prisoner of war, to meet the conditions and requirements prescribed under part III, section III, of the Geneva Convention of August 12, 1949, relating to labor of prisoners of war; or

"(ii) for inhumane treatment of the prisoner of war by the hostile force by which the prisoner of war was held, or its agents.

"(B) For purposes of subparagraph (A)(ii), the term 'inhumane treatment' includes the failure of a force hostile to the United States, or its agents, to meet the conditions and requirements of one or more of the provisions of article 3, 12, 13, 14, 17, 19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84, 85, 86, 87, 88, 89, 90, 97, or 98 of the Geneva Convention of August 12, 1949.

"(C) Compensation shall be allowed to any prisoner of war under this paragraph at a rate not to exceed an amount equal to—

"(i) one-half of the average of the per diem rates paid worldwide by the Federal Government to members of the Armed Forces, minus

"(ii) one-half of the average of the subsistence portion of the per diem rates paid worldwide by the Federal Government to members of the Armed Forces,

for each day the person was held as a prisoner of war and with respect to which the person proves (in a manner acceptable to the Commission) the failure by a hostile force, or its agents to meet the conditions and requirements referred to in clause (i) of subparagraph (A) or proves (in a manner acceptable to the Commission) the inhumane treatment referred to in clause (ii) of such subparagraph (A).

"(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to paragraph (10). Such claim shall be paid by the Secretary of the Treasury to the person entitled thereto, or, in the case of the death of such person, to the persons, and in the order of priority, established under subsection (d)(4).

"(5) Each claim filed under this subsection shall be filed not later than 3 years after the later of—

"(A) the date on which the prisoner of war filing the claim returns to the jurisdiction of the Armed Forces of the United States; or

"(B) in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States, the date on which the Secretary of Defense makes a determination that the prisoner of war has died or is presumed to be dead.

"(6)(A) The Commission shall make a determination with respect to the validity of each claim filed under this subsection at the earliest practicable date, but not later than one year after the date on which the claim is filed.

"(B) The Commission shall notify the person submitting a claim under this subsection of the determination of the Commission with respect to the validity of the claim. Such notification shall be sent by certified or registered mail, return receipt requested.

"(C) The failure of the Commission to make a determination of the validity of a claim within the one year period referred to in subparagraph (A), such be treated as a final denial of the claim by the Commission on that date.

"(7)(A) A claimant whose claim under this section was denied by the Commission (including a claimant whose claim is treated as denied under paragraph (6)(C)) may file in the United States Court of Federal Claims a complaint, motion, petition, or other appropriate pleading with the United States Court of Federal Claims alleging that the denial of such complaint was wrongful.

"(B) The claimant shall file such complaint, motion, petition, or other pleading not later than 2 years after the date of such final denial.

"(C) The Attorney General of the United States may arbitrate or settle by compromise or other settlement any claim cognizable under this subsection. Any such settlement is not competent evidence of liability or damages.

"(D) The amount of a settlement, judgment, or award in favor of a claimant under this paragraph may not exceed the amount sought by the claimant in the claim before the Commission on which an action under this paragraph is based unless the claimant alleges and proves facts not available or reasonably discoverable at the time of the determination of the validity of such claim by the Commission that justify the award of an amount in excess of such amount.

"(E) Not more than 20 percent of the amount awarded under this paragraph to a claimant may be paid by or on behalf of the claimant to any attorney or agent for services rendered in connection with a claim under this paragraph.

"(8) The acceptance by a person of compensation or other award provided for or paid under this subsection shall constitute a full and complete release of any claim of the person against the United States by reason of any allegation stated in the claim.

"(9) Any claim allowed under the provisions of this subsection including claims allowed by the Court of Federal Claims shall be paid from funds appropriated pursuant to the authorization of appropriations in paragraph (10).

"(10) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including any amounts necessary for administrative expenses of the Commission.".

SEC. 642. MEMBERS ELIGIBLE FOR BENEFITS WHEN HELD CAPTIVE BY TERRORISTS.

(a) IN GENERAL.—Section 559(a)(1) of title 37, United States Code, is amended by striking out "if Congress provides to such a member, in an Act enacted after August 27, 1986, monetary payment in respect of such period of captivity".

(b) CLERICAL AMENDMENTS.—(1) The heading of section 559 of such title is amended to read as follows:

"§559. Benefits: members held as captives; victims of terrorist acts".

(2) The table of sections at the beginning of chapter 10 of such title is amended by striking out the item relating to section 559 and inserting in lieu thereof the following:

"559. Benefits: members held as captives; victims of terrorist acts.".

Subtitle F—Other Matters

SEC. 651. AUTHORITY TO LIMIT DIRECT PAYMENT OF PAY AND ALLOWANCES TO CERTAIN MEMBERS DURING WAR, HOSTILITIES, OR NATIONAL EMERGENCY.

(a) IN GENERAL.—(1) Chapter 19 of title 37, United States Code, is amended by adding at the end the following:

"§1015. Pay and allowances: limit on direct payment during period of war, hostilities, or national emergency

"(a) AUTHORITY TO LIMIT DIRECT PAYMENT.—The Secretary concerned may limit the direct payment of pay and allowances, or a portion thereof, to a member of the uniformed services serving on active duty in an area designated by the Secretary of Defense for the purposes of this subsection during a war, hostilities, or a national emergency declared by the President or Congress.

"(b) ALTERNATIVE PAYMENT AUTHORITY.—Any amount of pay and allowances due a member described in subsection (a) but not paid directly to such member by reason of the exercise of the authority provided in such subsection may, as directed by the member pursuant to regulations prescribed by the Secretary concerned—

"(1) be paid through allotments or assignments made by the member; or

"(2) be credited to the account of the member and paid to the member upon—

"(A) the end of the period referred to in subsection (a); or

"(B) the departure of the member from an area referred to in such subsection.

"(c) PROMPT PAYMENT REQUIREMENT.—The Secretary concerned shall ensure prompt payment of any pay and allowance due to be paid a member under subsection (b)(2)(B).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1015. Pay and allowances: limit on direct payment during period of war, hostilities, or national emergency.".

(b) CONFORMING AMENDMENT.—Section 1005 of such title is amended by striking out "Members" and inserting in lieu thereof "Except as provided in section 1015 of this title, members".

SEC. 652. LOSSES INCURRED AND GAINS REALIZED IN CONNECTION WITH HOUSING MEMBERS IN PRIVATE HOUSING ABROAD.

(a) PAYMENT OF LOSSES AND RECOUPMENT OF GAINS.—Section 405(d) of title 37, United States Code, is amended to read as follows:

"(d)(1) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may, under such regulations as such Secretary may prescribe, make a lump-sum payment for nonrecurring expenses incurred by the member in occupying private housing outside of the United States. Nonrecurring expenses for which a member may be reimbursed under this paragraph include losses sustained by the member on the refund of a rental deposit (or other deposit made by the member to secure housing) as a result of fluctuations in the relative value of the currencies of the United States and the foreign country in which such housing is located. Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).

"(2) The Secretary concerned may recoup the full amount of a refunded deposit referred to in paragraph (1) that was paid by the United States, including any gain resulting from a fluctuation in currency values referred to in that paragraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1993.

SEC. 653. POSTPONEMENT OF PERFORMANCE OF CERTAIN TAX-RELATED ACTS FOR CERTAIN PERSONS SERVING IN CONTINGENCY OPERATIONS.

Section 7508(f) of the Internal Revenue Code of 1986 is amended to read as follows:

"(f) TREATMENT OF INDIVIDUALS PERFORMING CONTINGENCY OPERATION SERVICE.—

"(1) IN GENERAL.—Any individual who performs contingency operation service (and the spouse of such individual) shall be entitled to the benefits of this section in the same manner as if such service were service referred to in subsection (a).

"(2) CONTINGENCY OPERATION SERVICE.—For the purposes of this subsection, the term 'contingency operation service' means any service in the Armed Forces or in support of the Armed Forces if—

"(A) such service is performed in an area designated by the Secretary of Defense pursuant to regulations prescribed by the Secretary under this paragraph as a contingency operation area; and

"(B) such services are performed during a contingency operation (as such term is defined in section 101(a)(13) of title 10, United States Code.".

SEC. 654. BENEFITS FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES PENDING LOSS OF RIGHT TO RETIRED PAY AS A RESULT OF A COURT-MARTIAL.

(a) PAYMENT REQUIRED.—Subsection (h) of section 1408 of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

"(10)(A) For purposes of this subsection, in the case of a member of the armed forces who has been sentenced by a court-martial to receive a punishment that will terminate the eligibility of that member to receive retired pay if executed, the eligibility of that member to receive retired pay shall be considered terminated effective upon the approval of that sentence by the court-martial convening authority.

"(B) If each form of the punishment that would result in the termination of eligibility to receive retired pay is later remitted, set aside, or mitigated to a punishment that does not result in the termination of that eligibility, a payment of benefits to the eligible recipient under this subsection that is based on the punishment so vacated, set aside, or mitigated shall cease. The cessation of payments shall be effective as of the first day of the first month following the month in which the Secretary of the military department concerned notifies the recipient of such benefits in writing that payment of the benefits will cease. The recipient may not be required to repay the benefits received before that effective date (except to the extent necessary to recoup any amount that was erroneous when paid).".

(b) ADMINISTRATION FOR THE COAST GUARD.—Subsection (h) of such section is amended—

(1) in paragraph (2)(A), by inserting after "Secretary of Defense" the following: "or, for the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation"; and

(2) in paragraph (8), by inserting before the period at the end the following: "or, in the case of the Coast Guard, out of funds appropriated to the Department of Transportation for payment of retired pay for the Coast Guard".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 23, 1992, and shall apply as if the provisions of the paragraph (10) of section 1408(h) of title 10, United States Code, added by such subsection were included in the amendment made by section 653(a)(2) of Public Law 102-484 (106 Stat. 2426).

SEC. 655. SENSE OF SENATE RELATING TO EXCESS LEAVE AND PERMISSIVE TEMPORARY DUTY FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) SENSE OF SENATE.—(1) It is the sense of the Senate that the Secretary of Defense ensure that a member whose home of record is outside the continental United States and who is stationed inside the continental United States at the time of the separation of the member be eligible to receive the same amount of excess leave or permissive temporary duty under section 1149 of title 10, United States Code, as a member who is stationed overseas.

(2) In this subsection, the term "continental United States" means the 48 contiguous States and the District of Columbia.

(b) REPORT ON AREAS OF INEQUITABLE TREATMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense submit a report to Congress—

(1) describing all provisions of law concerning pay and allowances for members of the Armed Forces in which members whose homes of record are outside the continental United States receive different treatment than members whose homes of record are in the continental United States; and

(2) containing recommendations to equalize such treatment.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. EXTENSION AND REVISION OF SPECIALIZED TREATMENT FACILITY PROGRAM AUTHORITY.

(a) AUTHORITY.—(1) Section 1105 of title 10, United States Code, is amended to read as follows:

"§ 1105. Specialized treatment facility program

"(a) PROGRAM AUTHORIZED.—The Secretary of Defense, in consultation with the other administering Secretaries, may conduct a specialized treatment facility program.

"(b) FACILITIES AUTHORIZED TO BE USED.—Under the program, the Secretary may designate health care facilities of the uniformed services and civilian health care facilities as specialized treatment facilities.

"(c) WAIVER OF NONEMERGENCY HEALTH CARE RESTRICTION.—Under the program, the Secretary of Defense may waive, with regard to the provision of a particular service, the 40-mile radius restriction set forth in section 1079(a)(7) of this title if the Secretary determines that the use of a different geographical area restriction will result in a more cost-effective provision of the service.

"(d) CIVILIAN FACILITY SERVICE AREA.—For purposes of the program, the service area of a civilian health care facility designated pursuant to subsection (b) shall be comparable in size to the service areas of facilities of the uniformed services.

"(e) ISSUANCE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.—Under the program, a commanding officer of a facility of the uniformed services, in determining whether to issue a nonavailability of health care statement for a person entitled to health care in facilities of the uniformed services under this chapter, may consider the availability of health care services for such person pursuant to any contract or agreement entered into under this chapter for the provision of health care services.

"(f) PAYMENT OF COSTS RELATED TO CARE IN SPECIALIZED TREATMENT FACILITIES.—(1) Subject to paragraph (2), the Secretary of Defense, in connection with the treatment of a covered beneficiary under the program, may provide the following benefits:

"(A) Full or partial reimbursement of a member of the uniformed services for the reasonable expenses incurred by the member in transporting a covered beneficiary to or from a health care facility of the uniformed services or a civilian health care facility at which specialized health care services are provided pursuant to this chapter.

"(B) Full or partial reimbursement of a person (including a member of the uniformed services) for the reasonable expenses of transportation, temporary lodging, and meals (not to exceed a per diem rate determined in accordance with implementing regulations) incurred by such person in accompanying a covered beneficiary as a nonmedical attendant to a health care facility referred to in subparagraph (A).

"(C) In-kind transportation, lodging, or meals instead of reimbursements under subparagraph (A) or (B) for transportation, lodging, or meals, respectively.

"(2) The Secretary may make reimbursements or provide transportation, lodging, and meals under paragraph (1) in the case of a covered beneficiary only if the total cost to the Department of Defense of doing so and of providing the health care in such case is less than the cost to the Department of providing the health care to the covered beneficiary by other means authorized under this chapter.

"(3) In this subsection, the term 'covered beneficiary' means a person entitled to health care under this chapter.

"(g) REGULATIONS.—The Secretary of Defense, after consulting with the other administering Secretaries, shall prescribe regulations to carry out the specialized treatment facility program authorized in this section.

"(h) EXPIRATION OF PROGRAM.—The authority under this section shall expire at the end of September 30, 1995.".

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking out the item relating to section 1105 and inserting in lieu thereof the following:

"1105. Specialized treatment facility program.".

(b) CONFORMING AMENDMENT.—Section 1079(a)(7) of title 10, United States Code, is amended by striking out "except that—" and all that follows and inserting in lieu thereof the following: "except that those services may be provided in any case in which another insurance plan or program provides primary coverage for those services;".

SEC. 702. CODIFICATION OF CHAMPUS PEER REVIEW ORGANIZATION PROGRAM PROCEDURES.

Section 1079 of title 10, United States Code, is amended by adding at the end the following:

"(o)(1) The Secretary of Defense may not provide a health care service under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) if such service is determined not medically or psychologically necessary by a peer review board acting under the CHAMPUS Peer Review Organization program.

"(2) The Secretary of Defense may, after consulting with the other administering Secretaries, adopt or adapt for use under the CHAMPUS Peer Review Organization program, as the Secretary considers appropriate, any of the quality and utilization review requirements and procedures that are utilized by the Peer Review Organization program under part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.).".

SEC. 703. FLEXIBLE DEADLINE FOR COMMENCEMENT OF CHAMPUS REFORM INITIATIVE IN HAWAII AND CALIFORNIA.

Section 713(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2435; 10 U.S.C. 1073 note) is amended by inserting ", or as soon thereafter as is practicable" after "August 1, 1993".

SEC. 704. DELAY OF TERMINATION OF STATUS OF CERTAIN FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.

Section 1252(e) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)) is amended by striking out "December 31, 1993" in the first sentence and inserting in lieu thereof "December 31, 1998".

SEC. 705. EXCLUSION OF EXPERIENCED MILITARY PHYSICIANS FROM MEDICARE DEFINITION OF NEW PHYSICIAN.

(a) CHARGES IN RURAL AREAS; EFFECT OF UNIFORMED SERVICE EXPERIENCE.—Section 1842(b)(4)(F)(i) of the Social Security Act (42 U.S.C. 1395u(b)(4)(F)(i)) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to any health care practitioner who before the practitioner's first year of practice has served at least four years as a health care practitioner in one of the uniformed services.".

(b) CHARGES BY NEW PHYSICIANS; EFFECT OF UNIFORMED SERVICE EXPERIENCE.—Section 1848(a)(4) of the Social Security Act (42 U.S.C. 1395w-4(a)(4)) is amended by inserting ", or to any physician who before the practitioner's first year of practice has served at least four years as a physician in one of the uniformed services" before the period at the end of the second sentence.

SEC. 706. ENROLLMENT IN THE DEPENDENTS' DENTAL PROGRAM BY CERTAIN MEMBERS RETURNING FROM OVERSEAS ASSIGNMENTS.

(a) IN GENERAL.—The Secretary of Defense shall revise the regulations applicable to the dependents' dental program established under section 1076a of title 10, United States Code, and the provisions of dental benefits plans established under that program, to the extent necessary to permit members of the uniformed services described in subsection (b) to enroll in a dental benefits plan under such program without regard to the length of the uncompleted portion of the member's period of obligated service.

(b) COVERED MEMBERS.—Subsection (a) applies with respect to a member of the uniformed services referred to in the first sentence of section 1076a(a)(1) of title 10, United States Code, who is reassigned from a permanent duty station where a dental benefits plan referred to in subsection (a) is not available to a permanent duty station where such a plan is available.

SEC. 707. SENSE OF SENATE ON THE PROVISION OF ADEQUATE MEDICAL CARE TO MILITARY RETIREES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense should encourage increased use of physicians, dentists, and other health care professionals in the reserve components of the Armed Forces of the United States in order to provide retired military personnel with care under section 1074(b) of title 10, United States Code, while such members of the reserve components are performing active duty, full-time National Guard duty, or inactive-duty training consistent with other military training requirements.

(b) DEFINITIONS.—In this section:

(1) The term "retired military personnel" means persons who are eligible for medical and dental care under section 1074(b) of title 10, United States Code.

(2) The terms "active duty", "full-time National Guard training", and "inactive-duty training" have the meaning given such terms in section 101(d) of such title.

SEC. 708. INDEPENDENT STUDY OF CONDUCT OF MEDICAL STUDY BY ARCTIC AEROMEDICAL LABORATORY, LADD AIR FORCE BASE, ALASKA.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall provide, in accordance with this section, for an independent study of the conduct of a series of medical studies performed during or prior to 1957 by the Air Force Arctic Aeromedical Laboratory in Alaska. The series of medical studies referred to in the preceding sentence was designed to study thyroid activity in men exposed to cold, and involved the administration of a radioactive isotope (Iodine 131) to certain Alaska Natives.

(b) CONDUCT OF REQUIRED STUDY.—The study referred to in subsection (a) shall be conducted by the Institute of Medicine of the National Academy of Sciences or a similar organization.

(c) DIRECT OR INDIRECT DOD INVOLVEMENT.—The Secretary may provide for the study either—

(1) by entering into an agreement with an independent organization referred to in subsection (b) to conduct the study; or

(2) by transferring to the Secretary of the Interior, the Secretary of Health and Human Services, or the head of another department or agency of the Federal Government funds to carry out the study in accordance with subsection (b).

(d) REPORT.—The Secretary of Defense or the head of the department or agency of the Federal Government carrying out the study shall submit to Congress a report on the results of the study. The report shall, at a minimum, include the following matters:

(1) Whether the series of studies referred to in subsection (a) was conducted in accordance with generally accepted guidelines for the use of human participants in medical experimentation.

(2) Whether Iodine 131 dosages were administered in accordance with radiation exposure standards generally accepted as of 1957 and with radiation exposure standards generally accepted as of 1993.

(3) The guidelines that should have been followed in the conduct of the series of studies, including guidelines regarding notification of participants about any possible risks.

(4) Whether subsequent studies of the participants should have been provided for and conducted to determine whether any participants suffered long term ill effects of the administration of Iodine 131 and, in the case of such ill effects, needed medical care for such effects.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for fiscal year 1994, $150,000 for carrying out the study referred to in subsection (a).

TITLE VIII—ACQUISITION POLICY

Subtitle A—Defense Technology and Industrial Base, Reinvestment, and Conversion

SEC. 801. MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) Subchapter IV of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2525. Manufacturing Science and Technology Program

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Manufacturing Science and Technology program. The Director of Defense Research and Engineering shall administer the program.

"(b) PURPOSE.—It shall be the purpose of the program to enhance the capability of industry to meet the manufacturing needs of the Department of Defense.

"(c) COMPONENTS.—The Secretary of Defense shall ensure that programs for manufacturing science and technology are established in the military departments, the Office of the Secretary of Defense, and the Defense Logistics Agency.

"(d) COMPETITION AND COST SHARING.—(1) Competitive procedures shall be used for awarding all contracts, grants, and cooperative agreements under the program.

"(2) At least 50 percent of the contracts, grants, and cooperative agreements shall be awarded on the basis of cost sharing arrangements involving significant contributions to the cost of the project from non-Federal Government sources.

"(3) A contract, grant, or cooperative agreement may not be awarded under this program on any basis other than a cost-shared basis unless the Secretary of Defense determines that the contract, grant, or cooperative agreement is for a program that—

"(A) is not likely to have immediate and direct commercial applications; or

"(B) is of sufficiently high risk to discourage cost sharing by non-Federal Government sources.

"(e) REVIEW AUTHORITY.—The Secretary of Defense may review any project proposed by the Congress to be awarded under the program on a basis that is inconsistent with paragraphs (1) and (2) of subsection (d) and may cancel any such project that the Secretary finds not to be in support of the national security requirements of the United States.".

(2) The table of sections at the beginning of subchapter IV of such chapter is amended by adding at the end the following:

"2525. Manufacturing Science and Technology Program.".

(b) FUNDING.—Of the amounts authorized to be appropriated under section 201, not more than $301,033,000 shall be available for the Manufacturing Science and Technology Program under section 2525 of title 10, United States Code (as added by subsection (a)), of which—

(1) not more than $20,000,000 shall be available for the Army;

(2) not more than $50,000,000 shall be available for the Navy;

(3) not more than $60,000,000 shall be available for the Air Force; and

(4) not more than $171,033,000 shall be available for the Defense Agencies.

SEC. 802. UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, through the Director of Defense Research and Engineering, shall establish a University Research Initiative Support Program.

(b) PURPOSE.—Under the program, the Director shall award grants and contracts to eligible institutions of higher education to support the conduct of research and development relevant to requirements of the Department of Defense.

(c) ELIGIBILITY.—An institution of higher education is eligible for a grant or contract under the program if the institution has received less than a total of $1,000,000 in grants and contracts from the Department of Defense in the two fiscal years before the fiscal year in which the institution submits a proposal for such grant or contract.

(d) COMPETITION REQUIRED.—The Director shall use competitive procedures in awarding grants and contracts under the program.

(e) PROGRAM REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall prescribe directives for carrying out the program. The directives shall require a merit-based selection process that is consistent with the provisions of section 2361(a) of title 10, United States Code, and shall require that each person selected to participate in such a merit-based selection process be a member of the faculty or staff of an institution of higher education that is a member of the National Association of State Universities and Land Grant Colleges or the American Association of State Colleges and Universities.

(f) FUNDING.—Of the amounts authorized to be appropriated under section 201, not more than $50,000,000 shall be available for the University Research Initiative Support Program.

SEC. 803. OPERATING COMMITTEE OF THE CRITICAL TECHNOLOGIES INSTITUTE.

Section 822(c) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 6686(c)) is amended to read as follows:

"(c) OPERATING COMMITTEE.—(1) The Institute shall have an Operating Committee composed of five members as follows:

"(A) The Director of the Office of Science and Technology Policy, who shall chair the committee.

"(B) The Director of the National Institutes of Health.

"(C) The Director of the National Institute for Standards and Technology.

"(D) The Director of the Advanced Research Projects Agency.

"(E) The Under Secretary of Energy having responsibility for science and technology matters.

"(2) The Operating Committee shall meet not less than four times each year.".

SEC. 804. TARGETING DEFENSE CONVERSION FUNDS.

It is the sense of Congress that—

(1) defense conversion funds, including funds for community assistance and dislocated personnel, should serve to relieve distress in areas of the country that are the most adversely affected by reduced spending for national defense and by military base closures;

(2) in the determinations of whether applicants for defense conversion assistance meet applicable cost-sharing requirements, all non-Federal funds, including funds from States and from local sources, should be considered;

(3) by April 30, 1994 (with respect to activities during the first half of fiscal year 1994) and by October 31, 1994 (with respect to activities during the second half of fiscal year 1994), the Secretary of Defense should submit to Congress a report setting forth—

(A) the geographic distribution of the sources of all proposals received for defense conversion assistance and the geographic distribution of the defense conversion assistance awarded (in order to indicate the extent to which the policy in paragraph (1) is being carried out); and

(B) the number of proposals for defense conversion assistance received from small businesses and the number of awards of defense conversion assistance to small businesses (in order to provide a basis for determining whether sufficient opportunities exist for small businesses to receive an appropriate portion of defense conversion funds and whether the cost-sharing requirements for small businesses should be reduced); and

(4) by January 1, 1994, the Secretary of Defense should—

(A) submit to Congress any recommendations that, taking into consideration the experience with providing defense conversion assistance during fiscal year 1993, the Secretary considers appropriate regarding—

(i) what share of the costs of participating in a defense conversion program should be borne by non-Department of Defense sources; and

(ii) what, if any, changes should be made in the laws providing authority for defense conversion programs; and

(B) prescribe regulations to provide full credit for in-kind contributions of non-Department of Defense sources for purposes of defense conversion program cost-sharing requirements.

SEC. 805. SMALL BUSINESS PARTICIPATION.

(a) DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—(1) Section 2511 of title 10, United States Code, is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following new subsection (g):

"(g) SMALL BUSINESS PARTICIPATION.—(1) The Secretary shall ensure that small businesses and consortia involving one or more small businesses are afforded an opportunity to participate in the partnerships program.

"(2) The Secretary shall conduct seminars or similar programs for small businesses in order to disseminate information regarding the partnerships program widely to small businesses.

"(3) The Secretary shall establish a goal that at least 15 percent of the total amount appropriated for a fiscal year for partnerships under this section be expended for partnerships that involve small businesses or consortia involving one or more small businesses.

"(4) In this section, the term 'small business' has the meaning given the term 'small business concern' pursuant to section 3 of the Small Business Act (15 U.S.C. 632).".

(2) Not later than the date on which the President submits to Congress the budget for fiscal year 1995 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a plan for achieving the goal required by subsection (g)(3) of section 2511 of title 10, United States Code, as added by paragraph (1)(B).

(b) SBA MEMBERSHIP ON THE NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The Administrator of the Small Business Administration.".

Subtitle B—Acquisition Assistance Programs

SEC. 811. CONTRACT GOAL FOR DISADVANTAGED SMALL BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) SCOPE OF REFERENCE TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—Subparagraph (B) of section 2323(a)(1) of title 10, United States Code, is amended to read as follows:

"(B) historically Black colleges and universities, including any nonprofit research institution that was an integral part of such a college or university before November 14, 1986;".

(b) DEFINITION OF MINORITY INSTITUTION.—Subparagraph (C) of section 2323(a)(1) of title 10, United States Code, is amended to read as follows:

"(C) minority institutions (as defined in section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)), which, for the purposes of this section, shall include Hispanic-serving institutions (as defined in section 316(b)(1)) of such Act (20 U.S.C. 1059c(b)(1)).".

(c) AWARD ELIGIBILITY.—Section 2323(f)(2) of title 10, United States Code, is amended to read as follows:

"(2) The Secretary of Defense shall prescribe regulations that prohibit awarding a contract under this section to an entity described in subsection (a)(1) unless the entity agrees to comply with the requirements of section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)).".

(d) IMPLEMENTING REGULATIONS.—(1) The Secretary of Defense shall propose amendments to the Department of Defense Supplement to the Federal Acquisition Regulation that address the matters described in subsection (g) and subsection (h)(2) of section 2323 of title 10, United States Code.

(2) Not later than 15 days after the date of the enactment of this Act, the Secretary shall publish such proposed amendments in accordance with section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b). The Secretary shall provide a period of at least 60 days for public comment on the proposed amendments.

(3) The Secretary shall publish the final regulations not later than 120 days after the date of the enactment of this Act.

(e) FUNDING.—(1) Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title II of this Act, $15,000,000 shall be available for such fiscal year for infrastructure assistance to historically Black colleges and universities and minority institutions under section 2323(c)(3) of title 10, United States Code.

(2) Of the amount made available pursuant to paragraph (1), not more than $1,000,000 may be used to provide infrastructure assistance of the types described in section 2323(c)(3) of title 10, United States Code, to educational institutions that have student body enrollments equal to or greater than 51 percent of the student body enrollment standard under which such educational institution would qualify as a minority institution under section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)).

SEC. 812. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) PROCUREMENT TECHNICAL ASSISTANCE PROGRAM FUNDING.—Of the amount authorized to be appropriated in section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts referred to in subsection (a), $600,000 shall be available for fiscal year 1994 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 813. PILOT MENTOR-PROTEGE PROGRAM FUNDING AND IMPROVEMENTS.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title I of this Act, $50,000,000 shall be available for conducting the pilot Mentor-Protege Program established pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note).

(b) REGULATIONS.—(1) The fifth sentence of section 831(k) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended to read as follows: "The Department of Defense policy regarding the pilot Mentor-Protege Program shall be published and maintained as an appendix to the Department of Defense Supplement to the Federal Acquisition Regulation.".

(2) The Secretary of Defense shall ensure that, within 30 days after the date of the enactment of this Act, the Department of Defense policy regarding the pilot Mentor-Protege Program, as in effect on September 30, 1993, is incorporated into the Department of Defense Supplement to the Federal Acquisition Regulation as an appendix. Revisions to such policy (or any successor policy) shall be published and maintained in such supplement as an appendix.

(c) EQUITY CAPITAL INVESTMENT.—(1) Section 831(f)(6) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended by striking out "10 percent" and inserting in lieu thereof "40 percent".

(2) The amendment made by paragraph (1) shall take effect as of October 1, 1991.

(d) EXTENSION OF PROGRAM ADMISSIONS.—Section 831(j)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended by striking "September 30, 1994" and inserting "September 30, 1995".

Subtitle C—Other Matters

SEC. 821. REIMBURSEMENT OF INDIRECT COSTS OF INSTITUTIONS OF HIGHER EDUCATION UNDER DEPARTMENT OF DEFENSE CONTRACTS.

(a) IN GENERAL.—Department of Defense reimbursements of allowable indirect costs incurred by an institution of higher education for work performed for the Department of Defense under a Department of Defense contract may not be limited by regulation to a maximum amount unless that same limitation is applied uniformly to all other organizations performing similar work for the Department of Defense under Department of Defense contracts.

(b) WAIVERS.—The governing body of an institution of higher education may waive the application of the prohibition in subsection (a) to such institution in order to simplify the overall management by that institution of cost reimbursements for contracts awarded to the institution.

(c) DEFINITIONS.—In this section:

(1) The term "allowable indirect costs" means costs that are generally considered allowable as indirect costs under regulations that establish the cost reimbursement principles applicable to an institution of higher education for purposes of Department of Defense contracts.

(2) The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 822. PROHIBITION ON PURCHASE OF UNITED STATES DEFENSE CONTRACTORS BY ENTITIES CONTROLLED BY FOREIGN GOVERNMENTS.

Section 835(c)(1)(A) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2462; 50 U.S.C. App. 2170a) is amended by striking out "owned or controlled" and inserting in lieu thereof "controlled, either directly or indirectly,".

SEC. 823. PROHIBITION ON AWARD OF CERTAIN DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY CONTRACTS TO ENTITIES CONTROLLED BY A FOREIGN GOVERNMENT.

(a) TERMINOLOGY AMENDMENT.—Subsection (a) of section 2536 of title 10, United States Code, is amended—

(1) by striking out "a company owned by"; and

(2) by striking out "that company" and inserting in lieu thereof "that entity".

(b) DEFINITION OF ENTITY CONTROLLED BY FOREIGN GOVERNMENT.—Subsection (c)(1)(A) of such section is amended by striking out "owned or controlled" and inserting in lieu thereof "controlled, either directly or indirectly,".

(c) CLERICAL AMENDMENTS.—(1) The section heading of such section is amended by striking out **"companies owned by an entity"** and inserting in lieu thereof **"entities"**.

(2) The item relating to such section in the table of sections at the beginning of subchapter V of chapter 148 of title 10, United States Code, is amended to read as follows:

"2536. Prohibition on award of certain Department of Defense and Department of Energy contracts to entities controlled by a foreign government.".

SEC. 824. REPORTS BY DEFENSE CONTRACTORS ON DEALINGS WITH TERRORIST COUNTRIES AND NATIONALS OF TERRORIST COUNTRIES.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410i. Defense contractor transactions with terrorist countries and nationals of terrorist countries

"(a) REPORTS REQUIRED FROM CONTRACTORS.—(1)(A) The Secretary of Defense shall require that each person—

"(i) before entering into a contract with the Department of Defense to provide goods or services to the Department, report to the Secretary any commercial transactions which such person has conducted with any terrorist country or with any national of a terrorist country; and

"(ii) report to the Secretary any commercial transactions which such person conducts, during the period of the contract, with any terrorist country, or with any national of a terrorist country.

"(B) The requirement contained in subparagraph (A)(ii) shall be included in the contract with the Department of Defense.

"(b) ANNUAL REPORT TO CONGRESS.—(1) The Secretary of Defense shall submit to the Congress an annual report on defense contractor transactions with terrorist countries and nationals of terrorist countries.

"(2) The report shall contain the following matters:

"(A) A list of the persons who conducted commercial transactions with terrorist countries and nationals of terrorist countries during the year covered by the report, as reported pursuant to subsection (a).

"(B) The terrorist countries and nationals of terrorist countries with which such transactions were conducted.

"(C) The nature of the transactions.

"(c) DEFINITIONS.—In this section:

"(1) The term 'terrorist country' means a country the government of which the Secretary of State has determined pursuant to law, as of March 1, 1993, is a government that has repeatedly provided support for acts of international terrorism.

"(2) The term 'national' means, with respect to a terrorist country—

"(A) a natural person who is a citizen of such country; or

"(B) a corporation or other legal entity that is organized under the laws of that country, if natural persons who are citizens of that country own, directly or indirectly, 50 percent or more of the outstanding capital stock or other beneficial interest of such corporation or entity.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2410i. Defense contractor transactions with terrorist countries and nationals of terrorist countries.".

(b) EFFECTIVE DATE.—Section 2410i of title 10, United States Code, shall take effect 60 days after the date of the enactment of this Act and shall apply to contracts entered into on or after the effective date of such section.

SEC. 825. DEPARTMENT OF DEFENSE PURCHASES THROUGH OTHER AGENCIES.

(a) REGULATIONS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall issue regulations governing the exercise by the Department of Defense of the authority under section 1535 of title 31, United States Code, to purchase goods and services under contracts entered into or administered by another agency.

(b) CONTENT OF REGULATIONS.—The regulations issued pursuant to subsection (a) shall—

(1) require that each purchase described in subsection (a) be approved in advance by a warranted contracting officer of the Department of Defense with authority to contract for the goods or services to be purchased or by another official in a position specifically designated by regulation to approve such purchase;

(2) provide that such a purchase of goods or services may be made only if—

(A) the purchase is appropriately made under a contract that the agency filling the purchase order entered into, before the purchase order, in order to meet the requirements of such agency for the same or similar goods or services;

(B) the agency filling the purchase order is better qualified to enter into or administer the contract for such goods or services by reason of capabilities or expertise that is not available within the Department;

(C) the agency or unit filling the order is specifically authorized by law or regulations to purchase such goods or services on behalf of other agencies; or

(D) the purchase is authorized by an Executive order or a revision to the Federal Acquisition Regulation setting forth specific additional circumstances in which purchases referred to in subsection (a) are authorized;

(3) prohibit any such purchase under a contract or other agreement entered into or administered by an agency not covered by the provisions of chapter 137 of title 10, United States Code, or title III of the Federal Property and Administrative Services Act of 1949 and not covered by the Federal Acquisition Regulation unless the purchase is approved in advance by the Senior Acquisition Executive responsible for purchasing by the ordering agency or unit; and

(4) prohibit any payment to the agency filling a purchase order of any fee that exceeds the actual cost or, if the actual cost is not known, the estimated cost of entering into and administering the contract or other agreement under which the order is filled.

(c) MONITORING SYSTEM REQUIRED.—The Secretary of Defense shall ensure that, not later than one year after the date of enactment of this Act, systems of the Department of Defense for collecting and evaluating procurement data are capable of collecting and evaluating appropriate data on procurements conducted under the regulations issued pursuant to paragraph (a).

(d) TERMINATION.—This section shall cease to be effective one year after the date on which final regulations issued pursuant to subsection (a) take effect.

SEC. 826. AUTHORITY OF THE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PILOT DEMONSTRATION PROJECTS AND PROTOTYPE PROJECTS.

(a) AUTHORITY.—The Director of the Advanced Research Projects Agency may, under the authority of section 2371 of title 10, United States Code, carry out pilot technology demonstration projects and prototype projects that are directly relevant to weapons or weapons systems proposed to be acquired or developed by the Department of Defense.

(b) EXERCISE OF AUTHORITY.—(1) Subsections (d)(2) and (d)(3) of such section 2371 shall not apply to pilot projects carried out under subsection (a).

(2) The Director shall, to the maximum extent practicable, utilize competitive procedures when entering into agreements to carry out projects under subsection (a).

(c) PERIOD OF AUTHORITY.—The authority of the Director to carry out projects under subsection (a) shall terminate 3 years after the date of the enactment of this Act.

SEC. 827. IMPROVEMENT OF PRICING POLICIES FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2680 the following new section:

"§ 2681. Use of test and evaluation installations by commercial entities

"(a) CONTRACT AUTHORITY.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation under the jurisdiction of the Secretary.

"(b) TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.—A contract entered into under subsection (a) shall contain a provision that the installation commander may terminate, prohibit, or suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the installation commander certifies in writing that the test or evaluation activity is or would be detrimental—

"(1) to the public health and safety;

"(2) to property (either public or private); or

"(3) to any national security interest or foreign policy interest of the United States.

"(c) CONTRACT PRICE.—A contract entered into under subsection (a) shall include a provision that requires a commercial entity using a Major Range and Test Facility Installation under the contract to reimburse the installation for all direct costs to the United States that are associated with the test and evaluation activities conducted by the commercial entity under the contract, as determined by the installation commander. In addition, the contract may include a provision that requires the commercial entity to reimburse the installation for such indirect costs related to the use of the installation as the installation commander considers to be appropriate.

"(d) RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.—Amounts collected under subsection (c) from a commercial entity conducting test and evaluation activities at a Major Range and Test Facility Installation shall be credited to the appropriation accounts under which the costs associated with the test and evaluation activities of the commercial entity were incurred.

"(e) REGULATIONS AND LIMITATIONS.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, shall prescribe regulations to carry out this section. The authority of installation commanders under subsections (b) and (c) shall be subject to the authority, direction, and control of the Secretary of the military department concerned.

"(f) DEFINITIONS.—In this section:

"(1) The term 'Major Range and Test Facility Installation' means a test and evaluation installation under the jurisdiction of the Secretary of a military department and designated as such by the Secretary.

"(2) The term 'direct costs' includes the cost of—

"(A) labor, material, facilities, utilities, equipment, supplies, and any other resources damaged or consumed during the test or evaluation activities or maintained for a particular commercial entity; and

"(B) construction specifically performed for the commercial entity to conduct test and evaluation activities.

"(3) The term 'installation commander' means the commander of a Major Range and Test Facility Installation.

"(g) TERMINATION OF AUTHORITY.—The authority provided to the Secretary of a military department by subsection (a) shall terminate on September 30, 1998.

"(h) REPORT.—Not later than January 1, 1999, the Secretary of each military department shall submit to the Secretary of Defense and Congress a report describing the number and purposes of contracts entered into under subsection (a) and evaluating the extent to which the authority under this section is exercised to open Major Range and Test Facility Installations to commercial test and evaluation activities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2680 the following new item:

"2681. Use of test and evaluation installations by commercial entities.".

Subtitle D—Defense Acquisition Pilot Program

SEC. 831. DEFENSE ACQUISITION PILOT PROGRAM AMENDMENTS.

(a) REPEAL OF LIMITATION ON NUMBER OF PARTICIPATING DEFENSE ACQUISITION PROGRAMS.—Section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) is amended by striking out "not more than six".

(b) REPEAL OF REQUIREMENT TO DESIGNATE PARTICIPATING PROGRAMS AS DEFENSE ENTERPRISE PROGRAMS.—Section 809 of such Act is amended by striking out subsection (d).

(c) PUBLICATION OF POLICIES AND GUIDELINES FOR PUBLIC COMMENT.—Section 809 of such Act is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(d) PUBLICATION OF POLICIES AND GUIDELINES.—The Secretary shall publish in the Federal Register a proposed memorandum setting forth policies and guidelines for implementation of the pilot program under this section and provide an opportunity for public comment on the proposed memorandum for a period of 60 days after the date of publication. The Secretary shall publish in the Federal Register any subsequent proposed change to the memorandum and provide an opportunity for public comment on each such proposed change for a period of 60 days after the date of publication.".

(d) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Section 809 of such Act is amended—

(1) by redesignating subsection (f) as subsection (e); and

(2) in paragraph (2)(D) of subsection (e), as so redesignated, by striking out "specific budgetary and personnel savings" and inserting in lieu thereof "a discussion of the efficiencies or savings".

SEC. 832. REFERENCE TO DEFENSE ACQUISITION PILOT PROGRAM.

A reference in this subtitle to the Defense Acquisition Pilot Program is a reference to the defense acquisition pilot program authorized by section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note).

SEC. 833. MISSION ORIENTED PROGRAM MANAGEMENT.

It is the sense of Congress that—

(1) in the exercise of the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), the Secretary of Defense should propose for one or more of the defense acquisition programs covered by the Defense Acquisition Pilot Program to utilize the concept of mission oriented program management that includes—

(A) establishing a mission oriented program executive office; and

(B) designating a lead agency for the mission oriented program executive office;

(2) the duties of the program executive officer for each of one or more of such programs should include—

(A) planning, programming, and carrying out research, development, and acquisition activities;

(B) providing advice regarding the preparation and integration of budgets for research, development, and acquisition activities;

(C) informing the operational commands of alternative technology solutions to fulfill emerging requirements;

(D) ensuring that the acquisition plan for the program realistically reflects the budget and related decisions made for that program;

(E) managing related technical support resources;

(F) conducting integrated decision team meetings; and

(G) providing technological advice to users of program products and to the officials within the military departments who prepare plans, programs, and budgets;

(3) the Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition, should prescribe policies and procedures for the interaction of the commanders of the unified and specified combatant commands with the mission oriented program executive officers, and such policies and procedures should include provisions for enabling the user commands to perform acceptance testing; and

(4) the management functions of a program manager should not duplicate the management functions of the mission oriented program executive officer.

SEC. 834. SAVINGS OBJECTIVES.

It is the sense of Congress that the Secretary of Defense, on the basis of the experience under the Defense Acquisition Pilot Program, should seek personnel reductions and other management and administrative savings that, by September 30, 1998, will achieve at least a 25-percent reduction in defense acquisition management costs below the costs of defense acquisition management during fiscal year 1993.

SEC. 835. PROGRAM PHASES AND PHASE FUNDING.

(a) ACQUISITION PROGRAM PHASES.—It is the sense of Congress that—

(1) the Secretary of Defense should propose that one or more defense acquisition programs proposed for participation in the Defense Acquisition Pilot Program be exempted from acquisition regulations regarding program phases that are applicable to other Department of Defense acquisition programs; and

(2) a program so exempted should follow a simplified acquisition program cycle that is results oriented and consists of—

(A) an integrated decision team meeting phase which—

(i) could be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

(ii) should be conducted by a program executive officer; and

(iii) should usually be completed within 1 to 3 months.;

(B) a prototype development and testing phase which should include operational tests and concerns relating to manufacturing operations and life cycle support and should usually be completed within 6 to 36 months and should produce sufficient numbers of prototypes to assess operational utility;

(C) a product integration, development, and testing phase which—

(i) should include full-scale development, integration of components, and operational testing; and

(ii) should usually be completed within 1 to 5 years; and

(D) a phase for production, integration into existing systems, or production and integration into existing systems.

(b) PHASE FUNDING.—To the extent provided in legislation pursuant to subsection of (c)(1)(B) of section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) and to the extent provided in appropriations Acts, the Secretary of Defense is authorized to expend for a defense acquisition program participating in the Defense Acquisition Pilot Program such sums as are necessary to carry out a phase of the acquisition program cycle after the Secretary determines that objective quantifiable performance expectations relating to the execution of that phase have been identified.

(c) MAJOR PROGRAM DECISION.—It is the sense of the Congress that the Secretary of Defense should establish for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program an approval process having one major decision point.

SEC. 836. PROGRAM WORK FORCE POLICIES.

(a) IN GENERAL.—The Secretary of Defense shall review the incentives and personnel actions available to the Secretary for encouraging excellence in the acquisition workforce of the Department of Defense and may provide an enhanced system of incentives, in accordance with applicable law, for the encouragement of excellence in the work force of a participating acquisition program.

(b) ENHANCED SYSTEM OF INCENTIVES.—The Secretary of Defense should consider providing for program executive officers, program managers, and other acquisition personnel of defense acquisition programs participating in the Defense Acquisition Pilot Program an enhanced system of incentives which—

(1) in accordance with applicable law, relates pay to performance; and

(2) provides for consideration of the extent to which the performance of such personnel contributes to the achievement of cost goals, schedule goals, and performance goals established for such programs.

SEC. 837. EFFICIENT CONTRACTING PROCESSES.

It is the sense of the Congress that the Secretary of Defense, in exercising the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), should seek to simplify the procurement process, streamline the period for entering into contracts, and simplify specifications and requirements.

SEC. 838. CONTRACT ADMINISTRATION: PERFORMANCE BASED CONTRACT MANAGEMENT.

It is the sense of the Congress that the Secretary of Defense should propose under section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C.

2430 note) that, for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program, payments under section 2307(a) of title 10, United States Code, be made on any of the following bases:

(1) Performance measured by statistical process controls.

(2) Event accomplishment.

(3) Other quantifiable measures of results.

SEC. 839. CONTRACTOR PERFORMANCE ASSESSMENT.

(a) COLLECTION AND ANALYSIS OF PERFORMANCE INFORMATION.—The Secretary of Defense shall collect and analyze information on contractor performance under the Defense Acquisition Pilot Program.

(b) INFORMATION TO BE INCLUDED.—Information collected under subsection (a) shall include the history of the performance of each contractor under the Defense Acquisition Pilot Program contracts and, for each such contract performed by the contractor, a technical evaluation of the contractor's performance prepared by the program manager responsible for the contract.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS.

Section 136(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Legislative Affairs. He shall have as his principal duty the overall supervision of legislative affairs of the Department of Defense.".

SEC. 902. RESPONSIBILITIES OF THE COMPTROLLER OF THE DEPARTMENT OF DEFENSE.

Section 137(c) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(6) in informing, in a timely manner, the Committees on Armed Services and on Appropriations of the Senate and House of Representatives regarding all matters relating to the budgetary, fiscal, and analytic activities of the Department of Defense that are under the supervision of the Comptroller.".

SEC. 903. REPEAL OF TERMINATION OF REQUIREMENT FOR A DIRECTOR OF EXPEDITIONARY WARFARE.

Section 5038(e) of title 10, United States Code, is repealed.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1994 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $1,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. REVISION OF DATE FOR SUBMITTAL OF JOINT REPORT ON SCORING OF BUDGET OUTLAYS.

Section 226(a) of title 10, United States Code, is amended—

(1) by striking out "Not later than" and all that follows through "section 1105 of title 31", and inserting in lieu thereof "Not later than December 15 of each year"; and

(2) in paragraph (1), by striking out "that budget" and inserting in lieu thereof "the budget to be submitted to Congress in the following year pursuant to section 1105 of title 31".

SEC. 1003. DISCRETIONARY AUTHORITY OF THE COMPTROLLER GENERAL TO CONDUCT ANNUAL AUDITS OF THE ACCEPTANCE BY THE DEPARTMENT OF DEFENSE OF PROPERTY, SERVICES, AND CONTRIBUTIONS.

(a) PROPERTY AND SERVICES FROM FOREIGN COUNTRIES IN CONNECTION WITH MUTUAL DEFENSE OR OCCUPATION.—Section 2350g(d) of title 10, United States Code, is amended—

(1) by striking out "shall conduct" and inserting in lieu thereof "may conduct"; and

(2) by striking out "each such audit" and inserting in lieu thereof "each audit conducted under this subsection".

(b) CONTRIBUTIONS FOR DEPARTMENT OF DEFENSE USE.—Section 2608(i) of title 10, United States Code, is amended—

(1) by striking out "shall conduct" and inserting in lieu thereof "may conduct"; and

(2) by striking out "each such audit" and inserting in lieu thereof "each audit conducted under this subsection".

Subtitle B—Fiscal Year 1993 Authorization Matters

SEC. 1011. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1993 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b), totaling $4,343,219,000 may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1993 defense appropriations except as otherwise provided in section 1012.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1993 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1993 defense authorizations.

(c) DEFINITIONS.—For the purposes of this subtitle:

(1) FISCAL YEAR 1993 DEFENSE APPROPRIATIONS.—The term "fiscal year 1993 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1993 in the Department of Defense Appropriations Act, 1993 (Public Law 102-396).

(2) FISCAL YEAR 1993 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1993 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1993 in the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

SEC. 1012. LIMITATION ON OBLIGATION FOR CERTAIN UNAUTHORIZED APPROPRIATIONS.

(a) PROGRAMS NOT AVAILABLE FOR OBLIGATION.—Amounts described in section 1011(b) may not be obligated or expended for the following programs, projects, and activities of the Department of Defense (for which amounts were provided in fiscal year 1993 defense appropriations):

(1) The University Research Initiatives program under research, development, test, and evaluation for the Defense Agencies in the amount of $136,450,000.

(2) The C-20 aircraft program under aircraft procurement for the Navy in the amount of $25,000,000.

(3) The 105MM M490A1 tank cartridge program under ammunition for the Army in the amount of $20,000,000.

(4) The 155MM M107 artillery projectile program under ammunition for the Army in the amount of $35,000,000.

(5) The 155MM M203 propellant charge program under ammunition for the Army in the amount of $22,487,000.

(6) The LSV landing craft program under other procurement for the Army in the amount of $18,000,000.

(7) The Offshore Petroleum Delivery System under other procurement for the Navy in the amount of $22,000,000.

(8) The AN/SPS-48 radar program under other procurement for the Navy in the amount of $51,500,000.

(9) The HARM missile program under missile procurement for the Air Force in the amount of $113,700,000.

(10) The KC-135 reengining program under aircraft procurement for the Air Force, $87,174,000.

(11) The P-3 upgrade program for the Naval Reserve under procurement of National Guard and Reserve Equipment in the amount of $25,000,000.

(12) Operational Support Aircraft under procurement of National Guard and Reserve Equipment in the amount of $249,200,000 as follows:

(A) C-12J aircraft for Army Reserve, $42,300,000.

(B) C-20 aircraft for the Army Reserve, $27,000,000.

(C) C-23 aircraft for the Army National Guard, $60,000,000.

(D) C-26 aircraft for the Army National Guard, $23,000,000.

(E) C-212 aircraft for the Army National Guard, $57,900,000.

(F) P-180 aircraft for the Army National Guard, $16,000,000.

(G) C-26 aircraft for the Air National Guard, $23,000,000.

SEC. 1013. USE OF FISCAL YEAR 1993 AIR FORCE AIRCRAFT PROCUREMENT FUNDS FOR HIGHER PRIORITY PROGRAMS.

To the extent provided in appropriations Acts, the Secretary of the Air Force may use not more than $100,900,000 of the funds appropriated for the Air Force for fiscal year 1993 for procurement of aircraft in order to fund fiscal year 1994 programs of the Air Force having a higher priority than the aircraft procurement programs for which such funds are otherwise available.

SEC. 1014. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1993.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1993 for covering the incremental costs arising from Operation Restore Hope, Operation Provide Comfort, and Operation Southern Watch, and deficiencies in funding of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), and for repairing flood damage at Camp Pendleton, California, $1,246,928 as follows:

(1) For Military Personnel:

For the Navy, $7,100,000.

(2) For Operation and Maintenance:

(A) For the Army, $149,800,000.

(B) For the Navy, $46,356,000.

(C) For the Marine Corps, $122,192,000.

(D) For the Air Force, $226,400,000.

(E) For the Defense Agencies, $2,000,000.

(F) For the Naval Reserve, $237,000.

(G) For Humanitarian Assistance, $23,000,000.

(H) For Real Property Maintenance, Defense, $29,098,000.

(I) For the Defense Health Program, $299,900,000.

(3) For Military Construction:

(A) For the Navy inside the United States, $3,000,000.

(B) For the Navy for family housing inside the United States, $4,345,000.

(4) For Working Capital Funds:

For the Defense Business Operations Fund, $293,500,000.

(b) NATIONAL SECURITY EDUCATION TRUST FUND OBLIGATIONS.—During fiscal year 1993, sums in the National Security Education Trust Fund are authorized to be obligated in the total amount of $10,000,000.

Subtitle C—Joint Officer Personnel Matters

SEC. 1021. JOINT OFFICER PERSONNEL POLICY.

(a) FIVE-YEAR EXTENSION OF EXCEPTIONS TO REQUIREMENT OF JOINT DUTY ASSIGNMENT FOR PROMOTION TO GENERAL OR FLAG OFFICER.—Section 619(e) of title 10, United States Code, is amended—

(1) in the second sentence of paragraph (1), by striking out "January 1, 1994" and inserting in lieu thereof "January 1, 1999"; and

(2) in paragraph (2), by striking out subparagraph (E) and inserting in lieu thereof the following:

"(E) until January 1, 1999, in the case of an officer who served in an assignment (other than a joint duty assignment) that began before October 1, 1986, and that involved significant experience in joint matters (as determined by the Secretary) if the officer served in that assignment for a period of sufficient duration (which may not be less than 12 months) for his service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.".

(b) SERVING-IN WAIVER.—Section 619(e) of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end of paragraph (2) the following:

"(F) in the case of an officer who has served at least 180 days in a joint duty assignment prior to the date of the convening of a selection board that recommends the officer for appointment to the grade of brigadier general or rear admiral (lower half), but only if that officer's total consecutive service in joint duty assignments within that same organization is not less than two years.".

(c) WAIVER FOR THE GOOD OF THE SERVICE.—Section 619(e)(3)(B) of title 10, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, the Secretary of Defense may, on a case-by-case basis, delay the assignment of a general or flag officer to a joint duty assignment if an appropriate joint duty assignment is not available. An officer whose joint duty assignment has been so delayed may not be promoted to the grade of major general or rear admiral (upper half) until the officer completes a full tour of duty in a joint duty assignment.".

SEC. 1022. JOINT DUTY CREDIT FOR CERTAIN DUTY PERFORMED DURING OPERATIONS DESERT SHIELD AND DESERT STORM.

(a) AUTHORITY TO GIVE JOINT DUTY CREDIT.—Notwithstanding subsection (e) of section 933 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2476; 10 U.S.C. 664 note), the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, may give an officer credit for having completed a tour of duty in a joint duty assignment pursuant to the provisions of such section if—

(1) the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps recommended (before the expiration of authority under subsection (e) of such section) that the officer be given such credit, credit was denied that officer or credit for less than a full tour was given that officer, and the Secretary determines that the decision not to give the credit or not to give greater credit, as the case may be, to such officer was incorrect; or

(2) the Secretary determines that the officer's ability to submit a timely request for consideration for such credit was impaired by involvement of the officer in an operational assignment and, as a result of the failure to submit a timely request, the officer was not recommended for such credit.

(b) CLARIFICATION OF INTENDED RELATIONSHIP BETWEEN CREDIT AND PROMOTIONS.—Section 933(a)(1) of such Act is amended by striking out "chapter 38" and inserting in lieu thereof "chapters 36 and 38".

(c) DURATION OF AUTHORITY.—The authority of the Secretary of Defense under subsection (a) expires at the end of the 60-day period beginning on the date of the enactment of this Act.

Subtitle D—Matters Relating to Reserve Components

SEC. 1031. REVIEW OF AIR FORCE PLANS TO TRANSFER HEAVY BOMBERS TO RESERVE COMPONENTS UNITS.

(a) REVIEW OF AIR FORCE PLANS.—(1) The Secretary of Defense shall review Air Force plans to transfer certain heavy bomber units from the active component of the Air Force to the reserve components of the Air Force.

(2) In carrying out the review, the Secretary shall consider the following matters:

(A) The compatibility of Air Force plans with the relevant results of the internal review of the Department of Defense (known as the "bottom-up review") being conducted during 1993 by direction of the Secretary of Defense.

(B) The effect that the transfer will have on the immediate availability of substantial numbers of heavy bombers for combat operations.

(C) The levels of full-time and part-time employees that will be necessary at reserve components units in order to provide adequate logistics and maintenance support for intensive and sustained heavy bomber operations.

(D) The requirements for additional military construction funding that will result from the transfer and relocation of heavy bomber operations.

(b) SECRETARY OF DEFENSE PLAN REQUIRED.—(1) The Secretary of Defense, in consultation with the Secretary of the Air Force, shall develop a comprehensive plan for proposed transfers of heavy bomber units from the active component of the Air Force to the reserve components of the Air Force. The plan shall cover the period beginning on the date of the enactment of this Act and ending January 1, 2000.

(2) The plan shall include the following matters:

(A) The unit designation of each active component unit from which heavy bombers are to be transferred.

(B) The unit designation of each reserve component unit to which such heavy bombers are to be transferred.

(C) The proposed date of inactivation of each active component unit transferring heavy bombers.

(D) The proposed date of activation of each reserve component unit receiving heavy bombers.

(E) The requirements at each reserve component unit receiving heavy bombers for additional Armed Forces personnel and civilian personnel, additional facilities for the bomber aircraft, additional military construction funds other than for facilities construction, additional spare parts, and additional logistics, maintenance, and test equipment beyond such resources that become available by reason of the inactivation of the active component unit.

(c) REPORTING REQUIREMENTS.—Not later than March 31, 1994, the Secretary shall submit to the congressional defense committees—

(1) a report on the results of the review required under subsection (a), and

(2) the plan required under subsection (b).

SEC. 1032. REQUIREMENT FOR TRANSFER OF AIR REFUELING AIRCRAFT TO RESERVE COMPONENTS OF THE AIR FORCE.

The Secretary of the Air Force shall transfer from active component squadrons of the Air Force to two Air National Guard or Air Force Reserve squadrons operating KC–135E aircraft a number of KC–135R aircraft that is sufficient to modernize such squadrons.

Subtitle E—International Peacekeeping Activities

SEC. 1041. GENERAL AUTHORIZATION OF SUPPORT FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZED SUPPORT FOR FISCAL YEAR 1994.—The Secretary of Defense may provide assistance for international peacekeeping activities during fiscal year 1994, in accordance with section 403 of title 10, United States Code, in an amount not to exceed $300,000,000. Notwithstanding the second sentence of subsection (b) of that section, the assistance so provided may be derived from funds appropriated to the Department of Defense for fiscal year 1994 for operation and maintenance or from balances in working capital funds.

(b) EXTENSION OF AUTHORITY.—Section 403(h) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

SEC. 1042. REPORT ON MULTINATIONAL PEACEKEEPING AND PEACE ENFORCEMENT.

(a) REPORT REQUIRED.—Not later than the date on which the President submits to Congress the budget for fiscal year 1995 under section 1105 of title 31, United States Code, the President, after consultation with the Secretary of State and the Secretary of Defense, shall submit to the Committees on

Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on United States policy on multinational peacekeeping and peace enforcement.

(b) CONTENT OF REPORT.—The report shall contain a comprehensive analysis and discussion of the following matters:

(1) Criteria for participation by the United States in multinational missions through the United Nations, North Atlantic Treaty Organization, or other regional alliances and international organizations.

(2) Proposals for expanding peacekeeping activities by the North Atlantic Treaty Organization and the North Atlantic Cooperation Council, including joint operations, joint training, and joint doctrine development.

(3) A summary of progress made by the United States, in consultation with other nations, to develop joint doctrine for peacekeeping and peace enforcement operations, and plans to conduct joint exercises with other nations for such purposes.

(4) The principles guiding decisions to place United States forces under foreign command.

(5) Proposals to establish opportunities within the Armed Forces of the United States for voluntary duty in units designated for assignment to multinational peacekeeping and peace enforcement missions.

(6) Proposals to modify the budgetary and financial policies of the United Nations for peacekeeping and peace enforcement missions, including—

(A) proposals regarding the structure and control of budgetary procedures;

(B) proposals regarding United Nations accounting procedures; and

(C) specific proposals—

(i) to establish a revolving capital fund to finance the costs of starting new United Nations operations approved by the Security Council;

(ii) to establish a requirement that United Nations member nations pay one-third of the anticipated first-year costs of a new operation immediately upon Security Council approval of that operation;

(iii) to establish a requirement that United Nations member nations be charged interest penalties on late payment of their assessments for peacekeeping or peace enforcement missions; and

(iv) regarding possible sources of international revenue for United Nations peacekeeping and peace enforcement missions.

(7) Proposals to establish a small United Nations Rapid Deployment Force under the direction of the United Nations Security Council in order to provide for quick intervention in disputes for the purpose of preventing a larger outbreak of hostilities.

(8) Congressional authorization and approval requirements for participation of United States forces in multinational peacekeeping and peace enforcement missions, including the applicability of the War Powers Resolution.

(9) Proposals that the United States and other United Nations member nations negotiate special agreements under article 43 of the United Nations Charter to provide for those states to make armed forces, assistance, and facilities available to the United Nations Security Council for the purposes stated in article 42 of that charter, not only on an ad hoc basis, but also on a permanent on-call basis for rapid deployment under Security Council authorization.

(10) A proposal that member nations of the United Nations commit to keep equipment specified by the Secretary General of the United Nations available for immediate sale, loan, or donation to the United Nations when required.

(11) A proposal that member nations of the United Nations make airlift and sealift capacity available to the United Nations without charge or at lower than commercial rates.

(12) An evaluation of the current capabilities and future needs of the United Nations for improved command, control, communications, and intelligence infrastructure, including facilities, equipment, procedures, training, and personnel, and an analysis of United States capabilities and experience in such matters that could be applied or offered directly to the United Nations.

(13) An evaluation of the potential role of the Military Staff Committee of the United Nations Security Council.

(14) Any other information that may be useful to inform Congress on matters relating to United States policy and proposals on peacekeeping and peace enforcement missions.

Subtitle F—Matters Relating to Allies and Other Nations

SEC. 1051. BURDEN SHARING CONTRIBUTIONS BY JAPAN, KUWAIT, AND THE REPUBLIC OF KOREA.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350j. Burden sharing contributions by Japan, Kuwait, and Korea

"(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Notwithstanding section 1306 of title 31, the Secretary of Defense, in consultation with the Secretary of State, may accept cash contributions from Japan, Kuwait, and the Republic of Korea for the purposes specified in subsection (c).

"(b) CREDITS.—Contributions accepted under subsection (a) shall be credited to appropriations of the Department of Defense. The contributions so credited shall be merged with the appropriations to which credited.

"(c) AVAILABILITY OF CONTRIBUTIONS.—Contributions accepted under subsection (a) shall be available only for payment of the following costs associated with facilities used by the armed forces:

"(1) Compensation for local national employees of the Department of Defense.

"(2) Military construction projects of the Department of Defense, in accordance with subsection (d).

"(3) Supplies and services for the Department of Defense.

"(d) AUTHORIZATION OF MILITARY CONSTRUCTION.—Contributions credited under subsection (b) to an appropriation account of the Department of Defense may be used—

"(1) by the Secretary of Defense to carry out a military construction project that is consistent with the purposes for which the contribution was made and is not otherwise authorized by law; or

"(2) by the Secretary of a military department, with the approval of the Secretary of Defense, to carry out such a project.

"(e) NOTICE AND WAIT REQUIREMENTS.—(1) When a decision is made to carry out a military construction project under subsection (d), the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a report containing—

"(A) an explanation of the need for the project;

"(B) the then current estimate of the cost of the project; and

"(C) a justification for carrying out the project under that subsection.

"(2) The Secretary of Defense or the Secretary of a military department may not commence a military construction project under subsection (d) before the expiration of the 21-day period beginning on the date on which the Secretary of Defense submits the report regarding the project in accordance with paragraph (1).

"(f) REPORTING REQUIREMENT.—Not later than 30 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a report specifying separately for Japan, Kuwait, and the Republic of Korea—

"(1) the amount of the contributions accepted by the Secretary during the preceding fiscal year under this section;

"(2) the purposes for which the contributions were made;

"(3) the amount of the contributions expended during the preceding fiscal year; and

"(4) the purposes for which the contributions were expended.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2350j. Burden sharing contributions by Japan, Kuwait, and Korea.".

SEC. 1052. DEFENSE CONVERSION AND REINVESTMENT; EXPORT LOAN GUARANTEES.

(a) AUTHORITY FOR PROVIDING LOAN GUARANTEES.—(1) During fiscal year 1994, the President may issue guarantees for the sale of defense articles and defense services to the member nations of the North Atlantic Treaty Organization and to Israel, Australia, Japan, and the Republic of Korea. The aggregate amount guaranteed under this section in such fiscal year may not exceed $1,000,000,000.

(2) In issuing medium- and long-term guarantees for sales pursuant to paragraph (1), the President shall not offer terms and conditions more beneficial than would be provided by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

(3) The authority of this subsection may be exercised only to such extent and in such amounts as is provided for in advance in appropriations Acts.

(b) SUBSIDY COST AND FUNDING.—(1) There is authorized to be appropriated for fiscal year 1994, $25,000,000 for the subsidy cost of the loan guarantees issued under this section.

(2) Funds authorized to be available for the Export-Import Bank of the United States may not be used for the execution of the program under this section.

(c) EXECUTIVE AGENCY.—The Department of Defense shall be the executive agency for administration of the program under this section unless the President, in consultation with the Congress, designates another agency to implement the program. Applications for guarantees issued under this section shall be submitted to the Secretary of Defense, who may make such arrangements as are necessary with other agencies to process the applications and otherwise to implement the program under this section.

(d) FEES CHARGED AND COLLECTED.—A fee shall be charged for each guarantee issued under the program under this section. All fees collected in connection with guarantees issued under the program shall be available to offset the cost of guarantee obligations under the program. All of the fees collected under this subsection, together with earnings on those fees and other income arising from guarantee operations under the program, shall be held in a financing account maintained in the Treasury of the United States. All funds in such account may be invested in obligations of the United States. Any interest or other receipts derived from such investments shall be credited to such account and may be used for the purposes of the program.

(e) INTERAGENCY REVIEW PROCESS.—The issuance of loan guarantees for defense exports under this section shall be subject to all United States Government review procedures for arms sales to foreign governments and shall be consistent with United States policy on arms sales to those nations referred to in subsection (a).

(f) NATIONAL SECURITY COUNCIL REVIEW PROCESS.—In addition to the interagency review process for arms sales to foreign governments referred to in subsection (e), the National Security Council shall review the proposed defense sale and determine that it is in accord with United States security interests, that it contributes to collective defense burden sharing, and that it is consistent with United States nonproliferation goals.

(g) DEFINITIONS.—In this section, the terms "defense articles", "defense services", and "defense articles and defense services" have the meanings given those terms, respectively, in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

SEC. 1053. FINDINGS REGARDING DEFENSE COOPERATION BETWEEN THE UNITED STATES AND ISRAEL.

Congress makes the following findings:

(1) The President has made a commitment to maintain the qualitative superiority of the Israeli Defense Forces over any combination of adversary armed forces.

(2) The President has expressed a desire to enhance United States-Israeli military and technical cooperation, particularly in the areas of missile defense, counter-proliferation of weapons of mass destruction, and counter-proliferation of ballistic missiles.

(3) Maintaining the qualitative superiority of the Israeli Defense Forces and strengthening United States defense ties with Israel will help to ensure that Israel has the military strength and political support necessary for taking risks for peace while providing Arab states with an incentive to pursue negotiations instead of war.

(4) The establishment of the United States Israel Science and Technology Commission, the binational Senior Planning Group, and the Technology Transfer Working Group is in the interest of both the United States and Israel.

(5) It is in the national interests of the United States and Israel for the organizations referred to in paragraph (4) to work to strengthen existing mechanisms for cooperation and to eliminate barriers to further collaboration between the United States and Israel.

(6) Israel continues to face difficult threats to its national security that are compounded by the proliferation of weapons of mass destruction and ballistic missiles.

SEC. 1054. DEFENSE BURDENSHARING.

(a) FINDINGS.—Congress makes the following findings:

(1) Since fiscal year 1985, the budget of the Department of Defense has declined by 34 percent in real terms.

(2) During the past few years, the United States military presence overseas has declined significantly in the following ways:

(A) Since fiscal year 1986, the number of United States military personnel permanently stationed overseas has declined by almost 200,000 personnel.

(B) From fiscal year 1989 to fiscal year 1994, spending by the United States to support the stationing of United States military forces overseas will have declined by 36 percent.

(C) Since January 1990, the Department of Defense has announced the closure, reduction, or transfer to standby status of 840 United States military facilities overseas, which is a 50 percent reduction in the number of such facilities.

(3) The United States military presence overseas will continue to decline as a result of actions by the executive branch and the following initiatives of the Congress:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which required a 40 percent reduction by September 30, 1996, in the number of United States military personnel permanently stationed ashore in overseas locations.

(B) Section 1303 of the National Defense Authorization Act for Fiscal Year 1993, which specified that no more than 100,000 United States military personnel may be permanently stationed ashore in NATO member countries after September 30, 1996.

(C) Section 1301 of the National Defense Authorization Act for Fiscal Year 1993, which reduced the spending proposed by the Department of Defense for overseas basing activities during fiscal year 1993 by $500,000,000.

(D) Sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, which directed the President to consult with East Asian allies, and to develop a plan, regarding gradually reducing the United States military force structure in East Asia.

(4) The East Asia Strategy Initiative, which was developed in response to sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, has resulted in the withdrawal of more than 12,000 United States military personnel from Japan and the Republic of Korea since fiscal year 1990.

(5) In response to actions by the executive branch and the Congress, allied countries in which United States military personnel are stationed and alliances in which the United States participates have agreed in the following ways to offset more of the costs incurred by the United States in basing military forces overseas:

(A) Under the 1991 Special Measures Agreement between Japan and the United States, Japan will pay by 1995 almost all yen-denominated costs of stationing United States military personnel in Japan.

(B) The Republic of Korea has agreed to pay by 1995, one-third of the won-based costs incurred by the United States in stationing United States military personnel in the Republic of Korea.

(C) The North Atlantic Treaty Organization (NATO) has agreed that the Infrastructure Program could pay the annual operation and maintenance costs of facilities that would support the reinforcement of Europe by United States military forces.

(b) FUNDING REDUCTIONS.—(1) The total amount authorized to be appropriated to the Department of Defense for operation and maintenance and for military construction (including NATO Infrastructure) to conduct overseas basing activities during fiscal year 1994 may not exceed the amount equal to the baseline for fiscal year 1993 reduced by $1,355,500,000.

(2) For purposes of paragraph (1), the baseline for fiscal year 1993 is the sum of the amounts that were made available for overseas basing activities out of the amounts appropriated for such fiscal year for the following purposes:

(A) Operation and maintenance.

(B) Family housing, operations.

(C) Family housing, construction.

(D) Military construction (including NATO Infrastructure).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the amounts obligated to conduct overseas basing activities should decline significantly in fiscal year 1995 and in future fiscal years as—

(1) the number of United States military personnel stationed overseas continues to decline; and

(2) the countries in which United States military personnel are stationed and the alliances in which the United States participates assume an increased share of United States overseas basing costs.

(d) BURDENSHARING AGREEMENTS FOR INCREASED HOST NATION SUPPORT.—(1) In order to achieve additional savings in overseas basing costs, the President should intensify his efforts to negotiate a more favorable host-nation agreement with each foreign country to which this paragraph applies under paragraph (3)(A).

(2) For purposes of paragraph (1), a more favorable host-nation agreement is an agreement under which such foreign country—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with the United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the Armed Forces of the United States of all tax liability that, with respect to forces located in such country, is incurred by the Armed Forces under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2673) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the nonpersonnel costs of

United States military installations in the country.

Subtitle G—Other Matters

SEC. 1061. ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES.

Section 1004(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note) is amended by adding at the end the following new paragraph:

"(10) Aerial and ground reconnaissance.".

SEC. 1062. REPORT ON PERSONNEL REQUIREMENTS FOR CONTROL OF TRANSFER OF CERTAIN WEAPONS.

(a) REPORT ON MANPOWER REQUIRED TO IMPLEMENT EXPORT CONTROLS ON CERTAIN WEAPONS TRANSFERS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to the committees of Congress named in subsection (c) a report entitled "Manpower Required to Implement Export Controls on Certain Weapons Transfers".

(b) CONTENT OF REPORT.—The report shall contain the following matters:

(1) A clear statement of the role of the Department of Defense, and a clear statement of the role of the Department of Energy, in implementing export controls on goods and technology related to nuclear, chemical, and biological weapons.

(2) A discussion of the number and skills of personnel currently available in the Department of Defense and the Department of Energy to perform the respective roles of such department.

(3) An assessment of the adequacy of the number and skills of such personnel for the effective performance of such roles.

(4) For each of fiscal years 1988, 1989, 1990, 1991, 1992, 1993, and 1994, the total number of Department of Defense and Department of Energy full-time employees and military personnel who, in the implementation of export controls on goods and technology related to nuclear, chemical, and biological weapons, carry out the following activities of such department:

(A) Review of private sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.

(C) Policy coordination.

(D) International liaison activity.

(E) Technical review.

(5) For each fiscal year referred to in paragraph (4), the grades of the personnel referred to in that paragraph and the special knowledge, experience, and expertise of such personnel that enable such personnel to carry out the activities referred to in that paragraph.

(6) An assessment of the adequacy of the staffing in each of the categories specified in subparagraphs (A) through (E) of paragraph (4).

(7) Recommendations concerning measures, including any legislation necessary, to eliminate any identified staffing deficiencies and to improve interagency coordination with respect to implementing export controls on goods and technology related to nuclear, chemical, and biological weapons.

(8) All Department of Defense activities undertaken during fiscal years 1989, 1990, 1991, 1992, and 1993 in fulfillment of the responsibilities of the Department of Defense under section 602(c) of the Nuclear Non-Proliferation Act of 1978 (Public Law 96-280; 22 U.S.C. 3282(c)) with respect to nuclear weapons proliferation threats and the role of the department in addressing such threats.

(c) SUBMISSION OF REPORT.—The Secretary of Defense and the Secretary of Energy shall submit the report to—

(1) the Committees on Armed Services and on Governmental Affairs of the Senate; and

(2) the Committee on Armed Services of the House of Representatives.

(d) FORM OF REPORT.—The report shall be submitted in unclassified form but may also be submitted in classified form if the Secretary of Defense and the Secretary of Energy consider it necessary to include classified information in order to satisfy fully the requirements of this section.

SEC. 1063. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM AMENDMENTS.

Section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2519; 32 U.S.C. 501 note) is amended—

(1) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) CONDUCT OF THE PROGRAM.—The Secretary of Defense may provide for the conduct of the program in such States as he determines to be appropriate.";

(2) in subsection (d)(3), by striking out "reimburse" and inserting in lieu thereof "provide funds to";

(3) in subsection (*l*), by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The term 'State' includes the Commonwealth of Puerto Rico, the territories (as defined in section 101(1) of title 32, United States Code), and the District of Columbia."; and

(4) in subsection (m)—

(A) by inserting "(1)" after "(m);

(B) by striking out "for fiscal year 1993"; and

(C) by adding at the end the following new paragraph:

"(2) Notwithstanding section 9003 of Public Law 102-396 (106 Stat. 1900), of the total amount appropriated for fiscal year 1993 for operation and maintenance for the Army National Guard, for operation and maintenance for the Air National Guard, for the National Guard Civilian Youth Opportunities Pilot Program, for National Guard Civilian Youth Opportunities, Urban Youth Program and Youth Conservation Corps Camps, and the STARBASE youth education program, $49,000,000 shall remain available for obligation for such purposes and programs until the enactment of an Act appropriating funds for the Department of Defense for fiscal year 1995.".

SEC. 1064. CIVILIAN FACULTY OF THE GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§1599. George C. Marshall European Center for Security Studies: civilian faculty members

"(a) AUTHORITY OF THE SECRETARY.—The Secretary of Defense may employ as many civilians as directors, deans, professors, scholars, instructors, researchers, and lecturers at the George C. Marshall European Center for Securities Studies as the Secretary considers necessary.

"(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be prescribed by the Secretary of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1599. George C. Marshall European Center for Security Studies: civilian faculty members.".

SEC. 1065. ADMINISTRATIVE IMPROVEMENTS IN GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM.

(a) TERMS OF OFFICE OF FOUNDATION MEMBERS.—Section 1404(c)(1) of the Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99-661; 20 U.S.C. 4703) is amended—

(1) by striking out ", and" at the end of subparagraph (A) and inserting in lieu thereof a semicolon;

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(C) notwithstanding the term limitation provided for under this paragraph, any member appointed under this paragraph may serve under such appointment until the successor to such member is appointed.".

(b) LEASE AUTHORITY.—Section 1411(a)(7) of such Act (20 U.S.C. 4710(a)(7)) is amended by striking out "District of Columbia" and inserting in lieu thereof "the Washington, District of Columbia, metropolitan area".

SEC. 1066. U.S.S. INDIANAPOLIS MEMORIAL, INDIANAPOLIS, INDIANA.

(a) FINDINGS.—Congress makes the following findings:

(1) That, on July 30, 1945, among the closing days of World War II, the U.S.S. Indianapolis (CA-35) was sunk as a result of a torpedo attack on that ship.

(2) That the memorial to the U.S.S. Indianapolis (CA-35) located on the east bank of the Indianapolis water canal in downtown Indianapolis, Indiana, will honor the personal sacrifice of the 1,197 servicemen who were aboard the U.S.S. Indianapolis (CA-35) on that day, 881 of whom died as one of the greatest single combat losses suffered by the United States Navy in World War II.

(3) That the memorial will pay fitting tribute to that gallant ship and its final crew, and will forever commemorate the place of the U.S.S. Indianapolis in United States Navy history as the last major ship lost in World War II.

(4) That, as a memorial to the last major ship lost by the United States Navy in World War II, the memorial to the U.S.S. Indianapolis will rank in importance with the memorial to the U.S.S. Arizona (BB-39), one of the first ships lost by the United States Navy in World War II.

(5) That the memorial to the U.S.S. Indianapolis symbolizes the devoted service of the United States Navy and Marine Corps personnel, particularly those who lost their lives at sea in the Pacific Theater during World War II, whose dedication and sacrifice in the cause of liberty and freedom were instrumental in the triumph of the United States in that war.

(6) That the citizens of the United States have a continuing obligation to educate future generations about the military and other historic endeavors of this great Nation.

(b) RECOGNITION AS A NATIONAL MEMORIAL.—The memorial to the U.S.S. Indianapolis (CA-35) in Indianapolis, Indiana, is hereby recognized as the national memorial to the U.S.S. Indianapolis (CA-35) and to the final crew of that historic warship.

SEC. 1067. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARDS SOMALIA.—

(1) Since United States Armed Forces made significant contributions under Operation

Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

(2) Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief operations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

(b) Statement of Congressional Policy.—

(1) Consultation with the Congress.—The President should consult closely with the Congress regarding United States policy with respect to Somalia, including in particular the deployment of United States Armed Forces in that country, whether under United Nations or United States command.

(2) Planning.—The United States shall facilitate the assumption of the functions of United States forces by the United Nations.

(3) Reporting requirement.—

(A) The President shall ensure that the goals and objectives supporting deployment of United States forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(B) Such report shall include the status of planning to transfer the function contained in paragraph (2).

(4) Congressional approval.—Upon reporting under the requirements of paragraph (3) Congress believes the President should by November 15, 1993, seek and receive congressional authorization in order for the deployment of United States forces to Somalia to continue.

SEC. 1068. SENSE OF THE CONGRESS REGARDING ESTABLISHMENT OF AN OFFICE OF ECONOMIC CONVERSION INFORMATION WITHIN THE DEPARTMENT OF COMMERCE.

(a) Findings.—The Congress makes the following findings:

(1) The available Federal resources for defense economic adjustment and conversion assistance are spread among 23 different Federal departments and agencies.

(2) Numerous other Federal departments and agencies are involved in related technology reinvestment activities.

(3) Workers and communities adversely affected by closures of military installations or decreased spending for national defense often experience difficulty finding which Federal department or agency is appropriate for providing assistance needed by such workers and communities.

(4) Expanded coordination between Federal departments and agencies could greatly improve Federal efforts to assist in defense economic adjustment and conversion.

(b) Sense of Congress Regarding Establishment of an Office of Economic Conversion Information.—It is the sense of the Congress that the President should work with the Congress to establish within the Department of Commerce an Office of Economic Conversion Information which, under the joint direction of the Secretary of Commerce and the Secretary of Defense, would—

(1) serve as an information clearinghouse to provide comprehensive information regarding assistance for communities, workers, and businesses that have been adversely affected by closures of military installations and reduced spending for national defense;

(2) enhance and consolidate existing programs for collecting and disseminating information regarding defense economic adjustment and conversion;

(3) be widely publicized as the central point of access for the public on issues related to defense economic adjustment and conversion;

(4) develop data bases of information, to be available to help communities, businesses, and workers dependent on spending for national defense identify and apply for assistance from Federal departments and agencies, including—

(A) comprehensive listings and summaries of all major Federal, State, and local economic adjustment and conversion programs;

(B) a data base listing information available to the public regarding major defense contract terminations and closures of military installations and identifying affected communities, industries, and jobs;

(C) listings and summaries of defense conversion attempts and successes; and

(D) relevant reference lists and bibliographies;

(5) provide information to communities, workers, and businesses by such easily accessible and easily used means as toll-free telephone information lines, inexpensive and frequently updated manuals and other print materials, workshops on clearinghouse services, and on-line computer access to clearinghouse information;

(6) facilitate a series of community roundtables, involving consultation and briefings with communities, workers, and businesses adversely affected by closures of military installations and reduced spending for national defense, to be held annually in all major regions of the United States so affected; and

(7) establish a mechanism, coordinated by the Secretary of Commerce and the Secretary of Defense, to ensure adequate cooperation between all Federal departments and agencies that oversee defense economic adjustment and conversion assistance programs.

(c) Sense of Congress Regarding Evaluation and Funding of the Office of Economic Conversion Information.—It is further the sense of Congress that—

(1) after the Office of Economic Conversion Information has been in operation for three years, the Secretary of Commerce and the Secretary of Defense should jointly conduct a comprehensive evaluation of the operations of such office and consider whether the purpose of the office should be modified or the office should be terminated; and

(2) the operating expenses for the Office of Economic Conversion Information should not exceed $5,000,000 for each of the first three full fiscal years in which the office is in operation.

SEC. 1069. TRANSFER OF OBSOLETE DESTROYER TENDER YOSEMITE.

(a) Authority.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy may transfer the obsolete destroyer tender Yosemite to the nonprofit organization Ships at Sea for education and drug rehabilitation purposes.

(b) Limitations.—The transfer authorized by section (a) may be made only if the Secretary determines that the vessel Yosemite is of no further use to the United States for national security purposes.

(c) Terms and Conditions.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1070. TRANSPORTATION OF CARGOES BY WATER.

Chapter 157 of title 10, United States Code, is amended by inserting a new section 2631a, as follows:

"§ 2631a. Contingency planning

"(a) Consideration of Private Capabilities.—The Secretary of Defense shall ensure that all studies and reports of the Department of Defense, and all actions taken in the Department of Defense, concerning sealift and related intermodal transportation requirements take into consideration the full range of the transportation and distribution capabilities that are available from operators of privately owned United States flag merchant vessels.

"(b) Private Capacities Presentations.—The Secretary shall afford each operator of a vessel referred to in subsection (a), not less often than annually, an opportunity to present to the Department of Defense information on its port-to-port and intermodal transportation capacities.

"(c) Certification Requirement.—The Secretary shall submit to the Secretary of Transportation, not less often than annually, a certification of compliance with the requirements of subsection (b).".

SEC. 1071. BURIAL OF REMAINS AT ARLINGTON NATIONAL CEMETERY.

(a) Eligibility.—Under regulations prescribed by the Secretary of the Army, former prisoners of war who, having served honorably in active military, naval, or air service (as determined in accordance with such regulations), die on or after the date of the enactment of this Act shall be eligible for burial in Arlington National Cemetery, Virginia.

(b) Savings Provision.—This section may not be construed to make ineligible for burial in Arlington National Cemetery any former prisoner of war who was eligible before the date of the enactment of this Act to be buried in such cemetery.

(c) Definition.—In this section, the term "former prisoner of war" has the meaning given such term in section 101(32) of title 38, United States Code.

SEC. 1072. SENSE OF THE CONGRESS REGARDING THE JUSTIFICATION FOR CONTINUING THE EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM.

(a) Findings.—(1) There is a need to reevaluate all defense spending in light of the post-Cold War era and budget and fiscal constraints;

(2) The Extremely Low Frequency Communications System (ELF System) was originally designed to play a role in the strategic deterrence mission against the former Soviet Union;

(3) The threat of nuclear war has greatly diminished since the collapse of the Soviet Union;

(4) The ELF System is increasingly in use for communications with our SSN attack submarines in addition to our strategic missile submarines;

(5) Military base closing, downsizing of military facilities and activities, and termination of selected projects are appropriate in light of the end of the Cold War and the approximately $4,000,000,000,000 national debt;

(6) It is appropriate to establish funding priorities within the military defense budget; and

(7) Ongoing studies of the effects of ELF operations on human health and the environment are due to be concluded next year.

(b) Sense of Congress.—Now, therefore, it is the sense of Congress that—

(1) the Secretary of Defense should conduct an evaluation of the benefits and costs of continued operation of the Extremely Low Frequency Communications System and alternatives thereto, if any;

(2) the results of such an evaluation should be submitted to the Congressional Defense Committees prior to consideration of the fiscal year 1995 Defense budget request; and

(3) the Extremely Low Frequency Communication System should again be considered in the next round of military base closures.

SEC. 1073. BASING FOR C-130 AIRCRAFT.

The Secretary of the Air Force shall determine the unit assignment and basing location for any C-130 aircraft procured for the Air Force Reserve from funds appropriated for National Guard and Reserve Equipment procurement for fiscal year 1992 or 1993 in such manner as the Secretary determines to be in the best interest of the Air Force.

SEC. 1074. IMPORTANCE OF NAVAL OCEANOGRAPHY SURVEY AND RESEARCH IN THE POST-COLD WAR PERIOD.

(a) The Senate finds that—

(1) the Oceanographer of the Navy is responsible for the all Navy oceanographic research and survey efforts;

(2) oceanographic research and surveys are critical investments in the Navy's ability to operate in littoral waters of the world with an increased confidence of operational success;

(3) oceanographic surveys enable the Navy to conduct naval operations in greater safety, particularly in littoral waters;

(4) the survey of littoral waters is most safely conducted during periods of peace when conflict is not imminent and the risk to lives and ships are diminished;

(5) the Navy has reduced their oceanographic research and survey effort by almost 50 percent over the last five years;

(6) this reduction in effort is the result of undistributed budget reductions required by the Comptroller of the Navy to meet overall Navy budget targets;

(7) the number of naval ships dedicated to oceanographic survey and research have been reduced from 12 to 7 over the last five years, significantly reducing the Navy's oceanographic survey capability;

(b) Therefore, it is the sense of the Congress that—

(1) additional reductions to the Office of the Oceanographer of the Navy which will further reduce the level of oceanographic survey and research efforts of the Navy should be avoided;

(2) a window of opportunity exists which allows near unencumbered access to littoral waters which are now available for surveying and research;

(3) committing limited resources to the Navy's oceanographic research and survey effort should be considered a force multiplier to United States combat forces in future conflicts, particularly in littoral waters;

(4) the Navy should exploit this opportunity to survey and research these critical littoral waters and maintain funding levels for oceanographic surveying and research.

SEC. 1075. DIGITAL ELECTRONIC DEVICES.

Of the funds authorized to be appropriated pursuant to section 201(1), $24,000,000 may be obligated and expended for the purposes of demonstrating in field maneuvers the integration of digital electronic devices for purposes of command, control, battle management and combat identification for all major weapon systems contained in a combined arms brigade.

SEC. 1076. RESEARCH ON EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS OF ARMED SERVICES PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) A number of veterans of the Persian Gulf War have reported unexplained illnesses and claim that such illnesses are a consequence of exposure to chemical, biological, radiological, or other hazardous agents or materials as a result of service in Southwest Asia during the Persian Gulf War.

(2) Members of the Armed Forces of the former Czechoslovakian Federative Republic who served on a chemical decontamination team in Southwest Asia during the period of the Persian Gulf War have claimed exposure to chemical agents during such service, and the Czech Minister of Defense has confirmed that members of that chemical decontamination team detected low levels of nerve gas in that region during that period.

(3) Reports indicate that members of the United States Armed Forces who served in Southwest Asia during the Persian Gulf War may have been exposed to combined chemical warfare agents and other hazardous agents and substances during such service.

(4) Such exposure may have occurred directly as a result of attack on such members by Iraqi forces or indirectly as a result of prolonged "downwind" exposure to airborne chemical warfare agents or other hazardous substances that were dispersed as a consequence of the bombing of Iraqi chemical weapons facilities, nuclear facilities, and other facilities containing hazardous substances.

(5) It is in the interest of the United States that medical professionals providing care to members of the Armed Forces and to veterans understand the nature of the illnesses that such members and veterans may contract in order to ensure that such professionals have sufficient information to provide proper care to such members and veterans.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) one of the threats to international peace and to the interests of the United States in the post-Cold War era is the proliferation of weapons utilizing chemical, biological, radiological, or other hazardous agents or materials;

(2) the readiness of the United States to engage in future military conflicts will be directly related to the capability of the United States—

(A) to identify the threat to members of the Armed Forces posed by the utilization of such weapons and the agents and materials utilized in such weapons;

(B) to protect such members from the adverse effects of exposure to such agents and materials; and

(C) to treat the casualties that result from the utilization of such weapons and from exposure to such agents and materials; and

(3) the Department of Defense is uniquely capable of conducting research into the sources and effects of exposure of members of the Armed Forces during military conflicts to chemical, biological, radiological, and other hazardous agents and materials.

(c) CONTRACT FOR RESEARCH FACILITY AND ACTIVITIES.—(1) Subject to paragraph (2), the Secretary of the Army shall enter into a contract with a hospital or other existing health care or health care research facility in order to ensure that the research referred to in paragraph (3) is carried out.

(2)(A) The Secretary shall enter into the contract under paragraph (1) using full and open competition.

(B) The facility referred to in such paragraph shall be affiliated with a medical facility of the Department of Veterans Affairs.

(3) The research referred to in paragraph (1) is research into the effects upon humans of exposure to hazardous agents and materials, including chemical and biological warfare agents, toxins, and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War.

(4) Humans may not be exposed to hazardous agents or materials as a result of the carrying out of research under this subsection.

(d) STUDY ON REPORTS OF EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS.—(1) Subject to paragraph (2), the Secretary of Defense shall carry out a study in order to determine the validity and accuracy of claims that members of the Armed Forces who served in Southwest Asia during the Persian Gulf War were exposed to combined chemical warfare agents, biological warfare agents, biological toxins, and other unconventional warfare agents or other environmental conditions hazardous to the health of such members as a result of such service. The study shall identify the locations at which such exposure, if any, occurred and the extent, if any, of such exposure.

(2) The study under paragraph (1) shall include an investigation of such exposure directly as a result of attack on such members by Iraqi forces and indirectly as a result of prolonged downwind exposure to such agents and toxins dispersed in consequence of the bombing of Iraqi chemical weapons facilities, nuclear facilities, and other facilities containing hazardous substances.

(e) STUDY ON EXPOSURE TO DEPLETED URANIUM.—The Secretary of the Army shall carry out a study of the effects upon humans of exposure to fragments of depleted uranium from weapons rounds that have been fired.

(f) PARTICIPATION BY THE DEPARTMENT OF DEFENSE.—(1) The Secretary of Defense shall ensure that all elements of the Departments of the Defense, including all chemical and biological warfare defense programs, provide to the facility with which the Secretary of the Army contracts under subsection (c) any information possessed by such elements on the identity and quantity of the chemical, biological, radiological, and other hazardous agents and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War and on the effects upon humans of such exposure.

(2) The Secretary of Defense shall ensure that the elements of the Department of Defense referred to in paragraph (1) provide to the persons or entities carrying out the study referred to in subsection (e) information possessed by such elements on the sources and effects of exposure to depleted uranium on the members referred to in paragraph (1).

(g) REPORTS TO CONGRESS.—(1) Not later than each of March 1, 1994, and October 1, 1994, the Secretary shall submit to the congressional defense committees an interim report on the results during the year preceding the report of the research and studies, as the case may be, carried out under subsections (c), (d), and (e).

(2) The reports submitted under this subsection shall be submitted in an unclassified form but may have a classified annex.

(h) BUDGET INFORMATION.—The Secretary of Defense shall ensure that each budget submitted to the Congress under section 1105 of title 31, United States Code, for a fiscal year in which the contract referred to in subsection (c) is in force, the Secretary carries out the study referred to in subsection (d), or the Secretary carries out the study referred to in subsection (e), as the case may be, contains a request for such funds as the Secretary determines necessary in order to carry out the contract or such studies, as the case may be, during that fiscal year.

(i) FUNDING.—Funds for programs authorized in this section shall be derived from amounts to be appropriated for the Department of Defense.

(j) LIMITATION ON EXPENDITURES.—The total amount that may be expended in fiscal year 1994 with respect to activities under this section is as follows:

(1) For research activities carried out under subsection (c), $2,000,000.

(2) For the study carried out under subsection (d), $2,000,000.

(3) For the study carried out under subsection (e), $1,700,000.

(k) DEFINITION.—In this section, the term "Persian Gulf War" has the meaning given such term in section 101(33) of title 38, United States Code.

SEC. 1077. SENSE OF CONGRESS RELATING TO THE PROLIFERATION OF SPACE LAUNCH VEHICLE TECHNOLOGIES.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has joined with other nations in the Missile Technology Control Regime (MTCR) which restricts the transfer of missiles or equipment or technology that could contribute to the design, development or production of missiles capable of delivering weapons of mass destruction.

(2) Missile technology is indistinguishable from and interchangeable with space launch vehicle technology.

(3) Transfers of missile technology or space launch vehicle technology cannot be safeguarded in a manner that would provide timely warning of diversion for military purposes.

(4) It has been United States policy since agreeing to the guidelines of the Missile Technology Control Regime to treat the sale or transfer of space launch vehicle technology as restrictively as the sale or transfer of missile technology.

(5) Previous congressional action on missile proliferation, notably title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1738), has explicitly supported this policy through such actions as the statutory definition of the term "missile" to mean "a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems".

(6) There is strong evidence that emerging national space launch programs in the Third World are not economically viable.

(7) The United States has successfully dissuaded countries from pursuing space launch vehicle programs in part by offering to cooperate with them in other areas of space science and technology.

(8) The United States has successfully dissuaded other MTCR adherents, and countries who have agreed to abide by MTCR guidelines, from providing assistance to emerging national space launch programs in the Third World.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Congress supports the strict interpretation by the United States of the Missile Technology Control Regime concerning—

(A) the inability to distinguish space launch vehicle technology from missile technology under the regime; and

(B) the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of its diversion to military purposes; and

(2) the United States and the governments of other nations adhering to the Missile Technology Control Regime should be recognized for—

(A) the success of such governments in restricting the export of space launch vehicle technology and of missile technology; and

(B) the significant contribution made by the imposition of such restrictions to reducing the proliferation of missile technology capable of being used to deliver weapons of mass destruction.

(c) DEFINITIONS.—In this section:

(1) The term "Missile Technology Control Regime" or "MTCR" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

SEC. 1078. AMERICAN DIPLOMATIC FACILITIES IN GERMANY.

(a) No embassy, chancery, or consular facilities in Germany other than the facilities already occuppied as of January 1, 1993 by United States diplomatic personnel may be purchased, constructed, leased or otherwise occupied unless such facilities are purchased, constructed, modified or leased with funds provided by the German government as an offset for the value of facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Government of Germany.

(b) The Secretary of State or his representative may not enter into any legal instrument to purchase, construct, modify or lease any facility in Germany acquired pursuant to subsection (a) of this section until the Secretary of Defense certifies that the United States Government has received or is scheduled to receive cash payments or offsets-in-kind of a value not less than 50 percent of the value of the facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Government of Germany.

SEC. 1079. EFFECTIVE DATE FOR CHANGES IN SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) USE OF INTERNATIONAL DATE LINE.—Section 1967 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f) The effective date and time for any change in benefits under the Servicemen's Group Life Insurance Program shall be based on the date and time according to the time zone immediately west of the International Date Line.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to amendments to chapter 19 of title 38, United States Code, that take effect after November 29, 1992.

SEC. 1080. AWARD OF THE NAVY EXPEDITIONARY MEDAL.

It is the sense of the Senate that the Secretary of the Navy should direct that members who served in Task Force 16, culminating in the air-raid commonly known as the "Doolittle raid on Tokyo", during April 1942, be awarded the Navy Expeditionary Medal for such service.

SEC. 1081. REPORT ON MILITARY FOOD DISTRIBUTION PRACTICES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Defense Personnel Support Center, a component of the Defense Logistics Agency (DLA), purchases more than 90 percent of the food supplied to military "end-users" such as dining halls, hospitals and other facilities that feed troops.

(2) Semiperishable items, such as canned goods, are stored in four DLA depots. Perishable items, including fresh and frozen vegetables, fruits, and meats, are stored in 21 contractor-operated Defense Subsistence Offices.

(3) Private sector end-users, including independent restaurants, hospitals, and hotels, obtain their food through direct delivery from distributors.

(4) A Department of Defense comprehensive inventory reduction plan, issued in May 1990, stated that "where DoD requirements can be met through commercial distribution systems in a timely and cost-effective fashion, no value is added by pushing items through the DoD warehousing systems.".

(5) A June 1993 GAO report determined that the Department of Defense could achieve substantial cost savings by expanding the use of private sector food distributors and practices in the military food supply system.

(b) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review which evaluates the feasibility and economic benefits resulting from the expanded use of full-line distributors to deliver food directly to military end-users. The review should address whether the expanded use of distributors could reduce depot storage of food (except for war reserve stocks and items bound for overseas), and eliminates the requirement for Defense Subsistence Offices and certain base warehouse activities. The review should include a cost comparison of the Department of Defense supply system with the costs of commercial distributors. The review should also consider what obstacles may exist that would hinder the Department of Defense's ability to procure commercial items and institute commercial logistics practices.

(c) REPORT.—Not later than March 1, 1994, the Secretary shall submit to the congressional defense committees a report on his findings from the review together with any recommendations.

SEC. 1082. PREVENTION OF ENTRY INTO THE UNITED STATES OF CERTAIN FORMER MEMBERS OF THE IRAQI ARMED FORCES.

It is the sense of the Senate that no person who was a member of the armed forces of Iraq during the period from August 2, 1990 through February 28, 1991 and who is in a refugee camp in Saudi Arabia as of the date of enactment of this Act shall be granted entry into the United States under the Immigration and Nationality Act, as amended, unless the President certifies to Congress prior to such entry that such person—

(1) assisted the United States or coalition armed forces after defection from the armed forces of Iraq or after capture by the United States or coalition armed forces; and

(2) did not commit or assist in the commission of war crimes.

SEC. 1083. SHORT TITLE.

Sections 1083, 1084, and 1085 may be cited as "NATO Review Requirements".

SEC. 1084. FINDINGS; POLICY.

(a) Findings.—The Congress finds that—

(1) the North Atlantic Treaty Organization (NATO) has successfully met the challenge of helping to maintain the peace, security and freedom of the United States and its NATO allies for more than forty years;

(2) the national security interests of the United States have been well served by the process of consultation, coordination, and military cooperation in the NATO framework;

(3) recent history has witnessed radical changes in the international security environment, including the fall of the Berlin Wall, the unification of Germany, the disbanding of the Warsaw Pact and the disintegration of the Soviet Union;

(4) the military threats which NATO was established to deter have receded with the end of the Cold War, calling into question both the future value of the alliance and the rationale for United States military deployments in Europe;

(5) the post-Cold War security situation continues to present a wide array of challenges to United States national interests, many of which interests the United States shares with its allies in Europe and Canada;

(6) the international community may prove capable of deterring many threats to the common peace if it can respond decisively to aggression;

(7) the United States must share the burden of its international security commitments with other nations if it is to tend to the needs of its own citizens in a responsible fashion;

(8) several of the newly democratic nations of Central and Eastern Europe have expressed interest in seeking membership in NATO;

(9) many of the security challenges facing the post-Cold War world would be best handled through coherent multilateral responses;

(10) the United States should never send its military forces into combat unless they are provided with the best opportunity to accomplish their objectives with as little risk as possible;

(11) military interventions against antagonistic armed forces cannot be conducted safely or effectively on a multilateral basis unless such operations are jointly planned in advance and are executed by units which have trained together and are familiar with each others operational procedures;

(12) NATO is currently the only organization with the experience, trained staff and infrastructure necessary to support military cooperation with the major military allies of the United States;

(13) the NATO allies already have volunteered to consider requests from the United Nations and the Conference on Security and Cooperation in Europe for assistance in maintaining the peace;

(14) justification of the relevance of NATO in the post-Cold War world will depend largely upon the alliance's ability to adapt its mission and procedures to the new security environment;

(15) justification of future United States support for the alliance and for a United States military presence in Europe will depend upon NATO's ability to address those security interests which the United States shares with its allies in Europe and Canada;

(16) a summit meeting of the NATO heads of state, which has been scheduled for January 1994, would present an excellent opportunity for the President of the United States to articulate a new, broader security mission for the alliance in the post-Cold War world, one which will enable it to address a wider array of threats to its members' interests and which will help to share more effectively the burden of international security requirements.

(b) Policy.—It is the sense of the Congress that—

(1) old threats to the security of the United States and its allies in the North Atlantic Treaty Organization have retreated radically but new, more diverse challenges have arisen in the form of ethno-religious conflict in Central and Eastern Europe and the proliferation of weapons of mass destruction in regions proximate to alliance territory and NATO's mission must be redefined so that it may respond to such challenges to its members' security even when those challenges emanate from beyond the geographic boundaries of its members' territories;

(2) future United States military involvement in, and contributions to, NATO should be determined in relation to the alliance's success or failure in adapting itself to confronting the challenges of the post-Cold War world.

SEC. 1085. REPORT.

Within 30 calendar days of the enactment of this legislation, the President, in consultation with the Secretary of State and the Secretary of Defense, shall send a report to the Armed Services Committees of the United States Senate and House of Representatives and to the Foreign Relations Committee of the United States Senate and the Foreign Affairs Committee of the House of Representatives. This report should contain recommendations on—

(1) the manner in which NATO can formulate and implement a strategy to address the new, more disparate threats to the security of its members;

(2) the feasibility of having NATO conduct security operations beyond the geographic boundaries of the alliance;

(3) the manner in which NATO should restructure its forces, training and equipment for the new security environment;

(4) the desirability of expanding the alliance to include either traditionally neutral nations or the new democratic nations of Eastern or Central Europe who wish to join NATO;

(5) the proper size and composition of United States forces to be deployed in Europe to assist in the implementation of NATO's new mandate and possible reduction in United States military deployments in Europe in the event of the alliance's failure to adopt a new mandate;

(6) the structure and organization of NATO headquarters, with particular attention to the need to reinvigorate the NATO Military Committee;

(7) the desirability of having additional NATO forces train in North America in a manner supportive of NATO's proposed new strategy;

(8) the structure of NATO's military command, with particular attention to the need to make NATO's Rapid Reaction Force a credible deterrent to regional aggression;

(9) the levels of United States, European and Canadian defense budgets and their ability to finance forces consistent with the implementation of NATO's new mandate.

SEC. 1086. LOCATION OF JOINT WARFIGHTING SIMULATION CENTER.

The Secretary of Defense shall provide that the Joint Warfighting Simulation Center, established by the Secretary on July 1, 1993, be located with the Army Training and Doctrine Command at Fort Monroe, Virginia.

SEC. 1087. SANCTIONS AGAINST SERBIA AND MONTENEGRO.

(a) Codification of Executive Branch Sanctions.—The sanctions against Serbia and Montenegro described in the following directives of the executive branch of Government are hereby enacted into law:

(1) Executive Order 12808 of May 30, 1992, as continued in effect on May 25, 1993.

(2) Executive Order 12810 of June 5, 1992.

(3) Executive Order 12831 of January 15, 1993.

(4) Executive Order 12846 of April 25, 1993.

(5) Department of State Public Notice 1427, effective July 11, 1991.

(6) Proclamation 6389 of December 5, 1991 (56 Fed. Register 64467).

(7) Department of Transportation Order 92–5-38 of May 20, 1992.

(8) Federal Aviation Administration action of June 19, 1992 (14 C.F.R. Part 91).

(b) Prohibition on Assistance.—(1) No funds appropriated or otherwise made available by law may be obligated or expended for Serbia or Montenegro.

(2) The prohibition of paragraph (1) includes funds which were obligated but not expended under any law enacted before the date of enactment of this Act.

(c) International Financial Institutions.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance of the respective institutions to Serbia or Montenegro.

(d) Exception.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against the Republic of Serbia and the Republic of Montenegro those United States-supported programs, projects, or activities involving reform of the electoral process, or the development of democratic institutions or democratic political parties, in these two countries.

(e) Waiver.—(1) Notwithstanding any other provision of this section (other than paragraph (2)), the President may waive the application, in whole or in part, of any sanction or prohibition contained in this section if the President determines, and so certifies to Congress, that it would be in the national interest of the United States to do so.

(2) The waiver authority of paragraph (1) may not be used to waive any sanction or prohibition in subsections (a), (b), and (c) unless the territory of Bosnia-Hercegovina, as recognized by the United States on April 2, 1992, is controlled by a government of Bosnia-Hercegovina recognized by the United States, and that government or its people, are not subject to military action in or against it by Serbia and Montenegro or Bosnian Serbian forces.

SEC. 1088. ENVIRONMENTAL EDUCATION OPPORTUNITIES PROGRAM.

(a) Program Required.—(1)(A) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall establish a scholarship program for education and training for qualified individuals in order to enable such individuals to acquire career training in environmental engineering, environmental sciences, or environmental project management in fields related to hazardous waste management and cleanup.

(B) The program established pursuant to subparagraph (A) may include educational activities and training related to—

(i) site remediation;

(ii) site characterization;

(iii) hazardous waste management;

(iv) hazardous waste reduction;

(v) recycling;

(vi) process and materials engineering;

(vii) training for positions related to environmental engineering, environmental sciences, or environmental project management (including training for management positions); and

(viii) environmental engineering with respect to the construction of facilities to address the items described in clauses (i) through (vii).

(C) The program established pursuant to subparagraph (A) shall include educational activities designed for personnel participating in a program to achieve specialization in the following fields:

(i) Earth sciences.

(ii) Chemistry.

(iii) Chemical engineering.

(iv) Environmental engineering.

(v) Statistics.

(vi) Toxicology.

(vii) Industrial hygiene.

(viii) Health physics.

(ix) Environmental project management.

(b) FUNDING.—(1) From amounts appropriated pursuant to this authorization, the Secretary of Defense shall award scholarships to individuals described in paragraph (g)(5) to attend programs at the hazardous substance research centers institutions of higher education at both undergraduate and graduate levels which lead to the awarding of an academic degree or a certification that is supplemental to an academic degree.

(c) REPAYMENT.—(1) Any individual receiving educational assistance from the United States under the program carried out under this section shall agree to pay to the United States the total amount of the educational assistance provided to the individual by the United States under the program, plus interest at the rate prescribed in paragraph (4), if the individual does not complete the educational program for which the assistance is provided.

(2) If an individual fails to pay to the United States the total amount required pursuant to paragraph (1), including the interest, at the rate prescribed in paragraph (4), the unpaid amount shall be recoverable by the United States from the individual or his estate by—

(A) in the case of an individual who is an employee of the United States, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method as is provided by law for the recovery of amounts owing to the United States.

(3) The Secretary of Defense may waive in whole or in part a required repayment under this subsection if the Secretary of Defense determines that the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) The total amount of educational assistance provided to an individual under a program carried out under subsection (a) shall, for purposes of repayment under this section, bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(d) COORDINATION OF BENEFITS.—Any educational assistance provided to an individual under the program carried out under subsection (a) shall be taken into account in determining the eligibility of that individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(e) COST AND FUNDING.—The cost of carrying out the program required by this section may not exceed $8,000,000 in any fiscal year.

(f) REPORT TO CONGRESS.—Not later than January 1, 1995, the Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall submit to the Congress a report on activities undertaken under the program established under this section and recommendations for future activities under the program.

(g) DEFINITIONS.—In this section:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "hazardous substance research centers" means the hazardous substance research centers described in section 311(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(d)). Such term includes the Great Plains and Rocky Mountain Hazardous Substance Research Center, the Northeast Hazardous Substance Research Center, the Great Lakes and Mid-Atlantic Hazardous Substance Research Center, the South and Southwest Hazardous Substance Research Center, and the Western Region Hazardous Substance Research Center.

(3) The term "hazardous waste" means—

(A) waste listed as hazardous waste pursuant to subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.);

(B) radioactive waste; and

(C) mixed waste.

(4) The term "mixed waste" means waste that contains a mixture of waste described in subparagraphs (A) and (B) of paragraph (3).

(5) INDIVIDUALS ELIGIBLE FOR TRAINING, ASSISTANCE, AND SERVICES.—

(1) CERTAIN MEMBERS OF THE ARMED FORCES.—A member of the Armed Forces shall be eligible for training, adjustment assistance, and employment services under this section if the member—

(A) was on active duty or full-time National Guard duty on September 30, 1990;

(B) during the 5-year period beginning on that date—

(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

(C) is not entitled to retired or retainer pay incident to that separation; and

(D) applies for such training, adjustment assistance, or employment services before the end of the 180-day period beginning on the date of that separation.

(2) CERTAIN DEFENSE EMPLOYEES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a civilian employee of the Department of Defense or the Department of Energy shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

(i) during the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending, as determined by the Secretary of Defense or the Secretary of Energy, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

(ii) is not entitled to retired or retainer pay incident to that termination or lay off.

(B) SPECIAL RULE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE EMPLOYED AT CERTAIN MILITARY INSTALLATIONS.—

(i) IN GENERAL.—A civilian employee of the Department of Defense employed at a military installation being closed or realigned under the laws referred to in clause (ii) shall be eligible for training, adjustment assistance, and employment services under this section beginning on the date on which such employee receives actual notice of termination, or the date determined by the Secretary of Defense under clause (iii), whichever occurs earlier.

(ii) CERTAIN DEFENSE LAWS.—The laws referred to in this clause are—

(I) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

(II) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(iii) DATE.—The date determined under this clause is the date that is 24 months before the date on which the military installation is to be closed or the realignment of the installation is to be completed, as the case may be.

(6) The term "radioactive waste" means solid, liquid, or gaseous material that contains radionuclides regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) of negligible economic value (considering the cost of recovery).

SEC. 1089. MEDICAL LASER BURN TREATMENT.

Of the funds authorized to be appropriated in section 201(1), $2,000,000 shall be available to continue the support of advanced laser burn treatment diagnostics and therapeutic research under the Army's medical research program.

SEC. 1090. TECHNICAL AND CLERICAL AMENDMENTS.

(a) MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 401 is amended by striking out subsection (f).

(2) Section 1408 is amended—

(A) in subsections (b)(1)(A), (f)(1), and (f)(2), by striking out "subsection (h)" and inserting in lieu thereof "subsection (i)"; and

(B) in subsection (h)(4)(B), by inserting "of" after "of that termination".

(3) Section 1605(a) is amended by striking out "(50 U.S.C. 403 note)" and inserting in lieu thereof "(50 U.S.C. 2153)".

(4) Section 1804(b)(1) is amended by striking out "his or her" and inserting in lieu thereof "the volunteer's".

(5) Section 2031(a)(1) is amended in the second sentence by striking out "Not more than 200 units may be established by all of the military departments each year, and the" and by inserting in lieu thereof "The".

(6) Section 2305(b)(4)(A) is amended by realigning clauses (i) and (ii) so that they are indented two ems from the left margin.

(7) Subsections (a), (e), and (g) of section 2371 are amended by striking out "Defense Advanced Research Projects Agency" and inserting in lieu thereof "Advanced Research Projects Agency".

(8) Section 2469 is amended by striking out ", prior to any such change,".

(9)(A) Section 2490a is transferred to the end of chapter 165, redesignated as section 2783, and amended—

(i) in subsection (b)(2)—

(I) by striking out "title 10, United States Code" and inserting in lieu thereof "this title";

(II) by striking out the comma after "Justice)"; and

(III) by striking out "of such title" and inserting in lieu thereof "of this title"; and

(ii) in subsection (c)(1), by striking out "Armed Forces" and inserting in lieu thereof "armed forces".

(B) The table of sections at the beginning of chapter 147 is amended by striking out the item relating to section 2490a.

(C) The table of sections at the beginning of chapter 165 is amended by adding at the end the following new item:

"2783. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds.".

(10) Section 2491 is amended—

(A) in paragraph (2), by striking out "nonmilitary application" and inserting in lieu thereof "nonmilitary applications"; and

(B) in paragraph (8), by striking out "subsection (f)" and inserting in lieu thereof "subsection (b)(4)".

(11) Section 2501(b)(2) is amended by striking out "and thereby free up capital" and inserting in lieu thereof "that, by reducing the public sector demand for capital, increases the amount of capital available".

(12) Section 2513 is amended—

(A) in subsection (b), by striking out "Eligible Centers.—" and inserting in lieu thereof "Eligible Alliances.—"; and

(B) in subsection (c)(2)(B)—

(i) by striking out "two" in clause (ii) and inserting in lieu thereof "one"; and

(ii) by redesignating the clause (iii) added by section 4223(d) of Public Law 102–484 (106 Stat. 2681) as clause (iv); and

(iii) by striking out "an" in clause (iv), as so redesignated, and inserting in lieu thereof "An".

(13) Section 2771 is amended—

(A) in subsection (a), by striking out "who dies after December 31, 1955"; and

(B) in subsection (b), by striking out "for the" and all that follows and inserting in lieu thereof "for the uniformed services.".

(14) Section 9315 is amended—

(A) in subsection (b), by striking out "Air Training Command" and inserting in lieu thereof "Air Education and Training Command"; and

(B) in subsection (c), by striking out "Air Force Training Command" and inserting in lieu thereof "Air Education and Training Command of the Air Force".

(b) Subsection Headings.—

(1) Section 2507 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "Authority.—" after "(a)";

(B) in subsection (b), by inserting "Condition for Use of Authority.—" after "(b)";

(C) in subsection (c), by inserting "Penalty for Noncompliance.—" after "(c)";

(D) in subsection (d), by inserting "Limitations on Disclosure of Information.—" after "(d)";

(E) in subsection (e), by inserting "Regulations.—" after "(e)"; and

(F) in subsection (f), by inserting "Definitions.—" after "(f)".

(2) Section 2523 of such title is amended—

(A) in subsection (a), by inserting "In General.—" after "(a)"; and

(B) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) Program Requirements.—(1)".

(c) Amendments to Public Law 102–484.—Public Law 102–484 is amended as follows:

(1) Section 1051(b)(2) (106 Stat. 2498) is amended—

(A) by striking out "'section 101(47) of title 10,'" and inserting in lieu thereof "'section 101(47) of title 10'"; and

(B) by striking out "'section 101 of title 10,'" and inserting in lieu thereof "'section 101 of title 10'".

(2) Section 1313(2) (106 Stat. 2548) is amended, effective as of October 23, 1992, by striking out "'structure and'" and inserting in lieu thereof "'structure, and'".

(3) Section 1365 (106 Stat. 2561) is amended by striking out "(e) Definition.—" and inserting in lieu thereof "(d) Definition.—".

(4) Section 1441 (106 Stat. 2566) is amended in the matter preceding paragraph (1) by striking out "the FREEDOM Support Act of 1992" and inserting in lieu thereof "the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3345; 22 U.S.C. 5861)".

(5) Section 1505(e)(2) (106 Stat. 2571) is amended by striking out "(d)(2)" in the matter preceding subparagraph (A) and inserting in lieu thereof "(d)(4)".

(6) Section 1828 (106 Stat. 2585; 36 U.S.C. 5108) is amended by striking out "board of the directors" and inserting in lieu thereof "board of directors".

(d) Cross Reference Amendments in Other Laws.—

(1) Effective as of December 19, 1991, section 12 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2213) is amended by striking out "Section 406(b)(2)(E) of title 37," and inserting in lieu thereof "Section 406(b)(1)(E) of title 37,".

(2) Section 3(c)(2) of Public Law 101–533 (22 U.S.C. 3142) is amended by striking out "section 2522 of title 10" and inserting in lieu thereof "section 2506 of title 10".

(3) Section 109(17) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking out "section 101(8) of title 10" and inserting in lieu thereof "section 101(a)(9) of title 10".

(4) Section 179(a)(2)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12639(a)(4)) is amended by striking out "section 101(4) of title 10," and inserting in lieu thereof "section 101(a)(4) of title 10,".

SEC. 1091. TERMINATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

Not later than April 30, 1994, the Secretary of Defense shall submit to the Armed Services Committees of the Senate and House of Representatives a list of the reports required of the Department of Defense by law on that date that the Secretary determines are unnecessary or incompatible with the efficient management of the Department of Defense. Unless otherwise provided by a law enacted after the date of the enactment of this Act, the requirement for the submittal to Congress of any report included in the list submitted under this section shall expire on October 30, 1995.

SEC. 1092. REPORTS RELATING TO CERTAIN SPECIAL ACCESS PROGRAMS AND SIMILAR PROGRAMS.

(a) In General.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report on each special access program carried out in the department or agency.

(2) Each such report shall set forth—

(A) the total amount requested by the department or agency for special access programs within the budget submitted under section 1105 of title 31, United States Code, for the fiscal year following the fiscal year in which the report is submitted; and

(B) for each program in such budget that is a special access program—

(i) a brief description of the program;

(ii) in the case of a procurement program, a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(b) Newly Designated Programs.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report that, with respect to each new special access program, provides—

(A) notice of the designation of the program as a special access program;

(B) justification for such designation; and

(C) the current estimate of the total program cost for the program.

(2) In this subsection, the term "new special access program" means a special access program that has not previously been covered in a notice and justification under this subsection.

(c) Revision in Classification of Programs.—(1) Whenever a change in the classification of a special access program of a covered department or agency is planned to be made or whenever classified information concerning a special access program of a covered department or agency is to be declassified and made public, the head of the department or agency shall submit to the appropriate oversight committees a report containing a description of the proposed change or the information to be declassified, the reasons for the proposed change or declassification, and notice of any public announcement planned to be made with respect to the proposed change or declassification.

(2) Except as provided in paragraph (3), a report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change, declassification, or public announcement is to occur.

(3) If the head of the department or agency determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change, declassification, or public announcement concerning a special access program of the department or agency, the head of the department or agency may submit the report required by paragraph (1) regarding the proposed change, declassification, or public announcement at any time before the proposed change, declassification, or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) Revision of Criteria for Designating Programs.—Whenever there is a modification or termination of the policy and criteria used for designating a program of a covered department or agency as a special access program, the head of the department or agency shall promptly notify the appropriate oversight committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) WAIVER OF REPORTING REQUIREMENT.—(1) The head of a covered department or agency may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the head of the department or agency determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the head of a department or agency exercises the authority provided under paragraph (1), the head of the department or agency shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the appropriate oversight committees.

(f) INITIATION OF PROGRAMS.—A special access program may not be initiated until—

(1) the appropriate oversight committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

(g) DEFINITIONS.—In this Act:

(1) The term "appropriate oversight committees", in the case of a special access program carried out in a covered department or agency, means—

(A) each committee of the Senate and the committee of the House of Representatives having jurisdiction over legislation that authorizes the program, as determined under the Standing Rules of the Senate and the Rules of the House of Representatives, respectively; and

(B) the Committees on Appropriations of the Senate and House of Representatives.

(2) The term "covered department or agency" means any department or agency of the Federal Government that carries out a special access program (other than the Department of Defense or an agency in the Intelligence Community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a))).

(3) The term "special access program" means any program that, under the authority of Executive Order 12356 (or any successor Executive order), is established by the head of a department or agency whom the President has designated in the Federal Register as an original "top secret" classification authority that imposes "need-to-know" controls or access controls beyond those controls normally required (by regulations applicable to such department or agency) for access to information classified as "confidential", "secret", or "top secret".

SEC. 1093. DEPARTMENT OF DEFENSE FOOD STOCKS FOR ASSISTANCE IN BOSNIA-HERCEGOVINA AND ARMENIA.

Beginning not later than 10 days after the date of the enactment of this Act, the Secretary of Defense should make available to the Office of Foreign Disaster Assistance of the Agency for International Development, out of stocks for which there exists appropriations, of the Department of Defense, 500,000 cases of meals ready to eat for distribution over next four months, as humanitarian relief, in Bosnia-Hercegovina and Armenia. To the extent possible, these supplies should come from surplus stocks.

SEC. 1094. LANDMINE MORATORIUM EXTENSION ACT.

(a) SHORT TITLE.—This section shall be titled the "Landmine Moratorium Extension Act of 1993".

(b) FINDINGS.—The Congress makes the following findings:

(1) Anti-personnel landmines, which are designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers around the world. Hundreds of thousands of noncombatant civilians, including children, have been the primary victims. unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing massive suffering to civilian populations.

(2) Tens of millions of landmines have been strewn in at least 62 countries, often making whole areas uninhabitable. The State Department estimates there are more than 10,000,000 landmines in Afghanistan, 9,000,000 in Angola, 4,000,000 in Cambodia, 3,000,000 in Iraqi Kurdistan, and 2,000,000 each in Somalia, Mozambique, and the former Yugoslavia. Hundreds of thousands of landmines were used in conflicts in Central America in the 1980s.

(3) Advanced technologies are being used to manufacture sophisticated mines which can be scattered remotely at a rate of 1,000 per hour. These mines, which are being produced by many industralized countries, were found in Iraqi arsenals after the Persian Gulf War.

(4) At least 300 types of anti-personnel landmines have been manufactured by at least 44 countries, including the United States. However, the United States is not a major exporter of landmines. During the past ten years the Administration has approved ten licenses for the commercial export of anti-personnel landmines with a total value of $980,000, and the sale under the Foreign Military Sales program of 108,852 anti-personnel landmines.

(5) The United States signed, but has not ratified, the 1980 Convention on Prohibitations or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. Protocol II of the Convention, otherwise known as the Landmine Protocol, prohibits the indiscriminate use of landmines.

(6) When it signed the 1980 Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.".

(7) The United States also indicated that it had supported procedures to enforce compliance, which were omitted from the Convention's final draft. The United States stated: "The United States strongly supported proposals by other countries during the Conference to include special procedures for dealing with compliance matters, and reserves the right to propose at a later date additional procedures and remedies, should this prove necessary, to deal with such problems.".

(8) The lack of compliance procedures and other weaknesses have significantly undermined the effectiveness of the Landmine Protocol. Since it entered into force on December 2, 1983, the number of civilians maimed and killed by anti-personnel landmines has multiplied.

(9) Since the moratorium on United States sales, transfers and exports of anti-personnel landmines was signed into law on October 23, 1992, the European Parliament has issued a resolution calling for a five year moratorium on sales, transfers and exports of anti-personnel landmines, and the Government of France has announced that it has ceased all sales, transfers and exports of anti-personnel landmines.

(10) On December 2, 1993, ten years will have elapsed since the 1980 Convention entered into force, triggering the right of any party to request a United Nations conference to review the Convention. Amendments to the Landmine Protocol may be considered at that time. A formal request has been made to the United Nations Secretary General for a review conference. With necessary preparations and consultations among governments, a review conference is not expected to be convened before late 1994 or early 1995.

(11) The United States should continue to set an example for other countries in such negotiations by extending the moratorium on sales, transfers and exports of anti-personnel landmines for an additional three years. A moratorium of this duration would extend the current prohibition on the sale, transfer and export of anti-personnel landmines a sufficient time to take into account the results of a United Nations review conference.

(c) STATEMENT OF POLICY.—

(1) It shall be the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer or export, and further limiting the manufacture, possession and use of anti-personnel landmines.

(2) It is the sense of the Congress that the President should submit the 1980 Convention on Certain Conventional Weapons to the Senate for ratification. Furthermore, the Administration should participate in a United Nations conference to review the Landmine Protocol, and actively seek to negotiate under United Nations auspices a modification of the Landmine Protocol, or another international agreement, to prohibit the sale, transfer or export of anti-personnel landmines, and to further limit their manufacture, possession and use.

(d) MORATORIUM ON TRANSFERS OF ANTI-PERSONNEL LANDMINES ABROAD.—For a period of three years beginning on the date of enactment of this Act—

(1) no sale may be made or financed, no transfer may be made, and no license for export may be issued, under the Arms Export Control Act, with respect to any anti-personnel landmine; and

(2) no assistance may be provided under the Foreign Assistance Act of 1961, with respect to the provision of any anti-personnel landmine.

(e) DEFINITION.—For purposes of this section, the term "anti-personnel landmine" means—

(1) any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person;

(2) any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act;

(3) any manually-emplaced munition or device designed to kill, injure, or damage and which is actuated by remote control or automatically after a lapse of time.

TITLE XI—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1101. SHORT TITLE.

This title may be cited as the "Cooperative Threat Reduction Act of 1993".

SEC. 1102. FINDINGS ON COOPERATIVE THREAT REDUCTION.

The Congress finds that it is in the national security interest of the United States for the United States to do the following:

(1) Facilitate, on a priority basis, the transportation, storage, safeguarding, and elimination of nuclear and other weapons of the independent states of the former Soviet Union, including—

(A) the safe and secure storage of fissile materials derived from the elimination of nuclear weapons;

(B) the dismantlement of—

(i) intercontinental ballistic missiles and launchers for such missiles;

(ii) submarine-launched ballistic missiles and launchers for such missiles; and

(iii) heavy bombers; and

(C) the elimination of chemical, biological and other weapons capabilities.

(2) Facilitate, on a priority basis, the prevention of proliferation of weapons (and components of weapons) of mass destruction and destabilizing conventional weapons of the independent states of the former Soviet Union, and the establishment of verifiable safeguards against the proliferation of such weapons and components.

(3) Facilitate, on a priority basis, the prevention of diversion of weapons-related scientific expertise of the independent states of the former Soviet Union to terrorist groups or third countries.

(4) Support—

(A) the demilitarization of the defense-related industry and equipment of the independent states of the former Soviet Union;

(B) the conversion of such industry and equipment to civilian purposes and uses; and

(C) the environmental restoration of former military sites and installations.

(5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.

SEC. 1103. AUTHORITY FOR PROGRAMS TO FACILITATE COOPERATIVE THREAT REDUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may conduct programs described in subsection (b) to assist the independent states of the former Soviet Union in the demilitarization of the former Soviet Union. Any such program may be carried out only to the extent that the President determines that the program will directly contribute to the national security interests of the United States.

(b) AUTHORIZED PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

(5) Programs to facilitate the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities and to assist in the environmental restoration of former military sites and installations.

(6) Programs to house and retrain military personnel of the former Soviet Union who have been released from military service, but only if such programs are carried out in conjunction with, and contribute significantly and directly to achieving the purposes of, one or more of the programs described in paragraphs (1) through (5) of this subsection.

(7) Other programs as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note) and section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484; 22 U.S.C. 5901 et seq.).

(c) UNITED STATES PARTICIPATION.—The programs described in subsection (b) should, to the extent feasible, draw upon United States technology and expertise, especially from the private sector of the United States.

(d) RESTRICTIONS.—Assistance authorized by subsection (a) may not be provided to any independent state of the former Soviet Union for any year unless the President certifies to Congress for that year that the proposed recipient state is committed to each of the following:

(1) Making substantial investment of its resources for dismantling or destroying its weapons of mass destruction, if such state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons.

(2) Foregoing any military modernization program that exceeds legitimate defense requirements and foregoing the replacement of destroyed weapons of mass destruction.

(3) Foregoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons.

(4) Facilitating United States verification of any weapons destruction carried out under this title, section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484; 22 U.S.C. 590(b)), or section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note).

(5) Complying with all relevant arms control agreements.

(6) Observing internationally recognized human rights, including the protection of minorities.

SEC. 1104. FUNDING FOR FISCAL YEAR 1994.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds authorized to be appropriated under section 301(21) shall be available for cooperative threat reduction with states of the former Soviet Union under this title.

(b) AVAILABILITY OF FUNDS PREVIOUSLY AUTHORIZED TO BE TRANSFERRED.—(1) To the extent provided in appropriations Acts, of the total amount authorized to be transferred under sections 108 and 109 of Public Law 102-229 (105 Stat. 1708) and section 9110 of Public Law 102-396 (106 Stat. 1928), the Secretary of Defense may transfer not more than $400,000,000 to the appropriate fiscal year 1994 accounts within the Department of Defense for cooperative threat reduction with states of the former Soviet Union under this title.

(2) Funds transferred pursuant to paragraph (1) shall be in addition to funds authorized to be appropriated under subsection (a).

(3) A transfer made to an account under the authority of paragraph (1) shall be deemed to increase the amount authorized for that account by the amount transferred.

(4) The transfer authority provided in this subsection is in addition to the transfer authority provided in section 1001 of this Act.

SEC. 1105. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) NOTICE OF PROPOSED OBLIGATION.—Not less than 15 days before obligation of any funds for programs under section 1203, the President shall transmit to the appropriate congressional committees (as defined in section 1207) a report on the proposed obligation. Each such report shall specify—

(1) the activities and forms of assistance for which the President plans to obligate such funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement of the departments and agencies of the United States Government and the private sector of the United States.

(b) INDUSTRIAL DEMILITARIZATION.—Any report under subsection (a) that covers proposed industrial demilitarization projects shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the private sector of the United States;

(4) the extent to which military production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

SEC. 1106. SEMIANNUAL REPORT.

Not later than April 30, 1994, and not later than October 30, 1994, the President shall transmit to the appropriate congressional committees a report on the activities carried out under this title. Each such report shall set forth, for the preceding six-month period and cumulatively, the following:

(1) The amounts obligated and expended for such activities and the purposes for which they were obligated and expended.

(2) A description of the participation, if any, of each department and agency of the United States Government in such activities.

(3) A description of the activities carried out and the forms of assistance provided, and a description of the extent to which the private sector of the United States has participated in the activities for which amounts were obligated and expended under this title.

(4) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under this title, including, with respect to proposed industrial demilitarization projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

SEC. 1107. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(2) the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

(3) the committee to which the specified activities of section 1203, if the subject of separate legislation, would be referred under the rules of the respective House of Congress.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1994".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects in the total amount of $603,553,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Fort Rucker	$28,250,000
Alaska	Fort Richardson	10,770,000
	Fort Wainwright	740,000
Arizona	Fort Huachuca	8,850,000
California	Fort Irwin	5,900,000
Colorado	Fitzsimmons Army Medical Center	4,400,000
	Fort Carson	4,050,000
Georgia	Fort Benning	37,650,000
	Fort Gillen	2,600,000
	Fort Stewart	20,300,000
Hawaii	Schofield Barracks	18,600,000
Kansas	Fort Riley	14,642,000
Kentucky	Fort Campbell	50,300,000
	Fort Knox	41,350,000
Maryland	Aberdeen Proving Ground	20,250,000
Missouri	Fort Leonard Wood	1,000,000
Nevada	Hawthorne Army Ammunition Plant	11,700,000
New Jersey	Fort Monmouth	7,500,000
	Picatinny Arsenal	10,500,000
New Mexico	White Sands Missile Range	8,700,000
New York	Fort Drum	9,800,000
	United States Military Academy, West Point	13,800,000
North Carolina	Fort Bragg	102,240,000
Oklahoma	Fort Sill	15,700,000
Pennsylvania	Tobyhanna Army Depot	750,000
South Carolina	Fort Jackson	2,700,000
Texas	Fort Bliss	14,000,000
	Fort Hood	49,400,000
	Fort Sam Houston	4,351,000
Utah	Dugway Proving Ground	16,500,000
	Tooele Army Depot	800,000
Virginia	Fort Belvoir	8,860,000
	Fort Lee	32,600,000
	Fort Myer	6,800,000
Washington	Fort Lewis	14,200,000
CONUS Classified	Classified Locations	3,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects in the total amount of $26,500,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

Army: Outside the United States

Country or other	Installation or location	Amount
Johnston Island	Johnston Island	$1,700,000
Kwajalein Atoll	Kwajalein	21,200,000
OCONUS Classified	Classified Locations	3,600,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) in the total amount of $138,950,000 at the installations, for the purposes, and in the amounts for such installations set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
California	Fort Irwin	220 units	$25,000,000
Hawaii	Schofield Barracks	348 units	52,000,000
Maryland	Fort Meade	275 units	26,000,000
New York	United States Military Academy, West Point	100 units	15,000,000
North Carolina	Fort Bragg	224 units	18,000,000
Wisconsin	Fort McCoy	16 units	2,950,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,805,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $77,630,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,369,330,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $603,553,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $26,500,000.

(3) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1508), and section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2586), $110,900,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $110,991,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $228,385,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,125,601,000, of which not more than $268,139,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $151,400,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 PROJECT.—(1) The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2586) is amended by striking out the item relating to the Tooele Army Depot, Utah.

(2) Section 2105(a) of such Act (106 Stat. 2588) is amended—

(A) by striking out "$2,127,397,000" and inserting in lieu thereof "$2,118,197,000"; and

(B) in paragraph (1), by striking out "$338,860,000" and inserting in lieu thereof "$329,660,000".

(b) FISCAL YEAR 1992 PROJECTS.—(1) Section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1508) is amended by striking out the following items:

(A) Under the heading "NEW YORK", the item relating to Seneca Army Depot.

(B) Under the heading "VIRGINIA", the item relating to Vint Hill Farms Station.

(2) Section 2105(a) of such Act (105 Stat. 1511) is amended—

(A) by striking out "$2,576,674,000" and inserting in lieu thereof "$2,571,974,000"; and

(B) in paragraph (1), by striking out "$718,829,000" and inserting in lieu thereof "$714,129,000".

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects in the total amount of $495,400,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Yuma Marine Corps Air Station	$14,100,000
California	Barstow Marine Corps Logistics Base	8,690,000
	Camp Pendleton Marine Corps Air Station	3,850,000
	Camp Pendleton Marine Corps Base	11,130,000
	Fallbrook Naval Weapons Station Annex	4,630,000
	Lemoore Naval Air Station	1,930,000
	San Diego Naval Hospital	2,700,000
	San Diego Fleet Industrial Supply Center	2,270,000
	San Diego Marine Corps Recruit Depot	1,130,000
	Twentynine Palms Marine Corps Air-Ground Combat Center	7,900,000
Connecticut	New London Naval Submarine Base	36,740,000
District of Columbia	Washington, Commandant, Naval District	3,110,000
	Naval Research Laboratory	2,380,000
Florida	Jacksonville Naval Air Station	14,420,000
	Mayport Naval Station	3,260,000
	Pensacola Naval Air Station	6,420,000
Georgia	Albany Marine Corps Logistics Base	940,000
	Kings Bay Naval Submarine Base	10,920,000
	Kings Bay Trident Training Facility	3,870,000
Hawaii	Barbers Point Naval Air Station	2,700,000
	Honolulu, Naval Communications and Telecommunications Area Master Station, Eastern Pacific	9,120,000
	Pearl Harbor, Commander, Oceanographic System Pacific	16,780,000
	Pearl Harbor Naval Inactive Ship Maintenance Facility	2,620,000
	Pearl Harbor Naval Submarine Base	54,140,000
	Pearl Harbor Public Works Center	27,540,000
Maine	Kittery, Portsmouth Naval Shipyard	4,780,000
Maryland	Bethesda National Naval Medical Center	3,090,000
	Indian Head, Naval Surface Weapons Center	3,400,000
	Patuxent River Naval Air Station	1,000,000
Mississippi	Pascagoula Naval Station	3,900,000
	Gulfport Naval Construction Battalion Center	10,400,000
New Jersey	Earle Naval Weapons Station	2,580,000
North Carolina	Camp Lejeune Marine Corps Base	41,290,000
	Camp Lejeune Naval Hospital	2,370,000
	Cherry Point Marine Corps Air Station	7,500,000
Pennsylvania	Philadelphia Aviation Supply Office	1,900,000
	Philadelphia Naval Inactive Ship Maintenance Facility	8,660,000
Rhode Island	Newport, Naval Education and Training Center	11,300,000
South Carolina	Beaufort Marine Corps Air Station	10,900,000
	Charleston Naval Weapons Station	580,000
Tennessee	Memphis Naval Air Station	1,450,000
Texas	Corpus Christi Naval Air Station	1,670,000
Virginia	Chesapeake, Marine Corps Security Battalion	5,380,000
	Craney Island Fleet and Industrial Supply Center Annex	11,740,000
	Norfolk, Commander, Operational Test and Evaluation Force	8,100,000
	Norfolk Naval Air Station	12,270,000
	Norfolk Public Works Center	5,330,000
	Portsmouth, Norfolk Naval Shipyard	13,420,000
	Quantico, Combat Development Command	7,450,000
	Wallops Island, Naval Surface Weapons Center Detachment	10,170,000
Washington	Bangor Naval Submarine Base	3,100,000
	Everett Naval Station	34,000,000
	Keyport, Naval Undersea Warfare Center Division	8,980,000
Various Locations	Wastewater Collection and Treatment Facilities	3,260,000
	Land Acquisition	2,140,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects in the total amount of $95,650,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Hospital	$2,460,000
	Military Sealift Command Office	2,170,000
	Anderson Air Force Base Naval Air Facility	7,310,000

Navy: Outside the United States—Continued

Country	Installation or location	Amount
	Naval Magazine	3,750,000
	Naval Ocean Communication Center	690,000
	Naval Station	14,520,000
	Fleet/Industrial Supply Center	22,440,000
	Public Works Center	20,680,000
Italy	Naples Naval Support Activity	11,740,000
	Sigonella Naval Air Station	3,460,000
Spain	Rota Naval Station	2,670,000
Various Locations	Host Nation Infrastructure Support	2,960,000
	Land Acquisition	800,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) in the total amount of $164,149,000 at the installations, for the purposes, and in the amounts for such installations and purposes set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	San Diego Navy Public Works Center	318 units	$36,571,000
District of Columbia	Washington Navy Public Works Center	188 units	$21,556,000
Florida	Pensacola Navy Public Works Center	Housing Self Help/Warehouse	$300,000
Georgia	Kings Bay Naval Submarine Base	Housing Office/Self Help/Warehouse	$790,000
Maine	Brunswick Naval Air Station	Mobile Home Spaces	$490,000
Virginia	Norfolk, Naval Public Works Center/Naval Amphibious Base Little Creek	392 units	$50,674,000
	Oceana Naval Air Station	Community Center	$860,000
Washington	Bangor Naval Submarine Base	290 units	$27,438,000
	Whidby Island, Naval Air Station	106 units	$10,000,000
United Kingdom	London Naval Activities Support	81 units	$15,470,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $22,924,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $183,135,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,866,186,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $495,400,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $95,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $5,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $64,373,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $370,208,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $835,055,000, of which not more than $113,308,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 PROJECTS.—(1) The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2589) is amended by striking out the items relating to the following installations:

(A) Mare Island Naval Shipyard, California.

(B) Miramar Naval Air Station, California.

(C) Cecil Field, Naval Air Station, Florida.

(D) Memphis, Naval Air Station, Tennessee.

(2) Section 2204(a) of such Act (106 Stat. 2592) is amended—

(A) by striking out "$1,450,529,000" and inserting in lieu thereof "$1,411,616,000";

(B) in paragraph (1), by striking out "$312,557,000" and inserting in lieu thereof "$274,897,000"; and

(C) in paragraph (5)(B), by striking out "$661,246,000" and inserting in lieu thereof "$659,993,000".

(b) FISCAL YEAR 1992 PROJECTS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1514) is amended by striking out the following items:

(A) Under the heading "CALIFORNIA", the item relating to Vallejo, Mare Island Naval Shipyard.

(B) Under the heading "FLORIDA", the item relating to Pensacola, Naval Supply Center.

(C) Under the heading "SOUTH CAROLINA", the item relating to Charleston, Fleet and Mine Warfare Training Center.

(2) Section 2205(a) of such Act (105 Stat. 1518) is amended—

(A) by striking out "$1,832,149,000" and inserting in lieu thereof "$1,798,980,000";

(B) in paragraph (1), by striking out "$739,859,000" and inserting in lieu thereof "$706,969,000"; and

(C) in paragraph (4), by striking out "$12,400,000' and inserting in lieu thereof "$12,121,000".

(c) FISCAL YEAR 1990 PROJECTS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1621) is amended under the heading "NEW YORK", by striking out the item relating to New York, Naval Station and inserting in lieu thereof the following:

"New York, Naval Station, $20,978,000.".

(2)(A) Section 2202(a) of such Act (103 Stat. 1626) is amended by striking out the item relating to San Francisco, Navy Public Works Center, California.

(B) The table relating to the Navy in section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2603) is amended by striking out the item relating to Navy Public Works Center, San Francisco, California.

(3) Section 2204(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (103 Stat. 1626) is amended—

(A) by striking out "$1,962,935,000" and inserting in lieu thereof "$1,925,273,000";

(B) in paragraph (1), by striking out "$915,511,000" and inserting in lieu thereof "$910,849,000";

(C) in paragraph (5), by striking out "$5,810,000" and inserting in lieu thereof "$2,810,000"; and

(D) in paragraph (6)(A), by striking out "$191,290,000" and inserting in lieu thereof "$157,290,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects in the total amount of $864,752,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Gunter Air Force Base Annex	$4,680,000
	Maxwell Air Force Base	16,170,000
Alaska	Cape Romanzof Long Range Radar Site	3,350,000
	Eielson Air Force Base	13,300,000
	Elmendorf Air Force Base	33,305,000
	Fort Richardson	5,000,000
Arizona	Davis-Monthan Air Force Base	7,350,000
	Luke Air Force Base	12,750,000
	Navajo Army Depot	7,250,000
Arkansas	Little Rock Air Force Base	4,500,000
California	Edwards Air Force Base	11,300,000
	McClellan Air Force Base	1,900,000
	Travis Air Force Base	14,040,000
	Vandenberg Air Force Base	20,728,000
Colorado	Buckley Air National Guard Base	39,000,000
	Cheyenne Mountain Air Force Base	4,450,000
	Peterson Air Force Base	21,030,000
	United States Air Force Academy	11,680,000
Delaware	Dover Air Force Base	7,760,000
District of Columbia	Bolling Air Force Base	2,000,000
Florida	Cape Canaveral Air Force Station	19,200,000
	Eglin Air Force Base	12,050,000
	Eglin Auxiliary Field No. 9	7,829,000
	Patrick Air Force Base	3,850,000
	Tyndall Air Force Base	2,600,000
Georgia	Moody Air Force Base	16,070,000
	Robins Air Force Base	55,370,000
Hawaii	Hickam Air Force Base	13,800,000
	Kaena Point	7,350,000
Illinois	Scott Air Force Base	7,450,000
Kansas	McConnell Air Force Base	1,900,000
Louisiana	Barksdale Air Force Base	13,860,000
Maryland	Andrews Air Force Base	17,990,000
Mississippi	Columbus Air Force Base	2,900,000
	Keesler Air Force Base	8,710,000
Missouri	Whiteman Air Force Base	36,388,000
Montana	Malmstrom Air Force Base	7,700,000
Nebraska	Offutt Air Force Base	11,000,000
Nevada	Nellis Air Force Base	5,750,000
New Mexico	Cannon Air Force Base	8,915,000
	Holloman Air Force Base	11,100,000
	Kirtland Air Force Base	42,161,00
North Carolina	Pope Air Force Base	8,600,000
	Seymour Johnson Air Force Base	5,380,000
North Dakota	Grand Forks Air Force Base	12,800,000
	Minot Air Force Base	14,500,000
Ohio	Wright-Patterson Air Force Base	44,680,000
Oklahoma	Altus Air Force Base	6,930,000
	Tinker Air Force Base	28,649,000
	Vance Air Force Base	6,000,000
South Carolina	Charleston Air Force Base	1,100,000
	Shaw Air Force Base	5,870,000
South Dakota	Ellsworth Air Force Base	6,830,000
Tennessee	Arnold Air Force Base	1,500,000
Texas	Dyess Air Force Base	10,390,000
	Goodfellow Air Force Base	3,700,000
	Kelly Air Force Base	27,481,000
	Lackland Air Force Base	30,093,000
	Laughlin Air Force Base	8,650,000
	Randolph Air Force Base	5,300,000
	Reese Air Force Base	900,000
	Sheppard Air Force Base	18,030,000
Utah	Hill Air Force Base	8,380,000
Virginia	Langley Air Force Base	17,823,000
Washington	Fairchild Air Force Base	3,500,000
	McChord Air Force Base	10,900,000
Wyoming	F.E. Warren Air Force Base	12,640,000
Various Locations	Classified	8,140,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects in the total amount of $33,852,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Antigua Island	Antigua Air Station	$1,000,000
Ascension Island	Ascension Auxiliary Air Field	3,400,000
Germany	Ramstein Air Base	3,100,000
Greenland	Thule Air Base	5,492,000
Guam	Andersen Air Force Base	4,100,000
Indian Ocean	Diego Garcia Air Base	2,260,000
Oman	Thumrait Air Base	1,800,000
Turkey	Incirlik Air Base	2,400,000
United Kingdom	RAF Mildenhall	4,800,000
Classified	Classified Location	5,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) in the total amount of $130,264,000 at the installations, for the purposes, and in the amounts for such installations and purposes set forth in the following table:

Air Force: Family Housing

State or Country	Installation	Purpose	Amount
Alabama	Maxwell Air Force Base	55 units	$4,080,000

Air Force: Family Housing—Continued

State or Country	Installation	Purpose	Amount
Arkansas	Little Rock Air Force Base	Housing office/Maintenance facility	980,000
California	Vandenberg Air Force Base	166 units	21,907,000
Florida	Patrick Air Force Base	155 units	15,388,000
	Tyndall Air Force Base	Infrastructure	5,732,000
Georgia	Robins Air Force Base	118 units	7,424,000
Illinois	Scott Air Force Base	Cardinal Creek Housing units	20,000,000
Louisiana	Barksdale Air Force Base	118 units	8,578,000
Massachusetts	Hanscom Air Force Base	48 units	5,135,000
Montana	Malmstrom Air Force Base	Housing office	581,000
Texas	Dyess Air Force Base	Housing maintenance facility	281,000
	Lackland Air Force Base	111 units	8,770,000
Virginia	Langley Air Force Base	Housing office	452,000
Washington	Fairchild Air Force Base	1 unit	184,000
Wyoming	F.E. Warren Air Force Base	104 units	10,572,000
Italy	Comiso Air Base	460 units	20,200,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $9,901,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $75,070,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,101,925,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $864,752,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $33,852,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $6,844,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $63,180,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $7,150,000.

(6) For the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2593) for the construction of the Climatic Test Chamber, Eglin Air Force Base, Florida, $57,000,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $215,235,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $853,912,000 of which not more than $118,266,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 PROJECTS.—(1) The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2593) is amended by striking out the item relating to March Air Force Base, California.

(2) The table in section 2302(a) of such Act (106 Stat. 2595) is amended by striking out the item relating to March Air Force Base, California.

(3) Section 2303 of such Act (106 Stat. 2596) is amended by striking out "$150,000,000" and inserting in lieu thereof "$139,649,000".

(4) Section 2304(a) of such Act (106 Stat. 2596) is amended—

(A) by striking out "$2,062,707,000" and inserting in lieu thereof "$2,011,755,000";

(B) in paragraph (1), by striking out "$667,290,000" and inserting in lieu thereof "$665,040,000"; and

(C) in paragraph (5)(A), by striking out "$283,786,000" and inserting in lieu thereof "$235,084,000".

(b) FISCAL YEAR 1992 PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1521) is amended—

(A) under the heading "CALIFORNIA", by striking out the item relating to March Air Force Base and inserting in lieu thereof the following:

"March Air Force Base, $7,272,000.";

(B) under the heading "FLORIDA", by striking out the item relating to Homestead Air Force Base; and

(C) under the heading "NEW YORK"—

(i) by striking out the item relating to Griffiss Air Force Base; and

(ii) by striking out the item relating to Plattsburgh Air Force Base and inserting in lieu thereof the following:

"Plattsburgh Air Force Base, $960,000.".

(2) Section 2303 of such Act (105 Stat. 1526) is amended by striking out "$141,236,000" and inserting in lieu thereof "$134,836,000".

(3) Section 2305(a) of such Act (105 Stat. 1525) is amended—

(A) by striking out "$2,089,303,000" and inserting in lieu thereof "$2,066,585,000";

(B) in paragraph (1), by striking out "$778,970,000" and inserting in lieu thereof "$762,652,000"; and

(C) in paragraph (8)(A), by striking out "$161,583,000" and inserting in lieu thereof "$155,183,000".

SEC. 2306. RELOCATION OF STUDENT DORMITORY PROJECT TO BEALE AIR FORCE BASE, CALIFORNIA.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out the item relating to Beale Air Force Base and inserting in lieu thereof the following:

"Beale Air Force Base, $9,950,000."; and

(2) by striking out the item relating to Sierra Army Depot.

SEC. 2307. RELOCATION OF MUNITION MAINTENANCE FACILITY PROJECT TO BEALE AIR FORCE BASE, CALIFORNIA.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1521) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out the item relating to Beale Air Force Base and inserting in lieu thereof the following:

"Beale Air Force Base, $4,950,000."; and

(2) by striking out the item relating to Sierra Army Depot.

SEC. 2308. RELOCATION OF COMBAT ARMS TRAINING AND MAINTENANCE FACILITY PROJECT TO SCHOFIELD BARRACKS OPEN RANGE, HAWAII.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769) is amended in the matter under the heading "HAWAII" by striking out the item relating to Wheeler Air Force Base and inserting in lieu thereof the following:

"Schofield Barracks Open Range, $1,400,000.
"Wheeler Air Force Base, $2,100,000.".

SEC. 2309. AUTHORITY TO TRANSFER FUNDS FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.

Notwithstanding any other provision of law, the Secretary of the Air Force shall transfer any funds made available for the construction of family housing at Scott Air Force Base, Illinois, pursuant to the authorization for such construction in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2595) to the County of Saint Clair, Illinois, in order to assist the County of Saint Clair in the construction, at a location determined by the Secretary, of a family housing complex to replace the Cardinal Creek Housing Complex, Scott Air Force Base.

SEC. 2310. INCREASE IN AUTHORIZED UNIT COST FOR CERTAIN FAMILY HOUSING, RANDOLPH AIR FORCE BASE, TEXAS.

Section 2303(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1635) is amended in the matter relating to Randolph Air Force Base, Texas, by striking out "$78,000" and inserting in lieu thereof "$95,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects in the total amount of $256,902,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Defense Reutilization and Marketing Office, Fairbanks, Alaska	$6,500,000
	Defense Reutilization and Marketing Office, March Air Force Base, California	630,000
	Defense Fuel Support Point, Pearl Harbor, Hawaii	2,250,000
	Defense Construction Supply Center, Columbia, Ohio	3,100,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah	1,700,000
	Defense General Supply Center, Richmond, Virginia	17,000,000
	Fort Belvoir, Virginia	5,200,000
Defense Medical Facility Office	Edwards Air Force Base, California	1,700,000
	Fort Detrick, Maryland	4,300,000
	Offutt Air Force Base, Nebraska	1,100,000
	Cannon Air Force Base, New Mexico	13,600,000
	Grand Forks Air Force Base, North Dakota	860,000
	Ellsworth Air Force Base, South Dakota	1,400,000
	Fort Sam Houston, Texas	4,800,000
	Fort Eustis, Virginia	3,650,000
	Fairchild Air Force Base, Washington	8,250,000
National Security Agency	Fort Meade, Maryland	58,630,000
Office Secretary of Defense	Various Locations, Special Activities, Air Force	5,600,000
Section 6 Schools	Fort McClellan, Alabama	2,798,000
	Robins Air Force Base, Georgia	3,160,000
	Fort Campbell, Kentucky	13,182,000
	Fort Knox, Kentucky	7,707,000
	Fort Polk, Louisiana	4,950,000
	Camp Lejeune, North Carolina	1,793,000
	Fort Bragg, North Carolina	8,838,000
	Quantico Marine Corps Base, Virginia	422,000
Special Operations Force	Eglin Auxiliary Field No. 9, Florida	19,582,000
	Fort Campbell, Kentucky	6,950,000
	Fort Bragg, North Carolina	38,450,000
	Olmstead Field, Pennsylvania	1,300,000
	Little Creek Naval Amphibious Base, Virginia	7,500,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects in the total amount of $26,113,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Diego Garcia	$9,558,000
	Roosevelt Roads, Puerto Rico	5,800,000
Various locations	Various classified projects	10,755,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(11), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $4,097,814,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $256,902,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $26,113,000.

(3) For military construction projects at Fort Sam Houston, Texas, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99–661; 100 Stat. 4034), $75,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1639), $211,900,000.

(5) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $135,000,000.

(6) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993, $195,000,000.

(7) For military construction projects at Millington Naval Air Station, Tennessee, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993, $5,000,000.

(8) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $21,658,000.

(9) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $12,200,000.

(10) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $42,405,000.

(11) For energy conservation projects authorized by section 2402, $50,000,000.

(12) For base closure and realignment activities as authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), $12,830,000.

(13) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $3,026,310,000.

(14) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $27,496,000, of which not more than $22,882,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) LIMITATION ON OBLIGATIONS.—Funds appropriated for fiscal year 1994 pursuant to the authorization of appropriations in subsection (a)(1) may not be obligated for any of the following projects in excess of the amount set forth for such project as follows:

(1) Construction of an Army medical center at Fort Bragg, North Carolina, $160,000,000.

(2) Construction of a naval hospital at Portsmouth, Virginia, $171,900,000.

(3) Construction of the hospital at Elmendorf Air Force Base, Alaska, $98,000,000.

SEC. 2404. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1992 PROJECTS.—Section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1528) is amended by striking out the following items:

(1) Under the heading "DEFENSE LOGISTICS AGENCY", the item relating to Dayton Defense Electronic Supply Center, Ohio.

(2) Under the heading "DEFENSE MEDICAL FACILITIES OFFICE", the items relating to—

(A) Homestead Air Force Base, Florida; and

(B) Dallas Naval Air Station, Texas.

(b) CONFORMING AMENDMENTS.—Section 2404 of such Act (105 Stat. 1531) is amended—

(1) in subsection (a)—

(A) by striking out "$1,680,940,000" and inserting in lieu thereof "$1,665,440,000"; and

(B) by striking out "$434,500,000" in paragraph (1) and inserting in lieu thereof "$419,000,000"; and

(2) in subsection (c)—

(A) by inserting "and" in paragraph (1) after the semicolon;

(B) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(3) by striking out paragraph (3).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $240,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1993, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $277,051,000; and

(B) for the Army Reserve, $124,794,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $25,013,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $233,793,000; and

(B) for the Air Force Reserve, $68,427,000.

SEC. 2602. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR RESERVE MILITARY CONSTRUCTION PROJECTS.

(a) FISCAL YEAR 1993 AUTHORIZATION.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2602) is amended by striking out "$17,200,000" and inserting in lieu thereof "$10,700,000".

(b) FISCAL YEAR 1992 AUTHORIZATION.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1534) is amended by striking out "$56,900,000" and inserting in lieu thereof "$31,800,000".

(c) FISCAL YEAR 1991 AUTHORIZATION.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1781) is amended by striking out "$80,307,000" and inserting in lieu thereof "$78,667,000".

(d) FISCAL YEAR 1990 AUTHORIZATIONS.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1645) is amended by striking out "$56,600,000" and inserting in lieu thereof "$54,250,000".

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1997 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510, 104 Stat. 1782), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2301, or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLES.—(1) The projects referred to in subsection (a) for the Army, in the total amount of $38,200,000, are as follows:

Army: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Aberdeen Proving Ground	Toxicology Research Facility	$33,000,000
Missouri	Fort Leonard Wood	Child Development Center	$3,050,000
Virginia	Fort Myer	Child Development Center	$2,150,000

(2) In the projects referred to in subsection (a) for the Air Force, in the total amount of $39,450,000, are as follows:

Air Force: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Alaska	Clear Air Force Station	Alter Dormitory (Phase II)	$5,000,000
California	Sierra Army Depot	Dormitory	$3,650,000
Colorado	Buckley Air National Guard Base	Child Development Center	$4,550,000
Hawaii	Hickam Air Force Base	Dormitory	$6,100,000
	Wheeler Air Force Base	Combat Arms Training & Maintenance Facility	$1,400,000
Oklahoma	Tinker Air Force Base	AWACS Aircraft Fire Protection	$2,750,000
Utah	Hill Air Force Base	Depot Warehouse	$16,000,000

(3) The project referred to in subsection (a) for Defense Agencies, in the total amount of $9,500,000, is as follows:

Defense Agencies: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Defense Logistics Agency, Defense Reutilization and Marketing Office, Fort Meade	Covered Storage	$9,500,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1645), authorizations for the projects set forth in the table in subsection (b), as provided in section 2301 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2603), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLE.—The projects referred to in subsection (a) for the Air Force, in the total amount of $19,000,000, are as follows:

Air Force: Extension of 1990 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Lowry Air Force Base	Computer Operations Facility	$15,500,000
	Lowry Air Force Base	Logistics support facility	$3,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XVI shall take effect on the later of—

(1) October 1, 1993; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. REVISION OF MILITARY FAMILY HOUSING RENTAL AUTHORITY.

(a) ANNUAL ADJUSTMENT OF MAXIMUM LEASE AMOUNT FOR LEASES IN THE UNITED STATES.—Subsection (b) of section 2828 of title 10, United States Code, is amended by adding at the end the following:

"(4) The maximum lease amount under paragraphs (2) and (3) shall be increased on January 1 of each year by a percentage equal to the percentage by which the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics for September 30 of the preceding year exceeds the Consumer Price Index for All Urban Consumers for September of the year before such preceding year.".

(b) INCREASED MAXIMUM LEASE AMOUNT FOR 300 LEASED UNITS IN FOREIGN COUNTRIES.—Paragraph (1) of subsection (e) of such section is amended—

(1) in the first sentence—

(A) by striking out "Expenditures" and inserting in lieu thereof "(A) Except as provided in subparagraphs (B) and (C), expenditures"; and

(B) by striking out "from October 1, 1987";

(2) by designating the third sentence as subparagraph (C);

(3) by inserting after subparagraph (A), as designated by paragraph (1), the following:

"(B) Expenditures for the rental of not more than 300 units of family housing in foreign countries (including the costs of utilities, maintenance, and operation) may exceed the maximum amount that, except for this subparagraph, would be applicable under subparagraph (A) but may not exceed $25,000 per unit per annum as adjusted for foreign currency fluctuations from October 1, 1987."; and

(4) in subparagraph (C), as designated by paragraph (2), by striking out "That maximum lease amount" and inserting in lieu thereof "The maximum lease amounts set forth in subparagraphs (A) and (B).".

(c) ANNUAL ADJUSTMENT IN MAXIMUM LEASE AMOUNT FOR LEASES IN FOREIGN COUNTRIES.—Such subsection is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1), as so amended, the following:

"(3) The maximum lease amount under subparagraphs (A) and (B) of paragraph (1) shall be increased on January 1 of each year by a percentage equal to the percentage by which the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics for September of the preceding year exceeds the Consumer Price Index for All Urban Consumers for September of the year before such preceding year.".

(d) CONFORMING AMENDMENT.—Section 2834(b) of title 10, United States Code, is amended by striking out "amount may be waived by the Secretary concerned under the second sentence of section 2828(e)(1) of this title" and inserting in lieu thereof "amounts under section 2828(e)(1) of this title may be waived by the Secretary concerned under subparagraph (C) of such section".

SEC. 2802. USE OF PROCEEDS OF SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES.

(a) AVAILABILITY OF PROCEEDS.—Section 2483(b) of title 10, United States Code, is amended by striking out the period at the end and inserting in lieu thereof the following: " and may be used as follows:

"(1) To carry out minor military construction projects under section 2805 of this title that are designed to increase energy conservation.

"(2) To carry out military construction projects under the comprehensive energy performance plan developed by the Secretary of Defense under section 2865(a) of this title.".

(b) USE OF PROCEEDS.—Section 2865(b)(1) of title 10, United States Code, is amended by inserting "and the funds available under section 2483(b) of this title" after "subsection (d)(2),".

(c) TECHNICAL AMENDMENTS.—Section 2865(b) of such title is amended—

(1) in paragraph (1), by striking out "The Secretary shall provide that two-thirds" and inserting in lieu thereof "Two-thirds"; and

(2) in paragraph (2), by striking out "The amount" and inserting in lieu thereof "The Secretary shall provide that the amount".

SEC. 2803. ENERGY CONSERVATION MEASURES FOR THE DEPARTMENT OF DEFENSE.

Section 2865 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) REPLACEMENT OF ENERGY-INEFFICIENT SYSTEMS, OPERATIONS, AND PROCESSES.—(1) Energy conservation measures identified and accomplished under the energy performance plan developed pursuant to subsection (a) may include—

"(A) replacement of an existing energy consuming system with the best available energy-saving technology; and

"(B) replacement of an existing maintenance operation or process with a maintenance operation or process that results in energy conservation.

"(2) In paragraph (1), the term 'energy consuming system' includes—

"(A) lighting equipment;

"(B) a lighting system;

"(C) heating equipment;

"(D) a heating system;

"(E) cooling equipment;

"(F) a cooling and ventilating system;

"(G) industrial equipment; and

"(H) an industrial system.".

SEC. 2804. AUTHORITY TO ACQUIRE EXISTING FACILITIES IN LIEU OF CARRYING OUT CONSTRUCTION AUTHORIZED BY LAW.

(a) ACQUISITION AUTHORITY.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following:

"§ 2813. Acquisition of existing facilities in lieu of authorized construction

"The Secretary concerned may acquire an existing facility (including the real property on which the facility is located) at or near a military installation instead of carrying out a military construction project authorized by law for that military installation, and may use funds appropriated for the military construction project to do so, if—

"(1) the Secretary determines that—

"(A) the acquisition of such facility satisfies the requirements of the military department concerned for the authorized military construction project; and

"(B) it is in the best interests of the United States to acquire such facility instead of carrying out the military construction project; and

"(2) the Secretary has transmitted to the Committees on Armed Services of the Senate and House of Representatives a written notification of the determination to acquire the existing facility, including the reasons for acquiring that facility instead of carrying out the authorized military construction project.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following:

"2813. Acquisition of existing facilities in lieu of authorized construction.".

(b) APPLICABILITY.—Section 2813 of title 10, United States Code, as added by subsection (a), shall apply with respect to projects authorized on or after the date of the enactment of this Act and to projects authorized before such date for which construction contracts have not been awarded before such date.

SEC. 2805. TREATMENT OF PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOL UNDER LIMITATION ON FAMILY HOUSING RENTALS OVERSEAS.

Section 2834(b) of title 10, United States Code, as amended by section 2801(d), is further amended by striking out "included." and inserting in lieu thereof "excluded.".

SEC. 2806. EXTENSION OF AUTHORITY TO LEASE REAL PROPERTY FOR SPECIAL OPERATIONS ACTIVITIES.

(a) EXTENSION OF EXPIRING AUTHORITY.—Section 2680(d) of title 10, United States Code, is amended by striking out "September 30, 1993." and inserting in lieu thereof "September 30, 1995.".

(b) EXTENSION OF REPORTING REQUIREMENT.—Section 2863(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2680 note) is amended by striking out "March 1, 1993, and March 1, 1994," and inserting in lieu thereof "March 1 of each of the years 1994, 1995, and 1996,".

Subtitle B—Defense Base Closure and Realignment

SEC. 2811. MODIFICATION OF REQUIREMENT FOR REPORTS ON ACTIVITIES OF THE DEFENSE BASE CLOSURE ACCOUNT 1990.

Section 2906(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) The report for a fiscal year shall include the following:

"(i) The expenditures, identified by subaccount, for each military department and Defense Agency.

"(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

"(iii) Each military construction project for which such expenditures were made, identified by installation and project title.

"(iv) A description and explanation of the extent, if any, to which obligations for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

"(I) any failure to carry out military construction projects that were proposed; and

"(II) any obligations for military construction projects that were not proposed.".

SEC. 2812. BASE CLOSURE CRITERIA.

(a) REQUIREMENT.—In developing base closure and realignment selection criteria in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of Defense shall consider whether the criteria should include the direct costs of such closures and realignments to other Federal departments and agencies.

(b) REPORT ON AMENDMENT.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any criteria proposed in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990. The report shall include a discussion of the proposed criteria and include a justification for any decision not to propose a criterion regarding the direct costs of base closures and realignments to other Federal agencies and departments.

(2) The Secretary shall submit the report upon publication of the proposed criteria in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990.

SEC. 2813. LIMITATION ON EXPENDITURE OF FUNDS FROM THE DEFENSE BASE CLOSURE ACCOUNT 1990 FOR MILITARY CONSTRUCTION IN SUPPORT OF TRANSFERS OF FUNCTIONS.

(a) LIMITATION.—If the Secretary of Defense recommends to the Base Closure and Realignment Commission pursuant to section 2903(c) of the 1990 base closure Act that an installation be closed or realigned, the Secretary identifies in documents submitted to the Commission one or more installations to which a function performed at the recommended installation would be transferred, and the recommended installation is closed or realigned pursuant to such Act, then, except as provided in subsection (b) and notwithstanding any other provision of law, funds in the Defense Base Closure Account 1990 may not be used for military construction in support of the transfer of that function to any installation other than an installation so identified in such documents.

(b) EXCEPTION.—The limitation in subsection (a) ceases to be applicable to military construction in support of the transfer of a function to an installation on the 60th day following the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a notification of the proposed transfer that—

(1) identifies the installation to which the function is to be transferred; and

(2) includes the justification for the transfer to such installation.

(c) DEFINITION.—In this section:

(1) The term "1990 base closure Act" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "Defense Base Closure Account 1990" means the account established under section 2906 of the 1990 base closure Act.

SEC. 2814. EVALUATION AND REPORT ON PROPOSALS FOR PURCHASE OR LEASE OF CERTAIN FACILITIES, ARLINGTON, VIRGINIA.

(a) EVALUATION.—(1) The Secretary of the Navy shall evaluate the proposals referred to in paragraph (2) for leasing or purchasing for the Navy any of the buildings described in paragraph (3).

(2) Under paragraph (1), the Secretary shall consider proposals presented to the Secretary the proposals that were presented to the 1993 Defense Base Closure and Realignment Commission regarding the building described in paragraph (3).

(3) The buildings referred to in paragraphs (1) and (2) are buildings located in Arlington, Virginia, that are currently leased by the Navy under leases that will terminate as a result of the transfer of Navy functions from such buildings under the base closure process.

(b) REPORT.—(1) The Secretary shall submit to the congressional defense committees a report on the evaluation required under subsection (a). The report shall include the following:

(A) An assessment of the reasonableness of each proposal in light of market conditions at the time of the report.

(B) A comparison of the cost of retaining the functions referred to in subsection (a)(1) at the buildings referred to in that subsection through the lease or purchase of such buildings with the cost of transferring such functions in accordance with the base closure process.

(C) An assessment of the impact on the military capabilities of the Navy of retaining the Naval Systems Command in close proximity to the Pentagon.

(2) The Secretary shall submit the report not later than 180 days after the date of the enactment of this Act.

(c) DEFINITIONS.—In this section,

(1) The term "base closure process" means the process for selecting military installations for closure or realignment established under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "1993 Defense Base Closure and Realignment Commission" means the commission appointed in 1993 under section 2902 of such Act.

SEC. 2815. RESIDUAL VALUE OF OVERSEAS INSTALLATIONS BEING CLOSED.

(a) ANNUAL REPORTS.—Subsection (a) of section 1304 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 113 note) is amended—

(1) in paragraph (1), by inserting "by installation" after "basing plan";

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the status of negotiations, if any, between the United States and the host government as to United States claims for compensation for the fair market value of the improvements made by the United States at each installation referred to in paragraph (2), and to any claims of the host government for damages or restoration of the installation, including the representative of the United States in any such negotiations;";

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by striking out paragraph (5) and inserting in lieu thereof the following new paragraphs (5) and (6):

"(5) the cost to the United States of any improvements made at each installation referred to in paragraph (2) and the fair market value of such improvements, expressed in constant dollars based on the date of completion of the improvements;

"(6) in each case in which negotiations between the United States and a host government have resulted in an agreement for the payment to the United States by the host government of the value of improvements to an installation made by the United States, the amount of such payment, the form of such payment, and the expected date of such payment; and".

(b) OMB REVIEW OF PROPOSED SETTLEMENTS.—Section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(g) OMB REVIEW OF PROPOSED SETTLEMENTS.—The Secretary of Defense may not enter into an agreement of settlement with a host country regarding the release to the host country of improvements made by the United States at facilities at an installation until the Secretary submits the proposed settlement to the Director of the Office of Management and Budget and 30 days elapse after the date of such submittal. The Director shall evaluate the overall equity of the proposed settlement. In evaluating the proposed settlement, the Director shall consider such factors as the extent of the United

States capital investment in the improvements being released to the host country, depreciation, the condition of the improvements, and any applicable requirements for environmental remediation or restoration.”.

SEC. 2816. JUSTIFICATION OF RECOMMENDATIONS FOR CLOSURE OR REALIGNMENT OF INSTALLATIONS PREVIOUSLY CONSIDERED FOR CLOSURE OR REALIGNMENT.

(a) REQUIREMENT.—(1)(A) The Secretary of Defense shall include with the recommendation of the Secretary for the closure or realignment under a base closure law of an installation referred to in subparagraph (B) the justification described in paragraph (2).

(B) An installation referred to in subparagraph (A) is any installation recommended by the Secretary of Defense for closure or realignment under a base closure law in a year before the date of the enactment of this Act and not recommended for closure or realignment by a base closure and realignment commission in its recommendations for closure and realignment in that year by reason of the failure of the Secretary's recommendation to meet the criteria or force structure plan, as the case may be, upon which the Secretary's recommendation was based.

(2) A justification referred to in paragraph (1) shall include—

(A) an explanation of—

(i) the manner, if any, in which the recommendation of the Secretary for the closure or realignment of an installation referred to in paragraph (1)(A) is the direct result of—

(I) an amendment to the criteria used by the Secretary in making the recommendation since the Secretary's previous recommendation; or

(II) changes in the force-structure plan (or other military requirements) since such previous recommendation; and

(B) the manner, if any, in which the making of such recommendation in accordance with such amendment or changes eliminates the failure referred to in paragraph (1)(B); or

(2) in the event that such recommendation is not the direct result of such amendment or changes, an explanation of the manner in which such recommendation addresses the failure referred to in paragraph (1)(B).

(b) DEFINITION.—In this section, the term “base closure law” means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

SEC. 2817. EMPLOYMENT OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL TO CARRY OUT ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) IN GENERAL.—(1) The Secretary of Defense may, in keeping with the cost saving and cleanup schedule goals of the Department of Defense with respect to the closure of military installations—

(A) provide such training to the personnel described in paragraph (2) as the Secretary determines necessary in order to qualify such personnel to carry out environmental assessment, remediation, and restoration activities (including asbestos abatement) at military installations closed or to be closed pursuant to a base closure law; and

(B) employ such personnel to carry out such activities, or require contractors engaged in carrying out such activities to employ such personnel.

(2) The personnel referred to in paragraph (1) are Department of Defense civilian personnel whose employment would be terminated (except for the employment of such personnel under paragraph (1)) by reason of the closure of a military installation pursuant to a base closure law.

(3) This subsection shall not be construed to revise or modify any requirement established under Federal or State law relating to environmental assessment, remediation, or restoration activities at military installations referred to in paragraph (1)(A).

(b) PRIORITY IN TRAINING AND EMPLOYMENT.—The Secretary shall give priority in providing training and employment under subsection (a) to persons employed at any military installation whose closure pursuant to a base closure law will directly result in the termination of the employment of at least 1,000 Department of Defense civilian employees.

(c) FUNDING.—Notwithstanding any other provision of law, the Secretary may carry out the training and employment referred to in subsection (a) using funds available for environmental training in addition to funds in the following accounts:

(1) The Department of Defense Base Closure Account established under section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Department of Defense Base Closure Account 1990 established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(d) DEFINITION.—In this section, the term “base closure law” means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

SEC. 2818. REPORTS ON COSTS OF THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) ESTIMATED COSTS OF CLOSURES AND REALIGNMENTS.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the costs (other than costs related to environmental restoration and remediation) estimated at the time of the report of the closure or realignment of any military installation referred to in paragraph (2) under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) as follows:

(A) Not later than 6 months after the date of the enactment of this Act, in the case of such installations approved for closure or realignment under such Act in 1991 and not closed or realigned on such date.

(B) Not later than January 1, 1995, in the case of such installations approved for closure or realignment under such Act in 1993.

(2) A military installation referred to in paragraph (1) is an installation whose closure or realignment results in the termination of employment at the installation of not less than 1,000 Department of Defense civilian employees.

(b) EXCESS COSTS.—If the costs (other than costs related to environmental restoration and remediation) to be incurred by the Secretary in carrying out the closure or realignment under a base closure law of a military installation referred to in subsection (a) exceeds by more than 50 percent the costs estimated for such closure or realignment in the cost estimate prepared by the Secretary in recommending the installation for closure or realignment—

(1) the Secretary shall notify the Comptroller General that the costs of such closure or realignment will exceed such estimated costs; and

(2) not later than 6 months after the date of such notification, the Comptroller General shall submit to such committees a detailed audit of the costs to be incurred by the Secretary in carrying out such closure or realignment, including an assessment of the reasons that such costs differed from the cost estimated for such closure or realignment in such costs estimate.

(c) ANNUAL REPORT ON EXCESS COSTS.—(1) The Secretary shall submit to the congressional defense committees an annual report on the estimated costs of activities related to the closure or realignment, as the case may be, of each installation for which the Secretary makes the determination referred to in subsection (b).

(2) Each report under paragraph (1) shall include—

(A) an estimate of the costs to be incurred by the Secretary in completing the closure or realignment, as the case may be, of the installation; and

(B) if the amount of such costs exceed the amount of estimated costs for such completion in the report on the installation submitted under this section in the previous year, an explanation of such excess.

(3) The Secretary shall submit the report required under paragraph (1) at the same time as the President submits to Congress the budget for the Department of Defense under section 1105 of title 31, United States Code. The Secretary shall submit a report for each installation referred to in that paragraph until the completion of the closure or realignment, as the case may be, of such installation.

(d) REQUIREMENT RELATING TO REPORTS.—Costs shall be expressed in each report required under this section in constant fiscal year 1993 dollars.

(e) DEFINITION.—In this section, the term “base closure law” means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

SEC. 2819. CONSULTATION REQUIREMENT FOR LOCAL REUSE AUTHORITIES AND GOVERNMENTS.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2907, is further amended by adding at the end the following new subparagraphs (I) and (J):

“(I) Subject to subparagraph (J), the local reuse authority with respect to a military installation closed under this part, or the local government in whose jurisdiction the installation is wholly located, as the case may be, shall certify to the Secretary that such authority or government, as the case may be, has consulted in the efforts of such authority or government on such plan and, to the maximum extent practicable, included in such efforts the following:

“(i) The civilian employees of the Department of Defense at such installation.

“(ii) The regional and local chambers of commerce, if any, in such vicinity of the installation.

“(iii) Appropriate representatives of any governmental entity in the region in which such installation is located, if the number of employees of such installation on the date of the approval of closure of such installation constitutes more than 5 percent of the total civilian workforce of the area under the jurisdiction of such governmental entity.

"(J)(i) The certification required under subparagraph (I) shall be submitted, in the case of installations approved for closure under this part for which no reutilization and redevelopment plan has been submitted to the Secretary on or before the date of the enactment of this Act, before the submittal of such plans for such installations.

"(ii) Each local reuse authority or local government, as the case may be, that has submitted an interim reutilization and redevelopment plan to the Secretary under this part on or before the date of the enactment of this Act shall submit a certification to the Secretary under subparagraph (I) before the submittal of its final reutilization and redevelopment plan.".

Subtitle C—Land Transactions

SEC. 2831. CONVEYANCE OF NATURAL GAS DISTRIBUTION SYSTEM, FORT BELVOIR, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Washington Gas Company, Virginia (in this section referred to as "Washington Gas Company"), all right, title, and interest of the United States in and to the natural gas distribution system described in paragraph (2).

(2) The natural distribution gas system referred to in paragraph (1) is the natural gas distribution system, located at Fort Belvoir, Virginia, consisting of approximately 15.6 miles of natural gas distribution lines and the equipment, fixtures, structures, and other improvements owned and utilized by the Federal Government at Fort Belvoir in order to provide natural gas to and distribute natural gas at Fort Belvoir. The natural gas distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to Washington Gas Company the following easements relating to the conveyance of the natural gas distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to provide access to the natural gas distribution system for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the natural gas distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the natural gas distribution system authorized in subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the natural gas distribution system authorized by subsection (a) is subject to the following conditions:

(1) That Washington Gas Company provide natural gas to and distribute natural gas at Fort Belvoir at a rate that is no less favorable than the rate Washington Gas Company would charge a public or private consumer of natural gas similar to Fort Belvoir for the provision and distribution of natural gas.

(2) That Washington Gas Company maintain, repair, conduct safety inspections, and conduct leak test surveys required for the natural gas distribution system.

(3) That Washington Gas Company, at no cost to the Federal Government, expand and upgrade the natural gas distribution system as necessary to meet the increasing needs of Fort Belvoir for natural gas that will result from conversion, to the extent anticipated by the Secretary at the time of conveyance, of oil-burning utilities at Fort Belvoir to natural gas-burning utilities.

(4) That Washington Gas Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing natural gas to Fort Belvoir through the natural gas distribution system.

(5) That Washington Gas Company not commence any expansion of the natural gas distribution system without approval of such expansion by the commander of Fort Belvoir.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by Washington Gas Company in accordance with subsection (d) is at least equal to the fair market value of the natural gas distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that Washington Gas Company is not complying with the conditions set forth in subsection (d), all right, title, and interest of Washington Gas Company in and to the natural gas distribution system conveyed pursuant to subsection (a), including improvements thereto and any modifications made to the system by Washington Gas Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate possession, including the right to operate the system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment, fixtures, structures, and improvements to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Washington Gas Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. CONVEYANCE OF WATER DISTRIBUTION SYSTEM, FORT LEE, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the American Water Company, Virginia (in this section referred to as "American Water Company"), all right, title, and interest of the United States in and to the water distribution system described in paragraph (2).

(2) The water distribution system described in paragraph (1) is the water distribution system located at Fort Lee, Virginia, consisting of approximately 7 miles of transmission lines, 85 miles of distribution and service lines, fire hydrants, elevated storage tanks, pumping stations, and other improvements, owned and utilized by the Federal Government in order to provide water to and distribute water at Fort Lee. The water distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to American Water Company the following easements relating to the conveyance of the water distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and American Water Company jointly determine are necessary in order to provide for access by American Water Company to the water distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and American Water Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water distribution system authorized by subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the water distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That American Water Company provide water to and distribute water at Fort Lee at a rate that is no less favorable than the rate American Water Company would charge a public or private consumer of water similar to Fort Lee for the provision and distribution of water.

(2) That American Water Company maintain, repair, and conduct safety inspections of the water distribution system.

(3) That American Water Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing water at Fort Lee through the water distribution system.

(4) That American Water Company not commence any expansion of the water distribution system without approval of such expansion by the commander of Fort Lee.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by American Water Company in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that American Water Company is not complying with the conditions specified in subsection (d), all right, title, and interest of American Water Company in and to the water distribution system conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by American Water Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the immediate right to operate the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the water distribution system to be conveyed pursuant to subsection (a), including any easements granted with respect to such system under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by American Water Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. CONVEYANCE OF WASTE WATER TREATMENT FACILITY, FORT PICKETT, VIRGINIA.

(a) AUTHORITY TO CONVEY.—The Secretary of the Army may convey to the Town of Blackstone, Virginia (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 11.5 acres, including a waste water treatment facility and other improvements thereon, located at Fort Pickett, Virginia.

(b) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town design and carry out such expansion or improvement of the waste water treatment facility as the Secretary and the Town jointly determine necessary in order to ensure operation of the facility in compliance with all applicable Federal and State environmental laws (including any permit or license requirements).

(2) That the Town operate the waste water treatment facility in compliance with such laws.

(3) That the Town provide disposal services, waste water treatment services, and other related services to Fort Pickett at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Fort Pickett for the provision of such services.

(4) That the Town reserve 75 percent of the operating capacity of the waste water treatment facility for use by the Army in the event that such use is necessitated by a realignment or change in the operations of Fort Pickett.

(5) That the Town accept liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for any environmental restoration or remediation required at the facility by reason of the provision of waste water treatment services at the facility to entities other than the Army.

(c) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (d) is at least equal to the fair market value of the waste water treatment facility conveyed pursuant to subsection (a).

(d) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (b), all right, title, and interest in and to the real property (including the waste water treatment system) conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the waste water treatment system.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(f) ENVIRONMENTAL COMPLIANCE.—(1) The Town shall be responsible for compliance with all applicable environmental laws and regulations, including any permit or license requirements. The Town shall also be responsible for executing and constructing environmental improvements to the plant as required by applicable law.

(2) The Secretary, subject to the availability of appropriated funds, and the Town shall share future environmental compliance costs based on a pro rata share of reserved plant capacity as determined by the Secretary under subsection (c).

(3) The Secretary of the Army shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the facility conveyed under this section before carrying out the conveyance.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance authorized under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. CONVEYANCE OF WATER DISTRIBUTION SYSTEM AND RESERVOIR, STEWART ARMY SUBPOST, NEW YORK.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Town of New Windsor, New York (in this section referred to as the "Town"), all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) The property referred to in paragraph (1) is the following property located at the Stewart Army Subpost, New York:

(A) A parcel of real property consisting of approximately 7 acres, including a reservoir and improvements thereon, the site of the Stewart Army Subpost water distribution system.

(B) Any equipment, fixtures, structures, or other improvements (including any water transmission lines, water distribution and service lines, fire hydrants, water pumping stations, and other improvements) not located on the parcel described in subparagraph (A) that are owned and utilized by the Federal Government in order to provide water to and distribute water at Stewart Army Subpost.

(b) RELATED EASEMENTS.—The Secretary may grant to the Town the following easements relating to the conveyance of the property authorized by subsection (a):

(1) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the water distribution system referred to in paragraph (2) of that subsection for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and the Town jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water distribution system authorized in subsection (a) unless the Town agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town provide water to and distribute water at Stewart Army Subpost at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Stewart Army Subpost for the provision and distribution of water.

(2) That the Town operate the water distribution system in compliance with all applicable Federal and State environmental laws and regulations (including any permit and license requirements).

(3) That the Town not commence any expansion of the water distribution system without approval of such expansion by the commander of Stewart Army Subpost.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (d), all right, title, and interest of the Town in and to the property (including the water distribution system) conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the water distribution system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the property to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence, shall be borne by the Town.

(h) ENVIRONMENTAL CLEANUP.—The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the facility conveyed under this section before carrying out the conveyance.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance authorized under subsection (a) and the easements granted under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LEASE OF REAL PROPERTY, CAMP PENDLETON MARINE CORPS BASE, CALIFORNIA.

(a) AUTHORITY TO ENTER INTO LEASE.—(1) The Secretary of the Navy may lease to Tri-Cities Municipal Water District, California (in this section referred to as the "District"), a special governmental district of the State of California, such parcels (including sub-surface portions of such parcels) of real property located in the vicinity of the lower San Mateo Water Basin, in the northern portion of Camp Pendleton Marine Corps Base, California, as the Secretary determines will meet the requirement set forth in paragraph (2).

(2) The lease authorized in paragraph (1) shall permit the District—

(A) to develop, operate, and maintain water extraction facilities on the parcels subject to the lease; and

(B) to provide water and water distribution services for the District and for the northern portion of Camp Pendleton Marine Corps Base in a manner mutually beneficial to the District and Camp Pendleton Marine Corps Base (as jointly determined by the Secretary and the District).

(3) The lease shall be for such period not longer than 50 years as the Secretary determines to be in the best interests of the United States.

(b) CONSIDERATION.—As consideration for the lease authorized by subsection (a)—

(1) the District shall—

(A) construct, operate, and maintain on the property subject to the lease such improvements as the Secretary and the District jointly determine to be necessary in order to ensure that water is delivered to and stored in the lower San Mateo Water Basin so as to provide a sustained source of water sufficient for the purposes of Camp Pendleton Marine Corps Base and the District; and

(B) operate and maintain the water extraction, storage, and distribution system (including any infrastructure associated with such system) located within the northern portion of Camp Pendleton Marine Corps Base; and

(2) in the event that the fair market value of the interests leased by the Secretary under subsection (a)(1) exceeds the fair market value (as so determined) of the actions taken by the District under paragraph (1) of this subsection, the District shall pay or provide in-kind services to the United States in an amount or value, as the case may be, that is equal to such excess amount.

(c) DESCRIPTION OF PROPERTY.—The exact acreages and legal descriptions of the parcels to be leased pursuant to subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the lease under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT DIX, NEW JERSEY.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Jersey Central Power and Light Company, New Jersey (in this section referred to as "Jersey Central"), all right, title, and interest of the United States in and to the electricity distribution system described in paragraph (2).

(2) The electricity distribution system referred to in paragraph (1) is the electricity distribution system located at Fort Dix, New Jersey, consisting of approximately 145.6 miles of electricity distribution lines, electricity poles, transformers, electricity substations, and other electricity distribution improvements owned and utilized by the Federal Government in order to provide electricity to and distribute electricity at Fort Dix. The electricity distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to Jersey Central the following easements relating to the conveyance of the electricity distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Jersey Central jointly determine are necessary in order to provide for the access by Jersey Central to the electricity distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Jersey Central jointly determine are necessary in order to satisfy the requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the electricity distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the electricity distribution system authorized by subsection (a) unless Jersey Central agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the electricity distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That Jersey Central provide electricity to and distribute electricity at Fort Dix at a rate that is no less favorable than the rate Jersey Central would charge a public or private consumer of electricity similar to Fort Dix for the provision and distribution of electricity.

(2) That Jersey Central carry out safety upgrades to permit the distribution system to carry electricity at up to 13,800 volts.

(3) That Jersey Central improve the electricity distribution system by installing additional lightning protection devices in such a manner as to permit the installation of air conditioning in family housing units.

(4) That Jersey Central maintain and repair, and conduct safety inspections and power factor surveys, of the electricity distribution system.

(5) That Jersey Central comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing electricity at Fort Dix through the electricity distribution system.

(6) That Jersey Central not commence any expansion of the electricity distribution system without approval of such expansion by the commander of Fort Dix.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by Jersey Central in accordance with subsection (d) is at least equal to the fair market value of the electricity distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that Jersey Central is not complying with the conditions specified in subsection (d), all right, title, and interest of Jersey Central in and to the electrical distribution system conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by Jersey Central after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right to operate the electricity distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the electricity distribution system to be conveyed pursuant to subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Jersey Central.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. MODIFICATION OF TERMINATION OF LEASE AND SALE OF FACILITIES, NAVAL RESERVE CENTER, ATLANTA, GEORGIA.

(a) CONSIDERATION.—Subsection (b) of section 2846 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2623) is amended by striking out "aggregate" and all that follows through "subsection (a)(2)" and inserting in lieu thereof "lesser of the cost of expanding the Marine Corps Reserve Center to be constructed at Dobbins Air Force Base, Georgia, in accordance with subsection (c)(1), or $3,000,000".

(b) USE OF FUNDS.—Subsection (c) of such section is amended—

(1) by striking out paragraph (2);

(2) in paragraph (1), by striking out "(1)(A) Subject to the availability of appropriations for this purpose and subparagraph (B)," and inserting in lieu thereof "(1) Subject to paragraph (2),";

(3) by redesignating subparagraph (B) as paragraph (2); and

(4) in paragraph (2), as so designated, by striking out "subparagraph (A)" and inserting in lieu thereof "paragraph (1)".

(c) LEASEBACK OF FACILITIES.—Such section 2846 is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) LEASEBACK OF FACILITIES.—The Secretary may lease from the Institute, at fair market rental value, the facilities referred to in subsection (a)(2) after the sale of such facilities referred to in that subsection. The term of such lease may not exceed 2 years.".

SEC. 2838. CONVEYANCE OF RADAR BOMB SCORING SITE, CONRAD, MONTANA.

(a) CONVEYANCE.—The Secretary of the Air Force may convey, without consideration, to the City of Conrad, Montana (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of real property consisting of approximately 42 acres located in Conrad, Montana, which has served as a support complex, recreational facilities, and family housing for the Radar Bomb Scoring Site, Conrad, Montana, together with any improvements thereon.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City—

(1) utilize the property and recreational facilities conveyed under that subsection for housing and recreation purposes; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such uses.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being utilized in accordance with subsection (b) all right, title, and interest in and to the property conveyed pursuant to such subsection (a), including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2839. FINANCIAL ASSISTANCE FOR IMPROVEMENT OF DYSART CHANNEL, LUKE AIR FORCE BASE, ARIZONA.

(a) ASSISTANCE AUTHORIZED.—The Secretary of the Air Force may provide financial assistance, out of any funds available for the Air Force for fiscal years after fiscal year 1993, to the Flood Control District of Maricopa County, Arizona (in this section referred to as "the Flood Control District"), in order to assist the Flood Control District in widening Dysart Channel and making such other improvements of Dysart Channel that the Secretary and the Flood Control District jointly determine are necessary to prevent the flooding of Luke Air Force Base, Arizona.

(b) MAXIMUM AMOUNT.—The total amount of the financial assistance provided under this section may not exceed the lesser of—

(1) an amount equal to 50 percent of the total cost (as determined by the Secretary) of widening Dysart Channel and making the other improvements referred to in subsection (a); or

(2) $6,000,000.

(c) CONSIDERATION.—As consideration for the financial assistance provided pursuant to subsection (a), the Flood Control District shall convey to the United States all right, title, and interest of the Flood Control District in and to the real property, if any, acquired by the Flood Control District in widening Dysart Channel and making the other improvements referred to in subsection (a).

(d) ASSISTANCE AGREEMENT.—The Secretary may not provide the financial assistance referred to in subsection (a) unless—

(1) the Secretary and the Flood Control District enter into an agreement allocating between the Air Force and the Flood Control District the costs of widening Dysart Channel and making the other improvements referred to in subsection (a);

(2) the Flood Control District agrees to hold harmless, defend, and indemnify in full the Air Force, and any of its officers, members, employees, or agents, from and against any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of the actions taken by the Flood Control District in widening Dysart Channel and making the other improvement referred to in subsection (a); and

(3) the Flood Control District agrees not to acquire any real property in widening Dysart Channel and making the other improvements referred to in subsection (a) without the advance approval of the Secretary.

(e) PROJECT DESIGN AND EXECUTION.—The Flood Control District shall establish the requirements applicable to widening Dysart Channel and making the other improvements referred to in subsection (a) and shall undertake responsibility for the timely execution of such widening and other improvements.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the financial assistance provided under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2840. LAND CONVEYANCE, BROWARD COUNTY, FLORIDA.

(a) LAND CONVEYANCE.—The Secretary of the Navy may convey to Broward County, Florida (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 18.45 acres and comprising a portion of Fort Lauderdale-Hollywood International Airport, Florida.

(b) CONSIDERATION.—The County shall provide the United States with consideration for the conveyance under subsection (a) that is equal to at least the fair market value of the property conveyed. The County may provide that consideration by either of the following methods, as elected by the County:

(1) Constructing (or paying the costs of constructing) at a location selected by the Secretary within Broward County, Florida, a suitable facility to replace the improvements conveyed under subsection (a).

(2) Paying to the United States an amount equal to the fair market value of the parcel of property conveyed under subsection (a).

(c) REQUIREMENT RELATING TO ELECTION.—If the County elects to construct (or pay the costs of construction) of a replacement facility under subsection (b)(1), the County shall pay to the United States the amount, if any, by which the fair market value of the property conveyed under subsection (a) exceeds the fair market value of the replacement facility.

(d) REPLACEMENT FACILITY.—If the County elects to pay the fair market value of the real property under subsection (b)(2) as consideration for the conveyance authorized under subsection (a), the Secretary shall use the amount paid by the County to construct a suitable facility to replace the improvements conveyed under subsection (a).

(e) USE OF PROCEEDS.—The Secretary shall deposit any amount paid to the United States under this section and not used for the purposes of constructing a replacement facility under subsection (d) in the account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(f) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcel of real property to be conveyed under subsection (a) and of the improvements, if any, constructed under subsection (b)(1). Such determination shall be final.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of the surveys shall be borne by the County.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2841. LAND TRANSFER, WOODBRIDGE RESEARCH FACILITY, VIRGINIA.

(a) REQUIREMENT OF TRANSFER.—Notwithstanding any other provision of law, the Secretary of the Army shall transfer, without reimbursement, to the Department of the Interior, a parcel of real property consisting of approximately 580 acres and comprising the Harry Diamond Army Research Laboratory, Woodbridge Research Facility, Virginia, together with any improvements thereon. The transfer shall occur no later than September 30, 1994.

(b) USE OF TRANSFERRED PROPERTY.—The Secretary of the Interior shall incorporate the real property transferred under subsection (a) into the Marumsco National Wildlife Refuge, Virginia.

(c) ENVIRONMENTAL RESPONSIBILITY.—The Secretary of the Army shall retain responsibility for any environmental restoration or remediation required at the real property transferred under subsection (a).

SEC. 2842. LAND CONVEYANCE, CHARLESTON, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary of the Navy may convey to the Division of Public Railways, South Carolina Department of Commerce (in this section referred to as the "Railway") all right, title and interest of the United States in and to a parcel of real property consisting of approximately 10.9 acres and comprising a portion of the Charleston Naval Weapons Station South Annex, North Charleston, South Carolina.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a) the Railway shall pay to the United States on amount equal to the fair market value of the property as determined by the Secretary.

(c) USE OF PROCEEDS.—The Secretary may use the proceeds received from the sale of property authorized by this section to pay for the cost of any environmental restoration of the property being conveyed. Any proceeds which remain after any necessary environmental restoration has been completed shall be deposited in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Railway.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers to be necessary to protect the interests of the United States.

SEC. 2843. AVAILABILITY OF SURPLUS MILITARY EQUIPMENT.

The Secretary of Defense shall make his best effort to make available surplus military equipment scheduled for retirement or disposal owing to military downsizing, base closure or realignment to communities suffering economic hardships from the closure of a military base, if such equipment is important to the economic development efforts of those communities, and if such equipment does not have an alternative military use.

SEC. 2844. CONVEYANCE OF LAND IN FORT MISSOULA, MONTANA.

(a) LAND USE DETERMINATION.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Army shall determine whether a parcel of land consisting of approximately 11 acres, and improvements thereon, located in Fort Missoula, Missoula County, Montana, is excess to the needs of the Department of the Army.

(b) AUTHORIZATION.—If the Secretary determines that the property identified in subsection (a) is excess to the needs of the Department of the Army, the Secretary may, subject to subsection (c), convey to the Northern Rockies Heritage Center, a nonprofit corporation incorporated in the State of Montana, all right, title, and interest of the United States to such property.

(c) CONDITIONS.—The conveyance authorized in subsection (b) shall be subject to the conditions that—

(1) the property conveyed may be used only for historic, cultural, or educational purposes;

(2) the Northern Rockies Heritage Center shall enter into an agreement with the Secretary of Agriculture concerning the use of the property by the Department of Agriculture;

(3) the Northern Rockies Heritage Center shall indemnify the United States against all liability in connection with any hazardous materials, substances, or conditions that may be found on the property; and

(4) the Northern Rockies Heritage Center shall, prior to the conveyance and for the first year of operation of the Northern Rockies Heritage Center after the conveyance, establish, to the satisfaction of the Secretary of the Army, that it has the ability to maintain the property described in subsection (a) for the purposes described in paragraph (1).

(d) REVERSIONARY INTEREST.—If the property conveyed pursuant to subsection (b) is used for purposes other than those specified in subsection (c)(1), all right, title, and interest to and in the property shall revert to the United States at no cost to the United States, which shall have immediate right of entry on the land.

(e) DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (b) shall be determined by surveys that the Secretary determines are satisfactory. The Northern Rockies Heritage Center shall pay the cost of any survey required by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may establish such additional terms and conditions for the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(g) CONGRESSIONAL NOTIFICATION.—If the Secretary determines that the property identified in subsection (a) is not excess to the needs of the Department of the Army, the Secretary shall notify Congress in writing of the plans of the Department of the Army for maintaining and utilizing the property. Such notification shall be made not later than 60 days after the date of enactment of this Act.

SEC. 2845. LAND TRANSFER, FORT SHERIDEN, ILLINOIS AND ARLINGTON COUNTY, VIRGINIA.

The Secretary of Defense shall review, and shall provide a report of such review to the Committees on Armed Services of the Senate and the House of Representatives not later than September 24, 1993, a proposed transfer of lands under the control of the Secretary of the Army, and lands under the control of the Secretary of the Navy, located at Fort Sheridan, Illinois, for a parcel of real estate; consisting of approximately 7.1 acres, located in Arlington County, Virginia and commonly known as the "Twin Bridges" parcel, including the proposal to utilize the "Twin Bridges" parcel for the purpose of constructing and operating the National Museum of the United States Army, utilizing solely donated funds for the construction and operation of such museum.

Subtitle D—Other Matters

SEC. 2851. REPORTS ON ECONOMIC AND ENVIRONMENTAL EFFECTS OF TRANSFER OF MINE WARFARE CENTER OF EXCELLENCE.

(a) SUBMITTAL OF EIS.—The Secretary of the Navy shall, upon completion of the environmental impact statement with respect to the construction and operation of the Mine Warfare Center of Excellence at Ingleside, Texas, submit a copy of such environmental impact statement to the congressional defense committees.

(b) MATTERS TO BE COVERED IN EIS.—The Secretary shall ensure that the environmental impact statement referred to in subsection (a) includes an analysis of the environmental impact of the construction and operation at Ingleside, Texas, of the following Mine Warfare Center of Excellence facilities:

(1) A magnetic silencing facility.

(2) A small boat pier.

(3) A support pier for a helicopter and sled.

(4) A drill-mine field for mine warfare training.

(c) ECONOMIC ASSESSMENT.—At the same time that the Secretary submits the environmental impact statement under subsection (a), the Secretary shall submit to the congressional defense committees an assessment by the Secretary of the cost to the Navy of consolidating the Navy mine warfare forces at Ingleside, Texas. The report shall include a comparison of such cost with the cost of consolidating such forces at alternative locations.

(d) SUSPENSION OF CERTAIN ACTIVITIES PENDING RECEIPT OF REPORT AND ASSESSMENT.—(1) The Secretary may not take any action after July 31, 1993, to relocate any of the Navy mine warfare forces to Ingleside, Texas, until 60 days after the date of the submittal of the environmental impact statement under subsection (a) and the economic assessment under subsection (c).

(2) Paragraph (1) does not apply to the relocation of Navy mine countermeasure ships.

SEC. 2852. PROHIBITION ON USE OF FUNDS FOR PLANNING AND DESIGN FOR DEPARTMENT OF DEFENSE VACCINE PRODUCTION FACILITY.

(a) PROHIBITION.—None of the funds authorized to be appropriated for the Department of Defense for fiscal year 1994 may be obligated for architectural and engineering services or for construction design in connection with the Department of Defense vaccine production facility.

(b) REPORT.—Not later than February 1, 1994, the Secretary of Defense, in consultation with the Secretary of the Army, shall submit to the congressional defense committees a report containing a complete explanation of the necessity for constructing within the United States a Department of Defense facility for the production of vaccine for the Department of Defense.

SEC. 2853. GRANT RELATING TO ELEMENTARY SCHOOL FOR DEPENDENTS OF DEPARTMENT OF DEFENSE PERSONNEL, FORT BELVOIR, VIRGINIA.

(a) GRANT AUTHORIZED.—The Secretary of the Army may make a grant to the Fairfax County School Board, Virginia, in order to assist the School Board in constructing a public elementary school facility, to be owned and operated by the School Board, in the vicinity of Fort Belvoir, Virginia.

(b) CAPACITY REQUIREMENT.—The school facility constructed with the grant made under subsection (a) shall be sufficient (as determined by the Secretary) to accommodate the dependents of members of the Armed Forces assigned to duty at Fort Belvoir and the dependents of employees of the Department of Defense employed at Fort Belvoir.

(c) MAXIMUM AMOUNT OF GRANT.—The amount of the grant under this section may not exceed $8,000,000.

(d) REQUIREMENTS RELATING TO CONSTRUCTION OF SCHOOL.—(1) The Fairfax County School Board shall establish the design and function specifications applicable to the elementary school facility constructed with the grant made under this section.

(2) The Fairfax County School Board shall be responsible for soliciting bids and awarding contracts for the construction of the school facility and shall undertake responsibility for the timely construction of the school facility under such contracts.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the grant authorized under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2854. ALLOTMENT OF SPACE IN FEDERAL BUILDINGS TO CREDIT UNIONS.

Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended in the first sentence—

(1) by striking out "at least 95 per centum" and all that follows through "and the members of their families,"; and

(2) by striking out "allot space to such credit union" and all that follows through the period and inserting in lieu thereof "allot space to such credit union without charge for rent or services if at least 95 per centum of the membership of the credit union to be served by the allotment of space is composed of persons who either are presently Federal employees or were Federal employees at the time of admission into the credit union, and members of their families, and if space is available.".

SEC. 2855. STUDY OF EFFECTS OF AIR FORCE ACTIVITIES ON DUCK VALLEY RESERVATION.

(a) STUDY.—The Secretary of the Air Force shall carry out a study to determine—

(1) the effects on Air Force operations of a requirement that overflights of the Duck Valley Reservation of the Shoshone-Paiute Tribes occur no lower than 15,000 feet above ground level of such reservation;

(2) the effects on such operations of a requirement that no military activities occur within such reservation or the area within 15 miles of the boundary of such reservation; and

(3) whether such operations can be carried out within the areas referred to in paragraph (2) in accordance with the following:

(A) The provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(B) The provisions of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(b) REPORT.—The Secretary shall submit to Congress the report required under subsection (a) not later than 120 days after the date of the enactment of this Act.

SEC. 2856. DISPOSITION OF REAL PROPERTY AT MISSILE SITES TO ADJACENT LANDOWNERS.

Section 9781 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by substituting "Administrator of General Services" for "Secretary of the Air Force";

(2) in subsection (a)(2), by striking out subparagraph (D) and inserting in lieu thereof the following:

"(D) is surrounded by lands that are adjacent to such tract and that—

"(i) are owned in fee simple by one owner, either individually or by more than one person jointly, in common, or by the entirety; or

"(ii) are owned separately by two or more owners."; and

(3) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and revising the single paragraph thereof to read as follows:

"(b)(1) The Administrator shall convey, for fair market value, the interest of the United States in any tract of land referred to in subsection (a) or in any easement in connection with any such tract of land to any person or persons described in paragraph (a)(2)(D)(i) who, with respect to such land, are ready, willing, and able to purchase such interest for the fair market value of such interest. Whenever such interest of the United States is available for purchase under this section, the Administrator shall transmit a notice of the availability of such interest to each such person or persons.".

(B) by adding at the end the following new paragraph:

"(2)(A) In the case of a tract of land surrounded by lands that are adjacent to such tract and are owned separately by two or more owners, the Administrator shall dispose of that tract of land in accordance with this paragraph.

"(B) The Administrator shall conduct a sealed bid competitive sale at which all of such owners are afforded the opportunity to compete to acquire the interest of the United States in such tract. The Administrator shall restrict to the owners of the adjacent lands the opportunity to compete in the sealed bid competitive sale.

"(C) Subject to paragraph (C), the Administrator shall convey the interest of the United States in the tract to the highest bidder.

"(D) The Administrator shall satisfy the requirements of paragraph (1) regarding notice, fair market value, and the qualifications of the purchaser in disposing of the tract in accordance with the results of the sealed bid competitive sale.

"(E) If all bids received by the Administrator pursuant to subparagraph (A) are less than the fair market value of the tract of land, the tract of land shall be disposed of in accordance with the provisions of title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).".

(4) In subsection (c), by substituting "Administrator" for "Secretary";

(5) In subsection (e), by substituting "Secretary of the Air Force" for "Secretary" as it first appears in the subsection and by substituting "Administrator" for "Secretary" as it last appears in the subsection; and

(6) In subsection (f), by substituting "Administrator" for "Secretary".

TITLE XXIX—BASE CLOSURE ASSISTANCE

SEC. 2901. SHORT TITLE.

This title may be cited as the "Base Closure Communities Act of 1993".

SEC. 2902. FINDINGS.

Congress makes the following findings:

(1) The closure and realignment of military installations within the United States is a necessary consequence of the end of the Cold War and of changed United States national security requirements.

(2) A military installation is a significant source of employment for many communities, and the closure or realignment of an installation may cause economic hardship for such communities.

(3) It is in the interest of the United States that the Federal Government facilitate the economic recovery of communities that experience adverse economic circumstances as a result of the closure or realignment of a military installation.

(4) The Federal Government may facilitate the economic recovery of a community by preventing or reducing the loss of jobs that might otherwise occur as a result of such a closure or realignment.

(5) It is in the interest of the United States that the Federal Government work with communities that experience adverse economic circumstances as the result of the closure of military installations to identify and implement means of reutilizing or redeveloping such installations in a beneficial manner.

(6) The Federal Government may provide such assistance by accelerating environmental restoration at military installations to be closed, and by closing such installations, in a manner that best ensures the beneficial reutilization or redevelopment of such installations by such communities.

(7) The Federal Government may best ensure such reutilization and redevelopment by making available real and personal property of the closing military installations to communities affected by such closures on a timely basis, and, if appropriate, at less than fair market value.

SEC. 2903. PROHIBITION ON TRANSFER OF CERTAIN PROPERTY LOCATED AT MILITARY INSTALLATIONS TO BE CLOSED.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking out "Subject to subparagraph (C)," and inserting in lieu thereof "Subject to subparagraphs (C), (F), and (G),"; and

(2) by adding at the end the following:

"(F)(i) Not later than 6 months after the date of approval of closure of an installation, the Secretary of Defense shall, in consultation with the local reuse authority recognized and funded by the Secretary, identify the items (or categories of items) of personal property related to real property on that installation that is anticipated to be included in a reutilization and redevelopment plan with respect to such installation. Such items may include common use items.

"(ii) If no local reuse authority recognized and funded by the Secretary exists with respect to a military installation referred to in clause (i), the Secretary shall consult with—

"(I) the local government in whose jurisdiction the installation is wholly located; or

"(II) a local government agency or State government agency designated for the purpose of such consultation by the chief executive office of that State.

"(iii) Except as provided in clauses (vi) and (vii), the Secretary of Defense may not carry out any of the activities referred to in clause (iv), until the earlier of—

"(I) one week after the date on which the reutilization and redevelopment plan, if any, for the installation is submitted to the Secretary by the local reuse authority;

"(II) the date on which the local reuse authority notifies the Secretary that it will not submit a plan referred to in subclause (I);

"(III) twenty-four months after the date of approval of closure or realignment of the installation; or

"(IV) ninety days before the closure of the installation.

"(iv) The activities referred to in clause (iii) are activities relating to the closure of a military installation as follows:

"(I) The transfer from the installation of items of personal property identified in accordance with clause (i).

"(II) The reduction in maintenance and repair of facilities or equipment of the installation below levels required to support the use of such facilities or equipment for nonmilitary purposes.

"(v) The Secretary may not transfer items of personal property on an installation to be closed or realigned under this part to another installation, or dispose of such items, if they are identified in a reutilization and redevelopment plan for the installation submitted to the Secretary by a local reuse authority as items essential to the reuse of the installation.

"(vi) This subparagraph shall not apply to any personal property—

"(I) that is required for the operation of a unit or weapons system being transferred to another installation;

"(II) that is uniquely military in character, and has no civilian use (other than use for its material content or as a source of commonly used components); or

"(III) that the local reuse authority agrees is not required in connection with the reutilization or redevelopment of an installation to be closed.

"(vii) Notwithstanding clauses (iii) and (v), the Secretary may carry out any of the activities referred to in clauses (iv) and (v) if the Secretary determines that such activities are in the national security interest of the United States.".

SEC. 2904. AUTHORITY TO TRANSFER PROPERTY AT CLOSED OR REALIGNED INSTALLATIONS TO AFFECTED COMMUNITIES AND STATES.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2903, is further amended by adding at the end the following:

"(G)(i) The Secretary of Defense may, under regulations prescribed by the Secretary that set forth guidelines for determining consideration, transfer real property or facilities and any personal property related thereto (including common use items of personal property) located at a military installation to be closed or realigned under this part to—

"(I) the redevelopment authority of a community that is located near the installation, if such redevelopment authority is authorized to accept the transfer;

"(II) the redevelopment authority of the State in which the installation is located, if such redevelopment authority is authorized to accept the transfer; or

"(III) any other public entity selected for such transfer by the Secretary.

"(ii) The transfer under this subparagraph may be for consideration, without consideration, for consideration in kind, or for consideration at or below the fair market value of the real property, facilities, or personal property transferred.

"(iii) The transfer under clause (i) may not take place until the redevelopment authority or other public entity selected by the Secretary for the transfer has taken into consideration in the reutilization and redevelopment plan for the military installation to be closed or realigned the needs of the homeless in the community or communities affected by such closure and has reasonably provided for such needs in such plan. All transfers shall be in accord with section 120(h) of CERCLA.".

SEC. 2905. AUTHORITY TO LEASE CERTAIN PROPERTY AT INSTALLATIONS TO BE CLOSED.

(a) LEASE AUTHORITY.—(1) Section 2667(f) of title 10, United States Code, is amended by inserting "or local reuse authorities recognized by the Secretary of Defense" after "governments".

(2) Section 2667 of such title is amended by adding at the end the following:

"(g)(1) Notwithstanding paragraph (3) of subsection (a) and title II of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481 et seq.), whenever the Secretary of a military department concerned considers it advantageous to the United States, the Secretary concerned may lease to any lessee, upon any terms that the Secretary concerned considers appropriate, any real and related personal property (including common use items of personal property) that is located at a military installation that has been selected for closure under the following provisions of law:

"(A) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(2)(A) The Secretary concerned may provide, in the case of the lease of property referred to in paragraph (1), for the payment (in cash or kind) by the lessee of consideration in an amount that is less than the fair market rental of the leasehold interest. Services relating to the protection and maintenance of the property leased may constitute all or part of such consideration.

"(B) The term of a lease under this paragraph may be for such number of years as the Secretary concerned determines appropriate.

"(C) A lease under this paragraph may include an option to purchase the property subject to the lease. Such option shall be exercisable upon the termination of the lease and shall be for a price, fixed in the lease, that the Secretary concerned considers likely to represent fair market value of the property subject to the option at the anticipated date of termination of the lease. The exercise of such option shall be in accordance with section 120(h) of CERCLA.

"(3) Before entering into any lease under this subsection, the Secretary shall consult with the Administrator of the Environmental Protection Agency in order to determine whether the environmental conditions at the property proposed for leasing permit the lease of the property. The Secretary and the Administrator shall enter into a memorandum of understanding setting forth procedures for carrying out the determinations under this paragraph.

"(4)(A) The Secretary of Defense shall, in regulations prescribed by the Secretary, permit the payment by the Secretary concerned of the administrative costs (including any administrative costs of the Department of Defense or of contractors of the department) relating to the entry of a lessee described in subparagraph (B) into a lease under this subsection.

"(B) A lessee referred to in subparagraph (A) is any lessee whose financial circumstances are such that the payment of costs under this paragraph is necessary to facilitate the entry of the lessee into the lease.

"(C) The regulations prescribed under this paragraph shall provide for determining whether a lessee is entitled to the payment of costs under this paragraph.".

(b) CONFORMING AMENDMENTS.—(1) The section heading of section 2667 of title 10, United States Code, is amended to read as follows:

"§ 2667. Leases: non-excess property; property at installations to be closed".

(2) The table of sections at the beginning of chapter 159 of such title is amended by striking out the item relating to section 2667 and inserting in lieu thereof the following:

"2667. Leases: non-excess property; property at installations to be closed.".

(c) REGULATIONS.—The Secretary of Defense shall prescribe the regulations referred to in section 2667(g)(3)(A) of title 10, United States Code (as added by subsection (a)), not later than 30 days after the date of the enactment of this Act.

SEC. 2906. DELEGATION OF AUTHORITY TO ENTER INTO LEASES OF CERTAIN PROPERTY.

The Secretary of Defense shall, in regulations prescribed by the Secretary, provide for the delegation of the authority of the Secretary to enter in leases under section 2667(g) of title 10, United States Code (as amended by section 2905(a)). The regulations shall specify one or more officials to whom such authority shall be delegated. The Secretary shall prescribe such regulations not later than 30 days after the date of the enactment of this Act.

SEC. 2907. EXPEDITED DETERMINATION OF TRANSFERABILITY OF EXCESS PROPERTY OF INSTALLATIONS TO BE CLOSED.

(a) EXPEDITED DETERMINATION OF TRANSFERABILITY.—Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2904, is further amended by adding at the end the following:

"(H)(i) Except as provided in clause (ii), the Secretary of Defense shall take such actions as the Secretary determines necessary to ensure that final determinations under subsection (b)(1) regarding whether another department or agency of the Federal Government has identified a use for any portion of an installation to be closed under this part, or will accept transfer of any portion of such installation, are made not later than 6 months after the date of approval of closure of that installation.

"(ii) The Secretary may, in consultation with the local reuse authority with respect to an installation, postpone the making of the final determinations referred to in clause (i) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure of the installation.".

(b) APPLICABILITY.—The Secretary of Defense shall make the determination required under section 2905(b)(2)(H) of such Act, as amended by subsection (a), in the case of installations whose date of approval of closure occurred more than 6 months before the date of the enactment of this Act, and which are not closed within 6 months of such date, not later than 6 months after such date.

SEC. 2908. AVAILABILITY OF PROPERTY AND SERVICES FOR ASSISTING THE HOMELESS.

(a) AVAILABILITY OF PROPERTY.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2667 note) is amended by adding at the end the following:

"(3)(A) Except as provided in subparagraph (B), nothing in this section shall limit or otherwise affect the application of the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) to installations closed or realigned under this part.

"(B)(i) Not later than 30 days after the date of approval of closure or realignment of an installation under this part, the Secretary of Defense shall submit to the Secretary of Housing and Urban Development information with respect to the buildings and other real property located at the installation that satisfies the requirements for quarterly requests for information of the Secretary of Housing and Urban Development under subsection (a) of section 501 of such Act (42 U.S.C. 11411).

"(ii) Not later than 60 days after the date referred to in clause (i), the Secretary of Housing and Urban Development shall identify the buildings and other real property at the installation that meet the requirement of the third sentence of such subsection (a) and notify the Secretary of Defense of such identification.

"(iii) Not later than 15 days after the date referred to in clause (ii), the Secretary of Housing and Urban Development shall publish in accordance with subsection (c) of such section a list of the buildings and other real property identified under clause (ii).

"(iv)(I) Buildings and other real property included in the list published under clause (iii) shall remain available to assist the homeless in accordance with subsection (d) of such section 501.

"(II) If, at the end of the period referred to in paragraph (1) of such subsection (d), no notice of intent to use the buildings or other property, or any portion thereof, to assist the homeless is received by the Secretary of Health and Human Services under paragraph (2) of such subsection, the Secretary of Defense may make such buildings or other property, or portion thereof, available to the local redevelopment authority, if any, that has submitted a reutilization or redevelopment plan with respect to such installation for use of such buildings or other property, or portion, thereof, in accordance with such plan.".

(b) APPLICABILITY.—The Secretary of Defense shall carry out the requirements of section 2905(b)(3)(B) of such Act, as amended by subsection (a), with respect to installations whose date of approval of closure is more than 90 days before the date of the enactment of this Act, and which are not closed on such date, not later than 30 days after such date.

SEC. 2909. TRANSITION COORDINATORS FOR ASSISTANCE TO COMMUNITIES AFFECTED BY THE CLOSURE OF INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall designate a transition coordinator for each military installation to be closed under a base closure law. The transition coordinator shall carry out the activities for such coordinator set forth in subsection (c).

(b) TIMING OF DESIGNATION.—A transition coordinator shall be designated for a military installation under subsection (a) as follows:

(1) Not later than 15 days after the date of approval of closure of that the installation.

(2) In the case of installations approved for closure under a base closure law before the date of the enactment of this Act, not later than 15 days after such date of enactment.

(c) RESPONSIBILITIES.—A transition coordinator designated with respect to an installation shall—

(1) encourage, after consultation with officials of Federal and State departments and agencies concerned, the development of strategies for the expeditious environmental cleanup and restoration of the installation by the Department of Defense;

(2) assist the Secretary of the military department concerned in designating real property at the installation that has the potential for rapid and beneficial reuse or redevelopment in accordance with the reutilization and redevelopment plan for the installation;

(3) assist such Secretary in identifying strategies for accelerating completion of environmental cleanup and restoration of the real property designated under paragraph (2);

(4) assist such Secretary in developing plans for ensuring that, to the maximum extent practicable, the Department of Defense carries out any activities at the installation after the closure of the installation in a manner that takes into account, and supports, the reutilization and redevelopment plan for the installation;

(5) assist such Secretary in developing plans for the closure of the installation that take into account the goals set forth in the reutilization and redevelopment plan for the installation;

(6) assist the Secretary of Defense in making determinations with respect to requirements for, or the transfer of property at, the installation under section 2905(b)(2)(H) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as added by section 2907;

(7) assist a local economic redevelopment authority concerned with reuse of the installation in identifying real or personal property located at the installation that may have significant potential for reuse in accordance with the reutilization and redevelopment plan for the installation;

(8) assist the Office of Economic Adjustment of the Department of Defense and other departments and agencies of the Federal Government in coordinating the provision of

assistance under transition assistance and transition mitigation programs with community redevelopment activities with respect to the installation;

(9) assist the Secretary of the military department concerned in identifying leases of property located at the installation that are consistent with the reutilization and redevelopment plan for the installation; and

(10) assist the Secretary of Defense in identifying real or personal property located at the installation that may be utilized to meet the needs of the homeless by consulting with the Interagency Council on the Homeless or the local lead agency of the homeless, if any, referred to in section 210(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11320(b)) for the State in which the installation is located.

SEC. 2910. COORDINATION OF ACTIVITIES OF OTHER FEDERAL DEPARTMENTS AND AGENCIES RELATING TO INSTALLATIONS TO BE CLOSED.

Not later than 30 days after the date of the enactment of this Act, the head of each department or agency of the Federal Government having jurisdiction over a matter arising out of the closure of a military installation under a base closure law, or the reutilization of such an installation, shall designate for each such installation an individual in such department or agency who shall provide information and assistance to the transition coordinator for such installation designated under section 2907 on the assistance, programs, or other activities of such department or agency with respect to the closure or redevelopment of such installation.

SEC. 2911. COMMUNITY RESPONSE BOARD.

(a) REQUIREMENT.—The Secretary of Defense shall establish a community response board with respect to the closure of military installations under base closure laws. The community response board shall have the responsibilities set forth in subsection (c).

(b) COMPOSITION; CHAIRMAN.—(1) The community response board shall be composed of the following members:

(A) The Secretary of each military department concerned or a representative or representatives of such military department who has an expertise in environmental matters or property disposal matters and who shall be appointed by that Secretary.

(B) One representative of the Department of Defense having an expertise in environmental matters, to be appointed by the Secretary of Defense.

(C) One representative of the Department of Defense having an expertise in the disposal of property, to be appointed by the Secretary of Defense.

(D) One representative of the Office of Economic Adjustment of the Department of Defense, to be appointed by the Secretary of Defense.

(E) On representative of the Department of Labor, to be appointed by the Secretary of Labor.

(F) One representative of the Environmental Protection Agency, to be appointed by the Administrator of the Environmental Protection Agency.

(G) One representative of the General Services Administration, to be appointed by the Administrator of General Services.

(H) One representative of the National Economic Council, to be appointed by the Director of the National Economic Council.

(I) The Executive Director of the Interagency Council on the Homeless pursuant to section 201 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311).

(J) One representative of the Department of Housing and Urban Development, to be appointed by the Secretary of Housing and Urban Development.

(K) Such other representatives as the Secretary of Defense, in consultation with the Director of the National Economic Council, determines appropriate.

(2) The Secretary of a military department may serve as a representative of such department under paragraph (1)(A).

(3) The Secretary of Defense, in consultation with the Director of the National Economic Council, shall designate the chairman of the board.

(c) RESPONSIBILITIES.—(1) The community response board shall—

(A) receive comments from appropriate representatives of the redevelopment authorities, if any, established with respect to installations to be closed or realigned under a base closure law on the progress, if any, made by such authorities toward the reutilization or redevelopment of such installations, and any impediments to such progress;

(B) to the maximum extent practicable, propose and develop solutions to such impediments; and

(C) submit a report to the President on such comments and solutions.

(2) In proposing and developing solutions to impediments to the reutilization or redevelopment under paragraph (1)(B), each member of the board shall, to the maximum extent practicable, solicit comments and proposals on such solutions from the Federal department or agency of which such member is a representative and utilize the resources and expertise of the Federal department or agency of which such member is a representative.

(3)(A) The community response board shall receive comments under paragraph (1)(A) by public hearing and by any other means determined appropriate by the board.

(B) The community response board shall offer to hold, and upon the approval of a redevelopment authority shall hold, not less than one such hearing each year with respect to each major installation approved for closure under a base closure law until that installation has been closed for more than 5 years. When holding a hearing with respect to an installation, the board shall ensure that the member or members of the board from the military department having jurisdiction over the installation is present.

(C) At each hearing with respect to an installation, the transition coordinator designated for such installation, or the designee of the coordinator, shall appear before the board with representatives of the redevelopment authority.

(D) The community response board shall meet at least three times each year to carry out the activities referred to in paragraph (1)(B).

(E) The community response board shall submit a report referred to in paragraph (1)(C) at least once each year.

(d) TERMINATION.—The authority of the community response board to carry out activities under this section shall terminate on December 31, 2006.

SEC. 2912. ASSISTANCE TO AFFECTED STATES AND COMMUNITIES THROUGH THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) IN GENERAL.—From the funds authorized to be appropriated to the Department of Defense for the activities of the Office of Economic Adjustment of the Department of Defense, the Secretary of Defense may make grants to not more than one redevelopment authority of each community adversely affected by the closure of a military installation, to redevelopment authorities of States so affected, and to communities so affected in order to assist such authorities and communities, as the case may be, in developing and implementing reutilization and redevelopment plans for property located at military installations closed under base closure laws.

(b) PROCESSING REQUIREMENT.—The Secretary shall determine whether to make a grant under this section to a redevelopment authority or community, as the case may be, not later than 7 days after receiving a complete application for a grant from such authority or community.

SEC. 2913. IDENTIFICATION OF UNCONTAMINATED PROPERTY AT INSTALLATIONS TO BE CLOSED.

The Secretary of Defense shall identify the real property located at each military installation selected in 1993 or 1995 for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) pursuant to the provisions of section 120(h)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)). The Secretary shall identify such real property at an installation not later than the earlier of—

(1) the date that is 9 months after the date of the submittal, if any, to the transition coordinator for the installation of a specific use proposed for all or a portion of the real property of the installation; or

(2) the date that is 18 months after the date of approval of closure of that installation.

SEC. 2914. SEMINARS ON REUSE OR REDEVELOPMENT OF PROPERTY AT INSTALLATIONS TO BE CLOSED.

The Secretary of Defense shall conduct seminars for communities in which a military installation to be closed or realigned under a base closure law is located. Such seminars shall be conducted within 6 months after the date of approval of closure of that installation, shall present the various Federal programs for the reutilization and redevelopment of installations to be closed under such law, and shall provide information about employment assistance, including employment assistance under Federal programs, available to members of such communities.

SEC. 2915. COMPLIANCE WITH CERTAIN ENVIRONMENTAL REQUIREMENTS RELATING TO CLOSURE OF INSTALLATIONS.

The Secretary of Defense shall, with respect to each military installation approved for closure or realignment under a base closure law—

(1) complete any environmental impact analyses required with respect to the installation pursuant to the base closure law under which the installation is closed, and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), not later than 12 months, to the extent possible, after the date of the submittal, if any, to the Secretary of the military department concerned of an acceptable (as determined by the Secretary) reutilization and redevelopment plan for the installation by the community (as determined by the Secretary); and

(2) ensure that the environmental impact statement addresses environmental matters arising out of such plan.

SEC. 2916. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization

Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(5) The Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense. The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2906(b) is further amended by adding at the end the following:

"(4) The Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense. The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.".

SEC. 2917. CLARIFICATION OF UTILIZATION OF FUNDS FOR COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE.

(a) UTILIZATION OF FUNDS.—Subject to subsection (b), funds made available to the Economic Development Administration for economic adjustment assistance under section 4305 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2700) may by utilized by the administration for administrative activities in support of the provision of such assistance.

(b) LIMITATION.—Not more than three percent of the funds referred to in subsection (a) may be utilized by the administration for the administrative activities referred to in such subsection.

SEC. 2918. DEFINITIONS.

(a) BASE CLOSURE COMMUNITIES ACT.—In this title:

(1) The term "base closure law" means the following:

(A) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) The term "reutilization and redevelopment plan", in the case of an installation to be closed under a base closure law, means a plan that—

(A) is agreed to by the local redevelopment authority concerned or other entity recognized by the Secretary of Defense as the authority to direct the reutilization and redevelopment of the installation; and

(B) provides for the reuse of the real property and related personal property of the installation that is available as a result of the closure of the installation.

(3) The term "date of approval", with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under the applicable base closure law expires.

(b) BASE CLOSURE ACT 1990.—Section 2910 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(8) The term 'date of approval of closure', with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under this part expires.".

SEC. 2919. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) SECTION NOT TO TAKE EFFECT.—Section 2916 shall not take effect.

(b) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(5)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

(c) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(4)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount $3,735,571,000, to be allocated as follows:

(1) For research and development, $1,152,325,000.

(2) For weapons testing, $375,000,000.

(3) For stockpile support, $1,792,280,000.

(4) For program direction, $277,466,000.

(5) For complex reconfiguration, $138,500,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD-101, general plan projects, various locations, $16,500,000.

Project GPD-121, general plant projects, various locations, $7,700,000.

Project 94-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $11,110,000.

Project 94-D-124, hydrogen fluoride supply system, Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $3,000,000.

Project 94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 94-D-128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $800,000.

Project 93-D-102, Nevada support facility, North Las Vegas, Nevada, $6,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 93-D-123, complex-21, various locations, $25,000,000.

Project 92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $27,479,000.

Project 92-D-126, replace emergency notification systems, various locations, $10,500,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $30,805,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $39,624,000.

Project 88-D-122, facilities capability assurance program, various locations, $27,100,000.

Project 88-D-123, security enhancement, Pantex Plant, Amarillo, Texas, $20,000,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the amount of $123,034,000.

(d) Adjustment for Savings.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $393,641,000.

SEC. 3102. NEW TRITIUM PRODUCTION AND PLUTONIUM DISPOSITION ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for expenses incurred in carrying out new tritium production activities and plutonium disposition activities necessary for national security programs in the amount of $83,000,000, offset by $43,000,000 in prior year funds.

SEC. 3103. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) Operating Expenses.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $4,782,213,000, to be allocated as follows:

(1) For corrective activities, $2,170,000.

(2) For environmental restoration, $1,536,027,000.

(3) For waste management, $2,275,441,000.

(4) For technology development, $361,150,000.

(5) For transportation management, $19,730,000.

(6) For program direction, $82,427,000.

(7) For facility transition, $545,268,000.

(b) Plant Projects.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) to carry out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD–171, general plant projects, various locations, $49,015,000.

Project 94–D–122, underground storage tanks, Rocky Flats Plant, Golden, Colorado, $700,000.

Project 94–D–400, high explosive wastewater treatment, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $600,000.

Project 94–D–402, liquid waste treatment system, Nevada Test Site, $491,000.

Project 94–D–404, Melton Valley storage tanks capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $9,400,000.

Project 94–D–405, Central neutralization facility pipeline extension project, Oak Ridge K–25 Plant, Oak Ridge, Tennessee, $1,714,000.

Project 94–D–406, low-level waste disposal facility, Oak Ridge K–25 Plant, Oak Ridge, Tennessee, $6,000,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $7,000,000.

Project 94–D–408, 200 east office facility, Richland, Washington, $1,200,000.

Project 94–D–411, solid waste operations complex project, Richland, Washington, $7,100,000.

Project 94–D–412, 300 area process sewer piping system upgrade, Richland, Washington, $1,100,000.

Project 94–D–414, site 300 explosive waste storage facility, Lawrence Livermore National Laboratory, Livermore, California, $370,000.

Project 94–D–415, medical facilities, Idaho National Engineering Laboratory, Idaho, $1,100,000.

Project 94–D–416, Solvent Storage Tanks installation, Savannah River Site, South Carolina, $1,500,000.

Project 94–D–417, intermediate level and low activity waste vaults, Savannah River Site, South Carolina, $1,000,000.

Project 94–D–451, infrastructure replacement Rocky Flats Plant, Golden, Colorado, $6,600,000.

Project 93–D–172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $9,600,000.

Project 93–D–174, plant drain waste water treatment upgrades, Y–12 Plant, Oak Ridge, Tennessee, $3,500,000.

Project 93–D–175, industrial waste compaction facility, Y–12 Plant, Oak Ridge, Tennessee, $1,800,000.

Project 93–D–176, Oak Ridge reservation storage facility, K–25 Plant, Oak Ridge, Tennessee, $6,039,000.

Project 93–D–177, disposal of K–1515 sanitary water treatment plant waste, K–125 Plant, Oak Ridge, Tennessee, $7,100,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado, $1,000,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $6,000,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $6,500,000.

Project 93–D–183, multi-function waste remediation facility, Richland, Washington, $25,660,000.

Project 93–D–184, 325 facility compliance/renovation, Richland, Washington, $3,500,000.

Project 93–D–185, landlord program safety compliance, Phase II, Richland, Washington, $1,351,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River, South Carolina, $13,230,000.

Project 93–D–188, new sanitary landfill, Savannah River, South Carolina, $1,020,000.

Project 92–D–125, master safeguards and security agreement/material surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $3,900,000.

Project 92–D–172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $300,000.

Project 92–D–173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,000,000.

Project 92–D–177, tank 101–AZ waste retrieval system, Richland, Washington, $7,000,000.

Project 92–D–181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $5,000,000.

Project 92–D–182, sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $1,450,000.

Project 92–D–183, transportation complex, Idaho National Engineering Laboratory, Idaho, $7,198,000.

Project 92–D–184, Hanford infrastructure underground storage tanks, Richland, Washington, $300,000.

Project 92–D–186, steam system rehabilitation, Phase II, Richland, Washington, $4,300,000.

Project 92–D–187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $10,276,000.

Project 92–D–188, waste management ES&H, and compliance activities, various locations, $8,568,000.

Project 92–D–403, tank upgrade project, Lawrence Livermore National Laboratory, California, $3,888,000.

Project 91–D–171, waste receiving and processing facility, module 1, Richland, Washington, $17,700,000.

Project 91–D–175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $1,500,000.

Project 90–D–172, aging waste transfer lines, Richland, Washington, $5,000,000.

Project 90–D–175, landlord program safety compliance-I, Richland, Washington, $1,800,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $21,700,000.

Project 89–D–172, Hanford environmental compliance, Richland, Washington, $11,700,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $1,000,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $23,974,000.

Project 89–D–175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $7,000,000.

Project 87–D–181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $2,137,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $10,260,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River, South Carolina, $9,769,000.

Project 81–T–105, defense waste processing facility, Savannah River, South Carolina, $43,873,000.

(c) Capital Equipment.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $203,826,000, to be allocated as follows:

(1) For corrective activities, $600,000.

(2) For waste management, $138,781,000.

(3) For technology development, $29,850,000.

(4) For transportation management, $400,000.

(5) For program direction, $9,469,000.

(6) For facility transition, $24,726,000

(d) Use of Funds.—From funds authorized to be appropriated pursuant to subsection (a) to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, in the State of Colorado, $21,415,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

(e) General Reduction in Operating Expenses.—The amount authorized to be appropriated for operating expenses pursuant to subsection (a) is the amount specified in that subsection reduced by $40,000,000.

(f) Prior Year Balances.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a), (b), and (c) reduced by $86,600,000. In determining the amount authorized to be appropriated pursuant to subsection (a) for the purposes of this subsection, subsection (e) shall be taken into account.

SEC. 3104. MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out nuclear materials production and other defense programs necessary for national security programs in the amount of $2,171,039,000, to be allocated as follows:

(1) For materials support, $853,966,000.

(2) For verification and control technology, $341,941,000.

(3) For nuclear safeguards and security, $86,246,000.

(4) For security investigations, $53,335,000.

(5) For security evaluations, $14,961,000.

(6) For nuclear safety, $24,859,000.

(7) For worker training and adjustment, $100,000,000.

(8) For naval reactors, $695,731,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For materials production:

Project GPD–146, general plant projects, various locations, $31,760,000.

Project 93–D–147, domestic water system upgrade, Phase I, Savannah River, South Carolina, $7,720,000.

Project 93–D–148, replace high-level drain lines, Savannah River, South Carolina, $1,800,000.

Project 93–D–152, environmental modification for production facilities, Savannah River, South Carolina, $20,000,000.

Project 92–D–140, F&H canyon exhaust upgrades, Savannah River, South Carolina, $15,000,000.

Project 92–D–142, nuclear material processing training center, Savannah River, South Carolina, $8,900,000.

Project 92–D–143, health protection instrument calibration facility, Savannah River, South Carolina, $9,600,000.

Project 92–D–150, operations support facilities, Savannah River, South Carolina, $26,900,000.

Project 92–D–153, engineering support facility, Savannah River, South Carolina, $9,500,000.

Project 90–D–149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $25,950,000.

Project 86–D–149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $3,700,000.

(2) For verification and control technology:

Project 90–D–186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $8,515,000.

(3) For naval reactors development:

Project GPN–101, general plant projects, various locations, $7,500,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $7,000,000.

Project 92–D–200, laboratories facilities upgrades, various locations, $2,800,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $7,800,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For material support, $75,209,000.

(2) For verification and control technology, $15,573,000.

(3) For nuclear safeguards and security, $4,101,000.

(4) For nuclear safety, $50,000.

(5) For naval reactors development, $46,900,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $393,132,000 for anticipated savings.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for payment to the Nuclear Waste Fund, $120,000,000.

SEC. 3106. FUNDING USES AND LIMITATIONS.

(a) NATIONAL SECURITY PROGRAMS.—Notwithstanding any other provision of law, not more than 90 percent of the funds appropriated to the Department of Energy for national security programs under this title may be obligated for such programs until the Secretary of Energy submits to the congressional defense committees the five-year budget plan with respect to fiscal year 1994 required under section 3144 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1681; 42 U.S.C. 7271b).

(b) INERTIAL CONFINEMENT FUSION.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and capital equipment, $188,413,000 shall be available for the defense inertial confinement fusion program.

(c) FIRE PROTECTION AND COOLING OR REFRIGERATION SYSTEMS.—None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 may be obligated for the design, purchase, or installation of any fire protection system or cooling or refrigeration system that utilizes class I substances (as listed under section 602(a) of the Clean Air Act (42 U.S.C. 7671a(a)) unless the Secretary of Energy determines that an alternative system meeting the operational requirements of the Department of Energy is not commercially available or is not cost-effective when analyzed under a life-cycle cost analysis.

(d) NEW TRITIUM PRODUCTION ACTIVITIES AND PLUTONIUM DISPOSITION ACTIVITIES.—Funds authorized to be appropriated for fiscal year 1994 or otherwise made available to the Secretary of Energy for such fiscal year for new tritium production activities and plutonium disposition activities shall be available only for the following purposes and in the following amounts:

(1) For evaluation of an advanced light water reactor and a modular high temperature gas reactor to determine the feasibility and effectiveness of disposing of plutonium, production of tritium (if needed), and production of electricity, $40,000,000.

(2) For evaluation of accelerator technology to determine the feasibility and effectiveness of disposing of plutonium, production of tritium (if needed), and production of electricity, $18,000,000.

(3) For evaluation of an advance liquid metal reactor to determine the feasibility and effectiveness of disposing of plutonium, production of tritium (if needed), and production of electricity, $25,000,000.

(e) EXPENDED CORE FACILITY DRY CELL.—None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 may be obligated for project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, until shipment of spent naval nuclear fuel from United States naval surface ships and submarines to the Idaho Engineering Laboratory, Idaho, is resumed.

(f) NUCLEAR WEAPONS TESTING.—(1) Funds authorized to be appropriated under section 3101(a)(2) for the Department of Energy for fiscal year 1994 for weapons testing and funds otherwise made available to the department for that fiscal year for that purpose shall be available only for the following purposes and in the following amounts:

(A) For infrastructure maintenance at the Nevada Test Site, $131,250,000.

(B) For maintaining the technical capability to resume testing at the Nevada Test Site, $109,375,000.

(C) For activities, including research and development, of Department of Energy laboratories in determining means of nuclear weapons testing as alternatives to underground nuclear weapons testing, $134,375,000.

(2) The Secretary of Energy may not obligate an aggregate amount in excess of $180,000,000 for the purposes described in subparagraphs (B) and (C) of paragraph (1) until the Secretary submits to the congressional defense committees a detailed plan for carrying out the activities described in subparagraphs (B) and (C) of that paragraph.

(3) Each year at the time of the President's submission of a a budget under section 1105 of title 31, United States Code, the President shall submit a report covering the most recently completed calendar year setting forth—

(A) Whether the Stockpile Surveillance Program of the Department of Energy, and the calculations and experiments performed by Sandia National Laboratories, Lawrence Livermore National Laboratory, or Los Alamos National Laboratory have raised any concerns with regard to the safety, security, effectiveness, or reliability or existing United States nuclear weapons; and

(B) If such concerns have been raised, the President's evaluation of each concern and report on what actions are being or will be taken to address it.

(g) VERIFICATION CONTROL TECHNOLOGY.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and capital equipment for activities relating to verification and control technology, not more than $334,441,000 may be obligated until the Secretary of Defense submits the report required by section 1104.

(h) SCHOLARSHIP AND FELLOWSHIP PROGRAM FOR ENVIRONMENTAL AND WASTE MANAGEMENT.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, $1,000,000 shall be available for the Scholarship and Fellowship Program for Environmental Restoration and Waste Management carried out under section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 42 U.S.C. 7274e).

(i) HANFORD HEALTH INFORMATION NETWORK.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 under section 3101(a), $1,750,000 shall be available for activities relating to the Hanford health information network established pursuant to the authority set forth in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834).

(j) PROTECTION OF NUCLEAR WEAPONS FACILITIES WORKERS.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, $10,000,000 shall be available for activities relating to worker protection at nuclear weapons facilities.

(k) MERGER OF CERTAIN FUNDS WITH FUNDS APPROPRIATED FOR NEW PRODUCTION REACTORS.—Notwithstanding any other provision of law, of the funds made available to the Department of Energy for new production reactor activities before the date of the enactment of this Act, $43,000,000 shall be merged with the funds authorized to be appropriated for new tritium production and plutonium disposition under section 3102 and shall be available for the same purposes and the same period as the funds with which merged.

(l) TECHNOLOGY TRANSFER AND ECONOMIC DEVELOPMENT.—None of the funds appropriated to the Department of Energy for fiscal year 1994 pursuant to the authorization of appropriations in section 3103, or otherwise made available to the department for environmental restoration and waste management activities for such fiscal year, may be obligated to foster technology transfer to and economic development activities in the Southeastern United States until 30 days after the date on which the Secretary of Energy submits to the congressional defense committees a report containing a plan for the expenditure of funds in a manner that ensures an equitable expenditure of funds for such purposes throughout the Southeastern United States.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, 3103, and 3104, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such actions necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to this title may be transferred to other agencies of the Federal Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, 3103, 3104, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses, plant projects, and capital equipment may remain available until expended.

Subtitle C—Other Matters

SEC. 3131. USE OF FUNDS FOR PAYMENT OF PENALTY ASSESSED AGAINST HANFORD PROJECT.

The Secretary of Energy may pay to the Hazardous Substances Response Trust, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3103, a stipulated civil penalty in the amount of $100,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Hanford Consent Agreement and Compliance Order for Department of Energy Hanford.

SEC. 3132. OFFICE OF TRITIUM PRODUCTION AND PLUTONIUM DISPOSITION.

(a) ESTABLISHMENT.—There is hereby established in the Office of the Assistant Secretary of Energy for Defense Programs an Office of Tritium Production and Plutonium Disposition.

(b) RESPONSIBILITIES.—The responsibilities of the office shall include the following:

(1) Activities relating to the development, design, and construction (including research in support thereof) of a tritium production facility in order to ensure that a tritium production facility replacing existing tritium production facilities of the Department of Energy and capable of meeting the anticipated need of the Department of Defense for tritium is in operation no later than December 31, 2011.

(2) Carrying out the evaluation of an advanced light water reactor and a high temperature gas reactor referred to in section 3105(d)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2636).

(3) Activities relating to the design, development, and construction (including research in support thereof) of the reactors referred to in paragraph (2).

(4) Research and development activities relating to design, development, and construction by the Department of Energy of an advanced metal reactor that utilizes an actinide recycling process and that is capable of burning plutonium, producing tritium, and producing electricity.

(5) Research and development activities relating to the design, development, and construction by the Department of Energy of an accelerator technology that is capable of burning plutonium, producing tritium, and producing electricity.

(6) Activities relating to the design, development, and construction (including research in support thereof) of a facility to treat and dispose of excess plutonium.

SEC. 3133. AUTHORITY TO TRANSFER CERTAIN DEPARTMENT OF ENERGY PROPERTY.

(a) Authority To Transfer.—(1) Notwithstanding any other provision of law, the Secretary of Energy may transfer, for consideration, all right, title, and interest of the United States in and to the property referred to in subsection (b) to any person if the Secretary determines that such transfer will mitigate the adverse economic consequences that might otherwise arise from the closure of a Department of Energy facility.

(2) The amount of consideration received by the United States for a transfer under paragraph (1) may be less than the fair market value of the property transferred if the Secretary determines that the receipt of such lesser amount by the United States is in accordance with the purpose of such transfer under this section.

(b) Covered Property.—Property that may be transferred under subsection (a) is the following property of the Department of Energy that is located at department facilities to be closed:

(1) The personal property and fixtures at such facilities that the Secretary determines to be excess to the needs of the department.

(2) Any other personal property and fixtures at such facilities the replacement cost of which does not exceed an amount equal to 110 percent of the cost of transporting the property or fixtures to another department facility.

(c) Other Terms and Conditions.—The Secretary may require such additional terms and conditions with respect to a transfer of property under subsection (a) as the Secretary determines appropriate to protect the interests of the United States.

SEC. 3134. REAUTHORIZATION AND EXPANSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES.

(a) Authority To Loan Personnel.—Subsection (a)(1) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2074), as amended by section 3136 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1824) and section 3136 of National Defense Authorization for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2641), is further amended—

(1) in subparagraph (A)—

(A) by striking out "and" at the end of clause (i):

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

"(iii) at the Savannah River Site, South Carolina, to loan personnel in accordance with this section to any community-based organization; and

"(iv) at Oak Ridge, Tennessee, to loan personnel in accordance with this section to any community-based organization."; and

(2) in subparagraph (B)—

(A) by striking out "and the Idaho" and inserting in lieu thereof ", the Idaho"; and

(B) by adding before the period at the end the following: ", the Savannah River Site, and Oak Ridge".

(b) Authority To Loan Facilities.—Subsection (b) of such Act is amended—

(1) by striking out "or the Idaho" and inserting in lieu thereof "the Idaho"; and

(2) by inserting "Savannah River Site, South Carolina, or Oak Ridge, Tennessee," before "to any community-based organization".

(c) Duration of Program.—Subsection (c) of such section is amended—

(1) by striking out "Reservation, and" and inserting in lieu thereof "Reservation,"; and

(2) by inserting after "Idaho National Engineering Laboratory" the following: ", and September 30, 1995, with respect to the Savannah River Site, and to Oak Ridge".

SEC. 3135. INCLUSION OF ANALYSIS OF NEVADA TEST SITE IN ENVIRONMENTAL ASSESSMENT OF RECONFIGURATION OF DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

In preparing an environmental impact statement in connection with a decision to reconfigure the functions, facilities, and personnel of the Department of Energy relating to research and development, production, and testing of nuclear materials and weapons, the Secretary of Energy shall include an analysis of the Nevada Test Site as a potential site for the location of some or all of such functions, facilities, and personnel.

SEC. 3136. DEPARTMENT OF ENERGY MANAGEMENT.

(a) Under Secretaries.—Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) is amended—

(1) in subsection (a), by striking out "Under Secretary" and inserting in lieu thereof "Under Secretaries"; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) There shall be in the Department three Under Secretaries and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties the Secretary prescribes. The Under Secretaries shall be compensated at the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

(b) Rates of Pay.—Section 5314 of title 5, United States Code, is amended by striking out the item relating to the Under Secretary, Department of Energy, and inserting in lieu thereof the following:

"Under Secretaries, Department of Energy (3).".

SEC. 3137. TRAINING PROGRAMS FOR MANAGEMENT OF HAZARDOUS MATERIALS AND OF HAZARDOUS MATERIALS EMERGENCY RESPONSE ACTIVITIES.

(a) Authority To Carry Out Programs.—The Secretary of Energy may carry out the programs described in subsection (b) for persons who work with hazardous materials.

(b) Nature of Programs.—The programs referred to in subsection (a) are programs relating to management of hazardous materials and of hazardous materials emergency response that are designed to enhance the safety of the persons referred to in subsection (a) and to protect the environment.

(c) Regional Training Centers.—(1) The programs referred to in subsection (a) may be conducted at regional training centers to be operated under the supervision of the Secretary by qualified (as determined by the Secretary) not-for-profit organizations acting in cooperation with States, labor organizations, or Indian tribes.

(2) In consultation with appropriate representatives of colleges and universities and other organizations having appropriate technical expertise, the Secretary may develop—

(A) standards relating to the operation of centers under this subsection; and

(B) the curricula of the training programs carried out under subsection (a).

(d) Authority To Construct Facilities.—The Secretary may, in cooperation with the Chief of Engineers of the Army, construct such facilities as the Secretary determines necessary to carry out the training programs authorized under subsection (a), including regional training centers located at Department of Energy sites.

(e) Definition.—In this section, the term "Indian tribe" has the meaning provided in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(f) Funding.—From funds authorized to be appropriated to the Secretary of Energy under this division, $20,000,000 may be used to carry out programs authorized in subsection (a).

SEC. 3138. REVIEW OF DEPARTMENT OF ENERGY ENVIRONMENTAL COMPLIANCE AGREEMENTS.

(a) Review Required.—The Secretary of Energy shall review each agreement that the Department of Energy has entered into with the Environmental Protection Agency, a State, or an Indian tribe to bring a Department of Energy facility into compliance with the requirements of the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Water Pollution Control Act (42 U.S.C. 6901 et seq.), the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), or a comparable State or local government law or regulation.

(b) Content of Review.—The review required by subsection (a) shall identify all required actions or milestones that—

(1) can be completed faster than the schedule provided in the agreement;

(2) are unnecessary because of—

(A) technological or programmatic changes; or

(B) changes in circumstances or assumptions;

(3) cannot be completed by the completion date scheduled in the agreement, but can be accomplished within a reasonable time after such date by the use of a more efficient or more cost-effective technology than the technology that has been used;

(4) cannot be completed by the completion date scheduled in the agreement because necessary technology will not be available in time to meet that schedule;

(5) cannot be completed by the completion date scheduled in the agreement because site characterization, site analysis, or another necessary information collection activity will not be completed in time to meet that schedule; or

(6) may endanger worker health and safety if carried out within the period provided in the agreement.

(c) Consultation Requirement.—In conducting the review of an agreement pursuant to subsection (a), the Secretary shall consult with all parties to the agreement and representatives of the community in which the Department of Energy facility covered by the agreement is located.

(d) REPORT TO CONGRESS.—The Secretary of Energy, at the same time that the President submits to Congress the budget for fiscal year 1996 pursuant to section 1105 of title 31, United States Code, shall submit to Congress a report setting forth the following matters:

(1) The results of the review conducted pursuant to subsection (a).

(2) Any alternatives to the milestones and commitments that the Secretary considers appropriate.

(3) An explanation of any alternative action or milestone that the Secretary considers necessary, and the reason such alternative is necessary.

(4) For each such alternative—

(A) the date on which the alternative was presented to the other parties to the agreement concerned;

(B) whether the alternative was accepted, rejected, or modified by any party to the agreement; and

(C) whether the agreement was modified to incorporate the alternative.

(e) EXISTING OBLIGATIONS.—(1) Notwithstanding any other provision of this section, nothing in this Act is intended to void or amend any obligation of the United States under any agreement referred to in subsection (a). In addition, this section is not intended to require any party to any agreement referred to in subsection (a) to renegotiate its agreement.

(2) The Secretary of Energy shall, 60 days prior to filing its report required in subsection (d), provide a copy of the proposed report and request comments from parties to agreements referred to in subsection (a). Any such comments received shall be printed as an appendix to the report to Congress.

SEC. 3139. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT IN NEW MEXICO.

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2073) is amended in the second sentence by striking out "four additional one-year periods" and inserting in lieu thereof "nine additional one-year period".

SEC. 3140. STANDARDIZATION OF REQUIREMENTS AFFECTING DEPARTMENT OF ENERGY EMPLOYEES.

(a) Part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 through 7218) is repealed.

(b) The table of contents for the Department of Energy Organization Act is amended by striking out the matter relating to part A of title VI.

Subtitle D—Cooperative Research and Development

SEC. 3141. SHORT TITLE.

This subtitle may be cited as the "Department of Energy National Competitiveness Technology Partnership Act of 1993".

SEC. 3142. DEFINITIONS.

For purposes of this subtitle, the term—

(a) "Department" means the United States Department of Energy; and

(b) "Secretary" means the Secretary of the United States Department of Energy.

SEC. 3143. COMPETITIVENESS AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.

(a) The Department of Energy Organization Act is amended by adding the following new title (42 U.S.C. 7101 et seq.):

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"SEC. 1101. FINDINGS, PURPOSES AND DEFINITIONS.

"(a) FINDINGS.—For purposes of this title, Congress finds that—

"(1) the Department has scientific and technical resources within the departmental laboratories in many areas of importance to the economic, scientific and technological competitiveness of United States industry;

"(2) the extensive scientific and technical investment in people, facilities and equipment in the departmental laboratories can contribute to the achievement of national technology goals in areas such as the environment, health, space, and transportation;

"(3) the Department has pursued aggressively the transfer of technology from departmental laboratories to the private sector; however, the capabilities of the laboratories could be made more fully accessible to United States industry and to other Federal agencies;

"(4) technology development has been increasingly driven by the commercial marketplace, and the private sector has research and development capabilities in a broad range of generic technologies;

"(5) the Department and the departmental laboratories would benefit, in carrying out their missions, from collaboration and partnership with United States industry and other Federal agencies; and

"(6) partnerships between the departmental laboratories and United States industry can provide significant benefits to the Nation as a whole, including creation of jobs for United States workers and improvement of the competitive position of the United States in key sectors of the economy such as aerospace, automotive, chemical and electronics.

"(b) PURPOSES.—The purposes of this title are—

"(1) to promote partnerships among the Department, the departmental laboratories and the private sector;

"(2) to establish a goal for the amount of departmental laboratory resources to be committed to partnerships;

"(3) to ensure that the Department and the departmental laboratories play an appropriate role, consistent with the core competencies of the laboratories, in implementing the President's critical technology strategies;

"(4) to provide additional authority to the Secretary to enter into partnerships with the private sector to carry out research, development, demonstration and commercial application activities;

"(5) to streamline the approval process for cooperative research and development agreements proposed by the departmental laboratories; and

"(6) to facilitate greater cooperation between the Department and other federal agencies as part of an integrated national effort to improve United States competitiveness.

"(c) DEFINITIONS.—For purposes of this title, the term—

"(1) 'cooperative research and development agreement' has the meaning given that term in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1));

"(2) 'core competency' means an area in which the Secretary determines a departmental laboratory has developed expertise and demonstrated capabilities;

"(3) 'critical technology' means a technology identified in the Report of the National Critical Technologies Panel;

"(4) 'departmental laboratory' means a facility operated by or on behalf of the Department that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)) or any other laboratory or facility designated by the Secretary;

"(5) 'disadvantaged' has the same meaning as that term has in section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6));

"(6) 'dual-use technology' means a technology that has military and commercial applications;

"(7) 'educational institution' means a college, university, or elementary or secondary school, including any not-for-profit organization dedicated to education that would be exempt under section 501(a) of the Internal Revenue Code of 1986;

"(8) 'minority college or university' means a historically Black college or university that would be considered a 'part B institution' by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or a 'minority institution' as that term is defined in section 1046 of the Higher Education Act of 1965 (20 U.S.C. 1135d–5(3));

"(9) 'multi-program departmental laboratory' means any of the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories;

"(10) 'partnership' means any arrangement under which the Secretary or one or more departmental laboratories undertakes research, development, demonstration, commercial application or technical assistance activities in cooperation with one or more non-Federal partners and which may include partners from other Federal agencies;

"(11) 'Report of the National Critical Technologies Panel' means the biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

"(12) 'small business' means a business concern that meets the applicable standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"SEC. 1102. GENERAL AUTHORITY.

"(a)(1) In carrying out the missions of the Department, the Secretary and the departmental laboratories may conduct research, development, demonstration or commercial application activities that build on the core competencies of the departmental laboratories.

"(2) In addition to missions established pursuant to other laws, the Secretary may assign to departmental laboratories any of the following missions:

"(A) National security, including the—

"(i) advancement of the military application of atomic energy;

"(ii) support of the production of atomic weapons, or atomic weapons parts, including special nuclear materials;

"(iii) support of naval nuclear propulsion programs;

"(iv) support for the dismantlement of atomic weapons and the safe storage, transportation and disposal of special nuclear materials;

“(v) development of technologies and techniques for the safe storage, processing, treatment, transportation, and disposal of hazardous waste (including radioactive waste) resulting from nuclear materials production, weapons production and surveillance programs, and naval nuclear propulsion programs and of technologies and techniques for the reduction of environmental hazards and contamination due to such waste and the environmental restoration of sites affected by such waste;

“(vi) development of technologies and processes that facilitate the effective negotiation and verification of international arms control agreements and the containment of the proliferation of nuclear weapons and the proliferation of delivery systems for such weapons; and

“(vii) protection of health and promotion of safety in carrying out other national security missions.

“(B) Energy-related science and technology, including the—

“(i) enhancement of the understanding of all forms of energy production and use;

“(ii) support of basic and applied research on the fundamental nature of matter and energy, including construction and operation of unique scientific instruments;

“(iii) development of energy resources, including solar, geothermal, fossil, and nuclear energy resources, and related fuel cycles;

“(iv) pursuit of a comprehensive program of research and development on the environmental effects of energy technologies and programs;

“(v) development of technologies and processes to reduce the generation of waste or pollution or the consumption of energy or materials;

“(vi) development of technologies and techniques for the safe storage, processing, treatment, management, transportation and disposal of nuclear waste resulting from commercial nuclear activities; and

“(vii) improvement of the quality of education in science, mathematics, and engineering.

“(C) Technology transfer.

“(3)(A) In addition to the missions identified in subsection (a)(2), the Departmental laboratories may pursue supporting missions to the extent that these supporting missions—

“(i) support the technology policies of the President;

“(ii) are developed in consultation with and coordinated with any other Federal agency or agencies that carry out such mission activities;

“(iii) are built upon the competencies developed in carrying out the primary missions identified in subsection (a)(2) and do not interfere with the pursuit of the missions identified in subsection (a)(2); and

“(iv) are carried out through a process that solicits the views of United States industry and other appropriate parties.

“(B) These supporting missions shall include activities in the following areas:

“(i) developing and operating high-performance computing and communications systems, with the goals of contributing to a national information infrastructure and addressing complex scientific and industrial challenges which require large-scale computational capabilities;

“(ii) conducting research on and development of advanced manufacturing systems and technologies, with the goal of assisting the private sector in improving the productivity, quality, energy efficiency, and control of manufacturing processes; and

“(iii) conducting research on and development of advanced materials, with the goals of increasing energy efficiency, environmental protection, and improved industrial performance.

“(4) In carrying out the Department's missions, the Secretary, and the directors of the departmental laboratories, shall, to the maximum extent practicable, make use of partnerships. Such partnerships shall be for purposes of the following:

“(A) to lead to the development of technologies that the private sector can commercialize in areas of technology with broad application important to United States technological and economic competitiveness;

“(B) to provide Federal support in areas of technology where the cost or risk is too high for the private sector to support alone but that offer a potentially high payoff to the United States;

“(C) to contribute to the education and training of scientists and engineers;

“(D) to provide university and private researchers access to departmental laboratory facilities; or

“(E) to provide technical expertise to universities, industry or other Federal agencies.

“(b) The Secretary, in carrying out partnerships, may enter into agreements using instruments authorized under applicable laws, including but not limited to contracts, cooperative research and development agreements, work for other agreements, user-facility agreements, cooperative agreements, grants, personnel exchange agreements and patent and software licenses with any person, any agency or instrumentality of the United States, any State or local governmental entity, any educational institution, and any other entity, private sector or otherwise.

“(c) The Secretary and the directors of the departmental laboratories shall utilize partnerships with United States industry, to the maximum extent practicable, to ensure that technologies developed in pursuit of the Department's missions are applied and commercialized in a timely manner.

“(d) The Secretary shall work with other Federal agencies to carry out research, development, demonstration or commercial application activities where the core competencies of the departmental laboratories could contribute to the missions of such other agencies.

“SEC. 1103. ESTABLISHMENT OF GOAL FOR PARTNERSHIPS BETWEEN DEPARTMENTAL LABORATORIES AND UNITED STATES INDUSTRY.

“(a) Beginning in fiscal year 1994, the Secretary shall establish a goal to make available for cost-shared partnerships with United States industry not less than 20 percent of the annual funds provided by the Secretary to each multi-program departmental laboratory for research, development, demonstration and commercial application activities.

“(b) Beginning in fiscal year 1994, the Secretary shall establish an appropriate goal for the amount of resources to be made available for cost-shared partnerships with United States industry at other departmental laboratories.

“SEC. 1104. ROLE OF THE DEPARTMENT IN THE DEVELOPMENT OF CRITICAL TECHNOLOGY STRATEGIES.

“(a) The Secretary shall develop a multi-year critical technology strategy for research, development, demonstration and commercial application activities supported by the Department for the critical technologies listed in the Report of the National Critical Technologies Panel.

“(b) In developing such strategy, the Secretary shall—

“(1) identify the core competencies of each departmental laboratory;

“(2) develop goals and objectives for the appropriate role of the Department in each of the critical technologies listed in the report, taking into consideration the core competencies of the departmental laboratories;

“(3) consult with appropriate representatives of United States industry, including members of industry associations and representatives of labor organizations; and

“(4) participate in the executive branch process to develop critical technology strategies.

“SEC. 1105. PARTNERSHIP PREFERENCES.

“(a) The Secretary shall ensure that the principal economic benefits of any partnership accrue to the United States economy.

“(b) Any partnership that would be given preference under section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a (c)(4)) if it were a cooperative research and development agreement shall be given preference under this title.

“(c) The Secretary shall issue guidelines, after consultation with the Laboratory Partnership Advisory Board established in section 1109, for application of section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a (c)(4)) and application of subsection (a) of this section to partnerships.

“(d) The Secretary shall encourage partnerships that involve minority colleges or universities or private sector entities owned or controlled by disadvantaged individuals.

“SEC. 1106. EVALUATION OF PARTNERSHIP PROGRAMS.

“(a) The Secretary, in consultation with the Laboratory Partnership Advisory Board established in section 1109, shall develop mechanisms for independent evaluation of the ongoing partnership activities of the Department and the departmental laboratories.

“(b)(1) The Secretary and the director of each departmental laboratory shall develop mechanisms for assessing the progress of each partnership.

“(2) The Secretary and the director of each departmental laboratory shall utilize the mechanisms developed under paragraph (1) to evaluate the accomplishments of each ongoing multi-year partnership and shall condition continued Federal participation in each partnership on demonstrated progress.

“SEC. 1107. ANNUAL REPORT.

“(a) The Secretary shall submit an annual report to Congress describing the ongoing partnership activities of the Secretary and each departmental laboratory and, to the extent practicable, the activities planned by the Secretary and by each departmental laboratory for the coming fiscal year. In developing the report, the Secretary shall seek the advice of the Laboratory Partnership Advisory Board established in section 1109.

“(b) The Secretary shall submit the report under subsection (a) to the appropriate Committees of the Congress. No later than March 1, 1994, and no later than the first of March of each subsequent year, the Secretary shall submit the report under subsection (a) that covers the fiscal year beginning on the first of October of such year.

“(c) Each director of a departmental laboratory shall provide annually to the Secretary a report on ongoing partnership activities and a plan and such other information as the Secretary may reasonably require describing the partnership activities the director plans to carry out in the coming fiscal year. The director shall provide such report and plan in a timely manner as prescribed by the Secretary to permit preparation of the report under subsection (a).

"(d) The Secretary's description of planned activities under subsection (a) shall include, to the extent such information is available, appropriate information on—

"(1) the total funds to be allocated to partnership activities by the Secretary and by the director of each departmental laboratory;

"(2) a breakdown of funds to be allocated by the Secretary and by the director of each departmental laboratory for partnership activities by area of technology;

"(3) any plans for additional funds not described in paragraph (2) to be set aside for partnerships during the coming fiscal year;

"(4) any partnership that involves a Federal contribution in excess of $500,000 the Secretary or the director of each departmental laboratory expects to enter into in the coming fiscal year;

"(5) the technologies that will be advanced by each partnership that involves a Federal contribution in excess of $500,000;

"(6) the types of entities that will be eligible for participation in partnerships;

"(7) the nature of the partnership arrangements, including the anticipated level of financial and in-kind contribution from participants and any repayment terms;

"(8) the extent of use of competitive procedures in selecting partnerships; and

"(9) such other information that the Secretary finds relevant to the determination of the appropriate level of Federal support for such partnerships.

"(e) The Secretary shall provide appropriate notice in advance to Congress of any partnership, which has not been described previously in the report required by subsection (a), that involves a Federal contribution in excess of $500,000.

"SEC. 1108. PARTNERSHIP PAYMENTS.

"(a)(1) Partnership agreements entered into by the Secretary may require a person or other entity to make payments to the Department, or any other Federal agency, as a condition for receiving support under the agreement.

"(2) The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Secretary, to the account established under paragraph (3). Amounts so credited shall be available, subject to appropriations, for partnerships.

"(3) There is hereby established in the United States Treasury an account to be known as the 'Department of Energy Partnership Fund'. Funds in such account shall be available to the Secretary for the support of partnerships.

"(b) The Secretary may advance funds under any partnership without regard to section 3324 of title 31 of the United States Code to—

"(1) small businesses;

"(2) not-for-profit organizations that would be exempt under section 501(a) of the Internal Revenue Code of 1986; or

"(3) State or local governmental entities.

"SEC. 1109. LABORATORY PARTNERSHIP ADVISORY BOARD AND INDUSTRIAL ADVISORY GROUPS AT MULTI-PROGRAM DEPARTMENTAL LABORATORIES.

"(a)(1) The Secretary shall establish within the Department an advisory board to be known as the 'Laboratory Partnership Advisory Board', to provide the Secretary with advice on the implementation of this title.

"(2) The membership of the Laboratory Partnership Advisory Board shall consist of persons who are qualified to provide the Secretary with advice on the implementation of this title. Members of the Board shall include representatives primarily from United States industry but shall also include representatives from—

"(A) small businesses;

"(B) private sector entities owned or controlled by disadvantaged persons;

"(C) educational institutions, including representatives from minority colleges or universities;

"(D) laboratories of other Federal agencies; and

"(E) professional and technical societies in the United States.

"(3) The Laboratory Partnership Advisory Board shall request comment and suggestions from departmental laboratories to assist the Board in providing advice to the Secretary on the implementation of this title.

"(b) The director of each multi-program departmental laboratory shall establish an advisory group consisting of persons from United States industry to—

"(1) evaluate new initiatives proposed by the departmental laboratory;

"(2) identify opportunities for partnerships with United States industry; and

"(3) evaluate ongoing programs at the departmental laboratory from the perspective of United States industry.

"(c) Nothing in this section is intended to preclude the Secretary or the director of a departmental laboratory from utilizing existing advisory boards to achieve the purposes of this section.

"SEC. 1110. FELLOWSHIP PROGRAM.

"The Secretary shall encourage scientists, engineers and technical staff from departmental laboratories to serve as visiting fellows in research and manufacturing facilities of industrial organizations, State and local governments, and educational institutions in the United States and foreign countries. The Secretary may establish a formal fellowship program for this purpose or may authorize such activities on a case-by-case basis. The Secretary shall also encourage scientists and engineers from United States industry to serve as visiting scientists and engineers in the departmental laboratories.

"SEC. 1111. COOPERATION WITH STATE AND LOCAL PROGRAMS FOR TECHNOLOGY DEVELOPMENT AND DISSEMINATION.

"The Secretary and the director of each departmental laboratory shall seek opportunities to coordinate their activities with programs of State and local governments for technology development and dissemination, including programs funded in part by the Secretary of Defense pursuant to section 2523 of title 10 of the United States Code and section 2513 of title 10 of the United States Code and programs funded in part by the Secretary of Commerce pursuant to sections 25 and 26 of the Act of March 3, 1901 (15 U.S.C. 278k and 278l) and section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 2781 note).

"SEC. 1112. AVAILABILITY OF FUNDS FOR PARTNERSHIPS.

"(a) All of the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application activities, other than atomic energy defense programs, shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(b) All of the funds authorized to be appropriated to the Secretary for atomic energy defense activities shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(c) Funds authorized to be appropriated to the Secretary and made available for departmental laboratory-directed research and development shall be available for any partnership.

"SEC. 1113. PROTECTION OF INFORMATION.

"Section 12(c)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)), relating to the protection of information, shall apply to the partnership activities undertaken by the Secretary and by the directors of the departmental laboratories.

"SEC. 1114. FAIRNESS OF OPPORTUNITY.

"(a) The Secretary and the director of each departmental laboratory shall institute procedures to ensure that information on laboratory capabilities and arrangements for participating in partnerships with the Secretary or the departmental laboratories is publicly disseminated.

"(b) Prior to entering into any partnership having a Federal contribution in excess of $5,000,000, the Secretary or director of a departmental laboratory shall ensure that the opportunity to participate in such partnership has been publicly announced to potential participants.

"(c) In cases where the Secretary or the director of a departmental laboratory believes a potential partnership activity would benefit from broad participation from the private sector, the Secretary or the director of such departmental laboratory may take such steps as may be necessary to facilitate formation of a United States industry consortium to pursue the partnership activity.

"SEC. 1115. PRODUCT LIABILITY.

"The Secretary, after consultation with the Laboratory Partnership Advisory Board established in section 1109, and the Attorney General shall enter into a memorandum of understanding establishing a consistent policy and standards regarding the liability of the United States, of the non-Federal entity operating a departmental laboratory and of any other party to a partnership for product liability claims arising from partnership activities. The Secretary and the director of each departmental laboratory shall, to the maximum extent practicable, incorporate into any partnership the policy and standards established in the memorandum of understanding.

"SEC. 1116. INTELLECTUAL PROPERTY.

"The Secretary shall, after consultation with the Laboratory Partnership Advisory Board established in section 1109, develop guidelines governing the application of intellectual property laws by the Secretary and by the director of each departmental laboratory in partnership arrangements.

"SEC. 1117. SMALL BUSINESS.

"(a) The Secretary shall develop simplified procedures and guidelines for partnerships involving small businesses to facilitate access to the resources and capabilities of the departmental laboratories.

"(b) Notwithstanding any other law, the Secretary may waive, in whole or in part, any cost-sharing requirement for a small business involved in a partnership if the Secretary determines that the cost-sharing requirement would impose an undue hardship on the small business and would prevent the formation of the partnership.

"(c) Notwithstanding section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), the Secretary may provide funds as part of a cooperative research and development agreement to a small business if the Secretary determines that the funds are necessary to prevent imposing an undue hardship on the small business and necessary for the formation of the cooperative research and development agreement.

"SEC. 1118. MINORITY COLLEGE AND UNIVERSITY REPORT.

"Within one year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the appropriate committees of the United States Senate and the United States House of Representatives a report identifying opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories. The Secretary shall consult with representatives of minority colleges and universities in preparing the report. Such report shall—

"(a) describe ongoing education and training programs being carried out by the Department or the departmental laboratories with respect to or in conjunction with minority colleges and universities in the areas of mathematics, science, and engineering;

"(b) describe ongoing research, development demonstration or commercial application activities involving the Department or the departmental laboratories and minority colleges and universities;

"(c) describe funding levels for the programs and activities described in subsections (a) and (b);

"(d) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the fields of mathematics, science, and engineering;

"(e) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in entering into partnerships;

"(f) address the need for and potential role of the Department or the departmental laboratories in providing to minority colleges and universities the following:

"(1) increased research opportunities for faculty and students;

"(2) assistance in faculty development and recruitment and curriculum enhancement and development; and

"(3) laboratory instrumentation and equipment, including computer equipment, through purchase, loan, or other transfer;

"(g) address the need for and potential role of the Department or the departmental laboratories in providing funding and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities at minority colleges and universities; and

"(h) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the areas of mathematics, science, and engineering, and in entering into partnerships with the Department or departmental laboratories.

"SEC. 1119. MINORITY COLLEGE AND UNIVERSITY SCHOLARSHIP PROGRAM.

"The Secretary shall establish a scholarship program for students attending minority colleges or universities and pursuing a degree in energy-related scientific, mathematical, engineering, and technical disciplines. The program shall include tuition assistance. The program shall provide an opportunity for the scholarship recipient to participate in an applied work experience in a departmental laboratory. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance and (2) academic potential in the particular area of study. Scholarships awarded under this program shall be known as Secretary of Energy Scholarships.".

(b) CONFORMING AMENDMENT.—The table of contents of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended by adding at the end thereof the following items:

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"Sec. 1101. Finding, purposes, and definitions.
"Sec. 1102. General authority.
"Sec. 1103. Establishment of goal for partnerships between departmental laboratories and United States industry.
"Sec. 1104. Role of the Department in the development of critical technology strategies.
"Sec. 1105. Partnership preferences.
"Sec. 1106. Evaluation of partnership programs.
"Sec. 1107. Annual report.
"Sec. 1108. Partnership payments.
"Sec. 1109. Laboratory partnership advisory board and industrial advisory groups at multi-program departmental laboratories.
"Sec. 1110. Fellowship program.
"Sec. 1111. Cooperation with State and local programs for technology development and dissemination.
"Sec. 1112. Availability of funds for partnerships.
"Sec. 1113. Protection of information.
"Sec. 1114. Fairness of opportunity.
"Sec. 1115. Product liability.
"Sec. 1116. Intellectual property.
"Sec. 1117. Small business.
"Sec. 1118. Minority college and university report.
"Sec. 1119. Minority college and university scholarship program.".

SEC. 3144. NATIONAL ADVANCED MANUFACTURING TECHNOLOGIES PROGRAM.

The Secretary is encouraged to use partnerships to expedite the private sector deployment of advanced manufacturing technologies as required by section 2202(a) of the Energy Policy Act of 1992 (42 U.S.C. 13502).

SEC. 3145. NOT-FOR-PROFIT ORGANIZATIONS.

The Secretary shall encourage the establishment of not-for-profit organizations, such as the Center for Applied Development of Environmental Technology (CADET), that will facilitate the transfer of technologies from the departmental laboratories to the private sector.

SEC. 3146. CAREER PATH PROGRAM.

(a) The Secretary, utilizing authority under other applicable law and the authority of this section, shall establish a career path program to recruit employees of the national laboratories to serve in positions in the Department.

(b) Section 207 of title 18, United States Code, is amended by inserting after subsection (j)(6) the following:

"(7) NATIONAL LABORATORIES.—(A) The restrictions contained in subsections (a), (b), (c), and (d) shall not apply to an appearance or communication made, or advice or aid rendered by a person employed at a facility described in subparagraph (B), if the appearance or communication is made on behalf of the facility or the advice or aid is provided to the contractor of the facility.

"(B) This paragraph applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

(c) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended by inserting the following new subsection:

"(q) NATIONAL LABORATORIES.—(1) The restrictions on obtaining a recusal contained in paragraphs (c)(2) and (c)(3) shall not apply to discussions of future employment or business opportunity between a procurement official and a competing contractor managing and operating a facility described in paragraph (3): *Provided*, That such discussions concern the employment of the procurement official at such facility.

"(2) The restrictions contained in paragraph (f)(1) shall not apply to activities performed on behalf of a facility described in paragraph (3).

"(3) This subsection applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

SEC. 3147. AVLIS COMMERCIALIZATION.

(a) PREDEPLOYMENT CONTRACTOR.—Not later than ninety days after the date of enactment of this Act, the Secretary shall solicit proposals for a commercial predeployment contractor to conduct such activities as may be necessary to enable the Secretary or any successor to the Secretary's uranium enrichment enterprise to deploy a commercial uranium enrichment plant using the Atomic Vapor Laser Isotope Separation (AVLIS) technology. Such activities shall include—

(1) developing a transition plan for transferring the AVLIS program from research, development, and demonstration activities at the Lawrence Livermore National Laboratory to deployment of a commercial AVLIS production plant;

(2) confirming the technical performance of AVLIS technology;

(3) developing the economic and industrial assessments necessary for the Secretary or his successor to make a commercial decision whether to deploy AVLIS;

(4) providing an industrial perspective for the planning and execution of remaining demonstration program activities; and

(5) completing feasibility and risk studies necessary for a commercial decision whether to deploy AVLIS, including financing options.

(b) ADDITIONAL ACTIVITIES.—Based upon the results of subsection (a), the Secretary may solicit additional proposals to complete the following activities:

(1) site selection, site characterization, and environmental documentation activities for a commercial AVLIS plant;

(2) engineering design of a production plant, developing a project schedule, and initiating operations planning;

(3) activities leading to obtaining necessary licenses from the Nuclear Regulatory Commission; and

(4) ensuring the successful integration of AVLIS technology into the commercial nuclear fuel cycle.

(c) REPORTS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the Speaker of the House of Representatives a written report on the progress made toward the deployment of a commercial AVLIS production plant ninety days after the date of enactment of this Act and each ninety days thereafter.

SEC. 3148. AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.

(a) Section 12(c)(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)) is amended—

(1) by deleting subparagraph (C)(i) and inserting in lieu thereof the following:

"(C)(i) Any agency that has contracted with a non-Federal entity to operate a laboratory shall review and approve, request specific modifications to, or disapprove a joint work statement and cooperative research and development agreement that is submitted by the director of such laboratory within thirty days after such submission. In any case where an agency has requested specific modifications to a joint work statement or cooperative research and development agreement, the agency shall approve or disapprove any resubmission of such joint work statement or cooperative research and development agreement within fifteen days after such resubmission. No agreement may be entered into by a Government-owned, contractor-operated laboratory under this section before both approval of the cooperative research and development agreement and a joint work statement.";

(2) by adding in subparagraph (C)(ii) the words, "or cooperative research and development agreement" after "joint work statement";

(3) by deleting subparagraph (C)(iv);

(4) by deleting subparagraph (C)(v) and inserting in lieu thereof:

"(C)(iv) If an agency fails to complete a review under clause (i) within any of the specified time-periods, the agency shall submit to the Congress, within ten days after the failure to complete the review, a report on the reasons for such failure. The agency shall, at the end of each successive 15-day period thereafter during which such failure continues, submit to Congress another report on the reasons for the continued failure."; and

(5) by deleting subparagraph (C)(vi).

(b) Section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)) is amended—

(1) in subparagraph (B) by striking "substantial" before "purpose"; and

(2) in subparagraph (C) by striking "the primary purpose" and inserting in lieu thereof "one of the purposes".

SEC. 3149. GUIDELINES.

The implementation of the provisions of this Act shall not be delayed pending the issuance of guidelines, policies or standards required by sections 1105, 1115 and 1116 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3143 of this Act.

SEC. 3150. AUTHORIZATION.

(a) In addition to funds made available for partnerships under section 1112 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3143 of this Act, there is authorized to be appropriated from funds otherwise available to the Secretary for partnership activities with industry in areas other than atomic energy defense activities $100,000,000 for fiscal year 1994, $140,000,000 for fiscal year 1995, $180,000,000 for fiscal year 1996 and $220,000,000 for fiscal year 1997.

(b) There is authorized to be appropriated to the Secretary for the Minority College and University Scholarship Program established in section 1119 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3143 of this Act in areas other than atomic energy defense activities $1,000,000 for fiscal year 1994, $2,000,000 for fiscal year 1995 and $3,000,000 for fiscal year 1996.

(c) There is authorized to be appropriated to the Secretary for research or educational programs, in areas other than atomic energy defense activities, carried out through partnerships or otherwise, and for related facilities and equipment that involve minority colleges or universities such sums as may be necessary.

TITLE XXXII—NUCLEAR SAFETY

SEC. 3201. AUTHORIZATION FOR DEFENSE NUCLEAR SAFETY BOARD.

There are authorized to be appropriated for fiscal year 1994, $18,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. REQUIREMENT FOR TRANSMITTAL TO CONGRESS OF CERTAIN INFORMATION PREPARED BY DEFENSE NUCLEAR SAFETY BOARD.

(a) REQUIREMENT.—Chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amended—

(1) by redesignating section 320 as section 321; and

(2) by inserting after section 319 the following new section 320:

"SEC. 320. TRANSMITTAL OF CERTAIN INFORMATION TO CONGRESS.

"Whenever the Board submits or transmits to the President or the Director of the Office of Management and Budget any budget estimate, budget request, supplemental budget request, or other budget information, any legislative recommendation, or any statement or information in preparation of a report to be submitted to Congress pursuant to section 316(a), the Board shall submit at the same time a copy thereof to Congress.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by striking out the item relating to section 320 and inserting in lieu thereof the following:

"Sec. 320. Transmittal of certain information to Congress.

"Sec. 321. Annual authorization of appropriations.".

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Subtitle A—Authorizations of Disposals and Use of Funds

SEC. 3301. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZED.—Subject to the conditions specified in subsection (b), the President may dispose of obsolete and excess materials currently contained in the National Defense Stockpile in order to modernize the stockpile. The materials subject to disposal under this subsection and the quantity of each material authorized to be disposed of by the President are set forth in the following table:

AUTHORIZED STOCKPILE DISPOSALS

Material for disposal	Quantity
Aluminum	62,843 short tons
Analgesics	53,525 pounds of anhydrous morphine alkaloid
Antimony	32,140 short tons
Diamond Dies, Small	25,473 pieces
Manganese, Electrolytic	14,172 short tons
Mica, Muscovite Block, Stained and Better.	1,866,166 pounds
Mica, Muscovite Film, 1st & 2d quality.	158,440 pounds
Mica, Muscovite Splittings	12,540,382 pounds
Quinidine	2,471,287 avoirdupois ounces
Quinidine, Non-Stockpile Grade	1,691 avoirdupois ounces
Quinine	2,770,091 avoirdupois ounces
Quinine, Non-Stockpile Grade	475,950 avoirdupois ounces
Rare Earths	504 short dry tons
Vanadium Pentoxide	718 short tons of contained vanadium

(b) CONDITIONS ON DISPOSAL.—The authority of the President under subsection (a) to dispose of materials stored in the stockpile may not be used unless and until the Secretary of Defense certifies that the disposal of such materials will not adversely affect the capability of the National Defense Stockpile to supply the strategic and critical materials necessary to meet the needs of the United States during a period of national emergency that requires a significant level of mobilization of the economy of the United States, including any reconstitution of the military and industrial capabilities necessary to meet the planning assumptions used by the Secretary of Defense under section 14(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5(b)).

SEC. 3302. REVISION OF AUTHORITY TO DISPOSE OF CERTAIN MATERIALS AUTHORIZED FOR DISPOSAL IN FISCAL YEAR 1993.

(a) CHROMITE AND MANGANESE ORES.—During fiscal year 1994, the disposal of chromite and manganese ores of metallurgical grade under the authority of section 3302(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2649; 50 U.S.C. 98d note) may be made only for processing within the United States and the territories and possessions of the United States.

(b) CHROMIUM AND MANGANESE FERRO.—Section 3302(f) of such Act (106 Stat. 2651; 50 U.S.C. 98d note) is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 1994".

SEC. 3303. AUTHORIZED USES OF STOCKPILE FUNDS.

During fiscal year 1994, the National Defense Stockpile Manager may obligate up to $67,300,000 of the funds in the National Defense Stockpile Transaction Fund (subject to such limitations as may be provided in appropriations Acts) for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

Subtitle B—Programmatic Changes

SEC. 3311. STOCKPILING PRINCIPLES.

Section 2(c)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a(c)(2)) is amended to read as follows:

"(2) The quantities of materials stockpiled under this Act should be sufficient to meet the needs of the United States during a period of a national emergency that would necessitate an expansion of the Armed Forces together with a significant mobilization of the economy of the United States under planning guidance issued by the Secretary of Defense.".

SEC. 3312. PERIOD OF LIMITATION FOR CHANGING ANNUAL MATERIALS PLAN.

Section 5(a)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(a)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) in subparagraph (A), as so designated, by striking out the last sentence and inserting in lieu thereof the following: "The President shall submit such statement on a day when both Houses of Congress are in session."; and

(3) by adding at the end the following:

"(B) In the event of a war declared by Congress or a national emergency declared by the President or Congress, the President may carry out any change under subparagraph (A) (including any obligation or expenditure relating to such change) before the expiration of the 30-day period referred to in such subparagraph.".

SEC. 3313. ROTATION OF MATERIALS TO PREVENT TECHNOLOGICAL OBSOLESCENCE.

Section 6(a)(4) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(4)) is amended by inserting "or technological obsolescence" after "deterioration".

SEC. 3314. USES OF THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) ADDITIONAL USES.—Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended by adding at the end the following new subparagraphs:

"(J) Pay of employees of the National Defense Stockpile program.

"(K) Other expenses of the National Defense Stockpile program.".

(b) CONFORMING AMENDMENT.—Section 9 of such Act is amended by striking out paragraph (4).

SEC. 3315. NATIONAL EMERGENCY PLANNING ASSUMPTIONS FOR BIENNIAL REPORT ON STOCKPILE REQUIREMENTS.

Section 14(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5(b)) is amended in the first sentence by striking out ", based upon" and all that follows through "three years." and inserting in lieu thereof a period and the following: "Such assumptions shall be based on an assumed national emergency involving military conflict that necessitates an expansion of the Armed Forces together with a significant mobilization of the economy of the United States.".

SEC. 3316. REPEAL OF ADVISORY COMMITTEE REQUIREMENT.

Section 3306 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2652; 50 U.S.C. 98h-1 note) is repealed.

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $152,900,000 for fiscal year 1994 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1994".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—The Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1994.

(b) LIMITATIONS.—Expenditures under subsection (a) for administrative expenses may not exceed $51,742,000, of which not more than—

(1) $11,000 may be expended for official reception and representation expenses of the Panama Canal Commission Board of Directors;

(2) $5,000 may be expended for official reception and representation expenses of the Panama Canal Commission Secretary; and

(3) $30,000 may be expended for official reception and representation expenses of the Panama Canal Administrator.

(c) REPLACEMENT VEHICLES.—Available funds may be used, under the authority of subsection (a), for the purchase of not more than 35 passenger motor vehicles (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama). A vehicle may be purchased under the authority of the preceding sentence only as necessary to replace a passenger motor vehicle of the Commission that is disposed of by the Commission. The purchase price of each vehicle may not exceed $18,000.

SEC. 3503. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this Act may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3504. EMPLOYMENT OF COMMISSION EMPLOYEES BY THE GOVERNMENT OF PANAMA.

(a) CONSENT OF CONGRESS.—Subject to subsection (b), the Congress consents to employees of the Panama Canal Commission who are not citizens of the United States accepting civil employment with agencies and organizations affiliated with the Government of Panama (and compensation for that employment) for which the consent of Congress is required by the 8th clause of section 9 of article I of the Constitution of the United States, relating to acceptance of emolument, office, or title from a foreign State.

(b) CONDITION.—Employees described in subsection (a) may accept employment described in that subsection (and compensation for that employment) only if the employment is approved by the designated agency ethics official of the Panama Canal Commission designated pursuant to the Ethics in Government Act of 1978, and by the Administrator of the Panama Canal Commission.

SEC. 3505. LABOR-MANAGEMENT RELATIONS.

Section 1271(a) of the Panama Canal Act of 1979 (22 U.S.C. 3701(a)) is amended—

(1) in paragraph (1), by striking out "and" after the semicolon;

(2) in paragraph (2), by striking out "supervisors." and inserting in lieu thereof "supervisors; and"; and

(3) by adding at the end the following:

"(3) any negotiated grievance procedures under section 7121 of such title 5, including any provisions relating to binding arbitration, shall, with respect to any personnel action to which subchapter II of chapter 75 of such title applies (as determined under section 7512 of such title), be available, in accordance with their terms, to the same extent and in the same manner as if employees of the Panama Canal Commission were not excluded from such subchapter under section 7511(b)(8) of such title.".

SEC. 3506. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on October 1, 1993.

(b) SPECIAL RULE.—Paragraph (3) of section 1271(a) of the Panama Canal Act of 1979 (22 U.S.C. 3701(a)), as added by section 3505(3), shall take effect on the date of the enactment of this Act and shall apply with respect to grievances arising on or after such date.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The text of an original bill (S. 1337) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, as passed by the Senate on September 14, 1993, is as follows:

S. 1337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1994".

TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense Agencies.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical demilitarization program.

Subtitle B—Army Programs

Sec. 111. Modified M113 carriers and AGT-1500 turbine engines.
Sec. 112. Nuclear, biological, and chemical protective masks.
Sec. 113. Chemical agent monitoring program.
Sec. 114. Close tactical trainer quickstart program.

Subtitle C—Air Force Programs

Sec. 121. Modernization of the heavy bomber force.
Sec. 122. B-2 bomber aircraft program.
Sec. 123. Access by Comptroller General to information on heavy bomber programs.
Sec. 124. C-17 aircraft program.
Sec. 125. Joint primary aircraft training system.
Sec. 126. Solid rocket motor upgrade program.
Sec. 127. Live-fire survivability testing of the C-17 aircraft.

Subtitle D—Other Programs

Sec. 131. ALQ-135 jammer device.
Sec. 132. Funding for certain tactical intelligence programs.
Sec. 133. Global Positioning System.
Sec. 134. Sense of Congress on expediting sealift procurement.
Sec. 135. Permanent authority to carry out AWACS memoranda of understanding.
Sec. 136. Ring laser gyro navigation systems.
Sec. 137. Operational support aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Strategic Environmental Research and Development Program.
Sec. 204. Funding for defense conversion and reinvestment research and development programs.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Kinetic Energy Antisatellite Program.
Sec. 212. Javelin missile program.
Sec. 213. Plan for testing new electronic countermeasures system for B-1B bombers.
Sec. 214. Space launch plan.
Sec. 215. Medical countermeasures against biowarfare threats.
Sec. 216. Baseline report for the Arrow tactical ballistic missile defense system.
Sec. 217. Limitations regarding federally funded research and development centers.

Subtitle C—Missile Defense Programs

Sec. 221. Revision of the Missile Defense Act of 1991.
Sec. 222. Funding of certain ballistic missile defense programs.
Sec. 223. Requirement for review of ballistic missile defense systems and components for compliance with ABM Treaty.
Sec. 224. Theater missile defense master plan.
Sec. 225. Extension of authority for transfer of responsibility for far-term follow-on technologies.
Sec. 226. Report on acquisition streamlining to accelerate deployment of initial ABM system.
Sec. 227. Funding for ballistic missile defense programs.
Sec. 228. Testing of national missile defense program projects.

Subtitle D—Other Matters

Sec. 231. Nuclear testing.
Sec. 232. One-year delay in transfer of management responsibility for naval mine countermeasures program to the Director, Defense Research and Engineering.
Sec. 233. Termination, reestablishment, and reconstitution of an advisory council on semiconductor technology.
Sec. 234. Authority to acquire Navy large cavitation channel, Memphis, Tennessee.
Sec. 235. Strategic Environmental Research Council.
Sec. 236. Sense of the Senate on metalcasting industry.
Sec. 237. Interim reconnaissance program.

Subtitle E—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction

Sec. 241. Short title.
Sec. 242. Sense of Congress.
Sec. 243. Joint Committee for Review of Nonproliferation Programs of the United States.
Sec. 244. Report on nonproliferation and counterproliferation activities and programs.
Sec. 245. Definitions.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Funding national defense strategic lift requirements.
Sec. 304. Armed Forces Retirement Home.
Sec. 305. National Security Education Trust Fund obligations.
Sec. 306. Transfer authority.
Sec. 307. Funds for clearing landmines.

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Sec. 311. Extension of authority for use of the Defense Business Operations Fund.
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Sec. 323. Clarification of funding for environmental restoration activities at installations to be closed or realigned.
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Sec. 325. Extension of period of applicability of requirement for reimbursement of the Federal government for certain liabilities arising under contracts relating to hazardous waste.
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Sec. 335. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense.
Sec. 336. Promotion of civilian marksmanship.
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Sec. 338. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
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Sec. 340. Budget information on Department of Defense recruiting expenditures.
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TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Army as follows:

(1) For aircraft, $1,249,539,000.

(2) For missiles, $1,083,810,000.

(3) For weapons and tracked combat vehicles, $1,009,679,000.

(4) For ammunition, $621,049,000.

(5) For other procurement, $2,864,575,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Navy as follows:

(1) For aircraft, $5,755,166,000.

(2) For weapons, $3,000,614,000.

(3) For shipbuilding and conversion, $4,264,647,000.

(4) For other procurement, $2,820,931,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Marine Corps in the amount of $480,521,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Air Force as follows:

(1) For aircraft, $4,041,664,000.

(2) For missiles, $4,245,404,000.

(3) For other procurement, $7,610,888,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Defense Agencies in the amount of $2,044,971,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Inspector General of the Department of Defense in the amount of $600,000.

SEC. 106. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $85,000,000.

(2) For the Air National Guard, $285,000,000.

(3) For the Army Reserve, $65,000,000.

(4) For the Naval Reserve, $55,000,000.

(5) For the Air Force Reserve, $50,000,000.

(6) For the Marine Corps Reserve, $20,000,000.

(7) For reserve component simulation equipment, $75,000,000.

(8) For National Guard aircraft replacement and modernization, $150,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1994, $442,947,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

Subtitle B—Army Programs

SEC. 111. MODIFIED M113 CARRIERS AND AGT-1500 TURBINE ENGINES.

(a) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In addition to the funds authorized to be appropriated in section 101, funds are authorized to be appropriated for the Army for procurement of modified M113 carriers and AGT-1500 turbine engines in the amount of $148,000,000.

(b) LIMITATION.—None of the funds appropriated pursuant to the authorization in subsection (a) may be obligated during fiscal year 1994.

SEC. 112. NUCLEAR, BIOLOGICAL, AND CHEMICAL PROTECTIVE MASKS.

Of the unobligated balance of the funds appropriated for the Army for fiscal year 1993 for other procurement, $9,300,000 shall be available, to the extent provided in appropriations Acts, for procurement of M40/M42 nuclear, biological, and chemical protective masks.

SEC. 113. CHEMICAL AGENT MONITORING PROGRAM.

Funds appropriated for the Army for fiscal year 1993 for other procurement may not be obligated after the date of the enactment of this Act for the Improved Chemical Agent Monitor (ICAM) program.

SEC. 114. CLOSE TACTICAL TRAINER QUICKSTART PROGRAM.

Authority to reprogram funds for the Close Combat Tactical Trainer Quickstart Program. Subject to existing reprogramming procedures, the Secretary of the Army is authorized to reprogram funds in fiscal year 1994 to procure long lead component hardware items to accelerate the Close Combat Tactical Trainer Quickstart Program.

Subtitle C—Air Force Programs

SEC. 121. MODERNIZATION OF THE HEAVY BOMBER FORCE.

(a) FUNDING.—Of the amount authorized to be appropriated under section 103—

(1) not more than $37,400,000 shall be available for procurement of B-52 bomber aircraft; and

(2) not more than $177,355,000 shall be available for the B-1B bomber aircraft program.

(b) LIMITATIONS ON FUNDING.—Of the total amount made available pursuant to subsection (a) for the programs referred to in such subsection—

(1) none of such amount may be obligated or expended until all of the requirements set forth in section 152 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2340) have been met; and

(2) not more than 50 percent of such amount may be expended before the commencement of flight testing in accordance with the test plan required by section 152(a) of such Act.

SEC. 122. B-2 BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Subject to subsection (b), of the amount appropriated to the Air Force pursuant to section 103(1) for fiscal year 1994 for procurement of aircraft, not more than $626,200,000 may be obligated for the B-2 bomber aircraft program.

(b) LIMITATIONS ON OBLIGATION.—(1) None of the funds made available for fiscal year 1994 for the B-2 bomber aircraft program may be obligated until the Secretary of Defense has submitted to the congressional defense committees the certifications and reports described in section 151(d)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2339).

(2) Of the unobligated balances of funds authorized to be appropriated for procurement of B-2 aircraft for fiscal years 1992, 1993, and 1994, none of such funds may be obligated until—

(A) the Secretary of the Air Force—

(i) has entered into a definitized production contract with the prime contractor for air vehicles 17 through 21; or

(ii) has submitted to the congressional defense committees a report setting forth the reasons that a definitized contract cannot be entered into; and

(B) the Secretary of Defense has submitted to such committees a certification that the Department of the Air Force is in full compliance with the B-2 correction-of-deficiency requirements set forth in section 117(d) of Public Law 101-189 (103 Stat. 1376) in all aspects of deficiency correction.

(c) TOTAL PROGRAM LIMITATIONS.—(1) Notwithstanding any other provision of law, funds available for the Department of Defense pursuant to authorizations of appropriations in this or any other Act may not be expended for acquisition of more than 20 fully operational B-2 bomber aircraft that meet the Block 30 requirements (as defined by the Secretary of the Air Force as of August 1, 1993), plus one test aircraft.

(2) The total amount obligated on or after the date of the enactment of this Act for research, development, test, and evaluation for, and acquisition, modification and retrofitting of, the 20 B-2 bomber aircraft (and the one test aircraft) referred to in paragraph (1) and for paying the costs associated with termination of the B-2 bomber aircraft program upon completion of the acquisition of such 20 aircraft (and the one test aircraft) may not exceed $28,968,000,000 (in fiscal year 1981 constant dollars).

(3) The Congress declares that it will consider enacting legislation to increase the amount of the limitation specified in paragraph (2) if—

(A) for any fiscal year beginning after September 30, 1994, the Secretary of Defense has requested funds for the B-2 bomber aircraft program in the documents submitted to Congress by the Secretary in connection with the budget submitted to Congress pursuant to section 1105 of title 31, United States Code, for that fiscal year;

(B) obligation of the total amount of the funds so requested would not have violated the limitation; and

(C) the requested funds—

(i) have not been made available for such fiscal year as requested; or

(ii) have been made available for such fiscal year but have not been obligated in such fiscal year by reason of any limitation or restriction on the obligation of such funds that is contained in an Act enacted after the date of the enactment of this Act.

SEC. 123. ACCESS BY COMPTROLLER GENERAL TO INFORMATION ON HEAVY BOMBER PROGRAMS.

The Secretary of Defense shall take all actions that are necessary to ensure that the Comptroller General of the United States and employees of the General Accounting Office designated by the Comptroller General have full, free, and prompt access to data, reports, and analyses generated by or on behalf of the Department of the Air Force (including by Air Force contractors) that relate to operation, maintenance, repair, and modernization of heavy bombers, and the plans of the Air Force for operation, maintenance, repair, and modernization of heavy bombers in the future.

SEC. 124. C-17 AIRCRAFT PROGRAM.

(a) FISCAL YEAR 1994 LIMITATION.—None of the funds appropriated for the Department of Defense for fiscal year 1994 may be made available for procurement of C-17 aircraft until—

(1) all limitations and requirements set forth in subsections (b), (c), (d), (f), and (g) of section 134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2335) are satisfied; and

(2) the Secretary of Defense submits to the congressional defense committees a report on the C-17 acquisition program that contains—

(A) the results of the special Defense Acquisition Board review of the program;

(B) a discussion of the corrective actions to be taken by the Air Force with regard to such program;

(C) a discussion of the corrective actions to be taken by the contractor with regard to such program; and

(D) the findings and recommendations of the special Defense Science Board group resulting from the investigation of the program by that group.

(b) FISCAL YEAR 1995 LIMITATION.—None of the funds appropriated for the Department of Defense for fiscal year 1995 that are made available for the C-17 aircraft program (other than funds for advance procurement) may be obligated before the Secretary of Defense submits to the congressional defense committees a report containing a review of the airlift requirements of the Armed Forces. The review shall—

(1) be based on an analysis by a federally funded research and development center; and

(2) reflect consideration of—

(A) the changes in total airlift requirements resulting from the disintegration of the Warsaw Pact and Soviet Union that eliminate any major trans-Atlantic airlift requirement for Europe;

(B) the change in airlift requirements from requirements for airlift of large quantities of outsize cargo for reinforcement of the North Atlantic Treaty Organization (NATO) forces to requirements for airlift in connection with such lesser regional contingencies and humanitarian operations as Operation Desert Shield, Operation Desert Storm, and Operation Restore Hope;

(C) the potential contribution that planned strategic sealift improvements can make toward—

(i) reducing the total demand for airlift; and

(ii) changing the type of cargo that airlift aircraft must carry;

(D) the declining demand for conducting airlift operations in austere airfield environments; and

(E) the trade-off between purchasing the type of additional capability that the C-17 aircraft can provide and purchasing and employing additional support equipment that would increase the cargo airlift capability of commercial cargo aircraft.

(c) LIMITATION ON ACQUISITION OF MORE THAN 5 AIRCRAFT.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1993 that are made available for the C-17 aircraft program (other than funds for advance procurement) may not be obligated to produce more than 5 C-17 aircraft until the program meets the following milestones:

(1) Clearance of flight envelope with respect to altitude and speed.

(2) Takeoff of aircraft at a gross weight of 580,000 pounds and 160,000 pounds payload within a critical field length of 8500 feet at sea level and 90 degrees Fahrenheit day conditions (or equivalent results under other conditions).

(3) Backing aircraft up a two degree slope with a gross weight of 510,000 pounds.

(4) Unassisted 180 degree turn of aircraft on a paved runway of load classification group IV in less than 90 feet, using three maneuvers.

(5) Completion of static article ultimate load (150 percent of design limit load) test condition S.P. 5030 for wing up bending.

(6) Completion of electromagnetic radiation, electromagnetic compatibility, and lightening tests.

(7) Low velocity air drop of 5,000-pound, 8-foot length platform.

(8) Sequential air drop of multiple simulated paratroop dummies from both paratroop doors.

(9) A minimum unit equivalent assembly rate of 6.0 assemblies per year, as measured by the ratio of annualized standard hours earned to that required to assemble one aircraft from the beginning of assembly to the completion of assembly prior to movement to the ramp at the prime contractor's facilities.

(10) For all aircraft scheduled for delivery in the prior 6-month period, delivery of each aircraft within one month of scheduled delivery date.

(d) LIMITATION ON ACQUISITION OF MORE THAN 8 AIRCRAFT.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1993 that are made available for the C-17 aircraft program (other than funds for advance procurement) may not be obligated to produce more than 8 aircraft until the program meets the following additional milestones:

(1) Clearance of flight envelope with respect to loads.

(2) Estimate of payload meets 95 percent of the requirement provided in the full-scale development contract for the key performance parameters for payload-to-range systems performance.

(3) Operational clearance for aircraft to be air refueled from operational KC-10 and KC-135 aircraft at standard Air Force refueling speeds for the specific tanker in a single receiver formation.

(4) Demonstration of combat offload with two 463L pallets using the air delivery system rails.

(5) Airdrop of 70 paratroopers on one pass, using both paratroop doors.

(6) Low velocity air drop of 30,000-pound, 24-foot length platform.

(e) LIMITATION ON ACQUISITION OF MORE THAN 10 AIRCRAFT.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1993 that are made available for the C-17 aircraft program (other than funds for advance procurement) may not be obligated to produce 11 or 12 aircraft until the program meets the following additional milestones:

(1) Estimate of payload meets 97.5 percent of the requirement provided in the full-scale development contract for the key performance parameters for payload-to-range systems performance.

(2) Landing of aircraft with a payload of 160,000 pounds and fuel necessary to fly 300 nautical miles on a 3,000-foot long, 90-foot wide, and load classification group IV runway at sea level, 90 degrees Fahrenheit day conditions (or equivalent results under other conditions).

(3) Low altitude parachute extraction system delivery of a 20,000-pound cargo.

(4) Simultaneous and sequential container delivery system airdrop of 30 bundles.

(5) Low velocity air drop of 42,000-pound platform.

(6) Satisfactory completion of one lifetime of testing of durability article.

(7) Air vehicle mean time between removal at cumulative flying hours to date of measurement indicates that the mature requirement established in the full-scale development contract will be met.

(f) FUNDING OUT OF NATIONAL DEFENSE STRATEGIC LIFT FUND.—Funds appropriated for the Department of Defense for fiscal year 1994 may be made available for procurement of the C-17 aircraft only in accordance with section 2218 of title 10, United States Code.

SEC. 125. JOINT PRIMARY AIRCRAFT TRAINING SYSTEM.

No funds appropriated for the Department of Defense pursuant to an authorization contained in this Act or any Act enacted after the date of the enactment of this Act may be obligated or expended to procure Joint Primary Aircraft Training System aircraft until the Secretary of Defense certifies to the congressional defense committees that the cockpit and ejection seat of such aircraft have been designed for safe and effective operation of the aircraft and ejection system by at least 95 percent of the male pilot trainees and 95 percent of the female pilot trainees.

SEC. 126. SOLID ROCKET MOTOR UPGRADE PROGRAM.

(a) PROHIBITION ON USE OF FUNDS.—Funds appropriated to the Department of Defense may be used for implementing a supplemental agreement described in section 9164 of Public Law 102–396 only under the authorities in subsection (b).

(b) ACTIONS AUTHORIZED.—The Secretary of Defense may—

(1) restructure the provisions of contract F04701–85–C–0019 (hereafter in this subsection referred to as the "prime contract") and enter into an agreement to reimburse the subcontractor for the Solid Rocket Motor Upgrade (SRMU) subcontract under such prime contract (hereafter in this subsection referred to as the "SRMU subcontractor") for the costs incurred by the subcontractor for development and tooling related to the subcontract;

(2) reimburse the SRMU subcontractor for working capital expenses related to the subcontract only after consultation with the Comptroller General of the United States regarding whether such expenses are allowable under applicable laws;

(3) settle claims arising from disputes between the SRMU subcontractor and prime contractor;

(4) transfer funds to reimburse the subcontractor in accordance with paragraphs (1), (2) and (3);

(5) if the Secretary enters into an agreement to pay the SRMU subcontractor in accordance with paragraphs (1), (2) and (3), take such actions as are necessary to ensure that competitive procedures are used for awarding contracts in any future procurements of solid rocket motors for the Titan IV launch system;

(6) take such actions as are necessary to reduce or eliminate concurrency in the Solid Rocket Motor Upgrade program;

(7) change the type of the subcontract used for the Solid Rocket Motor Upgrade production subcontract and adjust the ceiling price for the prime contract accordingly, but only with respect to the Solid Rocket Motor Upgrade production subcontract; and

(8) if the Secretary decides to reimburse the SRMU subcontractor for development costs, tooling, and claims resulting from the termination or modification of the subcontract, terminate the Solid Rocket Motor Upgrade production subcontract or modify such subcontract regarding the production quantities and production rates.

(c) RELATIONSHIP OF TRANSFER AUTHORITY TO OTHER TRANSFER AUTHORITY.—The authority provided in subsection (b)(4) is not in addition to any other transfer authority provided in this or any other Act.

SEC. 127. LIVE-FIRE SURVIVABILITY TESTING OF THE C–17 AIRCRAFT.

Section 132(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended by striking out "for fiscal year 1993".

Subtitle D—Other Programs

SEC. 131. ALQ–135 JAMMER DEVICE.

Subsection 182(b)(2) of Public Law 101–510 is amended by striking out "meets or exceeds all operational criteria established for the program" and inserting in lieu thereof "is operationally effective and suitable".

SEC. 132. FUNDING FOR CERTAIN TACTICAL INTELLIGENCE PROGRAMS.

Notwithstanding the limitation in section 141 of Public Law 102–484 (106 Stat. 2338), funds authorized to be appropriated under such section are authorized to be made available for the following purposes:

(1) To complete EP–3 Aries conversion-in-lieu-of-procurement for the remainder of the EP–3 Aries aircraft fleet.

(2) To upgrade communications of the EP–3 Aries aircraft fleet to permit dissemination of collected data.

(3) To complete standardization of the RC–135 Rivet Joint aircraft fleet to Block III Baseline 6 configuration.

SEC. 133. GLOBAL POSITIONING SYSTEM.

(a) PROGRAM STUDY REQUIRED.—(1) The Secretary of Defense shall provide for an independent study to be conducted on the management and funding of the Global Positioning System program for the future.

(2) With the agreement of the National Academy of Sciences and the National Academy of Public Administration, the study shall be conducted jointly by those organizations.

(3) Of the amounts authorized to be appropriated to the Department of Defense for fiscal year 1994 and made available for procurement of Global Positioning System user equipment, for procurement of spacecraft, or for operations and maintenance, $5,000,000 may be used for carrying out the study required by paragraph (1).

(b) LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS EQUIPPED.—Funds may not be obligated after September 30, 2000, to modify or procure any Department of Defense aircraft, ship, armored vehicle, or indirect fire weapon system that is not equipped with a Global Positioning System receiver.

(c) REPORTING REQUIREMENT.—Not later than May 1, 1994, the Secretary of Defense, in coordination with the Director of Central Intelligence, shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on the following questions:

(1) What, if any, threats to the health and safety of United States military forces, allied military forces, and the United States and allied civilian populations, and what, if any, threats of damage to property within the United States and allied countries, will result by the year 2000 from Global Positioning System navigation signals, local and wide-area differential navigation correction signals, kinematic differential correction signals, and commercially available map products based on the Global Positioning System?

(2) What, if any, threat to civil aviation and other transportation operations will result by the year 2000 from the signal jamming, deception, and other disruptive effects of Global Positioning System navigation signals?

(3) What, if any, actions can be taken to eliminate or mitigate such threats?

(4) What, if any, modifications of the Global Positioning System and derivative systems can be made to eliminate or significantly reduce such threats, or to increase the ability of the Department of Defense to mitigate such threats, without interfering with authorized and peaceful uses of the Global Positioning System?

SEC. 134. SENSE OF CONGRESS ON EXPEDITING SEALIFT PROCUREMENT.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Joint Chiefs of Staff have verified the urgent need for increased sealift.

(2) The Persian Gulf war provided graphic evidence of the United States longstanding need for increased sealift.

(3) The Congress has appropriated funds for a sealift program in each of the past four fiscal years.

(4) The United States shipbuilding industry and its supplier base would benefit, economically and through sustained employment, from increased ship conversion as well as from new ship construction.

(5) Maintaining or increasing ship conversion and construction helps to preserve the industrial base required for effective national defense.

(6) Enhanced sealift capacity is a vital requirement for the national security of the United States.

(b) EXPEDITED PROCUREMENT.—It is the sense of the Congress that the Secretary of the Navy should move expeditiously to award sealift conversion and construction contracts that represent a fair price to the taxpayer.

SEC. 135. PERMANENT AUTHORITY TO CARRY OUT AWACS MEMORANDA OF UNDERSTANDING.

Section 2350e of title 10, United States Code, is amended by striking out subsection (d).

SEC. 136. RING LASER GYRO NAVIGATION SYSTEMS.

Notwithstanding any other provision of law, none of the funds authorized for appropriations in fiscal years 1994, 1993, and 1992 for the Navy shall be obligated or expended for the procurement of ring laser gyro navigation systems for surface ships under a sole source contract.

SEC. 137. OPERATIONAL SUPPORT AIRCRAFT.

None of the funds appropriated for the Department of Defense for fiscal year 1994 may be obligated for a procurement of any operational support aircraft without full and open competition (as defined in section 2302(3) of title 10, United States Code), unless—

(1) the procurement is within an exception set forth in section 2304(c) of title 10, United States Code;

(2) the justification and certification requirements of section 2304(f) of such title are satisfied; and

(3) the Under Secretary of Defense for Acquisition certifies to the congressional defense committees that the procurement is within an exception set forth in section 2304(c) of such title.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $5,303,738,000.

(2) For the Navy, $8,338,931,000.

(3) For the Air Force, $12,681,597,000.

(4) For the Defense Agencies, $9,775,951,000, of which—

(A) $252,592,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and

(B) $12,650,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1994.—Of the amounts authorized to be appropriated by section 201, $4,549,445,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

Of the amounts authorized to be appropriated by section 201, $200,000,000 shall be available for the Strategic Environmental Research and Development Program.

SEC. 204. FUNDING FOR DEFENSE CONVERSION AND REINVESTMENT RESEARCH AND DEVELOPMENT PROGRAMS.

(a) Of the amounts authorized to be appropriated under section 201—

(1) $10,000,000 shall be available for the national defense program for analysis of the technology and industrial base under section 2503 of title 10, United States Code;

(2) $150,000,000 shall be available for defense dual-use critical technology partnerships established under section 2511 of such title;

(3) $100,000,000 shall be available for commercial-military integration partnerships established under section 2512 of such title;

(4) $100,000,000 shall be available for assistance of regional technology alliances under section 2513 of such title;

(5) $30,000,000 shall be available for defense advanced manufacturing technology partnerships established under section 2522 of such title;

(6) $100,000,000 shall be available for support of defense manufacturing technology extension programs under section 2523 of such title;

(7) $25,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of such title;

(8) $10,000,000 shall be available for support of manufacturing experts in the classroom program under section 2197 of such title;

(9) $30,000,000 shall be available for the advanced materials synthesis and processing partnership program; and

(10) $50,000,000 shall be available for the agile manufacturing/enterprise integration program.

(b) Of the amounts authorized to be appropriated under section 201, $10,000,000 shall be available, in addition to the amounts specified in subsection (a), for the programs, projects, and activities described in subsection (a).

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. KINETIC ENERGY ANTISATELLITE PROGRAM.

(a) CONVERSION OF PROGRAM.—The Secretary of Defense shall convert the Kinetic Energy Antisatellite (KE-ASAT) Program to a tactical antisatellite technologies program.

(b) LEVEL FUNDING.—Of the amounts authorized to be appropriated in this title, $10,000,000 shall be available for fiscal year 1994 for engineering development under the program.

(c) DEVELOPMENT OF MOST CRITICAL TECHNOLOGIES.—The amount referred to in subsection (b) shall be available for engineering development of the most critical antisatellite technologies.

(d) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated to the Department of Defense for fiscal year 1994 may be obligated for the Kinetic Energy Antisatillite (KE-ASAT) program until the Secretary of Defense submits to Congress the report required by section 1363 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2560) that contains, in addition to the matter required by such section, the Secretary's certification that there is a requirement for an antisatellite program.

SEC. 212. JAVELIN MISSILE PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated in section 201(1), not more than $34,937,000 may be obligated for the Javelin missile program until the Secretary of Defense certifies to the congressional defense committees that the Under Secretary of Defense for Acquisition—

(1) has conducted a thorough review of such program;

(2) has determined that the cost problems with the Javelin missile development and production are under control;

(3) has completed a cost-effectiveness evaluation and determined that the Javelin missile should enter production; and

(4) has approved an enhanced producibility plan developed by the Army.

(b) COST GROWTH REPORT.—The Secretary of Defense shall submit to Congress a report on the total extent of the increase in the cost of the Javelin program. The Secretary shall include in the report the Secretary's assessment of the extent of the contractor's liability for the increased cost and the actions being taken by or on behalf of the United States to obtain compensation for the contractor's share of the responsibility for the increased cost.

SEC. 213. PLAN FOR TESTING NEW ELECTRONIC COUNTERMEASURES SYSTEM FOR B-1B BOMBERS.

(a) REQUIREMENT FOR PLAN.—The Secretary of Defense shall develop a plan for testing the new electronic countermeasures system being developed for the B-1B bomber.

(b) CONTENT OF PLAN.—The plan shall contain—

(1) a detailed description of plans for developmental testing and for operational testing, including early operational testing by the Director of Operational Test and Evaluation; and

(2) a full description of the range of test parameters, including B-1B bomber flight conditions, individual threat systems against which countermeasures will be tested, and testing of countermeasures in the presence of multiple threats.

(c) SUBMISSION OF PLAN.—(1) The Secretary shall submit the plan to the congressional defense committees.

(2) The Secretary shall provide a copy of the plan to the Director of Operational Test and Evaluation.

(d) REVIEW AND COMMENT.—The Director of Operational Test and Evaluation shall review the plan and submit any comments on the plan to the Secretary and directly to the congressional defense committees.

(e) SCOPE OF REVIEW.—The review required under subsection (d) shall include—

(1) the adequacy of the test plan to permit measurement of the extent to which the new electronic countermeasures system, if procured and installed in all B-1B bombers, would improve the survivability of B-1B bombers;

(2) the adequacy of available threat simulators to characterize threats that the B-1B bomber is likely to encounter on conventional bombing missions;

(3) the contribution of the new electronic countermeasures system to the effectiveness of the employment of B-1B bombers on conventional bombing missions if the new electronic countermeasures system were installed on all B-1B bomber aircraft; and

(4) such other matters as the Director of Operational Test and Evaluation considers significant.

(f) AVAILABILITY OF AUTHORIZED FUNDS.—Of the amount authorized to be appropriated under section 201(3), not more than $43,500,000 shall be available for the new electronic countermeasures system under the B-1B bomber aircraft program.

(g) LIMITATIONS.—(1) None of the funds made available pursuant to subsection (f) may be obligated until all of the requirements set forth in section 152 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2340) have been met.

(2) Of the amount made available pursuant to subsection (f), not more than $20,000,000 may be obligated until the plan required by subsection (a) has been submitted to the congressional defense committees.

SEC. 214. SPACE LAUNCH PLAN.

(a) PLAN REQUIRED.—The Secretary of Defense shall develop a space launch plan that contains clearly defined priorities, goals, and milestones regarding new space launch vehicles and technology. The Secretary shall submit the plan to Congress at the same time that he submits to Congress the future years defense program in 1994 pursuant to section 221 of title 10, United States Code.

(b) SELECTION OF LAUNCH VEHICLE OPTIONS.—Of the amount authorized to be appropriated in section 201(3) and to be made available for research, development, test, and evaluation of new space launch systems and technology, the Secretary of Defense shall allocate not less than 75 percent of such amount to one of the following options for a space launch system:

(1) A comprehensive demonstration of high-risk, far-term launch technology, such as reusable single-stage-to-orbit and air-breathing propulsion.

(2) A competitive acquisition program for a durable and inexpensive expendable or reusable launch vehicle with an initial operational capability date early in the next decade.

(3) A program to modify existing launch vehicles to achieve decreased cost and increased responsiveness.

(c) LIMITATION.—Not more than one-third of the amount authorized to be appropriated in section 201(3) and to be made available for research, development, test, and evaluation of new space launch systems and technology may be obligated until the Secretary certifies to the congressional defense committees that the option selected for funding in accordance with subsection (b) is fully funded in the future years defense program referred to in subsection (a).

(d) USE OF FOREIGN LAUNCH VEHICLES.—(1) The Secretary of Defense shall conduct one or more studies to determine the potential for using space launch vehicles of foreign countries to launch United States national security payloads. The studies shall be conducted with the goal of determining whether the use of such launch vehicles would result in reduced costs for launches of national security payloads, increased competition in the furnishing of space launch vehicles for launching such payloads, and a reduction in the excessive United States space launch industrial base.

(2) Of the funds authorized to be appropriated under section 201(3) and to be made available for research, development, test, and evaluation of new space launch systems and technology, the Secretary of Defense shall allocate up to $5,000,000 for conducting studies described in paragraph (1).

(e) REQUIREMENT REGARDING DEVELOPMENT OF NEW LAUNCH VEHICLES.—If the Secretary of Defense selects an option referred to in paragraph (1) or (2) of subsection (b) for full funding in the future years defense plan referred to in subsection (a), the Secretary shall explore innovative government-industry funding, management, and acquisition strategies to minimize the cost and time involved.

(f) Requirement Regarding Modification of Existing Launch Vehicles.—If the Secretary of Defense selects the option referred to in paragraph (3) of subsection (b) for full funding under the future years defense plan referred to in subsection (a), the Secretary's plan shall provide for Department of Defense use of one medium-lift launch vehicle for satellite payloads instead of three medium-lift launch vehicles. The Secretary shall use competitive procedures to select the supplier of medium-lift launch vehicles.

(g) Cost Reduction Requirement.—The plan shall provide for reducing the cost of producing existing launch vehicles at current and projected production rates below the current estimates of the costs for such production rates.

SEC. 215. MEDICAL COUNTERMEASURES AGAINST BIOWARFARE THREATS.

(a) Funding.—Of the amounts appropriated pursuant to section 201 for fiscal year 1994, not more than $108,300,000 shall be available for the medical component of the Biological Defense Research Program (BDRP) of the Department of Defense.

(b) Limitations.—(1) Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 may be obligated and expended for product development, and for research, development, testing, and evaluation, of medical countermeasures against biowarfare threat agents only in accordance with this section.

(2) Of the funds made available pursuant to subsection (a), not more than $10,000,000 may be obligated or expended for research, development, test, or evaluation of medical countermeasures against far-term validated biowarfare threat agents.

(3) Of the funds made available pursuant to subsection (a), other than funds made available pursuant to paragraph (2) for the purpose set out in that paragraph—

(A) not more than 80 percent may be obligated and expended for product development, or for research, development, test, or evaluation, of medical countermeasures against near-term validated biowarfare threat agents; and

(B) not more than 20 percent may be obligated or expended for product development, or for research, development, test, or evaluation, of medical countermeasures against mid-term validated biowarfare threat agents.

(c) Definitions.—In this section, the terms "validated biowarfare threat agent", "near-term validated biowarfare threat agent", "mid-term validated biowarfare threat agent", and "far-term validated biowarfare threat agent" have the meanings given such terms, respectively, in section 241(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484, 106 Stat. 2359).

SEC. 216. BASELINE REPORT FOR THE ARROW TACTICAL BALLISTIC MISSILE DEFENSE SYSTEM.

(a) Baseline Report Required.—Not later than April 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a baseline report on the Arrow tactical ballistic missile defense system of Israel. The Secretary shall design the report to provide such committees with the information the committees need to perform their oversight function.

(b) Content of Report.—At a minimum, the report shall include the following matters:

(1) The development and procurement schedules for the program.

(2) The estimated total cost of the program.

(3) The estimated total cost to the United States of involvement in the program, including funding provided through foreign military sales financing under the Arms Export Control Act.

(4) The same or similar kinds of information that are included for a major defense acquisition program in a Selected Acquisition Report submitted pursuant to section 2432 of title 10, United States Code, to the extent that the Secretary can adapt the information requirements of that section for application to the Arrow tactical ballistic missile defense system.

(5) An assessment of the performance of the Arrow system.

(6) An evaluation of the development and production risks under the program.

(7) Alternatives to the Arrow system for meeting the tactical ballistic missile defense needs of Israel, including providing Israel with an existing or planned United States weapon system.

(8) For each such alternative—

(A) an assessment of the cost effectiveness of undertaking the alternative;

(B) the technology transfer implications; and

(C) the weapon proliferation implications.

(c) Forms of Report.—The Secretary shall submit the report in classified and unclassified versions.

SEC. 217. LIMITATIONS REGARDING FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) Limitations.—(1) Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 pursuant to an authorization of appropriations in section 201 may be obligated for procuring work from any federally funded research and development center named in the table in paragraph (2) subject to the limitations set forth for such center in that table.

(2) The table referred to in paragraph (1) is as follows:

Federally funded research and development center:	Type of work for which funds may be obligated:	Maximum amount that may be obligated:	Maximum number of MTS-years that may be procured:
Center for Naval Analysis	(Unspecified)	$45,400,000	230
Institute for Defense Analysis	Systems and engineering in connection with operational test and evaluation	$13,500,000	76
	Research and development in connection with command, control, communications, and intelligence.	$33,500,000	136
	Studies and analysis	$56,000,000	300
Rand Project Air Force	(Unspecified)	$24,000,000	116
National Defense Research Institute	(Unspecified)	$23,200,000	115
Arroyo Center	(Unspecified)	$21,000,000	104
Logistics Management Institute	(Unspecified)	$25,690,000	96
Aerospace Corporation	(Unspecified)	$376,770,000	2,165
MIT Lincoln Laboratory	(Unspecified)	$299,300,000	994
Mitre	(Unspecified)	$399,700,000	2,357
Software Engineering Institute	(Unspecified)	$34,590,000	190
Institute for Advanced Technology	(Unspecified)	$0	0

(b) Authority To Waive Limitations.—The Secretary of Defense may waive a limitation regarding a maximum amount or a maximum number of MTS-years that applies under subsection (a) to a federally funded research and development center if—

(1) the Secretary has notified the congressional defense committees of the proposed waiver and the reasons for the waiver, and the 60-day period that begins on the date of the notification has elapsed; or

(2) the Secretary determines that it is essential to the national security that funds be obligated for work in excess of that limitation within 60 days and notifies the congressional defense committees of that determination and the reasons for the determination.

(c) Report on Allocations for Centers.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) The proposed funding level and the estimated personnel level for fiscal year 1994 for each federally funded research and development center.

(2) The funding source for that funding level, by program element, and the amount transferred or to be transferred from that source to each federally funded research and development center.

(d) Limitation Pending Submission of Report.—Notwithstanding any other provision of this section, no funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 may be obligated to obtain work from any federally funded research and development center until the Secretary of Defense has submitted the report required by subsection (c).

(e) Limitation Regarding Employee Compensation.—(1) Except as provided in paragraph (2), during fiscal year 1994 no appropriated funds may be used to pay an employee of a federally funded research and development center named in the table in subsection (a)(2) at a higher rate of compensation than the rate of compensation that the center paid such employee during fiscal year 1993.

(2) The Secretary of Defense may waive the applicability of the limitation in paragraph (1) to any federally funded research and development center that certifies to the Secretary of Defense that the total expenditures of the center for fiscal year 1994, including any increases and planned increases in the rates of compensation for employees of the center, will be less than the amount equal to 94 percent of the maximum amount set forth

for such center in the table in subsection (a)(2).

(f) Definition.—In this section:

(1) The term "MTS-year" means a member of technical staff-year, as defined by the Secretary of Defense.

(2) The term "technical staff", with respect to a federally funded research and development center, means the following employees of the center:

(A) Researchers.

(B) Mathematicians.

(C) Programmers.

(D) Analysts.

(E) Economists.

(F) Scientists.

(G) Engineers.

(H) Other employees of the center who perform professional level technical work primarily in any of the following fields:

(i) Studies and analyses.

(ii) System engineering and integration.

(iii) Systems planning.

(iv) Program and policy planning and analysis.

(v) Basic and applied research.

(g) Funding.—(1) Of the amounts authorized to be appropriated to the Department of Defense for research, development, test, and evaluation for fiscal year 1994 pursuant to section 201, not more than $1,352,650,000 may be obligated for procuring services from the federally funded research and development centers listed in the table in subsection (a)(2).

(2) None of the funds authorized to be obligated under paragraph (1) may be obligated for the procurement of services from the Institute for Advanced Technology.

(h) Undistributed Reduction.—The total amount authorized to be appropriated for research, development, test, and evaluation in section 201 is hereby reduced by $200,000,000.

Subtitle C—Missile Defense Programs

SEC. 221. REVISION OF THE MISSILE DEFENSE ACT OF 1991.

(a) Terminology Amendments.—The Missile Defense Act of 1991 (10 U.S.C. 2431 note) is amended—

(1) in section 234(c)(1)—

(A) by striking out "Strategic Defense Initiative Organization (SDIO)" and inserting in lieu thereof "Ballistic Missile Defense Organization (BMDO)"; and

(B) by striking out "Strategic Defense Initiative Organization's" and inserting in lieu thereof "Ballistic Missile Defense Organization's";

(2) in section 235—

(A) in the section heading, by striking out **"STRATEGIC DEFENSE INITIATIVE"** and inserting in lieu thereof **"BALLISTIC MISSILE DEFENSE PROGRAM"**; and

(B) in the text of such section, by striking out "Strategic Defense Initiative" each place it appears and inserting in lieu thereof "Ballistic Missile Defense program";

(3) in the heading of section 236, by striking out **"SDI"** and inserting in lieu thereof **"BMD"**; and

(4) in sections 234, 235, and 236, by striking out "Strategic Defense Initiative Organization" each place it appears and inserting in lieu thereof "Ballistic Missile Defense Organization".

(b) Repeal of Funding, Reporting, and Transfer Provisions.—(1) Section 237 of such Act is repealed.

(2) Such Act is amended by redesignating sections 238, 239, and 240 as sections 237, 238, and 239, respectively.

SEC. 222. FUNDING OF CERTAIN BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) Funding for Certain Ballistic Missile RDT&E.—If a decision is not made before February 28, 1994, to proceed into engineering and manufacturing development under a weapon system program referred to in subsection (b), the funds appropriated pursuant to the authorization of appropriations in section 201 that are available for engineering and manufacturing development for such a program shall be available for research, development, test, and evaluation of the Patriot PAC–3 Missile program.

(b) Covered Weapon System Programs.—For purposes of subsection (a) the weapon system programs referred to in this subsection are as follows:

(1) The Patriot Multimode Missile Program.

(2) The Extended Range Interceptor (ERINT) missile program.

SEC. 223. REQUIREMENT FOR REVIEW OF BALLISTIC MISSILE DEFENSE SYSTEMS AND COMPONENTS FOR COMPLIANCE WITH ABM TREATY.

(a) Findings.—Congress makes the following findings:

(1) That section 232(a)(1) of the Missile Defense Act of 1991 (10 U.S.C. 2431 note) establishes a goal for the United States to comply with the ABM Treaty (including any protocol or amendment thereto) and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of that treaty (as modified by any protocol or amendment thereto) while deploying an anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles.

(2) That the Department of Defense has conducted no formal compliance reviews of any of the components or systems scheduled for early deployment as part of either the Theater Missile Defense Initiative or the initial limited defense system to be located at Grand Forks, North Dakota.

(3) That the Department of Defense is continuing to obligate hundreds of millions of dollars during fiscal year 1993 for the development and testing of systems or components of ballistic missile defense systems prior to a determination that, if successfully developed, tested, or deployed, those systems and components would be in compliance with the ABM Treaty.

(4) That the Department of Defense is requesting the authorization and appropriation of additional funds for continued development of such systems and components during fiscal year 1994.

(5) That the United States and its allies face existing and expanding threats from ballistic missiles capable of being utilized as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries such as Iraq, Iran, North Korea, and others.

(6) That some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS–2) have capabilities equal to or greater than missiles which had been determined to be strategic missiles 20 years earlier under the U.S.-USSR SALT I Interim Agreement of 1972.

(7) That the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles regardless of their capabilities, unless such systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(8) That it is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles, as soon as is technically possible.

(9) That it is essential that the Secretary of Defense immediately undertake and complete compliance reviews of proposed theater missile defense systems, system upgrades, and system components so as to not delay the development and deployment of such highly effective theater missile defense systems.

(10) That the Secretary of Defense should immediately report to the Congress on any issue which arises during the course of such compliance reviews which appears to indicate that any provision of the ABM Treaty may limit research, development, testing, or deployment by the United States of highly effective theater missile defense systems capable of countering modern theater ballistic missiles.

(b) Required Compliance Review.—(1) The Secretary of Defense shall review the program for each system and system upgrade specified in paragraph (2), and the system components, to determine whether the development, testing, and deployment of that system or system upgrade complies with the ABM Treaty.

(2) The systems and system upgrades to be reviewed pursuant to paragraph (1) are as follows:

(A) The Patriot Multimode Missile.

(B) The Extended Range Interceptor (ERINT).

(C) The Ground-Based Radar for theater missile defenses (GBR–T).

(D) The Theater High Altitude Area Defense interceptor missile (THAAD).

(E) The Brilliant Eyes space-based sensor system.

(F) Upgrades to the AEGIS/SPY radar system of the Navy.

(G) Upgrades to the Standard Missile–2 (SM–2) interceptor of the Navy.

(c) Report Required.—(1) For each system and system upgrade specified in paragraph (2) of subsection (b), the Secretary shall submit to the congressional defense committees a report on the results of the review required by that subsection. A report may include the results of the reviews of more than one system and system upgrade.

(2) With regard to the Brilliant Eyes space-based sensor, the Secretary shall include in the report findings on each of the following issues:

(A) Would the current baseline configuration of the Brilliant Eyes space-based sensor comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system and its ground-based interceptors at Grand Forks, North Dakota?

(B) If not, can design changes or operational changes be made to the Brilliant Eyes space-based sensor that—

(i) will result in the usability of the sensor in conjunction with the planned ground-based radar system and its ground-based interceptors being in compliance with the ABM Treaty; and

(ii) will not prevent the system from performing its strategic defense missions with a high degree of effectiveness?

(C) If not, can the Brilliant Eyes space-based sensor be made, through design changes or operational changes, for use only with theater missile defense systems and be in compliance with the ABM Treaty?

(D) If so, to what extent would the Brilliant Eyes space-based sensor enhance the capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively?

(d) Limitations on Funding.—(1) Not more than one-half of the funds reported pursuant to section 227(c) to be allocated for fiscal year 1994 for a system or system upgrade specified in subsection (b)(2) of this section may be obligated for that system or system upgrade, or any of its components, until the Secretary has completed the compliance review of such system or system upgrade required by subsection (b) and has submitted to the congressional defense committees the report on the results of the compliance review of that system or system upgrade as required by subsection (c). The preceding sentence does not apply with respect to the Brilliant Eyes space-based sensor system.

(2) Not more than $50,000,000 may be obligated for the Brilliant Eyes space-based sensor until the Secretary has completed the compliance review of such system required by subsection (b) and has submitted to the congressional defense committees the report required under subsection (c) for that system.

(e) ABM Treaty Compliance of Theater Missile Defense Systems.—The Secretary of Defense has assured the Congress in the January 1993 Report to Congress on the Strategic Defense Initiative and in the June 1993 Report to Congress on the Theater Missile Defense Initiative that all programs, projects, and activities under both initiatives that are planned for execution in fiscal year 1994 fully comply with the ABM Treaty.

(f) Definition.—In this section, the term "ABM Treaty" has the meaning given such term in section 239 of the Missile Defense Act of 1991 (10 U.S.C. 2431 note).

SEC. 224. THEATER MISSILE DEFENSE MASTER PLAN.

(a) Master Plan Required.—(1) Not later than March 1, 1994, the Secretary of Defense shall submit to Congress a report containing an updated master plan for theater missile defenses.

(2) The plan shall include the following matters:

(A) A description of the mission and scope of theater missile defense.

(B) A description of the role of each of the Armed Forces in theater missile defense and an explanation of how those roles interact and complement each other.

(C) An evaluation of the cost and relative effectiveness of each interceptor and sensor under development as part of a theater missile defense system by the Ballistic Missile Defense Organization.

(D) A detailed acquisition strategy for theater missile defenses, including an analysis and comparison of the projected life-cycle costs of each theater missile defense system intended for production, showing the component costs for—

(i) research, development, test, and evaluation;

(ii) procurement;

(iii) operation and maintenance; and

(iv) personnel for each system.

(E) The baseline production rate for each system for each year of the program through completion of procurement.

(F) An estimate of the unit cost and capabilities of each element.

(G) A description of the current and planned testing program for theater missile defenses, including a description of demonstration targets to be tracked and engaged by multiple interceptors, target discrimination from decoys, and a shoot-look-shoot capability.

(H) A description of how any projected theater missile defense program will conform to existing Anti-Ballistic Missile Treaty and Intermediate Nuclear Forces Treaty regimes, indicating clearly any potential noncompliance with either treaty regime, when such noncompliance would occur, and the position of the Secretary of Defense as to whether provisions of either treaty regime would have to be renegotiated within that regime in order to address future contingencies.

(I) A description of planned theater missile defense doctrine, training, tactics, and force structure.

(b) Objectives of Plan.—In preparing the master plan the Secretary shall—

(1) seek to maximize the use of existing technologies (such as AEGIS, Patriot, and THAAD) rather than develop new systems;

(2) seek to maximize integration and compatibility among the systems, roles, and missions of the military departments; and

(3) seek to promote cross-service use of existing equipment (such as development of Army equipment for the Marine Corps or ground utilization of an air or sea system).

SEC. 225. EXTENSION OF AUTHORITY FOR TRANSFER OF RESPONSIBILITY FOR FAR-TERM FOLLOW-ON TECHNOLOGIES.

Section 234(d)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2357; 10 U.S.C. 2431 note) is amended—

(1) in subparagraph (A)—

(A) by striking out "1993" and inserting in lieu thereof "1994";

(B) by striking out "(A)"; and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(2) by striking out "(B) For purposes of subparagraph (A)," and all that follows.

SEC. 226. REPORT ON ACQUISITION STREAMLINING TO ACCELERATE DEPLOYMENT OF INITIAL ABM SYSTEM.

(a) Findings.—The Congress makes the following findings:

(1) The Missile Defense Act of 1991 (10 U.S.C. 2431 note) calls for the deployment of an ABM Treaty-compliant anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks by ballistic missiles.

(2) That Act directed the Secretary of Defense to structure a development program with the objective of deploying such systems by the earliest date allowed by the availability of appropriate technology and the completion of adequate integrated testing of all systems components.

(3) Since 1983, in excess of $30,000,000,000 has been provided for research and development of ballistic missile defense capabilities.

(4) Notwithstanding this huge expenditure of funds on missile defense technologies, the Secretary of Defense has proposed deployment of such a system no sooner than 2004.

(5) It is incredible that the initial deployment of a limited defense capability requires another 11 years to accomplish within the congressionally mandated guidance.

(b) Review Required.—The Secretary of Defense shall conduct an intensive and extensive review of opportunities to streamline the weapon systems acquisition process applicable to the development, deployment, and testing of ballistic missile defenses with the objective of reducing the cost of deployment and accelerating the schedule for deployment without significantly increasing programmatic risk or concurrency. In conducting the review, the Secretary shall obtain recommendations and advice from the Defense Science Board, the faculty of the Industrial College of the Armed Forces, and federally funded research and development centers supporting the Office of the Secretary of Defense.

(c) Report Required.—Not later than May 1, 1994, the Secretary shall submit to the congressional defense committees a report on his findings resulting from the review together with his recommendations for legislation, if any. The Secretary shall submit the report in unclassified form, but may also submit a classified version of the report if he considers it necessary to classify any of the information in his findings or recommendations or any related information.

SEC. 227. FUNDING FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) Total Amount.—Of the amounts appropriated pursuant to section 201 for fiscal year 1994, or otherwise made available to the Department of Defense for research, development, test and evaluation for fiscal year 1994, not more than $2,684,535,000 may be obligated for programs managed by the Ballistic Missile Defense Organization, of which—

(1) not more than 48 percent of the total amount may be obligated for Theater Missile Defense;

(2) not more than 32 percent of the total amount may be obligated for the Limited Defense System;

(3) not more than 9 percent of the total amount may be obligated for Other Follow-On Systems;

(4) not more than 10 percent of the total amount may be obligated for Research and Other Support Activities; and

(5) not more than 1 percent of the total amount may be obligated for Small Business Innovation Research program and the Small Business Technology Transfer program.

Notwithstanding paragraphs (1), (2), (3), and (4), the Secretary of Defense may obligate for a ballistic missile defense initiative or program element referred to in any such paragraph a total amount that exceeds by not more than 10 percent the maximum amount determined under that paragraph, except that the total amount obligated for all programs managed by the Ballistic Missile Defense Organization may not exceed the total amount authorized in the matter above paragraph (1).

(b) Limitation on Number of TMD Programs.—(1) Subject to paragraph (2), the amount authorized to be obligated for Theater Missile Defense may be obligated only for—

(A) the Patriot PAC–3 Missile program;

(B) not more than 2 other lower-tier theater missile defense programs;

(C) not more than 2 upper-tier theater missile defense programs; and

(D) not more than 2 boost-phase intercept theater missile defense programs.

(2) The President may waive the limitation in paragraph (1) to the extent that the President determines appropriate in the national security interest of the United States.

(c) Funds Not To Be Made Available for Brilliant Eyes.—None of the funds authorized to be obligated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program.

(d) Reporting Requirement.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the ballistic missile defense program for fiscal year 1994. The report shall specify the amount of such funds allocated for each program, project, and activity managed by the Ballistic Missile Defense Organization and shall list each ballistic missile defense program, project, and activity under the appropriate program element.

SEC. 228. TESTING OF NATIONAL MISSILE DEFENSE PROGRAM PROJECTS.

(a) ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS.—No developmental test may be conducted under the limited missile defense program element of the Ballistic Missile Defense Program until the Director of the Ballistic Missile Defense Organization has notified the Secretary of Defense of the test and the Secretary has reviewed and approved (or approved with changes) the test plan.

(b) INDEPENDENT MONITORING OF TESTS.—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (a) by a group composed of independent persons who—

(A) by reason of education, training, or experience, are qualified to monitor the testing covered by the plan; and

(B) are not assigned or detailed to, or otherwise performing duties of, the Ballistic Missile Defense Organization and are otherwise independent of such organization.

(2) The monitoring group shall submit to the Secretary its analysis of, and conclusions regarding, the conduct and results of each test monitored by the group.

Subtitle D—Other Matters

SEC. 231. NUCLEAR TESTING.

(a) LIMITATIONS.—(1) None of the funds appropriated pursuant to an authorization in this or any other Act may be obligated to support underground explosions of nuclear weapons, or devices, for testing of the effects of nuclear weapon explosions, including the so-called "Mighty Uncle" test.

(2) Funds available for the so-called "Mighty Uncle" test may not be obligated until the Secretary of Defense submits to the congressional defense committees a detailed spending plan for underground nuclear weapon testing that is consistent with the provisions of section 507 of Public Law 102-377 (106 Stat. 1343).

(b) CERTAIN ACTIONS AUTHORIZED.—The Secretary of Defense may proceed with underground nuclear test tunnel deactivation and environmental cleanup and may expend funds for infrastructure activities not prohibited by subsection (a).

(c) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201, not more than $38,000,000 may be used for activities described in subsection (b).

(d) TERMINATION OF SAFEGUARD C PROGRAM.—The atmospheric test readiness program known as "Safeguard C" is hereby terminated.

SEC. 232. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVAL MINE COUNTERMEASURES PROGRAM TO THE DIRECTOR, DEFENSE RESEARCH AND ENGINEERING.

Section 216(a) of the National Defense Authorization for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1317) as amended by section 215(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2352) is amended by striking out "fiscal years 1994 through 1997" and inserting in lieu thereof "fiscal years 1995 through 1999".

SEC. 233. TERMINATION, REESTABLISHMENT, AND RECONSTITUTION OF AN ADVISORY COUNCIL ON SEMICONDUCTOR TECHNOLOGY.

(a) TERMINATION OF ADVISORY COUNCIL ON FEDERAL PARTICIPATION IN SEMATECH.—The Advisory Council on Federal Participation in Sematech established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) is hereby terminated.

(b) SEMICONDUCTOR TECHNOLOGY COUNCIL.—Section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) is amended by striking out the heading and subsections (a) through (c) and inserting in lieu thereof the following:

"SEC. 273. SEMICONDUCTOR TECHNOLOGY COUNCIL.

"(a) ESTABLISHMENT.—There is established the Semiconductor Technology Council.

"(b) PURPOSES AND FUNCTIONS.—(1) The purposes of the Council are—

"(A) to seek ways to respond to the technology challenges for semiconductors by increasing efficiency, promoting creativity and entrepreneurship, and fostering precompetitive cooperation among industry, government, and academia; and

"(B) to make available judgments, assessments, insights, and recommendations that relate to the opportunities for new research and development efforts and the potential to better rationalize and align on a national basis semiconductor research and development.

"(2) The Council shall—

"(A) advise Sematech and the Secretary of Defense on appropriate technology goals for the research and development activities of Sematech;

"(B) review the technology developments and core technology challenges for semiconductors and explore opportunities for improved coordination among industry, government, and academia;

"(C) exchange views regarding the competitiveness of the semiconductor technology base and new or emerging semiconductor technologies that could affect national economic and security interests;

"(D) exchange and update information and identify overlaps and gaps regarding the efforts of industry, government, and academia in semiconductor research and development;

"(E) assess technology progress relative to the semiconductor technology roadmap;

"(F) make recommendations regarding the scope and content of semiconductor technology development supported by Federal departments and agencies;

"(G) appoint subgroups as necessary in connection with updating and implementing the semiconductor technology roadmap; and

"(H) publish an annual report addressing the semiconductor technology challenges and developments for industry, government, and academia and the relationship among the challenges and developments for each, with particular emphasis on the role of Sematech.

"(c) MEMBERSHIP.—The Council shall be composed of 14 members as follows:

"(1) The Under Secretary of Defense for Acquisition, who shall be Cochairman of the Council.

"(2) The Under Secretary of Energy responsible for science and technology matters.

"(3) The Under Secretary of Commerce for Technology.

"(4) The Director of the Office of Science and Technology Policy.

"(5) The Assistant to the President for Economic Policy.

"(6) The Director of the National Science Foundation.

"(7) Eight members appointed by the President as follows:

"(A) Four individuals who are eminent in the semiconductor device industry, one of whom shall be Cochairman of the Council.

"(B) Two individuals who are eminent in the semiconductor equipment and materials industry.

"(C) One individual who is eminent in the semiconductor user industry.

"(D) One individual who is eminent in an academic institution.".

(c) CONFORMING AMENDMENTS.—Part F of title II of such Act is amended—

(1) in section 271(c) (15 U.S.C. 4601(c)), by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The terms 'Semiconductor Technology Council' and 'Council' mean the advisory council established by section 273.";

(2) in section 272(b)(1)(B) (15 U.S.C. 4602(b)(1)(B)), by striking out "Advisory Council on Federal Participation in Sematech" and inserting in lieu thereof "Semiconductor Technology Council"; and

(3) in section 273 (15 U.S.C. 4603)—

(A) in the first sentence of subsection (d)—

(i) by striking out "(c)(6)" and inserting in lieu thereof "(c)(7)"; and

(ii) by striking out "two shall be appointed for a term of two years" and inserting in lieu thereof "three shall be appointed for a term of two years";

(B) in the first sentence of subsection (e), by striking out "(c)(6)" and inserting in lieu thereof "(c)(7)"; and

(C) in subsection (f), by striking out "Seven members" and inserting in lieu thereof "Nine members".

(d) AUTHORITY TO CALL MEETING.—Section 273(g) of such Act (15 U.S.C. 4603(g)) is amended by striking out "the Chairman or a majority of its members" and inserting in lieu thereof "a Cochairman".

(e) SOURCE OF SUPPORT FOR SEMATECH.—Section 273 of such Act (22 U.S.C. 4603) is amended by adding at the end the following new subsection:

"(j) SUPPORT FOR COUNCIL.—The Council shall utilize Sematech as needed for general and administrative support in accomplishing the Council's purposes.".

(f) FIRST MEETING OF NEW COUNCIL.—The first meeting of the Semiconductor Technology Council shall be held not later than 45 days after the date of the enactment of this Act.

(g) REFERENCE TO COUNCIL.—A reference in any provision of law to the Advisory Council on Federal Participation in Sematech shall be deemed to refer to the Semiconductor Technology Council established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989, as amended by subsection (b).

SEC. 234. AUTHORITY TO ACQUIRE NAVY LARGE CAVITATION CHANNEL, MEMPHIS, TENNESSEE.

(a) AUTHORITY TO ACQUIRE.—The Secretary of the Navy may acquire all right, title, and interest of any party in and to a parcel of real property, including improvements thereon, consisting of approximately 88 acres and located on President's Island, Memphis, Tennessee, the site of the Navy Large Cavitation Channel.

(b) FUNDING.—To the extent provided in appropriations Acts, amounts appropriated pursuant to section 201(2) for the Navy shall be available for the acquisition of real property authorized under subsection (a).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be acquired under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the acquisition under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 235. STRATEGIC ENVIRONMENTAL RESEARCH COUNCIL.

(a) MEMBERSHIP.—Section 2902(b) of title 10, United States Code, is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2), (3), and (4), as paragraphs (1), (2), and (3), respectively;

(3) by inserting after paragraph (3), as so redesignated, the following new paragraph (4):

"(4) The Deputy Under Secretary of Defense responsible for environmental security."; and

(4) by striking out paragraph (6) and inserting in lieu thereof the following new paragraph (6):

"(6) The Assistant Secretary of Energy responsible for environmental restoration and waste management.".

(b) EXTENSION OF AUTHORITY TO ESTABLISH EMPLOYEE PAY RATES.—Section 2903(d)(2) of title 10, United States Code, is amended by striking out "November 5, 1992" and inserting in lieu thereof "September 30, 1995".

SEC. 236. SENSE OF THE SENATE ON METALCASTING INDUSTRY.

It is the Sense of the Senate that—

(1) The health and viability of the metalcasting industry of the United States are a serious risk, and

(2) The Secretary of Defense should seriously consider providing funds, from within the funds made available pursuant to section 204, for metalcasting industry research and development activities, including the following activities:

(A) Development of casting technologies and techniques.

(B) Improvement of technology transfer within the metalcasting industry in the United States.

(C) Improvement of training for the metalcasting industry workforce.

SEC. 237. INTERIM RECONNAISSANCE PROGRAM.

(a) Of the funds authorized to be appropriated in section 201 for the Joint Program Office for Unmanned Aerial Vehicles, up to $40,000,000 may be obligated and expended for the purposes of initiating a long-endurance, unmanned reconnaissance aerial vehicle program, subject to the conditions outlined in subsection (b) and subsection (c).

(b) The funds may be obligated only to procure, integrate, test and evaluate non-development airframes, sensors, communication equipment, mission planning equipment and ground stations.

(c) None of the funds may be obligated until the Department identifies the programs within the jurisdiction of the Joint Program Office that will be terminated or deferred, consistent with normal reprogramming procedures.

Subtitle E—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction

SEC. 241. SHORT TITLE.

This subtitle may be cited as the "Prevention and Control of the Proliferation of Weapons of Mass Destruction Act of 1993".

SEC. 242. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should have the ability to counter effectively potential threats to United States interests that arise from the proliferation of such weapons;

(2) the Department of Defense, the Department of Energy, and the Intelligence Community have an important role in preventing the proliferation of weapons of mass destruction and dealing with the consequences of any proliferation of such weapons;

(3) the Department of Defense, the Department of Energy, and the Intelligence Community have unique capabilities and expertise that can enhance the effectiveness of United States and international nonproliferation efforts, including capabilities and expertise regarding—

(A) detection and monitoring of proliferation of weapons of mass destruction;

(B) development of effective export control regimes;

(C) interdiction and destruction of weapons of mass destruction and related weapons material; and

(D) carrying out international monitoring and inspection regimes that relate to proliferation of such weapons and material;

(4) the Department of Defense, the Department of Energy, and the Intelligence Community have unique capabilities and expertise that directly contribute to the ability of the United States to implement United States policy to counter effectively the threats that arise from the proliferation of weapons of mass destruction, including capabilities and expertise regarding—

(A) responses to terrorism, theft, or accidents involving weapons of mass destruction;

(B) conduct of intrusive international inspections for verification of arms control treaties;

(C) direct and discrete counterproliferation actions that require use of force; and

(D) development and deployment of active military countermeasures and protective measures against threats resulting from arms proliferation, including defenses against ballistic missile attacks; and

(5) in a manner consistent with the nonproliferation policy of the United States, the Department of Defense, the Department of Energy, and the Intelligence Community should continue to maintain and improve their capabilities to identify, monitor, and respond to the proliferation of weapons of mass destruction and delivery systems for such weapons.

SEC. 243. JOINT COMMITTEE FOR REVIEW OF NONPROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) ESTABLISHMENT.—(1) In support of the nonproliferation policy of the United States, there is hereby established a Non-Proliferation Program Review Committee composed of the following members:

(A) The Secretary of Defense.

(B) The Secretary of Energy.

(C) The Director of Central Intelligence.

(D) The Director of the United States Arms Control Disarmament Agency.

(E) The Chairman of the Joint Chiefs of Staff.

(2) The Secretary of Defense shall chair the committee.

(3) A member of the committee may designate a representative to perform routinely the duties of the member. A representative shall be in a position of Deputy Assistant Secretary or a position equivalent to or above the level of Deputy Assistant Secretary. A representative of the Chairman of the Joint Chiefs of Staff shall be a person in a grade equivalent to that of Deputy Assistant Secretary of Defense.

(4) The Secretary of Defense may delegate to the Under Secretary of Defense for Acquisition the performance of the duties of the Chairman of the committee.

(5) The members of the committee shall first meet not later than 30 days after the date of the enactment of this Act. Upon designation of working level officials and representatives, the members of the committee shall jointly notify the appropriate committees of Congress that the committee has been constituted. The notification shall identify the representatives designated pursuant to paragraph (3) and the working level officials of the committee.

(b) PURPOSES OF THE COMMITTEE.—The purposes of the committee are as follows:

(1) To optimize funding for, and ensure the development and deployment of—

(A) highly effective technologies and capabilities for the detection, monitoring, collection, processing, analysis, and dissemination of information in support of United States nonproliferation policy; and

(B) disabling technologies in support of such policy.

(2) To identify and eliminate undesirable redundancies or uncoordinated efforts in the development and deployment of such technologies and capabilities.

(c) DUTIES.—The committee shall—

(1) identify and review existing and proposed capabilities (including counterproliferation capabilities) and technologies for support of United States nonproliferation policy with regard to—

(A) intelligence;

(B) battlefield surveillance;

(C) passive defenses;

(D) active defenses;

(E) counterforce capabilities;

(F) inspection support; and

(G) support of export control programs;

(2) as part of the review pursuant to paragraph (1), review all directed energy and laser programs for detecting, characterizing, or interdicting weapons of mass destruction, their delivery platforms, or other orbiting platforms with a view to the elimination of redundancy and the optimization of funding for the systems not eliminated;

(3) prescribe requirements and priorities for the development and deployment of highly effective capabilities and technologies to support fully the nonproliferation policy of the United States;

(4) identify deficiencies in existing capabilities and technologies;

(5) formulate near-term, mid-term, and long-term programmatic options for meeting requirements established by the committee and eliminating deficiencies identified by the committee; and

(6) in carrying out the other duties of the committee, ensure that all types of counterproliferation actions are considered.

(d) ACCESS TO INFORMATION.—The committee shall have access to information on all programs, projects, and activities of the Department of Defense, Department of Energy, and the intelligence community that are pertinent to the purposes and duties of the committee.

(e) BUDGET RECOMMENDATIONS.—The committee may submit to the officials referred to in subsection (a) any recommendations regarding existing or planned budgets as the committee considers appropriate to encourage funding for capabilities and technologies at the level necessary to support United States nonproliferation policy.

SEC. 244. REPORT ON NONPROLIFERATION AND COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 1994, the Secretary of Defense shall submit to Congress a report on the findings of the committee on nonproliferation activities established pursuant to section 243.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) A complete list, by program, of the existing, planned, and proposed capabilities and technologies reviewed by the committee, including all directed energy and laser programs reviewed pursuant to section 243(c)(2).

(2) A complete description of the requirements and priorities established by the committee.

(3) A comprehensive discussion of the near-term, mid-term, and long-term programmatic options formulated by the committee for meeting requirements prescribed by the committee and eliminating deficiencies identified by the committee, including the annual funding requirements and completion dates established for each such option.

(4) An explanation of the recommendations made pursuant to section 243(e) and a full discussion of the actions taken on such recommendations, including the actions taken to implement the recommendations.

(5) A discussion of the existing and planned capabilities of the Armed Forces of the United States—

(A) to detect and monitor clandestine programs for the acquisition or production of weapons of mass destruction;

(B) to respond to terrorism or accidents involving such weapons and thefts of materials related to any weapon of mass destruction; and

(C) to assist in the interdiction and destruction of weapons of mass destruction, related weapons materials, and advanced conventional weapons.

(6) A description of—

(A) the extent to which the Secretary of Defense has incorporated nonproliferation and counterproliferation missions into the overall missions of the unified combatant commands; and

(B) how the special operations command established pursuant to section 167(a) of title 10, United States Code, might support the commanders of the other unified combatant commands and the commanders of the specified combatant commands in the performance of such overall missions.

(c) Forms of Report.—The report shall be submitted in both unclassified and classified forms, as appropriate.

SEC. 245. DEFINITIONS.

In this subtitle:

(1) The term "appropriate congressional committees" means the following:

(A) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $15,194,036,000.

(2) For the Navy, $19,081,792,000.

(3) For the Marine Corps, $1,790,489,000.

(4) For the Air Force, $18,932,246,000.

(5) For Defense Agencies $9,523,283,000.

(6) For the Defense Health Program, $9,303,447,000.

(7) For the Army Reserve, $1,096,190,000.

(8) For the Naval Reserve, $782,800,000.

(9) For the Marine Corps Reserve, $83,100,000.

(10) For the Air Force Reserve, $1,356,078,000.

(11) For the Army National Guard, $2,216,944,000.

(12) For the Air National Guard, $2,717,733,000.

(13) For the National Board for the Promotion of Rifle Practice, $2,483,000.

(14) For the Defense Inspector General, $127,001,000.

(15) For Drug Interdiction and Counter-Drug Activities, Defense-wide, $1,168,200,000.

(16) For the Court of Military Appeals, $6,055,000.

(17) For Environmental Restoration, Defense, $2,369,400,000.

(18) For Humanitarian Assistance, $48,000,000.

(19) For support for the 1996 Summer Olympics, $2,000,000.

(20) For support for the 1994 World Cup Games, $12,000,000.

(21) For Former Soviet Union Threat Reduction, $400,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

There is hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Business Operations Fund, $1,161,095,000.

SEC. 303. FUNDING NATIONAL DEFENSE STRATEGIC LIFT REQUIREMENTS.

(a) Renaming Fund.—Section 2218 of title 10, United States Code, is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"§ 2218. National Defense Strategic Lift Fund";

and

(2) by striking out "National Defense Strategic Sealift Fund" each time it appears and inserting in lieu thereof "National Defense Strategic Lift Fund".

(b) Fund Purposes.—Subsection (c)(1) of such section is amended—

(1) by striking out "and" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) construction, purchase, alteration, and conversion of Department of Defense strategic airlift aircraft.".

(c) Deposits in the Fund.—Subsection (d)(1) of such section is amended—

(1) by striking out "and" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) construction, purchase, alteration, and conversion of Department of Defense strategic airlift aircraft.".

(d) Content of Budget Requests.—Subsection (h) of such section is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the amount requested for programs, projects, and activities for construction, purchase, alteration, and conversion of Department of Defense strategic airlift aircraft.".

(e) Strategic Airlift Aircraft Defined.—Subsection (k) of such section is amended by adding at the end the following new paragraph:

"(4) The term 'strategic airlift aircraft' means any cargo aircraft owned, operated, controlled, or chartered by the Department of Defense that has intercontinental range.".

(f) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Department of Defense for the National Defense Strategic Lift Fund in the amount of $2,669,100,000.

SEC. 304. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1994 from the Armed Forces Retirement Home Trust Fund the sum of $61,918,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 305. NATIONAL SECURITY EDUCATION TRUST FUND OBLIGATIONS.

During fiscal year 1994, $24,000,000 is authorized to be obligated from the National Security Education Trust Fund established by section 804(a) of the David L. Boren National Security Education Act of 1991 (Public Law 102–183; 50 U.S.C. 1904(a)).

SEC. 306. TRANSFER AUTHORITY.

(a) Authority.—The Secretary of Defense, to the extent provided in appropriations Acts, may transfer funds as provided in this section during fiscal year 1994. Funds so transferred are in addition to the funds authorized to be appropriated in section 301.

(b) From the Defense Business Operations Fund.—(1) Subject to paragraph (2), not more than $3,035,300,000 may be transferred from the Defense Business Operations Fund to appropriations for operations and maintenance for fiscal year 1994 in amounts as follows:

(A) For the Army, $880,200,000.

(B) For the Navy, $1,092,700,000.

(C) For the Marine Corps, $121,000,000.

(D) For the Air Force, $941,400,000.

(2) Amounts may be transferred under this subsection only to the extent that the Fund contains cash balances sufficient for such transfers.

(c) From the National Defense Stockpile Transaction Fund.—Not more than $500,000,000 may be transferred from the National Defense Stockpile Transaction Fund to appropriations for operation and maintenance for fiscal year 1994 in amounts as follows:

(1) For the Army, $150,000,000.

(2) For the Navy, $150,000,000.

(3) For the Air Force, $200,000,000.

(d) Treatment of Transfers.—Amounts transferred under this section—

(1) shall be merged with and be available for the same purposes and the same period as the amounts in the accounts to which transferred;

(2) shall be deemed to increase the amount authorized to be appropriated for the account to which the amount is transferred by an amount equal to the amount transferred; and

(3) may not be expended for an item that has been denied authorization of appropriations by Congress.

(e) Relationship to Other Transfer Authority.—An increase under subsection (d)(2) in an amount authorized to be appropriated is in addition to an increase in that amount that results from a transfer of an authorization of appropriations pursuant to section 1001.

(f) Relationship to Appropriated Funds.—Funds made available by transfer under this section shall be in addition to funds made available pursuant to an authorization of appropriations in section 301.

SEC. 307. FUNDS FOR CLEARING LANDMINES.

Of the funds authorized to be appropriated in section 301, not more than $10,000,000 is authorized for activities to support the clearing of landmines for humanitarian purposes (as determined by the Secretary of Defense), including the clearing of landmines in areas in which refugee repatriation programs are on-going.

Subtitle B—Defense Business Operations Fund

SEC. 311. EXTENSION OF AUTHORITY FOR USE OF THE DEFENSE BUSINESS OPERATIONS FUND.

Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2208 note) is amended by striking out "April 15, 1994" and inserting in lieu thereof "December 31, 1994".

SEC. 312. IMPLEMENTATION OF THE DEFENSE BUSINESS OPERATIONS FUND.

Section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2208 note) is amended by striking out subsections (d), (e), and (f) and inserting in lieu thereof the following new subsections:

"(d) Comprehensive Management Plan.—(1) Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, the Secretary of Defense shall submit to the congressional defense committees a comprehensive management plan for the Defense Business Operations Fund. The Secretary shall identify in the plan the actions the Department of Defense will take to improve the implementation and operation of the Defense Business Operations Fund.

"(2)(A) The plan should also include the following matters:

"(i) The specific tasks to be performed to address the serious shortcomings that exist in the Fund's implementation and operation.

"(ii) Milestones for starting and completing each task.

"(iii) A statement of the resources needed to complete each task.

"(iv) The specific organizations within the Department of Defense that are responsible for accomplishing each task.

"(v) Department of Defense plans to monitor the implementation of all corrective actions.

"(B) The plan should also address the following specific areas:

"(i) The management and organizational structure of the Fund.

"(ii) The development and implementation of the policies and procedures, including internal controls, applicable to the Fund.

"(iii) Management reporting, including financial and operational reporting.

"(iv) Accuracy and reliability of cost accounting data.

"(v) Development and use of performance indicators to measure the efficiency and effectiveness of Fund operations.

"(vi) The status of efforts to develop and implement new financial systems for the Fund.

"(e) Progress Report on Implementation.—Not later than February 1, 1994, the Secretary of Defense shall submit to the Congress a report on the progress made in implementing the comprehensive management plan required by subsection (d). The report should describe the progress made in reaching the milestones established in the plan and provide an explanation for the failure to meet any of the milestones. The Secretary shall submit a copy of the report to the Comptroller General of the United States at the same time that he submits the report to Congress.

"(f) Responsibilities of the Comptroller General.—(1) The Comptroller General of the United States shall monitor and evaluate the progress of the Department of Defense in developing and implementing the comprehensive management plan required by subsection (d).

"(2) Not later than March 1, 1994, the Comptroller General shall submit to the Congress a report containing the following:

"(A) The findings and conclusions of the Comptroller General resulting from the monitoring and evaluation conducted under paragraph (1).

"(B) An evaluation of the progress report submitted to Congress by the Secretary of Defense pursuant to subsection (e).

"(C) Any recommendations for legislation or administrative action concerning the Fund that the Comptroller General considers appropriate.".

SEC. 313. LIMITATION ON OBLIGATIONS AGAINST THE DEFENSE BUSINESS OPERATIONS FUND.

(a) Limitation.—(1) The Secretary of Defense may not incur obligations against the supply management divisions of the Defense Business Operations Fund of the Department of Defense during fiscal year 1994 in a total amount in excess of 65 percent of the total amount derived from sales from such divisions during that fiscal year.

(2) For purposes of determining the amount of obligations incurred against, and sales from, such divisions during fiscal year 1994, the Secretary shall exclude obligations and sales for fuel, commissary and subsistence items, retail operations, repair of equipment, and the cost of operations.

(b) Exception.—The Secretary of Defense may waive the limitation described in subsection (a) if the Secretary determines that such waiver is necessary in order to maintain the readiness and combat effectiveness of the Armed Forces. The Secretary shall immediately notify Congress of any such waiver and the reasons for such waiver.

Subtitle C—Environmental Provisions

SEC. 321. AUTHORITY FOR MILITARY DEPARTMENTS TO PARTICIPATE IN WATER CONSERVATION PROGRAMS.

(a) Authority.—Chapter 169 of title 10, United States Code, is amended by adding at the end the following:

"§ 2866. Water conservation at military installations

"(a) Water Conservation Activities.—(1) The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by any water utility for the management of water or for water conservation.

"(2) The Secretary of Defense may authorize any military installation to accept any financial incentive (including an agreement to reduce the amount of a future water bill), goods, or services generally available from a water utility to adopt technologies and practices that the Secretary determines are cost effective for the Federal Government.

"(3) Subject to paragraph (4), the Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into agreements with water utilities to design and implement cost-effective demand and conservation incentive programs (including water management services, facilities, alterations, and the installation and maintenance of water saving devices and technologies by the utilities) to address the requirements and circumstances of the installation.

"(4)(A) If an agreement under paragraph (3) provides for the utility to advance financing costs for the design or implementation of a program referred to in that paragraph to be repayed by the United States, the cost of such advance may be recovered by the utility under terms no less favorable than those applicable to its most favored customer.

"(B) Subject to the availability of appropriations, repayment of costs advanced under subparagraph (A) shall be made from funds available to a military department for the purchase of utility services.

"(C) An agreement under paragraph (3) shall provide that title to any water-saving device or technology installed at a military installation pursuant to the agreement shall vest in the United States. Such title may vest at such time during the term of the agreement, or upon expiration of the agreement, as determined to be in the best interests of the United States.

"(b) Use of Water Cost Savings.—Water cost savings realized under this section shall be utilized in accordance with section 2865(b) of this title.

"(c) Water Conservation Construction Projects.—(1) The Secretary of Defense may carry out a military construction project for water conservation, not previously authorized, using funds appropriated or otherwise made available for water conservation.

"(2) Section 2865(e)(2) of this title shall apply to a project to be carried out under the authority of paragraph (1).

"(d) Definition.—In this section, the term 'water utility' means any publicly or privately owned entity (including a municipal or regional authority or water district) that delivers potable water to a military installation through a transmission or distribution system.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2866. Water conservation at military installations.".

SEC. 322. CLARIFICATION OF AUTHORITY FOR ENERGY CONSERVATION PROGRAMS AT MILITARY INSTALLATIONS.

(a) Use of Savings.—Subsection (b)(2) of section 2865 of title 10, United States Code, is amended to read as follows:

"(2) Of the total amount that remains available for obligation under paragraph (1) and section 2866(b) of this title—

"(A) one-half of such amount shall be used for the implementation of additional energy conservation measures and for water conservation activities at such buildings, facilities, or installations of the Department of Defense as may be designated (in accordance with regulations which the Secretary of Defense shall prescribe) by the head of the department, agency, or instrumentality that realized the savings referred to in paragraph (1) or referred to in section 2866(b) of this title; and

"(B) one-half of such amount shall be allocated among the installations that realized such savings in the same proportions as such savings were realized at such installations and the amount so allocated to an installation shall be utilized at such installation for—

"(i) improvements to existing military family housing units;

"(ii) any unspecified minor construction project that will enhance the quality of life of personnel; or

"(iii) any morale, welfare, or recreation facility or service.".

(b) COVERED UTILITIES.—Subsection (d) of such section 2865 is amended by adding at the end the following:

"(5) In this subsection, the terms 'gas utility' and 'electric utility' mean any publicly or privately owned entity (including a municipal or regional authority or Federal power marketing agency) that deliver natural gas or electricity, respectively, to a military installation through a transmission or distribution system.".

SEC. 323. CLARIFICATION OF FUNDING FOR ENVIRONMENTAL RESTORATION ACTIVITIES AT INSTALLATIONS TO BE CLOSED OR REALIGNED.

Section 2906(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) by inserting "(1)" before "Except for";

(2) in paragraph (1), as so designated, by inserting "and except as provided in paragraph (2)" in the first sentence after "subsection (a)"; and

(3) by adding at the end the following:

"(2) Funds in the Defense Environmental Restoration Account established under section 2703(a) of title 10, United States Code, may be used for obligations incurred for purposes described in section 2905(a)(1)(C)—

"(A) in fiscal year 1994 for installations approved for closure or realignment under this part in 1993; and

"(B) in fiscal year 1996 for installations approved for closure or realignment under this part in 1995.".

SEC. 324. ANNUAL REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) REPORT ON IMPLEMENTATION OF PROGRAMS.—Paragraph (2) of section 2706(a) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraphs (C) and (D):

"(C) The estimated cost of carrying out response actions at each facility on the National Priorities List for each of the 5 fiscal years following the fiscal year in which the report is submitted.

"(D) The costs incurred for response actions at each facility on the National Priorities List during the fiscal year preceding the fiscal year in which the report is filed."; and

(3) by adding at the end the following:

"(F) The estimated cost of carrying out response actions at facilities other than facilities on the National Priorities List for each of the 5 fiscal years following the fiscal year in which the report is submitted.".

(b) TIMING OF REPORT.—Such section 2706(a) is further amended by adding at the end the following:

"(3) The Secretary shall submit the annual report required under this subsection no later than April 15 of each year.".

SEC. 325. EXTENSION OF PERIOD OF APPLICABILITY OF REQUIREMENT FOR REIMBURSEMENT OF THE FEDERAL GOVERNMENT FOR CERTAIN LIABILITIES ARISING UNDER CONTRACTS RELATING TO HAZARDOUS WASTE.

Section 2708(b)(1) of title 10, United States Code, by striking out "and 1993" and inserting in lieu thereof "through 1996".

SEC. 326. PROHIBITION ON THE PURCHASE OF SURETY BONDS AND OTHER GUARANTIES FOR THE DEPARTMENT OF DEFENSE.

No funds appropriated or otherwise made available to the Department of Defense for fiscal year 1994 may be obligated or expended for the purchase of surety bonds or other guaranties of financial responsibility in order to guarantee the performance of any direct function of the Department of Defense.

SEC. 327. CLARIFICATION OF SCOPE OF INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTY.

(a) INDEMNIFICATION FOR PETROLEUM PRODUCTS.—Subsection (a)(1) of section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2687 note) is amended by striking out "or pollutant or contaminant" and inserting in lieu thereof ", pollutant or contaminant, any petroleum product, or any other derivative of petroleum".

(b) ACTIVITIES SUBJECT TO INDEMNIFICATION.—Such subsection (a)(1) is further amended by inserting "(including defense activities carried out by a contractor or subcontractor under a contract with the Department of Defense or a military department)" after "Department of Defense activities".

(c) STATE OWNERSHIP OR CONTROL.—Subsection (a)(2)(A) of such section is amended by inserting "(including a leasehold interest)" after "or control".

(d) RELATIONSHIP TO OTHER AUTHORITIES.—Subsection (e) of such section is amended—

(1) by striking out "RELATIONSHIP TO OTHER LAW.—" and inserting in lieu thereof "RELATIONSHIP TO EXISTING LAW AND CONTRACTS.—"; and

(2) by striking out "in any way" and inserting in lieu thereof "in any way—

"(1) section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), any other provision of law, or any regulation; or

"(2) any provision of a contract of the Department of Defense or a military department, or any provision of a subcontract under such a contract, that provides the Department of Defense or the military department with a right of contribution against the contractor or subcontractor, as the case may be.".

SEC. 328. SHIPBOARD PLASTIC AND SOLID WASTE CONTROL.

(a) SHORT TITLE.—This section may be cited as the "Act to Prevent Pollution from Ships Amendments of 1993".

(b) DEADLINE FOR COMPLIANCE BY SHIPS OWNED OR OPERATED BY THE DEPARTMENT OF THE NAVY WITH CERTAIN POLLUTION CONTROL CONVENTIONS.—Subsection (b)(2)(A) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902) is amended by striking out "after 5 years" and all that follows and inserting in lieu thereof ", subject to subsection (f) of this section, as follows:

"(i) After December 31, 1993, to all ships referred to in paragraph (1)(A) of this subsection other than those owned or operated by the Department of the Navy.

"(ii) Except as provided in subsection (c) of this section, after December 31, 1998, to all ships referred to in paragraph (1)(A) of this subsection other than submersibles owned or operated by the Department of the Navy when such submersibles are engaged in noncommercial service.

"(iii) Except as provided in subsection (c) of this section, after December 31, 2008, to all ships referred to in paragraph (1)(A) of this subsection.".

(c) SPECIAL AREA DISCHARGES.—Section 3 of such Act is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) DISCHARGES IN SPECIAL AREAS.—(1) Not later than December 31, 2000, all surface vessels owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V of the Convention.

"(2) Not later than 3 years after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy, shall, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, submit to the Congress a plan for the compliance by all vessels owned or operated by the Department of the Navy with the requirements set forth in paragraph (1) of this subsection. Such plan shall be submitted after opportunity for public participation in its preparation, and for public review and comment.

"(3) If the Navy plan for compliance demonstrates that compliance with the requirements set forth in paragraph (1) of this subsection is not technologically feasible in the case of certain vessels under certain circumstances, the plan shall include information describing—

"(A) the ships for which full compliance with the requirements of paragraph (1) of this subsection is not technologically feasible;

"(B) the technical and operational impediments to achieving such compliance;

"(C) a proposed alternative schedule for achieving such compliance as rapidly as is technologically feasible; and

"(D) such other information as the Secretary of the Navy considers relevant and appropriate.

"(4) Upon receipt of the compliance plan under paragraph (2) of this subsection, the Congress may modify the applicability of paragraph (1) of this subsection, as appropriate.".

(d) COMPLIANCE MEASURES.—Such section 3 is amended by inserting after subsection (d), as redesignated by subsection (c)(1), the following new subsection:

"(e) COMPLIANCE BY EXCLUDED VESSELS.—(1) The Secretary of the Navy shall develop and, as appropriate, support the development of technologies and practices for solid waste management aboard ships owned or operated by the Department of the Navy, including technologies and practices for the reduction of the waste stream generated aboard such ships, that are necessary to ensure the compliance of such ships with Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1) of this section.

"(2) Notwithstanding any effective date of the application of this section to a ship, the provisions of Annex V of the Convention with respect to the disposal of plastic shall apply to ships equipped with plastic processors required for the long-term collection and storage of plastic aboard ships of the Navy upon the installation of such processors in such ships.

"(3)(A) Within 12 months after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy shall promulgate regulations applicable to ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.

The regulations shall be consistent with operational requirements of such ships and shall be revised from time to time in accordance with this subsection.

"(B) The regulations promulgated under subparagraph (A) of this paragraph shall include the following requirements:

"(i) That compacted trash discharged from submersibles be negatively buoyant and contain the minimum amount practicable of plastic.

"(ii) That plastics contaminated by substances other than food not be discharged overboard from any ship during the last 20 days before the ship enters port.

"(iii) That plastics contaminated by food not be discharged overboard from any ship during the last 3 days before the ship enters port.

"(4)(A) The Secretary of Defense shall publish in the Federal Register a report setting forth the names of ships provided with equipment enabling such ships to comply with Annex V to the Convention and describing the amount and nature of the discharges in special areas during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy. ".

(e) WAIVER AUTHORITY.—Such section 3, as amended by subsection (d), is further amended by inserting after subsection (e) the following new subsection:

"(f) WAIVER AUTHORITY.—The President may waive the effective dates of the requirements set forth in subsections (b)(2)(A) and (c) of this section and in subsection (f) of the Act to Prevent Pollution from Ships Amendments of 1993 if the President determines it to be in the paramount interest of the United States to do so. Any such waiver shall be for a period not in excess of 1 year. The President shall submit a report to the Congress each January on all waivers from the requirements of this section granted during the preceding calendar year, together with the reasons for granting such waivers.".

(f) OTHER ACTIONS.—(1) Not later than October 1, 1994, the Secretary of the Navy shall release a request for proposals for equipment (hereinafter in this subsection referred to as "plastics processor") required for the long-term collection and storage of plastic aboard ships of the Navy.

(2) Not later than July 1, 1996, the Secretary shall install the first production unit of the plastics processor on board a Navy ship.

(3) Not later than July 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 50 percent of the ships of the Navy that require such processors in order to comply with the provisions of section 3 of the Act to Prevent Pollution from Ships, as amended by subsections (b), (c), and (d) of this section.

(4) Not later than July 1, 1998, the Secretary shall complete the installation of plastics processors on board not less than 75 percent of the ships of the Navy that require such processors in order to comply with such provisions.

(5) Not later than December 31, 1998, the Secretary shall complete the installation of plastics processors on board all ships of the Navy that require such processors in order to comply with such provisions.

(g) DEFINITION.—Section 1(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)) is amended by adding at the end the following:

"(10) 'submersible' means a submarine, or any other vessel designed to operate under water.".

Subtitle D—Other Matters

SEC. 331. REPEAL OF AN EXCEPTION TO A LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

Section 2466(a) of title 10, United States Code, is amended—

(1) by striking out paragraph (2); and

(2) in paragraph (1), by striking out "(1) Except as provided in paragraph (2), the" and inserting in lieu thereof "The".

SEC. 332. MAINTENANCE AND REPAIR OF PACIFIC BATTLE MONUMENTS.

(a) AUTHORITY.—The Commandant of the Marine Corps may perform necessary minor maintenance and repairs of Pacific battle monuments until, by agreement between the Commandant and the Secretary of the American Battle Monuments Commission, the American Battle Monuments Commission undertakes the responsibility for maintenance and repair of such battle monuments.

(b) FUNDING.—(1) In each fiscal year that the Commandant performs maintenance and repair activities pursuant to the authority in subsection (a), the Commandant may expend for such activities not more than $15,000 of the amount made available to the Marine Corps for such fiscal year for operation and maintenance.

(2) Of the amounts available to the Marine Corps for fiscal year 1993 for operation and maintenance, $150,000 may, to the extent provided in appropriations Acts, be made available for the repair and relocation of a monument located on Iwo Jima that commemorates the sacrifice of American military personnel during World War II.

(c) DEFINITION.—In this section, the term "Pacific battle monument" means a monument on an island in the Pacific Ocean that commemorates combat actions of any of the Armed Forces.

SEC. 333. PURCHASE OF ITEMS NOT EXCEEDING $100,000.

Funds appropriated pursuant to the authorization of appropriations in section 301 may be used to purchase items not exceeding $100,000 for each item.

SEC. 334. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

SEC. 335. CONTRACTS TO PERFORM WORKLOADS PREVIOUSLY PERFORMED BY DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

Section 2469 of title 10, United States Code, is amended—

(1) by inserting "(a) REQUIREMENT FOR COMPETITION.—" before "The Secretary of Defense";

(2) by striking out "threshold";

(3) by striking out "unless" and all that follows and inserting in lieu thereof "to performance by a contractor unless the Secretary uses competitive procedures for the selection of the contractor to perform such workload."; and

(4) by adding at the end the following new subsection:

"(b) INAPPLICABILITY OF OMB CIRCULAR A–76.—Office of Management and Budget Circular A–76 does not apply to a performance change to which subsection (a) applies.".

SEC. 336. PROMOTION OF CIVILIAN MARKSMANSHIP.

Section 4308(c) of title 10, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, such amounts shall remain available until expended.".

SEC. 337. AMENDMENTS REGARDING PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) AGREEMENT WITH DISTRICT OF COLUMBIA.—Section 376 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2386; 32 U.S.C. 501 note) is amended by adding at the end of subsection (a) the following: "In the case of an agreement with the District of Columbia, the agreement shall be with the commanding general of the District of Columbia National Guard.".

(b) NATIONAL GUARD TRAINING AUTHORIZED TO INCLUDE THE PROVISION OF HEALTH CARE.—Section 376 of such Act is amended by striking out subsection (b) and inserting in lieu thereof the following new subsection (b):

"(b) TRAINING AUTHORIZED TO INCLUDE PROVISION OF HEALTH CARE.—Training conducted pursuant to section 270 of title 10, United States Code, and section 502 of title 32, United States Code, may include, as an activity conducted in the course of and incident to required or additional National Guard training, the provision of health care under an agreement entered into pursuant to subsection (a).".

(c) FUNDING, SAVINGS, AND DEFINITION PROVISIONS.—Section 376 of such Act is amended—

(1) by redesignating subsection (f) as subsection (i); and

(2) by inserting after subsection (e) the following new subsections:

"(f) FUNDING AND USE OF OTHER RESOURCES.—Funds appropriated for operation and maintenance of the National Guard may be used for supplies and equipment necessary for the provision of health care to medically underserved communities under an agreement entered into pursuant to subsection (a). Supplies and equipment furnished by a State, a department or agency of the Federal Government, or any private organization or individual may also be used for the provision of health care to medically underserved communities under such an agreement.

"(g) RETIREMENT CREDIT FOR FISCAL YEAR 1993 SERVICE.—Service under an agreement entered into pursuant to subsection (a) that was performed by National Guard personnel before October 1, 1993 (the effective date of an amendment of subsection (b) to clarify the status of service under such an agreement as training), shall be counted as service under section 502 of title 32, United States Code, for the purpose of computing years of service for entitlement to retired pay under subparagraph (A) or (B) of section 1332(a)(2) of title 10, United States Code.

"(h) DEFINITIONS.—In this section:

"(1) The term 'health care' includes medical and dental care services.

"(2) The term 'State' includes the Commonwealth of Puerto Rico, a territory (as defined in section 101(1) of title 32, United States Code), and the District of Columbia.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

SEC. 338. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Section 386(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2395; 20 U.S.C. 238 note) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) there has been a significant increase, as determined by the Secretary of Defense, in the number of military dependent students in average daily attendance in the schools of that agency as a result of a relocation of Armed Forces personnel or civilian employees of the Department of Defense or as a result of a realignment of one or more military installations; or"; and

(4) in paragraph (3), as redesignated by paragraph (2), by inserting "or (2)" before the period at the end.

(b) Technical Correction.—Section 386 of such Act is amended by—

(1) by redesignating the second subsection (e), relating to definitions, as subsection (h); and

(2) by transferring such subsection, as so redesignated, to the end of such section.

(c) Effective Date of Amendments.—The amendments made by subsections (a) and (b) shall take effect as of October 23, 1992, as if section 386 of Public Law 102–484 had been enacted as amended by such subsections.

(d) Funding.—Of the amounts authorized to be appropriated pursuant to section 301(5)—

(1) $50,000,000 shall be available for providing assistance to local educational agencies under subsection (b) of section 386 of Public Law 102–484; and

(2) $8,000,000 shall be available for making payments to local educational agencies under subsection (d) of such section.

(e) Notification and Disbursal.—(1) The Secretary shall notify on or before June 30, 1994, each local educational agency eligible for assistance under subsections (b) and (d) of section 386 of Public Law 102–484 for fiscal year 1994 of such agency's eligibility for such assistance and the amount of such assistance.

(2) The Secretary shall disburse the funds made available pursuant to subsection (d) no later than 30 days after notification to eligible local education agencies.

SEC. 339. ANNUAL ASSESSMENT OF FORCE READINESS.

(a) Annual Assessment Required.—Not later than March 1 of each of 1994, 1995, and 1996, the Chairman of the Joint Chiefs of Staff shall submit to Congress an assessment of—

(1) the readiness and capability of the Armed Forces of the United States to carry out the full range of the missions assigned to the Armed Forces; and

(2) the associated level or degree of risk for the Armed Forces in responding to current and anticipated threats to national security interests of the United States.

(b) Content of Assessment.—Each assessment shall include, for the 5-year period described in subsection (c), the following matters:

(1) An unclassified description of the current and projected readiness and capability of the Armed Forces of the United States taking into consideration each of the following areas:

(A) Personnel.

(B) Training and exercises.

(C) Logistics, including equipment maintenance and supply availability.

(D) Equipment modernization.

(E) Installations, real property, and facilities.

(F) Munitions.

(G) Mobility.

(H) Wartime sustainability.

(2) The personal assessment of the Chairman of the Joint Chiefs of Staff regarding the readiness and capabilities of the Armed Forces together with the Chairman's personal judgment on whether there are significant problems or risks regarding the capabilities and readiness of the Armed Forces.

(3) Any factors that the Chairman or any other member of the Joint Chiefs of Staff believes may lead to a decrease in force readiness or a degradation in the overall capability of the Armed Forces.

(4) Any recommended actions that the Chairman of the Joint Chiefs of Staff considers appropriate.

(5) Any classified annexes that the Chairman of the Joint Chiefs of Staff considers appropriate.

(c) Period Assessed.—The assessment shall include information for the fiscal year in which the assessment is submitted, the 3 preceding fiscal years, and projections for the subsequent fiscal year.

(d) Interim Assessments.—If, at any time between submissions of assessments to Congress under subsection (a), the Chairman of the Joint Chiefs of Staff determines that there is a significant change in the projected readiness or capability of the Armed Forces from the readiness or capability projected in the most recent annual assessment, the Chairman shall submit to the Congress a revised assessment that reflects each such significant change.

SEC. 340. BUDGET INFORMATION ON DEPARTMENT OF DEFENSE RECRUITING EXPENDITURES.

(a) In General.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 227. Recruiting costs

"The Secretary shall include in the budget justification documents submitted to Congress each year in connection with the submission of the budget pursuant to section 1105 of title 31 the following matters:

"(1) The amount requested for the recruitment of persons for enlistment, appointment, or induction into the armed forces, including—

"(A) the personnel costs for Department of Defense personnel whose duties include—

"(i) recruitment;

"(ii) the management of Department of Defense personnel performing recruitment duties; or

"(iii) supporting Department of Defense personnel in the performance of duties referred to in clause (i) or (ii);

"(B) the cost of providing support for such personnel for the performance of those duties;

"(C) operation and maintenance costs associated with recruitment, including the costs of paid advertising and facilities;

"(D) the costs of incentives, including—

"(i) amounts paid under sections 302d, 308a, 308c, 308f, 308g, 308h (for a first enlistment), and 308i of title 37, relating to bonuses and other incentives;

"(ii) amounts deposited in the Department of Defense Education Benefits Fund pursuant to section 2006(g) of this title; and

"(iii) payments under the provisions of chapters 105, 107, and 109 of this title and chapter 30 of title 38; and

"(E) costs associated with military entrance processing;

"(2) the appropriation accounts from which such costs are to be paid; and

"(3) the estimated average total annual cost of recruiting a person for enlistment, appointment, or induction into the armed forces for the fiscal year covered by the budget justification documents, determined and reported separately for—

"(A) each armed force;

"(B) the active component of each armed force;

"(C) each of the reserve components of each armed force; and

"(D) for all of the armed forces.".

(b) Table of Sections.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"227. Recruiting costs.".

SEC. 341. REVISION OF AUTHORITIES ON NATIONAL SECURITY EDUCATION TRUST FUND.

(a) Crediting of Gifts to the National Security Education Trust Fund.—Section 804(e) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904(e)) is amended by adding at the end the following:

"(3) Any gifts of money shall be credited to and form a part of the Fund.".

(b) Repeal of Authorization Requirement.—Section 804(b) of such Act is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1994, as follows:

(1) The Army, 540,000, of whom not more than 84,414 shall be commissioned officers.

(2) The Navy, 480,800, of whom not more than 62,747 shall be commissioned officers.

(3) The Marine Corps, 177,000, of whom not more than 17,851 shall be commissioned officers.

(4) The Air Force, 424,400, of whom not more than 80,632 shall be commissioned officers.

SEC. 402. TEMPORARY VARIATION OF PERMANENT END STRENGTH LIMITATIONS FOR CERTAIN GRADES OF OFFICERS IN THE MARINE CORPS.

(a) Variation in Permanent Limitations.—Notwithstanding the items relating to majors and lieutenant colonels of the Marine Corps in the table in section 523(a)(1) of title 10, United States Code, in the administration of the limitation in such section for a fiscal year referred to in the table in subsection (b) of this section with respect to commissioned officers of the Marine Corps serving on active duty in the grades of major and lieutenant colonel, the numbers applicable to such commissioned officers shall be the numbers set forth for such fiscal year in the table in subsection (b).

(b) Table.—The table referred to in subsection (a) is as follows:

"Fiscal year:	Number of officers who may be serving on active duty in the grade of:	
	Major	Lieutenant colonel
1994	3,023	1,577
1995	3,081	1,610
1996	3,139	1,643
1997	3,196	1,677.".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1994, as follows:

(1) The Army National Guard of the United States, 410,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 127,000.

(4) The Marine Corps Reserve, 42,200.

(5) The Air National Guard of the United States, 119,760.

(6) The Air Force Reserve, 81,500.

(7) The Coast Guard Reserve, 10,500.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary an end strength authorized by subsection (a) by not more than 2 percent above or below that authorized end strength.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be reduced proportionately by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1994, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,180.

(2) The Army Reserve, 12,542.

(3) The Naval Reserve, 20,415.

(4) The Marine Corps Reserve, 2,285.

(5) The Air National Guard of the United States, 9,517.

(6) The Air Force Reserve, 648.

SEC. 413. TEMPORARY VARIATION OF PERMANENT END STRENGTH LIMITATIONS FOR AIR FORCE PERSONNEL SERVING ON ACTIVE DUTY IN CERTAIN GRADES IN SUPPORT OF THE RESERVE COMPONENTS.

(a) SENIOR ENLISTED MEMBERS.—Notwithstanding the items relating to pay grades E-8 and E-9 of the Air Force in the table in section 517(b) of title 10, United States Code, in the administration of the limitation in such section for fiscal year 1994 with respect to enlisted members of the Air Force serving on active duty in pay grades E-8 and E-9 for duty referred to in that section, the numbers applicable to such enlisted members are as follows:

(1) Grade E-8, 840.

(2) Grade E-9, 328.

(b) CERTAIN OFFICER GRADES.—Notwithstanding the items relating to lieutenant colonels and colonels of the Air Force in the table in section 524(a) of such title, in the administration of the limitation in such section for fiscal year 1994 with respect to commissioned officers of the Air Force serving on active duty in the grades of lieutenant colonel and colonel for duty referred to in that section, the numbers applicable to such commissioned officers are as follows:

(1) Lieutenant colonel, 636.

(2) Colonel, 274.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1994, Armed Forces are authorized average military training student loads as follows:

(1) The Army, 75,220.

(2) The Navy, 45,269.

(3) The Marine Corps, 22,753.

(4) The Air Force, 33,439.

(b) SCOPE.—The average military training student load authorized for an armed force under subsection (a) applies to the active and reserve components of that armed force.

(c) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1994 a total of $70,711,000,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1994.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR ADVANCED EDUCATION IN A HEALTH PROFESSION.

(a) CREDIT UPON ORIGINAL APPOINTMENT IN A REGULAR COMPONENT.—Section 533(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(b) CREDIT UPON ORIGINAL APPOINTMENT AS RESERVE OFFICER IN THE ARMY.—Section 3353(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in " at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(c) CREDIT UPON ORIGINAL APPOINTMENT AS OFFICER IN NAVAL RESERVE OR MARINE CORPS RESERVE.—Section 5600(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(d) CREDIT UPON ORIGINAL APPOINTMENT AS RESERVE OFFICER IN THE AIR FORCE.—Section 8353(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

SEC. 502. ORIGINAL APPOINTMENT AS REGULAR OFFICERS CERTAIN RESERVE OFFICERS IN HEALTH PROFESSIONS.

Section 532 of title 10, United States Code, is amended by adding at the end the following:

"(e)(1) An original appointment as a commissioned officer (other than as a commissioned warrant officer) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps may given to a person referred to in paragraph (2) in accordance with subsection (a) without regard to the requirement in paragraph (2) of such subsection.

"(2) Paragraph (1) applies to a person who is a reserve commissioned officer of the Medical Corps, Medical Specialist Corps, Nurse Corps, or Veterinary Corps of the Army, a reserve commissioned officer in the Medical Corps or Nurse Corps of the Navy, or a reserve commissioned officer of the Air Force designated as a medical officer, biomedical science officer, or Air Force nurse.".

SEC. 503. TEMPORARY AUTHORITY FOR INVOLUNTARY SEPARATION OF CERTAIN REGULAR WARRANT OFFICERS.

(a) IN GENERAL.—Chapter 33A of title 10, United States Code, is amended by inserting after section 580 the following new section:

"§ 580a. Enhanced authority for selective early discharges

"(a) The Secretary of Defense may authorize the Secretary of a military department, during the two-year period beginning on October 1, 1993, to take the action set forth in subsection (b) with respect to regular warrant officers of an armed force under the jurisdiction of that Secretary.

"(b) The Secretary of a military department may, with respect to regular warrant officers of an armed force, when authorized to do so under subsection (a), convene selection boards under section 573(c) of this title to consider for discharge regular warrant officers on the warrant officer active-duty list—

"(1) who have served at least one year of active duty in the grade currently held;

"(2) whose names are not on a list of warrant officers recommended for promotion; and

"(3) who are not eligible to be retired under any provision of law and are not within two years of becoming so eligible.

"(c)(1) In the case of an action under subsection (b), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

"(A) the names of all regular warrant officers described in that subsection in a particular grade and competitive category; or

"(B) the names of all regular warrant officers described in that subsection in a particular grade and competitive category who also are in particular year groups or specialties, or both, within that competitive category.

"(2) The Secretary concerned shall specify the total number of warrant officers to be recommended for discharge by a selection board convened pursuant to subsection (b). That number may not be more than 30 percent of the number of officers considered—

"(A) in each grade in each competitive category; or

"(B) in each grade, year group, or specialty (or combination thereof) in each competitive category.

"(3) The total number of regular warrant officers described in subsection (b) from any of the armed forces (or from any of the armed forces in a particular grade) who may be recommended during a fiscal year for discharge by a selection board convened pursuant to the authority of that subsection may not exceed 70 percent of the decrease, as compared to the preceding fiscal year, in the number of warrant officers of that armed force (or the number of warrant officers of that armed force in that grade) authorized to be serving on active duty as of the end of that fiscal year.

"(4) A warrant officer who is recommended for discharge by a selection board convened pursuant to the authority of subsection (b) and whose discharge is approved by the Secretary concerned shall be discharged on a date specified by the Secretary concerned.

"(5) Selection of warrant officers for discharge under this subsection shall be based on the needs of the service.

"(d) The discharge of any warrant officer pursuant to this section shall be considered involuntary for purposes of any other provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33A of such title is amended by inserting after the item relating to section 580 the following new item:

"580a. Enhanced authority for selective early discharges.".

SEC. 504. TWO-YEAR EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.

Effective as of September 29, 1993, section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

Subtitle B—Reserve Components

SEC. 511. LIMITED DELEGATION OF PRESIDENTIAL AUTHORITY TO ORDER SELECTED RESERVE TO ACTIVE DUTY.

(a) AUTHORITY TO ORDER THE SELECTED RESERVE TO ACTIVE DUTY.—Section 673b(a) of title 10, United States Code, is amended by striking out "when the President determines that it is necessary to augment the active forces for any operational mission, he" and inserting in lieu thereof "the President".

(b) MAXIMUM NUMBER SERVING ON ACTIVE DUTY CONCURRENTLY.—Section 673b(c) of such title is amended to read as follows:

"(c)(1) Except as provided in paragraph (2), the number of members of the Selected Reserve that are on active duty at any one time under subsection (a) may not exceed 25,000.

"(2) When the President determines it necessary in order to augment the active forces for an operational mission, the number of members of the Selected Reserve that are on active duty at one time under subsection (a) may exceed 25,000 but may not exceed 200,000.".

SEC. 512. TWO-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT AUTHORITIES.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of title 10, United States Code, are amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect as of September 30, 1993.

(2) If the date of the enactment of this Act is after September 30, 1993, the Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

(3) An appointment referred to in paragraph (2) is an appointment under section 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

SEC. 513. CONSISTENCY OF TREATMENT OF NATIONAL GUARD TECHNICIANS AND OTHER MEMBERS OF THE NATIONAL GUARD.

(a) FEDERAL RECOGNITION QUALIFICATIONS FOR TECHNICIANS.—Section 709 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(i) The Secretary concerned may not prescribe for purposes of eligibility for Federal recognition under section 301 of this title special qualifications applicable to technicians employed under subsection (a) that are not applicable pursuant to that section to the other members of the National Guard in the same grade, branch, position, and type of unit or organization involved.".

(b) MILITARY EDUCATION.—(1) Section 523 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1918, 1974; 32 U.S.C. 709 note) is repealed.

(2) Section 506 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1438; 32 U.S.C. 709 note) is repealed.

SEC. 514. EXCEPTION TO REQUIREMENT FOR 12 WEEKS OF BASIC TRAINING.

Section 671(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Notwithstanding paragraph (1) and section 4(a) of the Military Selective Service Act (50 U.S.C. App. 454(a)), under regulations prescribed in accordance with subparagraph (B), the Secretary concerned may establish a period of basic training (or equivalent training) shorter than 12 weeks for persons inducted, enlisted, or appointed in an armed force who have developed skills in the civilian sector that can be readily applied in the armed forces.

"(B) The Secretary of Defense shall prescribe regulations governing the implementation of the authority provided in subparagraph (A). The regulations shall apply uniformly to the military departments. The Secretary of Transportation shall prescribe regulations governing the implementation of the authority provided in subparagraph (A) for the Coast Guard when it is not operating as a service in the Navy.".

SEC. 515. NATIONAL GUARD MANAGEMENT INITIATIVES.

(a) CLARIFICATION REGARDING FEMALE MEMBERS OF THE MILITIA.—Section 311(a) of title 10, United States Code, is amended by inserting ", warrant officers, or enlisted members" after "female citizens of the United States who are commissioned officers".

(b) REPEAL OF REQUIREMENTS FOR PHYSICAL EXAMINATION OF NATIONAL GUARD MEMBERS CALLED INTO FEDERAL SERVICE.—(1)(A) Section 3502 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 341 of such title is amended by striking out the item relating to section 3502.

(2)(A) Section 8502 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 841 of such title is amended by striking out the item relating to section 8502.

(c) INCREASED PERIOD FOR COMPLETION OF UNIT TRAINING.—Section 502(b) of title 32, United States Code, is amended by striking out "30 consecutive days" in the second sentence and inserting in lieu thereof "90 consecutive days".

(d) EXCEPTIONS TO 30-DAY NOTICE FOR TERMINATION OF EMPLOYMENT OF TECHNICIANS.—Subsection 709(e)(6) of title 32, United States Code, is amended by inserting after "termination of employment as a technician and" the following: ", unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment,".

(e) REPEAL OF LIMIT ON NUMBER OF TECHNICIANS EMPLOYED CONCURRENTLY.—Subsection 709(h) of title 32, United States Code, is repealed.

(f) Personnel Authorized To Make Unserviceability Findings.—Subsection 710(f) of title 32, United States Code, is amended—

(1) by inserting "(1)" after "(f)";

(2) in the first sentence, by striking out "of the Regular Army or the Regular Air Force, as the case may be,"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary shall designate a commissioned officer of the Regular Army, a commissioned officer of the Army National Guard who is also a commissioned officer of the Army National Guard of the United States, a commissioned officer of the Regular Air Force, or a commissioned officer of the Air National Guard who is also a commissioned officer of the Air National Guard of the United States to conduct inspections and make findings for purposes of paragraph (1).".

SEC. 516. FREQUENCY OF PHYSICAL EXAMINATIONS OF MEMBERS OF THE READY RESERVE.

Section 1004(a)(1) of title 10, United States Code, is amended by striking out "four years" and inserting in lieu thereof "five years".

Subtitle C—Service Academies

SEC. 521. CONGRESSIONAL NOMINATIONS.

Sections 4342(a), 6954(a), and 9342(a) of title 10, United States Code, are amended—

(1) in the sentence following paragraph (9), by striking out "a principal candidate and nine alternates" and inserting in lieu thereof "10 persons"; and

(2) by inserting after such sentence the following: "Nominees may be submitted without ranking, or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter.".

SEC. 522. GRADUATION LEAVE.

Section 702(a) of title 10, United States Code, is amended by striking out "regular" in the first sentence.

SEC. 523. MANAGEMENT OF FACULTIES.

(a) In General.—(1) Title 10, United States Code, is amended by inserting after chapter 111 the following new chapter:

"CHAPTER 112—MANAGEMENT OF FACULTIES OF THE SERVICE ACADEMIES

"Sec.
"2000. Academy defined.
"2000a. Faculty management.
"2000b. Requirement to report misconduct.

"§ 2000. Academy defined

"For purposes of this chapter, 'Academy' means the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy.

"§ 2000a. Faculty management

"(a) Authority of Secretary of Defense.—The Secretary of Defense may, without regard to any other provision of law relating to the number, classification, or compensation of employees—

"(1) establish such positions for civilian faculty of an Academy as the Secretary considers necessary to carry out the functions of the Academy;

"(2) appoint individuals to such positions; and

"(3) subject to section 5373 of title 5, fix the compensation of such individuals for service in such positions.

"(b) Exclusive Authority.—The authority of the Secretary to take an action under subsection (a) is exclusive.

"(c) Inapplicability of Certain Civil Service Laws.—To provide for the effective and efficient management of the civilian faculty of an Academy, such faculty shall be exempt from the following provisions of title 5:

"(1) Chapter 43, relating to performance appraisals.

"(2) Chapter 51, relating to classification.

"(3) Chapter 53, relating to pay rates and systems.

"(4) Section 5542, relating to overtime pay rates.

"(5) Chapter 61, relating to hours of work.

"§ 2000b. Requirement to report misconduct

"(a) Requirement.—Each officer and each civilian member of the teaching staff of an Academy shall report to the Superintendent of the Academy, or the Superintendent's designee, any fact that tends to evidence the commission of hazing or any violation of an Academy regulation by a cadet or midshipman.

"(b) Failure of Officer To Report.—Any officer who willfully fails to make a report required by subsection (a) shall be reassigned from duties involving the teaching or supervision of cadets or midshipmen and, at the request of the Superintendent, shall be reassigned from the Academy.

"(c) Failure of Civilian Faculty Member To Report.—Subject to the approval of the Secretary of Defense, the Superintendent of an Academy shall remove any civilian member of the teaching staff of the Academy who willfully fails to make a report required by subsection (a).".

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 111 the following:

"112. Management of faculties of the service academies .... 2000".

(b) Repeal of Superseded Law.—(1) Section 6965 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 603 of such title is amended by striking the item relating to section 6965.

Subtitle D—Force Reduction Transition

SEC. 531. TEACHER AND TEACHER AIDE PROGRAM FOR SEPARATED MEMBERS OF THE ARMED FORCES.

(a) Revised Deadline for Applications.—Section 1151(e)(1) of title 10, United States Code, is amended by striking out "before the date of the discharge or release" in the first sentence and inserting in lieu thereof "not later than one year after the discharge or release".

(b) Discretionary Authority To Make Grants To Facilitate Placements.—Paragraphs (1) and (2) of section 1151(h) of title 10, United States Code, are amended by striking out "shall offer" and inserting in lieu thereof "may offer".

(c) Eligibility of Members Not Educationally Qualified for Teacher Placement Assistance.—Section 1151 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) For purposes of this section, a former member of the armed forces who did not meet the minimum educational qualification criterion set forth in paragraph (1)(B)(i) for teacher placement assistance before discharge or release from active duty shall be considered to be a member satisfying such educational qualification criterion upon satisfying that criterion within 5 years after discharge or release from active duty.";

(2) in subsection (e)(1), as amended by subsection (a), by inserting before the period at the end of the first sentence the following: "or, in the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (c)(2), not later than one year after the applicant becomes educationally qualified.";

(3) by redesignating subsection (k) as subsection (l); and

(4) by inserting after subsection (j) the following new subsection (k):

"(k) Identification of NCOs Without Degrees as Candidates for Assistance.—The Secretary shall provide under the program for—

"(1) identifying, during each fiscal year in the period referred to in subsection (c)(1)(A), noncommissioned officers who, on or before the end of such fiscal year, will have completed 10 or more years of continuous active duty, who have the potential to perform competently as elementary or secondary school teachers, but who do not satisfy the minimum educational qualification criterion under subsection (c)(1)(B)(i) for teacher placement assistance; and

"(2) informing the noncommissioned officers so identified of the opportunity to qualify in accordance with subsection (c)(2) for teacher placement assistance under the program.".

SEC. 532. EXTENSION OF PERSONNEL MANAGEMENT AND BENEFITS TRANSITION AUTHORITIES.

(a) Retirement of Certain Limited Duty Officers of the Navy.—Sections 633, 634, 6383(a)(5), and 6383(i) of title 10, United States Code, are amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1998".

(b) Early Retirement Authority for Certain Active Duty Members During Active Force Drawdown.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2704; 10 U.S.C. 1293 note) is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1998".

(c) Guard and Reserve Transition Initiatives.—Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2712; 10 U.S.C. 1162 note) is amended by striking out "September 30, 1995" and inserting in lieu thereof "October 1, 1998".

(d) Waiver of Service Requirement for Certain Reservists Under Montgomery GI Bill.—Section 2133(b)(1)(B) of title 10, United States Code, and section 3012(b)(1)(B)(iii) of title 38, United States Code, are amended by striking out "September 30, 1995," and inserting in lieu thereof in each instance "October 1, 1998".

(e) Program of Educational Leave Relating to Continuing Public and Community Service.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1143a note) is amended by striking out "September 30, 1995" and inserting in lieu thereof "October 1, 1998".

(f) Special Separation Benefits for Certain Voluntarily Separated Members.—Section 1174a(h) of title 10, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1998".

(g) Voluntary Separation Incentives for Certain Voluntarily Separated Members.—Section 1175 of title 10, United States Code, is amended—

(1) in subsections (d)(3) and (h)(6), by striking out "September 30, 1995" each place it appears and inserting in lieu thereof "September 30, 1998"; and

(2) in subsection (h)(7)(A), by striking out "fiscal year 1996" and inserting in lieu thereof "fiscal year 1999".

(h) Uniform Process for Implementing Reductions in Strengths.—Section 402(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1544) is amended by striking out "five-year period" each place it appears and inserting in lieu thereof "eight-year period".

(i) Travel and Transportation Allowances and Storage of Baggage and Household Effects for Certain Members Being Involuntarily Separated.—(1) Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v) and 406(g)(1)(C) of title 37, United States Code, are amended by striking out "five-year period" and inserting in lieu thereof in each instance "eight-year period".

(2) Section 503(c) of the National Defense Act Authorization Act for Fiscal Year 1991 (Public Law 101-510; 37 U.S.C. 406 note) is amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

(j) Continued Enrollment of Dependents of Certain Involuntarily Separated Members in Defense Dependents' Education System.—Section 1407(c) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)) is amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

(k) Reduction of Time-in-Grade Requirement for Retention of Grade Upon Voluntary Retirement.—Section 1370(a)(2)(A) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

(l) Required Length of Commissioned Service for Voluntary Retirement as an Officer.—Sections 3911(b), 6323(a)(2), and 8911(b) of title 10, United States Code, are amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

SEC. 533. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO TRANSITION AUTHORITIES.

(a) Retention on Active Duty of Enlisted Reserves With Between 18 and 20 Years of Service.—Section 1176(b) of title 10, United States Code, is amended to read as follows:

"(b) Reserve Members.—(1) A reserve enlisted member serving in an active status who is selected to be involuntarily separated, or whose term of enlistment expires and who is denied reenlistment, and who on the date on which the member is to be discharged or transferred from an active status is entitled to be credited with at least 18 but less than 20 years of service computed under section 1332 of this title, may not be discharged or transferred from an active status without the member's consent before the earlier of the following:

"(A) If as of the date on which the member is to be discharged or transferred from an active status the member has at least 18, but less than 19, years of service computed under section 1332 of this title—

"(i) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(ii) the third anniversary of the date on which the member would otherwise be discharged or transferred from an active status.

"(B) If as of the date on which the member is to be discharged or transferred from an active status the member has at least 19, but less than 20, years of service computed under section 1332 of this title—

"(i) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 if this title; or

"(ii) the second anniversary of the date on which the member would otherwise be discharged or transferred from an active status.

"(2) This subsection does not apply to members who are discharged or transferred from an active status for physical disability or for cause.".

(b) Authority To Order Early Retirees to Active Duty.—Section 688(a) of title 10, United States Code, is amended in the first sentence—

(1) by striking out "or" after "20 years of active service,"; and

(2) by inserting ", or a member of the Retired Reserve, the Fleet Reserve, or the Fleet Marine Corps Reserve who has been retired under the provisions of section 4403(b) of Public Law 102-484" after "Fleet Marine Corps Reserve".

Subtitle E—Other Matters

SEC. 541. ASSIGNMENTS OF WOMEN MEMBERS OF THE ARMED FORCES.

(a) Repeal of Statutory Restriction on the Assignment of Women in the Navy and Marine Corps.—Section 6015 of title 10, United States Code, is repealed.

(b) Army Assignments.—(1) Part II of subtitle B of title 10, United States Code, is amended by inserting after chapter 345 the following new chapter:

"CHAPTER 346—ADMINISTRATION

"3591. Assignments of women members.

"§ 3591. Assignments of women members

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Army may prescribe the kinds of duties which women members of the Army shall be assigned and the military authority which such members shall exercise.".

(2) The tables of chapters at the beginning of subtitle B of such title and of part II of such subtitle are amended by inserting after the item relating to chapter 345 the following:

"346. Administration .... 3591".

(c) Navy and Marine Corps Assignments.—(1) Chapter 555 of title 10, United States Code, is amended by inserting after section 6014 the following new section 6015:

"§ 6015. Assignments of women members

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Navy may prescribe the kinds of duties which women members of the Navy and women members of the Marine Corps shall be assigned and the military authority which such members shall exercise.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 6015 and inserting in lieu thereof the following:

"6015. Assignments of women members.".

(d) Air Force Assignments.—(1) Part II of subtitle D of title 10, United States Code, is amended by inserting after chapter 845 the following new chapter:

"CHAPTER 846—ADMINISTRATION

"3691. Assignments of women members.

"§ 8591. Assignments of women members

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may prescribe the kinds of duties which women members of the Air Force shall be assigned and the military authority which such members shall exercise.".

(2) The tables of chapters at the beginning of subtitle D of such title and of part II of such subtitle are amended by inserting after the item relating to chapter 845 the following:

"846. Administration .... 8591".

(e) Notification Requirements.—(1)(A) The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and House of Representatives, on a day during which Congress is in session, any regulation that the Secretary proposes for the purposes of section 3591, 6015, or 8591 of title 10, United States Code, as added by this section. The Secretary may not issue the proposed regulation (or any modification of the proposed regulation) as a final regulation within the 60-day period beginning on the date on which the Secretary transmits the proposed regulation to such committees.

(B) For purposes of subparagraph (A), Congress is in session on a day during which either House of Congress is in session.

(C) A day on which both Houses of Congress are not in session shall not be counted in the computation of the 60-day period referred to in subparagraph (A).

(2) The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and House of Representatives any regulation that the Secretary issues as a final regulation for the purposes of section 3591, 6015, or 8591 of title 10, United States Code, as added by this section. The final regulation may not become effective within the 90-day period beginning on the date on which the Secretary transmits the final regulation to such committees.

SEC. 542. REDUCTION IN THE MAXIMUM NUMBER OF YEARS TO BE ON TEMPORARY DISABILITY RETIRED LIST.

(a) In General.—(1) Section 1210(b) of title 10, United States Code, is amended by striking out "five years" in the first sentence and inserting in lieu thereof "three years".

(2) Section 1210(h) of title 10, United States Code, is amended by striking out "five years" and inserting in lieu thereof "three years".

(b) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to a member of the Armed Forces who is placed on a temporary disability retired list on or after such date.

SEC. 543. CLARIFICATION OF PUNITIVE UCMJ ARTICLE REGARDING DRUNKEN DRIVING.

(a) Clarification.—Paragraph (2) of section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended by inserting "or more" after "0.10 grams" both places it appears.

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the amendment to section 911 of title 10, United States Code, made by section 1066(a)(1) of Public Law 102-484 on October 23, 1992.

SEC. 544. AUTHORITY TO REDUCE ACTIVE DUTY SERVICE OBLIGATION INCURRED IN CONNECTION WITH ADVANCED EDUCATION ASSISTANCE.

Section 2005 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) The Secretary concerned, may at any time before October 1, 1998, modify an agreement described in subsection (a) to reduce the active duty service obligation specified in the agreement if the Secretary determines that it is in the best interests of the United States to do so. The Secretary shall reduce the amount required to be reimbursed to the United States proportionately with the reduction in the period of obligated active duty service.".

SEC. 545. AWARD OF PURPLE HEART TO MEMBERS KILLED OR WOUNDED IN ACTION BY FRIENDLY FIRE.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§1129. Purple Heart: members killed or wounded in action by friendly fire

"(a) For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

"(b) A member described in this subsection is a member who is killed or wounded in action by weapon fire while directly engaged in armed conflict, other than as the result of an act of an enemy of the United States, unless (in the case of a wound) the wound is the result of willful misconduct of the member.

"(c) This section applies to members of the armed forces who are killed or wounded on or after December 7, 1941. In the case of a member killed or wounded as described in subsection (b) on or after December 7, 1941, and before the date of the enactment of this section, the Secretary concerned shall award the Purple Heart under subsection (a) in each case which is known to the Secretary before the date of the enactment of this section or for which an application is made to the Secretary in such manner as the Secretary requires.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1129. Purple Heart: members killed or wounded in action by friendly fire.".

SEC. 546. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) CODIFICATION.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§654. Policy concerning homosexuality in the armed forces

"(a) FINDINGS.—Congress makes the following findings:

"(1) Section 8 of article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

"(2) There is no constitutional right to serve in the armed forces.

"(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

"(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

"(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

"(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

"(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

"(8) Military life is fundamentally different from civilian life in that—

"(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

"(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

"(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

"(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

"(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

"(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

"(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

"(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(15) The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(b) POLICY.—A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

"(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that—

"(A) such conduct is a departure from the member's usual and customary behavior;

"(B) such conduct, under all the circumstances, is unlikely to recur;

"(C) such conduct was not accomplished by use of force, coercion, or intimidation;

"(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

"(E) the member does not have a propensity or intent to engage in homosexual acts.

"(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

"(3) That the member has married or attempted to marry a person known to be of the same biological sex.

"(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b).

"(2) The documents used to effectuate the enlistment or appointment of a person as a member of the armed forces shall set forth the provisions of subsection (b).

"(d) REQUIRED BRIEFINGS.—The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to require that a member of the armed forces be processed for separation from the armed forces when a determination is made in accordance with regulations prescribed by the Secretary of Defense that—

"(1) the member engaged in conduct or made statements for the purpose of avoiding or terminating military service; and

"(2) separation of the member would not be in the best interest of the armed forces.

"(f) DEFINITIONS.—In this section:

"(1) The term 'homosexual' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms 'gay' and 'lesbian'.

"(2) The term 'bisexual' means a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

"(3) The term 'homosexual act' means—

"(A) any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and

"(B) any bodily contact which a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (A).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"654. Policy concerning homosexuality in the armed forces.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a) may be construed to invalidate any inquiry, investigation, administrative action or proceeding, court-martial, or judicial proceeding conducted before the effective date of regulations issued by the Secretary of Defense to implement such section 654.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).

SEC. 547. EMPLOYMENT OF RETIRED MEMBERS BY FOREIGN GOVERNMENTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) It is in the national security interest of the United States to promote democracy throughout the world.

(2) The armed forces of newly democratic nations often lack the democratic traditions that are a hallmark of the Armed Forces of the United States.

(3) The understanding of military roles and missions in a democracy is essential for the development and preservation of democratic forms of government.

(4) The service of retired members of the Armed Forces of the United States in the armed forces of newly democratic nations could lead to a better understanding of military roles and missions in a democracy.

(b) CONGRESSIONAL CONSENT.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Military service of retired personnel with newly democratic nations

"(a) CONGRESSIONAL CONSENT.—(1) Subject to subsection (b), Congress consents to a retired member of the uniformed services referred to in subsection (b)—

"(A) accepting employment by, or holding an office or position in, the armed forces of a newly democratic nation; and

"(B) accepting compensation associated with such employment, office, or position.

"(b) DETERMINATIONS AND APPROVAL REQUIRED.—(1) The Secretary concerned and the Secretary of State shall jointly determine whether a nation is a newly democratic nation for the purposes of this section.

"(2) The consent provided in subsection (a) for a retired member of the uniformed services to accept employment or hold an office or position shall apply to a retired member of the armed forces only if the Secretary concerned and the Secretary of State jointly approve the employment or the holding of such office or position.

"(c) CONTINUED ENTITLEMENT TO RETIRED PAY AND BENEFITS.—The eligibility of a retired member of the uniformed services to receive retired or retainer pay and other benefits arising from the retired member's status as a retired member of the uniformed services, and the eligibility of dependents of such retired member to receive benefits on the basis of such retired member's status as a retired member of the uniformed services, may not be terminated by reason of employment or holding of an office or position consented to in subsection (a).

"(d) RETIRED MEMBER DEFINED.—In this section, the term 'retired member of the uniformed services' means a member or former member of the uniformed services who is entitled to receive retired or retainer pay.".

(2) The table of sections at the beginning of chapter 53 of such title is amended by adding at the end the following:

"1058. Military service of retired personnel with newly democratic governments.".

(c) EFFECTIVE DATE.—Section 1058 of title 10, United States Code, as added by subsection (a), shall take effect as of January 1, 1993.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1994.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1994 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1994, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 2.2 percent.

Subtitle B—Bonuses, Special Pay, and Incentive Pay

SEC. 611. MODIFICATION OF AUTHORITY RELATING TO PAYMENT OF CERTAIN SELECTED RESERVE BONUSES.

(a) BONUS FOR ENLISTMENT.—Section 308c(b) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking out "one-half of the bonus shall be paid" and inserting in lieu thereof "an amount in excess of one-half of the bonus may be paid"; and

(2) in paragraph (2), by inserting ", if any," after "remainder".

(b) BONUS FOR ENTRY INTO AFFILIATION AGREEMENT.—Section 308e(c)(2) of title 37, United States Code, is amended—

(1) by inserting "(A)" after "(2)";

(2) by designating the second sentence as subparagraph (B);

(3) in subparagraph (B), as so designated, by striking out "fifth anniversary" and inserting in lieu thereof "sixth anniversary"; and

(4) by adding at the end the following:

"(C) The Secretary concerned may pay in monthly installments a bonus authorized to be paid in a lump sum under this section. The Secretary concerned may determine the amount of the monthly installments. The Secretary concerned may pay a monthly installment authorized under this subparagraph for a month only if the person's service in the Selected Reserve for that month was satisfactory (as determined by such Secretary under regulations prescribed by the Secretary of Defense). The entitlement of a person to a portion of a bonus under this section that is not paid for a month by reason of the preceding sentence shall lapse.".

SEC. 612. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF CERTAIN BONUSES, PAYMENT OF OTHER SPECIAL PAY, AND REPAYMENT OF CERTAIN EDUCATION LOANS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(d) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(e) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(f) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(g) ENLISTMENT BONUS FOR CRITICAL SKILLS.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(h) RESERVE ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES.—Sections 308b(f), 308c(e), 308e(e), 308h(g) and 308i(i) of title 37, United States Code, are amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(i) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALIST IN THE SELECTED RESERVE.—Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(j) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 1995".

(k) ARMY ENLISTMENT BONUS.—(1) Section 308f(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(2) The amendment made by paragraph (1) shall take effect as of September 30, 1992.

Subtitle C—Travel and Transportation Allowances

SEC. 621. REIMBURSEMENT OF TEMPORARY LODGING EXPENSES.

(a) PERIODS COVERED.—Subsection (a) of section 404a of title 37, United States Code, is amended—

(1) in the second sentence, by striking out "four days" and inserting in lieu thereof "10 days"; and

(2) in the third sentence, by striking out "two days" and inserting in lieu thereof "five days".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Subsection (d) of such section is repealed.

SEC. 622. TREATMENT OF ADVANCE PAY PAID TO MEMBERS EVACUATED FROM HOMESTEAD AIR FORCE BASE.

Notwithstanding any other provision of law, the advance payments of pay for permanent change of station that were received by members of the uniformed services evacuated in August, 1992, from Homestead Air Force Base, Florida, because of Hurricane Andrew, shall be treated as having been paid as evacuation advance pay under the authority of section 1006(c) of title 37, United States Code.

Subtitle D—Matters Related to Retired Pay and Separation Benefits

SEC. 631. SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.

(a) SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.—A person who has a service-connected disability rated as total may be paid a special pay under this section if the person is entitled to emergency officers', regular, or reserve retirement pay based solely on—

(1) the person's age;

(2) the length of the person's service in the uniformed services; or

(3) both the person's age and the length of such service.

(b) AMOUNT OF SPECIAL PAY.—The amount of special pay that may be paid a person under subsection (a) for any month may not exceed the monthly amount of the compensation that is paid such person under laws administered by the Secretary of Veterans Affairs.

(c) FUNDING.—The cost of the special pay authorized to be paid under this section shall be paid out of funds available to the Department of Defense for travel of personnel of the Department of Defense in positions within the Office of the Secretary of Defense, the Office of the Secretary of the Army, the Office of the Secretary of the Navy, and the Office of the Secretary of the Air Force.

(d) DEFINITIONS.—In this section, the terms "compensation" and "service-connected" have the meanings given such terms in section 101 of title 38, United States Code.

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), this section shall take effect on January 1, 1994.

(2) This section shall not take effect if, before January 1, 1994, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives the report required by section 641 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2424).

(f) APPLICABILITY.—(1) Except as provided in paragraph (2), this section shall apply to months that begin on or after the effective date of this section.

(2) This section shall not be effective for months that begin after September 30, 1994.

SEC. 632. STANDARDIZATION OF MINIMUM SERVICE REQUIREMENT FOR ELIGIBILITY FOR CERTAIN SEPARATION BENEFITS.

Section 1174(a)(1) of title 10, United States Code, is amended by striking out "five" and inserting in lieu thereof "six".

SEC. 633. EXPANSION OF ELIGIBILITY FOR CERTAIN SEPARATION BENEFITS.

(a) SPECIAL SEPARATION BENEFITS PROGRAMS.—Section 1174a(c)(2) of title 10, United States Code, is amended by striking out "before December 5, 1991".

(b) VOLUNTARY SEPARATION INCENTIVE PROGRAM.—Section 1175(d)(1) of title 10, United States Code, is amended by striking out "before December 5, 1991".

SEC. 634. APPLICABILITY TO COAST GUARD RESERVE OF CERTAIN RESERVE COMPONENTS TRANSITION INITIATIVES.

(a) IN GENERAL.—Subtitle B of title XLIV of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2712) shall apply to members of the Coast Guard Reserve in the same manner and to the same extent as that subtitle applies to the reserve components of the Department of Defense. The Secretary of Transportation shall implement the provisions of that subtitle with respect to the Coast Guard Reserve.

(b) FUNDING.—Funds made available to the Department of Transportation shall be used to carry out the provisions of subtitle B of title XLIV of such Act with respect to the Coast Guard Reserve.

(c) PERIOD OF APPLICABILITY.—The provisions of subtitle B of title XLIV of such Act shall apply to members of the Coast Guard Reserve during the period beginning October 1, 1993, and ending on September 30, 1996.

(d) PROSPECTIVE ELIGIBILITY.—No member of the Coast Guard Reserve shall be eligible for any benefits provided under the provisions of subtitle B of title XLIV of such Act before the date of the enactment of this Act.

(e) SCOPE OF REFERENCE.—In this section, a reference to subtitle B of title XLIV of the National Defense Authorization Act for Fiscal Year 1993 includes the amendments made by sections 4417, 4419, and 4422 of such Act.

Subtitle E—Benefits for Former POWs and Other Members Held Captive

SEC. 641. PERMANENT AUTHORITY FOR CLAIMS BY FORMER PRISONERS OF WAR BASED ON VIOLATIONS OF GENEVA CONVENTIONS.

Section 6 of the War Claims Act of 1948 (50 U.S.C. App. 2005) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g)(1) As used in the subsection, the term 'prisoner of war' means any person appointed, enrolled, enlisted, or inducted under competent authority as a member of the Armed Forces of the United States who was held in captivity as a prisoner of war during any period declared by the President or Congress to have been a period in which the Armed Forces were involved in conflict with a force hostile to the United States, except that such term does not include any member who, at any time, voluntarily, knowingly, and without duress gave aid to, collaborated with, or in any manner served such hostile force.

"(2)(A) The Commission may receive any claim referred to in subparagraph (B), determine the amount and validity of such claim according to law, and provide for payment of compensation for such claim.

"(B) A claim referred to in this subparagraph is any claim filed by a prisoner of war for compensation for the failure of a force hostile to the United States, or its agents, while holding such person as a prisoner of war, to furnish the prisoner of war with the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of August 12, 1949.

"(C) A claimant shall bear the burden of proving the allegations contained in the claim.

"(D) Compensation shall be provided to any prisoner of war under this paragraph at the rate (as determined by the Commission) of one-half the average of the subsistence portion of the per diem rates paid worldwide by the Government to members of the Armed Forces for each day that the person was held as a prisoner of war and received food that, in quantity or quality, did not meet the requirements prescribed under the terms of the Geneva Convention.

"(3)(A) The Commission may receive, determine according to law the amount and validity of, and provide for the payment of any claim filed by any prisoner of war for compensation—

"(i) for the failure of a force hostile to the United States, or its agents, while holding such person as a prisoner of war, to meet the conditions and requirements prescribed under part III, section III, of the Geneva Convention of August 12, 1949, relating to labor of prisoners of war; or

"(ii) for inhumane treatment of the prisoner of war by the hostile force by which the prisoner of war was held, or its agents.

"(B) For purposes of subparagraph (A)(ii), the term 'inhumane treatment' includes the failure of a force hostile to the United States, or its agents, to meet the conditions and requirements of one or more of the provisions of article 3, 12, 13, 14, 17, 19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84, 85, 86, 87, 88, 89, 90, 97, or 98 of the Geneva Convention of August 12, 1949.

"(C) Compensation shall be allowed to any prisoner of war under this paragraph at a rate not to exceed an amount equal to—

"(i) one-half of the average of the per diem rates paid worldwide by the Federal Government to members of the Armed Forces, minus

"(ii) one-half of the average of the subsistence portion of the per diem rates paid worldwide by the Federal Government to members of the Armed Forces,

for each day the person was held as a prisoner of war and with respect to which the person proves (in a manner acceptable to the Commission) the failure by a hostile force, or its agents to meet the conditions and requirements referred to in clause (i) of subparagraph (A) or proves (in a manner acceptable to the Commission) the inhumane treatment referred to in clause (ii) of such subparagraph (A).

"(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to paragraph (10). Such claim shall be paid by the Secretary of the Treasury to the person entitled thereto, or, in the case of the death of such person, to the persons, and in the order of priority, established under subsection (d)(4).

"(5) Each claim filed under this subsection shall be filed not later than 3 years after the later of—

"(A) the date on which the prisoner of war filing the claim returns to the jurisdiction of the Armed Forces of the United States; or

"(B) in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States, the date on which the Secretary of Defense makes a determination that the prisoner of war has died or is presumed to be dead.

"(6)(A) The Commission shall make a determination with respect to the validity of each claim filed under this subsection at the earliest practicable date, but not later than one year after the date on which the claim is filed.

"(B) The Commission shall notify the person submitting a claim under this subsection of the determination of the Commission with respect to the validity of the claim. Such notification shall be sent by certified or register mail, return receipt requested.

"(C) The failure of the Commission to make a determination of the validity of a claim within the one year period referred to in subparagraph (A), such be treated as a final denial of the claim by the Commission on that date.

"(7)(A) A claimant whose claim under this section was denied by the Commission (including a claimant whose claim is treated as denied under paragraph (6)(C)) may file in the United States Court of Federal Claims a complaint, motion, petition, or other appropriate pleading with the United States Court of Federal Claims alleging that the denial of such complaint was wrongful.

"(B) The claimant shall file such complaint, motion, petition, or other pleading not later than 2 years after the date of such final denial.

"(C) The Attorney General of the United States may arbitrate or settle by compromise or other settlement any claim cognizable under this subsection. Any such settlement is not competent evidence of liability or damages.

"(D) The amount of a settlement, judgment, or award in favor of a claimant under this paragraph may not exceed the amount sought by the claimant in the claim before the Commission on which an action under this paragraph is based unless the claimant alleges and proves facts not available or reasonably discoverable at the time of the determination of the validity of such claim by the Commission that justify the award of an amount in excess of such amount.

"(E) Not more than 20 percent of the amount awarded under this paragraph to a claimant may be paid by or on behalf of the claimant to any attorney or agent for services rendered in connection with a claim under this paragraph.

"(8) The acceptance by a person of compensation or other award provided for or paid under this subsection shall constitute a full and complete release of any claim of the person against the United States by reason of any allegation stated in the claim.

"(9) Any claim allowed under the provisions of this subsection including claims allowed by the Court of Federal Claims shall be paid from funds appropriated pursuant to the authorization of appropriations in paragraph (10).

"(10) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including any amounts necessary for administrative expenses of the Commission.".

SEC. 642. MEMBERS ELIGIBLE FOR BENEFITS WHEN HELD CAPTIVE BY TERRORISTS.

(a) IN GENERAL.—Section 559(a)(1) of title 37, United States Code, is amended by striking out "if Congress provides to such a member, in an Act enacted after August 27, 1986, monetary payment in respect of such period of captivity".

(b) CLERICAL AMENDMENTS.—(1) The heading of section 559 of such title is amended to read as follows:

"§ 559. Benefits: members held as captives; victims of terrorist acts".

(2) The table of sections at the beginning of chapter 10 of such title is amended by striking out the item relating to section 559 and inserting in lieu thereof the following:

"559. Benefits: members held as captives; victims of terrorist acts.".

Subtitle F—Other Matters

SEC. 651. AUTHORITY TO LIMIT DIRECT PAYMENT OF PAY AND ALLOWANCES TO CERTAIN MEMBERS DURING WAR, HOSTILITIES, OR NATIONAL EMERGENCY.

(a) IN GENERAL.—(1) Chapter 19 of title 37, United States Code, is amended by adding at the end the following:

"§ 1015. Pay and allowances: limit on direct payment during period of war, hostilities, or national emergency

"(a) AUTHORITY TO LIMIT DIRECT PAYMENT.—The Secretary concerned may limit the direct payment of pay and allowances, or a portion thereof, to a member of the uniformed services serving on active duty in an area designated by the Secretary of Defense for the purposes of this subsection during a war, hostilities, or a national emergency declared by the President or Congress.

"(b) ALTERNATIVE PAYMENT AUTHORITY.—Any amount of pay and allowances due a member described in subsection (a) but not paid directly to such member by reason of the exercise of the authority provided in such subsection may, as directed by the member pursuant to regulations prescribed by the Secretary concerned—

"(1) be paid through allotments or assignments made by the member; or

"(2) be credited to the account of the member and paid to the member upon—

"(A) the end of the period referred to in subsection (a); or

"(B) the departure of the member from an area referred to in such subsection.

"(c) PROMPT PAYMENT REQUIREMENT.—The Secretary concerned shall ensure prompt payment of any pay and allowance due to be paid a member under subsection (b)(2)(B).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1015. Pay and allowances: limit on direct payment during period of war, hostilities, or national emergency.".

(b) CONFORMING AMENDMENT.—Section 1005 of such title is amended by striking out "Members" and inserting in lieu thereof "Except as provided in section 1015 of this title, members".

SEC. 652. LOSSES INCURRED AND GAINS REALIZED IN CONNECTION WITH HOUSING MEMBERS IN PRIVATE HOUSING ABROAD.

(a) PAYMENT OF LOSSES AND RECOUPMENT OF GAINS.—Section 405(d) of title 37, United States Code, is amended to read as follows:

"(d)(1) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may, under such regulations as such Secretary may prescribe, make a lump-sum payment for nonrecurring expenses incurred by the member in occupying private housing outside of the United States. Nonrecurring expenses for which a member may be reimbursed under this paragraph include losses sustained by the member on the refund of a rental deposit (or other deposit made by the member to secure housing) as a result of fluctuations in the relative value of the currencies of the United States and the foreign country in which such housing is located. Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).

"(2) The Secretary concerned may recoup the full amount of a refunded deposit referred to in paragraph (1) that was paid by the United States, including any gain resulting from a fluctuation in currency values referred to in that paragraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1993.

SEC. 653. POSTPONEMENT OF PERFORMANCE OF CERTAIN TAX-RELATED ACTS FOR CERTAIN PERSONS SERVING IN CONTINGENCY OPERATIONS.

Section 7508(f) of the Internal Revenue Code of 1986 is amended to read as follows:

"(f) TREATMENT OF INDIVIDUALS PERFORMING CONTINGENCY OPERATION SERVICE.—

"(1) IN GENERAL.—Any individual who performs contingency operation service (and the spouse of such individual) shall be entitled to the benefits of this section in the same manner as if such service were service referred to in subsection (a).

"(2) CONTINGENCY OPERATION SERVICE.—For the purposes of this subsection, the term 'contingency operation service' means any service in the Armed Forces or in support of the Armed Forces if—

"(A) such service is performed in an area designated by the Secretary of Defense pursuant to regulations prescribed by the Secretary under this paragraph as a contingency operation area; and

"(B) such services are performed during a contingency operation (as such term is defined in section 101(a)(13) of title 10, United States Code.".

SEC. 654. BENEFITS FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES PENDING LOSS OF RIGHT TO RETIRED PAY AS A RESULT OF A COURT-MARTIAL.

(a) PAYMENT REQUIRED.—Subsection (h) of section 1408 of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

"(10)(A) For purposes of this subsection, in the case of a member of the armed forces who has been sentenced by a court-martial to receive a punishment that will terminate the eligibility of that member to receive retired pay if executed, the eligibility of that member to receive retired pay shall be considered terminated effective upon the approval of that sentence by the court-martial convening authority.

"(B) If each form of the punishment that would result in the termination of eligibility to receive retired pay is later remitted, set aside, or mitigated to a punishment that does not result in the termination of that eligibility, a payment of benefits to the eligible recipient under this subsection that is based on the punishment so vacated, set aside, or mitigated shall cease. The cessation of payments shall be effective as of the first day of the first month following the month in which the Secretary of the military department concerned notifies the recipient of such benefits in writing that payment of the benefits will cease. The recipient may not be required to repay the benefits received before that effective date (except to the extent necessary to recoup any amount that was erroneous when paid).".

(b) ADMINISTRATION FOR THE COAST GUARD.—Subsection (h) of such section is amended—

(1) in paragraph (2)(A), by inserting after "Secretary of Defense" the following: "or, for the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation"; and

(2) in paragraph (8), by inserting before the period at the end the following: "or, in the case of the Coast Guard, out of funds appropriated to the Department of Transportation for payment of retired pay for the Coast Guard".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 23, 1992, and shall apply as if the provisions of the paragraph (10) of section 1408(h) of title 10, United States Code, added by such subsection were included in the amendment made by section 653(a)(2) of Public Law 102-484 (106 Stat. 2426).

SEC. 655. SENSE OF SENATE RELATING TO EXCESS LEAVE AND PERMISSIVE TEMPORARY DUTY FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) SENSE OF SENATE.—(1) It is the sense of the Senate that the Secretary of Defense ensure that a member whose home of record is outside the continental United States and who is stationed inside the continental United States at the time of the separation of the member be eligible to receive the same amount of excess leave or permissive temporary duty under section 1149 of title 10, United States Code, as a member who is stationed overseas.

(2) In this subsection, the term "continental United States" means the 48 contiguous States and the District of Columbia.

(b) REPORT ON AREAS OF INEQUITABLE TREATMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense submit a report to Congress—

(1) describing all provisions of law concerning pay and allowances for members of the Armed Forces in which members whose homes of record are outside the continental United States receive different treatment than members whose homes of record are in the continental United States; and

(2) containing recommendations to equalize such treatment.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. EXTENSION AND REVISION OF SPECIALIZED TREATMENT FACILITY PROGRAM AUTHORITY.

(a) AUTHORITY.—(1) Section 1105 of title 10, United States Code, is amended to read as follows:

"§ 1105. Specialized treatment facility program

"(a) PROGRAM AUTHORIZED.—The Secretary of Defense, in consultation with the other administering Secretaries, may conduct a specialized treatment facility program.

"(b) FACILITIES AUTHORIZED TO BE USED.—Under the program, the Secretary may designate health care facilities of the uniformed services and civilian health care facilities as specialized treatment facilities.

"(c) WAIVER OF NONEMERGENCY HEALTH CARE RESTRICTION.—Under the program, the Secretary of Defense may waive, with regard to the provision of a particular service, the 40-mile radius restriction set forth in section 1079(a)(7) of this title if the Secretary determines that the use of a different geographical area restriction will result in a more cost-effective provision of the service.

"(d) CIVILIAN FACILITY SERVICE AREA.—For purposes of the program, the service area of a civilian health care facility designated pursuant to subsection (b) shall be comparable in size to the service areas of facilities of the uniformed services.

"(e) ISSUANCE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.—Under the program, a commanding officer of a facility of the uniformed services, in determining whether to issue a nonavailability of health care statement for a person entitled to health care in facilities of the uniformed services under this chapter, may consider the availability of health care services for such person pursuant to any contract or agreement entered into under this chapter for the provision of health care services.

"(f) PAYMENT OF COSTS RELATED TO CARE IN SPECIALIZED TREATMENT FACILITIES.—(1) Subject to paragraph (2), the Secretary of Defense, in connection with the treatment of a covered beneficiary under the program, may provide the following benefits:

"(A) Full or partial reimbursement of a member of the uniformed services for the reasonable expenses incurred by the member in transporting a covered beneficiary to or from a health care facility of the uniformed services or a civilian health care facility at which specialized health care services are provided pursuant to this chapter.

"(B) Full or partial reimbursement of a person (including a member of the uniformed services) for the reasonable expenses of transportation, temporary lodging, and meals (not to exceed a per diem rate determined in accordance with implementing regulations) incurred by such person in accompanying a covered beneficiary as a nonmedical attendant to a health care facility referred to in subparagraph (A).

"(C) In-kind transportation, lodging, or meals instead of reimbursements under subparagraph (A) or (B) for transportation, lodging, or meals, respectively.

"(2) The Secretary may make reimbursements or provide transportation, lodging, and meals under paragraph (1) in the case of a covered beneficiary only if the total cost to the Department of Defense of doing so and of providing the health care in such case is less than the cost to the Department of providing the health care to the covered beneficiary by other means authorized under this chapter.

"(3) In this subsection, the term 'covered beneficiary' means a person entitled to health care under this chapter.

"(g) REGULATIONS.—The Secretary of Defense, after consulting with the other administering Secretaries, shall prescribe regulations to carry out the specialized treatment facility program authorized in this section.

"(h) EXPIRATION OF PROGRAM.—The authority under this section shall expire at the end of September 30, 1995.".

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking out the item relating to section 1105 and inserting in lieu thereof the following:

"1105. Specialized treatment facility program.".

(b) CONFORMING AMENDMENT.—Section 1079(a)(7) of title 10, United States Code, is amended by striking out "except that—" and all that follows and inserting in lieu thereof the following: "except that those services may be provided in any case in which another insurance plan or program provides primary coverage for those services;".

SEC. 702. CODIFICATION OF CHAMPUS PEER REVIEW ORGANIZATION PROGRAM PROCEDURES.

Section 1079 of title 10, United States Code, is amended by adding at the end the following:

"(o)(1) The Secretary of Defense may not provide a health care service under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) if such service is determined not medically or psychologically necessary by a peer review board acting under the CHAMPUS Peer Review Organization program.

"(2) The Secretary of Defense may, after consulting with the other administering Secretaries, adopt or adapt for use under the CHAMPUS Peer Review Organization program, as the Secretary considers appropriate, any of the quality and utilization review requirements and procedures that are utilized by the Peer Review Organization program under part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.).".

SEC. 703. FLEXIBLE DEADLINE FOR COMMENCEMENT OF CHAMPUS REFORM INITIATIVE IN HAWAII AND CALIFORNIA.

Section 713(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2435; 10 U.S.C. 1073 note) is amended by inserting ", or as soon thereafter as is practicable" after "August 1, 1993".

SEC. 704. DELAY OF TERMINATION OF STATUS OF CERTAIN FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.

Section 1252(e) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)) is amended by striking out "December 31, 1993" in the first sentence and inserting in lieu thereof "December 31, 1998".

SEC. 705. EXCLUSION OF EXPERIENCED MILITARY PHYSICIANS FROM MEDICARE DEFINITION OF NEW PHYSICIAN.

(a) CHARGES IN RURAL AREAS; EFFECT OF UNIFORMED SERVICE EXPERIENCE.—Section 1842(b)(4)(F)(i) of the Social Security Act (42 U.S.C. 1395u(b)(4)(F)(i)) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to any health care practitioner who before the practitioner's first year of practice has served at least four years as a health care practitioner in one of the uniformed services.".

(b) CHARGES BY NEW PHYSICIANS; EFFECT OF UNIFORMED SERVICE EXPERIENCE.—Section 1848(a)(4) of the Social Security Act (42 U.S.C. 1395w-4(a)(4)) is amended by inserting ", or to any physician who before the practitioner's first year of practice has served at least four years as a physician in one of the uniformed services" before the period at the end of the second sentence.

SEC. 706. ENROLLMENT IN THE DEPENDENTS' DENTAL PROGRAM BY CERTAIN MEMBERS RETURNING FROM OVERSEAS ASSIGNMENTS.

(a) IN GENERAL.—The Secretary of Defense shall revise the regulations applicable to the dependents' dental program established under section 1076a of title 10, United States Code, and the provisions of dental benefits plans established under that program, to the extent necessary to permit members of the uniformed services described in subsection (b) to enroll in a dental benefits plan under such program without regard to the length of the uncompleted portion of the member's period of obligated service.

(b) COVERED MEMBERS.—Subsection (a) applies with respect to a member of the uniformed services referred to in the first sentence of section 1076a(a)(1) of title 10, United States Code, who is reassigned from a permanent duty station where a dental benefits plan referred to in subsection (a) is not available to a permanent duty station where such a plan is available.

SEC. 707. SENSE OF SENATE ON THE PROVISION OF ADEQUATE MEDICAL CARE TO MILITARY RETIREES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense should encourage increased use of physicians, dentists, and other health care professionals in the reserve components of the Armed Forces of the United States in order to provide retired military personnel with care under section 1074(b) of title 10, United States Code, while such members of the reserve components are performing active duty, full-time National Guard duty, or inactive-duty training consistent with other military training requirements.

(b) DEFINITIONS.—In this section:

(1) The term "retired military personnel" means persons who are eligible for medical and dental care under section 1074(b) of title 10, United States Code.

(2) The terms "active duty", "full-time National Guard training", and "inactive-duty training" have the meaning given such terms in section 101(d) of such title.

SEC. 708. INDEPENDENT STUDY OF CONDUCT OF MEDICAL STUDY BY ARCTIC AEROMEDICAL LABORATORY, LADD AIR FORCE BASE, ALASKA.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall provide, in accordance with this section, for an independent study of the conduct of a series of medical studies performed during or prior to 1957 by the Air Force Arctic Aeromedical Laboratory in Alaska. The series of medical studies referred to in the preceding sentence was designed to study thyroid activity in men exposed to cold, and involved the administration of a radioactive isotope (Iodine 131) to certain Alaska Natives.

(b) CONDUCT OF REQUIRED STUDY.—The study referred to in subsection (a) shall be conducted by the Institute of Medicine of the National Academy of Sciences or a similar organization.

(c) DIRECT OR INDIRECT DOD INVOLVEMENT.—The Secretary may provide for the study either—

(1) by entering into an agreement with an independent organization referred to in subsection (b) to conduct the study; or

(2) by transferring to the Secretary of the Interior, the Secretary of Health and Human Services, or the head of another department or agency of the Federal Government funds to carry out the study in accordance with subsection (b).

(d) REPORT.—The Secretary of Defense or the head of the department or agency of the Federal Government carrying out the study shall submit to Congress a report on the results of the study. The report shall, at a minimum, include the following matters:

(1) Whether the series of studies referred to in subsection (a) was conducted in accordance with generally accepted guidelines for the use of human participants in medical experimentation.

(2) Whether Iodine 131 dosages were administered in accordance with radiation exposure standards generally accepted as of 1957 and with radiation exposure standards generally accepted as of 1993.

(3) The guidelines that should have been followed in the conduct of the series of studies, including guidelines regarding notification of participants about any possible risks.

(4) Whether subsequent studies of the participants should have been provided for and conducted to determine whether any participants suffered long term ill effects of the administration of Iodine 131 and, in the case of such ill effects, needed medical care for such effects.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for fiscal year 1994, $150,000 for carrying out the study referred to in subsection (a).

TITLE VIII—ACQUISITION POLICY

Subtitle A—Defense Technology and Industrial Base, Reinvestment, and Conversion

SEC. 801. MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) Subchapter IV of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2525. Manufacturing Science and Technology Program

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Manufacturing Science and Technology program. The Director of Defense Research and Engineering shall administer the program.

"(b) PURPOSE.—It shall be the purpose of the program to enhance the capability of industry to meet the manufacturing needs of the Department of Defense.

"(c) COMPONENTS.—The Secretary of Defense shall ensure that programs for manufacturing science and technology are established in the military departments, the Office of the Secretary of Defense, and the Defense Logistics Agency.

"(d) COMPETITION AND COST SHARING.—(1) Competitive procedures shall be used for awarding all contracts, grants, and cooperative agreements under the program.

"(2) At least 50 percent of the contracts, grants, and cooperative agreements shall be awarded on the basis of cost sharing arrangements involving significant contributions to the cost of the project from non-Federal Government sources.

"(3) A contract, grant, or cooperative agreement may not be awarded under this program on any basis other than a cost-shared basis unless the Secretary of Defense determines that the contract, grant, or cooperative agreement is for a program that—

"(A) is not likely to have immediate and direct commercial applications; or

"(B) is of sufficiently high risk to discourage cost sharing by non-Federal Government sources.

"(e) REVIEW AUTHORITY.—The Secretary of Defense may review any project proposed by the Congress to be awarded under the program on a basis that is inconsistent with paragraphs (1) and (2) of subsection (d) and may cancel any such project that the Secretary finds not to be in support of the national security requirements of the United States.".

(2) The table of sections at the beginning of subchapter IV of such chapter is amended by adding at the end the following:

"2525. Manufacturing Science and Technology Program.".

(b) FUNDING.—Of the amounts authorized to be appropriated under section 201, not more than $301,033,000 shall be available for the Manufacturing Science and Technology Program under section 2525 of title 10, United States Code (as added by subsection (a)), of which—

(1) not more than $20,000,000 shall be available for the Army;

(2) not more than $50,000,000 shall be available for the Navy;

(3) not more than $60,000,000 shall be available for the Air Force; and

(4) not more than $171,033,000 shall be available for the Defense Agencies.

SEC. 802. UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, through the Director of Defense Research and Engineering, shall establish a University Research Initiative Support Program.

(b) PURPOSE.—Under the program, the Director shall award grants and contracts to eligible institutions of higher education to support the conduct of research and development relevant to requirements of the Department of Defense.

(c) ELIGIBILITY.—An institution of higher education is eligible for a grant or contract under the program if the institution has received less than a total of $1,000,000 in grants and contracts from the Department of Defense in the two fiscal years before the fiscal year in which the institution submits a proposal for such grant or contract.

(d) COMPETITION REQUIRED.—The Director shall use competitive procedures in awarding grants and contracts under the program.

(e) PROGRAM REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall prescribe directives for carrying out the program. The directives shall require a merit-based selection process that is consistent with the provisions of section 2361(a) of title 10, United States Code, and shall require that each person selected to participate in such a merit-based selection process be a member of the faculty or staff of an institution of higher education that is a member of the National Association of State Universities and Land Grant Colleges or the American Association of State Colleges and Universities.

(f) FUNDING.—Of the amounts authorized to be appropriated under section 201, not more than $50,000,000 shall be available for the University Research Initiative Support Program.

SEC. 803. OPERATING COMMITTEE OF THE CRITICAL TECHNOLOGIES INSTITUTE.

Section 822(c) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 6686(c)) is amended to read as follows:

"(c) OPERATING COMMITTEE.—(1) The Institute shall have an Operating Committee composed of five members as follows:

"(A) The Director of the Office of Science and Technology Policy, who shall chair the committee.

"(B) The Director of the National Institutes of Health.

"(C) The Director of the National Institute for Standards and Technology.

"(D) The Director of the Advanced Research Projects Agency.

"(E) The Under Secretary of Energy having responsibility for science and technology matters.

"(2) The Operating Committee shall meet not less than four times each year.".

SEC. 804. TARGETING DEFENSE CONVERSION FUNDS.

It is the sense of Congress that—

(1) defense conversion funds, including funds for community assistance and dislocated personnel, should serve to relieve distress in areas of the country that are the most adversely affected by reduced spending for national defense and by military base closures;

(2) in the determinations of whether applicants for defense conversion assistance meet applicable cost-sharing requirements, all non-Federal funds, including funds from States and from local sources, should be considered;

(3) by April 30, 1994 (with respect to activities during the first half of fiscal year 1994) and by October 31, 1994 (with respect to activities during the second half of fiscal year 1994), the Secretary of Defense should submit to Congress a report setting forth—

(A) the geographic distribution of the sources of all proposals received for defense conversion assistance and the geographic distribution of the defense conversion assistance awarded (in order to indicate the extent to which the policy in paragraph (1) is being carried out); and

(B) the number of proposals for defense conversion assistance received from small businesses and the number of awards of defense conversion assistance to small businesses (in order to provide a basis for determining whether sufficient opportunities exist for small businesses to receive an appropriate portion of defense conversion funds and whether the cost-sharing requirements for small businesses should be reduced); and

(4) by January 1, 1994, the Secretary of Defense should—

(A) submit to Congress any recommendations that, taking into consideration the experience with providing defense conversion assistance during fiscal year 1993, the Secretary considers appropriate regarding—

(i) what share of the costs of participating in a defense conversion program should be borne by non-Department of Defense sources; and

(ii) what, if any, changes should be made in the laws providing authority for defense conversion programs; and

(B) prescribe regulations to provide full credit for in-kind contributions of non-Department of Defense sources for purposes of defense conversion program cost-sharing requirements.

SEC. 805. SMALL BUSINESS PARTICIPATION.

(a) DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—(1) Section 2511 of title 10, United States Code, is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following new subsection (g):

"(g) SMALL BUSINESS PARTICIPATION.—(1) The Secretary shall ensure that small businesses and consortia involving one or more small businesses are afforded an opportunity to participate in the partnerships program.

"(2) The Secretary shall conduct seminars or similar programs for small businesses in order to disseminate information regarding the partnerships program widely to small businesses.

"(3) The Secretary shall establish a goal that at least 15 percent of the total amount appropriated for a fiscal year for partnerships under this section be expended for partnerships that involve small businesses or consortia involving one or more small businesses.

"(4) In this section, the term 'small business' has the meaning given the term 'small business concern' pursuant to section 3 of the Small Business Act (15 U.S.C. 632).".

(2) Not later than the date on which the President submits to Congress the budget for fiscal year 1995 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a plan for achieving the goal required by subsection (g)(3) of section 2511 of title 10, United States Code, as added by paragraph (1)(B).

(b) SBA MEMBERSHIP ON THE NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The Administrator of the Small Business Administration.".

Subtitle B—Acquisition Assistance Programs

SEC. 811. CONTRACT GOAL FOR DISADVANTAGED SMALL BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) SCOPE OF REFERENCE TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—Subparagraph (B) of section 2323(a)(1) of title 10, United States Code, is amended to read as follows:

"(B) historically Black colleges and universities, including any nonprofit research institution that was an integral part of such a college or university before November 14, 1986;".

(b) DEFINITION OF MINORITY INSTITUTION.—Subparagraph (C) of section 2323(a)(1) of title 10, United States Code, is amended to read as follows:

"(C) minority institutions (as defined in section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)), which, for the purposes of this section, shall include Hispanic-serving institutions (as defined in section 316(b)(1)) of such Act (20 U.S.C. 1059c(b)(1)).".

(c) AWARD ELIGIBILITY.—Section 2323(f)(2) of title 10, United States Code, is amended to read as follows:

"(2) The Secretary of Defense shall prescribe regulations that prohibit awarding a contract under this section to an entity described in subsection (a)(1) unless the entity agrees to comply with the requirements of section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)).".

(d) IMPLEMENTING REGULATIONS.—(1) The Secretary of Defense shall propose amendments to the Department of Defense Supplement to the Federal Acquisition Regulation that address the matters described in subsection (g) and subsection (h)(2) of section 2323 of title 10, United States Code.

(2) Not later than 15 days after the date of the enactment of this Act, the Secretary shall publish such proposed amendments in accordance with section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b). The Secretary shall provide a period of at least 60 days for public comment on the proposed amendments.

(3) The Secretary shall publish the final regulations not later than 120 days after the date of the enactment of this Act.

(e) FUNDING.—(1) Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title II of this Act, $15,000,000 shall be available for such fiscal year for infrastructure assistance to historically Black colleges and universities and minority institutions under section 2323(c)(3) of title 10, United States Code.

(2) Of the amount made available pursuant to paragraph (1), not more than $1,000,000 may be used to provide infrastructure assistance of the types described in section 2323(c)(3) of title 10, United States Code, to educational institutions that have student body enrollments equal to or greater than 51 percent of the student body enrollment standard under which such educational institution would qualify as a minority institution under section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)).

SEC. 812. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) PROCUREMENT TECHNICAL ASSISTANCE PROGRAM FUNDING.—Of the amount authorized to be appropriated in section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts referred to in subsection (a), $600,000 shall be available for fiscal year 1994 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 813. PILOT MENTOR-PROTEGE PROGRAM FUNDING AND IMPROVEMENTS.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title I of this Act, $50,000,000 shall be available for conducting the pilot Mentor-Protege Program established pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note).

(b) REGULATIONS.—(1) The fifth sentence of section 831(k) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended to read as follows: "The Department of Defense policy regarding the pilot Mentor-Protege Program shall be published and maintained as an appendix to the Department of Defense Supplement to the Federal Acquisition Regulation.".

(2) The Secretary of Defense shall ensure that, within 30 days after the date of the enactment of this Act, the Department of Defense policy regarding the pilot Mentor-Protege Program, as in effect on September 30, 1993, is incorporated into the Department of Defense Supplement to the Federal Acquisition Regulation as an appendix. Revisions to such policy (or any successor policy) shall be published and maintained in such supplement as an appendix.

(c) EQUITY CAPITAL INVESTMENT.—(1) Section 831(f)(6) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended by striking out "10 percent" and inserting in lieu thereof "40 percent".

(2) The amendment made by paragraph (1) shall take effect as of October 1, 1991.

(d) EXTENSION OF PROGRAM ADMISSIONS.—Section 831(j)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended by striking "September 30, 1994" and inserting "September 30, 1995".

Subtitle C—Other Matters

SEC. 821. REIMBURSEMENT OF INDIRECT COSTS OF INSTITUTIONS OF HIGHER EDUCATION UNDER DEPARTMENT OF DEFENSE CONTRACTS.

(a) IN GENERAL.—Department of Defense reimbursements of allowable indirect costs incurred by an institution of higher education for work performed for the Department of Defense under a Department of Defense contract may not be limited by regulation to a maximum amount unless that same limitation is applied uniformly to all other organizations performing similar work for the Department of Defense under Department of Defense contracts.

(b) WAIVERS.—The governing body of an institution of higher education may waive the application of the prohibition in subsection (a) to such institution in order to simplify the overall management by that institution of cost reimbursements for contracts awarded to the institution.

(c) DEFINITIONS.—In this section:

(1) The term "allowable indirect costs" means costs that are generally considered allowable as indirect costs under regulations that establish the cost reimbursement principles applicable to an institution of higher education for purposes of Department of Defense contracts.

(2) The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 822. PROHIBITION ON PURCHASE OF UNITED STATES DEFENSE CONTRACTORS BY ENTITIES CONTROLLED BY FOREIGN GOVERNMENTS.

Section 835(c)(1)(A) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2462; 50 U.S.C. App. 2170a) is amended by striking out "owned or controlled" and inserting in lieu thereof "controlled, either directly or indirectly,".

SEC. 823. PROHIBITION ON AWARD OF CERTAIN DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY CONTRACTS TO ENTITIES CONTROLLED BY A FOREIGN GOVERNMENT.

(a) TERMINOLOGY AMENDMENT.—Subsection (a) of section 2536 of title 10, United States Code, is amended—

(1) by striking out "a company owned by"; and

(2) by striking out "that company" and inserting in lieu thereof "that entity".

(b) DEFINITION OF ENTITY CONTROLLED BY FOREIGN GOVERNMENT.—Subsection (c)(1)(A) of such section is amended by striking out "owned or controlled" and inserting in lieu thereof "controlled, either directly or indirectly,".

(c) CLERICAL AMENDMENTS.—(1) The section heading of such section is amended by striking out **"companies owned by an entity"** and inserting in lieu thereof **"entities"**.

(2) The item relating to such section in the table of sections at the beginning of subchapter V of chapter 148 of title 10, United States Code, is amended to read as follows:

"2536. Prohibition on award of certain Department of Defense and Department of Energy contracts to entities controlled by a foreign government.".

SEC. 824. REPORTS BY DEFENSE CONTRACTORS ON DEALINGS WITH TERRORIST COUNTRIES AND NATIONALS OF TERRORIST COUNTRIES.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410i. Defense contractor transactions with terrorist countries and nationals of terrorist countries

"(a) REPORTS REQUIRED FROM CONTRACTORS.—(1)(A) The Secretary of Defense shall require that each person—

"(i) before entering into a contract with the Department of Defense to provide goods or services to the Department, report to the Secretary any commercial transactions which such person has conducted with any terrorist country or with any national of a terrorist country; and

"(ii) report to the Secretary any commercial transactions which such person conducts, during the period of the contract, with any terrorist country, or with any national of a terrorist country.

"(B) The requirement contained in subparagraph (A)(ii) shall be included in the contract with the Department of Defense.

"(b) ANNUAL REPORT TO CONGRESS.—(1) The Secretary of Defense shall submit to the Congress an annual report on defense contractor transactions with terrorist countries and nationals of terrorist countries.

"(2) The report shall contain the following matters:

"(A) A list of the persons who conducted commercial transactions with terrorist countries and nationals of terrorist countries during the year covered by the report, as reported pursuant to subsection (a).

"(B) The terrorist countries and nationals of terrorist countries with which such transactions were conducted.

"(C) The nature of the transactions.

"(c) DEFINITIONS.—In this section:

"(1) The term 'terrorist country' means a country the government of which the Secretary of State has determined pursuant to law, as of March 1, 1993, is a government that has repeatedly provided support for acts of international terrorism.

"(2) The term 'national' means, with respect to a terrorist country—

"(A) a natural person who is a citizen of such country; or

"(B) a corporation or other legal entity that is organized under the laws of that country, if natural persons who are citizens of that country own, directly or indirectly, 50 percent or more of the outstanding capital stock or other beneficial interest of such corporation or entity.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2410i. Defense contractor transactions with terrorist countries and nationals of terrorist countries.".

(b) EFFECTIVE DATE.—Section 2410i of title 10, United States Code, shall take effect 60 days after the date of the enactment of this Act and shall apply to contracts entered into on or after the effective date of such section.

SEC. 825. DEPARTMENT OF DEFENSE PURCHASES THROUGH OTHER AGENCIES.

(a) REGULATIONS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall issue regulations governing the exercise by the Department of Defense of the authority under section 1535 of title 31, United States Code, to purchase goods and services under contracts entered into or administered by another agency.

(b) CONTENT OF REGULATIONS.—The regulations issued pursuant to subsection (a) shall—

(1) require that each purchase described in subsection (a) be approved in advance by a warranted contracting officer of the Department of Defense with authority to contract for the goods or services to be purchased or by another official in a position specifically designated by regulation to approve such purchase;

(2) provide that such a purchase of goods or services may be made only if—

(A) the purchase is appropriately made under a contract that the agency filling the purchase order entered into, before the purchase order, in order to meet the requirements of such agency for the same or similar goods or services;

(B) the agency filling the purchase order is better qualified to enter into or administer the contract for such goods or services by reason of capabilities or expertise that is not available within the Department;

(C) the agency or unit filling the order is specifically authorized by law or regulations to purchase such goods or services on behalf of other agencies; or

(D) the purchase is authorized by an Executive order or a revision to the Federal Acquisition Regulation setting forth specific additional circumstances in which purchases referred to in subsection (a) are authorized;

(3) prohibit any such purchase under a contract or other agreement entered into or administered by an agency not covered by the provisions of chapter 137 of title 10, United States Code, or title III of the Federal Property and Administrative Services Act of 1949 and not covered by the Federal Acquisition Regulation unless the purchase is approved in advance by the Senior Acquisition Executive responsible for purchasing by the ordering agency or unit; and

(4) prohibit any payment to the agency filling a purchase order of any fee that exceeds the actual cost or, if the actual cost is not known, the estimated cost of entering into and administering the contract or other agreement under which the order is filled.

(c) MONITORING SYSTEM REQUIRED.—The Secretary of Defense shall ensure that, not later than one year after the date of enactment of this Act, systems of the Department of Defense for collecting and evaluating procurement data are capable of collecting and evaluating appropriate data on procurements conducted under the regulations issued pursuant to paragraph (a).

(d) TERMINATION.—This section shall cease to be effective one year after the date on which final regulations issued pursuant to subsection (a) take effect.

SEC. 826. AUTHORITY OF THE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PILOT DEMONSTRATION PROJECTS AND PROTOTYPE PROJECTS.

(a) AUTHORITY.—The Director of the Advanced Research Projects Agency may, under the authority of section 2371 of title 10, United States Code, carry out pilot technology demonstration projects and prototype projects that are directly relevant to weapons or weapons systems proposed to be acquired or developed by the Department of Defense.

(b) EXERCISE OF AUTHORITY.—(1) Subsections (d)(2) and (d)(3) of such section 2371 shall not apply to pilot projects carried out under subsection (a).

(2) The Director shall, to the maximum extent practicable, utilize competitive procedures when entering into agreements to carry out projects under subsection (a).

(c) PERIOD OF AUTHORITY.—The authority of the Director to carry out projects under subsection (a) shall terminate 3 years after the date of the enactment of this Act.

SEC. 827. IMPROVEMENT OF PRICING POLICIES FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2680 the following new section:

"§ 2681. Use of test and evaluation installations by commercial entities

"(a) CONTRACT AUTHORITY.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation under the jurisdiction of the Secretary.

"(b) TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.—A contract entered into under subsection (a) shall contain a provision that the installation commander may terminate, prohibit, or suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the installation commander certifies in writing that the test or evaluation activity is or would be detrimental—

"(1) to the public health and safety;

"(2) to property (either public or private); or

"(3) to any national security interest or foreign policy interest of the United States.

"(c) CONTRACT PRICE.—A contract entered into under subsection (a) shall include a provision that requires a commercial entity using a Major Range and Test Facility Installation under the contract to reimburse the installation for all direct costs to the United States that are associated with the test and evaluation activities conducted by the commercial entity under the contract, as determined by the installation commander. In addition, the contract may include a provision that requires the commercial entity to reimburse the installation for such indirect costs related to the use of the installation as the installation commander considers to be appropriate.

"(d) RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.—Amounts collected under subsection (c) from a commercial entity conducting test and evaluation activities at a Major Range and Test Facility Installation shall be credited to the appropriation accounts under which the costs associated with the test and evaluation activities of the commercial entity were incurred.

"(e) REGULATIONS AND LIMITATIONS.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, shall prescribe regulations to carry out this section. The authority of installation commanders under subsections (b) and

(c) shall be subject to the authority, direction, and control of the Secretary of the military department concerned.

"(f) DEFINITIONS.—In this section:

"(1) The term 'Major Range and Test Facility Installation' means a test and evaluation installation under the jurisdiction of the Secretary of a military department and designated as such by the Secretary.

"(2) The term 'direct costs' includes the cost of—

"(A) labor, material, facilities, utilities, equipment, supplies, and any other resources damaged or consumed during the test or evaluation activities or maintained for a particular commercial entity; and

"(B) construction specifically performed for the commercial entity to conduct test and evaluation activities.

"(3) The term 'installation commander' means the commander of a Major Range and Test Facility Installation.

"(g) TERMINATION OF AUTHORITY.—The authority provided to the Secretary of a military department by subsection (a) shall terminate on September 30, 1998.

"(h) REPORT.—Not later than January 1, 1999, the Secretary of each military department shall submit to the Secretary of Defense and Congress a report describing the number and purposes of contracts entered into under subsection (a) and evaluating the extent to which the authority under this section is exercised to open Major Range and Test Facility Installations to commercial test and evaluation activities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2680 the following new item:

"2681. Use of test and evaluation installations by commercial entities.".

Subtitle D—Defense Acquisition Pilot Program

SEC. 831. DEFENSE ACQUISITION PILOT PROGRAM AMENDMENTS.

(a) REPEAL OF LIMITATION ON NUMBER OF PARTICIPATING DEFENSE ACQUISITION PROGRAMS.—Section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) is amended by striking out "not more than six".

(b) REPEAL OF REQUIREMENT TO DESIGNATE PARTICIPATING PROGRAMS AS DEFENSE ENTERPRISE PROGRAMS.—Section 809 of such Act is amended by striking out subsection (d).

(c) PUBLICATION OF POLICIES AND GUIDELINES FOR PUBLIC COMMENT.—Section 809 of such Act is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(d) PUBLICATION OF POLICIES AND GUIDELINES.—The Secretary shall publish in the Federal Register a proposed memorandum setting forth policies and guidelines for implementation of the pilot program under this section and provide an opportunity for public comment on the proposed memorandum for a period of 60 days after the date of publication. The Secretary shall publish in the Federal Register any subsequent proposed change to the memorandum and provide an opportunity for public comment on each such proposed change for a period of 60 days after the date of publication.".

(d) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Section 809 of such Act is amended—

(1) by redesignating subsection (f) as subsection (e); and

(2) in paragraph (2)(D) of subsection (e), as so redesignated, by striking out "specific budgetary and personnel savings" and inserting in lieu thereof "a discussion of the efficiencies or savings".

SEC. 832. REFERENCE TO DEFENSE ACQUISITION PILOT PROGRAM.

A reference in this subtitle to the Defense Acquisition Pilot Program is a reference to the defense acquisition pilot program authorized by section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note).

SEC. 833. MISSION ORIENTED PROGRAM MANAGEMENT.

It is the sense of Congress that—

(1) in the exercise of the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), the Secretary of Defense should propose for one or more of the defense acquisition programs covered by the Defense Acquisition Pilot Program to utilize the concept of mission oriented program management that includes—

(A) establishing a mission oriented program executive office; and

(B) designating a lead agency for the mission oriented program executive office;

(2) the duties of the program executive officer for each of one or more of such programs should include—

(A) planning, programming, and carrying out research, development, and acquisition activities;

(B) providing advice regarding the preparation and integration of budgets for research, development, and acquisition activities;

(C) informing the operational commands of alternative technology solutions to fulfill emerging requirements;

(D) ensuring that the acquisition plan for the program realistically reflects the budget and related decisions made for that program;

(E) managing related technical support resources;

(F) conducting integrated decision team meetings; and

(G) providing technological advice to users of program products and to the officials within the military departments who prepare plans, programs, and budgets;

(3) the Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition, should prescribe policies and procedures for the interaction of the commanders of the unified and specified combatant commands with the mission oriented program executive officers, and such policies and procedures should include provisions for enabling the user commands to perform acceptance testing; and

(4) the management functions of a program manager should not duplicate the management functions of the mission oriented program executive officer.

SEC. 834. SAVINGS OBJECTIVES.

It is the sense of Congress that the Secretary of Defense, on the basis of the experience under the Defense Acquisition Pilot Program, should seek personnel reductions and other management and administrative savings that, by September 30, 1998, will achieve at least a 25-percent reduction in defense acquisition management costs below the costs of defense acquisition management during fiscal year 1993.

SEC. 835. PROGRAM PHASES AND PHASE FUNDING.

(a) ACQUISITION PROGRAM PHASES.—It is the sense of Congress that—

(1) the Secretary of Defense should propose that one or more defense acquisition programs proposed for participation in the Defense Acquisition Pilot Program be exempted from acquisition regulations regarding program phases that are applicable to other Department of Defense acquisition programs; and

(2) a program so exempted should follow a simplified acquisition program cycle that is results oriented and consists of—

(A) an integrated decision team meeting phase which—

(i) could be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

(ii) should be conducted by a program executive officer; and

(iii) should usually be completed within 1 to 3 months.;

(B) a prototype development and testing phase which should include operational tests and concerns relating to manufacturing operations and life cycle support and should usually be completed within 6 to 36 months and should produce sufficient numbers of prototypes to assess operational utility;

(C) a product integration, development, and testing phase which—

(i) should include full-scale development, integration of components, and operational testing; and

(ii) should usually be completed within 1 to 5 years; and

(D) a phase for production, integration into existing systems, or production and integration into existing systems.

(b) PHASE FUNDING.—To the extent provided in legislation pursuant to subsection of (c)(1)(B) of section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) and to the extent provided in appropriations Acts, the Secretary of Defense is authorized to expend for a defense acquisition program participating in the Defense Acquisition Pilot Program such sums as are necessary to carry out a phase of the acquisition program cycle after the Secretary determines that objective quantifiable performance expectations relating to the execution of that phase have been identified.

(c) MAJOR PROGRAM DECISION.—It is the sense of the Congress that the Secretary of Defense should establish for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program an approval process having one major decision point.

SEC. 836. PROGRAM WORK FORCE POLICIES.

(a) IN GENERAL.—The Secretary of Defense shall review the incentives and personnel actions available to the Secretary for encouraging excellence in the acquisition workforce of the Department of Defense and may provide an enhanced system of incentives, in accordance with applicable law, for the encouragement of excellence in the work force of a participating acquisition program.

(b) ENHANCED SYSTEM OF INCENTIVES.—The Secretary of Defense should consider providing for program executive officers, program managers, and other acquisition personnel of defense acquisition programs participating in the Defense Acquisition Pilot Program an enhanced system of incentives which—

(1) in accordance with applicable law, relates pay to performance; and

(2) provides for consideration of the extent to which the performance of such personnel contributes to the achievement of cost goals, schedule goals, and performance goals established for such programs.

SEC. 837. EFFICIENT CONTRACTING PROCESSES.

It is the sense of the Congress that the Secretary of Defense, in exercising the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), should seek to simplify the procurement process, streamline the period for entering into contracts, and simplify specifications and requirements.

SEC. 838. CONTRACT ADMINISTRATION: PERFORMANCE BASED CONTRACT MANAGEMENT.

It is the sense of the Congress that the Secretary of Defense should propose under section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) that, for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program, payments under section 2307(a) of title 10, United States Code, be made on any of the following bases:

(1) Performance measured by statistical process controls.

(2) Event accomplishment.

(3) Other quantifiable measures of results.

SEC. 839. CONTRACTOR PERFORMANCE ASSESSMENT.

(a) COLLECTION AND ANALYSIS OF PERFORMANCE INFORMATION.—The Secretary of Defense shall collect and analyze information on contractor performance under the Defense Acquisition Pilot Program.

(b) INFORMATION TO BE INCLUDED.—Information collected under subsection (a) shall include the history of the performance of each contractor under the Defense Acquisition Pilot Program contracts and, for each such contract performed by the contractor, a technical evaluation of the contractor's performance prepared by the program manager responsible for the contract.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS.

Section 136(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Legislative Affairs. He shall have as his principal duty the overall supervision of legislative affairs of the Department of Defense.".

SEC. 902. RESPONSIBILITIES OF THE COMPTROLLER OF THE DEPARTMENT OF DEFENSE.

Section 137(c) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(6) in informing, in a timely manner, the Committees on Armed Services and on Appropriations of the Senate and House of Representatives regarding all matters relating to the budgetary, fiscal, and analytic activities of the Department of Defense that are under the supervision of the Comptroller.".

SEC. 903. REPEAL OF TERMINATION OF REQUIREMENT FOR A DIRECTOR OF EXPEDITIONARY WARFARE.

Section 5038(e) of title 10, United States Code, is repealed.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1994 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $1,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. REVISION OF DATE FOR SUBMITTAL OF JOINT REPORT ON SCORING OF BUDGET OUTLAYS.

Section 226(a) of title 10, United States Code, is amended—

(1) by striking out "Not later than" and all that follows through "section 1105 of title 31", and inserting in lieu thereof "Not later than December 15 of each year"; and

(2) in paragraph (1), by striking out "that budget" and inserting in lieu thereof "the budget to be submitted to Congress in the following year pursuant to section 1105 of title 31".

SEC. 1003. DISCRETIONARY AUTHORITY OF THE COMPTROLLER GENERAL TO CONDUCT ANNUAL AUDITS OF THE ACCEPTANCE BY THE DEPARTMENT OF DEFENSE OF PROPERTY, SERVICES, AND CONTRIBUTIONS.

(a) PROPERTY AND SERVICES FROM FOREIGN COUNTRIES IN CONNECTION WITH MUTUAL DEFENSE OR OCCUPATION.—Section 2350g(d) of title 10, United States Code, is amended—

(1) by striking out "shall conduct" and inserting in lieu thereof "may conduct"; and

(2) by striking out "each such audit" and inserting in lieu thereof "each audit conducted under this subsection".

(b) CONTRIBUTIONS FOR DEPARTMENT OF DEFENSE USE.—Section 2608(i) of title 10, United States Code, is amended—

(1) by striking out "shall conduct" and inserting in lieu thereof "may conduct"; and

(2) by striking out "each such audit" and inserting in lieu thereof "each audit conducted under this subsection".

Subtitle B—Fiscal Year 1993 Authorization Matters

SEC. 1011. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1993 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b), totaling $4,343,219,000 may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1993 defense appropriations except as otherwise provided in section 1012.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1993 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1993 defense authorizations.

(c) DEFINITIONS.—For the purposes of this subtitle:

(1) FISCAL YEAR 1993 DEFENSE APPROPRIATIONS.—The term "fiscal year 1993 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1993 in the Department of Defense Appropriations Act, 1993 (Public Law 102-396).

(2) FISCAL YEAR 1993 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1993 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1993 in the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

SEC. 1012. LIMITATION ON OBLIGATION FOR CERTAIN UNAUTHORIZED APPROPRIATIONS.

(a) PROGRAMS NOT AVAILABLE FOR OBLIGATION.—Amounts described in section 1011(b) may not be obligated or expended for the following programs, projects, and activities of the Department of Defense (for which amounts were provided in fiscal year 1993 defense appropriations):

(1) The University Research Initiatives program under research, development, test, and evaluation for the Defense Agencies in the amount of $136,450,000.

(2) The C-20 aircraft program under aircraft procurement for the Navy in the amount of $25,000,000.

(3) The 105MM M490A1 tank cartridge program under ammunition for the Army in the amount of $20,000,000.

(4) The 155MM M107 artillery projectile program under ammunition for the Army in the amount of $35,000,000.

(5) The 155MM M203 propellant charge program under ammunition for the Army in the amount of $22,487,000.

(6) The LSV landing craft program under other procurement for the Army in the amount of $18,000,000.

(7) The Offshore Petroleum Delivery System under other procurement for the Navy in the amount of $22,000,000.

(8) The AN/SPS-48 radar program under other procurement for the Navy in the amount of $51,500,000.

(9) The HARM missile program under missile procurement for the Air Force in the amount of $113,700,000.

(10) The KC-135 reengining program under aircraft procurement for the Air Force, $87,174,000.

(11) The P-3 upgrade program for the Naval Reserve under procurement of National Guard and Reserve Equipment in the amount of $25,000,000.

(12) Operational Support Aircraft under procurement of National Guard and Reserve Equipment in the amount of $249,200,000 as follows:

(A) C-12J aircraft for Army Reserve, $42,300,000.

(B) C-20 aircraft for the Army Reserve, $27,000,000.

(C) C-23 aircraft for the Army National Guard, $60,000,000.

(D) C-26 aircraft for the Army National Guard, $23,000,000.

(E) C-212 aircraft for the Army National Guard, $57,900,000.

(F) P-180 aircraft for the Army National Guard, $16,000,000.

(G) C-26 aircraft for the Air National Guard, $23,000,000.

SEC. 1013. USE OF FISCAL YEAR 1993 AIR FORCE AIRCRAFT PROCUREMENT FUNDS FOR HIGHER PRIORITY PROGRAMS.

To the extent provided in appropriations Acts, the Secretary of the Air Force may use not more than $100,900,000 of the funds appropriated for the Air Force for fiscal year 1993 for procurement of aircraft in order to fund fiscal year 1994 programs of the Air Force having a higher priority than the aircraft procurement programs for which such funds are otherwise available.

SEC. 1014. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1993.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1993 for covering the incremental costs arising from Operation Restore Hope, Operation Provide Comfort, and Operation Southern Watch, and deficiencies in funding of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), and for repairing flood damage at Camp Pendleton, California, $1,246,928 as follows:

(1) For Military Personnel:

For the Navy, $7,100,000.

(2) For Operation and Maintenance:

(A) For the Army, $149,800,000.

(B) For the Navy, $46,356,000.

(C) For the Marine Corps, $122,192,000.

(D) For the Air Force, $226,400,000.

(E) For the Defense Agencies, $2,000,000.

(F) For the Naval Reserve, $237,000.

(G) For Humanitarian Assistance, $23,000,000.

(H) For Real Property Maintenance, Defense, $29,098,000.

(I) For the Defense Health Program, $299,900,000.

(3) For Military Construction:

(A) For the Navy inside the United States, $3,000,000.

(B) For the Navy for family housing inside the United States, $4,345,000.

(4) For Working Capital Funds:

For the Defense Business Operations Fund, $293,500,000.

(b) NATIONAL SECURITY EDUCATION TRUST FUND OBLIGATIONS.—During fiscal year 1993, sums in the National Security Education Trust Fund are authorized to be obligated in the total amount of $10,000,000.

Subtitle C—Joint Officer Personnel Matters

SEC. 1021. JOINT OFFICER PERSONNEL POLICY.

(a) FIVE-YEAR EXTENSION OF EXCEPTIONS TO REQUIREMENT OF JOINT DUTY ASSIGNMENT FOR PROMOTION TO GENERAL OR FLAG OFFICER.—Section 619(e) of title 10, United States Code, is amended—

(1) in the second sentence of paragraph (1), by striking out "January 1, 1994" and inserting in lieu thereof "January 1, 1999"; and

(2) in paragraph (2), by striking out subparagraph (E) and inserting in lieu thereof the following:

"(E) until January 1, 1999, in the case of an officer who served in an assignment (other than a joint duty assignment) that began before October 1, 1986, and that involved significant experience in joint matters (as determined by the Secretary) if the officer served in that assignment for a period of sufficient duration (which may not be less than 12 months) for his service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.".

(b) SERVING-IN WAIVER.—Section 619(e) of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end of paragraph (2) the following:

"(F) in the case of an officer who has served at least 180 days in a joint duty assignment prior to the date of the convening of a selection board that recommends the officer for appointment to the grade of brigadier general or rear admiral (lower half), but only if that officer's total consecutive service in joint duty assignments within that same organization is not less than two years.".

(c) WAIVER FOR THE GOOD OF THE SERVICE.—Section 619(e)(3)(B) of title 10, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, the Secretary of Defense may, on a case-by-case basis, delay the assignment of a general or flag officer to a joint duty assignment if an appropriate joint duty assignment is not available. An officer whose joint duty assignment has been so delayed may not be promoted to the grade of major general or rear admiral (upper half) until the officer completes a full tour of duty in a joint duty assignment.".

SEC. 1022. JOINT DUTY CREDIT FOR CERTAIN DUTY PERFORMED DURING OPERATIONS DESERT SHIELD AND DESERT STORM.

(a) AUTHORITY TO GIVE JOINT DUTY CREDIT.—Notwithstanding subsection (e) of section 933 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2476; 10 U.S.C. 664 note), the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, may give an officer credit for having completed a tour of duty in a joint duty assignment pursuant to the provisions of such section if—

(1) the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps recommended (before the expiration of authority under subsection (e) of such section) that the officer be given such credit, credit was denied that officer or credit for less than a full tour was given that officer, and the Secretary determines that the decision not to give the credit or not to give greater credit, as the case may be, to such officer was incorrect; or

(2) the Secretary determines that the officer's ability to submit a timely request for consideration for such credit was impaired by involvement of the officer in an operational assignment and, as a result of the failure to submit a timely request, the officer was not recommended for such credit.

(b) CLARIFICATION OF INTENDED RELATIONSHIP BETWEEN CREDIT AND PROMOTIONS.—Section 933(a)(1) of such Act is amended by striking out "chapter 38" and inserting in lieu thereof "chapters 36 and 38".

(c) DURATION OF AUTHORITY.—The authority of the Secretary of Defense under subsection (a) expires at the end of the 60-day period beginning on the date of the enactment of this Act.

Subtitle D—Matters Relating to Reserve Components

SEC. 1031. REVIEW OF AIR FORCE PLANS TO TRANSFER HEAVY BOMBERS TO RESERVE COMPONENTS UNITS.

(a) REVIEW OF AIR FORCE PLANS.—(1) The Secretary of Defense shall review Air Force plans to transfer certain heavy bomber units from the active component of the Air Force to the reserve components of the Air Force.

(2) In carrying out the review, the Secretary shall consider the following matters:

(A) The compatibility of Air Force plans with the relevant results of the internal review of the Department of Defense (known as the "bottom-up review") being conducted during 1993 by direction of the Secretary of Defense.

(B) The effect that the transfer will have on the immediate availability of substantial numbers of heavy bombers for combat operations.

(C) The levels of full-time and part-time employees that will be necessary at reserve components units in order to provide adequate logistics and maintenance support for intensive and sustained heavy bomber operations.

(D) The requirements for additional military construction funding that will result from the transfer and relocation of heavy bomber operations.

(b) SECRETARY OF DEFENSE PLAN REQUIRED.—(1) The Secretary of Defense, in consultation with the Secretary of the Air Force, shall develop a comprehensive plan for proposed transfers of heavy bomber units from the active component of the Air Force to the reserve components of the Air Force. The plan shall cover the period beginning on the date of the enactment of this Act and ending January 1, 2000.

(2) The plan shall include the following matters:

(A) The unit designation of each active component unit from which heavy bombers are to be transferred.

(B) The unit designation of each reserve component unit to which such heavy bombers are to be transferred.

(C) The proposed date of inactivation of each active component unit transferring heavy bombers.

(D) The proposed date of activation of each reserve component unit receiving heavy bombers.

(E) The requirements at each reserve component unit receiving heavy bombers for additional Armed Forces personnel and civilian personnel, additional facilities for the bomber aircraft, additional military construction funds other than for facilities construction, additional spare parts, and additional logistics, maintenance, and test equipment beyond such resources that become available by reason of the inactivation of the active component unit.

(c) REPORTING REQUIREMENTS.—Not later than March 31, 1994, the Secretary shall submit to the congressional defense committees—

(1) a report on the results of the review required under subsection (a), and

(2) the plan required under subsection (b).

SEC. 1032. REQUIREMENT FOR TRANSFER OF AIR REFUELING AIRCRAFT TO RESERVE COMPONENTS OF THE AIR FORCE.

The Secretary of the Air Force shall transfer from active component squadrons of the Air Force to two Air National Guard or Air Force Reserve squadrons operating KC-135E aircraft a number of KC-135R aircraft that is sufficient to modernize such squadrons.

Subtitle E—International Peacekeeping Activities

SEC. 1041. GENERAL AUTHORIZATION OF SUPPORT FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZED SUPPORT FOR FISCAL YEAR 1994.—The Secretary of Defense may provide assistance for international peacekeeping activities during fiscal year 1994, in accordance with section 403 of title 10, United States Code, in an amount not to exceed $300,000,000. Notwithstanding the second sentence of subsection (b) of that section, the assistance so provided may be derived from funds appropriated to the Department of Defense for fiscal year 1994 for operation and maintenance or from balances in working capital funds.

(b) EXTENSION OF AUTHORITY.—Section 403(h) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

SEC. 1042. REPORT ON MULTINATIONAL PEACEKEEPING AND PEACE ENFORCEMENT.

(a) REPORT REQUIRED.—Not later than the date on which the President submits to Congress the budget for fiscal year 1995 under section 1105 of title 31, United States Code, the President, after consultation with the Secretary of State and the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on United States policy on multinational peacekeeping and peace enforcement.

(b) CONTENT OF REPORT.—The report shall contain a comprehensive analysis and discussion of the following matters:

(1) Criteria for participation by the United States in multinational missions through the United Nations, North Atlantic Treaty Organization, or other regional alliances and international organizations.

(2) Proposals for expanding peacekeeping activities by the North Atlantic Treaty Organization and the North Atlantic Cooperation Council, including joint operations, joint training, and joint doctrine development.

(3) A summary of progress made by the United States, in consultation with other nations, to develop joint doctrine for peacekeeping and peace enforcement operations, and plans to conduct joint exercises with other nations for such purposes.

(4) The principles guiding decisions to place United States forces under foreign command.

(5) Proposals to establish opportunities within the Armed Forces of the United States for voluntary duty in units designated for assignment to multinational peacekeeping and peace enforcement missions.

(6) Proposals to modify the budgetary and financial policies of the United Nations for peacekeeping and peace enforcement missions, including—

(A) proposals regarding the structure and control of budgetary procedures;

(B) proposals regarding United Nations accounting procedures; and

(C) specific proposals—

(i) to establish a revolving capital fund to finance the costs of starting new United Nations operations approved by the Security Council;

(ii) to establish a requirement that United Nations member nations pay one-third of the anticipated first-year costs of a new operation immediately upon Security Council approval of that operation;

(iii) to establish a requirement that United Nations member nations be charged interest penalties on late payment of their assessments for peacekeeping or peace enforcement missions; and

(iv) regarding possible sources of international revenue for United Nations peacekeeping and peace enforcement missions.

(7) Proposals to establish a small United Nations Rapid Deployment Force under the direction of the United Nations Security Council in order to provide for quick intervention in disputes for the purpose of preventing a larger outbreak of hostilities.

(8) Congressional authorization and approval requirements for participation of United States forces in multinational peacekeeping and peace enforcement missions, including the applicability of the War Powers Resolution.

(9) Proposals that the United States and other United Nations member nations negotiate special agreements under article 43 of the United Nations Charter to provide for those states to make armed forces, assistance, and facilities available to the United Nations Security Council for the purposes stated in article 42 of that charter, not only on an ad hoc basis, but also on a permanent on-call basis for rapid deployment under Security Council authorization.

(10) A proposal that member nations of the United Nations commit to keep equipment specified by the Secretary General of the United Nations available for immediate sale, loan, or donation to the United Nations when required.

(11) A proposal that member nations of the United Nations make airlift and sealift capacity available to the United Nations without charge or at lower than commercial rates.

(12) An evaluation of the current capabilities and future needs of the United Nations for improved command, control, communications, and intelligence infrastructure, including facilities, equipment, procedures, training, and personnel, and an analysis of United States capabilities and experience in such matters that could be applied or offered directly to the United Nations.

(13) An evaluation of the potential role of the Military Staff Committee of the United Nations Security Council.

(14) Any other information that may be useful to inform Congress on matters relating to United States policy and proposals on peacekeeping and peace enforcement missions.

Subtitle F—Matters Relating to Allies and Other Nations

SEC. 1051. BURDEN SHARING CONTRIBUTIONS BY JAPAN, KUWAIT, AND THE REPUBLIC OF KOREA.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350j. Burden sharing contributions by Japan, Kuwait, and Korea

"(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Notwithstanding section 1306 of title 31, the Secretary of Defense, in consultation with the Secretary of State, may accept cash contributions from Japan, Kuwait, and the Republic of Korea for the purposes specified in subsection (c).

"(b) CREDITS.—Contributions accepted under subsection (a) shall be credited to appropriations of the Department of Defense. The contributions so credited shall be merged with the appropriations to which credited.

"(c) AVAILABILITY OF CONTRIBUTIONS.—Contributions accepted under subsection (a) shall be available only for payment of the following costs associated with facilities used by the armed forces:

"(1) Compensation for local national employees of the Department of Defense.

"(2) Military construction projects of the Department of Defense, in accordance with subsection (d).

"(3) Supplies and services for the Department of Defense.

"(d) AUTHORIZATION OF MILITARY CONSTRUCTION.—Contributions credited under subsection (b) to an appropriation account of the Department of Defense may be used—

"(1) by the Secretary of Defense to carry out a military construction project that is consistent with the purposes for which the contribution was made and is not otherwise authorized by law; or

"(2) by the Secretary of a military department, with the approval of the Secretary of Defense, to carry out such a project.

"(e) NOTICE AND WAIT REQUIREMENTS.—(1) When a decision is made to carry out a military construction project under subsection (d), the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a report containing—

"(A) an explanation of the need for the project;

"(B) the then current estimate of the cost of the project; and

"(C) a justification for carrying out the project under that subsection.

"(2) The Secretary of Defense or the Secretary of a military department may not commence a military construction project under subsection (d) before the expiration of the 21-day period beginning on the date on which the Secretary of Defense submits the report regarding the project in accordance with paragraph (1).

"(f) REPORTING REQUIREMENT.—Not later than 30 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a report specifying separately for Japan, Kuwait, and the Republic of Korea—

"(1) the amount of the contributions accepted by the Secretary during the preceding fiscal year under this section;

"(2) the purposes for which the contributions were made;

"(3) the amount of the contributions expended during the preceding fiscal year; and

"(4) the purposes for which the contributions were expended.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2350j. Burden sharing contributions by Japan, Kuwait, and Korea.".

SEC. 1052. DEFENSE CONVERSION AND REINVESTMENT; EXPORT LOAN GUARANTEES.

(a) AUTHORITY FOR PROVIDING LOAN GUARANTEES.—(1) During fiscal year 1994, the President may issue guarantees for the sale of defense articles and defense services to the member nations of the North Atlantic Treaty Organization and to Israel, Australia, Japan, and the Republic of Korea. The aggregate amount guaranteed under this section in such fiscal year may not exceed $1,000,000,000.

(2) In issuing medium- and long-term guarantees for sales pursuant to paragraph (1), the President shall not offer terms and conditions more beneficial than would be provided by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

(3) The authority of this subsection may be exercised only to such extent and in such amounts as is provided for in advance in appropriations Acts.

(b) SUBSIDY COST AND FUNDING.—(1) There is authorized to be appropriated for fiscal year 1994, $25,000,000 for the subsidy cost of the loan guarantees issued under this section.

(2) Funds authorized to be available for the Export-Import Bank of the United States may not be used for the execution of the program under this section.

(c) EXECUTIVE AGENCY.—The Department of Defense shall be the executive agency for administration of the program under this section unless the President, in consultation with the Congress, designates another agency to implement the program. Applications for guarantees issued under this section shall be submitted to the Secretary of Defense, who may make such arrangements as are necessary with other agencies to process the applications and otherwise to implement the program under this section.

(d) FEES CHARGED AND COLLECTED.—A fee shall be charged for each guarantee issued under the program under this section. All fees collected in connection with guarantees issued under the program shall be available to offset the cost of guarantee obligations under the program. All of the fees collected under this subsection, together with earnings on those fees and other income arising from guarantee operations under the program, shall be held in a financing account maintained in the Treasury of the United States. All funds in such account may be invested in obligations of the United States. Any interest or other receipts derived from such investments shall be credited to such account and may be used for the purposes of the program.

(e) INTERAGENCY REVIEW PROCESS.—The issuance of loan guarantees for defense exports under this section shall be subject to all United States Government review procedures for arms sales to foreign governments and shall be consistent with United States policy on arms sales to those nations referred to in subsection (a).

(f) NATIONAL SECURITY COUNCIL REVIEW PROCESS.—In addition to the interagency review process for arms sales to foreign governments referred to in subsection (e), the National Security Council shall review the proposed defense sale and determine that it is in accord with United States security interests, that it contributes to collective defense burden sharing, and that it is consistent with United States nonproliferation goals.

(g) DEFINITIONS.—In this section, the terms "defense articles", "defense services", and "defense articles and defense services" have the meanings given those terms, respectively, in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

SEC. 1053. FINDINGS REGARDING DEFENSE COOPERATION BETWEEN THE UNITED STATES AND ISRAEL.

Congress makes the following findings:

(1) The President has made a commitment to maintain the qualitative superiority of the Israeli Defense Forces over any combination of adversary armed forces.

(2) The President has expressed a desire to enhance United States-Israeli military and technical cooperation, particularly in the areas of missile defense, counter-proliferation of weapons of mass destruction, and counter-proliferation of ballistic missiles.

(3) Maintaining the qualitative superiority of the Israeli Defense Forces and strengthening United States defense ties with Israel will help to ensure that Israel has the military strength and political support necessary for taking risks for peace while providing Arab states with an incentive to pursue negotiations instead of war.

(4) The establishment of the United States Israel Science and Technology Commission, the binational Senior Planning Group, and the Technology Transfer Working Group is in the interest of both the United States and Israel.

(5) It is in the national interests of the United States and Israel for the organizations referred to in paragraph (4) to work to strengthen existing mechanisms for cooperation and to eliminate barriers to further collaboration between the United States and Israel.

(6) Israel continues to face difficult threats to its national security that are compounded by the proliferation of weapons of mass destruction and ballistic missiles.

SEC. 1054. DEFENSE BURDENSHARING.

(a) FINDINGS.—Congress makes the following findings:

(1) Since fiscal year 1985, the budget of the Department of Defense has declined by 34 percent in real terms.

(2) During the past few years, the United States military presence overseas has declined significantly in the following ways:

(A) Since fiscal year 1986, the number of United States military personnel permanently stationed overseas has declined by almost 200,000 personnel.

(B) From fiscal year 1989 to fiscal year 1994, spending by the United States to support the stationing of United States military forces overseas will have declined by 36 percent.

(C) Since January 1990, the Department of Defense has announced the closure, reduction, or transfer to standby status of 840 United States military facilities overseas, which is a 50 percent reduction in the number of such facilities.

(3) The United States military presence overseas will continue to decline as a result of actions by the executive branch and the following initiatives of the Congress:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which required a 40 percent reduction by September 30, 1996, in the number of United States military personnel permanently stationed ashore in overseas locations.

(B) Section 1303 of the National Defense Authorization Act for Fiscal Year 1993, which specified that no more than 100,000 United States military personnel may be permanently stationed ashore in NATO member countries after September 30, 1996.

(C) Section 1301 of the National Defense Authorization Act for Fiscal Year 1993, which reduced the spending proposed by the Department of Defense for overseas basing activities during fiscal year 1993 by $500,000,000.

(D) Sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, which directed the President to consult with East Asian allies, and to develop a plan, regarding gradually reducing the United States military force structure in East Asia.

(4) The East Asia Strategy Initiative, which was developed in response to sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, has resulted in the withdrawal of more than 12,000 United States military personnel from Japan and the Republic of Korea since fiscal year 1990.

(5) In response to actions by the executive branch and the Congress, allied countries in which United States military personnel are stationed and alliances in which the United States participates have agreed in the following ways to offset more of the costs incurred by the United States in basing military forces overseas:

(A) Under the 1991 Special Measures Agreement between Japan and the United States, Japan will pay by 1995 almost all yen-denominated costs of stationing United States military personnel in Japan.

(B) The Republic of Korea has agreed to pay by 1995, one-third of the won-based costs incurred by the United States in stationing United States military personnel in the Republic of Korea.

(C) The North Atlantic Treaty Organization (NATO) has agreed that the Infrastructure Program could pay the annual operation and maintenance costs of facilities that would support the reinforcement of Europe by United States military forces.

(b) FUNDING REDUCTIONS.—(1) The total amount authorized to be appropriated to the Department of Defense for operation and maintenance and for military construction (including NATO Infrastructure) to conduct overseas basing activities during fiscal year 1994 may not exceed the amount equal to the baseline for fiscal year 1993 reduced by $1,355,500,000.

(2) For purposes of paragraph (1), the baseline for fiscal year 1993 is the sum of the amounts that were made available for overseas basing activities out of the amounts appropriated for such fiscal year for the following purposes:

(A) Operation and maintenance.

(B) Family housing, operations.

(C) Family housing, construction.

(D) Military construction (including NATO Infrastructure).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the amounts obligated to conduct overseas basing activities should decline significantly in fiscal year 1995 and in future fiscal years as—

(1) the number of United States military personnel stationed overseas continues to decline; and

(2) the countries in which United States military personnel are stationed and the alliances in which the United States participates assume an increased share of United States overseas basing costs.

(d) BURDENSHARING AGREEMENTS FOR INCREASED HOST NATION SUPPORT.—(1) In order to achieve additional savings in overseas basing costs, the President should intensify his efforts to negotiate a more favorable host-nation agreement with each foreign country to which this paragraph applies under paragraph (3)(A).

(2) For purposes of paragraph (1), a more favorable host-nation agreement is an agreement under which such foreign country—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with the United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the Armed Forces of the United States of all tax liability that, with respect to forces located in such country, is incurred by the Armed Forces under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2673) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the nonpersonnel costs of United States military installations in the country.

Subtitle G—Other Matters

SEC. 1061. ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES.

Section 1004(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note) is amended by adding at the end the following new paragraph:

"(10) Aerial and ground reconnaissance.".

SEC. 1062. REPORT ON PERSONNEL REQUIREMENTS FOR CONTROL OF TRANSFER OF CERTAIN WEAPONS.

(a) Report on Manpower Required To Implement Export Controls on Certain Weapons Transfers.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to the committees of Congress named in subsection (c) a report entitled "Manpower Required to Implement Export Controls on Certain Weapons Transfers".

(b) Content of Report.—The report shall contain the following matters:

(1) A clear statement of the role of the Department of Defense, and a clear statement of the role of the Department of Energy, in implementing export controls on goods and technology related to nuclear, chemical, and biological weapons.

(2) A discussion of the number and skills of personnel currently available in the Department of Defense and the Department of Energy to perform the respective roles of such department.

(3) An assessment of the adequacy of the number and skills of such personnel for the effective performance of such roles.

(4) For each of fiscal years 1988, 1989, 1990, 1991, 1992, 1993, and 1994, the total number of Department of Defense and Department of Energy full-time employees and military personnel who, in the implementation of export controls on goods and technology related to nuclear, chemical, and biological weapons, carry out the following activities of such department:

(A) Review of private sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.

(C) Policy coordination.

(D) International liaison activity.

(E) Technical review.

(5) For each fiscal year referred to in paragraph (4), the grades of the personnel referred to in that paragraph and the special knowledge, experience, and expertise of such personnel that enable such personnel to carry out the activities referred to in that paragraph.

(6) An assessment of the adequacy of the staffing in each of the categories specified in subparagraphs (A) through (E) of paragraph (4).

(7) Recommendations concerning measures, including any legislation necessary, to eliminate any identified staffing deficiencies and to improve interagency coordination with respect to implementing export controls on goods and technology related to nuclear, chemical, and biological weapons.

(8) All Department of Defense activities undertaken during fiscal years 1989, 1990, 1991, 1992, and 1993 in fulfillment of the responsibilities of the Department of Defense under section 602(c) of the Nuclear Non-Proliferation Act of 1978 (Public Law 96–280; 22 U.S.C. 3282(c)) with respect to nuclear weapons proliferation threats and the role of the department in addressing such threats.

(c) Submission of Report.—The Secretary of Defense and the Secretary of Energy shall submit the report to—

(1) the Committees on Armed Services and on Governmental Affairs of the Senate; and

(2) the Committee on Armed Services of the House of Representatives.

(d) Form of Report.—The report shall be submitted in unclassified form but may also be submitted in classified form if the Secretary of Defense and the Secretary of Energy consider it necessary to include classified information in order to satisfy fully the requirements of this section.

SEC. 1063. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM AMENDMENTS.

Section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2519; 32 U.S.C. 501 note) is amended—

(1) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) Conduct of the Program.—The Secretary of Defense may provide for the conduct of the program in such States as he determines to be appropriate.";

(2) in subsection (d)(3), by striking out "reimburse" and inserting in lieu thereof "provide funds to";

(3) in subsection (*l*), by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The term 'State' includes the Commonwealth of Puerto Rico, the territories (as defined in section 101(1) of title 32, United States Code), and the District of Columbia."; and

(4) in subsection (m)—

(A) by inserting "(1)" after "(m);

(B) by striking out "for fiscal year 1993"; and

(C) by adding at the end the following new paragraph:

"(2) Notwithstanding section 9003 of Public Law 102–396 (106 Stat. 1900), of the total amount appropriated for fiscal year 1993 for operation and maintenance for the Army National Guard, for operation and maintenance for the Air National Guard, for the National Guard Civilian Youth Opportunities Pilot Program, for National Guard Civilian Youth Opportunities, Urban Youth Program and Youth Conservation Corps Camps, and the STARBASE youth education program, $49,000,000 shall remain available for obligation for such purposes and programs until the enactment of an Act appropriating funds for the Department of Defense for fiscal year 1995.".

SEC. 1064. CIVILIAN FACULTY OF THE GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) In General.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599. George C. Marshall European Center for Security Studies: civilian faculty members

"(a) Authority of the Secretary.—The Secretary of Defense may employ as many civilians as directors, deans, professors, scholars, instructors, researchers, and lecturers at the George C. Marshall European Center for Securities Studies as the Secretary considers necessary.

"(b) Compensation of Faculty Members.—The compensation of persons employed under this section shall be prescribed by the Secretary of Defense.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1599. George C. Marshall European Center for Security Studies: civilian faculty members.".

SEC. 1065. ADMINISTRATIVE IMPROVEMENTS IN GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM.

(a) Terms of Office of Foundation Members.—Section 1404(c)(1) of the Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99–661; 20 U.S.C. 4703) is amended—

(1) by striking out ", and" at the end of subparagraph (A) and inserting in lieu thereof a semicolon;

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(C) notwithstanding the term limitation provided for under this paragraph, any member appointed under this paragraph may serve under such appointment until the successor to such member is appointed.".

(b) Lease Authority.—Section 1411(a)(7) of such Act (20 U.S.C. 4710(a)(7)) is amended by striking out "District of Columbia" and inserting in lieu thereof "the Washington, District of Columbia, metropolitan area".

SEC. 1066. U.S.S. INDIANAPOLIS MEMORIAL, INDIANAPOLIS, INDIANA.

(a) Findings.—Congress makes the following findings:

(1) That, on July 30, 1945, among the closing days of World War II, the U.S.S. Indianapolis (CA–35) was sunk as a result of a torpedo attack on that ship.

(2) That the memorial to the U.S.S. Indianapolis (CA–35) located on the east bank of the Indianapolis water canal in downtown Indianapolis, Indiana, will honor the personal sacrifice of the 1,197 servicemen who were aboard the U.S.S. Indianapolis (CA–35) on that day, 881 of whom died as one of the greatest single combat losses suffered by the United States Navy in World War II.

(3) That the memorial will pay fitting tribute to that gallant ship and its final crew, and will forever commemorate the place of the U.S.S. Indianapolis in United States Navy history as the last major ship lost in World War II.

(4) That, as a memorial to the last major ship lost by the United States Navy in World War II, the memorial to the U.S.S. Indianapolis will rank in importance with the memorial to the U.S.S. Arizona (BB–39), one of the first ships lost by the United States Navy in World War II.

(5) That the memorial to the U.S.S. Indianapolis symbolizes the devoted service of the United States Navy and Marine Corps personnel, particularly those who lost their lives at sea in the Pacific Theater during World War II, whose dedication and sacrifice in the cause of liberty and freedom were instrumental in the triumph of the United States in that war.

(6) That the citizens of the United States have a continuing obligation to educate future generations about the military and

other historic endeavors of this great Nation.

(b) RECOGNITION AS A NATIONAL MEMORIAL.—The memorial to the U.S.S. Indianapolis (CA-35) in Indianapolis, Indiana, is hereby recognized as the national memorial to the U.S.S. Indianapolis (CA-35) and to the final crew of that historic warship.

SEC. 1067. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARDS SOMALIA.—

(1) Since United States Armed Forces made significant contributions under Operation Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

(2) Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief operations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

(b) STATEMENT OF CONGRESSIONAL POLICY.—

(1) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding United States policy with respect to Somalia, including in particular the deployment of United States Armed Forces in that country, whether under United Nations or United States command.

(2) PLANNING.—The United States shall facilitate the assumption of the functions of United States forces by the United Nations.

(3) REPORTING REQUIREMENT.—

(A) The President shall ensure that the goals and objectives supporting deployment of United States forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(B) Such report shall include the status of planning to transfer the function contained in paragraph (2).

(4) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (3) Congress believes the President should by November 15, 1993, seek and receive congressional authorization in order for the deployment of United States forces to Somalia to continue.

SEC. 1068. SENSE OF THE CONGRESS REGARDING ESTABLISHMENT OF AN OFFICE OF ECONOMIC CONVERSION INFORMATION WITHIN THE DEPARTMENT OF COMMERCE.

(a) FINDINGS.—The Congress makes the following findings:

(1) The available Federal resources for defense economic adjustment and conversion assistance are spread among 23 different Federal departments and agencies.

(2) Numerous other Federal departments and agencies are involved in related technology reinvestment activities.

(3) Workers and communities adversely affected by closures of military installations or decreased spending for national defense often experience difficulty finding which Federal department or agency is appropriate for providing assistance needed by such workers and communities.

(4) Expanded coordination between Federal departments and agencies could greatly improve Federal efforts to assist in defense economic adjustment and conversion.

(b) SENSE OF CONGRESS REGARDING ESTABLISHMENT OF AN OFFICE OF ECONOMIC CONVERSION INFORMATION.—It is the sense of the Congress that the President should work with the Congress to establish within the Department of Commerce an Office of Economic Conversion Information which, under the joint direction of the Secretary of Commerce and the Secretary of Defense, would—

(1) serve as an information clearinghouse to provide comprehensive information regarding assistance for communities, workers, and businesses that have been adversely affected by closures of military installations and reduced spending for national defense;

(2) enhance and consolidate existing programs for collecting and disseminating information regarding defense economic adjustment and conversion;

(3) be widely publicized as the central point of access for the public on issues related to defense economic adjustment and conversion;

(4) develop data bases of information, to be available to help communities, businesses, and workers dependent on spending for national defense identify and apply for assistance from Federal departments and agencies, including—

(A) comprehensive listings and summaries of all major Federal, State, and local economic adjustment and conversion programs;

(B) a data base listing information available to the public regarding major defense contract terminations and closures of military installations and identifying affected communities, industries, and jobs;

(C) listings and summaries of defense conversion attempts and successes; and

(D) relevant reference lists and bibliographies;

(5) provide information to communities, workers, and businesses by such easily accessible and easily used means as toll-free telephone information lines, inexpensive and frequently updated manuals and other print materials, workshops on clearinghouse services, and on-line computer access to clearinghouse information;

(6) facilitate a series of community roundtables, involving consultation and briefings with communities, workers, and businesses adversely affected by closures of military installations and reduced spending for national defense, to be held annually in all major regions of the United States so affected; and

(7) establish a mechanism, coordinated by the Secretary of Commerce and the Secretary of Defense, to ensure adequate cooperation between all Federal departments and agencies that oversee defense economic adjustment and conversion assistance programs.

(c) SENSE OF CONGRESS REGARDING EVALUATION AND FUNDING OF THE OFFICE OF ECONOMIC CONVERSION INFORMATION.—It is further the sense of Congress that—

(1) after the Office of Economic Conversion Information has been in operation for three years, the Secretary of Commerce and the Secretary of Defense should jointly conduct a comprehensive evaluation of the operations of such office and consider whether the purpose of the office should be modified or the office should be terminated; and

(2) the operating expenses for the Office of Economic Conversion Information should not exceed $5,000,000 for each of the first three full fiscal years in which the office is in operation.

SEC. 1069. TRANSFER OF OBSOLETE DESTROYER TENDER YOSEMITE.

(a) AUTHORITY.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy may transfer the obsolete destroyer tender Yosemite to the nonprofit organization Ships at Sea for education and drug rehabilitation purposes.

(b) LIMITATIONS.—The transfer authorized by section (a) may be made only if the Secretary determines that the vessel Yosemite is of no further use to the United States for national security purposes.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1070. TRANSPORTATION OF CARGOES BY WATER.

Chapter 157 of title 10, United States Code, is amended by inserting a new section 2631a, as follows:

"§ 2631a. Contingency planning

"(a) CONSIDERATION OF PRIVATE CAPABILITIES.—The Secretary of Defense shall ensure that all studies and reports of the Department of Defense, and all actions taken in the Department of Defense, concerning sealift and related intermodal transportation requirements take into consideration the full range of the transportation and distribution capabilities that are available from operators of privately owned United States flag merchant vessels.

"(b) PRIVATE CAPACITIES PRESENTATIONS.—The Secretary shall afford each operator of a vessel referred to in subsection (a), not less often than annually, an opportunity to present to the Department of Defense information on its port-to-port and intermodal transportation capacities.

"(c) CERTIFICATION REQUIREMENT.—The Secretary shall submit to the Secretary of Transportation, not less often than annually, a certification of compliance with the requirements of subsection (b).".

SEC. 1071. BURIAL OF REMAINS AT ARLINGTON NATIONAL CEMETERY.

(a) ELIGIBILITY.—Under regulations prescribed by the Secretary of the Army, former prisoners of war who, having served honorably in active military, naval, or air service (as determined in accordance with such regulations), die on or after the date of the enactment of this Act shall be eligible for burial in Arlington National Cemetery, Virginia.

(b) SAVINGS PROVISION.—This section may not be construed to make ineligible for burial in Arlington National Cemetery any former prisoner of war who was eligible before the date of the enactment of this Act to be buried in such cemetery.

(c) DEFINITION.—In this section, the term "former prisoner of war" has the meaning given such term in section 101(32) of title 38, United States Code.

SEC. 1072. SENSE OF THE CONGRESS REGARDING THE JUSTIFICATION FOR CONTINUING THE EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM.

(a) FINDINGS.—(1) There is a need to reevaluate all defense spending in light of the post-Cold War era and budget and fiscal constraints;

(2) The Extremely Low Frequency Communications System (ELF System) was originally designed to play a role in the strategic deterrence mission against the former Soviet Union;

(3) The threat of nuclear war has greatly diminished since the collapse of the Soviet Union;

(4) The ELF System is increasingly in use for communications with our SSN attack submarines in addition to our strategic missile submarines;

(5) Military base closing, downsizing of military facilities and activities, and termination of selected projects are appropriate in light of the end of the Cold War and the approximately $4,000,000,000,000 national debt;

(6) It is appropriate to establish funding priorities within the military defense budget; and

(7) Ongoing studies of the effects of ELF operations on human health and the environment are due to be concluded next year.

(b) SENSE OF CONGRESS.—Now, therefore, it is the sense of Congress that—

(1) the Secretary of Defense should conduct an evaluation of the benefits and costs of continued operation of the Extremely Low Frequency Communications System and alternatives thereto, if any;

(2) the results of such an evaluation should be submitted to the Congressional Defense Committees prior to consideration of the fiscal year 1995 Defense budget request; and

(3) the Extremely Low Frequency Communication System should again be considered in the next round of military base closures.

SEC. 1073. BASING FOR C-130 AIRCRAFT.

The Secretary of the Air Force shall determine the unit assignment and basing location for any C-130 aircraft procured for the Air Force Reserve from funds appropriated for National Guard and Reserve Equipment procurement for fiscal year 1992 or 1993 in such manner as the Secretary determines to be in the best interest of the Air Force.

SEC. 1074. IMPORTANCE OF NAVAL OCEANOGRAPHY SURVEY AND RESEARCH IN THE POST-COLD WAR PERIOD.

(a) The Senate finds that—

(1) the Oceanographer of the Navy is responsible for the all Navy oceanographic research and survey efforts;

(2) oceanographic research and surveys are critical investments in the Navy's ability to operate in littoral waters of the world with an increased confidence of operational success;

(3) oceanographic surveys enable the Navy to conduct naval operations in greater safety, particularly in littoral waters;

(4) the survey of littoral waters is most safely conducted during periods of peace when conflict is not imminent and the risk to lives and ships are diminished;

(5) the Navy has reduced their oceanographic research and survey effort by almost 50 percent over the last five years;

(6) this reduction in effort is the result of undistributed budget reductions required by the Comptroller of the Navy to meet overall Navy budget targets;

(7) the number of naval ships dedicated to oceanographic survey and research have been reduced from 12 to 7 over the last five years, significantly reducing the Navy's oceanographic survey capability;

(b) Therefore, it is the sense of the Congress that—

(1) additional reductions to the Office of the Oceanographer of the Navy which will further reduce the level of oceanographic survey and research efforts of the Navy should be avoided;

(2) a window of opportunity exists which allows near unencumbered access to littoral waters which are now available for surveying and research;

(3) committing limited resources to the Navy's oceanographic research and survey effort should be considered a force multiplier to United States combat forces in future conflicts, particularly in littoral waters;

(4) the Navy should exploit this opportunity to survey and research these critical littoral waters and maintain funding levels for oceanographic surveying and research.

SEC. 1075. DIGITAL ELECTRONIC DEVICES.

Of the funds authorized to be appropriated pursuant to section 201(1), $24,000,000 may be obligated and expended for the purposes of demonstrating in field maneuvers the integration of digital electronic devices for purposes of command, control, battle management and combat identification for all major weapon systems contained in a combined arms brigade.

SEC. 1076. RESEARCH ON EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS OF ARMED SERVICES PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) A number of veterans of the Persian Gulf War have reported unexplained illnesses and claim that such illnesses are a consequence of exposure to chemical, biological, radiological, or other hazardous agents or materials as a result of service in Southwest Asia during the Persian Gulf War.

(2) Members of the Armed Forces of the former Czechoslovakian Federative Republic who served on a chemical decontamination team in Southwest Asia during the period of the Persian Gulf War have claimed exposure to chemical agents during such service, and the Czech Minister of Defense has confirmed that members of that chemical decontamination team detected low levels of nerve gas in that region during that period.

(3) Reports indicate that members of the United States Armed Forces who served in Southwest Asia during the Persian Gulf War may have been exposed to combined chemical warfare agents and other hazardous agents and substances during such service.

(4) Such exposure may have occurred directly as a result of attack on such members by Iraqi forces or indirectly as a result of prolonged "downwind" exposure to airborne chemical warfare agents or other hazardous substances that were dispersed as a consequence of the bombing of Iraqi chemical weapons facilities, nuclear facilities, and other facilities containing hazardous substances.

(5) It is in the interest of the United States that medical professionals providing care to members of the Armed Forces and to veterans understand the nature of the illnesses that such members and veterans may contract in order to ensure that such professionals have sufficient information to provide proper care to such members and veterans.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) one of the threats to international peace and to the interests of the United States in the post-Cold War era is the proliferation of weapons utilizing chemical, biological, radiological, or other hazardous agents or materials;

(2) the readiness of the United States to engage in future military conflicts will be directly related to the capability of the United States—

(A) to identify the threat to members of the Armed Forces posed by the utilization of such weapons and the agents and materials utilized in such weapons;

(B) to protect such members from the adverse effects of exposure to such agents and materials; and

(C) to treat the casualties that result from the utilization of such weapons and from exposure to such agents and materials; and

(3) the Department of Defense is uniquely capable of conducting research into the sources and effects of exposure of members of the Armed Forces during military conflicts to chemical, biological, radiological, and other hazardous agents and materials.

(c) CONTRACT FOR RESEARCH FACILITY AND ACTIVITIES.—(1) Subject to paragraph (2), the Secretary of the Army shall enter into a contract with a hospital or other existing health care or health care research facility in order to ensure that the research referred to in paragraph (3) is carried out.

(2)(A) The Secretary shall enter into the contract under paragraph (1) using full and open competition.

(B) The facility referred to in such paragraph shall be affiliated with a medical facility of the Department of Veterans Affairs.

(3) The research referred to in paragraph (1) is research into the effects upon humans of exposure to hazardous agents and materials, including chemical and biological warfare agents, toxins, and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War.

(4) Humans may not be exposed to hazardous agents or materials as a result of the carrying out of research under this subsection.

(d) STUDY ON REPORTS OF EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS.—(1) Subject to paragraph (2), the Secretary of Defense shall carry out a study in order to determine the validity and accuracy of claims that members of the Armed Forces who served in Southwest Asia during the Persian Gulf War were exposed to combined chemical warfare agents, biological warfare agents, biological toxins, and other unconventional warfare agents or other environmental conditions hazardous to the health of such members as a result of such service. The study shall identify the locations at which such exposure, if any, occurred and the extent, if any, of such exposure.

(2) The study under paragraph (1) shall include an investigation of such exposure directly as a result of attack on such members by Iraqi forces and indirectly as a result of prolonged downwind exposure to such agents and toxins dispersed in consequence of the bombing of Iraqi chemical weapons facilities, nuclear facilities, and other facilities containing hazardous substances.

(e) STUDY ON EXPOSURE TO DEPLETED URANIUM.—The Secretary of the Army shall carry out a study of the effects upon humans of exposure to fragments of depleted uranium from weapons rounds that have been fired.

(f) PARTICIPATION BY THE DEPARTMENT OF DEFENSE.—(1) The Secretary of Defense shall ensure that all elements of the Departments of the Defense, including all chemical and biological warfare defense programs, provide to the facility with which the Secretary of the Army contracts under subsection (c) any information possessed by such elements on the identity and quantity of the chemical, biological, radiological, and other hazardous agents and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War and on the effects upon humans of such exposure.

(2) The Secretary of Defense shall ensure that the elements of the Department of Defense referred to in paragraph (1) provide to the persons or entities carrying out the study referred to in subsection (e) information possessed by such elements on the sources and effects of exposure to depleted uranium on the members referred to in paragraph (1).

(g) REPORTS TO CONGRESS.—(1) Not later than each of March 1, 1994, and October 1, 1994, the Secretary shall submit to the congressional defense committees an interim report on the results during the year preceding the report of the research and studies, as the case may be, carried out under subsections (c), (d), and (e).

(2) The reports submitted under this subsection shall be submitted in an unclassified form but may have a classified annex.

(h) BUDGET INFORMATION.—The Secretary of Defense shall ensure that each budget submitted to the Congress under section 1105 of title 31, United States Code, for a fiscal year in which the contract referred to in subsection (c) is in force, the Secretary carries out the study referred to in subsection (d), or the Secretary carries out the study referred to in subsection (e), as the case may be, contains a request for such funds as the Secretary determines necessary in order to carry out the contract or such studies, as the case may be, during that fiscal year.

(i) FUNDING.—Funds for programs authorized in this section shall be derived from amounts to be appropriated for the Department of Defense.

(j) LIMITATION ON EXPENDITURES.—The total amount that may be expended in fiscal year 1994 with respect to activities under this section is as follows:

(1) For research activities carried out under subsection (c), $2,000,000.

(2) For the study carried out under subsection (d), $2,000,000.

(3) For the study carried out under subsection (e), $1,700,000.

(k) DEFINITION.—In this section, the term "Persian Gulf War" has the meaning given such term in section 101(33) of title 38, United States Code.

SEC. 1077. SENSE OF CONGRESS RELATING TO THE PROLIFERATION OF SPACE LAUNCH VEHICLE TECHNOLOGIES.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has joined with other nations in the Missile Technology Control Regime (MTCR) which restricts the transfer of missiles or equipment or technology that could contribute to the design, development or production of missiles capable of delivering weapons of mass destruction.

(2) Missile technology is indistinguishable from and interchangeable with space launch vehicle technology.

(3) Transfers of missile technology or space launch vehicle technology cannot be safeguarded in a manner that would provide timely warning of diversion for military purposes.

(4) It has been United States policy since agreeing to the guidelines of the Missile Technology Control Regime to treat the sale or transfer of space launch vehicle technology as restrictively as the sale or transfer of missile technology.

(5) Previous congressional action on missile proliferation, notably title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1738), has explicitly supported this policy through such actions as the statutory definition of the term "missile" to mean "a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems".

(6) There is strong evidence that emerging national space launch programs in the Third World are not economically viable.

(7) The United States has successfully dissuaded countries from pursuing space launch vehicle programs in part by offering to cooperate with them in other areas of space science and technology.

(8) The United States has successfully dissuaded other MTCR adherents, and countries who have agreed to abide by MTCR guidelines, from providing assistance to emerging national space launch programs in the Third World.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Congress supports the strict interpretation by the United States of the Missile Technology Control Regime concerning—

(A) the inability to distinguish space launch vehicle technology from missile technology under the regime; and

(B) the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of its diversion to military purposes; and

(2) the United States and the governments of other nations adhering to the Missile Technology Control Regime should be recognized for—

(A) the success of such governments in restricting the export of space launch vehicle technology and of missile technology; and

(B) the significant contribution made by the imposition of such restrictions to reducing the proliferation of missile technology capable of being used to deliver weapons of mass destruction.

(c) DEFINITIONS.—In this section:

(1) The term "Missile Technology Control Regime" or "MTCR" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

SEC. 1078. AMERICAN DIPLOMATIC FACILITIES IN GERMANY.

(a) No embassy, chancery, or consular facilities in Germany other than the facilities already occupied as of January 1, 1993 by United States diplomatic personnel may be purchased, constructed, leased or otherwise occupied unless such facilities are purchased, constructed, modified or leased with funds provided by the German government as an offset for the value of facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Government of Germany.

(b) The Secretary of State or his representative may not enter into any legal instrument to purchase, construct, modify or lease any facility in Germany acquired pursuant to subsection (a) of this section until the Secretary of Defense certifies that the United States Government has received or is scheduled to receive cash payments or offsets-in-kind of a value not less than 50 percent of the value of the facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Government of Germany.

SEC. 1079. EFFECTIVE DATE FOR CHANGES IN SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) USE OF INTERNATIONAL DATE LINE.—Section 1967 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f) The effective date and time for any change in benefits under the Servicemen's Group Life Insurance Program shall be based on the date and time according to the time zone immediately west of the International Date Line.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to amendments to chapter 19 of title 38, United States Code, that take effect after November 29, 1992.

SEC. 1080. AWARD OF THE NAVY EXPEDITIONARY MEDAL.

It is the sense of the Senate that the Secretary of the Navy should direct that members who served in Task Force 16, culminating in the air-raid commonly known as the "Doolittle raid on Tokyo", during April 1942, be awarded the Navy Expeditionary Medal for such service.

SEC. 1081. REPORT ON MILITARY FOOD DISTRIBUTION PRACTICES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Defense Personnel Support Center, a component of the Defense Logistics Agency (DLA), purchases more than 90 percent of the food supplied to military "end-users" such as dining halls, hospitals and other facilities that feed troops.

(2) Semiperishable items, such as canned goods, are stored in four DLA depots. Perishable items, including fresh and frozen vegetables, fruits, and meats, are stored in 21 contractor-operated Defense Subsistence Offices.

(3) Private sector end-users, including independent restaurants, hospitals, and hotels, obtain their food through direct delivery from distributors.

(4) A Department of Defense comprehensive inventory reduction plan, issued in May 1990, stated that "where DoD requirements can be met through commercial distribution systems in a timely and cost-effective fashion, no value is added by pushing items through the DoD warehousing systems.".

(5) A June 1993 GAO report determined that the Department of Defense could achieve substantial cost savings by expanding the use of private sector food distributors and practices in the military food supply system.

(b) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review which evaluates the feasibility and economic benefits resulting from the expanded use of full-line distributors to deliver food directly to military end-users. The review should address whether the expanded use of distributors could reduce depot storage of food (except for war reserve stocks and items bound for overseas), and eliminates the requirement for Defense Subsistence Offices and certain base warehouse activities. The review should include a cost comparison of the Department of Defense supply system with the costs of commercial distributors. The review should also consider what obstacles may exist that would hinder the Department of Defense's ability to procure commercial items and institute commercial logistics practices.

(c) REPORT.—Not later than March 1, 1994, the Secretary shall submit to the congressional defense committees a report on his findings from the review together with any recommendations.

SEC. 1082. PREVENTION OF ENTRY INTO THE UNITED STATES OF CERTAIN FORMER MEMBERS OF THE IRAQI ARMED FORCES.

It is the sense of the Senate that no person who was a member of the armed forces of Iraq during the period from August 2, 1990 through February 28, 1991 and who is in a refugee camp in Saudi Arabia as of the date of enactment of this Act shall be granted entry into the United States under the Immigration and Nationality Act, as amended, unless the President certifies to Congress prior to such entry that such person—

(1) assisted the United States or coalition armed forces after defection from the armed forces of Iraq or after capture by the United States or coalition armed forces; and

(2) did not commit or assist in the commission of war crimes.

SEC. 1083. SHORT TITLE.

Sections 1083, 1084, and 1085 may be cited as "NATO Review Requirements".

SEC. 1084. FINDINGS; POLICY.

(a) FINDINGS.—The Congress finds that—

(1) the North Atlantic Treaty Organization (NATO) has successfully met the challenge of helping to maintain the peace, security and freedom of the United States and its NATO allies for more than forty years;

(2) the national security interests of the United States have been well served by the process of consultation, coordination, and military cooperation in the NATO framework;

(3) recent history has witnessed radical changes in the international security environment, including the fall of the Berlin Wall, the unification of Germany, the disbanding of the Warsaw Pact and the disintegration of the Soviet Union;

(4) the military threats which NATO was established to deter have receded with the end of the Cold War, calling into question both the future value of the alliance and the rationale for United States military deployments in Europe;

(5) the post-Cold War security situation continues to present a wide array of challenges to United States national interests, many of which interests the United States shares with its allies in Europe and Canada;

(6) the international community may prove capable of deterring many threats to the common peace if it can respond decisively to aggression;

(7) the United States must share the burden of its international security commitments with other nations if it is to tend to the needs of its own citizens in a responsible fashion;

(8) several of the newly democratic nations of Central and Eastern Europe have expressed interest in seeking membership in NATO;

(9) many of the security challenges facing the post-Cold War world would be best handled through coherent multilateral responses;

(10) the United States should never send its military forces into combat unless they are provided with the best opportunity to accomplish their objectives with as little risk as possible;

(11) military interventions against antagonistic armed forces cannot be conducted safely or effectively on a multilateral basis unless such operations are jointly planned in advance and are executed by units which have trained together and are familiar with each others operational procedures;

(12) NATO is currently the only organization with the experience, trained staff and infrastructure necessary to support military cooperation with the major military allies of the United States;

(13) the NATO allies already have volunteered to consider requests from the United Nations and the Conference on Security and Cooperation in Europe for assistance in maintaining the peace;

(14) justification of the relevance of NATO in the post-Cold War world will depend largely upon the alliance's ability to adapt its mission and procedures to the new security environment;

(15) justification of future United States support for the alliance and for a United States military presence in Europe will depend upon NATO's ability to address those security interests which the United States shares with its allies in Europe and Canada;

(16) a summit meeting of the NATO heads of state, which has been scheduled for January 1994, would present an excellent opportunity for the President of the United States to articulate a new, broader security mission for the alliance in the post-Cold War world, one which will enable it to address a wider array of threats to its members' interests and which will help to share more effectively the burden of international security requirements.

(b) POLICY.—It is the sense of the Congress that—

(1) old threats to the security of the United States and its allies in the North Atlantic Treaty Organization have retreated radically but new, more diverse challenges have arisen in the form of ethno-religious conflict in Central and Eastern Europe and the proliferation of weapons of mass destruction in regions proximate to alliance territory and NATO's mission must be redefined so that it may respond to such challenges to its members' security even when those challenges emanate from beyond the geographic boundaries of its members' territories;

(2) future United States military involvement in, and contributions to, NATO should be determined in relation to the alliance's success or failure in adapting itself to confronting the challenges of the post-Cold War world.

SEC. 1085. REPORT.

Within 30 calendar days of the enactment of this legislation, the President, in consultation with the Secretary of State and the Secretary of Defense, shall send a report to the Armed Services Committees of the United States Senate and House of Representatives and to the Foreign Relations Committee of the United States Senate and the Foreign Affairs Committee of the House of Representatives. This report should contain recommendations on—

(1) the manner in which NATO can formulate and implement a strategy to address the new, more disparate threats to the security of its members;

(2) the feasibility of having NATO conduct security operations beyond the geographic boundaries of the alliance;

(3) the manner in which NATO should restructure its forces, training and equipment for the new security environment;

(4) the desirability of expanding the alliance to include either traditionally neutral nations or the new democratic nations of Eastern or Central Europe who wish to join NATO;

(5) the proper size and composition of United States forces to be deployed in Europe to assist in the implementation of NATO's new mandate and possible reduction in United States military deployments in Europe in the event of the alliance's failure to adopt a new mandate;

(6) the structure and organization of NATO headquarters, with particular attention to the need to reinvigorate the NATO Military Committee;

(7) the desirability of having additional NATO forces train in North America in a manner supportive of NATO's proposed new strategy;

(8) the structure of NATO's military command, with particular attention to the need to make NATO's Rapid Reaction Force a credible deterrent to regional aggression;

(9) the levels of United States, European and Canadian defense budgets and their ability to finance forces consistent with the implementation of NATO's new mandate.

SEC. 1086. LOCATION OF JOINT WARFIGHTING SIMULATION CENTER.

The Secretary of Defense shall provide that the Joint Warfighting Simulation Center, established by the Secretary on July 1, 1993, be located with the Army Training and Doctrine Command at Fort Monroe, Virginia.

SEC. 1087. SANCTIONS AGAINST SERBIA AND MONTENEGRO.

(a) CODIFICATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions against Serbia and Montenegro described in the following directives of the executive branch of Government are hereby enacted into law:

(1) Executive Order 12808 of May 30, 1992, as continued in effect on May 25, 1993.

(2) Executive Order 12810 of June 5, 1992.

(3) Executive Order 12831 of January 15, 1993.

(4) Executive Order 12846 of April 25, 1993.

(5) Department of State Public Notice 1427, effective July 11, 1991.

(6) Proclamation 6389 of December 5, 1991 (56 Fed. Register 64467).

(7) Department of Transportation Order 92-5-38 of May 20, 1992.

(8) Federal Aviation Administration action of June 19, 1992 (14 C.F.R. Part 91).

(b) PROHIBITION ON ASSISTANCE.—(1) No funds appropriated or otherwise made available by law may be obligated or expended for Serbia or Montenegro.

(2) The prohibition of paragraph (1) includes funds which were obligated but not expended under any law enacted before the date of enactment of this Act.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance of the respective institutions to Serbia or Montenegro.

(d) EXCEPTION.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against the Republic of Serbia and the Republic of Montenegro those United States-supported programs, projects, or activities involving reform of the electoral process, or the development of democratic institutions or democratic political parties, in these two countries.

(e) WAIVER.—(1) Notwithstanding any other provision of this section (other than paragraph (2)), the President may waive the application, in whole or in part, of any sanction or prohibition contained in this section if the President determines, and so certifies to Congress, that it would be in the national interest of the United States to do so.

(2) The waiver authority of paragraph (1) may not be used to waive any sanction or prohibition in subsections (a), (b), and (c) unless the territory of Bosnia-Hercegovina, as recognized by the United States on April 2, 1992, is controlled by a government of Bosnia-Hercegovina recognized by the United States, and that government or its people, are not subject to military action in or against it by Serbia and Montenegro or Bosnian Serbian forces.

SEC. 1088. ENVIRONMENTAL EDUCATION OPPORTUNITIES PROGRAM.

(a) PROGRAM REQUIRED.—(1)(A) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall establish a scholarship program for education and training for qualified individuals in order to enable such individuals to acquire career training in environmental engineering, environmental sciences, or environmental project management in fields related to hazardous waste management and cleanup.

(B) The program established pursuant to subparagraph (A) may include educational activities and training related to—

(i) site remediation;

(ii) site characterization;

(iii) hazardous waste management;

(iv) hazardous waste reduction;

(v) recycling;

(vi) process and materials engineering;

(vii) training for positions related to environmental engineering, environmental sciences, or environmental project management (including training for management positions); and

(viii) environmental engineering with respect to the construction of facilities to address the items described in clauses (i) through (vii).

(C) The program established pursuant to subparagraph (A) shall include educational activities designed for personnel participating in a program to achieve specialization in the following fields:

(i) Earth sciences.

(ii) Chemistry.

(iii) Chemical Engineering.

(iv) Environmental engineering.

(v) Statistics.

(vi) Toxicology.

(vii) Industrial hygiene.

(viii) Health physics.

(ix) Environmental project management.

(b) Funding.—(1) From amounts appropriated pursuant to this authorization, the Secretary of Defense shall award scholarships to individuals described in paragraph (g)(5) to attend programs at the hazardous substance research centers institutions of higher education at both undergraduate and graduate levels which lead to the awarding of an academic degree or a certification that is supplemental to an academic degree.

(c) Repayment.—(1) Any individual receiving educational assistance from the United States under the program carried out under this section shall agree to pay to the United States the total amount of the educational assistance provided to the individual by the United States under the program, plus interest at the rate prescribed in paragraph (4), if the individual does not complete the educational program for which the assistance is provided.

(2) If an individual fails to pay to the United States the total amount required pursuant to paragraph (1), including the interest, at the rate prescribed in paragraph (4), the unpaid amount shall be recoverable by the United States from the individual or his estate by—

(A) in the case of an individual who is an employee of the United States, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method as is provided by law for the recovery of amounts owing to the United States.

(3) The Secretary of Defense may waive in whole or in part a required repayment under this subsection if the Secretary of Defense determines that the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) The total amount of educational assistance provided to an individual under a program carried out under subsection (a) shall, for purposes of repayment under this section, bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(d) Coordination of Benefits.—Any educational assistance provided to an individual under the program carried out under subsection (a) shall be taken into account in determining the eligibility of that individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(e) Cost and Funding.—The cost of carrying out the program required by this section may not exceed $8,000,000 in any fiscal year.

(f) Report to Congress.—Not later than January 1, 1995, the Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall submit to the Congress a report on activities undertaken under the program established under this section and recommendations for future activities under the program.

(g) Definitions.—In this section:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "hazardous substance research centers" means the hazardous substance research centers described in section 311(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(d)). Such term includes the Great Plains and Rocky Mountain Hazardous Substance Research Center, the Northeast Hazardous Substance Research Center, the Great Lakes and Mid-Atlantic Hazardous Substance Research Center, the South and Southwest Hazardous Substance Research Center, and the Western Region Hazardous Substance Research Center.

(3) The term "hazardous waste" means—

(A) waste listed as hazardous waste pursuant to subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.);

(B) radioactive waste; and

(C) mixed waste.

(4) The term "mixed waste" means waste that contains a mixture of waste described in subparagraphs (A) and (B) of paragraph (3).

(5) Individuals Eligible for Training, Assistance, and Services.—

(1) Certain members of the armed forces.—A member of the Armed Forces shall be eligible for training, adjustment assistance, and employment services under this section if the member—

(A) was on active duty or full-time National Guard duty on September 30, 1990;

(B) during the 5-year period beginning on that date—

(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

(C) is not entitled to retired or retainer pay incident to that separation; and

(D) applies for such training, adjustment assistance, or employment services before the end of the 180-day period beginning on the date of that separation.

(2) Certain defense employees.—

(A) In general.—Except as provided in subparagraph (B), a civilian employee of the Department of Defense or the Department of Energy shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

(i) during the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending, as determined by the Secretary of Defense or the Secretary of Energy, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

(ii) is not entitled to retired or retainer pay incident to that termination or lay off.

(B) Special rule for civilian employees of the department of defense employed at certain military installations.—

(i) In general.—A civilian employee of the Department of Defense employed at a military installation being closed or realigned under the laws referred to in clause (ii) shall be eligible for training, adjustment assistance, and employment services under this section beginning on the date on which such employee receives actual notice of termination, or the date determined by the Secretary of Defense under clause (iii), whichever occurs earlier.

(ii) Certain defense laws.—The laws referred to in this clause are—

(I) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

(II) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(iii) Date.—The date determined under this clause is the date that is 24 months before the date on which the military installation is to be closed or the realignment of the installation is to be completed, as the case may be.

(6) The term "radioactive waste" means solid, liquid, or gaseous material that contains radionuclides regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) of negligible economic value (considering the cost of recovery).

SEC. 1089. MEDICAL LASER BURN TREATMENT.

Of the funds authorized to be appropriated in section 201(1), $2,000,000 shall be available to continue the support of advanced laser burn treatment diagnostics and therapeutic research under the Army's medical research program.

SEC. 1090. TECHNICAL AND CLERICAL AMENDMENTS.

(a) Miscellaneous Amendments To Title 10, United States Code.—Title 10, United States Code, is amended as follows:

(1) Section 401 is amended by striking out subsection (f).

(2) Section 1408 is amended—

(A) in subsections (b)(1)(A), (f)(1), and (f)(2), by striking out "subsection (h)" and inserting in lieu thereof "subsection (i)"; and

(B) in subsection (h)(4)(B), by inserting "of" after "of that termination".

(3) Section 1605(a) is amended by striking out "(50 U.S.C. 403 note)" and inserting in lieu thereof "(50 U.S.C. 2153)".

(4) Section 1804(b)(1) is amended by striking out "his or her" and inserting in lieu thereof "the volunteer's".

(5) Section 2031(a)(1) is amended in the second sentence by striking out "Not more than 200 units may be established by all of the military departments each year, and the" and by inserting in lieu thereof "The".

(6) Section 2305(b)(4)(A) is amended by realigning clauses (i) and (ii) so that they are indented two ems from the left margin.

(7) Subsections (a), (e), and (g) of section 2371 are amended by striking out "Defense

Advanced Research Projects Agency" and inserting in lieu thereof "Advanced Research Projects Agency".

(8) Section 2469 is amended by striking out ", prior to any such change,".

(9)(A) Section 2490a is transferred to the end of chapter 165, redesignated as section 2783, and amended—

(i) in subsection (b)(2)—

(I) by striking out "title 10, United States Code" and inserting in lieu thereof "this title";

(II) by striking out the comma after "Justice)"; and

(III) by striking out "of such title" and inserting in lieu thereof "of this title"; and

(ii) in subsection (c)(1), by striking out "Armed Forces" and inserting in lieu thereof "armed forces".

(B) The table of sections at the beginning of chapter 147 is amended by striking out the item relating to section 2490a.

(C) The table of sections at the beginning of chapter 165 is amended by adding at the end the following new item:

"2783. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds.".

(10) Section 2491 is amended—

(A) in paragraph (2), by striking out "nonmilitary application" and inserting in lieu thereof "nonmilitary applications"; and

(B) in paragraph (8), by striking out "subsection (f)" and inserting in lieu thereof "subsection (b)(4)".

(11) Section 2501(b)(2) is amended by striking out "and thereby free up capital" and inserting in lieu thereof "that, by reducing the public sector demand for capital, increases the amount of capital available".

(12) Section 2513 is amended—

(A) in subsection (b), by striking out "Eligible Centers.—" and inserting in lieu thereof "Eligible Alliances.—"; and

(B) in subsection (c)(2)(B)—

(i) by striking out "two" in clause (ii) and inserting in lieu thereof "one"; and

(ii) by redesignating the clause (iii) added by section 4223(d) of Public Law 102–484 (106 Stat. 2681) as clause (iv); and

(iii) by striking out "an" in clause (iv), as so redesignated, and inserting in lieu thereof "An".

(13) Section 2771 is amended—

(A) in subsection (a), by striking out "who dies after December 31, 1955"; and

(B) in subsection (b), by striking out "for the" and all that follows and inserting in lieu thereof "for the uniformed services.".

(14) Section 9315 is amended—

(A) in subsection (b), by striking out "Air Training Command" and inserting in lieu thereof "Air Education and Training Command"; and

(B) in subsection (c), by striking out "Air Force Training Command" and inserting in lieu thereof "Air Education and Training Command of the Air Force".

(b) Subsection Headings.—

(1) Section 2507 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "Authority.—" after "(a)";

(B) in subsection (b), by inserting "Condition for Use of Authority.—" after "(b)";

(C) in subsection (c), by inserting "Penalty for Noncompliance.—" after "(c)";

(D) in subsection (d), by inserting "Limitations on Disclosure of Information.—" after "(d)";

(E) in subsection (e), by inserting "Regulations.—" after "(e)"; and

(F) in subsection (f), by inserting "Definitions.—" after "(f)".

(2) Section 2523 of such title is amended—

(A) in subsection (a), by inserting "In General.—" after "(a)"; and

(B) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) Program Requirements.—(1)".

(c) Amendments to Public Law 102–484.—Public Law 102–484 is amended as follows:

(1) Section 1051(b)(2) (106 Stat. 2498) is amended—

(A) by striking out "'section 101(47) of title 10,'" and inserting in lieu thereof "'section 101(47) of title 10'"; and

(B) by striking out "'section 101 of title 10,'" and inserting in lieu thereof "'section 101 of title 10'".

(2) Section 1313(2) (106 Stat. 2548) is amended, effective as of October 23, 1992, by striking out "'structure and'" and inserting in lieu thereof "'structure, and'".

(3) Section 1365 (106 Stat. 2561) is amended by striking out "(e) Definition.—" and inserting in lieu thereof "(d) Definition.—".

(4) Section 1441 (106 Stat. 2566) is amended in the matter preceding paragraph (1) by striking out "the FREEDOM Support Act of 1992" and inserting in lieu thereof "the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3345; 22 U.S.C. 5861)".

(5) Section 1505(e)(2) (106 Stat. 2571) is amended by striking out "(d)(2)" in the matter preceding subparagraph (A) and inserting in lieu thereof "(d)(4)".

(6) Section 1828 (106 Stat. 2585; 36 U.S.C. 5108) is amended by striking out "board of the directors" and inserting in lieu thereof "board of directors".

(d) Cross Reference Amendments in Other Laws.—

(1) Effective as of December 19, 1991, section 12 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2213) is amended by striking out "Section 406(b)(2)(E) of title 37," and inserting in lieu thereof "Section 406(b)(1)(E) of title 37,".

(2) Section 3(c)(2) of Public Law 101–533 (22 U.S.C. 3142) is amended by striking out "section 2522 of title 10" and inserting in lieu thereof "section 2506 of title 10".

(3) Section 109(17) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking out "section 101(8) of title 10" and inserting in lieu thereof "section 101(a)(9) of title 10".

(4) Section 179(a)(2)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12639(a)(4)) is amended by striking out "section 101(4) of title 10," and inserting in lieu thereof "section 101(a)(4) of title 10,".

SEC. 1091. TERMINATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

Not later than April 30, 1994, the Secretary of Defense shall submit to the Armed Services Committees of the Senate and House of Representatives a list of the reports required of the Department of Defense by law on that date that the Secretary determines are unnecessary or incompatible with the efficient management of the Department of Defense. Unless otherwise provided by a law enacted after the date of the enactment of this Act, the requirement for the submittal to Congress of any report included in the list submitted under this section shall expire on October 30, 1995.

SEC. 1092. REPORTS RELATING TO CERTAIN SPECIAL ACCESS PROGRAMS AND SIMILAR PROGRAMS.

(a) In General.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report on each special access program carried out in the department or agency.

(2) Each such report shall set forth—

(A) the total amount requested by the department or agency for special access programs within the budget submitted under section 1105 of title 31, United States Code, for the fiscal year following the fiscal year in which the report is submitted; and

(B) for each program in such budget that is a special access program—

(i) a brief description of the program;

(ii) in the case of a procurement program, a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(b) Newly Designated Programs.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report that, with respect to each new special access program, provides—

(A) notice of the designation of the program as a special access program;

(B) justification for such designation; and

(C) the current estimate of the total program cost for the program.

(2) In this subsection, the term "new special access program" means a special access program that has not previously been covered in a notice and justification under this subsection.

(c) Revision in Classification of Programs.—(1) Whenever a change in the classification of a special access program of a covered department or agency is planned to be made or whenever classified information concerning a special access program of a covered department or agency is to be declassified and made public, the head of the department or agency shall submit to the appropriate oversight committees a report containing a description of the proposed change or the information to be declassified, the reasons for the proposed change or declassification, and notice of any public announcement planned to be made with respect to the proposed change or declassification.

(2) Except as provided in paragraph (3), a report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change, declassification, or public announcement is to occur.

(3) If the head of the department or agency determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change, declassification, or public announcement concerning a special access program of the department or agency, the head of the department or agency may submit the report required by paragraph (1) regarding the proposed change, declassification, or public announcement at any time before the proposed change, declassification, or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) Revision of Criteria for Designating Programs.—Whenever there is a modification or termination of the policy and criteria used for designating a program of a covered department or agency as a special access program, the head of the department or agency shall promptly notify the appropriate oversight committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) WAIVER OF REPORTING REQUIREMENT.—(1) The head of a covered department or agency may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the head of the department or agency determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the head of a department or agency exercises the authority provided under paragraph (1), the head of the department or agency shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the appropriate oversight committees.

(f) INITIATION OF PROGRAMS.—A special access program may not be initiated until—

(1) the appropriate oversight committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

(g) DEFINITIONS.—In this Act:

(1) The term "appropriate oversight committees", in the case of a special access program carried out in a covered department or agency, means—

(A) each committee of the Senate and the committee of the House of Representatives having jurisdiction over legislation that authorizes the program, as determined under the Standing Rules of the Senate and the Rules of the House of Representatives, respectively; and

(B) the Committees on Appropriations of the Senate and House of Representatives.

(2) The term "covered department or agency" means any department or agency of the Federal Government that carries out a special access program (other than the Department of Defense or an agency in the Intelligence Community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a))).

(3) The term "special access program" means any program that, under the authority of Executive Order 12356 (or any successor Executive order), is established by the head of a department or agency whom the President has designated in the Federal Register as an original "top secret" classification authority that imposes "need-to-know" controls or access controls beyond those controls normally required (by regulations applicable to such department or agency) for access to information classified as "confidential", "secret", or "top secret".

SEC. 1093. DEPARTMENT OF DEFENSE FOOD STOCKS FOR ASSISTANCE IN BOSNIA-HERCEGOVINA AND ARMENIA.

Beginning not later than 10 days after the date of the enactment of this Act, the Secretary of Defense should make available to the Office of Foreign Disaster Assistance of the Agency for International Development, out of stocks for which there exists appropriations, of the Department of Defense, 500,000 cases of meals ready to eat for distribution over next four months, as humanitarian relief, in Bosnia-Hercegovina and Armenia. To the extent possible, these supplies should come from surplus stocks.

SEC. 1094. LANDMINE MORATORIUM EXTENSION ACT.

(a) SHORT TITLE.—This section shall be titled the "Landmine Moratorium Extension Act of 1993".

(b) FINDINGS.—The Congress makes the following findings:

(1) Anti-personnel landmines, which are designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers around the world. Hundreds of thousands of noncombatant civilians, including children, have been the primary victims. Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing massive suffering to civilian populations.

(2) Tens of millions of landmines have been strewn in at least 62 countries, often making whole areas uninhabitable. The State Department estimates there are more than 10,000,000 landmines in Afghanistan, 9,000,000 in Angola, 4,000,000 in Cambodia, 3,000,000 in Iraqi Kurdistan, and 2,000,000 each in Somalia, Mozambique, and the former Yugoslavia. Hundreds of thousands of landmines were used in conflicts in Central America in the 1980s.

(3) Advanced technologies are being used to manufacture sophisticated mines which can be scattered remotely at a rate of 1,000 per hour. These mines, which are being produced by many industrialized countries, were found in Iraqi arsenals after the Persian Gulf War.

(4) At least 300 types of anti-personnel landmines have been manufactured by at least 44 countries, including the United States. However, the United States is not a major exporter of landmines. During the past ten years the Administration has approved ten licenses for the commercial export of anti-personnel landmines with a total value of $980,000, and the sale under the Foreign Military Sales program of 108,852 anti-personnel landmines.

(5) The United States signed, but has not ratified, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. Protocol II of the Convention, otherwise known as the Landmine Protocol, prohibits the indiscriminate use of landmines.

(6) When it signed the 1980 Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.".

(7) The United States also indicated that it had supported procedures to enforce compliance, which were omitted from the Convention's final draft. The United States stated: "The United States strongly supported proposals by other countries during the Conference to include special procedures for dealing with compliance matters, and reserves the right to propose at a later date additional procedures and remedies, should this prove necessary, to deal with such problems.".

(8) The lack of compliance procedures and other weaknesses have significantly undermined the effectiveness of the Landmine Protocol. Since it entered into force on December 2, 1983, the number of civilians maimed and killed by anti-personnel landmines has multiplied.

(9) Since the moratorium on United States sales, transfers and exports of anti-personnel landmines was signed into law on October 23, 1992, the European Parliament has issued a resolution calling for a five year moratorium on sales, transfers and exports of anti-personnel landmines, and the Government of France has announced that it has ceased all sales, transfers and exports of anti-personnel landmines.

(10) On December 2, 1993, ten years will have elapsed since the 1980 Convention entered into force, triggering the right of any party to request a United Nations conference to review the Convention. Amendments to the Landmine Protocol may be considered at that time. A formal request has been made to the United Nations Secretary General for a review conference. With necessary preparations and consultations among governments, a review conference is not expected to be convened before late 1994 or early 1995.

(11) The United States should continue to set an example for other countries in such negotiations by extending the moratorium on sales, transfers and exports of anti-personnel landmines for an additional three years. A moratorium of this duration would extend the current prohibition on the sale, transfer and export of anti-personnel landmines a sufficient time to take into account the results of a United Nations review conference.

(c) STATEMENT OF POLICY.—

(1) It shall be the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer or export, and further limiting the manufacture, possession and use of anti-personnel landmines.

(2) It is the sense of the Congress that the President should submit the 1980 Convention on Certain Conventional Weapons to the Senate for ratification. Furthermore, the Administration should participate in a United Nations conference to review the Landmine Protocol, and actively seek to negotiate under United Nations auspices a modification of the Landmine Protocol, or another international agreement, to prohibit the sale, transfer or export of anti-personnel landmines, and to further limit their manufacture, possession and use.

(d) MORATORIUM ON TRANSFERS OF ANTI-PERSONNEL LANDMINES ABROAD.—For a period of three years beginning on the date of enactment of this Act—

(1) no sale may be made or financed, no transfer may be made, and no license for export may be issued, under the Arms Export Control Act, with respect to any anti-personnel landmine; and

(2) no assistance may be provided under the Foreign Assistance Act of 1961, with respect to the provision of any anti-personnel landmine.

(e) DEFINITION.—For purposes of this section, the term "anti-personnel landmine" means—

(1) any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person;

(2) any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act;

(3) any manually-emplaced munition or device designed to kill, injure, or damage and

which is actuated by remote control or automatically after a lapse of time.

TITLE XI—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1101. SHORT TITLE.

This title may be cited as the "Cooperative Threat Reduction Act of 1993".

SEC. 1102. FINDINGS ON COOPERATIVE THREAT REDUCTION.

The Congress finds that it is in the national security interest of the United States for the United States to do the following:

(1) Facilitate, on a priority basis, the transportation, storage, safeguarding, and elimination of nuclear and other weapons of the independent states of the former Soviet Union, including—

(A) the safe and secure storage of fissile materials derived from the elimination of nuclear weapons;

(B) the dismantlement of—

(i) intercontinental ballistic missiles and launchers for such missiles;

(ii) submarine-launched ballistic missiles and launchers for such missiles; and

(iii) heavy bombers; and

(C) the elimination of chemical, biological and other weapons capabilities.

(2) Facilitate, on a priority basis, the prevention of proliferation of weapons (and components of weapons) of mass destruction and destabilizing conventional weapons of the independent states of the former Soviet Union, and the establishment of verifiable safeguards against the proliferation of such weapons and components.

(3) Facilitate, on a priority basis, the prevention of diversion of weapons-related scientific expertise of the independent states of the former Soviet Union to terrorist groups or third countries.

(4) Support—

(A) the demilitarization of the defense-related industry and equipment of the independent states of the former Soviet Union;

(B) the conversion of such industry and equipment to civilian purposes and uses; and

(C) the environmental restoration of former military sites and installations.

(5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.

SEC. 1103. AUTHORITY FOR PROGRAMS TO FACILITATE COOPERATIVE THREAT REDUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may conduct programs described in subsection (b) to assist the independent states of the former Soviet Union in the demilitarization of the former Soviet Union. Any such program may be carried out only to the extent that the President determines that the program will directly contribute to the national security interests of the United States.

(b) AUTHORIZED PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

(5) Programs to facilitate the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities and to assist in the environmental restoration of former military sites and installations.

(6) Programs to house and retrain military personnel of the former Soviet Union who have been released from military service, but only if such programs are carried out in conjunction with, and contribute significantly and directly to achieving the purposes of, one or more of the programs described in paragraphs (1) through (5) of this subsection.

(7) Other programs as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) and section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484; 22 U.S.C. 5901 et seq.).

(c) UNITED STATES PARTICIPATION.—The programs described in subsection (b) should, to the extent feasible, draw upon United States technology and expertise, especially from the private sector of the United States.

(d) RESTRICTIONS.—Assistance authorized by subsection (a) may not be provided to any independent state of the former Soviet Union for any year unless the President certifies to Congress for that year that the proposed recipient state is committed to each of the following:

(1) Making substantial investment of its resources for dismantling or destroying its weapons of mass destruction, if such state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons.

(2) Foregoing any military modernization program that exceeds legitimate defense requirements and foregoing the replacement of destroyed weapons of mass destruction.

(3) Foregoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons.

(4) Facilitating United States verification of any weapons destruction carried out under this title, section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484; 22 U.S.C. 590(b)), or section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note).

(5) Complying with all relevant arms control agreements.

(6) Observing internationally recognized human rights, including the protection of minorities.

SEC. 1104. FUNDING FOR FISCAL YEAR 1994.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds authorized to be appropriated under section 301(21) shall be available for cooperative threat reduction with states of the former Soviet Union under this title.

(b) AVAILABILITY OF FUNDS PREVIOUSLY AUTHORIZED TO BE TRANSFERRED.—(1) To the extent provided in appropriations Acts, of the total amount authorized to be transferred under sections 108 and 109 of Public Law 102–229 (105 Stat. 1708) and section 9110 of Public Law 102–396 (106 Stat. 1928), the Secretary of Defense may transfer not more than $400,000,000 to the appropriate fiscal year 1994 accounts within the Department of Defense for cooperative threat reduction with states of the former Soviet Union under this title.

(2) Funds transferred pursuant to paragraph (1) shall be in addition to funds authorized to be appropriated under subsection (a).

(3) A transfer made to an account under the authority of paragraph (1) shall be deemed to increase the amount authorized for that account by the amount transferred.

(4) The transfer authority provided in this subsection is in addition to the transfer authority provided in section 1001 of this Act.

SEC. 1105. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) NOTICE OF PROPOSED OBLIGATION.—Not less than 15 days before obligation of any funds for programs under section 1203, the President shall transmit to the appropriate congressional committees (as defined in section 1207) a report on the proposed obligation. Each such report shall specify—

(1) the activities and forms of assistance for which the President plans to obligate such funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement of the departments and agencies of the United States Government and the private sector of the United States.

(b) INDUSTRIAL DEMILITARIZATION.—Any report under subsection (a) that covers proposed industrial demilitarization projects shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the private sector of the United States;

(4) the extent to which military production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

SEC. 1106. SEMIANNUAL REPORT.

Not later than April 30, 1994, and not later than October 30, 1994, the President shall transmit to the appropriate congressional committees a report on the activities carried out under this title. Each such report shall set forth, for the preceding six-month period and cumulatively, the following:

(1) The amounts obligated and expended for such activities and the purposes for which they were obligated and expended.

(2) A description of the participation, if any, of each department and agency of the United States Government in such activities.

(3) A description of the activities carried out and the forms of assistance provided, and a description of the extent to which the private sector of the United States has participated in the activities for which amounts were obligated and expended under this title.

(4) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under this title, including, with respect to proposed industrial demilitarization projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

SEC. 1107. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(2) the Committees on Armed Services and the Committees on Appropriations of the

Senate and the House of Representatives, wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

(3) the committee to which the specified activities of section 1203, if the subject of separate legislation, would be referred under the rules of the respective House of Congress.

MILITARY CONSTRUCTION AUTHORIZATION ACT FISCAL YEAR 1994

The text of the original bill (S. 1338) to authorize appropriations for fiscal year 1994 for military construction, and other purposes; as passed the Senate on September 14, 1993, is as follows:

S. 1338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Construction Authorization Act for Fiscal Year 1994".

Sec. 1. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Termination of authority to carry out certain projects.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Termination of authority to carry out certain projects.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Termination of authority to carry out certain projects.
Sec. 2306. Relocation of student dormitory project to Beale Air Force Base, California.
Sec. 2307. Relocation of munition maintenance facility project to Beale Air Force Base, California.
Sec. 2308. Relocation of combat arms training and maintenance facility project to Schofield Barracks Open Range, Hawaii.
Sec. 2309. Authority to transfer funds for construction of family housing, Scott Air Force Base, Illinois.
Sec. 2310. Increase in authorized unit cost for certain family housing, Randolph Air Force Base, Texas.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Termination of authority to carry out certain projects.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Reduction in amounts authorized to be appropriated for Reserve military construction projects.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1991 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1990 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Revision of military family housing rental authority.
Sec. 2802. Use of proceeds of sale of electricity from alternate energy and cogeneration production facilities.
Sec. 2803. Energy conservation measures for the Department of Defense.
Sec. 2804. Authority to acquire existing facilities in lieu of carrying out construction authorized by law.
Sec. 2805. Treatment of participation in Department of State housing pool under limitation on family housing rentals overseas.
Sec. 2806. Extension of authority to lease real property for special operations activities.

Subtitle B—Defense Base Closure and Realignment

Sec. 2811. Modification of requirement for reports on activities of the Defense Base Closure Account 1990.
Sec. 2812. Base closure criteria.
Sec. 2813. Limitation on expenditure of funds from the Defense Base Closure Account 1990 for military construction in support of transfers of functions.
Sec. 2814. Evaluation and report on proposals for purchase or lease of certain facilities, Arlington, Virginia.
Sec. 2815. Residual value of overseas installations being closed.
Sec. 2816. Justification of recommendations for closure or realignment of installations previously considered for closure or realignment.
Sec. 2817. Employment of Department of Defense civilian personnel to carry out environmental restoration at military installations to be closed.
Sec. 2818. Reports on costs of the closure or realignment of military installations.
Sec. 2819. Consultation requirement for local reuse authorities and governments.

Subtitle C—Land Transactions

Sec. 2831. Conveyance of natural gas distribution system, Fort Belvoir, Virginia.
Sec. 2832. Conveyance of water distribution system, Fort Lee, Virginia.
Sec. 2833. Conveyance of waste water treatment facility, Fort Pickett, Virginia.
Sec. 2834. Conveyance of water distribution system and reservoir, Stewart Army Subpost, New York.
Sec. 2835. Lease of real property, Camp Pendleton Marine Corps Base, California.
Sec. 2836. Conveyance of electricity distribution system, Fort Dix, New Jersey.
Sec. 2837. Modification of termination of lease and sale of facilities, Naval Reserve Center, Atlanta, Georgia.
Sec. 2838. Conveyance of radar bomb scoring site, Conrad, Montana.
Sec. 2839. Financial assistance for improvement of Dysart Channel, Luke Air Force Base, Arizona.
Sec. 2840. Land conveyance, Broward County, Florida.
Sec. 2841. Land transfer, Woodbridge Research Facility, Virginia.
Sec. 2842. Land conveyance, Charleston, South Carolina.
Sec. 2843. Availability of surplus military equipment.
Sec. 2844. Conveyance of land in Fort Missoula, Montana.
Sec. 2845. Land transfer, Fort Sheridan, Illinois and Arlington County, Virginia.

Subtitle D—Other Matters

Sec. 2851. Reports on economic and environmental effects of transfer of Mine Warfare Center of Excellence.
Sec. 2852. Prohibition on use of funds for planning and design for Department of Defense vaccine production facility.
Sec. 2853. Grant relating to elementary school for dependents of Department of Defense personnel, Fort Belvoir, Virginia.
Sec. 2854. Allocation of space in Federal buildings to cerdit unions.
Sec. 2855. Study of effects of Air Force activities on Duck Valley Reservation.
Sec. 2856. Disposition of real property at missile sites to adjacent landowners.

TITLE XXIX—BASE CLOSURE ASSISTANCE

Sec. 2901. Short title.
Sec. 2902. Findings.
Sec. 2903. Prohibition on transfer of certain property located at military installations to be closed.
Sec. 2904. Authority to transfer property at closed or realigned installations to affected communities and States.
Sec. 2905. Authority to lease certain property at installations to be closed.
Sec. 2906. Delegation of authority to enter into leases of certain property.
Sec. 2907. Expedited determination of transferability of excess property of installations to be closed.
Sec. 2908. Availability of property and services for assisting the homeless.
Sec. 2909. Transition coordinators for assistance to communities affected by the closure of installations.

Sec. 2910. Coordination of activities of other Federal departments and agencies relating to installations to be closed.
Sec. 2911. Community Response Board.
Sec. 2912. Assistance to affected States and communities through the Office of Economic Adjustment.
Sec. 2913. Identification of uncontaminated property at installations to be closed.
Sec. 2914. Seminars on reuse or redevelopment of property at installations to be closed.
Sec. 2915. Compliance with certain environmental requirements relating to closure of installations.
Sec. 2916. Authority to contract for certain services at installations being closed or realigned.
Sec. 2917. Clarification of utilization of funds for community economic adjustment assistance.
Sec. 2918. Definitions.
Sec. 2919. Authority to contract for certain services at installations being closed or realigned.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects in the total amount of $603,553,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Fort Rucker	$28,250,000
Alaska	Fort Richardson	$10,770,000
	Fort Wainwright	$740,000
Arizona	Fort Huachuca	$8,850,000
California	Fort Irwin	$5,900,000
Colorado	Fitzsimmons Army Medical Center	$4,400,000
	Fort Carson	$4,050,000
Georgia	Fort Benning	$37,650,000
	Fort Gillen	$2,600,000
	Fort Stewart	$20,300,000
Hawaii	Schofield Barracks	$18,600,000
Kansas	Fort Riley	$14,642,000
Kentucky	Fort Campbell	$50,300,000
	Fort Knox	$41,350,000
Maryland	Aberdeen Proving Ground	$20,250,000
Missouri	Fort Leonard Wood	$1,000,000
Nevada	Hawthorne Army Ammunition Plant	$11,700,000
New Jersey	Fort Monmouth	$7,500,000
	Picatinny Arsenal	$10,500,000
New Mexico	White Sands Missile Range	$8,700,000
New York	Fort Drum	$9,800,000
	United States Military Academy, West Point	$13,800,000
North Carolina	Fort Bragg	$102,240,000
Oklahoma	Fort Sill	$15,700,000
Pennsylvania	Tobyhanna Army Depot	$750,000
South Carolina	Fort Jackson	$2,700,000
Texas	Fort Bliss	$14,000,000
	Fort Hood	$49,400,000
	Fort Sam Houston	$4,351,000
Utah	Dugway Proving Ground	$16,500,000
	Tooele Army Depot	$800,000
Virginia	Fort Belvoir	$8,860,000
	Fort Lee	$32,600,000
	Fort Myer	$6,800,000
Washington	Fort Lewis	$14,200,000
CONUS Classified	Classified Locations	$3,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects in the total amount of $26,500,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

Army: Outside the United States

Country or other	Installation or location	Amount
Johnston Island	Johnston Island	$1,700,000
Kwajalein Atoll	Kwajalein	$21,200,000
OCONUS Classified	Classified Locations	$3,600,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) in the total amount of $138,950,000 at the installations, for the purposes, and in the amounts for such installations set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
California	Fort Irwin	220 units	$25,000,000
Hawaii	Schofield Barracks	348 units	$52,000,000
Maryland	Fort Meade	275 units	$26,000,000
New York	United States Military Academy, West Point	100 units	$15,000,000
North Carolina	Fort Bragg	224 units	$18,000,000
Wisconsin	Fort McCoy	16 units	$2,950,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,805,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $77,630,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,369,330,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $603,553,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $26,500,000.

(3) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1508), and section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2586), $110,900,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $110,991,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $228,385,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,125,601,000, of which not more than $268,139,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $151,400,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 PROJECT.—(1) The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2586) is amended by striking out the item relating to the Tooele Army Depot, Utah.

(2) Section 2105(a) of such Act (106 Stat. 2588) is amended—

(A) by striking out "$2,127,397,000" and inserting in lieu thereof "$2,118,197,000"; and

(B) in paragraph (1), by striking out "$338,860,000" and inserting in lieu thereof "$329,660,000".

(b) FISCAL YEAR 1992 PROJECTS.—(1) Section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1508) is amended by striking out the following items:

(A) Under the heading "NEW YORK", the item relating to Seneca Army Depot.

(B) Under the heading "VIRGINIA", the item relating to Vint Hill Farms Station.

(2) Section 2105(a) of such Act (105 Stat. 1511) is amended—

(A) by striking out "$2,576,674,000" and inserting in lieu thereof "$2,571,974,000"; and

(B) in paragraph (1), by striking out "$718,829,000" and inserting in lieu thereof "$714,129,000".

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects in the total amount of $495,400,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Yuma Marine Corps Air Station.	$14,100,000
California	Barstow Marine Corps Logistics Base.	$8,690,000
	Camp Pendleton Marine Corps Air Station.	$3,850,000
	Camp Pendleton Marine Corps Base.	$11,130,000
	Fallbrook Naval Weapons Station Annex.	$4,630,000
	Lemoore Naval Air Station	$1,930,000
	San Diego Naval Hospital	$2,700,000
	San Diego Fleet Industrial Supply Center.	$2,270,000
	San Diego Marine Corps Recruit Depot.	$1,130,000
	Twentynine Palms Marine Corps Air-Ground Combat Center.	$7,900,000
Connecticut	New London Naval Submarine Base.	$36,740,000
District of Columbia.	Washington, Commandant, Naval District.	$3,110,000
	Naval Research Laboratory	$2,380,000
Florida	Jacksonville Naval Air Station.	$14,420,000
	Mayport Naval Station	$3,260,000
	Pensacola Naval Air Station	$6,420,000
Georgia	Albany Marine Corps Logistics Base.	$940,000
	Kings Bay Naval Submarine Base.	$10,920,000
	Kings Bay Trident Training Facility.	$3,870,000
Hawaii	Barbers Point Naval Air Station.	$2,700,000
	Honolulu, Naval Communications and Telecommunications Area Master Station, Eastern Pacific.	$9,120,000
	Pearl Harbor, Commander, Oceanographic System Pacific.	$16,780,000
	Pearl Harbor Naval Inactive Ship Maintenance Facility.	$2,620,000
	Pearl Harbor Naval Submarine Base.	$54,140,000
	Pearl Harbor Public Works Center.	$27,540,000
Maine	Kittery, Portsmouth Naval Shipyard.	$4,780,000
Maryland	Bethesda National Naval Medical Center.	$3,090,000
	Indian Head, Naval Surface Weapons Center.	$3,400,000
	Patuxent River Naval Air Station.	$1,000,000
Mississippi	Pascagoula Naval Station	$3,900,000
	Gulfport Naval Construction Battalion Center.	$10,400,000
New Jersey	Earle Naval Weapons Station.	$2,580,000
North Carolina	Camp Lejeune Marine Corps Base.	$41,290,000
	Camp Lejeune Naval Hospital.	$2,370,000
	Cherry Point Marine Corps Air Station.	$7,500,000
Pennsylvania	Philadelphia Aviation Supply Office.	$1,900,000
	Philadelphia Naval Inactive Ship Maintenance Facility.	$8,660,000
Rhode Island	Newport, Naval Education and Training Center.	$11,300,000
South Carolina	Beaufort Marine Corps Air Station.	$10,900,000
	Charleston Naval Weapons Station.	$580,000
Tennessee	Memphis Naval Air Station	$1,450,000
Texas	Corpus Christi Naval Air Station.	$1,670,000
Virginia	Chesapeake, Marine Corps Security Battalion.	$5,380,000
	Craney Island Fleet and Industrial Supply Center Annex.	$11,740,000
	Norfolk, Commander, Operational Test and Evaluation Force.	$8,100,000
	Norfolk Naval Air Station	$12,270,000
	Norfolk Public Works Center	$5,330,000
	Portsmouth, Norfolk Naval Shipyard.	$13,420,000
	Quantico, Combat Development Command.	$7,450,000
	Wallops Island, Naval Surface Weapons Center Detachment.	$10,170,000
Washington	Bangor Naval Submarine Base.	$3,100,000
	Everett Naval Station	$34,000,000
	Keyport, Naval Undersea Warfare Center Division.	$8,980,000
Various Locations.	Wastewater Collection and Treatment Facilities.	$3,260,000
	Land Acquisition	$2,140,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects in the total amount of $95,650,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Hospital	$2,460,000
	Military Sealift Command Office.	$2,170,000
	Anderson Air Force Base Naval Air Facility.	$7,310,000
	Naval Magazine	$3,750,000
	Naval Ocean Communication Center.	$690,000
	Naval Station	$14,520,000
	Fleet/Industrial Supply Center.	$22,440,000
	Public Works Center	$20,680,000
Italy	Naples Naval Support Activity.	$11,740,000
	Sigonella Naval Air Station	$3,460,000
Spain	Rota Naval Station	$2,670,000
Various Locations.	Host Nation Infrastructure Support.	$2,960,000
	Land Acquisition	$800,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section

2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) in the total amount of $164,149,000 at the installations, for the purposes, and in the amounts for such installations and purposes set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	San Diego Navy Public Works Center	318 units	$36,571,000
District of Columbia	Washington Navy Public Works Center	188 units	$21,556,000
Florida	Pensacola Navy Public Works Center	Housing Self Help/Warehouse	$300,000
Georgia	Kings Bay Naval Submarine Base	Housing Office/Self Help/Warehouse	$790,000
Maine	Brunswick Naval Air Station	Mobile Home Spaces	$490,000
Virginia	Norfolk, Naval Public Works Center/Naval Amphibious Base Little Creek	392 units	$50,674,000
	Oceana Naval Air Station	Community Center	$860,000
Washington	Bangor Naval Submarine Base	290 units	$27,438,000
	Whidby Island, Naval Air Station	106 units	$10,000,000
United Kingdom	London Naval Activities Support	81 units	$15,470,000

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $22,924,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $183,135,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,866,186,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $495,400,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $95,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $5,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $64,373,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $370,208,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $835,055,000, of which not more than $113,308,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) Limitation of Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) Fiscal Year 1993 Projects.—(1) The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2589) is amended by striking out the items relating to the following installations:

(A) Mare Island Naval Shipyard, California.

(B) Miramar Naval Air Station, California.

(C) Cecil Field, Naval Air Station, Florida.

(D) Memphis, Naval Air Station, Tennessee.

(2) Section 2204(a) of such Act (106 Stat. 2592) is amended—

(A) by striking out "$1,450,529,000" and inserting in lieu thereof "$1,411,616,000";

(B) in paragraph (1), by striking out "$312,557,000" and inserting in lieu thereof "$274,897,000"; and

(C) in paragraph (5)(B), by striking out "$661,246,000" and inserting in lieu thereof "$659,993,000".

(b) Fiscal Year 1992 Projects.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1514) is amended by striking out the following items:

(A) Under the heading "CALIFORNIA", the item relating to Vallejo, Mare Island Naval Shipyard.

(B) Under the heading "FLORIDA", the item relating to Pensacola, Naval Supply Center.

(C) Under the heading "SOUTH CAROLINA", the item relating to Charleston, Fleet and Mine Warfare Training Center.

(2) Section 2205(a) of such Act (105 Stat. 1518) is amended—

(A) by striking out "$1,832,149,000" and inserting in lieu thereof "$1,798,980,000";

(B) in paragraph (1), by striking out "$739,859,000" and inserting in lieu thereof "$706,969,000"; and

(C) in paragraph (4), by striking out "$12,400,000' and inserting in lieu thereof "$12,121,000".

(c) Fiscal Year 1990 Projects.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1621) is amended under the heading "NEW YORK", by striking out the item relating to New York, Naval Station and inserting in lieu thereof the following:

"New York, Naval Station, $20,978,000.".

(2)(A) Section 2202(a) of such Act (103 Stat. 1626) is amended by striking out the item relating to San Francisco, Navy Public Works Center, California.

(B) The table relating to the Navy in section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2603) is amended by striking out the item relating to Navy Public Works Center, San Francisco, California.

(3) Section 2204(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (103 Stat. 1626) is amended—

(A) by striking out "$1,962,935,000" and inserting in lieu thereof "$1,925,273,000";

(B) in paragraph (1), by striking out "$915,511,000" and inserting in lieu thereof "$910,849,000";

(C) in paragraph (5), by striking out "$5,810,000" and inserting in lieu thereof "$2,810,000"; and

(D) in paragraph (6)(A), by striking out "$191,290,000" and inserting in lieu thereof "$157,290,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects in the total amount of $864,752,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Gunter Air Force Base Annex.	$4,680,000
	Maxwell Air Force Base	$16,170,000
Alaska	Cape Romanzof Long Range Radar Site	$3,350,000
	Eielson Air Force Base	$13,300,000
	Elmendorf Air Force Base	$33,305,000
	Fort Richardson	$5,000,000
Arizona	Davis-Monthan Air Force Base.	$7,350,000
	Luke Air Force Base	$12,750,000
	Navajo Army Depot	$7,250,000
Arkansas	Little Rock Air Force Base	$4,500,000
California	Edwards Air Force Base	$11,300,000
	McClellan Air Force Base	$1,900,000
	Travis Air Force Base	$14,040,000
	Vandenberg Air Force Base	$20,728,000
Colorado	Buckley Air National Guard Base.	$39,000,000
	Cheyenne Mountain Air Force Base	$4,450,000
	Peterson Air Force Base	$21,030,000
	United States Air Force Academy.	$11,680,000
Delaware	Dover Air Force Base	$7,760,000
District of Columbia.	Bolling Air Force Base	$2,000,000
Florida	Cape Canaveral Air Force Station.	$19,200,000
	Eglin Air Force Base	$12,050,000
	Eglin Auxiliary Field No. 9	$7,829,000
	Patrick Air Force Base	$3,850,000
	Tyndall Air Force Base	$2,600,000
Georgia	Moody Air Force Base	$16,070,000
	Robins Air Force Base	$55,370,000
Hawaii	Hickam Air Force Base	$13,800,000
	Kaena Point	$7,350,000
Illinois	Scott Air Force Base	$7,450,000
Kansas	McConnell Air Force Base	$1,900,000
Louisiana	Barksdale Air Force Base	$13,860,000
Maryland	Andrews Air Force Base	$17,990,000
Mississippi	Columbus Air Force Base	$2,900,000
	Keesler Air Force Base	$8,710,000
Missouri	Whiteman Air Force Base	$36,388,000
Montana	Malmstrom Air Force Base	$7,700,000
Nebraska	Offutt Air Force Base	$11,000,000
Nevada	Nellis Air Force Base	$5,750,000
New Mexico	Cannon Air Force Base	$8,915,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Holloman Air Force Base	$11,100,000
	Kirtland Air Force Base	$42,161,000
North Carolina	Pope Air Force Base	$8,600,000
	Seymour Johnson Air Force Base.	$5,380,000
North Dakota	Grand Forks Air Force Base	$12,800,000
	Minot Air Force Base	$14,500,000
Ohio	Wright-Patterson Air Force Base.	$44,680,000
Oklahoma	Altus Air Force Base	$6,930,000
	Tinker Air Force Base	$28,649,000
	Vance Air Force Base	$6,000,000
South Carolina	Charleston Air Force Base	$1,100,000
	Shaw Air Force Base	$5,870,000
South Dakota	Ellsworth Air Force Base	$6,830,000
Tennessee	Arnold Air Force Base	$1,500,000
Texas	Dyess Air Force Base	$10,390,000
	Goodfellow Air Force Base	$3,700,000
	Kelly Air Force Base	$27,481,000
	Lackland Air Force Base	$30,093,000
	Laughlin Air Force Base	$8,650,000
	Randolph Air Force Base	$5,300,000
	Reese Air Force Base	$900,000
	Sheppard Air Force Base	$18,030,000
Utah	Hill Air Force Base	$8,380,000
Virginia	Langley Air Force Base	$17,823,000
Washington	Fairchild Air Force Base	$3,500,000
	McChord Air Force Base	$10,900,000
Wyoming	F.E. Warren Air Force Base	$12,640,000
Various Locations	Classified	$8,140,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects in the total amount of $33,852,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Antigua Island	Antigua Air Station	$1,000,000
Ascension Island	Ascension Auxiliary Air Field	$3,400,000
Germany	Ramstein Air Base	$3,100,000
Greenland	Thule Air Base	$5,492,000
Guam	Andersen Air Force Base	$4,100,000
Indian Ocean	Diego Garcia Air Base	$2,260,000
Oman	Thumrait Air Base	$1,800,000
Turkey	Incirlik Air Base	$2,400,000
United Kingdom	RAF Mildenhall	$4,800,000
Classified	Classified Location	$5,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) in the total amount of $130,264,000 at the installations, for the purposes, and in the amounts for such installations and purposes set forth in the following table:

Air Force: Family Housing

State or Country	Installation	Purpose	Amount
Alabama	Maxwell Air Force Base	55 units	$4,080,000
Arkansas	Little Rock Air Force Base	Housing office/Maintenance facility	$980,000
California	Vandenberg Air Force Base	166 units	$21,907,000
Florida	Patrick Air Force Base	155 units	$15,388,000
	Tyndall Air Force Base	Infrastructure	$5,732,000
Georgia	Robins Air Force Base	118 units	$7,424,000
Illinois	Scott Air Force Base	Cardinal Creek Housing units	$20,000,000
Louisiana	Barksdale Air Force Base	118 units	$8,578,000
Massachusetts	Hanscom Air Force Base	48 units	$5,135,000
Montana	Malmstrom Air Force Base	Housing office	$581,000
Texas	Dyess Air Force Base	Housing maintenance facility	$281,000
	Lackland Air Force Base	111 units	$8,770,000
Virginia	Langley Air Force Base	Housing office	$452,000
Washington	Fairchild Air Force Base	1 unit	$184,000
Wyoming	F.E. Warren Air Force Base	104 units	$10,572,000
Italy	Comiso Air Base	460 units	$20,200,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $9,901,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $75,070,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,101,925,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $864,752,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $33,852,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $6,844,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $63,180,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $7,150,000.

(6) For the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2593) for the construction of the Climatic Test Chamber, Eglin Air Force Base, Florida, $57,000,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $215,235,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $853,912,000 of which not more than $118,266,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 PROJECTS.—(1) The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2593) is amended by striking out the item relating to March Air Force Base, California.

(2) The table in section 2302(a) of such Act (106 Stat. 2595) is amended by striking out the item relating to March Air Force Base, California.

(3) Section 2303 of such Act (106 Stat. 2596) is amended by striking out "$150,000,000" and inserting in lieu thereof "$139,649,000".

(4) Section 2304(a) of such Act (106 Stat. 2596) is amended—

(A) by striking out "$2,062,707,000" and inserting in lieu thereof "$2,011,755,000";

(B) in paragraph (1), by striking out "$667,290,000" and inserting in lieu thereof "$665,040,000"; and

(C) in paragraph (5)(A), by striking out "$283,786,000" and inserting in lieu thereof "$235,084,000".

(b) FISCAL YEAR 1992 PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1521) is amended—

(A) under the heading "CALIFORNIA", by striking out the item relating to March Air Force Base and inserting in lieu thereof the following:

"March Air Force Base, $7,272,000.";

(B) under the heading "FLORIDA", by striking out the item relating to Homestead Air Force Base; and

(C) under the heading "NEW YORK"—

(i) by striking out the item relating to Griffiss Air Force Base; and

(ii) by striking out the item relating to Plattsburgh Air Force Base and inserting in lieu thereof the following:

"Plattsburgh Air Force Base, $960,000.".

(2) Section 2303 of such Act (105 Stat. 1526) is amended by striking out "$141,236,000" and inserting in lieu thereof "$134,836,000".

(3) Section 2305(a) of such Act (105 Stat. 1525) is amended—

(A) by striking out "$2,089,303,000" and inserting in lieu thereof "$2,066,585,000";

(B) in paragraph (1), by striking out "$778,970,000" and inserting in lieu thereof "$762,652,000"; and

(C) in paragraph (8)(A), by striking out "$161,583,000" and inserting in lieu thereof "$155,183,000".

SEC. 2306. RELOCATION OF STUDENT DORMITORY PROJECT TO BEALE AIR FORCE BASE, CALIFORNIA.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1769) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out the item relating to Beale Air Force Base and inserting in lieu thereof the following:

"Beale Air Force Base, $9,950,000."; and

(2) by striking out the item relating to Sierra Army Depot.

SEC. 2307. RELOCATION OF MUNITION MAINTENANCE FACILITY PROJECT TO BEALE AIR FORCE BASE, CALIFORNIA.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1521) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out the item relating to Beale Air Force Base and inserting in lieu thereof the following:

"Beale Air Force Base, $4,950,000."; and

(2) by striking out the item relating to Sierra Army Depot.

SEC. 2308. RELOCATION OF COMBAT ARMS TRAINING AND MAINTENANCE FACILITY PROJECT TO SCHOFIELD BARRACKS OPEN RANGE, HAWAII.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1769) is amended in the matter under the heading "HAWAII" by striking out the item relating to Wheeler Air Force Base and inserting in lieu thereof the following:

"Schofield Barracks Open Range, $1,400,000.
"Wheeler Air Force Base, $2,100,000.".

SEC. 2309. AUTHORITY TO TRANSFER FUNDS FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.

Notwithstanding any other provision of law, the Secretary of the Air Force shall transfer any funds made available for the construction of family housing at Scott Air Force Base, Illinois, pursuant to the authorization for such construction in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2595) to the County of Saint Clair, Illinois, in order to assist the County of Saint Clair in the construction, at a location determined by the Secretary, of a family housing complex to replace the Cardinal Creek Housing Complex, Scott Air Force Base.

SEC. 2310. INCREASE IN AUTHORIZED UNIT COST FOR CERTAIN FAMILY HOUSING, RANDOLPH AIR FORCE BASE, TEXAS.

Section 2303(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1635) is amended in the matter relating to Randolph Air Force Base, Texas, by striking out "$78,000" and inserting in lieu thereof "$95,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects in the total amount of $256,902,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Logistics Agency.	Defense Reutilization and Marketing Office, Fairbanks, Alaska.	$6,500,000
	Defense Reutilization and Marketing Office, March Air Force Base, California.	$630,000
	Defense Fuel Support Point, Pearl Harbor, Hawaii.	$2,250,000
	Defense Construction Supply Center, Columbia, Ohio.	$3,100,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah.	$1,700,000
	Defense General Supply Center, Richmond, Virginia.	$17,000,000
	Fort Belvoir, Virginia	$5,200,000
Defense Medical Facility Office.	Edwards Air Force Base, California.	$1,700,000
	Fort Detrick, Maryland	$4,300,000
	Offutt Air Force Base, Nebraska.	$1,100,000
	Cannon Air Force Base, New Mexico.	$13,600,000
	Grand Forks Air Force Base, North Dakota.	$860,000
	Ellsworth Air Force Base, South Dakota.	$1,400,000
	Fort Sam Houston, Texas	$4,800,000
	Fort Eustis, Virginia	$3,650,000
	Fairchild Air Force Base, Washington.	$8,250,000
National Security Agency.	Fort Meade, Maryland	$58,630,000
Office Secretary of Defense.	Various Locations, Special Activities, Air Force.	$5,600,000
Section 6 Schools.	Fort McClellan, Alabama	$2,798,000
	Robins Air Force Base, Georgia.	$3,160,000
	Fort Campbell, Kentucky	$13,182,000
	Fort Knox, Kentucky	$7,707,000
	Fort Polk, Louisiana	$4,950,000
	Camp Lejeune, North Carolina.	$1,793,000
	Fort Bragg, North Carolina	$8,838,000
	Quantico Marine Corps Base, Virginia.	$422,000
Special Operations Force.	Eglin Auxiliary Field No. 9, Florida.	$19,582,000
	Fort Campbell, Kentucky	$6,950,000
	Fort Bragg, North Carolina	$38,450,000
	Olmstead Field, Pennsylvania.	$1,300,000
	Little Creek Naval Amphibious Base, Virginia.	$7,500,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects in the total amount of $26,113,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency.	Diego Garcia	$9,558,000
	Roosevelt Roads, Puerto Rico.	$5,800,000
Various locations.	Various classified projects	$10,755,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(11), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $4,097,814,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $256,902,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $26,113,000.

(3) For military construction projects at Fort Sam Houston, Texas, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99–661; 100 Stat. 4034), $75,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1639), $211,900,000.

(5) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $135,000,000.

(6) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993, $195,000,000.

(7) For military construction projects at Millington Naval Air Station, Tennessee, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993, $5,000,000.

(8) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $21,658,000.

(9) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $12,200,000.

(10) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $42,405,000.

(11) For energy conservation projects authorized by section 2402, $50,000,000.

(12) For base closure and realignment activities as authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), $12,830,000.

(13) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $3,026,310,000.

(14) For military family housing functions (including functions described in section 2833

of title 10, United States Code), $27,496,000, of which not more than $22,882,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) LIMITATION ON OBLIGATIONS.—Funds appropriated for fiscal year 1994 pursuant to the authorization of appropriations in subsection (a)(1) may not be obligated for any of the following projects in excess of the amount set forth for such project as follows:

(1) Construction of an Army medical center at Fort Bragg, North Carolina, $160,000,000.

(2) Construction of a naval hospital at Portsmouth, Virginia, $171,900,000.

(3) Construction of the hospital at Elmendorf Air Force Base, Alaska, $98,000,000.

SEC. 2404. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1992 PROJECTS.—Section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1528) is amended by striking out the following items:

(1) Under the heading "DEFENSE LOGISTICS AGENCY", the item relating to Dayton Defense Electronic Supply Center, Ohio.

(2) Under the heading "DEFENSE MEDICAL FACILITIES OFFICE", the items relating to—

(A) Homestead Air Force Base, Florida; and

(B) Dallas Naval Air Station, Texas.

(b) CONFORMING AMENDMENTS.—Section 2404 of such Act (105 Stat. 1531) is amended—

(1) in subsection (a)—

(A) by striking out "$1,680,940,000" and inserting in lieu thereof "$1,665,440,000"; and

(B) by striking out "$434,500,000" in paragraph (1) and inserting in lieu thereof "$419,000,000"; and

(2) in subsection (c)—

(A) by inserting "and" in paragraph (1) after the semicolon;

(B) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(3) by striking out paragraph (3).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $240,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1993, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $277,051,000; and

(B) for the Army Reserve, $124,794,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $25,013,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $233,793,000; and

(B) for the Air Force Reserve, $68,427,000.

SEC. 2602. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR RESERVE MILITARY CONSTRUCTION PROJECTS.

(a) FISCAL YEAR 1993 AUTHORIZATION.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602) is amended by striking out "$17,200,000" and inserting in lieu thereof "$10,700,000".

(b) FISCAL YEAR 1992 AUTHORIZATION.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1534) is amended by striking out "$56,900,000" and inserting in lieu thereof "$31,800,000".

(c) FISCAL YEAR 1991 AUTHORIZATION.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1781) is amended by striking out "$80,307,000" and inserting in lieu thereof "$78,667,000".

(d) FISCAL YEAR 1990 AUTHORIZATIONS.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1645) is amended by striking out "$56,600,000" and inserting in lieu thereof "$54,250,000".

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1997 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510, 104 Stat. 1782), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2301, or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLES.—(1) The projects referred to in subsection (a) for the Army, in the total amount of $38,200,000, are as follows:

Army: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Aberdeen Proving Ground	Toxicology Research Facility	$33,000,000
Missouri	Fort Leonard Wood	Child Development Center	$3,050,000
Virginia	Fort Myer	Child Development Center	$2,150,000

(2) In the projects referred to in subsection (a) for the Air Force, in the total amount of $39,450,000, are as follows:

Air Force: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Alaska	Clear Air Force Station	Alter Dormitory (Phase II)	$5,000,000
California	Sierra Army Depot	Dormitory	$3,650,000
Colorado	Buckley Air National Guard Base	Child Development Center	$4,550,000
Hawaii	Hickam Air Force Base	Dormitory	$6,100,000
	Wheeler Air Force Base	Combat Arms Training & Maintenance Facility	$1,400,000

Air Force: Extension of 1991 Project Authorizations—Continued

State	Installation or location	Project	Amount
Oklahoma	Tinker Air Force Base	AWACS Aircraft Fire Protection	$2,750,000
Utah	Hill Air Force Base	Depot Warehouse	$16,000,000

(3) The project referred to in subsection (a) for Defense Agencies, in the total amount of $9,500,000, is as follows:

Defense Agencies: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Defense Logistics Agency, Defense Reutilization and Marketing Office, Fort Meade	Covered Storage	$9,500,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1645), authorizations for the projects set forth in the table in subsection (b), as provided in section 2301 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2603), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLE.—The projects referred to in subsection (a) for the Air Force, in the total amount of $19,000,000, are as follows:

Air Force: Extension of 1990 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Lowry Air Force Base	Computer Operations Facility	$15,500,000
	Lowry Air Force Base	Logistics support facility	$3,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XVI shall take effect on the later of—

(1) October 1, 1993; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. REVISION OF MILITARY FAMILY HOUSING RENTAL AUTHORITY.

(a) ANNUAL ADJUSTMENT OF MAXIMUM LEASE AMOUNT FOR LEASES IN THE UNITED STATES.—Subsection (b) of section 2828 of title 10, United States Code, is amended by adding at the end the following:

"(4) The maximum lease amount under paragraphs (2) and (3) shall be increased on January 1 of each year by a percentage equal to the percentage by which the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics for September 30 of the preceding year exceeds the Consumer Price Index for All Urban Consumers for September of the year before such preceding year.".

(b) INCREASED MAXIMUM LEASE AMOUNT FOR 300 LEASED UNITS IN FOREIGN COUNTRIES.—Paragraph (1) of subsection (e) of such section is amended—

(1) in the first sentence—

(A) by striking out "Expenditures" and inserting in lieu thereof "(A) Except as provided in subparagraphs (B) and (C), expenditures"; and

(B) by striking out "from October 1, 1987";

(2) by designating the third sentence as subparagraph (C);

(3) by inserting after subparagraph (A), as designated by paragraph (1), the following:

"(B) Expenditures for the rental of not more than 300 units of family housing in foreign countries (including the costs of utilities, maintenance, and operation) may exceed the maximum amount that, except for this subparagraph, would be applicable under subparagraph (A) but may not exceed $25,000 per unit per annum as adjusted for foreign currency fluctuations from October 1, 1987."; and

(4) in subparagraph (C), as designated by paragraph (2), by striking out "That maximum lease amount" and inserting in lieu thereof "The maximum lease amounts set forth in subparagraphs (A) and (B).".

(c) ANNUAL ADJUSTMENT IN MAXIMUM LEASE AMOUNT FOR LEASES IN FOREIGN COUNTRIES.—Such subsection is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1), as so amended, the following:

"(3) The maximum lease amount under subparagraphs (A) and (B) of paragraph (1) shall be increased on January 1 of each year by a percentage equal to the percentage by which the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics for September of the preceding year exceeds the Consumer Price Index for All Urban Consumers for September of the year before such preceding year.".

(d) CONFORMING AMENDMENT.—Section 2834(b) of title 10, United States Code, is amended by striking out "amount may be waived by the Secretary concerned under the second sentence of section 2828(e)(1) of this title" and inserting in lieu thereof "amounts under section 2828(e)(1) of this title may be waived by the Secretary concerned under subparagraph (C) of such section".

SEC. 2802. USE OF PROCEEDS OF SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES.

(a) AVAILABILITY OF PROCEEDS.—Section 2483(b) of title 10, United States Code, is amended by striking out the period at the end and inserting in lieu thereof the following: " and may be used as follows:

"(1) To carry out minor military construction projects under section 2805 of this title that are designed to increase energy conservation.

"(2) To carry out military construction projects under the comprehensive energy performance plan developed by the Secretary of Defense under section 2865(a) of this title.".

(b) USE OF PROCEEDS.—Section 2865(b)(1) of title 10, United States Code, is amended by inserting "and the funds available under section 2483(b) of this title" after "subsection (d)(2),".

(c) TECHNICAL AMENDMENTS.—Section 2865(b) of such title is amended—

(1) in paragraph (1), by striking out "The Secretary shall provide that two-thirds" and inserting in lieu thereof "Two-thirds"; and

(2) in paragraph (2), by striking out "The amount" and inserting in lieu thereof "The Secretary shall provide that the amount".

SEC. 2803. ENERGY CONSERVATION MEASURES FOR THE DEPARTMENT OF DEFENSE.

Section 2865 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) REPLACEMENT OF ENERGY-INEFFICIENT SYSTEMS, OPERATIONS, AND PROCESSES.—(1) Energy conservation measures identified and accomplished under the energy performance plan developed pursuant to subsection (a) may include—

"(A) replacement of an existing energy consuming system with the best available energy-saving technology; and

"(B) replacement of an existing maintenance operation or process with a maintenance operation or process that results in energy conservation.

"(2) In paragraph (1), the term 'energy consuming system' includes—

"(A) lighting equipment;

"(B) a lighting system;

"(C) heating equipment;

"(D) a heating system;

"(E) cooling equipment;

"(F) a cooling and ventilating system;

"(G) industrial equipment; and

"(H) an industrial system.".

SEC. 2804. AUTHORITY TO ACQUIRE EXISTING FACILITIES IN LIEU OF CARRYING OUT CONSTRUCTION AUTHORIZED BY LAW.

(a) ACQUISITION AUTHORITY.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following:

"§ 2813. Acquisition of existing facilities in lieu of authorized construction

"The Secretary concerned may acquire an existing facility (including the real property on which the facility is located) at or near a military installation instead of carrying out a military construction project authorized by law for that military installation, and may use funds appropriated for the military construction project to do so, if—

"(1) the Secretary determines that—

"(A) the acquisition of such facility satisfies the requirements of the military department concerned for the authorized military construction project; and

"(B) it is in the best interests of the United States to acquire such facility instead of carrying out the military construction project; and

"(2) the Secretary has transmitted to the Committees on Armed Services of the Senate and House of Representatives a written notification of the determination to acquire the existing facility, including the reasons for acquiring that facility instead of carrying out the authorized military construction project.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following:

"2813. Acquisition of existing facilities in lieu of authorized construction.".

(b) APPLICABILITY.—Section 2813 of title 10, United States Code, as added by subsection (a), shall apply with respect to projects authorized on or after the date of the enactment of this Act and to projects authorized before such date for which construction contracts have not been awarded before such date.

SEC. 2805. TREATMENT OF PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOL UNDER LIMITATION ON FAMILY HOUSING RENTALS OVERSEAS.

Section 2834(b) of title 10, United States Code, as amended by section 2801(d), is further amended by striking out "included." and inserting in lieu thereof "excluded.".

SEC. 2806. EXTENSION OF AUTHORITY TO LEASE REAL PROPERTY FOR SPECIAL OPERATIONS ACTIVITIES.

(a) EXTENSION OF EXPIRING AUTHORITY.—Section 2680(d) of title 10, United States Code, is amended by striking out "September 30, 1993." and inserting in lieu thereof "September 30, 1995.".

(b) EXTENSION OF REPORTING REQUIREMENT.—Section 2863(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2680 note) is amended by striking out "March 1, 1993, and March 1, 1994," and inserting in lieu thereof "March 1 of each of the years 1994, 1995, and 1996,".

Subtitle B—Defense Base Closure and Realignment

SEC. 2811. MODIFICATION OF REQUIREMENT FOR REPORTS ON ACTIVITIES OF THE DEFENSE BASE CLOSURE ACCOUNT 1990.

Section 2906(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) The report for a fiscal year shall include the following:

"(i) The expenditures, identified by subaccount, for each military department and Defense Agency.

"(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

"(iii) Each military construction project for which such expenditures were made, identified by installation and project title.

"(iv) A description and explanation of the extent, if any, to which obligations for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

"(I) any failure to carry out military construction projects that were proposed; and

"(II) any obligations for military construction projects that were not proposed.".

SEC. 2812. BASE CLOSURE CRITERIA.

(a) REQUIREMENT.—In developing base closure and realignment selection criteria in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of Defense shall consider whether the criteria should include the direct costs of such closures and realignments to other Federal departments and agencies.

(b) REPORT ON AMENDMENT.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any criteria proposed in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990. The report shall include a discussion of the proposed criteria and include a justification for any decision not to propose a criterion regarding the direct costs of base closures and realignments to other Federal agencies and departments.

(2) The Secretary shall submit the report upon publication of the proposed criteria in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990.

SEC. 2813. LIMITATION ON EXPENDITURE OF FUNDS FROM THE DEFENSE BASE CLOSURE ACCOUNT 1990 FOR MILITARY CONSTRUCTION IN SUPPORT OF TRANSFERS OF FUNCTIONS.

(a) LIMITATION.—If the Secretary of Defense recommends to the Base Closure and Realignment Commission pursuant to section 2903(c) of the 1990 base closure Act that an installation be closed or realigned, the Secretary identifies in documents submitted to the Commission one or more installations to which a function performed at the recommended installation would be transferred, and the recommended installation is closed or realigned pursuant to such Act, then, except as provided in subsection (b) and notwithstanding any other provision of law, funds in the Defense Base Closure Account 1990 may not be used for military construction in support of the transfer of that function to any installation other than an installation so identified in such documents.

(b) EXCEPTION.—The limitation in subsection (a) ceases to be applicable to military construction in support of the transfer of a function to an installation on the 60th day following the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a notification of the proposed transfer that—

(1) identifies the installation to which the function is to be transferred; and

(2) includes the justification for the transfer to such installation.

(c) DEFINITION.—In this section:

(1) The term "1990 base closure Act" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "Defense Base Closure Account 1990" means the account established under section 2906 of the 1990 base closure Act.

SEC. 2814. EVALUATION AND REPORT ON PROPOSALS FOR PURCHASE OR LEASE OF CERTAIN FACILITIES, ARLINGTON, VIRGINIA.

(a) EVALUATION.—(1) The Secretary of the Navy shall evaluate the proposals referred to in paragraph (2) for leasing or purchasing for the Navy any of the buildings described in paragraph (3).

(2) Under paragraph (1), the Secretary shall consider proposals presented to the Secretary the proposals that were presented to the 1993 Defense Base Closure and Realignment Commission regarding the building described in paragraph (3).

(3) The buildings referred to in paragraphs (1) and (2) are buildings located in Arlington, Virginia, that are currently leased by the Navy under leases that will terminate as a result of the transfer of Navy functions from such buildings under the base closure process.

(b) REPORT.—(1) The Secretary shall submit to the congressional defense committees a report on the evaluation required under subsection (a). The report shall include the following:

(A) An assessment of the reasonableness of each proposal in light of market conditions at the time of the report.

(B) A comparison of the cost of retaining the functions referred to in subsection (a)(1) at the buildings referred to in that subsection through the lease or purchase of such buildings with the cost of transferring such functions in accordance with the base closure process.

(C) An assessment of the impact on the military capabilities of the Navy of retaining the Naval Systems Command in close proximity to the Pentagon.

(2) The Secretary shall submit the report not later than 180 days after the date of the enactment of this Act.

(c) DEFINITIONS.—In this section,

(1) The term "base closure process" means the process for selecting military installations for closure or realignment established under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "1993 Defense Base Closure and Realignment Commission" means the commission appointed in 1993 under section 2902 of such Act.

SEC. 2815. RESIDUAL VALUE OF OVERSEAS INSTALLATIONS BEING CLOSED.

(a) ANNUAL REPORTS.—Subsection (a) of section 1304 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 113 note) is amended—

(1) in paragraph (1), by inserting "by installation" after "basing plan";

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the status of negotiations, if any, between the United States and the host government as to United States claims for compensation for the fair market value of the improvements made by the United States at each installation referred to in paragraph (2), and to any claims of the host government for damages or restoration of the installation, including the representative of the United States in any such negotiations;";

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by striking out paragraph (5) and inserting in lieu thereof the following new paragraphs (5) and (6):

"(5) the cost to the United States of any improvements made at each installation referred to in paragraph (2) and the fair market value of such improvements, expressed in constant dollars based on the date of completion of the improvements;

"(6) in each case in which negotiations between the United States and a host government have resulted in an agreement for the payment to the United States by the host government of the value of improvements to an installation made by the United States, the amount of such payment, the form of such payment, and the expected date of such payment; and".

(b) OMB Review of Proposed Settlements.—Section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(g) OMB Review of Proposed Settlements.—The Secretary of Defense may not enter into an agreement of settlement with a host country regarding the release to the host country of improvements made by the United States at facilities at an installation until the Secretary submits the proposed settlement to the Director of the Office of Management and Budget and 30 days elapse after the date of such submittal. The Director shall evaluate the overall equity of the proposed settlement. In evaluating the proposed settlement, the Director shall consider such factors as the extent of the United States capital investment in the improvements being released to the host country, depreciation, the condition of the improvements, and any applicable requirements for environmental remediation or restoration.".

SEC. 2816. JUSTIFICATION OF RECOMMENDATIONS FOR CLOSURE OR REALIGNMENT OF INSTALLATIONS PREVIOUSLY CONSIDERED FOR CLOSURE OR REALIGNMENT.

(a) Requirement.—(1)(A) The Secretary of Defense shall include with the recommendation of the Secretary for the closure or realignment under a base closure law of an installation referred to in subparagraph (B) the justification described in paragraph (2).

(B) An installation referred to in subparagraph (A) is any installation recommended by the Secretary of Defense for closure or realignment under a base closure law in a year before the date of the enactment of this Act and not recommended for closure or realignment by a base closure and realignment commission in its recommendations for closure and realignment in that year by reason of the failure of the Secretary's recommendation to meet the criteria or force structure plan, as the case may be, upon which the Secretary's recommendation was based.

(2) A justification referred to in paragraph (1) shall include—

(A) an explanation of—

(i) the manner, if any, in which the recommendation of the Secretary for the closure or realignment of an installation referred to in paragraph (1)(A) is the direct result of—

(I) an amendment to the criteria used by the Secretary in making the recommendation since the Secretary's previous recommendation; or

(II) changes in the force-structure plan (or other military requirements) since such previous recommendation; and

(B) the manner, if any, in which the making of such recommendation in accordance with such amendment or changes eliminates the failure referred to in paragraph (1)(B); or

(2) in the event that such recommendation is not the direct result of such amendment or changes, an explanation of the manner in which such recommendation addresses the failure referred to in paragraph (1)(B).

(b) Definition.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

SEC. 2817. EMPLOYMENT OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL TO CARRY OUT ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) In General.—(1) The Secretary of Defense may, in keeping with the cost saving and cleanup schedule goals of the Department of Defense with respect to the closure of military installations—

(A) provide such training to the personnel described in paragraph (2) as the Secretary determines necessary in order to qualify such personnel to carry out environmental assessment, remediation, and restoration activities (including asbestos abatement) at military installations closed or to be closed pursuant to a base closure law; and

(B) employ such personnel to carry out such activities, or require contractors engaged in carrying out such activities to employ such personnel.

(2) The personnel referred to in paragraph (1) are Department of Defense civilian personnel whose employment would be terminated (except for the employment of such personnel under paragraph (1)) by reason of the closure of a military installation pursuant to a base closure law.

(3) This subsection shall not be construed to revise or modify any requirement established under Federal or State law relating to environmental assessment, remediation, or restoration activities at military installations referred to in paragraph (1)(A).

(b) Priority in Training and Employment.—The Secretary shall give priority in providing training and employment under subsection (a) to persons employed at any military installation whose closure pursuant to a base closure law will directly result in the termination of the employment of at least 1,000 Department of Defense civilian employees.

(c) Funding.—Notwithstanding any other provision of law, the Secretary may carry out the training and employment referred to in subsection (a) using funds available for environmental training in addition to funds in the following accounts:

(1) The Department of Defense Base Closure Account established under section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Department of Defense Base Closure Account 1990 established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(d) Definition.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

SEC. 2818. REPORTS ON COSTS OF THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.-

(a) Estimated Costs of Closures and Realignments.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the costs (other than costs related to environmental restoration and remediation) estimated at the time of the report of the closure or realignment of any military installation referred to in paragraph (2) under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) as follows:

(A) Not later than 6 months after the date of the enactment of this Act, in the case of such installations approved for closure or realignment under such Act in 1991 and not closed or realigned on such date.

(B) Not later than January 1, 1995, in the case of such installations approved for closure or realignment under such Act in 1993.

(2) A military installation referred to in paragraph (1) is an installation whose closure or realignment results in the termination of employment at the installation of not less than 1,000 Department of Defense civilian employees.

(b) Excess Costs.—If the costs (other than costs related to environmental restoration and remediation) to be incurred by the Secretary in carrying out the closure or realignment under a base closure law of a military installation referred to in subsection (a) exceeds by more than 50 percent the costs estimated for such closure or realignment in the cost estimate prepared by the Secretary in recommending the installation for closure or realignment—

(1) the Secretary shall notify the Comptroller General that the costs of such closure or realignment will exceed such estimated costs; and

(2) not later than 6 months after the date of such notification, the Comptroller General shall submit to such committees a detailed audit of the costs to be incurred by the Secretary in carrying out such closure or realignment, including an assessment of the reasons that such costs differed from the cost estimated for such closure or realignment in such costs estimate.

(c) Annual Report on Excess Costs.—(1) The Secretary shall submit to the congressional defense committees an annual report on the estimated costs of activities related to the closure or realignment, as the case may be, of each installation for which the Secretary makes the determination referred to in subsection (b).

(2) Each report under paragraph (1) shall include—

(A) an estimate of the costs to be incurred by the Secretary in completing the closure or realignment, as the case may be, of the installation; and

(B) if the amount of such costs exceed the amount of estimated costs for such completion in the report on the installation submitted under this section in the previous year, an explanation of such excess.

(3) The Secretary shall submit the report required under paragraph (1) at the same time as the President submits to Congress the budget for the Department of Defense under section 1105 of title 31, United States Code. The Secretary shall submit a report for each installation referred to in that paragraph until the completion of the closure or realignment, as the case may be, of such installation.

(d) Requirement Relating to Reports.—Costs shall be expressed in each report required under this section in constant fiscal year 1993 dollars.

(e) Definition.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

SEC. 2819. CONSULTATION REQUIREMENT FOR LOCAL REUSE AUTHORITIES AND GOVERNMENTS.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2907, is further amended by adding at the end the following new subparagraphs (I) and (J):

"(I) Subject to subparagraph (J), the local reuse authority with respect to a military installation closed under this part, or the local government in whose jurisdiction the installation is wholly located, as the case may be, shall certify to the Secretary that such authority or government, as the case may be, has consulted in the efforts of such authority or government on such plan and, to the maximum extent practicable, included in such efforts the following:

"(i) The civilian employees of the Department of Defense at such installation.

"(ii) The regional and local chambers of commerce, if any, in such vicinity of the installation.

"(iii) Appropriate representatives of any governmental entity in the region in which such installation is located, if the number of employees of such installation on the date of the approval of closure of such installation constitutes more than 5 percent of the total civilian workforce of the area under the jurisdiction of such governmental entity.

"(J)(i) The certification required under subparagraph (I) shall be submitted, in the case of installations approved for closure under this part for which no reutilization and redevelopment plan has been submitted to the Secretary on or before the date of the enactment of this Act, before the submittal of such plans for such installations.

"(ii) Each local reuse authority or local government, as the case may be, that has submitted an interim reutilization and redevelopment plan to the Secretary under this part on or before the date of the enactment of this Act shall submit a certification to the Secretary under subparagraph (I) before the submittal of its final reutilization and redevelopment plan.".

Subtitle C—Land Transactions

SEC. 2831. CONVEYANCE OF NATURAL GAS DISTRIBUTION SYSTEM, FORT BELVOIR, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Washington Gas Company, Virginia (in this section referred to as "Washington Gas Company"), all right, title, and interest of the United States in and to the natural gas distribution system described in paragraph (2).

(2) The natural distribution gas system referred to in paragraph (1) is the natural gas distribution system, located at Fort Belvoir, Virginia, consisting of approximately 15.6 miles of natural gas distribution lines and the equipment, fixtures, structures, and other improvements owned and utilized by the Federal Government at Fort Belvoir in order to provide natural gas to and distribute natural gas at Fort Belvoir. The natural gas distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to Washington Gas Company the following easements relating to the conveyance of the natural gas distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to provide access to the natural gas distribution system for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the natural gas distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the natural gas distribution system authorized in subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the natural gas distribution system authorized by subsection (a) is subject to the following conditions:

(1) That Washington Gas Company provide natural gas to and distribute natural gas at Fort Belvoir at a rate that is no less favorable than the rate Washington Gas Company would charge a public or private consumer of natural gas similar to Fort Belvoir for the provision and distribution of natural gas.

(2) That Washington Gas Company maintain, repair, conduct safety inspections, and conduct leak test surveys required for the natural gas distribution system.

(3) That Washington Gas Company, at no cost to the Federal Government, expand and upgrade the natural gas distribution system as necessary to meet the increasing needs of Fort Belvoir for natural gas that will result from conversion, to the extent anticipated by the Secretary at the time of conveyance, of oil-burning utilities at Fort Belvoir to natural gas-burning utilities.

(4) That Washington Gas Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing natural gas to Fort Belvoir through the natural gas distribution system.

(5) That Washington Gas Company not commence any expansion of the natural gas distribution system without approval of such expansion by the commander of Fort Belvoir.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by Washington Gas Company in accordance with subsection (d) is at least equal to the fair market value of the natural gas distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that Washington Gas Company is not complying with the conditions set forth in subsection (d), all right, title, and interest of Washington Gas Company in and to the natural gas distribution system conveyed pursuant to subsection (a), including improvements thereto and any modifications made to the system by Washington Gas Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate possession, including the right to operate the system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment, fixtures, structures, and improvements to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Washington Gas Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. CONVEYANCE OF WATER DISTRIBUTION SYSTEM, FORT LEE, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the American Water Company, Virginia (in this section referred to as "American Water Company"), all right, title, and interest of the United States in and to the water distribution system described in paragraph (2).

(2) The water distribution system described in paragraph (1) is the water distribution system located at Fort Lee, Virginia, consisting of approximately 7 miles of transmission lines, 85 miles of distribution and service lines, fire hydrants, elevated storage tanks, pumping stations, and other improvements, owned and utilized by the Federal Government in order to provide water to and distribute water at Fort Lee. The water distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to American Water Company the following easements relating to the conveyance of the water distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and American Water Company jointly determine are necessary in order to provide for access by American Water Company to the water distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and American Water Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water distribution system authorized by subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the water distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That American Water Company provide water to and distribute water at Fort Lee at a rate that is no less favorable than the rate American Water Company would charge a public or private consumer of water similar to Fort Lee for the provision and distribution of water.

(2) That American Water Company maintain, repair, and conduct safety inspections of the water distribution system.

(3) That American Water Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing water at Fort Lee through the water distribution system.

(4) That American Water Company not commence any expansion of the water distribution system without approval of such expansion by the commander of Fort Lee.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by American Water Company in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that American Water Company is not complying with the conditions specified in subsection (d), all right, title, and interest of American Water Company in and to the water distribution system conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by American Water Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the immediate right to operate the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the water distribution system to be conveyed pursuant to subsection (a), including any easements granted with respect to such system under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by American Water Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. CONVEYANCE OF WASTE WATER TREATMENT FACILITY, FORT PICKETT, VIRGINIA.

(a) AUTHORITY TO CONVEY.—The Secretary of the Army may convey to the Town of Blackstone, Virginia (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 11.5 acres, including a waste water treatment facility and other improvements thereon, located at Fort Pickett, Virginia.

(b) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town design and carry out such expansion or improvement of the waste water treatment facility as the Secretary and the Town jointly determine necessary in order to ensure operation of the facility in compliance with all applicable Federal and State environmental laws (including any permit or license requirements).

(2) That the Town operate the waste water treatment facility in compliance with such laws.

(3) That the Town provide disposal services, waste water treatment services, and other related services to Fort Pickett at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Fort Pickett for the provision of such services.

(4) That the Town reserve 75 percent of the operating capacity of the waste water treatment facility for use by the Army in the event that such use is necessitated by a realignment or change in the operations of Fort Pickett.

(5) That the Town accept liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for any environmental restoration or remediation required at the facility by reason of the provision of waste water treatment services at the facility to entities other than the Army.

(c) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (d) is at least equal to the fair market value of the waste water treatment facility conveyed pursuant to subsection (a).

(d) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (b), all right, title, and interest in and to the real property (including the waste water treatment system) conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the waste water treatment system.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(f) ENVIRONMENTAL COMPLIANCE.—(1) The Town shall be responsible for compliance with all applicable environmental laws and regulations, including any permit or license requirements. The Town shall also be responsible for executing and constructing environmental improvements to the plant as required by applicable law.

(2) The Secretary, subject to the availability of appropriated funds, and the Town shall share future environmental compliance costs based on a pro rata share of reserved plant capacity as determined by the Secretary under subsection (c).

(3) The Secretary of the Army shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the facility conveyed under this section before carrying out the conveyance.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance authorized under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. CONVEYANCE OF WATER DISTRIBUTION SYSTEM AND RESERVOIR, STEWART ARMY SUBPOST, NEW YORK.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Town of New Windsor, New York (in this section referred to as the "Town"), all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) The property referred to in paragraph (1) is the following property located at the Stewart Army Subpost, New York:

(A) A parcel of real property consisting of approximately 7 acres, including a reservoir and improvements thereon, the site of the Stewart Army Subpost water distribution system.

(B) Any equipment, fixtures, structures, or other improvements (including any water transmission lines, water distribution and service lines, fire hydrants, water pumping stations, and other improvements) not located on the parcel described in subparagraph (A) that are owned and utilized by the Federal Government in order to provide water to and distribute water at Stewart Army Subpost.

(b) RELATED EASEMENTS.—The Secretary may grant to the Town the following easements relating to the conveyance of the property authorized by subsection (a):

(1) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the water distribution system referred to in paragraph (2) of that subsection for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and the Town jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water distribution system authorized in subsection (a) unless the Town agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town provide water to and distribute water at Stewart Army Subpost at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Stewart Army Subpost for the provision and distribution of water.

(2) That the Town operate the water distribution system in compliance with all applicable Federal and State environmental laws and regulations (including any permit and license requirements).

(3) That the Town not commence any expansion of the water distribution system without approval of such expansion by the commander of Stewart Army Subpost.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (d), all right, title, and interest of the Town in and to the property (including the water distribution system) conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the water distribution system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the property to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence, shall be borne by the Town.

(h) ENVIRONMENTAL CLEANUP.—The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the facility conveyed under this section before carrying out the conveyance.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance authorized under subsection (a) and the easements granted under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LEASE OF REAL PROPERTY, CAMP PENDLETON MARINE CORPS BASE, CALIFORNIA.

(a) AUTHORITY TO ENTER INTO LEASE.—(1) The Secretary of the Navy may lease to Tri-Cities Municipal Water District, California (in this section referred to as the "District"), a special governmental district of the State of California, such parcels (including sub-surface portions of such parcels) of real property located in the vicinity of the lower San Mateo Water Basin, in the northern portion of Camp Pendleton Marine Corps Base, California, as the Secretary determines will meet the requirement set forth in paragraph (2).

(2) The lease authorized in paragraph (1) shall permit the District—

(A) to develop, operate, and maintain water extraction facilities on the parcels subject to the lease; and

(B) to provide water and water distribution services for the District and for the northern portion of Camp Pendleton Marine Corps Base in a manner mutually beneficial to the District and Camp Pendleton Marine Corps Base (as jointly determined by the Secretary and the District).

(3) The lease shall be for such period not longer than 50 years as the Secretary determines to be in the best interests of the United States.

(b) CONSIDERATION.—As consideration for the lease authorized by subsection (a)—

(1) the District shall—

(A) construct, operate, and maintain on the property subject to the lease such improvements as the Secretary and the District jointly determine to be necessary in order to ensure that water is delivered to and stored in the lower San Mateo Water Basin so as to provide a sustained source of water sufficient for the purposes of Camp Pendleton Marine Corps Base and the District; and

(B) operate and maintain the water extraction, storage, and distribution system (including any infrastructure associated with such system) located within the northern portion of Camp Pendleton Marine Corps Base; and

(2) in the event that the fair market value of the interests leased by the Secretary under subsection (a)(1) exceeds the fair market value (as so determined) of the actions taken by the District under paragraph (1) of this subsection, the District shall pay or provide in-kind services to the United States in an amount or value, as the case may be, that is equal to such excess amount.

(c) DESCRIPTION OF PROPERTY.—The exact acreages and legal descriptions of the parcels to be leased pursuant to subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the lease under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT DIX, NEW JERSEY.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Jersey Central Power and Light Company, New Jersey (in this section referred to as "Jersey Central"), all right, title, and interest of the United States in and to the electricity distribution system described in paragraph (2).

(2) The electricity distribution system referred to in paragraph (1) is the electricity distribution system located at Fort Dix, New Jersey, consisting of approximately 145.6 miles of electricity distribution lines, electricity poles, transformers, electricity substations, and other electricity distribution improvements owned and utilized by the Federal Government in order to provide electricity to and distribute electricity at Fort Dix. The electricity distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to Jersey Central the following easements relating to the conveyance of the electricity distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Jersey Central jointly determine are necessary in order to provide for the access by Jersey Central to the electricity distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Jersey Central jointly determine are necessary in order to satisfy the requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the electricity distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the electricity distribution system authorized by subsection (a) unless Jersey Central agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the electricity distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That Jersey Central provide electricity to and distribute electricity at Fort Dix at a rate that is no less favorable than the rate Jersey Central would charge a public or private consumer of electricity similar to Fort Dix for the provision and distribution of electricity.

(2) That Jersey Central carry out safety upgrades to permit the distribution system to carry electricity at up to 13,800 volts.

(3) That Jersey Central improve the electricity distribution system by installing additional lightning protection devices in such a manner as to permit the installation of air conditioning in family housing units.

(4) That Jersey Central maintain and repair, and conduct safety inspections and power factor surveys, of the electricity distribution system.

(5) That Jersey Central comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing electricity at Fort Dix through the electricity distribution system.

(6) That Jersey Central not commence any expansion of the electricity distribution system without approval of such expansion by the commander of Fort Dix.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by Jersey Central in accordance with subsection (d) is at least equal to the fair market value of the electricity distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that Jersey Central is not complying with the conditions specified in subsection (d), all right, title, and interest of Jersey Central in and to the electrical distribution system conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by Jersey Central after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right to operate the electricity distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the electricity distribution system to be conveyed pursuant to subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Jersey Central.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. MODIFICATION OF TERMINATION OF LEASE AND SALE OF FACILITIES, NAVAL RESERVE CENTER, ATLANTA, GEORGIA.

(a) CONSIDERATION.—Subsection (b) of section 2846 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2623) is amended by striking out "aggregate" and all that follows through "subsection (a)(2)" and inserting in lieu thereof "lesser of the cost of expanding the Marine Corps Reserve Center to be constructed at Dobbins Air Force Base, Georgia, in accordance with subsection (c)(1), or $3,000,000".

(b) USE OF FUNDS.—Subsection (c) of such section is amended—

(1) by striking out paragraph (2);

(2) in paragraph (1), by striking out "(1)(A) Subject to the availability of appropriations for this purpose and subparagraph (B)," and inserting in lieu thereof "(1) Subject to paragraph (2),";

(3) by redesignating subparagraph (B) as paragraph (2); and

(4) in paragraph (2), as so designated, by striking out "subparagraph (A)" and inserting in lieu thereof "paragraph (1)".

(c) LEASEBACK OF FACILITIES.—Such section 2846 is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) LEASEBACK OF FACILITIES.—The Secretary may lease from the Institute, at fair market rental value, the facilities referred to in subsection (a)(2) after the sale of such facilities referred to in that subsection. The term of such lease may not exceed 2 years.".

SEC. 2838. CONVEYANCE OF RADAR BOMB SCORING SITE, CONRAD, MONTANA.

(a) CONVEYANCE.—The Secretary of the Air Force may convey, without consideration, to the City of Conrad, Montana (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of real property consisting of approximately 42 acres located in Conrad, Montana, which has served as a support complex, recreational facilities, and family housing for the Radar Bomb Scoring Site, Conrad, Montana, together with any improvements thereon.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City—

(1) utilize the property and recreational facilities conveyed under that subsection for housing and recreation purposes; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such uses.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being utilized in accordance with subsection (b) all right, title, and interest in and to the property conveyed pursuant to such subsection (a), including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2839. FINANCIAL ASSISTANCE FOR IMPROVEMENT OF DYSART CHANNEL, LUKE AIR FORCE BASE, ARIZONA.

(a) ASSISTANCE AUTHORIZED.—The Secretary of the Air Force may provide financial assistance, out of any funds available for the Air Force for fiscal years after fiscal year 1993, to the Flood Control District of Maricopa County, Arizona (in this section referred to as "the Flood Control District"), in order to assist the Flood Control District in widening Dysart Channel and making such other improvements of Dysart Channel that the Secretary and the Flood Control District jointly determine are necessary to prevent the flooding of Luke Air Force Base, Arizona.

(b) MAXIMUM AMOUNT.—The total amount of the financial assistance provided under this section may not exceed the lesser of—

(1) an amount equal to 50 percent of the total cost (as determined by the Secretary) of widening Dysart Channel and making the other improvements referred to in subsection (a); or

(2) $6,000,000.

(c) CONSIDERATION.—As consideration for the financial assistance provided pursuant to subsection (a), the Flood Control District shall convey to the United States all right, title, and interest of the Flood Control District in and to the real property, if any, acquired by the Flood Control District in widening Dysart Channel and making the other improvements referred to in subsection (a).

(d) ASSISTANCE AGREEMENT.—The Secretary may not provide the financial assistance referred to in subsection (a) unless—

(1) the Secretary and the Flood Control District enter into an agreement allocating between the Air Force and the Flood Control District the costs of widening Dysart Channel and making the other improvements referred to in subsection (a);

(2) the Flood Control District agrees to hold harmless, defend, and indemnify in full the Air Force, and any of its officers, members, employees, or agents, from and against any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of the actions taken by the Flood Control District in widening Dysart Channel and making the other improvement referred to in subsection (a); and

(3) the Flood Control District agrees not to acquire any real property in widening Dysart Channel and making the other improvements referred to in subsection (a) without the advance approval of the Secretary.

(e) PROJECT DESIGN AND EXECUTION.—The Flood Control District shall establish the requirements applicable to widening Dysart Channel and making the other improvements referred to in subsection (a) and shall undertake responsibility for the timely execution of such widening and other improvements.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the financial assistance provided under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2840. LAND CONVEYANCE, BROWARD COUNTY, FLORIDA.

(a) LAND CONVEYANCE.—The Secretary of the Navy may convey to Broward County, Florida (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 18.45 acres and comprising a portion of Fort Lauderdale-Hollywood International Airport, Florida.

(b) CONSIDERATION.—The County shall provide the United States with consideration for the conveyance under subsection (a) that is equal to at least the fair market value of the property conveyed. The County may provide that consideration by either of the following methods, as elected by the County:

(1) Constructing (or paying the costs of constructing) at a location selected by the Secretary within Broward County, Florida, a suitable facility to replace the improvements conveyed under subsection (a).

(2) Paying to the United States an amount equal to the fair market value of the parcel of property conveyed under subsection (a).

(c) REQUIREMENT RELATING TO ELECTION.—If the County elects to construct (or pay the costs of construction) of a replacement facility under subsection (b)(1), the County shall pay to the United States the amount, if any, by which the fair market value of the property conveyed under subsection (a) exceeds the fair market value of the replacement facility.

(d) REPLACEMENT FACILITY.—If the County elects to pay the fair market value of the real property under subsection (b)(2) as consideration for the conveyance authorized under subsection (a), the Secretary shall use the amount paid by the County to construct a suitable facility to replace the improvements conveyed under subsection (a).

(e) USE OF PROCEEDS.—The Secretary shall deposit any amount paid to the United States under this section and not used for the purposes of constructing a replacement facility under subsection (d) in the account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(f) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcel of real property to be conveyed under subsection (a) and of the improvements, if any, constructed under subsection (b)(1). Such determination shall be final.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of the surveys shall be borne by the County.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2841. LAND TRANSFER, WOODBRIDGE RESEARCH FACILITY, VIRGINIA.

(a) REQUIREMENT OF TRANSFER.—Notwithstanding any other provision of law, the Secretary of the Army shall transfer, without reimbursement, to the Department of the Interior, a parcel of real property consisting of approximately 580 acres and comprising the Harry Diamond Army Research Laboratory, Woodbridge Research Facility, Virginia, together with any improvements thereon. The transfer shall occur no later than September 30, 1994.

(b) USE OF TRANSFERRED PROPERTY.—The Secretary of the Interior shall incorporate the real property transferred under subsection (a) into the Marumsco National Wildlife Refuge, Virginia.

(c) ENVIRONMENTAL RESPONSIBILITY.—The Secretary of the Army shall retain responsibility for any environmental restoration or remediation required at the real property transferred under subsection (a).

SEC. 2842. LAND CONVEYANCE, CHARLESTON, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary of the Navy may convey to the Division of Public Railways, South Carolina Department of Commerce (in this section referred to as the "Railway") all right, title and interest of the United States in and to a parcel of real property consisting of approximately 10.9 acres and comprising a portion of the Charleston Naval Weapons Station South Annex, North Charleston, South Carolina.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a) the Railway shall pay to the United States an amount equal to the fair market value of the property as determined by the Secretary.

(c) USE OF PROCEEDS.—The Secretary may use the proceeds received from the sale of property authorized by this section to pay for the cost of any environmental restoration of the property being conveyed. Any proceeds which remain after any necessary environmental restoration has been completed shall be deposited in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Railway.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers to be necessary to protect the interests of the United States.

SEC. 2843. AVAILABILITY OF SURPLUS MILITARY EQUIPMENT.

The Secretary of Defense shall make his best effort to make available surplus military equipment scheduled for retirement or disposal owing to military downsizing, base closure or realignment to communities suffering economic hardships from the closure of a military base, if such equipment is important to the economic development efforts of those communities, and if such equipment does not have an alternative military use.

SEC. 2844. CONVEYANCE OF LAND IN FORT MISSOULA, MONTANA.

(a) LAND USE DETERMINATION.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Army shall determine whether a parcel of land consisting of approximately 11 acres, and improvements thereon, located in Fort Missoula, Missoula County, Montana, is excess to the needs of the Department of the Army.

(b) AUTHORIZATION.—If the Secretary determines that the property identified in subsection (a) is excess to the needs of the Department of the Army, the Secretary may, subject to subsection (c), convey to the Northern Rockies Heritage Center, a nonprofit corporation incorporated in the State of Montana, all right, title, and interest of the United States to such property.

(c) CONDITIONS.—The conveyance authorized in subsection (b) shall be subject to the conditions that—

(1) the property conveyed may be used only for historic, cultural, or educational purposes;

(2) the Northern Rockies Heritage Center shall enter into an agreement with the Secretary of Agriculture concerning the use of the property by the Department of Agriculture;

(3) the Northern Rockies Heritage Center shall indemnify the United States against all liability in connection with any hazardous materials, substances, or conditions that may be found on the property; and

(4) the Northern Rockies Heritage Center shall, prior to the conveyance and for the first year of operation of the Northern Rockies Heritage Center after the conveyance, establish, to the satisfaction of the Secretary of the Army, that it has the ability to maintain the property described in subsection (a) for the purposes described in paragraph (1).

(d) REVERSIONARY INTEREST.—If the property conveyed pursuant to subsection (b) is used for purposes other than those specified in subsection (c)(1), all right, title, and interest to and in the property shall revert to the United States at no cost to the United States, which shall have immediate right of entry on the land.

(e) DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (b) shall be determined by surveys that the Secretary determines are satisfactory. The Northern Rockies Heritage Center shall pay the cost of any survey required by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may establish such additional terms and conditions for the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(g) CONGRESSIONAL NOTIFICATION.—If the Secretary determines that the property identified in subsection (a) is not excess to the needs of the Department of the Army, the Secretary shall notify Congress in writing of the plans of the Department of the Army for maintaining and utilizing the property. Such notification shall be made not later than 60 days after the date of enactment of this Act.

SEC. 2845. LAND TRANSFER, FORT SHERIDEN, ILLINOIS AND ARLINGTON COUNTY, VIRGINIA.

The Secretary of Defense shall review, and shall provide a report of such review to the Committees on Armed Services of the Senate and the House of Representatives not later than September 24, 1993, a proposed transfer of lands under the control of the Secretary of the Army, and lands under the control of the Secretary of the Navy, located at Fort Sheridan, Illinois, for a parcel of real estate, consisting of approximately 7.1 acres, located in Arlington County, Virginia and commonly known at the "Twin Bridges" parcel, including the proposal to utilize the "Twin Bridges" parcel for the purpose of constructing and operating the National Museum of the United States Army, utilizing solely donated funds for the construction and operation of such museum.

Subtitle D—Other Matters

SEC. 2851. REPORTS ON ECONOMIC AND ENVIRONMENTAL EFFECTS OF TRANSFER OF MINE WARFARE CENTER OF EXCELLENCE.

(a) SUBMITTAL OF EIS.—The Secretary of the Navy shall, upon completion of the environmental impact statement with respect to the construction and operation of the Mine Warfare Center of Excellence at Ingleside, Texas, submit a copy of such environmental impact statement to the congressional defense committees.

(b) MATTERS TO BE COVERED IN EIS.—The Secretary shall ensure that the environmental impact statement referred to in subsection (a) includes an analysis of the environmental impact of the construction and operation at Ingleside, Texas, of the following Mine Warfare Center of Excellence facilities:

(1) A magnetic silencing facility.

(2) A small boat pier.

(3) A support pier for a helicopter and sled.

(4) A drill-mine field for mine warfare training.

(c) ECONOMIC ASSESSMENT.—At the same time that the Secretary submits the environmental impact statement under subsection (a), the Secretary shall submit to the congressional defense committees an assessment by the Secretary of the cost to the Navy of consolidating the Navy mine warfare forces at Ingleside, Texas. The report shall include a comparison of such cost with the cost of consolidating such forces at alternative locations.

(d) SUSPENSION OF CERTAIN ACTIVITIES PENDING RECEIPT OF REPORT AND ASSESSMENT.—(1) The Secretary may not take any action after July 31, 1993, to relocate any of the Navy mine warfare forces to Ingleside, Texas, until 60 days after the date of the submittal of the environmental impact statement under subsection (a) and the economic assessment under subsection (c).

(2) Paragraph (1) does not apply to the relocation of Navy mine countermeasure ships.

SEC. 2852. PROHIBITION ON USE OF FUNDS FOR PLANNING AND DESIGN FOR DEPARTMENT OF DEFENSE VACCINE PRODUCTION FACILITY.

(a) PROHIBITION.—None of the funds authorized to be appropriated for the Department of Defense for fiscal year 1994 may be obligated for architectural and engineering services or for construction design in connection with the Department of Defense vaccine production facility.

(b) REPORT.—Not later than February 1, 1994, the Secretary of Defense, in consultation with the Secretary of the Army, shall submit to the congressional defense committees a report containing a complete explanation of the necessity for constructing within the United States a Department of Defense facility for the production of vaccine for the Department of Defense.

SEC. 2853. GRANT RELATING TO ELEMENTARY SCHOOL FOR DEPENDENTS OF DEPARTMENT OF DEFENSE PERSONNEL, FORT BELVOIR, VIRGINIA.

(a) GRANT AUTHORIZED.—The Secretary of the Army may make a grant to the Fairfax County School Board, Virginia, in order to assist the School Board in constructing a public elementary school facility, to be owned and operated by the School Board, in the vicinity of Fort Belvoir, Virginia.

(b) CAPACITY REQUIREMENT.—The school facility constructed with the grant made under subsection (a) shall be sufficient (as determined by the Secretary) to accommodate the dependents of members of the Armed Forces assigned to duty at Fort Belvoir and the dependents of employees of the Department of Defense employed at Fort Belvoir.

(c) MAXIMUM AMOUNT OF GRANT.—The amount of the grant under this section may not exceed $8,000,000.

(d) REQUIREMENTS RELATING TO CONSTRUCTION OF SCHOOL.—(1) The Fairfax County School Board shall establish the design and function specifications applicable to the elementary school facility constructed with the grant made under this section.

(2) The Fairfax County School Board shall be responsible for soliciting bids and awarding contracts for the construction of the school facility and shall undertake responsibility for the timely construction of the school facility under such contracts.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the grant authorized under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2854. ALLOTMENT OF SPACE IN FEDERAL BUILDINGS TO CREDIT UNIONS.

Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended in the first sentence—

(1) by striking out "at least 95 per centum" and all that follows through "and the members of their families,"; and

(2) by striking out "allot space to such credit union" and all that follows through the period and inserting in lieu thereof "allot space to such credit union without charge for rent or services if at least 95 per centum of the membership of the credit union to be served by the allotment of space is composed of persons who either are presently Federal employees or were Federal employees at the time of admission into the credit union, and members of their families, and if space is available.".

SEC. 2855. STUDY OF EFFECTS OF AIR FORCE ACTIVITIES ON DUCK VALLEY RESERVATION.

(a) STUDY.—The Secretary of the Air Force shall carry out a study to determine—

(1) the effects on Air Force operations of a requirement that overflights of the Duck Valley Reservation of the Shoshone-Paiute Tribes occur no lower than 15,000 feet above ground level of such reservation;

(2) the effects on such operations of a requirement that no military activities occur within such reservation or the area within 15 miles of the boundary of such reservation; and

(3) whether such operations can be carried out within the areas referred to in paragraph (2) in accordance with the following:

(A) The provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(B) The provisions of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(b) REPORT.—The Secretary shall submit to Congress the report required under subsection (a) not later than 120 days after the date of the enactment of this Act.

SEC. 2856. DISPOSITION OF REAL PROPERTY AT MISSILE SITES TO ADJACENT LANDOWNERS.

Section 9781 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by substituting "Administrator of General Services" for "Secretary of the Air Force";

(2) in subsection (a)(2), by striking out subparagraph (D) and inserting in lieu thereof the following:

"(D) is surrounded by lands that are adjacent to such tract and that—

"(i) are owned in fee simple by one owner, either individually or by more than one person jointly, in common, or by the entirety; or

"(ii) are owned separately by two or more owners."; and

(3) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and revising the single paragraph thereof to read as follows:

"(b)(1) The Administrator shall convey, for fair market value, the interest of the United

States in any tract of land referred to in subsection (a) or in any easement in connection with any such tract of land to any person or persons described in paragraph (a)(2)(D)(i) who, with respect to such land, are ready, willing, and able to purchase such interest for the fair market value of such interest. Whenever such interest of the United States is available for purchase under this section, the Administrator shall transmit a notice of the availability of such interest to each such person or persons.".

(B) by adding at the end the following new paragraph:

"(2)(A) In the case of a tract of land surrounded by lands that are adjacent to such tract and are owned separately by two or more owners, the Administrator shall dispose of that tract of land in accordance with this paragraph.

"(B) The Administrator shall conduct a sealed bid competitive sale at which all of such owners are afforded the opportunity to compete to acquire the interest of the United States in such tract. The Administrator shall restrict to the owners of the adjacent lands the opportunity to compete in the sealed bid competitive sale.

"(C) Subject to paragraph (C), the Administrator shall convey the interest of the United States in the tract to the highest bidder.

"(D) The Administrator shall satisfy the requirements of paragraph (1) regarding notice, fair market value, and the qualifications of the purchaser in disposing of the tract in accordance with the results of the sealed bid competitive sale.

"(E) If all bids received by the Administrator pursuant to subparagraph (A) are less than the fair market value of the tract of land, the tract of land shall be disposed of in accordance with the provisions of title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).".

(4) In subsection (c), by substituting "Administrator" for "Secretary";

(5) In subsection (e), by substituting "Secretary of the Air Force" for "Secretary" as it first appears in the subsection and by substituting "Administrator" for "Secretary" as it last appears in the subsection; and

(6) In subsection (f), by substituting "Administrator" for "Secretary".

TITLE XXIX—BASE CLOSURE ASSISTANCE

SEC. 2901. SHORT TITLE.

This title may be cited as the "Base Closure Communities Act of 1993".

SEC. 2902. FINDINGS.

Congress makes the following findings:

(1) The closure and realignment of military installations within the United States is a necessary consequence of the end of the Cold War and of changed United States national security requirements.

(2) A military installation is a significant source of employment for many communities, and the closure or realignment of an installation may cause economic hardship for such communities.

(3) It is in the interest of the United States that the Federal Government facilitate the economic recovery of communities that experience adverse economic circumstances as a result of the closure or realignment of a military installation.

(4) The Federal Government may facilitate the economic recovery of a community by preventing or reducing the loss of jobs that might otherwise occur as a result of such a closure or realignment.

(5) It is in the interest of the United States that the Federal Government work with communities that experience adverse economic circumstances as the result of the closure of military installations to identify and implement means of reutilizing or redeveloping such installations in a beneficial manner.

(6) The Federal Government may provide such assistance by accelerating environmental restoration at military installations to be closed, and by closing such installations, in a manner that best ensures the beneficial reutilization or redevelopment of such installations by such communities.

(7) The Federal Government may best ensure such reutilization and redevelopment by making available real and personal property of the closing military installations to communities affected by such closures on a timely basis, and, if appropriate, at less than fair market value.

SEC. 2903. PROHIBITION ON TRANSFER OF CERTAIN PROPERTY LOCATED AT MILITARY INSTALLATIONS TO BE CLOSED.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking out "Subject to subparagraph (C)," and inserting in lieu thereof "Subject to subparagraphs (C), (F), and (G),"; and

(2) by adding at the end the following:

"(F)(i) Not later than 6 months after the date of approval of closure of an installation, the Secretary of Defense shall, in consultation with the local reuse authority recognized and funded by the Secretary, identify the items (or categories of items) of personal property related to real property on that installation that is anticipated to be included in a reutilization and redevelopment plan with respect to such installation. Such items may include common use items.

"(ii) If no local reuse authority recognized and funded by the Secretary exists with respect to a military installation referred to in clause (i), the Secretary shall consult with—

"(I) the local government in whose jurisdiction the installation is wholly located; or

"(II) a local government agency or State government agency designated for the purpose of such consultation by the chief executive office of that State.

"(iii) Except as provided in clauses (vi) and (vii), the Secretary of Defense may not carry out any of the activities referred to in clause (iv), until the earlier of—

"(I) one week after the date on which the reutilization and redevelopment plan, if any, for the installation is submitted to the Secretary by the local reuse authority;

"(II) the date on which the local reuse authority notifies the Secretary that it will not submit a plan referred to in subclause (I);

"(III) twenty-four months after the date of approval of closure or realignment of the installation; or

"(IV) ninety days before the closure of the installation.

"(iv) The activities referred to in clause (iii) are activities relating to the closure of a military installation as follows:

"(I) The transfer from the installation of items of personal property identified in accordance with clause (i).

"(II) The reduction in maintenance and repair of facilities or equipment of the installation below levels required to support the use of such facilities or equipment for nonmilitary purposes.

"(v) The Secretary may not transfer items of personal property on an installation to be closed or realigned under this part to another installation, or dispose of such items, if they are identified in a reutilization and redevelopment plan for the installation submitted to the Secretary by a local reuse authority as items essential to the reuse of the installation.

"(vi) This subparagraph shall not apply to any personal property—

"(I) that is required for the operation of a unit or weapons system being transferred to another installation;

"(II) that is uniquely military in character, and has no civilian use (other than use for its material content or as a source of commonly used components); or

"(III) that the local reuse authority agrees is not required in connection with the reutilization or redevelopment of an installation to be closed.

"(vii) Notwithstanding clauses (iii) and (v), the Secretary may carry out any of the activities referred to in clauses (iv) and (v) if the Secretary determines that such activities are in the national security interest of the United States.".

SEC. 2904. AUTHORITY TO TRANSFER PROPERTY AT CLOSED OR REALIGNED INSTALLATIONS TO AFFECTED COMMUNITIES AND STATES.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2903, is further amended by adding at the end the following:

"(G)(i) The Secretary of Defense may, under regulations prescribed by the Secretary that set forth guidelines for determining consideration, transfer real property or facilities and any personal property related thereto (including common use items of personal property) located at a military installation to be closed or realigned under this part to—

"(I) the redevelopment authority of a community that is located near the installation, if such redevelopment authority is authorized to accept the transfer;

"(II) the redevelopment authority of the State in which the installation is located, if such redevelopment authority is authorized to accept the transfer; or

"(III) any other public entity selected for such transfer by the Secretary.

"(ii) The transfer under this subparagraph may be for consideration, without consideration, for consideration in kind, or for consideration at or below the fair market value of the real property, facilities, or personal property transferred.

"(iii) The transfer under clause (i) may not take place until the redevelopment authority or other public entity selected by the Secretary for the transfer has taken into consideration in the reutilization and redevelopment plan for the military installation to be closed or realigned the needs of the homeless in the community or communities affected by such closure and has reasonably provided for such needs in such plan. All transfers shall be in accord with section 120(h) of CERCLA.".

SEC. 2905. AUTHORITY TO LEASE CERTAIN PROPERTY AT INSTALLATIONS TO BE CLOSED.

(a) LEASE AUTHORITY.—(1) Section 2667(f) of title 10, United States Code, is amended by inserting "or local reuse authorities recognized by the Secretary of Defense" after "governments".

(2) Section 2667 of such title is amended by adding at the end the following:

"(g)(1) Notwithstanding paragraph (3) of subsection (a) and title II of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481 et seq.), whenever the Secretary of a military department concerned considers it advantageous to the United States, the Secretary concerned may lease to any lessee, upon any terms that the Secretary concerned considers appropriate, any real and related personal property (including common use items of personal property) that is located at a military installation that has been selected for closure under the following provisions of law:

"(A) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(2)(A) The Secretary concerned may provide, in the case of the lease of property referred to in paragraph (1), for the payment (in cash or kind) by the lessee of consideration in an amount that is less than the fair market rental of the leasehold interest. Services relating to the protection and maintenance of the property leased may constitute all or part of such consideration.

"(B) The term of a lease under this paragraph may be for such number of years as the Secretary concerned determines appropriate.

"(C) A lease under this paragraph may include an option to purchase the property subject to the lease. Such option shall be exercisable upon the termination of the lease and shall be for a price, fixed in the lease, that the Secretary concerned considers likely to represent fair market value of the property subject to the option at the anticipated date of termination of the lease. The exercise of such option shall be in accordance with section 120(h) of CERCLA.

"(3) Before entering into any lease under this subsection, the Secretary shall consult with the Administrator of the Environmental Protection Agency in order to determine whether the environmental conditions at the property proposed for leasing permit the lease of the property. The Secretary and the Administrator shall enter into a memorandum of understanding setting forth procedures for carrying out the determinations under this paragraph.

"(4)(A) The Secretary of Defense shall, in regulations prescribed by the Secretary, permit the payment by the Secretary concerned of the administrative costs (including any administrative costs of the Department of Defense or of contractors of the department) relating to the entry of a lessee described in subparagraph (B) into a lease under this subsection.

"(B) A lessee referred to in subparagraph (A) is any lessee whose financial circumstances are such that the payment of costs under this paragraph is necessary to facilitate the entry of the lessee into the lease.

"(C) The regulations prescribed under this paragraph shall provide for determining whether a lessee is entitled to the payment of costs under this paragraph.".

(b) CONFORMING AMENDMENTS.—(1) The section heading of section 2667 of title 10, United States Code, is amended to read as follows:

"§ 2667. Leases: non-excess property; property at installations to be closed".

(2) The table of sections at the beginning of chapter 159 of such title is amended by striking out the item relating to section 2667 and inserting in lieu thereof the following:

"2667. Leases: non-excess property; property at installations to be closed.".

(c) REGULATIONS.—The Secretary of Defense shall prescribe the regulations referred to in section 2667(g)(3)(A) of title 10, United States Code (as added by subsection (a)), not later than 30 days after the date of the enactment of this Act.

SEC. 2906. DELEGATION OF AUTHORITY TO ENTER INTO LEASES OF CERTAIN PROPERTY.

The Secretary of Defense shall, in regulations prescribed by the Secretary, provide for the delegation of the authority of the Secretary to enter in leases under section 2667(g) of title 10, United States Code (as amended by section 2905(a)). The regulations shall specify one or more officials to whom such authority shall be delegated. The Secretary shall prescribe such regulations not later than 30 days after the date of the enactment of this Act.

SEC. 2907. EXPEDITED DETERMINATION OF TRANSFERABILITY OF EXCESS PROPERTY OF INSTALLATIONS TO BE CLOSED.

(a) EXPEDITED DETERMINATION OF TRANSFERABILITY.—Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2904, is further amended by adding at the end the following:

"(H)(i) Except as provided in clause (ii), the Secretary of Defense shall take such actions as the Secretary determines necessary to ensure that final determinations under subsection (b)(1) regarding whether another department or agency of the Federal Government has identified a use for any portion of an installation to be closed under this part, or will accept transfer of any portion of such installation, are made not later than 6 months after the date of approval of closure of that installation.

"(ii) The Secretary may, in consultation with the local reuse authority with respect to an installation, postpone the making of the final determinations referred to in clause (i) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure of the installation.".

(b) APPLICABILITY.—The Secretary of Defense shall make the determination required under section 2905(b)(2)(H) of such Act, as amended by subsection (a), in the case of installations whose date of approval of closure occurred more than 6 months before the date of the enactment of this Act, and which are not closed within 6 months of such date, not later than 6 months after such date.

SEC. 2908. AVAILABILITY OF PROPERTY AND SERVICES FOR ASSISTING THE HOMELESS.

(a) AVAILABILITY OF PROPERTY.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2667 note) is amended by adding at the end the following:

"(3)(A) Except as provided in subparagraph (B), nothing in this section shall limit or otherwise affect the application of the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) to installations closed or realigned under this part.

"(B)(i) Not later than 30 days after the date of approval of closure or realignment of an installation under this part, the Secretary of Defense shall submit to the Secretary of Housing and Urban Development information with respect to the buildings and other real property located at the installation that satisfies the requirements for quarterly requests for information of the Secretary of Housing and Urban Development under subsection (a) of section 501 of such Act (42 U.S.C. 11411).

"(ii) Not later than 60 days after the date referred to in clause (i), the Secretary of Housing and Urban Development shall identify the buildings and other real property at the installation that meet the requirement of the third sentence of such subsection (a) and notify the Secretary of Defense of such identification.

"(iii) Not later than 15 days after the date referred to in clause (ii), the Secretary of Housing and Urban Development shall publish in accordance with subsection (c) of such section a list of the buildings and other real property identified under clause (ii).

"(iv)(I) Buildings and other real property included in the list published under clause (iii) shall remain available to assist the homeless in accordance with subsection (d) of such section 501.

"(II) If, at the end of the period referred to in paragraph (1) of such subsection (d), no notice of intent to use the buildings or other property, or any portion thereof, to assist the homeless is received by the Secretary of Health and Human Services under paragraph (2) of such subsection, the Secretary of Defense may make such buildings or other property, or portion thereof, available to the local redevelopment authority, if any, that has submitted a reutilization or redevelopment plan with respect to such installation for use of such buildings or other property, or portion, thereof, in accordance with such plan.".

(b) APPLICABILITY.—The Secretary of Defense shall carry out the requirements of section 2905(b)(3)(B) of such Act, as amended by subsection (a), with respect to installations whose date of approval of closure is more than 90 days before the date of the enactment of this Act, and which are not closed on such date, not later than 30 days after such date.

SEC. 2909. TRANSITION COORDINATORS FOR ASSISTANCE TO COMMUNITIES AFFECTED BY THE CLOSURE OF INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall designate a transition coordinator for each military installation to be closed under a base closure law. The transition coordinator shall carry out the activities for such coordinator set forth in subsection (c).

(b) TIMING OF DESIGNATION.—A transition coordinator shall be designated for a military installation under subsection (a) as follows:

(1) Not later than 15 days after the date of approval of closure of that installation.

(2) In the case of installations approved for closure under a base closure law before the date of the enactment of this Act, not later than 15 days after such date of enactment.

(c) RESPONSIBILITIES.—A transition coordinator designated with respect to an installation shall—

(1) encourage, after consultation with officials of Federal and State departments and agencies concerned, the development of strategies for the expeditious environmental cleanup and restoration of the installation by the Department of Defense;

(2) assist the Secretary of the military department concerned in designating real property at the installation that has the potential for rapid and beneficial reuse or redevelopment in accordance with the reutilization and redevelopment plan for the installation;

(3) assist such Secretary in identifying strategies for accelerating completion of environmental cleanup and restoration of the real property designated under paragraph (2);

(4) assist such Secretary in developing plans for ensuring that, to the maximum extent practicable, the Department of Defense carries out any activities at the installation after the closure of the installation in a manner that takes into account, and supports, the reutilization and redevelopment plan for the installation;

(5) assist such Secretary in developing plans for the closure of the installation that take into account the goals set forth in the reutilization and redevelopment plan for the installation;

(6) assist the Secretary of Defense in making determinations with respect to requirements for, or the transfer of property at, the installation under section 2905(b)(2)(H) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as added by section 2907;

(7) assist a local economic redevelopment authority concerned with reuse of the installation in identifying real or personal property located at the installation that may have significant potential for reuse in accordance with the reutilization and redevelopment plan for the installation;

(8) assist the Office of Economic Adjustment of the Department of Defense and other departments and agencies of the Federal Government in coordinating the provision of assistance under transition assistance and transition mitigation programs with community redevelopment activities with respect to the installation;

(9) assist the Secretary of the military department concerned in identifying leases of property located at the installation that are consistent with the reutilization and redevelopment plan for the installation; and

(10) assist the Secretary of Defense in identifying real or personal property located at the installation that may be utilized to meet the needs of the homeless by consulting with the Interagency Council on the Homeless or the local lead agency of the homeless, if any, referred to in section 210(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11320(b)) for the State in which the installation is located.

SEC. 2910. COORDINATION OF ACTIVITIES OF OTHER FEDERAL DEPARTMENTS AND AGENCIES RELATING TO INSTALLATIONS TO BE CLOSED.

Not later than 30 days after the date of the enactment of this Act, the head of each department or agency of the Federal Government having jurisdiction over a matter arising out of the closure of a military installation under a base closure law, or the reutilization of such an installation, shall designate for each such installation an individual in such department or agency who shall provide information and assistance to the transition coordinator for such installation designated under section 2907 on the assistance, programs, or other activities of such department or agency with respect to the closure or redevelopment of such installation.

SEC. 2911. COMMUNITY RESPONSE BOARD.

(a) REQUIREMENT.—The Secretary of Defense shall establish a community response board with respect to the closure of military installations under base closure laws. The community response board shall have the responsibilities set forth in subsection (c).

(b) COMPOSITION; CHAIRMAN.—(1) The community response board shall be composed of the following members:

(A) The Secretary of each military department concerned or a representative or representatives of such military department who has an expertise in environmental matters or property disposal matters and who shall be appointed by that Secretary.

(B) One representative of the Department of Defense having an expertise in environmental matters, to be appointed by the Secretary of Defense.

(C) One representative of the Department of Defense having an expertise in the disposal of property, to be appointed by the Secretary of Defense.

(D) One representative of the Office of Economic Adjustment of the Department of Defense, to be appointed by the Secretary of Defense.

(E) One representative of the Department of Labor, to be appointed by the Secretary of Labor.

(F) One representative of the Environmental Protection Agency, to be appointed by the Administrator of the Environmental Protection Agency.

(G) One representative of the General Services Administration, to be appointed by the Administrator of General Services.

(H) One representative of the National Economic Council, to be appointed by the Director of the National Economic Council.

(I) The Executive Director of the Interagency Council on the Homeless pursuant to section 201 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311).

(J) One representative of the Department of Housing and Urban Development, to be appointed by the Secretary of Housing and Urban Development.

(K) Such other representatives as the Secretary of Defense, in consultation with the Director of the National Economic Council, determines appropriate.

(2) The Secretary of a military department may serve as a representative of such department under paragraph (1)(A).

(3) The Secretary of Defense, in consultation with the Director of the National Economic Council, shall designate the chairman of the board.

(c) RESPONSIBILITIES.—(1) The community response board shall—

(A) receive comments from appropriate representatives of the redevelopment authorities, if any, established with respect to installations to be closed or realigned under a base closure law on the progress, if any, made by such authorities toward the reutilization or redevelopment of such installations, and any impediments to such progress;

(B) to the maximum extent practicable, propose and develop solutions to such impediments; and

(C) submit a report to the President on such comments and solutions.

(2) In proposing and developing solutions to impediments to the reutilization or redevelopment under paragraph (1)(B), each member of the board shall, to the maximum extent practicable, solicit comments and proposals on such solutions from the Federal department or agency of which such member is a representative and utilize the resources and expertise of the Federal department or agency of which such member is a representative.

(3)(A) The community response board shall receive comments under paragraph (1)(A) by public hearing and by any other means determined appropriate by the board.

(B) The community response board shall offer to hold, and upon the approval of a redevelopment authority shall hold, not less than one such hearing each year with respect to each major installation approved for closure under a base closure law until that installation has been closed for more than 5 years. When holding a hearing with respect to an installation, the board shall ensure that the member or members of the board from the military department having jurisdiction over the installation is present.

(C) At each hearing with respect to an installation, the transition coordinator designated for such installation, or the designee of the coordinator, shall appear before the board with representatives of the redevelopment authority.

(D) The community response board shall meet at least three times each year to carry out the activities referred to in paragraph (1)(B).

(E) The community response board shall submit a report referred to in paragraph (1)(C) at least once each year.

(d) TERMINATION.—The authority of the community response board to carry out activities under this section shall terminate on December 31, 2006.

SEC. 2912. ASSISTANCE TO AFFECTED STATES AND COMMUNITIES THROUGH THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) IN GENERAL.—From the funds authorized to be appropriated to the Department of Defense for the activities of the Office of Economic Adjustment of the Department of Defense, the Secretary of Defense may make grants to not more than one redevelopment authority of each community adversely affected by the closure of a military installation, to redevelopment authorities of States so affected, and to communities so affected in order to assist such authorities and communities, as the case may be, in developing and implementing reutilization and redevelopment plans for property located at military installations closed under base closure laws.

(b) PROCESSING REQUIREMENT.—The Secretary shall determine whether to make a grant under this section to a redevelopment authority or community, as the case may be, not later than 7 days after receiving a complete application for a grant from such authority or community.

SEC. 2913. IDENTIFICATION OF UNCONTAMINATED PROPERTY AT INSTALLATIONS TO BE CLOSED.

The Secretary of Defense shall identify the real property located at each military installation selected in 1993 or 1995 for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) pursuant to the provisions of section 120(h)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)). The Secretary shall identify such real property at an installation not later than the earlier of—

(1) the date that is 9 months after the date of the submittal, if any, to the transition coordinator for the installation of a specific use proposed for all or a portion of the real property of the installation; or

(2) the date that is 18 months after the date of approval of closure of that installation.

SEC. 2914. SEMINARS ON REUSE OR REDEVELOPMENT OF PROPERTY AT INSTALLATIONS TO BE CLOSED.

The Secretary of Defense shall conduct seminars for communities in which a military installation to be closed or realigned under a base closure law is located. Such seminars shall be conducted within 6 months after the date of approval of closure of that installation, shall present the various Federal programs for the reutilization and redevelopment of installations to be closed under such law, and shall provide information about employment assistance, including employment assistance under Federal programs, available to members of such communities.

SEC. 2915. COMPLIANCE WITH CERTAIN ENVIRONMENTAL REQUIREMENTS RELATING TO CLOSURE OF INSTALLATIONS.

The Secretary of Defense shall, with respect to each military installation approved for closure or realignment under a base closure law—

(1) complete any environmental impact analyses required with respect to the installation pursuant to the base closure law under which the installation is closed, and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), not later than 12 months, to the extent possible, after the date of the submittal, if any, to the Secretary of the military department concerned of an acceptable (as determined by the Secretary) reutilization and redevelopment plan for the installation by the community (as determined by the Secretary); and

(2) ensure that the environmental impact statement addresses environmental matters arising out of such plan.

SEC. 2916. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(5) The Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense. The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2906(b) is further amended by adding at the end the following:

"(4) The Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense. The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.".

SEC. 2917. CLARIFICATION OF UTILIZATION OF FUNDS FOR COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE.

(a) UTILIZATION OF FUNDS.—Subject to subsection (b), funds made available to the Economic Development Administration for economic adjustment assistance under section 4305 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2700) may by utilized by the administration for administrative activities in support of the provision of such assistance.

(b) LIMITATION.—Not more than three percent of the funds referred to in subsection (a) may be utilized by the administration for the administrative activities referred to in such subsection.

SEC. 2918. DEFINITIONS.

(a) BASE CLOSURE COMMUNITIES ACT.—In this title:

(1) The term "base closure law" means the following:

(A) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "reutilization and redevelopment plan", in the case of an installation to be closed under a base closure law, means a plan that—

(A) is agreed to by the local redevelopment authority concerned or other entity recognized by the Secretary of Defense as the authority to direct the reutilization and redevelopment of the installation; and

(B) provides for the reuse of the real property and related personal property of the installation that is available as a result of the closure of the installation.

(3) The term "date of approval", with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under the applicable base closure law expires.

(b) BASE CLOSURE ACT 1990.—Section 2910 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(8) The term 'date of approval of closure', with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under this part expires.".

SEC. 2919. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) SECTION NOT TO TAKE EFFECT.—Section 2916 shall not take effect.

(b) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(5)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

(c) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(4)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

DEPARTMENT OF ENERGY NATIONAL SECURITY FOR FISCAL YEAR 1994

The text of the original bill (S. 1339) to authorize appropriations for fiscal year 1994 for defense activities of the Department of Energy, and for other purposes, as passed the Senate on September 14, 1993, is as follows:

S. 1339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy National Security Act for Fiscal Year 1994".

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. New tritium production and plutonium disposition activities.
Sec. 3103. Environmental restoration and waste management.
Sec. 3104. Materials support and other defense programs.
Sec. 3105. Defense nuclear waste disposal.
Sec. 3106. Funding uses and limitations.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.

Subtitle C—Other Matters

Sec. 3131. Use of funds for payment of penalty assessed against Hanford project.

Sec. 3132. Office of Tritium Production and Plutonium Disposition.
Sec. 3133. Authority to transfer certain Department of Energy property.
Sec. 3134. Reauthorization and expansion of authority to loan personnel and facilities.
Sec. 3135. Inclusion of analysis of Nevada Test Site in environmental assessment of reconfiguration of Department of Energy nuclear weapons complex.
Sec. 3136. Department of Energy management.
Sec. 3137. Training programs for management of hazardous materials and of hazardous materials emergency response activities.
Sec. 3138. Review of Department of Energy environmental compliance agreements.
Sec. 3139. Extension of review of waste isolation pilot plant in New Mexico.
Sec. 3140. Standardization of Requirements affecting Department of Energy employees.

Subtitle D—Cooperative Research and Development

Sec. 3141. Short title.
Sec. 3142. Definitions.
Sec. 3143. Competitiveness amendment to the Department of Energy Organization Act.
Sec. 3144. National advanced manufacturing technologies program.
Sec. 3145. Not-for-profit organizations.
Sec. 3146. Career path program.
Sec. 3147. AVLIS commercialization.
Sec. 3148. Amendments to Stevenson-Wydler Technology Innovation Act.
Sec. 3149. Guidelines.
Sec. 3150. Authorization.

TITLE XXXII—NUCLEAR SAFETY

Sec. 3201. Authorization for Defense Nuclear Safety Board.
Sec. 3202. Requirement for transmittal to Congress of certain information prepared by Defense Nuclear Safety Board.

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount $3,735,571,000, to be allocated as follows:

(1) For research and development, $1,152,325,000.

(2) For weapons testing, $375,000,000.

(3) For stockpile support, $1,792,280,000.

(4) For program direction, $277,466,000.

(5) For complex reconfiguration, $138,500,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD–101, general plan projects, various locations, $16,500,000.

Project GPD–121, general plant projects, various locations, $7,700,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $11,110,000.

Project 94–D–124, hydrogen fluoride supply system, Y–12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $3,000,000.

Project 94–D–127, emergency notification system, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 94–D–128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $800,000.

Project 93–D–102, Nevada support facility, North Las Vegas, Nevada, $6,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 93–D–123, complex–21, various locations, $25,000,000.

Project 92–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $27,479,000.

Project 92–D–126, replace emergency notification systems, various locations, $10,500,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $30,805,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $39,624,000.

Project 88–D–122, facilities capability assurance program, various locations, $27,100,000.

Project 88–D–123, security enhancement, Pantex Plant, Amarillo, Texas, $20,000,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the amount of $123,034,000.

(d) ADJUSTMENT FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $393,641,000.

SEC. 3102. NEW TRITIUM PRODUCTION AND PLUTONIUM DISPOSITION ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for expenses incurred in carrying out new tritium production activities and plutonium disposition activities necessary for national security programs in the amount of $83,000,000, offset by $43,000,000 in prior year funds.

SEC. 3103. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $4,782,213,000, to be allocated as follows:

(1) For corrective activities, $2,170,000.

(2) For environmental restoration, $1,536,027,000.

(3) For waste management, $2,275,441,000.

(4) For technology development, $361,150,000.

(5) For transportation management, $19,730,000.

(6) For program direction, $82,427,000.

(7) For facility transition, $545,268,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) to carry out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD–171, general plant projects, various locations, $49,015,000.

Project 94–D–122, underground storage tanks, Rocky Flats Plant, Golden, Colorado, $700,000.

Project 94–D–400, high explosive wastewater treatment, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $600,000.

Project 94–D–402, liquid waste treatment system, Nevada Test Site, $491,000.

Project 94–D–404, Melton Valley storage tanks capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $9,400,000.

Project 94–D–405, Central neutralization facility pipeline extension project, Oak Ridge K–25 Plant, Oak Ridge, Tennessee, $1,714,000.

Project 94–D–406, low-level waste disposal facility, Oak Ridge K–25 Plant, Oak Ridge, Tennessee, $6,000,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $7,000,000.

Project 94–D–408, 200 east office facility, Richland, Washington, $1,200,000.

Project 94–D–411, solid waste operations complex project, Richland, Washington, $7,100,000.

Project 94–D–412, 300 area process sewer piping system upgrade, Richland, Washington, $1,100,000.

Project 94–D–414, site 300 explosive waste storage facility, Lawrence Livermore National Laboratory, Livermore, California, $370,000.

Project 94–D–415, medical facilities, Idaho National Engineering Laboratory, Idaho, $1,100,000.

Project 94–D–416, Solvent Storage Tanks installation, Savannah River Site, South Carolina, $1,500,000.

Project 94–D–417, intermediate level and low activity waste vaults, Savannah River Site, South Carolina, $1,000,000.

Project 94–D–451, infrastructure replacement Rocky Flats Plant, Golden, Colorado, $6,600,000.

Project 93–D–172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $9,600,000.

Project 93–D–174, plant drain waste water treatment upgrades, Y–12 Plant, Oak Ridge, Tennessee, $3,500,000.

Project 93–D–175, industrial waste compaction facility, Y–12 Plant, Oak Ridge, Tennessee, $1,800,000.

Project 93–D–176, Oak Ridge reservation storage facility, K–25 Plant, Oak Ridge, Tennessee, $6,039,000.

Project 93–D–177, disposal of K–1515 sanitary water treatment plant waste, K–125 Plant, Oak Ridge, Tennessee, $7,100,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado, $1,000,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $6,000,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $6,500,000.

Project 93–D–183, multi-function waste remediation facility, Richland, Washington, $25,660,000.

Project 93–D–184, 325 facility compliance/renovation, Richland, Washington, $3,500,000.

Project 93–D–185, landlord program safety compliance, Phase II, Richland, Washington, $1,351,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River, South Carolina, $13,230,000.

Project 93–D–188, new sanitary landfill, Savannah River, South Carolina, $1,020,000.

Project 92–D–125, master safeguards and security agreement/material surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $3,900,000.

Project 92–D–172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $300,000.

Project 92–D–173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,000,000.

Project 92–D–177, tank 101–AZ waste retrieval system, Richland, Washington, $7,000,000.

Project 92–D–181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $5,000,000.

Project 92–D–182, sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $1,450,000.

Project 92–D–183, transportation complex, Idaho National Engineering Laboratory, Idaho, $7,198,000.

Project 92–D–184, Hanford infrastructure underground storage tanks, Richland, Washington, $300,000.

Project 92–D–186, steam system rehabilitation, Phase II, Richland, Washington, $4,300,000.

Project 92–D–187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $10,276,000.

Project 92–D–188, waste management ES&H, and compliance activities, various locations, $8,568,000.

Project 92–D–403, tank upgrade project, Lawrence Livermore National Laboratory, California, $3,888,000.

Project 91–D–171, waste receiving and processing facility, module 1, Richland, Washington, $17,700,000.

Project 91–D–175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $1,500,000.

Project 90–D–172, aging waste transfer lines, Richland, Washington, $5,000,000.

Project 90–D–175, landlord program safety compliance-I, Richland, Washington, $1,800,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $21,700,000.

Project 89–D–172, Hanford environmental compliance, Richland, Washington, $11,700,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $1,000,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $23,974,000.

Project 89–D–175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $7,000,000.

Project 87–D–181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $2,137,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $10,260,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River, South Carolina, $9,769,000.

Project 81–T–105, defense waste processing facility, Savannah River, South Carolina, $43,873,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $203,826,000, to be allocated as follows:

(1) For corrective activities, $600,000.

(2) For waste management, $138,781,000.

(3) For technology development, $29,850,000.

(4) For transportation management, $400,000.

(5) For program direction, $9,469,000.

(6) For facility transition, $24,726,000.

(d) USE OF FUNDS.—From funds authorized to be appropriated pursuant to subsection (a) to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, in the State of Colorado, $21,415,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

(e) GENERAL REDUCTION IN OPERATING EXPENSES.—The amount authorized to be appropriated for operating expenses pursuant to subsection (a) is the amount specified in that subsection reduced by $40,000,000.

(f) PRIOR YEAR BALANCES.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a), (b), and (c) reduced by $86,600,000. In determining the amount authorized to be appropriated pursuant to subsection (a) for the purposes of this subsection, subsection (e) shall be taken into account.

SEC. 3104. MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out nuclear materials production and other defense programs necessary for national security programs in the amount of $2,171,039,000, to be allocated as follows:

(1) For materials support, $853,966,000.

(2) For verification and control technology, $341,941,000.

(3) For nuclear safeguards and security, $86,246,000.

(4) For security investigations, $53,335,000.

(5) For security evaluations, $14,961,000.

(6) For nuclear safety, $24,859,000.

(7) For worker training and adjustment, $100,000,000.

(8) For naval reactors, $695,731,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For materials production:

Project GPD–146, general plant projects, various locations, $31,760,000.

Project 93–D–147, domestic water system upgrade, Phase I, Savannah River, South Carolina, $7,720,000.

Project 93–D–148, replace high-level drain lines, Savannah River, South Carolina, $1,800,000.

Project 93–D–152, environmental modification for production facilities, Savannah River, South Carolina, $20,000,000.

Project 92–D–140, F&H canyon exhaust upgrades, Savannah River, South Carolina, $15,000,000.

Project 92–D–142, nuclear material processing training center, Savannah River, South Carolina, $8,900,000.

Project 92–D–143, health protection instrument calibration facility, Savannah River, South Carolina, $9,600,000.

Project 92–D–150, operations support facilities, Savannah River, South Carolina, $26,900,000.

Project 92–D–153, engineering support facility, Savannah River, South Carolina, $9,500,000.

Project 90–D–149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $25,950,000.

Project 86–D–149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $3,700,000.

(2) For verification and control technology:

Project 90–D–186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $8,515,000.

(3) For naval reactors development:

Project GPN–101, general plant projects, various locations, $7,500,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $7,000,000.

Project 92–D–200, laboratories facilities upgrades, various locations, $2,800,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $7,800,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For material support, $75,209,000.

(2) For verification and control technology, $15,573,000.

(3) For nuclear safeguards and security, $4,101,000.

(4) For nuclear safety, $50,000.

(5) For naval reactors development, $46,900,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $393,132,000 for anticipated savings.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for payment to the Nuclear Waste Fund, $120,000,000.

SEC. 3106. FUNDING USES AND LIMITATIONS.

(a) NATIONAL SECURITY PROGRAMS.—Notwithstanding any other provision of law, not more than 90 percent of the funds appropriated to the Department of Energy for national security programs under this title may be obligated for such programs until the Secretary of Energy submits to the congressional defense committees the five-year budget plan with respect to fiscal year 1994 required under section 3144 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1681; 42 U.S.C. 7271b).

(b) INERTIAL CONFINEMENT FUSION.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and capital equipment, $188,413,000 shall be available for the defense inertial confinement fusion program.

(c) FIRE PROTECTION AND COOLING OR REFRIGERATION SYSTEMS.—None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 may be obligated for the design, purchase, or installation of any fire protection system or cooling or refrigeration system that utilizes class I substances (as listed under section 602(a) of the Clean Air Act (42 U.S.C. 7671a(a)) unless the Secretary of Energy determines that an alternative system meeting the operational requirements of the Department of Energy is not commercially available or is not cost-effective when analyzed under a life-cycle cost analysis.

(d) NEW TRITIUM PRODUCTION ACTIVITIES AND PLUTONIUM DISPOSITION ACTIVITIES.—Funds authorized to be appropriated for fiscal year 1994 or otherwise made available to the Secretary of Energy for such fiscal year for new tritium production activities and plutonium disposition activities shall be available only for the following purposes and in the following amounts:

(1) For evaluation of an advanced light water reactor and a modular high temperature gas reactor to determine the feasibility and effectiveness of disposing of plutonium, production of tritium (if needed), and production of electricity, $40,000,000.

(2) For evaluation of accelerator technology to determine the feasibility and effectiveness of disposing of plutonium, production of tritium (if needed), and production of electricity, $18,000,000.

(3) For evaluation of an advance liquid metal reactor to determine the feasibility and effectiveness of disposing of plutonium, production of tritium (if needed), and production of electricity, $25,000,000.

(e) EXPENDED CORE FACILITY DRY CELL.—None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 may be obligated for project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, until shipment of spent naval nuclear fuel from United States naval surface ships and submarines to the Idaho Engineering Laboratory, Idaho, is resumed.

(f) NUCLEAR WEAPONS TESTING.—(1) Funds authorized to be appropriated under section 3101(a)(2) for the Department of Energy for fiscal year 1994 for weapons testing and funds otherwise made available to the department for that fiscal year for that purpose shall be available only for the following purposes and in the following amounts:

(A) For infrastructure maintenance at the Nevada Test Site, $131,250,000.

(B) For maintaining the technical capability to resume testing at the Nevada Test Site, $109,375,000.

(C) For activities, including research and development, of Department of Energy laboratories in determining means of nuclear weapons testing as alternatives to underground nuclear weapons testing, $134,375,000.

(2) The Secretary of Energy may not obligate an aggregate amount in excess of $180,000,000 for the purposes described in subparagraphs (B) and (C) of paragraph (1) until the Secretary submits to the congressional defense committees a detailed plan for carrying out the activities described in subparagraphs (B) and (C) of that paragraph.

(3) Each year at the time of the President's submission of a a budget under section 1105 of title 31, United States Code, the President shall submit a report covering the most recently completed calendar year setting forth—

(A) Whether the Stockpile Surveillance Program of the Department of Energy, and the calculations and experiments performed by Sandia National Laboratories, Lawrence Livermore National Laboratory, or Los Alamos National Laboratory have raised any concerns with regard to the safety, security, effectiveness, or reliability or existing United States nuclear weapons; and

(B) If such concerns have been raised, the President's evaluation of each concern and report on what actions are being or will be taken to address it.

(g) VERIFICATION CONTROL TECHNOLOGY.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and capital equipment for activities relating to verification and control technology, not more than $334,441,000 may be obligated until the Secretary of Defense submits the report required by section 1104.

(h) SCHOLARSHIP AND FELLOWSHIP PROGRAM FOR ENVIRONMENTAL AND WASTE MANAGEMENT.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, $1,000,000 shall be available for the Scholarship and Fellowship Program for Environmental Restoration and Waste Management carried out under section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 42 U.S.C. 7274e).

(i) HANFORD HEALTH INFORMATION NETWORK.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 under section 3101(a), $1,750,000 shall be available for activities relating to the Hanford health information network established pursuant to the authority set forth in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1834).

(j) PROTECTION OF NUCLEAR WEAPONS FACILITIES WORKERS.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, $10,000,000 shall be available for activities relating to worker protection at nuclear weapons facilities.

(k) MERGER OF CERTAIN FUNDS WITH FUNDS APPROPRIATED FOR NEW PRODUCTION REACTORS.—Notwithstanding any other provision of law, of the funds made available to the Department of Energy for new production reactor activities before the date of the enactment of this Act, $43,000,000 shall be merged with the funds authorized to be appropriated for new tritium production and plutonium disposition under section 3102 and shall be available for the same purposes and the same period as the funds with which merged.

(l) TECHNOLOGY TRANSFER AND ECONOMIC DEVELOPMENT.—None of the funds appropriated to the Department of Energy for fiscal year 1994 pursuant to the authorization of appropriations in section 3103, or otherwise made available to the department for environmental restoration and waste management activities for such fiscal year, may be obligated to foster technology transfer to and economic development activities in the Southeastern United States until 30 days after the date on which the Secretary of Energy submits to the congressional defense committees a report containing a plan for the expenditure of funds in a manner that ensures an equitable expenditure of funds for such purposes throughout the Southeastern United States.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, 3103, and 3104, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such actions necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to this title may be transferred to other agencies of the Federal Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, 3103, 3104, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses, plant projects, and capital equipment may remain available until expended.

Subtitle C—Other Matters

SEC. 3131. USE OF FUNDS FOR PAYMENT OF PENALTY ASSESSED AGAINST HANFORD PROJECT.

The Secretary of Energy may pay to the Hazardous Substances Response Trust, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3103, a stipulated civil penalty in the amount of $100,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Hanford Consent Agreement and Compliance Order for Department of Energy Hanford.

SEC. 3132. OFFICE OF TRITIUM PRODUCTION AND PLUTONIUM DISPOSITION.

(a) ESTABLISHMENT.—There is hereby established in the Office of the Assistant Secretary of Energy for Defense Programs an Office of Tritium Production and Plutonium Disposition.

(b) RESPONSIBILITIES.—The responsibilities of the office shall include the following:

(1) Activities relating to the development, design, and construction (including research in support thereof) of a tritium production facility in order to ensure that a tritium production facility replacing existing tritium production facilities of the Department of Energy and capable of meeting the anticipated need of the Department of Defense for tritium is in operation no later than December 31, 2011.

(2) Carrying out the evaluation of an advanced light water reactor and a high temperature gas reactor referred to in section 3105(d)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2636).

(3) Activities relating to the design, development, and construction (including research in support thereof) of the reactors referred to in paragraph (2).

(4) Research and development activities relating to design, development, and construction by the Department of Energy of an advanced metal reactor that utilizes an actinide recycling process and that is capable of burning plutonium, producing tritium, and producing electricity.

(5) Research and development activities relating to the design, development, and construction by the Department of Energy of an accelerator technology that is capable of burning plutonium, producing tritium, and producing electricity.

(6) Activities relating to the design, development, and construction (including research in support thereof) of a facility to treat and dispose of excess plutonium.

SEC. 3133. AUTHORITY TO TRANSFER CERTAIN DEPARTMENT OF ENERGY PROPERTY.

(a) AUTHORITY TO TRANSFER.—(1) Notwithstanding any other provision of law, the Secretary of Energy may transfer, for consideration, all right, title, and interest of the United States in and to the property referred to in subsection (b) to any person if the Secretary determines that such transfer will mitigate the adverse economic consequences that might otherwise arise from the closure of a Department of Energy facility.

(2) The amount of consideration received by the United States for a transfer under paragraph (1) may be less than the fair market value of the property transferred if the Secretary determines that the receipt of such lesser amount by the United States is in accordance with the purpose of such transfer under this section.

(b) COVERED PROPERTY.—Property that may be transferred under subsection (a) is the following property of the Department of Energy that is located at department facilities to be closed:

(1) The personal property and fixtures at such facilities that the Secretary determines to be excess to the needs of the department.

(2) Any other personal property and fixtures at such facilities the replacement cost of which does not exceed an amount equal to 110 percent of the cost of transporting the property or fixtures to another department facility.

(c) OTHER TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to a transfer of property under subsection (a) as the Secretary determines appropriate to protect the interests of the United States.

SEC. 3134. REAUTHORIZATION AND EXPANSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES.

(a) AUTHORITY TO LOAN PERSONNEL.—Subsection (a)(1) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2074), as amended by section 3136 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1824) and section 3136 of National Defense Authorization for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2641), is further amended—

(1) in subparagraph (A)—

(A) by striking out "and" at the end of clause (i):

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

"(iii) at the Savannah River Site, South Carolina, to loan personnel in accordance with this section to any community-based organization; and

"(iv) at Oak Ridge, Tennessee, to loan personnel in accordance with this section to any community-based organization."; and

(2) in subparagraph (B)—

(A) by striking out "and the Idaho" and inserting in lieu thereof ", the Idaho"; and

(B) by adding before the period at the end the following: ", the Savannah River Site, and Oak Ridge".

(b) AUTHORITY TO LOAN FACILITIES.—Subsection (b) of such Act is amended—

(1) by striking out "or the Idaho" and inserting in lieu thereof "the Idaho"; and

(2) by inserting "Savannah River Site, South Carolina, or Oak Ridge, Tennessee," before "to any community-based organization".

(c) DURATION OF PROGRAM.—Subsection (c) of such section is amended—

(1) by striking out "Reservation, and" and inserting in lieu thereof "Reservation,"; and

(2) by inserting after "Idaho National Engineering Laboratory" the following: ", and September 30, 1995, with respect to the Savannah River Site, and to Oak Ridge".

SEC. 3135. INCLUSION OF ANALYSIS OF NEVADA TEST SITE IN ENVIRONMENTAL ASSESSMENT OF RECONFIGURATION OF DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

In preparing an environmental impact statement in connection with a decision to reconfigure the functions, facilities, and personnel of the Department of Energy relating to research and development, production, and testing of nuclear materials and weapons, the Secretary of Energy shall include an analysis of the Nevada Test Site as a potential site for the location of some or all of such functions, facilities, and personnel.

SEC. 3136. DEPARTMENT OF ENERGY MANAGEMENT.

(a) UNDER SECRETARIES.—Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) is amended—

(1) in subsection (a), by striking out "Under Secretary" and inserting in lieu thereof "Under Secretaries"; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) There shall be in the Department three Under Secretaries and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties the Secretary prescribes. The Under Secretaries shall be compensated at the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

(b) RATES OF PAY.—Section 5314 of title 5, United States Code, is amended by striking out the item relating to the Under Secretary, Department of Energy, and inserting in lieu thereof the following:

"Under Secretaries, Department of Energy (3).".

SEC. 3137. TRAINING PROGRAMS FOR MANAGEMENT OF HAZARDOUS MATERIALS AND OF HAZARDOUS MATERIALS EMERGENCY RESPONSE ACTIVITIES.

(a) AUTHORITY TO CARRY OUT PROGRAMS.—The Secretary of Energy may carry out the programs described in subsection (b) for persons who work with hazardous materials.

(b) NATURE OF PROGRAMS.—The programs referred to in subsection (a) are programs relating to management of hazardous materials and of hazardous materials emergency response that are designed to enhance the safety of the persons referred to in subsection (a) and to protect the environment.

(c) REGIONAL TRAINING CENTERS.—(1) The programs referred to in subsection (a) may be conducted at regional training centers to be operated under the supervision of the Secretary by qualified (as determined by the Secretary) not-for-profit organizations acting in cooperation with States, labor organizations, or Indian tribes.

(2) In consultation with appropriate representatives of colleges and universities and other organizations having appropriate technical expertise, the Secretary may develop—

(A) standards relating to the operation of centers under this subsection; and

(B) the curricula of the training programs carried out under subsection (a).

(d) AUTHORITY TO CONSTRUCT FACILITIES.—The Secretary may, in cooperation with the Chief of Engineers of the Army, construct such facilities as the Secretary determines necessary to carry out the training programs authorized under subsection (a), including regional training centers located at Department of Energy sites.

(e) DEFINITION.—In this section, the term "Indian tribe" has the meaning provided in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(f) FUNDING.—From funds authorized to be appropriated to the Secretary of Energy under this division, $20,000,000 may be used to carry out programs authorized in subsection (a).

SEC. 3138. REVIEW OF DEPARTMENT OF ENERGY ENVIRONMENTAL COMPLIANCE AGREEMENTS.

(a) REVIEW REQUIRED.—The Secretary of Energy shall review each agreement that the Department of Energy has entered into with the Environmental Protection Agency, a State, or an Indian tribe to bring a Department of Energy facility into compliance with the requirements of the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Water Pollution Control Act (42 U.S.C. 6901 et seq.), the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), or a comparable State or local government law or regulation.

(b) CONTENT OF REVIEW.—The review required by subsection (a) shall identify all required actions or milestones that—

(1) can be completed faster than the schedule provided in the agreement;

(2) are unnecessary because of—

(A) technological or programmatic changes; or

(B) changes in circumstances or assumptions;

(3) cannot be completed by the completion date scheduled in the agreement, but can be accomplished within a reasonable time after such date by the use of a more efficient or more cost-effective technology than the technology that has been used;

(4) cannot be completed by the completion date scheduled in the agreement because necessary technology will not be available in time to meet that schedule;

(5) cannot be completed by the completion date scheduled in the agreement because site characterization, site analysis, or another necessary information collection activity will not be completed in time to meet that schedule; or

(6) may endanger worker health and safety if carried out within the period provided in the agreement.

(c) CONSULTATION REQUIREMENT.—In conducting the review of an agreement pursuant to subsection (a), the Secretary shall consult with all parties to the agreement and representatives of the community in which the Department of Energy facility covered by the agreement is located.

(d) REPORT TO CONGRESS.—The Secretary of Energy, at the same time that the President submits to Congress the budget for fiscal year 1996 pursuant to section 1105 of title 31, United States Code, shall submit to Congress a report setting forth the following matters:

(1) The results of the review conducted pursuant to subsection (a).

(2) Any alternatives to the milestones and commitments that the Secretary considers appropriate.

(3) An explanation of any alternative action or milestone that the Secretary considers necessary, and the reason such alternative is necessary.

(4) For each such alternative—

(A) the date on which the alternative was presented to the other parties to the agreement concerned;

(B) whether the alternative was accepted, rejected, or modified by any party to the agreement; and

(C) whether the agreement was modified to incorporate the alternative.

(e) EXISTING OBLIGATIONS.—(1) Notwithstanding any other provision of this section, nothing in this Act is intended to void or amend any obligation of the United States under any agreement referred to in subsection (a). In addition, this section is not intended to require any party to any agreement referred to in subsection (a) to renegotiate its agreement.

(2) The Secretary of Energy shall, 60 days prior to filing its report required in subsection (d), provide a copy of the proposed report and request comments from parties to agreements referred to in subsection (a). Any such comments received shall be printed as an appendix to the report to Congress.

SEC. 3139. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT IN NEW MEXICO.

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2073) is amended in the second sentence by striking out "four additional one-year periods" and inserting in lieu thereof "nine additional one-year period".

SEC. 3140. STANDARDIZATION OF REQUIREMENTS AFFECTING DEPARTMENT OF ENERGY EMPLOYEES.

(a) Part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 through 7218) is repealed.

(b) The table of contents for the Department of Energy Organization Act is amended by striking out the matter relating to part A of title VI.

Subtitle D—Cooperative Research and Development

SEC. 3141. SHORT TITLE.

This subtitle may be cited as the "Department of Energy National Competitiveness Technology Partnership Act of 1993".

SEC. 3142. DEFINITIONS.

For purposes of this subtitle, the term—

(a) "Department" means the United States Department of Energy; and

(b) "Secretary" means the Secretary of the United States Department of Energy.

SEC. 3143. COMPETITIVENESS AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.

(a) The Department of Energy Organization Act is amended by adding the following new title (42 U.S.C. 7101 et seq.):

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"SEC. 1101. FINDINGS, PURPOSES AND DEFINITIONS.

"(a) FINDINGS.—For purposes of this title, Congress finds that—

"(1) the Department has scientific and technical resources within the departmental laboratories in many areas of importance to the economic, scientific and technological competitiveness of United States industry;

"(2) the extensive scientific and technical investment in people, facilities and equipment in the departmental laboratories can contribute to the achievement of national technology goals in areas such as the environment, health, space, and transportation;

"(3) the Department has pursued aggressively the transfer of technology from departmental laboratories to the private sector; however, the capabilities of the laboratories could be made more fully accessible to United States industry and to other Federal agencies;

"(4) technology development has been increasingly driven by the commercial marketplace, and the private sector has research and development capabilities in a broad range of generic technologies;

"(5) the Department and the departmental laboratories would benefit, in carrying out their missions, from collaboration and partnership with United States industry and other Federal agencies; and

"(6) partnerships between the departmental laboratories and United States industry can provide significant benefits to the Nation as a whole, including creation of jobs for United States workers and improvement of the competitive position of the United

States in key sectors of the economy such as aerospace, automotive, chemical and electronics.

"(b) PURPOSES.—The purposes of this title are—

"(1) to promote partnerships among the Department, the departmental laboratories and the private sector;

"(2) to establish a goal for the amount of departmental laboratory resources to be committed to partnerships;

"(3) to ensure that the Department and the departmental laboratories play an appropriate role, consistent with the core competencies of the laboratories, in implementing the President's critical technology strategies;

"(4) to provide additional authority to the Secretary to enter into partnerships with the private sector to carry out research, development, demonstration and commercial application activities;

"(5) to streamline the approval process for cooperative research and development agreements proposed by the departmental laboratories; and

"(6) to facilitate greater cooperation between the Department and other federal agencies as part of an integrated national effort to improve United States competitiveness.

"(c) DEFINITIONS.—For purposes of this title, the term—

"(1) 'cooperative research and development agreement' has the meaning given that term in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1));

"(2) 'core competency' means an area in which the Secretary determines a departmental laboratory has developed expertise and demonstrated capabilities;

"(3) 'critical technology' means a technology identified in the Report of the National Critical Technologies Panel;

"(4) 'departmental laboratory' means a facility operated by or on behalf of the Department that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)) or any other laboratory or facility designated by the Secretary;

"(5) 'disadvantaged' has the same meaning as that term has in section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6));

"(6) 'dual-use technology' means a technology that has military and commercial applications;

"(7) 'educational institution' means a college, university, or elementary or secondary school, including any not-for-profit organization dedicated to education that would be exempt under section 501(a) of the Internal Revenue Code of 1986;

"(8) 'minority college or university' means a historically Black college or university that would be considered a 'part B institution' by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or a 'minority institution' as that term is defined in section 1046 of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3));

"(9) 'multi-program departmental laboratory' means any of the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories;

"(10) 'partnership' means any arrangement under which the Secretary or one or more departmental laboratories undertakes research, development, demonstration, commercial application or technical assistance activities in cooperation with one or more non-Federal partners and which may include partners from other Federal agencies;

"(11) 'Report of the National Critical Technologies Panel' means the biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

"(12) 'small business' means a business concern that meets the applicable standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"SEC. 1102. GENERAL AUTHORITY.

"(a)(1) In carrying out the missions of the Department, the Secretary and the departmental laboratories may conduct research, development, demonstration or commercial application activities that build on the core competencies of the departmental laboratories.

"(2) In addition to missions established pursuant to other laws, the Secretary may assign to departmental laboratories any of the following missions:

"(A) National security, including the—

"(i) advancement of the military application of atomic energy;

"(ii) support of the production of atomic weapons, or atomic weapons parts, including special nuclear materials;

"(iii) support of naval nuclear propulsion programs;

"(iv) support for the dismantlement of atomic weapons and the safe storage, transportation and disposal of special nuclear materials;

"(v) development of technologies and techniques for the safe storage, processing, treatment, transportation, and disposal of hazardous waste (including radioactive waste) resulting from nuclear materials production, weapons production and surveillance programs, and naval nuclear propulsion programs and of technologies and techniques for the reduction of environmental hazards and contamination due to such waste and the environmental restoration of sites affected by such waste;

"(vi) development of technologies and processes that facilitate the effective negotiation and verification of international arms control agreements and the containment of the proliferation of nuclear weapons and the proliferation of delivery systems for such weapons; and

"(vii) protection of health and promotion of safety in carrying out other national security missions.

"(B) Energy-related science and technology, including the—

"(i) enhancement of the understanding of all forms of energy production and use;

"(ii) support of basic and applied research on the fundamental nature of matter and energy, including construction and operation of unique scientific instruments;

"(iii) development of energy resources, including solar, geothermal, fossil, and nuclear energy resources, and related fuel cycles;

"(iv) pursuit of a comprehensive program of research and development on the environmental effects of energy technologies and programs;

"(v) development of technologies and processes to reduce the generation of waste or pollution or the consumption of energy or materials;

"(vi) development of technologies and techniques for the safe storage, processing, treatment, management, transportation and disposal of nuclear waste resulting from commercial nuclear activities; and

"(vii) improvement of the quality of education in science, mathematics, and engineering.

"(C) Technology transfer.

"(3)(A) In addition to the missions identified in subsection (a)(2), the Departmental laboratories may pursue supporting missions to the extent that these supporting missions—

"(i) support the technology policies of the President;

"(ii) are developed in consultation with and coordinated with any other Federal agency or agencies that carry out such mission activities;

"(iii) are built upon the competencies developed in carrying out the primary missions identified in subsection (a)(2) and do not interfere with the pursuit of the missions identified in subsection (a)(2); and

"(iv) are carried out through a process that solicits the views of United States industry and other appropriate parties.

"(B) These supporting missions shall include activities in the following areas:

"(i) developing and operating high-performance computing and communications systems, with the goals of contributing to a national information infrastructure and addressing complex scientific and industrial challenges which require large-scale computational capabilities;

"(ii) conducting research on and development of advanced manufacturing systems and technologies, with the goal of assisting the private sector in improving the productivity, quality, energy efficiency, and control of manufacturing processes; and

"(iii) conducting research on and development of advanced materials, with the goals of increasing energy efficiency, environmental protection, and improved industrial performance.

"(4) In carrying out the Department's missions, the Secretary, and the directors of the departmental laboratories, shall, to the maximum extent practicable, make use of partnerships. Such partnerships shall be for purposes of the following:

"(A) to lead to the development of technologies that the private sector can commercialize in areas of technology with broad application important to United States technological and economic competitiveness;

"(B) to provide Federal support in areas of technology where the cost or risk is too high for the private sector to support alone but that offer a potentially high payoff to the United States;

"(C) to contribute to the education and training of scientists and engineers;

"(D) to provide university and private researchers access to departmental laboratory facilities; or

"(E) to provide technical expertise to universities, industry or other Federal agencies.

"(b) The Secretary, in carrying out partnerships, may enter into agreements using instruments authorized under applicable laws, including but not limited to contracts, cooperative research and development agreements, work for other agreements, user-facility agreements, cooperative agreements, grants, personnel exchange agreements and patent and software licenses with any person, any agency or instrumentality of the United States, any State or local governmental entity, any educational institution, and any other entity, private sector or otherwise.

"(c) The Secretary and the directors of the departmental laboratories shall utilize partnerships with United States industry, to the maximum extent practicable, to ensure that technologies developed in pursuit of the Department's missions are applied and commercialized in a timely manner.

"(d) The Secretary shall work with other Federal agencies to carry out research, development, demonstration or commercial application activities where the core competencies of the departmental laboratories could contribute to the missions of such other agencies.

"SEC. 1103. ESTABLISHMENT OF GOAL FOR PARTNERSHIPS BETWEEN DEPARTMENTAL LABORATORIES AND UNITED STATES INDUSTRY.

"(a) Beginning in fiscal year 1994, the Secretary shall establish a goal to make available for cost-shared partnerships with United States industry not less than 20 percent of the annual funds provided by the Secretary to each multi-program departmental laboratory for research, development, demonstration and commercial application activities.

"(b) Beginning in fiscal year 1994, the Secretary shall establish an appropriate goal for the amount of resources to be made available for cost-shared partnerships with United States industry at other departmental laboratories.

"SEC. 1104. ROLE OF THE DEPARTMENT IN THE DEVELOPMENT OF CRITICAL TECHNOLOGY STRATEGIES.

"(a) The Secretary shall develop a multi-year critical technology strategy for research, development, demonstration and commercial application activities supported by the Department for the critical technologies listed in the Report of the National Critical Technologies Panel.

"(b) In developing such strategy, the Secretary shall—

"(1) identify the core competencies of each departmental laboratory;

"(2) develop goals and objectives for the appropriate role of the Department in each of the critical technologies listed in the report, taking into consideration the core competencies of the departmental laboratories;

"(3) consult with appropriate representatives of United States industry, including members of industry associations and representatives of labor organizations; and

"(4) participate in the executive branch process to develop critical technology strategies.

"SEC. 1105. PARTNERSHIP PREFERENCES.

"(a) The Secretary shall ensure that the principal economic benefits of any partnership accrue to the United States economy.

"(b) Any partnership that would be given preference under section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a (c)(4)) if it were a cooperative research and development agreement shall be given preference under this title.

"(c) The Secretary shall issue guidelines, after consultation with the Laboratory Partnership Advisory Board established in section 1109, for application of section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a (c)(4)) and application of subsection (a) of this section to partnerships.

"(d) The Secretary shall encourage partnerships that involve minority colleges or universities or private sector entities owned or controlled by disadvantaged individuals.

"SEC. 1106. EVALUATION OF PARTNERSHIP PROGRAMS.

"(a) The Secretary, in consultation with the Laboratory Partnership Advisory Board established in section 1109, shall develop mechanisms for independent evaluation of the ongoing partnership activities of the Department and the departmental laboratories.

"(b)(1) The Secretary and the director of each departmental laboratory shall develop mechanisms for assessing the progress of each partnership.

"(2) The Secretary and the director of each departmental laboratory shall utilize the mechanisms developed under paragraph (1) to evaluate the accomplishments of each ongoing multi-year partnership and shall condition continued Federal participation in each partnership on demonstrated progress.

"SEC. 1107. ANNUAL REPORT.

"(a) The Secretary shall submit an annual report to Congress describing the ongoing partnership activities of the Secretary and each departmental laboratory and, to the extent practicable, the activities planned by the Secretary and by each departmental laboratory for the coming fiscal year. In developing the report, the Secretary shall seek the advice of the Laboratory Partnership Advisory Board established in section 1109.

"(b) The Secretary shall submit the report under subsection (a) to the appropriate Committees of the Congress. No later than March 1, 1994, and no later than the first of March of each subsequent year, the Secretary shall submit the report under subsection (a) that covers the fiscal year beginning on the first of October of such year.

"(c) Each director of a departmental laboratory shall provide annually to the Secretary a report on ongoing partnership activities and a plan and such other information as the Secretary may reasonably require describing the partnership activities the director plans to carry out in the coming fiscal year. The director shall provide such report and plan in a timely manner as prescribed by the Secretary to permit preparation of the report under subsection (a).

"(d) The Secretary's description of planned activities under subsection (a) shall include, to the extent such information is available, appropriate information on—

"(1) the total funds to be allocated to partnership activities by the Secretary and by the director of each departmental laboratory;

"(2) a breakdown of funds to be allocated by the Secretary and by the director of each departmental laboratory for partnership activities by area of technology;

"(3) any plans for additional funds not described in paragraph (2) to be set aside for partnerships during the coming fiscal year;

"(4) any partnership that involves a Federal contribution in excess of $500,000 the Secretary or the director of each departmental laboratory expects to enter into in the coming fiscal year;

"(5) the technologies that will be advanced by each partnership that involves a Federal contribution in excess of $500,000;

"(6) the types of entities that will be eligible for participation in partnerships;

"(7) the nature of the partnership arrangements, including the anticipated level of financial and in-kind contribution from participants and any repayment terms;

"(8) the extent of use of competitive procedures in selecting partnerships; and

"(9) such other information that the Secretary finds relevant to the determination of the appropriate level of Federal support for such partnerships.

"(e) The Secretary shall provide appropriate notice in advance to Congress of any partnership, which has not been described previously in the report required by subsection (a), that involves a Federal contribution in excess of $500,000.

"SEC. 1108. PARTNERSHIP PAYMENTS.

"(a)(1) Partnership agreements entered into by the Secretary may require a person or other entity to make payments to the Department, or any other Federal agency, as a condition for receiving support under the agreement.

"(2) The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Secretary, to the account established under paragraph (3). Amounts so credited shall be available, subject to appropriations, for partnerships.

"(3) There is hereby established in the United States Treasury an account to be known as the 'Department of Energy Partnership Fund'. Funds in such account shall be available to the Secretary for the support of partnerships.

"(b) The Secretary may advance funds under any partnership without regard to section 3324 of title 31 of the United States Code to—

"(1) small businesses;

"(2) not-for-profit organizations that would be exempt under section 501(a) of the Internal Revenue Code of 1986; or

"(3) State or local governmental entities.

"SEC. 1109. LABORATORY PARTNERSHIP ADVISORY BOARD AND INDUSTRIAL ADVISORY GROUPS AT MULTI-PROGRAM DEPARTMENTAL LABORATORIES.

"(a)(1) The Secretary shall establish within the Department an advisory board to be known as the 'Laboratory Partnership Advisory Board', to provide the Secretary with advice on the implementation of this title.

"(2) The membership of the Laboratory Partnership Advisory Board shall consist of persons who are qualified to provide the Secretary with advice on the implementation of this title. Members of the Board shall include representatives primarily from United States industry but shall also include representatives from—

"(A) small businesses;

"(B) private sector entities owned or controlled by disadvantaged persons;

"(C) educational institutions, including representatives from minority colleges or universities;

"(D) laboratories of other Federal agencies; and

"(E) professional and technical societies in the United States.

"(3) The Laboratory Partnership Advisory Board shall request comment and suggestions from departmental laboratories to assist the Board in providing advice to the Secretary on the implementation of this title.

"(b) The director of each multi-program departmental laboratory shall establish an advisory group consisting of persons from United States industry to—

"(1) evaluate new initiatives proposed by the departmental laboratory;

"(2) identify opportunities for partnerships with United States industry; and

"(3) evaluate ongoing programs at the departmental laboratory from the perspective of United States industry.

"(c) Nothing in this section is intended to preclude the Secretary or the director of a departmental laboratory from utilizing existing advisory boards to achieve the purposes of this section.

"SEC. 1110. FELLOWSHIP PROGRAM.

"The Secretary shall encourage scientists, engineers and technical staff from departmental laboratories to serve as visiting fellows in research and manufacturing facilities of industrial organizations, State and local governments, and educational institutions in the United States and foreign countries. The Secretary may establish a formal fellowship program for this purpose or may authorize such activities on a case-by-case basis. The Secretary shall also encourage scientists and engineers from United States industry to serve as visiting scientists and engineers in the departmental laboratories.

"SEC. 1111. COOPERATION WITH STATE AND LOCAL PROGRAMS FOR TECHNOLOGY DEVELOPMENT AND DISSEMINATION.

"The Secretary and the director of each departmental laboratory shall seek opportunities to coordinate their activities with programs of State and local governments for technology development and dissemination, including programs funded in part by the Secretary of Defense pursuant to section 2523 of title 10 of the United States Code and section 2513 of title 10 of the United States Code and programs funded in part by the Secretary of Commerce pursuant to sections 25 and 26 of the Act of March 3, 1901 (15 U.S.C. 278k and 278l) and section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 278l note).

"SEC. 1112. AVAILABILITY OF FUNDS FOR PARTNERSHIPS.

"(a) All of the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application activities, other than atomic energy defense programs, shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(b) All of the funds authorized to be appropriated to the Secretary for atomic energy defense activities shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(c) Funds authorized to be appropriated to the Secretary and made available for departmental laboratory-directed research and development shall be available for any partnership.

"SEC. 1113. PROTECTION OF INFORMATION.

"Section 12(c)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)), relating to the protection of information, shall apply to the partnership activities undertaken by the Secretary and by the directors of the departmental laboratories.

"SEC. 1114. FAIRNESS OF OPPORTUNITY.

"(a) The Secretary and the director of each departmental laboratory shall institute procedures to ensure that information on laboratory capabilities and arrangements for participating in partnerships with the Secretary or the departmental laboratories is publicly disseminated.

"(b) Prior to entering into any partnership having a Federal contribution in excess of $5,000,000, the Secretary or director of a departmental laboratory shall ensure that the opportunity to participate in such partnership has been publicly announced to potential participants.

"(c) In cases where the Secretary or the director of a departmental laboratory believes a potential partnership activity would benefit from broad participation from the private sector, the Secretary or the director of such departmental laboratory may take such steps as may be necessary to facilitate formation of a United States industry consortium to pursue the partnership activity.

"SEC. 1115. PRODUCT LIABILITY.

"The Secretary, after consultation with the Laboratory Partnership Advisory Board established in section 1109, and the Attorney General shall enter into a memorandum of understanding establishing a consistent policy and standards regarding the liability of the United States, of the non-Federal entity operating a departmental laboratory and of any other party to a partnership for product liability claims arising from partnership activities. The Secretary and the director of each departmental laboratory shall, to the maximum extent practicable, incorporate into any partnership the policy and standards established in the memorandum of understanding.

"SEC. 1116. INTELLECTUAL PROPERTY.

"The Secretary shall, after consultation with the Laboratory Partnership Advisory Board established in section 1109, develop guidelines governing the application of intellectual property laws by the Secretary and by the director of each departmental laboratory in partnership arrangements.

"SEC. 1117. SMALL BUSINESS.

"(a) The Secretary shall develop simplified procedures and guidelines for partnerships involving small businesses to facilitate access to the resources and capabilities of the departmental laboratories.

"(b) Notwithstanding any other law, the Secretary may waive, in whole or in part, any cost-sharing requirement for a small business involved in a partnership if the Secretary determines that the cost-sharing requirement would impose an undue hardship on the small business and would prevent the formation of the partnership.

"(c) Notwithstanding section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), the Secretary may provide funds as part of a cooperative research and development agreement to a small business if the Secretary determines that the funds are necessary to prevent imposing an undue hardship on the small business and necessary for the formation of the cooperative research and development agreement.

"SEC. 1118. MINORITY COLLEGE AND UNIVERSITY REPORT.

"Within one year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the appropriate committees of the United States Senate and the United States House of Representatives a report identifying opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories. The Secretary shall consult with representatives of minority colleges and universities in preparing the report. Such report shall—

"(a) describe ongoing education and training programs being carried out by the Department or the departmental laboratories with respect to or in conjunction with minority colleges and universities in the areas of mathematics, science, and engineering;

"(b) describe ongoing research, development demonstration or commercial application activities involving the Department or the departmental laboratories and minority colleges and universities;

"(c) describe funding levels for the programs and activities described in subsections (a) and (b);

"(d) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the fields of mathematics, science, and engineering;

"(e) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in entering into partnerships;

"(f) address the need for and potential role of the Department or the departmental laboratories in providing to minority colleges and universities the following:

"(1) increased research opportunities for faculty and students;

"(2) assistance in faculty development and recruitment and curriculum enhancement and development; and

"(3) laboratory instrumentation and equipment, including computer equipment, through purchase, loan, or other transfer;

"(g) address the need for and potential role of the Department or the departmental laboratories in providing funding and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities at minority colleges and universities; and

"(h) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the areas of mathematics, science, and engineering, and in entering into partnerships with the Department or departmental laboratories.

"SEC. 1119. MINORITY COLLEGE AND UNIVERSITY SCHOLARSHIP PROGRAM.

"The Secretary shall establish a scholarship program for students attending minority colleges or universities and pursuing a degree in energy-related scientific, mathematical, engineering, and technical disciplines. The program shall include tuition assistance. The program shall provide an opportunity for the scholarship recipient to participate in an applied work experience in a departmental laboratory. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance and (2) academic potential in the particular area of study. Scholarships awarded under this program shall be known as Secretary of Energy Scholarships.".

(b) CONFORMING AMENDMENT.—The table of contents of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended by adding at the end thereof the following items:

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"Sec. 1101. Finding, purposes, and definitions.
"Sec. 1102. General authority.
"Sec. 1103. Establishment of goal for partnerships between departmental laboratories and United States industry.
"Sec. 1104. Role of the Department in the development of critical technology strategies.
"Sec. 1105. Partnership preferences.
"Sec. 1106. Evaluation of partnership programs.
"Sec. 1107. Annual report.
"Sec. 1108. Partnership payments.
"Sec. 1109. Laboratory partnership advisory board and industrial advisory groups at multi-program departmental laboratories.
"Sec. 1110. Fellowship program.
"Sec. 1111. Cooperation with State and local programs for technology development and dissemination.
"Sec. 1112. Availability of funds for partnerships.
"Sec. 1113. Protection of information.
"Sec. 1114. Fairness of opportunity.
"Sec. 1115. Product liability.
"Sec. 1116. Intellectual property.

"Sec. 1117. Small business.
"Sec. 1118. Minority college and university report.
"Sec. 1119. Minority college and university scholarship program.".

SEC. 3144. NATIONAL ADVANCED MANUFACTURING TECHNOLOGIES PROGRAM.

The Secretary is encouraged to use partnerships to expedite the private sector deployment of advanced manufacturing technologies as required by section 2202(a) of the Energy Policy Act of 1992 (42 U.S.C. 13502).

SEC. 3145. NOT-FOR-PROFIT ORGANIZATIONS.

The Secretary shall encourage the establishment of not-for-profit organizations, such as the Center for Applied Development of Environmental Technology (CADET), that will facilitate the transfer of technologies from the departmental laboratories to the private sector.

SEC. 3146. CAREER PATH PROGRAM.

(a) The Secretary, utilizing authority under other applicable law and the authority of this section, shall establish a career path program to recruit employees of the national laboratories to serve in positions in the Department.

(b) Section 207 of title 18, United States Code, is amended by inserting after subsection (j)(6) the following:

"(7) NATIONAL LABORATORIES.—(A) The restrictions contained in subsections (a), (b), (c), and (d) shall not apply to an appearance or communication made, or advice or aid rendered by a person employed at a facility described in subparagraph (B), if the appearance or communication is made on behalf of the facility or the advice or aid is provided to the contractor of the facility.

"(B) This paragraph applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

(c) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended by inserting the following new subsection:

"(q) NATIONAL LABORATORIES.—(1) The restrictions on obtaining a recusal contained in paragraphs (c)(2) and (c)(3) shall not apply to discussions of future employment or business opportunity between a procurement official and a competing contractor managing and operating a facility described in paragraph (3): *Provided*, That such discussions concern the employment of the procurement official at such facility.

"(2) The restrictions contained in paragraph (f)(1) shall not apply to activities performed on behalf of a facility described in paragraph (3).

"(3) This subsection applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

SEC. 3147. AVLIS COMMERCIALIZATION.

(a) PREDEPLOYMENT CONTRACTOR.—Not later than ninety days after the date of enactment of this Act, the Secretary shall solicit proposals for a commercial predeployment contractor to conduct such activities as may be necessary to enable the Secretary or any successor to the Secretary's uranium enrichment enterprise to deploy a commercial uranium enrichment plant using the Atomic Vapor Laser Isotope Separation (AVLIS) technology. Such activities shall include—

(1) developing a transition plan for transferring the AVLIS program from research, development, and demonstration activities at the Lawrence Livermore National Laboratory to deployment of a commercial AVLIS production plant;

(2) confirming the technical performance of AVLIS technology;

(3) developing the economic and industrial assessments necessary for the Secretary or his successor to make a commercial decision whether to deploy AVLIS;

(4) providing an industrial perspective for the planning and execution of remaining demonstration program activities; and

(5) completing feasibility and risk studies necessary for a commercial decision whether to deploy AVLIS, including financing options.

(b) ADDITIONAL ACTIVITIES.—Based upon the results of subsection (a), the Secretary may solicit additional proposals to complete the following activities:

(1) site selection, site characterization, and environmental documentation activities for a commercial AVLIS plant;

(2) engineering design of a production plant, developing a project schedule, and initiating operations planning;

(3) activities leading to obtaining necessary licenses from the Nuclear Regulatory Commission; and

(4) ensuring the successful integration of AVLIS technology into the commercial nuclear fuel cycle.

(c) REPORTS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the Speaker of the House of Representatives a written report on the progress made toward the deployment of a commercial AVLIS production plant ninety days after the date of enactment of this Act and each ninety days thereafter.

SEC. 3148. AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.

(a) Section 12(c)(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)) is amended—

(1) by deleting subparagraph (C)(i) and inserting in lieu thereof the following:

"(C)(i) Any agency that has contracted with a non-Federal entity to operate a laboratory shall review and approve, request specific modifications to, or disapprove a joint work statement and cooperative research and development agreement that is submitted by the director of such laboratory within thirty days after such submission. In any case where an agency has requested specific modifications to a joint work statement or cooperative research and development agreement, the agency shall approve or disapprove any resubmission of such joint work statement or cooperative research and development agreement within fifteen days after such resubmission. No agreement may be entered into by a Government-owned, contractor-operated laboratory under this section before both approval of the cooperative research and development agreement and a joint work statement.";

(2) by adding in subparagraph (C)(ii) the words, "or cooperative research and development agreement" after "joint work statement";

(3) by deleting subparagraph (C)(iv);

(4) by deleting subparagraph (C)(v) and inserting in lieu thereof:

"(C)(iv) If an agency fails to complete a review under clause (i) within any of the specified time-periods, the agency shall submit to the Congress, within ten days after the failure to complete the review, a report on the reasons for such failure. The agency shall, at the end of each successive 15-day period thereafter during which such failure continues, submit to Congress another report on the reasons for the continued failure."; and

(5) by deleting subparagraph (C)(vi).

(b) Section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)) is amended—

(1) in subparagraph (B) by striking "substantial" before "purpose"; and

(2) in subparagraph (C) by striking "the primary purpose" and inserting in lieu thereof "one of the purposes".

SEC. 3149. GUIDELINES.

The implementation of the provisions of this Act shall not be delayed pending the issuance of guidelines, policies or standards required by sections 1105, 1115 and 1116 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3143 of this Act.

SEC. 3150. AUTHORIZATION.

(a) In addition to funds made available for partnerships under section 1112 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3143 of this Act, there is authorized to be appropriated from funds otherwise available to the Secretary for partnership activities with industry in areas other than atomic energy defense activities $100,000,000 for fiscal year 1994, $140,000,000 for fiscal year 1995, $180,000,000 for fiscal year 1996 and $220,000,000 for fiscal year 1997.

(b) There is authorized to be appropriated to the Secretary for the Minority College and University Scholarship Program established in section 1119 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3143 of this Act in areas other than atomic energy defense activities $1,000,000 for fiscal year 1994, $2,000,000 for fiscal year 1995 and $3,000,000 for fiscal year 1996.

(c) There is authorized to be appropriated to the Secretary for research or educational programs, in areas other than atomic energy defense activities, carried out through partnerships or otherwise, and for related facilities and equipment that involve minority colleges or universities such sums as may be necessary.

TITLE XXXII—NUCLEAR SAFETY

SEC. 3201. AUTHORIZATION FOR DEFENSE NUCLEAR SAFETY BOARD.

There are authorized to be appropriated for fiscal year 1994, $18,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. REQUIREMENT FOR TRANSMITTAL TO CONGRESS OF CERTAIN INFORMATION PREPARED BY DEFENSE NUCLEAR SAFETY BOARD.

(a) REQUIREMENT.—Chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amended—

(1) by redesignating section 320 as section 321; and

(2) by inserting after section 319 the following new section 320:

"SEC. 320. TRANSMITTAL OF CERTAIN INFORMATION TO CONGRESS.

"Whenever the Board submits or transmits to the President or the Director of the Office of Management and Budget any budget estimate, budget request, supplemental budget request, or other budget information, any legislative recommendation, or any statement or information in preparation of a report to be submitted to Congress pursuant to section 316(a), the Board shall submit at the same time a copy thereof to Congress.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by striking out the item relating to section 320 and inserting in lieu thereof the following:

"Sec. 320. Transmittal of certain information to Congress.

"Sec. 321. Annual authorization of appropriations.".

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1464. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of Safeguards Information for the quarter ending June 30, 1993; to the Committee on Environment and Public Works.

EC-1465. A communication from the Administrator of the Environmental Protection Agency, transmitting, a draft of proposed legislation to amend Title VI of the Federal Water Pollution Control Act (the Clean Water Act); to the Committee on Environment and Public Works.

EC-1466. A communication from the Principal Deputy Inspector General, Department of Health and Human Services, a report of the financial review of the National Institute of Environmental Health Sciences' use of Superfund monies for fiscal year 1991; to the Committee on Environment and Public Works.

EC-1467. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on implementation of section 112 of the Clean Air Act Amendments of 1990; to the Committee on Environment and Public Works.

EC-1468. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements; to the Committee on Foreign Relations.

EC-1469. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements; to the Committee on Foreign Relations.

EC-1470. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to restore equal treatment of foreign military sales and direct commercial sales in nonrecurring cost recoupment; to the Committee on Foreign Relations.

EC-1471. A communication from the Chairman of the J. William Fulbright Foreign Scholarship Board, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on Foreign Relations.

EC-1472. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report on Khmer Rouge violations of the United Nations Peace Agreement and the United States response to those violations; to the Committee on Foreign Relations.

EC-1473. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report of a Presidential determination on drawdown of Department of Defense articles and services for international disaster assistance in Ecuador; to the Committee on Foreign Relations.

EC-1474. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-75 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1475. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-76 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1476. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-77 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1477. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-78 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1478. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-79 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1479. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-80 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1480. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-91 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1481. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-92 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1482. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-93 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1483. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-94 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1484. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-95 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1485. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-96 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1486. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-97 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1487. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-107 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1488. A communication from the Manager (Employee Benefits), AgriBank, transmitting, pursuant to law, the annual report on the sixth farm credit district retirement plan for calendar year 1992; to the Committee on Governmental Affairs.

EC-1489. A communication from the Manager (Employee Benefits), AgriBank, transmitting, pursuant to law, the annual report on the seventh farm credit district retirement plan for calendar year 1992; to the Committee on Governmental Affairs.

EC-1490. A communication from the Comptroller General of the United States, transmitting, pursuant to law, reports and testimony for June 1993; to the Committee on Governmental Affairs.

EC-1491. A communication from the Comptroller General of the United States, transmitting, pursuant to law, reports and testimony for July 1993; to the Committee on Governmental Affairs.

EC-1492. A communication from the Assistant Secretary for Administration, Department of Agriculture, transmitting, pursuant to law, the annual report for the Commodity Credit Corporation; to the Committee on Governmental Affairs.

EC-1493. A communication from the Secretary of Commerce, transmitting, pursuant to law, the fourth progress report on contracting for the rebuilding of Kuwait; to the Committee on Governmental Affairs.

EC-1494. A communication from the Executive Secretary of the Federal Reserve Employee Benefits System, transmitting, pursuant to law, the annual report of the retirement plan for employees of the Federal Reserve System; to the Committee on Governmental Affairs.

EC-1495. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the Federal Housing Administration for fiscal year 1992; to the Committee on Governmental Affairs.

EC-1496. A communication from the Bureau of Mines, Department of the Interior, transmitting, a report of the Information Resource Management Acquisitions quality improvement team; to the Committee on Governmental Affairs.

EC-1497. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on Governmental Affairs.

EC–1498. A communication from the Inspector General, Securities and Exchange Commission, transmitting, a draft of proposed legislation to amend the Federal Civil Penalties Inflation Adjustment Act of 1990; to the Committee on Governmental Affairs.

EC–1499. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–1500. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Federal Personnel Offices: Time For Change?"; to the Committee on Governmental Affairs.

EC–1501. A communication from the Office of the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of the District of Columbia Public School System's Realty Program"; to the Committee on Governmental Affairs.

EC–1502. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report of a plan to establish a new pay and job evaluation system for Federal law enforcement officers; to the Committee on Governmental Affairs.

EC–1503. A communication from the Chairperson of the District of Columbia Commission on Judicial Disabilities and Tenure, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Appropriations, with amendments:

H.R. 2518. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103–143).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Zachary W. Carter, of New York, to be U.S. attorney for the Eastern District of New York for the term of 4 years;

Patrick H. NeMoyer, of New York, to be U.S. attorney for the Western District of New York for the term of 4 years;

Mary Jo White, of New York, to be U.S. attorney for the Southern District of New York for the term of 4 years;

James Patrick Connelly, of Washington, to be U.S. attorney for the Eastern District of Washington for the term of 4 years;

John Thomas Schneider, of North Dakota, to be U.S. attorney for the District of North Dakota for the term of 4 years;

William David Wilmoth, of West Virginia, to be U.S. attorney for the Northern District of West Virginia for the term of 4 years;

Gaynelle Griffin Jones, of Texas, to be U.S. attorney for the Southern District of Texas for the term of 4 years;

Karen Elizabeth Schreier, of South Dakota, to be U.S. attorney for the District of South Dakota for the term of 4 years;

Walter Michael Troop, of Kentucky, to be U.S. attorney for the Western District of Kentucky for the term of 4 years;

Eric Himpton Holder, Jr., of the District of Columbia, to be U.S. attorney for the District of Columbia for the term of 4 years;

Stephen Charles Lewis, of Oklahoma, to be U.S. attorney for the Northern District of Oklahoma for the term of 4 years;

Vicki Lynn Miles-LaGrange, of Oklahoma, to be U.S. attorney for the Western District of Oklahoma for the term of 4 years;

John W. Raley, Jr., of Oklahoma, to be U.S. attorney for the Eastern District of Oklahoma for the term of 4 years;

Randall K. Rathbun, of Kansas, to be U.S. attorney for the District of Kansas for the term of 4 years;

Paula Jean Casey, of Arkansas, to be U.S. attorney for the Eastern District of Arkansas for the term of 4 years;

Paul Kinloch Holmes III, of Arkansas, to be U.S. attorney for the Western District of Arkansas for the term of 4 years;

Lynne Ann Battaglia, of Maryland, to be U.S. attorney for the District of Maryland for the term of 4 years; and

Scott M. Matheson, Jr., of Utah, to be U.S. attorney for the District of Utah for the term of 4 years.

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 102–36 Treaty with the Government of Romania Concerning the Reciprocal Encouragement and Protection of Investment (Exec. Rept. No. 103–7);

Treaty Doc. 103–2 Treaty with the Argentine Republic Concerning the Reciprocal Encouragement and Protection of Investment (Exec. Rept. No. 103–8);

Treaty Doc. 103–3 Treaty with the Republic of Bulgaria Concerning the Encouragement and Reciprocal Protection of Investment (Exec. Rept. No. 103–9);

Treaty Doc. 103–11 Treaty with the Republic of Armenia Concerning the Reciprocal Encouragement and Protection of Investment (Exec. Rept. No. 103–10);

Treaty Doc. 103–12 Treaty with the Republic of Kazakhstan Concerning the Reciprocal Encouragement and Protection of Investment (Exec. Rept. No. 103–11);

Treaty Doc. 103–13 Treaty with the Republic of Kyrgyzstan Concerning the Encouragement and Reciprocal Protection of Investment (Exec. Rept. No. 103–12);

Treaty Doc. 103–14 Treaty with the Republic of Moldova Concerning the Encouragement and Reciprocal Protection of Investment (Exec. Rept. No. 103–13); and

Treaty Doc. 103–15 Treaty with the Republic of Ecuador Concerning the Encouragement and Reciprocal Protection of Investment (Exec. Rept. No. 103–14).

TEXTS OF RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Romania Concerning the Reciprocal Encouragement and Protection of Investment, with Protocol and Related Exchange of Letters, signed at Bucharest on May 28, 1992.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Argentine Republic Concerning the Reciprocal Encouragement and Protection of Investment, with Protocol, signed at Washington on November 14, 1991; and an Amendment to the Protocol effected by Exchange of Notes at Buenos Aires on August 24 and November 6, 1992.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Bulgaria Concerning the Encouragement and Reciprocal Protection of Investment, with Protocol and Related Exchange of Letters, signed at Washington on September 23, 1992.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Armenia Concerning the Reciprocal Encouragement and Protection of Investment, signed at Washington on September 23, 1992.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Kazakhstan Concerning the Reciprocal Encouragement and Protection of Investment, signed at Washington on May 19, 1992.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Kyrgyzstan Concerning the Encouragement and Reciprocal Protection of Investment, signed at Washington on January 19, 1993.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Moldova Concerning the Encouragement and Reciprocal Protection of Investment, with Protocol and Related Exchange of Letters, signed at Washington on April 21, 1993.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Ecuador Concerning the Encouragement and Reciprocal Protection of Investment, with Protocol and Related Exchange of Letters, signed at Washington on August 27, 1993.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1459. A bill to make improvements in the protection of coastal waters, and for other purposes; to the Committee on Environment and Public Works.

By Ms. MOSELEY-BRAUN:

S. 1460. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize programs of child abuse education and prevention, and to establish a demonstration project relating to child abuse education and prevention; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN (for himself, Mr. SASSER, and Mr. WARNER):

S. 1461. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct the West Court of the

National Museum of Natural History building; to the Committee on Rules and Administration.

By Mr. DODD:

S. 1462. A bill to reduce and prevent the incidence of violence involving children; to the Committee on Labor and Human Resources.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. HARKIN, Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. INOUYE, Mrs. BOXER, and Mrs. MURRAY):

S. 1463. A bill to amend the Elementary and Secondary Education Act of 1965 to address gender equity in mathematics and science education and to assist schools and educational institutions in the elimination of sexual harassment and abuse; to the Committee on Labor and Human Resources.

By Mr. SIMON (for himself, Mr. KENNEDY, Mr. HARKIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. INOUYE, Mrs. BOXER, and Mrs. MURRAY):

S. 1464. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure gender equity in education, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. INOUYE, Mrs. BOXER, and Mrs. MURRAY):

S. 1465. A bill to amend certain education laws regarding gender equity training, dropout prevention, and gender equity research and data; to the Committee on Labor and Human Resources.

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, Mr. KENNEDY, Mr. HARKIN, Mrs. MURRAY, and Ms. MIKULSKI):

S. 1466. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize programs of child abuse education and prevention, and to establish a demonstration project relating to child abuse education and prevention; to the Committee on Labor and Human Resources.

By Mr. WELLSTONE:

S.J. Res. 133. To ensure that members of Congress participate on an equal basis with their constituents in the health care system that results from health care reform legislation; to the Committee on Labor and Human Resources.

By Mr. BIDEN (for himself, Mr. AKAKA, Mr. DECONCINI, Mr. MATHEWS, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. PELL, and Mr. THURMOND):

S.J. Res. 134. A joint resolution to designate October 19, 1993, as "National Mammography Day"; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Mr. KENNEDY, Mr. PACKWOOD, Mr. INOUYE, Mr. HATFIELD, Mr. MOYNIHAN, Mr. SIMPSON, Mr. BUMPERS, Mrs. KASSEBAUM, Mr. CONRAD, Mr. METZENBAUM, Mr. BRADLEY, Mr. KERRY, Mr. SARBANES, Mr. LIEBERMAN, Mr. LEVIN, Mr. PELL, Ms. MOSELEY-BRAUN, Mr. GLENN, Mr. HEFLIN, Mr. LEAHY, Mr. MITCHELL, Mr. RIEGLE, Mr. NUNN, Mr. ROCKEFELLER, Mr. CAMPBELL, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. MATHEWS Mr. JEFFORDS, and Mr. CHAFEE):

S.J. Res. 135. A joint resolution designating the week beginning October 25, 1993, as "World Population Awareness Day"; to the Committee on the Judiciary.

By Mr. SIMON:

S.J. Res. 136. A joint resolution to designate the month of July 1994 as "Lewis and Clark Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MOSELEY-BRAUN:

S. Res. 144. A resolution commending Johan Jorgen Holst of Norway for his contribution to peace in the Middle East; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1459. A bill to make improvements in the protection of coastal waters, and for other purposes; to the Committee on Environment and Public Works.

COASTAL WATERS IMPROVEMENT ACT OF 1993

• Mr. LAUTENBERG. Mr. President, I introduce the Coastal Waters Improvement Act. This bill includes a number of provisions which will help improve the quality of our coastal waters, a critical environmental, recreational, and economic asset to our coastal States and the Nation.

Mr. President, pollution continues to pose a great threat to our Nation's coastal waters. The Environmental Protection Agency's 1990 National Water Quality Inventory revealed that more than 8,500 square miles of the Nation's estuarine waters fail to meet water quality standards. In New Jersey alone, 141 square miles of estuarine waters are failing to meet water quality standards.

The Office of Technology Assessment, in a 1987 report, concluded that the overall health of our coastal waters is "declining or threatened," and that "in the absence of additional measures, new or continued degradation will occur in many estuaries and some coastal waters around the country." OTA also determined that contamination of the marine environment has a wide range of adverse effects on birds and mammals, finfish and shellfish, aquatic vegetation and benthic organisms. Finally, OTA concluded that existing programs, even if fully implemented, are not adequate to maintain and improve our coastal waters.

Our marine waters, from the landward limits of our estuaries to our oceans, have a substantial and direct importance to the American people. These waters perform important ecological functions by providing important habitat, nursery grounds and food sources for a great diversity of plants, and fish, bird and other animal species. The resources in these waters support commercial and recreational fishing, tourism, recreation, and related opportunities. They result in annual expenditures of tens of billions of dollars and unquantifiable enjoyment for our citizens.

The New Jersey shore is the driving force behind New Jersey's $18 billion tourism sector, which is the second largest revenue-producing industry in the State. In 1991, 8.8 million people stayed overnight at the shore and an additional 59 million made day trips to New Jersey beaches. Furthermore, 353,000 people serviced these visitors in some capacity, making the tourism industry the number one employer in the State.

While the Congress has taken a number of important actions to deal with coastal pollution, it is clear that more needs to be done. The Coastal Waters Improvement Act provides a comprehensive approach to deal with this critical issue by providing the necessary authorities to attack coastal pollution.

Title I contains the text of S. 997, the Beaches Environmental Assessment, Closure and Health Act. This bill will help us reach Clean Water Act's goal of ensuring that the waters of our Nation are swimmable. It would require the testing of beach waters, the promulgation of a beach water quality standard, and the posting of a notice warning bathers when beach water quality fails to achieve the water quality standard.

Title II contains the text of S. 1199, the Coastal Protection Act, which Senator MITCHELL and I introduced earlier this year. It is based on hearings held jointly in 1989 by the Subcommittee on Superfund, Ocean and Water Protection, which I chaired, and the Subcommittee on Environmental Protection. Among its provisions, title II would:

Require the EPA to use the section 313 toxics release inventory to prepare an assessment of sources and geographical areas of marine toxics and a strategy to use this information to improve its existing water programs;

Require EPA to designate marine waters needing priority attention. Areas designated would have to implement a number of requirements aimed at reducing pollution levels;

Mandate that EPA submit a plan to expeditiously establish and revise marine water quality criteria which the States will use to establish State standards. These standards are used to establish limits on discharges into coastal waters;

Direct EPA to consider whether a facility discharging into coastal waters has demonstrated a need to discharge based on whether the facility has implemented pollution prevention measures, before determining whether to issue a permit to discharge pollutants into coastal waters;

Require EPA and NOAA to conduct a study of Federal agency programs which may affect the marine environment. Federal agencies would be required to consider alternatives to avoid adverse impacts to the marine environment; and

Mandate a joint EPA and NOAA to conduct studies of the economic losses caused by coastal pollution, and the causes of algal blooms in ocean waters.

The Coastal Protection Act also would authorize the Corps of Engineers to provide financial assistance to local governments for the construction of facilities to control combined sewer overflows. This provision is similar to the Combined Stormwater and Sewer Overflow Management Strategy Act of 1992 which I joined Senator MOYNIHAN, MITCHELL, and others in the last Congress.

Mr. President, in 1,200 cities primarily in the Northeast and Great Lakes regions of the United States, serving 43 million people, stormwater and sanitary sewage systems are combined. In wet weather, the capacity of sewage treatment facilities can be overwhelmed resulting in untreated discharges into our Nation's waters. Overflow mechanisms are built into such systems to divert the wastewater and stormwater to overflow points to avoid overloading the sewer system.

These diversions, which are known as combined sewer overflows or CSO's, contain untreated sewage, industrial wastewater, plastics and other floatables, and stormwater. CSO discharges contain bacteria which can force the closure of our beaches and shellfish beds. CSO's contain nutrients which can stimulate excessive growth of algae depleting the dissolved oxygen in the water which aquatic resources need to survive. CSO's contain industrial waste which pollute our waterways with toxic chemicals. CSO's also threaten the esthetics of our waterways and shorelines with floatable debris. According to EPA, CSO's are a source of contamination for 5,000 miles of rivers, 21,000 acres of lakes, 500 square miles of estuaries, and 130 shore miles of oceans.

CSO's pose significant threats to public health through exposure to sewage contaminated waters and ingestion of contaminated fish and shellfish. Cholera, gastroenteritis, viral hepatitis, and dysentery can all be transmitted in water. The Centers for Disease Control has concluded that untreated human waste is a major cause of outbreaks of such diseases. And in 1987 the Office of Technology Assessment concluded that the risk of human exposure to bacteria through consumption of tainted seafood is on the rise. According to a survey released by the Natural Resources Defense Council in 1992, in the coastal States which monitor beach water quality, there were over 2,000 occasions when beaches were closed or advisories issued against swimming because of bacterial contamination. In the Northeast, more than 50 percent of the 513,000 acres of closed or restricted shellfishing areas have been polluted by CSO's.

CSO's can adversely affect fish and wildlife. CSO's can deplete dissolved oxygen in waterways, decreasing survival and reproduction of aquatic species. Large decreases in dissolved oxygen can result in fish kills and chronic decreases can result in aquatic dead zones. Excessive nutrients found in CSO's can cause algal blooms, producing toxins harmful to marine organisms. Thousands of pounds of toxic discharges can cause diseases and abnormalities in fish and can accumulate at dangerous levels in aquatic resources which remain in the food chain. Floatable material in CSO's can threaten birds, fish and marine mammals through ingestion or entanglement.

CSO's can result in debris littering our waterways and washing up along shorelines and beaches. Such washups can impact tourism and recreation and result in losses in the billions of dollars.

We must address the problems CSO's pose to our Nation's waters as we act to revise the Clean Water Act in this Congress. The Coastal Protection Act contains one option which we should consider.

Title III of the bill incorporates the Marine Plastic Pollution Research and Control Act Amendments of 1993. This bill would improve implementation of the 1987 Marine Plastic Pollution Research and Control Act to keep plastics and other garbage off our beaches.

Mr. President, the marine environment and our coastal tourist industry is jeopardized every time a person visits the beach and finds it littered with bottles, cans, and all sorts of garbage. I have participated in nationally sponsored beach cleanup events in New Jersey, and with other volunteers, have collected the trash that washes up on our shores. This litter is an ugly sight and there are tons and tons of it.

By collecting these debris, we can often identify their sources. During their 1991 beach cleanup, the Center for Marine Conservation found nearly 90,000 pieces of plastic rope, 40,000 plastic trash bags, 33,000 plastic gallon jugs, and many other plastic items which originate aboard commercial vessels. And there is likely to be far more ship-generated waste that is not documented, because it is impossible to determine the origins of most beach trash.

Furthermore, not all of the plastic waste that is discharged by vessels even reaches the beach. Often, plastic fishing lines and other materials are ingested by marine mammals, which mistake them for food. When marine organisms wash up on the shore entangled in plastic, the reason that they reached the beach is quite apparent.

In 1987 I sponsored legislation which prohibited ships from discharging plastic and restricted other types of waste discharge into the sea. And while there has been improvement as a result of my legislation, much remains to be done.

Since the Marine Plastic Pollution Research and Control Act was passed in 1987, I have worked with the Coast Guard to monitor and improve the law's enforcement. I have seen to it that the Coast Guard received more resources to implement the act than it requested. Yet, an oversight hearing that I conducted last September highlighted numerous deficiencies in the Coast Guard's enforcement of this act.

Title III of the bill I am introducing today would address these deficiencies. The Marine Plastic Pollution Research and Control Act Amendments of 1993 provides the Coast Guard with additional authority and imposes stricter requirements on it, all aimed at improving enforcement of waste disposal practices aboard vessels and at ports.

One of the most difficult enforcement problems associated with annex V of the international MARPOL Convention, which the 1987 legislation ratified, is determining whether garbage or plastics were dumped at sea. My original legislation mandated that the Coast Guard promulgated regulations requiring ships to maintain records of waste disposal activities, in order to facilitate monitoring of such practices. This requirement has not yet been met. The bill I am introducing requires that the Coast Guard comply with this mandate within 1 year.

The bill also expands the crew and passenger education requirement to include a structured briefing about the MARPOL Convention for everyone on board a ship before disembarkation, perhaps as part of the vessel's safety briefing. If you are a passenger on a cruise ship, an announcement over the loudspeaker about MARPOL will no longer be sufficient, and ships that do not comply with these regulations may be subject to fines. Additionally, a citizen witnessing violations of any of the marine plastic law's provisions can report them promptly to the Coast Guard by using the toll free number established under this act.

As we continue expanding our global economy, more and more foreign ships ply our waters delivering and picking up goods. In instances where the U.S. Coast Guard cannot take action against foreign vessels suspected of violating the international convention, our State Department notifies the appropriate foreign flag state of the infraction. However, few of the nations which are signatories to the convention ever investigate or take appropriate action against their vessels. This legislation authorizes the Coast Guard to withhold clearance for a ship from a nation which has not adequately responded to a notification by our Government that a vessel under its registry violated the MARPOL protocol.

The bill also attacks the ocean dumping problem by ensuring adequate waste reception facilities at all ports and terminals. It provides that adequacy can only be determined through onsite inspections by the Coast Guard, at which time a certificate can be issued. In order to ensure that facilities are maintained, the certificate must be renewed every 5 years, or sooner if there is a change in port operator.

Perhaps the most important finding with regard to such reception facilities is that, even where adequate facilities are available, they are grossly underutilized by incoming vessels. The reasons for underutilization of reception facilities are twofold.

The first, inadequate enforcement of dumping violations, is addressed in this bill in two ways. Under the bill, the Coast Guard is required to conduct follow-up inspections of vessels that an Animal, Plant, and Health Inspection Service inspector reports have violated the act. As I discussed earlier, the bill also facilitates increased citizen involvement, including a requirement that all vessels conduct briefings on MARPOL for crew and passengers, and establishment of a toll free telephone number for citizens to report violations.

The second reason for the underutilization of waste reception facilities is inconsistent fee structures at ports and terminals. Separate and often unpredictable charges for disposing of waste at terminals provides a major disincentive for ships to bring their waste ashore. Instead, it just goes over the side. My bill rectifies this disincentive by prohibiting separate charges for refuse disposal at ports and terminals. Whatever costs ports need to recoup for providing routine waste disposal services will need to be included in their docking fee or some other obligatory fee. If ships know that they will pay for this service regardless of whether or not they use it, they will be more likely to use it.

At a Transportation Appropriations Subcommittee hearing I chaired a few months ago on the Coast Guard budget, I questioned Adm. William Kime about this bill. Admiral Kime stated strong support for this legislation, indicating that it is much needed and goes a long way toward overcoming problems of inadequate enforcement.

In particular, the admiral pointed to the provision I just spoke about, which disallows separate waste disposal fees at ports, as a very important incentive for greater utilization of reception facilities. Admiral Kime also commended the bill's measures to improve compliance by other flag states that are signatories to MARPOL. He mentioned that the Coast Guard is also attempting to promote greater international compliance, by proposing an amendment to the international enforcement agreement which mimics the record book requirement contained in my bill.

This bill takes a large step toward ensuring that ocean-going vessels take responsibility for properly disposing of their waste, instead of putting their trash onto our beaches or into the bellies of marine life.

I urge my colleagues to join me in supporting the Coastal Waters Improvement Act. And I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Coastal Waters Improvement Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—BEACH TESTING AND MONITORING

Sec. 101. Purpose.
Sec. 102. Water quality criteria and standards.
Sec. 103. Coastal beach water quality monitoring.
Sec. 104. Study to identify indicators of human-specific pathogens in coastal recreation waters.
Sec. 105. Grants to States.
Sec. 106. Definitions.
Sec. 107. Authorization of appropriations.

TITLE II—COASTAL PROTECTION

Sec. 201. References to the Federal Water Pollution Control Act.
Sec. 202. Policy.
Sec. 203. Coastal environment toxics release assessment.
Sec. 204. National estuary program.
Sec. 205. Priority marine waters.
Sec. 206. National marine water quality education program.
Sec. 207. Marine sanitation devices.
Sec. 208. Marine water quality criteria and standards.
Sec. 209. Ocean discharge criteria.
Sec. 210. Combined sewer overflow control assistance.
Sec. 211. Definitions.
Sec. 212. Federal agency responsibilities.
Sec. 213. Reports and studies.

TITLE III—POLLUTION FROM SHIPS

Sec. 301. Definition of operator.
Sec. 302. Prevention of pollution from ships.
Sec. 303. Marine plastic pollution research and control.

SEC. 2. FINDINGS.

Congress finds that—

(1) the beaches of the United States are a valuable public resource used for recreation by millions of people annually;

(2) the beaches of coastal States are hosts to many out-of-State and international visitors;

(3) tourism in the coastal zone generates billions of dollars annually;

(4) increased population has contributed to the decline in the environmental quality of coastal waters;

(5) pollution in coastal waters is not restricted by State and other political boundaries;

(6) since each coastal State has its own method of testing the quality of its coastal recreation waters, varying degrees of protection are provided to the public;

(7) the adoption of standards by coastal States for monitoring the quality of coastal recreation waters, and the posting of signs at beaches notifying the public during periods when the standards are exceeded, would enhance public health and safety;

(8) the marine and coastal waters of the United States have substantial and direct importance to a large segment of the population of the United States;

(9) the marine and coastal waters, including estuaries, are vital and productive natural ecosystems;

(10) the marine and near coastal waters support commercial and recreational fisheries, with an annual value estimated at over $12,000,000,000 per year;

(11) the marine and coastal waters support extensive recreational activities and related support services;

(12) the maintenance and protection of the environmental quality of the marine and coastal waters of the United States is essential to the commercial and recreational activities the waters support;

(13) a report by the Office of Technology Assessment of Congress found that the overall health of estuaries and coastal waters is declining or threatened;

(14) recent studies and reports provide evidence that many areas of the marine environment have been degraded or are threatened by sources of pollution, including industrial and municipal waste disposal, urban and agricultural runoff, inadequately controlled development, and habitat destruction;

(15) studies by the National Oceanic and Atmospheric Administration and the Environmental Protection Agency have identified unexpectedly high levels of contaminants in a number of coastal areas;

(16) the National Estuary Program is successfully addressing water pollution problems in high priority coastal areas and the program should be expanded and strengthened;

(17) there is a need to better identify impaired coastal waters and to expand and improve programs for the control of point and nonpoint sources of pollution to the waters;

(18) ocean discharge criteria need to be used more effectively in issuing permits for discharges to impaired coastal waters;

(19) discharges of sewage from vessels can impair coastal waters, and controls over the discharges should be improved;

(20) there is a need to expand and expedite the process of developing water quality criteria that set enforceable water quality standards for coastal waters;

(21) overflows from combined storm and sanitary sewers pose a significant threat to water quality, and the Federal Government should provide additional financial assistance to communities seeking to correct overflow problems;

(22) the enforcement by the Coast Guard of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), as amended by this Act, is critical to the implementation of such Act;

(23) the Animal and Plant Health Inspection Service of the Department of Agriculture (referred to in this section as "APHIS") has regular contact with vessels that are subject to the requirements of such Act;

(24) minor changes in procedures under such Act, and improved coordination between APHIS and the Coast Guard, would provide information to the Coast Guard that

would facilitate the enforcement of requirements relating to dumping of certain wastes under such Act;

(25) the underutilization of adequate waste reception facilities at ports and terminals worldwide is largely a result of—

(A) inconsistent fee structures at ports and terminals; and

(B) inadequate enforcement of violations of the dumping requirements referred to in paragraph (24);

(26) although each port or terminal that has received certification by the Secretary of Transportation of the adequacy of the port or terminal to accept for disposal waste that is regulated under such Act, there have been reports from officials of vessels that certain ports and terminals have refused to accept for disposal certain types of waste; and

(27) in light of the situation referred to in paragraph (26) and other reports of insufficient compliance of ports and terminals with requirements to accept waste, the enforcement of the certification of ports and terminals is inadequate.

TITLE I—BEACH TESTING AND MONITORING

SEC. 101. PURPOSE.

The purpose of this title is to require uniform procedures for beach testing and monitoring to protect public safety and improve the environmental quality of coastal recreation waters.

SEC. 102. WATER QUALITY CRITERIA AND STANDARDS.

(a) ISSUANCE OF CRITERIA.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following new paragraph:

"(9) COASTAL RECREATION WATERS.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of this paragraph, the Administrator shall, after consulting with the heads of appropriate Federal agencies, departments and agencies of States, and other interested persons, issue (and review and revise from time to time thereafter) water quality criteria for pathogens in coastal recreation waters. The criteria shall—

"(i) be based on the best available scientific information;

"(ii) be sufficient to protect public health and safety in the case of any reasonably anticipated exposure to pollutants as a result of swimming, bathing, or other body contact activity; and

"(iii) include specific numeric criteria calculated to reflect public health risks from short-term increases in pathogens in coastal recreation waters resulting from rainfall, malfunctions of wastewater treatment works, and other causes.

"(B) COASTAL RECREATION WATERS DEFINED.—As used in this paragraph, the term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes.".

(b) STANDARDS.—

(1) ADOPTION OF STANDARDS BY STATES.—

(A) IN GENERAL.—Each State shall adopt water quality standards for coastal recreation waters that, at a minimum, are consistent with the criteria published by the Administrator under paragraph (9) of section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) (as added by subsection (a)) not later than 3 years after the date of the publication of the criteria.

(B) DEVELOPMENT OF STANDARDS.—The water quality standards shall be developed in accordance with the requirements of section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)).

(C) STATE PROGRAMS.—The State shall incorporate the standards into all appropriate programs with respect to which the State incorporates water quality standards adopted under section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)).

(2) FAILURE OF STATES TO ADOPT STANDARDS.—

(A) IN GENERAL.—If a State does not meet the requirements of paragraph (1) by the date that is 3 years after the date of publication of the criteria under paragraph (9) of section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)) (as added by subsection (a)), the Administrator shall issue water quality standards for coastal recreation waters for the State pursuant to the applicable provisions of section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

(B) WATER QUALITY STANDARDS.—The water quality standards issued pursuant to subparagraph (A) for coastal recreation waters shall be consistent with the criteria published by the Administrator under paragraph (9) of section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)).

(C) APPLICATION OF STANDARDS.—The State shall apply the standards issued pursuant to subparagraph (A) in carrying out all programs referred to in paragraph (1)(C).

SEC. 103. COASTAL BEACH WATER QUALITY MONITORING.

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341 et seq.) is amended by adding at the end the following new section:

"SEC. 406. COASTAL BEACH WATER QUALITY MONITORING.

"(a) IN GENERAL.—Not later than 270 days after the date of the issuance of water quality criteria for pathogens in coastal recreation waters under section 304(a)(9), the Administrator shall issue regulations specifying methods to be used by States to monitor coastal recreation waters for compliance with applicable water quality standards for the waters and protection of the public safety during periods of use by the public. The monitoring requirements established pursuant to this subsection shall, at a minimum, specify—

"(1) the frequency of monitoring based on the periods of recreational use of the waters;

"(2) the frequency of monitoring based on the extent and degree of use during the periods;

"(3) the frequency of monitoring based on the proximity of the waters to pollution sources;

"(4) methods for detecting short-term increases in pathogens in the waters; and

"(5) the conditions and procedures under which the Administrator may exempt discrete areas of the waters from the monitoring requirements of this subsection, if the Administrator determines that the exemption will not impair—

"(A) compliance with the applicable water quality standards for the waters; and

"(B) the protection of the public safety.

"(b) NOTIFICATION REQUIREMENTS.—The regulations issued pursuant to subsection (a) shall require each State to notify the appropriate officials of local governments and the public of violations of applicable water quality standards for State coastal recreation waters. Each notification shall include, at a minimum—

"(1) prompt communication of the occurrence, nature, and extent of the violation, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which the violation is identified; and

"(2) the posting of signs, for the period during which the violation continues, sufficient to give notice to the public of a violation of an applicable water quality standard for the waters and the potential risks associated with body contact recreation in the waters.

"(c) FLOATABLE MATERIALS MONITORING PROCEDURES.—As soon as practicable after the date of enactment of this section, the Administrator shall—

"(1) issue guidance on uniform assessment and monitoring procedures for floatable materials in coastal recreation waters; and

"(2) specify the conditions under which the presence of floatable materials constitutes a threat to public health and safety.

"(d) DELEGATION OF RESPONSIBILITY.—A State may delegate responsibility for the monitoring and posting of coastal recreation waters pursuant to this section to local government authorities.

"(e) REVIEW AND REVISION OF REGULATIONS.—The Administrator shall review and periodically revise the regulations issued pursuant to this section.

"(f) DEFINITIONS.—As used in this section:

"(1) COASTAL RECREATION WATERS.—The term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes.

"(2) FLOATABLE MATERIALS.—The term 'floatable materials' means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.".

SEC. 104. STUDY TO IDENTIFY INDICATORS OF HUMAN-SPECIFIC PATHOGENS IN COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, shall conduct an ongoing study to provide additional information to the then current base of knowledge for use in developing better indicators for directly detecting in coastal recreation waters the presence of bacteria and viruses that are harmful to human health.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, and periodically thereafter, the Administrator shall submit to Congress a report describing the findings of the study under this section. The report shall include—

(1) recommendations concerning the need for additional numerical limits or conditions and other actions to improve the quality of coastal recreation waters;

(2) a description of the amounts and types of floatable materials in coastal waters and on coastal beaches and of recent trends in the amounts and types of the floatable materials; and

(3) an evaluation of State efforts to carry out this title and amendments made by this title.

SEC. 105. GRANTS TO STATES.

(a) IN GENERAL.—The Administrator may make a grant to a State to assist the State in meeting the requirements of sections 102 and 103 and the amendments made by such sections.

(b) COST SHARING.—The total amount of grants awarded to a State under this section for a fiscal year shall not exceed 50 percent of the cost to the State of carrying out the requirements of sections 102 and 103 and the amendments made by such sections.

SEC. 106. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) COASTAL RECREATION WATERS.—The term "coastal recreation waters" means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes.

(3) FLOATABLE MATERIALS.—The term "floatable materials" means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Environmental Protection Agency—

(1) to carry out section 105, an amount not to exceed $3,000,000 for each of fiscal years 1994 and 1995; and

(2) to carry out sections 102 through 104 and the amendments made by such sections, an amount not to exceed $1,000,000 for each of fiscal years 1994 and 1995.

TITLE II—COASTAL PROTECTION

SEC. 201. REFERENCES TO THE FEDERAL WATER POLLUTION CONTROL ACT.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), except to the extent otherwise specifically provided.

SEC. 202. POLICY.

It is the policy of the United States to restore, maintain, and protect the integrity of the marine environment to ensure that the ecological, commercial, and recreational values of these resources are not impaired by pollution.

SEC. 203. COASTAL ENVIRONMENT TOXICS RELEASE ASSESSMENT.

Title III (33 U.S.C. 1311 et seq.) is amended by adding at the end the following new section:

"SEC. 321. COASTAL ENVIRONMENT TOXICS RELEASE STRATEGY.

"(a) COASTAL ENVIRONMENT TOXICS RELEASE STRATEGY.—Not later than 1 year after the date of enactment of this section, the Administrator shall prepare and submit to Congress a coastal environment toxics release strategy (referred to in this section as the 'strategy'). The strategy shall include a plan developed by the Administrator for using the information from toxic chemical release forms and reports prepared pursuant to section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) to improve programs of the Environmental Protection Agency concerning the coastal environment.

"(b) ASSESSMENT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Administrator shall prepare an assessment of the extent and environmental effect of discharges by industrial categories that discharge into marine waters, or to publicly owned treatment works that discharge into marine waters (or both), and that are required to report the discharges pursuant to the requirements for reporting releases of toxic chemicals under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023).

"(2) IDENTIFICATION OF CATEGORIES AND AREAS.—The assessment shall identify the relative contribution of pollutants from industrial categories and the geographical areas that receive the greatest quantities of the discharges.

"(3) INCLUSION IN REPORTS.—The assessment prepared under this subsection may be included in a report published pursuant to section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023).

"(c) USE OF INFORMATION.—The Administrator shall use information in the assessment prepared under subsection (b) to—

"(1) verify information included in permits issued by the Administrator or by a State authorized to issue permits under section 402;

"(2) improve programs for the control of toxic pollutants;

"(3) identify other water quality programs (including programs established pursuant to sections 301, 303, 304, 306, and 307) and adopt measures to ensure that data concerning the discharge of toxic pollutants is incorporated into the programs;

"(4) identify pollutants for which water quality criteria have not been published; and

"(5) target compliance and enforcement actions.".

SEC. 204. NATIONAL ESTUARY PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) (33 U.S.C. 1330(i)) is amended—

(1) by striking ", and 1991" and inserting "1991, 1992, and 1993 and $25,000,000 for each of fiscal years 1994 through 2000"; and

(2) by striking the last sentence.

(b) PRIORITY MARINE WATERS.—Section 320(a)(2)(A) (33 U.S.C. 1330(a)(2)(A)) is amended by adding at the end the following new sentence: "Beginning on the date that is 1 year after the date of enactment of this sentence, the Administrator may not convene a management conference pursuant to this section for any estuary that is not listed as a priority marine water under section 304(n).".

(c) FINANCIAL PLAN.—Section 320(b)(5) (33 U.S.C. 1330(b)(5)) is amended by inserting before the semicolon the following: ", including a detailed financial plan indicating the anticipated Federal, State, and local funds needed to implement identified corrective actions".

(d) RESEARCH.—Subsection (j) of section 320 (33 U.S.C. 1330(j)) is amended to read as follows:

"(j) RESEARCH.—

"(1) RESEARCH PROGRAM.—The Administrator shall implement a coordinated program of research and monitoring to support the assessment of each estuary for which a management conference is convened pursuant to this section.

"(2) CONTENT OF PROGRAM.—The research program implemented under this subsection shall include—

"(A) a comprehensive program of water and sediment quality monitoring to determine—

"(i) variations in pollutant concentrations, marine ecology, and other physical or biological environmental parameters that may affect the estuary; and

"(ii) the potential and actual effects of alternative management strategies and measures;

"(B) a program of ecosystem assessment to assist in the development of—

"(i) baseline studies to determine the biological conditions in the estuary and the effects of natural and anthropogenic changes; and

"(ii) predictive models that are capable of translating information concerning specific discharges or general pollutant loadings within the estuary into a set of probable effects on biological conditions in the waters of the estuary;

"(C) a program of research to identify the movements of nutrients, sediments, and pollutants through the estuary and the impact of nutrients, sediments, and pollutants on water quality and designated or potential uses of the waters of the estuary; and

"(D) a program of research to determine the water quality and habitat requirements necessary for the attainment and maintenance of designated uses and the continued viability and enhancement of living resources.

"(3) COOPERATIVE ACTIVITY.—In implementing the research program under this subsection, the Administrator shall cooperate with each affected management conference and State, and the heads of appropriate Federal agencies, including the Under Secretary and the Director of the United States Fish and Wildlife Service.".

(e) REPORT TO CONGRESS.—Section 320 (33 U.S.C. 1330) is amended—

(1) by redesignating subsection (k) as subsection (*l*); and

(2) by inserting after subsection (j) the following new subsection:

"(k) REPORTS.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this paragraph, and biennially thereafter, the Administrator shall submit to Congress a comprehensive report concerning the activities authorized under this section. The report shall include—

"(A) a list of estuaries considered for action pursuant to this section;

"(B) a list and description of the estuaries considered and selected for management conferences pursuant to this section;

"(C) an evaluation of the research, monitoring, and pollution abatement measures implemented pursuant to this section;

"(D) an assessment and description of each management conference in progress at the time of submission of the report; and

"(E) a report on the implementation of conservation and management plans for the estuaries.

"(2) PRIORITY MARINE WATERS.—The Administrator shall include in each report prepared under this subsection—

"(A) a list of the waters listed as priority marine waters under section 304(n);

"(B) a description of the measures taken to restore the quality of the waters; and

"(C) recommendations concerning additional protective measures for priority marine waters.".

(f) GRANTS.—Section 320(g) (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) and (3) and inserting the following new paragraphs:

"(2) PURPOSES.—A grant awarded under this section may be used to—

"(A) support an initial 5-year management conference and the development of a conservation and management plan under this section; and

"(B) maintain the operation of the management conference after receiving approval by the Administrator of a conservation and management plan pursuant to subsection (f), and oversee the implementation of the conservation and management plan.

"(3) DEVELOPMENT OF CONSERVATION AND MANAGEMENT PLANS.—

"(A) IN GENERAL.—The Federal share of a grant awarded under paragraph (2)(A) for a fiscal year shall be—

"(i) in an amount not to exceed 75 percent of the annual cost of the management conference referred to in paragraph (2)(A); and "(ii) awarded on the condition that the non-Federal share of the cost of the management conference shall be paid from non-Federal sources.

"(B) DURATION.—A person referred to in paragraph (1) (including a State, interstate, or regional agency or entity) may be awarded a grant under paragraph (2)(A) for a period of not to exceed 5 fiscal years.

"(4) GRANTS TO MAINTAIN OPERATION OF MANAGEMENT CONFERENCE.—

"(A) PROHIBITION.—If, in the judgment of the Administrator, a person referred to in paragraph (1) (including a State, interstate, or regional agency or entity) has—

"(i) not received approval by the Administrator for a conservation and management plan pursuant to subsection (f); or

"(ii) failed substantially to implement a conservation and management plan that has been approved pursuant to subsection (f),

the Administrator may not award a grant to the person under paragraph (2)(B).

"(B) FEDERAL SHARE.—The Federal share of a grant awarded under paragraph (2)(B) for a fiscal year shall be—

"(i) in an amount not to exceed 50 percent of the annual costs of the management conference; and

"(ii) awarded on the condition that the non-Federal share of the cost of the management conference shall be paid from non-Federal sources.

"(C) LIMITATION.—The amount of a grant awarded under paragraph (2)(B) for any fiscal year may not exceed an amount equal to 30 percent of the average annual amount of any grants received by the person under paragraph (2)(A).

"(5) REPORT TO THE ADMINISTRATOR.—Each person who receives a grant under this subsection shall be required, as a condition of receiving the grant, to submit a report to the Administrator, not later than 18 months after receipt of the grant award, describing the progress of the grant recipient in carrying out the purposes of the grant.".

SEC. 205. PRIORITY MARINE WATERS.

Section 304 (33 U.S.C. 1314) is amended by adding at the end the following new subsection:

"(n) PRIORITY MARINE WATERS.—

"(1) IN GENERAL.—The Administrator shall, not later than 1 year after the date of enactment of this subsection, and biennially thereafter, identify and list, pursuant to this subsection, each marine water that—

"(A) does not support the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allow for recreational activities in and on the water; or

"(B) in the judgment of the Administrator, is not likely to have the capability of ensuring the future protection of a balanced, indigenous population of shellfish, fish, and wildlife and allow for recreational activities in and on the water.

"(2) SELECTION.—In selecting a marine water pursuant to paragraph (1), the Administrator shall consider—

"(A) water quality impairment, including information provided in the national toxic chemical inventory established pursuant to section 313(j) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(j));

"(B) the presence of toxic or other contaminants in sediment and the potential for migration of the contamination to water or aquatic organisms;

"(C) the condition of aquatic life and related habitat, including the presence of threatened or endangered species;

"(D) the likely effect of contaminants on human health, aquatic life, and related habitat, recreational and commercial opportunities, and marine ecological values;

"(E) the presence of floatables in the area that adversely affect commercial and recreational opportunities; and

"(F) anticipated total increases in pollution loadings and floatables in the area.

"(3) PUBLIC REVIEW.—In listing a marine water under paragraph (1), the Administrator shall—

"(A) provide for public review and comment; and

"(B) consult with appropriate officials of States and the Under Secretary throughout the listing process.

"(4) DUTIES OF THE ADMINISTRATOR AND STATES.—

"(A) IN GENERAL.—The Administrator (or a State authorized to issue permits under section 402) shall, with respect to waters that have been listed under this subsection—

"(i) implement the requirements of section 403 when issuing or reissuing a permit for point source discharges to the waters; and

"(ii) notwithstanding any exemption established pursuant to section 402(p), not later than 1 year after the listing of a water under this subsection, issue permits for industrial and municipal discharges of stormwater to the water in a manner consistent with section 402(p).

"(B) DUTIES OF THE ADMINISTRATOR.—The Administrator shall, with respect to each water that has been listed under this subsection—

"(i) not later than 180 days after listing the water under this subsection, consider prohibiting the use of the water as a disposal site or restricting the use of any water designated pursuant to this section as a disposal site;

"(ii) not later than 180 days after the listing, prohibit the discharge of sewage from vessels pursuant to section 312(f)(4);

"(iii) in the case of a State that does not have an assessment or management program that has been approved by the Administrator under subsection (a) or (b) of section 319, conduct an assessment and develop and implement a management program for the watershed area of the listed water; and

"(iv) require that each publicly owned treatment works that discharges to the listed water and that serves 1 (or more) significant industrial user, as defined by the Administrator, to develop and enforce, without regard to the volume of the discharges of or the population served by the treatment works, a program for the pretreatment of industrial wastes pursuant to section 307 as expeditiously as practicable.

"(C) DUTIES OF THE STATE.—Each State shall review water quality standards applicable to waters listed under this subsection, and, not later that 3 years after the listing, designate uses and adopt standards for any pollutant for which the Administrator has established criteria pursuant to section 304 if the pollutant is present, or is reasonably likely to be present, in the waters.

"(5) RESCISSION OF LISTING.—The Administrator may, after consultation with appropriate State officials, and after providing for public review and comment, rescind the listing of a marine water under this subsection if the Administrator determines that—

"(A) the environmental quality of the water has been restored;

"(B) water quality standards adopted pursuant to section 303 are attained and will be maintained; and

"(C) the water will ensure the protection and propagation of a balanced indigenous population of fish, shellfish, and wildlife and will provide for recreational activities in and on the water on a continuing basis.".

SEC. 206. NATIONAL MARINE WATER QUALITY EDUCATION PROGRAM.

Title V (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 as section 520; and

(2) by inserting after section 518 the following new section:

"SEC. 519. NATIONAL MARINE WATER QUALITY EDUCATION PROGRAM.

"(a) GENERAL AUTHORITY.—The Administrator shall establish a national program to provide information, education, and technical assistance to owners of marine land.

"(b) IDENTIFICATION.—Any owner of marine land may submit to the Administrator an application for participation in the education program established under this section. Each application submitted under this subsection shall contain basic information, including—

"(1) the location and size of the marine land;

"(2) the physical characteristics of the marine land;

"(3) known wildlife habitat or other significant natural features or characteristics of the marine land; and

"(4) proof of ownership of the marine land.

"(c) INFORMATION AND EDUCATION.—

"(1) IN GENERAL.—The Administrator shall establish and carry out an information and education program to provide owners of marine land with informational and educational materials concerning—

"(A) land management and related practices to prevent water pollution and protect habitat;

"(B) activities and practices to protect and foster the development of aquatic life and wildlife;

"(C) measures to preserve and protect significant natural features of land or significant natural resources;

"(D) the activities of Federal agencies, State departments and agencies, and political subdivisions of States to protect marine waters, including activities under sections 303, 319, 320, 402, and 404; and

"(E) the requirements of Federal law and the laws of States concerning land management, discharges to water, and other related activities.

"(2) REGION-SPECIFIC INFORMATION.—The Administrator may, as appropriate, adjust the information required pursuant to this subsection to apply to land within a specific region of the United States or a specific State.

"(d) STATE PARTICIPATION.—At the request of a Governor of a State, the Administrator may delegate the operation of an information and education program that meets the requirements of subsection (c) to a State. The cost associated with activities carried out by the State pursuant to this section shall be eligible for funding under section 106.

"(e) MARINE LAND DEFINED.—As used in this section, the term 'marine land' means real property that borders on a marine water.".

SEC. 207. MARINE SANITATION DEVICES.

(a) PROHIBITION OF DISCHARGE TO DESIGNATED WATERS.—

(1) IN GENERAL.—Section 312(f)(3) (33 U.S.C. 1322(f)(3)) is amended—

(A) by striking ", except that" and all that follows through the end of the paragraph and inserting a period; and

(B) by adding at the end the following new sentence: "The State and the Secretary of the Department in which the Coast Guard is operating shall enforce this paragraph.".

(2) SEWAGE.—Paragraph (4)(A) of section 312(f) (33 U.S.C. 1322(f)(4)(A)) is amended to read as follows:

"(4)(A) In the case of a water listed under section 304(n), not later than 18 months after the listing, the Administrator shall, by regulation, completely prohibit the discharge of sewage (whether treated or untreated) from a vessel into the listed water.".

(3) UNLAWFUL ACTS.—Section 312(h) (33 U.S.C. 1322(h)) is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(5) for any person to discharge sewage (whether treated or untreated) into a water designated pursuant to subsection (f)(4); and

"(6) for any person to discharge sewage that has not been treated by a marine sanitation device required under this section.".

(4) CONFORMING AMENDMENT.—Section 301(a) (33 U.S.C. 1311(a)) is amended by inserting "312," after "307,".

(b) CIVIL PENALTIES.—Subsection (j) of section 312 (33 U.S.C. 1322(j)) is amended to read as follows:

"(j)(1) Any person who violates subsection (g) or (h) shall be liable for a civil penalty in an amount not to exceed $5,000 for each violation. Each violation shall constitute a separate offense.

"(2) No penalty shall be assessed under this subsection until the person charged has received notice of the violation and has had an opportunity for a hearing on the charge.

"(3) The following shall be considered in a determination of the amount of a penalty under this subsection:

"(A) The gravity of the violation.

"(B) Any previous violations of the person who is subject to the penalty.

"(C) The demonstrated good faith of the person who is subject to the penalty in attempting to achieve rapid compliance after notification of the violation.".

(c) ENFORCEMENT.—Subsection (k) of section 312 (33 U.S.C. 1322(k)) is amended to read as follows:

"(k)(1) The Secretary of the department in which the Coast Guard is operating (referred to in this subsection as the 'Secretary') shall carry out the enforcement of this section. The head of another Federal agency may enter into an agreement with the Secretary to—

"(A) detail to the Secretary, with or without reimbursement, law enforcement officers or personnel to assist the Secretary in carrying out this section; and

"(B) provide facilities for use by the Secretary in carrying out this section.

"(2) All amounts collected by the Secretary or an authorized representative of the Secretary under this section shall be deposited into a special fund of the Treasury of the United States to be known as the 'Vessel Pollution Enforcement Fund'. The fund shall be available for appropriation to the Coast Guard to carry out the activities referred to in subsection (o).

"(3) Subject to the conditions described in paragraph (4), the Administrator may delegate to a State the enforcement of the prohibitions under paragraphs (4) through (6) of subsection (h).

"(4) The Secretary shall require a State that proposes to carry out the enforcement activities referred to in paragraph (3) to submit such documentation as the Secretary considers appropriate to establish that the State has established a State fund into which amounts equal to the amounts of penalties from enforcement actions carried out by the State under paragraph (3) shall be transferred for use by the State to carry out enforcement activities under paragraph (3).".

(d) MARINE SANITATION DEVICES.—

(1) TECHNOLOGY IMPROVEMENTS.—Section 312(c)(1)(A) (33 U.S.C. 1322(c)(1)(A)) is amended by adding at the end the following new sentence: "The standards and regulations referred to in this subparagraph shall be reviewed and revised to reflect improvements in technology relating to marine sanitation devices not later than 3 years after the date of enactment of this sentence, and every 7 years thereafter.".

(2) REVIEW.—Section 312(c)(2) (33 U.S.C. 1322(c)(2)) is amended by adding at the end the following new sentences: "Except for a waiver for an individual vessel, the Secretary of the department in which the Coast Guard is operating shall review each waiver of a standard or regulation under this section. If the Secretary considers that a revision of the waiver would be appropriate to take into account technology relating to marine sanitation devices, the Secretary shall revise the waiver.".

(3) DEADLINE.—Section 312(b)(1) (33 U.S.C. 1322(b)(1)) is amended by inserting before the period at the end the following: "not later than 2 years after the date of establishment or revision of the standards".

(e) MARINE SANITATION DEVICE PUMPOUT STATIONS.—

(1) COAST GUARD FACILITIES.—Section 312 (33 U.S.C. 1322) is amended by adding at the end the following new subsection:

"(n)(1) Beginning on the date that is 4 years after the date of enactment of this subsection, the Secretary of the department in which the Coast Guard is operating shall provide for a public use pumpout station for marine sanitation devices at each Coast Guard installation.

"(2) The Secretary of the department in which the Coast Guard is operating may, with the concurrence of the Administrator, waive the requirement under paragraph (1) if the Coast Guard installation—

"(A) is not located adjacent to navigable waters;

"(B) lacks sufficient and appropriate dock capacity; and

"(C) would be substantially prevented from conducting other essential activities.".

(2) FINANCIAL ASSISTANCE.—

(A) GENERAL AUTHORITY FOR CAPITALIZATION GRANTS TO STATES.—Section 601(a) (33 U.S.C. 1381(a)) is amended—

(i) in paragraph (2), by striking "and" at the end; and

(ii) by inserting before the period at the end the following: ", and (4) for implementing a marine sanitation pumpout station plan approved pursuant to section 5603(c) of the Clean Vessel Act of 1992 (Public Law 102–587; 33 U.S.C. 1322 note)".

(B) WATER POLLUTION CONTROL REVOLVING FUNDS.—The first sentence of section 603(c) (33 U.S.C. 1383(c)) is amended—

(i) in paragraph (2), by striking "and" at the end; and

(ii) by inserting before the period at the end the following: ", and (4) for implementing a marine sanitation pumpout station plan approved pursuant to section 5603(c) of the Clean Vessel Act of 1992 (Public Law 102–587; 33 U.S.C. 1322 note)".

(f) EDUCATION.—Section 312 (33 U.S.C. 1322), as amended by subsection (e), is further amended by adding at the end the following new subsection:

"(o) The Secretary of the department in which the Coast Guard is operating, in consultation with the Administrator, shall implement a comprehensive program of information and education to—

"(1) encourage compliance with the requirements of this section; and

"(2) foster an increased understanding of the importance of water quality and methods of preventing water pollution.".

(g) DEFINITIONS.—Section 312(a) (33 U.S.C. 1322(a)) is amended—

(1) in paragraph (1), by inserting "applicable" after "promulgation of";

(2) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

"(12) 'pumpout station' has the same meaning as is provided the term in section 5608(6) of the Clean Vessel Act of 1992 (Public Law 102–587; 33 U.S.C. 1322 note).".

SEC. 208. MARINE WATER QUALITY CRITERIA AND STANDARDS.

(a) MARINE WATER QUALITY CRITERIA.—Section 304(a) (33 U.S.C. 1314(a)), as amended by section 102(a), is further amended—

(1) in paragraph (1), by inserting after "water quality" the following: ", including criteria for marine water quality,"; and

(2) by adding at the end the following new paragraphs:

"(10)(A) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall submit to Congress a 5-year plan and schedule for the development, review, and revision of criteria for pollutants found in marine waters.

"(B) The plan shall—

"(i) ensure that criteria for the pollutants are published as expeditiously as practicable; and

"(ii) give priority to pollutants that pose the greatest threat to the marine environment.

"(C) The Administrator shall consult with the Under Secretary and the Governor of each interested State in developing the plan. In addition, the Administrator shall take into consideration—

"(i) the toxic pollutants identified in lists, submitted pursuant to subsection (*l*), of navigable waters for which a State does not expect the applicable standard will be met; and

"(ii) the marine environment toxics release inventory assessment prepared pursuant to section 321.

"(11)(A)(i) In the case of a pollutant for which criteria and information under subsection (a) have not been published, any person may petition the Administrator to develop and publish criteria applicable to marine waters for the pollutant pursuant to subsection (a). The Administration shall approve the petition if the pollutant poses a significant threat to the quality of marine waters, human health, or the environment.

"(ii) Not later than 180 days after receiving the petition, the Administrator shall approve or deny the petition and publish a notice in the Federal Register of the approval or denial.

"(B) If the Administrator fails to publish notice of a decision to approve or deny a petition under this paragraph, the petition shall be deemed to have been approved. If the Administrator approves a petition pursuant to this paragraph, the Administrator shall, as expeditiously as practicable, and in a manner consistent with the plan developed under this subsection, publish criteria and information for the pollutant pursuant to this section.

"(12) In the case of a pollutant for which aquatic life criteria have been published on the date of enactment of this paragraph, the

Administrator shall, not later than 3 years after the date of enactment of this paragraph, revise the criteria and publish the revisions of the criteria, if the Administrator determines the revisions to be necessary to ensure that the criteria address marine waters.

"(13) After the date of enactment of this paragraph, the Administrator shall require that any criteria and information published pursuant to this subsection shall address marine waters.".

(b) MARINE WATER QUALITY STANDARDS.—

(1) IN GENERAL.—Section 303 (33 U.S.C. 1313) is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection:

"(h)(1) Not later than 3 years after the date of enactment of this paragraph, each State that borders on marine waters shall establish standards for marine water quality, including designated uses for the waters and numerical criteria to protect the uses, for any pollutant for which information is published pursuant to section 304(a).

"(2) Not later than 3 years after the date of publication of criteria and information pursuant to section 304(a), each State that borders on marine waters shall establish numerical water quality standards, based on the criteria and information, that are adequate to ensure the attainment of the uses identified in paragraph (1).

"(3) If a State fails to comply with paragraph (1) or (2), the Administrator shall establish numerical water quality standards not later than 1 year after the date on which the State was to establish the standards.

"(4) The Administrator shall promulgate water quality standards for marine waters that are not under the control of any State that shall ensure the protection and propagation of a balanced, indigenous population of fish, shellfish, and wildlife and provide for recreation in and on the waters.".

(2) CONFORMING AMENDMENT.—Section 302(a) (33 U.S.C. 1312(a)) is amended by inserting "or section 303(i)" after "section 304(l)".

SEC. 209. OCEAN DISCHARGE CRITERIA.

(a) CLARIFICATION OF SCOPE.—Subsection (a) of section 403 (33 U.S.C. 1343(a)) is amended to read as follows:

"(a) No permit shall be issued under section 402 for a discharge into the territorial sea, the waters of the contiguous zone, the oceans, or any water listed under section 304(n), if the Administrator finds, on the basis of assessment of the criteria established in subsections (c) and (d), that the discharge may reasonably be expected to prevent—

"(1) the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife and recreational activity in and on the water; or

"(2) the attainment of standards established pursuant to section 303.".

(b) BIOLOGICAL TESTING.—Section 403(c)(1) (33 U.S.C. 1343(c)(1)) is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(H) methods, procedures, and requirements for biological testing that shall, at a minimum, require that any reference site be substantially free of contamination.".

(c) LIMITATION OF REGULATIONS.—Section 403(c)(2) (33 U.S.C. 1343(c)(2)) is amended by adding at the end the following new sentence: "Any exemption in a regulation to the limitations of this paragraph is deemed null and void.".

(d) POLLUTION PREVENTION.—Section 403 (33 U.S.C. 1343) is amended by adding at the end the following new subsection:

"(d)(1) In assessing the effects of a proposed discharge to marine waters, the Administrator shall take into consideration, in addition to the criteria established pursuant to subsection (c), a demonstration of the need to discharge by the permit applicant. As a condition of receiving a permit, an applicant shall be required to make full use of measures, processes, methods, systems, or techniques to completely eliminate the discharge or minimize the quantity of pollutants discharged through process changes, substitution of material, enclosure of systems, or other modifications.

"(2) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall publish a guidance that describes—

"(A) pollution prevention methods; and

"(B) the expectations of the Administrator with regard to the demonstrations required by paragraph (1).".

(e) CONFORMING AMENDMENT.—Section 301(a) (33 U.S.C. 1311(a)) is amended by inserting "403," before "and 404.".

SEC. 210. COMBINED SEWER OVERFLOW CONTROL ASSISTANCE.

(a) IN GENERAL.—The Secretary of the Army (referred to in this section as the "Secretary"), acting through the Chief of Engineers of the Department of the Army, is authorized to enter into local cooperation agreements to provide financial assistance to a local government for the construction of facilities for the control of overflows from combined storm and sanitary sewers to marine waters.

(b) PROJECT IDENTIFICATION.—

(1) APPLICATION.—Any municipality with a plan for the control of combined sewer overflows to marine waters that has been approved by the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") as consistent with requirements of the combined sewer overflow policy published by the Administrator at 58 Fed. Reg. 4994, on January 19, 1993, may submit to the Secretary an application for assistance under this section.

(2) REVIEW OF APPLICATION.—The Secretary shall, with the cooperation and concurrence of the Administrator, review the applications submitted pursuant to paragraph (1) and rank the applications. In ranking the applications, the Secretary shall give equal weight to—

(A) the potential for the project to protect public health and the environment; and

(B) the financial burden on a community as a result of the high costs of the project or the lack of alternative local, State, or Federal funding sources.

(3) PRIORITY.—Notwithstanding paragraph (2), the Secretary shall give priority to any application made pursuant to paragraph (1) that would implement the recommendations of a comprehensive conservation and management plan approved by the Administrator pursuant to section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(c) PROJECT ASSISTANCE.—

(1) NON-FEDERAL SHARE.—Except as provided in paragraph (3), the non-Federal sponsor of a project that receives assistance under this subsection shall provide a non-Federal share in an amount equal to not less than 25 percent of the costs of the project.

(2) CREDIT FOR CERTAIN NONMONETARY CONTRIBUTIONS.—An amount equal to the value of any land, easement, right-of-way, or reallocation provided for the project by a non-Federal sponsor shall be credited to the non-Federal share referred to in paragraph (1), except that any amount credited pursuant to this paragraph may not exceed 25 percent of the costs of the project.

(3) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the operation and maintenance costs of a project assisted pursuant to this section shall be 100 percent.

(d) PLANNING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may not enter into a local cooperation agreement under this section unless the Secretary, in consultation with the Administrator, has determined that the project—

(A) is consistent with plans developed pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(B) will not result in the violation of any provision of such Act.

(2) REVIEW.—The Secretary, in cooperation with the Administrator, shall review each application submitted pursuant to subsection (b) to determine whether the project that is the subject of the application will achieve such controls of combined sewer overflows as are required under applicable requirements of law at the lowest possible cost. The Secretary may not enter into a local cooperation agreement under this section unless the Secretary has determined pursuant to this paragraph that the cost of the project that is the subject of the agreement is the lowest possible cost.

(e) DISCRETION OF GOVERNOR FOR LOAN.—

(1) IN GENERAL.—Not fewer than 90 days before the finalization of a local cooperation agreement pursuant to this section, the Secretary shall notify the Governor of the State in which a local government expected to receive assistance pursuant to this section is located.

(2) REQUEST BY GOVERNOR.—Not later than 30 days after receipt of a notification pursuant to paragraph (1), a Governor may request that the Secretary provide, pursuant to this section, a loan to the local government that is the subject of the notification, and, after receiving the request, the Secretary shall provide assistance under this section as a loan.

(3) REPAYMENTS.—The repayment of a loan made pursuant to paragraph (2) shall be made in a manner consistent with title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), and amounts equal to the amounts of repayments shall be deposited into the revolving fund established by the State pursuant to such title.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended, for each of fiscal years 1994 through 2000, such sums as may be necessary.

SEC. 211. DEFINITIONS.

(a) NEW DEFINITIONS.—Section 502 (33 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

"(21) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(22) The terms 'estuarine zone' and 'estuary' have the meaning provided the terms in section 104(n)(4), except that the terms shall also include associated aquatic ecosystems and the tributaries that drain into the estuary up to the historic head of tidal influence.

"(23) The term 'Federal agency' means any department, agency, or other instrumentality of the Federal Government and any independent agency or establishment of the Federal Government, including any government corporation of the Federal Government.

"(24) The term 'floatable' means marine debris that floats or remains suspended in the water column.

"(25) The term 'marine water' means any estuary, water of the estuarine zone, any other water seaward of the historic height of tidal influence, the territorial sea, the contiguous zone, and the ocean.

"(26) The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere who serves as the Administrator of the National Oceanic and Atmospheric Administration.".

(b) EXISTING DEFINITIONS.—

(1) TERRITORIAL SEAS.—Section 502(8) (33 U.S.C. 1362(8)) is amended by striking "three" and inserting "12".

(2) ESTUARY AND ESTUARINE ZONE.—Section 320 (33 U.S.C. 1330), as amended by section 204(e)(1), is further amended by striking subsection (*l*).

SEC. 212. FEDERAL AGENCY RESPONSIBILITIES.

Title V (33 U.S.C. 1361 et seq.), as amended by section 206(b), is further amended—

(1) by redesignating section 520 as section 521; and

(2) by inserting after section 519 the following new section:

"SEC. 520. FEDERAL AGENCY RESPONSIBILITIES.

"(a) STUDY OF FEDERAL AGENCY PROGRAMS.—

"(1) IN GENERAL.—The Administrator, in consultation with the Under Secretary, shall, with respect to each Federal agency, conduct a comprehensive study of the policies, programs, and activities that may result in degradation of marine waters.

"(2) REPORT.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to Congress a report that includes—

"(i) a summary of the findings of the study referred to in paragraph (1); and

"(ii) recommendations to reduce degradation of marine waters resulting from policies, programs, and activities of Federal agencies.

"(B) CONTENTS OF REPORT.—The report shall include—

"(i) a comprehensive listing, with respect to each Federal agency, of the policies, programs, and activities that, under the study, are considered to cause degradation of marine waters;

"(ii) a detailed analysis of the impacts of each policy, program, and activity referred to in clause (i) on the degradation of marine waters;

"(iii) proposed changes in each policy, program, and activity referred to in clause (i) to minimize the impacts referred to in clause (ii);

"(iv) suggested actions to be taken by other Federal agencies or State departments or agencies to better coordinate the policies, programs, and activities that cause degradation of marine waters; and

"(v) specific recommendations for further legislative actions that the Administrator considers to be necessary to bring each policy, program, and activity referred to in clause (i) into conformance with the policy of this Act.

"(3) PUBLIC COMMENT.—In conducting the study, the Administrator shall consult with States and the public concerning methods by which the policies, programs, and activities of Federal agencies may be implemented to reduce degradation in marine waters.

"(b) LEADERSHIP OF FEDERAL AGENCIES.—The head of each Federal agency shall provide leadership and take action to the extent provided by law to—

"(1) minimize the degradation of marine waters; and

"(2) restore and preserve the natural and beneficial values served by marine waters in carrying out the responsibilities of the Federal agency for—

"(A) acquiring, managing, and disposing of Federal lands and facilities;

"(B) providing construction and improvements undertaken by the Federal Government and providing Federal assistance (including financial assistance) for construction and improvements; and

"(C) conducting activities and programs affecting the marine waters.

"(c) RESPONSIBILITIES OF FEDERAL AGENCIES.—In carrying out the activities described in subsection (b), the head of each Federal agency shall be required to evaluate the potential effects of any action on marine waters and to ensure that the planning programs and budget requests of the Federal agency reflect the policies of this Act.

"(d) ALTERNATIVES AND MITIGATION.—If the head of a Federal agency makes a determination to, or proposes to, conduct, support, or allow an action that may affect marine waters, the head of the Federal agency shall consider alternative actions to avoid adverse effects on marine waters. If the head of the Federal agency finds that there is no practicable alternative that is consistent with the law, the head of the Federal agency shall modify the action, to the extent consistent with law, to minimize potential adverse effects on marine waters.".

SEC. 213. REPORTS AND STUDIES.

(a) HEALTH IMPACTS STUDY.—

(1) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce (referred to in this section as the "Under Secretary"), in collaboration with the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") and the Secretary of Health and Human Services, shall conduct a study to determine the nature of any relationship between the incidence of human illness and—

(A) pollutants in the marine environment; and

(B) shellfish consumption.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Under Secretary shall submit a report describing the findings of the study to the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation and the Committee on Merchant Marine and Fisheries of the House of Representatives.

(b) ECONOMIC IMPACT STUDY.—Not later than 1 year after the date of enactment of this Act, the Under Secretary, in consultation with the Administrator, the appropriate officials of State and local governments, commercial and recreational fisherman, and other interested persons, shall submit to Congress a study that identifies, evaluates, and quantifies the economic impacts of degradation in the quality of marine waters (including degradation attributable to floatables (as defined in section 502(25) of the Federal Water Pollution Control Act, as added by section 211(a))).

(c) ALGAL BLOOM STUDY.—

(1) IN GENERAL.—The Under Secretary shall conduct a study of the impact that enhanced nitrogen levels in marine waters may have on stimulating toxic algal blooms.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to Congress on the findings of the study.

(d) RESEARCH OF MICROORGANISMS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report on the potential use of microorganisms to degrade pollutants (including organic material and chemical pollutants) in municipal or industrial wastes before and after disposal in the marine environment.

(e) IDENTIFICATION OF UNREGULATED CONTAMINANTS.—

(1) IN GENERAL.—The Administrator shall conduct such research and monitoring as the Administrator determines to be necessary to identify unregulated pollutants in marine waters that are not addressed in a guideline, criteria, standard, or requirement developed pursuant to title III of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report that—

(A) identifies unregulated pollutants in marine waters; and

(B) provides a plan that includes specific actions and recommendations for establishing controls over the pollutants through the pollution control authorities of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

TITLE III—POLLUTION FROM SHIPS

SEC. 301. DEFINITION OF OPERATOR.

(a) IN GENERAL.—Subparagraph (b) of section 2(a)(5) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(5)(B)) is amended by striking "except the owner" and all that follows through the end of the subparagraph and inserting the following: "who by law, lease, contract, or other arrangement, provides a berth at a port or terminal or other mooring arrangement for the vessel to transfer cargo to or from shore;".

(b) TECHNICAL AMENDMENTS.—Section 6 of such Act (33 U.S.C. 1905) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "a person in charge" and inserting "an operator"; and

(B) in paragraph (2), by striking "Persons in charge" and inserting "Operators"; and

(2) in subsection (c)(2), by striking "person in charge" and inserting "operator".

SEC. 302. PREVENTION OF POLLUTION FROM SHIPS.

(a) IN GENERAL.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "(2) If" and inserting the following: "(2)(A) Subject to subparagraph (B), if"; and

(ii) by adding at the end the following new subparagraph:

"(B) The Secretary may issue a certificate attesting to the adequacy of reception facilities under this paragraph only if, prior to the issuance of the certificate, the Secretary conducts an onsite inspection of the reception facilities of the port or terminal that is the subject of the certificate."; and

(B) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) is valid for the 5-year period beginning on the date of issuance of the certificate, except that if—

"(i) the charge for operation of the port or terminal is transferred to a person or entity other than the person or entity that is the operator on the date of issuance of the certificate—

"(I) the certificate shall expire on the date that is 30 days after the date of the transfer; and

"(II) the new operator shall be required to submit an application for a certificate before a certificate may be issued for the port or terminal; or

"(ii) the certificate is suspended or revoked by the Secretary, the certificate shall cease to be valid; and";

(2) by striking subsection (d) and inserting the following new subsection:

"(d)(1) The Secretary shall maintain a list of ports or terminals with respect to which a certificate issued under this section—

"(A) is in effect; or

"(B) has been revoked or suspended.

"(2) The Secretary shall make the list referred to in paragraph (1) available to the general public.";

(3) in subsection (e)—

(A) in paragraph (1), by striking "Except in the case" and inserting "Except as provided in paragraph (3) and in the case";

(B) in paragraph (2), by striking "The Secretary" and inserting "Except as provided in paragraph (3), the Secretary"; and

(C) by adding at the end the following new paragraph:

"(3)(A) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall, by regulation, establish a procedure by which the Secretary of the department in which the Coast Guard is operating may assess a civil penalty against the operator of the port or terminal in lieu of denying entry to a ship, or to a terminal or facility pursuant to paragraph (1) or (2).

"(B) The amount of a penalty referred to in subparagraph (A) shall not exceed the maximum amount allowable per day of violation that the Secretary of the department in which the Coast Guard is operating may assess under this Act.

"(C) If the port or terminal remains in violation of an applicable requirement of a regulation referred to in paragraph (1) or (2) on the date that is 30 days after the date on which the Secretary initially determines that a port or terminal is in violation of an applicable requirement of a regulation, the Secretary shall revoke the certificate of the port or terminal.";

(4) in subsection (f)—

(A) by inserting "(1)" before "The Secretary"; and

(B) by adding at the end the following new paragraph:

"(2)(A) Not later than 1 year after the date of enactment of this paragraph, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility.

"(B) The Secretary shall promulgate regulations to carry out this section, including specifications for the placards referred to in subparagraph (A).

"(C) The Secretary shall make available to the general public any report received by the Secretary under this paragraph."; and

(5) by adding at the end the following new subsection:

"(g) The Secretary shall—

"(1) establish a program to ensure that the owner, operator, or person in charge of each port or terminal that is not required to apply for a certificate under this section makes available a reception facility that meets the requirements for reception facilities under the regulations promulgated under subsection (a)(2); and

"(2) not later than 2 years after the date of enactment of this subsection, and every 2 years thereafter, provide a report to Congress on Coast Guard activities regarding the ports and terminals described in paragraph (1).".

(b) REFUSE RECORD BOOKS; WASTE MANAGEMENT PLANS; NOTIFICATION OF CREW AND PASSENGERS.—Section 4(b) of such Act (33 U.S.C. 1903(b)) is amended—

(1) in paragraph (2), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) not later than 1 year after the date of enactment of the Coastal Waters Improvement Act of 1993, issue regulations that require each vessel to—

"(i) maintain refuse records (either as part of the log book of the vessel or in a separate record book);

"(ii) establish shipboard waste management plans; and

"(iii) display a placard and conduct a briefing that notifies the crew and passengers of the vessel of the requirements of Annex V of the Convention."; and

(2) by adding at the end the following new paragraph:

"(3)(A) The Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, shall assist the Secretary in carrying out the enforcement of this Act.

"(B) The Secretary of Agriculture, in coordination with the Secretary, shall review and revise boarding procedures of the Animal and Plant Health Inspection Service to improve the enforcement of this Act.

"(C) The review and revision of the boarding procedures referred to in subparagraph (B) shall include—

"(i) a revision of any boarding forms used by the Secretary (including adding questions) to provide information in sufficient detail to enable the Secretary to adequately enforce this Act;

"(ii) the coordination of efforts of inspectors of the Animal and Plant Health Inspection Service to facilitate the tracking of vessels suspected to be in violation of this Act from port to port;

"(iii) the coordination of the inspection activities of the Animal and Plant Health Inspection Service with the animal and plant inspection activities of the Coast Guard, to ensure that any violation of this Act may be easily determined, and that an appropriate penalty is assessed for the violation; and

"(iv) methods for using inspectors of the Animal and Plant Health Inspection Service to determine compliance with the regulations promulgated under section 6(a)(2).".

(c) SIZE AND USE.—Section 3(a) of such Act (33 U.S.C. 1902(a)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) with respect to subparagraph (A) of subsection (a) of section 4—

"(A) to—

"(i) manned oceangoing United States ships of 40 feet or more in length that are engaged in commerce and are documented under the laws of the United States or numbered by a State; and

"(ii) a manned fixed or floating platform subject to the jurisdiction of the United States, or operated under the authority of the United States, wherever located; and

"(B) to any other ship, of a size and use specified by the Secretary, while in navigable waters of the United States, except while transiting in innocent passage and not enroute to a place in the United States or a territory, possession, or protectorate of the United States.".

(d) PENALTIES FOR VIOLATIONS.—Section 9 of such Act (33 U.S.C. 1908) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) If an appropriate official of the Coast Guard determines that a vessel does not comply with a requirement established under section 4 relating to the maintenance of refuse records, the posting of a placard, the briefing of a crew and passengers, or the implementation of a waste management plan, the official may issue a citation for the violation that requires a civil penalty, in an amount determined pursuant to this section, to be payable not later than 30 days after the issuance of the citation, unless by such date, the recipient of the citation submits a written request for a hearing on the assessment of the civil penalty pursuant to the citation.

"(2) A citation for a violation that requires a civil penalty may be issued by the appropriate Coast Guard official if, on the inspection of a vessel, an appropriate official of the Coast Guard determines that—

"(A) the person in charge of the vessel has no receipts documenting—

"(i) the disposal of garbage; or

"(ii) in any case in which an incinerator is on board the vessel, receipts documenting the disposal of plastic residue, if any, from the incinerator;

"(B) there is no incinerator on board the vessel; or

"(C) the quantity of plastic waste materials on board the vessel is too small with respect to the quantity of plastic waste materials estimated to have been generated on board the vessel (on the basis of documentation from the last legal disposal of plastic waste materials from the vessel).

"(3) Not later than 30 days after the issuance of a citation pursuant to paragraph (2), the recipient of the citation shall either—

"(A) pay the amount of the civil penalty; or

"(B) submit a written request for a hearing on the assessment of the civil penalty.

"(4) The Secretary shall consult with the Secretary of Agriculture to ensure that the record in a log book of the disposal of waste materials alone may not, for the purposes of this subsection, constitute proof of legal disposal of waste materials."; and

(3) in subsection (g), as redesignated by paragraph (1)—

(A) by inserting "(1)" before "Notwithstanding";

(B) in paragraph (1), as designated by subparagraph (A), by striking "or (d)" and inserting "or (e)"; and

(C) by adding at the end the following new paragraphs:

"(2) If the Secretary of the department in which the Coast Guard is operating—

"(A) conducts an investigation and refers a matter pursuant to paragraph (2), to the appropriate official of a foreign country that is a party to the MARPOL Protocol relating to a violation or suspected violation of an owner, operator, or person in charge of a vessel that is registered in the foreign country of a requirement of the MARPOL Protocol; and

"(B) the official of the foreign country does not provide a response that the Secretary determines appropriate,

paragraph (3) shall apply.

"(3) If the conditions referred to in subparagraphs (A) and (B) of paragraph (2) are met, the Secretary of the Treasury, on the request of the Secretary of the department in which the Coast Guard is operating, may with respect to the vessel referred to in paragraph (2) refuse or revoke—

"(A) the clearance required under section 4197 of the Revised Statutes (46 U.S.C. App. 91);

"(B) a permit to proceed under section 4367 of the Revised Statutes (46 U.S.C. App. 313); and

"(C) a permit to depart (as required under section 443 of the Tariff Act of 1930 (19 U.S.C. 1443)),

whichever is applicable.

"(4) The Secretary of the department in which the Coast Guard is operating shall, not later than 1 year after the date of enactment of this paragraph, and annually thereafter, publish a list of any referral described in paragraph (2) including, with respect to each referral—

"(A) the date of transmittal; and

"(B) the date and nature of any response by the appropriate official of the foreign country to whom the referral is sent.".

(e) SHIP INSPECTIONS; REPORTS TO SECRETARY.—Section 8(c) of such Act (33 U.S.C. 1907(c)) is amended by adding at the end the following new paragraphs:

"(3)(A) The Secretary shall make available to the public a toll-free telephone number for reporting violations of the MARPOL Protocol and this Act.

"(B) In carrying out this paragraph, the Secretary may—

"(i) enter into a cooperative agreement with the appropriate official of the National Response Center to use the telephone reporting service of the Center to provide for the reporting of the violations referred to in the previous sentence under the telephone reporting service; or

"(ii) establish a separate telephone reporting system.

"(C) The Secretary shall report to Congress annually on the effectiveness of the toll-free telephone reporting system. Each report shall include—

"(i) the number and types of referral calls related to Annex V of the MARPOL Protocol received; and

"(ii) information regarding any investigations conducted and enforcement actions taken in response to a call described in clause (i).

"(4) On receipt of a report from an appropriate official of the Animal and Plant Health Inspection Service of the Department of Agriculture of a vessel in violation of this Act, the Secretary shall take such action as is necessary to ensure a followup inspection of the vessel.".

(f) CONFORMING AMENDMENT.—Section 11(a)(3) of such Act (33 U.S.C. 1910(a)(3)) is amended by striking "section 9(e)" and inserting "section 9(f)".

SEC. 303. MARINE PLASTIC POLLUTION RESEARCH AND CONTROL.

(a) COMPLIANCE REPORTS.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended—

(1) by striking "for a period of 6 years"; and

(2) by inserting before the period at the end the following: "and, not later than 1 year after the date of enactment of the Coastal Waters Improvement Act of 1993, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign vessel (including any commercial or recreational vessel) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)".

(b) PUBLIC OUTREACH PROGRAM.—Section 2204(a) of such Act (42 U.S.C. 6981 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "for a period of at least 3 years,";

(B) in subparagraph (C), by striking "and" at the end;

(C) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(E) the requirements under this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to vessels and ports, and the authority of citizens to report violations of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)."; and

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) AUTHORIZED ACTIVITIES.—

"(A) PUBLIC OUTREACH PROGRAM.—A public outreach program under paragraph (1) may include—

"(i) developing and implementing a voluntary boaters' pledge program;

"(ii) workshops with interested groups;

"(iii) public service announcements;

"(iv) distribution of leaflets and posters; and

"(v) any other means appropriate to educating the public.

"(B) CONSULTATION.—In developing outreach initiatives targeted at the interested groups that are subject to the requirements of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, shall consult with—

"(i) the heads of State agencies responsible for implementing State boating laws; and

"(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen.

"(C) GRANTS.—To carry out this section, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency are authorized to award grants, enter into cooperative agreements, and provide other financial assistance to eligible recipients.".

(c) MISCELLANEOUS PROVISIONS.—

(1) IN GENERAL.—The Marine Plastic Pollution Research and Control Act of 1987 is amended by adding at the end the following new subtitle:

"Subtitle D—Miscellaneous Provisions

"SEC. 2401. APPLICABILITY OF WHISTLE BLOWER PROVISIONS.

"Section 2302 of title 5, United States Code, shall apply to any employee of the Department of Transportation, the Department of Defense, or the Department of Agriculture, as described in subsection (a)(2)(B) of such section, who carries out any requirement of this Act or the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

"SEC. 2402. REPORTS TO CONGRESS.

"If the Secretary of the department in which the Coast Guard is operating fails to meet a deadline specified in this Act or the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary shall submit a written report to Congress that explains the reasons for the failure.

"SEC. 2403. FEES.

"(a) PROHIBITION.—Notwithstanding any other provision of law, a port or terminal, or a hauler that contracts with a port or terminal, shall be prohibited from charging a vessel a separate fee for the disposal of waste that is not regulated by the Secretary of Agriculture pursuant to the authority granted to the Secretary to carry out the functions of the Animal and Plant Health Inspection Service.

"(b) CONDITION FOR CERTIFICATION.—The Secretary of the department in which the Coast Guard is operating, shall require as a condition of a certificate issued pursuant to section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) that the holder of the certificate meet the requirements of subsection (a).

"SEC. 2404. SENSE OF CONGRESS REGARDING INSURANCE.

"It is the sense of Congress that—

"(1) certain insurance policies or rules of protection and indemnity clubs that provide insurance for shippers should not provide for the payment of a penalty under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.); and

"(2) the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, should consult with the International Maritime Organization to seek to establish international standards prohibiting the issuance of a contract of insurance for the sale of a policy that would provide for the payment of any penalty under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) or under a law of a foreign country that is a signatory of the MARPOL Protocol to carry out the MARPOL Protocol.

"SEC. 2405. NOTICE OF ARRIVAL.

"The owner, master, agent, or person in charge of a vessel shall include in the notice of arrival required to be submitted to the Captain of the Port of the port or place of destination pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) information concerning the intention of the owner, master, or person in charge of the vessel with respect to the disposal of onboard waste at the port or place of destination.

"SEC. 2406. COORDINATION.

"(a) ESTABLISHMENT OF MARINE DEBRIS COORDINATING COMMITTEE.—The Administrator of the Environmental Protection Agency shall establish a Marine Debris Coordinating Committee (referred to in this section as the 'Committee').

"(b) MEMBERSHIP.—The Committee shall be comprised of a representative from—

"(1) the Environmental Protection Agency, who shall serve as the Chairperson of the Committee;

"(2) the National Oceanic and Atmospheric Administration;

"(3) the United States Coast Guard;

"(4) the United States Navy; and

"(5) such other Federal agencies as the Administrator of the Environmental Protection Agency determines appropriate.

"(c) MEETINGS.—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

"SEC. 2407. MONITORING.

"The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist the United States Coast Guard in assessing the effectiveness of this Act.".

(2) AMENDMENTS TO TABLE OF CONTENTS.—The table of contents in section 2 of the United States-Japan Fishery Agreement Approval Act of 1987 (101 Stat. 1458) is amended by adding at the end of the items relating to title II of such Act the following new items:

"Subtitle D—Miscellaneous Provisions

"Sec. 2401. Applicability of whistle blower provisions.
"Sec. 2402. Reports to Congress.
"Sec. 2403. Fees.
"Sec. 2404. Sense of Congress regarding insurance.
"Sec. 2405. Notice of arrival.
"Sec. 2406. Coordination.
"Sec. 2407. Monitoring.".•

By Ms. MOSELEY-BRAUN:

S. 1460. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize programs of child abuse education and prevention, and to establish a demonstration project relating to child abuse education and prevention; to the Committee on Labor and Human Resources.

CHILD ABUSE PREVENTION ACT

• Ms. MOSELEY-BRAUN. Mr. President, I introduce the Child Abuse Prevention Act of 1993.

Child abuse and neglect have reached crisis proportions in the United States. In fact, child abuse is now the leading cause of death for children under 5 with over 2 million cases reported each year.

Mr. President, the Department of Health and Human Services recently documented the extent of this tragic problem in its "Child Health '92" study which found that 1,383 children died from abuse or neglect in 1991.

I was deeply troubled by a recent article in the Chicago Tribune that reported that 46 children have already died from child abuse in Illinois this year. I was particularly disturbed by the four tragic examples of child abuse this article used to illustrate the human face of this problem.

On August 4, Jeremy Arens, a 3½ month old boy, became the 37th child under the age of 15 and the 9th under the age of 1 to die from child abuse in Chicago this year after his father allegedly beat his head against furniture. Yet, it was only after Jeremy was brought into the hospital brain dead that doctors discovered that he had also suffered from two broken legs and two broken ribs for several weeks before his death.

This same article also described the torture that little Tommy Eken, Ariel Hill, and Tiffany Hughes were subjected to before being beaten to death—allegedly by relatives.

Mr. President, I ask unanimous consent that this Chicago Tribune article be included in the RECORD at the conclusion of my remarks.

Mr. President, although it is usually cases like these which catch our attention, thousands more anonymous children also suffer from child abuse and neglect in the United States every day. You may recall that a young couple from Illinois left their two children locked in their home last year while they vacationed in Mexico. This widely publicized case, now known as the "Home Alone" case, prompted the Illinois legislature to pass legislation which protects children by imposing strict, new penalties on parents who abandon or endanger their young children by leaving them unsupervised at home.

The National Association of Social Workers has found that reports of abused and neglected children have increased by approximately 150 percent between 1979 and 1991. I am introducing the Child Abuse Prevention Act in order to help the thousands of children whose abuse and neglect go unreported and untreated day after day and year after year.

This legislation would help these children by authorizing the Secretary of Education to establish a model child abuse education and prevention program which would include both curricula and training methods on child abuse education and prevention for elementary and secondary schools students.

This legislation would also authorize the Secretary of Education to fund programs like the seminars organized by the Greater Chicago Council of the National Committee to Prevent Child Abuse and the educational video—"Kids and Company"—produced by the National Center for Missing and Exploited Children which teach educators how to recognize possible cases of child abuse and neglect and how to discuss these issues with children.

In addition to the physical injuries they sustain, abused children are often left with emotional scars that often never heal. If left unreported and untreated, these scars can prevent such children from ever becoming full participants in society. In fact, it can also lead children who are abused later to become abusive parents themselves.

Mr. President, I urge all of my colleagues to help me end this tragic cycle of child abuse and neglect by supporting the Child Abuse Prevention Act.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROGRAMS OF CHILD ABUSE EDUCATION AND PREVENTION.

(a) GENERAL AUTHORITY.—Part F of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151 et seq.) is amended—

(1) by redesignating section 4610 as section 4611; and

(2) by inserting after section 4609 the following new section:

"SEC. 4610. PROGRAMS OF CHILD ABUSE EDUCATION AND PREVENTION.

"From amounts appropriated under this part, the Secretary shall carry out programs for—

"(1) the development of curricula related to child abuse education and prevention; and

"(2) the training of personnel to teach child abuse education and prevention to elementary and secondary school children.".

(b) EFFECTIVE DATE.—The provisions of this section shall take effect on October 1, 1993.

SEC. 2. DEMONSTRATION PROGRAM OF CHILD ABUSE EDUCATION AND PREVENTION.

(a) ESTABLISHMENT.—The Secretary of Education shall establish a demonstration program for—

(1) the development of curricula related to child abuse education and prevention; and

(2) the training of personnel to teach child abuse education and prevention to elementary and secondary school children.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1993 and for each succeeding fiscal year such sums as may be necessary to carry out this section.

[From the Chicago Tribune, Sept. 8, 1993]

INFANT ABUSE HARD TO DETECT WHEN VICTIMS CAN ONLY CRY

(By Janan Hanna)

Ask any expert on child abuse or pediatric medicine about the difficulties in diagnosing infant abuse, and the first answer will be "babies don't talk."

They can't tell you about fractured bones and bruised organs, which may come to light only on an autopsy table. A baby's well-padded and pliable body helps protect it from injury, but it may also mask the sort of obvious clues that an adult's body would reveal after a severe beating. Also, babies heal quickly.

Yet when it turns out that an infant who died from abuse had previous injuries that went undetected, a sense of sickening frustration sets in.

About the only thing babies can do when they hurt is cry, and babies do that so often and for so many reasons that doctors who examine extremely irritable infants face troubling alternatives: Should they X-ray the child for signs of abuse and risk insulting innocent parents? Or should they assume the baby is not being abused and risk sending the child back to a violent home?

Increasingly, experts in the field of child abuse are saying doctors should err on the side of caution.

The high stakes in this debate are evident in the case of 3½-month-old Jeremy Arens of Arlington Heights. He couldn't tell anyone that both his legs and two ribs were fractured in a beating.

The boy just cried and cried until one day, he was beaten to death, allegedly by his father, Charles Arens, 29, police say.

His mother, Jennie Arens, 19, had been alarmed by Jeremy's recent frequent bouts of inconsolable crying, which in retrospect she attributes to the leg and rib fractures that were discovered too late. But she thought the baby had colic or was reacting to a recent immunization shot.

When she brought the baby into a suburban clinic, explaining that her baby could not be consoled, doctors, too, speculated that the baby was reacting to the shot, or had colic and an ear infection.

Only when Jeremy was brought to a hospital brain dead on Aug. 1, his head swollen and bruised, were the previous injuries discovered. Police say Charles Arens shook Jeremy for about 30 seconds, causing his head to bang against a piece of wooden furniture in the family's Arlington Heights apartment.

The old fractures were at least two weeks old and were inflicted by force, doctors who treated Jeremy said. Police say Charles Arens admitted he "played rough" with the baby in the past, and prosecutors say they plan to use the old injuries as evidence against him in the upcoming murder trial.

When Jeremy was removed from life support on Aug. 4, he became the 37th child in the Chicago area under age 15 to be slain, and the 9th under the age of 1. He was also the fourth infant whose body showed signs of prior abuse.

Before Tommy Eken of Midlothian was killed in February at age 3 months, he previously suffered four broken ribs, doctors said. He died of blunt head trauma, allegedly at the hands of his parents.

Ariel Hill, a 5½-month-old who lived in a Chicago Housing Authority building, was found to be severely malnourished in May when she was examined after being fatally scalded, allegedly by her mother.

After 8-month-old Tiffany Hughes of Aurora was beaten to death in July, allegedly by her mother's boyfriend, doctors discovered three healed rib fractures and 20 old bruises.

If the previous abuse had been detected, these children's lives might have been spared. That it wasn't is a familiar scenario to doctors and child abuse workers across the country.

"We hear stories similar to this one on a regular basis," said Karen McCurdy, a research analyst for the Chicago-based National Committee for the Prevention of Child Abuse. While there are no hard statistics correlating prior abuse with child fatalities, the committee reports that 1 in 3 children who died of abuse from 1990 through 1992 had had prior contact with protection service agencies for abuse and neglect.

"If a mother comes in and says the baby is crying a lot, that's such a common thing," said Susan Kecskes, a doctor of the pediatric intensive-care unit of Michael Reese Hospital and Medical Center, where Jeremy was in a coma for three days before dying. "There's a list as long as your arm why the baby is crying. A fractured extremity is one of them, but there are plenty of other ones that have nothing to do with abuse."

Lots of fat and muscle surrounds a baby's ribs and legs, making swelling difficult to detect, Kecskes added.

"Unless you touch the area suspiciously to try to find out if it hurts, you might not be able to figure it out," she said.

Rib fractures may not show anything externally, doctors say. And often, babies' bones twist rather than break, further hampering detection without X-rays.

"They call it the 'green stick fracture,'" said Aaron Zucker, a doctor at the pediatric intensive care unit of the University of Chicago Hospital. "Babies' bones are like brand new live tree limbs. They bend and buckle."

Also, many times a parent who is not abusing the baby denies suspicions that someone else in the household is.

Without external signs, and without a reason to suspect abuse, X-raying every baby who is brought in for inconsolable crying would constitute unnecessary treatment by most doctors' standards.

So what should well-meaning doctors and parents do?

"The first line of defense is to think of abuse as a possibility," said Neil Hochstadt, head of both the Cook County and Illinois Fatality Review Teams, and an associate professor of pediatric psychiatry at the University of Chicago Medical School. "If a pediatrician, or whoever, doesn't think about abuse as a possibility, they will often miss it. We have to be vigilant."

Whatever the obstacles, there also are signs of abuse in infants that doctors, nurses, parents and social-service workers must be trained to spot, experts say.

"Kids shouldn't cry inconsolably," said Dr. Robert Kirshner, the deputy chief Cook County Medical Examiner and an active member of the Cook County Child Fatality Review Committee. "Even colic is something that occurs at certain times of the day, after meals. You have to know when this child is crying."

"Even kids with broken bones don't always cry inconsolably."

Is the baby crying during diaper change? That might indicate leg or thigh discomfort. Is he crying more when he's being baby-sat by a particular caregiver? Does the mother have a new boyfriend?

Asking such questions can be awkward for physicians, who may believe their patients don't fit the profile of abuse victims.

"Unfortunately, the likelihood of detection in private pediatricians' offices is generally less," Hochstadt said. "It's not a pleasant thing to think about a person hurting their child."

One expert suggested lowering the threshold by which doctors decide whether to take X-rays.

"Let's say every time a woman has been beaten, we not only examine her, but we X-ray her children," suggested Michael Durfee, a Los Angeles psychiatrist who founded the Los Angeles County Child Death Review Team, and who has helped 20 states set up similar review teams. "Or if you're dealing with an infant, who can't tell you much of anything, let's X-ray them."

Charles and Jennie Arens led a private life, and their family was not known to the Illinois Department of Children and Family Services until Jeremy was killed.

Since the death, details of their lives have emerged that indicate the baby was at risk.

Jennie left home at age 15, and began dating Charles. They had their first child together a year later and gave the baby up for adoption.

After they had their second son, Chuck, who is now 2, they got married, Jennie said.

In interviews with family members and friends, Charles Arens was described as a man with a temper who dealt poorly with stress. He frequently overextended himself financially, and was often being sought by creditors.

At the time of his arrest in connection with Jeremy's death, Charles also was being sought by Cook County Sheriff's Police on two outstanding arrest warrants.

One was for violating his probation on a misdemeanor criminal sexual assault conviction—a charge that was filed by Jennie's father when Jennie, a minor at the time, got pregnant the first time—and the other for a theft charge.

Charles, who worked as a cook at Children's Memorial Hospital, typically baby-sat the kids while Jennie worked in the evenings.

"I thought that was the best arrangement," said Jennie Arens in an interview two weeks after her baby died. "I didn't trust day care."

DCFS examined the couple's other son and found no signs of abuse but took supervisory custody of the boy pending an investigation into Jennie's fitness as a parent. She was cleared of all wrongdoing in the police investigation of Jeremy's death.

Jennie did not suspect abuse. "I never saw him touch the kids," she said. "If I did, he wouldn't be around."

But she said she now believes her husband is guilty of inflicting Jeremy's fatal blow, and the prior injuries.

"If I had known . . ." she said, stopping abruptly before completing the sentence. Sitting in a chair in her parent's dimly lit, modest apartment in Mt. Prospect, her eyes moved toward the floor, and then back up. "You try not to blame yourself," she said softly.•

By Mr. DODD:

S. 1462. A bill to reduce and prevent the incidence of violence involving children; to the Committee on Labor and Human Resources.

NONVIOLENT FUTURES FOR CHILDREN ACT

Mr. DODD. Mr. President, I rise today to introduce the Nonviolent Futures for Children Act.

I have come to the floor of the Senate many times to speak out on the issue of violence and how it affects our Nation's children. But violence continues to pervade our communities, schools, and homes and to threaten the future of our children and our Nation. This ongoing challenge must be aggressively addressed. We must teach our children that violence is not the answer to resolving conflicts if we are to have any hope for the future. We must develop and implement effective programs in order to provide safe havens from the often dangerous city street and to offer our Nation's youth positive alternatives to crime and violence. We must educate and train parents and teachers in effective methods of ensuring our children's safety.

On Monday, I visited several public schools in my own State of Connecticut. I walked the corridors of these schools and listened to the concerns of students. Security guards are posted in the halls of some of these schools. The need for their presence is alarming and the cost of maintaining them is staggering—roughly $700,000 a year in one urban community alone. Yet this expense cannot be spared given the everyday risk of violence in our schools.

Students in these schools voiced concern about violence in the home as well, and if not physical abuse, then neglect and lack of parental guidance and structure. One high school senior told me that students join street gangs in order to enjoy a sense of unity and support that is often lacking in the home. Another astute teenager pointed out that our youth need jobs—jobs that keep them off the street and away from the violence.

These problems do not exist only in Connecticut. The statistics nationwide indisputably indicate that violence is overwhelming our society and especially our youth. Teens in the United States are twice as likely as adults to be victims of a violent crime. One in five high school students now carries a firearm, knife, or club to school. Nearly 3 million crimes occur on or near school campuses each year. One quarter of major urban school districts are forced to rely on metal detectors. Firearm violence kills an American child every 3 hours—25 children every 3 days. And child abuse in the home has increased 50 percent since 1985.

Statistics also show that violence is cyclical. Being abused as a child increases the likelihood of being arrested as a juvenile by 53 percent and of being arrested for a violent crime by 38 percent. Children living in violent U.S. neighborhoods show the same symptoms of post traumatic stress disorder and the resulting interference with normal development and school performance can lead to depression, substance abuse, and antisocial behavior.

We must make advances in breaking the cycle of violence that our children face. The bill that I introduce today, the Nonviolent Futures for Children Act, seeks to reduce the incidence of violence involving children by encouraging prevention, early intervention, and the rehabilitation of youth offenders.

Specifically, the bill will work with all in the circle of people who affect our children: parents, teachers and other school personnel, community-based organizations, law enforcement agencies, and the youth themselves. The schools, as the central organized element in all these children's lives, will be the common element in these partnerships and will serve as the lead agency in the creation of these programs. This bill will complement the administration's Safe Schools Act of 1993, which I had the honor of introducing in the Senate in June, by building on the important components of that legislation, especially the concept of community-based partnerships. These partnerships are crucial in offering comprehensive and effective programs to combat the violence that can invade every sector of a child's environment—the school, the home, and the community.

This bill promotes a comprehensive approach by promoting early intervention programs as well as counseling and rehabilitation programs for youth offenders. The bill also encourages parental training. Children will be introduced to social skills training, conflict resolution, and peer mediation. Youth will be offered mentoring activities, job training, and afterschool activities—and youth offenders will be provided with rehabilitation resources. Teachers and education professionals will be trained in identifying and assisting children at risk of becoming youth offenders. Parents can receive instruction in childrearing and development as well as parenting skills in order to provide a positive, safe, and nurturing foundation for their children.

We can break the cycle of violence in our society by early prevention and intervention strategies—by building self-esteem and developing effective conflict resolution skills in our children and by offering our youth alternative activities and opportunities. We can offer youth offenders another chance through rehabilitation and we can counsel parents against child abuse.

It is time to stop trying to defend our children against violence with security guards in our schools. It is time to take the offensive and curtail violence before it affects more children and the cycle of violence begins again.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nonviolent Futures for Children Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to reduce and prevent the incidence of violence involving children through grant programs that encourage prevention, intervention, and the rehabilitation of youth offenders. The accomplishment of this larger purpose will be advanced through the following short-term goals:

(1) Teach children to resolve conflicts peacefully, teach older youth life skills, enhance self-esteem among all children, and make schools safer places to learn.

(2) Work with the families of school children through parenting education.

(3) Educate teachers and other education professionals in violence prevention techniques, and train such teachers and professionals to identify and assist high-risk children.

(4) Create partnerships between local schools and community-based organizations or agencies to develop supportive programs for youth in order to meet the academic as well as after-school and social needs of youth.

(5) Assist and rehabilitate youth offenders by providing funds for community-based programs.

SEC. 3. FINDINGS.

The Congress finds that—

(1) youth are disproportionately represented among the victims of violence, for example—

(A) United States teenagers are more than twice as likely as adults to be victims of violent crime; and

(B) firearm homicide is the second leading cause of death for all youth, aged 15 to 24;

(2) child abuse and neglect are increasing at alarming rates, for example—

(A) child abuse fatalities increased nearly 50 percent between 1986 and 1992;

(B) more than one-half of such fatalities resulted from physical abuse; and

(C) child abuse and neglect reports have increased 50 percent since 1985; and

(3) violence is cyclical, for example—

(A) being abused or neglected as a child increases the likelihood of arrest for violent crime by 38 percent, of juvenile arrest by 53 percent, and of adult arrest by 38 percent;

(B) two-thirds of men who abuse their wives are from violent childhood homes and about one-half of such men were abused as children; and

(C) eighty-four percent of prison inmates were abused as children.

SEC. 4. GRANTS FOR PREVENTION ACTIVITIES.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible local educational agencies to enable such agencies to pay the Federal share of the cost of providing preventive services and interventions intended to reduce the incidence of violence.

(2) GRANT DURATION.—A grant under this section shall be awarded for a period of not less than 3 years nor more than 5 years.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—For the purpose of this section, the term "eligible local educational agency" means a local educational agency that—

(1) receives assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965;

(2) serves an area in which there is a high rate of violence affecting children and youth; and

(3)(A) in the case of a local educational agency conducting activities described in subparagraphs (A) and (B) of subsection (f)(2), enters into a partnership agreement with at least one community-based organization or agency, such as a business, labor organization, professional society, government agency, university or nonprofit entity, to carry out such activities;

(B) in the case of a local educational agency conducting activities described in subparagraph (D) of subsection (f)(2), demonstrates to the satisfaction of the Secretary in the application submitted under subsection (d) a commitment for participation in such activities from a local law enforcement agency; and

(C) in the case of a local educational agency conducting activities described in subparagraph (E) of subsection (f)(2), enters into a partnership agreement with at least one community-based organization or agency described in subparagraph (A) to carry out such activities, which agreement shall require such agency or organization to provide substantive training, work experience, or job placement services after the job training described in such subparagraph (E) is complete.

(c) PAYMENTS; FEDERAL SHARE; LIMITATION.—

(1) PAYMENTS.—The Secretary shall pay to each eligible local educational agency having an application approved under subsection (d) the Federal share of the cost of the activities described in the application.

(2) FEDERAL SHARE.—The Federal share—

(A) for the first year for which an eligible local educational agency receives assistance under this section shall be 80 percent;

(B) for the second such year shall be 70 percent; and

(C) for the third and each succeeding such year shall be 50 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of payments under this section may be in cash or in kind fairly evaluated, including planned equipment or services.

(d) APPLICATIONS.—Each eligible local educational agency desiring a grant under this section shall submit to the Secretary an application at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) an assessment of the extent and nature of the violence affecting children and youth in the community served by such agency;

(2) an assurance that the applicant has written policies regarding violence, school safety, and student discipline;

(3) a description of the activities to be carried out with the grant funds, and how such activities will help address the problem of youth violence in the community;

(4) the applicant's plan to involve parents, teachers, school personnel, youth and others from the community in the applicant's effort to address youth violence;

(5) coordination with other school reform and improvement efforts;

(6) an assurance that grant funds will be used to supplement and not supplant State and local funds available to reduce and prevent the incidence of violence involving children; and

(7) such other information the Secretary may require.

(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible local educational agencies serving areas with—

(1) a high concentration of disadvantaged students; and

(2) a high rate of violence affecting children and youth.

(f) USE OF FUNDS.—

(1) SCHOOL-BASED ACTIVITIES.—A local educational agency receiving a grant under this section may use such grant funds to provide one or more of the following school-based activities:

(A) Peer education or peer mediation, to teach youth to resolve conflicts through peer influence.

(B) Conflict resolution training, to teach youth conflict management skills, including how to defuse a potentially violent situation.

(C) Social skills training, with an emphasis on building self-esteem, improving interpersonal relationships and communication skills, and decreasing aggressive behavior.

(D) Youth designed and developed programs, to address the problem of violence.

(E) Parenting education, as age-appropriate, to prepare students for adult responsibilities of rearing children, including instruction in child development and family dynamics.

(F) Postsecondary educational opportunity projects, including—

(i) exposure to postsecondary educational opportunities, including academic and vocational opportunities;

(ii) information on assistance available under title IV of the Higher Education Act of 1965, including financial aid, programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (Federal TRIO Programs), and early intervention programs;

(iii) early identification of students at-risk; and

(iv) other support services.

(G) Remodeling and security personnel, including minor remodeling to reduce the risk of violence, such as removing lockers, installing better lights, controlling access to stairwells, acquiring and installing metal detectors, hiring security personnel, and reimbursing law enforcement authorities for services.

(2) SCHOOL-COMMUNITY PARTNERSHIP ACTIVITIES.—A local educational agency receiving a grant under this section may use such grant funds to provide one or more of the following school-community partnership activities:

(A) After-school programs for youth which, at a minimum, shall include academic support programs, sports, arts, crafts, community service and recreation activities.

(B) Mentoring programs to pair adults with children and youth to provide one-to-one assistance, attention and guidance.

(C) Parenting skills courses, offered with the support of parents in the community, to provide parents of students served by the eligible local educational agency with parenting skills training.

(D) Professional training, to train education professionals and school personnel in violence prevention, conflict resolution, anger management, and peer mediation techniques, and to identify high-risk youth and refer such youth for appropriate services.

(E) Job training and placement programs, including—

(i) the provision of incentives for participants to complete their secondary education;

(ii) the provision of job training with subsequent employment placement in a position which directly utilizes the training provided; and

(iii) the exposure to postsecondary educational opportunities, including academic and vocational opportunities.

(3) LIMITATION.—An eligible local educational agency receiving a grant under this section in any fiscal year shall not use more than—

(A) 10 percent of such grant funds in such fiscal year for the activities described in subsection (f)(1)(G) of this section; and

(B) 5 percent of such grant funds in such fiscal year for administrative expenses associated with activities assisted under this section.

(4) SPECIAL RULE.—In developing professional training programs described in paragraph (2)(D), an eligible local educational agency is encouraged—

(A) to contract for services with organizations demonstrating expertise in such programs; and

(B) to work with other representatives of organizations and agencies, including court personnel, social workers, representatives of law enforcement, and medical, mental health, and other health professionals.

SEC. 5. GRANTS FOR PROGRAMS TO SERVE OUT-OF-SCHOOL YOUTH AND YOUTH OFFENDERS.

(a) PROGRAM AUTHORIZED.—

(1) AUTHORITY.—

(A) IN GENERAL.—The Secretary shall award grants, on a competitive basis, to eligible entities to enable such agencies to pay the Federal share of the cost of establishing community-based programs that—

(i) assist out-of-school youth and rehabilitate youth offenders; and

(ii) provide opportunities for such youth to continue their education or obtain job training.

(B) CONSULTATION.—The Secretary shall consult with the Attorney General in developing program guidelines and awarding grants under this section.

(2) GRANT DURATION.—A grant under this section shall be awarded for a period of not less than 3 years nor more than 5 years.

(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term "eligible entity" means either a State educational agency or a local educational agency that enters into a partnership agreement to carry out the program assisted under this section with at least one community-based youth organization and the appropriate juvenile justice agency serving such State educational agency or local educational agency.

(c) PAYMENTS; FEDERAL SHARE; LIMITATION.—

(1) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under subsection (d) the Federal share of the cost of the activities described in the application.

(2) FEDERAL SHARE.—The Federal share—

(A) for the first year for which an eligible entity receives assistance under this section shall be 80 percent;

(B) for the second such year shall be 70 percent; and

(C) for the third and each succeeding such year shall be 50 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of payments under this section may be in cash or in kind fairly evaluated, including planned equipment or services.

(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) an assessment of the population of out-of-school youth and youth offenders to be served;

(2) a description of the program to be carried out with the grant funds, and how such program will help meet the needs of out-of-school youth and youth offenders;

(3) a description of members of the partnership described in subsection (b) that are involved in the program, such member's roles and functions in carrying out the program, and the strength of such member's commitment to the goals of the program;

(4) the applicant's plan to involve parents, employers, teachers and other school personnel, and community members in designing and carrying out the program;

(5) an assurance that the grant funds will be used to supplement and not supplant State and local funds available to provide opportunities for out-of-school youth and rehabilitate youth offenders;

(6) a description of the ability of the community-based youth organization participating in the partnership described in subsection (b) to link youth with other social services as needed; and

(7) such other information the Secretary may require.

(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities serving areas with—

(1) a high concentration of out-of-school youth or youth offenders; and

(2) a high rate of violence affecting children and youth.

(f) USE OF FUNDS.—An eligible entity receiving a grant under this section shall use such grant funds to provide a community-based program for out-of-school youth and youth offenders, which program shall include one or more of the following elements:

(1) A system designed to provide peer and adult support and redirection.

(2) Incentives for out-of-school youth and youth offenders to continue their education

through continuing secondary education, vocational training, school-to-work programs, postsecondary education or other opportunities.

(3) Assessment of such youths' needs, and referrals by the community-based youth organization participating in the partnership described in subsection (b) to appropriate services.

(4) Community service.

(5) Job training and placement opportunities.

(6) Access to mentoring services.

(7) Other services, as approved by the Secretary, designed to provide rehabilitative opportunities for such youth.

SEC. 6. REPORTING REQUIREMENT.

The Secretary shall prescribe annual reporting requirements for eligible entities receiving assistance under this Act, including requirements regarding—

(1) the characteristics of the youth served under this Act;

(2) the incidence of violence in the area served by a local educational agency receiving assistance under this Act; and

(3) the accomplishments of the activities assisted under this Act, and assessment of such activities by students and youth served by such activities.

SEC. 7. DEFINITIONS.

The terms used in this Act shall have the meaning given to such terms in section 1471 of the Elementary and Secondary Education Act of 1965.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $100,000,000 in each fiscal year to carry out this Act.

(b) LIMITATION.—Not more than 20 percent of the funds appropriated in any fiscal year pursuant to the authority of subsection (a) shall be available to award grants pursuant to section 5 in such fiscal year.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. HARKIN, Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. INOUYE, Mrs. BOXER, and Mrs. MURRAY):

S. 1463. A bill to amend the Elementary and Secondary Education Act of 1965 to address gender equity in mathematics and science education and to assist schools and educational institutions in the elimination of sexual harassment and abuse; to the Committee on Labor and Human Resources.

FAIRNESS IN EDUCATION FOR GIRLS AND BOYS ACT

• Ms. MIKULSKI. Mr. President, today I, along with several other Members including Senator HARKIN, Senator SIMON, Senator KENNEDY, and Senator MOSELEY-BRAUN introduce a package of bills called the gender equity in education initiative.

What a perfect time to introduce this package of legislation. It's back to school time again. And it's a perfect time to promote fairness for girls and boys in education.

I am proud to be part of this initiative to help eliminate every element of bias in our society—whether it is bias based on race, ethnicity religion, or gender.

Our agenda is to make sure that all Americans are given equal value in our society. Our efforts are to make sure that with equal value we have equal opportunity.

We decided the best way to remedy issues around gender bias in schools is for each one of us to take a particular area of passionate interest to us.

We have each taken an area to concentrate on the reform of the Elementary and Secondary Education Act and in its funding and then ultimately in the culture of the United States of America.

Instead of one person acting on their own, we'll be able to accomplish our goal by showing that together we can bring about change.

These bills will improve teacher training across the board, help tackle the problem of sexual harassment, and help support young men, young women, and girls in education.

All of us are familiar with Dr. Carol Gilligan and her pioneering work: "In a different voice." Dr. Gilligan's research indicated that women speak in a different voice, but those voices are often made silent by the stereotypes in the dominant culture.

Young women as they are in elementary and preschool have not yet begun to be intimidated by the larger culture. In elementary and middle school, their voices are the most powerful.

As I talk to teachers and even the young students, they are all engaged in very specific projects and they're like little professors knowing that the world is open for them.

Then the cultural influences take over in middle schools and begin to silence girls. In the classroom, they are often overlooked by teachers, their comments are often minimized.

Young girls as they reach high school get the message that in order to be a success they have to hold themselves back in terms of their intellectual capacity.

And then there is even a far greater danger to young women. That danger is an abusive environment in which female students are sexually harassed by other students or by teachers or administrators.

Teachers overlook that and even in some instances engage in that. These bills will help solve that problem by giving the "white hat" teachers and the administrators the ability to meet the special needs of girls. And help teach young women the skills that will help them to be leaders, scientists, engineers, doctors, lab technicians, and computer scientists.

The purpose of this legislation is to make sure that we women not only speak in a different voice, but in a voice that will be heard.

Through our legislative initiatives, we want to create an environment that is conducive to learning. And to make sure that in this environment we promote the issues that are crucial to young women.

In my adolescent years, I took a summer school geometry class where I struggled to get those theorems and axioms in the right order. The teacher overlooked girls and minimized them and then would send messages that girls just don't have a chance to learn math.

It is important for many girls who are overlooked in the classroom to have the reinforcement of their families and extracurricular activities. Then they can reclaim their voice.

What we want in this legislation are the opportunities that women who attend all-girls high schools or all-girls colleges often enjoy. As a graduate of an all-girls high school and an all-girls college, my goal is to have that same opportunity in every classroom in the United States.

That means that young girls will have a sense of equal value, and a sense that they can be in power, and that their voices and ideas and abilities count.

Education gives women the ability to claim the power that they have. That is one of the strongest ways to transform our culture. And this gender equity act marches in that direction.

My piece of this legislative initiative first promotes innovative educational techniques to encourage young women to pursue math and science.

In fiscal year 1989, 600,000 teachers participated in the Eisenhower Math and Science Program. This bill will help see that those teachers understand the special needs of girls.

As chair of the Subcommittee on VA-HUD and Independent Agencies, I have put a lot of money into the National Science Foundation to deal with education issues in math and science for all students.

That has been my line-item approach. But what we need is an overall legislative approach. And that is why we seek an authorizing framework that is all encompassing, comprehensive, and that brings the Senate together to eliminate one of the most important biases in the United States of America.

Second, my bill deals with issues of sexual harassment in the classroom.

Hostile hallways: The AAUW survey on sexual harassment in America's schools indicates that 85 percent of all girls and 76 percent of all boys surveyed reported being sexually harassed. And 64 percent of girls report being harassed in the classroom.

Twenty-three percent of harassed girls report having received lower grades on papers and tests following the harassment, compared to 9 percent of boys.

One-third of all girls who have been sexually harassed report not wanting to go to school as a result, compared to 12 percent of the boys.

The purpose of my bill is to support our coordinators out there who are already working to address this issue of sexual harassment. And to create an awareness of sexual harassment not only in our society, but in our classrooms.

The criteria around sexual harassment policy and exactly what creates a hostile school environment needs to be clearly articulated for everyone involved in the school system.

Exactly what is it that creates a hostile environment from student to student, and even in some instances, from teacher to student.

We must get the word out and increase the awareness that when we say "Boys will be boys," it is an unacceptable answer. Boys sexually molesting girls in locker rooms and corridors is not just "Boys will be boys."

The humiliation of another student is unacceptable, particularly when it is gender based. The impact on that negates not only what is happening to girls but to boys who don't think that this behavior is appropriate either.

Everyone should understand that there is zero tolerance for sexual harassment.

This whole legislative initiative is not only about girls and helping girls claim their own power within themselves and then ultimately in our society, but for those young boys and young men who are learning in their home, in their church, in their community, that women have equal value and will be partners in our society.

This bill will help to strengthen the positive attitude so that students are dealing with each other with mutual respect and therefore empowering all of our society.

So when we talk about masculine behavior, it must have in its roots the fact that real men don't pick on the weak, real guys don't pick on women, real guys are not abusive. And real men in our society practice behavior that treat themselves and others with respect and dignity and are willing to fight for it.

I want to thank all the supporters of this initiative, and commend the American Association for University Women [AAUW] and the National Coalition for Women and Girls in Education for their pioneering work on this effort and their powerful study on how education shortchanges girls.

I look forward to working with my colleagues to tell all young women—you do have equal value and that your voices matter and no matter how old you are you're voices will be heard.•

By Mr. SIMON (for himself, Mr. KENNEDY, Mr. HARKIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. INOUYE, Mrs. BOXER, and Mrs. MURRAY):

S. 1464. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure gender equity in education, and for other purposes; to the Committee on Labor and Human Resources.

WOMEN'S EDUCATIONAL EQUITY RESTORATION ACT OF 1993

Mr. SIMON. Mr. President, I am pleased to introduce this important legislation to help ensure that girls in our schools fulfill their potential. I want to thank my colleagues Senators KENNEDY, HARKIN, MIKULSKI, MOSELEY-BRAUN, SARBANES, INOUYE, and BOXER for cosponsoring this bill and my friend PATSY MINK for her leadership on this in the House.

Children live up or down to expectations. There has been some improvement, but teachers are still more likely to call on boys and given them constructive feedback. One study found that teachers direct 80 percent of their questions to boys. This leads to a dramatic drop in girls' confidence as they move from the elementary grades into middle and high school. My bill helps to address this through grants that can be used for programs to raise teacher awareness of this practice and to provide strategies for eliminating this practice.

Mr. President, there is no question that gender bias remains a serious and widespread problem in standardized testing. As you know, the SAT is used as a predictor of first year college grades. Women score an average of 60 points lower than men, yet earn higher grades during their first year of college. But this is after lower scores have hurt their chances for scholarships and college admission. One of the responsibilities of the new Office of Gender Equity created by my bill is to coordinate and fund research on gender equity in areas such as testing.

Another problem in many classrooms is that textbooks still stereotype women. Girls do not see their own lives, experiences, or accomplishments reflected in the curriculum. Of the 10 books most frequently read in high school English courses, only one was written by a woman. My bill addresses this by authorizing grants that can be used to provide nonsexist textbooks and other materials that will provide girls with female role models.

Women with 4 or more years of college who work full-time earn only 69 cents for every dollar earned by men with an equal number of years of education. We can do better. The only way to assure that women achieve parity with men in our work force is to assure that they have the same opportunities and encouragement beginning in elementary school. We must utilize all of our human resources. If we can enact this legislation, we will do better as a Nation.

Mr. KENNEDY. Mr. President, as we work to improve all aspects of education, one of the most serious challenges we face is the gender inequality that pervades education. The landmark 1992 study by the American Association of University Women refutes the common assumption that boys and girls are treated equally in our educational system. Clearly, they are not.

Despite the provisions of title IX prohibiting sex discrimination in schools receiving Federal funds, we continue to see differences in the educational achievement of boys and girls. Different teacher practices and different expectations result in much lower performance by girls on standardized tests especially in math and science.

The second class stigma is perpetuated through colleges and into the workplace. the end result is that women have less opportunity than men throughout their careers. It is no coincidence that women earn only $0.45 for every dollar earned by men, even though they constitute nearly half the workforce. In a sense, the glass ceiling is put in place in the school room, and that is the place where we must do more to dismantle it.

The 1993 gender equity education bills address these problems systematically and comprehensively. The principal provisions will encourage leadership training programs for girls; improve research on equity issues; improve the quality of math and science instruction; enhance dropout prevention programs; reduce the incidence of sexual harassment in schools; provide grants to schools to implement gender equity programs; and require colleges that receive Federal funds to provide data on women's participation in intercollegiate athletics.

We will address many of these issues as part of reauthorization of the Elementary and Secondary School Act. Wherever possible, we intend to incorporate gender-equity provisions in all Federal education programs.

The Nation's future depends on better education for all students—and when we say all, we mean all. It is time to eliminate gender bias from all aspects of education, at all levels, and for all women

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By Mr. HARKIN (for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. INOUYE, Mrs. BOXER, and Mrs. MURRAY):

S. 1465. A bill to amend certain education laws regarding gender equity training, dropout prevention, and gender equity research and data; to the Committee on Labor and Human Resources.

GENDER EQUITY IN EDUCATION AMENDMENT OF 1993

• Mr. HARKIN. Mr. President, I think most Americans are familiar with the glass ceiling—that invisible barrier that often keeps competent and capable women from ascending to top jobs. Many of us are less aware that early in life it isn't the glass ceiling of the corporate suite but the plaster walls of the classroom that keep female students from realizing their potential.

Today, I rise to introduce the gender equity amendments of 1993 to ensure that girls receive a share—an equal share—in the American dream by requiring equal treatment in the classroom. I am pleased to be joined in this effort by Senators KENNEDY, MIKULSKI, SIMON, MOSELEY-BRAUN, SARBANES, INOUYE, and BOXER.

This legislation also features five words that should be music to the ears of the American people: it involves no new money.

As I travel around Iowa and the Nation, I keep hearing one thing loud and clear: Americans are fed up with wasteful Government spending. In this time of spiraling deficits, they have had to do more with less and they rightly expect Washington to do the same.

Accordingly, this bill will use the tool of education, not taxation. The idea is to educate school personnel about gender bias so they can combat it. The cost will be paid not by hitting overburdened taxpayers but by redirecting funds already budgeted.

The first part of the bill amends various existing programs to make it clear that Federal funds may be used to encourage equity training for educators and parents and to provide leadership training for girls.

The second part takes 25 percent of existing funds for Federal dropout prevention and targets the money for pregnant and parenting students to keep them in school.

The final section encourages better research on gender issues within schools. It requires the Department of Education, where feasible,. to gather education data by sex, socio-economic status and race or ethnicity so that bias can be corrected.

In addition, I am cosponsoring three other bills that taken together comprise the Gender Equity in Education Package—the Fairness in Education for Girls and Boys Act sponsored by Senator MIKULSKI, the WEEA Restoration Act sponsored by Senator SIMON and the Equity in Athletics Disclosure Act sponsored by Senator MOSELEY-BRAUN.

This package will benefit the girls and women of America by ensuring equal opportunities. We must pass this legislation because in doing so we will make the Nation stronger.●

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, Mr. KENNEDY, Mr. HARKIN, Mrs. MURRAY, and Ms. MIKULSKI):

S. 1466. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize programs of child abuse education and prevention, and to establish a demonstration project relating to child abuse education and prevention; to the Committee on Labor and Human Resources.

EQUITY IN ATHLETICS DISCLOSURE ACT

● Ms. MOSELEY-BRAUN. Mr. President, together with my distinguished colleagues, Senators KENNEDY, SIMON, HARKIN, MURRAY and MIKULSKI, I rise today to introduce the Equity in Athletics Disclosure Act of 1993.

This bill is an important component of the omnibus gender equity in education package which I and my distinguished colleagues Senators SIMON, HARKIN, and MIKULSKI are introducing as a collective effort to address the widespread gender inequities in our Nation's schools.

Mr. President, while the legislation being introduced by my colleagues focuses on elementary and secondary schools, the Equity in Athletics Disclosure Act addresses the widespread gender inequities in institutions of higher education.

Title IX, the principal Federal statute prohibiting sex discrimination in education, has helped to eliminate many discriminatory policies—such as rules that only boys could take shop classes—since 1972. Yet, because institutions of higher education are not required to disclose gender equity information regarding their athletic programs, many are still not in full compliance.

In fact, the National Collegiate Athletic Association [NCAA], the American Council on Education [ACE], and my colleague from Illinois—Congresswoman CARDISS COLLINS—have all documented the prevalence of gender inequities in intercollegiate athletics.

In 1992, the NCAA conducted a onetime study on gender equity in men's and women's intercollegiate athletic programs at all Division I–A schools. As expected, this study found that female college athletes received less than 18 percent of the athletic recruiting dollar and less than 24 percent of the athletic program operating dollar. This report also found that the average scholarship budget for men's teams is $1.3 million but only $500,000 for women's teams.

Mr. President, the American Council on Education [ACE] has also documented gross gender inequities in intercollegiate athletic coaching staffs. In a recent survey of 1,410 post-secondary institutions, the ACE found that women represent only 8 percent of athletic directors and only 6 percent of sports information directors.

Over the last 2 years, Congresswoman COLLINS has also used her position as chairwoman of the Commerce, Consumer Protection, and Competitiveness Subcommittee to highlight the gender inequities which plague intercollegiate athletics.

In three separate hearings, student athletes and coaches alike have testified that women's teams often have poorer facilities for training; worse hours for practice and competition; inferior travel accommodations; and little, if any, promotional support.

The Equity in Athletics Disclosure Act addressed these gender inequities by requiring institutions of higher education—which receive Federal funds—to disclose information on participation rates, coaching staffs, and program expenses for each of their men's and women's intercollegiate athletic teams.

This legislation requires institutions to disclose this information to the general public on request and to prospective students who need this information in order to make informed decisions concerning their education.

It also requires them to provide this information to the Secretary of Education who would, then, report it to Congress.

Mr. President, the NCAA has begun to address the problem of gender inequity through its 1992 study and its gender equity task force, but it is very clear that institutions of higher education will not disclose information on gender equity regarding their athletic programs voluntarily. The Women's Basketball Coaches Association recently sent out a questionnaire to 280 colleges and universities regarding their salaries for men's and women's basketball coaches, but only 20 percent of the schools responded.

Mr. President, let me conclude my remarks by reminding my colleagues that our efforts to achieve excellence in education will fail unless gender bias in our schools is eliminated and by urging them to support the gender equity in education package—including the Equity in Athletics Disclosure Act.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROGRAMS OF CHILD ABUSE EDUCATION AND PREVENTION.

(a) GENERAL AUTHORITY.—Part F of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151 et seq.) is amended—

(1) by redesignating section 4610 as section 4611; and

(2) by inserting after section 4609 the following new section:

"SEC. 4610. PROGRAMS OF CHILD ABUSE EDUCATION AND PREVENTION.

"From amounts appropriated under this part, the Secretary shall carry out programs for—

"(1) the development of curricula related to child abuse education and prevention; and

"(2) the training of personnel to teach child abuse education and prevention to elementary and secondary school children.".

(b) EFFECTIVE DATE.—The provisions of this section shall take effect on October 1, 1993.

SEC. 2. DEMONSTRATION PROGRAM OF CHILD ABUSE EDUCATION AND PREVENTION.

(a) ESTABLISHMENT.—The Secretary of Education shall establish a demonstration program for—

(1) the development of curricula related to child abuse education and prevention; and

(2) the training of personnel to teach child abuse education and prevention to elementary and secondary school children.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1993 and for each succeeding fiscal year such sums as may be necessary to carry out this section.•

By Mr. WELLSTONE:

S.J. Res. 133. To ensure that Members of Congress participate on an equal basis with their constituents in the health care system that results from health care reform legislation; to the Committee on Labor and Human Resources.

CONGRESSIONAL HEALTH INSURANCE ENROLLMENT JOINT RESOLUTION

• Mr. WELLSTONE. Mr. President, today I am introducing legislation which calls on all Members of Congress to enroll in the same standard health insurance plan that we will soon be creating for the average American. And it provides that all Members of Congress should publicly certify each year that they have in fact enrolled in this same standard plan.

My proposal will accomplish three distinct objectives. First, contrary to many of the laws we adopt, we will be treating ourselves the same way we treat everyone else. Second, we will be holding ourselves publicly accountable for assuring the public that we are not reaping greater benefits because of any consideration of special privilege or financial situation. And finally, we will be creating the best possible incentive for making sure that the health care plan we design this year or next will be first-rate in providing top quality health care for all.

I have little doubt that if we insist that Members of Congress enroll in the same standard plan we are legislating for everyone else, we will be sufficiently motivated to legislate the best health care coverage we can. This is not to suggest that, without my legislation, we would not design the best possible standard plan for all Americans. But it will serve as a mechanism to make sure that such a goal is achieved.

Following introduction and referral of my legislation, which is in the form of a joint resolution, I also expect to offer its provisions as an amendment to another appropriate legislative vehicle sometime soon.

I urge the support of my colleagues for this legislation.

I ask that a copy of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 133

Whereas, Congress is expected to consider legislation in the near future that would offer health insurance plans at different prices; and

Whereas, the reform is likely to include a standard health care plan designed to be affordable to average Americans, but also will make more expensive plans available to those who can afford them; and

Whereas, differences in the prices of the plans could result in differences in quality, and could also affect an individual's ability to choose between managed care and fee for service plans; and

Whereas, the best guarantee of equity in a social program is to include people of all income levels and social classes in the same system with the same benefits, as is the case in the health care systems of most other industrialized countries; and

Whereas, Members of Congress should not create a system designed to impel millions of their constituents to join health care plans they themselves are unwilling to join; and

Whereas, Members of Congress who participate in the standard, average-priced health care plan in their congressional district can provide an immediate warning of quality problems, deficiencies, and underservice, and can thus ensure that everyone, regardless of income, place of residence, health status, or employment will have access to quality health care; and

Whereas, public disclosure of the health care plans in which Members of Congress are enrolled would serve to keep providers and constituents aware of the stake that Members have in assuring the quality and efficiency of such health care plans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all Members of Congress should enroll in a standard health care plan available at their home of record that charges no more than the average premium for the area, and

That all Members of Congress should disclose publicly on an annual basis the health care plans in which they have enrolled.•

By BIDEN (for himself, Mr. AKAKA, Mr. DECONCINI, Mr. MATHEWS, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. PELL, and Mr. THURMOND):

S.J. Res. 134. A joint resolution to designate October 19, 1993, as "National Mammography Day"; to the Committee on the Judiciary.

NATIONAL MAMMOGRAPHY DAY

• Mr. BIDEN. Mr. President, I introduce a joint resolution designating October 19, 1993, as "National Mammography Day."

According to the American Cancer Society, national figures on breast cancer indicate that, in 1993 alone, 182,000 women will be diagnosed with breast cancer. Forty-six thousand of these women will succumb to this disease.

Tragically, my home State of Delaware consistently ranks among the worst in breast cancer mortality, with about 600 new breast cancer cases and 175 breast cancer deaths in 1992.

There are many facets of breast cancer that remain undiscovered. However, in recent years, Congress has taken a number of steps to help to unlock the mysteries of this disease. Research funding has been dramatically increased, awareness and education efforts are proving successful, and a study is underway to find out why nine Northeastern States—including Delaware—have higher breast cancer mortality rates than the rest of the Nation.

Indeed, breast cancer has finally been recognized as one of our most urgent national health issues. In State houses and town halls, in urban hospitals and rural clinics, and in corporations and small businesses, the fight has been taken on in a number of new and innovative ways to combat this disease—a disease that has been allowed to plague American women far too long.

For example, in Delaware, a working group—comprised of my wife Jill, Lt. Gov. Ruth Ann Minner, County Councilwoman Karen Venezky, and a number of business leaders, breast cancer survivors, community leaders, doctors, and nurses—has been established to create new projects promoting early breast cancer treatment and to raise consciousness throughout the State. I salute this group and all the others, in Delaware and across this Nation, who are uniting for the common cause of eradicating breast cancer.

While a cure for breast cancer may be some time away, we do know that in fighting this disease, early detection and treatment are the keys to survival. And, experts universally agree that mammography is the best method of early detection of breast cancer. Mammograms can reveal the presence of small cancers up to 2 years before regular clinical breast examinations or breast self-examinations [BSE], saving as many as a third more lives of those diagnosed with the disease.

Mammograms are especially important to older women, with a woman at age 70 having twice as much of a chance of developing the disease than a woman at age 50. In addition, no woman can be considered immune from the disease; in fact, 80 percent of the women who get breast cancer have no family history of the disease.

Finally, when operated professionally, mammograms are a relatively quick and safe procedure, and efforts have been made to make mammograms more accessible and affordable. For instance, groups such as Mammography of Delaware are now operating mobile diagnostic centers, with the cost of the mammogram determined by the women's ability to pay. In addition, more and more health insurance plans are beginning to include standard mammography coverage for women.

This resolution, which is the result of the hard work of a number of organizations, takes the initiative to set aside 1 day in the midst of "National Breast Cancer Awareness Month"—which was passed by the Senate earlier this year—to encourage women to receive or sign up for a mammogram, as well as to bring about greater awareness and understanding of one of the key components in fighting this disease available at this time.

The organizations proposing "National Mammography Day" include:

the American Cancer Society, the American Academy of Family Physicians, the American College of Radiology, the American Medical Women's Association, the American Society of Clinical Oncology, Cancer Care Inc., the Centers for Disease Control and Prevention, the National Alliance of Breast Cancer Organizations, the National Cancer Institute, the Susan G. Komen Foundation, the American College of Obstetricians and Gynecologists, Y-ME, and the Zeneca Pharmaceuticals Group.

I am pleased today to assist these organizations by introducing a congressional resolution on the same premise as their proposal. I want to thank Senators AKAKA, DECONCINI, MATHEWS, MIKULSKI, MOYNIHAN, PELL, and THURMOND for joining me as original cosponsors to this resolution, and I invite all of my colleagues to join me in this effort.

Finally, Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 134

Whereas according to the American Cancer Society, 182,000 women will be diagnosed with breast cancer in 1993, and 46,000 women will die from this disease; and

Whereas in the decade of the 1990's, it is estimated that about two million women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths; and

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease than a woman at age 50; and

Whereas 80 percent of women who get breast cancer have no family history of the disease; and

Whereas mammograms, when operated professionally at an accredited facility, can provide a safe and quick diagnosis; and

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives; and

Whereas mammograms can reveal the presence of small cancers up to two years before regular clinical breast examinations or breast self-examinations (BSE), saving as many as a third more lives; Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That October 19, 1993, be designated as "National Mammography Day," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.•

By Mr. SIMON (for himself, Mr. KENNEDY, Mr. PACKWOOD, Mr. INOUYE, Mr. HATFIELD, Mr. MOYNIHAN, Mr. SIMPSON, Mr. BUMPERS, Mrs. KASSEBAUM, Mr. CONRAD, Mr. METZENBAUM, Mr. BRADLEY, Mr. KERRY, Mr. SARBANES, Mr. LIEBERMAN, Mr. LEVIN, Mr. PELL, Ms. MOSELEY-BRAUN, Mr. GLENN, Mr. HEFLIN, Mr. LEAHY, Mr. MITCHELL, Mr. RIEGLE, Mr. NUNN, Mr. ROCKEFELLER, Mr. CAMPBELL, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. MATHEWS, Mr. Jeffords, and Mr. CHAFEE):

S.J. Res. 135. A joint resolution designating the week beginning October 25, 1993, as "World Population Awareness Day"; to the Committee on the Judiciary.

WORLD POPULATION AWARENESS WEEK 1993

• Mr. SIMON. Mr. President, on the behalf of my colleague Senator JEFFORDS and 30 other original cosponsors, I am proud to introduce a joint resolution recognizing World Population Awareness Week. For the past 9 years during the last week in October, citizens, organizations, and officials around the world have participated in World Population Awareness Week. The week is aimed at drawing greater attention to the overpopulation crisis. The Senate has recognized it for the last 4 years and I urge my colleagues to sign on this year.

There are currently nearly 5.6 billion people on the planet and this number is expected to double in the next 40 years. Ninety-five million people have been added to the world's population this year alone. The negative impacts of unchecked population growth are felt daily, especially by the poorest people in the world. Ninety percent of population growth is expected to occur in developing countries, but the U.S. will feel the consequences of the burgeoning numbers as well. From global warming to starvation, illegal immigration to rainforest loss, political instability to rampant spread of disease, overpopulation plays a role that cannot be overlooked or underestimated.

In recognition of World Population Awareness Week, events are being held in every congressional district across the United States. Nearly 3,000 discussion groups, films, and other educational events will raise public awareness of this crucial issue. Nearly 120 organizations with a total membership of over 40 million citizens are cosponsors. The League of Women Voters, the United Methodist Church, and the American Association of University Women are just a few of the U.S. groups involved in this week. Thirty-three countries are also observing the week. International organizations as diverse as the World Muslim Congress and Botswana Family Welfare Association are cosponsors of World Population Awareness Week. I am attaching a list of the organizations sponsoring World Population Awareness Week events and ask unanimous consent that it be included in the RECORD.

I urge all of my colleagues to become cosponsors to expeditiously pass this resolution.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 135

Whereas the population of the world today exceeds 5.5 billion and increases at the rate of some 100 million per year;

Whereas more than 90 percent of world population growth occurs in developing countries, those least able to provide even basic services for their citizens;

Whereas rapid population growth and overconsumption are major deterrents to sustainable development;

Whereas 40 countries with 40 percent of the population of the developing world are currently unable to provide enough food for their inhabitants to meet average nutritional requirements;

Whereas the global community has for more than 25 years recognized the basic right of individuals to voluntarily and responsibly determine the number and spacing of their children;

Whereas expanded accessibility to family planning has led to a world with 400 million fewer people than there might have been;

Whereas at least one-half of the women of reproductive age in developing countries want to limit the number of their children, but lack the means or ability to gain access to modern family planning methods;

Whereas numerous studies provide compelling evidence of a strong correlation between a smaller desired family size and the elevation of the status of women, especially through opening educational and employment opportunities;

Whereas preparations are underway for the 1994 International Conference on Population and Development (ICPD) in Cairo, Egypt, focusing world attention on the integral linkage between population, sustained economic growth and sustainable development—more specifically, the importance of family planning, the role of women, the effects of migration, the need for increased resources, and the devastation caused by AIDS;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning October 25, 1993, is designated as "World Population Awareness Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a week with appropriate programs, ceremonies, and activities.

ORGANIZATIONS COSPONSORING WORLD POPULATION AWARENESS WEEK 1993

American Association of University Women.

League of Women Voters.

American Public Health Association.

Centre for Development and Population Activities (CEDPA).

Conservation International Foundation.

Defenders of Wildlife.

International Planned Parenthood Federation.

National Audubon Society.

Planned Parenthood Federation of America.

Sierra Club.

United Methodist Church, General Board of Church and Society, Ministry of God's Human Community.

Worldwatch Institute.

Woman's National Democratic Club.

Capitol Hill Women's Political Caucus.

The Humane Society of the United States.

Agricultural Cooperative Development International.

The Alan Guttmacher Institute.
Association for Population Family Planning Libraries and Information Centers—International (APLIC).
Association for Voluntary Surgical Contraception (AVSC).
California Sociological Society.
Carrying Capacity Network.
Center for Population and Family Health, Columbia University School of Public Health.
Center for Population Options.
Center for Reproductive Health Policy Research.
Childless By Choice.
Contraceptive Research and Development (CONRAD) Program, Eastern Virginia Medical School.
Creative Associates International, Inc.
Development Associates, Inc.
DKT International.
E Magazine.
East West Center/Population Institute.
Endangered Habitats League.
Family Health International.
Federation of American Immigration Reform (F.A.I.R.).
Institute for Development Training
Institute for Global Education
Izaak Walton League of America
John Snow, Inc.
Johns Hopkins University Population Center
Macro International Inc.
Margaret Sangar Center International
Ministry for Population Concerns
National Abortion Rights Action League (NARAL)
National Council of International Health
National Family Planning and Reproductive Health Association (NFPRHA)
National Puerto Rican Coalition, Inc.
National Wildlife Federation
Partners of the Americas
Pathfinder International
Population Action International
The Population Council
Population and Development Program, Cornell University
Population Communications
Population Communications International
Population Education Committee
Population-Environment Balance, Inc.
Population-Environment Dynamics Project, University of Michigan
Population Reference Bureau
Population Resource Center
Program for Appropriate Technology in Health (PATH)
Renew America
Research Triangle Institute
Society for International Development
Student Pugwash USA
Too Many People. . .Too Little Earth!
Transnational Family Research Institute
Tulane School of Public Health International Program
20/20 Vision
Whittier Environmental Council
Wild Earth magazine
World Federalist Association
World Population Society
Zero Population Growth

INTERNATIONAL ORGANIZATIONS

World Muslim Congress
Marie Stopes International
Family Care International, Inc.

Institute for Development Training
Institute for Global Education
Izaak Walton League of America
John Snow, Inc.
John Hopkins University Population Center
Macro International Inc.
Margaret Sangar Center International
Ministry for Population Concerns
National Abortion Rights Action League (NARAL)
National Council of International Health
National Family Planning and Reproductive Health Association (NFPRHA)
National Puerto Rican Coalition, Inc.
National Wildlife Federation
Partners of the Americas
Pathfinder International
Population Action International
The Population Council
Population and Development Program, Cornell University
Population Communications
Population Communications International
Population Education Committee
Population-Environment Balance, Inc.
Population-Environment Dynamics Project, University of Michigan
Population Reference Bureau
Population Resource Center
Program for Appropriate Technology in Health (PATH)
Renew America
Research Triangle Institute
Society for International Development
Student Pugwash USA
Too Many People . . . Too Little Earth!
Transnational Family Research Institute
Tulane School of Public Health International Program
20/20 Vision
Whittier Environmental Council
Wild Earth magazine
World Federalist Association
World Population Society
Zero Population Growth
INTERNATIONAL ORGANIZATIONS
World Muslim Congress
Marie Stopes International
Family Care International, Inc.

International Confederation of Midwives
International Council on Management of Population Programmes
Sir David Owen Population Centre
U.N. Latin American Demographic Centre
Asociacion Chilena de Proteccion de la Familia (Chile)
Asociacion Demografica Costaricense (Costa Rica)
Asociacion Pro Bienestar de la Familia Ecuatoriana (Ecuador)
Asociacion Pro-Bienestar de la Familia de Guatemala
Asociacion Uruguaya De Planificacion Familiar E Investigaciones Sobre Reproduccion Humana (Uruguay)
Association Beninoise pour la Promotion de la Famille (Benin)
Association CentraAfricaine pour le Bien-Etre Familial (Central African Republic)
Association Guineenne pour le Bien-Etre Familial (Guinea)
Association Ivoirienne pour le Bien-Etre Familial (Ivory Coast)
Bahamas Family Planning Association
The Botswana Family Welfare Association
Bugarian Family Planning Association
Caribbean Family Planning Affiliation Limited
China Family Planning Association
Family Planning Association of the Czech Republic
Family Guidance Association of Ethiopia
The Family Planning Association of Hong Kong
Family Planning Association of India
Family Planning Association of Pakistan
Family Planning Association of Turkey
Federation of Family Planning Associations, Malaysia
Guadeloupean Association for Family Planning
The Indonesian Planned Parenthood Association
Instituto Peruano de Paternidad Responsable (Peru)
Jordan Family Planning and Protection Association
Mauritius Family Planning Association
Metro Manila Council of Women Balikatan Movement, Inc.
Planned Parenthood Federation of Nigeria
Planned Parenthood of Ghana
Profamilia (Columbia)
Sociedade Civil Bem-Estar Familiar No Brasil (Brazil).•

By Mr. SIMON:

S.J. Res. 136. A joint resolution to designate the month of July 1994 as "Lewis and Clark Month"; to the Committee on the Judiciary.

LEWIS AND CLARK JOINT RESOLUTION

• Mr. SIMON. Mr. President, today I am proud to introduce a resolution that will honor two great Americans and their exploration of the American west. I would like to designate July 1994 as Lewis and Clark Month, in honor of Captains Meriwether Lewis and William Clark. These intrepid adventurers splendidly fulfilled President Thomas Jefferson's directive to explore the Louisiana Territory, the vast expanse of land west of the Mississippi River obtained from France in 1803.

Accomplishing a feat that is remarkable even by today's standards, Lewis and Clark successfully negotiated an eight thousand mile trek through unknown, uncharted wilderness in following the Missouri River westward from its mouth on the Mississippi to its headwaters in the Rocky Mountains.

The Lewis and Clark expedition is noteworthy not only for its logistical difficulty, but also for its thoroughness. President Jefferson requested that the expedition engage in a systematic study of the region, to include making maps and determining longitudinal and latitudinal coordinates, as well as reporting on the geology, anthropology, botany and animal life found throughout the journey. In addition, Lewis and Clark were charged with investigating and recording the linguistic, social, and religious practices of each Native American nation they encountered, in order to foster understanding and friendly relations with them.

The importance of this epic journey to our development as a nation cannot be underestimated. The vast amount of information obtained from the expedition had a profound effect on man's understanding of the North American continent, and paved the way for the United States' emergence as a world power.

Lewis and Clark's expedition traversed the land and water of eleven future states—Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington, and Oregon—and each of these States can take pride in being part of one of the greatest explorations in recorded history. I hope that my colleagues who are not yet cosponsors of Lewis and Clark Month will join me in honoring these two heroic American explorers.●

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 359, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 478

At the request of Mr. RIEGLE, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 478, A bill to establish the Small Business Capital Enhancement Program to enhance the availability of financing for small business concerns.

S. 588

At the request of Mr. ROBB, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 588, a bill to regulate aboveground storage tanks used to store regulated substances, and for other purposes.

S. 774

At the request of Mr. WOFFORD, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 774, a bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a national service day to promote community service, and for other purposes.

S. 784

At the request of Mr. HATCH, the names of the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 895

At the request of Mr. PRYOR, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 895, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of the rehabilitation credit under the passive activity limitation and the alternative minimum tax.

S. 1111

At the request of Mr. KERREY, the names of the Senator from Tennessee [Mr. MATHEWS], the Senator from Kansas [Mr. DOLE], the Senator from Maine [Mr. COHEN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Arkansas [Mr. PRYOR], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, D.C.

S. 1118

At the request of Mr. HATFIELD, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1118, a bill to establish an additional National Education Goal relating to parental participation in both the formal and informal education of their children, and for other purposes.

S. 1408

At the request of Mr. LOTT, the names of the Senator from Washington [Mr. GORTON], the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. STEVENS], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 1408, a bill to repeal the increase in tax on Social Security benefits.

S. 1458

At the request of Mrs. KASSEBAUM, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1458, a bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

SENATE JOINT RESOLUTION 33

At the request of Mr. MACK, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of Senate Joint Resolution 33, a joint resolution proposing an amendment to the Constitution of the United States to limit the terms of office for Representatives and Senators in Congress.

SENATE JOINT RESOLUTION 129

At the request of Mr. KENNEDY, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Joint Resolution 129, a joint resolution to authorize the placement of a memorial cairn in Arlington National Cemetery, Arlington, VA, to honor the 270 victims of the terrorist bombing of Pan Am Flight 103.

SENATE RESOLUTION 64

At the request of Mr. LUGAR, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

SENATE RESOLUTION 124

At the request of Mr. BRADLEY, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Resolution 124, a resolution expressing the sense of the Senate that the Olympic Summer Games in the year 2000 should not be held in Beijing or elsewhere in the People's Republic of China.

SENATE RESOLUTION 144—RELATIVE TO JOHAN JORGEN HOLST OF NORWAY

Ms. MOSELEY-BRAUN submitted the following resolution; which was considered and agreed to:

S. RES. 144

Whereas the Government of Norway of Gro Harlem Brundtland has worked assiduously to develop relationships with the Government of Israel and the Palestine Liberation Organization;

Whereas Foreign Minister Holst personally mediated negotiations between Palestine Liberation Organization Chairman Yasser Arafat and Israeli Foreign Minister Shimon Peres which facilitated mutual recognition and hope for a political solution to the problems of the Middle East;

Whereas many of the meetings were held in the familiar environment of the Foreign Minister's private home so that decades of hostility and suspicion might be overcome;

Whereas Mr. Holst created a channel "behind the scenes" which complemented the official negotiating channel established by the Madrid Process;

Whereas Mr. Holst was able to recognize new opportunities and seize them;

Whereas Mr. Holst has served in the Government of Norway as both Foreign Minister and Defense Minister for the Labor Governments of Prime Minister Gro Harlem Brundtland; and

Whereas Mr. Holst is an expert in security issues and has studied in the United States at Columbia University and has been a research associate at Harvard's Center for International Affairs: Now, therefore, be it

Resolved, That the Senate—

(1) commends Foreign Minister Holst for his vital contribution to the negotiations between the Government of Israel and the Palestine Liberation Organization; and

(2) honors Mr. Holst and the Government of Norway for their contribution to peace in the Middle East.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Government of Norway.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

BURNS AMENDMENT NO. 894

Mr. BURNS proposed an amendment to the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, as follows:

At the appropriate place, insert: "That funds included in the section entitled as Special Park Increases of the National Park

Service budget, for two natural resource management FTEs dealing with the reintroduction of the wolf, shall be instead used for the improvement of the physical infrastructure of Yellowstone National Park."

HATFIELD (AND MURRAY) AMENDMENT NO. 895

Mr. BYRD (for Mr. HATFIELD for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 2520, supra, as follows:

At the end of title III, insert:

SEC. Forest Service Separation Pay.

(a) In order to avoid or minimize the need for involuntary separations, effective for the period beginning upon the date of enactment of this Act through and including September 30, 1994, the Secretary of Agriculture, under such regulations and subject to such conditions as the Secretary of Agriculture may prescribe, shall have authority to offer separation pay to employees of the Forest Service to the same extent the Secretary of Defense is authorized to offer separation pay to employees of a defense agency in section 5597 of title 5, United States Code.

(b) In the event that an authority is enacted to offer separation pay or a voluntary separation incentive similar to such section 5597 of title 5, United States Code, but applicable to employees in the executive branch generally, the authority under subsection (a) shall terminate.

(c) Such payments may be made to employees who agree, during a continuous 90 day period designated by the agency head, beginning no earlier than the date of enactment of this Act and ending no later than September 30, 1994, to separate from service with the agency, whether by retirement or resignation.

(d) An employee who has received a voluntary separation incentive under this section and accepts employment with the Government of the United States within 2 years of the date of the separation on which payment of the incentive is based shall be required to repay the entire amount of the incentive to the agency that paid the incentive.

(e) Total outlays by the Forest Service pursuant to the cooperative work trust funds accounts (12-8028-0-7-302) shall not exceed $279,668,000 in FY 1994.

SIMPSON AMENDMENT NO. 896

Mr. BYRD (for Mr. SIMPSON) proposed an amendment to the bill H.R. 2520, supra, as follows:

On p. 10, line 4, before the period, insert the following: "*Provided further*, That within funds provided $100,000 shall be made available to the U.S. Fish and Wildlife Service for the purpose of compiling and maintaining a database consisting of big game and small game population levels and hunter harvests in, and adjacent to, areas under consideration for wolf reintroduction: *Provided further*, That such study shall consist of data obtained from state game and fish agencies and federal agencies with jurisdiction for wildlife management in these areas: *Provided further*, That such database shall include measured and estimated population levels of game species covering a period ten years prior to the date of enactment: *Provided further*, That such database shall be updated on a yearly basis after the date of enactment".

BYRD AMENDMENT NO. 897

Mr. BYRD proposed an amendment to the bill H.R. 2520, supra, as follows:

On page 78, line 6 strike beginning with the ":" through "Appropriations" on page 78, line 12.

STEVENS AMENDMENT NO. 898

Mr. BYRD (for Mr. STEVENS) proposed an amendment to the bill H.R. 2520, supra, as follows:

Insert at the end of Title III the following new section:

"SEC. . None of the funds provided in this Act may be used to study or implement the Bureau of Land Management/United States Forest Service comprehensive strategy for Pacific salmon and steelhead habitat ("PACFISH") in the Tongass National Forest.".

HELMS AMENDMENT NO. 899

Mr. HELMS proposed an amendment to the bill H.R. 2520, supra, as follows:

At the end of the amendment add the following new section:

"SEC. . Notwithstanding any other provision of this Act, eligibility for the funds made available to the National Endowment for the Arts under this Act, with the exception of grants-in-aid to the states, shall be limited to not-for-profit institutions, organizations, associations, and societies.

HELMS AMENDMENT NO. 900

Mr. HELMS proposed an amendment to the bill H.R. 2520, supra, as follows:

At the end of the amendment add the following new section:

"SEC. . Notwithstanding any other provision of this Act or any other Act, of the funds made available to the National Endowment for the Arts for purposes of section 5(c) of the National Foundation on the Arts and Humanities Act of 1965, as amended, not less than 70 percent shall be for carrying out section 5(g) of the National Foundation on the Arts and Humanities Act of 1965, as amended; provided further, that in making minimum allotments to the states under section 5(g)(3) of the National Foundation on the Arts and Humanities Act of 1965, as amended, the Chairperson shall allot at least $400,000 to each state which has a population of 200,000 or more, according to the latest decennial census, and all funds in excess of such minimum allotments shall be allotted among the states in amounts which bear the same ratio to such excess as the population of each State bears to the population of all states according to the latest decennial census; provided further, the funds made available to carry out section 5(g)(3)(A) of the National Foundation on the Arts and Humanities Act of 1965, as amended, for state and regional arts groups shall not exceed $9,682,475.".

CRAIG AMENDMENT NO. 901

Mr. CRAIG proposed an amendment to the bill H.R. 2520, supra, as follows:

On page 10, line 4, before the period, insert the following: "*Provided further*, that $40,000 of the funds provided herein shall be made available for the research program relating to habitat and repopulation studies and possible interactions between wolves and mountain lions in and around Yellowstone National Park."

BURNS AMENDMENT NO. 902

Mr. NICKLES (for Mr. BURNS proposed an amendment to the bill H.R. 2520, supra, as follows:

On page 16, line 5 before the "." insert the following: "That funds included in the section entitled as Special Park Increases of the National Park Service budget, for two natural resource management FTEs dealing with the reintroduction of the wolf, shall be instead used for the improvement of the physical infrastructure of Yellowstone National Park: Provided that the resources reallocated shall be consistent with accounts remaining for the stated purpose based on the Committee's recommended funding level.".

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Wednesday, September 15, 1993, at 10 a.m. to hold a hearing entitled "The Hearing Aid Marketplace: Is the Consumer Adequately Protected?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet on September 15, 1993, at 11 a.m. on the nominations of David Barram of California to be Deputy Secretary of Commerce and Steven Palmer of Michigan to be an Assistant Secretary of the Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., September 15, 1993, to receive testimony from Dr. Tara O'Toole, nominee to be Assistant Secretary of Energy for Environment, Safety and Health, and Jay Hakes, nominee to be Administrator of the Energy Information Administration for the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony on the North American Free-Trade Agreement.

WITNESS LIST

I. The Honorable Ernest F. Hollings, United States Senator from the State of South Carolina

II. The Honorable Carl Levin, United States Senator from the State of Michigan

III. A Panel Consisting Of:

The Honorable Warren M. Christopher, Secretary, United States Department of State; Washington, DC.

The Honorable Lloyd Bentsen, Secretary, United States Department of the Treasury; Washington, DC.

The Honorable Mickey Kantor, United States Trade Representative; Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 15, 1993, beginning at 3 p.m. on the JTPA Program and Implementation of the Indian Employment Training and Services Demonstration Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Wednesday, September 15, 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN WATER, FISHERIES AND WILDLIFE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Clean Water, Fisheries and Wildlife, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, September 15, beginning at 9:30 a.m., to conduct a hearing on reauthorization of the Clean Water Act, focusing on wetlands issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COALITION DEFENSE AND REINFORCING FORCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Coalition Defense and Reinforcing Forces of the Committee on Armed Services be authorized to meet on Wednesday, September 15, 1993, at 10 a.m., in executive session, to meet with the members of the French Armed Services Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Wednesday, September 15, 1993, at 9 a.m. to conduct a hearing on S. 1405, the National Flood Insurance Reform Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMEMORATION OF CENTENNIAL ANNIVERSARY OF SVOBODA

• Mr. LIEBERMAN. Mr. President, today marks the 100th anniversary of Svoboda, the official newspaper of the Ukrainian National Association. I am extremely pleased to honor this occasion for the oldest Ukrainian newspaper in the world and one of the oldest ethnic newspapers in the United States. Throughout its history, Svoboda, which means liberty, has served as a window for the West providing information and insight on the struggle for Ukrainian independence. Through Svoboda, American political leaders learned of the Stalinist famine in the Ukraine during the 1930's, the arrests of Ukrainian human rights activists in the 1970's and 1980's, and the final struggle for independence in 1990 and 1991.

Svoboda has provided hundreds of thousands of Ukrainian immigrants to this country the opportunity to read about the United States and the world in their native language. Moreover, it has served as the catalyst for the creation of numerous organizations to serve the educational, social, and cultural needs of the Ukrainian-American community.

I commend all those involved with Svoboda these past 100 years and congratulate the Ukrainian National Association for its outstanding work. It is my fervent hope that Svoboda and the association will continue their important service to the Ukrainian-American community and the global community for another 100 years.•

TRIBUTE TO SISTER EILEEN M. EGAN, EDUCATOR AND FRIEND

• Mr. McCONNELL. Mr. President, I rise today to honor Eileen M. Egan of Louisville, KY. Sister Egan will step down from her post as president of Spalding College next June after 25 years of dedicated service.

Sister Egan received her undergraduate degree from her order in Nazareth, KY. Following her graduation she came to Louisville and began teaching in the Portland neighborhood. She lived at the Nazareth College campus in Louisville, and admits that she felt a certain safety in these familiar surroundings.

The Louisville school, which has roots that date to 1814 and Bardstown, KY, has come a long way over the years. When it opened in Louisville in 1920 it enjoyed the distinction of being the first senior college for women. In 1969, the same year the school changed its name to Spalding College, Sister Egan became president. Since that time the school has become a coeducational university with a predominantly secular faculty and board.

The college has developed an urban atmosphere due to its location in downtown Louisville. Sister Egan justifiably believes that this is one of the strong suits of the college, it gives the students a chance to use the city as a laboratory. Giving the students the opportunity to work in the community while still in school has provided an invaluable experience and assisted many in landing jobs upon graduation.

Sister Egan's decision to step down comes at a time when the college's academic and financial position is at its highest level. Under her leadership thousands of students have completed their studies and moved on to contribute in many meaningful ways not just to Louisville and Kentucky, but to all of society.

Mr. President, I ask my colleagues to join me in honoring this wonderful educator who has given years of her life to the cause of helping educate and better the lives of our nation's youth. In addition, I ask that an article from the Courier-Journal of September 9, 1993 and an editorial from the September 14, 1993 edition be included at this point.

The article follows:

[From The Courier-Journal, Sept. 9, 1993]

SPALDING PRESIDENT TO STEP DOWN AFTER 25 YEARS IN SECOND HOME

(By Michael Jennings)

A lonely young woman far from her Boston home, Sister Eileen M. Egan once sent a plea heavenward from what was her island of solace in a sea of the unfamiliar.

In the early 1950s, fresh from her novitiate at Nazareth, Ky., Egan was teaching in Louisville's Portland neighborhood. At night, on weekends and in the summer, she was working toward her undergraduate degree at a women's college run by her order—the Sisters of Charity of Nazareth.

The Nazareth College campus in downtown Louisville "was, for me, home again," she said. For one thing, it was run by nuns from the same order that had schooled her since she was in second grade.

One day in the school's chapel, she prayed; "God, If I could only stay here, I wouldn't feel this isolation . . . this psychological aloneness,"

In time, her prayer was answered. In 1969, she became president of the school, which in the same year was renamed Spalding College.

Yesterday, Sister Egan announced publicly that she will step down next June after 25 years as president, during which the school became a coeducational university with a mostly secular governing board and faculty. She told the Spalding University trustees Thursday of her plan.

"It's very difficult to leave," said Egan, who declined to give her age. "But I know it's right to leave. One should never stay too long."

Nazareth College—an offshoot of a college and academy founded near Bardstown in 1814—opened in Louisville in 1920 as Kentucky's first senior college for women. Its president has always been a member of the Sisters of Charity of Nazareth.

But Sister Egan said yesterday it's "an open question" whether the next president will be a member of the order, Joseph Corradino, chairman of the university's trustees, said he will head a national search for a president who will preferably be Catholic but might be either a man or a women.

The search committee, he said, will include trustees, members of the Sisters of Charity of Nazareth, students and faculty members.

Sister Egan said she had pondered her plan to resign since last spring. Signs of the university's academic and financial strength convinced her during the summer that it was a good time to hand over the reins, she said.

Coradino said he knew resigning was on her mind but had expected her to announce it later this year. "She's trying to shepherd us to do the right thing with enough time, and I really respect her for that," he said.

While the university has changed—its leadership becoming more secular, its atmosphere more urban—its core traditions of inclusiveness and community service remain constant, Sister Egan said. From their earliest days, both in Louisville and at Nazareth, the institutions that became Spalding University have honored the religious sensibilities of non-Catholic students, she said.

Spalding enrolls more than 1,200 students, nine-tenths of them from the Louisville area, and it offers a blend of liberal arts and professional studies.

"Sister will not disappear" from Spalding after she leaves as presdent." Corradino said. Egan, who holds a doctorate in English and a law degree, said she'll stay in Louisville and do what God wants her to do next.

But first, she said, she'd like to hop a freighter "and keep company with the ocean and my books and just travel—I don't care what the destination is."

Maggie Sergeant, a junior majoring in elementary education at Spalding, said she was disappointed that Sister Egan is leaving but approved of her plans.

"I think that she's just spent a lot of her life working very hard to get where she is, and I think she deserves a break."

[From the Courier-Journal, Sept. 14, 1993]

SPALDING'S SPIRIT

Eventually all good things come to an end, but it's regrettable that this includes the tenure of the visionary educator who transformed a sleepy Louisville college into a dynamic downtown university. Sister Eileen Egan deserves a glorious retirement, of course, but her leadership as Spalding University's president will be missed.

Under her guidance, Spalding has become a school where students can expect to receive a strong liberal education or confidently prepare for a specific professional career. Recognizing that a university needs to do more than stretch the mind, Sister Egan strived to create an environment that also tunes the soul. Encouraging teachers to pair classroom work with community experiences is one way she helped make this happen. Also, the conscious decision to keep the school downtown has made it possible for students to see more of the world than they would if it were in the suburbs. By using the city as its laboratory, the college enhances the life of downtown as well as being enhanced by it.

When she retires in June after 25 years as president, she'll leave a bold, creative mark. May it endure.•

THE ELECTRONIC MEDIA POLL ON TELEVISION VIOLENCE

• Mr. SIMON. Mr. President, researchers have been telling us for years that exposure to violence on television is related to the violence we see in society. There have even been several polls recently which have shown that most adult television viewers also feel that there is a relationship between entertainment violence and crime in the United States. But two very different types of polls on the issue came across my desk recently, and I would like to share them with my colleagues today.

The first is a survey of young people from age 8 to 12, conducted by the Harrigan-Bodick firm for the Nickelodeon cable channel. According to the poll, 80 percent of the children surveyed said there is too much violence on television. Ninety-three percent of the youth believe that their parents think there is too much violence on television and 91 percent said that when they saw violence happening to real people on television it bothered them, causing them to worry about what might happen to them or their families.

The second survey was conducted by Electronic Media, an industry newspaper. While many of the polls conducted to date on the issue have focused on the opinions of television viewers, this is the first survey I know of which examined the attitudes of local broadcasters. When the Green Marketing Group questioned 100 general managers from all over the country, they found that 74 percent said that there was too much needless violence on television. When presented with a list of proposed options for dealing with the problem, the most popular among local broadcasters was having the industry cut back on violent programming itself.

Mr. President, I ask that the Electronic Media article on the local broadcasters survey be printed at this point in the RECORD.

The article follows:

[From the Electronic Media, Aug. 2, 1993]

STATION MANAGERS: TELEVISION IS TOO VIOLENT

(By Diane Joy Moca)

LOS ANGELES.—By an overwhelming majority, TV station managers say television is too violent, according to a recent survey conducted for Electronic Media.

Though most surveys on violence focus on viewer reaction, the exclusive EM poll concentrated for the first time on the attitudes of local broadcasters.

Conducted two weeks ago by Greene Marketing Group, the poll questioned 100 general managers across all regions of the country and all market sizes.

The result: 74 percent said there was too much needless violence on the small screen.

"I think there is some gratuitous violence we're subjecting our consumers to," said Tim Bever, general Manager of CBS affiliate KBCI-TV, Boise, Idaho.

"I think theatrical features that go on television (are among the worst offenders). Some of the network fare is a little rough," Mr. Bever said.

Asked to choose the worst offender of four options—basic cable, broadcast, syndication and local news—65 percent of those surveyed picked basic cable.

Local news received the best marks of the four, with only 13 percent citing it as the biggest source of violence on television.

The focus on the networks doesn't do justice to the violence question. I think the networks are doing a fairly good job of regulating violence," says Jeffrey Marks, general manager of NBC affiliate WLBZ-TV, Bangor, ME.

"I don't think that the people who are observing violence are taking the time to differentiate the different types of television they see," said Robert Davis, general manager of NBC affiliate KMTR-TV, Eugene, OR.

"I think cable has proliferated more of a violent element in programming, and over-the-air broadcasting has had to air more violent programs to be competitive," says Patrick North, general manager of independent KPHO-TV, Phoenix.

A majority of general managers—55 percent—say they have refused or would refuse to air a program that they deemed too violent.

Mr. North said he has opted not to show certain movies on KPHO.

"I think it's tougher for the independents because we do have to compete," he said.

"As long as there are disclaimers and we let the audience know there's violence, they can choose to watch it or not."

But Michael Fisher, president and general manager of FBC affiliate KTXL-TV, Sacramento, CA., says he has never blocked a program.

"Televisions don't shoot people; guns do," he said.

"It is a powerful medium. We can do a lot. We've certainly edited some programs, and we've run disclaimers," he said.

"But I can't remember the last time, or the first time, that somebody complained to me about violence on this television station."

Attitudes were divided over the Federal Communications Commission involvement in the issue of violence.

Almost half—49 percent—of general managers polled said the FCC should not have the authority to enforce regulations against violence as it does with indecency. However, 42 percent said the Commission should have that authority.

"Government's track record is as questionable as what you see on TV," says KBCI's Mr. Bever.

"A lot of them deal from an emotional base; a lot of them are reactionary to the squeaky wheel rather than what is the populace. We don't need their intervention."

Here are some other highlights of the poll:

While close to half—44 percent—of general managers surveyed said they would like to see rating codes for television similar to those used for theatrical movies, 74 percent were opposed to the so-called V-chip, a device that theoretically could be installed in new TV sets to block out violent shows.

While 57 percent said advisories are a good solution, 18 percent said the answer is to leave all decisions solely in the hands of the consumer.

And when it comes to the most violent show on network television, "Cops" was the top vote-getter, cited by 27 percent of those responding to the question.

"The Untouchables" tallied 10 percent of that vote, and made-for-TV movies tied with the yet-to-premiere ABC series "NYPD Blue" at 6 percent.

When taking into account all programming, pay cable was named most often, by 14 percent of respondents, as carrying the most violent programming.•

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

• Mr. GRAHAM. Mr. President, I rise to support the passage of the National Defense Authorization Act for fiscal year 1994, as amended by the full Senate. Though far from being complete and being signed into law by the President, this bill reflects the enormous changes that have occurred around the world as they have changed the threats to our national security.

It must be noted that the bill also reflects the immense changes within our own country. The change in the administration is certainly a major factor that will determine the course of our defense establishment as we move into the 21st century. It will be our fiscal situation, though, that will play the greatest role in determining the direction of our military. We have come to learn that the domestic threats can be as great a threat to our national security as foreign ones.

Mr. President, there are those who still say we have not done enough with the defense budget and there are those who say we have gone too far in putting together this legislation. While I do not subscribe to one view over the other, neither argument is lost on me.

Four times this century our Nation has substantially reduced our defense structure. This was always done after a major conflict: World War I, World War II, Korea, and Vietnam. The downsizing was usually drastic, often too quick, and unfortunately always inappropriate for the future needs of our Nation. Again we must downsize, but this time to accommodate the end of the cold war. We will eliminate hardware, we will close bases, and we will reduce our personnel strength. We will also learn from our past mistakes.

This bill, however, is still about the marine, soldier, sailor, airman, and cost guardsman. No matter what the changes in the world events, they are the ones who will answer the call. In this bill we address the issues of COLA's and concurrent receipt of benefits for retirees, as well as a host of other benefits our personnel are entitled. It is not enough to ensure that they have the best equipment. We must continue to ensure that their families are well taken care of and that benefits that are due them, are received.

As the House completes action on its version of the defense bill and when it goes to conference, the interest of the men and women of the Armed Forces must continue to be of our foremost concern.

I wish to thank the chairman of the committee, Senator NUNN, and the ranking member, Senator THURMOND, for the accommodations during deliberations on amendments to the bill. I would also like to thank the very capable staff on both sides for their cooperation and guidance, and very much look forward to working with them as the bill goes to conference with the House, then being signed into law.•

CENTENNIAL OF SVOBODA

• Mr. BUMPERS. Mr. President, today, the Ukrainian National Association is celebrating the centennial anniversary of its newspaper, Svoboda. For the last 100 years, Svoboda has offered Ukrainian Americans a tie to their ethnic roots, as well as assistance with their educational, social, and cultural needs. I congratulate the Svoboda and hope that their next 100 years are as productive and worthwhile as the first.•

CHICAGO'S GANG AWARENESS WEEK

• Mr. SIMON. Mr. President, the week of September 13–17 has been declared Gang Awareness Week in Chicago. The groups Parents Against Gangs, and Broader Urban Involvement and Leadership Development are sponsoring the week. The many activities that are planned for the week are designed to raise awareness about the problems of gangs in Chicago and in our Nation as well, and to encourage parents and other community members to get involved in efforts to curb gang violence.

Our young people need a great deal of support and encouragement to help prevent them from joining gangs. Many youth in our cities today believe that becoming a gang member is their most worthwhile option. The loyalty among gang members provides a seemingly secure family, and the profits from gang-related illegal activities such as drug trafficking are a powerful draw. However, the life of a gang member is often a very violent one. Gang-related crime and violence continue to increase at an alarming rate. In Chicago alone, gang-related homicides per year rose from 38 in 1980 to 101 by 1990. Already, many neighborhoods, both in urban and rural areas, are virtually controlled by gangs. At a hearing held in Chicago by the Office of Justice Programs, one mother testified that one of the few sentences her 2-year-old child knows is: "Get down, get down, they're shooting." In Chicago, it has come to this.

Without preventing youth from becoming involved in gangs, we will see gang-related violence rise to even higher levels. We cannot afford to have thousands more American youth joining gangs. It is imperative that we take action now to prevent our youth from becoming involved in activities that destroy their opportunities to lead healthy and productive lives.

Parents Against Gangs, and Broader Urban Involvement and Leadership Development are two groups that are taking action. During Gang Awareness Week, they are sponsoring the Parents Against Gangs Annual Conference, displaying the victims of violent crime remembrance quilt, and holding a victims of violent crime memorial service. Parents Against Gangs has many ongoing programs as well. These include a radio and television talk show entitled "A Season of Peace," which calls on gang members to lay down their weapons and peacefully observe the holiday season beginning with Thanksgiving and ending with the New Year; Operation Parent Sweep, a campaign designed to challenge and encourage parents to take back control of their homes, children, and neighborhoods; Homicide/Violence Crime Advocacy Program, a hospital-based program designed to provide support for families who have lost a loved one due to a violent death; and the Parent Empowerment Program, which will work with committed parents to strengthen their relationships with their children and to retake control of their neighborhoods.

I commend these two organizations and I ask my colleagues to join me in recognizing their tireless efforts to reduce the problems of gang violence in Chicago.•

LITTLE ROCK MUSICAL COTERIE

• Mr. BUMPERS. Mr. President, early records now held in the Arkansas Room of the Little Rock Public Library tell how in 1893 three gentlewomen—Mrs. Elizabeth Pierce Lyman, Mrs. Susie Pierce Stephens, and Mrs. Effie Miller Williams—were invited to the home of Mrs. Cora Cross Marshall for tea and the express purpose of forming a music club. From this grew the organization now known as the Little Rock Musical Coterie.

Next month the Little Rock Musical Coterie will celebrate its 100th anniversary.

Meetings of the Little Rock Musical Coterie were first held in members' homes, and by January 1904, the organization had become well enough established to be featured in Arkansas Life magazine in an article marking its first decade as "a notable institution for the promotion of musical talent and higher culture * * * the leading organization of its kind in the Southeast."

Meetings, with concerts, were held monthly from September through May, and from members' homes moved to various city locations, including the Masonic Temple, the Christian Temple at Tenth and Louisiana, the Hotel Marion, Robinson Auditorium, and the Arkansas Arts Center.

From its modest beginnings, the coterie was more than just an opportunity for like-minded individuals to get together to make music. Perhaps because the membership has always included a good percentage of music teachers, the main interest and concern has been to foster musical talent in the young and provide financial support wherever possible.

The Little Rock Public Library presently houses a collection of vocal and instrumental music collected and donated by the dedicated members of the coterie.

In 1898 similar music clubs around the Nation formed the National Federation of Music Clubs [NFMC], which Arkansas joined in 1915, becoming one of the first States to affiliate with the national organization.

In 1904 the coterie voted to send $25 to the NFMC convention toward prize money for an American composition contest, the first such contribution recorded in the history of American music clubs.

In 1973 the coterie was incorporated as a nonprofit corporation and received tax-exempt status. Over the years, the Little Rock Musical Coterie has been in the forefront of movements that later resulted in the formation of the Arkansas Symphony Orchestra, the Arkansas Choral Society, the Arkansas Opera Theatre, and the Community Concerts organization.

Annually, the coterie sponsors or promotes competitions and awards designed to encourage young musicians. The Hildegard Smith Award, in the amount of $1,000, is given each year to a university student. The Crusade for Strings competition, part of a national program of the same name, is open to elementary and secondary school students, winners receiving cash prizes and an opportunity to perform on a coterie program.

Programs for young musicians are organized and promoted through 11 junior music clubs and junior festivals are held in February.

The coterie contributes to the Butterfield Endowment Fund, which provides scholarships to the opera workshop and festival at Inspiration Point in Eureka Springs, presents the Stillman-Kelly Scholarship quadrennially, and the Wendell Irish Viola Award.

A number of events have been planned to commemorate the 100th anniversary of the organization. In October, the University of Arkansas at Little Rock will hold a musical tribute, featuring a new work by composer-in-residence, Dr. Robert Buory, especially commissioned for the occasion. Next May, internationally renowned pianist David Allen Wehr returns to UALR for a recital.

Mr. President, in these times of cutbacks and budget constraints, organizations like the Little Rock Musical Coterie fill the void in school music curricula, as well as touch many other areas of the community through its actions in the cause of music.

I want to join in saluting this group of enthusiastic and talented volunteers as they celebrate 100 years of vitality and dedication to good music in Little Rock.•

DEMISE OF THE A-6

• Mr. D'AMATO. Mr. President, with the imminent demise of the A-6, naval aviation faces some hard truths.

The F/A-18 will be the primary, if not the only, bomb dropper on carrier decks for the next several decades;

The F/A-18C/D has range, payload, and night/all weather attack limitations;

The baseline F/A-18E/F, as presently conceived, recaptures the range and payload lost during the evolution of the F/A-18, but does not improve upon the night/all weather attack capability of the current F/A-18C/D; and,

Future adversaries will not limit their activities to daylight or clear nights for the convenience of the carrier airwings.

The bottom line is that, in retiring the A-6, the strike arm of naval air must not lose the anytime, under any conditions capability it currently enjoys.

This means that the F/A-18E/F program must be restructured, now, early in development, to ensure that the baseline design is as capable a night/all weather attack aircraft as the current A-6 Block 1A. Furthermore, a robust pre-planned product improvement plan should be in place prior to the start of F/A-18E/F production to ensure that Hornet evolution continues to exploit the latest in strike technology and stays ahead of future threats.

The Navy has provided me with a snapshot assessment, however crude, comparing the capabilities of the A-6 SWIP, F/A-18C/D, A-6 Block 1A, and F/A-18E/F. I ask that this material be inserted into the RECORD. I have asked the Navy to identify potential opportunities to cannibalize A-6 components that could be integrated into the F/A-18 to improve its night/all weather attack capability. When completed, I will be happy to share that analysis with my colleagues.

The material follows:

DEPARTMENT OF DEFENSE INFORMATION PAPER

Service/Agency: Department of the Navy, Appropriation Account.

Subject: Comparison of A-6 and F/A-18 All Weather/Night Attack capabilities.

1. Question/request: This information paper is in response to a request for a side by side comparison of the most advanced A-6 all weather/night attack capabilities and the unique pieces of equipment that enable it to perform those missions, as compared to the most advanced version of the F/A-18C/D, and proposed similar capabilities for the F/A-18E/F.

2. Response: The A-6E SWIP and F/A-18C/D are models currently deployed. The A-6E BLOCK IA and F/A-18E/F are models in development. In general, the A-6E and F-18E/F variants have similar systems, although their mission emphasis differ somewhat. Each aircraft type has different weapon carrying capability and capacity, performance characteristics, and range. The A-6E is principally an all-weather attack aircraft, while the F/A-18 possesses an all-weather Anti-Air capability in addition to its attack role. The A-6E has unique capability in its Search Radar Terrain Clearance (SRTC) and Radar Beacon Bombing systems. The SRTC permits low altitude ingress and weapons delivery in poor weather or at night, while beacon bombing capability enables the aircraft to attack targets referenced to a ground-based beacon transponder. Both the A-6E and F/A-18 use Night Vision Goggles to permit near "day like" conditions during night visual meteorological conditions.

The subject aircraft equipment and general capabilities are listed on the attached enclosure. It is emphasized that the degree of capability of the systems summarized can distinctively differ, system to system, according the technological sophistication, space, weight and power levels, methods of employment, and many other factors.

Aircraft capability/equipment	A-6E SWIP	F/A-18 C/D	A-6E Block 1A	F/A-18 E/F
General avionics and display systems:				
Avionics multiplex bus [advanced weapons].	No	Yes	Yes	Yes.
Heads up display [HUD].	No	Yes	Yes	Yes.
Digital moving map	No	Yes	No	Yes.
Multisource integration [MSI] program.	No	Yes	No	Yes.
General navigation and radar navigation systems:				
Inertial navigation systems [INS].	Yes	Yes	Yes	Yes.
Global positioning system.	No	Yes[1]	Yes	Yes.
RABFACE/beacon bombing.	Yes	No	Yes	No.
Tactical altitude director system.	Yes	No	Yes	No.
Multi-functional information distribution system [MIDS].	No	Yes[1]	No	Yes.
Terrian clearance [TC]	Yes	No	Yes	No.
Terrain avoidance [TA]	Yes	Yes	Yes	Yes.
Electro-Optical systems:				
Laser target designator/ranger.	Yes	Yes	Yes	Yes.
Laser spot tracker	Yes	Yes	Yes	Yes.
Targeting forward looking infrared [FLIR].	Yes	Yes	Yes	Yes.
Navigation FLIR	No	Yes	No	Yes.
Night vision goggles [NVG].	Yes	Yes	Yes	Yes.
Electronic countermeasures [ECM] suite:				
Chaff/flare dispenser system.	Yes	Yes	Yes	Yes.
Decoy	No	No	Yes	Yes.
Integrated defensive avionics program.	No	No	Yes	Yes.
ECM active	Yes	Yes	Yes	Yes.
Radar homing and warning.	Yes	Yes	Yes	Yes.

[1] Planned, funded, but not yet operational.•

AUTHORITY FOR COMMITTEES TO FILE REPORTS

Mr. MITCHELL. Madam President, I ask unanimous consent that on Thursday, September 16, from 12 noon to 3 p.m., Senate committees may file committee-reported Legislative and Executive Calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Calendar Nos. 183, 199, and 200; that the bills be deemed read three times, passed, and the motions to reconsider laid upon the table, en bloc; further that the consideration of these items appear individually in the RECORD; and any statements relative to these calendar items appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEWIS F. POWELL, JR. UNITED STATES COURTHOUSE ACT

The bill (S. 597) to designate the U.S. courthouse located at 10th and Main Streets in Richmond, VA, as the "Lewis F. Powell, Jr. United States Courthouse" was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed; as follows:

S. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF LEWIS F. POWELL, JR. UNITED STATES COURTHOUSE.

The United States courthouse located at 10th and Main Streets, in Richmond, Virginia, is designated as the "Lewis F. Powell, Jr. United States Courthouse".

SEC. 2. LEGAL REFERENCES.

Any references in any law, regulation, document, record, map, or other paper of the United States to the courthouse referred to in section 1 is deemed to be a reference to the "Lewis F. Powell, Jr. United States Courthouse".

DESIGNATING THE LEWIS F. POWELL, JR. COURTHOUSE

Mr. WARNER. Madam President, I am very pleased that the Senate today will consider by unanimous consent, legislation I have sponsored to name the Federal courthouse in Richmond, VA, in honor of a most distinguished American, former U.S. Supreme Court Justice Lewis F. Powell, Jr.

Justice Powell literally has given a lifetime to public service, culminating in more than 15 years on the U.S. Supreme Court. And his contributions have not been limited to his chosen profession. He has donated his time and talent extensively for the betterment of Richmond, his native community, as well as his State. A decorated veteran of World War II, Justice Powell has served his Nation bravely in war as well as in peace. It is certainly appropriate for the Federal courthouse in his hometown to bear his name.

A lifelong resident of Richmond, Justice Powell is a graduate of Washington and Lee University and Harvard Law School. He entered the bar in 1931; 3 years later he joined Hunton, Williams, Gay, Power & Gibson, of Richmond, the South's largest law firm.

In 1941 at the age of 34, Justice Powell heeded his Nation's call to arms, enlisting in the U.S. Army Air Corps. He served as an intelligence officer in the European and North African theaters, rising from the rank of lieutenant to colonel and earning the Legion of Merit, the Bronze Star, and the French Croix de Guerre with Palm.

Returning to the practice of law, he dedicated himself to improving the administration of the legal profession. Over the years he assumed a series of leadership positions in the organized bar, including presidencies of the American Bar Association (1964–65), the American Bar Foundation (1969–71), and the American College of Trial Lawyers (1969–71).

When he was nominated to the High Court by then President Nixon in 1971, Justice Powell was described by his friends and colleagues as the "quintessential Southern gentleman"—kind, courteous, humble, respectful, persuasive yet at all times polite. In a fitting tribute to the justice's character and integrity, those same words were chosen to honor his service when he retired from the Court in 1986. Fellow Justice O'Connor said that, "the humanizing influence of Justice Powell's courtesy and kindness is not an easy thing to measure, but for those of us who felt it, it will be impossible to forget."

Justice Powell brought more than a record of legal accomplishment in the field of corporate and securities law. His devotion to his civic endeavors provided him with the experiences which were frequently reflected in his Supreme Court career. Those experiences, along with his sincere concern for those seeking relief from hardship and injury before the Court, provide insight into Justice Powell's perception of the Court's role as an institution.

Justice Powell's reverence for the U.S. Constitution and respect for the decisions of the Supreme Court were demonstrated early in his career, during his tenure as chairman of the Richmond City School Board (1952–61). He was a voice of reason during turbulent times, working tirelessly to forge a consensus in the community which allowed for the peaceful integration of Richmond's public schools. His unfailing commitment to quality public school education and to ensuring a child's access to such education continued with his appointment as chairman of the Virginia Board of Education, as well as his 1968 appointment to the commission on Constitution Revision. That commission was charged with modifying the Virginia Constitution for the first time since 1928.

His imprint on this undertaking was evident in the adoption of his amendment to the Virginia Constitution which stipulates that "free government rests, as does all progress, upon the broadest possible diffusion of knowledge, and that the Commonwealth should avail itself of those talents which nature has sown so liberally among its people by assuring the opportunity for their fullest development by an effective system of education throughout the Commonwealth."

As President Johnson's appointee to the National Advisory Committee on Legal Services for the Poor, and also as president of the American Bar Association during the 1964–65 term, Justice Powell devoted the full force of his position and considerable reputation to remind the legal community of its duty in a democratic society: to work with the Government to provide free, accessible, quality, legal assistance to the indigent.

His commitment in this arena bore fruit in the Legal Services Program of the Office of Economic Opportunity, formalizing a partnership between the legal profession and the Federal Government. Justice Powell skillfully avoided politicizing the program and was successful in achieving the highest professional standards—the hallmark of the program today.

Reflecting back on his beliefs, Justice Powell maintained that "* * * our systems depends on the rule of law, and lawyers are officers of the court. And the courts preserve only with the aid and assistance of lawyers the liberties and freedoms of our people."

Justice Powell is remembered as a centrist member of the Court, often providing the swing vote. These popular views, however, fail to recognize the depth of his commitment to his 80 hours each week on cases before the Court and writing over 260 opinions plus and equal number of concurring and dissenting opinions—the third highest number written. In each opinion, he sought to develop a consensus, balancing the views of each side so that each side believed some success had been achieved in appearing before the Court.

If I may offer my own observations of Justice Powell's actions on the Court, he seemed deeply committed to developing opinions founded on the specific facts of each case, rather than seeking to establish some overarching ideological goal as policy. Further, he was not isolated from the impact his decisions would have on the parties involved in the cases before him. As former Clerk Richard H. Fallon, Jr., noted, "When deeply entrenched principles war with each other, a Justice who seeks to preserve both, however precariously, perhaps bears the marks of a conservative. But if Justice Powell is a conservative, he is the wisest kind of conservative, in whom the intellectual and moral virtues are not disjoined from human understanding and compassion."

In perhaps his most publicized opinion, Regents of University of California versus Bakke (1978), Justice Powell affirmed the validity of affirmative action programs while invalidating the narrow question before the Court of a medical school's admission policy based solely on race. This limited ruling served to support the principle of affirmative action as a means of addressing past practices of discrimination.

In several subsequent cases, the Court has affirmed the basic tenets of Bakke where Justice Powell wrote the following:

> If the petitioner's purpose is to assure within its student body some specified percentage of a particular group merely because of its race or ethnic origin, such a preferential purpose must be rejected not as insubstantial but as facially invalid. Preferring members of any one group for no reason other than race or ethnic origin is discrimination for its own sake. This the Constitution forbids.
>
> The fourth goal asserted by petitioner is the attainment of a diverse student body. This clearly is a constitutionally permissible goal for an institution of higher education. Academic freedom, though not a specifically enumerated constitutional right, long has been viewed as a special concern of the First Amendment. The freedom of a university to make its own judgments as to education includes the selection of its student body.
>
> The fatal flaw in petitioner's preferential program is its disregard of individual rights as guaranteed by the 14th Amendment. Such rights are not absolute. But when a state's distribution of benefits or imposition of burdens hinges on the color of a person's skin or ancestry, that individual is entitled to a demonstration that the challenged classification is necessary to promote a substantial state interest.

Madam President, perhaps the most succinct assessment of Justice Powell's character, integrity and persona was offered by Judge J. Harvie Wilkinson, Jr., who said, "For those who seek a comprehensive vision of constitutional law, Justice Powell will not have provided it. For those who seek a perspective grounded in realism and leavened by decency, conscientious in detail and magnanimous in spirit, solicitous or personal dignity and protective of the public trust, there will never be a better Justice."

In naming the Federal courthouse after Justice Powell, we do more than simply recognize his keen intellect, his considerable powers of reason and his contributions to American society. We also pay tribute to a great humanitarian who gave freely of his talents with endless compassion to improve the quality of life for all Americans.

We commemorate a man who took dreams of a better America and made them reality.

CHARLES E. BENNETT FEDERAL BUILDING

The bill (H.R. 2431) to designate the Federal building in Jacksonville, FL, as the "Charles E. Bennett Federal Building," was considered, ordered to a third reading, deemed read the third time, and passed.

HOWARD H. BAKER, JR. COURTHOUSE

The bill (H.R. 168) to designate the Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville, TN, as the "Howard H. Baker, Jr. United States Courthouse" was considered, ordered to a third reading, deemed read the third time, and passed.

MEASURE INDEFINITELY POSTPONED—S. 1302

Mr. MITCHELL. Madam President, I ask unanimous consent that Calendar Order No. 198, S. 1302, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL FOREST FOUNDATION ACT AMENDMENT ACT OF 1993

Mr. MITCHELL. Madam President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 1381, the National Forest Foundation Act Amendment Act of 1993; that the Senate proceed to its immediate consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1381) was passed, as follows:

S. 1381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Forest Foundation Act Amendment Act of 1993"

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) to provide for start-up and matching funds for project expenses to carry out the National Forest Foundation Act; and

(2) to extend the funding authorization for start-up expenses for 1 year.

SEC. 3. ADMINISTRATIVE SERVICES AND SUPPORT.

(a) IN GENERAL.—Section 405 of the National Forest Foundation Act (16 U.S.C. 583j-3) is amended—

(1) in subsection (a)—

(A) by inserting ", project," after "administrative"; and

(B) by striking "following the date of enactment of this title" and inserting "beginning October 1, 1992"; and

(2) in subsection (b)—

(A) by striking "from the date of enactment of this title" and inserting "beginning October 1, 1992"; and

(B) by inserting "and project" after "administrative".

(b) TECHNICAL AMENDMENT.—Section 410(b) of such Act (16 U.S.C. 583j-8(b)) is amended by striking "following the date of enactment of this title," and inserting "beginning October 1, 1992,".

ORDERS FOR THURSDAY, SEPTEMBER 16, 1993

ORDERS FOR MONDAY, SEPTEMBER 20, 1993

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m., Thursday, September 16, and that on Thursday, the Senate meet in pro forma session only; that at the close of the pro forma session, the Senate then stand in recess until 12 noon on Monday September 20; that following the prayer, the Journal of proceedings be approved to date; that the time for the 2 leaders be reserved for their use later in the day; and that there then be a period for morning business, not to extend beyond 12 p.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator DORGAN recognized for up to 15 minutes, Senator DASCHLE for up to 30 minutes, and with the time from 1 p.m. until 2 p.m. under the control of Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Madam President, as a result of the orders just obtained, the Senate will be in session pro forma only tomorrow and there will be no session on Friday, both in observance of the religious holiday Rosh Hashanah.

The Senate will return to session on Monday at 12 noon. We will take up two matters on that day; one, a Senate joint resolution with respect to the defense base closure and realignment process. That will be the subject of 1 hour of debate and a vote will occur on that measure at 6 p.m. on Monday. Senators should now be aware that a rollcall vote will occur at 6 p.m. next Monday.

In the meantime, the Senate will begin consideration of the VA-HUD appropriations bill. Senators should be aware that votes on that measure may occur following the 6 p.m. vote on the Defense Base Closure and Realignment Commission's report.

So the next vote will be at 6 p.m. on Monday. More votes may occur, depending upon the status of the VA-HUD appropriations bill.

It is my intention to proceed to other appropriations bills next week and the week following that, since we are required to complete action on all of the appropriations measures by the end of the fiscal year, which ends at midnight on September 30. So Senators should anticipate lengthy sessions, with votes at any time that the Senate is in session next week and the week after.

So that there can be no misunderstanding about this and every Senator will be on notice, whenever the Senate is in session, votes are possible, including procedural votes to compel the attendance of Senators at sessions, if that is necessary.

As all Senators know, I have refrained from that practice in an effort to accommodate the schedules of Senators. But we are getting near to the end of the fiscal year and it may be necessary to do so. For the next couple of weeks, beginning next Monday, we will be in every day, probably well into every evening, with votes occurring at any time that the Senate is in session, unless otherwise stated to the contrary.

I want to thank all Senators for the progress we made on the Defense authorization bill and the Interior appropriations bill, both of which were completed this week. That required and received cooperation from a number of Senators, and I am grateful to all of these who so cooperated. Similar cooperation will be necessary if we are to complete action on the other appropriations bills and other important measures which we face in the coming weeks. So I thank my colleagues for their cooperation.

I wish all those involved an enjoyable and appropriate observation of the religious holiday.

I remind Senators that the next vote will be at 6 p.m. next Monday.

RECESS UNTIL 11 A.M. THURSDAY

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, and no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 5:04 p.m., recessed until Thursday, September 16, 1993, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 15, 1993:

DEPARTMENT OF STATE

HAZEL ROLLINS O'LEARY, OF MINNESOTA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 37TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

IVAN SELIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 37TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

JANE E. BECKER, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 37TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 15, 1993:

DEPARTMENT OF STATE

RICHARD HOLBROOKE, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

WILLIAM GREEN MILLER, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO UKRAINE.

REGINALD BARTHOLOMEW, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ITALY.

RICHARD N. GARDNER, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SPAIN.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

GORDON D. GIFFIN, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1993.

GORDON D. GIFFIN, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1996.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

THE NATIONAL MARITIME HERITAGE ACT OF 1993

HON. THOMAS H. ANDREWS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. ANDREWS of Maine. Mr. Speaker, I rise today because our maritime heritage is disappearing. We are a maritime Nation. Our Nation and our economic wealth was built on our maritime trade. Our future is linked to the vitality of our maritime industries. We have, however, been unable to preserve our maritime heritage.

Today I am introducing a significant piece of legislation which will help preserve our maritime history for future generations. The National Maritime Heritage Act of 1993 establishes a National Maritime Trust, modeled after the National Trust for Historic Preservation, whose sole responsibility is ensuring the preservation of our maritime heritage.

Last spring, I was approached by a group of educators and preservationists from Maine interested in promoting our maritime heritage through an exciting national education program.

As a result of researching Federal support for maritime preservation, I discovered that there is no significant Federal grant program available for maritime preservation. For well over a decade, the only significant Federal funding for maritime preservation has come from specific line items for particular programs—not from a competitive grant program. For this reason, I have worked closely with the National Maritime Alliance to develop a federally funded competitive grant program to support maritime heritage programs across the country. The projects funded by these grants will be required to have matching State and private funds.

The backlog of maritime projects requiring funding is staggering. According to the National Park Service, the United States faces a backlog of between $80 and $150 million in unmet maritime preservation needs along our lakes, rivers, and seashore in practically every State in the Nation.

During the mid-1930's the United States commissioned the documentary drawings of 426 of the most important historical vessels in existence. Today, none of those vessels exists in America. They are gone forever.

The *Constellation,* one of only four historic vessels of exceptional importance that Congress ordered the Navy to preserve, is rapidly deteriorating. Only two of the original four vessels exist today and the *Constellation* is in a tenuous state of repair. The *Constellation,* now owned by the city of Baltimore, is the last sailing warship built for the U.S. Navy, and the second oldest Navy ship surviving today. With a tradition dating back to 1797, this ship serves a unique role in the preservation of our heritage. Without significant funding it will be lost.

The National Maritime Trust will act as an umbrella organization bringing together Federal, State, local and nonprofit groups in an effort to coordinate a national initiative to preserve our most important maritime properties and educate Americans about the significance of our maritime heritage. Without such an effort more and more of our maritime heritage will disappear forever.

The National Maritime Trust will help administer a competitive grant program funded by the scrapping of ships in the National Reserve Defense Fleet. These obsolete ships are owned and maintained at great expense by the Maritime Administration. The U.S. Government will actually save money by scrapping these ships.

Consequently, this bill serves two important purposes. It helps to preserve our maritime heritage and saves taxpayers money. It is not often that we can achieve such laudable goals with one piece of legislation.

Our modern maritime industries are in peril at a time when international commerce offers great promise. I believe that there is a link between this fact and the lack of attention and investment in the preservation of our maritime heritage. We are losing thousands of jobs in our maritime industry. Without strong public support, we may lose the U.S.-flagged fleet and our domestic shipbuilding capabilities. This bill is an important step toward educating Americans about our maritime industry. It is an important link to our past as well as our future.

Mr. Speaker, I urge my colleagues to support this important piece of legislation.

The text of the bill follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Maritime Heritage Act of 1993".

SECTION 2. FINDINGS.

Congress finds and declares that—

(1) the United States is a maritime nation with a rich maritime history, and it is desirable to foster in the American public a greater awareness and appreciation of the role of maritime endeavors in our Nation's history and culture;

(2) the maritime historical and cultural foundations of the Nation should be preserved as a part of our community life and development;

(3) national, state, and local groups have been working independently to preserve the maritime heritage of the United States;

(4) historic resources significant to the Nation's maritime heritage are being lost or substantially altered, often inadvertently, with increasing frequency;

(5) the preservation of this irreplaceable maritime heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, and economic benefits will be maintained and enriched for future generations of Americans;

(6) in the face of ever-increasing development, the present governmental and nongovernmental historic preservation programs and activities are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the rich maritime heritage of our Nation;

(7) a coordinated national program is needed to immediately redress the adverse consequences of a period of indifference during which the maritime heritage of the United States has become endangered and to ensure the future preservation of the Nation's maritime heritage;

(8) a national maritime heritage policy would greatly increase public awareness of the educational, recreational, and preservation values of maritime heritage; and

(9) the creation of a National Maritime Trust for Historic Preservation in the United States would greatly enhance maritime preservation.

SECTION 3. NATIONAL MARITIME HERITAGE POLICY.

It shall be the policy of the Federal Government in partnership with the States and local governments and private organization and individuals to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic maritime resources can exist in productive harmony and fulfill and social, economic, and other requirements of present and future generations;

(2) provide leadership in the preservation of the historic maritime resources of the United States;

(3) contribute to the preservation historic maritime resources and give maximum encouragement to organizations and individuals undertaking preservation by private means; and

(4) assist State and local governments to expand and accelerate their maritime historic preservation programs and activities.

SECTION 4. NATIONAL MARITIME TRUST.

(a) CREATION.—To further the policy enunciated in this Act to facilitate public participation in the preservation of maritime sites, buildings, and objects of significance or interest, and to further the education of the American public about the importance of our maritime heritage, there is hereby created a charitable, educational, and nonprofit corporation, to be known as the National Maritime Trust.

(b) PURPOSE.—The purposes of the National Maritime Trust shall be to—

(1) receive donations of real property and objects significant in American maritime history and culture;

(2) to preserve and administer them for public benefit;

(3) to accept, hold, and administer gifts of money, securities, or other property of whatsoever character for the purpose of carrying out a maritime preservation and education program; and

(4) to execute other functions as are vested in it by this Act.

(c) PRINCIPAL OFFICE.—The National Maritime Trust shall have its principal office in the District of Columbia and shall be

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

deemed, for purposes of venue in civil actions, to be an inhabitant and resident thereof. The National Maritime Trust may establish offices in other places as it may deem necessary or appropriate in the conduct of its business.

(d) ADMINISTRATION OF NATIONAL TRUST.—

(1) COMPOSITION OF BOARD OF TRUSTEES.—

(A) The affairs of the National Maritime Trust shall be under the general direction of a board of trustees composed as follows: the Secretary of the Interior; the Secretary of Transportation and the Secretary of the Navy, ex officio; and not less than six general trustees who shall be citizens of the United States, to be chosen as hereinafter provided.

(B) The Secretary of the Interior, the Secretary of Transportation, and the Secretary of the Navy, when it appears desirable in the interest of the conduct of the business of the board and to the extent as they deem it advisable, may, by written notice to the National Maritime Trust, designate any officer of their respective departments to act for them in the discharge of their duties as a member of the board of trustees.

(C) The number of general trustees shall be—

(i) fixed by the Board of Trustees of the National Maritime Trust;

(ii) chosen by the members of the National Maritime Trust from its members at any regular meeting of the National Maritime Trust; and

(iii) appointed by the Secretary of the Interior.

(2) TERMS OF OFFICE.—The respective terms of office of the general trustees shall be as prescribed by the said board of trustees but in no case shall exceed a period of five years from the date of election. A successor to a general trustee shall be chosen in the same manner and shall have a term expiring five years from the date of the expiration of the term for which the trustees predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of that term. The chairman of the board of trustees shall be elected by a majority vote of the members of the board.

(3) COMPENSATION AND EXPENSES.—No compensation shall be paid to the members of the board of trustees for their services as such members, but they shall be reimbursed for travel and actual expenses necessarily incurred by them in attending board meetings and performing other official duties on behalf of the National Maritime Trust at the direction of the board.

(e) POWERS AND DUTIES OF NATIONAL MARITIME TRUST.—To the extent necessary to enable it to carry out the functions vested in it by this Act, the National Maritime Trust shall have the following general powers:

(1) To have succession until dissolved by Act of Congress, in which event title to the properties of the National Maritime Trust, both real and personal, shall, insofar as consistent with existing contractual obligations and subject to all other legally enforceable claims or demands by or against the National Maritime Trust, at the discretion of the Secretary of the Interior, pass to and become vested in the United States of America;

(2) To sue and be sued in its corporate name;

(3) To adopt, alter, and use a corporate seal which shall be judicially noticed;

(4) To adopt a constitution and to make such bylaws, rules, and regulations, not inconsistent with the laws of the United States or of any State, as it deems necessary for the administration of its functions under this Act, including among other matter, bylaws, rules, and regulations governing visitation to maritime historic properties, administration of corporate funds, and the organization and procedure of the board of trustees;

(5) To accept, hold, and administer gifts and bequests of money, securities, or other personal property of whatsoever character, absolutely or in trust, for the purposes for which the National Maritime Trust is created. Unless otherwise restricted by the terms of the gift or bequest, the National Maritime Trust is authorized to sell, exchange, or otherwise dispose of and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property given or bequeathed to it. The principal of such corporate funds, together with the income therefrom and all other revenues received by it from any source whatsoever, shall be placed in such depositories as the National Maritime Trust shall determine and shall be subject to expenditure by the National Maritime Trust for its corporate purposes;

(6) To acquire by gift, devise, purchase, or otherwise, absolutely or on trust, and to hold and, unless otherwise restricted by the terms of the gift or devise, to encumber, convey, or otherwise dispose of, any real property, or any estate or interest therein (except property within the exterior boundaries of national parks and national monuments), as may be necessary and proper in carrying into effect the purposes of the National Maritime Trust;

(7) To contract and make cooperative agreements with Federal, State, or municipal departments or agencies, corporations, associations, or individuals, under such terms and conditions as it deems advisable, respecting the protection, preservation, maintenance, or operation of any maritime historic site, building, object, or other property used in connection therewith for public use, regardless of whether the National Maritime Trust has acquired title to the properties, or any interest therein;

(8) To enter into contracts generally and to execute all instruments necessary or appropriate to carry out its corporate purposes, which instruments shall include such concession contracts, leases, or permits for the use of lands, buildings, or other property deemed desirable either to accommodate the public or to facilitate administration;

(9) To appoint and prescribe the duties of such officers, agents, and employees as may be necessary to carry out its functions, and to fix and pay such compensation to them for their services as the National Maritime Trust may determine; and

(10) Generally to do any and all lawful acts necessary or appropriate to carry out the purposes for which the National Maritime Trust is created.

SEC. 5. NATIONAL MARITIME HERITAGE GRANTS PROGRAM.

(a) ESTABLISHMENT.—

(1) There is established within the Department of the Interior a National Maritime Heritage Grants Program to foster in the American public a greater awareness and appreciation of the role of maritime endeavors in our Nation's history and culture.

(2) Within 90 days after the date of enactment of this Act, the Secretary, acting through the Director of the National Park Service, may enter into a cooperative agreement with the National Maritime Trust for assistance in the administration of the grants program.

(3) The Secretary shall administer a program of matching grants-in-aid to carry out the purposes of this Act.

(4)(A) In addition to the programs under paragraph (3) of this subsection, the Secretary may, through the National Maritime Initiative, administer a program of direct grants for the preservation of maritime resources. Funds to support this direct grants program annually shall not exceed 10 percent of the amount derived under section 6 of this Act.

(B) These grants may be made by the Secretary—

(i) for the preservation of national maritime historic resources which are threatened with demolition or impairment and for the preservation of maritime historic resources of significance;

(ii) for maritime demonstration projects which will provide information concerning professional methods and techniques having application to maritime historic resources;

(iii) for the training and development of skilled labor in trades and crafts, and in analysis, marine survey, and curation, relating to maritime historic preservation; and

(iv) for educational programs to increase the awareness by the American public of our maritime heritage.

(b) GRANTS PROCESS.—

(1) The Secretary shall publish annually a grants solicitation, together with grant priorities and other relevant information, in the Federal Register and otherwise as the Secretary deems appropriate.

(2) Each fiscal year, the Secretary, acting through the National Maritime Trust, shall receive and process applications for grants under the regulations promulgated pursuant to Section 11 of this Act.

(c) NATIONAL MARITIME TRUST RESPONSIBILITIES.—Under the cooperative agreement executed under subsection (a) of this section, the National Maritime trust shall be responsible for administration of the grants program, including—

(1) publicizing the program to prospective grantees in accordance with the regulations promulgated by the Secretary;

(2) answering inquiries from the public, including providing information on the program as requested;

(3) distributing grant applications;

(4) collecting proposals and ensuring their completeness;

(5) forwarding the proposals to the Committee for review;

(6) transmitting the recommendations of the Committee to the Secretary;

(7) keeping records of all grant awards and expenditures of fund;

(8) monitoring progress of grants;

(9) providing progress reports to the Secretary as requested; and

(10) any other responsibilities that the Secretary deems appropriate.

(d) REPORT TO CONGRESS.—The National Maritime Trust shall submit an annual report on the program to the Secretary for transmittal to Congress. The report shall include—

(1) a description of each project funded;

(2) the results or accomplishments of each project;

(3) a detailed review of the National Maritime Trust's operations, activities and financial condition;

(4) recommended priorities for achieving the purposes of the Act under Section 5(c)(4); and

(5) the audit report required under Section 8.

(e) CRITERIA FOR GRANT ELIGIBILITY.—To qualify for a grant under this section, a grantee must—

(1) demonstrate that the project for which funding is being sought—

(A) has the potential for reaching a broad audience with an effective educational program based on American maritime history, technology, or the role of maritime endeavors in American culture; and

(B) has the ability to garner support from non-federal sources;

(2) match the grant award with non-federal assets, including cash, as appropriate;

(3) demonstrate organizational viability;

(4) exhibit the existence of approved business and operation plans;

(5) maintain records as may be reasonably necessary to fully disclose—

(A) the amount and the disposition of the proceeds of the grant;

(B) the total cost of the project for which the grant is given or used;

(C) the amount and nature of that portion of the cost of the project supplied by other sources; and

(D) other records as will facilitate an effective audit required in regulation by the Secretary;

(6) provide access for the purposes of any required audit and examination of any books, documents, papers, and records of the recipient under this Act; and

(7) be a unit of federal, state, or local government, or a non-profit organization that has applied for, or has been granted, 501(c)(3) status.

(f) Grants.—Grants will be available for projects of—

(1) national, regional, and local maritime historic significance, including restoration of vessels, small craft, lighthouses, and other sites, structures, or objects listed on the National Register of Historic Places; and

(2) significant educational or cultural value, including museums, fishing villages, maritime educational waterborne-experience programs, construction or purchase of educational facilities, structures or vessels, and other projects that the Secretary deems appropriate.

(g) Terms and Conditions.—

(5) No part of any grant made under this section may be used to compensate any person intervening in any proceeding under this Act.

(2) An application must be submitted in accordance with regulations and procedures prescribed by the Secretary;

(3) No grant may be awarded—

(A) unless the grantee has agreed to assume, after completion of the project for which the grant is awarded, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

(B) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

(4) Except as permitted by other law, the State share of the costs referred to in paragraph (3) of this subsection shall be contributed by non-Federal sources.

(5) Notwithstanding any other law, no grant made pursuant to this Act shall be treated as taxable income for purposes of the Internal Revenue Code of 1986.

(6) The Secretary shall make funding available as soon as practicable after execution of a grant agreement.

(7) The total administrative costs, direct and indirect, charged for carrying out projects and programs may not exceed 25 percent of the aggregate costs.

(8) The amount of funds expended on federal projects shall not exceed 20 percent of the amount appropriated annually under this Act for the Fund.

(h) Review of Proposals.—

(1) Committee Recommendations.—The Committee established under section 7 of this Act shall review the grant proposals and make recommendations to the Secretary as to which projects should receive funding.

(2) Secretarial Approval.—Within 120 days of the deadline for submission, the Secretary shall approve applications for grants under this subsection recommended by the Committee if the Secretary is satisfied that—

(A) the applicant has the requisite technical and financial capability to carry out the project; and

(B) the project adequately implements the objectives of the Act and will comply with subsection (g) of this section.

(i) Waiver.—The Secretary may waive the requirements of this section for any grant under this Act.

SECTION 6. CONVEYANCE OF NDRF VESSEL FOR SCRAPPING BY NATIONAL MARITIME TRUST

(a) Vessel Conveyance Authority.—

(1) In General.—Notwithstanding any other law, the Secretary of Transportation may convey to the National Maritime Trust, without consideration, all right, title, and interest of the United States Government in each vessel which—

(A) is in the National Defense Reserve Fleet on the date of the enactment of this section;

(B) has no usefulness to the Government; and

(C) is scheduled to be scrapped.

(2) Condition.—As a condition of conveying a vessel to the National Maritime Trust pursuant to this section, the Secretary shall require that the National Maritime Trust enter into an agreement with the Secretary which requires that the National Maritime Trust—

(A) sell the vessel for scrap purposes;

(B) use the proceeds of that scrapping for expenses directly related to the purposes of this Act; and

(C) comply with any other conditions the Secretary considers appropriate.

(b) Delivery.—The Secretary shall deliver a vessel conveyed under this section to the National Maritime Trust—

(1) at the place where the vessel is located on the date of the approval of the conveyance;

(2) in its condition on that date; and

(3) without cost to the Government.

(c) Minimum Vessel Sale.—The National Maritime Trust shall sell a sufficient quantity of vessels annually to ensure that the amount derived is not less than $5,000,000 for each fiscal year beginning in fiscal year 1994 and ending in fiscal year 2000, and amounts as may be required thereafter.

(d) Treatment of Amounts Available to the Trust.—Amounts available to, or used by, the National Maritime Trust pursuant to this subsection shall not be considered in any determination of the amounts available to the Department of the Interior.

(e) Administrative Expenditures.—

(1) Minimum Amounts.—Not more than 15 percent or $250,000, whichever is greater, of the amount derived under this section in any fiscal year may be used for administering the program under the cooperative agreement executed under Section 5 of this Act.

(2) Allocation.—Of the amount used for administering the program in any fiscal year, two-thirds shall be allocated to the National Maritime Trust and one-third allocated to the National Park Service.

(f) Disbursement Criteria.—In expending the funds derived under this section, the Secretary shall give due consideration to the following factors:

(1) the national significance of a project;

(2) its maritime historical and educational value to the community;

(3) the imminence of its destruction or loss; and

(4) the expressed intentions of the donor.

SECTION 7. MARITIME HERITAGE PROGRAM GRANTS COMMITTEE.

(a) Establishment.—There is established a Maritime Heritage Grants Committee.

(b) Membership.—Within 120 days of enactment of this Act, and biennially thereafter, the Secretary shall appoint the members of the Committee. The Committee shall consist of 11 members representing various sectors of the maritime community who are knowledgeable and experienced in maritime heritage and preservation, and showing regional geographic balance, as follows:

(1) one representative from the field of small craft preservation;

(2) one representative from the field of large vessel preservation;

(3) one representative from the field of sail training;

(4) one representative from the field of architecture;

(5) one representative from the field of underwater archeology;

(6) one representative from the field of lighthouse preservation;

(7) one representative from the field of maritime education;

(8) one representative having a military naval history background.

(9) one representative from a maritime museum or maritime historical society; and

(10) two representatives from the general public.

(f) Duties of the Committee.—The duties of the Committee include—

(1) providing oversight of the grants program on a continuing basis;

(2) reviewing grant proposals;

(3) making funding recommendations to the Secretary;

(4) identifying and advising the Secretary regarding priorities for achieving the purposes of the Act;

(5) reviewing the National Maritime Trust's annual grants report to the Secretary; and

(6) performing any other duties as the Secretary deems appropriate.

(g) Report.—The Committee shall submit annually a comprehensive report of its activities and the results of its studies to the Secretary and Congress and shall from time to time submit additional and special reports as it deems advisable. Each report shall propose legislative enactments and other actions as, in the judgment of the Committee, are necessary and appropriate to carry out its recommendations and shall provide the Committee's assessment of current and emerging problems in the field of maritime historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out the purposes of this Act.

(h) Quorum.—Seven members of the Committee shall constitute a quorum.

(i) Appointments Process.—

(1) Duties of the Secretary.—The Secretary shall—

(A) publicize annually in the Federal Register a call for nominations with a statement that the applications for nomination shall be submitted to the National Maritime Trust;

(B) make the appointments to the Committee giving due consideration to the recommendations of the National Maritime Trust; and

(C) designate a Chairman and a Vice Chairman, from the members appointed under this section. The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.

(2) DUTIES OF THE NATIONAL MARITIME TRUST.—The National Maritime Trust shall—

(A) widely publicize the call for nominations in its newsletter and by any other appropriate means;

(B) collect nominations and categorize the nominations as set forth in subsection (b); and

(C) submit the nominations to the Secretary with recommendations as to appointments by category as set forth in subsection (b).

(3) TERMS OF APPOINTMENTS.—The members of the Committee shall be appointed for staggered terms of not more than three years. If a vacancy occurs, the Secretary shall appoint a replacement for the balance of the vacated term within 60 days.

(j) GOVERNMENT REPRESENTATIVES.—There shall be non-voting government representatives appointed to serve as advisors to the Committee as follows—

(1) at least one representative from the National Maritime Initiative of the National Park Service;

(2) one representative each from the Department of Transportation, Department of Navy, and the National Oceanographic and Atmospheric Administration; and

(3) other representatives from interested government agencies as the Secretary deems appropriate.

(k) COMMITTEE INDEPENDENCE.—No officer or agency of the United States shall have any authority to require the Committee to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of recommendations, testimony, or comments to Congress. In instances in which the Committee voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Committee shall include a description of those actions in its legislative recommendations, testimony, or comments on legislation that it transmits to Congress.

(l) SECRETARIAL ASSISTANCE.—To assist the Committee in discharging its responsibilities under this Act, the Secretary at the request of the Chairman, shall provide a report to the Committee detailing the significance of any maritime historic resource, describing the effects of any proposed undertaking on the affected resource, and recommending measures to avoid, minimize, or mitigate adverse effects.

(m) COMPENSATION.—A member of the Committee who is not an officer or employee of the United States shall serve without pay, and a member of the Committee who is an officer or employee of the United States shall receive no additional pay, on account of the member's service on the Committee. While away from home or regular place of business in the performance of service for the Committee, a member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as a person employed intermittently in the government service is allowed expenses under section 5703 of title 5, United States Code.

(n) FACA EXEMPTION.—The Committee is exempt from the provisions of the Federal Advisory Committee Act (86 Stat. 770).

SEC. 8. INTERIM PROJECTS.

(a) DETERMINATION BY COMMITTEE.—Within six months of the date of enactment of this Act, the Committee, in consultation with the Secretary, shall determine if any projects exist that meet the criteria under subsection (d) of this section.

(b) DESIGNATION BY SECRETARY.—The Secretary shall designate those projects determined qualified under subsection (a) of this section to receive a grant prior to issuance of the implementing regulations.

(c) ISSUANCE OF GRANTS.—Upon scrapping of a vessel under section 6 of this Act, the Secretary shall disburse funds derived under that section to those projects designated in subsection (b) of this section in the amounts approved in the grant for each project.

(d) INTERIM CRITERIA.—To qualify for an interim grant, a grantee must meet the criteria under Section 5(e) of this Act and—

(1) be a 501(c)(3) organization;

(2) demonstrate that the project needs accelerated consideration to contribute to a significant national event relating to the maritime heritage of the United States;

(3) establish that one-half of the matching funds are in cash;

(4) demonstrate that the project for which funding is sought is national in scope and educational in nature; and

(5) show that the proposed project is supported by a broad-based membership program or group of donors.

SECTION 9. AUDITS OF ACCOUNTS.

(a) INDEPENDENT AUDIT.—The accounts of the National Maritime Trust shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a state or other political subdivision of the United States. The audits shall be conducted at a place or places where the accounts of the organization are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Alliance and necessary to facilitate the audits, and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians, shall be afforded to that person or persons. The report of this independent audit shall be included in the report to Congress required by Section 3 of this Act.

(b) GENERAL ACCOUNTING OFFICE AUDIT.—The financial transactions of the National Maritime Trust for each fiscal year may be audited by the General Accounting Office in accordance with the principles and procedures and under rules and regulations as may be prescribed by the Comptroller General of the United States. Any audit shall be conducted at the place or places where accounts of the organization are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files, and all other papers, things, or property belonging to or in use by the Alliance, pertaining to its financial transactions and necessary to facilitate the audit, and shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All books, accounts, records, reports, files, papers, and property of the organization shall remain in the possession and custody of the organization.

SECTION 10. DEFINITIONS.

(1) "Committee" means the Maritime Heritage Grants Committee established under section 5.

(2) "Secretary" means the Secretary of the Interior.

SECTION 11. REGULATIONS.

The Secretary, after consultation with the maritime community, shall promulgate regulations within 1 year of the date of enactment of this Act to establish terms of office for committee membership, granting priorities, the method of solicitation and review of grant proposals, criteria for review of grant proposals, administrative requirements, reporting and record keeping requirements, and any other requirements as the Secretary deems appropriate.

TRIBUTE TO TROOPER JAMES R. WISNIEWSKI ON THE OCCASION OF HIS RETIREMENT AFTER 25 YEARS OF SERVICE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Trooper James R. Wisniewski from the Michigan State Police after 25 years of service to the citizens of the State of Michigan.

Trooper Wisniewski was a graduate of St. Stanislaus High School in 1961 and attended Delta College. He enlisted in the State Police in 1968, and after graduating from the state police academy, he was assigned as a trooper to the Paw Paw Post and later served at posts in White Pigeon, Detroit Freeway and in Bay City.

In addition to his police duties, Trooper Wisniewski has also taught at the M.L.E.O.T.C. Basic Police School held at the Delta College for over 15 years as a physical training instructor. Lt. Mel Owens, Bay City post commander, has stated that Wisniewski has always been extremely competent and very knowledgeable about the job.

Trooper Wisniewski has been married for 10 years to his wife, Sandra. They have two sons, Derek, age 22, and Damon, age 20, who live in Arizona. He also has two stepsons, Daniel Villaire, age 19, and Matthew, age 15. Emil and Frances Wisniewski of Bay City are his parents.

Mr. Speaker, I would like to congratulate Trooper Wisniewski for his many accomplishments and a job well done. As a citizen of Michigan I would like to take this opportunity to thank him for his many years of service and to wish a very happy retirement.

A VOICE OF REASON ON CITIZENSHIP REFORM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GALLEGLY. Mr. Speaker, there has been a lot of misinformation circulated about my proposal to amend the Constitution to reform our citizenship policies as part of my package of bills to address the crisis of illegal immigration.

This proposal would simply remove the loophole in our citizenship laws that a growing number of illegal aliens are taking advantage of—coming to our Nation to give birth here, often at taxpayer expense, which automatically confers American citizenship on the child. By doing so, the child is eligible for every American benefit program, and when he or she turns 21, he or she can bring his or her immediate family into the United States or legalize them if they're here already.

I would argue that this growing problem is not what the authors of the 14th amendment had in mind when they enacted the amendment to overturn the infamous Dred Scott decision and grant freed slaves the full rights of citizenship. By requiring that the mother be a legal resident or citizen of the United States my proposal would not deny citizenship to anyone legally entitled to it, but it would close this loophole that a growing number of women from abroad are knowingly taking advantage of.

For example, a recent study in San Diego County, CA, found that nearly 25 percent of the women who crossed the border to give birth in the United States cited citizenship as a main reason they did so. Furthermore, three-quarters of these border crossers said they would make sure to have their future babies delivered in the United States so those children could have the blessings of U.S. citizenship.

Mr. Speaker, one newspaper columnist who for years has been speaking out eloquently on the issue of illegal immigration is Richard Estrada of the Dallas Morning News. He recently wrote a column, also published in the Daily News of Los Angeles and the Santa Barbara News Press, which makes the case for reforming our citizenship laws in a powerful way. I ask permission to include Mr. Estrada's column in the RECORD, and urge my colleagues to carefully consider what he writes.

[From the Daily News, Sept. 7, 1993]

Birthright Citizenship Must Be Ended

EDINBURG, TX.—The Lower Rio Grande Valley is as impoverished as America gets, but for Mexican mothers seeking citizenship for their infants, even the tiniest hamlet can be Emerald City itself.

Though data are hard to come by, local health experts believe the number of Mexican mothers giving birth on the U.S. side is growing. In nearby, Hidalgo, Texas, privately operated maternity clinics featuring "parteras," or midwives, are evident just a few blocks from Reynosa, Mexico.

But when Mexican mothers in labor began showing up at private hospitals, caregivers were forced to shift nonreimbursed costs attendant to Mexican births onto paying consumers, health officials say.

As more births brought more liability costs, private hospitals ultimately refused to perform any deliveries as a matter of policy. Meanwhile, at least one Mexican doctor in the area reportedly earned $100,000 a year from his midwife practice in Texas.

Elsewhere in Texas, El Paso County property taxpayers are annually obligated to absorb millions of dollars in Mexican maternity delivery costs at the R.E. Thomason General Hospital. Forty-two percent of the 15,000 infants delivered annually at Parkland Memorial Hospital in Dallas are Hispanic, with the majority of the parents believed to be undocumented. Two years ago, the figure was 30 percent.

In May, Frank D. Yturria, a businessman from Brownsville, Texas, published an op-ed feature attacking lawmakers not only for refusing to cut spending, but also for considering new spending projects. He cited a bill which eventually was voted down that called for public health centers he feared would actually become birthing centers.

"Don't you realize what will happen along our border when the word gets out that there are free birth centers in Texas?" wrote Yturria. "This will open up the floodgates to women who will rush across the border to give birth. Then, with an American-born child (at taxpayer expense) the next step is benefits such as free health care, food stamps and child care assistance."

Moreover, upon reaching age 21, the U.S.-born child of Mexican parents may sponsor the legal entry of close family members.

Yet perhaps because Texas' welfare benefits rank at or near the bottom nationwide or because some citizens and legal residents of Mexican descent may hesitate to come out against extending social services to friends and family from Mexico, the issue has not resonated here as elsewhere. Gov. Ann Richards expressed no particular concern over the impact of immigration at a public policy retreat in Aspen, Colo., in late August.

In California, however, where nearly two-thirds of all infants born in Los Angeles County public hospitals today are born to undocumented parents, Gov. Pete Wilson now advocates ending birthright citizenship.

As they contemplate migration pressures and the national interest, U.S. policy-makers are obligated to consider that today 100 million people reside in countries other than where they were born.

In particular, they should keep in mind that Mexico, the world's largest country of emigration, is increasing the number of working-age young people by nearly a million every year. Even with a free-trade pact, few experts believe Mexico's economy will be able to accommodate these new hands, at least not for several years.

Even against such a daunting backdrop, emergency care should not be denied to anyone in need, including the undocumented. But a line must be drawn somewhere. If everyone is a citizen, then no one is a citizen.

When newcomers are permitted to wrest citizenship and its benefits at will, the term citizen is destined to eventually lose all meaning, and national sovereignty will be eroded in the bargain.

In protecting the future of the nation itself then, Congress should pass a law stipulating that only in those cases where at least one parent is a citizen will an infant born on U.S. soil automatically be afforded citizenship. And if the Constitution itself must first be amended, then let the process begin.

CAPITOL FEDERAL SAVINGS AND LOAN ASSOCIATION COMMEMORATES HUNDREDTH ANNIVERSARY

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. SLATTERY. Mr. Speaker, on September 16, 1993, Capitol Federal Savings & Loan Association of Topeka KS, will recognize the 100th anniversary of its formation. For this reason, I would like to share with my colleagues information regarding the history of this important Kansas financial institution.

First known as the Savings and Loan Association of Topeka, Capitol Federal was founded on September 16, 1893, by 15 businessmen in Topeka to promote the habit of thrift and to encourage home ownership. The official charter was dated December 16, 1893, and paid-in capital totaled $3,000. Among the founders were bankers, insurance agents, attorneys, railroad employees, the president of a dry goods store, the Topeka City School Superintendent and a physician. They were: Major William Sims, president and director; E.L. Copeland, vice president and director; Charles S. Elliott, secretary and director; William Macferran, treasurer and director; P.H. Forbes, attorney and director; C.G. Blakely, accountant and director; Charles F. Menninger, M.D., director; W.E. Halm, director; F.D. Fuller, director; H.A. Heath, director; F.E. Carringer, director; William Mitchell; and F.F. Dennis.

By 1894, the association had grown to assets of $8,000. In 1899, with assets nearing $270,000, the association's name was changed to the Capitol Building and Loan Association. Twenty-five years after its founding, in 1918, assets totaled $3 million.

In 1924, the home office building at 534 Kansas was completed, which proved to be an architectural landmark in the Midwest. In 1932, the Federal Home Loan Bank System was organized and Capitol Federal became a member. By March, 1933, assets had grown to $10 million when the bank holiday was declared and 11 banks closed their doors for one week by Presidential order. Although the Depression years hit hard, Capitol Federal never had to close its doors. In 1938, it adopted a Federal charter and its accounts were automatically insured by the Federal Savings and Loan Insurance Corporation or FSLIC. Accordingly, the name was changed to the present one—Capitol Federal Savings and Loan Association.

By 1941, assets had dropped to $4,600,000 and Henry A. Bubb was named the new president. He was given the task of rebuilding Capitol Federal's assets and of leading the association through four difficult war years. With Mr. Bubb's leadership, Capitol Federal sold more war bonds than any other financial institution in Kansas. The 50th anniversary saw assets of only $5.8 million, but a significant backlog for housing and the demand and need for broader financial services had resulted from the war and Henry Bubb was there to set the pace and lead the way. By the close of the 1940s, Capitol Federal assets had grown to $19,600,000.

Mr. Bubb's dynamic leadership within Capitol Federal and for the savings and loan business nationally is a biography of its own. In 1950, he served as president of the national trade organization for savings and loan associations, now known as the U.S. League of Savings Institutions. Recognized for his political expertise, he helped to found the league's Washington office and then served as the league's first legislative chairman for 9 years beginning in 1955. He was conferred the title of Distinguished Fellow by the International Union of Building Societies and Savings Associations in 1971, an honor then held by only one other American, President Herbert Hoover.

The fifties and sixties represented the expansion years for Capitol Federal as services were made available to a broad customer base throughout northeast Kansas. In October, 1950, Capitol Federal brought about a new dimension in the financial business by establishing one of the first branch offices for savings and loan associations at 1201 Topeka Boulevard in Topeka. In March 1954, a boiler explosion rocked the branch office causing great damage to the facility. The explosion blew out windows and left 10 inches of water in the basement due to a broken water pipe. Because it occurred at 12:30 a.m., no one was injured. Records were not destroyed and service was not interrupted as customers were sent to the home office. It was not long before the office was remodeled to look as it does today.

A second branch office was constructed in Lawrence in 1953. In 1954, a branch office opened at 5600 Johnson Drive in Mission, KS, and a new building was constructed at 5251 Johnson Drive in 1955. This expansion took place in part of a fast growing area in the southwest quadrant of the Kansas City metropolitan area.

A milestone was reached in 1958 when Capitol Federal achieved the $100 million mark. In 1961, the construction of the new Home Office building at 700 Kansas was completed. Another branch office was opened in 1962 in Johnson County at 95th and Nall. By that time assets has reached $200 million and Capitol Federal became the largest financial institution in Kansas, a position it did not relinquish until the mid-eighties when the Kansas Legislature authorized multi-bank holding companies and the first major regional commercial banking center was formed. A third Johnson County office opened in 1963 at the Meadow Lake Shopping Center, 76th Terrace and State Line, allowing some penetration into the Kansas City, MO, market. In 1964, the Fairlawn office was added in Topeka at 21st and Fairlawn to serve the expanding southwest area of the city.

A Capitol Federal First was accomplished in October 1964, when $300 million in assets was reached. Capitol Federal was the first financial institution in the four-state district of the Federal Home Loan Bank of Topeka to achieve this distinction.

During its 75th year, 1968, Capitol Federal grew to $400 million in assets. In that same year, Capitol Federal opened its Santa Fe office at 87th and Santa Fe in Overland Park, and construction was begun on the new four-story Johnson County Headquarters at 95th and Nall, replacing the original one-story office built in 1962. In 1969, John C. Dicus was named president, with Mr. Bubb remaining as chairman of the board and chief executive officer.

The Seventies saw Capitol Federal move ahead as emphasis shifted to earnings and to improved customer services throughout an effective branch system established during the previous two decades. In December 1971, Capitol Federal moved west of Topeka and opened its branch office at 14th and Poyntz in Manhattan. In April 1971, Capitol Federal reached the great milestone of one-half billion dollars in assets. Continued growth was the pattern during 1972 as a fifth branch office in Johnson County opened in November at 5700 Nieman Road. Conversion was made to an on-line data processing computer system in 1972.

In October 1973, Capitol Federal purchased the Mutual Building and Loan Association of Emporia at 6th and Commercial, and in November, completed construction of its sixth Greater Kansas City office at Santa Fe and Burch in Olathe. The year 1974 saw the opening of a second office in Lawrence and the remodeling of the Emporia office. Late in the year, Capitol Federal introduced its new PASSCARD System as the association moved into the electronic funds transfer era with its plastic card/statement savings account. As Capitol Federal grew during 1975 so did its PASSCARD System which began offering Money*Matic in four supermarket locations, allowing customers access to their accounts away from our offices.

Construction began in 1975 on a new office in the Mid-State Mall in Salina. In 1976, five more Money*Matic locations had been added and plans were being made to expand the system even further. In June 1977, Capitol Federal was very proud to reach the $1 billion mark, and in 1978, its P.S.* Telephone Bill Payment Service began—the first in Kansas.

January, 1980, saw the installation of six IBM 3624 Automated Teller Machines [ATMs] or passcard centers in the Johnson County offices. FSLIC insurance on accounts rose to $100,000 per account. In July 1980, Capitol Federal celebrated the opening of its first Wichita office at 8040 East Douglas, bringing total association locations to 17 and the opening of a new market area to Capitol Federal.

Deregulation in the 1980's brought tremendous change for the savings and loan business and for Capitol Federal. On January 1, 1981, Capitol Federal introduced NOW Accounts—checking plus interest—to its customers. This was the forerunner to the present personal checking accounts. The greatest impact of deregulation came from the money market deposit account which allowed all financial institutions to compete unregulated to consumer deposits. Home owners became familiar with such terms as RRM's [Renegotiable Rate Mortgage] and ARM's [Adjustable Rate Mortgage]. In the summer and fall of 1981, Capitol Federal opened its two new offices at 10101 College Boulevard in Overland Park and 29th and Wanamaker Road in Topeka. 1981 also was the year for the development of the new consumer loan department. The cash fund account made its debut in December 1982.

In June 1983, Southwest Federal Savings of Wichita merged into Capitol Federal. This merger brought two more offices into Capitol Federal, the Wichita downtown office, then located at 130 North Market, and the West Wichita office at 4030 West Maple. ATM's were added to these two offices, bringing the total number of ATM's to 16. As of September 1983, assets totaled over $1.9 billion. 1984 began with the opening of the 27th Money*Matic location at Kansas University, its third.

In July 1984, as part of the association's overall plan to be a full family financial center, EXECULINE home equity loans were introduced. In 1985 President Dicus announced the development of a corporate business plan for Capitol Federal. Because of the economic environment, Mr. Dicus saw the need for a plan. He stated, We cannot assume that our growth is automatically secure for the future.

In January 1986, Capitol Federal opened an auto-teller facility at the 87th and Santa Fe office, increasing the auto-teller lanes to four and ATMs to two. In June, 1986, it celebrated Mr. Bubb's 60th anniversary with Capitol Federal.

In January 1988, the newly completed East Olathe office at 2100 East 151st in Olathe held its grand opening. In the fall of 1988, Capitol Federal moved the association's downtown Wichita office to the Centre City Plaza, 151 North Main. In November, the association opened its 22d office at 10404 West Central in Wichita. On December 1, 1988, Capitol Federal and Bank IV Wichita, N.A., activated an electronic connection between VIA and Passcard, extending ATM service and convenience to all VIA and Capitol Federal customers 24 hours a day. This agreement also opened more than 20,000 [now 30,000] PLUS System* ATM locations throughout the world to Capitol Federal customers. On December 31, Capitol Federal ended its Money*Matic service.

On Tuesday, January 10, 1989, Capitol Federal mourned the death of its longtime chairman, Henry A. Bubb. For more than 62 years, Mr. Bubb devoted his life to Capitol Federal Savings, and his impact on the association and the savings and loan business cannot be expressed in words. His commitment to strength, safety, and the basic values helped Capitol Federal survive the FSLIC crisis. His dynamic, progressive leadership helped to make Capitol Federal the strong institution it is today.

President John C. Dicus was named chairman and chief executive officer on January 17, 1989, continuing the tradition of strong leadership begun so many years ago. Chairman Dicus and other members of senior management had been well trained by Mr. Bubb to continue Capitol Federal's all-important tradition of strength and safety. In the words of Director Robert B. Maupin, "Jack's background and ability allowed for a smooth transition in leadership following Henry's death, with no loss of efficiency and productivity during that period of change."

During the 1980's, banks and savings and loans suffered from extremely high inflation rates, the trauma of deregulation and instability in some sections of the economy that resulted in the failure of numerous institutions. While other financial institutions elected to engage in many new and exciting ventures, Capitol Federal chose to follow a conservative business plan. Building on strong earnings and capital, Capitol Federal remained family oriented with more than 90 percent of loans to single-family home buyers, the savings and loan industry's traditional niche of borrowers. Several articles throughout the 1980's praised Capitol Federal for its commitment to strength and safety and for standing by its basic beliefs. In June 1989, Capitol Federal was among five savings institutions described as "roses who have weathered the storm" in the issue of Savings Institutions, a publication of the U.S. League of Savings Institutions.

In May 1990, two Capitol Federal ATM's opened—one in downtown Lawrence and a new drive-up facility at the College Boulevard office. Capitol Federal received final approval for its application for money from the Federal Home Loan Bank's Affordable Housing Program and began accepting applications for the program on November 1. Capitol Federal has worked to assure affordable housing through civic and charitable organizations such as the United Way and American Cancer Society, housing related organizations such as The Kelly House, Mennonite Housing, Cornerstone, and its own affordable housing programs.

Capitol Federal acquired the Mid Kansas Savings and Loan Association Wichita branch at 4000 East Harry at the close of business on February 15, 1991.

In September 1992, the Wichita downtown location transferred to 301 North Main, Epic Center. With this move, the administrative and human resources departments, which had been located at the 8040 East Douglas office, now became headquartered on the fourth floor of the downtown office. A retail office and an ATM are located on the first floor.

Five years (1987–1992) of depressed savings and loan operations and adverse publicity for the thrift business actually resulted in the best of years for Capitol Federal. Both assets and deposits grew by more than 50 percent during the period. Capital of nearly $400 million and capital ratio of 10 percent positioned Capitol Federal for success and prosperity to the year 2000 and beyond. In 1992, assets surpassed the $3.9 billion mark and a new record for annual earnings was established.

Traditional thrifts continue to be successful and remained committed to core retail deposits and residential lending—both trademarks at Capitol Federal. These institutions followed a low risk game plan that maximized the chances for survival and longer term prosperity.

On the threshold of its second century, Capitol Federal has grown from an association of $3,000 in assets in 1893 to one of almost $4 billion in 1993. Current deposits are at $3.4 billion and mortgage loans total $3 billion. With capital of $438 million [11.09 percent of assets], Capitol Federal grows and prospers today as a strong financial institution maintaining its healthy capital position well above industry averages and greater than the new minimum standards established by the Office of Thrift Supervision [OTS] to assure the safety and soundness of the entire thrift business.

Capitol Federal Savings and Loan Association of Topeka, 1993 board of directors: J.H. Abrahams, advisory director; B.B. Andersen; John B. Dicus, executive vice president; John C. Dicus, chairman and president; Robert B. Maupin, retired senior executive vice president; Carl W. Quarnstrom; Frederick P. Reynolds; and Marilyn Ward.

RAPID CITY TEAM WINS AMERICAN LEGION WORLD SERIES

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. JOHNSON of South Dakota. Mr. Speaker, last month in Oregon an exciting event occurred, about which I want to inform my colleagues. The baseball team from American Legion Post 22 in Rapid City, SD, won the American Legion World Series by defeating a team from Las Vegas, 7 to 4.

The American Legion World Series crown was a first for the Rapid City team, which was making its fourth trip to the series. Rapid City has consistently been home to some of the most outstanding Legion baseball in the Nation.

Rapid City had an overall 70 and 5 record this year, the second-best ever for any American Legion World Series team. It is especially appropriate that a South Dakota team won the series, since our State was the national birthplace of American Legion baseball in the 1920's.

Coaches of the Rapid City American Legion Post 22 baseball team are Dave Ploof, Steve Wolff, Carl Stonecipher, Rich Downs, and Pete Melendez.

Players are Kent Holland, Ben Thomas, Ryan Hansen, Scott Dreller, Bill Freytag, Mark Ellis, Ryan Merritt, Brian Ogel, Nate Barns, Vic Sosa, John VanLoan, Jeff Grossman, Joel Fenske, John Gerlach, Scott Graybill, Jeff Snell, Gene Elder, and Shawn Dupris.

In addition to winning the World Series title, two Rapid City players earned individual honors. First baseman Ben Thomas won the George W. Rulon American Legion Player of the Year Award. Left fielder Ryan Merritt won the Louisville Slugger Batting Award with a .490 average—24–49—over 10 regional and World Series games.

CROATIA AND MFN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. HOYER. Mr. Speaker, as a Cochair of the Helsinki Commission I have followed closely the violent breakup of the former Yugoslavia in recent years, and the war in Bosnia and Herzegovina in particular. I have also been actively involved in the debate over what our policy response should be. Generally speaking, I think there is a general consensus here in Washington and around the world that the chief culprit in all of this is the Serbian leader, Slobodan Milosevic, and his henchmen, who have played on the concerns of the Serbian people to pursue and justify policies of aggression and genocide. No concerns can justify such policies, and Milosevic's government deserves the world's condemnation. Many of us have, in fact, called for more decisive action to thwart the aggression of Bosnian Serb forces, to provide relieve to the millions of innocent civilian victims, and to bring justice to that troubled region of Europe.

In recent months, however, we have seen the situation in Bosnia and Herzegovina become more desperate and complicated, given the unwillingness of the international community to take more decisive action, as I have repeatedly called for, to prevent that country's division along ethnic lines. One of the more troublesome aspects of this has been what appears to be the abandonment of Bosnia's defense by once allied Croat forces, who now are making their own land grab around Mostar and in central Bosnia. Reports of atrocities by these forces have accompanied this news, including gruesome detention camps, the forced displacement of thousands of Moslem Slavs from regions under Croat control, and repeated obstacles in the way of delivering humanitarian relief.

Because of these policies and atrocities, and the Croatian Government's apparent influence over and support for the Croat forces involved, I am compelled to support legislation introduced by my distinguished colleague, Mr. WOLF, to deny most-favored-nation [MFN] trade status to Croatia. I think that Mr. WOLF, who is also a member of the Helsinki Commission and has been active on Yugoslav issues, shares the regret I feel in calling for this action, which, though far from being severe, sends a much needed signal of United States dismay over Croatia's current involvement in the ongoing conflict in Bosnia and Herzegovina. We know that Croatia has also been a victim of Serb aggression, and that one-quarter or more of Croatia remains under the control of Serb militants. Indeed, I believe that Mr. WOLF traveled to Vukovar in 1991, during the course of tremendous and horrifying siege of that Croatian town. We also know of Croatia's assistance to the hundreds of thousands civilians fleeing the war in neighboring Bosnia and Herzegovina.

Despite these facts, and in some ways perhaps because of them, we cannot stand idly by as Croatia gambles its own future for opportunistic territorial gains which violate Helsinki principles. To put it simply: it is absolutely impossible for me to accept the notion that innocent civilians should pay the price for failed diplomacy, power politics or terrible atrocities committed by others. Croatia must also realize that its current involvement in the carve-up of Bosnia and Herzegovina is not in its interests; it will not help it regain its own territories which are currently—and wrongfully—controlled by Serb militants. As Croatia tries to retake this territory on its own, in light of the United Nations failure to get the Serb militants to implement the agreed plan, how much easier it will be for the international community to abandon Croatia's territorial integrity as Croatia violates the territorial integrity of its neighbor.

Mr. Speaker, many Croatian citizens have also criticized their government's nationalist policies. They are no less proud of their country or their national heritage, and insist as strongly as anyone on the preservation of Croatia's territorial integrity. They include not only political personalities but religious leaders and many among the general population.

Before supporting this legislation, Senator DENNIS DECONCINI and I, as the Helsinki Commission's Cochairs, wrote to Croatian President Tudjman to inform him of our concerns and the need for Croatia to act regarding these concerns. We did get a written response from the President's office, which I would like to include in the RECORD, but the response failed to address the human tragedy on the ground, with the Moslems in and around Mostar facing a particularly desperate situation and the revelation of Croat-run detention camps.

Mr. Speaker, Croatia still has time to demonstrate that it will respect Helsinki's principles in regard to Bosnia and Herzegovina. Let me also say that we should remain prepared to lift any suspension of MFN for Croatia that is enacted if such a demonstration occurs. Finally, let me make it clear that this is a small, and, in many ways, largely a symbolic step to put the Croatian Government on notice. It is nothing compared to the sanctions that have been placed on Serbia and other pariah countries around the world. If, however, we do not see more efforts from Zagreb that lead to more cooperative action by Croat forces on the ground, or if we see a further deterioration in Croatia's performance, we should be prepared to consider further measures. I hope that this will not become necessary, and that Croatia's political leaders recommit themselves and their country to respecting the rights of their citizens and of other states. The announcement of an agreement in Geneva between Croatian President Tudjman and Bosnian President Izetbegovic yesterday is a very positive step in this direction, and we should watch closely for the implementation of this agreement as a determinant of how to proceed with this legislation.

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE,
Washington, DC, August 13, 1993.

His Excellency FRANJO TUDJMAN,
President of the Republic of Croatia, Zagreb, Croatia.

DEAR PRESIDENT TUDJMAN: Recent actions by Croat forces in Bosnia-Herzegovina are creating grave concern among many U.S. Government officials that Croatia is attempting to gain territory at the expense of its neighbor. As strong supporters of Croatia's sovereignty and territorial integrity, we are appalled at the attack by Croat forces upon another state's sovereignty.

We are well aware of the fact that the people of Croatia have also been victims of Serb aggression and we have consistently spoken out against this aggression. We have also urged that the international community do much more to help alleviate Croatia's very serious refugee burden.

In recent months, however, we have seen Croatia, through Croat forces under its control or influence assist in the carve-up of neighboring Bosnia-Herzegovina. Such blatant opportunism is completely unacceptable. And so we must unequivocally condemn the raping of individuals as a war crime, the ethnic cleansing of Mostar and other regions of their Muslim population as crimes against humanity, and the repeated interruption of the delivery of humanitarian assistance by Bosnian Croat forces as war against unarmed civilians. Similar acts by Serbs and Muslims must also be condemned, regardless of whether their motivation is aggression, opportunism or desperation, but the atrocities of one are not vindicated by those of the others.

In response to current developments, legislation has been introduced in Congress to terminate Most-Favored-Nation (MFN) trading status for Croatia. This proposal will likely be taken up once the Congress returns from its August recess. Unless steps are taken by the Croatian government to halt its reprehensible policies regarding Bosnia-Herzegovina, we will be left with little other choice then to support and actively seek the adoption of this legislation.

Recently, the Helsinki Commission organized an open appeal to U.S. President Clinton, calling for a lifting of the siege on Sarajevo. While six of the seven points we suggested to the President focused on need to stop the Bosnian Serb strangulation of that city, the last point requested that President Clinton warn directly "the Government of Croatia and the forces in Bosnia-Herzegovina under its control or influence to cooperate fully with humanitarian relief efforts as well or face consequences commensurate with the problems they cause." This letter was signed by 13 Senators and 76 Representatives of the United States Congress. Among those signatories are strong supporters of Croatia in the past, including some who visited Vukovar and other Croatian cities during the terrible Serb onslaught.

Croatia cannot afford to continue its current course for reasons beyond losing MFN status. This course will certainly deny Croatia the economic assistance it needs to recover from the violent collapse of the Yugoslav federation. It will also undermine Croatia's call for the restoration of its occupied territory when Croatia itself has failed to respect the territorial integrity of Bosnia-Herzegovina.

Mr. President, we respectfully urge you, in the strongest possible terms, to consider the consequences of your government's current policies regarding Bosnia-Herzegovina, and to take immediate steps to reverse them in keeping with Croatia's international commitments and obligations.

Sincerely,

DENNIS DECONCINI,
Chairman.
STENY H. HOYER,
Co-Chairman.

REPUBLIKA HRVATSKA,
Zagreb, September 10, 1993.

Hon. DENNIS DECONCINI,
Chairman, Commission on Cooperation and Security in Europe, Ford House Office Building, Washington, DC.

DEAR SENATOR DECONCINI: President Tudjman received your recent correspondence and asked me to reply on his behalf. The President thanks you for the letter and appreciates the forthright manner in which you present you concerns.

We are aware of the legislation introduced by Rep. Frank Wolf (R–VA) to repeal Croatia's most-favored nation trading status and have instructed our Ambassador to open a dialogue with Mr. Wolf. While such initiatives are troubling and warrant considerable attention, we cannot help but feel that Croatia is unjustly becoming the focus of America's dismay with events in Bosnia and Herzegovina. As you have pointed out, components of each of the three factions have engaged in activities which are inexcusable, even in times of war. The President thinks it is important to note, that the Government of Croatia has and continues to maintain that all war criminals—Serbs, Muslim, or Croat—should be brought to trial and held responsible for their actions. Yet, the international community continues to combat Serb aggression with mere rhetorical condemnation and some of your colleagues are prepared to lift the arms embargo on the Government of Bosnia and Herzegovina despite recent reports of Muslim atrocities committed against Bosnian Croat civilians.

In the past several months, the Republic of Croatia has been accused of colluding with Serbia to dismember the Bosnian state and "ethnically cleanse" its Muslim citizens. We must emphasize that it is not now nor has it ever been the desire of the Republic of Croatia to facilitate the demise of Bosnia and Herzegovina. The President has made explicit public statements that all and any accusations concerning the existence of a secret agreement on the partition of Bosnia-Herzegovina between Croatia and Serbia are groundless.

There is no doubt about the fact that the fundamental cause of the current dramatic state of affairs in Bosnia-Herzegovina is Serbian aggression and the implementation of ethnic cleansing. Due to their pronounced military superiority, the Serbs have conquered about 70 percent of the territory of Bosnia-Herzegovina, the Croats have succeeded in defending about 20 percent, while the Muslims currently control only 10 percent. This has brought about unprecedented expulsions of the Croat and Muslim populations from the areas taken by Serbian forces. As a considerable part of the Muslim population found refuge in the defended Croatian areas, and as Izetbegovic's Muslim leadership focused its attention increasingly on assuming control over these areas, former relations were disrupted, and tension has grown between the Croat and Muslim ethnic communities.

The current aggression by the Muslims against the Croatian population and the conquest of envisaged for the Croatian Republic of Herceg-Bosna resulted in ethnic cleansing and atrocities comparable to those committed by the Serbian aggressor. The present Muslim aggression against Croatian areas has been waged by the Army of Bosnia-Herzegovina, i.e. Muslim armed forces controlled by Izetbegovic, with the involvement of extremist Mujahadin volunteers from some Islamic countries.

One should immediately put an end to Muslim aggression, which presently has approximately 200,000 Croats under siege in four enclaves in Central Bosnia, and bring influence to bear upon Mr. Alija Izetbegovic to agree to the cessation of hostilities and to the continuation of negotiations without further delay. We see the only solution in the proposal put forward by the Co-Chairmen Lord Owen and Mr. Stoltenberg after several months of negotiations, i.e., the Union of republics of Bosnia-Hezegovina. However, the proposal should provide for such a delimitation within the proposed Union which would safeguard, from the Croatian standpoint, the existence of the Croatian people in Bosnia and Herzegovina, but also the strategic interest of the Croatian State and of the Croatian people as a whole, and these are, in our firm behalf, the interests of the West as well.

We are bringing our influence to bear on the Croatian side in Bosnia and Herzegovina to accept the proposed solutions, and are similarly urging the immediate and complete observance of international humanitarian law. The recent UNHCR allegations of Bosnian Croat forces mistreating Muslin prisoners of war is of a grave concern to the Government of Croatia and President Tudjman has written Mate Boban (enclosed) expressing the Government of Croatia's insistence that the Croatian Republic of Herceg-Bosia comply with all faces of international law and human rights.

Obviously, the Government of the Republic of Croatia can only be held responsible for actions upon its own territory, and not for everything that is taking place in Bosnia and Herzegovina, because the Croats in Bosnia, and Herzegovina retain a degree of independence in their relations with the Muslims and Serbs in consideration of current circumstances in Bosnia and Herzegovina.

You have been a strong supporter of Croatian independence and are recognized as having sincere concerns for the future of Croatia and its people. For economic, political and psychological reasons, Croatia must seek support for a prompt resolution of its problem, the reintegration within its constitutional and legal system of the still occupied one quarter of its territory currently under the protection of UN peacekeeping forces, in accordance with the Vance Plan, UN Security Council resolutions, and the already enacted Constitutional Law and other regulations on the autonomy and rights of the Serbian minority. Let me assure you that the President and the Croatian Government will spare no efforts in order to achieve, as soon as possible, a political settlement of the Serbian question in Croatia, and normalization of relations among the new states that have emerged in the area of the former Yugoslavia, on the basis of mutual recognition, and in the interests of a stable international order in this part of the world.

Most respectfully yours,

DR. BRANIMIR JAKSIC,
Advisor to the President.

SEPTEMBER 8, 1993.

MATE BOBAN,
President of the Croatian Republic of Herzeg-Bosnia.

DEAR MR. PRESIDENT: I am writing to you and to all bodies of the Croation Community of Herzeg-Bosnia with a feeling of deep historic responsibility, at a time which is crucial for the existence and future of the Croatian people in the neighboring Bosnia-Herzegovina and for the future of Bosnia-Herzagovina as a state of three equal peoples. We have welcomed the proclamation of the Croatian Republic of Herzeg-Bosnia as an inevitable outcome of dismal and tragic events caused first by the Serbian and then the Muslim aggression, as an expression of the political will of the Croatian people in Croatian Republic of Herzeg-Bosnia and as a guarantee of its equality in all parts of an Integral and independent Bosnia-Herzegovina.

Taking this as a point of departure, I wish to most strongly reiterate my appeal to you and be guided in all your actions by the respect of human dignity, basic human values and rights and the strictest implementation of the international war and humanitarian law. The Serbian and then the Muslim aggression against the Croatian areas and this terrible war as a whole have caused intolerable suffering of innocent population, women, children, old and wounded people, prisoners and civilians in the besieged towns and villages. It is a duty of all the parties able to influence the situation to do their best to prevent or alleviate these sufferings. It is also a matter of one's own conscience, the conscience of one's people and an obligation in relation to the international public opinion.

That is why I strongly appeal to you to condemn any violations of the international war and humanitarian law and to take all necessary steps in the area of the Croatian Republic of Herzeg-Bosnia to ensure humane treatment of prisoners in accordance with the international humanitarian law and the Geneva conventions.

I also call upon you to allow free access of the International Committee of the Red Cross to the POW centers—wherever not yet done so—for unobstructed listing of POWs, their release or exchange in compliance with the all-for-all principle and the international conventions.

Reminding you of my earlier appeals to allow unimpeded passage of humanitarian convoys, I call upon you again not to tolerate any obstructions in the way of humanitarian supplies to all the needy and, for your part, to assist the international humanitarian organizations and UN in their humanitarian mission.

I also call upon all warring parties in Bosnia-Herzegovina to act in the same manner in order to finally put an end to the humanitarian nightmare pressing heavily on the civilian population of Bosnia-Herzegovina for two years now and to contribute thus to the peace process and efforts to find a just peace solution in the interest of all peoples in the area of the long-suffering Bosnia-Herzegovina, as well as in the interest of peace and stability in the region as a whole.

Yours faithfully,

DR. FRANJO TUDJMAN.

IN HONOR OF PARREN JAMES MITCHELL

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. COYNE. Mr. Speaker, I am pleased to have this opportunity to honor our former colleague, the Honorable Parren James Mitchell.

Parren Mitchell has long been a leader in promoting economic opportunity for all Americans, and has been a vocal champion of African-American business men and women who have struggled to become successful players in the American free enterprise system. This work has been a lifelong commitment of Parren Mitchell, before, during, and since his time as the first black Member of the U.S. House of Representatives from the State of Maryland.

When I was elected to the U.S. House of Representatives in 1980, I had the pleasure of serving with Parren Mitchell on the House Committee on Banking, Finance and Urban Affairs. Parren Mitchell shared generously with me his knowledge and experience of the many vital issues considered by that committee. He also helped me to gain a better understanding of how the various programs and agencies within the jurisdiction of the committee could be best managed to address the needs of urban America. I could always depend on Parren Mitchell to focus attention on the key question of how a particular program or regulation affected the daily lives of the men and women in our communities.

Parren Mitchell was a leader and strong advocate for the small business community as chairman of the House Committee on Small Business. He understood that small businesses are often the most vital engines for economic growth. Parren Mitchell also recognized and stressed to others the fact that the growth of minority-owned businesses was a vital part of efforts to empower African-Americans.

As chairman of the Committee on Small Business, Parren Mitchell worked to create openings for minority-owned businesses to participate in Federal contracts and public projects. Chairman Mitchell's work to ensure that minority-owned businesses had an opportunity to compete for a share of Federal contracts has played a vital role in the growth of African-American owned firms providing a broad range of goods and services to the Federal Government. I have seen first hand in my district the successful results of Parren Mitchell's efforts and I am pleased to report that Pittsburgh's African-American business community has emerged as an active player in our local economy.

Parren Mitchell has continued his work to promote opportunities for men and women in the African-American community since leaving the House in 1985. He has been a leader in stressing the need for African-Americans to play an active role in the U.S. economy and has worked with individuals and groups in the private sector to expand opportunities for African-American business men and women.

One of Parren Mitchell's most outstanding contributions to the goal of promoting opportunities for African-American business men and women has been his work with the Minority Business Enterprise Legal Defense and Education Fund [MBELDEF]. This organization was founded in 1980 by Parren Mitchell for the purpose of providing legal defense for minority business enterprises. MBELDEF is a national nonprofit public interest law firm and membership advocacy group which had been a vigilant defender of the rights of minority business men and women. MBELDEF was fought to eradicate racial and gender discrimination from the public and private sectors of the U.S. economy. The work done by this organization is helping to ensure that Parren Mitchell's legacy as an advocate for minority business opportunities will continue long into the future.

Mr. Speaker, I am thankful for the fact that I have served in the House with Parren Mitchell. I am pleased to join with my colleagues today in honoring Parren and want to wish him the very best as he continues his important work to expand economic opportunities for all Americans.

THE HONORABLE JOHN J. FOLEY, MAN OF THE YEAR

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to recognize and congratulate a fellow Long Islander, John J. Foley, who will be proclaimed Man of the Year by the Bayport-Blue Point Chamber of Commerce on September 22, 1993.

Born in New York City, John summered in Suffolk County since early childhood and moved to Brookhaven with his late wife, Mary, almost 50 years ago. A veteran of World War II, John began teaching history in 1947. He started his political career in 1958 with his election to his local school board. He has been serving the people of Suffolk County ever since, first as a Brookhaven town councilman and, since 1976, as a member of the Suffolk County Legislature.

Among his wide range of concerns are our children's welfare and education, the rights of the disabled, and improved health care services. However, John is most closely identified with his tireless campaigns for the rights of senior citizens. He has been appointed to the New York State Senior Campaign Advisory Board and represented New York at the White House Conference on Aging.

I am pleased to report that John continues his commitment to the people of Suffolk County today, but unfortunately he has decided to retire from the Suffolk County Legislature when his present term ends on December 31, 1993.

We will miss John in government but I will always be proud of his service and happy to call him my friend.

JANET L. BARKAUSKAS HONORED

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GUNDERSON. Mr. Speaker, I would like to congratulate Janet L. Barkauskas of La Crosse, WI, who won the Veterans of Foreign Wars' Voice of Democracy scriptwriting contest for the State of Wisconsin. The following is her award-winning essay.

MY VOICE IN AMERICA'S FUTURE

Each and every person who passed through the gates of Ellis Island had a story. A story of oppression, perhaps, of persecution. Or maybe a tale of aspiration, of someone seeking their fantastic dream. Or one of despair, of human beings given no choice, people trapped between terrible choices.

Regardless of why they came, every man, woman and child who arrived in America had a purpose in a larger scheme. Though at the time they were unaware of it, their very arrival was to shape the culture of a nation.

Every person has a story. They tell it through their actions and words—the front which we encounter in day-to-day life. They show it through their character—the qualities which they themselves may not see, but which provide the complexity required for a story of such high degree. Each character interacts with so many others, weaving a plot which pales all fiction in comparison, showing it to be a more imposter of reality.

America is the greatest anthology ever created. Stories from across the globe mingle here, meeting, exchanging, and blending to create a masterpiece. So, too, do the people who own them, contributing their share of culture as we strive toward common American goals.

Our past spills out across the weathered pages of time as we browse through the volumes of history. On this page, a story of a Lithuanian woodcutter who faced imprisonment but was given the chance to escape; on that page, the story of a Senegalese who was sold into slavery but eventually escaped to the North; and on another page, the story of a Chinese businessman who needed a free economy to prosper and came to America in search of a dream. There are so many more pages to be seen that they cannot be listed in such a short time as I have. Each page is a story unto itself, and all combine to create the greatest volume of human achievement ever recorded.

However, the ink fades quickly. Stories which were once vivid in the parchment of our memories now fade into oblivion. Tales of our ancestors are being lost, slowly, as we lose sight of our heritage and the traditions we sprung from. With each passing life, another fragment of culture is lost. An irreplaceable fragment, in fact, since culture, like good wine, must be aged before it is of any value. And as our past disintegrates, our future dies with it. The two are invisible yet faithfully linked, just as the fate of the leaves is determined by the roots from which they stem. To ensure a future for our nation, we must preserve our past.

And that is where my voice—and others like mine—will be heard in America's future. We will revive the history of our Nation, resurrecting the American experiences that guide us today, and we will voice the stories of America's people. We will impart their every deed and emotion to our neighbors, our children, and our children's children, and instill in them a sense of background, of purpose, of meaning. We, the people who take pride in our heritage and our Nation and who shoulder the responsibility of continuing our great traditions—we are the cultural historians of America. We are, in fact, its very soul.

The stories passed on from generation to generation define our Nation's identity, and breathe life into it—they are its heartbeat. For a nation is not a cold, rigid governmental blueprint. It is more than just a few symbols and curves in a mapmaker's atlas. It is more than any scientific principle can explain. A nation is its people—it is the inhabitants which give it existence and life. And by educating others about the glorious traditions of our culture, we who honor the past serve as the catalyst for America's growth—not tangible growth, but the advancement and development of the American spirit.

My story is in the making. There is a page set aside for me in the book of America. I am filling much of it with selections from others. It's my way of thanking them for giving me a solid road to walk on and a glorious dream to walk to. My story is beginning to write itself. Now, I can challenge you to write your own.

INTRODUCTION OF H.R. 3084

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. TAUZIN. Mr. Speaker, today, I am introducing legislation that makes a technical change to the Internal Revenue Code regarding amounts transferred from the Aquatic Resources Trust Fund, commonly known as the Wallop-Breaux Fund, to its boat safety account.

Creation of the Aquatic Resources Trust Fund in 1984 was one of the most important conservation and recreation achievements enacted by Congress. Under current law, the boat safety account is authorized to receive $70 million per year in motorboat fuel taxes while the total amount in the boat safety account is capped at $70 million. Amounts in the boat safety account are allocated evenly between the Coast Guard operating expenses account and the State boating safety grant program. As the program administrator, the Coast Guard then allocates the annual appropriation for the State grant program among the eligible States based on a formula provided by law. The amounts derived from this calculation for State boating safety programs are to remain available until expended by the States. The law also allows the States up to 3 years to spend the amounts allocated.

In determining how much to transfer to the boat safety account without exceeding the $70 million cap, the Treasury Department includes not only amounts left over after Congress appropriates funds for this program but also amounts previously appropriated but not spent by the States. This prevents any carryover of undistributed funds in the boat safety account. This is in direct conflict with the intent of Congress to give the States 3 years to spend the amounts allocated.

This bill is intended to clarify that appropriated undistributed funds for the State boating safety program should not be included in the determination of how much to transfer to the boat safety account each year. This will simplify and improve accounting for the boat safety account with no budgetary impacts. I am and have always been a strong supporter of our State boating safety programs. The States do a great job in adopting and enforcing laws to make boating a safe and enjoyable activity. This bill will eliminate the potential loss of funds for important State boating safety programs. This language is contained in an administration proposal transmitted to Congress on April 16, 1993, and is supported by the National Association of State Boating Law Administrators.

TRIBUTE TO ONE "STEVIE WONDER" CELEBRATING THE LEGACY OF AFRICAN-AMERICAN LEADERSHIP

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. MFUME. Mr. Speaker, from the syncopated sixties through the hip hop nineties, Steveland Morris, known to the world as Stevie Wonder, has become an international music treasure. He has paved the way for innumerable aspiring musicians and entertainers to follow his singularly prolific path. For more than four generations, Stevie Wonder has been a favorite and won the hearts of young and old with his unique genius.

Stevie Wonder is an inspiration beyond the realm of music. He is a visible example of modern day activism for social reform. On the cutting edge of grassroots movements, he was the primary force in the successful effort to ensure a national holiday in honor of Dr. Martin Luther King, Jr. Undaunted by the refusal of many detractors Stevie remained steadfast in his vision and today it is a reality, standing as a testimony to his perseverance of will and commitment. When America reflects upon the meaning of Dr. King's holiday, they are reminded too of the dedication of a superstar.

A natural wonder in his own right, Stevie Wonder's contributions to the world of music do not begin or end with his numerous gold and platinum records that stretch the length of his career. His musical achievements are appreciated by cultures across the globe because his music is truly universal. It speaks to the soul, to the inner being. He has spoken to the world about joy and pain. He has given a new perspective to life in America. Stevie Wonder, music innovator, concerned activist for social change and progress continues to shine, by example, for all of us to follow.

TRIBUTE TO DAN "RUDY" RUETTIGER

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. SANGMEISTER. Mr. Speaker, I rise today to salute one man, a native of my congressional district; but, more generally, I am paying tribute to all people who have the desire, courage, vision, and most importantly, the persistence, to achieve their dreams, no matter how seemingly unattainable.

Dan "Rudy" Ruettiger was a collegiate football player. He got into exactly one game, more specifically, one play, as a defensive end for the Fighting Irish of Notre Dame during the 1975 season. His role for the 2 years he was on the Fighting Irish squad was that of a scout team player—non-scholarship, walk-on athletes who provide enough warm bodies to conduct full scrimmages and drills in practice, but rarely, if ever, dress for a game. There have been thousands of players at Notre Dame and other colleges like Rudy; those who go out for the team merely because they love the game or their school. What makes Rudy Ruettiger special is his long journey that finally brought this 27-year-old, 5 foot 6 inch scout team defensive end onto the floor of Notre Dame stadium for the final play of the 1975 season.

Rudy was born into a working-class family in Joliet, IL, and grew up in a 3-bedroom house with 13 brothers and sisters. As a teenager, Rudy attended legendary Joliet Catholic High School and was an outstanding linebacker for a team that went undefeated in 1965. As a senior, he and his teammates attended a retreat at Notre Dame, and Rudy fell in love with the place; his dream of playing under the Golden Dome was born.

Unfortunately, he faced a few obstacles in achieving this dream. First, his size. Despite his talent, Notre Dame was not in the market for 5 foot 6 inch linebackers. Second, his academic abilities. Rudy graduated third in his class—third from the bottom.

So with less than stellar academic credentials, he want to work at a local power plant, then joined the Navy for 2 years, returning to the plant after his discharge. At the generating station, he befriended a coworker, and they would discuss their life's dreams, Rudy's, of course, to play football for Notre Dame. Even as the years continued to roll by, he kept himself in excellent shape by doing pushups, situps, and pull ups from the rafters in his free moments at work. Then one dark day, Rudy's friend was killed in an accident at the plant. Rudy realized that although his friend would now never achieve his dreams, why shouldn't he go after his own? Life was too short and too precious not to.

He enrolled at Holy Cross Junior College, right across the highway from Notre Dame, in South Bend, in an effort to get his grades up. As part of his plan, he literally ambushed Fighting Irish coach Ara Parsegian one day to plead his case, bursting from the bushes outside of the coach's office as Parsegian arrived at 6 a.m. The legendary coach was sold on Rudy's desire and persistence, but told the young man he had to be enrolled at the school before he could join the team.

After 2 years of dedicated study at the junior college, he was finally accepted by Notre Dame, a 26-year-old junior.

On the practice field that fall, Rudy was dwarfed by some of the finest college players in the country. But the scrappy walk-on from Joliet held his own against the blue-chippers, taking every bit of punishment they could dish out. After 2 years of dedicated work in practice and after 2 years of patiently donning his street clothes every Saturday during the football season and watching his teammates from the sidelines or on TV, Rudy got his big chance in the 1975 season finale against Georgia Tech. The Notre Dame captains approached Coach Dan Devine and asked that this scout team dynamo, who bled gold and blue, be allowed to dress for the last game. One of them would even sit out the game if that was necessary to get Rudy in uniform.

But dressing for the game was not enough for this dreamer. Rudy wanted in. As the game progressed, and Notre Dame moved farther ahead, some of his teammate began chanting his name. Soon, the student body section, where Rudy's story was already legend, joined in, and then the entire stadium seemed to be chanting: Rudy. Rudy. Rudy.

As the clock ran down to the final minute Devine bent to the wishes of 60,000 fans, and sent No. 45, Rudy, in for the final play. He had done it, he was playing for Notre Dame. And for icing on this cake, he even broke through on the rush and sacked Tech's quarterback.

If Rudy's story has the ring of a Hollywood movie to it, that is because it now is. After world premieres in his hometown of Joliet and, of course, South Bend, IN, "Rudy," a full-length feature film based on this amazing story, will open on movie screens across the country. I suggest anybody who has big dreams should see this movie.

Mr. Speaker, I salute Rudy Ruettiger, and all those who have the courage and determination to chase their dreams, whatever they may be.

INTRODUCTION OF THE "NATIONAL FOREST FOUNDATION AMENDMENTS ACT OF 1993"

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. DE LA GARZA. Mr. Speaker, I rise today to introduce the National Forest Foundation Amendments of 1993, which will enable the National Forest Foundation to carry out the role Congress intended.

The National Forest Foundation Act of 1990 provides for the establishment of a charitable, nonprofit corporation here in the District of Columbia. The Foundation encourages and accepts donations and gifts in order to conduct activities that further the purpose of National Forest and National Grassland management. This includes encouraging educational and other assistance that supports multiple use, research, cooperative forestry, and other programs administered by the U.S. Forest Service, the private sector, and other governmental and educational institutions. The Foundation has begun to serve as a catalyst for developing cooperative relationships and partnerships with private conservation organizations, industry, and the academic and philanthropic communities.

Mr. Speaker, as you may know, although the act was authorized to begin receiving funds in fiscal year 1992, the initial appropriations of funds for the Foundation was not realized until fiscal year 1993. The delay was due to the initial organization and board selection, which required more time than anticipated. Unfortunately, this means that 1 year of funding that was envisioned in the act was lost. Further, the act required that the majority of the startup funds be used to the support the administrative functions of the Foundation rather than projects. While this language was well intentioned, the Foundation has done an excellent job of keeping their administrative costs low and would like to spend this money on the Foundation's worthwhile projects, including the funding of three Youth Forest Camps this summer.

The bill, I am introducing today, the National Forest Foundation Amendments of 1993, corrects these problems. Drafted as companion legislation to S. 1381, introduced by Senator PETE DOMENICI, these amendments extend for 1 year the funding authorization and startup authorization for the National Forest Foundation. The bill also allows for the startup and matching funds associated with the Foundation to be used to implement projects. Expansion of this authorization will allow the Foundation to perform its mission as Congress intended.

Mr. Speaker, I am hopeful that this body will move quickly on this legislation in order to improve the operation of the National Forest Foundation and its programs.

TRIBUTE TO DETECTIVE/SERGEANT DONALD JENKINSON ON THE OCCASION OF HIS RETIREMENT AFTER 25 YEARS OF SERVICE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. BARCIA of Michigan. Mr. Speaker, I rise today to pay tribute to Det/Sgt. Donald Jenkinson who is retiring from the Michigan State Police after 25 years of service.

Det/Sgt. Jenkinson graduated from Waterford-Kettering High School in Drayton Plains, MI. On June 23, 1968 he enlisted in the Michigan State Police. Det/Sgt. Jenkinson was assigned as a trooper to Battle Creek, Jonesville, Bay City and Gladwin Posts. He was promoted to sergeant in March of 1980 and assigned to Bay City. In November of 1981, Donald became a detective/sergeant while still in Bay City. In December of 1989 Det/Sgt. Jenkinson transferred to Gladwin. He again was transferred back to Bay City in December of 1991 and retires June 30, 1993.

Det/Sgt. Jenkinson was awarded a professional excellence citation on January 23, 1990 for work on a forgery complaint. A subject had been passing bad checks worth more than $200,000 during a 4-year period. The suspect was positively identified by fingerprints on checks.

Det/Sgt. Jenkinson has been married 28 years to this wife Tami. They have two sons, both police officers—Michael, a Trooper at Romeo Post, and Matthew, a Canton Twp. P.D. patrol officer and a daughter Mindy. Det/Sgt. Jenkinson's mother, Selma Jenkinson, lives in Gladwin and his father was the late Maurice Jenkinson.

Mr. Speaker, I would like to thank Det/Sgt. Jenkinson for all of his hard work and service to the people of Michigan and I would like to wish him a very happy, restful and well-deserved retirement.

ANIMAL ENTERPRISE PROTECTION ACT AMENDMENT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GEKAS. Mr. Speaker, last year the Congress passed the "Animal Enterprise Protection Act of 1992"—Public Law 102–346—in response to a growing national trend of violence perpetrated by animal rights extremists on the agricultural and scientific research communities. This law now provides an important Federal statute against these costly and destructive acts.

Unfortunately, a disturbing new trend has developed which the original bill did not thoroughly cover. Individuals have now become the targets of violent and life-threatening attacks by animal rights extremists. Individuals, family members, and personal property have been increasingly intimidated and victimized through the use of tactics typically associated with terrorist organizations. According to the September 1993, U.S. Department of Justice and U.S. Department of Agriculture, Report to Congress on the Extent and Effects of Domestic and International Terrorism on Animal Enterprises, ". . . the most disturbing pattern to emerge during the period in question was that individuals and their personal property were targeted with increasing frequency (p. 9)."

Evidence of this trend is clear: On April 29, 1993, in the State of Maryland the homes of five researchers were attacked by animal rights extremists. In my home State of Pennsylvania, Dr. Adrian Morrison researcher at the University of Pennsylvania, has been consistently terrorized through both physical and psychological intimidation. Our fears are further perpetuated by Animal Liberation Front statements such as: "I would be overjoyed when the first scientist is killed by a liberation activist," Vivien Smith, Animal Liberation Front, The Saturday Times Review, November 7, 1992.

Mr. Speaker, I find such attacks and statement not only unsettling but perverse enough to warrant legislative action. Therefore, today I am introducing legislation in response to this trend of personal victimization by animal rights extremists. My legislation amends the Animal Enterprise Protection Act of 1992, to include person and personal property of those persons engaging in an animal enterprise. My bill is offered based on findings from the September 1993, U.S. Department of Justice and U.S. Department of Agriculture Report to Congress on the Extent and Effects of Domestic and International Terrorism on Animal Enterprises, which documents this growing trend of personal victimization: "All of the extremist acts that have been directed against individual researchers have involved either threats against their person or family members or vandalism to their personal property or both."

My amendment is designed to protect individuals engaging in an animal enterprise, such as farmers and researchers, from senseless acts of violence. My amendment has already received enthusiastic support from professionals in these fields, and today I ask my colleagues for their support and cosponsorship of this legislation. For those of my colleagues who may have constituents in their districts employed in such industries as dairy, meat production, pet shops, textiles, medical research, pharmaceutical production, high-technology research and development, universities, health care, or countless other industries linked to an animal enterprise, I especially urge your consideration and support of this legislation.

BETTER CARE FOR VETERANS

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. KREIDLER. Mr. Speaker, today I am introducing a bill that I believe will help create better health care for many of our veterans and do so in a cost effective manner.

Our VA medical centers are overwhelmed each year with cases of alcohol and drug dependencies and post-traumatic-stress disorder. Often the only way to treat these patients is to place them in a hospital bed or see them on an outpatient basis. However, these treatments are generally too much or too little. Hospitalization for these disorders is very costly, and outpatient treatment does not provide for adequate supervision. Furthermore, as most of these veterans are homeless or indigent, they are coming from environments which cannot support them after treatment. The rate of success of these treatments is low.

Successful treatment of these conditions requires that the patient learn to function within new living, social, and working environments. In recognition of this, 2 years ago the Department of Veterans Affairs started a pilot program of therapeutic residences combined with compensated work therapy. The program provides paid work, rehabilitative services, and transitional work as a step toward community employment of severely disabled veterans.

These pilot programs encourage veterans recovering from addictions and other disabilities to participate actively in their recovery while living in a supervised yet supportive environment and working at a compensated work therapy site. In group and individual counseling settings, staff help recovering veterans work through self-defeating behaviors, learn or relearn social skills, and understand the medical and psychological implications of recovery. Successful program completion is measured by continued recovery and stable work experience leading to gainful private sector employment.

Important to the success of these programs is the ability to contract with non-Federal entities for work opportunities. Currently, DVA is limited in its ability to contract with large private companies for work projects, and cannot compete for private sector grants. My bill allows the Secretary to authorize the establishment, at any Veterans Health Administration facility, of an nonprofit corporation for the purposes of therapy.

Nonprofit corporation status will enhance the ability of compensated work therapy programs to bid for work and grants in the private sector. This ability allows for a greater diversity in the work patients can do, and introduces them into the private sector where they will work after completing the program. Meaningful and remunerative work is vital for the successful treatment of these veterans.

My bill also extends the therapeutic residency demonstration program from 1994 to 1997 and allows it to expand from 50 to 70 sites by 1997. The DVA may not spend more than $500,000 a year on property costs to operate the program. After a program begins on a site, most of its costs are sustained through its receipts from work projects.

Mr. Speaker, I urge my colleagues to support this legislation that continues and expands a program which provides quality, cost-efficient care to veterans who need and deserve this help.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ESTABLISH NONPROFIT CORPORATIONS.

(a) Chapter 17 of title 38, United States Code, is amended by inserting after section 1718 the following new section:

"§ 1718A. Nonprofit corporations

"(a) The Secretary may authorize the establishment at any Veterans Health Administration facility of a non-profit corporation (1) to arrange for therapeutic work for patients of such facility or patients of other such Department facilities pursuant to section 1718(b) of this title, and (2) to provide a flexible funding mechanism to achieve the purposes of section 1718 of this title.

"(b) The Secretary shall provide for the appointment of a board of directors for any corporation established under this section and shall determine the number of directors and the composition of the board of directors. The board of directors shall include—

"(1) the director of the facility and other officials or employees of the facility; and

"(2) members appointed from among individuals who are not officers or employees of the Department of Veterans Affairs.

"(c) Each such corporation shall have an executive director who shall be appointed by the board of directors with concurrence of the Under Secretary for Health of the Department. The executive director of a corporation shall be responsible for the operations of the corporation and shall have such specific duties and responsibilities as the board may prescribe.

"(d) A corporation established under this section may—

"(1) arrange with the Department of Veterans Affairs under section 1718(b)(2) of this title to provide for therapeutic work for patients;

"(2) accept gifts and grants from, and enter into contracts with, individuals and public private entities solely to carry out the purposes of this section; and

"(3) employ such employees as it considers necessary for such purposes and fix the compensation of such employees.

"(e)(1) Except as provided in paragraph (2), any funds received by a corporation established under this section through arrangements authorized under subsection (d)(1) in excess of amounts reasonably required to carry out obligations of the corporation authorized under subsection (d)(3) shall be deposited in or credited to the Special Therapeutic and Rehabilitation Activities Fund established under section 1718(c) of this title.

"(2) The Secretary, in accordance with guidelines which the Secretary shall prescribe, may authorize a corporation established under this section to retain funds derived from arrangements authorized under subsection (d)(1).

"(3) Any funds received by a corporation established under this section through arrangements authorized under subsection (d)(2) may be transferred to the Special Therapeutics and Rehabilitation Activities Fund.

"(f) A corporation established under this section shall be established in accordance with the nonprofit corporation laws of the State in which the applicable medical facility is located and shall, to the extent not inconsistent with Federal law, be subject to the laws of such State.

"(g)(1)(A) The records of a corporation established under this section shall be available to the Secretary.

"(B) For the purposes of sections 4(a)(1) and 6(a)(1) of the Inspector General Act of 1978, the programs and operations of such a corporation shall be considered to be programs and operations of the Department with respect to which the Inspector General of the Department has responsibilities under such Act.

"(2) Such a corporation shall be considered an agency for the purposes of section 716 of title 31 (relating to availability of information and inspection of records by the Comptroller General).

"(3) Each such corporation shall submit to the Secretary an annual report providing a detailed statement of its operations, activities, and accomplishments during that year. The corporation shall obtain a report of independent auditors concerning the receipts and expenditures of funds by the corporation during that year and shall include that report in the corporation's report to the Secretary for that year.

"(4) Each member of the board of directors of a corporation established under this section, each employee of such corporation, and each employee of the Department who is involved in the functions of the corporation during any year shall—

"(A) be subject to Federal laws and regulations applicable to Federal employees with respect to conflicts of interest in the performance of official functions; and

"(B) submit to the Secretary an annual statement signed by the director or employee certifying that the director or employee is aware of, and has complied with, such laws and regulations in the same manner as Federal employees are required to.

"(h) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the number and location of corporations established and the amount of the contributions made to each such corporation.

"(i) No corporation may be established under this section after September 30, 1999.

"(j) If by the end of the four-year period beginning on the date of the establishment of a corporation under this section the corporation is not recognized as an entity the income of which is exempt from taxation under the Internal Revenue Code of 1986, the Secretary shall dissolve the corporation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1718 the following new item:

"1718A. Nonprofit corporations.".

SEC. 2. EXTENSION OF DEMONSTRATION PROGRAM.

Section 7 of Public Law 102–54 (105 Stat. 269; 38 U.S.C. 618 note) is amended—

(1) in subsection (a), by striking out "1994" and inserting in lieu thereof "1997";

(2) in subsection (c)—

(A) by striking out "no more than 50"; and

(B) by striking out "of this subsection." and inserting in lieu thereof "of this subsection—

"(1) at no more than 55 sites during fiscal year 1994;

"(2) at no more than 60 sites during fiscal year 1995;

"(3) at no more than 65 sites during fiscal year 1996; and

"(4) at no more than 70 sites during fiscal year 1997."; and

(3) in subsection (k) by inserting after the second sentence the following: "During the period covering fiscal years 1994 through 1997, the Secretary shall manage the costs of acquisition, management, maintenance, and disposition of real property acquired for such program after October 1, 1994, in such manner as to assure that in any fiscal year the total amount of such expenditures do not exceed $500,000.".

THE UKRAINIAN-AMERICAN NEWSPAPER, SVOBODA, COMMEMORATES 100TH ANNIVERSARY

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. SLATTERY. Mr. Speaker, 100 years ago today, on September 15, 1893, the first issue of Svoboda appeared and began its crusade to inform and excite people of Ukrainian heritage about the world and their homeland. One of the oldest ethnic newspapers in the United States and the largest continuously published Ukrainian-language daily newspaper in the world, Svoboda was also a catalyst for the creation of many organizations to meet the needs of Ukrainian-Americans. On behalf of the 2,500 Ukrainian-Americans living in Kansas, I would like to honor Svoboda on the 100th anniversary of this historic newspaper.

Throughout its history, Svoboda, meaning liberty, has served as an important channel to Americans for information regarding the long and valiant struggle of Ukrainians for independence. It was through Svoboda that United States political leaders gained insight into the many struggles of the Ukrainian people: the Stalinist famine in Ukraine in the 1930's, the arrests of Ukrainian human rights activists in the 1970's and 1980's, and the final struggle for Ukraine's independence in 1990 and 1991.

In addition, Svoboda has provided thousands of Ukrainian immigrants a valuable source of news on the United States and the world in their native language. In doing so, the newspaper helped to create organizations which have provided for the educational, social, and cultural needs of the Ukrainian-American community.

As the newspaper's first editor-in-chief, Mr. Dragan, wrote decades after the first issue, Svoboda is "a crusading newspaper." Today, as all the Republics of the former Soviet Union share in Ukraine's continuing crusade for democracy and free market economics, Svoboda is a symbol of the importance of knowledge and information in bringing about democratic ideals. Furthermore, Svoboda is a constant reminder of what American ethnic groups can do to affect change in their homelands as well as within the United States. I commend all Ukrainian-Americans, particularly members of the Ukrainian National Association, on 100 years of service to the United States and the Ukraine through the newspaper of liberty, Svoboda.

OPAL CREEK FOREST PRESERVE ACT OF 1993

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. KOPETSKI. Mr. Speaker, today I am introducing legislation to establish the Opal Creek Forest Preserve in the Detroit Ranger District of the Willamette National Forest, OR.

Mr. Speaker, Opal Creek is, plain and simple, among the crown jewels of Northwest old-growth forests. Old-growth forests are unique ecosystems serving as critical wildlife habitat for hundreds of vertebrate and invertebrate animals, plants, and fungi. Old-growth forests provide clean and plentiful water. This is the water which supports the streams where wild runs of salmon and other anadromous and resident cold water fish are wholly dependent on high-quantity and high-quality water for migration, spawning, and rearing.

Old-growth forests also provide unique and outstanding opportunities for educational study, scientific research, and recreation. The establishment of an old-growth preserve at Opal Creek will contribute significantly to the quality of life for the residents of Oregon and my great State's many visitors.

The area containing what is known as the Opal Creek Forest is one of the largest remaining intact low-elevation old-growth forest ecosystems in the Western Oregon Cascades. Opal Creek Forest contains outstanding geological and botanical features, including trees up to 1,000 years of age, and is significant to the aboriginal and early mining history of Oregon. The Opal Creek Forest area includes four lakes, 45 miles of free-flowing streams, 50 waterfalls, and according to the most recent figures, provides recreational opportunities for more than 12,000 visitors annually.

Opal Creek Forest's recreational use is increasing at a rate in excess of 50 percent per year.

Unfortunately, Mr. Speaker, Opal Creek Forest continues to be threatened by additional logging, which will cause irreparable harm to the outstanding ecological, scientific, educational, and recreational values of the area. For too long, this area has been left in limbo, with the continual threat of logging hanging like a storm cloud on the horizon of this gift of nature. Planning for educational and recreational use of the area does not go forward as long as timber harvests remain a possibility.

The battle over Opal Creek has divided the community: it is time to end this war. Environmentalists want Opal Creek preserved. Many in the timber industry recognize that if the Forest Service offered a sale of Opal Creek Forest timber, it would be challenged immediately in court, and never be consummated. I have taken great pains to work with representatives from the environmental community, members of the timber community, as well as a mining interest whose operations within the preserve area are approved. This legislation makes certain the interests of all are protected, and I would like to emphasize that the mining operation provides 80 quality jobs for the people in the region. My office has spent considerable energy ensuring that this venture will go forward in a manner consistent with this legislation's primary objective.

In this legislation I have tried to address all facets of Opal Creek, in order to ensure a pristine area safe in perpetuity. The area will be protected so that the residents of Oregon's Fifth District, Oregon, and the rest of the Nation will have an opportunity to learn about, and experience first-hand, the ecological significance of virgin, coniferous forests. In short, Mr. Speaker, this legislation represents a balanced approach to ensure that a unique, pristine area is forever protected from logging activity.

Mr. Speaker, I am including with these remarks a summary of the Opal Creek Forest Preservation Act of 1993. And, finally, I urge the expeditious consideration of this important measure.

Subject: Section by section summary of draft bill: Opal Creek Forest Reserve Act of 1993.

Section 1 is a short title section.

Section 2 sets out several findings of Congress regarding the value of the old-growth forests that are addressed in the bill, including that the establishment of a forest preserve to protect areas of old-growth forests can contribute significantly to the quality of life for the residents of the State of Oregon through recreation, education, and a protected water supply; and that the Opal Creek forest is one of the largest remaining intact low-elevation old-growth forest ecosystems in the Western Oregon Cascades with trees up to 1,000 years of age.

Section 3 establishes the Opal Creek Forest Preserve for the purpose of developing and maintaining the research, educational, and recreational values of the preserve. The Preserve is to consist of the federal lands located in the Detroit Ranger District of the Willamette National forest, Oregon, depicted on a map, and whatever additions to the Preserve may be added under section 5 of the Act.

Section 4 contains the management directives for the Preserve. Subsection (a) directs the Secretary of Agriculture in consultation with the nonprofit organization known as the Friends of Opal Creek (used throughout to also include its successors in interest) to develop a cooperative management plan for the Preserve that is consistent with the standards and guidelines of subsections (b) and (c).

Subsection (b) contains certain management standards as follows:

Paragraph (1) requires the Secretary to prohibit timber harvesting in the Preserve, except that which is determined by the Secretary to be necessary for subsistence use for "firewood and other purposes in research and educational facilities located within the Preserve or is conducted pursuant to a special use permit issued by the Secretary."

The Secretary also is specifically instructed to terminate further planning regarding the Cedar and Elkhorn Creek timber sales.

Paragraph (2) directs the Secretary to permit nonmotorized recreation in the area that does not conflict with or adversely affect the old-growth forest ecosystem or research or educational activities in the Preserve.

Paragraph (3) states that, except as authorized in paragraph (5), the Secretary is to prohibit the construction of new roads in the area.

Under paragraph (4), existing special use permits regarding the Preserve are allowed to continue in accordance with the permit terms, except that the Secretary is to convert the applicable parts of the plan of operation of the Shiny Rock Mining Company to special use permits for use by the Friends of Opal Creek. In addition, the Secretary may issue new special use permits to the Friends of Opal Creek for activities consistent with the management plan, and the Secretary may issue new use permits in connection with exploration, mining, and mining-related activities in the Bornite Project Area.

Paragraph (5) states that roads, structures, and utilities are to be allowed inside the Preserve to serve activities conducted on land outside the Preserve pursuant to special use permits issued before enactment or pursuant to the exceptions stated in paragraph (4).

Subsection (c) sets out guidelines by which the Secretary shall manage the Preserve, including that the Secretary shall: (1) promote nondestructive research in the Preserved regarding old-growth forests; (2) conduct educational programs in the Preserve regarding old-growth forests; and (3) preserve historic assets in the Preserve.

Subsection (d) withdraws lands in the Preserve from disposition under the public land laws, from location, entry, and patent under the federal mining laws, and from the operation of the federal mining and geothermal leasing laws. Subsection (d) further provides that any other federal lands added to the Preserves, including lands in the Bornite Project Area are to be withdrawn once added.

Subsection (e) authorizes the Secretary to "support" the management by a nonprofit organization of a private inholding in the special management area that is held by the organization if the organization agrees to manage the inholding in compliance with the standards and guidelines of section 4.

Section 5 directs the Secretary of Agriculture to conduct an inventory of non-federal lands and interests in the lands, including mineral estates in the Preserve. Based on the inventory, the Secretary is directed to pursue a land consolidation program to acquire lands and interests in lands suitable for inclusion in the Preserve, other than by condemnation. The Secretary is specifically directed to attempt to purchase at fair market value certain specified parcels. The Secretary also is to submit an annual report on the status of the land consolidation program to the appropriate Committees of Congress, and is specifically to report on the practicality of acquiring for the Preserve the 640 acres in the Cedar Creek area owned by Rosboro Lumber Company

Subsection (e) of section 5 directs that certain lands in the Bornite Project Area are to be added to the Preserve if either of two events occurs: (1) the determination by the Director of the Bureau of Land Management that mining claims on the lands are no longer valid; or the completion of all mining and reclamation activities, including the release of reclamation bonds on mining claims on the lands. In the meantime, mining claims on lands located in the Bornite Project Area may be patented for mining purposes only, and the lands are to be "reconveyed" to the Federal Government or, at the option of the patentee, to be conveyed to the Friends of Opal Creek.

Subsection (f) provides that existing access roads leading to inholdings in the Preserve that are in use on the date of enactment shall be allowed to continue and may be maintained in substantially the same condition as the roads were in on that date, but shall not be enhanced or subject materially intensified use except to serve the Bornite Project Area in accordance with special use permits.

Section 6 provides that nothing in the Act shall affect the operation of any timber sale contract entered into, or interfere with any activity for which an unrevoked special use permit has been issued before enactment when such activities are conducted in accordance with the terms of the contract or permit. Lastly, nothing in the Act shall interfere with any activity for which a special use permit is issued under section 4(b)(4) pursuant to an environmental assessment or final environmental impact statement and record of decision that was issued before such date.

JOBLESS RECOVERY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GINGRICH. Mr. Speaker, I would like to bring to the attention to the House an article by Mr. Hobart Rowen which was published September 2, 1993, in the Washington Post.

Mr. Rowen has correctly identified a key flaw in the Clinton administration's economic policy—the over-reliance on low interest rates to create new jobs. The Bush administration's economic advisers, much as Clinton's, were preoccupied with lower interest and in doing so let the economy languish.

We have had a lesson in how to create jobs and increase the standards of living for working Americans from the Reagan administration and that is through savings and investment incentives given to individuals and businesses through lower taxes. Reagan's program of letting people keep more of what they earn produced the longest peacetime economic expansion in American history.

Congress must begin to recognize that the only successful way to create jobs in through such incentives.

[From the Washington Post, Sept., 1993]

JOBLESS RECOVERY

(By Hobart Rowen)

It's been an article of faith in the Clinton administration that the spectacular drop in long-term interest rates to record lows has a two-fold meaning.

First, it says, the slide in interest rates symbolizes a vote of approval by financial markets for Clinton's big budget-deficit program passed by Congress. Lower long-term rates show that the markets no longer fear a serious inflation, because the budget deficit in fact will come down as projected.

Second, their expectation is that low interest rates will galvanize economic activity, regenerating economic growth. Having failed to get the direct stimulus to the economy that he had hoped for—through public works and an investment tax credit for business—the president is counting on the oomph that low interest rates are supposed to supply.

As reported in this column previously, the Clinton team at first forecast a $100 billion thrust for the economy in 1994 just from the stimulative effect of cheaper interest rates. But lately, that has been whittled down to a wished-for $50 billion in 1994. Or, more modestly, the $100 billion boost to gross domestic product is now said to be the administration's guess over two to 2½ years.

But this analysis is flawed. True enough, the financial markets reacted favorably to Clinton's deficit-reduction proposals. And well they should, because more real deficit cuts are scheduled by the legislation that passed than anyone had expected.

The mission element in the Clinton approach is that low interest rates also reflect financial markets' correct judgment that the economy is very weak. That's why they don't worry about inflation. The GDP is only barely creeping ahead. There was some evidence of strength in the auto industry early in the year, but that has tapered off. New orders for durable goods are down.

A revision on Tuesday of GDP figures for 1992, showing the economy grew slightly faster than previously reported, only makes job growth now look even weaker.

In general, the United States is continuing to have a "jobless" recovery, in which large manufacturers are learning how to do business with as few regular, full-time employees as possible. Consumers are well aware of this trend. And where, in ordinary circumstances, low interest rates might tempt them to buy that new car, new house, or new refrigerator, too many of them—worrying about their jobs—are choosing not to do so.

The best evidence that low interest rates are not having the broad impact the Clinton administration had been hoping for is in the new housing market. True, owners of existing homes have been flocking to their banks to refinance their mortgages, taking advantage of the cheapest mortgage rates in more than 20 years.

The average for a 30-year, fixed-rate mortgage in July plunged to 7.21 percent from 7.42 percent in June, the lowest since the Federal Home Loan Mortgage Corp. began to keep such records in 1971. For adjustable rate mortgages (ARMs) that fluctuate with market interest rates, the figures are even lower.

Monthly reductions in mortgage payments should allow home owners to boost their expenditures for other things. But given the general uncertainty about jobs and the economy, it is also probable that many will sock their extra money into savings.

But to the disappointment of the industry and the government, sales of new homes declined sharply in July despite the lower mortgage rates available on new homes as well as on refinancing of existing homes.

This is a definite indication that many consumers, looking at the overall economy, and the persistent reports of job losses in almost every industry, are not rushing out to make a commitment for a new house.

The public also knows well—although the exact plan has not been revealed by the Clinton administration—that the new health care program soon to be sent to Congress could either impose new taxes, this time on middle-income families as well as the rich, or raise their actual costs or premiums for health care. Either way, it looks like a further diminution of the typical family's cash flow.

Another factor in the persistently soft economy is the difficulty encountered by small businesses in trying to borrow money from the banks. As far back as the post-election economic summit in Little Rock last year, Clinton pledged to get bank examiners to loosen up their tight rein on the banks ability to lend.

And the administration, through the Comptroller of the Currency and helped by the Federal Reserve Board, has tried to make good on that pledge, but without much success.

"Ten years ago, if the bank knew you, you could say what you needed to borrow. If you were a problem [company], the bank wouldn't lend. Today, you have to jump through hoops to get the smallest kind of loan, no matter how well they know you," said a small businesses.

Just how Clinton can get the economy moving up is hard to visualize. More than low interest rates are needed for a jump start. Consumers desperately need a boost to confidence. And businesses must not be only willing to borrow, but able to do so.

SALUTE TO DAVID J. AUGER AND JAMES R. GARY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GALLEGLY. Mr. Speaker, we are all aware of the outstanding work done by the American Cancer Society in cancer prevention and research. Today, I want to take this opportunity to recognize the work of the San Fernando Valley unit of the society, and to salute its 1993 honorees—David J. Auger and the late James R. Gary.

Both of these men will be honored at the annual Valley Barons Ball this weekend, a prestigious fundraising event that helps the American Cancer Society continue its vital work in the valley.

David Auger has been the publisher of the Daily News of Los Angeles since 1989, and has led the newspaper to record circulation levels despite Southern California's economic difficulties. The newspaper also has earned a growing reputation for journalistic excellence, such as its outstanding coverage of the Los Angeles riots.

But Mr. Auger has also found the time to contribute to the valley in a more personal ways. He serves as vice chairman of the executive committee and board of directors of the Valley Industry and Commerce Association, is a member of the executive boards of the Boy Scouts and Valley Presbyterian Hospital, and vice president of the Pacific Lodge Boys' Home.

The second honoree, Jim Gary, was a personal friend of mine whose death last year was a huge loss to the valley. A successful realtor, Jim was extremely active in charitable and community activities. He was active in the American Cancer Society, the American Heart Association and the March of Dimes, as well as a wide variety of business and community organizations.

Mr. Speaker, I ask my colleagues to join me in honoring the American Cancer Society's San Fernando Valley unit, David Auger and Jim Gary for their outstanding work on behalf of the people of the valley.

CROATIAN FRATERNAL UNION OF AMERICA HONORED

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Whiting Friendship Fraternity Lodge 805, Croatian Fraternal Union of America, on the joyous occasion of its 50-year membership banquet.

This year, the Croatian Fraternal Union will hold this event at St. John the Baptist Catholic Church in Whiting, IN. Traditionally, the anniversary ceremony includes a recognition of those members who have achieved 50 years of membership. Honorees who have pledged their allegiance will be honored with golden member status on Friday, September 17, 1993, include Lucille Campbell, Ann Fuller, Dorothy Kasper, and Catherine Wiening. The 120-member lodge boasts 35 members with membership of 50 years or more. Sister Barbara Benich, an active member, has been with the Croatian Fraternal Union for 69 years. I am proud to commend lodge president Ann M. Kaminsky, vice president George Vrbanic, secretary Carole Mareta, and treasurer Ed Kosak. I would also like to commend every member of the Croatian Fraternal Union Lodge 805 for the allegiance and enthusiasm they have displayed toward their ethnicity.

The Croatian Fraternal Union is a beneficial organization whose objective is to unite Croatians, other Slavs, and their descendants and relatives to promote and preserve national, social, intellectual, and moral sentiments among its members. The Croatian Fraternal Union also strives to promote and preserve the Croatian culture and identity outside of the lodge. The charitable financial contribution Lodge 805 made to the Croatian Humanitarian Aid Fund is a fine example of their genuine benevolence.

It is my hope that this year will bring renewed prosperity for all members of the Croatian community and their families. May this 50-year membership banquet prove to be a most joyous occasion.

TRIBUTE TO JOSE LAMAS

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GUTIERREZ. Mr. Speaker, Mr. Majority Leader, Dear Colleagues on both sides of the aisle, as you know, our inner cities have become virtual battlegrounds, where too many innocent people, especially children, are murdered every hour, in a senseless war for the control of the all too profitable drug turf, or in other, equally senseless acts of violence.

In the midst of this mayhem, it is disheartening to sit down with your family to watch some television, and be bombarded with images of violence which would be considered improper even in the context of a war documentary, and sex scenes which at a minimum, do not belong in the public airways during normal viewing hours.

Mr. Speaker, much has been said about this matter, yet, sex and violence continue to stream out of our television sets, virtually unabated, while our children continue to suffer from exposure to real life violence, and the ravages of a sexually confused society.

Fortunately, Mr. Speaker, not everyone is sitting idly by, watching in despair as our youth is destroyed. In Chicago, Mr. Speaker, we are very fortunate to have someone who is, perhaps, the best general manager in Hispanic television in the country, Mr. Jose Francisco Lamas, of WSNS–TV, Channel 44, the Chicago affiliate for the Telemundo network.

This brave man, Mr. Speaker, is a family man, a proud Hispanic, a man devoted to the betterment of our city through the involvement in, and the support of his television station for all community activities and initiatives of importance, particularly in the areas of youth and education.

Jose Lamas, after watching far too many of our young people sacrificed in the altar of senseless violence, far too much of our future squandered in the hopelessness of drugs, school failures, and teen pregnancy, decided, Mr. Speaker, to take action, he decided to make yet another contribution to our community. Per his instructions, the station's master control operators black out all scenes of grotesque violence or overt sexual acts and nudity that are offensive in nature for family viewing.

From sign-on to 11 p.m., objectionable scenes are covered with a slide that reads, in Spanish, images not adequate for family viewing.

Mr. Speaker, we all know there are, indeed, very serious issues of freedom of expression, and artistic freedom, which, of course, we all respect, and rightly so.

There are, however, Mr. Speaker, considerations of a higher moral order, for my community, and indeed, for the Nation, such as consideration of the right of our families to raise our children the way we see fit, consideration for the right of our families to a peaceful environment in the privacy of their own homes, consideration for the right of our youth to life, freedom from fear, and the right to a wholesome, healthy society in which to grow and develop.

Through his actions, Mr. Lamas has, I believe, called our collective attention to this recurrent problem of excessive sex and violence on television during regular family watching hours. While his initiative cannot be construed as the final, permanent solution of this problem, his valiant, courageous stand deserves our full recognition and support.

I encourage all of my distinguished colleagues to share this experience with their local television stations in the hope that, at least, the public may conduct a more informed, intelligent debate on the subject. For I believe, Mr. Speaker, that it is only through informed, active, and direct citizen involvement that this problem will be solved.

GREAT AMERICAN BEER WEEK

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. SCHAEFER. Mr. Speaker, on October 8–9, 1993, over 200 of the Nation's brewers will attend the 12th annual Great American Beer Festival in Denver, Co.

In recognition of the economic, environmental, and philanthropic contributions to American society by U.S. brewers, I today am introducing a joint resolution designating October 3–10, 1993, as Great American Beer Week.

The U.S. brewing industry has been a part of an American tradition dating back to the pilgrims. Brewers provide jobs for millions of American men and women and have a presence in every State of the union. Specifically, malt beverages provide for over 2.7 million jobs in the manufacturing, retailing, agricultural, packaging, distribution, trucking/rail, and other industrial sectors. The U.S. brewing industry contributes over $14.0 billion in Federal, State, and local taxes. The industry is a significant force in the American economy, not only in taxes and other related revenue, but as a major exporter in the world marketplace.

Not only is the beer industry a valuable economic force, it is also a philanthropic one, as evidenced by the brewers' response to the "Flood of 1993" in the Midwest. Within the past few weeks, the top five brewers, their distributors, and other related businesses came together to donate over 3 million quarts of drinking water to families in the flooded Mississippi River region. This is just one example of the industry's willingness to provide emergency relief in times of crisis.

Understanding the need to safeguard the environment, the beer industry has committed itself to protecting the Nation's natural resources and environment through waste reduction, recycling, and other conservation programs. The brewers of America have, for decades, made the reduction of solid waste and improvement of the environment corporate priorities. They have proud records of national leadership, through innovations like the recyclable aluminum beverage can and accomplishments in the area of environmental stewardship.

The beer industry has also played a significant role in the fight against alcohol abuse, underage drinking, and drunk driving through education and research efforts, spending tens of millions each year on related educational and prevention programs.

Today, beer is the beverage of choice for over 80 million responsible adults during sporting and social events, including national holidays.

I urge my colleagues to cosponsor this important recognition of America's brewers.

CONGRATULATING FRIENDSHIP VILLAGE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. CRANE. Mr. Speaker, I rise today to praise Friendship Village of Schaumburg, a retirement community in my district which has won reaccreditation from the Continuing Care Accreditation Commission. This commission is comprised of 16 members who represent both the continuing care industry and consumers, who conduct an intensive study of each facility. This study ensures that the institution is living up not only to the commission's standards, but also to its own stated mission and goals.

Among many criteria, the board ensures that any institution seeking accreditation has a responsible and responsive governing board, deals fairly and openly with residents and applicants, makes financial information available, and maintains its facility in keeping with legal, health, and safety requirements. This evaluation involves a rigorous onsite inspection, as well as an analysis of operations by the national board.

I am proud to say that Friendship Village has proved itself to be outstanding in these areas, and has been selected as the first facility in Illinois to receive accreditation. This award is symbolic not only of the diligence shown by the village in meeting the commission's exacting standards throughout the evaluation process, but also for the hard work and dedication displayed every day in caring for residents. I am proud to say that Friendship Village is providing the kind of service that all our seniors deserve, and I hope it will serve as a model for other continuing care institutions around the country.

Friendship Village is a pillar of the Schaumburg community and of my congressional district, and I know my colleagues will join me in offering sincere congratulations to the staff, residents, and all those associated with this fine retirement community.

CENTENNIAL ANNIVERSARY OF SVOBODA NEWSPAPER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GILMAN. Mr. Speaker, today, September 15, 1993, marks the 100th anniversary of the founding of the newspaper Svoboda.

Since 1893, Svoboda, published by the Ukrainian National Association here in the United States, has worked to inform Americans and, indeed, the entire world about Ukraine and its long struggle for independence. Through those many years, Svoboda has in fact played a crucial role in placing before the American people and the United States Government the facts about developments in Ukraine, in particular concerning the 1932–33 artificial famine in Ukraine and the persecution of Ukrainian activists for independence and human rights by the Communist regime of the former Soviet Union.

Mr. Speaker, I want to congratulate the publishers of Svoboda on the centennial of their newspaper's foundation and call my colleagues' attention to this anniversary. I also want to note with appreciation the work done by Svoboda and the Ukrainian National Association in bringing to life the idea of an independent Ukraine. As we all know, on August 24 of this year, Ukraine celebrated the second anniversary of its new independence.

Mr. Speaker, again, I offer my congratulations to the Ukrainian National Association and its newspaper Svoboda for 100 years of dedication to the independence of Ukraine, a dedication that has at long last been rewarded.

1993 MINORITY ENTERPRISE DEVELOPMENT WEEK

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Ms. SLAUGHTER. Mr. Speaker, I am proud to raise my voice in recognition and celebration of the 1993 Minority Enterprise Development Week.

This important observance will occur during the week of September 19–25. Several special events have been planned as a coordinated effort to salute the numerous accomplishments of minority-owned businesses.

Minority business enterprises represent 9 percent of all U.S. companies. They do business in every sector and industry of our economy, manufacturing important products, providing vital services—and creating badly-needed jobs.

In addition to the many obstacles and challenges that all businesses encounter, minority-owned business too often face prejudice and rejection. This discrimination makes it more difficult to obtain capital, to win contracts, to network, and to succeed.

It is a special tribute to minority business enterprises, therefore, that so many have been able to overcome these barriers and achieve success.

Unfortunately, too many barriers still remain. Studies have concluded that the low business formation rate and the higher than normal business failure rates experienced by minorities were the direct result of under-exposure to business knowledge, restricted access to markets, and lack of management and capital.

This reality is one reason why I have strongly supported Federal funding, through the U.S. Department of Commerce, for minority business development centers across the country. MBDC's address the special problems experienced by minority-owned firms to ensure full participation in our free enterprise system. The centers provide one-on-one client-specific business development services, market research, market promotion, and other activities which identify and lead to public and private sector resource opportunities.

MBDC's assisted 18,213 clients nationally in 1992, an increase of 9.7 percent over 1991. These clients were 52 percent African-American, 25 percent Hispanic, and 25 percent women. For each Federal dollar invested in MBDC's, $64.72 was obtained through procurement and financing.

The MBDC in Rochester, one of 97 such federally funded centers, provided 2,229 hours of management and technical assistance to minority-owned firms during 1992. This assistance enabled 103 minority business enterprises to obtain over $1,097,400 in loans and bonding assistance and $35,000,000 in contracts.

MBDC's across New York State assisted in the formation of 162 new businesses employing 597 employees. These are specific results of which we can be proud.

The experience and leadership of minority business enterprises are helping us move down the road to full equality. They are building successful businesses and creating the jobs that strengthen our communities.

MED Week of 1993 is an appropriate time to express our gratitude to minority business enterprises for the important role they play in our communities. It is also a proper time to recommit ourselves to building an economy and a society where all businesses are able to enjoy equal opportunity and compete fairly.

Mr. Speaker, I salute these minority enterprises and their many contributions to my district and to our entire Nation. America could not prosper without the significant contributions of bright, talented, and capable minority business owners.

SEPTEMBER 18, 1993—OBSERVANCE OF CHILDREN IN SERVITUDE DAY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. BROWN of California. Mr. Speaker, I call the attention of my colleagues and all Americans to the observance of Children in Servitude Day this Saturday, September 18.

Child labor is a serious, alarming problem that is getting worse in many parts of the world, with as many as 25 percent of all children between the ages of 10 and 14 in some regions estimated to be working rather than going to school. Many of the defense children are employed illegally and in dangerous conditions that maim and kill them.

An especially egregious form of commercial exploitation of children is bonded labor. It is estimated there are 10 million children just in India alone working as bonded laborers. De facto they work in slavery in stone quarries, carpet factories, glassworks, and many other types of sweatshops. The International Labor Organization estimated in 1991 that half of the 50,000 children working as bonded laborers in the carpet weaving industry died before reaching 12-years of age due to malnutrition and disease.

But there is a growing tide of resistance to this moral and economic outrage. Using many of the same tactics of the civil rights movement in America in the 1950's and 1960's, there is a spreading broad-based movement in south Asia and elsewhere to eradicate bonded child labor. Peaceful marches of hundreds of thousands of bonded child laborers are descending upon New Delhi and other national capitals to demand action.

At the village level, raids are being conducted to free and rescue bonded children from the tiny compounds where they must live and work. After being trained, some of the rescued children are returning to their home villager in India, for example, to stage sit-ins at water wells, where untouchables are forbidden to drink, demonstrating for the release of other children and painting walls with slogans such as "Bonded labor is a crime! We want freedom".

The struggle for the eradication of bonded child labor began in India in 1980. Since then similar efforts have sprung to life in other countries of south Asia. In 1989, these different national efforts coalesced across national borders and nongovernmental organizations in India, Bangladesh, Pakistan, Nepal, and Sri Lanka formed together the South Asian Coalition on Child Servitude [SACCS].

One of the organizing tools that SACCS is using to press for the freedom of millions of bonded child laborers is global observance of Children In Servitude Day. There will be events held in different parts of our country to demonstrate support for the work of SACCS and others who are taking a stand for millions of children who are powerless to end their own bondage and suffering.

But there are additional, more concrete ways in which Americans inside and outside the Congress can take action to end this form of human slavery. Specifically, the Congress can enact the Child Labor Deterrence Act of 1993 (S. 613 and H.R. 1397) which Senator HARKIN and I have introduced in the Senate and the House. This legislation directs the U.S. Secretary of Labor to compile and maintain a list of foreign industries and their respective host countries that use children under 15 (including bonded child laborers) in the manufacture or mining of products for export. Such products would be prohibited from entry into the U.S. market unless U.S. importers certify that they have taken reasonable steps to ensure that the products they are importing from a listed foreign country are not made by children under 15. Importers would be subject to civil and criminal penalties for supplying these contraband goods to unwitting American consumers.

For years, U.S. trade law has prohibited the importation of endangered plants, animals, and counterfeit goods into the American marketplace. Surely, we can enact reasonable legislation that prohibits importing hand-knotted rugs and other products made by bonded child laborers.

I commend to the reading of my colleagues the following articles detailing the scope of this

immense human tragedy and the corresponding outcry being heard here and in many other countries.

[From the Economic Times, New Delhi, Dec. 25, 1992]

Steps Taken to End Child Labour in Carpet Industry

(By Sunil Raman)

A small but significant step towards ending child labour in the carpet industry has been taken by some manufacturers and exporters in cooperation with foreign importers.

At a meeting here on Monday, it was decided to discuss the modalities for forming a working group to implement the labelling system for carpets not woven by children. The meeting was attended by the Association of Carpet Manufacturers' Without Child Labour, a 50-member body, Obeetee, a major exporting firm, Indo-German Export Promotion Programme and South Asian Coordination Against Child Servitude.

Earlier, a draft proposal for the labelling system had been accepted at a meeting of these four organisations on December 3, which was also attended by representatives of the U.S. and German embassies.

According to the proposal, once a manufacturer or an exporter joins the scheme, he would be required to submit "a detailed and complete list" of his manufacturing units including the contractors or loom owners with whom he has business relations. The inspection would be carried out by trained inspectors appointed by independent regional or local NGOs who have no stakes in the carpet trade.

A detailed inspection would then be carried out. A label with a graphic symbol and code numbers giving the name of the actual exporter, the loom owner, the individual loom (every loom is to be marked by a small tamper-proof number plate), and the specific carpet would be affixed on such carpets.

The right to use the label would be provided only to individual manufacturers/exporters, not to groups or association of entrepreneurs. Moreover, the right would be on an annual basis, renewable after regular inspections.

There is a proposal to register the label in Germany as well. It is reported that the U.S. embassy here has responded favorably to such a mechanism.

This development comes in the wake of a bill introduced in the U.S. Senate in August this year by Mr. Tom Harkin, to prohibit "the import of any product, made whole or in part, by children under the age of 15, who are employed in industry or mining."

The purpose of the Child Labour Deterrence Act of 1992 "is to curtail the employment of children under the age of 15 in the production of goods for export by: Eliminating the role of the United States in providing a market for foreign products made by under-age children; and encouraging other nations to join in a ban on a trade in such products."

The bill directs the U.S. secretary of labour to "compile and maintain a list of foreign industries and their respective host countries that use child labour in the production of exports. Once a foreign industry and its host country has been identified as utilising child labour, the secretary of the treasury is directed to prohibit the entry of any manufactured article from that foreign industry."

The bill is slated to be re-introduced in January and sources said the new U.S. administration would seriously consider the issue.

While India's exports of carpets to Germany showed a sharp fall because of the success of the campaign against using child labour, those to the United States increased from 15 to 40 percent.

The Indian carpet industry would be jeopardized if the U.S. Congress approves the bill. However, the development of an independent inspection and monitoring system would go a long way in helping the industry from facing any ban. The proposed labelling system is expected to come into force by March next and could become a precedent for other industries employing child labour.

[From the London Guardian, September 17, 1992]

Indian Children Freed From Carpet Slavery

Social campaigners are calling for protests and a western boycott of hand-knotted rugs until the evil of bonded labour is eradicated, reports Derek Brown as he talks to rescued children in Mirzapur, Uttar Pradesh.

We moved into Tilthi village in a straggly column, striding swiftly down a muddy lane. Surprise was essential. Our guides led the way, quickening their pace as they approached the target: a ramshackle brick hut beyond a monsoon-sodden field. We broke into a run, brushing through the head-high sugar cane, and suddenly, we came on our quarry: three blank-eyed, bewildered little boys, scattering into the fields.

Our leader, Kailash Satyarthi, yelled to them to stop and not to be afraid. Slowly, helplessly, they trudged back with us to the brick hut. Others were flushed from the fields and outbuildings. Soon, 13 boys stood before us, barefoot and dressed only in ragged shorts or underpants.

The oldest looked aged about 15: the youngest, maybe seven or eight. They were, until Tuesday afternoon, all slaves.

Modern India uses a more anodyne phrase—bonded labour. Here in Mirzapur it mostly means small boys sold by poor and ignorant parents into a hellish existence of carpet weaving, pain and degradation.

Uday, the smallest of the children rescued, looked aged about eight. He said he was 12, but clearly did not know.

The diminutive Uday was sold by his father to a middleman about three years ago. Through an interpreter, he described his life since then:

"We worked every day. We had to work all day on the carpets and if we were slow we were not allowed to sleep at night. Whenever there was any fault, we were beaten."

When the boys cut themselves on the yarn, the loom owner had a special treatment. He scraped the heads from matchsticks, put the powder on the cuts, and set fire to it. This cauterised the wound and allowed the injured boy to go back to work immediately, without any risk of bloodying the carpet.

Uday said the boys were fed twice daily, always on rice and dal (lentils). He clenched his hand three times, to show how much dal was put into the pot for each meal. "That was for 20 boys," he added.

Bhagirath, who thought he was aged eight or nine, said he had been in Tilthi for four years. What was the worst thing there? "The beating", he said tonelessly. Did he ever have time to play? "No." Was he paid any money? "No." Had he ever been to school? "No."

The testimony of these boys was shocking enough. Harder to bear, though, was the deadness of their voices and the emptiness of their eyes. Not once, during what was probably the most dramatic couple of hours of their lives, did any of them show a morsel of fear, relief or excitement.

Social activists like Mr. Satyarthi say there are 55 million bonded labourers in India today—10 million of them children. In the carpet weaving belt of eastern Uttar Pradesh state, around Mirzapur, there are 300,000 child weavers, an estimated 70 percent of whom are slaves.

For more than 10 years, organisations like Mr. Satyarthi's South Asian Coalition on Child Servitude (Saacs) have campaigned against this evil. In recent months they have freed more than 5,000 children in raids like the one at Tilthi.

But until now the campaign has been depressingly ineffective, like the law itself which bans children working in hazardous occupations and specifically outlaws bonded labour. Unfortunately, too often such laws become money-making opportunities for police, labour inspectors and others who are willing, for a fee, to ignore what is around them.

The carpet trade is worth £180 million a year in foreign exchange earnings for India alone. That is a powerful incentive to unscrupulous manufacturers and traders. But it is also, potentially, an opportunity for the social activists finally to strike a telling blow for the 300,000 woefully exploited children of Mirzapur.

After months of frustrating negotiation with manufacturers, the Saacs group is about to go on the offensive. Tomorrow will be marked by demonstrations and calls for urgent action to protect the children of the sub-continent. Pakistan has an estimated 500,000 child workers in the carpet industry; India and Nepal have 300,000 each.

More importantly, Saacs is about to launch a formal appeal to consumers in the west and elsewhere to boycott hand-knotted carpets from the region, unless they are guarantee free of child labour.

That pressure has already paid off in India, by splitting the manufacturers. The main body, the All India Carpet Manufacturers' Association has long promised action to eradicate, or at least limit, child labour, but little has been done. Now some 30 manufacturers have formed a breakaway group which is co-operating with Saacs on a labelling scheme which will allow carpets to be identified by western importers and consumers as free from child labour.

"The idea is to make people in the west aware that they are not only consumers and importers, but also human beings." Mr. Satyarthi says. "The carpets they buy should not contain the blood and flesh of poor children."

Such emotional language is deplored, of course, by the carpet industry here. Their standard defence of child labour is that it brings a little extra money to desperately poor families.

Mr. Satyarthi dismisses that argument as "an absolute myth". These bonded children get no money. If they were not used, the manufacturers would be obliged to hire adults who are easier to organize and unionize and who would demand fair wages and better conditions."

Mr. Satyarthi concedes that for a small minority of child weavers, who live and work with their families, an outright ban might be unjust. "Such children could go to school and work on the loom afterwards. They could play and laugh and learn an art at the same time. That is all right. But we are talking of only 10 per cent of child labour," he says.

He is scathing of the other standard defense of the system: that children are better weavers than adults.

"They say the children are better because they have small soft fingers. But we have dozens of examples of weaving competitions and not a single one was won by a child. The best weavers are adults, especially on the most complicated carpets, which have up to 400 knots per square inch. That kind of work needs very high levels of patience and concentration, which these children simply don't have."

In the west, or for that matter in Delhi there is an agreeable academic distance to debates about the function of child labour in developing countries; a reasonable balanced approach in which "reality" is weighed against desirability, and dispassionate observers may sigh and wish for better times.

In the mud of Tilthi, under the expressionless gaze of 13 ragged, illiterate, dehumanized boys, the carefully measured arguments are disgusting. Reality is here, not in academic debate. Reality is the sight of little boys who are slaves.

[The Financial Times, Dec. 19, 1992]

THE CHILD VICTIMS OF INDIA'S SLAVE TRADE

The dusty care-worn villages wait expectantly. They have travelled to Mirzapur, the sprawling north Indian city which is the centre of the country's carpet industry, hoping for a miracle. The man they have come so far to see smiles reassuringly and says: "We'll get your children back." He picks up the telephone and so begins a desperate effort to rescue the men's sons from illegal bonded labour.

The villagers have travelled by bus for days from their poverty-stricken farms. All are illiterate Untouchables, members of India's lowest caste and an easy target for exploitation. To ease their lives of abject poverty, they have sold their sons to carpet loom owners in return for Rs500 each and promises of well-paid work for the boys. Now, they want them back.

This tall man with the black beard is their last hope. He is Kailaish Satyarthi, a 37-year-old former electrical engineer, who has given up his career to become a social activist. To the horror of his family, he has also abandoned his own caste, the priestly Brahmins, to fight for the rights of Untouchables.

Satyarthi telephones Suresh Kumar Singh, the local magistrate, who is required by law to investigate violations of India's child labour legislation. But he is unobtainable, said by officials to be "too busy" to answer the call. After a fruitless six-hour wait, Satyarthi, accompanied by fellow campaigners against child servitude and a number of journalists, storms Singh's office—only to find it empty.

They wait in vain for a further hour, sitting on chairs before a large desk on which is written the motto: "Good public relations is the best policy". Eventually, a message comes, proposing a 7 pm meeting at Singh's house.

Armed guards meet the group at the magistrate's colonial-style mansion. They lead the way inside where a smiling Singh apologises to Satyarthi for the delay—and promptly suggests postponing the meeting to the next day. Barely able to control himself, Satyarthi refuses. He insists that Singh or one of his subordinates accompanies the group to rescue the children. "It's your duty," he argues.

Singh asks for the location of the two villages where the children are believed to be held and promises, in the best bureaucratic tradition, to see what he can do.

Child labour is banned in India in many industries, including carpet weaving. Bonded labour, where the workers' freedom of movement is restricted is illegal for employees of any age.

But India lacks the resources to properly police laws on child labour, as on many other social evils. The authorities are often loathe to upset businessmen such as the loom owners of Mirzapur who make a profitable living employing children to produce hand-knotted carpets for the showrooms of London, Berlin and New York.

Still less does the country have the means to quickly eradicate the economic pressures which force parents to sell their children into bondage, not just in the carpet industry but also in metalwork, quarrying and the manufacture of fireworks.

Moreover, even though caste equality is enshrined in the Indian constitution, caste consciousness makes many Indians insensitive to exploitation of Untouchables.

Slavery is an emotive term, child slavery particularly so. But it is difficult to see the bonded child labourers of Mirzapur as anything other than child slaves. The words are repugnant to carpet manufacturers and to officials of the textiles ministry.

However, as early as 1984, a local government official in Uttar Pradesh province, which includes Mirzapur, admitted the truth in a note for a visiting labour ministry delegation. He wrote: "The apprentices and wage earners . . . often work in conditions of semi-slavery."

Ignorance, greed and corruption ensure that the law is widely flouted in rural India. A Supreme Court Commission estimates that 75,000 children work in the carpet industry alone—most of them bonded workers. Anti-child labour campaigners put the figure at 300,000. Carpet industry employers maintain such figures are "lies" and insist there is no bonded child labour in the industry. The events of Satyarthi's rescue raid, which I witnessed, suggest otherwise.

The mission begins the morning after our tense meeting with the magistrate. Somewhat to our surprise, Singh has been as good as his word and arranged for a junior magistrate and four policemen armed with ancient ex-army rifles to travel with us. (It later emerges that Singh also found time to warn carpet industry bosses about the raids, as Satyarthi had feared.)

One father, Paltan Ram, said he sold his eight-year-old son Madan Lal to a loom owner for Rs500. Only later did he realise he, along with other parents, were losing their children for good.

To their horror, they discovered loom owners banned home visits and, sometimes, contact of any kind. Paltan Ram says when he tried to visit his son, he was driven away by a man armed with a shotgun.

Satyarthi tries to reassure the fathers as they stand in silence waiting for the rescue to begin. The junior magistrate seems distinctly unhappy about his assignment. Perhaps he is afraid there might be violence—as there was on previous rescue raids. Perhaps he does not relish the idea of challenging the carpet industry bosses, a power in the land of Mirzapur.

We drive out of the city in a dusty convoy of battered vehicles. Along the roadside stand the weavers' workshops, mostly huts housing a weaver and his family and one or two wooden looms. Every so often, there are large factories and warehouses—the premises of exporters who dominate the industry. They take orders from overseas buyers and then parcel out work to the loom owners, who in turn employ the weavers.

As we reach deeper into the countryside, the road deteriorates into a sandy track. The cars swerve constantly to avoid children, animals and the occasional bullock cart. The boys' fathers sit in silence, their faces drawn and fingers clenched. Satyarthi says he is worried that the delays may have given the loom owners a chance to learn about the planned raids.

As we near the first of the two chosen villages, the vehicles slow down and stop. We jump out and run through a maize field to some mud-brick huts surrounded by trees. Satyarthi heads straight for a large hut with a loom outside it, and discovers three boys cowering inside.

Satyarthi rushes outside. "There must be more. Search everywhere," he shouts to his fellow campaigners. The activists fan out across the village and into the surrounding fields. They find three more boys. Six altogether. Satyarthi is disappointed—he had expected eight. The loom owner is also missing.

Satyarthi urges the group back into the cars—it is essential to reach the second village before word about the first raid spreads. Already about 50 villagers are milling around us. As before, we drive as close as possible to the village, and then rush in on foot. Satyarthi sprints into a courtyard where the looms are housed behind walls studded with broken glass. But it is too late. The boys he expected to find are gone.

Paltan Ram, Madan Lal's father, is distraught. "I want to die," he says, tears welling up in his tired, blood-shot eyes.

They drag him before the junior magistrate, demanding action. "What are you waiting for? The parents are here. The loom owner is here. You have the power to hold a summary trial," shouts Satyarthi. He pulls out a file containing the details of child labour legislation. "the maximum penalty is three years' jail," he says, glaring at the loom owner.

The junior magistrate now seems more uncomfortable than ever. As he sits wondering what to do, the loom owner's servants come out with water and biscuits and beds for the visitors to sit on. Satyarthi takes written statements from the fathers, including lines expressing their fears that the loom owner might kill their children. He threatens the loom owner, saying he would be charged with kidnapping unless he produced the boys.

For more than an hour, we sit in the sun as the junior magistrate, the loom owner and Satyarthi talk and shout at each other. Eventually, the loom owner caves in and promises to surrender the children. He leaves, accompanied by the junior magistrate. Another 30 minutes' wait. Finally, the junior magistrate and the loom owner return, bringing with them three boys. Shyly, they take their fathers' hands, barely understanding what is going on. Among them is Madan Lal.

Paltan Ram hugs his son saying: "I feel so good." Madan Lal allows Satyarthi to examine him. His arms are covered with scars from scabies, caused by a common allergy to wool. On one finger he has a cut, black with diesel oil, which the loom owner applied to the wound to stop the blood from staining the carpets.

The junior magistrate reluctantly arrests Govind Singh, the loom owner. Satyarthi is triumphant. The rescued boys and their fathers walk quietly back to the cars, overwhelmed by what has happened.

Back in Mirzapur, the boys are registered by clerks at the district magistrate's office. Madan Lal is the youngest. The oldest is 15 and has spent five years at the loom. All look thin, and several have signs of scabies.

For the most part, the boys have few complaints about their food, which consisted of thin soups, vegetables and bread. But in almost every other way they were abused. They worked 12 hours a day from 6am to 6pm, with three half-hour breaks for meals—seven days a week, every week of the year.

They were rarely allowed out of the huts in which they worked and slept. One says: "Even when I went to relieve myself (in the fields), someone went with me."

They were never paid. If they worked slowly, they were beaten, sometimes with a wooden stick. Worst of all was the common treatment for cuts to the fingers suffered during weaving. The loom owners would scrape the powder off a match on to the wound and then set fire to it to staunch the bleeding. "It hurt very much," says 12-year-old Chilatra Choudhray.

Above all, the children suffered acute psychological distress. Madan Lal's only thought was for his mother. "I always missed my mother. I always cried for my mother but there was nobody there to listen."

Satyarthi says that since the early 1980s, he has helped in the release of 5,000 children, almost all of them Untouchables. He has won financial support from western charities such as Britain's Christian Aid and Bread for the World, a German group.

The employers, he says, only started to take notice when he began publicising the raids—which is why he invites journalists along.

Now he is trying to generate interest in the plight of Indian child labourers in Europe and the U.S.—where the bulk of Mirzapur's carpets are sold. He believes that if western consumers can be taught to take notice of the fate of whales, they can also be made aware of the sufferings of child labourers.

Carpet industry leaders loathe Satyarthi. Despite the evidence, including the Supreme Court Commission's survey, they flatly deny the existence of large-scale bonded labour. "There may be isolated cases in remote villages, but no more," says Mr. Prakash Chandra Jaiswal, president of the All India Carpet Manufacturers Association, and a prominent exporter.

Jaiswal claims that allegations of parents selling children to loom owners stem from a misunderstanding. In such transactions, loom owners have merely made loans to the parents—advances on the wages the children will earn. Moreover, such cases concern a small minority of children. Most child labourers work in the homes of their parents or relatives where they learn a valuable trade.

Nevertheless, Jaiswal and his fellow employers are worried enough to have planned counter-measures. With the support of the textiles ministry, they intend to begin to inspect looms. Any weaver found employing non-family children will be blacklisted.

A breakaway group of carpet manufacturers is even introducing early next year a special trademark certifying carpets as "made with child-free labour". However, Satyarthi does not trust the employers. He argues checks will be worthless unless they are carried out with the co-operation of campaign groups.

India has been particularly slow in ensuring that children attend school. Elsewhere, education has proved a valuable way of teaching parents that their children are worth nurturing, if for no other reason that their ultimate earnings will be higher with education than without.

Myron Wiener, an American social scientist and author of The Child and the State in India, says just 38 percent of Indian children complete five years of education, compared with 70 percent in China. Wiener argues that it is not poverty which prevents India investing more in its children but caste prejudices.

Upper caste Indians, who dominate central and local administration, simply do not care enough about the children of the lower castes. Satyarthi agrees: "I hate caste. After I started eating with Untouchables, my own family refused to eat with me. But I chose what I wanted to do. It is the Untouchables who suffer the most."

INTRODUCTION OF THE GENERAL AVIATION REVITALIZATION ACT OF 1993

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GLICKMAN. Mr. Speaker, I rise today to introduce the General Aviation Revitalization Act of 1993, legislation which has the potential to resurrect the ailing general aviation industry in this country. I am greatly encouraged by the strong support of the 220 original cosponsors who have joined Congressman HANSEN and me in introducing this important legislation. I am gratified that a majority of my colleagues have chosen to support this bill.

Unlike my previous legislation seeking product liability reform, the General Aviation Revitalization Act of 1993 does not create a Federal standard of liability or limit the jurisdiction of any State court. It does not attempt to change existing State laws with regard to joint and several liability, comparative fault, or punitive damages. It simply attempts to restore some level of predictability in U.S. product liability law as applied to general aviation products.

The bill creates a 15-year statute of repose, or time limit, on civil actions brought against an aircraft manufacturer or a manufacturer of component parts. No civil action for damages arising out of a general aviation accident may be brought against the manufacturer of the aircraft, if the accident occurred more than 15 years after the aircraft's delivery to its first purchaser. In the case of component parts alleged to have caused the damages, no civil action may be brought more than 15 years after the date of the replacement or addition.

This year, the President's National Commission To Ensure a Strong Competitive Airline Industry has included in its list of recommendations a 15-year statute of repose. We have well over 200 original cosponsors, and the stage is set for the general aviation industry to finally get some relief from the outrageous liability costs incurred by the explosion of litigation over the last decade.

It is no overstatement to say that passage of this bill will provide a strong future for the American general aviation industry. My home town of Wichita, KS, as the home to Beech, Cessna, and Learjet, has been hard hit by the continuing decline in the general aviation industry.

Low-cost piston engine aircraft have been the victims of the liability situation. The kind of plane you do not have to be a millionaire to own is not made anymore because the cost of liability is prohibitive. Corporate jets are still selling, but Cessna and Beech used to make the planes that young pilots learn to fly in and which spark people's interest in flying. Existing piston trainer fleets are aging, and the cost of buying replacement aircraft may put flying lessons out of most people's reach. We already have a shortage of licensed pilots. What about the future?

The other tragedy is that the United States is losing another industry in which we were once preeminent. Cessna, Beech, Piper, and others are being forced out of business because of their past success. American companies, which literally built the aircraft industry, are potentially liable for any claim arising from the hundreds of thousands of aircraft in the marketplace over the last 70 years.

Foreign manufacturers, not encumbered by the high liability costs of American manufacturers, are moving rapidly to fill the void. In 1980, there were 29 manufacturers of piston aircraft in the United States and 15 foreign manufacturers. In 1992, there were 9 U.S. manufacturers and 29 foreign manufacturers of piston aircraft. At a time when we are all concerned about the competitiveness of American manufacturers, we are witnessing the demise of a high-technology industry that historically has contributed greatly to the domestic economy and our balance of trade.

In 1993, the average single-engine piston aircraft in the U.S. fleet will be 27 years old. Each one of these planes represent a liability risk of unknown proportion to the manufacturers because the general aviation industry is perceived as having the deep pockets necessary for large recoveries.

Piper Aircraft recently spent $1 million to win a 2-year court battle in a lawsuit involving a pilot who tested positive for cocaine. The plaintiff's attorney argued that the pilot's aircraft was not crashworthy enough to protect him while he was under the influence of the drug. Although Piper won a favorable verdict, at $1 million a case, with thousands of potential cases, how long can any company afford to keep winning?

Despite a steady improvement in safety, liability costs are the largest single cost component in the manufacture of an airplane, pushing the price of new aircraft beyond the reach of many consumers. The direct result has been a drop in new aircraft sales from 18,000 units in 1978 to only 899 in 1992, the lowest number ever. Cessna Aircraft has not produced a piston-engine plane since 1986, Piper Aircraft is currently in bankruptcy, and Beech Aircraft is no longer producing light training aircraft. Over 70 percent of the jobs in the industry have been lost since 1980.

A statute of repose has the support of the manufacturers and users of general aviation—a unique combination for product liability reform legislation. Also, for the first time ever, the bill has been endorsed by the International Association of Machinists and Aerospace Workers, and I am very pleased to have the support of the thousands of workers who build aircraft and component parts. This bill is supported by the entire general aviation community, the Aircraft Owners and Pilots Association, the National Business Aircraft Association, and the General Aviation Manufacturers Association.

Although it has been difficult in years past to get movement on liability reform legislation in the House of Representatives, I strongly believe that with a new approach and a new administration, we can begin now to start the ball rolling.

INTRODUCTION OF THE GLICKMAN/HANSEN GENERAL AVIATION BILL

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. HANSEN. Mr. Speaker, today, in conjunction with my friend and colleague DAN GLICKMAN, I am introducing a bill to amend the Federal Aviation Act of 1958 to establish a 15-year limit on civil actions for damages arising out of a general aviation accident. Under this bill, no civil action may be brought against the manufacturer of the aircraft or the manufacturer of any component part, if the accident occurred more than 15 years after the aircraft's delivery to its first purchaser.

This is a simplistic approach to stimulate an industry, which in my opinion, is America's claim to preeminence. Single-engine aircraft are the backbone of the general aviation fleet, but production has dropped significantly over the last 15 years. You may not realize how devastating the onslaught and threat of civil suits has been to this industry, but production has diminished considerably and private pilots no longer have access to affordable, U.S. made, light aircraft.

In 1978, 18,000 units were sold, compared to only 899 in 1992. You can easily see why over 50 percent of jobs once held by hardworking Americans have been lost. There's only one reason domestic aviation has taken such a beating—an overactive plaintiff's bar.

While many of the 18 million lawsuits filed in 1992 were justifiable, a large number of them were created by trial lawyers seeking inflated awards for themselves and their clients. The manufacturers of light aircraft are viewed by trial attorneys as having infinite funds—the deep pockets necessary for large recoveries. Currently, there is no limit to a manufacturer's liability and they can be held responsible for every plane they ever made.

Cessna alone is spending over $21 million a year just to defend themselves. This is $21 million that could, and should, be used for research and development. Companies cannot afford the legal fees that have become a constant drain on resources; therefore, they have quit making the product.

The lawsuits continue, in spite of the fact that light aircraft are safer than ever. Since the 1940's, the number of fatal accidents involving small planes has declined by 700 percent. Studies indicate that 93 percent of the accidents that do occur are beyond the manufacturer's control. Pilot error, weather, and maintenance are the leading causes of accidents today.

This bill won't solve all of the aviation industry's problems, but it puts a balance back into the market. It is a straightforward approach to stimulating an industry that deserves to be kept alive. We keep talking about NAFTA, about being leaders, and about cultivating employment—well, here's an opportunity that doesn't require any risk and will create thousands of jobs for deserving Americans. And, it will ensure that U.S. companies can, once again, compete in a market they used to dominate. We shouldn't allow foreign companies to walk in and take over the industry we once led.

The entire general aviation community supports this bill. Both manufacturers and consumers. The President's Commission to Ensure a Strong Competitive Airline Industry just endorsed it, and the International Association of Machinists supports it. I hope all of my colleagues, on both sides of the aisle, will support it. Your support will bring jobs to your district and pride to your country.

Congress has the power to hand the aviation industry back to America. We shouldn't shirk this opportunity. I urge my colleagues to become cosponsors of this bill and I thank the Speaker for this time.

IN MEMORY OF R.J.R. JOHNSON

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. VENTO. Mr. Speaker, I'd like to take a moment to remember a good friend, Bob Johnson, who recently passed away. Bob Johnson was a reporter and editor for the St. Paul Pioneer Press, my hometown newspaper.

Bob Johnson was an honest and decent man and we will all miss him very much. Minnesota has lost a respected friend and talented journalist.

I'd like to submit his obituary and a Pioneer Press editorial in memory of Bob Johnson. May his memory encourage others to succeed and accomplish.

[From the St. Paul (MN) Pioneer Press, Aug. 1, 1993]

R.J.R. JOHNSON, PIONEER PRESS REPORTER, EDITOR, DIES IN ST. PAUL

(By Wayne Wangstad)

Robert J. R. Johnson, a longtime reporter who became associate editor of the Pioneer Press editorial page, died Saturday at Bethesda Lutheran Hospital of lung disease. He was 62.

Known as "R.J.R." to his colleagues, Johnson started working for the Pioneer Press as a copy boy in 1952, shortly after receiving a bachelor's degree in journalism from the University of Minnesota.

Johnson's reporting career started in 1947 during a two-year stint as a sportswriter for his hometown newspaper, the Deer River (Minn.) News.

Initially, Johnson was a general assignment writer and reported on a wide range of subjects. He later became a specialty writer and reported on education, city government, science and medicine. He also was an investigative reporter and covered the environment before he became an assistant city editor on the St. Paul Dispatch. The afternoon paper was later merged with the Pioneer Press.

Johnson edited the Pioneer Press Sunday Magazine, served as the Issue editor, then as an editorial writer and chief editorial writer before being named associate editor of the editorial page, the post he held when he retired in 1990 with 38 years of service.

In 1960, he won a National Science Foundation science writer grant. Two years later, his two-part series on the plight of Indians in northern Minnesota won praise from the U.S. commissioner of Indian affairs and the Minnesota Band of Chippewa.

One of Johnson's major reporting assignments came in 1965, when he traveled to Antarctica with Operation Deep Freeze to report on Minnesota contributions to the research program. Johnson Peak in the Hart Hills of Antarctica was named for him in recognition of his work as a correspondent for the Pagano Nunatak-Hart Hills expedition of 1964-65. The designation was proposed in 1980 by Dr. Gerald Webers of the Macalester College geology department and approved by the U.S. Board of Geographic Names in 1982.

George Latimer, former St. Paul mayor who is special assistant to the director of the federal Housing and Urban Development Department, said Johnson brought a special integrity to his work.

"Being fair and accurate to all sides of an issue was so important to him," Latimer said. "He really wasn't capable of a cheap shot; it just was not in his makeup. He had a good sense of humor and could laugh at the vagaries of politics."

John R. Finnegan, retired executive editor of the Pioneer Press and Dispatch, said Johnson was a strong writer and editor who displayed special strength in covering city and metropolitan affairs.

"As an editorial writer, he was one of the reasoned voices on the editorial page, particularly in local government, conservation and the environment," Finnegan recalled, "He was a person you could always count on."

A music lover who played both piano and accordion, Johnston also had a particular fondness for model building and model railroading.

In the basement of his home, he recreated the old Minneapolis & Rainy River line—affectionately known as the Gut & Liver—a railroad that ferried food and manpower to logging camps in Itasca County and the area near his Deer River home.

Survivors include his wife, Beverly Mindrum, Pioneer Press night city editor, two sons, Erik K. and Christian S.J., both of St. Paul; a brother, John W. of Irving, Texas; sisters Genevieve Rassmussen of Apple Valley and Margaret Hogan, formerly of Kerrick, Minn., and currently of Moose Lake.

Visitation is scheduled for 4 to 8 p.m. Monday, with a 7 p.m. prayer service, at the Willwerscheid and Peters funeral chapel at 1167 Grand Ave., St. Paul. Funeral services are scheduled for 10 a.m. Tuesday at St. Luke's Catholic Church, Summit Avenue and Lexington Parkway. Interment will be in the Oakland Cemetery, St. Paul.

[From the St. Paul (MN) Pioneer Press, Aug. 3, 1993]

ST. PAUL LOSES CHAMPION

(By Ronald D. Clark)

When he was born in Deer River, his parents gave him the name Robert Joseph Johnson. At some point in his youth, though, he began to worry about how people would distinguish him from the countless other Robert Johnsons in Minnesota. So he devised his own solution. He added a middle initial, R, that to the best of my knowledge stands for nothing. Instead of Robert J. Johnson, he became Robert J.R. Johnson. Or R.J. squared.

There was nothing either square or bland about Robert J.R. Johnson, a colleague on the editorial page staff of this newspaper until he retired in December 1990. You don't overcome a deformed foot, cope with an addictive personality and become a prize-winning journalist, fighting for a better life for Native Americans in Minnesota and trailing scientists in Antarctica, by being square and bland.

Bob said goodbye to the Pioneer Press 2½ years ago after 38 years of duty as a copy boy, reporter, editor, editorial writer and, finally, as associate editorial page editor. I and many of his friends at the Pioneer Press will say goodbye to him today. Bob died Saturday at age 62. His lungs—destroyed by too many cigarettes—had ceased doing their job.

Even though he stood no more than 5 feet 5, and even though he rarely raised his voice, you'd never have trouble finding him in a crowd.

His stature came from his intellect, from a mind that knew how to argue with facts rather than emotion, from a disarming smile and from a bit of folksiness that could be both captivating and unnerving.

As a Jackpine Savage, Bob never would be mistaken for a society dandy.

But neither would he be judged as cold, impersonal, uncaring, wrapped up in himself. The doors on the St. Paul house he and his wife Bev kept were always open to a succession of nieces, nephews, mothers and neighbor children. Many relatives—including Broadway and movie actor Peter MacNicol, a nephew—lived there at one stage or another of their lives.

Bob's passion for St. Paul was equaled only by his disdain for all things Minneapolis. In his mind, St. Paul was virtue; Minneapolis, vice. That's how he talked in our editorial board meetings. I'm sure it wasn't just an act.

St. Paul has lost one of its most devoted advocates. Journalism has lost an inspiring professional.

A 25TH ANNIVERSARY TRIBUTE TO THE GREATER HARVEST BAPTIST CHURCH

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. BLACKWELL. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to pay tribute to one of Philadelphia's most celebrated and respected religious institutions. As the Greater Harvest Baptist Church prepares to burn its mortgage and commemorate its 25th anniversary, I would like to take a moment to reflect on this beautiful house of our Lord Jesus Christ.

Known throughout Philadelphia as God's strongest spiritual workshop, the greater Harvest Baptist Church was founded on September 15, 1968, under the pastorship of Rev. Dr. D.P. Neely. After moving to several locations, the congregation finally found a permanent home in May of 1970 at 1409–17 Master Street in Philadelphia. Consecration services were held and the building soon embodied the spirit of our Saviour and King.

Mr. Speaker, throughout its 25 years of existence, the congregation of Greater Harvest Baptist Church has always sought to make our world a better place. The exceptional ministry of the church has indeed left the halls of the sanctuary, and has become an effective voice for the betterment of our entire community.

On September 18, 1993, Greater Harvest Baptist Church will celebrate its 25th anniversary by burning the mortgage to the property which is now paid in full. This important symbolic event will signify the self-sufficiency and determination that has always marked the will of this reverent and powerful congregation.

Mr. Speaker, I would now like to ask my colleagues to rise and join me in paying our greatest tribute to Philadelphia's beloved Greater Harvest Baptist Church. May this faithful and humble flock to Jesus Christ always shine as a symbol of His unfailing love and righteousness. Thank you, Mr. Speaker.

AVIATION INFRASTRUCTURE INVESTMENT ACT OF 1993

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. OBERSTAR. Mr. Speaker, on September 14, the Committee on Public Works and Transportation filed the report to accompany H.R. 2739, the Aviation Infrastructure Investment Act of 1993. In doing so, section 201, a provision to ensure that airline passengers will continue to receive notice in advance when airline fares are going to increase and when special discounts fares will end, was deleted from the bill as ordered reported.

For purposes of explaining that action, Chair MINETA joins me in submitting the following statement for the RECORD.

Sec. 201 was necessitated by a proposed consent decree in a pending antitrust law suit brought by the Department of Justice against eight major airlines. Under the decree airlines would be prohibited from giving advance notice of fare increases and would have only limited ability to give notice of when discount fares will end. Although the consent decree is not final, a number of major airlines are complying with its terms, to avoid possible future liability.

The Aviation Subcommittee received many complaints about these provisions of the consent decree from travel agents and consumer groups, including the Aviation Consumer Action Project, a Ralph Nader organization. At hearings held by the Aviation Subcommittee, these groups testified that these provisions of the consent decree would have serious adverse affects on consumers. Without advance notice of when fare increases are going to take effect many consumers would pay higher fares, or be forced to buy tickets at an earlier date than would be in their economic interest.

Following the hearing, the committee decided to report legislation to authorize airlines to continue to furnish advance notice of fare changes. In making this decision, we noted that the Department of Justice does not claim that the furnishing of advance notice of fare changes is illegal in and of itself. Justice claims only that the notice has sometimes been used as part of a broader scheme to fix prices. If Justice ultimately proves successful in establishing this conspiracy, the remedies in the case can outlaw the illegal conduct of using advance notice as part of a process for fixing prices. It is not necessary to also outlaw advance notice, when it is not part of an illegal conspiracy.

The committee decided to include the provision allowing advance notice of fare changes in a broader bill reauthorizing programs to develop the Nation's airports and air traffic control system. After our decision was reached, another House committee, the Committee on the Judiciary, advised us that the provision also fell within their jurisdiction over the antitrust laws and that they would not be able to immediately reach a decision on whether to support our legislation.

Under the House rules, this would mean that the aviation funding bill would be delayed beyond October 1, when existing authorizations for funding expire. Rather than cause this delay in badly needed funding to develop our aviation infrastructure, we decided to drop the advance notice provisions from the bill.

However, we have not lessened our determination to deal with the consumer problem which has been created by the consent decree in the antitrust case. We have asked the Attorney General of the United States to review the Department's decision to request a ban on advance notice of fare changes, a decision which was made by a relatively low-level political appointee in the final days of the Bush administration. If the problem cannot be satisfactorily resolved by the Attorney General, we intend to go forward with separate legislation to ensure that consumers will continue to receive notice of when fares are going to change. The Judiciary Committee has advised us that it would be prepared to consider this separate legislation promptly.

100TH ANNIVERSARY OF SVOBODA

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. HUGHES. Mr. Speaker, today I would like to call my colleagues' attention to the 100th anniversary of Svoboda, the official newspaper of the Ukrainian National Association. This remarkable publication which was first printed in New Jersey, has been a valuable source of information for Ukrainian-Americans since its inception.

Early Ukrainian immigrants turned to Svoboda to maintain their ties to the Ukrainian community and their unique cultural identity. Over the years Svoboda has played a critical role in alerting Americans to Ukraine's continuing quest for independence which it ultimately realized in 1991.

Svoboda, which means liberty is truly a fitting name for this historic newspaper. I salute the Ukrainian National Association on its many years of success and I look forward to many more years of Svoboda.

TRIBUTE TO DETECTIVE SERGEANT RAYMOND PAQUETTE ON THE OCCASION OF HIS RETIREMENT AFTER 25 YEARS OF SERVICE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. BARCIA of Michigan. Mr. Speaker, I rise today to pay tribute to Detective Sergeant Raymond Paquette who is retiring from the Michigan State Police after 25 years of service.

Detective Sergeant Paquette is originally from Algonac, MI and graduated from Algonac High School in 1964. From there Ray went to Saginaw Valley State University and graduated in 1969 with a major in Sociology and a minor in Biology. Detective Sergeant Paquette then began his career with the Michigan State Police when he enlisted on June 23, 1968.

Detective Sergeant Paquette's first assignment was as trooper at Brighton Post from September 1968 through February 1972. His next move was to the East Lansing Laboratory for the next 3 years until February 1975, and then to the Bridgeport Laboratory until May 1979. It was then that we in Bay City were lucky enough to have Detective Sergeant Paquette assigned to the Bay City Post from May 1979 until today.

Detective Sergeant Paquette has been recognized four different times during his career with professional excellence awards. In addition to his duties with the Michigan State Police, Ray has taught search and seizure and crime scene processing under the MLEOTC program at Delta College for the past 12 years.

Detective Sergeant Paquette leaves the Michigan State Police to join his wife Nora and children Karl, Andrea, and Nicole in what I call a well deserved retirement. Ray will be sorely missed but we wish him the very best and thank him for the 25 years of service to Michigan and most especially to our local community.

THE WOMEN'S HEALTH EQUITY ACT OF 1993—STRONG AND SOLID

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mrs. SCHROEDER. Mr. Speaker, yesterday the congressional caucus for women's issues proudly introduced the Women's Health Equity Act of 1993. As cochair of the caucus, I am especially excited because the Women's Health Equity Act already has overwhelming support from women around the country.

The Women's Health Equity Act package addresses a range of women's health issues—from increasing research on women and breast cancer, ovarian cancer, osteoporosis, lupus, and AIDS to developing effective programs to integrate women's health into medical school curriculum, promote smoking cessation in WIC clinics, and offer preventive health care services like pap smears, mammographies, and bone mass measurements.

The caucus has been fighting for many of the issues in the Women's Health Equity Act since the GAO discovered that women and minorities were excluded from clinical trials. Since the GAO report, the caucus has identified additional outrages in women's health research and service delivery, which our new package confronts.

For instance, a GAO report released last year discovered that women were systematically left out of FDA sponsored drug trials. Representative OLYMPIA SNOWE and I have developed two bills in our 1993 package to end this inequity. Representative MARILYN LLOYD and I are sponsoring two bills to improve women's health services and foster additional women's health research at the DOD and the VA, two agencies who are notorious for side-stepping women's health issues. Finally, the package includes my legislation to increase research on RU 486 and other antiprogestins, to establish an outreach program for women with eating disorders, and to ban female genital mutilation in the United States—a procedure that damages otherwise healthy women for life.

Women know that a comprehensive, holistic health care system is the most effective system for them. If you pull one part of that system away—the whole thing will unravel. That is why the Women's Health Equity Act of 1993 is a strong and solid package. Women have already made health care a priority for themselves and their families—the Women's Health Equity Act makes women a priority in health care reform.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 16, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 20

2:00 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings on S. 1406, to make the Plant Variety Protection Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory.

SR–332

SEPTEMBER 21

9:30 a.m.

Governmental Affairs

To hold hearings to examine environmental problems in the Federal Government.

SD–342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

10:00 a.m.

Banking, Housing, and Urban Affairs

Business meeting, to mark up S. 1275, to facilitate the establishment of community development financial institutions, and to consider other pending calendar business.

SD–538

2:30 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the North American Free-Trade Agreement's effect on U.S. agriculture.

SR–332

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 986, to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, S. 1033, to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, S. 1341, to establish the Wheeling National Heritage Area in the State of West Virginia, and H.R. 1305, to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service.

SD–366

Labor and Human Resources

To hold joint hearings with the House Energy and Commerce Committee's Subcommittee on Health and the Environment to examine issues relating to the use of pesticides.

2123 Rayburn Building

SEPTEMBER 22

9:30 a.m.

Armed Services

To hold hearings on the nomination of Gen. John M. Shalikashvili, United States Army, to be Chairman of the Joint Chiefs of Staff.

SH–216

Commerce, Science, and Transportation

To hold hearings on the nomination of Reed E. Hundt, of Maryland, to be a Member of the Federal Communications Commission.

SR–253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Labor and Human Resources

To hold hearings on the nomination of Jane Alexander, of New York, to be Chairperson of the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

SD-430

SEPTEMBER 23

9:00 a.m.

Office of Technology Assessment

Board meeting, to consider pending business.

EF-100, Capitol

10:00 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on S. 687, to regulate interstate commerce by providing for a uniform product liability law.

SR-253

Environment and Public Works

To hold oversight hearings on implementation of programs of the Clean Air Act Amendments of 1990.

SD-406

SEPTEMBER 27

2:00 p.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Diane Blair, of Arkansas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

SR-253

SEPTEMBER 28

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation to reorganize the Department of Agriculture.

SR-332

OCTOBER 6

9:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up proposed legislation to reorganize the Department of Agriculture.

SR-332

SENATE—*Thursday, September 16, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable CAROL MOSELEY-BRAUN, a Senator from the State of Illinois.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 16, 1993.

To the Senate:

Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CAROL MOSELEY-BRAUN, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. MOSELEY-BRAUN thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 12 NOON, MONDAY, SEPTEMBER 20, 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until the hour of 12 noon on Monday, September 20, 1993.

Thereupon, at 11 o'clock and 36 seconds a.m., the Senate recessed, under the order of Wednesday, September 15, 1993, until Monday, September 20, 1993.

SENATE—*Monday, September 20, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Praise ye the Lord. Praise God in His sanctuary: praise Him in the firmament of His power.

Praise Him for His mighty acts: praise Him according to His excellent greatness.

Praise Him with the sound of the trumpet: praise Him with the psaltery and harp.

Praise Him with the timbrel and dance: praise Him with stringed instruments and organs.

Praise Him upon the loud cymbals: praise Him upon the high sounding cymbals.

Let every thing that hath breath praise the Lord. Praise ye the Lord.—Psalm 150.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 20, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m, with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the Senator from New Mexico [Mr. BINGAMAN].

UNANIMOUS-CONSENT AGREEMENT—SENATE JOINT RESOLUTION 114

Mr. BINGAMAN. Mr. President, before I speak on the subject I came to the floor on, on behalf of the majority leader I ask unanimous consent that the previous agreement governing Senate consideration of Senate Joint Resolution 114 be modified as follows:

That there be a total time limit of 90 minutes for debate; and that, at 3:30 p.m., the Senate then proceed to the consideration of Calendar No. 194, H.R. 2491, the VA–HUD appropriations bill; further that the other provisions of the previous unanimous-consent agreement remain in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The unanimous consent previously agreed to is modified in accordance with the request by the majority leader.

Mr. BINGAMAN. Thank you, Mr. President. I should represent for my colleagues' information this agreement has been cleared on the Republican side.

The ACTING PRESIDENT pro tempore. The Senator is now recognized for up to 5 minutes.

Mr. BINGAMAN. I ask unanimous consent I now be allowed to proceed for a period of not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NAFTA

Mr. BINGAMAN. Mr. President, I rise today to state my support for the North American Free-Trade Agreement. I conclude that it is in our interests to go forward with the treaty for three basic reasons.

First, the United States can only prosper in this new highly competitive global economy by boldly stepping forward to compete, and forging closer ties with Mexico can be a significant help to us in that larger competition.

My second reason is that this treaty can provide the opportunity for new job creation in my home State of New Mexico.

And my third reason is that our common destiny with our neighbors dictates that we should strengthen our cooperation and interaction with that country and this treaty can be a vehicle for us doing that.

Let me take the first of those briefly. The United States can only prosper in this highly competitive global economy by boldly stepping forward to compete. And if we forge closer ties with Mexico, that can be a significant help to us in the larger competition. A discussion of the North American Free-Trade Agreement needs to begin by looking at the larger context, that is United States trade relations with the entire world. What do we see when we look at those trade relations? This year and for the last decade, the United States has been running an enormous trade deficit. If the monthly trade deficits continue as expected for the rest of 1993, the deficit for this year will be in the range of $110 to $115 billion. When we look at which of the countries are the source of that imbalance, we begin to see the proposed NAFTA agreement in proper context. Mexico does not contribute to that deficit. In fact, our trade with Mexico helps us to offset trade imbalances with other countries. Last year we had a $5 billion trade surplus with Mexico. Our deficit in manufactured products, relative to the rest of the world, is almost exclusively from Asian countries. In 1992, that same year that we had a $5 billion trade surplus with Mexico, we had a $50 billion trade deficit with Japan and a $18 billion trade deficit with China. The deficit with China is expected to grow to nearly $25 billion during this current calendar year.

The main changes in tariffs contained in NAFTA are reductions in Mexican tariffs on United States and Canadian products. There are currently very minimal United States tariffs on what Mexico sells to us, largely as a result of the Maquiladora program we have, for many years, encouraged manufacturing of products in Mexico for sale in the United States. While that opportunity would still exist under the terms of NAFTA, the new opportunity, which would be created, is the opportunity for tariff-free sales of United States products into Mexico.

If NAFTA is approved, therefore, a major challenge for United States business is to take advantage of this growing Mexican market. Proponents of NAFTA have exaggerated the extent of the opportunity that the Mexican market presents at this time, since in fact the Mexican economy is only a small fraction of our own. But the opponents have exaggerated even more in their projections of United States jobs lost to Mexico. No doubt, jobs have been lost to Mexico under the maquiladora

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

program and additional jobs will be created in Mexico in the future. However, the increased opportunity for job creation in the United States to produce products and services for sale in Mexico is what is new under the terms of NAFTA.

Whether NAFTA is approved or not it is clear the United States ability to prosper in the global economy will depend on how effectively we can pursue an export strategy, not just to Mexico but to the entire world. Our economic success during the first seven decades of this century led us to the conclusion that we could prosper, as individual companies and as a country, without an effective and persistent and aggressive export promotion effort. That conclusion was false. Unless we recognize the need to concentrate on exports, as our most successful trading partners have, we will continue to fall behind in global economic competition regardless of the outcome of this debate on NAFTA.

Not only does the approval of NAFTA provide us with an opportunity for increased exports to Mexico, it also provides the opportunity for all three of our countries—the United States, Canada, and Mexico—to combine and increase exports to the rest of the world.

To put it simply, we can learn from what Japan has been able to accomplish with its investments in Thailand and other Asian countries. Japan has been able in recent years to invest in Thailand, to send parts to Thailand for further assembly, and then to sell the finished products in the world market. This arrangement has benefited the economies of both Thailand and Japan, and has helped to keep Asian-produced products competitive in the United States market, even with the recent strength that the yen has shown.

The greatest opportunity presented by NAFTA for all three of our countries here in North America is to make similar arrangements and concentrate on exporting outside of North America to the rest of the world.

Another important point which needs to be made is that our country desperately needs a strategy and a long-range plan to bring balance to our trade relations with Asia. While we are debating our reasonably balanced trade relations with our neighbors, our trade relations with Asia continue to spiral out of control. We seem unwilling to recognize that China does not have a fully market-based economy. China maintains low-wage rates and relatively little in the way of environmental regulation so as to ensure that its products undersell all others in the United States market. At the same time the Chinese Government has in place an elaborate array of restrictions on the sale of United States-made products in the Chinese market.

Mr. President, I have seen the trend lines and unless we significantly change our policies, we should expect our trade deficit with China to exceed all others before the end of this decade. That is the source of job loss that the NAFTA opponents are complaining about. That is what Mr. Perot refers to as a "sucking sound." In the coming months, I hope to work with this administration to address this problem, just as I hope to work with them to gain approval of NAFTA this fall.

The second reason I cite, Mr. President, for my support is that this treaty will provide the opportunity for new job creation in my home State of New Mexico. Although New Mexico is one of the four States bordering Mexico, we in our State have relatively little trade with Mexico compared to those other border States.

In 1992, New Mexico exported only $32 million in goods to Mexico. In fact, 41 States exported more to Mexico than did our State in 1992. Simply eliminating tariffs will not by itself result in increased exports from New Mexico, or any State, for that matter, to Mexico. Each State must be prepared to take advantage of the opportunities made available by NAFTA. New Mexico, like the Nation, must concentrate on creating high skilled jobs and the educational infrastructure to support those jobs. We must place an increased emphasis on productivity, especially in our manufacturing sector, and we must aggressively pursue exports at the State level.

New Mexico also needs to improve its trading infrastructure. We are fortunate to have the ports of Columbus and Santa Teresa open to commercial traffic and hopefully in the future we will also have a port of entry at Sunland Park. However, New Mexico is alone among border States in not having a State-based customs district. Instead, all major decisions for our ports of entry, including staffing and site location, are made in Texas. If New Mexico is to become a major exporter, we need those decisions about trade and ports of entry to be made from within our State in a New Mexico-based customs district. At the very least, today we need to be assured that the customs personnel and resources necessary to handle increased trade with New Mexico ports of entry will be there. I have been assured by our Commissioner of Customs that this administration is committed to working with me in providing those resources.

Mr. President, New Mexico will also require continued support for our natural and cultural resources along the border. One example, well known to all, is the Rio Grande. It has recently been referred to by some as the most endangered river in the United States. The NAFTA process provides us with an excellent opportunity to identify resources for addressing this and other pressing environmental and health issues along the border. I proposed the creation of a private-public partnership, a trust of sorts, to be a permanent resource and advocate for preservation of the Rio Grande, and I understand that this administration is committed to that idea as well. This effort could help to ensure a truly binational effort for the first time to preserve this great resource that our country shares with Mexico.

Let me make clear also, Mr. President, that we in New Mexico should not just look to what we can gain from more trade with Mexico. We also have a great deal to contribute to this new relationship. New Mexico has resources that will be important in preparation for the creation of a North American trading bloc. The technology developed at our national laboratories, Sandia and Los Alamos, will provide benefit in efforts to promote environmentally sound practices on both sides of the border.

The effort of those laboratories, I believe, will also prove vital to the environmental cleanup of the border that Mexico and the United States both want and need.

Given these resources, it is my belief that New Mexico would be an ideal location for a new border EPA office, and I have made that point to the administration, and I am hopeful they will agree with that view as well.

For too long, both New Mexico and the United States have been unable to fully capitalize on the potential of trade with Mexico. While NAFTA will create opportunities for increased trade, it will not by itself cause that trade to occur. Our businesses must aggressively pursue exports and our Government agencies must help them to do so.

The third reason I cite, Mr. President, for supporting this proposed treaty is that our common destiny with our neighbors dictates that we should strengthen our cooperation and interaction, and this treaty can be a vehicle for doing so.

Economic issues often cannot be separated from their political and socioeconomic context, and that is certainly the case with NAFTA.

I was born and raised near the border of Mexico and, as I fast approach the advanced age of 50, I have concluded we are neighbors with Mexico in 1993 and, more importantly, we are destined to remain neighbors for a very long time.

That fact gives our Nation a common destiny. That fact means that to some significant extent, our futures rise and fall together. If the United States loses its world economic leadership, Mexico will suffer, and if Mexico is unable to pull its people out of poverty, the United States will shoulder a heavy load in the decades ahead.

Speaking about our common destiny with Mexico comes easily to those of us from the Southwest. New Mexico was part of Mexico from the period 1821 to

1846. The same river known to the Mexicans as the Rio Bravo is known to us as the Rio Grande, and for over two centuries, the trade routes from Chihuahua, north to Santa Fe, Espanola and Taos were better traveled than any trade route from English-speaking America.

Mr. President, in conclusion, let me say that each of our three nations is home to proud people with a rich heritage. We each want a better life for ourselves and our children. NAFTA represents an opportunity for us to achieve that better life by working together.

This vote is a choice between our hopes of what might be and our fears of the unknown. I choose to vote my hopes.

Thank you, Mr. President, and I yield the floor.

Mr. DORGAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from North Dakota [Mr. DORGAN]. Under the previous order, the Senator is recognized to speak for up to 15 minutes.

BASE CLOSURE COMMISSION REPORT

Mr. DORGAN. Mr. President, I shall not take quite that much time, but I wanted today to talk about three items very briefly. In the middle of this afternoon, the Senate will be considering the Base Closure Commission Report, closing certain military installations around the country. I will not be here for that debate, and I want to reiterate something I had mentioned last week on the floor of the Senate.

As part of the recommendations from that Commission, they are closing a facility in Norfolk, VA, and moving the functions to Rhode Island. This particular episode, in my judgment, represents the worst of Government.

This is a facility that was built for the Navy at the Navy's request for $27 million. It is a special-use facility constructed to house certain kinds of equipment for the Naval Undersea Warfare Center. It is what the Navy said they wanted. They ordered up a brand spanking new big building. Two weeks before the ribbon was cut, opening the building, it was decided that the Navy was going to move the functions of that building to Rhode Island; 2 weeks before it was opened, they said, "We have changed our mind."

The fact is, one side of the Navy was saying, "We want this," and the other side of the Navy was saying, "We want to move this to Rhode Island," at exactly the same time, a tragic waste of the taxpayers' money. There are things involved there that I want to get to the bottom of. I have asked GAO for an investigation. There are people involved; there is withholding of information involved in this. It stinks to high heaven.

I am not going to be able to be here to say that today during the debate on the Base Closing Commission. I would not vote against the recommendations of the Base Closing Commission anyway because it closes a lot of unneeded bases. But this recommendation is wrong and results, in my judgment, from certain withholding of information and also, in my judgment, from an almost incompetent set of decisions and actions inside the Navy to result in this kind of tragic waste for the American taxpayer.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 1469 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

HIGH-SPEED POLICE PURSUIT

Mr. DORGAN. Mr. President, I want to call the attention of the Senate to a piece of legislation that I offered recently. It deals with high-speed police pursuit.

Last January, an elementary high school principal in Virginia was driving with his two daughters to church. Some distance away, a teenager, allegedly drunk, was chased by police for an infraction of the law, and the chase in a city street grew to a high-speed police chase. At an intersection in Falls Church, VA, in a tragic accident, the elementary high school principal and both of his daughters were killed.

This is not an isolated instance. According to published data, over 300 people a year are killed in this country, innocent victims of high-speed police chases. Some estimate, because a lot of these are not reported to any central area, that there might be as many as 1,000 people killed.

My interest in this issue is personal. My mother was killed in a high-speed police chase some years ago by someone fishtailing in a pickup truck chased by police, some eyewitnesses said, at 100 miles an hour in a city street. This happens all across this country, too often.

I talked to the sheriff at Ward County, ND, some while ago when I was putting together this legislation. He told me the night before that a deputy of his had encountered a drunk driver in Ward County, ND, clearly an obvious drunk, careening across the roadway with two children in his car. The drunk driver, when the sheriff tried to apprehend him, took off at a very high rate of speed.

That law enforcement officer had two choices: To discontinue the chase, or to chase at a high rate of speed. The law enforcement officer identified the vehicle and discontinued the chase. The result was they arrested the person 4 hours later, and those children are still alive. A high-speed chase could very well have resulted in the death of innocent people.

The question is, when do the police pursue and when do they not? There needs to be some uniform policy and some uniform training. In many law enforcement jurisdictions in this country, as you travel across the country on vacation, you risk driving into a jurisdiction where there has been no policy and no training with respect to when do you pursue or when do you not; when do you initiate an 80-mile-an-hour chase on a city street? Because someone had a broken taillight?

My legislation simply asks the police around this country to have a uniform policy and uniform training about when it is appropriate to pursue.

Second, my legislation says to those in this country who desire to flee from police, there shall be two sanctions. One, you are going to sit 3 months in jail; and the second is you are going to lose your vehicle. It is very simple legislation. Yes, I know it is intrusive. I know that some people do not like to do this sort of thing. But the fact is, it is not unusual in this country, it is not out of the ordinary for us to see a tiny infraction on the city street result in people careening down the street in high-speed chases at 80 miles an hour.

Not long after I read about the tragic death of the high school elementary principal over in Arlington and his two daughters, a young girl aged 2 was standing at a bus stop with her mother and was also hit by a car being chased at a high rate of speed.

I am not suggesting the law enforcement people are wrong in these circumstances. I am just saying that I want all Americans to understand that all law enforcement jurisdictions have a policy in place about when to pursue, and adequate training on how to deal with that policy. I also want all Americans to understand that if they flee from police, they face two certain consequences: They are going to spend 3 months in jail, and they are going to lose their vehicle.

I hope that as we deal with highway safety issues in the coming months, that I will be able to attach my legislation to some legislation that is considered on the floor of the Senate.

I urge other Senators who might be interested in this issue to join me.

Mr. President, I yield the floor.

Mr. BRADLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New Jersey, [Mr. BRADLEY].

ORDER OF PROCEDURE

Mr. BRADLEY. Mr. President, I ask unanimous consent that I be allowed to proceed for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOSTING OF THE OLYMPIC GAMES

Mr. BRADLEY. Mr. President, on Thursday, September 23, the International Olympic Committee will meet in Monaco to vote on candidates to host the Olympic games in the year 2000. Among the cities that are vying to win the honor is Beijing. I believe that it would be a grave mistake to award Beijing this honor.

One of the experiences that I treasure the most was the opportunity to represent this country in the Olympic games in 1964. I can still remember standing on the podium with the gold medal around my neck, the National Anthem being played, the flag being raised, and chills going up and down my spine. Participating in the games, which promote so effectively the ideals of athletic excellence, sportsmanship, and fairness, it was a great way for me, then a young man, to represent our country.

It is in that spirit that nations should be awarded the Olympic games. To be selected as the site for the games is to be given a chance to showcase your nation, to associate yourself with its idealistic traditions, and to broadcast these positive images throughout the globe.

That is why there is never a shortage of countries eager to bid for the games, despite the large public investment required to host them.

It is for this reason that Beijing has submitted a bid for the games in the year 2000. By associating itself with the positive symbols of the Olympic movement, the Chinese leadership seeks to erase the memories of Tiananmen Square, divert attention from its human rights record, and mark the ascendancy of a new China.

It seeks to signal its arrival on the international scene, just as Japan did in 1964 in those Olympics I attended when its message was Japan is back as a power in the world, and just as Germany did in 1972 when it was the new Germany hosting the Olympic Games, or as the Republic of Korea did in 1988. The problem, Mr. President, is the contrast between the image that the Chinese Government seeks to promote and the reality of China today.

China has not yet arrived in the world community of democratic, free-market nations. As the State Department stressed in its 1992 Country Reports on Human Rights Practices, "China's human rights practices have remained repressive, falling far short of internationally accepted norms." We should not allow the Chinese Government a huge propaganda victory while it routinely tortures and imprisons political dissidents, severely restricts freedom of assembly and freedom of expression, and brutally suppresses religious practices.

Last week, in an attempt to curry favor with the International Olympic Committee, China released its most famous dissident, Wei Jingsheng, from prison. Like so many others in China, he had been sentenced to prison for merely speaking his mind. While I applaud his release, I do not think anyone believes it marks a change in China's human rights policy.

My concern about China's human rights policies have led me to express opposition to its bid to host the 2000 games in a variety of ways. Most recently, I drafted a letter strongly opposing the bid, secured the signatures of a bipartisan group of 60 U.S. Senators, including the majority and minority leaders, and sent that letter to each member of the International Olympic Committee in the hope that as they contemplate the decision they are going to make on September 23, they clearly have in their hands the personal expression of 60 U.S. Senators that it would be unwise to award the games to China in the year 2000.

I ask unanimous consent that that letter be made a part of the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 9, 1993.

DEAR INTERNATIONAL OLYMPIC COMMITTEE MEMBER: A little over four years ago, the world watched in horror as thousands of peaceful democracy activists were massacred in Tiananmen Square. Now the Chinese government is attempting to erase the memories of that tragic event and avert attention from its human rights record by seeking to host the 2000 Olympic Games.

As a member of the International Olympic Committee you will soon be asked to vote on bids to host the 2000 Summer Olympic Games. We petition you to vote against awarding these Games to Beijing.

Holding the Game in China while its government continues to jail many of the persons arrested during the 1989 pro-democracy demonstrations, routinely imprisons and tortures peaceful political dissidents, severely restricts freedom of expression, and suppresses religious practices would confer upon China's leaders a stamp of approval by the international community which they clearly do not deserve. The propaganda value for the current regime would be enormous, China's democracy activists would be demoralized, and the image of the IOC would suffer as it worked closely with an authoritarian government to stage an event televised around the world.

The Olympic Games represent the best ideals and aspirations of the world community. They seek to bestow honor and recognition on those who have earned it through fair play and a commitment to high ideals. Perhaps someday, maybe even as soon as 2004, the Chinese government will have, by word and deed, earned the right to host the Games. Regrettably, that day has not arrived. We urge you to choose another, more appropriate venue, and wish you the best in your deliberations over the coming weeks.

Sincerely,

Dennis DeConcini, Bill Bradley, Jesse Helms, Byron L. Dorgan, Richard G. Lugar, John Glenn, Edward M. Kennedy, Kent Conrad, Joseph I. Lieberman, Russell Feingold, Dan Coats, Daniel Patrick Moynihan, Christopher J. Dodd, John W. Warner, Robert J. Kerrey, Carol Moseley-Braun, Herb Kohl, Harry Reid, Paul Wellstone, Judd Gregg, Frank R. Lautenberg, Conrad Burns.

Joseph R. Biden, Jr., Kay Bailey Hutchison, Tom Harkin, Arlen Specter, Hank Brown, Harlan Mathews, Bill Cohen, James J. Exon, Connie Mack, Paul S. Sarbanes, Ben Nighthorse Campbell, Patrick J. Leahy, Robert C. Byrd, Carl Levin, Dale Bumpers, David Pryor, Bob Smith, Ernest F. Hollings, Thomas A. Daschle.

James M. Jeffords, Donald W. Riegle, Jr., Don Nickles, Barbara A. Mikulski, Wendell H. Ford, Harris Wofford, Robert F. Bennett, Richard H. Bryan, Nancy Landon Kassebaum, Alfonse M. D'Amato, Bob Graham, Howard M. Metzenbaum, Jim Sasser, Lauch Faircloth, Charles E. Grassley, Barbara Boxer, Robert Dole, Strom Thurmond, George J. Mitchell.

Mr. BRADLEY. To appreciate just how inappropriate the Chinese bid is, one need only look at what China's leadership is doing to secure the games. In Beijing's formal application, the authorities in China assure "Neither now nor in the future will there emerge in Beijing organizations opposing Beijing's bid or the hosting of the 2000 Olympics.

This boast suggests the Chinese Government considers its willingness to crush any opposition to the Olympics being located in China as an asset. They consider their ability to repress anyone who would speak in opposition as a reason the Olympic games should be given to China. I believe just the opposite is true.

Ironically, as the Chinese Government tries to convince the world that it deserves the Olympics, it has imprisoned some opponents of its bid without charge. In other words, repression exists. And it has threatened many others who oppose the games. This is just what it did before the 1990 Asian games in Beijing when almost 1 million people were arrested as part of a crackdown on crime by public security authorities to prevent any disruption occurring right before the Asian games began, coincidentally. And in a move, the irony of which we should all appreciate, the Chinese leadership has appointed as the head of its Olympic bid campaign, Chen Xitong, the man who as mayor of Beijing 4 years ago signed the martial law decree which made possible the attack on students by the military in Tiananmen Square.

Mr. President, it is not my objective to isolate China; 22 percent of the world's population lives in China. By the World Bank's recent accounting, China already has the world's third largest economy despite a low per capita income. If China's economic boom continues—and there is no reason to believe it will not—China will inevitably carry more economic and military weight in Asia and the world.

I wish to see an open, liberal China, a China that plays a constructive and responsible role in world affairs. That is why I support most-favored-nation status for China. But there is a fundamental difference between trade and the Olympic games. Trade provides new contacts, new opportunities, and the liberalizing influence of economic growth. It is a constant. It continues. It is a constant exchange. It is a possibility for interaction, personal growth, broadening of points of view, opening up.

The Olympics, by contrast, is an honor bestowed on a country by the world through the International Olympic Committee. The Olympics reflects ideals and values which are inconsistent with the current situation in China. There is no getting around the fact that awarding China the Olympics for the year 2000 would be perceived as a reward by the world community to a government that does not deserve to be rewarded.

Some people argue that awarding China the Olympics will hasten the opening up of Chinese society. Nothing in the history of the Olympic movement supports that position.

In the couple of weeks that you are at the Olympics, you do not see democracy in action. You see athletes. Attention is centered on the Olympic Village and on the playing fields and the courts and the tracks. Respect for a country is tied to its ability to collect medals and not its ability to tolerate open debate. I regret that fact, but that is the reality.

As long ago as 1972, I suggested broadening the Olympic games so it included some cultural and political expression, but the Olympic games as we know it today is not that broad concept of the Olympics. It is, instead, an athletic contest with the world focusing on athletes who are competing on a field of play.

Instead of the host Government being scrutinized, it enjoys a love feast with the media. No self-examination by the host country takes place. There are no cameras poking around in different and difficult places, and certainly not in a country whose Olympic bid application stated it would not tolerate that. Instead, it is given a worldwide platform from which it can extol the virtues of its society virtually unchallenged by anyone. For 2 to 3 weeks, hundreds of millions of people around the world watch and see the virtues of the host country. Just think of Spain. Just think of South Korea. Just think of the experiences of the last several Olympics.

Mr. President, China is changing. Perhaps someday, maybe even as soon as 2004, the Chinese leadership will have earned the right to host the Olympic games and send the world its message of a truly new China. When China demonstrates by deed as well as by word it is ready to adhere to universal norms for the treatment of its people, then I will be happy to join in the chorus supporting its effort to command respect commensurate with its importance in the world, and I would support the Olympic games going to China. Regrettably, that day has not yet arrived. The International Olympic Committee can make that clear with a strong rejection of China's bid on this Thursday.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. BRADLEY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Arkansas is recognized in accordance with the order now in effect for up to 5 minutes for the purpose of morning business.

Mr. PRYOR. Mr. President, I ask unanimous consent, if there are no other takers of the Senate's time, that I may be recognized for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CLINTON BUDGET: CBO'S VIEW

Mr. PRYOR. Mr. President, earlier this month, the Congressional Budget Office issued an updated report on the general economic and budgetary outlook that I think has been largely overlooked. I think there are some interesting things in this report that, right now, would be timely to report to our colleagues in the Senate.

This report, Mr. President, is the first chance for the independent and nonpartisan Congressional Budget Office [CBO] to project the impact of the deficit reduction package Congress passed on August 6, 1993.

Mr. President, the news is good. It may come as a surprise to a lot of people. Let me say that the news is better, because we have passed such a package, according to the Congressional Budget Office. First, let me quote from the opening paragraph in the CBO report.

> In early August, Congress passed and the President signed the Omnibus Budget Reconciliation Act of 1993—a major package of tax increases and spending reductions. Enactment of this legislation has significantly brightened the budgetary outlook for the next several years. The Congressional Budget Office projects that the Federal budget deficit will fall from an estimated $266 billion in the current fiscal year to an average of $200 billion in 1995 through 1998.

This is good news, Mr. President.

The report continues:

> Reducing the deficit increases national savings and spurs economic growth in the long run—

And it goes on to say—

> lower interest rates reduce the cost of borrowing, stimulate consumer spending on durable goods and business investment in plant and equipment, and will allow the economy to maintain its momentum during the remainder of 1993 and 1994.

Mr. President, this is an encouraging sign. It is a brighter outlook: Increased national savings, long-run economic growth, and economic momentum in the short run. All that good news on the first page inspired me, as I hope it will inspire my colleagues, to read on further into the CBO report.

During the budget debate, a number of basic questions were asked about the reconciliation bill that we had under consideration at that time. This report, I think, should help to allay some of the concerns about that bill. One of the largest and most often asked questions about the reconciliation bill was whether or not it would actually reduce the deficit.

The first chart, I think, Mr. President, shows the difference before and after the reconciliation bill we passed on August 6, according to the CBO. Let me reiterate that the inherited deficit is right here and would have been going up and spiraling upward. But after the August 6 vote, after the legislation was passed by the Senate and the House, we now see that the deficit, with the Clinton plan, is going to be reduced and stabilized up until the year 1998.

During that debate, Mr. President, on the reconciliation bill this was, I think, one of the major concerns, and certainly one of the major concerns as addressed by CBO.

According to CBO, the 1998 deficit of $200 billion is nearly $160 billion lower than what would have happened had we not passed the 1993 reconciliation bill.

Most economists look at the level of the deficit as a percentage of GDP as the most important indicator of the true size and impact of the deficit. This second chart shows the difference before and after the reconciliation bill passed, according to the Congressional Budget Office.

In the debate relative to the reconciliation proposal, the second question asked about this legislation—especially by its opponents—was what effect it would have on the economy. Many people who were in opposition on August 6 to this proposal said that this would have no real salutary effect upon the economy.

Mr. President, let me once again turn to the CBO report:

> The reconciliation bill will provide important long-term benefits for the economy * * *. The Federal Government will draw substantially less from private credit markets over the next 5 years. As a result, more resources will be available for private investment, which will enhance productivity and economic growth, and borrowing abroad will be reduced. Ultimately, the lower deficits will increase the Nation's standard of living.

Mr. President, one of the immediate economic impacts of deficit reduction is something that we also ought to look at now, because it is already beginning to happen—the reduction of long-term interest rates to all-time lows of under 6 percent. This third chart shows what has happened to long-term interest rates since the passage of this bill on August 6.

This was an amazing milestone. Once we passed this bill, we saw confidence in the markets, which continued to lower our long-term interest rates.

What does that actually mean to the economy? CBO answers that question. The question was answered not by a Democrat or a Republican Senator or a House Member, but the independent CBO. CBO explains.

> * * * the decline in long-term rates improves the outlook for private spending financed with credit. Lower interest rates reduce the cost of borrowing and thereby stimulate private spending. The decline in long-term interest rates in 1993, by itself, makes capital spending by business more attractive. Consumers may spend more on durable goods, such as automobiles and major appliances, and on housing.

Mr. President, the drop in long-term interest rates during the last month-and-a-half, yes, it has been positive, but this next chart shows an even more dramatic reduction in those rates, those interest rates, since President Clinton has been elected to office. Since November of last year, the date of his election, we have charted those interest rates. The record low interest rates in the last month were no flash in the pan because there has been a constant downswing with two or three little variations there, Mr. President, a constant downswing in the cost of borrowing money.

I think and I hope it is a reflection of faith that the credit markets have placed in President Clinton since November that he would get a handle on the massive Federal deficit that he inherited, and that he would propose serious and specific solutions to the problem, and have them passed by the Congress. As a direct result of that commitment, and also because of the action, not inaction but action by the Congress, long-term rates have dropped further down than anyone would have imagined a year ago.

This CBO report is so encouraging on that point, Mr. President, that I would like to quote it again:

> With smaller deficits that were projected last winter the Federal Government will now absorb a smaller amount of national saving. As a result, more saving will be available to invest in private domestic plant and equipment—the primary basis for improving the level of GDP and living standards in the long run. In addition, with smaller deficits, less borrowing from abroad will be needed. And less borrowing, along with reduced flows of interest, dividends, and profits paid to foreign investors will make the Nation's income higher than otherwise.

In short, the long-term economic news is much better than it was before we voted on the deficit reduction bill.

There was a last major question that played I think an important factor in the debate on the Senate floor before the August recess and that question was: Who pays the new taxes in this plan? Some opponents of the reconciliation bill claim that taxes were going to go through the ceiling and that all small businesses were going to have to bear additional responsibilities.

Mr. President, that claim is, and was then, false. CBO, the Congressional Budget Office, has settled it once and for all, and I quote once again:

> CBO estimates that over 80 percent of the net tax increase from OBRA 1993 will be paid by families of at least $200,000, and over 90 percent by families with incomes of at least $100,000.

The Congressional Budget Office also points out that many families, many families, will receive a tax cut as a result of the plan, and again I quote:

> By 1996, when the expansion of the earned income tax credit is fully phased in, the average family with income under $30,000 will pay less tax than if the deficit reduction plan of 1993 had not been enacted.* * * When these changes are fully phased in, the effective tax rate on the 20 percent of families with the lowest incomes will be less than half of the 1985 level and lower than it a has been for the last 16 years.

Mr. President, the reconciliation bill did contain a 4.3-percent-per-gallon increase in the tax on gasoline. I think a lot of people were not real excited about voting for that, and I was one of those who did not support that provision. Fortunately for consumers, we have seen oil prices basically decrease since that time and hopefully we will see as a net result that the American consumer is not paying a great deal more, or perhaps any more, for the cost of getting back and forth from work and buying gasoline at the pump.

Mr. President, let us throw away all of the fiery comments and half-truths about all of the allegations and new taxes in this legislation. Ninety percent of the new taxes are paid by families making over $200,000 per year, and the average working family will either get a tax cut or pay an average of an additional $60 a year. Those are the facts.

There are some other gems in this nonpartisan and unbiased examination for the budget that CBO did. I have heard many times on this floor that the hundreds of billions of dollars saved in the reconciliation bill would be spent elsewhere by Congress in the future.

CBO answers:

> Extension through 1998 of pay-as-you-go constraints on new direct spending and revenue legislation and enforceable limits on discretionary spending will help ensure that the promised deficit reduction is not undone by future legislation.

Mr. President, I have gone on long enough, but let me say this in conclusion. I didn't like everything in the reconciliation bill—I don't think anyone did.

One of my largest concerns was simple—would it work? I thought the answer to that basic question was yes, and I voted for the bill. Reading this CBO report helped to sustain my conviction that the $500 billion deficit reduction bill was passed last month would work.

I encourage all of my colleagues and everyone who wants to speak out intelligently and truthfully on the merits of the reconciliation bill to read this report cover to cover. Because, in short Mr. President, the news is good.

THE 200TH ANNIVERSARY OF THE CAPITOL

Mr. PRYOR. Mr. President, I would like to say now that the President pro tempore is on the floor that I had the privilege on Friday evening of turning on C-SPAN, and I had the privilege of watching the distinguished Senator and listening to the distinguished Senator from West Virginia as he appeared in Statuary Hall addressing what I believe to be the Capitol Historical Society's celebration of the 200th birthday anniversary of the Capitol Building.

I must say once again I was enthralled and impressed watching the distinguished Senator from West Virginia in his command of not only history, but his wisdom in looking out into the future of what events like this mean.

I wish that all of our schools could see that program. He and Senator Baker, the former Senator from Tennessee and former leader in the Senate, both gave eloquent addresses to the assembled body.

I compliment my friend and say what an educational treat that was for me and how inspired I was.

I think my time has expired, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Chair recognizes the President pro tempore, Senator BYRD.

Mr. BYRD. Mr. President, I thank my distinguished friend from Arkansas for his very gracious comments concerning the program of last Friday evening. It was a joy to be associated again with my quondam colleague, former Senator Howard Baker, on that occasion. And I very much appreciated the opportunity to address the fine gathering upon that occasion.

I compliment Clarence Brown who is the president of the Historical Society on Capitol Hill for doing a good job as he stepped into the large shoes of the late former Congressman Fred Schwengel, who had been in that position for several years.

So again I thank my colleague. I hope that many millions throughout the country had the opportunity to watch that program or will have the opportunity if it is played back on C-SPAN.

And C-SPAN continues to do its excellent work informing the American people of what is being debated and the actions of the House and Senate in this year of our Lord 1993.

(Ms. MOSELEY-BRAUN assumed the chair.)

LINE-ITEM VETO XIII

Mr. BYRD. Madam President, this is the 13th in my series of speeches on the line-item veto, with particular emphasis on the Roman Republic and the Roman Senate.

For centuries, the Roman Senate was a body of the wisest, the best educated, the most respected, most experienced, most vigilant, most patriotic men of substance in the Roman Republic.

In the beginning, the Senate acted as an advisory council to the monarchs, but over time it attained the pinnacle of majesty until, indeed, the symbol of Roman State authority was scripted SPQR, Senatus Populusque Romanus.

This was the stamp of approval of power and authority under which the victorious Roman legions marched as they conquered the Mediterranean world.

The Roman Senate had complete control over the purse. It determined foreign policy, executed foreign policy, made and ratified treaties. It approved or disapproved legislation. It approved the elections of magistrates, and it determined who would be entrusted with the powers of dictator in a time of crisis for the Roman State. The Roman Senate was the guardian of the Roman State. It was the conscience of the Republic.

Rome had no written constitution as we know it. Precedents were set and understood and followed by tradition and custom. Precedent had developed a little used but dangerous office—the office of dictator.

Roman custom had allowed for the designation of a dictator for a period of not to exceed six months, from whose order no appeal was allowed, whose word was law for the duration of his tenure, who held the powers of life and death over every Roman citizen, and who held the supreme command over the Roman military forces.

In 82 B.C., upon the seizure of the reins of power in Rome, Sulla had himself appointed dictator for an indeterminate term. For our purposes, Sulla might be described as an early and comparable equivalent of Benito Mussolini. Sulla freely used the powers of life and death to impose on Rome a tyranny that cost the lives and liberties and property of thousands of his opponents.

Then, in the middle of the first century B.C., Rome found itself again in a situation of crisis from which eventually emerged Gaius Julius Caesar—the Catiline conspiracy, the struggles between and among Caesar and Crassus and Pompey, the Gallic Wars, the crossing of the Rubicon by Caesar in 49 B.C., the investiture of Caesar with the dictatorship in 49 B.C. and again in the late fall of 48 B.C., Caesar's struggle with Pompey, the Battle of Pharsalus, the Battles of Thapsus and Munda, Caesar's Egyptian adventure, Cleopatra, and Caesar's triumphant return to Rome.

For decades, Rome had endured internecine slaughter, civil wars, power clashes, proscriptions, murder, vengeance, empire building, riots, gang warfare, and a virtual orgy of bloodletting and violence that culminated finally in the Senate's investiture of Caesar with the dictatorship in 46 B.C., for ten years.

Note again what I have just said. The Roman Senate, without being coerced, invested Caesar with the dictatorship—an office of absolute power, traditionally limited to a period of six months—but this time for ten years.

The Senate granted Caesar the right to speak his opinion first in the Senate, so that any ambitious and self-seeking member of that body could take his cue from the new master of the Roman State and trim his own opinions to the fashion of Caesar's moment.

Gaius Julius Caesar did not seize power in Rome. The Roman Senate thrust power on Caesar deliberately with forethought, with surrender, with intent to escape from responsibility. The Senate gave away power, and the members of that body abandoned their duty as Senators, and, in doing so, created in Caesar the most powerful man in the ancient world and one of the most powerful men in all history.

Then, in 44 B.C., the Roman Senate dealt a death thrust to the Roman Republic by declaring Julius Caesar dictator for life, and without being coerced into doing so. Caesar's statue was placed among the statues of the ancient kings of Rome. Advanced ratification was given to all of his future acts. He was above the law. His word and his command were the law, and his power and authority were absolute in all matters affecting the Roman State—financial, military, foreign, and domestic. He was king in everything but name, with more power in his hands than the kings of ancient Rome ever held.

Madam President, the day that the Roman Senate surrendered its powers and prerogatives into the hands of one man for life, was, as fate would have it, one of the most momentous days in the history of the world, for from that act and from that day ultimately flowed the assassination of Julius Caesar, and the eventual reign of Octavian, whom we know as Augustus, first of a long line of emperors. How different—how different history might have been. For from that act in 44 B.C. flowed a stream of irreversible history, on the waves of which burst forth the sorry reigns of Caligula, Nero, Vitellius, Domitian, Commodus, Caracalla, Elagabalus, Carinus, Honorius; a turbulent stream that flowed through dark centuries of intrigue and violence, conspiracy and murder; a stream which immersed in blood many of the emperors who wore the royal purple, as well as many of those who lusted after the throne.

Finally, 520 years after the Senate's abject surrender of power into the hands of Caesar for life, the German Odoacer deposed the last emperor of the West—the impotent, diminutive, unfortunate Romulus Augustus.

Edward Gibbon relates that the Roman Senate then would address Zeno, the emperor in the East urging, in the Roman Senate's name and in the name of the Roman people, that the universal seat of empire be transferred permanently, after 1,229 years, from Rome to Constantinople, thus marking the extinction of the Roman Empire in the West.

Like a rock cast into a lake, the Senate's abject surrender of power to Caesar in 44 B.C., ripples and reverberates and rolls across 20 centuries of "the deep and dark blue ocean" of history.

Madam President, let us analyze the surrender of the Roman Senate's power to Caesar and let us consider the implications of our own surrender—God forbid—to any President, of power that is unchecked by a Senate and House of Representatives.

Power is not a substance. It is not a liquid or a gas or a solid. It is not a sum of money in the bank, although money in the bank can be helpful in securing the trappings of power. It is not guns or tanks or bullets, although guns and tanks and bullets can be used to seize control. They can be the instruments of power.

Power is an attitude in the minds of people. That is what power is: An attitude in the minds of people.

Here in the United States Senate, we can exercise power over the circumstances and events that affect people's lives, because the American people have acquiesced, through the Constitution, in our use of the throttles and levers of the engine of Government to affect their lives and to make things happen by vote after vote after vote. But if tomorrow the American people ceased acquiescing through the Constitution in our use of the instruments of governmental power to affect circumstances and events in their lives, tomorrow we would descend into the abyss of oblivion as Senators and as a Senate, and the people would then create a new entity or institution or organ for their governance.

When Fidel Castro came to power in Cuba, Fulgencio Batista was armed to the earlobes with rifles and machine guns and tanks and hand grenades. And yet, almost without firing a shot, Fidel

Castro drove into Havana and took command, because the Cuban people had disempowered Batista and had empowered Castro by their assent and acquiescence. And the Cuban people have not yet decided to take that power back. Unfortunately, there is no legislative branch in Cuba with equal powers and with power over the purse to challenge the powers of the dictator.

Likewise, look at our own American Revolution. In their frustration, the American patriots had disempowered the British King, George III, in the American Colonies. British rule in the Thirteen Colonies was doomed long before Yorktown. Had the British won the military side of the war, the American patriots would never again have surrendered real power—the power to govern based on the assent or the consent of the people—into the King's hands, and the struggle would have gone on by other means until America was truly free.

George Washington even declared that, were he to be defeated on the Atlantic seaboard, he planned to withdraw into present-day West Virginia, where the struggle would be continued until final victory.

Interestingly, when Lenin was informed that the Kerensky provisional government had assumed the trappings of power, Lenin was not discouraged; he was energized. Lenin knew the difference between trappings of power and real power itself. Lenin immediately set about negotiating with the German Imperial Government for his early return to St. Petersburg. Lenin realized that the fall of the czar had created a power vacuum which he, Lenin, must be ready to fill. He knew that the Russian people were desperate and that a desperate people will do anything to relieve their desperation.

Lenin knew that Kerensky had no intention of ending that desperation and that, therefore, Kerensky did not hold real power. Upon learning of the abdication of the czar, Lenin is reported to have said, "The power is just lying in the streets waiting to be picked up." And, in fact, Lenin was correct because the Russian people had never given their assent to being governed by the Kerensky government.

When Lenin arrived at the Finland Station in Petrograd from exile, after having been transported across Germany in a sealed train, the real revolution was already over. The czar was gone, and opposition to the revolution qua revolution was virtually finished. All that remained uncompleted was the consolidation of power into the hands of one revolutionary element or the other. Several groups were competing for legitimacy in the eyes of the Russian people: The Bolsheviks, the Mensheviks, the social revolutionaries and others. All that was left was for the Bolsheviks to topple the straw-man provisional government, act and sound like leaders, tell the Russian people whatever they most wanted to hear, and be ready for the desperate Russian people to surrender into the Bolsheviks' hands the power to rule so that the problems of the Russian people then could be dealt with.

Unfortunately, as history has often indicated, in such instances as the rise of communism in Russia, nazism in Germany, and fascism in Italy, modern tyrannies have more frequently risen to fill power vacuums when majorities in the victim countries have abdicated their own responsibilities and surrendered power to the rising tyrant.

Returning to our focus on ancient Rome, it was the Roman Senate that abdicated its responsibilities and surrendered power into the hands of a dictator, Julius Caesar, for life, without being coerced into doing so.

Did Caesar intend to make himself king? Probably not. For one thing, as Roman dictator for life, Caesar possessed power far exceeding the powers of most kings in the ancient world.

Convinced that they knew the real intentions of Caesar, a small clique of aristocratic Roman Senators assassinated Julius Caesar at the base of Pompey's statue in the Roman Senate March 15, 44 B.C., as Caesar was about to speak to the Senate. These were substantial and reputable men, Brutus and others, men who believed themselves patriots who had struck down a would-be tyrant bent upon the final destruction of liberty and the Roman Republic.

In truth, Brutus, Cassius, and their colleagues may have been right, for had events been allowed to take their course, the path and direction of Roman history might have been different. Had events been allowed to take their course, Brutus and Cassius might have been able to make their case against Caesar's impending tyranny, and might have received the plaudits and been hailed as the saviors of the Roman Republic and Roman liberty.

Not so, however. In the role of one of history's most effective "spin doctors," Mark Antony delivered a stemwinding funeral oration, waved the bloody toga in the faces of the mob, and set in motion another civil war which, when finished, left the Roman Republic forever dead, Cicero and other visionaries executed, and dictatorial powers bestowed upon Augustus and every succeeding emperor until the fall of Constantinople to the Ottoman Turks in 1453 A.D.

Octavian was Caesar's grand nephew. Octavian did not set out to be Caesar's successor. In fact, Octavian did not know that Caesar had adopted him as his heir until the public reading of Caesar's will.

Octavian was only 18 years old at the time of Caesar's assassination and was sickly and chronically ill, hardly the attributes of a powerful leader. Indeed, there is no indication that Caesar intended Octavian to be his successor.

But once Octavian had been designated as Caesar's heir, Octavian determined to assume Caesar's complete mantle, and in part that determination might be explained by a distinctive Roman quality. Well-born Romans aspired to public acclaim and veneration. Octavian's determination evidenced itself when it appeared that Mark Antony was ready to deny to him the legacy that Caesar had bequeathed to him, by withholding Caesar's wealth and Caesar's private papers. Combining a fortuitous destiny with a newly aroused and righteous indignation, Octavian bested all of his rivals for the pinnacle position of power in the Roman State and allowed himself to be styled "Augustus."

Augustus wanted to restore the old Republic, but that was not to be. He sought to shift responsibilities from his shoulders to the Senate, but the Roman Senate preferred to toady to an imperator, an emperor, a strongman who would take charge of the national destiny.

There may have been a phenomenon of man's nature at work here, for in times of crisis, when the foundations of a society begin to shake and old certainties topple, there seems to be something in man that loves a Caesar; something inherent, innate, and seemingly genetic yearns for the superman, a duce, a fuehrer, a caudillo, an el supremo, a strongman to whom one can turn for national salvation and security.

After ceding power to Caesar in 44 B.C., and after bestowing the same prerogatives and powers on Augustus, the Roman Senate never again exercised the power and influence in the Roman State that it had enjoyed in the centuries of the old and middle Republics. Although some subsequent emperors—Vespasian, for example—kept up the pretense of a partnership with the Roman Senate, the Senate never again attained to its former glory and power in the Roman State.

For more than 1,000 years, the myth of Rome lived on in Constantinople, which was more authoritarian than Caesar or Augustus might ever have conceived. There was no Senate to challenge the Byzantine emperor's claim to hold authority over even the church or its theology. When Justinian murdered 30,000 of the citizens of Constantinople in 532 A.D., during the Nika Rebellion, there was no Senate to challenge his right to do so.

With autocrats like Justinian reigning on the Golden Horn, it was no wonder that, when the Russian people shaped their state in later centuries, no Senate was there to teach them the lessons of checks and balances and separation of powers, or of human rights or limited monarchies.

Consequently, when Ivan IV, the Terrible, massacred thousands of the inhabitants of Novgorod in 1570 A.D., no one challenged his right to exact such a price of revenge. Muscovy had no Senate.

When Peter the Great caused the deaths of thousands of workers in the swamps on which he built St. Petersburg with slave labor—called Petrograd from 1914 to 1924—there was no Senate to challenge his right to exploit his people. There was no equal legislative branch—with control over the purse—to challenge the power of Peter the Great in the Russian State.

When Lenin and Stalin created the Soviet monster of tyranny and extended its tentacles into Hungary, Poland, Czechoslovakia, the Baltic States, East Germany, and elsewhere, there was no legislative branch with power over the purse to check and balance their power.

Madam President, I do not contend that, by placing the line-item veto or enhanced rescission power into the hands of any President, we would be creating, at 1600 Pennsylvania Avenue, another Gaius Julius Caesar or another Augustus. But again and again, observers have warned against the growth in executive power. For example, until Andrew Jackson became President in 1829, after 40 years under the Constitution, American Presidents had vetoed only ten bills—ten bills in 40 years, from the beginning of the Republic until 1829.

But during eight years in office, Andrew Jackson vetoed 12 pieces of legislation, five regular vetoes and seven pocket vetoes.

Jackson's opponents nicknamed him "King Andrew I." Henry Clay referred to "this miserable, despotic veto power of the President of the United States" in a speech on the Senate floor in 1842. Clay also said:

> With the power to consummate legislation, to give vitality and vigor to every law, or to strike it dead at his pleasure, the President must ultimately become the ruler of the Nation. * * * The Government will have been transformed into an elective monarchy.

Those are the words of Henry Clay. And we should heed this warning. Were he alive today, Henry Clay would be astonished at the expansion of executive power. Let us look at the already awesome Office of the Presidency of the United States, even without the line-item veto or enhanced rescissions power.

The President of the United States is Commander in Chief over the most powerful military establishment in the history of the world, bar none. The President of the United States is our official head of State, embodying in himself far more than the roles of the Queen of England or the Emperor of Japan. The President is the chief executive officer of the United States Government, charged with directing the official activities of a vast bureaucracy numbering into the hundreds of thousands.

The President is, in fact, our supreme minister of state, setting the tone and direction of our international relations and directing the Secretary of State to carry out those policies that the President deems to be appropriate.

The President is also our "official face" to billions of people worldwide, his name being a household word in Buenos Aires, Rome, London, Singapore, Cairo, Tokyo, New Delhi.

In a sense, the President of the United States is also our "chief legislator." He has the power to veto, with the stroke of the pen, legislation passed by the Congress, not one Member of which can ever hope to equal the prestige and power of the President—not the Speaker of the House, not the President pro tempore of the Senate, not the majority and minority leaders of either body.

Madam President, we have created in the Presidency of the United States the most powerful office in the world, and the holder of that office, whether Democrat or Republican, is the most powerful man or woman in the world.

Allow me to present a contrast. On Inauguration Day, March 4, 1801, at 10 o'clock in the morning, a company of Alexandria riflemen and a company of artillery paraded past Thomas Jefferson's boarding house near here on New Jersey Avenue. About two hours later, Thomas Jefferson strolled up to Capitol Hill in the company of a few Members of Congress and a few other friends. As he entered the then completed north wing of the Capitol, an artillery salute was fired. Taking his place in the crowded, small semicircular Senate Chamber, Thomas Jefferson was then sworn into office by Chief Justice John Marshall, after which Jefferson delivered a speech in a barely audible voice.

Another salute was fired outside, and the ceremony was finished. Jefferson then returned with his friends to his boarding house for a State dinner attended by various civilian and military leaders. That night, a scant crowd from the fledgling Federal city, together with citizens from the surrounding Maryland and Virginia counties, celebrated in their fashion, and that was it. The outgoing President, John Adams, had not even been present for the inaugural ceremonies, having left town at dawn.

For two weeks, Jefferson remained at his boarding house; Conrad & McMunn's, it was called. There, he usually dined alone in the evening, eating whatever was the night's fare, and that without any distinction, if we are to believe Albert Gallatin's culinary judgments.

For his office, Jefferson used the parlor adjoining his bedroom, and in that two weeks he did not even have a secretary, nor did he have a single messenger to carry his statements up to Congress.

Let us compare the inauguration of 1801 with a modern inauguration, and Jefferson's initial circumstances with the situation of a President today. Several days before a modern inauguration, Hollywood stars and entertainers from the music industry will flock into town for extravagant celebrations attended by thousands. During the preinaugural period, the Washington census of stretch limousines will enjoy a decided upswing. The rentals of tuxedos and the sales of couturier-crafted gowns will skyrocket and proliferate, while the consumption of caviar and champagne will soar to dizzying new heights.

At noon on January 20, the inaugural ceremony will take place. Below the West Front and along the Mall and Pennsylvania Avenue, a crowd of hundreds of thousands will have gathered. Hundreds of military personnel; scores of marching bands; and dozens of floats, beautifully decorated and sumptuously adorned, will participate in a vast parade that will last for hours. And then in the evening, inaugural balls will take place all over the city and last into the wee hours of the morning. Madam President, no Roman triumph, no coronation procession ever boasted such grandeur, or ever cost as much.

What are a modern President's accommodations at the White House? The President will be surrounded by dozens of servants, ready to respond to his slightest whim or sigh, while more dozens of Secretaries, Deputy Secretaries, Under Secretaries, Assistant Secretaries, and advisers stand ready to inundate the President with blizzards of memos. A waiting press corps with cameras and microphones at the ready will swarm into the room at the snap of his fingers to carry every word he speaks to hundreds of millions of people throughout the country and around the world.

At a moment's notice, deluxe helicopters and jet-propelled aircraft are prepared to ferry the President and his aides anywhere in the world at the cost of the government. This brings to mind a story that concerns a sense of power that a President might understandably feel. As the story goes, a White House aide entered the Oval Office to inform President Lyndon Johnson: "Mr. President, your airplane is ready," meaning Air Force One. In response, Johnson came back: "Son, they're all my airplanes"—meaning the inventory of the Navy, Army, Marines, Coast Guard, and the Air Force. Now that is a sense of power!

Madam President, in a Roman triumph, a slave rode in the chariot behind the conquering general, and as the chariot moved along the streets with the procession, the slave constantly whispered into the honoree's ear: "Look behind you. See what comes after. Remember that thou, too, art mortal. Remember that thou, too, art mortal."

Madam President, in the modern Caesarism, in which the Office of the Presidency is becoming more and more idolized and deified, few, if any, whisper into a President's ear, either of his mortality, or of the limitations on his power.

If Senators give to the most powerful man in the world a line-item veto or rescissions power, we will take a great leap toward fulfilling Henry Clay's warning of an elective monarchy. Give to any President of the United States the power over the purse, and we will have proved ourselves faithless to our oath to support and defend the Constitution of the United States, just as the Roman Senate proved itself faithless to the Constitution of the Roman Republic when it surrendered the power of the purse to the Roman "Caesars" and the Roman emperors 2,000 years ago.

I yield the floor.

THE CLEAN WATER ACT

Mr. MITCHELL. Madam President, later in this Congress we will consider legislation to reauthorize one of our most fundamental environmental laws—the Clean Water Act.

Over the past year, Senator BAUCUS, the chairman of the Environment and Public Works Committee, has been working with ranking member of the committee, Senator CHAFEE, and with the chairman of the relevant subcommittee, Senator GRAHAM, to develop clean water legislation.

Last month, Senator BAUCUS spoke to the annual meeting of the Federation of Flyfishers in Livingston, MT. I found this speech to be both a useful summary of the legislative opportunities to improve our national clean water program and a moving statement of Senator BAUCUS' personal commitment to clean water. Mr. President, I ask unanimous consent that the speech be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MITCHELL. Like Senator BAUCUS, I have a deep commitment to clean water based on personal experience. Growing up in Maine, I can remember when rivers throughout the State, including the Kennebec River in my hometown of Waterville, were little more than stinking, open sewers.

We have made dramatic progress in reducing water pollution and fishing and swimming are now possible in many places were they were once unthinkable. Much of this progress is attributable to the enactment of the 1972 Clean Water Act under the leadership of my predecessor in the Senate, Senator Edmund S. Muskie.

Unfortunately, we still face serious water quality problems. Thirty percent of our rivers and streams do not meet water quality standards. Twenty percent of our lakes are impaired and another 25 percent are threatened with impairments. Many of our coastal waters are severely polluted and coastal waters that are still clean face pollution threats from diverse sources.

Addressing the remaining water quality problems will be difficult.

We must find ways to continue progress in reducing pollution from toxic chemicals, but many of these chemicals, such as dioxin, are harmful in amounts that are difficult to detect.

A large part of the remaining pollution problems are caused by diffuse or nonpoint sources such as construction sites, farms, or forest harvesting. While in many cases a single site does not cause pollution problems, the cumulative effect of many nonpoint sources can cause significant impairment of rivers, lakes, and coastal waters.

A major portion of water pollution is still associated with municipalities including sewage discharges, overflows of raw sewage from combined storm and sanitary sewers, and discharges of stormwater. Resolving these problems, however, is expensive and we must develop a balanced policy which recognizes both the water quality benefits of treatment as well as the financial constraints on Federal, State, and local government.

The Environment and Public Works Committee has made good progress in developing clean water legislation. Senators BAUCUS and CHAFEE introduced S. 1114 in June and Senator GRAHAM held a series of hearings on the bill this summer. In addition, Senators BAUCUS and CHAFEE introduced legislation addressing protection of wetlands (S. 1304) in late July and Senator GRAHAM has scheduled a hearing for that bill this month.

Senator BAUCUS expects that the committee will report comprehensive legislation to reauthorize the Clean Water Act, including wetlands legislation, later this year.

I look forward to working with Senator BAUCUS, Senator CHAFEE, Senator GRAHAM, and with other Senators in developing the best possible legislation to protect our rivers, lakes, and coastal waters.

EXHIBIT 1

REMARKS OF SENATOR MAX BAUCUS TO THE FEDERATION OF FLYFISHERS, AUGUST 11, 1993

INTRODUCTION

Thank you, Keith. It's good to see you all here in Livingston, MT—the fly fishing capital of the world.

As you know, fly-fishing is America's foremost art and science. the federation, dedicated to the advancement of this branch of learning, is a kind of traveling university. And every serious flyfisher knows that there is always something new to learn.

That certainly is the case with me. In fact, truth be told, at one time in my life, I was ignorant, miserable, bait fisherman. I relied on worms and grasshoppers rather than on my own wits and skill.

But I was young. I could be reformed. So my father stepped in. He taught me the right way to fish. First in small creeks on our ranch. Then in larger Montana streams, like the Smith, the Prickly Pear, and the Missouri. Especially the Missouri, whose broad reaches create a special sense of space and time.

I never did learn to fish as well as my father. I would get restless and distracted and wind up tangled in the brush, while he stood patient and alert. But it's never too late to learn, and I have a lot to learn from the many masters here at the convention. So I'll be happy when the speech is over and we can sit down and talk about fishing.

But first we have to talk about another important subject. In the next few months, the Senate Environment Committee, which I chair, will consider a new Clean Water Act. I want to talk about what a new Clean Water Act means to me, to you, to the West, and to our entire country.

THE WESTERN PERSPECTIVE

Some people think of water pollution as an eastern, big-city issue. When they think about the Clean Water Act, they think about the Great Lakes, Boston Harbor, or the Cuyahoga River in Cleveland, which once was so polluted that it caught fire.

But clean water is just as important west of the 100th meridian. Where it doesn't rain. Where water can be more valuable than gold. Where the message of a clear-running stream is just as powerful as that of the pounding surf along the rocky New England shore.

And where, as you all know, water pollution is just as much a problem as it is elsewhere. Let me give you a local example. You will be seeing the video about the making of Robert Redford's movie "A River Runs Through It." The film, of course, is based on Norman MacLean's classic book. It takes place on the big Blackfoot River, near where I grew up in western Montana.

Redford hoped to shoot the movie version on the Big Blackfoot itself. But he couldn't. Mine tailings, runoff, and other pollution problems made it impossible. In fact, the American Rivers group says the Big Blackfoot is one of America's most endangered rivers.

And the Big Blackfoot isn't Montana's only troubled river. Over 13,000 miles of Montana streams, and over 463,000 acres of our lakes, are impaired in one way or another. We've found unacceptably high levels of toxic pollutants in forty percent of Montana's lake acres.

This is a problem, but is not only an environmental problem. It's also an economic problem.

As far as I'm concerned, environmental progress and economic progress are not at odds. They go hand in hand. We can't have one without the other. The National Commission on the Environmental Protection Agency, recently put it this way:

> Economic and environmental well-being are mutually reinforcing goals that must be pursued simultaneously if either is to be achieved. Economic growth cannot be sustained if it continues to undermine the healthy functioning of the Earth's natural systems or to exhaust natural resources. By the same token, only healthy economies can generate the resources necessary for investments in environmental protection.

This conference is a perfect example of how environmental and economic progress go hand in hand. Your week in Livingston has meant a boom for the local economy, where Dan Bailey's Fly Shop is already one of the biggest employers. It's pretty clear. If we don't keep our waters clean, we'll lose a lot of jobs.

PUBLIC HEALTH CASE FOR CLEAN WATER

Clean water is also essential to public health. Two months ago I visited Juarez and El Paso, on the border between the United States and Mexico. All along the Mexican bank of the Rio Grande, which separates the two cities, is a line of factories called Maquiladoras, which take advantage of duty-free treatment for Mexican assembly of American parts.

The General Accounting Office found that 8 in 10 of these plants operate in blatant violation of Mexican environmental law. The result? The Rio Grande is full of garbage, sewage and industrial waste. It spreads disease on both side of the border. Infectious hepatitis in El Paso runs at five times our national rate.

I looked into it, and found that the extra hepatitis cases in El Paso added a full $5 million to our public health bill. It is going to cost billions of tax dollars—some say as many as $30 billion—to clean up the border, all because Mexico has not enforced its environmental laws.

I've seen that for myself. Smelled it, too. And I've heard testimony at my committee that indicates some of the worst effects of water pollution are those you can't see for a generation. Dr. Theo Colburn of the W. Alton Jones Foundation and World Wildlife Fund, for example, told us a horrible story.

She looked at babies born to women who ate two to three meals of Lake Michigan fish a month for 6 years before getting pregnant. And she found that they were on average lighter in weight, had smaller skulls, and were born earlier than the babies of mothers who didn't eat Lake Michigan fish. At 4 years old, these children were physically smaller and had poorer memories. The reason is the persistence of industrial chemicals in the food chain.

RENEWING THE CLEAN WATER ACT

To solve these problems, America needs a strong, effective Clean Water Act. For 20 years, this law has been a pillar of American environmental policy. This year, as we renew the law, I hope to make it even better—particularly for the West.

This spring, I worked with the ranking Republican on the Senate Environment Committee, Senator JOHN CHAFEE, to draft bipartisan legislation to reauthorize the Clean Water Act—S. 1114. We have held half a dozen hearings on the bill. I expect to get it out to the full Senate this fall.

Several broad goals guided the development of the bill: Prevent pollution before it starts; use good science to set priorities; and build support for clean water from the bottom up by involving local governments, farmers, businesses, and groups such as yours with a direct interest in and knowledge of water quality.

Let me give some examples of how each of these principles is built into our legislation.

TOXIC WATER POLLUTION CONTROL

The bill continues the attack, begun in 1972, on toxic pollution of our waters. The bill expands the use of water quality criteria. It tells EPA to eventually eliminate the most dangerous pollutants. It provides better data about new pesticides and chemicals that might reach our waters.

But the best way to reduce toxic pollution is to prevent it in the first place. Our bill requires companies that discharge the most toxic pollutants to develop pollution prevention plans. These plans will help companies think about how they can use fewer toxic chemicals and product less pollution in the first place.

Pollution prevention can save industry money at the same time it protects the environment. And you all know that it's much better for the steelhead if we make sure a stream doesn't get dirty than if we stuggle to clean it up afterward.

GOOD SCIENCE AND SETTING PRIORITIES

The best science has always produced the best pollution control programs. Today, with Federal, State and local governments all short on funds, it is more important than ever to use good science and get the biggest bang for our water quality dollar.

We also want to make sure we use the best information available to set priorities. We want to make sure we take on the most important problems first. Thus, the bill improves water quality monitoring to point us to the most critical pollution problems.

The best example is in our approach to the control of nonpoint pollution. Nonpoint source pollution, of course, is pollution that doesn't come from a single, large pipe or outfall. Rather, rainwater falling on city streets, farms construction sites, and other areas picks up pollutants and runs into water bodies. By themselves, these sources contribute little pollution. But together, they cause a big problem.

EPA estimates that, taken altogether, nonpoint sources cause about half of America's water pollution problem. And they are particularly important in the West. They cause a full 90 percent of Montana's water pollution. They are the main reason fly fishers, commercial fishermen, and other water users don't have full use of more than 75 percent of our Nation's river miles and 20 percent of our lake acreage.

Our bill would use better monitoring to identify waters polluted by nonpoint sources. And it would focus pollution control programs on these waters. By targeting our efforts to problem areas we will get the most out of our water quality programs and avoid spending too much of our money on low priority problems.

BUILDING FROM THE BOTTOM UP

Most Americans have great respect for our natural resources. We are determined to protect these resources—including our rivers, lakes, and streams. People who deliberately pollute the environment are relatively few; we can solve most of our problems through cooperation. There is a place in a law like the Clean Water Act for deadlines and penalties and enforcement. But the best way to clean up water, or to keep it clean, is to work with people like you, who know and use the water.

Our bill gives States incentives to take the lead in identifying waters which need cleanup or have special value, and in developing plans to manage their watersheds.

States will work with local governments, with citizen groups, with businesses and with farmers to assess the problems in a watershed and come up with a plan to control point and nonpoint sources. This watershed planning effort will put the public on the front lines of water pollution control and help build a base of support for water quality throughout the country.

WHY CLEAN WATER IS IMPORTANT

We have written the bill, rewritten the bill, held hearings, read scientific reports, argued with the Federal agencies and heard from everyone with an economic, recreational, and scientific interest in the issue.

Why is clean water important, anyway? The best answer is the simplest. It's beautiful. It's good for the soul. Those of us in the West know, deep down, that there's something natural, peaceful, and good about clean running water and a striking fish.

Norman MacLean makes this point better than anyone else, in "A River Runs Through It." The movie is very good. But the book is better. For years, I've kept copies in my Senate office. I give them to visitors—Senators, business leaders, Cabinet Secretaries, foreign diplomats—who want to learn more about Montana. Because MacLean captures it better than anyone else.

It's a simple book about complex things. God. Family. The West. And, of course, fly fishing.

It's also about our stewardship of the land and water, from one generation to the next. Near the end of the book, MacLean meditates about fishing the Big Blackfoot. As a boy, as a young man, and as an old man. He writes:

> In the Arctic half-light of the canyon, all existence fades to a being with my soul. And memories. And the sounds of the Big Blackfoot River. And a four-count rhythm. And the hope that a fish will rise.
>
> Eventually, all things merge into one, and a river runs through it.

Every one of us knows exactly what MacLean was writing about. It is why we love the outdoors and why we fight so hard to protect it.

And it is why we each must keep faith. Like MacLean, we must consider our stewardship of the land and water, from one generation to the next. We must keep the waters we grew up on clean and pure. So our children can know the joys of a four count rhythm, and the hope that a fish will rise.

IN MEMORY OF JOHN B. CALLAHAM, MARTIN COUNTY, KY, JUDGE/EXECUTIVE

Mr. McCONNELL. Madam President, it is with heavy heart that I rise today to honor my friend John B. Callaham. Johnny passed away last month after living a full life which included serving three terms as the judge/executive in Martin County.

True to his nature, Johnny was in the midst of running for an unprecedented fourth term as the chief executive of the eastern Kentucky county. Mr. President, I don't doubt for a second that the Paintsville native would have been successful in his bid. This is an impressive feat, for despite being a Democrat in a county where Republicans outnumber the opposition five to one, Johnny never lost a precinct.

Johnny's specialty was dealing with our State government and making sure that Martin County received its fair share. Few were better at this task Mr. President. Under four separate Governors he was able to get the State's assistance in building bridges, roads, airports and other worthwhile projects. Mr. President, as a former county judge myself, I know what a tremendous job Johnny did for the people of Martin County.

Before Johnny became judge/executive he was a successful businessman in the area. He served as president of the Eastern Kentucky Funeral Directors

for two terms, president of the Big Sandy Area Development Council, as well as the Martin County coroner for two terms.

It was, however, as judge/executive that Johnny Callaham was at his best. When Johnny Callaham went to Frankfort to seek the State's assistance, legislators knew they were in for a battle. He simply wouldn't take no for an answer, this is especially true in the case of projects that he felt were vital to the development of his beloved Martin County.

Mr. President, Johnny Callaham provided an example of how the democratic system can succeed. He was responsive to the people he served. He will be missed, but because of the wonderful work he did for Martin County, he will never be forogotten.

I ask my colleagues to join me in honoring this wonderful public servant. In addition, Mr. President, I ask that an article and two editorials from the September 1, 1993, Martin Countian & Mercury be included at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNTY MOURNS LOSS OF CALLAHAM

(By Diane Smith)

INEZ.—A shocked silence would be the only way to describe the county's reaction to the sudden death of Martin County Judge/Executive John B. Callaham, 56, after a heart attack at Three Rivers Medical Center in Louisa, Ky.

Callaham, 56, was born Oct. 8, 1936 in Paintsville, Ky. to Carlos Cecil "Kelly" Callaham and Della Richmond Callaham, both deceased.

Callaham, who served as county judge/executive since 1981, was trying for an unprecedented fourth consecutive term. He was probably one of the most influential judge/executives in recent history, and was well respected for his ability to sway state leadership into granting Martin County funding for projects.

He was president of Eastern Kentucky Funeral Directors for two terms; president of Kentucky Judge's Association in 1992; a member of the Mason's Marion Hale Lodge and El Hasa Shrine Club. He was Martin County Coroner for two terms; president of the Big Sandy Area Development Council in 1992 and current president of the Aging and Advising Council.

Callaham attended Morehead State University and the Kentucky College of Mortuary Science.

As the owner of the Richmond-Callaham Funeral Home, his compassion and quiet demeanor served as a springboard into local politics.

Former governor Wallace Wilkinson said it best at the funeral procession, "Johnny walked softly and carried a big stick."

Governor Brereton Jones has appointed Callaham's son Kelly, 34, to fill the vacancy until a successor is elected in November.

"There is no one better qualified to fill the Judge's shoes than his son," Jones said in a press release yesterday.

Callaham also announced at a press conference held yesterday that he will run in his father's place in November's general election.

"I will be on the ballot one way or another," he said. "We are looking for ways to challenge the state election laws that prohibit anyone from filing after Aug. 3. If a challenge does not work, then I'll be on the ballot as a write-in candidate. I just want to be able to finish the projects that my father has started."

JOHNNY LEFT SOME BIG SHOES TO FILL, BUT KELLY MIGHT BE THE MATCH

They came from the state capital; they came from every corner of the region; they came from every creek and hollow in Martin County; they came dressed in suits and working clothes—all to pay a final tribute and to say goodbye to a dear friend.

That county judge/executive Johnny Callaham was well loved and respected is a gross understatement. Few can remember anyone else who has played so vital a role in Martin County life. Even those who didn't necessarily agree with Callaham's policies admired the way he could get things accomplished. When other judge/executives were politely refused by state officials, Callaham bullied legislators into submission.

The county received much during his tenure as county judge, new bridges, new roads and a philosophy that persistence really does work. Few county judges' records can compare to Callaham's accomplishments and it served as a great testament to see so many come to wish him a fond farewell.

Now that his son Kelly has been appointed to fill the vacancy left by Johnny's death, it is up to the fiscal court to work with Callaham to make sure that Johnny's projects can be accomplished. Kelly Callaham is well qualified for the position, for he has shown, with his work for the Martin County Ambulance Service, a drive for improvement and the tenacity that made his father such a powerful political force.

Johnny might have left some big shoes to fill, but Kelly might prove to be just the match Martin County needs.

COUNTY SAYS GOOD-BYE TO "GREATEST HEART"

(By Michael Sisco)

INEZ.—It was a small gesture, when Carlos Cassady placed a golden shovel near the coffin of Judge John B. Callaham. Small, symbolic and very appropriate. As owner of the Richmond-Callaham Funeral Home, Callaham's shovel helped many of us through time of tragedy, helping us build a new life after loss. But it was as our county judge that Johnny managed to dig his way into our hearts, with a dogged determination to improve Martin County and an affinity for the phrase, "Let's throw some dirt." It was a small gesture, but we're sure Johnny would have liked it.

As a life-long eastern Kentucky resident, Callaham established himself as a prominent businessman, turning the Richmond-Callaham Funeral Home into one of the most successful businesses in the area. Through the funeral home, Johnny became a part of nearly every family in the county, using his quiet voice and firm belief that "all things heal" to help many of us overcome grief. His hand went out to everyone—even his fiercest political foes.

It wasn't surprising to many of us, when Johnny decided in 1980 to run for county judge/executive. After all, he had been elected twice as county coroner and he was well liked and respected by those he worked with. He had helped so many of us on a personal level, we figured he might help the county just as well. We really did not care that he was a Democrat seeking entry into a traditionally Republican office and when he was elected, it proved that we voted for the man and not for the party. We took a gamble on the man and we won big. Very big.

Almost from the day he took office, Johnny exhibited a stubborn streak that belied his almost unassuming personality. He refused to hear the word no when he petitioned for funds from the state capital. Through four gubernatorial administrations, Frankfort officials groaned when Johnny Callaham came to town. They could not get rid of the man who spoke in whispers but fought like a badger—so they gave in and gave him what he wanted.

The results are pretty impressive: 100 miles of paved county roadway, the Big Sandy Regional Airport, a $1.8 million Warfield-Kermit Bridge, The Big Sandy Regional Detention Center, The new Martin County Courthouse Annex, the $750,000 waterline extension project for District No. 2 and an equal share of funding from the Big Sandy Area Development District as well as many others—Johnny seemed to be everywhere, always breaking ground on a new project and "throwing some dirt" with state and local leadership.

Everyone both marveled and worried that he set too great a pace for himself—we all loved what he could do for us, but we privately wished he would slow down. But slowing down was never part of his vocabulary.

Now he is gone and the county is without one of its most influential leaders. The county will heal itself and we will eventually overcome our sense of loss—Johnny always knew it would be that way. But we have much around us to remind us of his presence and we can all take heart that heaven will shine a little brighter now that Johnny Callaham is in town.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,388,881,973,462.74 as of the close of business on Thursday, September 16. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,086.74.

TENTH ANNIVERSARY OF SENATOR HENRY M. JACKSON'S DEATH AND THE ESTABLISHMENT OF THE HENRY M. JACKSON FOUNDATION

Mr. NUNN. Madam President, 10 years ago this month the United States

lost a leader of unusual vision and ability, the Senate lost one of its true giants, and many of us lost a trusted personal friend with the sudden and unexpected death of Senator Henry M. Jackson on September 1, 1983.

Scoop Jackson was an adviser and mentor to me from the first day I arrived in the Senate in 1972. He was the expert that I—and many other Members of this body—looked to for advice on issues of national security, foreign policy, energy, and the environment. I never ceased to be impressed by the soundness of range of Scoop's judgment and the breadth of his knowledge on a wide range of issues.

Mr. President, with each passing year since Scoop's death, I have gained a greater appreciation for his wisdom, for his insights, and for his tremendous and far-reaching legislative accomplishments. I have often regretted that Scoop did not live long enough to witness the outbreak of democratic reform in Eastern Europe and the demise of Soviet communism. No Senator was more steadfast in his commitment to freedom for those under the yoke of the Soviet Empire than Senator Jackson.

As much as we regret the loss of a great statesman and dear friend, Mr. President, we can be thankful that Scoop Jackson's legacy lives on in the exciting work of the Henry M. Jackson Foundation. Incorporated 10 years ago next month, this foundation carries forward Scoop's lifelong commitment to build a better and more secure world for future generations through its support and work in the fields of international affairs, the environment and natural resources, human rights, and public service.

Scoop's wife, Helen Hardin Jackson, is the chairman of the board of the Henry M. Jackson Foundation, and I am privileged to serve on the board's congressional advisory council. The foundation makes grants to nonprofit organizations and educational institutions in the United States and abroad that provide essential support and funding for initiatives in the four areas of major concern to the foundation. The foundation's 1992 annual report provides an excellent description of some of the recent work supported by the foundation, and I briefly want to highlight some of these efforts for my colleagues.

Everyone who knew Scoop Jackson was impressed by his tremendous grasp of foreign policy and international affairs. He was one of the truly great geopolitical thinkers of our time, whether the issue was strategic arms control negotiations, United States relations with China, or economic development and political reform in Latin America. Today the Henry M. Jackson Foundation carries on Scoop's commitment in the foreign policy area by supporting the Henry M. Jackson School of International Studies at the University of Washington and the National Bureau of Asian Research, an international institute to conduct policy-related research on the Asia-Pacific region.

From the National Environmental Policy Act to legislation protecting the redwoods, the North Cascades, Alaska lands, and other national park and wilderness areas, Scoop Jackson worked tirelessly to preserve our rich environmental legacy for future generations of Americans. The Jackson Foundation carries on this work to preserve the global environment and natural resources through grants to groups addressing the problems of urban growth and the resulting loss of open space, affordable housing, clean air, and inner-city investment; through support of projects in environmental education for elementary, secondary, and university students; and through international projects such as a grant to Hebrew University in Jerusalem to study the use of Middle East water resources.

A deep and strong commitment to human rights was one of the hallmarks of Senator Jackson's public career. Today the Jackson Foundation continues Scoop's lifetime struggle to make human rights an issue of international diplomacy. The foundation has made a major funding commitment to the Congressional Human Rights Foundation to enable its interparliamentary human rights network to link parliamentarians in new and existing democracies. The foundation also provided funding to the Henry M. Jackson School of International Studies at the University of Washington to establish the Andrei Sakharov Memorial Lecture on Human Rights, which was inaugurated in 1992 with an address by Sakharov's widow, Elena Bonner.

Finally, Mr. President, as the foundation's 1992 annual report points out, the agenda of the Henry M. Jackson Foundation would not be complete without a major focus on public service. Public service was a lifetime commitment for Scoop. Through his personal example, he inspired a generation of people to enter public service. Even today, 10 years after Scoop's death, there are people serving in all levels of government whose continued commitment to the highest ideals of public service was nurtured by working for or with Scoop Jackson.

The Jackson Foundation's efforts in this area are designed to encourage young people to enter public service careers and to provide continuing education opportunities for current public servants to meet the challenges of the future. The foundation provides financial support for the Washington Governors' School for Citizen Leadership, a program that brings high school students together from around the country in an intensive program focused on problem solving and public service. Working with the Council for Excellence in Government here in the Nation's Capital, the Jackson Foundation supports a yearlong leadership development program directed toward outstanding midcareer civil servants.

Mr. President, as Helen Jackson recently said:

> The Henry M. Jackson Foundation today is fulfilling the dream we all had at its beginning—to continue my late husband's work through support of education in areas he considered vital to our nation and the world. As in his day, these same concerns—understanding other nations and cultures, encouraging public service, preserving the global environment, and protecting human rights—remain critical in shaping a secure, free and just society.

As the Jackson Foundation celebrates its 10th anniversary and looks forward to a second decade of service, I want to congratulate Helen Jackson for her strong and visionary leadership of the foundation. There is no more fitting tribute or memorial to the life of Scoop Jackson than the dedicated efforts to advance the ideals he stood for by the foundation that so appropriately bears his name.

EWING M. KAUFFMAN

Mr. DANFORTH. Madam President, Ewing M. Kauffman, founder of Marion Laboratories, Inc., chairman emeritus of Marion Merrell Dow, Inc., owner of the Kansas City Royals, and a committed civic leader, died recently at his home in Mission Hills, KS, at the age of 76. I am among many who admired his personal qualities and professional achievements. I speak for many people in Kansas City, Washington, and elsewhere who are deeply saddened by his death.

Ewing Kauffman was a self-made man with true entrepreneurial spirit. In 1950, he founded Marion Laboratories, Inc. Through his leadership, Marion Laboratories grew from a small company with $30,000 in gross sales in its first year of operation, to a pharmaceutical giant with $930 million in gross sales in fiscal year 1989. Important to Mr. Kauffman's success was his unique relationship with his employees, or associates, as he referred to them. Ewing Kauffman encouraged his associates to take pride in their work and pushed them to believe in themselves and their ability to do better. Because of his genuine concern for others, he gained the respect of his associates and business and civic leaders in Kansas City and throughout the United States.

Ewing Kauffman founded the Kansas City Royals. He worked to ensure that Kansas City maintained its major league status. He recently developed a unique ownership plan to give the Royals to the city of Kansas City.

He was a community servant and philanthropist. In an effort to give something back to his community, he established the Ewing Marion Kauffman

Foundation, a $1 billion foundation for helping disadvantaged kids. Among the numerous projects included in the foundation are Project Star, a teenage drug prevention and treatment program; Project Choice, a high school dropout prevention program that offers full payment of college tuition as an incentive for teenagers to stay in school; and Project Essential, a program to help kids develop and maintain self-esteem.

The numerous honors and awards Mr. Kauffman received are witness to his civic dedication, and to the unbounded respect and affection he engendered among colleagues and the community. Ewing Kauffman held honorary degrees from Union College in Schenectady, NY, Drury College in Springfield, and the University of Missouri-Columbia. In 1973, the Kansas City Press Club voted Ewing Kauffman Man of the Year. In 1976, he was inducted into the Missouri Sports Hall of Fame and the Kansas City Royals Hall of Fame. Mr. Kauffman received the American Heart Award in 1981. He was presented the Horatio Alger Award in 1967. Among his most cherished honors are his induction into the National Sales Hall of Fame and the Entrepreneur's Hall of Fame in 1992, and his receipt of the Harry S. Truman Foundation Good Neighbors Award in 1991.

A veteran of service with the United States Navy in Europe and the Philippines in World War II, Ewing Kauffman completed his education at the Kansas City Junior College with an associate degree in business in 1936. He is survived by his beloved wife, Mariel McBrien Kauffman; two daughters, Julia Kauffman and Marion Sue Kauffman; a son, Larry Kauffman; nine grandchildren and three great-grandchildren.

I am privileged to have known Ewing Kauffman. His life exemplified much of what is good and right about our country. He believed in his ability to succeed and in his duty to make the world better. He personally took care to create opportunities for others. He was selflessly devoted to his family and to his community. Ewing Kauffman will be greatly missed by all who knew him, and because of his contributions to his community and Nation, by many who did not.

NATIONAL HISPANIC HERITAGE MONTH

Mr. RIEGLE. Madam President, I rise today in celebration of National Hispanic Heritage Month. From September 15 to October 15 of this year, Hispanic and non-Hispanic-Americans alike will honor this commemorative month by recognizing the achievements, history, and culture of Hispanic-Americans and the enriching effect it has had in diversifying the American experience.

The Hispanic-American community is a vibrant group composed of a rich variety of Mexican, Latin American, Caribbean, and Spanish identities. Since the inception of this country, Hispanics have ventured to this land searching for opportunity, in pursuit of their dreams. In increasingly larger numbers, Hispanic-Americans have taken bold steps and achieved success in every field, ranging from public service and the arts to commercial enterprise.

As the fastest minority in the United States, it is projected that Hispanic-Americans will constitute the largest ethnic minority by the year 2000. Considering that Hispanic-Americans will soon account for 15 percent of the U.S. population and one-third of the Nation's labor force we must also direct our attention to issues of concern to this community. Poverty is widespread in the Hispanic-American population, touching one in every four families. With respect to education, only half of all Hispanic-Americans hold high school diplomas, and less than 10 percent have graduated from college. Race-related problems are also confronted by Hispanic-Americans on a daily basis, who unjustly receive much of the criticism and frustration directed at illegal immigrants.

We need to foster greater understanding among Americans of the benefits Hispanic cultures have had on the United States. Everything from tapas to the tango highlights how Hispanic culture has influenced our daily lives. All over Michigan a number of grant events will be staged to celebrate National Hispanic Heritage Month. I hope that these celebrations will allow people to experience the food, music, dances, and community spirit of which Hispanic Americans are so justifiably proud.

During the following month, celebratory events across the United States will be utilized to focus awareness on Hispanic culture and celebrate its rich past. An Hispanic presence was established in America since before this country even existed. Significantly, today is also the eve of the anniversary of the Mexican revolution. It was their brave battle cry for independence in 1810 which made us neighbors, building a new world based on hope and opportunity. These facts are simply reminders that our presence on the American continent is intertwined with the longstanding Hispanic ties to this land.

As we commemorate National Hispanic Heritage Month, let us not forget that it is diversity which is at the heart of the United States essence. In observance of this month, we should enjoy the warm and rich Hispanic heritage and culture. By recognizing the roots of Hispanic-American culture and partaking in their traditions, the people of the United States will be brought closer together by better understanding this vital part of our society.

REFLECTIONS ON LILLIE SHANIN SPECTER'S VALUES ON THE OCCASION OF THE 93D ANNIVERSARY OF HER BIRTH

Mr. SPECTER. Madam President, after attending the impressive joint session of Congress on March 27, 1990, commemorating the 100th anniversary of the birth of the President and General of the Army, Dwight D. Eisenhower, I thought it would be meaningful—albeit in a different way—to have a joint session on the 100th anniversary of the birth of my father, Harry Specter, who represented the unique contribution of immigrants who settled America in the early 20th century. Instead, in line with the realities of the Congress, I made an extensive floor statement in the Senate on July 1, 1992, on the life of my father on the occasion of his 100th birthday, noting his inspirational values: love of family, education—although he had no formal schooling—patriotism, courage, sacrifice, hard work, commitment to do whatever was necessary to do the job, and an overarching sense of optimism.

Given the uncertainties of life and elections, I have decided to memorialize the life of my mother, Lillie Shanin Specter, today, which marks her 93d birthday, instead of waiting until the year 2000.

In commenting on my parents, I do so because their lives demonstrate fundamental values which our country needs to reflect on and revisit. Considering the difficulties they faced, I believe their accomplishments surpassed those of my generation although we have many more material possessions and educational degrees. My parents' generation lived their values, most of our generation give lipservice to those values, and many of the next generation need to be reminded of their values.

Reflecting on the life of my mother is awesome. To be meaningful, it is necessary to reveal some intimacies, but not all, in accordance with one of my father's wise statements: "Know what you say; do not say what you know."

My mother was a beautiful redhead when she met my father in 1916—just check her pictures hanging in my Senate office. Their romance was interrupted by World War I, when he was wounded in France in the Argonne Forest, carrying shrapnel in his legs for the rest of his life. Before he went off to war, Lillie Shanin gave him a picture, according to my sister Shirley, with the inscription on the back:

> The French girls may be pretty,
> The French girls may be kind,
> But don't forget
> The girl you left so far behind.

He did not forget; and on his return, he threw away his crutches and they were married while he was still in uniform.

My mother and I had an extra special relationship. It was more than being the proverbial "baby of the family," the last of four children. Perhaps it was a slight—very slight—sense of embarrassment when my Aunt Rose Eisenberg told me that my mother was at least mildly unhappy when she found she was pregnant with me. In the midst of the Depression, with three children ages 2 to 9, and a shortage of money in the Specter household, it was not so easy. Confronting my father with her concern, if not displeasure, he replied casually: "So there will be another pair of feet around the house."

But the pair of feet always around the house were my mother's. She was always there for her family in every way—no latchkey children in our house. Our mother did double duty because our father was a peddler—more fashionably today called a traveling salesman. He sold cantaloupes door to door in the summer and blankets to farmers in the winter. When he opened a junkyard when I was 7, it was in Lyons, KS, which was 100 miles from our home in Wichita, so the family only saw him on weekends. That made him the hero when we saw him for Shabbos on Friday evenings, and left my mother with the weeklong parental duties.

Their lives were like a travelog, but not for fun. They moved half way across the continent seven times—mostly to earn a living. It was Schvertsu Machen Albn, which is Yiddish for "it's hard to make a living." But they never complained—no matter how tough it was. They were thankful as immigrants to be in America with opportunities for their children, if not for themselves.

Even so, their lives were a decided improvement over their parents. My father grew up in Russia in a one-room dirt floor shared by his parents, seven brothers and a sister. At the age of 18, determined to avoid the oppression of the Czar's heel and anti-Semitism, he came to America. My mother immigrated to the United States from a city called Lugansk in the Katrina Slav Province near the Russo-Polish border—according to my Aunt, Annie Kletman—at the age of 5 with her parents, Mordecai and Freda Shanin, and younger brother, Max.

Mordecai Shanin sold fish on the streets of St. Joe, MO, and repaired Singer sewing machines. He died in my mother's arms when she was 15 and he was in his midforties, on the back staircase of 922 South Ninth Street in St. Joe. Widowed with seven children, my grandmother maintained her pride and independence with all members pitching in to support the Shanin Family, including Lillie who left school after the eighth grade to work in a tablet factory.

Freda Myramovich Shanin—we called her Bubba in Yiddish—exuded strength which my mother inherited and passed on—jointly, of course, with my father—to their children. When Bubba once saw me wearing bluejeans, she admonished me saying her sons—poor as they were—never wore overalls. I wonder what Bubba would say today with almost the majority of Americans wearing jeans.

My mother inherited her mother's sense of humor, notwithstanding the tough times. When I was about 5, sitting with my mother on the St. Joe front porch swing, it broke, and Bubba told me I had to pay for it. Since I only weighed about 50 pounds, contrasted with my mother who weighed substantially more, I argued proportional responsibility until my grandmother laughed and told me she was only kidding.

Bubba meticulously observed the Sabbath and Jewish traditions, passing on a strong sense of religious responsibility to our family. There was total unity among Bubba's children—my aunts Annie, Rose, and Mashie and my uncles, Max, Louie, and Albert—perhaps derived from the days they had to work together to survive following my grandfather's untimely death. When the entire family gathered at 922 South Ninth Street for the Jewish holidays from Wichita, Chicago, and Waco, TX, the grandchildren and some adults would sleep on the floor, but nobody minded. We could not afford a Holiday Inn even if there had been one in those days.

Like her mother before her, my mother saw to it that our home, however modest, was physically comfortable and psychologically secure. She was always at home. As each one of us would enter the front door, and yell "Mom", back would come her reassuring voice.

Even with our family's modest income, my brother Morton's closest friend, Donald Dushane, was a constant dinner guest. My sister Hilda observed that her friends relished an invitation to our dinner table because our mother was willing to fashion the most intricate and labor intensive delicacies of food for our palates. My sister Shirley remembers our mother carrying hot egg sandwiches for our lunch to College Hill grade school in Wichita, 6 blocks away.

Generosity and compassion were my mother's hallmarks. When a distant relative, an unmarried teenager, became pregnant, my mother invited her from Philadelphia to Phoenix so she could deliver, return to her home, resume her life, marry and raise a family. After her youngest sister, Mashie, died, my mother went to Waco, TX, to care for Mashie's husband, Leslie Hoffman, and their four children for several weeks. She looked after elderly neighbors, the Chances in their nineties in Wichita—a Civil War veteran—and the 80-year-old Hoovers in Russell.

During World War II many Jewish soldiers were stationed at Walker Air Base, 15 miles from Russell. Our home served as a synagogue during the Jewish holidays and an unofficial branch of the USO. The living room and dining room of our home at 115 Elm Street bears testament to this day with a slanted floor when the supporting beams buckled under the overload weight of about 25 soldiers and their wives who attended a Passover Seder in 1943. When my sister Shirley and her husband, Dr. Edwin Kety, were posted in a remote Arizona town in the public health service, my mother interrupted her own activities to care for their children in Phoenix so they could maintain their Hebrew-school education without moving away with their parents.

My mother was a prolific letter writer to family and friends—letters which people have saved for decades. Her letters to Joan and me would be saved for Saturday morning and savored around the family breakfast table. Our young sons, Shanin and Steven would even interrupt their Saturday morning television cartoons to hear their grandmother's interesting letters.

She could have written a primer on being a model mother-in-law, a proposition subscribed to by all four of her children's spouses. Hilda's husband, Arthur Morgenstern, praises her to this day, marveling at their 33-year relationship. Joan says she learned how to be a mother-in-law from her example.

Many mothers are, at least, a little protective of their sons when it comes to marriage. My wife-to-be Joan had her first meal at my parents' home for Thanksgiving less than 2 months after we met when she was 15. I was a much older man at 19, although the 4 years difference in our ages has significantly diminished over the years. My mother urged me to marry Joan 4 years later. Our album contains a photo of the wedding kiss with my mother smiling and beaming in the background. That picture of her is worth a million words.

My parents' 45-year-old love affair came to an abrupt end in 1964 when my father had a heart attack and died on a trip to Israel. She returned to her home in Phoenix; and at the age of 64, learned to drive a car and carried on her independent life. When I hear of family values, I think of our family's 230 years of uninterrupted marriages: Morton and Joyce Specter—51 years; Hilda and Arthur Morgenstern—50 years; Shirley and Edwin Kety—44 years; Joan and me—40 years.

As I reminisce about my mother, some may wonder if I'm writing about an angel. I am.

If she had a fault and I'm not sure she did, it was that she worked too hard. She was an immaculate housekeeper; and even after the stove was scoured, she would clean it again. She was always busy. My brother Morton followed her example of extra hard work and never learned to play enough, and the same might be said of her other children. Or, perhaps it was the time sheets that we lawyers keep—pressing us not to waste time and keep track of each minute. I am glad that my sons have better balance on work and leisure—moderation perhaps learned from their mother.

Through all the travail, my mother was cheerful, maintaining a home that was rock solid with love and perhaps most of all—establishing a feeling of confidence in her children. Some bumps along the way—perhaps even failures—were a part of life and ultimate success.

Education—which our parents had little of—and hard work—which our parents had plenty of—were the ingredients for their children's success. Our parents' ambitions were wrapped up in their children. Considering my mother's struggles and the fact that my father had to walk across Europe and travel steerage to America, their children's ambition and motivation to succeed took us on much easier paths, no matter what obstacles we found.

When I am frequently asked today about what motivates children, I think in direct and simple terms about my mother and father. In our family the children knew they had to behave and succeed, because to do otherwise would be unthinkable, considering our parents' sacrifices.

While this brief statement obviously cannot match the pomp and ceremony commemorating President Eisenhower's centennial, it is a privilege for me to be in the U.S. Senate, to have this opportunity to honor my mother on the occasion of her 93d birthday. Beyond my own personal pride, I take this time on the Senate floor and the expense in the CONGRESSIONAL RECORD, because the life of Lillie Shanin Specter is a model which should be studied by parents everywhere.

SECRETARY CHRISTOPHER'S SPEECH, "BUILDING PEACE IN THE MIDDLE EAST"

Mr. PELL. Madam President, today at Columbia University, U.S. Secretary of State Warren Christopher delivered an incisive statement concerning U.S. interests in the Middle East peace process, and America's role in the world.

In his speech, the Secretary outlined the administration's strategy for buttressing the landmark agreement between Israel and the Palestine Liberation Organization. Not content to rest after last week's historic achievements, the Secretary announced that the United States will convene a multilateral Conference on Middle East Peace. The purpose of the Conference, the Secretary said,

> * * * will be to mobilize resources needed to make the agreement work. The international community must move immediately to see that the agreement produces tangible improvements in the security and daily lives of Palestinians and Israelis. If peace is to be achieved, the agreement must be translated into results quickly and vividly.

At the same time, the Secretary announced additional United States policy measures, including crafting a United States assistance package for the West Bank and Gaza; making renewed United States efforts to halt discrimination against Israel at the United Nations, and to end once and for all the Arab League boycott of Israel; and finally, initiating a reexamination of existing statutes concerning United States relations with the PLO.

This multifaceted strategy, in my view, underscores the strong American leadership that was necessary to transform hope for an Israeli-PLO accord into reality. It is true that the text of the accord was quietly negotiated in Oslo, but it is equally evident to everyone involved that without American support and encouragement, nothing could have been achieved. The Secretary modestly, yet confidently, acknowledged this fact, and then, in the conclusion of his speech, outlined the administration's broader vision for America's role in world affairs.

Madam President, today the Secretary delivered an important, articulate message to the American public and to the world. I am certain that my colleagues in the Senate would appreciate reading the Secretary's remarks, so I ask unanimous consent that the full text be inserted in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

BUILDING PEACE IN THE MIDDLE EAST

(By Warren Christopher)

Ladies and Gentlemen: Thank you, Les Gelb. The Council on Foreign Relations is very fortunate to have Les Gelb as its new President. As many of you know, I had the pleasure of working with Les during our last tour in government. He is one of the nation's leading foreign policy thinkers and writers. His advice is valued here and around the world.

Thank you, also, President Rupp, for cosponsoring our get-together today in this elegant setting. Columbia University is one of this country's oldest and most prestigious institutions of learning. From the schoolroom on Lower Broadway where Samuel Johnson taught eight students in 1754, to this magnificent campus on Morningside Heights, Columbia has represented the spirit of inquiry and intellectual freedom that has made America strong.

Columbia has certainly contributed to the strength of the State Department. Two of our Under Secretaries, Joan Sparo and Lynn Davis, have studied here and taught here. They carry on Columbia's great tradition of sending women and men into public life with an international outlook.

My visit here today is one of several I have made and plan to make around the country to talk about our foreign policy. I believe that Secretaries of State should spend more time explaining foreign policy to the audience that really counts—the American people.

A week ago, from a small platform on the south lawn of the White House, the world took a very big step toward a more peaceful future. That simple handshake between implacable foes extends a mighty redemptive power that can help heal the wounds of this too-often-violent century.

Like the collapse of communism before it, the beginning of the historic reconciliation between the Israelis and the Palestinians confirms our belief that hope can eventually replace despair, cooperation can overcome conflict, and peace and freedom can triumph over war and tyranny.

Today, I will share with you my thoughts on last week's historic developments in the Arab-Israeli peace process. I will place the events of last Monday in historical context and describe to you the steps we must take to ensure that this chance for peace does not slip from our grasp.

For more than 45 years, Democratic and Republican Administrations have worked tirelessly to break the cycle of violence between Israel and its Arab neighbors. They did so because they understood that the United States has enduring interests in this historic and strategic crossroads; enduring interests in a region where conflict always threatens world peace; enduring interests in the security and well-being of Israel and in cooperative relations with the Arab world; and enduring interests in the region's oil resources, which serve as the lifeblood of much of the global economy.

These enduring interests have made Middle East peace a constant and essential goal of U.S. foreign policy. For decades, that goal eluded us. The region remained a tinderbox, threatening to embroil us in its deadly wars. This volatility was due in no small part to the existence of a Soviet Union determined to fuel the forces of radicalism and conflict. While the Soviets by no means caused the Arab-Israeli dispute, they did everything in their power to see that the region remained at a constant boil. Their policies emboldened radicals, intimidated moderates, and left Israel—save for its friendship with the United States—in a lonely state of siege.

Throughout the long struggle of the Cold War, only one Arab country—Egypt—managed to breach the wall that Moscow had helped to erect. Egypt braved ostracism to make peace with Israel. For fourteen long years that heroic achievement has held strong. It also stood alone—until last Monday. The Israeli-Palestinian agreement—in which Egypt's President Mubarak played a critical role—is a powerful vindication of that nation's courage and vision.

It was not until the Cold War began to wane that new opportunities arose to combat rejectionism and promote peace. This was most dramatically demonstrated during the Gulf War. With the United States and the Soviet Union working together, Saddam Hussein's radical challenge was decisively turned back. Without Moscow's patronage, Saddam's "war option" proved to be no option at all. America's overwhelming display of power, principle, and leadership helped to tilt the Middle East's balance of power toward moderation and toward an opportunity for reconciliation.

Had we let it rest there—had we left to others the job of turning opportunity into reality—last Monday's dramatic event might never have taken place. Only America could have provided Arabs and Israelis the assurances they needed to go to Madrid and risk breaking the taboo on direct negotiations.

Upon his election, President Clinton immediately reaffirmed America's historic role and enduring strategic interest in Arab-Israeli peace. He saw the opportunity for an historic breakthrough. On the morning after the election, he vowed to make the pursuit of Middle East peace a top priority. That is why he moved so quickly to gain the trust of key regional parties and to reaffirm America's unstinting support for Israel's security. And that is why, for my first official trip abroad, he sent me to the Middle East. His message was clear: the United States was irrevocably committed to advancing the peacemaking process; to reinvigorating the negotiations; and to elevating America's role to that of full partner.

The President's efforts built upon the hard work of his predecessors. Our victories in the Cold War and in the Gulf created an environment in which peacemaking became possible. Our intervention at key moments this year, to resolve crises over Palestinian deportees and over violence in Lebanon, salvaged the peace process when it teetered on the brink of collapse. Throughout the last 22 months, under both Republican and Democratic Presidents, America's sustained political involvement—whether in presenting a draft declaration of principles or in constantly pushing to define the parameters of the possible—set the stage for decision-making in the secret Oslo channel, for which we owe so much to the Norwegians.

In the end, of course, last Monday's triumph belongs to the parties themselves—to the Israeli and the Palestinian people—who reached out to each other. And that is as it should be. Indeed, the basic premise of the Madrid process has been that face-to-face negotiation between the parties is essential. From the beginning, the United States has encouraged communication in as many different channels as possible—both formal and informal, public and private—with the understanding that the most durable solution would be one forged in direct negotiation.

It would be a great mistake if America were now to withdraw or shrink from its full and long-standing partnership in the peace process. Our leadership is essential if this historic agreement is to realize its full potential. Today, on behalf of President Clinton, I announce our intention to lead a wide-ranging effort not simply to give peace a chance, but to ensure that it will not fail. Just as the United States organized a successful international coalition to wage war in the Gulf, we will now organize a new coalition—a coalition to breathe life into the Israeli-Palestinian Declaration.

As a first step, the United States will convene a Conference to Support Middle East Peace, building on the Madrid framework. Secretary Bentsen and I, together with our Russian counterparts, will invite foreign and finance ministers representing the Europeans, Japan, Saudi Arabia and the Gulf states, Canada, the Nordic countries and others—and, of course, the Israelis and the Palestinians. The World Bank will also be present, and it will play a major role in coordinating and providing assistance.

The purpose of this Conference will be to mobilize resources needed to make the agreement work. The international community must move immediately to see that the agreement produces tangible improvements in the security and daily lives of Palestinians and Israelis. If peace is to be achieved, the agreement must be translated into results quickly and vividly.

There are varying estimates of the resources required to start building an economic base in Gaza and the West Bank. The World Bank's initial estimate is that at least 3 billion dollars will be needed over the next ten years. An important portion of this sum will be needed for a quick start effort over the next year. All agree that we must take immediate steps to address the high rate of unemployment that robs families of hope and fuels extremism. Housing, roads, and other permanent improvements must be developed quickly. We must also act now to provide assistance in public administration, tax collection, and social services.

Given the number and commitment of our international partners, we are confident these needs can be met. And we will stimulate these supporters by our own example. Working with the Congress, we expect to assemble an initial two-year package worth 250 billion dollars.

In this vital effort, we must also involve the private sector. A significant part of the initial U.S. package will include OPIC loans and guarantees to spur private sector involvement and economic growth.

There is another resource that America can and should provide. At the White House last Monday, immediately after the signing ceremony, the President, the Vice President and I met with a group of Jewish and Arab Americans. This was truly a unique and special event. We were moved by their shared sense of hope and by their spirit of reconciliation.

We must draw on their talent, ingenuity, and goodwill. In that spirit, the President will appoint a task force of Jewish and Arab Americans to help us develop joint projects and private investment in the region. We also intend to name a senior coordinator for U.S. assistance—much as we have done in the case of the former Soviet Union.

Ladies and gentlemen: the real barrier to peace between the Israelis and Palestinians—the psychological barrier—has already been breached. Compared to that obstacle, the resource challenge we face can surely be met. I am convinced that we can succeed.

The implementation of the Israeli-Palestinian agreement represents only part of our larger task in the Middle East. We must nurture a comprehensive reconciliation between Israel and the rest of the Arab world. We must achieve a peace between the people of Israel and the peoples of Jordan, Syria and Lebanon. In the recent round of bilateral negotiations between their governments, the discussions were serious and constructive. Later this month, at the UN General Assembly, I will meet with my counterparts from Syria, Jordan, Lebanon, and Israel to try to keep these negotiations moving and to discuss further steps. We will work tirelessly to ensure that all the children of the region can come to know, in President Clinton's words, "a season of peace."

Another aspect of our effort to promote comprehensive reconciliation is working to encourage our other Arab friends to act boldly in support of peace. The core antagonists in this conflict have courageously opted for mutual recognition and an end to their state of war. This bold step demands an equally bold response from their regional counterparts. Jordan's decision to sign a substantive agenda with Israel last Tuesday is a prime example. The meeting that same day in Morocco between Prime Minister Rabin and King Hassan was also a promising first step that the United States applauds. Other nations must also seize the moment for reconciliation.

Now that Israelis and Palestinians have agreed to work together to promote their economic well-being, it is illogical for Arab nations to continue their boycott of Israel. Every moment the boycott remains in force, those responsible are punishing Palestinians as well as Israelis.

The boycott is a relic of the past. It is a relic that should be relegated to history—now.

There is more to peace than the signing of agreements and the gathering of resources. There is a need for fundamental change in the hearts of these former antagonists. The leaders of the region must exhort those who have used violence as a political tool to renounce it without reservation or exception.

It is also imperative that quick action be taken to remove other vestiges of the bygone era that only hinder reconciliation. This means revoking, at the upcoming session of the UN General Assembly, those UN resolutions that challenge Israel's very right to exist. It also means acting to approve unanimously Israel's credentials at this year's UN General Assembly. And in the U.S. Congress, it means amending statutes that inhibit dealing with the PLO.

I reiterate a simple but profound truth: only an Israel that is strong, confident, and secure can make peace. Only an Israel that is certain of its strategic partnership with the United States can take the necessary risks.

On behalf of President Clinton and the American people, I re-state a long-standing pledge to the Israeli public: As you and your leaders continue down the courageous path you have chosen, you should know that America's commitment to Israel's security and well-being will remain unshakable.

It is revealing that at this time when the entire world is praising last week's events, they are being denounced in places like Tehran, Baghdad, and Tripoli. In response to such intemperate words, let me make clear that we remain committed to seeing that the forces of moderation in the region are stronger than the forces of extremism.

To all who are prepared to work with us in building a new Middle East of peace, security, and prosperity, I say: you have a reliable and committed partner in the United States. To those who would sow dissension, intolerance, and violence, I say this: the United States, its friends, and its allies will take the necessary steps to ensure that you fail.

REFLECTIONS ON AMERICA'S ROLE

This remarkable week for peace in the Middle East reminds us of the necessity for American leadership in the world—especially in regions of vital interest to us.

My colleague Tony Lake will speak tomorrow at the Johns Hopkins School of Advanced International Studies. He will address the broad outlines of our foreign policy. His speech reflects broad policy discussions within the Administration, and I commend it to your attention.

Before concluding today, I want to comment briefly on two issues that have been the subject of recent public debate. The first is whether America should pursue an activist foreign policy. The second is whether America should act alone or together with other nations to protect our interests abroad.

The first issue is really the latest round in the century-old debate between engagement and isolationism. The United States chooses engagement. The alternative—neo-isolationism—can be reduced to a simple syllogism: the Cold War is over; we won; let's go home and attend to our problems. We must reject isolationism for the dangerous argument that it is. We must renew our commitment to internationalism, which has served us so well for fifty years.

The pied pipers of isolationism misread the history of this century. They mistake the future of our economy. They minimize the threats to our security. And they misjudge the character of our people.

The end of the Cold War has not ended history. Nor has it severed the links between Americans and the world. But it has left the United States with a continuing responsibility—and a unique capacity—to provide leadership.

Why, you may ask, must we remain engaged? First, because it is in our economic interest to do so. We live in a technologically interconnected age. Vast amounts of information and dollars can be transmitted around the world at the speed of light. In such a world, how will we enhance our prosperity if we do not work to open and expand international markets? How will we promote the global growth necessary to our prosperity if we do not successfully complete the Uruguay Round negotiations of the GATT? And how will we create high-paying jobs for Americans if we are not willing to create export opportunities through NAFTA?

Second, we must remain active and assertive for the sake of our security. Were it not for sustained American involvement over the last four decades, we would not be on the road to peace in the Middle East. American engagement is also essential in other regions where our vital interests are at stake. Indeed, in key regions, the United States is the fulcrum on which peace and security rest.

If democracy reverts to dictatorship in the former Soviet Union, Americans are likely to pay a severe price in a revived nuclear threat and increased defense budgets. If ethnic conflict in Europe widens; if security is threatened in Asia; if terrorism spreads; if the proliferation of weapons of mass destruction is not checked—if any of these things comes to pass—then our own security and ability to focus on domestic renewal will be directly put at risk.

In short, we must remain engaged not out of altruism, nor out of what one scholar has called the "imperial temptation," but because there are real American interests that will suffer if we are seduced by the isolationist myth.

The second issue under recent debate is whether America should exercise its power alone or with others—to use the customary jargon, unilaterally or multilaterally. That issue, as framed, creates a false polarity. It is not an "either-or" proposition.

The central purpose of our foreign policy is to ensure the security of our nation and the economic prosperity of our people—and to promote democratic values.

In protecting those interests, the United States must maintain its military strength and reinvigorate its economy so that we can retain the option to act alone, when that is best for us. Let no one doubt the resolve of the United States to protect its vital interests.

Yet in protecting our vital interests, we should not ignore the value of working with other nations. From the Gulf War to the international campaign to aid democracy in Russia, we have seen how collective action can advance American foreign policy goals. It can bolster our efforts to stem the proliferation of weapons of mass destruction, to knock down barriers to global trade, and to protect the environment. We have also seen that collective action requires—and cannot replace—American leadership.

No other nation possesses our military might, economic strength, and moral authority. These assets give us the ability to act alone when necessary. When appropriate, we can also leverage our might by sharing the burden with other nations. But we should remember that our ability to generate effective multilateral responses will often depend upon our willingness to act alone.

Let me be clear: multilateralism is a means, not an end. It is one of the many foreign policy tools at our disposal. And it is warranted only when it serves the central purpose of American foreign policy: to protect American interests. This country will *never* subcontract its foreign policy to another power or person.

While this largely tactical debate on the means of American engagement has proceeded, President Clinton has been meeting key foreign policy tests: recognizing that domestic economic renewal is fundamental to America's foreign policy; mobilizing critical and timely support for Russian democracy as an essential investment in our national security; calling for a NATO Summit to adapt the Alliance to meet the security challenges of a new Europe; advancing a New Pacific Community while negotiating a new framework for our economic and trade relations with Japan; and leading the global effort to curb the proliferation of weapons of mass destruction.

CONCLUSION

I will suggest to you another measure of our leadership: how the world sees us. Last week in Washington, Israeli Foreign Minister Shimon Peres paid an unusual tribute to our country.

In the history books, he said:

"Nobody will understand the United States. . . . You have so much force and you didn't conquer the land of anybody. You have so much power and you didn't dominate another people. You have problems of your own and you have never turned your back on the problems of others." And Shimon Peres said: "Thank you so much for being what you are."

To those who question the need for American engagement, I say, ask Shimon Peres.

Let these indelible events of the past few years—the handshake at the White House; the Berlin Wall falling and the Soviet Union crumbling; Nelson Mandela walking out of prison to build a new South Africa—let all these point us toward asserting and not abdicating our international role.

Let that shining moment last week on the White House lawn light the way for a just and lasting peace in the Middle East—and illuminate the need for America's continued leadership in the world.

SP-100 PROJECT

Mr. LAUTENBERG. Madam President, tomorrow morning the Energy and Water Development Subcommittee will mark up the fiscal year 1994 energy and water appropriations bill. I am concerned that the subcommittee may include funding for the SP-100 space based nuclear reactor program. The President has proposed to eliminate all funding for this program except for termination costs.

I oppose funding for continuation of this program. If funding is provided, I will offer an amendment to eliminate it.

Madam President, the Federal Government has spent over $400 million since 1984 to develop nuclear reactors for space applications. But this program has accomplished nothing. The Department of Defense pulled out of the program in 1991 because of high costs, delays and Department of Energy mismanagement. Neither the Department of Energy nor NASA have identified a need for the SP-100. And, according to the GAO, costs for the program have quadrupled and the program is 13 years behind schedule. The President proposed to eliminate this and nuclear programs, "* * * that have no commercial or other identified applications."

Unless terminated, billions more will be wasted. The Department of Energy has estimated that it will cost another $1.6 billion over 12 years to complete the current constructions phase of the program with additional costs for completion of flight testing and deployment.

The SP-100 also poses grave environmental dangers. The failure of a satellite powered by the SP-100 during launch or reentry into the atmosphere could spread radioactivity from the SP-100's highly enriched uranium fuel. This environmental risk is not justified for a program lacking a mission.

Elimination of the program is supported by a wide range of taxpayer and environmental groups including the National Taxpayers Union, the Council for Citizens Against Government Waste, and the Public Interest Research Groups.

An effort to fund the SP-100 was defeated in the House of Representatives by a vote of 333 to 98. This vote shows strong opposition to the SP-100.

In this time of fiscal restraint, we can ill-afford to continue funding for this program.

If the Appropriations Committee provides funding to continue the SP-100 program, I will offer an amendment to eliminate the funding. I urge my colleagues to join me in opposing funding for the SP-100 program.

I ask unanimous consent that a letter from Secretary O'Leary regarding the administration's position on the SP-100 program be included in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF ENERGY,
Washington, DC, June 24, 1993.

Hon. EDWARD J. MARKEY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MARKEY: The purpose of this letter is to express opposition to the recent action taken by the Committee on Appropriations, which provided an additional $25 million for the Space Reactor Power Systems program in H.R. 2445, the Energy and Water Development Appropriations Bill. We are opposed to this funding as the Administration has not identified a near-term application for the SP-100 and thermionics programs that justifies continued development at this time.

We would therefore support an amendment to delete the additional $25 million from the bill.

Sincerely,

HAZEL R. O'LEARY.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. MURRAY). Morning business is closed.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION DISAPPROVAL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Senate Joint Resolution 114, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 114) disapproving the recommendations of the Defense Base Closure and Realignment Commission.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. There will now be a period for debate on Senate Joint Resolution 114 to 3:30 p.m. The time will be equally divided and controlled by Senator FEINSTEIN and Senator NUNN or their designees.

Who yields time?

Mrs. FEINSTEIN. I rise today to urge my colleagues to support the joint resolution—No. 114—disapproving the recommendations of the 1993 Defense Base Closure and Realignment Commission.

The base closure process was established by Public Law 101-510 with the intent to "provide a fair process that will result in the timely closure and realignment of military installations inside the United States." The purpose was to lower Government expenditures and save taxpayer money in the aftermath of the cold war. I do not believe that we achieved that purpose, and I urge the Senate to reject the base closure list.

This round of base closures has turned out to be, as Defense Secretary Aspin noted, "the mother of all base closures." In total, the Commission has recommended that 32 major bases be closed or realigned in 20 States. This will affect over 115,000 direct and indirect jobs nationwide.

In California alone, eight major bases have been recommended for closure or realignment[1]—double any other State. No State is hit harder than California, with over 100,000 direct and indirect jobs and nearly $4 billion in economic activity wiped out in one fell swoop.

I have fought this round of base closures from the beginning. In January I urged the President to defer this round because it would only serve, particularly in California, to weaken an economy that is still in a recession.

Though we won some battles during the process, California is still doing far more than its fair share. The San Francisco bay area is especially hard hit, accounting for the vast majority of jobs and economic activity lost in the State—over 70,000 direct and indirect jobs and $2 billion in economic activity.

ALAMEDA NAVAL AIR STATION

I am particularly baffled by the Base Closure Commission's recommendation to close the Alameda Naval Air Station. Unfortunately, this decision triggered the closure of nearly all the other facilities in the San Francisco bay area, resulting in an almost complete naval withdrawal from an area that has been home to the Navy for over 50 years.

This includes closing a historic shipyard which services both nuclear and conventional ships, a major naval air station capable of berthing three nuclear powered aircraft carriers, the only military hospital in the region, and the 12th Naval District on Treasure Island. And, this comes on top of the closure of the Presidio of San Francisco, slated for closure in 1998.

By narrowly voting to close the Alameda Naval Air Station, the Commission decided to build-out an unfinished naval station in Everett, WA that is only partially complete and will require $190 million in additional military construction. In addition, the Commission overlooked its own criteria stating that military value must be given priority consideration. Based on the Navy's data, Alameda had the highest military value of any west coast naval station—58.2 points compared with only 42.8 points for the Everett facility.

When finally constructed, Everett will have just 196 units of military housing compared with over 7,000 at Alameda. It will have no military hospital, compared with the Oak Knoll Hospital in the bay area. It will have no airfield or aviation maintenance depot, compared with Alameda's adjacent air station and aviation depot.

Unbelievably, the additional $190 million in military construction costs were not taken into consideration by the Commission nor the Navy when calculating base closure costs. This created a false impression that it is cost-effective to close Alameda, when in fact it is not.

I recently wrote to the President urging him to reject the Base Closure Commission's recommendations and used Alameda Naval Air Station as an example of how, I believe, the recommendations don't make military or fiscal sense and are clearly unjustified.

COST EFFECTIVENESS

If Alameda is any example of how numbers are added, then these base closures truly don't make sense. Though the whole point of base closures is to save money, it actually costs billions of dollars to close military bases and the costs are not recouped until years down the road, if ever.

As this chart illustrates, the 1988 base closure round will have cost an estimated $2.3 billion to implement by fiscal year 1995. The total savings from those base closures will be less than $2.5 billion. Therefore, the total net savings from the entire 1988 base closure round is only $159 million by fiscal year 1995. Only $159 million will have been recouped from the 1988 base closure round, and at the expense of over 20,000 jobs and billions of dollars in economic activity nationally.

In reality, these savings from the 1988 base closures may never be recouped. Congress is anticipated to appropriate nearly $900 million for environmental cleanup by fiscal year 1995. If this expense is considered, it will actually cost hundreds of millions of dollars to clean up and shut down the bases slated for closure in just 1988 alone.

I ask unanimous consent that table 2 be printed in the RECORD at this time.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BASE CLOSURE FUNDING BRAC 1988 ANTICIPATED BUDGET

[In millions of dollars]

	Fiscal year—						Total
	1990	1991	1992	1993	1994	1995	
Costs	462	747	423	492	165	46	2,335
Savings	36	123	296	454	766	819	2,494
Net cost	426	624	127	38	(601)	(773)	(159)
Environment	38	251	257	135	130	87	898
Total net cost	464	875	384	173	(471)	(686)	739

Source: Senate Armed Services Committee Hearing Report 102–833 part 3.

ENVIRONMENTAL COSTS

Mrs. FEINSTEIN. We are told that the cost of environmental cleanup is not taken into consideration when calculating the costs of base closures, but these monumental costs are a reality never the less. I do not believe this is acceptable.

During this base closure round, the official estimated cost for toxic cleanup at California military bases is more than $800 million. But local estimates for cleanup costs at El Toro Marine Corps Air Station alone exceed $1 billion. As a rule, cleanup costs are grossly underestimated.

For example, as this chart clearly illustrates [chart 3], the cleanup costs for Mather Air Force Base have been revised upward by 360 percent in just 3 years. The Sacramento Army Depot's costs have grown by 350 percent, Castle Air Force Base's costs have grown by over 300 percent, and the story is similar for George and Norton Air Force Bases.

If we abide by what history taught us, environmental cleanup costs will skyrocket. As this chart shows [chart 4], California's cleanup cost for this round of base closures alone could total more than $2.4 billion. And the costs of cleanup nationwide could reach $9.6 billion. When the staggering environmental costs are calculated, it becomes less and less cost effective to close these bases.

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[1] Alameda Naval Air Station, Alameda Naval Aviation Depot, Oakland Naval Hospital, Treasure Island Naval Station, Mare Island Naval Shipyard, El Toro Marine Corps Air Station, San Diego Naval Training Center, March Air Force Base.

At a time when everyone is focusing on reducing the deficit as quickly as possible, it does not seem to make sense to close bases that will cost billions of dollars up front, with potential savings far off in the future.

ECONOMIC IMPACT

All the cost and strategic arguments against base closures, though, cannot tell the personal tragedy that results when a base is closed. This round of base closures will cause real economic hardship for individuals, families, and entire communities across the country.

In total, California's net direct job loss will exceed 33,000. That is out of a total net personnel reduction of 38,000 jobs nationwide—33,000 jobs out of a total of 38,000. California will, once again, bear a disproportionate hit. This is clearly not fair.

These base closures couldn't have come at a worse time economically for the country and my State. As the Nation's economy continues to drag, California remains in the depths of a recession. My State's unemployment rate is 9.8 percent—more than three points higher than the national average.

Currently, nearly 1.4 million Californians are seeking employment—that is more than the population of 13 different States. Let me put that into perspective. There are more unemployed workers in California then there are residents in 13 different states.[2]

The 100,000 direct and indirect California jobs lost due to this round of base closures alone do not tell the whole story. These base closures are piled on top of two previous base closure rounds that have claimed 110,000 direct and indirect jobs and defense downsizing which has claimed another 250,000 jobs. In total, the cumulative economic impact on California will near 500,000 jobs lost.

UNEMPLOYMENT INSURANCE

With all the jobs lost in California in just the last few years, one has to wonder what the real cost of base closures is to the Federal Government. In addition to the actual closure and environmental cleanup cost, the Federal Government will spend billions of additional dollars on community assistance, defense conversion, job retraining programs, and unemployment insurance.

In just the last 5 years, the Federal Government has spent over $100 billion on unemployment compensation, with $15 billion going to California alone. With the possibility of an additional 115,000 people unemployed as a result of this round of base closures, there will be a substantial cost to the Federal Government in unemployment compensation.

Assuming that all of the people who lose their job will receive unemployment compensation, the cost could near $20 million per week. Even if you assume that half of the people who lose their job will receive unemployment compensation, the cost could near $10 million per week.

While we are trying to save money on one hand, we are spending money on the other. And, all the money comes from the same pot: the U.S. Treasury.

Is this round of base closures actually cost-effective? Well, as this chart indicates [chart 5], maybe not. For fiscal year 1994 through fiscal year 1999:

	Billions
The one-time closure cost	$7.4
Environmental clean-up costs	9.6
Unemployment compensation[3]	1.5
Total actual costs	18.5
Total projected savings	11.2
Total net cost	$7.3

[3] Assumes that half the people who lose their jobs (57.500) receive the average unemployment compensation of $172 per week for 3 years.

Even after 10 years, the savings are minimal. Assuming that the long-term savings are projected at $2.3 billion annually, this round of base closures will have only saved the Federal Government $1.9 billion by fiscal year 2003. A savings of only $1.9 billion at a cost of 115,000 lost jobs. So, if you total all the real costs up, these base closures are not really cost-effective.

SUMMARY

As I have stated, I believe it will be a grave mistake to move forward with this round of base closures at this time, especially when the Nation's economy is at a standstill.

With the end of the cold war, I understand that our military needs to be reduced. But, when should reductions take place and how fast do we want to downsize our Armed Forces? And, was the intent of the original base closure law achieved? For military, fiscal, and economic reasons, I believe that this round of base closures should be postponed.

The California economy and the Nation's economy can not afford another 100,000 lost jobs and billions of dollars in lost economic activity.

Block this round of base closures. Support Senate Joint Resolution 114. I ask unanimous consent that my letter to the President be entered into the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 28, 1993.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT, I urge you not to accept the Defense Base Closure and Realignment Commission's recommendation to close the Alameda Naval Air Station (NAS) and its essential support facilities. The Commission's four to three vote to close Alameda NAS does not make military or fiscal sense, and was not justified based on the statutory criteria.

By voting to close Alameda NAS, the Commission decided to keep open an unfinished naval station in Everett, Washington that is only 60 percent complete and will require $190 million in additional military construction. I am baffled by the logic of the Department of Defense's recommendation and the Commission's final decision to close an existing naval facility and keep open a base that does not yet exist.

ALAMEDA HAS THE HIGHEST MILITARY VALUE

By law, military value must be given priority consideration. This criteria includes current and future mission requirements, the impact of operational readiness, and availability of land, the ability to accommodate contingency and mobilization requirements, and cost and manpower implications. However, based on the Navy's own data and the facts that were presented, the Commission clearly deviated from its own criteria in deciding to close Alameda NAS.

The military value of Alameda NAS is 58.2 (the highest of any west coast naval station). By comparison, the military value of the Everett facility is only 42.8—more than 15 points less than Alameda NAS.

Alameda NAS has many significant advantages over the Everett facility. Most important is the fact that Alameda NAS is an operational, full service base with all the required support facilities nearby. The Everett facility, on the other hand, is not yet complete and, as I stated, will require $190 million in additional military construction just to bring the base up to initial operating capacity.

In addition, Alameda NAS has an adjacent airfield and aviation maintenance depot; the Everett facility does not. At Alameda NAS, aircraft can be off-loaded directly onto the adjoining airfield and easily transported to the aviation maintenance depot for repair. At Everett, the nearest naval airfield is more than 100 miles away by road and there is no naval aviation maintenance depot anywhere in the region. At Everett, for example, the entire air squadron would need to be transported from the airfield at Whidbey Island to the aircraft carrier homeported at Everett.

The naval base at Alameda is also closer to naval fleet concentrations and training facilities near San Diego, California. In contrast, ships homeported at Everett will require at least three days of steaming time to reach naval facilities in southern California. Additionally, Alameda's proximity to open ocean gives it a clear advantage over the Everett facility. A ship based at Alameda NAS requires less than one hour of steaming time to reach open ocean. A ship based at Everett, however, requires up to twelve hours to reach open ocean.

Finally, the Alameda area has the highest percentage of military housing nationwide—over 7,300 units of housing for both enlisted and commissioned personnel. Everett currently has no military housing and even after all construction is completed, the base will have only 195 units of housing. With

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[2] Alaska, Delaware, Hawaii, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, and Wyoming.

5,000 personnel assigned to one aircraft carrier, affordable and available housing becomes extremely important in the quality of life of military personnel.

CLOSING ALAMEDA DOES NOT MAKE FISCAL SENSE

Though the Navy's original estimate for the one-time closure cost of Alameda NAS was only $194 million, a new Navy report estimates that the cost is actually three times more. The Regional Coordination Plan, conducted by the Commander of Naval Base San Francisco, estimates that the cost to close Alameda NAS is $591 million. In comparison, the one-time closure cost of the Everett facility is only $95 million. Unfortunately, the Commission staff, though given the updated Navy report weeks before the final hearing, presented only the original, inaccurate closure costs during the Commission's final deliberations.

The total cost savings from closing Alameda NAS is estimated at a net present value of only $168 million by the year 2013. The additional military construction cost that is immediately necessary at the Everett facility just to achieve initial operating capacity is $190 million. Therefore, even after 20 years, closing Alameda NAS and keeping open the Everett facility will actually cost the Navy $22 million. In addition, it would take 10 years to recoup any savings from closing Alameda NAS, whereas the enormous savings from closing the Everett facility are immediate.

I understand that the annual operating costs of Alameda NAS are higher than those costs for the Everett facility, but Alameda NAS is a substantially larger facility and is a full service naval installation. In addition to being nuclear certified and fully licensed, Alameda NAS can berth three nuclear aircraft carriers and 19 cruiser equivalent ships. The Everett facility, when it is finally completed, will only be able to berth one nuclear aircraft carrier and eight cruiser equivalent ships.

THE ECONOMIC IMPACT OF CLOSING ALAMEDA IS SUBSTANTIAL

Economic impact, including the cumulative economic impact from previous base closures, must be taken into consideration by the Commission. Over 31,000 direct and indirect jobs will be affected by the closure of Alameda NAS compared with only 1,102 at the Everett facility. The economic impact of the closure of Alameda NAS on the local community is as high as 4.9 percent, compared with only 0.1 percent for the Everett facility.

As you know, California has been hit hard as a result of previous base closures and defense down-sizing. More than 68,000 jobs were adversely affected as a result of the 1988 and 1991 base closure rounds when 17 military installations were slated for closure in California. In addition, in just the last two years, approximately 250,000 jobs have been lost in California due to reductions in defense spending.

California is still in the depths of a recession from which most of the country has already recovered. Currently, California's unemployment rate is 8.7 percent (well above the national average of 6.9 percent) and 1.3 million Californians are still out of work. The additional loss of over 90,000 jobs throughout the State as a result of this round of base closures will only sink California deeper into its recession and cause severe economic hardship for individuals, families and entire communities.

CONCLUSION

I believe the decision to close Alameda NAS and its support facilities is flawed and not in the national interest. Based on all the criteria—military value, return on investment, and economic impact—the Department of Defense's recommendation and the Commission's final decision do not make sense. Closing Alameda NAS is strategically incorrect, is not cost-effective, and will have a severe economic impact on the San Francisco Bay Area and the entire State of California.

I urge you not to accept the Defense Base Closure and Realignment Commission's recommendation with regard to the Alameda Naval Air Station and its essential support facilities.

Sincerely,

DIANNE FEINSTEIN.

Mrs. FEINSTEIN. Madam President, in summary, I would like to speak for 10 to 15 minutes and then yield to Senator HOLLINGS, who will take 5 to 10 minutes. I also believe that Senator THURMOND and Senator BOXER would like to speak on this resolution. There may be others joining us on the floor, as well. So if you have no objection, I will begin at this time.

I urge my colleagues to support this resolution. I know that this is a last-ditch plea. But if I have learned one thing, Madam President, in the short time I have been in this esteemed body, it is that we should not abdicate our authority to another body. And as I have watched the Base Closure and Realignment Commission proceed, what I have noticed is that it does so regardless of any distress that it perpetuates on a given area, and it does so on rules that are not necessarily those which are going to produce the biggest cost savings.

Madam President, this is Saturday's San Francisco Chronicle, in which the lead story says "State Losing Defense Jobs at Alarming Rate; 17-Percent Decline Worse Than Expected; Economic Recovery Threatened." And it goes on to point out how deep the defense cuts have been in the State of California. Then it says, quoting one expert:

> I think it is probably the single most important factor in explaining the length and depth of California's decline compared to other States.

And yet, there is no way to stop it; and yet, there is no way to say, "Give us a respite."

I ask unanimous consent that the San Francisco Chronicle article be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the San Francisco Chronicle, July 18, 1993]

STATE LOSING DEFENSE JOBS AT ALARMING RATE

(By Jonathan Marshall)

Confounding economists who had expected layoffs to slow, jobs in California's defense industries are disappearing at a record pace, threatening a longer and deeper recession in the state.

New figures compiled by the state Department of Finance indicate that employment will fall a record 17 percent this year in major defense-related industries, including aircraft, missiles, space vehicles and search and navigation instruments.

The pace of job losses has increased every year since 1989, when employment in those industries first dipped 3.8 percent. Total aerospace employment has plummeted to 220,000 from 374,000 in early 1988.

"These defense cuts are far deeper than anything we've witnessed before, except after World War II," said Ted Gibson, a senior economist at the Department of Finance.

In November, the department projected that California would hold job losses in defense industries to 10 percent. In May, it revised that estimate to 14 percent. "Now it's looking almost certain, unless a miracle happens, that we will be down more than 17 percent," Gibson said.

The Commission on State Finance, which publishes an independent economic and revenue forecast, also was taken aback. "We expected the number of defense jobs to fall this year, but the rate of decline has been pretty dramatic and has accelerated over the last year," said Brad Williams, the commission's executive director.

The reasons for this trend are unknown, Williams said, but the "disturbing possibility is that the whole defense infrastructure (in California) is unraveling, and the network of prime contractors and subcontractors are taking this opportunity to re-evaluate where they do business. We may be seeing much more consolidation and movement out of California than we would have expected."

Companies such as Hughes Aircraft have relocated entire divisions out of the state, citing the high cost of doing business in California.

Gibson said the new job numbers suggest that California's economy will not stabilize by the end of this year and start growing early next year, as hoped. "It's increasingly clear we aren't going to get a recovery" anytime soon, he said.

The basic source of California's problem is the state's overreliance on military industries. With only 12 percent of the country's population, California counts on 20 percent of all domestic military spending.

COLD WAR AFTERMATH

With the end of the Cold War, defense spending in California has dropped from a peak of $63 billion in 1988 to about $50 billion this year. The Commission on State Finance estimated that the withdrawal of these dollars can be blamed, directly or indirectly, for more than a quarter of the 800,000 jobs lost in California since the recession began.

After analyzing President Clinton's budget proposals, the commission concluded in May that annual defense spending in California will continue tumbling all the way to $33 billion in 1997 and it will cost the state 125,000 more jobs over the next four years.

"I think it's probably the single most important factor in explaining the length and depth of California's decline and compared to other states," said Williams.

When highly paid aerospace engineers lose their jobs, an especially strong jolt hits businesses at which those workers spend their paychecks, such as housing, car sales, clothing and entertainment. The average employee in the aircraft and missile industry earns $47,000 a year, compared with the average pay of slightly under $30,000 for all other industries.

Regions with unusual concentrations of defense industries have been hardest hit during California's recession. Depressed Los Angeles County, for example, is six times as dependent on defense employment as the national average, according to the Center for Real Estate and Urban Economics at the University of California at Berkeley.

Prolonged defense cuts are continuing to punish the Los Angeles area. Job losses in core aerospace industries soared at a 43 percent annual rate from January to July of this year, according to data from the state Employment Development Department.

"These industries still have a long way to go," said Jay Horowitz, a labor market analyst for the department. "A hefty number of people are still employed in them. Every month, 2,500 to 3,500 jobs disappear (locally) in the high-tech and aerospace sectors."

Santa Clara County, too, has felt the pinch, although its job losses are running at an annual rate of only about 7 percent. "Overall, the cuts have been roughly equivalent in the two areas," said Jeff Koller, the department's San Jose regional analyst, "but because Southern California has so much more defense employment, the bite there has been much harder."

BLEAK JOBS PROSPECTS

For workers displaced by the cuts, prospects are bleak. Despite being well educated, they often have highly specialized skills unsuited to civilian industries. And the shattering of so many companies has left workers with much less chance of "networking" their way into another job in the same industry, said Kathy Masera, publisher of the California Jobs Journal.

A 1992 report by the Los Angeles County Aerospace Task Force said that 38 percent of laid-off workers will need substantial retraining of up to 18 months. Few programs serve their needs.

The Federal Government has earmarked $3.1 billion over two years for defense conversion projects, including job training and community adjustment assistance, but California's share has yet to be determined. A bill recently passed by the Legislature would establish a State Defense Conversion Council, with six associated industry councils, to coordinate planning for federal, state and local conversion efforts, but it contained no appropriations.

Mrs. FEINSTEIN. I was on this floor last week, and I urged people to take a respite; postpone the 1995 round; let us evaluate what has happened thus far, and then decide if, in fact, it is cost effective to proceed in the way in which we will proceed.

This round has turned out to be, as Secretary Aspin noted, "the mother of all base closures." In total, the Commission has recommended 32 major bases be closed or realigned in 20 States, and this will affect over 115,000 direct and indirect jobs nationwide.

As you can see from this chart, in California alone, there is a pincushion of base closures. We have eight major bases that are recommended for closure or realignment, double any other State, and it is a complete wipeout of nearly all bases and military hospitals in the San Francisco Bay area, a 6-million-person metropolitan area.

So no State is hit harder than my State, with over 100,000 direct and indirect jobs and nearly $4 billion in economic activity wiped out in one fell swoop. I have fought this round. I fought it in California at base closure hearings in the bay area, and in southern California. I fought it here on the floor.

I am hoping that some of them might be listening today, and if I am wrong on some of these cost figures, I hope someone will let me know, because the cost figures as I see them indicate that there will be very little profit to the Federal Government for a long, long time.

I am particularly baffled by the Base Closure Commission's recommendation to close Alameda Naval Air Station. The Alameda Naval Air Station is a major air station. It has a permit to berth four nuclear carriers. It has 7,000 units of housing. It has an old naval hospital. It has a supply depot. It has an airstrip.

And to change it for Everett, where, at the present time, there is no airstrip, nor will be there be one ever, there is no hospital, there are only 190 units of housing, and there is a base not fully completed that will take $190 million in additional military construction, and the Base Closure Commission, under the wonderful rules they operate, do not consider it a cost. In other words, they do not consider it a cost if military construction is another $190 million where they want to go.

We had testimony from the former head commander of the Pacific Fleet, Adm. Bob Foley.

He pointed out:

> The problem is geography. It's a long way across the Pacific and all of these factors work toward proven home ports with air field access and air depot capability.

And he goes on in this and points out the length of time to leave Everett, and he says:

> Sailors assigned to a carrier battle group at Everett are going to find themselves at sea for an extra 18 to 24 days a year. Just going back to the southern California operating areas, just getting from Everett out to the open sea is a voyage through a lengthy, difficult maze. And then you've got to turn a hard left and run down south for several days to get to the operating area. You can't do carrier qualification landings up in that area because the sea is too rough. You've got to go south. There is no naval air station at Everett. The nearby off-base infrastructure needed to accommodate the requirements of the fleet are not there. Our hard-pressed Federal Treasury is going to have to dole out about half a billion just to provide a bare-bones on-base support system for the ships at Everett.

I ask unanimous consent that Admiral Foley's entire statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY ADM. BOB FOLEY, FORMER COMMANDER, PACIFIC FLEET

BASE CLOSURE COMMISSION HEARING, OAKLAND, CA, APRIL 25, 1993

Admiral FOLEY. Governor Wilson, Senator Feinstein, Chairman Courter and members of the Commission. Both Governor Wilson and Senator Feinstein have given you a good overview of the Pacific Region and the need for the economic stability backed up by a strong U.S. maritime presence. My personal experience certainly supports their overview and I am—I guess I am reminded again of the phrase used by the former U.S. Ambassador to Japan, Mike Mansfield, who continually said, "This is the decade of the Pacific".

I'm here today as the former carrier commanding officer, based in Alameda; a carrier group commander based in Alameda; and a fleet commander overseeing the Alameda and the entire Pacific area. I'm not a California resident, I have no ax to grind at all in that regard. As a former Pacific fleet commander, I would like to point out to the Committee what the single greatest problem is for an operational commander here in the Pacific theater. The problem, quite simply, is the geography. It's a long way across the Pacific, much more so than it is the Atlantic. Logistic support and training bases achieve a greater importance; time away from homeport is longer; there are fewer port visits, longer cruises, greater wear and tear, and higher maintenance requirements. All of these factors militate toward proven homeports with airfield access and depot capability. For example, when the U.S. chose a carrier homeport in Japan for the USS Midway, they chose Yokosuka over Seabo primarily because of the nearby airfield at Atsugi. Now, I was the Chief-of-staff of the Seventh Fleet at that time and actively involved in discussions on that and that was the driving overriding consideration why we picked Yokosuka—you had a nearby airfield.

Now, in the brief time that I've got, I'm going to focus on one issue and that's closure of Alameda, and then we can expand on dialogue and a question and answer session if you want.

When the strategic homeporting initiative of the early 80's identified Everett, Washington as a potential battle group homeport, I visited the city to look at the facilities, talk to the major, spent a lot of time. There was absolutely nothing there, and years later, after the expenditures of hundreds of millions of dollars, Everett, Washington is still not an operational homeport. Never mind one for a nuclear carrier, with the proper permits, the radiation clearances and the operational bugs all worked out. You just don't have it.

Now, Chairman Courter, your Committee will be asked to weigh the validity of closing bases in what may be an ill-advised effort to continue the goals of a strategic homeporting policy that's been overtaken by events in the former Soviet Union.

Now, let me hasten to add at this time that, I've got absolutely nothing against Everett Washington—the late Senator Scoop Jackson's home town. The people there are wonderful, but the Navy's decision to dismantle the superb infrastructure here in the San Francisco Bay Area in favor of a move up to Everett doesn't make sense when you look at today's operational and fiscal realities.

Sailors assigned to a carrier battle group at Everett are going to find themselves at sea for an extra 18 to 24 days a year, just going back to the Southern California operating areas. Just getting from Everett out to the open sea is a voyage through a lengthy difficult maze, and then you've got to turn a hard left and run down South for several days to get to the operating area. You can't do carrier qualification landings up in that area because the sea is too rough. You've got to go South. There is no naval air station at Everett, the nearby off-base infrastructure needed to accommodate the requirements of the fleet are not there, our hard-pressed Federal Treasury is going to have to dole out about a half a billion dollars just to provide a bare bones on-base support system for the ships at Everett. I also believe that sailor proficiency, morale and retention would be degraded. And since my eldest son is a Marine Major in charge of recruiting in the Eastern New England area, I speak with some credibility on the difficulties of retention and recruiting these days.

Now, all of these formidable barriers that I mentioned might very well have been worth broaching when we were going to berth a 600-ship Navy, that's not the case today. Everett was justified on the basis of protecting the Aleutian Islands and the Alaskan oil lanes from a well-equipped, well-financed Soviet Pacific Navy. That's not the case now. It's a different world today. And you know, better than I, that new starts and new money will be very hard to come by.

The Pacific fleet of the foreseeable future is going to have four or five nuclear carriers as the basis for the battle groups. Where are you going to homeport them? San Diego, which you're going to visit next, can take one. Maybe you can get it to two by puting a lot more money in and getting permission to do it. But you don't have those permits now. Those capabilities need to exist not "pie in the sky," but there now. Nuclear homeporting capability does not exist at Everett and only one nuc carrier can be accommodated at Bremerton. So, there's a couple—maybe three. Don't trade in Alameda with its proven capability to support three nuclear carriers without taking a careful relook at all the issues. Whether or not you can get the permits for these other ports is an open issue. I was Assistant Secretary of Energy for a couple of years, responsible for the defense programs, open hearings and all the acronym associated with getting permits for nuclear operations are very tough to come by. I'm not sure you'll ever get them. You've already got them here in Alameda.

So, I urge you to ask why it's been proposed to set off a domino chain of base closures in the San Francisco Bay Area in an apparent trade for a Washington State homeport that isn't operationally capable yet. This one just doesn't make sense to me, as a former Pacific fleet commander, and it cries out for a side-by-side comparison between Alameda and Everett. Such a comparison was not done by the Navy, nor was a return on investment analysis performed by projecting closure of the yet-to-be constructed Everett base. I highly recommend that you require each service to report to you the financial consequences not only of proposed closings, but also of proposed realignments. I believe that when the costs of preparing adequate facilities at Everett, plus the additional operation and maintenance costs, are tabulated, shifting from Alameda to Everett just doesn't make much sense. Now, my comments in no way are meant to reflect adversely on the Navy's efforts to support the Base Realignment and Closure Committee. I think they've done a great job in providing you with statistics and information, It's just that I believe common sense may have fallen victim to a hasty number crunch. Please, take another relook at this whole issue.

Now, let me just very quickly summarize strategic arguments against further downsizing of your West Coast base structure. A credible American military presence in the Western Pacific is the major reason that the Asian democracies, many of whom are becoming prosperous enough to build substantial military machines, have not done so because they rely on America to maintain the peace. American withdrawal from Asia, already well underway with the closing of the Philippine facilities and troop reductions in Korea, risks both the peace and the Asian economic miracle.

America, as the world's superpower, has responsibilities that we just can't afford to shirk. No one else can fill our shoes, and if we dodge our obligations, the impact won't be just on the Pacific, but on the entire world.

Thank you very much for the opportunity to appear before you and I look forward, along with the other panel members, to answer your questions.

Mrs. FEINSTEIN. And yet, by one vote, Alameda Air Station, with the permits, with the hospital, with the housing, and with all the Milcon, is going to be closed and a new base is going to be built up way out of the steaming area, way out of the operation area, and we are going to finance it, and we are going to say we saved money.

To that I say, "Baloney." It just cannot be done on a cost-cutting basis. Maybe there are other bases. If there are, then someone should say what they are, but they are not, in my opinion, cost-cutting.

Let me just tell you what we have added up. We pointed out earlier on this floor where environmental cleanup costs are anywhere from 360 percent higher than estimated to 200 percent higher than estimated in every major base in a prior round—Mather AFB, Castle AFB, Sacramento Army Depot, George AFB, and Norton AFB. Here are the estimated costs, and here are the actual costs.

Here are the BRAC 1993 estimated cleanup costs for California bases, what they estimate and what they will really cost; nationwide what they estimate, $3.2 billion, and what they will really cost, $9.6 billion.

So let us take the projected BRAC 1993 costs. If what we are here to do is to save money, then let us look carefully. One-time closure cost, $7.4 billion; environmental cleanup, true figures, $9.6 billion; unemployment compensation, $1.5 billion. Total actual cost, $18.5 billion, with the projected savings, leaves a total net cost of $7.3 billion for this round of base closures.

Again, if this is wrong, will someone please pick up the phone and call me and say, "Senator, you are way off," and show me where these are not the actual costs we are going to encounter?

Because at this point, I have to concur that, for the next 5 years, we are going to work at a negative of $7.3 billion and then, after that period of time, we may realize $1 billion. And to that $1 billion, you must say to everybody who is a proponent, "Is it going to be worth the many people who are going to go on the unemployment line?"

And we have not figured into this the Federal costs of putting these bases into some other operation. For example, the Presidio now needs $45 million a year just to maintain it. Fort Ord is coming in with $137 million just to restore buildings on the post, and none of that is figured into any of this.

So, my conclusion is, one: Congress of the United States, never abdicate your duty. Never go for fast track on a trade agreement. Never agree to abdicate your duty to an unelected commission that can just go on pell-mell and make these reductions regardless of economic hardship, regardless of jobs lost, regardless of the number of people thrown out of work, and regardless of what it does to unemployment compensation.

Madam President, unemployment compensation will expire on October 2, and I will predict that we are going to be asked to extend it for another 6-month period of time.

Since base closure first began, we have spent over $100 billion in unemployment insurance. In this chart, unemployment compensation is attributed at one-half of the people who lose their jobs go on unemployment insurance for 3 years.

But all I can conclude, based on the research that we have done, is, at least for the next half-decade and possibly more, that the base closures in this round are not going to be cost effective to the Federal Treasury which, after all, is what we are looking for. We are trying to cut down costs overall, not just defense, but overall, and particularly in view of the enormous jobs that will be lost in this round.

I would like to stop now and yield time, if I may, to Senator HOLLINGS.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. Will the Senator from California indicate how much time she yields to the Senator from South Carolina?

Mrs. FEINSTEIN. Ten minutes.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, the distinguished Senator from California reflects my thinking in so many respects. I, too, will vote against the Base Closure Commission list. I do so out of loyalty to the fine men and women of the Charleston Naval Station and Shipyard. And I do so for reasons of common sense and cost effectiveness.

Let me first emphasize the special qualities of the work force at Charleston Naval Complex. Time and again, these men and women have been cited for their superior productivity, competitiveness and dedication to duty. The fact is, it took a willful act of denial for the Base Realignment and Closure Commission to ignore the unique qualities of Charleston's work force.

Last June, when the BRAC Commission visited Charleston, they witnessed the destroyer *O'Bannon*—the largest in the fleet—being refurbished in dry dock at the Navy Yard—a project that was subsequently finished $21 million under budget and months ahead of schedule. The Commission witnessed work teams from Pearl Harbor, Norfolk, Portsmouth, and Mare Island who were visiting the Charleston Yard for the express purpose of studying the superior teamwork and methods employed on the *O'Bannon* project. Likewise, the BRAC Commission was fully aware of the extraordinarily distinguished record of the Charleston shipyard stretching back nearly a century.

In recent years, Charleston has been recognized with Presidential citations, Navy "E Awards" for excellence, and other top honors. Repeatedly, the Charleston Navy Yard has won contracts in competition with private shipyards. This is a record of excellence that stretches back decades. For example, after World War II, the West German Government insisted that Charleston do the retrofitting and rehabilitation work on ships destined to the Federal Republic fleet.

So the Navy is closing down its very best. In this case, the Navy's motto should be "no good deed goes unpunished."

Madam President, quite aside from the issue of loyalty and good faith to the outstanding people in the Charleston Navy work force, there is the collateral issue of the waste involved in shutting down Charleston at the same time the Navy plans to spend hundreds of millions expanding bases at Pascagoula, Ingleside, and Everett to accomplish the same mission.

Bear in mind, in the case of Charleston Naval Station, we have a mature, up-and-running base that is fully equipped with the most modern facilities and equipment. In contrast, the bases as Pascagoula, Ingleside, and Everett are bare-bones facilities that will require huge investments if they are to aspire to Charleston's stature. Given the practical demands of keeping a volunteer Navy happy, each of these facilities will have to be equipped with commissaries, PX's, clinics, snack bars, recreation facilities, day care centers, bachelor officers quarters, and so on.

As a member of the Defense Appropriations Subcommittee for over 20 years, I have seen how this wasteful game is played. Today, Ingleside will require $41 million to build small-boat piers and a degaussing station. Charleston Naval Station already has these facilities, but Charleston is to be closed.

Today, Everett Naval Station requires millions to build a commissary and child care center. Charleston already has these facilities, but Charleston is to be closed.

In the name of saving taxpayers dollars, the BRAC Commission opted to close the time-tested, fully equipped Charleston Naval Station and to spend hundreds of millions expanding new bases at Pascagoula, Ingleside, and Everett. This simply defies rational analysis, and can only be explained by a distorted and biased base closure process.

On that score, I place no small measure of blame on the incestuous nature of the BRAC proceedings. The Navy assigned personnel to staff the BRAC Commission. Those uniformed staff members were not there to do an objective job; they were there to justify the Navy's predetermined choices. For example, Naval staff officers attempted to justify moving the Mine Warfare Center from Charleston to Ingleside partly on the grounds that an Air Force Base was located only some 40 miles away at Corpus Christi. They failed to note that Charleston Air Force Base—home to the C-17 Globemaster—is only 4.5 miles from the existing Mine Warfare Center in Charleston.

Madam President, it is not in the best interest of the Navy to lose its best equipped, best staffed facility. And it is not in the interest of taxpayers for use to sanction the tremendous waste involved in closing Charleston at the same time was are building up three other naval bases with a directly comparable mission.

Madam President, the Senator from California has spoken not just as representing California, but as a U.S. Senator representing the interests of the entire Nation.

As the Senator from California has pointed out, when you leave these decisions to the Pentagon, you are asking for trouble. If there is anything worse than congressional politics it is Pentagon politics. The fact of the matter is that this base closure list was made up last year under President Bush. We could see it coming. We heard the leaks, we heard stories, and we could observe changes at the Charleston Naval Base. Whereas in 1989 we had 89 vessels homeported at Charleston, by the time the BRAC Commission came around we were down to 39 and we now are down to even less. So the Navy was moving out regardless of any BRAC Commission finding or any legal proceedings.

The Navy had made up its mind to close Charleston and not Portsmouth because they did not want President Bush going up to Portsmouth, NH, in the first primary saying he was against unemployment at the same time he was putting New Hampshire workers out on the street by closing Portsmouth yard.

Again, I point out the incestuous nature of the BRAC Commission. The Navy assigns their staff to the BRAC Commission, and these staffers know they are going back to the Navy. They are not going to have a permanent job with the BRAC Commission. They are only on assignment. So, in order to ingratiate themselves and go along, they put in any sort of fanciful finding in order to suit the wishes of the Navy brass.

So I commend the Senator from California on the position she has taken. It is not just a question of jobs in South Carolina and California. It is fundamental policy and the BRAC Commission process that are flawed. I will vote against this base closure list.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. I thank the Senator from South Carolina and ask Senator STROM THURMOND from South Carolina be recognized for up to 5 minutes.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, I rise in support of the resolution of disapproval. At the same time, however, I want to go on record for supporting the base closure process.

I support the base closure process as a reasonable way to undertake the defense drawdown, but I do not believe the process should affect communities in the drastic manner that this year's report has affected Charleston, SC. The Base Closure and Realignment Commission's recommendations to close both the Charleston Naval Shipyard and the Charleston Navy Base were unreasonable and will have a devastating impact on that community. It means the loss of approximately 50,000 jobs, millions of dollars in economic losses and hardship to thousands of families in the tri-county area—Charleston, Berkeley, and Dorchester.

I cannot support a base closure recommendation that will destroy the lives of so many of my people and one that I still believe was based on flawed reasoning.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Madam President, if the Senator from California does not need any time at this point, I yield to the Senator from Ohio, 10 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Madam President, I rise today regretfully to speak against this resolution that would disapprove the 1993 round of base closures. I hate to do that because I know the trauma and difficulties that base closures are causing in some parts of the country, and particularly those addressed by people on the floor today—by the good Senator from California [Mrs. FEINSTEIN], and those from South Carolina, who are being impacted so heavily. Base closure continues to be a very painful process but I think it is a necessary process.

I sympathize with Members of this body who have been hard hit by base closures. I had closures recommended in Ohio. But I also must urge Senators to look beyond the immediate hardship of base closure and reflect back a little bit on why we started this base closure process in the first place.

We just cannot afford to keep everything open throughout the country. The cold war has passed us. We are in a time of military drawdown, and do not need all these bases and we cannot continue to pay for them.

We have to work from that assumption and recognize that local economic disruption can occur when a base is closed. It certainly does and Congress recognized that when it established a process for closing these bases.

I may not always agree with particular recommendations that result from the process, but I believe that base closure as a process is generally perceived to be fair and has taken most of the economic disruption considerations into account.

This resolution is not aimed at challenging the work of the Base Closure Commission. We are not here to argue about whether the process has somehow gone wrong. Rather, Madam President, the resolution, as I understand it, challenges whether we need to close the bases on the 1993 base closure list. I believe that we do, for the same reasons that I argued just the other day in opposition to an amendment to the defense authorization bill which would have delayed the 1995 base closure round by 2 years.

The issue, in my view, is whether we are truly committed to maintaining a high state of readiness or whether we are willing to sacrifice the readiness of our Armed Forces because it is too difficult to close bases. If we do not close the bases on the 1993 list and for that matter do not close bases in 1995, we will be spending a larger percentage of our defense funds on unneeded bases which cannot help but contribute to what we call the hollow force. In other words, we will be wasting money we would like to spend on operations and maintenance, O&M accounts, that traditionally get shortchanged, because every year when we try to find ways to balance a particular budget, we take dollars out of O&M accounts. O&M accounts are the fast-spending accounts, and pay out most of the money in a particular year.

This hollowing trend concerns me very, very much. I serve as chairman of the Subcommittee on Military Readiness, and I am keenly interested in avoiding the problems of a hollow force which we have experienced in the past. We had testimony before my subcommittee about how the Army is now putting off some of their depot maintenance activities by 42 percent. The Navy and Air Force were respectively off by 27 percent and 25 percent; the Marine Corps is now off by 10 percent. We are hollowing out our forces by not directing the money for O&M and for depot maintenance, leaving equipment in less than best repair.

Due to hollowing these accounts, the Army has 564 M-1A1 tanks that they are not going to overhaul. We cannot go on like that for very long. The more we spend with regard to keeping bases open that the Base Closure Commission has said we do not need anymore, or combining them with other bases, the less we are going to have to spend on the rest of the military, which means we endanger ourselves through hollow forces.

There is a basic and direct tradeoff involved in hollowing forces. Instead of funding flying hours and steaming time, instead of keeping the armed services well trained, fully equipped, approval of this resolution, as I see it, would have us spend money on unneeded bases that should close or be efficiently combined with other bases.

I want to address those comments that have been made stating that base closure will not save money. It is true that base closure may in some cases cost money in the beginning, but base closure will generate substantial savings. The 1993 round of base closures is expected to generate a net savings in fiscal years 1994 through 1999 of approximately $3.8 billion. After 1999, the 1993 round of base closures is estimated to achieve an annual savings of $2.33 million from then on.

If we do not move ahead with base closure, we will not achieve these savings, Madam President.

Our personnel end strength is coming down by about 25 percent from cold war levels. Yet, our base structure will only be reduced by about 15 percent after this round of base closure is included. There is not a direct correlation in these figures.

Different amounts are saved when bases are closed in comparison to personnel drawdowns but, by and large, we are cutting back 25 percent in personnel and only 15 percent on the base closures.

Madam President, I think we must carefully reshape our Armed Forces and our defense infrastructure if the reductions we are making in defense are to have any meaning at all. Otherwise, we will have a military that is not capable of carrying out its primary function: To fight and win wars. Everything else comes in secondary to that one consideration.

So when the readiness and efficiency of those forces is at risk, we have to eliminate whatever is causing any inefficiency. I understand one of the immediate consequences of base closure is that people will lose jobs and local economies will be disrupted. But I do not believe that keeping open unneeded bases is the solution. This year, Congress has again included defense conversion funds to help individuals and communities affected by base closure. The administration is committed to easing the pain of base closure and they have sent transition teams to impacted communities; I strongly support these efforts.

Madam President, in closing, I ask my colleagues to keep their commitment to making these needed cuts. I urge opposition to this resolution. I regret that I have to take that stance because I wish I could help our distinguished colleague from California more than we are able to do. I think the base closure process must move ahead.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Madam President, I yield myself such time as I may require. I ask to be notified by the Chair after 10 minutes.

Madam President, like the Senator from Ohio, I have deep feelings of sympathy for the significant adverse economic impact to those communities that are basically going to suffer from the base closings that are on this 1993 BRAC closure proposal. However, I have to rise in opposition to this resolution which would reject the base closing recommendations for 1993. That is what this resolution does. It does not take one base or another base and say you have made an error here because the procedure does not allow that. This will reject all the bases that are being closed for 1993 if the Senate passes this resolution.

The process of identifying and approving military bases in the United States for closure or realignment is embodied in the Defense Base Closure and Realignment Act of 1990. The Armed Services Committee, in a bipartisan initiative, was instrumental in developing this legislation. Actually, the process started in a different form, a similar form back when Secretary Carlucci was the Secretary of Defense. I remember the first conversation he and I had about the subject back in the 1980's.

This process has been exercised now on two occasions, and our committee has given oversight to this process through hearings regarding the confirmation of nominees for the Base Closure Commission and also receiving and reviewing the work of these commissions, as well as offering amendments to this act to improve the overall equity and visibility of the closure review process.

Of course, this is an evolving process. We will have another commission in 1995. The Senate decisively rejected an amendment to the defense authorization bill last week that would have postponed that 1995 commission to 1997. The Senate made that decision rather decisively after a rather thorough debate on the subject.

The committee will be receiving testimony from the 1993 commissioners—the ones who have been in office—next week so that the conference on the national defense authorization bill for fiscal 1994 can address any further legislative changes based upon the lessons learned in the 1993 closure round.

Madam President, I believe that the President's 1993 base closure and realignment recommendations represent a positive step toward bringing our base structure in line with our force structure. The Senator from Ohio made a very telling point when he said we have brought down our force structure by about one-third, or will have by about 1995 or 1996, and yet we brought down the infrastructure, the bases by about 15 percent.

In spite of the fact that there is a lot of pain here, the pain is not commensurate with the overall reduction in force structure. That is hard to accept for those who are indeed suffering. I understand that very well. If we continue to lag behind, and that is we take more of our military readiness, when you have a declining defense budget and you have a cap on how much that can go up, and we have voted on that in the Senate, one way or the other people are going to lose jobs and people are going to get hurt.

If you do not do it through base closures, you do it through more infrastructure cuts. If you do not do it through more infrastructure cuts, you do it through more restricted research and development. If you do not do it through R&D, you do it through less procurement which has a negative effect on plants. As the Senator from California knows well, California and other States are suffering not just from base closure but because of the tremendous drawdown in the aerospace industry as well as other parts of the defense industry.

If you do not make some combination of savings in regard to all of those elements of the budget, what you do is you take it out of readiness. And when you take it out of readiness, which is largely what happened in the 1970's, you make a colossal mistake in terms of what you do to the ability of our military forces to fight. As the Senator from Ohio said, that is why we keep military forces, to be able to fight where necessary and hopefully, by their presence and their ability to fight, to avoid war through deterrence.

So, Madam President, I believe the President's base closure and realignment recommendations need to be put into effect even though they are painful to given areas of the country and even though I have deep sympathy with those communities that are in effect going to have to make some significant adjustments.

Having been personally involved in the Commission's deliberations to the extent that our committee gave oversight in that process, I believe the Commission's recommendations were arrived at in a fair and impartial manner. But fairness does not mean perfect. We will never achieve perfection in this difficult process of handing out pain to local areas. We are never going to have a process that satisfies most or many people, and certainly in some cases we will not be able to satisfy very many people at all. The base closure process for 1993 has met all the legal requirements.

On January 5 of this year, former President Bush, in consultation with the leadership of the Senate and House of Representatives, nominated eight individuals to serve on the 1993 Commission. These were Bush appointments that were agreed to by Clinton. That is what it amounts to.

So it is about as bipartisan as you get in terms of President Bush making the appointments and President Clinton agreeing with those appointees implicitly by not submitting others.

The Armed Services Committee held a confirmation hearing for these individuals on February 16. We reported them favorably to the Senate. They were confirmed on February 23. On March 12, Secretary of Defense Aspin forwarded his base closure and realignment recommendations to the Commission. These initiatives were based upon selected criteria that had been previously published in the Federal Register and a long-term force structure plan which the Department provided to the committee on January 19.

Following the receipt of Secretary Aspin's recommendations, the Commission under the leadership of Chairman Jim Courter, a former Member of the House, held 17 regional hearings and conducted over 125 field visits before it made its independent recommendations to the President on July 1. This was a thankless and exhausting task for which we should be grateful to the Commission and its hardworking staff.

On July 2, President Clinton exercised his all-or-nothing prerogative and he agreed with the entirety of the Commission's report. His decision was received in the Senate on July 13 of this year. With the receipt of the President's decision, Congress entered into a period during which it could overturn the President's decision and the Commission's recommendations on the same all-or-nothing basis through enactment of a joint resolution of disapproval. Our window for taking such action will close by the end of this Monday.

So that is the background. That is how we are here today.

Senate Joint Resolution 114, which proposes to disapprove the President's package of recommendations, was filed in a timely manner and referred to the Armed Services Committee. There was no similar provision introduced in the House of Representatives. On July 30, our committee, our Armed Services Committee, by a voice vote, reported the resolution unfavorably to the Senate.

Madam President, the process used by the Defense Department and the Base Closure and Realignment Commission to compare bases with similar missions and for estimating the projected costs or complex closure actions is certainly not exact and, as I said, it is not perfect. It represents a compounding of a multitude of judgments and estimates. However, the General Accounting Office has found the Defense Department's approach to be generally sound despite the escalating cost of environmental restoration, and the Senator from California points out some of those costs.

Despite claims to the contrary, however, Madam President, base closures do save money even during their 6-year implementation phase, and they continue to accrue annual savings once the closures have been completed.

Taking the 1988, 1991 and 1993 closures together, the Department of Defense estimates a net savings of $13 billion through 1999. That is from 1988 through 1999, three different Commissions. And thereafter, after 1999, they estimate an annual savings each year of about $4 billion.

So, Madam President, if you take from 1988 through 2008—that is a 20-year period—you have a total of $13 billion plus $36 billion—the 36 represents the cumulative effect of $4 billion savings a year for 9 years after 1999—that is a total of $49 billion, $49 billion saved over 20 years. So we are talking about a very large amount of money—admittedly, not very much to begin with, but then it grows and it grows and it accumulates and accumulates.

I have been convinced for the last 7 or 8 years, after looking at the Federal budget for a long period of time and after watching us go through tremendous strains to try to save money in 1 year or 2 years and watching the futility of that often, this is the only way we are going to save big money, not only in defense but in entitlement programs and other programs. The only way we are going to save big money and ever get the budget under control is to look at it in 10-year periods and 20-year periods.

Madam President, I ask for 5 more minutes for myself.

So we are talking about $49 billion over 20 years. And it is true, you pick out 3 or 4 years, and you can say on one base we do not save very much money over that period of time. But it accumulates, and it gets to be big money. And even if they are wrong—and these are estimates. No one can tell you precisely this is absolutely going to happen in terms of savings—but even if they are 50 percent wrong—and I do not believe it will be that much even if it is wrong—over a 20-year period, from 1988 to 2008, you still are going to save almost $25 billion.

Is $25 billion worth saving? I think it has to be. I think it has to be. And if we do not save that $25 billion, it will come out of somewhere else in defense. It may not be measurable. We may not be able to say this community has been hurt, this community has been hurt, but if you look at the whole United States, the cumulative effect of saving that money is going to be a whole lot of jobs. It is going to be a whole lot of jobs. That is the only way you are going to be able to save the money. One way or the other, you have to spend less in the Department of Defense. And those who do not think we ought to spend as little as we are going to be spending in defense, the time for that debate is in the spring of the year on the budget resolution.

I am one of those people who believes we are bringing down the defense budget too rapidly because of the economic effect but also because of the dangers, if we do not do it right, of harming our military readiness and the morale of our military. But that decision is made in the spring of the year on the budget debate. And then we have to figure out how to implement it and how to do it in a way that preserves as much as possible of our national defense capability.

Madam President, this package is not perfect. I know my colleague from North Dakota, Senator DORGAN, who has certainly no vested interest in this particular set of actions, earlier today raised concerns about the economics of one element of the package, and those concerns certainly need to be aired. Despite this and other specific concerns and despite the fact that we are continuing to try to make the process better, I submit that the President's recommendations for base closures and realignment is the best the executive branch and the Commission have been able to do under a process that tries to reduce defense spending as well as take into concern the economic stability of the communities which these bases represent.

Madam President, 10 days ago, the Senate had a very, I thought, healthy debate regarding the base closure process when it voted 79 to 18 against delaying the 1995 closure round until 1997. One of the most telling arguments in favor of proceeding with these closures was that if we did not achieve the savings from the drawdown of our excess base infrastructure, we will have to take the money to run the bases from the readiness accounts.

That was the mistake of the 1970 defense drawdown, the seventies drawdown. We kept the bases and we eroded force readiness. We eroded the ability of the American forces to fight, and we had to have a very expensive rebuilding process in the late seventies and the early eighties, particularly as to the quality of our military personnel. The quality deteriorated very substantially in the 1970's, to the point that many of us were alarmed and took some really serious action in the late seventies.

At this time, I hope we are wise enough not to repeat this error, despite the painful economic dislocation caused in various communities around the country.

A vote for this resolution is to void and terminate the 1993 base closure process, and to delay at least until 1995 the opportunity to close unneeded military bases in the United States. Madam President, a vote for this resolution is a vote against an estimated savings of $3.8 million over the next 5 years, and an annual savings of $2.3 billion thereafter. That is just this package, the 1993 package.

What I was dealing with before were the numbers relating to all three of the packages, 1988, 1991, and 1993. This package, a $3.8 million net savings over 5 years and an annual savings of $2.3 billion thereafter, again, if you take this all the way out from 1994 over a 15-year period, going to 2009, you are talking about saving approximately $26 billion. So just this package is approximately $27 billion over 15 years.

Again, if you are off half, if it is 50 percent wrong, you are still talking about $13 billion over a 15-year period.

A vote for this resolution would mean that the long-term defense savings will have to be offset from other areas: From research and development, from personnel, from force readiness, from procurement, or from a combination.

Madam President, in light of the budget squeeze facing the Department of Defense, we cannot afford to delay these economies. On July 2, President Clinton outlined a five-point plan to assist communities whose economies have been adversely affected and impacted by base closures and realignments. The National Defense Act, which we passed last week, provides the legislative authority for the President's program to streamline Federal assistance for economic redevelopment to communities affected by base and defense plant closures.

These communities and these people who work on these bases, who have helped win the cold war, deserve every bit of help we can give them. We are particularly grateful in the Senate for the work Senator PRYOR has done in this defense conversion package.

While the President's plan of community assistance does not, will not, cannot eliminate the trauma of base closures, it does provide these communities a way to help reshape their economic future.

Today, we are asked to affirm the Commission's work and the President's base closure decisions.

I urge a vote against this resolution. I believe that this resolution, in spite of the well meaning of the authors—I certainly understand their position—must be defeated from the point of view of our Nation's security.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. How much time does our side have?

The PRESIDING OFFICER. The Senator from California has 19 minutes and 13 seconds; the Senator from Georgia has 17 minutes and 42 seconds.

Mrs. FEINSTEIN. Thank you very much. I would like to yield 5 minutes to Senator BOXER, and more if she requires it.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I thank my friend and colleague, who has been such a fighter for California on this issue. She said to me as I came on the floor: "Senator, we may go down, but we are going to go down fighting." And we are. We are fighting for our State. We are fighting for fairness in this resolution.

I think it is very clear that this entire round of base closures was extremely unfair to our State, which can ill afford unfairness at this time, because of our very tenuous economic situation.

I want to make it very clear that I am not opposed to base closures. I support them. But I believe that no State should be disproportionately hit, and that the cost savings should be real. That is my criteria: Are the savings real? And is the list fair?

I think Senator FEINSTEIN has laid out the argument on both of these questions. If you just take the question of Alameda versus Everett, you can plainly see the unfairness of this list. I am not going to drag up all of the statistics; you have heard them over and over again. Quite simply, this makes no sense.

We know how difficult it is going to be to operate from Everett, WA, given the weather, given the problems. But that was the debate of another day. We made the case; we made the argument. And as Senator FEINSTEIN pointed out, we did not get that particular base off the list, although we were successful in getting some others off the list, like McClellan Air Base, which is vital in the Sacramento area, the Long Beach Naval Shipyard, and the Monterey Defense Language Institute. So we did manage to get the hit down from where it started, which was about a 50-percent hit. But California is still being asked to shoulder more than our fair share of the burden.

So I am going to support this resolution because I do not think any area, region, or State should bear a disproportionate share of the burden, and because the savings are not meaningful in many of the cases. We are fooling ourselves; we are kidding ourselves when we have to invest in rebuilding the entire infrastructure that we are just closing down. If you are phasing out a mission, fine; I am there if you want to phase out a mission. But when you tell me you have to rebuild the entire infrastructure somewhere else, at great cost to the taxpayers, I say: Who are we kidding here? What is the real agenda here?

We went through this at the Presidio. We made the case that it was ridiculous to remove the 6th Army from the Presidio. Guess what? Years later, they found out we were right and they decided to keep the Army at the Presidio.

Let me talk a little bit about what I see as the good news. It does involve the chairman of the Armed Services Committee. I want to address this thank you to him before he leaves the floor.

The chairman was very helpful to Senator FEINSTEIN and myself when we worked on the defense authorization bill in helping us to target some amendments to the needs of all of California.

For example, he accepted an amendment which would retrain the civilian workers at closing bases so that they could be trained in environmental cleanup. If we can retrain these workers, it gives them a chance. I want to thank the chairman for that. He also was very helpful in our amendment to set up a one-stop shop information clearinghouse.

Madam President, the chairman was very helpful in a number of other amendments that the senior Senator from California offered.

So as I stand here, I do not want to be completely negative, because I do feel that Senators understand the hit California took, and people are reaching out to us. I say thank you to that.

We have about 20 percent of the military personnel stationed in California. But we took far more than 20 percent of the hit. So by any measure, this was not fair. It was the same way in BRAC's 1 and 2. We took a heavier hit than was justified.

Today, I say to my colleagues, no matter how they vote on this resolution, that we need their help. As I say, I am very heartened with the help that we have received.

President Clinton has put out what I think to be a very good plan for the release and cleanup of these bases.

He has talked about beefing up ARPA, the Advanced Research Projects Agency, the Office of Economic Adjustment, and numerous other agencies. This is really going to be the future for us.

So, in closing, let me just say that I support my colleague's resolution today. I am going to vote for it with pride, because I think it is a statement by both of us that we were treated unfairly. We did not approve of the process. But in doing so, I want to reach out my hand to the chairman of the Armed Services Committee, to the minority, and to all those who know and understand how much we are going to need them to rebound from this very severe blow.

I yield back the time to my colleague.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. In response to both of the Senators from California, they have done, I think, a splendid job of representing a State which is struggling now, one of the great States in our country and a State on the cutting edge—and has been for years—in contributing to the national security, the cutting edge of technology, and the cutting edge of leadership.

So, the State of California has made immense contributions to our Nation's security, and all of us are deeply affected when we hear about the kinds of economic impact that is taking place there. I did work with both Senators in helping them get through their proposals, which will begin to help ease some of this pain and help make more efficient the transition process. Those provisions are in our defense bill, and we will be taking it to conference. I can assure both Senators that we will be working with them as the conference proceeds in trying to retain those provisions and strengthen them, wherever appropriate.

So I thank both Senators, and I assure them that we hear their pleas for attention and assistance. I think they have made the case powerfully, and I think the case needs to be heard here in the Congress and in the administration in helping those impacted communities in California adjust wherever we can and in whatever way we can.

I agreed with the Senators when they presented the amendment that says the defense conversion fund ought to be giving priority to those communities hardest impacted in the process. I can assure both of them that I will be working with them in that respect.

As much as I understand the situation, I have to oppose this resolution. But I certainly want to work with the Senators cooperatively in every way possible.

Mr. WARNER. Mr. President, I will vote against the resolution (S.J. Res. 114) which would overturn, in my judgment, the President's approval of the 1993 Defense Base Closure and Realignment Commission's recommendations.

The Senate Armed Services Committee originated this legislation together with the House. I have worked with Chairman NUNN, and others, on this legislation for some several years. I feel very strongly that this legislation and the action pursuant thereto by the Commission is an absolutely essential, integral part of this very important phase our Nation is in now of drawing down the size of our defense structure.

I will vote, therefore, against this resolution because, while I do not agree—nor do many Members in this Chamber—with every decision made by the 1993 Commission, I believe it is imperative that the process of base closings must be continued as this Nation dramatically reduces the defense budget. As a nation, we cannot reduce the overall level of defense spending and continue to operate with the same number of installations and at the same level of overhead. That simply is not possible if we are going to keep our smaller force structure—which was the objective of President Bush and now President Clinton—properly equipped and well trained. A vote for this resolution will effectively bring the base closing process to a halt, a decision which our Nation cannot afford.

There is also a question in my mind as to whether or not on every Member of this Chamber who has experienced a closing pursuant to the 1993 Commission report there is affirmative responsibility on each Senator to come forward in a comparable manner with the thrust of this resolution and advocate specifically on behalf of the closing in their respective State as to whether or not it is proper, and we could just go through this seriatim, one after another.

So, therefore, Mr. President, my vote against this resolution should not be interpreted as an endorsement, as I said, of every decision made by the 1993 Base Closure Commission. I actively argued against several closings and realignments recommended by the Department of Defense in their recommendation to the Commission which I believed were unwise and which would result in, particularly in my State, the Commonwealth of Virginia, giving more than its fair share in this national effort to reduce our defense spending. Some of those arguments were accepted by the Commission. Some that I have advocated, together with other Members of the Virginia congressional delegation, were indeed accepted, but most of them were rejected.

But in every case I believe that I and my colleagues were given a fair hearing by the Commission members and that the process worked as it was intended. Therefore, I will vote against the resolution. No matter how painful it is for me to see in my State the extensive cuts as recommended by the Commission, I presume they will be confirmed by this body in a later vote tonight.

However, as I said, my vote against the resolution does not mean that I endorse every decision made by the 1993 Commission. For example, I remain concerned about the wisdom of the various recommendations which would result in a number of Navy commands being relocated from Crystal City in Arlington, VA, to various widespread locations elsewhere in the country. Therefore, I have asked the Navy to evaluate a proposal not considered by the Commission concerning Federal ownership of several of the presently leased buildings used by the Navy in

Crystal City. If such a proposal is determined by the Navy to make economic good sense, I will seek to have these decisions revisited by the 1995 Base Closure Commission.

Now, that action by me and other Members of the Virginia delegation is really consistent with statements made by the chairman of the Commission prior to its final report.

Additionally, I remain concerned about the Commission's recommendation to relocate the Norfolk Detachment of the Undersea Warfare Center to Newport, RI. The Commission itself found the Navy understated the costs associated with this location—I repeat, the Commission itself found that the Navy had understated the cost associated with this relocation—and it is not at all clear that the Commission had all available data concerning those costs when it made its recommendation. The Senator from North Dakota [Mr. DORGAN] has recently spoken on the floor of the Senate about some of the confusing and conflicting data provided to the Commission about this particular proposal.

I have commended him and I repeat my commendation for his very articulate and, I think, forceful insight into this problem.

I and other members of the Virginia congressional delegation, therefore, attempted to point out these conflicts during the deliberations of the Base Closure Commission, and the Commission itself found that the Navy figures did not correctly reflect the actual cost of this relocation. But it still is not clear what information the Commission was actually provided and what information the Commission relied upon in making this specific decision.

Therefore, last Wednesday, September 15, I asked my colleagues in the Virginia congressional delegation to join me, and, indeed, Senator ROBB and Congressman NORMAN SISISKY and I together wrote to the Comptroller General asking that he undertake a complete review of the information provided to, and utilized by, the Commission in making the particular decision, which was the subject of the Senator from North Dakota's [Mr. DORGAN] petition to this body. A copy of that letter will be include in the RECORD following my remarks. The outcome of that review will guide my further actions with respect to this particular realignment.

In short, Mr. President, while I have continuing concerns about several of the specific decisions reflected in the 1993 Base Closure and Realignment Commission's recommendations, I believe that the base closing process is generally fair and objective and that this process should be continued. I will, therefore, vote against the resolution.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to which I have referred.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

U.S. SENATE,
Washington, DC, September 15, 1993.

Hon. CHARLES A. BOWSHER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR GENERAL BOWSHER: In its 1993 Report to the President, the Defense Base Closure and Realignment Commission adopted the recommendation of the Secretary of Defense to disestablish the Norfolk Detachment of the Naval Undersea Warfare Center and relocate its functions, personnel, equipment and support to the Naval Undersea Warfare Center, Newport, Rhode Island. However, the Commission also found that the Navy had understated the costs associated with the proposed closure of NUWC Norfolk in two areas, namely "transportation costs associated with the proposed relocation of activities had been underestimated . . .", and "the cost to the Navy of getting out of its current lease in Norfolk had not been adequately stated."

We continue to be concerned about the Commission's findings regarding the Navy understating these costs, as well as whether the Commission ever actually received correct information about these costs before its decision.

We know that GAO prepared a report for the Commission concerning these costs before the Commission made its final decision. However, we ask that your office undertake a review of the information concerning these costs that was actually provided to the Commissioners to determine whether they had the correct information before they voted on this recommendation. Hopefully, your review will also identify any new information concerning these costs which may now be available.

Please contact Grayson Winterling at 224-6798, if there are questions about this request.

Sincerely,

CHARLES S. ROBB.
JOHN WARNER.
NORMAN SISISKY.

Mr. WARNER. Mr. President, I yield the floor.

(Mrs. BOXER assumed the chair.)

Mr. KEMPTHORNE. Madam President, this debate and the subsequent vote ends one phase of the base closure process and starts what I think is the most traumatic—the actual closing of the military installations.

Although many in the Nation believed that Congress would block efforts to close its favorite military bases, the 1991 Base Closure Commission changed that view, and our affirmation of the 1993 Base Closure Commission's recommendations should finally convince everyone that the Congress is serious about eliminating excess military facilities.

Madam President, I know our affirmation of the recommendations of the Base Closure Commission will have a severe economic impact across this Nation, none more so than in Charleston, SC, which will lose both the shipyard and the naval base. However, as we reduce defense spending and our force structure, we must also reduce the infrastructure that supported those forces.

In addition, some say we are not achieving savings as a result of base closures. But the Department of Defense estimates that it will save $4 billion to $4.5 billion annually around the turn of the century as a result of the base closures from the 1988, 1991, and 1993 base closure efforts.

Madam President, throughout this year, our top military leaders have testified before the Armed Services Committee that unless we reduce overhead and close bases, we will have to enact additional cuts to troop levels, to readiness, to training, to technology, and to development and procurement. If we do not close bases and reduce defense spending in these other areas, we will run the risk of destroying the finest Armed Forces in the world. I do not think any of us can support that.

Madam President, I understand that the base closure process puts many of my colleagues from around the Nation in the affected States in an awkward position. I empathize with their situation, and I hope the transition will be as smooth and as painless as possible.

In a letter forwarding their recommendations to the President, the members of the Base Closure Commission explained the need for these tough decisions. I would like to quote from that letter:

> Every installation recommended for closure or realignment enjoys a proud history of service to the Nation. We recognize that closing bases creates economic hardships for communities that have offered our Nation priceless service by hosting a military facility. Nevertheless, continued budget constraints mandated by the Congress, along with changing national security requirements, compel the United States to reduce and realign its military forces. This report reflects the fiercely independent judgment of the Commission's seven members. While not one of our decisions was easy, we are convinced our recommendations were not only fair, but will strengthen this country's ability to meet its domestic and international responsibilities with more limited resources.

I can think of no better justification for these base closures than the words of the Commission itself.

Madam President, I think we also need to thank the members of the Base Closure Commission and their able chairman, Jim Courter, for a job well done. The Commission handled its responsibilities in a fair and open manner, and we owe them our thanks for that effort.

As we discuss the difficult issues of base closures and realignment, I urge my colleagues to keep in mind the legitimate needs of the men and women in the affected communities that will be hurt by the defense downsizing. As a Nation, we need to remember that these are the men and women who won the cold war, and we must not turn our backs on these people now.

I know something about this issue, because in my State of Idaho, we recently learned that the Navy Reactors Facility which has, since 1952, trained sailors and officers in the safe operation of nuclear propulsion systems, will close in the next few years. This closure, although not technically a base closure, will result in the loss of hundreds of jobs in eastern Idaho and is the direct result of military downsizing.

The Department of Defense has an Office of Economic Adjustment with the mission of helping communities, families, and workers affected by the defense downsizing. This office seeks to assist communities as they try to make the difficult transition from a large dependence on defense spending to a more diversified economy.

Fortunately, in eastern Idaho, we have the Idaho National Engineering Laboratory, which will serve as the high-technology anchor for the Idaho Falls and Pocatello area. In addition, we have an Initiative 2000 program which already is looking at ways to diversify the economy of eastern Idaho. I plan to meet soon with the Director of the Office of Economic Adjustment to see how this Federal agency can help Idaho Falls and all of eastern Idaho deal with the loss of the Naval Reactors Facility.

Madam President, as we consider the job loss and family pain, but also the opportunity, that will come from base closures and defense downsizing, I would like to pay tribute to the ranking member of the Armed Services Committee, Senator STROM THURMOND. I know that no Senator has fought harder to protect his or her constituents, and no one will feel more pain during the closures at Charleston than Senator THURMOND. I want the senior Senator from South Carolina, and others as well, to know that I will stand ready to help these Senators and their communities to develop their economies in the wake of these difficult base closures.

Madam President, I finally wish to remind my colleagues that communities such as Charleston, SC, Oakland, CA, and Idaho Falls, ID, will be hit hard by the defense downsizing now underway.

I appreciate the efforts of the senior Senator from California, who was very articulate in the points that she raised today. I would also like to offer both Senators from California a partnership to work together in other areas such as in the Department of Energy laboratories so that they can be developed to help us diversify and keep this country moving forward in innovative technology development.

While I will vote to reject the resolution of disapproval, I will not forget the people in the communities that have been affected.

Thank you, Madam President.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Madam President. I would like to yield myself the remainder of the time to close.

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mrs. FEINSTEIN. Thank you very much.

Madam President, I thank those who testified. I want in particular to thank Senator THURMOND and Senator HOLLINGS and to thank the Senator from Idaho for his most gracious comments. I appreciate them very much. I also thank the distinguished chairman of the Armed Services Committee.

I have been trying to think how can I crystallize this and get just the point that I want to make, which is, the point I want to address is flawed and fair. Let me take fair.

Whatever anybody thinks, you have to come to grips with this. Is it fair to take 48 percent of all of the net personnel reductions from one State? If that is fair then someone has to say yes. I say no. And that has been the impact of the three rounds so far. Forty-eight percent of all of the net personnel reductions from BRAC are from California. That, to me, is not fair.

Second, let us look at where I consider the procedure to be so flawed because the only figures that are taken into consideration for cost savings are limited figures within the base closure budget itself. We do not consider other things. For example, you do not take into consideration military construction costs for realignment. You do not take into consideration the costs of startup and replacement on the bases. You do not take into consideration the costs of environmental cleanup, and yet you say that this is going to reduce costs. You do not take into consideration the cost of defense conversion, that is $20 billion for 5 years.

Well, to the distinguished Senator from Georgia, the chairman of the Armed Services Committee I would like to make a wager: I will wager the most precious historical artifact I own, which is an original cable car bell from San Francisco which sits on our conference room table. If this saves the amount of money totally to the Federal budget, not just defense numbers but totally by the year 2000, to the distinguished Senator, I will polish this, I will submit it to you and you will have it for the rest of your life—it is my dearest historic possession—if this will save the amount of money he says by the year 2000. I would like to know if he will accept that wager.

Mr. NUNN. I will say to my friend from California that I am not sure what my part of it is. It sounds like a pretty good deal to me because I do not see I have to put up anything.

Mrs. FEINSTEIN. Any natural treasure from the State of Georgia.

Mr. NUNN. I see. I did not get that part of it.

Let me tell the Senator let me think about that. That is what I call a long-term wager. I will give that thought in the next few minutes.

In the meantime, can we talk about the Bears and Giants?

Mrs. FEINSTEIN. Not at the moment but perhaps by the end of the season.

Mr. NUNN. I thank the Senator.

I have to say to her in seriousness I do not think anybody can say these estimates are absolutely correct. The military does not know how much they are going to get into the environmental impact. That is one of the reasons the Secretary of Defense does not consider that in the base closure package.

As I said on the floor in debate last week, the last thing we want to do in this process is say we are not going to close bases that have severe environmental problems, because the last thing we want to do is have the word go out that the worse the environmental problem the base has, the more likely it is to remain open. I can see all sorts of perverse environmental incentives growing out of that. I know the Senator shares that.

The environmental costs are taken into consideration though the figures I cited about savings, they are not taken into effect in the initial analysis of the Secretary of Defense of which base to close.

Again, one of the reasons for that is that the last thing we want to do environmentally in this country is the way you feel, to keep a military base open, bury all sorts of hazardous wastes on it, and do everything you can environmentally wrong so that it costs so much to clean it up we are not going to close it. That is not what we want to do.

I also say to the Senator from California the environmental cleanup has to take place in any event. The question is how rapidly and what the priorities are. I think we are running into a bit of Superfund program here because in that program we are not doing a good job in terms of priorities and what really needs to be done first.

There may be some priority obscured in the closure. It may be you clean up environmental areas that are less damaging because of base closings than some that are not being addressed on bases that remain open. I think we have to review that process in good faith.

So this is a difficult area. It is a tricky area. But I can assure the Senator in the numbers I gave today that came from the Department of Defense I have been assured that the environmental cleanup costs have been taken into account as best they can be estimated.

Mrs. FEINSTEIN. I thank the Senator. He is predicting $3.8 billion in savings including environmental costs. Does the Senator include unemployment insurance for people that are affected?

Mr. NUNN. That is not included and, of course, that is a very difficult thing to project because you do not know how much is going to flow out of this unemployment. No one can really project that.

I think California is going to suffer probably more unemployment from the aerospace industry and procurement going out than through base closure, because the base closings are stretched out over a longer period and have a much more way of adjustment for people under the Federal payroll than people in the private sector.

Mrs. FEINSTEIN. Does the Senator include MilCon?

Mr. NUNN. MilCon is included in that.

Mrs. FEINSTEIN. In the Senator's figure of $3.8 billion?

Mr. NUNN. Yes.

Mrs. FEINSTEIN. The Senator is saying military construction like for Everett is included in the $3.8 billion cost savings that will come about by the end of this?

Mr. NUNN. Yes.

Mrs. FEINSTEIN. Is the Senator including—

Mr. NUNN. I say to the Senator also on the question of these so-called home-porting bases, the Senator from Georgia opposed those bases when they were approved several years ago. I thought the Navy was wrong. I did not think those bases were needed. I still do not believe they are needed. I am not going to get into an argument justifying the home-porting expansion bases for the Navy that took place in the 1980's. I did not think that was correct. I voted against it. It was not a priority. It prevailed. I think we made mistakes in that period of time some of which are continuing to be perpetuated.

Mrs. FEINSTEIN. The Senator does not include any defense conversion dollars in that?

Mr. NUNN. The defense conversion dollars are not included. The executive branch and Commission has no way of knowing how much Congress is going to use defense conversion.

Mrs. FEINSTEIN. I have a brass bell and I will be prepared to polish the cable car bell if it is as high as $3.8 billion.

I think we should get an independent think tank to track this. I would be prepared to deliver by the year 1999 a very ancient cable car bell if the Senator wins the wager.

Mr. NUNN. I would be glad, as soon as we define the terms, if the Senator defines the terms of unemployment compensation and all of those other matters that would be very subjective and very hard to attribute to a base closure as opposed to some other economic development. I will make the wager if I can find a suitable offset for the Senator's generosity in terms of the historic cable car.

Mrs. FEINSTEIN. Excellent.

Mr. NUNN. If I do not find something suitable from Georgia when we define the terms we will know exactly what we are talking about in terms of an estimate.

Let us see if our staff can get it.

Mrs. FEINSTEIN. That is what this figure is, 3 years. Because of the economy they will not be able to get a job within 3 years.

Mr. NUNN. Does that include people only directly on Federal payroll who are unemployed?

Mrs. FEINSTEIN. That is correct, civilians on unemployment insurance for 3 years. One-half of the civilians terminated, and I should also mention that the pink slips are already going out in Alameda so we will be able to track this.

Mr. NUNN. I will get this together and be able to pin down the exact terms of this so we do not wake up in 3 years and do not know what we are talking about. I am happy to work with the Senator.

Mrs. FEINSTEIN. I thank the Senator very much.

Mr. NUNN. I also pose to the Senator if it is a savings of $3.1 billion instead of $3.2 billion, or $2.6 billion or even $1.7 billion, even 50 percent of it as I said in the presentation, I do not think we have reached a stage in the Federal Government that we worry about $2 billion if it turned out that is what we saved rather than $3 billion. I think we have to be concerned about not only billions of dollars but hundreds of millions of dollars as we draw down this defense budget.

I would say to my friend from California again if we do not save the money in infrastructure, if we do not begin to have the base infrastructure drawn down commensurate to what we are reducing the military forces, then we are going to have it taken out of somewhere else.

I know the State of California is being hurt very bad on procurement.

I would again submit to the Senator that the procurement cuts are probably causing more unemployment in California than the base closures.

Mrs. FEINSTEIN. The Senator said from other sources. I have discussed this with him on prior occasions. It is my belief that we do not need 150,000, 190,000 troops and their families in Europe. And this comes from a former Chairman of the Joint Chiefs of Staff who has told me he believes we can do it with 50,000 and rotate them and avoid those costs.

I know we have had a good discussion on that, and you have said, well, the armed services do not agree with that figure, that it would save money or that it can be taken down any faster.

But I will tell you, if you can take down bases the way they are going to take them down with pink slips given out even before the decision is made, I think we can rotate troops and then reduce the commitment in Europe and perhaps save money.

Mr. NUNN. I say to my friend from California that the number is going to be around 100,000. We are drawing those troops down from the level of 150,000 to 200,000 now. We are taking them out as rapidly as we can, commensurate with the human beings involved and their families. And so we are going to have a much lower number. I do not anticipate we will get down to 50,000.

But I would also say to my friend from California, if you look at the commitments that are being made now in Somalia, the deployments that are being talked about to Bosnia if there is a peace agreement, the deployments that may be required if there is some kind of a peace agreement on the Golan Heights, you are talking about thousands and thousands of American troops that are now being talked about, at least, for new missions in other places around the world. So we have that to consider, also.

Mrs. FEINSTEIN. I appreciate that. But one of the things that also bothers me is that we are willing to commit to build a submarine because it helps the economy of another State, despite the fact that that submarine may not be necessary, and yet we just close bases with abandon in a State where we know it is going to throw tens of thousands, hundreds of thousands, of people out of work. I find that difficult.

Mr. NUNN. I say to the Senator, that is difficult, and that would be very hard to explain in an area like California or South Carolina.

I feel very deeply about the people in Charleston, SC, as I do those in California, that have spent so much time and so much sacrifice in helping us, in effect, prevail in the cold war until such time as the Soviet Union's economy collapsed and they started moving toward a different system. So I feel very deeply about that, also.

The submarine decision was made by the President and by the Secretary of Defense. It was made on the grounds that we need to keep an industrial base together because we are going to be building a different kind of submarine and there is no comparable kind of subcontracting and contracting talent in the private commercial sector.

So that is the distinction. It would be very hard to explain that to people who are losing their jobs—I would not want to have that task—but there is a fundamental difference.

Mrs. FEINSTEIN. And yet, we are closing the major nuclear submarine base on the Pacific coast, Mare Island Naval Shipyard, which does all the work on the nuclear submarines.

So I just have a problem understanding. Perhaps someone will give me the courtesy of responding to some of this from the Pentagon.

I hear a lot of rumors coming out of what is going to happen in terms of changes in submarines and conventional warships and moving some to Pearl Harbor, then moving others back to California. I think it would be very helpful if the Senators from California were informed as to what the plans were.

Mr. NUNN. I agree with that.

Mrs. FEINSTEIN. But, I say to the Senator, along the lines of our wager, I am told environmental and certain MilCon costs are not included, again, in the $3.8 billion. I think that is one of the things that we should come together on. And then I propose we get an independent think tank to track all of the costs and then abide by the decision of the think tank as to whether it is really cost effective in the long run.

Mr. NUNN. I think that is a good wager. I would be interested in that. But I have learned over the years not to bet a whole lot of money on Pentagon figures, so I am going to proceed cautiously.

Mrs. FEINSTEIN. Thank you very much.

Madam President, I thank you again. I thank the others. I had hoped that we would have a chance to delay closure of the next round. We failed in that last week. We are obviously going to fail in this week.

But I hope we send a message that our State, Madam President, California, is adversely impacted and that we are ready to do our share, but not a wipeout. Closing every military hospital in the San Francisco Bay area—you and I heard a question asked by Congressman FARR this morning at the health care briefing, which brings up the questions that military retirees have being transferred into CHAMPUS, not having adequate care available, Oak Knoll and Letterman Hospitals and everything closing in the bay area, so that people do not have a place to go for medical care; every base closing at one time so that 70,000 people are thrown out of work, 70,000 civilians thrown out of work at one time in the San Francisco Bay area. That indeed does not seem to me to be a fair package.

I do respect the fact that Senator NUNN and others understand, and I understand, that there is no animus behind it. I have trust that the Pentagon logic is the same way, has no animus behind this; that there is no other agenda.

But, essentially, as I look at it, the entire central coast of California, with this round of base closures, is essentially left undefended by any naval base. And, frankly, I find that unacceptable as a Senator from the State.

So I put forward this resolution on behalf of our State, as well as others, that feel unjustly treated and would urge its adoption.

I yield back the remainder of my time and I thank my colleagues.

Mr. NUNN. I thank the Senator from California.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. PRYOR. Madam President, I rise today in support of the report of the 1993 Base Realignment and Closure Commission [BRAC]. To be certain, the task of determining which military installations should be closed in the wake of the cold war is a most difficult assignment. However, it is a responsibility that should not be diminished and one that must be accepted as good medicine for both the economic and security health of our Nation.

In the past, my enthusiastic support for the workings of the Base Closure Commission was much more difficult to convey because of my dismay that our Federal Government was operating without a comprehensive plan to assist the loyal host communities who must secure the economic future of their regions after base closings. In my opinion, it was truly irresponsible and shortsighted for our Government to announce the closing of numerous military bases without first developing a plan to stem the economic impact of such losses.

I am pleased to say that earlier this summer, President Clinton displayed the leadership that has been missing on these issues since the first BRAC decision in 1988. On July 2, 1993, the President announced his bold initiative entitled, "Revitalizing Base Closure Communities." I must say that while this new plan is most welcomed and urgently needed, it is unfortunate that such a plan was not in place back in 1988, when the Commission began dealing painful blows to base closure communities across America.

With the announcement of the 1993 BRAC report, the powerful feelings of anger, denial, and resistance were expressed by the many citizens and elected representatives who represent military bases across the United States. I truly feel that these unsettling emotions would be soothed somewhat if a comprehensive recovery plan was in place and successfully helping communities. Unfortunately, our Government now finds itself working diligently to provide help and relief that should have been forthcoming to base closure communities years ago.

Just last week, the U.S. Senate did its part to turn back the clocks by unanimously passing the Pryor amendment to the fiscal year 1994 Defense authorization bill. The Pryor amendment, entitled, "The Base Closure Communities Act of 1993", codified major portions of President Clinton's initiative. It also complimented the President's plan by incorporating a majority of the recommendations of the Senate Democratic Task Force on Defense Reinvestment, which I had the opportunity of chairing. I ask unanimous consent that a summary of the Pryor amendment be printed in the RECORD directly following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. PRYOR. Aside from my experiences as chairman of the Defense Conversion Task Force, I also have a very personal history in the base closure arena.

When the Commission issued its 1991 report, Eaker Air Force Base in Blytheville, AR, was recommended for closure and Fort Chaffee in Fort Smith, AR, was slated for major realignment. The subsequent adjustments at these installations in Arkansas have severely impacted our local and State economies, despite the continuing efforts by our local community leaders to attract revenues and create jobs on the old base properties.

I have seen the pain of base closures firsthand, and therefore, I truly understand the emotions and motivations of those who are opposed to the 1993 base closure report. I understand and fully appreciate the arguments of my colleagues, Senators FEINSTEIN, BOXER, and HOLLINGS and others who strongly believe that their States were hit unnecessarily hard by the recent report, and I commend them for the battle they are waging.

However, due to the end of the cold war and our difficult budget climate, I support the need for continued defense spending reductions, including the closing of obsolete military bases and by searching for efficiency in many other areas of our large defense budget.

I believe that the base closure process is a difficult process, and one that appears to be successfully achieving its mission. The Base Realignment and Closure Commission and its staff are to be commended for their perseverance and guidance in issuing their 1993 report. But more importantly, I commend the President of the United States, Bill Clinton, for his leadership in recognizing that we cannot turn a cold shoulder to those who helped us win the cold war.

Base closure communities deserve much more than a handshake for their unyielding support of their hometown bases, and I am pleased that our President, the Senate Democratic Defense Reinvestment Task Force, and the entire U.S. Senate have achieved progress this year toward easing this difficult transition from swords to plowshares in our Nation. I look forward to seeing continued progress in this important aspect of our Nation's economic future.

EXHIBIT 1

SUMMARY OF THE PRYOR BASE CLOSURE AMENDMENT

The Pryor amendment will make community economic redevelopment a primary goal of the military base closure process. The amendment implements provisions of President Clinton's "Revitalizing Base Closure Communities" plan, as well as recommendations of the 1993 Senate Democratic Defense

Reinvestment Task Force report, "Reinventing Government to Help Defense Impacted Communities." The main features of the amendment are as follows:

1. Protect Community Interests in Closing Bases. For most bases, the amendment will require the military to maintain the condition of the base and leave all but mission essential property on base for two years after the closure is announced to give communities time to get organized the plan for base redevelopment.

2. Put Property to Work Creating New Jobs. Make base properties available for reuse much earlier than before, make them cheaper for communities to obtain, and leave them fully equipped—all in the name of creating jobs and restoring communities to economic health.

Conduct the review of base properties for reuse by other federal agencies and homeless providers within six months after the closure is finalized to allow communities to move forward with redevelopment plans earlier.

Allows the Secretary of Defense to lease or transfer the land and buildings on base to the local community at a reduced price or for free.

Within the DOD, decentralize the authority to grant leases for base properties in order to speed this vital process.

Requires the military to sit down with the local communities, find out what equipment and fixtures on base are needed for redevelopment, and transfer all these items with the land and buildings.

3. Fast-Track Cleanup. Implements the President's recommendations for removing needless delays to redevelopment while protecting human health and safety.

Identify clean base parcels and make them available for reuse within 18 months of the closure announcement, or 9 months for parcels with an already identified reuse.

Complete the documentation required by the National Environmental Protection Act within twelve months, and with the community reuse plan in mind.

4. Empowering Communities. Give communities the attention, the information, and the technical assistance they need to succeed at redevelopment.

Creates the transition coordinators position proposed by the President, to cut through federal red tape and assist communities with redevelopment.

Requires each federal agency involved in a base closure or redevelopment to designate a contact person to provide information and assistance for each base.

Creates a Community Response Board composed of federal decision makers that communities could come before annually to air grievances and suggest improvements to the closure process.

Requires the Secretary of Defense to conduct seminars to educate communities on federal programs of assistance for redeveloping closed bases.

5. Speed Planning and Redevelopment Grants. Get money for redevelopment planning and projects in the hands of communities sooner.

Makes planning grants available to base closure communities within seven days of receipt of a completed application.

Ensures the Economic Development Administration has adequate administrative funds to make redevelopment grants to communities.

Mr. NUNN. Madam President, I yield such time as the Senator from Idaho may desire.

The PRESIDING OFFICER. There are 3 minutes and 17 seconds remaining.

The Senator from Idaho.

Mr. KEMPTHORNE. Madam President, I have information about the defense economic adjustment program, which I referenced in my earlier remarks. I feel it is so important, the purpose, the results that we can hope for and how to access it, that I ask unanimous consent that this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE ECONOMIC ADJUSTMENT PROGRAM

Purpose: The program was established in 1961 to support DoD objectives by helping communities resolve problems caused by significant Defense program changes:

When bases close or major defense contracts end suddenly, communities usually can't easily adjust to the loss of jobs and revenues.

When military bases are created or existing ones expand significantly, communities often have difficulty providing additional public facilities and services for the population increases.

Purpose: The Office of Economic Adjustment (OEA) operates the program. Technical and financial assistance has been provided since 1970 through the President's Economic Adjustment Committee (EAC), an organization composed of 23 Federal Departments and Agencies. The OEA is the staff for the EAC.

To maintain or restore community stability, the program helps:

Communities help themselves organize appropriate local and intergovernmental structures to plan, coordinate and implement adjustment strategies.

Replace lost jobs through new economic development activities.

Join available Federal, state, and local government resources with those of the private sector to achieve adjustment goals.

Convert surplus base facilities to civilian job-producing uses such as airports, schools, and industrial parks.

Facilitate diversification of Defense contractor businesses to new markets and/or products.

Place and retrain affected workers.

To address the encroachment of development around bases, the program provides for:

Joint land use planning to assure compatible development near the base that will not constrain base operations.

Results: The program has helped over 400 communities in 32 years.

On average, more than 1.5 new civilian jobs are created for each civilian job lost at closed bases.

Major new or expanded bases operate effectively with neighboring communities.

Compatible land uses are established to balance community growth with military mission requirements.

Resistance to Defense change is reduced.

Communities have devised and implemented strategies to support businesses and workers affected by Defense procurement cutbacks.

Mr. MOYNIHAN. Madam President, I rise as a cosponsor of Senate Joint Resolution 114, which disapproves of the findings of the Base Closure and Realignment Commission. The Commission recommended closing three of the four major bases in New York. I am greatly disappointed in this, though I realize that bases must be closed as we reduce the size of the military. However, it was the manner in which these decisions were reached that forced my opposition to the final list. I can only wonder how many other bases across the country do not belong on it.

The Air Force proposed that Griffiss Air Force Base be all but closed and Plattsburgh Air Force Base be expanded. The Commission added Plattsburgh to its list for consideration. These two bases continue a tradition of readiness and defense in a region that has been the key to protecting this Nation since its birth. Plattsburgh follows Fort Ticonderoga, Fort William Henry, and Fort George as defenders of the Northeast. Griffiss dominates central New York—site of numerous campaigns during the Revolutionary War and a reconstructed Fort Stanwix.

Griffiss has demonstrated it can capably handle increasingly larger missions since it was activated in 1942 as the Rome Air Depot. Griffiss became a Strategic Air Command base when the first B-52's arrived in 1959, and currently its host mission is the 416th Bombardment Wing.

Griffiss also serves as the point of embarkation for the 10th Mountain Division out of Fort Drum, a role no other base can fill. And it is home to Rome Labs, the Air Force's top electronics and photonics research laboratory. Yet the Air Force did not seem to give it much consideration in the competition for the new east coast air mobility base, and recommended it be closed.

Since it opened in 1956 as host to the 380th Bombardment Wing, Plattsburgh has seen B-47's, B-52's, and FB-111s on its ramp. Tanker squadrons have always been stationed at Plattsburgh, and the KC-135's have been assigned there since the 1970's. Plattsburgh's base infrastructure, facilities, and airfield are in good repair. Base housing is well rated. Weather and airspace availability are rated good for that section of the country. It has proven capability with its KC-135 tanker squadrons.

After months of analysis the Air Force chose Plattsburgh for the air mobility base. I do not fault the Commission for taking a second look at Plattsburgh. Its job is to ensure that the Air Force has made wise, and not political, decisions. But when even the Commission's staff finds that Plattsburgh has higher military value than McGuire Air Force Base in New Jersey, and then the commission votes to close Plattsburgh and keep McGuire, based on military value then the Commission process has broken down. The issues of air traffic and cost to be incurred at McGuire were not satisfactorily addressed, either. No other large Air Force base was added by the Commission to the list of facilities to be considered for closure, and then closed.

At Staten Island we have the newest of the Navy's homeports, and it too was chosen for closure. Open 3 years, its facilities are much more modern and efficient than those where Staten Island's ships will next be stationed. Further, Staten Island is the only Naval Reserve training base on the east coast north of Norfolk. How this will affect recruitment and training we do not know.

Madam President, the Commission's recommendation has left the Air Force with a less capable air mobility base than it could have had, and has turned a city in New York upside down for no reason. I cannot support such an outcome in my State and I have no assurance that the same has not happened elsewhere. I therefore urge my colleagues to disapprove the Commission's findings.

Mr. JEFFORDS. Madam President. I have been a strong and consistent supporter of the creation of the Base Closure Commission to break the political juggernaut that for years prevented the closure of any outdated military bases. The Commission was designed to objectively review the Pentagon's statement of its military needs and ensure that the process is not unduly infused with politics.

But today, I feel compelled to speak out, because I am deeply troubled by a decision that was made by the Commission. In reviewing the Secretary of Defense's recommendations for base closures and realignments, the Commission agreed to requests from supporters of Griffiss Air Force Base and McGuire Air Force Base that it consider closing Plattsburgh Air Force Base instead. In addition to withholding Plattsburgh AFB from his March closure and realignment list, the Secretary of Defense had indicated that Plattsburgh was the Air Force's choice to be the new home for its 83-plane Northeast Air Mobility Wing, a new mission it could easily handle.

In June, the Commission heard testimony from interested parties on all three bases. On June 24, the Commission overruled the Secretary's recommendation to close McGuire AFB and instead, decided that it would become the new East Coast Mobility Base, in spite of the major work that would be required before McGuire could receive the air wing. Having deprived Plattsburgh of this new mission, the Commission then decided, without further consideration of other options for Plattsburgh, that the base would be closed.

It is, to my knowledge, the first time that a major base slated for level funding, much less expansion, by the Secretary, was subsequently closed by the Commission. I can understand the Commission's disagreeing with the details of the Secretary's recommendations, but I am shocked that it felt it had sufficient information to completely reverse the considered judgment of the Armed Forces. I heard nothing in the testimony that would support such a stunning deviation from the Secretary's judgment.

Madam President, there is great concern among the 3,000 military retirees who live in Vermont and are eligible to receive their medical care at Plattsburgh. Closing Plattsburgh will also affect their eligible dependents—bringing the number of affected people to over 7,000. Where will these people go? The vast majority of these retirees are not entitled to care at the Vermont Veterans Administration hospital in White River. Certainly none of their dependents are eligible for care at White River. It's not surprising these people are angry and frightened. It seems to them yet another example of broken promises and medical needs not being met.

I recognize that the Commission had a very difficult job to do—one that by its very nature will impose great pain on many communities throughout this Nation. However, if this process is to be effective, it must be clear that misdirected decisions, for whatever reason, will be corrected before the recommendations become law.

Madam President, this is a matter of public trust in the rational nature of government. If the American people come to see the base closure process as capricious and controlled by politics, not merit, then the whole process has been destroyed. We must continue to close unnecessary military installations so that we can concentrate our defense spending only on those bases critical to our national defense.

For the sake of confidence in the validity of this process, I urge my colleagues to support this resolution of disapproval.

Mr. SIMPSON. Madam President, I rise today to oppose the Feinstein resolution regarding the Defense Base Closure and Realignment Commission's Report of 1993.

The 1993 base closure report recommended that 130 bases and installations be closed and that 45 bases be realigned. Thirty-two of those bases are considered to be major installations.

I truly do understand the Senator from California's deep concern over the economic impact that these closings may very well have on her State.

However, the very reason that Congress formulated the Base Closure Commission in 1988—an independent eight-member panel to review recommendations and report to the President regarding base closures—was because Congress realized we do not have the collective political will to make these gut-wrenching, teeth-gnashing decisions on our own.

The first painful round of base closures was made in 1989. The second round was made in 1991. This is the third scheduled round, and by all accounts, the Base Closure and Realignment Commission process is working remarkably well. To disrupt that process—as the Feinstein resolution would assuredly do—would be a big mistake.

Hundreds of bases in the United States, as well as several hundreds overseas, have either been closed or had their operations reduced in the last 4 years.

Secretary Dick Cheney told us a few years ago that it is essential that we reduce the number of installations where a shrinking force is based, if we are to get the greatest value from a declining defense budget. That is still true today. The Base Closure Commission follows a process that is most objective and fair. We now know that closing bases does save taxpayer dollars and maintains military effectiveness. Yet, we must, and I am confident—we will—reinvest for growth to create good, new challenging jobs for all Americans.

Senator FEINSTEIN was not in the Senate during many past debates on the subject, but I do find it most curious that some who have aligned with her have always advocated less and less defense over the years and now find themselves asking for more.

I do share all Senators' concerns that we must not leave anyone out in the cold now that the cold war is over. But, I also ask for some degree of prudence. The Base Closure Commission makes good common sense. We must not undo their work by passing this resolution.

I thank the chair.

Mr. BOND. Madam President, I join what I hope will be the majority of Senators in opposing this resolution.

The ongoing round of defense downsizing is painful for all of our States. My State of Missouri, for example, has been hard hit by defense cuts. Contractors in my State have eliminated thousands of jobs as a result of defense spending cutbacks, and all three rounds of base closures have hit Missouri. We have seen bases designated for closure and we will see additional cuts as a result of the current package.

These cuts are necessary, however, if we are to benefit in any way from the end of the cold war. We simply can no longer afford to spend defense dollars on anything except the most essential weapons, units, and bases. Especially as the administration moves forward with what looks to be a plan to cut too many units out of our Active and Reserve Forces, we must conserve wherever possible.

This base closure package is not a perfect plan. In some places it could go much further than it does. For example, I believe the Commission erred in rejecting the Army's proposal to close Fort McClellan in Alabama, a move that would have saved taxpayers tens of millions of dollars. On balance, however, it is a sensible plan that should be supported.

I urge all Senators to put aside parochial concerns and oppose this resolution.

Mr. LEAHY. Madam President, there is nothing easy about what we are doing here tonight. The recommendations of the Presidential Commission on Base Closures is the product of years of work. The Commission was established by the Congress, its members selected by the Congress. Tonight we vote on its recommendations.

I am going to vote for these recommendations. I do so not because I accept the contents of the entire report. Far from it. I have said on a number of occasions that I believe Plattsburgh Air Force Base got a raw deal in this process. Originally scheduled to have its mission expanded, Plattsburgh found itself in the middle of a political campaign between and among other bases in New York and New Jersey. The Commission's decision to reverse the President's recommendation on Plattsburgh convinces me politics weren't left outside the door when these decisions were made.

My support for these recommendations comes from my belief that this is a necessary way to reduce the size of our military infrastructure given the end of the cold war.

Make no mistake: Beyond these lists and statistics are real men and real women, all of them hard-working, all of them patriots, who will now have to struggle with economic forces and changes that seem beyond their control. For all of these people, little said here on the floor of the Senate will be comforting. I will just pledge that this is another step in making the changes necessary to get our economy to grow again. We must move from an economy based on the existence of a hostile Soviet Union armed to the teeth to one focused on investing in civilian technology that will have some relevance to the new world we are about to enter.

The easy vote tonight is the vote against these painful recommendations. We are paid to make tough choices. Tonight I will make such a choice.

Mr. LEVIN. Madam President, I have stated consistently that we need to close excess military bases, but I have also stressed that we need to do it fairly. On this last round of base closures, that fairness test was not met, especially in the decision to close K.I. Sawyer Air Force Base in Michigan. And so I am protesting that decision by voting for this resolution to disapprove the 1993 round of base closures and realignments.

Less than 24 hours before the Commission was slated to vote on the recommendation to close K.I. Sawyer, the Air Force presented to the Commission new conclusions about the costs and savings associated with that recommendation and other alternatives. The Air Force significantly reduced its estimate of savings available from an alternative to closing Sawyer that the Commission had under active consideration—shutting down flying operations at Grand Forks Air Force Base while leaving missile operations there intact. The underlying assumptions behind these conclusions were not made available to the Base Closure Commission or the public before the decision was made to close Sawyer.

Since that happened at the beginning of July, I have repeatedly requested this information from the Air Force and it has yet to be provided. Madam President, I ask unanimous consent that my July 28, 1993, letter to Secretary Aspin be included in the RECORD at this point. I have not received a letter in reply from Secretary Aspin, and the Air Force has refused to provide anything except that total personnel numbers for each scenario that the BRAC Commission had under consideration. Those numbers have been part of the public record since the Commission's final weekend of hearings, but I have not received a full explanation of precisely which personnel and facilities the Air Force assumed would be required to operate Grand Forks without its KC–135 tankers and B–1 bombers, so that I may examine these assumptions and validate their accuracy.

Without those details, I remain deeply skeptical of the Air Force's 11th-hour conclusion that operating Grand Forks with 3,053 personnel instead of 5,104 would result in annual savings of only $1 million.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 28, 1993.

Hon. LES ASPIN,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR LES: I continue to be frustrated in my attempts to secure the information upon which the Air Force based its conclusions about the savings available from halting all flying operations at Grand Forks Air Force Base in North Dakota. The Air Force's conclusions, presented to the Base Closure and Realignment Commission with little notice, contributed directly to the Commission's decision to accept the Air Force's recommendation for closure of K.I. Sawyer Air Force Base in Michigan.

I immediately sought the background information from the Air Force through the Base Closure Commission, and through the Air Force. To this date, I have only received a copy of the Air Force COBRA run, which I already had on the day of the Commission's action, and a summary of broad categories of personnel who would be retained under each scenario. Specifically, I am still seeking a full explanation of precisely which personnel and facilities the Air Force assumed would be required to operate Grand Forks AFB without its KC–135 tankers and B–1 bombers, so that I may examine these assumptions and validate their accuracy.

I remain deeply skeptical of the Air Force's conclusion that operating Grand Forks with 3053 personnel instead of 5104 would result in annual savings of only $1 million. At my request Robert Rubin of the National Economic Council has also attempted to obtain this information, but so far it has not arrived. I hope you will act expeditiously to obtain this information for me from the Air Force.

Thank you.

Sincerely,

CARL LEVIN.

Mr. LEVIN. Madam President, Michigan has borne more than its fair share of base closings—Kincheloe, Wurtsmith and now K.I. Sawyer Air Force Bases are all closed or in the process of being closed. This means very real pain for the local communities around the closing bases. It means a tough period of economic adjustment. These impacts are being felt all around the country, not just in Michigan.

But I want the Department of Defense to make this process fair, and I do not believe it has been relative to the closing of Sawyer. For that reason, I will vote for the resolution of disapproval.

Mr. LAUTENBERG. Madam President, I will not be supporting the resolution of disapproval when the Senate votes today. During the 1993 base closure process, the Department of Defense recommended that three New Jersey bases—McGuire Air Force Base, Fort Monmouth, and the Trenton Naval Air Warfare Center—be closed or realigned.

It was estimated that this action would cost the State of New Jersey over 11,800 jobs as the effects of these closings rippled throughout my State. With New Jersey unemployment at unacceptable levels and the State still suffering from previous base closing decisions, implementation of the Pentagon's recommendations would have been a substantial blow to New Jersey's recovery.

Madam President, I am pleased that I was able to work with my colleagues in the New Jersey delegation, the State and citizens from the affected communities to convince the Commission that, for two of the three bases, the Pentagon's recommendations were seriously flawed resulting in the Commission overturning the Pentagon's recommended action.

I accompanied the Commissioners when they went to McGuire Air Force Base and to Fort Monmouth to investigate for themselves the Pentagon's recommendations. I testified, with my New Jersey congressional colleagues, at the regional hearings conducted by the commission in New Jersey. I also testified before the Commission at a hearing conducted in Washington, DC. Throughout this process, I found the Commission to be an open and fair investigative body.

During each hearing and base visit that I accompanied the Commission, I joined with my colleague Senator BRADLEY, and the other Members of the New Jersey delegation to present the facts about New Jersey's bases and to urge the Commission to overturn the Pentagon's faulty recommendations.

In each case, I testified that the Pentagon's recommendations were seriously flawed and would not withstand careful scrutiny prescribed by the Commission's review process.

The Pentagon's recommendation to realign McGuire is a case in point. Credible active duty and retired military officials declared that McGuire performs a vital role in today's military airlift mission. It's performance during the gulf war amply demonstrated its unique value.

During my testimony to the Commission, I asserted that DOD's recommendation would not save money. The Air Force wanted to spend $197 million to upgrade Plattsburgh AFB when we can spend less than half that amount at McGuire to perform the same mission.

It will also cost the Air Force more to operate out of Plattsburgh then it had calculated in its initial determination to recommend realignment. In fuel costs alone, it could cost an additional $11.8 million per year to supply Plattsburgh fuel versus the $2 million it will cost at McGuire.

Madam President, the Commission did its job, reviewed the facts and found that the Pentagon's recommendations were wrong. The Commission confirmed that the Department of Defense did not adequately consider the military value of McGuire Air Force Base in its assessment nor did DOD amply consider McGuire Air Force Base's contribution during Operation Desert Shield/Storm and similar contingency operations. The Commission further confirmed my belief that the Pentagon did not calculate the costs accurately in the DOD recommendations to realign McGuire.

Madam President, in the case of Fort Monmouth, the Commission also agreed with me, my colleagues and the local community that the Army was incorrect in recommending the realignment of the Headquarters, Communications Electronic Command [CECOM] from Fort Monmouth, NJ, to Rock Island Arsenal, IL.

Fortunately, for the sake of military readiness and the people of New Jersey, the Commission put the brakes on the base closing train at McGuire and Fort Monmouth.

The Commission listened to our testimony during the base inspection, regional hearings as well as the Washington, DC, hearing and found that the Secretary of Defense deviated substantially from the base closure criterion and that Fort Monmouth should not be realigned. The Commission agreed with our arguments that there would have been a potentially negative impact to DOD, if the technically trained work force at CECOM, Fort Monmouth were to be moved.

The Commission also considered information that we presented that raised doubts on the Pentagon's cost analysis. My colleagues and I sent a letter to the Commission urging a reexamination of the Pentagon's recommendation based upon our belief that it was not cost effective to move CECOM when available space on the Fort Monmouth post was available.

Madam President, the Commission listened and investigated the information we provided to them and found that we were right.

Yet, I am sympathetic to those States that could not make the same claim. New Jersey has also been affected by defense reductions and has seen Fort Dix realigned. In that case, the system did not work because the Pentagon made mistakes in its analysis of Fort Dix's military value. Fort Dix never should have been on the Base Closure list at all. Unfortunately, the Commission was on autopilot and did not remove it from the list. The system did not work with the Philadelphia Naval Shipyard either, which is still the subject of litigation.

Madam President, I believe that we must focus on defense conversion efforts for all areas affected by defense downsizing. We cannot keep bases open that are excess to the needs of the Department of Defense or expect the taxpayer to bear the burden of supporting bases we no longer need. We should close more bases overseas. For those that remain open, we should ask our allies to pay for more of the maintenance costs.

We should let the process move forward and turn our attention to making the adjustments to help the affected workers and communities in New Jersey and around the Nation.

Mrs. HUTCHISON. Madam President, I rise in opposition to Senate Joint Resolution 114, but I do so in all sympathy with the sponsors of the resolution. While I am a great believer that the Congress must do everything in its power to cut spending, I can assure the Members of this body that my home State of Texas knows full well the impact of base closure decisions. As we meet today, Air Force units at Carswell Air Force Base and Bergstrom Air Force Base are undergoing inactivation. The economic dislocation in the surrounding communities is substantial, but the long-term harm to our national security by spending money on military installations that are excess to our needs, is far greater.

Senators FEINSTEIN, BOXER, HOLLINGS, THURMOND, D'AMATO, MOYNIHAN, and HATCH introduced Senate Joint Resolution 114 on July 20, 1993. Under provisions of the Defense Base Closure and Realignment Act of 1990—title XXIX of the National Defense Authorization Act for Fiscal Year 1991—as amended by the National Defense Authorization Act for Fiscal Year 1992 and Fiscal Year 1993, a Member of the Congress must introduce a resolution of disapproval within 10 days of the President's decision of the recommendations of the Commission.

On July 13, the Senate received the President's decision approving the recommendations of the Commission, and Senate Joint Resolution 114 was introduced within 10 days, thereby meeting the statutory deadline. The Committee on Armed Services then had 20 days to consider the resolution, or it would have been automatically discharged from further consideration of the resolution.

The committee met on July 30 and reported out the resolution unfavorably by voice vote. Madam President, I supported reporting Senate Joint Resolution 114 unfavorably to the Senate, and I urge my colleagues to oppose its passage.

Mr. NUNN. Does the Senator desire any more time?

Mrs. FEINSTEIN. No.

Mr. NUNN. Madam President, seeing no other Senators who want to speak on this subject, I am prepared to yield back the remainder of my time. I believe that the order is that at 6 o'clock there will be a vote on this.

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. Do we have the yeas and nays on this vote?

The PRESIDING OFFICER. No.

Mr. NUNN. Madam President, I ask for the yeas and nays on the resolution of disapproval.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will be held at 6 p.m.

Mr. NUNN. I yield back the remainder of my time.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1994

Ms. MIKULSKI. Madam President, I ask H.R. 2491, the VA-HUD appropriations bill for fiscal year 1994 be called up and reported.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2491) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations; with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

H.R. 2491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $16,828,446,000, to remain available until expended: *Provided*, That not less than $38,919,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, Public Law 101–508, and in the Veterans' Benefits Act of 1992, Public Law 102–568, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That $6,000,000 of the amount appropriated shall be transferred to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized by the Veterans' Benefits Act of 1992, Public Law 102–568.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 35, 36, 39, 51, 53, 55, and 61), $947,400,000, to remain available until expended: *Provided*, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), $15,370,000, to remain available until expended.

GUARANTY AND INDEMNITY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $56,231,000, which may be transferred to and merged with the appropriation for "General operating expenses".

LOAN GUARANTY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $70,716,000, which may be transferred to and merged with the appropriation for "General operating expenses".

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during 1994, within the resources available, not to exceed $1,000,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

In addition, for administrative expenses to carry out the direct loan program, $2,863,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,032, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,571.

In addition, for administrative expenses necessary to carry out the direct loan program, $186,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $53,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,387,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $751,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by section 38, U.S.C. chapter 37, subchapter V, as amended, $156,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); aid to State homes as authorized by law (38 U.S.C. 1741); and not to exceed $2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5); **[**$15,522,452,000**]** *$15,637,452,000*, plus reimbursements: *Provided*, **[**That of the sum appropriated, $9,850,000,000 is available only for expenses in the personnel compensation and benefits object classifications: *Provided further*,**]** That of the funds made available under this heading, **[**$531,350,000**]** *$651,000,000* is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1994, and shall remain available for obligation until September 30, 1995**[**: *Provided further*, That of the sum appropriated, $10,000,000 is for homeless programs authorized by sections 2, 3, and 4 of Public Law 102–590**]**.

NATIONAL HEALTH CARE REFORM CONTINGENCY FUND

For necessary expenses, including but not limited to personnel, supplies, equipment, and contractual services, to undertake and carry out activities directed toward the Department of Veterans Affairs participation in national health care reform; and construct, alter, repair, or acquire by purchase or lease clinics or other facilities under the jurisdiction or for the use of the Department of Veterans Affairs; $500,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided, That these *funds shall be available until expended upon enactment of national health care reform legislation: Provided further, That the entire amount provided under this heading is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law (38 U.S.C. chapter 73), to remain available until September 30, 1995, $252,000,000, plus reimbursements.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

For payment of health professional scholarship program grants, as authorized by law, to students who agree to a service obligation with the Department of Veterans Affairs at one of its medical facilities, $10,386,000.

HEALTH PROFESSIONALS EDUCATION DEBT REDUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For payment of the Department of Veterans Affairs Health Professionals Education Debt Reduction Program when authorized into law, $10,000,000, to remain available until expended, and, in addition, $5,000,000 to be derived by transfer from the Health Professional Education Loan Payment Program Appropriation in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (Public Law 102–389), to be available until September 30, 1994: Provided, That upon the day following the transfer of these funds, the provisions of the Health Professional Education Loan Payment Program Appropriation are repealed.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of planning, design, project management, architectural, engineering, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs, including site acquisition; engineering and architectural activities not charged to project cost; and research and development in building construction technology; **[**$68,500,000**]** *$73,500,000*, plus reimbursements.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 1732), for assisting in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Medical Center, $500,000, to remain available until September 30, 1995.

TRANSITIONAL HOUSING LOAN PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $7,000, as authorized by Public Law 102–54, section 8: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000. In addition, for administrative expenses to carry out the direct loan program, $52,000, which may be transferred to and merged with the "General post fund", as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; **[**$823,249,000**]** *$828,249,000*.

NATIONAL CEMETERY SYSTEM

For necessary expenses for the maintenance and operation of the National Cemetery System not otherwise provided for, including uniforms or allowances therefor, as authorized by law; cemeterial expenses as authorized by law; purchase of six passenger motor vehicles, for use in cemeterial operations; and hire of passenger motor vehicles, $70,507,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,436,000.

CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $3,000,000 or more or where funds for a project were made available in a previous major project appropriation, **[**$322,793,000**]** *$369,000,000*, to remain available until expended: *Provided*, That not to exceed $14,000,000 shall be transferred from the Parking revolving fund to this account and the amounts transferred shall be available for the same purposes and for the same period of time as funds appropriated to this account: *Provided further*, That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 1994, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1994, and (2) by the awarding of a construction contract by September 30, 1995: *Provided further*, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93–344): *Provided further*, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only**[**: *Provided further*, That prior to the issuance of a bidding document for any construction contract for a project approved under this heading (excluding completion items), the director of the affected Department of Veterans Affairs medical facility must certify that the design of such project is acceptable from a patient care standpoint**]**.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $3,000,000, $153,540,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $3,000,000: *Provided*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by law (38 U.S.C. 8109), $1,353,000, together with income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 8109 except operations and maintenance costs which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 8131–8137), $41,080,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by law (38 U.S.C. 2408), $5,242,000, to remain available until September 30, 1996.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Any appropriation for 1994 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

Appropriations available to the Department of Veterans Affairs for 1994 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects" and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

Appropriations available to the Department of Veterans Affairs for fiscal year 1994 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the aforementioned accounts within the last quarter of fiscal year 1993.

Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1994 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(INCLUDING RESCISSION OF FUNDS)

For the homeownership and opportunity for people everywhere (HOPE grants) program as authorized under title III of the United States Housing Act of 1937 (42 U.S.C. 1437aaa et seq.) and subtitles [A, B, and C] *A, B, C, and D* of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), $109,190,000, to remain available until expended, of which up to one and one-half percent may be made available for technical assistance to potential applicants, applicants and recipients of assistance under this head as authorized under subtitle E of title I of the Housing and Community Development Act of 1992: *Provided, That of the foregoing amount, not more than $12,000,000 may be made available to carry out activities under subtitle D of the title IV of the Cranston-Gonzalez National Affordable Housing Act.*

Of the amounts provided under this heading in Public Law 102–389 and Public Law 102–139, $250,000,000 are rescinded: *Provided*, That of the foregoing amount, $130,000,000 shall be deducted from the amount earmarked for HOPE for the Public and Indian Housing Homeownership Program and $75,000,000 shall be deducted from the amount earmarked for HOPE for Homeownership of Multifamily Units Program in Public Law 102–389, and $45,000,000 shall be deducted from the amount earmarked for HOPE for the Public and Indian Housing Homeownership Program in Public Law 102–139.

HOME INVESTMENT PARTNERSHIPS PROGRAM

[For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,250,000,000, to remain available until expended.

[For additional amounts for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, subject to the terms provided under this head in the Dire Emergency Supplemental Appropriations Act, 1992, Public Law 102–368, $75,000,000, to remain available until expended.]

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,275,000,000, to remain available until expended, of which not to exceed $1,205,045,000 shall be for formula allocation to eligible participating jurisdictions under subsection 217(a)(1) of the Act; not to exceed $12,750,000 shall be for grants to Indian tribes under subsection 217(a)(2) of the Act; not to exceed $2,550,000 shall be for insular areas under subsection 217(a)(3) of the Act; not to exceed $4,655,000 shall be for increasing allocations to States eligible to receive increased allocations in fiscal year 1994 under subsection 217(b)(2)(B) of the Act; not to exceed $39,000,000 shall be for community housing partnership activities authorized under section 233 of the Act; and, not to exceed $11,000,000 shall be for activities in support of State and local housing strategies authorized under subtitle C of the Act.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION OF FUNDS)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, [$9,192,900,000] *$9,334,900,000*, to remain available until expended: *Provided*, That to be added to and merged with the foregoing amounts there shall be up to $242,680,000 of amounts of budget authority (and contract authority) reserved or obligated in prior years for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as herein provided, for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1994; *and up to $203,000,000 of amounts of budget authority for rental assistance under section 8 of the Act and section 162(h) of the Housing and Community Development Act of 1987 recaptured during fiscal year 1992 as a result of the conversion of section 202 direct loans to capital grants*: *Provided further*, That of the total amount provided under this head, [$257,320,000] *$268,000,000* shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb); and [$400,000,000] *$598,000,000* shall be for the development or acquisition cost of public housing, of which up to one-half of one percent shall be available for technical assistance and inspection of public housing agencies by the Secretary: *Provided further, That of the $598,000,000 provided for the development of public housing in fiscal year 1994, not more than 20 percent may be used pursuant to section 5(j)(2) of the Act, as amended, for the substantial redesign, reconstruction, or redevelopment of existing obsolete public housing projects or buildings and for the cost of improving the management and operation of projects undergoing redesign, reconstruction, or redevelopment: Provided further*, That of the total amount provided under this head, [$3,100,000,000] *$3,230,000,000* shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including up to two-fifths of one percent for the inspection of modernization units and provision of management and technical assistance by the Secretary for troubled public housing agencies and Indian housing authorities: *Provided further*, That of the total amount provided under this head, [$1,381,518,000] *$872,239,000* shall be for rental assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) *of the Act (42 U.S.C. 1437f(o))*: *Provided further*, That of the total amount provided under this head, $8,400,000 shall be available for fees under section 23(h) for the family self-sufficiency program (42 U.S.C. 1437u): *Provided further*, That of the total amount provided under this head, [$1,228,997,000] *$900,000,000* shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended, and [$599,559,000] *$541,000,000* shall be for assistance for State or local units of government, tenant and nonprofit organizations to purchase projects where owners have indicated an intent to prepay mortgages and for assistance to be used as an incentive to prevent prepayment or for vouchers to aid eligible tenants adversely affected by mortgage prepayment, as authorized in the Emergency Low-Income Housing Preservation Act of 1987, as amended: [*Provided further*, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b), 8(o), and 8(e)(2) shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act:] *Provided further*, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section: *Provided further*, That of the total amount provided under this head, [$125,000,000] *$156,000,000* shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act, [$150,000,000] *$250,000,000* shall be for the lead-based paint hazard reduction program as authorized under sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, and $30,000,000 shall be for service coordinators in [public] *public* housing pursuant to section 9(a)(1)(b)(ii) of the United States Housing Act of 1937.

Of the total amount provided under this head, [$1,023,350,000] *$1,158,000,000* shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959: *Provided further*, That $15,855,000 shall be for service coordinators pursuant to section 202(q) of the Housing Act of 1959.

Of the total amount provided under this head, [$445,373,000] *$387,000,000* shall be for capital advances, including amendments to capital advances contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act; and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS

(INCLUDING TRANSFER OF FUNDS)

For assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) not otherwise provided for, for use in connection with expiring section 8 subsidy contracts, [$5,558,106,000] *$4,558,106,000*, to remain available until expended: *Provided*, [That funds provided under this paragraph may not be obligated for a contract term that is less than five years: *Provided further*,] That to the extent the amount in this appropriation is insufficient to fund all expiring section 8 contracts, the Secretary may transfer to and merge with this appropriation such amounts from the "Annual contributions for assisted housing" appropriation as the Secretary shall determine, and amounts earmarked in the foregoing account may be reduced accordingly, at the Secretary's discretion: *Provided further*, That the Secretary may maintain consolidated accounting data for funds disbursed at the public housing agency or Indian housing authority or project level for subsidy assistance regardless of the source of the disbursement so as to minimize the administrative burden of multiple accounts.

[Further, for the foregoing purposes, $800,000,000, to become available for obligation on October 1, 1994, and to remain available for obligation until expended.]

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 1994 by not more than $2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts: *Provided*, That up to $45,515,000 of recaptured section 236 budget authority resulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be rescinded in fiscal year 1994: *Provided further*, That to the extent that the recaptures and rescission during fiscal year 1994 are less than $45,515,000, the total funding provided under the head "Annual contributions for assisted housing" and the budget authority provided under that head for assistance in connection with mortgage prepayments shall be reduced accordingly.

RENT SUPPLEMENT PROGRAM

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), is reduced in fiscal year 1994 by not more than $1,544,646 of uncommitted balances of authorizations provided for this purpose in appropriations Acts.

CONGREGATE SERVICES

[For contracts with and payments to public housing agencies and nonprofit corporations for congregate services programs, $6,267,000, to remain available until September 30, 1995, in accordance with the provisions of the Congregate Services Act of 1978, as amended.]

For contracts with payments to public housing agencies and nonprofit corporations for congregate services programs, $25,000,000, to remain available until September 30, 1995, of which up to $6,267,000 shall be for entities operating such programs in accordance with the provisions of the Congregate Services Act of 1978, as amended, and the balance shall be for programs under section 802 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625).

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,620,808,000.

SEVERELY DISTRESSED PUBLIC HOUSING PROJECTS

[For the revitalization of distressed public housing projects program, authorized by section 24 of the United States Housing Act of 1937, as amended, $483,240,000, to remain available until expended.]

For the urban revitalization demonstration program under the third paragraph under the head "Homeownership and Opportunity for People Everywhere grants (HOPE grants)" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, Public Law 102–389, 106 Stat. 1571, 1579, $803,240,000, to remain available until expended: Provided, That notwithstanding the first proviso of such third paragraph, the Secretary shall have discretion to approve funding for more than fifteen applicants: Provided further, That no part of the foregoing amount that is used for the urban revitalization demonstration program shall be made available for an application that was not submitted to the Secretary by May 26, 1993: Provided further, That of the foregoing $803,240,000, the Secretary may use up to $2,500,000 for technical assistance under such urban revitalization demonstration, to be made available directly, or indirectly under contracts or grants, as appropriate: Provided further, That nothing in this paragraph shall prohibit the Secretary from conforming the program standards and criteria set forth herein, with subsequent authorization legislation that may be enacted into law: Provided further, That of the $803,240,000 made available under this heading, $20,000,000 shall be made to eligible grantees under the urban revitalization demonstration program, to implement programs authorized under subtitle D of title IV, and of which, $10,000,000 shall be made for youth apprenticeship training activities for joint labor-management organizations pursuant to section 3(c)(2)(B) of the Housing and Urban Development Act of 1968, as amended.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies for use in eliminating drug-related crime in public housing projects authorized by 42 U.S.C. 11901–11908, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $265,000,000, to remain available until expended: *Provided, That not more than $198,750,000 shall be available for grants to housing authorities with greater than 1,250 public housing units: Provided further, That not more than $53,000,000 shall be available for grants to housing authorities with less than 1,250 public housing units: Provided further, That not more than $13,250,000 shall be available for grants for federally-assisted, low-income housing.*

[YOUTHBUILD PROGRAM

[For youthbuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, $48,000,000, to remain available until expended: *Provided*, That no amounts appropriated pursuant to the authorizations in sections 402(b)(1), (2), or (3) of such Act shall be available for the foregoing appropriation.]

NATIONAL CITIES IN SCHOOLS COMMUNITY DEVELOPMENT PROGRAM

For the national cities in schools community development program, as authorized under section 930 of the Housing and Community Development Act of 1992 (Public Law 102–550), $10,000,000, to remain available until expended.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii), section 106(a)(2), section 106(c), section 106(d), section 106(e), and section 106(f) of the Housing and Urban Development Act of 1968, as amended, $12,000,000.

FLEXIBLE SUBSIDY FUND

For assistance to owners of eligible multifamily housing projects insured, or formerly insured, and under the National Housing Act, as amended, or which are otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z–1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, [$35,747,000] *$41,000,000*, and all uncommitted balances of excess rental charges as of September 30, 1993, and any collections and other amounts in the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended, during fiscal year 1994, to remain available until expended: *Provided*, That assistance to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

FEDERAL HOUSING ADMINISTRATION

FHA-MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1994, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $64,564,645,000.

For administrative expenses necessary to carry out the guaranteed loan program, $262,810,000, to be derived from the FHA-mutual mortgage insurance guaranteed loans receipt account, of which not to exceed $256,682,000 shall be transferred to the appropriation for salaries and expenses; and of which not to exceed $6,128,000 shall be transferred to the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, $147,371,000, as authorized by the National

Housing Act, as amended (12 U.S.C. 1715z–3(b) and 1735c(f)): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal any part of which is to be guaranteed of not to exceed $13,436,205,000: *Provided further, That of the foregoing amount provided to subsidize program costs, not more than $36,842,750 may be obligated by January 1, 1994, not more than $73,685,500 may be obligated by April 1, 1994, and not more than $110,528,250 may be obligated by July 1, 1994.*

In addition, for administrative expenses necessary to carry out the guaranteed loan programs, $192,252,000, of which $188,190,000 shall be transferred to the appropriation for salaries and expenses; and of which $4,062,000 shall be transferred to the appropriation for the Office of Inspector General.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDES TRANSFER OF FUNDS)

During fiscal year 1994, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed [$85,000,000,000] *$130,000,000,000*.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $8,038,000, to be derived from the GNMA—guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $8,038,000 shall be transferred to the appropriation for salaries and expenses.

HOMELESS ASSISTANCE

EMERGENCY SHELTER GRANTS PROGRAM

For the emergency shelter grants program, as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended, [$151,350,000] *$55,000,000*, to remain available until expended.

SUPPORTIVE HOUSING PROGRAM

For the supportive housing program, as authorized under subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended, [$319,968,000] *$400,000,000*, to remain available until expended, of which not to exceed $50,000,000 may be used for a safe havens demonstration initiative, including activities authorized within subtitle D of such Act, and not to exceed $20,000,000 may be used for a rural homeless demonstration initiative, including activities authorized within subtitle G of such Act.

SECTION 8 MODERATE REHABILITATION SINGLE ROOM OCCUPANCY

[For assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437f), for the section 8 moderate rehabilitation program, to be used to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401), $107,835,000, to remain available until expended.]

For assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437f), for the section 8 moderate rehabilitation program, to be used to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401), $150,000,000, to remain available until expended.

SHELTER PLUS CARE

For the shelter plus care program, as authorized by subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended, $123,747,000, to remain available until expended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), [$4,223,675,000] *$4,400,000,000*, to remain available until September 30, 1996: *Provided*, That [$42,236,750] *$44,000,000* shall be available for grants to Indian tribes pursuant to section 106(a)(1) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), and [$60,000,000] *$45,000,000* shall be available for "special purpose grants" pursuant to section 107 of such Act: *Provided further*, That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant using funds under section 107(b)(3) of such Act or funds set aside in the following provisos) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development: *Provided further*, That $15,000,000 shall be made available from the total amount provided to carry out an early childhood development program under section 222 of the Housing and Urban-Rural Recovery Act of 1983, as amended (12 U.S.C. 1701z–6 note), including services for families that are homeless or at risk of becoming homeless: *Provided further*, That $5,000,000 shall be made available from the total amount provided to carry out a neighborhood development program under section 123 of said Act (42 U.S.C. 5318 note).

[For additional amounts for "Community development grants", for authorized community development activities for use only in areas impacted by Hurricane Andrew, Hurricane Iniki and Typhoon Omar, $50,000,000, to remain available until September 30, 1996: *Provided*, That the Secretary may waive entirely, or in any part, any requirement set forth in title I of the Housing and Community Development Act of 1974, except any requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of the use of this appropriation.]

During fiscal year 1994, new commitments to issue guarantees to carry out the purposes of section 108 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), shall not exceed $2,054,000,000.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, [$83,000,000] *$35,000,000*, to remain available until September 30, 1995.

[INDIAN HOUSING

[INDIAN HOUSING LOAN GUARANTEE FUND

[For the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $2,000,000. Such funds shall be available to subsidize guarantees of total loan principal in an amount not to exceed $50,000,000.]

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, [$25,000,000] *$21,419,000*, to remain available until September 30, 1995[: *Provided*, That $20,481,000 shall be available to carry out activities pursuant to section 561 of the Housing and Community Development Act of 1987].

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, [$918,463,000] *$910,910,000*, of which $444,872,000 shall be provided from the various funds of the Federal Housing Administration, and $8,038,000 shall be provided from funds of the Government National Mortgage Association.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $46,305,000, of which $10,190,000 shall be transferred from the various funds of the Federal Housing Administration.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, [$5.742,000] *$10,700,000*, to remain available until expended, from the Federal Housing Enterprise Oversight Fund: *Provided*, That such amounts shall be collected by the Director as authorized by section 1316(a) and [(b)(2)] *(b)* of such Act, and deposited in the Fund under section 1316(f): *Provided further*, That notwithstanding the last sentence in section 1316(e) of such Act, the amount of this first annual assessment shall not be reduced by any part of the amount of the initial special assessment under section 1316(e): *Provided further, That that part of the amount of this first annual assessment collected from each enterprise shall be adjusted in such manner that the aggregate of the amounts of the initial and the first annual assessments that each enterprise shall pay shall be consistent with the requirements of section 1316(b)(1) of such Act.*

[REVISION OF AMOUNTS FOR HUD

[The amounts otherwise provided by this title are revised by reducing the amount made available for "Policy Development and Research—Research and Technology", and increasing the amount made available for "Housing Programs—Homeownership and Opportunity for People Everywhere Grants (HOPE Grants)", by $10,000,000.]

TITLE III

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; [$19,961,000] *$20,461,000*, to remain available until expended: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it: *Provided further*, That section 509 of the general provisions carried in title V of this Act shall not apply to the funds provided under this heading: *Provided further*, That not more than $125,000 of the private contributions to the Korean War Memorial Fund may be used for administrative support of the Korean War Veterans Memorial Advisory Board including travel by members of the board authorized by the Commission, travel allowances to conform to those provided by Federal travel regulations.

[CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

[SALARIES AND EXPENSES

[For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act Amendments of 1990, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $5,000,000.

[COMMISSION ON NATIONAL AND COMMUNITY SERVICE

[SALARIES AND EXPENSES

[For necessary salaries and expenses of the Commission on National and Community Service under subtitle G of title I of the National and Community Service Act of 1990 (Public Law 101–610), $2,519,000.

[PROGRAMS AND ACTIVITIES

[For use in carrying out the programs, activities and initiatives under subtitles B through G of title I of the National and Community Service Act of 1990 (Public Law 101–610), $105,000,000.]

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $42,286,000.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. sections 7251–7292, [$9,040,000] *$9,278,000*, to be available without regard to section 509 of this Act, of which not to exceed $790,000, to remain available until September 30, 1995, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth under this head in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, and not to exceed $1,000 for official reception and representation expenses; $12,738,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

For research and development activities, including procurement of laboratory equipment and supplies; other operating expenses in support of research and development; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project; [$353,565,000] *$328,565,000*, to remain available until September 30, 1995: [*Provided*, That not more than $10,200,000 of these funds shall be available for operating expenses in support of research and development] *Provided, That not more than $50,600,000 of these funds shall be available for procurement of laboratory equipment, supplies, and other operating expenses in support of research and development; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project.*

ABATEMENT, CONTROL, AND COMPLIANCE

For abatement, control, and compliance activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; [$1,367,535,000] *$1,352,535,000*, to remain available until September 30, 1995: *Provided*, That not more than [$283,000,000] *$280,000,000* of these funds shall be available for operating expenses: *Provided further*, That none of the funds appropriated under this head shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: *Provided further*, That none of these funds may be expended for purposes of resource conservation and recovery panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913), or for support to State, regional, local, and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009 (42 U.S.C. 6948, 6949): *Provided further*, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs.

PROGRAM AND RESEARCH OPERATIONS

For necessary expenses, not otherwise provided for, for personnel compensation and benefit costs and for travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; and for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; [$859,170,000] *$841,000,000*: *Provided*, That none of these funds may be expended for purposes of resource conservation and recovery panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913).

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $44,595,000, of which $16,278,000 shall be derived from the Hazardous Substance Superfund trust fund and $669,100 shall be derived from the Leaking Underground Storage Tank trust fund[: *Provided*, That not more than $37,400,000 of these funds shall be available for administrative expenses].

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment for facilities of, or use by, the Environmental Protection Agency, [$18,000,000] *$12,000,000*, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; [$1,416,100,000] *$1,496,400,000*, consisting of [$1,206,100,000] *$1,246,400,000* as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and [$210,000,000] *$250,000,000* as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508, plus sums recovered on behalf of the Hazardous Substance Superfund in excess of $251,954,000 during fiscal year 1994, with all of such funds to remain available until expended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed [$64,036,000] *$69,036,000* of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1994: *Provided further*, That no more than [$280,000,000] *$240,000,000* of these funds shall be available for administrative expenses of the Environmental Protection Agency: *Provided further*, That none of the funds appropriated in this Act may be made available for program management of Alternative Remedial Contracting Strategy (ARCS) contracts exceeding 11 percent of the total cost of such contract.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $75,379,000, to remain available until expended: *Provided*, That no more than $7,400,000 shall be available for administrative expenses.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $21,239,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided*, That not more than $7,650,000 of these funds shall be available for administrative expenses.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

[For necessary expenses for capitalization grants for State revolving funds to support water infrastructure financing, and to carry out the purposes of the Federal Water Pollution Control Act, as amended, and the Water Quality Act of 1987, $2,477,000,000, to remain available until expended, of which $500,000,000 shall not become available until March 31, 1994: *Provided*, That of the amount which becomes available on October 1, 1993, $1,817,000,000 shall be for making capitalization grants for State revolving funds; $25,000,000 shall be for making grants under section 104(b)(3) of the Federal Water Pollution Control Act, as amended; $100,000,000 shall be for making grants under section 319 of the Federal Water Pollution Control Act, as amended; and $35,000,000 shall be for section 510 of the Water Quality Act of 1987.]

For necessary expenses for capitalization grants for State revolving funds to support water infrastructure financing, and to carry out the purposes of the Federal Water Pollution Control Act, as amended, and the Water Quality Act of 1987, and other related wastewater activities, $2,500,000,000, to remain available until expended, of which $500,000,000 shall not become available until May 31, 1994: Provided, That of the amount which becomes available on October 1, 1993, $1,830,000,000 shall be for making capitalization grants for State revolving funds; $20,000,000 shall be for making grants under section 104(b)(3) of the Federal Water Pollution Control Act, as amended; $80,000,000 shall be for making grants under section 319 of the Federal Water Pollution Control Act, as amended; and $70,000,000 shall be for section 510 of the Water Quality Act of 1987.

ADMINISTRATIVE PROVISIONS

None of the funds provided for in this Act may be used within the Environmental Protection Agency during any period of fiscal year 1994 to classify or conduct any activities resulting from the classification of hops as a processed commodity for the purposes of administering regulations pursuant to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301–376) and the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136–136y).

None of the funds provided for in this Act may be used within the Environmental Protection Agency during any period of fiscal year 1994 to promulgate, carry out, or enforce regulations concerning a standard for radionuclides, including radon, in drinking water.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, [$4,200,000] *$4,700,000: Provided*, [That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it] *That the Office of Science and Technology Policy shall not employ more than six detailees.*

OFFICE OF NATIONAL SERVICE

For necessary expenses of the Office of National Service, in carrying out the purposes of the National and Community Service Act of 1990, as amended, $160,000: Provided, That the Office of National Service shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $292,000,000, to remain available until expended *and in addition, $400,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided, That the $400,000,000 contingency appropriation made available under this heading is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

Funds provided to this account are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $95,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses; [$164,239,000] *$160,409,000.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,350,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), [section 103 of the National Security Act (50 U.S.C. 404)] *section 107 of the National Security Act,* and Reorganization Plan No. 3 of 1978, [$212,960,000] *$215,000,000.*

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated $130,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended: *Provided*, That total administrative costs shall not exceed three and one-half per centum of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(TRANSFERS OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, $14,081,000 shall be transferred as needed to the "Salaries and expenses" appropriation for administrative costs of the insurance and flood plain management programs and $48,092,000 shall be transferred as needed to the "Emergency management planning and assistance" appropriation for flood plain management activities, including $4,720,000 for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4103, 4127), which amount shall be available until September 30, 1995. In fiscal year 1994, no funds in excess of (1) $32,000,000 for operating expenses, (2) $252,366,000 for agents' commissions and taxes, and (3) $3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

[ADMINISTRATIVE PROVISION]

ADMINISTRATIVE PROVISIONS

The Director of the Federal Emergency Management Agency shall promulgate through rulemaking a schedule of fees applicable to persons subject to the Federal Emergency Management Agency's radiological emergency preparedness regulations. The aggregate charges assessed pursuant to this section during fiscal year 1994 shall approximate, but not be less than, 100 per centum of the amounts anticipated by the Federal Emergency Management Agency to be obligated for its radiological emergency preparedness program for such fiscal year. The schedule of fees shall be fair and equitable, and shall reflect the full amount of direct and indirect costs incurred through the provision of regulatory services. Such fees will be assessed in a manner that reflects the use of agency resources for classes of regulated persons and the administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the general fund of the Treasury as offsetting receipts. Assessment and collection of such fees are only authorized during fiscal year 1994.

Notwithstanding any other provision of law, no funds provided in this Act or in any other Act for the Federal Emergency Management Agency may be used for the purposes of chauffeuring employees.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,074,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1994 shall not exceed $2,415,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1994 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $2,159,000: *Provided*, That notwithstanding any other provision of law, that Office may solicit, accept and deposit to this account, during fiscal year 1994, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials; may expend up to $1,100,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purposes to the extent authorized in subsequent appropriations Acts: *Provided further, That none of the funds provided under this heading may be made available for any other activities within the Department of Health and Human Services.*

[INTERAGENCY COUNCIL ON THE HOMELESS

[SALARIES AND EXPENSES

[For necessary expenses of the Interagency Council on the Homeless, not otherwise provided for, as authorized by title II of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311–11319), as amended, $910,000, to remain available until September 30, 1995: *Provided*, That the Council shall carry out its duties in the 10 standard Federal regions under section 203(a)(4) of such Act only through detail, on a non-reimbursable basis, of employees of the departments and agencies represented on the Council pursuant to section 202(a) of such Act.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; [$7,475,400,000] *$7,544,400,000*, to remain available until September 30, 1995[, including not to exceed $2,100,000,000 for space station, of which (1) not to exceed $172,000,000 shall be for space station operations/utilization capability development and (2) not to exceed $99,000,000 shall be for space station supporting development: *Provided*, That none of the funds in this Act may be used for space station NASA headquarters level one support service contracts]*: Provided, That of the funds provided under this heading, $1,946,000,000 is available only for the redesigned space station, of which (1) not to exceed $160,000,000 shall be for termination costs connected only with Space Station Freedom contracts, (2) not to exceed $172,000,000 shall be for space station operations and utilization capability development, (3) not to exceed $99,000,000 shall be for supporting development, and (4) not to exceed $800,000,000 shall be for all other nonhardware related costs: Provided further, That not more than $1,000,000,000 of the amounts made available under this heading for the redesigned space station may be obligated before January 31, 1994: Provided further, That none of the funds made available under this heading for the redesigned space station shall be used for any space station configuration with less user capability than that available for the Space Station Freedom as outlined by NASA in March, 1991 and confirmed in House Report 102–226: Provided further, That none of the funds made available under this heading for the space station program may be used to pay, or enter into contracts with, the Republic of Russia: Provided further, That of the funds made available under this heading, not to exceed $100,000,000 shall be available for activities to support cooperative space ventures between the United States and the Republic of Russia outlined in the joint agreement of September 2, 1993, of which (1) not to exceed $50,000,000 shall be only for space transportation capability development activities and (2) not to exceed $50,000,000 shall be only for space science activities other than life sciences: Provided further, That the funds made available in the immediately preceding proviso shall not be available until December 15, 1993: Provided further, That none of the funds made available under this heading may be used to pay or reimburse the Department of Defense for any expenses connected to any planetary exploration mission: Provided further, That none of the funds made available under this heading for the earth observing system data information system may be used to construct, or substantially amortize through payment or reimbursement the construction costs of, any facility of any Federal agency or any other non-Federal institution or agency.*

Of the amounts provided under this heading for the Consortium for International Earth Science Information Network in Public Law 102–389, $10,000,000 are rescinded.

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for, in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, lease, charter, maintenance and operation of mission and administrative aircraft; [$4,878,400,000] *$4,892,900,000*, to remain available until September 30, 1995.

CONSTRUCTION OF FACILITIES

(INCLUDING RESCISSION OF FUNDS)

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, [$512,700,000] *$550,300,000*, to remain available until September 30, 1996: *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this heading by this appropriations Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design: *Provided further*, That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriations Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further*, That the Administrator may authorize such facility lease or construction, if he determines, in consultation with the Committees on Appropriations, that deferral of such action until the enactment of the next appropriations Act would be inconsistent with the interest of the Nation in aeronautical and space activities*: Provided further, That, pursuant to Public Law 102–486, an amount equal to not more than 50 percent of all utility energy efficiency and water conservation cash rebates received by the National Aeronautics and Space Administration may be made available for additional energy efficiency and water conservation measures, including facility surveys.*

Of the amounts provided under this heading for the Consortium for International Earth Science Information Network in Public Law 102–389, $10,000,000 are rescinded.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses for personnel and related costs, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) and travel expenses, [$1,637,500,000] *$1,635,508,000*: *Provided*, That contracts may be entered into under this appropriation for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $15,391,000.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1994, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000:

Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 1994 shall not exceed $945,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; [$2,045,000,000] *$1,940,000,000*, to remain available until September 30, 1995: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally*: Provided further, That none of the funds made available under this heading may be used to acquire through lease, purchase or other means an arctic research vessel: Provided further, That none of the funds made available under this heading may be used to establish any new research centers in fiscal year 1994.*

[ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION]

ACADEMIC RESEARCH INFRASTRUCTURE

For necessary expenses in carrying out an academic research facilities and instrumentation program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, [$55,000,000] *$125,000,000*, to remain available until September 30, 1995.

UNITED STATES POLAR RESEARCH PROGRAMS

For necessary expenses in carrying out arctic and antarctic research and operational support and for reimbursement to other Federal agencies for operational and science support and other related activities for the United States Antarctic program and the Arctic research program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; improvement of environmental practices and enhancements of safety; services as authorized by 5 U.S.C. 3109; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; $158,100,000, to remain available until expended: *Provided*, That receipts for support services and materials provided for non-Federal activities may be credited to this appropriation*: Provided further, That none of the funds made available under this heading may be used to enter into a new charter or lease for the use of a research vessel not refurbished or modernized in a United States shipyard, or a newly constructed vessel not built in a United States shipyard.*

UNITED STATES ANTARCTIC LOGISTICAL SUPPORT ACTIVITIES

For necessary expenses in reimbursing Federal agencies for logistical and other related activities for the United States Antarctic program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); acquisition, maintenance, and operation of aircraft for research and operations support; improvement of environmental practices and enhancements of safety; $62,600,000, to remain available until expended: *Provided*, That receipts for support services and materials provided for non-Federal activities may be credited to this appropriation.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $569,600,000, to remain available until September 30, 1995: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

CRITICAL TECHNOLOGIES INSTITUTE

For necessary expenses for support of the Critical Technologies Institute as authorized by section 822 of the National Defense Authorization Act for Fiscal Year 1991, as amended (42 U.S.C. 6686), [$1,000,000] *$2,000,000*, to remain available until expended.

SALARIES AND EXPENSES

For necessary salaries and expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $6,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; [$120,800,000] *$115,500,000*: *Provided*, That contracts may be entered into under salaries and expenses in fiscal year 1994 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $3,997,000, to remain available until September 30, 1995.

[NATIONAL SCIENCE FOUNDATION HEADQUARTERS RELOCATION]

NATIONAL SCIENCE FOUNDATION HEADQUARTERS RELOCATION AND RELATED ACTIVITIES

For necessary support of the relocation of the National Science Foundation, $5,200,000[, to remain available until expended]*: Provided*, That these funds shall be used to reimburse the General Services Administration for services and related acquisitions in support of relocating the National Science Foundation, *including higher annual rental costs.*

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

For necessary expenses for the Corporation for National and Community Service in carrying out the programs, activities, and initiatives under the National and Community Service Act of 1990 (Public Law 103–), as amended ("the Act" herein), $391,000,000, to remain available until September 30, 1995: Provided, That not more than $25,000,000 is available for administrative expenses authorized under section 501(a)(4) of the Act, of which not more than $11,000,000 shall be for administrative expenses for State commissions pursuant to section 126(a) of subtitle C of title I of the Act: Provided further, That none of the funds made available under this heading shall be for subtitle E of title I of the Act: Provided further, That not more than $94,500,000 shall be for educational awards from the National Service Trust Fund as authorized under subtitle D of title I of the Act: Provided further, That not more than $4,725,000 of the $94,500,000 made available for the National Service Trust Fund shall be for educational awards authorized under section 129(b) of subtitle C of title I of the Act: Provided further, That not more than $5,000,000 is available for the Points of Light Foundation as authorized under title III of the Act: Provided further, That not more than $211,500,000 shall be for activities authorized under subtitle C of title I of the Act, of which (1) not more than $3,000,000 shall be for activities under section 129(a)(2), (2) not more than $3,000,000 shall be for activities under section 129(a)(3), (3) not more than $9,500,000 shall be for technical assistance activities under section 129(c), (4) not more than $10,000,000 shall be for disaster assistance under section 129(c), (5) not more than $25,000,000 shall be for assistance to Federal agencies under section 129(d)(2), (6) not more than $2,000,000 shall be for activities under section 129(d)(5), and (7) not more than $15,000,000 shall be for Summer of Service activities pursuant to section 122(a)(15): Provided further, That not more than $15,000,000 shall be for activities under subtitle H of title I of the Act.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), [$30,476,000] *$32,000,000*.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; [$5,000,000] *$25,000,000*: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1994 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

FEDERAL DEPOSIT INSURANCE CORPORATION

[SAVINGS ASSOCIATION INSURANCE FUND

[For payments of insurance losses, in fiscal year 1994, of the Savings Association Insurance Fund as authorized by Public Law 101–73, such sums as may be necessary.]

FSLIC RESOLUTION FUND

For payment of expenditures, in fiscal year 1994, of the FSLIC Resolution Fund, for which other funds available to the FSLIC Resolution Fund as authorized by Public Law 101–73 are insufficient, [$1,326,000,000] *$1,171,000,000*.

[FDIC AFFORDABLE HOUSING PROGRAM

[For the affordable housing program of the Federal Deposit Insurance Corporation under section 40 of the Federal Deposit Insurance Act (12 U.S.C. 1831q), $7,000,000 to pay for any losses resulting from the sale of properties under the program, and for all administrative and holding costs associated with operating the program.

[Notwithstanding any provisions of section 40 of the Federal Deposit Insurance Act or any other provision of law, the Federal Deposit Insurance Corporation shall be deemed in compliance with such section if, in its sole discretion, the Corporation at any time modifies, amends or waives any provisions of such section in order to maximize the efficient use of the available appropriated funds. The Corporation shall not be subject to suit for its failure to comply with the requirements of this provision or section 40 of the Federal Deposit Insurance Act.]

RESOLUTION TRUST CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$34,046,000] *$34,582,000*.

TITLE V

GENERAL PROVISIONS

SECTION 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the [maximum rate paid for GS–18] *rate paid for Level IV of the Executive Schedule*, unless specifically authorized by law.

SEC. 509. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to any part of the appropriations contained in this Act for Offices of Inspector General personnel compensation and benefits.

SEC. 510. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 511. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 512. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 513. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 514. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 515. Such sums as may be necessary for fiscal year 1994 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 516. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000, unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 517. (a) The Resolution Trust Corporation ("Corporation") shall report to the Congress at least once a month on the status of the review required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act and the actions taken with respect to the agreements described in such section. The report shall describe, for each such agreement, the review that has been conducted and the action that has been taken, if any, to rescind or to restructure, modify, or renegotiate the agreement. In describing the action taken, the Corporation is not required to provide detailed information regarding an ongoing investigation or negotiation. The Corporation shall exercise any and all legal rights to restructure, modify, renegotiate or rescind such agreement, notwithstanding any other provision of law, where the savings would be realized.

(b) To expend any appropriated funds for the purpose of restructuring, modifying, or renegotiating the agreements described in subsection (a), the Corporation shall certify to the Congress, for each such agreement, the following:

(1) the Corporation has completed its review of the agreement, as required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act;

(2)(A) at the time of certification, in the opinion of the Corporation and based upon the information available to it, there is insufficient evidence or other indication of fraud, misrepresentation, failure to disclose a material fact, failure to perform under the terms of the agreement, improprieties in the bidding process, failure to comply with any law, rule or regulation regarding the validity of the agreement, or any other legal basis sufficient for the rescission of the agreement; or

(B) at the time of certification, the Corporation finds that there may be sufficient evidence to provide a legal basis for the rescission of the assistance agreement, but the Corporation determines that it may be in the best interest of the Government to restructure, modify or renegotiate the assistance agreement; and

(3) the Corporation has or will promptly exercise any and all legal rights to modify, renegotiate, or restructure the agreement where savings would be realized by such actions.

[SEC. 518. COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended in violation of sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act"), which are applicable to those funds.]

This Act may be cited as the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994.

Ms. MIKULSKI. Madam President, I am pleased to present to the Senate the recommendations of the Appropriations Committee for the VA, HUD, and Independent Agencies bill for fiscal 1994.

This year has been the toughest year I have had as the chairperson of this great subcommittee to craft our annual appropriations bill.

First, our full committee had to face the severe discretionary spending caps imposed by the Budget Reconciliation Act. These restrictions meant virtually no growth over last year for discretionary spending. Many people do not realize this subcommittee has jurisdiction over 25 different Federal agencies, ranging from Arlington Cemetery and the President's Scientific Adviser, to the great agencies like VA, HUD, the Environmental Protection Agency, FEMA, and the National Science Foundation. So we have many, many demands on us, including the President's new National Service Program.

The other challenge that we faced was that the VA-HUD Subcommittee had a 602(b) allocation, meaning the only pot that we could spend from, was $1.3 billion in budget authority and $900 million in outlays less than what was requested in the President's budget. As a result, the VA-HUD bill will grow by just 2 percent over last year.

Though we had skimpy resources, it did not deter my colleagues from seeking a large number of projects, many of which were worthwhile, and a great many of which were not authorized. This year we received almost 1,100 requests from Senators with a dollar value of $79 billion, $10 billion more than the subcommittee's entire 602(b) allocation. In order to meet the demands upon the committee, our criteria was whether it was authorized and whether there was a compelling need. We considered which activities we had to do, what we should do, and what we would like to do. We never got to the "what we would like to do." We did get to many of the "should do's," and we did fund all the "must do's." We categorized activities in those three ways.

The imbalance between the President's budget request and our allocation forced us to cut funds for a number of the administration's investment proposals. Reluctantly we could not fund the Community Investment Program, or the Community Development Bank Program. I know the Presiding Officer is a member of the Banking, Housing, and Urban Affairs Committee. We know how important community banks are. We will have to wait until it is both authorized and appropriated next year.

In addition, because of the concerns raised by certain authorizing committees in the House that we were too frequently legislating on appropriations in the past, the House and Senate VA-HUD Subcommittees agreed not to include funds for unauthorized site-specific projects in our bill, nor have we included any report language in support of unauthorized projects. We did that to enforce discipline on the process. As a result, the bill recommended by this Appropriations Committee is a clean bill because it contains only authorized projects, and I intend to work to keep it that way.

Let me briefly highlight what is in the bill. First, this bill provides $36.4 billion for America's veterans. This includes the President's full request for VA medical care of $15.6 billion. That is $1 billion over the 1993 level.

What is this buying? It buys health care, it makes sure the veterans' claims officers are fit for duty, and we also put in $252 million for VA research to ensure that VA can continue to produce outstanding work in areas like prosthetics, heart disease, and kidney failure. This research will lead to better patient care in the VA and nationwide.

Also in our VA medical budget we asked VA to recognize the special needs of women veterans, both the aging population from World War II—those wonderful women who served at China Beach—and in Vietnam, and in other areas, and of course the women returning from Desert Storm who seem to have developed a unique set of health issues. We provided a small increase in general operating expenses at VA. This will be used to reduce the claims backlog which is projected to grow substantially by the end of 1994. It is absolutely unacceptable that vets might have to wait 200 days or more to find out if their claim is to be accepted for disability. When they stood in line to serve our country they did not wait 200 days to be called. They should not wait 200 days for a return phone call. No veteran should be put on hold when he or she wants an answer to their pension or disability claims request.

Let me go on to housing. The bill recommends $25 billion in the HUD budget including our recommendation for $4.4 billion for community development block grant money. Those are the funds that go to communities where they can decide how those funds can generate jobs and meet the compelling needs of that community. Nearly $1.6 billion is for elderly and disabled housing and almost $1.3 billion goes for the innovative HOME project, $800 million to tackle the troubled FHA multifamily housing project, $800 million to tackle severely distressed public housing projects, and more than $725 million for homeless programs.

We are also recommending $265 million for HUD's drug elimination grants to continue the fight to get drugs out of America's public housing. I do not know if we will get a crime bill this year, but I want to make sure that our communities have the money to tackle crime in public housing.

Public housing should be an opportunity to a better life. It should not be an incubator for small business drug dealers, and we are going to do our best to get it out.

In the area of the environment, we maintain a strong commitment to protecting our natural resources. This bill recommends $6.7 billion for the Environmental Protection Agency, and I hope soon we can call it the Department of the Environment. It includes the President's full request for Superfund in order to clean up those hundreds of hazardous and toxic waste sites nationwide.

It also provides $2.5 billion for water pollution cleanup infrastructure. That will generate jobs today and the actual construction of infrastructure, and also clean up water pollution, a win-win for our country. These funds provide for both sewage treatment plant construction and local drinking water systems. Our recommendations for drinking water are fully consistent with the plan that EPA Administrator Browner announced recently. The money we provided, however, would not be available until the program is authorized.

For science, the committee has asked for a $250 million increase for the National Science Foundation and has provided nearly $3 billion for the National Science Foundation in 1994. That is an increase of over 9 percent from 1993. We have paid special attention to the needs of science education and research infrastructure in allocating these extra funds.

To implement the President's national service initiative, the committee has included over $300 million. This is fully consistent with the authorization bill that the President will sign into law tomorrow. It allows a program to provide 20,000 national service slots, full or part time, for fiscal year 1994. This will mean a rung in the opportunity ladder for 20,000 young people who want to earn a voucher to reduce their student debt and yet work with our communities to reduce our social deficit in key priorities related to health, education, and public safety.

When we fashioned this new initiative, we did not want a large bureaucracy that would bloat, bloat, bloat itself up. We agreed, as we worked on this authorizing—and I made a special promise to the ranking minority member, Senator NANCY KASSEBAUM—we would keep a close eye on the administrative costs and, sure enough, they came in asking for $40 million for administration. But we said, "No; we think you can do it in that first fiscal year for $25 million," and that is what we appropriated for administrative expenses.

Of that $25 million, $14 million will go for headquarters, but $11 million will go to the States to set up the national service initiatives. We want the resources in the States, helping kids and reducing the social deficit, not empire building in Washington.

On to FEMA. We are providing $1.2 billion for that agency. It has done an outstanding job in the first 8 months of this Clinton administration. Whether in the snows of the Northeast, the floods of the Midwest, or the storms of the Outer Banks, FEMA has been ready for prime time, and we want to back them with the resources they need for readiness, response, and recovery.

Our bill includes $700 million for disaster relief funds; $400 million are in a contingency fund. That way, if another major disaster strikes, FEMA will not have to wait for a supplemental appropriation. FEMA can respond quickly.

We also provided $130 million for the popular emergency food and shelter program to assist the homeless.

For the space program, we are recommending $14.6 billion, a $300 million increase over last year. This bill includes nearly $2 billion requested by the administration for space station development. The space station is a subject of controversy. It deserves full debate in the Senate. I know our colleague, the Senator from Arkansas [Mr. BUMPERS], will offer an amendment. I am going to save my remarks on the space station for that debate, and we can focus national attention and come to a national decision on that.

So I will postpone my remarks on that until then. But I want my colleagues to know now that I continue to support a U.S.-led international space station with American core hardware components. The administration, working at the direction of the Vice President, supports that position as well.

The President's redesign of the space station has made substantial progress in reducing the station's total cost. While the redesigned process gets finalized, the committee is fencing off about half of the money that we are providing for the station until the end of January so we are sure we know what we are buying.

Finally, the issue of the Selective Service Commission. This bill includes $25 million for the Selective Service Commission to continue its registration and readiness activities. While the House called for its termination, this committee believes this very important issue should not be decided through appropriations. Rather, it should be made by Congress after a recommendation by the President's National Security Council, the Secretary of Defense, and with the advice of the authorizing committee.

In closing, I know that because we are not doing unauthorized projects this year, many are disappointed their requests were not included, but our policy was provided uniformly and without exception. On balance, I believe the bill is fair and balanced, and tough choices were made that will help us meet our economic responsibilities as well as our social ones.

At the same time, we hope that this bill will get America ready for the future in its technology advances. I urge my colleagues to join me in supporting this bill and I look forward to ample discussion on any elements of the bill.

I would also like to thank my ranking minority member, Senator PHIL GRAMM, of Texas. This is his first year as ranking minority member, but he and his very able staff have been full partners in the formulation of this bill. I would like to thank him for his participation, his cooperation, and the bipartisan civility in which we have been able to fashion this bill. I think it is a model for many to follow.

I also would like to thank my own staff for all the time and effort they put into bringing a bill to the floor which we are, indeed, quite proud of.

Madam President, I now yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I am very happy to be here today with my dear colleague and friend, the chairman of this Appropriations subcommittee, Senator BARBARA MIKULSKI. I have known BARBARA MIKULSKI for many years. I served with her on the Energy and Commerce Committee in the House, and I have always found her a very thoughtful person who brings to her tasks the kind of detailed effort that you would expect from someone who has served on a city council and who, even though we are dealing with billions of dollars and thousands of programs, projects and activities, takes very seriously what we do and tries to look at every proposal and each idea. I think that when the appropriations process was established, those who conceived that process had exactly somebody like BARBARA MIKULSKI in mind.

We have written a very difficult bill because we have a tight budget. There are a couple of areas that I would like to talk briefly about. I would like to first talk about the Veterans' Administration. I am proud of the fact that we, in a tight budget, have remembered those who sacrificed to preserve the Nation's life and freedom.

I am very concerned, Madam President, that we do not know what the President's health care reform is going to do to the VA. We know that veterans are going to have access to the general medical care system; that they are going to preserve their ability to use the VA system. What kind of choices they are going to make, and how that is going to affect the VA medical system, I do not think anybody has any idea.

And as we begin the debate on health care, obviously this Appropriations subcommittee is going to watch very closely what is happening to the VA, because it is a very big item in this budget. It is a very serious responsibility that we have on behalf of those who have sacrificed for the country.

So in trying to write a VA health appropriations bill, we were dealing in an area of great uncertainty. And until we see the President's program, until we have an opportunity to hold hearings, and in truth, Madam President, until we see the health care reforms that are actually adopted and see them implemented, we are going to be, to some extent, making estimates based on very little information as to the long-term effect on the VA.

I have very real concerns about how the VA is going to be affected. I do not think anybody knows what veterans are going to do when they have access to health care in their local communities as opposed to going some distance to a VA hospital. I think it is going to force the VA to compete. I think that is going to be a good thing. I think the quality of care can grow. But in terms of the final solution as to whether people are going to want to go into the mainstream medical care or use the VA system, I think that is something on which we are just going to have to wait and see.

But in any case, we have a strong budget. We have a budget which continues to try to modernize the VA and gives the VA the maximum opportunity to provide services to our veterans.

I am pleased with our appropriations for the National Science Foundation. No society in history has ever benefited more from science and technology than the United States of America. We have the highest living standards in the world because we have an economic system that allows ordinary people like us to do extraordinary things and because we have a scientific base that no other nation in history has ever had. Because we have been at the leading edge of technology in this country for half a century, we have developed most of the world's new technologies, and we have been clearly the largest beneficiary of the growth in science and technology. I am proud of the fact that even in a tight budget we have found a way to increase funding for the National Science Foundation.

There are many other areas in this budget, and I think we have done a good job in those areas in setting priorities, but I wish to conclude by talking about the space program.

Probably the most difficult part in writing this bill has been the tremendous change which has occurred in America's space program. We have had a total reengineering, at least in terms of a downscaling, streamlining of the space station. We have brought on board a major partner in bringing Russia into the space station project.

The Russians have reassessed their decision to build MIR II. I think it would have made absolutely no sense for the Russians to continue an independent space station program when the possibility of a joint effort became real. I think bringing the Russians in as a partner is a good thing for them and a good thing for us. I know there will be debate, perhaps in this Chamber this year, by those who will say, well, by having the Russians involved, it is going to affect our ability to use the space program as a jobs program.

But quite frankly, Madam President, I do not see it that way. I think by having the Russians do more, we can do more. By using their know-how, their technology, their expertise, we can have a better space station that will yield a higher rate of return to American taxpayers and that will yield greater science and technology from which our economy will benefit.

So I think it is a major step forward. Obviously, we are trying to find our way. The agreement that was signed by the Vice President came into effect after we were well underway with our bill.

I guess what I am saying is that we have had tremendous changes, and what we have really written is a bridge appropriation to take us from the space program of the past to what is going to be the space program of the future. There are several areas where we do have changes underway, and we have provided funding and have asked NASA to provide us with a detailed statement as to what they need in various areas to complete their ongoing program. We want NASA to assess what all these changes mean, giving us the ability to go back and reprogram and try to ensure that the money we are spending is aimed at what we are going to be doing in the future, not what we have done in the past.

Quite frankly, Madam President, under the leadership of Senator MIKULSKI, I think we have done a relatively good job. I know that we are going to have an amendment in this Chamber about the space station, and we are going to have plenty of time to debate it, but I would just like, in closing, to say a few things about that debate and I would ask people to consider these comments.

First of all, the space station opponents are not going to propose an amendment to terminate the space station and use the savings to lower spending in the Federal budget. If they terminate the space station, what they will be doing is not lowering the deficit but freeing up money for another use.

I should like our colleagues to look at the investment we are trying to make in the next generation. I know that some always find it tempting to look at programs with big constituencies, programs that could yield a rate of return in the next election and to fund them to the exclusion of programs that are going to yield a big return in the next generation.

This is not the same space station we funded last year. This is a space station which has been, in dollar terms, dramatically reduced. I believe we have gone to a space station which is smaller, which is not going to cost as much money, but which I believe can work. I think it was a delicate balance.

Both Chairman MIKULSKI and I were opposed to what I call a man in a can in space. I did not want to build a space station just to say we were doing it. Unless we were going to have a real, viable space station which was aimed at not only giving us the steppingstone for future exploration but giving us a research lab for science, I did not want to build it.

So we have put together a balanced program that is cheaper but still meets our objectives.

I know we will have an amendment to terminate the space station. I remind my colleagues that that amendment will not lower the spending caps, will not reduce the deficit, so it is a matter of priorities. And I think if you look at this bill, if you look at the level of funding, you will see something about which we ought to be concerned.

I believe we ought to be concerned about the explosive growth of Government spending, but I think it is very instructive to look back just about 25 years in a period when Government spending has exploded and look at what we have spent on science and technology. About 25 years ago, as a percentage of the Federal spending on nondefense R&D, for investment that we made in pure science and technology to give us a technological base to build on, we were spending 5 percent of the Federal budget on science and technology and investment in the future. That is down now to below 2 percent of the budget.

So in a period of time when we have had an explosion in Government spending, I think it is instructive to see that as a percentage of the budget we are spending far less than half on science and technology research than we spent 25 years ago.

I believe the level of science and technology expenditures in the budget could be justified if we were spending half again as much money as we are spending.

So as we enter this debate, I think it is very important that people realize that (a) the proposal will not lower the spending caps, will not reduce the deficit—if it were adopted, it would free resources for other spending—and (b), in terms of what we are now spending on science and technology, we are not spending as a percentage of the budget half of what we were 25 years ago.

So this is a good appropriation. I am proud to have played a small part in it. I think our chairman, BARBARA MIKULSKI, is due the lion's share of the credit. I look forward to working with her, first in trying to defend the bill which I think is a good bill; second, trying to see as we go to conference that we preserve basically what we have tried to put together.

Finally, I want to congratulate Chairman MIKULSKI for not earmarking projects. One of the things that we all get caught up in in this business is that part of our charge is to represent our States. In many ways we have two jobs, one the job of being a U.S. Senator, and trying to represent the interests of the country as a whole and the people as a whole, and the other charge is trying to represent our individual States.

As I am fond of saying, if the Congress had a vote on whether to build a cheese factory on the moon, I would oppose it based on what I know now, and I cannot imagine the circumstance under which I would support it. But on the other hand, if Congress in its lack of wisdom decided to start a cheese factory on the Moon, I would want a Texas firm to do the engineering, I would want a Texas construction firm to do the construction, I would want the milk to come from Texas cows, and I would want the celestial distribution center to be in Dallas, TX, or College Station, TX, or somewhere else in my State.

But what I think is the beauty of this bill is that we limited all earmarks. We are providing funds for a broad purpose where to the maximum extent possible we allow merit selection to distribute funds so that no Member of the Senate had to feel that since some other State had earmarking of funds that it was a process that we all had to get involved in.

My guess is that many of our colleagues are not happy about it. And I am not positive that we will be able in the long run to sustain this position. But I think it is a very good position. I again want to congratulate our chairman for her leadership in making this happen. It would suit me just fine if we stayed with this procedure from now on.

But in any case, I think this is a good bill. I commend it to my colleagues. I hope as amendments are offered that our colleagues will look at what we have tried to do, a bill that we have written within the budget that Congress adopted trying to set priorities. I think as they look at it that they are going to see that this is a good strong effort and an effort that is deserving of the support of the majority of the Members of the U.S. Senate.

I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the ranking minority for his kind words.

Mr. President, I now ask unanimous consent that the committee amendments with the exception of those on page 69, lines 17 through line 4 on page 71, plus page 42, those amendments on page 42, lines 16 through 24, be agreed to en bloc and the bill as thus amended be regarded for the purpose of amendment as the original text provided that no point of order under rule XVI has been considered to have been waived if this request is agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The committee amendments were agreed to en bloc except committee amendment on page 69, lines 17 through line 4 on page 71, and committee amendment on page 42, lines 16 through line 24.)

PRIVILEGE OF THE FLOOR

Ms. MIKULSKI. Mr. President, I ask unanimous consent that LaShawnda Leftwich be given unlimited floor privileges during the consideration of H.R. 2491, this VA appropriation bill and during subsequent consideration of the conference reporting of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NOS. 903 AND 904

Ms. MIKULSKI. Mr. President, I send three amendments to the desk and ask unanimous consent that they be considered and agreed to en bloc, and that the motions to reconsider the votes be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I believe one of those amendments has two together. Does the Parliamentarian regard those as two or three amendments?

The PRESIDING OFFICER. The Chair will consider these as two amendments.

Ms. MIKULSKI. Therefore, Mr. President, I refine my remarks to say that I send two amendments to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. These two amendments are technical in nature. They conform the bill and report a number of areas that have drafting mistakes. They have no effect on the bill's overall cost, and I ask that they be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 903 and 904) were considered and agreed to as follows:

AMENDMENT NO. 903

(Purpose: To make technical and conforming corrections in HUD assisted housing funding; and specifying extended availability of amounts transferred to the National Service Trust Fund for educational awards)

On page 21, line 3, strike "$242,680,000" and insert "$242,000,000".

On page 22, line 18, strike "$872,239,000" and insert "$873,139,000".

On page 25, line 2, strike "$15,855,000" and insert "$22,000,000".

On page 69, line 24, insert after "September 30, 1995": ", *except as provided hereafter*".

On page 70, strike the proviso which on line 5 through the colon on line 8 and insert in lieu thereof: "*Provided further*, That not more than $94,500,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust Fund for educational awards as authorized under subtitle D of title I of the Act:".

AMENDMENT NO. 904

(Purpose: To continue necessary functions of the Council on Environmental Quality)

On page 52, after line 17, insert the following new paragraph:

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, up to $375,000, to be derived by transfer from amounts made available by this Act under the heading "Environmental Protection Agency, Program and research operations".

Ms. MIKULSKI. Thank you very much, Mr. President.

We know that there are two Senators who wish to offer amendments. We really encourage them to come to the floor.

The senior Senator from Illinois [Mr. SIMON], has an amendment on asbestos in schools which we are anxious to debate and dispose of, and the Senator from Arkansas has an amendment on the space station which we are quite anxious to take up this evening. We are prepared for unlimited debate on the space station.

Having encouraged them to come to offer their amendments, I now note, Mr. President, the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I have a letter to me from the President and a letter to me from the Vice President outlining strong support for NASA, and strong support for the space station. I think these are very strong letters. I think they are letters that contain convincing evidence in support of the space station. And in case we do not vote on this until tomorrow, I thought it would be instructive to our colleagues to have both of these letters in the RECORD. I would like them printed in the RECORD. I ask unanimous consent that they be so printed.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, September 20, 1993.

Hon. PHIL GRAMM,
Ranking Member, Subcommittee on VA, HUD, and Independent Agencies, U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: I wanted to convey to you my strong support for NASA's space station program as an important science and technology investment for the United States, and as a symbol of peaceful international cooperation.

At a time when the long-term economic strength of the United States depends on our technological leadership, we must invest in technology but invest wisely, making the best use of every dollar. Earlier this year, I directed NASA to redesign the Space Station Freedom program to significantly reduce costs while preserving its critical science and space research capabilities and honoring our international commitments. This initiative includes redesigning NASA itself to improve performance, streamline the bureaucracy, and reduce management costs. As a result, the redesigned space station program—

Space Station Alpha—will save more than $4 billion over the next five years and $18 billion over the two-decade life of the program compared with the costs of funding the previous Space Station Freedom program.

Since its inception, the space station program has represented an important international partnership between the United States, Canada, Europe, and Japan. We now have an historic opportunity to include Russia in this endeavor, thereby achieving an important step in putting the Cold War behind us, and adding a positive new dimension to the development of an international space station. Our cooperation with Russia in space is the leading edge of the new relationship that President Yeltsin and I began in Vancouver—a partnership where both countries can win from working together on projects that will shape the future.

There is no doubt that we are facing difficult budget decisions. However, we can not retreat from our obligation to invest in the future. I believe strongly that NASA and the space station program represent important investments in that future, and that these investments will yield benefits in medical research, biotechnology, advanced materials processing, and other critical technology areas that will create new jobs and improve the quality of life here on earth. It is an investment in tens of thousands of good, high-paying U.S. jobs, an investment in maintaining the strong technology base essential to the economic and national security of this nation, and an opportunity to invest in peaceful international cooperation.

I strongly urge the support of the Congress for this important program.

Sincerely,

BILL CLINTON.

THE VICE PRESIDENT,
Washington, September 20, 1993.

Hon. PHIL GRAMM,
Ranking Member, Subcommittee on VA, HUD, and Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR PHIL: As the Senate prepares to consider the NASA Appropriations bill for Fiscal Year 1994, I would like to express my strong support for NASA's space station program and for the historic opportunity it represents for international cooperation in space.

The redesigned space station—referred to as Space Station Alpha—results from NASA's intensive review and redesign conducted over the last six months with the help of other government agencies and overseen by a panel of outside experts. Alpha is a streamlined version of the original Space Station Freedom. It incorporates scientific facilities and capabilities comparable to or better than Space Station Freedom but will cost significantly less to build and operate.

The space station program offers an unprecedented opportunity to achieve peaceful international cooperation in space. In accordance with longstanding international agreements, the space station will be built and operated as an international partnership among the United States, Japan, Europe, and Canada. Now, with the recent Joint Statement on Cooperation in Space between the United States and Russia, planning has begun to include Russia in the space station as well. Russian participation in this international program offers the potential of reducing the space station's costs and increasing its capabilities.

Russian Prime Minister Chernomyrdin and I, under the auspices of the joint commission that we chair, have directed NASA and the Russian Space Agency to continue studying ways to incorporate Russia's space capabilities into the station for the mutual benefit of our countries and our international partners. It is our goal that the space agencies of the United States, Canada, Japan, Europe, and Russia work together to produce a more detailed plan by November of this year for Russia's participation in the international space station.

It is important to realize that this initiative on space cooperation fits into the context of a much larger partnership with Russia, a relationship that will define the post-Cold War era. Our negotiations in preparation for the first Gore-Chernomyrdin Commission meeting in early September also produced a key understanding that Russia is committed to adhere to the guidelines of the Missile Technology Control Regime (MTCR), one of the most important international regimes for the nonproliferation of weapons technology. This MTCR commitment is a strong signal that Russia is prepared to be a consistent and responsible partner, one we can work with over the long term.

The President and I are committed to the Space Station Alpha program as a national science and technology priority. We are also enthusiastic about the opportunities that we see emerging in our program of space cooperation with Russia. We hope that you will join us in fully supporting these efforts.

Sincerely,

AL GORE.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator may proceed.

IMMIGRATION

Mr. REID. Mr. President, a few years ago it would have been unlikely that the subject of immigration would have come up around the family dinner table. But today, along with such matters as the economy, health care, and crime, immigration has become one of the most serious domestic issues in the minds of the American public, perhaps because immigration has had such enormous impact in all other domestic issues. It does not matter where you go today—any townhall meeting, any gathering of high school students, at a college class—immigration is one of the topics that is raised very quickly.

The issue of immigration is something that was not around just a few years ago with such intensity.

I know that many of my colleagues in the Senate and the House have had the same experiences I have had.

When I speak about immigration being a subject of concern, I am not talking about to this Senator. I think I can talk for the House and the Senate.

Earlier this summer, the Republican leader, Senator DOLE, convened a policy breakfast for Republican Senators on the subject of immigration because, in his words, wherever he travels around the country, he is confronted with concern about the direction of the policy of immigration as it relates to the United States.

It is clear that there is growing public dissatisfaction with our Nation's immigration policies. The American people are demanding reforms that will restore order to an immigration system they perceive to be out of control.

And these are not racist people who are raising this issue. Everybody in this country—of course, except for the native Americans—is of immigrant stock. My father-in-law was born in Russia; my grandmother in England. If we understand our own family backgrounds, we understand the immigrant struggle. The continual flow of new people into our country is one of its strengths.

But why, Mr. President, are the American people concerned? Why are they concerned about the present state of immigration laws? Here is why:

The most recent studies show that the net costs of legal and illegal immigration to all levels of Government will be $45 billion over the next decade. And this figure takes into account the taxes paid by these immigrants.

According to the Attorney General, 26 percent of Federal prisoners are noncitizens, at a cost of $30,000 per inmate per year.

When I first heard that figure, I thought there was a mistake, Mr. President—26 percent of the people that are in our Federal institutions are noncitizens. But the fact is, that figure was not something that I heard wrong; the fact is that it is true.

The amount that it costs us to incarcerate, care for, and keep those people from the public is the same as for someone that is a citizen—$30,000 a year.

In 1982, 128,000 immigrants received Social Security benefits. In 1992, 10 years later, the number has jumped to over 600,000. Mr. President, that is an increase of almost 400 percent.

In 1986, we granted amnesty—and I voted against that provision in law—we granted amnesty to 3.2 million illegal immigrants. After being in this country for 10 years, the average amnesty recipient had a sixth-grade education, earned less than $6 an hour, and presently qualifies for the earned-income tax credit.

Last year alone, the Immigration and Naturalization Service estimated 3.5 million illegal border crossings occurred. Of course, INS apprehended only 1 million. These aliens came from 52 different countries but, of course, most of them, Mr. President, came from Mexico.

The INS currently employs 3,800 Border Patrol agents. Keep in mind the job that these people have—3,800 Border Patrol agents. Last year, the United States had over 500 million entries. Thirty-eight hundred people cannot control 500 million. This does not take into consideration much of the other paperwork that the agents have to deal with.

INS has only 6,200 beds available for detaining 252,000 asylum applicants, and those awaiting deportation.

In 1993, in Los Angeles County, at Los Angeles County Hospital, one of the largest hospitals in the country, 67 percent of the births were to illegal alien mothers.

The State of California needs to build a school a day to keep up with the incoming immigrant children—a school a day.

According to a recent study out of Dartmouth, for every seven immigrants who enter the job market, one blue-collar American worker loses a job.

The INS routinely issues work authorization without regard to the number of jobs the economy is creating.

The top five States receiving immigrants—California, Florida, Texas, New York, and Illinois—have higher unemployment rates than the national average. It is no wonder.

In certain professions—for example, engineering—we have a surplus of labor in this country. However, the Labor Department allows American companies to bring in foreign engineers.

In 1990, we took in about three times as much legal immigration—not talking about illegal—legal immigration as Australia, Canada, France, and Great Britain combined.

All polls show Americans want lower levels of immigration and want the borders secured. This includes a majority of Latinos, 65 percent of whom believe there are too many immigrants.

The American people, Mr. President, are upset, and I think they have a right to be upset. But they are upset for a reason. Our immigration policies, regulating all aspects of entry to the United States, have simply ceased to function in the national interest. "Immigration policy" and "national interest" are terms that are rarely heard in the context of immigration. We seem to have lost sight of the fact that it is a public policy and, like all public policies, our immigration policies should serve the public interest. But they do not.

Let us talk about legal immigration. We now admit the equivalent of a major city each year, without having the vaguest idea of how we will educate all the new children, care for the sick, provide housing, jobs, build infrastructure, or attend to any of the human needs of the newcomers or those already here.

Mr. President, each year, we admit—I repeat—the equivalent of a major city. We admit more people each year than make up some of our States. We admit a new State with legal immigrants every year.

At a time of huge budget deficits and severe financial constraints, we have no idea of how these huge costs will be borne. We just do it.

We admit the equivalent of a major city without any assessment of whether these newcomers are likely to be contributing members of our society. Only a tiny fraction of those admitted each year enter because they have skills and abilities that will benefit our country. The rest come merely because they happen to be relatives of other recent immigrants. The result of this so-called policy is that there is now a backlog of almost 3½ million people—the population of a city the size of Los Angeles—who have a claim to immigrate to the United States for no other reason than they are somebody's relative. Is this really a way to run immigration policy?

Earlier this year, Congress engaged in a bitter and protracted debate about the President's job stimulus program, something this Senator supported. While there was a great deal of controversy about how best to put millions of unemployed Americans back to work, no one on either side of the aisle disputed the need to create more jobs in this country.

I did not say "put people back to work" because some of the programs we are working on are designed to give people a job for the first time. Yet, not once during the course of that debate during 1992—and I listened to most of it—did we ever stop to consider that our Government was granting more work authorizations to foreign workers than the net number of new jobs created by our economy and certainly the job stimulus program would not have kept up with the new immigrants. Can anyone fathom a logic behind this policy? I have thought about it a lot and I cannot determine the logic.

Because a relative-based immigrant system is inherently unfair, Congress has been forced to adopt even more absurd measures to deal with the demands of people who do not have relatives here. Can it be any wonder that the American people think our immigration policies are a joke when we select 40,000 new immigrants a year by lottery? Can anyone honestly tell me it is sound and rational to make public policy based on the roll of a die or the flip of a coin? Heads we admit you, tails you stay home.

But the absurdity does not stop with our legal immigration policy. When it comes to enforcing laws against illegal immigration, we have a system that will make you recoil in disbelief. We now have a permanent illegal alien population of 4 million people—we think. We think that is all it is. That is more than 2 times larger than the State I represent, the State of Nevada—4 million people. The illegal alien population is growing by more than a quarter of a million people a year, we think, with the best statistics we have. Yet we are doing almost nothing to encourage these people to go home or even to deter them from coming here in the first place. In many parts of the country we actually make it easy to be an illegal alien.

Listen to this. New York City, always on the brink of financial insolvency, guarantees—that is right, guarantees—that every illegal alien who lives within the five boroughs can have the same access to every public service and benefit that an American citizen has access to. California, also teetering on the brink of bankruptcy, will spend $1 billion this year to provide health care to illegal aliens. We already talked about the schools necessary to be constructed. Not just emergency health care does Califronia provide. We can all understand providing emergency care. But routine care and elective care is something they get in California.

It is not just California. The public hospitals in Texas have become the equivalent of the family doctor for thousands of people who live on the other side of the border in Mexico.

In 48 of 50 States, illegal aliens can get a driver's license, the de facto ID document in this country, without having to prove that they are legally in this country in the first place. If you think this is no big deal, think again. Mohammed Salameh, an illegal alien and the alleged driver of the bomb-laden truck that blew up the World Trade Center, happened to live in New Jersey—illegally, of course—one of the two States that actually bothers to require proof of legal residence.

So he crossed the Hudson River and got himself a driver's license in New York—very simple. He was not a legal resident of the United States. He was not a resident of New York legally or New Jersey or any State. But the State of New York handed him that vital document needed to live and work, not to mention rent a truck that he could place explosives on, with no questions asked and no proof required. And we wonder in this country why we have an illegal immigration problem.

If making it easy to be an illegal alien is not enough, how about offering a reward for being an illegal immigrant? No sane country would do that, right? Guess again. If you break our laws by entering this country without permission and give birth to a child, we reward that child with U.S. citizenship and guarantee full access to all public and social services this society provides. And that is a lot of services. Is it any wonder that two-thirds of the babies born at taxpayer expense in county-run hospitals in Los Angeles are born to illegal alien mothers?

Just when the American people think nothing can be more absurd than the way we deal—or rather do not deal—with illegal immigration, they discover we have a political asylum system that would qualify us for Senator Proxmire's Golden Fleece Award 1,000 times over. I do not know why he did not make this award; he should have. Last year more than 100,000 people showed up in this country, landing at our airports, washing up on our shores in leaky boats, crossing our borders illegally, overstaying their visas, saying two magic words, "political asylum," and virtually assuring themselves of being allowed into the United States forever.

Anyone, no matter how specious the claim, can utter those words and usually within a matter of hours be released on their own recognizance onto the streets of our country with a promise that they will show up for a hearing 18 months later. Can anyone really say they are surprised that the vast majority of asylum applicants never ever show up for these hearings?

I wish the statements I have been making were some kind of a nightmare or dream, an aberration. But they are true. But they do not stop. Not only do we admit more than these 100,000 people each year without knowing who they are or why they came, we actually give them all the documents they need to simply disappear into our society.

I live in a suburb of Washington. It is near the CIA. There, if you drive down Dolley Madison Boulevard, people have placed there a little memorial for the people who were gunned down earlier this year by a man by the name of Mir Amil Kanzi, a Pakistani citizen. He entered the United States illegally, lived here for a year as an illegal alien, obtained a new passport from the government he claimed to fear, and yet he was still able to show up at an INS office in Virginia and file a claim of political asylum. Was this guy given a quick hearing and sent home? No. He got work authorization, a social security card, a driver's license, and the ability to obtain an AK-47 assault rifle and gun down CIA workers.

We hear from the American people when they appear in townhall meetings, or when students at universities and high schools all over this country write to us. They are not imagining things. They are not, as some apologists for the status quo contend, trying to blame immigrants for their problems. They are simply recognizing facts. America's immigration policies are in a shambles, and they should be fixed, and we can no longer ignore them.

It is as important and as realistic as dealing with health care, as dealing with our defense policy, any problem you want to talk about. This is right up at the top.

On August 4, I introduced the Immigration Stabilization Act, S. 1351, which calls for a comprehensive overhaul of our Nation's immigration policies. For the first time in more than a quarter of a century, S. 1351 seeks to institute major and meaningful reforms to a policy that lacks purpose and direction. While other legislation has been introduced in this session of Congress to address some of the most egregious abuses of our immigration laws, this legislation is the only one that institutes comprehensive reforms of the entire process. It does not pick at the sides. It turns our immigration policy upside down and takes a real good, hard look at it.

I urge my colleagues to study this bill and join me in sponsoring this legislation, in redesigning U.S. immigration policy for the next century.

In June, Jim Hoagland, of the Washington Post, called "Immigration: Topic A." I do not know Jim Hoagland. To my knowledge I have never seen him. I looked at this article and it looked like something worth reading. I agreed with him. He said that immigration is topic A throughout the developed world. It is a complex and multifaceted issue that is likely to be with us for a long time to come. I believe it is imperative that the Congress of the United States, working in conjunction with the administration, begin to treat immigration as a serious national and international issue.

Events of the past several months have begun to jolt us, I hope, out of our complacency about the state of U.S. immigration policies. Rampant and well-documented abuse of our asylum laws, the bombing of the World Trade Center, and the foiled attempt to commit other acts of terrorism in New York, fiscal crises in California, and other events will turn immigration, I hope, into a high-profile issue.

We would be mistaken as a body to deceive ourselves into believing that immigration is a flash-in-the-pan issue, that if we wait long enough it is going to go away. It is not going to go away. I have given these numbers. It is only going to get worse.

We must have the courage and the foresight and the tenacity to deal with this complex and controversial issue now before it becomes more complex and more difficult. It is clear to everyone that our current laws and regulations are unworkable. I hope it is clear because it is to those I have discussed this with. As one colleague told me, the more you learn about our immigration process, the bigger mess you see it is. It is time to begin cleaning up that mess.

In the coming weeks and months I am going to be speaking from this spot on the Senate floor about the whole range of issues covered by our immigration and refugee laws. I will explain in detail why I believe it is not enough to tinker, as I said, at the margins of U.S. immigration law, but why the United States must do comprehensive reforms that conform to the realities of the era in which we live.

Proponents of the status quo argue that any attempt to reform our Nation's immigration policies is an affront to our immigration tradition. It is an argument I hear over and over each time we attempt to have meaningful debate about U.S. immigration policy. It is important, therefore, to begin by laying to rest some of the myths that are routinely promulgated to stifle debate on this important issue.

Upon close scrutiny immigration in the United States today is anything but traditional. From 1820 until 1965, a period encompassing most of the history of this Nation, the United States admitted an average of 300,000 immigrants a year. During that 145-year period, we settled the frontier, fought a Civil War, created an industrial revolution, engaged in two world wars, endured a Great Depression, and ultimately emerged as the world's greatest military and economic superpower. There have been ebbs and flows of immigration over this period but, taken together, 300,000 immigrants a year is our true immigration tradition. With the exception of one relatively short period at the beginning of this century, those levels have rarely varied.

Contrast those levels of immigration with the numbers we are seeing today. Depending on estimates of illegal immigration, which we have trouble determining, we are now resettling between 1.2 million and 1.5 million newcomers every year—about the size of the State of Nevada, every year. There is nothing traditional or rational, for that matter, about attempting to absorb the population of Nevada every year, year in and year out. When history is written, the decade of the eighties will be remembered as a decade of wretched excess and, true to form, immigration has been one of those excesses. As we focus on reining in many of the other excesses in the preceding decade, we must not overlook immigration.

Unless serious reforms are undertaken, 15 million newcomers will settle in the United States during the 1990's. Yet, we continue to act as though immigration exists in a vacuum. Not a whit of thought has been devoted as to how we will meet the needs of that population. There has not been a single debate in Congress about how we will provide, not a first-class education, but any education to all those new children, providing quality health care to the sick, secure adequate and affordable housing, ensure that there will be sufficient jobs, improve and expand infrastructure, cope with environmental degradation, or ensure domestic tranquility. In short, we are admitting unprecedented numbers of new immigrants without even a modicum of planning. We are simply taking a leap of faith that somehow everything will work out.

Those who find comfort in the knowledge that they are not alone in dealing with the problem will be reassured to note that virtually every industrialized democracy is also dealing with this thorny issue. The problem is they are way ahead of us. In Europe, Canada, Australia, and elsewhere, this policy debate is probably 10 years ahead of us.

In most of those countries, they have concluded that immigration policies must be guided by a rational assessment of their national interests, not by emotion, not by nostalgia. In a world that is growing at the rate of nearly a billion people a decade, with the bulk of that growth occurring in underdeveloped and impoverished nations, most other developed nations have concluded that massive migration can no longer be the solution to the world's problems. They have come to the sobering recognition that large-scale immigration holds the potential to destroy the hopes and aspirations of their own citizens without really improving the prospects for most of the world.

Let us look at what today's immigration levels will mean to the lives of our children and our grandchildren. A Census Bureau report issued last December indicated that at our current immigration pace, the population of the United States will increase to 383 million people by the year 2050. That constitutes a 50-percent population increase in less than 60 years, and the majority of that growth will be directly attributable to immigration that takes place after 1990. It is as though we will absorb the entire population of Japan within the lifetimes of today's children and young adults.

Compare it, for example, to Japan. I am not defending their immigration policy. I do not like it. They do not have any immigration basically. And you wonder why their economy is more stable than ours.

The most important question we need to ask is whether our children and grandchildren will be better off as a result of this staggering increase in population. Will our children and grandchildren enjoy the same quality of life as we have had? Will they have the same opportunities, the same freedom of movement and mobility? Can the melting pot absorb and absorb and assimilate and assimilate people arriving at this rate? Or will we become increasingly isolated and alienated from one another?

We must not simply leave the answers to these questions for fate and circumstance to decide. We, in Congress, who make the policies that future generations will have to live by, owe it to them to act responsibly to lead this debate. Under the legislation I have proposed, I will begin to restore immigration to its traditional and more manageable level of about 300,000 annually. Mr. President, I do not think that is really being tough on people. So it is really a lot of people. So I suggest that we should have that as a beginning point: 300,000 annually to put the excesses of our current immigration numbers in perspective. Even if we were to enact this decrease of more than 50 percent, the United States would still have the most open and generous immigration policy in the world.

More importantly, the Immigration Stabilization Act of 1993 would institute the kinds of immigration policy that the American people want. Americans are generous people who are justly proud of our tradition of welcoming newcomers to our society, but all indicators of public opinion show that the vast majority of Americans of all racial and ethnic groups want to see immigration returned to the more manageable and traditional levels.

The United States must, once and for all, adopt a comprehensive plan on immigration. The time for ad hocracy has passed, and we must begin to think in terms of integrated policy that serves the needs of the Nation and the people who make up this Nation.

In the coming weeks, I will spell out in detail the specifics of the Immigration Stabilization Act. It is designed to reform all aspects of immigration and refugee policy and will provide the United States with a workable blueprint for dealing with current world and national realities. Among the key issues I will discuss are: First, a comprehensive ceiling on immigration of 300,000 annually, and the implementation of a fair and nondiscriminatory system for selecting new immigrants to the United States;

Second, a generous refugee resettlement policy that depoliticizes the process to ensure protection is granted based on individual need, not political considerations;

Third, an overhaul of our political asylum process to eliminate the kinds of rampant abuse that has attracted so much media attention and public outrage in recent months;

Fourth, a plan to rid this country of the burden of people who are known criminals who prey on the American public and become a drain on our resources;

Fifth, assuring the people who are given the privilege of sponsoring new immigrants to our country live up to the financial commitments they make to ensure these people do not become a burden to the taxpayers;

Sixth, the effective deterrence of illegal immigration through enforcement of employer sanctions, including the adoption of a verifiable, tamperproof document to ensure that only those people who are legally in the United States work and collect benefits here. So we do not get frightened, this simply would be an enhanced Social Security card;

Seventh, we need to regain control of our borders through additional border patrol manpower and other security control measures and the adoption of a $3 border crossing fee to provide the INS the resources it needs to do the job. Every person who comes across should pay;

Eighth, an all-out crackdown against the practice of smuggling illegal aliens into the United States for profit. Our lax enforcement of immigration and asylum laws has created what can be termed as modern day slave trade;

Ninth, ensuring Federal immigration authorities receive the full cooperation of State and local governments in enforcing laws against illegal immigration;

Tenth, a clarification of the intent of the 14th amendment regarding who is entitled to U.S. citizenship.

Mr. President, we have no choice but to address all these difficult issues. We can no longer satisfy ourselves with cosmetic changes that do not address the underlying truth that America lacks an immigration policy capable of coping with the realities we are facing.

Webster's defines the term "policy" as "prudence or wisdom in the management of affairs." By that definition, it is fair to say that this country does not have a policy but, rather, an inchoate and often incomprehensible hodgepodge of statutes, regulations and procedures. In other words, what we have is a mess that is only likely to get worse unless we demonstrate some courage legislatively.

And it is time, Mr. President, we had this policy. We must be prepared to address this issue maturely, without acrimony. Just as we recognize the need to have reforms in our health care system is in no way an indictment of doctors, hospitals, and nurses but, rather, a public policy imperative, so too must we approach immigration. Reforming an immigration system that does not work is a public policy imperative and we in Congress must not shirk from these responsibilities.

I yield the floor, Mr. President.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, I rise today to speak on an issue that we are going to be debating probably for the next 24 hours in this Chamber, and it is very important for the future of our country to make sure we do have economic growth, so that there will be new jobs, so that our children will know they are going to have a chance to increase our economy as we all hope they will be able to do. That issue is the space station.

Mr. President, sometime within the next 50 years the first human from Earth will walk on the planet Mars. She will be stronger and healthier than her mother and grandmother, in part because our generation made the decision to take the next step in space exploration—we decided to build the space station.

The American Cancer Society forecasts 182,000 cases of breast cancer in the United States this year alone: 22,000 more women will be stricken with ovarian cancer. These diseases tear at the fabric of the American family and impose enormous burdens on our economy and health care system. Important responses to these women's health problems will be found in an unlikely place—outer space. Research already scheduled for the space station will address several perplexing women's diseases, from osteoporosis to ovarian and breast cancer to immune system disorders.

The space program, and the space station in particular, offer hope of major breakthroughs to victims of women's diseases. In the battle against ovarian and breast cancer, the space station provides scientists with research conditions impossible to duplicate on Earth. The inability to adequately culture primary breast tumor samples has been a major impediment to studying these cancers. In Earth's gravity, these samples are difficult to grow and maintain. But in the low gravity atmosphere of the space station, scientists can readily duplicate the human body's environment. They can grow tissue samples and study them for much longer periods of time. This means better research and greater insight into how cancer cells invade the healthy cells of the body. This could lead to prevention, earlier detection, and more effective treatment of breast cancer.

Osteoporosis leads to more than 1 million cases of bone fractures each year because the disease irreparably weakens our bones. In weightless conditions, astronauts suffer the same loss of bone matter as victims of osteoporosis. Studying how this bone loss occurs will teach us how to treat and even reverse this disorder.

Mr. President, this is just one small area in which the space station makes life better—the ability to do research, particularly medical research, in outer space.

There is another important issue which we must also address when we are talking about the space station over the next 24 hours—that is our partners. America has foreign partners—the European Space Agency which includes: Germany, France, England, Italy, Spain, and eight other European countries, plus Japan and Russia. These are partners that have put millions of dollars into this program. They put millions of dollars into an American project that is a world project, and they did it in good faith. They did it assuming that once we said we were going to build the space station, we would stick with it; that we would be good partners.

Mr. President, it is unthinkable that America would not be known as a good business partner. We have foreign countries that have put their faith in us that we would do what was right.

You are going to see people standing in this Chamber, tonight and tomorrow, who are going to talk about tearing down what President Kennedy started when he had a vision that we would be able to do things beyond our dreams when we went into space research. They are going to say it does not matter that we have foreign partners, it does not matter that we have said we would do something, and that it does not matter that we are getting ready to go back on our word.

Senator BUMPERS is going to want to take away the space station research money, and that money is not going to go, Mr. President, into deficit reduction. Remember that. It is not going to go into deficit reduction. Instead, it is going to go into other projects. I have always said that we should prioritize our spending just like we do in our homes and like we do in every business in America.

Mr. President, I cannot think of a higher priority than investment in research, in making good our word with our foreign partners, and in taking one more step, a step which we cannot take on Earth, to help us with these women's diseases we have been enduring for generations and now we are right on the cusp of having the opportunity to solve. It is right there for us.

Mr. President, we cannot step back into the dark ages. America is a leader in the world, and we must act like a leader in the world.

This is just the first statement I am going to make on a very important issue, and that is we must keep the space station. We must keep the research going. We must let the young scientists who are now in school know that there is going to be a place for them and that we are going to continue to push our horizons so they will have the opportunity with their scientific degrees and their engineering degrees to be able to help make life better for victims of ovarian cancer, breast cancer, and osteoporosis.

Mr. President, there is going to be a lot of debate in the next 24 hours, and I just hope the 100 Members of this body are going to do what is right for America, what is right for our foreign partners, and what is right to make life better for Americans of future generations. I hope we will vote to keep the space station and to make an investment in our future.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SEARCH FOR EXTRATERRESTRIAL INTELLIGENCE PROGRAM

Mr. BRYAN. Mr. President, it is my intention tomorrow to offer an amendment to the appropriations bill that will delete funding for a program that historically has been characterized and known as the SETI Program. The Search for Extraterrestrial Intelligence Program has gone through a rather interesting but convoluted process by which the name is now changed.

Mr. President, this appropriation, small in the context of the overall general budget, is good this year for $12.3 million. It is not my purpose to suggest to my colleagues that this alone addresses the monumental challenge that we face in balancing the Federal budget, but I think this program is illustrative of how difficult it is to kill any kind of a program that once takes roots within the Federal bureaucracy.

This program is one that was designed historically to ascertain if there is life in outer space and on other planets. I have, since coming to the Congress, offered in the past 3 years an amendment in the Senate Commerce Committee, on which I am privileged to serve and which is the authorizing committee for this program, to delete this funding, not because of any antipathy to scientific research, but because it is a matter of priorities. Nice, but can we afford it?

My response to that is that we cannot afford it. We ought to be making some priorities, and that we have been singularly unsuccessful in doing. I think it may be instructive to share with my colleagues just the history in the last budget cycle of 1992, because in both the House authorizing committee and in the Senate authorizing committee, and indeed the authorization legislation itself that was enacted in 1992, both Houses, the other body and our own, supported the elimination of funding for this program in the authorizing legislation.

Our President and Vice President have embarked upon a noble challenge—reinventing Government, how to streamline the bureaucracy, how to make Government work better for people, how to make it more responsive, how to give the managers of the Federal programs the ability to discharge their responsibilities without being entangled in a bureaucracy and a web of redtape that threatens to strangle the ability of us to manage a program.

If only that bureaucracy would show the same type of creativity in implementing programs that they do in preserving programs once established, Mr. President, I think that the challenge that our President and Vice President have undertaken, and which I support, would be so much easier.

Let me cite an example of the history. I have indicated to you that last year, fiscal year 1993, the program was eliminated in the authorizing legislation. This program had been known for many, many years as the Search for Extraterrestrial Intelligence, the SETI Program. The response of the bureaucracy is not only instructive but is intriguing in terms of the creativity and tenaciousness in which programs, once authorized, seem to last forever—in perpetuity, our critics would say.

After this legislation was enacted, NASA failed to carry out the mandate of the Congress in eliminating the program, but rather changed the characterization—that is, the name—of the program. So no longer do we have a search for extraterrestrial intelligence. Now we have a new program whose function is identical in all respects to the program that we have been seeking to eliminate. It is called the high resolution microwave survey.

So when I address the floor tomorrow in additional detail in terms of my reasons for eliminating that program, we will not be talking about SETI, as we have historically talked about this on the floor of this body, as well as in the committee; we will be talking about HRMS, which is the new name by which this program continues to have life. And it will be my intention, once again, to offer an amendment which specifically deletes the funding for this program in an effort to make sound, responsible judgments with respect to the priorities for Federal spending—$12 million here, $12 million there, and before long we will have some real budget savings.

I thank the Chair. I notice the distinguished floor manager has taken the floor, and I yield to him.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION DISAPPROVAL ACT

The Senate continued with the consideration of the joint resolution.

Mr. HEFLIN. Mr. President, in connection with the base closure resolution that we will be voting on, of course, I have mixed feelings. I have feelings that the Base Closure Commission made a mistake in closing the naval home port at Mobile, and I think it made a mistake in the question pertaining to the realignment of certain positions and functions at Redstone Arsenal dealing with the Army Materiel Command.

They, on the other hand, I think, made a wise decision not to close Fort McClellan where we have the only live agent training facility that exists in the free world by which soldiers, marines, and sailors, all servicemen, as well as some eight different foreign countries are trained to go into chambers in which there are gases, mustard gases, nerve gases, other types of gases and have the feeling that their protective equipment and their gas masks work, and they have the confidence then to go into the battlefield and know that their equipment will work. I think the decision was made there because it would be very difficult to move that to some other location in view of the environmental problems. The community there has accepted it and is willing to allow it and to continue with it. There is always some question of some inherent danger that exists from such a live agent training facility, and the Base Closure Commission, I think, was wise in regard to that.

There was a matter like the Berlin Air Base, which was close by my State, that was involved, and I think relative to that they did not close that.

So I have mixed feelings in regard to certainly the naval home port in Mobile and the Redstone Arsenal, but, nevertheless, I will vote against this matter of delaying or this matter of preventing the Base Closure Commission recommendations from being adopted because I think we have to look at it from the Nation as a whole.

I support the process which we have gone through. It is a process that independently allows for evaluations.

I think there were some mistakes. I think, for example, that the staff of the commission ought to come from outside sources, rather than coming from the military sources. In regards to an Army base that is a proposed foreclosure, they get their staff from the Army. If it is a Naval facility that is going to be closed, they get their staff pertaining to that from the Navy. They come into those situations with less, in my judgment, than an objective viewpoint. But that is something down the road to be considered.

But, overall, I think we have to support the process, and the process, in my judgment, is important. We have to downsize the military. We have to consolidate. We have to realign. I feel that, overall, the process is a process that has worked generally well, with some exceptions. But, overall, if you have to grade them somewhere between 1 and 10, I would have to grade them as being at least above 7, which is certainly a passing grade.

So, therefore, I would like to make my position known relative to that matter.

Mr. KERREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HEFLIN). Without objection, it is so ordered.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

THE SPACE STATION

Mr. KOHL. Mr. President, tonight we will have a chance to do what our constituents have asked us to do all year—and that is most emphatically to cut spending.

Senator BUMPER's amendment would eliminate the funding in the VA-HUD bill for the space station program. That bill appropriated $2.1 billion for the station in fiscal year 1994—approximately 14 percent of NASA's total budget.

For all of this you would think we would know quite a bit about where that money is intended to go.

In fact, we do not.

As of the beginning of this month, NASA officials could not tell the White House how they can stay in budget and meet their goal of a staffed, orbital station by the year 2000. In fact, the officials have been given a deadline of today to come up with their plan for a streamlined station.

In other words, if the Bumpers amendment fails, Congress will spend $2.1 billion to fund a space station for which no one has seen the plans—about which we cannot answer even the most basic questions. We are buying a $2.1 billion farm, and we do not know where it is located, how many acres it is, or whether we are growing lima beans or raising llamas.

The only thing we seem to know for sure about the space station is that it is going to cost us $2.1 billion next year.

On the other hand, if we adopt the Bumpers amendment, we will know one thing for certain. We will know we have saved taxpayers $2.1 billion next year—and many more billions of dollars in the years to follow. If we adopt the Bumpers amendment, we will have cut $1 million of Government spending for each working hour of every working day. How often does Congress accomplish that much in one day.

Some of the debate will focus on the pros and cons of building a space station. Those of us against the station will raise questions about the station's scientific merit and about its military necessity. Those for the station will talk about exploring the galaxy and about taking risks in order to make great discoveries.

That will be an important debate. But not as important as the opportunity that this amendment presents—the first opportunity to cut spending available to us since the Senate's contentious debate and vote on the reconciliation bill.

Many of us who spoke on this floor during that debate made—in one way or another—a promise to come back after recess and cut more spending. Now here is our chance to show our constituents that we are doing more than making a political speech before casting a difficult political vote.

In fiscal year 1994, total Government spending will be 23 percent of gross national product, and total revenues will be a little over 19 percent. The Congressional Budget Office's 10-year forecast shows revenues rising to about 19.3 percent of gross national product—and staying there—as total spending dips to 22 percent of gross national product and then slowly starts to rise again.

The truth is that until those two percentages are the same, we will continue to rack up yearly deficits, and we will continue to add to our enormous debt. We cannot and should not go again to the revenue side of this equation. We need to cut spending first.

And, very simply, that means we have to cut real programs and save real dollars. When given the chance, we have to vote to bring Government spending down to a level that the American people are willing to finance with their hard-earned tax dollars.

Obviously, this will not be easy. The space station program has benefits; it employs people; it keeps alive the dream of interplanetary travel.

But we do not need it. And certainly we cannot afford it.

This will be the first of what I hope will be many votes this year to cut spending. I talked a great deal when I was back in Wisconsin over recess about freezing spending. This is a clear goal that businessmen and families forced to live within the constraints of a budget understand: No more this year than last year. And it is a clear goal that can only be approached if we are willing to say "no." We cannot afford a space station right now—even one that is better designed, even one with more justification. It is time to say no. It is past time to cut spending.

I urge my colleagues to support the Bumpers amendment when it comes to the floor. I thank my friend from Arkansas for giving the Senate this opportunity to say no.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIBET

Mr. PRESSLER. Mr. President, recently I returned from a trip to Tibet, where I spent a few days trying to understand some of their most pressing issues. I was amazed at the large number of Chinese troops that are visible. We counted 42 trucks with Chinese troops in them as we traveled from the airport to Lhasa, the capital of Tibet.

While I was there the Chinese assigned about 8 or 10 security guards to me. I do not know what they thought I was going to do, but my every move was followed and I had a difficult time speaking directly to very many Tibetans. I do believe there should be a free Tibet if the people indeed want their country to be free. We live in an era when those determinations should be made by the people in the country.

During our visit we did get out into the countryside once or twice and we did see several yaks working, doing fall plowing. We visited several monasteries and talked to some of the monks. But I had a feeling most of them were a little bit afraid of the translation, because my translators were Chinese people from Beijing.

I have traveled in Cuba, and in the old Soviet Union and in Eastern Europe, but never did I see more soldiers than in my visit to Tibet. I am not completely aware of what is transpiring in Tibet but the Chinese are obviously afraid of letting any activity occur that would produce a substantive dialog with a visiting Senator.

Upon returning to Chungking, and Ch'eng-tu, and Beijing, I was told by reporters that they had had similar experiences when they were there.

I hope the Chinese will ease up, and will allow the spirit of liberty to reign in Tibet.

Let me say I hope our relationships with China improve. In Ch'eng-tu I had the pleasure of speaking at the opening of the first Peace Corps center in that region. There are several Americans in the Peace Corps teaching English in Ch'eng-tu, which is in Szechwan Province in China. They are the first Peace Corps volunteers to go there. It was my pleasure to speak at their swearing-in and at their inaugural ceremonies.

We have a great friendship with the people of China. I found the people of China to be very friendly as I visited different parts of the country. But the Chinese Government is increasing the number of military maneuvers in the Spratly Islands, and the Chinese Navy is expanding in Southeast Asia.

The Chinese are exporting more and more arms than they have ever exported before. The Chinese Government is acting very militaristic toward Vietnam and toward a number of countries in Southeast Asia.

I had occasion to ask the Prime Minister of Australia the other day what his assessment of China was. He felt we should maintain a strong naval presence in the region because, to some extent, we offset the Chinese. Others in the region felt if the United States pulled out militarily there might well be an arms race between China and Japan in that region of the world.

We cannot justify, to our taxpayers, keeping the 7th Fleet at full strength solely for that reason. However it certainly is something to consider in the future.

The other side of the coin is that China is a great trading partner of ours. I was amazed, in visits to Malaysia, Singapore, Hong Kong, Szechwan Province, Xian, Beijing, Shanghai, at the amount of business activity that takes place. In fact you can see more brandnew airplanes in Shanghai airport than you can anyplace else in the world.

From Singapore to Shanghai, Asia is moving toward free enterprise figuratively at the speed of light. The point of the matter is the Chinese are going to be major economic players in the next few years. I hope our respective governments are able to work out their differences.

President Clinton acted correctly in placing trade sanctions on the Chinese with regard to the export of nuclear materials to Pakistan. We have to be very tough on nuclear proliferation. I say that as the author of the amendment that prohibits our aid to Pakistan because of their development of a nuclear device. Yes, there are many other countries that are involved in the proliferation of nuclear weapons, and I am equally critical of any and all across the board who engage in this trade. I feel strongly people should know what is going on in Tibet. Visitors there, be they Senators or journalists or tourists, are assigned a large number of Chinese security people who travel in Japanese 4-wheel drive vehicles. There must be something the Chinese are very afraid to let foreigners see. Further, there is a reason they do not want foreigners to talk directly to Tibetans. I think this is a strong indication that there is something very wrong in Tibet.

If Tibet wants to be free, I hope it can be free. I hope the Tibetan people, who live in a very remote area and are largely forgotten, will not be forgotten by the rest of the world.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to commend the distinguished Senator for his trip. That is a very remote part of the world. It would not be considered one of the watering holes which are often visited by codels. I think the Senator is right on target about the importance of Tibet in the overall equation, worldwide, of human rights and freedom.

For this country to sit by idly and let this condition continue, year after year, is wrong.

I think President Bush, and I believe to a degree President Clinton, has been endeavoring to get that message across to China.

Perhaps I should withdraw the word "idle." I think we should be doing as much as we can to take the message on behalf of the Tibetan people.

There are a great many individuals in this country, indeed some distinguished foundations, which are very actively engaged on behalf of the plight of the people of Tibet.

Mr. PRESSLER. If my friend would yield for a question under our rules, I might inform him I was part of codel COHEN for part of the trip—the very able Senator from Maine led our trip for the Malaysia and Singapore and Hong Kong part—and then I broke off and went to Tibet myself.

We had a briefing on the 7th Fleet. I know that my friend from Virginia is our leader on military matters. There was much discussion on the trip as to whether or not we should maintain our military presence in the Pacific. There was in general a unanimous feeling that we should maintain our military presence there. The 7th Fleet has not been cut that much, or at all. If my friend can expound on that, I would much appreciate it.

Mr. WARNER. Mr. President, I will simply say the 7th Fleet, which was known in the twenties and thirties as the Asiatic Fleet, is an integral part of this Nation's forward-deployed defense system. The 7th Fleet is there not only to secure the goals that this Nation has but most particularly our friends and allies throughout that region. It is the only significant large naval power now with the demise of the Soviet Union.

The PRESIDING OFFICER (Mr. HARKIN). The Chair does not want to interrupt the Senator from Virginia, but under the previous order, the Senate will now vote on the passage of Senate Joint Resolution 114, a joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission.

The yeas and nays have been ordered. The clerk will call the roll.

Mr. PRESSLER. Mr. President, I wanted to engage the Senator from Virginia for 5 minutes in a colloquy to finish this.

Mr. WARNER. I ask unanimous consent——

The PRESIDING OFFICER. The yeas and nays are ordered. The vote has been called for 6 o'clock, and the clerk will call the——

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the yeas and nays be amended to allow the Senator from South Dakota and myself to engage in a brief colloquy which should not take more than about 8 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, there was much military discussion about the possibility of the absence of the 7th Fleet in the Pacific arena causing China and Japan to enter an arms race.

Mr. WARNER. Mr. President, particularly a naval race, a competition to go back and build a navy. How well this Nation recognizes the importance of that area of the world and the fact that Japan once had a mighty armada.

Mr. PRESSLER. My friend may be able to explain this better than I. Japan is under some restrictions presently. The feeling may be that Japan might ignore those restrictions if the United States 7th Fleet was not there. Others think China would be so militarily dominant in the area that small countries like Malaysia, Singapore, Hong Kong, and the Spratly Islands would be in danger.

It is my own personal feeling that China is trying to get her paws on Vietnam. This is just a personal observation. That is the reason I feel we should move toward recognition, but I do not want to engage in that issue at this time. I strongly believe that China is expanding militarily in Southeast Asia; that China is in the process of becoming more militaristic. I sense that this is the will of the Chinese Government, not the Chinese people. It is very difficult for me to understand why.

I know my friend on the Armed Services Committee has perhaps analyzed this, and we are going to analyze it further in our trip report. The smaller countries in Asia are very fearful of the reasons behind the Chinese Government becoming so militaristic in its naval activities. They are carrying on naval activities today in the Spratly Islands, as well as other naval activities and displays of force near Singapore and even as far away as Australia. I do not know if my friend from the Armed Services Committee, who has been to the Pacific area, has a personal observation of what is going on there.

Mr. WARNER. Mr. President, I thank my colleague. I might add that the leader of your codel, the Senator from Maine [Mr. COHEN] for many years has served on the Armed Services Committee and, most specifically, the subcommittees that deal with the Navy and sea powers. So he has indeed the status of one who has a great deal of knowledge about this subject.

The Senator is quite correct, though the geographic locations of those nations that you enumerated are such that sea power is an essential element of any defense system, any deterrence against attack. Just today I had the Chief of Naval Operations in my office visiting on a wide range of matters and he brought up the fact that Australia is going into a very intensive program to build diesel submarines, again, recognizing their history and the fact that as an island surrounded by the waters, naval sea power is essential for their defense.

Mr. PRESSLER. I might also report to my friend from Virginia on the disturbing number of military on the ground in Tibet. We counted 42 trucks with soldiers, Chinese soldiers, going from the airport into the city of Lhasa. On the streets we saw military everywhere. There must be a terrible fear of a rebellion in Tibet. This was a startling thing to see. I have not seen military power displayed so visibly on the streets in Cuba or the old Soviet Union. I hope China is not a powder keg that will blow up in that part of the world.

Mr. WARNER. Mr. President, I might ask the distinguished Senator, having not been to Tibet and having read so much about the suppression of the culture, the ancient culture, of the peoples of Tibet, what did the Senator witness by way of the places of religion being, as I understand, torn down, many of the traditions have been suppressed by the Chinese people because those traditions stand for freedom?

Mr. PRESSLER. There has been some restoration of the Dalai Lama's palace, Potala, in Lhasa. We did not get to see the Panchen Lama's palace, although they are in the process of choosing a new Panchen Lama. He is the "number two" person and the Chinese have their fingers in that process, one that is supposed to be carried out solely by the monks.

We visited several monasteries and saw some monks chanting and praying in one monastery. The monasteries are being restored and brought back, but much was lost during the cultural revolution.

The difficulty is that a visitor is kept from having a real dialog. I went to one monk's room in Lhasa and asked him what he thought about a free Tibet, and after he gave a long answer, my Chinese interpreter looked at the boss, looked at me and said, "He's against it." Obviously, it is very hard for a visitor to have any real communication in a police state such as that.

On the other hand, I felt that the Chinese people, in the Szechwan Province and other provinces, are intent on being our friends. They like Americans. They listen to American music. They amaze me. The Peace Corps volunteers are being treated like kings and queens. They are teaching English. The Chinese people want to learn English.

There is a great feeling of friendship between the American and Chinese people. As is so often the case at the government level, there is a great deal of coolness.

I am concerned that there is a new wave of militarism arising within the Chinese Government. They are exporting arms, exporting chemicals, exporting nuclear materials, and I am very concerned this will lead us into conflict with China. That would be unfortunate. That will shut off one of our largest trading partners. We sell a great deal of agricultural products to China. We sell a great deal of manufactured goods. We sell a number of Boeing aircraft there. I saw more new 737's and more 757's than I have seen in most airports in this country. There is a real opportunity for new markets in China. I hope this conflict does not leave us in dire straits.

Mr. WARNER. Mr. President, I will simply say to my friend that there is an old maxim that has been proven throughout history: Where there is a void, it will be filled.

Should the United States cease to become an important factor in the national security of the various nations that you have enumerated, that void will be filled, as the Senator from South Dakota has predicted, by China.

Mr. PRESSLER. One final point I might make is Korea. I know President Clinton has very wisely said we will maintain our strength there. But there is also a fear that if we were to withdraw parts of the 7th Fleet, the Koreans, who are working toward unity, would be left in dire straits. My friend may have some comments on the situation in Korea.

Mr. WARNER. It is my understanding the Chair seeks recognition. I yield the floor.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION DISAPPROVAL ACT

The Senate continued with the consideration of the joint resolution.

The PRESIDING OFFICER. Under the previous order, the Senate will not vote on the passage of Senate Joint Resolution 114, a joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission.

The question is, Shall the joint resolution pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. WALLOP (after having voted in the negative). Mr. President, on this vote I have a live pair with the Senator from New York [Mr. D'AMATO]. If he were present and voting he would vote "aye." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. FORD. I announce that the Senator from Nebraska [Mr. EXON] necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Georgia [Mr. COVERDELL], and the Senator from New York [Mr. D'AMATO] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 12, nays 83, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—12

Boxer
Campbell
Feinstein
Hatch
Hollings
Inouye
Jeffords
Levin
Moynihan
Riegle
Specter
Thurmond

NAYS—83

Akaka
Baucus
Bennett
Biden
Bingaman
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Faircloth
Feingold
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatfield
Heflin
Helms
Hutchison
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Stevens
Warner
Wellstone
Wofford

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Wallop, against

NOT VOTING—4

Bond
Coverdell
D'Amato
Exon

So the joint resolution (S.J. Res. 114) was rejected.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senate will continue with the consideration of H.R. 2491, making appropriations for the Departments of VA-HUD and Independent Agencies.

The pending business is the first excepted committee amendment.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending business is the first excepted committee amendment.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the first excepted committee amendment be laid aside for the time being so that I might offer an amendment, and that upon the completion of action on this amendment, we return to committee's first excepted amendment.

Ms. MIKULSKI. Reserving the right to object. What is the amendment the Senator intends to offer?

Mr. BUMPERS. The one the Senator from Maryland has been waiting for all day dealing with the space station.

Ms. MIKULSKI. I just wanted to be sure that was the amendment.

The PRESIDING OFFICER. Without objection, the first excepted committee amendment is set aside.

The Senator is recognized to offer his amendment.

AMENDMENT NO. 905

(Purpose: To reduce the appropriation for the implementation of the space station program by $1,446,000,000 for the purposes of reducing the deficit in the Federal Budget)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. WARNER, Mr. SASSER, Mr. COHEN, Mr. LAUTENBERG, Mr. KOHL, Mr. FEINGOLD, Mr. BRYAN, Mr. EXON, Mr. DECONCINI, Mr. SIMON, Mr. WOFFORD, Mr. CHAFEE, and Mr. KERRY proposes an amendment numbered 905.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike page 59, line 15 through line 17 on page 60 and insert in lieu therof the following: "motor vehicles; $6,098,400,000, to remain available until September 30, 1995: *Provided*, That of the funds provided under this heading, $500,000,000 shall be made available for termination of the contract relating to the space station program: *Provided further*, That (a) the Director of the Office of Management and Budget shall, upon enactment of the preceding proviso, reduce the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974 for fiscal years 1994 through 1998 as follows: (1) for fiscal year 1994, for the discretionary category: $1,446,000,000 in new budget authority and $1,015,000,000 in outlays; (2) for fiscal year 1995, for the discretionary category: $2,100,000,000 in new budget authority and $1,799,000,000 in outlays; (3) for fiscal year 1996, for the discretionary category:

$2,100,000,000 in new budget authority and $1,992,000,000 in outlays; (4) for fiscal year 1997, for the discretionary category: $2,100,000,000 in new budget authority and $2,100,000,000 in outlays; and (5) for fiscal year 1998, for the discretionary category: $2,100,000,000 in new budget authority and $2,100,000,000 in outlays. (b) The allocation of appropriate levels of total outlays and new budget authority for fiscal year 1994 to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate included in the joint explanatory statement accompanying the conference report on the concurrent resolution on the budget for fiscal year 1994 (H. Con. Res. 64) are reduced by $1,446,000,000 in new budget authority and $1,015,000,000 in outlays: *Pro-*".

Mr. BUMPERS. Mr. President, there are a couple of things about this amendment I think all Senators should know about.

First, the amendment would leave $500 million in the Space Station Program, which is what we have been advised will be the amount necessary to shut the program down.

Second, this amendment has a provision that should take care of a lot of the concerns of Members of the Senate. What it does is to provide that if the Senate adopts this amendment, the money saved in the amendment may only go for deficit reduction.

Mr. SASSER. Will the Senator yield for a question on that particular point?

Mr. BUMPERS. I am happy to yield to the Senator from Tennesee.

Mr. SASSER. Is the Senator telling the Senate here this evening that if the Senate should vote in favor of the Senator's amendment, and the space station should be terminated, the savings from the space station will go directly to deficit reduction and cannot be utilized for any other program?

Mr. BUMPERS. The Senator is absolutely correct. It can only be used for deficit reduction. I think that ought to be a very important point not lost on any Members of this body, and certainly should not be lost on the people who, 45 days ago, made all those eloquent speeches about how we must reduce the deficit, but we must start cutting more spending and we must cut spending first. We did not cut spending first, but it does not really matter so far as deficit reduction is concerned, as long as you cut it. As long as you cut the deficit, who cares whether it happens before we voted on the deficit reduction package or the last day we are in session?

Mr. President, the bill before the Senate, which I seek to amend, has $2.1 billion in it for the space station. You are going to find this to be one of the most interesting debates ever to take place on the floor of the Senate, and I do not mean that to be self serving. It just so happens that it will be.

Here is what you are going to be voting for if you vote for the $2.1 billion which is in the bill for the space station.

Incidentally, so far, we have spent $11 billion on the space station *Freedom*, which is out at the Montgomery County Landfill. It has been scrapped. That is $11 billion, Mr. President. Back in Arkansas, that is substantial.

Now, tonight, you are going to be asked to vote $2.1 billion for a space station. Why? Not one person in the U.S. Senate can answer that. All they can say is: I am going to vote for $2.1 billion for a space station that has not yet been designed; or I am going to vote for a space station and vote for $2.1 billion tonight or tomorrow, without knowing what the final cost is going to be; I am going to vote for $2.1 billion for the new space station—whatever it is—without knowing what science we are going to get out of it; I am going to vote for $2.1 billion tonight to continue the space station in order to accommodate the Russians.

That is a brand new element. Every time on the Senate floor—and this is, I believe, my fifth year to try to torpedo this program—we come up with something new, and this year it is the Russians.

If we go forward with the tentative agreement we have entered into with the Russians, the first command and control will come not from Houston but from Kaliningrad. If we go forward with the Russians under the tentative agreement, we will have to give them $100 million a year to get them going on this program. If we enter into this agreement with the Russians, the first launch for the space station will be in Baikonur in Kazakhstan which I will show you later is in a state of shambles with only one launching pad.

Mr. President, it is meritorious that the President and the Vice President trumpet the agreement with the Soviet Union but not on this. How reliable? We will have our own in-house astronaut, Senator GLENN, speak in favor of this in a moment, and I would like for Senator GLENN, my dear friend—I am sorry we are on opposite sides of this—to tell us how comfortable he will feel as a former astronaut with the Russians building some of the most critical materials that will go into the space station and every year when we come up here with this amendment you can always say—I can remember when the American Cancer Society every year just before the fundraiser started they came with all kinds of new medicines that were having a telling effect on the cure of cancer. You do not get that much anymore. But you still get it in Congress.

NASA and the administration had a dog and pony show this afternoon. It was in S. 407—I did not go—describing the agreement with the Russians. I did not go because I cannot think of a better reason for not voting for it than the agreement with the Russians.

You are going to be saying we want a nation that is in shambles, whose space program is in shambles, who cannot feed their people, and who jeopardize cooperation with some of our other allies who can afford to get into this program to say we want them to spend it on something, not food to feed their people, not to teach them the joys of the free enterprise system or democracy, but $100 million hopefully so the U.S. Senate will yet once more opt to embark on what is almost certain to be a $100 billion program.

Mr. President, this bill says that $1 billion of this money cannot be spent until January 1, 1994, until the design has been picked. You know what that means to me? You do not get a second shot, you do not get a second bite out of this apple. When you vote for this bill you are saying whatever design the President and NASA agree upon the billion dollars is gone. You will have no say so about it. You may like it or you may not. But you are not going to get a chance to vote again. The $1 billion of the $2.1 billion that is being fenced will be spent.

Mr. President, today you saw where a shuttle was almost capturing a satellite. You saw this dog and pony show up in S. 407 this afternoon. The President is calling Members of the U.S. Senate. My good friend, who just happens to be wrong on this issue, is calling people telling them how important it is. The story that politics makes strange bedfellows has never been demonstrated better than on this amendment.

You know something else NASA has learned? They learned from the Pentagon. What does that mean? That means 47 States have a little piece of the action. Senators have come up to me and said: "Dale, I think it is a boondoggle. I would like to vote with you but so-and-so tells me it is going to cost 200 or 300 jobs in my State."

Let me show you a chart that I hope you will look at, and look at, and look at before you vote.

You may learn something every time you look at it. You may have a different thought. Here is where we are headed, Mr. President, with the so-called space station Alpha, and it is only an educated guess as to whether we are going to go with alpha or beta or a couple of something in between, option A or option B.

What we have done is say if we go with option A for 10 years and that is they cut one other thing, bear in mind they got the operating years of the space station from 30 years to 10 years. If they go with option A the best guesses are that would cost $69 billion. If they go with option B that is $76 billion.

So let us do what we always do, split the difference and just guess that the cost of Alpha is going to be $72 billion. You compound the interest on $72 billion from the time it is expended until 2013, you have $100 billion. Do not tell me, do not insult me by telling me you are serious about the deficit and that you want to do something about it and start tonight appropriating $2.1 billion every year for 5 years. Then from the year 1998 to the year 2002, 2003, $6.3 billion a year, and then $3 billion a year from then until the year 2013.

Can anybody tell me why we are appropriating $2.1 billion a year for 5 years and trying to come up with a design that will fit the amount of money they are almost certain the Congress is going to give them? We are not designing the space station to accomplish certain things. We are just designing a space station that we can live with for $2.1 billion a year for the next 5 years. That is one of the most perverse things I have ever seen.

Mr. President, I want every Senator to hear this. If you want to get up and go home after I say this, fine. But I want to say to you, to all of the American people and my colleagues watching on television, you will not believe this but it is true. We are now spending $1 million an hour, $40 million for 40-hour workweek at this moment, on blueprints, drafting, and a little embryonic hardware, $1 million an hour, and for what? The space station *Freedom* which lies in the junkyard of the Montgomery County landfill.

Is it any wonder that the Vice President wants to reinvent Government? The wonder is that the Vice President is hot for the space station.

Mr. President, I have been on this floor many times in my life and have people call the next day watching C-SPAN and say surely Senator you cannot be serious. Yes, America, I am dead serious.

In 1984 when this thing was conjured up by Ronald Reagan the cost was $8 billion. We have now spent $11 billion, as I said earlier, and we are back to the drawing board. The $11 billion is for naught.

Mr. President, you are going to hear people on the other side say, well, Senator BUMPERS is really exaggerating the cost of this program. The cost of this program is only going to be $38 billion. The only way the opponents of this amendment can tell this body that the cost is going to be $38 billion is to project that each space shuttle flight to deploy this sucker is going to cost between $50 million and $100 million, and we have never deployed one for less than three times that amount.

Mr. President, as I mentioned a moment ago, and I want to say it again, one of the ways they got the cost down is to provide for a 10-year operation after it is completed. Every year that I have tried to stop this program, it has been designed to last 30 years.

Mr. President, this is the biggest project, scientific project, in the budget. It is the biggest pork project in the budget.

My good friend, the Senator from Texas, was quoted—and I am reluctant to quote anything that he was quoted as saying in the newspapers, because it may have been erroneous, and he can correct this—but he was quoted in the paper as saying, "They do not want this for deficit reduction. They want to take this money and put it in pork projects back home that will help them get some votes."

I have two thoughts about that. The Senator from Texas will have ample opportunity to respond to this.

First of all, I cannot think of anything that is a bigger pork project to get votes in a State than this thing is for Texas. And, No. 2, we have addressed the very point that the Senator from Texas legitimately made to make sure that the savings of torpedoing the space station go to deficit reduction.

You cannot have it both ways. You cannot, on the one hand, say they are trying to save this money so they can put it in a dam in Arkansas when we are specifically saying that this money can only be spent for deficit reduction.

What is a pork project? Many times it takes many forms, but it is a project that provides a lot of jobs and very little benefit. That is probably as good a description as any.

How many people work on the space station? There are 20,000.

I do not criticize any Senator from any State—but principally, Florida, California, Texas—I do not criticize any Senator from any of those States for voting against this amendment.

But I have a deal for you. It is a pure jobs thing. There is not a Senator on the floor of the U.S. Senate or those listening who do not understand how we go to bat to try to save a military base, or we go to bat to try to save a particular project on which so many people are dependent for their jobs.

I know this will never happen, but I say this as honestly as I know how to say it, if it were left up to me and this is what it took to get rid of the program, I would give those 20,000 employees at NASA 3 years' pay. Scrap the program. Give them 3 years' pay, what they are making right now. Give them 3 years to find another job. I promise you we would save maybe $80 billion, $90 billion. Who knows? It would still be the best bargain the American taxpayer ever got.

Mr. President, 90 percent of the funding of this thing goes to five States—Alabama, California, Florida, Texas, and Virginia.

My friend from Virginia, who is one of my chief cosponsors—maybe I will call him my chief cosponsor on this—in my opinion is the bravest man in the U.S. Senate. He voted with me last year. He is the chief cosponsor this year. He has more military bases, probably, than anybody in the whole U.S. Senate, and he just voted a moment ago against the resolution on base closing.

I reserve the right to change my mind, but, as of this moment, I consider him the bravest man in the U.S. Senate.

Do you know what the other 45 States get? They get the tax burden. They get to belly up and pay for virtually all of $100 billion this thing is going to cost.

Mr. President, what are we after in the space station? Here are the eight original missions of the space station. Shortly after Ronald Reagan said we are going to build a space station and put it in orbit for $8 billion, $11 billion and 9 years later, we have discarded all but one, and that is to make it a research laboratory.

What kind of research? Mr. President, here is what the Space Studies Board of the National Research Council said about the research. "Continued development of space station *Freedom* cannot be supported on scientific grounds. As for microgravity," the Space Studies Board said—and incidentally, I say to Senators, you are going to hear a lot of conversations about microgravity research.

Senator HUTCHISON has said several times—she is not here; I wish she were. She said there is a possibility we are going to cure breast cancer. They are going to have to hurry up, because I heard the breast cancer cure will come from the superconducting super collider. It is going to be a real test of who gets the breast cancer cure first, the space station or the super collider.

I submit to you, as I did the other day, I say to Senators, you get more cancer cure out of a tube of Neosporin than you ever will out of either one of these projects.

So what did the Space Studies Board say? Listen to this carefully. They say: "The human habitation of the space station is fundamentally incompatible with the requirement that the microgravity experience be unperturbed."

In other words, the men on board the space station, or men and women just walking around, prohibit legitimate microgravity research. They went ahead to say:

> The board believes specifically that more microgravity research progress could be achieved in a shorter period of time and at a fraction of the cost through an expanded program of space lab missions and of free flier experiments.

And Dr. Park, head of the American Physical Society, says we have been doing microgravity research right here on terra firma for years. Nothing new.

Mr. President, I heard the Senator from Texas say today that the Russians, who have had a space lab called the Mir in space for almost 8 years—I have said flippantly, I have said it many times, you could probably buy that from the Russians for a year's supply of TV dinners.

But the Senator from Texas said today that the Russians have very wisely decided not to build Mir II. Now, we all know why the Russians decided not to build Mir II. They do not have the money. They do not have the desire. They got nothing out of Mir I.

Let me submit to my colleagues that if you really want a bargain, the Russians will sell you the results of every experiment they have done on Mir I for just a pittance—just a few things.

Mr. President, if DALE BUMPERS were standing here on the floor as a Senator from Arkansas saying this is a bad project, you would have a legitimate reason for saying: What does he know?

I am not going to read all of them. I have a long list of the scientific community here. The American Physical Society, 40,000 physicists—when we get to the superconducting super collider, the proponents of the collider will say, "Look here, the American Physical Society thinks this is great."

As a matter of fact, they do not. They are split on it.

But you will hear what the American Physical Society says about how wonderful it is for particle physicists. But you will not hear the American Physical Society quoted on this, because they are opposed to the space station to a person.

The American Chemical Society, the American Society of Cell Biology.

Why would the American Society of Cell Biology be opposed to something that was going to cure breast cancer?

The Institute of Food Technologists, the Optical Society of America, the Union of Concerned Scientists, American Society of Zoologists, the Physical Society of Japan, the German Physical Society, the German Association of Physicists, the Consortium of Social Sciences Associations.

On and on the list goes; the premier scientists of America almost uniformly disagree with this program.

The Russians have a cosmodrome that they call Baikonur, which I alluded to earlier. It is pitiful. They have one launch site; one left. The Wall Street Journal wrote a lengthy story—and that is not my favorite publication, incidentally. It is a great business paper. Editorially, I seldom agree with them. But they point out in the Wall Street Journal how dangerous it would be for us to tie ourselves to the Russians and their space program, being in the shape it is in.

I mentioned Dr. Park a while ago.

Mr. WARNER. Will the Senator yield for a question?

Mr. BUMPERS. I will be delighted to yield to the Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague. I indeed take great pride in being his principal cosponsor on this. But my question is as follows.

I did go up to that briefing this afternoon. Incidentally, I think my count is there were only five Senators who went up. The administration witnesses, all of whom I dealt with before, are men and women of good conscience. I am puzzled as to why they were sent down at the last minute, barely 1 hour and 20 minutes before this debate was to take place. And now, distributed on the desks tonight, are a series of letters to various Members of the Senate, expressing administration positions, including this, the thought that perhaps the action the Senator from Arkansas and I and the Senator from Tennessee and the Senator from Maine and others are seeking could jeopardize our relations with Russia.

My colleague referred to it as the trump card. I am concerned as to whether or not it is a sign of weakness, that they were concerned we would prevail tonight and they threw this—I would call it a joker; not a trump card, a joker—on the table. It is going to take this Senator a little time to try to think through the representations made today and the representations in these letters, because this Senator has never failed to support any President on an issue of national security which is important to this country.

This Senator was privileged to work with Senator NUNN, Senator LUGAR, the Senator from Maine, and others at the time months ago when it was not fashionable—months ago, maybe years ago; I think it is a year and a half, to be exact—to put together this Russian aid package when there were very few of us around here.

The point I wish to make is this space program in my judgment is the engine that can pull this Nation over the cliff in terms of economic disaster. The Senator mentioned the fact that there are a series of steps taken by this Senate, be it line-item veto, balancing the budget—I have been with all of those measures through the years, and will continue to be so. I ask the Members of this Chamber, in good conscience, how can they vote for line-item veto, how can they vote for a balanced budget, and vote for this engine that is going to pull us over the cliff economically with perhaps $100 billion in a time of deficit?

The Senator pointed out with his chart all of the unknowns. We are flying blind into space. We are being asked to fly blind into space on this amendment.

So I ask the Senator a specific question: Whether or not this Russian trump card, as he referred to it, or joker card, as I referred to it, that at the last minute was dropped in the form of letters on the desks of various Senators, is a sign of great concern we might have prevailed?

Mr. BUMPERS. The Senator from Virginia makes a very legitimate point, Mr. President. Everybody knows why the Russians were brought in at the last minute to try to salvage this program. In my opinion, it weakens the argument for the space station. I was already fixed in my opposition to it, but that certainly was a clincher for me.

I have a lot more to say. I am not sure we ought to say everything we can think of. But I do want to just close with these remarks, and allow some of my colleagues to speak.

It seems to me if we vote for this amendment, we are saying to the American people: You were right when we were debating the President's deficit reduction package. Congress is out of control. Spending is out of control. All those speeches you heard, all that rhetoric about cutting spending—we were just kidding. And when push comes to shove, we simply cannot find it in our hearts to do what we know we have to do.

In truth, there is absolutely nothing wrong with this great country of ours that could not be cured by men and women of good will, concerned, with determination and political courage. I am afraid that political courage is what is missing. If it is, we will probably know sometime tomorrow. We will know the American people were right, and that all those speeches were just that.

So if we defeat this amendment, we are sending a message to the American people: All your suspicions have been validated.

I yield the floor.

The PRESIDING OFFICER (Mr. FEINGOLD). The Chair recognizes the Senator from Maine.

Mr. COHEN. Mr. President, I want to open my remarks by quoting the distinguished chairwoman of the subcommittee, who has done a commendable job in this bill of balancing competing interests that are quite diverse, ranging from veterans to housing programs to environmental clean up.

Last week, she was quoted as saying that "every time we turn around, there is a new element to the space station * * * this is like a floating crap game."

The only correction I would make in her statement is that the space station program is not a floating crap game, it is a losing crap game. The dice are loaded.

The American people put more than $11 billion on the space station *Freedom* crap table, and we have absolutely nothing to show for it. Indeed, this bill before the Senate contains yet another $160 million to terminate the space station *Freedom* contracts, in addition to the $2 billion to begin a new space station design that perhaps we will call post-*Freedom*.

Like a chronic gambler who has lost all his savings and then goes deeply into debt to keep playing a losing game, we would be throwing good money after bad to approve this proposal. And it is not even our money, the $2 billion we are being asked to lay on the table is borrowed money, taken from future generations.

Earlier this year when the administration announced its intention to redesign the station, the Senator from

Texas wrote NASA Administrator Goldin. In his characteristic fashion Senator GRAMM wrote:

> I wonder how you can defend the notion that a small number of people will be able to quickly and efficiently redesign a major program after junking a design it took 10 years and $8 billion in taxpayers' money to develop.

The redesign process, Senator GRAMM said, was "robbing (station) proponents of any real ability to make a credible, reasoned argument in favor of continuing the program."

"Succumbing to the political lure of ordering a new space station now will assure *Freedom* never flies," Senator GRAMM concluded.

Mr. President, Senator GRAMM was right. *Freedom* cannot fly on such gossamer thin wings or rationales.

The fact is that it is simply not possible to re-do in a few months or inexpensively what it took a decade and billions of dollars to do, or fail to do. And contrary to the grand announcement from the White House earlier this year that it had chosen a new station design, there is as of now no new design.

Let me repeat that, since it may come as news to those who only follow this program in the general media: The presidential space station redesign team may have packed up its bags and gone home months ago, but we still do not have a final design for the new space station.

You may recall that the President had chose option A from among the menu served up by the redesign panel. This later was changed to new option A+. In succeeding months, however, we adopted Greek and yet another new station design called option Alpha. Now it appears that we about to once again changed alphabets, this time to Cyrillic, as we bring the Russians on board the program.

The deadline du jour for a purportedly final design is November 1. but there is little reason to expect this to be met, as NASA continues to miss interim deadlines related to the redesign effort.

No one in NASA or anywhere else can tell you exactly what space station post-*Freedom* will consist of, nor what it will look like, nor what it will be able to do. But they can tell you out to a dozen figures how much they need to spend on it in the coming year.

Mr. President, I suggest we have reason to hold onto our wallets. Indeed, the Appropriations Committee was so concerned by this charade that it fenced half the station funds until the administration can produce a final design and not just a fine press release. But, perhaps feeling a bit generous or lucky, the committee decided to let NASA spend $1 billion in the meantime.

Mr. President, 2 weeks ago, the Senator from Louisiana told the Senate about an old confidence game which some of his constituents were prone to fall for, while the Senator from Tennessee discussed his constituents' affinity for snipe hunting. "Lost in the space station" is a rival scam.

Given what we are being asked to approve, Senators are being put in the position of the contestants on the old game show, "The Price is Right": For only $2 billion, Monty Hall over at NASA will show us what's behind door No. 1. Or if you believe the committee fence is real, it will only cost you a cool billion to peak behind door No. 1.

I think it is time to end the games and stop pretending that we are dealing in play money, the loss of which has no consequence. Let us get on with the business of managing the American people's money as if it were our own.

If we approached this debate with that attitude, there would no question as to our decision. This is because the space station is a bad bargain at any price.

NO JUSTIFICATION FOR SPACE STATION

Contrary to the impression space station advocates would like to create, killing the space station will not leave the United States without the ability to do research in space. Researchers have available to them unmanned satellite platforms and the space shuttle, for which the American taxpayer has spent more than $80 billion and continue to spend billions.

The shuttle's capability to support research in space has been tremendously expanded by the deployment of the privately owned Spacehab laboratory on the shuttle and, especially, the Spacelab modules in the shuttle cargo bay. Spacelab can be outfitted with several tons of laboratory instruments for studies in biology, medicine, physics, chemistry, astronomy, and engineering. NASA, itself, describes the shuttle equipped with the Spacelab as a "short duration space station for scientific research." And as shuttle flights are extended in length, eventually lasting up to 4 weeks in orbit, Spacelab can be better described as a non-permanent space station—a description that probably also applies to the new space station design, since it is quite possible that it will not be permanently manned.

In fact, there are so many research opportunities offered by platforms, Spacelab, and Spacehab, that there is a real question whether it can all be used. Earlier this year, I asked GAO to study this issue, and preliminary findings suggest that there is a definite excess of spacebased research capacity. Supply far exceeds demand.

So do not be misled into believing that terminating the space station will undermine American researchers.

In fact, Mr. President, it is no secret that the scientific community, which purportedly would be the beneficiary of the space station, strongly opposes it.

The Space science Board of the National Research Council and the National Academy of Sciences has stated unequivocally that "neither the quantity nor the quality of research that can be conducted on the proposed station merits the projected investment." The board went on to state:

> Space Station Freedom * * * does not meet the basic research requirements of the two principle scientific disciplines for which it is intended: (1) life sciences research necessary to support the national objective of long-term human exploration of space; and (2) microgravity research and applications.

And, Mr. President, this condemnation was made before the redesign of the station, which has made it even less capable of carrying out research.

The premier associations of American physicists, chemists, biologists, geophysicists and other scientists and engineers have called for the termination of the space station program.

According to the American Physical Society and the American Chemical Society:

> Scientific justification is lacking for a permanently manned space station in earth orbit. We are concerned that the potential contribution of a manned space station to the physical and life sciences has been greatly overstated and that most objectives currently planned for the space station could be accomplished more effectively and at much lower cost on Earth, using unmanned robotic platforms, or using the Shuttle.

These two prestigious associations were later joined by the American Society for Cell Biology and half a dozen other scientific associations representing more than a quarter million scientists in stating:

> The space station is a multi-billion dollar project of little scientific or technical merit that threatens valuable space-related projects and drains the scientific vitality of participating nations.

This view is shared by nearly all the other major professional associations of scientists in the United States, including such groups as the American Association for Cancer Research.

Mr. President, these are the people for whom the space station is supposedly being built. But it is not hard to see why America's scientists oppose the space station. Proceeding with the space station will force drastic cuts in other NASA programs that are worthwhile, such as space exploration projects and programs to understand global climate change and improve America's economic competitiveness. It will force deep cuts in other research budgets that are funded in the same appropriations bill, including that of the National Science Foundation and the Environmental Protection Agency.

America's most respected multidisciplinary scientific journal, science, recently editorialized:

> A space station can be justified on the basis of a "national adventure" or maintaining immediate jobs in Texas and elsewhere, but space research * * * can be accomplished

> less expensively in other ways. The time has come to set the proper priorities for science on the basis of good research within a discipline and the probable value to society. No longer should projects that are 90 percent public works, 9 percent public relations, and one percent science be labelled "science" projects.

RUSSIAN PARTICIPATION IS BURDEN, NOT BOON

In the absence of any scientific or technical justification for building this new, truncated space station, NASA has been in search of new arguments.

Recent discussions with Moscow have apparently opened the possibility that Russia might be brought in as a partner on the space station. The committee even earmarked $100 million for the Russian space program, even though no one can say just how the Russians would participate.

I anticipate that some will now argue that we cannot terminate the space station program because it is the key to United States-Russian relations. I support working with Russia in space-related activities and, in fact, have asked the GAO to investigate ways in which we can enhance our coöperation with Moscow in these matters. I commend Vice President GORE, in particular, for his efforts in this area.

But Mr. President, we should not deceive ourselves about Russia's ability to significantly contribute to the Space Station Program. As James Oberg, a respected analyst of Soviet and Russian space programs, recently wrote in the Wall Street Journal, the former Soviet space program is a "walking corpse" and "by the time the United States may have to rely on their promised services, they may not exist." Mr. Oberg writes about the decaying condition of both the Russian rocket programs and its primary launch facility. The Russian rockets of potential interest are suffering from a spate of recent failures and a majority of the launch pads of interest are out of operation. According to Mr. Oberg, "Essentially, the entire Russian rocket program would have to be rebuilt from scratch."

How much would this cost? No one can say. Perhaps the Shadow knows. But we are being asked today to approve a $100 million set-aside for Russia to get started.

Mr. President, this is not merely speculation by one analyst. Mr. Oberg's analysis was confirmed just 2 weeks ago by Radio Moscow in a report that described the former Soviet space program as a nightmare and in chaos, with the primary launch facility plagued by power outages during launches; rebellions by soldiers who have burned down numerous buildings at the launch facility; food shortages; and a mass exodus of skilled workers. According to Radio Moscow, thievery of launch pad equipment "has become normal and is not noticed." Radio Moscow even speculates that the recent failure of a Proton launcher, which simply fell into the Pacific Ocean, was the result of the theft of fuel that was supposed to have been loaded into the rocket.

I fully support efforts to take advantage of what Moscow has to offer from what remains of its space program, but as Mr. Oberg concludes in his article, "Fruitful U.S.-Russian space cooperation must depend on cold, hard realities, not echoes of past fading glories."

UNREALISTIC NASA BUDGETING

Not only is there no justification to build the space station, there is simply no way that NASA can afford it. The programs NASA planned for the coming 5 years would cost about $18 billion—or 25 percent—more than President Clinton and the Congress have allotted for the NASA budget over this period.

And I would point out, Mr. President, that the Senate has gone on record as firmly stating that NASA must live within the 5-year budget ceilings contained in the current budget resolution. We have put NASA on notice that we are not going to break the ceilings when NASA finally owns up to the existence of this huge gap between its plans and its budgets.

NASA Administrator Daniel Goldin has reportedly found some program cuts to close this gap. But informal consultations with the GAO indicate that there remains a discrepancy of some $10 billion between the cost of NASA's planned programs and its budget over the next 5 years.

Mr. President, it just so happens that NASA plans on spending about $10.5 billion on the space station over the coming 5 years. Adoption of our amendment would, in one fell swoop, close NASA's budget gap, ensuring the vitality of the many NASA programs that are worthwhile.

What will happen if we fail to close the gap between NASA's plans and its budgets?

As we saw with the Pentagon in the 1980s, this type of gap results in costly program stretch-outs and cancellations of programs after large investments have been made, wasting billions in taxpayers' dollars. This is definitely the path the space station is on.

In December, the GAO released its high-risk series of reports on areas of Government facing grave dangers of waste, abuse, and mismanagement. According to GAO's high-risk report:

> NASA's planning was not realistic; it was based on a much higher level of funding than was likely to be made available. For example, NASA's program plans for fiscal years 1993 through 1997 called for up to about $20 billion more than was likely to be provided. To adjust plans to actual budgets, NASA's projects and programs often have to be slowed down, thereby extending schedules and increasing total contract costs.

The GAO high-risk report went on to state:

> In addition, there are several support areas in which further funding demands may emerge, including hazardous waste cleanup and maintenance of facilities. NASA's overcommitment, plus potential additional funding demands, mean the agency's programs may not be able to proceed as planned.
>
> Unless it starts to plan realistically, NASA will continue to perpetuate resource shortages that limit its ability to effectively manage contracts by subjecting its programs to a recurring annual cycle of cutbacks, restructurings, schedule extensions, and potential terminations.

And these cutbacks, delays, and terminations will apply not only to the space station but to all of NASA's other programs:

The Earth Observation System and other programs designed to help us better understand our environment and how we are changing it: NASA's many worthwhile projects in space exploration and astrophysics; and even NASA's aeronautics programs that are so critical to the health of our commercial aircraft manufacturers, one of America's biggest export industries and a cornerstone in our efforts to compete internationally.

While the administration may claim allegiance to these programs today, all of them will end up being sacrificed on the altar of budget reality in order to save the space station.

This is not speculation, Mr. President, it is already happening. In this bill, the committee cancels one-half of the Advanced X-Ray Astrophysics Facility, a two-satellite orbiting observatory that would greatly enhance scientists understanding of the universe. This week's Space News states that "A Senate aide said that rising space station costs forced the committee to make the cut."

PRIORITIES AND PUBLIC ACCOUNTABILITY

Mr. President, sometimes the matters we deal with are so tragic or ludicrous that humor is the only alternative we have to outrage.

Back in mid-April, as Americans were preparing their tax returns, the columnist Dave Berry had some relevant remarks in an article appropriately entitled "Flush With Money":

> (Y)ou middle-class people can forget about (the) Tax Relief (promised in the presidential campaign). But you will be pleased to know that President Clinton has come up with a new post-election idea, which is sacrifice. Of course, we're talking about an equal sacrifice, wherein everybody will carry his or her fair share of the burden, as follows:
>
> (1) You will, one way or another, pay more money to the government.
>
> (2) The Government will spend it on critical programs such as the space toilet * * * which goes inside the space shuttle.
>
> The (space) toilet was originally estimated to cost $2.9 million but what with one thing and another—you know how it is with plumbing projects—it wound up costing $23.4 million God alone knows what it will cost the taxpayers when, inevitably, we have to send a Space Plumber up there to fix it.
>
> Of course, it is not the business of us taxpayers to question such expenditures. We're too stupid to understand our own tax forms, let alone decide on the need for a high-tech orbiting commode.

> The point is that the government needs your money for many vital activities, and you need to just forget about Tax Relief, and start thinking in terms of sacrifice.

At least, Mr. President, the space toilet performs a useful function. That is more than can be said for space station post-*Freedom*.

Mr. Berry's column was published in the Washington Post in the weeks prior to the April 15 tax filing deadline. It would have been appropriate to rerun it just a few weeks ago, Mr. President, when we marked "debt-interest-freedom day," kin to the more familiar tax-freedom day. This is not to suggest the Federal debt is gone. Rather, since it has been estimated that 57 percent of taxpayers' Federal income tax is required to pay the interest on the Federal debt this year, this means that it was only after July 27 that the Federal income tax deducted from American workers' paychecks stopped going to pay interest to bondholders and began being spent on Federal programs to aid the public.

Mr. President, the leaves are already beginning to change color in my State, and yet it was just 7 weeks ago that my constituents' Federal taxes started being spent on programs to benefit them.

And we are now being asked to take that 43 percent of their Federal taxes that actually buys something and spend $160 million of it to terminate one space station and $2 billion more to start another.

No one can tell them what this new space station will look like. No one can tell them how much it will ultimately cost.

The only thing certain about the new station is that we do not need it to do the scientific research that is its purported purpose. That is not just my opinion. That is the testimony by the very people for whom the station is being built for—America's biologists, physicists, chemists, and research engineers.

Those Senators who vote to spend $2 billion this coming year—and implicitly $100 billion or more in succeeding years—on this new, Protean space station, after we have already wasted more than $11 billion on the just terminated space station, better be prepared to answer their constituents.

They should be prepared to tell why they voted just a few months ago to raise their constituents' taxes, but today were willing to spend those hard-earned taxes on a program that no one can even describe in detail.

They should be prepared to tell why they voted to cut Medicare benefits, but today refused to cut a so-called scientific research program that America's scientists almost uniformly call a waste of money.

They should be prepared to tell why they voted to increase fees on veterans' benefits, but today voted for a program that will inevitably force further reductions in veterans' benefits, since they reside in the same appropriations bill.

They should be prepared to tell why they voted to add another trillion dollars to the Federal debt, condemning our children to a lower standard of living as a result, but today they voted to spend $2 billion going on $100 billion for a special interest, pork program.

For years, Mr. President, advocates of space station *Freedom* argued in favor of it with the mysterious phrase that it was "the next logical step." Now that space station *Freedom* is dead, it is clear that the next logical step is to vote in favor of our amendment to put an end to this Maginot pie in the sky.

Mr. President, I ask unanimous consent to insert in the RECORD Mr. Oberg's article "In Era of Space Detente, Beware of Bargains," and a translation of the Radio Moscow report called "'Nightmare' State of Space Program Viewed."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

IN ERA OF SPACE DETENTE, BEWARE OF BAD BARGAINS

(By James Oberg)

Vice President Gore's meetings yesterday and today with Russian Prime Minister Victor Chernomyrdin to discuss space-related issues are expected to yield greater cooperation between the two countries, particularly in areas such as space launch vehicles and launch facilities. Given U.S. budget constraints and the wide variety of high-quality Russian space hardware and services now being offered on the world market, such proposals are well worth considering. But extreme caution is called for, as the Russians may be trying to sell the U.S. goods they don't reliably possess.

Common suggestions focus on placing the NASA space station in an orbit far enough north to be serviced by the old Soviet spaceport at Baikonur in Kazakhstan. Russian super-rockets in the Energiya program, the world's most powerful, are also under consideration for transporting into space many sections of the station's modular design.

Russian space officials have been enthusiastically promoting these ideas. They see a source of financial salvation for their own agencies and industries. So desperate are the Russians for the "American option" that they recently surrendered to U.S. State Department pressure over alleged "military rocket technology proliferation." That case involved the Russians' sharing with India their small-thrust liquid-hydrogen engine know-how, an expertise uniquely suited to communications and scientific launch vehicles and to a rocket technology that has never been used by any nation for military purposes. Nevertheless, the Russians agreed to break their existing contract with India and to withhold the manufacturing technology, reportedly as part of a deal to receive equally valued U.S. space contracts.

American space industries have been understandably reluctant partners in this new U.S.-Russian "space detente." They clearly would prefer that the space funding be given to them for the desired services: But when the "Russian option" provides services at a fraction of the American cost and years ahead of American schedules, congressional budget-cutters find the option attractive. As an alternative to total cancellation of major space projects, U.S. aerospace giants have found they can live with the deal.

But all is not well with the fundamental underpinnings of the plan. Both the Russian space center at Baikonur and the Russian super-rocket Energiya are very bad bargains. By the time the U.S. may have to rely on their promised services, they may no longer exist.

The Energiya rocket, equivalent in power to the Saturn V moon rocket developed during the moon race in the 1960s, has flown only twice. Once, in 1987, it carried a thrown-together 100-ton payload that tumbled out of control and never made it into orbit. Then, in 1988, it carried a stripped-down unmanned space shuttle on a two-orbit mission.

Since then, all flight hardware has been rotting and rusting away in storage halls at Baikonur. The Soviet shuttle, an immense strategic blunder, slowly strangled from lack of funding. It was finally terminated officially a few months ago. No further flights of the Energiya booster are even planned, unless lots of American money shows up, and even then the launches couldn't occur before 1997 or 1998.

Essentially, the entire Russian rocket program would have to be rebuilt from scratch. Key industrial partners in the project are now outside the Russian federation, and many of those factories have already been converted to other manufacturing. Between a third and a half of the most experienced personnel have already left the program for better-paying jobs with more secure futures. Existing hardware has been cannibalized for other projects or sold off as scrap.

What is more, the Baikonur Cosmodrome, as Russia's main space center is called, is a walking corpse, already evacuated by its most energetic veterans and now long abandoned by the Soviet support bureaucracies that used to make it a semi-tolerable duty location. Launchings continue under skeleton staffs, but increasingly serious breakdowns and worker food riots are threatening to bring the delicate high-tech rocket work to a halt.

Two recent space failures illustrate how close modern rocket technology runs to the edge of disaster.

The Zenit rocket, which serves both as an independent launch vehicle and as a booster for the Energiya heavy lifter, is manufactured at a plant in Ukraine. Between 1985 and 1991 it had a string of successes, but suddenly two years ago the vehicle underwent a series of random flight failures caused by inadequate preparation and quality control from the Ukrainian factor. An explosion destroyed one of the two launch pads, which has not been rebuilt.

Then an independent booster program, the Proton, was done in a squabble over which Moscow agency owned it. A technical bureau that had been locked out of a profit-sharing plan decided to withdraw its inspectors from the launch site, and the very next vehicle fell into the Pacific Ocean. Out of four pads at Baikonur for the Proton rocket, only one is operational.

As if all this weren't enough, there are other problems with the Baikonur site. Ecologically, the region is beyond salvation. As the Aral Sea to its west continues to dry up, emanations from the exposed salt flats, laced with decades of pesticide pollution in the cotton fields upstream, are blown by the choking summer winds eastward across the desert to blanket the city of Leninsk where the space workers live. Infant mortality and birth defects in the area are unendurably high.

The government of Kazakhstan has claimed sovereignty over the base but cannot afford to provide basic services such as power and water, much less technical services. Also looming as a future crisis is the question of political rights for large Russian minorities within the borders of Kazakhstan, particularly in the northern regions where they actually form the majority and where sentiment is growing for partition and ultimate reunion with Russia. None of these flash points bodes well for the stability of the Baikonur spaceport.

Conceivably, the Russian government might actually get many of the hoped-for U.S. space dollars for expanded joint work, since there is much in the Russian space program well worth buying, leasing or licensing. Its space station hardware and experience can be extremely valuable. But the price of rebuilding the already collapsed infrastructure of Baikonur and the Energiya rocket is too high. Fruitful U.S. Russian space cooperation must depend on cold, hard realities, not on echoes of past fading glories.

[From Moscow: "Nightmare" State of Space Program Viewed—LD0609154393 Moscow Radio Moscow World Service in English 0710 GMT, Sept. 6, 1993]

Moscow mailbag, and here's Joe Adamov to answer more of your questions. The first one comes from Arthur Boston of Liverpool England, and he asks: Is the Russian space program now finished?

[Adamov] Well, it's not finished, but it's experiencing what I would call a nightmare; 21,000 people have left the community adjoining our main cosmodrome, Baykonur. The clubs and movie theaters there are closed. Pedestrians dart in and out of stores in search of food, and during a whole week bread was not delivered.

The refrigerators in the stores are not working. In one place, sausage was lying in tropical heat covered by flies. Today, the Baykonur cosmodrome is the property of the Republic of Kazakhstan, but they have neither the technology nor the personnel to keep it in working condition.

The military space forces, so-called, in charge of the launching site, lack personnel—lack soldiers. The rocket that launched the recent Russian-French crew was guarded not by just plain soldiers, but by officers. The construction of new objectives at Baykonur has been stopped. [as heard] The functioning ones are quickly becoming inoperative. Russia is keeping the functioning of the cosmodrome at the very lowest level, not wishing to finance out of its own pocket the property of another nation.

Theft at the launching pads and the technical sites has become normal and is not noticed. Everything is stolen, even copper cable laid underground or sheet metal which is used for roofing. This chaos is beginning to tell, very unfortunately, on the dependability of the launchings. In June, the heavy carrier rocket Proton, carrying the communications satellite Gorizont, fell into the Pacific Ocean. Why? Because they didn't fill enough fuel into the tanks. I have a feeling someone must have stolen some of it.

The launching complex of the Proton—the most reliable Russian rocket—became so broken down and dilapidated that the rocket was moved to another pad. An hour before the Russian-French crew launched, the electricity failed at the pad, but after the launching, the whole town was blacked out.

People are leaving the place en masse. There are two and half thousand officer vacancies. Schools have become half deserted. Kindergartens are closed. Crime, drug addiction, robberies, theft are all commonplace. Women, even in daytime, are afraid to go out. They go swimming accompanied by large dogs.

And here's the latest: soldier rebellions. In June, these rebellions resulted in burning down three barracks, three staff buildings, a club, a hospital, and a library.

The only way out is to try and use our great space facilities for commercial purposes by launching foreign satellites, but that will not be easy to bring about.

Mr. WARNER. Will the Senator yield for a question?

Mr. COHEN. I will be happy to yield to my friend from Virginia.

Mr. WARNER. I commend the Senator from Maine. He is a cosponsor of the amendment, and he has come forward tonight and given a very eloquent dissertation, well prepared, well documented with facts.

Mr. President, the thrust of what he has concluded, I characterize as saying unless Members of this body have the courage to stand up and vote against the program which in their State has jobs, then any amount of balanced budget, any line-item veto, it is futile, absolutely hopelessly futile.

My question is directed to the Senator because we served together and have been privileged to serve in the Senate for 14 years on the Armed Services Committee. We have been to the Soviet Union, to Russia together many times. He is an acknowledged expert on the question.

This last-minute administration effort, as the Senator posed, is a very puzzling one. But I cross-examined the witnesses of the administration very carefully this afternoon. I could not get a definitive answer of how big a factor this is, this one space station in terms of our many overtures of the assistance to Russia; $2.5 billion is the package coming through later this week. That is significant.

I judge the Senator from Maine is, as the Senator from Virginia and others are, going to stand up and vote for it and go back and face our constituents.

But it seems to me in listening to the witnesses this afternoon from the administration that the space station is indeed a very small part of this overall relationship of $2.5 billion added on to that. Would there not be, if this is so significant, the space station, another program that could be substituted for it so we could go ahead and cancel this one and, indeed, draw on their knowledge of the space station? Given that it is, in my judgment, a very small program as it relates to Russia, are there not a number of valuable substitutes that could take its place?

Mr. COHEN. Let me say to my friend from Virginia, there are many programs which we could undertake with the Russians to try to help restructure their economy.

I would point out that they have come to the conclusion that their space program is a program they can no longer afford. All of the information that we have coming out of Russia, itself, says it is a walking corpse. Most of their launch pads of interest are out of operation, as the Senator from Arkansas has said. They have thievery taking place on their launching pads. Their rocket capability is withering. Their space program is in a state of advanced decay.

Yet, now we have the administration grasping for straws, anything to continue this program, a brand new redesigned space station they will do anything to justify. Let no one say our relations with Russia hinge upon this, and that if we kill this program there is no relationship with which to launch.

Let me say to my friend from Virginia that he and I, and the others, will be called upon later during the course of this year to support the program to assist the Russian economy. To add this on top of that effort will, I think, undercut support for that larger Russian aid package. It will certainly cause me to go back and reflect on whether I can go to my constituents and justify why we have to have another Russian aid package.

I think what we have to do is come up with joint programs that have beneficial results for both our societies. This will not benefit Russian society, and it will not benefit ours in terms of producing worthwhile basic research.

Tomorrow morning, for example, the Governmental Affairs Committee, on which the Senator from Ohio serves, will conduct a hearing to examine how much money we have to come up with for environmental cleanup. There is a project that perhaps we can engage in with Russia—environmental cleanup—not only here in the United States but over in Russia as well. They have massive environmental problems as a result of their nuclear and other programs. We could have joint efforts at cleanup which we certainly could justify more than this program. That is just by way of example.

We have so many hundreds of billions of dollars that we have to spend for programs that will produce beneficial results for us. We cannot afford to indulge in this kind of waste.

Ms. MIKULSKI. Mr. President, will the Senator yield for a question?

Mr. WARNER. Mr. President, I will just finish my colloquy and then yield the floor.

Mr. President, I want to thank the distinguished Senator from Maine because this Nation is stumbling toward an ever-increasing annual deficit, an ever-increasing national debt. Those of us in favor of this amendment have to call on the American people tonight to come and help us stop this reckless spending.

I commend the Senator from Maine for standing because I am sure in his State, perhaps not as many jobs as there are in Virginia, but there are some jobs in his State, and until Members of this body stand up and are willing to accept the consequences of loss of jobs in their State, as it relates to this ever-increasing Federal spending, it is hopeless to think that someday we might be able to reduce the annual deficit or begin to reduce the burden of the national debt on future generations.

Mr. COHEN. I thank the Senator from Virginia for his comments.

Ms. MIKULSKI. Mr. President, will the Senator yield?

Mr. COHEN. Yes.

Ms. MIKULSKI. The Senator from Maine said something in his impassioned speech, and it appears to me that the Senator from Maine's understanding is that the future of our science relationship with the Soviet Union depends on this vote. Did I misunderstand?

Mr. COHEN. I think the Senator from Maryland misunderstood my comments. That was in response to the Senator from Virginia. As I pointed out, it does not. I said there are some who will argue that our relationship with Russia may hinge upon this.

Ms. MIKULSKI. Some might argue. The Senator from Maine has not been told that by the administration.

Mr. COHEN. I have not been told that. I am waiting to hear what the arguments will be.

Ms. MIKULSKI. We will talk about the arguments. I know there was a briefing this afternoon. I just did not know whether the Senator's conclusion from what he had heard was that this had been indicated.

Mr. COHEN. No.

Ms. MIKULSKI. Because the Senator from Texas and myself support a United States-led space station in which there would be Soviet cooperation around the area of cost and time savings but that our space station effort was not to bail out the work of Soviet science.

Mr. COHEN. We are in complete agreement. There is no justification for arguing that not continuing this program will somehow jeopardize our relationship with Russia. We are in complete agreement.

Ms. MIKULSKI We never made that argument.

Mr. COHEN. I am glad we pointed that out for the record. We are both in agreement. No one can make that argument and therefore it would not be a valid consideration for any of us to take into account.

Ms. MIKULSKI. If the Senator will continue to yield just to clarify in my own mind, some might make that argument but that is not an argument that will be made by the proponents, by the managers of the bill.

Mr. COHEN. I thank the Senator for her comments.

If I might finish my comments, then I will sit down.

Mr. President, for years the advocates of the space station *Freedom* argued in favor of it with the mysterious phrase it was "the next logical step." Now that the space station *Freedom* is being terminated the next logical step is to vote in favor of this amendment to put an end to what I consider to be this Maginot pie in the sky.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank the Chair.

Mr. President, I rise to align myself with those who think that it is time to terminate the space station.

I am not going to go through an analysis of the relationship between ourselves and Russia on this, allegations or intimations that may have been made suggesting that our relationship would deteriorate.

I want to look at this strictly in terms of the financial condition of the United States and what it is that we are buying or not buying by continuing this program.

I am a member of the VA-HUD appropriations subcommittee that funds NASA programs including the space station.

I closely reviewed the progress of the space station and its funding level since it was first proposed by President Reagan in the 1980's.

In 1991, it became obvious to me that we could not afford to build the space station given the caps contained in the 1990 budget agreement, the massive cost overruns associated with this project, and the questionable benefits to be gained from it.

Now, I will cast my third vote to kill this space station.

Mr. President, there is nearly unanimous public and congressional support to substantially reduce the budget deficit. We have just enacted what is purported to be the largest tax increase in the Nation's history. Regardless of whether Members opposed or supported that package, all agree that the Congress could do a better job of cutting Government spending for wasteful projects. The space station qualifies for such a project. It is a project without a mission that has taken on a life of its own. It adds nothing to the future economic vitality of our Nation. It does not contribute to solving our underlying disinvestment in our people and infrastructure or our technology. It is a huge drag on our resources that we cannot afford.

Mr. President, if times were better, perhaps we could engage in this scientific endeavor. But this reminds me somewhat of a family sitting around the dinner table with the table bare, talking about how difficult it is to get by without food, as they contemplate perhaps bringing in a painter to paint the outside of the house. It is just out of phase with where we are.

When the space station was first conceived, it was argued that it would enhance our national security and help us conduct research in material science and life science research. Since the 1991 restructuring of the space station, there has been vigorous debate about the alleged benefits of this project with the Space Studies Board and National Research Council questioning whether or not the materials in life science research could actually be done effectively. Some still argue that there will be biomedical spinoffs resulting from the tests conducted in the weightlessness of the space station. But at what cost?

The space station will cost us between $31 billion and $43 billion for construction before we conduct one biomedical experiment, and $120 billion over the next 30 years in operational expenses. Of course, these are estimates, and we know what happens with estimates around here. To put it into perspective, the National Institutes of Health, the world's premier biomedical research agency, receives a total of $11 billion a year—that is the primary research facility in our Nation—and the space station alone could cost somewhere around $1 billion to $1.25 billion a year in operational expenses alone. If we are concerned about investing in biomedical research, we ought to put more into the NIH.

Mr. President, unfortunately, termination of this project failed in the House of Representatives. The Senate ought to do what our colleagues in the House could not do and terminate this project.

In 1984, NASA estimated that the total cost of the space station would be $8 billion. As of fiscal year 1993, we have already spent $9 billion on the space station, and look where we are—still on the drawing board. To repeat my earlier comment, the cost estimates range from $31 billion to $43 billion just for construction, and $121 billion over the next 30 years. I want to correct the record based on a comment I earlier made. It will cost $121 billion to operate this space station, if it ever gets there, for 30 years.

That is like an entitlement for NASA. When we typically think of entitlement programs, people are inclined to look at Medicare, Medicaid, Social Security, and welfare. But we must look further than the traditional entitlement programs for cuts. We must now cut NASA's largest entitlement: the space station. The space station has survived in a manner that is typical of large, wasteful projects with no apparent mission.

The story goes something like this: First an agency comes before the Congress and tells us that they can build the space station, the super collider, or a star wars system for a reasonable amount of money. The Congress funds the design and the initial construction of these projects, and the agencies come back and say they need a little more funding. Then the Congress asks the GAO to investigate the financial status of the project, and we learn that the total cost would be much higher than that originally predicted.

The agency then responds by saying there has been some cost growth in the project. They call it cost growth, and I call it runaway costs, and the American people call it waste.

Once the GAO sheds light on the project, the proponents argue that we have already sunk billions into the project, and the jobs will be lost if we terminate the program. It is a real catch 22. The proponents argue that we must continue to fund projects like the space station because it will enhance, ultimately, our economic competitiveness. Behind the scenes, the agency responsible puts together an intense lobbying strategy. They draw up charts that tell you how many jobs are located in your State that come directly from a project like the space station. Then they use some greatly inflated multiplier that says that the real job loss in your State will be some much higher figure. This is business as usual in Washington, and it is time we put an end to it. We should be terminating those projects that provide little benefit to our people and our country and use these funds to reduce the deficit or invest in ways that will really provide for future economic growth, or will help in solving some of the intractable social problems we face.

In sum, the Senate should take the final step of terminating the space station. It is a project with no discernible benefits that will drain our resources for years to come. The savings from this program can make a substantial cut in our deficit.

Mr. President, I want to give credit to President Clinton for his initial action on the space station. On February 18, 1993, the President asked NASA to come up with a more cost-effective, redesigned space station. He wanted NASA to present him with redesign options that might cost somewhere between $5 billion and $9 billion over the next 5 years. After 4 months, NASA comes to the conclusion that the space station could not be built for less than $10.5 billion over the next 5 years. This so-called redesign is still untested and may be technically unfeasible. It certainly will obviate most, if not all, of the original goals of the program.

Mr. President, there is one option available to us to hold the project below $9 billion over the next 5 years. That option is to terminate the program. It is clear that there is no way to get the cost of this project under control no matter how hard NASA tries to redesign the project.

Mr. President, despite the pledges made to cut wasteful spending when we talked this summer when the tax bill was enacted, the Congress is not yet stepping up to the plate. To cite two of the most egregious examples that have received attention, we have yet to put an end to the honey subsidy or the mohair subsidy. Last week, the Senate overturned the administration's recommendation to reduce grazing subsidies.

These are failures. They cost taxpayers millions as opposed to billions of dollars. They enrage the American people, and they should. These programs have no place in our budget, and if they ever did, certainly it is not now. And the space station is no honeybee subsidy. It is going to cost the taxpayers billions of dollars over the next several years. We ought to get on with the task that we promised we would if the budget resolution bill passed, and that is reducing our deficits in a significant way.

Mr. President, there is one way to start on that task, and that is to cut out programs like these. I urge my colleagues to support this amendment.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I know there are a lot of other people who want to speak. As ranking member of the subcommittee, I want to say a few words and respond to some of the comments that have been made. I know our dear colleague Senator GLENN, whose record in the space program is not rivaled by anybody in this body or in the country, wants to speak.

We have heard from a lot of experts tonight. We will hear from the real expert in a moment. We have had a good time tonight. It was very interesting hearing Dave Barry quoted as a scientific expert. I know that is an accolade he will take great advantage of in his column. We have had other experts with fewer credentials.

I want to make tonight just a few simple points. First of all, let us talk about redesign. A big point has been made tonight that there is something wrong because we are redesigning the space station. But the real truth is we are redesigning the space station to save $4 billion. We are here tonight listening to talk about spending money and about how we ought not to be doing it, and we hear criticism of the space station because it has undergone a major redesign. But the redesign was to shear off $4 billion over the next 5 years.

Now, one of our colleagues read my letter, and a fine letter it was, talking about how, if we threw out space station Freedom and tried to redo in 6 months what we had done in 10 years, that there was no possibility that such an effort could have been credible. In fact, I think the letter was not only right but persuasive because, in fact, what we did was, we took space station *Freedom*, as a Cadillac space station, and we reduced the scope of it, preserving the science that had been built into the engineering and converted it from a Cadillac space station into a Chevrolet space station. A Chevrolet space station that used the same transmission, the same frame, and the same tires, but which basically made the kind of changes and adjustments we see when we look at a Cadillac and when we look at a Chevrolet.

Basically, what we were trying to do was convert a Cadillac into a Chevrolet. But we did not throw out the design work or the frame or the transmission or the motor or the electrical system, or all of the components that were used. We simply went through and reduced some elements to try to save money.

I am delighted, Mr. President, to hear my dear friend Dicky Flatt quoted here on the floor of the Senate. Not since the oracle of Delphi has one person had such a following, and what a great thing it is because this one person, who is really representative of millions of Americans, is a person who has to make tough decisions in his own life. But I think it is interesting to note that when Dicky Flatt, my constituent from Mexia, had to make a decision about sending his two sons off to Texas A&M University, a long-term investment, one that would be unlikely to pay back any return for at least 4 years, until they graduated, and maybe a couple years thereafter—they might have loved him more if he bought them a new automobile—but he made a long-term investment in their future and in the future of the country. We are here tonight talking about a long-term investment for our Nation. And, by the way, Dicky Flatt supports the space station.

We have heard a lot of talk here about the Russians. How short our memories are. How ungracious in triumph we are. The Soviet Union, the predecessor to the modern state of Russia, was the leader in putting a satellite into orbit. While today we bask in the glory of our victory in the cold war, for 45 years their technology menaced America, and they developed a space program second only to one space program in the world, and a space program that holds many of the records in space.

What has our administration or what has our President done that has created all this ire about the Russians? What the President has done, supported on a bipartisan basis, is to ask the Russians to join our effort rather than building their own space station, to join with us in combining our efforts and technology, not so that we can do less, but so that we can do more.

I hear our colleagues speak almost as if the Russians are not a worthy partner in this activity.

Mr. President, I cannot think of a more reasonable thing in the world than asking Russia to join our effort as a partner, and I remind my colleagues something that I have not heard here tonight. We already have three major partners in the space station: the European Space Agency, and their major participants are France, Germany, Italy, and Great Britain. They have already invested $2 billion in the space station. They are committed to putting up $4 billion more. Canada is our partner in the space station. Japan is our partner in the space station.

Can there be any logic to denying Russia what I believe is a rightful and reasonable role of being our partner in the space station? How could it possibly make any sense for them to build and deploy Mir-II when they could join us in our effort, contribute to that effort, and we could all benefit?

Finally, let me say that people must get confused about how there is always a voice for economy, and there is so little economy. I am tempted to rattle off votes where we tried to eliminate ice skating rink warming huts in Connecticut, to have that objected to by some whose voices now rise to the heavens for economy on the space station. I could list 1,000 votes, but it all goes back to remind me that what we need is a balanced budget amendment to the Constitution to force us to set priorities. Let me remind my colleagues of a final point, and I will sit down.

Twenty-five years ago, as a percentage of the Federal budget, we spent 5 percent of that budget on science, technology, and the future. We invested to develop new technology, new science, new ways of doing things and, in the process, we made our workers more productive. In the process, for a quarter of a century, we have dominated science, and we have been its principal beneficiary. And over these 25 years, Federal spending has exploded.

But over the 25 years, what has happened to investment in science and technology? What has happened to investment in science and technology is it has fallen from 5 percent of a fairly small budget, to now 1.9 percent of a budget which has gone up astronomically.

So our problem today is not that we are investing too much in our future. Dicky Flatt's problem is not that he is sending his children to Texas A&M. That is a wise decision he is making, that represents an investment in his family.

My argument tonight is in favor of investment in the space station. We have undertaken the venture with three major partners who have committed $6 billion toward the project and who have spent $2 billion, a project to which we are now bringing a major new partner that I say has earned the right to be our partner in this program. What we are trying to do here is invest in the future, in science and technology, so that we can continue to dominate the world in science and so that this new technology can be put to work to create more jobs, more growth, and more opportunity in America.

So, Mr. President, I believe that what we have done in the redesign to save $4 billion is a good idea. I think it was a messy process. A lot has changed, but when you can save $4 billion and buy a Chevrolet instead of a Cadillac, under the current circumstances, it is right.

We do not yet know exactly how Russia is going to fit into our space program, but to argue that they ought not be involved in it I think is irrational. I do not think it represents the views of the American people, at least if people will think about it.

Finally, just to set the record straight, there is not one dime in this bill for the space station budget which will go to the Russians. Basically, what we are trying to do is to help Russia join the international community by joining the space station. I think that is wise and prudent policy, and I am in favor of it.

So I suspect we are going to have a long debate here. But I hope when it is over we are going to decide to continue even though the percentage of the budget has fallen from 5 percent to less than 2 percent in science investment.

I hope we are not going to eat our seed corn here tonight by killing one of the premier science projects in the history of mankind.

I do not believe that is wise. And to criticize it because we are saving $4 billion, to say that it is wrong to bring in the Russians, simply makes absolutely no sense.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I understand the Senator from Virginia had a question or two. Without losing my right to the floor, I am glad to yield to him for that purpose.

Mr. WARNER. I thank the distinguished Senator from Ohio.

Mr. President, he was present, I might say, at the briefing this afternoon. I hope that, during the course of his delivery of remarks, he might include what I view is the very good advice that he passed on to the administration witnesses.

But, Mr. President, I have a question for the senior Senator from Texas.

The senior Senator from Texas has been the quarterback, the fullback, the blocking back, he has played every position on every single fiscal conservative effort on this side of the aisle to cut back spending.

So I ask the quarterback: Why do you punt tonight? Why do you punt the ball, not through the goal post to try to score, but your punted it up into the grandstands?

Well, I will tell you, Mr. President, the people are going to catch that ball and throw it right back on the field, because they are sick and tired of this partisanship. They want to see a bipartisan effort in the United States of America to cut deficit spending and to cut the national debt.

So, my question to the good Senator is: In his dissertation tonight, which I listened to very carefully and respectfully, I did not hear one rebuttal to the observations by the Senator from Arkansas, the observations by the Senator from Maine, and the observations by the Senator from Virginia as to how those who have aligned themselves year after year with efforts to cut the deficit and to reduce the national debt, how can the Senator, in good conscience, stand and argue on behalf of this program?

Mr. GRAMM. Mr. President, if I might respond, I am very flattered that I play quarterback, fullback, halfback, and then, at this last moment, have been substituted in as the punter. I wish 2 weeks ago, if I had all those skills, that I had been there on the field when Texas A&M played Oklahoma.

My point is this.

Mr. WARNER. Mr. President, they could have used him in the Dallas game, also.

Mr. GRAMM. They could have.

I think it is very important that we preserve America's leadership in science and technology. I do not think that any of my colleagues could offer any reasonable amendment that I would not support to cut the total level of spending and then fight it out in terms of our spending priorities.

But, Mr. President, I say to my dear colleague from Virginia, I would want to spend what we are spending on science today if the total Federal budget were only half as big as it is. If we were spending half as much as we are spending today, I would still support the current level for the National Science Foundation, I would still support the space program, and I would still support the SSC, because I think you can document the past investments that we have made in science and technology and the yield it has produced. Just as the prudent parent will make investment in sending that parent's child to college, I view this as a long-term investment.

Now I would be perfectly willing, if the Senator from Arkansas had offered an amendment to mandate that to the Federal spending be cut by $2 billion and force us to fight it out on our spending priorities, I would support the amendment.

But I think to kill the space program, to kill an international partnership where other nations are putting up $6 billion, especially a program where the committee, led by Senator MIKULSKI, has just saved $4 billion, I simply do not think that is prudent public policy.

So, again, as I said earlier, we each have our own priorities. I believe that science is a good long-term investment. Now, I would not vote to raise the deficit to create a new science program today, but I think you can justify the modest 1.9 percent of the budget spent on science.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. GLENN. Mr. President, I have listened to all the debate here tonight, which has been pretty one-sided, because the people who are against this amendment have not spoken out very much tonight in comparison with the other side.

Repeatedly we have been asked: What good can possibly come from this? Well, you know, there are always those who doubt when there is anything new, when the status quo is being investigated, when there may be change.

I cannot guarantee that research in agriculture will do any good.

I know the Senator from Arkansas has a particular interest in some of the fisheries research. I cannot guarantee that that will do any good. I cannot guarantee that from forestry research, improvements will result.

Back in the days when the transistor was in the process of being invented, there were those who thought this was a very futile effort. And here we are, we have replaced all the vacuum tubes, and the transistor is practically the heart of everything we do now electronically in this country. Still were doubters on this concept. Our doubts go clear across a whole gambit of things.

I do not rise to support the space station just because I, at one time, was involved in the manned space program. I support the space station because it is basically right for this country and right for this country at this time.

Mr. President, there are always doubts going way back. Let us explore that just for a couple minutes here.

They doubted whether Columbus was doing the right thing. Why was he endangering a crew in setting out on a voyage that had never been made before? People thought he was crazy. And yet, it opened up a whole new world, a world that he did not see before he left.

You go in the laboratory and the story of Disraeli and Faraday. Disraeli, the Prime Minister of England, was visiting Faraday in the laboratory. He was doing experiments with electricity. Disraeli is supposed to have said: "Mr. Faraday, what good is this?"

Mr. Faraday's reply is: "What good is a baby?"

In other words, research is not amenable to the regular rigors of cost accounting. When you start the research process, you are looking into something that is unknown.

If we had followed the advice of a lot of people, some very notable people, we might well never have moved off the east coast. In this very Senate, Daniel Webster once rose, and this speech is attributed to Daniel Webster in the Senate of the United States when the matter being considered was whether we were going to acquire territory west of the Mississippi. This occurred in 1852. This is a quote of Webster:

> What do we want with this vast worthless area? This region of savages and wild beasts, of deserts of shifting sands and whirlwinds of dust, of cactus and prairie dogs? To what use could we ever hope to put these great deserts, or those endless mountain ranges, impenetrable and covered to their very base with eternal snow? What could we hope to do with the western coast, a coast of three thousand miles, rock-bound, cheerless, uninviting, and not a harbor on it? What use have we for this country? Mr. President, I will never vote one cent from the public treasury to place the Pacific coast one inch nearer to Boston than it is now.

Well, that same kind of myopic view seems to be taken almost every single time we have a capability of moving forward in the laboratory, as in the couple of examples I gave, or whether it invites larger, macroexploration.

But if there is one thing I think we have learned in this country, and that the leading industrial nations of the world have learned, it is that the quest for knowledge, the curiosity about the unknown and our willingness to do research almost always, seems to pay off in the future, and pays off beyond anything that we ever see at the outset.

Here we have developed in our lifetimes—of most of the people in this room, and certainly most of the people across this country—within our lifetimes we have developed what people have dreamed about for thousands of years, looked up and wondered can we ever travel off this Earth. In our lifetime we have been privileged to do that and take those first little baby steps into space.

Now we hear some who are unhappy because we have not solved all the problems of the universe by the money that has been spent on this program to date. Maybe we could have accomplished more. In hindsight, I do not know, but I know the efforts that have been made so far have been made in good faith. And I know when we move into this area of space we cannot expect to just determine everything overnight. Any more than when we started AIDS research 7 years ago, did we expect to find an immediate answer. We do not have the answer yet.

Should we kill AIDS research? I do not think there would be a single soul in here who would say we should do that because we have a problem. We are doing research on it and we hope that research pays off.

The same thing happens every time you put money into research. If there is one thing it seems to me we have learned, it is that money spent in research normally pays off beyond anything we see at the outset.

For many, many reasons I feel the United States must continue its pivotal presence in space. Let me talk a little bit about the vast opportunity and the promise that a permanently manned laboratory in space can provide.

The space station truly does represent a new frontier. It represents an opportunity and challenge for the United States and the world. This country of ours is concerned about many things. We are concerned about developing new technologies and procedures to fight disease. We want to understand environmental challenges to provide a safe and healthy world for our children. We want to improve our competitiveness in the international marketplace. And we want to enhance the quality of our educational system. These are just a few of the things we are interested in.

A permanently manned laboratory in space addresses each of these concerns. It does not solve all of our problems, but it addresses each of these concerns while expanding knowledge and exploiting for worldwide benefit—not just for our own Nation here—but for worldwide benefit a new aspect of the human environment. The station is a symbol of our commitment to better our quality of life on Earth through research in life sciences, biotechnology, and materials processing.

What are some of the benefits of an orbiting laboratory? First of all a continuance of the program of manned space missions remains the core of our space activities. The station is the next logical step for our manned program. The knowledge of how we adapt to weightless environments will lay the groundwork for future human exploration. Many feel if the station is canceled the future of the entire U.S. space program will be in jeopardy.

Second, the station will provide a manned laboratory to provide materials and life sciences research in a microgravity atmosphere. The space shuttle program has enabled scientists to perform limited microgravity research. This research has already given us clues to the cause of osteoporosis, of diabetes, and other diseases. However shuttle missions last only a short period of time and scientists agree that a manned orbiting laboratory is needed to fully utilize our microgravity research capability.

Third, the space station will be an instrument to educate America's schoolchildren in math and science skills. All you have to do is talk to some of the kids who have been to Space Camp in

Alabama or Florida and find out what they have experienced to know the excitement space exploration provides. Recent studies have shown skills in math, science and engineering of U.S. schoolchildren have fallen farther and farther behind those of their international counterparts.

So I think the space station is another step in providing a concrete example to our children of current and exciting research and discovery and may guide some of them to pursue science and technology as career fields. As we know, mastery of these subjects is necessary if our work force is going to remain competitive in the international marketplace.

Fourth, the space station will represent the largest international venture in science and technology ever undertaken. It sets the United States' international leadership role in space. At this time, the station is being jointly developed and funded by 10 European nations, by Russia, by Canada, by Japan, and the United States.

Recently Vice President GORE and Vice Premier Chenomyrdin signed an agreement to greatly expand cooperation in space between our two countries, and I applaud this agreement. I cannot think of a better symbol of the end of the cold war than nations of this world uniting in peaceful research; in cooperation—with the United States leading. I spelled out today my views with some of the administration representatives who briefed us—with us having the final say in what happens. But in cooperation with all these countries including, of course, the former Soviet Union, now Russia.

Finally, with the end of the cold war attention is being shifted from the defense sector to other economic sectors in order that we may remain competitive. President Clinton has stated that pursuing advanced technology is essential to a healthy and dynamic U.S. economy. I agree and I think the space station will be a key element in developing and utilizing advanced technology.

These are just some of the generalized benefits that I have stated, but they are very real and they are ours to enjoy if we choose to pursue them. The first 30 years of space flight and exploration have provided us with extraordinary advancement, achievements, discoveries. We have learned not only to travel into space but to live and work there, and we have just made the first steps. We cannot even stay up there permanently yet.

What will the next 30 years hold? The basic purpose of this program is not to give people just an experience of going up in space, an experience of zero gravity. It is to do basic research—basic, fundamental research. I hope as much opportunity and promise as the last 3 decades have held will make that happen again, and it will happen through continued funding for this very important program.

We have placed men in space and should continue to do so because I think exploration is just an inherent human characteristic, number one. We cannot fully know something until we have experienced it, and this exploration adds to our knowledge. We exercise our curiosity, our sense of adventure. We are humans, we are alive and need to experience this exploration of all kinds, whether macro or micro.

But I would like to spend a few moments now and study the above-mentioned points in a little bit greater detail and give some specifics. I want to begin with what I consider to be the fundamental reason, as I said, why we should fund the space station. It is the new science research capabilities which will become available to us. These new research capabilities come about when we combine the microgravity environment in space with a technologically advanced laboratory, such as that which will be available on the international space station.

Let me give some examples of why this gives us a unique platform. Since the dawn of time, humankind has used temperature as a research tool. That is a variable. In the last few hundred years we have been able to artificially alter pressure to large extremes. That is another variable. Control of these basic forces has led to countless scientific discoveries and has actually helped our species to evolve on this Earth. Only in the last few decades, though, have we begun to significantly alter the force of gravity as a research tool to add to temperature and pressure. I fully expect similar evolutionary developments from control and understanding of this basic force.

Quite simply, the space station represents the only permanent laboratory we will have which can take advantage of this evolutionary capability.

Let me talk a moment about microgravity, because gravity is so much a part of our lives that we just take it for granted. Sir Isaac Newton's description of gravitational forces began three centuries of scientific research. However, until the mid-20th century, gravity was an unavoidable aspect of scientific research and technology development. And only until research aircraft and drop towers and other facilities were developed—mainly by NASA —could scientists develop short periods of microgravity.

These initial experiments gave scientists a very brief glimpse of natural processes which are typically obscured by gravitational forces. For example, initial observations in microgravity indicated that some types of measurements of biological processes could be made with a degree of accuracy not available to researchers in 1g on Earth.

Conducting research that was not influenced by gravity was not possible until rockets were developed in the 1950's that could leave Earth's lower atmosphere.

More advances in microgravity research were made during the Mercury-Gemini-Apollo missions and the Apollo-Soyuz test project.

However, microgravity research truly got underway with skylab. In fact, much of our understanding of semiconductor crystal growth comes from projects initiated by skylab. Skylab research stimulated new insight into the role of fluids and heat flows in materials processing.

The shuttle program began microgravity research in 1982 and continues today on nearly every mission. However, as capable as the shuttle is, NASA has realized that in order to reach our full potential for microgravity research, we will need an integrated, long-term national program. Such a program can only be developed with a permanent orbiting laboratory, the space station. In fact, if one evaluates our laboratory research time from the start of the skylab program in 1973 to the present, the United States has only had access to lower Earth orbit for microgravity research for 1½ years, or 561 days in the last 21 years.

I would be interested if any of my colleagues could point to other scientific disciplines which have been similarly limited to lab time such as this.

It is very remarkable the researchers have accomplished so much in this relatively short time. Microgravity has become an accepted scientific discipline. By whatever measurement one wishes to choose, microgravity and life sciences laboratory space research has been rewarding. Last year alone in the United States, NASA life science supported over 400 grants in 42 States, graduated 81 students, and delivered 6 patents. In the last decade, life sciences has published in excess of 700 scientifically peer-reviewed papers per year, more than 7,000 since 1982.

Let me now discuss research planned for the space station. I have referred to several different types of science research that will be conducted on the space station. Let me now discuss two of the basic types of research and give examples of how this research affects each and every one of us.

No. 1, physical microgravity research, including materials, biotechnology, combustion, fluid physics and, No. 2, biological and medical research, also called life sciences research. Let me touch on microgravity research first.

Each of the following categories of research will be conducted on the space station. One of the first will be combustion experiments involving the release of chemical energy. On Earth, gravity causes air currents to become mixed with flame, feeding the flame and removing heat, a process called convection. In a microgravity environment, the lack of convection changes the way flames and heat behave allowing scientists to study how flames spread, smoulder and stop.

Microgravity scientists learn how ordinary devices, such as burners and furnaces, produce pollutants through the study of soot production and microgravity combustion experiments. In the future, if such research is pursued, we may be able to redesign burners to improve their energy efficiency and reduce pollution.

The study of combustion in microgravity might have tremendous implication for the way rocket engines are designed.

Fluid physics: Fluid researchers study what they call interface dynamics, how surfaces react to heating, cooling, and chemicals. Research on liquid gas interfaces has provided information necessary to design and develop fuel management systems that can function in space.

The successful operation of most satellites is directly dependent on many years of low-gravity fluids research. On Earth, fluid flows caused by uneven temperatures on liquid surfaces can have serious consequences, for example, in welding. Therefore, further fluid physics study in space will undoubtedly improve this very basic tool.

Another type of fluids research is called drop dynamics. This is the study of the behavior of liquid drops under the influence of external forces and chemical effects. These forces are very minute, and on Earth they are often masked by gravity. But this research provides the very foundation of understanding for many areas in which liquid has a role, from studies of rain in the atmosphere to various chemical processes.

On the space station, research on drop dynamics may be extended to understand the interactions between a large number of drops or particles. This information is important to understanding the physics of colloidal fluids, liquids containing small particles like paint or milk. Colloidal fluids are important for their application in lubricants for oil drilling and in ceramics manufacturing. Space research may answer very basic questions about the minute forces existing between particles in colloidal fluids and may lead to the production of differing kinds of materials. Let me give an example.

Already, a laser light scattering instrument specifically developed for space experiments on colloidal fluids, is being used to measure the size of protein molecules in the human eye. Such measurements can potentially be used to provide an early diagnosis of cataracts.

Did we set out in the space program to say, "Let's find a cure for cataracts?" No, but it indicates the interrelatedness of all science as you learn new things and in this new environment.

We are concerned also about benchmark physics. Scientists can use microgravity to test fundamental scientific theories to a level of accuracy not possible in laboratories on Earth. These benchmark physics, as they are called, experiments are directed at achieving measurements at new levels of resolution that can serve as standards for years to come.

Example: In 1982, the Nobel Prize was awarded for the renormalization group theory which predicts matter's behavior near critical points, a condition of pressure and temperature when a material exists as two phases, that is as between a gas and a liquid, and does that simultaneously. This is important because it can be applied to other problems in physics, including particle physics and superconductivity.

The unique characteristics of materials undergoing critical transitions make them very difficult to study in Earth's gravity. Consequently, this theory is very difficult to test.

However, in 1992, NASA and a Stanford physicist designed an experiment to test this aspect of this theory in microgravity. The experiment was successfully flown on a space shuttle mission. Given the unique research atmosphere on the space station, other unique experiments are possible.

Material science experiments: Scientists constantly seek to improve the manufacturing of electronics materials, of metals, of alloys, of semiconductors, composite materials, polymers, plastics, glasses, and ceramics. NASA material science research focuses on aspects of production that are normally obscured by gravity.

For example, many experiments on the shuttle and Spacelab have studied materials formation using ingredients that do not mix well in Earth's gravity. Results from space experiments have shown that when gravity's effects are substantially reduced, other forces, such as surface tension, predominate. These experiments have shown that these secondary forces are more powerful and pervasive than previously thought.

Results from microgravity experiments have focused attention on the importance of surface tension driven convection in industrially important processes used to grow semiconductor crystals on which much of our whole electronic civilization depends.

Through continued microgravity research we can learn to control and manipulate these secondary forces. A likely result will be an improvement in the production of various commercially important materials.

Now, let me move on to life sciences experiments. Life sciences are another major category of research to be conducted on the space station. The following are some of the categories of this type of research.

Human physiology research. This research helps us understand the effects of microgravity on the circulatory, skeletal, muscular, and immune systems. I can well attest to some of this because at one time I served, unwittingly though it might have been, as a human guinea pig in some of these experiments. These experiences suggest new biomedical inquiries. Weightlessness is not a restful state. It is extraordinarily stressful on human systems. Thus it can often replicate stresses caused by diseases.

Microgravity takes pressure off human systems, which have evolved to cope with gravity, causing rapid adjustments throughout the body.

For example, major weight bearing muscles quickly atrophy, losing as much as a quarter of their mass in less than 9 days. The left ventricular chamber of the heart decreases in size, losing a tenth of its mass in 80 days. Red blood cell counts may drop by a third.

These cardiovascular reactions of astronauts have much in common with many earthly clinical problems, including effects of spinal cord lesions, adrenal insufficiencies and diabetes. Insights useful in conditioning people for weightlessness may well have application to treatment of those diseases right here on Earth.

Previous missions have shown that young, healthy astronauts experience problems similar to those that afflict the elderly like bone density loss, breakdowns in immune response and the aforementioned changes in the cardiovascular system. The space station provides a facility not available anywhere on Earth to study these effects and develop countermeasures.

For example, scientists on the International Microgravity Lab, a shuttle-based lab, have recently observed the mechanism by which cells responsible for balance respond to high and low gravitational forces. This mechanism is masked by gravity to researchers on Earth, and understanding and controlling this mechanism could have very far-reaching consequences, medical consequences, to those with balance disorders as well as the elderly.

On that same shuttle flight, researchers discovered another interesting body adaptation which may have profound implications. Researchers discovered that the number of synapses—nerve connections and endings—in the vestibular balance apparatus in the inner ear—this is on an animal study—increased in microgravity. The synapses increased in microgravity. When the same cells were test in a 2 g environment, the number of synapses decreased. This indicates a direct relation between the basic neurological function and gravity. We do not know yet about the full meaning of this response but clearly it is worthy of further investigation.

Tissue modeling is another promising area. The production of exact replicas of human tissues has tremendous implications for cancer research, for organ transplant, and the study of diseases. Until recently, Earth-bound scientists have been limited to developing two-dimensional models of cellular tissues. However, a tissue modeling device which simulates microgravity, the rotating wall vessel, developed by NASA, has allowed the development of the largest three-dimensional cultures of normal and cancerous tissues outside the body. This new technology may greatly advance cancer research and possibly allow development of transplantable human tissues.

The bioreactor is limited to the size of tissues that can grow but its success does verify that large tissue cultures are possible in microgravity environments.

So envision, if you will, scientists on the space station 5 years from now growing an accurate model of a lung cancer tumor and then developing a drug treatment which will specifically attack that cancerous structure without damaging the surrounding tissue.

We do not say that is impossible. Such a scenario is entirely possible if we proceed with funding for this laboratory.

Another one that I think is one of the most exciting and perhaps most far-reaching things that will come up on the space shuttle in the way of experiments is protein crystal growth experiments.

On Earth or in space, a crystal is formed when a chemical element, compound, or mixture solidifies. When that compound or element solidifies what results is a regularly repeating internal arrangement of its atoms. Often, external, regular plane faces develop, too. Now, the less impurities in a substance the more regular the resulting crystal will be. It is useful to study crystals for they represent a basic, known structure and they may be manipulated to perform various biological or chemical functions.

Now, on Earth simple molecules form crystals and are studied rather easily—for example, sodium chloride, or table salt, is a common crystal. However, more complex molecules, like proteins, are much more difficult to crystallize in part because gravitational forces break the crystal.

In a microgravity environment, it is possible to grow and study complex molecule crystals leading to many exciting possibilities. These crystals grow larger and may be more free of imperfections and impurities when grown in microgravity.

For example, the protein albumin serves as an intracellular truck, if you will, because that albumin carts toxic substances away from the cell and delivers beneficial drugs to the cell. A better understanding of this protein albumin could lead to the development of a more efficient drug delivery system or an improved way to rid the body of poisons. Such an understanding would reduce unwanted side effects of a given drug and may make the drug more useful in the treatment of disease.

In fact, albumin has been crystallized and studied in space on a lab in the space shuttle, yet scientists are limited in the analysis that may be performed on the shuttle lab because such crystals do not survive the reentry to Earth's gravity. In other words, the crystals must be grown, isolated and studied in the relatively short timeframe of 8 to 10 days of a shuttle mission.

I should make clear it is possible, and has been repeatedly demonstrated, to grow protein crystals of interest to botanists. For example, the satellite tobacco mosaic virus, a virus of interest to plant pathologists, has been crystallized and studied in space as has the enzyme isocitrate lyase, the target enzyme for some fungicides. But it is entirely possible to envision significant breakthroughs in agriculture coming from this unique microgravity research capability.

Clearly, a permanently orbiting lab would enable researchers to grow and more thoroughly examine a much greater number of important crystals with potentially electrifying results.

Now I would like to list some potential applications from the space station in the environment. First we have studied waste management and recycling systems for extended use on the station.

The benefit of that: New systems could prove invaluable to current environmental efforts of waste treatment and recycling.

Ultrapure zeolite crystal production takes place on station labs.

The benefit of that on Earth here: Purity of such crystals make them ideal for improved methods of oil refining and toxic waste management.

We have had new water management and recycling systems in space, developed for space.

The benefit: Important innovations for current water treatment efforts.

We have had controlled ecological life support system for long-term food and water recycling. Benefit here on Earth: A self-sustained farm on station could enhance crop yield and pollution control technology.

Commercial and industrial technology. Efforts to maintain low levels of noise and vibration onboard station. Benefit: Innovations in noise and vibration control to improve industrial efficiency right here.

New robotics technology being developed for construction and operation of the station have a benefit of applications here in a number of areas: Farming, manufacturing, medicine.

And photonic inorganic and organic crystal research to be conducted on station labs. Benefits here: Crystals used for fiber optic communication and commuter circuits.

New power generation and management systems designed for the station. Benefit: the innovations can benefit us here on Earth by leading to more efficient wires and switches and circuits.

HEALTH AND MEDICINE

NASA research on the effect of weightlessness on the immune system. Benefit: Breakthrough on AIDS or other immune system diseases.

We know that the immune system changes in space over a period of time, and we will want to study that.

Computer-assisted, miniaturized hospital and telemedicine system for station astronauts. Benefit: Long-distance electronic diagnosis and comprehensive mobile medical units for remote locations.

Systems under development for blood storage on board station. And such benefit here on Earth is obvious. Benefit: Such systems may dramatically improve existing blood banking methods in place on Earth.

We can go on and on with the possibilities. But these will not occur if we do not proceed with the space station.

STATION REDESIGN

Stating "There is no doubt that we are facing difficult budget decision * * * however, we cannot retreat from our obligations to invest in our future", President Clinton on June 17 agreed to move ahead with a redesigned space station. The President's plan entails a funding level of $2.1 billion annually to provide for all aspects of the station program until a permanently manned laboratory is fully constructed.

This scaled down plan will save $8 to $9 billion by the year 2000 and $18 billion over the life of the project.

Mr. President, the NASA redesign team along with an independent, Presidentially appointed blue ribbon panel has worked very hard these last few months to come up with a reduced-cost station that will still meet our research goals. A detailed plan settling on three distinct station options was presented on June 10, and the blue ribbon recommendations shortly thereafter. The administration chose option A-1, a modular station. NASA has further modified this design and now termed it "Design Alpha." Design Alpha represents a modification of the administration's choice and NASA's understanding of the sense of the Congress and restraints of the budget.

I have closely followed the station redesign process over the past several months. By tasking NASA's engineer to once again go back to the drawing board, we now have before us a space station which will be nearly as capable as the *Freedom* design, but at a greatly reduced cost. The bottom line is that the Alpha design will provide us invaluable research capabilities we otherwise would not have.

DESIGN ALPHA

Highlights of this option include: Flexible solar array joint which gives higher sustained power level capability and increased average power over earlier designs.

Station flight mode gives more stable microgravity conditions with better microgravity levels and for all user racks; the United States lab has 13 racks, downsized European and Japanese labs have 10 racks each. The United States has access to 8 of these 20 racks, however.

Design Alpha provides improved opportunities for viewing the earth with scientific instruments.

Specifics: Alpha Design will utilize the following:

BUS 1 or Salyut FGB as a propulsion/control module which we will study in more detail.

Full length *Freedom*-sized modules and passive nodes;

An inclination of 28.8 degrees—with the option of 51.6 preserved if we wish to go to that at a later time.

Reduction of two truss sections from station *Freedom*, a simpler station, will use the Canadian mobile transporter construction and will have a crew and equipment translation cart.

Station Alpha also includes full participation of our existing partners: Canadians, Europeans, and Japanese; Soviet?

INTERNATIONAL INVOLVEMENT

I would now like to touch on the international partners key role in the space program. Mr. President, America's role in a post-cold-war society will depend on our ability to develop and maintain peaceful international partnerships. At this time, the station is being jointly pursued and funded by 10 European nations, Japan, Canada, Russia, and the United States. These nations, working under signed agreements, have already invested heavily to develop laboratories and equipment which will be part of the U.S.-launched station. These partners expect the United States to fulfill its leadership role. They have expressed serious concern at the possibility of cancellation. Fulfilling our promise to lead in the development of the space station is an important step that will illustrate to our international partners the United States is committed to international involvement and cooperation.

RUSSIAN STUDY

The administration also asked NASA to consider other alternatives, in particular to initiate a report on joint cooperation with Russia. The results were recently published and subsequently three statements of joint cooperation were signed between the United States and Russia. Again, Mr. President, I commend the United States and Russia for their cooperative spirit and interest in furthering global scientific development.

Though our space program is partially a product of the cold war with the former Soviet Union, I would note that we have been cooperating with the Russians since I was involved in the program. This cooperation culminated with the Apollo-Soyuz mission.

I have not signed onto having the MIR be the basis on which we build everything for the future. I want us to retain full control over our participation. That is something that is still yet to be worked out.

Mr. President, there has been great concern expressed about that. There has been some publication about it in the papers. I am sure we will be discussing that as our debate goes on also.

SPACE STATION AND THE ECONOMY

Mr. President, not only is the space station valuable for the research benefits that it will bring, but it is also valuable as a tool to help stimulate America's economy. Already the station program has generated 70,000 jobs in 39 States.

Historically each dollar appropriated for space exploration has generated $7 or more worth of economic productivity.

Mr. President, that is a NASA figure. But I would surmise when you get a 7 to 1 return on every dollar spent, that is pretty good. Even if NASA were off by a half, by 50 percent, we can certainly say that the investment has been very, very much worthwhile.

In the past the station has stimulated up to $100 billion in new economic activity, all for an investment of one-seven hundred and fiftieth of total Federal spending—less than one-fourth of 1 percent of the gross national product.

Mr. President, this is a very small investment that we are talking about here.

Vice President GORE recently stated,

> The space station will serve as an anchor for the aerospace industry, particularly during the time when highly skilled defense workers are being displaced by cutbacks. During this period of declining defense spending, programs like the space station will help stabilize our nation's industrial base.

The aerospace industry has lost almost 400,000 jobs since 1989; continued work on the space station could help offset this downward trend. The useful products and new processes gained from space research can create new jobs and businesses, new ventures in manufacturing, medicine and health, and new communications and electronics enterprises. All of these, Mr. President, will benefit the economic livelihood of the United States.

PUBLIC SUPPORT FOR SPACE PROGRAM

Mr. President, public support for the U.S. civilian space program has always been, and remains, strong.

A national poll of registered voters, commissioned by Rockwell International Corp., who has sponsored opinion polls on the U.S. space program for the last 15 years, conducted in the spring of this year shows that the Americans are in strong support of continuing our efforts in space sciences and research, including a manned presence in space.

A majority of those surveyed believe that the maintenance of U.S. space leadership is important to our country for several reasons:

Most importantly, it provides an arena for potentially new discoveries in scientific, medical research;

Some 88 percent of those polled believe that it helps to keep our Nation's young people interested in science, math, and engineering studies;

Some 84 percent agree that it increases our understanding of the Earth's environment through the study of weather and climate; and,

Voters voiced support for the space program through the use of joint missions and research, believing that it fosters international cooperation to build better relationships with other nations.

When informed that the space budget makes up only 1 percent of the Federal budget, or less, more than half of those surveyed believe that NASA's appropriation should be increased. Over half of those polled also believe that the United States should do all it can to continue its leadership role in space.

According to the figures released by this survey, Americans have confidence in our space program and the enormous promise that it holds and believe that this promise should be kept alive.

SPINOFFS

When space technology is applied to the marketplace, it creates new products, corporations, and jobs that help assist America's economy.

Between 1978 and 1986, 441 cases of NASA-assisted technology transfer were documented in the NASA annual publication, "Spinoff." These 441 were only a fraction of the overall cases, and many more were not included. Revenues from these 441 cases were assessed to have saved or created approximately 353,700 jobs and generated $21 billion in sales or savings in such fields as transportation, industrial manufacturing processes, medical, consumer products, public safety, communications-data processing, energy, and environmental areas.

Many important discoveries have been gained through the first 30 years of space exploration. Let me run through just a few of these.

Microwave vacuum-drying systems to speed up drying of crops.

Aerial mapping of citrus groves with color infrared film locate unhealthy trees.

COMMUNITY SERVICES

Anticorrosive protective coating for bridges, pipelines, ships, and oil rigs.

Advanced firefighting uniforms and equipment.

ENERGY

Techniques for quality assurance testing of nuclear powerplant components.

Fuel cells.

ENVIRONMENT

Portable gas analyzer to detect toxic leaks and industrial pollution.

Economical wastewater treatment through the use of aquatic plants.

Carbon monoxide sensor—A compact, pocket-sized sensor to measure personal exposure to harmful carbon monoxide fumes.

HEALTH

Magnetic resonance imaging.

Experimental laser heart surgery techniques, programmable rechargeable heart pacemakers, ultrasonic heart monitoring.

Programmable implants that dispense medication, alleviate pain and control blood pressure; insulin infusion pump for insulin-dependent diabetics.

Reading machines for the blind and speech perceptions aids for the deaf.

Voice-controlled wheelchair and its manipulator that can pick up packages, open doors, turn a TV knob, and perform other functions.

INDUSTRY

Wireless communications with local area networking applications.

High-strength adhesive bonding materials.

Microminiaturization of electronic components.

NUTRITION AND FOOD

Freeze-dried foods.

PUBLIC SAFETY

New flame-resistant materials for airplane, shop, bus, and transit car interiors.

A system to test the performance of public transit operators for impairment.

Traffic alert and collision avoidance system to alert pilots of other aircraft.

Smoke detectors; airport x-ray detectors.

Food processing control systems that assure foods are free from toxins.

Safer building materials/infrastructure—brought about by better and safer materials developed for space hardware.

RECREATION

Teflon-coated beta fiberglass roof for the Pontiac Silverdome.

Composite graphite-boron fishing rods, racquetball/tennis rackets, golf clubs.

TRANSPORTATION

Computerized bridge safety inspection and traffic control.

Electronic ignition systems.

Advanced turbopumps that can power commercial jets at speeds comparable with those of existing subsonic jets at 30–40 percent fuel savings.

CONSUMER GOODS

Electronic watches and calculators.

Cordless hand tools.

Microwave ovens.

These are just some of the valuable advances that have been acquired from the first 30 years space exploration. Who can predict what the next 30 years will bring us? We must allow research and development to move forward. Funding a project such as the station is a serious commitment to doing so.

Mr. President, let me just finish by saying that, to me, it is obvious that the space station is vital. I said earlier that I felt that this country makes a major error if it does not continue with the space station program.

We have had explorations in this country before. There are always those doubters who say that it is unwise to go ahead. But if there is one thing this country has learned from research, whether it is micro in the laboratory or macro in exploration and traveling to other areas, including space, it is that this Nation has benefited from research beyond anything seen at the outset.

I would like to repeat the quote from Daniel Webster that he gave when the Senate was debating whether to acquire property west of the Mississippi. He rose in the Senate in 1852 and said:

> What do we want with this vast, worthless area? This region of savages and wild beasts, of deserts of shifting sands and whirlwinds of dust, of cactus and prairie dogs? To what use could we ever hope to put these great deserts, or those endless mountain ranges, impenetrable and covered to their very base with eternal snow? What can we ever hope to do with the western coast, a coast of three thousands miles, rock-bound, cheerless uninviting, and not a harbor on it? What use have we for this country? Mr. President, I will never vote one cent from the public treasury to place the Pacific coast one inch nearer to Boston than it is now.

Mr. President, I submit that that was a myopic view that has been repeated too often. It is a myopic view that says that if we doubt something, it is obviously not worth anything, so we should not go ahead with it. But I think the material I have spoken about here tonight, and that I have entered into the RECORD as part of this statement, attests to the fact that even in the short period we have had a space program to date, it has been extremely valuable, on the order of 7 to 1 as an investment. Even if that estimate is off, by one-half an investment of 3½ to 1, say, would be a tremendous investment for this country.

We cannot spell out in advance all of the benefits of research. We have said that over and over again. But the exploration and study of space has unlimited possibilities, and ones that we are only beginning to understand.

How can we possibly close the door on this next exciting and new frontier? Only by our pursuit can we discover the wonders and mysteries that the universe is waiting to reveal to us, and the benefits that may accrue from that. For these reasons and others which I may address tomorrow, I ask my colleagues to continue to keep this vision of space alive and vote against the Bumpers amendment.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

Ms. MIKULSKI. If the Senator from Texas will yield, before the Senator from Ohio leaves the floor, I would just like to thank him for his remarks and remind everyone that this is the astronaut Senator of this great body, and if we cannot listen to JOHN GLENN and his arguments for this, I do not know who we can listen to. We appreciate his cooperation and his enormous contribution to space science.

Mrs. HUTCHISON. Mr. President, I also agree with my colleague from Maryland about the great contribution that the Senator from Ohio has given not only to the Senate but to our country. I think it is so fitting that the Senator from Ohio would be talking about all of the specific things that the space station is going to do, and what it has done to give new jobs and new industries and new hope to our country. He is someone who made that happen by risking his own life and being one of the true pioneers of space.

Little did we know that one day the man that we were all cheering from Earth would also be here defending the right of other astronauts to go up and do the wonderful things that space has brought to us. I am very pleased to be following the Senator from Ohio.

Mr. President, this month, I attended a ceremony at NASA in Houston to commemorate the anniversary of President Kennedy's historic challenge to America—31 years ago, on September 12, 1962, at Rice University, President Kennedy boldly challenged the Nation to put an astronaut on the Moon and bring him back again before the end of the decade. His vision was that journeys to space would better life on Earth.

As part of the ceremony, we unveiled President Kennedy's podium—still bearing the Presidential seal—and dedicated it for permanent display at the Johnson Space Center.

It was from behind that famed dais that President Kennedy said:

> The exploration for space will go ahead, whether we join in it or not. It is one of the great adventures of all time. No nation which expects to be the leader of other nations can expect to stay behind in this race for space.

President Kennedy's challenge was met in July 1969 when Neil Armstrong stepped onto the Moon with the whole world spellbound, and he said: "That's one small step for man, one giant leap for mankind."

He then returned safely to a cheering Earth, successfully completing the Apollo mission.

The years proved President Kennedy was right—the world has changed for the better. Even he, however, could not have imagined how dramatically the U.S. space program would impact our world. From weather forecasting to computer chips, the space program's impact has been felt in almost every aspect of American life.

NASA technology has created more than 30,000 spinoff products—from smaller, less obtrusive hearing aids to more effective pacemakers, to life-saving CAT scans and surgical lasers; and every child who cannot tie a shoelace yet, and every elderly victim of arthritis who cannot button a blouse, is able to use velcro as an alternative because of space research. Our investment in NASA has saved and improved countless lives and given hundreds of thousands of jobs to Americans. We now have an opportunity to build on these advances.

Earlier this evening I heard the Senator from New Jersey say there is no discernible advantage to be gained from continuing the space station.

I wonder if the Senator from New Jersey thinks that advances in finding cures for women's diseases, breast cancer, ovarian cancer, osteoporosis are not discernible advantages. I wonder if he thinks that the ability to see cancer cells grow and how they invade the healthy cells of our bodies are not discernible advantages.

Some projects, such as the space research and the superconducting super collider, are so complicated and the benefits are so widely spread, that private industry cannot do the projects. Only the Federal Government is able to do the projects because they are so vast. If Congress prioritizes spending, it will be possible to reduce overall outlays while adequately funding basic scientific research. We need the basic research to make the medical and scientific advantages which will maintain our technological leadership.

What does technological leadership really mean to someone struggling to make ends meet or someone just worried about sending their children to college?

It means something very important to that struggling family. It means America will continue to grow, that opportunities will continue to expand. It means the new discoveries will turn into new products; industries are created to make those products, and that means new jobs.

The only way their children that they are struggling to educate will have jobs and futures, is for us to invest in the research now so that our economy will be vibrant and strong and be able to absorb all these new young educated people.

We have heard tonight those who say that the hardships are too great, the costs are too high. But we have heard these dissidents of despair before, for they are from that same stock who opposed project Apollo. Apollo proved the critics shortsighted then, space station will prove wrong again.

The lives we save, the prosperity we create and the generations we inspire are going to be our investment for the future of those children we are struggling to educate.

I recently received a letter from Angleton, TX, in support of Senator BUMPERS' amendment.

> DEAR KAY: Please do not spend our money on NASA search for life in space. We have enough immigration problems now.
>
> Thank you,
>
> JOE JERABECK.

Mr. Jerabeck and Senator BUMPERS have it all wrong. If we keep pushing the envelope, we will continue to grow new jobs, and there will be enough for everyone, including all of our new Martian immigrants.

It is for these reasons that I ask you to vote against Senator BUMPERS' amendment to kill the space station. Vote for progress. Vote to keep America strong. America is great and growing because we had the ingenuity and the fortitude to invest in research years ago. America will stay strong because we are going to do what is right and we are going to fund the space station and we are going to fund the SSC. We are going to have the prosperity to give to our children that our forefathers and mothers gave to us, thank Heaven.

Thank you, Mr. President. I thank the Senator from Maryland for her great leadership and I thank the Senator from West Virginia, who allowed me to speak.

I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. ROCKEFELLER. I thank the Chair.

Mr. President, I say to my dear colleague from Alabama I will be short. I also want to take advantage of the fact that this is the VA-HUD appropriations bill to say a few words about the manager of this bill, Senator MIKULSKI, who I think deserves extraordinary credit for how effective she has been in this bill and how effective she has been in terms of veterans' programs.

That has been the case with her in the past, and this year is no exception. Her commitment to veterans that is in this bill that we are trying to amend or defeat this amendment is very clearly exhibited in the appropriations bill itself. In fact, I very much appreciate the fact that she addressed many of the highest priority veterans' funding needs as the Presiding Officer understands very well, and that the distinguished Senator from Maryland also considered some of the matters that were important to the Veterans' Committee.

For example, one very important thing that is a crucial to future of veterans' hospitals is keeping the very best of our physicians and for this VA medical research is necessary, and Senator MIKULSKI was very generous in recognizing and appreciating that requirement.

I also appreciate the report language that urges the VA to spend $2 million on research concerning women veterans. We have not had a great many women veterans, but a great many women are in the service who are rapidly becoming veterans. And this was particularly good on Senator MIKULSKI's part in light of the fact that the administration's budget requested no money at all for this activity.

I am also grateful to Senator MIKULSKI for putting in medical equipment and backlogging money for particular medical problems for women veterans and for something which interested both her and this particular Senator enormously, which is the whole question of the post-traumatic stress disorder treatment, activities, and readjustment counseling services. All of these are essential.

I thank the Senator from Maryland, Senator MIKULSKI, in her role as chair of the subcommittee on the Committee on Appropriations that deals with these matters. I know the Presiding Officer will agree it was work very well done.

I thank the Senator also for allowing me to speak on the space station which I will now do briefly.

I have always been a strong supporter, Mr. President, of the U.S. space program in each of the last 2 years. However, I voted to terminate, in each of the last 2 years, the space station program. I did so because I believed that when measured against other Federal spending programs and other NASA programs, the plan for building a $30 billion space station *Freedom* failed to warrant that level of funding, and I voted accordingly.

The program appeared to me to be out of control, with billions of dollars in cost overruns—those very prominently written about—and very little assurance that the science obtained from the orbiting laboratory justified the cost to the American people.

Last year, while the NASA funding bill was being considered by the Senate, I came to this Chamber, in fact, to vote against the space station *Freedom* and to call for a review of the space station program.

I think quoting one's own words is not a very good habit or protocol, but I am going to do that. I said precisely what I believed:

> I believe we should explore cheaper, more efficient, more effective alternatives before we become irrevocably committed to this project. I am prepared to look at more efficient, more cost effective alternatives.

And that was the end of my wisdom, I would say to the Presiding Officer, on this subject last year.

I, therefore, commend President Clinton for doing what previous administrations have not done and have been reluctant to do—directing NASA, and directing NASA in very clear terms, to review the space station program, to cut costs and to increase efficiencies while ensuring science priorities.

Failure to redesign the space station would have continued to waste billions of scarce taxpayer dollars and might have jeopardized the entire civil space program, and I would probably be back here voting "no" again.

But I am not.

When I spoke those words last year, I did not know that almost exactly 12 months later I would become chairman of the subcommittee charged with overseeing NASA which then, in turn, invited me, from the point of view of conscience, to stand back and look afresh. It is one thing to be able to make up one's mind in quick order. It is another thing to have oversight responsibility and have to take a deeper look. And I did that.

As I promised last year, but with the added advantage of chairing the Subcommittee on Science, Technology and Space, I have carefully considered with a very open mind—a skeptical mind but an open mind—the space station program as envisioned by President Clinton.

When my subcommittee held a hearing in April on the NASA budget for fiscal year 1994, a major subject of our review was the space station redesign process then underway.

After President Clinton endorsed a redesigned space station, I then held another subcommittee hearing in July that was totally devoted to the space station proposals.

I have also had many discussions with NASA Administrator Dan Goldin, who I happen to respect a lot, and other supporters of the space station and with many opponents of the space station. I have tried to do this honestly and with intellectual integrity.

A very trusted friend of mine, Dr. Charles Vest, Chuck Vest, who is president of MIT and happily from West Virginia, is also Chairman of the Advisory Committee on the Redesign of the Space Station, a particularly key position. And it was he who conducted an independent review of the program for the White House. We discussed the space station program in depth privately and in depth publicly before the subcommittee. The redesigned space station is the result of an intensive 6-month review of the space station program.

It incorporates much of the space station *Freedom* hardware—and that is sensible—because that capitalizes on the past 8 years of work and will have comparable or greater power, scientific laboratory space, and microgravity levels, and will meet the interests of our international partners. That is an important matter. Moreover, the redesigned space station will cost significantly less than *Freedom* would have.

Much of the debate today may focus, or indeed has focussed, on why the redesigned space station is better than the previous model and on how NASA intends to improve its internal management of the space station program.

While these are important issues that must be examined, to me a much more fundamental issue is at stake. First and foremost, the Senate must examine the rationale for building a space station of any size.

At a time when many in our country are calling for spending cuts to reduce the Federal budget deficit, it is our responsibility to have a solid basis on which to ask taxpayers to pay tens of billions of dollars for this program over a period of many, many years.

The answers that I obtained through my examination have convinced me to vote for the requested $2 billion appropriations for the redesigned space station for fiscal year 1994. I would like to share this information with my colleagues briefly.

We build a space station?

Congress has the obligation to balance the responsibilities of addressing today's problems with looking beyond today to invest in our future.

We are in difficult budget times and are faced with many competing priorities for Federal funding. The opponents of NASA and the space station program claim we must cut big science projects to protect future generations from staggering debts incurred during these past 12 years.

However, to safeguard the welfare of our future generations, we must also protect investments in science and technology from today's budget ax. Budget cuts alone will not restore our Nation's economic vitality. That mentality develops around here sometimes. But just cutting the budget does not create economic vitality, much less jobs. Investing in high-technology research and development projects will provide future generations with better prospects of a healthy domestic economy and greater opportunities for high-skill, high-pay jobs. I am convinced of that. I believe that.

I believe that investing in NASA and in the redesigned space station program will yield long-term benefits in life sciences, aerospace, and other critical technologies.

I like the fact that the administration, in essence, has put a spending cap on the space station, with the provision that any increases that go over that spending cap would have to come from other NASA programs.

Mr. President, that is a discipline for the very first time on NASA, one which they will understand very clearly. We are building to budget, in other words, rather than budgeting to design, which we have done in the past.

The redesigned space station program pushes our knowledge of human physiology and ensures that we will continue to work on unlocking mysteries of science from different perspectives than here on Earth.

The end of the cold war does not mean we should abandon our investments in human space exploration. There is that feeling that we should somehow just stop because the cold war has stopped. The two are not related. That kind of investigation into space causes young people to dream about the future, perhaps to plan to become engineers, to make the decision at the age of 12 or 13 to study more about mathematics and science than they otherwise would because they have heroes and role models and heroines. That is what inspires greatness in our young people.

Rather, the post-cold-war era offers, I think, an unprecedented opportunity to capitalize on the enormous investments of other space-faring countries and to cooperate in a truly international program with Europe, with Japan, Canada, and Russia. This opportunity to cooperate in human space exploration with Russia represents a major change in the world order and provides us with renewed hope for international peace.

The whole question of working with Russia is complicated and cannot be gone into entirely, but it is something I think holds great promise.

So why, then, do we redesign the space station?

And I would say to my colleague from Alabama that I am a mere two pages from the end of my remarks, so he should have good cheer.

Why was it right to redesign the space station?

The President's orders for a review of the space station program has challenged NASA to reduce costs significantly, while preserving critical research and ensuring international cooperation. In accordance with this Presidential directive, the redesigned space station will save $4 billion over the next 5 years and up to $18 billion over the next 20 years.

More significantly, in overhauling its space station program to meet cost and science objectives, NASA had to redesign the way it approached engineering and science projects. Hence, redesigning the space station has become the first step to redesigning, in fact, the agency itself and to reflect new priorities to the Nation in the post-cold-war era. NASA is being redesigned, as is indeed the space station.

Dan Goldin may not be the most popular person with all of the employees because he is making very hard decisions about NASA. But he is somebody that I respect and he is somebody who is not afraid to make hard decisions.

As I say, he is redesigning NASA itself, even as we redesign the space station.

So the new priorities include reducing costs for developing and operating space projects, improving efficiency, and, yes, reducing bureaucracy. Lots fewer people will be working there.

I am voting to fund the redesigned space station because, Mr. President, the major issues preventing me from supporting the space station in the past have been, for the most part, addressed. The administration's commitment to a streamlined, science-oriented, and truly international space program has convinced me that we are pursuing an appropriate path for human space exploration.

Furthermore, I believe in the interest in science of both our President and our Vice President. Last year, Vice President ALBERT GORE was the chairman of the subcommittee I chair. He is passionately committed to the space station and yet, in the same spirit as he is redesigning Government, he is also interested in redesigning NASA and the space station and making everything work more efficiently for a modern America.

So I urge my colleagues to support the redesigned space station. I urge them to vote against this amendment that would terminate this program.

And I thank Senator MIKULSKI again for giving me this opportunity to speak on behalf not only of the space station but on her superb work with respect to veterans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON] is recognized.

Mr. GORTON. Mr. President, this evening we debate the future of the space station. This evening we debate whether or not the United States will continue to play the leading role in the conquest of space. Obviously the space station has sparked both controversy and criticism. But to put that criticism in perspective, consider what we would not have if we had made the decision the Senator from Arkansas urged on us today two or three decades ago.

While we are engaged in this debate, we are surrounded by spinoffs from the space program which we do not even recognize. Ultrasound scanners, laser surgery, CAT scans, programmable heart pacemakers, satellite navigation and communications, robot guided wheelchairs, water purification systems, and on and on. These are only a few of the technological gains the space program has helped along. And a continuation of the space station means more spinoffs and more jobs for the future.

The intangibles are equally important: A knowledge of the universe in which we live advanced as greatly by the space program as by a century of uncoordinated efforts. Simply put, we cannot afford to turn our back on these emerging technologies. We cannot afford to not expand our ability to conduct the innovative research and experiments planned for the space station. One such device built for use aboard the space station is already helping the medical research community study various forms of cancer. Across the country, medical researchers are studying the formation of tumors and this new device is helping to generate new insights into breast and ovarian cancer. These are the benefits, or which we will turn our back if the Bumpers A is adopted.

But critics ignore these scientific gains and have instead focused upon whether there is too much or too little Russian involvement, or assert that space station is costing the American taxpayer too much money that could be devoted to social programs. But Mr. President, space station supporters have heard these criticisms and the station we are voting on today meets these criticisms head on.

Today's space station has been redesigned at the request of President Clinton in order to reduce its cost, and the fiscal year 1994 appropriation for the station is $176.5 million less than last year's appropriation. To the credit of the chairman and ranking Republican of the subcommittee, additional safeguards have been added to give adequate congressional oversight—and therefore taxpayer oversight—to assess the final design configurations of the station.

The subcommittee also included bill language to prohibit NASA space station development funds from being used for payments to, or to enter into contracts with, Russia. This limitation was specifically included so that the committee might have adequate review of Russian involvement in the space station.

Furthermore, in order to ensure the wise use of taxpayer dollars, NASA recently selected the Boeing Co. to be its prime contractor. The selection of such an effective prime contractor will significantly reduce the management costs of the program which, as critics will tell us, has resulted in some unjustified expenses over the life of the program.

The selection of the Boeing Co. as space station's prime contractor is, of course, significant for Washington State. Boeing's future involvement in space business, the jobs of 350 Washington State Boeing employees, and the fate of 45 subcontractors in the State, rely upon this program upon which we will soon vote.

The space station contract becomes even more significant for Boeing given the present state of the areospace industry. Even as the Boeing Co. works effectively to find airline purchasers in a dwindling market, the space station contract gives the company's business base a much needed boost. By adding to Boeing's business base, the station enables Boeing to remain financially healthy and to move forward on other points more effectively.

It goes without saying that, as prime contractor, the Boeing Co., its employees and Washington State will benefit. At the present time, the jobs of nearly 350 Boeing employees in Washington State depend upon the continuation of the space station.

But it's not just a boost for the Boeing Co.—the space station means jobs across Washington State. Nearly $29 million in subcontractor awards have gone out to 45 small and large business enterprises in Washington State. These subcontractors range from the well known to the not so well known: from Microsoft and IBM, to Joseph T. Ryerson & Son, Inc., of Seattle, and Larsen Electronics, Inc., of Vancouver—these are only a handful of the many businesses in Washington State which benefit from, and contribute to, the space station program.

The scientific community in Washington State has also has a fundamental interest in research to be performed on and with the space station. The University of Washington is a space grant university and has several projects underway in biological and materials science. The Institute of Biological Chemistry at Washington State University is also involved in space experimentation.

The space station is the future of the American space program. Critics and skeptics have challenged the program on many fronts, and its supporters have met those challenges head on. Numerous safeguards have been put into place by the committee to ensure that proper oversight is given to redesign and Russian participation in the station. NASA's selection of the Boeing Co. as prime contractor will help to ensure that the program is run more like that of a leading edge Fortune 500 company—and not like the Federal bureaucracy.

In summary, Mr. President, the challenges of space station critics have been met—the safeguards are in place, and Congress and the American taxpayer will be consulted in the redesign process. The space station is, indeed, the future of the American space program, and tomorrow we need to vote to give this future a chance.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I rise in strong support of the space station program and against the amendment which would terminate this visionary program.

The Senate has voiced its support of the space station program on a number of occasions. Enemies of the station have time and time again taken the floor in an effort to kill the program, but the Senate has voted to continue the program on each occasion. This space station represents a bold step forward, not only in regards to new science, but in terms of international cooperation as well, and also as an effort to cut back on the cost of the space station.

I will speak briefly tonight and then have some other, more lengthy remarks, on tomorrow before we vote.

I mentioned scientific innovations. I think I am exhibit 1 to what the space station has done. The angioplasty, which is a new, innovative approach rather than open-heart surgery to clearing up clogged arteries where you will have heart attacks, came out of the space program. I happen to have had three of those angioplasties. Three times they put the device up my veins, into my arteries, and blew up balloons that opened the clogged part of my arteries. That came out of the space program, and I think I am exhibit 1.

There are numerous other instances. Pacemakers came out of the space program. There are a great number of potentials in the field of science that came out of the space program.

We need a space station where you have a permanent platform so people can stay and perform experiments for long periods of time. Using the shuttle to go up, you are limited as to the time that you can conduct the various experiments. There are two aspects I think we want to bear in mind. One is that in microgravity you can do two very important things, as we look to medicine and finding cures for diseases.

One is crystalography. This is the growing of crystals in three dimensions. On Earth, you cannot grow crystals in all three dimensions, but in space where there is very little gravity, where it is known as microgravity, you can grow in all three dimensions. You grow the cell—we will take a tumor—a cancerous tumor. It may be too small to see the integral parts of it but, therefore, you have at microgravity the ability to grow that tumorous cell to an extent where you can identify the various aspects of it, see what the makeup is and, therefore, from that, devise methods of trying to cure the disease that is in that particular cell.

The other system that I wanted to mention to you that can be done only in space is known as electrophoresis. This is the separation of the cells. You take a cell and you can, under an electrophoresis, separate it at microgravity into its integral smallest parts. Combining crystalography and electrophoresis has great potential for finding cures for diseases. I think it is important that we bear this in mind.

I want to say a little bit about the amendment that is said to be directed toward deficit reduction. The House of Representatives has already passed and approved a budget the equivalent of what we have in our appropriations bill. When we go to conference, if the space station is terminated by the Senate, in my judgment there is a rare chance, a very rare chance, that any of it will ever go to deficit reduction. It will be spread over many other needed programs in the HUD–VA and Independent Agencies Committee functions, and in the various agencies that are dependent on them for money. There are many causes there that need additional money. There is housing, there is veterans, and others. So the idea that this is going toward deficit reduction, in my judgment, if it is terminated here, will never come to pass.

I would like to talk a little bit about the President's approach toward the space station. When it started out, there was some question as to whether or not they would authorize and put into the budget, from the administration's viewpoint, the space station. But after careful review, they said that we can build a space station, continue our pursuit of science, pursue our activities in space and looking toward the universe, but we can do it at a much cheaper approach than had been used in the past. And so a redesign was designated, not to exceed $14.5 billion, I think the figure was, which was a considerable savings over what it had been before.

The Vest Commission, as the distinguished Senator from West Virginia mentioned, under the leadership of President Vest of MIT, studied this and they came up with a new design relative to the space station. They eliminated a lot of aspects of it that they felt was not necessary. And then the President has called on us to support this new design space station, which is a much more economical space station than the one that was being proposed previously.

We now have a situation where there is a potential of having an additional international partner of Russia involved in this who has been in the space program for a long time. They have various things like a tug where we used to want an orbital maneuvering vehicle. The tug could supply many of the aspects of that. There are other aspects that they could supply. But I agree with the chairman of the subcommittee, we do not want a Russian space station. We want an American international space station in which the Russians do have a part but not the major part.

Under the design that is now being considered, they will reach agreements on November 1 relative to this and what the future will be. Space station *Alpha* is designed where it can be plugged into other additionals, but we have basically the things we need on this: Laboratory habitat modules that are important relative to the station. These are the basic ideas of continuing relative to research.

Let me just give you one more example pertaining to cures, relative to the space station and science. We recently had a noted scientist, Dr. Jeanne Becker, of the University of South Florida, head of the department of obstertrics and gynecology at that university, speak to a congressional luncheon on the importance that the space program can play in finding cures for a number of diseases that affect women.

I would like to take a moment to discuss some of the scientific developments she spoke about. Scientists like Dr. Becker have just recently become aware of the exciting potential of microgravity research through the use of a microgravity tissue culture vessel called a rotating wall vessel. This device was designed by scientists at NASA so that cells could be carried aboard the shuttle. And in the unique environment developed in this device, cell growth occurs in three dimensions just as they grow in the human body. Traditional tissue culture methods allow only two-dimensional growths.

The importance of this development is that by growing tumor cells in a way that duplicates the way they grow in the human body, scientists gain a more authentic model on which to test cancer drugs.

Dr. Becker's own research has concentrated on ovarian and breast cancer. Other scientists across the country are using this important device in many ways to study other forms of cancers, such as colon cancer and others. They do not feel like they can accomplish what they want to by just shuttle flights. They need a space platform where they can stay 6, 7, 8 weeks, whatever may be necessary, or whatever may be feasible for the time to be there to conduct experiments that go on and to watch them and to watch them over a period of time. By doing this, they can make great progress.

The future of research, in my judgment, lies in the space program in finding cures for diseases like cancer and AIDS.

I want to speak further on this tomorrow, but I would like to say that it is extremely important that we realize the importance of scientific research that is available in space at microgravity on a space station. Thank you, Mr. President.

Ms. MIKULSKI. Mr. President, I thank the Senator from Alabama for his eloquent statements on the space station. We are glad that one of the benefits of the research that has come from our work in space science has been of great help to him in restoring his health. I am sure that all over the United States of America, there are people alive because of not only that ingenious biotech invention that has helped the Senator from Alabama, but one knows that it is the pacemaker and other breakthroughs that have helped, and as we look at space station *Freedom*, one of the big issues that will come out of this is life science research, and particularly in areas of cancers and tumorous growths.

Many of my colleagues have said to me, "What is that little pink ribbon you have? Is that the AIDS thing? You have worn it so much it is faded." No, it is a pink ribbon for the women's health research agenda. In the NASA Space Station *Freedom*, coupled with Houston, we will be doing life science research; we will be doing life science research on diseases particularly affecting women and those involved with breast cancer, pelvic cancer, uterine cancer, and others.

People say, "Well, this has no practical benefit." If that was the test for everything we did, we would finish the appropriations, after the House finished it, and we would be done by the Fourth of July. A lot of the things we fund around here are not for immediate practical benefit, but they are for the long-range future of the United States of America. That is what we are talking about here: The long-range future of the United States of America.

It is not: Are you for or against this from the budget perspective? Are you for or against it because you wonder about its immediate pragmatic effect?

This amendment is a choice between the future and the past: Stale, out-of-date rhetoric, or looking ahead with boldness and innovation that talks about something unforeseen, where the unbelievable will now move into legislation; not only a space station that will do significant scientific research, but in a collaborative relationship with the Soviet Union on a civilian-based project where the United States of America, cooperating with the Russians on a clearly defined civilian mission, is one of the great benefits from the end of the cold war.

When I first took over this subcommittee, I heard, we are not only in an arms race with the Russians over nuclear war and keeping the world safe for democracy but there they are, out there in space—zip, zoom, wow, there go the Russians.

Well, now we do not happen to be in a microchip arms race with the Russians. We can extend our hand across the North Atlantic, beyond the NATO countries, leapfrogging over the old Warsaw Pact nations and reach out our hand to the Soviet Union and say now we will not only dock in space but we will work in space.

What our arrangement with the Russians will do is two things. It will help us save money; it will help us save time, and by our joint effort we will have collaborative scientific research. I think that is one of the first benefits of the end of the cold war. It will help us use technology to help people's day to day lives and keep Americans employed in the field of manufacturing.

It also means that it will help the Soviet Union; instead of developing propulsion devices for nuclear weapons or selling propulsion devices with this ever-increasing nuclear proliferation, they will be working with us on civilian space.

Is it a deal, as if somehow or another that is a shabby word: Well, I think it is an agreement. Years ago, it might have taken a treaty. Years ago, it might have taken monitoring the way we first did under President Reagan and President Bush for arms control. But instead of arms control and wondering about are the Soviets going to gain on us, we now can worry about what kinds of research we want to be using.

We are going to be using American ingenuity and American know-how through the unique environment of space to tackle our understanding of disease and to develop new technologies. These are the questions that are at the heart of why we need an American-led space station and why we should defeat the Bumpers amendment.

The arguments we have heard tonight against the space station are much the same as we have heard every year during this debate: We cannot afford it; it is going to provide us with little technological benefit; NASA is not capable, the naysayers say, of successfully managing its construction.

Mr. President, when I first came to the Senate, I was a skeptic about the space station's value. I thought it was overweight, underpowered and with no clear focus.

But after forcing NASA under the last administration to guarantee that it would have an early, substantial, scientific purpose, I became a convert and supported the station, and I must say, like any convert, I am a true believer. I was aided in that by then my ranking minority member, Senator Jake Garn, who led me into the world of space science to understand what those benefits were. Then I went out and did my own investigation in that and came to the conclusion that we do need a space station.

I want my colleagues to know I was very concerned when I found out in January that this program suffered from substantial cost overruns. Decisions that were promised us when we redesigned the space station had not been made, and I said that the administration needed to begin to bring the cost under a discipline. And I believe they have.

Now, during this redesign process, I have outlined three principles which I believe must be adhered to if we are to have a U.S.-led space station. I believe that those principles are shared by the ranking minority member, Senator GRAMM of Texas.

First, it must be able to produce and maintain significant science—not little bits of science, significant science—particularly in the fields of microgravity and biomedical science.

It must also have a strong element of management reform to lower costs, particularly in areas not connected actually to building the space station hardware, to make the fiscal goals not only desirable but achievable.

And third, that we must maintain our commitment to our current international partners in Europe, Canada, and Japan.

I am pleased to report that the President's redesign effort has led to substantial progress in correcting the problems we found in January while adhering to those principles.

First, in the area of cost, the Clinton space station will cost $4 billion less than space station *Freedom*. At the same time, it will retain a scientific laboratory with the capability which is 100 percent greater than now is available on the space shuttle. We can ask ourselves when was the last time we cut any Federal research development project 16 percent and still got the same level of scientific product.

A second area of reform undertaken by the administration has been in the area of management savings. They have consolidated three prime contracts under a single prime contractor, and instead of three centers leading the project it will be headquartered at just one. It will be streamlined, trimmed down and therefore achieve cost savings.

NASA has initiated the steps to reduce the number of civil servants working on the space station over the next several years from 2,300 to 1,000. That is a 50-percent cut. You did not hear that from the opposition. You did not hear about how support contractors will also be cut. We cut. We cut the cost. But I do not think we have cut the science.

These are not pie-in-the-sky guesses about steps that might be taken in the future to control cost and improve management. They have been undertaken right here and now. There is going to be one flagship space center and that is going to be in Houston; one prime contractor, and that is going to be Boeing.

To make sure these reforms are put in place, the VA Appropriations Committee has undertaken some actions. First, we are not giving them a blank check, and the check that we do write we are going to have a fence around for about half of the funds that we are providing for the space station. And to make sure that fence is operative until the end of January when the redesign process will be complete and we will have the final space station configuration and to make sure that we are getting our money's worth and meet those criteria I just outlined.

Second, we have placed strict caps on what can be spent in the coming fiscal year on activities not directly related to building hardware for the space station.

And third, we have required that the final redesigned space station have the same scientific capacity as Space Station *Freedom*.

The most important reason we should build the space station is because of the scientific and technological benefits it will have for our Nation and our world.

As a result, the redesigned space station which President Clinton will outline to the Congress later this year will be required to have the number of experiment racks, electrical power for those racks as was available on space station *Freedom*.

And fourth and finally, we have included language that will require NASA to proceed but proceed prudently with the Russians in the redesign of the space station.

The committee's restriction on working with the Russians is designed to permit Russian cooperation where it will enhance the space station but not be required to enable it to be built. We seek to foster Russian participation but not to make the space station's success dependent upon that.

Mr. President, more than a year ago, when Senator Garn was here, he and I held the first hearing on space cooperation with the Russians.

There we began to outline those elements of the Soviet program from which we might benefit. One was a little two-seater shuttle. That can give us the evacuation device in the event there is the need for the evacuation from either the shuttle or the space station. It is like a little lifeboat in space that enables people to depart. By using the Russian evacuation two-seater shuttle, we save a substantial amount of money and yet make sure our astronauts have the technological tool to save their lives if an evacuation would be necessary.

This Senator does support a U.S.-led space station whose core components are built and launched by Americans. At the same time, if we can lower our cost or save money without compromising American jobs and the scientific objectives of the space station, I am for proceeding.

Mr. President, there are many more things I can say about the space station. I will reserve those for the closing of the debate on the space station.

In closing, I want to say that, later in this debate, we will go into the scientific and technological value of the space station. Given the turmoil from which the station has suffered over the last 9 months, I believe the President of the United States, and the Vice President, should be given credit for the enormous steps they have taken to cut its cost and improve its management.

I believe that concludes our debate this evening on the space station. It will be resumed again tomorrow at 11:30 a.m. at which time I expect there to be a continuation of robust debate on this.

EPA CONTRACTORS VERSUS EMPLOYEES

Mr. PRYOR. Mr. President, I rise today to commend the Subcommittee on VA, HUD, and Independent Agencies for taking an important step toward encouraging better management at the Environmental Protection Agency. The subcommittee is recommending that the EPA go forward with a study by the National Academy of Public Administration that focuses on an issue I have been investigating for over a decade. The issue is the overreliance by Federal agencies on private contractors.

Earlier this year, Senator JOHN GLENN and I wrote to Chairman MIKULSKI and asked her subcommittee to consider providing some budgetary flexibility to EPA so it could efficiently choose between contractors and Federal employees. The subcommittee decided that an independent review of this matter would be helpful and thus we will have the benefit of the NAPA study in a few months. I am pleased that the subcommittee is willing to explore how to correct this longstanding situation.

Mr. President, I have held two hearings on the EPA's use of contractors. There is little doubt that the Agency has turned much of its most basic work over to private contractors. While senior EPA officials assured me that contractors do not write congressional testimony, they quickly had to retract that statement after I uncovered several instances where this had in fact occurred. Contractors draft Federal regulations, audit contracts, and even help devise the EPA's long-term contracting strategy. This abdication to private contractors is questionable on its face. It seriously erodes the in-house capacity of the Government and calls into question the accountability to the public of Government officials since private contractors are performing so much of the work. Furthermore, there are two other problems with this contracting out of sensitive governmental functions.

First, these same contractors also work for private interests who are regulated by EPA. When I questioned an EPA official on this point, he admitted that virtually all of EPA's contractors work for private interests that are regulated by EPA. For example, one EPA contractor helped EPA draft critical regulations relating to the mining industry while at the same time working for various mining interests. What is perhaps most startling about these potential conflicts of interest is that EPA is usually unaware of them. Thus, the Government is unaware of the conflict and does not examine it to see if they should use another contractor or perform the work in-house.

Second, despite the commonly held belief that contractors are always cheaper, I have had direct testimony that confirms that for professional support contracts, the Government pays from 25 to 30 percent more to hire outside contractors instead of relying upon in-house workers. Furthermore, despite growing evidence that private contractors often cost substantially more, EPA seldom if ever conducts a cost comparison between contractors and Federal workers before it decides to contract out some function.

Mr. President, in response to these criticisms, EPA has consistently stated that a major cause of these problems are the rigid personnel ceilings imposed upon the agency by the Office of Management and Budget. While I do not believe that lifting the personnel ceilings and providing flexibility to EPA on these matters would solve all of the agency's problems, I do think we should at least examine this option. This examination is timely given the report by the National Performance Review that calls for the elimination of personnel ceilings. Perhaps if EPA objectively examines its present work force, both in-house and private contractors, and consider questions of inherently governmental functions, conflicts of interest and cost effectiveness, then we in the Congress and officials at OMB could be convinced that a more flexible system would be beneficial.

Mr. President, I have a great deal of confidence in Administrator Carol Browner and I applaud her efforts to bring better management to EPA. Perhaps this study will provide her with some comprehensive basis to address the overreliance on contractors.

Mr. President, again, I wish to commend the subcommittee for including in its report on this bill language that directly addresses these issues. I look forward to working with Chairman MIKULSKI and ranking member Senator PHIL GRAMM on this important matter.

Mr. D'AMATO. Mr. President, I am pleased to support the HUD Demonstration Act of 1993. This bill will provide HUD with the flexibility to test out new strategies to combat hopelessness and to leverage private investment in affordable housing. Experience gained from these demonstration programs will be helpful in the development of future housing legislation. Also included in the package are provisions to protect low-income families from the devastating effects that proposed changes could have on fair market rents around the Nation.

The Innovative Homeless Initiatives Demonstration Program is a short-term initiative to enable HUD to leverage local cooperation to demonstrate flexible, comprehensive approaches to reducing hopelessness. HUD will work with local participants to provide a coordinated range of services to meet the special needs of the homeless families and individuals, including those with AIDS and HIV.

The legislation will also increase the capacity for community development corporations to carry out neighborhood revitalization efforts. These funds will be matched with approximately $75 million in matching funds by private foundations. This demonstration program will demonstrate the potential of enhanced public-private partnerships.

In New York City alone, the NCDI program is rehabilitating facilities in three Community Development Corporation owned low income housing developments to be managed by the corporations. The centers will offer social services and job training to neighborhood residents, provide Montessori-system child development, and train low-income tenants to be teachers and managers. The number of infant/toddler programs in the city will double as a result of this demonstration.

The section 8 Community Investment Demonstration Program will authorize $100 million in section 8 project-based assistance to leverage $660 million in pension fund investments. The program will help finance the acquisition, construction, or rehabilitation of approximately 3,000 units of low-income housing; 50 percent of the funds authorized for this program must be used for the disposition of troubled multifamily properties in HUD's backlogged FHA inventory.

The moving to opportunity demonstration will increase the authorization for the Moving to Opportunity Demonstration Program from $52 to $165 million in fiscal year 1994. By expanding the program for 1 year, we will increase the value of the demonstration to researchers to determine the success of programs which help families with children move out of areas with high concentrations of persons living in poverty.

In addition, Mr. President, the Banking Committee leadership has added a provision to ensure that proposed changes in the section 8 fair market rent structure will not have a negative impact on the number of standard rental units available to very low income housing. Serious concerns have been raised regarding the accuracy of the methods used by HUD to determine the proposed fair market rents. The proposed rent structure could have a profoundly negative effect on the standard of living of tenants across the country. We must ensure that decisions made in Washington will not lead to the warehousing of low-income tenants across the country. This legislation gives them the protection they need.

I look forward to working with the Secretary to find innovative ways to help address the housing needs in my State and across the Nation.

VETERANS PROGRAMS

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to comment on title I of H.R. 2491, the fiscal year 1994 Departments of Veterans Affairs and Housing and Urban Development, and independent agencies appropriation bill.

Mr. President, at the outset, I commend the efforts of Senator MIKULSKI, chair of the VA-HUD Subcommittee, and the other members of her subcommittee that are reflected in this bill. The subcommittee faced tough choices in a particularly difficult budget situation. I am enormously pleased with the fiscal year 1994 appropriations in the bill for the Department of Veterans Affairs. Despite tight fiscal restraints, the subcommittee mark, endorsed by the full Committee on Appropriations, addresses many of the highest priority VA funding needs, programs that truly deserve to be funded so that we might continue to seek to meet the needs of our Nation's veterans and their dependents and survivors.

I am particularly pleased to note that the committee has included in this bill many of the items for which the Committee on Veterans' Affairs, in our submission to the Budget Committee, proposed additional funding above the amounts requested in the administration's proposed budget. I am also extremely grateful for the tremendous spirit of cooperation between Chairwoman MIKULSKI and her subcommittee and the Committee on Veterans' Affairs during the appropriations process.

Mr. President, I specifically recognize that the bill provides the same amount for VA medical research—$252 million—that is included in H.R. 2491 as passed by the House. The amount appropriated by the committee is $46 million above the amount requested by the administration and $20 million above the fiscal year 1993 appropriation. This proposed level for fiscal year 1994 will provide a very slight increase over the amount appropriated for fiscal year 1993, adjusted for inflation. It also will compensate for 6.8-percent medical inflation since last year, ensure that no ongoing VA research projects are denied funding in fiscal year 1994, and perhaps provide funds for a very small number of new projects.

I also note that the report language urges VA to spend $2 million on research concerning women veterans. Section 109(b) of the Veterans Health Care Act of 1992, Public Law 102-585, authorized the appropriation of $2 million in fiscal year 1994, in addition to other funds appropriated for VA research, to foster and encourage medical research on illnesses and disabilities of particular concern to women veterans. I am pleased that the committee included this direction in its report, especially in light of the fact that the administration's budget did not request funding for this activity.

Mr. President, I acknowledge with enormous gratitude that the committee took into consideration many of the specific requests made by the Committee on Veterans' Affairs concerning the funding of particular items in the medical care account. I would like to recognize that for a number of medical care programs, the bill provides additional amounts above the administration's budget request. Specifically, I note that the bill provides for increased funding above the amounts requested by the administration for the following purposes: First, to reduce the equipment backlog; second, to enhance medical care for women veterans; third, to continue to furnish marriage and family counseling to Persian Gulf war veterans and their families; fourth, to improve and increase post-traumatic stress disorder treatment activities; fifth, to increase funding for readjustment counseling centers; sixth, to increase the number of bedside telephone systems in VA hospitals; and seventh, to expand VA's geriatric and extended care programs.

Mr. President, I am concerned with the appropriation for homeless veterans' programs. Although the committee increased the funding for these programs by $5 million above the administration's request, this amount is still $5 million below the House committee's appropriation. Further, the committee has removed language in the House bill that earmarked increased funding for use under Public Law 102-590, the Homeless Veterans Comprehensive Services Act of 1992.

Mr. President, I sincerely hope that in conference, the Senate will agree that additional funding should be provided for programs to assist homeless veterans and that these funds be earmarked for some of the very worthy programs authorized under Public Law 102-590, particularly those under sections 3 and 4 which authorize grants to be made to programs to provide services to homeless veterans and for per diem reimbursements to nonprofit and veterans organizations for providing services to homeless veterans. The needs of homeless veterans for medical care and other services are enormous and we must do more to ensure that those needs are met.

Mr. President, I note with pleasure the committee's action on the appropriation for medical administration and miscellaneous operating expenses. The bill appropriates $5 million above the administration's budget request, and the report language specifies that this amount is provided for quality assurance activities. This additional funding for medical care quality assurance activities is critical in order to provide VA with adequate resources to carry out this important responsibility. I am deeply grateful to the committee for recognizing this high priority funding need. This amount not only meets the hopes of the Committee on Veterans' Affairs, but exceeds it.

Mr. President, the bill's appropriation for VA's general operating expenses [GOE] account is highly commendable as well. I urged Senator MIKULSKI to attempt to at least meet the administration's request for GOE. In the face of such a difficult budget climate this year, our committee feared major spending cuts in this area. We were satisfied, however, that the administration's recommended funding level reflected an acceptable level of spending to try to improve VA's efforts to provide a fair and timely process for adjudicating VA benefit claims. The committee also recognized the importance of the adjudication process, and not only met the budget request, but appropriated an amount $5 million above that amount, specifically for the purpose of addressing the VA claims adjudication backlog.

The claims adjudication process is one of VA's core functions. VA desperately needs adequate funding and staffing to fulfill its basic responsibilities to provide all benefits to which veterans are entitled. While the additional funding will by no means solve the backlog problem, it certainly will help to begin to alleviate it.

Mr. President, although the committee did not provide funds specifically for VA's Information Resources Management and its Decentralized Hospital Computer Program, I am encouraged by the general support for these two programs indicated in the report language. The committee clearly advocates the further modernization and development of information technology, so vital to an effective health care system—within the overall context of health care reform—and in an efficient system for benefit claims adjudication.

Mr. President, I applaud the Appropriations Subcommittee and the full committee for its fine work on an extremely arduous task in crafting this measure under such tight fiscal constraints. This has been a particularly difficult year, filled with tough fiscal choices, and I do not envy the decisions that faced Senator MIKULSKI and the VA-HUD Subcommittee. However, I am enormously pleased with the provisions in this bill that affect VA. With appropriate management, I am confident that in the most critical program areas—medical care, medical research, and claims adjudication—VA will be able to carry out its many important responsibilities to our Nation's veterans.

Mr. President, I express my deepest appreciation to the chair of the VA-HUD Subcommittee, Senator MIKULSKI, for her significant efforts concerning veterans' programs and for the tremendous cooperation between our respective committees. Senator MIKULSKI consistently has shown her strong support for veterans' programs over the years, and this year certainly is no exception, as so clearly exhibited in this appropriation bill.

MORNING BUSINESS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIETARY SUPPLEMENTS

Mr. PRESSLER. Mr. President, this past weekend I had the opportunity to visit with a number of health food storeowners and consumers in Rapid City, SD, regarding the Food and Drug Administration's [FDA] proposed guidelines to regulate the food supplement industry. Those who attended my meeting at the Black Hills Staple and Spice Market feel that the FDA guidelines are too restrictive and would take away their right to purchase food supplements of their choice. I agree with them. In fact, in response to concerns expressed by a number of South Dakotans, I cosponsored S. 784, the Dietary Supplement Health and Education Act.

The Nutrition and Labeling and Education Act of 1990 [NLEA] imposes mandatory nutrition labeling on most food products, including food supplements, vitamins, minerals, amino acids, herbs, and other health foods. This law directed the FDA to establish scientific standards and procedures to evaluate the effectiveness of health foods.

On July 14, 1993, FDA officials proposed new rules governing the labeling and health claims for food supplements. These rules would become effective on December 15, 1993. Specifically, the guidelines would require the manufacturers of dietary supplements to include detailed nutritional information on all food supplement products. In addition, no health claims could be made if significant agreement on them did not exist within the scientific community.

I do not want to be misunderstood. We must ensure that all food and drug products are safe. We must be certain that food and drug advertisements are not misleading. However, FDA has proposed guidelines that narrowly interpret the NLEA. In short, FDA wants to hold food supplements to the same standards it applies to prescription drugs. This is not appropriate.

Mr. President, prescription drugs are used to cure disease. Food supplements are used to prevent disease. Using the same scientific criteria for prescription drugs and food supplements makes no sense. It is comparing apples to oranges.

S. 784 correctly puts this into perspective. Under this legislation, the FDA would continue to have the ability to ban a supplement found to be risky to consumers. However, the FDA's ability to restrict the sale of a food supplement because it did not pass the scientific tests used in approving a prescription drug would be prohibited.

Millions of Americans and thousands of South Dakotans use food supplements to prevent cancer, heart disease, and other disorders. As long as these products are safe, we should not impose burdensome regulations that would unnecessarily restrict their use. Doing so would be counterproductive, denying otherwise safe food supplements to those who need them.

Prevention is a key element of good health care. Good nutrition and food supplements are examples of preventive care. It is ironic, that some are trying to restrict the use of food supplements, when there is a clear consensus that we must place greater emphasis on preventive care.

Mr. President, both health food storeowners and consumers in South Dakota agree that the proposed FDA guidelines defeat the purpose of food supplements. I agree. S. 784 would provide the proper balance of availability and safety, and it is my hope that a majority of my colleagues will agree as well.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on September 15, 16 and 17, 1993, during the recess of the Senate, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

The nominations received on September 15, 16 and 17, 1993, are shown in today's RECORD at the end of the Senate proceedings.

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following bills and joint resolutions:

On January 15, 1993:

S.J. Res. 2. Joint resolution to authorize the United States Secret Service to continue to furnish protection to the former Vice President or his spouse.

On January 19, 1993:

S.J. Res. 1. Joint resolution to ensure that the compensation and other emoluments attached to the office of the Secretary of the Treasury are those which were in effect on January 1, 1989.

On February 8, 1993:

S. 202. An act to designate the Federal Judiciary Building in Washington, DC, as the "Thurgood Marshall Federal Judiciary Building."

On March 17, 1993:

S. 400. An act to amend the Employee Retirement Income Security Act of 1974 to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation.

On March 20, 1993:

S.J. Res. 22. Joint resolution designating March 25, 1993, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy," and

S.J. Res. 36. Joint resolution to proclaim March 20, 1993, as "National Agricultural Day."

On April 1, 1993:

S. 284. An act to extend the suspended implementation of certain requirements of the Food Stamp Program on Indian reservations, and for other purposes.

On April 12, 1993:

S. 164. An act to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes.

S. 252. An act to provide for certain land exchanges in the State of Idaho, and for other purposes.

S. 662. An act to amend title 38, United States Code, and title XIX of the Social Security Act to make technical corrections relating to the Veterans Health Care Act of 1992.

S.J. Res. 27. Joint resolution providing for the appointment of Hanna Holborn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 28. Joint resolution providing for the appointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 29. Joint resolution providing for the appointment of Wesley S. Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 53. Joint resolution designating March 1993 and March 1994 both as "Women's History Month."

On May 3, 1993:

S. 326. An act to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes.

S. 328. An act to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes.

S.J. Res. 30. Joint resolution to designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week."

On May 6, 1993:

S.J. Res. 62. Joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Rights Week."

On May 7, 1993:

S.J. Res. 66. Joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week."

On May 25, 1993:

S. 214. An act to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict.

S. 801. An act to authorize the conduct and development of NAEP assessments for fiscal year 1994.

On June 8, 1993:

S. 564. An act to establish in the Government Printing Office a means of enhancing electronic public access to a wide range of Federal electronic information.

S.J. Res. 43. Joint resolution designating the week beginning June 6, 1993, and June 5, 1994, "Lyme Disease Awareness Week."

On June 10, 1993:

S. 1. An act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

On July 1, 1993:

S. 80. To increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek corridor unit, the Big Sandy corridor unit, and the Canyonlands unit.

S.J. Res. 88. Joint resolution to designate July 1, 1993, as "National NYSP Day."

On August 2, 1993:

S.J. Res. 54. Joint resolution designating April 9, 1994, as "National Former Prisoner of War Recognition Day."

S.J. Res. 111. Joint resolution to designate August 1, 1993, as "Helsinki Human Rights Day."

On August 3, 1993:

S. 20. An act to provide for the establishment of strategic planning and performance measurement in the Federal Government, and for other purposes.

S. 1311. An act for the relief of Olga D. Zhondetskaya.

On August 11, 1993:

S. 1205. An act to amend the Fluid Milk Promotion Act of 1990 to define fluid milk processors to exclude de minimis processors, and for other purposes.

S. 1295. An act to amend the Rehabilitation Act of 1973 and the Education of the Deaf Act of 1986 to make technical and conforming amendments to the act, and for other purposes.

S.J. Res. 99. Joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

On August 12, 1993:

S. 1273. An act to facilitate recovery from the recent flooding of the Mississippi River and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes.

On August 13, 1993:

S. 1274. An act to reduce the subsidy cost for the Guaranteed Business Loan Program of the Small Business Administration, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1504. A communication from the Freedom of Information Officer, Environmental Protection Agency, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1505. A communication from the President of the American Council of Learned Societies, transmitting, pursuant to law, the annual report for the period 1991-1992; to the Committee on the Judiciary.

EC-1506. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1507. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the report of the proceedings of the Judicial Conference of the United States held on March 16, 1993; to the Committee on the Judiciary.

EC-1508. A communication from the Assistant Attorney General and the Assistant Secretary [Marketing and Inspection Services), Department of Agriculture, transmitting, pursuant to law, a report on the extent and effects of domestic and international terrorism on animal enterprises; to the Committee on the Judiciary.

EC-1509. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the program operations of the Office of Workers' Compensation Programs for fiscal year 1992; to the Committee on Labor and Human Resources.

EC-1510. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Robert C. Byrd Honors Scholarship Program; to the Committee on Labor and Human Resources.

EC-1511. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Paul Douglas Teacher Scholarship Program; to the Committee on Labor and Human Resources.

EC-1512. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Protection and Advocacy of Individual Rights Program, to the Committee on Labor and Human Resources.

EC-1513. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the enforcement of the General Education Provisions Act; to the Committee on Labor and Human Resources.

EC-1514. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the College Facilities Loan Program; to the Committee on Labor and Human Resources.

EC-1515. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Library Education and Human Resource Development Program; to the Committee on Labor and Human Resources.

EC-1516. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Drug-Free Schools and Communities Emergency Grants Program; to the Committee on Labor and Human Resources.

EC-1517. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the recommendations of the National Advisory Council on Education Research and Improvement; to the Committee on Labor and Human Resources.

EC-1518. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Centers for Independent Living Program; to the Committee on Labor and Human Resources.

EC-1519. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Urban Community Service Program; to the Committee on Labor and Human Resources.

EC-1520. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the General Education Program; to the Committee on Labor and Human Resources.

EC-1521. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Patricia Roberts Harris Fellowship Program; to the Committee on Labor and Human Resources.

EC-1522. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Biennial Report of the Director of the National Institutes of Health for fiscal years 1991 and 1992; to the Committee on Labor and Human Resources.

EC-1523. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the efforts of the National Center on Child Abuse and Neglect during fiscal years 1991 and 1992; to the Committee on Labor and Human Resources.

EC-1524. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, "Eighth Special Report to the U.S. Congress on Alcohol and Health;" to the Committee on Labor and Human Resources.

EC-1525. A communication from the Commissioner of the Office of Educational Research and Improvement, Department of

Education, transmitting, pursuant to law, a report entitled "Setting Performance Standards for Student Achievement;" to the Committee on Labor and Human Resources.

EC-1526. A communication from the Commissioner of the Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, a report on adult literacy; to the Committee on Labor and Human Resources.

EC-1527. A communication from the Inspector General of the Railroad Retirement Board, transmitting, pursuant to law, the budget request for the OIG for fiscal year 1995; to the Committee on Labor and Human Resources.

EC-1528. A communication from the Board of Directors of the Railroad Retirement Board, transmitting, pursuant to law, the Board's budget request for fiscal year 1995; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 314. A bill to authorize appropriations for the National Historical Publications and Records Commission for fiscal year 1994 through fiscal year 1999 (Rept. No. 145).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. Res. 91. A resolution to refer S. 745 entitled "A Bill for the Relief of Hardwick, Inc.," to the Chief Judge of the United States Court of Federal Claims.

S. Res. 98. A resolution to refer S. 794 entitled "A bill for the relief of land grantors in Henderson, Union and Webster counties, Kentucky, and their heirs," to the Chief Judge of the United States Claims Court for a report thereon.

S. Res. 102. A resolution to refer S. 840 entitled "For the relief of the estate of Dr. Beatrice Braude" to the Chief Judge of the United States Court of Federal Claims for a report thereon.

S. Res. 108. A resolution to refer S. 974 entitled "A bill for the relief of Richard Kanehl of Mobile, Alabama" to the Chief Judge of the United States Court of Federal Claims for a report thereon.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, Mr. KENNEDY, Mr. HARKIN, Mrs. MURRAY, and Ms. MIKULSKI):

S. 1468. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to disclose participation rates, and program support expenditures, in college athletic programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DORGAN (for himself, Mr. CONRAD, and Mr. FORD):

S. 1469. A bill to require air carriers to provide 90 days' notice to the Secretary of Transportation, the appropriate State agencies, and affected communities prior to the termination, suspension, or significant reduction of air service; to the Committee on Commerce, Science, and Transportation.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 1470. A bill to designate the United States Post Office located on Highway 90 in Bay Saint Louis, Mississippi, as the "John Longo, Jr., Post Office Building"; to the Committee on Governmental Affairs.

By Mr. WELLSTONE (for himself and Mr. SIMON):

S. 1471. A bill to provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SIMON (for himself, Mr. WELLSTONE, and Mr. JEFFORDS):

S. 1472. A bill to provide financial assistance to rural eligible local educational agencies to improve rural education, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BAUCUS:

S. 1473. A bill to encourage an appropriate mixture of different specialties of physicians and other health care providers to meet national needs, and for other purposes; to the Committee on Finance.

By Mr. PELL (by request):

S. 1474. A bill to restore equal treatment of foreign military sales and direct commercial sales in nonrecurring cost recoupment; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 145. A resolution to authorize testimony by employees of the Senate in the People of the State of California v. Roger Calderon; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, Mr. KENNEDY, Mr. HARKIN, Mrs. MURRAY, and Ms. MIKULSKI):

S. 1468. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to disclose participation rates, and program support expenditures, in college athletic programs, and for other purposes; to the Committee on Labor and Human Resources.

EQUITY IN ATHLETICS DISCLOSURE ACT

• Ms. MOSELEY-BRAUN. Mr. President, together with my distinguished colleagues, Senators KENNEDY, SIMON, and HARKIN, I rise today to introduce the Equity in Athletics Disclosure Act of 1993.

This bill is an important component of the omnibus gender equity in education package which I and my distinguished colleagues Senators SIMON, HARKIN, and MIKULSKI are introducing as a collective effort to address the widespread gender inequities in our Nation's schools.

Mr. President, while the legislation being introduced by my colleagues focuses on elementary and secondary schools, the Equity in Athletics Disclosure Act addresses the widespread gender inequities in institutions of higher education.

Title IX, the principal Federal statute prohibiting sex discrimination in education, has helped to eliminate many discriminatory policies—such as rules that only boys could take shop classes—since 1972. Yet, because institutions of higher education are not required to disclose gender equity information regarding their athletic programs, many are still not in full compliance.

In fact, the National Collegiate Athletic Association [NCAA], the American Council on Education [ACE], and my colleague from Illinois—Congresswoman CARDISS COLLINS—have all documented the prevalence of gender inequities in intercollegiate athletics.

In 1992, the NCAA conducted a onetime study on gender equity in men's and women's intercollegiate athletic programs at all Division I-A schools. As expected, this study found that female college athletes receive less than 18 percent of the athletic recruiting dollar and less than 24 percent of the athletic program operating dollar. This report also found that the average scholarship budget for men's teams is $1.3 million but only $500,000 for women's teams.

Mr. President, the American Council on Education [ACE] has also documented gross gender inequities in intercollegiate athletic coaching staffs. In a recent survey of 1,410 postsecondary institutions, the ACE found that women represent only 8 percent of athletic directors and only 6 percent of sports information directors.

Over the last 2 years, Congresswoman COLLINS has also used her position as chairwoman of the Commerce, Consumer Protection, and Competitiveness Subcommittee to highlight the gender inequities which plague intercollegiate athletics.

In three separate hearings, student athletes and coaches alike have testified that women's teams often have poorer facilities for training; worse hours for practice and competition; inferior travel accommodations; and little, if any, promotional support.

The Equity in Athletics Disclosure Act addresses these gender inequities by requiring institutions of higher education—which receive Federal funds—to disclose information on participation rates, coaching staffs, and program expenses for each of their men's and women's intercollegiate athletic teams.

This legislation requires institutions to disclose this information to the general public on request and to prospective students who need this information in order to make informed decisions concerning their education.

It also requires them to provide this information to the Secretary of Education who would, then, report it to Congress.

Mr. President, the NCAA has begun to address the problem of gender inequity through its 1992 study and its gender equity task force, but it is very clear that institutions of higher education will not disclose information on gender equity regarding their athletic programs voluntarily. The Women's Basketball Coaches Association recently sent out a questionnaire to 280 colleges and universities regarding their salaries for men's and women's basketball coaches, but only 20 percent of the schools responded.

Mr. President, let me conclude my remarks by reminding my colleagues that our efforts to achieve excellence in education will fail unless gender bias in our schools is eliminated and by urging them to support the gender equity in education package—including the Equity in Athletics Disclosure Act.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equity in Athletics Disclosure Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) participation in athletic pursuits plays an important role in teaching young Americans how to work on teams, handle challenges and overcome obstacles;

(2) participation in athletic pursuits plays an important role in keeping the minds and bodies of young Americans healthy and physically fit;

(3) there is increasing concern among citizens, educators, and public officials regarding the athletic opportunities for young men and women at institutions of higher education;

(4) a recent study by the National Collegiate Athletic Association found that in Division I-A institutions, only 20 percent of the average athletic department operations budget of $1,310,000 is spent on women's athletics; 15 percent of the average recruiting budget of $318,402 is spent on recruiting female athletes; the average scholarship expenses for men is $1,300,000 and $505,246 for women; and an average of 143 grants are awarded to male athletes and 59 to women athletes;

(5) female college athletes receive less than 18 percent of the athletics recruiting dollar and less than 24 percent of the athletics operating dollar;

(6) male college athletes receive approximately $179,000,000 more per year in athletic scholarship grants than female college athletes;

(7) prospective students and prospective student athletes should be aware of the commitments of an institution to providing equitable athletic opportunities for its men and women students; and

(8) knowledge of an institution's expenditures for women's and men's athletic programs would help prospective students and prospective student athletes make informed judgments about the commitments of a given institution of higher education to providing equitable athletic benefits to its men and women students.

SEC. 3. DISCLOSURE OF ATHLETIC PROGRAM PARTICIPATION RATES AND FINANCIAL SUPPORT DATA.

(a) AMENDMENT.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended by adding at the end the following new subsection:

"(g) DISCLOSURE OF ATHLETIC PROGRAM PARTICIPATION RATES AND FINANCIAL SUPPORT DATA.—

"(1) DATA REQUIRED.—Each institution of higher education which participates in any program under this title, and has an intercollegiate athletic program, shall annually submit a report to the Secretary that contains the following information:

"(A) For each men's team, women's team, and any team that includes both male and female athletes, the following data:

"(i) The total number of participants and their gender.

"(ii) The total scholarship expenditures.

"(iii) A figure that represents the total scholarship expenditures divided by the total number of participants.

"(iv) The total number of contests for the team.

"(v) The total operating expenses for the team.

"(vi) The total recruiting expenses for the team.

"(vii) The total personnel expenses for the team.

"(viii) Whether the head coach is male or female and whether the head coach is full time or part time.

"(ix) The number of assistant coaches that are male and the number of assistant coaches that are female and whether each particular coach is full time or part time.

"(x) The number of graduate assistant coaches that are male and the number of graduate assistant coaches that are female.

"(xi) The number of volunteer assistant coaches that are male and the number of volunteer assistant coaches that are female.

"(xii) The ratio of participants to coaches.

"(xiii) The total annual compensation of the head coach.

"(xiv) The total annual compensation of each of the assistant coaches.

"(B) A statement of the following data:

"(i) The ratio of male participants to female participants in the entire athletic program.

"(ii) The ratio of male scholarship expenses to female scholarship expenses in the entire athletic program.

"(2) DISCLOSURE TO PROSPECTIVE STUDENTS.—When an institution of higher education described in paragraph (1) offers admission to a potential student, such institution shall provide to the student the information contained in the report submitted by such institution to the Secretary under paragraph (1).

"(3) DISCLOSURE TO THE PUBLIC.—An institution of higher education described in paragraph (1) shall make available to the public, upon request, the information contained in the report submitted by such institution to the Secretary under paragraph (1).

"(4) SECRETARY'S DUTY TO PUBLISH A REPORT OF THE DATA.—On or before July 1, 1995, and each July 1 thereafter, the Secretary, using the reports submitted under this subsection, shall compile, publish, and submit to the appropriate committees of the Congress, a report that includes the information contained in such reports identified by (A) the individual institutions, and (B) by the athletic conferences recognized by the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics.

"(5) DEFINITION.—For the purposes of this subsection, the term 'operating expenses' means all nonscholarship expenditures.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on July 1, 1994.●

By Mr. DORGAN (for himself, Mr. CONRAD and Mr. FORD):

S. 1469. A bill to require air carriers to provide 90 days' notice to the Secretary of Transportation, the appropriate State agencies, and affected communities prior to the termination, suspension, or significant reduction of air service; to the Committee on Commerce, Science, and Transportation.

AIRLINE PULLOUT NOTIFICATION ACT OF 1993

Mr. DORGAN. Mr. President, I am introducing today a piece of legislation that will require the airlines in this country, major airlines in America, to provide 3 months' notice when they decide they are going to withdraw service from a market. The reason I am doing that is we see the major airlines in this country restructuring and rushing to serve densely populated areas in the country where they can use peanut fares, discount fares, or rock-bottom fares between one city and another that has 1 million, 2 million, or 3 million people in it. They are competing in areas where there is dense population concentration.

In this restructuring, all too often airlines are withdrawing jet service from some of the smaller markets. We had an experience like that in North Dakota in recent weeks with an airline carrier that served the western part of the State, Bismarck and Minot, connecting it to the Denver hub, and had served them for over 30 years. It and its predecessors had purchased Frontier, Continental Airlines, and so on.

In August, with no notice, no discussion, not even a hint, it says: "We are done. We have decided to quit services there."

The reason, I think, predominantly, is to move those airlines to serve New York, Florida, and the Carolinas. It seems to me airlines have a responsibility to give us at least some minimum notice. Communities and people, if they are going to discontinue service, have the right to have some opportunity to find a replacement.

I think that minimum notice is important, and I am offering that legislation today in the Senate in the hope that we will be able to advance that as we discuss these issues.

Let me make one other point. We are building airports with billions of dollars; in Denver, over $3 billion to build a new airport. There is a substantial amount of Federal moneys involved. It seems to me that if we are building airports in the image of what the airlines want, they have some responsibility to some of the other service areas.

That is the reason I am offering this legislation to the Senate today.

Mr. President, we have all heard a great deal of discussion this year about the troubled airline industry. Policymakers, industry leaders, and consumers alike share concerns about the future of the airline industry in the United States and for good reason.

The airline industry has lost $10 billion over the past 3 years and is drowning in debt—over $35 billion. It is frightening to see so many carriers either operating in bankruptcy or on the verge of going broke. It seems to me that the Congress and the administration must take action and make some serious decisions, however controversial, in order to avoid consequences that none of us want to live with: dwindling service, bankrupt carriers, and diminished American competitiveness.

All of us have witnessed the results of a troubled airline industry. Some Senators have seen layoffs by aerospace manufacturers in their States because the airline industry is so dangerously short on capital that it cannot continue investing in new planes the way it should. Those of us from rural areas are seeing a continual decline of competition with jet service where carriers are deciding to close routes. In fact, there seems to be too little attention given to the phenomenon of monopolistic market areas, mostly in rural areas, in a so-called competitive environment. North Dakota is a prime example of this phenomenon.

As of September 30, 1993, there will be essentially one major airline carrier left in most markets in North Dakota. Three major carriers have pulled out of the State recently. The most recent pull out is Continental Airlines which will terminate service from two North Dakota locations to Denver on September 30. This will mark the end of nearly 30 years of direct service between North Dakota and Denver. We now have one national carrier with virtually no competition in the State except for once city that has a nonstop jet connection to Chicago.

The most troubling aspect of the Continental pull out is that the airline only gave a 45-day notice that it would terminate service to Bismarck and Minot. Diminished air service to these two communities will hurt business, seriously limit consumer choices, and impede our hopes of economic development. It seems very unfair to me that an airline would do this to a community that has supported that airline for years.

Mr. President, I am introducing legislation today that will require an airline to provide at least a 3-month notice that it intends to terminate service to a community. My legislation would require airlines to notify communities of plans to withdraw air service at least 3 months before that service is terminated. Under the bill, the Secretary of Transportation would be required to ensure that this notification takes place. Airlines found in violation will be subject to a fine. This notice will give communities some time to plan for the consequences of the pull out.

Frankly, I wish I didn't have to introduce this bill and I wish we did not have to even debate this issue. But if the airlines, under the free market that was given them with deregulation, are going to leave communities high and dry in the way that Continental left North Dakota, someone has to step in and protect consumers and communities. This legislation is necessary, Mr. President, to put airlines on notice that communities deserve adequate notice before their air service is being terminated and that the airlines owe something to the communities they serve.

My legislation simply addresses this matter of requiring an airline to provide adequate notice to a community that it's air service is going to be terminated. There remains, however, serious systemic problems with Federal policy with respect to the airline industry. In my judgment, the National Commission To Ensure a Strong Competitive Airline Industry fell far short of it's mission to address the systemic problems of the industry. An adequate review of the shortcomings of deregulation and the circumstances for rural air service as a result of deregulation is disappointingly absent. It seems to me that these issues need to be debated and addressed. I fear that as a result of the Commission's recommendations, the Congress will not give adequate airing of the issues surrounding deregulation and the problem of ensuring service to rural areas, especially where monopolistic markets have emerged. Those who argue that competition is alive and well in the U.S. airline industry are clearly ignoring the changes taking place with respect to jet service in rural areas.

Since deregulation, many have questioned whether or not this was a wise move. One thing I do know is that whatever is going on in the industry since deregulation has not been good for rural America. Although many of us have fought hard over the years for essential air service, which is a critically important program for small rural communities, many gaps in service remain. We have seen the emergence of a second tier of concern or a second class of communities threatened with either the loss of service or left in a monopolistic market in rural areas. For years I have fought for EAS in order to save air service to small rural North Dakota communities like Dickinson, Devils Lake, Williston, and Jamestown. Now, I am concerned about how to save jet service for Bismarck, Minot, Fargo, and Grand Forks—North Dakota's largest cities.

Mr. President, it seems to me that the Congress needs to take a real look at the airline industry. This legislation is simply a stop-gap against inconsiderate sudden pull outs of air service. I urge my colleagues not only to support this bill but also to face the challenge of addressing the systemic, long-term problems threatening the U.S. airline industry.

I ask unanimous consent that the full text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airline Pull-out Notification Act of 1993".

SEC. 2. AIR SERVICE TERMINATION NOTICE.

(a) IN GENERAL.—Title IV of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371 et seq.) is amended by adding at the end the following new section:

"SEC. 420. AIR SERVICE TERMINATION NOTICE.

"(a) IN GENERAL.—An air carrier may not terminate air transportation to any point, unless such air carrier has given the Secretary, each appropriate State agency, and each affected community at least 90 days' notice before such termination.

"(b) EMERGENCY EXCEPTION.—On a case-by-case basis, the Secretary may modify or waive the requirements of subsection (a) for an air carrier experiencing a sudden and unforeseen financial emergency, if the Secretary finds that such requirements impose undue hardship on such air carrier.".

(b) CONFORMING AMENDMENT.—The portion of the table of contents of the Federal Aviation Act of 1958 relating to title IV is amended by inserting immediately after the item relating to section 419 the following new item:

"Sec. 420. Air service termination notice.
"(a) In general.
"(b) Emergency exceptions.".

SEC. 3. CIVIL PENALTIES.

Section 901(a)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(1)) is amended by inserting "section 420 or" immediately after "$10,000 for each violation of".

• Mr. CONRAD. Mr. President, I commend my good friend and colleague from North Dakota, Senator BYRON L. DORGAN, for introducing the Air Service Termination Notice Act of 1993 which requires an airline to give communities at least three months' notice if it plans to discontinue or reduce air service. I believe this legislation is necessary to prevent rural States, like North Dakota, from being targeted for discontinued jet service and am pleased to be an original cosponsor of this legislation.

As you know, people want to be linked to the world and jet service is a preferred form of air travel. People from rural States, like North Dakota, are no different than anyone else. They enjoy the efficiency of air travel for work or vacation. Many choose to live in a rural State because of its high standard of living and low crime rate. They should not be penalized for this decision by being denied convenient, safe jet service.

Moreover, jet service is crucial to a State's economic development ability and key to its tourism and aviation industries. Without adequate jet service, communities have great difficulty attracting prosperous business opportunities and this may stifle economic development.

North Dakota, like many rural, Midwestern States, lost major jet service during the past year and a half. In fact, within the last 3 months alone, North Dakota lost or is about to lose two major airlines—United and Continental Airlines respectively. Additionally, American Airlines is analyzing its Fargo-Chicago route and may soon terminate its service.

Losing a major airline can be a devastating blow to a State's economy. This legislation is necessary to prevent abrupt change that disrupts travel plans for families and business and allows sufficient time to attract another air carrier. It only makes sense that loyal customers of jet service be treated fairly and this legislation promotes that goal.•

By Mr. COCHRAN. (for himself and Mr. LOTT):

S. 1470. A bill to designate the U.S. Post Office located on Highway 90 in Bay St. Louis, Mississippi, as the "John Longo, Jr., Post Office Building;" to the Committee on Governmental Affairs.

JOHN LONGO, JR., POST OFFICE BUILDING

• Mr. COCHRAN. Mr. President, today on behalf of myself and Senator LOTT, I am introducing legislation to designate the U.S. Post Office building located on highway 90 in Bay St. Louis, MS, as the "John Longo, Jr., Post Office Building."

John Longo, Jr.'s 27 years of service to his community and the State of Mississippi should be recognized. He served with distinction as a alderman in Waveland, MS, for 11 years and as mayor for 16 years.

During John Longo's long period of public service he was instrumental in the extraordinary growth of the city of Waveland and in the provision of many services which were beneficial to Hancock County, including the creation of the county-wide sewer treatment activity.

His community is proud of his accomplishments, and his family, friends, and associates request that the Bay St. Louis Post Office carry his name to honor his public service.•

By Mr. WELLSTONE (for himself and Mr. SIMON):

S. 1471. A bill to provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes; to the Committee on Labor and Human Resources.

URBAN SCHOOLS LEGISLATION

• Mr. WELLSTONE.

Mr. President, today, my good friend and colleague the Senator from Illinois, Senator SIMON, and I are introducing companion education reform bills. One addresses the needs of rural schools and one addresses the needs of urban schools.

Jonathan Kozol's book, "Savage Inequalities," tells a horrifying story of the state of public education in some areas of the Nation. This book has had a powerful impact on me and has had a powerful impact across the country. It is now time to find solutions to this devastating problem.

The urban schools bill and the rural schools bill are designed to provide the targeted resources necessary to improve our public education system.

A major role I see for the Federal Government in education policy is providing resources. Over the last 10 years the amount of money that the Federal Government provides for public education has dwindled. Calculated in 1991 dollars, we spent about $1.5 billion less in 1992 than we did in 1982 on public elementary and secondary education. In 1982 the Federal Government provided 9.1 percent of the share of money spent on public education compared to the 5.6 percent we now provide.

We have been told that money alone does not make better schools. I agree. But additional resources are often an essential part of the solution. More resources can mean smaller class sizes. More resources can mean quality facilities and state-of-the-art equipment. More resources can mean the ability to attract and maintain excellent teachers in rural, suburban, and urban settings. More resources can mean providing the support services that would otherwise be unavailable for low-income young people, or students with learning, physical or mental disabilities. More resources can mean incentives for other professionals, such as scientists, business people and artisans to become involved in the enterprise of public education. I repeat that although allocating resources is not the complete answer, it is definitely an essential part to improving public education.

Indeed, we are facing a great challenge to improve education throughout this Nation—in the rural, urban and suburban school districts. At a time of increasing poverty among school-aged children and their families, our public schools must have adequate resources to increase achievement rates, to decrease dropout rates, to hire and retain quality teachers, to provide early childhood development programs, to repair older school buildings and to deal with greater health problems.

A key element of the administration's education reform proposal is legislation to set high learning standards for children to achieve. If we are going to demand that our schools meet new and higher standards, the Federal Government must be ready to put resources behind the rhetoric. Without targeting increased resources, these goals are empty words. The urban and rural schools bills will provide the resources to help prepare all students to meet high academic standards.

All of the improvements I just mentioned cost money. But most importantly, all of them add up to providing a better education for young people. That I am convinced of and that I will fight for, and that is why I, along with my colleague from Illinois, Senator SIMON, are introducing these two important bills today.

THE URBAN SCHOOLS ACT OF 1993

The USA bill does four things. First, it authorizes $1.5 billion in formula grants to hard-pressed city school systems—at least one in every State—to conduct programs to help them move closer to achieving our education goals and higher standards. Working closely with communities, local educational agencies would have broad flexibility to design a plan to help improve our education system. A unique accountability provision would provide continued funding only to those schools that demonstrate progress in improving education performance. The Secretary of Education would also be authorized to make incentive awards to schools that make exceptional progress.

Second, the bill authorizes $1 billion to renovate and repair the aging facilities of urban schools. According to a report by the Council of Great City Schools, one-third of our Nation's inner-city schools are over 50 years old, with a cumulative backlog of repairs estimated at $50 billion.

Third, the bill authorizes additional Federal research on urban education, and provides city schools with more resources to strengthen their own research capabilities.

Finally, the bill authorizes a review of Federal regulations whose simplification might enhance teaching and learning.

THE RURAL SCHOOLS ACT OF 1993

The Rural Schools Act mirrors the provisions of the Urban Schools Act. The RSA bill does four things. First, it authorizes $1.5 billion to be distributed by formula grants to hard-pressed rural school systems—at least one in every State—to conduct programs to help rural schools meet our education goals and higher standards. Working closely with the community, local educational agencies would have broad flexibility to design a plan to improve education and achieve those goals and standards. A unique accountability provision would continue funding only to those schools that demonstrate progress in improving education performance. The Secretary of Education would also be authorized to make incentive awards to schools that make exceptional progress.

Second, the bill authorizes $1.5 billion to renovate and repair the aging facilities of rural schools. The average rural school is more than 45 years old and in grave disrepair. Half of the funds would be used to repair and renovate buildings, and construct new buildings, to meet the needs of homeless children and preschoolers, and to install security and communication systems. The other half of the funds would be used for improvements for environmental and safety reasons, including energy conservation, and the removal of toxic substances.

Third, the bill authorizes additional Federal research on rural education, and an evaluation of activities under this bill and a monitoring of progress. It would also provide rural schools with more resources to strengthen their own research capabilities.

Finally, the bill would establish an Interagency Council on Rural Schools and a White House Conference on Rural Education.

We must begin to invest in our future. There is no better and more important place to start than with our children. These two bills address a wide range of long-time ignored educational problems and needs, including the needs of disadvantaged urban and rural school districts. I urge my colleagues to support these important measures.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Urban Schools of America (USA) Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Statement of purpose.

TITLE I—URBAN SCHOOL IMPROVEMENT

Sec. 101. Authorization.
Sec. 102. Allocation of funds.
Sec. 103. Application required.
Sec. 104. Planning period.
Sec. 105. Uses of funds.
Sec. 106. Accountability.
Sec. 107. Incentive awards to exemplary programs.
Sec. 108. Regulatory assessment.
Sec. 109. Local advisory group.
Sec. 110. Special rules.

TITLE II—SCHOOL BUILDING REPAIR AND RENOVATION

Sec. 201. Purpose; authorization of appropriations.
Sec. 202. Allocation of funds.
Sec. 203. Application.
Sec. 204. Uses of Funds.

TITLE III—URBAN SCHOOL RESEARCH

Sec. 301. Authorization.
Sec. 302. Assistant Secretary for Urban Education.
Sec. 303. Reservation; allotment; allocation.
Sec. 304. National Institute of Urban Education.
Sec. 305. Application.
Sec. 306. Uses of funds.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Interagency Council on Urban Schools.
Sec. 402. White House Conference on Urban Education.
Sec. 403. Augustus F. Hawkins National Commission on Urban Education.
Sec. 404. Federal funds to supplement not supplant non-Federal funds.
Sec. 405. Definitions.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the ability of the Nation's major urban school systems to meet the Nation's educational goals will determine the country's economic competitiveness and academic standing in the world community;

(2) the quality of public education in the Nation's major urban areas has a direct effect on the economic development of the Nation's inner cities;

(3) the success of urban schools in boosting the achievement of its minority youth attending such schools will determine the ability of the Nation to close the gap between the "haves and have-nots" in society;

(4) the cost to America's businesses to provide remedial education to secondary school graduates is approximately $30,000,000,000 per year;

(5) approximately one-third of the Nation's work force will be minority by the year 2000;

(6) urban schools enroll a disproportionately large share of the Nation's poor and "at-risk" youth;

(7) urban schools enroll approximately one-third of Nation's poor, 40 percent of the Nation's African-American children, and 30 percent of the Nation's Hispanic youth;

(8) nearly 20 percent of the Nation's limited-English proficient children and 15 percent of the Nation's disabled youth are enrolled in urban schools;

(9) the academic performance of students in the average inner-city public school system is below that of students in most other kinds of school systems;

(10) urban school systems have higher dropout rates, more problems with health care and less parental participation than other kinds of school systems;

(11) urban preschoolers have one-half the access to early childhood development programs as do other children;

(12) shortages of teachers in urban school systems are 2.5 times greater than such shortages in other kinds of school systems;

(13) declining numbers of urban minority secondary school graduates are pursuing postsecondary educational opportunities;

(14) urban schools systems have greater problems with teen pregnancy, discipline, drug abuse and gangs than do other kinds of school systems;

(15) 75 percent of urban school buildings are over 25 years old, 33 percent of such buildings are over 50 years old, and such buildings are often in serious disrepair and create poor and demoralizing working and learning conditions;

(16) solving the challenges facing our Nation's urban schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

(17) State and Federal funding of urban schools has not adequately reflected need; and

(18) Federal funding that is well targeted, flexible and accountable would contribute significantly to addressing the comprehensive needs of inner-city schools.

SEC. 3. STATEMENT OF PURPOSE.

It is the purpose of this Act to provide financial assistance to—

(1) assist urban schools in meeting National Education Goals;

(2) improve the educational and social well being of urban public school children;

(3) close the achievement gap between urban and nonurban school children, while improving the achievement level of all children nationally;

(4) renovate and repair urban school buildings and facilities;

(5) conduct coordinated research on urban education problems, solutions and promising practices;

(6) improve the Nation's global economic and educational competitiveness by improving the Nation's urban schools;

(7) encourage community, parental and business collaboration in the improvement of urban schools; and

(8) review regulations whose simplification might improve the achievement of urban school children.

TITLE I—URBAN SCHOOL IMPROVEMENT

SEC. 101. AUTHORIZATION.

There are authorized to be appropriated $1,500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995, 1996, 1997, 1998, 1999, and 2000, to carry out the provisions of this title.

SEC. 102. ALLOCATION OF FUNDS.

(a) RESERVATIONS.—

(1) Subject to paragraph (2), from the amount appropriated or otherwise made available to carry out the provisions of this title for any fiscal year, the Secretary shall reserve 5 percent of such funds to provide competitive awards in accordance with section 107.

(2) Paragraph (1) shall not apply in the first year in which funds are appropriated.

(b) ALLOTMENTS.—From the remainder of the sums not reserved under subsection (a), the Secretary shall allot to each eligible local educational agency with an approved application in each fiscal year an amount which bears the same relationship to such funds as the amount such eligible local educational agency was allocated under section 1005 and 1006 of the Elementary and Secondary Education Act of 1965 in the preceding fiscal year bears to the total amount received under such sections in such preceding fiscal year by all eligible local educational agencies.

(c) RESERVATION FOR COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—From the amounts allotted under subsection (b) for any fiscal year, each eligible local educational agency shall reserve not more than 5 percent to make as many grants as practicable for the activities described in section 105 to—

(1) community-based organizations; or

(2) nonprofit partnerships between the eligible local educational agency and city-wide collaboratives of private sector businesses or universities.

(d) PAYMENTS.—

(1) IN GENERAL.—The Secretary shall annually pay to each eligible local educational agency having an application approved under

section 103 the costs of the activities described in the application.

(2) PAYMENT REQUIREMENTS.—The Secretary shall make annual payments only to eligible local educational agencies that—

(A) comply with the provisions of section 106; and

(B) demonstrate to the satisfaction of the Secretary that the data submitted pursuant to section 106 shows progress toward meeting National Education Goals.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of any allotment or grant made under this title may be used for administrative costs.

SEC. 103. APPLICATION REQUIRED.

(a) APPLICATION REQUIRED.—

(1) LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—Any eligible local educational agency desiring to receive an allotment from the Secretary to carry out the provisions of this title shall—

(i) develop and prepare an application with the local advisory group;

(ii) submit to the State educational agency the application for review and comment; and

(iii) submit the application described in clause (i) to the Secretary for approval.

(B) DURATION.—Except as provided in section 106, the application described in clause (i) may be for a period of not more than 3 years.

(2) COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—Any community-based organization or nonprofit partnership referred to in section 102(c) desiring to receive a grant from an eligible local educational agency pursuant to section 101(c) shall—

(A) prepare an application for approval by the local advisory group and submit such application to the eligible local educational agency;

(B) describe in the application the collaborative efforts undertaken with the local educational agency in designing a program to meet the purposes of the Act; and

(C) describe in the application how funds will be used to help meet the education goals selected by the local educational agency pursuant to subsection (b).

(b) CONTENTS OF LOCAL EDUCATIONAL AGENCY APPLICATION.—Each application submitted by an eligible local educational agency shall include a description of—

(1) the ranking of all schools in the eligible local educational agency by achievement, poverty, and racial isolation and how such schools will be served in accordance with section 110(a);

(2) the community served by the eligible local educational agency and the effects of the community on the educational conditions within the schools served by the eligible local educational agency;

(3) the collaboration in program planning with the local advisory group described in section 109;

(4) the goals selected by the eligible local educational agency pursuant to section 106(b), the rationale for choosing such goals over others, and a description of whether the goals selected differ between elementary and secondary schools within the jurisdiction of the local educational agency;

(5) how funds received under this title will be used to meet the National Educational Goals selected by the eligible local educational agency;

(6) how promising or successful models or programs will be replicated in designing activities assisted under this title; and

(7) the statistical indicators and other criteria that the eligible local educational agency will use to measure progress toward meeting National Education Goals, and a description of what the local educational agency has done to ensure that any assessments used to measure such progress will not have a negative effect on minority or language minority students.

SEC. 104. PLANNING PERIOD.

Any eligible local educational agency requiring additional planning efforts to meet the provisions of this title may use the first 6 months of the initial program year for planning purposes, subject to approval by the Secretary, except that not more than 15 percent of the first year's allotment shall be used for such purposes. A written report of the results of such planning shall be submitted to the Secretary not later than the end of the first project year.

SEC. 105. USES OF FUNDS.

(a) IN GENERAL.—Funds allotted under this title shall be used by eligible local. educational agencies, community-based organizations, or nonprofit partnerships to meet National Education Goals through programs designed to—

(1) increase the academic achievement of urban school children to at least the national average, including—

(A) effective schools programs;

(B) tutoring, mentoring, and other activities to improve academic achievement directly;

(C) activities designed to increase the participation of minority and female students in entry level and advanced courses in mathematics and science;

(D) supplementary academic instruction;

(E) efforts to improve problem-solving and higher-order thinking skills;

(F) programs to increase student motivation for learning; and

(G) efforts to lengthen the school day, school year or reduce class sizes;

(2) ensure the readiness of all urban children for school, including—

(A) full workday, full calendar-year comprehensive early childhood development programs;

(B) parenting classes and parent involvement activities;

(C) activities designed to coordinate prekindergarten and child care programs;

(D) efforts to integrate developmentally appropriate prekindergarten services into the overall school program;

(E) upgrading the qualifications of early childhood education staff and standards for programs;

(F) collaborative efforts with health and social service agencies to provide comprehensive services and to facilitate the transition from home to school;

(G) establishment of comprehensive child care centers in secondary schools for students who are parents and their children; and

(H) augmenting early childhood development programs to meet the special educational and cultural needs of limited-English proficient preschool children;

(3) increase the graduation rates of urban students to at least the national average, including—

(A) dropout prevention activities and support services for students at-risk of dropping out of school;

(B) re-entry, outreach and support activities to recruit students who have dropped out of school to return to school;

(C) development of systemwide policies and practices that encourage students to stay in school;

(D) efforts to provide individualized student support, such as mentoring programs;

(E) collaborative activities between schools, parents, community groups, agencies and institutions of higher education aimed at preventing individuals from dropping out of school;

(F) programs to increase student attendance; and

(G) alternative programs for students, especially bilingual and special education students, who have dropped out of school or are at-risk of dropping out of school;

(4) prepare urban school graduates to enter higher education, pursue careers and exercise their responsibilities as citizens, including—

(A) activities designed to increase the number and percentages of students, particularly minority students, enrolling in postsecondary educational institutions after graduation from secondary schools;

(B) in-school youth employment, vocational education, and career education programs that improve the transition from school to work;

(C) activities designed in collaboration with colleges and universities to assist urban school graduates in completing higher education;

(D) efforts to increase voter registration among eligible secondary school students;

(E) activities designed to promote community service and volunteerism among students, parents, teachers, and the community; and

(F) civic education and other programs designed to enhance responsible citizenship and understanding of the political process;

(5) recruit and retain qualified teachers, including—

(A) school-based management projects and activities;

(B) programs designed to test efforts to increase the professionalization of teachers or to bring teachers up to national voluntary standards;

(C) alternative routes to certification for qualified individuals from business, the military and other fields;

(D) efforts to recruit and retain teachers in critical shortage areas, including early childhood teachers, mathematics and science teachers, and special education and bilingual teachers;

(E) upgrading the skills of teacher aides and paraprofessionals to permit such individuals to become certified teachers;

(F) efforts specifically designed to increase the number of minority teachers in urban schools;

(G) programs designed to "grow your own" teachers;

(H) incentives for teachers to work in inner-city schools; and

(I) collaborative activities with urban universities to revise and upgrade teacher training programs; or

(6) decrease the use of drugs and alcohol among urban students, and to enhance the physical and emotional health of such students, including—

(A) activities designed to improve the self-esteem and self-worth of urban students;

(B) the provision of health care services and other social services and the coordination of such services with other health care providers;

(C) programs designed to improve safety and discipline and reduce in-school violence, vandalism, and gang activity;

(D) activities that begin in the early grades and are designed to prevent drug and alcohol abuse and smoking among students and teachers;

(E) collaborative activities with other agencies, businesses, and community groups to discourage the advertisement and glorification of drugs and alcohol;

(F) efforts to enhance health education and nutrition education; and

(G) alternative schools, and schools-within-schools programs, including bilingual and special education programs for students with special needs.

(b) Special Rule.—Funds allotted under this title may be used for the planning, development, operation or expansion of programs and activities which are designed to assist urban schools in meeting National Education Goals, and may include—

(1) training of teachers and other educational personnel in subject areas, or in instructional technology and methods that would improve the delivery of services in urban settings and assist in the achievement of the National Education Goals, including staff development efforts that emphasize multicultural and gender and disability bias-free curricula;

(2) coordination and collaboration with other municipal agencies, child care organizations, universities or the private sector;

(3) parental involvement and outreach efforts and other activities designed to enhance parental encouragement of student learning;

(4) guidance and psychological counseling, social work, and other support services that contribute to progress in achieving National Education Goals;

(5) efforts to acquire and improve access to educational technology;

(6) programs to serve homeless children, children in desegregation programs, immigrants, migrants, or other highly mobile populations, even if such individuals do not attend a school assisted under this title; and

(7) efforts to improve and strengthen the curriculum and coordinate services across grade levels.

(c) Priority.—Each local educational agency submitting an application shall give priority in designing the program assisted under this title to activities that replicate successful efforts in other local educational agencies or expand successful programs within the eligible local educational agency.

SEC. 106. ACCOUNTABILITY.

(a) In General.—The Secretary may award an allotment under this title to an eligible local educational agency to enable such an agency to operate a program under this title for a period of not more than 3 years. If an eligible local educational agency receiving an allotment under this title meets the accountability requirements described in subsection (b) at the end of 3 years and the requirements described in subsection (c) at the end of each year, as determined by the Secretary, such agency shall be eligible to continue the project with funds under this title for an additional 3 years.

(b) Requirements To Move Toward National Education Goals.—

(1) Program continuation.—Except as provided in paragraph (2), if after 3 years of receiving an allotment under this title an eligible local educational agency is able to demonstrate to the satisfaction of the Secretary that such agency has increased the achievement level of students in the lowest 2 quartiles in the schools served by such agency and assisted under this title as measured by the statistical indicators and other criteria specified in the application in excess of the average such achievement of such students in the 3 years prior to the initiation of the project, then such agency shall be eligible to continue the project with funds under this title for an additional 3 years upon reapplication under section 103.

(2) Special rule.—If after 3 years of receiving an allotment under this title an eligible local educational agency is able to demonstrate progress in meeting at least 3 of the criteria described in paragraph (3), then such agency shall be considered to have met the requirements of paragraph (1) so long as the achievement level of the schools served by such agency and assisted under this title did not decline in any of the 3 previous school years.

(3) Criteria.—For purposes of paragraph (2), the criteria are as follows:

(A) The number or percentage of preschool children served by the eligible local educational agency is greater than the average such number or percentage in the 3 previous school years.

(B) The number or percentage of secondary school students graduating in the eligible local educational agency is greater than the average such number or percentage rate for the 3 previous school years.

(C) The number or percentage of secondary school graduates in the eligible local educational agency enrolled in postsecondary education is greater than the average such number or percentage for the 3 previous school years.

(D) The number or percentage of the teaching force in the eligible local educational agency who are minorities is greater than the average such number or percentage for the 3 previous school years.

(E) The incidence of discipline, drug-related or in-school crime in the eligible local educational agency is less than the average such incidence in the 3 previous school years.

(c) Collection of Data.—Each eligible local educational agency, community-based organization, university, or nonprofit partnership receiving an allotment under this title shall annually collect and submit to the Secretary data based on the statistical indicators and other criteria described in the application submitted by such eligible local educational agency for the purposes of monitoring progress in achieving National Education Goals. Such data shall include multiple measures or indicators of each variable, and may take into consideration the mobility of students in the schools served under this title.

SEC. 107. INCENTIVE AWARDS TO EXEMPLARY PROGRAMS.

From amounts reserved pursuant to section 102(a) or otherwise made available, the Secretary is authorized to make competitive awards to individual schools participating in a program assisted under this title that demonstrate to the satisfaction of the Secretary success in at least 3 of the following areas:

(1) Unusual or exemplary progress in achieving the National Education Goals through programs described in section 105.

(2) Exemplary or unusually effective collaborative arrangements between schools, community-based organizations, agencies, parent groups, colleges and businesses.

(3) Identification, review, and removal of potential barriers to student performance in achieving National Education Goals, including a decrease in suspensions, expulsions, in-grade retentions, and ability groupings, and lack of access to course offerings in pre-algebra and introductory algebra.

(4) Substantial expansion of the hours that schools remain open for community use or student after-school recreation.

SEC. 108. REGULATORY ASSESSMENT.

(a) Report on Urban Public Schools.—In order to assist eligible local educational agencies under this Act in improving the performance of urban school children, the Secretary, not later than January 1, 1993, shall prepare a report on the impact of Federal regulations, guidelines and policies on urban public schools.

(b) Contents of Report.—

(1) In general.—The report shall analyze the impact of Federal legal, regulatory, policy and organizational requirements on the time and resources that eligible local educational agencies assisted under this Act have for educating students, including fiscal resources, staff time, facilities, instructional equipment, and services.

(2) Recommendations.—The report shall make recommendations on how best to simplify Federal regulations, guidelines and policies so that more resources can be devoted to improving urban school performance.

(3) Special rule.—The report shall also identify the regulations in which a waiver might be used as an incentive or reward for exceptional progress in meeting National Education Goals.

(c) Specific Issues for Analysis.—In preparing the report required by subsection (a), the Secretary shall analyze—

(1) the effect of regulatory requirements on local program flexibility and management within eligible local educational agencies;

(2) the effect of regulatory requirements on the size, cost and composition of administrative practices within eligible local educational agencies;

(3) the extent to which regulatory requirements are duplicative or contradictory;

(4) the amount of time and resources that school administrators and teachers must spend responding to data requests and reporting requirements pursuant to Federal law;

(5) the extent to which regulatory requirements are related to instructional rather than noninstructional practices in eligible local educational agencies;

(6) the relationship between specific regulatory requirements and the educational performance of urban students; and

(7) how the waiver or simplification of regulatory requirements could enhance the performance of urban school children and the progress of urban schools in meeting National Education Goals.

(d) Sample Data.—The Secretary may, in developing the report described in subsection (a), use appropriate sampling techniques.

(e) Consultation With Congress.—The Secretary shall consult with the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate concerning the design of the report described in this section.

SEC. 109. LOCAL ADVISORY GROUP.

(a) Establishment.—Any local educational agency desiring to receive an allotment under this Act shall form a local advisory group.

(b) Composition.—

(1) In general.—Each local advisory group referred to in subsection (a) shall be composed of representatives of such groups as—

(A) local government agencies;

(B) community-based organizations;

(C) service providers;

(D) teachers;

(E) parents;

(F) colleges and universities;

(G) businesses;

(H) principals and other school administrators;

(I) counselors, school psychologists and social workers;

(J) students;

(K) State educational agencies and State boards of education;

(L) labor;

(M) Offices of the mayor;

(N) religious leaders; and

(O) organizations with an interest in improving urban education and expertise in the delivery of services needed by the schools selected to participate in a program assisted under this Act.

(2) APPOINTMENT.—The superintendent of schools and the head of the eligible local educational agency shall appoint the members of the local advisory group.

(3) REPRESENTATION.—The local advisory group shall be representative of the community and shall be balanced according to race, ethnicity, native language background, and gender, to the extent practicable.

(c) FUNCTIONS.—The local advisory group shall—

(1) advise the eligible local educational agency on the design and conduct of a needs assessment for all schools expected to participate in the program assisted under this title;

(2) assist in planning for community-wide collaboration in service delivery for students in schools expected to be served by the program assisted under this title;

(3) advise the eligible local educational agency and the community on how such agency and community can work together to use multiple service providers;

(4) advise and assist the eligible local educational agency on the implementation of the program assisted under this title and review evaluations of such program's success;

(5) review and approve applications submitted to the eligible local educational agency by community-based organizations pursuant to section 103(a)(2);

(6) advise the eligible local educational agency on strategies for increasing parent involvement and the number of school volunteers and role models in schools; and

(7) review the success of community-based programs assisted under this title for progress toward meeting the National Education Goals.

(d) USE OF EXISTING LOCAL ADVISORY GROUP.—To the extent that an eligible local educational agency has established a broadly representative local advisory group before the date of enactment of this Act that is comparable to the local advisory group described in this section, such existing local advisory group shall be considered to be in compliance with the provisions of this section.

SEC. 110. SPECIAL RULES.

(a) RANKING OF SCHOOLS TO DETERMINE RELATIVE NEED.—

(1) IN GENERAL.—Each eligible local educational agency desiring to receive an allotment under this title shall, in order to determine which schools are most in need of services, separately rank all elementary and secondary schools under the jurisdiction of such agency on the basis of—

(A) achievement;

(B) poverty; and

(C) racial isolation.

(2) PERCENTAGE OF SCHOOLS TO BE SERVED.—Each eligible local educational agency that receives an allotment under this title shall serve at least 10 percent, but not more than 20 percent, of the schools under the jurisdiction of such agency.

(3) CRITERIA FOR SCHOOLS TO BE SERVED.—Subject to the provisions of paragraph (2) of this section, each eligible local educational agency that receives an allotment under this title—

(A) shall serve any school that is determined to be most in need with respect to all 3 rankings described in paragraph (1);

(B) may serve any school that is determined to be most in need with respect to any 1 or more of such rankings; and

(C) may serve any school that received assistance under this title in a previous fiscal year.

(b) FLEXIBILITY.—Each eligible local educational agency shall have the flexibility to serve homeless children, desegregating students, immigrants, migrants or other highly mobile populations within the program assisted under this title.

TITLE II—SCHOOL BUILDING REPAIR AND RENOVATION

SEC. 201. PURPOSE; AUTHORIZATION OF APPROPRIATIONS.

(a) PURPOSE.—It is the purpose of this title to provide assistance to eligible local educational agencies to assist such agencies in repairing, and renovating, instructional facilities in city schools.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995, 1996, 1997, 1998, 1999, and 2000, to carry out the provisions of this title.

SEC. 202. ALLOCATION OF FUNDS.

(a) RESERVATION.—From the amount appropriated or otherwise made available to carry out the provisions of this title for any fiscal year, the Secretary shall reserve 1 percent of such amount to monitor activities assisted under this title.

(b) ALLOTMENTS.—From the remainder of sums not reserved under subsection (a), the Secretary shall allot to eligible local educational agencies with an approved application—

(1) 33 percent of such funds on the basis of the number of children in the eligible local educational agency between the ages of 5 and 17 who are members of families whose income does not exceed the income official poverty level, divided by the number of all such children in all eligible local educational agencies;

(2) 33 percent of such funds on the basis of the number of school buildings used for instructional purposes in the eligible local educational agency, divided by the number of all such buildings in all eligible local educational agencies; and

(3) 33 percent of such funds on the basis of the number of school buildings in the eligible local educational agency which are used for instructional purposes and which are more than 25 years old, divided by the number of all such buildings in all eligible local educational agencies.

SEC. 203. APPLICATION.

(a) APPLICATION.—

(1) IN GENERAL.—Any eligible local educational agency desiring to receive an allotment to carry out the provisions of this title shall submit to the Secretary an application at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

(2) DURATION.—Each application shall be submitted for a period of not more than 3 years.

(3) ANNUAL REVIEW.—Each application shall be subject to annual review.

(b) CONTENTS.—Each application shall contain—

(1) an assessment of needs for building repair, renovation and construction;

(2) the name and location of all sites scheduled for repair, renovation or construction and a description of the activities planned at each site; and

(3) a description of accounting procedures used to assure proper disbursement of Federal funds.

SEC. 204. USES OF FUNDS.

Each eligible local educational agency receiving an allotment under section 202(b) shall use such allotment to conduct programs for—

(1) repair and renovation of school buildings used for instruction;

(2) installation or upgrading of school security and communications systems;

(3) construction of new buildings that will serve to replace old facilities that are most cost effectively torn down rather than renovated;

(4) alterations to buildings to meet special program, curricula, or school-site management needs;

(5) alterations to buildings to meet certain special population needs, such as the needs of homeless children and preschool children;

(6) alterations to school buildings to enable such buildings to serve as one-stop family support centers;

(7) facilities' costs associated with lengthening the school day or school year;

(8) upgrading of and alterations to buildings to accommodate new instructional technology;

(9) energy conservation;

(10) removal or containment of environmentally hazardous material, such as asbestos, lead, and radon;

(11) meeting the requirements of section 504 of the Rehabilitation Act of 1973; and

(12) meeting local, State, or Federal codes passed since the initial construction of a building related to fire, air, light, noise, waste disposal, building height or other.

TITLE III—URBAN SCHOOL RESEARCH

SEC. 301. AUTHORIZATION.

There are authorized to be appropriated to the National Institute for Urban Education $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995, 1996, 1997, 1998, 1999, and 2000, to carry out the provisions of this title.

SEC. 302. ASSISTANT SECRETARY FOR URBAN EDUCATION.

(a) AMENDMENTS TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT.—

(1) Section 202(b)(1) of the Department of Education Organization Act (20 U.S.C. 3412) is amended—

(A) by striking "and" at the end of subparagraph (F) and redesignating subparagraph "(G)" as subparagraph "(H)";

(B) by inserting after subparagraph (F) the following:

"(G) an Assistant Secretary for Urban Education.".

(2) Title II of the Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended by adding at the end the following new section:

"SEC. 216. NATIONAL INSTITUTE FOR URBAN EDUCATION.

"There shall be in the Department a National Institute for Urban Education, established in accordance with title III of the Urban Schools of America (USA) Act of 1993, to be administered by the Assistant Secretary for Urban Education.".

(b) AMENDMENT TO TITLE V.—Section 5315 of title 5, United States Code is amended by striking "Assistant Secretaries of Education (10)" and inserting "Assistant Secretaries of Education (11)".

SEC. 303. RESERVATION; ALLOTMENT; ALLOCATION.

(a) RESERVATION FOR NATIONAL INSTITUTE OF URBAN EDUCATION.—From the amount appropriated or otherwise made available to carry out the provisions of this title in any fiscal year, the Assistant Secretary for Urban Education (hereafter in this title referred to as the "Assistant Secretary") shall reserve 20 percent of such funds for the operation of the National Institute for Urban Education (hereafter in this title referred to as the "Institute").

(b) ALLOTMENTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—From the remainder of sums not reserved under subsection (a), the Assistant Secretary shall make allotments to eligible local educational agencies in an amount which bears the same relation to such remainder as the number of students enrolled in the eligible local educational agency bears to the total number of students enrolled in all eligible local educational agencies.

SEC. 304. NATIONAL INSTITUTE OF URBAN EDUCATION.

(a) ESTABLISHMENT.—From amounts reserved under section 303(a), the Assistant Secretary shall establish an institute to be known as the National Institute of Urban Education.

(b) FUNCTIONS.—The Institute shall—

(1) assist eligible local educational agencies under this Act, or consortia of such agencies, in developing research and evaluation activities to assess progress toward meeting the National Education Goals;

(2) provide for the conduct of research which will assist urban schools in enhancing learning, teaching, and system management;

(3) provide training in research and evaluation methods and techniques that meet the purposes of this Act;

(4) evaluate and disseminate among eligible local educational agencies results of activities conducted pursuant to title I of this Act;

(5) design and coordinate, in consultation with eligible local educational agencies, a comprehensive and cohesive research and evaluation strategy for assessing progress under this Act;

(6) serve as a clearinghouse on urban education research and evaluation findings, policies, and practices;

(7) design, test, define, and promote common indicators of progress toward the National Education Goals; and

(8) design, develop, and test new measures of school progress toward the National Education Goals.

(c) GOVERNANCE.—The Institute shall have a Governing Board.

(1) COMPOSITION AND APPOINTMENT.—

(A) COMPOSITION.—The Governing Board shall consist of 22 members, selected from a pool of candidates nominated by the superintendent and the head of the eligible local educational agencies.

(B) APPOINTMENT.—The Majority Leader of the House of Representatives and the Majority Leader of the Senate shall each appoint 6 members to the Governing Board from individuals nominated pursuant to subparagraph (A). The Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 3 members to the Governing Board from individuals nominated pursuant to subparagraph (A). The Secretary shall appoint 4 members to the Governing Board from individuals nominated pursuant to subparagraph (A).

(2) TERMS OF OFFICE.—

(A) IN GENERAL.—Members of the Governing Board shall be appointed for a period of 3 years.

(B) REAPPOINTMENT.—Members of the Governing Board may be reappointed to the Governing Board.

(3) DUTIES.—The Governing Board shall—

(A) establish the national research and evaluation program for the Institute;

(B) review the programs and activities of the Institute; and

(C) issue an annual report to the Congress and the public on the progress of urban schools in meeting the goals of this Act.

(4) LEADERSHIP.—The Assistant Secretary shall be the primary individual responsible for the daily operation of the Institute.

(5) STAFF.—Such personnel as the Institute deems necessary may be appointed to carry out the functions of the Institute.

(d) CONTRACTS AND GRANTS.—

(1) IN GENERAL.—To the extent provided for in appropriation Acts, the Institute may award grants to or enter into contracts with eligible local educational agencies, universities, research and development centers, private corporations, or regional educational laboratories to carry out the duties of the Institute.

(2) COMPETITIVE AWARDS.—Grants and contracts awarded under paragraph (1) shall be awarded on a competitive basis.

SEC. 305. APPLICATION.

(a) IN GENERAL.—Any eligible local educational agency desiring to receive an allotment under section 303(b) shall—

(1) submit an application to the Assistant Secretary;

(2) consult with the Department of Education, local universities, research institutes, laboratories, or centers for purposes of planning and implementing a plan of research and technical assistance for the eligible local educational agency and schools within the jurisdiction of the eligible local educational agency; and

(3) describe in the application a research and technical assistance plan and how assistance provided under this title will be used to assess progress on the National Education Goals.

(b) CONSORTIA.—Eligible local educational agencies may pool their allotments under section 303(b), in whole or in part, to design and conduct cooperative data collection, evaluation and information dissemination activities.

SEC. 306. USES OF FUNDS.

Funds allotted to eligible local educational agencies under section 303(b) may be used for—

(1) collaborative and coordinated research and evaluation of educational techniques or approaches used in multiple eligible local educational agencies;

(2) evaluation of projects assisted under title I;

(3) collection and dissemination of information on successful projects and approaches assisted under title I;

(4) design and implementation of extension service programs to allow an eligible local educational agency to provide technical assistance to individual schools and teachers involved in projects assisted under title I;

(5) provision of data and information management services to individual schools assisted under title I;

(6) provision of staff training in schools assisted under title I;

(7) evaluation of progress made by eligible local educational agencies assisted under this Act in meeting National Education Goals;

(8) provision of staff training in test interpretation and use for diagnostic purposes;

(9) provision of information to parents on test results and test interpretation;

(10) provision of technology and training in its research and evaluation uses;

(11) development of assessment tools of students in individualized instruction;

(12) research on school policies and practices which may be barriers to the success of students in school; and

(13) development and testing of new multiple, alternative assessments of student progress toward the National Education Goals which are race and gender bias-free and sensitive to limited-English proficient and disabled students.

TITLE IV—GENERAL PROVISIONS

SEC. 401. INTERAGENCY COUNCIL ON URBAN SCHOOLS.

(a) ESTABLISHMENT.—There is established the Interagency Council on Urban Schools (hereafter in this section referred to as the "Council").

(b) COMPOSITION.—

(1) IN GENERAL.—The Council shall consist of—

(A) the Secretary of Education who shall serve as Chairperson of the Council;

(B) the Secretary of Labor;

(C) the Secretary of Health and Human Services;

(D) the Secretary of Agriculture;

(E) the Attorney General of the United States;

(F) the Secretary of Energy;

(G) the Director of the Environmental Protection Agency;

(H) the Director of the Commission on Civil Rights;

(I) the Chairperson of the Advisory Commission on Intergovernmental Relations;

(J) the Chairpersons of the National Endowments on the Arts and the Humanities;

(K) the Director of the National Science Foundation;

(L) the Secretary of Housing and Urban Development; and

(M) such other officers of the Federal Government as may be designated by the President or the Chairperson of the Council to serve wherever matters within the jurisdiction of the agency headed by such an officer are to be considered by the Council.

(2) REPRESENTATION.—Each individual described in paragraph (1) may designate a person to represent such individual on the Council.

(3) DURATION.—Each member shall be appointed for as long as such member serves as the head of the appropriate department or agency.

(4) PRINCIPAL ADVISOR.—The Chairperson of the Council shall be the President's principal advisor on urban schools.

(c) QUORUM.—Seven members of the Council shall constitute a quorum for the purposes of transmitting recommendations and proposals to the President, but a lesser number may meet for other reasons.

(d) MEETINGS.—The Council shall meet at least 2 times each year. When a Council member is unable to attend a meeting, the Council member shall appoint an appropriate Assistant Secretary or an equivalent individual from the department or agency of the member to represent the member for that meeting.

(e) DUTIES OF THE COUNCIL.—The Council shall—

(1) review programs and activities conducted by each department or agency represented on the Council to determine the effects of such programs and activities on the

ability of urban schools to meet National Education Goals;

(2) track progress of urban schools in meeting National Education Goals;

(3) solicit information and advice from experts in urban education and representatives of urban schools on how the Federal Government could improve the programs and activities of the Federal Government which serve urban school students;

(4) review regulations across various departments or agencies of the Federal Government for duplication or contradiction;

(5) submit an annual report to Congress and the President regarding the progress urban schools are making in meeting National Education Goals, and on how Congress might change Federal programs to improve the effectiveness of such programs in urban schools;

(6) review and make recommendations regarding ways to improve or streamline various Federal data collection activities in urban schools; and

(7) conduct such research as may be helpful to urban school practitioners in improving the performance of students attending urban schools.

SEC. 402. WHITE HOUSE CONFERENCE ON URBAN EDUCATION.

(a) Authorization To Call Conference.—

(1) In general.—The President is authorized to call and conduct a White House Conference on Urban Education (hereafter in this section referred to as the "Conference") which shall be held not earlier than November 1, 1993, and not later than October 30, 1994.

(2) Purpose.—The purpose of the Conference shall be to—

(A) develop recommendations and strategies for the improvement of urban education;

(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist urban schools in achieving National Education Goals; and

(C) conduct the initial planning for a permanent national advisory commission on urban education.

(b) Composition of Conference.—

(1) In general.—The Conference shall be composed of 12 individuals, including—

(A) representatives of urban public school systems, including members of the governing body of local educational agencies, and school superintendents;

(B) representatives of the Congress, the Department of Education and other Federal agencies;

(C) State elected officials and representatives from State educational agencies; and

(D) individuals with special knowledge of and expertise in urban education.

(2) Selection.—The President shall select one-third of the participants of the Conference, the Speaker of the House of Representatives shall select one-third of such participants, and the Majority Leader of the Senate shall select the remaining one-third of such participants.

(3) Representation.—In selecting the participants of the Conference the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall ensure that the participants are as representative of the ethnic, racial, and linguistic diversity of cities as is practicable.

(c) Reports.—

(1) In general.—A final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President not later than 120 days following the termination of the Conference. The final report shall be made public and, within 90 days after receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations for implementing the report.

(2) Publication and distribution.—The Conference is authorized to publish and distribute the report described in this section. Copies of the report shall be provided to the Federal depository libraries and made available to local urban school leaders.

(d) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated $5,000,000 for fiscal year 1994 to carry out the provisions of this section.

(2) Availability.—Amounts made available pursuant to the authority of paragraph (1) shall remain available until expended.

SEC. 403. AUGUSTUS F. HAWKINS NATIONAL COMMISSION ON URBAN EDUCATION.

(a) Establishment.—There is established a National Commission on Urban Education (hereafter in this section referred to as the "Commission").

(b) Membership.—

(1) In general.—The Commission shall be composed of 12 members as follows:

(A) Four of the members shall be appointed by the President.

(B) Four of the members shall be appointed by the Speaker of the House, including two Members of the House, of which 1 shall be from each political party.

(C) Four of the members shall be appointed by the Majority Leader of the Senate, including 2 members of the Senate, of which 1 shall be from each political party.

(2) Chairperson.—The Chairperson of the Commission shall be elected by the members of the Commission and shall continue to serve for the duration of the Commission.

(3) Vacancies.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(c) Duties.—The Commission shall study the following issues:

(1) Demographic changes.—Demographic changes in student enrollment and classroom teachers in the 10-year period prior to the date of enactment of this Act.

(2) Special needs.—Numbers and types of special needs of students in urban schools.

(3) Unserved or underserved students.—Number of unserved or underserved students in urban schools eligible for assistance under the Head Start Act, chapter 1 of title I of the Elementary and Secondary Education Act of 1965, the School Dropout Demonstration Assistance Act of 1988, the Drug-Free Schools and Communities Act of 1986, the Carl D. Perkins Vocational and Applied Technology Education Act, the Individuals with Disabilities Education Act and other Federal programs.

(4) Student performance.—Program and management efforts in urban schools designed to enhance student performance, and reasons for the effectiveness of such efforts.

(5) Financial support.—Financial support and funding needs of urban schools from local, State, and Federal sources.

(6) Collaborative efforts.—Collaborative efforts and programs between urban schools, the private sector, and community groups.

(7) Supply needs.—Supply needs for teachers in urban schools in the 10-year period beginning on the date of enactment of this Act.

(d) Reports.—

(1) In general.—The Commission shall submit a report that includes recommendations to the President and to the appropriate committees of the Congress on the findings of the study required by this section. The report shall be submitted as soon as practicable.

(2) Proposal for changes in Federal legislation.—The report submitted under this section shall include proposals for changes in Federal legislation.

(e) Staff.—Such personnel as the Commission deems necessary may be appointed by the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subtitle III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed shall be paid in excess of the rate of basic pay for level III of the Executive Schedule.

(f) Compensation.—

(1) In general.—Members of the Commission who are officers or full-time employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(2) Travel expenses.—Each member shall receive travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 and 5703 of title 5, United States Code.

(3) Special rule.—Members of the Commission who are not officers or full-time employees of the United States may receive a per diem and travel allowance as is provided by the United States Code for persons in the Government service employed intermittently.

(g) Administration.—

(1) In general.—The Commission or, on the authorization of the Commission, any committee thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and such places within the United States as the Commission or such committee considers advisable.

(2) Consultation.—In carrying out its duties under this section, the Commission shall consult with other Federal departments and agencies, representatives of State and local governments, and private organizations, to the extent feasible.

(3) Information.—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish that information to the Commission.

(4) Contracts.—The Commission is authorized to enter into contracts to secure the necessary data and information to conduct the work of the Commission and to obtain the services of experts and consultants.

(5) Cooperation.—The heads of all Federal departments and agencies are, to the extent practicable, directed to cooperate with the Commission in carrying out this section.

(6) Special rule.—The Commission is authorized to utilize, with the consent of such departments or agencies, the services, personnel, information, and facilities of other Federal, State, local, and private departments or agencies with or without reimbursement.

(h) Termination.—The Commission shall terminate 3 years after the date of the first meeting of the Commission.

(i) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated for each of the fiscal years 1994 through 1996 such sums as may be necessary to carry out the provisions of this section.

(2) Availability.—Amounts appropriated pursuant to the authority of paragraph (1)

shall remain available until expended or until the termination of the Commission, whichever occurs first.

SEC. 404. FEDERAL FUNDS TO SUPPLEMENT NOT SUPPLANT NON-FEDERAL FUNDS.

An eligible local educational agency may use funds received under this Act only to supplement or to increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in activities assisted under this Act and in no case may such funds be used to supplant funds from non-Federal sources.

SEC. 405. DEFINITIONS.

Except as otherwise provided, for the purposes of this Act:

(1) CENTRAL CITY.—The term "central city" has the same meaning as that used by the United States Census Bureau.

(2) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a private nonprofit organization which is representative of a community or significant segments of a community and which has a proven record of providing effective educational or related services to individuals in the community.

(3) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given to such term in section 1471(8) of the Elementary and Secondary Education Act of 1965.

(4) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency which—

(i) serves the largest central city in a State;

(ii) enrolls more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or

(iii) enrolls between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given to such term in section 1201(a) of the Higher Education Act of 1965.

(6) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given to such term in section 1421(12) of the Elementary and Secondary Education Act of 1965.

(7) METROPOLITAN STATISTICAL AREA.—The term "metropolitan statistical area" has the same meaning as that used by the United States Census Bureau.

(8) POVERTY LEVEL.—The term "poverty level" means the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for All Urban Consumers.

(9) SECONDARY SCHOOL.—The term "secondary school" has the same meaning given to such term in section 1471(21) of the Elementary and Secondary Education Act of 1965.

(10) SECRETARY.—The term "Secretary" means the Secretary of Education.

(11) STATE.—The term "State" means each of the several States and the District of Columbia, but does not include Guam, American Samoa, the Commonwealth of Puerto Rico, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

(12) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given to such term in section 1471(23) of the Elementary and Secondary Education Act of 1965.●

● Mr. SIMON. Mr. President, I am pleased to join my colleague, Senator WELLSTONE, in introducing the Urban Schools of America Act.

A few weeks ago I sent an 18-page letter to the new superintendent of the Chicago Public Schools, Dr. Argie Johnson, giving her my impressions and recommendations based on visits to 18 schools and open-ended discussions with teachers, parents, principals, education researchers, and business leaders.

One of my conclusions was that the Federal Government must do more to help needy schools in Chicago and across the country. The USA Act will help urban schools undertake the kind of comprehensive reforms that can bring about real improvements in student achievement.

School improvement does not mean throwing money at a problem, but it does mean addressing real needs, and often it takes money to address these needs. For example, in my report on Chicago's schools, I found that improvement required further investments in the following:

Personalized attention. Some of the classrooms that I saw had 30 or more students in them. A lower teacher-student ratio is especially important for disadvantaged children who get less support from home. As one fourth-grade teacher pointed out, smaller classes mean "more personalized attention for each student, the teacher doesn't have to say 'be quiet' as much, and in class discussions every child has a chance to talk." In the high school years, more personalized attention would help to reduce the high dropout rate.

Libraries, and the books and technology to go in them. Students need to have access to a quality library and media center. At one school without any library, a young student cited this as the school's No. 1 need because you can study there. At another school, the library had a donated advanced computer—with compact disk capability—but few books and no copy machine. Several teachers in schools I visited bought books to lend to students out of their personal funds. I remember how important a library was to me when I was in grade school. When I visit neighborhoods where every possible encouragement is needed to give students a chance, and I see a library with 90 percent of the shelves bare—and not because books are checked out—it is depressing. Only one school I visited could be stretched into being called adequate, and that may be too generous an appraisal.

Facilities and equipment. Some schools need basic things like a lunch room or a gym, or they have to remove lead paint or fix the roof. Others need science labs, or revamped electrical wiring. Materials for hands-on science learning are a vital need. I saw computers at almost every school, but many schools need more. Most students don't have access to home computers, so computers at school become important. Assistive technology for students with disabilities is sometimes a need. A phone in every classroom has been a help at a few schools, allowing teachers better access to parents and to other resources outside of the school—I confess my initial reaction to this idea was negative, but teachers said it did not distract; it actually helped—Unfortunately, too many schools must spend scarce resources on security needs, such as metal detectors and walkie-talkies.

Instructional and other staff support. Teachers need more help in dealing with the many barriers that urban students face. Counselors, health care workers, resource teachers for students with disabilities, and literacy and other training for parents are only a few of the needs.

I would be glad to provide any of my colleagues with a copy of the full report.

We can no longer afford to ignore the urgent needs of our urban schools. Investing in our schools is an investment in our future, in the future of our children, and in the future of our cities. I commend my colleagues from Minnesota for introducing this legislation, and I urge my colleagues to join us in supporting this measure as part of the reauthorization of the Elementary and Secondary Education Act.●

By Mr. SIMON (for himself, Mr. WELLSTONE, and Mr. JEFFORDS):

S. 1472. A bill to provide financial assistance to rural eligible local educational agencies to improve rural education, and for other purposes; to the Committee on Labor and Human Resources.

RURAL SCHOOLS LEGISLATION

● Mr. SIMON. Mr. President, I am pleased to introduce, with my distinguished colleague from Minnesota [Mr. WELLSTONE] and the ranking Republican member of the Education Subcommittee [Mr. JEFFORDS], the Rural Schools of America Act of 1993.

With the continued growth of suburban schools, and the crises facing urban schools, it is too easy for the media and policy makers to overlook the critical needs of schools in rural communities. Yet school districts in rural areas constitute more than half of all of the country's school districts. These schools must be included in our efforts to improve education for all Americans.

One-fourth of the Nation's rural school children live below the poverty line. Their schools average more than 45 years old and are often in serious disrepair, creating ineffective and even demoralizing learning conditions. Rural school districts suffer severe teacher shortages, and those who do teach in rural schools tend to be younger and less experienced than teachers in suburban schools. Furthermore, rural teachers tend to be responsible for more subject areas, yet they have even fewer resources than teachers at larger, better-funded schools.

The Rural Schools of America Act provides help to rural schools for undertaking comprehensive school improvement, recruiting teachers, developing early childhood education programs, and accessing the most advanced telecommunications technologies for learning. In addition, it provides desperately-needed funds for the renovation or repair of school facilities.

Mr. President, in the current budget climate, the cost of this legislation may seem high. But we must invest in our human resources. If we do not, the cost to our economy and to our well-being will be far higher.

I look forward to working with my colleagues in considering this legislation, as well as the complementary Urban School of America Act, as part of the reauthorization of the Elementary and Secondary Education Act.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rural Schools of America (RSA) Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Statement of purpose.

TITLE I—RURAL SCHOOL IMPROVEMENT

Sec. 101. Authorization of appropriations.
Sec. 102. Allotment of funds.
Sec. 103. Application.
Sec. 104. Planning period.
Sec. 105. Uses of funds.
Sec. 106. Accountability.
Sec. 107. Incentive awards to exemplary programs.
Sec. 108. Regulatory assessment.
Sec. 109. Local advisory group.

TITLE II—SCHOOL BUILDING REPAIR AND RENOVATION

Sec. 201. Purpose; authorization of appropriations.
Sec. 202. Allotment of funds.
Sec. 203. Application.
Sec. 204. Repair and renovation.
Sec. 205. Environment and safety.
Sec. 206. Waiver.
Sec. 207. Application of the Davis-Bacon Act.

TITLE III—EVALUATION OF RESULTS

Sec. 301. Authorization of appropriations.
Sec. 302. Establishment; operation; uses of funds.
Sec. 303. Local rural school evaluation.
Sec. 304. Local applications.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Interagency Council on Rural Schools.
Sec. 402. White House Conference on Rural Education.
Sec. 403. Federal funds to supplement not supplant non-Federal funds.
Sec. 404. Definitions.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the ability of America's rural school systems to meet the National Education Goals will contribute to the economic competitiveness and academic standing of the Nation in the world community;

(2) the quality of public education in the rural areas of the Nation has a direct effect on the economic development of the rural communities of the Nation;

(3) the success of rural schools in boosting the achievement of minority youth attending such schools will determine the ability of the Nation to close the gap between the "haves and have-nots" in society;

(4) the cost to America's businesses to provide remedial education to secondary school graduates is approximately $21,000,000,000 per year;

(5) approximately one-third of the Nation's work force will be minority by the year 2000;

(6) rural schools enroll a disproportionately large share of the Nation's poor and "at-risk" youth;

(7) approximately 60 percent of the Nation's public school districts are rural with a population of less than 2,500;

(8) approximately one out of every four of America's rural children are living below the poverty line;

(9) the academic performance of students in the average rural school system is below that of students in most other suburban school systems;

(10) rural preschoolers have less access to early childhood development programs than other children;

(11) shortages of teachers for rural school systems is greater than in other kinds of school systems;

(12) a declining number of rural secondary school graduates are pursuing postsecondary education opportunities;

(13) the average age of rural public school buildings is more than 45 years old and such buildings are often in serious disrepair, creating poor and demoralizing working and learning conditions;

(14) solving the challenges facing the Nation's rural schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

(15) State and Federal funding of rural schools has not adequately reflected need; and

(16) Federal funding that is well targeted, flexible and accountable would contribute significantly to addressing the comprehensive needs of rural schools.

SEC. 3. STATEMENT OF PURPOSE.

It is the purpose of this Act to provide financial assistance for those rural schools most in need to encourage the comprehensive restructuring of America's rural schools, the appropriate use of telecommunications technologies for learning and to support innovative programs which improve performance through programs and projects designed to—

(1) assist rural schools in meeting National Education Goals;

(2) encourage rural schools to engage in school reform;

(3) develop pilot projects that experiment with innovative ways to teach rural public school children more effectively;

(4) improve the educational and social well being of rural public school children;

(5) close the achievement gap between children attending rural schools and other children, while improving the achievement level of all children nationally;

(6) renovate and repair aging rural school buildings and facilities;

(7) conduct coordinated research on rural education problems, solutions, promising practices, and distance learning technologies;

(8) improve the Nation's global economic and educational competitiveness by improving the Nation's rural schools;

(9) encourage community, parental and business collaboration in the improvement of rural schools;

(10) review regulations the simplification of which might improve the achievement of rural school children;

(11) encourage rural school consortia for the purpose of increasing efficiency and course offerings;

(12) encourage a positive role for rural public schools in local rural entrepreneurship and the identification of rural community economic development opportunities;

(13) encourage "community as school" concepts, which include the role public schools can play to assist with rural community economic revitalization; and

(14) provide meaningful inservice opportunities for rural public school teachers.

TITLE I—RURAL SCHOOL IMPROVEMENT

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,500,000,000 for 1994 and such sums as may be necessary for each of the fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of this title.

SEC. 102. ALLOTMENT OF FUNDS.

(a) RESERVATION.—From the amount appropriated or otherwise made available to carry out the provisions of this title for any fiscal year after the first fiscal year in which the Secretary awards allotments to State educational agencies under this title, the Secretary shall reserve 5 percent of such funds to provide competitive awards in accordance with section 107.

(b) ALLOTMENTS.—

(1) FEDERAL ALLOTMENT.—From the remainder of the funds not reserved under subsection (a), the Secretary shall allot to each State educational agency with an approved application in each fiscal year an amount which bears the same relationship to such funds as the amount all rural eligible local educational agencies with approved applications in the State were allocated under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 in the preceding fiscal year bears to the total amount received under such chapter in such preceding fiscal year by all rural eligible local educational agencies with approved applications in all States.

(2) STATE ALLOTMENT.—

(A) RESERVATION FOR ADMINISTRATIVE EXPENSES.—From amounts received pursuant to paragraph (1), each State educational agency may reserve not more than 1 percent of such amount for administrative expenses.

(B) RESERVATION FOR COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—From amounts received under paragraph (1) for any fiscal year, each State educational agency shall reserve not more than 5 percent to make as many grants as practicable for activities in accordance with the

National Education Goals and described in section 105 to—

(i) community-based organizations; or

(ii) nonprofit partnerships among rural eligible local educational agencies, local colleges or universities, private sector businesses, or any combination thereof, that enter into a written agreement with at least one rural eligible local educational agency.

(C) FORMULA.—From the remainder of amounts received pursuant to paragraph (1) and not reserved pursuant to subparagraphs (A) and (B) in each fiscal year, each State educational agency shall allot to each rural eligible local educational agency with an approved application an amount which bears the same relationship to such funds as the amount such rural eligible local educational agency was allocated under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 in the preceding fiscal year bears to the total amount received under such chapter in such preceding fiscal year by all rural eligible local educational agencies with approved applications in the State.

(D) ADMINISTRATIVE COSTS.—Not more than 5 percent of any rural eligible local educational agency's allotment under this subsection may be used for administrative costs.

(c) REALLOTMENT.—Any amounts available for reallotment pursuant to subsections (a) and (b) shall be reallotted in the same manner as the original allotments were made.

SEC. 103. APPLICATION.

(a) STATE APPLICATION.—

(1) IN GENERAL.—Each State educational agency desiring to receive an allotment in any fiscal year to carry out the provisions of this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the State's approach to improving education in rural schools;

(B) contain such information as the Secretary may reasonably require in order to make the allotment described in section 102(b)(1); and

(C) contain such other information or assurances as the Secretary determines necessary to ensure compliance with the provisions of this title.

(b) LOCAL APPLICATION.—

(1) IN GENERAL.—Any rural eligible local educational agency desiring to receive an allotment to carry out the provisions of this title, shall—

(A) develop and prepare an application with the local advisory group in accordance with section 109 of this Act; and

(B) submit the application described in subparagraph (A) to the State educational agency at such time, in such manner and accompanied by such information as the State educational agency may reasonably require.

(2) CONTENTS OF LOCAL EDUCATIONAL AGENCY APPLICATION.—Each application submitted by a rural eligible local educational agency pursuant to paragraph (1) shall include a description of—

(A) the community served by the rural eligible local educational agency and the effects of the community on the educational conditions within the schools served by the rural eligible local educational agency;

(B) the collaboration in program planning with the local advisory group described in section 109;

(C) the goals selected by the rural eligible local educational agency pursuant to section 106(b), the rationale for choosing such goals over others, and a description of whether the goals selected differ between elementary and secondary schools in the district;

(D) how funds received under this title will be used to meet the National Educational Goals selected by the rural eligible local educational agency;

(E) how promising or successful models or programs will be replicated in designing activities assisted under this title;

(F) which federally funded programs and activities are being expanded under this title; and

(G) the statistical indicators and other criteria that the rural eligible local educational agency will use to measure progress toward meeting National Education Goals, and a description of what the local educational agency has done to ensure that any assessments used to measure such progress will not have a negative effect on minority or language minority students;

(3) DURATION.—Except as provided in section 106, the application described in paragraph (1) may be for a period of not more than 3 years.

(c) COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—Any community-based organization or nonprofit partnership described in section 102(b)(2)(B) desiring to receive a grant from a State educational agency pursuant to such section shall—

(1) prepare and submit an application to the State educational agency;

(2) describe in the application the collaborative efforts undertaken with a rural eligible local educational agency in designing a program to meet the purposes of the Act; and

(3) describe in the application how funds will be used to help meet the education goals selected by a rural eligible local educational agency pursuant to subsection (b) of this section.

SEC. 104. PLANNING PERIOD.

Any rural eligible local educational agency requiring additional planning efforts to meet the provisions of this title may use the first 3 months of the initial program year for planning purposes, subject to approval by the State educational agency, except that not more than 10 percent of the first year's allotment shall be used for such purposes. A written report of the results of the plan shall be submitted to the State educational agency.

SEC. 105. USES OF FUNDS.

(a) IN GENERAL.—Funds allotted under section 102(b)(2) shall be used by rural eligible local educational agencies, or community-based organizations or nonprofit partnerships described in section 102(b)(2)(B), to meet National Education Goals through programs designed to—

(1) increase the academic achievement of rural school children to at least the national average, including such education reform initiatives as—

(A) effective schools programs;

(B) tutoring, mentoring, and other activities to improve academic achievement directly;

(C) supplementary academic instruction;

(D) efforts to improve problem-solving and higher-order critical thinking skills;

(E) programs to increase student motivation for learning;

(F) efforts to lengthen the school day, school year or reduce class sizes; and

(G) encouraging the establishment of rural school consortia to increase efficiency and course offerings;

(2) ensure the readiness of all rural children for school, including—

(A) full workday, full calendar-year comprehensive early childhood development programs;

(B) parenting classes, including parenting classes for teenage parents, and parent involvement activities;

(C) activities designed to coordinate prekindergarten and child care programs;

(D) efforts to integrate developmentally appropriate prekindergarten services into the overall school program;

(E) improving the skills of early childhood education staff and standards for programs;

(F) collaborative efforts with health and social service agencies to provide comprehensive services and to facilitate the transition from home to school;

(G) establishment of comprehensive child care centers in secondary schools for student-parents and their children; and

(H) augmenting early childhood development programs to meet the special educational and cultural needs of limited-English proficient and migrant preschool children;

(3) increase the graduation rates of rural students to at least the national average, including—

(A) dropout prevention activities and support services for students at-risk of dropping out of school;

(B) re-entry, outreach and support activities to recruit students who have dropped out of school to return to school;

(C) development of systemwide policies and practices that encourage students to stay in school;

(D) efforts to provide individualized student support;

(E) collaborative activities between schools, parents, community groups, agencies and institutions of higher education aimed at preventing individuals from dropping out of school;

(F) programs to increase student attendance; and

(G) alternative programs for students, especially bilingual, special education and migrant students, who have dropped out of school or are at-risk of dropping out of school;

(4) prepare rural school graduates to enter higher education, pursue careers and exercise their responsibilities as citizens, including—

(A) activities designed to increase the number and percentages of students, enrolling in postsecondary educational institutions after graduation from secondary schools;

(B) in-school youth employment, vocational education, and career education programs that improve the transition from school to work;

(C) activities designed in collaboration with colleges and universities to assist rural school graduates in completing higher education;

(D) activities designed in conjunction with community colleges to provide a kindergarten through grade 14 experience for rural school secondary school students;

(E) efforts to increase voter registration among eligible secondary school students attending schools served by rural eligible local educational agencies;

(F) activities designed to promote community service and volunteerism among students, parents, teachers, and the community;

(G) civic education, law-related education and other programs designed to enhance responsible citizenship and understanding of the political process; and

(H) encouraging a positive role for rural public schools in local rural entrepreneurship and the identification of rural community economic development opportunities;

(5) recruit and retain qualified teachers, including—

(A) school-based management projects and activities;

(B) programs designed to increase the status of the teaching profession;

(C) alternative routes to certification for qualified individuals from business, the military and other fields;

(D) efforts to recruit and retain teachers in critical shortage areas, including early childhood teachers, mathematics and science teachers, foreign language teachers, and special education and bilingual teachers;

(E) upgrading the skills of existing classroom teachers through the use of year-round, systematic, comprehensive inservice training programs;

(F) upgrading the skills of teacher aides and paraprofessionals to assist such individuals in becoming certified teachers;

(G) efforts specifically designed to increase the number of minority teachers in rural schools;

(H) programs designed to encourage parents and students to enter the teaching profession;

(I) incentives for teachers to work in rural schools;

(J) collaborative activities with colleges and universities to revise and upgrade teacher training programs to meet the needs of rural school students; and

(K) training activities for the purpose of incorporating distance learning technologies; or

(6) decrease the use of drugs and alcohol among rural students, and to enhance the physical and emotional health of such students, including—

(A) activities designed to improve the self-esteem and self-worth of rural students;

(B) the provision of health care services and other social services and the coordination of such services with other health care providers;

(C) programs designed to improve safety and discipline and reduce in-school violence and vandalism;

(D) activities that begin in the early grades and are designed to prevent drug and alcohol abuse and smoking among students;

(E) collaborative activities with other agencies, businesses, and community groups;

(F) efforts to enhance health education and nutrition education; and

(G) alternative schools, and schools-within-schools programs, including bilingual, migrant and special education programs for students with special needs.

(b) SPECIAL RULE.—Funds allotted under section 102(b)(2) may be used by rural eligible local educational agencies, or community-based organizations or nonprofit partnerships, described in section 102(b)(2)(B), for the planning, development, operation, or expansion of programs and activities which are designed to assist rural schools in meeting National Education Goals, and may include—

(1) training of teachers and other educational personnel in subject areas, or instructional technology and methods that would improve the delivery of services in rural settings in any of the National Education Goal areas, including staff development efforts which emphasize multicultural, gender and disability bias-free curricula;

(2) coordination and collaboration with other rural agencies, including State rural development councils, child care organizations, universities or the private sector;

(3) parental involvement and outreach efforts and other activities designed to enhance parental encouragement of student learning;

(4) guidance counseling, psychological, social work, and other support services that contribute to progress in achieving National Education Goals;

(5) efforts to acquire and improve access to educational technology, including distance learning technologies;

(6) programs to serve homeless children, children in schools undergoing desegregation, immigrants, migrants, or other highly mobile populations, even if such individuals do not attend a rural project school assisted under this title;

(7) efforts to improve, reform and strengthen the curriculum, especially efforts to enhance critical thinking skills among rural students, and efforts to coordinate services across grade levels; and

(8) other activities designed to assist in achieving the National Education Goals.

(c) PRIORITY.—Each local educational agency submitting an application under this section shall give priority in designing the program assisted under this title to activities that replicate successful efforts in other local educational agencies or expand successful programs within the rural eligible local educational agency.

SEC. 106. ACCOUNTABILITY.

(a) IN GENERAL.—The State educational agency may award an allotment under this title to a rural eligible local educational agency to enable such an agency to operate a program under this title for a period of not more than 3 years. If a rural eligible local educational agency receiving an allotment under this title meets the accountability requirements described in subsection (b) at the end of 3 years and the requirements described in subsection (c) at the end of each year, as determined by the State educational agency, such local educational agency shall be eligible to continue the project with funds under this title for an additional 3 years if such local educational agency so desires.

(b) REQUIREMENTS TO MOVE TOWARD NATIONAL EDUCATION GOALS.—

(1) PROGRAM CONTINUATION.—If, after 3 years of receiving an allotment under this title, a rural eligible local educational agency is able to demonstrate to the satisfaction of the State educational agency that such rural eligible local educational agency has increased the achievement within the lowest 2 quartiles of students in schools assisted under this title as measured by the statistical indicators and other criteria specified in the application in comparison to the year prior to the initiation of the project, then such agency shall be eligible to continue the project with funds under this title for an additional 3 years upon reapplication under section 103.

(2) SPECIAL RULE.—If, after 3 years of receiving an allotment under this title, a rural eligible local educational agency is able to demonstrate progress on meeting at least 3 other National Education Goals as measured by the criteria described in paragraph (3), then such agency shall be deemed to have met the requirements of paragraph (1) so long as the average achievement level of the schools assisted under this title did not decline in any of the 3 previous school years.

(3) CRITERIA.—For purposes of paragraph (2), the criteria are:

(A) The number or percentage of preschool children served by the rural eligible local educational agency is greater than the average such number or percentage in the 3 previous school years.

(B) The secondary school graduation rate in the rural eligible local educational agency is greater than the average such rate for the 3 previous school years.

(C) The percentage of secondary school graduates in the rural eligible local educational agency enrolled in postsecondary education is greater than such percentage for the 3 previous school years.

(D) The incidence of discipline, drug-related or in-school crime in the rural eligible local educational agency is less than the average such incidence in the 3 previous school years.

(c) COLLECTION OF DATA AND CERTIFICATION.—

(1) IN GENERAL.—Each rural eligible local educational agency, community-based organizations or nonprofit partnerships described in section 102(b)(2)(B), receiving assistance under this title shall annually collect and submit to the State educational agency data based on the statistical indicators and other criteria described in the application submitted by such rural eligible local educational agency for the purposes of monitoring progress in achieving the National Education Goals in accordance with paragraph (2). Such data shall include multiple measures or indicators of each variable, and may take into consideration the mobility of students in the schools served under this title or other special factors.

(2) CERTIFICATION.—Each rural eligible local educational agency receiving an allotment pursuant to section 102(b)(2) shall annually certify to the State educational agency that such rural eligible local educational agency has—

(A) complied with the provisions of this subsection; and

(B) made progress toward meeting National Education Goals and the goals described in section 103(b)(2)(D).

SEC. 107. INCENTIVE AWARDS TO EXEMPLARY PROGRAMS.

From amounts reserved pursuant to section 102(a) or otherwise made available, the Secretary is authorized to make competitive awards to rural eligible local educational agencies to enable such agencies to provide assistance to individual schools participating in a program assisted under this title which demonstrate to the satisfaction of the Secretary at least 3 of the following:

(1) Unusual or exemplary progress in achieving the National Education Goals through programs described in section 105.

(2) Exemplary or unusually effective collaborative arrangements between the schools, community-based organizations, agencies, parent groups, colleges and businesses.

(3) Identification, review and removal of potential barriers to student performance in the National Education Goal areas, such as suspensions and expulsions, in-grade retentions, ability grouping, and lack of access to course offerings, and other such barriers.

SEC. 108. REGULATORY ASSESSMENT.

(a) REPORT ON RURAL PUBLIC SCHOOLS.—In order to assist rural eligible local educational agencies under this Act in improving the performance of the school children enrolled in the schools served by such agencies, the Secretary shall, not later than January 1, 1995, prepare a report on the impact of Federal regulations, guidelines and policies on rural public schools.

(b) Contents of Report.—The report shall analyze the impact of Federal legal, regulatory, policy and organizational requirements on the time and resources that rural eligible local educational agencies assisted under this Act have for educating students, including fiscal resources, staff time, facilities, instructional equipment, and services. The report shall make recommendations on how best to simplify Federal legal, regulatory, policy and organizational requirements so that more resources can be devoted to improving rural school performance. The report shall also identify the regulations whose waiver might be used as incentives or rewards for unusual progress toward meeting National Education Goals.

(c) Specific Issues for Analysis.—In preparing the report required by subsection (a), the Secretary shall analyze—

(1) the effect of regulatory requirements on local program flexibility and management within rural eligible local educational agencies;

(2) the effect of regulatory requirements on the size, cost and composition of administrative practices within rural eligible local educational agencies;

(3) the extent to which regulatory requirements are duplicative or contradictory;

(4) the amount of time and resources that school administrators and teachers must spend responding to data requests and reporting requirements pursuant to Federal law;

(5) the extent to which regulatory requirements are related to instructional rather than noninstructional practices in rural eligible local educational agencies;

(6) the relationship between specific regulatory requirements and the educational performance of rural students; and

(7) how the waiver or simplification of regulatory requirements could enhance the performance of rural school children and the progress of rural schools in meeting National Education Goals.

(d) Sample Data.—The Secretary may, in developing the report described in subsection (a), use appropriate sampling techniques.

(e) Consultation With Congress.—The Secretary shall consult with the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate concerning the design of the report described in this section.

SEC. 109. LOCAL ADVISORY GROUP.

(a) Establishment.—Any rural eligible local educational agency desiring to receive an allotment under this Act shall form a local advisory group.

(b) Composition.—

(1) In general.—Each local advisory group described in subsection (a) shall be composed of representatives of groups such as—

(A) local government agencies;

(B) community-based organizations;

(C) service providers;

(D) teachers;

(E) parents;

(F) colleges and universities;

(G) businesses;

(H) principals, other school administrators and school personnel, including the local vocational education administrator;

(I) counselors, school psychologists and social workers;

(J) students;

(K) State educational agencies and State boards of education;

(L) labor;

(M) offices of the Mayor or other rural government leader;

(N) religious leaders; and

(O) organizations with an interest in improving rural education and expertise in the delivery of services needed by the schools selected to participate in a program assisted under this Act.

(2) Appointment.—The superintendent of schools and the head of the head of the rural eligible local educational agency applying for funds under this title shall appoint the members of the local advisory group, in consultation with teachers from the rural eligible local educational agency and the teacher's local bargaining agent where one exists. The local advisory group may contain as many members as is necessary to ensure a comprehensive community-wide program to improve education in the schools served by the rural eligible local educational agency.

(3) Representation.—The local advisory group shall be representative of the community and shall be balanced according to the race, ethnicity, native language background, and gender of its members, to the extent practicable.

(c) Functions.—The local advisory group shall—

(1) advise the rural eligible local educational agency on the design and conduct of a needs assessment for all schools expected to participate in the program assisted under this title;

(2) assist in planning for community-wide collaboration in service delivery for students in schools expected to be served by the program assisted under this title;

(3) advise the rural eligible local educational agency and the community on how such agency and community can work together to use multiple service providers;

(4) advise and assist the rural eligible local educational agency on the implementation of the program assisted under this title and review evaluations of such program's success;

(5) advise the rural eligible local educational agency on strategies for increasing parent involvement and the number of school volunteers and role models in schools; and

(6) review the success of community-based programs assisted under this title for progress toward meeting the National Education Goals.

(d) Use of Existing Local Advisory Group.—To the extent that a rural eligible local educational agency has established a broadly representative local advisory group before the date of enactment of this Act that is comparable to the local advisory group described in this section, such existing local advisory group shall be considered to be in compliance with the provisions of this section.

TITLE II—SCHOOL BUILDING REPAIR AND RENOVATION

SEC. 201. PURPOSE; AUTHORIZATION OF APPROPRIATIONS.

(a) Purpose.—It is the purpose of this title to provide assistance to rural eligible local educational agencies to assist such agencies in building or repairing, and renovating instructional facilities in rural schools, including but not limited to the appropriate use of telecommunications techniques for learning.

(b) Authorization of Appropriations.—There are authorized to be appropriated $1,000,000,000 for 1994 and such sums as may be necessary for each of the fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of this title.

SEC. 202. ALLOTMENT OF FUNDS.

(a) Allotments.—

(1) Federal allotment.—In each fiscal year, the Secretary shall allot to each State educational agency with an approved application, an amount which bears the same relationship to such funds as the amount all rural eligible local educational agencies with approved applications in the State were allocated under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 in the preceding fiscal year bears to the total amount received under such chapter in such preceding fiscal year by all rural eligible local educational agencies with approved applications in all States.

(2) State allotment.—

(A) Reservation.—From amounts received pursuant to paragraph (1), each State educational agency may reserve not more than 1 percent of such amount for administrative expenses.

(B) Formula.—From the remainder of amounts received pursuant to subparagraph (A) in each fiscal year, each State educational agency shall allot to each rural eligible local educational agency within the State with an approved application an amount determined on the basis of—

(i) the number of children in the rural eligible local educational agency between the ages of 5 and 17 who are members of families whose income does not exceed the income official poverty line (as defined by the Office of Management and Budget), according to the most recent decennial census of the population; and

(ii) the number, age and size of school buildings used for instructional purposes in the rural eligible local educational agency.

(b) Reallotment.—Any amounts available for reallotment pursuant to subsections (a) and (b) shall be reallotted in the same manner as the original allotments were made.

SEC. 203. APPLICATION.

(a) State Application.—

(1) In general.—Each State educational agency desiring to receive an allotment in any fiscal year to carry out the provisions of this title shall submit to the Secretary an application at such time, in such manner and accompanied by such information as the Secretary reasonably may require.

(2) Contents.—Each application submitted pursuant to paragraph (1) shall—

(A) contain such information as the Secretary may reasonably require in order to make the allotment described in section 202(a)(1); and

(B) contain such other information and assurances as the Secretary determines necessary to ensure compliance with the provisions of this title.

(b) Local Application.—

(1) In general.—Any rural eligible local educational agency desiring to receive an allotment to carry out the provisions of this title shall submit to the State educational agency an application at such time, in such manner and accompanied by such information as the State educational agency may reasonably require.

(2) Duration.—Each application submitted pursuant to paragraph (1) shall be for a period of not more than 3 years.

(3) Annual review.—Each application submitted pursuant to paragraph (1) shall be subject to annual review.

(4) Contents.—Each application submitted pursuant to paragraph (1) shall contain—

(A) an assessment of needs for building repair, renovation and construction;

(B) the name and location of all sites scheduled for repair, renovation or construction and a description of the activities planned at each site; and

(C) a description of accounting procedures used to assure proper disbursement of Federal funds.

SEC. 204. REPAIR AND RENOVATION.

Each rural eligible local educational agency receiving an allotment under section 202(a)(2) shall use 50 percent of such allotment to conduct programs for—

(1) repair and renovation of school buildings used for instruction;

(2) upgrading of and alterations to buildings to accommodate new instructional technology, including the installation or improvement of telecommunications facilities for learning and related technologies.

(3) installation or upgrading of school security and communications systems;

(4) construction of new buildings that will serve to replace old facilities that are most cost effectively torn down rather than renovated;

(5) alterations to buildings to meet special program, curricula, or school-site management needs;

(6) alterations to buildings to meet certain special population needs, such as the needs of homeless children, preschool children, and individuals with disabilities;

(7) alterations to school buildings to enable such buildings to serve as one-stop family support centers; and

(8) facilities' costs associated with lengthening the school day or school year.

SEC. 205. ENVIRONMENT AND SAFETY.

Each rural eligible local educational agency receiving an allotment under section 202(a)(2) shall use 50 percent of such allotment to conduct programs for—

(1) energy conservation;

(2) removal or containment of environmentally hazardous material;

(3) meeting the requirements of section 504 of the Rehabilitation Act of 1973; and

(4) meeting local, State or Federal laws or regulations enacted or promulgated since the initial construction of a building related to fire, air, light, noise, waste disposal, or building height.

SEC. 206. WAIVER.

The State educational agency may waive the 50 percent requirements described in sections 204 and 205 for any rural eligible local educational agency that demonstrates to the satisfaction of the State educational agency a greater need for services described in section 204 or 205.

SEC. 207. APPLICATION OF THE DAVIS-BACON ACT.

All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating, of projects, buildings, and works which are federally assisted under this title, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act), as amended (40 U.S.C. 276a et seq.). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

TITLE III—EVALUATION OF RESULTS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of this title.

SEC. 302. ESTABLISHMENT; OPERATION; USES OF FUNDS.

(a) ESTABLISHMENT.—From amounts appropriated pursuant to the authority of section 301, the Secretary shall establish for each region a center to be known as the "National Rural Regional Education Research Center" (hereafter in this title referred to as the "Center").

(b) OPERATION.—Each Center shall be operated by the regional educational laboratory that is located in the region in which the Center is located and supported by the Secretary pursuant to section 405(d)(4)(A) of the General Education Provisions Act.

(c) USE OF FUNDS.—Each Center shall—

(1) conduct independent research in rural education and distance learning technologies;

(2) evaluate the progress of rural schools receiving funds under title I of this Act toward meeting the National Education Goals;

(3) serve as clearinghouses on rural education research findings, policies, and practices;

(4) develop measurements of progress of rural schools;

(5) disseminate results of evaluations and research on rural schools to other Centers and rural school district teachers and parents;

(6) develop collaborative arrangements and consortia among rural schools in each region to conduct joint research and evaluation activities;

(7) replicate successful models and program approaches in rural schools;

(8) provide technical assistance and outreach services for rural schools in each region;

(9) provide staff training; and

(10) develop curricula to assist rural schools in moving toward meeting the National Education Goals.

SEC. 303. LOCAL RURAL SCHOOL EVALUATION.

From the amount appropriated pursuant to the authority of section 301 or otherwise made available to carry out the provisions of this title in any fiscal year, each Center shall reserve 25 percent of such funds to award direct grants to rural eligible local educational agencies within the region served by such Center and which are participating in a program assisted under title I to conduct local school district research and evaluation of efforts toward meeting the National Education Goals.

SEC. 304. LOCAL APPLICATIONS.

Any rural eligible local educational agency desiring to receive a grant under this title shall—

(1) submit an application to the Center;

(2) describe in such application the research and evaluation activities for measuring progress on the National Education Goals;

(3) consult with local universities, research institutes, and other rural groups in developing a local research and evaluation application; and

(4) describe capacities for conducting evaluations with funds provided under this title.

TITLE IV—GENERAL PROVISIONS

SEC. 401. INTERAGENCY COUNCIL ON RURAL SCHOOLS.

(a) ESTABLISHMENT.—There is established the Interagency Council on Rural Schools (hereafter in this section referred to as the "Council").

(b) COMPOSITION.—

(1) IN GENERAL.—The Council shall consist of—

(A) the Secretary of Education, who shall serve as Chairperson of the Council;

(B) the Secretary of Labor;

(C) the Secretary of Health and Human Services;

(D) the Secretary of Agriculture;

(E) the Secretary of Energy;

(F) the Secretary of Commerce;

(G) the Director of the Environmental Protection Agency;

(H) the Director of the Commission on Civil Rights;

(I) the Chairperson of the Advisory Commission on Intergovernmental Relations;

(J) the Chairperson of the National Endowments on the Arts and the Humanities;

(K) the Director of the National Science Foundation;

(L) such other officers of the Federal Government as may be designated by the President or the Chairperson of the Council to serve wherever matters within the jurisdiction of the agency headed by such an officer are to be considered by the Council.

(2) REPRESENTATION.—Each individual described in paragraph (1) may designate a person to represent such individual on the Council.

(3) DURATION.—Each member shall be appointed for as long as such member serves as the head of the appropriate department or agency.

(4) PRINCIPAL ADVISOR.—The Chairperson of the Council shall be the President's principal advisor on rural schools.

(c) QUORUM.—Seven members of the Council shall constitute a quorum for the purposes of transmitting recommendations and proposals to the President, but a lesser number may meet for other reasons.

(d) MEETINGS.—The Council shall meet at least 2 times each year. When a Council member is unable to attend a meeting, the Council member shall appoint an appropriate Assistant Secretary or an equivalent individual from the department or agency of the member to represent the member for that meeting.

(e) DUTIES OF THE COUNCIL.—The Council shall—

(1) review programs and activities conducted by each department or agency represented on the Council to determine the effects of such programs and activities on the ability of rural schools to meet National Education Goals;

(2) track progress of rural schools in meeting National Education Goals;

(3) solicit information and advice from experts in rural education and representatives of rural schools, including representatives from rural postsecondary education, on how the Federal Government may improve the programs and activities of the Federal Government which serve rural school students;

(4) review regulations across various departments or agencies of the Federal Government for duplication or contradiction;

(5) issue an annual report to Congress and the President on the progress rural schools are making in meeting the National Education Goals, and on how Congress might change Federal programs to improve the effectiveness of such programs in rural schools;

(6) review and make recommendations regarding ways to improve or streamline various Federal data collection activities in rural schools; and

(7) conduct such research as may be helpful to rural school practitioners at the elementary, secondary and postsecondary level in improving the performance of students attending rural schools.

SEC. 402. WHITE HOUSE CONFERENCE ON RURAL EDUCATION.

(a) AUTHORIZATION TO CALL CONFERENCE.—

(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Rural Education (hereafter in this section referred to as the "Conference").

(2) SPECIAL RULE.—For the purpose of this section the term "Conference" means the Conference on Rural Education.

(3) DATE.—The Conference described in paragraph (2) shall be held not earlier than November 1, 1994, and not later than October 30, 1996.

(4) PURPOSE.—The purposes of the Conference shall be to—

(A) develop recommendations and strategies for the improvement of rural education;

(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist rural schools in achieving National Education Goals, and make recommendations on the roles rural public schools can play to assist with local rural community economic revitalization; and

(C) conduct the initial planning for a permanent national commission on rural education.

(b) COMPOSITION OF CONFERENCE.—

(1) IN GENERAL.—The Conference shall be composed of—

(A) representatives of eligible public school systems, including members of the governing body of local educational agencies, school superintendents and classroom teachers;

(B) representatives of the Congress, the Department of Education and other Federal agencies;

(C) State elected officials and representatives from State educational agencies;

(D) individuals with special knowledge of and expertise in rural education, including individuals involved with rural postsecondary education; and

(E) individuals with special knowledge of and expertise in rural business.

(2) SELECTION.—The President shall select one-third of the participants of the Conference, the Speaker of the House of Representatives shall select one-third of such participants, and the majority leader of the Senate shall select the remaining one-third of such participants.

(3) REPRESENTATION.—In selecting the participants of the Conference the President, the Speaker of the House of Representatives, and the majority leader of the Senate shall ensure that the participants are as representative of the ethnic, racial, and language diversity of rural areas as is practicable.

(c) REPORTS.—

(1) IN GENERAL.—The final reports of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President not later than 120 days following the termination of the Conference. The final reports shall be made public and, within 90 days after receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations for implementing the reports.

(2) PUBLICATION AND DISTRIBUTION.—The Conference is authorized to publish and distribute the reports described in this section. Copies of the reports shall be provided to the Federal depository libraries and made available to local rural school leaders and teachers.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for each of the fiscal years 1994, 1995, and 1996 such sums as may be necessary to carry out the provisions of this section.

(2) AVAILABILITY.—Amounts made available pursuant to the authority of paragraph (1) shall remain available until expended.

SEC. 403. FEDERAL FUNDS TO SUPPLEMENT NOT SUPPLANT NON-FEDERAL FUNDS.

A rural eligible local educational agency may use funds received under this Act only to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in activities assisted under this Act and in no such case may such funds be used to supplant funds from non-Federal sources.

SEC. 404. DEFINITIONS.

Except as otherwise provided, for the purposes of this Act—

(1) the term "community-based organization" means a private nonprofit organization which is representative of a community or significant segments of a community and which has a proven record of providing effective educational or related services to individuals in the community;

(2) the term "community as school concept" means the mutual sharing of the local public school's and the local community's human, financial, technical, and environmental resources to help meet each others needs;

(3) the term "elementary school" has the meaning given to such term by section 1471(8) of the Elementary and Secondary Education Act of 1965;

(4) the term "institution of higher education" has the meaning given to such term in section 1201(a) of the Higher Education Act of 1965;

(5) the term "local educational agency" has the meaning given to such term in section 1471(12) of the Elementary and Secondary Education Act of 1965, and includes a rural eligible local educational agency;

(6) the term "poverty level" means the criteria of poverty used by the Bureau of Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for All Rural Consumers;

(7) the term "rural eligible local educational agency" means a local educational agency—

(A)(i) in which at least 15 percent of the children enrolled in the schools served by such agency are eligible to be counted under section 1005 of the Elementary and Secondary Education Act of 1965; and

(ii) which is not in a metropolitan statistical area; or

(B) in which the total enrollment in the schools served by such agency is less than 2,500 students and that does not serve schools located in a metropolitan statistical area; and

(C) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965;

(8) the term "Secretary", except as otherwise provided, means the Secretary of Education;

(9) the term "State" means each of the several States, but does not include the District of Columbia, Guam, American Samoa, the Commonwealth of Puerto Rico, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau; and

(10) the term "State educational agency" has the meaning given to such term in section 1471(23) of the Education and Secondary Education Act of 1965.•

• Mr. JEFFORDS. Mr. President, today I join my colleague Senator SIMON in introducing the Rural Schools for America Act of 1993. It is my hope that we will quickly enact this bill into law to provide much-needed assistance to the thousands of schools in rural America who are struggling to meet the challenges set out by the National Education Goals and the Elementary and Secondary Education Act of 1965. It is my intention both to recognize and applaud their efforts as well as to give them the message that help is on the way.

Legislation such as Goals 2000 and ESEA will not have the desired impact on rural America unless Congress acts quickly. The Rural Schools of America Act of 1993 provides much-needed funds to link rural schools to the school reform movement and to help them meet the challenging six national education goals. Eligible rural local education agencies will receive funds to design programs that specifically address the difficulties of rural schools and students in meeting those goals. Furthermore, eligible districts will be alloted much needed resources to repair and renovate dilapidated educational facilities.

According to the 1990 census, nearly 75 percent of public school districts in the United States are classified as rural. Rural schools and districts are located in every State in the country and enroll nearly one in four of all public school students nationwide. These schools face unique difficulties that are distinct from—but no less serious than—the highly publicized adversity faced by their urban counterparts.

The crisis confronting rural areas is a silent one. It does not make the front page news of the Washington Post nor does it sound national alarms like the riots in Los Angeles. Yet, from 1980 to 1990, unemployment rates in rural areas rose much more rapidly than rates in urban areas; in fact, the unemployment rate in rural areas today is 26 percent above the rate in urban areas. As a result, during the 1980's more and more rural families and children slipped unnoticed into poverty. Today, nearly one in four children and close to one-half of all young adults in rural areas live in poverty.

Rural schools, as a result of this poverty and isolation, are faced with a host of challenges distinct from those in the large cities. They must bear the higher costs of delivering services—such as transporting students across wide geographic areas and maintaining smaller schools and districts—with fewer resources, and they must cope with the geographic isolation that defines a rural community. This isolation affects all aspects of the educational system. Families have difficulty accessing the health and social services necessary to prepare their children to come to school ready to learn. Districts cannot adequately train, recruit, and retain new teachers nor can they provide their existing teachers and administrators with the in-service professional development they need to help their students meet challenging standards. Students in rural schools face additional barriers to learning without easy access to the diversity of courses, technology, and cultural activities available to students in more densely populated areas.

The Rural Schools of America Act of 1993 seeks to improve this situation and promises to give rural school children a chance to have the same opportunities as all children in America deserve. I urge my colleagues to join me in support of this important bill.●

By Mr. BAUCUS:

S. 1473. A bill to encourage an appropriate mixture of different specialties of physicians and other health care providers to meet national needs, and for other purposes; to the Committee on Finance.

THE PRIMARY CARE SUPPORT ACT OF 1993

Mr. BAUCUS. Mr. President, I rise today to introduce legislation that would address our country's severe shortage of primary care doctors. My legislation would increase the number of primary care doctors practicing in the United States, increase the relative income of primary care doctors, and encourage our medical education system to train more primary care doctors.

SHORTAGE OF PRIMARY CARE PHYSICIANS

Recently, my son Zeno and I went to see "Jurassic Park." Sitting in the crowded movie theater, watching the wondrous special effects that brought the dinosaurs back to life, I was haunted by something I heard during the health care forum last April in Great Falls, which was attended by First Lady Hillary Clinton.

Dr. Ron Loge, an internal medicine doctor from Dillon, told Mrs. Clinton and the hundreds of participants in the forum that primary care doctors are becoming so scarce that they may go the way of the dinosaurs. We Montanans will be in deep trouble if this is allowed to happen.

At the health care forum with Hillary Clinton last April in Great Falls and in meetings of the health care task force in Washington, DC, and around the country, it has become very clear that America needs more generalist and primary care doctors. These family doctors, general internists, and pediatricians care for the majority of Montanans' day-to-day medical needs. They take care of our babies' first ear infections, and our parents' final illnesses.

Montana is suffering greatly from a lack of generalist, primary care physicians. Over two-thirds of our State is classified by the Federal Government as a health professional shortage area. Isolation, economics, and family issues have shrunk the pool of primary care doctors. Many Montana communities have no physician at all, forcing some families to travel 100 miles or more to get even basic medical care.

WHY WE NEED PRIMARY CARE PHYSICIANS

We depend on the skills of primary care physicians for providing prevention and early detection services. Specialists are, of course, a critical part of our health care system, and we need their expertise. But, the shortage of primary care physicians and the surplus of specialists means that many primary care services are provided by specialists who are not as well educated in primary care.

Primary care physicians who do choose to work in rural areas face a difficult life. Since there is often no one with whom to share the workload, they are forced to work unreasonably long and stressful hours. It's difficult for them to take any time off because there is no one to fill in for them when they leave. They also receive a much lower salary than their urban counterparts. These factors explain why many rural communities face physician shortages despite the overall increase in the number of doctors.

Ironically, the United States is actually turning out more physicians than we need. Too many of these physicians are specialists and subspecialists such as cardiologists and radiologists. Although experts agree that generalists should comprise around 50 percent of our physician work force, two-thirds of our physicians are specialists, and this gap is increasing. A recent survey of graduating medical students found that only 15 percent plan to pursue primary care careers. And only 2 of the Nation's 126 medical schools can boast that a majority of their graduates plan to practice in primary care fields.

This surplus of medical specialists drives up U.S. health care costs, which are already the highest in the world. For common problems, specialists generally order more tests and procedures for the same conditions with no corresponding improvement in outcome. The same patient going directly to a cardiologist may get hundreds—or even thousands—of dollars of tests to confirm the absence of heart problems. These extra tests significantly increase our already skyrocketing health costs. We already spend almost twice as much as any other country on health care, yet our health statistics are poorer than many other countries.

STEPS TOWARD SOLVING THIS CRISIS

First, we must establish fairness in physicians' pay. A study by the American Medical Association showed that several specialties are paid over twice as much as primary care doctors, despite the fact that primary care physicians often maintain more hectic schedules and work longer hours than specialists. Equalizing physician pay in the Medicare Program has already begun, but it needs to go much further. This policy should be used by private insurance as well. In addition, I would like to see an increased Medicare Progam bonus for primary care physicians serving shortage areas.

Second, we should encourage more physician residency programs to train primary care physicians. One excellent model is the Montana Family Practice Residency Program now being developed in Billings. This program will bring 18 family practice residents a year to Montana for training. These would be primary care doctors for Montana, many of them planning to start practices in rural areas.

Third, I propose creating a National Physician Work Force Commission which would monitor physician supply, identifying areas of concern, and proposing solutions. This Commission would propose national physician work force goals and suggest which teaching programs should receive residency slots.

Finally, the National Health Service Corps, an existing program, is an important source of physicians for underserved rural areas. The corps was nearly wiped out during the Reagan-Bush years. But we need it more than ever today. The Clinton administration has proposed increased funding for the corps and investing the money to help pay off loans for physicians choosing to work in physician shortage areas.

SUMMARY OF PRIMARY CARE IMPROVEMENT ACT

We have had enough studies and task forces; we know what the problems are. Because health care reform is most certainly coming about, now it is time to develop solutions.

This legislation will:

First, increase incentives for doctors to practice as generalists, rather than specialists.

Second, reform the payments in the Medicare Program for graduate medical education programs to emphasize primary care.

Third, create the National Physician Work Force Commission to allocate more residency positions to generalist physicians, and decrease the number of specialist residency positions.

Fourth, increase the incentives to practice medicine in physician shortage areas by doubling the bonus payments in the Medicare Program for services in those areas.

INCREASE MEDICARE REIMBURSEMENT TO PRIMARY CARE PHYSICIANS

Medicare reimburses physicians according to the resource based relative value scale [RBRVS], which is supposedly based on the actual costs of the physician's service. About 40 percent of the reimbursement, however, is based on historically allowed charges and continues to underpay primary care physicians.

This legislation would require the Secretary of HHS to determine actual resource based practice costs of physicians and to begin using these new relative value units no later than 1997.

ENCOURAGE GENERALIST PHYSICIAN TRAINING BY REFORMING MEDICARE GME REIMBURSEMENT

Under the current system, Medicare reimburses hospitals based on an outmoded formula which winds up paying hospitals anywhere from less than $11,000 to over $100,000 per resident. This variation is not based on quality or cost difference between programs.

My legislation would make Medicare's GME reimbursement fair by standardizing payment. All Medicare GME reimbursement would be based on a weighted national mean amount. The reason for this is simple fairness. By standardizing the payments for direct graduate medical education, we will put the various programs on an equal footing and encourage higher quality programs at hospitals that are currently underpaid.

INCREASE MEDICARE REIMBURSEMENT FOR PRIMARY CARE RESIDENCIES

This provision would also pay more for primary care than specialist residencies. Primary care residencies would be paid at 1.2 times the standard rate, while specialist residencies would be paid at 0.8 times the standard rate. Primary care residencies deserve this higher payment because they often have high training costs and relatively low-practice income. It's time for the Government to show more support for primary care training.

ENCOURAGE PRIMARY CARE TRAINING IN NON-HOSPITAL SETTINGS

The bill would allow Medicare to reimburse training sites that emphasize primary and ambulatory care, instead of just high-technology teaching hospitals. Currently, training almost always takes place in hospitals, which emphasizes acute care at the expense of more common ambulatory and primary care needs.

PHYSICIAN WORK FORCE COMMISSION

Many experts agree that the U.S. physician work force should consist of about 50 percent generalist primary care physicians and 50 percent specialists. This distribution would lead to better preventive care, better continuity of care, lower costs, better access to care in undeserved areas, and better quality of care for the most common medical problems facing the public.

Tackling this problem head on, this legislation would create a physician work force commission which would allocate residency positions. This concept has been recommended by many authorities including the Physician Payment Review Commission and the Council on Graduate Medical Education.

I spent a long time looking at alternatives to this provision, but I concluded that voluntary measures and financial incentives are just not strong enough to overcome the immense bias toward specializing in this country. Indeed, the Government has already tried these measures, but to no avail. Current incentives such as high income, high prestige, shorter and more predictable hours, and the medical school environment strongly favor specialties. Medical schools are reluctant to implement proposed reforms, and the proportion of new physicians entering primary care careers continues to decline. A recent survey of graduating medical students found that only about 15 percent intend to enter primary care disciplines.

The primary role of the Commission will be to develop and submit to the Congress a proposal to allocate the first year residency positions to the various specialties and subspecialties and to allocate the positions within each specialty to the individual GME programs. The Commission's first proposal will be considered under the same process used by the Department of Defense Base Closing Commission Congress must either accept or reject the proposal as a whole. The Commission will allocate residency slots to achieve an even distribution of generalist physicians and specialists.

DOUBLE BONUS PAYMENTS FOR PHYSICIANS IN HEALTH PROFESSIONAL SHORTAGE AREAS

Current law pays a 10-percent bonus to physicians who furnish services to Medicare beneficiaries that live in health profession shortage areas [HPSA's]. This law applies to both urban and rural HPSA's and has been somewhat helpful in encouraging physicians to serve in those areas. However, more needs to be done. Physician recruitment and retention continues to be difficult in HPSA's and the number of HPSA's is actually growing. Relatively low physician income in many HPSA's is part of the problem, so an increase in the bonus payment is needed.

This legislation would double the Medicare bonus payment for physicians in rural HPSA's and physicians providing primary care services in urban HPSA's. In calculating the bonus payment for rural HPSA's, the resource based relative value units based payments would not be adjusted for the geographic practice cost index [GPCI] if the index is less than 1—that is, Alaska and other high-cost rural areas would not have a reduced index. This would give additional support to physicians in remote, rural HPSA's where it is often most difficult to obtain physicians.

The bill would also allow physicians to continue receiving the bonus payment for a least 10 years, even if the area loses its HPSA designation. Thus, if a physician moves to a HPSA partially because of this incentive, that physician would get the bonus for 9 years even if the area loses its HPSA designation the following year. Many of these areas have small populations, so that one or two new physicians can mean that the area loses its HPSA designation. Obviously, it would be unfair to induce physicians to move into a HPSA and then cut off the bonus payments shortly after they moved there.

The current program has one problem. This means that physicians providing nonprimary care services in an urban hospital receives a bonus payment even if the physician is treating patients from the suburbs. This is especially ironic because hospital staff physicians are excluded from the physician count when HPSA's are designated. This legislation solves the problem by disallowing bonus payments for hospital inpatient visits and procedures in urban areas.

CONCLUSION

Mr. President, health reform will never succeed unless we address our shortage of primary care physicians. This bill includes tough provisions which attack the problem head on. Without such tough measures, the shortage will just keep getting worse, reducing access to care, reducing quality of care, and increasing costs. I look forward to working with President Clinton on this issue which is one of the most critical to the success of national health reform.

By Mr. PELL (by request):

S. 1474. A bill to restore equal treatment of foreign military sales and direct commercial sales in nonrecurring cost recoupment; to the Committee on Foreign Relations.

EQUAL TREATMENT OF FOREIGN MILITARY SALES

• Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to restore equal treatment of foreign military sales and direct commercial sales in nonrecurring cost recoupment.

This proposed legislation has been requested by the Department of Defense, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the General Counsel of the Department of Defense, which was received on August 9, 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF EQUAL TREATMENT OF FOREIGN MILITARY SALES AND DIRECT COMMERCIAL SALES IN NONRECURRING COST RECOUPMENT.

(a) ELIMINATION OF THE REQUIREMENT FOR RECOUPMENT OF NONRECURRING COST

CHARGES.—Section 21(e) of the Arms Export Control Act (22 U.S.C. 2761(e)) is amended—

(1) by repealing subparagraph (1)(B);

(2) by adding at the end of subparagraph (1)(A) "and";

(3) by redesignating subparagraph (1)(C) as subparagraph (1)(B);

(4) by repealing paragraph (2); and

(5) by redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The provisions of subsection (a) of this section shall be effective for letters of offer for the sale of defense articles or for the sale of defense services issued pursuant to the Arms Export Control Act upon enactment of this Act.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, August 5, 1993.

Hon. AL GORE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of proposed legislation "To restore equal treatment of foreign military sales and direct commercial sales in nonrecurring cost recoupment."

This proposal is part of the Department of Defense Legislative Program for the 103d Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress.

PURPOSE OF THE LEGISLATION

The proposed legislation repeals the requirement in section 21(e) of the Arms Export Control Act (22 U.S.C. §2761(e)) to charge on government-to-government foreign military sales a prorata recoupment for nonrecurring Department of Defense costs on sales of major defense equipment in order to bring foreign military sales in line with sales of major defense equipment on a direct commercial basis.

The provisions being repealed represent the only statutory requirement to recoup nonrecurring costs on defense sales. Almost all non-statutory (i.e., policy) requirements to recoup nonrecurring costs on defense sales, including direct commercial sales of major defense equipment, have been eliminated. The proposed legislation completes the elimination of nonrecurring cost recoupment requirements and restores a consistent nonrecurring cost recoupment policy for foreign military sales and direct commercial sales.

Cost and budget data—Comparison against DOD fiscal year 1994 budget submission

[In millions of dollars]

Recoupment of nonrecurring costs for foreign military sales of major defense equipment budgeted in receipt account 3041 recoveries under FMS program:	
Fiscal year:	
1994	$183
1995	184
1996	186
1997	189
1998	193

NOTE.—These estimates are based primarily on past sales. Estimated revenues shown here would not be reduced except as indicated below.

Proposed legislation beginning fiscal year 1994, cease collections on future FMS

Reductions due to ceasing collections on future FMS:	
Fiscal year:	
1994	$0
1995	0
1996	28
1997	57
1998	87
New estimated collections	
Fiscal year:	
1994	$183
1995	184
1996	158
1997	132
1998	106

NOTES.—Reductions and increases to collections begin with fiscal year 1996 collections. Amounts are calculated using a 2-year procurement lead time plus a delivery schedule of 4.5 years. Collections are made as items are delivered.

Sincerely,

JAMIE S. GORELICK.●

ADDITIONAL COSPONSORS

S. 297

At the request of Mr. STEVENS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

S. 462

At the request of Mr. BUMPERS, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 462, a bill to prohibit the expenditure of appropriated funds on the U.S. International Space Station *Freedom* Program.

S. 463

At the request of Mr. BUMPERS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 463, a bill to prohibit the expenditure of appropriated funds on the Superconducting Super Collider Program.

S. 469

At the request of Mr. WARNER, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. LUGAR], the Senator from Massachusetts [Mr. KERRY], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 469, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial.

S. 520

At the request of Mr. BUMPERS, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 520, a bill to prohibit the expenditure of appropriated funds on the Advanced Solid Rocket Motor Program.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 578, a bill to protect the free exercise of religion.

S. 687

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 784

At the request of Mr. HATCH, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 792

At the request of Mr. D'AMATO, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 792, a bill to amend title 38, United States Code, to change the date for the beginning of the Vietnam era for the purpose of veterans benefits from August 5, 1964, to December 22, 1961.

S. 1037

At the request of Mrs. MURRAY, the names of the Senator from Maryland [Ms. MIKULSKI], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such act.

S. 1111

At the request of Mr. KERRY, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, DC.

At the request of Mr. KERREY, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from North Dakota [Mr. DORGAN], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 1111, supra.

S. 1191

At the request of Mr. MACK, the names of the Senator from Kansas [Mr. DOLE], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1191, a bill to provide a fair, nonpolitical process that will achieve $65,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached.

S. 1437

At the request of Mr. LAUTENBERG, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1437, a bill to amend section 1562 of title 38, United States Code, to increase the rate of pension for persons on the Medal of Honor roll.

S. 1457

At the request of Mr. STEVENS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1457, a bill to amend the Aleutian and Pribilof Restitution Act to increase authorization for appropriation to compensate Aleut villages for church property lost, damaged, or destroyed during World War II.

S. 1466

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Illinois [Mr. SIMON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Iowa [Mr. HARKIN], the Senator from Washington [Mrs. MURRAY], and the Senator from Maryland [Ms. MIKULSKI] were withdrawn as cosponsors of S. 1466, a bill to amend the Elementary and Secondary Education Act to 1965 to authorize programs of child abuse education and prevention, and to establish a demonstration project relating to child abuse education and prevention.

SENATE JOINT RESOLUTION 75

At the request of Mr. ROTH, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Georgia [Mr. NUNN], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Nevada [Mr. BRYAN], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Joint Resolution 75, a joint resolution designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week."

SENATE JOINT RESOLUTION 123

At the request of Mr. SHELBY, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 123, a joint resolution to designate the week beginning November 6, 1994, as "National Elevator and Escalator Safety Awareness Week."

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Michigan [Mr. LEVIN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 134, a joint resolution to designate October 19, 1993, as "National Mammography Day."

SENATE CONCURRENT RESOLUTION 31

At the request of Mr. DODD, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Michigan [Mr. RIEGLE], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Concurrent Resolution 31, a concurrent resolution concerning the emancipation of the Iranian Bahai community.

SENATE CONCURRENT RESOLUTION 36

At the request of Mr. RIEGLE, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Concurrent Resolution 36, a concurrent resolution expressing the sense of the Congress that United States truck safety standards are of paramount importance to the implementation of the North American Free Trade Agreement.

SENATE RESOLUTION 145—AUTHORIZING THE TESTIMONY BY EMPLOYEES OF THE SENATE

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 145

Whereas, in the case of *The People of the State of California v. Roger Calderon*, No. 1457661, pending in the Municipal Court for the City and County of San Francisco, California, the District Attorney has requested testimony from Claudette Josephson, an employee of the Senate on the staff of Senator Barbara Boxer;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Claudette Josephson and any other employee of the Senate from whom testimony may be necessary are authorized to testify in *The People of the State of California v. Roger Calderon* or related proceedings, except concerning matters for which a privilege should be asserted.

AMENDMENTS SUBMITTED

VA–HUD APPROPRIATIONS ACT OF 1993

MIKULSKI AMENDMENTS NOS. 903–904

Ms. MIKULSKI proposed the following amendments, to the bill (H.R. 2491) a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes, as follows:

AMENDMENT NO. 903

On page 21, line 3, strike "$242,680,000" and insert "$242,000,000".

On page 22, line 18, strike "$872,239,000" and insert "$873,139,000".

On page 25, line 2, strike "$15,855,000" and insert "$22,000,000".

On page 69, line 24, insert after "September 30, 1995": ", except as provided hereafter".

On page 70, strike the proviso which begins on line 5 through the colon on line 8 and insert in lieu thereof: "*Provided further*, That not more than $94,500,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust Fund for educational awards as authorized under subtitle D of title I of the Act:".

AMENDMENT NO. 904

On page 52, after line 17, insert the following new paragraph:

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, up to $375,000, to be derived by transfer from amounts made available by this Act under the heading "Environmental Protection Agency, Program and research operations".

BUMPERS (AND OTHERS) AMENDMENT NO. 905

Mr. BUMPERS (for himself, Mr. WARNER, Mr. SASSER, Mr. COHEN, Mr. LAUTENBERG, Mr. KOHL, Mr. FEINGOLD, Mr. BRYAN, Mr. EXON, Mr. DECONCINI, Mr. SIMON, Mr. WOFFORD, Mr. CHAFEE, and Mr. KERRY) proposed an amendment to the bill (H.R. 2491), supra, as follows:

Strike page 59, line 15 through line 17 on page 60 and insert in lieu thereof the following: "motor vehicles; $6,098,400,000, to remain available until September 30, 1995: *Provided*, That of the funds provided under this heading, $500,000,000 shall be made available for termination of the contract relating to the space station program: *Provided further*, That (a) the Director of the Office of Management and Budget shall, upon enactment of the preceding proviso, reduce the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974 for fiscal years 1994 through 1998 as follows: (1) for fiscal year 1994, for the discretionary category: $1,446,000,000 in new budget authority and $1,015,000,000 in outlays; (2) for fiscal year 1995, for the discretionary category: $2,100,000,000 in new budget authority and $1,799,000,000 in outlays; (3) for fiscal year 1996, for the discretionary category: $2,100,000,000 in new budget authority and $1,992,000,000 in outlays; (4) for fiscal year 1997, for the discretionary category: $2,100,000,000 in new budget authority and $2,100,000,000 in outlays; and (5) for fiscal year 1998, for the discretionary category: $2,100,000,000 in new budget authority and $2,100,000,000 in outlays. (b) The allocation of appropriate levels of total outlays and new budget authority for fiscal year 1994 to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate included in the joint explanatory statement accompanying the conference report on the concurrent resolution on the budget for fiscal year 1994 (H. Con. Res. 64) are reduced by $1,446,000,000 in new budget authority and $1,015,000,000 in outlays: *Pro-*".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Wednesday, September 22, 1993, at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Daniel Dreyfus, nominee to be Director of Civilian Radioactive Waste Management, U.S. Department of Energy.

For further information, please contact Rebecca Murphy at (202) 224-7562.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY, AND GENERAL LEGISLATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry, and General Legislation be allowed to meet during the session of the Senate on Monday, September 20, 1993, at 2 p.m. in SR-332 on S. 1406, the Plant Variety Protection Act Amendments of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

S. 1408—TO REPEAL THE TAX INCREASE ON SOCIAL SECURITY BENEFITS

• Mr. GORTON. Mr. President, the senior citizens of Washington State and the rest of the country have suffered a terrible injustice which needs to be corrected immediately.

The President's tax package, which recently passed the Congress, includes a devastating and damaging provision to increase the taxes on Social Security benefits for senior citizens. Because I so firmly believe that this increased tax is unfair, unwarranted, and unjustified, I am cosponsoring legislation introduced by my distinguished colleague from Mississippi, Senator TRENT LOTT, to repeal the 70-percent tax hike on Social Security benefits.

I have been outraged by the willingness of this Congress to impose additional tax burdens on members of our society who can least afford it, especially our Nation's senior citizens. The administration claims that most of the new taxes will be paid for by the wealthy—but not if you are a senior.

If you are a senior, the higher taxes on your benefits kick in above thresholds of $34,000 for individuals and $44,000 for couples. These seniors are hardly the rich paying enormous new taxes.

I have steadfastly opposed the President's massive tax increase on Social Security since it was first proposed by the administration. I cosponsored an amendment during consideration of the budget that would have deleted the increase in Social Security tax, which, unfortunately, failed.

I have taken these actions because the increased tax on Social Security benefits cuts deeply into the lives of our Nation's seniors. Those people who have spent their working lives paying into the system now depend on that money and deserve it.

Contrary to what some allege, these people are not greedy. They are not selfish. These people who have had money taken out of their paychecks their entire working lives, under the justified assumption that when they retired, their government would provide them with a certain level of benefits. These people simply expect the Federal Government to live up to their side of a bargain.

It is atrocious that the Federal Government now wants to take more and more and more of these hard-earned benefits away from them.

I have listened to the seniors of my State. Between phone calls, letters, and my travels around the State, seniors have made it crystal clear that they do not want increased taxes on their Social Security benefits.

Although this new tax has been signed into law, S. 1408 can repeal it. I wholeheartedly support this bill and hope that my colleagues will also recognize the importance of the legislation by cosponsoring.

Mr. President, I will continue to be a strong voice for seniors in the U.S. Senate and will continue to oppose increased taxes on Social Security or any cuts in COLA's.•

TRIBUTE TO STEPHEN A. WILLIAMS

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a native Kentuckian who has been a success throughout his life. Mr. Stephen A. Williams, president and chief executive officer, Alliant Health System, is a shining example of the type of individual America's health care needs to be successful.

A native of Lola, KY, which is in Livingston County at the far western end of the Commonwealth, Mr. Williams has drawn on his traditional rural upbringing throughout his professional life. Growing up on a farm taught him the value of hard work and teamwork. These are traits Mr. Williams has relied on as he has advanced in his career.

At a young age, Mr. Williams exhibited a strong work ethic and desire to help others. Following his junior year at Murray State University, he was offered a job in the administration of Western Baptist Hospital in Paducah. When he was just out of college he went to the Livingston County Hospital as the administrator of that facility.

In these positions, Mr. Williams won praise as a talented and understanding negotiator who handled responsibility well despite his relative young age. He impressed enough people that by 1977 he was offered the assistant to the executive vice president position at Norton Children's Hospital in Louisville. Since that time Mr. Williams has rapidly ascended, holding various administrative positions and is now, at age 42, the president and chief executive office of Alliant.

Along the way he has developed a commitment to "total quality management," a concept he has developed over the years into a comprehensive plan. In recognition of the work and ideals contained within this plan, Mr. Williams has been recognized nationally as one of the four emerging health care leaders in the country. In fact, his report, "Innovations in Healthcare Quality Management" was presented as a model to the American Hospital Association in 1989.

Mr. President, today, with health care one of the most important issues we face, I ask my colleagues to join me in honoring a true leader in the field. Mr. Stephen Williams, a rural Kentuckian tackling national problems, offers an example of the way problems in the industry should be approached. In addition, I ask that an article from the August 23, 1993, Business First be included at this point.

The article follows:

[Business First, Aug. 23, 1993]

WILLIAMS PUTS FARM VALUES TO WORK AT ALLIANT

(By Eric Benmour)

When Stephen A. Williams was growing up on his family farm in Livingston County, KY, he says he learned about hard work, teamwork and the values that made him want to pursue a career in health care.

Combining his skills with the fact he began working for Norton Children's Hospitals in 1977 made him the perfect candidate for the position of president and chief executive officer of Alliant Health System, says Albin Hayes Jr., chairman of the Alliant board.

The board had been looking for a candidate to replace G. Rodney Wolford, who announced in April he was leaving to become president and chief executive officer of California Healthcare System in San Francisco.

Williams, 42, was named to the Alliant spot in June; board officials wouldn't say how many candidates were interviewed for the post.

"Steve has been a long-standing employee and worked his way up the organization," Hayes says. "He has an excellent relationship with the medical staff and understands medicine."

Alliant owns Norton Hospital, Kosair Children's Hospital and Alliant Medical Pavilion, in addition to other health care operations. Alliant also manages 25 rural hospitals. It has 4,600 employees.

"He's got superb leadership skills," says Dr. Richard Wolf, medical director for Kosair Children's Hospital. "He relates well to people. He tries to listen to everyone's position."

Williams has some ideas about how he wants to lead Alliant in the future, but he says he has to be careful about being too much of a trendsetter.

"You can tell the pioneers. They're the ones lying face down with the arrows in their backs."

Williams laughs, but he is serious about where he sees health care headed.

He says health care organizations are going to be more involved in preventive care in the future. Insurance companies and large, self-insured companies are going to pay providers a set amount of money per year to treat people, Williams says.

This will provide hospitals, doctors and others a strong incentive to keep people well.

If society spends more money on prenatal care, there will be fewer sick babies, Williams says. That could mean fewer patients at Kosair Children's Hospital.

"I think the health care system must, can and will change," he says. "So we, as providers, are provided the opportunity and the mechanisms and the financial systems to keep people healthier."

Williams understands how the health care system works. He has seen the full spectrum of health care since he got a job as an orderly at the local hospital when he was in high school.

Williams was raised in Livingston County, just east of Paducah, KY. It was a rural community with no parking meters and no stop lights in the entire county.

He grew up on a 600-acre farm, where his family grew corn and soybeans, and raised cattle. He has two older brothers.

"I would characterize my growing up as pretty traditional midwestern, rural upbringing," Williams says.

He thinks it gave him a strong work ethic with strong, Christian, family values.

"You don't survive on the farm unless you depend on each other," he says.

And to Williams, the long hours associated with running a hospital are nothing new.

"You feed the cattle on Sunday, too," he says.

His parents—in their 70s—are still living on the family farm in Livingston County.

Growing up on the farm also gave him an appreciation of teamwork.

Williams says that extended to the entire community. If someone's barn burned, everyone helped build a new one. He says health care also requires such an attitude.

He says working in health care was an easy decision for him.

At an early age, he says, he became interested in helping others.

This was evident by his work tending to injured or abandoned animals. Whatever it was—a squirrel, rabbit or raccoon—Williams nursed it back to health.

His wife, Katherine, who grew up five miles from her husband, says people learned how to take care of animals because the veterinarian may not be close. "He took it a little further than some kids," she says.

Williams says he did consider being a doctor, but decided to focus on administration instead.

He also learned early about being a leader. He was student council president his junior and senior years. He was the editor of the yearbook his senior year.

Williams says he doesn't know if he was good at it or no one else wanted the job.

The fact Williams was elected president of the student council two years indicates he had to have leadership skills, says retired Livingston Central High School Principal Kenneth Hardin.

Hardin also says Williams won an award given to a senior each year based on leadership, scholarship, loyalty to the school and achievement. He also won a citizenship award his senior year.

"He had to have a lot of leadership ability" to win the awards he did, Hardin says.

Katherine says she and her husband were friends long before they started dating. She says she was 14 and Steve 16 when they went on their first date. They have been married 20 years and have two sons—David, 16, and Matthew, 13.

Stephen Williams worked his way through college at Murray State University as an instrument technician (passing instruments to surgeons) at Western Baptist Hospital in Paducah.

He already had experience in the medical field, working as an orderly at Livingston County Hospital, where he performed a variety of jobs, including helping with patient care.

Apparently, he made an impression at Western Baptist Hospital. Between his junior and senior years of college, the hospital administrator offered him a job in his department.

Dan Aiken was working at Western Baptist Hospital when he first met Williams.

"Steve's a workaholic," says Aiken, now president and chief executive officer with Peninsula Regional Medical Center in Salisbury, Md. "He's self-motivated and self-driven. You don't see that in a lot of people. Steve does things because they're the right thing to do."

Just out of college, with a degree in administrative management, Williams was hired as the administrator of the Livingston County Hospital.

Williams says he was contacted by a physician who knew of his interest in hospital management.

"At that time, administrators were pretty hard to come by," says David Threlkeld, who joined the board after Williams had a college degree, had worked in health care and was a local resident.

"He did a good job," says Threlkeld, now the hospital board's chairman. "He's a very good negotiator. He can get all the parties together and accomplish things in a quiet manner."

Williams says he wasn't worried about such a responsibility at such a young age.

"People will give you plenty of opportunity to demonstrate whether you're a leader or not," he says.

He says a major accomplishment during his tenure was selling the hospital to the county and leasing it back as a way to reduce debt.

Being a local resident probably didn't hurt his cause. The chief of staff had delivered Williams.

"The community is very proud of Mr. Williams," says Yvonne Maddux, assistant administrator at Livingston County Hospital.

She joined the hospital in 1977 at the age of 17 and has no trouble remembering Williams.

"All the employees had respect and looked up to Mr. Williams, from the older to the younger people," she says.

While he was administrator of the Livingston County Hospital, Williams began studying for an advanced degree in Health Care Administration through an independent study program at the University of Minnesota.

Jim Petersdorf, executive vice president of Norton Children's Hospitals Inc., was a graduate of the same program. He supervised the work of Williams, as well as two other students.

Every month, the students met with Petersdorf for a day or two.

Williams received his credential of advanced studies from the school in 1977. That year, Petersdorf offered Williams a job as assistant to the executive vice president at Norton Children's Hospitals.

Williams wasn't looking to leave Livingston County, his wife says.

"We had the idea we would be there the rest of our lives," she says.

But the offer was too good, plus the family wanted to be near hand surgeons in Louisville for their oldest son, who had some nerve damage in his right hand and arm.

It was unusual for someone from outside the organization to have been offered such a position, says Shirley Powers, senior vice president of Alliant and Norton Hospital.

"He (Petersdorf) must have picked up on something," Powers says. She says Williams has a lot of Petersdorf's traits: he's personable, listens well and cares about people.

"He can lay his hand on your arm and you don't feel you should jerk it back," says Wade Mountz, former president and chief executive officer of Norton Children's Hospitals and NKC.

For 18 months, Williams worked closely with Petersdorf, who was the number two man in the organization until June 1987, when he became president and chief executive officer of NKC, which later merged with Methodist to form Alliant.

"He (Williams) went every place Jim went," Mountz says.

Williams says Petersdorf had a big influence on him. The staff respected Petersdorf.

Even if they didn't agree with him, "they felt he was trying to do the right thing. He was never perceived to be self-serving."

One day, six or seven years ago, Petersdorf was walking down the hall with Dr. Wolf when Williams walked by.

At the time, Wolf says, Williams was a vice president with NKC but had obviously caught Petersdorf's attention.

Petersdorf turned to him, Wolf says, and said, "I don't know when, but the president of this corporation should be Stephen Williams.'"

Petersdorf died in August 1987 from a heart attack.

Williams helped develop Alliant's network of managed hospitals and in 1978, he served as interim administrator of Ephraim McDowell Hospital in Danville, KY.

He served as administrator of the Caldwell County Hospital in Princeton, KY, from 1980 to 1984 before being promoted to a regional vice president of Alliant's hospital-management division.

From 1984 through 1985, he was vice president of NKC Management; in 1986, Petersdorf put Williams in charge of a program to bring "total quality management" to NKC.

Powers says the idea was very vague at the time; quality checks were just then being applied to manufacturing, but no one had established a mechanism to measure quality in health care, she says.

Williams headed a four-person research team that visited companies such as IBM Corp., Johnson & Johnson, Hewlett-Packard Co., and others to find out what they had learned in developing quality processes.

Following that, the research team developed and implemented a corporatewide total quality plan.

As a result of Williams' efforts, the organization has received various national awards. In addition, he has made more than 20 presentations nationwide and co-authored a report called "Innovations in Healthcare Quality Management" for the American Hospital Association in 1989.

In 1990, the Healthcare Forum, an industry leadership and education consortium, selected Williams as one of four "emerging health care leaders" in the country.

Williams says leading the quality effort was the reason he was appointed chief operating officer by Wolford in 1988.

"Being a chief operating officer requires you to be able to handle multiple tasks simultaneously," Wolford says.

He says a chief operating officer also needs the trust of the staff.

"He's got a down-home, country boy charm," Wolford says. "His experience growing up on a farm in Western Kentucky makes that genuine."

Aiken describes Williams as having an open management style, a comment echoed by Wolf, who says Williams puts everything on the table and lets people have their say.

When a decision has to be made Williams likes to get everyone involved, so no one is left out.

"He's not pulling everybody," Wolf adds.

When Williams isn't working, he spends time with his family, going to his boys "football and soccer games." Occasionally, he will read a novel at a beach.

"That's rare," Katherine Williams says. "I think he's work oriented and he enjoys it. I think he enjoys work for work's sake, as I do."

She is a part-time teacher at South Oldham High School. They live in Goshen, KY.

Wolford says he thinks Stephen Williams works too hard.

"I think he could play harder," he says.

Williams calls himself a workaholic.

In addition to work and family, he's chairman-elect of the Kentucky Hospital Association. He has served on committees at the St. John Methodist Church in Prospect and has been on the board of the Boy Scouts Junior Achievement. He is also a member of the Rotary Club Downtown.

BIOGRAPHY OF STEPHEN A. WILLIAMS

Title: President and chief executive officer, Alliant Health System.

Age: 42.

Hometown: Lola, KY.

Education: Bachelor's degree, Administrative Management, Murray State University, 1972; Master's in Health Care Administration, University of Minnesota, 1979.

Family: Wife; Katherine; children: David, 16; Matthew, 13.•

IN HONOR OF STEVE BERMAN

• Mr. JEFFORDS. Mr. President, later this week Steve Berman will celebrate 17 years at the helm of the New England Training and Employment Council with his friends and associates. In the volatile field of employment and training policy, it is unusual to find someone who has lasted through so many changes of direction and shifts of emphasis from Washington. So I want to praise Steve Berman for his longevity. But more important, I want to praise him for his vision.

When I speak of the changing directions in employment and training policy, I am referring to the reworking of program design and redefinition of clientele in which Washington engages periodically. It is easy for policymakers and the media to focus on the new departures and heralded initiatives as the essence of what this policy field is all about. Steve has always known, however, that the heart of this field is the people who work in the system at the State and local levels—the people who try to make the Federal Government's shifting priorities work for ordinary, job-seeking individuals at the grassroots. While some get bedazzled by the glitter of new acronyms, Steve has concentrated on the more difficult, year-in and year-out task of building a professional delivery system. I am pleased to say that he has enjoyed many successes in this endeavor.

"Infrastructure" is a word we often associate with physical things such as roads and bridges. But programs that deliver services to people have infrastructure requirements, too. The development and care of that infrastructure is something we in Washington often overlook. We leave the hard work to people like Steve and organizations like the New England Training and Employment Council, which he founded 17 years ago and has directed to this day. The beauty of the council and of Steve's vision is the recognition that peer-to-peer technical assistance and training is more effective producing quality results than are myriad legislative mandates or sanctions from Congress or executive branch agencies. By bringing together the people who strive to implement our national policies—and letting them learn from each other—the New England Council has become a model worth emulating under Steve's leadership.

Although program designs come and go, one constant in my years of serving on committees with oversight has been this: Each year, employment and training issues are more prominent, more widely publicized, and more mainstream. In a sense, this policy "backwater" has now taken center stage. We need that delivery system, developed out in the States and localities, now more than ever. And we need Steve Berman and more people just like him to continue pursuing a more professional, more committed, and better integrated delivery system. Our programs are nothing without such dedicated individuals.•

"SEAWOLF"-CLASS SUBMARINES

• Mr. D'AMATO. Mr. President, in a recent letter to Congress regarding the total cost of the first and second *Seawolf*-class submarines—$2.4 and $2.3 billion, respectively—Navy Secretary Dalton also indicated that "the $540 million provided by Public Law 102–298 will be used to support critical long lead items for the SSN–23." Frankly, I question the wisdom of buying a third *Seawolf*, and I am extremely skeptical that the $540 million Congress appropriated in fiscal year 1992 will, in fact, "be used to support critical long lead items."

I won't dwell on the folly of procuring a $2-plus billion sub in a year when the Navy's entire shipbuilding budget is only $4.3 billion, when plans now call for the early retirement of half the current submarine fleet by fiscal year 1999 to meet budget targets, and when operating and maintaining a handful of ships of a given class has time and again proven to be an expensive logistical nightmare.

My deep misgivings about the SSN–23 center on the avowed justification for its completion: to bridge the submarine industrial base to *Centurion*. Since the termination of the *Seawolf*, I have maintained and updated a list of sole and single source vendors to either Electric Boat, Newport News, or the Navy. Most supplied critical long-lead items, and many shipped the components for the SSN–23 long ago. Few anticipate that a third *Seawolf* will generate any additional business, so the question becomes: Who actually benefits from the completion of the SSN–23?

To find out, I asked the Navy to provide me with a description of how it intends to obligate the $540 million broken out by component, supplier, dollar value, and anticipated date of contract award for both GFE and CFE, emphasizing that every effort be made to identify the destination and purpose of funds provided to prime contractors as a passthrough to subcontractors.

Similar questions went to Secretary Aspin: First, considering the most recent GAO report indicated unconstrained cost growth in the *Seawolf* program, what prompted the decision to complete the SSN–23? Second, if it was industrial base concerns, what specific components and suppliers are you trying to preserve until *Centurion* production begins in 1998? Third, am I correct that in many instances the Navy bought spares as part of the *Seawolf* termination, and that those spares could now be used to build a third ship without the need for further procurement? Fourth, if correct, will this be done, and fifth, if so, won't this undercut the very industrial base you are seeking to preserve?

At first glance, funding the SSN–23 appears to be nothing more than a subsidy to a favored few. Unless the Navy can demonstrate that the submarine industrial base truly benefits, completion of the SSN–23 should be prohibited and the $540 million redirected to support the development of the next generation of nuclear attack and ballistic missile submarines.•

HONORING AL FISCHER

• Mr. D'AMATO. Mr. President, I rise today to honor a great American, Al Fischer. He has been a Red Cross blood donor for 42 years. Over the years he has donated almost 27 gallons of blood. Mr. Fischer, a resident of Massapequa, NY, has been giving the gift of life to others for many years and always thinks of helping those in need. I commend him for his community service.•

BASE CLOSURE AND REALIGNMENT ACT OF 1993

• Mr. D'AMATO. Mr. President, I submit for the RECORD today this brief but important statement. Unfortunately, obligations in my State prevent me from being here today to vote on the Base Closure and Realignment Act of 1993.

I firmly believe that the recommendations of the Base Closure and Realignment Commission will unnecessarily and unfairly hurt New York economically and more importantly, effectively compromise our national security.

I cannot in good faith support the Base Closure and Realignment Act of 1993, and would urge my colleagues to reject the Commission's recommendations.•

KENAI, AK, A 1992 ALL-AMERICAN CITY

• Mr. MURKOWSKI. Mr. President, it is my great pleasure today to add my congratulations to the city of Kenai, AK, on being honored at the White House as one of the 10 communities recognized for the 1992 All-American City. This community recognition award is presented by the National Civic League and sponsored by the Allstate Foundation, and was presented to Kenai residents September 16, 1993, at a ceremony held in the White House Rose Garden.

In winning the award, Kenai proved its leadership in the areas of civic excellence, cooperative problem solving, and partnerships between the public, private, and nonprofit sectors and the local citizenry.

Representing the city at the ceremony were Mayor John Williams, city council member, Chris Monfor and Bob Rubadeau, executive director of the United Way. They all deserve congratulations for a job well done as do the residents of the city of Kenai who work hard and are proud of their All-American City in the great State of Alaska.•

Ms. MIKULSKI. All of the following unanimous consents that I am about to propound on behalf of the majority leader have been cleared on the Republican side.

VITIATION OF SENATE ACTION ON S. 1335

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Senate action on S. 1335, a bill for the relief of the Menominee Tribe of Wisconsin, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEWIS F. POWELL, JR. U.S. COURTHOUSE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 1513, a bill to designate an existing courthouse in Richmond, VA, as the "Lewis F. Powell, Jr. U.S. Courthouse," and that the Senate then proceed to its immediate consideration; that the bill be deemed read three times, passed, and that the motion to reconsider be laid upon the table; that any statements relating to this measure appear in the RECORD as if given.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 1513) was deemed read the third time and passed.

AUTHORIZING TESTIMONY BY EMPLOYEES OF THE SENATE

Ms. MIKULSKI. Mr. President, on behalf of the majority leader and the Republican leader, I send to the desk a resolution and I ask for its immediate consideration; that the resolution be agreed to, and the motion to reconsider be laid upon the table; and that a statement by the majority leader be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 145) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 145

Whereas, in the case of The People of the State of California v. Roger Calderon, No. 1457661, pending in the Municipal Court for the City and County of San Francisco, California, the District Attorney has requested testimony from Claudette Josephson, an employee of the Senate on the staff of Senator Barbara Boxer;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Claudette Josephson and any other employee of the Senate from whom testimony may be necessary are authorized to testify in The People of the State of California v. Roger Calderon or related proceedings, except concerning matters for which a privilege should be asserted.

Mr. MITCHELL. Mr. President, the District Attorney for the City and County of San Francisco, CA is prosecuting an unlawful firearms possession case titled "The People of the State of California versus Roger Calderon" in California State court. The defendant, who was briefly employed on Senator BARBARA BOXER's staff, has been charged with three felony and misdemeanor violations of California criminal law for his concealed carrying of a loaded handgun in the Senator's State office in San Francisco.

The district attorney is requesting testimony at a preliminary hearing next week from Senator BOXER's San Francisco office manager, who called the police after a coworker observed the defendant carrying a weapon.

This resolution would authorize employees of Senator BOXER's office to provide needed testimony about this matter.

ORDERS FOR TOMORROW

Ms. MIKULSKI. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Tuesday, September 21; and following the prayer, the Journal of proceedings be deemed approved to date; the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 11:30 a.m., with Senators permitted to speak for up to 5 minutes each; with the following Senators recognized in the order listed and for the time limits specified; with the first hour of morning business equally controlled between Senators BRADLEY and CHAFFEE or their designees; the time from 10 to 10:30, under the control of Senator SPECTER, the time from 10:30 to 11, under the control of Senator BOND or his designee; thereafter, Senator CRAIG, recognized for up to 5 minutes, and Senator GRAMM of Texas for up to 15 minutes, and then that at 11:30, the Senate resume consideration of H.R. 2491, the VA–HUD appropriations bill, and that on Tuesday, the Senate stand in recess from 12:30 to 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE SENATE PAGES

Ms. MIKULSKI. Mr. President, if we go until 10 o'clock, 2 minutes from now, these future parliamentarians of America get a certain waiver from school.

Mr. President, I have to confess I do a lot more of my homework now in the Senate than I did when I was a schoolgirl, and I used to love when there was a national holiday where we could get off, and these young people work so hard. Did they not work hard here this evening? My Gosh, they moved our materials, they helped with all of our work. They are so dedicated. I know their parents are very proud of them being a group of pages.

I have talked to many of them when they talk about their hopes and their ambitions. They hope to learn how the Senate operates. They, too, hope to grow up to be on the Senate floor one day and keep talking until 10 o'clock to give those pages a break. We are turning a page in history, as we do this conversation for them. I just wonder if I can ask the Presiding Officer, what time is it?

The PRESIDING OFFICER. The chair would guess that it is as close to 10 p.m. as is possible.

Ms. MIKULSKI. Does the Presiding Officer remember our great President when during the campaign he would look at the watch and he would say, "Well, it is time to go." I believe that the hour clicking at 10 o'clock, and I hereby, in representing the majority leader, declare it to be 10 o'clock. I ask unanimous consent that we declare that it is 10 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TUESDAY, SEPTEMBER 21, AT 9 A.M.

Ms. MIKULSKI. If there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 9:58 p.m., recessed until Tuesday, September 21, 1993, at 9 a.m.

NOMINATIONS

Executive nomination received by the Secretary of the Senate after the recess of the Senate on September 15, 1993, under authority of the order of the Senate of January 3, 1993:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SHIRLEY SEARS CHATER, OF TEXAS, TO BE COMMISSIONER OF SOCIAL SECURITY, VICE GWENDOLYN S. KING, RESIGNED.

Executive nomination received by the Secretary of the Senate September 16, 1993, under authority of the order of the Senate of January 3, 1993:

DEPARTMENT OF VETERANS AFFAIRS

KATHY ELENA JURADO, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (PUBLIC AND INTERGOVERNMENTAL AFFAIRS), VICE EDWARD T. TIMPERLAKE, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

ROBERT W. PERCIASEPE, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE LAJUANA SUE WILCHER, RESIGNED.

ELLIOTT PERSON LAWS, OF VIRGINIA, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE DON R. CLAY, RESIGNED.

LYNN R. GOLDMAN, OF CALIFORNIA, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE LINDA J. FISHER, RESIGNED.

FEDERAL MEDIATION AND CONCILIATION SERVICE

JOHN CALHOUN WELLS, OF TEXAS, TO BE FEDERAL MEDIATION AND CONCILIATION DIRECTOR, VICE BERNARD E. DELURY, RESIGNED.

DEPARTMENT OF COMMERCE

LAURI FITZ-PEGADO, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE, VICE SUSAN CAROL SCHWAB, RESIGNED.

Executive nominations received by the Secretary of the Senate September 17, 1993, under authority of the order of the Senate of January 3, 1993:

DEPARTMENT OF STATE

THERESA ANNE TULL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BRUNEI DARUSSALAM.

DEPARTMENT OF ENERGY

CORLIS SMITH MOODY, OF MINNESOTA, TO BE DIRECTOR OF THE OFFICE OF MINORITY ECONOMIC IMPACT, DEPARTMENT OF ENERGY, VICE MALVA G. WRAY, RESIGNED.

DEPARTMENT OF JUSTICE

JON ERNEST DEGUILIO, OF INDIANA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF 4 YEARS, VICE JOHN F. HOEHNER, RESIGNED.

CHRISTOPHER DRONEY, OF CONNECTICUT, TO BE U.S. ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR A TERM OF 4 YEARS, VICE STANLEY A. TWARDY, JR., RESIGNED.

PEGGY A. LAUTENSCHLAGER, OF WISCONSIN, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF 4 YEARS, VICE KEVIN C. POTTER, RESIGNED.

THOMAS PAUL SCHNEIDER, OF WISCONSIN, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF WISCONSIN FOR THE TERM OF 4 YEARS, VICE JOHN E. FRYATT, RESIGNED.

EMILY MARGARET SWEENEY, OF OHIO, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO FOR THE TERM OF 4 YEARS, VICE JOYCE J. GEORGE, RESIGNED.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 21, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 22

9:30 a.m.

Armed Services

To hold hearings on the nomination of Gen. John M. Shalikashvili, United States Army, to be Chairman of the Joint Chiefs of Staff.

SH-216

Commerce, Science, and Transportation

To hold hearings on the nomination of Reed E. Hundt, of Maryland, to be a Member of the Federal Communications Commission.

SR-253

Energy and Natural Resources

To hold hearings on the nomination of Daniel A. Dreyfus, of Virginia, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy; to be followed by a business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Finance

To hold hearings on the nominations of Mary Jo Bane, of Massachusetts, to be Assistant Secretary of Health and Human Services for Family Support, June Gibbs Brown, of Hawaii, to be Inspector General, Department of Health and Human Services, George Munoz, of Illinois, to be Assistant Secretary for Management and Chief Financial Officer, both of the Treasury Department, and Jeffrey E. Garten, of New York, to be Under Secretary of Commerce for International Trade.

SD-215

Labor and Human Resources

To hold hearings on the nomination of Jane Alexander, of New York, to be Chairperson of the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

SD-430

3:30 p.m.

Select on Intelligence

To hold closed hearings on intelligence activities.

SH-219

SEPTEMBER 23

9:00 a.m.

Armed Services

To hold hearings on the nominations of John J. Hamre, of South Dakota, to be Comptroller of the Department of Defense, Frederick F. Y. Pang, of Hawaii, to be Assistant Secretary of the Navy for Manpower and Reserve Affairs, Nora Slatkin, of Maryland, to be Assistant Secretary of the Navy for Research, Development, and Acquisition, and R. Noel Longuemare, Jr., of Maryland, to be Deputy Under Secretary of Defense for Acquisition.

SR-222

Office of Technology Assessment

Board meeting, to consider pending business.

EF-100, Capitol

10:00 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on S. 687, to regulate interstate commerce by providing for a uniform product liability law.

SR-253

Environment and Public Works

To hold oversight hearings on implementation of programs of the Clean Air Act Amendments of 1990.

SD-406

Judiciary

To hold hearings on pending nominations.

SD-226

Joint Economic

To hold hearings on the condition of American Federal research laboratories.

SD-628

2:00 p.m.

Labor and Human Resources

Education, Arts and Humanities Subcommittee

To hold hearings to examine issues relating to violence in the Nation's schools.

SD-430

2:30 p.m.

Judiciary

To hold hearings to review U.S. refugee programs for 1994.

SD-226

SEPTEMBER 24

10:00 a.m.

Labor and Human Resources

To hold hearings on the nominations of F. William McCalpin, of Missouri, John G. Brooks, of Massachusetts, Edna Fairbanks Williams, of Vermont, LaVeeda Morgan Battle, of Alabama, Ernestine P. Watlington, of Pennsylvania, Maria Luisa Mercado, of Texas, Thomas F. Smegal, Jr., of California, Nancy Hardin Rogers, of Ohio, Douglas S. Eakeley, of New Jersey, John T. Broderick, Jr., of New Hampshire, and Hulett Hall Askew, of Georgia, each to be a Member of the Board of Directors of the Legal Services Corporation.

SD-430

SEPTEMBER 27

2:00 p.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Diane Blair, of Arkansas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

SR-253

SEPTEMBER 28

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation to reorganize the Department of Agriculture.

SR-332

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings on proposed legislation to authorize funds for programs of the Airport Improvement Act.

SR-253

SEPTEMBER 29

2:00 p.m.

Foreign Relations

To hold hearings on the nominations of Roger R. Gamble, of Virginia, to be Ambassador to the Republic of Suriname, Peter F. Romero, of Florida, to be Ambassador to the Republic of Ecuador, and William Lacy Swing, of North Carolina, to be Ambassador to the Republic of Haiti.

SD-419

OCTOBER 6

9:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up proposed legislation to reorganize the Department of Agriculture.

SR-332

HOUSE OF REPRESENTATIVES—*Tuesday, September 21, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, we know Your world exhibits the variety of a bountiful creation—with peoples of all backgrounds, with varying styles and abilities, with all the conflicting interests and ambitions. Teach us, O God, to see more clearly that which binds us together as one people, to share more honestly our hopes and dreams, to support each other in every time of need, and, at all times, to sense that we all have been created by Your hand to do the works of justice and of truth and of peace. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BURTON of Indiana. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and on a division (demanded by Mr. BURTON of Indiana) there were—ayes 8, noes 18.

Mr. MAZZOLI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Under the provisions of clause 5, rule I, the Chair will postpone this vote until the end of the day.

The point of no quorum is considered withdrawn.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURTON of Indiana. Mr. Speaker, if there has been a division, can the Chair postpone the vote on the Journal?

The SPEAKER. The gentleman from Kentucky [Mr. MAZZOLI] made a point of order that a quorum was not present and objected to the division vote on the ground that a quorum is not present. Under those proceedings if a quorum is not present, the yeas and nays are ordered automatically, unless the question is postponed by the Chair as permitted by clause 5(b), rule I.

MOTION TO ADJOURN

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 11, nays 376, not voting 46, as follows:

[Roll No. 435]

YEAS—11

Allard
Baker (CA)
Brown (CA)
Burton
Crane
DeLay
Doolittle
Hancock
Rohrabacher
Stump
Taylor (NC)

NAYS—376

Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
Derrick
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Towns
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOT VOTING—46

Abercrombie
Baesler
Baker (LA)
Bentley
Berman
Blackwell

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Brown (FL)
Condit
Cooper
DeFazio
Dellums
Deutsch
Dornan
Engel
Everett
Foglietta
Ford (MI)
Gejdenson
Goodling
Greenwood
Hefner
Hinchey
Kaptur
Kingston
Klein
Matsui
McDade
McKinney
Mfume
Mineta
Molinari
Neal (NC)
Owens
Payne (NJ)
Rangel
Ridge
Ros-Lehtinen
Sanders
Shaw
Sisisky
Stark
Torres
Traficant
Washington
Wilson
Zeliff

□ 1237

Messrs. ANDREWS of Texas, ANDREWS of New Jersey, MYERS of Indiana, and PORTER, Mrs. LOWEY, and Mr. TAYLOR of Mississippi changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. BROWN of Florida. Mr. Speaker, because I was unfortunately delayed today at a meeting off the hill with Haitian President Aristide, I missed one recorded vote. Had I been here, I would have voted nay on rollcall vote 435.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair asked the gentleman from Ohio [Mr. HOKE] to lead the House in the Pledge of Allegiance.

Mr. HOKE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1513. An act to designate the United States courthouse located at 10th and Main Streets in Richmond, VA, as the "Lewis F. Powell, Jr. United States Courthouse."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2520. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2520) "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. JOHNSTON, Mr. LEAHY, Mr. DECONCINI, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, Mrs. MURRAY, Mr. NICKLES, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. GORTON, Mr. HATFIELD, and Mr. BURNS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 597. An act to designate the United States courthouse located at 10th and Main Streets in Richmond, VA, as the "Lewis F. Powell, Jr. United States Courthouse;

S. 1298. An act to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 1337. An act to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 1338. An act to authorize appropriations for fiscal year 1994 for military construction, and for other purposes;

S. 1339. An act to authorize appropriations for fiscal year 1994 for defense activities of the Department of Energy, and for other purposes; and

S. 1381. An act to improve administrative services and support provided to the National Forest Foundation, and for other purposes.

The message also announced that pursuant to Public Law 102-325, the Chair, on behalf of the Republican leader, appoints Carolynn Reid-Wallace, as a member of the National Commission on Independent Higher Education.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana) laid before the House the following communication from the Clerk of the House of Representatives:

September 21, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Thursday, September 16, 1993 at 1:35 p.m.: that the Senate passed without amendment H.R. 168 and H.R. 2431.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that, pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills and joint resolutions on Thursday, September 16, 1993:

H.R. 873. An act to provide for the consolidation and protection of the Gallatin range;

H.J. Res. 220. Joint resolution to designate the month of August as "National Scleroderma Awareness Month," and for other purposes; and

S. 184. An act to provide for the exchange of certain lands within the State of Utah, and for other purposes.

S.J. Res. 50. Joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week"; and

S.J. Res. 95. Joint resolution to designate October 1993 as "National Breast Cancer Awareness Month".

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Ways and Means:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, H-209, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L (50) of the Rules of the House, that the Custodian of Records of my office has been served with a subpoena issued by the United States Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges of the House.

Sincerely yours,
DAN ROSTENKOWSKI,
Chairman.

□ 1240

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore (Mr. FIELDS of Louisiana) laid before the House the following communication from the chairman of the Committee on House Administration:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, September 17, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that an employee of the Committee on House Administration has been served with a subpoena issued by the U.S. District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by the Rule.

With my very best wishes,
Sincerely,
CHARLIE ROSE,
Chairman.

COMMUNICATION FROM DAVID L. ANDRUKITIS, CLERK, MAJORITY ROOM

The SPEAKER pro tempore laid before the House the following communication from David L. Andrukitis, clerk, majority room:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 17, 1993.
Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you pursuant to Rule L (50) of the Rules of the House that I was served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, it was determined that compliance was consistent with the privileges and precedents of the House.

Sincerely,
DAVID L. ANDRUKITIS.

COMMUNICATION FROM LEONARD P. WISHART III, DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following communication from Leonard P. Wishart III, Director of Non-Legislative and Financial Services:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 16, 1993.
Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, H-204, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court, District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
LEONARD P. WISHART III,
Director.

COMMUNICATION FROM THE HONORABLE TOM LANTOS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable TOM LANTOS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 15, 1993.
Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued in a criminal case pending in the United States District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determination required by the rule.

Cordially,
TOM LANTOS,
Member of Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
September 16, 1993.
Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L (50) of the Rules of the House my office has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel of the House, I have determined, that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

COMMUNICATION FROM THE HONORABLE CHRISTOPHER SHAYS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CHRISTOPHER SHAYS, Member of Congress:

CONGRESS OF THE UNITED STATES,
September 14, 1993.
Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Superior Court for the Judicial District of Waterbury, Connecticut.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
CHRISTOPHER SHAYS,
Member of Congress.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

JAMES B. STANLEY

The Clerk called the bill (H.R. 808) for the relief of James B. Stanley.

There being no objection, the Clerk read the bill, as follows:

H.R. 808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROPRIATION OF FUNDS.

(a) PAYMENT.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, $400,577 to James B. Stanley.

(b) BASIS.—The payment required by subsection (a) shall be to compensate James B. Stanley for the physical, psychological, and economic injuries sustained by him as a result of the administration to him, without his knowledge, of lysergic acid diethylamide by United States Army personnel in 1958.

SEC. 2. SATISFACTION OF CLAIMS.

The payment made pursuant to section 1(a) shall be in full satisfaction of all claims James B. Stanley may have against the United States for—

(1) the injuries received by him as described in section 1; and

(2) for any injuries received by him subsequent to his discharge from the United States Army that are the result of the injuries described in section 1.

SEC. 3. INELIGIBILITY FOR ADDITIONAL BENEFITS.

James B. Stanley shall not be eligible for any compensation or benefits from the Department of Veterans Affairs or the Department of Defense for any injury received by him as described in section 1.

SEC. 4. LIMITATION OF ATTORNEYS' OR AGENTS' FEES.

It shall be unlawful for an amount of more than 10 per centum of the amount paid pursuant to section 1 to be paid to or received by any attorney or agent of James B. Stanley for any service rendered in connection with the payment made by this Act. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 390, nays 1, not voting 42, as follows:

[Roll No. 436]

YEAS—390

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon

Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kildee

Kim
King
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers (KS)
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers (IN)
Nadler
Natcher
Neal (MA)
Nussle
Oberstar
Obey
Olver
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri

Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torricelli
Tucker
Unsoeld
Upton
Velázquez
Vento
Visclosky
Volkmer
Vucanovich

Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon

Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden

Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—1

Young (AK)

NOT VOTING—42

Abercrombie
Bacchus (FL)
Baesler
Bentley
Berman
Blackwell
Bonior
Brown (CA)
Carr
Condit
Cooper
de la Garza
Derrick
Deutsch

Dornan
Everett
Ford (MI)
Gephardt
Greenwood
Hefner
Hinchey
Istook
Jacobs
Kaptur
Kingston
Klein
McCandless
McDade

Mfume
Neal (NC)
Ortiz
Payne (NJ)
Ros-Lehtinen
Sanders
Shaw
Swett
Torkildsen
Torres
Towns
Traficant
Valentine
Wilson

□ 1302

So the bill was ordered to be engrossed and read a third time, and was read the third time.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to rule I, clause 5, further proceedings on this vote will be postponed until the end of the day.

ANNOUNCEMENT REGARDING FILING OF PROPOSED AMENDMENTS ON H.R. 2351, THE ARTS, HUMANITIES, AND MUSEUM AMENDMENTS OF 1993

Mr. BEILENSON. Mr. Speaker, this is to notify Members regarding the Rules Committee's plan on H.R. 2351, the Arts, Humanities, and Museums Amendments of 1993. The committee is planning to meet on the measure this week to take testimony and grant a rule on the bill. In order to assure timely consideration on the bill on the floor, the Rules Committee is considering a rule that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 2351 should submit, to the Rules Committee in H 312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 12 noon on Wednesday, September 22, 1993. In addition to this announcement, a dear colleague letter was circulated to all offices on September 16 informing Members of this request.

The committee appreciates the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 2351.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, if I might just check, is the gentleman from California [Mr. BEILENSON] saying the Committee on Rules requests that if we want amendments considered on H.R. 2351, we should submit 55 copies of the amendment to the Committee on Rules before noon?

Mr. BEILENSON. Fifty-five copies.

Mr. ARMEY. Mr. Speaker, is it possible that the gentleman from California [Mr. BEILENSON] could give me any assurance that Republicans that submit such rule requests would have them given equal consideration to the consideration given to Democrats who do not comply with that requirement?

Mr. BEILENSON. Mr. Speaker, the Committee on Rules will insist that any amendments which are offered be offered by noon tomorrow, whether it is from Members of the majority or minority party.

Mr. ARMEY. Mr. Speaker, that has not always been the case. In this case the gentleman from California [Mr. BEILENSON] assures me that will be true?

Mr. BEILENSON. Mr. Speaker, the gentleman assures his friend from Texas that will be the case.

THE HATE CRIMES SENTENCING ENHANCEMENT ACT OF 1993

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, I rise today in support of the Hate Crimes Sentencing Enhancement Act of 1993 which will increase the penalties for crimes directed against individuals simply because of their race, religion, sex, nationality, or sexual orientation. This legislation demonstrates our society's rightful abhorrence against these despicable and cowardly crimes.

All crimes of violence hurt the individuals who must suffer the attack. But hate crimes attack entire communities, sending them the message that they are not as free to walk the streets, earn a living, and enjoy the fundamental rights that should be available to all citizens.

If we as a nation truly value freedom and human dignity, then we must act today against hate crimes. There can be no place in America for intolerance and hate. I know that my family, like those of many Americans, came to this country to be free from bigotry. Even today, people from around the world look to us as a beacon of freedom. But our tradition of tolerance is threatened by the thugs responsible for the rising tide of hate crimes. We must act now.

I urge my colleagues to vote in favor of the hate Crimes Sentencing Enhancement Act of 1993.

BIPARTISAN HEALTH CARE REFORM NEEDED

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, tomorrow night the President will come to this room to address the Nation about health care. I think it is a very good thing that we begin a debate on how to reform our health care system and how to ensure that every American has access to health care.

We on the Republican side have been working for the last 24 months, and have introduced an affordable health care now bill which has three great advantages: You as an individual can afford it and your family can afford it; second, the economy and jobs can afford it; and, third, every single reform in the bill could be passed now. Not in 2002, not to be implemented eventually, and not to be phased in gradually. But the affordable health care now bill could actually be implemented immediately.

Mr. Speaker, I would hope after tomorrow night's speech, that we will have a chance on a bipartisan basis to work together to shape the kind of bill which will give every American access to affordable health care and do so in a practical common sense way that passes the reforms now, so people can get health care now.

CONCERN OVER UNITED STATES MISSION IN SOMALIA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, those haunting pictures that we became so familiar with a year ago of the starving men, women, and children in Somalia, motivated our Nation correctly into assuming part of the worldwide duty of delivering food aid and humanitarian assistance in that tortured country. But as the months have gone on, Mr. Speaker, I, myself, and other Members of the Congress and the country have become concerned about where we are going and what our mission is in Somalia.

Mr. Speaker, it became one which, instead of a humanitarian mission, some say is now a nation-building mission. Some call it a search and destroy mission, searching out Mr. Aideed to kill him or move him away from power.

□ 1310

It seems to me that the senior Senator from West Virginia in the other body is correct in his amendment that was adopted to the other body's defense bill. That amendment says the Congress ought to make the decision about where we are going in Somalia, what our mission is, what or goal is.

I would urge the President to consider that amendment very carefully and to withdraw the troops because we are clearly in a quagmire. We must get out of that quagmire.

THE ROLE OF GOVERNMENT

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, there is one central question that must be answered by the American people on the issue of health care: Do you trust the Government to make the right health care choices for your family?

If the answer is yes, then the people will back the Clinton plan. If the answer is no, then the people should back the House Republican plan.

Stripped of its rhetoric and high-powered media campaign, the Clinton health care plan limits the choices of the private sector, increases the presence of Government in our lives, enhances bureaucracy, and limits the freedom of every American.

The Republican health care plan works within the system to lower costs, increase access, and maintain quality.

Mr. Speaker, last week the President acknowledged that Government is not a very efficient institution. Today, he seems to think that more Government is the best way to reform our health care system.

I and other Republicans want to work in a bipartisan fashion with our colleagues here in the House to pass a plan that is workable, affordable, and preserves choice for the American people.

INTRODUCTION OF YOUTH HANDGUN SAFETY ACT

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, consider this appalling statistic: about 100,000 students bring handguns to school every day in the United States. That includes students in the schools of every Member of this House. Also, consider that the number of murders committed by youths, aged 10 to 17, with guns, rose 79 percent between 1980 and 1990. It should be no surprise, then, that the Journal of the American Medical Association found that the leading cause of death for both black and white teenage boys in America is gunshot wounds.

Too often these days, playground disputes are turning into schoolyard shootouts. And when we must seriously consider putting metal detectors in our schools, and I do not mean just a few schools, something has gone awry. We cannot sit back and allow these types of statistics to proliferate. It is not fair to our students, to our teachers, and to our society. We must stand strong and tell our children that this is going to stop.

Today, Representative MIKE CASTLE and I are introducing the Youth Handgun Safety Act of 1993. This bill closes a loophole in existing Federal handgun law. Currently, Federal law makes it illegal for a licensed gun dealer to sell and give handguns to minors. However, it does not address the very real situations where other people sell and give handguns to minors. The current law also does not make it illegal for the minor to possess the handgun. The Youth Handgun Safety Act makes it illegal for anyone to sell or transfer a handgun to a minor, and it makes it illegal for the minor to possess the handgun. There are several exceptions for hunting, target practice, or instruction in the safe use of handguns while under the supervision of an adult, but beyond that, youths would not be permitted to have handguns. In other words, this bill makes the Federal law more meaningful, and provides minors with a real incentive to get rid of their handguns.

Several weeks ago, U.S. Attorney General Janet Reno visited my district to discuss the issue of guns and violence. She emphasized that parents and families are the first line of defense against kids turning to guns and violence. The Youth Handgun Safety Act encourages parental responsibility, and adult responsibility in general. Equally important, it makes youths responsible for their own actions. I hope all my colleagues will carefully consider their own responsibility to their constituents, both young and old, and join us to work to keep guns away from kids.

URGING A CAREFUL ANALYSIS OF THE PRESIDENT'S HEALTH CARE PLAN

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, tomorrow night the President of the United States is going to speak to Congress and the Nation about his proposal to reform the Nation's health care system. Thinking back to the State of the Union Address, I expect that we will be charmed and we will be energized and will hear a rousing address, but what I would like to suggest is a framework within which perhaps we can analyze the plan.

First of all, from a policy perspective, does the President's plan create a new bureaucracy, or will it rely on the private sector and market forces? Will it create new taxes? Will it empower consumers, or will it empower bureaucrats?

From a personal perspective, does the President's plan preserve our ability to choose our own doctor? Does it offer us fewer or greater choices? Will it cost us more or less? Will we be better off before or after enactment?

I encourage the Members to think about this plan in terms of those kinds of questions, and finally, to ask this fundamental question: Will this plan increase our personal freedom, or will it decrease it?

NAFTA: A GOOD DEAL FOR THE UNITED STATES

(Mr. COPPERSMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COPPERSMITH. Mr. Speaker, I wish to speak today for 1 minute about the North American Free-Trade Agreement. It is hard to do in 1 minute, so I want to talk a little bit about the economic facts that show NAFTA is a good deal for the United States.

NAFTA, most people may not realize, significantly lowers Mexican tariffs, which on average are 2½ times ours. There are bigger changes for specific industries. Right now the Mexican tariff on pharmaceuticals is 4 times ours; on cars it is 9 times ours; on household appliances it is 17 times ours. NAFTA will lower Mexican tariffs and more fully open their market to American exports.

We also have expertise with prior reductions in tariffs with Mexico. In 1987, as part of a package of economic reforms, Mexican tariffs were lowered significantly, not to the United States level, but still lower than before. Our exports went from $16 billion in 1987 to $40.6 billion in 1992. We went from a $5 billion trade deficit with Mexico to a $5.4 billion trade surplus in 1992.

Exports also have benefited those industries with high value-added jobs, the kind of jobs that we need for the 1990's and the 21st century. More importantly, the great bulk of those exports has been consumed in Mexico, not at the maquiladoras.

If we look at the facts and not the fears, I think we all will understand that NAFTA is a good deal for the United States.

HEALTH CARE IS AN AMERICAN ISSUE

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, health care is not a Democrat issue or a Republican issue. It is an American issue. Expectations are high and so are the stakes. We are impacting people's pocketbooks, workplace benefits, and lifestyles in a dramatic and personal way. We are dealing with a giant—so huge it involves 1 out of every 7 dollars in our economy, so expansive it touches hundreds of millions of Americans. To say we should work together is a giant understatement. There are many competing proposals to sort through. In the past few years Republicans and Democrats have worked on distinct, credible plans. This gentleman prefers a market-based system, without employer mandates, that controls costs, preserves choice and expands access but there will be honest debate and disagreement on policy matters in the days ahead.—Since I have been in Congress, this is the biggest test of our ability to make Government work for the people. I pray we succeed.

CONGRATULATIONS TO MISS AMERICA, MS. KIMBERLY CLARICE AIKEN

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, I rise today to congratulate Ms. Kimberly Clarice Aiken on being crowned Miss America this past Saturday night. Kimberly is the first African-American from the South to win this coveted title.

Just over 2 months ago, Kimberly made history as the first African-American to be crowned Miss South Carolina.

Since that time and in the few days of her reign as Miss America, Kimberly has established herself as a sophisticated and diplomatic spokesperson for all Americans.

During her reign as Miss Columbia, Kimberly founded a nonprofit organization which provides services for the homeless and, as Miss America, she plans to raise public awareness about the plight of the homeless in the United States.

As a South Carolinian, I am beaming with pride and congratulate Kimberly and her family—Charles and Valerie, her mother and father, her aunt Debra a former employee of mine and Charles, Sr., and Violet, her grandparents, both of whom are constituents of mine. This is an outstanding and deserving honor, and I am sure Kimberly Clarice Aiken will bring honor to the Miss America crown and represent all of us well.

BLACK MARKET MEDICINE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, while Republicans agree with the President about some aspects of health care reform, his proposed plan is fraught with problems. For example, we are about to witness the rise of an American black market, if the President's plan is adopted.

Unlike the black markets in formerly Communist Eastern Europe, this one will not deal in blue jeans, rock music, or dollar bills. It will deal in health care services. Once the administration adopts whatever form of rationing it deems necessary to control costs, a new market for underground medical procedures will spring up. Soon the back alleys liberals are so fond of talking about will be full of people wanting hernia, heart bypass, and cataract operations.

The fundamental problem with the President's plan is, it believes 511 people with advanced degrees, in about everything except medicine, can totally redesign one-seventh of our economy. Central planning has failed from Moscow to Managua, and it will fail American health care consumers as well.

We do not need a government-run health care program. We do not need black market medicine. What we need is affordable health care now.

TIME FOR HEALTH CARE REFORM

(Mr. KREIDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KREIDLER. Mr. Speaker, tomorrow, President Clinton will propose his plan to reform our health care system, and we will begin a historic debate.

As we debate, let us remember several principles:

First: We have to reform this system.

If we do nothing, more families will go bankrupt from medical costs.

More businesses will drop workers from coverage, and our Nation will sink deeper into a hopeless pit of debt.

Second: Everyone wins with reform. The President's plan will cover everyone, and it will control the cost of health care for everyone. That is what we call health security.

Third: We have the best medical care in the world, and that is not going to change. People will still choose their doctor and they will still get high quality care.

In fact, managed care can improve the quality of care. I worked in a managed care system for 20 years, and I know it is the best way to provide the preventive care people need.

In America today, health security ought to be a right of every child, every senior, and every family.

Every other industrialized country in the world has found a way to protect that right. We can, too.

□ 1320

CLINTON TO FORCE TAXPAYERS, WORKERS, TO FUND EVERY ABORTION IN USA

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, the President's proposal to include abortion on demand as a mandated benefit in his national health insurance plan is extreme, radical, and completely out of the mainstream of American thought and opinion.

According to Michael Kramer in this week's Time magazine, White House pollster Stan Greenberg admits, that most people, and I quote, "abhor the act and are opposed to using tax dollars for abortions."

Rather than nurture and protect human life, the administration is asking taxpayers to facilitate and subsidize the violent deaths of millions of unborn babies.

The President's plan treats pregnancy as a disease or illness and unborn children like tumors or warts to be expunged and discarded. This flies in the face of the purpose of health care reform—protecting the weak, the vulnerable—and the sick.

In a word, the Clinton provision is antichild and will lead to many, many more babies dying painful deaths and will subjugate their mothers to a myriad of health risks.

This proposal will force every American—every taxpayer, every employer, every workingman, and every workingwoman to be a party to the chemical poisoning or dismemberment of innocent children. Under the Clinton plan an unborn child at any age of gestation—fourth, fifth, or sixth month of pregnancy; right up until birth—will be vulnerable to the abuse of abortion. And Mr. Clinton wants to force the American people to pay.

Very few of these abortions have anything to do with life of the mother or other hard case circumstances. The Alan Guttmacher Institute, a research affiliate of Planned Parenthood, conducted a survey in 1987 in which they asked women to identify the reasons they had abortions. A very small percentage were related to these hard case situations or even physical health. Other surveys suggest that abortions are increasingly used as a method of birth control. The Clinton plan forces every American taxpayer, every workingperson to pay for abortions.

Representatives of proabortion groups and the administration have advanced the misleading argument that the President's proposal represents the status quo. Nothing could be further from the truth.

A 1993 report published by the Alan Guttmacher Institute states that abortion is often described as elective by the insurance industry and, therefore, excluded from coverage. This acknowledgment does not fit in with the current game plan of the proabortion coalition. Therefore, using a mutually agreed upon script, they are presenting themselves as the defenders of the status quo. It is noteworthy that the president of Planned Parenthood, when speaking to her own people on July 12, described the upcoming consideration of national health insurance as "a watershed event just as significant, just as vital, as the Supreme Court's decision on Roe versus Wade." She went on to label it "the 'defining moment' for reproductive rights in America."

David Gergen, now a top adviser to the President, put the issue in stark terms when he wrote an article on this subject for U.S. News & World Report earlier this year, April 19. "Apparently abortion is to be treated as a routine medical procedure easily available to all—no questions, no costs, no issues of morality or personal responsibility. This will make abortions 'rare'?"

Mr. Gergen acknowledged that the Clinton plan opens the flood gates to universal abortion on demand, funded by taxpayers. Gergen adds "what we need, then, are policies that show compassion toward women as well as a high ethical regard toward unborn children. We stand in danger of having neither."

Mr. Gergen is right.

H.R. 3, THE COMPREHENSIVE SOLUTION TO CAMPAIGN FINANCE REFORM

(Mr. FARR of California asked and was given permission to address the House for 1 minute.)

Mr. FARR of California. Mr. Speaker, today, I am cosponsoring campaign finance reform legislation that will go a long way in restoring public confidence and fairness in our electoral system. This legislation is designed to put us on the right track for cleaning up the financing of congressional campaigns giving voters a real say in the legislative process and providing all candidates equal access to the electoral system.

This legislation establishes a voluntary system of campaign spending limits for congressional candidates provides for matching funds to House candidates who agree to spending limits, reduces the influence of special interest lobbyists, prohibits use of so-called soft money for any activity solely to benefit a Federal candidate, and increases disclosure of information to and by the FEC.

During my campaign, I pledged to actively work for serious campaign reform. Common Cause, a leader for many years in the area of campaign reform, has said that the key to reform is making public campaign resources available to candidates who agree to spending limits. Voters see Washington as a place where influential people with a lot of money get special treatment. Providing matching funds in elections would significantly reduce the perceived influence of special interests in the electoral process, and level the playing field between incumbents and challengers.

This bill is similar to legislation that the House and Senate passed last year, but was vetoed by President Bush. Furthermore, this legislation incorporates many of the proposals outlined by the House freshmen Democratic class on March 31, 1993.

Mr. Speaker, I am proud to join you and other colleagues in the House in supporting comprehensive campaign reform legislation that restores integrity and confidence in our electoral system.

LISA OUSLEY-O'CAIN AND THE AMERICAN DREAM

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I would like to take a moment to talk about an American success story in Jacksonville, FL.

Ms. Lisa Ousley-O'Cain is a divorced mother who has suffered more than her share of setbacks in recent years. She has moved back and forth between Jacksonville and Chicago several times looking for stability and a better way of life.

In between, she has found herself out of work, and without a home on two different occasions. With the help of her local community college, caring, involved social workers and, most importantly of all, her faith, she has risen above her difficult circumstances and built a new life.

Last month, Ms. Ousley-O'Cain saw the culmination of a dream when she opened her own day care center in Northside Jacksonville. The center will provide day care services to 23 young people this fall, and I'm sure those children will learn lessons about resilience and personal strength from Lisa.

If a homeless woman can do everything necessary to make the dream of owning her own small business a reality, a vitally needed day care facility, it's a reminder that we should never give up on ourselves or others.

Lisa Ousley-O'Cain, I congratulate you on opening the God's Promise daycare center and wish you many years of success.

LET'S PASS NAFTA

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, I applaud President Clinton's commitment to work in a bipartisan, principled way on NAFTA.

The President clearly understands the export growth and job creation NAFTA will yield—200,000 new jobs by 1995.

Existing trade barriers make exporting United States goods to Mexico difficult or impossible, forcing United States companies to move to Mexico to take advantage of the vast markets there.

Under NAFTA, products made by American workers in America can be sold in Mexico, boosting exports and creating jobs.

The Mexican demand for United States goods is already impressive—the average Mexican purchases 477 dollars' worth of our goods, while the average Japanese buys only $385.

Mr. Speaker, I commend the President for his commitment to passing NAFTA, and I strongly urge all my colleagues to put principle above politics and support this job-creating trade pact. Let's pass NAFTA.

FREE-TRADE TRIAL RUN SHOWS NAFTA IS A JOB CREATOR

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, every Congressman is pro-job creation. So anytime Congress can create more than 200,000 jobs with one vote, you would expect the vote to be unanimous. The North American Free-Trade Agreement will create at least that many jobs, and we should pass it.

Look at the experience of our free trade trial run with Mexico. Since Mexico began to open its markets in 1986, American exports to Mexico have tripled. American jobs directly tied to those exports ballooned from 274,000 to 700,000. Since an export-related job sustains two in supporting industries, Mexico already supports over 2 million American jobs. Passing NAFTA will greatly increase that figure, since Mexican tariffs are still 2½ times larger than American tariffs, and NAFTA reduces those tariffs to zero over a 15-year period.

If you want to create American jobs, vote for NAFTA. As George Bush, chief architect of NAFTA, said at the White House last week, "The biggest gainer in NAFTA is the good 'ole U.S.A."

RAISING CIGARETTE TAXES TO PAY FOR HEALTH CARE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, President Clinton will come before the Congress tomorrow and announce his health care plan to the Nation. It has been widely reported that the President will propose a quadruple increase in the Federal tax on cigarettes, from the current 24 cents to $1, to help pay for his proposal.

As a Representative from a State whose economy is heavily dependent on tobacco, this increase could do serious harm and could cost tens of thousands of North Carolinians their jobs. A Price Waterhouse study shows that of the 85,000 North Carolinians that have jobs in tobacco growing and manufacturing, over 20,000 could lose their jobs if the tax on cigarettes is increased significantly.

This sobering assessment comes on top of the announcement of recent layoffs of around 1,000 white collar personnel by R.J. Reynolds, most of which would affect workers in Winston-Salem, NC, an area I represent along with my colleague, Representative STEVE NEAL.

I call on Representative NEAL and the other members of the North Carolina delegation to go on record and announce their opposition to any increase in the Federal tax on cigarettes. Let us keep North Carolinians in the tobacco industry employed and keep North Carolina's economy strong and growing. Let us not needlessly sacrifice our constituents on Bill and Hillary's health care altar.

The Republicans have a health care alternative that does not raise taxes on cigarettes; in fact, it does not raise taxes at all.

□ 1330

CONGRATULATIONS TO LAKE LYTAL COUGARS OF FLORIDA

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, it gives me great pleasure to congratulate 17 young ladies from Palm Beach County, FL, the Lake Lytal Cougars, who, through hard work and dedication, achieved their "field of dreams" by winning the 12 and under Amateur Softball Association World Series on Sunday, August 15, 1993, by defeating O.C. Waters of Alabama 19–8 in the final game at the Seminole Sports Complex in Orlando, FL.

These young ladies, with the assistance of their families, coaches, and their communities, started their drive for excellence in June when they won the Fort Lauderdale National Qualifier. The road was long and hard. Next, they won the Gainesville National Qualifier, and by the end of July had won six tournaments in various cities in Florida. The team's record for the year was a phenomenal 59 wins and 9 losses.

Shortstop Jennifer Mossadeghi, who batted .825 in the National Tournament, led the Cougars for the season with a .663 batting average, 27 doubles, 12 triples, and 12 homeruns. Penny Thompson, who played second base, had a .548 batting average, with 23 doubles and 111 RBI's. Jennifer Ruddock, who played third base, had a .543 batting average, with 21 doubles; and Jennifer Stump had a .546 batting average with 11 homeruns. Julie Corbitt was the top pitcher with 40 wins and 7 losses.

The Cougar's manager, Gary Fitzpatrick and his coaches should be congratulated for volunteering their time and efforts to help young people in the community achieve success in their young lives and to learn that hard work, teamwork, and preparation in life will lead to fruitful achievements.

The Cougars team members included: Amanda Adeimy, Stephanie Bahr, Katie Carvajal, Melissa Cawood, Julie Corbitt, Rogin Kennedy, Kerri Kerr-West, Jennifer King, Monica Lara, Keri LaFever, Jessica Moore, Jennifer Mossadeghi, Jennifer Olds, Jennifer Rudock, Valerie Seminerio, Jennifer Stump, and Penny Thompson.

The coaches included: Jim Cawood, Mary Ann Kerr, Greg LaFever, William Olds, Ferrell Taliaferro, and Barry Thompson. The "team Mom" was Kay Thompson.

Congratulations, Cougars.

A "NEW" NEW DEAL

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, I say to the gentleman from Florida [Mr. LEWIS] that it is indeed a rare occasion when a team from Florida beats a team from Alabama. I am glad that the gentleman got this almost once-in-a-lifetime opportunity.

Mr. Speaker, The President will unveil his health care reform plan tomorrow.

This plan as previewed will represent the largest expansion of Government spending since the New Deal. But the Clinton deal is a raw deal for the American people.

His National Health Board will serve as a Politburo for health care, determining what each American receives in care and deciding what each American contributes in taxes.

His State and regional health alliances will create over 100 new bureaucracies, subjecting all Americans who work in companies with less than 5,000 employees to forced participation.

Mr. Speaker, the American people do not want a "new" New Deal. They want a plan to lower their costs increase their participation in and maintain the quality of their current system. In short, they want a plan like the House Republican "Affordable Health Care Now" legislation.

IN SUPPORT OF NAFTA

(Mr. SKEEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKEEN. Mr. Speaker, I am here today to talk about NAFTA, supporting that idea. I cannot believe that the people of the United States have got this dugout mentality about foreign trade. We are talking day by day about "buy American;" well, many foreign nations, including Mexico, are "buying American," United States of America American. Fifty-eight to sixty percent of everything Mexico imports comes from the United States, and that means a lot of jobs here. Those jobs are not going to go off to Mexico. They could have gone a long time ago.

We talk about reinventing Government; we do not need to reinvent Government; we have way too much already. Let us redivest ourselves of Government, and let's reinvest in business in the United States.

What are we afraid of? It beats the heck out of me that because we can compete against anybody and we can compete with anybody because we can outproduce anybody with the greatest technologists and the greatest producers anywhere on this Earth.

So let us quit worrying about these agreements, let us get these tariffs down so that we can get on an equal footing with these countries and sell American, sell American goods.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today.

VETERANS HOME LOAN AND STATE VETERANS CEMETERY IMPROVEMENTS ACT OF 1993

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 949) to amend title 38, United States Code, to increase the amount of the loan guaranty for loans for the purchase or construction of homes, as amended.

The Clerk read as follows:

H.R. 949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION A. INCREASE IN AMOUNT OF LOAN GUARANTY FOR LOANS FOR THE PURCHASE OR CONSTRUCTION OF HOMES.

Subparagraphs (A)(i)(IV) and (B) of section 3703(a)(1) of title 38, United States Code, are each amended by striking out "$46,000" and inserting in lieu thereof "$50,750".

SEC. 2. MORTGAGE PAYMENT ASSISTANCE TO AVOID FORECLOSURE OF HOME LOANS GUARANTEED UNDER TITLE 38.

(a) IN GENERAL.—(1) Chapter 37 of title 38, United States Code, is amended by inserting after section 3714 the following new section:

"§3715. Loans to refinance delinquent indebtedness

"(a)(1) The Secretary may, at the Secretary's option, provide assistance to a veteran under this section for the purpose of avoiding the foreclosure of a housing loan made to that veteran and guaranteed by the Secretary under section 3710 or 3712 of this title (hereinafter in this section referred to as a 'primary loan').

"(2) Assistance under this section shall be in the form of a loan to the veteran. Such assistance may be provided only if—

"(A) the dwelling that secures the primary loan is the current residence of the veteran and is occupied by the veteran as the veteran's home;

"(B) the veteran is delinquent in payments on that primary loan and the holder has submitted the notice of default as required by section 3732(a)(2) and is unwilling to grant forbearance;

"(C) the veteran has lost employment or has encountered circumstances beyond his control which affect his ability to maintain mortgage payments; and

"(D) the Secretary determines that there is a reasonable prospect that the veteran will be able to resume payment on the primary loan within six months after receiving assistance under this section.

"(3) For the purposes of this section, the term 'veteran' includes the surviving spouse of a veteran if the surviving spouse was a co-obligor of the primary loan.

"(b)(1) A loan under this section shall be advanced to the holder of the primary loan. The amount of the loan under this subsection shall first be applied to the amount delinquent on the loan guaranteed under this chapter including any amount delinquent on taxes, assessments, hazard insurance, and late charges required by the holder to be included in the veteran's monthly payment on the mortgage. Any remaining amount of such loan shall be retained by the holder and shall be applied to future payments, including taxes, assessments, and hazard insurance, due on the loan and unpaid (in whole or in part) on the date the payment becomes due.

"(2) The Secretary may make more than one loan under this section to a veteran. The total amount of loans under this section to any veteran may not exceed $10,000.

"(c) A loan under this section—

"(1) shall bear no interest until the date on which payments on the primary loan (including amounts for taxes, assessments, hazard insurance, and late charges required by the holder to be included in the veteran's monthly payment on the mortgage) are current, and thereafter shall bear interest at a rate determined by the Secretary;

"(2) shall be secured by a lien on the property securing the primary loan and by such other security as the Secretary may require; and

"(3) shall be subject to such additional terms and conditions as the Secretary may require.

"(d) As a condition of receiving a loan under this section the veteran shall execute an agreement, in such form as the Secretary may prescribe, to repay the loan within a reasonable period of time, as determined by the Secretary, not to exceed 15 years from the date on which such loan is made. If the Secretary determines that the veteran has sufficient income or other resources to do so, the Secretary may require the veteran to make partial payments on the primary loan guaranteed under this chapter during the period the holder of that loan is applying the amount of the loan under this section to payments becoming due on the primary loan.

"(e) Notwithstanding any other law, the Secretary may employ attorneys to bring suit to collect any amount of a loan under this section on which the veteran to whom the loan is made is in default.

"(f) The Secretary's decisions on any question of law or fact regarding assistance under this section, including whether or not to grant such assistance and the terms and conditions under which such assistance is granted or not granted, shall be final and conclusive, and no other official or any court of the United States shall have power or jurisdiction to review any such decision by an action in the nature of mandamus or otherwise.

"(g) A loan under this section shall be made from the fund established under section 3724 or 3725 of this title that is available with respect to the primary loan in connection with which the loan is made under this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3714 the following new item:

"3715. Loans to refinance delinquent indebtedness.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at the end of the 60-day period beginning on the date of the enactment of this Act.

SEC. 3. FINANCING OF DISCOUNT POINTS.

Section 3703(c)(4)(B) of title 38, United States Code, is amended in the second sentence by striking out "Discount" and inserting in lieu thereof "Except in the case of a loan for the purpose specified in section 3710(a)(8), 3710(b)(7), or section 3712(a)(1)(F) of this title, discount".

SEC. 4. RATE ADJUSTMENTS FOR ADJUSTABLE RATE MORTGAGES.

Section 3707(b)(2) of title 38, United States Code, is amended by striking out "on the anniversary of the date on which the loan was closed".

SEC. 5. CEMETERY PLOT ALLOWANCE FOR VETERANS ELIGIBLE FOR BURIAL IN A NATIONAL CEMETERY BUT INTERRED IN A STATE VETERANS CEMETERY.

Section 2303 of title 38, United States Code, is amended by adding at the end thereof the following:

"(c) In addition to the benefits provided for under section 2302 of this title and subsection (a) of this section, in the case of a veteran who—

"(1) is eligible for burial in a national cemetery under section 2402 of this title, and

"(2) is buried (without charge for the cost of a plot or interment) in a cemetery, or a section of a cemetery, that (A) is used solely for the interment of persons eligible for burial in a national cemetery, and (B) is owned by a State or by an agency or political subdivision of a State, the Secretary shall pay to such State, agency, or political subdivision the sum of $150 as a plot or interment allowance for such veteran.".

SEC. 6. INCREASE IN FEDERAL AID TO STATES VETERANS' CEMETERIES.

Paragraphs (1) and (2) of section 2408(b) are each amended by striking out "50 percent" and inserting in lieu thereof "65 percent.".

SEC. 7. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR STATE CEMETERY GRANT PROGRAM.

Paragraph (2) of section 2408(a) of title 38, United States Code, is amended by striking out "nine" and inserting in lieu thereof "fourteen".

SEC. 8. REMOVAL OF FUNDING REQUIREMENT OF HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS ACT OF 1992.

Section 12 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking out the second sentence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 949, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, H.R. 949, as amended, contains several provisions that would enhance the VA Home Loan Program for veterans. Among other things, it would raise the guarantee amount paid by the VA to lending institutions who make VA loans to veterans.

In addition, the bill would authorize the Secretary of Veterans Affairs to provide assistance to veterans who are having difficulty making payments on their home loans because of temporary unemployment.

In just a few moments, I will yield to the distinguished chairman of our Subcommittee on Housing and Memorial Affairs, GEORGE SANGMEISTER, for a more detailed explanation of the bill. Before doing so, I want to commend the gentleman from Illinois and the ranking minority member of the subcommittee, DAN BURTON of Indiana, for their work on the bill and for their concern for veterans who will benefit from the enactment of this legislation.

The VA Home Loan Program has received a lot of attention during the past several years and veterans continue to benefit as a result of the work of these two Members and other Members who serve on the subcommittee.

I also want to thank my good friend and colleague, the very able ranking minority member of the full committee, BOB STUMP, for his leadership and support.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Speaker, I would like to thank and commend the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the full committee for his distinguished leadership and his strong support of this measure. I would also like to thank the gentleman from Arizona [Mr. STUMP] and the gentleman from Indiana [Mr. BURTON], the ranking minority members of the full committee and the subcommittee for their efforts and support. The individual members of the subcommittee have worked hard as a team to develop this legislation, and I would like to thank each of them for their excellent contributions.

INCREASE IN LOAN GUARANTY

Mr. Speaker, the bill would increase the maximum loan guaranty from $46,000 to $50,750. This change in guaranty will increase no-downpayment VA guaranteed home loan limits from $184,000 to $203,000. Under the current formula, VA guarantees 25 percent of loans over $144,000.

Current lending practices generally allow a veteran to purchase a home without a downpayment for up to four times the amount of the maximum VA guaranty. The guaranty maximum of $46,000 thus allows a veteran to buy a house worth up to $184,000 with no downpayment.

Housing prices in certain parts of the country prevent many veterans from buying a home without a downpayment. For example, according to data compiled by the National Association of Realtors, the median sales price of an existing single-family home during calendar year 1992 was $171,100 in Boston; $172,700 in the New York area but $187,600 in Bergen County, NJ; $213,200 in Los Angeles; $234,900 in Orange County, CA; $254,800 in San Francisco; and $349,000 in Honolulu. Thus, home loan guaranty purchasers in areas such as these must make significant downpayments, usually 25 percent of the amount that the purchase price exceeds $184,000, in order to acquire a median-priced home.

The proposed increase in the guaranty would enable many veterans to purchase a home of their choice without a downpayment, which would otherwise be unavailable to them. The higher loan amounts will also produce greater revenues to VA through the loan fee.

On January 1, 1993, the Federal National Mortgage Association—Fannie Mae—and the Federal Home Loan Mortgage Corporation—Freddie Mac—increased the limit to $203,150 on single-family conventional mortgages in which the companies invest.

In the past, the Government National Mortgage Association—Ginnie Mae—has increased the loan limit when VA has increased the amount of its guarantee. The bill takes into account fluctuations in the economy and real estate market and provides parity with the conventional loan market.

MORTGAGE FORECLOSURE ASSISTANCE

Mr. Speaker, the bill would authorize monetary assistance by VA to veterans who are, or have recently been, either unemployed or underemployed and as a result fallen behind in their mortgage payments. Information obtained during hearings in the last three Congresses as well as a review of GAO reports reveals that prompt personal servicing efforts by the Department and lenders can help prevent foreclosure of some VA-guaranteed home loans. However, there are times when more than just personal attention is needed.

The bill would authorize one loan or a series of loans not to exceed a total of $10,000. The loan would be disbursed directly by the Department to the holder of the mortgage loan. The holder would be responsible to assure that the veteran's obligation to repay the assistance is secured by a lien of record. The assistance may be applied against the veteran's mortgage obligation as either payment in full for a monthly installation, or, if supplemented by cash from the veteran's own resources, as partial payment of the monthly installment.

Repayment of the loan must be made within a reasonable amount of time, as determined by the Secretary, but could not exceed 15 years. The bill would authorize the Department to require the veteran to make partial payments when the veteran's income and other financial resources indicate that the veteran can afford to do so. In addition, VA may establish initially or as a result of changed circumstances that a sum less than the $10,000 statutory limit is the maximum amount of assistance available to any particular veteran.

Mr. Speaker, this mortgage foreclosure assistance provision actually saves money. It does so, according to CBO, because it would prevent the foreclosure of about 40 percent of the 500 cases in which CBO assumed these mortgage assistance loans would be made under the new program. Whenever a foreclosure is avoided, there are substantial savings to VA. Thus, even if the VA ultimately was unable to collect the $10,000 loan authorized by this provision in 60 percent of the cases, the VA loan program—and the taxpayer—would still be ahead because of the 40 percent of the cases in which the default was ultimately cured. It is not intended that assistance be provided to every veteran who may default on a VA-guaranteed loan. Thus, assistance under the program is limited by statutory language to cases in which; First, a veteran is still residing in the home which secures the defaulted loan, second, the veteran has lost employment or has encountered circumstances beyond his or her control which affect his ability to maintain mortgage payments, and third, the Secretary has determined that there is a reasonable prospect that the veteran will be able to resume payment on the primary loan within 6 months after receiving assistance under this new provision.

When the VA home loan program was first established, the Congress decided that the Secretary of Veterans Affairs—then the Administrator—could sue and be sued in connection with his administration of the program. Thus, veterans have always had access to the courts with respect to decisions affecting their VA home loan. Decisions—other than decisions involving a request for waiver of indebtedness—subsequent to an initial decision that a veteran is or is not eligible for the program are not reviewed by the Board of

Veterans' Appeals. This is in contrast to VA decisions to grant disability and other types of monetary assistance which, until 1988, were subject to a final review by the Board of Veterans' Appeals. However, in 1988, the committee reported landmark legislation which made most VA decisions affecting benefits subject to review by a newly established Court of Veterans Appeals.

Although it is theoretically possible for the agency to receive a claim for benefits and decide it within a matter of weeks, the volume of claims and the need to develop information concerning the individual claim of a veteran has led to a situation in which a typical claim for disability benefits takes anywhere from 4 to 8 months to decide initially. If a veteran is dissatisfied with this decision, there is a clearly established procedure to appeal this decision to the Board of Veterans' Appeals. However, because there is no disincentive to appealing a VA decision which is unfavorable to the veteran's contentions, the volume of appeals pending before the Board at any one time makes it unlikely that a veteran will obtain a final decision by the Board of Veterans' Appeals in less than 1 year.

As a result of the lengthy of time that the agency may take to ultimately deny or allow a claim for benefits, the subcommittee recommended legislation, as it has in the previous two Congresses, which would make the Secretary's decision whether to grant this foreclosure assistance final, without any review by the Court of Veterans Appeals. During committee consideration of this legislation, an amendment was offered to strike the language making the Secretary's decision final. The committee debated this amendment for an extended period. The view was expressed by several members that allowing judicial review would delay foreclosure proceedings in the vast majority of cases where assistance under the new program was not intended to be made available. Since the VA is liable for a lender's losses up to the maximum amount of the guaranty, delays of this nature would increase the cost of foreclosures to the lender and the VA significantly. In fact, CBO was requested to furnish an estimate of the cost of the bill if this no-review language was stricken. CBO responded that striking the no-review language would conservatively cost in excess of $100 million per year.

Arguments have been advanced and refuted that other government loan programs make assistance of this kind available and allow judicial review of denials of assistance. However, because of the manner in which other Federal housing loan programs are structured, I believe the mortgage foreclosure assistance proposed by this legislation is unique and has no parallel in other programs.

The possibility of long-delayed foreclosures was also cited as a reason to maintain the bar on judicial review. As one member of the committee pointed out, lender willingness to make loans to veterans is the key to the success of the VA Home Loan Program. In his view, if a lender were to learn that a VA guaranteed loan could not be foreclosed until a final judicial decision had been reached on an application for the mortgage foreclosure assistance contemplated by the committee bill, lenders would be extremely reluctant to make VA-guaranteed loans.

Thus, I want to make it clear that the committee's action in reporting the bill with this language intact had no relation to the views of this committee member, or other committee members, on the general desirability of judicial review of VA decisions. It was a desire to enhance an existing VA program by providing additional foreclosure-cure options, and to insure that the housing guaranty benefit would be available to veterans in the future, that convinced the committee that in this particular case, the cost and delay of providing judicial review would defeat the purpose of the assistance which the legislation was intended to make available.

IMPROVEMENTS TO THE STATE CEMETERY GRANTS PROGRAM

Mr. Speaker, the bill would authorize payment of the current $150 plot allowance to the State for any veteran interred in a State veterans cemetery, who otherwise is eligible for burial in a national cemetery. The one-time payment would help defray the cost of initial interment, cemetery maintenance and overall operations.

The Department of Veterans Affairs State Cemetery Grants Program complements national cemeteries by providing a cost-effective alternative to those cemeteries maintained and operated by the Federal Government. The program assists States by providing a 50-percent share of the cost of establishing, expanding or improving State veterans' cemeteries. Established in 1978, by Public Law 95-476, more than 70 grants totaling more than $33 million have been awarded to 17 States and the Territory of Guam.

When the grant program began in 1978, the $150 plot allowance was payable for any veteran interred in a State veterans cemetery. Congressional Action in 1990, Public Law 101-508, restricted payment of the $150 plot allowance to those receiving disability benedisability benefits and changed the interpretation of service qualifying for receipt of the plot allowance to States. The terms "current eligibility standards" equate to requiring wartime service or in receipt of disability benefits. Therefore, by statute, the States do not receive the $150 plot allowance for veterans having only peacetime service, even though peacetime veterans are eligible for burial in a national cemetery.

With the limitation on payment of the plot allowance, several States have indicated that they may begin to restrict burial in State veterans cemeteries to wartime veterans. Others have explored the option of charging a user fee for the burial of veterans not eligible to receive the current $150 plot allowance.

I believe the State Cemetery Grants Program is an effective complement to the National Cemetery System. I strongly support VA outreach efforts to increase States' participation in the grant program. Participation serves the burial needs of veterans and provides veterans cemeteries in areas not served by national cemeteries.

In recognition of the above, the bill would enhance the program by increasing the current Federal share from 50 to 65 percent of the total grant. This would concurrently reduce the States' share from 50 to 35 percent. The 65 to 35 ratio would also parallel the amount of aid available in VA's other State grant program—aid to States for State home facilities for furnishing domiciliary, nursing home, and hospital care.

In the 15 years since inception, it has been increasingly difficult for States to fund 50 percent of the cost of establishing veterans cemeteries. I understand that State legislatures have considered and rejected funding the program at a 50-50 share split. I hope by increasing the Federal share from 50 to 65 percent of the total cost that States will be more willing to fund the lesser 35 percent share.

Lastly, the bill would also extend authority for the State Cemetery Grants Program from September 30, 1994 to September 30, 1999.

Mr. Speaker, our Nation, indeed all freedom loving people, depend upon the strength and presence of our military forces to ensure the security, stability, and prosperity that we enjoy as Americans and which we hope to pass to future generations. The valiant men and women of our Armed Forces, those who currently serve and those who previously served, look to us to provide the opportunity for them to share the American ideal of home ownership, to help prevent the fear of loss of their homes, and to ensure the availability of a final resting place when their struggles end. This bill will accomplish these goals while actually saving the Government money, $2 million the first year and $14 million over 5 years. I urge you to join with me in favorable consideration of this measure.

□ 1340

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 949, the Veterans Home Loan Program and National Cemetery System Improvements Act of 1993. The bill will increase the Department of Veterans Affairs Home Loan Guaranty to bring the program in line with the existing marketplace.

The bill also provides for monetary assistance to veterans who have fallen behind in their mortgage payments, thereby giving the VA another tool to help veterans avoid foreclosures.

In addition, the bill extends the $150 plot allowance to States for any veteran interred in a State cemetery who is otherwise eligible for burial in a national cemetery. This will enhance the State Cemetery Grants Program.

Mr. Speaker, prior to enactment of the Budget Reconciliation Act of 1993, the Congressional Budget Office anticipated a direct annual cost of $5 million under this bill. As a result, however, of changes in the VA loan origination fee enacted under the reconciliation bill, CBO has revised its cost estimate and now reports reduced outlays of $2 million in 1994 and $3 million annually in 1995 through 1998.

I wish to commend the gentleman from Illinois [Mr. SANGMEISTER], chairman of the Subcommittee on Housing and Memorial Affairs, and the gentleman from Indiana [Mr. BURTON] the subcommittee's ranking member for their tireless work on this legislation.

Mr. Speaker, I also wish to thank the gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Veterans' Affairs Committee, for his timely action on this bill.

I recommend that H.R. 949 be passed. The mortgage assistance provided in this bill will add another option to the Department of Veterans Affairs overall array of mortgage assistance tools—and, the change in the mortgage guarantee will make the program more market responsive.

Mr. Speaker, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, when H.R. 949 was reported to the House on August 6, the Congressional Budget Office estimated that there would be direct spending costs of $5 million per year. I want to assure my colleagues that with the enactment of the Budget Reconciliation Act, CBO now advises the committee that the bill would actually reduce direct spending by $2 million in 1994 and by $3 million in 1995 and subsequent years.

I include the latest CBO cost estimate in the RECORD at this point, and I urge my colleagues to support the bill.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 31, 1993.

Hon. G.V. MONTGOMERY,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed revised cost estimate for H.R. 949, the Veterans Home Loan and State Veterans Cemetery Improvements Act of 1993, which reflects changes made by the enactment of Public Law 103-66, the Omnibus Budget Reconciliation Act of 1993. Prior to the enactment of P.L. 103-66, H.R. 949 was estimated to increase direct spending outlays by $5 million a year in 1994–1996 and by $6 million in 1998. As a result of certain reconciliation changes, we now expect H.R. 949 to reduce outlays by $2 million in 1994 and $3 million annually in 1995–1998.

The bill would still affect direct spending and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,
ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—AUGUST 31, 1993

1. Bill number: H.R. 949.

2. Bill title: Veterans Home Loan and State Veterans Cemetery Improvements Act of 1993.

3. Bill status: As ordered reported by the House Committee on Veterans' Affairs on July 27, 1993.

4. Bill purpose: To improve the Department of Veterans Affairs (VA) home loan guaranty program and for other purposes.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1994	1995	1996	1997	1998
Direct spending:					
Estimated budget authority	−2	−3	−3	−3	−3
Estimated outlays	−2	−3	−3	−3	−3
Authorization of appropriations:					
Estimated authorization of appropriations	1	6	7	7	8
Estimated outlays	0	0	1	2	4

Basis of estimate: The following section-by-section cost analysis addresses only those sections of the bill that could be expected to result in a significant budgetary impact.

Section 1. This section would increase the maximum amount of a guaranty under the VA home loan program from $46,000 to $50,750. Because most lenders will accept the VA guaranty in lieu of a down payment for mortgages with a principal of up to four times the guaranty amount, this change would enable veterans to obtain no-down-payment loans of up to $203,000.

[By fiscal years, in millions of dollars]

	1994	1995	1996	1997	1998
Estimated budget authority	−2	−3	−3	−3	−3
Estimated outlays	−2	−3	−3	−3	−3

Based on a distribution by loan value of loans closed in 1992, it was estimated that between 5,000–6,000 new loans would be made under the higher guaranty ceiling. The new loans were estimated to have an average principal of $193,000 in 1994, rising to $211,000 by 1998 and would be expected to have the same negative subsidy rate as loans guaranteed under current law. The anticipated negative subsidy rate for VA-guaranteed loans results from the fact that VA loan origination fees, recently increased by Public Law 103-66 (the Omnibus Budget Reconciliation Act of 1993), bring in an amount of income from a cohort of loans that is greater than the estimated cost of defaults from the cohort.

Section 2. This section would authorize VA to establish a program of special loans to assist veterans whose VA-guaranteed loans are in default in avoiding foreclosure. To be eligible for the program, a veteran would have to be at least six months delinquent on the payments on the guaranteed loan. The veteran would also have to have suffered a substantial reduction in income through lost employment or other cause beyond his control and be able to demonstrate a reasonable prospect of resuming payment on the guaranteed loan with six months of receiving an assistance loan. The maximum loan made under this program would be limited to $10,000 with a maximum term of 15 years. The assistance loans would not begin accruing interest until all payments on the guaranteed loan are current.

[By fiscal years, in millions of dollars]

	1994	1995	1996	1997	1998
Subsidy cost of new loans:					
Estimated Budget Authority	3	3	3	3	3
Estimated Outlays	3	3	3	3	3
Savings in default costs:					
Estimated Budget Authority	−4	−4	−4	−4	−4
Estimated Outlays	−4	−4	−4	−4	−4
Net impact:					
Estimated Budget Authority	−1	−1	−1	−1	−1
Estimated Outlays	−1	−1	−1	−1	−1

The VA currently has a program to assist veterans with VA-guaranteed loans at risk of foreclosure, under which VA buys the delinquent loan from the lender and restructures the loan or offers additional forbearance. Under the existing program, VA acquires about 1,000 loans a year. Because VA accepts so few veteran-borrowers for the existing program, it was assumed that only 500 borrowers would be selected for the new program. The $10,000 loan maximum was estimated to be needed to cover 8 delinquent payments and 6 future payments on the average VA loan. All assistance loans were assumed to be made for the maximum allowable term of 15 years at the current VA interest rate of 7 percent.

The existing loan acquisition program has a default rate of around 50 percent. Because the new program would have somewhat less stringent qualification standards, it was assumed that 60 percent of the assisted borrowers would eventually default on both loans. This would result in a subsidy rate of approximately 55 percent. The assistance loans that do not default would prevent the foreclosure of the guaranteed loans with which they are associated, thereby reducing the default costs of guaranteed loans. These savings would more than offset the cost of the assistance loans.

Section 5. Under current law, VA will pay a burial plot allowance to the survivors of a veteran if the veteran is a recipient of compensation or pension benefits at the time of death. Section 5 would provide for a plot allowance to be paid on behalf of any veteran who is buried in a state veterans' cemetery, regardless of whether the veteran was receiving compensation or pension. In this instance, however, the plot allowance would be paid to the state cemetery.

[By fiscal years, in millions of dollars]

	1994	1995	1996	1997	1998
Estimated budget authority	1	1	1	1	1
Estimated outlays	1	1	1	1	1

Based on VA data regarding the number of burials of veterans in state veterans' cemeteries and the number of plot allowances paid on their behalf, it is estimated that plot allowances would be paid for an additional 5,000 veteran deaths per year under this proposal.

Section 6. This section would increase the maximum grant for VA's State Cemetery Grants program from 50 percent of the cost of establishing or improving a state veterans' cemetery to 65 percent.

[By fiscal years, in millions of dollars]

	1994	1995	1996	1997	1998
Estimated authorization of appropriations	1	1	1	1	2
Estimated outlays	0	(1)	(1)	1	1

[1] Less than $500,000.

This estimate assumes that appropriations would be made available to finance the increase in the federal share without a reduction in the number of grants made. It was also assumed that the number of grants would not rise under the proposal, despite the increased attractiveness of the 65 percent federal share, because of the budget difficulties currently faced by most state governments.

Section 7. This section would authorize VA to make grants to states for the establishment or improvement of state veterans' cemeteries for 1995–1999; the current authorization expires in 1994.

[By fiscal years, in millions of dollars]

	1994	1995	1996	1997	1998
Estimated authorization of appropriations	0	5	6	6	6
Estimated outlays	0	0	1	1	3

The 1993 appropriation for this account was $5,104,000. This amount was increased for inflation to estimate the authorization level for 1995–1998. Outlays were estimated according to historical spending patterns for this account.

6. Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. The spending increases that would result from H.R. 949 would have the following pay-as-you-go impact:

[By fiscal years, in millions of dollars]

	1994	1995	1996	1997	1998
Change in outlays	−2	−3	−3	−3	−3
Change in receipts	(1)	(1)	(1)	(1)	(1)

[1] Not applicable.

7. Estimated cost to state and local governments: Sections 5, 6, and 7, would affect the budgets of those states currently operating veterans' cemeteries or planning to establish a veterans' cemetery. In all three cases, the increase in federal spending could result in a corresponding reduction in state costs. The participation of a state in the cemetery program is completely voluntary.

8. Estimate comparison: None.

9. Previous CBO estimate: On August 3, 1993, CBO submitted a cost estimate of H.R. 949, as ordered reported by the House Committee on Veterans' Affairs, which reflected a net increase in direct spending budget authority and outlays of $5 million annually in 1994–1997 and $6 million in 1998. This cost was attributed to the increase in the maximum loan guaranty level contained in section 1.

Since that time, the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66) was enacted. P.L. 103-66 included provisions to increase VA loan origination fees and to extend certain requirements for the disposition of defaulted loans. These changes are estimated to reduce net program costs to the point that the subsidy on VA-guaranteed loans will be negative. With a negative subsidy, the additional loans that would be made under the higher guaranty ceiling provided by section 1 of this bill, would reduce rather than increase direct spending. This result is reflected in the current estimate of section 1.

10. Estimate prepared by: K.W. Shepherd and Mary Helen Petrus.

11. Estimate approved by: C.G. Nuckols, Assistance Director for Budget Analysis.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 949, the Veterans' Home Loan and State Veterans' Cemetery Improvements Act of 1993. I want to commend the distinguished chairman, the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Illinois [Mr. SANGMEISTER] and the ranking minority member for bringing this measure to the floor at this time.

Mr. Speaker, I am pleased to rise in support of H.R. 949, the Veterans' Home Loan and State Veterans' Cemetery Improvements Act of 1993. I commend my colleague, the gentleman from Illinois [Mr. SANGMEISTER], for introducing this worthy legislation and, I praise the commitment that our Veterans' Affairs Committee has shown to the issues that affect our Nation's service men and women. Under the effective leadership of the ranking member, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member, the gentleman from Arizona [Mr. STUMP], the 103d Congress has approved a number of significant legislative initiatives that will positively benefit our Nation's veterans, and their families.

The purpose of H.R. 949, is twofold. First, this measure will increase the veterans home loan guaranty from $46,000 to $50,750 per loan. In today's tough economic climate, I am pleased that the VA will be authorized to continue to provide financial assistance to those veterans who are in need. Many veterans from my congressional district often remind me of the benefits of a VA home loan. It is gratifying that this program will be expanded to be of help to many more deserving families. Moreover, this measure protects our veterans from foreclosure by providing up to $10,000 in order to avoid foreclosure of home loans guaranteed by the Department of Veterans' Affairs.

Second, H.R. 949, will correct, what I have long believed to be an inequity in the current law. I have long endeavored to improve veterans' burial allowances. And, I am pleased that H.R. 949, will allow all veterans to be considered eligible for the $150 burial plot allowance. Currently, this allowance is provided only to veterans who were recipients of compensation or pension benefits at the time of their death. I am pleased that this measure will expand burial benefits to all veterans, who have given so much to our country. They deserve this final show of respect.

Accordingly, I encourage my colleagues to continue to enhance the lives of our Nation's veterans and to support H.R. 949.

Mr. CASTLE. Mr. Speaker, I want to express my support for H.R. 949, the Veterans Home Loan and State Veterans Cemetery Act of 1993. This legislation will improve the VA Home Loan Guarantee Program; provide burial allowances for all veterans buried in State cemeteries; and, strengthen the State Cemetery Grant Program. I congratulate Chairman MONTGOMERY and the members of the Veterans Affairs Committee for their efforts on behalf of our veterans.

I am especially pleased that the bill addresses the burial plot allowance. This issue is of particular concern to veterans in Delaware. The Delaware Commission of Veterans Affairs has actively promoted the removal of the limitations for payment of the $150 burial plot/interment allowance. This payment helps offset the costs of the burial of veterans in State veterans cemeteries. H.R. 949 will authorize the payment of the $150 plot allowance to the State for any veteran interred in a State veterans cemetery, who otherwise is eligible for burial in a national cemetery.

I support this improvement to the plot allowance program. In addition, I appreciate the assurances my office has received from the committee that any questions regarding the text of the bill on this issue will be fully clarified to ensure that the plot allowance is provided to all veterans.

I applaud the committee for its work on these issues, and I urge passage of H.R. 949.

Mr. BURTON of Indiana. Mr. Speaker, H.R. 949 authorizes monetary assistance by the Department of Veterans Affairs to veterans who have been unemployed, and as a result have fallen behind in their mortgage payments. This loan or series of loans may not exceed $10,000, however, the VA will not provide assistance in a case where the veteran has no reasonable prospect of repaying the loan. Simply stated, this provision gives the VA one more tool with which it can help the veteran own a home.

H.R. 949 also enhances the State Cemetery Grants Program by authorizing the payment of the $150 plot allowance to States for any veteran interred in a State veterans cemetery, who otherwise is eligible for burial in a national cemetery.

Finally, H.R. 949 will also increase the VA loan guaranty from $46,000 to $50,750 which increases the no down payment VA home limits from $184,000 to $203,000. This change responds to the recent announcement by Fannie Mae and Freddie Mac that they would repurchase loans up to $203,150.

I believe that H.R. 949 reaffirms this Government's commitment to our Nation's veterans and deserves the support of the entire U.S. Congress.

Mr. BISHOP. Mr. Speaker, I rise today to urge my colleagues on both sides of this Chamber to do what is right for our veterans. We must support H.R. 949, which addresses two very important issues concerning guaranty loans and burial of veterans. H.R. 949 increases the no-downpayment limit on VA guaranteed loans for the purchase of homes, and expands eligibility for $150 plot allowance payable to states for certain veterans buried in a national cemetery.

As a cosponsor of this very important measure, I point out that increasing the guaranty loan will keep the VA up to date on market changes by increasing the no-downpayment limit from $184,000 to $203,000. Currently, Fannie Mae and Freddie Mac now purchase loans up to $203,150 on the secondary market. Increasing the loan guaranty will give our veterans a fair shake when they are buying a home.

For the fiscal year 1992, 82.6 percent of all VA purchase loans were obtained through no downpayment. Only 2 percent of the loans guaranteed in fiscal year 1992 were in amounts over $180,000. It is only right that we help our veterans, who have fought long and hard to defend this country, to purchase a home in the very Nation to which they have devoted their lives.

Let us not forget, however, their burial. H.R. 949 not only addresses a $150 plot allowance payable to States for veterans interred in State veterans cemeteries, but it also increases the Federal/State share to a 65/35 percent split in expanding existing or establishing new State veterans cemeteries. This bill is not only right, but is it practical. H.R. 949 will save $2 million in fiscal year 1994 and $14 million over a 5-year period. I urge you to do what is right. Vote for H.R. 949.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 949, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to improve the veterans' home loan guaranty program and the State cemetery grants program, and for other purposes.".

A motion to reconsider was laid on the table.

HATE CRIMES SENTENCING ENHANCEMENT ACT OF 1993

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1152) to direct the United States Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes as amended.

The Clerk read as follows:

H.R. 1152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hate Crimes Sentencing Enhancement Act of 1993".

SEC. 2. DIRECTION TO COMMISSION.

(a) IN GENERAL.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall assure reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions.

(b) DEFINITION.—As used in this Act, the term "hate crime" is a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property which is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1152, the Hate Crimes Sentencing Enhancement Act of 1993.

H.R. 1152 directs the U.S. Sentencing Commission to adopt sentencing guidelines to increase, by three offense levels, the sentence received for an offense that is determined beyond a reasonable doubt to be a hate crime by the finder of fact at trial. As used in this legislation, the term "hate crime" is defined as "a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property which is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person."

Under H.R. 1152, any such Federal crime would receive an enhanced sentence of at least three offense levels under the sentencing guidelines applied by the court.

Mr. Speaker, only this year the Supreme Court in Wisconsin versus Mitchell upheld the constitutionality of laws providing enhanced sentences for criminals who commit hate crimes, as determined beyond a reasonable doubt by the finder of fact at trial. H.R. 1152 is similar to the Wisconsin statute at issue in the Mitchell case. Similar legislation passed the House of Representatives by voice vote on October 3, 1992, but died in the Senate during the closing hours of the 102d Congress.

It is important to note that the Anti-Defamation League, of B'nai B'rith, found that in 1991 there were 1,879 accusations or incidents of hate crime based on religious, ethnic, or gender discrimination of some sort—a record number of incidents. Those incidents declined to the second highest number ever recorded of 1,730 in 1992. Now, I think we ought to do something about that, and that is why I brought this bill to the floor today.

I compliment the Crime Subcommittee chairman, Mr. SCHUMER, for his leadership in introducing this legislation and vigorously moving and improving the bill before us.

I urge all my colleagues to cast their vote in favor of this important measure.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me make this perfectly clear. This bill does not create a new Federal crime. Nothing that is presently not criminal now would be made criminal as a result of enactment of H.R. 1152. What enactment of H.R. 1152 will do is provide for enhanced criminal penalties for certain specifically designated hate crimes.

The bill provides for enhanced penalties of not less than offense levels under the sentencing guidelines for offenses that are hate crimes. As used in the bill, the term hate crime is defined as a Federal crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property which is the object of the crime because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of the person.

Earlier this year the U.S. Supreme Court unanimously upheld the constitutionality of a similar Wisconsin hate crime sentencing enhancement law in the case of Wisconsin versus Mitchell, No. 92–515, decided June 11, 1993.

H.R. 1152 was amended in committee to make it more similar to the Wisconsin law.

In the 101st Congress the Hate Crime Sentencing Act was enacted, Public Law 101–275. That law provides for the acquisition and publication of data about crimes that manifest prejudice based upon certain group characteristics.

In short, the act requires the Attorney General to acquire data for the calendar year 1990 and for each of the 4 succeeding calendar years about crimes that manifest evidence of prejudice based upon race, religion, sexual orientation, or ethnicity.

Educating the public and training law enforcement personnel to ask the right question were recurring themes in the testimony on a similar hate crimes bill, H.R. 4797, before the Judiciary Committee during the 102d Congress. Testimony brought out the fact that we must educate our youth and others; for example, what a swastika represents and what escalating and long-term hate crimes can bring.

Testimony also brought out how law enforcement must be trained to ask the right question and otherwise how to proceed when investigating whether a crime is in fact a hate crime. Such training could be especially important in smaller communities, many of which are unaware of the hate crimes law and the distinction between crimes motivated by hate and other crimes, simply because hate crimes have not occurred in those smaller communities.

In response to such a concern, the FBI as a part of the Hate Crimes Statistics Act has begun training law enforcement in this respect.

We as supporters of this legislation before the House today note the damage inflicted by hate crimes. Hate crimes are more serious offenses and often result in a greater level of injury to the victim and to society.

□ 1350

The committee report on H.R. 4797, House Report 102-981, notes that:

> These crimes are not ordinary crimes of violence or destruction of property. Crimes of hate transcend their immediate victims and cast a shadow of fear and terror throughout entire communities.

As Peg Rivera, a witness at the subcommittee hearing on May 11, 1992, stated:

> We are not talking about the obvious physical damage inflicted during a hate motivated attack. We are referring to the fear, the terror, that one experiences when faced with a passionate rejection because of what one is. An absolute stranger looks at you and hates you.

Additionally, Mr. Speaker, Bruce Fein, a witness at the subcommittee's July 29, 1992, hearing on H.R. 4797 observed that:

> Certainly the rioting in the aftermath of the acquittals in the trial of the officers accused of beating Rodney King indicate that there is a socially incendiary or nitroglycerine quality that is generated by crimes that are motivated by bigotry.

While Mr. Fein's analogy may or may not be imperfect, the picture he paints is instructive.

Mr. Speaker, this bill will provide a deterrent to people who commit hate crimes which can very easily escalate into mass destruction and hurting of a lot of people, and I would urge the House to approve it today.

Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. SENSENBRENNER] for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 1152, the Hate Crime Sentencing Enhancement Act. As a former career prosecutor, but also as a defense attorney, I can say it has been a long part of our criminal justice system that there are aggravating and mitigating circumstances that can be considered for the purpose of a sentencing after a due process conviction, and I believe that motivation has been, and can be, an appropriate part of those circumstances; in this case, of course an aggravating circumstance.

A rock through somebody's window at home as an act of wanton vandalism is troubling enough. It is a crime, it causes costs, it causes irritation, and it causes injury to the owners of that house. But a rock through a window with a note tied to it that says, "We don't want your kind of people living in this neighborhood," changes the whole character of that offense, even though physically speaking it is the same offense. But to indicate that the motivation for such an attack is the result of hate and bigotry creates an additional sense of apprehension upon the victims and additional damage to the entire community.

For that reason, Mr. Speaker, I am very pleased that we are considering this bill today, and I urge its passage.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER], chairman of the Subcommittee on Crime and Criminal Justice.

Mr. SCHUMER. Mr. Speaker, I would first like to thank and commend Chairman BROOKS for his steadfast support in bringing this important bill to the floor today. I would also like to thank DON EDWARDS for his substantial contributions to this bill. And I would like to thank my colleagues on the other side of the aisle, JIM SENSENBRENNER, STEVE SCHIFF, and HENRY HYDE, for their support and assistance. This is truly a bipartisan effort.

I introduced H.R. 1152 earlier this year in response to an epidemic of hate crime which is spreading at an alarming rate throughout this country. This bill is similar to one I introduced last year, which passed the House of Representatives, by voice vote. It failed to pass the Senate only because of a last minute hold by one Senator in the closing hours of the 102d Congress.

Hate crimes strike at the very heart of the American identity. When a swastika is smeared on a synagogue wall, or a cross is burned on the lawn of a black family, that act is not only aimed at a single person or edifice, but also at the hearts of millions of others. Hate crimes take aim at the cherished American notion that we can all live together harmoniously.

In May of last year, the Subcommittee on Crime and Criminal Justice held a hearing at which we learned of the devastating impact hate crime is having in communities across the Nation.

The statistics confirm what we learned in that hearing. According to the Anti-Defamation League of B'nai B'rith, the number of anti-Semitic acts committed in this Nation in 1992 was the second highest total ever reported since such records have been kept. The National Gay and Lesbian Task Force Policy Institute reported that antigay assaults in our major cities increased by another 4 percent in 1992. Asian-Americans have noted a dramatic increase in anti-Asian violence as Japan-bashing has become common. Other minorities report similar, demoralizing increases.

This legislation would direct the U.S. Sentencing Commission to establish guidelines to increase the sentence for the commission of any Federal crime where the perpetrator intentionally selected a victim because of race, color, religion, national origin, ethnicity, gender, or sexual orientation. This act would result in an average increase of one-third real time served.

There is no doubt as to the constitutionality of this bill. Earlier this year, the Supreme Court unanimously held that laws providing stiffer sentences for criminals who commit hate crimes are constitutional. The Court sent a clear message that when bigoted thought turns into criminal action, the Constitution is no refuge.

In Wisconsin versus Mitchell, the Court upheld a Wisconsin hate crime sentencing enhancement statute that is similar to this bill, as well as to other similar statutes already on the books in more than half the States. The decision swept away any suggestion that such laws violate the first amendment and made clear that Government is empowered to protect its citizens from the menace of hate crime.

I have worked very closely with my colleague, DON EDWARDS, to ensure that the bill effectively punishes hate crime while guaranteeing that proper procedural protections will safeguard the constitutional rights of our citizens. I commend him and his staff for their very positive contributions to this legislation. I know he wanted to speak on behalf of the bill today, but a family emergency has kept him from being here. However, he has given me this written statement, and I include it for the RECORD.

In closing, Mr. Speaker, I would like to say that the Hate Crimes Sentencing Enhancement Act is a good idea whose time has come. I urge each of my colleagues to support the bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, H.R. 1152, the Hate Crimes Sentencing Enhancement Act, is needed legislation. Hatred, whether spurred by considerations of race or ethnicity or religion, has played a role in this century so vivid that justice cries out for such a bill. I commend my friends CHARLES SCHUMER, JIM SENSENBRENNER, JACK BROOKS, and HAMILTON FISH for making this vote possible.

The bill directs the U.S. Sentencing Commission to provide sentencing enhancements for offenses found to be hate crimes. The definition of hate crime "is a crime in which the defendant intentionally selects a victim * * * because of the actual or perceived race, color, religion, national origin, ethnicity, gender or sexual orientation of any person." This language was added by way of an amendment I offered during the bill's consideration in the House Judiciary Committee. I was concerned that the bill's original language might be open to constitutional challenge as being too vague and punishing abstract thought as opposed to conduct. I chose the words of my amendment to parallel as much as possible language in the Wisconsin penalty enhancement statute found by the Supreme Court to be constitutional in Wisconsin versus Mitchell.

I should address the concern that my language would make all rapes hate crimes since most rape victims are obviously chosen, at least in part, because of their gender.

The bill explicitly states that in developing penalty enhancements, the U.S. Sentencing Commission shall "avoid duplicative punishments for substantially the same offense[.]" Rape is a particularly heinous crime and is rightly treated as such in the United States Code. But the treatment of rape in and of itself, with no other indicia of the defendent's animus toward the victim's gender, subject to penalty enhancement for being a hate crime would duplicate punishment and is rejected by the bill.

Mr. Speaker, I urge all Members to support this most worthy bill.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT. Mr. Speaker, I realize it's a little out of character, but I rise today in opposition to H.R. 1152, the Hate Crimes Sentencing Enhancement Act of 1993. While I hesitate to oppose a bill that the chairman and most of the Democratic members of the Judiciary Committee support, I am compelled to oppose it nonetheless because of an obligation I feel to ensuring that our criminal justice system treats all who enter it fairly. My 22 years of experience as a practicing attorney, some of which were spent representing criminal defendants, lead me to believe that this bill will hinder, rather than help, us in dispensing justice. If H.R. 1152 becomes law, problems of proof in criminal cases, which are already enormous, will become impossible. The focus of prosecutions will shift from proving facts to delving into emotions and motivations. We will start requiring juries to determine what motivated the defendant's conduct instead of focusing on the factual issue of whether particular conduct was committed. In short, H.R. 1152 would be adding a new, dangerous and virtually impossible responsibility to the criminal justice system. While I know the intention of this bill is primarily to protect racial and religious minorities, the bill's impact is likely to fall hardest on the very people it is intended to help. In fact, a similar law in my home State of North Carolina has been used against black defendants in three of the five cases it was applied in North Carolina. Don't get me wrong, I'm not against prosecuting a guilty party whether that party is black or white. But it is well known that disproportionate numbers of minorities enter the criminal justice system. For example, African-Americans are four times as likely to be arrested on drug charges as white people despite the fact that reliable data indicates that 75 percent of drug use in this country is by whites. While blacks represent only about 12 percent of the overall U.S. population, they make up about 33 percent of the Federal prison population and 46 percent of the State prison population.

This disproportionate representation occurs not only because of guilt or innocence. It occurs because of social and economic factors and also, whether we like to admit it or not, because of the racism that still exists in our society. Whether we like to admit it or not, our society is race conscious. We tend to express things in racial terms when we're emotional. I think it's a bad idea to make it possible to prosecute someone for a hate crime and prolong criminal trials and increase the burden on prisons every time a racial remark or epithet is uttered in the course of a fight. It's the assault which ought to be punished, not the emotional state of the person charged.

While this law is intended to be color blind, based on my experience, I'm sure that its implementation will not be. We'll be back here in 3 to 5 years, lamenting that we need to revise this bill because we will have found that it is being used more often than not against the very people it was intended to benefit.

I am further concerned that H.R. 1152 becomes law, prosecutors will use it as another bargaining chip in pressuring defendants, especially black defendants, to plead guilty. While there can be no question that people who commit criminal acts of violence against anyone should be punished, this bill would allow a prosecutor to have additional leverage over a defendant by raising the possibility of using bias to prove criminal wrongdoing. Thus, there is a danger that overzealous prosecutors might persuade defendants to plead guilty based upon things which may not even be related to the crime they are being accused of.

Mr. Speaker, the criminal justice system in this country was intended to judge those accused of crimes objectively and unemotionally. But this bill asks the criminal justice system to take emotion into account in determining guilt or innocence. Hate crimes involve issues which are inherently emotional. The issues of race, color, religion, and sexual orientation are surrounded by intense, often subjective emotions in this country; using them as criteria by which to judge criminal guilt will only confuse and skew the administration of justice here. I ask my colleagues to join with me in voting against this well-intentioned but misguided bill. I'm not concerned about its constitutionality. I just think it's a bad idea.

□ 1400

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of this worthy measure.

Mr. Speaker, it is my honor to rise in support of H.R. 1152, the Hate Crimes Sentencing Enhancing Act. I commend the gentleman from New Mexico [Mr. SCHIFF], and the gentleman from New York [Mr. SCHUMER] for introducing this worthy legislation. And, I praise the commitment that our Judiciary Committee has shown to the issues that affect our Nation. Under the effective leadership of the ranking member, the gentleman from Texas [Mr. BROOKS], and the ranking minority member, the gentleman from New York [Mr. FISH], the 103d Congress has approved a number of significant legislative initiatives that will positively benefit our Nation.

With the passage of the Hate Crimes Sentencing Enhancement Act, the House of Representatives is affirming that as a Nation, we, will not tolerate the actions of those who commit acts of violence based on race, color religion, national origin, ethnicity, general or sexual orientation.

By directing the U.S. Sentencing Commission to develop guidelines for Federal criminal cases that are found to be motivated by hatred, H.R. 1152 sends a clear signal to such offenders.

As the Supreme Court demonstrated in the case of Wisconsin versus Mitchell—motivation is one of several factors that may be considered when determining a sentence. In this decision, the court further stated that the enactment of laws, that impose tough penalties on crimes that are motivated by prejudice, do not violate an offender's freedom of speech. With this ruling, the Supreme Court has upheld the basic principle of H.R. 1152—those convicted of hate crimes must be held responsible for their actions.

I am proud to stand before the House of Representatives in support of this legislation. While I do not believe that racism, antisemitism, and intolerance will be abolished with the passage of H.R. 1152, I do believe that this measure provides our legal system with much needed support in that direction.

More importantly, I am hopeful that as a result of today's debate, as a Nation, we will learn. We will learn tolerance and acceptance. And, most importantly, I believe we will learn to respect all mankind.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this bill is designed to avoid hate crimes. Not only do these kinds of crimes terrorize neighborhoods but they also significantly damage race relations in a community.

This bill is narrowly drawn to avoid imposing on speech, and it will go a long way toward improving race relations in America.

Mr. Speaker, this bill has been reviewed. It is very closely drawn, and it takes into consideration the Supreme Court decisions and will impose appropriate punishment on those who intentionally select a victim because of race, color, gender, or other factors.

Mr. Speaker, I hope it will be the pleasure of the House to pass the bill.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise today in support of the Hate Crimes Sentencing Enhancement Act of 1993, which, as has been stated, will increase the penalties for crimes directed against individuals by reason of their race, religion, sex, nationality, or sexual orientation.

This legislation demonstrates our society's rightful abhorrence against these despicable and cowardly crimes.

Mr. Speaker, there ought to be an extra penalty for hate crimes because the hate crime not only victimizes the individual by reason of the violence directed against him or her but victimizes society and victimizes the individual further by sending a message that because of the person's race, religion, creed, sexual orientation, or whatever, that person is not free to walk the streets, earn a living, or enjoy the fundamental rights of all American citizens. That is its purpose.

I have heard objections that this bill somehow violates the first amendment, that it makes it a thought crime. That is not true. The fact is that many of our laws, of course, contain elements of intent, of mens rea. Most criminal laws do. This intent would have to be proven, and, if proven, it constitutes an element of the offense as mens rea or intent does in many other crimes.

If we as a nation truly value freedom and human dignity, we must act today against hate crimes. There can be no place in America for intolerance and hatred. Even today people from around the world look to us as a beacon of freedom, for that is our heritage, but our tradition of tolerance is threatened by the thugs who are responsible for the rising tide of hate crimes in this country.

We must act now. The Supreme Court has ruled that similar legislation in several States meets constitutional muster.

Mr. Speaker, I commend the gentleman from New York for introducing the bill, I commend the committee and the committee chairman for reporting it, and I urge my colleagues in the House to vote for this bill to send a message and create a reality that there will be fewer hate crimes in the United States.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I rise in strong support of H.R. 1152.

This bill should be supported for many reasons, one of which is its powerful potential for education. It is important that it be understood that in our democratic society we do consider it a more serious crime if one commits a crime on the basis of some hatred, racial, ethnic, sexual orientation, or otherwise.

It also should be supported because of its powerful impact in terms of deterrence. Criminals who commit hate crimes think first. These are premeditated crimes. There is nothing that is accidental. It is not by emotion; it is always a premeditated crime against a person or against property.

It also is important because the victims of hate crimes are usually innocent people who have no defense. They cannot protect themselves, they cannot anticipate. Hate-crime criminals are different from other criminals. They come in all forms. One cannot distinguish them. They strike at any particular time; they strike at any particular place. One cannot tell them from ordinary citizens.

So hate crimes need to have special attention. Every schoolchild in a civics class or a social studies class needs to know that the U.S. Congress has passed a bill which raises any offense which has a motivation of hate three severity levels at least, that we consider it a more severe crime, that we consider it something that is more repugnant, and that our country and our national purpose militate against it.

Mr. Speaker, that message needs to be sent, and this bill sends that message to all. It can deter, it can educate, and most of all, it can help protect all the innocent victims out there who have no defense against hate crimes.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I rise in support of H.R. 1152, legislation directing the U.S. Sentencing Commission to adopt guidelines to increase the sentence for a Federal offense that was a hate crime.

We are all disturbed by the number of crimes committed in this country that are motivated by the victim's race, color, religion, or national origin. Such acts simply have no place in a civilized society, and defendants found guilty of committing a hate crime should face a stiffer sentence as a result.

A particularly heinous racially motivated hate crime occurred in my own congressional district, a crime that resulted in the death of the victim, Donald Thomas of Arlington, TX. The three defendants, all avowed white supremacists, admitted that they selected their victim solely because he was black.

The Justice Department is currently reviewing this case to determine whether any Federal statutes have been violated. Federal charges may yet be brought against the defendants once the State prosecution has been concluded.

Mr. Speaker, this is one example where, if a Federal offense is found, longer sentences could be imposed. I believe that it is appropriate and necessary for us to strengthen the sentences for hate crimes. I support this legislation, and commend my colleague from new York, Mr. SCHUMER, for his leadership.

□ 1410

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Speaker, I rise today in strong support of the Hate Crimes Sentencing Enhancement Act which has been so strongly championed by many in this House.

Mr. Speaker, many of the neighborhoods and communities of our country are facing increasing levels of violent crime. No one doubts that we need to protect all people.

Yet there is a particular motivation for crime that should give all of us pause. That is the motivation of hate, not for any personal reason, but based on a victim's race, gender, ethnicity, or religion. Crimes which target victims on this basis attack the very nature of our society, and the hopes of our Founders to build an American identity out of the diverse origins and beliefs of the many people who call America home.

Many of us treasure our distinctive heritage, and we are taught to tolerate the distinct heritage of others. But we cannot tolerate it when independent thought becomes the motivation for hate crime, when people are beaten for their race, when their property is destroyed because of their beliefs, when they are attacked because of their gender, or when they cannot walk the streets because of their sexual orientation.

Our democracy works because we protect the views of the minority. Our democracy cannot survive if those who differ from the majority can be attacked in the street. We must act to end hate crime, and I think this bill is a giant step in the right direction.

Mr. EDWARDS of California. Mr. Speaker, I rise today in support of H.R. 1152, the Hate Crimes Sentencing Act. I wish to thank the distinguished chairman of the Judiciary Committee for bringing this measure to the floor. I also want to commend the chairman of the Subcommittee on Crime and Criminal Justice, Mr. SCHUMER, for his work on this bill, and his cooperation in resolving some of the issues that concerned me.

Mr. Speaker, almost daily, the headlines remind us that our country, made up of diverse cultures, is becoming increasingly intolerant. Crime victims now are often chosen solely because of their race, religion, gender, national origin, or sexual orientation. While all crimes are an offense to society, hate crimes are especially damaging because they convey a message of fear to entire communities.

Several States have already taken the lead in condemning this particularly destructive type of crime by enacting hate crimes statutes. The Supreme Court has upheld the constitutionality of these statutes, clearing the way for enactment of a Federal hate crimes measure.

H.R. 1152 is a measured approach to punishing the perpetrators of hate crimes. The bill preserves the constitutional protections of due process and freedom of speech by requiring the prosecution to prove at trial and beyond a reasonable doubt that the offense is in fact a hate crime. This requirement will help ensure that only conduct directly related to a particular act, and not simply hateful thought, is punished. Proving the hate element at trial also allows the defendant to benefit from the rules of evidence by cross-examining witnesses and excluding illegally seized evidence.

Mr. Speaker, hatred is a thought which has always been protected by the Constitution. However, when that thought is translated into action in the form of a hate crime, the Government has an obligation to punish that behavior. By passing H.R. 1152, we will send the message that intolerance has no place in our society and there will be punishment for those who violate that ethic. I urge my colleagues to vote for the bill.

Mr. BROOKS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 1152, a amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDING OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 TO ALLOW FORMULA GRANTS IN CERTAIN CASES

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1385) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow formula grants to be used to prosecute persons driving while intoxicated.

The Clerk read as follows:

H.R. 1385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT PROGRAM DESCRIPTION.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking the period at the end of paragraph (21) and adding "; and"; and

(2) by adding at the end the following:

"(22) programs for the prosecution of driving while intoxicated and the enforcement of other laws relating to alcohol use and the operation of motor vehicles.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1385, which would amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow Federal grant moneys to be used to prosecute persons driving while intoxicated, as well as to enforce other laws relating to alcohol use and the operation of motor vehicles. The legislation is important because it adds a new purpose for which formula grants can be used by the States.

Mr. Speaker, title I of the Omnibus Crime Control and Safe Streets Act of 1968, provides two types of Federal grants to the States for use in law enforcement: First, formula grants which go directly to each State and which presently specify 21 purposes for which the funds may be used; and second, discretionary grants which the Bureau of Justice Assistance uses in making grants for those purposes it deems useful. Now, thanks to H.R. 1385, a new, important purpose will be added.

I want to compliment the gentleman from New York [Mr. SCHUMER], who chairs the Judiciary Committee's Subcommittee on Crime and Criminal Justice. I also compliment the gentleman from New Mexico [Mr. SCHIFF] for introducing this bill and being such an ardent supporter in its behalf.

H.R. 1385 is an important piece of legislation, and I urge the Members to cast their votes in support of it.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset, let me also add my words of praise to the gentleman from New Mexico [Mr. SCHIFF], who indeed has been the driving force behind this legislation.

Mr. Speaker, 25 years ago as a member of the Wisconsin State Assembly I was a cosponsor of my State's first implied consent law which was designed to give prosecutors and law enforcement the tools to convict people who were driving while intoxicated on Wisconsin roads.

Mr. Speaker, drunk driving continues to be America's most critical highway safety problem. In 1991, the proportion of alcohol-related deaths to the total of all car crash fatalities was 48 percent—the lowest it has been in ten years—but not low enough. Over 1 million constituents yearly are motor vehicle crash victims, including more than 17,000 dead each year. According to one hearing witness, in 1992 about 355,000 people were injured in crashes where alcohol was present. Added to this tragedy is the economic cost which includes costing employers 15 million days of lost time and $46 billion annually. The real problem with DWI is caused by repeat offenders and drivers with high blood alcohol contents or levels. I think we all know that.

Mr. Speaker, this uncontroversial DWI bill was the subject of recent subcommittee hearings and can be easily summarized. H.R. 1385 amends the Omnibus Crime Control and Safe Streets Act by adding a 22d category of initiatives toward which States may apply for Bureau of Justice Assistance Byrne program formula grant money. This bill will allow States to fund programs for the prosecution of driving while intoxicated [DWI] and the enforcement of other laws relating to alcohol use and the operation of motor vehicles. This bill does not authorize any new spending, but simply broadens the choices now given to the States on spending existing Federal criminal justice assistance to include DWI. The bill is purposely silent on how each State should use the grant moneys, since each State may require funds for different operations involved with combating DWI.

The subcommittee hearing was uncontroversial with respect to H.R. 1385: All witnesses testified in support of H.R. 1385's block grants. On July 28, 1993, the Subcommittee on Crime and Criminal Justice favorably reported H.R. 1385 by unanimous voice vote and without amendment. On September 14, 1993, the full Committee on the Judiciary ordered H.R. 1385 favorably reported to the House.

H.R. 1385 is also consistent with principles of federalism. While fighting DWI is primarily a State and local law enforcement issue, this proposal will give them better tools and equipment to prevent and otherwise address this vexatious problem. Congress is placed in a supporting role, and this bill enhances that supporting role.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding. I would also like to thank the gentleman from Texas [Mr. BROOKS], and the ranking member of the Committee on the Judiciary, the gentleman from New York [Mr. FISH], for bringing this bill to the floor. I also want to thank the gentleman from New York [Mr. SCHUMER] and the gentleman from Wisconsin [Mr. SENSENBRENNER], the subcommittee chairman and ranking member, for their support in the subcommittee and in the full committee on this bill.

Mr. Speaker, the carnage that is caused by drunk drivers is all too well-known in our society. I personally believe that more American citizens die as a result of the actions of drunk drivers than from the perpetrators of other types of homicide, even though those other types of homicide tend to get more publicity.

Because of the serious impact and death and injury and property damage caused by drunk drivers, the gentleman from New York [Mr. SCHUMER] and the ranking member, the gentleman from Wisconsin [Mr. SENSENBRENNER], held a hearing on DWI and what should be done about it.

Mr. Speaker, I have to say there was some controversy during the hearing. There was no controversy about fighting drunk driving. Everyone is in agreement about that. There is, however, some legitimate disagreement as to what are the most effective measures that can be taken to stop drunk driving. There is further legitimate disagreement as to what is the Federal role versus the State and local government role.

However, during the hearings there was unanimous agreement by all of the witnesses, regardless of their position on any other issue, that H.R. 1385 would be a useful addition to the law. It allows the States and local governments to use their share of current Federal grant funds to help fight and prosecute drunk driving, if they choose to do so.

Mr. Speaker, it is my belief that when drunk driving and the death and injury and property damage it causes are given to the States as a choice upon which they can choose to spend Federal grant funds, that it will be used in every opportunity that they have that option.

□ 1420

This bill will give them that option. It will not, however, compel them to do anything.

Again, I appreciate the support of my colleagues, and I urge passage of this bill.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the subcommittee, the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, again, I thank the gentleman from Texas [Mr. BROOKS] for bringing the bill to the floor and certainly want to commend my colleague, the gentleman from New Mexico [Mr. SCHIFF] for his longstanding efforts to move this bill. I know that the issue of drunken driving is a big problem throughout America particularly in New Mexico. I think there is no one in the Congress who has done more to try and bring this issue to the attention of the public, as well as proposing decent solutions to it, than the gentleman from New Mexico.

I would also like to thank my colleague, the gentleman from Wisconsin [Mr. SENSENBRENNER], for importuning all of us to move the bill of the gentleman from New Mexico [Mr. SCHIFF] along.

Let me say that we all know the awareness of drunk driving has grown dramatically in the past decade. We know, my children know that friends do not let friends drive drunk.

With this new awareness, drunk driving deaths have been substantially reduced. But we can still do much more.

Drunk drivers continue to kill some 17,000 people a year, injure a million more. So we have to continue our education efforts, and we have to continue our efforts at tough law enforcement. One without the other will not work.

We have seen that this is one area in which both efforts pay off dramatically. There are literally, because we have worked on this before, thousands and thousands of people, tens of thousands of families that have a loved one alive who might have been dead had so many in America not done what we can to limit the scourge.

This bill continues in that effort. It will allow the States to use existing grant funds to fight drunk driving.

I underline to my colleagues that it does not increase grant amounts. It simply gives the States more flexibility in using the money. That is what America is all about. As Brandeis said, the States are the laboratories in which we learn what is best to do these kinds of things.

I compliment the gentleman from New Mexico [Mr. SCHIFF] on his excellent bill and hope it will move quickly through the House and Senate and be signed by the President.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding to me.

I want to rise in support of the bill and to commend the committee, its distinguished chairman and ranking member, the gentleman from New Mexico [Mr. SCHIFF], and the gentleman from New York [Mr. SCHUMER], for bringing this to the attention of the Congress and to make expanding the role of the States in trying to do more to enforce drunk driving laws.

Mr. Speaker, I am pleased to rise in strong support of H.R. 1385, legislation authorizing the use of formula grants to prosecute DWI cases. I commend my colleague, the gentleman from new Mexico [Mr. SCHIFF], for introducing this worthy legislation, and, I praise the commitment that our Judiciary Committee has shown to the issues that affect our Nation. Under the effective leadership of its distinguished chairman, the gentleman from Texas [Mr. BROOKS], and the ranking minority member, the gentleman from New York [Mr. FISH], the 103d Congress has approved a number of significant legislative initiatives that will positively benefit our Nation.

As we are all aware, those who drive under the influence of alcohol pose a serious threat to our society. According to many sources, drunk driving is one of America's most serious highway safety problems, resulting in far too many fatalities.

H.R. 1385 will amend the Omnibus Crime Control and Safe Streets Act of 1968, to allow States to use formula grants for the prosecution of persons who are accused of driving under the influence of alcohol. This legislation authorizes no new spending. Instead, this measure allows States to utilize formula grants as they attempt to manage this threatening problem.

I am proud to support H.R. 1385. When one drives under the influence of alcohol, we are all in danger. If the enactment of this law saves only one life, this legislation will have accomplished its goal.

Mr. MINETA. Mr. Speaker, I am in full support of H.R. 1385, which would allow Federal funds to be used for programs to prosecute persons driving while intoxicated and to enforce drunk driving laws.

H.R. 1385 is right in step with the ongoing efforts of the Committee on Public Works and Transportation, which has authorized legislation that provides criteria-based incentive grants to encourage States to adopt and implement programs to reduce alcohol-related fatalities and injuries on our Nation's highways.

The first committee bill to provide incentive grants specifically dealing with the problem of drunk driving was enacted in 1982. Entitled "The Alcohol Traffic Safety Programs Act," this law authorized funds to implement and enforce specified countermeasures which were known to be effective in deterring drinking and driving.

Most recently, the Intermodal Surface Transportation Efficiency Act of 1991 included a section that builds on the 1982 act. Under the Alcohol-Impaired Driving Countermeasures Program, States are eligible for grants if they establish criteria providing for an expedited driver's license suspension or revocation system; an illegal blood alcohol content level for drivers; a roadside checkpoint program; a community-based self-sustaining drunk driving prevention program; an effective system for preventing underage drivers from obtaining alcoholic beverages; and a mandatory minimum imprisonment term.

Together with the efforts of grassroots organizations and State and local governments, these incentive grant programs have had a positive effect in helping to reduce drunk driving fatalities. States that have become eligible for grants under these programs have shown a greater reduction in the number of drunk driving-related fatalities than those that have not.

The proof that drunk driving countermeasures really do work, whether from legislative or grassroots action, can be seen in the results. According to the National Highway Traffic Safety Administration, the proportion of all alcohol-related traffic fatalities declined from 57.2 percent of the total highway deaths in 1982 to 45.1 percent in 1992. Included in that reduction is a 13-percent estimated reduction in fatalities involving underage drivers, which is attributed to minimum drinking age laws. All States, plus the District of Columbia, have enacted 21-year-old minimum-drinking-age laws, as a result of the committee-sponsored minimum-drinking-age law that was enacted in 1984.

More needs to be done, of course. H.R. 1385 is another, important step in our battle to make our highways safe. I urge its passage, and I commend Chairman BROOKS and the members of the Judiciary Committee for bringing this important measure to the floor.

Mr. BROOKS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 1385.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1152 and H.R. 1385, the two bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REAUTHORIZATION OF AMERICAN FOLKLIFE CENTER

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2074) to authorize appropriations for the American Folklife Center for fiscal years 1994, 1995, 1996, and 1997, as amended.

The Clerk read as follows:

H.R. 2074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR THE AMERICAN FOLKLIFE CENTER.

Section 8 of the American Folklife Preservation Act (20 U.S.C. 2107) is amended—

(1) by striking out "and" after "September 30, 1992,"; and

(2) by inserting after "September 30, 1993" the following: ", $1,120,000 for the fiscal year ending September 30, 1994, and $1,120,000 for the fiscal year ending September 30, 1995".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to be able to speak on behalf of H.R. 2072, which provides for a 2-year reauthorization of the American Folklife Center at a freeze level. The center was originally created within the Library of Congress by passage of the American Folklife Preservation Act of 1976. The Subcommittee on Libraries and Memorials and the full House Administration Committee reviewed the center's history, needs, budget, and value of the American people, and voted unanimously to report the reauthorizing legislation before this body today. The bill extends the center's authorization for 2 years, through fiscal year 1995, and it provides funding ceilings which maintain the center at exactly its present budgetary level.

Mr. Speaker, we need to find ways to encourage our fellow citizens to draw strength and a sense of identity from their cultural roots. At the same time, we urgently need to foster a deeper understanding of the cultural traditions of our neighbors. Grassroots cultural traditions have always pointed the way for Americans to express themselves with dignity and creativity, and they have often become a means for cultural sharing that builds a stronger America.

The American Folklife Center is doing its part to preserve our grassroots traditions for future generations to understand and enjoy. This legislation continues the work within a stringent budget, which is fiscally responsible in difficult times. I urge my colleagues to support H.R. 2074, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume. I rise today in support of House Resolution 2074. This legislation authorizes appropriations for the American Folklife Center for fiscal years 1994 and 1995.

The center was established in 1976 and has made continual progress in expanding its collections. The center's success is evident. Approximately 50,000 people visit this remarkable attraction each year. It has become one of the most significant repositories of traditional American culture. The center has become a place where American history, heritage, and way of life have been recorded and preserved. Americans are able to enrich their knowledge about the origins of their country, and record present day culture for posterity.

The center is now beginning research on a major exhibition on African-American gospel music. Notable items that are contained in the center's collection include pioneer cylinder recordings and original recordings of artists from Woodie Guthrie to Jelly Roll Morton. Center programs include the training of individuals on documentation, and the education initiative project, which works with school systems and education centers, promoting the integration of American folklife into the American education system.

Nebraska's own folklorist, Roger Welsch, of CBS "Sunday Morning" fame shared a pleasant story with me regarding a Folklife Center traveling exhibit. Mr. Welsch took the first of the American Folklife Center's old wax cylinder recordings to a nursing home. The recording was of Nebraska's Omaha Indian Tribe. Tribal members in the nursing home were filled with excitement and enthusiasm as they listened to the voices and songs they hadn't heard since childhood.

Ken Burns, who is noted for his "Civil War" series that aired on PBS, frequently utilizes the Folklife Center's resources.

H.R. 2074 would continue funding for the center through 1994 and 1995 at the frozen 1992 and 1993 fiscal year levels of $1,200,000. This fiscal responsibility exhibited by the Library of Congress, serves the taxpayer by minimizing government spending, while advancing educational and cultural tradition.

Mr. Speaker, I urge my colleagues to support this measure, and I reserve the balance of my time.

□ 1430

I have no further requests for time, Mr. Speaker, and I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 2074, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize appropriations for the American Folklife Center for fiscal years 1994 and 1995."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2074, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

NATURAL HISTORY MUSEUM EAST COURT REAUTHORIZATION

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 779) to continue the authorization of appropriations for the east court of the National Museum of Natural History, and for other purposes.

The clerk read as follows:

S. 779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. NATIONAL MUSEUM OF NATURAL HISTORY.

(a) IN GENERAL.—Section 2 of the Act entitled "An Act to authorize the Board of Regents of the Smithsonian Institution to plan, design, construct, and equip space in the East Court of the National Museum of Natural History building, and for other purposes", approved October 24, 1990 (20 U.S.C. 50 note), is amended by inserting "and succeeding fiscal years" after "1991".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of October 24, 1990.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield 10 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, S. 779 is a simple bill which would continue to authorize appropriations for the east court construction project at the National Museum of Natural History until appropriations are expended. The bill corrects a drafting mistake in the 1990 existing east court law. That law authorizes the Regents of the Smithsonian Institution to plan, design, construct, and equip 80,000 square feet of space in the museum's east court. The Smithsonian is developing plans for use of the space. These plans along with activities planned for the new west court will generate new revenues for the museum.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

I rise today, Mr. Speaker, in support of S. 779. This legislation authorizes continued appropriations for the Smithsonian Museum of Natural History, east court. The Museum of Natural History is the largest museum-based natural science and research organization in the world. As such, it plays a pivotal role in educating the 7 million people who pass through its doors annually. In fact, some members of my own staff regularly visit the museum and often comment on how much they learn from each visit. Because of the overwhelming popularity of the museum, it has experienced some overcrowding problems. This legislation will serve to remedy this situation.

The purpose of this bill is to authorize the Smithsonian to plan, design, construct, and equip space in the east court of the Museum of Natural History. Sufficient funds were previously allocated for this project, but due to a mistake in the language of the bill, the funds were not authorized beyond the first fiscal year. The funds previously approved, cannot be used until the authorization is extended. Support of this bill will continue authorization of this worthwhile project.

I urge my colleagues to give their full support to S. 779.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is necessary because of a drafting error in the original east court legislation. That original legislation, Public Law 101–455, authorized $30 million for the Smithsonian Board of Regents to plan, design, construct, and equip the east court of the museum. However, there was a technical drafting error in the original legislation. The law only authorized appropriations for fiscal year 1991, but not for succeeding years.

S. 779 therefore is a technical amendment to section 2 of the act, and it simply provides for a continuing authorization for succeeding fiscal years. S. 779, introduced by Senator SASSER, was passed by the Senate on May 28, 1993.

Inasmuch as the legislative history of the original authorization clearly addressed multiyear phasing of this construction project, and funds have already been appropriated for this purpose, I ask that this legislation, making the technical correction, be approved. I urge my colleagues to support S. 779.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, I thank my colleague, the gentleman from Nebraska, for yielding time to me.

Mr. Speaker, I rise in support of S. 779, a bill to continue the authorization of appropriations for the east court of the National Museum of Natural History, and for other purposes.

In 1990, Congress enacted Public Law 101–455, an authorization to develop the east court of the Museum of Natural History. The language allowed expenditures only in fiscal year 1991. This bill would allow the Smithsonian to spend funds in subsequent years. S. 779 passed the Senate on May 28, 1993.

The purpose of this project is to develop space for storage and personnel of the Natural History Museum. This is part of an overall renovation of the museum, which is over 70 years old. Employees, records, and other material will be housed for up to 8 years in this newly constructed space, while major renovation and improvement takes place, including replacement of all systems, removal of asbestos, modernizing facilities, and the like.

Once these renovations are complete, the east court will become a permanent part of the museum's support functions, and will alleviate the overcrowding in this facility that has absorbed 292 new employees over the last 20 years.

I support this legislation, and urge my colleagues to pass this needed technical amendment.

Mr. BARRETT of Nebraska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the Senate bill, S. 779.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 779, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMANENT AUTHORITY FOR QUARTERLY FINANCIAL REPORT PROGRAM

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2608) to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program.

The Clerk read as follows:

H.R. 2608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective as of September 30, 1993, section 4 of Public Law 97–454 (13 U.S.C. 91 note) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the floor H.R. 2608, to make permanent the authority of the Secretary of Commerce to conduct the Quarterly Financial Report [QFR] Program. I am pleased to be the sponsor of this legislation, along with the ranking minority member of the full committee, Congressman JOHN MYERS.

The data produced through the Quarterly Financial Report Program are essential for calculating key Government measures of the national economy, including gross domestic product estimates and flow of funds accounts. QFR data tell us how our companies are faring economically. Are they making a profit or sustaining losses? We need to know that information in order to measure the soundness of our economy.

The QFR was establishing 45 years ago as a permanent program under the authority of the Federal Trade Commission. In 1983, Congress transferred authority to conduct the QFR Program to the Department of Commerce. At that time, Congress inserted a sunset provision on the QFR, to ensure that the program would continue to work under the Commerce Department as well as it had under the FTC. I think it does.

Congress reauthorized the QFR Program 3 years ago by unanimous consent. I think that the program is working well enough, and is useful enough, to make it permanent again.

H.R. 2608 will not increase funding requirements for the QFR Program. The QFR Program cost $2 million in fiscal year 1993. I think that is a modest investment to make for data that are fundamental to sound economic decisions. Furthermore, the QFR is the sole source of the economic data it produces.

I recognize that surveys impose a burden on those who must respond. The committee will continue to watch the Commerce Department closely to ensure that its data collection activities do not place an undue burden on businesses, particularly on small companies that have fewer resources to devote to survey response.

The Quarterly Financial Report Program is the Nation's most current and comprehensive source of data on corporate financial activity. H.R. 2608 will ensure the accuracy and continuity of principal economic indicators. Those indicators are the cornerstone of our ability to measure current economic conditions and to plan for our future economic well-being. I urge my colleagues to support H.R. 2608.

□ 1440

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2608 would permanently authorize the Secretary of Commerce to conduct the Quarterly Financial Report Program. The QFR Program is the most current and comprehensive indicator of U.S. corporate financial activity. It provides essential financial data for the calculation of key Government measures of U.S. economic performance such as estimates of the gross domestic product and flow of funds accounts. In short, it is an important economic tool for both business and the Government.

I recognize that surveys such as this are often a burden for those smaller businesses who must respond. However, I note that over the past several years the Commerce Department has taken substantial steps to minimize these reporting requirements. In addition, the committee report which accompanies this legislation specifically directs the Secretary to minimize these burdens to the extent possible. I support this goal, and I will do everything possible to ensure that it is met.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAWYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House suspend the rules and pass the bill, H.R. 2608.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 2608, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE ACT OF 1978 EXTENSION

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2685) to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes.

The Clerk read as follows:

H.R. 2685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSIONS.

(a) EXTENSION OF AUTHORITY.—

(1) AMENDMENT TO TITLE 5, UNITED STATES CODE.—The second sentence of section 5948(d) of title 5, United States Code, is amended to read as follows: "No agreement shall be entered into under this section later than September 30, 1997, nor shall any agreement cover a period of service extending beyond September 30, 1999.".

(2) EXTENSION OF REPEALER.—Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking "September 30, 1995" and inserting "September 30, 1999".

(3) ADVANCE APPROPRIATIONS REQUIRED.—Any service agreement entered into on or after the date of the enactment of this Act pursuant to section 5948 of title 5, United States Code, as amended by paragraph (1), shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(4) RULE OF CONSTRUCTION.—The amendments made by this subsection shall not be construed to authorize additional or supplemental appropriations for the fiscal year ending September 30, 1993.

(b) TECHNICAL AMENDMENTS.—

(1) AMENDMENT TO PUBLIC LAW 100-140.—Effective as of October 27, 1987, section 1 of Public Law 100-140 (101 Stat. 830) is amended by adding at the end the following:

"(c) EXTENSION OF REPEALER.—Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking 'September 30, 1989' and inserting 'September 30, 1992'.".

(2) AMENDMENT TO PUBLIC LAW 101-420.—Effective as of October 13, 1990, Public Law 101-420 (104 Stat. 908) is amended—

(A) by inserting "(a)" after "That"; and

(B) by adding at the end the following:

"(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking 'September 30, 1992' and inserting 'September 30, 1995'.".

(c) ORDER OF AMENDMENTS.—For purposes of applying the amendments made by this section—

(1) the provisions of subsection (b)(1) shall be treated as having been enacted immediately before the provisions of subsection (b)(2); and

(2) the provisions of subsection (b)(2) shall be treated as having been enacted immediately before the provisions of subsection (a).

SEC. 2. REPORTING REQUIREMENT.

(a) IN GENERAL.—Section 5948 of title 5, United States Code, is amended by adding at the end the following:

"(j)(1) Not later than June 30 of each year, the President shall submit to each House of Congress a written report on the operation of this section. Each report shall include, with respect to the year covered by such report, information as to—

"(A) which agencies entered into agreements under this section;

"(B) the nature and extent of the recruitment or retention problems justifying the use of authority by each agency under this section;

"(C) the number of physicians with whom agreements were entered into by each agency;

"(D) the size of the allowances and the duration of the agreements entered into; and

"(E) the degree to which the recruitment or retention problems referred to in subparagraph (B) were alleviated under this section.

"(2) In addition to the information required under paragraph (1), the last report due under this subsection before the expiration of the authority to enter into agreements under this section shall include—

"(A) recommendations as to whether or not such authority should be continued beyond September 30, 1997, and, if so, by what period of time; and

"(B) the reasons for those recommendations.".

"(b) EFFECTIVE DATE.—The first report under section 5948(j) of title 5, United States Code, as amended by subsection (a), shall be due not later than June 30, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Federal Physicians Comparability Act of 1978 is scheduled to sunset on September 30, 1993. The act permits Federal agencies experiencing problems recruiting and retaining physicians to enter into service agreements with physicians providing for special pay allowances of up to a maximum of $14,000 for those with less than 2 years of Government experience, and $20,000 for those with more service.

H.R. 2685 reauthorizes the act for an additional 4 years, makes needed technical corrections in the 1970 and 1990 act reauthorizing the allowances, and requires the President to submit an annual report to the Congress on the agencies' use of physicians' comparability allowances.

The Subcommittee on Compensation and Employee Benefits held a hearing on the reauthorization of the act in June 1993. We received testimony from the OPM Director, Dr. James King, and the Federal Physicians Association president, Dr. Charles Sneiderman.

Dr. King indicated the program is operating successfully and needs no modifications. He reported in fiscal year 1992 some 3,000 physicians were eligible under the program, and one-half of these actually received allowances. The average allowance paid in fiscal year 1992 was a little over $14,000.

Director King pointed out that agencies still need the additional financial incentive of physicians' comparability allowances to compete successfully for the physicians they need. Director King recommended that the allowance authority be extended for another 4 years. I believe that the record supports such an extension.

Moreover, I believe that such an extension and stability in this program is especially necessary now when we are about to receive the President's health care reform legislation.

We are requiring that detailed information on each agency's use of allowances be provided to our committee so that we can carefully monitor the need for these expenditures.

On August 4, 1993, the Committee on Post Office and Civil Service unanimously reported this bill out of committee. I urge approval of H.R. 2685.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is an honor for me to speak in favor of H.R. 2685, the Extension of the Federal Physicians Comparability Allowance Act [PCA] of 1978.

At the hearing, the Office of Personnel Management testified that it supports the measure. the PCA gives the Government the flexibility to recruit Federal physicians and retain outstanding physicians already serving in Government. The Secretary of Health and Human Services also endorses the extension of the PCA, saying that "the PCA has been the cornerstone provision essential to the recruitment and retention of physicians in the Department of Health and Human Services, but particularly within the Public Health Service." The Director of the Federal Bureau of Prisons submitted compelling testimony and statistics backing the need to extend the Physicians Comparability Act in order to recruit and retain physicians in the 71 Federal correctional facilities.

Federal physicians contribute to every aspect of our Nation's health care system, including research and development of drugs, vaccines, medical and surgical devices. It is essential that the Federal Government offer these doctors a salary competitive with the private sector.

Even with the applicability of the PCA, Federal physicians earn significantly less than the nationwide mean income for physicians in the private sector. I urge my colleagues to support H.R. 2685.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, it is an honor for me to speak in favor of H.R. 2685, the Extension of the Federal Physicians Comparability Allowance Act [PCA] of 1978.

I have worked in support of the Physicians Comparability Act for some years, including Public Law 101–240 which extended the act to September 30, 1993. I also introduced H.R. 1535 this term to extend the act for 4 years. I thank the chair of the Subcommittee on Compensation and Employee Benefits for holding a hearing on the bill on June 9 of this year and for incorporating portions of the measure into H.R. 2685 of which I am an original cosponsor, and which is before us today. I am also pleased that this legislation was scheduled in such a timely manner.

At the hearing, the Office of Personnel Management testified that it supports the measure. The PCA gives the Government the flexibility to recruit Federal physicians and retain outstanding physicians already serving in Government. The Secretary of Health and Human Services also endorses the extension of the PCA, saying that "the PCA has been the cornerstone provision essential to the recruitment and retention of physicians in the Department of Health and Human Services, but particularly within the Public Health Service." The Director of the Federal Bureau of Prisons submitted compelling testimony and statistics backing the need to extend the Physicians Comparability Act in order to recruit and retain physicians in the 71 Federal correctional facilities.

Federal physicians contribute to every aspect of our Nation's health care system, including research and development of drugs, vaccines, medical and surgical devices. It is essential that the Federal Government offer these doctors a salary competitive with the private sector.

Even with the applicability of the PCA, Federal physicians earn significantly less than the nationwide mean income for physicians in the private sector. We must continue to support incentives to recruit and retain physicians in the Federal sector.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 2685.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FEDERAL EMPLOYEES LEAVE SHARING AMENDMENTS ACT OF 1993

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1130) to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes as amended.

The Clerk read as follows:

S. 1130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Leave Sharing Amendments Act of 1993".

SEC. 2. REPEAL OF TERMINATION PROVISION.

Section 2(d) of the Federal Employees Leave Sharing Act of 1988 (5 U.S.C. 6331 note) is repealed, effective as of October 30, 1993.

SEC. 3. ADVANCED LEAVE NOT TO BE CONSIDERED IN DETERMINING WHETHER ANY PAID LEAVE IS AVAILABLE.

(a) IN GENERAL.—Sections 6331(4) and 6361(6) of title 5, United States Code, are each amended by striking "leave." and inserting "leave (disregarding any advanced leave).".

(b) TECHNICAL CORRECTION.—Section 6331(4) of title 5, United States Code, is amended by inserting "the term" after "(4)".

SEC. 4. ACCRUAL OF LEAVE.

Section 6337(c) of title 5, United States Code, is amended to read as follows:

"(c)(1) Any annual or sick leave accrued by an employee under this section shall be transferred to the appropriate leave account of such employee under subchapter I, and shall be available for use—

"(A) as of the beginning of the first applicable pay period beginning after the date on which the employee's medical emergency terminates as described in paragraph (1) or (2) of section 6335(a); or

"(B) if the employee's medical emergency has not yet terminated, once the employee has exhausted all transferred leave made available to such employee under this subchapter.

"(2) In the event that the employee's medical emergency terminates as described in section 6335(a)(3)—

"(A) any leave accrued but not yet transferred under this section shall not be credited to such employee; or

"(B) if there remains, as of the date the emergency so terminates, any leave which became available to such employee under paragraph (1)(B), such leave shall cease to be available for any purpose.

"(d) Nothing in this section shall be considered to prevent, with respect to a continuing medical emergency, further transfers of leave for use after leave accrued under this section has been exhausted by the employee.".

SEC. 5. EMPLOYEE PARTICIPATION IN LEAVE BANK AND LEAVE TRANSFER PROGRAMS.

(a) AUTHORITY TO PARTICIPATE IN BOTH PROGRAMS.—

(1) IN GENERAL.—Section 6373 of title 5, United States Code, is amended to read as follows:

"§ 6373. Authority to participate in both programs

"(a) The Office of Personnel Management shall prescribe regulations under which an employee participating in a leave bank program under this subchapter may, subject to such terms or conditions as the Office may establish, also make or receive donations of leave under subchapter III.

"(b) Notwithstanding any provision of section 6337 or 6371, if an employee uses leave transferred to such employee under subchapter III and leave made available to such employee under this subchapter in connection with the same medical emergency, the maximum number of days of annual leave and sick leave, respectively, which may accrue to such employee in connection with such medical emergency shall be the same as if all of that leave had been made available to such employee under this subchapter.".

(2) TECHNICAL AMENDMENT.—The table of sections for chapter 63 of title 5, United States Code, is amended by striking the item relating to section 6373 and inserting the following:

"6373. Authority to participate in both programs.".

(b) ELIMINATION OF PROVISION TREATING LEAVE BANK PROGRAM AS A DEMONSTRATION PROJECT.—Section 6362 of title 5, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a) by striking "(a)".

SEC. 6. EFFECTIVE DATE.

Except as provided in section 2, this Act and the amendments made by this Act shall take effect as of the 120th day after the date of the enactment of this Act or such earlier date as the Office of Personnel Management may by regulation prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1130, approved by the Senate on July 14, 1993, reauthorizes the Federal Employees Leave Sharing Act of 1978 which is scheduled to sunset on October 31, 1993.

S. 1130 also makes several changes in current law necessary to implement the recommendations made by the Office of Personnel Management in its report to Congress on the Federal Employees Leave Sharing Act of 1988, Public Law 100-566.

First, the bill makes both the leave transfer and the leave banking programs permanent. Second, S. 1130 provides that advanced leave is not to be considered when determining eligibility for donated leave. Third, the bill eliminates the requirement that leave accrued during the medical emergency be set aside until the medical emergency is terminated.

Finally, the bill permits employees to participate in both the leave transfer and the leave bank program.

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The amendment is in the nature of a substitute to S. 1130, adopted by the Subcommittee on Compensation and Employee Benefits on July 22, and by the Committee on Post Office and Civil Service on August 4, 1993. It primarily makes technical changes in S. 1130 needed to clarify some of the bill's provisions. There are, however, a few additional provisions which, while consistent with OPM's recommendations, make changes which were not contained in the Senate-passed S. 1130. The first of these changes maintains a current limit on the accrual of the annual or sick leave during a medical emergency to 5 days whether the employee participates in either a leave transfer program or a leave bank program or both.

The second change strikes sections 6362(b) of title V, which established the leave bank program as a demonstration project. This provision no longer has relevance, of course.

Finally, section 6 gives OPM needed flexibility to delay the effective date of this legislation for up to 120 days to allow for promulgation of new regulations.

At the subcommittee our hearing on the reauthorization of the Leave Sharing Act on May 19, 1993, the GAO and several employee organizations expressed strong support for OPM's recommendations. The need for the changes OPM recommends is supported by the record we have established.

In addition, no cost is anticipated, because the costs involved will come out of appropriated funds. Indeed, this bill is likely to save money. The trend reveals that higher paid employees donate to lower paid employees with payout by the Government at the salary rate of the lower paid employees.

At a time when there has been near universal praise for the recently released national performance review report, this bill moves in the direction this report advocates.

The report notes that in excess of 96 percent of Federal employees with dependent care needs met them through the leave sharing programs. I am not surprised that the NPR report urges the Congress to reauthorize the Federal Employee Leave Sharing Act.

I ask the House to do so as well and pass S. 1130, Mr. Speaker.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to act favorably on the measure before us, S. 1130. I am pleased that this bill has moved through the legislative process so quickly.

The 5-year leave sharing demonstration project was highly successful. The program is due to expire at the end of October this year and it is appropriate that we act on the measure now. This program permits Federal employees to donate their annual leave either into a leave bank or directly to Federal employees who have exhausted their accumulated sick and annual leave because of medical emergencies. The donated leave may be used for the recipient employee during the period of their own illness or the illness of a family member.

I hope that all States and large industries will implement the leave sharing and leave bank concept.

S. 1130 will reauthorize the leave bank and leave sharing program permanently. This is another humanitarian, family friendly bill which deserves swift passage.

Mr. WOLF. Mr. Speaker, I rise in support of S. 1130, legislation that permanently reauthorizes the Federal Employees Leave Sharing Act of 1988 (Public Law 100-566). This measure makes both the leave transfer and leave bank programs permanent, thereby allowing Federal employees to donate annual leave to coworkers who have used up their annual leave and sick leave as a result of a prolonged illness. When experiencing severe personal or medical problems, sometimes the gift of time is exactly what the doctor ordered.

I commend the managers of this legislation for bringing it to the floor so quickly. Both the leave transfer and leave bank proposals are highly successful and merit permanent continuation. The leave transfer program allows employees to donate their annual leave directly to other Federal employees and the leave bank program allows employees to donate their annual leave to a leave bank for use by any member of the bank stricken by a medical emergency. When time is needed for a full recovery, this program is a tremendous aid.

What we are doing through these leave sharing programs is merely encouraging the generous behavior of our Federal employees. I learned of the leave sharing idea after a constituent, Robert Hague, wrote me about his desire to share some of his leave with a blind colleague, Barbara DiPietrantonio, who, as a relatively new employee, had not accrued enough leave to cover time needed to train a new guide dog. Barbara's ability to carry out her job effectively is dependent of the mobility she has achieved through reliance on a guide dog. Without the generosity of Mr. Hague, Barbara would have had to take annual leave or leave without pay to train with her new dog. Leave sharing removes that financial impediment to proper treatment of a sickness, physical handicap, or other problem whose proper treatment depends on the healing power of time.

In 1988, the Congress approved my amendment to the fiscal year 1988 continuing appropriations bill creating a 1-year Governmentwide leave sharing program for Federal employees who were facing medical or family emergencies. Congress has extended this program since then, and, after studying the program and finding that it has been highly successful, we are now prepared to extend this authority permanently.

I am a strong advocate of programs that will help strengthen the families of our Federal employees and support this and other innovative measures that improve the working environment for Federal workers. Also, as the Nation's largest employer, this measure may serve as a model for State governments and private industry to follow when designing leave programs for ill employees. I encourage Members to support this permanent and long-awaited extension of leave sharing authority.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the Senate bill, S. 1130, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

FEDERAL EMPLOYEES HUMANITARIAN LEAVE ACT OF 1993

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2751) to amend title 5, United States Code, to provide for the granting of leave to Federal employees wishing to serve as bone-marrow or organ donors, and to allow Federal employees to use sick leave for purposes relating to the adoption of a child, as amended.

The Clerk read as follows:

H.R. 2751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Humanitarian Leave Act of 1993".

SEC. 2. AVAILABILITY OF PAID LEAVE TO SERVE AS A BONE-MARROW OR ORGAN DONOR.

(a) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"§6327. Absence in connection with serving as a bone-marrow or organ donor

"(a) An employee in or under an Executive agency is entitled to leave without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating, for the time necessary to permit such employee to serve as a bone-marrow or organ donor.

"(b) Not to exceed 7 days of leave may be used under this section by an employee in a calendar year.

"(c) The Office of Personnel Management may prescribe regulations for the administration of this section.".

(b) TECHNICAL AMENDMENTS.—(1) Section 6129 of title 5, United States Code, is amended by inserting "6327," after "6326,".

(2) The table of sections for chapter 63 of title 5, United States Code, is amended by adding after the item relating to section 6326 the following:

"6327. Absence in connection with serving as a bone-marrow or organ donor.".

SEC. 3. USE OF SICK LEAVE IN ADOPTING A CHILD.

(a) IN GENERAL.—Section 6307 of title 5, United States Code, in amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) Sick leave provided by this section may be used for purposes relating to the adoption of a child."; and

(3) in subsection (d) (as so redesignated by paragraph (1)), by inserting "or for purposes relating to the adoption of a child," after "ailment,".

(b) TECHNICAL AMENDMENT.—Section 6129 of title 5, United States Code, is amended by striking "6307 (a) and (c)," and inserting "6307 (a) and (d),".

(c) ELECTION TO HAVE ANNUAL LEAVE RESTORED.—The Office of Personnel Management shall prescribe regulations under which any employee who used or uses annual leave for an adoption-related purpose, after September 30, 1991, and before the date as of which sick leave first becomes available for such purpose as a result of the enactment of this section, may, upon appropriate written application, elect to have such employee's leave accounts adjusted to reflect the amount of annual leave and sick leave, respectively, which would remain had sick leave been used instead of all or any portion of the annual leave actually used, as designated by the employee.

(2) An application under this subsection may not be approved unless it is submitted—

(A) within 1 year after the date of the enactment of this Act or such later date as the Office may prescribe;

(B) in such form and manner as the Office shall require; and

(C) by an individual who is an employee as of the time of application.

(3) For the purpose of this subsection, the term "employee" has the meaning given such term in section 6301(2) of title 5, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2751 allows Federal employees to use accrued sick leave for purposes related to the adoption of a child and to use up to 7 days of administrative leave for the purpose of serving as a bone-marrow or organ donor. During the 102d Congress, the House passed H.R. 2675, a bill identical to H.R. 2751 which is before us today.

But the Senate took no action on the bill during the remainder of the 102d Congress.

H.R. 2751 is important legislation to Federal workers and is emblematic of the action that a large, modern, and concerned employer in our country, especially the Federal Government, should take.

The bill enables adoptive parents in the Federal work force to use accrued sick leave, an option now reserved for biological parents. In addition, by allowing up to 7 days of administrative leave, or the time necessary to serve as an organ or bone-marrow donor, the Federal Government is providing an incentive to Federal employees to volunteer to be donors and thereby to increase the size and the diversity of the donor registry.

With 3 million employees of every race and ethnicity in the States of the Federal Union, the Federal employees, by themselves, could make a difference in raising both the level and the effectiveness of the vital donor registry.

The provision of this bill allowing adoptive parents the same rights as biological parents in the use of sick leave is overdue.

We are experiencing a child crisis, in the number of babies and youngsters victimized by the absence of stable parental care We must make adoption easier and look for innovative incentives to encourage individuals of every background to offer themselves as adoptive parents. The use of accrued sick leave for this purpose places the Federal Government's imprimatur on adoption and helps pave the way for generous employees who want to share their homes and their lives with an adopted child.

The Committee on Post Office and Civil Service passed H.R. 2751 unanimously. I urge the House to do the same and adopt H.R. 2751.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to commend the gentleman from New York [Mr. ACKERMAN] for introducing the Federal Employees Humanitarian Leave Act of 1993. I would also like to recognize our colleague from Virginia [Mr. WOLF], who has been a constant and ardent supporter of family friendly policies for Federal employees.

H.R. 2751 would change the current law regarding utilization of leave for bone marrow and organ donations. Presently, Federal employees must use annual leave in order to donate to a recipient. Organ and bone marrow donors are making a supreme sacrifice so that others may enjoy a better quality of life. It is appropriate that we broaden the leave provision to enable Federal employees to be granted 7 days of paid leave so that donors will not have to deplete their accumulated sick or annual leave. This legislation protects the employee's—donor's—leave, credit for time in service, and the employee's performance or efficiency rating.

This legislation will also make permanent the provision to grant sick leave for the purpose of adopting a child. It would give adoptive parents the same benefits which are currently extended to biological parents for family building. Adoptive parents face innumerable hours in the process of adoption, such as court dates, traveling to pick up the child, doctors visits, etc. It is only fair that adoptive parents are given the same benefits as biological parents.

I urge my colleagues to support H.R. 2751.

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Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I thank the gentlewoman from the District of Columbia for moving this legislation forward so efficiently.

Mr. Speaker, the Federal Employees Humanitarian Leave Act of 1993, H.R. 2751, will make it easier for Federal employees to adopt a child using sick leave, and will provide additional leave for those who wish to serve as organ donors.

In nearly identical form, this bill was introduced by myself, Mr. HOYER, Mr. WOLF, Ms. BYRON, and Mr. YOUNG, and passed in the 102d Congress. This, however, was never considered on the Senate floor.

The Congressional Budget Office has declared this legislation to be budget neutral.

Once again, this bill suggests the following two benefits for Federal employees.

The first benefit will enable Federal employees to use accrued sick leave in order to adopt a child. Under current law, Federal employees can only use annual leave for adoption purposes.

H.R. 2751 would allow Federal employees to take sick leave and/or annual leave to adopt a child.

There has already been a successful pilot program that was included by Mr. HOYER in the Treasury, Postal Service, and General Government Appropriations Act of 1991, which authorized the use of sick leave for the purposes of adopting a child.

As a result of this experimental adoption program, 524 employees utilized approximately 28,000 hours of sick leave to adopt a child in 1991. This amounted to an average of 53 hours, or almost 7 days per employee. Both male and female employees utilized the program almost equally.

The program is a proven success and promotes a humanitarian concept that we, as legislators need to promote. This is an issue of family values that all Members, regardless of political philosophy, can support.

The second benefit for Federal employees provided by this bill will be an addition of up to 7 days of administrative leave per year for those who wish to donate bone marrow or to donate an organ.

This leave will be added to any other leave to which the employee would be entitled. I believe this benefit will provide an additional incentive for bone marrow or organ donors to help save a life.

Under current law, Federal employees can only use their own sick or annual leave in order to donate an organ or bone marrow.

We need not penalize our employees by taking away their leave as a result of their willingness to contribute to the health and well-being of others.

I strongly believe that the organ donor provision will help alleviate any doubts donors may have about whether or not to utilize their personal, sick, and annual leave for another's benefit.

Additionally, it will encourage people to give of themselves, literally to give of themselves to help another live.

On behalf of myself, Mr. HOYER, Mr. YOUNG, Mr. HYDE, and Mrs. MORELLA, we ask our colleagues to join us today in support of a bill that is budget neutral, will provide stable homes for adopted children, and will save lives.

If you have been waiting for a bill that is pro-choice, pro-life and pro-family, this is it.

Mr. WOLF. Mr. Speaker, as an original cosponsor of H.R. 2751, I rise in strong support of the Federal Employees Humanitarian Leave Act of 1993 and commend the chairman and ranking member for bringing this important legislation to the floor in an expeditious manner. Since the passage of my amendment included on the Treasury, Postal Service, and General Government Appropriations Act for fiscal year 1991 (Public Law 101–509), providing for a temporary experimental program authorizing the use of sick leave by Federal employees for purposes relating to adoptions, all indications are that this program works well and should be made permanent.

The adoption process is often long, tiresome, and expensive. This legislation should help to ease the adoption process for Federal employees.

The American family has never before been under so much stress and there is an increasing number of parentless children. Adoption provides one of the best ways to ensure that children are reared in good homes by loving families. Adoption is a very personal decision for a family, one that should be made with the best interests of the child and family in mind. By making sick leave available to adopting parents, this legislation will help alleviate some of the time and financial impediments to adoption and signify the Federal Government's commitment to encouraging adoption.

Just as biological parents are allowed to use sick leave for prenatal doctor visits, adoptive parents will now be able to use sick leave instead of annual leave to make all of the necessary, and often expensive, arrangements with attorneys and social workers as part of the adoption process. In addition, this legislation makes sick leave available for post-placement adoption purposes as well as pre-placement thereby allowing parents some quality time to become acquainted and bond with their adopted child. This is one small step in support of families.

As the largest employer in the Nation, the Federal Government should play a key role in setting standards for adoption policy by leading through example. I have worked on many family friendly work initiatives in the Federal Government to advance the interests of the American family. Programs such as flexitime, job sharing, leave sharing, telecommunting, and child care at Federal facilities all help foster and promote strong families. These family friendly programs allow the Federal Government to attract and retain a high quality, high performance, and healthy work force. By allowing Federal workers to take sick leave instead of annual leave for the time needed to complete the adoption, the Federal Government becomes a model for all employers to follow.

H.R. 2751 would also allow Federal employees to take up to 7 days of administrative leave, rather than sick leave, to volunteer to be bone marrow or organ donors. This program will help in a very worthy cause—saving lives. Bone marrow transplants are an effective treatment for fatal blood disorders and cancers including leukemia, aplastic anemia, and severe immunodeficiency. While a cure is available, it is very difficult to find compatible donors. This proposal will help alleviate that problem.

This small incentive to Federal workers to be tested to be bone marrow donors could greatly increase the size and diversity of the donor registry. Many deaths can be avoided if only a compatible donor can be found, and this small measure will encourage Federal workers to register as a bone marrow or organ donor which may help save lives.

Mr. Speaker, this legislation is both life enhancing and life saving, and it demonstrates the Federal Government's commitment to being a responsive and caring employer. I would like to express my appreciation to Representative ACKERMAN for introducing this legislation, Delegate NORTON, the chairwoman of the House Post Office and Civil Service Subcommittee on Compensation and Employee Benefits, and Representative MORELLA, the ranking minority member, and all the members of the committee for their efforts in moving this important legislation forward.

I enthusiastically urge Members to support passage of H.R. 2751. It is good policy for the Government, it helps those in desperate need of treatment, and it works to strengthen the cornerstone of our Nation—the American family.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 2751, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM TERMINATION ACT

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3019) to amend title 5, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, and for other purposes.

The Clerk read as follows:

H.R. 3019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Performance Management and Recognition System Termination Act".

SEC. 2. TEMPORARY EXTENSION.

Effective as of September 30, 1993, section 5410 of title 5, United States Code, is amended by striking "September 30, 1993" and inserting "October 31, 1993".

SEC. 3. TERMINATION PROVISIONS.

(a) IN GENERAL.—

(1) REPEAL.—Chapter 54 of title 5, United States Code, is repealed.

(2) ANALYSIS.—The analysis for part III of title 5, United States Code, is amended by striking the item relating to chapter 54.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(A) in section 3372(d) by striking "additional step-increases, merit pay, and cash awards, as defined in chapters 53 and 54" and inserting "and additional step-increases, as defined in chapter 53";

(B)(i) by striking section 4302a; and

(ii) in the analysis for chapter 43 by striking the item relating to section 4302a;

(C) by amending subparagraph (A) of section 4501(2) to read as follows:

"(A) an employee as defined by section 2105; and";

(D) in section 4502(e) by striking paragraph (1) and by striking "(2)";

(E) in section 5302—

(i) in paragraph (8)—

(I) in subparagraph (A) by inserting "and" after the semicolon; and

(II) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(ii) in paragraph (9) by striking "applies (including any position under the performance management and recognition system)." and inserting "applies.";

(F) in section 5332(a)(1) by striking ", except an employee covered by the performance management and recognition system established under chapter 54,";

(G) in section 5334—

(i) in subsection (c)(2) by striking "step," and all that follows through "any dollar amount," and inserting "step"; and

(ii) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(H) in section 5335—

(i) in subsection (e) by striking "covered by the performance management and recognition system established under chapter 54 of this title, or,"; and

(ii) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(I) in section 5336(c) by striking "covered by the performance management and recognition system established under chapter 54 of this title, or,";

(J) in section 5361(5) by striking all that follows "of this chapter," and inserting "or a special occupational pay system under subchapter IX;";

(K) in section 5362(c)—

(i) in the matter before paragraph (1) by striking "chapters 54 and 55 of this title, retirement and life insurance under chapters 83 and 87" and inserting "chapter 55 of this title, retirement and life insurance under chapters 83, 84, and 87";

(ii) by inserting "or" at the end of paragraph (2); and

(iii) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3);

(L) in section 5363(c)(2) by striking "chapter 51, 53, or 54" and inserting "chapter 51 or 53";

(M) in section 5948(g)(1) by striking subparagraph (C) and redesignating subparagraphs (D) through (L) as subparagraphs (C) through (K), respectively; and

(N) in section 8473(b)(8) by striking "individuals subject to the Performance Management and Recognition System under chapter 54 of this title;" and inserting "supervisors and management officials (as defined by section 7103(a));".

(2) FEPCA.—Section 302(b)(1) of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5304 note) is amended by striking "(including an employee covered by the performance management and recognition system)".

(3) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended—

(A) in section 1602 by inserting ", as in effect on October 31, 1993" after "section 5401 of title 5";

(B) in section 1732(b)(1)(A) by striking "Schedule (including any employee covered by chapter 54 of title 5)." and inserting "Schedule."; and

(C) in section 1733(b)(1)(A)(i) by striking "Schedule (including an employee covered by chapter 54 of title 5)," and inserting "Schedule,".

(4) TITLE 31, UNITED STATES CODE.—Section 731(b) of title 31, United States Code, is amended by inserting ", as in effect on October 31, 1993" after "section 5401 of title 5".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of November 1, 1993.

SEC. 4. TREATMENT OF EMPLOYEES COVERED BY THE SYSTEM AS OF ITS TERMINATION DATE.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "employee" means an individual employed by an agency (within the meaning of section 7103(a)(3) of title 5, United States Code);

(2) the term "performance management and recognition system" means the performance management and recognition system under chapter 54 of title 5, United States Code;

(3) the term "basic pay" does not include any amount payable under section 302 or title IV of FEPCA or section 5304 or 5304a of title 5, United States Code;

(4) the term "pay rate", as used in clauses (iii) through (v) of subsection (c)(2)(B), is used in the same way as such term is used under section 5335(a) of title 5, United States Code; and

(5) the term "FEPCA" means the Federal Employees Pay Comparability Act of 1990 (contained in the Treasury, Postal Service and General Government Appropriations Act, 1991 (Public Law 101-509; 104 Stat. 1427)).

(b) APPLICABILITY.—Notwithstanding section 5332(a)(1) of title 5, United States Code (as amended by section 3(b)(1)(F)), or any other provision of law, the rate of basic pay for an employee covered by the performance management and recognition system on October 31, 1993, shall be determined in accordance with this section so long as such employee continues, without a break in service of more than 3 days, to occupy any position—

(1) which is in the same grade of the General Schedule, and the same agency, as the position which such employee occupied on October 31, 1993; and

(2) to which the provisions of chapter 54 of title 5, United States Code (as in effect on October 31, 1993) would apply if such provisions had remained in effect.

(c) SPECIAL RULES.—

(1) IN GENERAL.—The rate of basic pay for an employee who is subject to this section shall be the rate payable to such employee on October 31, 1993, subject to paragraph (2).

(2) ADJUSTMENTS.—Adjustments in the rate of basic pay for an employee who is subject to this section shall be made in accordance with the relevant provisions of title 5, United States Code, or otherwise applicable provisions of law, subject to the following:

(A) DEEM RATES AND POSITIONS TO BE UNDER THE GENERAL SCHEDULE.—For purposes of applying subchapters I and III of chapter 53 of such title (and the provisions of section 302 and title IV of FEPCA with respect to any payment under any of those provisions)—

(i) the rate of basic pay determined under this section for an employee shall be treated as a rate of basic pay described in section 5302(8) of such title;

(ii) the position then currently occupied by an employee who is subject to this section shall be deemed to be a "General Schedule position" within the meaning of section 5302(9) of such title; and

(iii) any employee who is subject to this section shall be considered to be a "General Schedule employee" (as referred to in section 302(b) of FEPCA).

(B) SPECIAL RULES RELATING TO PROVISIONS GOVERNING STEP-INCREASES.—For purposes of applying the provisions of sections 5335 and 5336 of title 5, United States Code, with respect to any employee who is subject to this section—

(i) any reference in such provisions to a "step-increase" shall be considered to mean an increase equal to one-ninth of the difference between the minimum and maximum rates of pay for the applicable grade of the General Schedule;

(ii) any reference in such provisions to the "next higher rate within the grade" shall be considered to mean the rate of basic pay which exceeds such employee's then current rate of basic pay by the amount of a step-increase;

(iii) if the employee's rate of basic pay is less than the rate for pay rate 4 of the applicable grade, such employee's rate of basic pay shall be governed by paragraph (1) of section 5335(a) of such title;

(iv) if the employee's rate of basic pay is equal to or greater than the rate for pay rate 4 but less than the rate for pay rate 7 of the applicable grade, such employee's rate of basic pay shall be governed by paragraph (2) of section 5335(a) of such title; and

(v) if the employee's rate of basic pay is equal to or greater than the rate for pay rate 7 but less than the maximum rate of the applicable grade, such employee's rate of basic pay shall be governed by paragraph (3) of section 5335(a) of such title.

No rate of basic pay for an employee may be increased, as a result of this subparagraph (or any provision of law to which any clause of this subparagraph relates), if or to the extent that the resulting rate would exceed the maximum rate for the grade of the position occupied by such employee.

(d) REGULATIONS.—The Office of Personnel Management shall prescribe any regulations which may be necessary for the administration of this section.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) COORDINATION RULE.—Notwithstanding the amendment made by section 3(b)(1)(H)(ii), an increase in pay granted under section 5404 of title 5, United States Code, before November 1, 1993, shall be deemed to be an equivalent increase in pay within the meaning of section 5335(a) of such title.

(b) PERFORMANCE AWARDS.—Notwithstanding section 2, for purposes of applying section 5406 of title 5, United States Code, the amount under subsection (c)(1)(A)(ii) of such section 5406 with respect to awards for work performed during fiscal year 1994 shall, for each agency subject to such section 5406, be deemed to be zero.

The SPEAKER pro tempore. The gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Performance Management and Recognition System, PMRS as it is called, is scheduled to sunset September 30, 1993. H.R. 3019 merely extends PMRS 1 month in order to allow for its orderly termination.

The subcommittee's consideration of PMRS began in May with a proposal from the Office of Personnel Management to allow agencies greater flexibility in developing their own performance management systems and to increase employee involvement in this process.

It provided for the option of using as few as two levels of performance assessment, establishing a uniform system, providing for ingrade and merit pay increases and basing an employee's within-grade and general pay increase on the attainment of established performance expectations.

The Subcommittee on Compensation and Employee Benefits held two hearings on the reauthorization of PMRS. Many concerns were expressed and many constructive suggestions offered.

Therefore, the consensus of the members of the committee and those who testified was to engage in further work before seeking wholesale reform of this important legislation.

OPM has recently indicated that the administration will submit a new proposal for performance management and recognition in the future. This seems entirely appropriate in light of the performance management review recently published.

Our purpose here today, therefore, is to avoid an unintended lapse.

H.R. 3019, the Performance Management and Recognition System Termination Act, extends PMRS 1 additional month, terminating it on October 31, 1993. The 1-month extension will enable agencies which conclude their review cycles on September 30 and award merit increases and performance bonuses in October to do so.

PMRS managers and supervisors will be transferred to the general schedule and will retain their current rates of pay. They will, however, remain off step until promoted to the next higher grade.

On September 9, 1993, the Subcommittee on Compensation Employee Benefits, by a recorded vote of 5 to nothing, approved H.R. 3019 without amendment for full committee consideration.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

On September 14, 1993, the Committee on Post Office and Civil Service ordered H.R. 3019 favorably reported unanimously.

Mr. Speaker, I rise in support of H.R. 3019, the Performance Management and Recognition System [PMRS] Termination Act. I am pleased to be the original cosponsor of this measure along with the chair of the Subcommittee on Compensation and Employee Benefits, the gentlewoman from the District of Columbia, Ms. Norton, who is the sponsor.

H.R. 3019 would extend PMRS for 1 month which would enable employees to get their expected merit raises for fiscal year 1993 and then proceed systematically into a corresponding GS grade without financial loss or a substantial expenditure by the Government.

I urge my colleagues to support H.R. 3019.

Mrs. MORELLA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 3019.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous matter on the bills, H.R. 2685, S. 1130, H.R. 2751, and H.R. 3019.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

ROSS BASS POST OFFICE

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 464) to redesignate the Pulaski Post Office located at 111 West College Street in Pulaski, TN, as the "Ross Bass Post Office."

The Clerk read as follows:

S. 464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF PULASKI POST OFFICE AS ROSS BASS POST OFFICE.

The building in Pulaski, Tennessee that houses the primary operations of the United States Postal Service (as determined by the Postmaster General) shall be known and designated as the "Ross Bass Post Office Building". Any reference in a law, map, regulation, document, paper, or other record of the United States to the building shall be deemed to be a reference to the "Ross Bass Post Office Building".

The SPEAKER pro tempore. The gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I support the passage of S. 464, which will designate the U.S. Post Office building located at 111 West College Street in Pulaski, TN, as the "Ross Bass Post Office."

Mr. Bass, a former Member of Congress, served as a distinguished Member of the House of Representatives from 1955 to 1964 and then in the Senate until 1967. During his years in the House, Mr. Bass, known as a liberal minded legislator, voted for landmark civil rights legislation and won a seat on the powerful Ways and Means Committee.

Mr. Bass attended Martin College in Pulaski, TN, and served in the Army Air Forces as a bombardier-navigator in Europe during World War II. Mr. Bass also served as Pulaski housing commissioner and postmaster before winning election to Congress from Tennessee's rural Sixth District in 1954.

I am pleased to join Senator SASSER and the citizens of Pulaski, TN, in their attempt to name the postal facility in Pulaski, TN, the "Ross Bass Post Office." I support the passage of S. 464 and urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

□ 1510

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to offer my support for S. 464, to designate the postal facility located on West College Street in Pulaski, TN, as the "Ross Bass Post Office."

I also want to take this opportunity to advise my colleagues the minority members of the Committee on Post Office and Civil Service are in agreement on this legislation and have no objections to its immediate passage.

Mr. Speaker, Ross Bass, a former Member of this body and a former postmaster of Pulaski, TN, I believe is well-deserving of the honor that we convey today and it is fitting that we pay tribute to his memory in this fashion and I urge my colleagues to join me in moving his legislation forward.

Mr. Speaker, I yield back the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the Senate bill, S. 464.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of order of no quorum is considered withdrawn.

SAMUEL E. PERRY POST OFFICE BUILDING

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2056) to redesignate the post office building located at 600 Princess Anne Street in Fredericksburg, VA, as the "Samuel E. Perry Post Office Building," as amended.

The Clerk read as follows:

H.R. 2056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Post Office building located at 600 Princess Anne Street in Fredericksburg, Virginia, and known as the Main Post Office, shall be known and designated as the "Samuel E. Perry Post Office Building".

SEC. 2 REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Post Office building referred to in section 1 shall be deemed to be a reference to the Samuel E. Perry Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I support the passage of H.R. 2056, as amended, which will designate the U.S. Post Office building located at 600 Princess Anne Street in Fredericksburg, VA, as the "Samuel E. Perry Postal Building."

Mr. Perry faithfully and diligently served the citizens of the city of Fredericksburg in many ways. Mr. Perry served as a Postal Service employee from 1919 until 1961 retiring as superintendent of mail and as a member of the Fredericksburg City Council for over 37 years.

Mr. Perry also served as a member of the Fredericksburg Volunteer Rescue Squad for over 50 years and as a member of the Fredericksburg Volunteer Fire Department for over 70 years.

I am pleased to join Congressman BATEMAN and the citizens of Fredericksburg, VA, in their attempt to name the postal facility in Fredericksburg, VA, the "Samuel E. Perry, Sr. Post Office." I support the passage of H.R. 2056, as amended, and urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to offer my support for H.R. 2056, to designate the postal facility located on Princess Anne Street in Fredericksburg, VA, as the "Samuel E. Perry Postal Building."

Sam Perry served the U.S. Postal Service for 42 years and also served on the Fredericksburg City Council for 40 years before his passing last August at 87 years of age. I believe it will be of interest to my colleagues to know that both the city council and the Stafford County Board of Supervisors unanimously approved resolutions in support of H.R. 2056 and I would encourage all my colleagues to join with me in paying tribute to Sam Perry by making this designation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BATEMAN], the sponsor of this legislation.

Mr. BATEMAN. Mr. Speaker, let me begin by thanking the chairman and members of the committee for bringing this legislation before the House today. I am very appreciative of the work you all have done in supporting my effort to have the post office in Fredericksburg, VA, named in honor of Sam Perry, Sr.

Mr. Speaker, I believe that naming this post office after Sam Perry is certainly an appropriate act for this Congress to take as well as a fitting tribute to an exceptional individual, and public servant.

No one was better known or respected in the Fredericksburg area than Sam Perry. His unselfish devotion to helping the people of Fredericksburg through his work in the Postal Service, Fredericksburg Rescue Squad, and the city council not only touched, but enriched the lives of all who knew him. He was everybody's friend.

I cannot think of a better way to recognize Sam than to name the city's post office after him, particularly since he was for 42 years an employee of the U.S. Postal Service. Sam retired from the Postal Service in 1961 as Superintendent of Mails.

Everyone who knew Sam Perry knows that the Fredericksburg community is a better place today because of him. For those who were not fortunate enough to be touched personally by his life's works, I believe renaming the post office in Sam's honor can be a daily reminder of what a caring and committed individual can do for his family, friends, and community. Indeed, by acting on this legislation today, Congress is reaffirming its own commitment to public service.

Mr. Speaker, let me close by once again thanking the members and staff of the Committee on Post Office and Civil Service for their fine work in bringing this measure to the floor. I am honored to have been able to introduce this bill and I urge my colleagues to support it.

Miss COLLINS of Michigan. Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 2056, as amended.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of order of no quorum is considered withdrawn.

GRAHAM B. PURCELL, JR. POST OFFICE BUILDING

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2294) to redesignate the post office building located at 1000 Lamar Street in Wichita Falls, TX, as the Graham B. Purcell, Jr. Post Office Building, as amended.

The Clerk read as follows:

H.R. 2294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Post Office building located at 1000 Lamar Street in Wichita Falls, Texas, and known as the Main Post Office, shall be known and designated as the "Graham B. Purcell, Jr. Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Post Office building referred to in section 1 shall be deemed to be a reference to the Graham B. Purcell, Jr. Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I support the passage of H.R. 2294, as amended, which will designate the U.S. Post Office building located at 1000 Lamar Street in Wichita Falls, TX, the "Graham B. Purcell, Jr. Post Office."

Mr. Purcell is a former Member of Congress from the 13th District of Texas. Mr. Purcell served as a distinguished Member of the House of Representatives from 1962 to 1972.

Before coming to Congress, he served as an officer in the Army during World War II attaining the rank of major.

Mr. Purcell graduated from Texas A&M College and Baylor University Law School. He served as judge of the 89th Judicial District Court of Texas from 1955 to 1962 when he was elected to the 87th Congress.

I am pleased to join Congressman SARPALIUS and the citizens of Wichita Falls, TX, in their attempt to name the postal facility in Wichita Falls, TX, the Graham B. Purcell, Jr. Post Office. I support the passage of H.R. 2294, as amended, and urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to offer my support for H.R. 2294, to designate the main post office facility on Lamar Street in Wichita Falls, TX, in honor of Graham B. Purcell, Junior.

Graham Purcell was a Member of this body from 1962 until 1972 and has been a practicing attorney and judge for most of his professional career in the north central Texas area of Wichita Falls.

I encourage my colleagues to join us today in paying our respects to this fine American and former colleague.

□ 1520

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Miss COLLINS of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 464, H.R. 2056, and H.R. 2294.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mr. SARPALIUS. Mr. Speaker, I rise in support of H.R. 2294 as the original sponsor of that bill to name the post office in Wichita Falls, TX, the Graham B. Purcell, Jr. Post Office.

Mr. Speaker, I want to express my appreciation to the gentlelady from Michigan [Miss COLLINS], the chairman of the Subcommittee on Postal Operations and Expenses and the gentleman from Missouri [Mr. CLAY], the chairman of the Committee on Post Office and Civil Service for their work on this legislation in committee.

Graham B. Purcell, Jr., was born in Archer City, TX, on May 5, 1919. He graduated from Texas A&M in 1946 and from Baylor University Law School in 1949.

He entered the U.S. Army in 1941 and served in the Tunisian and Italian campaigns. He achieved the rank of major and was discharged in 1946. He continued to serve his country in active reserves.

Graham Purcell was admitted to the bar and began practicing law in Big Spring, TX, in 1949. In 1955 he was appointed judge of the 89th Judicial District Court of Texas and was elected to that office in 1956 and 1960. He served in that position until 1962.

In 1962, Graham Purcell was elected to the 87th Congress by special election and was reelected to the five succeeding Congresses. He resumed the practice of law in 1973 and is a resident of Wichita Falls, TX.

Mr. Speaker, Graham Purcell was a dedicated representative of his constituents and I believe it is an appropriate tribute to designate the post office in Wichita Falls, TX, as the Graham B. Purcell, Jr. Post Office. I urge the support of my colleagues in recognizing the service Graham Purcell gave to the people of his district and our Nation.

Miss COLLINS of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 2294, as amended.

The question was taken.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT TO IMPACT AID REGARDING INDIAN LANDS

Mr. KILDEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3051) to provide that certain property located in the State of Oklahoma owned by an Indian housing authority for the purpose of providing low-income housing shall be treated as Federal property under the Act of September 30, 1950 (Public Law 874, 81st Congress).

The Clerk read as follows:

H.R. 3051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN PROPERTY IN THE STATE OF OKLAHOMA OWNED BY INDIAN HOUSING AUTHORITY FOR PURPOSE OF PROVIDING LOW-INCOME HOUSING TREATED AS FEDERAL PROPERTY UNDER PUBLIC LAW 874, 81ST CONGRESS.

(a) IN GENERAL.—Any real property located in the State of Oklahoma that—

(1) is owned by an Indian housing authority and used for low-income housing (including housing assisted under the mutual help homeownership opportunity program under section 202 of the United States Housing Act of 1937), and

(2) at any time prior to the date of the enactment of this Act—

(A) was designated by treaty as tribal land, or

(B) satisfied the definition of Federal property under section 403(1)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress),

shall be treated as Federal property under such section.

(b) APPLICABILITY.—Subsection (a) shall apply only with respect to payments made under the Act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal year 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Michigan [Mr. KILDEE] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, introduced by the gentleman from Oklahoma [Mr. BREWSTER], seeks a short-term remedy for a number of school districts in the State of Oklahoma who otherwise find themselves suddenly and unexpectedly ineligible for a certain type of impact aid payment.

The Department of Education recently completed a verification survey of property claimed as "Indian lands" for the purpose of impact aid.

Information from this survey caused the department to determine that these school districts would no longer be eligible for payments that they have received in the past.

Unfortunately, these determinations were made during the summer and affect funding for the school year just begun.

This has left numerous school districts in Oklahoma with no time to adjust for a loss of funding.

H.R. 3051 corrects this situation by maintaining the status quo while we consider the reauthorization of the impact aid law this Congress.

We are considering this bill today only because it addresses an emergency situation affecting numerous school districts.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3051 will allow certain property in Oklahoma, on which low income housing has been developed to be treated as Indian lands for purposes of payments under impact aid.

Mr. Speaker, I want to make it very clear that I will oppose the addition of any other impact aid amendments to this legislation and will oppose H.R. 3051 if it is returned from the other body with such amendments.

Finally, I would like to point out that the remedy provided by this legislation is only effective for 1 year and that it will have no budget impact because the bill will retain payments for this property at their current level.

Mr. FORD of Michigan. Mr. Speaker, today I rise to ask for the passage of H.R. 3051, a bill to address an emergency situation as regards impact aid payments to certain school districts in Oklahoma.

This bill is occasioned by a reinterpretation by the Department of Education regarding whether or not children who reside in public housing built on certain Indian lands qualify for payments under the Indian lands provision of the impact aid law. Historically, children residing in such housing have qualified under this provision. The Department is now saying that they should qualify under a different provision, reducing substantially the funding for a number of schools.

Since this program is funded in the current year, the impact of this reduction is devastating, since classes have already begun and schools had budgeted based on the historic interpretation. This is a special, in fact, a unique case. It only impacts one State, Oklahoma, which is singular in its legal position with respect to historic Indian lands.

The entire Impact Aid Program is scheduled for consideration and reauthorization during this Congress. There are a number of issues surrounding this program which require serious deliberation. I cannot now tell the Members what will be the shape or thrust of the reauthorization. I can tell you that this Oklahoma situation will be reviewed as part of our deliberations.

For these reasons, I am supporting H.R. 3051, as an emergency measure to protect the status quo. It is not fair to prejudge this one situation or let this unique set of districts suffer through inaction.

However, I want to make clear that this is not a signal for open season on this program. This is a 1 year, short-term remedy to meet a dire set of circumstances and maintain the status quo. It involves no additional funds or redistribution of money.

I say this to put all on notice that should simple bill undergo change or expansion as It goes through the remainder of the process, I will not move to any further consideration of this legislation. The Committee on Education and Labor intends to review this program in an orderly and coordinated fashion. We do not want to be rushed into a piecemeal reauthorization involving many important issues.

With this understanding, I ask for the passage of this bill.

Mr. GOODLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE] that the House suspend the rules and pass the bill, H.R. 3051.

The question was taken.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 3051, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENDING INTERIM EXEMPTION UNDER THE MARINE MAMMAL PROTECTION ACT FOR COMMERCIAL FISHERIES

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3049) to extend the current interim exemption under the Marine Mammal Protection Act for commercial fisheries until April 1, 1994.

The Clerk read as follows:

H.R. 3049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 114(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1383a(a)(1)), is amended by striking "October 1, 1993," and inserting in lieu thereof "April 1, 1994,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3049, introduced by Representatives YOUNG, SAXTON, and me, would extend until April 1, 1994, the current 5-year interim exemption from the Marine Mammal Protection Act's prohibition on taking marine mammals incidental to commercial fishing operations. This 6-month extension is necessary for the committee to address adequately concerns raised by representatives of the fishing industry and the environmental and animal welfare communities at the August 4 hearing before the Environment and Natural Resources Subcommittee and in subsequent meetings.

Although we had hoped to have approved a new management regime in time to meet the act's deadline of October 1, 1993, it is clear that more time is needed if we are to adopt a regime which will fulfill the goals of the MMPA and incorporate the concerns of interested parties. While we iron out this new language, an extension of the 5-year exemption is vital if we are to ensure that those who make their livelihoods from the sea can continue to do so unencumbered. I believe a 6-month extension is the committee's only sound alternative at this late date.

Mr. Speaker, so far as I know, this approach is unanimously agreed to by the members of the committee on both sides of the aisle.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3049 which extends the current exemption in the Marine Mammal Protection Act [MMPA] concerning the incidental take of marine mammals in commercial fisheries until April 1, 1994.

The MMPA was enacted in 1972 for the purpose of ensuring that marine mammals are maintained at, or in some cases restored to, healthy population levels. Prior to 1988, the act authorized the take of marine mammals incidental to commercial fishing operations through general permits or small take exemptions. In 1986, a Federal court decision—Kokechik—effectively prevented the National Marine Fisheries Service [NMFS] from issuing any incidental take permits on non-depleted species in situations where takes of depleted species, or species of unknown population status, might also occur. The court decision also stipulated that marine mammal stocks whose optimum sustainable population has not been determined are to be considered depleted.

In 1988, Congress amended the MMPA to provide a 5-year interim exemption for the fishing industry. During the interim, data on interactions between commercial fisheries and marine mammals were to be collected and the status of marine mammal stocks was to be determined in order to develop a permanent regime. The interim exemption program expires on October 1, 1993.

This issue is one that has proven rather difficult to resolve. This extension should allow us the time we need to address outstanding issues related to the Marine Mammal Protection Act.

Mr. Speaker, I support this extension and urge adoption of the bill.

□ 1530

Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 3049 and urge its adoption by the House.

This bill is a short-term extension of the current fisheries program, which exists under the Marine Mammal Protection Act. This bill is necessary in order to avoid a potential closure of our Nation's commercial fisheries at the end of this month.

In 1988, the Congress passed a 5-year measure which allowed some incidental take of marine mammals in the course of commercial fishing operations. This does not affect the tuna fisheries, which were handled under separate legislation. At the end of 5 years, the Congress intended to put in place a permanent management program governing the interaction between fishermen and marine mammals. Unfortunately, due to a variety of problems including a delay in receiving recommendations from the executive branch, the permanent program is not yet available.

I want to assure my colleagues that our committee is working diligently with the administration, the commercial fishing industry, and the environmental community to come up with a bill acceptable to all parties. Our committee has introduced legislation and has held a hearing on a proposed permanent program. We are now reviewing the comments we have received and will be working with the other body to have this program put in effect. In the meantime, it is in the best interests of all concerned to pass this short-term bill.

This is a much-needed measure which is without controversy. I urge the House to act on it quickly.

Mr. STUDDS. Mr. Speaker, I thank the gentleman from Pennsylvania for his quick study and his slow reading. I am very relieved to note the presence of the distinguished terrestrial mammal from Alaska who has joined us now.

Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Washington [Ms. CANTWELL].

Ms. CANTWELL. Mr. Speaker, I rise today in support of this bill to extend the Marine Mammal Protection Act exemption for commercial fishing operations. It is critical, however, that we recognize the urgency of completing a comprehensive reauthorization of the Marine Mammal Protection Act as soon as possible.

This extension is not an opportunity to put off addressing the difficult issues in this reauthorization. In the Northwest, pinniped interaction with endangered steelhead runs is nearing a critical point. The steelhead will be returning to the Ballard Locks in Washington State next month, completing their return well before the 6-month extension expires. We must implement a management regime that will enable us to effectively handle predatory situations such as the one at the Ballard Locks. If we fail to act, this steelhead run may be destroyed and a resource which has defined the Northwest will be in serious jeopardy.

Without this extension, the commercial fishing industry, an industry vital to the economic health of the Northwest, will be brought to a virtual halt on October 1. That is why I supported the extension in committee and why I will support it in the House today.

Mr. Speaker, I must reiterate my concern that the committee deliver a comprehensive reauthorization of this critical law as soon as possible. I am committed to working with my colleagues on the Merchant Marine and Fisheries Committee toward that end.

Mr. FIELDS of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, today we are considering legislation to extend for 6 months an interim exemption that will allow commercial fishermen to continue to incidental taking of marine mammals in the course of their fishing operations. At the same time, we are delaying a more comprehensive effort to reauthorize the Marine Mammal Protection Act. This is frustrating, because we are putting a very small Band-Aid on a very large cut.

I supported this 6-month extension when it came through the Merchant Marine and Fisheries Committee because without it, commercial fishing operations in many areas of the Washington-Oregon coast would have been faced with shutdowns. But I want to make very clear that there are other urgent issues we must deal with—and soon.

Because just as we have to act when a population is dwindling, so too must we act when one is expanding rapidly. That is certainly the case with seals and sea lions. In response to a report I requested, the National Marine Fisheries Service has found that seal and sea lion populations are increasing 6 to 10 percent a year. The West Coast population of California sea lions, once only a few thousand, now numbers more than 110,000.

For commercial fishermen, huge increases in these robust populations means increased interactions with salmon. For sportfishermen, it means watching the so-called Herschels annihilate the last of the wild Lake Washington steelhead at the Ballard Locks. This 6-month extension, Mr. Speaker, does not even begin to address these problems. What it does is buy us more time to find the workable solutions to which I am committed. I know Chairman STUDDS shares this commitment and understands the importance of moving comprehensive legislation that responds to the problems of robust populations and nuisance animals. This legislation should be put in place before April 1 to ensure protection of the Lake Washington steelhead.

In that case, we face the dilemma of seeing one species pitted against another, of one aspect of a problem being dealt with while another is ignored. It is a glaring example of why we must move beyond a species-by-species management approach to a broader ecosystem approach that gives us both predictability and the sustainable use of our resources.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 3049.

The question was taken.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

WALTER B. JONES CENTER FOR THE SOUNDS

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 2961, to authorize the Secretary of the Interior to construct and operate the Walter B. Jones Center for the Sounds at the Pocosin Lakes National Wildlife Refuge.

The Clerk read as follows:

H.R. 2961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) The Pocosin Lakes National Wildlife Refuge, located in northeastern North Carolina, provides unique opportunities for observing and interpreting the biological richness of the region's estuaries and wetlands.

(2) Although there are 10 national wildlife refuges in eastern North Carolina, not one has an educational or interpretative center for visitors.

(3) The State of North Carolina, Tyrrell County, the town of Columbia, the Conservation Fund, and private citizens have proposed to enter into a partnership with the United States Fish and Wildlife Service to establish an educational and interpretative facility to be known as the Center for the Sounds.

(4) Establishment of the Center for the Sounds would bestow economic benefits upon Tyrrell County and the town of Columbia.

(5) The Federal Government has designated the Albemarle-Pamlico estuary system of northeastern North Carolina as an estuary of national concern.

SEC. 2. FURTHER FINDINGS.

The Congress further finds and declares the following:

(1) Throughout his congressional career, the Honorable Walter B. Jones was a strong supporter of the National Wildlife Refuge System.

(2) During his years of service in the House of Representatives, Walter B. Jones supported the establishment and expansion of National Wildlife Refuges in eastern North Carolina; these include 6 new National Wildlife Refuges established in his district, including the Alligator River National Wildlife Refuge and the Pocosin Lakes National Wildlife Refuge, which are respectively the third largest and fifth largest National Wildlife Refuges east of the Mississippi River.

(3) Walter B. Jones helped increase refuge acreage in his district by over 303,000 acres, thus ensuring the protection of these lands for wildlife habitat and public recreation.

(4) Walter B. Jones' support for reintroducing endangered red wolves into the wild at Alligator River National Wildlife Refuge was a major factor in securing public acceptance of, and support for, this first successful effort to reintroduce endangered predators into formerly occupied habitat.

(5) Walter B. Jones devoted much of his congressional career, including his years as Chairman of the Merchant Marine and Fisheries Committee, to the conservation of fish and wildlife, for the benefit of the Nation and the people of North Carolina.

(6) Walter B. Jones should most appropriately be recognized for his work on behalf of fish and wildlife conservation by having the Center for the Sounds at the Pocosin Lakes National Wildlife Refuge System named in his honor.

SEC. 3. AUTHORITY TO CONSTRUCT AND OPERATE FACILITY.

(a) IN GENERAL.—The Secretary of the Interior may, subject to the availability of appropriations, construct and operate the Walter B. Jones Center for the Sounds at the Pocosin Lakes National Wildlife Refuge in Tyrrell County, North Carolina, for the following purposes:

(1) Providing public opportunities, facilities, and resources to study the natural history and natural resources of northeastern North Carolina.

(2) Offering a variety of environmental educational programs and interpretive exhibits.

(3) Fostering an awareness and understanding of the interactions among wildlife, estuarine and wetland ecosystems, and human activities.

(4) Providing office space and facilities for refuge administration, research, education, and related activities.

SEC. 4. DESIGN.

The Secretary of the Interior shall ensure that the design, size, and location of a facility constructed under this Act are consistent with the cultural and natural history of the area with which the facility will be concerned.

SEC. 5. COST SHARING.

The Secretary of the Interior may accept contributions of funds from non-Federal sources to pay the costs of operating and maintaining the facility authorized under this Act, and shall take appropriate steps to seek to obtain such contributions.

SEC. 6. REPORT.

Not later than 6 months after the date of the enactment of this Act, the Secretary of the Interior shall submit a report to the Congress on progress made in designing and constructing a facility under this Act, including steps taken under section 5 to obtain contributions and any such contributions that have been pledged to or received by the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2961 was introduced by our colleague from North Carolina [Mr. LANCASTER]. It would honor the memory of the late chairman of the Merchant Marine and Fisheries Committee by naming a new educational and interpretative facility at the Pocosin Lakes National Wildlife Refuge in North Carolina the "Walter B. Jones Center for the Sounds."

Chairman Jones was a tireless advocate for the protection and preservation of the National Wildlife Refuge System. His efforts are clearly evident in his home State of North Carolina where during his congressional service, six new refuges were created in his district. The establishment of this center would allow others the opportunity to develop the same appreciation for our natural resources that Chairman Jones had.

I believe the Walter B. Jones Center for the Sounds is a fitting way to remember Chairman Jones' dedication to his district and to the National Wildlife Refuge System. I strongly urge Members to vote in favor of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2961 which authorizes the Secretary of the Interior to construct and operate the Walter B. Jones Center for the Sounds at the Pocosin Lakes National Wildlife Refuge in North Carolina.

This wildlife refuge provides a unique opportunity for observing and interpreting the biological richness of that region's estuaries and wetlands. The establishment of an educational and interpretive facility, supported by a partnership of State, city, private, and Federal entities, is indeed an opportunity we should capitalize on by approving this legislation.

Many Members may recall that the late chairman of the Merchant Marine and Fisheries Committee, Walter B. Jones, worked diligently on this particular project for many years. It was his vision to have a center where visitors and students, attracted by the natural resources and waters of the region, could learn more about environmental processes and issues.

I would like to compliment our colleague, Congressman MARTIN LANCASTER, for introducing this legislation authorizing the Center in honor of our beloved former chairman, Walter B. Jones of North Carolina.

Mr. Speaker, this is a bill we should all support and I am pleased to urge its adoption by the House.

□ 1540

Mr. STUDDS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. LANCASTER], the author of the bill.

Mr. LANCASTER. Mr. Speaker, I thank my colleagues on the committee for their eloquent and kind words on behalf of this bill, and also in praise of our former colleague and chairman, Walter B. Jones. It has been pointed out that this bill authorizes the Secretary of the Interior to construct and operate the Walter B. Jones Center for the Sounds, which will serve as the headquarters for the Pocosin Lakes National Wildlife Refuge in Tyrrell County in eastern North Carolina. This center will provide public opportunities, facilities, and resources so that children and adults may study the region's natural history and resources. It will offer environmental educational programs and exhibits, and lastly, it will provide office space for the operation of the refuge. Any Federal spending will be subject to future appropriations, but we anticipate significant cost-sharing between the Department of the Interior, local and State government agencies.

Mr. Speaker, the exact cost of the center is unknown at this time, although previous centers of this type have cost in the range of $2 million to $5 million. After this center is designed, we will be able to more exactly determine that cost.

Congressman Jones introduced in the 102d Congress legislation which would establish this center, but unfortunately, died before it could be enacted. It was amended last year so that it would become a memorial to him, and at that time it passed the House of Representatives but died in the Senate at the end of the session. Once again, we are seeking the support of this body and of the Senate to authorize this important program.

Walter B. Jones was chairman of the Committee on Merchant Marine and Fisheries for 12 years, but served on the committee for the entire 26 years that he served in Congress. He was an especially strong advocate for the National Wildlife Refuge System, and during his term in Congress the Pocosin Lake National Wildlife Refuge and several other refuges were established in his district. Over 303,000 acres in his district were added to refuges, in the then First District of North Carolina. Now much of that lies within my new district, the Third District.

The Pocosin Lakes Refuge, for which this will become the center, was established with over 110,000 acres, but through a land donation from the conservation fund, so that no Federal funds to this point have gone into this refuge. These will be the first Federal funds, simply to establish the headquarters.

This acreage extends over a wide area in parts of three counties, in one of the poorest regions of North Carolina. These counties, along with others in the region, have formed a consortium called Partnership for the Sounds to develop ecotourism as a draw to that region, as a source of economic development, and as a source of economic growth for the region.

Surprisingly, while many counties object to taking property out of their tax base to establish wildlife refuges, Tyrrell County, where the bulk of this wildlife refuge is located, has enthusiastically embraced wildlife refuges and the role that they play in ecotourism and putting that small county on the map as a center for study of the ecology and the environment in the coastal estuaries and streams of eastern North Carolina.

We believe this is important legislation that will not only honor our former colleague and friend, Walter B. Jones, but will serve as an important educational tool for the people who will visit this region, and also as a headquarters for the refuge. I urge my colleagues to support this legislation, and again thank my colleagues for their kind words on behalf of the legislation.

Mr. FIELDS of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding to me.

I thank the sponsor of this bill. I believe everything has been said about the center, Mr. Speaker, but most of all, I would like to say, and I say this with great feeling, that Walter B. Jones, the chairman of that committee, probably right now is looking down and saying, "You are doing what?" he is probably saying, "There are some things we should have done when I was there, and I am glad you are continuing to carry on the work, through the leadership of the gentleman from Massachusetts [Mr. STUDDS] on the Committee on Merchant Marine and Fisheries," he believed so strongly in it, not only in the fish and wildlife of this Nation, but also the maritime part of it.

That is what this committee is all about. This committee, and we worked under Mr. Jones, now the gentleman from Massachusetts [Mr. STUDDS], and the gentleman from Texas [Mr. FIELDS], is the committee that serves all the people.

Mr. Speaker, this center is being named after Mr. Jones, just a small part of his legacy that he leaves behind. Mostly, the legacy left behind was the ability to work together as a group of individuals, as representatives of their constituencies, for the betterment of this country. I commend the author for this small gesture. I urge my collegues to pass this legislation, and let us find the money wherever it is possible, whether it be through the private sector, the county, or the Federal Government, to implement a true legacy for Walter B. Jones.

Mr. STUDDS. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Speaker, I would like to echo what has been said by the gentleman from Texas [Mr. FIELDS], the gentleman from Alaska [Mr. YOUNG], and the gentleman from North Carolina [Mr. LANCASTER].

Mr. Speaker, this is an appropriate action in tribute for our late colleague from North Carolina. For 12 years, he chaired the Merchant Marine and Fisheries Committee, the panel with jurisdiction over the U.S. Fish and Wildlife Service and its National Wildlife Refuge System. There are 10 national wildlife refuges in eastern North Carolina, but not one has a visitors center or educational facility. This bill authorizes a cost-sharing effort between the Federal, State, and local governments to construct and operate a facility at Pocosin Lakes National Wildlife Refuge in Columbia, NC. It is fitting for us to honor Walter Jones in this manner.

Mr. Speaker, I urge my colleagues to vote in favor of this legislation.

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would like to say on behalf of the Members on my side of the aisle that Walter Jones was a person that we all had deep, deep affection for. He was a very fair chairman. He was bipartisan. He worked with Members on all sides, and that tradition and legacy is being carried on today by our current chairman, the gentleman from Massachusetts [Mr. STUDDS].

Let me just say I am proud to be a member on this particular committee, and I am proud that we are taking this action today in memory of someone that we all cared so deeply for.

Mr. Speaker, I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to echo the words of the gentleman from Alaska [Mr. YOUNG] and the gentleman from Texas [Mr. FIELDS]. I think we can all agree that this may well be the only committee in the House, all of whose members, both Republican and Democratic, are genuine conservatives in the truest sense of that word.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I rise in enthusiastic support of this measure, and urge its adoption.

Mr. Speaker, it is all to rare when local governments and communities are enthusiastic about the presence of a national wildlife refuge. We all know about conflicts over refuge operations; local citizens sometimes claim that refuges are managed without taking into account the economic needs and aspirations of neighboring citizens. We also know that many localities resist the creation or expansion of refuges because they fear that their tax bases will be eroded.

In Tyrrell County, NC, we have a completely different situation. County government officials, along with those of the government of the town of Columbia, have welcomed the existence of the Pocosin Lakes National Wildlife Refuge. In fact, they are embarking on an exciting and innovative concept of linking economic development with environmental protection. They believe that by preserving their waters, lands, and wildlife, they can attract visitors interested in seeing their natural resources. Eco-tourism will create jobs in an area desperately in need of them.

The Federal Government needs to encourage this type of approach by local governments. Creation of the Walter B. Jones Center for the Sounds will prove to the citizens of Tyrrell County that the Fish and Wildlife Service will be a partner with them in protecting their natural resources and creating economic opportunities.

The President has spoken eloquently about the need to grow the economy. The Water B. Jones Center for the Sounds will help grow the economy of northeastern North Carolina.

The SPEAKER pro tempore. (Mr. FRANK of Massachusetts). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 2961.

The question was taken.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

BROWNSVILLE WETLANDS POLICY ACT OF 1993

Mr. ORTIZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2604) to establish a wetlands center at the Port of Brownsville, TX, and for other purposes.

The Clerk read as follows:

H.R. 2604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brownsville Wetlands Policy Act of 1993".

SEC. 2. ESTABLISHMENT OF WETLANDS POLICY CENTER AT THE PORT OF BROWNSVILLE, TEXAS.

(a) ESTABLISHMENT OF CENTER.—For purposes of utilizing grants made by the United States Fish and Wildlife Service there may be established in accordance with this Act, on property owned or held in trust by the Brownsville Navigation District at the Port of Brownsville, Texas, a wetlands policy center which shall be known as the "Brownsville Wetlands Policy Center at the Port of Brownsville, Texas" (in this Act referred to as the "Center"). The Center shall be operated and maintained by the Port of Brownsville with programs to be administered by the University of Texas at Brownsville.

(b) MISSION OF THE CENTER.—The primary mission of the Center shall be to utilize the unique wetlands property at the Port of Brownsville and adjacent waters of South Texas to focus on wetland matters for the purposes of protecting, restoring, and maintaining the Lagoon Ecosystems of the Western Gulf of Mexico Region.

(c) BOARD OF DIRECTORS.—The Center shall be governed by a Board of Directors to oversee the management and financial affairs of the Center. The Board of Directors shall be cochaired by the Port of Brownsville, the University of Texas at Brownsville, and the designee of the Director of the Fish and Wildlife Service, and shall include as members other representatives considered appropriate by those cochairs.

(d) OVERSIGHT OF THE CENTER—

(1) ANNUAL REPORT.—The Board of Directors of the center shall prepare an annual report and submit it through the Director of the United States Fish and Wildlife Service to the Congress.

(2) CONTENTS.—Annual reports under this subsection shall cover the programs, projects, activities, and accomplishments of the Center. The reports shall include a review of the budget of the Center, including all sources of funding received to carry out Center operations.

(3) AVAILABILITY OF INFORMATION.—The Board of Directors of the Center shall make available all pertinent information and records to allow preparation of annual reports under this subsection.

(4) GENERAL ACCOUNTING OFFICE.—The Comptroller General of the United States shall periodically submit to the Congress reports on the operations of the Center.

SEC. 3. GRANTS.

The Director of the United States Fish and Wildlife Service shall, subject to the availability of appropriations, make grants to the Center for use for carrying out activities of the Center.

SEC. 4. LEASE.

The Director of the United States Fish and Wildlife Service, subject to the availability of appropriations, may enter into a long-term lease with the Port of Brownsville for use by the Center of wetlands property owned by the Port of Brownsville. Terms of the lease shall be negotiated, and the lease shall be signed by both parties, prior to the disposal of any Federal funds pursuant to this Act. The lease shall include a provision authorizing the Director to terminate the lease at any time.

SEC. 5. OTHER REQUIREMENT.

As conditions of receiving assistance under this Act—

(1) the University of Texas at Brownsville shall make available to the Center for fiscal years 1994, 1995, 1996, and 1997—

(A) administrative office space;

(B) classroom space; and

(C) other in-kind contributions for the Center, including overhead and personnel; and

(2) the Port of Brownsville shall make available up to 7,000 acres of Port Property for the programs, projects, and activities of the Center.

The Board of Directors of the Center shall include in their annual report under section 2(d) a statement of whether these conditions have been met.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director of the United States Fish and Wildlife Service $5,000,000 for fiscal year 1994, $4,000,000 for fiscal year 1995, $4,000,000 for fiscal year 1996; and such sums as may be necessary for fiscal year 1997, for making grants to the Center under section 3, including for use for the establishment, operation, maintenance, and management of the Center.

SEC. 7. RELATIONSHIP OF CENTER WITH THE CENTER FOR ENVIRONMENTAL STUDIES AND SERVICES, CORPUS CHRISTI, TEXAS.

None of the funds appropriated pursuant to this Act may be used to relocate any of the administrative operations of the United States Fish and Wildlife Service from the Center for Environmental Studies and Services Building on the campus of Corpus Christi State University, to the Brownsville Wetlands Policy Center at the Port of Brownsville, Texas, established pursuant to this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2604, the Brownsville Wetlands Policy Act, was introduced by our colleague from Texas, Mr. ORTIZ, and provides for the establishment of a wetlands policy center at the Port of Brownsville, TX. The bill authorizes the U.S. Fish and Wildlife Service to fund wetland research projects on the 7,000 acres of wetlands owned by the Port of Brownsville.

H.R. 2604 is a sound proposal, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2604 which establishes a wetlands policy center at the Port of Brownsville, TX. The center would use property at the port to study wetlands for the purpose of protecting, restoring, and maintaining the ecosystem of the western Gulf of Mexico.

Mr. Speaker, this is a noncontroversial bill. In fact, it was adopted by the Merchant Marine and Fisheries Committee and the House of Representatives during the last Congress. I would like to commend its sponsor, Mr. ORTIZ, for this bill and all his work in support of wetlands research.

☐ 1550

Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I too would like to commend the gentleman from Texas [Mr. ORTIZ] for his foresight on this legislation.

Mr. Speaker, I rise in support of H.R. 2604, which was introduced by my colleague from Texas, and urge its adoption by the House.

This bill is identical to one which was approved by our committee during the 102d Congress. It has again been reported unanimously. The bill will establish a wetlands policy center at the Port of Brownsville, TX, which will be used to study wetlands in a joint arrangement between the U.S. Fish and Wildlife Service and the University of Texas.

Mr. Speaker, far too often we take action without knowing what we are doing. A perfect example is the administration's proposed wetlands policy, which will lock up hundreds of thousands of acres of land in my State of Alaska without looking at reality. Establishment of a center such as the one proposed in this bill will enable us to give some serious scientific study to wetlands use and protection and enable us to make better decisions in the future. I urge its adoption.

Mr. STUDDS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. ORTIZ], the author of the bill.

Mr. ORTIZ. Mr. Speaker, I would like to thank my chairman, the gentleman from Massachusetts, Mr. STUDDS, for moving this bill, and also my friend from Texas, Mr. JACK FIELDS, and the gentleman from Alaska, Mr. YOUNG, and the gentleman from Pennsylvania, Mr. WELDON.

Mr. Speaker, I rise today in strong support of H.R. 2604, which establishes a wetlands policy center in Brownsville, TX.

The purpose of H.R. 2604 is to develop an innovative, cooperative approach to the preservation, restoration and study of wetlands, focusing on the lagoon ecosystems of the western Gulf of Mexico region.

In a move of great generosity and community spirit, the Port of Brownsville, TX, has agreed to make available over 7,000 acres of valuable wetlands property for wetlands management, education, and policy program activities.

This legislation simply serves as a mechanism to create a wetlands center on these wetlands that will be overseen by a board of directors headed by the port, a local university, and the U.S. Fish and Wildlife Service.

The center will allow researchers, scientists, and students to conduct actual, applied management techniques on extremely diverse wetlands property contiguous to a heavy industrial enterprise.

This will provide a unique opportunity to focus on new technologies and approaches on the issues of wetlands preservation and environmentally compatible economic policy.

In addition, the center will serve to promote and foster the development of greatly needed graduate degree and career opportunities in the fields of environmental management, engineering, and policy, for Hispanics and other minorities in the United States.

This bill is nearly identical to legislation passed by the House last year.

It is the result of the cooperative efforts of the Port of Brownsville, the University of Texas at Brownsville, the U.S. Fish and Wildlife Service, and Chairman STUDDS' staff on the Merchant Marine and Fisheries Committee.

It is supported by both the majority and minority members on the committee.

I want to thank everyone for their time and effort in bringing this modest but important bill to the floor, and I urge its support.

Mr. FIELDS of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 2604.

The question was taken.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FEDERAL EMPLOYEES POLITICAL ACTIVITIES ACT OF 1993

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 251 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 251

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House a motion to take from the Speaker's table the bill (H.R. 20) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, with a Senate amendment thereto, and to concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 251 provides for consideration of H.R. 20, the Federal Employees Political Activities Act. The rule provides for a motion to take H.R. 20 from the Speaker's table with a Senate amendment and to concur in the Senate amendment. The rule provides that the Senate amendment shall be considered as read. The rule further provides that the motion will be debatable for 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service.

Mr. Speaker, H.R. 20 with amendment would restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation. The bill permits Federal employees to hold office in a political party, or affiliated organization, and to take an active role in the management of a political campaign if it is conducted on the employee's own time and not on the job.

The bill further prohibits Federal employees from running for any partisan political office including local offices, but allows Federal employees to run for public office in nonpartisan elections. The bill prohibits the soliciting or receiving of campaign contributions unless from individuals within the same Federal employee organization, who are not subordinate employees and the contributions must be on behalf of a Federal employees' organization's PAC to which the employee belongs.

In addition, the bill would prohibit most Federal law enforcement personnel, intelligence agency employees, senior executive service employees, administrative law judges, contract appeal board members and FEC employees from taking an active part in political campaigns.

Finally, the bill would protect Federal civilian employees from improper political solicitations and contains prohibitions against coercion. The bill specifies that Federal employees cannot use official authority or influence to interfere with the result of an election or to intimidate any individual to vote or not to vote, to give or withhold a contribution, or to engage or not engage in any political activity.

Mr. Speaker, H.R. 20 will allow Federal employees for the first time in over 50 years to participate in political activity and House Resolution 251 is a fair rule that will expedite consideration of this important legislation. I urge my colleagues to support the rule and the bill. Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the rule and this bill, the Federal Employees Political Activities Act of 1993. For too long, a group of Americans has been disenfranchised from the political process by an archaic law passed in the 1930's. But, Mr. Speaker, hopefully this legislation will change all of that.

The rule before us provides for the House to agree to the Senate amendments to H.R. 20, a bill which the House passed by a very substantial margin several months ago. Post Office and Civil Service Committee Chairman CLAY and the ranking member on that committee, the gentleman from Indiana [Mr. MYERS] my good friend, both testified in the Rules Committee last week that their committee is agreeable to the Senate amendments. I congratulate both of these gentlemen for doing an outstanding job in crafting this very, very importance piece of legislation.

Although there are substantive changes from the bill the House passed in March, the sentiment in the House seems to be to agree to the Senate changes and not delay this legislation any further.

For the sake of the Federal employees who have waited for many decades to participate in the political processes of this Nation, we should not hold this legislation back another day from reaching the President's desk. By our adopting the Senate amendments, it will go directly to the President without conference.

Mr. Speaker, while the Senate amendments weaken the effort to restore equal rights to all Federal employees under the Constitution, I am prepared to support final passage of the bill today in order to send the legislation to the White House immediately.

For many years I have supported the rights of Government workers to engage in political activity, with two stipulations: that they do it on their own time and without the use of Government offices or resources.

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This is both reasonable, necessary, and fair.

The provisions of law regarding what Federal workers can and cannot do have been subject to different interpretations. There is widespread confusion in the Government about what exactly is allowed. I just had a discussion over here a few minutes ago as to whether or not members of the Federal Reserve Board are Hatched. They do not even know themselves.

It is my belief that H.R. 20 presents a very coherent reform of the Hatch Act. However, one issue that has been of great concern to me and other Members of this body needs some kind of clarification. The issue is the right of certain State and local workers, not Federal workers, but certain State and local Government workers, to engage in political activities. At the appropriate time I would like to engage the gentleman from Missouri [Mr. CLAY], the distinguished chairman of the Committee on Post Office and Civil Service, in a colloquy regarding this important subject.

Mr. Speaker, my concern is that the State and local government employees whose salaries are paid through Federal funds will still not be entitled to the same constitutional rights as other Americans. That is wrong. For various reasons, it will remain current policy that these employees have only a limited right to take part in politics. I urge the Congress to take appropriate steps to rectify this shameful state of affairs.

These problems aside, the fact is that both Houses of Congress have agreed to restore the constitutional rights to Federal workers who have been denied them for so very, very long.

The Framers of our Constitution clearly believed that citizen participation was necessary for this great experiment in democracy to survive. It is unconscionable that we have denied a group of citizens the right to participate with a full voice in the political affairs of the Nation.

I would urge support for the rule and the bill when it comes up for a vote later on.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CLAY. Mr. Speaker, pursuant to House Resolution 251, I move to take from the Speaker's table the bill (H.R. 20) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. CLAY moves to take from the Speaker's table the bill, H.R. 20, with a Senate amendment thereto, and to concur in the Senate amendment.

The SPEAKER pro tempore. Pursuant to the rule, the Senate amendment is considered as read.

The text of the Senate amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Hatch Act Reform Amendments of 1993".

SEC. 2. POLITICAL ACTIVITIES.

(a) Subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"§7321. Political participation

"It is the policy of the Congress that employees should be encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of the Nation.

"§7322. Definitions

"For the purpose of this subchapter—

"(1) 'employee' means any individual, other than the President and the Vice President, employed or holding office in—

"(A) an Executive agency other than the General Accounting Office;

"(B) a position within the competitive service which is not in an Executive agency; or

"(C) the government of the District of Columbia, other than the Mayor or a member of the City Council or the Recorder of Deeds;

but does not include a member of the uniformed services;

"(2) 'partisan political office' means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but shall exclude any office or position within a political party or affiliated organization; and

"(3) 'political contribution'—

"(A) means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose;

"(B) includes any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

"(C) includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

"(D) includes the provision of personal services for any political purpose.

"§7323. Political activity authorized; prohibitions

"(a) Subject to the provisions of subsection (b), an employee may take an active part in political management or in political campaigns, except an employee may not—

"(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;

"(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—

"(A) a member of the same Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)));

"(B) not a subordinate employee; and

"(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))); or

"(3) run for the nomination or as a candidate for election to a partisan political office; or

"(4) knowingly solicit or discourage the participation in any political activity of any person who—

"(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or

"(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee.

"(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2)(A) No employee described under subparagraph (B) (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(B) The provisions of subparagraph (A) shall apply to—

"(i) an employee of—

"(I) the Federal Election Commission;

"(II) the Federal Bureau of Investigation;

"(III) the Secret Service;

"(IV) the Central Intelligence Agency;

"(V) the National Security Council;

"(VI) the National Security Agency;

"(VII) the Defense Intelligence Agency;

"(VIII) the Merit Systems Protection Board;

"(IX) the Office of Special Counsel;

"(X) the Office of Criminal Investigation of the Internal Revenue Service;

"(XI) the Office of Investigative Programs of the United States Customs Service; or

"(XII) the Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms; or

"(ii) a person employed in a position described under section 3132(a)(4), 5372, or 5372a of title 5, United States Code.

"(3) No employee of the Criminal Division of the Department of Justice (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(4) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

"(c) An employee retains the right to vote as he chooses and to express his opinion on political subjects and candidates.

"§7324. Political activities on duty; prohibition

"(a) An employee may not engage in political activity—

"(1) while the employee is on duty;

"(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

"(3) while wearing a uniform or official insignia identifying the office or position of the employee; or

"(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.

"(b)(1) An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

"(2) Paragraph (1) applies to an employee—

"(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and

"(B) who is—

"(i) an employee paid from an appropriation for the Executive Office of the President; or

"(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws.

"§7325. Political activity permitted; employees residing in certain municipalities

"The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibitions in paragraphs (2) and (3) of section 7323(a) of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

"(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

"(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

"§7326. Penalties

"An employee or individual who violates section 7323 or 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit System Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.".

(b)(1) Section 3302(2) of title 5, United States Code, is amended by striking out "7203, 7321, and 7322" and inserting in lieu thereof "and 7203".

(2) The table of sections for subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"7321. Political participation.
"7322. Definitions.
"7323. Political activity authorized; prohibitions.
"7324. Political activities on duty; prohibition.
"7325. Political activity permitted; employees residing in certain municipalities.
"7326. Penalties.".

SEC. 3. AMENDMENT TO CHAPTER 12 OF TITLE 5, UNITED STATES CODE.

Section 1216(c) of title 5, United States Code, is amended to read as follows:

"(c) If the Special Counsel receives an allegation concerning any matter under paragraph (1), (3), (4), or (5) of subsection (a), the Special Counsel may investigate and seek corrective action under section 1214 and disciplinary action under section 1215 in the same way as if a prohibited personnel practice were involved.".

SEC. 4. AMENDMENTS TO TITLE 18, UNITED STATES CODE.

(a) Section 602 of title 18, United States Code, relating to solicitation of political contributions, is amended—

(1) by inserting "(a)" before "It";

(2) in paragraph (4) by striking out all that follows "Treasury of the United States" and inserting in lieu thereof a semicolon and "to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined under this title or imprisoned not more than 3 years, or both."; and

(3) by adding at the end thereof the following new subsection:

"(b) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(b) Section 603 of title 18, United States Code, relating to making political contributions, is amended by adding at the end thereof the following new subsection:

"(c) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(c)(1) Chapter 29 of title 18, United States Code, relating to elections and political activities is amended by adding at the end thereof the following new section:

"§610. Coercion of political activity

"It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the Federal Government as defined in section 7322(1) of title 5, United States Code, to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.".

(2) The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following:

"610. Coercion of political activity.".

SEC. 5. AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965.

Section 6 of the Voting Rights Act of 1965 (42 U.S.C. 1973d) is amended by striking out "the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity" and by inserting in lieu thereof "the provisions of subchapter III of chapter 73 of title 5, United States Code, relating to political activities".

SEC. 6. AMENDMENTS RELATING TO APPLICATION OF CHAPTER 15 OF TITLE 5, UNITED STATES CODE.

Section 675(e) of the Community Services Block Grant Act (42 U.S.C. 9904(e)) is repealed.

SEC. 7. APPLICABILITY TO POSTAL EMPLOYEES.

The amendments made by this Act (except for the amendments made by section 8), and any regulations thereunder, shall apply with respect to employees of the United States Postal Service and the Postal Rate Commission, pursuant to sections 410(b) and 3604(e) of title 39, United States Code.

SEC. 8. POLITICAL RECOMMENDATIONS.

(a) Section 3303 of title 5, United States Code, is amended to read as follows:

"§3303. Political recommendations

"(a) For the purposes of this section—

"(1) 'agency' means—

"(A) an Executive agency; and

"(B) an agency in the legislative branch with positions in the competitive service;

"(2) 'applicant' means an individual who has applied for appointment to be an employee;

"(3) 'employee' means an employee of an agency who is—

"(A) in the competitive service;

"(B) a career appointee in the Senior Executive Service or an employee under a similar appointment in a similar executive service; or

"(C) in the excepted service other than—

"(i) an employee who is appointed by the President; or

"(ii) an employee whose position has been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character; and

"(4) 'personnel action' means any action described under clauses (i) through (x) of section 2302(a)(2)(A).

"(b) Except as provided under subsection (f), each personnel action with respect to an employee or applicant shall be taken without regard to any recommendation or statement, oral or written, with respect to any employee or applicant who requests or is under consideration for such personnel action, made by—

"(1) any Member of Congress or congressional employee;

"(2) any elected official of the government of any State (including the District of Columbia and the Commonwealth of Puerto Rico), county, city, or other subdivision thereof;

"(3) any official of a political party; or

"(4) any other individual or organization making such recommendation or statement on the basis of the party affiliation of the employee or applicant.

"(c) Except as provided under subsection (f), a person or organization referred to under subsection (b) (1) through (4) is prohibited from making or transmitting to any officer or employee of an agency, any recommendation or statement, oral or written, with respect to any employee or applicant who requests or is under consideration for any personnel action in such agency. Except as provided under subsection (f), the agency, or any officer or employee of the agency—

"(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

"(2) shall return any such written recommendation or statement, appropriately marked as in violation of this section, to the person or organization transmitting the same.

"(d) Except as provided under subsection (f), an employee or applicant who requests or is under consideration for a personnel action in an agency is prohibited from requesting or soliciting from a person or organization referred to under subsection (b) (1) through (4) a recommendation or statement.

"(e) Under regulations prescribed by the Office of Personnel Management, the head of each agency shall ensure that employees and applicants are given notice of the provisions of this section.

"(f) An agency, or any authorized officer or employee of an agency, may solicit, accept, and consider, and any other individual or organization may furnish or transmit to the agency or such authorized officer or employee, any statement with respect to an employee or applicant who requests or is under consideration for a personnel action, if—

"(1) the statement is furnished pursuant to a request or requirement of the agency and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of the employee or applicant;

"(2) the statement relates solely to the character and residence of the employee or applicant;

"(3) the statement is furnished pursuant to a request made by an authorized representative of the Government of the United States solely in order to determine whether the employee or applicant meets suitability or security standards;

"(4) the statement is furnished by a former employer of the employee or applicant pursuant to a request of an agency, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such employee or applicant during employment with such former employer; or

"(5) the statement is furnished pursuant to a provision of law or regulation authorizing consideration of such statement with respect to a specific position or category of positions.

"(g) An agency shall take any action it determines necessary and proper under subchapter I or II of chapter 75 to enforce the provisions of this section.

"(h) The provisions of this section shall not affect the right of any employee to petition Congress as authorized by section 7211.".

(b) The table of sections for chapter 33 of title 5, United States Code, is amended by amending the item relating to section 3303 to read as follows:

"3303. Political recommendations.".

(c) Section 2302(b)(2) of title 5, United States Code, is amended to read as follows:

"(2) solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action except as provided under section 3303(f);".

SEC. 9. GARNISHMENT OF FEDERAL EMPLOYEES' PAY.

(a) Subchapter II of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§5520a. Garnishment of pay

"(a) For purposes of this section—

"(1) 'agency' means each agency of the Federal Government, including—

"(A) an executive agency, except for the General Accounting Office;

"(B) the United States Postal Service and the Postal Rate Commission;

"(C) any agency of the judicial branch of the Government; and

"(D) any agency of the legislative branch of the Government, including the General Accounting Office, each office of a Member of Congress, a committee of the Congress, or other office of the Congress;

"(2) 'employee' means an employee of an agency (including a Member of Congress as defined under section 2106);

"(3) 'legal process' means any writ, order, summons, or other similar process in the nature of garnishment, that—

"(A) is issued by a court of competent jurisdiction within any State, territory, or possession of the United States, or an authorized official pursuant to an order of such a court or pursuant to State or local law; and

"(B) orders the employing agency of such employee to withhold an amount from the pay of such employee, and make a payment of such withholding to another person, for a specifically described satisfaction of a legal debt of the employee, or recovery of attorney's fees, interest, or court costs; and

"(4) 'pay' means—

"(A) basic pay, premium pay paid under subchapter V, any payment received under subchapter VI, VII, or VIII, severance and back pay paid under subchapter IX, sick pay, incentive pay, and any other compensation paid or payable for personal services, whether such compensation is denominated as wages, salary, commission, bonus pay or otherwise; and

"(B) does not include awards for making suggestions.

"(b) Subject to the provisions of this section and the provisions of section 303 of the Consumer Credit Protection Act (15 U.S.C. 1673) pay from an agency to an employee is subject to legal process in the same manner and to the same extent as if the agency were a private person.

"(c)(1) Service of legal process to which an agency is subject under this section may be accomplished by certified or registered mail, return receipt requested, or by personal service, upon—

"(A) the appropriate agent designated for receipt of such service of process pursuant to the regulations issued under this section; or

"(B) the head of such agency, if no agent has been so designated.

"(2) Such legal process shall be accompanied by sufficient information to permit prompt identification of the employee and the payments involved.

"(d) Whenever any person, who is designated by law or regulation to accept service of process to which an agency is subject under this section, is effectively served with any such process or with interrogatories, such person shall respond thereto within thirty days (or within such longer period as may be prescribed by applicable State law) after the date effective service thereof is made, and shall, as soon as possible but not later than fifteen days after the date effective service is made, send written notice that such process has been so served (together with a copy thereof) to the affected employee at his or her duty station or last-known home address.

"(e) No employee whose duties include responding to interrogatories pursuant to requirements imposed by this section shall be subject to any disciplinary action or civil or criminal liability or penalty for, or on account of, any disclosure of information made by such employee in connection with the carrying out of any of such employee's duties which pertain directly or indirectly to the answering of any such interrogatory.

"(f) Agencies affected by legal process under this section shall not be required to vary their normal pay and disbursement cycles in order to comply with any such legal process.

"(g) Neither the United States, an agency, nor any disbursing officer shall be liable with respect to any payment made from payments due or payable to an employee pursuant to legal process regular on its face, provided such payment is made in accordance with this section and the regulations issued to carry out this section. In determining the amount of any payment due from, or payable by, an agency to an employee, there shall be excluded those amounts which would be excluded under section 462(g) of the Social Security Act (42 U.S.C. 662(g)).

"(h)(1) Subject to the provisions of paragraph (2), if an agency is served under this section with more than one legal process with respect to the same payments due or payable to an employee, then such payments shall be available, subject to section 303 of the Consumer Credit Protection Act (15 U.S.C. 1673), to satisfy such processes in priority based on the time of service, with any such process being satisfied out of such amounts as remain after satisfaction of all such processes which have been previously served.

"(2) A legal process to which an agency is subject under sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662) for the enforcement of the employee's legal obligation to provide child support or make alimony payments, shall have priority over any legal process to which an agency is subject under this section.

"(i) The provisions of this section shall not modify or supersede the provisions of sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662) concerning legal process brought for the enforcement of an individual's legal obligations to provide child support or make alimony payments.

"(j)(1) Regulations implementing the provisions of this section shall be promulgated—

"(A) by the President or his designee for each executive agency, except with regard to employees of the United States Postal Service, the President or, at his discretion, the Postmaster General shall promulgate such regulations;

"(B) jointly by the President pro tempore of the Senate and the Speaker of the House of Representatives, or their designee, for the legislative branch of the Government; and

"(C) by the Chief Justice of the United States or his designee for the judicial branch of the Government.

"(2) Such regulations shall provide that an agency's administrative costs in executing a garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections.

"(k)(1) No later than 180 days after the date of the enactment of this Act, the Secretaries of the Executive departments concerned shall promulgate regulations to carry out the purposes of this section with regard to members of the uniformed services.

"(2) Such regulations shall include provisions for—

"(A) the involuntary allotment of the pay of a member of the uniformed services for indebtedness owed a third party as determined by the final judgment of a court of competent jurisdiction, and as further determined by competent military or executive authority, as appropriate, to be in compliance with the procedural requirements of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 501 et seq.); and

"(B) consideration for the absence of a member of the uniformed service from an appearance in a judicial proceeding resulting from the exigencies of military duty.

"(3) The Secretaries of the Executive departments concerned shall promulgate regulations under this subsection that are, as far as practicable, uniform for all of the uniformed services. The Secretary of Defense shall consult with the Secretary of Transportation with regard to the promulgation of such regulations that might affect members of the Coast Guard when the Coast Guard is operating as a service in the Navy.".

(b)(1) The table of chapters for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5520 the following:

"5520a. Garnishment of pay.".

(2) Section 410(b) of title 39, United States Code, is amended—

(A) by redesignating the second paragraph (9) (relating to the Inspector General Act of 1978) as paragraph (10); and

(B) by adding at the end thereof the following new paragraph:

"(11) section 5520a of title 5.".

SEC. 10. SENSE OF THE SENATE RELATING TO FEDERAL EMPLOYEE SOLICITATION OF FUNDS AND CANDIDACIES.

It is the sense of the Senate that Federal employees should not be authorized to—

(1) solicit political contributions from the general public; or

(2) run for the nomination or as a candidate for a local partisan political office, except as expressly provided under current law.

SEC. 11. SENSE OF THE SENATE RELATING TO ASSISTANCE TO NICARAGUA.

(a) FINDINGS.—The Senate finds the following:

(1) On May 23, 1993, an explosion in Managua, Nicaragua exposed a cache of weapons, including 19 surface-to-air missiles, hundreds of AK-47 assault rifles, machine guns, rocket propelled grenades, tons of ammunition and explosives.

(2) Investigations of the explosions have uncovered 310 passports from 21 different countries, including seven United States passports.

(3) Documents in the possession of those apprehended in connection with the February 26, 1993, bombing of the World Trade Center have been traced to Nicaragua.

(4) The acquisition and storage of these weapons and documents could not have been accomplished without the knowledge and cooperation of the Sandinista National Liberation Front and ministries of the Government of Nicaragua under its control.

(5) The Sandinista National Liberation Front has a history of subversion and links to international terrorism.

(6) The recent discovery demonstrates the inability of the legitimate Government of Nicaragua to control all of its ministries.

(7) This lack of authority makes uncertain the ability of the Government of Nicaragua to prevent the export of terrorism by the Sandinista National Liberation Front.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) no further United States foreign assistance to Nicaragua should be obligated pending investigation by an appropriate international body, with the participation of United States Federal agencies, of the Sandinista National Liberation Front; and

(2) such investigation should focus on the relationship of the Sandinista National Liberation Front to acts of terrorism which threaten to undermine the security of the United States and the political stability and economic prosperity of the Western Hemisphere.

SEC. 12. EFFECTIVE DATE.

(a) The amendments made by this Act shall take effect 120 days after the date of the enactment of this Act, except that the authority to prescribe regulations granted under section 7325 of title 5, United States Code (as added by section 2 of this Act), shall take effect on the date of the enactment of this Act.

(b) Any repeal or amendment made by this Act of any provision of law shall not release or extinguish any penalty, forfeiture, or liability incurred under that provision, and that provision shall be treated as remaining in force for the purpose of sustaining any proper proceeding or action for the enforcement of that penalty, forfeiture, or liability.

(c) No provision of this Act shall affect any proceedings with respect to which the charges were filed on or before the effective date of the amendments made by this Act. Orders shall be issued in such proceedings and appeals shall be taken therefrom as if this Act had not been enacted.

The SPEAKER pro tempore. Pursuant to House Resolution 251, the gentleman from Missouri [Mr. CLAY] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first sponsored legislation to reform the Hatch Act almost two decades ago. Today, it is my hope that this long effort shall come to a successful conclusion.

Earlier this year, the House passed H.R. 20 by a vote of 333 to 86. In its overall effect, H.R. 20 as passed by the Senate is substantially similar to the bill as passed by the House. The Senate amendment, like the House-passed bill, protects Federal employees from improper political solicitation, broadens their right to participate in political activities while off duty, tightens restrictions on political coercion, and strengthens the procedures for punishing those who violate the legislation's prohibitions. Under this legislation, Federal employees are precluded from engaging in any political activity while on duty, on Government premises, in a Government vehicle, or while in a Government uniform. No Federal or postal employee may use his or her official authority or influence for the purpose of interfering with or affecting the result of an election. Nor may any Federal or postal employee knowingly solicit or discourage political activity on the part of any person who is doing business with, or is the subject of an enforcement action by, that employee's agency.

The Senate amendment is more restrictive than the House-passed bill. The House-passed bill would have permitted Federal employees to solicit contributions on behalf of partisan candidates. The Senate amendment permits solicitation only on behalf of the multicandidate political action committees [PAC's] of Federal employee organizations, and only from fellow, nonsubordinate members of those organizations.

The Senate amendment also prescribes stricter sanctions than the House-passed bill. Under the Senate amendment, an employee found in violation of the Hatch Act, as reformed, would be subject to removal unless the members of the Merit Systems Protection Board voted unanimously to suspend the employee without pay for 30 days.

With two exceptions, the Senate amendment retains current law restrictions on running for partisan political office. The Senate amendment prohibits Federal and postal employees from running for nomination or as a candidate for election for partisan political office. I would note that a similar restriction is imposed upon State and local employees whose activities are funded in whole or in part by Federal funds. The House-passed bill would have treated employees of the District of Columbia as if they were State or local employees. The Senate amendment retains the practice of current law in applying the Hatch Act to District of Columbia employees as if they were employees of the Federal Government. The Senate amendment also retains provisions of current law permitting political activity by employees in certain communities pursuant to regulations issued by the Office of Personnel Management.

The Senate amendment modifies current law by permitting employees to seek and hold positions within political parties. The Senate amendment also repeals section 675(e) of the Community Services Block Grant Act and thereby removes the prohibition on the right of employees of nonprofit agencies receiving Federal funds under community block grant programs to seek partisan, political office.

The Senate amendment reforms provisions of current law intended to ensure that Federal personnel actions are free of political influence. Generally, the Senate amendment precludes Members of Congress, any elected official of a State, or any other individual or organization from submitting recommendations on behalf of an employee or applicant under consideration for any personnel action except in specified circumstances in which such a statement provides relevant information regarding the qualifications of the individual.

Finally, the House-passed bill retained current law restrictions on the political activity of employees of the Federal Election Commission. The Senate amendment precludes a much broader group of Federal employees from engaging in partisan political activity, including members of the Senior Executive Service, law enforcement and intelligence agency employees, employees of agencies enforcing the civil service laws, administrative law judges and others, as well as Federal Election Commission employees.

In addition, the Senate amendment incorporates two provisions that are extraneous to the Hatch Act. The Senate has incorporated a Sense-of-the-Senate resolution regarding aid to Nicaragua. This resolution speaks only to the views of the other body and has no effect in law.

The Senate has also incorporated provisions permitting the garnishment of the pay of Federal and postal employees. The doctrine of sovereign immunity protects Federal employees from garnishment actions brought in accordance with State or local law. This provision provides a limited exception to the sovereign immunity doctrine to provide that all Federal employees generally will be subject to State or local garnishment laws to the same extent as other citizens. The provision includes language incorporating the protection of section 303 of the Consumer Credit Protection Act, which limits the percentage of wages that may be garnished, and also provides that child support and alimony judgments against a Federal employee's pay shall have precedence over garnishment orders. Finally, while permitting the garnishment of the pay of uniformed personnel, the bill includes special protection for service members in circumstances where their military duty precludes their presence at the garnishment proceeding.

While I would prefer to see the less restrictive provisions of the House bill enacted into law, it is my view that a conference with the Senate is unlikely to achieve that result. Furthermore, the almost certain delay that would result from requesting a conference with the other body could jeopardize the enactment of any reform of the Hatch Act in this Congress.

For more than half a century, the Hatch Act has denied Federal and postal employees the right to effectively participate in the selection of their Government. If there was ever justification for this second-class citizenship, that justification long since ceased to exist. In 1934, less than 32 percent of a Federal work force of 950,000 was classified under the merit system. Now, 78.6 percent of the Federal work force is protected by a well-entrenched merit system that protects both Federal employees and the public from political influence and abuse. Yet, Federal and postal employees continued to be denied the most basic right of citizenship.

Under the Hatch Act, Federal employees retain the right to vote, but that right is rendered meaningless because they are denied the right to engage in active partisan political activity. Imagine that as Members of the House, we had no right to seek to inform others of our views on the issues before us, or to seek to influence how any of our colleagues voted. Would any of us claim that our right to vote in such circumstances was meaningful? Would any of us claim that the citizens of the former Soviet Union, who also had the right to vote but only among candidates chosen for them by others, had a meaningful right? Yet that, in essence, is the same circumstance that the Hatch Act has imposed upon Federal and postal employees for the last 50 years.

Today, this House has the historic opportunity to take the last legislative step to end this injustice and to restore to Federal and postal employees their most basic right of citizenship, the right to actively participate in the selection of their Government. This day has been a long time coming. I first introduced legislation to reform the Hatch Act in 1974. Counting our action earlier this year, the House of Representatives has passed legislation to reform the Hatch Act in five Congresses. Three times previously, the Congress has passed Hatch Act reform only to see it vetoed. But now things are different. The Senate has acted on legislation to restore to Federal workers the right to express their political views. The President stands committed to sign the legislation when it reaches his desk. It remains only for this House to adopt the motion before it to restore full citizenship to Federal and postal employees. I urge the adoption of the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. As our chairman, the gentleman from Missouri [Mr. CLAY] has said, it has been a long time in coming. In fact, this is the third time this year that this body has considered this legislation.

Through the years, more than 50 years ago, when this legislation was first introduced and the Hatch Act became a reality, it was very much needed to protect Federal workers from superiors who used or abused them in the political system. But it has been abused to the point where political activities were prohibited, at least the interpretation by Federal employees that they could participate in any way whatsoever. In fact, some people have even told me that their families could not participate for fear of violating the Hatch Act.

So this legislation has been long needed.

As the chairman mentioned, the House bill passed earlier this year was a better bill. I think it gave much more rights to the individuals who do select and choose to work for the Federal Government, give them the opportunity to serve in public office if they so chose, and they would have to take a leave of absence.

The version we bring back to the floor now does not provide that.

□ 1610

The version now also includes about 85,000 Federal employees who will be continued under the Hatch Act; IRS auditors, as an example, who audit our tax returns will not be able to participate in the political structure, which I think probably is a good idea. There are other Federal Bureau of Investigation personnel, some of these higher officials will not be able to participate and still come under the Hatch Act. There are a number of other agencies, the CIA is another agency which will also continue to be covered under the Hatch Act.

But this legislation is good legislation. It has one provision added by the Senate which I certainly support, and that is that all Federal employees, including Members of Congress and congressional employees, now can be garnisheed if they do not pay their debts. It has been difficult to defend Federal employees who could hide behind this and not pay their debts and not be garnisheed; so now there can be garnishment through the efforts of my colleague, the gentleman from Indiana [Mr. JACOBS]. He has long been a proponent of this. He has been outspoken on this.

In the other body, the junior Senator from Idaho has worked hard to bring this about and got it in the Senate version. This was not in the House version, but it is now in the version that is going to go to the President.

Mr. Speaker, I think every Member here and I hope every Member can support this legislation, because once and for all we will be freeing up Federal employees to participate in this system of ours in electing our officials to public office to the extent that even now they can participate in the political parties. They will have to take leave if they run for office, but they will be able to participate in the political parties and participate in the system that keeps our Government free.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Virginia [Ms. BYRNE].

Ms. BYRNE. Mr. Speaker, I rise today in support of the conference report to H.R. 20. Mr. Speaker, in 1939 the Hatch Act was established to protect Federal employees from being subjected to coercion by the elected officials who supervised them.

This once noble intention has turned into a form of punishment preventing Federal workers from exercising their first amendment rights.

For five decades, the Hatch Act has stopped Federal employees from taking part in the most basic political activities. And Federal workers have become a silent majority lacking the ability to exercise their political muscle.

This has been accomplished by forcing Federal employees into a maze of thousands of rules and regulations to discourage them from using their voice in the political system.

The other body's revisions exclude some civil service employees from the reforms—without recognizing that the political appointees had been the historic problem, not the civil servants—but I will support these amendments because we must unlock the yoke we have put around the necks of public servants.

While most Americans can campaign for candidates of their choice, Federal employees cannot. It is time that we extend these basic rights to the Federal workforce.

These hard working people deserve the same chance to participate in our political process as every other American. By allowing Federal employees—on their own time—to actively support and nominate candidates, we will be providing a voice to millions of Americans who have been held silent for years.

If we are going to truly reinvent Government, let us support this bill and give Federal employees the right of every other citizen.

Thanks to the Hatch Act reform legislation, Federal employees will finally have what every other American already has—the right to make their voice heard.

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the distinguished former ranking Republican member, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of the Senate amendment to H.R. 20, the Federal Employees Political Activities Act of 1993, otherwise known as the Hatch Act reform bill.

I want to commend our distinguished chairman of the Committee on Post Office and Civil Service, the gentleman from Missouri [Mr. CLAY], and the distinguished ranking member of the committee, the gentleman from Indiana [Mr. MYERS], for their diligent leadership in bringing this legislation to the floor at this time.

It is my firm belief that under the provisions of H.R. 20, Federal employees will continue to carry out their official responsibilities with impartiality, while having the ability to exercise their political rights on their own time. The measure we are considering at this time contains both penalties for coercion and protections for our Federal employees. Moreover, a factor not present half a century ago but available today is the broad application of the merit system, which protects over three quarters of Federal workers and guarantees open competition and merit based promotion.

Under the Senate amendments, the house bill was modified to exclude several groups of Federal employees in sensitive positions from the Hatch Act reforms. Additionally, the Senate amendments prohibit Federal employees from running for political office, and soliciting PAC funds from the public.

While not perfect, the Senate amendments H.R. 20 allow Federal employees to more fully participate in the political process. Accordingly, I urge my colleagues to support this measure, allowing 3 million Americans to exercise their political rights.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, today I rise in support of H.R. 20, the much-needed revision to the Hatch Act.

Let me begin by extending my compliments and congratulations to my committee chair, the gentleman from Missouri [Mr. CLAY] for his hard work and outstanding effort in getting this measure before us today.

Now, I stand in a somewhat unique position. I represent more Federal employees than probably anyone in this Chamber. I represent 72,000 Federal employees. For all my political career, these Federal employees have been gagged. They have not been able to participate in even the basic rudiments of politics. They have not been able to hand out literature. They have not been able to work at the polls. They have not been able to participate in political fundraising.

Mr. Speaker, that is a shame, because around the world we promote democracy and we promote participatory democracy, because we believe that when people are able to participate in the democratic process, we have a better process; so I am delighted that this measure will allow us to take that gag off our Federal employees and allow them to participate fully in American politics.

Now, I understand there were concerns that there might be abuses in this regard, but those concerns I believe have been addressed in the final version of the bill. There are protections. Certain Federal employees will not be allowed to participate, those in law enforcement, those involved in tax audits and the like. They are not affected by this bill, but for the rank and file postal worker, the worker from the Interior Department, the Commerce Department, the Agriculture Department, it certainly is high time and about time that they be allowed to participate in politics.

The Hatch Act was well-intentioned in its origins, but unfortunately today it is a relic. We have adequate protections. I think it is an excellent idea that these Federal employees be allowed to participate fully, and I look forward to their participation in our local and national political scene.

Mr. MYERS of Indiana. Mr. Speaker, I yield such time as she may consume to a very hard-working member of our committee, the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the time has finally come to reform—not repeal—the Hatch Act.

Mr. Speaker, we would not have reached this juncture without the persistence of the chairman of the Committee on Post Office and Civil Service, the gentleman from Missouri. He has sponsored Hatch Act reform legislation since 1974—now, almost 20 years later we will see most Federal and Postal employees receive some parity and rights that are available to all other citizens of our country—the right to participate, without retaliation, in partisan politics. I also applaud the efforts of the ranking member of the Committee on Post Office and Civil Service, the gentleman from Indiana, who has worked for many years to enact this measure. Because of the joint efforts of both of these Members, H.R. 20 enjoys bipartisan support.

I represent 51,000 Federal employees in the Eighth District of Maryland. I believe that they are knowledgeable, concerned, and law-abiding citizens. Many of these Federal employees may want to be actively involved in politics and many may not. The point is that those who choose to actively take part in partisan politics, on their own time, should have the opportunity to do so. In a democracy such as ours, we benefit from the exchange of ideas and active participation of our citizens. The pool of good ideas which will emanate from Federal and Postal employees is infinite.

When the Hatch Act was enacted in 1939, it was deemed necessary. This is a different era. Politics have changed: They are more open and under stricter scrutiny. The legislation before us is very specific in banning all politicking in the Federal workplace and, further, the legislation provides stringent protection for Federal and Postal employees who choose to participate in politics and those who choose not to.

The bill is quite clear in enumerating criminal prohibitions for abuse of the act. Threats, intimidation, or coercion will not be tolerated.

What has ensued from the original bill is a maze of minor, hard to enforce, petty, and ridiculous regulations. As an example, just yesterday, a former colleague of mine called to find out whether her friend, a Federal employee, could help to decorate for her fundraiser. I look forward to telling her that, because of our action today, yes, she can.

The amended bill which we are considering today also provides for garnishment of Federal paychecks in the event of nonpayment of just debts. This would bring Federal sector debt collection in line with the private sector.

Again, I applaud the sponsor of H.R. 20 for his dogged persistence to right the wrongs which our Federal and Postal employees have suffered for 54 years.

At last, most of our Federal employees can have most of the privileges of citizenship.

☐ 1620

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I rise today to express my strong support for H.R. 20, the Federal Employees Political Activities Act.

Reform of the Hatch Act is long overdue. It is time that Federal employees have the same right as every American, to participate in our political system. H.R. 20 has been carefully crafted to strike a balance between granting Federal employees the right to be politically involved, while prohibiting them from soliciting or receiving campaign contributions, or participating as a candidate in any partisan election.

Allowing Federal employees to participate in partisan politics does not mean that the Government work force will become a forum for solicitations or campaigning.

This bill permits political activity while it also shields Federal employees from improper coercion.

The goal of the Federal work force to serve the public in an impartial manner will remain the same. The unions support it, the Federal employees support it, the Postal workers support it, and the Clinton administration supports it.

Now I ask you, my colleagues, to join me in supporting H.R. 20, the Federal Employees Political Activities Act.

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Indiana [Mr. MYERS] for yielding this time to me, and, Mr. Speaker, I rise in the strongest possible support for this legislation.

As my colleagues know, it is unusual for liberals and conservatives to agree with one another. This happens to be one of those times when liberals and conservatives are like ice tongs. That is because ice tongs are far apart in the middle, but they sometimes meet at either end, and this happens to be one of those cases. For many years I have felt that the Hatch Act is an absolutely unconstitutional law which deprives good American citizens of their rights.

I have one concern, however, about the status of State and local employees' rights under the Hatch Act if they are paid in part by Federal funds. It appears that H.R. 20, while an excellent piece of legislation, regrettably does not directly affect the political status of those workers. For the purposes of establishing some legislative history and to clear up the questions many Members have regarding the status of these kinds of employees, I have several questions for the distinguished chairman.

What is the status of State and local government employees under the Federal Hatch Act?

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Missouri.

Mr. CLAY. Chapter 15 of title V of the United States Code generally imposes restrictions on the political activities of State and local employees whose principal activities are funded in whole or in part by Federal funds. Such employees are prohibited from using official authority or influence to interfere with or affect the outcome of an election, may not coerce political contributions, and may not be a candidate for elective office.

Mr. SOLOMON. Is it the intent of H.R. 20 that State and Local employees are freed of any Hatch Act restrictions that might apply to them?

Mr. CLAY. H.R. 20 does not amend chapter 15 of title V. Frankly, while H.R. 20 does not amend chapter 15, it is my view that the restriction imposed by chapter 15 on the ability of certain State and local employees to seek elective office is unnecessarily restrictive.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Missouri [Mr. CLAY] for his position on this.

Mr. Speaker, it is too bad that this legislation does not deal with the section of the law that would allow us to repeal the prohibitions presently in effect against these people who are not even Federal employees.

I do appreciate the gentleman's support of legislation to correct this problem later on, and I congratulate him and the gentleman from Indiana [Mr. MYERS] for the outstanding efforts they have made in finally bringing this bill to the point where it is going to be signed into law in the very near future.

Mr. CLAY. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Speaker, as chairman of the Subcommittee on Civil Service, I am pleased to rise today in strong support of H.R. 20 as amended by the Senate. After many years of hard work by the chairman of the Committee on Post Office, WILLIAM CLAY, it appears legislation to lift certain restrictions on the Hatch Act is finally about to become law. This legislation is long overdue.

Today's Federal work force is no longer the same work force that existed in 1939. Our Federal workers are no longer patronage employees, but are established, professional employees who must meet their merit system standards and tough qualifications. The merit system principles ensure that the Federal employee will both protect and be protected from political influence and abuse. It is, therefore, necessary to free these employees from some of the constraints imposed by the Hatch Act.

Currently, under the Hatch Act, a Federal employee can contribute up to $1,000 to a Federal candidate, while in-kind contributions such as stuffing envelopes or stapling yard signs are forbidden by law. Stapling yard signs is much easier than donating $1,000 to a candidate for the average Federal employee. Under H.R. 20, Federal employees will be able to participate in a political party, affiliated organization or campaign as long as their activities do not interfere with the workplace.

This measure does not give the Federal employee free rein into the political process, it simply gives the Federal employee a certain amount of flexibility in their actions. Federal employees will not be able to run for partisan office, or solicit or receive contributions unless it is from a member of the same Federal employee organization. Furthermore, a number of Federal employees in politically sensitive positions still remain under the restrictions of the Hatch Act.

No other democracy restricts the political activities of its governmental work force. Voluntary political activity off the job is simply a basic constitutional right, and fundamental to a free and democratic society. I urge my colleagues to support the Senate amendment to H.R. 20.

Mr. CLAY. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. Mr. Speaker, I rise in strong support of H.R. 20, and I thank the gentleman from Missouri [Mr. CLAY] and the gentleman from Indiana [Mr. MYERS] for the fine work that they have done in bringing us this far.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Speaker, I thank the gentleman from Missouri [Mr. CLAY] for yielding this time to me.

Mr. Speaker, I assert that this legislation lives up to its name as few other pieces of legislation ever have. It is reform. It reforms both ways. Right now Federal employees are second-class citizens, not fully participating in the system by which we make our final choices in this country. At the same time Federal employees, 99 percent of them who never benefit from it, find themselves in the position of Henry VIII, with sovereign immunity from paying their bills if they choose not to. I think that has been an embarrassment to all of the rest of us in the Federal Government, and so the reform works both ways.

It is balanced. It is commendable. I hope it is passed.

Mr. MYERS of Indiana. Mr. Speaker, I yield 9 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, this bill is basically an anti-Federal-employee bill. I know there are going to be different people saying different things, but let me just tell my colleagues why I believe that. It is not a partisan issue, because the person who had this job before me, former Congressman Joe Fisher, was opposed to changing, and modifying and repealing the Hatch Act. Most Federal employees are honest and decent people, and this bill will politicize the Federal work force. I believe H.R. 20 will scuttle a policy that has been in effect from Thomas Jefferson's time.

Mr. Speaker, having been raised in Philadelphia, in south Philadelphia, and seeing the political pressure that can be brought on Federal employees, State employees, but particularly city employees, this bill is absolutely wrong. Has anyone focused on the fact that the White House, under the leadership of Mack McClarty, fired five Federal employees, career Federal employees, in the travel office because they did not do what somebody wanted?

□ 1630

I saw very few Members in this body stand up and speak for the travel office employees.

Now, let me tell you something about these career Federal employees. They almost all have legal bills of over $20,000 each.

When a Member of Congress gets in trouble, what do they do? Oh, they write their financial supporters, and they get the money out of their campaign funds, and they take care of their legal fees.

Who will take care of the legal fees of these Federal employees? One of these individuals is my constituent. Who will take care of their legal fees? The answer is no one. No one under this bill. It is a bad bill.

Have you seen the reinventing of government that AL GORE wants? They are talking about RIF'ing 250,000 employees, and the Clinton administration wants to be able to pick what employees they buy out and move out.

Well, what is permitted will be what is expected. And if you do not participate in the political activity what will happen? In the old days they come by and say, "You know, we are having a fundraiser for 'X' today. We would like you to buy five tickets at $100 apiece."

What will happen? What will happen when they change the performance appraisal for the Federal employee and the employee is bumped out? What will happen to the man or woman who does not want to participate? Where is the support for changing the Hatch Act? Are Federal employees for this bill? Your offices have not been called by Federal employees. You have been called by Federal unions, you have been called by the White House, you have been called by special interests, but I doubt if you have ever been called by Federal employees.

I saw the last speaker, the gentlewoman from Virginia [Ms. BYRNE], who now represents most of the former congressional district that I had. Did she get any calls from Federal employees? I represented 65 percent of that district, and almost every Federal employee said do not repeal the Hatch Act. They said, "Congressman, it gives us the protection, so we don't have to participate in and make financial contributions to." They do not want it.

So where has the outcry been? Now, if you want to separate out the Postal Service, I think the chairman has a very good idea. The postal employees, fine. But the Federal employees are not asking for it. In addition, Mr. Speaker, you are now accepting the amendment that I tried to offer, which I was not given the chance to offer, but you know what you have done by accepting that? You have actually acknowledged, by exempting IRS and CIA employees, you have acknowledged that there is potential corruption.

Mr. Speaker, by accepting that amendment, you have acknowledged that there is a problem. So you do not want coercion on the CIA, but it is OK to coerce the Department of Labor or OSHA. You do not want to coerce the IRS, but it is OK to coerce meat inspectors or poultry inspectors. The bill is flawed by the very nature of that fact.

Lastly, I know the votes are not here to defeat this bill, because the wheels are rolling and this administration is going to sign it. This bill will probably be repealed again. I would hope that when the Republicans take control again, whenever that time may be, that we repeal this, because this is a bill that will bring about corruption. As the son of a Philadelphia policeman in the inner city, I saw what can happen. Back in Philadelphia if you even wanted a scholarship for somebody, you had to know somebody. And I know the next speaker is going to talk about it. You had to know somebody in the State legislature or be involved in the political process.

We do not want that in the Federal Government. We have an honest, ethical, moral, high-caliber Federal civil service, and Federal employees are not crying for this bill. And I am not inferring that the gentleman would like to see that, but I believe this will happen.

We should not get the impression that everyone is for this bill. Common Cause is against it. The New York Times is against it. The Washington Times is against it. The Wall Street Journal, I heard the gentleman from New York say that is why the Wall Street Journal is against it.

Mr. Speaker, the Wall Street Journal is opposed to it, the Washington Times is opposed to it, the L.A. Times is opposed to it. It is a bad bill. I respect the gentlemen for their efforts to try to pass it. I really think it will be bad for Federal employees, and be bad for the Government. And I believe that we will see scandal coming very, very soon as a result of it.

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to point out, I am sure the gentleman wants the RECORD to be straight, the amendment that the Senate added to this bill in reference to the IRS is now what the gentleman has been proposing.

Mr. WOLF. Mr. Speaker, yes. I wanted the IRS, the CIA, the FBI, the U.S. attorney, and on and on.

Mr. CLAY. Mr. Speaker, if the gentleman will further yield, the gentleman would have exempted all of the employees from the IRS, the CIA, the FBI, the Customs Office.

Mr. WOLF. The DEA.

Mr. CLAY. The Senate only exempted and we are only asking for approval of those people in the law enforcement agencies, a total of 85,000 employees of all of those agencies. Not the clerks, the messengers, and the typists and all. But the amendment of the gentleman from Virginia [Mr. WOLF] down through the years would have precluded any of those people from participation.

Mr. WOLF. Mr. Speaker, reclaiming my time, that is true. As the gentleman from Missouri [Mr. CLAY] knows, I would have liked to not have this bill come up, because I think the whole bill is a bad idea. So I wanted to exempt as many Federal employees as possible, because I did not want them to be coerced. I think the whole concept is a bad idea. Having come out of the background that I have come out of, I just think it would be unfortunate.

Mr. CLAY. Mr. Speaker, if the gentleman will yield further, I hope the gentleman is not saying that he does not trust Federal employees to obey the law.

Mr. WOLF. Mr. Speaker, I reclaim my time. The gentleman from Missouri [Mr. CLAY] asked a good, good question. Let me just stipulate for the

RECORD that I do trust the Federal employee. I trust the Democratic Federal employee and the Republican Federal employee. I will tell you who I do not trust: I do not trust the politician.

I have seen it happen in different administrations. Today five people at the White House have been destroyed. Their jobs are gone. This Congress has not raised any concern about it. The unions have not raised any concern about it. Were it not for the newspapers, nobody would have known. I do trust the employee. I implicitly want to state and reiterate that I do that. I do not trust the politicians in either party to not manipulate them.

Mr. CLAY. Mr. Speaker, if the gentleman will further yield, that is the problem with the Hatch Act, is it does not cover the people that the gentleman is citing as being in violation of this. The Secretary, the Cabinet members, all of the Presidential employees are not covered by the Hatch Act. They are the ones who have been in violation, who have been intimidating and coercing. So you do not get to them by keeping the other employees hatched.

Mr. WOLF. Mr. Speaker, reclaiming my time, I thank the gentleman. I know the sincerity of the gentleman from Missouri [Mr. CLAY], and I am not questioning that.

Mr. Speaker, we will see who is right. My sense tells me that we now have a Hatch Act violation taking place, if my memory serves me correctly, in the District of Columbia, which took place as this very bill was being developed.

Somewhere, in some administration, we will begin to feel it. What they will do is they will squeeze people who are powerless. I watched the five people in the White House Travel Office, one who is a constituent of mine, who has been almost financially as well as literally ruined by this. And even if they find another job for him, he will be at the bottom of the barrel. Because as we reinvent Government and RIF people, he will be gone.

I just do not want to see the political process get involved in that. Therefore, I strongly urge my colleagues to vote against this bill.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I just want the RECORD to reflect, the gentleman's statement about the five employees, who he cares very much about and with whom I have been working very closely with, and the White House, I think we are going to solve it. I do want to make it clear, they are not going to be at the bottom of the barrel. They will transfer laterally.

Mr. WOLF. Mr. Speaker, I know the gentleman has been working closely with this.

Mr. Speaker, I rise today as I did on February 23 and March 3 of this year in opposition to the final passage of H.R. 20. This ill-conceived legislation will repeal protections against political coercion which have been effective for the past 54 years. Federal employees have the daunting responsibility of executing the public's business fairly, faithfully, and impartially. This is what the Hatch Act effectively ensures and is what the American people deserve.

The Federal employee must be free of both actual and perceived political coercion and protected from involuntary partisan activities, thereby maintaining the public's faith in our governmental institutions. Without sufficient protection from the maligning influence of partisanship, democracy suffers and public trust erodes. Public confidence in the administrative institutions and processes of Government may be dangerously undermined with passage of this bill. The public's confidence in the integrity of its civil service must be absolute and that is what current law provides. We have an honest, dedicated civil service today and there has been no outcry from the Federal work force to change the Hatch Act protections.

In passing this bill, I am concerned that we may unintentionally expose the honorable men and women who work as civil servants to unwanted political coercion; thereby diminishing the integrity and effectiveness of Federal employees and their mission. This legislation could return us to the days of a government that favors the spoils system over the merit system and party loyalty over public integrity. Employment and advancement in the Government service should not depend on political performance, and employees should be free from express or tacit political coercion which results from the politicization of the Federal work force. Enactment of H.R. 20 will scuttle a policy that has been in place and working well since Thomas Jefferson was President; namely, that partisan politicking by Federal workers should be discouraged in order to maintain the integrity and accountability of a Federal work force.

Today, this House is declaring political open season on our dedicated Federal employees. I fear that what is permitted will be what is expected, and Federal employees will be expected to do the political bidding of their superiors. If Federal employees do not fulfill the political demands placed on them they may risk promotions, unbiased performance appraisals, they may be transferred or demoted, or they may even lose their jobs. This politicization of the Federal work force will lead to scandals of the most audacious order.

Already, the White House has fired career Federal employees in the White House travel office under allegations of misconduct which has never been substantiated, and filled the jobs with patronage employees. One of the employees of the travel office is a constituent of mine, and I am concerned about his welfare as well as the welfare of the thousands of Federal workers that I represent. What happened to those fired travel office employees? to protect their reputations, all had to incur the expense of hiring attorneys following the initial allegations made about them by the White House press and the FBI investigation. In addition to having to bear this demeaning treatment and suffering through allegations and innuendo, I am informed that these employees have legal fees in excess of $20,000. The White House was quick to politicize these non-political jobs. Watch out when the protections of the Hatch Act are lifted.

I also have a concern with how this bill and the National Performance Review will work together. President Clinton is intent on trimming the Federal work force by over 200,000 employees and he proposes to do so, in part, by offering buyouts. Who will be offered the buyouts? What is the criteria? Will it only be employees with differing political views that are offered buyouts because the administration does not want them around any longer? It has been reported in the press that the administration wants the authority to handpick employees for buyouts. I am concerned that those handpicked may be those not on the political train of the party in power. Once the Federal work force is purged of all those Federal employees with different political leanings and replaced by political cronies, scandal, patronage, and old style machine politics may well be on the way to Washington. Repeal of the Hatch Act is a bad idea and Members should vote against it.

Proponents of this legislation opine that H.R. 20 contains sufficient protection and adequate penalties to dissuade those who would otherwise attempt to politicize the jobs of Federal employees. I disagree. No legislation can protect Federal employees from the subtle and indirect coercion that will take place. This body should be discouraging political harassment rather than encouraging it.

Members should know that the version of Hatch Act repeal that this House is about to pass contains provisions of an amendment I would have offered on the House floor had the Rules Committee not prohibited me from doing so. This amendment keeps current Hatch Act restrictions on approximately 85,000 high-level employees—including employees of the Federal Bureau of Investigation, Central Intelligence Agency, Secret Service, National Security Agency, Federal Election Commission, Merit System Protection Board, Internal Revenue Service criminal investigative officers, Bureau of Alcohol, Tobacco and Firearms law enforcement section, administrative law judges, certain contract officers, and members of the Senior Executive Service.

By keeping current Hatch Act restrictions on these employees, we are admitting that there is indeed the potential for corruption and coercion which could undermine the missions of these critical agencies. If we can't protect these high-level, high-profile employees, how can we expect to protect the lower level employee from the type of treatment the White House travel office employees received?

During previous consideration of H.R. 20 on February 23, the comment was made that I am opposed to passage of this bill because I don't trust Federal employees. I must emphatically disagree and let the Members know that I am opposed to this legislation because I do not trust the politicians. Politicians are notorious for exploiting any opportunity to gain political advantage, and I believe political pressure will be exerted on civil servants as a result of Hatch Act repeal.

I believe that the Nation's taxpayers enjoy the finest civil service work force in the world, and I have the highest respect and admiration for Federal employees. During my service in the House I have represented one of the largest constituencies of Federal employees of any Member. I am a strong supporter of legislation that rewards the sacrifices made by Federal civil servants. I have worked hard to lift the pay cap on Federal salaries. It was my legislation that established relocation services for Federal workers, reformed the merit pay system, and set up over 90 child care centers in Government facilities. I have encouraged such family friendly policies such as leave sharing, flexitime, and flexiplace—programs that enhance the quality of life for Federal employees and their families. I am sensitive to their needs and have listened to their concerns about a variety of issues of concern to them, including H.R. 20.

In keeping with my unwavering commitment to protecting the interests of Federal employees, I want Federal employees to know that I will watch very closely how this legislation is implemented and will remain vigilant in protecting them from the unwanted political coercion encouraged by this bill. Furthermore, I want Federal employees to know that I will ask the Office of Special Counsel and the Merit System Protection Board to report on the effects of this legislation when they come before the Treasury, Postal Service, and General Government Appropriations Subcommittee on which I serve.

Mr. Speaker, I am opposed to H.R. 20 because I am concerned that Federal employees will be subject to political coercion of the most atrocious kind. Common Cause and the Public Service Research Council are opposed to this legislation; the Washington Times, the New York Times, the Los Angeles Times, and the Wall Street Journal among other publications have editorialized against the bill. I have included two recent articles in opposition to this misguided legislation for the RECORD.

[From the New York Times, July 15, 1993]

SAVE THE HATCH ACT

It's greed time in the nation's capital. Congressional Democrats, grateful for years of generous campaign giving by Federal and postal union political action committees—and eager for more help in the future—are about to relax Hatch Act restrictions on "active" partisan political activity by Federal employees.

From the public's standpoint and that of Federal Workers who would face pressures to give money and time to partisan causes, it's a bad idea. But the House approved a bill in March, and President Clinton says he will sign any Hatch Act revision that Congress serves up. Thus, some weakening of the 1939 act seems inevitable this year.

The extent of the overhaul is now squarely before the Senate. The Senate majority leader, George Mitchell, and his Democratic colleagues can show character by accepting a reasonable Republican proposal that would maintain current Hatch Act restrictions for the most sensitive Government posts and agencies, and keep all Federal employees out of the political fund-raising game.

Critics of the Hatch Act complain it stifles the political rights of Federal employees. But even "Hatched" workers can vote, make political contributions and participate in their off hours in nonpartisan political activities. While some of the rules are needlessly complex, the remaining curbs on partisan activity, designed to protect the public from a politically tainted Civil Service, have been upheld by the Supreme Court.

Unlike the aggressively misguided revision rushed through the House in March, the measure proposed in the Senate by John Glenn, Democrat of Ohio, would still prohibit Federal employees from running for partisan elected office and soliciting political contributions from the public. However like a similar measure wisely vetoed in 1990 by President Bush, the Glenn bill would allow civil servants to serve after working hours as active party and campaign workers and, more troubling, to solicit co-workers for contributions to their union's PAC's. Mr. Glenn provides penalties for coercion, but they are inadequate to protect Federal employees, who can now turn aside political overtures by saying, "Sorry, I'm Hatched."

The Senate minority leader, Bob Dole, and Senator William Roth, Republican of Delaware, have now proposed a reasonable compromise. Their amendment would exempt from the proposed relaxation on partisan politicking high-ranking career employees across Government who work closely with political appointees. It also excludes the intelligence services and other sensitive agencies like the Justice Department and International Revenue Service, where maintaining the perception and reality of nonpartisanship is crucial. All Federal employees would be barred from soliciting, accepting or receiving political contributions.

For now, Senate Democrats seem determined to get Federal civil servants in the business of hustling political contributions from their co-workers. That makes it plainer than ever: The Democrats' biggest concern here isn't free speech or good government but political money and influence.

UN-HATCHING A MONSTER

(By George F. Will)

To President Clinton's criticism of Congress as dilatory and indecisive, a reasonable response is: Would that it were. Congress is decisively "reforming" the Hatch Act, and this is part of a pattern of Congress acting boldly concerning what it cares about most. And what is that? Read on.

The New Deal radically quickened the permeation of life by politics, expanding federal power and the potential for abuse thereof. The 1938 elections produced a Congress made more conservative by the electorate's repudiation of Roosevelt's desire to "pack" (by expanding) the Supreme Court. In 1939 Congress passed the Hatch Act (named for Sen. Carl Hatch, a New Mexico Democrat) to halt the coercing of federal employees into partisan politics.

Today's Senate "reform" of that act is substantially less awful than the House version. For example, the House would allow federal employees to solicit political contributions from the general public; the Senate would allow solicitation only within the employee's organization. The House bill does not even have the Senate bill's prohibition of partisan political activities by employees of such sensitive agencies as the CIA and the IRS office of criminal investigation.

Even so, the Senate prohibition covers just 2.8 percent (85,000) of the 3 million federal civilian and postal service workers. And both bills would serve the goal of making the federal bureaucracy into a muscular partisan lobby, thereby deepening the incestuous nature of government decision making.

Contemporary government is another country. Government's distinctive culture produces a mentality unlike that of the society on which it battens. The federal government, imperial in scale and even grander in presumption, dominates this company town where few competing elites leaven, or lower the vanity of, the political class. The gutting of the Hatch Act will unleash the permanent government to work for the election of Congresses and presidents who favor the further fattening of that government.

The "reform" will advance the already far-advanced transformation of the government into the largest interest group lobbying the government. A few years ago a scholar studied 14 House and Senate committee hearings about spending issues. Of the 1,060 witnesses who testified, 47 percent were federal administrators, 10 percent were state or local government officials and 6 percent were senators or congressmen petitioning their colleagues. Today's government is a monologue, wherein government convinces itself that there should be more of itself.

That is the way Washington already is. Changing the Hatch Act will make matters worse. Federal employees will form political action committees to elect the Congress that pays their salaries and sets their portions of the budget. Which party will benefit most? A hint: Only one Democratic Senator (Oklahoma's David Boren) voted against the change.

The Democratic Party is the party of government, in two senses. It has a capacious faith in government's goodness and competence. Also government itself, and those dependent on government, form the party's core constituency.

This dependent class does not consist only, or even primarily, of the poor on welfare. It also includes the largest recipients of transfer payments—the elderly—and the beneficiaries of "business welfare," which includes agricultural subsidies, protectionist measures and subventions in the name of "industrial policy." And if the Clinton administration has its way, the capstone of this architecture of dependency will be a health care system that further politicizes the one-seventh of the economy concerned with health care, and will deepen the public's sense of dependence on a "caring" (read: spending) government.

Congress' gutting of the Hatch Act is part of a pattern of notably decisive behavior. In January the House of Representatives quickly gave enhanced voting privileges to the five delegates—all Democrats, of course—representing Guam, Samoa, the Virgin Islands, Puerto Rico and the District of Columbia. The Senate has briskly passed a campaign "reform" that would enhance incumbents' security. It would use various coercions to compel challengers to accept spending limits, thereby surrendering their ability to compensate for incumbents' advantages by outspending those incumbents. The House has not accepted the Senate's campaign reform because enhancing the security of House incumbents requires a different sort of rigging of the rules.

Congress was not at all dilatory when it passed the "motor voter" bill requiring states to register anyone 18 or older applying for or renewing a driver's license, and to have registration available at all offices that provide public assistance, unemployment compensation or related services. The latter places will register people especially dependent on government and hence disproportionately disposed to vote Democratic.

Seen as part of a pattern of power aggrandizement by the political class and especially by Democrats, the party of government, the Hatch Act reform seems almost banal and, for that reason particularly ominous. Still conservatives have a not inconsiderable consolation. The Hatch Act reform serves their goal of deepening distrust of government's order to limit government.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Speaker, I rise today in strong support of Hatch Act reform. I have always stood in support of restoring the rights of Federal employees to engage in the political process. There is no reason why a postal employee or a welder at the Philadelphia Naval Shipyard would be denied the right to participate in the political system.

I have been concerned, however, about possible abuse by FBI, INS, IRS, and CIA officers who could intimidate voters, explicitly or implicitly. Over the years, I have proposed amendments to restrain these small classes of Federal investigative employees from engaging in politics.

Imagine the pressure an IRS or an immigration agent could exert in a close-knit urban neighborhood? We cannot allow even a hint of this potential for abuse to taint the electoral process.

With the restrictions included by the Senate, I am happy to stand in strong support of the Hatch Act reform bill. I commend Chairman CLAY for his diligence in attaining this reform. I urge my colleagues to support the Senate amendments to H.R. 20.

□ 1640

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

In this bill, the ability to garnish Federal wages is certainly a step in the right direction. But I find it somewhat surprising to hear this bill called a reform bill.

The Hatch Act was the reform. Fifty years ago, it was designed to end political coercion of Federal employees. And now, after that 50-plus years, we are backtracking on that commitment to a nonpartisan Federal service.

The claim is that there are protections in this bill against political coercion. I went to the bill. I have looked at section 610, titled "Coercion of Political Activity."

What I find is that it is probable that the White House Travel Office officials talked about by the gentleman earlier, the gentleman from Virginia, would not have been protected under this section. I wonder if somebody can tell me, it looks as though it would certainly have applied to those people. Yet my doubt is that Mac McLarty at the White House would go to jail or be fined $5,000. And yet, that is the supposed protection.

I mean, if the protection does not work, then what good is the protection?

I heard the gentleman earlier say, well, Cabinet officials, White House people, do not have to be included. So in other words, if the Cabinet official applies the coercion, he is not subject to these fines or he is not subject to the imprisonment. What good is that to the Federal employee?

And the gentleman is shaking his head. That is not what the gentleman said earlier.

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, anybody who coerces a Federal employee falls under the criminal statute of title V.

Mr. WALKER. In other words, under this bill, if this bill had been in effect, would Mac McLarty have gone to jail for what he did to those White House Travel Office employees?

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, the answer is, of course not. The gentleman ought to know, of course not, because when they took those jobs, they became political appointees. In fact, some of them were appointed by Democratic Presidents, some by Republican.

Mr. WALKER. Mr. Speaker, these are career employees.

Mr. HOYER. Mr. Speaker, if the gentleman will continue to yield, they were subject to removal at whim, at whim, no reason had to be given.

Mr. WALKER. Any employee of the Federal Government shall not engage in this. And it says here that it includes any political activity. And then it describes some. And it says it is not limited to those.

What was happening down there was certainly political in nature. It was wholly political in what they were attempting to do. They were trying to give a political job to someone else.

It seems to me that these protections are nonexistent.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I rise today to urge support of H.R. 20, the Hatch Act Reform Amendments of 1993, a bill which ends most of the limitations on Federal employees' basic political rights and reinvigorates the principles of democracy and self-determination in the civil service.

The Hatch Act has had a perverse effect. It has been rarely applied, observed often in the breach, breeding disrespect for legitimate principles that should apply to Federal employees. By not distinguishing legitimate regulations from trivia and downright illegitimate areas for Government intervention, the Hatch Act created an obstacle course that even the most law-abiding and diligent employee could not negotiate without a rule book in her hand.

This bill is a responsible and informed piece of legislation that recognizes that there are differences between civil servants who must serve, regardless of administration, and employees in the private sector. Thus, thoughtful and constrained Federal law is appropriate.

What is inappropriate in a democracy is invidious discrimination based on employment status. The Federal work force is well-informed, well-educated, and often, because of the subject matter of the various missions they perform, is probably more civic-minded than others.

This bill, thus, restores civil rights to Federal employees and will encourage their participation in the life of our democracy and, in doing so, will help preserve its responsiveness to Americans of all sectors.

At the same time, Mr. Speaker, there is completely irrational, anomalous discrimination that remains in this bill that I protest in the strongest terms. The bill treats District of Columbia government employees like Federal employees under the Hatch Act. This is a total affront to home rule and self-government.

District law and regulation more than covers inappropriate conduct with measures at least as stern as any proposed here. Why should the Federal Government, in the process of downsizing its own personnel, reach out to regulate civil servants in a local jurisdiction?

Surely, it is wrong to regulate one local non-Federal jurisdiction more sternly than any other in our 50 States and four territories. This bill, like too many in the past, is marred by yet another exception which puts the Capital of this Nation outside the principles of democracy and self-determination which apply to every other resident of the United States of America.

To the credit of this House, the District was removed from our own bill, but those opposed to any form of Hatch Act reform used the District to express their displeasure. A conference was blocked in the other body, making corrective action impossible in this body.

The result is that the District's 41,000 employees are subjected to greater limitations on their basic rights of free political expression than their counterparts in other State and local jurisdictions.

Mr. Speaker, for this reason, I would vote against this bill, except that this would punish the 62,000 Federal employees who live in the District while gaining nothing for the 41,000 District employees whom this bill targets for deliberate discrimination.

I serve notice now that I will seek to make District employees the equal of employees in other State and local jurisdictions. I pledge today to work to eliminate the shameful distinction we create today.

I congratulate the chairman for his perseverance in rescuing Federal employees from this same discrimination.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding time to me. I congratulate the chairman and the ranking member for the outstanding work that they have done on this piece of legislation.

I am pleased to join my colleagues from the Washington metropolitan suburbs, the gentlewoman from Maryland [Mrs. MORELLA], and the gentleman from Maryland [Mr. WYNN], in support of this legislation.

After a decade of gridlock, we have an opportunity today to move Hatch Act reform forward. The President is willing to sign this bill, and the Senate passed this version of Hatch Act reform by a strong bipartisan majority.

This afternoon's vote is the next-to-last step in guaranteeing Federal employees the opportunity to participate more fully in our democracy. The right to vote is only one part of the freedoms for which our forefathers fought and which we cherish as Americans.

H.R. 20 will go beyond the right to vote and give Federal employees the right to hold elected positions within party organizations as well as the opportunity to work in partisan elections.

I strongly urge my colleagues to do as I have done five other times on this floor and support Hatch Act reform.

Today's vote is more important than the other votes we have cast on this issue, because today's vote will actually bring to the President a bill which he will sign into law.

I trust that a majority of my colleagues will vote to give Federal employees the same constitutionally guaranteed rights that the Hatch Act took away from them in 1939.

I would add that I served in the Maryland State Senate for 12 years. As is true of State employees in Virginia, employees in the State of Maryland can fully participate in the political elections of their State. Their full participation is unfettered by the same constraints which say that because one performs services for the Federal Government, they are somehow less than a full citizen.

□ 1650

I pointed out to my colleague, for whom I have unrestrained respect and who I think is one of the most conscientious and honest people on this floor, that he and I have a disagreement on this issue. I believe strongly this is an issue about Federal employees and the respect they receive in their democracy. For that reason, it ought to pass.

I will be equally vigilant, Mr. Speaker, with my colleague, the gentleman from Virginia, if I see abuses. No law can fully preclude an abuse. We know that. However, this law has been strengthened to make sure that a Cabinet Secretary, the President of the United States, or anybody else who tries to go around this law and force Federal employees to participate in partisan activities against that employee's wishes, will be in violation of this act. That is appropriate.

It is equally appropriate to give Federal employees, however, the opportunity to be full members of our democracy.

Mr. MYERS of Indiana. Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I have one speaker remaining.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter, on the bill, H.R. 20, and the Senate amendment thereto.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the distinguished gentleman from Missouri for yielding time to me.

Mr. Speaker, I want to thank the gentleman for his hard work on this bill. I know he kicked this bill out many years ago over and over and over and over again. It almost became the Bill Clay Memorial Hatch Act.

When I took over the subcommittee from him, I have pushed it out many a time, and now finally it looks like we might get a signature on the bill. Mr. Speaker, this bill has been almost a career bill for us, but it is so long overdue for Federal employees. I only wish we could have had it more in the form we would have liked to have had it, rather than have to deal with the other body.

However, this is a very big step forward for Federal employees in making them full citizens, full citizens under the law. We are not quite where we would like to be, but we are on our way, and that is such an essential element. When we see things that have been done to Federal employees of late, constantly chipping away at them, talking about taking away benefits from them, doing all these other things, at least let us restore some of their political power so they can participate more fully, so they can have constitutional rights that other people have had as a birthright, and so they can really come of age.

It always made no sense to me that the people who knew the most about Government were not allowed to vote and participate very strongly in Government. They could vote, but it had to be very quiet and very laid-back.

I thank the gentleman from Missouri [Mr. CLAY] and everybody on the committee who worked so hard to make this happen. I know there were many days we did not think it would. I think we are all looking forward to smelling the roses and watching the ink dry on this bill.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have not always been a supporter of this legislation. Years ago I could not support it because I did not feel it gave the ample support and protection, both support and protection, to Federal employees. It still left a big gap where Federal employees could be abused in the system.

In response to those who have been critical of the bill today, it is not the ideal legislation, not the best bill. It is not as good a bill as passed the House originally, but legislation is a compromise. It takes a big step in the right direction toward freeing up Federal employees to participate in what I consider to be their constitutional right, and most of us consider to be their constitutional right, to participate in the political system that got all of us here. It would free these people up.

The Hatch Act has served its time, served its purpose. It still left a lot of loopholes, a lot of ambiguity in the law, just as the gentleman from New York [Mr. SOLOMON] expressed a moment ago.

I just left, to come over here, a meeting with a president of a Federal Reserve Bank and members of his staff. I asked him, in leaving, "Are you under the Hatch Act?" They shrugged their shoulders. They did not know. Many Federal employees are this way.

I quite agree with the gentleman from Virginia [Mr. GOODLATTE]. I know some Federal employees who would rather not have this. They have expressed that they would rather stay completely free of the political system. They do not want to be asked to participate in the political system, but they do not have to because this legislation frees them up. They do not have to participate.

This legislation does take a big step in the right direction. It is a better bill than the law we have today, but again, it is not as good a bill as the one that passed the House, but it is a compromise. It is legislation I hope everyone can support.

Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say in closing that there are many, many people that should be thanked for bringing us to this point in time on the floor today. In particular, two ex-Members of Congress certainly should be recognized.

We should not close this debate without acknowledging the efforts of former Member Gene Taylor, the gentleman from Missouri, and former Member Frank Horton, the gentleman from New York, who played a major and key role in putting together the kind of coalition and compromise to achieve the work we see going today to the President of the United States for his signature.

Mr. FORD of Michigan. Mr. Speaker, I rise in favor of H.R. 20, long overdue legislation that would repeal most provisions of the 54-year-old Hatch Act and return to Federal and postal employees the right to participate in the Nation's political process.

I want to compliment Chairman CLAY for the 20 years of leadership he has demonstrated in guiding us to this final debate. As his predecessor as chairman of the Post Office and Civil Service Committee, I was disappointed by President Bush's veto of an earlier version of this important legislation. Today that frustration is being washed away, because President Clinton is going to sign this bill into law.

It is important to understand that under Chairman CLAY's leadership, H.R. 20 was developed over succeeding Congresses, beginning during the administration of Republican President Ford. It is the product of bipartisan compromise. It returns to the House after further compromise with a more modest Senate version of the bill.

The bill would give most Federal workers the right to participate fully in the political process off the job, though they would not be able to run for partisan political office themselves. They would be able to manage campaigns, solicit contributions, work on phone banks and hold positions within political parties and affiliated organizations.

But employees would continue to be prohibited from engaging in partisan political activity while on duty. The bill would not turn the Federal workplace into a political arena. This is a system that has worked well for many States and even for foreign governments.

The bill contains strong, clear criminal prohibitions of abuses of official influence. It would prohibit employees from intimidating, threatening, commanding, or coercing any Federal employee to engage or not engage in any political activity—voting, making political contributions, working for candidates, or refusing to engage in these activities. It would forbid employees from giving political contributions to their superiors, and forbid superiors from soliciting contributions. Violators would be subject to criminal penalties.

Since it was enacted in 1939, the Hatch Act has denied our Nation the benefit of hearing from thousands of our best informed citizens on issues that come before us. We did so, without congressional hearings, because of the fear that the rapidly expanding bureaucracy of the New Deal could bend to political manipulation.

That concern no longer reflects the times. Today we have a firmly established merit system that protects both employees and the public from political abuses that might result from employee political activities.

It is vital in a democracy to have citizen participation. And that should include all citizens, without exception for those who happen to work for federal agencies. As our democracy does not compel political participation by any group, neither should it forbid it.

H.R. 20 has as its primary proposition the belief that Federal employees should be free to engage in any political activity off the job. I am proud to support that proposition and this bill.

Mrs. KENNELLY. Mr. Speaker, I rise today to express my support for the Federal Employees' Political Activities Act. Its time has come. This legislation now before us has been debated for many years. In fact, it has passed this body in the 100th and 101st Congresses.

While the Senate amendments do not envelop all of the House passed provisions, this measure eliminates ambiguity of current law. Federal workers are permitted to participate in the political process while being shielded from political influence or coercion. This measure provides much clearer definitions of permissible and impermissible activities, and establishes strict guidelines for proper conduct. Strong enforcement mechanisms are established in this bill to provide against abuse of the current merit system.

Granting Federal workers the right to participate in partisan politics is long overdue. This bill is a step in the right direction. Afterall, there is no other country in the world that restricts the activities of the men and women who serve their governments.

Mr. Speaker, the time has come for us to take action and send this bill to a President who will sign it and grant Federal workers rights they have been denied. For far too long, we have refused thousands of citizens rights to participate in their communities. Let us not fail those who dedicate their lives to serving this Nation. Federal employees bear much responsibility in this country. Let us give them what they rightly deserve. I hope in the future that we can move even further than this legislation takes us. But today, I urge my colleagues to support H.R. 20 as amended.

Mr. VENTO. Mr. Speaker, I rise once again to affirm my support for the millions of Federal and Postal Service employees who desire and deserve the full rights of citizenship that every other American enjoys. The Hatch Act, which has prevented them from participating in our free democratic process, must be laid to rest.

I would certainly prefer that the language before us today were closer to that which the House agreed to earlier this year. I simply do not share the opinion of the other body that it is somehow better for our Nation to deny Federal and Postal employees the right to run for most elective offices any more than I believed that barring these workers from participating in the political process in the first place was in our best interest. Our Nation's call to the best and brightest to serve their country has a somewhat hollow ring to it when we categorically restrict individuals who unquestionably fit this criteria.

Nevertheless, Mr. Speaker, it is also true that a hungry person should never balk at half a loaf of bread simply because the full loaf is not offered to them. The Federal Employees' Political Activities Act which is before us, Senate amendments included, remains a balanced, workable answer to the unfortunate problems created by the Hatch Act.

Quite frankly, the Hatch Act has outlived its purpose. Its primary function is now to repress those individuals it was intended to protect. Its numerous and complex statutes are ill-defined. They generate an ambiguous environment for Federal workers, whose uncertainty about what is permissible and what is not has kept them from having anything to do with the political process.

Mr. Speaker, the political environment we find ourselves in today is dramatically different from that of the past. Public employees do not need protection from a system of spoils that no longer exists. Civil service laws, a separate system of merit protection, and public employee unions now serve to counter the political intrusion that was once so prevalent in Federal employment.

By supporting the legislation before us, we are ensuring that Federal and Postal Service employees, full American citizens, can take advantage of their rights as citizens; they can fully involve themselves in a supportive role in the political process or they can choose not to. But the decision will be theirs to make.

Mr. Speaker, the wisdom of this legislation is clear. Let's make a positive difference today and support H.R. 20. As I have said before, it is essential that we who represent the final product of America's democratic political process recognize not only the need, but the essential right and obligation of all citizens to participate in that process.

I urge my colleagues to vote for passage of the Federal Employees' Political Activities Act.

Mr. PORTMAN. Mr. Speaker, unbelievably, the House is on the verge of passing a bill that undermines protections against politicizing the Federal bureaucracy at a time when trust in our Government institutions is already at an all time low. Earlier this year, the House and Senate passed separate Hatch Act reform bills to relax restrictions on the ability of 3 million Federal employees to engage in partisan political activity. The legislation now before us removes protections against political coercion of Federal workers and risks reviving the political favoritism that created the spoils system. This development is as dangerous as it is unwise.

The Hatch Act restrictions have worked for 54 years. The act was passed in 1939 in response to concern that Federal employees had been coerced to contribute to Franklin Roosevelt's reelection campaign and that civil service jobs were being awarded on the basis of campaign involvement. FDR wisely supported the act as a good government measure. The goals of this legislation—to ensure the neutrality of the civil service and the impartial administration of Government, to promote a merit-based system and to protect Federal employees against undue coercion—date back well before 1939. Thomas Jefferson wrote in 1801 that "it is expected that, a civil servant will not attempt to influence the votes of others, nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution and his duties to it."

It is difficult to understand the motivations for changing this time-honored rule of American democracy. Has human nature changed so much that political favoritism and coercion are no longer risks of our growing bureaucracy? Are our institutions of Government more noble? Are the courts or the Federal employees themselves clamoring for change? The answer in each case is no.

Certainly human nature has not fundamentally changed since the Hatch Act was passed in 1939. If anything, Watergate and the scandals that have followed have made us more wary of Government power and the temptation to wield that power inappropriately. Travelgate is but the most recent example of how politics all too often factors heavily into decisions to award Government positions or favors. Furthermore, Federal employees themselves are not clamoring for this reform. Under the current Hatch Act, Federal workers can vote, make political contributions, and volunteer in their nonoffice hours for nonpartisan political activities. Based on recent polls, the great majority of Federal workers find this degree of political activity adequate and like the protections the act gives them against coercion and favoritism.

Neither are the courts insisting upon change. The Supreme Court has upheld the constitutionality of the Hatch Act and stated in 1974, "it is in the best interest of the country, indeed essential, that Federal service should depend upon meritorious performance rather than political service." First amendment rights are viewed in the context of preserving the public trust—the Court held that we must

> * * * arrive at a balance between the interests of the [employee], as a citizen, in commenting upon matters for public concern and the interest of the [government], as an employer, in promoting the efficiency of the public services it performs through its employees.

Some have alleged that these changes are pure partisan politics—that is, those lobbying for reform simply want to free up Federal employees to create a new organization of partisan activities. In its recent editorial criticizing the Hatch Act reform, the New York Times has gone so far as to say, "The Democrats' biggest concern here isn't free speech or good government but political money and influence." Maybe this explains it.

So what kind of activity would these proposed erosions of the Hatch Act protections allow? Federal employees for the first time could take an active part in political campaigns, including distributing campaign literature and organizing and participating in phone banks. Federal workers could also run for office within party organizations and affiliated groups, such as party chairman or convention delegate, and solicit campaign contributions from peers for political action committees.

The Federal Government is more pervasive than ever on our society affecting many aspects of our lives. These proposed changes will add to the discomfort many already feel about the expanding Federal role. As one group queried the Senate Governmental Affairs Committee, how would we feel if an employee of the Social Security Administration collected signatures for a politician's nominating petition and then was in a position to accept or reject a benefit claim from someone who had refused to sign the nominating petition? How do we feel about an IRS agent that has a political agenda on the side or a Government department that actively supports a candidate and does not award a Federal contract to a group that supported another candidate?

At the very least, there is the appearance of impropriety, the temptation to engage in favoritism and subtle pressures to go along with those in power. It isn't surprising that most Federal employees prefer, in the face of coercion, to hide the current protection by simply saying that they are Hatched and cannot participate.

We have the opportunity to stop this politicization of the Federal Government if we possess the courage to do so. Hatch Act reform will give birth to a new era, where there are no longer adequate protections against subtle forms of political favoritism and implicit coercion of Federal workers. Let's stick to promotions based on merit, encourage a Federal bureaucracy that prides itself on public service for service sake and maintain the integrity in our Government. The Founders, Congress, the courts and the Federal employees have all previously recognized the value of these protections. We need them more today than ever.

Mr. SAWYER. Mr. Speaker, I rise in strong support of the Federal Employees' Political Activities Act of 1993, as amended by the Senate.

In 1939, the Hatch Act was an effective tool in protecting Federal employees from political coercion. The act has served its purpose. Today, however, the competitive civil service process guards against politicization of the government work force. The original, and important, purpose of the Hatch Act is being met through subsequent and equally or more effective laws.

It is time to give our Federal and postal employees the freedom to exercise their political rights away from the workplace. The denial of this fundamental right to participate fully in the political process has rendered these employees second-class citizens. Enactment of this legislation will correct that injustice.

I want to thank Chairman BILL CLAY, the bill's sponsor, for his determination in the effort to reform the antiquated Hatch Act. I strongly urge my colleagues to vote in favor of this long overdue legislation.

Mr. PENNY. Mr. Speaker, I rise today in full support of H.R. 20, the Federal Employees' Political Activities Act. This legislation will end the unfair regulations which prohibit Federal employees from exercising their right to participate in the political process in this country. The bill allows Federal employees to engage in certain political activities but only in the evenings and on weekends when they are away from their workplace.

Mr. Speaker, I am opposed, however, to an amendment which was attached to H.R. 20 in the U.S. Senate. This amendment—which has nothing to do with the Hatch Act—expresses the sense of Congress that no further U.S. foreign assistance should be provided to Nicaragua prior to an international investigation of the Sandinista Party in relation to acts of terrorism.

This amendment has no business being attached to legislation which deals with Federal employees. This amendment is also wrong because it unfairly punishes the people of Nicaragua—75 percent of whom live in extreme poverty—because of allegations surrounding a political party. To date, there has been no evidence that anyone in the government of Nicaragua has been involved in terrorism. These allegations should be investigated, and steps are now underway to do just that, but I don't believe that the innocent people who would benefit from our humanitarian assistance should be punished before there is solid evidence linking the government of Nicaragua to acts of terrorism.

Mr. Speaker, I ask Members to support H.R. 20; however, I also urge Members to reject further efforts by those who are calling for a cut-off of foreign assistance to Nicaragua.

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of the conference report on H.R. 20, the Federal Employees' Political Activities Act. This legislation simply clarifies the original Hatch Act to ensure that citizens, regardless of their place of employment, have a chance to participate in the democratic process.

For decades, and especially since 1985, the Hatch Act of 1939 has had a chilling effect on the political involvement of millions of Americans who are Federal and Post Office employees. I agree that Federal employees must not use their offices for partisan political purposes. This bill, however, sets forth strict guidelines governing precisely which activities Federal employees may engage in. It reinforces the original intent of the act, while allowing Federal employees to be politically active on their own time, away from the work site. It is vitally important to achieve such a balance if this country is to encourage true and active participation in government.

Mr. Speaker, this is fair compromise. I urge my colleagues in both bodies to vote in favor of immediate passage and finally put this issue to rest.

Mr. CLAY. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 251, the previous question is ordered on the motion.

The question is on the motion offered by the gentleman from Missouri [Mr. CLAY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOODLATTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 339, nays 85, not voting 9, as follows:

[Roll No. 437]

YEAS—339

Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Becerra
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley

Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Byrne
Calvert
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dreier
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Solomon
Spence
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—85

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barton
Bateman
Beilenson
Boehner
Bonilla
Bunning
Callahan
Camp
Canady
Coble
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Doolittle
Dornan
Dunn
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Gillmor
Goodlatte
Grams
Greenwood
Hancock
Herger
Hoekstra
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kingston
Knollenberg
Kyl
Leach
Lewis (CA)
Lewis (FL)
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McKeon
Mica
Moorhead
Nussle
Oxley
Packard
Paxon
Pombo
Porter
Portman
Roberts
Rogers
Rohrabacher
Royce
Sensenbrenner
Shuster
Smith (MI)
Smith (TX)
Snowe
Stearns
Stump
Talent
Taylor (NC)
Walker
Wolf

NOT VOTING—9

Abercrombie
Baesler
Ford (TN)
Rose
Shaw
Spratt
Traficant
Williams
Wilson

□ 1718

Messrs. CAMP, COX, McCOLLUM, and SMITH of Texas changed their vote from "yea" to "nay."

Mr. FARR of California and Mr. GALLEGLY changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to clause 5, rule I, the Chair will now put the question on final passage of H.R. 808, and then on each motion to suspend the rules on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 808, by the yeas and nays; H.R. 3019, de novo; S. 464, de novo; H.R. 2056, de novo; H.R. 2294, de novo; H.R. 3051, de novo; H.R. 3049, de novo; H.R. 2961, de novo; H.R. 2604; de novo; and approval of the Journal.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

JAMES B. STANLEY

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 808, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on passage of the bill.

This vote will be taken by electronic device. This will be a 15-minute vote, and this will be followed by a series of 5-minute votes.

The vote was taken by electronic device, and there were—yeas 425, nays 0, answered "present" 1, not voting 7, as follows:

[Roll No. 438]

YEAS—425

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl

LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Istook

NOT VOTING—7

Abercrombie
Ford (TN)
Rose
Shaw
Traficant
Williams
Wilson

□ 1738

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each motion to suspend the rules and on approval of the Journal on which the Chair has postponed further proceedings.

PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM TERMINATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3019, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 3019.

The question was taken.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote which will be followed by several other votes. Members have 5 minutes to record their vote.

The vote was taken by electronic device, and there were—ayes 426, noes 1, not voting 6, as follows:

[Roll No. 439]

AYES—426

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wise
Wolf
Woolsey
Wyden

Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—1

Penny

NOT VOTING—6

Abercrombie
Rose
Shaw
Traficant
Williams
Wilson

☐ 1747

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ROSS BASS POST OFFICE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The pending business is the question of suspending the rules and passing the Senate bill, S. 464.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the Senate bill, S. 464.

The question was taken.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair will remind Members this will be 5-minute vote, followed by further 5-minute votes.

The vote was taken by electronic device, and there were—ayes 420, noes 3, not voting 10, as follows:

[Roll No. 440]

AYES—420

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weldon
Wheat
Whitten
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—3

Cunningham
Huffington
Sensenbrenner

NOT VOTING—10

Abercrombie
Bryant
Conyers
Hoke
Rose
Shaw
Traficant
Watt
Williams
Wilson

☐ 1756

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SAMUEL E. PERRY POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The pending business is the question of suspending the rules and passing the bill, H.R. 2056, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 2056, as amended.

The question was taken.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair will advise Members, this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 2, not voting 8, as follows:

[Roll No. 441]

AYES—423

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio

DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—2

Dunn
Sensenbrenner

NOT VOTING—8

Abercrombie
Edwards (CA)
Ewing
Rose
Shaw
Traficant
Williams
Wilson

□ 1805

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to redesignate the Post Office building located at 600 Princess Anne Street in Fredericksburg, Virginia, as the 'Samuel E. Perry Post Office Building'."

A motion to reconsider was laid on the table.

GRAHAM B. PURSELL, JR., POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2294, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 2294, as amended, on which the yeas and nays are ordered.

The Chair will remind Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 4, not voting 7, as follows:

[Roll No. 442]

AYES—422

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Shuster

Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—4

Cunningham
Huffington
Royce
Sensenbrenner

NOT VOTING—7

Abercrombie
Rose
Shaw
Traficant
Williams
Wilson
Wise

□ 1813

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read “A bill to redesignate the post office building located at 1000 Lamar Street in Wichita Falls, TX, as the ‘Graham B. Purcell, Jr. Post Office Building’ ”.

A motion to reconsider was laid on the table.

AMENDMENT TO IMPACT AID REGARDING INDIAN LANDS

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The pending business is the question of suspending the rules and passing the bill, H.R. 3051.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE] that the House suspend the rules and pass the bill, H.R. 3051.

The question was taken.

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 358, noes 69, not voting 6, as follows:

[Roll No. 443]

AYES—358

Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Calvert
Camp
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Kyl
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOES—69

Allard
Andrews (TX)
Archer
Armey
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bliley
Bonilla
Bunning
Burton
Callahan
Canady
Coble
Collins (GA)
Condit
Crane
Cunningham
DeLay
Dickey
Doolittle
Duncan
Everett
Fowler
Goodlatte
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Kingston
Klink
Knollenberg
LaFalce
Manzullo
McMillan
Mica
Moorhead
Orton
Paxon
Penny
Petri
Pombo
Rohrabacher
Roukema
Royce
Schaefer
Sensenbrenner
Shays
Shuster
Stearns
Stump
Taylor (MS)
Thomas (WY)
Upton
Valentine
Walker
Zeliff
Zimmer

NOT VOTING—6

Abercrombie
Rose
Shaw
Traficant
Williams
Wilson

□ 1822

Mr. DUNCAN changed his vote from “aye” to “no.”

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENDING INTERIM EXEMPTION UNDER THE MARINE MAMMAL PROTECTION ACT FOR COMMERCIAL FISHERIES

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The pending business is the question of suspending the rules and passing the bill, H.R. 3049.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 3049.

The question was taken.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 421, noes 6, not voting 6, as follows:

[Roll No. 444]

AYES—421

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman

Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weldon
Wheat
Whitten
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—6

Geren
Hefley
Huffington
McCurdy
Valentine
Watt

NOT VOTING—6

Abercrombie
Rose
Shaw
Traficant
Williams
Wilson

☐ 1829

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1830

WALTER B. JONES CENTER FOR THE SOUNDS

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The pending business is the question of suspending the rules and passing the bill, H.R. 2961.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 2961.

The question was taken.

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demanded a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote and will be followed by three other 5-minute votes.

The vote was taken by electronic device, and there were—ayes 425, noes 0, not voting 8, as follows:

[Roll No. 445]

AYES—425

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley

Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—0

NOT VOTING—8

Abercrombie
Hefner
Rose
Rostenkowski
Shaw
Traficant
Williams
Wilson

□ 1837

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ORDER OF BUSINESS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I understand there is one last suspension vote. This gentleman would announce there will not be a vote on the Journal, so this will be the last vote of the night.

BROWNSVILLE WETLANDS POLICY ACT OF 1993

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2604.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ORTIZ] that the House suspend the rules and pass the bill, H.R. 2604.

The question was taken.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 360, noes 64, not voting 9, as follows:

[Roll No. 446]

AYES—360

Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Conyers
Coppersmith
Costello
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefley
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutto
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Rogers
Ros-Lehtinen
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tauzin
Tejeda
Thomas (CA)
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOES—64

Allard
Archer
Armey
Bacchus (FL)
Barrett (NE)
Bartlett
Barton
Bunning
Canady
Coble
Collins (GA)
Condit
Cooper
Cox
Crane
Cunningham
DeLay
Duncan
Emerson
Ewing
Fowler
Gingrich
Goss
Hancock
Hansen
Hastert
Herger
Huffington
Hutchinson
Hyde
Inglis
Inhofe
Jacobs
Kingston
Lewis (CA)
Lewis (FL)
Manzullo
McCollum
Michel
Miller (FL)
Orton
Packard
Paxon
Penny
Ramstad
Roemer
Rohrabacher
Roth
Royce
Sensenbrenner
Smith (MI)
Stearns
Stump
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas (WY)
Thurman
Valentine
Walker
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Abercrombie
Hefner
Meek
Rose
Rostenkowski
Shaw
Traficant
Williams
Wilson

□ 1844

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WILLIAMS. Mr. Speaker, because of a family illness I missed Roll No. 437, the Federal Employees Political Activities Act of 1993, No. 438, the James B. Stanley Relief Act, No. 439, the Performance Management and Recognition System Termination Act, No. 440, the Ross Bass Post Office, No. 441, the Samuel E. Perry Post Office Building, No. 442, the Graham B. Pursell, Jr.

Post Office Building, No. 443, the amendment to impact aid regarding Indian lands, No. 444, extending the exemption under the Marine Mammal Protection Act for commercial fisheries, No. 445, the Walter B. Jones Center for the Sounds, and No. 446, the Brownsville Wetlands Policy Act of 1993. Those votes were taken on September 21.

Had I been present, I would have voted for Roll No., 437, 438, 439, 440, 441, 442, 443, 444, 445, and 446.

THE JOURNAL

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The Journal was approved.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2750, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, FISCAL YEAR 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-250) on the resolution (H. Res. 252) relating to consideration of the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

FEDERAL MINE SAFETY AND HEALTH ACT OF 1969—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Ms. LONG) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

To the Congress of the United States:

In accordance with Section 511(a) of the Federal Mine Safety and Health Act of 1969, as amended ("the Act"), 30 U.S.C. 958(a), I transmit herewith the annual report on mine safety and health activities for fiscal year 1992. This report was prepared by, and covers activities occurring exclusively during the previous Administration. The enclosed report does not reflect the policies or priorities of this Administration.

My Administration is committed to working with the Congress to ensure vigorous enforcement of existing mine safety and health standards. We are also intent on improving these rules where necessary and appropriate to better protect worker health and safety.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1993.*

ANNUAL REPORT OF SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION FOR FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Public Works and Transportation:

To the Congress of the United States:

I transmit herewith the Saint Lawrence Seaway Development Corporation's Annual Report for fiscal year 1992. This report has been prepared in accordance with section 10 of the Saint Lawrence Seaway Act of May 13, 1954 (33 U.S.C. 989(a)), and covers the period October 1, 1991, through September 30, 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1993.*

ANNUAL REPORT OF THE NATIONAL SCIENCE FOUNDATION FOR FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology:

To the Congress of the United States:

In accordance with section 3(f) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(f)), I am pleased to send you the annual report of the National Science Foundation for Fiscal Year 1992. This report describes research supported by the Foundation in the mathematical, physical, biological, social, behavioral, and computer sciences; engineering; and education in those fields.

Achievements such as the ones described in this report are the basis for much of our Nation's strength—its economic growth, national security, and the overall well-being of our people.

As we move toward the 21st century, the Foundation will continue its efforts to expand our Nation's research achievements, our productivity, and our ability to remain competitive in world markets.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1993.*

TRANSFER OF SPECIAL ORDER TIME

Mr. MCCOLLUM. Madam Speaker, I ask unanimous consent that I may be able today to take the 60-minute special order granted to the gentleman from Indiana [Mr. BURTON].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ACCEPTANCE BY JUSTICE DEPARTMENT OF PLEA OF GUILTY FROM FORMER POSTMASTER ROTA

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LIVINGSTON. Mr. Speaker, in July, I wrote Attorney General Janet Reno protesting the unexplained acceptance by the Justice Department of a plea of guilty from former Postmaster Rota to a charge of illegally channeling funds to Congressmen A and B.

Yesterday, some 7 weeks later, I received a reply from Sheila F. Anthony, Assistant Attorney General, saying that—

> The Justice Department policy disfavors the naming of uncharged individuals in public (charges) * * *
>
> We, of course, had no intention of implicating all of Congress by adopting this action.
>
> I hope that this alleviates your concerns.

Well, Mr. Speaker, it does not.

This Attorney General, the most political in contemporary history, the only one to dismiss all sitting U.S. attorneys soon after taking office, one who openly attends political fundraisers, and one who now subjects her assistants to undue congressional scrutiny and influence;

This Attorney General should recognize that her Department should either have not accepted the charges against Mr. Rota, or else they should have named the recipients of such illegal funds without unfairly implicating every Member of Congress with their slipshod, unfair, and politically protective tactics.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 15, 1993.

Hon. ROBERT L. LIVINGSTON,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LIVINGSTON: I am writing in response to your letter of July 29, 1993, to Attorney General Reno concerning the wording of the information to which former House Postmaster Robert V. Rota pleaded guilty.

We appreciate the concern expressed in your letter; however, in order to describe the charges against Mr. Rota, it was necessary to identify at least the offices held by other individuals involved with him in criminal activity. As the Department of Justice policy disfavors the naming of uncharged individuals in public indictments or information, the only fair course of action, under these circumstances, was to refer to those other individuals as "Congressman A" and "Congressman B." We, of course, had no intention of implicating all of Congress by adopting this action.

I hope that this alleviates your concerns. If we can be of further assistance with regard to this or any other matter, please do not hesitate to contact this office.

Sincerely,

SHEILA F. ANTHONY,
Assistant Attorney General.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 29, 1993.

Hon. JANET RENO,
Attorney General,
U.S. Department of Justice,
Washington, DC.

DEAR MADAM ATTORNEY GENERAL: As a former prosecutor, I am not advocating that the United States Congress unduly interfere in the responsibilities of the U.S. Attorney with respect to his case against various Members of Congress in the House Post Office scandal. However, I am extraordinarily distressed at the procedure utilized by him when he accepted a charge from former Postmaster Rota alleging that Mr.Rota had illegally channeled funds to "Congressmen A and B."

As I noted in a speech on the Floor of the House last week, such a charge without immediate clarification unfairly, unnecessarily and gratuitously indicts every Member of the House of Representatives by inference. Frankly, it's not at all fair to the innocent Members of the House of Representatives to allow this charge to remain in the public arena. Accordingly, I would like to insist that you prevail on the U.S. Attorney to immediately rectify this problem so that all of those innocent of such charges will no longer have a cloud hanging over their heads.

Sincerely,

ROBERT L. LIVINGSTON,
Member of Congress.

☐ 1850

REPUBLICANS AGAINST NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Madam Speaker, I see my friend, the gentleman from California [Mr. DREIER], walking off the floor. I know he is going to let me take some of his time in the debate on free trade here when he gets his hour a few minutes down the line. But let me say a couple of things about the Free-Trade Agreement.

First, there have been a lot of allegations by the pro-NAFTA side that the facts and figures that have been used by the anti-NAFTA side have not been accurate, and that there is no accurate data now available that should in some way compel an argument against NAFTA.

Madam Speaker, let me just say to all my colleagues and to anyone else who wishes to engage in this debate that the side of the Republicans who are against NAFTA is open for business, and I would like to issue a challenge to any of my friends and colleagues to come out on the House floor and debate the real statistics of NAFTA with me. I look forward to doing that in the next hour or so with the gentleman from California [Mr. DREIER].

Let me talk about a couple of things today that Americans should be concerned about with respect to the NAFTA debate. The pro-NAFTA side says we have a $40 billion export dollar amount each year with Mexico. At least in the last year, we exported $40 billion in exports to Mexico.

Madam Speaker, that is just not true, unless you go to great lengths to artificially create and designate exports. Let me explain.

Take American components, built by American workers, for sale to American consumers. We send them on a bus to various plants, twin plants, maquiladora plants in Mexico, to be finished or to be added to. They are finished or added to, and then we ship them back on the same bus or the next bus into the United States and sell them to Americans, whom they were originally destined for, and we call those exports to Mexico.

Let me give you an example. I have verified this with Mickey Kantor's office. His people admit that yes, that is true. That is the way we count it.

If we take this podium and build it in Ohio, and it costs $100 to build, and we put it on a bus and send it down to Juarez or Tijuana to be sanded and varnished, when it crosses the line at Tijuana we call it a $100 export into Mexico. It is sanded and varnished for, say, $10. It is put back on the bus, it comes back to the United States, and we call it a $110 export from Mexico to the United States.

This is not an export. It is totally artificial. It was created almost entirely in the United States for American customers. Yet that number is about $16 billion a year, depending on whether you use Mexican numbers or American numbers. That $16 billion a year number is used by President Clinton to pump up this export number for purposes of selling NAFTA.

You then put an important portion of the number of jobs under the jobs equation, about 20,000 jobs per $1 billion, and you attach that to that $16 billion in export trade, and you say that that is some 320,000 jobs, or thereabouts.

The facts are it is not additional jobs created by exports. They are American products, built for consumption in the American system, and there is only a small value added in Mexico. So we are using artificial numbers to create a basis and a justification for NAFTA.

Lastly, Madam Speaker, let me just speak to the argument that somehow those who are against NAFTA are slighting Mexico and Mexican productivity. Actually it is just the opposite. Those of us who are against NAFTA understand that Mexican citizens, when they are given new equipment, are doggone productive. They are very productive.

The Hermosillo Ford plant, for example, is one of the top quality plants of all the automotive plants in North America. It is also one of the top plants with respect to the number of cars produced per worker, which is one of the best measures of productivity. That is called machine yield. They have received the J.D. Powers Award for quality. They employ over 2,000 Mexican workers.

The 200,000 vocational workers in Mexico or vocational students in Mexico that are graduated each year and the some 340,000 engineers who attend Mexican engineering school, are providing a very good worker pool to produce top line quality products.

So what you have, Madam Speaker, with respect to Mexico, is the worst of all worlds for blue collar Americans and businesses in the United States that intend to stay here. You have a neighbor who is highly productive and has the capability to take your job, who makes $2,500 per capita per year, but does not have the ability to buy your product.

Madam Speaker, NAFTA is a bad business deal.

RAQUEL "ROCKY" KRAMER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY], is recognized for 5 minutes.

Mrs. LOWEY. Madam Speaker, I rise today to celebrate the life of Raquel "Rocky" Kramer, a dear friend and remarkable human being who passed away on September 6.

All of us who knew Rocky—and she had many friends and admirers—were inspired by her dedication to community and faith, and touched by her boundless concern for others. Rocky's vitality and warmth will be sorely missed, but never forgotten.

Rocky was perhaps most dedicated to her Shul, the Beth El Synagogue, one of the largest in southern Westchester County. At Beth El, she served in a variety of roles including chairwoman of the Youth Activities Committee, and head of the Israel Bond and Jewish Theological Seminary Drives. But Rocky may have been most effective in expanding the role of women in Jewish life. She founded the Alternative Service which gave women the opportunity to participate in high holiday services, and she became Beth El's first female president in 1990.

Through her service, Rocky enriched our lives and led the way for others who would follow her example as activists, as leaders, as women, as Jews, and as decent citizens. Hers is a portrait not only of ability and achievement, but of extraordinary kindness and love.

Madam Speaker, each of us is given only a brief time on this Earth—a few years to make a difference and to share our own experience with the generations. In her time with us, Rocky Kramer did both: Contribute immensely to others and, through her deeds, help us to share in her joy of life.

I join our entire community, especially her family and her friends at Beth El, in sadness at Rocky's passage, and thanks for the gift of her company.

YOUTH HANDGUN SAFETY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Madam Speaker, I am here today to urge a nationwide effort to address the rise of guns, gangs, and violence in our cities and on our streets. Specifically, I urge that we focus on the alarming rate of violence by and against youths on our streets, in our schools, and even in the backyards of our homes. I have committed myself to try to stop the rising tide of handguns in the hands of children, and I urge all of my colleagues and all of the communities in their States to join me in this urgent crusade.

Here's an appalling statistic: About 100,000 students bring handguns to school every day in the United States. That includes students in the schools of every Member of this House. Also, FBI statistics show that the number of murders committed by youths, aged 10–17, with guns, rose 79 percent between 1980 and 1990. It should be no surprise, then, that the Journal of the American Medical Association found that the leading cause of death for both black and white teenage boys in America is gunshot wounds.

Too often, playground disputes are turning into schoolyard shootouts. And when we must seriously consider putting metal detectors in our schools, and I don't mean just a few schools, something has gone awry. We cannot sit back and allow these types of statistics to proliferate. It is not fair to our students, to our teachers, and to our society. We must stand strong and tell our children that this is going to stop.

Today, Representative MIKE CASTLE and I are introducing the Youth Handgun Safety Act of 1993. This bill closes a loophole in existing Federal handgun law. Currently, Federal law—the Gun Control Act of 1968—makes it illegal for a licensed gun dealer to sell handguns to minors. However, it does not address the very real situations where other people sell and give handguns to minors. The current law also doesn't make it illegal for the minor to possess the handgun. The Youth Handgun Safety Act makes it illegal for anyone to sell or transfer a handgun to a minor, and it makes it illegal for the minor to possess the handgun. There are several exceptions for hunting, target practice, or instruction in the safe use of handguns while under the supervision of an adult, but beyond that, youths would not be permitted to have handguns. In other words, this bill makes the Federal law more meaningful, and provides minors with a real incentive to get rid of their handguns.

This idea of prohibiting possession by minors has a broad base of support. For instance, in my State, the attorney general supports the idea as does the local district attorney, the police chief, and the sheriff. These are the people on the front lines of this issue, and they have seen first hand the devastating effects of handguns on our children and by our children.

Several weeks ago U.S. Attorney General Janet Reno visited my district to discuss the issue of guns and violence. She emphasized that parents and families are the first line of defense against kids turning to guns and violence. I think we all can agree that an involved and concerned family is the ideal situation for our youths, and where it is possible we should encourage that scenario. The Youth Safety Act does encourage this parental responsibility, and community/adult responsibility in general. Equally important, it makes youths responsible for their own actions. I hope all my colleagues will carefully consider their own responsibility to their constituents, both young and old, and join us to work to keep guns away from kids.

STOP HIGH SCHOOL "HONOR" SCAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Madam Speaker, all of us are familiar with some the many groups which bring high school students to Washington, DC, to learn about the Federal Government and the lawmaking process.

What many do not realize, however, is that some of these groups use slick marketing and organizational arrangements to make a healthy profit off these students and their parents.

For example, the Congressional Youth Leadership Council [CYLC] in 1991 grossed more than $6.3 million with 98 percent of that coming from tuition fees. The National Charities Information Bureau has reviewed the CYLC and questions whether the CYLC is really a charity or merely a promotional device.

Senator METZENBAUM explains in a speech on page S6267 of the CONGRESSIONAL RECORD for May 20, 1993, exactly how the CYLC, a 501(C)(3) organization, manages to keep its profits and nonprofit status by transferring them to a for-profit company. His remarks are quite enlightening.

For example, the Congressional Youth Leadership Council [CYLC], a nonprofit institution, grossed more than $6.3 million in 1991. In its direct mailings, the CYLC leads parents to believe that their child is one of "fewer than two percent of all secondary school students nationwide [who are] eligible to participate." However, CYLC recruits students by mail through a mailing list vendor, not GPA's. Several newspapers have reported that at least two D-average students and one expelled gang member are among those so honored.

Although the CYLC charges a substantial fee for tuition and expenses, visiting students stay in four person dormitory rooms and participate in many free activities like visiting the floor of the House. CYLC does not provide scholarships to low-income youths and charges extra for some disability services like deaf interpreters. Ninety-eight percent of CYLC's revenue last year came from these tuition fees.

Two years after CYLC started in 1985, the two founders of CYLC started Capital Resources, a for-profit management and marketing company which they own and operate. Capital Resources last year received over 90 percent of each student's fee as well as a monthly, $7,000 management fee charged to CYLC. The National Charities Information Bureau called this arrangement "a clear conflict of interest" and questions whether the CYLC is "really a charity of merely a promotional device."

Today Congressman GUNDERSON and I are introducing a bill identical to legislation sponsored by Senators METZENBAUM and DOLE. It would require programs to disclose certain important information to parents before accepting payment. The programs would disclose: the method of solicitation and selection of participants, the per-student costs for food, lodging, transportation, and administrative expenses, and the relationship to any other business entity providing these services.

Finally the bill would make clear that these programs may not discriminate against students based on race, disability, or low income.

I hope my colleagues will join us in this bipartisan effort to provide parents the information they need to make sure that these honor programs are not taking advantage of their sons and daughters.

The text of the following article titled "No Sacred Cows," from Common Cause Magazine explains some of the current abuses.

NO SACRED COWS

Every year thousands of high school students from across the country get classy-looking invites to travel to their nation's capital and see how their government works. The honor comes with a price tag: $730 for a six-day tour and $1,260 for the deluxe 11-day program—plus air fare, lunches and incidentals.

What the honored students don't see—and something that their parents, who usually pay their way, might find more interesting than the standard "how a bill becomes a law" lecture—is how some tour groups work.

Take the Congressional Youth Leadership Council (CYLC), for example. Its certified-mail "nominating" papers have informed recipients they were exceptional students who had been chosen, along with 350 others from across the country, to represent their states as "Congressional Scholars" at a "very special week" in Washington. The letters didn't tell them they would be among 9,000 students attending one of 24 "special" tour weeks a year conducted by CYLC, that it had rented their names and addresses from a national survey firm or, according to press reports, that at least two D-average students and one expelled gang member are among those so "honored." Each year the council sends out more than 100,000 letters to students.

A lot of the money coming in to CYLC is passed on to the for-profit National Capital Resources (NCR), a management and marketing firm. NCR is run by Richard Rossi and Barbara Harris, the founders of CYLC and, until recently its officers and 40 percent of its board of directors. Harris still serves on the board. NCR's sole function until recently was to manage and market CYLC's programs. It now has "one other major client," according to CYLC Executive Director John Hines: the nonprofit National Youth Leadership Forum, a similar program also founded by Harris and Rossi.

A bill recently introduced by Sen. Howard Metzenbaum (D-Ohio) and cosponsored by Minority Leader Robert Dole (R-Kan.) would require groups like CYLC, the Close Up Foundation, Presidential Classroom For Young Americans and Washington-Workshop to explain how participating students were chosen and how their money is spent.

What's behind the bill, which would impose a sort of truth-in-advertising requirement on the democracy-in-action business, is a combination of what Sen. Dole called "questionable recruiting practices" by CYLC and no small amount of senatorial embarrassment. The resulting legislation is a consumer protection measure that would also give members of Congress more information about organizations that use their names.

For years CYLC has persuaded members of Congress to "preside" on its "honorary congressional board of advisors." Dole and Metzenbaum, along with more than half of their colleagues, signed on; the council's recent mailings refer to "the over 270 members" of its honorary congressional board by name.

But after Dole learned of CYLC's recruiting practices he disassociated himself from the organization and wrote a "Dear colleague" letter urging other members of Congress to do the same. Decrying the group's "audacity to blatantly deceive a member of Congress," Dole said "its misleading practices persist[ed]" even after it had assured him otherwise.

Faced with Dole's objections and pending legislation, CYLC has begun to mend its ways. As director John Hines puts it, "There was a chance some people would have gotten the wrong idea" about the council's program. Dole now says minor changes to CYCL's materials have "resolved [his] concerns," but Metzenbaum remains troubled by CYLC's business practices.

According to its 1991 tax return, CYLC grossed more than $6.3 million that year, with 98 percent of that coming from student "tuition." In an interview, Hines says that "about 60 percent of students' tuition is consumed directly while they're" in Washington, while the remaining 40 percent finances CYLC's "program preparation, overhead" and the like.

Metzenbaum's bill, the Educational Organizations Disclosure Act of 1993, would require CYLC and similar organizations to disclose how students are selected and provide them (and Congress) with a breakdown of how their fees are spent. It also would prohibit discrimination on the basis of physical disability or inability to pay.

"We don't have any problem with the bill," Hines says, "but Sen. Metzenbaum's staff seems to believe we're doing something wrong over here. And we don't understand that."

THE CRIME CONTROL ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. McCOLLUM] is recognized for 60 minutes.

Mr. McCOLLUM. Madam Speaker, every year nearly 5 million people in the United States are victims of violent crime. The amount of violent crime has increased 531 percent since 1960, yet violent criminals are serving shorter sentences. Studies show the expected punishment for committing a serious crime has tumbled by two-thirds since the 1950's. Our prisons are overcrowded, violent criminals are serving only fractions of their sentences and are preying on our citizenry again and again, and terrorists and criminal aliens are making a mockery of our laws and threatening order in our society. This must be reversed.

As chairman of the House Republican Leadership Task Force on Crime, in early August I introduced a comprehensive new crime bill H.R. 2872 entitled the "Crime Control Act of 1993." This legislation proposes a complete overhaul of our Federal criminal justice system and is designed to develop a partnership with States to restore certainty and swiftness of punishment to our criminal justice system and to lock up violent criminals.

One of the biggest problems with crime in America today is that convicted criminals are not serving their full sentences. Early release dates and high recidivism are costing America millions of dollars a year in addition to the tremendous physical and emotional harm of the crimes.

According to the Bureau of Justice Statistics, an analysis of release practices in 36 States in 1988, and it's worse now, shows violent offenders served an average of just 37 percent of the time sentenced. Fifty-one percent of the violent offenders in this survey were discharged from prison in 2 years or less; 76 percent in 4 years or less. Under these conditions deterrence does not exist in the criminal justice system and incapacitation of the truly dangerous criminals is rare.

While, increased jail time is expensive, doing nothing is more expensive. The average cost per inmate in State prisons is $25,000 per year. However, a recent Rand Corp. survey found that the average career criminal commits between 187 and 287 crimes per year, with each crime costing society an average of $2,300. Calculated out, that means an estimated cost of not keeping a career criminal behind bars is $430,000, or $405,000 more than the annual costs of imprisonment.

The answer is clear, we must lock up career criminals and keep them locked up. To take a big step toward accomplishing this goal, a key provision of the Republican crime bill provides $3 billion over 3 years to establish a system of regional prisons for housing State-convicted violent and serious drug trafficking criminals based on an unprecedented State/Federal partnership. The partnership agreement will establish a cost-sharing arrangement for the construction and operation of the regional prisons with the States providing a minimum of 50 percent of the overall costs. States that are serious about fighting crime and punishing violent criminals, and are attempting to address the overpopulation problem on their own will be eligible to enter into a partnership with the Federal Government for the establishment of a regional prison.

CONDITIONS OF STATE PARTICIPATION

State participation is conditioned on State compliance with: First, mandatory minimum sentences of 10 years for persons who are convicted of a serious felony and are subsequently convicted of a crime of violence involving the use of a firearm or a crime of violence involving a sexual assault; second, a truth-in-sentencing policy under which offenders serve no less than 85 percent of the sentence imposed for crimes of violence and serious drug trafficking offenses; third, pretrial detention; and fourth, challenges to court decrees limiting prison populations.

PRISONER ELIGIBILITY

Prisoner eligibility requirements have been established to assure that the regional prisons house the most violent, career criminals. An eligible State may send prisoners convicted of State crimes to the regional prison if: First, the prisoner has been convicted of not less than two crimes of violence or serious drug trafficking offenses and then commits a crime of violence involving the use of a firearm or a crime of violence involving a sexual assault; or second, the prisoner is an illegal alien convicted of a felony offense punishable by more than 1 year's imprisonment.

To help States meet their share of the costs and to build more prisons of their own, the bill adds correctional facilities to the list of tax-exempt projects for which private activity bonds may be used and exempts prison construction from the Davis-Bacon Act. Because of its importance I have introduced this prison portion as a separate bill, H.R. 2892, as well as incorporating it in the comprehensive legislation.

The overall funding mechanism for this act provides $7.54 billion over 5 years and covers the $3 billion for regional prisons for 1994–96. The spending in this legislation is fully paid for by cutting Federal administrative overhead expenses across the board by 5 percent, and by capping administrative overhead expenses under university research grants at 90 percent of current levels. These funding sources provide enough funding not only to establish the regional prisons, but also to put more than 20,000 new cops on the street, pay for the 3,000 new Border Patrol officers and 1,000 INS criminal investigators, and the other new initiatives in the bill. Cities and States cannot afford unfunded mandates and the American taxpayer cannot afford programs that add to the deficit.

Every evening Americans tune into TV news programs and hear stories of violent crimes committed by repeat offenders who should not have been out on the street in the first place. Americans are fed up with this breakdown of the criminal justice system. The regional prison plan goes a long way toward addressing this problem by allowing the Federal Government to work with the States in a unique partnership to provide adequate prison space to house the truly dangerous, career criminals. The regional prison system is our best chance of being able to lock up violent criminals and throw away the key.

□ 1900

The regional prison system is not the only matter that we need to be addressing. The bill is very comprehensive. There are a lot of other problems that are there.

But in my State of Florida, for example, one of the great reasons why those crimes were committed against tourists that got all the notoriety was the fact that each and every one of those who have been accused or been listed as suspects for those crimes had committed previous violent crimes and were back out on the street again because of the system overcrowding and not having enough space and letting people out early. It is a very, very important part of this.

This evening I am joined by several of my colleagues who want to discuss aspects of this.

Madam Speaker, I yield to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Madam Speaker, I thank the gentleman from Florida for yielding to me.

I want to congratulate him for taking out this special order and also for taking the initiative to formulate H.R. 2872, the Crime Control Act of 1993.

I am especially pleased to hear that he has also got a companion bill, H.R. 2892, which would presumably pay for additional prison space and pay for additional policemen and investigators out on the street.

I am reminded of the fact that I spoke with the U.S. attorney, just only a matter of weeks ago, the last couple of weeks, and was told that it is current policy by this Justice Department under this administration, which has just made great fanfare from the introduction of the administration's crime package, but all of that notwithstanding, the current U.S. attorney's offices all around this country are under a 9 percent cutback in appropriations. That is to say, that is not a legislative cutback; it is a scale back administratively that is coming out of the Office of Management and Budget. And U.S. attorneys all over this country are currently being told that they have to not lay off people necessarily but not fill slots as they become vacant, which means they have become smaller organizations.

As much as I am in favor of cutting back the role of government in so many other areas, as the gentleman has abundantly testified, Florida knows the problems of violent crime, and all of us in this country know the danger and havoc that is wreaked by violent crime, yet we are finding that the law enforcement agencies of the Federal Government are being curtailed, restricted and reduced because of this administration cutting them back.

Not only that, but their criminal bill that the President talked so much about in August does not have any provisions in it of any significance for the building of new prison space or additional policemen on the streets.

Mr. MCCOLLUM. Madam Speaker, reclaiming my time, on that bill they made a good speech about it, but they have yet to produce the actual document for us to look at either. I think that was done to try to make the impression that action was going on. But as far as I know, the administration has yet to come forward.

I hope they do. I hope that when they produce it, they produce something much tougher than what was outlined in that speech you are describing.

Mr. LIVINGSTON. Evidently, if the gentleman will continue to yield, they have discovered that the American people are desperately concerned about the increase in violent crime in this country. They wanted to talk about remedies that they have in mind to deal with it, but in reality, they are cutting back on the law enforcement facilities available to them, both in terms of prosecution, presumably in courts, certainly in terms of manpower on the street for police and investigators and the like and, at the same time, not providing any additional prison space. So I hope that they start matching their rhetoric with some action, but right now it does not look good for the field of law enforcement.

I want to tell the gentleman further that I appreciate his indulgence. I introduced earlier this year H.R. 93, the Life Imprisonment for Egregious Recidivist Acts. That is an acronym for the LIFER bill.

Basically, it is a very simple bill that will tell criminals around the country that you can commit one violent crime and you can commit the second violent crime, if they are felonies, but on the third one, you are going to go to prison. If you had been sentenced under the previous ones and if this one sends you to prison for the third time, you will never see the light of day outside of prison again. The Government, if this bill is passed with this provision in it, would simply tell you, take a long vacation. You are not coming back. We do not need you anymore.

The gentleman touched on some statistics. I am going to introduce all of my statement into the RECORD, because I know that there may be a shortage of time, but I would like to just touch on these statistics to elaborate on what the gentleman has already said.

□ 1910

Sixty-four percent of all criminals arrested for violent offenses had one or more prior felony arrests before the one in which he was picked up.

In a national study of youth ages 11 to 17—and certainly this might include the 13-year-old who was picked up for that killing of an English tourist in Tallahassee—but in a study of those youngsters, the 7 percent who were the most active offenders committed about 125 crimes per year each, and I know they indicated that that 13-year-old who killed that Englishman in Florida had been picked up between 53 and 56 times before that outrageous killing.

In a study of more than half of all prisoners released in 1993, approximately 5 percent of the prisoners had been charged with 45 or more offenses before and after their release. A study found that the most active 10 percent of robbers committed more than 85 robberies per year, and that the most active 10 percent of burglars committed more than 232 burglaries per year.

A California study of males born in 1956 showed that a small percentage were responsible for a disproportionate share of all of the arrests for ages 18 to 29. Specifically, 6.6 percent of the juveniles studied were responsible for 72 percent of all of the crimes leading up to the arrests.

A National Institute for Justice survey of inmates in three different States showed they averaged between 187 to 287 crimes per year. Ten percent of the inmates in this group each committed more than 600 crimes annually, illustrating that hardened, habitual criminals can be one-person crime waves.

Again, I would like to compliment the gentleman for coming forth with this bill. I know that the Republicans are outnumbered, and that if it is just left up to Republicans, this bill probably does not have a chance of passage unless we get bipartisan support.

I think that what you are touching on is an issue that is so acute, so terribly important and critical to the survival of every man, woman, and child in America, it really should not be treated by the majority in partisan terms.

The good points of this bill—and frankly, I think they are all good points—should be taken and incorporated into the President's bill, and if he wants to add lots of provisions of his own, fine, have at them.

Let us not talk about solving crime when people are getting murdered throughout their communities on a daily and nightly basis, on an hourly basis, if you will. Let us actually pass the laws that are necessary to take people off the streets if they are going to intrude on the rights of their neighbors, if they are going to do violence to them, and certainly if they are going to threaten them throughout their lives.

Your bill, in my opinion, does address many of these problems. There are probably others that could be addressed.

I welcome a bipartisan support from the administration, from the President, but let us not say that we are solving crime and then cut back the U.S. attorney's office. Let us not say that we are solving crime and then come up with a government reorganization program that merges DEA, FBI, Border Patrol, and ATF into just one big megopolis of a law enforcement agency, as unfortunately that is what is called for by Vice President AL GORE.

Let us not just move around the chairs on the deck of the *Titanic*. Let us actually pass laws with teeth in them, that take the violent criminals off the street and put them away for good.

Mr. McCOLLUM. Reclaiming my time, and I hope the gentleman does not walk away, because I would like to engage him a little bit about this, I think one of the really important things he has contributed is the bill he just described. It is part of this comprehensive Republican proposal.

The gentleman is right on the money when he says we are not going to pass this bill freestanding. It is really a bill that we put in the comprehensive one that included your proposed legislation, and the regional prisons that I said, and really a whole lot more. It is really just laying out the outline of suggestions that I have.

We do not have the votes. We cannot do that on our own, but when the President does put forward his bill, like you, I believe, certainly, and I think all of our colleagues believe it would be good to see some of what we have done in his bill.

We hope we can reach a bipartisan product. Nobody thinks crime is a partisan issue. It is not. However, we do see an alarming statement or two coming out in addition to the cutbacks you described in the U.S. attorney's office and the comments with regard to what we are going to do down the road about merging agencies.

I have seen some comments from some administration folks recently that they are interested in abolishing minimum mandatory sentences, doing things that maybe around the edges, in one or two instances may be justified, but by and large, if done on a large scale, and particularly if done regarding these violent criminals and career criminals, would be counterproductive.

I, just like you, I am sure, would agree, Mr. LIVINGSTON, want to get at the social issues that cause some of this, but crime, violent crime, is so bad you cannot get at that in our cities until we clean them up.

What business is going to go into New Orleans, your home town, or Orlando, mine, or that of the gentleman from Minnesota [Mr. RAMSTAD], Minneapolis, or anybody else's city and put a new market, a new business in there with this much violent crime? We have to take these really bad people off the streets, lock them up, and throw away the key. That is what you are talking about.

Mr. LIVINGSTON. If the gentleman will yield, he is absolutely right. If we cannot protect people in their own homes or their own businesses or their children when they go to school, then frankly, we as a society have failed our citizens. We can do all of these other things: We can send our troops off to war in all these forgotten places, and save people from hunger or from tyrants in other corners of the world, but when our own citizens are being subjected to terror at the hands of tyrants right here in this country and we are doing an inadequate job of defending them from those oppressors in their own neighborhoods, then frankly, everything we do in this Chamber all year long is worth nothing.

We have to change the attitude. I know that the social dogma showed by this Attorney General, and I quote her, she says, "My highest priority is not to convict criminals but rather, to protect their rights," I am sorry, but the social dogma has not worked.

In my opinion, we have to start thinking about the rights of the victims, not the criminals. We have to start socking them away. We can give them due process. We have learned how to do that. We can give them all of the adequate defenses they need as they go to trial, and protect them during trial, and protect them once they are incarcerated in prison, but we should not simply blame ourselves for the fact that other people are infringing on the rights and liberties and freedom and life of others.

It is not my fault, it is not your fault, that some people are just flat-out mean, rotten criminals. If that is what they want to be, then we ought to put them in jail and leave them there.

Mr. McCOLLUM. I do not know if the gentleman saw, it was a late night the other evening last week where I saw one of these talk shows where two guests were on the show being questioned. They were young women. One of them was a member of one of the big gangs in Los Angeles, and the other was supposedly a member of the other.

They talked about how they murdered more than 30 people each, so they claim. They may not have done that, that could have been exaggeration, but just listening to them that night was chilling, to hear these relatively young people, I would guess both of them were under 20, probably teenagers, who are just totally imbued with this idea and do not seem to have a moral sense about them at all.

I do not know that we can reform those people. I do not know that you can put that type of person who has gone that far into a setting in society where you can expect a chance to put the person back on the street once they are locked up. I hope some day anybody that commits that many crimes is locked up and locked up for good.

Of course, there are people that could be reformed, but not that hardened group.

Mr. LIVINGSTON. It is going to take generations to go back to the traditional values that made this a great country and imbue our children as they are growing up with a sense of identity, with a sense of worth, and with an understanding of what human life really is.

Unfortunately, we are raising a large portion, a much larger portion than I would ever like to acknowledge, of youngsters who, frankly, are growing up without any care whatsoever for the dignity of human life. All of the sociologists standing in line from here to the moon are not going to change that fact.

We have to deal with the crime as it is in the streets today, and that means taking the hardcore criminals off the streets so that the innocent people can live.

Mr. Speaker, for the RECORD, I include some background information on the LIFER legislation:

H.R. 93 is the Life Imprisonment for Egregious Recidivists Act of 1992 or, for short, LIFER.

LIFER targets only hardened, violent criminals who will be removed permanently from society through life imprisonment.

LIFER has the support of various citizen's anticrime groups including: Americans Against Crime headed by Candy Lightner the founder of MADD; and the Law Enforcement Alliance of America.

Clinton's very political Attorney General, Janet Reno, often promotes criminal rights over those of victims. She has been quoted as saying: "My highest priority is not to convict criminals but rather to protect their rights."

On the other hand, LIFER promotes the rights of victims over those of career criminals.

LIFER is very simple and straightforward. It is based on the sound premise that since a very small percentage of violent felons commit the lion's share of all violent crime, we can have a profound impact on the prevalence of violent crime simply by removing this select group of felons from society. For example, just 6 percent of all violent offenders commit a full 70 percent of violent crimes. Furthermore, there is a 76-percent recidivism rate among those with three or more convictions.

LIFER would remove this select group of violent felons from society by imposing a mandatory life sentence on anyone convicted of a Federal violent felony if that person has two or more prior violent felonies—State or Federal—on his/her record. In other words, three strikes and you are out—for life. LIFER would not supersede judicial discretion in those rare instances where the death penalty is warranted.

Some within our criminal justice system place great stock in rehabilitation, but the wealth of evidence indicates that hardened, career criminals do not benefit from rehabilitation. Once these folks are far gone enough to make violent crime a habit, they will keep preying on our families again and again unless we stop them. I have a wealth of statistics supporting this point. Following are some of them:

First, 64 percent of all those arrested for a violent offense had one or more prior felony arrests.

Second, in a national study of youths age 11 to 17, the 7 percent who were the most active offenders committed about 125 crimes per year each.

Third, in a study of more than half of all prisoners released in 1983, approximately 5 percent of the prisoners had been charged with 45 or more offenses before and after their release.

Fourth, a study found that the most active 10 percent of robbers committed more than 85 robberies per year and that the most active 10 percent of burglars committed more than 232 burglaries per year.

Fifth, a California study of males born in 1956 showed that a small percentage were responsible for a disproportionate share of all arrests for ages 18 to 29. Specifically, 6.6 percent of juveniles studied were responsible for 72 percent of all the arrests.

Sixth, a National Institute for Justice survey of inmates in 3 States showed they averaged between 187 and 287 crimes per year; 10 percent of the inmates in this group each committed more than 600 crimes annually illustrating that hardened, habitual criminals can be 1 person crime waves.

LIFER promotes the rights of victims over those of career criminals. And at a time when urban revitalization is finally receiving the attention it so richly deserves, I must emphasize that LIFER would have the greatest beneficial effect on poor, city residents who are victims of violent crime at a rate of 65 per 1,000, nearly twice the rate of the average city resident. A wealth of Government and privately funded studies support the idea that a small percentage of criminals commit the majority of violent crime. Let us put these people in jail and support the McCollum anticrime bill.

I thank the gentleman for yielding to me. I have taken too much time.

Mr. McCOLLUM. I will reclaim it in order to yield to the gentleman from Minnesota [Mr. RAMSTAD]. If the gentleman from Louisiana wants to stay around, we appreciate having him here, and appreciate him taking the time.

□ 1920

Mr. RAMSTAD. I thank the gentleman from Florida for yielding, and certainly applaud the leadership he has provided, and I also applaud the comments of the gentleman from Louisiana. In fact, Edmund Burke said that the basic obligation of government is to protect people in their homes and neighborhoods. And our government is failing the American people, failing them badly in this basic obligation of government where we have government with scores, as the gentleman from Florida illustrated, of Americans murdered on our city streets each and every night, with a woman being raped in America every 4 minutes. No other civilized society in history has tolerated that kind of violence against women; 5 million Americans are victimized each and every year by crime, gangs ruling the streets of our country.

I, too, have been very disappointed with the administration's lack of leadership on this issue. A year ago, during the St. Louis Presidential debate, Mr. Clinton said, "The crime bill will be one of my highest priorities in January if I become President." Well, he became President. Today is September 21, 8 months since the new administration assumed office. We still do not have the introduction of a crime bill on the part of the administration.

Mr. McCOLLUM. If I may reclaim my time on that point, I did the radio response to the President's Labor Day weekend address, and I listened very carefully to his 5-minute message that day. He had three things listed as priorities for the fall, and crime was not one of them. And I think the gentleman is making an excellent point. This administration needs to put crime much higher up in its priority list.

I continue to yield to the gentleman from Minnesota.

Mr. RAMSTAD. I thank the gentleman for yielding.

The one mandate I believe the American people voted for was to end gridlock, and when it comes to crime legislation we still have that gridlock, as the gentleman from Louisiana pointed out, the problem of passing any of the elements, regardless of their merits, in our crime bill. This should not be a partisan issue. We need to take off our Republican hats, and take off our Democrat hats, roll up our sleeves, and work together in a pragmatic, common-sense, comprehensive way to address the problems of violent crime in America. The people of America deserve nothing less.

But it is obviously difficult to pass a bill that has not been introduced. We do not have an administration bill. We do not have a Democrat bill. The only thing we have to deal with right now legislatively is a Republican crime bill that has been introduced.

I want to take this opportunity to renew my offer to the President and to you, Madam Speaker, to work with your side of the aisle to formulate and pass a strong, bipartisan anticrime bill. I hope it includes the elements that the gentleman from Florida discussed, as well as the gentleman from Louisiana. There are three violent crimes, three violent felonies that should result in life imprisonment. Certainly in that bipartisan spirit, Madam Speaker, I ask you not to dismiss these innovative proposals in the Republican crime bill. These proposals can be supported by many Members on the other side of the aisle. Many of the elements should be noncontroversial. There is no room for partisanship when it comes to crime. People are getting killed, people are getting raped, people are getting addicted to drugs.

There are two proposals that I have introduced, and I thank the gentleman from Florida as well as the gentleman from Louisiana for their tutelage and their support on these and other issues. Their leadership has truly been outstanding.

The two proposals that I have introduced to the crime bill fall within the nonpartisan category, I strongly believe. The first is the Jacob Wetterling Crimes Against Children Act which would require convicted child sex offenders and abductors to register with police for 10 years after their release from prison. This bill came from my home State of Minnesota as a result of an abduction of a young boy named Jacob Wetterling who has not yet been found, and thanks to the tireless efforts of his mother, Patty Wetterling, who walked these Halls of Congress, who walked the halls of the Minnesota legislature, this bill is now before this body.

The Department of Justice reports over 114,000 nonfamily child abductions every year in this country. We need to pass this act, because child sex offenders repeat their crimes again and again to the point of compulsion. In fact, the National Center for Missing and Exploited Children reports that 74 percent of imprisoned offenders had one or more prior convictions for a sexual assault against a child. Listen to this. The typical child sex offender in America molests 117 children before being apprehended and convicted the first time, 117 young victims. So certainly there is justification for this bill, for keeping track of these pedophiles, these convicted child sex offenders after their release from prison. As many as 22 States already have registration statutes, but State law enforcement officials have told me, as well as the FBI has told me that they need this national registration because of the obvious ability to cross interstate lines, and given the mobility of our population today.

The second bill that I would like to describe very briefly, which also should be noncontroversial, which also deals with children and crimes against children is called the Assaults Against Children Act. That is also included in our Republican crime bill. This would close a very serious gap in the Federal crime abuse law.

This was brought to me by the former U.S. Attorney for Minnesota, Tom Heffelfinger, as a result of several cases on Indian reservations back home in Minnesota. Currently in order for child abuse to be considered a felony in Federal court, the injuries to the child must be permanent or protracted. Whip marks, cigarette burns, and even broken bones do not reach this threshold. So the federal prosecutor can only charge simple assault which carries a 3-month penalty, so most of the cases are not papered. So there is a big gap between a 3-month misdemeanor and a 5-year felony for child assault or assaults against children.

There is no protection, in a nutshell, for the vast majority of Federal child abuse cases which fall in the middle. But this provision in our crime bill would close this gap by providing a maximum of 5 years imprisonment for assaults to children which result in substantial bodily injury like cigarette burns to the face, which I have seen cases of, or broken bones and other blatant examples of child abuse.

Madam Speaker, let me just conclude by saying the Jacob Wetterling bill, which now has 52 cosponsors, and the child abuse bill which has 33 cosponsors, nearly half of these cosponsors are from the other side of the aisle, and I am pleased to state that bipartisan cooperation and to see that spirit of bipartisanship. Again, I only hope we can address all of the elements of a comprehensive crime bill in this bipartisan way.

We do have an opportunity to pass a tough, comprehensive crime bill, and we have an obligation to at least pass those provisions on which all of us can agree, and which are so desperately needed and demanded by the American people.

Madam Speaker, the Republicans have put out comprehensive crime bill on the table. It is tough. It is fair. It is comprehensive. It does put victims' rights first. I urge my colleagues to give it the attention it deserves. let us work together to pass a comprehensive crime bill and get back to the basic obligation of government to protect the people in their homes and neighborhoods, because the American people deserve nothing less.

Mr. MCCOLLUM. I certainly enjoyed listening to what the gentleman said, especially outlining those to proposals of his that are incorporated now in the comprehensive bill. The republican bill that we are talking about tonight, the big bill incorporates a number of innovative ideas that members have come up with and suggested to us. There is not any pride of authorship of one or two people. The gentleman from Minnesota did author those two he described, and the gentleman from Louisiana authored the one he described. The regional prison concept was a collective effort that we authored, but there were a number of very significant provisions in the bill that we have not emphasized tonight. Perhaps if the gentleman can stay around for a little bit we can discuss a couple of them. You reminded me of one of them because yours deals with child abuse and pedophiles. We have some legislation I think that is really tough in there that the gentlewoman from New York [Ms. MOLINARI] put into the bill, and gave to us as an idea on how to increase the opportunities to get convictions for rape when women are abused. And I think in our society today violent crime, career criminals, crimes against children, crimes against women have got to be at the top of the list of the heinous crimes that are incredibly being allowed to go on out in the streets, and people are repeat offenders, or involved in getting back out and doing them again and again. That is the type of thing that more than anything else the American public senses needs to be addressed.

In addition to that, this bill deals with very diverse things. The issue of terrorism, closing some loopholes in the whole issue where we have political asylum, where people come in here at the international airports and are released quickly into our society when they really should not be, just by claiming they will be persecuted if they go back to the country of their origin. And they are released because we do not have a way to detain them right now, and their hearings are set for hearing their cases later on down the road. They are given work cards, they are given Social Security cards, they are given drivers' licenses, and most of them never show up again.

□ 1930

Well, a lot of those folks—I do not know what the percentage is and maybe "lot" is not a proper word, but I think any amount is too much. Quite a number are probably terrorists, probably people here to do harm against us. We just have no way of knowing it. They come in here without going through the routine screening process and that has to stop.

This legislation contains provisions that would have prescreening, screening that would occur at the airports by specially trained asylum officers and ship people right back out again, as they should be shipped out. It is the subject of separate legislation also.

Now we know that bombers in New York City in that World Trade Center bombing, we know at least one of them came in in that way. One fellow who did the shooting of the CIA offices overstayed his stay here in the United States claiming political asylum and would not have been here to do those crimes had he not been abusing those laws that exist on asylum and had there been a statute of limitations which has been proposed.

In addition to the terrorist area, speaking of aliens, the bill addresses the issue of criminal aliens. Our jails have a very high percentage, some say upwards of 25 percent today, who are aliens. Some of them are here a long time, some of them a very short time; some of them are violent and some of them are not. But most Americans are chagrined at the thought that we are not immediately, after these people serve their sentences, deporting them which we should be doing. But our system has fallen down and they serve their sentences, they get back out again, and they commit crimes again. The bill addresses that. It also does something else. I suspect most people who hear this would say then why are we even letting them finish their sentences in the first place? Most aliens if they are not going to be a great threat to come back in again and commit crimes again frankly should be shipped outside again, shipped right back to the country of origin and deported before they spend the taxpayer money in our prisons.

Mr. LEWIS of Florida proposed that in some legislation. We incorporated that.

There are a number of provisions like that that this bill does. I am sure the gentleman has some in mind that are broader than what we have described up to now.

I would be glad to yield to the gentleman if he has comments on either these or some of the other provisions that are in the bill.

Mr. RAMSTAD. I appreciate the gentleman yielding.

Madam Speaker, certainly no Member of this body knows more about terrorism, or illegal aliens, than the gentleman from Florida [Mr. MCCOLLUM]. I appreciate the gentleman's work in these areas.

Certainly those elements of this bill are meritorious, deserve bipartisan support, and should be passed forthwith, given the recent problems in this country.

I would like to just touch on the subject mentioned by the gentleman with respect to violence against women and his reference to the gentlewoman from New York [Ms. MOLINARI's] provisions dealing with violence against women.

We all know that in the United States a woman is reported raped on the average of every 4 minutes and rape is the most, the most underreported crime on the books. FBI estimates only 10 percent of all rapes, sexual assaults are reported.

We have some provisions dealing with this to provide more resources for sexual violence centers, battered women's shelters to deal with this problem. Also there are two other elements in this bill that I think are very important.

The habeas corpus reform is extremely important. Right now it costs the Government more to sentence an individual to death than to sentence that person to his or her life expectancy, to sentence them to life in prison, because of the cost of appeals. The average cost is $1.2 million to the taxpayers because of all the frivolous appeals.

The habeas corpus reform is desperately needed to give a person sentenced to death one appeal and to limit the time of that appeal.

Also the extension of the death penalty is needed, in my judgment, when people commit violent, heinous crimes such as cop killings, such as mass murders, on the playgrounds that we have seen in this country.

Mr. MCCOLLUM. Reclaiming my time if we may discuss a couple of these, the gentleman raised two important areas. One of them, the habeas corpus area, is deeply disturbing in one respect because of comments that the President made in his press conference when he said he was going to have a crime bill coming that has not yet arrived. He indicated that Senator BIDEN's legislation on this subject was something that he embraced or supported.

Those of us—and the gentleman and I serve on the Committee on the Judiciary—over the years we know that the reason that the crime bill 2 years ago did not become law is because of the type of provisions that are in this proposal in the other body, something this body created actually at one point and the majority wanted to do on the subject of making it actually worse rather than better in terms of what the law provisions are in trying to end these endless appeals that these death row inmates have.

In getting into what I understand of this, putting it as simply as can put it and the gentleman may amplify it, but my understanding of the problem is that the legislation the President seems to be supporting is that there are a number of Supreme Court decisions, U.S. Supreme Court decisions of recent years which tried to move in the direction of mitigating the problems with habeas corpus, trying to eliminate some of these unnecessary appeals and still preserve the right of the individual criminal accused.

I believe in a number of those instances the proposal that the President seems to be supporting would actually overturn those Supreme Court decisions and try some new language that has never been tried that looks to us and looks to the Association of State Attorneys across the country, who complain to me personally about this, as making it more difficult to get sentences carried out, than even exists today. And that is pretty bad as the gentleman described. Maybe the gentleman will like to amplify that, but that is my understanding of this particular problem and is what I believe is the problem with the President embracing this without even looking, apparently, at what we have in our bill which is quite different.

I yield to the gentleman.

Mr. RAMSTAD. It is difficult to comment on a bill that does not exist. I am not certain, to be very candid, what the President's proposal is today on habeas corpus. We do not have the bill. Again I would renew my plea to the administration to introduce the bill. We need something on the table to deal with.

Mr. MCCOLLUM. That is right.

Mr. RAMSTAD. It is well past January now and we need a crime bill, Mr. President.

Mr. MCCOLLUM. Reclaiming my time again, the gentleman mentioned the death penalties that need to be restored. That is something a lot of us have been trying to do for a long, long time. I doubt too many Americans fully appreciate the fact that I think since 1972 or 1973 there has been no Federal death penalty for virtually all crimes of a Federal nature. One or two that have passed, skyjacking, for example, a provision that I passed into law a few years ago on another area of crime. But for the most part the fact of the matter is that once the Supreme Court ruled all death penalties in the Nation were procedurally defective based on the manner in which the death penalty was being imposed, how instructions were being given to jurors, how courts were deciding, very technical stuff. Once they threw out all of those death penalties of all of the States that had them and the Federal Government back in 1972 or 1973, the States that had the death penalty, every one of them has since then come back and enacted laws necessary to make the death penalty in their State constitutional. It was a little procedural technical thing that they needed to do.

The U.S. Congress never has done that. We still have no death penalty for the assassination of the President of the United States, no death penalty for many of the crimes the gentleman was describing earlier. There are numerous crimes which previously we had the death penalty for, many of the crimes that the gentleman was describing earlier, that we do not have today if they are committed at the Federal level; assassination being the most dramatic example. But there are lots of others.

While most crimes are committed at the State level, when one is committed at the Federal level that deserves the death penalty, certainly the public deserves no less than to have this body conform and do its will. There are people who are opposed to that, members of this body and the other body who have for years tried to block that and procedurally and otherwise; they have so far been successful. Our Republican crime bill does resurrect this death penalty procedure properly and would allow that to be done, among other things.

Also it contains a provision that I think the gentleman also concurs in, and that is that it would change the law to make it easier to get evidence in when somebody does the search and seizure. If a policeman goes and, today, gets a search warrant there is a provision for a so-called good faith exception to errors that he may make in carrying out his search under that search warrant. The courts say you may admit that into evidence. But if he is in hot pursuit and legally otherwise getting evidence that he acquires along the way as a result of the search that he is doing in this hot pursuit of the criminal somewhere and he does not have a search warrant but everything else is all right, that same exception that allows the evidence in with a search warrant does not exist in the court system today for that evidence.

We have been trying for years, just as with the death penalty restoration at the Federal level, to get that changed. This particular provision may be more significant than the death penalty issue.

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It goes to the same type of thing that the habeas corpus does, the endless appeals of State court convictions where you have crimes all across this country.

The same thing is true for this evidentiary rule. It is a Federal rule that the courts are imposing that keeps evidence out, but it is keeping evidence out in State courts. It is keeping evidence out at every level of crime, not just heinous capital cases, but in cases which involve those types of matters of any type of crime, whether it is a burglary, a robbery, an assault, whatever it might be. Those types of things should have been addressed a long time ago, and while we have highlighted primarily today in this special order the issue with respect to the case involving regional prisons, women's crimes, children's crimes, things of that nature, the one I am describing, the thing we have just been talking about is very, very critical.

Mr. RAMSTAD. Madam Speaker, if the gentleman will yield further, it is difficult to talk about violent crime without talking about drugs, as the gentleman well knows.

Just Friday I met, as I do regularly with my Law Enforcement Advisory Committee, law enforcement officers, drug treatment people, experts, educators, juvenile officers concerned with the crime problem and others, as they pointed out at that meeting, 85 to 90 percent of all crime in America is associated directly or indirectly with the drug problem.

I also applaud the efforts of the gentleman in the drug treatment area. We did have a comprehensive approach last year with the Shaw amendment to provide more resources for drug treatment in America.

It is alarming when we think that over the last 5 years 50 percent of the adult treatment facilities in America have closed, chemical dependency treatment facilities have closed. In the last 3 years, 60 percent of the adolescent treatment facilities in America have closed.

We need to emphasize in this comprehensive approach not only the law enforcement provisions, but also drug treatment and drug education.

That is one thing I am very, very concerned about.

Another thing I am concerned about, when I see the administration cutting the Office of Drug Policy from 138, I believe it was, a staff of 138 down to 25 people. It tells me they are deprioritizing this problem. I believe that is something we need to work on.

Mr. McCOLLUM. Well, Madam Speaker, if I can reclaim my time on that point, I agree with the gentleman about the drug treatment issue. The war on drugs is a comprehensive type of thing. We have got to attack it on every front. I am as disturbed as the gentleman is by some of these things that are happening, or apparently happening in that particular war on drugs.

We are seeing, for example, the administration seemingly retreating from the whole policy of interdiction. There is an indication out there now that maybe this is no longer something that is effective. Maybe the military doing its little bit in this should not any longer be doing it and so forth.

My judgment, and I think those in law enforcement who deal in this area, would say the same thing, that we cannot continue to sustain the successes we have had, and we have had some successes in the war on drugs, we have reduced the amount of growth in the use of drugs by our young people in our schools. We have not conquered it. It is still a tremendous problem. It is still a problem that drives a lot of the others that we have with crime today, but we have sustained some successes in this area.

We cannot anticipate that this degree of success will continue and that the rate of the use of drugs in this country will continue to be mitigated over the long haul unless we have a balanced approach to this problem of fighting the war on drugs. That includes not only the drug treatment and the education programs which I think are strongly important to discourage use of these drugs, but it includes the type of criminal laws that are going to take the drug kingpins and those who sell drugs off the streets and lock them up for long periods of time if they sell large enough quantities, and indeed have the death penalty even further for those who traffic in very large quantities, and in addition to that have interdiction, have a program where we try to stop the drugs from coming into this country in the first place.

That raises the price of drugs. That makes it more expensive and more difficult for people to be able to acquire them and to take away that tool and to say that, well, it is not working that well, drugs are still getting in here. Of course some are still getting in and, unfortunately, in large quantities. People are always going to find ways to get around the ways that we have to try to stop them; but if we lesson our efforts in that regard, the price of drugs will go down. More narcotics will come in, usage will go up and the cost to American society will be greater, so that is a very significant problem that needs to be addressed.

Madam Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Madam Speaker, I thank my friend for yielding to me.

I just want to thank the gentleman for what he has done in the leadership position in the House with respect to crime.

I have watched the gentleman from Florida [Mr. McCOLLUM] over the years working on antidrug bills, many measures of which that passed were his, were authored by him. I have watched him keep to this issue tenaciously.

I watch now with respect that the gentleman has been putting this package together and I just want the gentleman to know that many of us, I think on both sides of the aisle, appreciate the great work that the gentleman has been doing. We look forward to working with the gentleman trying to get this thing through in the next several months.

Mr. McCOLLUM. Madam Speaker, I thank the gentleman.

Reclaiming my time, I would like to close by discussing once again what we have been talking about in the big picture, and that is in the early part of August I introduced as the head of a House Republican task force on crime a very comprehensive crime bill, a benchmark bill, in hopes that the gentlemen and gentlewomen on the other side of the aisle will come forward, as well as the administration, with something of a comparable comprehensive nature in short order and that we can get together and produce a bipartisan comprehensive total crime bill that will address some of the most egregious problems the American public faces today.

I know health care is a big issue out here right now. I understand that and I am involved in that and we all want to solve that problem.

We understand the deficit problem that we have been battling all year and many of the other issues facing us; but most Americans want to be safe in their homes. They think about that, and whenever they see the type of crime we are seeing on the streets today with the murders in my home State of Florida of the tourists which are just illustrative, unfortunately, of many others that take place with American citizens around this Nation all the time, they and we alike all know that it is time, way past time that we passed this type of legislation.

I would like to come back at the end and remind those of my colleagues who may be listening to this that the heart of this new bill, the new part in it, the part that is sort of highlighted in it has to do with the regional prison concept, a concept that involves partnerships with the States where most of the crimes are committed, an effort in the instance of this bill to propose something new and different, something that would allow prison overcrowding in States to be alleviated. That is such a big problem.

Crime after crime, major violent crimes in this country are being committed each day and each night by people who have been released on the streets after having already committed some major violent crime or a whole series of them. They have no business being out there. They have no business being on the streets at all, but they are being released, and the statistics show that is not located in one or two States. That is nationwide as a problem.

We must address that problem. We must take the most violent criminals and simply lock them up for very long periods of time, make sure they serve their whole sentences, in essence throw away the keys for theses folks. Then and only then, once we get them off the streets, can we being to address the lesser crimes and begin to get the programs in place that hopefully will stop this explosion of crime and get at the root causes and social problems that we have in our areas where they are fostering this type of immoral behavior; but until we take the bold step of getting these violent criminals off the streets, as the legislation in this bill proposes a method of doing with a regional prison system that the Federal Government cost shares with the States, until we do that there is no way that we can address or begin to address the problem of the underlying causes. There is just too much violent crime and too many people out there, really bad people today, on our streets to begin to get at the other type of problems until we do this.

So again in conclusion, I want to say that I hope my colleagues, and the President, will look at this seriously. I am disappointed that it is not on his agenda as the No. 1 or 2 or 3 or 4 issue even this fall, and I hope that soon it will become one of those issues and that we can all sit down at the table either in the committees, or hopefully soon in a conference committee somewhere, and work out the details to allow regional prisons to become a reality, to allow the laws and make sure the laws of the Federal Government are changed in ways that materially will lock more prisoners up and will help get at the root causes of crime at the same time.

We must put certainty and swiftness of punishment back into our system. Otherwise, you have no deterrence, none whatsoever, and deterrence is the essence of criminal law.

We can talk about reforming the criminal element, but the only way you are going to get rid of the basic hardcore crime is to streamline our system, have the minimum mandatory sentences, have the sentencing guidelines, have certainty and determinate sentences and lock up the really bad ones and throw away the keys.

Mr. HOBSON. Mr. Speaker, I appreciate this opportunity to share my support for the Republican anticrime initiative. Crime in America is increasing at an alarming rate and the United States has more crimes per capita than any other developed country. As murder rates, robberies, assaults, and property crimes soar, the American people need and deserve help in their fight to take back the streets. They need and deserve protection of a basic civil right, which is to live without fear. The Republicans have developed an innovative two-phase plan to reform and improve the criminal justice system. H.R. 2872, the Crime Control Act of 1993, is the first phase of the plan and provides $5 billion in Federal assistance to State and local law enforcement agencies to put more officers on the streets and keep convicted criminals in prison for their full sentences. The second phase will begin in the fall with a crime summit to examine our criminal justice system, develop and implement more effective crime deterrents, and work toward elimination of the causes of crime. This strategy realizes that immediate action is necessary to address the current crime situation, but a long-term solution must be developed to solve the underlying causes of crime.

The first phase, H.R. 2872 would establish cooperative agreements between States, cities, and counties, enabling them to increase the number of law enforcement agents on the street and build a national system of regional prisons if the localities implement policies to ensure that career and violent criminals are placed and kept behind bars. In addition, this legislation would deter Federal crimes through new, more stringent sentencing guidelines; promote safe schools through Federal grants; and include provisions to protect children, women, and victims' rights; and further punish terrorism and reduce the number of gangs and criminal aliens.

I would like to draw attention to title I, subtitle C of H.R. 2872 which pertains to crimes against children and contains provisions from legislation that I introduced earlier this year as H.R. 515, the National Child Abuser Registration Act of 1993. I believe that children are our most valuable resource and must be protected. However, far too often, children are the most vulnerable group in our criminal justice system. According to the National Committee for the Prevention of Child Abuse, there were 2.7 million reported cases of child abuse in 1991, up from 2.5 million in 1990. Of those 2.7 million, 15 percent, or 405,000, involved sexual abuse.

H.R. 2872 includes provisions to assist in combatting the serious problem of child abuse by requiring a compilation of national records on those convicted of child abuse or criminal offenses against a minor. This legislation would enable employers to conduct background checks on potential employees in those fields which work with children. By creating a national capability for screening child care personnel, we can insure the protection of our children against repeat and interstate offenders.

This bill reflects the need to get really tough with people who commit crimes against children. The bill also provides for doubling penalties for those who use minors in the commission of crimes and increasing penalties for assaults against children. It also increases penalties for those outside the United States who transport or use minors in sexually explicit materials. Other related provisions of the bill include an increased penalty for drug trafficking near public housing where children can be found and grants to create Federal safe school districts.

In drafting this legislation, Republicans recognized that cities and States cannot afford more unfunded Federal mandates and the American taxpayer cannot afford more Federal programs which increase the deficit. Therefore, H.R. 2872 is funded by cutting Federal administrative overhead expenses by 5 percent across the board and by capping administrative overhead expenses under university research grants at 90 percent or current levels. These funding sources would provide $7.5 billion over 5 years—enough funding to build the regional prisons, put over 20,000 new law enforcement officers on the street, pay for 3,000 new Border Patrol agents and 1,000 Immigration and Naturalization Service criminal investigators, and the other initiatives in the bill. I urge my colleagues to support H.R. 2872 which is the first step in addressing the growing crime problem in the United States, and does so without increased Government spending.

Mr. LEWIS of Florida. Mr. Speaker, I am proud to join my colleagues in support of H.R. 2872, the Crime Control Act of 1993. The brutal killings of foreign tourists in Florida over the last several weeks have stunned the world and galvanized the American people's cries for relief from the culture of crime that infects our Nation. Many try to find easy solutions to this difficult problem, and place the blame on guns, drugs, the economy, or our social structure. Unfortunately, the broader and more complex challenge confronting us cannot be linked to any single issue. Only a sustained, comprehensive reform of our entire criminal justice system that emphasizes past successes, turns away from failure, and improves the rules that define how our society treats those who break its laws can create an environment inimical to the culture of crime.

Today, criminals convicted of crimes in my State of Florida will serve little more than a third of their sentences because our overcrowded jails have run out of room to hold all of them. We in Congress can release some of this expending pressure by expelling an entire category of inmates from our country. Over fifty-thousand prisoners in State and Federal facilities are not citizens of the United States. Last year our country spent $800 million keeping these criminal aliens in our overcrowded prisons. We clothed them, housed them, and fed them. We put them through drug treatment and job training programs to make them better citizens. Then we deported them.

Currently, the U.S. Immigration and Naturalization Service cannot even begin the required hearings to deport most criminal aliens until after they have completed their sentences. When these hearings eventually order an alien's deportation no sooner than a year and another fifteen thousand taxpayer dollars later, the INS finally expels them from our country.

I am pleased to report this comprehensive Republican crime bill has incorporated the provisions of legislation I introduced and 59 of my colleagues cosponsored to expedite the deportation and subsequent exclusion of criminal aliens. The bill's provisions allow the INS to begin deportation hearings immediately following an alien's criminal conviction. Then, when an order of deportation is issued after the conclusion of all related appeals, and the appropriate sentencing authority concurs, the INS could expel these criminal aliens before they finish their sentences, before they return to our streets and commit more crimes.

Mr. Speaker, all criminals deserve just punishment, but our limited prison capacity forces us to release many prisoners early. In my State of Florida, 1 in 4 of these early releases ends up back in jail after committing another crime. Given these realities, it makes considerable more sense to release criminals we can deport, rather than those who will return to our streets and commit more crimes. Deporting criminal aliens will save hundreds of millions of taxpayer dollars, reduce prison overcrowding, and forestall the early release of violent criminals.

Of course, the core of the prison overcrowding problem in Florida and across the Nation isn't too many aliens, or too few prisons, it's too much crime. Now Congress has the chance to respond. I urge my colleagues in the House of Representatives to take action. This bottom-up review of the criminal justice system has the best chance of protecting all citizens, punishing violent criminals for their actions, and helping our communities respond to the culture of crime that has produced a generation of locked front doors, car alarms, mace-carrying neighbors, and body counts on the nightly news.

I congratulate my colleagues for their fine work and their commitment to our Nation's future.

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GENERAL LEAVE

Mr. MCCOLLUM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the subject of my special order.

The SPEAKER pro tempore (Ms. LONG). Is there objection to the request of the gentleman from Florida?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SHAW (at the request of Mr. MICHEL), for today, on account of personal reasons.

Mr. EVERETT (at the request of Mr. MICHEL), for today until 1 p.m., on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCCOLLUM) to revise and extend their remarks and include extraneous material:)

Mr. OXLEY, for 15 minutes, on September 27.

Mr. CASTLE, for 5 minutes, on September 22.

Mr. HUNTER, for 5 minutes, today.

(The following Members (at the request of Mr. NADLER) to revise and extend their remarks and include extraneous material:)

Mrs. LOWEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. LAROCCO, for 5 minutes each day, on today and September 22, 23, and 24.

Mr. STARK, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes each day, on September 22 and 23.

Ms. KAPTUR, for 5 minutes each day, on today and September 22, 23, 27, 28, 29, and 30.

Mr. FILNER, for 15 minutes, on September 23.

Mr. POSHARD, for 60 minutes each day, on today and September 22 and 23.

Ms. NORTON, for 60 minutes, on September 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. NADLER) and to include extraneous matter:)

Mr. EDWARDS of California.
Mr. ROEMER.
Mr. COLEMAN.
Mrs. THURMAN.
Mr. HOYER.
Mr. LIPINSKI.
Mr. SAWYER.
Mr. MANN.
Mr. BROWN of California.
Mr. BONIOR.
Mr. LAFALCE.
Mr. MCHALE in two instances.
Mr. KILDEE in two instances.
Mr. ANDREWS of Maine.
Mr. LAROCCO.
Mr. VENTO.
Mr. MORAN.
Mr. ENGEL.
Mr. CLAY.
Mr. WILSON.
Mr. EDWARDS of Texas.
Mr. REED.
Mr. KLECZKA.
Mr. FORD of Michigan.
Ms. WOOLSEY.

(The following Members (at the request of Mr. MCCOLLUM) and to include extraneous matter:)

Mr. MOORHEAD.
Ms. MOLINARI.
Mr. BURTON of Indiana.
Mr. WALSH.
Mr. BEREUTER in three instances.
Mr. COMBEST.
Mr. SOLOMON in two instances.
Mrs. ROUKEMA.
Mr. OXLEY.
Mr. LEWIS of California in three instances.
Mr. FISH.
Mr. SMITH of Oregon.
Mr. GALLEGLY.
Mr. KNOLLENBERG.
Mr. MICHEL.
Mr. CASTLE.
Mr. SHUSTER.
Mr. QUILLEN.
Mr. SUNDQUIST in four instances.
Mr. BLILEY.
Mr. SMITH of New Jersey.
Mrs. BENTLEY in two instances.
Mr. MENENDEZ.
Mr. JOHNSTON of Florida.
Mr. BECERRA.
Mr. STARK.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 873. An act to provide for the consolidation and protection of the Gallatin Range.

H.J. Res. 220. Joint resolution to designate the month of August as "National Scleroderma Awareness Month," and for other purposes.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 184. An act to provide for the exchange of certain lands within the State of Utah, and for other purposes.

S.J. Res. 50. Joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

S.J. Res. 95. Joint resolution to designate October 1993 as "National Breast Cancer Awareness Month."

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On February 5, 1993:

H.R. 1. An act to grant family and temporary medical leave under certain circumstances.

On February 25, 1993:

H.J. Res. 101. Joint resolution to designate February 21 through February 27, 1993, as "National FFA Organization Awareness Week."

On March 4, 1993:

H.R. 920. An act to extend the emergency unemployment compensation program, and for other purposes.

On March 27, 1993:

H.R. 750. An act to extend the Export Administration Act of 1979 and to authorize appropriations under the act for fiscal years 1993 and 1994.

On April 6, 1993:

H.R. 1430. An act to provide for a temporary increase in the public debt limit.

On April 7, 1993:

H.R. 904. An act to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

On April 12, 1993:

H.J. Res. 150. Joint resolution designating April 2, 1993, as "Education and Sharing Day, U.S.A."

H.J. Res. 156. Joint resolution concerning the dedication of the United States Holocaust Memorial Museum.

On April 16, 1993:

H.R. 239. An act to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes.

On April 23, 1993:

H.R. 1335. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

On May 6, 1993:

H.J. Res. 127. Joint resolution to authorize the President to proclaim the last Friday of April 1993 as "National Arbor Day."

On May 20, 1993:

H.R. 2. An act to establish national vote registration procedures for Federal elections, and for other purposes.

On May 31, 1993:

H.J. Res. 80. Joint resolution designating May 30, 1993, through June 7, 1993, as a

"Time for the National Observance of the Fiftieth Anniversary of World War II."

H.R. 1378. An act to amend title 10, United States Code, to revise the applicability of qualification requirements for certain acquisition work force positions in the Department of Defense, to make necessary technical corrections in that title and certain other defense-related laws, and to facilitate real property repairs at military installations and minor military construction during fiscal year 1993.

On June 8, 1993:

H.J. Res. 78. Joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as "Emergency Medical Services Week."

H.J. Res. 135. Joint resolution to designate the months of May 1993 and May 1994 as "National Trauma Awareness Months."

H.R. 1723. An act to authorize the establishment of a program under which employees of the Central Intelligence Agency may be offered separation pay to separate from service voluntarily to avoid or minimize the need for involuntary separation due to downsizing, reorganization, transfer of function, or other similar action, and for other purposes.

H.R. 2128. An act to amend the Immigration and Nationality Act to authorize appropriations for refugee assistance for fiscal year 1993 and 1994.

On June 10, 1993:

H.R. 1313. An act to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purposes of producing a product, process, or service.

On June 28, 1993:

H.R. 890. An act to amend the Federal Deposit Insurance Act to improve the procedures for treating unclaimed insured deposits, and for other purposes.

On July 1, 1993:

H.R. 2343. An act to amend the Forest Resources Conservation and Shortage Relief Act of 1990 to permit States to adopt timber export programs, and for other purposes.

On July 2, 1993:

H.R. 765. An act to resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes.

H.R. 1876. An act to provide authority for the President to enter into trade agreements to conclude the Uruguay round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional fast track procedures to a bill implementing such agreements.

H.R. 2118. An act making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

On July 16, 1993:

H.J. Res. 213. Joint resolution designating July 2, 1993, and July 2, 1994, as "National Literacy Day."

H.R. 588. An act to designate the facility of the U.S. Postal Service located at 20 South Main in Beaver, UT, as the "Abe Murdock United States Post Office Building."

On July 22, 1993:

H.J. Res. 190. Joint resolution designating July 17 through July 23, 1993, as "National Veterans Golden Age Games Weeks."

On July 28, 1993:

H.R. 1189. An act to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company.

H.R. 2561. An act to authorize the transfer of naval vessels to certain foreign countries.

On August 2, 1993:

H.R. 843. An act to withdraw certain lands located in the Coranado National Forest from the mining and mineral leasing laws of the United States, and for other purposes.

H.R. 847. An act to provide for planning and design of a National Air and Space Museum extension at Washington Dulles International Airport.

H.R. 1347. An act to modify the boundary of Hot Springs National Park.

H.R. 2683. An act to extend the operation of the migrant student record transfer system.

On August 4, 1993:

H.R. 63. An act to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes.

H.R. 236. An act to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes.

On August 6, 1993:

H.R. 416. An act to extend the period during which chapter 12 of title 11 of the United States Code remains in effect, and for other purposes:

On August 10, 1993:

H.R. 2264. An act to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for the fiscal year 1994.

On August 11, 1993:

H.J. Res. 110. Joint resolution to authorize the Administrator of the Federal Aviation Administration to conduct appropriate programs and activities to acknowledge the status of the county of Fond du Lac, WI, as the World Capital of Acrobatics," and for other purposes.

H.J. Res. 157. Joint resolution to designate September 13, 1993, as "Commodore John Barry Day."

H.R. 490. An act to provide for the conveyance of certain lands and improvements in Washington, DC, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center.

H.R. 616. An act to amend the Securities and Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investments discretion.

H.R. 2348. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes.

On August 12, 1993:

H.R. 2667. An act making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes.

On August 13, 1993:

H.R. 631. An act to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

H.R. 798. An act to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rate of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992.

H.R. 2034. An act to authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1994, and for other purposes.

H.R. 2900. An act to clarify and revise the small business exemption from the nutrition labeling requirements of the Federal Food, Drug, and Cosmetic Act, and for other purposes.

ADJOURNMENT

Mr. McCOLLUM. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to: Accordingly (at 7 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 22, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1903. A letter from the Deputy Assistant Secretary for Weapons Complex Reconfiguration, Department of Energy, transmitting a copy of the "Announcement of Public Scoping Meetings, Reconfiguration Programmatic Environmental Impact Statement"; to the Committee on Armed Services.

1904. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to extend the authority of the Secretary of Defense to waive reimbursement for certain costs incurred in the NATO Airborne Warning and Control System [AWACS] Program; to the Committee on Armed Services.

1905. A letter from the Acting Director, Office of Thrift Supervision, transmitting the 1992 annual report to Congress on implementation of the Community Reinvestment Act of 1977, as amended, pursuant to 12 U.S.C. 2904; to the Committee on Banking, Finance and Urban Affairs.

1906. A letter from the Secretary of Education, transmitting Notice of Final Funding Priority—Technology, Educational Media, and Materials for Individuals with Disabilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1907. A letter from the Secretary of Education, transmitting Notice of Final Funding Priority—Postsecondary Education Programs for Individuals with Disabilities, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1908. A letter from the Secretary of Energy, transmitting the Quarterly Report for the Strategic Petroleum Reserve covering the second quarter of the calendar year 1993, pursuant to 42 U.S.C. 6245(b); to the Committee on Energy and Commerce.

1909. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Daniel L. Spiegel, of Virginia, to be Ambassador to the European Office of the United Nations, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1910. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1911. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's Memorandum of Justification for a Determination Authorizing the Provision of Military Education and Training in Haiti; to the Committee on Foreign Affairs.

1912. A letter from the Director, Office of Management and Budget, transmitting the 1993 Federal Financial Management Status Report and 5-Year Plan, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

1913. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation entitled "Marking of Plastic Explosives for Detection Act"; to the Committee on the Judiciary.

1914. A letter from the Secretary of Commerce, transmitting the annual report on the activities of the Economic Development Administration, U.S. Department of Commerce, for fiscal year 1992, pursuant to 42 U.S.C. 3217; to the Committee on Public Works and Transportation.

1915. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for the Global Cooperative Initiatives and the Counterproliferation initiative; jointly, to the Committees on Armed Services and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 1152. A bill to direct the U.S. Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes; with an amendment (Rept. 103-244). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 1385. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow formula grants to be used to prosecute persons driving while intoxicated (Rept. 103-245). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes; with an amendment (Rept. 103-246). Referred to the Committee of the Wholes House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 3019. A bill to amend title 5, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, and for other purposes (Rept. 103-247). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 2811. A bill to authorize certain atmospheric, weather, and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes; with an amendment (Rept. 103-248). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 2684. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act (Rept. 103-249). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Rules. House Resolution 252. Resolution relating to consideration of the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-250). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

H.R. 2811. Discharged from the Union Calendar and referred to the Committee on Merchant Marine and Fisheries for a period ending not later than October 22, 1993, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(m) of rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SCHUMER (for himself and Mr. SENSENBRENNER):

H.R. 3093. A bill to amend title 18, United States Code, with respect to health care fraud, and for other purposes; to the Committee on the Judiciary.

By Ms. BROWN of Florida:

H.R. 3094. A bill to provide for the transfer of the naval hospital located at the Orlando Naval Training Center, FL, to the Department of Veterans Affairs for use as an expanded ambulatory care center, a nursing home complex, and a facility for related medical purposes; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. CAMP:

H.R. 3095. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain lump sum distributions under the pension offset requirements applicable to State unemployment compensation laws; to the Committee on Ways and Means.

By Mr. EVANS:

H.R. 3096. A bill to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. FURSE:

H.R. 3097. A bill to amend the Public Health Service Act to provide for research on the effects that environmental factors have on women's health; to the Committee on Energy and Commerce.

By Mr. GLICKMAN (for himself and Mr. CASTLE):

H.R. 3098. A bill to amend title 18, United States Code, to prohibit the possession of a handgun or handgun ammunition by, or the private transfer of a handgun or handgun ammunition to, a juvenile; to the Committee on the Judiciary.

By Mr. HUNTER (for himself, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. GILLMOR, Mr. GREENWOOD, Mr. HUTCHINSON, Mr. SAM JOHNSON, Mr. KNOLLENBERG, Mr. MCKEON, Mr. NUSSLE, Mr. OXLEY, Mr. RAMSTAD, Mr. SAXTON, Mr. SCHAEFER, Mr. WALKER, and Mr. CUNNINGHAM):

H.R. 3099. A bill to establish the Federal Workforce Reduction and Realignment Commission; jointly; to the Committees on Post Office and Civil Service and Rules.

By Mr. EDWARDS of California:

H.R. 3100. A bill to establish the Commission on National Drug Policy; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. KYL:

H.R. 3101. A bill to amend the Internal Revenue Code of 1986 to provide a temporary reduction in the tax on capital gains and to provide for the indexing of certain assets; to the Committee on Ways and Means.

By Mr. LAROCCA (for himself and Mr. CASTLE):

H.R. 3102. A bill to amend the Truth in Lending Act, Truth in Savings Act, and Consumer Leasing Act to modify certain disclosure requirements; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LIPINSKI (for himself, Mr. STUDDS, Mr. FIELDS of Texas, Mr. BATEMAN, Mr. HUGHES, Mr. HUTTO, Mr. TAUZIN, Mr. ORTIZ, Mr. MANTON, Mr. PICKETT, Mr. HOCHBRUECKNER, Mr. PALLONE, Mr. REED, Ms. SCHENK, Mr. GENE GREEN of Texas, Mr. BARLOW, Mr. STUPAK, Mr. ACKERMAN, Mr. YOUNG of Alaska, Ms. FURSE, Mr. INHOFE, Mr. DIAZ-BALART, Mrs. BENTLEY, Mr. TORKILDSEN, and Mr. CUNNINGHAM):

H.R. 3103. A bill to amend the Merchant Marine Act, 1936, to establish a National Commission to Ensure a Strong and Competitive United States Maritime Industry; to the Committee on Merchant Marine and Fisheries.

By Mr. MCINNIS:

H.R. 3104. A bill to suspend until January 1, 1996, the duty on continuous oxidized polyacrylonitrile fiber tow; to the Committee on Ways and Means.

By Ms. MOLINARI (for herself, Mr. HUNTER, and Mr. GALLEGLY):

H.R. 3105. A bill to restructure the enforcement components of the Immigration and Naturalization Service; to the Committee on the Judiciary.

By Mr. PAYNE of Virginia:

H.R. 3106. A bill to amend the Thomas Jefferson Commemoration Commission Act to extend the deadlines for reports; to the Committee on Post Office and Civil Service.

By Mrs. ROUKEMA:

H.R. 3107. A bill to direct the Secretary of the Interior to make matching contributions toward the purchase of the Sterling Forest in the State of New York, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of New Jersey:

H.R. 3108. A bill to authorize the Secretary of Veterans Affairs to expand the scope of services provided veterans in Vet Centers; to the Committee on Veterans' Affairs.

By Mr. STARK (for himself and Mr. GUNDERSON):

H.R. 3109. A bill to require that educational organizations that offer educational programs to minors for a fee disclose certain information; to the Committee on Education and Labor.

By Mrs. VUCANOVICH:

H.R. 3110. A bill to designate the U.S. courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, NV, as the "Bruce R. Thompson United States Courthouse and Federal Building"; to the Committee on Public Works and Transportation.

By Mr. ZIMMER (for himself and Mr. SLATTERY):

H.R. 3111. A bill to require the Administrator of the Environmental Protection

Agency to seek advice concerning environmental risks, and for other purposes; jointly, to the Committee on Energy and Commerce, Agriculture, Merchant Marine and Fisheries, Public Works and Transportation, and Science, Space, and Technology.

By Mr. DUNCAN:

H.J. Res. 263. Joint resolution proposing an amendment to the Constitution of the United States to provide for a runoff election if no candidate receives more than 50 percent of the popular vote nationally; to the Committee on the Judiciary.

By Ms. BYRNE (for herself, Mr. COPPERSMITH, and Mr. MORAN):

H. Con. Res. 147. Concurrent resolution expressing the sense of the Congress that any health care reform legislation that is enacted should require a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress and any individual holding a position in levels I through III of the Executive Schedule to enroll in a health plan offering the standard benefit package; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. SOLOMON:

H. Con. Res. 148. Concurrent resolution relating to the Republic of China on Taiwan's participation in the United Nations; to the Committee on Foreign Affairs.

By Mr. LAFALCE:

H. Res. 253. Resolution expressing the sense of the House of Representatives on the urgency of U.S. ratification of U.N. human rights treaties; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FOGLIETTA:

H.R. 3112. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for the vessel *Gazela*; to the Committee on Merchant Marine and Fisheries.

By Mrs. JOHNSON of Connecticut:

H.R. 3113. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Endeavour*; to the Committee on Merchant Marine and Fisheries.

By Mr. REED:

H.R. 3114. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Aboriginal*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. CALLAHAN.

H.R. 52: Mr. CANADY.

H.R. 58: Mr. MOORHEAD.

H.R. 140: Mr. MCHUGH, Mr. WOLF, Mr. JACOBS, Mr. GILLMOR, Mr. YOUNG of Alaska, Mr. STUPAK, and Mr. MAZZOLI.

H.R. 166: Mr. COX.

H.R. 291: Mr. SANGMEISTER, Mr. GOSS, Mr. MCCLOSKEY, and Mr. GALLO.

H.R. 401: Mr. WALSH and Mr. ROHRABACHER.

H.R. 460: Mr. GALLEGLY, Mr. HASTINGS, Mr. HILLIARD, and Mr. TOWNS.

H.R. 464: Mr. BUNNING.

H.R. 466: Mr. CASTLE, Mr. FOGLIETTA, Mr. RANGEL, and Mr. WELDON.

H.R. 479: Mr. MINETA.

H.R. 488: Mr. KREIDLER and Mr. QUINN.

H.R. 509: Mr. THOMAS of Wyoming.

H.R. 546: Mr. FAZIO and Mr. PETERSON of Minnesota.

H.R. 562: Mr. HUNTER and Mr. TALENT.

H.R. 563: Mr. CANADY, Mr. HUNTER, and Mr. TALENT.

H.R. 688: Mr. GILLMOR.

H.R. 723: Mr. COX.

H.R. 784: Ms. KAPTUR and Mr. KLECZKA.

H.R. 789: Mr. WISE.

H.R. 794: Mr. ANDREWS of Maine.

H.R. 796: Mr. TORKILDSEN.

H.R. 830: Mr. GORDON, Mr. RAHALL, and Mr. TANNER.

H.R. 832: Mr. FARR.

H.R. 864: Mr. FRANK of Massachusetts.

H.R. 886: Mr. PORTMAN.

H.R. 915: Mr. VISCLOSKY and Mr. HINCHEY.

H.R. 921: Mr. LEWIS of Georgia, Mr. YATES, Mrs. MORELLA, and Mr. STUDDS.

H.R. 1017: Mr. KENNEDY.

H.R. 1024: Mr. LAUGHLIN.

H.R. 1079: Ms. HARMAN and Mr. HUTTO.

H.R. 1080: Mr. MCCRERY and Mr. HUTTO.

H.R. 1081: Mr. HUTTO.

H.R. 1083: Mr. HUTTO.

H.R. 1151: Mr. ANDREWS of New Jersey, Mr. HASTINGS, Mr. BARLOW, Mr. JOHNSON of South Dakota, and Mr. SCHUMER.

H.R. 1156: Mr. CALVERT.

H.R. 1158: Mr. SANDERS.

H.R. 1182: Mr. ANDREWS of Maine and Mr. SCHUMER.

H.R. 1191: Mr. HUNTER, Mr. DORNAN, and Mr. HUTTO.

H.R. 1231: Mr. ANDREWS of New Jersey.

H.R. 1237: Mr. ENGEL, Mr. NEAL of Massachusetts, Mr. STARK, Mr. BONIOR, Mr. BISHOP, Mr. RUSH, Mr. WAXMAN, Ms. LOWEY, and Mr. MINGE.

H.R. 1272: Mr. MCKEON.

H.R. 1293: Mr. MCCRERY.

H.R. 1332: Mr. CLINGER and Mr. SANDERS.

H.R. 1344: Mr. SANDERS and Mr. BOUCHER.

H.R. 1407: Mr. PALLONE.

H.R. 1419: Mr. SMITH of New Jersey.

H.R. 1555: Mr. ROEMER and Mr. BARRETT of Wisconsin.

H.R. 1572: Mrs. VUCANOVICH, Mr. BAKER of Louisiana, Mr. KIM, and Mr. BALLENGER.

H.R. 1579: Mr. FAZIO, Mr. ACKERMAN, Mr. SHARP, Mr. ANDREWS of Maine, and Mr. BECERRA.

H.R. 1583: Mrs. MINK and Mr. QUINN.

H.R. 1604: Mr. COX.

H.R. 1671: Mr. FAZIO, Mr. CLYBURN, Mr. BOEHLERT, and Mrs. UNSOELD.

H.R. 1707: Ms. KAPTUR, Mr. SANDERS, and Mr. MANTON.

H.R. 1715: Mr. ANDREWS of New Jersey, Ms. KAPTUR, Mr. SANDERS, and Mr. MANTON.

H.R. 1886: Mr. RUSH, Mr. REYNOLDS, Mr. WYNN, Mr. TRAFICANT, Mr. OBERSTAR, Mr. WHITTEN, Mr. YATES, and Mr. SHAYS.

H.R. 1918: Mr. JOHNSON of Georgia.

H.R. 2031: Mr. HOUGHTON, Mr. BLILEY, and Mr. BATEMAN.

H.R. 2050: Mr. SANDERS.

H.R. 2091: Mr. CALVERT.

H.R. 2173: Mr. SMITH of New Jersey.

H.R. 2241: Mr. BEREUTER, Mr. HOBSON, and Mr. WHITTEN.

H.R. 2293: Mr. BALLENGER, Mr. HILLIARD, Mr. BARCA of Wisconsin, and Mrs. THURMAN.

H.R. 2307: Mr. CANADY.

H.R. 2341: Mr. BILIRAKIS, Mr. EVANS, Mr. STUMP, Mr. SANGMEISTER, Mr. EDWARDS of Texas, Mr. EVERETT, Mr. KING, Mr. SPENCE, Mr. HALL of Ohio, and Mr. GENE GREEN of Texas.

H.R. 2379: Mr. MOORHEAD.

H.R. 2415: Mr. HANCOCK.

H.R. 2417: Mr. CRAPO, Mr. RAVENEL, Mr. CALVERT, and Mr. WELDON.

H.R. 2433: Mr. COX.

H.R. 2462: Mr. BURTON of Indiana.

H.R. 2552: Mr. ABERCROMBIE.

H.R. 2586: Mr. MAZZOLI.

H.R. 2599: Mr. NADLER and Ms. SHEPHERD.

H.R. 2602: Mr. LEWIS of Florida, Mr. SHAYS, and Mrs. MEYERS of Kansas.

H.R. 2648: Mr. FOGLIETTA, Mr. OWENS, Mr. SCOTT, Mr. WYNN, and Mr. WAXMAN.

H.R. 2702: Mr. GILCHREST, Mr. MCDADE, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2721: Mr. MINETA and Mr. STARK.

H.R. 2727: Mr. LEWIS of Georgia, Ms. NORTON, Mr. TOWNS, Mr. REYNOLDS, Mr. SANDERS, and Mr. SMITH of New Jersey.

H.R. 2742: Mr. VOLKMER, Mr. CLAY, Mr. EMERSON, Mr. SKELTON, Mr. GEPHARDT, Mr. HANCOCK, Mr. TALENT, Mr. DURBIN, Mr. COSTELLO, Mr. GUTIERREZ, Mr. EVANS, Mr. REYNOLDS, Mr. CRANE, Mr. NATCHER, Mr. MINGE, Mr. POSHARD, Mr. EWING, Mrs. VUCANOVICH, Mr. MOAKLEY, Mr. HINCHEY, Mr. RUSH, Mr. BONIOR, Mr. SCOTT, and Mr. SMITH of New Jersey.

H.R. 2758: Mr. BONILLA, Mr. ZIMMER, and Mr. CANADY.

H.R. 2760: Mr. TORKILDSEN.

H.R. 2786: Mr. CANADY, Mr. HOYER, and Mr. PORTER.

H.R. 2787: Mr. MARKEY, Mr. BARRETT of Wisconsin, Mrs. MINK, and Mr. MCDERMOTT.

H.R. 2817: Ms. NORTON, Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SERRANO, Mr. BARRETT of Wisconsin, Mr. FRANK of Massachusetts, and Ms. PELOSI.

H.R. 2841: Mr. FROST.

H.R. 2860: Mr. PACKARD.

H.R. 2884: Mr. HOUGHTON and Mr. LEVIN.

H.R. 2959: Mr. SAXTON, Mr. ZIMMER, Mr. KING, Mr. BAKER of Louisiana, Mr. CANADY, Mr. PORTMAN, Mr. LIGHTFOOT, Mr. WELDON, Mr. ROYCE, Ms. DUNN, Mr. EMERSON, Mr. KIM, Mr. GOODLATTE, Mr. COX, Mr. CRANE, Mr. BARTLETT of Maryland, Mr. TORKILDSEN, and Mr. ROHRABACHER.

H.R. 2971: Mr. FALEOMAVAEGA, Mr. STEARNS, Mr. FROST, Mr. KING, Mr. ANDREWS of New Jersey, Mr. SCHIFF, Mr. RAHALL, Mr. SANDERS, Mr. SMITH of Iowa, and Mrs. MINK.

H.R. 2995: Mr. CRANE, Mr. BALLENGER, Mr. COPPERSMITH, Mr. TAYLOR of Mississippi, Mr. SCHAEFER, Mr. KREIDLER, Mr. HAYES, Mr. CANADY, Mr. FROST, Ms. MARGOLIES-MEZVINSKY, Mr. GENE GREEN of Texas, Mr. DEAL, Mr. KLINK, Mr. EDWARDS of Texas, Mr. BACCHUS of Florida, and Mr. TANNER.

H.R. 3005: Mr. CRAPO, Mr. GREENWOOD, Mr. TORKILDSEN, Mr. ROHRABACHER, Mr. HANSEN, and Mr. SOLOMON.

H.R. 3009: Mr. BEILENSON.

H.R. 3012: Mr. COSTELLO.

H.R. 3021: Mr. MOORHEAD, Mr. GORDON, Mr. DELAY, and Mr. FROST.

H.R. 3024: Mr. KYL and Mr. BARTLETT of Maryland.

H.R. 3049: Mr. FIELDS of Texas and Mr. TORKILDSEN.

H.R. 3077: Mr. BLUTE.

H.R. 3080: Mr. TAYLOR of North Carolina, Mr. COBLE, Mr. CALVERT, Mr. SMITH of Texas, Mr. SUNDQUIST, Mr. DICKEY, Mr. HOEKSTRA, and Mr. HOUGHTON.

H.R. 3087: Mr. WILLIAMS, Mr. HOCHBRUECKNER, Ms. MARGOLIES-MEZVINSKY, and Mr. WHITTEN.

H.J. Res. 36: Mr. COPPERSMITH.

H.J. Res. 111: Mr. LEVY, Mr. DELLUMS, Mr. MONTGOMERY, Mr. MATSUI, Mr. GILLMOR, Mr.

ROMERO-BARCELO, Mr. SPRATT, Mr. KREIDLER, Mr. ARCHER, Mr. PAXON, Mr. HUTTO, Mr. TAYLOR of Mississippi, Mr. TALENT, Ms. DANNER, Mr. BOEHLERT, Mr. TRAFICANT, Mr. RICHARDSON, Mr. SISISKY, Mr. SMITH of Oregon, Mr. KILDEE, Ms. FURSE, Mr. DUNCAN, Mr. LEWIS of Florida, Mr. COOPER, Mr. DE LA GARZA, Mr. GEJDENSON, Mr. BILBRAY, Mr. MCCOLLUM, Mrs. CLAYTON, Mr. SANDERS, Mr. JOHNSON of South Dakota, Mr. BAKER of California, Mr. SCHUMER, Mr. MOORHEAD, Mr. NADLER, and Ms. WOOLSEY.

H.J. Res. 113: Mr. CRAMER.

H.J. Res. 129: Mr. HUNTER and Mr. DORNAN.

H.J. Res. 139: Mr. GOODLING.

H.J. Res. 175: Ms. BYRNE, Mr. BLILEY, Mr. MURTHA, Mr. HOEKSTRA, Mr. BLACKWELL, Mr. MARKEY, Mr. HASTERT, Mr. RAVENEL, Mr. POSHARD, Mr. WOLF, Mr. FINGERHUT, Mr. NATCHER, Mr. OBERSTAR, Mr. TANNER, Mr. TRAFICANT, and Ms. VELAZQUEZ.

H.J. Res. 205: Mr. KIM, Mr. DEUTSCH, Mr. GLICKMAN, Mr. BATEMAN, Mr. MURTHA, Mr. KILDEE, Mr. ROEMER, Mr. MORAN, Mr. SANGMEISTER, Mr. NUSSLE, Mr. LEVIN, Mr. GEJDENSON, Mr. ARCHER, Mr. GREENWOOD, Mr. WELDON, Mr. MACHTLEY, Mr. CALVERT, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. REED, Mr. GOODLING, Mr. ABERCROMBIE, Mr. FOGLIETTA, Ms. NORTON and, Ms. BYRNE.

H.J. Res. 206: Mr. EMERSON, Mr. MILLER of Florida, Ms. MALONEY, Mr. LEVIN, Ms. LONG, Mr. GEPHARDT, Mr. SWETT, Mr. ANDREWS of New Jersey, Mr. FISH, Mr. LAROCCO, Mr. LEACH, Mr. LEWIS of Florida, Mr. MANN, Mr. REGULA, and Mr. SKEEN.

H.J. Res. 209: Mr. DE LUGO, Mr. KREIDLER, Mr. FAZIO, Mr. JACOBS, Mr. ARCHER, Mrs. MORELLA, and Mr. MOORHEAD.

H.J. Res. 216: Mr. ENGEL, Mr. BILIRAKIS, Mr. CLEMENT, Mr. MARKEY, Mr. LIVINGSTON, Mr. ROBERTS, Ms. SLAUGHTER, Mr. TRAFICANT, Mr. TAUZIN, Mr. GORDON, Mr. HASTERT, Mr. EVANS, Mr. WILSON, Mr. PACKARD, Mr. FAZIO, and Mrs. BENTLEY.

H.J. Res. 226: Mr. BILBRAY, Mr. ROEMER, Mr. WILSON, Mr. MATSUI, Mrs. MEEK, Mr. ANDREWS of New Jersey, Mr. BACCHUS of Florida, Mr. BARRETT of Wisconsin, Mr. KASICH, Mr. SHAW, Mr. SPENCE, Mr. CLAY, Mr. COPPERSMITH, Mr. EDWARDS of Texas, Mr. FISH, Mr. HOCHBRUECKNER, Mr. HILLIARD, Mr. LAROCCO, Mr. BARLOW, Mr. MEEHAN, Ms. MALONEY, Mr. MORAN, Mr. MARKEY, Mr. WYDEN, Mr. FLAKE, Mr. ORTON, Mr. REYNOLDS, Mr. BERMAN, Ms. KAPTUR, Mrs. MORELLA, Mr. SAXTON, Mr. DIAZ-BALART, and Mr. SKEEN.

H.J. Res. 234: Mrs. MEYERS of Kansas, Mr. SLATTERY, Mr. ROBERTS, Mr. MARTINEZ, Mr. BOEHLERT, Mr. DOOLITTLE, Mr. LEVY, Mr. BLILEY, Mr. GEKAS, Mr. HUTTO, Mr. MINETA, Mr. RAVENEL, Mr. SABO, Mr. FRANK of Massachusetts, Mr. SERRANO, Mr. SKEEN, Mr. CRAPO, Mr. SAXTON, and Mr. TANNER.

H.J. Res. 256: Mr. BARTLETT of Maryland.

H.J. Res. 259: Mr. MICA.

H.J. Res. 262: Mr. BARCIA of Michigan, Mr. PALLONE, Mr. TAYLOR of North Carolina, and Mr. GEPHARDT.

H. Con. Res. 59: Ms. BYRNE.

H. Con. Res. 84: Mr. DUNCAN and Mr. SANDERS.

H. Con. Res. 88: Mr. LEWIS of Florida.

H. Con. Res. 107: Mr. COMBEST, Mr. STRICKLAND, Mr. DICKS, Mr. TOWNS, Mr. WAXMAN, Mr. SANDERS, Mr. SOLOMON, Mr. EVANS, Mr. SANTORUM, Mr. HOLDEN, and Mr. LEWIS of Georgia.

H. Con. Res. 141: Mr. TAYLOR of North Carolina, Mrs. VUCANOVICH, Mr. DEUTSCH, Ms. BYRNE, Mr. BLUTE, Ms. SNOWE, Mrs. ROUKEMA, Mr. PORTMAN, Ms. DUNN, Mrs. MEYERS of Kansas, Mr. GORDON, Ms. FOWLER, Mr. LIPINSKI, Mr. SCHAEFER, and Mr. COBLE.

H. Res. 134: Mr. TAUZIN and Mr. CRANE.

H. Res. 165: Mr. TORKILDSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SHAYS, Mr. LIVINGSTON, Mr. QUINN, Mr. BUYER, Mr. CLYBURN, Mr. GEJDENSON, Mr. HANCOCK, Mr. HOCHBRUECKNER, Mr. DELAY, Mr. MANTON, Mr. GOODLING, Mr. BARCIA of Michigan, Mr. HOBSON, Mr. COPPERSMITH, and Mr. LAROCCO.

H. Res. 234: Mr. ROSE, Mr. MACHTLEY, Mrs. VUCANOVICH, Mr. FOGLIETTA, Mr. ARCHER, Mr. SARPALIUS, Mr. DELLUMS, Mrs. ROUKEMA, Mr. FILNER, Mr. GIBBONS, Mr. RAVENEL, Mr. MANZULLO, Mr. SMITH of New Jersey, Mr. FROST, Mrs. MINK, Mr. SCHUMER, Mr. MINGE, Mr. ROEMER, Mr. MORAN, and Mr. CALVERT.

H. Res. 236: Mr. HAYES, Mr. BILBRAY, and Mr. MARTINEZ.

H. Res. 239: Mr. FRANKS of New Jersey, Mrs. VUCANOVICH, Mr. STEARNS, and Mr. BAKER of Louisiana.

H. Res. 247: Mr. BARTLETT of Maryland and Mr. GENE GREEN of Texas.

SENATE—*Tuesday, September 21, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *For there is no power but of God: the powers that be are ordained of God.*—Romans 13:1.

Eternal God, Lord of Heaven and Earth, we thank Thee for the giants who serve in the U.S. Senate today. Only the perspective of history will reveal who are the Washingtons, the Jeffersons, the Adamses, the Monroes, the Websters, and the Franklins. We are grateful for the commitment of these statesmen to the Senate, the Nation, and the world. We thank You for the privilege of serving in their midst and their greatness, manifest even before the judgment of history. May Thy blessing be upon them, their loved ones, and staffs. And may they be guided in their use of power—to the glory of God and the blessing of the people. In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 21, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The first hour of morning business shall be under the control of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Rhode Island [Mr. CHAFEE] or their designees.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak for up to 8 minutes on behalf of the North American Free-Trade Agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NAFTA

Mr. BINGAMAN. Mr. President, I announced yesterday my support for the North American Free-Trade Agreement, and I wish to take just a few minutes of the Senate's time this morning to reiterate a couple of points that I made yesterday. I believe the debate about NAFTA needs to take place in the context of world trade today.

There is tremendous frustration throughout the country, and rightfully so, about the adverse trade relationship we find ourselves in. We have a trade deficit this year which is expected to reach $110 to $115 billion. That is $115 billion more in goods and services that we are purchasing from the rest of the world than we are able to sell. Clearly this is not a healthy situation for our own economy. It does result in the loss of jobs. That persistent and chronic trade deficit has continued for at least the last decade. It really began in the early eighties, the very end of the seventies, and it has worsened. Although there have been some ups and downs, it has generally been a major, major problem for us for the last decade.

So that is part of the context and that is an understandable cause for concern about any new free-trade agreement or any new proposal to increase access to U.S. markets.

Another part of the context that we need to look at is the present trade relations we have with Mexico. Many people are not familiar with the way the maquiladora program works. Let me describe that very briefly, Mr. President, because I think it is very important to understand that program when you consider the impact of this proposed trade agreement. The maquiladora program is a program we have had in place now for well over a decade which provides that United States firms can establish themselves in Mexico, establish plants in Mexico, hire Mexican workers, bring materials and components in from the United States duty free into Mexico, assemble them into finished products, and then ship those finished products into the United States also duty free.

The value of the work going into those, the increase in value in those products is not assessed a tariff when those products come into the U.S. markets.

So that is the arrangement we have today. There is clearly an incentive in the present law for United States companies to construct plants in Mexico and to ship goods back into the United States. That has been happening at a very rapid rate for over a decade. It is another cause of the concern that people have about increased trade with Mexico because they see that increased trade as an expansion of that maquiladora program.

But then we need to look at what is actually proposed in this agreement. What this agreement proposes to do, at least as I see it, is to even up that set of incentives. Under the new agreement not only would there be incentive for United States firms to go ahead and establish plants and produce products in Mexico, which clearly would continue, but there would also be an incentive for sales into Mexico because we would see the tariff that Mexico imposes upon United States products drop to zero over the next several years.

That is a dramatic benefit to the United States which we have not enjoyed. Quite frankly, if we could rewrite history, it would have made a great deal of sense for us to insist upon a lowering of those tariffs as a part of the bargain for entering into the maquiladora program that we have had now for some time.

But that was not done. I think that error is being corrected in this free-trade agreement.

In this free-trade agreement, the opportunity for sales into Mexico will increase very significantly. Clearly, I do not think anybody believes that the last United States plant in Mexico has been established, but I would suggest that the rush to establish production in Mexico will slow because of this free-trade agreement if it is adopted. So that is part of the context that we also need to look at.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The NAFTA agreement, in my view, will help this country help us to compete in the world market which is the larger competition that we face. Our extremely large trade deficit today is not as a result of our trade with Mexico. It is not as a result of our trade with Canada or any other Western Hemisphere country. It is a result primarily of our trade with Asia, and we need a strategy. We desperately need a strategy as a nation to deal with that imbalance in our trade with Asia.

We have a chronic trade deficit with Japan of $50 billion. I think it was $49 billion last year. We had last year an $18 billion trade deficit with China which is expected to grow to $25 billion this year, and I would point out that China has just begun to trade. China has an enormous economy, enormous human resources, and they have just begun to gear up to export to the rest of the world. The rest of the world primarily means the U.S. market because the U.S. market is under present circumstances the only large market that is free and open to them. The European market is not as open. Japan itself is not as open. And our trade deficit with China is growing enormously.

I understand the frustration that surrounds that. I share that frustration. I think we need a strategy to deal with that larger trade deficit issue.

But it would be a mistake, in my view, to reject NAFTA because of our concern about the larger trade imbalance. NAFTA can be a tool for us to correct that larger trade imbalance.

United States firms working with Mexico can produce products for sale in the world market. We can produce high quality products. We can produce products at low enough cost that they can compete in the world markets.

So I think the opportunity improves for us to sell overseas, the opportunity improves for us to sell in Mexico under this agreement, and I do think it makes good sense for us to do so.

The final point I would make, Mr. President, is that we have a common destiny with our neighbors—our neighbors being Canada and Mexico. My home State was part of Mexico for more than 20 years, 25 years, back in the early 1800's.

We have a long tradition of trade with Mexico. There were wagon trains coming from Mexico City to Chihuahua to Santa Fe and House long before we had wagon trains coming from the east coast in the United States to Santa Fe and House.

So we have a tradition with Mexico. It has served us well. We need to build on that. We need to encourage that.

This free-trade agreement will help us to strengthen the cooperation and communication we have with our neighbors to the south. It can be a good thing economically for the United States and a good thing economically for Mexico.

I think it would be a mistake for this Congress to reject the free-trade agreement at this point. I hope that my colleagues will, after studying the issue, determine that this is something that the country should go forward with. I do believe that it will be a lost opportunity if we fail to ratify this treaty.

So I appreciate the chance to speak again today. I know there are quite a few others who have reserved time to speak, and for that reason I will yield the floor, Mr. President.

Mr. BRADLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey [Mr. BRADLEY].

THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. BRADLEY. Mr. President, I thank the distinguished Senator from New Mexico for his comments this morning and for his speech yesterday in support of the North American Free-Trade Agreement.

Today there will be a number of Senators, in the next hour, who will come to the floor to express their support for the North American Free-Trade Agreement. They will be both Democratic and Republican Senators and they will demonstrate support across the regions of this country.

The Senator from New Mexico is from the West. The distinguished Senator from Tennessee [Mr. MATHEWS] is here to speak. He is from the border States. The distinguished Senator from Rhode Island [Mr. CHAFEE] is here. He is obviously from the East, as I am.

The NAFTA has very strong bipartisan support across regions in this country, and I think for good reason. I believe it is in the U.S. national interest. I believe that was symbolized just last week when you had four Presidents—two Republicans, two Democrats—at the White House strongly endorsing the agreement. The two other living Presidents strongly endorse the agreement.

They clearly see the importance of this agreement to the national interest of America, the national interest that they, at different times in their own careers, were called upon to defend and to further. They recognize, as former Presidents, that it is not always easy to see the whole, to see the general interests. They clearly were under, in their careers, pressures from the narrower interests.

But I think it is very significant that all living Presidents, both Republican and Democratic, endorse the North American Free-Trade Agreement. It sends a very powerful signal of support for this agreement that it is in the national interest.

There are good reasons, I believe, why it is in the national interest. They are economic, they are political, and they are social.

The economic reasons are very simple. It means jobs in the United States. It means a more competitive America in world commerce. It means more economic growth for the long term.

In terms of jobs, what is happening with this agreement is that the barriers that have existed to American exports into Mexico are now being dismantled. Until a few years ago, about 1986–87, Mexico existed as a closed economy. It had high tariffs. It had highly subsidized industries. It imported very little from anywhere in the world. It believed that anything that was consumed in Mexico should be produced in Mexico, regardless of the cost to the Mexican consumer.

That changed in the mid-1980's with President de la Madrid and more profoundly with President Carlos Salinas. They dramatically reduced their tariffs from something close to 80 down to 20, and now it is down to 10 percent. The result was clear. Our exports to Mexico increased from $12 to $40 billion and that meant more jobs in the United States—from $12 to $40 billion in exports.

On the other hand, on our side of the border, we have only a 4-percent tariff on goods coming in from Mexico. The North American Free-Trade Agreement eliminates those tariffs. Our tariff is not even half of what Mexico's tariff is.

So by eliminating the Mexican tariff, we are eliminating the 10-percent tax on American goods exported to Mexico. And by eliminating the 4-percent tariff, we are eliminating a 4-percent tax on Mexican goods exported to the United States.

But the agreement goes far beyond simply the tariff question. It goes to the nontariff barriers.

For example, before this agreement, a car manufactured and assembled in the United States could not be exported to Mexico. Any car sold in Mexico had to be produced in Mexico. With this agreement, we will be able to assemble vehicles and export them to Mexico.

It is estimated that, in the first year alone, we will go to 60,000 autos. And, in a country that now has a market of 750,000 autos and a population of 85 million people, it will be a dramatically expanded market for the sale of U.S. vehicle exports. That is just one example.

In terms of grains, in terms of agriculture, it represents a dramatically large market. In terms of consumer goods, it is an 85-million-person market that is oriented toward the United States in terms of consumption patterns anyway. Seven out of every $10 that Mexicans import, they import from the United States. It is a big market, not only in terms of size, but the Mexicans, on a per capita basis, consume more than do Europeans or Japanese of American goods. And that will only increase. It is a tremendous consumer market.

In addition to that, it is a very large market for U.S. capital goods. With an economy developed behind protective barriers, they did not always have the best equipment, they did not always have modernized equipment. Everything from power generators to refrigerators, the market is now open for U.S. goods. And there will be a tremendous pent-up demand.

The President, in his remarks just last week, estimated that NAFTA would create 200,000 new jobs in the United States, net, over the next 2 years. Name 1 other single act that would produce 200,000 jobs in America in the next 2 years.

Passing NAFTA will generate those jobs. There will clearly be some jobs that are lost from this agreement. Many of them are lower wage jobs. The point to be made here is those jobs would be lost anyway. Many of them have been lost over a decade and they have gone to Asia. With this agreement, if they are lost and go to Mexico, the workers who are employed in those companies will still be purchasing $7 out of $10 of their imports from the United States, thereby generating jobs in the United States.

But clearly those workers who are dislocated need to have what I call an economic security platform, which is a guarantee of health insurance, of pension security, and of lifetime education opportunities. But there is no question—and the Congressional Budget Office, I think, settled this debate when it concluded, after evaluating all of the various studies of the effect of NAFTA on job creation—that it would be a net job creator. It will be a net job creator in the short term and in the long term.

The second point on the economy is that NAFTA, in terms of the total amount of net job creation—or from the opponents' side, net job loss—is really a small part of our overall trade and a small part of our overall employment. For example, it is estimated that 1 percent of the job loss every year will be due to NAFTA; only 1 percent every year.

To what is the rest of the job loss due? Defense conversion, downsizing of the defense establishment, and from other international competition. It is indeed on that point that NAFTA is, I believe, in the strongest interests of the United States. With the North American Free-Trade Agreement, America will be more competitive against the real threat to American jobs that are represented by the economies of Europe, China, and Japan.

We now have a $5.4 billion trade surplus with Mexico. That is likely to dramatically increase in the years ahead. We now have a $75 billion trade deficit with Asia. That will increase unless we are more competitive. The North American Free-Trade Agreement—the integration of Canada, the United States, and Mexico—will allow us to be more competitive. We will be better able to deal with those challenges as one economic unit, continentalwise, than we would if we were simply a single country.

So in terms of jobs, it is very clear that the North American Free-Trade Agreement is a positive. In terms of our ability to compete against the real threats to American jobs represented in Japan and China and Europe, we will be better able to compete with the North American Free-Trade Agreement. That is why I think it is clearly in our economic interest.

I know there are other Senators on the floor, and therefore I will make two other points briefly. It is in our political interest because it consolidates the developments that have taken place in Mexico over the last several years: Developments toward more democracy, developments toward a cleaner environment, developments toward a dramatic attack on corruption, and developments toward a clearer integration of the United States and Mexico in the fullest sense.

This should be important to us because we have a 2,000-mile border with Mexico. We already have a sizable illegal immigration problem coming from Mexico. And there are real questions about how we can deal with that problem. I would argue that in Mexico, where half the population is under the age of 19, if we do not have NAFTA and jobs are not created in Mexico, there is only one place that those young people are headed, and that is north. When they come across that Rio Grande, and when they come up into Kansas City or Chicago, or even as far as New Jersey or New York, as well as Texas and California and Colorado cities, they will be displacing the lowest paid American citizens, those who are working at minimum wage. Why? Because they will work for below minimum wage. Illegal immigrants work below minimum wage. They work illegally. They are in constant fear. The result is that they displace American workers.

So if we want to avoid that wave of illegal immigration, then pass the North American Free-Trade Agreement; jobs are created in Mexico; Mexicans are staying at home with their families, where any reasonable person would prefer to be if there was work, as opposed to coming illegally into the United States, displacing low-income workers, and burdening our social service system. That is, in my view, a second powerful reason for the passage of the North American Free-Trade Agreement.

There are any number of other arguments, and I could go on at some great length. I have taken only 10 minutes this morning. I know this debate will be fully joined in the weeks ahead. I am very pleased so many Senators have come to the floor today, and I understand the majority leader, Senator MITCHELL, today will be strongly endorsing the North American Free-Trade Agreement. I think that is a very significant development.

I simply, again, want to call attention to the fact that the group on the floor today is bipartisan and across region in this country. Like the Presidents who were at the White House last week endorsing it, we believe firmly this agreement is in our national interest.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island [Mr. CHAFEE] is recognized.

Mr. CHAFEE. Mr. President, I wonder if the Chair would be good enough to notify me at the end of 10 minutes.

I want to congratulate the Senator from New Jersey for arranging this special hour this morning in which various Senators from different parties and from different sections of the country will be speaking. Each of us will be dealing with a different topic.

The topic I am going to be dealing with in connection with the NAFTA agreement is the environment. But before getting into the environment, I want to say overall that I support the agreement strongly. It is good for the United States of America. It is good for the State of Rhode Island, which I represent.

In the State of Rhode Island, we now have increased our shipments to Mexico over the past 6 years by 65 percent. We have over 1,000 employees in our State whose jobs are directly dependent upon trade with Mexico.

You might say, only 1,000 employees in 1 State? Let me tell you, if somebody announced they were going to bring a company into our State with 1,000 employees, the Governor would be out there offering them special tax advantages. The mayor would be out there to welcome them. There would be a marvelous ceremony. A thousand people in our State is a lot of people. And we have over 1,000 people—1,033 is the best we can compute it—whose jobs are directly dependent upon trade with Mexico. If you apply the normal quotient, for every individual directly employed in a job, there are two others whose livelihood are dependent on it. That boosts the total to over 3,000, which is a lot for our little State.

Now, I would like to briefly address the environmental parts of the NAFTA agreement.

From the outset, the environment has been a key part of the negotiations. First of all, the Environmental Protection Agency—think of it, an outfit that has never previously been involved in international trade agreements—played a role in each step along the way. They released an environmental review; they formulated a border plan with Mexico; they sat at the negotiating table.

Second, major environmental organizations served as a Senior Trade Policy Advisory Committee. Ambassador Carla Hills, right from the beginning, brought in the environmental organizations and said, "We want you to sit at the table; we want you to hear; we want your advice."

Third, and perhaps the most impressive sign, a new position was created at the U.S. Trade Representative's office. Mind you, that is a lean office. They do not have many people there. But they created an additional post, Deputy Assistant USTR for Environmental Affairs.

So it is not surprising that the NAFTA agreement contains unprecedented provisions on the environment. Let us tick some of them off:

Article 754 and 755: In sharp contrast to other trade agreements, including GATT, which all us believe in, these two articles, explicitly provide that each nation may establish measures to protect human, animal, and plant life or health at levels higher than international standards.

One of the complaints frequently is: "Oh, in California, we will not be able to ban a certain type of pesticide and require that all fruits and vegetables not be permitted to be used if this pesticide has been applied. This will be a higher standard than presently exists. We will not be able to do it."

Nonsense. Specifically, Articles 754 and 755 provide that a State or a nation can have protection for human, animal, plant life, or health that is higher than the international standards.

Articles 765 and 2005. These provisions ensure that in any challenge to these standards under NAFTA, the burden of proof lies not with the nation under challenge, but with the challenger. This is a dramatic provision. Moreover, should an environmental dispute fall within the jurisdiction of both the NAFTA and the GATT, the challenged nation may insist on the more environment-friendly NAFTA forum.

Article 1114. This important provision makes it clear that encouraging investment by lowering domestic health, safety, or environmental standards is inappropriate.

All of these provisions are remarkable steps. But attention now has turned to whether or not there exists the commitment to environmental protection that will ensure enforcement of these rules.

A nation's commitment to environmental protection is both complicated by, and enhanced by, economic growth. Often, commitment to environmental protection is severely tested by the demands of a nation's economic growth. Yet economic growth provides the resources with which a nation may promote environmental protection.

Too often we are presented with the assumption that economic growth and environmental protection are natural enemies. Yet that theory has been rejected by both trade specialists and many sophisticated environmentalists. As Jay Hair, president of the National Wildlife Federation, wrote in his 1991 editorial "Natural Can Live With Free Trade," "that presumption—that environmentalism and economics don't mix—has been punctured."

Today, environmentalists and economists can be partners, not adversaries. The best way for a nation to handle environmental challenges is for it to become wealthier, and thus better positioned to attack environmental problems. Don't expect Bangladesh to have a good environment—they are hanging on by their fingernails, trying to survive. That there is a direct relationship between increased national income and decreased levels of pollution has been proven by World Bank economists. Moreover, a prosperous nation finds greater popular support for environmental measures: generally, as the prosperity of the citizenry rises, so does interest in a cleaner environment.

By any standard, Mexico has made phenomenal strides regarding the environment. In Mexico City, $4.6 billion has been dedicated to environmental initiatives, including a 1-day-per-week ban on driving; the introduction of unleaded and oxygenated gasolines; mandatory semiannual vehicle emissions tests—I have seen these tests, and they are far tougher than in the United States, including Los Angeles—the closing of heavy industrial polluters at great cost to jobs; and the planting of pine and cedar trees for increased oxygen. At the border, $460 million has been committed to border cleanup projects. Mexico is working with the United States on enforcement: Recently, a joint United States-Mexican enforcement effort resulted in the payment of $2 million by a United States company to clean up a toxic waste dump in Mexico.

Mexico also has taken numerous steps with regard to species conservation. My colleagues may be interested to know of a recent event: In June, at a ceremony attended by Interior Secretary Babbitt, President Salinas announced the creation of the Sonora Biosphere Reserve, which will provide protection for the endangered vaquita dolphin.

These and the many other steps taken by the 5-year-old Salinas government reflect an environmental commitment that is steadfast and growing stronger.

There are NAFTA critics who dismiss President Salinas' initiatives as window dressing. But to thoughtful observers, this criticism rings hollow. Today, Mexico's environmental investment totals nearly 1 percent of its GDP—hardly a faltering commitment. Moreover, President Salinas has received international environmental awards: the 1991 Earth Prize and the 1992 World Conservation Leadership Award. Perhaps most importantly, this criticism seems to ignore Mexico's growing domestic interest in the environment: The Mexican "Green" party won an unprecedented 5 percent of Mexico City's popular vote in the last elections.

Last Wednesday, a dedicated group of environmentalists representing some 7.5 million Americans came out in strong support of the NAFTA agreement. Senator BAUCUS, one of the leading environmentalists in the whole Congress, came out strongly for it, and accompanying Senator BAUCUS at that event to endorse NAFTA were Peter Berle, president of the National Audubon Society; Kathryn Fuller, head of the World Wildlife Fund; Jay Hair, from the National Wildlife Federation; Russell Millermeier, Conservation International; Fred Krupp, from the Environmental Defense Fund; and John Adams, from the Natural Resources Defense Fund. These are well-respected, major environmental organizations in the United States, and they came out strongly for NAFTA.

In conclusion, Mr. President, NAFTA is good for the environment. It is good for the environment of the United States and it is good for the environment of Mexico. I do hope it will be overwhelmingly approved not just by the U.S. Senate but in the House of Representatives likewise.

I want to thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MATHEWS addressed the Chair.

The ACTING PRESIDENT pro tempore. Senator MATHEWS is recognized.

SUPPORT FOR NAFTA

Mr. MATHEWS. Mr. President, I want to thank my colleagues for permitting me to be a part of this program this morning and to express my support for NAFTA. I want to spend just a few moments giving a salute to the American worker and to American industry for placing us in a position to be able to favorably compete rather than feeling a need to retreat.

Mr. President, a few days ago, President Clinton presided at the signing of a monumental peace accord, and—joined by three former Presidents—he reaffirmed his pledge to another agreement of sweeping change—the North American Free-Trade Agreement. On that occasion, I thought of John Kennedy standing before the Berlin Wall and declaring 30 years ago that no border could forever hold back the human heart seeking a better life. Today, Mr. President, NAFTA is this decade's reaffirmation that borders dividing nations must never divide their peoples from opportunity. And I am saddened to hear Members of John Kennedy's party and the heirs of his heritage saying that is precisely what borders should do.

It is not merely that the bunker-builders who oppose NAFTA are demanding something that should not be done. They are demanding something that simply cannot be done. If we have learned anything over the past 30 years, it is that borders between nation's cannot be made impermeable to trade. For with or without NAFTA, hemispheric trade is the dominant fact of the world's future. That fact is apparent.

In November, the Asia Pacific Economic Cooperation meets in Seattle. When APEC's 15 member nations gather, they will bring almost half of the world trade volume into one room. Across the Atlantic, Europe is uniting more than 340 million producers and consumers. Central and South America are rushing onto the stage. A few year ago, the U.S. stock market represented 70 percent of the world's equity capital. Today, it is 40 percent. That is the world we live in, and it is the world we have to compete in.

Mr. President, NAFTA brings us face to face with a decision. That decision is whether the United States turns her economic vision productively and convincingly outward, or whether we try to bury our hear in the drifting sand of economic change. I have noticed that when an ostrich stuffs its head in the sand, its rump is standing in the air. That is just about as vulnerable a posture as I can imagine. Yet that is exactly the economic posture the opponents of NAFTA are eager to have us support.

President Clinton spoke eloquently and accurately when he framed the core issue about this agreement. He said the issue is whether the United States will face the future with confidence that we can create tomorrow's jobs or whether we will try against all the evidence to hold on to yesterday's economy. He asked how the United States can stake out high ground with GATT and future trade talks if we defeat this agreement. He challenged us to prove we are capable of understanding and acting in our own economic interest. By comparison, the arguments against NAFTA are a serenade of one-string banjoes. And frankly the tune is becoming tiresome.

We are told that Mexico—an economy one-twentieth our size—will swamp the U.S. market with cheap imports. The eventual fact is more likely to be the reverse. Mexican goods already enter our economy with an average tariff of 1.9 percent, and on many the tariff is nil. By contrast, Mexican tariffs average 10 percent, and on some goods it is much higher. Under NAFTA, those tariffs fall even further than they have through the enlightened reforms of President Salinas. We have seen the result, and it has been good for America: Since the mid-1980's, United States exports to Mexico soared from $12 billion to more than $40 billion, and a $5 billion trade deficit became a $5 billion trade surplus. Despite their lower wages, the typical Mexican consumer buys more U.S. goods than his wealthier Asian and European counterparts. There is also the fact that NAFTA protends a stronger Mexican economy, and that is beneficial to the United States in ways that are too sensible to ignore. The trend is clear. NAFTA advances it. Americans benefit from it.

We are told that NAFTA is an excuse to export jobs. There are so many considerations with that, that it is difficult to know which ones really apply. We probably should start by realizing that our economy does not need an excuse to export lesser-skilled jobs. After all, we lost 2.6 million of them to low-wage countries in the 1980's. If that trend is going to continue, defeating NAFTA will not stop it. The question seems to be whether passing NAFTA will accelerate it. I believe that American industry's intentions to move to Mexico and its reasons to do so are not evident.

For one thing, labor costs are a small percentage of many products and therefore a small incentive to savings. For another thing, Mexican wages are sure to increase, thereby diminishing any wage incentive over time. But as any business and finance practitioner will tell you, the issue underlying wages is worker productivity, and the increase in productivity of American workers is a strong incentive for keeping jobs here.

On top of all this, American industry's cost curve also is set by the costs of transportation, outlays in plant and equipment, the useful life of existing assets in this country, and a host of other matters. Expatriation increases those explicit and implicit costs. If wage rates were the end-all and be-all of production decisions, we would, indeed, be worried about the economic threat of Bangladesh and Haiti, as the Washington Post pointed out.

What I have heard of this debate so far, Mr. President, prompts me to offer a straight-from-the-shoulder word to those who seek to defeat NAFTA. And what I have to say is that their arguments against NAFTA speak ill of them. For what those arguments amount to is a declaration that American labor has priced itself out of world competitiveness. More than that, they amount to a statement that American consumers, exporters, and manufacturers should sacrifice their opportunity for greater consumption, revenues, and production to keep it that way.

No one respects the American working man and woman more than I do, and that is why I find this implicit argument so unworthy. The fact is that our toughest economic adversaries are nations with higher or faster increasing labor costs. The American worker is productive, skilled, intelligent, and determined. The great promise of American labor lies in becoming even more so. It does not lie in raising the decibels of the debate. We need to remember that NAFTA will provide U.S. industry and workers an edge on our foreign competitors like Germany and Japan.

It matters to Germans if they create gains in Germany and to the Japanese if they create jobs in Japan. Gratifyingly, that same attitude is growing today in American industry, including industries that supposedly have the most to gain by leaving the United States. I remind my friends in business and industry that it stands in America's interest and their interest to keep that momentum going.

The Saturn plant in Tennessee is a great example of how labor and management can do right by each other as colleagues in common purpose. Every worker displaced from Detroit by construction of the Saturn plant was promised a job when the plant was finished. Thousands of workers took GM up on its promise, and now they are proud workers and providers for their families. Saturn is more than one of the finest facilities in the world producing one of the world's finest automobiles. It is a blueprint of the future, a roadmap for the way things should be.

At bottom, Mr. President, with our vote on NAFTA we will indicate whether the United States intends to lead, follow, or erect our own version of a Berlin wall. I say we lead—that we join the rank of nations heeding their future and not their fears, nations intent on becoming more prosperous and secure by becoming more productive and more competitive. That is the course NAFTA offers, and that is the course we must choose.

Mr. President, I ask unanimous consent that following my statement there be printed a list of some 15 companies that have a Tennessee presence or Tennessee headquarters that have contacted me and strongly urged I support the NAFTA agreement and that I made public my position on it.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF TENNESSEE COMPANIES

1. Tennessee Farm Bureau Association, Columbia, TN, Joe Hawkins, President.
2. Waste Reduction Technologies, Nashville, TN, Alan Phillips, Vice-President.
3. Mayfield Dairy Farms, Athens, TN, Scottie Mayfield, Vice-President.
4. Sparks Companies, Inc., Memphis, TN, Robert F. Hine, Vice-President & Principal.
5. Parris Manufacturing Co., Savannah, TN, Craig A. Phillips, President.
6. A.J. Metler Hauling and Rigging, Inc., Knoxville, TN, A.A. Metler.
7. Caterpillar Financial Services Corporation, Nashville, TN, James S. Beard.
8. Bechtel Oak Ridge Corporate Center, Oak Ridge, TN, Joseph F. Nemec.
9. Whirlpool Corporation, La Vergne, TN, Paul D. Hutchins, VP.
10. JC Penney, Knoxville, TN, Bob Mantel, Store Manager.
11. Square D Company Electrical Equipment, Smyrna, TN, Gary R. Abrams, Facility Manager.

12. Chubb LifeAmerica, Chattanooga, TN, Elaine M. Duncan.
13. Procter & Gamble, Jackson, TN.
14. Brown-Forman Corporation, W.L. Lyons Brown, Jr., Jack Daniel's Distillery, Lynchburg.
15. Tennessee Eastman Co., Kingsport, TN.

Mr. MATHEWS. With that, Mr. President, I yield the floor.

Mr. DANFORTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Missouri [Mr. DANFORTH] is recognized.

OUTRAGEOUS CLAIMS BY PEROT

Mr. DANFORTH. Mr. President, Mr. Ross Perot claims that NAFTA will put 5.9 million jobs in the United States at risk. That is a very scary statement. Frightening people, scaring people is not something that is new in politics. A lot of people have gained great political popularity by trying to frighten people. But the claim that 5.9 million jobs will be at risk is so outrageous that it deserves an answer. The fact is that today one out of every six manufacturing jobs in the United States depends on exports. One out of every three acres planted by the American farmer is designed for export.

Exports create jobs in the United States. According to the Commerce Department, every billion dollars of exports creates 20,000 jobs. Since 1986, the Government of Mexico under President Salinas has on its own undertaken a reduction in trade barriers. Still, the trade barriers in Mexico are much greater than trade barriers erected by the United States. But even with the partial liberalization of the Mexican market under President Salinas, United States exports to Mexico since 1986 have increased from $12 billion a year to over $40 billion a year. Mexico is now the third largest export market for the United States, and the Mexican consumer, who is belittled by Mr. Perot, buys much more per capita of American goods and services than the average consumer in, say, Japan.

Regardless of the good record since 1986, major trade barriers continue to exist in Mexico. NAFTA deals with those trade barriers. Today, Mexican tariffs are 2½ times the tariffs of the United States, on average. Well, that differential will be phased out, those tariffs in Mexico will be phased out, under NAFTA. Right now, the American farmer suffers because 25 percent of American agricultural exports to Mexico must enter that market under import licenses awarded by the Mexican Government. Those import licenses would immediately be terminated under NAFTA. Right now, domestic content rules in Mexico and restrictions on importing automobiles imposed by the Mexican Government have greatly disadvantaged United States automakers and, in fact, only 1,000 American cars a year are now exported into Mexico.

Right now, the maquiladora program amounts to a massive free-trade zone and export promotion program directed right to the United States, right on our own border. That unfair maquiladora program would be phased out under NAFTA.

I understand Mr. Perot's desire to appeal to fear, because appealing to fear works politically. And I can understand why some people want to be scared. Change is scary. Competition is scary. It is much more comforting to run to Washington and ask that Government provide special protection. But it also is the road to decline, as far as our country is concerned.

I want to briefly touch on a variety of statements that Mr. Perot makes in his book that are just false.

First, Mr. Perot quotes former Secretary of Labor Lynn Martin as saying that NAFTA will cost 150,000 American jobs. False. Lynn Martin said that NAFTA will create a net increase of 175,000 American jobs.

Mr. Perot claims that the U.S. automobile industry is on the endangered list under NAFTA. False. The Congressional Budget Office has found that United States auto companies would gain from dismantling Mexican trade barriers. The administration believes that instead of 1,000 exports of cars a year into Mexico, that number in the first year of NAFTA would rise to 60,000 cars.

Mr. Perot claims that NAFTA is a bad deal for American agriculture. False, because it eliminates the import licenses now imposed by Mexico. And for that reason a variety of farm organizations—the American Farm Bureau, the National Corn Growers Association, the American Soybean Association, the National Pork Producers Council, the National Cattlemen's Association, and the Rice Millers' Association—all of these farm organizations support NAFTA.

Mr. Perot suggests that the problems associated with the maquiladora program would be extended throughout the country of Mexico. False. The maquiladora program would be phased out under NAFTA.

Mr. Perot claims that NAFTA jeopardizes the safety of American highways by permitting unsafe trucks and drivers from Mexico to drive in the United States. False. America's safety standards would be maintained under NAFTA.

Mr. Perot claims that NAFTA would lower U.S. health and environmental standards. False. It will not do so.

Well, Mr. Perot has been invited to appear before the Senate Finance Committee, and I hope he comes. I would like to look under the hood and find out what his arguments are all about. But I think he is trying to frighten people, and I think this is still the home of the brave, and I believe Americans are in business to compete. We can compete in international markets and win, provided that we have a fair opportunity to compete. Right now, with Mexican tariffs 2½ times ours, we do not have a fair opportunity to compete. NAFTA will change those rules, and it will change those rules in our favor.

Mr. PACKWOOD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oregon [Mr. PACKWOOD], is recognized.

NAFTA

Mr. PACKWOOD. Mr. President, the NAFTA debate up until last week has been dominated by the opponents who have relied upon misinformation and paranoia.

Last week, the President gave a truly stirring address. I was intrigued that he was joined by three past Presidents. Although President Nixon was not there, he does support NAFTA. I was intrigued with the sequence. President Ford was there endorsing NAFTA. He had been defeated of course by President Carter. President Carter was there and he, of course, had been defeated by the Reagan-Bush ticket. President Bush was there, and he had been defeated by President Clinton.

Campaigns do not necessarily do a lot to engender warmth and love, but here we had past Presidents who had been defeated by subsequent Presidents, all joining together to endorse the North American Free-Trade Agreement. Presidents from different parts of the country, George Bush with his familiar early roots in New England; Gerald Ford, Michigan; Jimmy Carter, Georgia; and Bill Clinton, of course, Arkansas.

Those who had been attacking NAFTA have done a great disservice to all Americans who are legitimately concerned about this issue. The debate should focus on facts not fears.

What I would like to focus on this morning, Mr. President, is the claims of NAFTA opponents that the NAFTA agreement will result in job losses and a flood of imports from Mexico into the United States. NAFTA opponents are seriously underestimating our capacity for productivity, and our present ability to compete internationally.

Opponents claim that United States workers cannot compete with low-wage countries like Mexico, and if NAFTA is implemented United States, factories will close and the jobs by the scores of thousands and millions will move to Mexico. My answer to this is, Mr. President, if this is true, why does not it happen now? Mexico's wages have always been lower than ours and our market is already open to Mexico's goods. Any company that wanted to go to Mexico would have gone years ago.

For all practical purposes, we have a one-way free trade agreement with Mexico now, and it is one way with

Mexican goods coming in. If this is a level playing field, our barriers are low and Mexico's are much higher. We are trying to get them down to a level playing field. But this is a benefit to us, much more than it is to Mexico.

What NAFTA critics have failed to understand is that wages are not the principal reason companies decide to locate overseas. If that were true, most of the developing countries would be manufacturing superpowers, businesses would be fleeing in droves, to Bangladesh, Haiti, Pakistan, and other very low-wage countries. They are not. Rather, there are other factors that weigh equally if not more importantly. These include: American productivity. American workers are far more productive than those of Mexico, or most other industrialized countries, and our productivity continues to rise faster than our trading partners.

Last year, alone, Mr. President, the hourly output of U.S. workers rose 4.6 percent. It has far exceeded the increases in productivity of Germany of 0.6 percent, France of 2.9 percent, Canada, 4.2 percent, and Japan, which went backward and decreased 6.2.

Second, infrastructure. The United States has a tremendous infrastructure of transportation and communications systems that are the rival of the world. And they are clearly far more developed than they are in Mexico, or are likely to be in Mexico for decades to come.

Third is location to market. Most companies like to be close to the principal market they are going to serve. In the North American free trade union, clearly the U.S. market is going to be the biggest market, and companies will locate here.

To demonstrate these points, let us consider the cost of assembling an automobile in Mexico and in the United States. A recent Office of Technology study determined that it was actually cheaper to build a car in the United States—$8,770—than in Mexico, where it was $9,180, even though labor costs in the United States were eight times higher than in Mexico. Why is this? One, the shipping costs from Mexico to the United States are high; two, the United States-made car could be built faster in a more advanced factory; three, United States workers are more skilled. Overall, and most important, the study found that labor costs were a small portion of the car's total cost. Mexico's labor is 2 percent of the cost, and in the United States, it is 8 percent of the cost. To put it another way, Mr. President, in the United States, 92 percent of the cost of building the car is something other than labor. In Mexico, it is 98 percent. So a very few companies are going to move to Mexico for that narrow difference in total labor costs.

I recently surveyed several Oregon companies about the argument that United States companies would move to Mexico because of labor costs. And what I found is that NAFTA will entice companies to stay put in the United States and actually increase their employment. Here is an example: Freightliner is a manufacturer of large over-the-road trucks, the kind that you see hauling goods all over the country. In fact, they have now become the biggest manufacturer of large trucks in the United States. They have two big plants, one in Portland and one in one of the Carolinas.

In the past, in order to serve the Mexican market, they have shipped their trucks to Mexico in kit form, and then assembled them in Mexico and sold them in Mexico. They had to do this because of the entry and market rules. I emphasize that Freightliner is a unionized plant—the closest thing we have in Oregon to the auto industry. It is a unionized plant with high, high wages. Freightliner has already increased its market to Mexico dramatically. They indicate that when the market is fully opened, they are not going to move to Mexico. Rather, they are going to quit sending the trucks in kit form. They will manufacture them all in the United States and send them down there, thereby increasing their employment. They have started expansion in Oregon on the expectation of increasing employment.

A second example is Landa, a Portland manufacturer of wastewater recycling equipment. Between 1992 and 1993, Landa has seen a dramatic increase in sales to Mexico—from zero in 1991 to nearly half a million dollars in 1993. Because of high duties, Landa was also considering sending kits to Mexico for assembly. With the NAFTA duty reductions, Landa will be able to manufacture the equipment entirely in Oregon and export to Mexico. That is what they plan to do. This would mean more jobs for Oregonians.

So, Mr. President, Oregon companies have confirmed what every credible economic study has indicated about NAFTA: That after all of the misinformation about NAFTA has been cleared, NAFTA will be a net job gainer for the United States.

I thank the Chair.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. DORGAN). The Chair advises the Senator that the time from 10:30 a.m. shall be under the control of the Senator from Pennsylvania [Mr. SPECTER].

The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair for that information. I note that the distinguished Senator from Texas has a presentation on NAFTA following the sequence. I am glad to defer to her on the understanding that my half hour would begin at the time I commence.

The PRESIDING OFFICER. The Chair advises the Senator from Pennsylvania that the time from 10:30 to 11 is controlled by the Senator from Missouri.

The Chair further advises the Senator that a unanimous-consent request could alter that order.

Mr. SPECTER. I ask unanimous consent that the Senator from Texas may be permitted to speak and that my half hour would begin when I start to speak.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

NAFTA

Mrs. HUTCHISON. Thank you, Mr. President. I appreciate very much the Senator from Pennsylvania yielding me a little bit of extra time to speak on NAFTA. We have had a series of presentations this morning. I think it is very important, Mr. President, that we hear from all of the sides of NAFTA. Up until this point, we have heard a lot of anti-NAFTA talk, and it is time that we talk about the importance of NAFTA.

Let us look at the big picture, Mr. President. I think it is the most far-reaching treaty that we are going to take up in America for a long, long time to come. We are looking at our past Presidents—President Bush, President Carter, President Ford—along with our present President, President Clinton, come together. They have looked at the global situation and what is happening in trade, and they have seen a closing Europe, and they are looking into the future and seeing that it is difficult sometimes to penetrate trade with Asia.

So what should we do to make sure that we are competitive, that we will have export markets in the future? Obviously, we must look into our own hemisphere, and that is what these Presidents have done.

I applaud President Clinton for carrying on with the treaty that President Bush put forward, and I appreciate President Carter and President Ford and President Nixon all coming together and saying that this is right for America. They are looking at the future, and they do understand that export markets are important for jobs for America, and that is what we are looking at. So this is going to be truly a bipartisan effort.

Some of our opponents are saying that corporations are going to move to Mexico because the labor is cheaper there. There is nothing that keeps corporations from moving to Mexico right now. Some of them have done that. But what NAFTA does is it increases the economy of Mexico, wages will go up, and what happens when wages go up? When wages go up in Mexico, the people of Mexico buy American products.

Right now, the average Mexican citizen spends $380 on American products, the largest amount of any average citizen in the world, except Japan—larger than Europe—and we must keep that. NAFTA will increase this because that is what we have seen happening.

Since the trade tariffs were lowered with Mexico, we have gone from 12 billion dollars' worth of exports to $40 billion. As Senator DANFORTH pointed out earlier, for every $1 billion of trade that we have of export markets, that is 20,000 jobs for Americans. So you can see that when the trade tariffs have gone down with Mexico, what has happened? There have been 500,000 jobs created in America. That is what we are looking at if we continue to decrease the trade tariffs. We are looking at even larger markets, and we are looking at more jobs for Americans, and that is what we must talk about today.

Let us take another of the things that our opponents are talking about—the environment and the labor laws. They are crying about what is going to happen when we do not have the enforceability. How can they even be thinking and say things like this because, in fact, what we have now is no enforceability. The Rio Grande is the most polluted river in the entire United States, and it is polluted without NAFTA. But now we have agreements. We have a tripartite commission that will have the ability to enforce the laws against pollution, so that now with NAFTA there will be a place to go where there will be leverage to clean up the Rio Grande River and to clean up the air in the border cities in my State like El Paso and other border cities that have been so injured.

We will have the ability for the first time, if we pass NAFTA, to enforce the environmental laws and to enforce the labor laws so that we have the best chance that we will ever have to make sure that there is fair labor and that we can begin to clean up the environment on our borders.

The other issue that I think is very important is immigration. Estimates are we will have 1.5 million fewer immigrants if we pass NAFTA that are illegal coming into our country. That is very important. It is very important for all of our America, but especially our border States—Texas, New Mexico, Arizona, and California—because those border cities have really been burdened with a lot of infrastructure charges created by illegal immigrants.

The cost of educating the children of illegal immigrants, hospital costs, because they come across the border and they use the hospital facilities in those areas is high. Health care and infrastructure, highways, sewers, water lines, all of these things must be expanded when illegal immigrants come across our borders.

But if we continue to build up trade with our partner to the south, the problems of illegal immigration are going to be reduced. This was reiterated by Leon Garcia Solar, a Mexican economist, who said: "If Mexico cannot buy, your unemployment goes up and your farms go under." He understands that if we are going to have two strong countries together, NAFTA is going to forge that alliance.

Mr. President, NAFTA is not an end; NAFTA is the beginning. Our President and our former Presidents see that. There is a reason that we have a bipartisan effort on NAFTA, with our former Presidents and our present President coming together and saying this is right for America, because they are looking at the global view and they are saying NAFTA is not an end.

What we want is a trade alliance that will start in Canada and go to the tip of South America, so that we will have strong trading partners, and it will be in our hemisphere that we have strong neighbors with strong economies and great trading relationships. NAFTA is good for Mexico; it is good for the United States; and it is good for Canada.

So I thank you, Mr. President, and I especially thank the Senator from Pennsylvania for letting me talk about this very important issue. I hope that the people of America will be able to see both sides of this issue as we go down the way, and that they will support our President, our minority leader, and the majority Democrats that are all coming together and saying NAFTA is good for all of us, and what strengthens our hemisphere is going to make us all stronger.

Thank you, Mr. President. I yield the floor back to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 30 minutes.

Mr. SPECTER. I thank the Chair.

REFLECTIONS ON LILLIE SHANIN SPECTER'S VALUES ON THE OCCASION OF THE 93D ANNIVERSARY OF HER BIRTH

Mr. SPECTER. Mr. President, after attending the impressive joint session of Congress on March 27, 1990, commemorating the 100th anniversary of the birth of the President and General of the Army, Dwight D. Eisenhower, I thought it would be meaningful—albeit in a different way—to have a joint session on the 100th anniversary of the birth of my father, Harry Specter, who represented the unique contribution of immigrants who settled America in the early 20th century. Instead, in line with the realities of the Congress, I made an extensive floor statement in the Senate on July 1, 1992, on the life of my father on the occasion of his 100th birthday, noting his inspirational values: love of family, education—although he had no formal schooling—patriotism, courage, sacrifice, hard work, commitment to do whatever was necessary to do the job, and an overarching sense of optimism.

Given the uncertainties of life and elections, I have decided to memorialize the life of my mother, Lillie Shanin Specter, today, which marks her 93d birthday, instead of waiting until the year 2000.

In commenting on my parents, I do so because their lives demonstrate fundamental values which our country needs to reflect on and revisit. Considering the difficulties they faced, I believe their accomplishments surpass those of my generation, although we have many more material possessions and educational degrees. My parents' generation lived their values; most of our generation give lip service to those values and many of the next generation need to be reminded of fundamental values.

Reflecting on the life of my mother is awesome. To be meaningful, it is necessary to reveal some intimacies, but not all, in accordance with one of my father's wise statements: "Know what you say; do not say what you know."

My mother was a beautiful redhead when she met my father in 1916—just check her pictures hanging in my Senate office. Their romance was interrupted by World War I, when he was wounded in France in the Argonne Forest, carrying shrapnel in his legs for the rest of his life. Before he went off to war, Lillie Shanin gave him a picture, according to my sister Shirley, with the inscription on the back:

> The French girls may be pretty,
> The French girls may be kind,
> But don't forget
> The girl you left so far behind.

He did not forget; and on his return, he threw away his crutches and they were married while he was still in uniform.

My mother and I had an extra special relationship. It was more than being the proverbial baby of the family, the last of four children. Perhaps it was a slight—very slight—sense of embarrassment when my Aunt Rose Isenberg told me that my mother was at least mildly unhappy when she found she was pregnant with me. In the midst of the Depression, with three children ages 2 to 9, and a shortage of money in the Specter household, it was not so easy. Confronting my father with her concern, if not displeasure, he replied casually: "So there will be another pair of feet around the house."

But the pair of feet always around the house were my mother's. She was always there for her family in every way—no latchkey children in our house. Our mother did double duty because our father was a peddler—more fashionably today called a traveling salesman. He sold cantaloupes door to door in the summer and blankets to farmers in the winter. When he opened a junkyard when I was 7, it was in

Lyons, KA, which was 100 miles from our home in Wichita, so the family only saw him on weekends. That made him the hero when we saw him for Shabbos on Friday evenings, and left my mother with the week-long parental duties.

Their lives were like a travelog, but not for fun. They moved half way across the continent seven times—mostly to earn a living. It was "Schvertsu Machen Albn," which is Yiddish for "it's hard to make a living." But they never complained—no matter how tough it was. They were thankful as immigrants to be in America with opportunities for their children, if not for themselves.

Even so, their lives were a decided improvement over their parents'. My father grew up in Russia in a one-room dirt floor shared by his parents, seven brothers and a sister. At the age of 18, determined to avoid the oppression of the czar's heel and anti-Semitism, he came to America. My mother immigrated to the United States from a city called Lugansk in the Katrina Slav province near the Russo-Polish border, according to my aunt, Annie Kletman, at the age of 5 with her parents, Mordecai and Freda Shanin, and a younger brother, Max.

Mordecai Shanin sold fish on the streets of St. Joe, MO, and repaired Singer sewing machines. He died in my mother's arms when she was 15 and he was in his mid-forties, on the back staircase of 922 South 9th Street in St. Joe. Widowed with seven children, my grandmother maintained her pride and independence with all members pitching in to support the Shanin family, including Lillie who left school after the eighth grade to work in a tablet factory.

My grandmother, Freda Myramovich Shanin—we called her Bubba in Yiddish—exuded strength which my mother inherited and passed on—jointly, of course, with my father—to their children. When Bubba once saw me wearing bluejeans, she admonished me saying her sons—poor as they were—never wore overalls. I wonder what she would say today with almost the majority of Americans wearing jeans or overalls.

My mother inherited her mother's sense of humor, notwithstanding the tough times. When I was about 5, sitting with my mother on the St. Joe front porch swing, it broke, and Bubba told me I had to pay for it. That concerned me greatly. Since I only weighed about 50 pounds, I think, contrasted with my mother who obviously, weighed substantially more, I argued proportional responsibility. But then, my grandmother laughed and told me she was only kidding. It relieved me substantially.

Bubba meticulously observed the sabbath and Jewish traditions, passing on a strong sense of religious responsibility to our family. There was total unity among Bubba's children—my aunts Annie, Rose and Mashie and my uncles, Max, Louie and Albert—perhaps derived from the days when they had to work together to survive following my grandfather's untimely death. When the entire family gathered with many grandchildren at 922 South 9th Street for the Jewish holidays, coming from Wichita, Chicago, and Waco, TX, the grandchildren and some adults would sleep on the floor, but nobody minded. We could not afford a Holiday Inn, even if there had been one in those days.

Like her mother before her, my mother saw to it that our home, however modest, as physically comfortable and psychologically secure. She was always at home. As each one of us would enter the front door, we would go through the ritual, as children do, of yelling "Mom," and back would come her reassuring voice—perhaps the kind of reassurance that is most fundamental for a youngster to know who he or she is and where he or she stands.

Even with our family's modest income, my brother Morton's closest friend, Donald Dushane, was a constant dinner guest. My sister Hilda observed that her friends relished an invitation to our dinner table because our mother "was willing to fashion the most intricate and labor intensive delicacies of food for our palates." My sister Shirley remembers our mother carrying hot egg sandwiches for our lunch to College Hill grade school in Wichita, six blocks away.

Generosity and compassion were my mother's hallmarks. When a distant relative, an unmarried teenager, became pregnant, my mother invited her from Philadelphia to Phoenix so that the young teenage cousin could deliver, return to her home, resume her life, marry, and ultimately raise her own family. After her youngest sister, Mashie, died, my mother went to Waco and stayed weeks caring for Mashie's husband, Leslie Hoffman, and their four children. She looked after elderly neighbors—who lived next door to us in Wichita, the Chances, a couple in their nineties in Wichita—he was a Civil War veteran; and in Russell, our neighbors were the Hoovers, aged 80. She would drop in to see that they were all right and, on occasion, bring some hot soup.

During World War II, many Jewish soldiers were stationed at Walker Air Base, 15 miles from Russell, KS, where we lived. Our home served as a synagogue during the Jewish holidays and an unofficial branch of the USO. The living room-dining room—connected rooms—of our home at 115 Elm Street bears testament to this day with a slanted floor when the supporting beams buckled under the overload weight of about 25 soldiers and their wives who attended a Passover Seder in 1943. The house was built for a family, not a convention or a Seder. When my sister Shirley and her husband, Dr. Edwin Kety, were posted in a remote Arizona town near the Mexican border in the public health service, my mother interrupted her own activities to care for their children in Phoenix so they could maintain their Hebrew school education without moving away with their parents.

My mother was a prolific letter writer to family and friends—letters which people have saved for decades. Her letters to Joan and me would be saved for Saturday morning and savored around the family breakfast table. Our young sons, Shanin and Steven, would even interrupt their Saturday morning television cartoons—tough thing to get them to do, but they did it willingly—to hear their grandmother's interesting letters.

She could have written a primer on being a model mother-in-law, a proposition subscribed to by all four of her children's spouses. Arthur Morgenstern, Hilda's husband, praises her to this day, marveling at their 33-year relationship. Joan says she learned how to be a mother-in-law by example.

Many mothers are, at least, a little protective of their sons when it comes to marriage. My wife-to-be Joan had her first meal at my parents' home for Thanksgiving less than 2 months after we met when she was 15. I was a much older man of 19, although the 4 years difference in our ages has significantly diminished over the years. Contrary to what might be expected, my mother urged me—in fact, rather strongly to marry Joan some 4 years later. And our wedding album contains a photo of the traditional wedding kiss with my mother smiling and beaming in the background. That picture is worth a million words—really, really more.

My parents' 45-year-old love affair came to an abrupt end in 1964 when my father had a heart attack and died on a trip to Israel. She returned to her home in Phoenix; and at the age of 64, learned to drive a car and carried on her independent life. When I hear of family values, I think of our family's 230 years of uninterrupted marriages: 45 years for my parents; 51 years for my older brother Morton and Joyce Specter; 50 years for Hilda and Arthur Morgenstern, 44 years for my sister Shirley and her husband Edwin Kety; and 40 years for Joan and me.

As I reminisce about my mother, some may wonder if I am writing about an angel. In fact, I am.

If she had a fault—and I am not sure she did—it was that she worked too hard. She was an immaculate housekeeper; and even after the stove was scoured, she would clean it again. She was surely busy. My brother Morton followed her example of extra hard work and never learned to play enough, and the same might be said of her other children. Or, perhaps it was the time sheets that we lawyers keep—pressing us not to waste time and keep track of each minute. I am glad that the next generation, my sons have a better balance on work and leisure—perhaps moderation perhaps learned from their mother.

Through all the travail, my mother was cheerful, maintaining a home that was rock solid with love and perhaps most of all—establishing a feeling of confidence in her children. Some bumps along the way—perhaps even failures—were a part of life and ultimate success.

Education—which our parents had little of—and hard work—which our parents had plenty of—were the ingredients for their children's success. Our parents' ambitions were wrapped up in their children. Considering my mother's struggles and the fact that my father had to walk across Europe and travel steerage to America, their children's ambition and motivation to succeed took us on much easier paths, no matter what obstacles we faced.

When I am frequently asked today about what motivates children, what should motivate children, I think in direct and simple terms about my mother and father.

In our family, the children knew they had to behave and succeed because to do otherwise would be unthinkable, considering our parents' sacrifices. We would never do anything to embarrass them or do less than our very best.

While this brief statement obviously cannot match the pomp and ceremony commemorating President Eisenhower's centennial, it is a privilege for me to be in the U.S. Senate—I think here, significantly, or largely, or perhaps totally because of my own background—and to have this opportunity to honor my mother on the occasion of her 90th birthday.

Beyond my own personal pride I take this time on the Senate floor and the expense in the CONGRESSIONAL RECORD because the life of Lillie Shanin Specter is a model which should be studied by parents everywhere, and perhaps by some children as well.

I thank the Chair. I thank my colleagues in the Senate for the opportunity to make this presentation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTING AGAINST THE RECOMMENDATIONS OF THE BASE CLOSURE COMMISSION

Mr. SPECTER. Mr. President, I had commitments in Pennsylvania yesterday, visiting the hospital of the University of Pennsylvania, taking a look at the issue of needs on breast cancer and prostate cancer, and could not return in time to participate in the debate on the resolution of disapproval on base closing, so I would like to take a few minutes this morning to comment briefly on my reasons for voting in favor of that resolution and against the recommendations of the Base Closure Commission.

I did so, Mr. President, in part because I am opposed to the process. In fact, I was one of the few Senators who voted against the base closing act. It is and always has been my view that that is a job which ought to be undertaken by Congress. I realize in saying that that there have been some problems in the past, and there is an overriding concern as to the ability of Congress to take on the difficult job of base closings. But I think it is a job we can do and that we should have done and that we should not have assigned to a commission under the arrangement where the commission makes the recommendations which are virtually certain to be ratified by the administration and then a resolution of disapproval is extraordinarily difficult because it takes both Houses of Congress and, if that is vetoed, then it takes a two-thirds override. So once that legislation is passed, it is out of the hands of Congress. I think it is our job to do, I think we should have done it, and we should not have delegated it.

Having been opposed to the process, I view with substantial skepticism what happens flowing from that process.

Then representing the Commonwealth of Pennsylvania, I have had many, many matters which have come before the Base Closure Commission and that process.

At the outset, Mr. President, let me say that I do believe the members of the Commission have individually done an outstanding and a dedicated job. I do not necessarily agree with their conclusions, but I think that the chairman, James Courter, has worked laboriously as have the other Commissioners: Peter Bowman, Beverly Byron, Rebecca Cox, Hansford Johnson, Harry McPherson, and Robert Stuart.

I have had many dealings with the members of the Commission which have been, on a personal level, pleasant and cordial, and they have been accommodating. I might note that they met in Newark on Mother's Day, and I was one of a number of officials from Pennsylvania who went to Newark on Mother's Day to discuss their findings, and I traveled to Columbus, OH. They worked assiduously on their job. So that my comments and voting against their recommendations does not reflect on them individually. I repeat, I think they are people of the highest integrity and competency and did their very best to do the best job they could.

I think the process is further faulty, Mr. President, because it does not allow the Congress really to get the basic information that it needs and the public to get the basic information that it needs and the Comptroller General, General Accounting Office, to get the information which the law really requires. The statute says that the Comptroller General, the General Accounting Office, is to have access to all of the information which is used by the Base Closure Commission.

In the 1991 proceedings, as it related to the Philadelphia Navy Yard, illustratively, the Navy hid material evidence. They concealed letters from Admiral Claman and Admiral Hekman which said that the Navy Yard should be kept open. They did not turn over all the information, which they were obligated to do, to the Comptroller General, General Accounting Office. Senators like this Senator could not get the information.

As a result of what I thought were very, very bad practices by the Department of the Navy, practices which I had labeled as fraudulent and in bad faith, they went ahead and closed the Navy Yard. The Base Closure Commission affirmed it. And it has led to some very, very intensive and really bitter litigation with those who opposed their findings and those in favor of keeping the Navy Yard open having won two major decisions in the Court of Appeals for the Third Circuit, really remarkable decisions, based on the issue of judicial review.

It is hard, once a commission has acted and Congress has acted and the President has acted, to get the courts to review their action. But that, in fact, is what we have accomplished at least to date on the basis of two opinions by the Court of Appeals for the Third Circuit. There is an application for cert pending, but that process is further illustrative of the difficulties which I have seen in the recommendations of the Commission.

This year, when there were issues involved about the closing of Pennsylvania installations, having had the experience from 1991, having found that there was a very material bit of information available which the Navy had not turned over, a group of Members including myself went to court to compel information to be turned over, getting a judicial order. So that my experience with the process has been disquieting and unsatisfactory.

Those, in essence, Mr. President, are the reasons why I voted to reject the findings of the Base Closure Commission yesterday.

I see my colleague, Senator BOND, has arrived in the Chamber. I believe he has time reserved. So I do yield the floor.

The PRESIDING OFFICER (Mr. MATHEWS). Let the Chair note that the Senator from Missouri controls the time until 11, and if he wishes to speak now, it would be in order for him to ask unanimous consent.

Mr. BOND. Mr. President, I ask unanimous consent that I may be permitted to speak for up to 10 minutes. I do not need to use the entire time allotted. I believe others have spoken in the time that I had initially requested.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BOND. Mr. President, yesterday, I was in the State of Missouri, and I spent a good bit of time talking to people who are involved in health care for indigent children, people who run the urban health clinics that serve a great deal of our indigent population in the State of Missouri, and people at public hospitals. I found a couple of encouraging notes in those discussions. No. 1, we have a program in Missouri called Parents as Teachers that gives parents assistance in dealing with their newborn children up to the age of 3 years.

Initially conceived as an early education program, we combined it with health screening for 10-to-20-month-olds. Through that screening process and through the visits of parent educators, we found that this program provides tremendous benefits in getting our smallest citizens into the health care system at a time when service and assistance can be most helpful to them and most beneficial.

Second, we have, as I have indicated on this floor before, a capitation program in Medicaid in Jackson County, MO, the western part of the State of Missouri. The county is most of Kansas City and includes Independence and other cities.

Under that program, which was set up as a result of the waiver I requested from the Health Care Financing Administration when I was Governor back in the early eighties, the Medicaid patient is enabled to select a caregiver, one of two fine community health centers or Truman Public Hospital, or one of the group of PPO's, preferred provider organizations. Each month, the health care provider gets a set amount of money, a capitation payment, for every person enrolled in those programs.

We found that this changes the incentive to make sure that people are kept well rather than treated at the sickest points in their lives.

The interpretations of the data may differ somewhat. But most people agree that we have had improved health in the Medicaid community in Jackson County. Polls that we have taken of the Medicaid recipients show that those under the capitation system are happier than those in other parts of the State. And we have seen some significant million dollar savings in the system as a result of the prepayment or capitation, which puts an emphasis on preventive care and keeping people well.

I mention that program because I am going to talk in a minute about financing health care. One of the ways we have to do that, I think, is by making savings in the system that we now have. I believe we can make savings by moving to capitation in Medicaid. The Health Care Financing Administration estimates about $42 billion can be saved over 6 years, and I think it can make people healthier.

But let me talk about the concerns. One of the concerns that was raised was whether existing community health centers and urban clinics would continue to be served. I assured the people who ran those clinics that it was my intention, and I believe it is the intention of the administration and others who are pursuing health care reform, not to get rid of the institutions that are doing an excellent job serving the population, but rather to provide universal access and provide the funding resources for the indigent population and others so that they can pay for those services and lessen the need for public subsidies.

I suggested also under a competitive system, those clinics, those health centers that have been serving people in the area would certainly be most likely to attract that same group as their clients under the new system. Certainly, the system that we have proposed on this side of the aisle would encourage that. I will do everything I can to make sure that any system we set up does promote that kind of competition and the utilization of good entities where they exist.

The second point I heard, which was raised with some great deal of skepticism, is how are you going to finance it? This is going to be an expensive business. Health care reform is too important to make vague or overly optimistic assumptions. Several public officials I talked to yesterday were skeptical of the cost savings and the financing that we talked about. We need to be able to reform the system. We must be committed to assuring universal access. But we should not promise more than can be delivered.

I talked to an expert in the field, who had been an official in a previous Democratic administration. He chided me because he thought our savings, the ones we projected in our plan, were too optimistic. I pointed out to him that the savings which are rumored to be included in the administration bill are even more significant, and the promises for additional service and coverage are even more generous.

He shared a very great deal of skepticism that some leaders in this body have expressed. I read in the paper over the weekend and heard on weekly talk shows: We cannot assume too much. We should err on the side of caution, of overestimating costs and underestimating savings.

I think the plan we put forward and offered as a discussion point recognizes the difficulties in estimating health care and errs on the conservative side. Thus, we save and expand care, and we believe we can demonstrate savings. We believe that we can save $213 billion over the next 5 years by slowing the growth of Medicaid and Medicare. We then apply those funds to a sliding scale of assistance: 100 percent vouchers for those at the poverty level or under, and we hope at least partial vouchers, at least, up to 200 percent of poverty.

We also believe there are other savings, an additional $57 billion through other reforms. But we do not count them until they occur. Let me tell you why. Congress and its estimators have been woefully off the mark in estimating health care costs. For example, the 1990 budget agreement; we all joined hands and projected that $45 billion would be saved in Medicare and Medicaid as a result of the agreement. Now, just 3 years later, technical reestimates in Medicare and Medicaid have not only obliterated the "savings," they have, in fact, increased the deficit in those two programs over the fiscal years 1991–96 period by $120 billion.

I do not know whether it was Yogi Berra or somebody like Will Rogers who said: You can make predictions so long as they are not about the future. I think they might have been right if they were talking about health care estimates. The key to reforms and the estimating of them is the effect that reform is going to have on behavior of patients and consumers; are they going to consume more or are they going to consume less? And on doctors and hospitals; how will they react to the changes being proposed? Will they gain in the system? Will they overdiagnose or evaluate patients coming in to treat them as sicker? Will jobs be lost? How quickly will premiums and costs be lowered? Will savings from lower premiums be translated into higher wages? Will new jobs occur? How many people will take advantage of new coverage?

These are just some of the questions we must ask. We must keep in mind that one of the primary objectives of this entire reform is to rein costs in for families, small businesses, and governments. Thus we know what new benefits will cost and what savings are realistic.

The bottom line is simple. How the plans will pay for themselves is as important as what is in the plan. Congress and the President cannot promise things we cannot deliver.

Mr. President, passing health care reform will be difficult enough. I will be addressing this issue later.

I also ask unanimous consent to include in the RECORD at this point the Monday, September 13, Washington Post editorial entitled "The Cost of Health Care Reform." I commend it to those of my colleagues who may not have read it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 13, 1993]

THE COST OF HEALTH CARE REFORM

In trying to sell its reinventing government and health care plans, the administration needs to be careful not to destroy a major asset. The asset is its credibility in making budget estimates. When the president named the leading member of his economic team last year—Lloyd Bentsen as Treasury secretary, Leon Panetta and Alice Rivlin as budget officers—he sent a message. The message was that in his administration the basic estimates would be honest. The deficit would no longer be a political toy. They would treat neither the estimating process nor the programs that depend upon it with contempt, as had his two predecessors. His nominees were his handshake on that.

That seriousness of purpose helped the president in the budget debate. There were lots of battles over the numbers the administration used in describing its program. What was the proper baseline or starting point to use in calculating how much new deficit reduction the president was proposing? Was it a $450 billion plan or a $500 billion plan over five years, and how did the savings divide between tax increases and spending cuts? How should a hybrid proposal like the one to reduce the net cost of Social Security by subjecting a larger share of benefits to the income tax be classified, as tax increase or benefit reduction? There were disputes as well about the likely effects on economic growth of some of the administration's proposals. But at some basic level even opponents agreed that the president's plan was real in that it would achieve about the amount of deficit reduction the administration said it would. To beat it, the opponents had to come up with one that was equally real, and they couldn't. That above all was why he won.

The claims that are being made for the reinventing government plan, or some of them, are much less solid. The overselling has already weakened the plan, not strengthened it. The debate has shifted in part from the ideas in the plan, which are generally good, to the savings estimates, which are exaggerated. Even administration allies say the plan is overblown. Among their fears: That Republican and other critics will take the president up on the estimates and try to hold the administration to savings that the plan can't support.

The reinventing government issue is less important than the one with regard to health care. The health care plan involves the possible restructuring not of a list of government programs but of a seventh of the economy. The administration has lately seemed to be saying in its zeal that it will be possible to achieve great gains in health care reform at minimal cost. At the federal level, the background briefers suggest, reform will not require a major tax increase and, indeed, will help to produce a major spending cut. The cut in existing health care costs will be so large that it will help not only to finance universal health care coverage but also to reduce the deficit—and all without a reduction in existing health care benefits.

Will it really be that easy? To get to universal coverage the administration would for the first time require employers to help pay the cost of a basic insurance package for all employees. The requirement won't show up in the federal accounts as a payroll tax but standing alone would have the same effects; it would depress both employment and wages. To ease these effects on smaller businesses and lower-paid workers particularly, the administration would provide subsidies. It would subsidize coverage for the rest of the uninsured as well—those not covered by current government programs who are not in the workforce. To finance the subsidies, the administration would basically try to suppress all health care costs by imposing, not price controls, but payment controls. It would limit annual increases in both private health insurance premiums and public payments through Medicare and the system for the non-elderly needy with which it would replace Medicaid. The bet is that a reorganized health care industry would be able to provide the same quality of care it does today to more people for less money. A further and in some ways bigger bet is that Medicare and Medicaid are as squeezable as the private health care system. Not everyone thinks they are. If they aren't, the president's financing plan falls flat; the government would not be able to cut them enough to recover its costs.

We don't know enough at this point to say either yes or no. What we do know is that, on this one, the president needs to make sure. To underfinance this plan—to err on the sunny side in making the long-term estimates in order to win some short-term support—would be a huge and tragic mistake. The president can't afford to give the green-eyeshade people a veto over health care reform. But this is one on which he can't afford to succumb to temptation, either.

Mr. BOND. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

TERMINATION OF SPACE STATION FUNDING

Mr. FEINGOLD. Mr. President, I would like to speak in morning business to lend my support to the amendment that we will be taking up later today offered by the Senator from Arkansas to terminate funding for the space station program.

For, me this is not a debate on the scientific merits of the space station only, or just a debate about space exploration in general. Rather, this debate and that which will follow is whether we are really serious about reducing our Nation's deficit.

I am not an opponent of the space station itself; nor of the research that is promised to take place on it; nor any of NASA's efforts, for that matter. What I am an opponent of is our unwillingness to take our Nation's spiraling debt seriously.

The supporters of the space station frame this debate in terms of the future. A group calling themselves Save Our Space Station wrote to me just last week stating:

> America cannot afford to turn its back on its future.

NASA has stated, in a document entitled "Why the Space Station Makes Sense" that:

> Space flight itself is one critical component of our ability to invest in the future and enrich the lives of our children.

The future and all of the potential research benefits of the space station supposedly weigh in on the support the space station side of the equation, I am told. My children will benefit; your children will benefit. In fact, all future Americans will supposedly reap the benefits of this effort.

This certainly seems to make sense at first—but then you have to remember, what about the enormous debt we are leaving our children and future generations? Is not our struggle with how to reduce the deficit about the future also?

The first thing that comes to mind when I think of the future in America is not space, but the tremendous financial debt we will be leaving our children—and, most likely, grandchildren—to deal with. How much of the Federal budget will it take to service the Nation's debt by the time the space station is up and running. How many critical programs will be choked out by the need to continue to pour billions into paying the interest on our national debt?

It is important to remember that we are not only imposing upon future generations the obligation to continue to pay off the debts that we have accrued; this crushing burden will also deny them the opportunity to make their own policy decisions. The decisions we make here today, such as continuing funding of the space station, may well effectively cut off the opportunity of future generations to make their own policy decisions. I think that is wrong and a denial of their generation's opportunity to make their own mark.

To me, the future also brings to mind a young couple going out to buy their first home—the so-called American dream. In order to purchase the home, you first have to make a large downpayment, usually. That is what I think we did last month right before the recess in passing the President's deficit reduction plan —a $500 billion downpayment on our deficit problem. This downpayment on deficit reduction consisted of an equal share of painful spending cuts and taxes.

The American people are now asking for more spending cuts to go along with those initial cuts and those taxes. Like the young couple buying their first home, they realize you cannot stop with the downpayment if you are serious about reducing the deficit, or if you are serious about purchasing a home. You also have to make your monthly mortgage payments.

By voting for this amendment, you will be making at least a $2.1 billion payment toward deficit reduction for this year alone. Call it our September deficit reduction payment. It could turn out to be an even greater payment toward reducing this deficit if we are successful in terminating, or at least delaying, the space station altogether.

I do not want to make any estimate on what the entire savings would be today, because I am not sure if anyone can tell us for sure how much this program will eventually cost the American people to place in space and then operate after permanent occupancy.

It is this inability to calculate the future costs, whether it be on account of the rushed redesign efforts, the historic cost overruns of the program, or the inherent difficulty in predicting the technical challenges and risks associated with such a complicated engineering fete, that further convinces me to oppose the funding for this project at this time.

There is also talk of the space station being a symbol of international cooperation. It is said that not only will our astronauts link up with the Russian Mir Station and train for future space station operations, but one design would have us working together with the Russians in the actual building of the station, culminating in an international joint effort with the European Community, the Canadians, and Japanese as well. Any effort at international cooperation is commendable. However, perhaps we can teach the new Russian Government a different lesson first—a lesson in fiscal responsibility.

I thank Senator BUMPERS for taking the lead in the drive for deficit reduction.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FEINGOLD. I yield the floor.

NAFTA

Mr. DORGAN. Mr. President, I will take only 5 minutes in morning business. I must say I have listened this morning to the discussion of NAFTA and the Mexico trade agreement.

I am reminded of a song, when I hear this debate, by Bob Wills of the Texas Playboys, a Texas swing band in the thirties, with the verse:

> The little bee sucks the blossom,
> But the big bee gets the honey;
> The little guy picks the cotton,
> And the big guy gets the money.

If you strip away all of the chaff on this issue, this is about little guys and big guys. That is what this trade policy is about. Those who support the Mexico trade agreement say this will expand jobs. They want to create opportunity, they want to expand trade, they want to help Mexico, and they want to build a North American trade alliance. They are the ones, they say, with new vision for new opportunity. Their characterization of those of us who oppose it is that we are opposed to change, and we cannot see the future, they seem to suggest. We are the ones who "just do not get it."

We are, in the words of many of them, protectionists, isolationists, xenophobes. If you step back, in fact, from the television ads now supporting the trade agreement with Mexico—you have seen them in the last few days—step back from the ads, with the flags furling in the background in the gentle breeze, with the "Battle Hymn of the Republic," or whatever it is they are playing, that make it seem like this is an all-American policy, step back, strip all of that away and look at this policy nakedly.

In its naked truth, this policy with Mexico is nothing new. It is no change. It is the same policy cadaver on trade that we have had forever in this town. It is a failed trade strategy at its core. It is more of the same that has given us record trade deficits and an erosion of our manufacturing jobs. At its roots, it is America's corporations telling us this is a global economy and they must, therefore, decide to produce elsewhere and sell back here. They want to find a way to produce where they can access $1 an hour labor and access our marketplace in return.

Some of the discussions today about this issue have said, well, Japan has done that. They have been manufacturing in Thailand. Yes, but it is interesting, they keep their market pretty much closed. So they manufacture in Thailand not to ship back to Japan, but to ship elsewhere in the world. That is not what will happen with Mexico. This sets up a competition between us and Mexico for jobs, and when that happens, we lose because we cannot and should not compete for $1 an hour labor.

If we were talking about a staging area for exports to the rest of the world, maybe that is a trade agreement we can talk about. But that is not what is being discussed with Mexico. They say, well, Mexico now has a trade surplus, or we have a trade surplus with them. Sure. If you close another plant, the surplus will be bigger. Close plants and move them to Mexico, and our trade surplus will grow. Is that a sign of economic health? Not where I come from, it is not.

Some say, well, at its roots, let us help the Mexican economy. That is fine. The question is: Where is that on the priorities? I come from a rural economy in this country. My home county, Hettinger County, ND, has lost 20 percent of its population in the last decade. If you are a small business there, you are trying to do business in a depression. If we want to help somebody, at least in my book, those rural counties in America that are shrinking like prunes deserve help at least as a priority versus the Mexican economy.

Jobs. The principal study purporting to push the NAFTA agreement, the Huffbrauer-Schott study, does two things. It measures new jobs created by American exports to Mexico. That does not make much sense, because some of the exports are simply shipping plants. That means we lose jobs. Nonetheless, they count them as new jobs. Interestingly enough, the same study does not talk about displaced jobs by Mexican imports back to the United States. Is that not an interesting omission?

Second, two-thirds of the new investment in Mexico now comes from the United States. The principal study says none of the new investment in Mexico after this trade agreement will come from the United States. What problem do we have in this country? A need for new investment. We in this country have an investment deficit.

What are we talking about doing, trying to create conditions for new investment in Mexico and denying it in the principal studies trying to sell this plan.

This is a bad trade agreement. It ought to be killed. We ought to decide to kill it and start over.

I am not suggesting we should not have a trade agreement. I am saying what we ought to have is a trade agreement that has two fundamental principles: Fair trade rules and open markets. Any trade agreement with anybody in this world should establish those two principles. We demand fair trade rules so that the trade between the two countries is fair, and we demand open markets so that markets are open. If those principles are involved in any trade agreement you will find me supporting it, but regrettably that is not the case with this agreement.

I intend to speak at greater length on this NAFTA agreement soon. And I might say this country will be significantly advantaged if this discussion about trade will become a central discussion about where this country wants to move in the area of trade. We will and should have, in my judgment, a national debate about trade policy so that we can talk in a significant way about this country's future.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

RANGELAND REFORM INITIATIVE

Mr. CRAIG. Mr. President, there are two items I wish to discuss with the Senate this morning that I think are very appropriate at this time, especially one that falls immediately upon the heels of an action we took last week when we voted on the Interior appropriations bill. We voted 59 to 40 in favor of placing a moratorium on this administration's proposal to implement their concept of rangeland reform 1994, which is better known as an increase in the grazing fees.

During the debate over that issue last week, I think it became obvious to anyone listening that it was a much larger issue than just increasing grazing fees on public land grazing; that the administration and the Department of the Interior had proposed a much broader approach from citizen participation and a blocking of the right of that kind of participation which was historically there with what we called grazing boards or advisory boards with the actual proposal to confiscate private property that might be on those public grazing lands or water rights that might be held on those lands. We voted last week saying to this administration no, do not proceed without direct congressional input into that issue. We thought it was very important, by a very substantial vote.

It was during that time that I introduced two internal memos into the RECORD. One of them said—and it was a memo to the Secretary—that grazing fees were only a straw man to draw attention away from management issues, that it was management issues that we were really interested in. And then they went on to say that they had to, if you will, cook the statistics to make things look bad on the public range when, in fact, a statement from the memo proposed that the public range was in better shape than at any point in a century. All of those items were entered into the RECORD.

Now, I have been made aware of a new memo from the Director of the Bureau of Land Management, Jim Baca, to all of the State directors of the BLM across the Western public grazing States. He says:

> The bottom line is this: We will deliver on grazing reform—both to increase grazing fees and improve our on-the-ground management—

—if you will. And he said that:

> We are going to do this no matter what the House or the Senate says.

In other words, we do not care what they do. We are going to do it our way.

Just last week in a very large vote the Senate said to the Interior Department you must involve us. There must be public hearings. There has to be a public process here.

Immediately following that vote, the night afterward, Jim Baca, Director, says to the Senate and to the House we do not give a darn what you do; we are going to do it our way.

I think last week we found out that their way was a major takeover of the public lands in a way that Westerners certainly do not want to see it, and I think a way that nationally we do not want to see it. We want to maintain the kind of working cooperative relationship that we have had on our public lands of the West with the Department of the Interior and with those people who obtain leases for access for grazing and other public purposes.

So, Mr. Baca, hear me, and hear me again, and hear the U.S. Senate: When we spoke last week, we spoke for involvement, not a walk-away or not a suggestion that no matter what the Senate or the House does you will do it your way. Let us meet. We will be meeting this afternoon with the Secretary of the Interior to build upon a cooperative relationship.

EPA CLEANUP RULING

Mr. CRAIG. Mr. President, one other item. On the front page of the Wall Street Journal today a little mining community in Idaho named Triumph is fighting to not become a Superfund site.

Citizens there rallied, hired scientists to find out that all of the figures that EPA had arrived at in study of water, ground water, toxic levels and all of that were false, that EPA might have been fixing the records to try to find a Superfund site near a very important national recreation site to build an issue.

I say to the director of the EPA, read the Wall Street Journal today and read the front page. I will enter that article in the RECORD with unanimous consent at the conclusion of my remarks.

The article in the Wall Street Journal tells the true story of the citizens of Triumph in trying to work with EPA in a cooperative fashion, not to destroy a community as most all Superfund sites do, but to assure its long-term stability. My congratulations to the citizens of Triumph, ID.

Mr. President, I ask unanimous consent that the article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 21, 1993]

FOR THESE RESIDENTS, EPA CLEANUP RULING MEANS PARADISE LOST

(By Tony Horwitz)

TRIUMPH, ID—Dan Tucker lives at the epicenter of what the Environmental Protection Agency believes may be the most hazardous waste site in the U.S.

"It's paradise," he says, setting on his back porch in this scenic former mining town near Sun Valley.

Mr. Tucker, 43 years old, gazes at the hills, sipping well water in which the EPA has found high lead levels. He uses the same water to hose down a plastic "Slip Slide" for his two young daughters to flop on, face first, and skid across a yard that the EPA says is laced with lead and arsenic.

Flanking Mr. Tucker's home—once the machine shop for a lead and silver mine—lie piles of contaminated waste. On dry summer days, the wind sweeps the dust onto nearby homes and gardens. The EPA even found heavy metals inside the Tuckers' vacuum cleaner.

NOT IN MY BACKYARD

Yet the fence-builder, like his neighbors, says he isn't putting his family at risk. "My girls are fine, the dog's healthy, the lawn looks good and I'm no more demented than I was when I came here 21 years ago," he says, making light of lead's impact on IQ levels. "I wish they would just leave us alone."

The EPA isn't cooperating. The agency has nominated Triumph for Superfund cleanup and conveyed on it an initial risk rating that exceeds any ever given to one of the nation's 1,200-odd Superfund sites, including Times Beach, Mo., and Love Canal in New York.

Braced for battle against Triumph's toxins, the EPA has been ambushed instead by Triumph's inhabitants—all 46 of them. Residents insist that Triumph's lead and arsenic are much less poisonous to them than the prospect of backhoes and bureaucrats taking over their town.

They also intend to defend every clod of contaminated soil. "We look like we're a bunch of hicks in the sticks that the EPA can just mow over," says Wendy Collins, a local activist. "But I don't think it will look so good when housewives start chaining themselves to bulldozers."

BEAT UP AND BEAUTIFUL

Triumph, named for a century-old mining claim, is both stunning and badly scarred. Nestled on the floor of a 6,000-foot-high canyon, the town's 17 homes—mostly former miners' cottages—ring a moonscape of mine tailings that locals call "the black sand." On one side of town runs a river, thick with beaver; on the other soars a mountain of mine waste, topped by abandoned machinery and the ruins of a mine that opened in 1882.

This setting has kept land affordable and drawn residents so eccentric that they jokingly suggest Triumph as the set for a TV series called "Western Exposure." When the mine closed in 1957, a religious cult called "the Saucer People" moved in, awaiting the return of Christ on a flying saucer. Then came refugees of the 1960s counterculture, many of whom remain.

Typical is Ms. Collins, a tailor and nondenominational minister from California who calls herself an ex-hippie and New Age environmentalist. "Before," she says, "whenever the EPA nailed some corrupt contractor, I used to go , 'Yeah!'"

All that began to change two years ago, when the EPA came to town. The agency held a meeting to warn residents that their air, soil and water were badly fouled. Experts from Atlanta explained how childhood exposure to lead could lower IQ, while arsenic might poison residents or cause cancer.

Heidi Heath, who hosted the meeting in her garage, says that for months afterward, "I would lie awake at night, crying." As the mother of two young girls, she says, "I kept blaming myself, thinking, 'What have I done to my children?'"

She also felt trapped. Since the EPA's arrival, banks have refused loans to residents and real-estate agents say the threat of a Superfund listing makes houses here almost unsalable.

"We're lower-middle class, our property is everything," says Ms. Heath, a seamstress and part-time bookkeeper.

But soon after that first meting, Triumph experienced another shock. Blood and urine tests showed that residents' lead and arsenic levels were normal—and well below those in big cities. Adults who grew up in Triumph, often playing in the black sand, also showed no ill effects.

Moreover, all but one retest of the town's well failed to show signs of high lead content. With her bookkeeper's eye, Ms. Heath also began to notice errors. For instance, the EPA issued identical, alarming results from soil tests taken all across town. "You were inadvertently given the wrong sample results for your property," the agency wrote in a follow-up mailing.

ATTITUDE PROBLEM

Such flubs made Ms. Heath wonder how many other errors were in the symbols and charts that the residents couldn't understand. She also was irked by the EPA's attitude. When she and other parents offered their children's baby teeth—which have been used to study lead exposure elsewhere—the EPA refused, saying such research must await "another phase."

Chris Field, the EPA's on-site coordinator, concedes that "certain errors" have been made. "But overall, we stand behind our data," he says. That data clearly suggests to the EPA that the toxins may imperil residents, particularly children.

Mr. Field adds that health tests—four so far—aren't conclusive because they only show recent exposure. "We're the Environmental Protection Agency, not the Environmental Reaction Agency," he says. "It's our job to protect health, not wait for adverse health before we act."

Unconvinced, Triumph has chosen to mobilize and found an appropriately unorthodox leader in Donna Rose, a 47-year-old art dealer who keeps a shotgun by her kitchen door and who dresses in baggy sweatshirts and Technicolor tights.

HEAVY READING

Armed with a video camera, Ms. Rose visited other Superfund sites and gathered testimony about the program's history of cost and time overruns. She plowed through texts such as "Basic Toxicology" to find studies that cast doubt on the EPA's stance. And she thrust it all on her neighbors, many of whom now discuss "the Michigan swine study on bioavailability" as easily as they do the weather.

Ms. Rose also has swayed Idaho's congressmen, and found lawyers and scientists willing to give free advice. The result: When the EPA formally requested "public comment" this summer on its proposed Superfund listing, Triumph fired back almost 1,000 pages, arguing that the EPA had grossly exaggerated the risk to the town.

"I haven't run into this strong and organized an opposition in my time at the EPA," says Michelle Pirzadeh, a 10-year veteran at the agency's Seattle office.

Almost every adult in Triumph signed the anti-Superfund petition, and a door-to-door tour of the town turns up no dissenters. While some residents say they would accept a limited cleanup—a cap on the mine tailings, for instance—they oppose the open-ended, multimillion-dollar process triggered by a Superfund listing.

"Would you hire a contractor who has no references of a successful job well done, has never come in at cost, and who spends most of his money on legal fees?" asks 50-year-old Ms. Collins, the activist, voicing common criticisms of Superfund.

The EPA's Mr. Field says the agency wants to avoid a confrontation. But the EPA has no choice other than to press ahead, in part because a Superfund listing is the only way to free funds for further study. "We're locked in," he says.

"COULD BE SOME ANARCHY"

So, too, it seems, are Triumph residents. While a final decision on the Superfund listing still is months away, the EPA hopes to start an emergency cleanup of residents' yards, perhaps as early as this fall. If it goes ahead, Triumph resident Chris Klick warns that "there could be some anarchy here."

Mr. Klick, 46, who owns a sheet-metal workshop, says he "went out and bought 1,000 rounds of 9mm [ammunition]—that's my public comment." If the EPA approaches his yard, he says, "I'm going to be standing at the gate with a gun. That's the way of the West."

He doesn't plan to shoot anyone, but he does intend to hold his ground, forcing the EPA to call out the National Guard. (Others say they will do the same by blocking the road with snowmobiles or chaining themselves to trees.) Mr. Klick's reasoning is typical. The health tests and reading he has done have convinced him that the toxins in Triumph are hard to ingest, and even harder to clean up—though both points remain subject to scientific debate. And he feels that whatever risk does exist must be weighed against the otherwise healthy environment Triumph offers, with its lack of city smog, stress and crime.

In the end, he adds, the fight boils down to a "very American principle"—the right to choose, and accept the consequences. For now, folks in Triumph are doing just that. Ms. Rose, the art dealer, enjoys wind-surfing across the ponds that form on the mine tailings. Others keep tilling their gardens, joking about huge "mutant" carrots, and about ice cubes that sink because of all the lead.

As for Mr. Klick, lead and arsenic pale beside other risks. "I ski down avalanche chutes, I race dune buggies in the desert, I ride a motorcycle, I hunt," he says. "Living in Triumph is the safest thing I do."

Mr. CRAIG. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, under the previous order, I had 10 minutes. I think we are going to run out of time here. I would like to take just 5 minutes.

I will ask unanimous consent that I might speak for 5 minutes as if in morning business at this point. We will go back into consideration of the Bumpers amendment, and I see our dear colleague from Alabama is here and wishes to speak.

So I ask unanimous consent that I might speak for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. GRAMM. Mr. President, I want to start today talking about health care. I intend to continue this discussion every morning for the next week to talk about our problems in the health care area, but I would like to start today by talking about the need for a reality check in the health care debate and a reality check for both Democrats and Republicans.

One of the things that has been lost as we move toward the President announcing his health care plan tomorrow is that one of the two driving purposes of reforming the health care system, and by far the more urgent, was the explosive cost of medical care in general and the cost to the American taxpayer of Medicare and Medicaid in particular.

The explosion of Medicare and Medicaid costs have created the bulk of the deficit problem in American Government and have taught the whole Nation a lesson in compound interest. If a program grows at 10 or 12 or 15 percent a year it does not take very long until it destroys the fabric of a budget that is having to pay for it.

The reality check I think is needed is that when the President started to bring together experts from around the country, the focus was on cost savings. But now as we are beginning to get to see the President's package, what has happened is that the President is proposing a massive expansion in benefits, a standard coverage package which will guarantee every American a standard coverage of insurance that greatly exceeds the coverage that many Americans have today, the extension of coverage to 37 million people who are currently not covered, at least by some definition, the inclusion of dental care as an insured benefit, pharmaceutical coverage, nursing home care, long-term care, and alcohol and drug abuse.

My point is this, Mr. President: Those are wonderful things. Those are things that we would like everybody to have, but we started this debate because we cannot pay for the benefits that are currently guaranteed. And I am very concerned that when we are looking at guaranteeing all these new benefits before any savings have been produced by this plan, we are locking ourselves into a program for which there is not enough money in the world to fund it.

As the process has gotten underway, we now have proposals coming from the Republican side of the aisle that seek to guarantee fewer benefits than the President but more benefits than we currently cover. My suggestion is that we have a simple rule which says you cannot spend money until you save it. The President is talking about a massive expansion, $700 billion of costs, and he is basically tying all those new benefits and all that new spending to a belief that by having the Government take over and basically run health care purchasing in America, we are going to save money to pay for all these things. This health care purchasing cooperative is a little bit like a five-legged animal. It may work, but it is funny we do not see any of them in nature.

This is a totally unproven concept. In fact, try as I may to find some real world example in America, the closest example I can find is the Defense Department.

The Defense Department is the only buyer of defense goods in America. And the President is saying, by making the Government, through these health care collectives, the only buyer of health care, that they are going to be able to eliminate duplication and control costs. I ask my colleagues, if in fact Government can do that, why does the B-2 bomber cost so much money?

So my point this morning is that we need a good dose of cold reality. The debate about health care is largely a debate about exploding costs, about our inability to fund Medicare and Medicaid. Before we create all these new wonderful benefits, would it be beneficial for Democrats and Republicans to have to prove that their proposals will actually save enough money to pay for these new benefits?

My fear is, if we add these benefits, we will never be able to take them away, and we may succeed, in one bill, in finally bankrupting the Government and at the same time destroying the greatest medical care system that the world has ever known.

So, my suggestion is this. When we adopt health care reform, let us not spend money on new programs until we have proven that we have the cash in hand from proven savings. Let us also preserve the ability of the consumer to choose.

If having a Government-run health care system is good and saves money, let us give people the right to choose to see if they want to engage in it. If it is so good, I think people will choose it. My guess is it will not be so good, and they will not choose it, and we will rejoice that we have preserved our freedom to choose, which is what being an American has always been about.

I yield the remainder of my time.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,389,958,226,339.71 as of the close of business on Friday, September 17. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $17,090.93.

NAFTA

Mr. McCAIN. Mr. President, in offering his support for the North American Free-Trade Agreement, former President Reagan compared tearing down the trade wall with Mexico to the tearing down of the Berlin Wall. He was right to do so. Each event represents a historical triumph of American values. Each event underscores the importance of free markets to the well-being of all people. Each event encourages us to take counsel of our vision, not our fears, and demonstrates the very real benefits which result from staying loyal to our convictions.

Are we to be guided by our vision and protect the advantages of a world increasingly in our image, or are we, like a fading power, to be guided by our fears and withdraw from an increasingly competitive world?

NAFTA offers U.S. workers and U.S. businesses the opportunity to compete in a market of 360 million consumers with a collective output of $6 trillion, a market much larger and much richer than the European Community. I believe the United States can compete in this market and should not shrink from the opportunities it offers.

Phasing out tariffs is in the United States interest because Mexico's barriers are 2.5 times greater than ours. Half of all United States exports to Mexico will be eligible for zero Mexican tariffs when NAFTA takes effect on January 1, 1994. Over 5 years, two-thirds of United States exports will enter Mexico duty-free.

Since Mexico began to seriously liberalize its economy in 1987, United States exports have tripled, accounting for roughly 400,000 jobs. By 1995, workers employed in producing exports to Mexico could swell to over 1 million. As both President Bush and President Clinton have pointed out, these jobs pay 12 percent more than the national average.

In addition to the gains we can expect from exports, production sharing within North America will make the United States, Mexico, and Canada more formidable global competitors, by displacing United States imports from nonregional countries and displacing United States investments in those countries. This will mean a stronger U.S. economy and more U.S. jobs.

These advantages have been recognized by our Nation's Governors. Forty-one Governors support NAFTA. These are people the closest to their constituents and most responsible for the daily management of an economy. Over 100 newspapers have also endorsed NAFTA including the USA Today, the Wall Street Journal, and the Atlanta Constitution.

It is true that NAFTA will benefit the Mexican economy. For Mexico, NAFTA will mean prosperity and stability. It will allow the Mexican Government to more effectively address environmental problems deep within Mexico and along the border. It will mean more resources to fight the war on drugs and will enable the Mexican Government to more effectively fight that war. It will also mean more effective control of immigration across the United States-Mexican border.

The defeat of NAFTA could cost current U.S. jobs and squander the historic opportunity before us to create as many as a million more. Witness the affect of the 1982 Mexican debt crisis on American exports. In 1982, U.S. exports dropped by half and a corresponding number of jobs were lost. Subsequent to the collapse of the Mexican economy, the reforms of President de la Madrid further demonstrated the commonsense connection between lower tariffs and increased U.S. exports. De la Madrid's efforts to liberalize the Mexican economy, although more modest than the efforts of his predecessor, resulted in a nearly doubling of United States exports to Mexico.

The leaders of our hemisphere, with one notable exception, have taken bold steps in the direction of democracy and free markets. Beyond the opportunities NAFTA offers for U.S. businesses and workers and the leverage it will give the United States in negotiating other international trade agreements, the decision we make on NAFTA will largely determine whether the revolution sweeping our hemisphere continues. It will demonstrate to our southern neighbors whether we are prepared to live and prosper by the principles we have espoused for 200 years, or whether we will retreat in fear of a world in our image. We should not underestimate the impact of the statement we decide to make.

RUSSIAN PRESIDENT YELTSIN CALLS FOR DECEMBER ELECTIONS

Mr. DOLE. Mr. President, the news that President Yeltsin has suspended the Russian Parliament and called for December elections has come as a surprise, despite the fact that Russia has been on the brink of political crisis for some time now.

While we do not have the details of why President Yeltsin made the decision to take this action at this time—although it is my understanding that Secretary Christopher will be giving a briefing very soon which may offer us more insight into Yeltsin's decision—we all know that Yeltsin has had great difficulty, especially in recent months, in implementing constitutional and economic reforms because of opposition from the Congress and the Supreme Soviet. It may be that Yeltsin made the judgment that there was no other way to guarantee that the reform process will continue without taking this drastic step.

And, while it is not clear what the consequences of President Yeltsin's action will be, we know that Boris Yeltsin has been steadfastly committed to democratic and economic reform in Russia. Clearly the Russian people voiced support for those reforms in last April's referendum.

So, in my view we have to watch the situation closely, keep the United States on the side of democracy in Russia, and hope that the December elections will result in a mandate for Yeltsin and reflect the Russian people's support for genuine political and economic reform.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Congressional Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through September 16, 1993. The estimates on budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $1.6 billion in budget authority and above by $0.6 billion in outlays. Current level is $.05 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $393.5 billion, $27.3 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated September 14, 1993.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 20, 1993.
Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through September 16, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated September 13, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., AS OF CLOSE OF BUSINESS SEPT. 16, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level [1]	Current level over/under resolution
On-budget:			
Budget authority	1,250.0	1,248.4	−1.6
Outlays	1,242.3	1,242.9	.6
Revenues:			
1993	848.9	849.4	.5
1993–97	4,818.6	4,820.0	1.4
Maximum deficit amount	420.8	393.5	−27.3
Debt subject to limit	4,461.2	4,293.2	−168.0
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS SEPT. 16, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	0	0	849,425
Permanents and other spending legislation	764,283	737,413	0
Appropriation legislation	732,061	743,943	0
Offsetting receipts	(240,524)	(240,524)	0
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
CIA Voluntary Separation Incentive Act (Public Law 103–36)	1	1	0
Unclaimed Deposits Amendments Act (Public Law 103–44)	0	1	0
1993 spring supplemental (Public Law 103–50)	1,003	1,119	0
Transfer of naval vessels to certain foreign countries (Public Law 103–54)	(8)	(8)	0
Small Business Guaranteed Credit Enhancement Act (Public Law 103–81)	(12)	(12)	0
Total enacted this session	984	1,181	0
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(8,443)	922	0
Total current level [1]	1,248,361	1,242,935	849,425
Total budget resolution [2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	1,629	0	0
Over budget resolution	0	645	535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding.

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229	0	712
102–266	0	33
102–302	0	380
102–368	1,060	5,873
102–381	218	13
103–6	3,322	3,322
103–24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
103–50	0	(30)
103–75	4,190	141
Total 1993 emergency funding	8,790	10,444

[2] Includes a revision under sec. 9 of the concurrent resolution on the budget.

Notes.—Amounts in parentheses are negative. Detail may not add due to rounding.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair notes morning business is closed.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 having arrived, the Senate will resume consideration of H.R. 2491, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2491) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes.

Pending:

Bumpers Amendment No. 905, to reduce funding for the implementation of the space station program for the purposes of reducing the deficit in the Federal budget.

The Senate resumed the consideration of the bill.

AMENDMENT NO. 905

The PRESIDING OFFICER. The Chair will note the Bumpers amendment, amendment No. 905, is the pending amendment.

Mr. SASSER. Mr. President, was there an order last evening establishing an order of speakers this morning?

The PRESIDING OFFICER. There was not.

Mr. SASSER. I thank the Chair.

Mr. HEFLIN. Mr. President, I rise today in strong support of the space station program. The Senate has voiced its approval of the program on countless occasions and I feel certain we are going to continue to support it. At least I hope so.

I want to be sure it is brought to the attention of the Senate and all who are listening, the strong support the President has given to the space station program. There is a letter addressed to the chairman of the Appropriations Committee, Senator BYRD, by the President, dated September 20, 1993. I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, September 20, 1993.
Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I wanted to convey to you my strong support for NASA's space station program as an important science and technology investment for the United States, and as a symbol of peaceful international cooperation.

At a time when the long-term economic strength of the United States depends on our technological leadership, we must invest in technology but invest wisely, making the best use of every dollar. Earlier this year, I directed NASA to redesign the Space Station Freedom program to significantly reduce costs while preserving its critical science and space research capabilities and honoring our international commitments. This initiative includes redesigning NASA itself to improve performance, streamline the bureaucracy, and reduce management costs. As a result, the redesigned space station program—Space Station Alpha—will save more than $4 billion over the next five years and $18 billion over the two-decade life of the program compared with the costs of funding the previous Space Station Freedom program.

Since its inception, the space station program has represented an important international partnership between the United States, Canada, Europe, and Japan. We now have a historic opportunity to include Russia in this endeavor, thereby achieving an important step in putting the Cold War behind us, and adding a positive new dimension to the development of an international space station. Our cooperation with Russia in space is the leading edge of the new relationship that President Yeltsin and I began in Vancouver—a partnership where both countries can win from working together on projects that will shape the future.

There is no doubt that we are facing difficult budget decisions. However, we can not retreat from our obligation to invest in the future. I believe strongly that NASA and the space station program represent important investments in that future, and that these investments will yield benefits in medical research, biotechnology, advanced materials processing, and other critical technology areas that will create new jobs and improve the quality of life here on earth. It is an investment in tens of thousands of good, high-paying U.S. jobs, an investment in maintaining the strong technology base essential to the economic and national security of this nation, and an opportunity to invest in peaceful international cooperation.

I strongly urge the support of the Congress for this important program.

Sincerely,

BILL CLINTON.

Mr. HEFLIN. Mr. President, there is a strong letter from the Vice President to the Honorable BARBARA MIKULSKI, Chair of the Subcommittee on VA–HUD and Independent Agencies, in which he strongly supports the space station. I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE VICE PRESIDENT,
Washington, September 20, 1993.

Hon. BARBARA MIKULSKI,
Chairman, Subcommittee on VA, HUD and Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR BARBARA: As the Senate prepares to consider the NASA Appropriations bill for Fiscal Year 1994, I would like to express my strong support for NASA's space station program and for the historic opportunity it represents for international cooperation in space.

The redesigned space station—referred to as Space Station Alpha—results from NASA's intensive review and redesign conducted over the last six months with the help of other government agencies and overseen by a panel of outside experts. Alpha is a streamlined version of the original Space Station Freedom. It incorporates scientific facilities and capabilities comparable to or better than Space Station Freedom but will cost significantly less to build and operate.

The space station program offers an unprecedented opportunity to achieve peaceful international cooperation in space. In accordance with longstanding international agreements, the space station will be build and operated as an international partnership among the United States, Japan, Europe, and Canada. Now, with the recent Joint Statement on Cooperation in Space between the United States and Russia, planning has begun to include Russia in the space station as well. Russian participation in this international program offers the potential of reducing the space station's costs and increasing its capabilities.

Russian Prime Minister Chernomyrdin and I, under the auspices of the joint commission that we chair, have directed NASA and the Russian Space Agency to continue studying ways to incorporate Russia's space capabilities into the station for the mutual benefit of our countries and our international partners. It is our goal that the space agencies of the United States, Canada, Japan, Europe, and Russia work together to produce a more detailed plan by November of this year for Russia's participation in the international space station.

It is important to realize that this initiative on space cooperation fits into the context of a much larger partnership with Russia, a relationship that will define the post-Cold War era. Our negotiations in preparation for the first Gore-Chernomyrdin Commission meeting in early September also produced a key understanding that Russia is committed to adhere to the guidelines of the Missile Technology Control Regime (MTCR), one of the most important international regimes for the nonproliferation of weapons technology. This MTCR commitment is a strong signal that Russia is prepared to be a consistent and responsible partner, one we can work with over the long term.

The President and I are committed to the Space Station Alpha program as a national science and technology priority. We are also enthusiastic about the opportunities that we see emerging in our program of space cooperation with Russia. We hope that you will join us in fully supporting these efforts.

Sincerely,

AL GORE.

Mr. HEFLIN. Mr. President, I spoke last evening about the space station. It was about 9:30 or 10 o'clock, and I realize many staff members who are following this debate were not present since it had been announced there would be no votes. And the same is true of several Senators. I know there are numerous staff members who are following this debate very closely, who are watching on television, as well as Senators and others who are not in the Chamber. I, therefore, want to mention a couple of things I think are important, but try to refrain from being too repetitious.

No. 1, this amendment to kill the space station directs the funding toward deficit reduction. In my judgment, if the space station is defeated and terminated, the amount of money will not go toward deficit reduction. The House has already passed the appropriations bill that approves the space station and funds it at the amount requested by the President, and that is what is in the bill before us here today. Even if the conference committee were to yield to the Senate position to terminate the program, in all reality, with all pragmatism, we know what would happen. The amount of money that is included will be divided among other agencies and departments that are in this appropriations bill. There will be many causes, many just causes that need money that will get money. It will not end up going toward deficit reduction. I am sure the intent of those offering the amendment to terminate it is that it would go there, but for all practical purposes let us be realistic about it. It will never go toward deficit reduction at this time.

There has been some discussion about the President and the redesign. When President Clinton entered office, he looked at everything. Originally they talked about terminating it. Frankly, I got worried during the February recess that it might be terminated. I stayed and canceled my February recess to work with the administration, OMB, and others, to see that we continued the important project. After careful consideration from various sources, the President concluded the proposed Space Station *Freedom* was too costly and it had to be redesigned. He gave direction that a redesign had to occur.

The Vest Commission, the President of MIT, studied this and came up with a new design based on the President's guidance that the cost of the program not exceed $2.1 billion per year.

The lastest factor to be introduced was that of Russian participation. This is a complicated issue, involving nuclear proliferation and the sale of weapons technology to Third World nations including India and possibly some nations that we have classified as terrorist nations.

Again, from a cost perspective, various elements of the Russian space program could be used. They have a tug which could be used effectively. The question arose that perhaps their old space module, or a new one of their design, could be used. But I do not believe the administration is going beyond the cost caps that it has placed on station regardless of Russian involvement .

The space station is designed with sufficient flexibility so that any addition which might come from the Russians can be plugged into the present space station *Alpha* design, which was recommended by the Vest Commission.

One of the strong reasons why I support the space station is because of the scientific research that can occur in microgravity. There are basically two principles that attract me: One is crystallography, and the second one is electrophoresis. Crystallography is the study of various crystals and the aspect that is so important is that at microgravity, you can grow these crystals much larger than you can on Earth and you can grow them in a manner by which you have propagation in all three dimensions. On Earth, you can grow protein crystals, but they are typically small and do not fully resemble natural structures. It is important to grow a crystal large enough to where it can be carefully examined, certainly under a microscope and otherwise, to determine how the crystal operates. And it is so important as we endeavor to try to find cures for diseases.

The second aspect of microgravity research in space that interests me is known as electrophoresis, and that is the separation of the cells into the smallest integral parts. Using these two concepts, crystallography and electrophoresis, microgravity research has the potential of finding cures for many diseases. Already we have grown cancer cells and we have grown AIDS cells. This has been done on the shuttle thus far, but the shuttle is insufficient because of the limited time that it is in space. We need a permanent laboratory where you can watch and can determine for several weeks and months at a time the growth and development of the cells and crystals in these experiments.

In regard to medical applications, I said last night, and I will repeat again, I am probably the Senate's No. 1 example of the benefits from the space program. I happen to have had some heart problems a few months back. And on three different occasions, I had an angioplasty, which is the balloon aspect of opening up an occluded artery, an artery that is clogged up. The imaging technology that makes the use of this device possible was developed as a result of the space program.

Another aspect that came out of the space program and has helped Members of Congress, perhaps even some Members of the Senate, is the device that regulates your heartbeat to prevent heart attacks. This is a device attached to the heart that uses an electrocurrent modulated by feedback from the heart muscle itself.

There are numerous other scientific discoveries that have come out of space research. There is no question that the cumulative benefits that have been derived from the space program outweigh those of any governmental program that we have ever had. For example, digital technology and satellites have produced jobs and generated revenue far in excess of what has been spent on the space station. I am told that the return on investment for space research is near 10 to 1.

Recently, a noted scientist, Dr. Jeanne Becker of the University of South Florida's Department of Obstetrics and Gynecology, spoke to a congressional luncheon on the important role that the space program can play in providing cures for a number of diseases that affect women. I would like to take a moment to discuss some of the new scientific developments that she spoke about.

Scientists like Dr. Becker have just recently become aware of the exciting potential of microgravity research through the use of microgravity tissue culture vessel called a rotating wall vessel. This device was designed by scientists at NASA so that cells could be carried aboard the shuttle.

In the unique environment developed in this device, cell growth occurs in three dimensions, just as they grow in the human body. Traditional tissue culture methods allow only two-dimensional growths. The importance of this development is that by growing tumor cells in a way that duplicates the way they grow in the human body, scientists gain a more authentic model on which to test cancer drugs. Dr. Becker's own research has concentrated on ovarian and breast cancer.

Other scientists across the country are doing important work making use of this NASA microgravity device. Researchers in Texas are using the device to study bowel cancer; a group in Delaware is using it to study heart muscle growth, and I say to the distinguished Senators from Massachusetts that scientists from their State are making use of the microgravity device. Harvard scientists are using it to grow samples of cancerous colon cells. At MIT, the device is being used by researchers to grow cartilage cells for use as implants.

In both cases, these Massachusetts scientists learned that cells grown in this way are far superior to those obtained through conventional cultured methods. The technique has only one major shortcoming, a shortcoming which we will now soon take action to overcome. Tumor cells grow very slowly and for this work to progress, these scientists need a permanent space platform that provides long duration micrograyity conditions. To quote Dr. Becker:

> Long-term, large-size cellular development can only be achieved by the microgravity conditions provided by the space station.

I want to add that many other medical researchers are also excited by the potential of the space station. At Walter Reed Army Institute of Research, scientists have found that bone cells grow but do not harden under microgravity conditions. This behavior mimics that of osteoporosis, that is the disease where the bones become hard and brittle and so many old folks have broken bones by falling, for example, to point out what happens in regard to osteoporosis. This disease affects currently over 25 million Americans. Scientists at Walter Reed hope that by studying bone changes that occur in microgravity, they will find new methods to slow or cure this degenerative disease.

In my own State, researchers at the University of Alabama in Birmingham are playing the leading role in space crystallography. This technology used to grow protein crystals seems destined to revolutionize biomedical and agricultural research. Proteins are one of the basic substances that animals and plants need to grow, reproduce, and resist diseases.

Understanding these substances and the way they react is an essential first step in creating new medicines and agricultural products. Because individual protein molecules are too small to see, scientists have begun to grow protein crystals to learn about their functions and their structure. To determine the structure of individual protein molecules, however, scientists need crystals far more perfect than those that can be grown on Earth.

NASA has begun an ambitious program to grow these crystals in space. The extremely low gravity and controlled environment that the space shuttle operates in provides near perfect conditions for these experiments. Protein crystal growth experiments are being flown in the middeck of the space shuttle. Upon their return to Earth, the newly formed crystals are analyzed using x-ray diffraction and then modeled on computers to create three-dimensional images. Studying these images, scientists are better able to understand the interaction of these complex molecules and use this knowledge to engineer new drugs and agricultural products.

Among the most recent achievements of this technique is the determination of the three-dimension structure of an enzyme which shows promising potential in the design of cancer and AIDS chemotherapy and the suppression of the human immune system during transplants.

Mr. President, I must say there are some problems with using the shuttle for performing crystallography experiments. First, due to limited space and equipment on the shuttle, only a small number of experiments can be performed on any given mission. This problem is compounded by the difficulty in predicting the proper solution concentration that will result in accelerated crystal growth.

The most serious limitation of the shuttle is, however, the relatively short period of time it spends in space. For example, the current mission is scheduled to last 13 days which strictly limits the types of protein crystals that can be grown.

Mr. President, I must say that there are some problems with using the shuttle for performing crystallography experiments. First, due to limited space and equipment on the shuttle, only a small number of experiments may be performed on any given mission. This problem is compounded by the difficulty in predicting the proper solution concentration that will result in accelerated crystal growth. The most serious limitation of the shuttle is, however, the relatively short period of time it spends in space. For example, the current mission is scheduled to last 13 days, which strictly limits the types of protein crystals that can be grown. Growing crystals is a time-consuming procedure and some promising proteins take months to grow in the best of conditions. If we are to pursue this technology more effectively, we need a research platform permanently stationed in space, we need the space station.

I hope my colleagues that support high-technology research like space crystallography fully realize that this work cannot grow to its full potential without a permanently manned platform in space.

INTERNATIONAL ASPECTS

The space station is not just an American program, though as the world's only superpower we are certainly the leading player. Japan, Canada, and 10 European nations have been active partners in this bold endeavor, and it is likely that the Russians will also be joining the international team. Building the space station will be the biggest technological endeavor ever undertaken among nations, and will make it a prototype for future international projects in science and technology on the ground and in space.

The involvement of the Russians in the space station program will be a dramatic step. Not only will this program go far in improving relations between our countries, it could also help ensure the future security of both. Part of the rationale behind having the Russians team with us on station is to provide them with a project that will keep their space program viable and scientists employed without having them resort to foreign sales to raise capital, such as the proposed sale to India.

President Kennedy, who during the Cuban missile crisis came face to face with the danger of nuclear conflict with the Russians, prayed for a different world where the scientists of these two great nations could work together for the benefit of mankind. Thirty years ago he said:

> Let both sides seek to invoke the wonders of science rather than its terrors. Together let us explore the stars, conquer the deserts, eradicate disease, tap the oceans depths * * *.

Today we can make President Kennedy's dream a reality. Our scientists at NASA are poised to work hand in hand with their Russian counterparts to build the space station, mankind's first permanent habitat in space. But perhaps there are no visionaries left among us. Perhaps the days of dreaming of a brighter future are dead, killed by the worries of day-to-day existence. It is true that the recession, unemployment, rising crime, and the other social ills that now beset this country have made it hard to look up, to see the light at the end of the tunnel.

But it is precisely at times like these we need a challenge that when met, makes us proud of ourselves and our country. Space station is a project that will demonstrate our confidence in mankind and it will reaffirm that while we toil to overcome the problems that challenge us today, we are preparing for the challenges of tomorrow.

COMMERCIAL SPINOFFS

Mr. President, research in space has yielded over 30,000 commercial spinoffs in a broad range of areas including: Computer technology, industrial productivity, environmental sciences, public safety, and transportation.

In the area of environment and resource management, spinoffs from NASA include a new meteorological instrument used to predict the onset of severe storms and tornadoes, soil surveys for the Department of Agriculture using ground-penetrating radar, and a new wastewater treatment system for private homes.

In the area of industrial productivity, spinoff technologies include microlasers used in new communication systems and medicine, high temperature composite used in aircraft engines, ruggedized minicameras and specialized dry lubricants.

In transportation, spinoffs include new computer software used in designing safer, cheaper automobiles, longer lasting brake material, and new material used in radial tires that should increase their life by as much as 10,000 miles.

Again, all of these are spinoffs, inventions that no one predicted. They occurred because NASA is constantly pushing technology to its limits to meet the challenges of space. Today, the scientists at NASA and at universities across the country are pushing the limits to meet the challenges of the space station. No one can predict what new technologies we will gain from the space station, but I am certain that if we kill this project today, we will lose an important bridge to our future.

MISCONCEPTIONS

This program easily stands on its own merits, and its opponents have consistently relied on distorted or incorrect information to create a number of damaging misconceptions concerning the space station.

I have heard some say that it is too expensive and we cannot afford it at this time, as if the station alone is responsible for the deficit. The truth is that space station funding represents about one-tenth of 1 percent of the Federal budget and NASA itself represents far less than 1 percent of the Federal budget. Moreover, the key to America's long-term economic growth is improving productivity through investment in research and development programs like NASA.

One of the most popular misconceptions I have heard voiced is that the space station is squeezing out other small science programs. The truth is that the space station program is growing at a lower rate than the rest of the science budget and its main purpose is to serve as a platform for thousands of future low cost, high payoff small science projects. In 1992, space station grew by 6 percent, space science and applications grew by 10 percent and the National Science Foundation [NSF] by 14 percent. In fact, in the 5 years since space station contracts were awarded, the science budget has grown by 77 percent. In the final analysis, without the space station's unprecedented abilities and resources, students and commercial users will find that small science projects will continue to have very limited access to space.

I have heard some of the proponents of this amendment say that cancellation of the space station program will reduce the deficit and send a strong message to the American people that we are serious about solving this country's problems. They could not be more wrong. I agree canceling station will send a message; the American people would get the wrong message that we have no idea what we are doing.

The loss of the space station's science, research, and employment opportunities would certainly send the wrong message to the youth of this country about the importance of math and science and engineering education. It would also send the wrong message to our international partners and the rest of the world about how seriously we take our international commitments. Finally, canceling station would send the wrong message to the thousands of defense engineers and scientists trying to transition to other areas of work. I have recently heard predictions that the cutbacks in defense next year will result in another 25,000 layoffs. These are some of our finest engineers and scientists and they deserve the opportunity to put their skills to use. Many of the opponents of the space station support the idea of defense conversion, but don't seem to recognize it even when it is staring them right in the face. NASA is defense conversion. NASA needs these men and women, just as they need the opportunity to work on challenging programs that will carry us into the next century.

There is also a misconception that station's cost has skyrocketed from $8 billion to $118 billion. I believe space station opponents have inflated the program's cost figures to create a shock effect. This is a huge and complex program, and some cost growth is expected. The $118 billion cost estimate is derived by projecting the cost decades into the future in an effort to make the present cost seem unacceptable. By analogy, the average voter would never pay over $64,000 for a $12,000 car. But if you priced out how much this car would cost if you operated it for 30 years, you would be lucky to spend less than this amount. Station opponents use this same twisted accounting to inflate the station's cost.

The final misconception I would like to address is the charge that space station is only a shadow of its former self and is irrelevant to real science and economic competitiveness. The truth is that the space station will be an international laboratory with unprecedented capability for scientific research and technological development that cannot be duplicated on Earth.

If the space station does not continue as planned, the United States will be deprived of a national laboratory in space that will not only facilitate our future manned space program, but also provide the opportunity to do basic scientific research that will lead to new processes and medicines on the Earth that will cure diseases and make the United States more competitive internationally. Cancellation would result in tens of thousands of America's finest engineers and scientists losing their jobs. We simply cannot allow this to happen.

The Senate has passed countless pieces of legislation and Sense-of-the-Senate resolutions supporting the space station. I am confident that we will continue to support this program as we have for the past several years. If the United States wishes to remain the world leader in science and technology we can do no less. Mr. President, I therefore urge my colleagues to defeat the proposed amendment to terminate the space station program.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I rise as a member of the HUD–VA Subcommittee on Appropriations to support the space station.

Mr. President, as we look at what we are doing as a nation, I think we have to work to our long suit, not work to our short suit, and much of what I see happening back here is we are suddenly retrenching and looking at America's shortcomings rather than what we do really well.

I submit to you that what this country does really well is develop the technology of the future, and the space station offers us the opportunity, the greatest opportunity we have, to be a major player, in fact the world leader, in developing the technology of the future.

I say, after we have already invested $10 billion, after we have already made that investment, to change course, to put our head in the sand, to say that we are going to forget about the fact that we are a leader in science and technology, is just to capitulate to what all of our competitors want us to do, to show us that America does not have the resolve, we do not have the commitment, we do not have the political will to do what we do best in the world.

What we do best in the world is increase man's knowledge, increase our scientific know-how, and produce the kind of technology that, as the experts have estimated, for every $1 billion we spend on space research and development, we will throw off $7 billion in commercial application and technical know-how.

The total budget of the space station has been reduced by 16 percent, from $25 billion to $21 billion, and it has today the same amount of science than it did before the redesign.

It seems to me that if we want to retain the world leadership, if we could reduce costs by that much, this is a totally worthwhile mission.

Let me speak about its economic mission for a moment. We have all been on this floor—yesterday, I tried to stop base closures. I was run over by a roller coaster. We lost tens of thousands of jobs in the decision we made yesterday. Today, in this decision to fund the space station, we can generate 75,000 direct and indirect jobs nationally. In my own State, it means 12,500 jobs—5,000 jobs direct. A multiplier factor of 2.5 equals 12,500 jobs in the State of California, where 1.4 million people are unemployed today—for a mission that is worthwhile.

Now, let me talk for a moment about the mission that is worthwhile, and let me submit that mission in 10 brief points, 10 points of mission, of payload, of throwoff, of scientific technology, of improvement in man's knowledge.

First, a continuous, stable, low-gravity environment is expected to yield many new developments in materials, electronics, medicine, and the treatment of disease. Again, $1 of investment yields $7 in productive commercial application.

Second, the space station will help prepare future astronauts for the rigors of long-duration space travel. Just as every youngster looked at Batman, looks at Superman, space becomes the kind of harbinger of the future, the thing to look forward to, to aspire to be an astronaut, to probe the heavens, to see what is out there. This is part of life. This is part of living. This is part of the future.

Third, research will help develop new communications systems, improve computer memories, sensors, and solar cells.

Fourth, microgravity research will increase the quality of life on Earth by helping in the development of new pharmaceutical products and the enrichment of protein in some foods.

Fifth, more perfect protein crystals can be grown in the space station that could lead to treatment for cancer, AIDS, emphysema, and high blood pressure; increase the success of organ transplants; and enhance protein nutrition in some foods.

Sixth, by studying combustion without the effects of gravity, we can gain a better understanding of the entire combustion process that could lead to advances in propulsion, in energy, in explosion control, in fuel burning efficiency, and in fire safety.

Seventh, earthquake prediction could be improved through research conducted on the space station. Astronauts could study and correct sensors that would later be placed on satellites.

Eighth, women's health, which Senator HEFLIN spoke about, could be improved through space station research, such as new treatments for breast cancer, endometriosis, and osteoporosis.

Ninth, by improving crystal growth on the space station, the United States will be able to make better semiconductors and electronic circuits.

The final, 10th point is gravity affects the flow of blood in a body and the growth of bones. Through space station research, we could develop cures for high blood pressure and bone disease.

Mr. President, just in conclusion, the only question I believe that exists about the space station is whether it is launched at an orbit of 28 degrees or 51.6 degrees. The lower orbit, I am told, the 28-degree orbit or inclination, is sufficient for all of the scientific research. In other words, all that research can be done at 28 degrees. The higher orbit, of course, gives us the ability to lock onto the Russian space station. The 28 degree orbit only gives us the opportunity to observe one-third of the Earth, mostly water. The 51.6 orbit would give us the opportunity to observe the entire Earth and do those kinds of geologic studies, take those kind of photographs that might, for example, enable us one day to predict earthquakes. A major earthquake is going to come for sure in my State with probable great loss of life and property. The space station at the higher orbit, not only in conjunction with the Russian satellite but alone, could give us the opportunity to make some definitive geologic studies from space on fracture zones, on plate movement, and perhaps enable us to increase earthquake predictability.

So, in conclusion, Mr. President, as a member of the subcommittee, I would like to give my strong support scientifically, economically, and socially for the space station, and my hope is that this Senate will vote to appropriate the necessary funds.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter of February 9 to the President of the United States in support of the space station, and a more defined NASA white paper on the benefits of research on the space station.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 9, 1993.

Hon. BILL CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing as a follow-up to my previous letter of February 5 in strong support of continued full funding for Space Station *Freedom*.

Space Station *Freedom* is an integral part of the United States' civilian space program and is vital to continued manned space exploration. When considering your budget request to Congress, please keep in mind the following significant benefits that Space Station *Freedom* will provide:

Space Station *Freedom* Is Defense Conversion in Progress: With the end of the Cold War and reductions in defense spending, the U.S. civilian space program offers an opportunity for the defense industry to utilize its high-skilled labor force and advanced technology for civilian uses. As you stated in *Putting People First*, increased investment in the civil space program will "create new jobs for our highly skilled former defense workers, and increase our understanding of the planet and its delicate environmental balance."

Freedom Provides Important Contributions to Science: Entire industries and new technologies have been spun-off from the civilian space program and advances have been made in the fields of medicine, manufacturing electronics and communications. In addition, research that would take place on the Space Station could lead to cures for life-threatening diseases, lower pharmaceutical costs, and better prepare astronauts for the rigors of space travel.

The Space Station Is An In-Place Economic Stimulus: Nationally, 75,000 people are employed in Space Station related jobs. In California alone, over 10,000 jobs, mostly high-quality and high-skilled, have been created and over $5 billion in spending is directed at the State.

Space Station *Freedom* Is a Revenue Enhancer: Historically, there has been a return of over $7 to the private sector for every $1 the U.S. has invested in space research and development. According to a study by Management Information Services, in 1986 alone, the NASA procurement budget generated $17.8 billion in total industry sales, $2.9 billion in business profits, and $5.6 billion in government tax revenue. As the core of the civilian space program, the Space Station plays a vital part in NASA's overall economic impact.

Freedom helps protect U.S. Global Competitiveness: The U.S. civilian space industry is a notable exception to the decline of America's competitiveness in the global marketplace. As Vice President Gore stated, "the aerospace industry is our last surviving jewel." Aerospace manufacturers accounted for 10 percent of all U.S. exports in 1990 and the industry's trade surplus was $27 billion in 1991.

Space Station *Freedom* Represents an International Commitment: As you recognized in *Putting People First*, "by organizing effectively on [the Space Station], we can pave the way for future joint international ventures, both in space and on earth." *Freedom* represents the largest international research and development project ever undertaken. Japan, Canada, and Europe have already invested nearly $3 billion in the program and are continuing to spend significant percentages of their national budgets on the Space Station.

The Space Station is Next Step in NASA's Space Mission: With the knowledge and expertise accumulated over the last decade of successful shuttle missions, Space Station *Freedom* represents the crucial next step in building a space infrastructure for the future. *Freedom* is a symbol of this country's continued leadership in space exploration.

As you can see, Space Station *Freedom* offers significant benefits to our Nation, including technological advances, new research opportunities, opportunities for continued space exploration, and many others. In addition, *Freedom* is vitally important to the economy of the State of California and the entire country.

I am aware of potential cost overruns associated with the Space Station project, but I understand the program is on track and on time. More than 50 percent of the Space Station is already complete with less than half of the total development costs spent. Through corrective measures and proper management, I am confident that Space Station *Freedom* can be a cost-effective and viable part of the U.S. civilian space program.

Mr. President, I urge you to include continued full funding for Space Station *Freedom* in your FY 1994 budget. I realize that cuts in government spending are required, and I fully support efforts to trim unnecessary expenditures and waste. However, Space Station *Freedom* is an important part of the United States' civilian space program and is critical to California's economy.

Sincerely,

DIANNE FEINSTEIN.

THE BENEFITS OF RESEARCH ON SPACE STATION FREEDOM

Space Station Freedom will be an unprecedented facility for first-class basic and applied research in life sciences; microgravity materials, fluids, combustion and biotechnology research; and technology development. This research is directed towards expansion of scientific knowledge, our commitment to improve the quality of life on Earth, and our national goal of world leadership in space exploration.

Scientific and technological research on Freedom will commence in the mid 1990's. When Freedom becomes permanently occupied, the station work environment will be analogous to an Earth-based laboratory, within which investigations will be expanded in number and complexity. Specific research plans and potential benefits are described below for several areas of study. Because of the diverse nature of the research which will be conducted on Space Station Freedom, no one can exactly predict the exciting knowledge and benefits which will be realized in the next 30 years.

EXPERIMENTS TO BENEFIT PRESENT MEDICAL RESEARCH AND FUTURE LONG-TERM SPACE FLIGHT

From our current vantage, it is difficult to identify all of the potential benefits of doing biomedical research in the microgravity environment. However, because of the very fundamental role gravity plays in both physiological and physical systems, research performed on Space Station Freedom will provide a unique window into the function of these systems. In the area of biomedicine and biotechnology, the pervasive effects of gravity on human physiology will be absent in the microgravity environment providing a powerful tool to explore human physiological function, with both near- and long-term benefits.

The potential benefits to the terrestrial medical community, because of a better understanding of the mechanisms that underlie space flight deconditioning, promise to be significant. One of the health hazards of long-term space flight is bone loss induced by the absence of gravity loading of the skeletal system. This loss bears certain similarities to osteoporosis. Space sciences research is targeted at determining the mechanisms of bone loss in space that could assist in the search for new and better treatments for bone loss on Earth. An understanding of the immune system compromise in microgravity may help elucidate the cause or potential treatments for a number of common diseases that involve immune suppression or autoimmune (against self) reactions. Examples of these diseases include rheumatoid arthritis and Lupus. Both clinical research and basic research conducted in space flight could help in the ongoing quest to identify the definitive cause of malignant diseases.

OPERATIONS AND MAINTENANCE TECHNIQUES, AND LOGISTICS SUPPORT

Space Station Freedom will provide valuable information on the operation and maintenance of a large space vehicle. Human factors research on the human-machine and human-robot-machine interfaces has significantly influenced the systems designs and the development of operations techniques. These designs and operations techniques will provide command and control concepts that may involve numerous ground-based and on-orbit personnel, systems and interfaces. The designs and operations techniques are being implemented to allow evolutionary charge as we gain experience. Actual Space Station operations will demonstrate these concepts, permit their evaluation and guide their enhancement for the Space Station itself and for their specification when applied in future longer duration space flights. The Space Station will provide the quintessential testbed for validating and guiding new development of these operations and logistics support concepts.

DEVELOPMENT OF SUPPORT SYSTEMS TO BENEFIT LONG-TERM HUMAN SPACE EXPLORATION

Long-term space flight will require systems that are compact, lightweight, energy efficient and reliable. Space Station Freedom's systems are being designed to meet these requirements. Examples of technologies and systems that will be advanced by Space Station Freedom's development and operation include environmental control and life support; power generation, storage and management, and thermal control.

Space Station Freedom will advance environmental control and life support technologies through development of closed-loop air revitalization systems for crew breathing, closed-loop water regeneration systems for drinking and washing, and environmental contamination control systems to ensure a healthy environment. Many of the sensors and process technologies that are being developed for Freedom's life support system have potential for future Earth-based applications in environmental monitoring and control. Indoor air quality, a significant problem in many office buildings and industrial settings, could be monitored and controlled through the application of sensors and technologies derived from Space Station Freedom's life support system.

Freedom's power generation and storage system will be the largest capacity space power system ever flown. Energy storage, for use when Freedom is in the Earth's shadow, will be provided by high capacity nickel-hydrogen batteries, with the largest power storage capacity produced to date. They represent an advancement in the state-of-the-art through their ability to be frequently discharged and recharged over many thousands of orbits while retaining their original high power output levels. High efficiency solid-state remote power controllers are being developed for the Space Station. Besides having applications on future spacecraft, these technologies can also be applied to terrestrial power systems.

Freedom's thermal control system will employ improved active cooling technology and will utilize a two-phase ammonia cooling system with deployable and articulated radiator panels. The thermal control system will transport the heat generated in the pressurized modules and radiate it to space. Freedom's thermal control system will be designed to have high cooling efficiency, low power consumption, high reliability and long life. This technology could be used to improve the energy and cooling efficiencies and reliability of cooling systems here on Earth.

STUDIES OF ORGANISMS, PLANS AND ANIMALS IN LOW GRAVITY TO BETTER UNDERSTAND LIFE

Gravity plays a key role in the development of most, if not all, biological systems. The opportunity to examine microorganisms, plants, animals and humans in a low-gravity environment is unprecedented in the history of biology. Experiments will focus on identifying the organ or site of gravity reception; on determining the effect of gravity on reproduction, development and evolution; and on investigating physiological responses to low gravity. Research will take advantage of a large centrifuge which will provide controlled levels of gravity for the experiments.

EXPERIMENTS ON GROWING PLANTS IN SPACE TO BENEFIT ENVIRONMENTAL TECHNOLOGIES

For long ventures in space, the resupply of life-sustaining materials from Earth could be impractical, both technologically and financially. Extended Space Station missions, or longer term human expeditions to the moon or to Mars and beyond, will need to somehow be provided with life-sustaining materials (air, water and food). The feasibility of generating these materials on board will be investigated on Space Station Freedom. NASA is developing Space Station Freedom payloads which will provide environments for the growth of plants in space. Plants not only provide organic materials that can be used as a food source, but, in addition, they release oxygen, absorb carbon dioxide, transpire moisture than can be condensed for use as potable water, and utilize waste products as nutrients. Therefore, this research offers a unique vehicle for investigators to explore plant growth and development while isolating the effect of gravity from other forces, such as temperature changes and lighting. Two significant byproducts of this research are technologies that enhance the yield and quality of crops, and new technologies for water pollution control and waste disposal.

CRYSTAL GROWTH AND SOLIDIFICATION RESEARCH AND ELECTRONIC AND PHOTONIC MATERIALS, METALS, ALLOYS, GLASSES AND CERAMICS

Onboard Space Station Freedom, detailed scientific research in the area of semiconductors, metals, alloys, composite materials, glasses and ceramics will be explored. Furnace facilities will be installed to expand our knowledge in a wide variety of materials with broad potential applications. These applications include new optical communications systems, improved computer memory technology, improved sensors and solar cells, and optical storage media for commercial and defense applications.

PRODUCTION OF CRYSTALS FOR WIDE RANGING COMMERCIAL APPLICATIONS

Commercial organizations are planning research into the production of zeolites on Space Station Freedom for a wide range of industrial applications. Zeolites are crystals with microscopic tunnels which allow them to be used in many industrial processes which involve filtering. They are also used widely as catalysts to initiate or control chemical reactions. Industrial users of zeolites include the chemical industry for such applications as petroleum refining and waste management, and the biomedical industry uses zeolites for purification of fluids. Zeolites are also used in life support systems, such as the planned usage in the Space Station Freedom air revitalization system.

The ultimate goal of zeolite synthesis in space is to grow larger, more uniform zeolite crystals. Many industries, including the chemical processing industry and biotechnology/medical industry, will be interested in these crystals, particularly if they can be grown in significant quantities. The space-grown zeolite crystals could result in the development of portable kidney dialysis machines; improve industrial chemical processes; and improve radioactive waste cleanup by extracting radioactive elements through their ion exchange capability.

SPACE TESTING OF INTEGRATED CIRCUITS TO BENEFIT PRESENT GROUND-BASED RESEARCH AND FUTURE LONG-TERM SPACE FLIGHTS

Technologists will study the behavior of integrated circuits in the space environment where radiation such as cosmic rays can cause failures (upsets) in the circuits. These upsets could jeopardize critical spacecraft functions. Experiments will be conducted to establish cause and effect between radiation and circuit failures and to evaluate the circuits' ability to recover from upsets (fault tolerance). While the incidence of cosmic ray induced upsets is low on Earth, large-scale computer systems may also be affected by this radiation. The results could be used to improve the reliability and fault tolerance of integrated circuits in spacecraft and may be applicable to large-scale Earth-based systems, as well.

GROWTH OF HIGHLY ORDERED PROTEIN CRYSTALS FOR STRUCTURAL BIOLOGY AND POTENTIAL DEVELOPMENT OF NEW PHARMACEUTICALS

Protein crystals will be grown in the low-gravity environment of Space Station. Space grown crystals will be analyzed to determine their three-dimensional molecular structure and identify active sites on these molecules where the actual function of the protein is performed. This information is used to design pharmaceutical compounds which will inhibit or enhance the action of a specific protein in the body, plant system or chemical system. Some of the potential applications are the development of systems and products to potentially treat diseases such as cancer, immune deficiencies, emphysema, and high blood pressure. Other potential benefits are products which will increase the success of organ transplants and implants, the development of pesticides to enhance crop development, and the enhancement of protein nutrition in some foods (of particular interest to developing nations). Many companies are making use of the knowledge gained from this basic research, presently being performed on Shuttle flights.

SPACE-BASED GROWTH OF CELLS, PROTEINS AND OTHER MOLECULES BY COMMERCIAL ORGANIZATIONS COULD YIELD NEW AND BETTER MEDICINES

Commercial organizations are developing a payload that will provide a controlled environment for experiments related to microorganisms, cell and crystal formation research. Temperatures within the device will be adjustable so that researchers can provide a suitable environment for the growth and development of bacteria and other cells, as well as for proteins and other molecules. This work is crucial for long-term space habitation research into topics as diverse as waste treatment and mammalian growth and development. On Earth, this work means that our scientists will be offered a controlled environment for the growth of specific molecular and macromolecular compounds, and pharmaceuticals. New type of cells, via space-engineered organisms, may yield new by-products with a wide range of applications.

GROWTH OF CELLS AND TISSUES FOR SCIENTIFIC AND BIOTECHNOLOGY APPLICATIONS

In Earth-based laboratory research, cells are placed in solutions which are circulated at a very slow rate so that the cells receive their necessary nutrients. This technique simulates low gravity by keeping the cells or tissues gently suspended. Recent results indicate that such suspensions of cells promote development of three-dimensional tissue. Space Station Freedom will provide scientists with an unprecedented environment for the study of growth of normal and cancerous human tissues outside the body. In the low-gravity environment of Space Station, cells will remain suspended in the solution. This could become an invaluable tool for gaining important information in medicine and the biological sciences. The knowledge gained through this research may then be used to develop new medical technologies.

SEPARATION AND PURIFICATION OF BIOLOGICAL MATERIALS TO BENEFIT DEVELOPMENT OF PHARMACEUTICALS

Commercially oriented research is being planned with the process of electrophoresis. Electrophoresis is a ground-based process which will be explored for use in space to separate components of biological materials for the development of pharmaceutical products. If successful, this process could be used by pharmaceutical companies in the development of such products as growth hormones for the treatment of impaired growth and stature-related problems in children; beta cells which are being explored as a potential single-injection treatment for diabetes; and epidermal growth factor products for the treatment of burns and wounds.

RESEARCH ON STRUCTURAL DYNAMICS AND SPACECRAFT MATERIALS TO ENABLE LONG-DURATION MISSIONS

Future planetary exploration or the development of bases on the moon or Mars will require spacecraft and systems that are larger and more complex than any existing space platforms. This will include the structural components of the vehicle itself, as well as large-scale antennae and solar panel structures that will be required. In order to ensure that these vehicles and systems perform acceptably, we must understand the dynamic behavior of very large-scale structures in space and devise technology to control their dynamic response. Space Station Freedom will provide the first opportunity to verify dynamic models of a large space vehicle, on-orbit, over an extended period of time. These models will provide the basis for the design of future spacecraft. Additionally, characterizing the dynamic response of the Station will provide valuable correlations between the Station dynamics and payload behaviors and insight into the impact of reboost on structural components.

With plans for extended space missions on Space Station Freedom and other long-duration spacecraft, the impact of the space environment on spacecraft materials and coatings must be understood, and new materials must be tested in the space environment. The results of the Long Duration Exposure Facility (LDEF) experiment (1985–1990) indicated significant changes in the composition and functionally of materials and coatings after prolonged exposure to atomic oxygen and cosmic rays in space. Space Station Freedom will allow samples of new materials to be tested in orbit as they are developed on Earth.

NOISE AND VIBRATION RESEARCH TO IMPROVE WORK ENVIRONMENTS IN SPACE AND ON EARTH

Engineers will develop the technologies and methods required to design and operate the Space Station. One example is technology to ensure acceptable levels of vibration and noise exposure to the crew, Station experiments and systems. Approaches and technologies for improving the research and living environment on Space Station will be developed. Applications on Earth may include improved methods for noise and vibration control in industry and transportation.

COMBUSTION EXPERIMENTS TO BENEFIT ENERGY, PROPULSION AND FIRE SAFETY IMPROVEMENT

Combustion involves the release of large amounts of chemical energy. On the ground, gravity causes air currents near flames, feeding the flame with oxygen, and removing heat. Researchers can gain a better understanding of combustion by studying the process without the effect of gravity. Scientists will study how flames spread, smolder and stop. Applications may be found in areas such as energy, propulsion, explosion control, fuel burning efficiency and fire safety.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Tennessee.

Mr. SASSER. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Arkansas [Mr. BUMPERS], the distinguished Senator from Virginia [Mr. WARNER], the distinguished Senator from Maine [Mr. COHEN], and myself to eliminate further funding for the space station.

Mr. President, I am sure my colleagues will recall that, during the recent debate on the deficit reduction bill that occurred here on the floor about 6 weeks ago, many of our colleagues were howling that there were not enough spending cuts in the deficit reduction bill. They were saying, "I would support this bill if there were more spending cuts." In fact, some were coming on the floor with very elaborate charts indicating that there just were not enough spending cuts and that is why they could not support the bill.

They are going to have an opportunity today to put their vote where their mouth was. They said that only a single-minded focus on cutting spending would resolve this Nation's deficit crisis. As I said earlier, the cries to cut spending were ricocheting off the walls of this Chamber out into the Halls and out across the country.

I do not come before my colleagues here today to try to reignite the partisan fire or really to revisit the budget debate. I will say that myself and many of our colleagues on this side of the aisle have a long and documented history of making and recommending specific spending cuts. I will say, as chairman of the Budget Committee, these so-called general cuts, to say we are going to put a cap on this or we are going to make a 2-percent reduction across the board, those things just do not work. What you have to do is recommend and execute specific spending cuts.

We are ready to roll up our sleeves right here today, some of us. I see my friend from South Carolina here, the distinguished chairman of the authorizing committee. I suspect he will join with us. We are ready to roll up our sleeves and add to the $255 billion in spending cuts that were already enacted into law.

It is because I am ready to cut spending further—to cut spending further—today that I support this amendment to terminate funding for the space station. We have heard a lot of discussion here on the floor about the great things, the great scientific achievements that are going to flow from this space station. The truth is, Mr. President, when you blow all of the foam off of it, what you have in this space station is nothing more and nothing less than a jobs bill. It is a jobs bill. It is being supported by many of our colleagues who just a few weeks ago were saying Government cannot create jobs. Now they are coming to us and saying let us keep this project going because we need the jobs, and we are willing to increase the deficit to do it.

That is the bottom line. That is what we are talking about here today. Let me make it perfectly clear that a vote in favor of this amendment will reduce the deficit by $9 billion in outlays over the next 5 years. That is because the amendment that Senator BUMPERS and I are offering directs the Office of Management and Budget to reduce the cap on discretionary spending by $9 billion in outlays that would have been spent on the space station over the next 5 years.

I have heard Senators say on the floor of this body and privately: "Yes, I would vote to terminate the space station if we could actually make the savings, and if we could actually reduce the deficit; but I am not going to vote to terminate the space station because those funds will simply flow into another project if we do not do something about reducing the caps and make sure that the money cannot be spent."

That argument does not hold anymore. They cannot have it both ways. They cannot come in here now and say: "Well, I would have voted to terminate the space station, but if I had done so, they would have simply taken the money and spent it somewhere else."

The vote on this amendment will be whether you want to fund the space station, or do you want to reduce the deficit by some $9 billion in outlays over the 5 years?

So no Senator can come to the floor and claim that a vote to eliminate the space station will not go toward deficit reduction. This amendment will put a lock around all those savings.

I say to my colleagues on both sides of the aisle in a bipartisan way—and this is a bipartisan amendment before this body today, offered by Senator BUMPERS and myself from our side of the aisle, and offered by the distinguished Senator from Virginia [Mr. WARNER] and the distinguished Senator from Maine [Mr. COHEN] from the other side of the aisle—if you are serious about eliminating billions of dollars of wasteful spending, then it is time to saddle up, ride out, and sound the alarm about the dangers of the continued funding of the space station.

I will just say that, sure, it would be nice to have a space station. The Russians have already done it. They are bankrupt. But it would be nice to have a space station if we could afford it. It would be nice to have a lot of things if the budget was in such a shape that we could afford it. But as chairman of the Senate Budget Committee, I have long been concerned about this space station's very enormous price tag. When it comes to cost, you do not need to be a NASA rocket scientist to realize that the space station defies the laws of gravity as the costs keep going up and up and up. Despite several major reductions in its size, its scope, and its complexity, since the program was first announced by President Reagan in 1984, the cost of the space station is still headed literally out of the ionosphere.

Senator GRAMM of Texas made the analogy in his speech last evening that, with regard to redesign of the space station process, it has gone through one redesign after another, after another, after another, each time allegedly reducing it in cost, but also reducing it with regard to its mission.

The Senator from Texas [Mr. GRAMM] said we started out with a Cadillac and ended up with a Chevrolet. But I think we started out with a Pinto and have ended up with a Yugo here today. That is what we have. According to the GAO report issued in May of this year entitled "Space Station: Program Instability and Cost Growth Continue Pending Redesign."

What was sold as an $8 billion project at its inception has escalated to over $40 billion. The total lifetime cost of the space station, prior to the latest redesign effort, was over $120 billion. How in the world colleagues who just a few weeks ago—and I see my friend from Massachusetts on the floor, and he will remember this—were saying that we have to cut spending more, and the reason I cannot support this deficit reduction plan before us is that it does not cut spending enough. How those same colleagues can vote to fund a turkey like this space station that could still end up costing $120 billion over its lifetime is absolutely beyond comprehension.

The majority leader of the U.S. Senate, the Senator from Maine, who is a wise man, once said on the floor of this Senate: "The essence of democracy is accountability."

I ask my colleagues, how are you going to say, "I could not vote against that deficit reduction bill because it did not have enough spending cuts," and then come out here on this floor in the light of day and vote for a project that may, even after the latest redesign effort is completed, still end up costing the taxpayers $120 billion over its lifetime? It is a project of very dubious utility that has been redesigned time after time after time, until all of the designs and redesign has designed virtually all of the utility out of its project.

I must say that I fought the President on his insistence on yet another redesign by NASA of the space station. But consider this: The previous scaled down version of the station did not yield any savings. My concern is that when the latest design is submitted, the taxpayers will still find themselves with more than a $30 billion yoke hanging around their necks. And what for? According to many experts, the already scaled down, but still $40 billion-plus space station *Freedom*, would generate very meager and very questionable scientific benefits.

The National Research Council estimated that 87 percent of the so-called microgravity research plan for space station *Freedom* could have been accomplished with either the shuttle or unmanned space vehicles. Mr. President, at a later time, I will go into further detail about the scientific problems with the space station. But the distinguished Senator from Massachusetts is on the floor and he wishes to speak. I also see the distinguished chairman of the Commerce Committee here, and he wishes to speak. I do not want to impose unduly on their time.

I think the time has come for those of us on this Senate floor to make a determination. Do we simply want to talk about reducing spending? Do we simply want to talk about fiscal responsibility? Or do we want to be accountable? Can you actually vote today to save the taxpayers more than $100 billion over the lifetime cost of this program?

I remember what the senior Senator from Texas said when we were debating the deficit reduction bill just a few weeks ago, I say to my friend from South Carolina on this floor, and I want to quote him. This is what Senator GRAMM said: "We want to cut spending first. I for one," he said, "would be willing to work to do that, and I pledge to the President today on just the off chance that we might get an opportunity to put our vote where our mouth is."

So said the senior Senator from Texas. He is going to have an opportunity, Mr. President, either today or tomorrow, along with many others of our colleagues here, to put their money and their vote where their mouth is and let us see if they want to cut spending or if they simply want to act out a charade. Let us see if they are really concerned about the deficit or not, because we are going to have to stand up and be counted on this.

Mr. President, I will yield the floor at this juncture with the statement that I will have more to say later on this subject perhaps this afternoon.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

TERMINATE THE SPACE STATION

Mr. KERRY. Mr. President, I thank my colleague from Tennessee, first of all, for his courtesy and secondly for his leadership on eliminating waste from the Federal budget.

I was most interested in his observation that we cannot afford to continue funding this program if its sole purpose is as a jobs program. Certainly, creating jobs should be our No. 1 national priority, but the space station is not the way to accomplish it.

First of all, it is a grossly inefficient jobs program costing $80,000 to $100,000 per job. Second, it is a grossly unfair jobs program, benefiting only a handful of States but asking all to pay for it.

We heard a great deal from the Senator from Texas and the Senator from California about the benefits of the space station. Well, it is probably not a coincidence that 5 States—among them Texas and California—account for 85 percent of all space station contracts. However, funding for the project comes from general revenues, which means that taxpayers in the other 45 States pay for the jobs created in those five States. In my home State of Massachusetts, for example, firms receive about $600,000 from NASA contracts—so there will be pain in Massachusetts if the space station is terminated. But that $600,000 is insignificant when measured against Massachusetts' share of the taxes that fund the space station—$63 million in 1993. In effect, Massachusetts received a return of one penny on every dollar that we invested in the program.

But the fact that the program is grossly inefficient and unfair as a jobs program is not its only problem. The other problem is that it is not the best use of our tax dollars.

Mrs. HUTCHISON. Mr. President, will the Senator yield?

Mr. KERRY. For what purpose am I asked to yield?

Mrs. HUTCHISON. To answer a question. Is the Senator aware that the citizens of Texas have put $400 million into this project and have $300 million in contracts? I did not know if the Senator was aware of that.

Mr. KERRY. Absolutely, I am aware of that. That is precisely what I am talking about.

The only test of this program is not whether each State gets more or less than it puts in. That is not the issue.

The issue here comes down to the extent to which this space station—and the benefits it might or might not provide—measure up against the other priorities that we are required to choose among in the name of the people who pay taxes.

When you balance the space station's potential benefits against the current reality of the priorities we need to fund in this country, eliminating the space station is not a hard choice.

The experts agree that the benefits from this project simply do not justify its cost. The Institute of Electrical and Electronics Engineers has said:

> We concur that technology developed by the space station may well have commercial applications, but as with the space shuttle, relatively insignificant when compared with the cost.

Let me repeat that:

> Insignificant when measured against the cost.

And, the March 1991 report by the director of the White House Office on Science and Technology, President Bush's science adviser, Alan Bromley, included the following statement:

> Neither the commercial processes nor the scientific merit of the microgravity experiments come close to justifying the cost and effort required to build, deploy, and operate the station.

The experts agree that the benefits are just not there in sufficient measure.

Now, Mr. President, like most of us here I grew up excited by President Kennedy's challenge to the country to go into space, go to the Moon. All of us have lived with the extraordinary contributions of the space effort and of our astronauts—including both Senator Garn and Senator GLENN. But when you balance what this space station offers, exploration, against the needs that we have here and now, it does not cry out for the enormous funding level it receives.

As we look at the issues in front of us here, we must ask ourselves what we can do to hold together the fabric of American society. These are the priorities that do not get funded when we continue to pour billions into the space station and projects like it.

The incidence of crime in Florida and all across this country is appalling. It did not even shock most Americans that another tourist was just killed in Miami. Thousands of Americans are killed every day in America and we do not have enough cops on the street to do anything about it.

We still do not have full drug treatment in America. Years after we first declared a "War on Drugs," drugs are as prevalent as ever on the streets, in the schoolyards. How can anyone tell me that at this moment in time, at this instant in America, that rather than providing full drug treatment or putting sufficient numbers of cops on the streets to provide for the safety of Americans, that we must put billion-dollar gadgets into space?

I cannot accept that argument.

And it is not only the security of American citizens that suffer so that we can fund projects like this, it is also other scientific research about which I care deeply. As a member of the Commerce Committee, I have fought alongside the chairman to fund many scientific programs. At times we have had to beg, borrow, pray, and steal and in the end we often wind up shortchanging most of these programs. For me, allowing this extraordinarily large science program to receive funding at the expense of these other so-called small science—but often more valuable—scientific programs is unconscionable.

I would like to share with my colleagues what the cost of funding the space station is in terms of some of these other projects.

First, there are the NASA projects. NASA's purpose, Mr. President, is not just to launch space craft. Its true goal should be gaining knowledge of the universe. And there are many ways in which we can gain this knowledge of the universe, but because we have placed so much priority on the space station the other NASA programs other than the space station suffer enormous cuts.

Let me just point a couple of them out. The National Aerospace plane that performs research in air dynamics and pollution technology. That is a project that would help the U.S. aircraft industry to get from the 747 technology to the technology needed to design an environmentally sound commercially viable supersonic transport. That is a project that would put many more people to work and make us more commercially strong in the world. But it is always short of its funding target despite the fact that is key to that industry and to exports.

The Galileo mission to Jupiter, on which we have already spent $1 billion, will not be able to obtain the scientific information it was built to obtain—about Jupiter and its radiation environment—for lack of $15 million to finish the antenna.

Second, there are the worthy projects of the National Science Foundation which funds research in such areas as condensed matter physics—which advances our knowledge of how to make more efficient semiconductors, critical to California, critical to Massachusetts and other States, critical to our overall competitive posture. Yet this research is seriously underfunded.

Third, the National Institutes of Health provides grants to researchers in the whole scope of health-related fields including cancer research, breast cancer, emphysema, AIDS, Alzheimer's disease. These grants spawned biotechnology.

The PRESIDING OFFICER. The Chair will observe the hour of 12:30 has arrived.

Mr. KERRY. Mr. President, I ask unanimous consent the Senate remain in session until the Senator from South Carolina has completed his remarks.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. May I have 10 minutes?

Ms. MIKULSKI. Reserving the right to object, I would be very happy to accommodate the Senator. I know there were so many who wanted to express their views, I certainly would not object. I hope my colleagues who have completed their remarks will, in the caucus, help me when I arrive after the time agreed upon.

Mr. HOLLINGS. Mr. President, I will take my 10 minutes after the Senator concludes.

Mr. KERRY. I will indeed help the manager.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, the grants I am talking about within NIH spawned the biotechnology industry. They continue to provide important discoveries that are crucial to curing disease and to developing new drugs. NIH research grant funding will basically stay even with last year and is grossly insufficient given our need to find solutions to such diseases as breast cancer, AIDS, and others. It is just unconscionable that we cannot find funding for real research into these diseases and put it into gimmicky projects concocted to justify the space station instead.

Then there is the National Institute of Standards and Technology's Advanced Technology Program [ATP] that performs research into critical technologies such as materials processing, biotechnology, and microelectronics. ATP is now funded at some $68 million, but thanks to the leadership of the Senator from South Carolina, the Commerce Committee recently passed a bill seeking to raise that funding up to $200 million. But all of us understand there is very little possibility that this priority is going to be fully funded because we do not know where to find the money. But it goes into the space station at a rate the GAO and every other study has said is beyond any comprehension.

Mr. President, the fact is we must really stand back and ask the question: Are we still a Congress that in the name of the American people can pretend to be responsible about the deficit and the budget while we continue to fund things because we would like to rather than because they are the only things that are really vital to the quality of life and our ability to hold together the fabric of our communities?

I was recently in an inner-city school in Boston called the Jeremiah Burke School. It has 900 inner-city kids. They have one guidance counselor. The teachers are struggling to provide materials for these students because they did not have enough books to go around. The school had a set of computers but no one able to teach these children on them because of the budget cuts.

You can go across America and find communities like this where the fabric is just being ripped apart because we are not making the hard choices.

People are screaming out about personal security in America. Crime is worse than it ever was. I look at the court system I used to work in. I have gone back and talked to prosecutors, talked to cops. They tell me it is falling apart. They cannot get the court space. They cannot move people through the system. There is nowhere to put anybody. We are willing to put people into space but we are not willing to put people into jail who belong in jail.

This is a basic simple choice. Are we prepared to decide for America what we need to spend money on rather than what we would like to spend money on?

You can look at the job training programs. You can look at the child immunization program. We have diseases coming back in America that we thought we had eradicated a few years ago. Why? Because the Child Immunization Program does not reach everybody, and it was cut.

We have libraries and schools in the United States of America that are shut in the afternoon and kids have nowhere to go. We have whole cities that are deprived of Boys and Girls Clubs so only 10 percent of the population has a place to find an outlet. But we can find money to put a few astronauts up in space at this moment in time?

I would love to do that. I was raised on the promise of President Kennedy. Someone here asked earlier, "Don't we have people of vision anymore?" Yes, Mr. President, we do. But the vision is to restore the American dream to our citizens, to restore their sense of safety on the streets, to invest in technology that will increase our competitiveness and the quality of jobs, to invest in the research that will cure our deadly diseases, and to restore our communities to the condition where children can learn and dream.

Will terminating this program hurt in California? Will it hurt in Texas? Will the loss of $600,000 hurt in Massachusetts? Yes, it will hurt. But if we measure that loss against the pain that people across the country are feeling because we are not willing to address our fundamental needs as a Nation.

It is a hard choice time. That is what this is about, and I think the American people are waiting feverishly to see whether the United States Congress can actually do something for once—whether we can really deliver some spending reductions and make some of the choices we ought to make for our future.

Mr. President, I hope we will finally ante up and deliver to the American people. I had a separate bill to try to cut the space station and a number of other wasteful Federal programs. I am delighted to join the Senator from Arkansas and the Senator from Tennessee and others who are leading in this effort to try to help the Congress do the responsible thing. I hope we will succeed.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, let me right away thank the distinguished manager of the bill. She is very generous to allow these few minutes to speak.

As chairman of the Committee on Commerce, Science, and Transportation, I oversee many Federal programs designed to stimulate the economy, provide jobs, and assist industry in competing in international markets. I believe that science and technology will pay an increasingly important role in our Nation's future economic health and success. For this reason, I have supported investments in the U.S. Civil Space Program.

However, at a time when our Federal budget deficit soars over $300 billion, we cannot afford to continue funding monumental science and technology programs that have questionable returns on investment. While technical risks are inherent in all research and development programs, NASA needs to ensure that taxpayer money is spent prudently.

The recent $1 billion loss of the Mars Observer spacecraft is a great disappointment to the American public. The total loss of the Mars Observer follows partial failures of the Galileo and Hubble space telescope. Despite NASA's history of successfully developing and operating spacecraft, these recent examples reduce our confidence in investing precious taxpayer dollars in expensive space programs.

Let us consider our investment in the space station. Since 1985, Congress has provided $11 billion for development of the space station program. Even with the cost reductions from redesign, NASA would still require another $21 billion to complete the space station. Furthermore, if the full costs of all the space shuttle flights, personnel, and facilities that NASA would need to build, operate, and maintain the space station are included, the total life cycle costs would approach $100 billion. So even with this latest redesign, the space station remains extremely expensive to build and operate in these difficult budget times.

The administration claims to save 4 billion over the next 5 years through redesign of the space station. While I commend the President for confronting the escalating problems of the space station program, initiating a redesign which resulted in reduced costs while ensuring the integrity of science objectives and maintaining the interests of our international partners, unfortunately, the question is not how much this redesign saves, but how much we still need to spend if we are going to continue funding the space station.

Let me make clear that I am not advocating that we abandon our space program. Currently, we spend $4–$5 billion annually for NASA's space shuttle fleet. This is a significant level of funding that, if used effectively, should allow NASA to pursue valuable scientific research in microgravity environments using the space shuttle and the highly trained astronaut corps. A research program based on the space shuttle will yield important benefits in medical research, advanced technologies, and scientific exploration without the exorbitant cost of the space station.

Instead of spending billions of dollars on large space projects, NASA should focus its research and development strengths on efforts that can help turn around the U.S. economy. Aeronautics, robotics, and biotechnology are examples where NASA has special knowledge and capabilities critical to our Nation's competitiveness and future. In this regard, I commend the administration's efforts to make possible United States and Russian cooperation in space. The post-cold war era promises to provide many opportunities to encourage greater international cooperation in areas such as science and technology.

Likewise, the opportunity exists now for NASA to play a key role in technology development and to work more closely with U.S. industries. However, the space station will continue to consume a disproportionate share of the NASA budget and will not contribute substantially to developing the critical technologies that may enhance U.S. competitiveness.

Cutting a highly visible space program is difficult. However, we cannot shirk our responsibility to reduce unnecessary spending for high-priced Federal programs. I ask my colleagues to take responsibility for addressing our Federal budget deficit and vote to terminate the space station program.

Again, recognizing the distinguished Senator from Arkansas' leadership on this particular score, I followed him before and very quietly voted with him before. As chairman of the Commerce, Science, and Transportation Committee, I am particularly grateful again to the Senator from Massachusetts who has accurately distinguished between what is desirable in government and what is necessary in government.

I necessarily rise with trepidation. The former Speaker of the House, Tip O'Neill, said that all politics is local. We can add a corollary to that. All politics is a true/false quiz. We live in the age of the 20-second sound byte and there is little room for reason now, in this most deliberative body. But once you emit a sound on any score, you are either for or against and that is the way the particular 20-second sound byte is going to appear. You are not allowed nuance. You cannot expound or explain at length why we should delay, put off, or prioritize any particular program.

In that light, I am not against the space program. I am very, very much an enthusiast for its fine work and the advances in science, technology, and health that it has produced. Yet, at the same time, I cannot go along with this space station.

I have tracked it from its drawing board stage, and you can see right now after years, we are back at the drawing board stage. It has not been developed. NASA management has been rather lax in its letting of contracts. They have not audited them properly; they have not coordinated them properly. There are many public misgivings.

It is disturbing today to hear the case made that we should not cut the space station because the money will not actually be saved, it will be siphoned off to other programs. False. It is exactly the purpose of the amendment by the Senator from Arkansas to ensure that every dollar cut from the space station is applied strictly to deficit reduction.

We have listened to wonderful arguments about health spinoffs from space station research into crystalization and microgravity. I serve on the Subcommittee on Labor, Health and Human Resources. This year out at the National Institutes of Health, 85 percent of highly rated research proposals—approved for funding—will go unfunded for lack of money. This is a far greater blow to health research than the loss of microgravity research on the space station.

Yes, it is discouraging to young scientists, to brilliant minds in medicine, who decline to come forward in research because they say, "I'm not going into it. I can do good work and still be denied, and there is no opportunity there." On this score, the underfunding at NIH is a far greater threat to health care than the elimination of the space station.

We need, as the senior Senator from Texas just enunciated, a reality check on health care. I happen to agree. In fact, foreseeing exactly that, I went to the President in February and recommended a tax measure to fund health care reform. The Senator from Texas said as a mantra: cut spending first, cut spending first, cut spending first. No one in their right mind really believes that we are going to fund a multibillion-dollar expansion of health services through spending cuts alone. There have to be savings; there have to be cost cuts. But you do not finance health insurance for an additional 37 million Americans strictly through spending cuts and savings. You are going to have to have taxes, which the administration recognized when it started talking about liquor and cigarette taxes and other measures with respect to small business. The Senator preaches: "Let us have a reality check; let us not go into this program until, in essence, we have the money for it."

I am reminded of church on Sunday, and the first thing they sing is:

> Let there be peace on Earth, and let it begin with me.

Likewise with spending cuts, what about each Senator saying "let it begin with me."

In my own case, I have supported cuts in programs that are near and dear to me. I just finished an 8-year term on the Intelligence Committee; I strongly support intelligence; but I insist that we can save some $2 billion out of the intelligence budget. It is on the public record that the CIA has hundreds of analysts whose salaries and bonuses allow them to earn more than a U.S. Senator. When you and I retire, we can go out and get an increase in pay by being one of those analysts at Langley.

The time has come to cut spending on programs that we would love to fund if we were not so deeply in debt. For starters, we must eliminate the super collider, the Osprey and the space station.

If we cannot see the distinction between the desirable and the needed, then this Government is gone, I can tell you that. We simply give credence to the term limitation movement, because they say this crowd on Capitol Hill has not sobered up yet.

There must be sacrifices. I supported the space station. I did not join as a cosponsor on the amendment. I thought my duty as chairman of the authorization committee was to try to preserve these programs in space. But we all have a higher duty, irrespective of our committee assignments, of trying to save the Government first. When they say cut spending first—and I constantly hear that chant on the other side—here is the opportunity. If you cannot see this one, we are goners, I can say that.

Once again, I thank the distinguished Senator, the chairman of our Budget Committee, for his leadership on this score; and particularly the junior Senator from Maryland, the chairman of the subcommittee that has to fund these programs. I hate to have to vote against it, but we have to start somewhere.

Thank you very much.

Mr. SIMPSON. Mr. President, I rise today in opposition to the Bumper's amendment to terminate funding for space station *Alpha*, although I do so with some reservation. I too, am very concerned that this project has been over budget for too long and it is years behind schedule. As our national debt continues to mount and become an even more threatening crisis to future generations of Americans, we need to carefully scrutinize all Federal spending. However, I feel that terminating this project at this time is not the most prudent course. I reserve the right to reassess this position when future funding requests for the space station come before the Senate.

Although we do not currently have an actual physical product to show for our past investment in the space station project, we do have an embryonic space capsule design that offers a great deal of promise—including cures that are expected to come from space station research in medicine, advanced technology and research, and other scientific accomplishments that could benefit all of mankind.

Long-term planning and thinking is never easy in the face of yearly fights over budget priorities and 1-year budget cycles. We must have some long-term Federal investment in future American jobs and future scientific research. However, with each passing year, we need to assess the progress being made toward these longer term goals. So far, the space station has been a close call when assessing its progress and potential benefits versus its cost and its contribution to the Federal debt. For this year—I am willing to give the space station one more chance. That may not be my conclusion next year. I look forward to the greater progress of the space station in the next fiscal year.

Mr. BRADLEY. Mr. President, throughout its early days, NASA stood as a metaphor for the American spirit—challenging ourselves to do our best, pushing past our physical and technical frontiers, and setting the highest goals of the mind and spirit. It was because of this Agency and its singular determination that America achieved what is arguably the most impressive technical accomplishment of this century, the landing of men on the Moon and their safe return.

Having noted that, I rise in strong support of Senator BUMPERS' amendment to cut spending of the space station. Obviously, there is an irony here. We have the NASA of the past. And we have today's Agency. All of us know NASA is in deep trouble. The space station is just one more in far too long a string of disasters and blunders. If there is any forward motion at NASA at all, it is due to inertia—and inertia is not a rationale for any agency or program.

There is a saying about Government projects. There are only two phases: too soon to tell and too late to stop. Unfortunately, the space station is a perfect example. In 1984, we were promised the world and all on the cheap. The space station was to provide a way station to the Moon and to Mars. Astronauts would use it for satellite repair and study in astronomy and environmental sciences. It would house specialists from all over the world who would create new industries with their scientific revelations. All for $8 billion. When it was too soon to tell, the Congress signed on.

Mr. President, we have spent $8 billion and, as we all know, we have no space station. But at least it appears NASA has moved successfully to the second phase of the project: too late to stop.

Notwithstanding all of NASA's efforts to economize, the costs of this project remain out of control. This year, the GAO estimated that the space station would cost $43 billion to build and $120 billion if operating costs are included. Of course, NASA said it would cost less, but we are redesigning it anyway. And we are proceeding ahead, anyway.

I do not want to argue against the vision embroiled in the space program. I wish to debate its realities. The space station is poorly managed and, however configured, will return very little science for the immense cost. We all know the project was oversold. We all know that the project has been fundamentally mismanaged. At last count, we are on the sixth design overhaul. It is unfortunate that this debate today presumes the program will continue. On the Senate floor, the burden of proof is clearly on those who wish to cut the program. Given the facts, this is backward. Given our general concern for a deficit that is out of control, we should presume that the space station program will be terminated and the burden of proof laid on the proponents. But that is not the case.

Mr. President, the space station is not a public works project. The space station may create jobs, as any multibillion dollar project would, but that should not be the essence of this project. The station must grow from the needs of science of the desire for new understanding. Over the last decade, the science of the space station has steadily diminished. Its rationale has likewise shrunk. Its budget has remained. It is time to put these two—the science and the budget—back in sync. It is never too late to stop.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2:15 p.m.

Thereupon, at 12:45 p.m., the Senate recessed until 2.15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. MATHEWS].

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I note the absence of a quorum and ask that the clerk call the roll, please.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

Mr. GRAHAM. Mr. President, I wish to make a few remarks in opposition to the pending amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized for that purpose.

Mr. GRAHAM. I thank the Chair.

Mr. President, over the course of the past 6 to 7 hours, we have had very deliberate and serious discussion as to whether the United States should continue with development of the space station. I associate myself with the remarks of the chairperson of the subcommittee and others who have indicated the importance of continuing this national effort.

I would like to make just one point. We are going to be dealing with a variety of issues, all of which fall loosely under the rubric of the economic future of America. Soon we will be in the midst of a major national debate on the North American Free-Trade Agreement, a part of the economic future of America. We will be discussing questions of worker retraining, the issue of the development of an American infrastructure. I believe it is in that context we should be considering the appropriateness of this continued national investment in a space station.

A basic question for this country is what kind of jobs are we going to be assisting in the development of for our and future generations of Americans?

One thing that is clear is America is not going to be the nation which will be building those products that are labor intensive, in the traditional sense, and low-wage jobs.

The issue of the North American Free-Trade Agreement is not whether jobs are going to move from the United States to Mexico. Under current conditions, large numbers of jobs have already moved to Mexico. They have moved to Taiwan. They have moved to Korea. They have moved to areas around the world that have had lower wage structures and, therefore, can be more competitive than the United States.

What we have to do, in accepting the economic reality of the mobility of jobs and places of production, is make investments in those areas which will assure that high-technology jobs, high-paying jobs will continue to be available to the American worker.

That is what the space station does. The space station is an investment in the same way that we have invested in the past in everything from our extension in the land grant college system to boost the economic prosperity of American agriculture, to investments in those things that have made America a leader in medicine, in communications, in transportation, and the areas which are today providing the high quality jobs to the American worker.

I do not believe that we will be doing our Nation and its future a service if we decide that we are going to become protectionist and become isolationist against an investment in these areas of high technology which have been America's traditional economic future.

So, Mr. President, I urge that the amendment be defeated and that we continue with an American commitment to leadership in space, but even more important, an American commitment to an investment in the future of high quality jobs for the American people.

Thank you, Mr. President.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I rise to oppose the Bumpers amendment.

I am standing here today to participate again in the annual Senate ritual of attempting to cut the space station. We have been here before. As a matter of fact, we have been here year after year. I would like, Mr. President, to keep my remarks brief and, hopefully, to the point. The debate over the space station, I believe, is simply more show than substance.

This amendment, the Bumpers amendment, is not about cutting the deficit by one dime. The Bumpers amendment would not lower the discretionary spending levels in the budget by any amount. As a result, any savings, at best a few billion dollars over the next few years, would be spent, Mr. President, on other spending programs.

In this case, Mr. President, the amendment basically asks us to choose between competing priorities. In general, I am not given to believe that there are many Government investments that yield much in the way of economic growth. There are some, yes, but not many. However, in the case of science and technology spending I am convinced that tangible benefits do accrue to the country and its industrial base over the life of the investment and beyond.

Space spending has traditionally yielded $7 in economic growth for every $1 of Federal expenditures—7 to 1. I have no doubt that the life sciences and habitation work being done for the space station will yield similar results.

Mr. President, if we are not talking about deficit reduction, but are talking instead about priorities, I firmly believe that the space station is a meritorious investment that will benefit our children both economically and scientifically.

In addition, Mr. President, we have extensive commitments, as have been stated on this floor heretofore, to our international partners, commitments for cooperation and investment that now extend to the Russian Republic, among others.

Certainly refinancing international agreements is never good policy. However, canceling the space station and its accompanying agreements would be extremely dangerous because of the signal it sends to the international aerospace industry, Mr. President. Canceling the station is nothing more than a statement of America's willingness to abandon its diminishing edge in aerospace research and development that we have led for so many years.

Certainly, Mr. President, we should be working to enhance our high tech industrial base through projects like the space station rather than clipping away at it by undermining vital projects such as this.

Without a clear direction and future, the U.S. aerospace industry cannot orient itself to compete in the international marketplace. The annual reorientation of space priorities, or threat thereof, keeps our aerospace industry in a constant state of limbo and anxiety.

Mr. President, I believe we must have stability in NASA to have stability in our aerospace industry. A completed space station is critical to that stability.

Finally, Mr. President, cutting the space station is a flashy issue, but one that has little if any budgetary impact as I have just stated. Even if the pending amendment cut Federal spending by the amount of the life of the space station, which it does not, the savings would amount to little more than one 1 percent of 1 year's annual Federal expenditures.

So, Mr. President, I ask my colleagues here today to understand that this debate is not about fiscal restraint here this afternoon, but about investment priorities. In this case I am convinced that the space station, in its past or redesigned present form, merits the investment that we are making for its construction. I ask my colleagues to join me in opposing the Bumpers amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I have been following the debate on the space station with great interest. For over 10 years in the other body, I served on the Science and Technology Committee of the House of Representatives, during which time I was perhaps one of the most ardent supporters of our efforts in space. I watched with considerable satisfaction as our endeavors in space matured and became more scientifically oriented. Then I watched with some dismay over the period of years as the space program moved from a civilian endeavor to a military endeavor.

When I first started my tenure in the House of Representatives, the space program was about—and here is where I do not know my figures correctly, but I think I am in the right ballpark—80 percent civilian and 20 percent military. Over the ensuing years, the space program changed. It became almost 80 percent military and about 20 percent civilian. I think I am roughly in the right ballpark.

Some of us tried to stem that. We wanted the space program to remain a civilian endeavor, a peaceful endeavor; one that promoted the best instincts of the human race, not the worst instincts; one that did not seek to take advantage of our technological superiority in order that we might build more efficient, effective weapons of war; one that would seek to bring together people from other nations in a joint endeavor to satisfy the deepest yearnings of the human race—that is, to explore the unknown.

So while, on the one hand, I promoted and encouraged and voted for our endeavors in space, on the other hand, I tried with the best efforts I had at the time to change it from being a military effort to one of continuing its civilian effort, which is as it was envisioned and started under President Kennedy.

So for the last several years, as I moved from the House to the Senate, I became so disappointed with the militarization of our space program, with moving it from what it had been envisioned as in the early sixties, what it started out as, to what it had become—just another arm of star wars, another arm of our military endeavor, to gain some type of military superiority, to place weapons of mass destruction in orbit around the Earth.

I spoke about that on an amendment I offered a couple weeks ago on ASAT. I tried to knock funding out of the Defense Department bill on ASAT, antisatellite weapons, because I feared if we moved in that direction it could for decades, if not centuries, deny to us many regions of space, because of the debris that would be orbiting the Earth.

So for the last several years in the Senate, I have become one of the most vocal opponents of the space program, not because I wanted to see the space program end, I wanted to see it changed. I wanted to see it moved back again to the civilian endeavor that it had started out to be in the 1960's. Move it back again to exploration, to satisfying that yearning of mankind to explore the unknown, to once again ennoble, to excite us once again about the possibilities of the future.

So I have, in the past, voted against the space station. I joined with Senator BUMPERS in the past in voting to kill the space station because I felt that it was going down the wrong path. We were doing it not for the best purposes and instincts, but I thought for the worst purpose, and that is to militarize it, in competition with the Soviet Union.

Well, to the amazement of my friends on both sides of this issue, Mr. President, I will state my conclusion first, and I will tell you why I reached that conclusion.

I am today going to vote against the Bumpers amendment, and I am going to vote to continue funding for the space station. That is my conclusion.

I will sum up why I am doing that in just perhaps this sentence. I believe that the agreement we reached with Russia, in terms of a joint endeavor to build the space station and to jointly move ahead in the exploration of near space, is so monumental and so important to the future of our relations with Russia and to the future of all of space exploration—and I might add, important to the issue of nonproliferation of weapons of mass destruction and their delivery systems—that we must vote to continue the space station.

I must tell you, Mr. President—and I tell my distinguished chairperson of this subcommittee, my dear friend from Maryland—if that agreement had not been reached with Russia, I would be on Senator BUMPERS' side, because I would see no changing from what that space station had been envisioned to be. I add that the initial design of the space station has been cut down and drastically altered. The most important thing to me is that it has been designed not just as a space station, but as an international space station, one that will use the best hardware of this country and of Russia, the best technological expertise of both sides, including the French, Japanese, and others, to build a truly international space station, one not just designed to be an arm of the military but designed to be an arm of our scientific community, and I think also one that will again pull in people from all nations.

I think that agreement between us and Russia is so important that we cannot fail at this one.

So, Mr. President, that is why I have changed my mind on this, and that is why I think we cannot back off now, because I see a change, going back to what we wanted the space program to be in the beginning—a civilian effort, dedicated to peaceful pursuits, dedicated to science, yes, but dedicated again to exploring the unknown, which I believe to be one of the deepest aspects of human nature.

So we are at the beginning of a new era. In the last many years, our space program was driven by one overriding consideration, and that was competition with the Soviet Union.

Who can forget the panic that swept this Nation as Sputnik was up in 1957? I will relate a funny story. I remember that I was a junior in high school. I did not read the morning paper, but I went to school that morning. I will never forget it. I went to physics class. I was taking physics as a junior, and our teacher was Professor Landry. I will never forget sitting in that class, and he came in. He had white, flowing hair that almost reminded you of Albert Einstein.

He comes into class and is waving a newspaper, which he has rolled up, and he looks at us students—mind you, we were juniors in high school—and he says: "You dummies. Look what you have done." And he went on berating us. We had no idea what we had done. He unfolded the newspaper, and there was the announcement the Russians launched the satellite. He went on berating us because we were not studying hard enough, that we had fallen behind.

So I remember that day very, very vividly, and I remember the fears that we had of Soviet nuclear bombs orbiting a few hundred miles above United States cities. That was the big thing. Sputnik went up. The next thing was nuclear bombs orbiting. They could drop down on us, and then the nightmare of nuclear-tipped missiles unchallenged by American capability.

The Russians had indeed beaten us to the last frontier. Overnight U.S. space resources doubled and doubled again to reverse this defeat in our competition with the evil empire.

John F. Kennedy was elected in large part because he had pointed out the previous administration failed by letting the Soviets get ahead of us in space. Of course, we remember the famous challenge in 1961 to put a man on the Moon and return him safely within the next decade. But this was driven again by a civilian desire to get into space, and we created a civilian agency. I think it is very telling that the first human to set foot on the Moon was a civilian, not a captain or commander, not anyone in the military. It was Neil Armstrong, a civilian employee of NASA, a civilian. I think that said something about what we were up to. American scientists, engineers and technicians met this challenge.

Now, it changed. It became a military thing driven by fear of the Soviet Union, fear of the nuclear arsenal of the Soviet Union. And that has driven us, but now all that has changed.

There is no Soviet Union. Many times I hear the Soviet Union talked about. There is no such entity. It does not exist. There is no space race any longer.

After all these years of confrontation and competition and fear and anxiety, we have an opportunity for expanded peaceful cooperation in outer space. Vice President GORE has laid the groundwork for unprecedented cooperation with Russia in building what is fast becoming, as I said earlier, a truly international experiment.

It could not come at a better time. By cooperating with the Russians, we can reduce the economic burden of our own space ventures, and, Mr. President, we can occupy Russian scientists and engineers not in trying to match us in trying to build weapons of war and mass destruction and their delivery systems, but we can occupy Russian scientists and engineers, and they are very good, by the way, in the peaceful pursuits of space exploration. We can further provide a market for the considerable Russian experience in human-occupied near-Earth orbiting vehicles, reducing the incentives for the Russians to sell military missile technology to unstable Third World nations. Think about that.

The fear we have is that Russia because of its situation—we heard Senator BUMPERS last night go on and on—I was occupying the Chair when he introduced his amendment telling about what a bad shape Baikonur was in, and others, and I will respond to that in a minute talking about the Russian hardware.

Well, what do we want? Do we want the Russians because of their dire economic circumstances to start selling that technology to an unstable Third World country like Saddam Hussein's, and others? And they will do it. They need the money. Or would we rather join with them and use that technology for the peaceful pursuits of outer space combined jointly with us? I think the question answers itself.

Mr. President, as I said, also, the design of the space station has changed. The cost has come down. Last year's design would have cost $18 billion over the next 5 years. It would have cost $25 billion before we achieved permanent human occupancy. The total life cycle cost of last year's space station would have been over $50 billion. But that has been changed. President Clinton directed NASA to reduce the cost and they have. It has been reduced from $18 billion to $10.5 billion, and the cost of permanent occupancy cut from $25 billion to $19 billion and life cycle cost estimates from $50 billion to $32.5 billion.

These are very important because we are concerned about the budget deficits and the impact on the budget.

Now, again, some of the reduction in the design cost is due to the purchase of proven Russian hardware, including two Russian lifeboats and two Russian tugs which provide communication and propulsion for the space station.

Vice President GORE and Russian Prime Minister Chernomyrdin has laid the groundwork for even greater Russian contributions. A decision is planned for this November to add the equivalent of a Russian MIR-2 module to what is fast becoming, as I said, a truly international space station. This major contribution of Russian hardware would have two significant effects:

First, the United States could have a working space station laboratory in space by July 1997, nearly 2 years ahead of the *Alpha* design schedule. Similarly, the day of permanent occupancy could be moved from 2003 to 2001.

Second, the full-blown Russian option would further reduce costs, primarily as a result of reducing the schedules by utilizing existing Russian hardware.

Now again, Senator BUMPERS went on. He asked the rhetorical question how would we feel, how would our astronauts feel about using Russian hardware, Russian technology. Well, as a matter of fact, Mr. President, they might feel pretty good because the joint agreement is with, of course, NPO Energia of Kaliningrad. Under the regulations of the Russian Republic, NPO Energia of Kaliningrad has control of assets. Therefore, they must sign off on programs involving its own assets.

NPO Energia is the world's oldest and largest space organization. Like many Russian organizations it is being transformed into a commercial company.

It holds a pretty distinguished place in space history. It was the lead organization that developed the Sputnik. It was the lead organization that planned the flight of Yuri Gagarin, first human in space. It developed the first space station, the *Soyuz* PPM, and today the only space station, MIR and NPO developed and launched the space shuttle and the heavy launched vehicle the largest launch vehicle that we have in the world today.

NPO Energia is an organization sophisticated in cooperation with the West. It was the organization on the Russian side of the *Apollo-Soyuz* flight of 1975.

Mr. President, I went down to Florida for that launch of *Apollo-Soyuz* 1975. It was exciting. I watched a lot of liftoffs but this one was particularly exciting. Here were Americans going into space to link up with the Soviets to hopefully do what I thought we would start doing and that is getting back to civilian use of space with joint efforts with the Russians. I remember when the astronauts came back from that flight we had them over in our committee room later on. I was privileged to meet the Soviet astronauts who had linked on the Apollo-Soyuz linkup back in 1975. We had high hopes that this was the beginning of a joint effort with the Soviet Union only to have those hopes dashed because of the military confrontation and competition with the Soviet Union.

But again the entity that we are dealing with, Senator BUMPERS said how would we feel about using Russian assets and their hardware? This is the lead organization that planned the Apollo-Soyuz flight. It was the one that lead the world in space flight, space stations, heavy-lift vehicles. I think we ought to feel pretty good about it.

I am like every other American, every other red-blooded American, I take pride in what we do. I tend to think everything we have is the best. But, quite frankly, the Russians have developed some pretty darn good hardware for space exploration.

The status of the space program—despite all of the political uncertainties the Russian space program continues its operational status, continues to evolve. Launches are still continuing at a rate higher than the United States. The MIR-1 space station continues to be permanently manned. It has been occupied throughout this year including a visit by a European researcher. The cargo resupply from the Progress launch vehicle also continues at an appropriate rate. So again, I do not know what Senator BUMPERS is talking about. It sounds like the Russian space effort is continuing. It may not be as fancy as ours but they get the job done.

I believe that we should feel very good about joining with them and using their hardware and using whatever technologies they have.

But I think of equal importance in terms of reducing the cost which I was speaking about and using their hardware, of equal importance is this new plan would make a major contribution to stabilizing the Russian space program.

As I said, it would significantly reduce the temptation of the Russians to sell hardware or expertise to potential missile proliferators. And the Clinton administration's plan would make this a truly international effort, combining contributions from Japan, Canada, and our European allies with those from the United States and Russia.

So for these reasons I have decided I will support the current plan, *Alpha*, for the space station, with the understanding that the United States will move ahead with the Russian option to fully integrate Russian MIR hardware into the space station design.

My continued support will also depend on NASA's performance in controlling costs and meeting schedules. We must insist that the taxpayers' dollars are spent effectively and efficiently. Again, my continued support will depend on our continued relations with Russia, whether or not we continue to use their hardware and whether or not this continues to be a peaceful joint enterprise with the Russians and with our allies.

In short, my continued support will depend on whether or not this truly is an international effort. We will take the lead. We should take the lead. We are the world's only remaining superpower. We have the capability to take the lead in this, and we should take the lead. But that does not mean exclusively; that does not mean only our taxpayers should bear the burden. Space exploration is not just for Americans; it is for the entire human race.

I know there are those who are concerned that perhaps by utilizing some Russian hardware, some of our jobs may be in jeopardy. I have heard that. I know that is circulating around. There are those who want to hold this up as a possibility, but not really completely integrate it with our Space Program for that reason.

I give a warning to those who would think thusly, in saying if we do not fully integrate the Russian hardware, they are going to be selling it to other countries. Our space program will dwindle and we will be shifting our engineers, our scientists, right back into Star Wars once again. Maybe some people would like that. I hope not. But I think we ought to be about the peaceful pursuits of space, and that is why I changed my mind from what I previously voted. I explained that earlier.

I will just sum it up by saying we have a proud history in space exploration. We are the world's only superpower left, and we should be about taking this lead. I think we have to insist—and we here, who cast these deciding votes on the money our taxpayers must spend—we have to insist we do not shirk and we should not yield in exploring this last frontier of mankind.

We must go into space not as Americans, not as Russians, not as Japanese, but as a people of planet Earth, as human beings. This space station as it is now envisioned may be called Space Station Freedom. That is fine. It should be. I like to think of it as perhaps space station *Enterprise*. We have all seen the Star Trek movies, right? The Star Ship Enterprise.

The one thing I have always liked about the Star Trek series and watching the Enterprise was that the space ship was multiracial and multinational. It talked about what we ought to be doing in space. I see the space station as that, a truly international effort—multinational, multiracial, not for the purposes of weapons production, not for the purposes of proliferation of nuclear weapons and bombs in space, but satisfying the deepest yearnings of human nature, that yearning we all have to understand the unknown, to explore that which we do not understand; to find out the answers to the age-old questions of who we are, and are we alone; to satisfy that deepest yearning of mankind to strike out from the shores that we know, to cast our boats adrift, to explore the unknown. That is the deepest yearning of human nature.

In doing so, I believe we will ennoble ourselves. Who knows what we will find? Who knows what awaits us? We hear all about the experiments, the scientific experiments. I am sure there will be great spinoffs from this. There may be things we just do not know of. Think of, perhaps, those who pushed ahead the frontiers in exploring the unknown in the past, whether it was those who explored the oceans, those who explored the new frontiers of new countries; new frontiers, whether it is the United States or other countries. They had no idea of what would come of it. I see the same thing in our space exploration. We do not know what will come of it, but we have to do it. And there is only one way we should do it: Not just as Americans, but we ought to do it internationally.

This is the first step toward that, this agreement with the Russians. I hope we do not back off now. And I hope, as we proceed on this, it will not just be the Russians; it will be the French, it will be the Japanese, it will be the Germans, the Brazilians—everyone else. We all have a stake in it, and I hope under the leadership of President Clinton over the next several years, we will truly see an international space effort and a truly international space station.

I thank the distinguished Chair of the subcommittee for her great leadership on this issue, and so many others. She and I share, I know, a strong feeling that we must meet the human needs of our people in this country—the social needs, the health needs, the employment needs, the training needs, the education needs. We believe that very deeply. I know we share that feeling.

There is one other thing I believe we also share, and that is this feeling we cannot back down from this last great enterprise of exploring the unknown. So I congratulate her for her leadership in so many areas, and especially in this one. I am sorry I could not have been with you in the past, Madam Chairperson, but I am with you now, and again I sincerely hope we defeat the Bumpers amendment and we continue this joint exploration with the Russians. I hope in the Senator's capable hands, we make this truly an international space station.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I congratulate the Senator from Iowa not only on his fine speech, but his superb grasp of the strategic issues involved in the space station debate. The Senator from Iowa has truly grasped the strategic benefits that we will gain from this space station. He has also articulated our very sincere and effective cost cutting efforts.

The Senator from Iowa chairs the Subcommittee on Labor, Education, and Human Resources in the Appropriations Committee. No other Senator has a greater struggle meeting the human needs of our country in education, preventive health care, higher education demands, the funding of the great National Institutes of Health, the Public Health Service, and a whole other array of agencies. This Senator has struggled with skimpy budgets and compelling human need, and he understands that every dollar counts.

I thank the Senator for his support of the space station. I thank him for articulating clearly the achievement of the strategic purpose which we undertake, and then also our cost cutting.

Mr. President, I would like to just amplify this. First, a lot has been said about the cost of the space station. What many people have ignored in this debate is that we have cut the cost of the space station without cutting its ability to do significant science.

When I first became the Chair of this subcommittee and had the concerns I had about the space station, my concerns were that it was overweight and underpowered and had no clear objective. I was concerned the only reason we were getting into this was so it could be a condo in the sky, so sometime in the future we could make a jump to Mars.

Mr. President, that would have been a $500 billion undertaking to go to Mars, or attempt to go to Mars, with a manned spaceship in the first decade of the new century—$500 billion. We said—we said, meaning this Senate, particularly the leadership of Mr. ALBERT GORE, now our Vice President, then the chair of the Subcommittee on Space in the authorizing committee—and I said, "No, we are not building condos in the sky." Sure in heck we are not building condos in the sky when we have homeless in the streets, when people are wondering whether they are going to afford their home, and kids have their first mortgage called student debt and wondering where they are going to work.

Condos in the sky are not going to be built. But do we need a space station? And the resounding answer is "Yes." Yes, for scientific research, not a man in the can to rotate around the orbit to show an endurance contest. We do not want a man in the can, no more than we want a man in the condo or now, thanks to Dr. Sally Ride and other women astronauts, a woman in a condo in the sky, a woman astronaut. We said significant science.

So we already stopped a $500 billion—"B" in billion, "B" as in Barbara, not

"M" in million, like in Mikulski. So we have stopped that. That was our first big cost-cutting effort.

Then when we looked at the design of the space station, we felt we could get a design where we could do significant science, bring us in a fiscal discipline and at the same time meet the agreements we have with our international trading partners.

President Clinton, who also wanted to be sure that all questions were answered on not only the desirability of the space station but the viability of it from both the scientific and fiscal standpoint, ordered a review. They have come up with a design that has now cut $2.2 billion off the cost of the space station.

While we were doing that, we were able to, because of a Vice Presidential initiative under the direction of the President, reach across the Atlantic and those barriers that normally divided us, like the Berlin Wall, like the Warsaw Pact nations, to the Soviet Union on a cooperative basis, using the best of their technology, working with an American-led space station could save us time in getting in space and save us money in getting in space and, at the same time, for those scientists who are rocket scientists, who are geniuses at propulsion, to put them to work on this civilian cooperation in terms of the American-led space station. And there will be international laboratories of the Japanese, of the Canadians, and of the European consortium.

My gosh, my gosh, when President Reagan was here speaking during a State of the Union Address and called the Soviet Union the evil empire, when we thought its leadership resembled Darth Vader, to envision an opportunity where, on a bipartisan basis, whether working with all Presidents, that we would now bring to an end the cold war—and special recognition to President Bush for his deft leadership on this—now to think that instead of the evil empire, scientist to scientist, to think about how we can come together and create a space station that will do life science, that will look for cures for cancer, that will look for other answers in life sciences and others, I think what we all hope to be.

We funded NATO to bring an end of the cold war. We stood sentry over all of the forces that were poised against the United States. We were smart enough at the end of World War II to reach out to the German scientist named Wernher von Braun and his whole crowd and say, "We know you were developing rockets to bomb London and maybe even a new device that would have reached the United States of America, but the war is over. And now the war for our future begins."

So we brought the German scientists to the shores of the United States of America and, working with the American scientists, we took their propulsion genius and our American knowhow and we created that American space program. We would not have gone to the Moon, we would not have a space station unless we had done that effort with the Germans at the end of the war. We put aside old hostilities, we put aside old antagonisms and old bitter feelings and worked with the Germans, whose names now are Werner von Braun and the rest is American history.

Now we have an opportunity to do that same type of thing. No more Darth Vader, no more evil empire, but scientist to scientist. Instead of inventing propulsion devices aimed at each other, we will come together on propulsion mechanisms that will take us into space. Yes, this is the space station. Other devices that will take unmanned propulsion devices into space——

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Ms. MIKULSKI. Only when I finish my point I will be happy to yield.

And then hopefully beyond, hopefully beyond. I think this is a very reasonable undertaking.

In a letter the Vice President of the United States sent to me, he talks about how "The redesigned space station—referred to as space station *Alpha*—results from NASA's intensive review and redesign conducted over the last 6 months." It offers an unprecedented opportunity to achieve international cooperation in space.

He says, and I quote:

> Russian Prime Minister Chernomyrdin and I, under the auspices of the joint commission that we chair, have directed NASA and the Russian Space Agency to continue studying ways to incorporate Russia's space capabilities into the station for the mutual benefit of our countries and our international partners.
>
> * * * It is important to realize that this initiative on space cooperation fits into the context of a much larger partnership with Russia, a relationship that will redefine the post-cold war era.

Mr. President, I truly believe that the strategic considerations and the budget cutting need to be understood as we vote on this space station. I know other Senators are here and wish to speak. I have more to say about the space station. Let me answer the question of the Senator from Utah, and then I will be happy to yield the floor for those Senators who have not yet spoken.

I yield to the Senator from Utah for a question.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator from Maryland for her expertise and her background on this. Being new to this body and this issue, I hope she can enlighten me.

It is my understanding—and I ask for confirmation and clarification—it is my understanding that other countries have made significant contributions, not only in terms of scientific expertise but also in terms of appropriated funds from their own governments on the basis of what they consider to be a contract with the United States, and that if we were to withdraw at this point, it would be breaking faith with that, indeed, might even constitute a breach of contract. Is that a fair understanding?

Ms. MIKULSKI. The Senator from Utah, though new to the Senate, is certainly well versed in this issue. The Senator is absolutely correct. The Canadians, the Japanese, the European consortium, made up of France, Germany, and Italy and other international partners, have appropriated funds for their laboratory work and other aspects of this space station. They regard this, and their participation with us, as having a treaty-like status. If we terminate this, they will view it as rupturing a treaty on scientific exploration and cooperation.

Mr. BENNETT. So it is the Senator's understanding that cancellation of this program would be more than just a unilateral domestic decision, it would have implications overseas that could produce very significant consequences; is that a fair statement?

Ms. MIKULSKI. It would have enormous consequences in terms of our relationship with these nations that have been our friends in war and peace. And we want to maintain a relationship with them, and also if we break this covenant with them, they will regard the United States of America as an unreliable partner on any other scientific endeavor or opportunity for scientific joint cooperation.

Mr. BENNETT. I thank the Senator for the clarification. I find that a very significant aspect here that has not been aired in the press, and I think in and of itself is a very strong argument in favor of the space station.

I thank the Senator.

Ms. MIKULSKI. I thank the Senator. Mr. President, I yield the floor. I note other Senators are waiting.

Mr. WARNER. Mr. President, before the Senator yields the floor, will she take one other question?

The PRESIDING OFFICER. The Senator from Virginia has a question for the Senator from Maryland.

Ms. MIKULSKI. I will be happy to yield.

Mr. WARNER. I thank the Senator. I think that is an important question raised by our colleague, but I would like to draw the Senator's attention to a report issued by NASA in September of 1993, current. On page 4: "International Partners' Assessments." Is the Senator familiar with the paragraph that reads:

> Following NASA's formal invitation on July 21, 1993, the International Partners participated in the Space Station Transition Team activities. The International Partners

> acknowledge the progress made by the Transition Team to consolidate a Station design based on Option A as proposed by the Redesign Team.

However, recent and significant changes to the configuration, without the necessary substantiating data being made available to the partners, have made it impossible for the partners to complete their overall assessments for inclusion in this report.

Now, Mr. President, I feel that that shows less than a strong coalition of other nations that are totally dependent on this program. To me, that is an indictment of the many things that we have brought forth in this debate.

Ms. MIKULSKI. Does the Senator want me to answer?

Mr. WARNER. Yes. I ask the question.

Ms. MIKULSKI. Mr. President, to respond to the distinguished Senator from Virginia, this is the report. This new involvement in the space station, particularly with the Russians, was a development in late August. Because of certain strategic situations, they could not get all of the details.

It is my understanding from both Mr. Goldin and the White House itself that our international supporters, our international partners, are fully supportive of this and have ratified the design, the so-called *Alpha* station design.

Mr. WARNER. Well, Mr. President, may we read on just one more sentence, and then I will yield the floor. The next sentence:

> Furthermore, the Partners were provided with only a minimum of general information concerning Russian participation, as the results of the U.S.-Russian study were not available until August 31, 1993. The Partners are concerned that the configuration identified in this report lacks the necessary review and maturity.

Mr. President, I find that far short of a ringing endorsement.

Ms. MIKULSKI. Mr. President, responding to the distinguished Senator from Virginia, I do not consider that an indictment. We were in the process of redesigning the space station. This tremendous opportunity occurred late this summer for Russian participation.

What our international partners are worried about is that whatever is done would have enough power to sustain their laboratory modules, and they wanted it specific, they wanted it definite, exactly because they bankrolled a lot of this, as the Senator from Utah raised a few seconds ago.

It is now my understanding that those questions have been answered for the Canadians, for the Japanese, and for the Europeans.

Mr. WARNER. Mr. President, if that is the Senator's understanding, is there any documentation that the Senate might refer to?

Ms. MIKULSKI. I bring to the attention of the Senator from Virginia the letter dated September 20, from the Vice President of the United States, in which he says:

> Russian Prime Minister Chernomyrdin and I, under the auspices of the joint commission that we chair, have directed NASA and the Russian Space Agency to continue studying ways to incorporate Russia's space capabilities into the station for the mutual benefit of our countries and our international partners. It is our goal that the space agencies of the United States, Canada, Japan, Europe, and Russia work together to produce a more detailed plan by November of this year for Russia's participation in the international space station.

What the Vice President is essentially saying is we are all moving in the same direction, and the international partners are fully supportive of this effort.

Mr. BUMPERS. Mr. President, will the Senator from Maryland yield for an additional question?

Ms. MIKULSKI. Does that answer the Senator from Virginia?

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. WARNER. Mr. President, I have to say, in all fairness, no, because I referred to the same letter to which the distinguished manager, the Senator, referred to: September 20, 1993, from the Vice President to the senior Senator from Texas. In the second paragraph, he states:

> The redesigned space station—referred to as space station *Alpha*—results from NASA's intensive review and redesign conducted over the last six months with the help of other government agencies and overseen by a panel of outside experts. *Alpha* is a streamlined version of the original space station *Freedom*. It incorporates scientific facilities and capabilities comparable to or better than space station *Freedom*.

Now, what do we have in the way of documentation to show that it is comparable to——

Ms. MIKULSKI. I can only say to the Senator, I will be happy to arrange a phone call for him over the next 45 minutes with Mr. Goldin, the director of NASA, to reassure the Senator.

We submitted a series of questions to NASA and the White House in anticipation of this robust debate, and one of those questions that we submitted was—and I will then give their written response:

> How are our current partners viewing this program? Are they concerned that we will build a phase II program with the Russians and stop there?

Essentially, anticipating the sensible questions raised by the Senator from Virginia. What they then say back is this:

> The partners have expressed their support for examining the possibility of Russian participation in the station. Like us, they will be assessing the November 1 plan when it is complete. In addition to that, the partners are working with us for a review of the final design due November 1.

Now, you might say, well, what are we buying? That would be an excellent followup question. Do we know what we are buying?

Well, that is exactly why we fenced half of the money, so that we do know in detail what we are buying. Right now, what we have is assurances that everyone is moving in the same direction and supportive subject to the final design being done November 1.

The distinguished Senator knows from his work on the Armed Services Committee, science and technology can not be rushed to meet a parliamentary deadline. So we then fenced the money. There will be the final design November 1, at which we anticipate all of their questions will be answered, as they are now.

Mr. WARNER. Mr. President, I thank the distinguished manager for entering into a colloquy. I will have further questions. But I see my colleague from Arkansas seeking the floor.

Ms. MIKULSKI. Would it be helpful to the Senator from Virginia if he did have a conversation with the Director of NASA?

Mr. WARNER. Mr. President, I assure the manager that Administrator Goldin attended the noon conference of the Republicans, at which time I had a chance to question him very carefully about the costs; and I may address in later remarks his response.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. MIKULSKI. The Senator from Arkansas had asked if I would yield.

Mr. BUMPERS. Mr. President, the Chair just recognized the Senator from Nevada, and I would like to ask him to yield to me for a moment to ask the distinguished chairman of the subcommittee a question.

The PRESIDING OFFICER. The Senator has yielded to the Senator from Arkansas.

Mr. BUMPERS. I heard Senator HARKIN, who has voted to cut the space station, a moment ago say he was changing his vote to vote for it this year because of this monumental accord between the United States and Russia. And there is $100 million in this bill, incidentally, for Russia. But I wanted to ask the distinguished chairman if she is aware of this. This is a UPI press story just off the wire:

> President Boris Yeltsin dissolved the Russian Parliament late Tuesday and ordered new legislative elections, a move he said was designed to save the country from chaos, disintegration, and catastrophe. He told a nationwide television audience that this was the only way to overcome the crisis that's plagued the Russian Government, hampered reforms, and threatened a political breakdown in Moscow's fledgling post-Soviet democracy.

It goes on:

> Yeltsin's abrupt announcement promises to stir a strong reaction from legislative leaders who oppose Kremlin policies and who have been warning that Yeltsin had planned to declare Presidential rule. In anticipation of Yeltsin's announcement, present Parliament Speaker Khasbulatov, Yeltsin's archrival, summoned legislative leaders and other top Government officials to the Kremlin, including the country's top judge, Vice

President, the chief prosecutor, and the head of the Army General Staff, to an emergency meeting.

In light of that, does the distinguished chairman still think this is a great idea, to get in bed with Russia on this?

Ms. MIKULSKI. The Senator's first question was, was I aware of what the Senator just read from UPI, off the wire? The answer is no. In anticipation of the many questions I knew the Senator was going to raise in the debate, I have been devoting all of my time to pouring over the information on the space station.

I thank the Senator for bringing to the Senate floor the version of Hanoi News and bringing to me this most stunning announcement. That is exactly why I think we need this cooperation, because that part of the Soviet society which is held together, one, by a code of scientists who have their own code of cooperation, and the fact that it is in this cooperation with Soviet scientists that we will be able to help that society hold itself together and at the same time get something from it which is saving time and saving money and accomplishing our own national agenda with international partners.

It will enhance, I think, the situation there. And the fact that Mr. Yeltsin called for an election and has faith that an election will take place, I think is a tribute to the fact that democracy in the Soviet Union has taken hold. They are not doing it with a coup. They are not doing it with tanks. They are not doing it with a stand down of nuclear weapons. They will be having their elections so that there is confidence in the Government; and at the same time the fact that they would know that one of the anchors will be scientific cooperation with the United States, I think will be a significant stabilizing force focused on civilian research.

Mr. BUMPERS. Would the chairman's answer be the same if tomorrow morning she picks up the paper and finds out the army is taking over Russia?

Ms. MIKULSKI. Hopefully the vote will be done on the space station before tomorrow.

Mr. BRYAN. Mr. President, I reclaim the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the President.

Mr. President, I rise in support of the amendment offered by the distinguished senior Senator from Arkansas to eliminate funding for the space station, as I have done in each of the prior years since I joined this Chamber.

I serve on the Senate Commerce Committee. I am not unmindful of the efforts that have been undertaken to revise and to modify the space station. I acknowledge that those efforts have been with the best of intentions. Unfortunately, no amount of revision or fine tuning can correct the fundamental flaw of this program; that is, we do not need it, and we cannot afford it.

It has been 9 years since President Reagan proposed the development of the space station at an estimated cost of $8 billion. Even at that price, the merits, cost effectiveness of the space proposal were always somewhat questionable. By the end of this year, we will have spent more than $11 billion on the program and we are still not even close to completing the project.

Earlier this year President Clinton ordered a redesign and reevaluation of the space station program. NASA was instructed to prepare space station options which could be completed in 5 years at three different levels of funding, $5, $7, and $9 billion.

NASA has completed its study and presented its results to the President. None of the options developed by NASA meet any of the cost targets. In fact, all of the options are several billion dollars more expensive than the most expensive option requested by the President.

Furthermore, none of the options developed would result in an operational space station by the end of the 5-year period which was the parameter requested in the President's revision directive to NASA.

In spite of NASA's failure to meet the President's targets, NASA intends to move forward with the space station at a cost during the current fiscal year of $2.1 billion. As many of our colleagues have already pointed out, we are being asked to provide $2.1 billion for a project whose final design and mission has yet to be defined. The total cost of the scaled back and revised space station program, including interest, is now estimated to be more than $100 billion. This program has been marked by cost overruns, management problems, multiple design changes, and a lack of a consensus overall on its mission.

Mr. President, the time has come to cut our losses, and terminate this program.

I am well aware of the arguments raised by the space stations defenders. I understand the problems the termination of the program may cause for NASA, particularly with regard to our international partners, the subject of the colloquy just transpiring on the floor between the distinguished manager of the bill, and one of my other colleagues.

I understand also that some are concerned that without the space station NASA may be left with a limited manned space travel mission. And I further understand the potential research benefits of the space station, although I also believe that much of this research can be conducted in other than a space station.

Finally, I understand and completely sympathize with the job losses, that may occur in the aerospace industry as the result of the termination of this program. Unfortunately, none of these arguments are persuasive. The current budget situation and our massive Federal deficit simply do not allow us to fund every potentially useful program.

Mr. President, a few weeks ago this Chamber reverberated with the oratory and rhetoric of those who are committed to deficit reduction. One Senator after another rose to express his or her commitment to reducing Federal expenditures, and some of our colleagues predicated their vote against the President's budget proposal because the spending cuts did not come up front as they desired, and the increased tax measures were up front and, indeed, in some instances retroactive.

Mr. President, now is the time to redeem that oratory, to have our actions match our rhetoric, something which this Chamber has not distinguished itself in, in recent years.

It is clear to me that the major benefits to the space station are derived from the process of constructing the station, the employment that may be realized, the international prestige, and the stimulation for the aerospace industry.

The actual goals and supposed mission of the space station actually contribute very little to the efforts to defend the program. The space station and other massive science programs, such as the superconducting super collider, will continue to cause significant problems in our Nation's efforts to prioritize our scientific research efforts. Big ticket science is not necessarily the best way for us to go as we seek to develop a more competitive economy in the international marketplace and place more of our natural resources in research and development in the civilian sector as opposed to the military sector.

If we continue to build the space station, other potentially more important research programs will need to be cut. We will continue to fail to bring the deficit under control. Given its questionable benefits, the space station is little more than a somewhat short-term employment program for the aerospace industry.

I understand the pressures faced by that industry and the desire of the communities that are affected by that loss of employment, to keep this program going.

Unfortunately, the long-term solution to the problems in the aerospace industry cannot be solved by what amounts to a multibillion-dollar subsidy for a program that we do not need and we cannot afford.

Mr. President, I urge my colleagues to support the amendment offered by the Senator from Arkansas to terminate this program and thereby achieve some savings which can go to offsetting the mounting national deficit.

I thank the Chair and yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I say to any Senators waiting that I understand there is no time sequence, but I will try to be as brief as I can. I understand Senator METZENBAUM has been waiting also.

Mr. President, there are a few Senators I would like to compliment. Obviously, the distinguished Senator from Maryland has done a wonderful job on this bill, although I do not agree with it in every respect. In fact, I hope there are additional amendments that might seek to restrain other areas of the HUD appropriations bill. But I think she and the new ranking member, the Senator from Texas, Senator GRAMM, have done a good job of putting this bill together. I hope we will get the support of the Senate, with the issue before us intact as it has been presented by the Appropriations Committee.

I am sure the good Senator from Arkansas will wonder why I am going to congratulate him—that is, Senator BUMPERS—but I am, because he has won, frankly. Through his efforts over the years, this program has been dramatically reduced. But not only that, real firmness has been built into it by the new director, appointed by President Bush, retained by our new President, at least thus far, because of the admonitions here on the floor of Senator BUMPERS and others about this being a runaway program, about it needing some real management. That has all been done.

As a matter of fact, the President of the United States—and I really do not believe, having just gone through the budget fights, that he would be asking for a program here for this space station that would be out of control, that would not have definition to it, and would not have new management.

All of those things can be attributed, to a significant degree, to Senator BUMPERS and his allies, who for years have been asking that we cut this program out. It is amazing to me, when you take a program of such importance to our Nation—after all, it has been said here on the floor, and I repeat, if we are anything as a Nation, besides having our culture and our spiritual values, we are a country of technology. And if we are not at the cutting edge of technology, applied to business and development, yielding good, high-paying jobs, we are nothing.

As a matter of fact, the most significant problem with America's future is not that we will lose low-paying jobs to Mexico, but rather that we will lose high-paying jobs to the world, because we are not at the cutting edge of high-value jobs through applied technology.

Everybody knows, whether it has been perfect or not, NASA and the space program has been cutting-edge technology. It has been the magnet attracting young people in America to become engineers and scientists and space engineers and physicists, and it has yielded a myriad of spinoff technologies that continue to enhance our capability to compete day-by-day. Why should we terminate a program when in response to congressional critics, led by our friends here in the Senate who want to kill the program, when this program of such significance to ourselves and the world has already accomplished a mission of being a budget saver?

The amount of money to be spent on this program before the President of the United States and the new director got together and said let us make more management sense and let us put some realism into the dollar numbers—that may never have happened but for the arguments here on the floor of the Senate.

I understand that, contrary to what has been said on the floor of the Senate, this program does have a given amount of money and a given number of years after which you will either have a space station ready to go, or you will be ready to go on a space station, or you will terminate the program. I do not know how much more management we can build into a program as difficult as this. But I have very significant trust in the new director. I have read some of the things he has done. They probably should have been done 10 years ago or 9 years ago. In fact, I say to my friend, the new Senator from Texas, I believe the idea of having a lead American industrial company take the top rung of managing this program, and do it as a business—which Boeing is now doing—is long overdue. I understand from some readings that it was a typical bureaucratic nightmare until that occurred.

So I close my remarks today on this part of my argument, and by saying, let us compliment the director, the administrator, the President, and the NASA hierarchy for coming up with a realistic program that we know how much we are going to spend on, that is going to achieve very significant goals and tests. Within the next decade, we are going to be proud of the fact that we defeated the amendment of the Senator from Arkansas today and proceeded with one of America's true technological potentials that may indeed keep us on the cutting edge for a while longer.

There is another argument being made—and perhaps some of it is directed to Senators like myself and others—which says, "You have been talking about cutting the budget first. Why do you not accept this one?" Mr. President, I hope some Senators on our side—and I will join them—will pick a program or two out of this appropriations and say we would like to cut it out. It fits what we think we ought to do. Perhaps it is the community development block program, which is $175 million more than the President asked. It is our privilege to say that is a program we do not think we need. Let us take it out and lower the caps so we save money. But does that mean that because we are for cutting the budget that we have to assume we are in accord with any program that any Senator wants to take out of our national budget? Does it make sense that because we want to cut the budget, that somebody comes to the floor and says, take two more divisions out of the U.S. Army, which has already been reduced, but for you Senators, the other side talking about cutting the budget, here is your chance.

Mr. President, what if we do not agree that we ought to take two divisions out of the U.S. Army, and we think we ought to leave those and cut somewhere else? So while I was one who suggested—and perhaps it caught on here in the Senate—that if you are going to cut a program, you ought not run around and say you are cutting the budget, unless you cut the budget. So they have incorporated in their amendment that not only would they cut the program, but the allowable money to be spent in the next 5 years would be reduced proportionately. I compliment them for that idea. In fact, I think we ought to use it on some other programs when we try to do that. I hope that everyone knows if we do not support the cuts—that is, the space station—then we are not denying that portion of this amendment which says cut the budget proportionately. We are not denying that. It is relevancy, and it is important to the future of a realistic budget plan.

Mr. BUMPERS. If the Senator will yield for a question. If a point of order is made because of the provision we put into this amendment really to satisfy the senior Senator from Texas and people like the distinguished ranking member on the Budget Committee—we put this in here to say the $2 billion in this bill that we propose to cut cannot be spent for anything else except deficit reduction—and you just got through applauding us for that, am I correct?

Mr. DOMENICI. I did.

Mr. BUMPERS. Does that mean you will vote against the point of order?

Mr. DOMENICI. If that comes to the Senate on this particular amendment, I will.

Mr. BUMPERS. Vote against it?

Mr. DOMENICI. To those that say it is subject to a point of order—I say to the Senator that he was not here, but I congratulated him on two counts.

Mr. BUMPERS. I was watching, Senator.

Mr. DOMENICI. The part that you have actually saved the United States—whether your amendment passes or not on this program, you have saved billions of dollars. I congratulate you, because this program was not what it is today until you started your amendments to try to kill it.

I merely suggested I think it is in good shape, it is fixed and determinative, and it has a given amount of money and goals, and I do not know why it ought to be asked to save more than what the President requested and what the new Administrator requests.

Mr. BUMPERS. I thank the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, first I would like to compliment the Senator from Arkansas for his leadership in this area. He has been on the floor over a period of years and waged the battle for many of us, and we owe him a great debt of gratitude.

Second, I would like to compliment the manager of the bill, the Senator from Maryland. There is no more dedicated Member of this body than is she, and she has fought for human services programs and education issues having to do with working people.

It so happens on this particular issue we are in disagreement, but the fact is she is a magnificent Senator. And I was pleased to follow my colleague and friend from New Mexico on whose committee I used to serve, on the Budget Committee, because there has been no stronger voice for cutting out fat in the budget, no stronger voice for deficit reduction, no person who has been on the floor more hours, more time than he in trying to balance the budget. Therefore, it is with a great sense of concern that I hear him here today opposing the amendment of the Senator from Arkansas.

As a matter of fact, the Senator from New Mexico indicates his point of view. He wants this program but not some other programs, and I gather they are human service programs because he said something like he hopes that other parts of this bill, other areas in this HUD bill, can be restrained. I think that is really what the issue is.

There are some people on the other side of the aisle that would like to cut and cut and cut programs having to do with the quality of life in America, with the opportunity of people to get adequate medical care, with the opportunity for people to get food and drugs, and I mean pharmaceutical drugs, and the opportunity to send their kids to school, their opportunity to be able to provide clothing for them. But when there comes along a project that means it is good politically for them in their community, forget it. Forget it. We take a walk. Now we are no longer for budget cutting. Now it is in the Nation's interest to move forward.

It is amazing to me, absolutely amazing to me, that the very same Senators who argue day in and day out that we need to cut spending to get the deficit under control are suggesting that we ought to spend an additional $2 billion building the space station next year; and there will be additional billions and billions after that, as has already been described by the Senator from Arkansas.

It is always this same crowd, the ones who want to graze their cattle on Federal lands, who want extra minerals for free, who grab big porkbarrel projects like military bases and the so-called superconducting super collider for their States. They are the ones, the very same ones, that we meet on the floor. They have the loudest voices. They write the articles. They are the most best speakers when it comes to talking about how terrible the deficit is. "But be sure it does not cut the deficit in my backyard," say they.

All the while they try to cut nutrition programs for poor families and medical care for senior citizens, they stand up here and fight for the super collider. They fight for the largest defense spending. They fight for the space station. But do not cut anything that is in their own backyards.

Here they are again today, the very same people, the very same spokespersons trying to sell the space station as a wonderful achievement, and turning to the Senator from Arkansas and giving him credit for bringing about a scaled-down, $22 billion bargain.

I say that it will cost $72 billion before it is over, $72 billion before it is over. And I must say that I have difficulty in understanding how we can, on the floor of the U.S. Senate, vote to provide $100 million for the Russians in order to join in this program. What kind of thinking is that?

I understand the whole question of foreign aid. I understand the question of goodwill to your neighbors. I understand a lot of things. But I do not understand providing $100 million in this bill to the Russians. We already spent $11 billion and today there is not anything that looks like a space station except pictures.

As a Congressman from Ohio who chairs a similar committee dealing with the subject over in the House says, we are spending $8 million a day for the space station, and we do not have any space station. It is a fact that this project has taken on all the odious characteristics of a jobs program, Mr. President. To me this is incredible.

So often here people are not willing to support a jobs program, some particular kind of program that describe itself as a jobs program. Some program that may cost a very modest amount per employee in a jobs program. But they are willing to spend whatever it takes for a space station, and those people get paid 2, 3, and 4 times as much as those that we provide for in direct jobs programs.

Jobs for defense and aerospace contractors and in this case a situation with little scientific merit, and we are willing to pay the money and say we have to do it because it is good for that community, or good for that community, whatever the case may be.

There is no national security need for this program, none whatsoever. It is simply an outdated luxury, a laboratory in outer space. It is an incredible waste of money.

Will it tell us anything about Mars or the solar system, or the galaxy or outer space? Not in the lifetime of anybody that is in this body at the present time.

No, it is an opportunity to keep the astronaut-manned space exploration in business. And I think it is time to call a halt for this needless waste of the Federal dollars.

The Air Force cannot give up on its manned bomber, even though it is obsolete. And NASA cannot give up on its manned space station, even though it, too, is so obsolete.

This project has cost the taxpayers billions upon billions of dollars; and what do we have to show for it? GAO says it will cost $40 billion to finish. The Senator from Arkansas indicates it will cost $72 billion, and I am prepared to accept his figures on that score.

But whether we are only just a minimum of $40 billion, $72 billion, what difference does it make? We have money to blow. We do not need to worry about the deficit. The deficit is not very material. Unless it comes to human service programs. Then it becomes extremely material.

According to the GAO the cost of this project will actually be $100 billion through the year 2027 after figuring the cost of maintenance, transportation to and from space, and the cost of money. We are going to have to cut funding in other science programs. We are going to have to cut veterans care. We are going to have to cut housing and environmental protection. All programs to keep funding NASA in the VA-HUD spending bill are going to have to be cut as much as $13 billion over the next 5 years to pay for the space station.

I say to my colleagues who are supporting this and who are always in favor of deficit reduction: Have you no shame? Have you no shame that you can speak out of both sides of our mouth? Are you not embarrassed by your position of talking always about cutting and then coming out here and spending $2 billion for the space station? Would you not prefer to have this vote taken in secret, or maybe not have a rollcall vote? Would it cause you a little bit less embarrassment?

But the amazing thing is those who are going to vote for it, they do not seem to be embarrassed. And I have difficulty in comprehending how intelligent people cannot be embarrassed in making this vote where they have been talking about deficit reduction, deficit reduction, balancing the budget over a period of months.

I believe that this space station program is a ripoff. I believe we ought to kill it once and for all. I believe we ought to agree to the Bumpers amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine [Mr. COHEN].

Mr. COHEN. Mr. President, last evening I took the floor and advised my colleagues that there were, of course, a number of priorities we had to discuss as Members of the Senate, and while exploration of space is very important to all of us we have to start drawing some distinctions and making some discriminating choices. I told my colleagues we were holding hearings this morning in the Governmental Affairs Committee at which we learned that environmental cleanup will cost the Federal Government about $500 billion. A half-a-trillion dollars will now be extracted from the pocketbooks of the taxpayers of this country. That works out to roughly $2,000 per person for the American people.

So when we start evaluating where we are going with our programs we have to be somewhat discriminating. If we were in a robust economy, if we had billions of dollars to spend, we could say let us spend the extra money to explore space through this space station laboratory. But I think we have to come back to Earth to look at the nature of the problems we are confronted with here.

Last night we heard many interesting arguments for the space station. They were interesting because of their surreal character.

The proponents argued that the space station is needed to advance our research against cancer. I think that is fair enough. Cancer is a terrible affliction and anything we can do to help find a cure for cancer we ought to do. So if that is the purpose of conducting research in space, in order to find a cure for cancer, let us support it. But the question is, If this is for research into cancer, why does the American Association for Cancer Research oppose the space station as being of "little scientific or technical merit"?

Last night they argued the space station is needed for groundbreaking research on crystals. Fair enough. I think the next logical question is, Why is the space station opposed by the American Crystallographic Association, association of American scientists who study crystals?

It was argued last evening that the space station is needed for research on semiconductors, the heart of modern electronics. The question is, Why is the space station opposed by the Institute for Electrical and Electronics Engineers?

The proponents last evening argued we have to proceed because Germany and Japan have invested in this station and their scientists are counting on it. Fair enough. The question is, Why do the primary professional societies of physicists in Germany and Japan oppose the space station?

Last evening the proponents argued it was needed for research in life sciences and microgravity studies. Again, fair enough. But why has the National Research Council declared the station "does not meet the basic research requirements for life sciences research (or) microgravity research"?

Why did Science magazine call it "90 percent public works, 9 percent public relations, and 1 percent science"?

The simple fact is, we have a surplus capacity for space-based research with Spacelab and Spacehab laboratories on the shuttle and the program to give the shuttle long-duration capability. We cannot even use the capacity we already have.

The simple fact is that starting up this new space station program is going to squeeze out funding for NASA programs that are worthwhile. This very bill cancels a space-based x-ray telescope because of the rising costs of the space station.

All the arguments that were advanced last evening do not seem to hold up to analysis when nearly every scientific group that is responsible for conducting the research in those various fields is strongly opposed to the space station. But let us go beyond the merits of the argument and look at its affordability.

While space station proponents cannot tell us exactly what the new station is going to look like or how much it is going to cost, they give us the comforting assurance it will cost less than space station *Freedom*. Small comfort to the American taxpayer.

We cannot afford the $70 billion it is going to cost to construct this new version of the space station any more than we can afford the $120 billion that was allocated for *Freedom* itself—space station *Freedom*. We cannot afford to take this money from the pocketbooks of our children, which is precisely what we are doing here. We are robbing our children of their future.

NASA cannot afford it. As I pointed out last evening using this chart, here are the numbers. The Clinton-proposed budget for NASA, that is the red line. The green line is NASA's program plan. And there is at least $10 billion difference, perhaps closer to a $15 billion or $18 billion difference. If the space station proceeds, the only way they can eliminate that difference is by cutting out programs that are far more worthy.

Last evening I was accused by the Senator from Texas of quoting the humorist Dave Berry as an expert on science. In fact, if you look at the RECORD, I quoted real scientific experts from the National Research Council to the American Association for Cancer Research, all of whom oppose the space station. And I cited Dave Berry as an expert on the preposterous. That is why I cited Dave Berry.

What is preposterous is the fact that interest payments on the Federal debt will equal 57 percent of all the Federal income tax taken from the American workers. The American people worked from January 1 to July 27, and every cent they paid in Federal income tax went just for interest on the debt. Not for any of the programs that help to sustain this country's economy.

Now we are being asked to spend even more of those hard-earned dollars on this. After spending $11 billion on space station *Freedom*, we are now going to have to pay another $160 million to terminate *Freedom* and then another $2 billion to start a new program. After, as I pointed out last evening, my colleague from Texas said this redesign process was "robbing proponents of any real ability to make a credible, reasoned argument in favor of continuing the program." But here they are making a noncredible, unreasoned argument in favor of the program.

Then we add the Russian card. We now see played the Russian card. The Russians are being brought on board and so proponents now want to add another $100 million. It sounds like a mere bagatelle, when we deal with a $6 trillion economy, and $300 billion deficits. What is another $100 million to add on for the Russian participation?

I can understand the concerns of the thousands of people in Texas and elsewhere who work on this program, but my concern is with the tens of millions of taxpaying workers who see half of their Federal income tax going for interest on the debt and much of the rest being squandered on unjustifiable, programs.

My concern is for the American children who may see two-thirds of their Federal income tax go for interest on the debt because we keep piling up these astronomical deficits, year after year.

My concern is for those scientists who are doing the research on cancer, crystals, semiconductors, chemistry and physics—scientists who almost uniformly say that proceeding with the space station is going to waste money that could be better spent on real research to fight cancer, advance science, and improve our economy.

Mr. President, for years the proponents have justified space station *Freedom* with the Delphic declaration that it was "the next logical step." Now NASA itself is terminating space station Freedom. And the next logical step is to stop throwing money into a black hole in space.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland, the Chair of the committee.

UNANIMOUS-CONSENT AGREEMENT

Ms. MIKULSKI. Mr. President, I know the hour is growing late, and we have had substantial debate on the space station. It is now my desire to propound a unanimous consent agreement, to see if we could establish a time certain.

I am therefore asking unanimous consent that we vote at time certain, at 4:30 p.m. today, and that the remaining time be equally divided, 15 minutes proponents, 15 minutes opponents. The ranking minority and I would control the time for the proponents; I believe the Senator from Arkansas would control the time for the opponents.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the chair.

The PRESIDING OFFICER. Senator from Arkansas.

Mr. BUMPERS. I would like to object. I am anxious to accommodate the Senator from Maryland in getting a UC. We have right now, of course, Senator DORGAN who wants 3 minutes, Senator WELLSTONE 3, Senator EXON 5, that is 11, Senator SASSER wants 5, I want 5.

Let me suggest that we vote at 4:45. Does Senator WARNER want some additional time?

Ms. MIKULSKI. Yes. And we would of course need to protect Senator WARNER's time. He has declared that.

Mr. GRAMM. A vote at 4:45 would still work.

Ms. MIKULSKI. I believe Senator BYRD.

Mr. BUMPERS. I do not know how much time Senator WARNER wishes. He wants 5 minutes?

Ms. MIKULSKI. Senator WARNER has agreed to 10 minutes.

Mr. BUMPERS. He wants 10? That is 21—that does not leave Senator SASSER or me, either one, any time to wrap it up.

I suggest we make it 5 o'clock.

Mr. COHEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. I am advised that Senator WARNER has not indicated whether he is prepared to vote at a time specific. I would like to have an opportunity to—

Ms. MIKULSKI. With all due respect, I know the Senator from Virginia and I have been engaged in conversations about this issue. I am trying to accommodate. It will be my intention to move in a parliamentary procedure that will be nondebatable. It is within my rights now as the manager of the bill to move to table right this minute. It is not the desire of the manager of the bill to be sharp-elbowed or brusque. Last night, we debated until 10 o'clock, which was 4 hours. We are now in our ninth hour, I believe, of discussion on the space station. I really must insist, because of other amendments pending of equal importance, or certainly of significant importance, that we must vote on this amendment before 5 o'clock. I am trying to arrive at a framework. If there is not a framework, I want the Senators then to be alert to the fact that I intend to move to table within the hour.

The PRESIDING OFFICER. Does the Senator from Maryland withdraw her unanimous-consent request?

Ms. MIKULSKI. I will once more propound the request and, out of a spirit of accommodation, will ask that there be a vote at a time certain, at 5 p.m.; that in the hour that is now here, that there be 1 hour of debate equally divided between the proponents and the opponents.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Reserving the right to object, and I will not object, I just wonder whether one of my colleagues will be kind enough to spell me, since I will be presiding between 4 and 5, so I will have 3 minutes to speak on the floor.

Mr. BUMPERS. I promise the Senator from Minnesota 3 minutes.

Ms. MIKULSKI. Also as part of my unanimous-consent request, that there be no other intervening amendments to be in order prior to the disposition of the Bumpers amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object and I apologize, I stepped off the floor momentarily. Could I ask the distinguished Senator from Arkansas, in our previous discussions in private, I indicated the need for some more time for the Senator from Virginia. Am I assured that under this proposed agreement that the Senator from Arkansas, as the manager of the time for our side of this debate, that I could have, say, 12 minutes?

Mr. BUMPERS. The Senator did not provide for that. I promised the Senator from Nebraska 5, Minnesota 3, North Dakota 3, Senator SASSER 5. That takes more than our 30 minutes.

Mr. WARNER. Mr. President, under those circumstances, the Senator from Virginia will reluctantly have to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland has the floor.

Ms. MIKULSKI. Because of the objections, we are now going to rout the very spirit of what we are trying to do. Because of other pending amendments, we must really move to other amendments after 5 o'clock. Recognizing the Senator's desire to speak, will 10 minutes be agreeable to the Senator?

Mr. WARNER. Mr. President, I will accept the 10 minutes.

Ms. MIKULSKI. What does that all add up to?

Mr. BUMPERS. The Senator from Virginia wishes 12 minutes?

Ms. MIKULSKI. Ten.

Mr. BUMPERS. North Dakota 3, Minnesota 3, Nebraska 5, Tennessee 5. That is 26 minutes on this side. Three, that cuts us to 24. That leaves me 5 minutes to wrap up. So that ought to do it.

Ms. MIKULSKI. Is there objection?

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. BUMPERS. Mr. President, I yield 3 minutes to the Senator from Nebraska.

Mr. EXON. Mr. President, I thank my friend and colleague from Arkansas. I have been listening to this debate. I also want to thank my friend and colleague from Maine for his remarks which I thought were exactly on point. I understand another colleague, with whom I have worked with very closely ever since I have come to the U.S. Senate, my friend from Virginia, will be supporting the Bumpers amendment.

I rise in support of the Bumpers amendment. I wish that I had more time to explain my reasons for this. But let me try and capsulize as best I can, Mr. President.

The vote that we are about to take on the Bumpers amendment is much more than whether or not we should have the space station. In the view of this Senator, it is a crucial vote with regard to whether or not we are sincere in this body by making the commitments that all of us have made in one form or another, especially during the recent debate on the deficit reduction bill that ended up in a tie vote in the U.S. Senate, broken by the Vice President.

I would say to the President of the United States, I think he is wrong for supporting this particular program. But everybody has a right to their opinion. I have not heard a good case made for the continuation of the space program on the floor of the Senate. I have supported that program in the past. I will not support it now. If we are going to get serious about doing something to reduce the deficit and then begin, hopefully, to tackle the national debt—and I compliment my friend from Arkansas for saying that the savings in this program would go to reduce the debt, that is what it is all about.

I will simply say, Mr. President, that last week we had three votes on a measure that has generally had the support of this Senator from Nebraska. That was the funding for the endowment for the arts. I voted against that. While I am for the arts, I happen to feel that if we are sincere in wanting to cut down the expenditures of the Federal Government, it seems to me we could eliminate the funding for the arts without causing too much concern to the average middle-class person in America.

It seems to me that if we will follow the advice clearly enunciated by the Senator from Arkansas with his amendment and the argument for that, we would say once again while it would be nice to have a space station if we could afford it, Mr. President, we cannot afford it. And if we cannot stop a program like this, and if we cannot stop the super collider that I understand is likely to be voted on sometime in the next 10 days, if we cannot stop programs like that, vast amounts—billions and billions and billions of dollars—then I say that we are never going to get anywhere in trying to reduce the expenditures of the Federal Government that the people of the United States of America are demanding.

I say to the President of the United States, I wish you were helping us on this. Since you are not, we want to help you, Mr. President, to keep your pledge.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. I yield the Senator from North Dakota 3 minutes.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, this space station is almost a perfect Government spending program if you have either a short memory or a fat wallet. This is a Government project that cannot do what it was advertised to do. The project will cost 10 times more than it was supposed to cost.

What does the Congress do in response to that? Does it kill a program that cannot do what it is supposed to do? Is it going to cost 10 times more than it should have? No, it nurtures it around talking about redesign. The fact is we have spent the first months of this year huffing, puffing, snorting, perhaps even bellowing in this Chamber about "cut spending first." Now we have a chance to see: Were those just slogans or were they promises?

On a project that cannot do what it is supposed to do, and costing 10 times more than it should, will we cut spending first or will we do as Congress so often does and say, "Let's not make tough choices?" If you are a Member of this body who really believes that we have a serious deficit problem in this country, you must ask yourself; who really believes we are spending a billion dollars a day we do not have, often on things we should not build; who really believes it is in our children's interest to get this problem under some control? Then at least step up to the plate on this project, one that we do not need, one that should not be built and especially one that should not be built with borrowed money, and decide to kill it.

I hope my colleagues will join me and stand up and make a tough choice today to support the Bumpers amendment and kill this project.

Mr. President, I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I yield 5 minutes to the Senator from Utah, and also ask a Senator who might be an opponent of the bill to, subsequent to the Senator from Utah completing his debate, relieve the Senator from Minnesota, so that he can participate in the debate.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, earlier today we were asked, those of us who have been talking about cutting spending, if we have no shame and if we have no embarrassment.

I rise with no shame and no embarrassment to support the space station because I ran for the Senate on the announcement that I would support the space station, and I ran for the Senate on the announcement that I was in favor of cutting the deficit.

People would say, how can you reconcile those two? And I would remind them of the statement of the old bank robber, Willie Sutton. People said to Willie Sutton, "Why do you keep robbing banks?" as he kept getting caught and going to jail. And he said, "Because that's where the money is."

The money is not in the NASA budget. Yes, there is some, but the NASA budget is now under 2 percent of the total. The money is in the entitlements.

I said in the campaign, and I repeat in this Chamber, if anybody wants to offer an amendment—at some point maybe I will overcome my freshman status and try it myself—to do something about the entitlements, I will do it, and that is where the money is. But I made it clear that I was in support of space, and I think it is important for me to tell you why I think the space station is important.

We hear a lot about our children's future, and we are taking money from our children to talk about the space station. I submit that we are doing this for our children. If we look at medicine today, we find that virtually everything that is practiced in medicine today came as a result of progress that was made in space.

Now we are talking about the next step. What do we mean by the next step? Let me try to put it in historic context very quickly, quoting from a speech Dan Goldin made in Utah just over the weekend.

At one point we were all helpless before the elements of nature, and then we learned to control temperature with the invention of fire. That changed life tremendously. And then they learned to change the composition of tools, the coming of the Bronze Age, and we were able to create new tools. And that changed life tremendously. Then with the Industrial Revolution we learned to put pressure into the manufacturing process, and that changed life tremendously.

What is the next constant? It is gravity. And in the space station we will have the opportunity for the first time to deal with manufacturing processes, medical processes, all other kinds of things absent the presence and pressures of gravity.

The implications are enormous. I think for us to turn our backs on this opportunity would be as difficult as if we were to turn our backs on the industrial revolution.

Finally, the one comment that I have heard is, "But we do not need a manned space station. We do not need humans in space."

I conclude with a story told by my predecessor, Jake Garn, who was known as a supporter of the space station. One of the experts, presumably, that the Senator from Maine talked about came to Utah to talk to him and try to convince him that we could do everything in space with robots.

The two of them talked until they came to a standoff. Then in conversation this distinguished gentleman said, "You know, Senator, it is beautiful here in Utah. I love Utah. I love to come here to ski. This is wonderful. I wish I could live here." And Jake said, "Why don't you move here." "Oh," he said, "I can't do that. My lab is in Boston. I have to stay in Boston near my lab." Jake said, "You don't need to be in Boston. Get a lot of robots to run your lab. If we can run and control a lab in space with robots, we can certainly control a lab in Boston with robots."

No, Mr. President, there is no substitute for the human observation factor. If we are going to learn to deal with the absence of gravity and reap the rewards from that opportunity that will come, we are going to have to do it with human beings in an environment free of gravity. It is the next great scientific frontier, and I for one do not want to turn my back on it.

Last night we heard the Senator from Ohio quote one of the most distinguished and famous Members of this body, Daniel Webster, who stood before this body in 1852 and said, "We cannot afford the lands West of the Mississippi. They have no benefit for us or our children. We cannot afford to purchase them. They are filled merely with savages and wild beasts."

Well, I for one, as one of the children and grandchildren of those who went West of the Mississippi, am grateful that the Senate overrode Daniel Webster, and I do not want to be reminded by my grandchildren that I was a Daniel Webster and turned my back on this new frontier.

The PRESIDING OFFICER (Mr. DORGAN). The Senator's 5 minutes have expired.

Who yields time?

Mr. BUMPERS. Mr. President, I yield the Senator from Minnesota 3 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. I thank the Senator from Arkansas.

Mr. President, 3 minutes is not a lot of time so let me just make three points. When I hear about a project of dubious value projected to cost $100 billion over the next 20 years, first of all, I think about priorities.

I remember a conversation with a woman who was telling me that her children sleep on the floor because they do not have a bed. I do not see how, when we do not have the money for that woman to make sure that her child can get off the floor and on the bed, we are going to spend this kind of money on a station in space.

So for me it is a matter of priorities right now. When I think about hungry children, and I think about health care, and I think about jobs, and I think about communities and unsafe streets, and I think about national security, I really think real strength begins right here on Earth and not with a space station of dubious value.

My final point, Mr. President, is that I have been very careful in the Defense bill, in the Interior bill, and this bill, to take seriously what we have been saying to people about deficit reduction. The farmers in Minnesota say you cannot eat your seed corn; you have to plant your seed corn. We are eating our seed corn with a deficit and an interest on that deficit that is robbing us of our capacity to invest in ourselves.

To finish, I say to the Senator from Virginia, with a Yiddish proverb, "You cannot dance at two weddings at the same time." You cannot keep telling the people in the country that you want to reduce the deficit and then vote for this kind of program. This is a test case of whether we are serious about deficit reduction, and that is why I proudly support the Bumpers amendment.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Who yields time?

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, how much do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 20 minutes and 30 seconds remaining.

Mr. BUMPERS. I yield the Senator from Virginia 10 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 10 minutes.

Mr. WARNER. Mr. President, I thank all colleagues. This has been a good debate. It is the type of debate that the Senate, I think, can justifiably take pride in because both sides have had adequate opportunity, and it has been a good, thorough debate on all points except one point, and I draw the managers' attention to it.

We are going to vote but we do not know what the total cost is going to be. As the Senator from Ohio said, it runs all the way from roughly $40 billion to $100 billion. We do not know. And I think we are not being responsible to vote not knowing what this is going to eventually cost the American taxpayers at a time when, as the distinguished Senator from Minnesota says, he cannot face his constituents and answer their questions about where the needed dollars are going to come from for the essential elements of maintaining human dignity and human life and a lifestyle that Americans are entitled to.

Today, at lunch the administrator came in. I wish to publicly apologize to him. I think I may have been on the border of being rude, but I was upset because during the course of the luncheon this was passed out. It is entitled, "Why the Space Station Makes Sense," by Daniel Goldin. I had a minute or two to look through it. I was looking for one thing, page after page at Government expense—one thing.

What are the costs? Not one word referring to costs. Go to the last page "at taxpayers' expense," page 12. Talking about the imperatives to have the station. That same imperative that once was defined by Norman Cousins as "the commitment to human growth." Several paragraphs down, William Jennings Bryan once said:

> Destiny is not a matter of chance; it is a matter of choice. It is not a thing to be waited for; it is a thing to be achieved.

I am waiting for the costs.

Last night, in an eloquent speech, someone quoted President Kennedy in the golden years of this great country: "Let us go to the Moon."

And, indeed, we did go to the Moon. But at that same time, I ask you, what was the national debt that the President and the taxpayers were dealing with? Far less than $1 trillion. And what is the national debt that we are confronting America with today and tomorrow, at interest costs of $290-some billion a year, roughly equal to the total cost of our defense budget, slightly below the total cost of Social Security: $4.4 billion.

Do not quote to this Senator President Kennedy's dream at a time when the dream of America is to bring about some fiscal reality to this country. That is what this debate is about, fiscal reality. You would think it was Alice in Wonderland last night: The sky is falling in. We are not going to have money to solve problems for cancer; we are not going to have money to solve problems for this, that, and the other thing.

That is not the America we know. The America we know will turn to the solutions of those problems. It is not dependent on the space station.

Costs: Mr. Goldin apparently did send a letter dated September 20, yesterday, addressing costs, and it is in the hands of the managers. I got it just an hour or so ago. It is a remarkable document, not for what it says, but for what it does not say. He says the costs are $19.4 billion, but fails to refer to the fact that $11 billion has already been expended. There is no specific reference to the $14 billion additional for operating costs; no mention of whether the shuttle costs are included or not included; no mention whether the civil servant payroll of all the people working on this program is included or not included.

It is unclear what is in, and it is unclear what is left out, and we are flying blind as we come to the floor to cast our votes in a matter of a few minutes.

Yesterday, it was the Russian card thrown on the desk at the last minute. Today, it is a cost estimate that is incomplete.

I would like to conclude by bringing to the attention of our colleagues a report that was issued today by the Concord Coalition, headed up by a very distinguished colleague, a warm friend on both sides of the aisle, Senator Tsongas, who came to the Senate with me, a Member of my class, and Senator Rudman.

It is worth reading, colleagues. This whole report, some 75 pages, rests on two pillars. Pillar number one, this body, has addressed already; marched up the hill and down the hill. But the Concord report says you have to face it. I read: "A comprehensive entitlement means test," that is what it rests on. That is one pillar. Then the next pillar:

Fifty domestic spending programs would be eliminated or reduced to produce $29 billion in annual savings by 2000.

What is the first program the Concord report lists? The first—not the second, not the third—out of the 50; the first? I repeat:

Fifty domestic spending programs would be eliminated or reduced to produce $29 billion in annual savings by 2000. These include programs we can no longer afford; number one, the space station.

An unbiased, objective, carefully thought through, analytical report by two of the most distinguished men who have been privileged to serve in this Chamber in the last several decades.

I conclude by saying that I thought long and hard through the night of my future in the Senate, whatever period that may be, and what is my responsibility and why am I up here fighting as vigorously as I know how for fiscal responsibility when my State is one of the five principal beneficiaries of the very dollars we are talking about—thousands of jobs in my State.

But I do it with the clearest of conscience, I say to the Senator from

Texas and the Senator from Utah, with the clearest of conscience, because I believe we are going to be faced with a means test and a lot of other tougher votes unless we face up to the fact that we, as individual Senators, have to make decisions which adversely affect in some way the citizens in our own State. If we do not do it, there is no hope.

I count myself among those on this side of the aisle who have year after year stood up and followed, again with a clear conscience, those leaders on this side of the aisle to cut the budget, to have a line-item veto and to balance the budget.

If I only had a penny for every speech I have gone back home and given on the balanced budget, I practically could retire, because I sincerely believe in it. But to balance that budget, you have to have cuts.

So I say to my good friend from Utah, and there are others on this side of the debate that are standing here with a clear conscience, that I want to be counted among those who have stood for fiscal responsibility for 14 years—and who will stand today to make a decision which is painful and tough politically—because I do not want to be listed ever in my career in the U.S. Senate as being apocryphal.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. I yield to the junior Senator from Texas 5 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you Mr. President. I thank the Senator from Maryland, who has done a wonderful job of managing this bill, and the senior Senator from Texas, who is helping her.

I think it is important to put into perspective the key argument that we have been hearing in the debate that has lasted for some 10 hours now; that is, all of us want to bring the deficit down, but how are we going to do it? There really is a difference in the way I would make those cuts.

For instance, I have introduced amendments and plan to do so again to cut the general overhead of Government across the board 5 percent, to give us $3 to $10 billion a year in savings.

I think that is the responsible way to go about cutting the deficit. Thereafter, each program should be looked at to determine how much further the program can be cut. Some can take 100 percent and be wiped out; others can take zero percent.

I think we have to look at the priorities. The distinguished Senator from Virginia says he does not know how much this space station is going to cost.

He knows that we are voting on $1.9 billion, and he knows that there are people in this room that voted for $16 billion to be spent on one-time-only expenditures, building swimming pools, that sort of thing. This is where we can focus our differences. Do we want the kind of spending that is one time only, that will give jobs maybe for 10 months or 18 months, or do we want to spend our money where it is going to reap benefits twentyfold and fortyfold and hundredfold, as space research has already shown that it will do?

There are people today who are walking and who are healthy because we have had space research and because our forefathers and mothers had the ingenuity and foresight to make those investments.

The issue is whether we are going to invest in our seed corn to have the benefits of new jobs created by new industries, created by research that we have invested in; or are we going to spend one-time-only dollars? I think that every American would want us to spend the money where it is going to grow. The mother whose child is sleeping on the floor wants more than anything for her child to have a future, and that is what investment in basic research is going to do.

In addition, the space station really will help disease. I know Senator BUMPERS yesterday said that we are now taking credit for the superconducting super collider and the space station to try to cure breast cancer. I, for one, would pay for both of those to find a cure for breast cancer and osteoporosis, but the fact is, it is the space station that is going to contribute to solving breast cancer and osteoporosis. It will do so because there are conditions in the space station that will allow us for the first time to find out what that third dimension of growth is that will allow us to find the cure for those women's diseases that we have been unable to cure all these years. That is one of the reasons that I am supporting the space station.

Mostly, I am supporting the space station because it is the kind of investment that we need to make. I am a budget cutter. The Senator from Utah is a budget cutter. The Senator from Texas is a budget cutter, and so is the Senator from Virginia. But we have very different priorities. And, I am proud to say that I want to put the money where it is going to create a future for children, and that is what every mother and father in this country who is struggling wants.

The last point I want to make, Mr. President, is that there is an issue we have not talked about very much, and that is, what kind of partner is America going to be? We have talked about Russia and what is going to happen in Russia. Regardless of what happens in Russia—and I have great faith that democracy is going to prevail in Russia. I know all of us wish the Russians well in this time of turmoil in their country. But, what we are talking about is what kind of consortiums are we going to be able to have in the future that will cut our costs in America but allow us to have the research that will create the new technologies of the future? If we will be a good partner, and if we will stand up for stability in America, and continue the projects that we start, we will be the kind of good partner that other countries will want to invest with, like our good partners, Japan, Europe and Canada who have all invested in the space station with us.

Thank you, Mr. President.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Tennessee.

Mr. SASSER. Mr. President, what we are seeing here is the unfolding of the typical Washington spending drama. What we have here is a space station conceived to cost a certain amount of money, and the Congress is sold on it at a low-ball figure. In this instance, I believe it was $8 billion, if memory serves me correctly. This project has been through redesign after redesign after redesign, all to try to minimize the enormous cost overruns that this project was thought to generate. We are now at the point where the lifetime cost of the space station is $120 billion.

But like all of these Washington spending dramas, once they get started, they never stop; you cannot kill them. It is just like the hydra: You cut off one head here, but it keeps coming. That is the way this space station is.

If people want to cut spending, they can vote to terminate this space station. If they want to make speeches about cutting spending or balancing the budget, then they ought to go back home and just speak to the rotary club. It is interesting to hear today on the floor that the space station is an investment. The term "investment" is coming from some of the same Senators who were saying just a few weeks ago about the President's program that "investment is just another name for spending." That is what they were saying a few weeks ago.

As the President's deficit reduction plan was on the floor of this body, two of our colleagues were out in front of this Capitol holding a press conference with Ross Perot, and they were saying that this deficit reduction plan is faulty, because it does not have enough spending cuts. Well, we said at that time that we were going to give them the opportunity to vote for more spending cuts. We were going to give them more than $255 billion worth of spending cuts.

So I joined with Senator BUMPERS. The first of these was an effort to cut $400 million out of the star wars initiative. We should have cut $1.4 billion out, but we were not sure we could get the votes to cut $400 million. By two votes, 50–48, we were successful in cutting spending by $400 million in star wars. Interestingly enough, those who said we needed more deficit reduction, more spending cuts, when the deficit reduction bill was on the floor a few weeks ago, voted against cutting $400 million off of star wars.

So here we are back with the space station. They started out saying: Well, we would vote to terminate the space station, but it will not really reduce the deficit, because the money will simply go into other projects. You chaps on the Appropriations Committee will put it someplace else.

So we said: OK, what we will do is we will reduce the caps to make it determinative. We will lock it in when we terminate the space station, and the funding that will be saved will have to go to deficit reduction.

Well, now they are coming back and they are saying: Well, yes, we want to cut spending, but we disagree with where you are cutting the spending.

Mr. President, all of us here have, about cutting spending, but some of us have voted for it. All of us have talked about cutting spending in the abstract, but some of us have proposed specific spending cuts, and we have voted for them.

My colleagues have an opportunity here in just a few minutes to save $120 billion over the lifetime of this project. Let us see if you are going to do it. Let us put our vote where our mouth is, and if we are not prepared to vote for these spending cuts, then please let me say to my colleagues, please, please stop making these speeches about spending cuts and wanting to cut. Have you no shame? I say that to some of you. Either vote for the projects and be quiet about it, or do not make these long lengthy speeches saying "I am for cutting spending" and then not voting to do it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I yield myself 7½ minutes from our remaining time.

Mr. President, how wonderful the human mind is. How great selective memory is.

I remember standing on this floor and offering an amendment to cut from the President's so-called stimulus spending package money for such items as the ice skating rink warming huts in Connecticut, Alpine slides in Puerto Rico, and that amendment was rejected. And many of those who would have us now eliminate spending on the space station thought those huts and slides were worthy projects.

When we considered making taxpayers pay for our election campaigns, I with others offered an amendment to eliminate such spending, and many people here today who say it is time to cut spending said at that time, no, let the taxpayers fund elections.

I could go on and on and on, but how selective this spending restraint is that the only areas in a $1.5 trillion budget that some would cut are expenditures on defense and expenditures on science and technology.

First of all, I am proud of the fact that in working with the President and working with the distinguished chairman of this Appropriations Subcommittee we have cut $4 billion from the space station. I am proud of the fact that under the leadership of this administration we have been able to induce the Russians to end their solo MIR–2 program and join us in a united world effort. That is a positive development, and I want it to go forward. I am proud of the fact that we have been a good enough partner that the Japanese, the Canadians, and the Europeans have put $2 billion into this project and they stand ready to put in $4 billion more if we live up to our end of that contract.

So what is the issue here? The issue is this: 25 years ago America spent 5 percent of the Federal budget on civilian science and technology R&D. We invested 5 percent of the budget in the future by funding the technology needed to create jobs, to raise living standards, and to help America dominate the world as we have.

Now 25 years later, as spending has exploded, as we have reached a situation where this Congress seldom says no on any spending proposal, we have now reached a point where we have written a budget that spends only 1.9 percent on science and research and technology, and yet there are some here who say even that is too much.

So, there are those who would spend money on ice skating rink warming huts; who would spend money on Alpine slides in Puerto Rico; who would spend money to fund politicians running for public office. But they say we do not have enough money to invest in science, technology, and space and spend on our future.

This great country of ours has been the dominant force on the planet for 50 years for two, and only two, reasons of any real significance.

First of all, we have had an incredible system which has let ordinary people like us with extraordinary freedom do extraordinary things. And yet, everyday on the floor of the Senate, we vote to limit that freedom and to expand the power of Government and to threaten this goose that has consistently laid the golden egg for America.

The second factor that has made our system and our people the envy of the world is that we have dominated science and technology. We have plowed back money into pure research that has generated science. High energy physics, which started under a football stadium at the University of Chicago, now provides 20 percent of the GNP of the United States. The space program has revolutionized industry, has revolutionized medicine.

So the question is having cut the science budget, relatively speaking, by over 50 percent in 25 years in a $1.5 trillion budget, can we afford to invest in the science and technology that will mean better jobs for America, higher living standards in the 21st century? And I say yes.

We have partners who have put up money. They are now waiting to see if we live up to our commitment. We have now been joined by an adversary that we kept back from the gate for 45 years to let the superiority of our system emerge. I say that partnership is revolutionary in terms of world history. I say we should bring them in to help us build a better space station so that we can do more because they do more.

But the question is: Do we turn back now or do we go forward?

So I am sorry. When I hear my colleagues stand up and chastise the Senator from New Mexico for being for the space station, when they themselves have voted against cuts in what I perceive to be the most meaningless programs that have come before the Congress, I am not impressed.

The bottom line is that the time to have cut spending was in the budget, and we had some 70 amendments to do that, and virtually every one of those amendments was rejected.

So, we have decided on our total spending level. The question is a very simple question: Are we going to invest that money in the next generation, in science and technology, and in the future of our children, or are we going to invest it in the next election with another social program that promises a great deal and often delivers very, very little?

We must realize that for those in America who are in need, ultimately it is not the Government that is going to solve their problem. It is going to be technology, science, and opportunity that will produce the resources to assist them or let them get on the playing field with better tools and help them, in the process, earn their self-respect, earn a good living, and earn what we want for all of our citizens. Science and technology are indispensable to that vision for America's future.

So I urge my colleagues—do not kill America's premier science program. We have reduced it. We have cut it. We have brought in partners. We are expanding the number of nations participating. We are sharing the costs. We have stripped it down. We have tried to save money. But ultimately the question is: Do we go forward or do we stop?

I believe, and I am confident, that America will be a richer, freer, happier country 25 years from now if we defeat this amendment than it will be if we say approve it.

If we adopt this amendment, if we kill the space program, does anyone believe, that in the ultimate legislative process, that less money will be spent? My guess is no. But less will be invested and America will be poorer, and that is why we need to move ahead with this program.

I urge my colleagues to stay with the committee and support our $4 billion of cuts. We cannot afford a Cadillac. We rejected it in committee on a bipartisan basis. We are working with the President and the Vice President on a bipartisan basis. But we can afford a Chevrolet in science and technology when we, as a nation, have benefited more from science and technology than any other nation in the history of the world.

I reserve for the chairman the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, I yield to the Senator from Arizona 1 minute.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, this program has been program plagued since it was unveiled by President Reagan. In 1984, NASA estimated the cost would be about $8 billion and would be completed by 1992.

Today, it is overdue and the costs are out of control. Today's NASA estimate, if you can rely on these figures, exceeds $30 billion. In truth, NASA has no true estimate of costs at all. In light of the recently announced United States-Russia collaboration, no one knows what this program is supposed to accomplish. Talk about putting the cart before the horse. This program sets a new standard for premature action.

GAO projects the costs could exceed $40 billion to build and the lifetime costs, a staggering $118 billion. This cost is unthinkable given the myriad of unmet needs domestically—homeless people sleep on the Capitol Grounds, veterans are turned away from VA medical centers and cemeteries, and the deficit mushrooms.

President Reagan put the space station on the national credit card. President Bush put the space station on the national credit card. And, I say to my friends, the time has come to pay the bills. We are $11 billion in the hole on this program and the financial bleeding has not stopped. This year's request is for $2.1 billion and $2.1 billion for each of the next 4 years.

There is something very wrong with our priorities. The budget cutting is not over, and funding this space station will force us to cut another $13 billion over the next 4 years.

I am the senior Democrat on the Veterans Committee and my colleagues and I on the committee have been forced to deal with the consequences of the decision to pursue this white elephant in space. I even offered an amendment in 1987 to delay the space station in order to protect veterans health care. I barely escaped the Chamber with my life and managed to get a mere 12 votes.

I said at that time we could not afford this ill-defined program. I said that veterans health care and other programs would suffer if we did not get control of this program. Well, everyone hates to hear it, but I cannot resist saying I told you so when the truth hurts so much.

Sadly, it is the veteran and his survivors who have been paying the biggest price to date. Today, every widow who cared for a service-connected severely disabled veteran cannot get remarried for the rest of her life without losing her CHAMPUS-VA health insurance and survivor's benefits. That is unfair—if you are the survivor, to keep yourself from losing conceivably the only lifeline left between poverty and desperation, you must remain alone in the time following the most tragic loss one can experience: That of a loved one.

This is only one example: There are many more. But the question should not be how many more, but what exactly will happen in the future to benefits like these? Will they disappear all together because of the $13 billion more we will have to spend on a space station that most likely will not be completed before they die?

In sum, Mr. President, it is time we get our financial house in order on Earth together before we embark upon this great adventure to new worlds. I believe in dreams, but I am not a daydreamer. This program does not make sense and we cannot afford it.

Mr. President, this program has been a big mistake. This program is going to exceed $40 billion now and maybe $118 billion. We do not even know. And now we are asked to put in $2.1 billion this year. It is time to pay the bill and cut our loses at the $11 billion that we have already sunk into this program.

I thank the Senator from Arkansas.

Mr. BUMPERS. Mr. President, how much time do both sides have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 2 minutes and 35 seconds.

Mr. BUMPERS. Mr. President, I have to object. That cannot possibly be. I had 20 minutes a while ago, I let Senator WARNER have 10, Senator SASSER 5, and just now 1.

The PRESIDING OFFICER. If the Senator——

Ms. MIKULSKI. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Maryland has 7 minutes and 31 seconds.

If the Senator will yield for a moment, the Chair will say to the Senator from Arkansas that I did read the clock correctly and the Chair is prepared to account for that time.

Mr. BUMPERS. Please do so.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I want to reserve for myself 5 minutes for closing but I am happy to give the Senator from Arkansas 2 minutes.

Mr. BUMPERS. I thank the Senator very much. That will give me 4½ minutes.

Ms. MIKULSKI. I have been a wise steward of my time.

Mr. BUMPERS. I thank the Chair.

Mr. President, the Senator from Texas is talking about a good, solid Chevrolet. We do not know whether we are going to get a Cadillac or a Yugo. We are going to be voting $2.1 billion for a project. We have not the faintest idea what the design is going to be. We have not the faintest idea what the cost is going to be. We have not the faintest idea what kind of research is going to be done. The Russians have had a MIR up for almost 8 years. They would be delighted to sell us the results of all their experiments for a few million dollars.

We were going to cure cancer with the shuttle. Do we remember those arguments, when we were building the shuttle? We were going to do microgravity research on the shuttle. We were going to grow protein crystals. We were going to cure cancer.

And here we are now, 9 years after we first heard Ronald Reagan say the space station will cost $8 billion. And the same people who stand on the floor today and tell us the country is going down the tube if we do not spend this money have not even had the courtesy to say I am sorry for all those misstatements I made the last 9 years. I am sorry for the $11 billion we talked you into spending which now lies on the scrap heap.

Not so much as an "I am sorry."

The Senator from New Mexico said if this Nation is anything it is a nation of technology. If this Nation is anything, it is a nation that is broke, and heading for bankruptcy.

The Senator from Texas during the reconciliation debate said I do not like those cuts you are proposing 3 and 4 years down the road. They never take place.

Senator, we can cut that to 45 days. And 45 days ago everybody in the U.S. Senate said we have to cut more, cut spending first.

I have been in the Senate almost 19 years and I have seen one program torpedoed and I did it, the Clinch River Breeder in 1983. The only program the U.S. Senate has killed since I have been here in 19 years. The political clout is always with spending, not spending cuts. Is it any wonder the people of this country are clamoring for term limits?

I disagree with it, but God knows I understand their frustration. To hear all of that rhetoric for about 3 weeks about spending cuts, we get a chance to cut star wars, the space station, the superconducting super collider, ASRM, the Trident 2 missile. We get a chance to cut all those things and we cannot get enough votes to fill a thimble around here.

I am not going to argue the merits of this thing because it has no merit. Dr. Park, the President of the American Physical Society, 40,000 physicists, says there is absolutely no evidence that we will develop new medicines. Yet the proponents say we are going to cure cancer, emphysema—name it, this thing is going to cure it.

Almost $300 billion a year in interest, and headed north. I have never heard so many convoluted arguments in my life for voting for $100 billion more in spending.

There is $11 billion down the tube. Dr. Bluembergen up in Harvard said, "Microgravity research is of micro-importance." Dr. Parks says, "There is too much disturbance by people on the space station to do microgravity research. You can do microgravity research right here on Earth and save yourselves $100 billion."

Mr. President, the American people, they do not really understand what is going on here. They do not understand how important spending is politically. But they know there is something wrong. That is the reason only 18 percent of them have any respect for the U.S. Congress.

The House, in an amendment I will offer on the advanced solid rocket motor, the House killed it by 378 to 43—killed it. And I am going to offer an amendment here in a minute to kill it, and I will not get enough votes to count.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BUMPERS. We are just biding our time here, waiting for the apocalypse when we do what we are about to do here. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. How much time do I have left?

The PRESIDING OFFICER. The Senator has 5 minutes and 6 seconds.

Mr. BYRD. Mr. President, I am opposed to this amendment because it would lower the discretionary appropriation caps in both budget authority and outlays for each of fiscal years 1994–98.

The Senator's amendment would terminate funding for the space station and would reduce discretionary spending limits for each of fiscal years 1994–98 by the amounts that would have been needed in each of those years to fully fund the space station program.

Mr. President, I cannot support this kind of piecemeal attack on the statutory discretionary caps. Congress just completed action on a reconciliation bill which the President signed into law on August 10. That measure set discretionary spending limits for fiscal years 1996–98. Similar caps for fiscal years 1994 and 1995 were enacted as part of the Budget Enforcement Act of 1990.

These discretionary budget authority and outlay caps for fiscal years 1994–98 provide very tight constraints on discretionary spending. Let me put this restraint in perspective.

The conference report on the budget resolution for fiscal year 1994 set the discretionary spending allocation to the Appropriations Committees at $500,964,000,000 in budget authority and $538,757,000,000 in outlays for fiscal year 1994. In its March baseline, the Congressional Budget Office [CBO] projected enacted discretionary appropriations to be $517,005,000,000 in budget authority with estimated outlays of $547,489,000,000 for fiscal year 1993. The budget resolution level for 1994, therefore, is $16,041,000,000 in budget authority and $8,732,000,000 in outlays below the 1993 level.

The effect of this amendment is not only to reduce funding for the space station, but also to reduce the statutory caps by that amount. For fiscal year 1994, this amendment would reduce both the cap and the budget allocation by $1,446,000,000 in budget authority and $1,015,000,000 in outlays. Over the 5-year period of fiscal years 1994–98, the caps would be reduced by a total of $9,846,000,000 in budget authority and $9,006,000,000 in outlays.

As I have stated many times before, the deficit problems facing this country have not been caused by excessive domestic discretionary spending. The problem has been primarily the unrestrained growth in the entitlement programs plus the failure to enact the revenues to pay for those programs. If it requires the continuation of caps on discretionary spending as the price for getting control of the growth in entitlement spending and tax expenditures, then I have been willing to take that tough medicine.

But, I cannot and will not support amendments, such as this one, which are attempts to make even further reductions in these constrained discretionary spending limits on an ad hoc basis.

The practical consequences of adopting such amendments will be to open up the budget and appropriations processes to an avalanche of attacks on discretionary spending, the result of which will be even greater difficulty in adequately funding the President's and congressional priorities for infrastructure, education, environmental cleanup, law enforcement, and on and on.

Mr. MURKOWSKI. Mr. President, I will be very brief.

Americans have always explored distant frontiers. We have always pressed into the unknown, sometimes in the face of great adversity and great cost.

I come from Alaska—a State sometimes called the Last Frontier. My State was once considered a distant, forbidding, and hostile frontier. The costs of its exploration were once considered high. But the payoff was worth it in the end.

With that perspective in mind, I have supported the space station in the past. I have viewed it as a means to expand our frontiers, to undertake cutting edge science, to maintain a competitive edge in our aerospace industry, and more recently, to promote international scientific cooperation.

But I have been troubled by the delays, the redesigns, and the inability to see tangible progress. Today, we really don't know for sure precisely what we will be funding if we move ahead with the program.

I am also concerned about our failure to fund smaller science programs, and the degree to which scientific megaprojects such as the space station might be diverting funds from badly needed research projects here at home. I have a few projects in this bill that were not funded, despite unanimous agreement within the scientific community and the administration that they deserved to be funded, so this obviously concerns me.

Nevertheless, Mr. President, I will today vote in support of the space station. But this may be the last year I do so, unless we nail down the design and better understand the costs.

The space station can be a great achievement—a tribute to our ingenuity, our drive, and our ability to strive toward new frontiers. But it can also become a money pit mired in a bureaucratic morass. For me to continue my support in the future, I need to be convinced that this program is the former rather than the latter.

Thank you, Mr. President. I yield the floor.

Mr. DODD. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from Arkansas. And while I recognize that much of the discussion presented thus far has focused on the national aspects of this program, I feel compelled to raise two important international points in support of space station *Freedom*.

As a member of the Foreign Relations Committee, I have strong reservations about any unilateral action to terminate the space station program. America's investment in space station *Freedom* is an not just an investment in the American space program—it is an investment in the international space community. More importantly, it is a commitment to a new level of international scientific coordination which we must honor and we must finish to completion.

Since 1984, the United States has been working in concert with the members of the Canadian, European, and

Japanese space agencies to develop a baseline for joint space operations. For the first time in our history, the United States sat down with engineers and scientists from the international community to design and integrate the world's first multinational space station.

Consider for a moment, the synergistic benefits of such an effort. Each international partner bringing crucial and innovative technologies to the orbiting laboratory, each with perhaps new approaches to the problems that we seek to solve in the weightless environment of space. And now, as our joint planning efforts are nearing completion, a new and even more exciting chapter is unfolding as we prepare to enter this new frontier. A new partner has asked to join the team.

On September 2, 1993, the President announced an unprecedented effort between the United States and the Russian Space Agency. The focus was an exploratory statement which would bring components of the existing Russian space station MIR in line with the anticipated components of space station *Freedom*. Think of it—a new jointly constructed station with components that could possibly double the amount of usable laboratory space orbiting the Earth.

This new level of cooperation could bring the cumulative knowledge and experience of the world's two greatest space programs together in space for the purpose of peaceful scientific research. Imagine the emotions of the first Russian space team members as they place themselves inside an American space suit built by the constituents of my home State of Connecticut and prepare for flight. What an enormous turn of events.

Mr. President, as I listened to the debate today, I found myself agreeing with the comments and sentiments expressed by my good friend and colleague from Iowa, Senator HARKIN. The recent developments with our Russian partners clearly indicates a new level of international commitment for the space station program. What better testament to the goal and expectations of the space station effort then to welcome this important new partner to the team.

In conclusion, I have to wonder at the irony in the very name of this important program, Mr. President. "Freedom." What a perfect name for the first outpost to this exciting new frontier. What a perfect moniker for a such a monumental peace endeavor to study our living planet.

The events of the past 7 years have truly changed the face of the globe. What were once foes, are now international partners for the peaceful study of space. Our commitment is crucial, Mr. President, and it must not change. Our international partners deserve nothing less. I therefore, respectfully urge my colleagues to reject the amendment offered by the gentleman from Arkansas.

Mr. DANFORTH. Mr. President, I rise in support of the space station program.

I have long been a supporter of the space station program. The reasons are simple. I believe that undertaking difficult challenges like space station is why we have a space program. I also believe that space station is critical to our leadership in human exploration of space. Space station is the next logical step in our quest to learn more about the universe in which we live. Space station will provide invaluable information to scientists and engineers on humans' ability to live and work in space. That information and experience will be critical for any future missions to the Moon or Mars.

Space station will also permit research that might well lead to new drugs, cures for diseases, and advanced materials. I am also particularly proud that McDonnell Douglas from my home State of Missouri is building the framework for this international space laboratory.

Like past space missions, space station is expected to generate important spinoffs in electronics, engineering, biomedicine, aeronautics, and other areas. Many technologies that we take for granted—such as microcomputers, pacemakers, artificial limbs, advanced water filtration, and communications satellites—are byproducts of past space missions. I believe that the space station will produce similar breakthroughs that will improve our quality of life as well as provide a needed boost to U.S. competitiveness.

I believe it is particularly unwise to give up on space station at this time. First of all, cancellation would be a tremendous waste. It would waste the enormous amount of money, time, and effort that has been spent on the program. So far, the United States has spent $9 billion on this project. Our international partners have contributed $2.5 billion. Furthermore, NASA has already constructed a mission control center at the Johnson Space Center and processing facility at the Kennedy Space Center to support space station. This is not the time to turn back.

NASA just completed a redesign of space station in response to very legitimate concerns about the cost and management. Earlier this year, based on the recommendations of a blue-ribbon panel, NASA redesigned the program to reduce costs and streamline management, without sacrificing scientific content. NASA seems to have accomplished that. The new design, now called space station *Alpha*, is expected to reduce station costs by $4 billion over the next 5 years and $18 billion over the two-decade life of the program. Mr. President, let us allow NASA the opportunity to carry out its redesigned program.

We also must not forget space station is an international project. Space station is the largest international science program ever undertaken. Japan and the European Space Agency are each developing a lab module for the space station. In addition, the Canadians are developing a robotic arm. Together, these three main space station partners have spent billions on the project. Increasingly, big science projects are becoming far too expensive and complex for any one country to undertake alone. We must honor our commitments to our foreign partners if we expect their cooperation on future joint space and science missions.

Cancellation of space station would also prevent us from seizing the opportunity to bring the Russians into the family of international partners. Earlier this month, the United States and Russia signed a space pact which seeks to merge our space station activities. The agreement gives us the opportunity to take advantage of the Russians' vast experience with space stations. Since 1971, they have successfully placed seven space stations into orbit. Their current space station, MIR, has been operating since 1986.

NASA is studying ways to include various elements of the Russians' space station program into the current design. To that end, NASA is looking to use the crew rescue vehicle, the navigation and propulsion system, and the docking system currently being used on the Russian space station. These contributions would eliminate the need for costly development and testing by the United States in these areas. Russian participation will also provide Russia with hard currency to help stabilize the troubled Soviet economy. In addition, this will ensure that the talent and energy of their scientists and engineers are properly focused on peaceful endeavors.

I also believe that our commitment to space station is critical to maintaining our Nation's leadership in aerospace. Aerospace is one of the few industries in which the United States has maintained a trade surplus—$31 billion in 1992. The industry employs more than 2 million nationally. Canceling the space station now would mean the layoff of the 50,000 aerospace workers in 39 States who are working on the space station. This is not to mention the indirect economic harm to communities and small businesses that depend on the business of space station personnel.

We cannot afford to lose these people. They are the foundation of our technology base and are critical to our national security and global competitiveness. Maintaining their skills is especially important, now that the defense industry is undergoing dramatic cutbacks. Last year alone, 200,000 defense-related jobs were lost, and, by 1995, defense industry employment will decrease by 1 million. If space station is canceled, these workers may have nowhere to go since the defense sector is in the midst of a massive builddown.

Perhaps the most significant benefit of the space station is its potential to stimulate an interest in math and science among our young people. Many analysts have predicted that the United States will face a severe scientific manpower shortage in the next decade. Simply put, the United States will not have enough scientists, engineers, and technical people to staff our space program, our military program, or our high-technology industries. To address this problem, we must encourage more young people to pursue technical careers. Many of today's scientists and engineers were inspired by the exploits of manned missions like Senator GLENN'S first orbital flight and Neil Armstrong's walk on the Moon. Space station holds the promise of similar inspiration for our youth.

Mr. President, for these reasons, I strongly urge my colleagues to vote for our Nation's future and support our space station program.

Mr. KERREY. Mr. President, I rise today to speak on the subject of the space station. I have put a great deal of thought into this issue, and it is with some reluctance, but a growing sense of conviction, that I announce my decision to oppose funding for the redesigned space station.

Mr. President, I count myself among the Senate's strong supporters of scientific research initiatives, and I have long felt that NASA deserves credit for developing some of our Nation's most promising new technologies. But everything must be put on the table if we are going to have meaningful deficit reduction, and I am taking a hard look at some of the projects I have supported in the past.

There are many strong arguments for building a space station. I have voted for full funding previously because I believe there is much to be gained scientifically and medically from this type of research, and that the space program has the unquantifiable benefit of encouraging school children to take an interest in science. In recent years I have had lingering concerns about the station's cost in light of reduced scientific capability. But, Mr. President, this vote is not about big science versus little science, or the relative merits of manned versus unmanned space exploration. It is about the need to cut Government spending.

I will oppose funding for the space station because I feel that as a country we simply cannot afford it, and I believe strongly that it is time to exercise greater fiscal responsibility. More to the point, it's time for me to say no to something I would otherwise support because I cannot justify the expenditure. As I have said in the past, it is easy to say no to your enemies. The hard part is saying no to your friends. The cost of the redesigned space station *Alpha* is $2.1 billion for fiscal year 1994, and $10.5 billion over the next 5 years. NASA estimates that this will save $4 billion over what *Freedom* would have cost during this period, but I still cannot reconcile this with the need to make substantial progress in reducing the deficit.

Mr. President, we also have a responsibility to look ahead and consider the future budgetary implications of this project. NASA has projected the total cost of the *Alpha* station at over $16.5 billion by 2001, and I believe this represents a good faith effort to come up with realistic cost assessment. I commend them for the management streamlining and bureaucratic consolidation that went into the redesign proposal, and for resisting the temptation to propose an unrealistic estimate to comply with the President's original budgetary guideline.

But it is very difficult to accurately project the ultimate cost of designing, building, and operating a space station, and I am afraid that it will end up costing substantially more. Remember, we spent nearly $9 billion on the space station in the past decade, with few tangible results. Congress bears some responsibility for funding the station unevenly, and for continuously calling for modifications, but it is also the nature of these projects that adjustments and cost overruns are inevitable.

Mr. President, I wish to make clear that the recent disappearance of the Mars Observer had no bearing on my decision to oppose the space station. It is a monumental undertaking to send this type of craft into space, and occasionally setbacks will occur. I remain committed to many of NASA's objectives, and I am particularly optimistic about the potential educational benefits of NASA's research on telecommunications and interactive technologies. Even without the space station, Mr. President, there is some $12.5 billion in the VA, HUD appropriations bill for NASA.

I realize that terminating the space station will affect thousands employed in the aerospace industry. This was one of the most difficult aspects of my decision. Clearly, it will be necessary to allocate considerable resources to the type of retraining and conversion initiatives required to downsize the military. I also understand that withdrawing U.S. participation in building the space station will have ramifications for our international partners, and that this may be a bitter pill for them to swallow. The intergovernmental agreement we entered into contains a withdrawal clause, however, and we will have to explain that due to budgetary constraints we cannot continue our present level of involvement.

Again, Mr. President, I know this will not be easy, but I think the time has come to begin making tough choices. It may be a small step on the long road of deficit reduction, but we are going to have to start somewhere. I thank the Chair, and I yield the floor.

Mr. WOFFORD. Mr. President, since I arrived in the Senate, I have twice voted to support the space station. I have long believed that efforts like the space station deserve support. Such efforts challenge the boundaries of science and the imagination. And I have long believed that a nation like ours, that has the wherewithall to explore space, can overcome the challenges of improving our lives here at home.

But times have changed. The Federal deficit has limited our ability to do all the things that are valuable to do. I do not like this fact—but it is the truth. Now, the American people expect us to make the hard choices necessary to reduce the deficit. I am prepared to make those choices.

Today I will vote for eliminating further spending for the space station. This decision does not come easily. I recognize the sacrifices that will result. But the fact is that if we are serious about cutting Federal spending and reducing the deficit, we simply cannot now afford this effort.

Mr. President, I am not singling out the space station for elimination. Earlier this year, I announced a package of spending cuts totaling $65 billion above those proposed by the President. My vote today is another step toward making those cuts a reality.

Mr. SPECTER. Mr. President, on similar issues in 1991 and 1992, I voted against funding for the space station in order to allocate those Federal dollars to other purposes which I considered more important. Similarly on today's vote, I consider deficit reduction more important than the expenditure of $2.1 billion for the space station.

As noted in my floor statement on September 9, 1992, I believe our space program has made significant contributions to our Nation and the world, and I believe the future of new technologies may well be enhanced by advances in space.

We can continue to make significant advances in the exploration of space without the very heavy investment in the space station. I am advised that using NASA cost figures from June 1993, the new design will cost about $72 billion to build and operate over 10 years. The total costs, including interest, will raise the cost to as much as $110 billion by the year 2013.

During my 12½ years in this body, Senators have spoken more about the need for deficit reduction both on and off the Senate floor than on any other subject. The hard part arises when it comes to voting on specific programs where it is customarily easier to defer deficit reduction to a later date than to vote down an attractive program.

In my judgment, we are past the point of deferring deficit reduction. Therefore, difficult as this vote is, I believe that we should not expend substantial sums at this time on the space station.

Ms. MIKULSKI. I yield myself the entire remaining time, in the closing minutes of this debate.

Mr. President, we have had extensive debate on the space station and as I conclude this, we have talked about cost. We have talked about jobs. We have talked about cuts. And the scientific advances.

Mr. President, what I want to talk about is the future. Every scientific idea, every technological advancement ever proposed was minimized and trivialized in its time. I believe that historical fact is unfolding now in this debate on the space station. Nearly 100 years ago a Frenchman by the name of Louis Pasteur talked about a field called bacteria. He used the word "germ" which is now part of our vocabulary and our thinking about life-preserving devices. He was ridiculed and he was trivialized for wanting to save the sheep of France using a new technological advancement called a microscope.

And when the scientists of the time looked down they said, "This cannot be true. If you cannot see it, do not believe it. We do not believe what we are seeing."

Now the rest is history. Yes, he was ridiculed but he discovered a vaccine that not only saved the sheep population of France, it saved the economy of his beloved homeland. He did it through that microscope which has now saved countless lives, and he created an opportunity to save the economy of his country.

Then, in our own country there were a bunch of guys down in North Carolina who said, "We think we can fly."

They said, "What do you want to do that for? If God wanted us to fly, he would have given us wings. Do you remember those guys in Greek mythology; they strapped on the wings, flew off into space, and their wings melted. Hey, what do you want to do that for?"

But the Wright Brothers persisted and persisted and, yes, that short distance they flew in Kitty Hawk led to a flight into the future, created an aerospace industry that has made our country strong economically, and gave us the technology to win World War II, fighting Desert Storm, and has kept our country strong.

Suppose they had listened to the naysayers.

Then when it came to opening up the West, there were others who came along with the technology called the steam engine. They said, "Hey, steam engine? My gosh, what are you going to do, chugga-chugga-chugga-chugga? Where is that going to take us? It does not mean anything. All it is, is a lot of smoke and probably some mirrors. What we need is a good Conestoga wagon. If it was good enough for my mother and father to go west on, a Conestoga wagon, by God, it is good enough for me. Maybe we need a new fat horse to get us there faster. Maybe we need a 6-wheel wagon and that will get us there better."

But, no, again, the American entrepreneurial spirit said we are going to move ahead. The Garrett family in Baltimore helped bankroll the B&O Railroad. It opened up the west and helped the economy of Baltimore, it helped the economy of the Midwest, and it opened up a frontier of the Great West the way Frederick Jackson Turner had talked about.

Suppose we were still building Conestoga wagons. Suppose we had totally dismissed the telescope, or the microscope, or any of those new technologies?

Here we are now in the last days of the 20th century, on the brink of the 21st century. America has to decide what it wants to be in the new world order. Just as we have been a military superpower because of our technology, we must continue to be an economic superpower because of our technology, and the future lies in space. The future lies in life sciences, which will be done in space. The future lies in information technology which is crucial to space. All of the elements and components involved in the building, manufacturing, launching and maintenance of space are crucial to other of the 13 critical technology areas, and it is in high technology that the United States has led the way.

Bold people with entrepreneurial ideas have backed up what they needed to be able to do and invented new technology. That led to new products; that led to new jobs; that led us to being an economic superpower.

As a Member of the U.S. Senate, I have fought for science and technology, whether it has been the funding of the National Institutes of Health, whether it has been increasing the National Science Foundation budget, or a whole array of other activities. That is why I support this space station with passion and in fervor and, therefore, I move to table the Bumpers amendment.

The PRESIDING OFFICER (Mr. FEINGOLD). The question is on agreeing to the motion to table.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 905. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—59

Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Burns
Byrd
Campbell
Cochran
Coverdell
Craig
Danforth
Daschle
Dodd
Dole
Domenici
Durenberger
Feinstein
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Packwood
Pressler
Riegle
Robb
Roth
Sarbanes
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop

NAYS—40

Akaka
Baucus
Boren
Bradley
Brown
Bryan
Bumpers
Chafee
Coats
Cohen
Conrad
D'Amato
DeConcini
Dorgan
Exon
Faircloth
Feingold
Ford
Hollings
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mitchell
Moynihan
Nunn
Pell
Pryor
Reid
Sasser
Simon
Specter
Warner
Wellstone
Wofford

NOT VOTING—1

Rockefeller

So the motion to lay on the table the amendment (No. 905) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I rise in support of the Appropriation Committee's decision to fully fund the administration's request for $1.496 billion to be set aside for the Superfund Hazardous Waste Cleanup Program. But I also want to underscore the concerns of the committee, on which I sit, that the Environmental Protection Agency spend those dollars responsibly and frugally to maximize cleanup and eradicate the waste, fraud, and abuse which has plagued the program over the past 12 years.

A chairman of the Senate Superfund Subcommittee, I have already held six hearings this year on the reauthorization of the Superfund. During those hearings, GAO released a report which I had commissioned investigating Superfund cleanup contractors. That report found taxpayers being billed for tens of thousands of dollars' worth of pearl necklaces, Movado Museum watches, Christmas parties, liquor, and season tickets to sporting events. The EPA inspector general also reported to me that the Superfund Program has suffered, like many other EPA programs, from major fiscal and information management problems that spring from an agencywide culture which has historically given low priority to good management practices. I have since introduced legislation and commissioned a no holds barred study by the inspector general to get to the bottom of these management problems and turn around the programs.

The hearings have not been without their good news. EPA has completed work at over 183 sites out of the 1,200 on the Superfund national priorities list, and wrested over $7.5 billion of cleanup work from the polluters. EPA has performed over 2,500 emergency removal actions to protect the public health and screened some 25,000 sites for possible Superfund cleanup work. EPA and the Justice Department have obtained a 9-to-1 return on each enforcement dollar spent by the Federal Government. And the full funding of the President's request will allow work at dozens of sites—including 10 to 15 sites in my home State of New Jersey—to proceed with final construction of the cleanup remedy in 1994 after years of studying and preparation by the Agency.

But the fact remains that it is absolutely imperative for the new administration to take aggressive and systemic measures to manage the Superfund Program more responsibly. EPA needs to fix its act so that even more sites can be cleaned up with our limited pool of Government resources. EPA should not take the full funding of the President's request as a license to continue the mismanagement practices of the past.

At my request, the committee has therefore placed an 11-percent cap on the program management or overhead costs incurred by the Superfund cleanup contractors that GAO investigated. The committee has also commissioned a report from EPA to identify within 60 days a timeline for correcting the serious fiscal and contract management problems that my hearing has uncovered. We have also placed a ceiling on EPA's administrative expenses at $240 million, a decrease of $52 million from the budget request, to force the Agency to trim fat from the running of this program.

These measures, together with the legislation that I introduced and no doubt other steps that we can take as we reauthorized the statute, will help to fulfill the considerable potential of this program.

COMMUNITY INVESTMENT DEMONSTRATION PROJECT

Mr. COHEN. Mr. President, I would like to bring to the attention of my colleagues a provision included in the VA/HUD appropriations report language which sets aside $100 million of section 8 housing certificates for the purpose of creating the community investment demonstration project.

In order to encourage pension fund investments in traditionally high-risk public housing projects, the Department of Housing and Urban Development has requested this set-aside as a means of subsidizing pension fund investments in multifamily housing projects. In a report by the inspector general of the Department, six areas were identified as especially troubled in the agency which included the section 8 rental assistance program and the multifamily housing projects.

The assets of pension funds in the United States today total in the trillions of dollars and have become an attractive source of capital for a variety of projects. Many see this pot of money as a lucrative source of funding for infrastructure projects.

I am very concerned, Mr. President, about the long-term implications of the use of public and private pension funds to meet political and social goals. First and foremost, I am concerned about any government influence which could create a conflict between what is good for retirees and what may be good for social policy. In addition, I have reservations about the wisdom of creating any new Federal guarantee or subsidy, which would create new liabilities for the Federal Government if the housing project participating in this pension demonstration fails.

Recently, there has been increasing attention focused on how the Pension Benefit Guaranty Corporation [PBGC] is plagued by underfunded liabilities and would not be able to meet its obligations if we experience major pension fund failures in this country. If the Federal Government is going to be involved in repackaging investments in low-income housing projects to make them more attractive to pension fund managers, it must also be prepared to absorb the risk.

In light of the discussion surrounding the troubles at the PBGC, as well as the size of our Nation's deficit, I would suggest, Mr. President, that it would appear to be ill-timed for the Federal Government to be developing new approaches to subsidize risky investment practices.

I believe that this pension fund demonstration project as provided for in the VA/HUD appropriations report does not responsibly consider the full implications of this project for retirees, and to the Government.

The VA/HUD appropriations bill report it states that "the committee has set aside 3,000 certificates pursuant to the Department's request for a pension fund partnership demonstration." It continues by saying, "it is the committee's belief, based upon the Department's own legal analysis, that no new legislative authority is required for these actions."

I find it troubling that a project with such policy implications warrants no more than single sentence description, with no guidelines on how the project will be implemented or safeguards on how the pension fund or the Government or the plan participant will be protected.

The House recently considered the Community Investment Demonstration Act of 1993 which addressed this specific proposal. Controversy which accompanied the bill led to additional restrictions being placed on the project and an added emphasis on Employee Retirement Income Security Act [ERISA] compliance. I am pleased that many of the House provisions which strengthened the safeguards on the demonstration project are in another housing authorization bill now pending before the Senate.

That is the proper way to proceed, Mr. President, not the offhanded approach taken in the bill before us today. This proposed project merits a healthy debate on the Senate floor. It has far-reaching policy implications for pension funds, their retirees, as well as the Federal budget deficit, since we are committing Federal funds to subsidize the investment of these pension funds.

I have great confidence that my colleagues on the Appropriations Committee will recognize the need for guidelines in this project and I hope that the restrictions included in separate housing legislation will be adopted. It is critical that as we explore pension fund infrastructure investment issues, we do so with careful deliberation and not establish a dangerous precedent by such open-ended appropriations as contained in this committee report.

Mr. WARNER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. There is a question pending before the Senate which is the first excepted committee amendment.

Mr. WARNER. Parliamentary inquiry. First, may I have order so I can hear the Chair?

Ms. MIKULSKI. Mr. President, what is the pending order before the Senate?

The PRESIDING OFFICER. The pending order is the first excepted committee amendment.

Ms. MIKULSKI. I cannot hear you, Mr. President. The Senate is not in order.

The PRESIDING OFFICER. The question pending before the Senate is the first excepted committee amendment.

Ms. MIKULSKI. Which is what?

The PRESIDING OFFICER. Page 42, lines 16 through 24.

Ms. MIKULSKI. Has the Chair announced the vote on the Mikulski motion to table?

The PRESIDING OFFICER. Yes.

Ms. MIKULSKI. Has the motion to lay on the table been agreed to?

The PRESIDING OFFICER. Yes.

Mr. WARNER. Parliamentary inquiry, Mr. President. At what point in time will a Senator be able to send an amendment to the desk?

The PRESIDING OFFICER. The second-degree amendment would be in order to the excepted committee amendment which is pending.

Ms. MIKULSKI. Mr. President, I think it would help the colloquy between the Senator from Virginia and me if other Senators will take their seats so we can hear each other and understand each other, and come to an accommodation with each other.

Mr. WARNER. Mr. President, I would like to, at this time, explain the amendment that I desire to send to the desk because it is germane to the matters that we have just discussed relative to the space station.

The committee, and I think in a very wise way, Mr. President, fenced all funds beyond the expenditure of $1 billion, and left to the discretion of the committee the responsibility to review this program. I will read the pertinent paragraph. It is on page 145 of the committee report, Calendar 194, on each Senator's desk.

> Bill language has been included to allocate these funds accordingly. In addition, the committee has included language that limits NASA in obligating more than $1 billion prior to January 31, 1994, for the space station program. This will enable the committee——

I repeat: This will enable the committee——

> to assess the final design configuration of the station before agreeing to release the remaining funds appropriated in the fiscal year 1994.

The purpose of the amendment of the Senator from Virginia is to replace the committee with the full Congress and say that implicit in my amendment, this program is so important in terms of the additional and future expenditures as to demand the attention of every Member of this Chamber. No disrespect, no lack of confidence is expressed in here, either directly or in any other manner, imputed to the Appropriations Committee. But I want the Congress of the United States to determine whether or not $1 more than the $1 billion just authorized by this vote shall be expended for this program.

This program has been a moving target. According to my calculations, it has been delayed by 10 years, a full decade, from the commitments made to the Congress and the people of this Nation in 1984. We do not have, in my judgment, the costs. The lack of information is appalling.

We have debated those points. I do not wish to take a lot of time on this amendment. I have in essence stated all I wish to say.

So, Mr. President, I ask unanimous consent that the committee amendment be laid aside, and that the Senator from Virginia be allowed to send his amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. BRADLEY. Reserving the right to object, I would simply ask the distinguished manager of the bill, is this the way the distinguished manager of the bill would like to proceed?

Ms. MIKULSKI. First of all, Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will please come to order.

Ms. MIKULSKI. It had been my intention that when we had concluded the debate and vote on the space station, that would have brought to closure the issue of the space station, and then we could move on to other legislative matters. And there was an understanding that we would move to the amendment of the Senator from New Jersey.

Now the Senator from Virginia wishes to offer an amendment that really is questionable about whether it is legislating on appropriations. We just saw this amendment in the closing hours of the debate on the space station. I wonder if the Senator from Virginia could withhold his amendment, reserving his right to offer it later in the evening, and that in no way would preclude him, and have the Senator from New Jersey go ahead with his amendment, and the Senator from Virginia can discuss the matter with the Senator from Texas and myself.

Mr. WARNER. I find that to be a very reasonable request, Mr. President, by the distinguished Senator from Maryland, and I shall momentarily accede to it. I want to convenience the Senate and the managers in every way.

I wonder if I might get the manager's attention to ask if this amendment could be considered following the amendment to be offered by the Senator from New Jersey. I think within that space of time, I believe perhaps three quarters of an hour is to be devoted to the amendment of the Senator from New Jersey.

Ms. MIKULSKI. Having discussed the schedule for the evening, it was the intention to move with the Bradley amendment and conclude this by 6:30 or sooner, and move to the ASRM amendment, and we anticipated taking—it was the minority leader's request because of the extensive debate on ASRM, that it would allow the debate to go so that Senators could have a dinner break, and so on. Would the Senator consider following that routine?

Mr. WARNER. I ask that one other fact be taken into consideration. The Senator from Virginia requires only 5 minutes. I would agree to 5 minutes for the Senator from Virginia, and whatever the time the managers would wish on the other side. I can state my case very quickly.

Ms. MIKULSKI. Reserving the right here of the ranking managing officer, it might require a rollcall vote.

Mr. WARNER. I understand that it will in all probability. I am willing to indicate that it would be my desire to have a rollcall vote. But I would allow the managers to time that so as to convenience the Senate and the managers, such as could be coupled with another vote at any time desirable to the managers.

So we are talking about 5 minutes for the Senator from Virginia to present the amendment and the time required by the managers and others.

Ms. MIKULSKI. I would not preclude, that but we have been faithfully consulting with the minority leader and majority leader. This would alter the course of events that we had outlined, and I really would need time, as a courtesy to both leaders, to see what their thoughts are on the subject.

Mr. WARNER. Mr. President, I will accede to the wishes of the managers. I withdraw the unanimous-consent request, and I judge from the spirit of this colloquy on this matter that the Senator from Maryland can be, as always, very fair.

Ms. MIKULSKI. I will be fair and insist upon the Senator's right to offer his amendment if he so intends and wishes to do so.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 907

(Purpose: To reduce the appropriation for Selective Service System salaries and expenses)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from New Jersey [Mr. BRADLEY] for himself, Mr. HATFIELD, Mr. FEINGOLD, and Mrs. FEINSTEIN, proposes an amendment numbered 907.

Mr. BRADLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 71, line 21, strike "$25,000,000" and insert "$5,000,000".

Ms. MIKULSKI. Will the distinguished Senator from New Jersey yield for the propounding of a unanimous-consent request?

Mr. BRADLEY. Yes.

UNANIMOUS-CONSENT AGREEMENT

Ms. MIKULSKI. Mr. President, I ask unanimous consent that there be a time limit of 30 minutes for debate on the Bradley amendment, with the time equally divided and controlled in the usual form, with no intervening amendment in order prior to the disposition of the Bradley amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Reserving the right to object for the purpose of asking the distinguished manager of the bill if that agreement has been cleared on this side of the aisle?

Ms. MIKULSKI. I believe it has.

Mr. BRADLEY. I say to the distinguished Senator that I talked to the Senator from Texas about that.

Mr. COCHRAN. This is a 1-hour time agreement with 30 minutes on each side?

Mr. WARNER. Further reserving the right to object, the Senator from Virginia wishes to address this amendment for a period for not to exceed 7 minutes. Am I assured that that time can be allocated in opposition to the amendment?

Ms. MIKULSKI. I was willing to have an hour.

Mr. President, I am going to amend my unanimous-consent request and ask that there be no more than 1 hour of debate on the Bradley amendment, to be equally divided in the usual form, and that no other intervening amendment be in order prior to the disposition of the Bradley amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I thank the chairman and the distinguished ranking member. I think the time is sufficient, and it might not even take the amount of time allocated.

Mr. President, on September 10, I came before the Senate with two principles by which to judge the value of Federal spending. First is that the spending provides something in the general interest and is essential to American public life, and if so, that the taxpayer funding is used in the most cost-effective way so that this specific public purpose can be met.

We all gave a lot of speeches during the consideration of the budget. We all said we were going to cut the budget when we came back in September, and we were going to vote for more spending reductions. We did not have enough spending reductions. So it was with that in mind, anticipating that there would be many more cut amendments—and in fact there have—that I laid out those two principles, that it would be in the general interest and that the taxpayer funding is used in only the most cost-effective way so that this specific public purpose can be met.

At that time, I also promised to propose amendments to cut spending that violate these principles. Today, the amendment before us is part of the fulfillment of that promise to offer amendments that would cut spending if they did not meet those two principles.

The amendment that is before the Senate now is to reduce funding for the Selective Service System by $20 million, from $25 to $5 million, with the intention that this money be used to terminate the system.

Mr. President, the Selective Service System no longer provides something that is in the general interest and essential to American public life. The fact is the Selective Service System is a dinosaur in the post-Soviet world made obsolete by two welcome developments: the creation of all-volunteer Armed Forces and the end of the Soviet threat.

Our all-volunteer force is a remarkable success story backed by reserves that are capable of handling the types of conflict we are likely to see—the Somalias, the Bosnias, and, yes, the Desert Storms of the foreseeable future.

Desert Storm proved that our volunteer force backed by reserves can put a half million men on the ground and support them without resorting to conscription. Indeed, Desert Storm also demonstrated that even were we to resort to conscription, our overloaded training facilities would be unprepared to handle the flow.

At the end of Desert Storm, 6 months after mobilization, there was still a backlog of thousands of reservists awaiting training. Such reserves would have priority over any conscriptees flooding the system. Now that we have voted to close so many military bases, this problem of not having adequate training space would only get worse.

The fact is, Mr. President, that we do not need a flood of draftees for any conflict we are likely to fight in the foreseeable future. I do not ask you to take my word on this. The Pentagon's own 1993-99 defense planning guidance scenario set found that only one of seven scenarios lasted long enough to require or allow for conscription. This was a scenario involving a reunified, rearmed Soviet Union with missiles aimed, as they were for 30 years, at the United States. Such a conflict is clearly not even on the horizon. Were this scenario to develop as much as we regret it, we would have a long lead time both to try to counteract the development by diplomatic and economic means and to develop a system to identify our 18-year-olds without paying millions of dollars per year in the meantime.

Indeed, this is what we have done in the past. The United States initiated registration in 1940, a year before the World War II draft became necessary. After the war, the Selective Service was disbanded and reconstituted in 1948 when the cold war took hold.

In this day, Mr. President, of drivers' licenses and Social Security records, I find it hard to believe we could not identify 18-year-olds in a cheaper and more timely manner than maintaining this system.

The same is true for the Selective Service System's other main activity which is developing plans for health care personnel delivery system capable of providing the skilled health care personnel a mobilized forces would need. The other residual functions of the Selective Service training draft boards, maintaining records, planning for contingencies could be managed within the shutdown funding or would disappear entirely.

Some may argue that $25 million per year is a cheap insurance policy in a dangerous world. I cannot agree. Twenty-five million dollars may seem a small figure to us in Congress who become use to talking in terms of billions and increasingly in terms of trillions. I do not think that spending $25 million per year just to come up with a list of 18-year-old men is a good use of the money.

Indeed, Mr. President, the Selective Service System is not even performing that task well. A November 1992 study by the U.S. Armed Forces Integration Agency uncovered severe overstaffing, poor morale, and overgrading in the work force. It found employees reading newspapers and magazines and freely admitting that they had no meaningful work to perform. As a result, the study recommended a cut of almost one-third of the work force. The study also found that work normally done by employees in grades 7, 9, 11, and 12 was being done by employees in grades 12, 13, 14, and 15; in other words, higher paid workers doing lower skilled jobs.

The study also found that workers were using technology that was badly out of date; for example, using a keypunch system to enter names.

Mr. President, I guess it should not be a surprise then that the study also found that morale in the Selective Service System was extremely low. The Selective Service played an important role during the cold war, but the cold war is over and keeping this outdated relic is a luxury that we should not afford. It is time to end Government by inertia, phase out the Selective Service System.

Mr. President, I reserve the remainder of my time.

How much time remains?

The PRESIDING OFFICER. The Senator has 22 minutes and 14 seconds.

Who yields time?

Ms. MIKULSKI. Mr. President, how much time do the opponents have?

The PRESIDING OFFICER. Thirty minutes.

Ms. MIKULSKI. I yield myself 5 minutes and I understand on this side, Senator THURMOND wishes to speak.

Does the Senator from Mississippi wish to speak on this?

Mr. COCHRAN. No.

Ms. MIKULSKI. Mr. President, let me yield myself 5 minutes on the amendment.

I rise in opposition to the amendment offered by the Senator from New

Jersey. I believe we need to maintain a viable Selective Service System, but I also believe that regardless of what one thinks about the future of this Selective Service System, it should not be decided on the appropriations legislation. It should be decided through an authorizing framework in which legislation is introduced to eliminate Selective Service and which there would be a wide range of hearings on whether it should be continued, and we would consult with the Joint Chiefs, the Department of Defense, the appropriate Armed Services Committees and then come to a sound, sensible, rational conclusion based on ample debate on this and not coming in through the appropriations process through a back door to defund it.

Selective Service is highly ready and capable of placing the first draftees in military uniform within 13 days of being given the legal go ahead. If the entire Selective Service System is terminated, it would have to be rebuilt from scratch if ever needed again. Even in a crisis this would take at least a year or more.

With today's 97-percent registration compliance rate, any future draft, if needed, would be the fairest and most equitable in history. Experience shows that the public will not long tolerate the draft if it believes it to be unfair.

Today, young men are saying registration is no big deal. They consider it a civic responsibility and for some, in many families, a rite of passage.

Decisions regarding the future of Selective Service are national security policy decisions. Any major changes should not be made exclusive through the appropriations process, and the only reason it is on VA-HUD and not on Armed Services is that it is an independent agency. The Army, the service which utilizes 90 percent of all men drafted from 1948 until the draft ended in 1973, is vehemently—vehemently—opposed to any change in the status quo for Selective Service particularly through this arbitrary back door way of doing it. The Joint Staff and the other military chiefs support it as well. And virtually all national patriotic and veterans' associations have recommended the Selective Service be retained.

The lasting impression made by every man by the act of registering creates a better climate for the military recruiter—an important consideration. It also says that in this country you have certain obligations. For every opportunity, there is an obligation. For every right there is a responsibility. And registration to serve your country through military service in the event of a cataclysmic situation where the President would return to the draft is one of those rights.

The Selective Service is in the process of making internal management changes to reduce personnel and increase operating efficiencies, and I must tell you they need it, they really do need to step up to the new world order. But I believe they will.

And also we have asked the respective authorizing committees in Armed Services to review this and make a recommendation to the U.S. Congress for next year.

But with the 11,000 community volunteers and the small full-time staff, the agency makes available enormous emergency capability for a relatively small annual budget. DOD, as I said, would be looking into it, and I really, though I respect the Senator from New Jersey tremendously and know his concern about waste and his desire to eliminate unneeded Government agencies, this is not like the tea-tasting commission, Mr. President. We do not have to drink tea. If you are 18-years-old, you are a male in the United States of America, and you are a citizen, you have to register.

If you want to change that, then let us do it through the authorizing committee. Do not do it through the Appropriations Committee.

The honor, the integrity, the history, and the tradition of the Selective Service would deserve no less than at least a fair hearing and ample debate.

Mr. President, that concludes my argument thus far.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Who yields time to the Senator?

Ms. MIKULSKI. Is the Senator from South Carolina a proponent or opponent of the amendment?

Mr. THURMOND. I am in favor of the Selective Service System.

Ms. MIKULSKI. Then I am the person to yield you time, and I would be delighted to yield to the Senator from South Carolina 10 minutes.

Mr. THURMOND. I thank the Senator.

Mr. President, in the fall of 1940, as the war clouds rumbled across the globe, President Roosevelt signed the Selective Service and Training Act. Today, we are fortunate to no longer need a draft; however, the Selective Service System still provides the Nation with an inexpensive national defense insurance policy.

The registration system managed by the Selective Service is an unqualified success. Nearly 99 percent of the Nation's draft eligible men, ages 20 through 25, are registered. Additionally, because of the agency's ongoing program and continuous mobilization planning, the system is ready to resume a draft at a moments notice, should the Congress and the President decide that conscription is needed in an emergency.

While the peacetime registration program is an important and highly visible part of the Selective Service Agency's mission, its primary mission is mobilization readiness. At present, Selective Service is capable of placing the first draftees in uniform within 13 days of being given legal authorization. The high compliance afforded by peacetime registration guarantees that any future draft, if needed, would be the fairest and most equitable in history.

Mr. President, the Selective Service provides another, less visible service; it reminds our youth of their obligation of citizenship. As the Nation's young men attain the age of 18, they gain the greatest privilege of citizenship, the vote. At the same time, they register with the Selective Service, a reminder that their right to vote was gained through the sacrifices of others. Registration is a responsibility they should undertake with pride and one that brings them over the threshold of manhood.

Mr. President, the administration recommended $30 million for the Selective Service. The Appropriations Committee provided $25 million. Senator BRADLEY now wants to cut that to $5 million, which is unreasonable. If the Senate agrees to the Bradley amendment it would be a travesty. The Selective Service provides an enormous emergency capability for a relatively small, annual budget. For over 50 years, it has provided critical functions in the areas of peacetime draft registration, mobilization and, most recently, a health care personnel delivery system. Since it is impossible to forecast the military challenges which lie ahead and the Nation is drastically reducing the size of its military services, it is imperative that we maintain the capabilities of the Selective Service System.

Mr. President, we all hope and pray that our Nation is never again involved in a crisis of such magnitude that a draft becomes necessary. However, we must maintain the capability of mobilizing America's manpower should it be needed. The Selective Service System provides that capability, a hedge against the unknown.

Mr. President, I urge my Senate colleagues to vigorously oppose any attempt to eliminate the Selective Service System. It is our Nation's insurance policy for future mobilization, and like any insurance policy, if we want the benefit, we must pay the bill.

Mr. President, I ask unanimous consent that an article on the Selective Service System written by retired Gen. Maxwell Thurman, the former Vice Chief of Staff of the Army and commander in chief of the Southern Command, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 31, 1993]

SAVE SELECTIVE SERVICE

(By Maxwell R. Thurman)

The House of Representatives took a giant step backward in its constitutional obligation to "provide for the common defense." Fortunately for the nation, the Senate has an opportunity to set matters right.

In late June, the House voted to cut $24 million from the 1994 budget of the Selective Service System, leaving $5 million to shut down the agency.

An amendment to the Veterans Administration, Housing and Urban Development and Independent Agencies Appropriations Bill would have restored $20 million, but was defeated by five votes.

Although an Aug. 17 story on the Federal Page of The Washington Post practically celebrated the House action, there are two overreaching reasons why the Senate should restore the money.

First, Selective Service is needed to undergird the national military strategy review now underway in the Clinton administration.

Second, and more important, it is consistent with the ideal of selfless service to our great nation.

What is clear—even though Defense Secretary Les Aspin has not completed his "bottom up" review of strategy—is that the size of the nation's military will continue to shrink.

An educated guess would be that 11 aircraft carriers, 20 tactical fighter wings and 10 Army divisions—rounded out by reserve component units—will be preserved.

This means fewer forces in being—active, reserve or National Guard. The impact of these cuts on future national security occurs this way. With fewer forces, the pool of soldiers who have completed their military service but are obligated for recall in an emergency will shrink. And the question might be: So what?

The Persian Gulf War illustrates the point. If Iraq's Saddam Hussein had used his chemical weapons or effectively massed his Scud missiles, American and coalition force casualties would have been dramatically higher.

These men and women, who had completed their active service, were available for duty in the Persian Gulf as replacements if there had been large-scale casualties.

Thank God, we didn't need them.

The smaller the structure, the less room we have for error in force calculations. Weapons of advanced technology and mass destruction are available to third-, fourth- and even fifth-rate armies. We know that nine countries are now capable of delivering nuclear warheads. That number is expected to rise to 25 by the year 2000.

A functioning Selective Service is an important backstop should our forces suffer unexpected casualties in a future conflict. The ability to rapidly call young men to duty for training could, indeed, deter wrong-headed despots from using weapons of mass destruction against our forces.

Could we expand our military in times of crisis without Selective Service or peacetime registration?

Today, with the agency fully funded and with peacetime registration, the first draftee could be serving in uniform within 13 days of authorization to return to a draft. If peacetime registration ends and all other elements of Selective Service remain in place, then the first draftee could be serving in uniform in 42 days. If the entire agency and all its programs are terminated, it could take a year or more to get the draft going again.

Selective Service would have to be reinvented, and all of this would take valuable time—something not always available in a crisis.

The second reason to keep the Selective Service registration is grounded in full citizenship.

At 18, young men now register to vote. With the right to vote comes a larger responsibility to serve the republic. Enrollment in Selective Service is one of those responsibilities, but it's a vitally important one—to rally to the national defense if necessary.

Ninety-seven percent of America's young men comply with the registration law.

On Aug. 12, 1941, less than four months before Pearl Harbor, the House of Representatives voted to extend the draft by a single vote. I hope this Congress has similar courage and farsightedness.

Vote to keep the Selective Service System.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I yield to the distinguished Senator from Virginia.

The PRESIDING OFFICER. How much time is yielded?

Ms. MIKULSKI. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia for 5 minutes.

Mr. WARNER. Mr. President, our distinguished Republican leader addressed the Senate today in the context of a wire report we received about the worsening instability in the Soviet Union, the former Soviet Union in Russia.

There are further reports of a possibility—and it is not confirmed—of an airplane being shot down, a Russian airplane over Georgia. I cannot confirm that.

But it is that type of report that descends on the United States at this unexpected hour which justifies, in my judgment, the continuation of the Selective Service.

I remember so well the summer of 1950. I had just finished my first year of law school. I was happily expecting to go on to the second year when, out of the blue, North Korea went over the border and into South Korea. And, in the summer of 1950, very quickly, my Reserve unit was called up, and I and others volunteered to go on active duty. I remember it vividly, just as if it were yesterday.

Those types of things happen. And, fortunately, we had in place a draft. Fortunately, there were sufficient reserves to come in and augment the Regular forces at that critical point in our history. Therefore, I think it is a very modest expenditure to keep an important insurance policy in this Nation.

Furthermore, I have had the marvelous privilege and honor to raise a son and work with his generation. And while his generation is a year or two beyond really the callup age at this time, I watched those youngsters grow and I watched them tolerate my stories about World War II and Korea. And while they are somewhat contemptuous of the Selective Service, down deep in the hearts of that younger generation is a feeling that, if necessary, they will respond, will respond in the time of need in the same manner as our fathers and our grandfathers and our great grandfathers.

I think when a young person registers, that young person says, "I stand for America. I stand to help America if our freedom is ever challenged."

Everything we are doing today, like the health bill, is directed toward individual Americans accepting more responsibility for the future of this country. I commended Mrs. Clinton yesterday when she came before many of us here in the Senate and the House and talked about the health bill. But the theme underlying the administration approach, as it should be, and the theme underlying the Republican bill introduced by our distinguished colleague from Rhode Island, is more responsibility on the individual to care for himself or herself and to accept the burden associated with additional health care, not only for themselves but for others. That is a burden of responsibility as a citizen. That is the very essence of Selective Service. Stand up and be counted. You are ready to serve your country in time of need.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Jersey.

Mr. BRADLEY. I yield 10 minutes to the distinguished Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 10 minutes.

Mr. HATFIELD. Mr. President, the Senator from New Jersey has introduced a welcome amendment and I commend him for taking this action. Knowing Senator BRADLEY's commitment to the wise use of scarce Federal resources, I think that the Senate should take seriously his comments that the Selective Service System, which registers young men for the draft, is outdated and a waste of taxpayer money.

I rise today in support of this amendment.

Mr. President, since 1980 we have thrown away at least $20 million a year on this program. During the House debate this past June, some supporters of Selective Service claimed that the program was a relative inexpensive way to ensure that our Armed Forces were never vulnerable to the lack of manpower. I have to ask, relative cheap to what? What Federal program—except perhaps defense programs—does not go wanting for additional resources. Could this Senate not find a better way to spend $28 million a year? On health care? On student loans? On disaster relief for the Midwest?

It seems to me that Selective Service is about as valuable as tidal wave insurance in Iowa.

Every decision Congress makes represents a choice. In this era of high budget deficits, we do not have the luxury of funding programs which have no mission and, according to auditing reports, function rather haplessly.

This program is intended to provide 100,000 inductees 28 days after mobilization. Desert Storm showed us that such a rapid influx of inductees was not necessary. And DOD war simulations apparently do not call for a draft unless the Soviet Union is miraculously recomposed and rearmed. I don't think anyone here expects that to happen nor do I believe that the Selective Service System is a deterrent to such an occurrence. If someday we do face such an ominous threat I have full confidence that Congress, the President, and the military leadership will revisit the need for registration.

But we do not face such threats now. Military pay and benefits have been enhanced to ensure that we recruit some of our Nation's best and brightest young people for each branch of the armed services. Our Reserves are given the tools and training necessary to be the vital backup to our Active Duty Forces.

Absent a need for 100,000 inductees, spending this money every year is not good stewardship. The Selective Service System is so riddled with problems that the Appropriations Committee itself, in its report issued only a few days ago, questions its ability to do its job adequately and efficiently. The report reads:

> If the Selective Service System is to continue * * * the Committee believes that the Agency must change, and change dramatically. The Committee has been disturbed by repeated reports that the Agency is overstaffed, suffers from widespread poor morale among its employees, and seemingly has little self-discipline to correct its own internal problems.

These are the words of the Senate Appropriations Committee, describing the program being defended by opponents of the pending amendment.

In light of these mission and mismanagement issues, the argument that the Senate should not make this decision today falls flat with me. Since 1948, when the system was first set up, decisions on draft registration have been made in the context of either Executive orders or appropriations bills. President Ford ended draft registration in 1975. President Carter decided to restart registration in 1980 and it was the Appropriations Committees which implemented the new program by approving funding. So don't let the smokescreen fool you: Congress has every right and every responsibility to make decisions on this and every issue which costs precious dollars. Many millions of dollars.

I believe that this amendment can be successfully defended and promoted on a fiscal responsibility platform. The Selective Service System is an expensive program which has no relevant value to our military readiness. It is as simple as that.

But the debate, I believe, can and should go much deeper. For we have not been promoting draft registration for the purposes of military readiness. Since 1980 draft registration has been a symbol rather than a tool. President Carter made it clear that he was reinstating registration as a warning to the Soviet Union. He described the draft as a further demonstration of our resolve as a nation. I suspect that this is why many veterans groups support the continuation of registration and I do not question their sincere interest—which is also ours—in keeping America safe and strong.

But I believe we should not equate symbolism with strength any more than we should link forced registration with patriotism. I have great confidence in the American people and their commitment to the security of the Nation. If that security is immediately threatened, we will respond. After the attack on Pearl Harbor, over 300,000 men volunteered for service. I do not doubt that such a response would occur again if the need arose.

And yet compulsory military service goes against the very foundation of our Nation. Families and individuals fled Europe to escape tyranny. Our system of government does not give warmaking authority solely to the Executive, to ensure that any military action not in response to a direct threat to our Nation has the support of the American people.

Compulsory military service not only threatens individual liberty. It also violates the right of conscience for those who are opposed religiously or morally to war. To one who has fought consistently for the rights of sincere conscientious objectors, it is a great irony that such a burden has been inflicted upon conscientious objectors by draft registration.

Some argue that the Selective Service System is a painless, cheap, and efficient program. For young men who seek to declare themselves conscientious objectors it is none of the above. Those who feel they cannot register for moral or religious reasons find themselves facing up to 5 years in prison and up to $250,000 in fines.

Mr. President, we have the information and the reasons to terminate Selective Service: We know that conscientious objectors are faced with a burdensome and possibly punitive process. We know that the System is poorly managed and wasteful. And we know that no foreseeable threat requires the continuous collection of the names and addresses of our Nation's 18-year-old young men.

Mr. President, I would like to make a few additional comments. As a former military adviser to a university in the time of the Korean war when we had the so-called Selective Service Act in place and were recruiting young people to fight in that war, I want to emphasize, it should have been called the discriminatory service act. Because that is exactly what the word selective means. It has always been discriminatory.

If you could qualify for college you had an exemption. That was the kind of discrimination that this whole act has represented. It is the most odious form of recruitment ever known to the Western World, and why our ancestors came from Europe. They came to escape the kind of conscripted armies the kings and dictators of Europe employed over centuries.

We go back to the Civil War and find the reaction against the draft, because that was so un-American. When President Lincoln adopted the Selective Service Act, riots broke out in the big cities of the North, the so-called liberal North.

Further, as far as this business of an insurance policy, that is a specious argument. In no way does a national emergency use a Selective Service Act to guarantee the manpower and the womanpower necessary to pursue military action, because you have to train them. You do not throw raw recruits into the front lines or into battle. You have a long delay. It is not an emergency measure. It is not an insurance policy in that sense.

Our insurance is the Reserves and the National Guard of this country. That is the reserve. That is the insurance policy for military requirements.

When we had the Persian Gulf war, some of the first people into battle were the National Guard troops of the United States. When I listen to the proposals to reconfigure the military today, I am jealously guarding the role of the National Guard. We must maintain the citizen Army. That is the way the American tradition is. Not an odious draft, which is involuntary servitude.

I was down at the White House today for the signing of the National Service Act. And the President of the United States and all those who spoke referred to the fact that our young people are willing and anxious to move into service to our Nation. As a veteran of World War II, and not as a draftee, as an enlistee in World War II, I was one of millions of young Americans responding to our country's call.

Further, if it had not been for the Selective Service Act we would not have had the longevity of the Vietnam war. Why did the war that was never declared by Congress last so long? Because the Presidents, from President Kennedy to President Johnson and President Nixon, had an unlimited supply of manpower and womanpower to throw into that war. This is another check and balance on the war powers of the President under our Constitution.

In no way in my view does a Selective Service play a legitimate role in the defense of this country in peacetime or in the beginnings of wartime, because we rely upon the Reserves and the National Guard for those emergencies in the beginnings of any war. If there is going to be longevity then the Selective Service may have to, especially in an unpopular war, recruit people by this kind of mandatory service.

I cannot emphasize too strongly the discriminatory character of this program and the need to end it now. This present status was a result of our efforts earlier in the Congresses years ago to end the Selective Service Act. They persuaded the majority of the Senate and the House to sustain it on this modified restricted basis. This is the time to call a halt. This is the time to save that money and get rid of this blot on our public record of having the kind of involuntary servitude requirements continued on the books.

I yield the floor.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Who yields time? The Senator from New Jersey.

Mr. BRADLEY. Madam President, the eloquence of the distinguished Senator from Oregon, as usual, puts the point directly to the Senate. Do we need the Selective Service System? The answer is no. The world has changed. The world has changed. The pages of history have turned. We no longer are facing a monolithic, ideologically hostile, heavily armed, nuclear-tipped Soviet empire whose missiles are aimed directly at us. That is no longer the threat.

The issue is do we need to have the right, do we need to have the ability, do we need to have a Selective Service System in place that does nothing but keep a list of 18-year-olds?

We have an active duty force of 1.5 million. We have a reserve force of 1.1 million.

The point was made, the Selective Service System says they can deliver 100,000 draftees, if that event ever occurred, in 28 days. But how would they be trained? We could not even train the reservists that were called up for Desert Storm.

The issue really gets back to, do we want to spend $20 million maintaining a list of 18-year-olds? Could we do it in a cheaper way? Could we do it with a little lead time? If things began to deteriorate dramatically in the Soviet Union, could we reinstitute? The answer to all those questions is yes. Yes. We could. But inertia carries us forward, inertia that we need to pay $20 million to have people performing their job who the report that was issued by the Army Integration Agency Study Team says, "had no meaningful work to perform."

Do we need to spend $20 million? Or should we spend the $20 million?

Mr. BENNETT. Will the Senator yield for a question?

Mr. BRADLEY. I will be pleased to yield to the distinguished Senator from Utah, for whom I have the greatest respect, as he shares with me one of the unique attributes—of being a tall person.

Mr. BENNETT. I thank the Senator. I come to this issue without baggage of any previous knowledge so I would appreciate it if the Senator could enlighten me. Let us assume that we agree to the amendment of the Senator and then at some time some threat arises. Does the Senator have any idea how long it might take, or how much money it might cost, to reconstitute something along the line of the Selective Service System 4 or 5 years from now if that should be required?

Mr. BRADLEY. A list of 18-year-olds can be compiled very quickly from drivers' licenses and Social Security records. They ought to be computerized in States across this country. How long would that take? It depends on the urgency of the moment. It is not a problem physically impossible to accomplish in very short order.

Mr. BENNETT. Would the Senator assume that it can be accomplished for something less than $20 million?

Mr. BRADLEY. I do.

Mr. BENNETT. Madam President, if I might be allowed to comment, I attended a briefing by Colin Powell, the Chairman of the Joint Chiefs, in which we were talking about various military matters. He pointed out to us the changing nature of the world in a very dramatic fashion. He said:

> For most of my years as Chairman of the Joint Chiefs, I had to assume that the planning time to respond to a threat was 14 days. The military experts told us it would take 14 days for the Soviets to mobilize and move through the folded gap into some kind of attack on Europe.

At the present time, he says our threat assessments are based on the assumption of 3½ years. That is how much the threat has changed, from 14 days of prior notice to 3½ years of prior notice. I find, as I listen to the debate, I am somewhat persuaded that in 3½ years, we would save approximately $90 million. We could probably buy a pretty good list at the end of 3½ years for somewhat less than that.

Does the Senator agree with that assessment?

Mr. BRADLEY. Madam President, I would certainly agree with that.

Let me say to my distinguished friend as to the prospect of having to fight a land war in Europe against a monolithic Soviet military, a ground war would not be something that would hit us overnight. As you know, the Russian forces are pulling out of Germany. That will be completed next year. They are pulling out of Lithuania; they are pulling out of Poland.

They are pulling out of where they were deployed, in which they represented a threat. That no longer exists. If there were internal changes sufficient to bring this about, we would have plenty of lead time.

We are going to have a bumpy road. It is going to be an uncertain road as to what happens in Russia. Every time there is a development, our response is, "Well, we have to prepare for the Soviet Union circa 1979." I think that we would be making a serious mistake.

The point is $20 million. Do we want to save $20 million, or do we not want to save $20 million? You get a list of 18-year-olds, and that is it.

Mr. BENNETT. I thank the Senator both for his amendment and for his explanation.

Mr. BRADLEY. I thank the distinguished Senator for his comments. I think he is very correct in pointing out that this would save a considerable amount of money, and we should save it now.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. As the manager on the opposing side, I yield to the Armed Services Committee chairman 5 minutes.

Mr. NUNN. Madam President, I thank the Senator from Maryland.

Back in 1980, I led the effort in Congress to reinstate the registration. The world environment was very different back then. We faced a numerically superior Warsaw Pact in Central Europe. Our contingency plans called for the United States and our allies to be prepared to fight a very large land war against the Warsaw Pact with warning time that was very limited and response time that was very limited. We were debating whether it was a matter of a couple of weeks or just a few days.

For example, we had plans at that time to have 10 divisions on the ground in Europe ready to fight within 10 days of the decision to mobilize. Under those circumstances, obviously, we had to have a mobilization capability that would allow us to increase the size of our military forces very rapidly. That meant maintaining a training base in the Defense Department to accept and train large numbers of inductees in the event of mobilization. It also meant that we needed a Selective Service System that could provide large numbers of inductees to this training base shortly after the decision to mobilize.

Before the reinstitution of registration in 1980—and that was under the Carter administration, as I recall—it would have taken the Selective Service System at least 6 months to deliver any inductees to the military training base. In other words, that is when the first ones would arrive, and it would take even longer to deliver large numbers of inductees. Under most of the planning scenarios at that time, we were to face severe and probably crippling shortages of manpower in our military forces by the time the military training base could respond with trained inductees.

Reinstituting registration corrected this very serious shortfall in our military mobilization capability by allowing Selective Service to deliver our first inductees to the military services 13 days after mobilization, and 100,000 inductees within 30 days of mobilization.

There is a different situation today, and the Senator from New Jersey makes that point and makes it strongly. There is no huge Warsaw Pact army threatening the NATO Alliance on the ground in Central Europe. Warning time for large conventional war in Europe is currently measured in years, not in days or a few weeks.

Last year, our committee anticipated that the requirement to continue registration should be reviewed. In last year's defense authorization bill, we directed the Secretary of Defense to submit a report to the President by April 30, 1993, concerning whether we had a continued requirement for registration under the Selective Service System. This provision also required the President to follow that report with any recommendations to the Congress by May 31 of this year.

Unfortunately, and particularly unfortunately because we are having to debate this today, the Defense Department has not met this reporting requirement. They have not sent their report to the President. We do not have the President's recommendations.

Before Congress makes a final decision on terminating or continuing registration, I think we ought to hear directly from the senior military and civilian officials of the Defense Department on this question, particularly since we have just had the Defense Department under the new administration complete a bottom-up review which changes the scenario by which we posture our force requirements. There are a lot of questions that have to be answered.

My main objection to this amendment is that it is premature until we hear from these people who are in charge of making these kinds of detailed plans. It may be the Senator from New Jersey is correct. It may be we do not need registration, but there are some key questions I think need answering.

First of all, with the disintegration of the Warsaw Pact and the increased warning time of any likely large-scale land war requiring mobilization, do we need to continue registration? That is the Senator's question, and he asserts that we do not.

He may be correct on that particular question. But Secretary Aspin's recently completed bottom-up review bases our force levels, our future force levels, on the requirement to respond to two major regional contingencies occurring nearly simultaneously; something like a Persian Gulf-Iraq war and something like a Korean war; or even some other conflict, for instance, something in Yugoslavia or other places. Would we have to reinstate Selective Service in order to fight and win two simultaneous major regional contingencies?

I note that the House Appropriations Committee, in their report—and that was done before the bottom-up review—basically said, and if I have a copy of that quote, I think it is very relevant—quoting from that report, and I believe this is a direct quote:

> Desert Storm was the largest mobilization of U.S. forces since Vietnam, and it was done without using the Selective Service System. In the post-cold war environment, there are no credible threats that could require mobilization of U.S. forces larger than Desert Storm.

Madam President, could I have 2 more minutes?

Mr. GRAMM. I yield the distinguished Senator from Georgia 2 more minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 more minutes.

Mr. NUNN. Madam President, I thank the Senator from Texas.

Madam President, the premise on which the House took this action is a flat-out contradiction of everything they found in the bottom-up review. Our whole force posture is based on two simultaneous regional conflicts. The House took this action, the House Appropriations Committee, based on nothing more serious than the Persian Gulf conflict. So, I think we need to get some more answers to the questions.

Do we need to have registration? We have not yet decided how many forces we are going to deploy, if any, if there is a peace agreement in Bosnia. The President has indicated somewhere in the 20,000–25,000 range. Well, people say, that is not many. But you have to have a rotational base. You probably have to have at least 50,000 to 100,000 troops in order to keep 25,000 deployed.

If there is a Middle East settlement between Israel and Syria—we have already heard the Secretary of State talk about U.S. forces being part of a U.N. contingency operation there—I do not know how many would be there. But we are talking about large numbers of troops being deployed in positions from which they will not be able to be moved in any kind of conflict. We have to take that into account.

Do the relatively modest costs of maintaining the Selective Service System at current levels of readiness outweigh the risks to our national security of putting the system in deep standby?

Madam President, in effect, this is an insurance policy. It is a more remote policy than we had before. Five years ago there was a much more likely set of circumstances under which we needed this.

The real question is, Is the risk so remote that we no longer need to spend the money? I, for one, am not comfortable in making that judgment on the floor today. I know the Senator from New Jersey has made his arguments. He made some valid arguments, some with which I will take issue. But I believe we would be much better served, particularly since this is already in, I believe, the House appropriations bill, to leave this provision like it is in the Senate, to move on to conference, and to demand that the administration give us answers to these key questions.

The Senator from New Jersey is correct. These questions need to be answered. We cannot justify even the relatively small amount, considering the overall Defense budget, of $20 million a year unless there is a case made for it. That case has not been made, but I believe it is premature to simply abolish the whole system at this juncture. So, I would vote at this stage against the Bradley amendment.

I thank the Chair for being patient.

The PRESIDING OFFICER. Who yields time?

Mr. BRADLEY. Madam President, how much time remains on the side of the proponents?

The PRESIDING OFFICER. The time remaining is 9 minutes 53 seconds.

Ms. MIKULSKI. And on the opponents' side?

The PRESIDING OFFICER. On the opponents' side, 6 minutes 46 seconds.

Mr. BRADLEY. While the distinguished Senator from Georgia is in the Chamber, I would like to confirm with him on the bottom-up review, what did the bottom-up review say about conscription, if anything? It is my understanding that there was not a large section of the bottom-up review that even dealt with the issue of conscription.

Mr. NUNN. The Senator is correct. As I mentioned, the report that was due on this subject in April has not yet been delivered. I can understand that because they probably wanted to conduct the bottom-up review first. But I think there are a whole set of questions that flow out of that analysis directly relating to this question that we need answers for that we do not now have.

Mr. BRADLEY. I thank the Senator. I would like to yield 3 minutes to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 3 minutes.

Mr. BENNETT. I thank the Chair.

As I said in my colloquy, I come to this issue with no background and am trying to learn about it on the floor.

My reaction to the things I have heard in this Chamber is that we might be well disposed, in spite of the comments made by the chairman of the Armed Services Committee, to pass the amendment of the Senator from New Jersey because it would seem to me that the Selective Service System being kept in place—and I would be happy to have the distinguished chairman correct me if I am wrong—runs the risk of being somewhat archaic, coming out of the experience of the Second World War. I was called up under this system, and it may well be that if, indeed, we have need of a list of 18-year-olds, with modern computer technology, it can be compiled much more rapidly and much more intelligently with the new system created when the threat arises rather than maintaining $20 million a year in the present circumstance.

I just have trouble with this. I do not feel very strongly one way or the other. But as I listened to the arguments, it seems to me to make sense to terminate what we have now and if, indeed, the Secretary of Defense comes along and says, no, we need some kind of system to keep a list of 18-year-olds, let the Secretary give us a recommendation for a system based on today's technology and the computer lists that are available in the various States for drivers' licenses, et cetera, so that we could move more quickly and more efficiently in a new circumstance.

I would be happy, Madam President, to be enlightened on that issue by any of the Senators on the floor.

Mr. NUNN. If the Senator is posing that to me, I would say that he makes good points. Those are good questions. The problem with this amendment at this time is, if it goes in this bill now, it will not even be a conferenceable item, so there will not be any reason to hear from the Department of Defense. This system will be abolished unless the President vetoes the bill. And if the President vetoes the bill, it will probably be for other reasons. So I have a hard time saying we are ready to make this kind of decision. Maybe the Senator from New Jersey is, but I am not ready to make this decision.

For instance, it is entirely possible with new computer technology that we could alleviate the burden of 18-year-olds having to register but keep the computer capability so that we keep updated files of addresses. And there may be a way to do that even through a drivers' license system or some other system which would be less expensive and less burdensome, although I do not think this is a large burden on 18-year-olds. So I would say to the Senator that that is one of the options.

But the problem of starting over on Selective Service is not possible politically. If this system is abolished now, believe me, no matter what system anybody comes up with, there will not be a substitute. You will see protests all over the country. Right now, nobody in the 18-year-old category has even written me saying this is a burden.

One virtue of this system is that it lets young people know that there are contingencies under which they might have to serve this country. In a period of time when we have alleviated the draft for young people, when there is no real burden, most young people—particularly upper middle-class young people, high economic groups—are not even serving in the military unless it is as officers. Our enlisted corps is increasingly made up of people in middle and lower economic groups. And I commend them for serving, but I think there is an argument that should be made that there ought to be, at least in the minds particularly of our more prosperous young people who are not interested in the military these days, some kind of contingent liability for service to the country. I am simply saying let us take our time on this and know what we are doing.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. BRADLEY. Madam President, how much time remains?

The PRESIDING OFFICER. Four minutes 34 seconds on the Senator's side and 6 minutes 46 seconds on the other side.

Mr. BRADLEY. Madam President, I would again like to remind the Senate for what this money is being spent. It is being spent for an agency, the purpose of which is outdated, in my view. As I heard the remarks of the distinguished Senator from Georgia, his lips were saying, no, no, not now, but I think his eyes were twinkling and saying, yes, maybe in the future. Time will tell. But I know what is happening to that money now. A U.S. Army Integration Agency study in November 1992 found:

> The extent of the overstaffing existed to the point that on several occasions employees of the agency informed members of the study team that they had no meaningful work to do.

Employees who were at grades 12, 13, and 14 were doing work that should have been done by 7, 9, and 11 grades. This is a waste of taxpayer money being expended against a ghost possibility. You could achieve the same list of 18-year-olds in a more modern, efficient way by using driver's licenses and Social Security. This is a new world.

We have all made speeches about cutting the budget. This is the perfect example of an agency that has outlived its purpose. How many times have you had town meetings where you said, "I want to cut the budget." Somebody says, "Well, did you ever eliminate anything, Senator? Did you ever eliminate a program, Senator?" Some people say yes. Most people say no.

This is your chance to eliminate a program, the Selective Service System. It should be eliminated. This amendment will eliminate it. And I hope we get a majority vote to eliminate it.

Ms. MIKULSKI. Madam President, I yield myself such time as necessary of the remaining time.

Madam President, we are debating whether or not we should have a Selective Service. That is not the point of what we are doing on appropriations. The debate on Selective Service and should it continue should be done through a regular authorizing framework, not a back door line-item x-ing out of a program that has been part of this Nation's fabric and has been the organizational structure to call men to arms at a time of war.

I will not go easily into the night with voting on terminating Selective Service through this back door line-item no-matter-how-well-intentioned amendment. If you want to eliminate Selective Service, introduce legislation that terminates it. Then it goes to something called the authorizing committee. They are very jealous of their jurisdiction. They tell us they set the policy. We the appropriators should be the quiet guardians of the purse.

Now I find myself defending whether we should have a Selective Service or not. I personally believe we do need a Selective Service, but that is not the subject of the debate tonight. We should defeat the Bradley amendment and follow the orderly rational procedure of authorizing and appropriating, and since there is a great demand by the authors for there to be a firewall, then let us have that firewall and then debate what should happen to Selective Service now that the Berlin Wall has come down.

But we really should not end Selective Service in such an ignominious way at 6:30 at night on the Senate floor, when we are about to put $36 billion into the Veterans' Administration, to pension, to disability, to dealing with the backlog in disability, for veterans' health care, for prosthetic devices. All of those who answered the call for service, yes, we are going to do that for the vets, but we will save money by eliminating Selective Service. I think Selective Service, the men who served and those who will continue to serve, deserve at least the ordinary regular processes of the U.S. Senate.

I urge the defeat of the BRADLEY amendment and move to table it.

The PRESIDING OFFICER. The motion to table is not in order until all time has been used or yielded back.

Ms. MIKULSKI. I yield the remainder of my time.

Mr. BRADLEY. Madam President, I yield the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Ms. MIKULSKI. I move to table the amendment.

Mr. BRADLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland to lay on the table the amendment of the Senator from New Jersey. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent. I further announce that, if present and voting, the Senator from West Virginia [Mr. ROCKEFELLER] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the chamber who desire to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—58

Akaka
Bingaman
Bond
Breaux
Brown
Bryan
Bumpers
Byrd
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Dorgan
Durenberger
Faircloth
Ford
Glenn
Gorton
Graham
Gramm
Hatch
Heflin
Helms
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nunn
Pressler
Pryor
Riegle
Roth
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—41

Baucus
Bennett
Biden
Boren
Boxer
Bradley
Burns
Campbell
Chafee
Cohen
DeConcini
Exon
Feingold
Feinstein
Grassley
Gregg
Harkin
Hatfield
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Packwood
Pell
Reid
Robb
Sarbanes
Wellstone
Wofford

NOT VOTING—1

Rockefeller

So the motion to lay on the table the amendment (No. 907) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Madam President, I ask unanimous consent that the following be the only floor amendments remaining in order to H.R. 2491, the VA-HUD appropriations bill; that they be subject to relevant second-degree amendments; and that if they are not offered by 5 p.m. tomorrow, Wednesday, September 22, they no longer be in order. The amendments are:

An amendment by Senator BUMPERS regarding Stafford loans; an amendment by Senator BUMPERS regarding solid rocket motors; an amendment by Senator BRYAN to delete the SETI program; an amendment by Senator SIMPSON that is relevant; an amendment by Senator DANFORTH regarding flood insurance; an amendment by Senator HELMS that is relevant; an amendment by Senator BROWN regarding CDBG's; an amendment by Senator GRAMM of Texas that is relevant; an amendment by Senator MIKULSKI that is relevant; an amendment by Senator D'AMATO regarding GSE oversight; an amendment by Senator STEVENS regarding Alaska clear air; an amendment by Senator SIMON regarding asbestos; an amendment by Senator NICKLES regarding national service; an amendment by Senator MCCONNELL regarding EPA; an amendment by Senator DECONCINI regarding protection of intellectual property; an amendment by Senator WARNER regarding the space station; an amendment by Senator BYRD that is relevant; an amendment by Senator HATFIELD that is relevant; an amendment by Senator METZENBAUM that is relevant; an amendment by Senator METZENBAUM that is relevant; an amendment by Senator RIEGLE and Senator LEVIN that is relevant.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Madam President, I do not intend to object. I would like to make a parliamentary inquiry of the majority leader.

As I understand it, he says that amendments have to be offered by 5 o'clock but, as I understand it, with all those amendments that there are there may not be an opportunity to call up the amendment.

Does the leader mean that as long as the amendment is submitted at the desk and asked to be called up, that that would be sufficient? Or would a Senator be precluded if he or she were not able to have time to offer the amendment?

Mr. MITCHELL. The Senator is correct. The Senator would be precluded if an opportunity does not arise to offer the amendment.

But I would point out to the Senator the problem we have in the Senate is exactly the opposite. We cannot get Senators to come over and offer amendments. That is the problem. We also have Senators who do not want to stay here in the evening, and we cannot get started on the business until the afternoon.

So, there is not any alternative to this procedure, except staying here late this evening and every evening.

Mr. METZENBAUM. I would have to object just on the basis of the procedure, because I can very well imagine what will happen. I came out here the other day to offer an amendment on the Armed Services bill. Were it not for the fact that I was permitted to have unanimous consent to set aside the pending amendment, I would have been precluded from offering that amendment.

I would say to the leader I totally respect the effort that he is attempting to make, but I think that any procedure that would preclude any Member of this body from offering an amendment when he or she is ready to offer the amendment and cannot find an opening in order to offer the amendment, is a very bad way to proceed, and I would have to object on that basis.

Mr. MITCHELL. May I say to the Senator, the Senator has two amendments listed here. Why does not the Senator stay here and offer them now and not have to worry about being precluded?

Mr. METZENBAUM. I say to the leader I am not speaking only with respect to my amendment. I think this is not a good way to proceed, to preclude Members of this body from having an opportunity to offer their amendments. I am concerned if we start down this road—maybe we have been down the road before—I do not believe that any Member of this body ought to be precluded from offering an amendment because he or she cannot get the floor.

I think if there were some procedure where any Member could offer the amendment without debate by 5 o'clock tomorrow and then have an up-or-down vote on it, I think at least that protects the Member's position.

Absent that, I think it becomes a very unreal kind of procedure.

Mr. MITCHELL. Madam President, the concern which the Senator expresses has existed with respect to every unanimous consent agreement obtained for at least the past 14 years that I have been in the Senate when there is a limitation on amendments.

Any Senator not on the list is automatically precluded from offering amendments right now.

I appreciate the Senator's concern for the welfare and ability of Senators other than himself on the list to offer amendments, but they are all very capable of standing up here and expressing themselves if they want to.

My question is, if the Senator has an amendment and he is concerned about offering it, he has the opportunity to stand up here right now and offer the amendment. There is no chance of it being precluded.

(Mrs. MURRAY assumed the chair.)

Mr. METZENBAUM. Madam President, I understand the Senator's point.

One of the reasons I have those amendments reserved is, in the event there is some amendment that is offered and then passed and it may be necessary to revisit the subject, I would have an opportunity to call up that amendment and have a vote on it.

But I believe, Mr. Leader—and I have tremendous respect for your efforts and what you are attempting to do—but I believe any time you preclude Members of this body from having a chance to vote on their amendment when they are waiting in line to get it called up, I think it is a bad way for the U.S. Senate to proceed and, therefore, I object.

It is not because of the Senator from Ohio's amendments. I just think we are suddenly providing a different kind of procedure.

Maybe you have done it 20 times in the past. But the fact is, I was under the impression all week that you would have an opportunity to get your amendment called up when there was a limited number of amendments. Under these circumstances, I think it just does not make good logic.

Mr. MITCHELL. Madam President, I simply want the RECORD to reflect the fact that every single unanimous consent agreement which identifies amendments automatically, by its very terms, precludes any Senator whose amendment is not on that list from offering an amendment. So the concern which the Senator has has occurred over and over again almost daily.

If we cannot get unanimous-consent agreements, then I say to my colleagues we are going to be in session much, much longer hours and many more days than we are now.

Mr. METZENBAUM. The majority leader misunderstands me.

Mr. MITCHELL. No, I understand you perfectly well.

Mr. METZENBAUM. You are saying that anybody who does not call up his amendment. I am saying that you may not be able to call up your amendment. And if you cannot get the floor to call up your amendment then, by this unanimous-consent agreement, you are precluded from offering that amendment. One amendment could hold the floor for all the time until tomorrow at 5 o'clock and no amendment would be in order.

Mr. MITCHELL. Madam President, I want to say that this is a classic example of debating over a theoretical harm which has not occurred, when we have used this practice in the past, to preclude a practical solution to a real problem.

Now we have done this before and the fear that the Senator expressed has not occurred.

On the other hand, if we cannot get this type of agreement, then we satisfy the theoretical concerns, and the practical reality is that we are going to stay here late tonight, we will be here much later, and a lot of Senators will be inconvenienced, Senators in whose behalf the Senator from Ohio now purports to speak.

Mr. METZENBAUM. The majority leader realizes we have a somewhat similar procedure when we have cloture. Postcloture amendments can be called up afterward without any debate, but at least you can get your amendment considered.

This procedure precludes the consideration of amendments where Members want to call them up.

Mr. MITCHELL. There is nothing to preclude a Senator on this list from coming over and offering an amendment right now. I am inviting Senators to do so.

Mr. METZENBAUM. Not if there is an amendment pending. And if there is an amendment pending, then that Member cannot.

I came to the floor the other day when the Armed Services bill was up, and had Senator EXON not been gracious enough to permit me to offer my amendment, I would not have been able to do so.

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senator from Ohio be recognized to offer any amendment he wishes that is on this list to do so now.

Mr. METZENBAUM. I do not need unanimous consent to be recognized to offer an amendment now. I just said to the leader my amendment is there in the event an amendment is adopted and I wish to amend it subsequently.

Mr. MITCHELL. Madam President, I will just say, it is darn near impossible to get anything done in this Senate with the rules and the attitudes that Senators have about the way we proceed. It is just about darn near impossible.

Senators want to have 3 or 4 hours of morning business in the morning. Senators want to leave at 6 o'clock in the evening. Senators do not want to be in session on Monday. Senators do not want to be in session on Friday. Senators want this, want that, do not want this, do not want that.

If we cannot proceed with unanimous consent agreements that enable us to organize and schedule the business in an orderly way that adapts to the convenience of the overwhelming majority of Senators because of a theoretical concern—that admittedly may occur, but also admittedly in real life has never occurred—then I just say to Senators that there is not any alternative.

The Senator has a perfect right to object. The Senator has noted he is going to object.

Therefore, I will say to the Members of the Senate that we are in tonight, we are in for several hours tonight, we are going to be in and stay in as long as it takes to make good progress on this bill.

We are going to finish this bill by about this appointed hour tomorrow. We can either do it in a way that inconveniences almost every Senator or we could do it in a way that makes it more convenient to the Senate.

Mr. METZENBAUM. May I suggest to the leader that there is a solution—and perhaps the leader would not be willing to consider the solution—and that is that any Member who has an amendment on the list and wishes to call it up at 5 o'clock would have a right to do so without debate.

That protects the right of the Member to get his or her amendment called up. It does not delay the progress of the Senate. It does not require the Senate to be in session tonight. But at least the Member is entitled to have a chance to have his or her amendment voted on.

Mr. MITCHELL. What is the matter with the Senator having to come to the floor now to offer the amendment? Why does anybody have to wait until 5 o'clock tomorrow to offer an amendment?

We spend most of our time here imploring Senators who say they want to offer an amendment to come and offer their amendment. Why does any Senator want to wait until 5 o'clock tomorrow?

Mr. METZENBAUM. I do not know why any Senator might want to do that.

I will say to the Senator, I am not sure I will offer my amendment. The reason I have reserved the place is in the event there is an amendment adopted that I believe needs a subsequent amendment after it has been adopted for clarification or for some modification, that I protect that position.

And I am not the only Member of this body who has done that. There are a number of Members who have unspecified amendments that have a position listed.

I do not know what harm would be done, Mr. Leader, in saying that any Member who had an amendment pending would have an opportunity to offer it.

Mr. MITCHELL. The harm is this. We already have Senators who will not come and offer amendments. Senators say, "I have an amendment to offer. It is very important."

We are on the bill. The manager stands here hour after hour, time after time, begging Senators to come over and offer their amendments.

"Well, it is inconvenient." "I have to go get a haircut" or "I have got to go pick someone up at the airport," or, "My dog has a stomach ache and I cannot come over and offer my amendment."

Now, what the Senator is doing is suggesting a mechanism which creates an even greater incentive to wait until the last minute.

Do not inconvenience the Members of the Senate to come here tonight and offer an amendment when we are considering the bill, when there is ample time to debate it. Wait until the very last moment, and then we guarantee you, no matter how unwilling you are to come over and do anything any other time, no matter how you may say, "Well, I have this amendment, but I do not want to come offer it now, because it is really inconvenience for me.

I will wait until the last minute and it does not make any difference because I am guaranteed, as long as I get there at 1 minute to 5, that I can offer my amendment."

So that way, we are furthering the tendency to encourage Senators to wait and not come over and offer their amendments, wait until the very last minute.

Now, maybe we will have to end up doing what the Senator from Ohio has suggested, because the rules of the Senate are such that we cannot do anything if one person objects. And that gives every Member of this Senate the ability to exercise a veto over anything we do. And probably we will accept that, because we do not have any other choice.

I just say it is tough enough to get anything done here, and this just makes it tougher, for no good reason other than to satisfy some theoretical concern, which, when weighed against the practical realities with which we must deal, I do not ascribe great weight to it.

Mr. METZENBAUM. Will the leader not recognize that the procedure that he is following, or wants to follow, would preclude one or more Senators from having an opportunity to call up their amendment if the situation on the floor is such that that Member cannot get the floor?

Mr. MITCHELL. Yes. I acknowledge that, certainly. And will the Senator not acknowledge that if any Senator wanted to seriously offer an amendment to this bill, he could come over and offer it right now?

Mr. METZENBAUM. Of course. Right now.

Mr. MITCHELL. That is my point.

Several Senators addressed the Chair.

Mr. MITCHELL. Madam President, I withdraw my request. We will proceed with the bill. We will see if we can work this out. In the meantime, Senators are on notice we are in session tonight. There will be votes unless and until some further statement is made.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 908

(Purpose: To require the approval of Congress of the expenditure of certain space station funds.)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator intend to amend the first committee amendment?

Mr. WARNER. Madam President, I ask unanimous consent the pending amendment be set aside and we proceed to the amendment of the Senator from Virginia.

The PRESIDING OFFICER. Without objection the committee amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 908.

On page 60, line 9, after "1994" insert the following: ", and any funds above such $1,000,000,000 may only be obligated with the approval of Congress.

Mr. WARNER. Madam President, I send to the desk an amendment in the nature of a second degree.

The PRESIDING OFFICER. The Senator does not have a right to offer an amendment to his amendment at this time.

Mr. WARNER. Madam President, I ask for the yeas and nays on the first amendment.

Mr. GRAMM. On your amendment you ask for the yeas and nays?

Mr. WARNER. The amendment that is at the desk. I ask for the yeas and nays.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. I thank the Chair. I thank the managers.

Madam President, I spoke to this amendment earlier. I do not wish to prolong unduly the debate which has been a very good one—I said that earlier—on the space station. My concern is that the committee report on Calendar No. 194, page 145, reads as follows:

> Bill language has been included to allocate these funds accordingly. In addition, the committee has included language that limits NASA from obligating more than $1 billion prior to January 31, 1994, for the space station program. This will enable the committee to assess the final design configuration of the station before agreeing to release the remaining funds appropriated in fiscal year 1994.

Madam President, this amendment is a very simple one. It states that rather than the committee making this assessment at some point in time prior to January 31, 1994, that the Senate as a whole, that the House as a whole, that the Congress as a body shall determine whether or not future authorized dollars by the previous amendment should be appropriated to this program. That is all.

I say to my distinguished colleague from Texas, who possibly has in mind a second-degree amendment, I shall repeatedly bring forth one amendment after another until I get an up-or-down vote on this question, because in the judgment of this Senator, I think this program should be reviewed very intensely by the Senate. It will be my hope we continue oversight on a continuous basis because here in the course of the debate on the space station we have learned facts that I find astonishing, that I find unacceptable, in terms of timely action by this body.

We do not have, in my judgment, before us at this time such firm cost estimates for the completion of this program to justify action by this body. Nevertheless, the body did take action.

It is interesting, if you look at a breakout of the votes here, there are 36 Republicans who voted for the program and 23 Democrats. That is a heavy responsibility. This program now has a very close identity with the Republican Party. This party deliberately delivered the margin of vote to assure the program go forward as directed by the committee. I say that with no disrespect to anyone. A fair battle was fought on the amendment. It is over. It is behind us. But I think it is incumbent upon us to engage this body in such further deliberation as necessary to have one single dollar in addition to the $1 billion, and that roughly is $900 million, almost another $1 billion—before $1 of that sum is released. I think it merits the deliberation of this body, its careful attention, and I would anticipate another record vote.

In that way we have fulfilled our responsibility, our continuing responsibility, toward this program and toward the heavy burden we are casting on the taxpayers to continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, I am not sure I understand.

Is this a procedure where we would have to have another affirmative vote in the Senate before any of that money could be spent even though the report was made back?

Let me just give an example. On the Armed Services Committee we fence things and put hurdles in, objectives to be met all the time. We have done that. We did it on B-2. We have done it on several different programs. But the idea on that was not to bring it back for a second vote in the Senate. The idea every time there was to make sure the administration was reporting everything to the committee because we had been misled a few times, reporting everything to the committee and have to report it.

Then, at that point, Members who were either for or opposed to whatever the issue is have a full right to come to the floor, put in legislation, try to alter that. But I would say to my friend from Virginia, if we are to start on appropriations bills and say because we do not like a certain procedure and because we happen to lose a vote on the floor we are then going to come back and require a second vote before anything is released, that is just legislative WPA in the Senate.

The Senate has expressed its vote. It was 59 to 40. Accept it. Why would we have to bring it back again and have another vote on it? I am all for having the report made back here and then if there is objection to the way things are going or it does not come out the way we hoped, we always can bring it back and legislation can be submitted to undo what is being done. But I think we are treading down a path here of just making a lot of excess work for ourselves if every time we have some objection to a thing that passes here on the floor on an appropriations bill, we require a second vote on it. So I would have to oppose it, regretfully.

Mr. WARNER. I respect my good friend from Ohio. He served with me for many years on the committee. But I ask him to review the language. Where did he see here the word "report"? Where is the fencing report we carefully put in the Armed Services Committee? Will my colleague kindly read the language? Or I will read it for him.

Mr. GLENN. If the Senator will yield for a comment, I have not actually read the language. Maybe it does not require a report. But, certainly, I can guarantee the Senator from Virginia, the Senator from Arkansas, and others are going to be following the progress of the planning for the spending of that money very, very carefully, as they should. Then if there is objection——

Mr. WARNER. I do not know how I follow it, to be honest. There is no obligation for them to report that I see here. There is a report inferred, I might say in all fairness. The sentence simply says "This will enable the committee to assess the final design configuration."

That implies some further evidence will be coming before the committee. But I draw to my colleague's attention, January 31, 1994—the Senate meets for a very few days in January and, hopefully, for a very few days in December. It could be the outcome of this is decided by one or two Senators on behalf of the entire body involving $900 million.

I say to my good friend, I am not prepared to yield that discretion, primarily because of the inadequacy of the facts that were presented to this body in support of the amendment that was just acted on.

Ms. MIKULSKI. Will the distinguished Senator from Virginia yield?

If the distinguished Senator will yield the floor to me, recognizing his right to reclaim the floor?

AMENDMENT NO. 909 TO AMENDMENT NO. 908

(Purpose: To require the approval of Congress of the expenditure of certain space station funds)

Mr. WARNER. Madam President, I will be happy to yield, but before doing so, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 909 to amendment No. 908.

Strike all after the first clause and add: "any funds above such $1,000,000,100 may only be obligated with the approval of Congress.".

Mr. WARNER. Madam President, I thank the Chair and I thank the distinguished managers.

I yield the floor.

Ms. MIKULSKI. Madam President, I recognize what the Senator from Virginia is trying to achieve. He wants to ensure fiscal accountability and that the redesign of the space station, an American-led space station with Russian participation, is adequate to the three criteria that the ranking minority member and I have articulated: That it do significant science; that it be fiscally achievable; and that it meet the needs and the criteria of our international participating partners. That is not unreasonable.

What I do not want, Madam President, is to bind the hands of this committee, subject to another vote on the space station, without going through the regular appropriations process. However, what I am prepared to do is, we anticipate that this report will be done by Thanksgiving; and I will assure the Senator that we will not unfence until we have had a hearing exactly on the nature, the content, and the fiscal aspects of this new design. Then, at that time, we can decide if it is so significantly different from what we think we have agreed to tonight, that we might have to return to the body.

I would not want to bind us to a vote, but I am prepared to agree to a hearing because I think that the questions the Senator from Virginia has would be the same questions I would have in order to be able to listen to what the design is. But I really encourage the Senator from Virginia to not have us come back to do a second vote when the normal appropriations process is done except on one item.

I am ready to agree to a hearing. Would that satisfy the Senator from Virginia?

Mr. WARNER. Madam President, I thank the manager, the distinguished Senator from Maryland.

I regret to say that I would not find that an acceptable substitute for the goals of the Senator from Virginia, as manifested by the amendment at the desk. I say that with great respect.

Ms. MIKULSKI. I understand that.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, one of the things that we do to try to see that the will of the Congress and the intent of the law is carried out is to set up a fencing mechanism so that those who are implementing the law have to come back to those of us who write the law and show that, in fact, they have carried out the intent of Congress.

What the distinguished Senator from Virginia has done is sought to magnify a fence that we were trying to use to achieve the purposes that he is supportive of, and now he would like us to have to come back to Congress and bring a bill to the floor of the Senate, which could be filibustered. We could technically have to get a supermajority in order to move ahead with a project that 59 Members of the Senate have just voted in favor of.

Also, this amendment, if adopted, would set what I believe is a very bad precedent because it would either force committees to stop fencing money—and therefore we would lose our ability to have effective oversight—or we would have to subject ourselves to the potential of having multiple votes on basically the same issue.

So I think, again, this is a case—and I made the point when we had the previous debate, and I do not intend to repeat all those speeches tonight—but this is a case where the distinguished chairman and I have tried to exercise oversight; we have tried to hold NASA accountable. The mechanisms we have used, which are conventional mechanisms, in fact, are used routinely by the Armed Services Committee, on which the distinguished Senator from Virginia served as the senior Republican. What we are trying to do here is simply to exercise oversight. I am afraid if we accepted this amendment, we would be forced to come back and vote on the whole issue again.

I think the Senate has spoken on this subject. I have no doubt that they will speak again with a very clear voice, perhaps with a larger margin, because now we are talking about really attacking the mechanism which the Congress has used to do its work. And so I do not see that we are going to serve any purpose at 7:30 tonight by debating the whole space station again.

The distinguished Senator from Virginia very ably, with great passion and skill, made his case. We had a vote on it. His position did not carry. He is certainly within his right to offer this amendment, but I think that this amendment disrupts what we are trying to do. I think that it discourages the kind of oversight that we all agreed that this project needs.

Therefore, I am opposed to this amendment, and I hope that it will be rejected.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, if I may make a brief reply to my colleague from Texas. During the course of this debate on the amendment, which has now encompassed 2 days, we have had a most astonishing development in the world. The Senator from Arkansas read from the initial reports regarding some developments in Russia which I find are germane to the consideration of this amendment.

I am not going to go back into it, but essentially:

> Boris Yeltsin, the President, moved to take complete control of Russia—

Complete control of Russia. That is control of this program. That is control of this program; one man——

> in a constitutional coup on Tuesday, ousting the hardline Congress and announcing elections for a new Parliament in December.

One of the more dramatic chapters of this debate is one when we were advised in S-407 that there would be a briefing— regrettably, only five or six Senators showed up, of which I was one, because I felt duty bound—a briefing about how the space program was an integral part of an overall approach by this administration. I commend the President for this overall approach, and I am going to support him. It is an approach whereby we would involve Russia in this program. The sum of $100 million was mentioned.

Madam President, that is just in the brief period of less than 48 hours when the Senate has been dealing with this amendment. I ask my colleagues, I do not know what this report portends for the future of Russian participation in the space station. But I guarantee, Madam President, this Senator wants to know before another dollar is released under the proposed fence. That is why I ask this body to reconvene.

Is it too much to ask this body to spend an hour or two in debate on $900 million? Is that asking too much? This fence delegates to perhaps one or two Senators the responsibility for close to a billion dollars. I say this to my good friend from Texas. He might well be the Senator on this side to make that decision, and he has fought hard for this amendment. He won. He delivered 34 Republican votes. That is a mark of pride.

But I am reminded of my old history professor, I say to my good friend, the senior Senator from Texas. The year was 1946. I came back after a brief tour in the U.S. Navy, matriculated in my father's old school, Washington and Lee University.

The history professor was named Bean, Dr. Bean. He was in his seventies, and he was recognized not only in Virginia, but throughout the Nation, as the foremost expert on that tragic chapter of history from roughly 1860 to 1865. He had a book on his desk, and all students as they walked in, were required to touch the book and then take their seats. I say to my distinguished colleague from Alabama, my contemporary in life, every student touched that book. The title of that book, a book written by one of Robert E. Lee's aides-de-camp, a man who had traveled with Lee through the various campaigns and had taken an opportunity after that tragic chapter to sit down and write a book, I say to my distinguished friend from Texas, was "The Unbiased History of the Civil War, From the Southern Point of View."

Somehow, I feel the senior Senator from Texas might not apply the objectivity, the depth of analysis, and reasoning that might be required to obligate this body, the U.S. Senate, to $900 million.

I yield the floor.

Ms. MIKULSKI. Madam President, I think there has been said all there is to say on this amendment. I believe we are at an impasse on this, and in a few seconds I will be making a motion which I hope will bring this debate to a close and we can begin to start the debate on ASRM.

I know that when we initially talked about the amendment of the Senator from Virginia it was going to take 15 minutes. It has now taken longer than we anticipated. I believe, whatever the arguments, we would only be repeating ourselves. I truly respect the Senator from Virginia and what he is attempting to do. But, Madam President, I now must move to table Senator WARNER's amendment No. 908, and I ask unanimous consent that the vote on the motion to table occur at 8 p.m.; further, that the amendment be laid aside so that Senator BUMPERS may now offer the ASRM amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HEFLIN. I would just like to ask unanimous consent. It will take 15 seconds.

Ms. MIKULSKI. Could we get this agreement first?

The PRESIDING OFFICER. Is there objection to the agreement?

Mr. BUMPERS. Reserving the right to object, would the distinguished Senator restate the request?

Ms. MIKULSKI. I move to table the Warner amendment No. 908 and ask unanimous consent that the vote on the motion to table occur at 8 p.m.; further, that the amendment be laid aside so that Senator BUMPERS may now offer his ASRM amendment and that we may proceed on the discussion on ASRM.

Mr. WARNER. Madam President, reserving the right to object, I wonder if the distinguished managers of the bill might consider not only laying aside the vote but having the vote occur at some time which would be most convenient to the majority of Senators. It may well be that the distinguished Senator from Arkansas will require a vote later this evening and that the votes could be put back to back. I speak only to accommodate the Senate.

Ms. MIKULSKI. I insist upon my original unanimous consent request.

The PRESIDING OFFICER. Is there an objection? Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mr. HEFLIN. I wonder if I might make a 10-second unanimous consent request.

Mr. BUMPERS. Certainly.

Mr. HEFLIN. Mr. President, I ask unanimous consent that a legislative fellow serving in my office, Deborah Bailey, be granted privileges of the floor during the consideration of the VA-HUD-Independent Agencies appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 910

(Purpose: To provide funding for the termination of the Advanced Solid Rocket Motor project for the purposes of reducing the deficit in the Federal budget)

Mr. BUMPERS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. BENNETT, proposes an amendment numbered 910.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 62, after line 2, add the following: *Provided*, That of the funds provided under this heading, $100,000,000 shall be made available for termination of the contracts relating to the Advanced Solid Rocket Motor project.".

Mr. BUMPERS. Madam President, this is an amendment that deals with a program that is not familiar to several Senators. I understand that when you do not understand an amendment you just vote "no." So I want to say to the distinguished Senator from Maryland, I do not want to belabor the length of time that is going to be required to educate people, but I do think a few things ought to be said.

The first thing that ought to be said is you have an opportunity here to save $2 billion, and you do not risk one single thing. In 1989 there was a program established to build what is called an advanced solid rocket motor at Yellow Creek, MI.

Now, you all know, of course, that JAMIE WHITTEN is chairman of the Appropriations Committee, a good man, and, believe it or not, JAMIE WHITTEN's district was chosen as a place to build this advanced solid rocket motor.

You should also know that President Bush was very much opposed to it. Vice President Quayle, who had been delegated quite a bit of the space function, was opposed to it. But it was something of a big piece of pork, and so we began building a facility to produce an engine for our shuttles. This was in the wake of the *Challenger* disaster, which I think was in 1986. Everybody remembers the trauma of the *Challenger*.

Now, Madam President, this is a low-scale kind of space station thing, I guess. We have already spent $1.5 billion. It started out at a little over $2 billion. The cost is now $3.8 billion. We are going to have to spend $2.3 billion more to complete the project. And, incidentally, my amendment leaves $100 million to terminate it.

We all believe in safety. We want our shuttles to be safe. We want our astronauts to be safe. Madam President, if you look through the documentation on this, you will find that everybody has been opposed to the advanced solid rocket motor project but it is kind of like Rasputin; it just keeps surviving.

Last year, the House of Representatives overwhelmingly killed this program. I want to repeat that. Last year the House of Representatives voted by a very substantial margin to terminate this project, but not the Senate. And the Senate only had $50 million in it. It was called "hold" money to keep the project on hold; $50 million.

So we take our little $50 million over to conference with the House, which has overwhelmingly torpedoed the program, and guess what? It comes back with $360 million in it.

That is a piece of legerdemain that I have never understood. When I came to the Senate, I was taught that the conference committee could not exceed the highest number and could not go below the lowest number. Here we put $50 million in, the House zips it, and we come back with $300-plus million. The Yellow Creek just keeps grinding away.

You understand they have not produced the first motor, and they are a long way from producing the first motor.

Lo and behold, this year the House was so upset about what happened last year—and I want everybody to hear this—the House killed this program about 3 weeks ago by a vote of 378 to 43. Let me repeat that. The House of Representatives has already voted to terminate this program despite the fact that JAMIE WHITTEN is still a Member of the House of Representatives. They voted to kill the program 379 to 43.

To the distinguished chairman's credit, she has a little over $100 million in this bill for it. And the reason I am trying to torpedo this program is because we are going to wind up going back to conference with the House. And it is going to come back over here with $300 or $400 million on it.

It is a flagrant violation of the rules of the Senate to come back here with more money by far than either body had voted for.

The idea was we would never have another *Challenger* disaster. But, Madam President, we have not had one since then anyway. Did you know that until ALBERT GORE became Vice President of the United States, everybody wanted this program terminated. Here is an opportunity for a few people to redeem themselves if they choose to, and say I voted to cut something.

But if you look at the GAO report, if you look at almost any study that has been done on this thing, everybody says I do not understand why we are building this thing.

Madam President, today the proponents of this thing, Senator COCHRAN, Senator HEFLIN, are going to show you a letter from Daniel Goldin, who is head of NASA. He does not want it either. But his letter says he does. I assume he does not. NASA never has wanted it. This is the same guy that could not tell you what the space station is going to cost. But he sent a letter over here saying, yes, we sure would like to have it.

You are going to hear arguments that the extra thrust that ASRM will provide the shuttle is going to be necessary for our space station. According to NASA, the latest version of the space station is being redesigned so that all its components can be placed into a 51.6 degree orbit. That is the so-called "international orbit", using a new aluminum lithium tank. And the new tanks will greatly reduce the weight of the launch vehicle and allow the solid rocket motors to lift the shuttle into the higher orbit.

The administration is also seriously considering using Russia's large proton rockets instead of the space shuttle to lift the largest components into orbit. After debate today, and after what is happening in the Soviet Union, in Russia, I do not think that is going to happen.

But Madam President, why do we want to build in that kind of redundancy when everybody agrees that the redesigned rocket will do everything we want it to do, with absolutely no additional cost except some tinkering with the redesign?

Let me tell you one other thing. The environmentalists of this country are on their ear because of advanced solid rocket motor tests. Every test will generate 100 tons of hydrochloric acid. And that is a very serious environmental risk. It may not make any difference to you. But that is one of the reasons the Audubon Society and the National Wildlife Federation, the Sierra Club, the Natural Resources Defense Council, every environmental group in the country is opposed to this motor.

But the real truth is in this GAO report dated November 1992, about 10 months ago. If you really want to know what this is all about, listen carefully to what the GAO says:

> While the new design features and automated manufacturing processes hold the potential for a more reliable and safer motor, ASRM's design is as yet unproven and its reliability will not be known for a long time.
>
> As a result two NASA advisory groups have recommended that the agency reconsider its designs to develop this advanced motor and, according to these groups, the advanced motor's high technical and programmatic risks, together with the redesigned motor's proven performance, make development—

Listen to this—

> make the development of the advanced motor unnecessary.

Why, in view of the GAO report which quotes two advisory groups of NASA saying we do not need this motor, why would we spend over $3 billion on that?

Listen to this:

> Both the National Research Council and the Aerospace Safety Advisory Panel have questioned whether ASRM will be safer and more reliable than the redesigned solid rocket motor, and have recommended that the program be reconsidered. According to the research council, NASA should rely on the redesigned solid rocket motor since it has proven to be reliable.

The research council also stated that:

> It believes the ASRM program contains high technical and programmatic risks.

For example, in a 1991 report, the research council questioned the design of ASRM field joint and welded factory joint. It goes on:

> In 1989 the Aerospace Safety Advisory Panel also questioned the need for the new motor since many other elements of the shuttle system could be replaced or modified to contribute more to improving safety.

I am going to close with this. I am not going to debate this all night. I did not get any more votes by debating 24 hours on the space station than I would have gotten if I had not. But I just want to close with this one statement from the GAO and the GAO is quoting basically two NASA panels.

Here is what they say:

> When ASRM was first approved NASA had no actual flight experience—

With this redesigned motor.

> Through October 1992 the redesigned solid rocket motor has successfully flown 26 missions.
>
> Since the January, 1986 *Challenger* accident, NASA has enhanced its safety organization and increased the number of quality assurance inspections. Following each launch, the solid rocket motors are disassembled and inspected and, to date, these inspections have identified no major problems, according to NASA.

Madam President, please let the record show that I offer this amendment on behalf of myself and the distinguished Senator from Utah [Mr. BENNETT].

I yield the floor.

Mr. COCHRAN. Madam President, the distinguished Senator from Arkansas is my good friend, and I regret his offering this amendment which requires us to challenge some of the statements that have been made about the savings that could be realized if this Advanced Solid Rocket Motor Program is canceled, and all funds to be appropriated for it are deleted in this bill. But I am convinced, based on my understanding of the facts, that the claim that $2 billion would be saved if this appropriation is deleted and stricken from this bill is just simply not supported by the facts. Senators will remember that this program was created as a result of the *Challenger* disaster, the explosion of the shuttle in which seven astronauts were killed back in 1986.

A concerted effort was begun to figure out why that accident happened and what could be done to prevent a catastrophic failure from happening again. If we are to have a manned space program, we need a safe space program; we need a safer space shuttle; we need a more reliable system. And so engineers and scientists and all of NASA were mobilized and put to the task of coming up with a better rocket motor, a safer, more reliable motor. ASRM was born of that effort.

The Senator's opening remarks about how this is a program that was established in the home district of the chairman of the House Appropriations Committee omits the fact that the site where this program was finally located and constructed had been chosen as the site for the building of a nuclear power reactor and plant for the Tennessee Valley Authority, but because of a restudy of the power generation needs of the TVA; that project, although it was already under construction, was abandoned. Here was the Federal Government with condemned property, a partially constructed facility, up in the northeast corner of the State of Mississippi, very close to the Alabama and Tennessee lines on the Tennessee River in the Tennessee Valley power supply area, and no use for it. The Federal Government had a white elephant on its hands. Hundreds of people in that region had been thrown out of work. It was controversial to start with when TVA decided to build that reactor in the first place. But the Government had made its decision.

Then NASA decided, with advice from a Presidential Commission, to take advantage of this vacant and available site to construct this newly designed rocket motor. It had been put out for competitive bids by contractors from around the country, the best that America had available, and it was decided to locate it at Yellow Creek, MS, because it was financially beneficial for the Government to locate it there. So TVA transferred that property to NASA, and NASA began the construction of this facility. And now it is almost completed.

We are nearing the end of the construction phase, with new motors available for use by NASA to make the shuttle program safer and more reliable. This new motor will reduce the chances for failure from potential gas leaks; it will reduce the ways in which the system could fail; it will make it a much safer and more efficient system.

If this program is canceled at this time, it will actually cost the Government more money than it will save.

The Senator quotes from a GAO report that had some critical things to say. I notice that only one group was questioned and quoted in that report by the Senator. NASA's side of the story was not quoted by the Senator. NASA disputed those claims by the person who was quoted in that report and said that the ASRM Program is necessary and that it will be beneficial.

The President put $313 million in his budget for this next fiscal year for ASRM and asked that the program be continued, that it be completed. There is evidence that we put in the RECORD in the Appropriations Committee that very clearly shows that Daniel Goldin, the Administrator of NASA, supports this program.

I will read a portion of the letter, Madam President:

> NASA has examined alternative ways of obtaining the increased performance necessary, and we believe the ASRM—either by itself or in concert with other improvements—is the most obvious solution. The ASRM is an important consideration as we assess a space station at higher and lower inclinations.
>
> NASA and the administration continue to support the fiscal year 1994 budget request of $313 million for the ASRM program.

Our committee has looked very hard at this issue. The subcommittee reported out a bill that calls for an appropriation of $162.6 million for this program in fiscal year 1994, and it suggests to NASA that offsets be identified so that the full $313 million can be made available next year. NASA, as I understand it, is undertaking that review.

If we are going to continue to have a manned space flight program, which I think is the appropriate national policy, then we need a safe and reliable system. This is the new, safer system that we have developed. And now to urge that it be abandoned, canceled here at the 11th hour, is absurd.

It is fiscal nonsense to have invested all of this money, constructed this facility, brought in engineers and scientists and workers from all over the country to this location, where a tri-State area of infrastructure has been established to support this program, where education dollars have been spent, schools have been built, and now abandon and cancel this program. You cannot believe the amount of effort, energy, and commitment of resources that has occurred in these three States to accommodate this facility, to support it and make it successful.

The people in this area are proud to have devoted the energy and resources and commitment they have to this project. But to have the U.S. Congress, after all of this effort and all of this hard work, stiff-arm the people who have committed themselves to this goal, to develop a safer and more reliable shuttle motor, that will help us lift larger payloads to accommodate the construction of the space station, as a side benefit, and to do it all for less expense, to do it more efficiently than we would have been able to do so before, seems to me the height of bad judgment for the Congress to now decide that we have changed our minds, and all because somebody said this was not a good idea after all. Well, it is the best idea we have been able to come up with, and the Senate should support it.

Madam President, I ask unanimous consent that a copy of the letter that I referred to from Daniel Goldin, Administrator of NASA, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, DC, September 8, 1993.

Hon. THAD COCHRAN,
U.S. Senate, Washington, DC.

DEAR SENATOR COCHRAN: Thank you for your letter of August 31, 1993, regarding the desirability of the Advanced Solid Rocket Motor (ASRM) program.

As you correctly observe, additional performance will be extremely useful if the Space Shuttle is to deploy Space Station elements to higher inclinations, as was recommended by the President's Advisory Committee on the Redesign of the Space Station. NASA has examined alternative ways of obtaining the increased performance necessary, and we believe the ASRM—either by itself or in concert with other improvements—is the most obvious solution. The ASRM is an important consideration as we assess a Space Station at higher and lower inclinations.

NASA and the Administration continue to support the fiscal year 1994 budget request of $313 million for the ASRM program.

We appreciate your work in support of this program and stand ready to assist in any way possible.

Sincerely,

DANIEL S. GOLDIN,
Administrator.

Mr. COCHRAN. Madam President, I urge the Senate to reject this amendment.

VOTE ON AMENDMENT NO. 908

The PRESIDING OFFICER. The hour of 8 p.m. having arrived, under the previous order, the question now occurs on the motion of the Senator from Maryland to lay on the table amendment No. 908 offered by the Senator from Virginia. A rollcall vote has not been requested.

The majority leader.

Mr. MITCHELL. Madam President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland to lay on the table the amendment of the Senator from Virginia.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON], the Senator from Arkansas [Mr. PRYOR], and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from North Carolina [Mr. HELMS], and the Senator from Idaho [Mr. KEMPTHORNE] are necessarily absent.

The PRESIDING OFFICER (Mrs. BOXER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 39, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—55

Akaka
Bennett
Biden
Bingaman
Boxer
Breaux
Brown
Burns
Campbell
Cochran
Coverdell
Craig
Danforth
Daschle
Dodd
Domenici
Faircloth
Feinstein
Glenn
Gorton
Graham
Gramm
Gregg
Hatch
Hatfield
Heflin
Hutchison
Inouye
Kennedy
Leahy
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Packwood
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Wofford

NAYS—39

Baucus
Boren
Bradley
Bryan
Bumpers
Byrd
Chafee
Coats
Cohen
Conrad
D'Amato
DeConcini
Dole
Dorgan
Durenberger
Exon
Feingold
Ford
Grassley
Harkin
Hollings
Jeffords
Kassebaum
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mathews
Metzenbaum
Mitchell
Nunn
Pell
Sasser
Simon
Specter
Warner
Wellstone

NOT VOTING—6

Bond
Helms
Johnston
Kempthorne
Pryor
Sarbanes

So the motion to lay on the table the amendment (No. 908) was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 910

Mr. HATCH. Madam President, am I correct the amendment of my friend from Arkansas is currently before the Senate?

The PRESIDING OFFICER. The question recurs on the Bumpers amendment No. 910; the Senator is correct.

Mr. HATCH. I would like to speak on that.

The PRESIDING OFFICER. The Senator is recognized.

Mr. FORD. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The majority whip is correct; the Senate is not in order.

Mr. HATCH. I would like to yield to the distinguished Senator from Maine without losing my right to the floor.

The PRESIDING OFFICER. The distinguished majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate resumes consideration of H.R. 2419, the VA-HUD appropriations bill, at 9:15 a.m., on Wednesday, September 22, that Senator BRYAN be recognized to offer an amendment on the SETI Program; that there be a time limitation of 1 hour for debate on the amendment with no second-degree amendment in order thereto, with the time actually divided and controlled in the usual form; that when the time is used or yielded back, the Bryan amendment be temporarily laid aside and that the Senate then resume consideration of the Bumpers amendment No. 910; that there be 20 minutes remaining for debate on the Bumpers amendment No. 910, with the time equally divided and controlled in the usual form; that at noon tomorrow the Senate, without intervening action or debate, vote on or in relation to the Bumpers amendment No. 910; and that upon disposition of the Bumpers amendment, without intervening action or debate, the Senate proceed to vote on or in relation to the Bryan amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HEFLIN. Just reserving the right to object, if you come in at 9:15—I am just looking at the time schedule. With the Bryan amendment it would appear 20 minutes, we could vote before 12. Is there some reason why we would delay the vote until 12?

Mr. MITCHELL. Yes, because I am trying to accommodate several Senators. What my intention is, is that this debate would take us to 10:35. We are now waiting to hear from our colleagues on whether or not a third amendment would be offered and debated in that time period, and then there will be three votes to occur at that time.

MR. HEFLIN. I have no objection.

Mr. BUMPERS. Madam President, reserving the right to object, may I ask one clarification from the majority leader?

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. This is 20 minutes of additional debate on my amendment in the morning, but we will continue on the debate tonight?

Mr. MITCHELL. That is my intention.

Mr. BUMPERS. Anybody who wishes to speak on this amendment tonight may do so?

Mr. MITCHELL. There will be unlimited debate this evening.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, I modify my request to also preclude amendments to the language that may be stricken, by the amendments to which I referred.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Reserving the right to object, Madam President, I ask the majority leader a question. Is there going to be a period for morning business tomorrow?

Mr. MITCHELL. No, there will not.

Mr. LAUTENBERG. No?

Mr. MITCHELL. No.

Mr. LAUTENBERG. That is throughout the day?

Mr. MITCHELL. Well, no, I do not rule out the possibility if Senators would like to speak. If we can organize a period for morning business later in the day, if it is convenient for Senators, I will be pleased to do that.

How long would the Senator like?

Mr. LAUTENBERG. Ten minutes.

Mr. MITCHELL. Then I have no objection if the Senator would be prepared to be here at 9:10?

Mr. LAUTENBERG. Absolutely.

Mr. MITCHELL. This does not preclude that. This just says "when the Senate returns to consideration of the bill at 9:15." I will be prepared to have morning business for 10 minutes at 9:05.

Mr. LAUTENBERG. I appreciate it.

Mr. MITCHELL. That would be in a separate order.

Mr. LAUTENBERG. I thank the majority leader. I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I should modify my request to make clear that there would be no second-degree amendment in order to either of the amendments listed, both the Bryan and the Bumpers amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, let me just make clear, then, the status we are in. The Bumpers amendment No. 910 is the pending amendment. Debate will continue on that amendment this evening.

At 9:15 tomorrow morning the Senate will return to this bill. Senator BRYAN will be recognized to offer his amendment. There will be 1 hour of debate on that equally divided. Then that will be laid aside and there will be 20 minutes more of debate on the Bumpers amendment. Following that it is my hope that between now and tomorrow morning we can get agreement from one of our colleagues who has an amendment that will be offered; that would take us to approximately 10:35, debate that until noon, and then the votes would occur, as currently scheduled, on the Bumpers amendment, then the Bryan amendment, and on a third amendment if agreement can be reached on that.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Again, let me ask the majority leader, I understood originally we would go back to the Bumpers amendment at 11:40, following the Bryan amendment.

Mr. MITCHELL. If we start on the Bryan amendment at 9:15 and debate for 1 hour, we would be back on the Bumpers amendment at 10:15 for 20 minutes, from 10:15 until 10:35.

Mr. BUMPERS. Madam President, I hate to be the skunk at the lawn party. We are supposed to mark up the California desert bill in the morning, which is my bill—it is really Senator FEINSTEIN and Senator BOXER's bill—at 10 o'clock.

Is there any way to move? Can you put another amendment in there and postpone my additional 20 minutes for, say, an hour?

Mr. MITCHELL. Madam President, I ask unanimous consent the previous agreement be modified so that the 20 minutes remaining for debate on the Bumpers amendment tomorrow occur between 11:40 a.m. and noon rather than immediately following the debate on the Bryan amendment as previously requested.

Mr. BUMPERS. I thank the majority leader for that.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

Ms. MIKULSKI. Will the majority leader yield? As I understand it, then, this evening there would only be debate on the ASRM and that no amendments could be offered tonight on the bill?

Mr. MITCHELL. Madam President, it is my understanding that the Bumpers amendment is pending, therefore it would take unanimous consent to set that aside for any other amendment to be offered.

I inquire of the Chair whether my understanding in that respect is correct?

The PRESIDING OFFICER. The Senator is correct; a unanimous consent request would be in order to set aside the Bumpers amendment.

Mr. MITCHELL. So I think it is the clear intention of all that what occurred this evening is merely more debate on the Bumpers amendment. Obviously, once a Senator gets the floor, a Senator can speak on any subject he or she wishes. I do not think it is any intention that any amendments be offered.

What we do hope is that the gap between the Bryan amendment, debate on which will conclude at 10:15 a.m., and the resumption of debate on the Bumpers amendment, which will occur at 11:40 a.m., will be filled by another amendment to be offered, with a vote on that scheduled to occur following the now-scheduled votes on Bumpers and Bryan, which will begin at noon.

So I request of the managers that they make their usual diligent effort to try to line up such an amendment—at least one—so that time will not be wasted.

Mr. LEAHY. Madam President, if the Senator from Utah and the Senator from Maine will allow me just to interject for about a minute here, if I can have my colleagues' attention. The distinguished Senator from Maryland has been doing a great job in moving this bill forward. Having brought appropriations bills to this floor, I empathize with her in trying to get a finite list of amendments and get the bill completed.

I can tell my colleagues, there is another reason for doing this. The foreign operations bill is directly behind us. We are all aware of what happened in Russia today. I met with the President of the United States this evening and talked about the foreign aid bill, about conversations he had with President Yeltsin and others. I think it is absolutely essential to think of our own national security, to go forward with our foreign operations appropriations as quickly as we can. It does not mean the President is going to send money immediately to Russia or anywhere else in the NIS, Newly Independent States, without knowing what the situation is going to be. But as the leader of the free world and as the one superpower in the world, the President has to have that ability to be able to act.

There is another reason for moving very quickly. We have to pass this bill. It already has about a hundred differences with the House bill. We then have to go to conference—keeping in mind the fact that we are going to break for the religious holiday on Friday—get it conferenced, get the conference report adopted by the House, get it adopted by the Senate and signed into law by midnight September 30, or about two-thirds of the Russian aid, or Newly Independent States aid for all of it—Russia, Ukraine, everywhere else—two-thirds of that is lost.

The flexibility that the President also needs in dealing with the peace process between the Israelis and PLO, that the Israelis want him to have, obviously the Palestinians want him to have, obviously the American people want him to have, that is in limbo at a time when the President wants to move forward. Both the Palestinians and the Israelis are turning to the one country that can bring that kind of leadership saying bring us together on this very difficult road to peace following one of the most historic events we witnessed a week ago with the signing of the peace agreement on the South lawn of the White House.

So what I am saying is, please help the distinguished Senator from Maryland and the distinguished Senator from Texas in getting their bill through quickly because, frankly, if we are not on the foreign operations bill tomorrow, and hopefully either finished tomorrow or in the wee hours of Thursday morning, we run a real risk of not getting that bill through.

So I have had numerous colleagues, Republicans and Democrats, telling me of their support for the foreign operations bill. I have had numerous colleagues, Republicans and Democrats, tell me of their support for the Israeli-Palestinian peace process. And I will tell my colleagues, time is running out. If we are not completed really within a day, day and a half, we are gone. Much of that flexibility that we need as a Nation and is supported by a vast majority of Republicans and Democrats on this floor is going to be lost.

So I implore Republicans to work with their distinguished leader, and Democrats to work with our distinguished leader. I know the two leaders strongly support getting this bill passed. Please help us on it.

Madam President, I thank you very much, and I thank the distinguished leader and my distinguished friend from Utah. I thank them for their usual courtesy.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I further ask unanimous consent that at 10:15 a.m. tomorrow, Senator NICKLES be recognized to offer an amendment on national service; that there be a time limitation of 1 hour for debate on the amendment, with no second-degree amendment in order thereto, with the time equally divided and controlled in the usual form; and that when the time is used or yielded back, the Nickles amendment be temporarily laid aside; and that the Senate resume consideration and debate on the Bumpers amendment 910, pursuant to the previous order.

The PRESIDING OFFICER. Is in objection? Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I further ask unanimous consent that after the disposition of the Bryan amendment, without intervening action or debate, the Senate proceed to vote on or in relation to the Nickles amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, therefore, the Senate will tomorrow morning debate three amendments: Senator BRYAN's amendment, Senator NICKLES' amendment and the pending amendment by Senator BUMPERS, and will vote on those three amendments—the Bumpers amendment first, the Bryan amendment second and the Nickles amendment third—beginning at noon tomorrow.

In view of these agreements, there will be no further rollcall votes this evening. The Senate will remain in session for further debate on the pending Bumpers amendment.

If I may respond to the distinguished Senator from Vermont with respect to his point, as he and other Senators are aware, I attempted earlier to obtain an agreement that would have permitted us to complete action on this bill by 5 p.m. tomorrow, at which time it was my intention to proceed to the foreign operations bill. Objection was made to that request and we now will explore other alternatives in an effort to complete action on this bill tomorrow at the earliest feasible time, and then to proceed to the foreign operations bill. So we are mindful of the concerns which he has raised, and we will do our best to see if we can get to that bill as soon as possible.

Madam President, I thank the Senator from Utah for his courtesy, and I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Madam President, I want to support the courageous initiatives taken by my good friend from Arkansas to eliminate the advanced solid rocket motor. I do not always agree with my friend on defense and space issues, but I have never hesitated to admire what I consider to be his solid determination to control spending and reduce the deficit.

Madam President, I want to congratulate the distinguished Senator from Arkansas for offering this amendment, and arguing for it. I think he is right.

I would like to give 10 solid reasons why the Senator from Arkansas is correct on this topic.

First, ASRM is a make-work program—something the media commonly refers to as pork. It has been attacked as wasteful by reputable groups—virtually every major scientific organization in the Nation—and even such popular media journals as the Reader's Digest. When the House nearly killed it last year, it was resurrected only by a last-minute smoke-filled room type of deal that traded away veterans' housing, think of it, veterans' housing, to find the money for this wasteful program.

Second, ASRM has a 100-percent cost overrun, and is nearly 6 years behind schedule. NASA stated its original costs to be $1.67 billion in 1988. Today, we are looking at a $3.7 to $3.9 billion bill. The ASRM's 1994 launch date has now been pushed to the year 2000.

Third, look at the opposition. The Bush administration, virtually every major environmental group, Dan Quayle, who was President Bush's "Mr. Space." And, every major taxpayer organization and other antiwaste groups. I ask unanimous consent that a letter from 13 such groups adamantly opposing the environmental and wasteful consequences of adopting the ASRM be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FRIENDS OF THE EARTH, NATIONAL TAXPAYERS UNION, NATIONAL AUDUBON SOCIETY, MILITARY TOXICS PROJECT, SIERRA CLUB, CITIZENS FOR A HEALTHY ENVIRONMENT, ENVIRONMENTAL COALITION OF MISSISSIPPI, 20/20 VISION NATIONAL PROJECT, NATURAL RESOURCES DEFENSE COUNCIL, NATIONAL WILDLIFE FEDERATION, SIERRA CLUB LEGAL DEFENSE FUND, COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE, FEDERATION OF AMERICAN SCIENTISTS

August 10, 1993.

Hon. BARBARA A. MIKULSKI,
Chair, Subcommittee on VA, HUD, and Independent Agencies, Senate Appropriations Committee, Washington, DC.

DEAR MADAM CHAIR: On June 24 of this year the House voted 379 to 43 to kill NASA's wasteful and polluting Advanced Solid Rocket Motor (ASRM) program. We urge you to cancel this program in your Subcommittee's FY94 VA, HUD, and Independent Agencies appropriations bill.

The overwhelming show of support for the House amendment offered by Representative Klug sent a signal that Congress is serious about killing this pork-barrel program this year. A bipartisan companion bill in the Senate (S. 520, sponsored by Sens. Bumpers and Cohen) has already attracted a number of cosponsors.

The ASRM has serious fiscal and environmental problems. The program is already six years behind schedule and 100 percent over budget. The Congressional Budget Office estimates that cancellation of the ASRM will save taxpayers $1.6 billion over the next five years. For these reasons, groups such as the National Taxpayers Union, Citizens Against Government Waste, and Citizens for a Sound Economy have all joined in the fight to kill the ASRM.

Environmental groups have also rallied against this rocket program. During testing, the ASRM will emit hydrochloric acid which contributes to acid rain and toxic heavy metals which will irrevocably damage land, wetlands, fish, and wildlife in southern Mississippi. ASRM test will also threaten human health with the release of acid-coated particulates that complicate and create respiratory problems.

Finally, if and when the ASRM is launched it will emit chemicals that will react with and harm the stratospheric ozone layer. In response to these threats, numerous environmental organizations have opposed the ASRM including Citizens for a Healthy Environment, a group formed by southern Mississippi residents determined to fight ASRM testing and protect their families.

Last year, after the House voted to kill the ASRM, the Senate gave the program $50 million which was parlayed into $360 million in conference. We are determined to prevent this from happening again this year. NASA's already overburdened budget cannot support unneeded pork-barrel projects like the ASRM. Cutting funding for the ASRM is one of the hard choices that Congress must make if NASA's long-term budget plans are to be brought back down to earth. Please help protect the environment and reduce unnecessary spending by canceling further funding of the ASRM.

Sincerely,

Ralph De Gennaro, Director, Appropriations Project, Friends of the Earth.

Jill Lancelot, Director, Congressional Affairs, National Taxpayers Union.

On behalf of:

Brock Evans, Vice President for National Issues, National Audubon Society.

Cathy Hinds, Director, Military Toxics Project.

Lydia Schultz, President, Citizens for a Healthy Environment, Bay St. Louis, MS.

Sharon Newsome, Vice President, Resources Conservation Dept., National Wildlife Federation.

Dr. Robert Esher, Head, DeLisle Environmental Laboratory, Mississippi State University.

William Kulick, on behalf of: Sierra Club Mississippi Chapter.

Jamie Boyll, President, Environmental Coalition of Mississippi, Waveland, MS.

Suellen Lowry, Staff Attorney, Sierra Club Legal Defense Fund.

Steven Aftergood, Senior Research Analyst, Federation of American Scientists.

Lynne White, Prominent local activist, New Orleans, LA.

Tom Schatz, President, Council for Citizens Against Government Waste.

Robin Caiola, Legislative Director, 20/20 Vision National Project.

Debbie Sease, Legislative Director, Sierra Club.

David Hawkins, Atmospheric/Energy Program Coordinator, Natural Resources Defense Council.

*Affiliation for identification purposes only.

Mr. HATCH. Fourth, and this is an argument that touches a raw nerve for me, Mississippi will not lose a single job, or will not lose significant jobs if ASRM is canceled. My State, Utah, does lose 1,000 to 1,200 jobs even if ASRM is eliminated.

Where will these jobs go? They go to Mississippi to work on what is clearly the preferred alternative, a redesigned SRM that is available, was built more cheaply, and is more safe than the drawing board ASRM alternative.

Fifth, I want a good space program, but ASRM will make our already crippled space effort even worse. That is why President Bush and Vice President Quayle tried to end it.

The Federation of American Scientists said that it creates a dangerous environmental hazard. The National Research Council and the Aerospace Safety Advisory Panel said that it lacks technical merit. And even the voice of the space community, Space News, has admitted that NASA cannot have everything and ASRM should be the first to be eliminated.

Sixth, ASRM has split the Congress. The House rejected it. In House debates, the economics of the program were attacked as simply wasteful. Even the administration's usual supporters were offended by the new tactic of suddenly inserting Russian space interests into our program.

Does anyone know the status of the Russian space program? I do. The launch pads are in desperate shape. Equipment is rusting from nonmaintenance. It has been cited by space expert James Oberg as a "nightmare." Even Radio Moscow has called the Russian space program a joke.

Seventh, the Bush administration opposed ASRM. It urged the budget be zeroed for the fiscal 1993 and fiscal 1994

budgets. Even congressional supporters of NASA changed positions after hearing the Bush administration arguments.

Eighth, ASRM is simply bad for the environment. Each ground test will generate over 100 tons of hydrogen chloride gas, damaging to the wetlands and contributing to the acid rain in the Mississippi testing region. The chlorine contributes further to ozone depletion, and the aluminum particulates in the fuel are well-known contributors or sources of respiratory problems.

Ninth, we do not need the ASRM. Successive GAO findings have said it is unnecessary for launching the space station and fulfills no scientific or engineering purpose. The same studies point to the redesigned SRM as being preferable for assuring shuttle safety. In fact, the same study noted that the ASRM program called for such cost-cutting measures as elimination of the rocket's O-rings' leaks check. These were the cause of the *Challenger* accident.

Madam President, a February 1993 CBO report cites a savings of $1.6 billion from cancellation of the ASRM, while stating further that NASA itself would be willing to rely on the redesigned SRM which the report says "is performing well."

I submit this extract from the CBO report for the RECORD, Madam President. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Congress of the United States,
Congressional Budget Office]

REDUCING THE DEFICIT: SPENDING AND REVENUE OPTIONS

(A Report to the Senate and House Committees on the Budget)

CANCEL THE NASA DEVELOPMENT PROGRAM FOR THE ADVANCED SOLID ROCKET MOTOR

Savings from CBO baseline	Annual savings (millions of dollars)					Cumulative 5-year savings
	1994	1995	1996	1997	1998	
Budget authority	370	380	390	400	410	1,950
Outlays	170	320	360	380	400	1,650

The National Aeronautics and Space Administration (NASA) is developing the Advanced Solid Rocket Motor (ASRM) to replace the redesigned solid rocket motor currently used to launch the space shuttle. Canceling the ASRM program could save $1.6 billion from 1994 through 1998, relative to the CBO baseline. President Bush's budget request for 1993 proposed canceling the program, but the Congress chose to continue funding.

NASA initiated the ASRM program to improve the safety of the space shuttle and to increase the weight of the payloads it can carry. But NASA's own Aerospace Safety Advisory Panel points out that the redesigned rocket booster is performing well. According to the panel, investments in other parts of the shuttle system—for example, the turbo pumps that provide fuel to the space shuttle's main engines—would enhance the safety of the shuttle more than would investment in the ASRM. As for increasing the carrying capacity of the space shuttle by 12,000 pounds, only the space station program benefits from the increase in capability. The ASRM would serve the space station program in two ways: the shuttle would be able to deploy the space station in fewer flights, and the risky activity of moving equipment from the shuttle to the space station's modules would be reduced because the modules could be more fully equipped when launched.

The ASRM program can be questioned as an investment regardless of its role in the space station program. It is unlikely that the shuttle system will be operated after 2020. If the program's anticipated cost of $3 billion were spread over 200 shuttle flights, a number sufficient to fly the vehicle eight times a year between 1996 and 2020, developing the ASRM would add $15 million to the cost of each flight. Predicted decreases in the acquisition cost of ASRM boosters compared with the cost of redesigned solid rocket boosters could offset part of these increased costs.

A 1991 report on the ASRM program by the National Research Council raised other questions. The report indicated that significant design and manufacturing problems may increase the cost of the program and delay the introduction of the booster. Indeed, a 1992 General Accounting Office report found that between January 1988 and July 1992, the cost of development for the ASRM increased by 95 percent; the rocket's first flight has slipped by more than 24 months. If the development of the ASRM is further delayed, it could not be used to deploy the space station unless the schedule for that also slips. If the booster costs more to develop than NASA has anticipated, its addition to the average cost of a shuttle flight would be even greater than the $15 million noted above.

The case for the ASRM program rests primarily on its ability to support the deployment of the space station. Additional benefits that could accrue from the program include demonstrating the application of advanced manufacturing technology to launch-vehicle production, and the possibility that the booster could be used in space launch systems developed in the future.

Mr. HATCH. Finally, Madam President, there is a better alternative, as I have intimated. We are already developing alternative propulsion systems that have nearly made ASRM obsolete, or certainly will at the slow rate its construction is progressing. In fact, in hearings on the ASRM the American Institute of Aeronautics and Astronautics has labeled it a dead-end development. Alternative rocket motors are simply better in terms of the economics of propulsion as well as safety. The alternatives are fail-safe and produce low levels of toxic exhaust. And let me add that the RSRM has just this month been hailed by NASA for having "no flight safety issues."

I ask unanimous consent that a copy of the NASA letter dated September 14, 1993, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Marshall Space Flight Center, AL.

Date: September 14, 1993.

Subject: RSRM Process-Product Integrity Audit (PPIA) Results.

THIOKOL CORP.
Attn: Mr. George Alford,
Brigham City, UT.

It is my pleasure to forward to you the enclosed letter from Mr. Jim Ehl congratulating Thiokol for "an extensive, comprehensive, and thorough review" during the Phase II Process-Product Integrity Audit. The results of the Phase II Audit confirmed the findings of the Thiokol "Redline" teams and identified no flight safety issues. The confidence expressed in the Thiokol manufacturing-quality system is attributable to every individual that makes up the RSRM team.

America relies upon the safety and reliability of the RSRMs to support the manned space flight program. To fulfill this expectation, it is absolutely critical that we remain vigilant against complacency and that each RSRM team member continue to improve the efficiency, quality, reliability, and safety within their area of responsibility.

Please accept my appreciation for a job well done in support of the PPIA, and convey my thanks to the entire RSRM team.

VICTOR K. HENSON,
Manager, RSRM Project Office.

Mr. HATCH. Madam President, I hope that I have demonstrated that ASRM simply has no justifiable place in a space program that needs to be noted for quality and not for convenience. Although I have great sympathy for my friends from Mississippi, I have to say that they are not going to lose if ASRM is shut down. They will gain jobs and they will, I think, benefit from whatever program, especially if the SRM Program continues.

Madam President, I appreciate being given this opportunity to make these points. I know there are others who feel otherwise, but I think these scientific points have to be made and that they should be adhered to and we ought to listen to them.

I yield the floor.

Mr. LAUTENBERG and Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Madam President, I rise today in strong support for the advanced solid rocket motor known as the ASRM.

I think there are several factors that we have to bear in mind as we consider this debate. First, the safety of the shuttle and its current solid rocket motors.

Second, the fact that completing the ASRM will result in over $100 million in cost savings compared to the continued use of the current solid rocket motor even if this space station program was terminated.

Now, this is something I think we ought to bear in mind as we try to reduce the deficit. Actually, it would cost today, regardless of its relationship to the space station, but just through its use with the shuttle alone, $100 million more to terminate this program than it would cost to complete it.

If the ASRM is used to launch the space station, we will have a net deficit reduction of $2.5 billion versus continuing with the present motor. If the ASRM is used to launch the space station as is planned, it would actually cost $2.5 billion more to terminate the program than it would to go ahead and complete it.

Now, if the space station is put in a higher orbit, such as the 51.6-degree inclination that is now being considered by the President in possible relationship with the Russians, the ASRM is the only rocket motor that can reach that orbit.

But let us not forget that shuttle safety is the primary issue. I think sometimes we have forgotten this and stressed other issues like 51.6 orbit and extra lift. The primary issue is safety, the safety of the astronauts that are aboard the shuttle.

The ASRM was born out of disaster, the *Challenger* explosion, an accident attributed to a design considered unacceptably sensitive to a number of factors including but not limited to the O-ring design. It became clear that the Nation must pursue a second source supplier and a new or an advanced solid rocket motor for the space shuttle.

It was not Congressman WHITTEN or some other Members of Congress who were interested in pork who created this program but instead a Presidential Commission that reviewed the causes of the *Challenger* explosion. That Commission came up with the recommendation that there be a completely new advanced solid rocket motor built, that a redesign was insufficient.

They also said it would take some time to do this. In the meantime, we ought to have an interim solid rocket motor. So NASA developed what is known as the revised solid rocket motor. It was built on the idea of trying to provide changes and improvements but it still had the O-ring in it which was the cause of the *Challenger* disaster.

Congress also became concerned that there was no control over the single source, contractor-owned facility that produced the disastrous old solid rocket motor. The decision at that time was that we would recompete the contract on the rocket motor production and get a Government-owned, contractor operated facility which would give NASA greater control over those aspects of the program affecting safety.

The true result of these initiatives was the advanced solid rocket motor to be manufactured in Yellow Creek, MS, 4 miles from the Alabama border. Of course, I have to admit that I have a parochial interest in this. But far beyond that, the issue of safety is what compels me to speak in regard to this and why I have worked so hard on it.

NASA is currently using the redesigned solid rocket motor known as the ASRM to launch the space shuttle. The motor was never seen as anything more than a interim measure, a quick fix, to keep the shuttle flying while the real solution, the ASRM, was being developed. The primary cause of the O-ring leak that resulted in the *Challenger's* explosion was fixed but the threat of another O-ring leak remains. There have been certain things that have occurred that show this clearly.

In September of 1992, during a proposed launch test, a leak was discovered in the shuttle's rockets O-ring.

I have before me the Orlando Sentinel which revealed that a recent test showed that there was a leak in the shuttle rocket's O-ring. The problem in the booster rocket is similar to the one that led to the *Challenger*'s explosion.

This article goes into details. While it was admirable that NASA and the manufacturer were honest about this problem, it nevertheless points out that there is still problems with the O-ring.

There were two Associated Press news releases which verify the Orlando Sentinel's story. At the proper time in regard to the debate, I will enter them into the RECORD.

The ASRM will provide a more reliable and robust booster which will greatly enhance the space shuttle's launch safety.

First, the ASRM will not have any O-rings, completely eliminating the cause of failure which brought about the *Challenger*'s explosion. Other improvements, including fewer joints designed into the motor, the elimination of asbestos insulation—and we are using the present rocket motor today with asbestos insulation in it—and a propellant design that minimizes the need to throttle down the main engines during ascent are also incorporated in the new motor. Each of these enhancements is designed to reduce the sensitivity and increase the reliability of the boosters. This new design should reduce the possibility of having to abort a mission and return to the launch site if one of the Shuttle's liquid fuel main engines shuts down early in launch. For some missions, the ASRM reduces this window of vulnerability by up to half. The present solid rocket motor uses a series of joints, bolts, and seals which the pressure of the firing tends to open. But the ASRM is designed so that the pressure acts to close its joints, thus reducing by 88 percent the potential for gas leaks such as the one that led to the *Challenger*'s destruction.

The manufacturing facility at Yellow Creek made use of nearly $300 million in infrastructure which stood idle when the Yellow Creek nuclear plant construction was canceled by TVA. The economic impact of the loss of that nuclear plant on the local area was staggering. Unemployment grew to double digits. The ASRM Program acquired this site for $5 million and began the process of converting it for use as an ASRM manufacturing facility employing nearly 2,000 people during construction and 1,200 permanent employees.

The plant is state of the art, highly automated and fully adheres to the principle of greater competition in Federal procurement. Automated production is expected to reduce human error in manufacturing shuttle motors considerably.

According to NASA, as many as half of the past solid rocket motor discrepancies result from human involvement in the manufacturing process. The new plant will automate a wide range of production facilities including mixing propellants, supplying insulation and adhesives and cleaning motor cases.

The emphasis on this new design is safety. The reason is simple. The shuttle is a unique and vital national system which transports a most precious national asset: the men and women who fly in it in the pursuit of scientific and technological advancement.

Opponents of the program have said, "Well, the present motor has flown successfully." Senator BUMPERS stated that as of October 1992 there were 26 flights in which the present rocket motor had been used and there has been no disaster.

Actually, the shuttle had flown successfully on nearly that number of flights when the fateful 25th mission took place and took the lives of the gallant Americans, including the first teacher in space.

There have now been 33 successful flights since the *Challenger*'s explosion. I do not think that there is a great deal of difference between 33 and 25. You cannot, in my judgment, say that 33 successful flights means that now you have a safe rocket motor.

There are those that would conclude that there is no need for an enhancement to a solid rocket motor design after 33 launches, but I am not one of those.

I could not tell our current and future generations of American astronauts that safe enough is good enough. The current system relies on 30-year-old technology in solid rocket propellants. Manufacturing relies heavily on human intervention in the process, an intervention that we have already heard causes 50 percent of manufacturing discrepancies. The current manufacturing processes include the practice of batch mixing in which about 165 individual containers of propellant are mixed in separate facilities to avoid large explosions and then transported to be poured into the motor.

In the ASRM production facility, the propellant would be continuously mixed and directly poured into the motor cases. ASRM provides safety enhancement for both the astronauts who use it and the dedicated employees who manufacture it. A practical and cost-effective attribute of the ASRM design is that it produces 12,000 pounds of additional lift at a cost per flight set almost one-third less than the current system.

Since ASRM can lift a greater payload, the cost per pound to orbit will be significantly reduced. A payload requiring 13 flights of the shuttle under the current system could be delivered using only 10 flights with the ASRM.

The opponents of ASRM argue that its termination would save scarce funding resources. This is simply not the case. Even if the ASRM Program is not used in conjunction with the space station, if it is not used at all with the space station, the United States will save approximately $100 million over 10 years by using the new motor on the space shuttle.

I base this statement on the fact that the cost difference between the current flight motor set and ASRM over this period would amount to $1.4 billion, and the contract termination liabilities are $300 million, which combined total $100 million more than the $1.6 billion needed to finish the program.

In calculating that, you figure that there is between seven and eight flights of the shuttle per year. This number will certainly increase in the event that we do not go forward with the space station. So you fly 8 missions a year at $18 million per flight, multiplied by 10 years, and you come out $1.4 billion.

This is a matter of true savings. It would cost more to terminate the ASRM Program than it would to go forward to complete it.

If the cost saving of using the ASRM to put the space station in orbit are considered, the figures become even more compelling. Based upon nonrecurring investment costs and 10 years of operating costs, NASA would experience $4.05 billion in additional expenses if the ASRM Program is canceled.

First, in making up these are contract termination costs, $300 million.

Second, extra shuttle flights will be needed to deliver the supplies to the space station due to less lift capability per flight of the ASRM, costing $225 million.

Third, a 9-month slip in the space station schedule will cost $1.1 billion.

Fourth, additional shuttle flights needed for the space station station operations, will cost $1.1 billion over 10 years.

Fifth, the unit cost differential between the current flight set and ASRM flight set, which I mentioned previously, at $18 million per set over 10 years will cost $1.4 billion.

Compare this to the $1.6 billion needed to complete the ASRM development and bring it to operational status, and you have a net savings of $2.5 billion. This cost comparison has been submitted to NASA, and they have verified these cost evaluations.

NASA has also identified a number of indirect costs to be incurred if ASRM is terminated, including the costs associated with the program to eliminate asbestos from the redesigned solid rocket motor.

There are those who would state that the ASRM will not be ready in time to support the launch and assembly of the space station. This is not the case. The completion date of the ASRM project has been slipping due to yearly congressional cuts to the program budget. But even though it has been consistently underfunded, the program is remarkably intact. The manufacturing facility in Yellow Creek is near completion. It is to be completed by the end of 1994.

I have here a photograph showing how much of this has been completed. Here are the buildings which have been built. As you can see, this is a large complex near completion. Here is another close-up picture showing more detail.

As Senator COCHRAN argued in his speech, it would be very foolish now, at this time, when it is so near to being completed, for it to be terminated.

There are other issues pending, such as the level of participation of the Russian scientific community in the space station. If it is decided to allow the Russians to join the program, it is very likely that the station will be placed in a 51.6-degree inclination orbit, which is far higher than had been originally planned. This being the case, the additional lift of the ASRM becomes vitally important. The current rocket motor simply does not have sufficient lift capacity to put the station into this orbit, as this letter from the NASA Administrator indicates.

I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEFLIN. Madam President, it states that the ASRM is NASA's obvious choice to provide the extra lift needed to put the station in the high inclination orbit, either by itself or in concert with other improvements.

While we are on this subject, there has been this issue raised about the possibility of an aluminum/lithium tank and some other matters. It has been suggested that the higher space station orbit now being discussed by the United States and Russian negotiators is achievable without ASRM.

I recently had a conversation with Dan Goldin, the Administrator of NASA, and he told me and other Members of Congress at that particular time that the aluminum/lithium tank would not be the method used, as it could not provide the lift.

Some suggest that the ASRM can be replaced by such enhancements to the space transportation system as the use of single-use boosters, which have no recovery system, or the development of a lightweight aluminum/lithium tank and the operation of the space shuttle main engines at 107 percent of their rated power. However, the cost of a nonrecoverable flight set of single-use boosters is approximately $130 million, which is almost three times the cost of a set of ASRM boosters.

The aluminum/lithium external tank is only in the initial stage of conceptual development. No development funds have yet been programmed for this purpose. It, too, will have a higher unit cost than the ASRM boosters. The payload gain made possible through the use of such a tank, once fully developed and operational, as now projected even under optimistic scenarios, is to be about half-a-ton smaller than originally proposed.

Finally, the in-flight operation of the space shuttle main engines at 107 percent of rated power is something that has never been done before. It requires exhaustion of the reserve which has been previously designated only for attempts to avoid the termination of the flight.

So, in regard to this aluminum/lithium tank, I feel that to abandon ASRM and pursue the tank alone is a serious mistake.

A vote on the floor to cut the ASRM funding is a vote to accept, without investigation, the unknown costs and significant risks involved in these proposed alternatives to the ASRM.

But regardless of the question of the space station, regardless of the issue of 51.6 degrees deviation orbit, the main issue comes back to safety, an issue that I think we should never lose sight of during this debate.

In addition to the things that I mentioned in these newspaper articles about the O-ring question and whether or not the O-ring would be safe, the present rocket motor does not meet the flight safety requirements of NASA. It is necessary that NASA grant numerous waivers and deviations in order to permit the launch of the shuttle with the current rocket motor.

For example, on January 13, 1993, three permanent and eight flight-specific waivors were required because of the inability of the present solid rocket motor design to meet established flight safety requirements. While improvements have been made to the pressure seal that failed on the *Challenger*, problems still exist in other seals in the present solid rocket motors we are using. Leaks occur on almost every flight. The present solid rocket motor's structure does not meet minimum structural strength requirements regarding buckling during the ignition of the shuttle's main engines. The present solid rocket motor's solid propellant is unable to withstand long-term exposure to high humidity, and thus a safety requirement regarding the risk involved with such propellant is waived on every present solid rocket motor that is being used.

The solid rocket motor propellant that we are using today does not meet the required structure of safety factors which were intended to compensate for uncertainty and variability in materials manufacturing, loads, and environments. Cracks routinely occur in the present motor propellant and such cracks could lead to critical overpressurization.

Let me mention another thing in regard to taking the recovery equipment off the RSRM to provide additional life. There are safety factors that are very important relative to the issue of inspection after you recover the solid rocket motors. These are the motors that fell off the shuttle into the ocean and we are able to recover them. They are then tested to determine whether or not there are cracks or there are defects that occurred during the flight.

That safety factor had been used in the past to allow us to be able to learn from our experience. If a nonrecoverable RSRM is used, this information will be lost and flight safety will be reduced.

I think the Senate has a choice to make. We can terminate this program and rely on the existing rocket motor which has questionable safety, uses outdated technology, and delays the space station program for almost a year, or we can field a state-of-the-art, ultrasafe motor with a high payload lift capacity for less than half the price.

The choice is clear. The ASRM is an integral part of the future of the shuttle system which will probably fly for another 30 years.

I ask Senators to join me in supporting this critical program and defeating this amendment.

I yield the floor.

EXHIBIT 1

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, DC, September 8, 1993.

Hon. HOWELL HEFLIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HEFLIN: Thank you for your letter of August 31, 1993, regarding the desirability of the Advanced Solid Rocket Motor (ASRM) program.

As you correctly observe, additional performance will be extremely useful if the Space Shuttle is to deploy Space Station elements to higher inclinations, as was recommended by the President's Advisory Committee on the Redesign of the Space Station. NASA has examined alternative ways of obtaining the increased performance necessary, and we believe the ASRM—either by itself or in concert with other improvements—is the most obvious solution. The ASRM is an important consideration as we assess a Space Station at higher and lower inclinations.

NASA and the Administration continue to support the fiscal year 1994 budget request of $313 million for the ASRM program.

We appreciate your work in support of this program and stand ready to assist in any way possible.

Sincerely,

DANIEL S. GOLDIN,
Administrator.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, I would expect the Senator from New Jersey to speak. Since he is not on the floor, I wish to make my statement now and trust that he can obtain the floor when he returns.

I listened with interest to the comments of my friend from Alabama. In many instances, I am on the same side of the issues with my friend from Alabama, but on this one I am afraid I am on the other side.

He confessed to a parochial interest because Yellow Creek is very close to Alabama. I must confess to a similar parochial interest because the RSRM is produced in Brigham City, UT, and represents a substantial Utah interest.

Like my friend from Alabama, I will do my best to set aside the parochial interest and address this issue as much on the merits as I possibly can.

It is very correct to say that the ASRM was born out of the *Challenger* disaster. It was authorized specifically, in quoting the Senate authorizing committee, "to provide added reliability and performance with the emphasis on the former and not the latter."

So let us talk about reliability.

ASRM, conceived to provide more reliability, has taken a long time, and in the meantime the solid rocket motor has been redesigned, known as the RSRM. And guess what? In the process of the redesign to make the RSRM safer, it is now the opinion of NASA's aerospace safety advisory panel that the RSRM that we are now using and has flown safely 31 times since its redesign—I am not talking about the flight prior to the redesign—since its redesign the NASA aerospace safety advice panel reports:

> On the basis of safety and reliability alone, it is questionable whether the ASRM would be superior to the RSRM which has undergone extensive design changes.

So NASA is saying that the RSRM is probably safer than the ASRM, which removes the whole reason for the ASRM in the first place.

Now, every RSRM launched has been inspected after its use and found by NASA to be in excellent condition. There has been no indication of any kind of the repetition of the kinds of design failures that caused the *Challenger* disaster. With this wealth of testing, we can be sure that RSRM is working correctly, but we have no such assurance with the ASRM because it is new technology. So we are faced with an interesting circumstance. There is new technology that, with scheduling delays, cost overruns, technical difficulties, is untested and unproven, and competing with a proven record of the RSRM.

It is very clear that on the safety issue NASA is satisfied with the RSRM.

Now, let us come to the question of high performance. I must respectfully disagree with my colleague on the use of the aluminum/lithium tank. After the safety and reliability questions are answered, ASRM shifts the debate and says, well, now, we must talk about increased thrust. Is the increased thrust needed?

By virtue of the redesign that has been made in the space station, which we voted on here today, we are not entirely sure whether the additional thrust is going to be needed or not. But if it is—let us assume that it is—is the RSRM with the aluminum/lithium tank capable of providing the same payloads as ASRM? And the answer is clearly yes. This is not a controversial circumstance. This is not a redesign. This is not a new technology. It simply consists of, take the current RSRM, the solid rocket motors, and put it in a tank with a lighter alloy, which simply means that the shuttle can carry a heavier payload because it is carrying less weight.

The RSRM is a proven technology, a safe technology that NASA itself has said can be enhanced by a lighter tank. The report on the Space Station *Alpha* indicates that not only is NASA satisfied with the use of an aluminum/lithium tank, but Japan, one of our partners in the space station activity, welcomes the adoption of the aluminum/lithium tank.

There is much more that can be said on all of the questions of performance capability. I will defer going over all the numbers and talk very briefly about what I consider to be the core of this circumstance.

If the matter is as compelling as I believe it is, that there is no need for the ASRM, given the safety and performance capability of the RSRM, why is it not canceled?

Well, as far as the administration is concerned, prior to the election, it was.

I want to read for the RECORD, and then submit to the printed—well, I will read it first. It is in better type when I read it. When you submit it, it gets in that little bitty type that nobody can read, so I will read it. This will not take the Senate long to listen to it.

This is a letter dated July 16, 1992, from the Vice President of the United States, at that time Dan Quayle.

And, as we all know, starting with Jack Kennedy, the Vice President has always been given a unique role in the Nation's space program. President Kennedy did it with Lyndon Johnson and the tradition has gone on all the way through. It is addressed to a Ms. Lynne White in New Orleans, LA.

DEAR MS. WHITE: It was a pleasure to meet you at the Heritage Foundation's reception in Charleston, South Carolina. Thank you very much for your subsequent letter of support and for your kind words.

I particularly appreciate your strong support for the Administration's proposal to terminate the Advanced Solid Rocket Motor (ASRM) program. I know this program provides many jobs, and it is always difficult to take actions which can harm a local economy.

However, the needs which underpinned ASRM are no longer compelling. Safety problems associated with the existing Space Shuttle Solid Rocket Motors have been corrected and the number of projected space shuttle flights has declined. There is still value in the increased performance which ASRM would provide, but alternatives exist.

The bottom line is that the space program doesn't need ASRM. That is why President Bush did not request funds for the program in his fiscal year 1993 budget. And, that is why the Administration is opposing Congressional efforts to continue spending $500 million a year for this activity.

I applaud your efforts to put a stop to the ASRM program. Keep up the good work.

Sincerely,

DAN QUAYLE.

Since this letter was written, we have had an election. And since the election, we have had a new Vice President who comes from a state where there are a number of jobs connected with the Yellow Creek facility.

Since the elevation of the Vice President to the position of prominence in the administration that the Vice President always has with respect to space, NASA has magically changed its mind about the ASRM.

Now, Madam President, I have served in an administration. I know who sets the policy in an administration.

I remember very clearly the circumstance where the Secretary under whom I served had a strong position. We went to the White House in support of that position. We made our pitch. I was involved in the pitch. We came back and received word from the White House that the President had decided against us.

There were some in that group who then started to complain and make public statements. Unfortunately, these got in the newspaper. I remember very clearly the meeting that was held where the Under Secretary gathered all of us together, all of us who were in a policy position, and he said:

> Let me make something very clear. If you disagree with the President, you may resign. But you may not, in the name of the administration, speak against the position of the President of the United States.

I am sure that same kind of meeting has been held in NASA. If the NASA scientists who disagree with the Vice President of the United States wish to keep their jobs, they must now send us letters telling us that magically the ASRM is suddenly okay.

I happen to believe the letter that Dan Quayle wrote represented the true position of NASA on this issue. I think the lack of enthusiasm for the ASRM on the part of NASA scientists is pretty overwhelming, and they give testimony in its favor very reluctantly and only under pressure from Members of this body.

I see now, Madam President, that the Senator from New Jersey has returned to the floor. I am happy to conclude my remarks, understanding that the time has come for him to make his.

I simply make it clear that, in my opinion, this is a circumstance somewhat similar to someone having an automobile whose air conditioner broke down and was convinced that it was necessary to buy a whole new car. In the process of waiting for the new car, a mechanic fixed his air conditioner. It is now working just fine—and he still wants a new car.

For us to say, all right, let us throw away the old and go to the new when, in fact, we do not need it, would be a demonstration of tremendous waste on the part of this Government.

We sat here on the floor. We debated the space station. There were some heated words said in that period of time.

I am one who supports the space station. I understand the concern of those who are opposed to it, who talked about the budget overruns. Voting to terminate ASRM is a way, if the people are concerned about the budget overruns, for them to make atonement, if you will, on that particular issue. You can be for the space station and still be against pork if you vote against the ASRM.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank my colleague from Utah for his courtesy.

We are all trying to terminate funding for the ASRM but find ourselves on the other side of this issue from our distinguished colleague and friend from Alabama. And it does not surprise me that he enthusiastically supports the program. As a matter of fact, I would be disappointed if he did not. He has a different interest.

But I would tell you that I hope we are going to eliminate funds for the advanced solid rocket motor. It shocks me that we continue discussing funding for programs that are questionable at best, that are most likely to lead nowhere in the final analysis, and when we have had this wrenching debate of some weeks ago when a budget reconciliation passed by the skin of the Vice President's teeth. It was close call, at best.

Part of the question was whether or not we are keeping faith with the American people as we ask them to shoulder more of a burden in the interest of sacrificing to get our country back in a recovery mode. And I think it is quite common knowledge that I voted against it. I am going to do my best to make the program work, I can tell you that, but I voted against it because I felt that we had yet to take advantage of the savings that should come from reducing expenditures first.

Madam President, this spring, I introduced a bill to terminate funding for the advanced solid rocket motor, the space station, and the super collider. That is quite a triad. I introduced the legislation because they are all very expensive projects with no visible mission.

Termination of these programs would save over $15 billion over the next 5 years. We should eliminate these unnecessary expenditures and apply the savings toward deficit reduction or to make investments that are important for future economic growth and provide for pressing national needs and, more importantly, to keep faith with the American people.

Today, the Senate can eliminate funding for the ASRM, the advanced solid rocket motor. If the pending amendment is adopted we will save on this one alone $1.6 billion over the next 5 years. That is still significant money.

Madam President, the ASRM started out with good intentions. In the wake of the *Challenger* tragedy, a Presidential commission recommended that NASA develop a new solid rocket motor to replace the one that failed during the accident. At the time, NASA wanted to ensure that a safe, solid rocket motor was available to launch the space shuttle and have a more powerful rocket motor to launch heavier payloads required by the space station and the Advanced X-ray Astrophysics Facility. Congress approved this proposal in 1988 in the NASA authorization bill.

However, since that time the General Accounting Office found that, between 1988 and 1992, the cost of the project increased by a mere 95 percent, from a total of $1.67 billion to $3.25 billion. And during this time in concert with that the completion schedule slipped by over 2½ years. We were not getting value but it was matched by taking longer.

Since that time, the existing improved solid rocket motor has functioned well in over 25 shuttle launches since the terrible day the *Challenger* went down. Because the ASRM program was delayed and the existing rocket motor was functioning well, the Bush administration took another look at the project.

Then, as we heard from our colleague from Utah, the Vice President, then Dan Quayle, Chairman of the Space Council, commissioned a panel to review the need for the ASRM. The Vice President concluded, "The bottom line is that the space program does not need the ASRM."

Therefore, President Bush did not request any funds for the program in the fiscal 1993 budget.

On top of this, the National Research Council and NASA's own Aerospace

Safety Advisory Panel questioned the need for the ASRM. In addition, the potential testing and launching of the ASRM, it was said, could cause significant environmental damage. The potential testing could damage nearby wetlands supporting the Stennis Space Flight Center, and the ASRM could damage the ozone layer if it was used in a launch.

These environmental consequences have created the usual group of organizations opposed to the ASRM. They include the National Taxpayers Union, National Resources Defense Council, Council For Citizens Against Government Waste, the Sierra Club, Citizens for a Sound Economy and Greenpeace.

This is not often a group that has a homogeneous view, but they agree on one thing. This program is a waste of time and money and potentially can cause environmental damage.

Madam President, the experts agree that we do not need the ASRM and we ought to heed their advice. This amendment is truly in the national interest. It eliminates an expensive project that space experts have said is no longer necessary. It achieves significant savings and, in my view, keeps faith with the promises we made to the American people.

I hope my colleagues will support the amendment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Madam President, I rise in opposition, tonight, to the Bumpers amendment. But before I get into some remarks I want to commend the distinguished chairman of the subcommittee that has brought this legislation to the floor. She has had a very tough job. She has faced that job and has handled it in a very fine way and did an excellent job today. I want to thank her for her support for the ASRM. She did support it in the subcommittee that included $162 million for the advanced solid rocket motor.

When you talk about who supports it and who opposes it, I think it is significant. The chairman of the subcommittee supports it, and the ranking member of the subcommittee, the Senator from Texas, Senator GRAMM, supports ASRM. I appreciate them for their fine work and for their support for the continuation of this project.

Also, I think I would like to note the excellent statement that was made tonight by the distinguished Senator from Alabama. He really did a fine job. He knows what he is talking about. He has been working on the NASA programs and the space program for years as a Member of this body. He was a member of the Commerce, Science, and Transportation Committee and had personal, intimate knowledge of it for years. Of course, his State of Alabama has been very much involved in the NASA space program. But I thought he did just an outstanding job in his remarks tonight.

I do not want to repeat a lot of what he said because he said it so well, and the hour is late.

Let me tell you a little bit about who is for this project, once again. The last three NASA Administrators have been for it. They supported ASRM. They asked for ASRM funding. Administrator Fletcher, Administrator Truly, and Administrator Goldin have been actively, aggressively for it.

This is not a pork project in that it is something that some Member of the House or the Senate stuck in a bill. This is something that NASA asked for, came to Congress and asked for. They supported it through Republican and Democratic administrations, and continue to say it is needed. They selected the site. No Member of Congress, House or Senate, selected the site. This site was selected because there was a piece of land there that was available, it was a good location, it had water access to the testing areas and because, unfortunately, $300 million of taxpayers' money had already been spent at this site.

There, at that site today, a nuclear powerplant dome stands rusting, unused. So there was a bargain. Here was a site that had some buildings that could be used. It was available. The taxpayers had already spent money on this site. The people of Mississippi, Alabama, Tennessee had already made contributions and sacrifices. So this was a logical site. It made good sense to pick this site. That is why it is where it is.

Again, three NASA Administrators have asked for this.

With regard to what happened last year, who was for it and who was against it, I know in telephone conversations as the year went along the Director of the Office of Management and Budget assured me that the administration wanted the ASRM. And the proof is in the pudding. What happened in the end? The conference included $330 million for the ASRM last year. So we know OMB was involved in that. The Vice President was aware of that. I can tell you they both supported it.

But the irony of it all, tonight we have some of my colleagues on the other side citing a letter from former Vice President Quayle.

Tonight I will tell you that this President, the Democratic President, supports ASRM. He asked for it in his budget, $313 million. And the Vice President, AL GORE, a member of the Commerce, Science, and Transportation Committee, serving on the subcommittee that I serve on that has jurisdiction for NASA authorization, supported ASRM as a member of that committee and as a Member of this body.

I can tell my colleagues when he was a candidate, the nominee for Vice President of the United States took the time to call those of us who are interested in this project, called me in this room right back here and said, "I want you to know I support it. You can say to anybody it will make any difference to, that I support it." He came off the campaign trail to do that. And he supports it now. He has said that to the distinguished Chair of the subcommittee, Senator MIKULSKI of Maryland. So this administration is for it.

Dan Goldin, the current Administrator of NASA, is for it. His letter dated September 8, 1993, reiterates his continued support. In his letter, he says this is what we need. This is the logical solution to what we need in the future. So it is important that we remember the real history of ASRM and its supporters. As we move to this debate, I think there are some key factors. As I talked to Members of the Senate the things that really seem to catch their attention are things like this picture displayed by the distinguished Senator from Alabama. That is how much work has already been done. Numerous buildings are there. We have already spent $1.5 billion getting ready to construct this advanced solid rocket engine. Keep in mind now that is on top of the $300 million spent by TVA, and we are now two-thirds of the way toward completion of this project. And there will be a cost involved, as has been pointed out, of $2.5 billion if we do not have the ASRM.

So, when Senators and others realize the commitment that has been made, the construction that has occurred, the money that has already been spent, the savings we can have if we go forward with this project, they say, wait a minute—that is very interesting—we should continue and complete this project.

We voted earlier today, correctly, to defeat the Bumpers amendment and to go forward with space station. But here is another amendment to sort of pick apart, piece by piece, our space program. I think the American people support our space program. They want it. They want a safer program. They want one that will go forward and do its job—not only to provide jobs for the people but also provide enhanced technology and science.

So there is support for this project. People want it to go forward. They want the space station, and we voted that. But if we are going to have the space station at the higher orbit it is very clear that there are only really two legitimate ways to get there: One is ASRM, because it is at a higher orbit that present rockets cannot achieve, and the Administrator said the logical way to do it is with the ASRM. The other option is Russian rockets.

When the American people realize we are talking about the jobs of 16,000 Americans, 2,000 in my own immediate area, those jobs being lost so that we can use a questionable Russian rocket to boost our equipment into space, I do not believe the American people would want that. That is a telling argument for the ASRM.

Madam President, I think there are three points I want to touch on tonight because it is late. No. 1, beyond what I have already said, I want to talk briefly about the capability of ASRM. I want to talk a little bit more about the cost savings and the commitment that was made to the American people and to the people in the area where this rocket will be constructed.

I focus on these issues because the Bumpers amendment would rob the space program of needed capability for international cooperation, cost the American taxpayer more dollars, and break a commitment to this Nation following the *Challenger* tragedy. Safety is an important feature, and Senator HEFLIN talked an awful lot about that and did a good job.

I would also like to set the context for this debate. We have just voted for the space station. The administration just signed a historic agreement with the Russians committing our countries to space cooperation, and yet this would start off right at the beginning to undermine that.

The question is: How best to meet these objectives in the most cost-effective and safest manner? We will show how the ASRM best meets that criteria of capability, performance, cost-effectiveness, and safety. The ASRM provides 30 percent more payload capability with a smaller engine so you get more boost at less cost. ASRM best achieves the higher orbit recommended by the Vest Commission and incorporated in the recent Russian agreements on space cooperation.

Administrator Goldin said:

> NASA has examined the alternative ways of obtaining the increased performance necessary, and we believe that ASRM, either by itself or in concert with other improvements, is the most obvious solution.

Again, the current rocket does not have the capability to do the job. We can talk about these aluminum/lithium tanks but it is a theoretical thing. This is something that has not been researched, tested, or developed. We are talking about something way out there in the future.

So when it comes to capability, clearly the ASRM is what we are looking for.

I ask unanimous consent to print in the RECORD an article from the Wall Street Journal entitled "An Era of Space Detente, Beware of Bad Bargains."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 2, 1993]

IN ERA OF SPACE DETENTE, BEWARE OF BAD BARGAINS

(By James Oberg)

Vice President Gore's meetings yesterday and today with Russian Prime Minister Victor Chernomyrdin to discuss space-related issues are expected to yield greater cooperation between the two countries, particularly in areas such as space launch vehicles and launch facilities. Given U.S. budget constraints and the wide variety of high-quality Russian space hardware and services now being offered on the world market, such proposals are well worth considering. But extreme caution is called for, as the Russians may be trying to sell the U.S. goods they don't reliably possess.

Common suggestions focus on placing the NASA space station in an orbit far enough north to be serviced by the old Soviet Spaceport at Baikonur in Kazakhstan. Russian super-rockets in the Energiya program, the world's most powerful, are also under consideration for transporting into space many sections of the station's modular design.

Russian space officials have been enthusiastically promoting these ideas. They see a source of financial salvation for their own agencies and industries. So desperate are the Russians for the "American option" that they recently surrendered to U.S. State Department pressure over alleged "military rocket technology proliferation." That case involved in Russians' sharing with India their small-thrust liquid-hydrogen engine know-how, an expertise uniquely suited to communications and scientific launch vehicles and to a rocket technology that has never been used by any nation for military purposes. Nevertheless, the Russians agreed to break their existing contract with India and to withhold the manufacturing technology, reportedly as part of a deal to receive equally valued U.S. space contracts.

Americaqn space industries have been understandably reluctant partners in this new U.S.-Russian "space detente." They clearly would prefer that the space funding be given to them for the desired services. But when the "Russian option" provides services at a fraction of the American cost and years ahead of American schedules, congressional budget-cutters find the option attractive. As an alternative to total cancellation of major space program, U.S. aerospace giants have found they can live with the deal.

But all is not well with the fundamental underpinnings of the plan. Both the Russian space center at Baikonur and the Russian super-rocket Energiva are very bad bargains. By the time the U.S. may have to rely on their promised services, they may no longer exist.

The Energiya rocket, equivalent in power to the Saturn V moon rocket developed during the moon race in the 1960s, has flown only twice. Once, in 1987, it carried a thrown-together 100-ton payload that tumbled out of control and never made it into orbit. Then, in 1988, it carried a stripped-down unmanned space shuttle on a two-orbit mission.

Since then, all flight hardware has been rotting and rusting away in storage halls at Baikonur. The Soviet shuttle, an immense strategic, blunder, slowly strangled from lack of funding. It was finally terminated officially a few months ago. No further flights of the Energiya booster are even planned, unless lots of American money shows up, and even then the launches couldn't occur before 1997 or 1998.

Essentially, the entire Russian rocket program would have to be rebuilt from scratch. Key industrial partners in the project are now outside the Russian federation, and many of those factories have already been converted to other manufacturing. Between a third and a half of the most experienced personnel have already left the program for better-paying jobs with more secure futures. Existing hardware has been cannibalized for other projects or sold off as scrap.

What is more, the Baikonur Cosmodrome, as Russia's main space center is called, is a walking corpse, already evacuated by its most energetic veterans and now long abandoned by the Soviet support bureaucracies that used to make it a semi-tolerable duty location. Launchings continue under skeleton staffs, but increasingly serious breakdowns and worker food riots are threatening to bring the delicate high-tech rocket work to a halt.

Two recent space failures illustrate how close modern rocket technology runs to the edge of disaster.

The Zenit rocket, which serves both as an independent launch vehicle and as a booster for the Energiya heavy lifter, is manufactured at a plant in Ukraine. Between 1985 and 1991 it had a string of successes, but suddenly two years ago the vehicle underwent a series of random flight failures caused by inadequate preparation and quality control from the Ukrainian factory. An explosion destroyed one of the two launch pads, which has not been rebuilt.

Then an independent booster program, the Proton, was done in by a squabble over which Moscow agency owned it. A technical bureau that had been locked out of a profit-sharing plan decided to withdraw its inspectors from the launch site, and the very next vehicle fell into the Pacific Ocean. Out of four pads at Baikonur for the Proton rocket, only one is operational.

As if all this weren't enough, there are other problems with the Baikonur site. Ecologically, the region is beyond salvation. As the Aral Sea to its west continue to dry up, emanations from the exposed salt flats, laced with decades of pesticide pollution in the cotton fields upstream, are blown by the choking summer winds eastward across the desert to blanket the city of Leninsk where the space workers live. Infant mortality and birth defects in the area are unendurably high.

The government of Kazakhstan has claimed sovereignty over the base but cannot afford to provide basic services such as power and water, much less technical services. Also looming as a future crisis is the question of political rights for large Russian minorities within the borders of Kazakhstan, particularly in the northern regions where they actually form the majority and where sentiment is growing for partition and ultimate reunion with Russia. None of these flash points bode well for the stability of the Baikonur spaceport.

Conceivably, the Russian government might actually get many of the hoped-for U.S. space dollars for expanded joint work, since there is much in the Russian space program well worth buying, leasing or licensing. Its space station hardware and experience can be extremely valuable. But the price of rebuilding the already collapsed infrastructure of Baikonur and the Energiya rocket is too high. Fruitful U.S. Russian space cooperation must depend on cold, hard realities, not not echoes of past fading glories.

Mr. LOTT. Madam President, in this article, the author Oberg outlines the political instability of the Russian launch facilities into Kazakhstan. I already talked about how the American people would not like the idea of losing jobs because of Russian rockets, but also would their rockets be there and workable? He points out that only one of the four Proton launch pads is operational.

He states that the launch facility is "a walking corpse, already evacuated by most of its energetic veterans and now long abandoned by the Soviet support bureaucracies."

Do we want to put our space program at the mercy of these Russian launch capabilities when we do not even know—and it was cited earlier tonight what is going to be happening in Russia. No, that is not the answer. ASRM is the answer.

With regard to the cost involved, this is a classic example of penny-wise and pound-foolish and Senator SASSER, of Tennessee, uses this phrase in his letter supporting ASRM. He is not a Senator known for going along with a project just to go along with it. He has taken a firm stand for ASRM.

Why is it foolish? Not only would we lose the added performance, safety, and opportunities for international cooperation provided by ASRM, but we would spend more money terminating the program than we would completing the program. That is what causes American people to lose faith in us. We tell them we are going to do something, we spend their money, we get it about ready and then we say, "Well, we changed our mind, we are going to shut it down; sorry about the money you invested; sorry about the time; sorry about the jobs and, by the way, it is going to cost us more to close than it would to go forward to completion." They look at us and say: "How can you people do that?"

Senator HEFLIN, in a very excellent letter that he sent to Senator MIKULSKI, points out the cost savings. Just in case he did not have it printed in the RECORD, I ask unanimous consent that the explanation of this $2.5 billion savings over the next 10 years be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TALKING POINTS LONG VERSION

COST

ASRM increases Shuttle payload by 30%=less shuttle flights=reduced costs.

Proponents and opponents have differed on costing ASRM—"direct" v. "indirect" costs.

Only sensible way to examine cost is to compare costs to NASA with and without the ASRM

Cost of ASRM cancellation:

	Million
Contractor termination liabilities	$300
Space Station deployment	
−3 extra Shuttle flights	$225
−9 months schedule slip	$1050
RSRM v. ASRM cost difference (10 years)	$1350
Space Station operations require additional shuttle flights (10 years) ...	$1125

	Billions
Cancellation costs through 2000	$4.05
Remaining ASRM program costs	$1.6
SAVINGS from ASRM	$2.45

If ASRM is not used to launch the Space Station:

RSRM will still cost—over 10 years—$2.5 billion, while ASRM will cost $1.6 billion over the same period.

ASRM saves $900 million with this option.

Mr. LOTT. Madam President, finally, we do have a commitment to the people. We have a commitment to our foreign partners in this effort. But I have to tell you, I am here tonight on the behalf of the people of my State of Mississippi, too. We do need the jobs. We are the poorest State in the Nation. You are talking about jobs for men and women, black and white, that without this, they do not have a job.

And the poorest State in the Nation has already spent $60 million of its money for infrastructure, highways, improvement in schools. It has really excited the people. It has pulled them together, and they have done things on schools, roads, and airports that they would not have done otherwise. They did not ask for this.

We, the Federal Government, came to them and said, "Will you take it? Will you make the commitment? Will you make the improvements to do this job?" And the people said, "We'll do it," and they did it. They have lived up to their part of the deal. Now, are we going to walk away from them after they fulfilled their commitment. No, Madam President, this would be a major mistake. We should not pick apart our space program and we should not break our commitment to the American people, our international partners, or to the people in the area who fulfilled their part of the deal. Let us defeat this amendment.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I commend my distinguished colleague from Mississippi for his outstanding statement, and I also want to compliment the others who have spoken tonight on this amendment.

I think the quality of debate has been excellent and it has outlined the issue, described the points of view on both sides. But I think when we come down to it, the final question is: Can we run the risk of another *Challenger* disaster? If we do not go forward and use the safest, most reliable, most efficiently designed rocket motor for our space program, we are running the risk of another explosion where astronauts will be killed. We do not need to take that risk. We are building the best that our scientists and our engineers can design, and we are almost there.

This plant is almost completed and new motors are about to be available for the shuttle program.

So I urge Senators, as we vote tomorrow on this amendment, think of what is really at stake: The lives of those who have trained and who have become the world's most outstanding astronauts. The future of our manned space program is at stake, and I hope they will defeat this amendment and leave the money in the bill to complete this project.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the Republican leader, pursuant to Public Law 93-415, as amended by Public Law 102-586, announces the appointment of Lisa Beecher, of Maine, to the Coordinating Council on Juvenile Justice and Delinquency Prevention, vice Ronald Costigan, resigned.

MORNING BUSINESS

Mr. FORD. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLINTON ADMINISTRATION TAKES A STAND ON METRIC CONVERSION

Mr. PELL. Madam President, while those of us in the Senate were at home meeting with our constituents, the Clinton administration took an important step in bringing this country into line with the rest of the world.

As many of my colleagues know, I have been a long-time champion of efforts to convert the United States to the metric system. Most recently, on June 8, 1993, I introduced Senate Joint Resolution 100, which affirms that conversion to the metric system would greatly benefit the United States.

When I introduced Senate Joint Resolution 100, I made the following statement:

> By actively promoting metric conversion, our Government would open the door for new markets and thereby help to create the new jobs this Nation so drastically needs. The fact is, U.S. businesses will have to think in metrics or eventually be left behind. It is that simple. And it is time for our Government to assume a leadership position on the metric issue, instead of passively waiting for market forces to reverse our archaic system of measurement.

In response to my letter to the President telling him of my interest in metric conversion, the Director of the White House Office of Science and Technology Policy, John H. Gibbons, wrote to me that the Clinton administration believes the Federal Government has an important role to play in the conversion to the metric system both in industry and in education.

Mr. Gibbons wrote that the administration believes:

> The Federal Government has an important role to play. It must provide both a vision and a demonstrated commitment. It must advance our Nation's interests by encouraging U.S. industry as well as the educational community, to complete our conversion to the metric system. The result will be that we will all benefit from greater efficiency in industry and education.

I am very pleased the administration shares my view on the important role of the Federal Government in the metric conversion process.

Madam President, this is the first time any administration has said officially that the entire Federal Government has a role and responsibility in converting the United States to the metric system. It is also the first time an administration has talked about the role the education community can play in the conversion process. In the past, administrations have spoken only of citizens learning the metric system.

I congratulate the President for committing his administration and the entire Federal Government to the conversion process and I commend Mr. Gibbons' letter to my colleagues.

Madam President, I ask unanimous consent that the letter from John Gibbons, Director of the White House Office of Science and Technology Policy, be included in the CONGRESSIONAL RECORD at the close of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF SCIENCE AND
TECHNOLOGY POLICY,
Washington, DC, August 18, 1993.

Hon. CLAIBORNE PELL,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter to the President about Senate Joint Resolution 100 and why it is important for the United States to use the metric system. I have been asked to respond to you and I am pleased to provide the following comments.

In his letter of April 6, 1993, that transmitted the 1992 annual metric progress report to the President, Secretary of Commerce Ron Brown stated that it is in the Nation's best interest for the Federal Government to encourage use of the metric system by U.S. industry. He explained that Federal encouragement of metric usage will provide an economic stimulus that will "enhance our competitive edge and create new jobs and opportunities for our citizens." We agree with you that by adopting the metric system U.S. industry will increase its exports and create new jobs.

We understand that U.S. industry's adopting the metric system is important because world markets are almost entirely metric, and, to be accepted in those markets, U.S. products must be metric also. Industry is becoming increasingly aware of this reality. Firms that have made the change to metric standards have found that it was worth the effort because their products gained global acceptance.

The Federal Government has an important role to play. It must provide both a vision and a demonstrated commitment. It must advance our Nation's interests by encouraging U.S. industry, as well as the educational community, to complete our conversion to the metric system. The result will be that we will all benefit from greater efficiency in industry and education.

In response to the current legislative mandate and Executive Order 12770, Federal agencies are making significant progress in converting their programs to metric units and in assisting firms to convert voluntarily. However, actions by the Federal Government alone may not be enough to achieve the goal. Other interested parties, such as state and local governments and the education community, must become more involved.

We appreciate your leadership on the subject of conversion to the metric system.

Sincerely,

JOHN H. GIBBONS, *Director.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ON MINE SAFETY AND HEALTH ACTIVITIES FOR FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT—PM 40

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

In accordance with Section 511(a) of the Federal Mine Safety and Health Act of 1969, as amended ("the Act"), 30 U.S.C. 958(a), I transmit herewith the annual report on mine safety and health activities for fiscal year 1992. This report was prepared by, and covers activities occurring exclusively during the previous Administration. The enclosed report does not reflect the policies or priorities of this Administration.

My Administration is committed to working with the Congress to ensure vigorous enforcement of existing mine safety and health standards. We are also intent on improving these rules where necessary and appropriate to better protect worker health and safety.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1993.*

REPORT ON THE SAINT LAWRENCE SEAWAY DEVELOPMENT FOR FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT—PM 41

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works.

To the Congress of the United States:

I transmit herewith the Saint Lawrence Seaway Development Corporation's Annual Report for fiscal year 1992. This report has been prepared in accordance with section 10 of the Saint Lawrence Seaway Act of May 13, 1954 (33 U.S.C. 989(a)), and covers the period October 1, 1991, through September 30, 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1993.*

REPORT ON THE NATIONAL SCIENCE FOUNDATION FOR FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

In accordance with section 3(f) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(f)), I am pleased to send you the annual report of the National Science Foundation for Fiscal Year 1992. This report describes research supported by the Foundation in the mathematical, physical, biological, social, behavioral, and computer sciences; engineering; and education in those fields.

Achievements such as the ones described in this report are the basis for much of our Nation's strength—its economic growth, national security, and the overall well-being of our people.

As we move toward the 21st century, the Foundation will continue its efforts to expand our Nation's research achievements, our productivity, and our ability to remain competitive in world markets.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1993.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on September 20, 1993, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 184. An act to provide for the exchange of certain lands within the State of Utah, and for other purposes;

S.J. Res. 50. Joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week";

S.J Res. 95. Joint resolution to designate October 1993 as "National Breast Cancer Awareness Month";

H.R. 873. An act to provide for the consolidation and protection of the Gallatin Range; and

H.J. Res. 220. Joint resolution to designate the month of August as "National Scleroderma Awareness Month," and for other purposes.

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD] during the September 21, 1993 session of the Senate.

MESSAGES FROM THE HOUSE

At 11:50 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 714) to provide funding for the resolution of failed savings associations, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; that the following Members be the managers of the conference on the part of the House:

From the Committee on Banking, Finance and Urban Affairs, for consideration of the Senate bill, and the House amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. NEAL of North Carolina, Mr. LAFALCE, Mr. VENTO, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. KENNEDY, Mr. FLAKE, Mr. LEACH, Mr. MCCOLLUM, Mrs. ROUKEMA, Mr. BEREUTER, Mr. ROTH, and Mr. BAKER of Louisiana.

As additional conferees from the Committee on Government Operations, for consideration of section 13 of the Senate bill, and section 23 of the House amendment, and modifications committed to conference: Mr. CONYERS, Mrs. COLLINS of Illinois, Mr. ENGLISH of Oklahoma, Mr. CLINGER, and Mrs. MCCANDLESS.

As additional conferees from the Committee on the Judiciary, for consideration of sections 18 and 22 of the Senate bill, and sections 4 and 19 of the House amendment, and modifications committed to conference: Mr. BROOKS, Mr. HUGHES, Mr. BOUCHER, Mr. FISH, and Mr. GOODLATTE.

The message also announced that pursuant to the provisions of section 303(a) of Public Law 103–3, the Chair on behalf of the Speaker appoints the following as members to the Commission on Leave on the part of the House: Mrs. UNSOELD, and from private life, Ms. Pamela L. Egan of Helena, MT, and Ms. Ellen Bravo of Milwaukee, WI.

At 4 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2608. An act to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program.

The message also announced that pursuant to the provisions of section 635(b) of Public Law 102–393, the Speaker appoints to the Commission on the Social Security "Notch" Issue the following individuals from private life on the part of the House: Mr. James C. Corman of McLean, VA; and Ms. Carroll L. Estes of San Francisco, CA.

The message further announced that pursuant to section 635(b)(5) of Public Law 102–393, the Minority Leader appoints to the Commission on the Social Security "Notch" Issue the following individuals from private life on the part of the House: Mr. Barber Conable of Alexander, NY; and Mr. Arthur L. Singleton of Dunnsville, VA.

MEASURES REFERRED

The following measure, previously received from the House of Representatives, was read the first and second times by unanimous consent and referred as indicated:

H.R. 2139. An act to amend title 44, United States Code, to authorization appropriations for the National Historical Publications and Records Commission; to the Committee on Governmental Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 21, 1993 he had presented to the President of the United States, the following enrolled bills and joint resolutions:

S. 184. An act to provide for the exchange of certain lands within the State of Utah, and for other purposes;

S.J. Res. 50. Joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week"; and

S.J. Res. 95. Joint resolution to designate October 1993 as "National Breast Cancer Awareness Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1529. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for the Global Cooperative Initiatives and the Counterproliferation Initiative; to the Committee on Armed Services.

EC–1530. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice of the intention to transfer a vessel to the Government of Morocco; to the Committee on Armed Services.

EC–1531. A communication from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, and the National Defense Authorization Act for fiscal years 1992 and 1993; to the Committee on Armed Services.

EC–1532. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report of the financial audit of the Panama Canal Commission's financial statements for fiscal years 1991 and 1992; to the Committee on Armed Services.

EC–1533. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report relative to multifamily housing; to the Committee on Banking, Housing, and Urban Affairs.

EC–1534. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report entitled "Responsibilities Under the Community Reinvestment Act"; to the Committee on Banking, Housing, and Urban Affairs.

EC–1535. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report of the National Transportation Safety Board's fiscal year 1995 submission to the Office of Management and Budget; to the Committee on Commerce, Science, and Transportation.

EC–1536. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1537. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on emergency vehicle weight restrictions on interstate highways; to the Committee on Environment and Public Works.

EC–1538. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the activities of the Economic Development Administration for fiscal year 1992; to the Committee on Environment and Public Works.

EC–1539. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a report entitled "Chehalis River Basin Fishery Resources: Status, Trends, and Restoration Goals"; to the Committee on Environment and Public Works.

EC–1540. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the major issues associated with the North American Free Trade Agreement; to the Committee on Finance.

EC–1541. A communication from the Administrator of the Agency For International Development, transmitting, pursuant to law, the report of the Development Assistance Program allocations for fiscal year 1993; to the Committee on Foreign Relations.

EC–1542. A communication from the Assistant Secretary (Legislative Affairs), Department of State, a report of a Presidential determination relative to the Cooperative Republic of Guyana; to the Committee on Foreign Relations.

EC–1543. A communication from the Assistant Secretary (Legislative Affairs), Department of State, a report of a Presidential determination relative to Mozambican refugees and returnees; to the Committee on Foreign Relations.

EC-1544. A communication from the Assistant Secretary (Legislative Affairs), Department of State, a report on the nuclear reactor safety situation in eastern Europe and the former Soviet Union; to the Committee on Foreign Relations.

EC-1545. A communication from the Plan Administrator of the Eighth Farm Credit District Employee Benefit Trust, transmitting, pursuant to law, a report of financial statements and independent auditors' report for calendar years 1991 and 1992; to the Committee on Governmental Affairs.

EC-1546. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report of proposed regulations relative to defining membership; to the Committee on Rules and Administration.

EC-1547. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to defining membership; to the Committee on Rules and Administration.

EC-1548. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of the financial audit of the Capitol Preservation Fund as of March 31, 1991 and March 31, 1992; to the Committee on Rules and Administration.

EC-1549. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "Veterans' Appeals Improvement Act of 1993"; to the Committee on Veterans' Affairs.

EC-1550. A communication from the Secretary of Labor, transmitting, pursuant to law, a report of employment and training programs for veterans during the period July 1, 1991 through June 30, 1992 and fiscal year 1992; to the Committee on Veterans' Affairs.

EC-1551. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Final Engineering Report: Mni Wiconi Rural Water Supply Project"; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of September 15, 1993, the following reports of committees were submitted on September 16, 1993:

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 1467. An original bill to authorize appropriations for foreign assistance programs, and for other purposes (Rept. No. 103-144).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CRAIG:

S. 1475. A bill to revise the boundaries of the Hagerman Fossil Beds National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG:

S. 1476. A bill to revise the boundaries of the Craters of the Moon National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCAIN:

S. 1477. A bill to provide for a 2-year Federal budget cycle, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

By Mr. PRYOR (for himself, Mr. LUGAR, Mr. JOHNSTON, Mr. HEFLIN, Mrs. KASSEBAUM, Mr. COCHRAN, Mr. NICKLES, Mr. DOLE, Mr. COATS, Mr. HELMS, and Mr. BREAUX):

S. 1478. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to ensure that pesticide tolerances adequately safeguard the health of infants and children, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN:

S. 1477. A bill to provide for a 2-year Federal budget cycle, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

BIENNIAL BUDGET LEGISLATION

• Mr. McCAIN. Mr. President, today I am introducing legislation to create a biennial budget process. Simply, instead of the current process where the Congress passes budgets and appropriates on a annual basis, we will enact a budget and appropriate every 2 years.

Twenty States now use biennial budgets. This budget technique has proven to be very successful.

The current process is both exceedingly time consuming and very inefficient. Further, due to our annual ability to completely rewrite the budget, the Congress has used this opportunity to micromanage Federal spending and ignore long-term budgetary goals.

By adopting a 2-year budget, the Congress will have more time to develop and implement long-term budget plans. Additionally, a 2-year budget process will give the Congress sufficient time to thoroughly evaluate programs and spending. This bill will, however, allow the Congress to retain the power to make small adjustments in off years if revenues or expenditures deviate widely from forecasts.

This idea is not new. Congressman Leon Panetta, currently serving the administration as the Director of the Office of Management and Budget, introduced the first biennial budgeting bill in 1977, and many have been offered since that time. Currently Congressman REGULA has introduced companion legislation in the House of Representatives.

Additionally, the Vice President, in his National Performance Review, "Creating a Government that Works Better and Costs Less," commonly referred to as "RE-GO," strongly endorses the concept of biennial budgeting. The Vice President states:

> We recommend that Congress establish biennial budget resolutions and appropriations and multiyear authorizations.

Vice President GORE goes on to state:

> Biennial budgeting will not make our budget decisions easier, for they are shaped by competing interests and priorities. But it will eliminate an enormous amount of busy work that keeps us from evaluating programs and meeting customer needs.

The Vice President could not be more correct.

Mr. President, I hope the Senate will act on the Vice President's recommendation. It is time we made the budget process more streamlined and more efficient. Biennial budgeting is an important step in that direction.•

By Mr. PRYOR (for himself, Mr. LUGAR, Mr. JOHNSTON, Mr. HEFLIN, Mrs. KASSEBAUM, Mr. COCHRAN, Mr. NICKLES, Mr. DOLE, Mr. COATS, Mr. HELMS, and Mr. BREAUX):

S. 1478. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to ensure that pesticide tolerances adequately safeguard the health of infants and children, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOOD QUALITY PROTECTION ACT OF 1993

Mr. PRYOR. Mr. President, I am here today, along with my colleague from Indiana, Senator LUGAR, and others to introduce the Food Quality Protection Act of 1993. This bill offers a comprehensive and balanced approach to the regulation of pesticides used on food, which, I am proud to say, has been endorsed by the director of the National Center for Agricultural Law Research and Information at the University of Arkansas.

There is widespread recognition of the need to reform and modernize the provisions governing the use of pesticides in both the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA] and the Federal Food, Drug, and Cosmetic Act [FFDCA]. Our legislation provides a good vehicle to accomplish that goal while ensuring that the United States will continue to have the world's most safe and abundant food supply.

Although this measure is not perfect, I believe this approach is the best point of departure in the ongoing debate on food safety. For many years now, there has been only one position presented to the Senate in legislative form. Accordingly, in the interest of full and open debate with all views represented, we are introducing our bill at this time.

Mr. President, in 1987, a distinguished committee of the National Academy of Sciences [NAS] recommended in the Delaney Paradox Report that a single negligible-risk standard, and not a zero-risk standard, should govern tolerances for pesticide residues in both raw commodities and processed food. The NAS concluded that a consistently applied negligible-risk standard would greatly reduce total dietary exposure to hazardous pesticides and would permit the EPA to focus its limited resources on regulating pesticides that pose significant risks. The NAS also recognized that the benefits of pesticide uses are an important consideration in tolerance decisions.

The bill that we are introducing today would implement the NAS recommendations, integrate the pesticide tolerance provisions of the FFDCA and provide a logical and consistent framework for pesticide tolerance regulation in the coming decades.

In a separate NAS study, "Pesticides in the Diets of Infants and Children," published in June of this year, the NAS made several recommendations to improve the way pesticide tolerances are set in order to protect infants and children. Children's diets physiologically differ from adults in ways that could make them more vulnerable to exposure of pesticide residues. The bill we introduce today would direct the EPA, the FDA, and the USDA to implement the recommendations of this important report. By requiring the agencies to implement the NAS recommendations, the bill will help provide certainty that children will bear no undue risk from pesticides in their diets.

Experts in the field have suggested that the pesticide tolerance provisions of the FFDCA are outdated and unnecessarily complex. There have been dramatic advances in analytical chemistry, toxicological testing, and risk assessment which were unforeseen at the time current laws were enacted. The bill we introduce today would simplify the legal standards governing pesticide tolerances and give EPA flexibility to consider evolving scientific principles when making food safety decisions.

A recent decision by the U.S. Court of Appeals for the Ninth Circuit in Les versus Reilly has focused increased attention on the need to reform EPA's regulation of pesticide tolerances. The ninth circuit held that the Delaney clause of the food additive provision of the FFDCA prohibits EPA from authorizing minimum levels of carcinogenic pesticides in processed food. Following the ninth circuit decision, EPA released a list of 35 pesticides that could be outlawed under EPA's current pesticide tolerance policies.

The bill that we are introducing today would break the legal logjam created by the ninth circuit decision and would subject raw commodities and processed food to the same safety standard for pesticide residues. The bill would provide a comprehensive, long-term solution to the difficult food safety issues that face EPA. It is important to recognize, however, that EPA has ample existing authority to reform its pesticide tolerance policies to permit continued use of valuable pesticides that pose negligible risks.

Our balanced approach to pesticide tolerance regulation would substantially improve current law and would give EPA necessary flexibility to employ reasonable-risk estimates and to preserve valuable minor use pesticides. It would streamline the pesticide cancellation process, and update and improve regulation of pesticide residues in food. It would provide a uniform negligible-risk standard for pesticide residues in both raw and processed food, as recommended by the NAS. It would assure that EPA employs actual pesticide use and residue data and reasonable assumptions in conducting risk assessments, it would reconfirm EPA's duty to conduct risk-benefit evaluations in setting pesticide tolerances, and would mandate national uniformity of pesticide tolerances that meet current EPA requirements.

I asked the National Center for Agricultural Law Research and Information at the University of Arkansas to review this legislation and compare it with the only other position that has been presented to the Senate. The center has done so and, I am happy to report, has endorsed the legislation which we are introducing today.

Mr. President, let me make a very important point. The Clinton administration has addressed this difficult and many times emotional issue head-on. Almost as soon as he came to office, President Clinton asked the appropriate agencies to form an interagency working group to devise the administration's solution to these very serious problems. Although they have not unveiled details, I understand that later today, administration officials will explain their position in a hearing on the House side but that actual legislation will not be presented. It is also my understanding that the administration's approach is very reasonable and balanced and I look forward to reviewing it.

I am committed to working with President Clinton and my colleagues in Congress to ultimately reach a solution to this dilemma. For the safety of our food and the future of agribusinesses, it is time to act. We are fortunate to have an administration in place that understands the urgency and has the courage and commitment to seek a resolution.

Mr. President, I ask that a copy of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Quality Protection Act of 1993".

TITLE I—DATA COLLECTION AND PROCEDURES TO ENSURE THAT TOLERANCES SAFEGUARD THE HEALTH OF INFANTS AND CHILDREN

SEC. 101. IMPLEMENTATION OF NRC REPORT.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Secretary of Health and Human Services shall coordinate the development and implementation of procedures to ensure that pesticide tolerances adequately safeguard the health of infants and children, based on the conclusions and recommendations contained in the report entitled "Pesticides in the Diets of Infants and Children" of the National Research Council of the National Academy of Sciences.

(b) PROCEDURES.—To the extent practicable, the procedures referred to in subsection (a) shall include—

(1) collection of data on food consumption patterns of infants and children;

(2) improved surveillance of pesticide residues, including guidelines for the use of comparable analytical and standardized reporting methods, the increased sampling of foods most likely consumed by infants and children, and the development of more complete information on the effects of food processing on levels of pesticide residues;

(3) toxicity testing procedures that specifically evaluate the vulnerability of infants and children;

(4) methods of risk assessment that take into account unique characteristics of infants and children; and

(5) other appropriate measures considered necessary by the Administrator to ensure that pesticide tolerances adequately safeguard the health of infants and children.

SEC. 102. COLLECTION OF PESTICIDE USE INFORMATION.

(a) IN GENERAL.—The Secretary of Agriculture shall collect data of Statewide or regional significance on the use of pesticides to control pests and diseases of major crops and crops of dietary significance, including fruits and vegetables.

(b) COLLECTION.—The data shall be collected by surveys of farmers or from other sources offering statistically reliable data.

(c) COORDINATION.—The Secretary shall, as appropriate, coordinate with the Administrator of the Environmental Protection Agency in the design of the surveys and make available to the Administrator the aggregate results of the surveys to assist the Administrator in developing exposure calculations and benefits determinations with respect to pesticide regulatory decisions.

SEC. 103. INTEGRATED PEST MANAGEMENT.

Section 28(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-3(c)) is amended—

(1) by striking "(c) INTEGRATED PEST MANAGEMENT.—The Administrator," and inserting the following:

"(c) INTEGRATED PEST MANAGEMENT.—

"(1) IN GENERAL.—The Administrator,"; and

(2) by adding at the end the following new paragraph:

"(2) JOINT RESEARCH AND DEVELOPMENT.—The Administrator and the Secretary of Agriculture shall research, develop, and disseminate information concerning integrated pest management techniques and other pest control methods that enable producers to reduce or eliminate applications of pesticides that pose a greater than negligible dietary risk to humans, with a special focus on crops critical to a balanced, healthy diet and that are considered as minor crops in terms of acreage produced.".

TITLE II—CANCELLATION AND SUSPENSION

SEC. 201. REFERENCE.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

SEC. 202. CANCELLATION.

Subsection (b) of section 6 (7 U.S.C. 136d(b)) is amended to read as follows:

"(b) Cancellation and Change in Classification or Other Terms or Conditions of Registration.—

"(1) Authority.—Notwithstanding any other provision of this Act, the Administrator may, by use of informal rulemaking under this subsection, prescribe requirements regarding the composition, packaging, and labeling of a pesticide (or a group of pesticides containing a common active or inert ingredient), may classify the pesticide, or may prohibit the registration or continued registration of the pesticide for some or all purposes, to the extent necessary to ensure that the pesticide, when used in accordance with widespread and commonly recognized practice, does not generally cause unreasonable adverse effects on the environment.

"(2) Basis for rule.—

"(A) The Administrator may not initiate a rulemaking under this subsection unless the rulemaking is based on a validated test or other significant evidence raising a prudent concern that the pesticide causes unreasonable adverse effects on the environment.

"(B)(i) The Administrator shall submit, to a scientific peer review committee established by the Administrator, the validated test or other significant evidence on which the Administrator proposes to base a rulemaking under paragraph (1).

"(ii) The scientific peer review committee shall provide written recommendations to the Administrator as to whether the test or evidence reviewed satisfies the criteria under subparagraph (A) for initiating a rulemaking under paragraph (1).

"(iii) The scientific peer review committee shall consist of employees of or consultants to the Environmental Protection Agency who have not been involved in a previous analysis of the validated test or significant evidence presented to the committee and who are experts in the physical or biological disciplines involved in the proposed rulemaking.

"(3) Prenotice procedures.—

"(A) The Administrator may not initiate a rulemaking under paragraph (1) until the Administrator has provided, to the registrant of each affected pesticide, a notice that includes a summary of the validated test or other significant evidence on which the Administrator proposes to base the rulemaking and the basis for a determination that the test or evidence raises a prudent concern that the pesticide causes unreasonable adverse effects on the environment. A registrant may respond to a notice provided under this subparagraph not later than 30 days after receipt of the notice.

"(B) At the same time as the Administrator provides the notice to a registrant of the pesticide under subparagraph (A), the Administrator shall also provide the notice to the Secretary of Agriculture and the Secretary of Health and Human Services. If an agricultural commodity is affected, on receipt of the notice, the Secretary of Agriculture shall prepare an analysis of the benefit and use of the pesticide and provide the analysis to the Administrator.

"(4) Advance notice to public.—

"(A) After receiving the recommendation of the peer review committee established under paragraph (2)(B), together with any comments submitted by the Secretary of Agriculture, the Secretary of Health and Human Services, and a registrant, the Administrator shall—

"(i) issue an advance notice of proposed rulemaking; or

"(ii) issue a notice of a proposed decision not to initiate a rulemaking under paragraph (1).

"(B) The Administrator shall publish the notice in the Federal Register and provide a period of not less than 60 days for comment on the notice. The notice shall contain a statement of the basis and purpose of the notice and a summary of—

"(i) the factual data on which the notice is based;

"(ii) the major scientific assumptions underlying the notice; and

"(iii) the notice provided under paragraph (3) and any significant comments received from a registrant, the Secretary of Agriculture, and the Secretary of Health and Human Services.

"(C) If the Administrator, after considering any comments received, decides not to issue a notice of proposed rulemaking, the Administrator shall publish in the Federal Register a notice setting forth the decision and the basis for the decision.

"(5) Docket.—

"(A) For each rulemaking under paragraph (1), the Administrator shall establish a docket.

"(B) The docket shall include a copy of—

"(i) the notice provided under paragraph (3);

"(ii) any notice issued under paragraph (4);

"(iii) the notice of proposed rulemaking issued under paragraph (6);

"(iv) each timely comment filed with the Administrator;

"(v) the report of the Scientific Advisory Panel under paragraph (8);

"(vi) a record of each hearing held by the Administrator in connection with the rulemaking; and

"(vii) the final rule or decision to withdraw the rule.

"(C) Information in the docket shall be made available to the public consistent with section 10.

"(D) No factual material that has not been entered into the docket in a timely manner may be relied on by the Administrator in issuing a final rule or in withdrawing a proposed rule or by a person in a judicial review proceeding, except for—

"(i) information of which the Administrator may properly take official notice; or

"(ii) information of which a court may properly take judicial notice.

"(6) Notice of proposed rulemaking.—

"(A) Not less than 60 days after an advance notice of proposed rulemaking, except as provided in paragraph (14), the Administrator may issue a notice of proposed rulemaking. The notice of proposed rulemaking shall include a statement of the basis and purpose of the proposed rulemaking, a request for any additional data needed, and a bibliography of all significant scientific data and studies on which the proposed rule is based. The statement of basis and purpose shall include a summary of—

"(i) the factual data on which the proposed rule is based;

"(ii) the major scientific assumptions, legal interpretations, and policy considerations underlying the proposed rule;

"(iii) a summary of available risk-benefit information, including benefits and use information as provided by the Secretary of Agriculture; and

"(iv) the analysis and tentative conclusions of the Administrator regarding the balancing of the risks and benefits.

"(B)(i) A registrant of the pesticide and a person who submits comments on the proposed rule shall make a report to the Administrator of all scientific data and studies possessed by the person concerning the risks and benefits of the pesticide that is the subject of the rulemaking that were not included in the bibliography included in the notice required under subparagraph (A).

"(ii) If, after the date of the report made under clause (i), the registrant or the person receives additional scientific data or studies pertinent to the rulemaking that were not included in the bibliography, the person shall make a report of the scientific data and studies to the Administrator promptly after receipt.

"(iii) If the Administrator receives reports containing additional data concerning risks or benefits, the Administrator shall revise the bibliography to reflect the data and make the revised bibliography available to the public.

"(C)(i) The Administrator shall provide a comment period of not less than 90 days after the publication of the notice of proposed rulemaking.

"(ii) During the period, a person may submit comments, data, or documentary information on the proposed rule.

"(iii) Promptly on receipt by the Administrator, all written comments and documentary information on the proposed rule received from a person for inclusion in the docket during the comment period, shall be placed in the docket.

"(D)(i) At the same time as the Administrator publishes notice under subparagraph (A), the Administrator shall provide the Secretary of Agriculture and the Secretary of Health and Human Services with a copy of the proposed rule.

"(ii) Not later than 90 days after the publication of the notice of proposed rulemaking, the Secretary of Agriculture and the Secretary of Health and Human Services may provide comments on the proposed rule.

"(iii) If an agricultural commodity is affected, the Secretary of Agriculture shall provide to the Administrator an analysis of the impact of the proposed action on the domestic and global availability and prices of agricultural commodities and retail food prices and any associated societal impacts (including impacts on consumer nutrition and health and low-income consumers).

"(7) Informal hearing.—

"(A)(i) A person who has submitted a comment may, not later than 15 days after the close of the comment period, request the Administrator to conduct an informal hearing on questions of fact pertaining to the proposed rule or comments on the rule.

"(ii) The Administrator shall—

"(I) on receipt of the request, schedule an informal hearing of not to exceed 20 days duration; and

"(II) not later than 60 days after the close of the comment period, conduct the hearing.

"(iii) The Administrator shall publish the time, place, and purpose of the hearing in the Federal Register.

"(iv) The informal hearing shall be limited to addressing questions of fact raised by materials in the docket.

“(v) A transcript shall be made of any oral presentation, discussion, or debate and included in the docket.

“(B) The Administrator shall appoint a presiding officer who shall have the authority to administer oaths, regulate the course of the hearing, conduct prehearing conferences, schedule presentations, and exclude irrelevant, immaterial, or unduly repetitious evidence.

“(C)(i) The presiding officer shall conduct the informal hearing in a manner that encourages discussion and debate on questions of fact regarding the docket.

“(ii) The Administrator shall designate 1 or more employees of the Environmental Protection Agency to participate in the hearing.

“(iii) A person who submitted a comment on the proposed rule may participate in the hearing and shall be entitled to present evidence and argument to support the position of the person or rebut a contrary position and may choose to present materials in oral or written form.

“(8) REVIEW BY SCIENTIFIC ADVISORY PANEL.—

“(A) At the time the Administrator issues a notice of proposed rulemaking under paragraph (6), the Administrator shall provide a copy of the notice to the Scientific Advisory Panel established under section 25(d) (referred to in this paragraph as the ‘Panel’).

“(B) If a person submits comments under paragraph (6) in opposition to the proposed rule, the Administrator shall request the comments, evaluations, and recommendations of the Panel as to the impact on health and the environment of the proposed rule and on any disputed issues of fact or scientific policy that appear to be of significance in the rulemaking.

“(C) The Panel may hold a public hearing to discuss the proposed rule.

“(D) The Panel shall provide a report to the Administrator not later than 30 days after the close of the comment period (or, if a hearing has been requested under paragraph (7), not later than 30 days after the end of the hearing).

“(E) The Administrator shall allow a reasonable time for written public comment on the report of the Panel. A copy of the report of the Panel and any comments on the report shall be included in the rulemaking docket.

“(9) FINAL ACTION.—

“(A) After considering all material in the docket, the Administrator shall publish in the Federal Register a final rule or a withdrawal of the proposed rule.

“(B) The Administrator may not prohibit a use of a pesticide if an alternative requirement will ensure that the pesticide, when used in accordance with widespread and commonly recognized practice, will not generally cause unreasonable adverse effects on the environment.

“(C) In taking a final action, the Administrator shall take into account the impact of the action on production and prices of agricultural commodities, retail food prices, and otherwise on the agricultural economy.

“(D) The final rule or withdrawal of the proposed rule shall be accompanied by a statement that—

“(i) explains the reasons for the action;

“(ii) responds to any comments made by the Secretary of Agriculture or the Secretary of Health and Human Services, and to any report of the Scientific Advisory Panel established under section 25(d);

“(iii) responds to each significant comment contained in the docket; and

“(iv) in the case of a final rule—

“(I) explains the reason for any major difference between the final rule and the proposed rule;

“(II) describes the impact of the final rule on production and prices of agricultural commodities, retail food prices, and otherwise on the agricultural economy; and

“(III) explains any significant disagreement the Administrator may have with any comment, evaluation, or recommendation contained in the report under paragraph (8), the benefits and use information described in paragraph (6)(A)(iii), or the analysis described in paragraph (6)(D) as the analysis bears on the final rule.

“(E) A final rule issued under this subsection shall become effective on the date of the publication of the final rule in the Federal Register.

“(10) MODIFICATION OR CANCELLATION.—

“(A)(i) Subject to clause (ii), a final rule shall state any requirement, classification, or prohibition imposed by the rule, and shall state that each affected registrant shall have a 30-day period from the date of the publication of the rule in the Federal Register to apply for an amendment to the registration to comply with the rule or to request voluntary cancellation of the registration.

“(ii) If the rule unconditionally prohibits all uses of a pesticide, the rule may provide that cancellation of the registration of the pesticide is effective beginning on the date of the publication of the rule.

“(iii) The final rule may prohibit or limit distribution or sale by the registrant of the affected pesticide to any other person in a State during the 30-day period.

“(B) Notwithstanding any other provision of this Act, if an application for an amendment to the registration to make the registration comply with a rule issued under subparagraph (A) is not submitted within the 30-day period, the Administrator may issue and publish in the Federal Register an order canceling the registration, effective beginning on the date of the publication of the order in the Federal Register.

“(11) DENIAL OF APPLICATIONS.—Notwithstanding any other provision of this Act, no application for initial or amended registration of a pesticide under section 3 or 24(c) may be approved if the registration would be inconsistent with a rule in effect under this subsection.

“(12) AMENDMENT OF RULE.—

“(A) A registrant, or other interested person with the concurrence of the registrant, may petition for the amendment or revocation of a rule that has been issued under this subsection.

“(B) The petition shall state the factual material and argument that form the basis for the petition.

“(C) The Administrator shall publish a notice of the petition in the Federal Register and allow a 60-day comment period on the petition.

“(D) Not later than 180 days after publication of the notice, the Administrator shall determine whether to deny the petition or to propose to amend or revoke the rule, and publish the determination and the basis for the determination in the Federal Register.

“(E) In making the determination, the Administrator shall give due regard to—

“(i) the desirability of finality;

“(ii) the opportunity that the petitioner had to present the factual material and argument in question in the prior rulemaking proceeding; and

“(iii) any new evidence submitted by the petitioner.

“(F) If the Administrator proposes to amend or revoke the rule, the procedures established by paragraph (1) and paragraphs (6) through (9) shall apply.

“(G) A denial of a petition shall be judicially reviewable as provided in paragraph (13).

“(13) JUDICIAL REVIEW.—A decision not to initiate a rulemaking published under paragraph (4), a final rule or a withdrawal of a proposed rule published under paragraph (9), or a denial of a petition under paragraph (12) shall be judicially reviewable in the manner specified by section 16(b)(2).

“(14) EXCEPTION TO REQUIREMENTS.—If the Administrator finds it is necessary to issue a suspension order under subsection (c), the Administrator may waive the requirements of paragraphs (3) and (4).”.

SEC. 203. PESTICIDES IN REVIEW.

If the Administrator of the Environmental Protection Agency, on or before January 1, 1993, publishes a document instituting a special review proceeding or public interim administrative review proceeding with respect to a pesticide or an active ingredient of a pesticide, the Administrator may, in lieu of proceeding under section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by section 202 of this Act), elect to continue the review proceeding and, on completion of the proceeding, take such action as is warranted in accordance with section 3(c)(6) and subsections (b) and (d) of section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (as in effect on the day before the date of enactment of this Act).

SEC. 204. SUSPENSION.

(a) ORDER.—Section 6(c)(1) (7 U.S.C. 136d(c)(1)) is amended by striking the second sentence and inserting the following new sentence: “Except as provided in paragraph (3), no order of suspension may be issued under this subsection unless the Administrator has issued, or at the same time issues, a proposed rule under subsection (b).”.

(b) EMERGENCY ORDER.—Section 6(c)(3) (7 U.S.C. 136d(c)(3)) is amended by inserting after the first sentence the following new sentence: “The Administrator may issue an emergency order under this paragraph before issuing a proposed rule under subsection (b), if the Administrator proceeds expeditiously to issue a proposed rule.”.

SEC. 205. TOLERANCE REEVALUATION AS PART OF REREGISTRATION.

Section 4(g)(2) (7 U.S.C. 136a–1(g)(2)) is amended by adding at the end the following new subparagraph:

“(E) As soon as the Administrator has sufficient information with respect to the dietary risk of a particular active ingredient, but in any event no later than the time the Administrator makes a determination under subparagraph (C) or (D) with respect to a pesticide containing a particular active ingredient, the Administrator shall—

“(i) reassess each associated tolerance and exemption from the requirement for a tolerance issued under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a);

“(ii) determine whether the tolerance or exemption meets the requirements of such Act;

“(iii) determine whether additional tolerances or exemptions should be issued;

“(iv) publish in the Federal Register a notice setting forth the determinations made under this subparagraph; and

“(v) commence promptly such proceedings under this Act and section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) as are warranted by the determinations.”.

SEC. 206. SCIENTIFIC ADVISORY PANEL.

Section 25(d) (7 U.S.C. 136w(d)) is amended—

(1) by striking "(d) SCIENTIFIC ADVISORY PANEL.—The Administrator shall" and inserting the following:

"(d) SCIENTIFIC ADVISORY PANEL.—

"(1) IN GENERAL.—The Administrator shall"; and

(2) by adding at the end the following new paragraph:

"(2) SCIENCE REVIEW BOARD.—

"(A) There is established a Science Review Board to consist of 60 scientists who shall be available to the Scientific Advisory Panel to assist in reviews conducted by the Panel.

"(B) The Scientific Advisory Panel shall select the scientists from 60 nominations submitted by each of the National Science Foundation and the National Institutes of Health.

"(C) A member of the Board shall be compensated in the same manner as a member of the Panel.".

SEC. 207. CONFORMING AMENDMENTS.

(a) Paragraph (6) of section 3(c) (7 U.S.C. 136a(c)(6)) is amended to read as follows:

"(6) DENIAL OF APPLICATION FOR REGISTRATION.—

"(A)(i) Except as provided in subparagraph (B), if the Administrator proposes to deny an application for registration because the application does not satisfy the requirements of paragraph (5), the Administrator shall notify the applicant of the proposal and the reasons for the denial (including the factual basis of the proposal).

"(ii) Unless the applicant makes the necessary corrections to the application and notifies the Administrator of the corrections during the 30-day period beginning on the day after the date the applicant receives the notice, or during the period the applicant submits a request for a hearing, the Administrator may issue an order denying the application.

"(iii) If during the period referred to in clause (ii), the Administrator does not receive the corrections to the application or a request for a hearing, the Administrator may issue an order denying the application.

"(iv) The order denying the application shall be published in the Federal Register and shall not be subject to judicial review.

"(v) If during the period referred to in clause (ii), the Administrator receives a request for a hearing, a hearing shall be conducted under section 6(d).

"(vi) If a hearing is held, a decision after completion of the hearing shall be final and shall be subject to judicial review under section 16(b)(1).

"(B)(i) The Administrator may deny an application for registration because the application does not comply with the requirements of a rule issued under section 6(b).

"(ii) The Administrator shall notify the applicant of the denial.

"(iii) The notice shall explain why the application does not comply with the requirements and shall state that the applicant may petition to amend or revoke the rule under section 6(b)(12).".

(b) Section 3(c) (7 U.S.C. 136a(c)) is amended by striking paragraph (8).

(c) Section 3(d) (7 U.S.C. 136a(d)) is amended—

(1) in paragraph (1)(A), by striking "on the initial classification and registered pesticides" and inserting "under section 6(b). A registered pesticide"; and

(2) in paragraph (2), by striking all that follows "on the environment," and inserting "the Administrator may initiate a proceeding under section 6(b).".

(d) Section 4(e)(3)(B)(iii)(III) (7 U.S.C. 136a-1(e)(3)(B)(iii)(III)) is amended—

(1) by striking "section 6(d), except that the" and inserting "section 6(d). The"; and

(2) by inserting after "guidelines." the following new sentence: "If a hearing is held, a decision after completion of the hearing shall be final.".

(e) Section 6(c)(4) (7 U.S.C. 136d(c)(4)) is amended by striking "Section 16 of this Act" and inserting "section 16(b)(1)".

(f) Section 6(d) (7 U.S.C. 136d(d)) is amended—

(1) by striking the first sentence and inserting the following new sentence: "If a hearing is requested pursuant to section 3(c)(2)(B)(iv), 3(c)(6), or 4(e)(3)(B)(iii)(III), or subsection (c)(2) or (e)(2), the hearing shall be held for the purpose of receiving evidence relevant and material to the issues raised by the request for the hearing."; and

(2) by striking all that follows the eighth sentence and inserting the following new sentence: "A hearing under this subsection shall be held in accordance with sections 554, 556, and 557 of title 5, United States Code. As soon as practicable after the completion of the hearing, the Administrator shall issue a final order setting forth the decision of the Administrator. The order and decision shall be based only on substantial evidence of the record of the hearing, shall set forth detailed findings of fact on which the order is based, and shall be subject to judicial review under section 16(b)(1).".

(g) Section 16(a) (7 U.S.C. 136n(a)) is amended by inserting after "a hearing" the following: "or a proceeding under section 6(b)".

(h) Section 16(b) (17 U.S.C. 136n(b)) is amended—

(1) by striking "(b) REVIEW BY COURT OF APPEALS.—In the case of" and inserting the following:

"(b) REVIEW BY COURT OF APPEALS.—

"(1) REVIEW OF CERTAIN ORDERS.—In the case of";

(2) in the last sentence of paragraph (1) (as so designated), by striking "under this section" and inserting "under this paragraph"; and

(3) by adding at the end the following new paragraph:

"(2) REVIEW OF CERTAIN RULES.—

"(A) In the case of actual controversy as to the validity of a rule issued by the Administrator under section 6(b)(9), a decision by the Administrator under paragraph (4) or (9) of section 6(b) not to issue a proposed rule or to withdraw a proposed rule, or a denial of a petition to revoke or amend a final rule under section 6(b)(12), a person who will be adversely affected by the rule or decision and who has filed comments in the proceeding leading to the rule or decision may obtain judicial review by filing a petition in the United States court of appeals for the circuit in which the person resides or has a place of business, not later than 60 days after the entry of the order.

"(B) A copy of the petition shall be transmitted to the Administrator or an officer designated by the Administrator.

"(C) On receipt of the copy of the petition, the Administrator shall file in court the record of the proceedings on which the Administrator based the rule or decision, as provided in section 2112 of title 28, United States Code.

"(D) On the filing of the petition, the court shall have exclusive jurisdiction to affirm or set aside the rule or decision in whole or in part.

"(E) The standard of review shall be the standard set forth in section 706 of title 5, United States Code.

"(F) The judgment of the court under this paragraph shall be final, subject to review by the Supreme Court on certiorari or certification as provided in section 1254 of title 28, United States Code.

"(G) The commencement of proceedings under this section shall not, unless specifically ordered by the court to the contrary, operate as a stay of an order.".

(i) Section 25(a) (7 U.S.C. 136w(a)) is amended by adding at the end the following new paragraph:

"(5) EXCEPTION.—The requirements of this subsection shall not apply to a rule or rulemaking proceeding under section 6(b).".

(j) Section 25(d)(1) (as designated by section 206) is further amended—

(1) in the first sentence, by striking "of the action proposed in notices of intent issued under section 6(b) and"; and

(2) in the second sentence—

(A) by striking "notices of intent and"; and

(B) by striking "6(b) or 25(a), as applicable," and inserting "25(a),".

(k) The second sentence of section 25(e) (7 U.S.C. 136w(e)) is amended by inserting before the period at the end the following: ", except for an action that may be taken under section 6(b)".

SEC. 208. CONFORMING AMENDMENTS TO FIFRA TABLE OF CONTENTS.

The table of contents in section 1(b) (7 U.S.C. prec. 121) is amended—

(1) by striking the item relating to section 3(c)(6) and inserting the following new item:

"(6) Denial of application for registration.";

(2) by striking the item relating to section 3(c)(8);

(3) by striking the item relating to section 6(b) and inserting the following new items:

"(b) Cancellation and change in classification or other terms or conditions of registration.
"(1) Authority.
"(2) Basis for rule.
"(3) Prenotice procedures.
"(4) Advance notice to public.
"(5) Docket.
"(6) Notice of proposed rulemaking.
"(7) Informal hearing.
"(8) Review by Scientific Advisory Panel.
"(9) Final action.
"(10) Modification or cancellation.
"(11) Denial of applications.
"(12) Amendment of rule.
"(13) Judicial review.
"(14) Exception to requirements.";

(4) by striking the item relating to section 16(b) and inserting the following new items:

"(b) Review by court of appeals.
"(1) Review of certain orders.
"(2) Review of certain rules.";

(5) by adding at the end of the items relating to section 25(a) the following new item:

"(5) Exception.";

(6) by striking the item relating to section 25(d) and inserting the following new items:

"(d) Scientific Advisory Panel.
"(1) In general.
"(2) Science Review Board.";

and

(7) by striking the item relating to section 28(c) and inserting the following new items:

"(c) Integrated pest management.
"(1) In general.
"(2) Joint research and development.".

TITLE III—AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

SEC. 301. REFERENCE.

Whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

SEC. 302. DEFINITIONS.

(a) PESTICIDE CHEMICAL; PESTICIDE CHEMICAL RESIDUE.—Section 201(q) (21 U.S.C. 321(q)) is amended to read as follows:

"(q)(1) The term 'pesticide chemical' means—

"(A) any substance that is a pesticide within the meaning of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(u)),

"(B) any active ingredient of a pesticide within the meaning of section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(a)), or

"(C) any inert ingredient of a pesticide within the meaning of section 2(m) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(m)).

"(2) The term 'pesticide chemical residue' means a residue in or on raw agricultural commodity or processed food of—

"(A) a pesticide chemical, or

"(B) any other added substance that is present in the commodity or food primarily as a result of the metabolism or other degradation of a pesticide chemical.

"(3) Notwithstanding subparagraphs (1) and (2), the Administrator may by regulation except a substance from the definition of 'pesticide chemical' or 'pesticide chemical residue' if—

"(A) the substance's occurrence as a residue on a raw agricultural commodity or processed food is attributable primarily to natural causes or to human activities not involving the use of any substances for a pesticidal purpose in the production, storage, processing, or transportation of any raw agricultural commodity or processed food, and

"(B) the Administrator, after consultation with the Secretary, determines that the substance more appropriately should be regulated under one or more provisions of this Act other than sections 402(a)(2)(B) and 408.".

(b) FOOD ADDITIVE.—Subparagraphs (1) and (2) of section 201(s) (21 U.S.C. 321(s)) are amended to read as follows:

"(1) a pesticide chemical residue in or on a raw agricultural commodity or processed food; or

"(2) a pesticide chemical; or".

(c) PROCESSED FOOD.—Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(gg) The term 'processed food' means any food other than a raw agricultural commodity and includes any raw agricultural commodity that has been subject to processing, such as canning, cooking, freezing, dehydration, or milling.

"(hh) The term 'Administrator' means the Administrator of the United States Environmental Protection Agency.".

SEC. 303. PROHIBITED ACTS.

Section 301(j) (21 U.S.C. 331(j)) is amended by inserting before the first period the following: ", or the violation of section 408(g)(2) or any regulation issued under such section.".

SEC. 304. ADULTERATED FOOD.

Section 402(a)(2) (21 U.S.C. 342(a)(2)) is amended to read as follows:

"(2) if—

"(A) it bears or contains any added poisonous or added deleterious substance (other than a substance that is a pesticide chemical residue in or on a raw agricultural commodity or processed food, a food additive, a color additive, or a new animal drug) that is unsafe within the meaning of section 406;

"(B) it bears or contains a pesticide chemical residue that is unsafe within the meaning of section 408(a); or

"(C) it is or if it bears or contains—

"(i) any food additive that is unsafe within the meaning of section 409; or

"(ii) a new animal drug (or conversion product thereof) that is unsafe within the meaning of section 512; or".

SEC. 305. TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES.

Section 408 (21 U.S.C. 346a) is amended to read as follows:

"SEC. 408. TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES.

"(a) REQUIREMENT FOR TOLERANCE OR EXEMPTION.—

"(1) DEFINITION.—For the purposes of this section, the term 'food,' when used as a noun without modification, shall mean a raw agricultural commodity or processed food.

"(2) GENERAL RULE.—Except as provided in paragraph (3) or (4), any pesticide chemical residue in or on a food shall be deemed unsafe for the purpose of section 402(a)(2)(B) unless—

"(A) a tolerance for such pesticide chemical residue in or on such food is in effect under this section and the concentration of the residue is within the limits of the tolerance; or

"(B) an exemption from the requirement of a tolerance is in effect under this section for the pesticide chemical residue.

"(3) PROCESSED FOOD.—Notwithstanding paragraph (2), the following provisions shall apply with respect to processed food:

"(A) If a tolerance is in effect under this section for a pesticide chemical residue in or on a raw agricultural commodity, a pesticide chemical residue that is present in or on a processed food because the food is made from that raw agricultural commodity shall not be considered unsafe within the meaning of section 402(a)(2)(B) despite the lack of a tolerance for the pesticide chemical residue in or on the processed food if the concentration of the pesticide chemical residue in the processed food when ready for consumption or use is not greater than the tolerance prescribed for the pesticide chemical residue in the raw agricultural commodity.

"(B) If an exemption from the requirement for a tolerance is in effect under this section for a pesticide chemical residue in or on a raw agricultural commodity, a pesticide chemical residue that is present in or on a processed food because the food is made from that raw agricultural commodity shall not be considered unsafe within the meaning of section 402(a)(2)(B).

"(4) RESIDUES OF DEGRADATION PRODUCTS.—If a pesticide chemical residue is present in or on a food because it is a metabolite or other degradation product of a precursor substance that itself is a pesticide chemical or pesticide chemical residue, such a residue shall not be considered to be unsafe within the meaning of section 402(a)(2)(B) despite the lack of a tolerance or exemption from the need for a tolerance for such residue in or on such food if—

"(A) the Administrator has not determined that the degradation product is likely to pose any potential health risk from dietary exposure that is of a different type than, or of a greater significance than, any risk posed by dietary exposure to the precursor substance;

"(B) either—

"(i) a tolerance is in effect under this section for residues of the precursor substance in or on the food, and the combined level of residues of the degradation product and the precursor substance in or on the food is at or below the stoichiometrically equivalent level that would be permitted by the tolerance if the residue consisted only of the precursor substance rather than the degradation product; or

"(ii) an exemption from the need for a tolerance is in effect under this section for residues of the precursor substance in or on the food; and

"(C) the tolerance or exemption for residues of the precursor substance does not state that it applies only to particular named substances or states that it does not apply to residues of the degradation product.

"(5) EFFECT OF TOLERANCE OR EXEMPTION.—While a tolerance or exemption from the requirement for a tolerance is in effect under this section for a pesticide chemical residue with respect to any food, the food shall not by reason of bearing or containing any amount of such a residue be considered to be adulterated within the meaning of section 402(a)(1).

"(b) AUTHORITY AND STANDARD FOR TOLERANCES.—

"(1) AUTHORITY.—The Administrator may issue regulations establishing, modifying, or revoking a tolerance for a pesticide chemical residue in or on a food—

"(A) in response to a petition filed under subsection (d); or

"(B) on the Administrator's initiative under subsection (e).

"(2) STANDARD.—

"(A) IN GENERAL.—A tolerance may not be established for a pesticide chemical residue in or on a food at a level that is higher than a level that the Administrator determines is adequate to protect the public health.

"(B) MODIFICATION OR REVOCATION OF A TOLERANCE.—The Administrator shall modify or revoke a tolerance if it is at a level higher than the level that the Administrator determines is adequate to protect the public health.

"(C) DETERMINATION FACTORS.—In making a determination under this paragraph, the Administrator shall take into account, among other relevant factors, the validity, completeness, and reliability of the available data from studies of the pesticide chemical residue, the nature of any toxic effects shown to be caused by the pesticide chemical in such studies, available information and reasonable assumptions concerning the relationship of the results of such studies to human risk, available information and reasonable assumptions concerning the dietary exposure levels of food consumers (and major identifiable subgroups of food consumers, including infants and children) to the pesticide chemical residue, and available information and reasonable assumptions concerning the variability of the sensitivities of major identifiable groups, including infants and children, and shall consider other factors to the extent required by subparagraph (F).

"(D) NEGLIGIBLE DIETARY RISK STANDARD.—For purposes of subparagraph (A), a tolerance level for a pesticide chemical residue in or on a food shall be considered to be adequate to protect the public health if the dietary risk posed to food consumers by such level of the pesticide chemical residue is negligible. The Administrator shall by regulation set forth the factors and methods for determining whether such a risk is negligible.

"(E) CALCULATION OF DIETARY RISK.—Where reliable data are available, the Administrator shall calculate the dietary risk posed to food consumers by a pesticide chemical on the basis of the percent of food actually treated with the pesticide chemical and the actual residue levels of the pesticide chemical that occur in food. In particular, the Administrator shall take into account aggregate pesticide use and residue data collected by the Department of Agriculture.

"(F) EXCEPTIONS TO THE NEGLIGIBLE DIETARY RISK STANDARD.—For purposes of subparagraph (A), a level of a pesticide chemical residue in or on a food that poses a greater than negligible dietary risk to consumers of the food shall be considered to be adequate to protect the public health if the Administrator determines that such risk is not unreasonable because—

"(i) use of the pesticide that produces the residue protects humans or the environment from adverse effects on public health or welfare that would, directly or indirectly, result in greater risk to the public or the environment than the dietary risk from the pesticide chemical residue;

"(ii) use of the pesticide avoids risks to workers, the public, or the environment that would be expected to result from the use of another pesticide or pest control method on the same food and that are greater than the risks that result from dietary exposure to the pesticide chemical residue; or

"(iii) the unavailability of the pesticide would limit the availability to consumers of an adequate, wholesome, and economical food supply, taking into account regional and domestic effects, and such adverse effects are likely to outweigh the risk posed by the pesticide residue.

In making the determination under this subparagraph, the Administrator shall not consider the effects on any pesticide registrant, manufacturer, or marketer of a pesticide.

"(3) LIMITATIONS.—

"(A) ISSUANCE OF TOLERANCE.—A tolerance may be issued under the authority of paragraph (2)(F) only if the Administrator has assessed the extent to which efforts are being made to develop either an alternative method of pest control or an alternative pesticide chemical for use on such commodity or food that would meet the requirements of paragraph (2)(D).

"(B) ESTABLISHMENT OF A TOLERANCE.—A tolerance for a pesticide chemical residue in or on a food shall not be established by the Administrator unless the Administrator determines, after consultation with the Secretary, that there is a practical method for detecting and measuring the levels of the pesticide chemical residue in or on the food.

"(C) ESTABLISHMENT OF A TOLERANCE LEVEL.—A tolerance for a pesticide chemical residue in or on a food shall not be established at a level lower than the limit of detection of the method for detecting and measuring the pesticide chemical residue specified by the Administrator under subparagraph (B).

"(4) INTERNATIONAL STANDARDS.—In establishing a tolerance for a pesticide chemical residue in or on a food, the Administrator shall take into account any maximum residue level for the chemical in or on the food that has been established by the Codex Alimentarius Commission. The Administrator shall determine whether the Codex maximum residue level is adequate to protect the health of United States' consumers and whether the data supporting the maximum residue level are valid, complete, and reliable. If the Administrator determines not to adopt a Codex maximum residue level, the Administrator shall publish a notice in the Federal Register setting forth the reasons.

"(c) AUTHORITY AND STANDARD FOR EXEMPTIONS.—

"(1) AUTHORITY.—The Administrator may issue a regulation establishing, modifying, or revoking an exemption from the requirement for a tolerance for a pesticide chemical residue in or on a food—

"(A) in response to a petition filed under subsection (d); or

"(B) on the Administrator's initiative under subsection (e).

"(2) STANDARD.—

"(A) IN GENERAL.—An exemption from the requirement for a tolerance for a pesticide chemical residue in or on a food may be established only if the Administrator determines that a tolerance is not needed to protect the public health, in view of the levels of dietary exposure to the pesticide chemical residue that could reasonably be expected to occur.

"(B) REVOCATION OF EXEMPTION.—An exemption from the requirement for a tolerance for a pesticide chemical residue in or on a food shall be revoked if the Administrator, in response to a petition for the revocation of the exemption or at the Administrator's own initiative determines that the exemption does not satisfy the criterion of subparagraph (A).

"(C) DETERMINATION FACTORS.—In making a determination under this subparagraph, the Administrator shall take into account, among other relevant factors, the factors set forth in subsection (b)(2)(C).

"(3) LIMITATION.—An exemption from the requirement for a tolerance for a pesticide chemical residue in or on a food shall not be established by the Administrator unless the Administrator determines, after consultation with the Secretary—

"(A) that there is a practical method for detecting and measuring the levels of such pesticide chemical residue in or on such food; or

"(B) that there is no need for such a method, and states the reasons for such determination in the order issuing the regulation establishing or modifying the regulation.

"(d) PETITION FOR TOLERANCE OR EXEMPTION.—

"(1) PETITIONS AND PETITIONERS.—Any person may file with the Administrator a petition proposing the issuance of a regulation—

"(A) establishing, modifying, or revoking a tolerance for a pesticide chemical residue in or on a food; or

"(B) establishing or revoking an exemption from the requirement of a tolerance for such a residue.

"(2) PETITION CONTENTS.—

"(A) ESTABLISHMENT.—A petition under paragraph (1) to establish a tolerance or exemption for a pesticide chemical residue shall be supported by such data and information as are specified in regulations issued by the Administrator, including—

"(i)(I) an informative summary of the petition and of the data, information, and arguments submitted or cited in support of the petition; and

"(II) a statement that the petitioner agrees that such summary or any information it contains may be published as a part of the notice of filing of the petition to be published under this subsection and as part of a proposed or final regulation issued under this section;

"(ii) the name, chemical identity, and composition of the pesticide chemical residue and of the pesticide chemical that produces the residue;

"(iii) data showing the recommended amount, frequency, method, and time of application of that pesticide chemical;

"(iv) full reports of tests and investigations made with respect to the safety of the pesticide chemical, including full information as to the methods and controls used in conducting such tests and investigations;

"(v) full reports of tests and investigations made with respect to the nature and amount of the pesticide chemical residue that is likely to remain in or on the food, including a description of the analytical methods used;

"(vi) a practical method for detecting and measuring the levels of the pesticide chemical residue in or on the food, or a statement why such a method is not needed;

"(vii) practical methods for removing any amount of the residue that would exceed any proposed tolerance;

"(viii) a proposed tolerance for the pesticide chemical residue, if a tolerance is proposed;

"(ix) all relevant data bearing on the physical or other technical effect that the pesticide chemical is intended to have and the quantity of the pesticide chemical that is required to produce the effect;

"(x) if the petition relates to a tolerance for a processed food, reports of investigations conducted using the processing method or methods used to produce such food;

"(xi) such information as the Administrator may require to make the determination under subsection (b)(2)(E); and

"(xii) such other data and information as the Administrator requires by regulation to support the petition.

If information or data required by this subparagraph is available to the Administrator, the person submitting the petition may cite the availability of the information or data in lieu of submitting it. The Administrator may require a petition to be accompanied by samples of the pesticide chemical with respect to which the petition is filed.

"(B) MODIFICATION OR REVOCATION.—The Administrator may by regulation establish the requirements for information and data to support a petition to modify or revoke a tolerance or to revoke an exemption from the requirement for a tolerance.

"(3) NOTICE.—A notice of the filing of a petition that the Administrator determines has met the requirements of paragraph (2) shall be published by the Administrator within 30 days after such determination. The notice shall announce the availability of a description of the analytical methods available to the Administrator for the detection and measurement of the pesticide chemical residue with respect to which the petition is filed or shall set forth the petitioner's statement of why such a method is not needed. The notice shall include the summary required by paragraph (2)(A)(i).

"(4) ACTIONS BY THE ADMINISTRATOR.—The Administrator shall, after giving due consideration to a petition filed under paragraph (1) and any other information available to the Administrator—

"(A) issue a final regulation (which may vary from that sought by the petition) establishing, modifying, or revoking a tolerance for the pesticide chemical residue or an exemption of the pesticide chemical residue from the requirement of a tolerance;

"(B) issue a proposed regulation under subsection (e), and thereafter either issue a final regulation under subsection (e) or an order denying the petition; or

"(C) issue an order denying the petition.

"(5) EFFECTIVE DATE.—A regulation issued under paragraph (4) shall take effect upon publication.

"(6) FURTHER PROCEEDINGS.—

"(A) OBJECTIONS.—Not later than 60 days after a regulation or order is issued under paragraph (4), subsection (e)(1), or subsection (f)(1), any person may file objections thereto with the Administrator, specifying with particularity the provisions of the regulation or order considered to be objectionable and stating reasonable grounds therefor. If the regulation or order was issued in response to a petition under paragraph (d)(1), a copy of each objection filed by a person other than the petitioner shall be served by the Administrator on the petitioner.

"(B) PUBLIC EVIDENTIARY HEARING.—An objection may include a request for a public evidentiary hearing upon the objection. The Administrator shall, upon the initiative of the Administrator or upon the request of an interested person and after due notice, hold a public evidentiary hearing if and to the extent the Administrator determines that such a public hearing is necessary to receive factual evidence relevant to material issues of fact raised by the objections. The presiding officer in such a hearing may authorize a party to obtain discovery from other persons and may upon a showing of good cause made by a party issue a subpoena to compel testimony or production of documents from any person. The presiding officer shall apply the Federal Rules of Civil Procedure in making any order for the protection of the witness or the content of documents produced and shall order the payment of reasonable fees and expenses as a condition to requiring testimony of the witness. On contest, such a subpoena may be enforced by a Federal district court.

"(C) ISSUANCE OF AN ORDER.—After receiving the arguments of the parties, the Administrator shall, as soon as practicable, issue an order stating the action taken upon each such objection and setting forth any revision to the regulation or prior order that the Administrator has found to be warranted. If a hearing was held under subparagraph (B), such order and any revision to the regulation or prior order shall, with respect to questions of fact at issue in the hearing, be based only on substantial evidence of record at such hearing, and shall set forth in detail the findings of facts and the conclusions of law or policy upon which the order or regulation is based.

"(D) EFFECTIVE DATE OF AN ORDER.—An order issued under this paragraph ruling on an objection shall not take effect before the 90th day after its publication unless the Administrator finds that emergency conditions exist necessitating an earlier effective date, in which event the Administrator shall specify in the order the Administrator's findings as to such conditions.

"(7) JUDICIAL REVIEW.—

"(A) FILING OF PETITION.—In a case of actual controversy as to the validity of any order issued under paragraph (6) or any regulation that is the subject of such an order, any person who will be adversely affected by such order or regulation may obtain judicial review by filing in the United States Court of Appeals for the circuit wherein such person resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, not later than 60 days after publication of such order, a petition praying that the order or regulation be set aside in whole or in part.

"(B) FILING OF RECORD OF PROCEEDINGS.—A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator, or any officer designated by the Administrator for that purpose, and thereupon the Administrator shall file in the court the record of the proceedings on which the Administrator based the order or regulation, as provided in section 2112 of title 28, United States Code. Upon the filing of such a petition, the court shall have exclusive jurisdiction to affirm or set aside the order or regulation complained of in whole or in part. The findings of the Administrator with respect to questions of fact shall be sustained only if supported by substantial evidence when considered on the record as a whole.

"(C) ADDITIONAL EVIDENCE.—If a party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to adduce the evidence in the proceeding before the Administrator, the court may order that the additional evidence (and evidence in rebuttal thereof) shall be taken before the Administrator in the manner and upon the terms and conditions the court deems proper. The Administrator may modify prior findings as to the facts by reason of the additional evidence so taken and may modify the order or regulation accordingly. The Administrator shall file with the court any such modified finding, order, or regulation.

"(D) FINAL JUDGMENT.—The judgment of the court affirming or setting aside, in whole or in part, any order under paragraph (6) and any regulation that is the subject of such an order shall be final, subject to review by the Supreme Court of the United States as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this paragraph shall not, unless specifically ordered by the court to the contrary, operate as a stay of a regulation or order.

"(E) LIMITATIONS ON JUDICIAL REVIEW.—Any issue as to which review is or was obtainable under paragraph (6) and this paragraph shall not be the subject of judicial review under any other provision of law.

"(e) ACTION ON ADMINISTRATOR'S OWN INITIATIVE.—

"(1) GENERAL RULE.—The Administrator may issue a regulation—

"(A) establishing, modifying, or revoking a tolerance for a pesticide chemical or a pesticide chemical residue;

"(B) establishing or revoking an exemption of a pesticide chemical residue from the requirement of a tolerance; or

"(C) establishing general procedures and requirements to implement this section.

A regulation issued under this paragraph shall become effective upon its publication.

"(2) NOTICE.—Before issuing a final regulation under paragraph (1), the Administrator shall issue a notice of proposed rulemaking and provide a period of not less than 60 days for public comment on the proposed regulation, except that a shorter period for comment may be provided if the Administrator for good cause finds that it would be contrary to the public interest to do so and states the reasons for the finding in the notice of proposed rulemaking. The Administrator shall provide an opportunity for a public hearing during the rulemaking under procedures provided in subsection (d)(6)(B).

"(f) SPECIAL DATA REQUIREMENTS.—

"(1) REQUIRING SUBMISSION OF ADDITIONAL DATA.—If the Administrator determines that additional data or information are reasonably required to support the continuation of a tolerance or exemption that is in effect under this section for a pesticide chemical residue on a food, the Administrator shall—

"(A) issue a notice requiring the persons holding the pesticide registrations associated with such tolerance or exemption to submit the data or information under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(2)(B));

"(B) issue a rule requiring that testing be conducted on a substance or mixture under section 4 of the Toxic Substances Control Act (15 U.S.C. 2603); or

"(C) publish in the Federal Register, after first providing notice and an opportunity for comment of not less than 90 days duration, an order—

"(i) requiring the submission to the Administrator by one or more interested persons of a notice identifying the person or persons who will submit the required data and information;

"(ii) describing the type of data and information required to be submitted to the Administrator and stating why the data and information could not be obtained under the authority of section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(2)(B)) or section 4 of the Toxic Substances Control Act (15 U.S.C. 2603);

"(iii) describing the reports to the Administrator required to be prepared during and after the collection of the data and information;

"(iv) requiring the submission to the Administrator of the data, information, and reports referred to in clauses (ii) and (iii); and

"(v) establishing dates by which the submissions described in clauses (i) and (iv) must be made.

The Administrator may revise any such order to correct an error.

"(2) NONCOMPLIANCE.—If a submission required by a notice issued in accordance with paragraph (1)(A) or an order issued under paragraph (1)(B) is not made by the time specified in such notice or order, the Administrator may by order published in the Federal Register modify or revoke the tolerance or exemption in question.

"(3) REVIEW.—An order issued under this subsection shall be effective upon publication and shall be subject to review in accordance with paragraphs (6) and (7) of subsection (d).

"(g) CONFIDENTIALITY AND USE OF DATA.—

"(1) GENERAL RULE.—Data and information that are submitted to the Administrator under this section in support of a tolerance shall be entitled to confidential treatment for reasons of business confidentiality and to exclusive use and data compensation, to the same extent provided by sections 3 and 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a and 136h).

"(2) EXCEPTIONS.—Data that are entitled to confidential treatment under paragraph (1) may be disclosed to the Congress, and may be disclosed, under such security requirements as the Administrator may provide by regulation, to—

"(A) employees of the United States who are authorized by the Administrator to examine such data in the carrying out of their official duties under this Act or other Federal laws intended to protect the public health; or

"(B) contractors with the United States authorized by the Administrator to examine such data in the carrying out of contracts under such statutes.

"(3) SUMMARIES.—Notwithstanding any provision of this subsection or other law, the Administrator may publish the informative summary required by subsection (d)(2)(A)(i) and may, in issuing a proposed or final regulation or order under this section, publish an informative summary of the data relating to the regulation or order.

"(h) STATUS OF PREVIOUSLY ISSUED REGULATIONS.—

"(1) REGULATIONS UNDER SECTION 406.—Regulations affecting pesticide chemical residues in or on raw agricultural commodities promulgated, in accordance with section 701(e), under the authority of section 406(a) upon the basis of public hearings instituted before January 1, 1953, shall be deemed to be regulations issued under this section and shall be subject to modification or revocation under subsections (d) and (e).

"(2) REGULATIONS UNDER SECTION 409.—Regulations that established tolerances for substances that are pesticide chemical residues on or in processed food, or that otherwise stated the conditions under which such pesticide chemicals could be safely used, and that were issued under section 409 on or before the date of the enactment of this paragraph, shall be deemed to be regulations issued under this section and shall be subject to modification or revocation under subsection (d) or (e).

"(3) REGULATIONS UNDER SECTION 408.—Regulations that established tolerances or exemptions under this section that were issued on or before the date of the enactment of this paragraph shall remain in effect unless modified or revoked under subsection (d) or (e).

"(i) TRANSITIONAL PROVISION.—If, on the day before the date of the enactment of this subsection, a substance that is a pesticide chemical was, with respect to a particular pesticidal use of the substance and any resulting pesticide chemical residue in or on a particular food—

"(1) regarded by the Administrator or the Secretary as generally recognized as safe for use within the meaning of the provisions of section 408(a) or 201(s) as then in effect; or

"(2) regarded by the Secretary as a substance described by section 201(s)(4),

such a pesticide chemical residue shall be regarded as exempt from the requirement for a tolerance, as of the date of enactment of this subsection. The Administrator shall by regulation indicate which substances are described by this subsection. An exemption under this subsection may be revoked or modified as if it had been issued under subsection (c).

"(j) HARMONIZATION WITH ACTION UNDER OTHER LAWS.—

"(1) LIMITATION.—Notwithstanding any other provision of this Act, a final rule under this section that revokes, modifies, or suspends a tolerance or exemption for a pesticide chemical residue in or on a food may be issued only if the Administrator has first taken any necessary action under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), with respect to the registration of the pesticide whose use results in such residue to ensure that any authorized use of the pesticide in producing, storing, processing, or transporting food that occurs after the issuance of such final rule under this section will not result in pesticide chemical residues on such food that are unsafe within the meaning of subsection (a).

"(2) REVOCATION OF TOLERANCE OR EXEMPTION FOLLOWING CANCELLATION OF ASSOCIATED REGISTRATIONS.—If the Administrator, acting under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), cancels the registration of each pesticide that contains a particular pesticide chemical and that is labeled for use on a particular food, or requires that the registration of each such pesticide be modified to prohibit its use in connection with the production, storage, or transportation of such food, due in whole or in part to dietary risks to humans posed by residues of such pesticide chemical on such food, the Administrator shall revoke any tolerance or exemption that allows the presence of such pesticide chemical, or any pesticide chemical residue that results from its use, in or on such food. The Administrator shall use the procedures set forth in subsection (e) in taking action under this paragraph. A revocation under this paragraph shall become effective not later than 180 days after—

"(A) the date by which each such cancellation of a registration has become effective; or

"(B) the date on which the use of the canceled pesticide becomes unlawful under the terms of the cancellation,

whichever is later.

"(3) SUSPENSION OF TOLERANCE OR EXEMPTION FOLLOWING SUSPENSION OF ASSOCIATED REGISTRATIONS.—

"(A) SUSPENSION.—If the Administrator, acting under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), suspends the use of each registered pesticide that contains a particular pesticide chemical and that is labeled for use on a particular food, due in whole or in part to dietary risks to humans posed by residues of such pesticide chemical on such food, the Administrator shall suspend any tolerance or exemption that allows the presence of such pesticide chemical, or any pesticide chemical residue that results from its use, in or on such food. The Administrator shall use the procedures set forth in subsection (e) in taking action under this paragraph. A suspension under this paragraph shall become effective not later than 60 days after the date by which each such suspension of use has become effective.

"(B) EFFECT OF SUSPENSION.—The suspension of a tolerance or exemption under subparagraph (A) shall be effective as long as the use of each associated registration of a pesticide is suspended under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.). While a suspension of a tolerance or exemption is effective the tolerance or exemption shall not be considered to be in effect. If the suspension of use of the pesticide under such Act is terminated, leaving the registration of the pesticide for such use in effect under such Act, the Administrator shall rescind any associated suspension of a tolerance or exemption.

"(4) TOLERANCES FOR UNAVOIDABLE RESIDUES.—In connection with action taken under paragraph (2) or (3), or with respect to pesticides whose registrations were canceled prior to the effective date of this paragraph, if the Administrator determines that a residue of the canceled or suspended pesticide chemical will unavoidably persist in the environment and thereby be present in or on a food, the Administrator may establish a tolerance for the pesticide chemical residue at a level that permits such unavoidable residue to remain in such food. In establishing such a tolerance, the Administrator shall take into account the factors set forth in subsection (b)(2)(F)(iii) and shall use the procedures set forth in subsection (e). The Administrator shall review any such tolerance periodically and modify it as necessary so that it allows only that level of the pesticide chemical residue that is unavoidable.

"(5) PESTICIDE RESIDUES RESULTING FROM LAWFUL APPLICATION OF PESTICIDE.—Notwithstanding any other provision of this Act, if a tolerance or exemption for a pesticide chemical residue in or on a food has been revoked, suspended, or modified under this section, an article of that food shall not be considered unsafe solely because of the presence of such pesticide chemical residue in or on such food if it is shown to the satisfaction of the Secretary that—

"(A) the residue is present as the result of an application or use of a pesticide at a time and in a manner that was lawful under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); and

"(B) the residue does not exceed a level that was authorized at the time of that application or use to be present on the food under a tolerance, exemption, food additive regulation, or other sanction then in effect under this Act,

unless, in the case of any tolerance or exemption revoked, suspended, or modified under this subsection or subsection (d) or (e), the Administrator has issued a determination that consumption of the legally treated food during the period of its likely availability in commerce will pose an unreasonable dietary risk.

"(k) FEES.—The Administrator shall by regulation require the payment of such fees as will in the aggregate, in the judgment of the Administrator, be sufficient over a reasonable term to provide, equip, and maintain an adequate service for the performance of the Administrator's functions under this section. Under the regulations, the performance of the Administrator's services or other functions under this section, including—

"(1) the acceptance for filing of a petition submitted under subsection (d);

"(2) the promulgation of a regulation establishing, modifying, or revoking a tolerance or establishing or revoking an exemption from the requirement of a tolerance under this section;

"(3) the acceptance for filing of objections under subsection (d)(6); or

"(4) the certification and filing in court of a transcript of the proceedings and the record under subsection (d)(7),

may be conditioned upon the payment of such fees. The regulations may further provide for waiver or refund of fees in whole or in part when in the judgment of the Administrator such a waiver or refund is equitable and not contrary to the purposes of this subsection.

"(l) NATIONAL UNIFORMITY OF TOLERANCES.—

"(1) QUALIFYING PESTICIDE CHEMICAL RESIDUE.—For purposes of this subsection, the term 'qualifying pesticide chemical residue' means a pesticide chemical residue resulting from the use, in production, processing, or storage of a food, of a pesticide chemical that is an active ingredient and that—

"(A) was first approved for such use in a registration of a pesticide issued under section 3(c)(5) of the Federal Insecticide, Fungicide, Rodenticide Act (7 U.S.C. 136a(c)(5)) on or after April 25, 1985, on the basis of data determined by the Administrator to meet all applicable requirements for data prescribed by regulations in effect under such Act on April 25, 1985; or

"(B) was approved for such use in a reregistration eligibility determination issued under section 4(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(g)) on or after the date of enactment of the Food Quality Protection Act of 1993.

"(2) QUALIFYING FEDERAL DETERMINATION.—For purposes of this subsection, the term 'qualifying Federal determination' means—

"(A) a tolerance or exemption from the requirement for a tolerance for a qualifying pesticide chemical residue that was—

"(i) issued under this section after the date of enactment of the Food Quality Protection Act of 1993; and

"(ii) issued (or, pursuant to subsection (h) or (i), deemed to have been issued) under this section, and determined by the Administrator to meet the standard under subsection (b)(2) (in the case of a tolerance) or (c)(2) (in the case of an exemption); and

"(B) any statement, issued by the Secretary, of the residue level below which enforcement action will not be taken under this Act with respect to any qualifying pesticide chemical residue, if the Secretary finds that such pesticide chemical residue level permitted by such statement during the period to which such statement applies protects human health.

"(3) LIMITATION.—The Administrator may make the determination described in paragraph (2)(A)(ii) only by issuing a rule in accordance with the procedure set forth in subsection (d) or (e) and only if the Administrator issues a proposed rule and allows a period of not less than 30 days for comment on the proposed rule. Any such rule shall be reviewable in accordance with paragraphs (6) and (7) of subsection (d).

"(4) STATE AUTHORITY.—Except as provided in paragraph (5), no State or political subdivision may establish or enforce any regulatory limit on a qualifying pesticide chemical residue in or on any food if a qualifying Federal determination applies to the presence of such pesticide chemical residue in or on such food, unless such State regulatory limit is identical to such qualifying Federal determination. A State or political subdivision shall be considered to establish or enforce a regulatory limit on a pesticide chemical residue in or on food if it purports to prohibit or penalize the production, processing, shipping, or other handling of a food because it contains a pesticide residue (in excess of a prescribed limit), or if it purports to require that a food containing a pesticide residue be the subject of a warning or other statement relating to the presence of the pesticide residue in the food.

"(5) PETITION PROCEDURE.—

"(A) IN GENERAL.—Any State may petition the Administrator for authorization to establish in such State a regulatory limit on a qualifying pesticide chemical residue in or on any food that is not identical to the qualifying Federal determination applicable to such qualifying pesticide chemical residue.

"(B) PETITION REQUIREMENTS.—Any petition under subparagraph (A) shall—

"(i) satisfy any requirements prescribed, by rule, by the Administrator; and

"(ii) be supported by scientific data about the pesticide chemical residue that is the subject of the petition or about chemically related pesticide chemical residues, data on the consumption within such State of food bearing the pesticide chemical residue, and data on exposure of humans within such State to the pesticide chemical residue.

"(C) ORDER.—Subject to paragraph (6), the Administrator may, by order, grant the authorization described in subparagraph (A) if the Administrator determines that the proposed State regulatory limit—

"(i) is justified by compelling local conditions;

"(ii) would not unduly burden interstate commerce; and

"(iii) would not cause any food to be in violation of Federal law.

"(D) CONSIDERATION OF PETITION AS PETITION FOR TOLERANCE OR EXEMPTIONS.—In lieu of any action authorized under subparagraph (C), the Administrator may treat a petition under this paragraph as a petition under subsection (d) to revoke or modify a tolerance or to revoke an exemption. If the Administrator determines to treat a petition under this paragraph as a petition under subsection (d), the Administrator shall thereafter act on the petition pursuant to subsection (d).

"(E) REVIEW OF ORDER.—Any order of the Administrator granting or denying the authorization described in subparagraph (A) shall be subject to review in the manner described in subsections (d)(6) and (d)(7).

"(6) RESIDUES FROM LAWFUL APPLICATION.—No State or political subdivision may enforce any regulatory limit on the level of a pesticide chemical residue that may appear in or on any food if, at the time of the application of the pesticide that resulted in such residue, the sale of such food with such residue level was lawful under this Act and under the law of such State, unless the State demonstrates that consumption of the food containing such pesticide residue level during the period of the food's likely availability in the State will pose an unreasonable dietary risk to the health of persons within such State.".

SEC. 305. CONFORMING AMENDMENT.

Section 512(a)(1) (21 U.S.C. 360b(a)(1)) is amended by striking "section 402(a)(2)(D)" and inserting "section 402(a)(2)(C)(ii)".

SEC. 306. AUTHORIZATION FOR INCREASE MONITORING.

There is authorized to be appropriated $12,000,000 in addition to other amounts appropriated for increased monitoring by the Secretary of Health and Human Services of pesticide residues in imported and domestic food.

Mr. LUGAR. Mr. President, on June 28 of this year, the National Academy of Sciences released its long-awaited report, "Pesticides in the Diets of Infants and Children." The Academy believes that the food supply is safe, but concluded that there is room for improvement, particularly when it comes to our children. Senator PRYOR and I are introducing legislation to expedite the recommendations of the National Academy of Sciences, along with other improvements in the way we regulate pesticides.

This bill specifically recognizes that need for obtaining better information on what children eat, and what's in the food they eat. The bill also calls for improvements in the toxicity testing requirements of pesticides and methods of risk assessment to ensure that pesticide tolerances adequately ensure the safety of our children.

In addition, this legislation puts an end to the pesticide double standard by creating a single safety standard for pesticide tolerances on raw and processed food as recommended by another recent Academy report. The bill also establishes procedures to expedite current cancellation and suspension authority in order to remove bad actors from the market quickly avoiding costly and time-consuming adjudicatory proceedings. Finally, the bill directs EPA and USDA to research and collect data on integrated pest management to reduce or eliminate the use of high risk pesticides.

Many of the concepts contained in this bill have been embraced by the administration. I look forward to working closely with the administration on these very difficult issues as they progress.

I urge all my colleagues to join Senator PRYOR and me in supporting this sound, comprehensive approach to pesticide regulatory reform.

Mr. NICKLES. Mr. President, today I join with Senators PRYOR and LUGAR in support of maintaining a plentiful, wholesome, and economical food supply. Our Nation now enjoys some of the highest safety standards and the lowest food prices in the world. I am convinced that we can maintain this quality supply by means of laws and regulations which promote sound and practical scientific methods while considering the advantageous aspects of certain pesticides to the national health and economy. However, a combination of antiquated legislation, a recent judicial decision, and EPA policy now threaten to undermine the integrity of the food supply.

In 1958, Congress enacted the Delaney clause of the Federal Food, Drug, and Cosmetic Act [FD&C Act] which prohibits the approval of any food additives found to be carcinogenic, no matter how remote the statistical probability of additional cancers. The clause completely ignores any consideration of social benefit in relation to the significance of the risk posed by the additive.

The Delaney clause illustrates well how the admirable intentions of strict Government regulations often create a situation which later becomes onerous. As analytical methods have improved, so has our ability to detect trace amounts of residual substances in food products as well as the ability to predict remote health threats. Residual substances can now be detected at levels well below threshold level. Cancer rates can be predicted at levels far fewer than one additional cancer per million people.

The Environmental Protection Agency [EPA], after realizing the anachronistic nature of the clause, established a de minimis policy for pesticides and additives to processed foods; that is, they established a policy accepting of negligible risks to allow much needed flexibility. This standard, supported by a 1987 National Academy of Sciences study, allowed for pesticide levels which are suspected of producing less than one additional cancer per million people. In addition, EPA departed from the de minimis restrictions to allow for somewhat higher risks when benefits are judged significant. This was in compliance with current law applying only to nonprocessed foods which maintains that EPA must consider "the need for an adequate, wholesome, and economical food supply" when establishing regulations for these residues.

However, this functional policy was overturned by the decision of the U.S. ninth circuit court last year in the case of Les versus Reilly. This decision has created a possible crisis. EPA has identified 32 pesticides used on 29 different crops subject to the court decision and the Delaney clause consequently prohibiting them from use. The paradox created is that though this act was intended to protect the public health, it now prohibits registration of pesticides which may cause less risk than other pesticides available which do not happen to bear the dreaded title of carcinogen, but which may in fact pose greater health risk of another nature.

The court decision regarding the Delaney clause in addition to new studies by the National Academy of Sciences regarding food safety has led to renewed interest in reforming pesticide and food additive policy in general. The FD&C Act and the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA] have both been under scrutiny by my colleagues looking to improve upon current pesticide regulations. The bill presented by Senators PRYOR and LUGAR today seeks not only to find a solution to the Delaney dilemma, but also to expand upon several broader concerns which have arisen out of current regulations found in FD&C and FIFRA.

The first of these reforms strikes at the very heart of the regulatory inefficiency of FIFRA. It provides EPA with the streamlined regulatory procedures needed to quickly eliminate the use of any pesticide by removing the constraints of the layers of paperwork now necessary for EPA to cancel the use of a pesticide. EPA sometimes needs to respond quickly in emergency situations to eliminate the use of certain pesticides when updated scientific data shows that such an action is necessary. The new provisions for cancellation outlined in the legislation not only replace a cumbersome adjudicatory hearing with an informal rulemaking procedure, but they also require that EPA seek scientific background from USDA, FDA, and EPA scientists. In addition, it allows for a comment period which is significant while not being too much of a regulatory burden. This reform presents a moderate approach to the cancellation procedure, promoting swift action while allowing all interested parties sufficient time to respond to proposed cancellations.

The heart of the reforms presented in this bill, however, are the amendments to the FD&C Act. It is here that the troublesome Delaney clause is replaced by a modern and rational standard limiting pesticide risks to negligible levels as recommended by the National Academy of Sciences. This standard would be uniform across all foods. Importantly, the standard is flexible and allows EPA to consider benefits when setting pesticide tolerances. Such benefits would include nutritional benefits as well as the impact of a loss of a pesticide on the availability and affordability of wholesome domestic foods.

This flexible negligible risk standard also would take into account the validity and reliability of studies on individual pesticides and incorporate real-life, commonsense data into the development of residue tolerances. It would not base tolerances on theoretically ambiguous, arbitrary assumptions which ignore actual application levels to crops and actual residue levels found in the food supply. This bill offers a moderate, commonsense approach to pesticide tolerance levels which seeks to regulate the excessive use of pesticides while still recognizing that pesticides are beneficial to society.

This bill, unlike the current Delaney clause, would allow for further technological and analytical improvements to be incorporated into EPA's regulatory strategy. Not only would it give EPA the flexibility to adapt regulations to the specific circumstances of individual foods and their real impact on human health, but it would enable EPA to consider any new scientific evidence concerning major subgroups of the population. For instance, the National Academy of Sciences recently released a study on the nature of the effects of pesticides on children. The NAS proposed that EPA consider the specific needs of children—their unique diets and nutritional requirements—when establishing tolerances. This bill allows for and promotes an incorporation of any such new information into regulation, while avoiding unnecessary disruptions while taking into account common practice and available scientific data. Likewise, the bill establishes no numerical standards. Instead, the legislation advocates a rational, real-life approach to pesticide regulation—something that the Delaney clause did not allow. This approach recognizes that analytic methods are constantly improving, and that the EPA should be given authority to set tolerance levels on a case-by-case basis which allows for such improvements as well as the inclusion of subgroups.

I urge my colleagues to support this legislation so that we may respond to the real crisis situation which has been created by the Delaney clause. Pesticides and food additives provide great benefits to American agriculture and American consumers. The loss of the pesticides listed by the EPA for cancellation in response to Les versus Reilly will result in reductions in crop yields, farm income, agricultural employment, and American competitiveness abroad. We must understand that pesticides and food safety are not mutually exclusive, but that pesticides help provide our Nation with a food supply that is truly plentiful, wholesome, and economical. As pesticides are unnecessarily forced out of the market, the availability of anticarcinogenic, wholesome fruits and vegetables declines and the probability of disease-causing organisms in food increases. In light of the great impact of pesticides on the Nation's good health and healthy economy, it is imperative that we allow EPA to balance the benefits and risks of pesticide use as they search for meaningful tolerance and registration regulations.

Mr. President, if the Congress is to improve the safety of our food supply and the health of our economy, it must follow this course. We cannot enact regulations based upon hypothesis and panic, but we must instead search for ways to maintain the quality of our food supply in a rational, scientifically based method. This legislation is a great step toward that goal, and I urge my colleagues to support it.

Mrs. KASSEBAUM. Mr. President, I am pleased to join with Senators PRYOR and LUGAR and others in introducing the Food Quality Protection Act of 1993. This legislation is needed to update our Nation's food safety laws to reflect the state of modern science and to ensure the continued integrity of our food supply.

Congress has be struggling for years now to arrive at appropriate reforms to update our food safety laws, but consensus has eluded us. Now, we no longer have the luxury of time to resolve this issue. The ninth circuit court ruling in Les versus Reilly, requiring the strict application of the Delaney clause's zero-risk standard for setting pesticide tolerances, could result in the revocation of 32 to 60 tolerances. This would affect 80 to 100 different crops. Further, as the process of pesticide reregistration now underway continues, more pesticides may fall within the scope of a strictly interpreted Delaney clause, affecting Americans' continued access to abundant, affordable foods.

The National Academy of Sciences' report, "Pesticides in the Diets of Infants and Children," also underscores the need for timely action on food safety reforms. The report finds that children may be at greater health risk from exposure to pesticides in the foods they consume. Children consume less of a variety of foods and consume more food per unit of body weight than adults. In addition, children are growing and developing and thus have different metabolic rates than adults. Our food safety laws must be updated to reflect these differences.

As we again tackle the reform of our food safety laws, it is important to remember that our Nation currently enjoys a food supply that is unparalleled in its safety, abundance, and affordability. I believe that there are several principles which must underlie our reform efforts if we are to retain and enhance this balance among safety, abundance, and affordability.

First, a single, narrative negligible risk standard should be used as the basis for regulating pesticide residues in raw and processed food. It would be unwise, in my view, to establish a numerical standard in law, given the advances we are constantly making in our scientific understanding of the effects of pesticides.

Second, it is important that in setting tolerances, the Environmental Protection Agency [EPA] be required to balance potential pesticide health risks against the benefits consumers may receive from the continued availability of a pesticide.

Third, in establishing pesticide exposure assessments, the EPA should be given the flexibility to use actual data on food consumption, pesticide use, and residue, as opposed to mandating the use of hypothetical, worst-case exposure assumptions.

Fourth, reform should encourage and support the development of safer pesticides and alternatives to the use of pesticides.

Fifth, reform should be comprehensive and include changes in the Federal Insecticide, Fungicide, and Rodenticide Act to give the EPA the necessary tools to remove potentially hazardous pesticides from the market within a reasonable time-frame.

These principles inform the Food Quality Protection Act of 1993. This legislation provides a strong foundation for the reform of our food safety laws. I am looking forward to working with my colleagues to perfect this legislation and to achieve the consensus necessary to respond to the pressing need to update our Nation's food safety laws.

ADDITIONAL COSPONSORS

S. 106

At the request of Mr. HATCH, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 106, a bill to modernize the United States Customs Service.

S. 446

At the request of Mr. ROTH, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 446, a bill to extend until January 1, 1996, the existing suspension of duty on tamoxifen citrate.

S. 486

At the request of Mr. HEFLIN, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 486, a bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes.

S. 540

At the request of Mr. HEFLIN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 669

At the request of Mrs. KASSEBAUM, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 669, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 784

At the request of Mr. HATCH, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 852

At the request of Mr. CONRAD, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 852, a bill to amend title 38, United States Code, to provide for the payment to States of per diem for veterans who receive adult day health care through State homes, and to authorize the provision of assistance to States for the construction of adult day health care facilities at State homes.

S. 1054

At the request of Mr. GLENN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1054, a bill to impose sanctions against any foreign person or United States person that assists a foreign country in acquiring a nuclear explosive device or unsafeguarded nuclear material, and for other purposes.

S. 1055

At the request of Mr. GLENN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1055, a bill to amend the Nuclear Non-Proliferation Act of 1978 and the Atomic Energy Act of 1954 to improve the organization and management of United States nuclear export controls, and for other purposes.

S. 1111

At the request of Mr. KERREY, the names of the Senator from Washington [Mrs. MURRAY], the Senator from California [Mrs. BOXER], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, D.C.

S. 1171

At the request of Mr. BREAUX, the names of the Senator from Georgia [Mr. NUNN], the Senator from Alabama [Mr. HEFLIN], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 1171, a bill to amend the Internal Revenue Code of 1986 with respect to the taxation of certain sponsorship payments to tax-exempt organizations and certain amounts received by Olympic organizations.

S. 1350

At the request of Mr. INOUYE, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 1350, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

SENATE JOINT RESOLUTION 41

At the request of Mr. SIMON, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Nebraska [Mr. EXON], the Senator from South Dakota [Mr. DASCHLE], the Senator from Hawaii [Mr. AKAKA], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 105

At the request of Mr. INOUYE, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Joint Resolution 105, a joint resolution designating both September 29, 1993, and September 28, 1994, as "National Barrier Awareness Day."

SENATE CONCURRENT RESOLUTION 31

At the request of Mr. DODD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Concurrent Resolution 31, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

AMENDMENT NO. 905

At the request of Mr. BUMPERS the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Amendment No. 905 proposed to H.R. 2491, a bill making appropriations for the Departments of

Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes.

AMENDMENTS SUBMITTED

SELF-EMPLOYMENT OPPORTUNITY ACT

WOFFORD (AND OTHERS) AMENDMENT NO. 906

(Ordered referred to the Committee on Labor and Human Resources.)

Mr. WOFFORD (for himself, Mr. KENNEDY, and Mr. BRADLEY) submitted an amendment intended to be proposed by him to the bill (S. 1045) to permit States to establish programs using unemployment funds to assist unemployed individuals in becoming self-employed, as follows:

On page 3, strike lines 9 through 15, and insert the following:

(c) BENEFITS.—

(1) IN GENERAL.—If the Secretary authorizes a self-employment program for a State under this section, the State may use the State unemployment fund to provide cash unemployment benefits, exclusive of the expenses of administration, to individuals participating in the program.

(2) USE OF AMOUNTS.—No State may use amounts made available under paragraph (1) for any purpose other than the provision of the benefits described in paragraph (1) to the individuals described in paragraph (1). Such benefits shall be used to assist such individuals in becoming self-employed.

(3) PROVISION OF BENEFITS.—A State that provides benefits under paragraph (1) to individuals participating in a self-employment program shall provide the benefits to the individuals on a weekly basis.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1994

BRADLEY (AND OTHERS) AMENDMENT NO. 907

Mr. BRADLEY (for himself, Mr. HATFIELD, MR. FEINGOLD, and Mrs. FEINSTEIN) proposed an amendment to the bill (H.R. 2491) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 71, line 21, strike "$25,000,000" and insert "$5,000,000".

WARNER AMENDMENT NO. 908

Mr. WARNER proposed an amendment to the bill H.R. 2491, supra; as follows:

On page 60, line 9, after "1994" insert the following: ", and any funds above such $1,000,000,000 may only be obligated with the approval of Congress.

WARNER AMENDMENT NO. 909

Mr. WARNER proposed an amendment to amendment No. 908 proposed by himself to the bill H.R. 2491, supra; as follows:

Strike all after the first clause and add: "any funds above such $1,000,000,100 may only be obligated with the approval of Congress.".

BUMPERS (AND OTHERS) AMENDMENT NO. 910

Mr. BUMPERS (for himself, Mr. COHEN, Mr. KOHL, Mr. BENNETT, Mr. LAUTENBERG, Mr. BRADLEY, Mr. DASCHLE, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 2491, supra; as follows:

On page 62, after line 2, add the following: "*Provided*, That of the funds provided under this heading $100,000,000 shall be made available for termination of the contracts relating to the Advanced Solid Rocket Motor project.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet for a hearing on Tuesday, September 21, at 9:30 a.m., on the subject: Environmental Problems in the Federal Government.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, September 21, 1993, at 2:30 p.m., in SD–138 on "The North American Free-Trade Agreement: Effect on U.S. Agriculture."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a joint hearing with the House Energy and Commerce Committee's Subcommittee on Health and the Environment on legislative issues related to pesticides, during the session of the Senate on Tuesday, September 21, 1993, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. The Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentation of the American Legion. The hearing will be held on September 21, 1993, at 9:30 a.m., in room 334 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony on the North American Free-Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, September 31, 1993, at 10 a.m. to markup S. 1275, the Community Development, Credit Enhancement and Regulatory Improvement Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, PUBLIC BUILDINGS AND ECONOMIC DEVELOPMENT

Mr. FORD. Mr. President, I ask that the Subcommittee on Water Resources, Transportation, Public Buildings and Economic Development, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, September 21, beginning at 10 a.m., to conduct a hearing on the National Performance Review report's suggested reforms to the General Services Administration's real estate activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., September 21, 1993, to receive testimony on the following bills: S. 986, to provide for an interpretive center at the Civil War Battlefield of Corinth, MS, and for other purposes; S. 1033, to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, and for other purposes; S. 1341, to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes; and H.R. 1305, to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO MR. BILLY JIM VAUGHN

• Mr. MATHEWS. Mr. President, I rise today to pay tribute to Mr. Billy Jim

Vaughn who has been the Scoutmaster for troop one in Brentwood, in my home State of Tennessee for 59 years.

During his tenure as Scoutmaster, nearly 150 boys have earned the coveted and prestigious rank of Eagle Scout under his stewardship.

Over these many years, I am sure he has been a guiding influence in the lives of hundreds of young men, instilling in them a strong sense of pride, confidence, and accomplishment.

He is to be commended for his commitment and dedication to the Boy Scouts of America and to the youth of middle Tennessee, and for his outstanding service and contribution to his community.•

SENATOR HELMS' NEA AMENDMENTS

• Mr. DURENBERGER. Mr. President, I rise to explain my votes to oppose both amendments offered by Senator HELMS making changes in how the National Endowment for the Arts distributes grants to States, arts organizations, and individual artists around the country.

Members of this body know of my long-standing support for the NEA and for governmental funding for the arts, in general.

In part, that support reflects what I learned in the early 1970's when I helped design Minnesota's State program in support of the arts.

I became convinced at that time that government at all levels should play a positive role in ensuring broad access to the arts and in encouraging and recognizing art that is of high quality.

In part, my longstanding support for the NEA also reflects the importance of the NEA to Minnesota's arts community and to the Nation as a whole.

Minnesota has historically been among the top three States in the number and total volume of NEA grants both sought and received.

We have an outstanding State Arts Board, which receives both NEA grants and distributes State funding, as well.

Of course, we are well known for some of the Nation's best large arts organizations—the Guthrie Theatre, Minnesota Orchestra, St. Paul Chamber Orchestra, Walker Art Center, Minneapolis Institute of Arts, and many others.

And, we also have hundreds of community theatre groups and smaller arts organizations—and thousands of individual artists—in small towns and cities and neighborhoods all over the State.

Because of the strength of Minnesota's arts leadership, our State's arts organizations and individual artists have always done well under the competitive grant programs run by the NEA.

In the first three quarters of the current fiscal year, for example, Minnesota artists and arts groups received 94 NEA grants totaling more than $4.7 million.

The groups ranged from large and internationally known organizations like the Walker Art Center and Minnesota Orchestral Association to individual artists like Helen Demichiel and Jim Periman.

Also among Minnesota NEA grant recipients were smaller arts groups throughout the State—including the New Tradition Theatre Company in St. Cloud and St. Francis Music Center in Little Falls.

Not all States are equally endowed, however.

And, I realize an argument can be made that the NEA's funds should be distributed in a way that helps bring more support to States that don't get funded now. That is one reason a portion of NEA funds now go to States on a formula basis, rather than competitively.

That balance in how funds are distributed has worked well in the past, however, and it should not now be disrupted. It is vital that a significant portion of NEA funds continue to be distributed on a nationally competitive basis. That way Congress' original intent—that NEA grants help stimulate nationally recognized quality—will be maintained.

Significant leverage in broadening support for local arts activity in the private sector comes with that kind of NEA recognition. So, the impact of each dollar of NEA support is actually magnified many times over through private sector contributions.

Finally, let me address two suggestions that have been made to address concerns about the content of art being funded by the NEA and accountability for the use of NEA funds by individual artists. Although the first of these suggestions—additional content restrictions—is not explicitly part of Senator HELMS amendment—it is clearly behind the changing being proposed.

This first suggestion is that we further legislate restrictions on the content of art that is eligible for NEA funding. The second—included in the Helms amendment—would prohibit NEA grants to individual artists.

Although I am a strong NEA supporter, I am also sympathetic to the concerns that lie behind support for additional content restrictions. And, I am also sensitive to concerns about accountability for the use of scarce Federal funds, when the NEA makes grants to individual artists.

However, I do not believe it is either wise or necessary to impose additional content standards on NEA grant recipients. Nor do I believe it should be necessary to ban NEA grant awards to individuals in order to assure accountability for the use of Federal funds.

My opposition to further content standards, Mr. President, does not mean I believe any community in this country should be forced to put up with art that is obscene or pornographic—regardless of how it is funded.

We have laws in this country, Mr. President, against both obscenity or pornography, Mr. President. I support those laws. And, I believe they should be vigorously enforced. I also believe art should not be exempt from the standards that courts have developed over time that define the legal bounds of what is both obscene and pornographic.

I also support vigorous enforcement of a policy I helped frame several years ago which requires NEA supported artists who violate local or State obscenity or pornography statutes to return their NEA grants.

Unfortunately, defining what is pornographic or obscene is not an easy job. That is why I believe its best left where it now lies—in criminal statutes and in the courts—not in this appropriations bill or in any additional statutory content restrictions on the NEA.

As to banning NEA grant awards to individual artists, I support reasonable ways of ensuring accountability for the use of Federal funds in ways that do not eliminate creativity or exclude entire classes of artists or entire categories of value arts forms.

My biggest concern is that an outright ban on grants to individuals would disproportionately hurt certain art forms—like visual arts, folk arts, and literature—that are almost totally dependent on the work of individual artists who work independently.

One way the NEA already addresses this concern is by making grants to collectives or other organizations which, in turn, make grants to individual artists.

If such collectives continued to be used, special efforts must be made to ensure that they were well-known among individual artists and diverse and inclusive in the awards they make.

Let me state again, Mr. President, that the issues raised by the Senator from North Carolina deserve our attention and debate. In several cases, they attempt to address concerns that deserve our most thoughtful and careful attention.

But, for all the reasons I have stated, I believe the Helms amendments would do more harm to arts in the communities across America than it would do good. That is why I voted to table both amendments and am pleased that a majority of my colleagues agreed.•

GROUNDS FOR CASE AGAINST FAKE TURF

• Mr. SIMON. Mr. President, I happen to be a football fan. I enjoy watching games on television, on those occasions when I have the time to do so.

It is the only sport I follow closely.

I know from various articles I read that artificial turf is tough on players, particularly their knees.

Just recently, I read an item by Brian Hewitt, of the Chicago Sun-Times, titled, "Grounds for Case Against Fake Turf."

Here is one football fan who casts his vote for using natural grass and avoiding some of the injuries we now have with professional football.

I ask to insert the article by Brian Hewitt into the RECORD at this point.

The article follows:

[From the Chicago Sun-Times; Sept. 19, 1993]

GROUNDS FOR CASE AGAINST FAKE TURF

(By Brian Hewitt)

This is what you need to know about the debate over the relative merits of artificial playing surfaces vs. grass fields in the NFL:

Owners run the league.

Owners are out to make money.

Artificial surfaces are generally cheaper to maintain than grass.

Artificial surfaces are harder and faster than grass which makes falls and collisions more dangerous.

There is no organized movement among players to eliminate artificial surfaces.

The risk of injury on an artificial surface is greater than on grass.

The NFL disputes this last item. But its arguments are unconvincing.

"We continue to study the NFLPA's assertion that artificial turf causes more serious injuries than grass fields," league spokesman Greg Aiello said. "Unfortunately, injuries occur on both surfaces. There are certainly many instances in which an artificial turf that provides for even footing and a cushion would be preferable to a frozen, bumpy, worn grass field."

But last year John Powell, the NFL's chief tracker of injury trends, published a comparative analysis of knee injuries in the league from 1980 through 1989 in the American Journal of Sports Medicine. And even Powell had to acknowledge in his study, ". . . anterior cruciate ligament (ACL) sprains show a statistically higher injury rate for AstroTurf."

Powell's study charted knee sprains from 1980 through 1989. And the most eye-popping piece of hard data related to special teams play. "Of the 18 ACL sprains attributable to the AstroTurf during the current study years," Powell wrote, "14 ACL sprains to members of the kicking unit may have been prevented had there been no participation on AstroTurf."

"Maybe this is something that should be addressed," Kansas City running back Marcus Allen said. "You can't say the owners don't care. But there are always things that could be better."

"Artificial turf is bad," ex-Bear Dan Hampton said. "We all know that. It all comes down to dollars. You can replace players easier than grass."

That doesn't mean all owners are evil or that the league is conspiring to preside over a mounting injury toll. Fifteen NFL teams play their home games on artificial surfaces, 13 on natural grass. Bears president Michael McCaskey, a man roundly and ceaselessly bashed for being fiscal at all the wrong times, deserves credit for nagging the Park District into converting Soldier Field back from artificial turf to natural grass prior to the 1988 season. It was because of McCaskey's urging that the Chicago Park District decided to spend the $800,000 needed to tear out the old artificial turf and replace it with grass.

"A lot of careers have been lost on this crap," said former Bears running back-turned broadcaster Mike Adamle, who reported the removal of the artificial turf for the WLS–TV on March 29, 1988.

But the loosely-organized natural grass movement suffered a setback when the 1988 summer drought coupled with poor installation prevented the new Soldier Field sod from taking root.

Park District officials had to replace the grass before the first regular-season home game. Then McCaskey asked them to replace it again after the season. The Park District refused the request. And, according to Tim LeFevour, the Bears director of administration, it has refused the same request every year since then.

The net effect, according to NFL agronomist George Toma, was to discourage other teams from converting to grass from turf. This, Toma said, "was the kind of thing that makes the artificial turf people smile."

And doctors frown.

"Playing on artificial turf is literally like almost playing on a floor," said Dr. Michael Schafer, the Bear's chief consulting physician. "The nature of the collisions on it are more severe."

Toma said the average installation cost of an Astro-Turf surface that will last between six and 10 years ranges from $1 to $2.5 million.

The maintenance is minimal. Real grass is cheaper to install—Toma estimates between $250,000 and $1 million—but usually takes more time and money to maintain.

THE STADIUM TURFS

Fifteen of the 28 NFL teams play on artificial turf. Here's the stadium breakdown:

Artificial turf: Cowboys, Texas Stadium; Eagles, Veterans Stadium; Falcons, Georgia Dome; Giants, Giants Stadium; Lions, Pontiac Silverdome; Saints, Superdome; Vikings, Metrodome; Bengals, Riverfront Stadium;* Bills, Rich Stadium; Chiefs, Arrowhead Stadium;* Colts, Hoosierdome; Jets, Giants Stadium; Oilers, Astrodome;* Seahawks, Kingdome; Steelers, Three Rivers Stadium.

Natural turf: Bears, Soldier Field; Buccaneers, Tampa Stadium; Cardinals, Sun Devil Stadium; 49ers, Candlestick Park; Packers, Lambeau Field, Milwaukee County Stadium; Rams, Anaheim Stadium; Redskins, RFK Stadium; Broncos, Mile High Stadium;** Browns, Cleveland Stadium; Chargers, Jack Murphy Stadium; Dolphins, Joe Robbie Stadium;** Patriots, Foxboro Stadium; Raiders, Memorial Coliseum.

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*AstroTurf-8.

**Prescription Athletic Turf.•

COSPONSORSHIP OF SENATE CONCURRENT RESOLUTION 27

• Mr. DURENBERGER. Mr. President, I rise today to announce my cosponsorship of Senate Concurrent Resolution 27.

Senate Concurrent Resolution 27 was introduced by my distinguished colleague from Vermont, Senator LEAHY, on May 28, 1993. A number of our colleagues supported the Every Fifth Child Act in the last Congress and have now signed on as cosponsors of this legislation.

The bill would express the sense of Congress that funding should be provided to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children [WIC], and of the Head Start programs, and to expand the Job Corps Program.

Today, approximately every fifth child in the United States lives in poverty. Children are also the fastest growing segment of the homeless population, accounting for 15 percent of all homeless Americans. In Minnesota, the poverty rate for children between ages 5 and 17 has climbed to 18 percent.

Mr. President, the programs targeted for increases by this legislation have proven to be successful, worthwhile investments of public funds in dealing with child poverty, nutrition, and joblessness. That is why in my 15 years as a Senator I have consistently supported both programmatic improvements and increased funding levels for all three of these programs.

Since its inception in 1965, Head Start has served over 12 million low-income preschoolers and their families. Not only does this program prepare young children for school by teaching them a variety of necessary learning skills, but it provides medical services, social services and nutritional education to the entire family. Head Start was the first comprehensive program to treat the child and family as a whole, which recognizes the impact improvements in parents lives will have on the future of the child. In addition, this program serves not only as a way to prepare children for school it is also fiscally sound, researchers estimate that for every dollar spent on Head Start the Federal Government saves $4 in future benefit.

Head Start has continued to see significant increases in its funding levels over the last couple of years. In fact, since 1989, the Federal commitment to Head Start has more than doubled, allowing for more children to be served each year.

Recently, some questions have been raised concerning the quality of some Head Start programs. Much of this concern is caused by the programs' tremendous growth in a very short period of time. Hearings have been held to discuss some ideas for improving quality while continuing to expand the program to serve more children. An administration task force is also scheduled to have a report ready by late October proposing refinement of the program. These hearings will help to shape the reauthorization of Head Start which will take place next year.

The WIC Program provides nutrition supplemental foods to low-income pregnant, postpartum and breast-feeding women and to children up to age 5 who are determined to be at nutritional risk. Recipients also receive nutrition education, advice and assistance on the importance of breast feeding and referrals to the health care system. The WIC Program also proves to have fiscal benefits, a Department of Agriculture study found that for every dollar invested in WIC up to $4 is saved by the Federal Government.

Job Corps is a major training and unemployment program designed to alleviate the severe unemployment problems faced by disadvantaged youth throughout the United States. The services provided include basic education, vocational skills training, work experience, counseling, health care, and related support services.

Mr. President, I realize that Job Corps is one of many current and proposed programs that have work place readiness as their goal. It has been a good program in the past and it deserves our continued support. However, I also hope that as we expand funding for Job Corps we carefully consider how to best coordinate and integrate a number of other current and proposed efforts to improve job skills.

As we have seen, there is a growing interest in National and Community Service, School to Work opportunities, and apprenticeship programs. I hope we can use the continuing debate to raise the awareness of Federal Job Corps programs. All of these efforts need to be done in concert, Mr. President. As a member of the Senate Labor and Human Resources Committee, I look forward to working with my colleagues to make sure that important goal is realized.

While I fully and wholeheartedly support these programs, I must also say I have severe concerns about funding expectations. I believe deficit reduction is just as vital an investment in our children's future as direct program expenditures. So, while I have cosponsored this legislation, I cannot emphasize enough the need to address our growing national debt, as well as the funding expectations of this bill.

At the same time, I believe that this legislation establishes the right priorities. I look forward to working with my colleagues on both sides of the aisle to create an environment in which we can work together on these and other pressing human need in a fiscally responsible manner.•

VIOLENCE ON TELEVISION

• Mr. SIMON. Mr. President, I have been working closely with the entertainment industry for some time now to encourage the reduction of gratuitous violence on television. For many years, I focused only on programming. Recently, however, I have also focused on promotions.

Clearly, a 10-, 15-, or 20-second preview for a violent show shown at 7 p.m., during children's programming, or during coverage of a weekend afternoon sporting event, is likely to catch a child's eye. Jane Pauley commented on this program after her little girl witnessed a murderous preview for "Kiss of a Killer." Her experience led to an excellent article printed in TV Guide which I think my colleagues will find interesting. In her words:

> Even a parent who is careful about what her kids watch may be very surprised by what's falling through the cracks. The gruesome murder may come up just once in a show, but the promotions for it will show up many times in commercial rotation.

Her solution? Treat television promotions much like the previews shown in movie theaters: No previews may be shown for movies with a rating higher than the feature presentation.

Mr. President, I ask that the TV Guide article be printed at this point in the RECORD.

The article follows:

BLOCK THAT PROMO!

(By Jane Pauley)

So, what do you say when a little girl turns from the television set and asks: "Was he sticking a knife in her, Mommy?" It seemed perfectly clear that he was, so what my daughter really wanted to know was, "why?"

And I knew the answer to that question. He appeared to be sticking a knife in the lady because ABC knew we'd turn to look. It was a teaser for the movie "Kiss of a Killer," scheduled for later that night, long after my daughter's bedtime.

What I want to know is, why did they have to run that promo at 7 in the evening, between World News Tonight and Jeopardy!? Am I the only mother springing from the couch in the split second between the conclusion of The Simpsons and the promos for what's ahead on Fox? And it's not that my own network is above it. Perhaps your kids caught the 20-second sneak preview of "Marked for Murder"—during NBC's Sports World on Saturday afternoon a few weeks ago!

When did this become OK?

Actually, David Letterman was first to ask that question. He was referring to the underwear ads splayed on the sides of New York City buses featuring rapper Marky Mark in his underpants clutching himself in the place we used to call "private." As Dave said, "You couldn't do that anywhere near a bus" when he grew up.

So when did this become OK? We all know that the rules have changed. There used to be some pretty silly ones. In the late '50s, NBC censors insisted on hiding pregnant Florence Henderson's tummy behind a desk or potted plants, for instance. While that kind of censorship is long gone, until recently TV followed certain rules about what was fit for family viewing, depending on the time of day. But today those rules are barely observed. I'm told NBC toed the line more carefully when Bill Cosby led the lineup.

While there are still loose guidelines about what constitutes appropriate subject matter for children's programs (you'll be gratified to know that the networks are still sensitive to the use of the word "bastard," but "butthead" is OK)—the promos and teasers that run during the commercial breaks occupy a gray area that seems to be getting wider and darker by the minute.

Even a parent who is careful about what her kids watch may be very surprised by what's falling between the cracks. The vicious rape or the gruesome murder may come up just once in a show, but the promotions for it will show up many times in commercial rotation.

What to do?

Well, movie theaters screen coming-attraction trailers for "general audiences" when they know there are kids in the house. How hard would it be for cable and TV networks to do likewise—and stick to it?•

TRIBUTE TO FONTBONNE COLLEGE

• Mr. BOND. Mr. President, for 70 years, Fontbonne College of St. Louis, MO, has served over 8,000 students in their pursuit of academic excellence. In the midst of tremendous political, societal, and economic changes of the past seven decades, Fontbonne College has continued its mission to provide men and women with the keys to successful careers and intellectual fulfillment through a career-based liberal arts approach to education. It gives me great pleasure, therefore, Mr. President, to rise in acknowledgement of the accomplishments and contributions of Fontbonne College on the occasion of its 70th anniversary.

The origins of Fontbonne College can be traced through the Sisters of St. Joseph of Carondelet, who founded and continue to sponsor the college. In 1647, the community of the Sisters of St. Joseph was formed in LePuy, France. Following the French Revolution, during which five of the sisters were guillotined, the community was refounded in 1807 by Mother St. John Fontbonne, for whom the college is named.

In 1836, Mother St. John Fontbonne sent six sisters to St. Louis to minister to the needs of the area's diverse inhabitants and to teach the deaf. The Sisters of St. Joseph concentrated on health care and elementary, secondary, and deaf education, until the turn of the century, when they began to establish colleges for women.

A charter for Fontbonne College was obtained from the State of Missouri on April 17, 1917, but the entrance of the United States into World War I in that year precluded the inauguration of classes. It was not until September 1923 that the first classes of Fontbonne College convened. In 1948, Fontbonne was accredited by the North Central Association, having been a corporate college of St. Louis University before that time.

Fontbonne is noted for its innovative programs in education and business as well as strong programs in the traditional liberal arts. Fontbonne's dedication to educational excellence is evidenced in its significant growth and placement record. Since 1980, enrollment has increased from 880 to over 2,000 students; placement of Fontbonne gradutes in their chosen field has reached the exceptional level of 95 percent.

Fontbonne College is deeply rooted in the tradition and values of the Sisters of St. Joseph of Carondelet—quality, respect, diversity, community, justice, service, and faith. The college stands firmly in the Catholic tradition. Throughout its 70-year history, the college has maintained its identity while striving to meet the needs of a rapidly changing society.

Often ahead of the times, Fontbonne College admitted African-American students in 1947—8 years before the U.S. Supreme Court school desegregation decision. In 1971, male students were admitted. In the 1980's, Fontbonne created degree programs with flexible scheduling to meet the needs of working adult students.

For 70 years, Fontbonne College has been guided by the belief that a college education is an important step in a lifelong process of personal enrichment and professional improvement; that professional studies must be founded in the liberal arts; that tradition must be blended with innovation; and that a quality education must illuminate the path to responsibility based on high ethical standards and sound personal values. Through 70 years of change, Fontbonne College has sustained and expanded its mission of quality education. Mr. President, I ask my colleagues to join me in honoring this fine institution on the occasion of its 70th anniversary.•

THE CHICAGO ACADEMY OF SCIENCES

• Mr. SIMON. Mr. President, today I am proud to recognize the Chicago Academy of Science's ecological citizenship [EcoCit] project.

EcoCit is a model program designed to meet the need for urban environmental education. Using an effective, multidisciplinary approach, EcoCit educates students, teachers, and parents on environmental issues and results in community action. Students benefit from a hands-on approach to science that is engaging and fun. Teachers benefit from in-service training and hands-on science and cooperative teaching methods, and parents benefit from involvement in their children's education and community action.

EcoCit is currently serving 3,800 students and 160 teachers in four public elementary schools in Chicago. The program is designed for inner-city, economically and educationally disadvantaged communities, and benefits students from a wide range of racial backgrounds.

It is vital for programs such as EcoCit to continue their efforts in providing urban environmental education. If we are to ensure a safe environment for future generations, we must make an effort to educate our youth about the importance of preserving and enhancing our natural resources. I commend the Chicago Academy of Science's EcoCit project and their dedication to environmental education.•

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Madam President, I ask unanimous consent the Senate proceed to executive session to consider the following nominations: Calendar No. 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 160, 361, 362, and 363. I further ask unanimous consent that the nominees be confirmed en bloc; that any statements be printed in the RECORD as if read; that upon confirmation the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action.

I ask unanimous consent that the following nominations be discharged from the Committee on Foreign Relations and placed on the Executive Calendar:

Hazel O'Leary to be U.S. Representative to the General Conference of the International Atomic Energy Agency;

Ivan Selin to be an Alternative U.S. Representative to the General Conference of the International Atomic Energy Agency; and

Jane Becker to be an Alternative U.S. Representative to the General Conference of the International Atomic Energy Agency, and that the Senate return to legislative session.

Mr. COCHRAN. We have no objection, Madam President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Zachary W. Carter, of New York, to be U.S. attorney for the Eastern District of New York for the term of 4 years.

Patrick H. NeMoyer, of New York, to be U.S. attorney for the Western District of New York for the term of 4 years.

Mary Jo White, of New York, to be U.S. attorney for the Southern District of New York for the term of 4 years.

James Patrick Connelly, of Washington, to be U.S. attorney for the Eastern District of Washington for the term of 4 years.

John Thomas Schneider, of North Dakota, to be U.S. attorney for the District of North Dakota for the term of 4 years.

William David Wilmoth, of West Virginia, to be U.S. attorney for the Northern District of West Virginia for the term of 4 years.

Gaynelle Griffin Jones, of Texas, to be U.S. attorney for the Southern District of Texas for the term of 4 years.

Karen Elizabeth Schreier, of South Dakota, to be U.S. attorney for the District of South Dakota for the term of 4 years.

Walter Michael Troop, of Kentucky, to be U.S. attorney for the Western District of Kentucky for the term of 4 years.

Eric Himpton Holder, Jr., of the District of Columbia, to be U.S. attorney for the District of Columbia for the term of 4 years.

Stephen Charles Lewis, of Oklahoma, to be U.S. attorney for the Northern District of Oklahoma for the term of 4 years.

Vicki Lynn Miles-LaGrange, of Oklahoma, to be U.S. attorney for the Western District of Oklahoma for the term of 4 years.

John W. Raley, Jr., of Oklahoma, to be U.S. attorney for the Eastern District of Oklahoma for the term of 4 years.

Randall K. Rathbun, of Kansas, to be U.S. attorney for the District of Kansas for the term of 4 years.

Paula Jean Casey of Arkansas, to be U.S. attorney for the Eastern District of Arkansas for the term of 4 years.

Paul Kinloch Holmes, III, of Arkansas, to be U.S. attorney for the Western District of Arkansas for the term of 4 years.

Lynne Ann Battaglia, of Maryland, to be U.S. attorney for the District of Maryland for the term of 4 years.

Scott M. Matheson, Jr., of Utah, to be U.S. attorney for the District of Utah for the term of 4 years.

Mr. FORD. Madam President, on a personal note, I would like to say that Walter Michael Troop, of Kentucky, has just been confirmed for U.S. attorney for the western district.

STATEMENT ON U.S. ATTORNEY NOMINATIONS

Mr. BOREN. Madam President, I am pleased that the Senate today confirms that three nominations for the U.S. attorney positions in Oklahoma. These outstanding Oklahomans each have extensive experience in our justice system. They have a long history of dedication to our justice system and the principles it represents.

Vicki Miles-LaGrange will serve as U.S. attorney for the western district. Her nomination is historic because she will be the first African-American woman to serve the Nation as U.S. attorney. Her strong qualifications guarantee that she will be among the Nation's finest Federal prosecutors. She began her career in the U.S. courts in 1973, serving as a law clerk for two Federal district court judges. She then moved to the Department of Justice in Washington, DC, serving for 4 years as law clerk and attorney.

In 1983, Ms. LaGrange became assistant district attorney in Oklahoma County. In 1988, she was elected to the Oklahoma State Senate where she served as chairperson of the judiciary committee. She is also the chairperson of the law and justice committee for the National Conference of State Legislatures. It is apparent that she will bring to the office of U.S. attorney her experience as a trial lawyer and as a legislator who has been very involved in the formulation of policies affecting the judicial system.

Steve Lewis, the nominee for U.S. attorney for the northern district, also has invaluable experience both as a trial lawyer and as a legislator in Oklahoma. He began his career in 1971 serving as assistant district attorney for the 23d Judicial District. In 1974, he became the district attorney for that district, and he also served as president of the State association of district attorneys. Six years later, he was elected to the State House of Representatives where he served as the speaker of the house, as well as Chairman of the House Committee on Criminal Justice. His background uniquely prepares him to serve effectively and successfully as a Federal prosecutor.

Finally, the Senate has again confirmed John Raley as the U.S. attorney for the Eastern District of Oklahoma. Mr. Raley has served in the post since 1990 and earned a reputation as one of the finest Federal prosecutors in the country. His previous legal experience prepared him well as a trial lawyer. Beginning in 1961, he had worked as an assistant U.S. attorney for 8 years in the Western District of Oklahoma. Before his confirmation as U.S. attorney, he was a partner in a Ponca City law firm where he specialized in litigation. He is an advocate member of the American Board of Trial Advocates, a national organization whose membership is limited to lawyers who have been the lead counsel in over 100 jury trials.

I am pleased that these outstanding Oklahomans can now begin to serve their State as U.S. attorneys. I appreciate the prompt consideration that both the administration and the Judiciary Committee gave to these nominations. Vicki Miles-LaGrange, Steve Lewis, and John Raley will be outstanding U.S. attorneys, serving the country and Oklahoma effectively and proudly.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

THE CALENDAR

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent the Senate proceed en bloc to the immediate consideration of Calendar Nos. 203, 204, 205, and 206; that the resolutions be agreed to en bloc; that the motions to reconsider the passage of these items be laid upon the table en block; that the consideration of each resolution be included separately in the RECORD, and that statements with respect to the passage of each resolution be included in the RECORD where appropriate.

Mr. COCHRAN. We have no objection, Madam President.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF HARDWICK, INC.

The resolution (S. Res. 91) to refer S. 745 entitled "A bill for the Relief of Hardwick, Inc." to the chief judge of the U.S. Court of Federal Claims was considered and agreed to as follows:

S. RES. 91

Resolved, That the bill S. 745 entitled "A Bill for the Relief of Hardwick, Inc.", now pending in the Senate, together with all accompanying papers, is referred to the Chief Judge of the United States Court of Federal Claims. The Chief Judge shall proceed with consideration of such case in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code (notwithstanding any other appeal, statute, case law, or regulations, including section 1500 of title 28, United States Code, that may limit in any way the jurisdiction or authority of the court), and report thereon to the Senate at the earliest practicable date giving findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable against the United States, and the amount, if any, legally or equitably due to the claimants from the United States.

Mr. SIMON. Mr. President, I am pleased that Senate Resolution 91 and its accompanying bill, S. 745, passed the Senate. These bills ask the U.S. Court of Federal Claims to advise the Senate on the merits of legal or equitable claims that Hardwick, Inc., may have against the United States.

Mr. and Mrs. Hardwick are an elderly couple who, along with their children, own and run a construction company. The deserve their day in court.

For over a decade, the Hardwicks have been involved in a contract dispute with the U.S. Government. In the late 1980's, the Hardwicks filed suit against the Army Corps of Engineers.

In a subsequent and unrelated case, the Federal circuit changed its jurisdictional rules for bringing suit. As a result of this change, the Hardwick's claim was thrown out of court.

The judge, in dismissing the Hardwick's claim, acknowledged the injustice of dismissing the case after years of litigation based on an unforseen change in the law. He said:

> You may very well be able to proceed on the basis of my ruling in UNR to obtain a Congressional reference. * * * It would appear to me * * * that you would have a meritorious case in Congress. That would be a way to proceed to avoid an appeal and a lot of additional expenditure of time and resources and obtain rulings on errors of the law where I think it is pretty clear.

In passing these bills, we have not made any conclusions about the merits of the Hardwick's claim. Under a congressional reference statute, the House or Senate can refer a case to the Claims Court for an advisory opinion on whether a party has a legal or equitable claim against the U.S. Government. The Hardwick's case is a complex one. The Claims Court is the appropriate body to determine if legal or equitable remedies are warranted.

A congressional reference resolution is not the same as a private relief bill. The resolution does not require Congress to allocate funds from the Treasury. After the Claims Court issues its opinion, Congress can then decide whether or not to implement the court's recommendations in the form of a private relief bill.

I am pleased that the Hardwick Relief Act of 1993 has passed the Senate. This act will ensure that the Hardwicks get their long-awaited day in court and that justice is done.

RELIEF OF LAND GRANTORS IN KENTUCKY

The resolution (S. Res. 98) to refer S. 794 entitled "A bill for the relief of land grantors in Henderson, Union and Webster Counties, KY, and their heirs," to the chief judge of the U.S. Court of Federal Claims for a report thereon was considered and agreed to as follows:

S. RES. 98

Resolved, That the bill (S. 794) entitled "A bill for the relief of land grantors in Henderson, Union, and Webster Counties, Kentucky, and their heirs", now pending in the Senate, together with all accompanying papers, is referred to the Chief Judge of the United States Court of Claims. The Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report back to the Senate, at the earliest practicable date, giving such findings of fact and conclusions that are sufficient to inform Congress of the amount, if any, legally or equitably due from the United States to the claimants individually.

RELIEF OF DR. BEATRICE BRAUDE

The resolution (S. Res. 102) to refer S. 840 entitled "For the relief of the estate of Dr. Beatrice Braude," to the chief judge of the U.S. Court of Federal Claims for a report thereon was considered and agreed to as follows:

S. RES. 102

Resolved, That the bill S. 840 entitled "For the relief of the estate of Dr. Beatrice Braude." now pending in the Senate, together with all the accompanying papers, is referred to the Chief Judge of the United States Court of Federal Claims. The Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due to the claimants from the United States.

RELIEF OF RICHARD KANEHL

The resolution (S. Res. 108) to refer S. 974 entitled "A bill for the relief of Richard Kanehl of Mobile, Alabama," to the chief judge of the U.S. Court of Federal Claims for a report thereon was considered and agreed to as follows:

S. RES. 108

Resolved, That the bill S. 974 entitled "A bill for the relief of Richard Kanehl of Mobile, Alabama." now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims. The chief judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due to the claimants from the United States.

Mr. FORD. Madam President, I might make a note of a personal nature that the relief of land grantors in Henderson, Union, and Webster Counties was Calendar No. 204 (S. Res. 98).

CORRECTION IN ENROLLMENT OF SENATE RESOLUTION 98

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the enrollment of Calendar No. 204 with references to the U.S. Court of Claims be changed to U.S. Court of Federal Claims.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, SEPTEMBER 22, 1993

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, September 22; that following the prayer, the Journal of proceedings be deemed approved to date, the time of the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 9:15 a.m., with Senator LAUTENBERG recognized to speak for up to 15 minutes; that at 9:15 a.m., the Senate resume consideration of H.R. 2491, the VA–HUD appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. FORD. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 9:54 p.m., recessed until Wednesday, September 22, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 21, 1993:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ELI J. SEGAL, OF MASSACHUSETTS, TO BE CHIEF EXECUTIVE OFFICER OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE. (NEW POSITION)

CONFIRMATIONS

Executive nominations confirmed by the Senate September 21, 1993:

DEPARTMENT OF JUSTICE

ZACHARY W. CARTER, OF NEW YORK, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS.

PATRICK H. NEMOYER, OF NEW YORK, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS.

MARY JO WHITE, OF NEW YORK, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS.

JAMES PATRICK CONNELLY, OF WASHINGTON, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF 4 YEARS.

JOHN THOMAS SCHNEIDER, OF NORTH DAKOTA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF 4 YEARS.

WILLIAM DAVID WILMOTH, OF WEST VIRGINIA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF 4 YEARS.

GAYNELLE GRIFFIN JONES, OF TEXAS, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS.

KAREN ELIZABETH SCHREIER, OF SOUTH DAKOTA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF 4 YEARS.

WALTER MICHAEL TROOP, OF KENTUCKY, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF 4 YEARS.

ERIC HIMPTON HOLDER, JR., OF THE DISTRICT OF COLUMBIA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF 4 YEARS.

STEPHEN CHARLES LEWIS, OF OKLAHOMA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS.

VICKI LYNN MILES-LAGRANGE, OF OKLAHOMA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS.

JOHN W. RALEY, JR., OF OKLAHOMA, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS.

RANDALL K. RATHBUN, OF KANSAS, TO BE U.S. ATTORNEY FOR THE DISTRICT OF KANSAS FOR THE TERM OF 4 YEARS.

PAULA JEAN CASEY, OF ARKANSAS, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF 4 YEARS.

PAUL KINLOCH HOLMES III, OF ARKANSAS, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF 4 YEARS.

LYNNE ANN BATTAGLIA, OF MARYLAND, TO BE U.S. ATTORNEY FOR THE DISTRICT OF MARYLAND FOR THE TERM OF 4 YEARS.

SCOTT M. MATHESON, JR., OF UTAH, TO BE U.S. ATTORNEY FOR THE DISTRICT OF UTAH FOR THE TERM OF 4 YEARS.

EXTENSIONS OF REMARKS

SCARS OF COMMUNISM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. SOLOMON. Mr. Speaker, I would like to take this opportunity to bring to the attention of Congress and the Nation a remarkable series in the Washington Post, entitled "The Scars of Communism." The four-part series is written by the Post's long-time and outstanding Moscow correspondent, Michael Dobbs.

By surveying the recent situation in the former Yugoslavia, Poland, and the former Soviet Union, Mr. Dobbs has provided the American public with an invaluable service. I don't believe that I have ever seen anything, Mr. Speaker, that so succinctly describes the realities of Soviet communism.

If every American could just read this piece and take it to heart, we would all be better off. Mr. Dobbs skillfully outlines the economic, political, and environmental damage caused by this ridiculous system. But the most enlightening aspect of this report is how Mr. Dobbs connects the reader to the life of the average citizen of these countries and thereby exposes the most significant legacy of communism: The psychological and moral damage inflicted on the citizenry.

These people were not just the victims of a tin pot dictatorship, Mr. Speaker. Communism was something unique. In addition to being tyrannized and brutalized, Communist citizens were forced to abandon all private life. Like dogs to their masters, these people were forced to rely on the monolithic state for virtually everything. On top of this humiliation, they were subjected to relentless, ceaseless lies. All of this is what Vaclav Havel has called the web of mendacity.

This is the essence of Communist totalitarianism, Mr. Speaker, and I feel it has been lost on too many people. This is still relevant because the fight is not over. Over a billion people in China, Indochina, North Korea, and Cuba still live under this colossal repression. Many of the newly liberated countries, notably Russia, are still threatened by reactionaries who would want to take them back to the dark past.

And the battle over the history of Communist systems has only begun in our schools, Mr. Speaker. The view that they just didn't do it right or that it wasn't all that bad or that it was just another run-of-the-mill tyranny are in vogue on the left. Not long ago I heard a certain Sovietologist comment on PBS that Yeltsin's free market reforms threaten the Soviet economic achievements of this century. Achievements. Give me a break.

This view must be countered at every turn, Mr. Speaker, lest our young people learn the wrong lessons of history. And people can start learning the proper lessons by reading Mr. Dobbs' superb series in the Washington Post.

For brevity's sake I would like to insert into the RECORD only the last article in the series, which appeared September 8. However, I urge all Members of this body and every American to read this series in its entirety.

[From the Washington Post, Sept. 8, 1993]

RUSSIAN YOUTH CONSIGN "SOVIET MAN" TO DUSTBIN

(By Michael Dobbs)

KOMSOMOLSK-ON-AMUR, RUSSIA.—The exploits of Ivan Sidorenko and his bride, Dusha, quickly became the stuff of Soviet legend. After a month-long journey from European Russia, by the Trans-Siberian Railroad and then by boat, the two young idealists reached a desolate spot on the banks of the Amur River where—on May 10, 1932—they laid the foundation stone for a new socialist city.

The communist utopia that Ivan and Dusha hoped to carve out of the virgin taiga of the Soviet Far East is now a sprawling, smog-filled industrial wasteland. Named in honor of the Communist Party youth movement, Komsomolsk-on-Amur has one of the highest crime rates in the former Soviet Union. Its factories, which include several huge defense plants, are on the verge of bankruptcy. Its half-million inhabitants are, for the most part, disillusioned and bitter.

"My grandparents thought they were building communism. Of course this was all nonsense," said Olga Sidorenko, 18, who was born and raised in Komsomolsk. "To live here is like committing slow suicide. The only reason we don't move away is because there is nowhere else to go."

A student in computer studies at the Komsomolsk technical college, Olga says she "respects" her grandfather Ivan, who died a hero's death in 1942, defending the city of Stalingrad from Nazi invaders. But she is barely on speaking terms with her grandmother, Dusha, now 82, who was showered with honors as one of the "first builders" of Komsomolsk and lives a few blocks away. Their points of view are just too different.

The is the final article in a series examining the legacy of communism, an ideology that, from the center of Europe to the Pacific Ocean, has left political, environmental and psychological scars that will almost certainly haunt Russia and its neighbors well into the next century. Based on a week-long visit to Komsomolsk, one of a handful of Soviet cities that are the pure products of the communist era, this story looks at the results of the most ambitious ideological experiment of all—the attempt to create a new type of "Soviet Man."

Built at the height of the Stalinist terror, Komsomolsk was out of bounds to foreign visitors until the collapse of the Soviet Union in December 1991. Today, the city that was regarded by Soviet ideologists as a laboratory for the construction of a communist society is attempting to break out of six decades of enforced isolation. It has been a frustrating, jarring experience, tinged with a hope—particularly among younger people—that life will eventually improve.

"You have to remember that there were always two iron curtains," said Oleg Mospak, 38, a journalist who recently launched a newspaper, Komsomolsk Entrepreneur, that specializes in classified ads. "There was the Iron Curtain around the Soviet Bloc and then there was a second iron curtain around places like Komsomolsk. We lived in a closed city within a closed country."

Ironically, the type of human being that has emerged from this sociopolitical laboratory has turned out to be almost the precise opposite of the type the ideologists had in mind. The communists strove to create a country of true believers, members of a disciplined collective dedicated to carry out the egalitarian ideas of Marx and Lenin. Instead, they produced a generation of cynics who regard the state as a hostile, utterly alien body and are interested only in their own private happiness.

"My generation doesn't believe in anything—Lenin, God or anything else," said Olga Sidorenko. "We don't expect anything at all from the state. We know that if we want to make a success of our lives, we will have to rely only on ourselves."

"For the earlier generation, ideals were important, but now it's quite the opposite," said Sergei Basharin, 20, a third-year student at the Komsomolsk technical college. "We are just interested in finding ways of achieving a comfortable standard of living—to have an apartment, a car, to be able to start a family."

PRISONERS AND PEASANTS

A portrait of her dead husband stares down from the wall of Dusha Sidorenko's apartment in the center of Komsomolsk. A stern-looking figure dressed in military uniform, Ivan Sidorenko was held up to generations of local schoolchildren as a model Soviet citizen. Streets and schools have been named in honor of the fallen Bolshevik.

According to Soviet propaganda booklets, Sidorenko's early exploits included the Stakhanovite achievement of mixing 937 loads of cement in a single shift as commander of the 1st Komsomol Red Guard Crack Battalion in Ukraine. This was almost double the official target, earning Sidorenko what the propagandists described as "worldwide fame." Such was Sidorenko's devotion to communist ideals that—after marrying the bright-eyed Dusha at age 25—he immediately established a commune.

"There were five families living in the same house, which we built together. We shared everything, including clothes. If you needed some boots, you put on the first pair that fit," recalled Dusha, whose father and grandfather both perished in the Russian Civil War of 1920–22. "Okay, things didn't turn out the way we expected, but I don't regret anything. We gave everything we had to the movement. We worked day and night for an ideal. We all believed in Lenin."

Sidorenko and his comrades were glorified by the Soviet state for more than half a century as the "first builders" of Komsomolsk. It took the collapse of communism to reveal that the myth was largely a lie. The propaganda pictures of brigades of enthusiastic young communists deliberately concealed a much bigger army of convicts and political prisoner. There is some evidence that these slave laborers actually prepared the ground for the arrival of the "first builders."

"Practically everything that was written in those history books was untrue," said Sidorenko's daughter-in-law, Tamara, whose own parents were among the millions denounced as "enemies of the state." Arguments over the falsification of history are one of the main reasons why Tamara, 48, and her daughter, Olga, now have little to do with Dusha. Vasily Sidorenko, Tamara's husband and Ivan and Dusha's son, died several years ago.

According to recently published documents, Komsomolsk was one of the centers of the vast prison camp system known as the gulag. In the two decades between 1933 and 1953, when Joseph Stalin died, nearly a million people passed through the camps in the Komsomolsk region. Hundreds of thousands died as the result of disease and malnutrition.

The other principal source of labor for the construction of the gigantic defense factories, pompous public buildings and squalid apartment blocks of Komsomolsk was the peasantry. Robbed of their land during the collectivization drive of the early '30s, the former peasants streamed into the cities in search of work. Paid starvation wages, they were in effect part of the forced labor system.

"At public rallies, the Komsomol members kept on boasting that they had built the city. There was never a word about us. We were nothing but slaves. Komsomolsk was built by prisoners and former peasants, like me," said Fyodor Boltov, 69, who has vivid memories of the terrible winter of 1931–32, when the Bolsheviks threw him and his family out of their house and confiscated their four cows and seven horses.

The story of Boltov's family is itself a minor epic, one of the millions of individual stories that make up the tragic tapestry of modern Soviet history. Two of his eight brothers were killed during the first wave of violence against the peasants. Another two died of starvation during the famine that followed the collectivization campaign. Boltov himself served four years in prison for stealing a handful of grain. His father was arrested as an "enemy of the people."

"They promised us a bright, wonderful future. We waited and waited, but it never came," said Boltov, who bottled up his hatred of the communist system, keeping his experiences a secret even from his son until just a few years ago. "Later, they wanted me to join the [Communist] party. But this would have been a betrayal of all those who died—and I refused. How could people like me believe in the ideals of this society when so much force was used against us?"

THE "LOST GENERATION"

Born in 1945, as Soviet troops were sweeping toward Berlin, Tamara Sidorenko belongs to what is sometimes referred to as the "lost generation." These are the people who were too young to experience the full force of Stalinism—with its mixture of terror and idealism—but too old to shake themselves free of the Soviet collective mentality. They were brought up to believe in communism, only to discover that it was a false god.

"You can put a cross on our generation," said Tamara, a teacher at a local high school. "We were completely dependent on our parents. They told us what we could do and what we couldn't do. They never told us what happened during the Terror. Even so, we grew up in an atmosphere of fear. We were afraid of everything. It never occurred to us to try to challenge the system. As far as we were concerned, it was unchangeable."

Unlike Germany, where Nazism collapsed as a result of a military debacle, Russia had to pay the price of victory in World War II. Undefeated on the battlefield, the communists remained in power for another 45 years, using the vast natural resources of the world's largest country to prop up an increasingly bankrupt system. It was not until nature and people were brought to the brink of total exhaustion that the entire totalitarian edifice came crashing down.

For the "lost generation," the realization that the Soviet system let them down is a comparatively recent one. It is the result of the campaign of glasnost, or openness, launched by Soviet leader Mikhail Gorbachev in the late 1980s in his unsuccessful attempt to reinvigorate the country's faltering economy. The scorn for the system is expressed by the Russian slang expression Sovok, which sounds like "Soviet" but means "dustpan" in normal language.

A Sovok is "Soviet Man"—not as the ideologist conceived him, but as he actually turned out. A Sovok is lazy, irresponsible and submissive, the passive receptacle of decades of Soviet propaganda. Outwardly respectful of authority, a Sovok will think nothing of stealing from the state or cheating his neighbor. A Sovok is everything Russians despise about themselves. The Soviet Union may have collapsed, but middle-aged Russians say it is impossible to rid themselves completely of the Sovok mentality.

"I still feel the Sovok psychology—the narrow-mindedness, the lack of freedom, the bitter disappointment, the feeling that life has passed us by, that we have been cheated," said Alexander Markov, 42, the editor of Komsomolsk Entrepreneur. "We were convinced that our country was the best place on Earth, that the Americans wanted to bomb us. All this was hammered into us from an early age. We sincerely believed."

In most cases, the discovery that Communist ideology was a fraud led to cynicism. Occasionally, however, it produced the opposite extreme—a complete rejection of socialist ideals. Vladimir Barishev, for example, graduated from a police academy in 1980 as a fanatical believer in Marxism-Leninism. Dispatched to Komsomolsk for practical training, he seemed set for a brilliant career as a police investigator. The gulf between the theory of police school and the reality of life in the crime capital of the Soviet Far East shocked him.

"I became a victim of my own convictions. When I found out about crime in high places, they told me to mind my own business. When I complained that prisoners were being used as a source of cheap labor, they said I was too inquisitive," said Barishev, 33, who now works as a public defender at a very low salary. "I believed blindly in Gorbachev, but eventually I understood that the system cannot be reformed."

Barishev's idealism has cost him dearly. If he had stayed in the police, he would probably have his own apartment by now. Instead, he lives with his wife and two children in a 9-by-12-foot rented room in a communal apartment.

NO POLITICS, PLEASE

Age 10 when Gorbachev came to power in 1985, Olga Sidorenko belongs to the first generation of Russians to be raised in an atmosphere of freedom. By the time she went to high school, teachers no longer felt the need to lie to their pupils. At home, parents no longer felt compelled to hide the trust about the Stalinist terror. Hers is the first generation not to know fear.

"Fear?" Olga asked incredulously, when a visitor suggested that old ways of thinking would take a long time to die. "What is there to be afraid of?"

If there is a cause for moderate optimism about the future of Russia as it emerges from seven decades of totalitarian rule, it is in the attitudes of the new generation of Russians. Hopes of a swift transition from dictatorship to democracy have been dashed by economic turmoil and ethnic upheavals. It is now clear that real change in Russia—and the rest of the former Communist world, for that matter—will be a generational change.

Their parents and grandparents may feel bitter or nostalgic about the past. But what is most striking about the new Russians is precisely the absence of nostalgia, the mistrust of great ideas and great experiments. Just as their shattering defeat in World War II inoculated a generation of Germans against the ideas of Hitler's National Socialism, self-inflicted economic disaster seems to have persuaded a new generation of Russians to turn its back on utopia.

Both the far right and the far left have made great efforts to persuade young people that democracy is unsuited to Russia's autocratic traditions. So far, however, they appear to have had little success. A recent opinion poll of the 21–29 age group showed that only 7.5 percent have any sympathy with the national-patriotic and Communist groups that dream of reviving a great empire. Most young Russians are completely apolitical.

"As soon as someone begins a conversation about politics in our institute, everybody else turns away in disgust," said Olga Sidorenko, echoing a widespread opinion. "None of the present politicians is worth voting for. Yeltsin promised us a lot, but he too has given us very little."

If there is a sense of yearning among young people, it is a yearning for a normal life. "My parents slaved all day for a pittance and ended up with nothing. I want to live better than they did," is a typical comment.

A native of St. Petersburg, Sergei Basharin enrolled at the Komsomolsk technical college to study aeronautics. A few years ago, he would have automatically found a prestigious job at the Komsomolsk Aviation Factory, which used to churn out Su–27's, one of the Soviet Union's most sophisticated fighter jets. But the factory has fallen on hard times and will soon be laying off workers.

"I now realize that there is no future in planebuilding," said Basharin, who plans to go into "business" when he leaves college next year. Through a series of clever trading deals, the 20-year-old student already earns more money than both his parents. He buys clothing at relatively low prices in European Russia and sells it for a high markup in the Far East.

The pragmatism and sense of initiative displayed by budding entrepreneurs like Basharin are impressive. But there is a darker side to the youthful obsession with making money. In their hankering for a Western standard of living, many youngsters are willing to engage in semi-criminal activities. In the cutthroat world of Russian business, in which traders outnumber producers 10 to 1, profit is frequently little different from extortion.

"There is no set of strict moral codes any more," said Masha Volkenstein, 40, a Moscow-based sociologist, who is otherwise encouraged by the spirit of tolerance among young people. "There is a criminal element in much of this commercial activity. To be successful frequently means to get involved with the racket, and that is worrying."

For the new entrepreneurs spawned by Russia's chaotic lurch toward capitalism, however, the gift of freedom is more important than the fear of anarchy.

"Marx insisted that everybody had to be equal. He did not give people the right to fail," said Mospak, the founder of Komsomolsk Entrepreneur. "Now we have the right to fail or to succeed. It's up to us. This is an idea that is entirely new in our society."

A TRIBUTE TO THE MEMORY OF MILTON O. THOMPSON

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the passing of Milton Thompson, a longtime engineer and a pioneer in the U.S. space program. Milt died on August 6 after a 37-year career with the National Aeronautics and Space Administration [NASA] and its predecessor organization, the National Advisory Committee for Aeronautics. At the time of his death, he was serving as the Chief Engineer of NASA's Dryden Flight Research Facility at Edwards Air Force Base in California.

Milt Thompson was born in Crookston, MN, on May 4, 1926, and began flying with the U.S. Navy as a pilot trainee at the age of 19. Following 6 years of active duty flying in China and Japan during World War II, Thompson continued flying while pursuing a degree in engineering from the University of Washington. Following his graduation, he worked as a flight test engineer for Boeing Aircraft, and later for Dryden as an engineer.

Milt Thompson joined NASA in 1956 and was one of the 12 pilots to fly the famous X-15 rocket aircraft. As one of the 12 NASA, Air Force, and Navy pilots to fly the X-15 rocket-powered research aircraft between 1959 and 1968, Thompson flew the aircraft 14 times, reaching a maximum speed of 3,723 miles per hour and a peak altitude of 214,000 feet. His participation in the X-15 program resulted in a wealth of data on aerodynamics, thermodynamics, propulsion, flight controls, and physiological aspects of high-speed, high-altitude flight.

In 1968, Thompson concluded his active flying career and became Director of Research Projects at Dryden. In the 1970's he served as a member of NASA's Space Transportation System Technology Steering Committee and was later recognized for his work by receiving NASA's highest award, the Distinguished Service Medal.

"Milt Thompson was one of those extraordinary individuals that comes along once every 100 years," said Kenneth Szalai, Director of the Dryden Flight Research Facility. "He was one of the Right Stuff gang, but he was a humble man with absolute integrity. He was the finest person I have worked with in my 30-year career."

Mr. Speaker, I ask that you join me, our colleagues, Milt Thompson's family, and friends in honoring this remarkable pioneer. His contributions have touched the lives of many people and it is indeed fitting that the House recognize him for his lifetime of service and for paving the road to future space discovery and exploration.

MEMORIAL DAY TRIBUTE DELIVERED BY NANCY J. ECKERT

HON. PAUL McHALE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. McHALE. Mr. Speaker, I would like to submit this speech delivered by Nancy J. Eckert, RN, at the Memorial Day ceremonies of the Bethlehem Steel Corp., Bethlehem, PA, on May 31, 1993. Ms. Eckert, a former combat nurse in Vietnam, is currently Research Nurse Coordinator of the Neurosciences Center at Lehigh Valley Hospital. She served with the 93d Evacuation Hospital and is now a member of the Vietnam Veterans of America Chapter 415. In addition to being the primary speaker, she was the first woman and first Vietnam veteran to deliver an address at the commemorative ceremonies. I had the privilege of being present during this stirring speech, and I submit it in the hopes that all of my colleagues can share in this inspiring Memorial Day tribute.

REMARKS BY NANCY J. ECKERT, RN

Good evening. And welcome home!

As a woman, it is a real honor for me to be with you today, because the great tradition of Memorial Day began quietly with American women.

They came in the spring of the year, to the graves of soldiers, both north and south. The battlefield was silent. And upon the graves of the soldiers, the women scattered spring flowers, to offer beauty and peace to those who had perished in the ugly horror of combat.

The great Civil War was but three years gone when General John A. Logan took note of this memorial tribute and named May 30 as a special day to honor the graves of Union Soldiers.

Nearly two centuries later, we have come again to scatter flowers on the graves. The roster of battlefields has sadly grown over the years. Antietam and Gettysburg, El Caney and San Juan Hill. Belleau Wood and Chateau Thierry. Anzio and Corrigedor, Bastogne and Guadalcanal, Normandy and Bataan. Pearl Harbor and Midway. Pusan, Chosan, and Pork Chop Hill. Chu Lai, An Ke, Tay Ninh. Lebanon. The Persian Gulf.

Once again the battlefield is silent. The musket and missile, the cannon and carbine, the machine gun and mortar have been put away, leaving us only with the caisson bearing the memory of the flag-draped caskets of our brothers and sisters in arms. These were ordinary men and women who answered their nation's call, who served with dignity and perished in a thousand and more battles, large and small, some with names that will forever be remembered and many with names long forgotten, around the globe. It is upon their graves that we scatter flowers today.

The passage of time has thinned our ranks, but not our memory of what combat is all about. It may be heroic, but is hardly glamorous. It may be noble, but it is terrifying. It may have a purpose, but in the end seems so senseless a means to settle differences.

We stand here, on this sacred ground, to touch those awful memories so that we may express to our fallen comrades that peace—and freedom—was worth the price. We stand here, to scatter the flowers of spring, comforted that the mournful call of "Taps" is for a generation past, and not our own sons and daughters.

Perhaps we even feel a little anger about what this holiday has become. A day off from work, or for nurses like myself, time-and-a-half if we're on duty. The backyard barbecue. The big sale at the mall. An automobile race in Indiana. The beginning of an American summer.

But these little frivolities are the symbols of what our days on the battlefield were all about. For all our loved ones: security, and comfort, and freedom. And peace. It is only right, however, that we pause, if only for a moment, to honor those who gave their lives as well as those of us who have gathered to scatter the flowers of spring.

It is my honor to stand here today as a nurse who served in Vietnam, representing the many combat nurses over the years who struggled in sometimes terrible conditions to save the lives of men who fell on the field.

But sometimes, nurses themselves became victims.

Margaret Nash of Wilkes-Barre was a Navy nurse stationed in the Philippines during World War II. Taken prisoner, she spent forty-one months in Santa Tomas, where her weight fell to just seventy pounds, and she contracted tuberculosis. She and the other nurses lived on berries and the few extra rations given to them by a compassionate guard. The conditions were deplorable. Although she was never beaten or tortured, there was little humanity in her care.

One morning, after forty-one months of clinging to survival, the prisoners learned that the lives of all were about to end. In a remarkable twist of fate, General MacArthur dropped paratroopers and the prisoners were rescued. Margaret Nash, RN, was pictured holding a young child in her arms. She was returned to the United States where she spent many months struggling to regain her health and strength.

Fifty quiet years later, she died, and they laid spring flowers on her grave. But no one knows the true anguish in her heart.

Women, too, answered the bugler's call in Vietnam. I was among 264,000 women who served voluntarily during the Vietnam Conflict. We were Red Cross volunteers, clerical workers, journalists, entertainers, flight attendants, doctors—and 10,000 of us were nurses who served in Vietnam.

We came from every state in this great nation, but above all, we were volunteers. We cared for those who bore the wounds of battle, and like many we come home to try desperately to make meaning of it at all.

I would not be a nurse unless I gave you instructions and directions. So that I won't let you down, here is your prescription. At the conclusion of this ceremony, I'd like each of you to step to this magnificent memorial. Choose a branch of service, and tell the person next to you all that you can remember about your experience. You want to pass on the memory.

This is Memorial Day, and a time to honor memories.

I'd like to share with you my own memory, the sort of memory I'd like you to share.

Eight women died in Vietnam. Two of them were from Pennsylvania. One died while on duty as a result of hostile fire.

At 5:55 AM, a rocket fell through the roof of the hospital and killed a nurse on duty. With her that morning was a young lieutenant, a male nurse from Webster, South Dakota. The nurse who died was a volunteer.

The nurse who survived was a draftee. He has spent his life unable to accept this event. He has not been able to soften the hate and anger in his heart. Why would a lovely person, so willing to help others, lose her life to the ravages of war? Why was he, a draftee, spared?

At the same time, a young soldier from Easton, who is here with us today, was on bunker patrol as a member of the Americal Division. As the rockets landed he was not sure where they were hitting. Later he learned the hospital had been hit, and a nurse killed. He said to himself, "This can't be. Nurses are always safe. How can a nurse be killed?"

Over the years, he has asked this question again and again: "I was on duty and this happened. Why? Why?"

The story ends at the pen of a young show girl from Lincoln, Nebraska, who kept a diary. The very last entry reads: "June 8th, 5:55 AM. There were explosions around us, and then the first American nurse on duty was killed. O God, why did you take a nurse? She is too worthy. Why did you not take me instead?" She could never make another entry in that diary, and the pain lives with her still.

The nurse who perished that day: Lt. Sharon Lane, Ohio. Vietnam Wall, Panel 23 West, Line 112.

A memory. A memorial. A day of remembrance. A time to remember and a time to let go, a time to honor all the men and women who died in service to their country. A time to express pride in our veterans and to again welcome them home.

High and clear and true in the echoes of the guns, a bugle lifts the old, old notes of "Taps," the lullaby for the living soldier, and the requiem for those who have passed on. Save for the bugle, the battlefield is silent.

Yet we hear the steady beat of the drum, again in the distant places, and we pray that the world will never know what we, and those laid to rest here, knew so well. We pause to listen to the faraway call to arms and a tear comes to our eye. Upon how many more graves must we scatter the flowers of spring? How many more battlefields must be added to the roster?

We wipe the tear away, and we lift our chins. We have scattered the flowers of spring. We were, and will always be, soldiers. Citizens of a free land, warriors in time of need, guardians of a great heritage, answering the roll call in the great battalions and regiments of history.

But always soldiers.

And we will answer duty's call for as long as it takes and for as often as it takes to protect that which we hold dear: Freedom. America. And the memories that dwell in this sacred ground.

NATIONAL ENDOWMENT FOR THE ARTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the September 12, 1993, Omaha World Herald regarding recent actions by the National Endowment for the Arts:

ARTS AGENCY BLEW CHANCE TO SHOW IT GOT THE MESSAGE

Arrogance is almost limitless among some of the self-described artists who feed on federal tax dollars. And among the liberal elites who defend them.

Consider Elizabeth Sisco, one of the people who handed out $10 bills to illegal immigrants in Southern California. And consider Hugh Davies, the San Diego museum official whose museum funded the giveaway.

When the National Endowment for the Arts quite correctly said federal money shouldn't be used for the handouts, Ms. Sisco and Davies defiantly rose to the defense of the indefensible.

Ms. Sisco accused the arts endowment of suppressing her art for political reasons. She implied that the agency's decision was intellectually dishonest. Davies pledged that other funds would be found. He lamented what he called the intimidation of the arts and insinuated that the endowment had been forced to withdraw its funds because it is subjected to unreasonable scrutiny.

"I know of no other agency that is under such scrutiny," he said.

Nonsense. Even if the endowment were under more scrutiny than the Defense Department or the House Post Office, which it isn't, handing out public funds to illegal immigrants and calling it art would be a slap in the face of all serious artists, to say nothing of a slap at taxpayers.

The arts endowment may have done the right thing, but it did so grudgingly. It said $10 bills are not allowable expenses under the heading of art supplies, an explanation that seemed contrived to avoid criticizing the project itself. Indeed, NEA spokesman Josh Dare praised the project.

"Those three artists are very good at, and I give them credit for, choosing art to create public dialogues," he said. "If art is supposed to create discussion and dialogue about the issues of the day, then touche."

Dare thus blew a chance to show that the arts endowment is finally getting the message: More than a few Americans are sick and tired of having their money spent for obscenities and political statements by people who call themselves artists.

We here at World-Herald Square appreciate the works of Titian, Gezanne and Monet as much as anyone. We resent it when Americans who call junk junk are dismissed as nitwits. Regrettably, it seems there are always people who take a condescending attitude toward Middle American perceptions. That is their right, but that right doesn't extend into a claim on the federal treasury.

They never back down, however. A museum director defends a photo of a crucifix in a jar of urine. Curators praise an exhibit of simulated barnyard manure. Photos of sexually-perverted activity draw glowing reviews. And now a cash giveaway to illegal aliens is defined.

With every new instance, these people bring the National Endowment for the Arts a step closer to its doom.

KILDEE PAYS TRIBUTE TO OUR LADY OF LEBANON MARONITE CATHOLIC CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to a house of worship in my hometown of Flint, MI, Our Lady of Lebanon Maronite Catholic Church, which is celebrating its 20th anniversary on Sunday, September 26, 1993.

From its founding 20 years ago, Our Lady of Lebanon has continued to grow and is now a focal point in the community for religious worship. The church began with the American Lebanese Morning Star Society meeting with the Maronite bishop to discuss forming the church in this area. The first mass was celebrated on August 26, 1973. In 1974, 8 acres of land were purchased on which the church would be built. Finally, on June 25, 1975 ground was broken on the site of the permanent church center. The dedication of this fine house of worship took place on November 20–21, 1976. From this beginning the church has become the focal point for many activities in the community. An annual Mid-East Festival has been held on the grounds serving as a fundraiser and presenting an opportunity for fellowship. The parishioners have been active in developing programing for the young people in the church. They were challenged with the statement that young people are the future of any organization, so dedicated members began religious education classes.

Now, 20 years later, new generations of parishioners are attending services and perpetuating the growth of the church. It has truly been blessed with committed parishioners and clergy to spread the word far and wide. Mr. Speaker, it is indeed an honor and a pleasure for me to rise today in the U.S. House of Representatives to pay tribute to Our Lady of Lebanon Maronite Catholic Church. The church and its parishioners are a beacon of light in our community providing fellowship and understanding. As it enters its third decade, I wish it many more years of growth and prosperity, bringing the word of God to our community.

THE NATIONAL DRUG POLICY ACT OF 1993

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. EDWARDS of California. Mr. Speaker, today I have introduced the National Drug Policy Act of 1993 (H.R. 3100), legislation which asks the country to step back and evaluate where we stand with respect to our war on drugs.

H.R. 3100 would create a bipartisan National Drug Control Commission composed of 12 members, appointed by the President of the United States as well as the Senate majority and minority leaders and the House Speaker and House minority leader. The Commission would bring to bear on the drug problem the expertise of those involved at the everyday level—law enforcement officials, medical professionals, judges and district attorneys, drug rehabilitation workers, and academics—people who know what works and, perhaps more importantly, what doesn't. Members of the Commission could make objective recommendations for our national drug control strategy, free from the political pressures faced by elected officials.

It is obvious that the drug crisis continues to extract an immense economic and human cost from society, and that our current efforts are falling woefully short of what is needed.

Federal spending on drug control initiatives has increased nearly tenfold in a little more than a decade from $1.5 billion in fiscal year 1981 to $13 billion proposed for fiscal year 1994. Yet, a 1992 study estimated the cost of drug abuse to the U.S. economy was at least $76 billion in 1991, nearly double the estimated price tag 7 years before. Projections show the cost could climb to as high as $230 billion by 1997.

The U.S. Chamber of Commerce claims the costs to society are even higher, saying drugs cost businesses $160 billion annually in lost productivity, higher medical bills, absenteeism, theft, and injury.

The administration last week called for a new approach to international interdiction, citing a National Security Council study which shows our current policy's failures despite $1.1 billion being spent annually by the Pentagon.

Mandatory minimum sentencing, part of a strategy of setting severe penalties for drug offenses, has swamped the courts and overwhelmed our Federal prisons. Since 1980, the Federal prison population has tripled and is projected to quintuple by the year 2000. More than half of new arrivals are drug offenders, many firsttime, nonviolent offenders.

Despite the intensification of efforts in international interdiction, law enforcement, and drug rehabilitation and education, our strategy has been motivated too often by politics and too seldom by any certainty as to what approach will actually bring results. There is growing awareness across the country and the political spectrum of the need to candidly reevaluate our drug control efforts.

The Hoover Institution, in a February 26, 1993, resolution, cited our failed current policies in calling for a Commission to recommend a new approach. Their resolution has been endorsed by mayors, chiefs of police, U.S. district judges, as well as Dr. Milton Friedman, a conservative Nobel Prize winning economist, and former Secretary of State George Schultz.

Mr. Speaker, I would welcome the support of my colleagues for this initiative. It's time we stop throwing away the taxpayers' money on solutions that sound good but don't work, and start investing in methods that can produce real results. The Commission will help us to plot a course that can succeed.

WE WILL NOT STAND FOR HUMAN RIGHTS ABUSES

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. FISH. Mr. Speaker, this Thursday, the International Olympic Committee is expected to meet to decide on the site of the 2000 summer Olympic games. For the benefit of my colleagues, I recommend the following September 18, 1993, New York Times op-ed article by Robert Bernstein, chairman of Human Rights Watch. I strongly urge the Olympic Committee, especially our American delegate, Anita DeFrantz, to vote against holding the 2000 summer games in China. China's human rights record clearly disqualifies its selection. America's traditions and values dictate our response.

TORTURE IS NOT AN OLYMPIC SPORT

(By Robert L. Bernstein)

The Chinese are trying so hard to induce the International Olympic Committee to select Beijing for the summer Olympics in the year 2000 that they have promised to inscribe the names of the committee members on a monument on the Great Wall.

They are offering to pay transportation, room and board for the thousands of athletes and officials who will participate.

Simultaneously—and characteristically—they have decreed that no Chinese citizen will be allowed to oppose Beijing's bid.

The committee meets Thursday in Monte Carlo to choose the Olympiad site. Its problem is whether it can ignore China's appalling record of human rights abuses. Since the games began in Greece, the Olympics have been synonymous with remarkable human achievement. They celebrate the body and spirit as athletes prepare for years to compete.

Despite widespread public concern, despite opposition from human rights groups, scores of members of Congress and the European Parliament, the committee has tried to deflect or stonewall consideration of China's egregious human rights record.

Juan Antonio Samaranch, the president, while occasionally mentioning the importance of human rights, carefully makes no institutional commitments to that importance.

Committee members, including the one American delegate, Anita Defrantz, have argued that because virtually every government is responsible for abuses, it is wrong to single out any one country's record.

In addition to denying the most basic notion of universal human rights, this argument falls to distinguish even the handful of regimes responsible for gross government-sponsored abuses.

China has spared no expense or flattery to gain this all-important political objective. It has not, however, improved its human rights practices. It named Chen Xitong, former Mayor of Beijing—the man who authorized martial law in May 1989—as the head of the Olympic bid committee.

This attitude goes hand in hand with long-term sentences and physical and mental torture of dissidents. Liu Gang, a physicist who was No. 3 on the list of "most wanted" student leaders, was dealt a six-year sentence for trying to guide the students in Tiananmen Square. He has been burned with high-voltage cattle prods. He has been forced to sit on a bench facing a blank wall for 12 to 14 hours a day for weeks at a time, beaten by guards when he moves. Such practices are widespread in Chinese prisons. If wall-facing were an Olympic event, the record would belong to Liu Qing, a dissident now in America, who survived four and a half years of a 10-year sentence in this position.

Wang Juntao, distinguished journalist and entrepreneur, was sentenced with his colleague Chen Ziming to 13 years in prison after trying to help avoid violence in June 1989. Mr. Wang suffers from hepatitis and heart disease. While world pressure has led to his receiving some medical treatment, the Government said this would continue only if his family paid for it. The list goes on and on.

The Olympic committee cannot plead ignorance of these facts.

The release this week of the democracy advocate Wei Jingsheng, who should never have been arrested, was long past due. Coming just six months before the completion of his 15-year term and nine days before the committee's vote, this is a token gesture of unbridled cynicism. While we welcome his release (he has still not been seen publicly) and the release this week of Wu Xuecan, former editor of People's Daily, they change nothing.

Just four years after the Tiananmen Square carnage, and with the continuing gross violations of human rights, it is astounding to think the committee would award Beijing the Olympics. If it does, it will send a message that China's persecution does not concern it; this "consent" will facilitate further abuses.

Boldness is needed at Monte Carlo. Now and in the future, the committee must make human rights a public part of its selection standards for the games, which confer tremendous prestige and financial gain. Forty-five years after the Universal Declaration of Human Rights and on the threshold of a new millennium, all governments should be on notice that how they treat their citizens is more important than the quality of their sports facilities and hotels.

THE UNITED STATES MUST STAND AND BE COUNTED

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. LAFALCE. Mr. Speaker, the United States has long been the beacon of light and hope to repressed peoples around the world. Other nations recognize this country to be the symbol of human rights, the protector of freedom and democracy. The United States was founded on the principles of individual rights and liberty. Indeed, our Declaration of Independence, Constitution, and Bill of Rights have survived for more than 200 years as living documents and testimony to the wisdom and foresight of our Founding Fathers.

Mr. Speaker, what would our Founding Fathers say if they knew this great country, this global leader, had turned its back on international treaties protecting human rights? That is exactly what we have done.

Three international human-rights treaties have been languishing in the Senate since 1978: The Convention on the Elimination of All Forms of Racial Discrimination; the American Convention on Human Rights; and the International Covenant on Economic, Social and Cultural Rights. A fourth treaty, the Convention on the Elimination of All Forms of Discrimination Against Women, was transmitted to the Senate in 1980. Another treaty and two protocols—the Convention on the Rights of the Child, the Optional Protocol to the International Covenant on Civil and Political Rights, and the Additional Protocol on Economic, Social and Cultural Rights to the American Convention on Human Rights—have not been acted on by the executive branch for forwarding to the Senate.

I believe it is time to ratify—and I am pleased that the Clinton administration agrees. In June at the U.N. World Conference on

Human Rights, Secretary of State Warren Christopher pledged the administration's prompt action on the treaties and emphasized that each of these will constitute important advances. He said that America's support for democracy is an enduring commitment, and respect for human rights and fundamental freedoms is a timeless truth. The Secretary pointed to the many men and women who act upon their principles at great personal risk; who dodge bullets and defy threats to cast their ballots; who work selflessly for justice, tolerance, democracy and peace.

I myself think of the many witnesses from Mexico who have come before my committee, and other congressional committees, who have risked much to come to Washington, and who risk much every day by speaking out in their own country. These are the people whom the treaties seek to support and protect. These are the people whom we must remember when we ponder the implications of these treaties and the merits of ratifying them.

Today, Mr. Speaker, I am introducing a resolution expressing the sense of the House of Representatives on the urgency of ratification of these five international human-rights treaties and two protocols. Too much time has passed. The United States must now stand and be counted. We must show ourselves to be truly on the side of peoples seeking freedom, individual liberty, civil rights, and human dignity. The United States must act now to ratify these documents.

TRIBUTE TO LAURIE BETH FORCIER

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. REED. Mr. Speaker, I rise today to congratulate Laurie Beth Forcier of West Warwick, RI. Laurie has been selected as a district winner of the Veterans of Foreign Wars' Voice of Democracy scriptwriting competition.

Each year thousands of students from across the United States and its territories participate in the VFW's contest. Laurie's essay "My Voice in America's Future," reprinted below, is an eloquent statement about the freedoms and responsibilities we enjoy as Americans, and about the pride she has for her government and country. Her essay stands as an excellent example to her fellow students, and as an important reminder to all Americans.

I ask my colleagues to join me congratulating Laurie Forcier on being named a district winner in the Voice of Democracy competition, and in wishing her continued success in all her academic pursuits.

MY VOICE IN AMERICA'S FUTURE

(By Laurie Forcier, Rhode Island Winner, 1992/93 VFW Voice of Democracy Scholarship Program)

My voice in America's future is a young voice, strong and proud, ringing true for all nations to hear. It stands tall in the face of adversity, and challenges other voices to speak out as well.

My voice represents the youth of our great nation. We are a progressive and innovative young America with strong minds, great hearts, true faith, and ready hands. Ready to experience life, and ready to learn from our errors. But most importantly, we are ready to become the successful new leadership of America. I quote George S. Forest, "Success belongs to those who dare to win it." My voice dares America to take their chance, and to seize success by joining together to fight ignorance and by striving to become a more educated nation.

The first step towards achieving this goal of a more educated nation is learning when to use your voice, and learning when to remain silent so that other voices can be heard. The right for all to express themselves freely is a privilege which all Americans are born with. Therefore we must realize that it is necessary to let others have their say as well, even when we are not in agreement with their ideas. As Justice Oliver Wendell Holmes said, "if there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought * * * not free thought for those who agree with us, but freedom for the thought that we hate."

Justice Holmes was very wise in his words for it is indeed extremely important to insure all people the freedom of expression. For one, it is essential to promoting individual growth and human dignity. Secondly, an individual's freedom of expression is important in their quest for knowledge, and third, freedom of expression is necessary in protecting individual rights. Also, a society's freedom of expression is seen as an imperative part of representative government, and vital to the bringing about of peaceful social change.

Without my First Amendment right of free expression, my voice would be stifled. I would have no say in America's future. Fortunately, with the help of the framers of the Constitution, millions of young Americans, including myself, are being heard. We are setting high goals for ourselves and for the nation.

My voice truly is the representative for the great future of our nation. I believe in the people of the United States of America, and I believe that my voice will succeed. The key to success for all the strong young voices of our country is that we must always look forward, never back, for within ourselves lies the future.

"EXXON VALDEZ" CLEANUP SUCCESS SALUTED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. SUNDQUIST. Mr. Speaker, it has been almost 4½ years since the *EXXON Valdez* ran aground in Prince William Sound, Alaska. March 23, 1989, marked the first of several costly disappointments in the ability of the American scientific community to effectively remedy marine environmental damage.

During the summer of 1990, two oilspills occurred along the Texas gulf coast which set the stage for the emergence into full view of a promising new technology—bioremediation. A Texas entrepreneurial company with strong Tennessee roots was given permission to treat these oilspills with its biological remediation process. Many of us were hopeful that bioremediation offered a light at the end of a tunnel for dealing with oilspills wherever they might occur.

On December 4, 1990, the Congressional Office of Technology Assessment, of which I am a member, convened a conference of experts and interested parties in the field of environmental biotechnology. The Texas delegation to this meeting consisted of the chairman of the Texas Water Commission, the assistant commissioner of the Texas General Land Office, and the chief scientist of the Texas company which had performed the work along the gulf coast. This Texas delegation presented its story to the experts assembled for this conference.

Even with this briefing, whose hopeful prospects of new technology should have been good news to all, this startling verdict came back to me in writing from our own office of Technology Assessment: "Aside from the Texas group, participants at OTA's bioremediation workshop were not optimistic about the present or short-term future of bioremediation for open water oilspills." Needless to say, I was greatly disappointed in this viewpoint.

Fortunately, EPA and its related organization, NETAC—National Environmental Technology Applications Center—did not give up on the "new technology." Instead EPA launched an extensive multiyear project to examine and validate the technical capabilities of bioremediation products and processes. Included in the EPA study was the same Texas company who had earlier done the work in the Texas gulf oilspills.

Now, several years later, NETAC has released the results of its investigation. I am pleased to note that the hybrid Texas-Tennessee company received high marks for efficacy and speed in the degradation of hydrocarbons, and for safety to marine organisms.

Mr. Speaker, good news in environmental cleanup has been hard to come by since *EXXON Valdez*. I am proud to have been acquainted with several of the independent business entrepreneurs in Texas and Tennessee whose vision and technology are making this progress possible for us all.

NOMINATION OF MORTON HALPERIN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. SOLOMON. Mr. Speaker, President Clinton has made a very ill-advised decision to nominate Morton Halperin to be Assistant Secretary of State for Democracy and Peacekeeping. A review of Mr. Halperin's record clearly displays that he is not one of the President's "New Democrats." Indeed, Mr. Halperin is a typical new leftist, meaning, a far-left type.

This can be seen in a 35-page pamphlet prepared by the Center for Security Policy, which exposes the reader to Mr. Halperin's thinking by quoting his past works. The dozens of quotations contained in this pamphlet leave no doubt as to Mr. Halperin's ultra-left leanings.

Mr. Halperin has embraced all of the standard far-left causes and has associated with all of the standard far-left people and organizations of the past few decades. Many of his statements and activities seem downright dangerous for national security. I have no doubt in my mind that if Mr. Halperin were to apply for a security clearance through the normal procedures, he would be rejected. Yet in this position he will gain automatic access to our most sensitive material. This is reason enough to oppose this nomination.

And in addition, Mr. Speaker, Morton Halperin and his ilk got it wrong on the cold war. Plain and simple, they got it wrong.

It is not that Mr. Halperin got it wrong on one issue or had his facts wrong once or twice, it is that he and his leftist friends fundamentally misunderstood the forces that shaped our world during the cold war. He misunderstood the Soviet Union and its intentions. He misunderstood the Third World and the desires of people there. And he misunderstood his own country's role in that war.

He saw our role as pernicious and immoral. But history has shown that our role was critical in containing and then rolling back the most destructive force in this century: international communism. Mr. Speaker, I believe it is more than proper to question the leadership ability of someone whose record shows such a lack of judgment and proportion. Today's world is actually more complex that the cold war era. If Mr. Halperin couldn't understand the world then, isn't it only prudent to question his ability to interpret the world today.

Mr. Speaker, the President ought to withdraw his nomination, in the best interests of the entire country. Barring that, Mr. Halperin should be rejected by the Senate.

I thank the Speaker for the time and would like to insert a few pages of quotes from Mr. Halperin for the RECORD.

NOTABLE HALPERIN QUOTES ON SELECTED TOPICS

ON THE FUNDAMENTAL NATURE OF THE COLD WAR

"The Soviet Union apparently never even contemplated the overt use of military force against Western Europe * * *. The Soviet posture toward Western Europe has been, and continues to be, a defensive and deterrent one. The positioning of Soviet ground forces in Eastern Europe and the limited logistical capability of these forces suggests an orientation primarily toward defense against a Western attack." (Defense Strategies for the Seventies, 1971, p. 60)

"* * * Every action which the Soviet Union and Cuba have taken in Africa has been consistent with the principles of international law. The Cubans have come in only when invited by a government and have remained only at their request * * *. The American public needs to understand that Soviet conduct in Africa violates no Soviet-American agreements nor any accepted principles of international behavior. It reflects simply a different Soviet estimate of what should happen in the African continent and a genuine conflict between the United States and the Soviet Union." ("American Military Intervention: Is It Ever Justified?", The Nation, June 9, 1979, p. 668)

ON U.S. INTERNATIONAL COMMITMENTS

"One of the great disappointments of the Carter Administration is that it has failed to give any systematic reconsideration to the security commitments of the United States. [For example, President Carter's] decision to withdraw [U.S. ground forces from Korea] was accompanied by a commitment to keep air and naval units in and around Korea—a strong reaffirmation by the United States of its security commitment to Korea. This action prevented a careful consideration of whether the United States wished to remain committed to the security of Korea * * *. Even if a commitment is maintained, a request for American military intervention should not be routinely honored." (The Nation, June 9, 1979, p. 670)

ON THE USE OF U.S. MILITARY POWER ABROAD

"All of the genuine security needs of the United States can be met by a simple rule which permits us to intervene [only] when invited to do so by a foreign government * * *. The principle of proportion would require that American intervention be no greater than the intervention by other outside powers in the local conflict. We should not assume that once we intervene we are free to commit whatever destruction is necessary in order to secure our objectives." (The Nation, June 9, 1979, p. 670)

"The United States should explicitly surrender the right to intervene unilaterally in the internal affairs of other countries by overt military means or by covert operations. Such self restraint would bar interventions like those in Grenada and Panama, unless the United States first gained the explicit consent of the international community acting through the Security Council or a regional organization. The United States would, however, retain the right granted under Article 51 of the U.N. Charter to act unilaterally if necessary to meet threats to international peace and security involving aggression across borders (such as those in Kuwait and in Bosnia-Herzegovina.) ("Guaranteeing Democracy, Summer 1993 *Foreign* Policy, p. 120)

"President George Bush's act of putting U.S. troops in a position where conflict could erupt at any moment (Operation Desert Shield), violated an unambiguous constitutional principle * * *" (Co-authored with Jeanne wood, "Ending The Cold War At Home," *Foreign Policy*, Winter 1990-91)

ON THE U.S. DEFENSE ESTABLISHMENT

Referring to the Reagan defense buildup: "Are we now buying the forces to meet the *real threats* to our security? Unfortunately, there is little reason to be confident that we are." (*New York Times*, June 7, 1981, p. 1)

"In the name of protecting liberty from communism, a massive undemocratic national security structure was erected during the Cold War, which continues to exist even though the Cold War is over. Now, with the Gulf War having commenced, we are seeing further unjustified limitations of constitutional rights using the powers granted to the executive branch during the Cold War."

"The military should have no role in the surveillance of American citizens."[1] ("Controlling the Intelligence Agencies," Center for National Security Studies newsletter First Principles, October 1975, p. 16)

ON THE U.S. INTELLIGENCE ESTABLISHMENT

"Using secret intelligence agencies to defend a constitutional republic is akin to the ancient medical practice of employing leeches to take blood from feverish patients. The intent is therapeutic, but in the long run the care is more deadly than the disease. Secret intelligence agencies are designed to act routinely in ways that violate the laws or standards of society." (Co-authored with Jerry Berman, Robert Borosage and Christine Marwick, The Lawless State: The crimes of the U.S. Intelligence Agencies, Center for National Security Studies, Washington, D.C., 1976, p. 5)

"The FBI should be limited to the investigation of crime; it should be prohibited from conducting 'intelligence' investigations on groups or individuals not suspected of crimes." ("Controlling the Intelligence Agencies," *First Principles*, October 1975)

"The National Security Agency should monitor international communications in a way that avoids recording of the communications of Americans." ("Controlling the Intelligence Agencies," *First Principles*, October 1975, p. 16)

"It should be made a crime for any official of an intelligence organization to knowingly violate and/or to order or request an action which would violate the congressional limitations or public regulations concerning the activities of the agencies. Failing to report such violations should also have criminal sanctions * * *.

"The policing of the crimes of the intelligence [agencies] should be in the hands of a single official. . . . He or she should have access to all intelligence community files and should be empowered to release any information necessary to prosecute a criminal offense * * * Civil remedies patterned after those now available for illegal wiretaps should back up these criminal penalties by allowing anyone whose rights have been violated by the intelligence organizations to sue. Such penalties should be set out in a statute and there should be no need to prove actual damage." ("Controlling the Intelligence Agencies," *First Principles*, October 1975, p. 15)

Halperin favorably reviewed Philip Agee's book *Inside the Company: CIA Diary* saying that in it "we learn in devastating detail what is done in the name of the United States." The review made no mention of the fact that the book contained some thirty pages of names of U.S. covert operatives overseas or that the author acknowledges in his preface the help he received from the Cuban Communist Party.

Halperin concluded the review by pronouncing: "The only way to stop all of this is to dissolve the CIA covert career service and to bar the CIA from at least developing any allied nations." (*First Principles*, September 1975, p. 13)

[The following excerpts are taken from a pamphlet published by the Center for National Security Studies in 1976 and entitled "CIA Covert Action: Threat to the Constitution." Morton Halperin is listed as a "participant" in the Center's activities; at the time he was also the Chief Editorial Writer for the CNSS' publication, *First Principles*. Subsequently, Halperin became the organization's deputy director and then served from 1984 to 1992 as its director.]

"In the wake of Vietnam and Watergate, the question must be faced: Should the U.S. government continue to engage in clandestine operations? We at the Center for National Security Studies believe that the answer is 'No'; that the CIA's covert action programs should be ended immediately. The risks and costs of maintaining a clandestine underworld are too great, and covert action cannot be justified on either pragmatic or moral grounds."

Halperin: "Well, I think that's the issue. I think we certainly need to know about the Soviet Union."

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[1] N.B. Halperin's prospective responsibilities would include oversight of drug policy in the Pentagon including the U.S. military's activities in the area of drug surveillance and interdiction operations.

Wattenberg: "What about other nations?"

Halperin: "Other nations—I think it's much more questionable as to whether we need that information and whether the price for it is worth paying." ("Two Cheers for the CIA," broadcast 15 June 1978)

ON BEHALF OF EXTREME INTERPRETATIONS OF THE FIRST AMENDMENT

"Under the First Amendment, Americans have every right to seek to 'impede or impair' the functions of any federal agency, whether it is the FTC or the CIA, by publishing information acquired from unclassified sources." ("The CIA's Distemper: How Can We Unleash the Agency When It Hasn't Yet Been Leashed?", *The New Republic*, February 9, 1980, p. 23)

"Lawful dissent and opposition to a government should not call down upon an individual *any surveillance at all* and certainly not surveillance as intrusive as a wiretap." ("National Security and Civil Liberties," *Foreign Policy*, Winter 1975-76, p. 151)

In opposition to draft legislation setting heavy criminal penalties for Americans who deliberately identify undercover U.S. intelligence agents: "[Such legislation] will chill public debate on important intelligence issues and is unconstitutional. * * * What we have is a bill which is merely symbolic in its protection of agents but which does violence to the principles of the First Amendment." (UPI, April 8, 1981)

In criticizing scientists who "refused to help the lawyers representing *The Progressive* and its editors" in fighting government efforts to halt the magazine's publication of detailed information about the design and manufacturing of nuclear weapons: "They failed to understand that the question of whether publishing the 'secret of the H-bomb' would help or hinder non-proliferation efforts was beside the point. The real question was whether the government had the right to decide what information should be published. If the government could stop publication of [this] article, it could, in theory, prevent publication of any other material that it thought would stimulate proliferation." ("Secrecy and National Security," *The Bulletin of the Atomic Scientists*, August 1985, p. 116)

In response to government attempts to close down the Washington offices of the PLO: "It is clearly a violation of the rights of free speech and association to bar American citizens from acting as agents seeking to advance the political ideology of *any* organization, even if that organization is based abroad. *Notwithstanding criminal acts in which the PLO may have been involved*, a ban on advocacy of all components of the PLO's efforts will not withstand constitutional scrutiny." (*The Nation*, October 10, 1987)

A TRIBUTE TO FAYE PAINTER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Faye Painter of San Bernardino, CA. In October, the San Andreas Council of Camp Fire Boys and Girls will present Faye with its annual "Friends of Children" award to her in recognition of her furtherance of children's issues.

Faye Pointer is a very special retired social worker who has assumed the leadership of coordinating the Emmerton project, a model in San Bernardino County school-based services. The Emmerton project provides innovative and feasible alternatives to the socially and economically impoverished environment of children and their families living in the Emmerton area. The Emmerton project is a model of multiagency collaboration bringing health and social services to people in need.

To say the least, Faye Pointer is indispensable to the success of this unique endeavor. Her commitment to improving the lives of children and their families, and her personal integrity, have won the praise of parents and residents who have in the past been apathetic or suspicious about service workers offering personal assistance. Her work involves meeting with residents, listening to them, and assisting them in cutting redtape. As a result of establishing solid relationships with local businesses, she has received donations from merchants who recognize the value of her work.

And how effective is Faye Pointer in her work? During the 1992 Los Angeles riots, Faye spent nights walking around the Emmerton neighborhood going door-to-door to help assure that the community remain calm. As a result of her efforts, parents and children are now joining together to seek solutions for themselves and others.

Mr. Speaker, I ask that you join me, our colleagues, Faye's three daughters, and her many friends in honoring this special lady for her dedicated service. Her contributions have touched the lives of many people and it is indeed fitting that the House recognize her today as she receives the Patrick J. Morris "Friends of Children" award.

TRIBUTE TO NORMAN E. BARTH, RETIRING DIRECTOR OF LUTHERAN WORLD RELIEF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. BEREUTER. Mr. Speaker, I would like to pay tribute today to Dr. Norman Barth, a champion of the world's hungry and someone who for the past decade has been one of the most insistent voices in the United States on behalf of African drought victims. Dr. Barth has served for the past 12 years as the executive director of Lutheran World Relief [LWR], the development and relief organization through which Lutherans in the United States reach out to the poor around the world. His retirement on September 30 caps off 42 years of public and humanitarian service, including 24 years as a U.S. Foreign Service Officer.

Under Norman Barth's leadership, Lutheran World Relief has gained national recognition both for its effectiveness and for its efficiency in providing relief assistance and supporting long-term efforts of the poor in some 40 countries to gain self-sufficiency. In 1988 LWR received the Presidential Hunger Award for "continued demonstrated vision, initiative, and leadership in the effort to achieve a world without hunger." For 4 consecutive years, MONEY magazine has ranked LWR as one of the top relief and development agencies that spend the highest percentage of income on programs.

Beyond the leadership that Dr. Barth has provided within the worldwide Lutheran Church has been his leadership within the community of U.S. private and voluntary organizations. He has served as president of the ecumenical Coordination in Development [CODEL] organization, president of the Interfaith Hunger Appeal, as board member of such organizations as the Overseas Development Council, of the International Development Council, and of the Center for PVO/University Collaboration in Development. He also has served on the executive committee of the American Council of Voluntary International Action.

As Dr. Barth departs Lutheran World Relief, he leaves behind an exemplary organization that combines deep compassion with concern for conscientious stewardship of humanitarian resources. Combining these two dimensions is one of the most urgent relief and development challenges of our day and Americans and people throughout the world are fortunate to benefit from the important contribution made by Dr. Norman Barth. It is this Member's hope that my colleagues will join with me in extending our thanks and sincere best wishes to Dr. Barth on his retirement.

BETH HENDERSON WINS SPEAK FOR YOURSELF CONTEST

HON. PAUL McHALE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. McHALE. Mr. Speaker, I would like to submit this letter written by Beth Henderson, a 15th Congressional District winner in the Speak for Yourself letter-writing contest. Over 12,000 seventh and eighth grade students wrote to their Congresspersons on issues ranging from the environment to homelessness. Miss Henderson was chosen as a district winner and received a U.S. savings bond in recognition.

I submit Beth Henderson's heartfelt letter on racism as a symbol of our youth's concern for equality in this great country. Awareness of our young people to issues such as discrimination is the first step toward social equality.

DEAR REPRESENTATIVE McHALE, I am writing to share a concern I have in regards to racism. Racial differences is an ongoing argument where no one wins. Wars, riots, and innocent people dying are the results of racial arguments. This battle is commonly between adults. Little children don't care who they play with, until an adult influences their decision. Teens also tend to take sides because of the adults in their lives.

If we would break down the barriers between us, crime and murder would decrease tremendously. The fighting seems pointless in our society. It doesn't make the economy better or make us better individuals. Hate is the only result in our fighting. No race is better than the other because nobody is perfect.

The United States is made up of many cultures and we should be proud of that. Education is the answer to this problem. Teaching children the different cultures and what the results of racism are, is necessary at this point and time. We must lead our children in the right direction, for they are our future.

I am one of the children of the future. I am asking you to promote programs in education that will help make this world a better place for all to live.

Sincerely,

BETH HENDERSON.

CONGRESSMAN KILDEE HONORS HISPANIC AWARD RECIPIENTS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the recipients of the Fifth Annual Hispanic Independence Awards presented in my hometown of Flint, MI.

In 1989 the Hispanic Independence Awards Committee was founded by Estela Mata, Beverly Needham, Ben Mata, and Pete Mata to recognize persons who have dedicated their lives to enhancing the quality of life for Hispanics in Flint and Genesee County. Annually, in conjunction with Hispanic Heritage Month, the committee holds a public ceremony to express the appreciation of the community to those individuals honored. The ceremony will be held this year on Saturday, September 18, at the University of Michigan-Flint.

Each award is named for a prominent deceased member of the Hispanic community who exemplified the ideals espoused by the award. The Pedro Mata Leadership Award is given to a person who has provided leadership, encouragement, and influence in the Hispanic community. This year's recipient is Sixto Olivo. The Tano Resendez Award for Service is given to a person who has dedicated personal efforts to promoting civic and cultural activities. The award this year is being given to Jesse Ascencio. The Joe Benavidez Award for Education is presented to a person who has supported educational issues relating to Hispanics of all ages. Dr. Emilio Arribas is this year's recipient. The Labor Involvement Award is being given to Frank Molina for his efforts to increase community awareness, improve the quality of life and open doors for Hispanics. The Bruno Valdez Arts and Entertainment Award is presented to a Hispanic artist who has promoted Hispanic culture through professional and personal activity. The award this year is given to Miguel Perez. The Veteran's Award is given to a member of the Hispanic community that has served in the U.S. Armed Forces. Epifanio V. Barajas is being honored with the award this year.

To honor those of the Hispanic community just starting to pursue their life goals, the Pedro Mata, Jr., Scholarship Award, the Joe Benavidez Scholarship Award, and the Maria DeLeary Student Involvement Award will be presented to area students of Hispanic descent. The purpose of these three awards is to foster a commitment to community service and encourage continued education.

I ask the Congress to join me in congratulating the winners of these awards. The recipients are to be commended for their dedication, commitment, and leadership to the Hispanic community of Flint and Genesee County.

THE CAPITOL'S KARA ROSES

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. SUNDQUIST. Mr. Speaker, I am sure many of our colleagues have noticed the lovely miniature roses which adorn the Capitol grounds, as well as those of our office buildings. They are called Kara roses, and were named by a gentleman who makes his home in my district in Tennessee, Louis Powell. I thought it was a nice story when his granddaughter shared it with me, and wanted to share it with my colleagues.

Mr. Powell is a prominent rosarian in Memphis. Some years ago, he was contacted by a rose breeder in California who had developed a miniature rose for which he needed a name. Louis Powell suggested the name of his granddaughter Kara—meaning dear little one.

Kara's sister, Elise, noticed that these distinctive roses are planted here on Capitol Hill and couldn't help but think of them as a tribute to her grandfather and sister, both of whom make their home in Shelby County.

We too seldom pause to take note of the beauty around us and to thank those who make it possible. Let this be a small token of thanks to the man who named the Kara rose, the young woman who inspired it, and the sister who brought their story to our attention and focused our glance for a moment on the natural beauty around us.

TRIBUTE TO JUDGE JAMES E. ROGAN

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. MOORHEAD. Mr. Speaker, I rise today to pay tribute to Glendale Municipal Court Presiding Judge James E. Rogan for returning $682,000 to Los Angeles County from the court's $4.78 million budget.

This enterprising venture is due to Jim's cost cutting and fiscally responsible leadership. Looking for ways to cut spending, Jim first reviewed the unofficial process of "spending all you got" in order to receive the same amount of money in next year's budget. Savings were found by not filling unnecessary staff positions to streamlining operations and purchasing measures used by the court. All too often, unnecessary amounts of money are spent due to pressures and expectations. There is not one of us here today that cannot point out wasted dollars at the local, State, and Federal level. Jim did not just talk about savings, he proved to all of us that if one takes the time to look at how monies are spent, savings are possible.

All government officials must be willing to risk change. In an age of bloated budgets and high spending—in an economy which cannot support such spending—Jim's achievement should be held as a model. Efforts equal results. In Jim's case, his efforts equaled nearly $700,000 in results.

This remarkable feat has won Jim and the Glendale Municipal Court many accolades, press exposure, and an award by the Los Angeles County Board of Supervisors. I am honored, today, to add my name to this growing list.

RECOGNIZING DUANE LANTZ

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. ROEMER. Mr. Speaker, it is with great pleasure that I rise today in recognition of a distinguished servant to the State of Indiana, Mr. Duane Lantz, who—after nearly 40 years of tireless service—has retired as the State chaplain of the Indiana Volunteer Firemen's Association [IVFA]. He truly exemplifies the unique spirit of Hoosier dedication and community service.

Born on April 2, 1916, Mr. Lantz began his path toward the pinnacle of the State firefighting community in 1955. Always interested in helping his community, he began his firefighting career when he volunteered for the Scipio Township Fire Department in LaPorte County, IN. While other firemen may have been younger in age, Mr. Lantz demonstrated a competence and vigor that clearly set the standard for area firefighters. His fine work and potential for leadership could not go unnoticed for long, and by 1956 he was already elected by his peers to be chairman of the Indiana Volunteer Firemen's Association District 3.

While the honor of being district chairman was a fine testament to his abilities, Duane Lantz' star of community service was still to rise. In 1963, he was chosen to be the IVFA State chaplain—a post in which he would serve with distinction for another 30 years. It was in this position that Mr. Lantz made his greatest contributions to the Hoosier State. Always a strong advocate of volunteer fire services, he used the chaplaincy to advance the cause of firefighting on behalf of those who make a personal commitment to maintaining public safety. Throughout his tenure as chaplain, Mr. Lantz left his mark on almost every corner and small town in Indiana—everywhere lending credit to firefighters and their lifesaving work.

Mr. Lantz also used his post as a way of honoring those firefighters who gave their lives in the line of duty. In addition to holding services and tributes for any departed fireman, he also played an instrumental role in obtaining death benefits for the families of fallen firefighters. By carrying out his solemn duties, Mr. Lantz instilled a seriousness of purpose and sense of common cause within firefighters all across Indiana.

While serving as IVFA State chaplain, Mr. Lantz received awards from the highest levels for his selfless service to the State of Indiana. In 1967, he was chosen "Mr. IVFA" and was presented with the President's award for his first 4 years as chaplain. In 1980, Gov. Otis Brown gave further credence to his accomplishments by granting him the "Meritorious Service Award." But even this award did not completely match his achievements, and in 1993 he was bestowed the "Sagamore of the Wabash Award" by Gov. Evan Bayh—the State of Indiana's highest and most distinguished honor.

Even in light of Mr. Lantz' noteworthy achievements, he must be genuinely respected for his quiet and competent service as a firefighter back in Scipio Township. Throughout his great work across the State, he always remained an active firefighter within the department he first joined in 1955. A rare combination of statewide inspiration and hometown dedication truly make Duane Lantz an inspiration to all Hoosiers.

After 30 years, Mr. Lantz has stepped down from his post as State chaplain and will devote his time to the origins of his public service—being a volunteer fireman in Scipio Township, IN. I believe it is important that we take time to recognize those who truly make our Nation great, and Duane Lantz is a glowing example of how an individual can do much to keep alive the great American ideal of volunteerism. His service to his community, the State of Indiana, and our Nation demands our utmost respect and appreciation. His works will not soon be forgotten.

ADDITION TO MARYLAND REHABILITATION CENTER—GROUNDBREAKING SCHEDULED FOR THURSDAY, SEPTEMBER 23, 1993

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to recognize the groundbreaking of the addition to the Maryland Rehabilitation Center on Thursday, September 23, 1993.

That day, I will have the honor of attending the Maryland Rehabilitation Center's ceremonial groundbreaking. Located in Baltimore, the MRC permits the Maryland Division of Rehabilitation Services to develop new programs and services to address the needs not met for persons with severe disabilities. The construction period will be October 1993 to November 1994 and the new programs will be underway by January, 1995.

With the able leadership of Dr. Nancy Grasmick, Maryland State superintendent of schools and James Jeffers, assistant State superintendent of schools, the Maryland Division of Rehabilitation Services has been fundamental in applying adaptive and assistive technologies to the needs of persons served by the agency. The division's technology resource office is among the best in the world, and is considered an international model in the provision of computer-based technologies to the needs of individuals with diverse disabilities.

One of many shining examples of the Maryland Rehabilitation Center's work include a 34-year-old man who benefited from services provided by the division of rehabilitation services' technology resource office. Having been employed as an overhead power line mechanic, he sustained severe burns to both upper extremities which led to bilateral shoulder disarticulation. He wished to return to his former employer, and vocational rehabilitation plans were directed toward jobs that did not require use of the upper extremities. Capitalizing on his knowledge of the power company and in an effort to provide him with a means to communicate, he utilized a system that permits full control of a computer by one's chin. He was trained on this system and is now employed full time as a CAD operator, continuing to use the adaptive chin-based control system.

Through this expansion project, the center will become capable of providing rehabilitation services over a much broader scope to an increased number of individuals with severe disabilities. The agency will be able to fill gaps in the services to patients and the ability to provide the necessary technology assistance.

The Rehabilitation Technology Services will have four centers, including: adaptive microcomputer services, rehabilitation technology information, design and fabrication, and research and demonstration. These four centers will work in unison to expand the nature and scope of rehabilitation technology services, enabling the division to extend services to populations of individuals who are presently underserved due to the severity of the disabilities and the lack of sufficient resources.

The addition to the Maryland Rehabilitation Center holds the promise of increasing the number of individuals who eventually will benefit from this technology. Individuals serviced by this program are given the opportunity to live a better life and interact in a normal environment. The rehabilitation services will include programs that include the ability to modify and change environmental circumstances that create barriers to employment; customize devices to fit the capabilities of the individuals; and enable each person with a disability to explore alternative methods for interacting with their environment.

Mr. Speaker, my fellow colleagues, with its distinguished history of service to the Greater Baltimore community, I expect more great things from the Maryland Rehabilitation Center upon completion of this new addition.

THE GLOBAL STAKES OF FREE TRADE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. OXLEY. Mr. Speaker, in view of the ever-increasing rhetoric from several anti-NAFTA sources, I submit for the RECORD a well-written and incisive column by Karen Elliott House which debunks the protectionists and doomsayers who have been consistently wrong in the past.

[From the Wall Street Journal, Sept. 14, 1993]

THE GLOBAL STAKES OF FREE TRADE

(By Karen Elliott House)

HONG KONG.—No island is an island.

This island trading center, like the rest of the booming Asian region, is a long way from the Rio Grande. But shock waves from the all-too-likely implosion of the North American Free Trade Agreement will be quickly felt all across the Pacific, with damaging economic consequences not only for Asia but for its largest trading partner, the U.S.

As Washington debates the importance of NAFTA in terms of its impact on blue-collar jobs, environmental regulation and domestic politics, the far larger ramifications of the treaty's impending demise to the entire global trading system are being overlooked both in the U.S. and among its Asian trading partners.

The danger: If an alliance of American protectionists can defeat a free-trade treaty with a next-door neighbor with whom America enjoys a healthy trade surplus, the logic is almost inexorable that the next targets of emboldened protectionists will be the distant Asian nations with whom America has the largest trade deficits—Japan and China. Japan's recession and China's recent decision to slow economic growth to damp inflation mean neither country is likely to import more from America soon. And if trade wars ensue among the globe's three largest economies—the U.S., Japan and China—fallout will poison economies on every continent.

OBLIVIOUS VICTIMS

In short, if an American homeowner is willing to casually bludgeon the next-door neighbor, with whom he shares a common front yard, what self-restraint will prevent his mugging less familiar residents down the road?

Ironically, these potential Asian victims, caught up in the hubris of their own economic miracles, seem remarkably oblivious to the mugging that may lie ahead. In their myopic view, NAFTA has long been seen as giving an advantage to Mexico at their expense in the critically important U.S. market. So the initial Asian reaction to NAFTA's troubles is relief. But this jealousy of Mexico has merely served to blind them to largest dangers. If Mexico is jilted, Asia is much more likely to be abused than embraced by Potomac protectionists.

For all of the growth in intra-Asian trade in recent years, the U.S. remains Asia's single largest market, accounting on average for 30% of the exports of Asian countries. By the same token, Asia as a region far surpasses both Europe and Latin America as a destination for American exports. Without relative openness in this two-way trade there is no global trading system.

Moreover, if the collapse of NAFTA will have damaging political ramifications in Mexico, these are small dangers compared with the political tensions that could well ensue from Japan to China to Southeast Asia from a contraction in world trade and thus economic growth. What goes under the guise of domestic protectionism in Washington would be seen across Asia as American economic imperialism. Resentment of the U.S. already is growing from China to Malaysia over American moralizing on such issues as clean air and human rights. To the extent these tensions already exist in what remains an expanding world trading system, how much more divisive will they become in a context of trade contraction?

All this will play out in Congress over the next few months, where NAFTA must compete for attention with the president's health care plan and the vice president's proposals to streamline government. While Mr. Clinton says he supports NAFTA, he continues to postpone a major speech on its behalf or demonstrate his determination to fight and win. Indeed, some of his advisers urge him to husband scarce political capital for health care, not NAFTA.

Mexico and Asia, of course, wouldn't be the only losers if NAFTA does fail. Mr. Clinton, American business and, of course, American consumers all would lose too. Mr. Clinton's already limited international credibility and influence would be further eroded at the very moment they are needed to force a finish to long-deadlocked talks on a new global trading agreement by December, the congressional deadline for submission of a treaty. Without NAFTA or a new General Agreement on Tariffs and Trade, prospects of a global trade war are truly menacing.

If most Asians don't yet see this larger threat, it's even more ironic that Mr. Clinton and his economic policy makers seem oblivious too. The additional irony here is that an administration that is overly eager to embrace interdependence and multilateralism for political and military purposes seems unable to grasp the far greater degree of genuine interdependence in the global economy. It's truly bizarre that the U.S. is willing to send troops to Somalia and to threaten to send them to Bosnia in the name of international cooperation while seeming to believe that a free-trade failure can be confined to one corner of the world.

Even the simplest calculations of self-interest ought to make Congress and the White House see the global stakes. In recent years, nearly 50% of U.S. economic growth has resulted from increases in America's exports. So, if other economies don't grow and absorb U.S. exports, America grows more slowly. Yet all too many Americans have bought the protectionist rhetoric of Ross Perot that free trade means forfeiting American jobs and the larger, underlying fallacy that the global economy is a finite pie where growth in one country must come at the expense of another.

How deeply this fallacy has taken root not just in Washington but across America is indicated by an anecdotal survey cited by Robert Hormats, vice chairman of Goldman Sachs International, who speaks often to American audiences. These Americans, asked whether they would prefer to see a) the U.S. economy grow at 5% a year and Japan at 10% or b) each nation grow at 2%, repeatedly opted to see the U.S. paired with Japan at low growth rather than to enjoy stronger economic growth in the U.S. even if Japan grew faster. What this adds up to is national competitiveness being subverted and perverted by mercantilist myopia.

This beggar-thy-neighbor attitude springs from a larger pool of pessimism—a downbeat dogma that, over the past decade, has been sold to Americans like snake oil by politicians, economists and sundry academic evangelists. From oil crisis to debt crisis, from budget gaps to trade gaps, from "America is overextended" to "America can't compete," it's been a ceaseless sermon of gloom-and-doom, decline-and-fall. Meantime, during the 1980s America grew nearly 20 million new jobs, American productivity gains outpaced those of all major competitors, U.S. industry reasserted its global competitiveness, such economic rivals as Japan and Germany faltered, and political enemies disappeared in the debris of the Cold War. The potion of pessimism truly was snake oil.

SELF-FULFILLING PROPHECY

The paradox is that this dogma of pessimism the intellectual elite has peddled for so long may turn out to be a self-fulfilling prophecy. The fact that all these other so-called crises didn't damage America's competitiveness or damp world growth doesn't mean that protectionism can't or won't.

America, a nation that demonstrably thrives on rapid change, has been led to fear precisely those circumstances of change, including free trade, that play to its advantage. Similarly, a new Clinton administration that campaigned on the theme of change is feeding national economic insecurities. In the words of Labor Secretary Robert Reich, NAFTA has become a "symbol of change" and this is exactly what so jeopardizes its ratification. It will be the final irony if a painfully restructured American economy and newly resurgent American industry now lose the opportunity to compete in open global markets due to a rising tide of protectionism born of exaggerated and unwarranted pessimism.

A TRIBUTE TO THE KAISER PERMANENTE MEDICAL CENTER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of the Kaiser Permanente Medical Care Center in Fontana, CA. This year marks the 50th anniversary of the center and serves as a precursor to the 50th anniversary celebration of the nationally known Kaiser Permanente Medical Care Program to be recognized in 1995.

In the 1940's, southern California, like the rest of America, was mobilized for war. Industrialist Henry J. Kaiser opened a steel mill in the farm country of San Bernardino County, 40 miles away from the coast and the potential for bombing. Among his most pressing needs was to provide health care for the 3,000 workers at his steel mill in Fontana.

Kaiser contracted with Dr. Sidney Garfield to provide health care on a prepaid basis to the steel workers and their families. In the 1930's, Dr. Garfield had created similar successful programs for the workers of the Colorado River aqueduct in the desert east of Los Angeles and at the construction site of the Grand Coulee Dam in Washington State. Dr. Garfield's program, based on prepayment and group practice, was a tremendous success.

In 1945, Dr. Garfield and his physician associates opened their health plan to the non-union residents of Fontana and the surrounding area. The health plans begun in northern California and in Washington also began enrolling members of the general public.

What began as a small hospital in the desert has grown into our country's largest health maintenance organization providing comprehensive medical and hospital services to 2.3 million people in southern California through the work of some 37,000 employees and physicians. The Fontana site began as a small 85-bed hospital and has grown into one that houses 459 beds and serves more than 300,000 people in San Bernardino County and eastern Los Angeles County.

Mr. Speaker, I ask that you join me and our colleagues in paying tribute to 50 year's of health care excellence provided by Kaiser Permanente. Henry Kaiser's bold experiment 50 years ago has evolved into one of the finest examples of health maintenance in the United States. It is indeed fitting that the House recognize Fontana's own Kaiser Permanente today.

MEMPHIS UNIVERSITY SCHOOL SALUTED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. SUNDQUIST. Mr. Speaker, it is with pride and pleasure that I share with my colleagues the success story that is Memphis University School. For 100 years, MUS has helped train young men who became leaders in business, politics and the civic life of Memphis and the mid-South. As the school prepares to celebrate its centennial, I wanted to share the story of this school with my colleagues.

Memphis University School was founded in the fall of 1893 by two young, Virginia educated teachers, E.S. Werts and J.W.S. Rhea.

These two teachers began with seven students, and by 1899 they had built their own building on Manassas just south of Madison and soon had an eighth grade school of about 150 students.

Rhea and Werts died in 1917 and 1923, respectively, but their school continued under the leadership of Howard G. Ford and Charles C. Wright for more than a decade.

During America's Great Depression, MUS was compelled to cease operations.

On February 16, 1953 plans began to revive MUS. Dr. A.W. Dick, pastor of Second Presbyterian Church, Mr. Robert Hussey, and Col. Ross M. Lynn, Headmaster of Presbyterian Day School were instrumental in these plans. Twenty-one distinguished and farseeing professional men, with Mr. Alexander Wellford as chairman, comprised the first Board of Trustees.

Borrowing liberally from the traditions of its namesake and with the blessings of its alumni the new school opened at 6191 Park Avenue in 1955.

Beginning with six teachers and 93 students, Col. Ross M. Lynn and Eugene Thorn led in the building of a preparatory school that has grown to 600 students and 56 faculty.

MUS operates on the Honor System and the strongest of academic and athletic traditions.

The young men graduating from this fine institution attend the nation's most prestigious and competitive colleges and have become business, professional and civil leaders.

I know that my colleagues in the House join me in congratulating the faculty, staff and alumni of Memphis University School, wishing them a joyous centennial celebration and another rewarding century of service.

EAGLE SCOUT HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, an outstanding young individual from Illinois who has completed a major goal in his Scouting career. On Sunday, September 26 in Chicago, IL, Christopher Turek will be honored at an Eagle Scout Court of Honor.

It is important to note that less than 2 percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those Scouts demonstrating extraordinary leadership abilities. This young man has clearly earned his rank and deserves special recognition.

In light of the commendable leadership and courageous activities performed by this fine young man, I ask you, my fellow colleagues, to join me in honoring Christopher Turek for attaining the highest honor in Scouting—the Rank of Eagle. Let us wish him the very best in all of his endeavors.

SVOBODA CENTENNIAL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. HOYER. Mr. Speaker, this month marks the centennial of Svoboda, the official newspaper of the Ukrainian National Association. For 100 years, Svoboda has been a beacon for the Ukrainian-American community.

This oldest and largest Ukrainian newspaper in the United States has provided an important vehicle for generations of Ukrainian-Americans in keeping up on developments in Ukraine. In so doing, it has helped the Ukrainian-American community maintain its strong attachment to Ukraine. It provided an impetus for Ukrainian-Americans in their efforts to help Ukraine in its struggle for freedom and independence. Importantly, Svoboda served as a conduit for news about Ukraine such as the Stalinist famine of the 1930's—news that was not widely reported in the United States.

At the same time, Svoboda provided numerous Ukrainian immigrants, in their native language, with information about the United States and American values. In effect, Svoboda has served to strengthen Ukrainian-Americans ties with both the old country and their new country.

Svoboda also has provided links among Ukrainian-American communities, located primarily in the Eastern part of the United States, but now increasingly scattered throughout the American continent. This newspaper has been a critical link in maintaining the Ukrainian-American community's structure and cohesiveness. In addition, having existed for 100 years and thoroughly documented Ukrainian life in America, Svoboda is an invaluable research tool for anyone studying the history of Ukrainian-Americans.

Svoboda continues to be an important forum today, providing timely news and analysis from and on Ukraine. As Cochairman of the Helsinki Commission who has traveled to Ukraine and met with its leaders, I know that this information continues to be valuable to the Commission as it monitors and reports on developments in Ukraine.

Mr. Speaker. I congratulate the Ukrainian National Association and Svoboda on Svoboda's centennial and wish it mnohaya lita, which in Ukrainian means many years.

LEGISLATION TO PRESERVE STERLING FOREST

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mrs. ROUKEMA. Mr. Speaker, I rise today to introduce legislation which will establish a Federal matching grant program for acquisition of Sterling Forest. At approximately 20,000 acres, Sterling Forest is the largest tract of privately owned, undeveloped forest land in the New York metropolitan area. Preservation of this property situated along the New York-New Jersey border is critical for protection of northern New Jersey's watershed, which provides drinking water for over 80 New Jersey municipalities. Unfortunately, this precious natural resource is under imminent threat of development and little time is left to save it.

The Department of the Interior and related agencies appropriations for fiscal year 1993 provided $3 million, through the Forest Legacy Program, to be used in combination with matching funds provided by the States of New York and New Jersey for acquisition of critical lands in Sterling Forest. However, the States of New York and New Jersey have not secured the necessary matching funds, leaving the Federal contribution untouched. Consequently, efforts to negotiate a suitable purchase agreement with the Sterling Forest Corporation have stalled.

The legislation I am presenting today attempts to break this funding impasse by offering Federal matching funds, up to $25 million, for each non-Federal dollar raised by the bistate Palisades Interstate Park Commission [PIPC]. While any forthcoming State funds, such as those proposed by New Jersey Senator Robert E. Littell, would qualify for Federal matching under this legislation, the purpose of my bill is to provide a Federal incentive for increased private fundraising efforts.

Use of federally matched private donations to purchase Sterling Forest is not only fiscally responsible, but it will expedite preservation of Sterling Forest by eliminating obstacles and delays on the State level. Moreover, it provides an opportunity for the many conservation-minded individuals and organizations to spend their money directly on open space preservation, instead of on lobbying legislators.

In addition to establishing a $25 million Federal matching grant program, this legislation stipulates that such funds may only be used on a willing-seller basis. It also calls for PIPC management and operation of Sterling Forest—including PIPC responsibility for payment of applicable property taxes, in accordance with New York law. Finally, my bill requires the Federal Government to retain an easement, or equivalent title, to Sterling Forest as a safeguard in the unlikely event that the PIPC were to be disbanded. This last provision ensures that Sterling Forest will always remain in pristine condition, and that northern New Jersey's watershed will never be compromised by development in Sterling Forest.

This legislation is also the first Federal legislation which specifically allows Federal funds to be used by Passaic County, NJ, in order to fulfill their court-approved settlement with the Sterling Forest Corporation. Passaic County's proactive effort to preserve the 2,070 acres of Sterling Forest within the State of New Jersey has unfortunately left the county short of necessary funds. Under terms of my legislation, Passaic County will be eligible to receive matching Federal dollars in the same manner as the PIPC in New York State, only the county will retain responsibility for the tract's management and the Federal Government will not hold any interest in the property.

Under this legislation, taxpayers will benefit, Sterling Forest will be preserved, and the Federal Government will not be responsible for managing Sterling Forest or for payments in lieu of taxes. Most of all, this legislation complements other efforts to secure funding for land acquisition in Sterling Forest.

I believe this progressive legislation is essential to bringing the preservation of Sterling Forest to a timely and cost effective conclusion. It is my sincere wish that Members will join my efforts to save Sterling Forest from destruction and that this legislation be given prompt and favorable consideration.

TRIBUTE TO MARIE A. SMITH

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Ms. MOLINARI. Mr. Speaker, on September 23, 1993, friends and colleagues of Ms. Marie Antoinette Smith will gather on Staten Island, NY to pay tribute to her notable career in health care. She will retire from the nursing profession after 41 years of service. It is truly a pleasure for me to have this opportunity to honor Ms. Smith for her commitment to healing and care of the sick and injured.

Her career began in 1952 with her graduation from the Bellevue School of Nursing in New York City. She immediately began employment with St. Vincent's Medical Center as a nurse in the blood bank. Over the next few years she worked at Richmond Memorial Hospital as a head nurse in the Medical/Surgical Unit. During this time, she also started a family. In 1966, she moved to the Seaview Hospital and Home and performed her nursing duties in the Geriatric ward.

Her career entered a new level after she was promoted to assistant director of nursing in 1978. A member of the Quality Assurance Committee, one of her main concerns was the quality of health care services. She concentrated all of her energies in the administration of the facility and in 1985, she was promoted to associate director of nursing.

Arguably, her most impressive professional accomplishment was the establishment of the only head injury unit on Staten Island. The unit's operations commenced in 1991 in the Robitzik Building.

In addition to her professional accomplishments, she is also an active member in both the American Organization of Nursing Executives and the American Nurses Association.

Today, she has four grown children who all work in the health care field. They have undoubtedly benefited from her experience and guidance.

Mr. Speaker, quite often health care professionals do not receive enough gratitude for the sacrifices they make. Caring for the sick is frequently a tireless and thankless job. For this reason, I am happy to have the occasion to give thanks to one such professional. I congratulate Marie Antoinette Smith on her selfless years of service and thank her for her dedication to bettering health care on Staten Island.

SVOBODA'S FIRST CENTURY

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. WILSON. Mr. Speaker, the following quote was made by Arthur Ochs Sulzberger:

> More than print and ink, a newspaper is a collection of fierce individualists who somehow manage to perform the astounding daily miracle of merging their own personalities under the discipline of the deadline and retain the flavor of their own minds in print.

I am pleased to offer praise to all of the fierce individuals who have been part of Svoboda's first 100 years of service to the cause of Ukrainian freedom.

The courage of those who choose to use the pen against the sword stand as a reminder to all of us blessed to live in this democracy—a free nation grown from the seeds of the written word and founded on the principles of freedom of speech.

Their courage is, as well, an inspiration to those men and women striving to achieve the same goals of freedom and self-determination around the globe.

Your role in helping to bring about the dramatic changes taking place in Eastern Europe is clear, and its value immeasurable. I am honored to add my congratulations to the many on the occasion of your 100th anniversary. It is our hope that Svoboda will continue in its invaluable mission for the good of Ukraine and its people for 1,000 years more.

B'NAI B'RITH MARKS 150 YEARS OF SERVICE

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. SUNDQUIST. Mr. Speaker, like many of my colleagues, I have noted with pride and admiration the work of B'nai B'rith International, not only in my State and community, but truly around the world. I know that my colleagues will join me in saluting this oldest and largest of America's service organizations on the occasion of its 150th anniversary.

B'nai B'rith was founded on October 13, 1843. It is the first international service organization to be founded in the United States. Today, B'nai B'rith is active in 50 countries on six continents throughout the free world. Here in America, it boasts a membership of over 500,000.

B'nai B'rith has broadened its reach and expanded its services as it has grown. At its birth, B'nai B'rith offered the first free employment bureau in America, opened manual and technical schools, ran orphanages and homes for the aged. Today, B'nai B'rith provides one of the world's largest networks of nonsectarian, affordable-rent apartment projects for the elderly, and sponsors internationally recognized educational, cultural, and religious programs for young people. The B'nai B'rith Student Aid Fund assists needy school children.

Around the world, B'nai B'rith has been a leader in the battle against prejudice and has taken a principled stand in defense of basic human rights.

I know that B'nai B'rith has made a powerful difference for good in my community, and I am confident that each of my colleagues would be quick to say the same.

I am proud to salute B'nai B'rith on its first century and a half and proud to salute those whose support has enabled it to do so much for so many for so long. For 150 years, B'nai B'rith has united persons of the Jewish faith in the work of promoting their highest interest and those of humanity. May it always be so.

PANEL DISCUSSION ON ISLAMIC FUNDAMENTALISM

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mrs. BENTLEY. Mr. Speaker, on June 29, a panel discussion was held at the International Club in Washington, the discussion of which revolved around Islamic fundamentalism. I would like to take this opportunity to have reprinted in the RECORD, the remarks of conference participant Dr. Joshua Muravchik, a resident scholar at the American Enterprise Institute, and an expert in the fields of foreign affairs and defense policy. His latest book, Exporting Democracy: Fulfiling America's Destiny, was published in 1991. I urge my colleagues to review this insightful piece.

AN ALTERNATIVE TO ISLAMIC FUNDAMENTALISM?

(By Dr. Joshua Muravchik)

I am for the most part going to talk about why I am here. I am not an expert, by any means, either in terrorism or in Iran and the region. My main field of interest is in democracy and human rights, with a broader interest in U.S. foreign policy and strategy, and I confess I never would have expected to find myself in this kind of forum.

One day, about a decade ago, I encountered a young Iranian man on the Georgetown University Campus who was giving out leaflets protesting torture by the Khomeini regime. The leaflets had some disturbing photographs on them, and the young man said to me, "The regime tortured my brother." The leaflet identified itself and the man distributing it as being from the Mojahedin. I said to him, "That's very terrible, but I did not see you out here a few years ago protesting when your movement was part of the new regime and the people who were being tortured were from the old regime." He replied something to the effect that those victims were bad guys, and I left disheartened.

In the last year, however, I have had a series of interesting conversations with representatives of the Mojahedin Organization, at their initiative. They came to me wanting to talk about democracy in their country. I welcomed this, not just because of my interest in democracy, but also because it may offer an answer to a terrible problem, the rise of Islamic "fundamentalism," that is fanatical, politicized and violent. In recent days, the problem of terrorism by this movement has been brought home to us with new drama and urgency.

It is also of special concern from the point of view of those who delight in the recent progress of democracy around the globe. With the collapse of the last of the great and terrible 20th century totalitarian ideological alternatives to democracy, the one remaining fierce opponent of democracy in the world is the force of this Islamic fanaticism. It is a very major impediment to the further spread of democracy in the world, and to the consolidation of democracy in those parts of the world where it is young and fragile.

One of the lessons that we have learned from the quite astonishing collapse of communism is that, if possible, the best way to fight such an enemy is right at the center. Throughout the forty years of containment, we fought a most difficult struggle, often losing individual battles in our effort to fight the communist imperium at its fringes, where the communists could choose the battleground and where we were always on the defensive, such as in Vietnam, Central America and elsewhere. Then suddenly, when communism collapsed at its heart, its various tentacles died with it. Its defeat was not military—although certainly military containment was important—but political. The idea and spirit of democracy and freedom took hold in the center of the Soviet empire.

Hence, by analogy, when these people from the Mojahedin Organization came to talk to me about democracy, the idea that it might be possible to stimulate the development of a democratic movement in Iran to challenge fanaticism right at its center intrigued me. For today, Tehran is to Islamic fanaticism what Moscow was to world communism.

So I talked to these people, and I asked them questions about what they meant by democracy, because we know that democracy is one of the most abused words of our century. We recall easily how many sordid dictatorships called themselves "people's democracies." When I questioned the Mojahedin representatives, they gave the right answers. That in itself does not prove their sincerity, but it was an interesting first test. Although communists often used the word democracy, you only needed to talk to them for a minute or two and ask them what they meant by democracy and pretty soon you heard about the people's vanguard and the rest of their litany. It was quite evident in a moment that when they used the word "democracy," the pretence did not go very far beyond the word itself.

Whereas when I asked my interlocutors of the Mojahedin Organization what they meant by democracy, I got better answers, answers which had some compelling quality to them. Just to give you one example, I asked them if their goal is to take power in Iran. This is kind of a trick question, because it is easy to say yes. But they said no, our goal is to have an interim government which will hold elections for a legislative assembly to draft a constitution to create a new democratic political system. So I said to myself, right answer, and I continued the dialogue.

I also made inquiries among people I trust who know something about Iranian history. I heard a lot of bad things about the People's Mojahedin Organization, about their role in the Iranian revolution and their former partnership with Khomeini and his forces, and so I proceeded cautiously. I am still proceeding cautiously.

I would like to consider some of the questions being raised about the Mojahedin, and possible answers to these questions. One warning about this group is that they don't really mean what they say, and are not being straightforward about what they believe. I have no way of knowing if this is so, but I was heartened by the fact that they do not just have a slogan democracy; they give a lot of the right answers. The focus of our discussion today is the release of a new book by Mr. Mohaddessin. His book also gives a lot of the right answers, and talks about democracy in the terms that democrats talk about democracy.

The second objection that was shared with me was that the Mojahedin Organization has done very terrible things in the past, both in its role in the revolution and attacks on Americans and so on. There are two points I would make in that regard. One is it that they say their organization split into different factions and has gone through various permutations. They renounce or deny responsibility for some of the more terrible things that were done. I am not familiar with the historical truth of their explanation. It is, however, important to note that people and political movements change. Today, for example, we see that one of the most important foreign leaders in terms of prospects for democracy in the world and in terms of American strategic interest is Mr. Yeltsin, who for most of his political career was a loyal Soviet communist official. Therefore, I believe that the past record of this organization is not per se disqualifying, given the question of whether they have changed or evolved in their thinking.

It is also pointed out that the Mojahedin have a very close alliance with the government of Iraq, which is a particularly abominable government and an enemy of the United States. It seems to me that this is a very serious question. Their answer to it is that they need a base from which to fight their revolution, and the only place contiguous to Iran where they can have a military base is in Iraq. Again I am not really in a position to judge, but it seems to me this is at least a plausible explanation. We have ourselves on occasion joined with tyrants in time of war, as we did with Stalin in the Second World War.

I am, therefore, concerned about all of the things said about the Mojahedin, but I think none of them is automatically disqualifying. Despite the objections about them, there are two reasons why I am nonetheless interested in deepening a dialogue with them. One is that even if they are not the good guys that they say and I hope they are, we still might have a hard-headed strategic reason to support them. The government of Iran is a very special threat and an enemy whose potential for damage spreads very far and wide. If we look back to the late eighties, we succeeded in undermining communism through the Reagan doctrine by supporting insurgencies against communist governments. Now many of these insurgents, such as Mr. Savimbi of Angola and the Mujaheddin of Afghanistan, have rather bitterly disappointed us from a democratic perspective. Nevertheless, from a hard-headed strategic point of view, if we had to do it all over again, I would certainly think we should. We contributed to bringing down the Soviet state, a very real menace to ourselves and the human freedom.

There is also a less hard-headed reason for taking an interest in what the Mojahedin have to say. Let's suppose that the fears of their critics are well-founded, and they do not mean what they say about democracy. The fact that they are talking about democracy, and not sloganeering, is still very important. They are talking about the values of religious tolerance, free speech, and contested elections. They are talking about the values of tolerance as opposed to cruelty, which seems to me to be the fundamental issue. They are spreading this message among the Iranian people and in their part of the world. This is a very valuable message to have spread, whether the people who are spreading it are sincere or not. We have often seen that people start spreading a message and eventually they convince themselves. From this perspective, even the objection that they are insincere is not a decisive objection, because the Majahedin say the right things about democracy, and I am eager to see people in this part of the world talking about democracy.

For these reasons, I intend to continue this dialogue that I have begun with the people from the Mojahendin Organization, and encourage others to do so. In the course of dialogue, there are important questions that I want to keep putting to them. I want to ask them about the internal structure of their organization. Is it a democratic organization and are their leaders chosen democratically, because there is a very close connection between what a political organization does internally and what it is really fighting for externally.

I want to ask them questions about their attitude to their past. Did they do things that they wish they hadn't? I want to know how openly they will confront things they may have done in the past that contradict what they espouse today.

And thirdly I want to talk to them about what they say to the world at large about political events in their part of the world. I especially want to talk about what are saying about democracy to their own people in their radio broadcasts. What message are they bringing to the Iranian people, and is it the same as the message they bring to us? I think that Mr. Mohaddessin's book, the topic of our discussion this morning, is a very interesting contribution to that dialogue.

LET'S PUT AMERICANS FIRST

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. GALLEGLY. Mr. Speaker, I rise today to inform my colleagues that the Non-Commissioned Officers Association of America—an organization chartered by the U.S. Congress—is a strong supporter of my bill to stop our ludicrous policy of admitting former Iraqi soldiers as refugees.

Some 1,000 former Iraqi prisoners of war, along with their families, have already been resettled in the United States, and another 3,000 of these soldiers are in the pipeline.

Mr. Speaker, at a time when many Americans, including many veterans, are facing an uncertain future because of the limping national economy, these Iraqi soldiers—who took up arms against American men and women serving in Operation Desert Storm—are eligible for a full range of Federal benefits. If they are all resettled here, it could cost the taxpayers an incredible $70 million.

The bottom line is that we have no business putting enemy soldiers ahead of 9 million unemployed Americans. My bill, H.R. 3021, states that anyone who served in the Iraqi armed forces between August 2, 1990, and February 27, 1991, cannot be admitted to the United States as refugees.

Mr. Charles R. Jackson, the president of the NCOA, has written an outstanding editorial in the October issue of the NCOA Journal that deserves to be read by every Member of Congress. I ask that it be placed in the RECORD, and I urge my colleagues to carefully consider what it says.

For once, let's put Americans first.

THERE IS A TEAR IN HER EYE

(By Charles R. Jackson)

The lady of New York Harbor would no doubt hang her head in sorrow if she knew what President Bill Clinton was planning now. For more than one hundred years she has stood as the welcoming ambassador to millions of refugees from all parts of the world seeking to escape tyranny in the freedom of the United States.

She has welcomed all who sought to live freely under the banner of the stars and stripes and who believed in the promise of a better life in a truly democratic society.

These immigrants loved the promise that America offered. However, today if the President has his way, she will stand helplessly by to watch an influx of Iraqi soldiers who only two years ago had only one wish for America, and that was to see her destroyed.

The President has proposed giving refugee status to thousands of former Iraqi soldiers rendered homeless as a result of their defeat in the Gulf War. These are the same Iraqi soldiers whose goal during that war was to kill American soldiers, sailors, airmen, marines and coast guardsmen and plunder their neighbors in the Persian Gulf region.

As refugees in the United States they would be eligible for federal resettlement assistance and permanent resident status, paid for by the same Americans they attempted to slaughter. And, would be protected by the same military might they sought to annihilate.

Our history as a nation is one of forgiveness of our former enemies. But it is not a history of giving aid and comfort to those who continue to seek our downfall. There are too many American veterans still suffering the wounds of that war and too many widows and children in need of assistance in rebuilding their lives because of the loss of a loved one in that war. To even consider granting refugee status and all the benefits associated with that status to soldiers of a nation that is still seeking our demise is absolutely bizarre.

The lady in New York Harbor can't bow her head. But, if you look closely you might see a tear in her eye.

GET HANDGUNS OUT OF THE HANDS OF YOUNGSTERS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. CASTLE. Mr. Speaker, on our streets and in our schools, children and teenagers are carrying handguns to impress their friends, protect their turf, and commit crimes—and they are using them to kill and seriously injure children caught in the crossfire, teenagers, and adults.

One 11-year-old boy recently brought his parents' gun to school because he wanted to impress his friends who had brought a real-looking, large water pistol to class.

Juveniles and gang members in a majority of States can openly carry guns on the streets because there are no laws prohibiting the open carrying and possession of guns by minors.

FBI statistics reveal the violent crime rate for juveniles ages 10 to 17 increased 27 percent between 1980 and 1990. The number of murders committed with guns by youths in this age bracket soared 79 percent over the same period.

The problem is a gaping loophole in the 25-year-old Federal Gun Control Act, which only prohibits federally licensed firearms dealers and manufacturers from selling or delivering handguns to minors. Current law does not restrict minors from possessing handguns.

Congress has an opportunity to help get handguns out of the hands of youngsters. Congressman DAN GLICKMAN and I are introducing the Youth Handgun Safety Act of 1993 today. This legislation makes it unlawful for any person to sell, deliver, or transfer to a juvenile a handgun or ammunition suitable for use only in a handgun. It also makes it unlawful for any person under the age of 18 to possess a handgun.

The legislation does not apply to a temporary transfer to, or possession by a juvenile for use in hunting, target practice, or a course of instruction in handgun safety, under the supervision of an adult who is not prohibited from possessing a firearm. Nor does it apply to a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty.

The penalty for anyone who knowingly violates the proposed measure would be a fine up to $1,000 and/or imprisonment for up to 1 year.

Let's close this gaping loophole in Federal gun control laws so we can help reduce the growing number of children and teenagers who are the perpetrators and victims of handgun-related violence.

SHOTS ON GOAL

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. MORAN. Mr. Speaker, I am glad to report that over this past weekend, the International Olympic Committee voted to make women's soccer a medal sport in the 1996 Olympics in Atlanta. Last year, Congress passed a concurrent resolution introduced by Senator DECONCINI in the Senate and me in the House expressing our support for such action.

However, this notable event is due, in large part, to the hard work and dedication of a constituent of mine, Mr. Jim Cromwell. Every once in a while each of us meets a constituent who grabs ahold of an issue and never gives up. Jim Cromwell is such a constituent and women's soccer is his passion. Jim rallied support for women's soccer in the Olympics from the grassroots efforts of petition drives to the resolution we in Congress passed to support this effort. I submit for the record an article from amateur soccer's national publication "Shots on Goal" that expands further on Jim Cromwell's impressive efforts to make women's soccer an Olympic medal sport.

[From Shots On Goal, November 1992]

JIM CROMWELL, SUPER SOCCER DAD

(By Rick Crow and Bob Keller)

Although this year's drive to include women's soccer at the 1996 Olympics in Atlanta has been a true team effort, the hard work and dedication of Jim Cromwell are certainly worth highlighting in this issue of Network. Cromwell, the father of national-team player and University of Virginia (UVA) Assistant Coach Amanda Cromwell worked for 25 years on Capitol Hill as administrative assistant for such notables as Bob Michael and Jack Kemp. Now retired from government service, Cromwell presently works as Research Advocate and Editor of Decade of the Brain, a periodical distributed by the National Alliance for the Mentally Ill, but somehow manages to dedicate countless hours towards helping women soccer players secure their place in the Olympics.

"I believe that there is tremendous interest in the sport, not only in this country, but certainly internationally," said Cromwell. "There are 64 women's national teams playing on six continents and having met all the criteria for Olympic participation, there was no real reason to preclude women's soccer in 1996. That's what stimulated my interest in becoming active."

Cromwell felt that specific actions such as passing a concurrent resolution through Congress would continue the momentum gained after the United States Women's National Soccer Team won the First FIFA World Championship for Women's Football last year in Guangzhou, China.

"Representative Jim Moran is my Congressman and naturally you go to your own Congressman to start with. I was delighted with the reception I received. Congressman Moran and his staff thought the idea was outstanding and he accepted the challenge. Since then, he's earned the right to point with pride to his successful efforts, not only for introducing the concurrent resolution, but making it well-known among his colleagues."

In addition to introducing the resolution in Congress, Moran also suggested that soccer organizers lobby the Senate as well. Cromwell was delighted when Bob Maynes, Press Secretary for Senator Dennis DeConcini and a popular coach and referee on the Northern Virginia soccer scene, was able to present the initiative to DeConcini, another strong advocate for sports equality.

Cromwell is also especially thankful for the support given to the Olympic proposal by the soccer community. Initially Cromwell was able to contact well-known soccer organizers from around the country such as Marilyn Childress, Ruth Callard and Adele Dolansky. Together they formed an ad-hoc committee, which also included National Team Coaches Anson Dorrance and Lauren Gregg.

"This ad-hoc committee was absolutely fantastic," said Cromwell. "They provided me with all the information for making contacts around the country. I also have to say, God Bless the Soccer America Yellow Pages! When they got hung up, Bob Maymas or Jim Moran would call me and say we need help in a certain area and I could call soccer people around the country. It was absolutely incredible! They knew what we were trying to accomplish and they dropped whatever they were doing immediately and helped make the calls."

According to Cromwell, petitions also play a big part in the lobbying process.

"We expected to generate 100,000 signatures on these petitions nationally. These petitions will go to USOC President Walker and Atlanta Olympic Committee President and CEO Payne to convince them that there is a groundswell of support. Although the American committee is not a part of the decisionmaking process, as host nation, they can be very helpful by urging the IOC and FIFA to go ahead with this."

Like many soccer parents, Cromwell began his involvement in the sport by coaching Amanda when she took up the game at age eight. When girls' select teams were formed, Cromwell became manager.

"I can remember when Amanda was a sophomore at UVA. When they played North Carolina State University, there must have been 10 women on the field that played for the Cyclones, her select team. Those years and experiences in youth soccer were valuable for Amanda, not only personally, be as far as developing leadership qualities."

"The introduction of women's soccer in the Olympics is an inspiration that I share with all soccer dads. We're not just here to promote the tournament, but to knock down the doors that have been closed to women in their lives. The soccer door of the Olympics is one of those doors and we're going to open it."

TRIBUTE TO BOTSFORD GENERAL HOSPITAL

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. KNOLLENBERG. Mr. Speaker, I rise today to pay tribute to one of southeastern Michigan's outstanding health care facilities, Botsford General Hospital in Farmington Hills, MI, as they dedicate their new east pavilion.

On October 14, the staff and administration of Botsford Hospital will join in dedicating the new facilities which will include expanded emergency and surgery departments, a clinical laboratory, and a helipad. The east pavilion project is part of a $35 million expansion and renovation of the hospital which will enhance its ability to meet the health care needs of the area.

As Congress begins the debate on health care reform, we need to look at where the health care needs are being met and emulate that success elsewhere. Botsford General Hospital offers that kind of model with a commitment of offering comprehensive care to a growing community.

I congratulate the doctors, nurses, administration, staff, and volunteers at Botsford on their longstanding dedication to serving their patients and wish them continued success with the opening of the east pavilion.

A SHOCKING CRIME IN THE UNITED STATES GOES UNPUNISHED IN MEXICO

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. BROWN of California. Mr. Speaker, once in awhile, something happens in our own communities that jolts our consciousness and carries with it much broader implications. That is precisely what has been unfolding over the past year in the inland empire—that part of southern California that I call home. It started with an abhorrent crime and the human suffering and continuing injustice mount with every passing day.

In the middle of the night of September 14, 1992, a man broke into a private home in Riverside County, CA. That intruder kidnapped a defenseless 4-year-old girl while her parents were asleep in a different part of the house. He took this little girl to a nearby abandoned trailer where he proceeded to beat, rape, and sodomize her. After this heinous attack, that intruder bound the little girl, wrapped her in a blanket, tied her to a tree, and left her to die.

Miraculously, this little girl freed herself. She was discovered by neighbors, wondering alone in the early morning hours traumatized and dazed.

The prime suspect in this case is a 28-year-old Mexican national, Serapio Zuniga Rios, who was in the United States at the time on a green card. A felony arrest warrant was issued by the Sheriff's Department of Riverside County, but not fast enough to prevent this suspect's flight back across the border into Mexico.

More than 1 year later, this suspect remains at large, even though his whereabouts in Mexico was known for several months until he vanished from his hometown just a few weeks ago.

As if this case is not shocking enough on its own terms, imagine my shock and dismay when I learned it is not out of the ordinary in some very important aspects. Law enforcement officials in my region of southern California have told me that there are dozens of murders and aggravated assaults, just to cite two types of felony crimes, that have gone unpunished because the Mexican suspects have returned to Mexico to avoid extradition and any prosecution in many cases. These cases are going nowhere for lack of cooperation from the Mexican Government and Mexican law enforcement authorities.

Little wonder then that some local district attorneys are reluctant to invest their limited resources pursuing cases and preparing formal requests for the extradition of Mexican suspects who are wanted for serious crimes and who return to Mexico to avoid prosecution.

The Mexican Government has never allowed any Mexican national to be extradited to the United States to stand trial, no matter how serious the crime. Moreover, one reputable law enforcement official estimates that fewer than half of the Mexican nationals suspected of committing serious felonies while in the United States are ever pursued for prosecution under corresponding Mexican national laws.

How can this be.

After all, there exists a United States-Mexico Extradition Treaty. But it effectively works as a one-way street in practice.

Specifically, article 9 of the 1978 United States-Mexico Extradition Treaty authorizes each country to extradite its own nationals, but makes such extradition discretionary rather than mandatory. However, whenever a country refuses to extradite a national when formally requested to do so, that country is obligated to submit the case to its local authorities for domestic prosecution.

But the harsh truth is the Mexican Government always refuses United States requests to extradite and commonly declines to prosecute suspected felons, in flagrant defiance of its treaty obligations and diplomatic assurances.

Regarding the attack on the little girl in Riverside County, it took the United States Justice and State Departments, under repeated prodding by Congressmen CLAY SHAW and me, more than 8 months to even formally request of the Mexican Government that they extradite Serapio Zuniga Rios to stand trial in California. In June, even after the formal extradition request was made and Secretary of State Christopher personally underscored United States concerns about the case with Mexican Foreign Secretary Solana, the extradition request was summarily denied. I am told that the Mexican Government took the position that Mexican law prohibits the extradition of its nationals, even though it does allow it in exceptional cases.

This case and the very serious, systemic problems that it highlights confronting United States law enforcement agencies have raised many questions in my mind and have stirred many ongoing concerns I have about far-reaching unresolved issues between the United States and Mexico, including whether to approve NAFTA and its supplemental accords.

If in the judgment of the Mexican Government, this case from Riverside County is not covered by the exceptional circumstances provision in Mexican law that allows extradition, then what type of crime would prompt them to extradite a Mexican national.

What conclusions can one reasonably draw from this case about the rule of law within Mexico.

If we cannot count on the Mexican Government's full and effective cooperation and good faith in law enforcement and very serious criminal justice matters, then how much confidence can we have in their readiness to uphold other commitments on other bilateral problems of mutual concern.

Based upon the malfeasance of the Mexican Government in criminal cases of this sort, should United States businessmen credibly expect their contracts to be upheld and United States intellectual property rights to be legally and effectively protected in Mexico under the terms of the impending NAFTA or otherwise?

Because of questions like these, I initiated and Congressmen CLAY SHAW and KEN CALVERT cosigned my letter to Mexican President Salinas last July. We respectfully asked that the Mexican Government take immediate action to have Serapio Zuniga Rios arrested and extradited forthwith to stand trial in the United States. Even now 2 months later, the Mexican Government has not seen fit to even acknowledge receipt of our letter, let alone thoughtfully respond to it. I have placed repeated phone calls to the Mexican Embassy in Washington, DC, and have not received any return phone calls as yet. A copy of our unanswered letter to Mexican President Salinas appears at the end of this statement.

I do not understand and I will not accept the callous and careless manner in which the Mexican Government has mishandled this case and many others like it.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 22, 1993.

HON. CARLOS SALINAS DE GORTARI,
President, Republic of the United Mexican States, Mexico City, Mexico.

DEAR PRESIDENT SALINAS: In many ways, your government has come to represent a new age in the politics and development of our hemisphere. We also believe that your efforts to broaden and improve relations between our two countries hopefully presages a new era of cooperation and mutual respect that will benefit the peoples of both nations, and we commend your leadership.

In that vein, we wish to bring to your attention a matter of the utmost concern to us, in the hope that your government will help us achieve a resolution satisfactory to all concerned.

In the early morning hours of September 14, 1992, a man broke into a family home in Riverside County, California. That intruder kidnapped a 4-year-old girl and then raped and sodomized her at a nearby work site. After that attack, this little girl was completely enwrapped in a blanket, tied to a tree, and left to die. It was a miracle that she survived this brutal assault.

The prime suspect in this crime is a 29-year-old Mexican national, Serapio Zuniga Rios, who was in the U.S. legally at that time on a green card. He is suspected of having fled across the border into Mexico immediately after the crime occurred. We have knowledge of his current whereabouts inside Mexico.

Pursuant to the terms of the U.S.-Mexico Extradition Treaty now in effect, the U.S. Government last month formally requested the extradition of this suspect for whom a felony warrant has been issued in Riverside County, California.

Our purpose in writing is to request in the strongest terms possible that your government take immediate action to have this suspect placed in custody by the appropriate Mexican law enforcement authorities and extradited forthwith to stand trial in the U.S.

We view this situation as an opportunity for our two countries to work together in an area of concern that has, in the past, been fraught with problems for both of our governments. But, as you know, new bilateral discussions on extradition and related matters have begun. Since we recognize problems have arisen under the terms of the existing U.S.-Mexico Extradition Treaty, we strongly urge you to assist us in this pending case, thus setting the stage for resolution of broader extradition policy concerns.

Certainly, both of our governments should be responsive to the needs of the other in important matters such as this. Your help in this extradition case would also be greatly appreciated by the family of the 4-year old victim, the people of California and the rest of the United States, as well as members of Congress and other U.S. government officials.

We thank you for your assistance and look forward to hearing from you.

Sincerely yours,
CLAY SHAW,
Member of Congress.
GEORGE E. BROWN, JR.,
Member of Congress.
KEN CALVERT,
Member of Congress.

CONGRATULATIONS TO THE BLATTENBERGER FAMILIES OF AMERICA

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. MANN. Mr. Speaker, I would like to bring to your attention that on Monday, September 20, 1993, the Blattenberger families will be celebrating their 250th anniversary of arriving in America.

In 1743, Johannes Blattenberger, the progenitor of all the Blattenberger families, arrived at the port of Philadelphia and declared his allegiance to the King and England. Johannes was one of the many people who took William Penn's invitation to join him in Pennsylvania where there was religious and political freedom. To pay for the trip to the new world Johannes decided to indenture himself, but soon after that his family and fortune began to grow.

When the time came to fight for their country in the Revolutionary War, all of Johannes' sons were ready and willing to do something good for the land that had given them so much. A Blattenberger has fought and or died in every major war since that time.

Over the years the family has spread from the Lancaster area to 31 States including the District of Columbia. Throughout the spreading of the family a few name changes have come along in the family name. There are several different forms such as Blattenberger, Plattenberger, Blottenberger, Plattenburg, or Blattenberg.

The Blattenberger family is proud to have a variety of professions which can include anything from an actress to a farmer. I would like to give special congratulations to the family members who contributed in the Manhattan project, the first lunar land rover, became a movie actress, became head of the Government Printing Office, and became a Commissioner of the SEC.

I would also like to give special recognition to the family members back in Cincinnati in my district who are Omara Blattenberger, Phyllis Plattenburg Reid, and Natalie Plattenburg Hauk.

Congratulations to the Blattenberger families of America, as they celebrate their 250th anniversary.

THE NORTH BRONX SEVENTH-DAY ADVENTIST CHURCH HONORED

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. ENGEL. Mr. Speaker, I wish to give recognition to a congregation in my district that has been a source of inspiration and assistance to the community. The North Bronx Seventh-Day Adventist Church is marking its 25th anniversary this week with a series of events celebrating this momentous occasion.

The church started with just 11 members in 1967, but has grown to include more than 700 active and vibrant people. The congregation has a special relationship with the local community, offering each other support and encouragement. The motto of the congregation is "The caring church where everybody is somebody," and that inclusive attitude is reflected in all the good works of the church.

I commend Pastor Allan W. Hay and all the people who have contributed to the success of the North Bronx Seventh-Day Adventist Church. We all look forward to the continued growth and success of the church.

TRIBUTE TO THE VALLEY BABE RUTH ALL-STARS TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. WALSH. Mr. Speaker, I rise today to ask that my colleagues join me in congratulating a group of 13-year-olds from my district on their spirit and competitiveness as they compiled a recordbreaking string of victories on their way to the World Series of the Babe Ruth League.

The boys and one girl were on the Valley Babe Ruth League all-stars team, from a league with a great tradition of winning teams, talented players, and dedicated coaches. The dedication of the coaches, it should be mentioned, is not so much to winning as it is to the players and their well-being, to establishing pride in these young people, and to their physical and mental conditioning.

These coaches in particular, Jay Downs, John Pennisi, and Bob Weismore, are the pride of our neighborhood because they prove their community commitment through coaching not only with this endeavor, but every season.

The players themselves made us in Syracuse very proud. They were 1 of 1,900 teams competing nationwide. After losing their very first all-star game, they went on to win 13 games, the longest winning streak in the country—securing the district title, the State title and the mid-Atlantic title before advancing to the World Series in Springdale, AR, where they finished up with a 2–2 record.

Noteworthy to the success of these local baseball heroes is the participation and pride of their parents. Each parent of each player traveled to Springdale for the 10-day World Series.

While I congratulate these participants, I would also tip my hat to the organizers of the World Series and youth baseball coaches everywhere for their time and effort. There are few things in life more important than helping to build strong bodies and minds in kids whose lives are immeasurably enriched by the respect and attention of the adults around them.

Congratulations to this year's Valley Babe Ruth League all-stars for a job well done. They are Rich Adamczyk, Eric Cohen, Ian Cuthbert, Jon Downs, Mike Erwin, Lauren Fitzpatrick, Steve Haryan, Jeff Machan, Matt Marsallo, Andy Myatt, John Pennisi, Brian Thompson, Ed Van Slyke, Jordan Weismore, and Mike Wojenski.

INTRODUCTION OF RADIO CONSUMER INFORMATION ACT

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. LAROCCO. Mr. Speaker, I rise today to introduce the Radio Consumer Information Act of 1993. This legislation will modify certain disclosure requirements of three of our banking laws: the Truth in Lending Act, the Truth in Savings Act, and the Consumer Leasing Act. The purpose of this bill is to remedy the unintended consequences these statutes have had for radio advertising of loans, savings accounts, and leases.

Current law requires specific, detailed disclosures whenever certain financial terms are used in an advertisement. for print and television advertising, these disclosures are easily made in the fine print at the bottom of the ad. On the radio, however, it is virtually impossible to make all of the required disclosures. To do so would require a very lengthy advertisement filled with technical details that listeners would be unlikely to retain.

As a result of these requirements, advertisers avoid radio. Local radio stations lose millions of dollars in advertising revenue each year. For the auto leasing market alone, the radio industry estimates losses of up to $300 million a year.

This legislation requires the Federal Reserve to set rules for disclosures by radio advertisers that will give consumers all of the information now required by law, but will do so using toll-free numbers or other means rather than requiring that the information be read over the air. Under my legislation, consumers will continue to receive exactly the same information now required and will be able to make the same informed choices envisioned by lawmakers when the Truth in Lending, Truth in Savings, and Consumer Lease Acts were passed.

I look forward to working with interested Members of the House for passage of this legislation.

CONGRATULATIONS TO THE BLATTENBERGER FAMILIES OF AMERICA

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. SHUSTER. Mr. Speaker, on Monday, September 20, 1993, the Blattenberger families celebrated their 250th anniversary of arriving in America.

On this day in 1743, Johannes Blattenberger—the progenitor of all the Blattenberger families, arrived at the Port of Philadelphia, and made his mark in the record books to declare his allegiance to the King and England. Johannes was one of many who took the invitation that William Penn had extended some years earlier, to come to his Pennsylvania, and find the religious and political freedom they lacked in their native Germany.

There is some evidence to suggest that Johannes then indentured himself to pay for this trip to the New World, but within a few years he appears in the area of Lancaster, PA, his fortune and family both growing.

All of Johannes' grown sons felt the need to give back to the land that gave them so much. When the time to fight for their country came, they all willingly joined in the fight to secure the new Nation, in the Revolutionary War. Since that time, a Blattenberger or descendent has fought and sometimes died, in every major conflict of the United States, the War of 1812, the Civil War, World War I and II, Korea, and Vietnam. Today one of their family descendants serves in Kuwait.

Today the family has spread from the Lancaster area to 31 States and the District of Columbia. In the past two and a half centuries, many changes have happened in the country, and even a few changes in the Blattenberger family name. Today, descendants of Johannes may spell the family name in a variety of forms—Blattenberger, Plattenberger, Blottenberger, Plattenburg, or Blattenberg. But as with such a distinctive name, there is no trouble in tracing their family heritage to Johannes.

The Blattenberger family history, and U.S. history are woven together in many ways. Perhaps the fact that weaving was Johannes' profession may have been prophetic. Over the centuries, the family moved from the activities of farmer, cooper, blacksmithing, and weaving to find a niche in many areas of enterprise and government service.

The Blattenberger family is proud to note the family members who have made special contributions to the country in a variety of ways such as a movie actress in the thirties and forties, as head of the Government Printing Office and as a Commissioner of the SEC. With no less pride we note the family members who worked on the Manhatten Project and the first lunar land rover.

Today members of the family have a variety of professions; doctors and nurses, college professors and school teachers, lawyer, legal assistant, computer consultant, chemical engineer, truck driver, cabinet maker, electrical contracting, minister, farmer—in Iowa, dairy farming, orchard owner, gristmill operator, radio personality, accountant, poultry processing, small business owner, soldier, author, inventor, student, mother, father, and patriot.

Mr. Speaker, I would like to personally congratulate the Blattenberger family on this monumental occasion. One can be proud of the rich history and strong heritage that these families are celebrating. Happy 250th anniversary to the Blattenberger family.

EDWARDS' STATEMENT WELCOMING PARTICIPANTS TO THE NATIONAL CONFERENCE ON CRIMES AGAINST CHILDREN

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. EDWARDS of Texas. Mr. Speaker, today I welcome the participants of the National Conference on Crimes Against Children. Law enforcement personnel from across the country will be in Washington today and tomorrow to exchange techniques and tactics needed to protect our children from a whole host of crimes and abuses.

Included in the list of participants are four police officers from my 11th Congressional District in Texas. From the Killeen Police Department are A.C. Ford, Ricky Smith, Kathy Stringer, and Sgt. Rose Longwell.

Many dangers face our children today—drugs, sexual abuse, child pornography, and a variety of violent crimes. The figures are there to prove just how serious a problem crime against our children has become in this country. An example: According to 1991 Justice Department figures, 1 in 6 youths from the ages of 12 to 15 were victims of a rape, robbery, assault, or other personal crime. These young teens have the third highest rate of crimes committed against them in this country.

Children are our Nation's future. We must take action to stem the violence that they are increasingly exposed to in their schools and on the streets, from the largest city to the smallest town. I applaud the participants of the conference for their work to stop the crime and to stop the violence and abuse that our children face every day.

TRIBUTE TO TAIWAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. BURTON of Indiana. Mr. Speaker, as an economic power and a symbol of democracy, Taiwan deserve's the world's respect and recognition. Since 1949, the Republic of China on Taiwan has moved from an agricultural society, exporting bananas and sugar, to a major trading nation. Moreover, the 21 million people on Taiwan are prosperous and free.

As a sign of growing respect for Taiwan, many international organizations have welcomed Taiwan as a member. Taiwan is now a member of the Asian Development Bank, the Pacific Economic Council, and the Asia Pacific Economic Cooperation forum, as well as the International and Asian Olympic Association. In addition, Taiwan's application to join GATT is headed toward success.

Since the Republic of China withdrew from the United Nations in 1971, times and circumstances have changed dramatically. Taiwan today is vastly different from what it was 22 years ago. A nation such as the Republic of China, which has achieved economic success and political freedom entirely on her own, needs to be commended by all nations. In recognition of these great achievements, I believe that the Republic of China on Taiwan should be awarded membership in the United Nations.

IN RECOGNITION OF LLOYD OLSON

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. COMBEST. Mr. Speaker, I rise today to pay tribute to an outstanding man from my home State of Texas, Mr. Lloyd Olson. Mr. Olson retired as general manager of Cattle Town, Inc. on August 31, 1993, after 20 years of dedicated service.

Mr. Olson, a pioneer in the cattle feeding industry, has been associated with the cattle industry in Hereford, TX, for the past 30 years. As an active member in both the National Cattlemen's Association and the Texas Cattle Feeders Association, he has also served on numerous committees. He has generously given of his time and talents to improve the cattle industry.

His hands on approach and tireless efforts throughout the years have contributed to Cattle Town, Inc.'s great success. Since his arrival in October 1973, Cattle Town, Inc. has doubled in size. Serving in every facet of the operation, Mr. Olson is very knowledgeable and well respected by his peers.

Mr. Speaker, it is an honor for me to recognize such an involved and devoted citizen of west Texas who is so committed to the cattle industry. I am certain Mr. Olson will continue to give of his time and energy to the community. I salute him for his many dedicated years of service to his profession.

HISPANIC HERITAGE MONTH CELEBRATED

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. COLEMAN. Mr. Speaker, this country has often been called a nation of many nations. Our national identity is, in fact, a mosaic of contributions from virtually every nationality and ethnic group in the world. Hispanic-Americans in this country make up a vital part of that mosaic.

During Hispanic Heritage Month, celebrated each year September 15 through October 15, Americans of all backgrounds will have the opportunity to reflect on the contributions of Hispanic-Americans which have immeasurably enriched the civic, social, cultural, and commercial institutions of our Nation. This tradition of honoring the contributions of Latinos dates back to 1968 when President Lyndon Johnson first established the first celebration. In this spirit, I am honored to join my colleagues in celebration of Hispanic Heritage Month.

There is an endless honor roll of Hispanic-Americans: Inspiring leaders like the late civil rights pioneer Cesar Chavez; dynamic educators like Jaime Escalante and the late Tomas Rivera; fantastic entertainers like Gloria Estefan and Linda Ronstadt; powerful actors like Edward James Olmos and Andy Garcia; internationally acclaimed artists like the late Rudy Montoya and Amado Pena; superb athletes like Bobby Bonilla and Rick Aguilera; legal crusaders like Vilma Martinez and Antonia Hernandez; and political activists like the late Willie Hernandez, Secretary of Housing, Henry Cisneros, and Secretary of Transportation, Federico Pena, are two leaders with outstanding backgrounds who are lending their expertise to the Clinton administration.

But those who lead on the national stage are not alone. They are joined by local community and neighborhood activists in cities across the Nation. In the 16th Congressional District of Texas, our leaders and neighbors include Representative Paul Moreno, dean of the state legislative delegation; County Judge Alicia Chacon, Chair of the Mexican American Legal Defense and Education Fund; Juan Aranda, labor leader; Rosa Guerrero, cultural ambassador; Judge Albert Armendariz, constitutional rights pioneer; Ambassador Raymond Telles, diplomat; Lucy Acosta, civic activist; Maria Elena Flood, health educator; Pete Duarte, hospital administrator; and Hector Holguin, business leader. These individuals are dedicated to the betterment of our community in El Paso and Hispanics across the country.

Mr. Speaker, it is important to remember that Hispanic Heritage Month is celebrated by Hispanics of different descents. Sadly, however, many Hispanics suffer from problems such as high poverty, high illiteracy and educational drop-out rates, above average unemployment rates and low levels of health insurance coverage. It is important to address these problems because Hispanic-Americans are the fastest growing minority group in this country. So as we celebrate Hispanic Heritage Month, let us work toward solutions of these problems and enhance the quality of life for Hispanics and all Americans.

ST. ANDREW'S PRE-SCHOOL'S 20TH ANNIVERSARY

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mrs. THURMAN. Mr. Speaker, I would like to acknowledge the 20th anniversary of the founding of St. Andrew's Pre-School of Spring Hill, FL.

In 1973, 2 years after St. Andrew's Episcopal Church was established in Spring Hill, the first pre-school in the community was founded. Twenty years later, on September 25, 1993, alumni, current students, staff, parents, parishioners, and friends will celebrate this event with a joyous party. It is their hope and prayer to have a grand first-time reunion.

The pre-school meets in Friendship Hall off Founder Road, Monday through Friday each week 9 a.m. to noon. Mrs. Robert (Geri) Anderson is the director being ably assisted by Mary Seaman and Lisa Perrone. Much credit for the founding goes to Roz Bennett, wife of the then vicar of St. Andrew's, the Reverend Ernest L. Bennett. The staff through the years has been the stable and effective vehicle of success.

There have been many young parents who entrusted their children to this Pre-K3 and K4 education style offered by St. Andrew's of Spring Hill. Without the spirit of cooperation and willingness of many people, the success level reached would not have been possible. As they celebrate this 20th anniversary, their aspirations for the future are as bold and imaginative as those held by their founders. They welcome the opportunity to observe this historical moment on Saturday the 25th of September as Hernando County marks its 150th anniversary.

THE CHILD SEXUAL ABUSE PREVENTION ACT

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. BLILEY. Mr. Speaker, the sexual exploitation of children through prostitution and pornography is a problem that increasingly crosses international borders. The worldwide trade in child prostitutes is fueled by money from the United States and other industrialized nations. It is time we pulled the financial plug on the pimps and pornographers who prey on children worldwide.

That is why I am pleased to be an original cosponsor of H.R. 2872, a comprehensive anticrime package that includes the Child Sexual Abuse Prevention Act—a bill to put an end to U.S. involvement in the international trafficking in sexually abused children and to strengthen State and local law enforcement efforts to combat the sexual exploitation of children.

The United States is the world's most lucrative consumer market for child pornography. According to Defense for Children International, child pornography is at least a $2.5 billion a year industry involving millions of children around the globe.

The child pornography market, however, is part of a larger world of international trafficking in child prostitutes. Recently, Time magazine ran a cover story describing the international scope of the sexual exploitation of women and children. It described in detail how prostitution and child pornography have become "a global growth industry debasing the women and children of the world." Their report described the kidnapping, rape, and extortion practiced against young women and children as part of the international prostitution market. In the United States alone, it is estimated that there are between 90,000 and 300,000 prostitutes under the age of 18 years.

Mr. Speaker, the Child Sexual Abuse Prevention Act is simple. The bill extends the reach of current Federal child pornography statutes to include persons outside of the United States who produce or traffic in child pornography ultimately destined for our shores. The bill also amends existing law to prohibit travel in foreign commerce for the purpose of sexually abusing a child.

The Child Sexual Abuse Prevention Act also strengthens State and local enforcement efforts to prevent the sexual exploitation of children. It requires, as a condition of receiving Federal funding, that States enact legislation, in accordance with guidelines established by the Attorney General, to establish or strengthen prohibitions against the production, distribution, and possession of child pornography.

Mr. Speaker, the provisions contained in H.R. 2872 are of vital importance in a wide variety of areas. There are many good reasons to favor the bill. One of those reasons is that it takes a tough approach on the problem of international trafficking in sexually exploited women and children. I urge the House to move quickly on this legislation.

SALUTE TO JUDGE RALPH KELLEY

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. QUILLEN. Mr. Speaker, I rise to express my great admiration and my sincere affection for my former colleague in the Tennessee House of Representatives, the Honorable Ralph H. Kelley, who is soon to retire his position as the Chief U.S. Bankruptcy Judge for the Eastern District of Tennessee after 25 years of meritorious service.

Although only a handful of my colleagues would remember, Ralph began his Government service as a page here in the House from 1941 to 1946. After serving in the Army Air Corps, he attended the University of Tennsessee and Vanderbilt Law School. After engaging in private law practice in his home town of Chattanooga, Ralph was chosen as the assistant attorney general of Hamilton County, TN, and 2 years later was elected to the State house.

At the time, I was the minority leader in the Tennessee House, and I got to know Ralph quite well. I found him to be an honest and dedicated representative of the people who sent him there, as well as a true friend. After only one term in the State house, Ralph was elected mayor of Chattanooga, where he served for 6 years with distinction.

In 1969, Ralph Kelley was selected to be the Chief U.S. Bankruptcy Judge for the Eastern District of Tennessee. Adjudicating bankruptcy claims is a difficult process which requires both compassion and common sense, and he has shown that he possesses these qualities in abundance throughout his outstanding tenure on the bench. In addition, whenever I or other Members of Congress needed information on these proceedings or other judicial issues, Judge Kelley was always there to give the benefit of his expertise.

During his career on the bench, Judge Kelley was also a leader in the professional organizations of his field. He has been active in the Judicial Conference of the United States, the National Conference of Bankruptcy Clerks, the American Bankruptcy Institute, bar associations at every level, and others too numerous to add. He was also honored by his peers by being selected as the president of the National Conference of Bankruptcy Judges in 1985.

My friend's retirement fills me with mixed emotions. I am glad that he will have more time to spend with his wife Barbara Ann and his children, as well as the time to accomplish the things he never got around to while he was dedicating his time to public service. However, the Federal judiciary will sorely miss his expertise. Fortunately, he has agreed to accept senior status on his court, so that his peers will not be deprived of the benefit of his counsel from time to time.

It has been my privilege to know Judge Ralph Kelley for nearly 40 years, and throughout that time, I have valued our friendship dearly. Although the retirement of an honorable public servant leaves us all the poorer, I know that he can look back at his career and see little that he could have done better. I salute his accomplishments, I appreciate what he has done for his country, and I thank him for his friendship.

IN RECOGNITION OF TANYA WITMAN

HON. THOMAS H. ANDREWS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. ANDREWS of Maine. Mr. Speaker, it gives me great pleasure to rise today and report that Tanya Witman of Portland, ME is one of this year's winners in the Voice of America Scriptwriting Competition and Scholarship Program, which is sponsored each year by the Veterans of Foreign Wars.

Tanya's essay is poignant; it reminds all of us that it is our responsibility, our duty, to stand up tall and speak for those in our country who cannot be heard. Tanya reinforces the concept that all American citizens should not only observe the world around them, but that we should take an active part in shaping that world for the better.

I commend Tanya for her ability to convey these tenets of American democracy in both a compassionate and stirring fashion.

I hereby request that Tanya's essay be printed in the CONGRESSIONAL RECORD, so that others may enjoy her writing.

MY VOICE IN AMERICA'S FUTURE

(By Tanya Witman)

My voice in America's future is strong and clear. I can hear it above the discontented murmur of many. Though to some the future holds uncertainty, to me it is bright. I see a new day ahead and my voice speaks out in hopefulness for what lies before me.

My voice will serve to continue the healing process that has already begun. I can encourage those who are uneducated to learn. I can support those who are trying to better their situations. I can console those who feel they have failed. I can tell myself that the time is right to stop speaking and start listening and doing.

The key to the world is fashioned from knowledge. Knowledge breaks down barriers and builds foundations for new ties. The more one knows, the more one can intuit and impart to others. While minds may think differently, words can capture thoughts and harness them for use. My thoughts will form the connection: my words will make the connection: my voice will be the connection.

My voice will not only be used to speak. I will shout when people refuse to listen. I will shout for the homeless man in the street whose words have been ignored, for the sick and the aged if their voices are too weak, and for the children who have not yet learned how to speak.

I will sing to those who have heard too much horror. I will soothe their ears and hearts and minds so that they can listen once again. I will sing to the babies without homes, coax them to sleep so they can wake up to a bright new day.

I will cry out when there is pain from pushing so hard against a seemingly indestructible wall. I will weep for struggle and failure, lament the futility of death. My cries will be heard by those who can do something to end the pain.

I will cheer when there is victory and accomplishment. My voice will resound joyously at the dawn, at a birth, at the realization of love. It will inspire joy in others and lift their hearts along with mine.

But I will not whisper or calm my tone. A stifled emotion is an injustice to the world.

Freedom of speech is a right that is often taken for granted and underrated. Many of those who have the greatest effect on their world have been great orators as well as people of action. Abraham Lincoln, Martin Luther King. Eleanor Roosevelt, Susan B. Anthony: all of these Americans spoke eloquently of their ideas. People listened and agreed. History was made.

I will use my eyes to see what can be done to further help Americans, my people. I will use my ears to listen to ideas on how to help America, my country. I will use my voice to communicate to others how to help America, my home.

My voice is the voice of America. My voice is the voice of change.

FIFTY-SIX ARRESTS FOR FLORIDA BOY: MURDER SUSPECT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. BEREUTER. Mr. Speaker, the following editorial enunciates very well the tragic story of the 13-year-old Florida boy with a record of 56 arrests who is being held as a suspect in the murder of a British tourist in that State. This Member invites his colleagues' attention, especially members of the Florida delegation, to what would appear to be obvious inadequacies in Florida's criminal law or in the functioning of its judicial system. This Member would emphasize an understanding that all States have their inadequacies, but this tragic incident in Florida certainly points rather obviously to outrageously severe problems or inadequacies in the criminal justice system of Florida that ought to be receiving prompt attention by Florida's State officials.

FIFTY IS TOO MANY SECOND CHANCES

Although some investigators dispute the boy's culpability, one of the suspects in the killing of a British tourist in Florida is a 13-year-old boy who has been arrested 56 times.

That statement, with no further elaboration, could be a nation's epitaph. Society must find a way to quit populating the streets with young, quasi-human killing machines. Otherwise, America's slide toward savagery will continue until virtually no one is safe.

How many other ticking time bombs are out there—not only along the Florida freeways but also in New York and Washington, along Interstate 80 in Illinois, and on the streets of Omaha, Lincoln and the smaller Midlands communities?

No one knows. The battle is being lost. Too many kids are being raised by other kids, or by television sets, without ever learning honor, responsibility, kindness. They grow up on the streets where satisfying one's ego and one's appetites is the reason for living, no matter who has to be hurt.

And when they get into trouble, they enter a world of social engineers who, fixated on "process," excuse these kids and try to pretend that with a little understanding they will become responsible citizens. So even then, there is no opportunity to learn that actions have consequences, that right is right and wrong is wrong.

Yes, a second chance sometimes helps a person rehabilitate himself. But a 10th chance? A 25th chance? The kid in Florida has had more than 50 chances. At what point did his probation officers and counselors plan to pull the plug on his budding criminal career? At 100 arrests? 200?

It shouldn't require a Ph.D to figure out that sooner rather than later, some punks simply have to be put away until they get the message.

Hunters of human prey, such as the killers of the British tourist, don't need community-based programs and revolving door detention centers. Governments need to quit excusing violent, amoral criminals. The courts must have the authority to treat them as the menace that they are. If that requires more prisons, as opposed to group homes, so be it. Certainly it means standing up to the ridiculous notion that the Second Amendment gives kids the right to arm themselves with Saturday night specials and AK-47s.

These aren't "kids" in any traditional sense of the word. They are something different, something few previous generations have had to deal with. So far, society has failed to deal with the problem. And because of its failure, too many people have died.

EXPANDING THE SCOPE OF SERVICES PROVIDED BY VET CENTERS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to introduce a bill which authorizes the VA to provide preventive health care, preadmission testing, and referral services at vet centers. These services would be available to those veterans eligible for readjustment counseling and medical services.

As my colleagues may know, vet centers are often located in urban areas or in locations a great distance from VA medical centers. These facilities currently provide counseling and readjustment services to veterans of the Vietnam era or those who served in the conflict zones of Lebanon, Grenada, Panama or the Persian Gulf.

Mr. Speaker, it would be a great convenience to veterans to have access to some medical services at the vet center since many veterans, especially in urban areas, do not have their own transportation. Traveling to VA medical centers for simple tests for preadmission screening is burdensome. The availability of these services in vet centers would greatly reduce their aggravation. At the same time, placing medical teams in the vet centers helps move the VA in the direction of preventive and ambulatory care, which we expect the VA to ultimately focus upon.

While the VA already is experimenting with placing medical screening clinics in existing vet centers, it is still a very limited experiment. However, both the VA and veterans have been pleased with the results.

In my home State of New Jersey, the VA has operated a health screening clinic in the Linwood Vet Center for the past 7 years. It seems to me that this concept has indeed proven itself and the time has come to implement the policy on a broader basis.

The Linwood Vet Center presently provides limited medical services in connection with the Wilmington VA Medical Center. The medical team is located in an office next to the vet center and both entities refer veterans to each other for treatment or counseling. The results have been very favorable and I hope it can be applied elsewhere in the Nation.

Mr. Speaker, my bill would provide the VA with the express legal authority to expand the screening clinic concept. It would be a clear expansion of services provided by vet centers and provide what is obviously a needed service. However, this bill takes incremental approach toward the goal of accessible, decentralized health care. Vet centers need time to incorporate this expanded mission while preserving its primary mission of readjustment counseling. Therefore, I have limited eligibility to those veterans who are currently eligible for treatment at vet centers. At a later date we certainly could consider expanding eligibility to all veterans.

Earlier this year, I visited the Trenton Vet Center. I believe that facility would be an ideal location for conducting screening and preadmission testing on veterans rather than traveling to a VAMC. Hopefully, through this legislation, the VA will act and put this concept into action in Trenton and other worthy locations.

Mr. Speaker, I am pleased that Chairman ROY ROWLAND has placed this bill on the hearing agenda for the Hospitals and Health Care Subcommittee. I will be working to move this bill to the floor and urge my colleagues to cosponsor this measure. With continued bipartisan support, we can expand the services available to all veterans.

IN CELEBRATION OF THE CENTENNIAL ANNIVERSARY OF SVOBODA, THE OFFICIAL NEWSPAPER OF THE UKRAINIAN NATIONAL ASSOCIATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Svoboda, the official newspaper of the Ukrainian National Association. Svoboda, which means liberty in Ukrainian, has for the last 100 years provided news about the United States, the Ukraine, and the world to hundreds of thousands of Ukrainian immigrants in their native language. Svoboda has been an empowering force within the Ukrainian-American community, laying cultural, social, and educational foundations.

In its celebrated 100 years of history, Svoboda has served as a vital channel of information between the Ukraine and the rest of the world, particularly regarding the Ukraine's struggle for independence. Svoboda provided essential information to the West about the famine imposed by Soviet dictator Joseph Stalin in the 1930's, the arrests of human rights activists in the 1970's and 1980's, and the culmination of the struggle for independence in 1990 and 1991.

We take this opportunity to commemorate the advent of Ukrainian independence. Svoboda, with its high standards of journalistic excellence and professionalism, now covers a new panorama of topics which are shaping the future of the Ukrainian nation. Although her struggle for independence has been won, the Ukraine continues to grapple with challenging issues that affect its domestic situation and international relations. As the Ukraine struggles to reshape its future, I am confident that the Svoboda will enjoy continued success in the next hundred years.

Mr. Speaker, I know that my colleagues join me in commemorating the centennial anniversary of the Ukrainian National Association's outstanding official newspaper, Svoboda.

THE REPUBLIC OF CHINA'S 82D ANNIVERSARY AND THE UNITED NATIONS

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. SMITH of Oregon. Mr. Speaker, congratulations to President Lee Teng-hui and Foreign Minister Fredrick Chien of the Republic of China on Taiwan as they celebrate the Tenth of October, the 82d anniversary of the founding of their nation. I wish Taiwan the best of luck in all its future endeavors and especially in its bid to re-enter the United Nations. Taiwan richly deserves U.N. membership.

Throughout its history, the Republic of China on Taiwan has been playing an active international role, despite its lack of U.N. membership. In the early 1970's, the Republic of China was active in the International Monetary Fund [IMF], the World Bank, the Asian Development Bank, and the International Council of Scientific Unions. Also, the ROC has stepped up its technical aid to needy countries, a program which the ROC started in the 1950's. At the moment, the ROC has more than 43 teams of technical experts working in 31 countries. In addition, to increase its overseas aid programs, the ROC has established a $1.2 billion International Economic Cooperation and Development Fund to help developing countries promote economic and industrial growth. Already, more than $250 million has been given to Panama, Cost Rica, and the Philippines and additional funds will be made available for projects in the Pacific, Latin America, Eastern Europe, and Africa. By 1995, the ROC expects to spend $400 million a year on foreign aid, roughly a quarter of 1 percent of its GNP.

There is no question that the ROC is committed to playing an even larger international role, it allowed to participate in the U.N. I believe that now is the time for all nations to look at the Republic of China's contributions of international aid and I believe that the Republic of China on Taiwan deserves to be invited back to the United Nations.

THE IMMIGRATION AND NATURALIZATION SERVICE [INS] REFORM ACT

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Ms. MOLINARI. Mr. Speaker, today I am introducing the Immigration and Naturalization Service [INS] Reform Act of 1993. The experts, special commissions, and many of the men and women of the INS agree, we need to reform the INS and make our immigration laws work.

According to the General Accounting Office:

> Strong leadership and management reforms are needed to address serious problems.

This report goes on further to say:

> * * * the agency has degenerated into a group of segmented autonomous programs, each trying to handle its own set of problems with little attention given to their interrelatedness. Without coherent overall direction and basic management reforms, the organization has been unable to effectively address changing enforcement responsibilities and longstanding service delivery problems.

Based on a very successful INS pilot program there is a proven solution. The 1988 Anti-Drug Abuse Act required that a pilot project, which is still in existence today, conduct and test a better enforcement structure. A comprehensive review of that project was undertaken and the U.S. Department of Justice issued its findings in August 1992. It concluded that the pilot project worked and it is time to see that the lessons learned from this program are implemented.

The legislation I am introducing today will implement the recommendations of the successful pilot programs established by Congress. The changes recommended are organizational in nature and streamline the agency to better meet the enforcement demands of the INS.

My bill will separate law enforcement officials from other agency personnel and functions. It allows them to pursue their charge of apprehending illegal aliens and stopping illegal activities. It establishes in each region a chief of enforcement operations who reports directly to Washington and oversees a chief patrol agent, a special agent in charge of investigations, and a deportation officer in charge. This ensures the INS will maintain consistent service and enforcement postures throughout the United States by actually carrying out the implementation of the Nation's immigration policy.

Mr. Speaker, these changes are consistent with the same enforcement management structures now being used by all other national law enforcement agencies. I ask that my colleagues take a close look at my legislation and lend their support. This bill has the support of many of the experts, it will make a difference and it is reform that has been tested and proven to work.

MOROCCO WALKS A TIGHTROPE ON DIPLOMATIC TIES TO ISRAEL

HON. HARRY JOHNSTON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. JOHNSTON of Florida. Mr. Speaker, I had the privilege of meeting with King Hassan II of Morocco in June to discuss the Middle East peace process. At that time 3 months ago, I was encouraged by the King's commitment to playing a positive role in bringing peace to the region. Today I rise to recognize the significant contribution he and his nation have made toward the historic breakthrough we witnessed in Washington last week.

King Hassan II has long played a unique role in the Middle East, mediating among the Israelis and Arabs as well as among fellow Arab states. He played a key role in arranging the historic visit of Egyptian President Anwar Sadat to Israel in 1977.

The visit of Yitzhak Rabin of Israel to Morocco on the day after the signing of the declaration of principles with the PLO was the first official visit by an Israeli Prime Minister to an Arab nation other than Egypt. Prime Minister Rabin said, "I have come * * * to thank His Majesty for all that he has undertaken and for his personal initiative to facilitate peace in the Middle East."

Mr. Speaker, Morocco deserves our thanks as well for its role in helping to bring about what we all hope will be a new era of peace and prosperity for the Middle East. I would like to include in the RECORD with my statement two articles from the New York Times describing the historic visit of Prime Minister Rabin to Morocco and the history of Morocco's peacemaking role in the Middle East.

MOROCCO WALKS A TIGHTROPE ON DIPLOMATIC TIES TO ISRAEL

(By Roger Cohen)

RABAT, MOROCCO.—Having accorded de facto recognition to Israel by welcoming Prime Minister Yitzhak Rabin to his summer palace, King Hassan II of Morocco now faces a delicate problem: Should the two countries merely live together or has the time come to exchange rings?

The King's choice on whether to establish diplomatic relations with Israel is crucially important because it will be a guide to the degree of political support Arab states are prepared to give Mr. Rabin in the bid for peace with the Palestine Liberation Organization. But Westerners here believe the decision for the King will be particularly difficult, and therefore long pondered, because it involves a clash of personal instinct an pragmatic considerations.

On the one hand, King Hassan, through his extraordinary gesture on Tuesday and quiet diplomacy before that, has already demonstrated that he believes Morocco has a special role to play in establishing bridges between Israel and the Arab world.

TIES TO MOROCCAN JEWS

Surrounded by several prominent Jewish advisers, acutely aware of the economic potential of a formal opening to a state where close to 500,000 Jews of Moroccan descent live, proud of his dynasty's history of protection of the Jews, and eager to cap his past peacemaking efforts through a pioneering role in the reinforcement of this week's peace accords, the King is widely believed to be personally enthusiastic about diplomatic recognition of Israel.

Moreover, he has shown that he is prepared, on occasion, to go out on a limb, earning the pique and even outright denunciation of other Arab leaders. One interpretation here of his invitation to Mr. Rabin is that King Hassan was trying to upstage King Hussein of Jordan, for whom he is known to bear little affection. Jordan's peace plans with Israel were announced in Washington on the same day as Mr. Rabin's visit.

"The King likes a grand gesture and would probably be happy to gain the kudos of being the first Arab state after Egypt to establish diplomatic ties with Israel," said one Westerner. "It's hard to imagine any other Arab country leading the way."

BOLDNESS HAS ITS LIMITS

On the other hand, King Hassan, a man who has survived two assassination attempts in the 1970's and is known as an astute politician, is very much aware that, as one Western diplomat put it, "too many dramatic gestures can be dangerous."

By all accounts, the invitation to Mr. Rabin was prepared in the utmost secrecy. The French Ambassador here dined with the Moroccan Foreign Minister, Abdellatif Filali, the night before Mr. Filali abruptly left for Washington to attend the signing of the peace accords. But the minister gave no hint of his plans. American diplomats here were simply in the dark, alerted only at the last minute of Mr. Rabin's impending arrival.

Thus, King Hassan, having acted on a discreet personal initiative, clearly has a lot of explaining to do with other Arab leaders. It appears certain that he will want to consult at length with them—particularly with other moderate leaders in the gulf area—before making his decision on diplomatic ties with Israel.

"This process of consultation will take some time, and is one reason I'm convinced that formal recognition of Israel is still some months off," said one Western European diplomat.

DOMESTIC POLITICAL FACTORS

King Hassan also has to move with some circumspection with respect to his own country. Although his hold on power is extremely secure, bolstered by a stranglehold on information reflected in the fact that every Moroccan newspaper today trumpeted the monarch's role as "a pioneer of the Washington peace," the King is acutely sensitive to the strong Islamic militant movement in neighboring Algeria. He does not want to give any unnecessary fuel to the small currents of such sentiment in Morocco.

Arab nationalists have also been gaining some ground, and a rapid establishment of diplomatic ties with Israel, before the future of the Israeli-Palestinian accords is clear, could boost their standing.

All this suggested that some time may pass before the King grants the diplomatic recognition that his invitation so clearly seemed to presage. The Israeli Foreign Minister, Shimon Peres, appeared to show an appreciation of the difficulties on Tuesday when he said that, "There must be a certain gradual approach in this development."

This public Israeli patience may in part have been motivated by Israeli awareness that if it wants King Hassan to act as an intermediary in getting conservative Arab states politically and financially behind the Palestinian accord, then Israel cannot also ask him to ruin his relations with these countries through a capricious act of diplomatic recognition.

RABIN MEETS HASSAN, REPORTING STEP TOWARD TIES

(By Roger Cohen)

CASABLANCA, MOROCCO.—Pushing quickly to build Israel's peace agreement with the P.L.O. into a new relationship with Arab countries, Prime Minister Yitzhak Rabin held talks today with King Hassan II of Morocco and described them as "a step toward diplomatic relations."

"The surprise visit to Morocco, a one-day layover on Mr. Rabin's return to Jerusalem from Washington, underscored the Israeli Government's determination to obtain the support of moderate Arab nations for the plan for Palestinian self-rule in the Gaza Strip and the West Bank town of Jericho. It also signaled Israel's conviction that the way should now be open for the rapid establishment of diplomatic ties between Israel and Arab countries.

Mr. Rabin's meeting in Morocco—the first official visit by an Israeli Prime Minister to an Arab nation other than Egypt—also demonstrated the change that has suddenly come over Middle East politics.

The last time Mr. Rabin came here, in 1976, for secret talks with King Hassan, he was disguised in a shaggy wig, moustache and fake glasses. Today, in what amounted to a diplomatic coup revealing the potential benefits of reaching for peace with the P.L.O., he was received with pomp at the King's summer palace at Skhirat, near Rabat, and heard greetings in Herbrew from the King of the Jewish New Year, which begins at sundown Wednesday.

"PROMISING THINGS"

"I have heard very warm and promising things about the future." Mr. Rabin said after his meeting with the King. Earlier, on his arrival in the Moroccan capital, the Israeli Prime Minister said "We hope and believe that it is possible to expand the network of Israel's relations with Arab countries and the Arab world."

Morocco was a natural starting point for Mr. Rabin in his drive to get moderate Arab countries politically and financially committed to the Palestinian accord.

King Hassan has long played a discreet role in Middle East negotiations, helping arrange Anwar el-Sadat's historic visit to Jerusalem in 1977 and meeting secretly with both Mr. Rabin and Foreign Minister Shimon Peres of Israel when other Arab nations would have nothing to do with them.

Gaining the support of moderate Arab countries for the peace accord is regarded by diplomatic officials as essential for Mr. Rabin in order to bolster support at home, where opinion is divided on the agreement with the P.L.O. and a parliamentary debate on the issue is scheduled next week. Moreover, the oil-producing Persian Gulf nations could give crucial financial support for Palestinian self-rule in Gaza and Jericho.

However, rumors that diplomatic relations between Morocco and Israel would be announced today proved untrue. "There is a beginning of openness," Mr. Rabin said. "But these things cannot all happen at once. We have made a step toward diplomatic relations."

King Hassan said in a brief statement that the agreement between Israel and the P.L.O. was "a step toward a better future."

Western diplomats suggested that the King could not be too effusive because the accords signed Monday in Washington did not address the status of Jerusalem. As the head of the Jerusalem Committee of the Organization of the Islamic Conference, a group of 45 Arab countries and the P.L.O., the Moroccan King has a special responsibility in pressing Arab claims to the eastern half of the city that Israel seized from Jordan in the 1967 Middle East war.

At his news conference, Mr. Rabin said his discussions with the King had focused on means to reinforce and support the Palestinian agreement. "We discussed in detail what will be needed to implement the agreement, what the obstacles are, what the security problems are among Palestinians and between Israelis and Palestinians," he said.

The Israeli Prime Minister portrayed the situation in Gaza as dramatic, and said the 750,000 Palestinians living there needed money to develop schools, roads and other essential installations.

"Without money to assist the Palestinians, the whole accord could suffer," he said. "Why could the oil-producing Arab countries of the Arabian Peninsula not contribute? What is providing $300 million to them?"

There were about 275,000 Jews in Morocco when the country gained independence in 1956, but most have emigrated to Israel, France and elsewhere. An estimated 8,000 Jews remain in Morocco, where they have generally been treated with tolerance.

Today, in a show of appreciation for Morocco's historically tolerant treatment of Jews, Mr. Rabin laid a wreath on the grave of King Hassan's father, Mohammed V. who protected the country's Jews during the Nazi invasion of North Africa.

NAFTA WILL MEAN JOBS FOR ILLINOIS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. MICHEL. Mr. Speaker, my hometown of Peoria is seen by many people as a typical U.S. city. "Will it play in Peoria?" is a question that pundits and others—including myself—often ask themselves.

Caterpillar is Peoria's home grown industry. The reputation that Cat enjoys across the world reflects well not only on Peoria but on America as well. Instead of shying away from competitiveness or hiding behind protectionist rhetoric, Cat welcomes the challenge of breaking into new markets. NAFTA will increase revenues, create jobs, and enhance exports for Caterpillar. For those reasons, NAFTA plays well in Peoria.

I submit for the RECORD an article that appeared in the New York Times today, entitled "Caterpillar Sees Free-Trade Boon." I encourage all of my colleagues to read this article and see how NAFTA will help the bottom line of a real American company.

CATERPILLAR SEES FREE-TRADE BOON

(By Barnaby J. Feder)

PEORIA, Ill.—As the showdown nears in Washington over the fate of the North American Free Trade Agreement, it is no surprise that Caterpillar Inc. has been one of the strongest corporate voices in favor of the treaty.

From its base in this small city in central Illinois, Caterpillar has grown into the largest construction equipment maker in the world. It derives more than half its sales from exports. And it has a reputation as a company that has never seen a free trade proposal it didn't like.

The executives of Caterpillar sound like much of corporate America when they confidently echo the Government's claims about how beneficial NAFTA could be for the American economy. But they are even more enthusiastic when talking about how Caterpillar stands to benefit.

In all, Caterpillar estimates that NAFTA could help it sell an additional 350 pieces of equipment like bulldozers, tractors, and backhoes in Mexico each year. That would add $45 million a year to its Mexican revenues, on top of the $200 million that it already books. (Caterpillar reported $10.2 billion in total revenues last year).

That sales increase would be accomplished in two ways. First, Caterpillar is counting on NAFTA to stimulate the Mexican economy, which in turn should lift the demand for all construction equipment, expanding one of Caterpillar's fastest-growing markets even more. "Mexico needs infrastructure and that plays to our strength," said Timothy L. Elder, the director of government affairs for Caterpillar.

In addition, rolling back the Mexican tariffs on American goods should allow Caterpillar to expand its market share in Mexico at the expense of Komatsu Ltd., and other Asian and European importers who will still be subject to Mexican tariffs.

Caterpillar said its exports to Mexico translates into jobs for 1,300 of its employees and 2,700 jobs for suppliers. But the company's executives conceded that actual employment levels reflected a wide range of operating concerns and could not be pinpointed with any specificity to the level or mix of sales to Mexico.

Over the long term, Caterpillar hopes Nafta will serve as a harbinger of lower trade barriers throughout Latin America. But the shorter term advantages alone are enough to convince the company that its interests are best served by the trade pact.

As things stand now, Caterpillar tractors and bulldozers built across the Illinois River from here in East Peoria face a 10 percent tariff going into Mexico. The company's marine engines, manufactured a few miles up the river in Mossville, Ill., must overcome a 15 percent tariff barrier, and its excavators, built outside Chicago in Aurora, Ill., face a 20 percent tariff. Nafta would eliminate all those barriers immediately and phase out similar duties on other Caterpillar products in five to 10 years.

MORE FLEXIBILITY

Without those tariffs artificially inflating prices, Caterpillar had said it would have the flexibility to either roll back prices to build market share or keep prices where they were and enjoy fatter profit margins. Caterpillar executives said the decisions about whether to use its Nafta-based cost advantage to expand the margins or to cut prices would be made on a product-by-product basis.

Either way, Donald Fites, the chairman and chief executive of Caterpillar, said he believed some Mexican customers were hoping the big equipment maker chose the former route. They have held back orders on the hope that Nafta would pass, allowing Caterpillar to give them a price break.

Even without Nafta, sales of Caterpillar products to Mexico have surged since the Salinas Government began reducing tariffs and easing spending restrictions that had been imposed in the early 1980's to reduce the debt burden in Mexico. Caterpillar sold just 11 machines to Mexico in 1983. Last year the total had jumped to 1,200.

LOSS OF CONFIDENCE

But if Nafta is defeated, the prospects for Caterpillar in Mexico are much less certain. "If Nafta fails to pass, I would expect the growth to slow if not go the other way," said Mr. Elder, explaining that the setback might cause some to lose confidence in the Mexican economy.

Something Nafta will not do, Caterpillar executives said, is send American jobs to Mexico. To be sure, the treaty would also eliminate American tariffs ranging from 2.5 percent to 4 percent on construction equipment made in Mexico, making manufacturing south of the border for export to the United States slightly cheaper than it is now. But Caterpillar argues that the elimination of the far higher tariffs on exports to Mexico tilts the playing field further toward manufacturing its equipment in the United States.

"If we had an incentive to move there, it would have been exercised already," Mr. Elder said.

STRAINED UNION RELATIONS

In fact, Caterpillar set up a manufacturing plant near Monterrey, Mexico, in the early 1980's when Mexican import restrictions cut off most exports from Illinois. Employment there has actually declined to 1,200 workers from 1,700 as Mexico relaxed the restrictions. But a good portion of the decline was related to the transfer last year of the company's forklift operations to a venture with Mitsubishi rather than the greater efficiency of American production, Mr. Elder said.

No amount of reassurance or lobbying is likely to generate support for the treaty among Caterpillar's unionized work force, which is represented by the United Automobile Workers. The U.A.W., like other unions, said it believed the treaty would accelerate the flow of jobs from the United States to Mexico and be used by management as another hammer in bargaining over wages and benefits in this country. Caterpillar's relations with the union have been particularly strained since the two sides failed to settle on a new contract last year and Caterpillar forced workers to call off a strike and return to work on its terms.

HALF-HEARTED EFFORT

"This is as much of a threat to a Caterpillar worker as any other," said James B.

O'Conner, a U.A.W. official at Caterpillar. "It's just not going to happen here over night."

Caterpillar has distributed some materials attempting to win support among the workers for Nafta, but the effort has ben half-hearted. Company officials said the workers who supported its position were scared into silence by the union's outspoken opposition. Caterpillar has compaigned to drum up support among other employees, suppliers and customers, and the 252-member Nafta Illinois coalition.

A telling indication of the size of the gulf with the production workers came when Mr. Elders was asked whether the side provisions on environmental and other issues in the pact might contain language that could offset many of the financial benefits Caterpillar saw in Nafta.

"We haven't had a good chance to analyze the side agreements yet but the reassuring thing is that organized labor says they are horrible," Mr. Elder said.

"SYMMETRICAL EXAGGERATIONS"

In truth, there is no simple way to separate the potential gains and losses that might stem from Nafta from larger issues like the huge gap in wage rates that already exists between the United States and Mexico. That gap has already induced American companies to move hundreds of thousands of jobs south of the border and will continue to attract them whether or not Nafta passes.

"There are symmetrical exaggerations from both sides," said Thea Lee, an economist with the Economic Policy Institute, a research center in Washington that has been generally critical of Nafta. "The Administration talks only about the new jobs related to exports without taking into account those displaced by imports. But Ross Perot talks only about the latter."

CENTENNIAL CELEBRATION OF THE SVOBODA

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Mr. KLECZKA. Mr. Speaker, September 15, 1993, marked the centennial celebration of the Svoboda, the official newspaper of the Ukrainian National Association.

I would like to take this opportunity to commemorate this milestone event, and to recognize the significance this publication has had for all Ukrainians, both here and abroad. A paper of the people, Svoboda has proven its dedication to the preservation of Ukrainian heritage, while working to promote the democratic ideals this Nation was founded upon.

The oldest Ukrainian newspaper, and one of the oldest ethnic newspapers in the United States, Svoboda has preserved in the long struggle for advancement of the Ukrainian-American community. Founded with the goals of defending national interests, encouraging the people to community activity and socially useful work, and raising national consciousness, the newspaper has evolved as a critical link between promoting Ukrainian heritage and encouraging American and Ukrainian patriotism.

Published in both the Ukrainian and English languages, Svoboda has been instrumental in educating and aiding hundreds of thousands around the world for the past 100 years. The paper has also been vital in the creation of numerous social-political organizations, most notably the Ukrainian National Organization. These organizations have been essential in fostering educational, cultural, and social development within the Ukrainian-American community.

Equally important to the great inspiration and leadership the paper has shown to the ethnic community, the Svoboda has been a significant source of information for those of us in the West about the Ukraine. It was through this vital newspaper that Western officials and peoples learned of the history of Ukraine's long struggle for independence, from the families of the Stalinist regime to the modern day struggles of the early nineties.

The Svoboda has proved that it is truly a peoples' newspaper. In an age when television media has begun to dominate the printed word, I feel it is essential to recognize and honor an effective newspaper such as Svoboda, for its dedication to the education and improvement of the people both in the United States and abroad.

Today, Svoboda defends the newly independent Ukraine and continues to support efforts for the liberation of Ukrainians around the world, from Brazil to Bosnia. Along with fulfilling its obligation to the Ukrainian community, Svoboda continues to achieve its initial goals of raising social consciousness and encouraging political activism throughout the world.

Mr. Speaker, in closing, I would like to commend the Ukrainian-American community, particularly members of the Ukrainian National Association for their commitment to the enlightenment of their community. I would now like to ask my colleagues to join me in commemorating this celebration.

ABORTION CLINIC ARSON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1993

Ms. WOOLSEY. Mr. Speaker, I rise today in outrage and frustration to decry yesterday's abortion clinic arson in my home State of California. Early reports indicate that this is the latest in a long series of violent acts aimed at women's health care clinics, their employees, and the women who use them. The Family Planning Associates building in Bakersfield burned down early Monday morning, and the fire spread to two other adjacent buildings and caused damage to about a dozen other businesses on the same block as the clinic. In total, the fire caused 1.4 million dollars' worth of damage. It was torched by an arsonist whom experts are connecting to the anti-choice movement.

I am sad, I am angry, but I am not surprised. Since 1977, there have been well over 1,000 violent acts at family planning clinics, including bombing, arson, assault, battery, and murder. The self-avowed right-to-life movement has taken a frightening, unforgivable turn past sanity. It is not led by peaceful, non-violent protesters. It is now led by self-appointed guardians of public morality—vindictive vigilantes who will stop at nothing, even murders, to impose their will on American women.

Mr. Speaker, when will the violence against women end? When will law enforcement vigorously pursue crimes motivated by the anti-choice movement's extremist agenda?

Now is the time, Mr. Speaker, to enact the freedom of access to clinic entrances bill. This legislation will go a long way in sending a crystal clear message to abortion protesters that violence will no longer be tolerated. It makes it a felony to prevent an individual from entering a medical facility and provides a cause of action for those who have been damaged by the actions of violent clinic protesters.

This administration intends to be tough on crime, and this bill has been called for by none other than Attorney General Janet Reno who views this bill as an essential and effective tool in both preventing an prosecuting these heinous crimes.

Every day that goes by without this law is a signal to the violent protesters that their actions are deemed as acceptable by the U.S. Government. Let us bring the freedom of access to clinic entrances bill to the floor immediately and begin to put an end to the violence against women and health care clinics.

SENATE—*Wednesday, September 22, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable DIANNE FEINSTEIN, a Senator from the State of California.

The PRESIDING OFFICER. Today's prayer will be offered by guest chaplain Rabbi Bruce D. Aft of Congregation Adat Reyim of Springfield, VA.

PRAYER

Rabbi Bruce D. Aft, Congregation Adat Reyim, Springfield, VA, offered the following prayer:

Let us pray:

As we gather together during this historic time, we are grateful for your blessings. Recognizing that the potential for peace and human fulfillment is strong, we accept the awesome responsibility to do our share to realize this potential.

Each of us has an opportunity to make significant change. We are taught that when one makes a difference in one life, one can change an entire world. Grant us the strength to make a difference. Let us remember the sacredness of each human life and that it is our human responsibility to improve the quality of each life.

Let this be our goal—to achieve a rich and full life in which all share and in which we each have a role. We cannot become great if we give ourselves up as individuals to selfishness. To achieve a better and richer life for all demands that we each want to share in it.

Therefore, our God and Creator Who has endowed us with creative powers and Who has given us a resourceful mind, may we ever remember that our creativity is Thy gift, designed for Thy service. Give us the humility and the wisdom to strive for purposes from which all can benefit and from which none will suffer hurt. Let us never forget our dependence on one another and on that spirit of brotherhood and sisterhood which is a manifestation of Thy love. For each of us is effective only through our cooperation. Inspire us with loyalty to all with whom we work in the spirit of mutual helpfulness.

Heavenly Father, may we strive ever more resolutely to ennoble our worldly tasks with integrity and seriousness of purpose, so that as we engage in the tasks of providing a better world for humanity, our efforts will fashion our own character and make our lives fit for Thy scrutiny and acceptance. Save us from apathy and indolence. Whatever our hearts and minds motivate us to do, let us do it with all our might. Open our eyes so that whatever our work may be, we may respect it and deem it honorable.

May You, who makes peace in the heavens, grant peace to Your creatures all over the world. May You, the author of peace, fill us with a sense of peace and the gratitude to know we live in a country which has made, continues to make, and will always be charged with the responsibility to make, a difference in the lives of people throughout the world, from the mountains to the prairies, from sea to shining sea.

As together we say, amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 22, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DIANNE FEINSTEIN, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. FEINSTEIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:15 a.m., with the Senator from New Jersey permitted to speak for up to 15 minutes.

The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Madam President.

UNAUTHORIZED HIGHWAY DEMONSTRATION PROJECTS

Mr. LAUTENBERG. Madam President, in the next few days the Appropriations Committee and the Senate will be considering the fiscal 1994 transportation and related agencies appropriations bill. As subcommittee chairman, I rise today to share with my colleagues my views on one of the more contentious issues that we are going to face; that is, funding for unauthorized highway demonstration projects.

As many of my colleagues know, this is an issue that has caused considerable controversy in the House as it has attempted to bring the transportation bill to the floor. In fact, the inclusion of unauthorized projects in the bill reported by the House Appropriations Committee has been a factor in delaying consideration of that bill for many weeks. This, in turn, has delayed the Senate's ability to take up and pass this important legislation prior to the start of the new Federal fiscal year.

The vast majority of Federal highway spending each year comes from the highway trust fund. It is distributed from that fund by formula to States which, in turn, work with local jurisdictions to selected projects.

The projects selected represent State and local priorities that come from an extensive multiyear transportation planning process. Because these projects are cost-shared, this system provides an incentive for funding the most worthwhile projects, that will best contribute to increased productivity and efficiency in transportation within those States.

Each year, however, a small percentage of highway projects receive funding, not from the trust fund but from the general fund appropriations. These projects usually are identified as highway demonstration projects to fund projects that are specifically named in the annual appropriations bill usually by route number or location.

In the early 1980's, these projects received annual appropriations of somewhere between $15 and $30 million. Like most things, however, the practice grew considerably. In the fiscal year 1992 there was an all-time high of $592 million in highway demonstration funding.

Last year, the Congress appropriated $348 million in highway demonstration funding. That reduction last year came in part from my recommendation that the Senate not approve any project for general fund appropriations unless it either was specifically authorized to receive such funding in the ISTEA bill or earlier authorization legislation or if the project had been funded in the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

past by the Appropriations Committee, and therefore was receiving continued funding.

This approach rewarded only projects that Congress had specifically authorized or that were already funded but that needed additional funding to permit completion.

Madam President, this year I propose to take the next step and eliminate all funding for these unauthorized projects. When the Transportation Appropriations Subcommittee meets to write this bill, I will not support funding out of general appropriations for highway projects that have not been authorized.

Despite the enormous pressure to fund these projects by Senators, I believe this decision will result in a more productive use of tax dollars to build our economy.

It is intended to increase our competitiveness and productivity and should ease congestion and create jobs.

Madam President, these projects have been called highway pork, a common expression around here. Stories of roads to nowhere named after the local Congressmen or Senators are often repeated. As in all things, there is much exaggeration on this matter.

Last year these projects represented less than 2 percent of all highway funding. Each project that has received such funding in the Senate's bills has met the criteria established for eligibility for Federal support. Each must navigate all local, State, and Federal permitting and environmental review requirements. And, significantly, each must receive matching funds of 20 percent from the State in which the project is located.

Having said all that, however, the issue comes down to a rather simple question. Who should make the decision about where our scarce highway dollars should be invested in order to move American workers and goods and get our Nation's economy going?

Should a State transportation commission choose the roadway to widen or should the local Congressman?

Should a mayor decide where to locate a traffic signal or should the State's senator?

I think it should be State and local officials, following the planning process laid out in ISTEA.

Despite the great advances made in the ISTEA legislation, this Nation continues to seriously underinvest in our transportation infrastructure. Just ask any commuter who was stuck in traffic this morning. Just ask any transit rider who was left on the platform or could not get a seat on the bus. Or compare our infrastructure budget with those of other industrial nations. We look like a Third World country.

The consequences of this underinvestment are more than a little inconvenience. Delays caused by congestion cost this Nation billions each year. Our goods are delayed, businesses cannot expand and employers do not hire.

This Nation's international competitiveness is tied directly to the speed and ease by which we get products to our markets here and abroad as well as the ease in getting our workers to the job.

This year, the President requested a $2.6 billion boost in funding from the highway trust fund to reach the level authorized in the ISTEA legislation and to begin to reverse our pattern of underinvestment. I applaud this request and the President's commitment to improving our transportation infrastructure.

Given constraints on funding for domestic discretionary programs, we will not be able to fund all the President's request.

Therefore, more than ever, we should use our transportation investment dollars as wisely as possible. To do that, we have to let the decisionmakers at the State and local level make the tough decisions on how to allocate scarce funds without the Congress picking the winners, often for political reasons.

My decision to seek an end to unauthorized highway demonstration projects is consistent with the recommendations of the recently completed National Performance Review of Vice President GORE. That report singled out highway demonstration projects for elimination to better focus Government efforts on the things the Nation really needs.

President Clinton's budget supports the end of unauthorized highway demonstration projects and I have been assured of the continuing support for this position by Secretary Peña. This move also enjoys the endorsement of the Citizens Against Government Waste.

I will recommend that we put funds that would have otherwise gone into unauthorized highway demonstration projects into increasing funds that will come out of the highway trust fund, thereby making the funds available to the States to do the highway work that needs to be done.

I recognize that many of my colleagues will be disappointed by my recommendation to forgo funding for unauthorized highway demonstration projects. This year, the subcommittee has already received requests for approximately 180 projects seeking a total of nearly $1.4 billion.

I know that Senators believe that their projects are important.

Like many of my colleagues, I, too, have received requests for projects in my State that I would like to see funded. Like others, I am also concerned about projects that have received some funding in the past, but not enough to complete a project.

To those colleagues who have these concerns, I urge you to encourage your constituents to contact their State transportation officials. If these projects are important, they will be funded by the State. If so, they will receive the Federal funds they need to be completed.

And the States will have an easier time meeting their priorities because of the higher levels of Federal funding that will occur if we bring to an end funding for unauthorized demonstrations and channel these funds to the States through the trust fund.

On the other hand, if these projects are not priorities, as determined by the responsible officials based on the required comprehensive planning process, then they will not be funded. That is the way it should be.

Madam President, this Congress has committed itself to eliminating wasteful practices and to reform. As a contribution to this effort to reform Government spending patterns and build our economy, I hope my colleagues will support me in this reform effort.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 2491, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2491) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bumpers amendment No. 910, to provide funding for the termination of the Advanced Solid Rocket Motor project for the purposes of reducing the deficit in the Federal budget.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Nevada is recognized to offer an amendment. The time allocation on the amendment is 1 hour equally divided.

Mr. BRYAN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRYAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BRYAN. Madam President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. BRYAN. Is it necessary for the Senator from Nevada to ask unanimous consent to have the pending amendment set aside before I submit an amendment.

The ACTING PRESIDENT pro tempore. Under the previous order that has already been done.

Mr. BRYAN. I thank the Chair.

AMENDMENT NO. 911

(Purpose: To prohibit the use of funds for the Towards Other Planetary Systems/High Resolution Microwave Survey program of the National Aeronautics and Space Administration)

Mr. BRYAN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself, Mr. KERRY, Mr. WOFFORD, Mr. BUMPERS, and Mr. SASSER proposes an amendment numbered 911.

Mr. BRYAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 59, line 15, strike out "$7,544,400,000" and all that follows through "*Provided*, That" and insert in lieu thereof "$7,532,100,000, to remain available until September 30, 1995: *Provided*, That none of the funds made available under this Act shall be available for the Towards Other Planetary Systems/High Resolution Microwave Survey program (also known as the Search for Extraterrestrial Intelligence project): *Provided further*, That".

Mr. BRYAN. Madam President, the amendment I am offering today will eliminate funding for what I believe to be a foolish and wasteful NASA Program which seems to have developed a life of its own—the high resolution microwave survey, or as it was referred to prior to last summer, the search for extraterrestrial intelligence, or SETI.

Madam President, this 10 year, $100 million program to scan the heavens for signs of other intelligent life has attracted ridicule and derision since it was first proposed a number of years ago.

The target of this amendment is the NASA Program which for years was called the search for extraterrestrial intelligence, or SETI.

As I will describe below, since last summer the program has been called the high-resolution microwave survey, or HRMS [HERMES].

Whatever NASA calls it, its purpose is the same—to scan the skies for signs of extraterrestrial life and civilizations.

For years, there has been a core group of scientists interested in the search for extraterrestrials.

Over the past few decades, NASA's support for SETI research has been relatively modest—in many years, substantially under a million dollars.

In recent years, however, the budget has increased dramatically, as NASA prepared to launch the most farreaching SETI search ever.

The American taxpayer suddenly began committing $10 or $12 million a year to the search for extraterrestrials. NASA's great search for extraterrestrials began its operational phase last October 12, the 500th anniversary of Christopher Columbus' discovery of the new world.

The current, $12 million version of SETI uses radio telescopes available to NASA to scan outer space for radio or other signals which do not appear to be natural.

Any such confirmed unnatural signals are assume to be signs of extraterrestrial life.

So far, the NASA SETI Program has found nothing. In fact, all the decades of SETI research have found no confirmable signs of extraterrestrial life.

Even with the current NASA version of SETI, I do not think many of its scientists would be willing to guarantee that we are likely to see any tangible results in the forseable future.

NASA has consistently defended the program, claiming that once you put aside what it calls the giggle factor, this is a serious program, with real and tangible benefits.

While I do not doubt the seriousness of the program and its researchers, I am highly skeptical of its claimed benefits.

Absent any confirmed contact with extraterrestrials, the main benefit of the program seems to be, in the words of Carl Sagan, the development of "new technology, stimulating ideas, and exciting schoolchildren." All noble goals, but hardly justification for a $12.3 million budget when so many other programs, with more direct benefits, go begging.

If we need to develop new listening technology, and if we decide the benefits are great enough that the taxpayer should foot the bill, then let us do that directly.

If we need to excite school children to study more, which I agree we should do, let us put more money into cleaning up our classrooms, improving the resources available to our teachers, and getting the guns out of our schools.

As far as stimulating ideas go, I hope that the academic and scientific communities can handle that without Government subsidy.

In the multibillion-dollar scale of the Federal Government, a mere $12.3 million budget may not seem like much.

But when we bring the spending down to a more basic level, the level that should put this matter in an appropriate perspective, the picture changes.

The $12.3 million that NASA wants to spend to look for extraterrestrials next year could purchase in my own State of Nevada 135 new homes for needy families, or send over 9,000 needy students to the University of Nevada system for a year, or provide day care for 3,400 toddlers—perhaps allowing their single parents to find gainful employment, and get off the welfare rolls.

In the years since I have learned of this program, I have not tried to make the case that this program is completely without merit.

I take at face value NASA's assertion that the program is based on sound scientific principles and is carried out in a professional, scientific manner.

What I have disagreed with is NASA's assertion that the program's merits justify receiving $100 million of the taxpayers' money.

Congress, it seems, agrees that funding the SETI program is a misuse of taxpayers' money.

In fact, Congress has approved legislation in the past that should have killed the program.

Madam President, I cite the history of last year as an example of how difficult it is to eliminate any Federal program once it is established. In the context of what the President and the Vice President are trying to do with reinventing Government, one would hope that the bureaucracy, which is part of that problem, would show the same type of innovative, creative tenaciousness in limiting red tape and trying to address the problems and the responsibilities of the agencies which they are charged with running that they have in maintaining and sustaining this program.

Last year, for example, the House of Representatives included provisions in both its appropriations and authorization bills which prohibited funding SETI.

I offered a similar amendment to the NASA authorization bill in the Commerce Committee, which was adopted by a vote of 11 to 6, to prohibit SETI funding.

Eventually both the House and the Senate authorization bill prohibited SETI funding.

At the same time that legislation was moving forward to eliminate the SETI Program, however, its supporters in NASA and some Members of Congress were moving to protect the program.

By the time Congress enacted Public Law 102-588, the NASA authorization which prohibited spending for SETI, the program had been renamed and buried deep in the NASA bureaucracy. And as you will recall the name then took on a different connotation, the high-resolution microwave survey. But, Madam President, make no mistake. The high-resolution microwave survey is SETI recreated with a different name.

In spite of obvious congressional opposition to the program, NASA began the operational phase of the program last October, as I have described.

To great fanfare, and using the 500th anniversary of Christopher Columbus' journey to the new world as a publicity backdrop, NASA scientists threw a few switches, and started listening for signs of extraterrestrials.

A few weeks later, when President Bush signed the NASA authorization into law, the NASA bureaucracy had taken care of its own—the SETI Program went forward as planned, completely unaffected by the prohibition included in Public Law 102-588.

Madam President, I support the mission and purpose of NASA.

I do not think any of us have forgotten the thrill and sense of national pride created by the ambitious NASA programs of the 1960's.

I have great respect for the new NASA Administrator, Daniel Goldin, and have been impressed by his candor and thoughtfulness during his appearances before the Commerce Committee, on which I am privileged to serve.

Nevertheless, it is obvious to me, and I am sure many other observers, that NASA is a troubled agency.

Its recent string of failures have justifiably drawn attention away from its successes.

NASA has, by all accounts, embarked upon a program of managerial reforms, and is taking a closer look at its overall mission.

The continued funding of projects such as SETI does nothing to improve the image of the agency at a crucial time in its history.

The difficulty in eliminating SETI points to a larger, and often criticized, problem with the Federal Government.

Quite simply, once a program gets started, it is almost impossible to get it stopped.

Whether it is the $12.3 million requested this year for SETI or the search for extraterrestrials, the $190 million wool and mohair subsidy, the $15 billion tax break contained in section 936 of our Tax Code with respect to Puerto Rico and other positions, or the space station debate that we had, I have learned in my brief tenure here in Congress the great difficulty of ending a program once established.

Madam President, if there were no taxpayer dollars involved, I would not be criticizing the SETI scientists or their supporters.

Most of us, at some time or another, have pondered the type of questions being examined by SETI scientists.

My disagreement with SETI supporters begins when they place a claim on $100 million of the taxpayers money. It is simply a matter of priorities.

Even strong supporters of SETI admit that producing any results will be a long shot.

Frank Drake, an astronomer with a long personal interest in SETI type research, has been quoted describing the SETI project as being "like finding a needle in a haystack."

Scientific research rarely, if ever, offers guarantees of success—and I understand that—and the full benefits of such research are often unknown until very late in the process. And I accept that, as well.

In the case of SETI, however, the chances of success are so remote, and the likely benefits of the program are so limited, that there is little justification for 12 million taxpayer dollars to be expended for this program.

Madam President, I urge my colleagues to vote in favor of this amendment.

I reserve the remainder of my time and yield the floor.

I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Maryland.

Ms. MIKULSKI. Good morning, Madam President.

The ACTING PRESIDENT pro tempore. Good morning.

Ms. MIKULSKI. I yield myself 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized for 10 minutes.

Ms. MIKULSKI. Madam President, I rise in opposition to the Bryan amendment to terminate the SETI Program.

I listened carefully to the arguments presented by the distinguished Senator from Nevada, and on first blush his arguments would be quite persuasive. I, too, know that the SETI Program has suffered from something called the giggle factor.

The SETI Program is a program that is a high-technology listening device whose purpose is to listen to see if there is life on other planets or somewhere else in the universe, maybe even out in the great galactic.

The opponents of the program have frequently poked fun at it, and one can understand why, suggesting, "Hey, we already know if extraterrestrials exist because it has been on the front page of the National Enquirer."

Have we all not seen those pictures. "Extraterrestrial alien with Bush at Camp David"; "Extraterrestrial alien with Clinton at Martha's Vineyard"; "Extraterrestrial trying to get in on the health plan proposed by Bill Clinton."

Mr. GRAMM. Bring him in.

Ms. MIKULSKI. "Extraterrestrial with Elvis and Jack Kennedy on the islands somewhere out there."

So if you look at the National Enquirer, my gosh, you actually have a picture. I have seen those pictures. But also I have seen and listened to what SETI means.

Really the search, first of all, if there is a possibility of life on other planets, is indeed a profound philosophical and scientific question. It is a question that has been asked through the ages.

At one of the hearings exactly on this issue in the U.S. Congress, one of the great thinkers said, "Either there is life on other planets or there is not." Either answer is indeed stunning.

If there is no other life on any other planet, then that means a higher power, bursting with love, created an entire universe and yet created life as we know it, intelligent life, only on one planet. That is a stunning thought. Or, that same higher power, bursting with love, creating a universe, has also intelligent life on either this solar system or beyond somewhere in the great galactic.

So the search to see if there is somebody else out there that was created by this higher power has indeed been a subject of speculation of theology, philosophy, and science.

One can then say, "Well, Senator MIKULSKI, it is the area of speculation for science and philosophy, but do we need to bankroll it to the tune of $12 million?"

Well, for our $10 to $12 million, though, we get a lot more than the search for ET.

When I took a look at this issue, I found out from a number of places what this project was all about and I have been a consistent supporter. This program is not something about pop culture and a search for E.T. It is a radio astronomy project, conducted like many radio astronomy projects, with ground-based astronomy projects in the United States and throughout the world.

In fact, last year, we stipulated to NASA that the formal SETI project should be renamed and taken out of the life sciences portion of their budget. Instead, it should be included in the activities related to planetary exploration, because that is really what it was about—except instead of using a traveling spacecraft like *Voyager* or *Magellan*, it used ground-based radio astronomy.

Instead of sending unmanned spacecraft into space, we send radio waves. That actually is a prudent use of resources, because when you send a man into space, it is extraordinarily expensive. When you send a robot into space, it is less money, but very expensive. But when you send radio waves, you reduce the cost by tens of thousands.

We are exploring space and at the same time using the wisest and most prudent source of technology to do the search.

The program is now referred to as the high resolution microwave survey [HRMS], or the towards other planetary systems [TOPS] project.

The project uses radio telescopes to search for microwave signals which, if detected, might suggest the existence of intelligent life in some other part of the universe.

What an astounding thing it would be if we picked up such a signal. What an astounding responsibility for stewardship of our universe if there is no other intelligent life.

If we are the only ones, we really better get our act together in terms of this planet. If there are others out there, perhaps they hold the secrets or ideas that could help us save this planet.

But, at the same time, even if there is no other life anywhere except on this planet, what we can do is get the benefits from this technology.

First, is it good science?

Yes. It has been peer-reviewed by a series of panels, with endorsements from the National Academy of Sciences, the National Research Council, and five Nobel Laureates.

The technology they are now using has the ability to search tens of millions of radio channels simultaneously with computing capabilities that can process 30 million numerical values per second. No such technology has ever been used in this kind of radio astronomy.

The project has a wide-band spectrum analyzer to study and detect small-scale structures in star-forming regions. Studying the motion of these structures will help resolve questions about how stars form.

I want to stress it is an international program—we are not just in this by ourselves—with our scientific partners in Australia, France, Argentina, Russia, and Spain.

One of the real values, though, of this program is that it is an incubator of excellent technology. It has enormous potential for spinoffs in electrical engineering, software, modeling, computer science, radio astronomy, and signal processing.

For example, through a student project at Stanford University, one of the great universities in the presiding officer's own State, the SETI project has developed a high performance signal processing computer chip.

These components of the SETI observing system have a level of computational performance that would put them in a class of supercomputers. We have enhanced our supercomputer ability.

Many other applications for this technology used in this project are for diagnostic medicine.

Diagnostic medicine. Some of the most significant nonintrusive medical technologies have come through the field of radiology. The MRI, the CAT scan. We now know the miracle of these devices. When one suspects a brain tumor now, instead of having to do intrusive surgery on the spot, through the new radiology technology we have, we could image and diagnose and also perfectly identify where that tumor might exist, so that a physician would be in a position to actually plan his or her surgical intervention and get it done right and get it done right the first time. That is pretty important.

What this radio astronomy does, from what I understand, is it would enhance even more our ability to come up with new radiology and treatment tools.

There are also other breakthroughs in terms of geophysical resource exploration, and this geophysical resource exploration could also help with future predictions about earthquakes.

The listening technology developed has other applications in public safety, national defense, the monitoring of airport environments for signals that may interfere with aircraft navigation and communication.

In the area of education, this program holds great promise in getting kids interested in science. It has conducted elementary and high school education programs and teacher training workshops where they found the lure of "E.T." gets children's attention and gets them involved in a multidisciplinary forum to teach the physical, mathematical, and social sciences. So they might first get excited about looking for E.T., but then they get more excited about solving mathematical problems. It is also the type of project that can be incorporated into extracurricular activities, particularly in Boy Scouts and Girl Scouts, as we use those to again bring our young people into being interested in math and science.

Is my time up? I ask unanimous consent to proceed for 30 more seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. Undergraduate education: The SETI has found wide acceptance as a topic of introductory astronomy courses in colleges.

I could outline this in more detail. I want people to understand this project is not a laughing matter. It is serious science with serious applications that will answer some of the most serious questions that have been asked for thousands of years.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. MIKULSKI. I yield to the Senator from Texas 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 2 minutes.

Mr. GRAMM. Madam President, after that great speech, I think anything I would say would be redundant.

The bottom line is this: We made a commitment as a nation, 14.6 billion dollars' worth, to NASA. And the question is: In that big commitment, in all of those programs, do we want to spend $12.3 million basically engaged in research to listen, to try to find any form of communications from deep space?

We are talking about basically the development of new technology that has many uses on Earth. We are talking about trying to begin the establishment of simple, basic nonglamorous research. But I think when we are looking at the potential gain, and I can say given all the problems we have here that we are dealing with, if we can make any discoveries anywhere, I think it would be useful to tap into it.

I think when we are looking at a very modest, small program engaged in basically the activity of trying to find radio waves in deep space, I think it is a good program. I would not support a full-blown, huge program to engage in this activity, but this seems to me to be a very modest investment, given that what we are doing has other applications.

Should we have a breakthrough, should we make a discovery, it could change the whole way that we look at the universe we live in.

So I think the chairman has done an excellent job of outlining the case. It is easy to convert this into a silly little program. If we were spending $100 million, I would vote for the Senator's amendment. But the truth is, this is a very modest, small, controlled program primarily involved in creating the technology to allow listening to occur. Listening is what we all do too little of, and having the human race spend this money listening to see if radio waves or any form of communication, exists in the universe does not seem to me to be an outrageous expenditure of money.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Nevada.

Mr. BRYAN. I thank the occupant of the chair.

I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized for 5 minutes.

Mr. BRYAN. Madam President, I want to make the point again that I concede the serious purpose of this undertaking, and I do not denigrate the professionalism of the scientists who are involved in this program. That is not my point.

My point is that this is a matter of priorities, and it speaks a great deal about the way we conduct business in the U.S. Senate.

A year ago, the authorizing committees of both the House and the Senate—the authorizing committees—examined this program and they made a judgment—one can quarrel with that judgment—but they made a judgment and enacted into law as part of the authorization process that this program should be eliminated. That was a pronouncement of the Congress of the United States, signed into law by the President of the United States. That process was circumvented, in effect, by recasting this as the high-resolution microwave survey. The Appropriations

Committee, in effect, put the money into the program, although it is cast in a new name. So I think it says a great deal about the way in which we conduct business in the Congress and I think, Madam President, it contributes to the public skepticism and the cynicism about the way we do our business.

Let me make another point, if I may. I think all of us would concede that there are finite limits that we have in terms of our ability to underwrite and finance programs. Not every potentially worthwhile project, not every potentially worthwhile research program can be undertaken. We have to establish some priorities.

My quarrel with this program is a matter of priorities. We are not just talking about $12.3 million this year, although that is the amount, as the distinguished subcommittee Chair has pointed out, that is included in the overall NASA appropriation. We continue to commit ourselves prospectively. So we are looking at $100 million over the life of this program. Because, as I have suggested, virtually no program approved by the Congress ever seems to reach a terminal point, one might suggest that this program will continue in perpetuity, as so many of our other programs appropriated for over the years.

But there is a finite limit. The budget deficit is real. Members of both sides of the aisle have given stirring orations about this deficit and what it is doing in terms of corroding our ability as a nation to respond to so many of our other problems.

Is this a priority? How would the American public, given its choice of ranking, want to spend the American taxpayers' money? Would this program be included in that kind of approval? I suggest not, Madam President.

Finally, let me just indicate to my colleagues that this is a program that may be desirable, but when you are running a deficit as we are this year in the magnitude of $260 billion, $280 billion, $290 billion, it is one that we simply cannot afford. Now is the time to make a judgment about priorities for our expenditures.

I say to my colleagues, with great respect to the floor manager and the minority floor manager, that this is a program that we should eliminate.

I yield the floor.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 16 minutes 42 seconds.

Ms. MIKULSKI. Madam President, I yield myself 2 minutes.

Members of the U.S. Senate should know that after 1994 the project drops in cost by half. It will go from $12.3 to $6.4 million. The project itself, this particular project, would end in fiscal 1999. I support this. Unless we do pick up a signal from somewhere, we will then meet the goals of the project from its expiration standpoint and from the other goals that were outlined.

So this project will end in 1999. Its cost next year will drop by half. I think it is worthwhile to stay the course and maintain the project.

I yield the floor.

I have an inquiry of the distinguished Senator from Nevada. Does the Senator wish to debate anymore?

Mr. BRYAN. Madam President, responding to the distinguished subcommittee Chair, I will be happy to yield my time.

Ms. MIKULSKI. I think we are prepared to yield our time. It is our understanding that we will yield the time, but the vote itself will be postponed until noon.

Mr. ROCKEFELLER. Madam President, I strongly oppose the amendment to terminate the search for radio signals from space that could indicate the existence of intelligent life. I urge my colleagues to vote against the amendment.

Are we alone? Our Nation has been seeking an answer to this question through radio astronomy since the first search was initiated in 1960 by the National Radio Astronomy Observatory in Greenbank, WV. These early searches, a continuation of our country's commitment to explore the unknown, were of limited duration and examined only a small fraction of the radio spectrum.

Now, with the high-resolution microwave survey [HRMS], initiated exactly 500 years after another explorer of the unknown reached what he called the New World, we may get closer to answering this question, at least from the 400 billion stars in our own galaxy. In the first minutes of its observations, the HRMS scanned more space and analyzed more data than the sum of all previous searches.

Conducting the survey will cost each American about 5 cents during the coming fiscal year. I believe that is a worthwhile investment. Even if we don't get an answer next year, or at any time during the planned 8-year survey, the small amount of money we are talking about will have been well spent. The HRMS is a valuable project that has already produced many significant benefits, including technological advances for American scientists and educational programs for American children.

The technical and engineering advances associated with the HRMS program to date have been extraordinary. For example, the electronic systems developed for the HRMS are basically special-purpose supercomputers. These systems can be reprogrammed for many other applications. In another example, a customs signal processing computer chip developed for the HRMS is capable of performing almost seven times faster than the common commercial chip. Other applications of these technologies have already been found in diagnostic medicine, fault detection in materials, and geochemical exploration.

As I mentioned, the electronic systems developed for the HRMS are basically supercomputers. To design and build these supercomputers, HRMS engineers developed detailed software models of many new integrated circuits. These software models, written in a standard design language, will be useful to many electronics companies. These are only some of the many returns American taxpayers have already received from the investment in the HRMS, and the survey itself has only just begun.

In sum, HRMS represents a valuable and worthwhile scientific endeavor that has yielded, and will continue to yield, many important advances in technology. American taxpayers have a right to expect a return on the 15 years of research and development invested in this program. With the many technological developments already produced during these 15 years, the HRMS has proven its value even before the real benefits, the results of the survey itself, have begun to flow.

I urge my colleagues to support continued funding for the HRMS, a worthwhile scientific program with real and potential technology benefits.

Mr. BRYAN. I am pleased to yield the remainder of my time.

Ms. MIKULSKI. As the proponent of the bill, opponent of the amendment, I yield all the opposition time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

Mr. GRAMM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. GRAMM. Madam President, we have an agreement on the D'Amato amendment. I ask unanimous consent that I might offer that amendment now on behalf of Senator D'AMATO.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 912

(Purpose: To limit overall increases in permanent Federal employment by the Office of Federal Housing Enterprise Oversight)

Mr. GRAMM. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. GRAMM], for Mr. D'AMATO, proposes an amendment numbered 912.

On page 40, line 20, before the period, insert the following: ": *Provided further*, That funds made available by this paragraph shall not be available for employment of more than 45 full-time equivalent positions".

Mr. GRAMM. Madam President, this amendment is simply aimed at trying to prevent the explosion of Federal bureaucracy, trying to limit the number of people who can be hired in supervisory positions in a new oversight board.

Mr. D'AMATO. Madam President, just 2 weeks ago, President Clinton unveiled his plan to reinvent the Government by cutting the size of the bureaucracy and slashing redtape. Today, along with Senator BOND, I am offering an amendment to limit the size of a new Federal bureaucracy before it grows out of control.

Last year Congress created a new office in HUD to regulate the financial safety and soundness of the Federal National Mortgage Association [Fannie Mae] and the Federal Home Loan Mortgage Corporation [Freddie Mac]. At that time, a number of my colleagues on the Banking Committee were concerned that we might be sowing the seeds of a new bureaucracy and put provisions in the legislation to ensure that this new office was run on a cost-effective basis.

At that time, we were told that the estimated budget for this new office was $5.7 million. In fact, this is the amount of money that the House of Representatives approved in its VA-HUD appropriations bill.

Madam President, the Office of Federal Housing Enterprise Oversight has failed to provide Congress with an acceptable business plan to justify this increase in both staff and budget.

The amendment that Senator BOND and I am offering would assure that this office has the resources to do its job without creating a large bureaucracy. Under this amendment, the proposed appropriation for the operation of this office will not be affected. Instead, the number of full-time staff would be capped at 45—still a 5-percent increase over the original budget. If the new Director needs additional help to get the office going, she has broad authority to contract with other agencies or consultants. It is my hope that the Director will seek to minimize costs, consistent with the need to fulfill the Director's required duties.

Madam President, I encourage the Director to submit a detailed business plan to Congress if the need for an increase in the number of permanent staff is evident. I would be happy to revisit this issue at that time. I want to work with the Director to ensure that she has a sufficient budget.

Mr. GRAMM. Madam President, there is no objection to this amendment on either side. I ask unanimous consent that the amendment be agreed to.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 912) was agreed to.

Mr. GRAMM. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIDEN. Madam President, I ask unanimous consent that I be able to proceed for 15 minutes as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Delaware is recognized for 15 minutes.

JUDGE FRANCIS A. REARDON

Mr. BIDEN. Thank you very much.

Madam President, I have been here going on 21 years. I think this is the first time I have sought the privilege of the floor to speak about a personality in my State, a gentleman who recently passed away. I do so because he was such an extraordinary man. There have been other men and women of accomplishment in my State and ones of equal, although considerable, accomplishment but few who had the special thing that Francis A. Reardon possessed.

An era ended in Delaware on Wednesday, September 8, with the death of Francis A. Reardon at the age of 88. Francis Reardon was born in Wilmington, DE, in 1905, the son of Irish immigrants. He attended the local Catholic schools in Wilmington, and he graduated in 1928 from my alma mater, the University of Delaware. He came down here and went to Georgetown Law School. In 1930, he married the former Mildred Moore, who is also of Wilmington, DE. And in 1931, he graduated from law school and was admitted to the Delaware bar and was able to practice law.

In his more than 56 years as a professional in the Delaware bar, Francis Reardon held the following positions, among others. He was attorney general, he was attorney for the General Assembly of the Delaware State Legislature, he was the chief prosecutor during World War II for the Office of Price Administration, he was an assistant U.S. attorney, he was a family court judge, he was deputy attorney general, and he was the State prosecutor.

These are some of the basic facts about Francis Reardon's career, Judge Reardon's career. But, as I am quick to add and as every Delawarean who knew him would be quick to add, these basic facts, as impressive as they are, do not begin to tell the story of Francis A. Reardon and, even more importantly, the impact he had on thousands and thousands and thousands of lives in the State of Delaware.

It was not what he did. As I said, other people did some of the things he did just as well and in some cases better. But the spirit, the conviction, the dedication, the absolutely unrelenting optimism of this man was what made him a legend in my State and in the Delaware legal community. But not only in the legal community; he was known in every neighborhood in the city of Wilmington, DE. He was known in every public-spirited organization. He was a man who never hesitated to tell you what was on his mind. He never hesitated to help.

The facts of his life do convey accurately, though, that Francis Reardon was a model of involved citizenship. He was a leader whose dedication to community, to professional excellence and to public service was sincere and unwavering—I emphasize "unwavering"—and the positions of trust to which he was appointed convey again accurately that Francis Reardon was a model of personal and professional integrity. From his vigorous and very successful prosecution of black marketeers during the war to his earning the first ever appointment as a Democrat in the office of a Republican attorney general who was 13 years on the bench, to his service beginning a new career at the age of 60 years of age as Delaware's first State prosecutor, a position he held for 20 years until his retirement, all speak to his energy, his intelligence, and his integrity.

However, the traditional use of the term "model citizen" tends to imply a kind of tameness, someone who does not get into trouble, who does not make a lot of people angry. And that, Madam President, was not Francis Reardon because he was a model citizen who made people angry. He was a model citizen who shook things up. He was a model citizen who made us stare our problems in the face and, when we shrank from dealing with the problems, pointed out our cowardice for having done so.

Judge Reardon was the kind of model citizen who was willing to get into trouble, to make people angry if that was the price of speaking his mind, and living according to his convictions. Judge Reardon himself described his courtroom and family court—I suspect with a touch of satisfaction—as the only one where "both the wife and the husband came and went away dissatisfied."

Yet it was for his service on family court that B'nai B'rith honored him and presented, in 1961, the Community Service Award to "a man who has preserved kindness and sympathy and has used both his heart and his head in a difficult public post."

That is where I first met Judge Reardon, as a young attorney in the family court. Judge Reardon was particularly suited for the family court, and I believe he would have been suited to serve on our court of chancery, a completely different court, because Judge Reardon on occasion thought the law was an ass and had no reluctance to say so. Judge Reardon often pointed out the stupidity of some of the arcane notions that we took into courtrooms, and in the family court he had the leeway to do so.

Let me give you an example. I will never forget the first case that I had in the family court and it was a question—and different States refer to this by different names—but the issue was whether or not a young man—I was a public defender, I was assigned to defend the one who had been accused of a particularly serious crime—should be tried in the adult court because, although he was 16 years old, just not quite 16 years old, it was argued by the State prosecutor in the State's attorney's office that he should be tried as an adult because he had, quite frankly, a fairly long record. I was assigned to represent this young man. I had only been practicing law a little while, I guess about 3 months. And to my great shock, and I must say momentary panic, into the room comes this fellow who some might refer to as a big leprechaun—short man, always looking like he was wired, bouncing everywhere, with a glint in his eye—and if it was not the chief prosecutor from the State of Delaware who was deigned to come down to family court to argue with this young lawyer of 3 months on a case I did not even know he knew existed.

And after, as I said, that momentary feeling of panic evaporated, just simple fear set in. And there was a judge named Melson who was one of the fine men on our bench and Judge Melson was sitting there and Judge Reardon, Francis Reardon, who was—as the State prosecutor, everyone still called him Judge, which was also mildly intimidating if you are a lawyer on the other side. I had worked very hard on one of these first cases that I had been assigned and I had psychiatric testimony from the State hospital that this young man—who was my client and assigned to me—was not capable of being tried as an adult and he should stay in the family court and be tried as a juvenile.

And, unfortunately, my expert witness, the State psychiatrist, was testifying in a case in the superior court, and so I was seeking an extension. I was seeking an opportunity to delay this so that we could have my expert witness come down. I was trying to figure out what is the precise language you are supposed to use: "May it please the Court" or "Your Honor," and I kept calling the State prosecutor judge because I had known him all my life as Judge Reardon. I knew him from the CYO League, I knew him from family court, I knew him from everywhere as almost everybody did.

And Judge Melson finally looked at me and said, "To which judge are you directing your inquiry?"

I regained some of my composure, I think, and I looked at the presiding judge, Judge Melson, and I said—I was trying to be as serious as I could, and I looked at him and I said, "Your Honor, I ask for a continuance because my expert witness"—the psychiatrist, Dr. So and So—"is not available."

And up out of the seat like he was on springs popped old Judge Reardon, the prosecutor, and he said, "No problem, Judge. No problem." He said, "I'll stipulate to everything BIDEN's psychiatrist will say."

And I thought what a coup I had just accomplished; I did not even have to bring down my psychiatrist. It was not even necessary; he was going to stipulate to everything he said. And what he was going to say was this young man should be tried not in the superior court but right there in the family court.

I said, "Fine."

And he said, "On one condition, Your Honor."

Judge Melson looked at him and he said, "Yes, what's that, Reardon?"

He said, "That you give me a chance, you give me 3 hours to bring in one of my psychiatrists because Your Honor has been practicing long enough to know that if he can find an expert to say that he is not, I can find two who will say he is."

With that, I realized I had just been taken, and we decided to go to trial.

But the point of the story is Judge Reardon always had a very practical, straightforward, simple solution to everything, and on occasion angered someone because the truth of the matter was he could have produced a psychiatrist who said the exact opposite thing. The truth of the matter also was that he had a degree of empathy and sympathy for young lawyers as they began to practice that few of the elder members of the bar conveyed at least to me and I suspect to my colleagues.

I had shown up one day—and the Presiding Officer was a prosecutor herself, a graduate of the University of Chicago Law School and someone who knows the law and trial work—on my first day on the job after being admitted to the practice, I went as a public defender into court with the chief of the Public Defender's Office, a fellow named Eddie Sobasinsky, and we stood there and he had five files in his hand. One was a murder trial, two very serious, brutal robberies and two burglaries, and it was before a particularly stern judge. All the defendants were sitting on the front bench.

He said, "Mr. Sobasinsky, are you prepared to go to trial?"

He said, "Well, I will plea on two and," he said, "the two robberies I don't have a plea, Your Honor, and I am ready to go to trial on the murder case."

I had literally been admitted to the practice the day before in a ceremony like every other member of the bar, and I was sitting on a bench in the second row. And he looked down, this particularly officious judge, who I was never very crazy about so I will not mention his name, and he said, "Who is that?"

Mr. Sobasinsky looked at me and he said, "Oh, I beg your pardon."

He thought he had made a breach of protocol not introducing a member of the bar.

He said, "Your Honor, I would like you to meet Mr. Biden. He was admitted, he was sworn in in the Supreme Court," so and so.

And he said, "Good, he can take the robbery case."

And I said, "I beg your pardon, Your Honor."

I could feel my—I said, "Your Honor"—and this is the God's truth. The defendant was a fellow named Earl Larkin, a black man who had been very involved in the community but not in an appropriate way the previous 5 or 6 years but a very well-known tough guy in the community.

And he said, "Mr. Larkin, you don't mind if Mr. Biden takes your case, do you?

And he said, "No." He said, "One honkey is as bad as any other so," he said, "I don't care who I get."

He said, all of a sudden, "Mr. Biden, you draw the jury at 1 o'clock, go to trial tomorrow."

And I thought that was so unfair to do to this client let alone me. I did not know what to do.

And so later that day we drew it. I stayed up all night. I was out in the community looking for witnesses that night, literally at 11:30 at night. The next morning I get to the public building and I am running across—they had little corner elevators, and I am running across to jump on an elevator. They literally held five or six people. No more than I get in the elevator and all of a sudden, as if it was Superman, comes Judge Reardon, my recollection is, about five-six and he bursts the door open. He comes in and he says, "What's your hurry, Biden?

And I said, "Geez, Judge Reardon."

And he said, "Where are you going?" And he reached out and he grabbed my hand. He said, "Ah, sweaty palms."

And I looked at him and I said—I was so angry, I was so offended that he had—I was embarrassed that he knew how nervous I was going into court. And he grabbed my hand. He walked off the elevator on the fourth floor, and he said, "Let me tell you something." He said, "The day you get in this elevator to go to trial and your palms aren't sweaty, your client's in trouble. You will do fine."

The man not only helped me through that trial, even though he was the State prosecutor, but he took the time after the trial was over to come to me, sit with me, tell me as a young public defender what I had done right and what I had done wrong.

This is a man who was a little bit like a Solomon in our court, Madam President. He was a man who literally, instead of trying to automatically apply the law in family court, would sit with husbands and wives and he would actually in his courtroom, close the door, tell the lawyers to leave and try to reconcile. He would actually settle disputes in ways that few people could. He would take young men, and women occasionally, but young men he had sentenced to what we call fair school, reformatory, and then he would have them come to his home on the weekend, and he would make them work with him. They did not really work with him; they hung out with him while he cut the grass, while he did whatever.

There were certain kids in the community he would take and put back into the basketball leagues and the football leagues. He would go to them. He would be there as a judge. He was deeply involved in the community in a way that few members of the bench in any State I suspect have.

Madam President, there are so many stories about him that I could go on for a long time, but Judge Reardon told the court on one occasion, "The Christian charity and the advent of Christmas compel my appearance here today to say a word on behalf of a not too smart defendant." This is when he came as a character witness —tough, honest, compassionate. And that was just as true in his dealings with the judges, colleagues, and many young lawyers he advised.

There is another story I thought I might add, and there are too many Judge Reardon stories to count. This involves the late Daniel Herman, who was the chief judge of the Supreme Court of the State of Delaware, who was hired in the district attorney's office at the same time Judge Reardon became the first assistant district attorney. Among other things, the story illustrates a fact of which we are all aware: Judge Reardon had an Irish sense of humor to go with his self-described Irish temper.

Dan Herman, his former colleague, went on to the district attorney's office and, ultimately, to the Delaware Supreme Court, where he had occasion to overturn a conviction that prosecutor Reardon had won in the lower court. Well, the former Judge Reardon entered Judge Herman's office calling, "I want to see the liberator. Where is the liberator?" This is when he was a Supreme Court justice.

Judge Reardon loved—and I do mean loved—to argue points of law, and he believed in rigorous fidelity law. He had a compassionate understanding of human frailty, and he believed in common sense as the bottom line in results where it mattered most to him. He shared these beliefs, and many of the lessons of his career, with an entire generation of young Delaware lawyers, and with more than a few members of his own generation, whether his opinion was invited or not.

As one of those then young lawyers, I can tell you how much Judge Reardon's guidance of both career and character meant. In private moments as well as in public pursuits, Judge Reardon always took the time to care. The difference he made in his public efforts is known throughout my State, Madam President. But the difference he made in the countless individual lives he touched can never be measured by me or anyone else.

Francis Reardon was the family lawyer in the very best sense of the tradition. He was the first person many people turned to in times of trouble. As another Supreme Court Justice, Judge Walls, said at the eulogy, many clients could not pay a fee and received no bill from Francis. As Justice Walls emphasized of his personal friend, no tribute to Francis Reardon would be complete if it did not honor his private as well as public life. As committed as he was to his community and profession, he had an even deeper commitment to his family and his faith. He himself had private loves as great as his public concerns, one of which was the shore of Lewes, DE, where if Judge Reardon got lucky and the fish were biting, he would clean them for dinner, or if he got lucky and the fish were not biting, he would not have to clean them.

It was in that quiet offshore setting, as Judge Walls recalled, that the image of Francis Reardon was so clearly that of a man truly at peace with himself and his God. Judge Reardon's greatest love was his wife, Mildred, with whom he shared his life in more than 50 years of marriage, until her death in 1982. Together they raised a remarkable family including sons Francis, Dennis, William, Lawrence, Alfred, and daughters Mary and Margaret. Thanks to them, Judge Reardon was blessed with 21 grandchildren, 16 great grandchildren, and a great-great granddaughter. I also mention Judge Reardon's surviving sisters, Mary, Alice and Evelyn, all of whom still reside in Wilmington.

Family and heritage. It is where I began the story of Francis Reardon and where it will end. For as great a public man as he was, the truest measure of his life rests in his countless unwitnessed acts of charity and love. Pope John Paul II once said: "Love is never defeated." The history of Ireland proves that; and so does the life of Francis Reardon prove that. The victories won through his love will sustain and inspire all of us who knew him through his life.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 913

(Purpose: To reduce funding for the National Service Initiative to authorized levels)

Mr. NICKLES. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 913.

Mr. NICKLES. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(1) On page 69, line 23, strike "$391,000,000" and insert "$370,000,000".

(2) On page 70, line 15, strike "$211,500,000" and insert "$190,500,000".

Mr. NICKLES. Madam President, this amendment is relatively simple, I hope, maybe even noncontroversial, but that remains to be seen. This amendment would reduce the funding in this appropriations bill to the authorized level for the national service initiative, or community service initiative, the bill the President signed just yesterday with some fanfare. The authorized legislation said we will not exceed $300 million in financing subtitles (c), (d), and (h). The legislation before us appropriates $321 million for those three subtitles. The amendment I have submitted to the desk would reduce that amount to $300 million which is the authorized level.

I would hope my colleagues would concur. It would save the taxpayers $21 million if this is what is ultimately agreed to in conference. So I would hope that my colleagues would concur.

I know the manager of the bill is reviewing the amendment, and I am happy to speak on a couple other issues while she reviews it or, if she wishes to discuss it now, I will be happy to do that as well.

The PRESIDING OFFICER. Under the previous order the Bryan amendment is laid aside and the Senator from Oklahoma [Mr. NICKLES], submitted an authorized amendment. There will be 1 hour of debate equally divided on his amendment, 2 minutes and 30 seconds having transpired on the side of the proponents of the amendment.

The Senator from Maryland.

Ms. MIKULSKI. Madam President, before I respond to the Senator from Oklahoma I would like to discuss the matter with him and, therefore, I will suggest the absence of a quorum.

Mr. NICKLES. Madam President, if the Senator will withhold the suggestion of a quorum, I will speak on a couple other related issues.

Ms. MIKULSKI. If the Senator will withhold, I would like to discuss with him about the amendment.

Mr. NICKLES. Yes.

Ms. MIKULSKI. I suggest the absence of a quorum and ask unanimous consent that it be charged equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, yesterday I went to the White House for the signing of President Clinton's new national service program, a new rung on America's opportunity structure, a new rung that will give help to those who practice self-help, a new rung on the opportunity ladder that will say yes to the kids who say no to drugs, no to dropouts; yes to the kids who stay in school, doing their homework and wanting to through their own sweat equity be able to earn a voucher in which they can reduce their student debt for higher education and at the same time roll up their sleeves to help deal with the social deficit facing the United States of America. Not only is it a rung on the opportunity structure, this is not just one other program. This will change America's culture.

We will go from the me generation to the we generation, the we generation, in which young people will say for every opportunity there is an obligation to serve; for every right in our country, there is a responsibility of citizenship.

This is not about entitlement. This is about enlightenment, enlightenment about yourself, your community and serving.

That is why I do not want this bill nickeled and dimed. I do not want this bill nickeled and dimed. We had ample debate on authorization. We had ample debate in hearings, and now we are on the Senate floor with what I think is adequate funding to deal with this first year of the proposal that passed with bipartisan support to create this rung on America's opportunity.

The sponsors of the pending amendment might say that our bill is slightly above the authorized level. In response to that, I would like to make several points.

First, the committee will have to negotiate with the House on the total final agreed on for this year. They have no funds in their bill for this legislation because when they moved their bill no authorizing had passed.

So we are trying to position the Senate so that the conference agreement we will reach guarantees that we will have enough money for 20,000 service opportunities in fiscal year 1994. That is the compromise we agreed upon in the authorization bill.

Second, the Senator should note that only $94.5 million has been provided for the national service trust in the bill. The trust is where the postservice benefits are placed until they are drawn down by the national service participants and after they complete their service.

The amount we provide can only be stretched to cover 20,000 people at a benefit level of $4,725 for 1 full year of service. What does that mean is that if you get out there and work in your community as part of the national service you will earn a voucher for $4,725 to reduce your student debt or to be held for you to reduce your student debt.

You know, Madam President, you walked the streets of Chicago and you were out in small towns of Illinois. You know for a lot of our kids that first mortgage is their student loan program. When they say, "Senator CAROL MOSELEY-BRAUN, how are we going to keep hope alive," this is one of the ways. This is one of the ways for 20,000 kids. Their having an extra cushion in the bill for full- and part-time service opportunities enabled the corporation to do another summer of service program next year.

President Clinton called it the SOS Program, summer of service. But it was not SOS for riots. It was not SOS to deal with breakdown and anarchy in our cities. It is SOS in which young people worked together across ethnic and class lines to do extraordinary things.

The President of the United States held a forum in the State of Maryland with the kids who actually worked in summer service.

Oh, Madam President, I wish you would have heard those stories on what they did. They did immunization. Did they do the needles? No. That is clinical personnel. But they could get people to take advantage of some of the services to immunize kids. People did not know about the benefit. They were afraid of a needle. They did not know what it was going to mean. And many of the communities in New York people went door to door, these young people many of whom could speak many languages and were able to through work—it was summer of service—with trained clinicians be able to immunize thousands of kids. That was summer of service.

Now, what they said was, we like this. One young lady said, "This so changed me I want to be a doctor." Another young man said: "I loved this so much. I did not know about a career called public health. I now know what I want to do. I now know that I can do well, while doing good."

Well, my gosh, we got kids immunized and these benefits. We wanted summer service. And when we talk about SOS, we wanted to have service and not disaster that we are responding to.

Fourth, the cushion will help the corporation address any unanticipated contingencies in the coming year.

Suppose we have another national disaster? National volunteers made a difference in the Midwest over the summer. One of our able members of our subcommittee, Senator BOND of Missouri, was one of the real leaders, along with Senator WELLSTONE and Senator DURENBERGER. It was bipartisan. We said, why can we not use national service to get out and help with the recovery from the floods and also help the floods from coming in.

The distinguished Presiding Officer had enormous floods in her own State. We know about the flooding in the deep tunnel in Chicago, of which she has been a strong advocate.

When the floods come, you do not worry about cutting line items. You want people out there to do the backup. Many of the volunteers were exhausted, but national service volunteers made a real difference in the Midwest over the summer, in which they then came out to do backup, to help do the cleanup, to help restore our communities.

Well, that is what the contingency is all about. We have had floods in the Midwest, we had hurricanes on the east coast, we had an earthquake—5.67 on the Richter scale—in Oregon.

We do not know what is going to happen to our country. But volunteers in national services with contingency funds could be moved around to help with needed recovery.

Madam President, I think that this bill keeps up our end of the bargain on national service. We cut the budget request by 17 percent. Do you know what? We did not compromise our investment for education programs in the way we have been able to move this bill.

And, boy, have we been tough on the bureaucracy issue. When we began to talk about national service in this Senate 5 years ago, Senator NUNN and I said: No bloated bureaucracy; no lavish headquarters. The money is in service, opportunities for young people to reduce student debt, not for bureaucrats to have opportunities for big salaries, big offices, but hands on, neighbor helping neighbor.

You know, we cut the money for bureaucracy from $40 million to $25 million. And we have capped the amount available for full-time postservice benefits at $250,000 in fiscal 1994.

I do not want to rehash the debate that we settled on the reauthorization bill, but I think that we have been prudent, we have put forth the money.

This will be the first year of this program. We want it to get off to a good start. We want it to get off to the right start. For many of our young people, this will be the opportunity that ranks up there with night school, ranks up there with the community college.

Madam President, we are a country of great technological innovation. A lot of that is in my bill in space and science. But we are also a country of great social invention.

The distinguished Presiding Officer might not know, but we are the country that invented night school. And we invented it at the turn of century. Immigrants streaming into the United States of America wanted to learn English, learn about citizenship, and begin to learn skills to move up in our society. But they worked in sweat shops, they worked in mines, they did not have the opportunity to go to school. So the ingenuity of the Settlement House created night school and created a whole new way for people to help themselves.

At the end of the World War II, with the GI bill, not everybody could go to a 4-year college. They could not afford to go away or pay the bills. So we invented a community college which gave them a 2-year opportunity to then either have technical training or be able to stay in their own neighborhood and matriculate to a 4-year program.

Now we come along with a rung in the American opportunity ladder, and that is the America Corps that has been passed by this Congress.

So I hope we give it full funding. I hope we give it our full support. And I hope that we defeat the Nickles amendment.

Mr. NICKLES. Madam President, I wish to compliment my friend and the manager of the bill, Senator MIKULSKI, because she has been tireless in her efforts in managing this bill. This is not an easy bill. It is one of the more difficult subcommittees to be chairman of. She has done an outstanding job. I compliment her and I hope that she is successful in concluding this bill a little later today.

So, Madam President, it is with reluctance that I offer this amendment. This amendment basically seeks to keep the Appropriations Committee in line with the authorization bill that passed earlier this year.

I might mention I did not support the bill that passed, but I was involved in trying to reduce the scope and the cost of the bill. I opposed the package as originally introduced by President Clinton that would have cost $10.8 billion over the 5-year program.

Many hours were spent—as a matter of fact, days were spent—on the floor of the Senate trying to reduce the cost. And many people, my colleagues, Senator KASSEBAUM, Senator DURENBERGER and others, who even in some cases support the idea of national service or community service, did want to bring the cost down. A great deal of time, probably the majority of the time that was spent in the debate on the package, was an effort to make sure that the costs were definable and that they were limited.

The bill, as originally reported out of the Senate Labor and Human Resources Committee, after the first year, said "such sums as necessary." I believe the first year it authorized $394 million, and then it said in subsequent years "such sums as necessary."

Most everyone said, "Wait a minute. That is irresponsible. That is open-ended. There is no limit to how much that might cost."

So we put in a definitive, limited amount. We said, well, in 1994 we will have $300 million authorized; 1995, $500 million authorized; 1996, $700 million authorized; a $1.5 billion program, significantly less than the President had requested at $10.8 billion over 5 years.

So I question whether we need it or we can afford even a $300 million program. I am bothered by the fact that I see the Appropriations Committee, the day after the President signed the bill, coming forth with an appropriation that says $321 million instead of $300 million. It is only $21 million, but there is some principle at stake.

I have stated time and time again on the floor that this program will explode in cost. It will have enormous opportunity to grow. And if we allow legislation to pass such as "such sums," or if we allow these appropriations to grow, they will grow, and grow very rapidly.

So I fought the battle on authorizing the legislation and I lost. Now I am just trying to say we should hold this level to the level as authorized. I would think that those Senators who were involved in that debate would support this amendment.

Madam President, I also ask unanimous consent that Senator MCCAIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Madam President, I wish to just touch on kind of a related issue, and that is the issue of cost. I am very concerned about programs that we initiate, new programs or new expansions that will grow, I am going to say, many times the rate of inflation. I am concerned that the national service program is one such program.

I want to tell my friend and colleague from Maryland that I know that she has the capability and capacity to be a watchdog over programs probably better and more tenaciously than any other chairperson of any of the Appropriations Committees, so I welcome her comments as far as her commitment to make sure that these programs are not overloaded with bureaucracy.

I also compliment her for reducing the amount of administration costs, I believe, from $40 million to $25 million. I think that was a step in the right direction. But I also think, at the same time, if we are going to be fiscally responsible, we should stay with the authorized level and not exceed that authorized level, and that level would be $300 million.

Madam President, just to touch on a couple other issues that concern this Senator as far as exploding costs. And that is, maybe the No. 1 issue that is on everybody's mind today, and that President Clinton will be addressing a joint session of Congress on, is the issue of health care and how much the health care costs can explode.

I am very concerned that the President is announcing a program that is going to be overpromised and underfinanced.

I look at the President's charts. I happen to be a person who kind of pays a lot of attention to financial numbers and so on. I look at the costs and the new spending in his program and also the new revenues, and I see a lot of new spending. In his program, he says it is $350 billion in new spending over the next 5 years. The only proposed new taxes I see are $105 billion in "sin" taxes. So that concerns me.

I look at some of the estimates on spending and, frankly, I think he has greatly underestimated the amount of spending for many of these programs. Let me just give an example.

Early retiree health benefits: Early retiree health benefits are not included in this handout that was made available by the White House dealing with the cost of the program. Mr. Magaziner has said publicly it would cost about $5 billion a year. Now we are going to have the Federal Government picking up health care costs for people who retire between the ages of 55 and 64. The Federal Government has never done that, and now we are saying the Federal Government will pick up 80 percent of that cost.

Somehow or another, he picked out a figure and said that is $5 billion a year, or $25 billion over the next 5 years. I think he grossly underestimated the cost of this brand-new entitlement program.

My guess is he did it to get the support of a few major unions or maybe it is a couple of companies, but this is a ripoff. This is telling people in Maryland and in Oklahoma, that their tax dollars are going to be used to pay health benefits for people who retire, in many cases voluntarily, probably the majority of cases voluntarily, between the ages of 55 and 64. It will cost billions of dollars and encourage early retirement in many cases. Really, the Federal Government has no business taking that over.

I compliment Mrs. Clinton and the administration for having the recent congressional workshop. I brought the question of early retirees up to a couple of the administration's presenters and asked, "Why are we doing this?" And no reasonable explanation was given. I might mention, that is not in their cost estimates. That is not part of that $350 or $360 billion of new expenses. It is not there. But it is an enormous expense.

What about some of the other expenses? What about the subsidies involved? What about the loss of jobs? I have made many comments on this floor as to my concern about putting people out of work, about expensive mandates, like mandating a very expensive and extensive health care proposal on small business and pricing those jobs out of the marketplace.

The administration has come back and said, "Well, we will subsidize low-income people. People who make less than $12,000 will not have to pay anything, and their employer will only have to pay 3.5 percent." If you have an individual that makes $10,000 a year, 3.5 percent of that is $350. The cost of this for a family plan is estimated to be $4,200. That means that the taxpayers are going to end up subsidizing this person to the tune of about $3,900. That is an enormous subsidy.

So when I look at the administration's estimate for the subsidy amount, and they say, well, the subsidy is to small firms and low-income people, $160 billion over 5 years, Madam President, I think they have grossly underestimated the amount of subsidies. I think you will find a lot of small businesses are saying, "This is cheaper than what I have had before, Uncle Sam. This is great. We will pay 3.5 percent and you pay the balance. Thank you very much, Federal Government. Now you are picking up almost all of our costs. Thank you so much."

I happen to be a small businessman. I used to have a business that was in this category where I had employees and we did not provide health insurance for this little janitor service. But now Uncle Sam is going to come in and say to some of those janitors, some part-time and some not, "We are going to pick up your health care expense," and if you happen to have a family—and a couple of our employees did, they were married—that is to the tune of $4,000 a year. That is outlandish.

I look at the other methods of financing this package, and the biggest bulk of financing revenues is from savings in Medicare and Medicaid. I, for one, think we could and should save a lot of money from Medicare and Medicaid, but I do not see how that is possible—remotely possible—at the same time we are expanding benefits under the programs. This administration is proposing the largest expansion in Medicare in history, including prescription drugs and long-term care.

I might mention, too, in this long-term care program, they are talking about the Federal Government picking up from 75 to 95 percent of the cost. I am sure the Governors are all very pleased and maybe they will endorse the package as a result of this gift, but we are talking about enormous expansions in Medicare at the same time this administration says we are going to cut Medicare and Medicaid, to the tune of $124 billion in 5 years in Medicare and $114 billion in Medicaid. So all together they are talking about $238 billion in savings at the same time they are talking about enormous expansions in benefits.

The two will not add up. The numbers are not credible. I do not see how anyone can say we are going to have this enormous expansion in benefits, yet at the same time we are going to cut the rate of growth in Medicare and Medicaid by over one-half. I just do not think the numbers are credible. I am afraid that the administration is overpromising and underfinancing, and the only way they will be able to make the numbers match is to come in with a massive amount of price controls. Price controls will not work, certainly not by themselves, and then they will have to have volume controls. We will have to have Federal regulators decide who can go to the doctor and when. The waiting lines will appear. The quality of medical care will greatly deteriorate if that happens.

I do not want that to happen. I do think there are a lot of things the administration is talking about we can and could and should pass. I want and happen to believe in the goal that we should make health care available for every single American. We should make it less expensive. We should take care of individuals who have preexisting illness, make sure they not be denied health care. We should make sure that health care is portable, that it is available.

I also happen to believe we should make health care options available, not put everybody into the same health care package but allow a multitude of health care options at different prices, at differ ranges for all Americans.

Madam President, I make these comments in conjunction with the underlying amendment because the bill dealing with national service is a brand new program that I am afraid will explode in cost. Many of our colleagues, Democrats and Republicans, agreed with that, and that is why in the authorization level we limited the amount in fiscal year 1994 to $300 million. That is what my amendment does. It says we will spend no more in 1994 than $300 million, not $321 million, not greater sums, but $300 million. It will save the taxpayers $21 million.

So I hope my colleagues will support that amendment. It is consistent with the authorization bill.

Likewise, I will just tell my colleagues, I think it is very important that we look at the cost of the health care plan as proposed. They are probably the most extensive and the most expansive and expensive expansions in health care proposed by any President, certainly going all the way back to the midsixties. So I think we need to look very closely at those costs, and if we see those costs exceeding estimates, and so on, we should take measures, such as this amendment, to make sure that those costs do not balloon out of proportion as well.

Madam President, I suggest the absence of a quorum and ask that the time be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Madam President, I rise to oppose the amendment authored by my distinguished colleague from Oklahoma to lower the appropriations level for national service programs from $321 to $300 million.

I understand the authors' intent that fiscal year 1994 appropriations for this program not exceed the $300 million we authorized in the National and Community Service Trust Act.

Members of this body will recall that this fiscal year 1994 funding level was the subject of considerable debate during consideration of that bill—along with the $500 and $700 million authorized funding levels for new national service programs for fiscal year 1995 and fiscal year 1996.

I strongly supported those funding levels and believe they represented significant factor in the ultimate approval of this legislation. I continue to support those funding levels and would not oppose this amendment if I believed its defeat would lead to fiscal year 1994 appropriations exceeding $300 million.

On the other hand, I strongly believe Congress should match the authorized funding level for new national service programs with $300 million in actual appropriations for this coming fiscal year. But, I understand that the House has not met that funding level in its appropriations bill for HUD and Independent Agencies including the new Corporation for National and Community Service.

With that in mind, I do not believe it is unreasonable to give Senate conferees the room to achieve a compromise with the House near the authorized funding level by retaining the $321 million in the legislation now before us.

National and community service has great potential to reconnect young Americans with themselves, with education, and with their communities. I'm proud to have been a strong advocate for the legislation the President signed yesterday. And, I believe defeat of the amendment now before us will make sure we launch this new initiative on a scale consistent with our intent in passing this important new initiative.

Thank you, Madam President. I yield the floor.

Ms. MIKULSKI. Madam President, I ask how much time do those of us who oppose the Nickles amendment have?

The PRESIDING OFFICER. Seventeen and one-half minutes.

Ms. MIKULSKI. I yield myself such time as necessary.

Madam President, the budget request for National Service was $471 million. That was the President's budget request. The Senate VA-HUD bill provides $391 million. That is a cut of $80 million, or 17 percent below the budget request.

The current Senate position will be a negotiated position with the House because they have no money whatsoever.

So we expect that this money will come down. The committee's recommendation is fully consistent with the intent of the authorizing legislation, which the President just signed into law.

Madam President, I think both the proponents and opponents have covered this amendment. I thank the Senator from Oklahoma, who is also a member of the subcommittee, for his kind words said about me.

I wish to assure him and all Senators that our subcommittee does intend to be a watchdog on this bill. We are not going to let the bureaucracy grow. We want the opportunity structure, the opportunity to grow. I felt during the authorizing discussion the issues raised particularly by the Senator from Kansas, NANCY KASSEBAUM, ranking minority member on the authorizing committee, Labor and Human Resources, were excellent, and that is why we reduced the overall request in the authorization. She raised excellent questions about duplication of bureaucracy and volunteer reference.

We are not going to do the authorizing debate again. I think the authorizers have received the message. Certainly the appropriators are clear in our goals. And I expect that over the next years we will hold a very rigorous oversight on how they have gotten started.

Madam President, I am prepared to yield the time on this. We know of no other Senators who wish to speak. Or if we just want to do a quorum.

What would be the Senator's preference?

Mr. NICKLES. I will be happy to yield back the remainder of my time.

Ms. MIKULSKI. I am happy to yield back the remainder of my time. And as I understand, under the unanimous-consent request propounded last night, this vote will occur after the Bryan vote on radio astronomy.

The PRESIDING OFFICER. The Senator is correct.

Mr. NICKLES. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

This is a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI. I wish to also thank the Senator from Oklahoma for being very faithful to the unanimous-consent agreement and being prompt in his appearance in this Chamber. We do wish to finish this bill before we need to vacate in preparation for the President's address tonight. I thank the Senator for his courtesy and comity in this matter.

Having said that, Madam President, I also ask now that other Senators who have amendments on VA-HUD appropriations that they felt such a compelling need of either in conscience or fiscal responsibility to come to the floor and offer those amendments, this Senator is here, ready to discuss them, in the way that we have just proceeded so promptly and efficiently on this amendment, with rational discussion, with the Senate ready to work its will. That was the model that I would like to follow the rest of the day—promptness, civility, and content rich. I really ask my colleagues to come.

I note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Madam President, I ask unanimous consent to proceed as if in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAFE DRINKING WATER ACT

Mr. NICKLES. Madam President, my comments today mark the fact that a full year has now gone by since we vigorously debated placing a moratorium on the implementation of new regulations under the Safe Drinking Water Act. It is unfortunate that the short-term help we offered to small water systems last year is just about to expire. There have been no hearings on reauthorization of the Safe Drinking Water Act and there is no committee bill, and the Science Advisory Board says the EPA report on radon that we asked for is not a good piece of work, and the other EPA report we required was late and failed to answer the most basic questions that were asked.

In the meantime, the mayors and Governors are fed up. They have organized a "National Unfunded Mandate Day" and are calling for risk assessments and cost-benefit analyses in all legislative mandates. I agree with their approach. They want this for the same reasons that we sought to place a moratorium on implementation of useless and unnecessary drinking water regulations 1 year ago.

I wish to make this point very clear. The 1-year break we gave the small water systems is about to end with absolutely no solution in sight. These communities are now going to start paying over $12,000 per well to meet Federal testing regulations that make no sense at all and do nothing in themselves to improve the quality of drinking water.

Let me give you one example to show you how broken this law is and will continue to be, and let me put it into proper legislative setting.

As we begin our debate on health care legislation, we all know that one of the most difficult issues to confront will be which health remedies we will choose not to pay for. We are going to have to make some hard decisions on what is too expensive for benefits derived. I can promise you one thing without any fear of contradiction. We will never authorize a treatment for cancer that costs $10 billion per case.

But under the Safe Drinking Water Act we are doing just that. There simply is not a single health provider, public or private, that would even contemplate spending that kind of money on a single case of cancer.

Ten months ago, I asked EPA to provide me with the cost per case of cancer associated with its rules. To be polite, they didn't hand over the information. Instead, they gave me a stack of reports and said it was buried in those reports somewhere, or could be calculated from the data.

The Safe Drinking Water Act contains some regulations that are a good buy at any price. Standards for surface water filtration and nitrates, for example, are the kind of investments any sane and caring person would want to make. On the other hand, no competent health care manager, whether in the White House or in your house, would ever be willing to pay for the dozens of high cost rules under the act. The numbers are staggering. For example, rules regulating pentachlorophenol cost $711 million per case of cancer avoided, and the worst one of all, alachlor, an important agricultural chemical that is very safe to use, could cost as much as $80 billion per cancer case avoided.

It is not hard to understand why EPA did not want to give us data on the incremental costs and benefits of their drinking water rules.

Mr. President, some have proposed that the Federal Government pay for these rules through use of a new State revolving fund. Even, if we were flush with money, we would not pay for this kind of waste. If the States had to pay for it, they would not pay for this kind of waste. And the citizens of this Nation certainly do not want to pay for this kind of waste.

The facts are clear—when it comes to the safe Drinking Water Act, we need to extend relief to small communities, just as we did last year. We need to continue to extend them reasonable relief as long as we, ourselves, are unable to fix this desperately broken Federal mandate.

I take no joy in calling this to the attention of the Senate. I hope that the authorizing committee will give serious attention to those elements of my bill dealing with local choice, risk-cost-benefit assessment, and recognition of the fact that some risks are so small as to be unimportant.

At a time when we are reassessing how best to offer economical health care to the Nation, we must ensure that all aspects of our health care system, including safe drinking water, are given the same degree of thoughtful attention.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

AMENDMENT NO. 914

(Purpose: To provide funding for the Asbestos School Hazard Abatement Program of the Environmental Protection Agency.)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself, Mr. PELL, and Mr. LOTT, proposes an amendment numbered 914.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 46, between lines 11 and 12, insert the following:

ABATEMENT, CONTROL, AND COMPLIANCE LOAN PROGRAM ACCOUNT

For the cost of direct loans, including the cost of modifying loans, under the Asbestos School Hazard Abatement Act of 1984 (20 U.S.C. 4011 et seq.), $29,000,000: *Provided*, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,500,000.

In addition, for administrative expenses necessary to carry out the implementation of such Act, $1,000,000.

Funds for the cost of direct loans, and for administrative expenses, under this heading shall be derived from any funds available to the Environmental Protection Agency for fiscal year 1993 which remain unobligated at the end of such fiscal year.

Mr. SIMON. Mr. President, if I may ask the manager of the bill—and I regret I have been tied up in committee—do we have any time agreements on any of these amendments?

Ms. MIKULSKI. At 11:40, the Bumpers ASRM amendment begins, and when that concludes, we will be moving on the vote.

If we can conclude this in 25 minutes, that would be all right. If not, I will ask the Senator to return to the floor after the completion of the designated vote.

Mr. SIMON. If the Senator wants to ask unanimous consent that we conclude it in 25 minutes, that would be fine with me.

Ms. MIKULSKI. I have no objection.

Mr. BUMPERS. Reserving the right to object, I was not here when the unanimous consent request was made. As I understand it, we will go back on the Bumpers amendment at 11:40 if this has not been completed, in any event.

Ms. MIKULSKI. The Senator from Arkansas will promptly have the floor at 11:40, and I will wrap up after him, and we will move to the vote.

The PRESIDING OFFICER. Does the Senator from Illinois wish the time to be equally divided?

Mr. SIMON. Yes, equally divided. And unless it is agreed to—and I do not think it will be—I will ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Ms. MIKULSKI. Will the Senator withhold? Have the yeas and nays been ordered?

The PRESIDING OFFICER. There is not a sufficient second.

Ms. MIKULSKI. Have we agreed to the unanimous-consent request?

The PRESIDING OFFICER. If there is no objection to the request—

Mr. SIMON. I withdraw my unanimous-consent request, unless I can get a rollcall.

Ms. MIKULSKI. We are not stopping the Senator from that rollcall.

Mr. SIMON. I understand.

May I ask the Parliamentarian, there are three Senators on the floor and all three have said we ought to have a rollcall.

The PRESIDING OFFICER. Under the rules of the Senate, that number is not sufficient.

Mr. SIMON. I see. We have another Member now.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. GRAMM. Reserving the right to object. I did not hear the request.

Mr. SIMON. It is that we limit debate on this to 25 minutes, 12½ minutes divided on both sides.

Mr. GRAMM. That is fine. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Ms. MIKULSKI. If the Senator will yield for a point of clarification.

I ask unanimous consent that the yeas and nays occur on the SIMON asbestos amendment also during the stacked votes that we will have starting at the noon hour.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, this amendment, cosponsored by Senator PELL and Senator LOTT, takes $30 million out of unobligated funds by the EPA and applies them for the school asbestos problem.

I do not know how many meetings I have attended where Senators get up and say: If we mandate responsibilities to State and local governments, we have the responsibility to provide revenue.

Mr. President, we have mandated action on asbestos, and unless this amendment is adopted, we are going to give the schools of the Nation zero assistance in terms of asbestos help.

This provides $30 million—not a huge amount, but it would help the poorest and those where the hazards are the greatest.

Why do we need help there? First of all, there is a general acknowledgment that while there is a minority who believe asbestos does not cause any harm, the evidence is overwhelming, and EPA recognizes that, OSHA recognizes that, and the others recognize that. Why it is particularly important for children is that children breathe more rapidly than we do. So the fibers in the air get into their lungs and cause cancers.

That is the reality. And for the Federal Government to say to schools, "You have to clean up but we are not going to give you a penny to help clean up," and that is what we do without my amendment, that simply is not the right thing to do.

In its July 1989 final rule the EPA said:

It is well recognized that asbestos is a human carcinogen and is one of the most hazardous substances to which humans are exposed in both occupational and nonoccupational studies.

We had a study recently about custodians at school. We find that they are getting cancers produced by asbestos appreciably more than most citizens. You can imagine what is happening to those children who are breathing that in and out.

The evidence is just overwhelming. Frankly, originally I was going to have in my amendment that this $30 million would be taken out of the space program, but with the vote—and I voted with Senator BUMPERS on that—that was passed, it is clear that is not something that the U.S. Senate wants to do.

Taking it out of the unobligated EPA funds makes sense in that this is an environmental hazard that we ought to do something about. This is an environmental hazard where the EPA has ordered the schools of the Nation to act.

So, what we are doing with this amendment is simply saying this has to be a priority to take care of our children in our schools. Every educational group that I know of has endorsed this amendment, and my hope is that we can move on this very quickly.

Mr. President, let me hold off and reserve the remainder of my time at this point.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I yield to myself such time as necessary.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I am so reluctant to oppose this amendment because it is filled with good intentions, given by one of the best Senators in this institution. It provides $30 million for asbestos abatement in schools, and it is offset by a $30 million cut in the fiscal year 1993 unobligated EPA funds.

Why do I oppose this amendment? I oppose it, first of all, because EPA opposes the need for additional funds for asbestos.

No. 2, I have been attempting to get this administration and the previous administration's EPA Administrator to go to a risk-based strategy on environmental protection. We fund every mandate in the world based on whatever we saw on a Sunday evening TV show. We fund the scare of the month, and we come in with mandates.

All of the science indicates that, though asbestos in the schools is a real concern, it is relatively low risk as compared to, say, lead paint in public housing, because asbestos, by its very nature, can be contained. Also, to cut other programs would be unacceptable. The amendment would mean cuts possibly to higher risk areas, such as drinking water and that lead cleanup. It gives EPA a line-item veto authority in choosing which program to cut, which is a dangerous precedent.

The Simon amendment is a clear example of how Congress often forces EPA to spend money on a lower priority or a lower risk problem at the expense of the high-risk area. I know the Senator is well-intentioned. We are looking at the chaos in New York City on the issue of asbestos. Schools are concerned. But I believe it is not by adding more money but by examining the mandate that we will solve this problem.

According to scientists, asbestos in schools ranks low in terms of health risk relative to other environmental hazards. Researchers at Harvard University stated that a person stands a 70 percent greater chance of premature death from drinking water in some of our States than from normal asbestos exposure.

An environmental interest group, the Center for Resource Economics, analyzed EPA's fiscal 1994 budget and did not recommend funding for asbestos because of the low relative risk. The Alexandria School Board Association said on the list of things to worry about with our kids this is not the highest priority.

In determining which environmental programs to fund, I had to make tough choices. My decisions were based on a risk-based strategy to environmental protection. Including funds for low risk would have meant fewer dollars for high-risk environmental programs such as lead. I know the Senator from Illinois has been one of my strongest supporters, as has the Senator from Connecticut [Mr. LIEBERMAN] on this whole issue of lead.

These grants will help States eliminate lead hazards, because it is the number one environmental hazard for kids either in the classroom, in public housing, or even in their own homes because of antiquated water systems. EPA opposes the additional funds for asbestos.

In a letter, EPA Administrator Carol Browner says that the asbestos funds jeopardize the Agency's ability to carry out other high-risk programs.

Mr. President, I ask unanimous consent that the Browner letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, September 17, 1993.

Hon. BARBARA MIKULSKI,
Chair, Subcommittee on VA, HUD and Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MADAM CHAIR: As you prepare for the Senate floor debate on the FY 1994 VA, HUD and Independent Agencies Appropriations bill, I would like to provide you with further insight into our rationale for not requesting continued funding for the Asbestos-in-Schools Loan and Grants Program.

For the past nine years (from FY 1985 to FY 1993), EPA issued over $420 million in loans and grants. This funding helped over 1,400 school districts abate the most severe asbestos hazards in about 2,100 public schools. The number of applications for Priority 1 projects, which represent the most serious environmental hazards, have steadily decreased since 1989. For each of the last two award cycles (1992 and 1993) all Priority 1 applications have been funded and a portion of the Priority 2 programs have received funding. Also, the type of projects being funded is shifting from large exposure, general areas such as classrooms and hallways to more confined areas such as boiler rooms and maintenance areas. In these areas exposures are significantly less, especially for children. In addition, state and local governments are increasingly assuming the vast majority of the responsibility for asbestos abatement projects within their local public schools.

Given these trends in the changing nature of applications for loans and grants, and the evidence that state and local governments are increasingly funding these projects, Federal funding can now be eliminated. However, EPA will continue to provide the states with the tools and information necessary to insure that children are not at risk.

I hope this clarifies the Agency's position on future funding of the Asbestos-in-Schools Program.

Sincerely,

CAROL M. BROWNER.

Ms. MIKULSKI. Mr. President, also, dealing with the unobligated funds gives EPA the complete discretion to determine which programs in fiscal year 1993 are to be cut. This is tantamount to line-item veto authority, and I am concerned about giving it.

EPA could choose to cut congressional priorities funded in last year's appropriations: Air quality, which I know the Senator from Illinois supports, the Great Lakes program, or State grants for air, radon, water, or hazardous substances. It also creates a terrible precedent. I know we have great confidence in Administrator Browner. We had confidence in Administrator Reilly. We did not have confidence in Anne Gorsuch. Now, precedent is precedent regardless of the quality and competence and character of the Administrator. So I do not want to create a precedent in this area.

How much carryover funds will there be? They are under a very tight budget, so we do not know yet. So the Simon amendment assumes there is going to be a $30 million carryover balance. Last year there was only $10 million in carryover, and that was due primarily to the fact that they had not promulgated certain regulations.

Mr. President, if any of the agencies in my VA portfolio, which number 29, is on a very tight budget, it is the Environmental Protection Agency. We have essentially shoehorned them into a $6 billion appropriation. The environmental needs of this country are compelling. We hope that the administrative approach is a risk-based strategy, and we ask the support of our colleagues to focus on allowing the U.S. Senate to fund those things that are of highest risk, and that where there are mandates that were passed in haste without accurate scientific evaluation, we reexamine the mandate rather than rearrange the funding.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. SIMON. Mr. President, first of all I am unaccustomed to disagreeing with my colleague from Maryland. Usually, she and I are fighting the battles together, and, frankly, if we want to come in with a more comprehensive program of assistance to schools or have more money from EPA for something else, I am willing to do it.

But all of us get out and we make these speeches. I am sure the Senator from Colorado has made these speeches where he said, if we have a Federal mandate, we ought to provide Federal funds. Last year we provided $37 million to the schools for asbestos, just a small amount relative to the total need, but we provided $37 million. This year, unless my amendment is adopted, we are providing zero to the schools.

And I think clearly we have to do something. In today's USA Today, Bob Sherman, from my staff, points out they have a paragraph in a story headed "Schools Bear Brunt of Asbestos Management," and it says:

> Although requests totaled $1.2 billion from 1988 through 1991, the EPA has given out just $157 million in loans or grants to help pay for testing and removal.

The EPA has $623 million in unobligated funds and will have at the end of this fiscal year.

We are saying—and when I say "we," my cosponsors are Senator PELL and Senator LOTT—we are saying $30 million ought to be a priority that goes to the schools. We have a new administration. Carol Browner is a fine Administrator, but it is a new administration and there may be projects that the previous administration accepted that they do not accept.

Dr. James O. Mason, then Director of the Centers for Disease Control in Atlanta concluded:

> Scientific studies conclusively demonstrate that crystalline asbestos is a hazardous substance and poses a substantial health risk when inhaled.

And that is doubly true for children because they are breathing more rapidly than the rest of us.

Here is a quote from an OSHA report:

> OSHA is aware of no instance in which exposure to a toxic substance has more clearly demonstrated detrimental health effects in humans than has asbestos exposure.

I think it is very clear that we have a responsibility. I am not trying to harm the EPA. I am a strong supporter of the EPA and the environmental causes. But, I believe we have an obligation to the schools of this Nation. This does not anywhere near meet their needs. But this amendment, again cosponsored by Senator PELL and Senator LOTT, says, let us take $30 million of the $623 million that will be unobligated at the end of this fiscal year that the EPA has, let us take $30 million of that and use it for the asbestos program.

Mr. President, if the Senator from Maryland is willing to yield back the remainder of her time, I am willing to yield back the remainder of my time

Ms. MIKULSKI. Before I evaluate the Senator's request, how much time do the opponents to the Simon amendment have?

The PRESIDING OFFICER. The Senator from Maryland controls 4 minutes and 45 seconds.

Ms. MIKULSKI. I yield such time as is necessary to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, the bottom line is, the Clinton administration did not ask for this money. Asbestos is a hazard. But what has happened is, as we have gone out and fixed the problem in areas related to asbestos in heating ducts and air-conditioning ducts, we have reached the point where tearing down buildings or breaking open walls to get to asbestos that no one is exposed to is costing a lot more money than is spent on other environmental issues and other environmental concerns that could yield us a greater return.

In short, we had a scare about asbestos. We had a substantial response. We provided $350 million. We have knocked down walls, torn down buildings.

The primary concern, now that we look at the problem, is in heating and air-conditioning ducts, where people are exposed to the asbestos. And the bottom line is that, as people have looked more at this problem, they have concluded that if the asbestos is sealed up in the wall, if people are not exposed to it, then spending the money on other environmental hazards that are more dangerous makes sense.

So the Clinton administration did not ask for this money. The Bush administration did not ask for this money. The program that has been underway and has expended $350 million has been a program that we have had a lot of problems with.

Finally, unobligated balances simply mean that we have an ongoing program that has not yet spent the money and, ultimately, as those programs are obligated, as contracts are let, these funds will go to environmental programs that we have adopted that are aimed, at least in the minds now of a Republican administration and a Democratic administration, at greater risk than asbestos that may be wrapped around some pipe that has been painted over 100 times and, as a result, does not represent a real threat.

So if we had money to throw away, if our problem was deciding how to spend money on environmental concerns, I think this would be a good amendment, and I would vote for it. But to take money away from other programs that have been funded, but where we have not yet obligated the balances, to pay for this I do not think is a wise decision. And I think it is very instructive that two different administrations have reached that same conclusion, that they decided that they did not want to continue to fund this program.

And so I think the bottom line here is one of priorities. What the committee has done is looked at our priorities in terms of EPA, an area where we have great demand for resources, and basically decided that having spent $350 million on this problem, that we had dealt with a part of the problem where the return clearly exceeded the cost, and that to go further did not make sense, given other things out there that represent greater hazards.

Finally, the committee report language has urged the authorizing committee to go back and look at these unfunded mandates. We mandate that school systems do things that we do not pay for. So I fully agree that we need to go back and look at these mandates. And, quite frankly, I believe in the principle that in the future we should not mandate unless we are going to pay for it.

But the bottom line is, given the choices we have in expending the taxpayers' money to protect the environment, we have reached the point where this is not as high a priority for those resources as alternatives that are available.

I reserve the remainder of our time.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, when my friend from Texas, the distinguished senior Senator from Texas, says in the future when we mandate programs we ought to be willing to pay for them, let us start September 22.

If the administration believes that it is not wise to have this mandate, then we ought to get rid of the mandate. But do not keep the mandate and stop all the funding.

The Senator says that neither the previous administration nor this administration has asked for these school funds. Let me tell you, the schools of this Nation are asking for these funds. They are under this mandate. They are, many of them, in desperate straits. And this $30 million, under the Federal statutes, will reach only the most hazardous schools that are the poorest schools.

I think we have an obligation here. We are going down from $37 million last year to $30 million this year and, if you add the inflationary factor, it is even more of a factor.

The answer is not in every case ripping up a wall. Frequently, it is just containing, putting something around it.

But to say that we do not have a problem with asbestos is to ignore reality. Unless my amendment is adopted, we are just going to say to schools, "Sorry, we are going to order you to do this, but we are not going to pay you one penny for what you are doing,"

I think that is wrong. I think we have to stop making speeches about paying for mandates. We have to produce, not in the future, but let us start September 22, 1993. When we have a mandate, let us pay people for that mandate.

I would add, finally, Mr. President, this is supported by all the education groups. I think the need is obvious.

The PRESIDING OFFICER. Who yields time?

The Senator from Maryland controls 26 seconds. The Senator from Illinois controls 30.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the USA Today article, entitled "End the Phony 'Asbestos' Panic," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the USA Today, Sept. 13, 1993]

END THE PHONY "ASBESTOS PANIC"

(By Tony Snow)

New York City's 1,069 public schools won't be doing anything for at least another week, and neither will the 1 million students who attend them. Thanks to a case of government-induced hysteria, the school board has decided to inspect every classroom in its domain for asbestos.

The operation will gobble up at least $30 million to $40 million of school funds, and if scientific studies and Environmental Protection Agency reports are any guide, the "cleanup" could make the air worse.

The New York schools are just the latest innocents to tumble into the maw of the great unlamented scandal of our age, the Asbestos Panic.

The scare began 30 years ago when distinguished scientist Irving J. Selikoff reported that asbestos exposure seemed to increase lung cancer rates, especially among smokers.

Unfortunately, Selikoff failed to distinguish between two kinds of asbestos fibers, one as harmless as a cheese doodle, the other potentially as lethal as an ice pick.

The cheese-doodle variety, known as chrysotile, or white asbestos, accounts for 95 percent of the asbestos used in the United States.

Nobody has ever been able to produce evidence that white asbestos can hurt, let alone kill.

In fact, scholars at a Harvard University symposium in 1988 announced that a person stands a 300 percent better chance of getting killed by lightning than dying from normal asbestos exposure, and a 700 percent chance of meeting an early grave from drinking water in New Orleans or Miami.

That's not true of the dangerous fibers, know as amphiboles.

The asbestos Selikoff studied poses a threat 100,000 to 1 million times greater than the chrysolite found in New York schools.

Unfortunately, the federal laws governing asbestos removal treat good asbestos the same as bad.

As a result, Americans could spend $200 billion for asbestos removal over the next decade and suffer property losses as high as $1 trillion—for no good reason at all.

Asbestos expert Michael J. Bennett notes in his book, "The Asbestos Racket," that the EPA deliberately fomented this hysteria.

He quotes former EPA administrator William Ruckleshaus as confiding in the early 1980s that the federal asbestos policy was to "get mothers to form a mob and storm the school committee" because "otherwise the federal government would have to pay for it (asbestos removal) and the cost would be astronomical."

The plan worked.

Despite a 1990 confession of error by the EPA, schools from coast to coast continue spending vast sums of money to rip asbestos out of ceilings, walls and floors—usually at the behest of parents scared that their kids will contract life-threatening disabilities in the very rooms those parents sat a generation ago.

Houston, for example, has spent nearly $46 million in the past decade to clear asbestos from 70 schools, and it has another 170 to "clean."

Catholic schools in Michigan calculated in 1989 that they would have to shell out $75 million to meet federal standards.

Oakland County, Mich., pegged its compliance costs at $112 million.

While the government has loosed these incredible burdens on schools, it has provided virtually no help. A 1992 Government Accounting Office study of five schools estimated three-year abatement expenses of $28 million, of which the state and federal governments would contribute the princely sum of $335,000—1.3 percent of the total.

And those were the good old days! The House of Representatives recently decided to spend zero dollars next year to help schools remove asbestos.

There's a common-sense way out of this mess: Demand that people clean up asbestos only when it poses an actual health threat.

Michigan state Sen. John J. Schwartz, a physician by trade, persuaded his fellow lawmakers this year to decree that citizens may remove asbestos only under very specific conditions: it exists in harmful concentrations; its presence violates federal laws; it costs more to maintain than to remove; and so on.

In other words, the law demands that a problem exist before officials fix it.

Congress could duplicate that Solomonic statute by attaching it to the law that governs asbestos removal, the Asbestos Hazard Emergency Response Act.

The maneuver would let Uncle Sam put a quiet end to a costly health hoax and admit that asbestos, contrary to popular opinion, is not the most dangerous substance this side of cyanide.

The asbestos panic, started by sloppy science and spread by gullible journalists, has gone far enough. Today, a million New York kids await school, and they're probably not alone.

A common-sense amendment to the law would put those students back in the classroom and let beleaguered schools spend their money on books and supplies and teachers—the important stuff—rather than on cleanups more likely to do harm than good.

Ms. MIKULSKI. They say it best.

The asbestos panic, started by a sloppy science and spread by gullible journalists, has gone far enough. Today, a million New York kids await school, and they're probably not alone.

We need a common sense amendment to the law that would put students back in the classroom and then focus the need to spend for it. Where asbestos cleanup is needed, it should be done. But there is serious question about whether it should be mandated.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. SIMON. I ask unanimous consent that the other article in USA Today that gives the other side of that issue be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From USA Today, Sept. 21, 1993]

COST VERSUS "PEACE OF MIND"

(By Paul Hoversten)

The Environmental Protection Agency has required schools to test and treat cancer-causing asbestos since 1986.

But federal funding has been scarce, and much of the cost has been borne by local school districts. And some have questioned whether the health risk is high enough to justify the cost of removal, which could exceed $3 billion.

"This has not been one of the great chapters in American public health policy," says John Welch of the Safe Building Alliance, a business group.

In Salina, Kan., schools, removal cost $2.7 million, and Superintendent Andy Tompkins says it's money well-spent. "The downside is the cost, but the other side is peace of mind to the community."

More than 94% of the nation's 107,000 schools have complied with the Asbestos Hazard Emergency Response Act, which requires them to test for asbestos and either seal or remove it. "Most of the states and cities appear to have the asbestos management issue under control," Welch says.

Although requests totaled $1.2 billion from 1988 through 1991, the EPA has given out just $157 million in loans or grants to help pay for testing and removal.

There is no money in this year's EPA budget request for the school asbestos program, although the Senate this week may vote to restore money.

Commercial asbestos use in the USA began in the early 1900s and peaked between World War II and the 1970s.

Asbestos was banned in 1979 after studies linked it to serious health problems.

Today, the EPA estimates that more than 760,000 public and commercial buildings nationwide—including 30,000 schools—contain asbestos in unsafe, crumbling condition.

When deteriorating asbestos is disturbed, the fibers can crumble and mix with air. Experts say asbestos is a threat only if its fibers are airborne, where they can be inhaled.

Nationwide, up to 15 million schoolchildren and 1.4 million school workers may be at risk from asbestos, the EPA says.

In Salina, both high schools and three elementary schools had asbestos on ceilings or pipes. At South High School, which has 1,000 students, workers in 1987 had to replace every ceiling, at a cost of more than $1 million.

Troubesome as it was, "we dealt with it," Tompkins says. "We're glad we got by and we're on to something else. We mostly took care of this in the 1980s. In Kansas, if most schools haven't removed every bit of asbestos, they're well on the way to doing so."

In most states, wealthier school systems often choose to remove asbestos while the poorer ones may seal it if they can't get federal assistance.

"Just because you have asbestos does not mean you have a health hazard. You need a thought-out plan to manage it," says Joel Packer of the National Education Association.

Mr. GLENN. Mr. President, I rise today to express my support for Senator SIMON's amendment to restore funding for the Asbestos School Hazard Abatement Act [ASHAA]. Maintaining current funding levels for this program is essential to assist the neediest school districts comply with Federal asbestos and inspection mandates without further reducing funds for instructional purposes.

The Environmental Protection Agency [EPA] has estimated that it will cost schools a total of $3 billion to comply with Federal laws on asbestos abatement; yet, Congress has only appropriated $400 million for ASHAA since 1984. Under ASHAA, grants and loans are made available to schools with the highest level of asbestos hazard and the greatest level of financial need. Reducing funding for this program will therefore place the most onerous burden on the poorest school districts—those least able to absorb the costs of reducing asbestos hazards.

Mr. President, EPA has estimated that approximately 30,000 schools contain friable asbestos. Some 15 million children and 1.4 million teachers and school employees occupy schools containing friable asbestos. The loans and grants provided through ASHAA are critical for protecting these children, teachers and other school employees from exposure to asbestos.

I urge my colleagues to join me in supporting this important amendment.

Mr. WELLSTONE. Mr. President, it is a pity when the health and education of our children is not at the top of our Nation's list of priorities. The Asbestos-in-Schools Loan and Grant Program, which protects the health and education of our children, has been entirely defunded for fiscal year 1994, and I think that is just wrong, tough economic times or no.

The Federal Government has mandated—mandated—that school districts create and implement plans to abate asbestos in schools. This is not a discretionary item for schools—the asbestos must be dealt with, removed if necessary. Not surprisingly, abating asbestos anywhere is an expensive proposition. Since schools are legally required to find the money for asbestos abatement somewhere, asbestos abatement is made to compete with basic educational needs for part of the strained school budget.

That is not how it should be. There are programs that can be put off until economic times improve, but this is not one of them. If asbestos in a school is a threat to our children's health, then it should be abated. If paying for this abatement means less money for basic educational needs, then there is also a threat to our children's education. The Federal Government can, and should, help avoid such threats.

The committee report itself states that "there continues to be significant demand for Federal funds for this purpose." So why does the committee order a 6-month study to determine if children are still at risk? Isn't this what EPA does when it awards funding to schools under the program?

The committee explains its decision to defund this program by pointing to the fact that applications for the "most serious environmental hazards" have been decreasing. This baffles me. If this program was worth funding in the first place—and it certainly was—then it is worth funding until all of the immediately threatening asbestos hazards are gone. It is bad public policy to kill a good program when it proves itself to be working.

This amendment would allow the program to go on allowing schools to protect the health of our children without threatening our kids' education, and it would do it by taking $30 million from the $130 million appropriated for the advanced solid rocket motor—a program which, while some may find it worthwhile, can certainly wait for a better economic climate.

The PRESIDING OFFICER. All time has expired.

UNANIMOUS-CONSENT AGREEMENT

Ms. MIKULSKI. Mr. President, I ask unanimous consent that no other amendments be in order to the Simon amendment; that the vote on, or in relation to, the Simon amendment be stacked to occur, without any intervening action or debate, following the disposition of the Nickles amendment No. 913.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 910

The PRESIDING OFFICER. Under the previous order, the question recurs on the Bumpers amendment No. 910, with 20 minutes remaining for debate, divided and controlled in the usual form.

Mr. BUMPERS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I ask my colleagues to please shift gears from the Simon amendment dealing with asbestos in the schools—a very important amendment—to the opportunity to save $1.84 billion.

I heard the Senator from Alabama say last night that this project would cost more to shut down than to continue. I have no earthly idea, with utmost respect to my colleague and good friend, how he ever arrived at such a figure.

The figures are clear, and the Senate committee report says there is a serious question about the need for the advanced solid rocket motor because we have a redesigned solid rocket motor that has had 36 successful uninterrupted, unperturbed flights and after every one of those, they have taken all of these things apart, looked at them. No malfunction, no wear, no nothing.

The Senate committee says that this project is in deep trouble, and the only way it will ever fly is that it gets stable funding. What is stable funding? That is $400 million a year. Here is what the House thinks about it. The House killed it 379 to 43. I must say, Mr. President, that is one of the things when you get 110 new Members of Congress who tell the people "I am going to cut spending" and they come up here and keep their word. The House did the very responsible thing in torpedoing this project.

The committee says, we put $130 million in here, but if NASA wants any more than that, by October 1, they must identify offsets within their own budget for any additional amount of money. But, above all, they say this project must have stable funding. You tell me, Mr. President, how stable do you think the funding is going to be for this program in the future when the House already killed it last year by almost this big a margin and this year by one of the most lopsided margins I have ever seen since they voted on the Pledge of Allegiance.

The truth of the matter is, you can shut this sucker down, redesign it, build a lot of the components of the space station there—if we, indeed, are going to go forward with the space station—you can develop the aluminum/lithium tank there.

Here are your options: You can go ahead with this and build something that nobody is going to have any degree of confidence insofar as safety is concerned, or you can use a solid rocket motor that has been redesigned since the *Challenger* catastrophe, add an aluminum/lithium tank for $300 million. The reason you do not save more money in this is because I have subtracted $300 million for the aluminum/lithium tank.

They said, "Well, you can't get the lift, you can't lift this thing to 51.6 degrees," the so-called international orbit. The truth of the matter is the committee report says that you can get the 8,000 additional pounds of thrust that you have to have if you are going to deploy the space station; you can get the 8,000 pounds by spending $300 million to develop the aluminum/lithium tank.

I am not an astronaut, but if I were to ask people in this Chamber who they would trust most to decide whether or not to build this motor or not—William

McArthur, from the astronaut office at NASA, sends this letter, August 6, 1991, to Lawrence Adams, Committee on ASRM Quality Assurance and Test Program:

> As the committee's efforts draw to a conclusion, please permit me to make a few comments. This program is viewed warily by the astronauts' office. We are concerned about the number of technological firsts in the program, new applications to solid rocket motors or to motors of this size, many of the same concerns identified by committee members. We may be abandoning—

Listen to this—

> We may be abandoning a motor with a large and rapidly growing experience base, one in which we have great confidence.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Who yields time?

Ms. MIKULSKI. Mr. President, I rise in opposition to the Bumpers amendment, and I ask unanimous consent that the remaining 10 minutes in opposition to that amendment be allocated as follows: 3 minutes to myself; 3 minutes to the Senator from Texas, Senator GRAMM; 2 minutes to Senator HEFLIN; 1 minute to Senator COCHRAN; and 1 minute for wrap-up and would be reserved for Senator SHELBY, if he comes, or to myself, as appropriate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland controls 9 minutes and 26 seconds.

Ms. MIKULSKI. Mr. President, the committee has taken a tough love to ASRM. That means we like it but we felt we had to be tough on it around performance standards and also the funding of it. This committee has provided $162 million, $130 million for development, and $32 million for construction. We know the amount we provided is insufficient to cover the cost of keeping ASRM on schedule. Yet, at the same time, because the administration supports ASRM and believes it to be an important tool to building the space station, particularly to get it in the higher orbit and, therefore, do more because of the cooperative effort with the Russians, that is why the committee has given the administration until the end of this month to find offsets to keep the ASRM on schedule.

If they cannot find these offsets which are in the order of $150 million, then ASRM would be terminated automatically. So this amendment is not necessary.

The $130 million in development funds we provided are sufficient to cover those termination costs should additional funds not be found in the NASA budget. But if the funds are found, it would be a major propulsion device for the ASRM. As a result, I believe we need the funds provided in the bill for ASRM. I note that there is substantial technical justification for continuing this program.

We are not going to go into a lot of technical discussion, but I did want to make the point that the justification is there. While I do not dispute alternatives exist to get the shuttle more payload lift capacity, the administration believes ASRM to be the optimal option available. We should give the administration, the NASA Administration, the chance to make up its minds once and for all on this program.

Therefore, I urge a vote against the Bumpers amendment and at the appropriate time, I will move to table the Bumpers amendment.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. I now yield 2 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I spoke in detail last night, and I do not want to be repetitious as I have very limited time. But there is, first and foremost, the question of the safety of the shuttle and its current solid rocket motors. I mentioned and showed last night that in September 1992 a test discovered leaks in the shuttle rocket's O ring, and the O ring was what caused the *Challenger* explosion.

I want to introduce into the RECORD these newspaper articles from the Associated Press in connection with that O ring defect that occurred less than a year ago. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

LEAK IN SHUTTLE BOOSTER SEAL DISCOVERED

CAPE CANAVERAL, FL.—A seal is leaking in one of the solid rocket boosters intended for Discovery's November launch, NASA said Tuesday.

An earlier version of the rubbery seal, known as an "O-ring," was responsible for the 1986 Challenger disaster. Since then, the seal has been redesigned and an extra one added.

The leak was discovered late last week during a test, NASA said. NASA officials said they did not know if the leak would affect the launch scheduled for the first week of November.

"The trouble is, we don't know where the leak is coming from," said NASA spokeswoman Lisa Malone. They can't see it even after cold nitrogen gas has been injected and checked with an infrared device. They've used ultrasonics, but they can't even hear it."

Nevertheless, the leak is significant, Malone said. "The leak would fill a 2-inch cube with gas every minute."

The right booster, already stacked for Discovery's next flight, will be taken apart, new O-rings inserted and reassembled this week, Malone said.

NASA FINDS LEAK IN DISCOVERY BOOSTER SIMILAR TO CHALLENGER FLAW

(By Beth Dickey)

CAPE CANAVERAL, FL.—A booster rocket intended for the space shuttle Discovery has a leak similar to the one that destroyed the shuttle Challenger in 1986, killing its seven crew members, NASA said Tuesday.

National Aeronautics and Space Administration inspectors found the leak Friday. The Inspection was made part of the agency's routine ever since the Challenger disaster.

Booster engineer Phil Weber said it was the first time since shuttles resumed flight in 1988 that a booster seal has failed the test.

NASA said metal parts were being inspected and repairs were to begin early Wednesday at the Kennedy Space Center, where the shuttle is being prepared for launch Nov. 15 with five astronauts and a secret military satellite.

The space agency said rubbery "O-rings" that seal joints in the multiple-piece booster would have to be replaced but that the repairs were not expected to delay the shuttle's mission.

The Jan. 28, 1986, Challenger disaster was blamed on two O-rings that hardened in frigid weather—allowing fiery propellant to seep through a tiny gap between two segments and burn a hole in the shuttle's external liquid fuel tank.

Air escaped past an O-ring in Friday's test.

The rockets were redesigned after the Challenger disaster. Engineers added a third O-ring and a tongue-and-groove feature designed to capture hot gases if they managed to burn through the main O-ring seal.

[From the Orlando Sentinel, Sept. 22, 1992]

TESTS DISCOVER LEAK IN SHUTTLE ROCKET'S "O-RING"

(By Shiriah Date)

CAPE CANAVERAL.—Shuttle workers will dismantle a booster rocket intended for the shuttle Discovery after a routine test found a leak similar to the one that destroyed the Challenger, NASA officials said Monday.

Technicians had stacked the last of four, fuel-packed segments on the booster early Friday when a test showed that one of three rubbery "O-rings" used to seal the joints was leaking slightly.

Engineers must now figure out which O-ring is leaking and why—a task that could delay Discovery's November flight, said Jim Harrington, director of shuttle operations at Kennedy Space Center.

Challenger exploded Jan. 28, 1986, killing seven astronauts, when hot gases inside a booster rocket burned through two O-rings and cut through the external fuel tank.

Investigators concluded that the rings hadn't sealed the joint properly because of the cold weather the morning of the launch. Engineers added a third O-ring and another tongue-and-groove flange to each booster joint. The redesigned booster has successfully flown on 25 flights since Challenger.

After each launch, the two boosters are retrieved from the Atlantic Ocean, taken apart and shipped back to Utah, where builder Thiokol Corp refurbishes the segments and packs them with solid fuel. The segments are then sent back to KSC for reuse.

Friday was the first time since shuttles resumed flying in 1988 that a joint between segments has failed a check, Harrington said.

To test the O-rings, engineers pump nitrogen gas into the cavity between the first and second rings until it's at a pressure of 1,000 pounds per square inch—about equal to the pressure inside the 149-foot booster when its ignited at liftoff.

Engineers can tell whether the first and second rings are working if the pressure holds steady and no nitrogen is detected in the cavity between the second and third rings. The test is then repeated in that cavity, Harrington said.

The leak found Friday is so small that it can't be seen or heard unaided and was noticed because the pressure inside the cavity between the first and second rings began falling, he said. Technicians planned to use sensitive sound detectors to locate the leak, he said.

Harrington said the joints between segments are safer in the redesigned rockets than those used on Challenger. "It's got all kinds of redundancy in there." he said.

Even so, shuttle managers don't want to use the boosters unless every O-ring passes inspection, KSC director Bob Crippen said.

Discovery, which has been undergoing inspections and modifications after a January flight, had originally been scheduled to fly again Nov. 5. That date was pushed back to Nov. 10 because of problems with a maneuvering engine.

Harrington said he didn't know whether the O-ring problem might set back the launch.

Mr. HEFLIN. Mr. President, second, I want to mention that the ASRM will result in over $100 million in cost savings compared to the continuing use of the present motor, even if the space station is terminated. That is calculated by the savings that occur on a per set unit of motors. You can save $18 million on a per unit basis by going with the ASRM over the old rocket motor, and you multiply that by the number of shuttle flights that we expect to fly over the next 10 years and then add the $300,000 in contract termination fees, and it costs more to terminate the ASRM than to complete it.

If you use it in conjunction with the space station, it will bring about a net deficit reduction of $2.5 million.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Ms. MIKULSKI. I yield 3 minutes to the ranking minority member, Senator GRAMM.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I see a disturbing trend here which I think is counterproductive to the good of the legislative process. And, that is, every time we try to tighten up on a program, it seems, in our space program, every time we cut a program and require internal absorption, that is used as an argument to terminate the program.

I am afraid if we continue that process, what should be a continuing effort to probe to find savings is going to be discouraged.

When *Challenger* exploded in 1986, we tried to find an alternative engine. ASRM is basically that alternative, and it has greater performance and it is safer. We have invested very heavily in the program. We are getting ready to come on line with production. We have had many changes in the space program, and one of those changes is going to a higher inclination on the space station which is going to mean a need for more boost capacity.

So what we have done is provided $162 million, and we have asked NASA to absorb internally the other $150 million and to give us a clear commitment to this program as their ultimate solution.

We have few doubts, given the information that is available, that they are going to do that, and we thought that was prudent. But to terminate this program now eliminates a cheaper, long-term solution, and eliminates a solution that gives us greater performance and greater safety, and I think that that is a bad decision.

So what we are trying to do here in a space program that is changing dramatically with the involvement of the Russians, with our effort to downscale, is to put more burden on NASA to provide justification and to absorb costs. That is prudent.

Terminating a new system that we are ready to come on line with, having spent millions of dollars in the process, a system that is more powerful, that is safer, and that can do the job that we know the new inclination for the space station is going to require, is unwise, and I am hopeful our colleagues will reject it.

ASRM is something in which we have invested heavily. We have high hopes for it. It can ultimately mean savings. It seems to me we ought to give NASA an opportunity to tell us how they are going to use ASRM and through absorption provide half of the funding. That is the kind of reform we need. Terminating something we have invested in, improved, is not prudent, in my opinion.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. I yield 1 minute to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I thank the distinguished manager for yielding time to me.

Mr. President, it has been stated, and I wish to emphasize, that after the *Challenger* exploded and our seven astronauts were killed, NASA was called upon to convene a task force of the best scientists, and engineers to determine how to make this shuttle motor safe for our astronauts in future space travel.

The advanced solid rocket motor program, which is the subject of this amendment, was born of that event and that task force effort. We have almost completed the construction phase of the production plant. We will soon have this new, safe, advanced rocket motor. My message is clear: do not vote for this amendment to take all the money out of this program. Do not make the workers, the scientists and the engineers victims of congressional caprice, and do not subject our astronauts to what is described as a marginally adequate system for safety.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. BUMPERS. Mr. President, I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, the Senator from Mississippi just talked about do not go against the scientists, workers, and so on, down there. Let me invite you not to go against the *Alpha* station implementation plan, the NASA Aerospace Advisory Board, and a whole host of other boards that have said we do not need the ASRM.

The O-ring leak that occurred last year to which the Senator from Alabama alluded, the astronaut office and NASA will tell you that has absolutely nothing to do with the kind of O-ring leak that brought about the *Challenger* disaster.

Do you know why the astronauts do not want the ASRM? The same reason the committee report alluded to—cost overruns, mistakes. This is in the Senate committee report—that this program has been plagued by cost overruns, mistakes, everything going wrong.

If you were going into orbit, would you want to fly the first flight on a shuttle or anything else that is being flown for the first time, when you have a rocket already here that will do the job, that has flown 33 times without a hitch?

I can tell you which one I would want. William McArthur, who is in the astronaut office of NASA, can tell you which one he wants.

Mr. President, I have to ask this question: What on Earth has happened to the enthusiasm that was so pervasive and abundant here 45 days ago for cutting spending and trying to get the deficit under control? Forty-five days. I have a dog that has a longer memory than the Senate. If we had offered this during those fervent days, that sucker would be dead right now. But politicians depend on the constituents to have short memories, and they do. You go home and make those justifications without challenge. When you are speaking to the chamber of commerce, there is nobody there to challenge you and you can say anything you want to; they do not know the difference. And we depend on that to bail us out when we vote for such irresponsible things as this.

Mr. President, I am going to put a chart up here in the next few days on amendments I have offered, and what the vote was last year, and how much money it would have saved over the life of the program. I want this Chamber to see if the Senate is living up to the expectations of the people of this country when it comes to deficit reduction, trying to salvage the economic future of this Nation.

Mr. President, you are not ever going to get stable funding of this program when the House has killed it 2 years in succession, and when they allude in the Senate report to cost overruns, mistakes, everything under the shining Sun. I am saying, for God sakes, let us live up to people's expectations just once—just once. Everybody here knows if you were debating this on national television, like the space station, it would be overwhelmingly opposed.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, how much time is remaining for the proponents, the Senator from Arkansas?

The PRESIDING OFFICER. The Senator from Arkansas has 1 minute and 3 seconds, the Senator from Maryland has 41 seconds.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the time for debate on this be extended for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I also ask unanimous consent that it be in order for me to make a motion to table the Bryan amendment, the Nickles amendment, and the Simon amendment, and ask for the yeas and nays.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI. Madam President, I know that the Senator from Arkansas has additional comments that he wished to make, and I also know that the Senator from Maine [Mr. COHEN], was going to attempt to get here, and I am attempting to accommodate those Senators.

I wish to inquire if the senior Senator from Alabama wishes to make additional comments on this debate.

I wish to say to the senior Senator from Alabama I heard on the news this morning about the terrible train wreck in Alabama.

While we are debating important issues of national substance, just as one Senator to the other, I would like to extend to the Senator from Alabama and to the people of Alabama my enormous concern for their health and safety and note that, if there is anything relating to FEMA that will be needed to help the people of Alabama, we stand ready to work with Senator HEFLIN and Senator SHELBY on that matter.

Mr. HEFLIN. I want to thank Senator MIKULSKI for that. That is very thoughtful. I have been in touch today with Graham Claytor, head of Amtrak. We have been talking about the Department of Transportation facilities and the Department staffs, and we are talking to the Federal Railroad Administration, all of which are going there as well as the National Transportation Safety Board.

They do not have any clues at this time, but they declared to us that they will do everything they can to get to the cause of this so that it will not happen again in our State, and, hopefully, they can remedy any possible similar situation that would occur in other States.

We thank you.

In regard to the solid rocket motor—I talked on that last night for 40 minutes or more; I could talk on—but to me this is an issue primarily of safety. Somehow or another we have gotten away from the fact that when the *Challenger* exploded, the attention of the world was attracted to the solid rocket motors and to the O-rings. And a Presidential commission was formed. They said we have to have a solid rocket motor that does not have O-rings. So they directed that a new solid rocket motor be produced without O-rings.

In the meantime, in order to let the shuttle keep on flying, they revised it. They took precautions. But these were never intended as more than a temporary measure.

They say we have flown 33 flights without having any incident. But it was the 25th flight that caused the explosion in the *Challenger*. I do not see much difference between the 25 and 32. You could have an accident like this occur any time.

The PRESIDING OFFICER. All time has expired for the opposition.

Mr. BUMPERS. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes 27 seconds.

Mr. BUMPERS. Madam President, I want to say to my colleague, I do not care. You can be the biggest space cadet in the U.S. Senate and you are not giving one thing if you vote for my amendment. What you are getting is proven safety.

As I said a moment ago, no astronaut—they do it because they are very brave and courageous people, but I can tell you they would not put their families on the first flight with this advanced solid rocket motor. Do you know something else? That thing had to be tested seven times down in Mississippi on the ground, and every time it is tested it emits 100,000 tons of hydrochloric acid. No wonder the Sierra Club and all the environmental groups favor the Bumpers amendment.

The other thing is you not only do not give anything up; you save $4 billion, counting the interest, because we are going to borrow every dime of the $2.23 billion that it is going to take to continue this thing; borrow every nickel of it. If you do not borrow it, you save $1.84 billion and you save the interest on that money forever.

Madam President, I consider it a strange thing. The committee does not like this. I am not speaking for the subcommittee chairman, but the subcommittee does not like it. Look at the committee report. It takes $400 million a year to keep this thing going. They put $130 million in there for what they call a placehold, just to go to conference with the House. We did that last year. They came back with about twice as much. No, more than that; over $300 million. We only appropriated $50 million, but they came back with $300 million, despite the fact the House had killed it. This placeholding business is not going to get it.

Here is a project that richly deserves to be curbed. The American people would like to see it.

Does the Senator from Utah wish to make a statement?

Ms. MIKULSKI. Would the Senator yield?

Mr. BUMPERS. I will be happy to.

Ms. MIKULSKI. I think this has been a wonderful debate and the spirit has been excellent. I ask unanimous consent that we extend it for another 5 minutes equally divided between the proponents and the opponents.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT addressed the Chair.

Mr. BUMPERS. I yield 2 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. I thank my friend from Arkansas.

Madam President, I have here a letter that supports the statement that the Senator was earlier making about the astronauts. This is a letter signed by William S. McArthur, astronaut, dated August 6, 1991, addressed to the Committee on ASRM Quality Assurance and Test Program, Irvine, CA. I will not take the time to read the entire letter, but in the key paragraph he says the following:

> As the committee's efforts draw to a conclusion, please permit me to make a few comments. This program is viewed warily by the Astronaut Office. We are concerned about the number of technological "firsts" in the program, new applications to solid rocket motors or to motors of this size, many of the same concerns identified by committee members.

Then in the sentence which summarize it for me he says:

> We may be abandoning a motor with a large and rapidly growing experience base, one in which we have great confidence.

The Senator from Alabama talks about the importance of safety. He talks about the first flights, and then after 25 there was a failure.

It is the redesign that has eliminated that failure that gives the astronauts, those people who are betting their lives on this program, confidence in the RSRM program. It is their concern about the untested new technology of the ASRM that is causing them to feel that maybe the safety argument is on behalf of the RSRM that is tested and solid and been examined and not the ASRM.

The Senator from Arkansas said you can be the biggest space cadet in the Senate. I want to compete for that prize. I think I probably am the biggest space cadet in the Senate. But I believe our space program will be better served by going with that which we know works, going with that which NASA, prior to this administration, said we should have. The Vice President prior to our present Vice President said the program was not needed. I accept that and intend to vote for the Bumpers amendment.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. I yield 2 minutes to the Senator from Mississippi.

Mr. LOTT. Madam President, I want to again congratulate the chair of the committee, Senator MIKULSKI, who has done a great job, and the ranking member, Senator GRAMM, who has done a great job. I want to point out to my colleagues that these two members of the subcommittee oppose this amendment. They support the ASRM. That is very important. I want to emphasize again that all of the last three Administrators of NASA have asked for and supported this project.

I say to my colleagues, we have already spent $1.5 billion building this facility so that we can have this next generation of rocket for safety purposes, for capability purposes, and to keep our commitment now to the international community. You are talking about thousands of jobs in the immediate area and across this country that could be disrupted if we shut down this very important project. This is another effort to just pick apart our NASA programs and our space program.

Then, finally, I want to make this point: With the new orbit that has been agreed to with our international partners, we must have a stronger, smaller rocket to boost our equipment into that altitude. And the ASRM is the way to do it. The head of NASA said that. Dan Goldin recommended that ASRM is the way to do it. If we do not, we have two options: Russian rockets, and I do not think the American people would like that as an alternative; or an unresearched, untested, undeveloped capability that we do not know whether it would be there or not.

So from the standpoint of what we have already spent, what we can save with this new rocket, and for safety, and also for the commitment we made to our trading partners, our international partners, I urge that we defeat the Bumpers amendment.

Ms. MIKULSKI. That concludes, I believe, the robust debate on the ASRM.

Mr. BUMPERS. Madam President, has the time expired?

The PRESIDING OFFICER. The Senator from Arkansas controls 38 seconds. The Senator from Maryland controls 22 seconds.

Mr. COHEN. Madam President, in 1986, the failure of the space shuttle's solid rocket motor resulted in the *Challenger* accident. NASA adopted a two-track approach to correct the problem: a redesigned solid rocket motor was initiated as an interim solution, while a new, advanced solid rocket motor or ASRM was designed.

The purpose of the new ASRM was to increase the reliability and safety over that offered by the interim, redesigned solid rocket motor. As an added side benefit, the ASRM could be made somewhat more powerful since it was to be designed from scratch.

EXISTING ROCKETS SAFE; NO NEED TO REPLACE

Since then it has become clear that there is no need for the ASRM. The existing, redesigned rocket motors have flown 62 times on 31 shuttle flights. There have been no performance problems, and postflight examination of the rockets has shown no design problems. NASA recently said that the existing rocket has no flight safety issues. The evidence clearly demonstrates that the redesigned rocket motor is highly reliable and need not be replaced.

Last month, at my request, GAO updated its ASRM report. According to the GAO, the ASRM "design was unproven and its reliability would not be known for a long time. In contrast, the existing redesigned motors had proven themselves to be very reliable."

As a result, the GAO notes, two NASA advisory groups have concluded that the ASRM's "high technical and programmatic risks, together with the redesigned motor's proven performance, make development of the ASRM unnecessary."

NASA's own safety advisory panel say the existing redesigned rocket motors are performing well and that ASRM funding could be better spent on improving the safety of the shuttle's main engines.

The National Research Council has reported that there are significant design and manufacturing problems with the ASRM, as well as cost overruns and schedule delays. The National Research Council has recommended that NASA continue to rely on the existing rocket motor since it has proven to be reliable.

Last November, NASA's space policy advisory board urged that the ASRM be canceled because it was unnecessary and it is suffering from tremendous cost overruns and delays.

In fact, GAO's report from just last month states that the ASRM's development cost has grown by 130 percent over the original estimate and the program is 6½ years behind schedule. The first flight of the ASRM was supposed to occur early next year, but is now not scheduled until the turn of the century.

NASA, itself, agreed to the termination of the ASRM last year. Congress, however, provided funding for this program being built in the district of the then-chairman of the House Appropriations Committee. Not wanting to look a gift horse in the mouth, NASA took the money and has now asked for more even though its own advisory groups call it unnecessary.

MORE LIFT CAPABILITY NOT NEEDED FOR SPACE STATION

Having lost the primary justification for the ASRM—safety and reliability—ASRM proponents now seek to justify it on the basis of the modest additional lift capability it may provide.

The GAO reported in November, however, that the two payloads for which the added lift capability might be useful, no longer need it. One was an astrophysics facility that has been redesigned and no longer needs the ASRM. The other was the space station.

Last month, the GAO reported that "the report of NASA's advisory committee on the redesign of the space station shows that the ASRM is not required to launch the redesigned station."

You will hear the argument that inclusion of Russia in the space station program requires the ASRM because the station will have to be placed in a higher inclination orbit. But NASA's station redesign panel proposed three options for putting the station in this higher inclination orbit without the ASRM.

The Appropriations Committee has expressed its serious interest in one of these options: using a lighter weight shuttle fuel tank, which could be developed more quickly and at less cost than the ASRM.

TERMINATION SAVES $2 BILLION

CBO states that cancellation of the ASRM will save the taxpayer $2 billion over the next 5 years. OMB has estimated the savings to be even greater.

ASRM advocates quote a statement by the ASRM contractor that termination would cost, rather than save, the Government money.

Who should we believe, the independent budget analysts at CBO and OMB, or the contractor who has a vested interest in the program?

SUMMARY

The ASRM is not needed for safety or reliability. NASA's own safety panel and the National Research Council have confirmed this.

The ASRM is not needed for the space station, even if Russia participates. The Appropriations Committee report and NASA's own space station redesign panel have confirmed this.

The ASRM will damage the environment, and it is opposed by all of the major environmental groups.

NASA needs to cut at least $10 billion in programs over the next 5 years in order to meet its budget ceilings. Terminating the ASRM will save $2 billion over 5 years. If we do not cancel the ASRM, then $2 billion in worthwhile NASA programs will have to be cut instead.

Madam President, I ask unanimous consent to insert in the RECORD the August 1993, GAO report on the ASRM Program.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

GENERAL ACCOUNTING OFFICE,
Washington, DC, August 13, 1993.

Hon. WILLIAM S. COHEN,
Ranking Minority Member, Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, U.S. Senate.

DEAR SENATOR COHEN: Enclosed is a copy of our November 1992 report detailing the status of the National Aeronautics and Space Administration's (NASA) Advanced Solid Rocket Motor development program. At your request, this letter updates some of the information in that report.

NOVEMBER 1992 STATUS

In November 1992 we reported that the need for the advanced motor had diminished since the development program was first approved in 1988. The advanced motor program was justified on the basis that it would enhance the shuttle's safety and reliability and increase the shuttle's lift capability by about 12,000 pounds.

When the advanced motor program was approved, NASA had no actual flight experience with the motors, which were redesigned following the January 1986 *Challenger* accident. While the advanced motor incorporated design features and automated manufacturing processes, which held the potential for a more reliable and safer motor, the design was unproven and its reliability would not be known for a long time. In contrast, the existing, redesigned motors had proven themselves to be very reliable. Through October 1992, NASA had successfully flown the redesigned motors 26 times and had identified no major design problems during post-flight inspections of the motors.

Also, although the advanced motor was expected to increase the shuttle's lift capability, we reported that it might not be used for launching either of the two payloads originally identified as needing the additional lift. The Advanced X-ray Astrophysics Facility had been redesigned and no longer needed the additional lift capability, and the advanced motor was not expected to be available in time to launch the space station's U.S. laboratory module.

We also reported that the estimated development costs had increased by about 95 percent—$3.25 billion from the program's January 1988 initial estimate and that the first flight schedule had slipped by over 2½ years. The cost increases occurred primarily because the development program scope was expanded to include the first six sets of motors and a comprehensive evaluation of the first six flights, construction costs increased, and NASA added cost reserves to the estimate. The schedule slip occurred because of delays in awarding the development contract, funding constraints, and redesigning the building where propellant will be mixed and motors cast. At the completion of our review in October 1992, NASA expected further cost increases and schedule slips as a result of the Congress' decision to continue the development program but at a lower funding rate; however, officials could not quantify the likely increases.

JULY 1993 STATUS

Since our November 1992 report, NASA has launched the shuttle another five times with no evidence of any significant solid rocket motor safety problems, according to motor project officials. Also, since our November 1992 report, NASA has redesigned the space station. The report of the Advisory Committee on the Redesign of the Space Station[1] shows that the advanced motor is not required to launch the redesigned station. According to the Committee's report, even if NASA decides to place the station in a higher inclination orbit where the shuttle's lift capability is reduced, the necessary capability can be obtained by (1) redesigning the shuttle's external fuel tank to reduce its weight, (2) using some of the shuttle's capability that is normally kept in reserve, and (3) assembling some of the heavier components at a lower altitude and later boosting them to the station's final orbit using the station's own propulsion system.

Estimated development costs have increased another $575 million since our November 1992 report, bringing the total to $3.825 billion. NASA attributes this latest increase to a stretch-out of the development caused by reductions in the program's annual funding levels for fiscal years 1993 and subsequent years. For example, NASA estimated that it needed about $520 million in fiscal year 1993 to avoid the schedule slip, but the Congress appropriated only $360 million. Because of the reductions in the previously planned annual funding levels, NASA delayed the first flight of the advanced motor another 3 years and 10 months, bringing the total schedule delay to almost 6½ years. The first flight was originally scheduled for July 1994.

FUNDING STATUS

Through fiscal year 1993, the Congress has appropriated about $1.5 billion for the advanced motor program—$1 billion for motor development and $500 million to construct and equip motor development, test, and production facilities. The President requested an additional $280.4 million for development and $32.6 million for construction of facilities for the advanced motor program in fiscal year 1994.

Of the $1.5 billion appropriated, $180 million remained unspent as of June 30. However, NASA was spending at a rate of about $31 million a month for the program, and projected that at the end of the fiscal year only $80 million will remain unspent.

NASA also estimates that it would cost about $212 million to terminate existing contracts as of September 30, 1993. The estimate of the cost to terminate the existing contracts assumes that construction that is currently at least 90 percent complete will be finished and other partially completed buildings will be enclosed to protect NASA's investment.

METHODOLOGY

To identify changes in the status of the advanced motor development program, we analyzed NASA program and budget documents and external reports such as the report of the Advisory Committee on the Redesign of the Space Station.

We also discussed the program's status with cognizant NASA officials. If you or your staff have further questions, please call me on (202) 512-8412.

Sincerely yours,
DONNA M. HEIVILIN,
Director, Defense Management and NASA Issues.

Mr. SHELBY. Madam President, today we are considering the second amendment in as many days that is designed to kill a NASA project. This amendment deals with the advanced solid rocket motor. We have heard a good deal of rhetoric regarding orbiting pork and junk science in the last couple of days. Much of that rhetoric has centered around the claim that the space station was a project without design, purpose, or direction. If these are the criteria for killing a NASA project, then in no way does the ASRM deserve termination. The ASRM has a clearly defined design and purpose. Congress mandated after the *Challenger* disaster that the space program come up with a more reliable, safer, and more powerful booster. The ASRM Program has delivered on this mandate. It will provide a more reliable, safer, and more powerful solid rocket booster for the space shuttle and future launch systems. The ASRM will provide an additional 12 thousand pounds of payload capacity while making a multitude of safety improvements that far surpass the present RSRM design.

Madam President, the ASRM is critical to the future of U.S. rocket launch capacity and aerospace competitiveness. The present RSRM is based on technology that is over two decades old and our current fleet of expendable launch vehicles is based on designs that are, on average, over three decades old. While the ASRM is to be specifically used on the shuttle, it is important to note that the new technology that is being applied to the ASRM is vital to the future development of both new liquid and solid boosters that are more reliable and efficient launch systems that will allow America to compete in the expanding international commercial launch market. If we continue to balk at developing new rocket technology, then our domestic aerospace industry will continue to lose pace with its international competitors who are using newer, cheaper, and more reliable launch systems. Madam President, the shuttle will remain the centerpiece of the U.S. launch system for the foreseeable future. The ASRM is an important and necessary upgrade to that aging system in terms of safety and cargo capacity.

Madam President, the ASRM plant is a Government-owned and contractor-operated facility. If funds for the completion of the facility and rocket development are eliminated, then the Government will still own a state-of-the-art rocket construction facility.

As I said previously, ASRM is not fantasy. The main facility is nearly complete. If we are truly worried about Government waste, then what could be more wasteful than canceling a project that is nearly complete after millions of dollars in investment? I challenge any of my colleagues to tour the facility at Iuka, MS, and defend the construction of a complete facility in order to mothball it. Such action, at this late date, makes no fiscal sense whatsoever.

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[1] Final Report to the President, Advisory Committee on the Redesign of the Space Station, June 1993.

This amendment may indeed appear to be a substantial step toward deficit reduction. However, the entire cost to complete the ASRM Program and deliver six sets of motors will be substantially less than a single year's space station appropriation. The ASRM will cost a third less to produce than the RSRM which we will have to continue to use over the life of the shuttle.

The ASRM is not a budget buster, either for NASA or for the Government as a whole. Cancellation at this late date makes neither good economic nor fiscal policy. I urge my colleagues to oppose the Bumpers amendment.

Mr. MATHEWS. Madam President, I rise today to voice my support for the continuation of the advanced solid rocket motor [ASRM] project.

In 1988, Congress approved NASA's decision to develop the ASRM as the next generation replacement for the redesigned solid rocket motor [RSRM].

Objectives outlined for the ASRM at that time were improved reliability, optimal cost, and enhanced safety and flight performance.

In addition, Congress sought to foster competition through the use of a Government-owned but contractor-operated solid rocket motor facility.

Madam President, these original objectives are still valid today.

It would be foolish and wasteful to end the project at this point: the ASRM design is now nearly complete, and construction is well over half finished.

All plant equipment is on order, all major construction contracts are awarded, and facilities will be 90 percent complete by the end of 1993.

Now is no time to cancel this important project.

The ASRM provides employment for 16,500 people nationwide and has created business opportunities in 38 States.

Many people from my own State of Tennessee are employed at the main facility in Mississippi, just across the Tennessee border.

The development of the advanced solid rocket motor will provide greatly enhanced safety, reliability, and performance for the space shuttle by the end of this decade.

The ASRM will use new technology, materials, and processes to increase motor manufacturing efficiency while reducing environmental concerns facing the rocket industry today.

Numerous environmental safeguards and improvements will be incorporated throughout the ASRM project operations, including a resource recovery system to replace open propellent burning, a new wastewater treatment facility, and state-of-the-art effluent containment systems.

Madam President, ASRM is before us today, already the victim of the budget ax. Although wounded, its motion is still forward.

The $162 million funding level is some $150 million less than the current appropriation.

In recognition of the need for spending reductions, this program has met the test.

The United States is the preeminent space-faring Nation.

ASRM will ensure that we integrate development of advanced technology with space commercialization, and enhance our competitive edge.

The ASRM Program is on track and ready to provide the safety, reliability, and improved performance needed to move NASA's space shuttle program into the 21st century.

I urge my colleagues to join me in supporting this important project.

Mr. SPECTER. Madam President, the Senate will be voting on four amendments to the Department of Veterans Affairs and Housing and Urban Development appropriations bill for fiscal year 1994.

I have long supported efforts to reduce the exposure to asbestos. As far back as 1971, as district attorney in Philadelphia, I prosecuted a case to eliminate the practice of open-air spraying of asbestos at South Penn Square in Philadelphia. Since then, I have joined my colleagues in promoting legislation to identify asbestos in public facilities and its removal.

Today, we are considering an amendment by Senator SIMON to provide additional funding under the Asbestos Hazard Abatement Grant and Loan Program. Funding for asbestos abatement must continue to ensure that schools have the resources to eradicate the asbestos risk to children. The amendment by Senator SIMON proposes to pay for a fiscal year 1994 appropriation through a transfer from EPA unobligated funds.

The Appropriations Committee stated in its report that an assessment of the remaining hazards associated with asbestos in schools is necessary before more appropriations are made in addition to the $350 million appropriated for the program to date. I understand that school districts in the Commonwealth of Pennsylvania and across the Nation urgently need more money for the removal of asbestos. Therefore, we must sustain adequate funding simultaneously with making an assessment of the continuing risk of asbestos in our Nation's schools.

With respect to the amendment by Senator BUMPERS, I believe we must consider deficit reduction when evaluating the continued expenditure of Federal tax dollars for the Advanced Solid Rocket Motor [ASRM] Program. With the development of the space station *Alpha*, the need for added performance capabilities which could be developed through the ASRM Program are no longer needed. If a program is no longer needed to accomplish the goals of the Federal Government, I believe we should discontinue the program.

Likewise, I support the amendment by Senator BRYAN to eliminate funding for the Extraterrestrial Intelligence Program in order to reduce the burgeoning Federal deficit.

The amendment by Senator NICKLES to reduce funding for national service by $21 million will bring the Senate appropriation in line with the authorized level provided in the National Service Act recently adopted by Congress. During consideration of the act by the Senate, I worked to ensure that adequate funding levels were established to launch a national service program. The Senate should adhere to the funding limits contained in the act.

Mr. BUMPERS. I do not know of anything else I can say except here is an opportunity for the Senate to say to the American people that we recognize something is not necessary, and we are going to save $4 billion over the lifetime of this.

This is a chance to reinvigorate the spending cut enthusiasm that swept through this body about 45 days ago. Do not squander this opportunity.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. MIKULSKI. Madam President, I move to table the Bumpers amendment.

I ask for the yeas and nays, and I yield back the time of the opposition.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Madam President, I ask unanimous consent that in the upcoming sequence of four votes the votes after the first vote be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Madam President, I ask unanimous consent that following disposition of the four amendments about to be voted on, the following listed amendments be the only floor amendments remaining in order to H.R. 2491, the VA–HUD appropriations bill, and that they be subject to relevant second-degree amendments, if applicable.

The amendments are:

An amendment by Senator BROWN regarding CDBG's; an amendment by Senator BUMPERS regarding Stafford loans; an amendment by Senator BYRD that is relevant; an amendment by Senator DECONCINI regarding intellectual property; an amendment by Senator GORTON that is relevant; an amendment by Senator GRAMM of Texas that is relevant; an amendment by Senator GREGG that is relevant; an amendment by Senator HATFIELD that is relevant; an amendment by Senator HELMS that is relevant; an amendment by Senator MCCONNELL regarding the EPA; an amendment by Senator METZENBAUM that is relevant; an amendment by Senator METZENBAUM that is relevant; an amendment by Senator MIKULSKI that is relevant; an amendment by Senator MURKOWSKI that is relevant; an amendment by Senator PRESSLER that is relevant; an amendment by Senator RIEGLE and Senator LEVIN that is relevant; an amendment by Senator STEVENS regarding Alaska clean air.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 910

The PRESIDING OFFICER. The question now occurs on the motion to table the Bumpers amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—53

Akaka
Boren
Breaux
Brown
Bryan
Coats
Cochran
Coverdell
D'Amato
Danforth
Dodd
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Hatfield
Heflin
Helms
Hutchison
Inouye
Johnston
Kassebaum
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Nickles
Packwood
Pressler
Reid
Riegle
Robb
Roth
Sasser
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NAYS—47

Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Bumpers
Burns
Byrd
Campbell
Chafee
Cohen
Conrad
Craig
Daschle
DeConcini
Dorgan
Durenberger
Feingold
Gregg
Harkin
Hatch
Hollings
Jeffords
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mitchell
Moynihan
Murray
Nunn
Pell
Pryor
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wofford

So the motion to lay on the table the amendment (No. 910) was agreed to.

Mr. HEFLIN. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Madam President, I want to call to the attention of all Senators the fact that the next three votes are 10 minutes each. I encourage Senators to remain in the Chamber.

I also remind Senators that it is the responsibility of the individual Senator to make certain that the clerk has properly noted the Senator's vote. If Senators miss a vote here because they come and go out of the Chamber, that is their responsibility. The next three votes are for 10 minutes each.

VOTE ON AMENDMENT NO. 911

The PRESIDING OFFICER. The question now occurs on the motion to table amendment No. 911, offered by the Senator from Nevada [Mr. BRYAN].

The yeas and nays have been ordered.

The clerk will call the roll

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 23, nays 77, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—23

Akaka
Bond
Breaux
Brown
Daschle
Dodd
Feinstein
Glenn
Graham
Gramm
Harkin
Hatfield
Heflin
Hutchison
Inouye
Johnston
Levin
Lott
Mikulski
Moynihan
Pell
Rockefeller
Shelby

NAYS—77

Baucus
Bennett
Biden
Bingaman
Boren
Boxer
Bradley
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Ford
Gorton
Grassley
Gregg
Hatch
Helms
Hollings
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mitchell
Moseley-Braun
Murkowski
Murray
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Riegle
Robb
Roth
Sarbanes
Sasser
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

So the motion to lay on the table the amendment (No. 911) was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the Bryan amendment No. 911.

The amendment (No. 911) was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 913

The PRESIDING OFFICER. The question now is on agreeing to the motion to lay on the table amendment No. 913, offered by the Senator from Oklahoma [Mr. NICKLES]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—45

Akaka
Biden
Boren
Boxer
Breaux
Bryan
Bumpers
Campbell
Conrad
Daschle
DeConcini
Dodd
Durenberger
Feingold
Feinstein
Ford
Glenn
Harkin
Heflin
Inouye
Johnston
Kerry
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—55

Baucus
Bennett
Bingaman
Bond
Bradley
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Dorgan
Exon
Faircloth
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hollings
Hutchison
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kohl
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

So the motion to lay on the table the amendment (No. 913) was rejected.

Mr. NICKLES. Madam President, I move to reconsider the vote by which the motion to table was rejected.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now occurs on the amendment by Senator NICKLES, No. 913. The yeas and nays——

Mr. NICKLES. I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 913) was agreed to.

Mr. NICKLES. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 914

The PRESIDING OFFICER. The next vote will be a 10-minute rollcall vote.

The question now occurs on the motion to lay on the table amendment No. 914 offered by the Senator from Illinois [Mr. SIMON]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. METZENBAUM] is necessarily absent.

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 31, nays 68, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—31

Baucus
Bingaman
Bond
Bryan
Byrd
Craig
Danforth
Dole
Domenici
Dorgan
Gorton
Graham
Gramm
Heflin
Hutchison
Inouye
Johnston
Kennedy
Leahy
Levin
Lieberman
McConnell
Mikulski
Nickles
Nunn
Packwood
Robb
Rockefeller
Shelby
Simpson
Wallop

NAYS—68

Akaka
Bennett
Biden
Boren
Boxer
Bradley
Breaux
Brown
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
D'Amato
Daschle
DeConcini
Dodd
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Grassley
Gregg
Harkin
Hatch
Hatfield
Helms
Hollings
Jeffords
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Lott
Lugar
Mack
Mathews
McCain
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Pell
Pressler
Pryor
Reid
Riegle
Roth
Sarbanes
Sasser
Simon
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NOT VOTING—1

Metzenbaum

So the motion to lay on the table the amendment (No. 914) was rejected.

Mr. SIMON. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is now on agreeing to the amendment of Senator SIMON.

The yeas and nays have been ordered.

Mr. SIMON. Mr. President, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 914) was agreed to.

THE FOREIGN OPERATIONS APPROPRIATIONS BILL

Mr. LEAHY. Mr. President, I ask my friend from Colorado to yield. I know he is ready to go forward. I want to make an announcement about the foreign operations appropriations bill.

Mr. President, I have been discussing this with the distinguished Chair of the HUD and independent agencies bill, Senator MIKULSKI, how the schedule is going. I know Senators are cooperating in every way they can. May I please urge all Senators to try to shorten whatever time they can on their amendments, and to finish the bill that is on the floor.

Following this bill will be the foreign operations appropriations bill. We know that this evening we will not be in session because of the joint session. We will be meeting to hear the President of the United States. Should this bill finish, I intend to go immediately, with the concurrence of the distinguished leader, to the foreign operations bill. I would like to get started on that today. Ideally, I would like to finish it, but I do not think that will be possible. I would like to finish early in the day tomorrow. There are a number of reasons for this. If we do not pass and get signed into law the foreign operations bill by the end of the fiscal year next week, two-thirds of the money that is being committed to the former Soviet Union is lost.

I met with President Clinton last night. He has stated strong support for President Yeltsin.

One thing I would hope that the Senate of the United States could do is to pass this foreign aid bill, demonstrating our support for the position that the President is in.

There has been strong bipartisan support, Republicans and Democrats alike, for this part of the foreign aid bill. They have worked with the distinguished Republican leader. The distinguished Senator from New Mexico [Mr. DOMENICI], the distinguished Senator from Kentucky [Mr. MCCONNELL] who is the ranking member have all worked very, very closely together as has the distinguished chairman of the overall Appropriations Committee, Senator BYRD, and the ranking member on the Republican side, Senator HATFIELD. Senator INOUYE on the Defense Subcommittee, along with Senator STEVENS, myself, and others have worked very closely on this.

We are prepared with a good bill to go forth. It is my judgment that we should move forward on Russian aid now notwithstanding what is going on in Russia today.

I think the United States is going to be looked to by the rest of the world to see what position we take. Much of the rest of the world interested in what is going on in Russia will follow the United States lead. This is not the time for us to falter. It is a time to go forward.

We have another major package which, of course, is the Middle East package. There is money in the bill that my subcommittee put together for the Palestinians. We are also going to have to draw in waivers for the President to allow PLO members to come to Washington to meetings. This is in the best interest of both the Israelis and the Palestinians because they have both made very clear to me that they know that Washington will be a venue for meetings.

That, too, will have to go forward as quickly as we can so we do not in any way slow up the Middle East peace process.

I tell this to my fellow colleagues to let them know it is important to move forward and complete this bill.

I thank the distinguished Presiding Officer, my friend from Colorado, and I thank my other friend from Colorado for letting me step forward. I know he was waiting to go forth with his amendment. And I appreciate the courtesy.

Thank you.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 915

(Purpose: To reduce the amount appropriated for fiscal year 1994 for community development grants of the Department of Housing and Urban Development)

Mr. BROWN. Mr. President, I send an amendment to the desk on behalf of myself and the distinguished Senator from New Mexico [Mr. DOMENICI].

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself and Mr. DOMENICI, proposes an amendment numbered 915.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 36, line 8, strike out "$4,400,000,000" and insert in lieu thereof "$4,223,675,000".

The PRESIDING OFFICER. Is there objection to setting aside the committee amendments?

Hearing none, without objection, it is so ordered.

The Senator may proceed.

Mr. BROWN. Mr. President, this amendment is quite straight forward. It deals with the question of the Community Development Block Grant Program. This is an area over recent years that has grown dramatically. Started in 1990, it was funded at $2.9 billion a year. The President's recommendation for funding this year, just a few years later, will be $4.2 billion, an enormous increase in a brief period of time.

The President's recommendation represents a 6.8-percent increase over the appropriations bill that passed last year. I say the appropriations bill because since then we have had a supplemental for the disasters, which were special funding. But even if you count that special funding, this is significantly above all of the spending last year on CDBG's. The President's recommendation was very generous, giving it a much bigger increase for this program than other programs, in spite of the fact that this had had a huge increase in recent years as well.

The President's 6.8-percent increase represents a huge increase in a year in which this Nation felt so strongly about deficit reduction that this Senate and the House passed the biggest tax increase in the history of this country or any country in the world.

In light of that huge tax increase and in light of the crisis with our economy, it seems to me that the President's recommendation is more than generous for this program.

Yet what lies before us in the way of the appropriations bill is a suggestion that we increase this program not 6.8-percent but 11¼ percent. That is $176 million more than even the President's request.

This amendment is quite straightforward and simple. What it suggests is that we go back to the level requested by the President, President Clinton, in his budget and not go with the higher figure.

The House has considered this issue and acted to fund the CDBG at the level suggested by the President. They do include a $50 million provision for emergencies.

So what we are suggesting is simply the number the President has asked for. What we are suggesting is the number the House has come up with, not counting their $50 million suggestion for additional funding for emergencies.

I think the issue comes down to this—we are either going to get serious dealing with the deficit and dealing with spending, or we are going to watch the future of this Nation wash away as this Congress ignores the crying need of our Nation to get our accounts in order to increase savings and to put productive resources to work in the private sector.

It is not easy to control spending. No one said it would be. But we have an obligation that surpasses simply responding to those who lobby us. We have a responsibility to help this Nation put its house in order.

This is a modest step. It simply goes to what the President asks for, but it sets a course for a determined effort to bring this deficit in line.

I ask the Members to consider this amendment, to act in a courageous manner to save $176 million for the taxpayers of this country.

Moreover, Mr. President, I hope this amendment will pass because I think it shows that this body is serious about dealing with the budget crisis that continues in our country.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, I am very pleased to have been asked by Senator BROWN to cosponsor this amendment. Obviously, it is very simple and forthright.

In a very real sense we are not cutting anything or cutting an increase over what President requested. So we are reducing the level of the CDBG Program, the Community Development Block Grant Program, to a level requested by the President of the United States.

I truly believe this is a program that the President likes. It is kind of fundamental to some of the things he would like to get done. I might say I am not quite that sanquine, although it does some good things. Clearly, an inventory of how it is used would reveal some items that would turn some of us away from this program. We do not choose to do that today. That is for another day.

We are offering $176 million in savings by just saying do not increase this program more than the President asked that it be increased.

I do not know whether there will be any strong arguments on the other side. But essentially I am sure that one can get up and talk about all the addons that could be used by the Community Development Block Grant Program. It is a never-ending wish list. We know that. It comes to the Governors from the cities and then it is funded and there is some local matching.

So obviously you could put all the money in the world in it, and there would be someone out there asking for it.

But essentially in a budget that is tight and an appropriations bill that is tight with reference to veterans and with reference to other important issues, such as HUD funding and housing, the NASA Program, it seems to this Senator that Senator BROWN is on the right track.

We clearly ought not spend $176 million more than the President requested for this program. It is an opportunity for Senators to say we want to fund CDBG, if that is your purpose, but we do not need to fund it for $176 million more than the President asked for.

I hope that the Senate will adopt the Brown amendment on which I am pleased to be an original cosponsor. I thank Senator BROWN for permitting me to be part of this. It is an excellent amendment, and I hope the Senate sees it that way.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Is there further debate on the amendment?

The Senator from Colorado.

Mr. BROWN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

Ms. MIKULSKI. Will the Senator withhold? Could we go to the absence of a quorum? I think there might be an accommodation here if the Senator will withhold.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I have a question for the Senator from Colorado. I had to be off the floor when he presented his statement, and I apologize to the Senator.

What was his key argument in opposing the increase? Because CDBG is the tool that provides maximum flexibility to local communities and also takes us away from some of those categorical line-item programs.

I am not asking the Senator to repeat his arguments, but was it because it was over the President's request, or is it CDBG itself?

Mr. BROWN. I thank the distinguished Senator for the question.

My concern was primarily that it exceeded the President's request of 6.8 percent. I thought that was more than adequate, even for a program that we both see some advantages for.

If I may add to the distinguished Senator from Maryland, the amount that this amendment would take it to is exactly the same as what the President asked for in his request. It is $50 million less than what the House appropriated, or what I understand the House appropriated, and the House had included an additional $50 million to take care of disaster emergencies, as I understand the committee report.

Ms. MIKULSKI. I thank the Senator for outlining his concerns. I must oppose it, though I understand his arguments.

Therefore, I will yield the floor so that he can make his original request for the yeas and nays.

Mr. BROWN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SARBANES. Mr. President, I rise to oppose the Brown amendment to H.R. 2491 that would cut CDBG funding.

Does anybody really think we are spending too much money on our low-income communities? Just take a walk through the District of Columbia, Sandtown-Winchester in Baltimore, Detroit, South-Central Los Angeles, the South Bronx, or any other of our Nation's cities? The needs of our Nation's low-income communities are vast and this amendment would reduce the resources so desperately needed to address these needs.

The CDBG Program continues to be a cornerstone in Federal efforts to rebuild and strengthen our Nation's cities and distressed communities. Localities are given great flexibility in deciding how best to meet the needs of their low- and moderate-income citizens—whether through rehabilitation of affordable housing, development of day care centers, construction of transitional housing for homeless persons, or assistance to struggling entrepreneurs developing small businesses.

The riots that occurred in Los Angeles and other cities nearly a year-and-a-half ago are a painful reminder of the distress simmering in so many neighborhoods across America. President Clinton and Secretary Cisneros have recognized the urgent need to respond to our cities after years of neglect and disinvestment and this program is a key ingredient to this program.

I want to commend Senator MIKULSKI on her fine work with this bill. She has worked long and hard to craft a bill that is fair and equitable. This amendment would dismantle the work put forth and begin an unraveling process of this important program.

As many of you may know, the CDBG Program has been under attack since the beginning of this year in Congress. Unfortunately, many Republican Senators have been using a death by anecdote technique to try to derail the CDBG Program.

This technique clearly misses the point. First, if one were to compile a list of all the good things that States and cities do with their CDBG dollars, the list of worthwhile projects would clearly overwhelm the few questionable projects. During the stimulus package debate in the beginning of the year, CDBG opponents questioned only 45 projects out of 4,500 projects suggested in a list of stimulus projects proposed by mayors.

Second, some of the same opponents who now seem to think that the Federal Government should second-guess local needs, were the original supporters of the program's local flexibility and decisionmaking. When the program was created in 1974 by a Republican administration, the whole concept was to encourage local decisionmaking. It was President Reagan and the Gramm-Latta budget agreement in 1981 that terminated all of HUD's up-front review of CDBG projects and shifted administration of the small cities program to the States.

Third, opponents have been distorting perfectly good CDBG projects as pork barrel. A swimming pool built in South-Central L.A. or another inner city neighborhood may well do more to keep kids away from gangs and drug dealers and improve community safety than additional policemen or jails could ever do.

The vast majority of the 850 CDBG recipients are meeting the law's purposes of benefiting low- and moderate-income neighborhoods, reducing urban blight, and creating jobs in their communities. The 1992 CDBG annual report found that 90 percent of the CDBG funds benefited low- and moderate-income households.

This amendment is mischievous—it does not save any money. Total discretionary funding is capped. All appropriations bills are capped. Cutting CDBG does not necessarily decrease the aggregate amount of discretionary spending. In fact, it merely allows the funding to flow to other types of discretionary spending. I would submit there are few places that we could spend this money in a more worthy fashion than through the CDBG Program.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the yeas and nays have been ordered, and the clerk will call the roll.

Ms. MIKULSKI. Wait. Wait.

Mr. President, I thought that the Senator was just reserving that pending the debate. If the Presiding Officer will withhold, in asking for the yeas and nays, that was just a place holder, subject to the conclusion of the debate.

The PRESIDING OFFICER. The Chair asked if there was further debate and put the question to the floor. No one sought recognition.

Mr. BROWN. Mr. President, I ask unanimous consent that the vote be delayed while we add 10 minutes, to be equally divided between the Senator from Maryland and myself.

The PRESIDING OFFICER. Is there objection to the limit of 10 minutes of debate on the amendment?

Ms. MIKULSKI. And no second-degree amendments.

Mr. BROWN. And no second-degree amendments.

The PRESIDING OFFICER. Is there objection to 10 minutes debate on the amendment?

Hearing none, it is so ordered.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, the reason we are doing this is because the CDBG is probably the most important tool that local and State governments have in order to meet the needs of their communities without Government stipulation for categorical programs.

Mr. President, the CDBG Program is probably the most highly supported program. It was really created under the Republican administrations of Nixon and Ford exactly because they believed in local flexibility, a block grant approach to provide decent housing, a suitable living environment, and expansion of economic opportunities to low-income people.

The means to achieve these objectives are to carry them out to achieve three national objectives: The benefit of low and moderate income persons; the aid in the prevention of slums and blight; and to meet other particularly urgent development needs.

Thirty-seven percent of these funds go for housing.

Mr. President, our total CDBG request is $4.4 billion. What a modest amount of money, a modest amount of money for it to return to States and local communities on a formula basis to meet these needs.

When Senator Garn was here, probably, in addition to the space program, the one thing he and I really supported was the community development block grant money, exactly because it provided local flexibility. It was not all these kinds of mandated line item programs.

The reason we are over the President's request is that we analyzed it on the basis of need; we analyzed it on the basis of the projects that we knew were in the pipeline; and we analyzed it, quite frankly, when one looked at the kinds of needs articulated by our colleagues.

There were 1,100 requests that I received for special projects. Over 65 percent of those projects were related to community development block grants. They were not ice skating rinks or Alpine sliding boards. These were to deal with blight. These were to deal with modernization of homeless shelters to make them fit for duty. These were opportunities that generated jobs in the construction industry and, at the same time, would deal with the social deficit in local communities.

I understand why the Senator from Colorado raised his argument, and I appreciate his concern for fiscal soundness. But if there was anything in HUD that was truly worthwhile, that is truly worth fighting for, it is the community development block grants.

We have not been able to provide as much as we want for housing in 1994 for specific line-item programs. But for CDBG, we leave it to the local communities.

We really hope that the Brown amendment will be defeated.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado, Mr. BROWN.

Mr. BROWN. Mr. President, the distinguished Senator from Maryland has made an excellent plea. I hope Members, as they decide this issue, will keep a couple of things in mind.

One is the fiscal crisis that this country faces, not only today but in the future. That was heightened by a report just issued by the Congressional Budget Office. The Congressional Budget Office noted the impact of the tax increase in reducing the forecasted deficit, but they also quote in that report their view that this Nation's budget problems remain extremely serious. And they note that the budget trend is for significantly increasing deficits as we go toward the end of this century and on into the next.

In other words, we face a Nation that not only is heavily in debt, more heavily in debt than any country on the face of the Earth, but whose budget problems are getting worse, not better.

To say no to a modest amendment that will save this country money ignores the impact that we will have on this country's future if we continue on the fiscal course we are on now.

This is not just a modest increase. The President's request was a 6.8-percent increase. The committee's request is an 11.25-percent increase in the year where we have had the biggest tax increase in history.

Mr. President, there are two things I think are worthy of note. The CDBG Program has been mentioned as a program that is helpful in job creation. The Congressional Research Service studied that and commented thusly. Their estimate is that only 10 to 18 percent of the CDBG money goes for so-called job creation. Our own research service verifies the fact that the vast majority of this money does not come out into our economy in terms of job creation.

There is one other fact I hope Members will keep in mind as they cast this vote. We are told in the committee report that to date there is over $8 billion of previously authorized funds for CDBG that remains unspent.

Mr. President, think of that. It is incredible. We are talking about a huge increase in this program, and we already have $8 billion that has already been appropriated that remains unspent. If there is such a crisis need to increase funding for this program, perhaps the way to handle it is to spend the money that has already been appropriated and lies unobligated and unspent.

Mr. President, the bottom line in this is that this is an opportunity for us to help put our country on the road to fiscal sanity, to reduce the deficit, and to control spending.

I hope that Members will approve the recommendations sent to us by the President.

I reserve the remainder of my time.

The PRESIDING OFFICER. Is there further debate on the amendment?

Ms. MIKULSKI. Mr. President, I would just like to conclude by saying this. We eliminated special purpose, site-specific HUD CDBG-funded grants this year. We took the pork out of that, or the alleged pork. But out of all those projects, over 65 percent really met such extraordinary, compelling need. We said, OK, this year we are not going to do it. But what was very clear, Members came to us with these special projects out of frustration because there was not the money there to meet them in their local communities. So mayors and the heads of nonprofit organizations prevailed upon them to try to get a line item out of the HUD appropriations bill. We said we do not want to follow that practice, but we will try to put the money in to do that.

The Senator is right, there is money over the President's request. This is so there are sufficient funds to really meet what local communities' needs.

I hope that we will defeat the amendment of the Senator from Colorado, and I hope that the Senators will affirm the compelling need for community development block grant money. Quite frankly, if I had my way and only one program would survive at HUD, it would be community development block grant money—I feel that strongly about what it means to people at the local level, having been a city councilwoman, not to have to struggle through redtape—it would be the community development block grant money.

The Senate can exercise its will and we will abide by it. How much time is there remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BROWN. I will be happy to yield any time I have remaining to the Senator, if she wishes.

The PRESIDING OFFICER. The Senator from Colorado has 1 minute 30 seconds left.

Ms. MIKULSKI. This has concluded the debate. I am happy to give the Senator a straight up-or-down vote on this.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 915.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. SPECTER] is necessarily absent.

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—48

Baucus
Bennett
Bingaman
Boren
Brown
Burns
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
Danforth
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kassebaum
Kempthorne
Kohl
Lott
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NAYS—51

Akaka
Biden
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
D'Amato
Daschle
DeConcini
Dodd
Feingold
Feinstein
Ford
Glenn
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lugar
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NOT VOTING—1

Specter

So the amendment (No. 915) was rejected.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2491, the Departments of Veterans Affairs and Housing and Urban Development, and independent agencies fiscal year 1994 appropriation bill and has found that the bill is under its 602(b) budget authority allocation by $522,000 and under its 602(b) outlay allocation by $39,000.

I compliment the distinguished manager of the bill, Senator MIKULSKI, and the distinguished ranking member of the VA, HUD, independent agencies appropriation subcommittee, Senator GRAMM, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the VA, HUD, independent agencies appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2491—VA, HUD, INDEPENDENT AGENCIES APPROPRIATIONS

[IN MILLIONS OF DOLLARS]

Bill summary	Ba	Outlays
Discretionary total:		
New spending in bill	67,590	29,501
Outlays from prior years appropriations		40,476
Supplementals	0	−4
Advance appropriations for Housing contract renewals	720	
Subtotal, discretionary spending	68,310	69,973
Mandatory total	18,897	20,521
Bill total	87,207	90,494
Senate 602(b) allocation	87,208	90,494
Difference	−1	
Discretionary total above (+) or below (−):		
President's request	−1271	−886
House-passed bill	51	18
Senate-reported bill		
Senate-passed bill		

EXCEPTED COMMITTEE AMENDMENT ON PAGE 42, LINES 16 THROUGH 24

The PRESIDING OFFICER (Mr. DORGAN). The question now recurs on the committee amendment on page 42 of the bill.

Ms. MIKULSKI. I urge adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The committee amendment on page 42, lines 16 through 24, of the bill was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 69, LINES 17 THROUGH LINE 4 ON PAGE 71

The PRESIDING OFFICER. The question now occurs on committee amendment on page 69. Is there debate on that amendment?

Ms. MIKULSKI. Mr. President, I believe the Senator from Alaska has an amendment that he wishes to offer.

Mr. MURKOWSKI. Mr. President, the floor manager is correct.

AMENDMENT NO. 916

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 916.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 16, strike "$369,000,000" and insert in lieu thereof "$271,900,000".

On page 14, line 5, after the colon, insert the following: "*Provided further*, That none of these funds shall be used for any project with a cost of $3,000,000 or more to construct, alter, extend, improve, replace or modernize any inpatient care facility, including any planning or architectural or engineering services in connection with any such project, unless funds have previously been made available for that purpose:".

Mr. MURKOWSKI. Mr. President, the amendment offered by the Senator from Alaska perhaps treads on the sensitive ground of our responsibility for meeting our obligation to America's veterans. However, in offering the amendment I refer specifically to our Vice President and his proposal to create a Government that works better and costs less entitled "Getting Back To Basics." The Vice President made the following recommendation:

> Over the next 5 years the Federal Government is slated to spend more than $800 million a year acquiring new Federal office space, courthouses * * * and under current conditions these acquisitions simply do not make sense.

Mr. President, he further States that the Federal work force is being reduced; the Resolution Trust Corporation is disposing of real estate once held by failed savings and loans; GSA will place an immediate hold on GSA acquisitions. And obviously the point of our Vice President is well-founded. We have surplus facilities.

The Senator from Alaska in this specific amendment proposes the following. I would refer to the committee amendment itself where the VA construction account is listed at $369 million. The Senator from Alaska would insert and substitute the expenditure of $271,900,000. There is an approximate reduction of $97.1 million.

The amendment would reduce new inpatient hospital construction only. My amendment does not—does not—Mr. President, affect funding for outpatient construction. The question has come up on nursing home construction. It does not affect nursing homes, nor does it affect any project previously funded and ongoing.

So make no mistake about it, Mr. President, we are looking at an amendment which would delete funding for only 1 year and only for new inpatient hospital construction.

Mr. President, is this necessary? I recognize this is a sensitive issue, because one of the areas that is affected is Anchorage, AK. It clearly affects the Senator from Alaska.

We are also talking about Lyons, NJ; it affects the State of New Jersey. We are talking about Memphis, TN; it affects Tennessee. We are talking about Muskogee, OK; it affects Oklahoma. It does not affect the ongoing inpatient projects underway in Palo Alto, CA, where facilities that were damaged by an earthquake are being replaced; or Temple, TX, which is a 300-bed replacement for a 1942 building; or the new outpatient project in San Juan, PR; or the new medical school relocation in Mountain Home, TN; or nursing homes in Baltimore; Honolulu; Prescott, AZ; Tuskegee, AL. The amendment would delete funding only for the inpatient hospital projects that I have listed.

So I encourage all offices listening to the debate to reflect on the specifics of the amendment. This would not throw out all of VA's construction funding by any means. It is quite specific in its intent. Again, it addresses only the four hospitals that I have named.

Let us see what the circumstances are and what the needs are in these specific areas. Muskogee, OK. There is the proposal to build a 140-bed building to replace an old facility. I am sure it is needed, and I will concede that it is needed. The 1994 bill would fund all $32 million in cost. But the vacancy rate currently in the Muskogee VA hospital is 25 percent. In the Muskogee County area, the hospital vacancy rate is 35 percent. What we are talking about is a 1-year delay of funding for this facility so the Congress can assess the impact of veterans' eligibility reform and national health care reform before constructing a new hospital.

The second hospital is in Memphis, TN. It would replace approximately 270 beds in a seismically unsafe bed tower. Let us look again at the occupancy. For a cost of $10.7 million, which is in the 1994 bill, which is part of a $95 million ultimate construction cost, we are looking in Memphis, TN, at a VA hospital with a vacancy rate of 41 percent. In Shelby County, the vacancy rate in the hospitals there is 30 percent. So clearly, it is not an immediate necessity.

Let us go to New Jersey—Lyons, NJ—a new 180-bed psychiatric building. The 1994 bill will fund all of the $41 million cost. What are the vacancy rates? The vacancy rates in the VA hospital there now are 33 percent. Somerset County is 31 percent.

In Anchorage, AK, we are talking about an 18-bed portion for a joint VA/ Department of Defense hospital. Vacancy rates in the current Department of Defense hospital are not relevant because we do not have a VA hospital facility, with the exception of access to a few beds. But it is interesting to note that in the Anchorage private sector hospitals, vacancy rates are 47 percent.

What is the justification for the amendment of the Senator from Alaska?

Well, if we reflect on our President's national health care program, which we are going to hear about tonight in some detail, we find that the question of how the VA hospital system and medical care system really fits in, is not spelled out. We really do not now know.

This amendment will simply put off constructing, or appropriating for the initial construction process to begin, only these four hospitals in Anchorage, New Jersey, Tennessee, and Oklahoma. So we are putting off the commitment of expending some $95 million until we can take a look at how the VA system will fold into the national health care system, if it should, or whether it will stand alone.

So when we are talking about savings, of trying to reduce expenditures, here is an opportunity to simply put off, for a year, the expenditure of $95 million, until we have an opportunity to look realistically at the necessity for these hospitals to be built, when we recognize the VA system may well be in transition in the national health care system. And as far as addressing the immediate need, as I have indicated, in all instances, there are substantial vacancies in the existing VA hospitals and substantial vacancies in hospitals in the immediate area.

So that is the basic outline, Mr. President, of the amendment. I want to stress again that we are talking about inpatient construction only, not outpatient. Outpatient care or nursing homes will not be affected by this amendment.

Again, the amendment imposes a 1-year delay on funding of new inpatient hospital bed construction only. The reason is so we can assess the impact of health care reform on VA—I might add that we also have veterans eligibility reform underway —and the continuing movement of health care away from inpatient treatment and toward outpatient treatment. And as the minority ranking member on the VA Committee, based on all of the testimony we have had, there is more and more attention given to the necessity for outpatient treatment. So this amendment would give us an opportunity to address that. Furthermore, it gives the VA time to revamp construction priorities toward more ambulatory care, where the need obviously exists.

And it avoids new taxpayer funded hospital construction in areas with a surplus of hospital beds.

Again, the vacancy rates in these communities: Memphis, TN, 30 percent; Somerset County, NJ, 31 percent; Muskogee, OK, 35 percent; Anchorage, AK, 47 percent.

In the bill, as reported, 83 percent of the VA construction funding allocated to the specific purposes is directed toward inpatient facilities. Only 1 percent is directed toward outpatient treatment.

Mr. President, I would hope that I could respond to the floor managers relative to my presentation, but I think I have outlined in adequate detail the purpose of the amendment, the fact that it is a fiscally responsible way to address the realities associated with the narrow area that the amendment covers.

I see my friend, the chairman of the committee, appearing on the floor. So I trust he is going to have something to say about this as well.

But let us recognize clearly we are just talking about new hospital construction. We are talking about putting off $95 million in expenditures for 1 year. We are talking about the reality that new beds are not needed based on the number of vacancies. We are talking about the reality that this will give us some time to assess the needs for future hospital construction until after we have the input of the administration relative to how the VA will fit into the national health care program; recognizing that these things are the type of things that every Member is proud to bring home by providing facilities in his or her community for our veterans.

Realism simply dictates that we have to look beyond that now. We have to look at the realities associated with meeting our responsibility to the veterans, by providing them the very best of health care benefits. And when the costs are escalating and the necessity for more outpatient care is necessary, questioning whether we should continue building new hospitals in areas where we have adequate vacancies at this time, I think deserves the consideration of this body and the support of this body for my amendment, which would preclude the expenditure only of the $97.1 million for the four new inpatient hospital projects out of the $340 million medical construction that is proposed in the bill before us.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Alaska yields the floor.

Who seeks recognition?

The Senator from Michigan [Mr. RIEGLE].

MEXICAN AUTHORITIES DETAIN TRADE UNIONISTS

Mr. RIEGLE. Mr. President, I just received a news release from a group of members of the International Machinists Union of this country, and I want to just read it into the RECORD because it is very important. They issued this from Anaheim, CA, and I will just read the text of it.

ANAHEIM, CA, September 22.—Mexican immigration authorities detained for more than three hours, 38 American and Canadian citizens who had come to Tijuana to study the affects that a NAFTA agreement would have on their jobs.

One member of the delegation from the International Association of Machinists and Aerospace Workers (IAM), is a Maryland state legislator and chair of the Maryland General Assembly's Black Caucus.

IAM President George J. Kourpias strongly objected to their treatment by the Mexican government and demanded an apology.

"This flagrant attempt by Mexican officials to harass visitors who clearly were not in violation of any laws, is an outrageous act against common decency," he said. "Clearly these modern day international robber barons are frightened of what visitors will see."

Mexican federal government officials who identified themselves as being immigration authorities told the delegation who were seated on a bus outside of a maquiladora plant, that they were being detained.

The bus driver was ordered to drive to an area near the border. Repeated attempts to learn why the group was being detained were rebuffed. Mexican authorities also refused to allow phone calls to the American consul in Tijuana. For much of the time the delegation was forbidden to leave the bus and treated as criminals.

Mexican authorities boarded the bus and demanded that each person show identification, including addresses and ages.

The driver had obtained his Mexican permit upon entering the country. After nearly three hours, the visitors were told variously that they were violating Mexican law by not notifying border officials that they planned to visit a maquiladora area, then were told later that the violation was "discussing internal working conditions with Mexican workers". Still later they were told that what they were accused of was not illegal, but "irregular."

The delegation was part of an IAM group meeting in Anaheim, California, and were dispatched to Tijuana on a fact finding mission to determine the conditions workers are forced to endure in the maquiladora program.

Maquiladora corporations owned by U.S. and other multinationals operate along the border in the same way that such giant conglomerates will operate throughout Mexico if NAFTA is approved.

The immigration agents admitted they held the IAM American and Canadian citizens at the request of the owners of maquiladora factories.

The 38 visitors included John Jefferies, a member of the Maryland House of Delegates.

Visitors found that workers employed by the U.S. multinationals worked for less than $7 per day and lived in abject poverty in slums polluted by the surrounding high tech plants.

The names of the people who put out this release are Jim Conley and Pat Ziska, and they have given a telephone number (714) 740–4460.

Taking this on its face and assuming that it is accurate, as I take it to be, this is an outrageous act by these immigration officials, or whoever these Mexican authorities were that would have detained these American visitors and Canadian visitors in this situation and held them under the conditions that they have described in this press release that they have prepared now and circulated.

I think we need an immediate explanation as to what happened here. I think we need an assurance there is not going to be any more intimidation of a single American citizen who is down there taking a look at what is going on, and that this kind of a situation cannot be tolerated.

I would hope that our own Government, at the highest levels within the State Department, would examine this without any delay and act appropriately to put a stop to conduct and behavior of this kind directed at our people.

I thank the Chair.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia [Mr. ROCKEFELLER].

Mr. ROCKEFELLER. I thank the Presiding Officer.

Mr. President, I am very glad I was here when this amendment was offered by my very good friend, the Senator from Alaska, Senator Frank MURKOWSKI, because this is the day that health care legislation is going to be introduced. I have been about everywhere but here during the course of the day and I had no knowledge that it was going to come up now, so, maybe there would be nobody to argue.

I am chairman of the Veterans Committee, so obviously I care very much about this. I am very pleased that the Appropriations Committee requested funding for all of the major VA medical facilities authorized by our committee, the authorizing committee, for fiscal 1994, and added only facilities which had been previously authorized by law, as was consistent with Public Law 102–405.

Mr. President, I note that our committee's construction authorization legislation passed unanimously in the Senate—I interpret that to mean everybody voted for it—and was signed into law on August 13, 1993, by the President as Public Law 103-79. This was the first year that our committee had the statutory responsibility to authorize major VA medical projects, the first year. I would suggest the proper time for the Senator from Alaska to object to VA major construction projects would have been when our authorization bill came before this body, not now.

Senator MURKOWSKI has suggested that we wait to find out how VA health care reform will provide or not provide for the VA system under national health care reform. The President will talk to us about that tonight.

The one thing that I can guarantee the Senator from Alaska and anybody who cares to listen is that the VA system is going to be kept separate and that there is nothing that I have seen that suggests there will be any fundamental change in the VA health care system under national health care reform. Indeed, both the President and the First Lady have gone out of their way to make it clear that the VA system will continue under health care reform. It will not go the way of the Canadian VA system. The draft of the President's plan bears out this promise, as do briefings that were provided to Members, and staff of all Members, including members of our committee's minority staff.

Senator MURKOWSKI is particularly concerned that there be no new construction of acute care facilities until we know more about the VA's future health care mission.

Except for the joint venture project with the Air Force in Anchorage, AK, all of the VA major medical facilities targeted by Mr. MURKOWSKI's amendment today involve either the addition of long-term care beds or the replacement of existing structures that do not meet current safety standards or current health codes.

If the VA health care system is to compete with the private sector, which is part of what we contemplate in health care reform, the VA facilities must continue to be brought up to date.

I do not think it is any surprise or shock to point out to my colleagues that there are absolutely good VA facilities for health care, but some of them are not, and there are vast shortages of equipment, nurses, and some of the buildings would never cut it under so-called non-VA or private-hospital-type systems.

So we are talking only about the replacement of existing structures that do not meet current safety or other health codes. The Department of Veterans Affairs has some 60- and 70-year-old facilities with open wards, with, if you can believe it, gang showers, and no elevators, which have to be replaced.

For my colleagues whose veterans would be affected by Senator MURKOWSKI's amendment, let me just briefly list the projects at stake.

The VA Medical Center, Memphis, TN. This would be struck. That is $10.7 million to modernize and make seismic corrections. That is for earthquakes. Memphis, TN, is one of the prime spots in the country for that. The existing hospital tower does not meet current seismic codes and it is approximately 10 miles in the New Madrid Fault. Frivolous? Hardly.

The VA Medical Center in Lyons, NJ, $41.7 million for a new psychiatric building. A psychiatric building, Mr. President, frivolous? No. This is all in the Appropriation Committee's bill.

The VA Medical Center in Muskogee, OK, $32.3 million for the replacement of a 70-year-old bed building filled with asbestos that lacks handicap accessibility and physical therapy treatment space. Frivolous? No.

The VA/Air Force joint venture in the Senator's home State of Alaska, in Anchorage. That will provide 18 medical/surgical beds for VA use in a facility at Elmendorf Air Force Base. The balance of the $160 million total cost for the 110-bed facility will be paid for by the Air Force.

Smart? Yes. Frivolous? No.

Mr. President, all these projects are needed. They were in the appropriations bill. They have been passed. They have been authorized. They have been appropriated.

At the appropriate time, I will move to table the amendment.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I very much appreciate the candid remarks from my good friend, Senator ROCKEFELLER, from West Virginia.

I believe the reference he made to the word "frivolous" was coined by the Senator himself, not the Senator from Alaska. I would like the RECORD to note that.

There is no question that all of these matters have a degree of justification because, obviously, we have an obligation to provide for the best type of care for our Nation's veterans.

The issue here is not that the amendment by the Senator from Alaska would eliminate the construction of these facilities. There would be only a 1-year delay while we determine the necessity of these facilities, and while we address the availability of funds for our veterans, and assess the direction of those funds as the priorities of our Nation's veterans change.

I think the Senator from West Virginia would certainly agree that more and more attention must be given to meeting the out-patient demand, and more attention must be given to the fiscal aspects associated with the possibility of leasing facilities.

Why not—in the case outlined by my friend from West Virginia—lease available facilities? Because what was not said was that in the case of Oklahoma, we are looking at vacancy rates in the VA of 25 percent, and in the country of 35 percent. Is it not realistic, rather than to continue to embark on new hospitals, to look at the rationale of leasing a facility, or of leasing beds?

I am sure that if the committee chairman would hold a hearing and get input from those medical providers in Oklahoma, Tennessee, and New Jersey, or Anchorage, AK, where there is excess capacity, he would find a strong, strong point of view that would suggest that it would be more beneficial to lease additional facilities, particularly at a time when we are in some transition as far as our national health care priorities are concerned.

Let us recognize reality where it is. These vacancies exist. They exist in my State of Alaska, in Anchorage, 47 percent; they exist in New Jersey, 33 percent; in Tennessee, they exist to the extent of 41 percent; and, as I have stated, in Oklahoma, 25 percent.

The Vice President himself, in his statement to the Nation relative to creating a new Government, says that we must recognize that facilities are available in the private sector and begin to utilize them.

To repeat again, he indicated that over the next 5 years, the Federal Government is slated to expend more than $800 million in acquiring new Federal office space—this could also obviously include new hospitals—at a time when he suggests that there are vacancies in the private sector.

And, indeed, we have a joint responsibility in meeting the requirements of our Nation's veterans to recognize that our responsibility is to do the utmost with the few dollars available.

It is not necessarily true around here to suggest that just because these funds were appropriated, that the appropriation is the best expenditure of the funds. There is an obligation for our committee, with input from the VA, as well, to recognize that there is going to continue to be a scarcity of funds. There is going to continue to be a challenge to the committee to look at the changing priorities of the veterans.

What we are doing here is looking only at a 1-year delay. We are not saying these projects will not ultimately be built. We are not saying that there will not be justification to go ahead and construct these facilities following a determination of the priorities within the VA. But we cannot have it both ways.

I would remind my good friend from West Virginia, he knows as well as I do that we will be looking at an even greater amount in next year's budget proposal. I am advised that it will be over $1 billion—I think it will probably be somewhere in the area of $2 billion—in the construction account. There is no way we are going to be able to be faced with the reality of continuing to build these new hospitals in the future.

We are going to do so at the expense of providing veterans' medical care services if, indeed, at all. So we have to start somewhere.

Somebody once made the profound statement that charity begins at home. Well, obviously my State stands to benefit by this. But, by the same token, my State has vacancies in the private sector medical facilities, as do these others. Is it necessary that we embark now, again, because we have always done it before, or because it is going to benefit New Jersey, or it is going to benefit the Senator from Tennessee, or the Senator from Oklahoma? Or should we finally address the reality that here is a chance to put off the expenditure of $95 million that has been appropriated and take another look? If we do it this year, it is going to be that much easier to do next year, in the sense that next year we are going to have more projects, but are we going to have the funding? And given the number of vacancies, what is the immediate necessity?

If, as the Senator says, there is an unsafe condition, why, it is up to the State and the Federal Government to close the facilities, but to suggest that there are not other VA facilities in the neighboring areas, neighboring States or in the private sector in those same counties to take care of these people, why, the facts simply do not suggest that. The data suggest that there are vacancies. And why not use these vacancies for the purposes intended, if other bids are needed because the facilities are old or unsafe?

So there are alternatives, Mr. President, and that is why I feel so strongly that we have to start somewhere. That is why we have excluded outpatient projects, medical school relocations, nursing homes in Baltimore, Honolulu, Prescott, and Tuskegee. I can well understand a number of my colleagues who would say, "Well, this is going to gut something that is in my area." That is one reason we excluded the ongoing projects that have not been completed and are underway.

I could not agree more with the concept that once we start something we have an obligation to finish it. But here we are embarking on something new, without questioning the necessity of going ahead now without looking at the changing role of the VA. Mr. President, is it going to be business as usual, another $95 million? Will we hit the cash register and simply charge it to the taxpayer and add it to the deficit? Or we hold off on this for a year, evaluate the necessity of these projects, make a determination if we have problems in these communities by considering the vacancy rate and, as a consequence, Mr. President, do good business by recognizing realities.

One of the things that we continually hear around here is that these projects are essential, these are mandatory. Once health care reform becomes a reality, these projects may or may not fit in. We do not know. The Senator from West Virginia says they will. I do not necessarily have that assurance. Maybe he is a little closer to the process than I am, and I understand how that works.

But if you go back to testimony before our committee—we shared it—the GAO and the Paralyzed Veterans estimate between 25 percent and 50 percent of the veterans in this country may abandon the VA system. That is what they said. They said they may abandon the VA system once we have universal care and coverage for all Americans. What does that mean? I do not know. I do not think the Senator from West Virginia knows. But it means we ought to take a look at some of the things we are doing in the VA system. I cannot be sure this is going to happen.

But why continue down a road to build expensive hospitals until we have a better handle on the question of how the VA system is going to fit into the changing needs? PVA and GAO came in and testified before our committee. If we do not believe those people, I do not know who we are going to believe.

So, Mr. President, I again encourage my colleagues to evaluate the intent behind this amendment. It is not to gut the VA system; it is not to cut the programs that are underway; it is quite specific. It does not affect funding for outpatient construction. It does not affect nursing home construction. It does not affect any project previously funded and ongoing. But it does address the reality that in these areas, we have a high segment of vacancies. We can use the private sector, benefit the private sector which, after all, underwrites this whole process because they are the taxpayers.

Thank you, Mr. President. I yield the floor, and I will be happy to respond to any questions my good friend, the Senator from West Virginia, may have.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the Senator from Alaska for placing me in the proper State.

Mr. MURKOWSKI. Absolutely.

Mr. ROCKEFELLER. It took me 20 years trying to fight that, and I do not want to be put back in that situation.

A couple points. The Senator from Alaska referred to the GAO and the Paralyzed Veterans of America. They specifically, in testimony, endorsed the projects which the Senator from Alaska is trying to remove and implies that they might be against it. They specifically endorsed these and others.

Point No. 2: The Senator from Alaska refers to a $1 or $2 billion amount of money which might come up next year. The Senator is correct about that. That will not, however, be available for any of these or any other inpatient facilities. That is the revolving fund which is contemplated in the President's health care reform plan which the Department of Veterans Affairs, in its efforts to be able to compete with the non-VA system, could borrow from, paying back with interest, for outpatient facilities, which is where the competition is going to be.

In fact, the criticism of the VA system, in terms of health care now, is that it is too heavy on inpatient, not strong enough on outpatient, so that the point the Senator from Alaska makes about money next year, implying there will be billions available, that may or may not be true, depending on what we do with it. But none of it will be available for inpatient facilities, all of which these four, which he is trying to eliminate, are. They are inpatient facilities.

Point No. 3: And that is, there is no new construction in the sense that three of these are replacement. They are not adding anything new. In New Jersey, the psychiatric building, it is to replace a building which does not meet accreditation standards for building, safety, or health codes. Replacement, and that is true in Oklahoma. Replacement, Mr. President, not new.

My second final point—we have been through a very long process on this. These have been thoroughly discussed. The Senator had a chance to raise these objections. Other Senators had a chance to raise these objections and did not. The Senator talks about changing priorities for the veterans under health care reform. There is no changing of priorities, Mr. President. The priorities are we need better health care than the VA system. We want to be able to compete. We want to do better by the people we already serve. We are not an entitlement. We are an annual appropriation. We have to fight for everything we get.

Now here we have four facilities, three of them replacements endorsed by the GAO and the Paralyzed Veterans of America. I only make that point to counter what the Senator from Alaska said. They are all needed and the veterans want health care. And it does not make any difference what is in the President's health care plan, the veterans need at least to have what they have in place, which is crumbling and out of date, does not meet safety codes, health codes or other kinds of codes to be replaced. Nothing new; replacement.

I move to table the amendment.

The PRESIDING OFFICER. The question is on the motion to table the amendment.

Mr. MURKOWSKI. I wonder if the Senator will just hold for one moment.

Mr. ROCKEFELLER. I will be happy to.

The PRESIDING OFFICER. The motion is withheld. The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I have fondness for my working relationship with the Senator from West Virginia. Sometimes the Senator from Alaska generalizes because those States on the other side of the Mississippi are all the same.

Nevertheless, I think the points my good friend has made are appropriate. I think my points are appropriate. Yet, I stand here as one who is going to take some grief back home for suggesting that one of my projects, included in this appropriation, be terminated.

I suppose you can say, "Well, we will throw the project out, of the Senator from Alaska." I think we have to start somewhere with the process, and that conviction has been expressed in my remarks. I understand the Senator from West Virginia will move to table. I would urge adoption of my amendment. I think the points have been made at least adequately, as far as this Senator is concerned.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. ROCKEFELLER. I pray that all States would have the good deal that is had in the State of Alaska where the Defense Department will pay for most of the medical facility and where many veterans receive their care through a military hospital while many of the rest are taken care of on a fee basis from the VA to private health care providers. The rest of us do not have that luxury.

So I understand that the Senator feels he is going to take some grief from home, but this is not a loss to him as it would be to others.

Now, I say that because that record needs to be made clearly, and I also wish to state I value enormously the friendship of the Senator from Alaska and I say that professionally and personally so that is understood as between the two of us. But this is a very open-and-shut case as far as I am concerned. As I said, at the proper time I will move to table.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I just have a few comments really for the Senator from West Virginia and a question.

I say to the Senator from West Virginia, I wish to compliment him on the leadership role he played in developing the health insurance plan which will be presented tonight to the American people by the President of the United States. I know he has been a close adviser to the President, and he should be complimented on the role he has played as a member of the Finance Committee.

Also, I wish to compliment the Senator from West Virginia for the role he played in making sure that veterans health care was left intact and untouched in this bold health insurance initiative. In too many countries, too many times, when the call for reform was sounded, it was often veterans who lost out. As one knows, in the Canadian system, the single payer system that has a lot of well-intentioned support from colleagues, the veterans program just shriveled into nothing.

The Senator, by providing this leadership, and I know talking to the White House task force, was able to leave veterans health care untouched, so that as we move ahead in the reform process we can analyze how to enhance veterans health care, strengthen the system, make sure it is competitive, and see how it will blend in with the overall system. I compliment him for that.

I intend to support the Senator in his motion to table because I think it is premature, but I hope, as we move ahead in the bold exploration of reforming health insurance not only for our veterans but for all Americans, we then could be over the next year analyzing exactly, carefully construction needs, particularly for new facilities, and that we also look at how perhaps we need to remodel, recycle those existing facilities to meet the contemporary demand particularly for an aging geriatric population to which I know the Senator has a long-term commitment.

Mr. ROCKEFELLER. I thank the Senator.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas [Mr. GRAMM].

Mr. GRAMM. Mr. President, the point I want to make is very similar to the chairman's point. If President Clinton's health care reform was the law of the land today, there is no doubt about the fact I would vote with the Senator from Alaska, because we do not have the foggiest idea of how the President's health care reform plan or anything similar to it is going to affect the VA medical system.

I think this proposal is premature in the sense that I hope the President's plan will not be adopted. I hope we will take a long, hard look at not just the sugar coating on this pill, which is all the new benefits people are going to be given, but we will chew down to the bitter core of the pill which is that we are talking about committing ourselves to massive new benefits, all to be paid for by having the Government run the health care system. My guess is that is not going to work, and we are going to end up with a system we cannot afford and a system most Americans would not want even if it were free.

But the bottom line is when we dramatically change the health care system, anybody who does not think that that is going to have a tremendous impact on the VA clearly is not being realistic.

There is a very real question, when you give people access to general medical care, as to whether they are going to go to VA hospitals. I think we have to be prepared next year, when Congress does act, either on a movement toward competition and making the consumer and the producer cost conscious through expanding choice, which is what I would like to do, what the Senator from Oklahoma would like to do, or by collectivizing medicine, which is what the President wants to do—whichever direction we go, we need to realize it is dramatically going to change the VA.

So we are clearly going to be debating this issue next year if there is a dramatic reform of health care, and at that point we are going to have to look long and hard at our VA construction budget.

So I have supported what I think is a reasonable compromise. I am not ready to stop modernizing the VA because we might collectivize medicine in America. But if we do, if we do expand access to such a degree that the people who are currently going to the VA hospital have access to other medical care, they are going to have the freedom to exercise that access. And if they do, we are going to have to go back and dramatically change the VA health care system.

So I disagree with our colleague from Alaska today, but he is bringing us, I think, the sound of reality and we are so busy debating new benefits, new cost, freedom of choice, the "big issues" about the President's health care plan that nobody has looked at the impact on the VA. I think we have seen a little insight into reality today, and I wish to thank our colleague from Alaska for bringing us that insight.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. I thank the Chair.

I rise in opposition to Senator MURKOWSKI's amendment, and I do this maybe for a parochial reason.

Yes, we have a hospital in my State, but I might mention this is not pork barrel. This is something that is needed. Again, I compliment the manager of the bill, Senator MIKULSKI, for I think putting together a good package and also for her willingness, along with the Senator from Texas, to exercise oversight and to make sure a lot of the projects, including these hospitals, are needed.

I will tell you that I know the hospital in Muskogee, OK is needed. I just share with my colleagues that this hospital happened to be built in 1923, 70 years ago. It is not in good condition. It is not providing our veterans with the type of service that one would expect. I will just read a couple things:

> The main building of the Muskogee Hospital was constructed in 1923 and is structurally not suited for a modern medical facility. Replacement of the 70-year-old structure is urgently needed. Because of the age of the current facility, the VA cannot provide adequate health care to thousands of Oklahoma veterans. As an example, there are no sinks in the patient rooms, thus making it very difficult to control the spread of infections. The poor condition of the facility is making it increasingly difficult for the hospital to recruit staff, both full time and medical residents. And repeated delays—

It goes on.

I just make this comment, Mr. President. I might also mention that we have reduced the size and scope of this project. Originally, the VA was talking about a project that was $57 million. We have scaled that project back, both in size and the number of beds, to where now we are talking about a facility that will be completed at a cost of $33 million.

So we have cut the project almost in half. And again this is a project that has been in the works for many years. I have a letter by Edward Derwinski, who is the Secretary of Veterans Affairs. It just says:

> This project is primarily intended to provide a patient care environment consistent with current standards of safety and privacy. As such, it is among our higher construction priorities.

Then, also, I have a letter by Jesse Brown, Secretary of Veterans Affairs. He said:

> VA considers this project to be a high priority. Construction funding has been included in the '94 budget request.

Mr. President, this project is needed. If we postpone it for a year, I think we are doing a real injustice to veterans throughout eastern Oklahoma, and I urge my colleagues to oppose the amendment of the Senator from Alaska.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, I rise in opposition to this amendment.

Frankly, I find it is kind of an anomalous situation for me to be disagreeing with someone who has, obviously, over the years portrayed his interest in taking care of the veterans, taking care of our responsibilities to them. That is the distinguished Senator from Alaska.

So I oppose this amendment, and I would like to try to make the case. Obviously, I am interested in the psychiatric facility in Lyons, NJ this amendment would cut. I visit there frequently. Many veterans who, like I, served in World War II, desperately need psychiatric and long-term care.

Needs are also emerging on a constant basis for those who have served in wars most recently. We cannot yet determine all of the ramifications for our veterans of the Persian Gulf war. We do know that many of our veterans need psychiatric treatment. Treatment is needed for those who served in the terrible days of Vietnam and in our other conflicts.

Medical service needed by and provided for veterans has shifted considerably. It is not only the conventional illness, the orthopedic problem. There are all kinds of other needs, including the need for extensive counseling, psychiatric care, and of course, long-term care.

Mr. President, this amendment would eliminate $41.7 million in funding that is targeted for the 180-bed psychiatric facility in Lyons, NJ. Lyons has over 600 beds, and they have been occupied 91 percent of the time in recent periods. The reason that they are not 100 percent is because the facility is old. It constantly needs renovation and repair. There is construction going on. As a consequence, there are areas of the hospital that cannot be used due to this activity.

These funds were requested by the administration in the fiscal year 1994 budget. Certainly, the administration, as many here have indicated, is trying to protect the growth of the deficit and is reviewing programs very, very carefully. So when this kind of request is made in the budget for this year, it has to have passed muster and been carefully reviewed. The Senate Veterans' Affairs Committee authorized the funding requested by the administration as well.

The psychiatric building on which these funds would be spent is a critical component of the Lyons Medical Center's ongoing effort to improve its psychiatric care services. The current facility is plagued with deficiencies, in numerous areas, including handicapped accessibility, patient safety, and in the availability of sufficient living space.

Our veterans, Mr. President, deserve better than this. The project this amendment would eliminate would provide minimum facilities necessary to address some of these deficiencies.

It would provide the Lyons Medical Center with facilities necessary to improve its overall provision of psychiatric care. It would replace buildings which today do not meet accreditation standards, building codes, or safety codes. There are problems that go way beyond the inability to deliver basic services. It would enable the VA to provide some basic and critical services to those who served the country when they were called upon.

This amendment I believe is misguided because it is really unfair to our veterans.

The director of the Lyons psychiatric facility, as I indicated, informed me that there is a 91-percent occupancy due to ongoing construction activity.

Mr. President, the debate has gone on long enough. I commend the distinguished chairman of the Veterans' Committee.

I say again to our friend from Alaska, who is very supportive of veterans' programs, that the need for the Lyons psychiatric facility was carefully debated and carefully thought out. It is in the budget request and is authorized. We ought to move ahead with it.

I hope that my colleagues will oppose the amendment.

Mr. MURKOWSKI. Mr. President, I think we have talked about this to an adequate degree. I understand my friend from West Virginia is going to move to table. I will terminate the debate and accommodate the floor leader.

I would like the RECORD to reflect on the fact that Senator ROCKEFELLER made a reference to the Department of Defense and its role in Alaska, which is certainly prominent. However, the obligation to meet the veterans' needs is interesting in Alaska because we are the only State in the Union with a growing population of veterans as opposed to the other States, the other 49 States, which have a declining population for veterans. The consequence of that is that we in Alaska have the youngest veterans' population, and the largest per capita population of veterans. And we think we enjoy, and our veterans enjoy, the most progressive services which allow our veterans to choose a hospital of their choice because building veterans' hospitals in Alaska is simply unrealistic.

Geography simply makes it impractical to transfer people thousands of miles to a hospital even if there were justification. For once, it is much cheaper to meet our obligation by having our veterans use in-patient services in the private sector hospitals, and for most cases the doctors of their choice.

Now to suggest this in the VA system is heresy, absolute heresy. Some will try to say we are doing away with the VA system. The Senator from West Virginia knows that as well as I do.

That is not what we are doing here. That is not the intent. I am not surprised that my friends came from Oklahoma, from New Jersey to speak on the amendment.

I would like to think we are objective enough as a body to recognize this is not a vote on whether we support veterans' benefits in the United States. This is not a vote on what our obligation is to American veterans. This is a vote on the reality of the real world that we live in today.

The hospital in Oklahoma is 70 years old. The Senator from Alaska is not saying it will never be built; just saying let us make it 71 years old. We put this off for quite awhile reflecting on the realities associated with the need to set priorities. But is it needed? Does it have to be now? Or could we utilize some of the 30 percent of the beds in that area of Oklahoma that are vacant?

I concur with my friend from New Jersey. The two buildings that are going to be replaced by the new psychiatric facility, clearly are justifiable. We are not talking about their never being built. We are simply saying that we should look at this for 1 more year and address how the project is going to mix into the changing health care environment.

Do you want to do it now? Because I can guarantee you, Mr. President, and I guarantee the chairman of the Veterans' Committee, that next year we will be looking at different numbers, a different reality, and a different obligation as we address the unknown costs associated with health care.

Some people have said that health care reform is something we all want to happen. We all want to make it realistic. We all want to live within fiscal responsibility.

The other extreme says health care is a new administration's way, a sure way, to bankrupt the Nation.

Whatever the truth is, it lies somewhere in the middle.

We are going to be addressing the question of new hospital construction in both the Veterans' Committee and on this floor in the future. The question is, do we start now, or do we start tomorrow?

So in conclusion, Mr. President, this amendment and this vote are not a litmus test on whether we support American veterans. The amendment reflects the reality that veterans' needs are changing. Outpatient care needs are becoming more of a priority.

Domiciliary care is becoming a mandate that we are not addressing. We are going to have to face providing funds for those families who care for the veteran at home.

So, today, it will be business as usual, more of the same. I can count. But the reality is that we have an obligation to look to tomorrow and whether we start today or tomorrow, it is the responsibility of this body to address that reality.

I urge adoption of the amendment.

VA MAJOR CONSTRUCTION

Mr. GRAHAM. Mr. President, I commend the VA/HUD Appropriations Subcommittee chairwoman and the members of her subcommittee for their efforts in compiling this comprehensive and fair bill, considering the many requests that they receive each year from individual Members. As always, the subcommittee has recognized the many concerns of the State of Florida, despite severe budget constraints this year.

Ms. MIKULSKI. I thank the Senator from Florida for his comments.

Mr. GRAHAM. If the chairwoman would indulge this Senator, I would like to take a few moments now to pursue clarification from the chairwoman on three veterans construction projects in Florida.

One of our top priorities remains caring for Florida's large veterans population. Last year, the VA recognized the growing number of underserved veterans in the Fort Myers area and promised to increase patient care space, including a new outpatient clinic and 120-bed nursing home. Unfortunately, an administrative glitch prevented site selection. I understand, however, that the VA plans to include construction dollars for this project in its 1995 budget.

It is also my understanding that the VA plans to include construction dollars for the East Central Florida VA Hospital in its 1995 budget and for the Tampa spinal cord injury unit in its 1997 budget. The VA has been planning to expand the Tampa facility for over 20 years. Both of these projects are an integral part of the VA's plans for future expansion in Florida.

I note that the subcommittee has provided funding for the eight major construction projects that were included in the VA's 1994 budget request. Is it fair to assume that the subcommittee plans to include funding for the Florida projects in 1995 and 1997 when they are requested by the VA?

Ms. MIKULSKI. The subcommittee did receive the requests from the Senator from Florida for these VA construction projects; however, only authorized construction projects were funded. Once the projects are authorized and the VA submits a comprehensive facility modernization plan, the subcommittee will closely consider these projects in the future.

Mr. GRAHAM. I thank the chairwoman for her time and her consideration of this request.

Mr. HATFIELD. Mr. President, in 1973, the VA requested and Congress authorized funding for the replacement of the Portland and Vancouver VA hospitals. Funding was made available in fiscal year 1973, fiscal years 1977–79, and again in fiscal year 1982. The total amount requested by the VA and appropriated was $176,100,000. The final cost of construction was $156,911,000.

Although the replacement hospital was opened in 1987, we have yet to replace a significant and original mission of the old hospital—clinical research. In fact, in the mid-1980's I argued against tearing down the old research building until the new one was built. Unfortunately, I did not win that argument and now the VA research clinicians at VAMC Portland have very limited space to conduct their life-saving work.

This new facility needs to be built and Congress and the VA need to finish the replacement we started in 1973.

Ms. MIKULSKI. Mr. President, I want to thank Mr. HATFIELD for bringing this issue to the attention of the full Senate. I have discussed this project with him over the course of the last few months and I remain sympathetic to his point.

During the time that the bulk of the funds were made available for the Portland VAMC replacement, funds were also made available for the Baltimore hospital replacement so I am very familiar with the Portland project. I'm happy to say that Baltimore VAMC is finished. I look forward to working with the Senator to finish the Portland project with all of the components that were to be replaced by the new facility including the 97,000 square feet needed for the clinical research building addition.

Like Baltimore, the Portland project is a replacement. And that is what we should do—replace the old facility and its functions. I look forward to working with the Senator from Oregon and the authorizers and the agency to remedy this situation.

Mr. SIMPSON. Mr. President, I would like to take a brief moment to voice my support for Senator MURKOWSKI's amendment to freeze the VA construction authority for fiscal year 1994. I was also pleased to support the ranking member's amendment in committee last summer.

This $97 million in construction authority funding is simply not critical at this time.

The Department of Veterans Affairs—and our veterans—would not be hurt in any way if we simply deferred this funding until we have examined the outcome of the current debate on national health care reform.

What role will the VA play in a national health care system? Will the VA be a separate system? Will it be a bigger system, or a smaller system than it is currently?

The answers to these important questions are forthcoming. And yet, we continue to authorize the funding for buildings such as these, despite expert testimony that some of the projects are simply not needed. That is just absurd.

I applaud Senator MURKOWSKI's eternally tenacious and courageous effort to honestly assess the need for Federal funding for one of the VA construction projects in his own home State. Reluctantly, but with pragmatism, he decided that funding for that project was truly not needed at this time.

If we can not give credence to the rational argument made by the committee's ranking member regarding his own State, who are we to believe?

We are not voting to abandon the VA construction authority, but merely to postpone it until we know the true need for a changed VA system in a national health care system.

I believe this money might be spent much more prudently for medical care, medical research or in some other fashion, rather than to fund construction that we are not absolutely sure is necessary.

Professional health care experts and others have continually told me that it is well established that a $1 expenditure in medical research eventually results in $10 of benefits in improved care and medical advances.

Can anyone make that same claim when it comes to construction? I do not believe the VA facility at Martinez, CA, which was build on a seismic fault gave us any return on our investment. Did it?

The Memphis VA facility which is also included within this funding authority was also built on a seismic site.

We need to look more closely at exactly what we are doing in this body, and just why we are doing it.

I am not anti-veteran, nor anti-anybody. I am simply pro common sense. And that is what this amendment is about.

BARRING FUNDS FOR THE VETERANS ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I rise today to oppose the amendment offered by the Senator from Alaska [Mr. MURKOWSKI], which would bar new construction funding for the Veterans Administration.

Each year some of our best and brightest young men and women volunteer to serve our Nation by joining the Armed Forces. They live a hard life and make many sacrifices. But they do so willingly, knowing they will be taken care of throughout their career. They are promised that when they are through protecting us, we will protect them.

Yes, everyone must sacrifice in this time of tight budgets. But we have a debt to pay. We must fulfill our duty to those veterans who now depend on us. The new construction funds, which would be banned by Mr. MURKOWSKI'S amendment, are imperative for renovating and repairing veterans facilities which are essential to their well-being.

Let me give you an example of the havoc this amendment could wreak on veterans. In my home State of California there is a hospital which has been needing construction work for more than 3 years. This hospital serves 400,000 veterans. That's 400,000 people who are not receiving the quality of care due them. That's 400,000 people suffering needlessly because their hospital can't get the money it should.

In another case, a seismic emergency forced an in-patient hospital facility in Martinez, CA, to close in 1991. Veterans in that area are still waiting for their new replacement facility. If this amendment is agreed to these people will be waiting for many years to come.

We cannot let these situations continue. It does not make sense and it is not fair. I urge my colleagues to defeat Mr. MURKOWSKI'S amendment and give back to our veterans the care they have given to us.

Mr. ROCKEFELLER. Mr. President, I just point out, in concluding, that there are many, many projects that come before the Veterans Committee for funding, and the waiting list is long. There are many projects that did not make it, because we are trying to be prudent. And the list that the Senator from Alaska would wish to cut today is one which was considered to be top priority. The committee went through a long process. Many other facilities that needed to be rebuilt or changed in some manner could not be taken care of because of money and other considerations. So these, in a sense, are the cream of the crop. We have been through the process. It has all been discussed, and I say let us not wait until next year. Let us make sure that we are doing the best we can for our veterans' health care today.

I move to table the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 27, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—73

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Daschle
DeConcini
Dodd
Domenici
Dorgan
Exon
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—27

Bennett
Brown
Burns
Chafee
Coverdell
Craig
D'Amato
Danforth
Dole
Durenberger
Faircloth
Feingold
Gregg
Hatch
Helms
Hutchison
Kassebaum
Kempthorne
Kohl
Lott
Mack
Murkowski
Packwood
Pressler
Simpson
Smith
Wallop

So the motion to lay on the table the amendment (No. 916) was agreed to.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

AMENDMENT NO. 921

(Purpose: To prohibit expenditures by the Administrator of the Environmental Protection Agency to regulate fuel additives that may cause adverse health effects)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. MURKOWSKI, proposes an amendment numbered 921.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On Page 51, after line 21, insert the following new paragraph:

"No funds appropriated by this Act may be used to enforce the requirements of section 211(m) of the Clean Air Act in any nonattainment area where any State has prohibited the use of methyl tertiary butyl ether to comply with such requirements and where the State has committed to submit prior to October 1, 1994 a revision to its implementation plan or plans for carbon monoxide that would achieve carbon monoxide emissions reductions equivalent to those realized by implementation of such section."

Mr. STEVENS. Mr. President, oxygenated fuels are required in winter months in carbon monoxide nonattainment areas in over 40 cities nationwide—including Anchorage and Fairbanks, the two largest cities of my State. These fuels were originally imposed to reduce carbon monoxide emissions.

Ms. MIKULSKI. Mr. President, will the Senator withhold?

Mr. STEVENS. Yes.

Ms. MIKULSKI. Mr. President, the Senate is not in order. The Senator has afforded us the courtesy of offering the amendment and being prompt about it, and I thank him so much. I would like to hear the Senator.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank the manager of the bill.

As I said, these fuels were originally imposed to reduce carbon monoxide emissions.

One type of oxygenated fuel, known as MTBE, is utilized in Alaska. Other types of such fuel are not safe and practicable in my State. For instance, ethanol attracts water in extreme cold temperatures and poses drivability and safety problems.

Recent Centers for Disease Control health studies from Fairbanks found the level of MTBE in the blood correlated with health complaints from individuals there, including dizziness, headaches, nausea, shortage of breath, skin rashes, and other symptoms. Other CDC studies in different parts of our Nation have confirmed similar results.

In Anchorage, over 10,000 people signed a petition last year calling for the removal of MTBE fuels in my home city. Hundreds protested in Fairbanks because people were getting sick when exposed to these fuels.

These health complaints in Alaska associated with the fuels relate to our extremely cold environment, which causes inversion layers. Our temperatures in Fairbanks, for instance, are often 50 degrees below zero or lower. Fumes from the oxygenated fuels get trapped in the first 60 feet of our atmosphere. This concentrates the fumes from MTBE and we believe has caused these illnesses.

CDC is undertaking additional studies with the EPA on the effect of MTBE fumes and vapors in Arctic climates. I appreciate the EPA's efforts and encourage Administrator Browner to continue working with our Department of Environmental Conservation and the CDC on this issue.

The amendment I have offered stops the enforcement of these oxygenated fuel MTBE requirements in States that have prohibited the use of MTBE and agree to come up with alternatives to make up the difference in carbon monoxide emissions. Subarctic and Arctic regions, especially Anchorage and Fairbanks, need relief from the provisions of existing law requiring MTBE.

I do thank the Administrator of EPA. Carol Browner has been very gracious in her time in meeting with us on this problem, both with me and my staff and the members of the Governor's staff, particularly our Commissioner of Environmental Conservation.

I want to also thank the chairman of the subcommittee, Ms. MIKULSKI, and Senator GRAMM as the ranking member, as well as Senator BAUCUS and Senator CHAFEE of the Public Works Committee for their courtesy in working with me on this issue and for their cooperation and help.

We do not seek to be exempt from the Clean Air Act requirements. What we do seek is to have ways to comply with existing laws in a way to make up for the carbon monoxide emissions without the requirement of the fuels that are suspected of causing illness or would pose drivability and safety problems in our State.

That is my statement, Mr. President.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I am supportive of the Senator from Alaska. I know he has a unique State and it has unique problems. I would say the amendment is pretty broadly drafted. For example, I am concerned that we might simply have States who want to get around the requirement to come in and legislate a ban on oxygenated fuels and, in the process, in areas that do not have problems as serious as Alaska, we could end up with problems.

I am also a little bit confused about the uncertainties and potential litigation. But I think that the Senator from Alaska clearly is trying to deal with a problem in his State. We can work with him, and we have an opportunity to refine this as we go through conference and come up with a final bill. I am happy to support the amendment.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I would like to inform the Senator from Alaska that I intend to take his amendment with the same caveats as outlined by his ranking minority member, and I think the Senator would agree. I believe that Alaska does have very unique environmental problems, and I also am well aware from our conversations and the debate that he did during the full committee about the impact of this material on Alaska, and that his position is backed up by the Centers for Disease Control.

I believe that if we cannot believe the Centers for Disease Control and their sincere belief about the toxic and hazardous effect that this would have on States like Alaska, then I do not know who we can believe.

We want to help Alaska, but we do not want to open a whole new loophole. I think the Senator would agree with that.

So in that spirit, the ranking minority member and I have consulted on this and we would be happy to accept the Senator's amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I do thank the Senator from Maryland and the Senator from Texas for their consideration and their patience in working this out. I do thank my good friend from Maryland, the chairman of the subcommittee, for the statement she just made. It is a very, very serious problem in our State. I do not think any other State has the temperature variation that we do or the type of temperature inversions we do.

I lived in Fairbanks for a while. I assure you I have seen over 100 degrees in the summertime, and I have seen 68 degrees below in the wintertime. During that period of very cold weather is the period of our nonattainment days. It is primarily caused by the trapping of these fumes, as I said, in that temperature inversion. When these fumes, that in other areas are blown away, are not trapped by that temperature inversion that we have, they are dispersed. They do not cause the serious problems we have as far as illness and rashes and other individual problems.

I am delighted with the statement made by the manager and the ranking member of the bill and I thank them.

Mr. MURKOWSKI. Mr. President, I join my colleague Senator STEVENS today to support legislation to provide critical relief for the citizens of Alaska by providing a resolution to the oxygenated fuels problem.

The Oxygenated Fuels Program is mandated by section 211(m) of the Clean Air Act Amendments of 1990 for all cities that have failed to attain carbon monoxide [CO] air quality standards. The program has been instituted in 39 cities including two cities in my State, Anchorage and Fairbanks, neither of which had a serious CO nonattainment problem.

In Alaska, we are most prone to exceed CO standards during the winter months—November through March—when temperatures can dip as low as 50 degrees below zero. In 1992, a surge of health complaints accompanied the use of methyl tertiary butyl ether [MTBE] in fuels. Because the Environmental Protection Agency [EPA] had not conducted the proper tests, the EPA was not able to determine whether the use of MTBE was the source of the health complaints. EPA had not studied the possible health risks associated with the use of MTBE in Arctic temperatures or the possibility that the use of MTBE in cold temperatures could lead to increased emissions of air toxins.

Since December 1992, Alaska's epidemiologist and the U.S. Centers for Disease Control and Prevention [CDC] have done studies in Anchorage and Fairbanks on the use of MTBE in cold weather. The State epidemiologist has determined that Alaskans should not be subject to oxygenated fuels until further definitive research on the possible correlation between MTBE use in Arctic temperatures and a public health risk are measured. A study conducted by the CDC reinforces the State's concerns.

The research presented thus far indicates that MTBE may not reach the desired goal of CO emission reductions and may, in fact, increase emissions of CO and aldehydes at sub-Arctic temperatures.

Too many serious questions remain to go forward with this program in Alaska. The studies done so far have not been conducted with the proper cold weather control factors and have not produced a consensus on the health effects or the effects on CO emissions of MTBE use under Arctic temperatures. EPA should not implement the

Oxygenated Fuels Program until the EPA has completed the cold weather studies with the proper controls.

Mr. STEVENS. Mr. President, I ask that the amendment be adopted.

The PRESIDING OFFICER. Is there further debate?

Ms. MIKULSKI. There is no further debate on this side.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 921) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Again, I express my deep gratitude to the managers of the bill for their consideration.

Ms. MIKULSKI. Mr. President, having been to Alaska, having seen the great State of Alaska and also the pressing environmental needs, particularly in those far removed Eskimo villages, the Senator has, indeed, both our sympathy and our support.

Mr. STEVENS. Mr. President, I thank the Senator.

AMENDMENTS NOS. 922, 923, AND 924, EN BLOC

Ms. MIKULSKI. Mr. President, I send three amendments to the desk and ask unanimous consent that they be considered en bloc; and that the motions to reconsider be considered to have been laid on the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes amendments numbered 922, 923, and 924.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 922

On page 41, between lines 2 and 3, insert the following:

ADMINISTRATIVE PROVISION

None of the funds provided under this title or otherwise made available to the Department of Housing and Urban Development, which are obligated to State or local governments or to housing finance agencies or other public or quasi-public housing agencies, shall be used to indemnify contractors or subcontractors of the government or agency against costs associated with allegations or judgments of infringement of intellectual property rights or any legal proceedings related to such allegations.

AMENDMENT NO. 923

On Page 59, line 15 strike "7,532,100,000" and insert "7,544,400,000".

On page 61, insert the following prior to the proviso which begins on line 7: "*Provided further*, That not more than $1,086,800,000 shall be for Mission to Planet Earth activities, of which $5,000,000 shall be for a socioeconomic data active archive center:".

On page 61, insert the following before the period on line 12: ": *Provided further*, That not more than $289,500,000 shall be available for space research and technology activities".

On page 61, delete the text on lines 13 through 16.

AMENDMENT NO. 924

At the second excepted committee amendment, strike line 25 on page 70 through line 2 on page 71 and insert in lieu thereof the following:

"be for activities under section 129(d)(5), (7) not more than $15,000,000 shall be for Summer of Service activities pursuant to section 122(a)(15), and (8) not more than $9,000,000 authorized under Section 428J of Higher Education Act: Provided further, That not".

Mr. RIEGLE. Mr. President, my colleague from Michigan, Senator LEVIN and I, would like to engage in a colloquy with the distinguished chair of VA, HUD Appropriations Subcommittee, on an issue of importance to our State, to the Nation, and the world—the Consortium for International Earth Sciences Information Network [CIESIN]. Also, we would like to thank the Senator from Maryland for agreeing to accept our amendment to this bill on CIESIN.

Ms. MIKULSKI. Mr. President, I would be pleased to engage in a colloquy with my colleagues from Michigan on that subject.

Mr. LEVIN. We thank the Senator from Maryland for her consideration, and for working with us to develop an amendment on CIESIN that is acceptable to the committee. We know that she must juggle an incredible number of projects and programs to bring the VA-HUD bill to the floor, and CIESIN is only a small, but important, piece of that much larger picture.

Mr. RIEGLE. Mr. President, as Senator LEVIN has indicated, CIESIN is a small, but very valuable component of the overall U.S. response to global environmental change. The committee has recognized the importance of understanding the planet's changing environment as an important priority for the National Aeronautics and Space Administration.

I fully support, as does the Senator from Maryland, the Earth observing system and the associated data and information system [EOSDIS]. The importance of this project is reflected in the decision of NASA to have the Goddard Space Flight Center serve as the lead for the crucially important Mission to Planet Earth. This is a NASA-led program to attempt to understand the Earth as an integrated system, including all the oceanic, atmospheric, land surface, and geologic processes and their interactions. I think we would all agree that it is extremely important to learn as much as we can about our planet, including the role that humans have played in changing our planet and how we are affected by those changes. That is where CIESIN can come in and help extend the benefits from EOSDIS to the international community and policymakers around the world.

Mr. LEVIN. Senator RIEGLE has focused on an important, and growing, field of knowledge, that is, the human dimensions of global environmental change. CIESIN has played an important role already in furthering this field of knowledge, despite having expended only a fraction of the funds it has so far been appropriated. CIESIN has developed quite an array of relevant data sets, either available through CIESIN or electronic network linkages, via cooperative information sharing agreements with many U.S. executive branch agencies and international organizations. I ask unanimous consent that several pages listing CIESIN's data sets that are available now, and a brief summary of "CIESIN's Information Cooperative: A Human Dimensions Perspective" be printed in the RECORD following our discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIEGLE. Mr. President, the advanced technology that CIESIN has developed to access interdisciplinary Earth science and social science information as part of its data and information cooperative is impressive. Apparently, the cooperative will become fully operational later this month. CIESIN is well on its way to fulfilling its mission to facilitate access to, use, and understanding of global change information worldwide, through the development of an interdisciplinary Earth science data and information network as directed in the fiscal year 1992 VA-HUD Appropriations Act. This advanced network, which the United States has already invested in, should clearly be incorporated into and utilized as the United States develops or evolves a Global Change Data and Information System [GCDIS].

Senator LEVIN and I are not the only ones impressed with CIESIN's activities and their mission. The House has voted several times in favor of CIESIN, and numerous well-respected scientists have expressed strong support for it. I would like to ask unanimous consent that letters from these distinguished individuals be placed in the RECORD following our discussion.

Ms. MIKULSKI. As I have indicated to the Senators, there is no dispute over the value to CIESIN's mission. The committee is, however, uncertain as to whether or not all of CIESIN's overarching mission appropriately belongs in NASA, since NASA is not the sole component of the U.S. Global Change Research Program. Certainly, CIESIN should remain integrated in the EOSDIS as an affiliated Socioeconomic Data and Applications Center

[SEDAC] and should have access to the physical science datasets archived and collected through EOSDIS, so that they can be integrated with social science and other information collected by CIESIN. The Senators' amendment, which I have agreed to accept, provides $5 million for CIESIN's function as a NASA-affiliated SEDAC in fiscal year 1994, and leaves untouched the fiscal year 1993 operating funds.

Mr. RIEGLE. Would it be the Chair's intention to support in future years a similar level of funding, or perhaps a little higher, owing to CIESIN's additional, extra-DAAC costs of collecting and manipulating nonuniform datasets?

Ms. MIKULSKI. I am sure the Senators understand, it is impossible to commit future Congresses to any particular action. But, I will try to support CIESIN's SEDAC at a $6 million level annually.

Mr. LEVIN. Mr. President, as we have discussed these issues with the Senator from Maryland, I believe that the Senator has also indicated that she would be willing to work with us to develop a competitive grant funded at about $6 million annually to be awarded by the National Science Foundation or through the Committee on Earth and Environmental Sciences for the conduct of CIESIN-like activities. If that is the case, it would be a couple of things. It would address the issue the Senator has raised regarding the difference between NASA's EOS program goals and capabilities and CIESIN's overarching mission. And, if CIESIN were to win such a grant, it would help CIESIN achieve its expected capabilities, and thereby assist policymakers and the scientific community.

Ms. MIKULSKI. Again, as I stated earlier, I cannot commit future Congresses, but as I originally suggested the idea to the Senator, I think it would make good sense to develop such a grant proposal. I will work with the Senators and administration to see if we might be able to come up with a firm proposal similar to the one described by Senator LEVIN. Undertaking such an action could help sort out some of the priorities of the Committee on Earth and Environmental Sciences.

Mr. RIEGLE. Mr. President, I would like to state our understanding of the amendment that the Senator from Maryland, the manager of the bill, has agreed to accept. It will provide CIESIN with the opportunity to use $13 million of its already appropriated, unobligated fiscal year 1993 funds in fiscal year 1994, plus the additional new $5 million for SEDEC activities, which would bring CIESIN to an operating level of $18 million in fiscal year 1994. Does the manager accept that interpretation of the amendment?

Ms. MIKULSKI. The Senator from Michigan states the effect of the amendment correctly.

Mr. LEVIN. Would the distinguished manager also clarify a matter for us regarding the CIESIN facility? The committee has recommended a recission of $10 million from the amount appropriated for its construction. That is a significant cut for a project that has already been reduced by a $5 million reprogramming.

Nonetheless, as the subcommittee chair knows, the NASA inspector general is conducting a routine audit of CIESIN's grant from NASA. The IG has not reported yet on his findings, but he has indicated preliminarily that he has concerns about the need for the building size that CIESIN has selected and that the building might be larger than required even for the number of employees that CIESIN projects will eventually be housed there.

I would not want to limit CIESIN's chances for success by placing a significant limit on the building. Whatever downsizing might occur due to conference action should not reduce the facility below a level at which CIESIN's employee projections would be unachievable, and should be based on a comparison to like facilities. I would like to ask unanimous consent that a letter from the President of CIESIN regarding the building size requirements be included in the RECORD following our discussion.

Would the Senator attempt, in conference, to limit any rescission in fiscal year 1993 facility funds, based on an objective review, consideration of CIESIN's overarching mission, and the final audit report by the NASA inspector general?

Ms. MIKULSKI. The Senator has touched upon an important issue that will not be easily resolved. I have been briefed on the NASA inspector general's work, and remain concerned about the size of the facility. However, I would be willing to head into conference with the intent that no more than $10 million of the rescission from fiscal year 1993 construction funds should go forward. And, I will carefully weigh any final recommendations by the NASA inspector general and consider the extent to which the non-NASA part of CIESIN's mission drives the building's requirements, so that the committee can reconsider even that reduction.

Mr. RIEGLE. Mr. President, I would like to raise one last issue with the manager of the bill. It is very important that there be no gap in the disbursal of fiscal year 1995 funds for CIESIN, particularly since some of the fiscal year 1993 funds that we are moving to fiscal year 1994 were already designated and planned on for various activities in fiscal year 1993. To make CIESIN wait another entire year before getting its fiscal year 1995 money would be very detrimental to CIESIN's long term plans. NASA took nearly 9 months to release CIESIN's fiscal year 1993 money.

Ms. MIKULSKI. I would be willing to work with the Senators to encourage NASA to speed up their funding process.

Mr. LEVIN. I and my staff have talked to a lot of people in the global environmental change field and almost uniformly, knowledgeable people say, "If there were no CIESIN, it would have to be created." So, I am glad we are going to utilize the investment we have made in CIESIN already. Also, I think CIESIN can and should play a crucial role in improving the efficiency of the Federal Government's environmental data collection, policymaking, and regulatory activities, by acting as a conduit for and integrator of environmental data.

Mr. RIEGLE. I would like to echo the sentiments of my colleague from Michigan and express my appreciation once more to the Senator from Maryland. I know that this is a very difficult year. But, I think CIESIN will prove to us that we are right to support it. I have been to CIESIN and seen a demonstration of its technology and met CIESIN's new president, Dr. Roberta Balstad Miller. CIESIN, under her guidance, has the potential to be a truly world-class organization. I hope that we will be able to count on the distinguished manager in conference and in the next few years, until CIESIN has achieved its desired subscriber base and some measure of independence from Federal contributions.

Ms. MIKULSKI. The Senators from Michigan have been persistent and thorough in arguing in support for CIESIN. I look forward to seeing CIESIN fulfill its mission so that the trust and hard work of the Senators is rewarded.

EXHIBIT 1

CIESIN DATA SETS AVAILABLE NOW

(Note: Data sets physically archived at originating agencies but available through dedicated CIESIN/agency electronic network link are italic)

Name—producer:

UNCED Collection, UN Conference on Environment and Development.

Register of International Treaties and Other Agreements on the Environment, U.N. Environmental Programme.

Public Use Microdata Samples 1940–1990, U.S. Bureau of the Census.

March Current Population Survey Data, 1968–1992, U.S. Bureau of the Census.

Economic Census 1987, U.S. Bureau of the Census.

County Business Patterns, U.S. Bureau of the Census.

County and City Data, 1988, U.S. Bureau of the Census.

USA Counties: A Statistical Abstract Supplement, U.S. Bureau of the Census.

National Economic, Social, and Environmental Databank, U.S. Department of Commerce.

Regional Economic Information System, U.S. Department of Commerce.

Hazardous Substance Release/Health Effects Database (HAZDAT), Agency for Toxic Substances and Disease Registry.

Environmental Subset of Collection of Multilateral Conventions, Fletcher School of Law and Diplomacy.

Summary Tape Files (STF) 1970–1990, U.S. Bureau of the Census.

TIGER files for entire US, U.S. Bureau of the Census.

Human Carrying Capacity Database, UN Food and Agriculture Organization.

1990 World Census of Agriculture (Selected), UN Food and Agriculture Organization.

State and Local Legislation Related to Global Climate Change, University of Maryland Center for Global Change.

Digital Chart of the World, ESRI (Defense Mapping Agency).

CIA World Factbook, Central Intelligence Agency.

Maastricht Treaty, European Community.

U.S. AID's Development Information System, USAID.

National Agricultural Statistics Service All Crops County Database (Selected), U.S. Department of Agriculture.

Policy GIS (limited), CIESIN.

Human Dimensions Effects of Ozone Depletion (limited), U.S. CIESIN.

Selected Datasets from Approximately 30,000 Political and Social Records, Inter-University Consortium for Political and Social Research.

Maastricht Treaty, European Community.

World Resources Institute Annual Data Reports, World Resources Institute.

World Resources Institute Time Series Database, World Resources Institute.

Environmental Almanac, World Resources Institute.

NGO Newsletter, World Resources Institute.

Center for International Research Georeferenced Database, World Resources Institute.

Mortality Database, World Health Organization.

CORINE Biotopes and Land Use, Coordination of Information on the Environment (EEC).

AGROSTAT, Food and Agriculture Organization (UN).

National Agricultural Statistics Service All Crops County Database 1972–1991, U.S. Department of Agriculture.

Agri/Stats, U.S. Department of Agriculture.

Saginaw Watershed Data Integration Project, CIESIN.

Pacific Northwest Data Integration Project, CIESIN.

Epidemiology and Surveillance Database, Centers for Disease Control.

International Population Database, Center for International Research.

Georeferenced Database—Population, Electric Power Plants, Factories, Center for International Research.

World Resources Institute Database, World Resources Institute.

Environmental Law Information System, International Union for the Conservation of Nature.

World Health Statistics Database, World Health Organization.

Global Anthropometry Data Bank, World Health Organization.

Matthews Vegetation, Land Use, and Seasonal Albedo, NASA GISS.

Chesapeake Bay Data Integration Project, CIESIN.

Rio Grande Data Integration Project, CIESIN.

Arctic Strategic Environmental Data Active Archive Resource (SEDAAR), CIESIN/Office of Naval Research.

SELECTED DATASETS FROM

Economic and Social Research Council, Essex, England.

Norwegian Social Science Data Services, Bergen, Norway.

Zentralarchiv fuer Empirische Sozialforschung, Cologne, Germany.

Indian Council of Social Science Research, New Delhi, India.

CIESIN'S INFORMATION COOPERATIVE: A HUMAN DIMENSIONS PERSPECTIVE

THE CIESIN INFORMATION COOPERATIVE

The Information Cooperative is a mechanism for sharing data and information by major international data and resource centers. Its goal is to facilitate global environmental research and understanding, and it is designed to work closely with developing earth science information networks such as NASA's Earth Observing System.

FUNCTIONS OF THE COOPERATIVE

Sponsors joint efforts to share and disseminate information, develops mechanisms for one-line data file access, and develops integrated data products for global change study.

Establishes ongoing forums for exchange of information and technology among Cooperative partners.

Conducts User Workshops—which are an important part of the Information Cooperative effort.

MEMBERSHIP IN THE COOPERATIVE

Partners in the Cooperative have an effective means to distribute their data and information to a broad audience, to access data from other partners, from NASA's Active Archive Center System, and through CIESIN's Global Change Resource Center's integration support capabilities. Partnership is established through a "Memorandum of Understanding," which reflects the partner organization's particular requirements.

Additional information about CIESIN's Information Cooperative, including how to join, is available from Dr. Vincent J. Abreu, CIESIN, 2250 Pierce Road, University Center, MI 48710, phone (517) 797–2700, Internet.

HOW CIESIN SUPPORTS THE COOPERATIVE

Conducts preliminary assessment of user needs.

Acts as a "broker" to help partners access data that is outside the Cooperative.

Ensures that data quality standards are carefully defined and stringently upheld.

Ensures that each partner has opportunities to increase the user base for its data and other services.

Provides each partner with a distributed directory of global change-related data and information. The directory will emphasize human dimensions of global change and will be interoperable with the Global Change Master Directory, thus providing a "window" into the earth sciences.

Places entries from each Cooperative partner in the distributed directory, provides tools for creating and maintaining directory entries, and, if required, assists partners in developing expertise necessary for such creation and maintenance.

Develops a general, coherent user interface framework consistent with todays most common graphic user interfaces.

Aids in development of data and information products resulting from special collaborations among Information Cooperative sites; new or customized data products and integrated data sets, for example, or reports, models, simulations, and specialized geographic information system and data analysis tools.

PARTICIPANTS IN THE COOPERATIVE

ATSDR (Agency for Toxic Substances and Disease Registry)—ATSDR is an agency of the Public Health Service, U.S. Department of Health and Human Services. Its mission is to prevent or mitigate adverse human health effects resulting from exposure to hazardous substances in the environment. ATSDR's database contains data sets with detailed toxicological profiles about toxins commonly found in the environment, health effects by exposure route and duration of exposure, interactions of substances, susceptible populations, and biomarkers of exposure and effects.

CCRS (Canadian Centre for Remote Sensing)—CCRS is a Canadian federal government center, within Energy, Mines and Resources Canada, that is responsible for data collection and management of satellite and related data. CCRS is the Canadian representative in the International Directory Network and operates the RESORS (REmote Sensing On-line Retrieval System) database of bibliographic materials associated with remote sensing applications.

CDC (Centers for Disease Control)—The CDC have a central mission of promoting health and disease prevention as a public health service for the U.S. government. Its user audience includes state and local health departments, the Public Health Service, and the academic public health community. CDC archives a variety of health related data for the U.S., including morbidity, mortality, and some demographic data.

CIR (Center for International Research)—Part of the U.S. Census Bureau, the CIR compiles international data relevant to economics, agriculture, health, and demographics for other U.S. government agencies. The CIR has extensive demographic and international expertise, international contacts, and long time series archives.

EDC (EROS Data Center)—The EROS (Earth Resources Observation System) Data Center provides support in land remote sensing data for the National Mapping Division, U.S. Geological Survey, and for the Department of the Interior. It is also the national point of dissemination for Landsat (Land Remote Sensing Satellite) data, and provides support and technology transfer for earth science information nationwide. EDC is the land data archive for NASA's Earth Observing System Data and Information System (EOSDIS). Its data products include continental scale land use maps, soils maps, digital terrain models, and specialty products.

EPA (U.S. Environmental Protection Agency)—This agency monitors the environment and compliance with federal environmental regulations. The EPA has established numerous databases relevant to air and water quality, pollution, and specific environmental problems.

FAO (Food and Agriculture Organization)—The principal functions of this United Nations program are to help raise levels of nutrition and standards of living; to improve production and distribution of agricultural products, and to better the conditions of rural populations. FAO has extensive agriculture related archives, which provide global coverage. This organization also has expertise in environmental and social sciences and in the development of geographic information systems.

GCRIO (Global Change Research Information Office)—The GCRIO will serve as a central repository and international dissemination point for global change data and information produced by U.S. Government agencies.

GLC (Great Lakes Commission)—The Great Lakes Commission is a coordinating body among the eight U.S. states bordering the Great Lakes for environmental and economic policy issues. U.S. federal and Canadian federal and provincial agencies also work with the commission. The GLC supervises regional policy and environmental research projects. It is establishing a regional electronic network to facilitate communications and data sharing among its participating institutions.

IARC (International Agency for Research on Cancer)—An international agency for data on the incidence of cancer, IARC provides global coverage.

ICPSR (Inter-university Consortium for Political and Social Research)—ICPSR has more than 300 member institutions from universities around the world. It serves as a central repository and dissemination service for machine readable social science data, and contains data sets relevant to policy and social issues.

NCDC (The National Climate Data Center)—An arm of the National Oceanographic and Atmospheric Administration, the NCDC is an important source of long-time-series weather and climate data.

NIH (National Institutes of Health)—Part of the U.S. Public Health Service, the National Institutes of Health contain the National Cancer Institute, the National Library of Medicine, and the National Institute of Environmental and Health Sciences.

SEDAC (Socioeconomic Data and Applications Center)—The SEDAC, operated by the Consortium for Earth Science Information Network (CIESIN), is one of nine NASA Distributed Active Archive Systems (DAACs), which archive and disseminate remotely sensed data. The SEDAC's mission is unique in that it attempts to integrate earth science data and remotely sensed data from the other DAAC's, with human science data. The SEDAC will archive existing human science data sets that are relevant to global change, generate new data products, provide a directory to global change data and information resources and link existing human services archives through the CIESIN Information Cooperative.

UNEP (United Nations Environment Programme)—The United Nations Environment Programme oversees a wide range of environmental research, monitoring and training programs. For example, its Global Resource Information Database (GRID) collects data on various environmental parameters and is building a data directory. UNEP's Industry and Environment Programme Action Centre maintains databases on ozone depletion and pollution prevention. The UN Institute for Training and Research (UNITAR) assists developing countries to increase their capacity for environmental monitoring and programs.

USDA (United States Department of Agriculture)—The USDA monitors agricultural practices through the United States. It collects data related to most aspects of agriculture in the U.S. and maintains thousands of databases; collects and analyzes international agricultural data; and conducts research to assess the effects of global change on food, fiber and forest systems of the U.S. and internationally.

USGS (United States Geological Survey)—The USGS has established numerous databases with data on geological features. It also provides base maps and a variety of other maps for all areas of the U.S.

WHO (World Health Organization)—The WHO archives health related data sets, monitors key indicators on an international basis, and provides health assessments. The WHO's databases provide global coverage in the areas of morbidity, nutrition, and sanitation.

WMO (World Meteorological Organization)—The WMO functions to establish international networks of meteorological stations and systems for the rapid exchange of meteorological information, to promote standardization of meteorological observations and statistics, and to further cooperation between meteorological and hydrological services. The WMO collects meteorological data.

WRI (World Resource Institute)—The WRI is known and respected worldwide for integrity, science expertise, close contact with policy makers, and intimate knowledge of lesser developed countries. This institute provides policy analysis and publishes compendiums of environmental data and information. It is known for its revisions of United Nations data sets, which attempt to correct for political biases.

CONSORTIUM FOR INTERNATIONAL
EARTH SCIENCE INFORMATION NETWORK,
University Center, MI, September 17, 1993.

Hon. CARL LEVIN,
Room 459, Russell Senate Office Building, Washington, DC.

HONORABLE SENATOR, In response to your inquiry regarding average office size in the new CIESIN Facility, we have prepared the following.

CIESIN's new facility is planned to be 169,250 gross square feet (which is the actual size of the building, including common areas such as: elevators, corridors, toilets, mechanical rooms, food vending areas, conference/training rooms, and visiting scholar & analyst center).

GSA's and NASA's standard for office size is based on 125 net square feet per person. Net square feet per person is determined by taking the gross square feet, subtracting the aforementioned common areas, and dividing by the number of employees.

In the new CIESIN facility the net square feet per person is determined as follows. 169,250 gross square feet minus 129,976 square feet (common areas) equals 39,274 net square feet. The average net square feet per person is as follows: 39,274 net square feet divided by 301 persons which equals 130 net square feet per person. The additional 5 square feet is due to the nature of the work at CIESIN and scientists' need for books and research materials.

For your information, NASA's net/gross ratio standard for facilities is ideally 0.65 to 0.70. The new CIESIN facility net/gross ratio will be 0.60.

Sincerely,
ROBERTA BALSTAD MILLER,
President.

THIRD WORLD FOUNDATION
OF NORTH AMERICA,
College Park, MD.

Hon. BARBARA A. MIKULSKI,
320 Hart Senate Office Building, Washington, DC.

MY DEAR SENATOR MIKULSKI: I would like to take this opportunity to brief you on the work of the Third World Foundation and the proposed plans to establish a North American Center for Sustainable Development at the University of Maryland, College Park. The North American Center will provide the foundation for creating a world-class Consortium for Sustainable Development at College Park. This Center in turn will become a prime mover in organizing financial resources and electronically linking other Centers to a global research network of shared earth, human, and socio-economic data and information.

For nearly two years, the North American Center has enjoyed a productive partnership with the Consortium for International Earth Science Information Network (CIESIN). CIESIN enables institutions of learning like the University of Maryland to collaborate with government agencies like Goddard, by converting raw scientific data into formats useful in many academic disciplines. The CIESIN-University of Maryland partnership clearly bolsters Goddard's data-gathering and EOSDIS program. Furthermore, CIESIN's data access and integration activities are critical to the success of the North American Center. We would therefore like you to approve CIESIN's budget when it comes up for consideration. As Senate legislation on this issue is fast approaching, I would greatly appreciate a meeting with you prior to September 7, 1993.

BACKGROUND

The Third World Academy of Sciences and the Third World Network of Scientific Organizations, acting through the Third World Foundation and CIESIN, propose to assist the World Bank in its efforts to foster environmentally sustainable development by establishing a network of twenty Centers of Sustainable Development. The plan would emulate the highly successful CGIAR (Consultative Group for International Agricultural Research) organizations model sponsored by the World Bank. CGIAR is associated with the "green revolution" that introduced high-yielding species of grains to the developing regions of Asia, Latin America, and the Middle East. We contemplate a project on the scale of the CGIAR Agricultural Centers, but with a broader mission. The Centers would be unique in focusing on urgent local and regional problems that have global implications for environmentally sustainable development. At the same time, they would open windows of opportunity for U.S. access to the wealth of data and information residing in the Third World.

Specifically, the Centers would concentrate on improving education, health, public policy, applied scientific and engineering research, and environmental impact research and assessment. The Centers would be linked by high speed electronic networks to global storehouses of scientific knowledge, in order to enhance (1) the study of the Earth as a system, (2) reach consensus on environmental policies, and (3) promote trade and commerce between North and South.

WHY THE UNIVERSITY OF MARYLAND

The University of Maryland at College Park was chosen because of the strong commitment and support from university and state leadership.

It enjoys an ideal global and national location, allowing it to draw on the powerful resources of a myriad organizations such as NASA, USDA, EPA, DOE, NIST, NIH, the Smithsonian Institution, and World Bank. In short, it is strategically located near the world's most concentrated intellectual, scientific, and economic centers.

The university's high degree of fiber connectivity and its internet capability would make the North American Center a primary node in the dissemination of data and information to other scientific centers.

The university is also within easy reach of the Chesapeake Bay, the world's largest estuary/wetlands ecosystem, which provides an unparalleled proving ground for projects in sustainable development.

Finally, the University of Maryland is the headquarters of the Third World Network of Scientific Organizations.

HOW WOULD MARYLAND BENEFIT

New U.S. jobs would emerge from the infusion of funding and the establishment of the North American Center for Sustainable Development.

The University of Maryland would significantly enhance its scientific research capabilities, thereby attracting distinguished faculty, graduate, and undergraduate students.

By generating viable solutions to the struggle between maintaining our state's growth and development while preserving the Chesapeake Bay's fragile stability, our faculty and students will not only alleviate Maryland's growing pains, but will also address the world's foremost sustainable development challenges.

Sample projects focusing on the Bay are projected for the Baltimore area, operating out of the newly constructed Columbus Center, and/or the University of Maryland, Baltimore County.

CURRENT PROGRESS

To create a North American Center, the University of Maryland has established a very productive relationship with CIESIN. The Third World Foundation and CIESIN are attempting to secure World Bank support so that the North American Center for Sustainable Development can become the prime mover in a world program for sustainable development.

CONCLUSION

This letter is to request your support for CIESIN in the appropriations process. CIESIN has an $18 million appropriation for NASA and a $4.75 million appropriation for the EPA from the House of Representatives. To fully fund our program, a $22 million appropriation to the CIESIN initiative is required for NASA. Consistent with the House authorization bill, the North American Center would cost share the additional $5 million with the World Bank. The World Bank, in turn, would provide an additional $20 million. This amount would still hold the 1994 CIESIN VA-HUD appropriation at its 1993 level when CIESIN received $27 million.

The program will have a dramatic impetus on fulfilling the potential envisioned global Mission to Planet Earth and the work being performed at Goddard. The opportunity to make a powerful, positive impact on the human potential of the Third World as well as the First, while simultaneously broadening and enriching the educational opportunities of Maryland's flagship campus, could be missed without your leadership. I trust that I can count on your support for the vital role that CIESIN is playing, for all of us at the University of Maryland, and for the Third World.

Sincerely,

CYRIL PONNAMPERUMA,
President.

INTERNATIONAL COUNCIL OF
SCIENTIFIC UNIONS (ICSU),
September 20, 1993.

Hon. BARBARA A. MIKULSKI,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR MIKULSKI: It is my understanding that later today the Senate Appropriations Committee will be deciding on funding for the Consortium for International Earth Science Information Network (CIESIN).

I write as the Chair of the Scientific Committee that directs the International Geosphere-Biosphere Program, which, with the support of more than sixty nations, is addressing key gaps in our understanding of global change on the decade to century time scale. An important component of this effort involves the development of regional research networks that enhance opportunities for scientists from all nations to share in this research, and importantly provide the truly global context that decision makers in all countries will need in order to develop informed and prudent policy on a wide range of environmental issues. This global network is know as the Global Change System for Analysis, Research and Training (START), and since its inception by the IGBP sponsorship has been extended to include two other partners in the study of global change, the World Climate Research Program and the Human Dimension of Global Environmental Change.

CIESIN plays a crucial role in the development of START through its support of the START Secretariat in Washington, DC. The successes of START in developing regional priorities for global change research and in building bridges among regional partners are widely recognized in the scientific community, and are becoming increasingly well known in many governmental and intergovernmental organizations. These successes are a tribute to the wisdom of CIESIN in embracing START as an important part of its mission. Without this support the central coordinating function of START would be seriously handicapped.

I am certain that I speak for many of my scientific colleagues throughout the earth sciences community in the United States when I say that CIESIN's support for START is greatly enhancing our efforts to assemble the body of information that you and others will be seeking as we all strive to make the wisest possible decisions regarding global environmental change.

Yours sincerely,

JAMES J. MCCARTHY,
Chair and Professor.

INTERNATIONAL SOCIAL
SCIENCE COUNCIL,
September 17, 1993.

Hon. BARBARA A. MIKULSKI,
U.S. Senator from Maryland, U.S. Senate, Washington, DC.

DEAR SENATOR MIKULSKI: As President of the International Social Science Council, I am deeply grateful for the support that the Consortium for International Earth Science Information Network (CIESIN) has provided for the Human Dimensions of Global Environmental Change Programme (HDP). I am also deeply distressed that the funding for CIESIN, and thus CIESIN's capacity to serve the international global change research community, may be in jeopardy.

It is essential for the world-wide understanding of global environmental change that data about the human dimensions of global change be broadly available. We were delighted when we signed the Memorandum of Understanding with CIESIN under the terms of which CIESIN became HDP's Data and Information System (HDP/DIS). It would be a serious problem for international research on global change if CIESIN were unable to perform this function.

The discontinuance of CIESIN's support for the Global System for Analysis, Research and Training would also be an extremely serious blow, especially for scientists in the developing countries. Achieving a global consensus on the understanding of global change and on the policy choices that are available will be extremely difficult if scientific competence and knowledge are not spread throughout the world. The United States and CIESIN have played an important leadership role in efforts to achieve this goal.

I echo and support everything that Harold K. Jacobson, the Chair of HDP's Steering Committee said in his letter to you.

I urge you to take into account the vital role that CIESIN plays in international global charge research. The work that CIESIN does is crucial to developing knowledge about global change and disseminating it throughout the world.

Sincerely yours,

LUIS RAMALLO,
President.

HUMAN DIMENSIONS OF GLOBAL ENVIRONMENTAL CHANGE PROGRAMME
OF THE INTERNATIONAL SOCIAL
SCIENCE COUNCIL,
September 17, 1993.

Hon. BARBARA A. MIKULSKI,
U.S. Senator from Maryland, U.S. Senate, Washington, DC.

DEAR SENATOR MIKULSKI: I am writing to express my deep concern about continued funding for the Consortium for International Earth Science Information Network (CIESIN). I am the Jesse Siddal Reeves Professor of Political Science and the Director of the Center for Public Students at the University of Michigan. I am writing, however, in my capacity as the Chair of the Steering Committee of the Human Dimensions of Global Environmental Change Programme (HDP).

HDP was started by the International Social Science Council in 1990. Along with the World Climate Research Program (WCRP) and the International Geosphere-Biosphere Programme (IGBP), HDP is one of the three international research programs devoted to improving understanding of global environmental change. HDP focuses particularly on the human activities that contribute to global change and the consequences of global change for humankind. HDP has been developed in close cooperation with the United States Global Change Research Program. HDP's research priorities match those of the U.S. program. HDP's research will complement, amplify and strengthen that done under the auspices of the U.S. program.

The Consortium for International Earth Science Information Network has made a crucial contribution to the Human Dimensions of Global Environmental Change Programme. During 1991 and 1992, CIESIN sponsored HDP's data inventories and assessments. In January 1993, CIESIN and HDP signed a Memorandum of Understanding under the terms of which CIESIN became HDP's Data and Information System (HDP/DIS). Functioning as HDP/DIS, CIESIN will be the principal vehicle for making data about the human dimensions of global change to research workers throughout the world.

Our intention to sign the Memorandum of Understanding with CIESIN was announced at HDP's Second Scientific Symposium in Paris in December 1992. There was great enthusiasm for CIESIN becoming HDP/DIS, and research workers from all areas of the world expressed their deep appreciation. It would be a setback of major proportions if CIESIN were unable to function as HDP/DIS. The international research program would be severely hampered without the global access to data that CIESIN will provide.

Along with WCRP and IGBP, HDP is developing the Global System for Analysis, Research and Training (START). START has been designed to meet the widely acknowledged need to strengthen the capacity of individuals and institutions in developing countries to engage in global change research. CIESIN has provided vital support to START. Thanks to U.S. leadership and CIESIN's support, START has opened its international secretariat in Washington, D.C. and is making rapid progress in developing its program. If CIESIN were no longer able to support START, this crucial but fledgling effort would face serious difficulty and could well collapse.

If humankind is to deal with global environmental change effectively, the understanding of global change must be improved and the knowledge that is gained must be accepted as valid and legitimate throughout the world. HDP and START are vital to the process of improving knowledge about global change and insuring that this knowledge is available and accepted throughout the world. CIESIN has played an indispensible role in the development of HDP and START. CIESIN's continuation is vital to both programs.

I hope very much that you will take CIESIN's indispensible role in global change research into account as you consider the appropriation for CIESIN. Continued funding of CIESIN at at least the current level is essential.

Sincerely yours,
HAROLD K. JACOBSON,
Chair, HDP Steering Committee.

EUROPEAN CENTRE FOR
ENVIRONMENT AND HEALTH,
Bilthoven, February 11, 1993.

Dr. VINCENT J. ABREU,
Director, Data and Information Resources, CIESIN, University Center, United States of America.

DEAR VINCE, Further to our constructive discussion on Monday last, I would like to outline those areas and issues which could form the basis for informal discussions leading up to a formal memorandum of understanding between our organizations. The primary role until now of the Environment and Health Service of the WHO Regional Office for Europe has been in supporting country needs in achieving the goals of the Health For All Targets related to environmental health (Environmental Health Policy and Management Implementation, Accidents, Water and Waste Water, Food, Air, Occupation, Housing and Settlements) utilizing information at national level only. By contrast, the major use of information intended by the Bilthoven Division of the European Centre for Environment and Health is to produce a situation and trend analysis of the current state of Europe in terms of: a) the environment, b) public health and c) certain socio-economic infrastructure aspects. The Centre would like to shift the emphasis away from national issues, and focus the attention of the member states on subnational issues, hence our thrust is towards the collection of subnational data. Our particular interest is directed towards the countries of Central and Eastern Europe, especially the new member states of WHO, where we are aware there is a great interest and a potential infrastructure for such self-appraisal.

The overall approach is through the development of a programme of indicators. Since we are interested in showing spatial variations in environment, health and socio-economic status, we are in the process of collecting geocoded/georeferenced information which will be maintained in a relational database within a GIS environment (Arc Info/SPANS). Because of our limited capacity, we restrict our interest to a broad overview of the entire European Region (currently 44 member states including the Russian Federation, the Newly Independent States, and extending to Turkey and Israel) and have decided to limit resolution to that just above Communes (e.g. Oblasti, Department, etc.). There are 800 such "regios" in Europe, with an average population in each of 1,000,000. We intend to demonstrate to the member states that there are subnational regions with "unusual" values of the various indicators, but stress that our descriptive approach does in no way permit an analytical solution relating the various indicators: the message is then that each country must initiate local programmes which are appropriate to developing an understanding of the origins of these locally extreme situations.

We would be interested in developing joint programmes with CIESIN based on a model whereby we provide those datasets currently available or in the process of assembly, and whereby CIESIN acts as a broker, obtaining additional datasets which we need to complete our descriptive models, and distributing products which we can design jointly. For some of these products, e.g. spatial risk assessments, it will be necessary to obtain additional financial and technical resources, to which we hope we could look to CIESIN for assistance.

Our current database consists of the following:

The 162 statistical indicators of the Health For All Database of WHO/EURO: available for most countries as national annual averages from 1970, by 5-year age groups where appropriate (e.g. as incidence, cases, deaths, standardized disease or mortality rates), related to infectious and chronic disease, and defining lifestyle issues, environmental issues, appropriate care and infrastructure, and health development support;

Population density and demography, for 800 "regios" in the European Region, at a level of resolution above that of Communes (e.g. Oblasti, Departments, etc.) for most of the countries in Europe, for the years 1980–81 and 1990–91 and some additional years:

Deaths by cause, age strata and sex, for 25 diseases or groups of diseases, for the European member states, including NIS and the Russian Federation, for 1980–81 and 1990–91, corresponding to the subnational populations of the 800 "regios" (under preparation);

By the end of March 1993, we shall have the agreement of 16 member states and 12 IGO's and NGO's to help create a georeferenced database of a minimum core set of environment, health and socio-economic infrastructure indicators, with emphasis on "regio" resolution; it is our intention to use these data to prepare "state of"-maps for the Region, and, as a point of argument, that the participating countries develop national programmes at high resolution to deal with local issues of environment and health:

A set of digitalized map boundaries of the member states and their subnational regions.

It is our intention to produce a series of products which can be considered as "risk maps" covering the European Region at "regio" resolution, which will relate environmental or socio-economic infrastructure or health themes to populations. Our initial efforts are in overlayering concentrations of air pollutants with population densities, to arrive at population based exposure assessments, using "air quality guideline" exceedances as the measure of putative risk. We would also like to use this principle for a series of other thematic risk maps: radiation, water pollution, waste, waste disposal, energy production and use, noise, traffic and transportation effects, electric power distribution, health service delivery, etc.

We would like assistance in collecting georeferenced datasets (at "regio" or better resolution) concerning a number of issues: socio-economic infrastructure data, mortality and morbidity data, air quality and air pollution (background, episodes) data, water quality, noise, urban services, health care resources and health care delivery, quality of life, etc. for the preparation of the aforementioned risk, status or trend maps. The main effort is in establishing self-renewing data-resource networks, to replace our reliance on ad hoc collection methods used at present. Similarly, we would like to develop a generalized programme for quality assurance and control, involving feedback from data sources and peer review of the products. Toward this end we would see a joint effort necessary in defining as a medium term goal, a set of thematic risk assessments with appropriate spatial (and temporal) resolution, and in finding sufficient external funding for the resource development and application.

As an extension of this issue of quality assurance and control for environment and health data, one can point to a lack of centralized infrastructure for developing and collecting harmonized data sets across Europe. The two major issues are establishing the basis for estimation of population exposures (e.g. through concentration of pollutants in various media) and establishing the potential evidence for effects of exposures on public health. Occupational exposures and occupational health provide perhaps an important example where there is a potential for a well-documented assessment of the impact of chemicals on health. There is a good opportunity to try to create a network to provide harmonized data concerning occupational exposures to a set of the high-volume chemicals of interest to the outdoor environment and perhaps to issues of global change. Similarly, there is an opportunity for harmonizing the collection of comparable data for occupational accidents and disease, currently hampered by a wide range of definitions and criteria for reporting.

Please let me know which of the above areas you find of interest so that we can focus on issues of CIESIN contributions to our information needs, and development of joint products for eventual external funding, as well as the foundation for development of a MOU between the organizations.

Yours sincerely,
RICHARD M. STERN,
Manager, Environmental Health Information Systems.

UNITED NATIONS INSTITUTE
FOR TRAINING AND RESEARCH,
Geneva, December 14, 1992.

DEAR RIC: As you are well aware, the interim Climate Change Convention Secretariat (INC/FCCC) and the United Nations Institute for Training and Research (UNITAR) are currently in the process of establishing a training programme to promote the implementation of the United Nations Framework Convention on Climate Change (UNFCCC). The approval of the Intergovernmental Negotiating Committee at its Sixth Session in Geneva allows us to go a step further.

In the past months, UNITAR has held many discussions with CIESIN staff and associates about possible collaboration between our organizations on this project:

We envision that CIESIN could act as our primary source for resources and advice on international information and data systems;

We have explored the possibility of CIESIN creating a brief (ten-page) resource guide to assist the participants at our workshops with many of the obstacles in accessing and retrieving information. This could also be followed by country-specific guides for those involved in the pilot phase;

We have also speculated about the possibility of sending UNITAR trainers to Saginaw for short intervals for instruction on the various skills and technology that CIESIN offers.

We are enthusiastic about the mutual benefits that both organizations could gain from this partnership. At this stage in the development of the programme, we are specifically trying to identify those individuals and organizations interested in a long-term collaboration; the pilot phase of the programme is to span 18 months, but we envision a long-term activity that will both benefit from and build upon ongoing initiatives. I am trying to get an indication of who our partners could be in the pilot phase at least, by January of 1993. Could you kindly advise what CIESIN's interest and possible contribution could be (i.e. focal point or task group)? Based on your response we could then discuss in more concrete terms the specific projects and timetable.

Yours sincerely,

NASSRINE AZIMI,
Coordinator,
Environmental Training Programmes.

THE WORLD BANK,
Washington, DC, August 3, 1993.

MS. ROBERTA BALSTAD MILLER,
President, Consortium for International Earth Science Information Network, University Center, MI.

DEAR MS. MILLER, I am responding to your letter of June 21 which was sent at my request to my successor as Chief of the Bank's Socio-Economic Data Division, Boris Blazic-Metzner. I do so partly because it may be a month before he and other principals can send a formal response; and partly because chats with Vincent Abreu suggest that overlaps with my present assignment are stronger than I thought. Hence, this interim response is to indicate that signals are so far positive, about your proposal; and to express my thanks for the formal networking that your staff have begun.

The Bank certainly supports CIESIN's mission of facilitating access to, as well as use and understanding of, global change information worldwide. As you may know, we are now linked indirectly by Global Environment Facility funding of START, which you in turn support. I see joining your Information Cooperative as a natural next step given its efforts at involving developing countries in the Human Dimensions of Global Environmental Change Program of the International Social Science Council. The Cooperative also promises to help us learn more about how the Bank itself could use Internet.

For these reasons, I have asked my colleagues to consider offering you a no-cost license to disseminate the Bank's published socio-economic indicators. Before doing so, however, some technical discussions seem necessary. On the one hand, I think we must ensure that your dissemination procedures are at least as "user-friendly" as ours, in leading users to information of immediate interest and in alerting them to associated texts, particularly technical notes about the data. On the other, we need to demonstrate that Bank participation is indeed helping developing countries and is unlikely to provide for-profit users with cut-rate access to Bank data.

You will receive, under separate cover, a beta-test version of the CD-ROM we plan to release in the near future, tentatively named CD*STARS. A quick way to resolve issues of "user-friendliness" would be to agree that members of the Cooperative could access CD*STARS via CIESIN. The beta-test version should allow you to indicate whether this would be an acceptable start; and, if not, how you would recommend that we proceed to ensure that essentially the same information packets can be transmitted thru your network.

While the beta-test CD*STARS is more limited than the Andrex data system mentioned in your letter, the final one will contain the basic data for all published indicators. You will note that the CD-ROM includes a test version of our new software for text, TEXT.STARS. Assuming our practical concerns are resolved, we could make public domain texts available to you in this format. We may also explore the possibility of including much of our Andrex operating system (for report-generation, which composes the page-images or our statistical publications, and data-transformation, which produces growth rates, etc., given in publications). In following up on such systems-related issues, I recommend that Vincent Abreu contact Ms. Shaida, Badiee; Chief, Systems Division; Room S-9139; phone (202) 473-3830.

We share CIESIN's interest in archiving and disseminating data at the lowest reasonable cost to users, with as few access restrictions as possible. However, the Bank is at best a secondary disseminator of data of member governments; it can be argued that we are a tertiary source, when we pass along data obtained via other international agencies. Most of our data sources wish to encourage public access but there is not consensus about whether "reasonable" cost recover means marginal or average cost, whether some users should be subsidized, etc. We must proceed with due regard for their diverse concerns, to ensure the data-flow.

There is broad support for preferential access by official users, notable from developing countries; NGOs (nongovernmental organizations); and academics. So long as this is the main clientele accessing Bank information via CIESIN, we can justify according you similar preferences. However, we understand that for-profit concerns can participate; we would need more information on their actual usage. If it is negligible at present, we would only need your assurance that we would be advised should the situation change, and your understanding that we might then have to rethink the terms of our participation. In following up on these issues, I recommend that Vincent contact James Feather; Publisher; Room T8079; phone (202) 473-1956.

Apart from improving public access to Bank information, as discussed above, we appreciate your offer to help us access data from WHO, UNEP/GRID, the Agency for Toxic Substances and Disease Registry, etc. These are certainly of interest to us and I would welcome more details about databases that can be accessed, and how we might do so. Boris Blazic would be the best person to receive such documentation and to contact if substantive questions should arise about socio-economic indicators being provided by the Bank. On Internet-related issues, I recommend that Vincent contact Nicholas Carter; Chief, ITF Policy, Strategy & Evaluations Division; Room R7002; phone (202) 473-2118.

I expect to continue facilitating dialog between CIESIN and Bank staff. As progress is made on the preceding, I hope we can devise case-studies that demonstrate CIESIN's potential for meeting information needs of individual Bank borrowers. I think these will be quite rich if we can fold in progress on outreach efforts of mutual interest, like support for UNDP's Sustainable Development Network; systematizing subnational databases; and helping developing countries and Bank staff access the massive databases generated by remote sensing.

Sincerely Yours,

JOHN C. O'CONNOR,
Senior Adviser,
Environment Department.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, GODDARD SPACE FLIGHT CENTER,
Greenbelt, MD, August 31, 1993.

To: Dr. Roberta Balstad Miller, President, CIESIN.

From: Dr. Gerald Soffen, Director of University Programs GSFC.

I was very favorably impressed with the technical visit yesterday by scientists from your organization, who demonstrated the use and handling of socioeconomic data sets. Dr. Vince Salomonson, the Director of Earth Sciences and Dr. Robert Price the newly appointed Head of the Mission to Planet Earth Office were also there. I felt that all of our questions were answered, the interaction between GSFC and CIESIN has begun and the demonstration illustrated what you are trying to do.

I recall our first meeting at the GSFC Conference on July 29 when you, as one of the social scientists, actively entered into the dialog with both the social and physical scientists on this issue of the need to build the bridge between the two communities. It was rewarding to discover several of GSFC scientists acknowledging the need for this bridge.

When I was the EOS Project Scientist early in the Program, I began to realize that the Social sciences will be a very important segment of the users of NASA satellite data in the years to come. Most NASA scientists have little professional involvement with social scientists and those interdisciplinary investigators using socioeconomic data, most of our data is used by people trained like ourselves. As a biologist with some of my training in the biomedical area, I realize the need to develop these relationships. Most physical scientists are not even comfortable with ecologists let alone demographers or economists. But, I believe in the coming decade, the changing Earth responding to an increase in population and advancing technology will put demands on people who have the breadth of knowledge to be comfortable in both camps. GSFC and CIESIN working together can help close this gap.

I want to thank you for helping to stimulate the interaction between CIESIN and GSFC, and look forward to the developing relationship. I am particularly interested in that aspect of your charter that deals with the Third World and also with Education.

DEPARTMENT OF STATE, UNITED
STATES MAN AND THE BIOSPHERE
PROGRAM,
Washington, DC, May 25, 1993.

Dr. HASSAN VIRJI,
Director, International Operations, Consortium for International Earth Science Information Network, CIESEN, Washington, DC.

DEAR DR. VIRJI: On behalf of the Man and the Biosphere (MAB) Programs of the thirty two (32) nations which collaborate through the EuroMAB program, I am most grateful to the Consortium for International Earth Science Information Network (CIESIN) for taking this international leadership position by agreeing to be the key distributing organization for diskettes containing the directory ACCESS.

As ACCESS will direct scientists and policy makers to the environmental data bases available on 175 scientific research sites in the 32 countries. EuroMAB felt that it was essential to share this information on the widest possible basis. At a number of EuroMAB meetings discussions centered on the problem of finding a credible organization which could undertake this task of making this directory available in a diskette format—and also have the capability to maintain the up dated versions and also be able to share it through various electronic media/networks etc. The other international organizations we surveyed simply did not have the same institutional capabilities as CIESIN. Consequently all in EuroMAB are all delighted at CIESIN would not only agree to serve this essential task, but have the demonstrated institutional capabilities to actually serve as a distributional organization and network.

I expect that, as the world's scientific community increasingly seeks empirical evidence and data to measure and monitoring the global status of climate change, biological diversity ad sustainability of ecosystems, CIESIN will be increasingly called upon to provide access to the data at biosphere reserves through MAB and through other international scientific networks.

Again thanks very much for taking the leadership on this and through CIESIN's institutional capabilities, helping to share access to this important scientific data and information.

With every best wish, on behalf of EuroMAB, I am,

Sincerely,

ROGER E. SOLES,
Executive Director, U.S. MAB.

UNIVERSITY OF CALIFORNIA, BERKELEY,
Berkeley, CA, September 14, 1993.

Senator DIANNE FEINSTEIN,
331 Hart S.O.B., Washington, DC.

DEAR SENATOR FEINSTEIN, In my capacity as Project Director for the "Presidio Consortium on Global Change" (see attached materials), I feel compelled to provide you with some important information in your capacity as a member of the Committee on Appropriations. I understand that funding for the Consortium for International Earth Science Information Network (CIESIN) is now before the Committee. Let me state quite clearly that CIESIN forms a critical part of the planning for the Presidio Consortium and its future. The thirteen world-class Bay Area institutions that have decided to pool their global environmental change teaching and research resources through a facility to be based at the Presidio of San Francisco are generally concerned about improving efficiency and performance. Our ability to bring specialists together in unprecedented ways to advance our knowledge of the scientific and human dimensions of global change must occur at two levels. The Presidio allows us to meet the first objective by bringing our own specialists together. CIESIN is of fundamental importance because it represents the only avenue for our members to interface with the growing human dimensions research community. The value added by the Presidio Consortium will be reduced significantly if we fail to form strong communications linkages with other leading research groups.

As you are no doubt aware, CIESIN adds tremendous value at limited cost by providing two indispensible services. It not only acts as a network to add value by allowing important new collaborations but, more importantly, it will translate the enormous amount of scientific data being produced by NASA and other members of the U.S. Global Change Research Program (USGCRP) into a format that allows the social science community to make critical contributions to our responses to the human dimensions of global change. I urge you to continue supporting CIESIN at a level that will allow the U.S. global change community to make the scientific contributions necessary for our nation to make sound judgments about the difficult strategies to combat global environmental change.

Most respectfully,

MICHAEL R. MOLITOR, Ph.D.

Ms. MIKULSKI. Mr. President, all three amendments have been cleared. The bill remains within those 602(b) allocations, and I urge their adoption.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

So the amendments (Nos. 922, 923, and 924) were agreed to.

Ms. MIKULSKI. Mr. President, I understand that there is one remaining committee amendment; is that correct?

The PRESIDING OFFICER. The Senator from Maryland is correct.

COMMITTEE AMENDMENT ON PAGE 69, LINE 17 THROUGH PAGE 71, LINE 4

The PRESIDING OFFICER. The question is agreeing on the committee amendment on page 69, line 17 through page 71, line 4, as amended.

The committee amendment, as amended, was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Ms. MIKULSKI. Mr. President, I know of no further amendments, but as we move to the concluding moments of this debate, I ask unanimous consent that Martin Gensler, a congressional fellow, be granted privilege of the floor for the consideration of the last 30 seconds of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I have spoken on the floor many times about the difficult economic situation which timber communities in Washington State are facing as a result of timber set asides and short supply. Today, I would like to educate the Senate on another hit which the timber community of Port Angeles and Cosmopolis, WA, are anticipating because of a proposed rulemaking by the Environmental Protection Agency which is currently pending review at the Office of Management and Budget.

The proposed EPA rulemaking would dramatically impact timber communities in my State. EPA is in the process of issuing effluent guidelines for the pulp and paper industry. Within these guidelines is a subcategory for dissolving sulfite pulp mills. And within this subcategory, EPA has proposed, I am told, totally chlorine free technology. This technology is being used in an Austrian mill which makes a product entirely different from that which is produced by United States dissolving sulfite mills. This Austrian mill is producing a low-end grade of rayon, while in contrast, domestic dissolving sulfite mills produce a high-grade product which cannot be produced without chlorine. Herein lies the problem.

Essentially, EPA is comparing apples to oranges. And the current EPA proposal, I am told, would result in the closing of U.S. dissolving sulfite mills because current technology would not be acceptable.

Mr. President, I see the Senators from Georgia on the floor and know that both share an interest in this issue. Would they care to add to this discussion?

Mr. COVERDELL. The Senator from Washington is not alone in his frustration with the proposed EPA rulemaking on dissolving sulfite mills. An ITT mill in Jesup, GA, faces the same plight of the Washington mills. I would like to echo the concerns which have been raised by the Senator and pledge to work with him on a speedy resolution to this issue.

Mr. GORTON. I would be happy to work with the junior Senator from Georgia.

As the Senator is undoubtedly aware, many have argued that dissolving sulfite mills should not worry about the EPA proposed rulemaking, because, after all, it is only a proposal. But because the proposal, as it currently stands, does not mention any alternative to totally chlorine free technology for dissolving sulfite pulp mills, EPA cannot consider any such alternative to TCF in its final rule.

This is disturbing for me to consider because I have a great many friends in Port Angeles and Cosmopolis who work in the dissolving pulp mill there. I would hate to see the implementation of a rulemaking on technology which cannot be implemented because it is too costly, and because it will not enable the mill to produce its same end product if imposed upon dissolving sulfite mills throughout the United States. I am told that should this rulemaking come to be, that the Port Angeles mill and its 400 employees would no longer be employed, because this mill would shut down. Further the Weyerhaeuser mill in Cosmopolis would also be impacted.

Ms. MIKULSKI. I wonder if the Senator from Washington would yield to the Senator from Maryland?

Mr. GORTON. The Senator would be happy to yield.

Ms. MIKULSKI. I have listened to the Senators outline this problem and would be happy to try to assist the Senators on this issue.

Mr. NUNN. As the chairwoman of the VA-HUD Subcommittee, would the Senator from Maryland consider assisting the Senators from Washington and from Georgia in soliciting information from EPA on the economic feasibility of the implementation of the TCF technology which is proposed within the rulemaking we have discussed here today. Could the Senator from Maryland assist us in this effort?

Ms. MIKULSKI. The Senator from Maryland would be happy to assist the Senators in this effort.

Mr. NUNN. Mr. President, I share the concerns raised by the senior Senator from Washington and the junior Senator from Georgia. I am hopeful that officials within the Office of Management and Budget and the Environmental Protection Agency will consider the issues discussed today as they review this proposed EPA rulemaking. I also hope they keep in mind comments President Clinton and Vice President GORE have made regarding environmental policy. They believe, as I do, that you can have environmental policies that are both proenvironment projobs and probusiness. These do not have to be mutually exclusive. I am hopeful that OMB and EPA will reach a conclusion on this matter that will take the necessary steps to preserve our environment while considering the economic feasibility of the proposed rulemaking on the timber industry.

Mr. GORTON. If the Senator would yield, I would like to recommend four specific questions for EPA to answer—specifically: First, is the best available technology which is proposed for our dissolving sulfite mills economically achievable? Second, if this technology were implemented would our dissolving sulfite mills be able to produce the same, identical high grade end product which they currently produce? Third, how much would it cost the basic dissolving sulfite mill to implement this technology—using generic or general cost estimates? Fourth, has EPA taken economic factors into consideration in the development of this proposed rulemaking? Specifically, has EPA considered the devastating effects which the possible closure of a dissolving sulfite mill would have upon the local economy of Port Angeles and Cosmopolis, WA, or Jesup, GA?

Ms. MIKULSKI. The Senator has proposed some questions which merit serious consideration by the Agency. I would recommend that the EPA furnish the committee with a report with their findings on the questions outlined by the Senator from Washington no later than October 6, 1993.

Mr. GORTON. The chairwoman, as is her custom, has been most helpful and I sincerely appreciate her efforts on this issue.

Mr. COVERDELL. I, too, would like to thank the Senator from Maryland for her gracious consideration of our request.

Mr. NUNN. I thank the Senator from Maryland for her assistance in this matter.

MANDATED SET-ASIDE GOALS

Mr. BOND. Mr. President, I am concerned about a problem that has arisen at NASA. Last year, NASA, in a well-intentioned effort to meet its mandated small business set-aside goal, designated the operating contract at the Lewis Research Center as an 8(a) set-aside. That operating contract was valued at several hundred million dollars and represented more than 500 jobs. There are now indications that NASA is considering setting aside the operating contract at the Marshall Space Center, as well, and that other centers might follows.

I understand the goal behind setting aside the operating contract at Lewis—NASA was simply trying to meet its small business mandates more quickly. I am concerned, however, that using these large operating contracts as a way of quickly fulfilling small business contracting mandates will have unintended consequences.

First of all, any small business winning an operating contract like the one at Lewis will not be small for long. It is simply too big a job, involving more than 500 people, and the winner of that contract is going to become a big business instantly.

Second, using the operating contracts as the major means of expanding small and disadvantaged business contracting is likely to have an inordinate impact on a very small number of businesses. For example, the operating contract at Lewis was held by the Sverdrup Corp. Sverdrup also holds the operating contract at Marshall and at other space centers. Relying solely on operating contracts to meet small business contracting mandates would nearly drive Sverdrup out of the space business. I understand that is the case, as well, for a few other similarly situated firms.

Third, I am concerned that using the operating contracts as the major means of meeting the mandates will have a negative impact on many small and disadvantaged businesses. Looking at the Marshall Space Center, for example, one sees that Sverdrup has committed approximately 30 percent of its prime contract to small and disadvantaged businesses, and is actively pursuing mentoring programs. The firms that are participating in these contracts would lose out if the contract at Marshall is set aside.

Mr. President, I certainly share the goal of seeing more Government work go to small and disadvantaged businesses. As a senior member of the Small Business Committee, I am acutely aware of the importance of the Small Business Committee, I am acutely aware of the importance of working to ensure more participation of small firms. However, I believe it is important that it be done in a way that not harm NASA's existing contractor support network, an irreplaceable asset.

I believe NASA should develop a plan—a systematic approach to achieving the mandated small business utilization goal, and it directs NASA to consult with us as it works to achieve that goal, and specifically, to consult with us regarding contracts for scientific, engineering, technical, administrative, and related services contracts at NASA's various centers. The current system simply is not working. We have contractors spending huge sums of money to bid on contracts only to find out at the last minute that they are no longer qualified bidders because the contract has been set aside. That just doesn't make sense.

I believe it not only makes sense, but also fits in well with the committee's statement that in downsizing NASA's existing support contractor base, there should be a spirit of shared sacrifice.

Ms. MIKULSKI. I share the concern of my colleague from Missouri that NASA needs to develop a comprehensive plan for achieving its mandated small and disadvantaged business utilization goals. The current system simply is not working, with the result that we are seeing many problems like the one cited here by Senator BOND.

Despite my sympathy for his views, however, I will have to oppose an amendment because it would represent legislation on an appropriations bill.

Let me say, however, that I am willing to work with him to address his concerns on this issue. I strongly support NASA's efforts to meet its small and disadvantaged business utilization mandates, but I think we need to ensure that those goals are being met in a way that does not harm existing NASA contractors, large or small. So I will work with the Senator to ensure that NASA addresses the concerns he has raised; and, specifically, that they work to enact a responsible utilization plan using input from NASA's Minority Business Resource Advisory Committee and affected contractors like Sverdrup, and that they consult with our subcommittee in developing that plan. In addition, I will express my concern to NASA that any continuing plans to set aside the operating contracts for the various centers, such as Lewis and Marshall, may not be in NASA's best interest, and ask that they consult with the subcommittee before going forward with further set-asides.

Mr. BOND. I thank the chairwoman for her expression of support for this issue and I look forward to working with her to address the concerns I have raised. With the assurances that have been given to me by the Senator, I ask unanimous consent to withdraw my amendment.

NATIONAL ENVIRONMENTAL WASTE TECHNOLOGY TESTING AND EVALUATION CENTER

Mr. BAUCUS. I would like to thank the Chair and express my appreciation for this bill and the hard work which it represents, and I would like to bring the Chair's attention to the National Environmental Waste Technology Testing and Evaluation Center [NEWTTEC] and its Mine Waste Technology Pilot Program [MWTPP].

The Mine Waste Pilot Program is a critical and exciting initiative within the Environmental Protection Agency to develop and provide on-site testing of technologies that will either prevent future releases of mine wastes or remediate existing sites. Although this program is less than 1 year from inception, it is quickly gaining enthusiastic support from EPA, the Department of Energy, the technical community, national laboratories, environmental groups, State regulators, and the public at large.

The Mine Waste Pilot Program has received funding from EPA in previous years, and it is my understanding that funding was not included in fiscal year 1994 because the initiative has not been authorized.

Ms. MIKULSKI. Senator BAUCUS is correct. The committee has taken great steps to fund only those programs that have been previously authorized, and the Mine Waste Pilot Program, regardless of its achievements, has not been previously authorized.

Mr. BAUCUS. The Chair is aware that the Environment and Public Works Committee is currently working on legislation, the National Environmental Technology Act, that addresses just this type of environmental technology development. I want to clarify with the Chair that the exclusion of NEWTTEC's Mine Waste Pilot Program in the VA/HUD and independent agencies bill is not a reflection of the committee's view of their efforts.

Ms. MIKULSKI. The committee is aware of the progress being made with the Mine Waste Pilot Program and the lack of funding in this bill is in no way a reflection of the program's merit. On the contrary, we are well aware of this program and look forward to working with the Senator from Montana to forward our shared objectives of addressing the remediation of mine waste throughout the country.

Mr. BAUCUS. I thank the Chair. NEWTTEC and the Mine Waste Pilot Program have demonstrated good innovation and solid technical support. We appreciate the support of the Chair and the Committee.

THE TUNNEL AND RESERVOIR SYSTEM

Ms. MOSELEY-BRAUN. Mr. President, as we consider the fiscal year 1994 VA, HUD, and independent agencies appropriations bill, I would like to call the attention of my colleagues to a unique flooding problem that plagues the city of Chicago and its surrounding suburbs, and to ask that $25 million be provided to complete 9 miles of a flood control tunnel that is critical to solving this problem.

In early June of this year, approximately 45 billion gallons of rain fell in Chicago over a 2-day period. The subsequent flooding from this massive thunderstorm resulted in nearly one billion dollars' worth of damage to Cook and Du Page Counties, the death of three people, and disruptions of Interstate 55, and the Dan Ryan and Stevenson expressways. Rainwater and raw sewage backed up into the basements of nearly 500,000 homes, creating serious public health problems. These type of flooding emergencies will continue to plague the city of Chicago until an integral system of tunnels and reservoirs are brought fully on line. This system is known as the tunnel and reservoir plan [TARP], an initiative of the metropolitan water district of Greater Chicago.

TARP is a network of underground tunnels and reservoirs designed as an outlet for sewage and floodwaters during large thunderstorms. For almost two decades, the TARP system has slowly grown, gradually improving flood prevention system in Chicago. Without TARP, local sewage and rainwater drainage would have nowhere to go when large storms hit the area.

Already, TARP has greatly reduced polluted backflows into Lake Michigan, and to the amazement of many, has markedly improved the water quality of the Chicago River, a feat thought to be impossible a decade ago. Although TARP is largely complete, funds are still needed to finish the system. The urgency of bringing this system online was exemplified during the recent Chicago floods, when TARP tunnels held nearly 1.5 billion gallons of the total rainfall before quickly filling to capacity.

Chicago desperately needs additional capacity to stop this flooding. Without TARP, Chicago will continue to experience serious economic and health hazards from flooding.

Therefore, during conference consideration of the fiscal year 1994 VA, HUD, and independent agencies appropriations bill, I ask the distinguished Senator from Maryland to include $25 million to complete the final 9 miles of the Des Plaines system tunnel.

Ms. MIKULSKI. I thank the Senator from Illinois for her comments regarding the Des Plaines system tunnel. Regrettably, the EPA has advised me that there is no specific authorization for appropriations for this request. As you know, I made an agreement with my House counterpart, Chairman LOU STOKES, not to fund unauthorized programs. Given the pending consideration of the Clean Water Act this year, I urge the Senator from Illinois to obtain the necessary authorization through the Environment and Public Works Committee. Once this project is authorized, I can assure my distinguished colleague that I will give high priority to reprogramming fiscal year 1994 funds for her request.

HOPE VI

Mr. SIMON. Mr. President, I want to thank the chair of the VA/HUD Appropriations Subcommittee. The committee's recommendation of $803,240,000 for grants for the revitalization of severely distressed public housing is to be commended.

This is $503,240,000 above the 1993 level. This program HOPE VI, greatly needs increased funding to revitalize severely distressed public housing developments in a number of cities. In Chicago, it will affect the Cabrini-Green project, which, as you know, desperately needs help in improving conditions for residents of the project and for the economic development of the community.

A request for HUD funding under the HOPE VI program for fiscal year 1993 for the Cabrini-Green project was rejected. I know the Senator from Maryland has had a similar situation in Baltimore. This grant recommendation is encouraging to Chicago and Baltimore, and to a number of other cities across the country, and we are grateful for the committee's action.

Ms. MIKULSKI. Mr. President, I want to thank the senior Senator from Illinois. There is a compelling need for increased funding for this program. The committee's initial allocation of $300,000,000 provided in 1993 has received great response from cities around the country. We are pleased to recommend the increased appropriation for this very worthwhile program—for Chicago, for Baltimore, and for many other cities.

INDIAN HOUSING

Mr. DASCHLE. Mr. President, I would like to engage the distinguished chair of the VA/HUD Appropriations Subcommittee, Senator MIKULSKI, in a colloquy on a matter related to Indian housing. As the Senator is aware, I have for a number of years supported efforts to address the serious shortage of housing on our Nation's Indian reservations, and I commend the chair for this year's level of funding at $268 million, which will provide an estimated

2,838 Indian housing units. Her support for this program over the years has been instrumental in the effort to address this serious problem.

On a related matter, I would urge the chair to review closely in conference and support funding for an Indian Housing Loan Guarantee Program included in the House bill.

This program provides a 100 percent Federal guarantee on loans, made through private lenders to Indian families, for the purchase, rehabilitation or construction of a home on Indian trust lands. The trust status of tribal land has made lenders unwilling to make loans for homes on that land. This program addresses lenders' concerns by providing them with a 100 percent guarantee on their loans, and keeps the trust status of the land intact by providing that the Federal Government will only liquidate foreclosed properties by selling them to a member of the tribe, the tribe itself, or the Indian housing authority where the tribal land is located.

The House-passed version of the VA/HUD/Independent Agencies appropriations bill includes $2 million to capitalize the program. Secretary Cisneros has expressed support for the program and has indicated that a $2 million appropriation will allow $50 million in loan guarantees to be made.

This program has been authorized through fiscal year 1994. If we do not fund it this year, the program will likely die. I urge the chair and the Senate conferees to support this House-passed provision in conference.

Ms. MIKULSKI. Mr. President, I can assure the Senator from South Dakota that the Indian Housing Loan Guarantee Program will get every possible consideration in conference.

THE BERKELEY PIT

Mr. BURNS. Mr. President, as Chairman MIKULSKI knows, the Berkeley Pit in Butte, MT, is our Nation's largest Superfund site. This old copper mine which is an open pit with hundreds of miles of tunnels underneath, is filling up with water at a rate of 9 million gallons a day. This water is contaminated with dangerous mine wastes, such as arsenic.

However, the Berkeley Pit is not only a Montana problem. Butte is a part of the area which serves as the headwaters of the Columbia River system. If the polluted water rises above the pit this problem won't stay in Montana, the polluted water will flow all the way down the Columbia to Portland, OR.

The cleanup of this site has been a long process for the community of Butte. Montanans have not received a dollars' worth of cleanup for every dollar spent. The EPA continues to study this site; instead, I urge the Environmental Protection Agency to move quickly in the cleanup of the Berkeley Pit.

I would like for EPA Administrator Browner to come to Butte and tour the Berkeley Pit herself. Action on this site is needed now. The longer we wait for cleanup, the larger the threat to the Columbia River system becomes.

Ms. MIKULSKI. My colleague from Montana, Senator BURNS, is correct. The cleanup of the Berkeley Pit is long overdue. I would encourage Administrator Browner to go to Butte, MT, and see this site for herself. I did so and found it to be an appalling situation.

THUNDER CHILD TREATMENT CENTER

Mr. BAUCUS. Mr. President, I would like to thank the Chair, and I would like to bring to the Chair's attention the critical needs of the Thunder Child Treatment Center in Sheridan, WY.

The Thunder Child Treatment Center is owned and operated by a Wyoming-based nonprofit corporation, the Intertribal Addictions Recovery Organization, Inc. The center provides critically needed residential substance abuse treatment to Native Americans residing in Wyoming and Montana. My colleague from Montana, Senator BURNS, and our colleague from Wyoming, Senator SIMPSON, have been working with me on an effort to secure a final $1 million in funding for this important center.

Ms. MIKULSKI. The committee has been made aware of the needs of the Thunder Child Center in Wyoming. However, it is my understanding that this project is not authorized under the jurisdiction of the VA-HUD-independent agencies bill.

Mr. SIMPSON. The Chair is correct; however, Thunder Child was authorized to receive $2 million in Federal matching funds under the Indian Health Service Amendments of 1992. The Chair generously assisted with funding the Center at $1 million last year. That was accomplished by a special purpose grant within the jurisdiction of the VA-HUD Appropriations Subcommittee. We understand that this type of special purpose grant may not be available this year because of tight budget constraints, but we ask the Chair's help in identifying a funding source.

Ms. MIKULSKI. The committee is aware of the funding history and needs of the center, and although I think we have a difficult fight ahead, I pledge to do all I can to assist the Senators from Montana and Wyoming to identify a funding source for the $1 million balance required for Thunder Child. Further, I offer my personal assistance in obtaining these funds by writing to Secretary Cisneros about the merits of the Thunder Child Treatment Center in regard to the special purpose grants within the Community Development Block Grant Program.

Mr. BURNS. As the Chair knows, there is need for funding of substance abuse centers for native Americans in our region. I raised this issue during the subcommittee markup. The Chair should know that the Thunder Child Treatment Center has an astounding 95-percent completion rate compared to 37-percent completion rate found at nonnative specific centers.

While the center is in Wyoming, the State of Montana has a great interest in the facility since the seven tribes within the State depend on the Thunder Child Center. This facility has provided native Americans from Montana with assistance to overcome dependencies. The center has a critical need for an additional $1 million to complete construction.

As Senators who represent constituents served by the center, we believe it merits funding pursuant to the language included in the Indian Health Service Amendments of 1992, Public Law 102-573. Thunder Child provides an invaluable service to native Americans in this region. Providing this final round of funding will ensure that necessary service delivery is not interrupted.

Mr. BAUCUS. We appreciate the support of the Chair and the committee.

SOUTH VALLEY WASTEWATER TREATMENT NEEDS

Mr. BINGAMAN. Mr. President, I am extremely concerned about the wastewater treatment problems of the South Valley in Bernalillo County, NM, a small, unincorporated community along the Rio Grande. This is a community which I brought to the attention of Congress on August 4, 1993, when I testified before the Senate Environment and Public Works Committee on serious wastewater treatment needs.

It is a semirural community of 4,100 households experiencing recent growth. Original homes were constructed with onsite water wells and septic tanks. However, increasing density, a combination of soil characteristics, and a very shallow water table now makes this area susceptible to groundwater contamination, thereby contaminating the drinking water. In the past, the Governor has had to call in the National Guard to provide clean drinking water when problems existed within the area.

South Valley lacks the tax base and governmental structure for funding the needed infrastructure improvements. It faces high system costs per household because of its relatively small population, a high percentage of residents with lower incomes, and lack of access to existing Federal rural water grants due to its size. The State of New Mexico recognizes the plight of this community and is already contributing to finding solutions to the problem. However, State and local funds cannot meet all needs. I believe that the Clean Water Act should be amended to include a grant program to help the South Valley and similar communities.

I appreciate the subcommittee's intent not to fund any site specific projects in the bill unless they are specifically authorized by law. However, because of the serious nature of this situation, I ask, if the Chair agrees, that the authorizing committees should give serious consideration to communities such as the South Valley, so that EPA or HUD may ultimately allocate funds to them?

Ms. MIKULSKI. I agree.

Mr. BINGAMAN. Mr. President, there is a continuing problem in hundreds of communities with inadequate wastewater treatment. These are communities where documented health and environmental problems exist, but the inhabitants lack the resources to provide this most basic of services.

Some of the most serious problems exist in communities known as colonias. These are generally unincorporated communities which have sprung up along the United States-Mexico border adjacent to towns and cities. They are characterized by substandard housing, inadequate roads and drainage, and inadequate infrastructure, if any exists at all. In many of these colonias, drinking water is obtained by hauling it from buckets from a neighbor's house or running a garden hose from one house to the next. There is great concern about basic health threats such as cholera, dysentery, and gastrointestinal illnesses from untreated or poorly treated wastes.

The Environmental Protection Agency agrees with the need to help the colonias and asked that Congress appropriate funds to EPA to help construct needed infrastructure. During a meeting that I recently held dealing with environmental problems of the Rio Grande and the border area, EPA Administrator Carol Browner reiterated her concern over the colonias and the need to help them find adequate wastewater treatment.

I understand that the committee has directed that only authorized projects are to be funded. The committee included $500 million for wastewater grants in special needs areas, contingent upon authorization. Does the distinguished Senator from Maryland agree that EPA should provide funding for the colonias through its wastewater treatment grants program, once authorized and approved by the Appropriations Committee?

Ms. MIKULSKI. I agree.

Mr. DOMENICI. Mr. President, the Senate is now considering H.R. 2491, the VA-HUD Independent Agencies Appropriations bill for fiscal year 1994.

One of the major agencies funded in the bill is the Environmental Protection Agency [EPA] for which the Appropriations Committee had provided $6.7 billion for fiscal year 1994.

As part of its recommendation for EPA, the Senate subcommittee has set-aside $500 million within EPA's water infrastructure/State revolving fund program to be available after May 31, 1994, for grants to cities with special needs.

There are three very important projects in my home State of New Mexico, which I hope will receive some of this funding, which has also been approved by the House. These projects are the South Valley project in Bernalillo County, colonias along the Southwest border, and infrastructure requirements at the Dona Ana County Airport in southern New Mexico.

SOUTH VALLEY

Mr. President, for more than 60 years, the residents of the South Valley, an unincorporated area of Bernalillo County adjacent to Albuquerque, have been threatened by groundwater contamination resulting from septic tank usage.

This year, I requested $3.5 million to continue the planning, design, and construction of facilities to clean up this serious problem. The South Valley project will demonstrate the use of a variety of technologies to remedy groundwater contamination and project public health.

Substantial State and local funds are already being employed to address these problems. I sought a federal contribution of $3.5 million so that the most severely polluted area could be addressed this year.

The South Valley in New Mexico is a community with special needs. I will be seeking authorization for assistance to the South Valley during the process to reauthorize the Clean Water Act. I hope my colleagues will lend their support to this extremely important project.

COLONIAS

Mr. President, our border with Mexico is under intense pressure from the rapidly expanding relationship with our southern neighbor. The tripling of trade with Mexico has placed significant demands on border infrastructure.

Whether a North American Free-Trade Agreement [NAFTA] passes or not, this trend is going to continue for the foreseeable future, placing serious burdens on some of the poorest communities in our Nation.

I am very concerned about the plight of Americans now living in these colonias along the border. These unincorporated settlements generally have only the most rudimentary sanitary facilities, creating substantial health hazards for their residents and environmental hazards to more adequately served communities downstream.

Last year, I introduced an amendment during the Appropriations Committee markup of this bill to provide $10 million requested by the administration to assist Colonias in New Mexico address these serious problems. That funding was signed into law and is having a significant impact on some of these communities.

I was extremely pleased to see the administration request an additional $10 million for New Mexico in this year's EPA budget. However, as my colleagues may recall, these funds were stricken from the House version of the bill with the argument that this activity was not specifically authorized.

Funding for the Colonias along the Southwest border may now become available through the $500 million set-aside for communities with special needs.

Mr. President, these Colonias desperately need help. I have introduced legislation to authorize assistance to Colonias. I will press for the enactment of that bill, and for the full funding of the $10 million proposed for New Mexico Colonias.

DONA ANA COUNTY

Mr. President, there is yet a third serious water and waste water situation in New Mexico. Lack of available services in southern Dona Ana County presents a major obstacle to development in the region along the southwestern border, which is also experiencing increased commerce.

Indeed, the increase of migratory populations has put an even greater strain on the already limited infrastructure in place.

Engineering assessments of the area point out that the situation is so critical that not only is there insufficient service for economic growth, there are inadequate utilities to meet fire flow standards to meet insurance service organization standards.

In order to break this cycle of inadequate resources to support development, I will also seek congressional authorization for $4.7 million to support the establishment of water and waste water facilities in the area adjacent to the Dona Ana County Airport.

As with the South Valley project and the Colonias, this area has special needs that are not being met by existing programs. I will seek authorization for these priority projects at every step of the legislative process, and I will prevail upon my appropriations colleagues to fund these important wastewater treatment initiatives out of the $500 million in this bill for communities with special needs.

I thank the distinguished subcommittee chairman and ranking member for their concern and assistance on these important matters.

DRIED HOPS

Mr. HATFIELD Mr. President, I wish to inquire of the distinguished chair of the VA-HUD Subcommittee about a provision in the fiscal year 1994 VA-HUD appropriations bill relating to EPA's classification of dried hops under the Federal Food, Drug and Cosmetic Act. This is an issue that a number of committee members have pursued for some time. The Senator from Maryland has shown great leadership in bringing this issue before the subcommittee and raising it with EPA.

Could the Senator from Maryland clarify the Appropriations Committee's expectation with respect to the hops provision included in the bill?

Ms. MIKULSKI. It is the expectation of the committee that EPA will proceed expeditiously to properly classify dried hops as a raw agricultural commodity under the Federal Food, Drug and Cosmetic Act.

Mr. HATFIELD. To inquire further, is it committee's expectation that EPA should proceed to accomplish this classification of dried hops using its administrative authority or is EPA required to accomplish this result through a notice and comment rulemaking pursuant to the Administrative Procedures Act?

Ms. MIKULSKI. It is the belief of the committee that EPA possesses the administrative authority to classify dried hops as a raw agricultural commodity under the Food, Drug and Cosmetic Act. Further, the committee expects that EPA will proceed in this fashion, and not under an APA notice and comment rulemaking.

Mr. HATFIELD. I thank the Senator from Maryland for her characteristic graciousness in resolving this issue that has been a source of great frustration for hop growers and purchasers. I am greatly reassured by the words of the Senator from Maryland and look forward to the resolution of this issue.

HOP GROWERS

Mr. GORTON. Mr. President, I would like to thank the Senator from Maryland for working with this Senator, and Senators HATFIELD, BOND, and MURRAY on an issue which is extremely important to hop growers in Washington and Oregon. As the Senator from Maryland is well aware, hop growers have been working hard for the past 8 years to have their commodity reclassified from a processed agricultural commodity to a raw agricultural commodity.

After 8 years of frustrating results with an administration of my own party, the language included within the fiscal year 1994 VA-HUD and independent agencies appropriations bill will effectively end the frustration of hop growers on this issue.

As the Senator from Maryland knows, on this issue, hop growers have both science and the facts on their side. Hops, whether fresh or dried, are not a food and do not represent a public health threat. In addition, dried hops, which are used exclusively as a flavoring agent in the preparation of beer, undergo a process in the preparation of beer that effectively eliminates any threat pesticides may represent in human consumption.

The Senator from Maryland has been extremely helpful in bringing to the attention of the EPA the seriousness of this issue for hop growers. Would the Senator agree that the language included within the fiscal year 1994 VA-HUD appropriations bill serves to direct the EPA to use its administrative authority to reclassify hops from a processed agricultural commodity to that of a raw agricultural commodity?

Ms. MIKULSKI. The Senator is correct. The intended outcome of the language which was included within the fiscal year 1994 VA-HUD appropriation bill which states: "None of the funds provided for in this act may be used within the Environmental Protection Agency during any period of fiscal year 1994 to classify or conduct any activities resulting from the classification of hops as a processed commodity for the purposes of administering regulations pursuant to the FFDCA and FIFRA," is for EPA to use its administrative authority to reclassify hops as a raw agricultural commodity.

Mr. GORTON. I would like to thank the Senator from Maryland for her assistance in this matter and clarifying the intent of the language which was included within the fiscal year 1994 VA-HUD appropriations bill.

AIR QUALITY STUDY FUNDING

Mr. GORTON. Mr. President, would the Senator from Maryland yield for a question?

Ms. MIKULSKI. The Senator would be happy to yield.

Mr. GORTON. Included within the EPA portion of the Senate VA-HUD appropriations report is $2 million in funding for air quality studies authorized under section 103 of the Clean Air Act.

As you may know, PM-10—particulate matter—is a serious air quality problem in Washington State and the Pacific Northwest. In my State three different metropolitan areas are faced with the threat of being labeled "serious" for PM-10 nonattainment. Because of the seriousness of the PM-10 problem for Washington State, EPA region 10, Soil Conservation Service, Washington State University, and State and local officials have put together a proposal to study the origins of PM-10 in order to work toward compliance with the Clean Air Act.

EPA region 10 and the Washington State Department of Ecology have each contributed money toward the PM-10 study, but more is needed. USDA's Cooperative State Research Service will soon provide some funds as well.

Would PM-10 air quality studies, such as the ongoing study in Washington State, be eligible for the funding from the funding set-aside for air quality studies authorized under section 103 of the Clean Air Act within the fiscal year 1994 VA-HUD bill?

Ms. MIKULSKI. The Senator from Washington asks a very good question, and the answer is yes. Air quality studies on PM-10, such as Washington State's, would be eligible to compete for the $2 million in funding set-aside within this bill for air quality studies authorized under section 103 of the Clean Air Act.

Mr. GORTON. I thank the Senator from Maryland.

OZONE TREATMENT IN HOWARD AVENUE PLANT, MILWAUKEE

Mr. KOHL. Mr. President, this past spring, the city of Milwaukee experienced an outbreak of cryptosporidium in its drinking water supply, which caused hundreds of thousands of citizens to experience severe flu-like symptoms, and resulted in the deaths of several citizens.

In that context, I had requested funding through the fiscal year 1994, VA, HUD, appropriations bill, to install ozone treatment in Howard Avenue plant in Milwaukee, in order to assure that any future cryptosporidia present in the intake water would be fully treated before it reached the homes of Milwaukee citizens.

Ms. MIKULSKI. I certainly understand the concern of the Senator from Wisconsin about the drinking water problems that Milwaukee has experienced, and I share those concerns. I agree that there is a great need for drinking water infrastructure funding to address that problem.

I regret that I was not able to honor the Senator's request for funding to install the ozone treatment process at the Howard Street plant. The subcommittee enforced a strict policy that no project or program would receive funding it was not previously authorized. However, the fiscal year 1994 VA, HUD, appropriation bill does include $599 million for a drinking water revolving fund. That funding is in the form of a placeholder, meaning that the funding will be provided only if an authorization for that program is enacted. I know that the Senator from Wisconsin is a strong supporter for this program as well.

Mr. KOHL. I appreciate the efforts of the Senator from Maryland to include funding for the drinking water revolving fund, and I am a supporter of that program. I look forward to working toward an authorization for that program through the Environment and Public Works Committee.

It is also my intention to work with the Environment and Public Works Committee to explicitly authorize funding to address the Milwaukee drinking water problem.

I would ask the Senator from Maryland, if there is such an authorization for ozonation treatment for Milwaukee, would she give greater consideration to providing funding for that project?

Ms. MIKULSKI. I would assure the Senator from Wisconsin that I will give my full consideration to funding Milwaukee's drinking water project, in the event that it becomes authorized.

Mr. KOHL. I thank the Senator, and I look forward to working with her on this issue in the future.

EARTH RESOURCES OBSERVATION SYSTEM

Mr. PRESSLER. Mr. President, H.R. 2491, legislation making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and independent agencies for fiscal year 1994, provides funding for an important Mission to Planet Earth Program—the Earth observing system data information system [EOSDIS]. The Earth Resources Observation System [EROS] Data Center outside Sioux Falls, SD, will play a key role in the EOSDIS Program as the data active archive center [DAAC] for land processes.

Mr. President, I see the distinguished chair of the VA, HUD Appropriations Subcommittee on the floor and would like to discuss briefly with her a reference in the committee report to H.R. 2491, which could affect the EROS Data Center. But first, I would like to yield to my distinguished colleague from South Dakota, Senator DASCHLE. He and I are justifiably proud of the EROS Data Center. For 20 years, it has been the Nation's primary center for managing and distributing land remote sensing data. Last year, Congress recognized the value of the EROS data archive when it adopted the Land Remote Sensing Policy Act of 1992, which designates EROS as the National Satellite Remote Sensing Data Archive. The EROS Data Center's partnership with the National Aeronautics and Space Administration [(NASA] in the EOSDIS program will increase substantially its data handling responsibilities.

Mr. DASCHLE. Mr. President, I join the senior Senator from South Dakota in praising the work of the scientists, engineers, and technicians who are involved in data management, systems development, and research in support of Earth science investigation at the EROS Data Center. As part of the EOSDIS Program, EROS personnel will be responsible for the final processing, archiving, and distribution of all land-related data obtained from EOS space platforms. The EROS Data Center, a U.S. Geological Survey [USGS] facility, presently lacks adequate space to handle the vast amounts of data processing and archiving associated with the EOSDIS Program.

To ensure adequate space for EOSDIS responsibilities, the USGS and NASA agreed that a building addition was needed at the EROS Data Center. As a result of the efforts of the entire South Dakota congressional delegation, the Department of the Interior Appropriations legislation for fiscal year 1994 includes funding for the EROS expansion. The Clinton administration originally included $12.6 million for the EROS expansion in its budget request. Due to budget constraints, USGS worked with the House and Senate Appropriations Committees to secure a reduced, but adequate, level of funding. H.R. 2520, as passed by the House and the Senate, provides $5 million for fiscal year 1994 to USGS and authority to construct a $9 million facility. The remaining $4 million would be included in the Department of the Interior's appropriations bill for fiscal year 1995.

Mr. President, I join Senator PRESSLER in seeking clarification of a statement in the committee report.

Mr. PRESSLER. Mr. President, permit me to explain this clarification. On page 152 of Senate Report 103–137, the Committee makes clear its intention that no NASA funds are to be used for non-NASA facilities, including reimbursement of construction costs through annual DAAC operation budgets. Bill language has been included to guarantee compliance. In addition, all prior interagency agreements that would have permitted this are considered null and void, including that of NASA and USGS dated December 3, 1992.

This memorandum of understanding [MOU] between NASA and USGS sets forth their agreement for participation in EOSDIS. It is the understanding of the South Dakota delegation that this language is not intended to threaten that relationship. Rather, it merely voids those portions of the MOU referring to a previously proposed lease purchase arrangement for building the addition. The current plan provides that Department of the Interior funds will cover the entire $9 million cost of construction. Would the Senator from Maryland agree that this is entirely consistent with the Committee's intent that construction costs should be borne by the non-NASA agencies themselves?

Ms. MIKULSKI. The distinguished senior Senator from South Dakota is correct. The committee has reported legislation providing full funding for operation of all the DAAC's, including the DAAC for land processes at the EROS Data Center. The committee supports the efforts by NASA and the USGS to work together on the operation of the DAAC facilities. I recognize and commend the leadership of both Senator PRESSLER and Senator DASCHLE on behalf of the EROS Data Center. The Committee simply wants to make clear that DAAC operation funds cannot be used to recoup construction costs.

Mr. DASCHLE. Mr. President, I thank the distinguished chair of the VA, HUD Appropriations Subcommittee for her clarification.

Mr. PRESSLER. Mr. President, I, too, thank our distinguished colleague for her cooperation in this matter.

NAPA AND NPR RECOMMENDATIONS

Mr. GLENN. Mr. President, I rise to discuss contracting problems at EPA—an issue that the distinguished floor manager highlights in her committee report.

Over the last couple of years, my Committee on Governmental Affairs and Senator PRYOR's Federal Services Subcommittee have held hearings on contract abuses at EPA. We learned in testimony from the inspector general how EPA contractors perform inherently governmental functions; about abusive contract practices that flagrantly ignore Federal procurement law; of numerous conflicts of interest between EPA employees and contractors; and about an Agency that puts insufficient emphasis on wise stewardship of taxpayer resources.

Let me put some flesh on the bones of these problems. The IG told us of instances where EPA contractors authorized, filled out, and cut their own paychecks; of EPA's building of a childcare center largely to house the children of its contractors; and of a $1,000 a day sole source contract to train EPA officials on how to testify before Congress and give media interviews. Both the GAO and the inspector general have documented wasteful spending practices on things like contractor Christmas parties and gold watches. The list could go on and on.

So we know the problems, but how do we find the solutions? Well, the Agency has taken steps in the last year to improve contract management. Starting with the implementation of recommendations made by an internal taskforce, EPA is beginning to make changes through needed restructuring to make contract management work. I am pleased to note that one of Carol Browner's first actions as Administrator was to send an edict to all EPA employees that high standards of accountability will and should be upheld.

However, while these efforts are both necessary and praiseworthy, further action will be needed to correct EPA's systemic contracting problems. Since the Agency was created in 1970, both the executive branch and Congress have adopted a policy of emphasizing the funding of extramural resources rather than intramural resources at EPA, while at the same time giving the Agency more and more statutory responsibilities. According to the EPA inspector general, between 1973 and 1992 funding for contracting at the Agency rose by a factor of 14, while the number of EPA employees doubled over the same time period. It is no wonder then that EPA has problems managing its contracts. The net effect of favoring extramural over intramural funding has been that the crucial scientific and technical expertise on the environment resides with the contracting community, and not with EPA. With the downsizing of the Government and the implementation of President's reductions in the number of Federal employees, I fear that we may see a further hollowing out of EPA's core functions.

My distinguished colleague from Maryland is well aware of EPA's contract management problems. In her committee report, she suggests that the National Academy of Public Administration undertake a study to determine the right balance between extramural and intramural resources as well as to recommend ways for the Agency to bolster its staffing to manage contracts.

I would like to enter into a brief colloquy with the subcommittee chair. Her report language does not actually approve funds for the NAPA study, but rather notes on page 111 that the "Committee is expected to approve a reprogramming request by EPA" for the study. I understand that it is the strong intention of the Senator from Maryland to seek this reprogramming authority when the committee goes to conference. Am I correct in this understanding?

Ms. MIKULSKI. The Senator is correct.

Mr. GLENN. Further, I would like to pose a question to my distinguished colleague. Of the $252 million the committee recommends in budget cuts at EPA, how much does the committee recommend in cuts in EPA contract funds?

Ms. MIKULSKI. Approximately $55 million.

Mr. GLENN. I thank the Senator. In closing, I would note that originally Senator PRYOR and I had intended to offer an amendment that would give EPA flexibility to shift funding from extramural to intramural resources. In lieu of the NAPA study, it makes sense to wait and see what NAPA recommends on the specifics of how these funds should be shifted. Also, as part of the National Performance Review, the President has recommended giving agencies greater discretion and flexibility over how they spend their money. I look forward to seeing the NAPA study and to reviewing the legislative recommendations of the NPR on agency spending flexibility.

I thank Senator MIKULSKI for her attention to this issue and I look forward to working with her as the NAPA and NPR recommendations come forth.

STANDARDS FOR RADON IN DRINKING WATER

Mr. DOMENICI. Mr. President, I rise to urge the Environmental Protection Agency to take full advantage of an opportunity being afforded it by a managers' amendment in this bill.

The managers of the VA/HUD appropriations bill have, with the concurrence of the Environmental and Public Works Committee, included an amendment placing a 1-year moratorium of use of funds by the Environmental Protection Agency to promulgate a rule setting standards for radon in drinking water. The standard which we understand EPA intended to set was, according to EPA's own Science Advisory Board, based upon "highly uncertain" analyses of risk and cost.

The board suggested that EPA request an extension of a October 1, 1993, court-imposed deadline to give the EPA adequate time to reexamine the data and reduce the uncertainties in their risk and cost estimates. The Senate amendment provides a window for the Agency to take the steps urged upon it by its own science advisors.

EPA's preliminary agency recommendation called for a maximum contaminant level, or MCL, of 300 picocuries per liter, while the board in its review noted that an MCL of 1,000 to 3,000 could be considered. The SAB noted that the higher, 3,000 picocuries, level would "result in water contributing no more radon to indoor air than is present in outdoor air."

In other words, at that level, an individual would be exposed to the same amount of radon as he or she is exposed to by simply walking outdoors. If that is accurate, what possible justification can there be for setting a level 10 times lower? Surely a disparity of this magnitude deserves further scrutiny by EPA. This is particularly true when the initial capital cost of compliance with the lower standard is estimated between $2 and $10 billion, with a disproportionately large share of that cost to be borne by small water systems.

We will shortly take up reauthorization of the Safe Drinking Water Act. We have found numerous provisions of the act which will need to be modified to make it effective in protecting the public health without bankrupting small communities in the process. As we begin that process, we need to be assured that EPA, in carrying out the act, bases its regulatory actions on the best science available, and does not act in arbitrary ways which add to compliance costs without a corresponding benefit to the community. The radon standard would be a good place for them to begin.

DRINKING WATER STANDARD FOR RADON

Mr. SMITH. Mr. President, on August 5, I took the floor and warned that the approach the Environmental Protection Agency [EPA] was taking with regard to setting a drinking water standard for radon would force Congress to intervene in the regulatory process as it did last year on this appropriations bill. That time has come again.

Last year, Congress made a point of requiring the EPA's Science Advisory Board [SAB] to analyze the proposed standard in order to have a nonpolitical, scientifically based recommendation on the most cost-effective way to mitigate radon exposure. It now appears that EPA lacks the scientific data and justification for finalizing its proposed radon in drinking water standard.

According to SAB, there is no direct evidence of cancer being caused by the ingestion of radon in drinking water. The report further states that, in the absence of direct evidence, it is possible there is a zero risk from ingested radon. It also questions the health effects from lower levels of radon exposure and suggests additional research in this area.

Mr. President, EPA's proposed radon-in-drinking-water rule will impose costs estimated as high as $12 billion, but would reduce indoor radon levels by only 1 percent. Instead of exhausting our resources on that 1 percent, we should make the reduction of the greatest source of radon the top priority. It is incumbent upon the Federal Government to base its environmental regulations on sound science and adequate risk assessment given our limited resources. In this case, it is clear that considerable data gaps still exist concerning the health effects of waterborne radon.

H.R. 2491 recognizes the need to close this data gap and develop a rationale, cost-effective approach to reducing hazardous radon exposure. The bill includes a provision prohibiting the expenditure of funds to promulgate or enforce the radon-in-drinking-water rule. This will hopefully provide EPA time to gather additional data on radon's health effects, particularly ingestion risk. It will also provide the Agency with an opportunity to consider alternative regulatory schemes. For example, the SAB has suggested:

> * * * setting a water standard at 3000 pCi/L [which] would result in water contributing no more radon to indoor air that is present in outdoor air. At the same time it would be appropriate to intensify research on radon ingestion and radon mitigation, data gathering on radon occurrence for all media, and dialogue with interested parties.

This delay will also give Congress an opportunity to review options for the regulation of radon and to review EPA's congressionally mandated radon report, which is still pending. Over the course of the next 12 months, Congress is likely to reauthorize the Safe Drinking Water Act. This legislation can be used to develop regulatory alternatives if Congress determines radon in drinking water should be regulated on a single-media basis.

Alternatively, Congress could, as I have suggested in the past, regulate radon in a comprehensive, multimedia fashion. This would be done through the Indoor Radon Abatement Act where the focus would properly be placed on the contribution waterborne radon makes to indoor air radon levels and regulated accordingly. Whichever forum is ultimately chosen, it is clear Congress will continue to participate in the regulatory process until a satisfactory regulation is developed.

It would be a mistake to go forward with the proposed regulation and further erode public confidence in the Safe Drinking Water Act. Each time a regulation is promulgated which provides little public health benefit for an exorbitant cost, public confidence in our Federal Government erodes.

Mr. President, I applaud the foresight of the managers of the VA-HUD Appropriations Act to include the radon moratorium among its provisions. I urge them to retain this provision in conference and thereby maintain pressure on the EPA to develop a reasonable and affordable radon regulation.

COMMUNITY-BASED PROGRAMS FOR HOMELESS VETERANS

Mrs. BOXER. Mr. President, it is estimated that on any given night, 250,000 veterans of our Nation's Armed Forces may be found living on the street, struggling to get by. Twice that number, approximately half a million, experience homelessness over the course of a year.

Veterans from every peacetime era and armed conflict since World War II are among the homeless, including veterans of the Persian Gulf war. Veterans constitute between 30 and 50 percent of the homeless population. And the numbers of homeless veterans are only expected to increase as the military downsizes.

Mr. President, I believe that it is a tragedy that so many men and women who risked their lives to fight for our country are living without shelter. It is a tragedy that challenges us to do more to keep our commitment to take care of those who have bravely served their country.

For years, homeless veterans have received vital services and assistance from community-based organizations [CBO's]. In the last session of Congress, an important piece of legislation was passed, which, in part, paid tribute to the invaluable contributions of CBO's. This bill, Public Law 102-590, the Homeless Veterans Comprehensive Service Program Act of 1992, established a grant program to provide Federal support for CBO's serving homeless veterans. Public Law 102-590 sought to expand the network of nonprofit, community-based, vet-helping-vet organizations that have been so effective in serving homeless veterans. According to the National Coalition for Homeless Veterans, there are approximately 100 such organizations nationwide that have demonstrated impressive success records.

Unfortunately, this program has yet to secure funding. Although the fiscal year 1994 VA/HUD appropriations bill, as it passed the House, included $10 million to start up the Homeless Veterans Comprehensive Service Programs, the same funding was not included in the bill as reported out of the Senate Appropriations Committee.

I am concerned over the possibility that the CBO grant program will fail for the second year to receive a modest amount of startup funding, when there is clearly such a great need to do more to keep our veterans off the streets.

Therefore, I urge the members of the Appropriations Committee, and of the upcoming conference, to recede to the House provision that funds the programs in Public Law 102-590.

I also urge my colleagues to consider an additional provision that would state that 50 percent of funds provided for programs authorized in Public Law 102-590 be directed to sections 3 and 4, which would support the work of nonprofit, community-based organizations. Public Law 102-590 authorized a series of programs, including four pilot projects operated by the Department of Veterans Affairs. I am troubled by the prospect that funds that will be provided may only go to the VA pilot programs.

CBO's make a unique contribution. They focus on self-sufficiency as vets help vets, and are a critical element in our efforts to keep veterans from becoming homeless.

My colleague, Senator ROCKEFELLER, chairman of the authorizing committee that worked to pass the Homeless Veterans Comprehensive Service Programs Act, stated his continued support for community-based programs on the floor earlier this week.

He agrees that CBO's serve a crucial role in assisting homeless veterans and urged Senate support for the House provision which specifically provides $10 million for the programs authorized in Public Law 102-590.

I thank Senator ROCKEFELLER for his involvement in developing the Homeless Veteran Comprehensive Service Programs Act, and for his ongoing commitment to helping homeless veterans.

As chairman of the authorizing committee for the Department of Veterans Affairs, Senator ROCKEFELLER extensively reviewed the problems of homeless veterans. He has presided over numerous hearings concerning their needs, and worked to pass the Homelessness Veterans Comprehensive Service Programs Act to respond to them. His committee worked to include provisions to assist community-based organizations because they understood the important role which CBO's fill in the preventing and ending homelessness among veterans. I sincerely hope that in conference, the Senate will do the same, and agree with the House to fund these programs.

PUBLIC AND INDIAN HOUSING

Mr. DOMENICI. Mr. President, there are two housing issues that I would like to raise in the context of the pending VA-HUD independent agencies appropriations bill for fiscal year 1994.

The first issue concerns the proposed distribution of HUD public housing drug elimination grants. The proposed distribution of these funds is troubling. The Senate bill directs HUD to limit the bulk of the drug grant moneys to large housing authorities, meaning those that manage 1,250 or more public housing units.

Of the money available under the program for public housing drug elimination, 79 percent would go to those large authorities. There are 157 such agencies nationwide. None is located in my State of New Mexico. Nor are there any in Maine, Wyoming, Montana, Utah, New Hampshire, Vermont, Iowa, Idaho, or North Dakota. Yet, there are crime problems in public housing communities in each of those States.

Those public and Indian housing authorities with fewer than 1,250 public housing units, of which there are 3,337, would have to compete for 21 percent of the money. These authorities, in total, manage more than 40 percent of all public housing nationwide. And their public housing residents have equally serious problems with drugs and related crime in their housing developments.

So I have to ask: Where is the equity in this proposal? Where did it come from? HUD, I am told, was not consulted on this spending directive and is opposed to it. The Department, I am told, prefers the flexibility, in keeping with the reinvention of government theme, to make those funding decisions based on the merits of individual applications, the seriousness of the drug problem, the quality of the proposal, and past performance by the Agency under the program.

It is my view that this 1,250 unit cutoff is an arbitrary one that is not based on valid drug-related crime data. I would urge my Senate colleagues who will conference this bill with the House to seriously reconsider this directive to HUD.

The second issue that concerns me is the Senate's deferral of funding for the Indian Housing Loan Guarantee Program, which was enacted in the last Congress.

The House bill includes $2 million to support this program, which will provide up to $50 million in loans to finance the new construction of homes on Indian land. I note that the committee has deferred funding for the program without prejudice because of overall budget constraints, and that it will reconsider funding for this program in conference with the House.

I strongly urge the subcommittee to approve the House recommendation for this program. The housing needs for native Americans are overwhelming. While we have made some progress in addressing the serious housing problems on Indian reservations with the support of the distinguished chairwoman, much remains to be done. This program holds great potential for improving this serious situation.

I thank the chairwoman for allowing me to address these important issues, and I appreciate her consideration of my concerns.

EMERGENCY SHELTER GRANTS

Mr. CAMPBELL. Mr. President, the legislation before the Senate, H.R. 2491, VA-HUD appropriations provides increased funding for many important housing programs including the HOME Program, public and Indian housing programs, the drug elimination grants program for low-income housing and the Supportive Housing Program for the homeless.

I am concerned, however, about the funding level in the legislation for the Emergency Shelter Grants [ESG] Program. The funding level recommended by the Senate for the ESG Program of $55 million—$96,350,000 below the House level—is not sufficient to address the growing homeless problem in rural communities.

The Emergency Shelter Grants Program provides funds for temporary shelter for the homeless in America. This program is designed to help improve the quality of existing emergency shelters for the homeless, to make available additional shelters, to meet the costs of operating shelters and of providing essential social services to homeless individuals, and to prevent homelessness.

The ESG Program is particularly important to rural parts of the country. It is the backbone for funding homeless families in rural Colorado. This funding is essential for those homeless families who live in ski towns, in agriculture areas, or on Indian reservations where homelessness is usually temporary and not as apparent as in urban areas. Many homeless people in rural communities often stay with friends, live in cars, camp outside, or sleep in mountain caves for temporary shelter. Other families migrate to the cities in need of support services, jobs, and housing.

I understand that funding for homeless programs is being made available for activities focused on long-term solutions that represent permanent alternatives to homelessness. However, in Colorado, there is still a sizable increase in the number of people who find themselves in need of temporary emergency shelter. In December 1992, the U.S. Conference of Mayors announced a 14-percent increase in individual requests for emergency shelter based upon the results of their 1992 survey.

I believe maintaining our emergency shelter system is still a priority. The funding level for the Emergency Shelter Grants Program in the House legislation is more in line with the increasing requests and need for emergency homeless assistance in rural Colorado and across our Nation. I would hope that the conferees would increase the funding level for the ESG Program beyond the Senate level.

PENSION FUND INVESTMENT IN AFFORDABLE HOUSING

Mr. DOMENICI. Mr. President, I want the RECORD to show that I have a great deal of concern with the report language of this bill regarding the investment of pension funds in affordable housing. I have serious reservations about the proposed demonstration project referred to in the Senate report.

The Banking Committee has had a hearing on the issue of authorizing a demonstration of pension fund partnerships with multifamily housing projects and there is an authorizing bill ready to be considered by the Senate.

However, until that bill is enacted, I do not consider the report language of this appropriations bill to be an adequate substitute for authorization.

The bill which authorizes a limited demonstration program of pension investment, H.R. 2517, contains a number of clarifications and limitations which I view as imperative. It assures that ERISA standards will be maintained in this demonstration project and that the GSE standards on multifamily housing will be complied with to minimize risk of default.

Mr. President, I certainly understand the attractiveness of the concept. At a time we can no longer sustain the dramatic rate of growth of government spending and the proliferation of new programs we've enjoyed in past decades, it makes good sense to encourage the private sector to invest in socially sensitive projects.

I am not convinced, however, that pension funds should be the source of that capital when a both a Federal subsidy upfront and a Federal guarantee of the investment prove necessary.

Over the past few years, the growing reservoir of capital in private and public pension funds has become the increasingly attractive target to policy makers at all levels of government.

Politicians who are struggling for ways to finance increased social spending or the revitalization of local and regional economies look at pension fund assets which have grown 500 percent since 1978—to a total exceeding $3 trillion, or roughly 26 percent of total financial assets in the United States.

President Clinton, when he was a candidate, advocated the tapping of pension fund assets to supplement public funding of transportation infrastructure. Now we are looking at a proposal to facilitate the investment of private pension fund assets in affordable housing.

While I am one of the strongest advocates of encouraging public-private partnerships, the common assumption in these pension fund investment proposals which troubles me most is the provision of a real or implied Federal guarantee of the rate of return.

In this case, the Federal Government would provide a subsidy up front to increase the marketability of these multifamily housing mortgages, then Fannie Mae or Freddie Mac—that is, the Federal Government—would take the loss should the projects ultimately fail. What kind of partnership assigns all the risk to one partner?

My first concern with this concept is about the potential increase in exposure to the Federal Government. Should we choose to go down the path of promoting Federal guarantees to solicit pension fund investments in projects that are not otherwise marketable, are we not setting in place the creation of yet another huge unfunded Federal liability.

One might ask, if these investments are good, high quality investments, why is there a shortage of private investors. In fact, pension funds currently have the option of making these kinds of investments. If they are generally not good investments, why should we be encouraging pension funds to put resources there.

What is the impact on the long-term rate of return for these pension funds? Need I point out that the Federal Government also picks up the tab for failed private pension funds through programs of the PBGC?

While on its face, this demonstration may seem harmless enough, it appears clearly designed for the AFL–CIO funds, with the prospect of that union's requirement of all union labor. That raises more than a few questions about the ultimate cost and allocation of these projects.

Mr. President, there have been several modifications made to this particular proposal that offers some reassurance to those of us with reservations, and with those assurances, I will not object to adoption of the authorizing bill, H.R. 2517.

I would urge my colleagues, however, not to be lulled into presuming that the pension funds of this country will be the panacea which solves our budget problems. Particularly in the section 8 program at HUD, we will be faced with some extraordinarily tough choices as billions in section 8 contracts come up for renewal in the next 2 or 3 years.

Mr. President, I will be vigilant in my efforts to minimize future reliance on Federal guarantees which provide a short-term solution and the potential for long-term disaster.

Mr. WARNER. Mr. President, last night I offered an amendment concerning the so-called fence of the appropriations for the space station. I have now carefully reviewed the record of the debate concerning that amendment, as well as the record of the debate earlier in the day on an amendment offered by Senator BUMPERS, myself, and offers to terminate funding for the space station.

Mr. President, I am concerned that some of the assertions made during that debate concerning the so-called fencing of the appropriations may have resulted in confusion among Senators. I am further concerned that some of my colleagues may have been mislead about how the appropriations for the space station could be obligated.

Mr. President, I intend to further discuss this matter with the chairman of the Appropriations Committee, Senator BYRD, and with the chairman of the subcommittee, Senator MIKULSKI, to make them fully aware of my concerns about the nature of certain assertions made during this debate. Following those discussions, I will have further to say on the floor of the Senate about the real nature of the so-called fencing of appropriations for the space station and why that fence does virtually nothing to protect the real interests of the Senate and of the taxpayers in this program.

THE HOPS PROVISION

Mr. HATFIELD. Mr. President, a provision included in the VA, HUD, and independent agencies appropriations bill before us today impacts the hop industry in Oregon and is of particular significance to me. The provision will resolve a decade-long disagreement between the Northwest hop industry and the Environmental Protection Agency [EPA].

The EPA currently classifies dried hops as a "processed" rather than a "raw" agricultural commodity under the Federal Food, Drug, and Cosmetic Act, subjecting growers to the restrictive chemical residue rules under the so-called Delaney clause. No other hop producing or importing nation classifies hops as a processed agricultural commodity. This has caused hop growers throughout the Pacific Northwest tremendous difficulty in securing approval of the safe and effective chemicals they need to prevent mold, particularly in rainy Oregon, and fight pests.

While Delaney clause reform has emerged recently as a highly charged issue in Congress, the reclassification of dried hops as a raw agricultural commodity is not a recently manufactured proposal of convenience put forward by the hop industry. Rather, it is a longstanding point of disagreement between hop growers and EPA. The disagreement involves the definition of dried hops, a question which does not involve the merits of the Delaney clause and should not be dependent upon comprehensive food safety policy reform.

Moreover, this is not a food safety issue. Hops are not eaten. Hops are used as flavoring agents in beer. The brewing process eliminates all but traces of the hop itself; any chemical residue remaining on the hop is effectively boiled away. Risk to human health is not a point of contention in this matter.

Many in this body have, in the strongest terms, urged EPA to take real risk into account in determining how best to use its limited resources for the public good. The risk to human health involved in reclassifying hops is virtually nonexistent. Yet, in the face of this fact, EPA has expended significant time and valuable staff resources debating the administrative intricacies of the commodity classification under the Federal Food, Drug, and Cosmetic Act.

On June 17, 1993, a number of Senators joined in sending a letter to Environmental Protection Agency Administrator Carol Browner urging an expeditious resolution of the challenged classification of dried hops as a processed agricultural commodity. The letter also asked the Administrator to advise the committee on the course of action EPA officials planned to take to resolve the issue, including a date certain for resolution prior to the markup of the VA, HUD, and independent agencies fiscal year 1994 appropriations bill. I ask unanimous consent that the June 17, 1993, letter to EPA Administrator Carol Browner be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, June 17, 1993.

Hon. CAROL BROWNER,
Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR MADAM ADMINISTRATOR: During its recent markup of legislation to provide supplemental appropriations, the Senate Appropriations Committee considered an issue related to EPA's classification of hops as a processed rather than a raw agricultural commodity under the Federal Food, Drug and Cosmetic Act. We write to request EPA's expeditious resolution of this matter.

The reclassification of dried hops as a raw agricultural commodity is not a recently manufactured proposal of convenience put forward by the hop industry. Rather, it is a longstanding point of contention between the hop growers and EPA. Thus, determining the proper classification for dried hops should not be dependent upon comprehensive food safety policy reform.

The Committee has often directed EPA to take risk into account in determining how best to use its limited resources for the public good. By all accounts brought to our attention, the risk to human health involved in reclassifying hops is virtually nonexistent. Yet, in the face of this information, EPA has expended significant time and valuable staff resources debating the administrative intricacies of the commodity classification under the Federal Food, Drug and Cosmetic Act. It would seem that to now proceed with a time consuming formal rule making may not make sense in terms of the relative risk.

We request that you use your administrative authority to resolve this continuing inequity. Please advise us of the action you plan to take to resolve this issue, including a date certain for its final resolution. We request notification of your decision before the Appropriations Subcommittee on VA, HUD, and Independent Agencies begins to markup its fiscal year 1994 appropriations bill.

Thank you for your cooperation in resolving this matter.

Sincerely,
BARBARA A. MIKULSKI,
PATTY MURRAY,
SLADE GORTON,
MARK. O. HATFIELD,
CHRISTOPHER S. BOND.

Mr. HATFIELD. Unfortunately, despite this encouragement, the classification problem remains unresolved by EPA and there appears to be no prospect for an expeditious resolution without further action by Congress. Therefore, with the able leadership of the Senator from Maryland, the chair of the VA-HUD Subcommittee, language has been included in the pending bill that will quickly bring this longstanding matter to a just and final conclusion. The objective of this language is for EPA to properly classify dried hops as a raw agricultural commodity under the Federal Food, Drug and Cosmetic Act. This determination is clearly within EPA's administrative authority to properly classify hops; thus, it is not anticipated that this action would require a lengthy rulemaking process.

It is my hope and firm expectation that this issue will be resolved with sufficient time for farmers to plan prior to the 1994 hops growing season. Officials at EPA have reviewed the language that is included in this bill and have indicated that it is sufficient to carry out the intent of the Senate that dried hops be classified as a raw agricultural commodity under the FFDCA. I ask unanimous consent that a September 20, 1993 letter from Victor Kimm, Acting Assistant Administrator in the Office of Prevention, Pesticides and Toxic Substances at EPA be inserted at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY
Washington, DC, September 20, 1993.

Hon. BARBARA MIKULSKI,
Chair, Subcommittee on VA, HUD and Independent Agencies,
Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MADAM CHAIR: This responds to an inquiry from the Subcommittee regarding the language in the proposed FY 1995 appropriations bill for the Environmental Protection Agency. The Committee's proposed appropriations bill language is sufficient to carry out the Committee's intent to have EPA treat hops as a raw agricultural commodity rather than a processed food. This will allow EPA to grant emergency exemptions under section 18 of FIFRA to use unregistered pesticides on hops that are barred currently by the Delaney Clause.

Please let me know if I can be of further assistance.

Sincerely,
VICTOR J. KIMM,
Acting Assistant Administrator.

Mr. HATFIELD. The hop harvest, just concluded in Oregon, has shown the detrimental effects of the absence of chemicals to control mildew. I ask unanimous consent that a letter from the Oregon Hop Commission and a letter from S.S. Steiner, Inc., be included at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OREGON HOP COMMISSION,
September 17, 1993.

Hon. MARK HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: The 1993 harvest season is over and the Oregon Hop Commission would like to report to you on the impact of EPA's misclassification of hops and the resulting mid-season loss of our fungicide.

It will be several months before we have a complete picture of the impact but we are aware of many cases where growers have suffered yield losses and quality problems this season. Yield reductions have ranged from partial losses, to entire fields which have been left unharvested.

It is important to remember that growers did have the use of the fungicide for early season control. Had we not had at least partial use of the fungicide, our losses would have been much greater. Without a resolution of the classification issue there will be a tremendous impact on the Oregon growers.

Oregon's reputation as a reliable supplier of high quality hops is in jeopardy. Breweries will look for alternative sources given the uncertainty surrounding Oregon hop production.

I know you understand the importance of this issue, and realize the pride in which we take in producing our crop. I thank you again for your continued support.

Sincerely,
GAYLE GOSCHIE,
Chair.

S.S. STEINER, INC.
SALEM, OR,
September 17, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: The Oregon HOP growers have asked us to comment on the overall quality of the 1993 Oregon hop crop. Harvest in Oregon is almost complete and we have begun sending samples of the Oregon crop to the breweries for evaluation. We have seen a tremendous impact on the quality of Oregon hops from mildew disease this year. In our opinion the damage from mildew disease is as severe as we have seen in decades. Hop yield and quality were both affected.

Without an effective control of mildew disease in Oregon, the Oregon grower's ability to compete in the world hop market is severely limited. The Oregon hop grower without your help will face a bleak future. We trust you are successful in your efforts.

Sincerely,
RON WEATHERS.

Mr. HATFIED. Oregon grows 15 percent of the hops grown in the United States, about 11.8 million pounds. Half of that represents aromatic hops, most of which are sold to domestic brewers. The other half represents high alpha hops, most of which are exported. Due to the lack of mildew control spray for most of the 1993 season, between 50 and 70 percent of the aromatic crop is of such poor quality that it will not be marketable. Brewers will thus look abroad to meet their requirements. I am informed that, if the classification issue is not resolved by early 1994, many Oregon hop farms will not be replanted.

The seriousness of the issue is demonstrated by the fact that the Oregon attorney general, Theodore Kulongoski, has taken a strong interest in the matter and is considering bringing a legal action challenging EPA's classification of dried hops as a processed commodity; the Oregon Department of Agriculture has urged EPA to resolve the issue; the entire Oregon congressional delegation has also joined in requesting EPA to resolve this problem. And yet the problem continues unresolved. I ask unanimous consent that a September 14, 1993, letter from the Oregon attorney general, a July 1, 1993, letter from the director of the Oregon Department of Agriculture, and a May 14, 1993, letter from the Oregon congressional delegation appear in the RECORD at the conclusion of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE
SALEM, OREGON,
September 14, 1993.

Re revocation of section 18 exemption for the use of Fosetyl-Al on hops, issued to the Oregon Department of Agriculture, DOJ file No. 643-001-NR001-93.

CAROL BROWNER,
Administrator,
U.S. Environmental Protection Agency, Washington, DC.

DOUGLAS D. CAMPT,
Office of Pesticide Program (H7501C),
U.S. Environmental Protection Agency, Washington, DC.

The Environmental Protection Agency (EPA) has classified fresh hops as a raw agriculture commodity and dried hops as a processed commodity. The Oregon Department of Agriculture (ODA) and the Oregon Hop Commission (Commission) submit that the current classifications of hops are legally and factually inconsistent with current statutory and regulatory definitions and policies. Because the erroneous classifications have caused significant harm without any countervailing benefit to public health or safety, ODA and the Commission urge EPA to correct its classification of hops immediately.

The ODA and the Commission appreciate EPA's recognition of difficulties with its current classifications of hops. Letter from Carol Browner, Administrator, EPA, to Senator Mark Hatfield (July, 1993). However, the general proposal to "reconsider the classification of dried hops as part of a larger effort to reconsider the criteria for the definition of 'raw agricultural commodity,'" *id.*, provides no assurance of a solution, much less one that could provide relief for the next growing season.

This letter is written in response to EPA's revocation of the Section 18 exemption allowing the use of Fosetyl-Al (Aliette) in the production of hops in Oregon. Letter from Douglas D. Campt, Director, Office of Pesticide Programs, EPA (May 7, 1993) (Revoking Section 18 Exemption granted to ODA for Aliette for 1993). However, because the 1993 spray season is now over and reinstatement of the Section 18 exemption would be a useless act, the ODA and the Commission do not now appeal the revocation. Rather, the ODA and the Commission anticipate that other Section 18 exemptions will be revoked or denied unless the classifications of hops are corrected. Therefore, the ODA and the Commission submit the following statements in opposition to such revocations and denials for your consideration at the earliest possible time.[1]

FACTS

On February 11, 1993, the EPA granted the ODA a Section 18 (7 USC §136p (1988)) exemption for the use of Fosetyl-Al (Aliette) to control downy mildew in the production of hops. On May 7, 1993, EPA revoked the section 18 exemption based on a ruling by the United States Court of Appeals for the Ninth Circuit interpreting section 409 (the Deleney Clause) of the Federal Food, Drug, and Cosmetic Act (FFDCA or Act). The court held that the Delaney Clause is an absolute bar to the use of food additives, such as pesticides, that meet the "induce cancer" standard, set out in 21 USC §348(c)(3)(A)(1988),[2] no matter how small the risk. *Les v. Reilly*, 968 F2d 985, 988 (9th Cir 1992). EPA then adopted a policy stating that it would deny and revoke emergency exemptions if the pesticide would likely meet the induce cancer standard and the specific use of the pesticide might need a food additive regulation. Letter from Douglas D. Campt, *supra*.

In the revocation letter, EPA concluded that Aliette meets the "induce cancer" standard, that the use of Aliette of hops would require a food additive regulation, and that there were no extraordinary circumstances to justify continuing the exemption. Based on these conclusions, EPA revoked the exemption that allowed the use of Aliette on hops. Letter from Douglas D. Campt, *supra*. The ODA and the Commission submit that the revocation was improper because the dried hops is a raw agricultural commodity (RAC) and not a processed commodity, as currently classified by the EPA, and thus does not require a food additive regulation.

DISCUSSION

Currently, EPA classifies fresh hops as a RAC and dried hops as a processed commodity.[3] That is incorrect. Fresh hops is neither a food nor a commodity. Fresh hops exists only as a transitory condition in the harvesting of dried hops, which is a food and a commodity. Hops in a dried state is the natural result of harvesting, and therefore it is a RAC. Any other classification is arbitrary and ignores the realities of the hops industry and market.

Fresh hops is not a "food" for purposes of the FFDCA. The Act defines "food" as:

(1) articles used for food or drink for man or other animals,

(2) chewing gum, and

(3) articles used for components of any such articles.

21 USC § 321(f) (1988). Fresh hops is not "used for food or drink for man or other animals." It is not chewing gum, nor is it "used for components" of food, drink or chewing gum. Fresh hops lasts only a few hours, at most, as it proceeds immediately from vine to kiln. Fresh hops has no use as food or drink or as a component of food or drink. Fresh hops is useless, because it does not retain the oils that are extracted in beer brewing that give beer its bitter flavor and distinct aromas. (See enclosed letters from breweries.) Unless dried immediately, those oils dissipate and are lost long before the hops can be delivered to the brewery.

Because fresh hops is not a food within the meaning of the Act, it cannot be a raw agricultural commodity. The FFDCA defines "raw agricultural commodity" as "any *food* in its raw or natural state." 21 USC § 321(r) (1988) (Emphasis added.) In addition to not fitting the statutory definition of a RAC, fresh hops does not pass the judicial requirement of being introduced into interstate commerce before the Act applies. In interpreting the precursor to the FFDCA, the U.S. Supreme Court said that "[t]he statute upon its face shows that Congress intended to prevent injury to the public health *by the sale and transportation in interstate commerce* of misbranded and adulterated foods." *United States* v. *Lexington Mill & E. Co.*, 232 US 399, 409, 34 S Ct 337, 58 L Ed 658 (1914) (emphasis supplied). In *Monsanto* v. *Miller*, the court said that the FFDCA "applies to raw material *shipped* for use in a final product. It also controls intrastate sales made with the knowledge that the purchaser intends to introduce the product into interstate commerce." 455 NE2d 392, 396 (Ind App 1 Dist 1983) (emphasis supplied; citations omitted). In *Midwest Game Co. v. M.F.A. Milling Co.*, the court held that "there would be no violation of the Act [FFDCA] unless the particular food in question was introduced into interstate commerce." 320 SW2d 547, 552 (Mo 1959). Fresh hops is not introduced into interstate (or even intrastate) commerce and consequently, is not subject to the FFDCA.[4]

Although fresh hops is not a food and therefore not a RAC, dried hops is both. First, dried hops is a food because it is "used for components" of beer, a food. 21 USC §321(f)(3)(1988). Second, dried hops is a RAC because it is a "food" in its "raw or natural state." 21 USC §321(r). Although dried, it is otherwise unchanged. It has not been mixed, cooked or diluted. The water has simply been evaporated from it, leaving the hops dry, but intact. Kiln-drying of hops, an integral part of harvesting, does not alter hops from its raw or natural state.

EPA focused on the concentration of residues in dried hops as the basis for classifying it as a processed commodity and as a primary justification for revoking the Section 18 exemption for Aliette. See, e.g., Letter from Douglas D. Campt, supra; Letter from Richard D. Schmidt, Ph.D., Chief, Dietary Exposure Branch, Health Effects Division, EPA, to Anne George, Administrator, US Hop Industry Plant Protection Committee (May 18, 1990). Concentration of residues, however, is irrelevant because, as the following discussion demonstrates, dried hops is the RAC and there is no previous RAC from which residues may concentrate; there is no commodity to commodity concentration of residues.

In 1954, Congress amended the FFDCA by adding the terms, and definitions for, "raw agricultural commodity" and "pesticide chemical" and a provision to control tolerances for pesticide chemicals in or on RACs. Act of July 22, 1954, Pub. L. No. 83–518 ch 559, 68 Stat 511 ch 559 §3. (The section providing for tolerances of pesticide chemicals on RACs was added to the FFDCA as section 408, and is codified at 21 USC §346a. Hereinafter, it will be referred to as section 408.) The Legislative history of the 1954 amendments (hereinafter "the 1954 amendments") indicates that dried hops is a RAC. That history reflects that the terms "raw agricultural commodity" and pesticide chemical" and their definitions were added to the FFDCA "to draw a sharp line of distinction between the subjects covered by this bill [raw agricultural commodities] and the subjects which are unaffected by it [processed commodities]." 1954 US Code Cong & Admin News 2626, 2631. The 1954 amendments "cover the regulations [sis] of the residue from pesticide chemicals which may remain in or on food in its raw or natural state *as usually purchased by the consumer or the food processor*." Id. (Emphasis added.) The history further shows the RACs would "include those foods which have been subjected to certain customary postharvest treatment prior to marketing, such as the washing or coloring of fruits in their unpeeled natural form, the stripping of the outer leaves of lettuce, and the preparation of fresh green salads." *Id.* (Emphasis added.) It also provided that "[f]ood *processed* by operations such as cooking, freezing, dehydration, or milling" would not be regulated by the amendments. *Id.* (Emphasis added.) However, many RACs (*e.g.*, nuts, rice, corn, beans, alfalfa hay, etc.) are dehydrated, but not "processed," because prior to drying, they are neither foods nor commodities.[5] They are of no use or value until they are dried. Moreover, "as usually purchased by the consumer or the food processor," hops is in the dried form and the drying of hops is not postharvest treatment, but is part of the harvest itself.[6] Thus, the legislative history indicates that dried hops is a RAC.

As with many other RACs, drying is an essential step in the harvesting of hops. EPA classifies dehydrated foods such as peanuts, hazelnuts, alfalfa hay, dried field corn, dry bulb onions, rice, dried beans and dried peas as RACs.[7] The classification of those commodities as RACs reflects the understanding that where there is no "food" or commodity prior to drying, dehydration does not constitute "processing" and the resulting product does not constitute a "processed commodity." EPA's classification of dried hops as anything other than a RAC is inconsistent with that understanding and the classification of similarly situated crops as RACs.

EPA has further distinguished hops based on the method of drying. EPA says that hops is dried artificially, and thus is not a RAC. This distinction is faulty for two reasons. First, hazelnuts, peanuts, alfalfa hay and rice also are artificially dried.[8] Second, hops can be dried either by air-drying (the "natural" method) or kiln-drying (the "artificial" method). Regardless of the method used, the result is the same: the dried hops, the RAC. No conceivable factual, legal or policy basis would support a distinction between air-dried and kiln-dried hops. The form in which the crop is first marketed should be emphasized, not the method of drying.

CONCLUSION

Fresh hops is neither a food nor a commodity and dried hops is not a processed commodity. Rather, dried hops is the natural result of the hops harvest, is in its "raw or natural state as usually purchased by the consumer or the food processor" and consequently is the RAC. The Oregon Department of Agriculture and the Oregon Hop Commission acknowledge that the VA-HUD Subcommittee of the Senate Appropriations Committee has approved language in the VA–HUD Appropriations Bill for fiscal year 1994 that, if enacted, would constitute a Congressional directive to EPA to reclassify dried hops from processed commodity to raw agriculture commodity. The ODA and the Commission encourage EPA to accept that directive. The ODA and Commission also respectfully request that, in light of these comments and separate from that proposed legislation, EPA reconsider its rationale for revoking the Section 18 exemption for the use of Aliette on hops and respond to this office with its conclusions.

Sincerely,

Theodore R. Kulongoski,
Attorney General.

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[1] ODA and the Commission submit that such a denial would be improper and illegal in spite of EPA's regulation classifying fresh hops as a raw agricultural commodity (RAC). 40 CFR §180.436. See also footnote 3 for additional (and confusing) classifications relating to hops. 40 CFR section 180.436 is inconsistent with and in violation of the statutory and regulatory definitions of "raw agricultural commodity." See discussion, *infra*.

[2] The relevant part of 21 USC §348(c)(3)(A) provides that: "No such regulation shall issue if a fair evaluation of the data before the Secretary fails to establish that the proposed use of the food additive, under the conditions of use to be specified in the regulation, will be safe: *Provided*, That no additive shall be deemed to be safe if it is found to *induce cancer* when ingested by man or animal, or if it is found, after tests which are appropriate for the evaluation of the safety of food additives, to *induce cancer* in man or animal * * *." (Emphasis added.)

[3] EPA's various classifications of hops are confusing and inconsistent: 40 CFR section 180.408 classifies "hops, green" as a RAC; section 180.436 classifies "hops, fresh" as a RAC; section 186.4000 classifies "hops, dry" as a feed commodity; section 180.205 classifies "hops, vine" as a RAC; section 185.5000 classifies "hops, dried" as a processed food; section 186.5950 classifies "hops, spent" as processed feed; and section 180.163 classifies "hops" as a RAC.

[4] Moreover, fresh hops is not a commodity at all. A commodity is defined as:

1: an economic good: as

a: a product of agriculture or mining

b: an article of commerce esp. when delivered for shipment.

2a: something useful or valuable

Webster's Ninth New Collegiate Dictionary 265 (1984). Fresh hops is not an economic good: First, it is not a "product" of anything, but rather, it exists only briefly in between steps in the harvest of hops. Second, it is not an article of commerce. Fresh hops is never bought, sold or transported in commerce. It never leaves the farm. Nor does fresh hops have any use or value, except as a precursor to dried hops. Thus, fresh hops is not a commodity.

[5] Showing yet another anomaly in the regulations, some of the examples mentioned are classified as RACs in both the wet and dry forms.

[6] Even if drying were considered a postharvest treatment, that would not require regulation of dried hops as a processed commodity. Drying of hops, if considered a postharvest treatment, must be recognized as a "customary postharvest treatment prior to marketing."

[7] See footnote 5, *supra*.

[8] Peanuts, alfalfa hay and rice sometimes are "naturally" dried.

The Stroh Brewery Co.,
Detroit, MI, February 27, 1987.

Mr. Hoyt L. Jamerson,
Minor Uses Officer, Emergency Response and Minor Use Section, Registration Support and Emergency Response Branch, Registration Division, OPP, EPA, Washington, DC.

Dear Mr. Jamerson: Definition and Interpretation of the crop "Hops"; IR–4's Petition to Amend 40 CFR 180.1(j).

I am writing to support the above petition to define, for purposes of examination for pesticide residues, the "raw agricultural commodity" as the dried hop.

Brewers never purchase green or undried hops, as these are stable for only a few hours before they wilt and decay. A pesticide analysis, based on green hops, would be of no value to a brewer. The analysis, and the allowed residue, to be of value to us must be based on the stable agricultural commodity, the dried hop.

Dried hops are never consumed as such not even by cattle, and never by humans. The processing step, if the regulation is to make sense, is the brewing process. Here, the dried hops are boiled in wort, and then separated as "spent hops". Of any pesticide residue contained in the dried hops, a part or all may be destroyed in the boiling process. Of the remainder, the large majority will be separated on the spent hops, on the "trub" or protein/tannin precipitate, or on other precipitates formed in the brewing process, or again, on the yeast or on the filter media used to clarify the beer. Only a small fraction of the original pesticide residues will be found in the consumable commodity, the beer.

If you have any questions regarding the above, please advise, and thank you in advance for considering these lines when making your decision.

Sincerely,

HORTEN MEILGAARD.

COORS BREWING CO.,
Golden, CO, May 17, 1993.

ANN GEORGE,
Manager, Washington Hop Commission

DEAR ANN: In answer to your question, Coors Brewing Company cannot use fresh (undried) hops to manufacture beer.

AL BABB,
Executive Vice President, Operations.

OREGON DEPARTMENT OF AGRICULTURE,
OFFICE OF THE DIRECTOR,
July 1, 1993.

Hon. MARK HATFIELD,
Senate Office Building, Washington, DC

DEAR SENATOR HATFIELD: Northwest hop growers need your assistance in dealing with a continuing problem related to the EPA designation of hops as a processed commodity. The problem goes beyond a name or simple classification. It causes costly limitations on the use of essential fungicides required to prevent serious crop losses in Oregon and Washington.

The propriety of classifying dry hops as a "processed" commodity is certainly questionable. Other commodities used directly as food or feed are dried, and yet retain the "raw" commodity designation. Hops, which have no commercial or practical use prior to drying, are classified as a "raw" commodity only in the green vegetative state. Further, the dried hop is not used directly as food or feed, but is used only as a flavor additive to large volumes of constituents further processed by cooking or fermentation. It is argued by EPA that the drying process concentrates pesticide residues and, as a consequence, tolerances are set lower for residues on the "processed" commodity. Yet, any use of dried hops always involves further processing and dilution far in excess of any concentration caused by the drying process.

Certainly the "processed" commodity designation merits additional study by EPA. Serious consideration should be given to classifying dried hops as a "raw" commodity. Certainly residue levels on dried hops should receive the benefit of the same consideration allowed imported hops.

Your assistance in obtaining further review and an equitable resolution of these matters would be greatly appreciated.

Sincerely,

BRUCE ANDREWS,
Director.

U.S. SENATE,
Washington, DC, May 14, 1993.

Hon. CAROL BROWNER,
Administrator,
U.S. Environmental Protection Agency, Washington, DC.

DEAR MADAM ADMINISTRATOR: We write to bring to your attention an inequitable situation which adversely impacts the northwest hops industry and to urge EPA's immediate resolution of this matter. It involves EPA's classification of hops as a processed rather than a raw agricultural commodity.

On May 7, 1993, EPA announced that it will no longer issue exemptions under Section 18 for chemicals that cannot meet the zero tolerance standard imposed by Section 409 of the Federal Food, Drug, and Cosmetic Act, the Delaney Clause. Existing Section 18 exemptions for chemicals used on processed commodities that do not satisfy the zero tolerance standard will be revoked, including a Section 18 exemption to spray Fosetyl-Al (Aliette) on hops in Oregon.

This announcement presents a serious problem for Oregon hop growers and highlights the longstanding unfairness of the miscategorization of hops as a processed agricultural commodity. Although the Federal Food, Drug and Cosmetic Act (FFDCA) classifies unmarketable commodities as "raw agricultural commodities", hops, because of a brief on-farm drying period following harvesting, is classified as a "processed agricultural commodity." This is in contrast to the classification of similar commodities, such as rice and filberts, which are classified as "raw agricultural commodities."

For the past several years, many of us have communicated with EPA about the misclassification of hops as a "processed agricultural commodity" under FFDCA. The current interpretation limits not only the availability of appropriate pesticides for use, but also the use of pesticides that may be safer than those currently in use. No other hop producing or importing country classifies hops in this manner.

Last year, the Office of Pesticides undertook an internal review of dried hops with a view toward administratively reclassifying hops as a "raw agricultural commodity". At that time, a number of members of Congress wrote the Agency in support of that reclassification. It is our understanding that OPP staff has recently set forth several options for defining the scope and interpretation for a reclassification of hops as a "raw agricultural commodity."

The reclassification of hops is in reality an equitable treatment issue, and is not related to the food safety debate. Without jeopardizing safety, such a reclassification would provide significant relief to the hop industry, provide for a higher quality product and help promote integrated pest-management.

EPA's revocation of the Section 18 exemption for Aliette already in use in Oregon for the current growing season presents a high level of urgency. Oregon growers estimate a loss of up to $8 million this year if the emergency use permit is not reinstated.

We are now considering the various options open to us to redress this longstanding inequity, which has now reached crisis proportions in light of recent decisions. In the short term, we request that EPA reinstate the Section 18 exemption for the current growing season. Moreover, we renew the longstanding request that hops be classified as a raw agricultural commodity.

We are anxious to learn from you what administrative options are available. Given the urgency of this situation, we would appreciate hearing from you as soon as possible.

Sincerely,

MARK O. HATFIELD,
U.S. Senator.
RON WYDEN,
U.S. Representative
ROBERT F. SMITH,
U.S. Representative
ELIZABETH FURSE,
U.S. Representative
BOB PACKWOOD,
U.S. Senator
PETER DEFAZIO,
U.S. Representative
MIKE KOPETSKI,
U.S. Representative.

Mr. HATFIELD. Again, let me express my thanks to the distinguished chair of the VA-HUD Appropriations Subcommittee, Senator MIKULSKI, for her assistance and leadership in resolving this problem that has lingered unaddressed for so many years. I urge EPA to move with deliberate speed in addressing this issue and look forward to announcing its implementation of this language.

I yield the floor.

Mr. GRAMM. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I would like to thank the U.S. Senate for its cooperation in moving one of the most difficult bills that we have to address in our 13 subcommittees. This subcommittee funds 29 agencies. Some of them are either at Cabinet or Cabinet-level agencies. They range from Arlington Cemetery to the Veterans Administration, from the President's science advisor to the space agency and the National Science Foundation.

I thank my colleagues for their cooperation in moving this bill, for the way they have tried to move the amendments in a quick way. Though it has been indeed long, and though it has been indeed arduous, I think all have noted there have been very few quorum calls on this bill in which there have been huge vacant spaces waiting for Senate action.

I believe that my colleagues have offered their amendments in the spirit of good public policy. The debate has been crisp, with the exception of a few of them, but, by and large, has been crisp and that in all amendments, there has been an atmosphere of civility and a sincere desire to reach good decisions on good public and fiscal policy.

Mr. President, I would like to thank my ranking minority member for his cooperation and his very able staff.

I would also like to thank all of my staff, Kevin Kelly and Carolyn Apostolou and the clerical staff who have backed us up.

Mr. President, on the eve of President Clinton's health insurance reform, I am glad that we have concluded this and concluded it in a way that I think will truly act in the national interest, and I look forward to representing this bill in conference.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that upon disposition of the VA-HUD appropriations bill, the Senate proceed to the consideration of H.R. 2295, the foreign operations appropriations bill.

The PRESIDING OFFICER (Mr. Kohl). Without objection, it is so ordered.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 91, nays 9, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—91

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—9

Boren
Faircloth
Feingold
Gregg
Helms
Kohl
Roth
Smith
Wallop

So the bill (H.R. 2491), as amended, was passed.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I now move that the Senate insist upon its amendments to H.R. 2491 and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Ms. Mikulski, Mr. Leahy, Mr. Johnston, Mr. Lautenberg, Mr. Kerrey, Mrs. Feinstein, Mr. Byrd, Mr. Gramm, Mr. D'Amato, Mr. Nickles, Mr. Bond, Mr. Burns, and Mr. Hatfield conferees on the part of the Senate.

COMMENDATION OF THE FLOOR MANAGERS AND STAFF

Mr. BYRD. Mr. President, the Veterans Affairs, HUD, independent agencies appropriations bill is one of the most complex of the 13 appropriations bills covering activities as diverse as consumer information, environmental cleanup, and veterans' pensions and medical care, the National Science Foundation, NASA, and public housing. I commend the chair of the subcommittee, the distinguished Senator from Maryland [Ms. Mikulski], for the outstanding work that was done again this year. The chair has an especially tough job of mastering the issues and of balancing the competing priorities of the must be done to produce a successful bill.

Under the tight budgetary constraints facing the committee in its 602(a) allocation, the committee has been unable to provide adequate resources to fully fund the President's requests. Again this year Senator Mikulski has found a way to husband the scarce resources provided to the VA/HUD Subcommittee in a manner that has enabled the Senate to pass this very important bill in an expeditious manner, with very little controversy and with the priorities of the administration and Congress relatively intact.

So, again, I want to compliment the subcommittee chair for her exceptional leadership throughout the many months of effort that she put into this bill. I thank the distinguished ranking member of the subcommittee, Senator Gramm from Texas, as well for his efforts, and the committee staff: Kevin Kelly, Carrie Apostolou, Juanita Griffin, Stephen Kohashi, and Dona Pate.

Ms. MIKULSKI. Well, Mr. President, that is it. That concludes everything for VA/HUD. The bill has been passed, conferees have been appointed, and we now go to conference with the House.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

FOREIGN OPERATIONS APPROPRIATIONS ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2295.

The clerk will report the bill.

The bill clerk read as follows:

A bill (H.R. 2295) to make appropriations for foreign operations export financing and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993 and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments; as follows:

(The parts of the bill intended to be stricken are shown in bold face brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock for the General Capital Increase, **[$55,821,000]** *$27,910,500*, to remain available until expended: *Provided, That one-half of the funds appropriated by this paragraph may be obligated only after April 1, 1994: Provided further, That the remaining one-half of such funds may be obligated only after September 1, 1994: Provided further, That not more than twenty-one days prior to the obligation of each half of such funds, the Secretary submits a certification to the Committees on Appropriations that the Bank has approved no loans to Iran since October 1, 1993, or the President of the United States certifies that the obligation of these funds is in the national interest of the United States.*

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $30,000,000, to remain available until expended: *Provided, That such funds shall be made available to the Facility by the Secretary of the Treasury if the Secretary determines (and so reports to the Committees on Appropriations) that the Facility has: (1) established clear procedures ensuring public availability of documentary information on all Facility projects and associated projects of the Facility implementing agencies; (2) established clear procedures ensuring that affected peoples in recipient countries are consulted on all aspects of identification, preparation, and implementation of Facility projects; and (3) the Facility governance process will provide for contributor country oversight of individual projects in the work program, and specific provisions will be established for the participation of nongovernmental organizations in all phases of the project cycle, including identification, appraisal, implementation, and evaluation: Provided further, That in the event the Secretary of the Treasury has not made such determinations by September 30, 1994, funds appropriated under this heading for the GEF shall be transferred to the Agency for International Development and used for activities associated with the GEF and the Global Warming Initiative.*

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed **[$1,804,879,000]** *$902,439,500*.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, [$1,024,332,000] *$957,142,857*, for the United States contribution to the replenishment, to remain available until expended[: *Provided*, That funds appropriated under this heading are available subject to authorization].

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, [$35,761,500] *$17,880,750*, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: *Provided*, That of the amount appropriated under this heading not more than $5,364,000 may be expended for the purchase of such stock in fiscal year 1994.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in share portion of the increase in capital stock, $56,166,000, and for the United States share of the increases in the resources of the Fund for Special Operations, $20,164,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,190,283,457.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, [$75,000,000] *$50,000,000* to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, [$13,026,366] *$2,000,000*, to remain available until expended: *Provided*, That funds appropriated under this heading are available subject to receipt by the Congress of the President's budget request for such funds.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), $62,500,000, to remain available until expended[: *Provided*, That funds appropriated under this heading are available subject to authorization].

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in the capital stock in an amount not to exceed $95,438,437: *Provided*, That the authority provided under this heading is available subject to receipt by the Congress of the President's budget request for such authority.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, [$132,300,000] *$135,000,000*, for the United States contribution to the sixth replenishment of the African Development Fund, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, [$339,500,000] *$360,628,000*: *Provided*, That none of the funds appropriated under this heading shall be made available for the following: the United Nations Fund for Science and Technology, the G–7 Nuclear Safety Fund, the OECD Center for Cooperation with European Economies in Transition, and United Nations Electoral Assistance activities: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further, That of the funds appropriated under the heading not less than $100,000,000 shall be made available for the United Nations Children's Fund:* [*Provided further*, That unless the President certifies to the Congress that the United Nations Population Fund (UNFPA) has terminated all activities in the People's Republic of China, not more than $36,215,500 of the funds appropriated under this heading may be made available for UNFPA: *Provided further*, That none of the funds appropriated under this heading may be made available for UNFPA until March 1, 1994, unless the President has made the certification referred to in the previous proviso:] *Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: Provided further, That if any funds appropriated under this heading are made available to UNFPA, UNFPA shall be required (1) to maintain such funds in a separate account and not commingle them with any other funds, and (2) to refund to the United States an amount equal to any amount that UNFPA contributes to the People's Republic of China in 1994 that is in excess of the amount that UNFPA had planned to contribute to the People's Republic of China in that year.*

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1994, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

For necessary expenses to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $811,900,000, *to remain available until September 30, 1995: Provided, That of this amount not less than $10,000,000 shall be made available for cooperative projects among the United States, Israel, and developing countries, of which not less than $5,000,000 shall be made available for the Cooperative Development Program, not less than $2,500,000 shall be made available for cooperative development research projects, and not less than $2,500,000 shall be made available for cooperative projects among the United States and Israel and the countries of Eastern Europe, the Baltic states, and the independent states of the former Soviet Union.*

POPULATION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(b), $392,000,000, *to remain available until September 30, 1995*: *Provided*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961.

DEVELOPMENT FUND FOR AFRICA

For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, $784,000,000, to remain available until September 30, 1995: *Provided*, That none of the funds appropriated by this Act to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 shall be transferred to the Government of Zaire: *Provided further, That funds appropriated under this heading which are made available for activities supported by the Southern Africa Development Community shall be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.*

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98–473) shall be superseded by the provisions of this section.

WOMEN IN DEVELOPMENT

In recognition that the full participation of women in, and the full contribution of women to, the development process are essential to achieving economic growth, a higher quality of life, and sustainable development in developing countries, not less than $11,000,000 of the funds *appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, in addition to funds otherwise available for such purposes, shall be used to encourage and promote the participation and integration of women as equal partners in the development process in developing countries, of which not less than $6,000,000 shall be made available as matching funds to support the activities of the Agency for International Development's field missions to integrate women into their programs: Provided, That the Agency for International Development shall seek to ensure that country strategies, projects, and programs are designed so that the percentage of women participants will be demonstrably increased.*

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, [$145,985,000] *$48,965,000* to remain available until expended.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $2,000,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans and total loan principal, any part of which is to be guaranteed, not to exceed $50,000,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,151,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, [$501,760,000] *$494,080,000*.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, [$39,118,000] *$38,518,940*, which sum shall be available for the Office of the Inspector General of the Agency for International Development: *Provided, That except as may be required by an emergency evacuation affecting the United States diplomatic missions of which they are a component element, none of the funds in this Act, or any other Act, may be used to relocate the overseas Regional Offices of the Inspector General to a location within the United States without the express approval of the Inspector General: Provided further, That the total number of positions authorized for the Office of Inspector General in Washington and overseas shall be not less than two hundred and fifty-one at September 30, 1994.*

HOUSING GUARANTY PROGRAM ACCOUNT

For the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $16,078,000: *Provided*, That these funds are available to subsidize total loan principal *and interest*, any part of which is to be guaranteed, not to exceed $110,000,000: *Provided further*, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections: *Provided further*, That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject to the availability of qualified applicants for such guarantees. In addition, for administrative expenses to carry out guaranteed loan programs, $8,239,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Eastern Europe, section 223(j) of the Foreign Assistance Act of 1961*: *Provided further*, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.

DEBT RESTRUCTURING

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, $7,000,000, to remain available until expended.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, [$2,364,562,000] *$2,280,500,000*, to remain available until September 30, 1995: [*Provided*, That funds appropriated under this heading that are made available for Israel shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1993, whichever is later: *Provided further*, That funds appropriated under this heading that are made available for Egypt shall be provided on a grant basis, and of which sum cash transfer assistance may be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years:] *Provided, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1993, whichever is later: Provided further, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further*, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: *Provided further*, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: *Provided further, That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, bicommunal projects, and measures aimed at the reunification of the island and designed to reduce tensions, and promote peace and cooperation between the two communities on Cyprus: Provided further, That not less than $7,000,000 of the funds appropriated under this heading shall be made available for the Middle East Regional Cooperation program: Provided further*, That none of the funds appropriated under this heading shall be made available for Zaire: *Provided further*, That not more than $50,000,000 of the funds appropriated under this heading may be made available to finance tied-aid credits, unless the President determines it is in the national interest to provide in excess of $50,000,000 and so notifies the Committees on Appropriations through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds made available or limited by this Act may be used for tied-aid credits or tied-aid grants except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 may be used for tied-aid credits: *Provided further*, That as used in this heading the term "tied-aid credits" means any credit, within the meaning of section 15(h)(1) of the Export-Import Bank Act of 1945, which is used for blended or parallel financing, as those terms are defined by sections 15(h) (4) and (5), respectively, of such Act: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 1995.

[INTERNATIONAL FUND FOR IRELAND

[For necessary expenses to carry out the provisions of part I of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until expended.]

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, [$400,000,000] *$380,000,000*, to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic assistance *and for related programs* for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, [$903,820,000] *$603,820,000*, to remain available until expended: *Provided*, That the provisions of 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $16,905,000: *Provided*, That, when, with the permission of the President of the Foundation, funds made available to a grantee under this heading are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made: *Provided further*, That this provision applies with respect to both interest earned before and interest earned after the enactment of this provision*: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the dollar limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.*

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, [$30,340,000] *$30,960,000.*

OVERSEAS PRIVATE INVESTMENT CORPORATION

PROGRAM ACCOUNT

For the subsidy cost as defined in section 13201 of the Budget Enforcement Act of 1990, of direct and guaranteed loans authorized by section 234 of the Foreign Assistance Act of 1961, as follows: cost of direct and guaranteed loans, $9,065,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $7,518,000: *Provided*, That the funds provided in this paragraph shall be available for and apply to costs, direct loan obligations and loan guaranty commitments incurred or made during the period from October 1, 1993 through September 30, 1995: *Provided further*, That such sums are to remain available through fiscal year 2002 for the disbursement of direct and guaranteed loans obligated in fiscal year 1994, and through 2003 for the disbursement of direct and guaranteed loans obligated in fiscal year 1995.

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such noncredit expenditures and commitments within the limits of funds available to it and in accordance with law (including an amount for official reception and representation expenses which shall not exceed $35,000) as may be necessary.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $219,745,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 1995: *Provided further*, That not to exceed $3,000,000 from amounts appropriated under this heading may be transferred to the "Foreign Currency Fluctuations, Peace Corps, Account", as authorized by section 16 of the Peace Corps Act, as amended.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $100,000,000*: Provided, That during fiscal year 1994, the Bureau of International Narcotics Matters of the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive nonlethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations.*

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code; $670,688,000: *Provided, That not less than $80,000,000 shall be available for Soviet, Eastern European and other refugees resettling in Israel: Provided further*, That not more than $11,500,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), [$19,261,000] *$49,261,000*, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $15,244,000.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $21,250,000: *Provided*, That up to $300,000 of the funds appropriated under this heading may be made available for grant financed military education and training for any country whose annual per capita GNP exceeds $2,349 on the condition that that country agrees to fund from its own resources the transportation cost and living allowances of its students: *Provided further*, That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military: *Provided further*, That none of the funds appropriated under this heading shall be available for Indonesia and Zaire.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, [$3,175,000,000] *$3,123,558,000:* [*Provided*, That funds appropriated by this paragraph that are made available for Israel shall be available as grants and shall be disbursed within thirty days of enactment of this Act or by October 31, 1993, whichever is later: *Provided further*, That funds appropriated by this paragraph that are made available for Egypt shall be available as grants:] *Provided, That of the funds appropriated by this paragraph not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1993, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced fighter aircraft programs or for other advanced weapons systems, as follows: (1) up to $150,000,000 shall be available for research and development in the United States; and (2) not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further*, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $46,530,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $769,500,000: *Provided further*, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: [*Provided further*, That funds appropriated under this heading shall be made available for Portugal, Greece and Turkey only on a loan basis: *Provided further*, That the principal amount of loans made available for Greece and Turkey shall be made available according to a 7 to 10 ratio] *Provided further, That funds appropriated under this heading shall be made available for Greece, Portugal, and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following; $283,500,000 only for Greece, $81,000,000 only for Portugal, and $405,000,000 only for Turkey.*

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): *Provided further*, That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Liberia, Guatemala, Peru, and Malawi: *Provided further*, That not more than $100,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for necessary expenses for grants if countries specified under this heading as eligible for such direct loans decline to utilize such loans: Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: *Provided further*, That not more than $23,558,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than $290,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during the fiscal year 1994 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading, and no employee of the Defense Security Assistance Agency, may be used to facilitate the transport of aircraft to commercial arms sales shows.

SPECIAL DEFENSE ACQUISITION FUND

Notwithstanding section 51 of the Arms Export Control Act, collections in excess of obligational authority provided in prior appropriations Acts shall be deposited in the Treasury as miscellaneous receipts: *Provided, That notwithstanding any provision of Public Law 102-391, not to exceed $160,000,000 of the obligational authority provided in that Act under the heading "Special Defense Acquisition Fund" may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act.*

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, [$75,623,000] *$62,500,000.*

NONPROLIFERATION AND DISARMAMENT FUND

For necessary expenses for a "Nonproliferation and Disarmament Fund", $10,000,000, to remain available until expended, to promote bilateral and multilateral activities: *Provided*, That such funds may be used pursuant to the authorities contained in section 504 of the FREEDOM Support Act: *Provided further*, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, [$700,000,000] *$1,000,000,000 to remain available until September 30, 1995*: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until 2009 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in [fiscal year 1994] *fiscal years 1994 and 1995*: *Provided further*, That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: *Provided further*, That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $45,369,000: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $40,000,000.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, Serbia, Sudan, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under the "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1994, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of [chapter 1] *chapters 1 and 8* of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, section 1202 of title 19, United States Code, schedule 8, part I, subpart B, item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Development Assistance Fund", "Population, Development Assistance", "Development Fund for

Africa", "International organizations and programs", ["American schools and hospitals abroad",] "Trade and development agency", "International narcotics control", "*Assistance for Eastern Europe and the Baltic States*", "*Assistance for the New Independent States of the Former Soviet Union*", "Economic support fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Foreign Military Financing Program", "International military education and training", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 20 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. (a) Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization (or for projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it), Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided*, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1995.

(b) The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION CONCERNING ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

REPORTING REQUIREMENT

SEC. 519. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Afghanistan, Cambodia, *Colombia*, El Salvador, Guatemala, Haiti, Indonesia, Jordan, Liberia, Malawi, Peru, Sudan, Togo, or Zaire except as provided through the regular notification procedures of the Committees on Appropriations: *Provided, That this section shall not apply to funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961 that are made available for El Salvador.*

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

FAMILY PLANNING, CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 522. Up to $8,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: *Provided*, That such individuals shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment: *Provided further*, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to th

Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, Syria, North Korea, People's Republic of China, or Laos unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1993" and inserting in lieu thereof "1994".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by [title I through V] *titles I through IV* of this Act may be obligated and expended [subject to] *notwithstanding* section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided*, That the Secretary of the Treasury is authorized to agree on behalf of the United States to participate in the tenth replenishment of the resources of the International Development Association, the fifth replenishment of the Asian Development Fund, and the replenishment of the permanent Global Environment Facility, subject to obtaining the necessary appropriations.

DEPLETED URANIUM

SEC. 527. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M-833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987, or (3) Taiwan: *Provided*, That funds may be made available to facilitate the sale of such shells notwithstanding the limitations of this section if the President determines that to do so is in the national security interest of the United States.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 528. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution [to vote against] *designated in subsection (b), and the Administrator of the Agency for International Development shall instruct the United States Executive Director of the International Fund for Agriculture Development, to use the voice and vote of the United States to oppose* any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the African Development Fund, and the European Bank for Reconstruction and Development.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 529. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 530. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel and Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 531. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 532. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

PROHIBITION ON LEVERAGING AND DIVERSION OF UNITED STATES ASSISTANCE

SEC. 533. (a) None of the funds appropriated by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law.

(b) For the purposes of this section the term "funds appropriated by this Act" includes only (1) assistance of any kind under the Foreign Assistance Act of 1961; and (2) credits, and guaranties under the Arms Export Control Act.

(c) Nothing in this section shall be construed to limit—

(1) the ability of the President, the Vice President, or any official or employee of the United States to make statements or otherwise express their views to any party on any subject;

(2) the ability of an official or employee of the United States to express the policies of the President; or

(3) the ability of an official or employee of the United States to communicate with any foreign country government, group or individual, either directly or through a third party, with respect to the prohibitions of this section including the reasons for such prohibitions, and the actions, terms, or conditions which might lead to the removal of the prohibitions of this section.

DEBT-FOR-DEVELOPMENT

SEC. 534. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior *or subsequent* Acts or local currencies which accrue to that organization as a result of economic assistance provided under the heading "Agency for International Development" and any interest earned on such investment may be for the purpose for which the assistance was provided to that organization.

LOCATION OF STOCKPILES

SEC. 535. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$389,000,000 for fiscal year 1993, of which amount not less than $200,000,000 shall be available for stockpiles in Israel, and up to $189,000,000 may be available for stockpiles in the Republic of Korea" and inserting in lieu thereof "$200,000,000 for stockpiles in Israel for fiscal year 1994, *and up to $72,000,000 may be made available for stockpiles in the Republic of Korea*".

ASSISTANCE FOR PAKISTAN

SEC. 536. (a) The date specified in section 620E(d) of the Foreign Assistance Act of 1961 is amended to read as follows: "September 30, 1994".

(b) None of the funds appropriated in this Act shall be obligated or expended for Pakistan except as provided through the regular notification procedures of the Committees on Appropriations.

SEPARATE ACCOUNTS

SEC. 537. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 538. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 539. (a) DENIAL OF ASSISTANCE.—None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq into its customs territory, and

(2) the export of its products to Iraq.

POW/MIA MILITARY DRAWDOWN

SEC. 540. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $15,000,000 in fiscal year 1994, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of Defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

SEC. 541. During fiscal year 1994, the provisions of section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, shall be applicable, for the period specified therein, to excess defense articles made available under sections 516 and 519 of the Foreign Assistance Act of 1961.

PRIORITY DELIVERY OF EQUIPMENT

SEC. 542. Notwithstanding any other provision of law, the delivery of excess defense articles that are to be transferred on a grant basis under section 516 of the Foreign Assistance Act to NATO allies and to major non-NATO allies on the southern and southeastern flank of NATO shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

ISRAEL DRAWDOWN

SEC. 543. Section 599B(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (as amended by Public Law 102–145, as amended, and Public Law 102–391), is further amended—

(a) by striking out "fiscal year 1993" and inserting in lieu thereof "fiscal year 1994"; and

(b) by striking out "Appropriations Act, 1993" and inserting in lieu thereof "Appropriations Act, 1994".

CASH FLOW FINANCING

SEC. 544. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99–83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this

Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

[RESCISSION

[SEC. 545. Of the unexpended balances of funds (including earmarked funds) made available for fiscal years 1987 through 1993 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $185,000,000 are rescinded.]

RESCISSIONS

SEC. 545. (a) Of the unexpended balances of funds (including earmarked funds) made available for fiscal years 1987 through 1993 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $250,000,000 are rescinded.

(b) Of the unexpended balances of funds (including earmarked funds) appropriated for fiscal year 1993 and prior fiscal years to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $5,100,000 are rescinded.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 546. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 547. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

SEC. 548. (a) Congress finds as follows:

(1) The United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia.

(2) The federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Hercegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces.

(3) Because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Hercegovina from its embargo.

(b) Pursuant to a lifting of the United Nations arms embargo against Bosnia-Hercegovina, the President is authorized to transfer to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1994: *Provided*, That the President certifies in a timely fashion to the Congress that—

(1) the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region; and

(2) United States allies are prepared to join in such a military assistance effort.

(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

(e) If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international law in the former Yugoslavia, the authority of section 552(c) of the Foreign Assistance Act of 1961, as amended, may be used to provide up to $25,000,000 of commodities and services to the United Nations War Crimes Tribunal, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this subsection shall be in lieu of any determinations otherwise required under section 552(c).

(f) Of the funds appropriated by this Act (including title VI of this Act), not less than $3,000,000 shall be made available for the United Nations War Crimes Tribunal, notwithstanding any other provision of law.

SPECIAL AUTHORITIES

SEC. 549. (a) Funds appropriated in title II of this Act that are made available for Haiti, Afghanistan, Lebanon, and Cambodia, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia-Hercegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law: *Provided*, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985: *Provided further*, That the President shall terminate assistance to any Cambodian organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases with regard to the key countries in which deforestation and energy policy would make a significant contribution to global warming: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) During fiscal year 1994, the President may use up to $50,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling contained in subsection (a) of that section.

(d) Of the funds appropriated by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 that are made available for assistance for Afghanistan and Lebanon, no more than 50 percent of the assistance provided to each country may be from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 550. (a) FINDINGS.—The Congress finds that—

(1) since 1948 the Arab countries have maintained a primary boycott against Israel, refusing to do business with Israel;

(2) since the early 1950s the Arab League has maintained a secondary and tertiary boycott against American and other companies that have commercial ties with Israel;

(3) the boycott seeks to coerce American firms by blacklisting those that do business with Israel and harm America's competitiveness;

(4) the United States has a longstanding policy opposing the Arab League boycott and United States law prohibits American firms from providing information to Arab countries to demonstrate compliance with the boycott;

(5) with real progress being made in the Middle East peace process and the serious confidence-building measures taken by the State of Israel, and end to the Arab boycott of Israel and of American companies that have commercial ties with Israel is long overdue and would represent a significant confidence-building measure; and

(6) in the interest of Middle East peace and free commerce, the President must take more concrete steps to press the Arab states to end their practice of blacklisting and boycotting American companies that have trade ties with Israel.

(b) POLICY.—It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 551. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", assistance may be provided as follows:

(1) To strengthen the administration of justice in countries in Latin America and the Caribbean in accordance with the provisions of section 534 of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(2) Notwithstanding section 660 of the Foreign Assistance Act of 1961, up to $10,000,000 may be made available for technical assistance, training, and commodities with the objective of creating a professional civilian police force for Panama, and for programs to improve penal institutions and the rehabilitation of offenders in Panama (which programs may be conducted other than through multilateral or regional institutions), except that such technical assistance shall not include more than $5,000,000 for the procurement of equipment for law enforcement purposes, and shall not include lethal equipment.

(b) Funds made available pursuant to this section may be made available notwithstanding the third sentence of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a)(1) for Bolivia, Colombia and Peru and subsection (a)(2) may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 552. (a) ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961: Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1994, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under titles I and II of the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 529 of this Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 553. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 554. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

EXCESS DEFENSE ARTICLES

SEC. 555. The authority of section 519 of the Foreign Assistance Act of 1961, as amended, may be used in fiscal year 1994 to provide nonlethal excess defense articles to countries for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in subsection (a) of that section.

TERMINATION

SEC. 556. For the purpose of making an equitable settlement of termination claims under extraordinary contractual relief standards, the President may adopt as a contract or other obligation of the United States Government, and assume (in whole or in part) any liabilities arising thereunder, any contract with a United States or third-country contractor that had been funded with assistance under this Act prior to the termination of assistance.

REAL PROPERTY MANAGEMENT

SEC. 557. Any funds remaining in the Acquisition of Property Revolving Fund administered by the Agency for International Development may be transferred to, and consolidated and merged with, funds in the Property Management Fund established pursuant to section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101–513).

ASSISTANCE FOR DISADVANTAGED SOUTH AFRICANS

SEC. 558. (a) Assistance may be provided pursuant to the authority contained in section 116(e)(2) of the Foreign Assistance Act of 1961, notwithstanding subsection (e)(2)(C) of that section.

(b) Assistance may be provided pursuant to the authority contained in section 116(f) of the Foreign Assistance Act of 1961, notwithstanding paragraph (2) of that subsection.

(c) In making grants under the authority of section 116(e)(2), the fourth sentence of subsection 116(e)(2)(B) shall not apply to a nongovernmental organization financed or controlled by the Government of South Africa if (1) such organization meets the criteria specified in the first three sentences of subparagraph (B), and (2) the President determines that (A) the activities of that organization further the purposes of the establishment of a non-racial democratic state in South Africa, (B) the provision of assistance to that organization will further the objective of assisting disadvantaged South Africans, and (C) the Government of South Africa is continuing to make progress toward dismantling apartheid and establishing a nonracial democracy. Before making such determinations, the President shall consult with the appropriate congressional committees and with South African organizations that are representative of the majority population of South Africa and should seek a commitment from the Government of South Africa that it will provide additional resources to meet the needs of disadvantaged South Africans. As used in the preceding sentence, the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate. The provisions of this subsection shall also be applicable to assistance provided pursuant to section 117 of the Foreign Assistance Act of 1961, relating to assistance for disadvantaged South Africans.

PROHIBITION AGAINST PAY TO FOREIGN ARMED SERVICE MEMBER

SEC. 559. None of the funds appropriated in this Act nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, or retirement pay for any person heretofore or hereafter serving in the armed forces of any recipient country.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 560. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

DISADVANTAGED ENTERPRISES

SEC. 561. (a) Except to the extent that the Administrator of the Agency for International Development of the Foreign Assistance Act of 1961 determines otherwise, not less than 10 percent of the aggregate amount made available for the current fiscal year for the "Development Assistance Fund", "Population, Development Assistance", and the "Development Fund for Africa" shall be made available only for activities of United States organizations and individuals that are—

(1) business concerns owned and controlled by socially and economically disadvantaged individuals,

(2) historically black colleges and universities,

(3) colleges and universities having a student body in which more than 40 per centum of the students are Hispanic American, and

(4) private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.

(b)(1) In addition to other actions taken to carry out this section, the actions described in paragraphs (2) through (5) shall be taken with respect to development assistance and assistance for sub-Saharan Africa for the current fiscal year.

(2) Notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator—

(A) to the maximum extent practicable, shall utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(B) to the maximum extent practicable, shall enter into contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals, and organizations contained in paragraphs (2) through (4) of subsection (a)—

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) using an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

(C) shall issue regulations to require that any contract in excess of $500,000 contain a provision requiring that no less than 10 per centum of the dollar value of the contract be subcontracted to entities described in subsection (a), except—

(i) to the extent the Administrator determines otherwise on a case-by-case or category-of-contract basis; and

(ii) this subparagraph does not apply to any prime contractor that is an entity described in subsection (a).

(3) Each person with contracting authority who is attached to the Agency's headquarters in Washington, as well as all Agency missions and regional offices, shall notify the Agency's Office of Small and Disadvantaged Business Utilization at least seven business days before advertising a contract in excess of $100,000, except to the extent that the Administrator determines otherwise on a case-by-case or category-of-contract basis.

(4) The Administrator shall include, as part of the performance evaluation of any mission director of the agency, the mission director's efforts to carry out this section.

(5) The Administrator shall submit to the Congress annual reports on the implementation of this section. Each such report shall specify the number and dollar value or amount (as the case may be) of prime contracts, subcontracts, grants, and cooperative agreements awarded to entities described in subsection (a) during the preceding fiscal year.

(c) As used in this section, the term "socially and economically disadvantaged individuals" has the same meaning that term is given for purposes of section 8(d) of the Small Business Act, except that the term includes women.

HUMAN RIGHTS REPORT

SEC. 562. (a) Section 511(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 (Public Law 102–391) is amended to read as follows:

"(b) HUMAN RIGHTS REPORT.—The Secretary of State shall also transmit the report required by section 116(d) of the Foreign Assistance Act of 1961 to the Committees on Appropriations each year by the date specified in that section: Provided, That each such report submitted pursuant to such section shall include (1) a review of each country's commitment to children's rights and welfare; (2) a description of the extent to which indigenous people are able to participate in decisions affecting their lands, cultures, traditions and the allocation of natural resources, and assess the extent of protection of their civil and political rights; and (3) an examination of discrimination toward people with disabilities: Provided further, That a separate report, which shall be entitled 'Annual Report on Military Expenditures', shall be submitted (at the same time as the report required by section 116(d)) which shall contain a description of the military expenditures of each country and the efforts it is making to reduce those expenditures, and should include for each country—

"(1) an updated estimate of current military spending and a description of trends in spending in real terms, using methodology such as that developed by the Arms Control and Disarmament Agency;

"(2) an updated estimate of current spending on health care and education;

"(3) a description of the size and political role of the armed forces, including an assessment of the ability of civilian authorities to appoint and remove military officers;

"(4) an assessment of the feasibility of substantially reducing military spending;

"(5) a description of efforts by each country and the United States to encourage such reductions, including collaborative efforts with other donors and arms suppliers; and

"(6) a description of the country's efforts to make such reductions, including its willingness to provide accurate military spending data to relevant international organizations and accurate data to the United Nations Register of Conventional Arms, and to participate in regional talks aimed at reducing military spending.".

(b) The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, disability, or religion.

USE OF AMERICAN RESOURCES

SEC. 563. To the maximum extent possible, assistance provided under this Act and title VI should make full use of American resources, including commodities, products, and services.

INTERNATIONAL FUND FOR IRELAND

SEC. 564. Of the funds appropriated under the heading "Development Assistance Fund," up to $19,600,000 may be made available until expended for the United States contribution to the International Fund for Ireland, in accordance with the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415), and such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 565. (a) Funds appropriated by this Act under the heading "Assistance for the New Independent States of the Former Soviet Union", and funds appropriated by the Supplemental Appropriations for the New Independent States of the Former Soviet Union Act, 1993, shall be available for economic assistance and for related programs as follows:

(1) $895,000,000 shall be provided for the purpose of private sector development including through the support of bilateral and multilateral enterprise funds, technical assistance and training, agribusiness programs and agricultural credit, financing and technical assistance for small and medium private enterprises, and privatization efforts.

(2) $125,000,000 shall be provided for the purpose of a special privatization and restructuring fund: Provided, That the United States contribution for such fund shall not exceed one-quarter of the aggregate amount being made available for such fund by all countries.

(3) $185,000,000 shall be provided for the purpose of enhancing trade with and investment in the new independent states of the former Soviet Union, including through energy and environment commodity import assistance, costs of loans and loan guarantees and the provision of trade and investment technical assistance.

(4) $295,000,000 shall be provided for the purpose of enhancing democratic initiatives, including through the support of a comprehensive program of exchanges and training, assistance designed to foster the rule of law, and encouragement of independent media.

(5) $190,000,000 shall be provided for the purpose of supporting troop withdrawal, including through the support of an officer resettlement program, and technical assistance for the housing sector.

(6) $285,000,000 shall be provided for the purpose of supporting the energy and environment sectors, including such programs as nuclear reactor safety, and technical assistance to foster the efficiency and privatization of the energy sector and making that sector more environmentally responsible.

(7) $239,000,000 shall be provided for humanitarian assistance purposes, including to provide vaccines and medicines for vulnerable populations, to assist in the establishment of a sustainable pharmaceutical industry, to provide food assistance, and to meet other urgent humanitarian needs.

(b) Funds allocated for any of the paragraphs under subsection (a) of this section may be reallocated for the purposes of any other such paragraph, or may be reallocated for other economic assistance and related programs in furtherance of the objectives of the FREEDOM Support Act, if at least 15 days prior to such reallocation, the Committees on Appropriations are notified in accordance with regular notification procedures.

(c) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be provided to the maximum extent feasible through the private sector, including private voluntary organizations and nongovernmental organizations functioning in the New Independent States.

(d) Of the funds appropriated by titles II and VI of this Act under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", and title IV, not less than $300,000,000 shall be made available for Ukraine.

(e) None of the funds appropriated by this or any other Act, shall be transferred to the Government of Russia—

(1) unless that Government is making substantial progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and elimination of arbitrary or discriminatory taxes adverse to foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures in violation of an existing contract with a United States private enterprise.

ANDEAN NARCOTICS INITIATIVE

SEC. 566. None of the funds appropriated by this Act under the headings "Economic Support Fund" and "Foreign Military Financing Program" may be made available for the Andean Narcotics Initiative until the Secretary of State consults with, and provides a new Andean counter-narcotics strategy (including budget estimates) to, the Committees on Appropriations.

LIMITATIONS ON ASSISTANCE FOR NICARAGUA

SEC. 567. (a) None of the funds appropriated by this Act under the heading "Economic Support Fund" may be made available to the Government of Nicaragua until the Secretary of

State determines and reports in writing to the appropriate committees that—

(1) there has been a full and independent investigation conducted relating to issues raised by the discovery, after the May 23 explosion in Managua, of weapons caches, false passports, identity papers and other documents, suggesting the existence of a terrorist/kidnapping ring; and

(2) any individuals identified by the investigation cited in paragraph (1) as being part of such ring, including all government officials (including any members of the armed forces or security forces) are being prosecuted.

(b) In addition to subsection (a), funds appropriated by this Act under the heading "Economic Support Fund" may only be made available to the Government of Nicaragua upon the notification, in writing, by the Secretary of State to the appropriate committees that he has determined that significant and tangible progress is being made by the Government of Nicaragua toward—

(1) the resolution of expropriation claims and the effective compensation of legitimate claims;

(2) the timely implementation of recommendations made by the Tripartite Commission as it undertakes to review and identify those responsible for gross human rights violations, including the expeditious prosecution of individuals identified by the commission in connection with such violations;

(3) the enactment into law of legislation to reform the Nicaraguan military and security forces in order to guarantee civilian control over the armed forces;

(4) the establishment of civilian control over the police, and the independence of the police from the military; and

(5) the effective reform of the Nicaraguan judicial system.

(c) The notification pursuant to subsection (b) shall include a detailed listing of the tangible evidence that forms the basis for such determination.

(d) For purposes of this section, the term "appropriate committees" means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives.

LIMITATIONS ON ASSISTANCE FOR HAITI

SEC. 568. (a) Notwithstanding any provision of this or any other Act, none of the funds appropriated by this Act may be obligated or expended for the purpose of military-related civic action programs, police training, or military training for Haiti—

(1) prior to October 30, 1993, unless such programs or training constitutes an integral part of a United Nations-sponsored, multilateral initiative in furtherance of the implementation of the Governor's Island Accords, signed on July 3, 1993; and

(2) on or after October 30, 1993, in order to strengthen civilian control over the military and to establish an independent civilian police force, without the concurrence of the duly-elected President of Haiti.

(b) Notwithstanding any provision of this or any other Act, none of the funds appropriated by this Act may be used to provide military assistance or military training in which a member of the Haitian Armed Forces participates if the Secretary of State knows or has reason to believe, based on all credible information available to him, that such member—

(1) is or has been an illicit trafficker in any narcotic or psychotropic drug or other controlled substance, or is or has been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such substance; or

(2) is or has participated in gross violations of internationally recognized human rights.

AGRICULTURAL AID TO THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 569. Of the funds appropriated by titles II and VI of this Act under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", $50,000,000 shall be made available only for provision of United States agricultural commodities to address the food and nutrition needs of the people of the new independent states of the former Soviet Union: Provided, That in providing assistance under this section, primary emphasis shall be given to meeting the food and nutrition needs of children and pregnant and post-partum women: Provided further, That funds made available for the purposes of this section may be used for transportation of United States agricultural commodities provided under this section: Provided further, That the President may enter into agreements with the governments of the new independent states and nongovernmental organizations to provide for the sale of any part of the United States agricultural commodities in the new independent states for local currencies: Provided further, That any such local currencies shall be used in the new independent states to process, transport, store, distribute or otherwise enhance the effectiveness of the use of United States agricultural commodities provided under this section, and to support agricultural and rural development activities.

HUMANITARIAN ASSISTANCE FOR ARMENIA

SEC. 570. Of the funds appropriated by titles II and VI of this Act (1) to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and (2) under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", not less than $18,000,000 shall be made available, notwithstanding any other provision of law, for urgent humanitarian assistance for Armenia.

HUMANITARIAN AND REFUGEE ASSISTANCE IN CROATIA, SLOVENIA, BOSNIA, AND KOSOVA

SEC. 571. (a) Of the funds appropriated by this Act under the heading "Migration and Refugee Assistance", not less than $35,000,000 shall be made available to assist refugees in Croatia, Slovenia, and Bosnia.

(b) Of the funds appropriated by title II of this Act, not less than $30,000,000 shall be made available, notwithstanding any provision of law, for humanitarian assistance for Bosnia, Croatia, and Kosova, of which not less than $10,000,000 should be for Kosova: Provided, That such assistance shall be provided through private and voluntary organizations and shall include health care assistance (with emphasis on maternal health care), and assistance for displaced children and victims of war, including victims of rape and torture.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 572. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 573. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 574. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development, nor shall any of the funds appropriated by this Act be made available to any private voluntary organization which is not registered with the Agency for International Development.

CHEMICAL WEAPONS PROLIFERATION

SEC. 575. None of the funds appropriated by this Act may be used to finance the procurement of chemicals, dual use chemicals, or chemical agents that may be used for chemical weapons production: Provided, That the provisions of this section shall not apply to any such procurement if the President determines that such chemicals, dual use chemicals, or chemical agents are not intended to be used by the recipient for chemical weapons production.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 576. The Foreign Assistance Act of 1961 is amended by inserting at the end of part I the following new chapter:

"CHAPTER 12—SPECIAL DEBT REDUCTION AUTHORITY

"SEC. 499. SPECIAL DEBT REDUCTION AUTHORITY.

"(a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

"(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

"(2) credits extended or guarantees issued under the Arms Export Control Act; or

"(3) loans or guarantees made pursuant to the Export-Import Bank of 1945.

"(b) LIMITATIONS.—

"(1) The authority provided by this section may be exercised only to implement multilateral official debt relief and referendum agreements commonly referred to as 'Paris Club Agreed Minutes'.

"(2) The authority provided by this section may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

"(3) The authority provided by this section may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as 'IDA-only' countries.

"(c) ELIGIBILITY.—The authority provided by this section may be exercised only with respect to a country—

"(1) whose government is making reasonable progress toward democracy;

"(2) whose government has not repeatedly provided support for acts of international terrorism;

"(3) whose government is not failing to cooperate on international narcotics control matters; and

"(4) whose government (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.

"(d) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.".

GUARANTEES

SEC. 577. Section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting after subparagraph (2)(F) the following new subparagraph:

"(G) NET GUARANTEE COSTS.—The net costs for fiscal year 1994 of the appropriation made under section 601 of Public Law 102-391 are not subject to the discretionary spending limits or the Appropriations Committee's Foreign Operations Subcommittee's 602(b) allocation in fiscal year 1994.".

FOREIGN MILITARY FINANCING DIRECT COMMERCIAL SALES POLICY

SEC. 578. (a) PROHIBITION ON POLICY CHANGES.—The Secretary of Defense shall not restrict the use of Foreign Military Financing for direct commercial sales unless and until—

(1) the Secretary of Defense submits to the congressional appropriations, foreign relations and defense committees the report under subsection (b); and

(2) the Secretary of Defense consults with and secures the approval of the Congress regarding any proposed changes in Foreign Military Financing direct commercial sales policy.

(b) REPORT ON IMPACT OF POLICY CHANGES REGARDING FOREIGN MILITARY FINANCING DIRECT COMMERCIAL SALES.—The Secretary of Defense shall submit a report to Congress on or before December 31, 1994, regarding the implementation of the Foreign Military Financing program through both the Government-to-Government and direct commercial sales methods.

(1) CONTENT OF REPORT.—The report shall include—

(A) reasons for selecting the Government-to-Government or direct commercial sales methods in Foreign Military Financing transactions;

(B) benefits and difficulties resulting from usage of the Government-to-Government or direct commercial sales methods in Foreign Military Financing transactions, including, but not limited to, a discussion and statistical breakdown of administrative and other difficulties arising from both Government-to-Government and direct commercial sales methods; and

(C) the time necessary to ensure an effective and non-disruptive transition to implement any changes regarding Foreign Military Financing sales methods which the Congress may approve.

(2) FORM OF REPORT.—The report shall be submitted in classified and unclassified forms.

(3) SOLICITATION OF ADDITIONAL VIEWS.—The Secretary of Defense shall solicit the views of the Department of State and the National Security Council and of foreign countries and United States defense contractors which participate in the Foreign Military Financing program regarding those issues covered by subsection (b)(1). All views solicited under direction of this subsection shall be included in the final report submitted to Congress.

Titles I through V of this Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994".

TITLE VI—FISCAL YEAR 1993 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1993, and for other purposes, namely:

FUNDS APPROPRIATED TO THE PRESIDENT

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for the "Assistance for the new independent states of the former Soviet Union" and for related programs, $630,000,000, to be available upon enactment and to remain available until expended[, of which not to exceed $500,000,000 may be made available for a special privatization and restructuring fund: *Provided*, That the United States contribution for such fund shall not exceed one-quarter of the aggregate amount being made available for such fund by all countries: *Provided further*, That]: *Provided, That* the provisions of section 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", $979,000,000, to be available upon enactment and to remain available until September 30, 1994: *Provided*, That the Secretary of Defense may transfer such funds to other appropriations available to the Department of Defense for the purposes of providing assistance to the new independent states of the former Soviet Union: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations available to the Department of State and other agencies of the United States Government for the purposes of providing assistance and related programs for the new independent states of the former Soviet Union for programs that the President determines will increase the national security of the United States: *Provided further*, That the amounts transferred shall be available subject to the same terms and conditions as the appropriations to which transferred: *Provided further*, That the authority to make transfers pursuant to this provision is in addition to any other transfer authority of the Department of Defense.

This title may be cited as the "Supplemental Appropriations for the New Independent States of the Former Soviet Union Act, 1993".

Mr. LEAHY. Mr. President, so that my colleagues will know where we are, we now have before the Senate the Foreign Operations bill. I do want to thank the distinguished Senator from Maryland [Ms. MIKULSKI] and the distinguished Senator from Texas [Mr. GRAMM]. The chair of the VA/HUD subcommittee, Senator MIKULSKI, has moved a very complex and very difficult bill through the Senate in a record amount of time. I compliment her for her sterling achievement. But I also want to express a personal sense of gratitude because it made it possible to bring up the Foreign Operations bill today. To finish it today. I say it helps because the Senator from Maryland knows, as we all do, the situation that is occurring in Russia right now.

I want to make it very clear to the U.S. Senate that this bill contains aid for Russian the other independent states of the former Soviet Union. We intend fully to go forward with it. I discussed it with the President of the United States. He has expressed his support of the leadership of Russia, represented by President Yeltsin, as do have. And what we do here will be reflected in international opinion, as well as here at home. What we do here will be watched very closely in Moscow, as it will in the capitals of most of our allies. The United States is the superpower of the world, and we will lead in what will be the world's response to the changes in the newly independent states.

Let me be very clear about this. The United States' position is not to tie its fortunes just to one individual person.

The United States position is to reflect a desire to bring about stability, democracy, and a market economy, in the former Soviet Union. That is in our interests, certainly in our economic interest. Of course, it is in our security interest. But it also reflects the basic goals and ideals of the American people to see democracy flourish wherever it can in the world.

So it would make no sense whatsoever for us as a nation to hold back on Russian aid while we wait for the pieces to all fit into place in Moscow.

So we will pass a Russian aid package here in the U.S. Senate this week. I hope we will have a successful conference with the other body. I know there is strong support in the other body for this aid. Then we will have a bill signed into law before the end of the fiscal year by the end of next week.

Mr. President, I am pleased to present to the Senate H.R. 2295, the Foreign Operations, Export Financing and Related Programs Act for fiscal 1994, as reported by a unanimous vote of the Appropriations Committee on Tuesday, September 14.

I thank the ranking Republican, Senator MCCONNELL, for his cooperation throughout the year. In his first year as ranking member he has played a major role in shaping this bill.

The bill before the Senate totals $12.5 billion in fiscal year 1994 budget authority. This is approximately $1.2 billion below our allocation, and $2 billion below the President's request.

I express my appreciation to the chairman of the full committee, Senator BYRD, for his help in working out the immense problems which faced us. Senator BYRD's leadership made it possible for this bill to reach the floor today. We all owe him our thanks.

In this year's deficit reduction, no one can say the Foreign Operations Subcommittee has not done its share. This foreign aid bill cuts over $2 billion from CBO's estimate of the President's request of $14.5 billion. That is a 13-percent reduction. It is a cut of $1.7 billion from last year's Foreign Operations Act. It is $500 million in budget authority below the bill as passed by the House.

AID TO THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

This bill provides full funding of President Clinton's pledge of extraordinary assistance to Russia and the other New Independent States of the former Soviet Union. It places the United States behind the forces for democratic reform and for free enterprise and open societies in our former adversaries.

The committee bill seeks to provide maximum flexibility to the President in assisting the NIS. We seek to arm the President with the resources and the tools to help build democracy. This is an investment in our long-term national security.

Funding the special NIS aid program was not easy. The President's special NIS aid request came after the budget resolution was adopted. The Tokyo $1.8 billion request is over and above the $704 million the President requested for the New Independent States in his original budget submission.

President Clinton has made clear that full funding of his NIS aid program is his No. 1 priority in the foreign aid program. Although the President made a commitment to Israel of full funding for the Camp David countries, the administration has been unequivocal in accepting that all other foreign aid programs are candidates for reductions if necessary to fully fund the NIS aid package.

The committee has reported a bill aimed at helping the President achieve his critical goals in foreign aid. In order to achieve full funding for Russia and the other successor Republics, it has been necessary to cut most other accounts in the foreign aid program. Many of these cuts fall on programs this Senator has fought for years to protect, such as disaster assistance. The level in the bill is extremely painful to me, and represents sheer budget necessity, the fact that our outlay allocation is $97 million below that of the House.

I want to assure the many Senators who have raised the disaster assistance funding level with me that restoring it to the request level or as close to it as possible is my top priority for conference. There is reason to think that improving the disaster assistance funding level in conference will be possible. I have been discussing with the distinguished committee chairman the difference in the outlay allocations between our subcommittee and the House subcommittee. When he determines how to resolve the $97 million difference, it is my strong hope that his understanding of our extremely difficult situation will allow us to raise substantially the disaster assistance funding level in conference.

Earlier this year I said I would not cut aid to Africa, family planning, and development assistance in order to fund assistance to Russia. This bill does not reduce those programs below the House-passed levels. It took great effort, but with the help of my friend from Kentucky we have managed to maintain the House levels for those important programs.

Other cuts are fully justified on budgetary and policy grounds, such as zeroing the European Bank for Reconstruction and Development, in view of its outrageous waste and poor record of disbursements. I believe in reconstruction and development, but I do not believe in marble lobbies and wasteful spending on those who head such a bank.

The trend of the last several years of reducing security assistance continues, although we have been able to provide more funding for voluntary peacekeeping contributions than in the past. In this bill, the only countries to receive grant military aid will be Egypt and Israel, the Camp David countries. This is in recognition of their special security concerns and the importance of doing nothing which would disrupt the climate for the historic Israel-PLO peace opening.

The administration, Congress, and the American people owe an enormous debt of gratitude to my good friend and colleague, the distinguished Senator from Hawaii for the fact that this committee was able to fund the President's full assistance request for Russia, Ukraine, and the other new Independent States of the former Soviet Union. His cooperation in agreeing to allow nearly $1 billion of his Defense Subcommittee allocation to be reallocated to foreign operations to cover NIS aid funding is an act of statesmanship.

Senator INOUYE deserves the thanks of all who believe that timely United States help can play a vital role in the chances for democracy in Russia. Truly, this special NIS aid program would not be possible were it not for his cooperation and sense of vision.

I also thank Senator MCCONNELL for his leadership on assistance to the Ukraine. Senator MCCONNELL visited the Ukraine this summer. Since Senator MCCONNELL had looked most closely at the situation there, he worked on that part of our overall NIS provision, while I developed the legislation on broad policy guidance and the funding framework.

Senator MCCONNELL also helped prepare the bill provision which is aimed at preventing our aid from being used to disadvantage American companies seeking to invest and operate in the NIS. We heard a great deal from U.S. business people about adverse legal and financial conditions while we were there last July.

Let me also call the Members' attention to a major difference in the committee bill and the President's Russia aid request. Of the President's special $1.8 billion Tokyo package, $1.5 billion was exclusively for Russia. Instead of that, we have made the whole $2.5 billion in assistance available to the entire NIS. Of course, the President intends to provide the bulk of that aid to Russia, and properly so. Our national security interest is in helping President Yeltsin and the reformers to build democracy and free enterprise.

But the committee bill seeks maximum flexibility in the overall NIS program, with the broad programmatic priorities defined in the bill. The committee agreed that so large a portion should not be exclusively devoted to Russia, with no ability to move money to other areas if opportunities arise.

Another major difference is that the bill shifts $300 million out of the NIS program and into Eximbank. Directive report language makes clear this $300 million is to cover the subsidy costs of Eximbank operations in Russia, so there is no actual reduction in the overall amount of funds available for the NIS program. In July, the Senator from Kentucky and I visited Russia. After our talks with American business men and women in Russia, we wanted to make absolutely sure there is adequate funding for Exim activities there. I have been assured by Eximbank President Brody that the Bank will aggressively pursue opportunities for U.S. business in the NIS with the special funds made available to it.

Report language also makes clear the Appropriations Committee's intent that at least $40 million of the NIS Program will be transferred to OPIC to help finance investments by U.S. business in the NIS. The committee provisions are carefully designed to assist American business to participate fully in the NIS markets, which I believe have enormous potential for trade with us in the future.

MIDDLE EAST PEACE

In recognition of the great risks taken by Israel in the historic opening for peace with the Palestinians, aid for Israel and Egypt are earmarked at the request levels. I hope this renewed demonstration of the U.S. commitment to peace and stability in the Middle East will encourage all parties to continue to pursue the dramatic possibilities for a settlement.

There have been many questions about aid to the Palestinians. Secretary Christopher has announced the calling of a special international conference on the Middle East, at which the United States will take the lead in developing a long-term economic development plan. The bulk of the resources will have to come from the World Bank, other international financial institutions, the European Community, Japan, and the Arab nations themselves. However, the administration will pledge $250 million over 2 years. The Secretary has assured me the entire U.S. contribution will come from existing resources and from requests the administration will make in the fiscal 1995 foreign aid program. It is my understanding that the administration believes no special supplemental will be necessary.

I would note for Senators that, as it has for several years, the bill contains sufficient funding in the ESF account to provide for a small economic aid program in the West Bank and Gaza. Even will all the pressures on the account, there is enough in the ESF program to cover the West Bank/Gaza program. Our report directs that this program be funded at $25 million. This will be part of the 2-year $250 million program described by Secretary Christopher.

REFUGEES

The one program the committee bill has increased, at the cost of painful cuts elsewhere, is refugee assistance. The world's refugee population has reached a level of around 17 million. The funding level is still far too low to meet even minimal needs of these millions of desperate refugees.

PROCEDURAL SITUATION

The fact that the bill is carrying a fiscal 1993 supplemental as title VI means that it must be passed by Congress and signed into law by the President before midnight of September 30. We have barely a week to get through the rest of the process. I ask the cooperation of all Senators in getting this bill off the floor and into conference so that we can send it to the President in time.

Mr. President, I would expect the two areas to be watched most closely in this bill will be aid to the former Soviet Union and aid to the Middle East, as they should be. We have strong interests in both places.

No American should question that it is in our best security interests and our best economic interests to see a democratic Russia, an economically viable Russia, and the same for the other Republics of the former Soviet Union. And we as the oldest democracy should help that come about.

We also watched—so many of us, in fact almost every Senator on this floor was on the south lawn of the White House just a week or so ago—we watched the historic signing of the peace agreement between Israel and the Palestinians. And I cannot imagine anybody who was there no matter how they feel about any of the parties in the Middle East who was not moved by that signing and who did not recognize the historic significance of it.

In many ways it ranks with the fall of the Berlin Wall. And Secretary of State Warren Christopher announced that the United States will lead in developing a long-term economic plan for the Middle East. The bulk of the resources are going to have to come from the World Bank and the other international financial institutions, the European Community, Japan, and the Arab nations themselves. After all, it is time for Europe, the Arab world, and Japan to realize they have a major stake in the Middle East and they cannot expect the American taxpayers to carry the whole load. They are going to have to help by coming up with a great deal of the money. They are going to have to do their part as the American taxpayers have done our part for decades.

The administration has pledged $250 million over 2 years, which I support. The Secretary assured me the entire U.S. contribution will come from existing resources from a request the administration will make in the fiscal 1995 foreign aid program. They believe no special supplement is necessary. The administration can go to these other countries and say: Join with us in this historic opportunity for peace in the Middle East. Join with us so the Israelis and the Arabs can live together peacefully.

When I sat there and watched Prime Minister Rabin and Chairman Arafat shake hands, I could only begin to imagine how difficult it was for each of them to do that.

Their distrust and animosities are not going to disappear overnight. People who have lived in fear of each other for decades, that does not go away overnight.

But I looked at the young children who were there, young Arab and Israeli children playing together on the same lawn of the White House, and I thought, here is an opportunity for them, for the next generation.

For the generation of people of my age, the fear and distrust will not go away. It can be diminished, it can be lessened—and I hope it will—but it will not totally disappear.

But we can bring up a new generation of Israeli children and Arab children who can live and work together in a land that could become one of the most prosperous parts of the world.

Mr. President, again, I must say that throughout all of this—the work on Russian aid, Middle East aid, and everywhere else—has been marked by the kind of bipartisanship, which I believe Senator Vandenberg envisioned decades ago, in meetings at the State Department, with the administration, and within the Senate leadership itself. And what has helped very, very much has been the strong help of the distinguished Senator from Kentucky, the ranking member of this subcommittee.

I yield to Senator MCCONNELL.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky [Mr. MCCONNELL].

Mr. MCCONNELL. Mr. President, I thank my good friend from Vermont, the chairman of the Foreign Operations Subcommittee, and say to him how much I have enjoyed working with him and establishing our relationship, as I have become ranking member on this subcommittee. I think we have clearly provided for the Senate as good a bill as we could possibly construct in these times of great austerity.

Mr. President, as I said, I would certainly start out by congratulating the Senator from Vermont for moving this bill forward with such skill. Given the enormity of the task and the complexity of the issues, he has done a remarkable job.

And as the chairman indicated, we also, both of us, appreciate very much the cooperation of Senator BYRD, Senator INOUYE, and Senator STEVENS without whose heavy involvement in this we simply could not have provided the funding needed for the newly Independent States.

I wonder how many people really understand and fully realize how important and historic the bill we have before us truly is. While the bill includes a number of provisions supporting programs vital to U.S. interests, the dramatic departure from the past is the scope and substance of our assistance package for the new independent states of the former Soviet Union. Who would have believed, 5 years ago, we would be appropriating $2.5 billion to assist the transition to democracy and free markets in the former Soviet Union? No one would have predicted that, Mr. President, no one in the country.

As the events in the past few days have indicated, our support for democracy and economic reform is now more important than ever. It is so clearly in our interests to see the New Independent States through this difficult transition. There is no doubt in my mind that our assistance is making a direct contribution to stabilizing the region, reducing the nuclear threat we face, and building huge, new markets some place down the road.

We are at a crossroads—we can assist the forces of political and economic freedom or we can stand by and allow reactionary, repressive elements to carry the day.

The sum of this bill is remarkable because of its parts. As Senator LEAHY has pointed out, we have worked hard to assure the administration maximum flexibility in meeting emerging needs and opportunities, by avoiding an overload of earmarks. For all NIS countries, we have provided broad program discretion within overall categories of activities. The funding levels we have appropriated for each category reflect a consensus opinion, reflecting both congressional and administration input on our highest priorities.

In addition to the broad categories of aid for the NIS, the chairman has agreed to my request that $300 million of the $2.5 billion be directed for use in Ukraine. I am convinced that Ukraine will play a central role in assuring the region's transition to democracy and free markets.

Until May, United States-Ukraine relations were somewhat strained by the single-minded focus on nuclear issues. This is a crucial priority and everyone, including the leadership in Ukraine, agrees that Ukraine should ratify and fulfill all obligations under the Nuclear Nonproliferation Treaty and START I. However, it should not be the only issue addressed in the bilateral and multilateral agenda.

With 52 million educated people, ports, a strong agricultural and industrial base, Ukraine is well-positioned to play a major role as a global economic and political power. But promising prospects are complicated by serious problems. Chernobyl's radiation has contaminated water, land, and the health of a whole generation. Troops returning from the Baltics need housing. Privatization, currency stabilization, defense conversion, and nuclear dismantling—the list of urgent needs is endless. I believe it is in our interests, the interests of long-term regional stability to help.

In addition to funds for Ukraine, I want to thank the chairman for including several other provisions and report language on issues of concern to me. The bill itself now includes language addressing a serious problem that we repeatedly heard about in July. Aid is linked to progress in market reforms, respect for commercial contracts, and achieving a consistent, rational tax structure conducive to private investment. The bill also protects American enterprises from having assets seized or expropriated by Russian entities suddenly flush with United States assistance. It simply does not make sense to help the Russian private sector by hurting American commercial interests.

We also learned that a number of companies have delivered goods and services over the past few years without being paid. While the Russian Government acknowledges the debt, and the American companies have offered any number of alternatives for compensation, there has been no progress. I am greatly concerned that failure to achieve progress will discourage further private investment, so key to economic reform and growth. The report encourages the administration to renew their efforts to resolve this pressing problem.

Finally, on the NIS section of the bill, the chairman agreed to a new approach for a pilot project linking U.S. assistance to American corporate investments. I have recommended that two sites be selected outside major urban areas where American companies have major equity investments. I believe our aid can play an important transition role supporting development and infrastructure needs until private sector initiatives can generate sufficient income and revenue to fulfill a community's needs. I think we should establish two islands of success, outside Moscow, that can serve as models for development and growth elsewhere.

While U.S. Government assistance can ease some of the socioeconomic transition pains, long-term growth, jobs, income, and revenue generation depend on expansion of the private sector. Producing real and visible benefits, a strong private sector will, in turn, strengthen grass roots support for political and economic reform. Linking U.S. aid with private sector initiatives will mutually reinforce our twin goals of democratic and economic reforms.

The NIS holds out hope for the future success of American foreign assistance programs. We offer this assistance with a clear view of how it will serve our—our—national interests. I can only hope it will make the same contribution toward peace and stability that U.S. aid appears to have made in the Middle East. As Prime Minister Rabin and Yasir Arafat stood side-by-side in peace and hope, signing away years of violence and ending decades of bloodshed, I believe our consistent and strong support in Congress for our democratic friend and ally, Israel, played a small role in moving the process forward. As negotiations intensified, I was persuaded that it was more important than ever to sustain earmarks for Camp David countries.

Fortunately, every member of the subcommittee held the same view. This unanimous support for Israel and Egypt is nothing less than an earmark for peace, security, and stability.

The bill also highlights the role we expect the United States to play in the West Bank and Gaza. In the past, the committee has earmarked $25 million in support of AID development projects and economic growth. We have left open the funding level in order to meet urgent needs and emerging opportunities. However, I think everyone agrees, we expect an expanded commitment to support—in Prime Minister Rabin's words, "the revolution of peace."

Like the NIS, I think economic growth in the West Bank and Gaza will be driven by the private sector's trade and investment. There is a large expatriate Palestinian community inclined to invest in the area. In addition, the Gulf States have an obvious interest in assuring a successful, peaceful transition to autonomy.

In the very short term, I believe U.S. aid should support private sector efforts by meeting basic physical and social infrastructure needs. Every assessment of the conditions in Gaza, Jericho, and the West Bank suggest our initial assistance should target rebuilding transportation and power grids, developing a clean, safe water supply, and expanding health care services. This basic foundation is crucial to the private sector's ability to invest and grow.

Although poor as measured by GDP or industrial and agricultural output, this area has tremendous potential. We should work closely with Israel and other nations in the region to secure peace through economic opportunity and growth.

Having addressed some of the components of the bill, let me turn to a broader concern that was raised this year. While we were able to address a number of crucial priorities in fully funding the NIS package and assuring responsible treatment of the Camp David countries, other countries and programs which represent important priorities have suffered because of our budgetary constraints.

In account after account, we had to cut more drastically than the House and far below the President's request. The contrast between needs and means is sharp. In a world of emerging crises and tensions, we have been forced through budget pressures to reduce our peacekeeping and international disaster assistance. Friends who in the past have enjoyed the support of earmarks should understand budget pressure prevented the same kind of treatment this year. I think a review of the bill will indicate even where there are earmarks, we were forced to reduce the funding from last year's levels. I make this point, because in a few cases, most notably Turkey, I do not want a reduction to be considered a measure of our commitment. It is a measure of our meager resources.

In spite of these pressures, we have a bill which represents a strong commitment to private-sector-led growth. We have funded the Asian Development Bank, offered strong support for the Export-Import Bank, the Trade Development Agency and OPIC—all of which will significantly expand U.S. commercial opportunities and global trade. Ultimately, trade not aid will lift countries from poverty to prosperity.

Having been accommodated by the chairman on matters of concern to me I do not want to dwell on our differences—but there are a few which I feel obliged to note, in case there are amendments on these matters. In the bill itself, I am concerned about two provisions. First, there is language broadening the mandate of the UNFPA without sufficient guidance on the question of abortion. We are all well aware of the controversy surrounding UNFPA activities in China. From my perspective, I think we should have been more clear in our restrictions on this program.

Second, I do not think we should have completely banned Andean counternarcotics activities until the administration provides a new strategy. While I agree with the chairman that the time has come to assess the quality of our interdiction efforts, I think a broad program ban sends a dangerous signal. Like it or not, we appear to have undermined the valiant counternarcotices efforts of the Andean governments while letting the cartels know, our policy and programs are on hold. It seems to me we have invited a surge of trafficking as we wait for a new administration strategy. I think the issue should have been dealt with in policy language included in the report.

In the report accompanying the bill, let me add a few other observations. As it is written, I do not completely share the chairman's view on Indonesia, Colombia, Peru, and Turkey. Each of these nations is struggling with significant internal crises leading to inevitable problems with security forces. However, I believe good faith efforts are being made to protect human rights and assure the rule of law. I have always taken the approach in foreign policy we should encourage progress where we can, rather than punish emerging democracies for failing to reach unrealistic standards.

To end on a more positive note. This is my first year managing this legislation, and I find myself wondering why I waited so long to join my colleagues on the Appropriations Committee. It has been a real pleasure to work with the chairman of both the subcommittee and the full committee, and Senator HATFIELD, our ranking member.

Presented with difficult challenges, Senator LEAHY rose to the challenge and we have drafted a strong bill.

I congratulate him and his staff and am pleased to join him in offering it to our colleagues for consideration.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc; that the bill, as thus amended, be regarded for purposes of amendment as original text, provided no point of order shall have been considered to have been waived if the amendment is agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I would like to point out three printing errors in the bill and report for the information of Senators and staff.

In the bill, H.R. 2995, the proviso on page 51, line 20 through line 2 on page 52 is printed in Roman type. It should be italicized, indicating a Senate amendment.

In the committee report, 103–142, on page 125, the first heading and the text following should read "Economic Community of West African States." On page 128, under Title V, General Provisions, there should not be any listing for section 518. The committee made no changes to the text of section 518 as passed by the House.

Mr. President, I urge Senators who have amendments on this to be prepared—we want to move quickly for the same reasons as I stated before, the obvious foreign policy concerns and because of the time limitation. With that and knowing, however, the full force of the seniority system around here, no matter how important a subcommittee chairman may feel they are—they are called subcommittee chairman—in some way there is a full committee chairman. I see him on the floor, and I yield to the distinguished senior Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Vermont [Mr. LEAHY] and I compliment him on his good work on a difficult bill and one that is not nearly as popular a measure as some of the appropriations bills we pass here.

He has been at this post of duty for a good many years working on this particular appropriations bill. I doubt that it gets him votes back home, and perhaps it is a labor of love and a dedication to duty that he brings to this post, and I am sure it is. I compliment him and congratulate him and thank him on my behalf personally as chairman of the full committee and also on behalf of the Senate.

I also thank the ranking member, Mr. McCONNELL, who, although he is somewhat new as a member on the Appropriations Committee, has attacked his responsibilities with verve and vigor and a high sense of dedication. I thank them both.

Mr. President, over the last week there have been increasing indications that the warring parties in the conflict in Bosnia are moving toward a signed agreement. Given the fragility of any such agreement, and the deep hatreds among the competing ethnic factions which have been fanned over the many months of this savage conflict, it is generally assumed that such an accord, to last, must be enforced by an international armed force. The emerging consensus seems to be, as was validated by the comments by General Shalikashvili, the man nominated by the President to be the new Chairman of the Joint Chiefs of Staff, that that force should be a NATO force of some 50,000 troops. Fully half of such troops are reported to be planned by NATO organizers to be American troops. I point out to my colleagues that General Shalikashvili, in response to my question this morning, stated that the cost of such a force for the first year would be some $4 billion. That is a lot of money, Mr. President. That is $4 for every minute since Jesus Christ was born. That is for the first year, with no idea of how long such an operation would have to be to bring lasting stability and peace to that sad region.

Mr. President, the American people know little of the rationale for any American commitment to lead a major NATO force in a difficult peacekeeping operation, especially if it becomes a peace-enforcing operation, in a region of the world renowned for a century, for a millennia, for a thousand years, 2,000 years, for its brutality and historic ethnic animosities. The President has so far made no public presentation of his views on this matter, although it is reported in the New York Times of September 19, 1993, that according to an unnamed State Department official, Mr. Clinton is committed, "absolutely, firmly committed" to send a force of about 25,000 soldiers and marines, the equivalent of a reinforced division, to help keep what could be a very uneasy peace between the country's three warring ethnic factions. Another White House aide is quoted that the President's present level of commitment is a "theoretical level of commitment." But the President has not attempted to do the difficult task of building a consensus in the country and in the Congress to support such a major military operation of unknown duration in a region where the question of our national interest has yet to be defined.

To his credit, the President has made it clear over the last few days that any deployment would be contingent on two vital standards: First, the signing of an agreement among the parties to which the parties have given indication they will try to keep, and second, the affirmative approval of the Congress prior to deployment. Certainly, these are two basic standards which are essential for any such deployment.

Nevertheless, before the country and the Congress give their assent, many specific questions need to first be addressed, and it is my hope that the administration will thoroughly examine and explore these questions and fully develop its case if it does choose to seek congressional approval for this deployment.

Mr. President, the policy of the United States toward the conflict in Bosnia to date has been unclear, and it has not been subject to thorough debate in the Senate. The administration has agreed to a number of initiatives with our allies, including the creation of "safe havens" for Moslems in Bosnia, and the beefing up of the United Nations military forces to protect such safe havens. Other initiatives appear to be designed to contain the conflict from spreading to the province of Kosovo and to Macedonia, Albania, and other countries in the Balkans. Thus, the United States has deployed a company of 300 armed soldiers to monitor ethnic tensions in Macedonia and deter an invasion of that country by the Serbs.

In July, the French Government requested that "the United Nations and NATO activate plans to provide air cover for U.N. ground forces 'as rapidly as possible.'" In response, the United States deployed 35 United States combat and support aircraft to Italy for possible combat operations in Bosnia. Reports all during last week indicated the administration was conducting a review of our options in the Bosnia theater. It now appears that various courses of action, all including the use of American aircraft in combat operations, are under serious consideration. At a minimum, U.S. planners contemplated the use of our warplanes for close air support of U.N. troops.

General Shalikashvili indicated in this morning's hearing before the Senate Armed Services Committee that a NATO peacekeeping operation in the Balkans may be needed to forestall what he called a greater Balkan war, dragging in many outside powers. The General also indicated that failure of NATO to act would do irreparable damage to the alliance and to walk away from the challenge would adversely affect America's security interests in Europe. These are serious arguments and they need thorough debate in this

Chamber. Where is the West going in the Balkans? What are the contemplated new U.S. roles?

The President has rightly acted prudently and conservatively in resisting new commitments of United States forces, particularly ground forces, in Bosnia. He has been under increasing pressure from our allies, particularly the French, to defend U.N. forces, to contribute United States forces to enforce U.N.-sponsored "safe havens" or other specific or partial solutions in various parts of Bosnia. Neither the President, nor the Congress, nor the American people want to be dragged into this conflict. Yet, the unwillingness or inability of our European allies to act decisively has pressed the President to exert leadership in an area which rightly should be policed by the European powers. It is very disheartening, even somewhat alarming, to witness the utter failure of the European powers to act decisively to deter and defeat this ugly communal violence and territorial aggression.

I believe that a full debate in Congress should occur before we settle on any new actions. I do not believe that the underlying assumptions, realities, and questions have yet been thoroughly examined on this matter. No systematic exposition of the situation, of the options available to us, and of the consequences of different courses of action has yet been made.

The United States has already provided very constructive assistance in Bosnia through several actions—the airlift of supplies to keep Sarajevo from being starved, the airdrops of supplies for humanitarian relief in eastern Bosnian towns encircled by Serb forces, the imposition of sanctions on Serbia and a no-fly zone over Bosnia—all have been geared to stopping the fighting and stabilizing the situation. The question is, what specific goals or objectives, beyond these actions, would justify commitments further risking our prestige, resources, and lives in military action in Bosnia?

Specific questions about possible American involvement occur immediately, and, of course, there are others. Thus, there are a number of specific questions which need to be addressed, early and very thoroughly, in contemplating any new military commitments in the Balkans.

First, is there a compelling basic strategic rationale for United States involvement in Bosnia? That is, what are the long-term security interests of the United States, from either a military or an economic perspective, that would require the United States to engage combat forces in the Bosnia conflict? Specifically, what are the dangers of a wider war beyond Bosnia; that is, of the possibility of what is called "spillover"? Is our strategic interest defined as preventing a war which plunges a wide region of the Balkans into chaos? Is that our strategic interest?

Second, what would be the specific duration of any such operation that is contemplated? The Somalia operation was an effort which began last November and has now lasted nearly a year. We are now involved in a U.N. operation pursuing political objectives not agreed to by the Congress in the original humanitarian operation last winter. And it is wearing pretty thin, Mr. President. These operations nearly always drag out far beyond the initial, often overoptimistic expectations of completion.

Third, what would be the overall size, force composition, specific command and control arrangements, rules of engagement, and plan of action for U.S. forces? What would be the relative proportion of U.S. to European forces? The Europeans apparently feel that U.S. ground forces are necessary. Is this really the case?

Fourth, what are the standards which measure success for whatever military and other actions a possible U.S. and allied coalition might take? That is, what are the endpoints of the policy?

Fifth, what are the estimates of nonfinancial costs, in lives, collateral damage, and casualties for both the United States and other combatants in the event that any peacekeeping arrangement breaks down and the force must then enforce the peace?

Sixth, who will pay for any Balkan military effort? Can the United States limit its participation to a certain percentage of the costs and demand that either the United Nations or NATO reimburse us for any outlays that exceed that percentage? This Congress has already balked at expanded U.N. peacekeeping operations and increasing U.N. peacekeeping assessments. Who will raise the additional funds from, for example, Germany and Japan, and the Moslem nations of the Middle East who have an interest in preventing a wider religious war in the Balkans? What kind of burden-sharing regime should be put into place, before we embark on any commitment?

Seventh, have we thought through the important question of whether a follow-on security system should be created in the Balkans, enforced by NATO, the United Nations, or other institutions, in order to preclude a rapid disintegration of any coalition military success and to foreclose the need to repeatedly reinsert forces?

Lastly, I am sure there are many other questions. But for now, we must ask ourselves what the effects of failure are. It would be better not to do anything than to engage in a halfhearted or poorly conceived operation which proves unmanageable or unsustainable. If we fail to deter aggression, or to stop the killing, we, in the West, may pay a heavy price in that the credibility of NATO may well be seriously undermined and the question of an international order based on the viability of national borders and the rule of some semblance of law and order may be affected.

I look forward to an exploration of the concepts and questions that immediately appear and which I have raised, inasmuch as the ultimate success or failure of whatever policy we decide upon in the Balkans will be heavily dependent on our vision, planning, forethought, and careful execution.

This body and the other body have an obligation to stand up and explain to our constituents where we stand on this matter, to ask questions and to debate them, and to make the right decisions and to take responsibility for the decisions that we make.

Mr. President, I ask unanimous consent that the article from the New York Times to which I referred, by R.W. Apple, Jr., and the dateline story of September 18, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 19, 1993]

THE MOMENT OF TRUTH

(By R.W. Apple, Jr.)

WASHINGTON, September 18.—With a settlement of the war in Bosnia apparently one step closer, President Clinton may be forced in coming weeks to confront the prospect of sending a large contingent of American troops to the Balkans as part of an international peacekeeping force.

Despite reports this week from Geneva that an agreement was near between the Muslim-led Bosnian Government and its Serbian foes, almost all the details remain to be worked out if talks resume on Tuesday in Sarajevo as planned. Lord Owen, the European Community mediator, cautioned today that the date was not firm, but said an accord seemed "tantalizingly close."

The promise of peace at last could well prove illusory, as it has on so many occasions over the last two years. But if it does not, Mr. Clinton is committed—"absolutely, firmly committed," in the words of a top State Department official—to send a force of about 25,000 soldiers and Marines, the equivalent of a reinforced division, to help keep what could be a very uneasy peace between the country's three warring ethnic factions. It would be a grave and perilous step.

DOUBTS ABOUT COMMITMENT

Or is he? In the light of Mr. Clinton's past record on the issue, which has been marked by many starts and stops some remain dubious about his commitment. Among them is one of the closest students of Bosnian policy outside the Government, a former State Department official who said on Friday, "I'm skeptical he'll actually do it."

Political aides to the President, as opposed to foreign-policy advisers, also question whether Mr. Clinton has entirely settled the matter.

"It's one thing to say, as he has, that if there is a peace settlement, we will send troops under certain conditions," one aide declared. "It's another to be faced with an actual settlement and to sign the orders."

Another, higher-ranking White House aide put the matter this way: "My sense is that this issue may be facing us square in the face as early as Tuesday. There's no doubt that there is a theoretical level of commitment around here. But to do this on the eve of the health-care debate, while we are trying to push Nafta through—with the Middle East a major new priority, when we're so short of money—you can be sure lots of people are going to say, 'Wait a minute.'"

QUESTION OF CREDIBILITY

United States diplomats and their foreign colleagues argue that a failure by Mr. Clinton to follow through on his pledges would not only constitute a violation of a moral obligation but badly damage American credibility abroad. For that reason if no other, they say, Mr. Clinton will summon the will to send American troops, however risky he and others may consider such a step.

The President has not even begun to develop a national consensus behind American involvement in Bosnia and Herzegovina. Indeed, he has never clearly told the American people what national interest he believes is at stake. Partially as a result, opinion polls show a striking lack of public engagement with the issue of Bosnia.

Arguing the case will not be easy. This is no proxy war, with a Soviet Union backing one side and the United States the other. No major ally is threatened. No precious resource is at stake, like the oil in the Persian Gulf war. What is at stake is something less tangible, a moral issue, the right of national survival and self-determination.

A considerable amount of maneuvering, probably at least a month's worth, would be required after the signing of an agreement and before the actual dispatch of troops, and that would give Mr. Clinton further time to rally public support.

EXTREMELY FULL PLATE

Any tendency toward caution is likely to be intensified by several other elements, in addition to the Administration's extremely full plate. The Administration is already under fire, in Congress and elsewhere, for its commitment of American troops to Somalia, where their role has never been clearly defined and where no exit date is in sight. Mr. Clinton is also eager to keep Washington's and the country's attention focused on domestic issues.

Moreover, Gen. John Shalikashvili, the incoming Chairman of the Joint Chiefs of Staff, has expressed doubts in the past about American military involvement in the Balkans.

In recent weeks, Mr. Clinton has publicly stated a number of conditions for American participation in the proposed 50,000-man peacekeeping force, conditions that those around him insist he had always privately harbored.

The United States would take part, he has said, only in a fair, workable and enforceable settlement, although he has never spelled out precisely what that rather vague formula might mean. He has said command of the force would have to rest with the NATO, in which the United States has a decisive influence, and not with the United Nations, in which it does not. He has said Congress would have to give its formal approval.

NEW NOTE OF CAUTION

Most recently, in an interview with The Washington Post last Sunday, he sounded a new note of caution. Suggesting that he would make only a closed-end commitment, he said, "I think there ought to be a limit as to how long we or anyone else would be there before someone else comes forward."

Current plans, military officers said, would rely heavily on the 1st Airborne Division based in Bad Kreuznach, Germany. It has a large number of lightly armored Bradley Fighting Vehicles and relatively few tanks and heavy artillery pieces. The goal would be to establish security early, the officers said, so that a smaller, more lightly armed international force could then maintain it.

If the Bosnian Muslims, the Croatians and the Serbs all sign an agreement, the State Department official said, the United States will first look at developments in Bosnia for signs that they are serious before proceeding further. "Does the shelling stop?" he asked. "Are there significant troop withdrawals? Can the convoys get through easily? Are there signs of good faith?"

Meanwhile, said the official, who spoke on condition of anonymity, the United States and France would have to complete conversations that they have been holding for several months about the structure of the peacekeeping force. France is not a part of the NATO military structure, but its forces would take part.

The United Nations Secretary General, Boutros Boutros-Ghali, would then formally ask the North Atlantic Treaty Organization to form a peacekeeping team. NATO would respond with terms and conditions, and, the official said, the United Nations Security Council would have to pass a resolution accepting these.

Of Mr. Clinton's conditions, Congressional approval may be the most difficult to meet. One group of influential Senators, including Senator Joseph R. Biden, Jr., of Delaware, has been arguing that the prospective settlement is shameful because it obliges the Muslims to give up too much and codifies illicit Serbian gains. Another group argues that the Balkans are not sufficiently important to the United States to justify the risk and the billion-dollar cost of peacekeeping.

The Administration believes it can defeat the second group, but that it must win over at least some of the first if it is to gain approval.

Representative Robert G. Torricelli of New Jersey, a senior Democrat on the Foreign Affairs Committee, who has been critical of some earlier proposals for American involvement, said this week: "The United States has no choice but to at least salvage this last chance to be helpful by sending peacekeeping troops. Other forces would have no credibility without U.S. troops."

Senator Richard G. Lugar of Indiana, a ranking Republican on the Foreign Relations Committee, agreed, provided that "all sides are reasonably enthusiastic about an agreement." But he said he was not certain even then that Congress would support the President.

Mr. BYRD. Mr. President, again I thank my colleague and friend.

Mr. LEAHY. Mr. President, I yield to the Senator from Kentucky.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Kentucky is recognized.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent to revise the earlier unanimous-consent agreement regarding committee amendments. I ask unanimous consent that the following be excepted out of the en bloc committee amendments: On page 88, lines 11 through 14 and on page 18, lines 5 through 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The committee amendments were agreed to en bloc, except the committee amendments on page 88, lines 11 through 14, and on page 18, lines 5 through 16.)

MR. LEAHY. Mr. President I ask unanimous consent that the excepted committee amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 925

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Vermont [Mr. LEAHY] for himself and Mr. MCCONNELL, proposes an amendment numbered 925.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Section 516 is amended by adding a new subsection (c), as follows:
>
> "(c) Subsection (a) shall cease to have effect during fiscal year 1994 with respect to the Palestine Liberation Organization (PLO), programs for the PLO, and programs for the benefit of entities associated with it which accept the commitments made by the PLO on September 9, 1993, if the President determines and notifies Congress that to do so is in the national interest; *Provided:* That subsection (a) shall resume full force and effect if at any time during fiscal 1994 the President determines and so notifies Congress that the PLO has ceased to comply with the commitments it made on September 9, 1993, or the Congress, by joint resolution, determines that the PLO has ceased to comply with the commitments it made on September 9, 1993.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 925) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I might note we are going to go for a joint session, an address by the President of the United States. I have been advised by the distinguished majority leader that he would like us to finish up around 7, a little under 2 hours, this evening. I would hope by that time we might dispose of several amendments. Our list of amendments is short. We are prepared to accept nearly all of them if the sponsors come to the floor and offer them.

We have few amendments, two or three that might require a rollcall vote.

I mention this because I know that behind us comes another appropriations bill, the Labor-HHS. All of us want to avoid as many late evenings as we can. The more appropriations bills we get done, the less late evenings we have. As soon as we finish this, we can go to that.

Mr. President, I ask unanimous consent that the excepted amendments be temporarily set aside in order to consider an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 926

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 926.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

One page 95, line 12, strike out "in" and all that follows through "member" on line 16, and insert in lieu thereof the following: "to any member of the Haitian Armed Forces who the Secretary of State knows or has reason to believe, based on all credible information available to him,".

Mr. LEAHY. Mr. President, this is a technical amendment. It corrects some drafting deficiencies on the committee provision on Haiti. I believe that it is acceptable to my distinguished colleague from Kentucky.

Mr. MCCONNELL. No objection, Mr. President.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 926) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I do not have any further technical amendments. I see the distinguished Senator from North Carolina on the floor. I understand he has an amendment. I yield the floor.

Mr. HELMS. Mr. President, I thank the able Senator.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

Mr. President, I think we have an agreement on at least three amendments. I am having copies made for the managers of the bill. We submitted them yesterday. But just to make sure that they know what I am talking about, I am having copies made and presented to the managers at this moment.

The PRESIDING OFFICER. Without objection, the committee amendments are temporarily laid aside.

AMENDMENT NO. 927

(Purpose: To restrict assistance to Peru until certain conditions are met)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 927.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 103, between lines 17 and 18, insert the following new section:

RESTRICTION ON ASSISTANCE TO PERU

SEC. 579. (A) IN GENERAL.—None of the funds appropriated by this Act to carry out the Foreign Assistance Act of 1961 may be available for the Government of Peru until the President determines and so certifies to Congress that the Government of Peru has paid fair and equitable compensation to the survivors of Master Sergeant Joseph Beard, Jr., United States Air Force, who was killed during the attack by aircraft of the military forces of Peru on April 24, 1992, against a United States Air Force C-130 aircraft operating off the coast of Peru in international airspace.

(b) OPPOSITION TO FINANCING BY MULTILATERAL DEVELOPMENT BANKS.—The Secretary of the Treasury shall instruct the United States executive directors of the appropriate multilateral development banks to vote against any loan or other financial assistance for Peru until the condition described in subsection (a) is met.

(c) DEFINITION.—For purposes of this section, the term "appropriate multilateral development banks" means the International Bank for Reconstruction and Development, the International Development Association, and the Inter-American Development Bank.

Mr. LEAHY. Mr. President, we are perfectly willing to accept this amendment.

Mr. HELMS. Let me have about 2 minutes to explain the amendment for the RECORD.

Mr. LEAHY. The Senator can have all of the time he wants. I just did not want his speech to go in a different direction if he did not know I accepted it.

Mr. HELMS. As is already apparent, Mr. President, there is no controversy over this amendment.

The facts are simple: On April 24, 1992, Peruvian military aircraft attacked a United States Air Force C-130 after it had completed a counter-narcotics mission. M.S. Joseph Beard was killed and other crewmen were injured.

The U.S. Air Force plane was in international airspace over the Pacific Ocean. Because visibility was unlimited and the plane had clear marking, a Department of Defense investigation concluded that the Peruvians had to know they were attacking a United States military aircraft.

In such cases, it is customary to seek compensation for the victims and their survivors. But, in the case of Peru, the Department of State did not seek compensation because it was afraid doing so would destabilize the Peruvian Government.

The Peruvian Government's feelings were clear when, in July 1992, the Peruvian pilots who attacked the United States plane were awarded medals for their actions.

There is ample precedent for compensation—even Saddam Hussein's Iraq paid compensation after the attack on the U.S.S. *Stark*.

This amendment would simply withhold all economic and military aid to the Government of Peru, and require the United States to vote against financing for Peru at the multilateral banks, until fair and equitable compensation is paid to the widow of the United States serviceman killed. Assistance provided through nongovernmental organizations would not be affected.

According to AID's estimate, there is currently $67 million obligated for Peru which, under my amendment, could not be disbursed until compensation is paid.

The Foreign Relations Committee agreed with me that no more United States foreign aid should be given to Peru until fair compensation has been paid. This same amendment was approved unanimously during the markup of the foreign aid bill on September 8, and we are still waiting for fair and equitable compensation. I am sure my colleagues will agree with the Foreign Relations Committee that not another dime should be sent to Peru until compensation has been paid.

Mr. MCCONNELL. Mr. President, the amendment of the Senator from North Carolina is a reasonable response to the attack on a United States Air Force plane operating in international air space off the coast of Peru, which resulted in the death of Air Force M.S. Joseph Beard.

I think the amendment is well taken, and I am happy to support the Senator from North Carolina.

Mr. LEAHY. Mr. President, as the Chair may know, I expressed very strong feelings at the time of the incident and my own outrage, which is also reflected in it statement of the Senator from North Carolina.

For that reason I, too, accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 927) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 928

(Purpose: To prohibit assistance to foreign governments that export lethal military equipment to countries supporting international terrorism)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 928.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 103, between lines 17 and 18, insert the following:

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 579. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests. Any such report shall be submitted, in accordance with the procedures applicable to reprogramming notifications under section 634A, at least 15 days before any funds are obligated for such assistance.

Mr. HELMS. Mr. President, this amendment is just plain common sense. The bombing of the World Trade Center in New York several months ago reminds us that the United States remains a favorite target of international terrorists.

The U.S. Government should do everything in its power to isolate terrorist governments. The State Department should be equally tough on countries which aid and abet terrorist governments.

Terrorist governments are not eligible to receive U.S. foreign aid. The Secretary of State determines whether a government is classified as terrorist in accordance with section 40(d) of the Arms Export Control Act. This official list of pariah states includes North Korea, Libya, Iran, Iraq, Syria, Cuba, and Sudan.

In my judgment, countries which provide lethal military equipment to these terrorist governments likewise should not be eligible to receive U.S. taxpayers' dollars.

Simply put, that is what this amendment does. Virtually the same provision—without a waiver—was included in the foreign aid bill that passed both Houses of Congress 2 years ago.

Now, Mr. President, at the Foreign Relations Committee markup of the foreign aid bill, a few AID and State Department bureaucrats expressed concern that several high priority aid recipients might be affected by this amendment. My view—and the view of most Americans—is that if the countries in question want to receive United States taxpayer aid, these countries should simply stop providing weapons to North Korea, Libya, Iran, Iraq, Syria, Cuba, and Sudan that could potentially kill Americans.

Nevertheless, to overcome any and all objections, I agreed to include a waiver so that if the President feels he must furnish assistance to countries supplying lethal military equipment to terrorist governments, he must first determine that it is important to the national interests of the United States.

And, whenever this waiver is exercised, the President will be required to report to Congress. The report is the standard procedure which is applicable to reprogramming notifications under section 634A of the Foreign Assistance Act.

At least 15 days before any funds are obligated for such assistance, the President must give Congress a detailed explanation of the assistance to be provided, including the estimated dollar amount, and an explanation of how the assistance furthers U.S. national interests.

I reiterate: This amendment was acceptable to the State Department during the markup of the foreign aid bill on September 8, and the Senate Foreign Relations Committee accepted it unanimously. I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, I, too, looked at this amendment and I have no objection to it.

Mr. McCONNELL. Mr. President, the senior Senator from North Carolina underscores U.S. policy which opposes the transfer of lethal military equipment to countries which support international terrorism. I think the amendment puts some teeth in that policy by prohibiting U.S. aid to any country which transfers such lethal equipment. Because the amendment is prospective and looking forward, it gives countries a warning that we are serious about curbing the weapons flow.

It includes a waiver and flexibility, should the amendment pose any serious problems in the administration of U.S. foreign assistance.

I commend the senior Senator from North Carolina. I am happy to support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 928) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 929

(Purpose: To withhold assistance for parking fines owed by foreign countries)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 929.

On page 103, between lines 17 and 18, insert the following:

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 579. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to the total unpaid parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid.

(b) DEFINTION.—For purposes of this section, the term "appropriate congressional committees" has the same meaning given to such term by section 644(q) of the Foreign Assistance Act of 1961.

The PRESIDING OFFICER. Without objection, the committee amendment is laid aside.

The Senator from North Carolina.

Mr. HELMS. Mr. President, there is no disagreement with respect to the notion that citizens should obey the law, right down to paying their parking tickets. So should visitors from abroad, including diplomats.

It has come to light, however, that diplomats living and working in the District of Columbia owe the District government more than $6 million in unpaid parking fines. Since these folks have diplomatic immunity, they refuse to pay their fines and nothing can be done about it.

Even more galling is the fact that some of the worst abusers have their hands outstretched to the U.S. Government for foreign aid. The top 10 abusers owe the District government more than $4.4 million in unpaid parking fines while, at the same time receiving more than $5.6 billion in U.S. foreign aid.

The State Department has promised to address this problem by not reissuing diplomatic license plates to the worst abusers. That's like flogging them with a wet noodle. If diplomats can get away with refusing to pay their parking fines, what is going to stop them from refusing to pay tickets for driving without a license plate?

My amendment simply withholds foreign aid proportional to the amount a country owes in parking fines to the District government. When the fines are paid, the aid will be released.

Foreign aid allegedly is used to leverage economic and democratic reforms. That is laudable, but first things first. Congress should insist that diplomats, particularly those diplomats representing aid recipients, obey the laws of our Capital City. This amendment will certainly bolster the State Department's efforts to help the District government collect these much needed funds.

Congress recently voted to subsidize the government of the District of Columbia to the tune of $603 million. I voted against that measure. It borders on insanity for the Federal Government to give taxpayers' dollars to the District and, at the same time, to give taxpayers' dollars to foreign governments whose diplomats arrogantly refuse to pay their parking fines to the District.

This amendment is a win-win proposition for the District of Columbia and the American taxpayers: the District should receive approximately $4 million additional revenue because foreign diplomats will have paid their fines. But, if the amendment doesn't force diplomats to pay, the General Treasury will benefit from the savings in foreign aid and the District will still receive every penny of its subsidy.

Despite the lamentations of the State Department, the Foreign Relations Committee had the good sense, by a vote of 12 to 4, to approve this amendment on September 8. I urge my colleagues to have similar good sense and support this reasonable amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask the Senator from North Carolina if he would be willing to modify his amendment on page 2 line 4, so there will be no question about where these fines are fully paid, to say such fines and penalties are fully paid to the government of the District of Columbia?

AMENDMENT NO. 929, AS MODIFIED

Mr. HELMS. Mr. President, I certainly accept the modification suggested by the able Senator from Vermont. And I ask that it be so modified.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment (No. 929), as modified, is as follows:

On page 103, between lines 17 and 18, insert the following:

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 579. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to the total unpaid parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITIONS.—For purposes of this section, the term "appropriate congressional committees" has the same meaning given to such term by section 644(q) of the Foreign Assistance Act of 1961.

Mr. LEAHY. Mr. President, with that modification I have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. DASCHLE. Mr. President, as the Senate begins debate on H.R. 2295, the foreign operations appropriation bill, I would like to take a moment to briefly comment on the budget cuts recommended by the House of Representatives and the Senate Foreign Relations Committee. Let me start off by saying that I understand the need for the overall level of cuts, and I support the committee's actions in this regard.

If we all agree that there need to be cuts, and I think we do, the question then becomes where to direct these cuts. What programs should receive less funding, and what programs, if any, should be maintained at current levels or increased? That, of course, is the essence of the art of budgeting: Where is it going to be most productive to focus our limited resources?

I do not think anyone in this room would argue with me in stating that there is no shortage of worthy causes competing for our assistance. Within the current context of overall budget cuts, it becomes especially important that we focus our limited resources on those areas in which our assistance can help those most deserving of it and make the most positive and cost-effective contribution.

Within the foreign aid budget, sustainable development, food relief, children's health, and education should be the areas on which we focus more of our efforts. Someone once said, "Don't feed me for a week; give me a seed and teach me to plant, so that I can feed myself." No other statement more aptly describes the goals of sustainable development. One program that immediately comes to mind as one that exemplifies these goals is the microenterprise program within the Agency for International Development [AID]. As many of you know, this program promotes sustainable assistance, both financial and technical, for the self-employed poor in developing nations. The committee has recommended that AID restructure its microenterprise program to develop a more centralized management, as well as to more specifically direct the bulk of its assistance to help the poorest of the poor, with a special focus on the increased participation of women. I wholeheartedly support these recommendations, and believe microenterprise is a prime example of the kind of program we should be focusing our resources on. It truly aids the poorest of the poor, and does so with an eye toward a future when such assistance will no longer be necessary, thus proving to be cost effective in the long run.

So, as the Senate debates various provisions of this bill within the context of overall budget cuts, it is my hope that we can direct our support to those programs that utilize our limited resources in the most cost-effective way, while at the same time giving priority to those who need our assistance the most.

Mr. MCCONNELL. Mr. President, let me say I think the Senator from North Carolina makes an excellent point. I have no objection to it, and I hope it will be adopted by the Senate.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question occurs on the amendment of the Senator from North Carolina.

So the amendment (No. 929), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I have one more amendment and I ask the manager of the bill to bear with me for a couple minutes. I will suggest the absence of a quorum.

Mr. LEAHY. Could the Senator withhold?

Mr. HELMS. Absolutely. I withhold.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I tell my friend from North Carolina I will yield the floor to him as soon as he is ready to go on his amendment.

Mr. HELMS. Sure.

Mr. LEAHY. Mr. President, I again make the urgent plea to Senators who do have amendments to be prepared to go forth this evening in the time remaining. When I finish making the statement, I will have a quorum call, and I will be yielding to the Senator from North Carolina for his amendment.

Upon disposition of whatever the amendment is that he is about to bring up, it would be my hope that if there are no further amendments we will complete the bill.

Again, I stress the urgency for two major areas that affect the national security the interests of the United States.

One is in the former Soviet Union, and there are major aspects of this legislation involved in the former Soviet Union.

The other is in the Middle East where we have an historic opportunity for peace, something I frankly questioned I would ever see in my lifetime. We have within this legislation and with the amendment adopted earlier this afternoon the ability to move forward on that peace.

I think all of us Republicans and Democrats want to see the opportunities in both these areas utilized to the fullest.

Because the clock runs out on this fiscal year, I urge everybody to move forward. I say that noting that everyone who has had amendments here today so far has moved very, very quickly.

Mr. President, I yield the floor.

Mr. McCONNELL. Mr. President, will the Senator yield?

Mr. LEAHY. I yield.

Mr. McCONNELL. I understand Senator STEVENS is on the way to offer some amendments, so I believe we will process a few more.

Mr. LEAHY. I thank the Senator.

I note the senior Senator from Alaska usually is most cooperative and helpful in moving the appropriations bills through. He has served longer than the Senator from Kentucky and myself, and he knows the joys and sometimes the nonjoys of passing appropriations bills.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 930

(Purpose: To Stabilize Engineering and Scientific Institutes in Ukraine and Russia)

Mr. McCONNELL. Mr. President, I have an amendment of the Senator from New Mexico [Mr. DOMENICI], which has been cleared on both sides.

Is there a pending amendment?

The PRESIDING OFFICER. The first excepted committee amendment is pending.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] for Mr. DOMENICI proposes an amendment numbered 930.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

"SECTION .

UKRAINE/RUSSIA STABILIZATION PARTNERSHIPS

"Of the funds appropriated by this Act under the headings 'Assistance for the New Independent States of the Former Soviet Union' and 'Operations and Maintenance, Defense Agencies', and allocated under section 565(a) paragraphs (1) and (6), not less than $50,000,000 shall be made available to the Secretary of Energy in consultation with the Secretary of State for a program of cooperation between scientific and engineering institutes in the new independent States and national laboratories in the United States designed to stabilize the technology base in the cooperating States as each strives to convert defense industries to civilian applications: *Provided*, That priority be assigned to programs in support of international agreements that prevent and reduce proliferation of weapons of mass destruction: *Provided further*, That the Secretary may enter into agreements involving private United States industry that include cost share arrangements where feasible: *Provided further*, That the Secretary may participate in programs that enhance the safety of power reactors: *Provided further*, That the intellectual property rights of all parties to a program of cooperation be protected: *Provided further*, That funds made available by this Section may be reallocated in accordance with the authority of section 565(b) of this Act."

Mr. DOMENICI. Mr. President, it has been almost 3 years since the Soviet Union collapsed—December 1991. We are watching history unfold and with it one of the greatest opportunities in modern history. That is still true, even after yesterday's events.

If the United States acts, we have within our reach the opportunity to foster world peace and prosperity for generations to come.

If we do not act we face the very real danger of strife and human tragedy. The safe disposal of nuclear weapons, preventing nuclear proliferation, creating new markets for U.S. industry goods and services all depend on our resolve to act.

The truth of the matter, however, is that our track record has been mixed. The International Science and Technology Centers, which were to have been the very centerpiece of America's plan of action for dealing with the threat of nuclear proliferation, are not yet in place. These centers were to be used to employ nuclear scientists and engineers in productive peaceful work.

There has been difficulty expending millions of dollars appropriated by the Congress to deal with the threat posed by nuclear weapons and nuclear nonproliferation, that is, Nunn-Lugar.

The situation at some institutes in the former Soviet Union is critical. Paychecks for scientists and engineers are sporadic; to many personnel, their jobs at the institutes are taking second place to the basics of survival; many are forced to spend their time growing potatoes for food.

At one Russian nuclear weapons institute the situation is so bad that a senior director there has stated that United States inaction and the severe economic situation are "driving us into the hands of the Chinese."

In many cases, United States industry is reluctant to make long-term investments in the former Soviet Union. These investments are essential not only for the development of free market economies but also for American industry to gain a foothold in the future emerging markets of the former Soviet Union.

I have asked United States industry why they are so reluctant to invest in the former Soviet Union. They have told me that immature political systems, lack of effective court systems, and little working knowledge of Western business practices in the former Soviet Union simply make the risk of doing business there too high.

Today, it seems we are the victims of a huge bureaucratic logjam where it has been difficult to identify alternatives. The amendment I offer would be an initial step in breaking this logjam. It is a plan that can make a real difference and show immediate results. It is a plan that I have discussed with Ambassador Talbott, and he indicated some interest.

For many years the DOE national laboratories have been working with their counterparts at science and engineering institutes in places like Ukraine and Russia. In a recent survey conducted by the DOE national laboratories, over 300 small cooperative projects were identified—the type of cooperative projects that could be immediately expanded to provide immediate civilian employment for nuclear weapons scientists and engineers.

The DOE national laboratories also have real experience working with United States industry in the former Soviet Union. There already exist partnerships involving United States industry consortia like the Specialty Metals Processing Consortium and the National Center for Manufacturing Sciences, the DOE labs, and Russian and Ukrainian institutes.

These programs are designed to promote the competitiveness of United States industry and create American jobs, while at the same time stabilizing the dangerous situation in the former Soviet Union by giving weapons scientists and engineers productive nonmilitary employment.

Mr. President, the amendment would immediately expand these small programs. It would also set the stage for new U.S. industry, DOE national laboratory, and FSU science and engineering institute programs of cooperation. It is discussed in the committee's report on page 106. It has been modified at the suggestion of the administration.

The amendment is based on the very pragmatic belief that we must act. We must show results. Without real results we lose credibility. We must start exploring new alternatives.

Mr. MCCONNELL. Mr. President, this amendment, as I indicated earlier by the Senator from New Mexico, has been cleared on both sides. It is my understanding there is no additional debate.

Mr. LEAHY. The Senator from Kentucky is absolutely right. We are prepared to accept it.

The PRESIDING OFFICER. Is there any other debate on the amendment?

If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 930) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

CONDITIONS ON AID TO NICARAGUA

Mr. HELMS. Mr. President, on July 28, the Senate overwhelmingly approved, by a vote of 77–23, an amendment to the Commerce, Justice, and State Department appropriations bill to withhold foreign aid to the Government of Nicaragua because of acute congressional concern about Nicaraguan Government involvement in international terrorism.

Today, I report to the long-suffering people of Nicaragua, and to the American taxpayers, that they have won another victory. Included in the original text of this bill is a section prohibiting foreign aid to the Government of Nicaragua. I commend Chairman LEAHY and ranking member MCCONNELL for including this very important provision in their bill.

The Government of Nicaragua and the Clinton administration should have no doubt about the intent of Congress regarding foreign aid to Nicaragua. This provision requires that significant and tangible progress be made in six areas before aid can be provided to the Government of Nicaragua.

Conditions on assistance to Nicaragua in this bill relate to the same concerns I have raised again and again for more than 3 years. These issues are: First, terrorism; second, property rights; third, human rights; fourth, civilian control of the military; fifth, civilian control of the police; and, sixth, judicial reform. The State Department has informed me that it is currently impossible to certify that the Government of Nicaragua has or is making progress in any of these areas.

Congress expects the investigation into the numerous terrorist arms caches to be comprehensive and airtight. The intention of this provision is not to prosecute some poor low-level Nicaraguan clerk or Sandinista corporal. It is a fact that the military authorities knew of the existence of these arms caches—and the intention of this provision is to bring to justice all those at the highest levels of Nicaraguan Government who knew of its existence.

Significant and tangible progress in the resolution of property claims does not mean that the Nicaraguan Government can satisfy the claims of only the most wealthy or most well-known individuals. Significant and tangible progress means the total resolution of every claim of at least 75 or 80 percent of the more than 740 United States citizens, and thousands of Nicaraguans, who have had their property stolen by both the Sandinista and Chamorro governments.

Significant and tangible progress in the timely implementation of the recommendations of the Tripartite Commission does not mean that Nicaragua put in jail only two human rights abusers, which is currently the case. Almost 300 demobilized and disarmed former resistance members have been murdered by the Sandinistas since Mrs. Chamorro assumed office. Merely putting two people in jail is an insult to the U.S. Congress, the administration, and most importantly, to the families who have suffered.

Establishing civilian control over the military and police does not mean simply removing General Ortega and replacing him with another Sandinista thug. They tried that last year when the Sandinista police chief, Rene Vivas, was replaced with another notorious Sandinista. The State Department must not be so easily fooled again. The entire military high command should be replaced.

Finally, significant and tangible reform of the Nicaraguan judicial system means that corruption and bribery must end. The only way of accomplishing this is for Mrs. Chamorro to expand the Nicaraguan Supreme Court by appointing non-Sandinista judges so that the Sandinistas will no longer hold the majority. She already has the authority under the Nicaraguan Constitution to take this action, and anything short of this should be considered a failure.

Mr. President, the days of broken promises are over. Secretary Christopher and Mrs. Chamorro should be forewarned that Congress no longer accepts empty promises from her son-in-law, Minister of the Presidency Antonio Lacayo. In the past, foreign aid was released when the promises were made. But the Nicaraguan Government has broken every single one of those promises. I have a hope that this provision will end this cycle.

It is clear by the language in this bill that Congress wants no further aid to go to the Government of Nicaragua until after it complies with each condition. I am persuaded that withholding aid until after real progress is made is the only way to restore freedom and democracy to the Nicaraguan people.

AMENDMENT NO. 931

(Purpose: To prohibit assistance to countries whose governments expropriate United States property)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. Without objection, the committee amendment will be set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 931.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 103, between lines 17 and 18, insert the following:

PROHIBITION ON ASSISTANCE TO COUNTRIES EXPROPRIATING UNITED STATES PROPERTY

SEC. 579. (a) PROHIBITION.—None of the funds appropriated or otherwise made available by this Act may be provided to a country (other than a country described in subsection (c)) whose government (or any agency or instrumentality thereof)—

(1) has before, on, or after the date of enactment of this Act—

(A) nationalized or expropriated the property of any United States person,

(B) repudiated or nullified any contract or agreement with any United States person, or

(C) taken any other action (such as the imposition of discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

(2) has not, within a period of 3 years (or where applicable, the period described in subsection (b)), returned the property or provided adequate and effective compensation for such property in convertible foreign exchange equivalent to the full value thereof, as required by international law.

(b) EXTENDED PERIOD FOR COMPENSATION IN THE CASE OF NEWLY DEMOCRATIC GOVERNMENT.—In the case of a democratically elected foreign government that had been a totalitarian or authoritarian government at the time of the action described in subsection (a)(2) shall be deemed to have begun as of the date of the installation of the democratically elected government.

(c) EXCEPTED COUNTRIES AND TERRITORIES.—This section shall not apply to any country established by international mandate through the United Nations or to any territory recognized by United States Government to be in dispute.

(d) DEFINITION.—For purposes of this section, the term "United States person" means a United States citizen or corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

Mr. LEAHY. Mr. President, I wonder if the Senator can tell me which one this is. Is this on the prohibition on assistance to countries where there are expropriation claims?

Mr. HELMS. Yes.

Mr. LEAHY. I thank the Senator

Mr. HELMS. Mr. President, this amendment, as simple as it is, would cut off sending money of the U.S. taxpayers to countries whose Governments have confiscated the properties of U.S. citizens and have not either returned the property or fairly compensated the legitimate owner within 3 years.

I have included language allowing for the transition of a new democratically elected Government in a country which was previously ruled by a totalitarian dictatorship. These newly elected Governments will have 3 years to settle the property claims of American citizens, as would be the case in the former Soviet Union or Cuba. So, President Yeltsin, who was elected in June 1991, still has time to resolve any claims against the Russian Government if, indeed, any claims remain.

For years, I have received letters from literally hundreds of American citizens from all over the country who have had homes or businesses, or both, confiscated in various countries around the world. Just about every one of those letters tells me the same thing: They find deaf ears and closed doors at the U.S. Embassy in the country involved. Many American citizens have told me that U.S. Embassies play the role of a host Government's Foreign Minister.

I am tempted to insert in the RECORD—but I will not, unless it is desired that I do so—some of the letters which describe the most flagrant abuses of property rights.

Early this year, Secretary Christopher stated, during his confirmation hearing before the Foreign Relations Committee, that he intended to have what he called an American desk at the U.S. State Department. I was gratified to hear that.

I remember the late distinguished Senator from Georgia, Herman Talmadge, said that frequently. I can hear him in speech after speech, saying:

> Mr. President, they have an African desk down at the State Department; they have an Indian desk; they have a Chinese desk. And what I want us to have is an American desk at the State Department.

That is what Secretary Christopher promised when he was up for confirmation before the Senate Foreign Relations Committee.

Well, I have to say to Secretary Christopher—and I like the gentleman—I see absolutely no evidence of any American desk being occupied down at Foggy Bottom.

So what this amendment says and means is that it is high time for the State Department to start putting American interests first around the world.

I imagine some Senators are going to ask, when they hear about this amendment: "Which countries will be affected by this amendment? Will it hurt a country we like?"

Well, my answer to that is, we ought to put an end to this business of rising above principle. It does not matter whether we like a country or not. If they are abusing the rights and the properties of American citizens, there is not any question in my mind that this Government, the U.S. Government, ought to move in to protect the interests of the American people. It is just as simple as that. We should not fret about which countries will be affected. The overriding principle is that Congress should give top priority to protecting the rights of American citizens abroad.

Let me give you one example that has bothered me considerably. I have been trying to lend a hand to two citizens from North Carolina to recover their properties which were confiscated more than 15 years ago—but to no avail.

I happen to like the two governments involved. But my obligation, as I see it, is that whether I like the countries or not, and whether I like the Presidents or the Prime Ministers of the countries is not a matter to be considered over and above the rights of the American citizens in those countries.

I have a duty, I think, to help American citizens first. And I have practiced that every day since I have been in the Senate, and certainly since I have been a member of the Foreign Relations Committee, and certainly since I became the ranking member of the Foreign Relations Committee.

This issue first came to light a long time ago, back in 1962, with the Hickenlooper amendment to the Foreign Assistance Act of that year. That law, while highlighting the problem of expropriated properties of American citizens, has been ignored—ignored—by the executive branch—Democrat and Republican—due to its overly broad language. There have been amendments that have weakened the original intent of the Hickenlooper amendment. In spite of the fact that there have been literally thousands of American properties confiscated—confiscated, Mr. President—in many, many countries, the Hickenlooper amendment has been invoked precisely two times in the 30 years it has been in existence. Those two cases involved Ceylon and Ethiopia.

So with the language of the pending amendment, it will hereafter be perfectly clear that foreign governments will, first, have to return expropriated properties; second, compensate the owners; or, third, lose their foreign aid from the United States, meaning the taxpayers of this country.

Mr. President, I asked the State Department months ago for a list of all the confiscation claims by American citizens in this hemisphere.

I personally know of property claims in 10 different countries. I was told at a hearing at the Foreign Relations Committee that a review of this issue is underway, and that all U.S. Embassies would be reporting on outstanding claims in each country.

Mr. President, do not take that to the bank. To this day, I have not received a report on this matter.

Now, I am not being critical, or any more critical of this administration than I have been of the previous Republican administrations. I got the same treatment—or the American people got the same treatment in the past.

I have gotten to a point where I resent it. And that is the reason this amendment is now pending in the U.S. Senate.

Now, I am not going to say or indicate or hint that the State Department simply does not care; that they do not want to risk hurting the feelings of a foreign government. But it is hard to reach any other conclusion. What other conclusion is possible under the circumstances?

My office is currently working on the expropriation claims of literally hundreds of American citizens in many countries.

Only very few of these are in North Carolina. The rest are scattered throughout the country, and I have done everything I can to resolve these cases, but the State Department has a little habit of jumping to the defense of the foreign governments. Remember what Herman Talmadge said about having an American desk down at the State Department. That is what I am talking about with this amendment.

There cannot be any progress on these cases unless and until pressure is brought to bear on the offending governments by the U.S. State Department, and the most direct pressure we possess, Mr. President, is U.S. foreign aid; that is to say, money taken forcibly from the American taxpayers and sent to foreign governments around the world.

The American people do not like foreign aid to start with, and they sure do not like money being taken from them when they need it for their families and sent to these countries which just absolutely abuse willy-nilly American citizens overseas.

Some of my colleagues may remember that Congress voted in 1985 to withhold aid to Honduras in order to pressure that Government to resolve the property claim of just one American citizen.

Well, guess what? When the State Department, in that one isolated instance, did put the heat on, that American citizen was fairly compensated. And if this amendment is adopted, you better believe that hundreds of American citizens will be compensated.

Furthermore, those who are worried about the implications of cutting off aid to a certain country should consider what happens when these countries have no respect for private property rights. Governments which do not respect property rights do not gain foreign investment. Therefore, no amount of money from the U.S. Treasury is going to buy for these countries economic stability. It just will not happen. It just does not happen. It just cannot happen.

I think Andrew Carnegie was just about right when he said: "Upon the sacredness of property, civilization itself depends."

So, Mr. President, I believe that each of us was elected to the Senate to defend and protect, first of all—top priority—the interests of American citizens. Like Herman Talmadge used to say, we need an American desk down at the State Department.

Many who are serving at our Embassies around this world are suffering severe cases of what I might call clientitis. If this amendment is passed into law, the State Department will no longer be able to make excuses for foreign governments as to why those governments have not settled thousands of property claims by U.S. citizens. It will be perfectly clear to all of those countries receiving foreign aid that there will be no more foreign aid for that country, or those countries, until all American claims are settled. They can give the property back or they can fairly compensate for it, or the alternative is that they will get no more foreign aid from the U.S. taxpayers.

That is simple and it is certainly fair, I think, to the citizens of the United States of America.

Mr. President, if the distinguished managers of the bill are willing to accept this amendment, I will not ask for a rollcall vote. But if they feel that they cannot accept this amendment, I am going to ask for the yeas and nays, but I will withhold until they make a judgment on that.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, there are some ramifications of this that I am not quite sure I am prepared to respond on at the moment. It goes far more into the area of the legislative aspects than the appropriations aspect. I understand there are those from the authorizing committee who may wish to speak on it.

I would also note that the distinguished Senator from Alaska was on the floor just a moment ago and has a number of amendments which I believe will be accepted. I wonder whether it may be convenient for the distinguished Senator from North Carolina—and I can assure him he would not lose his right to immediately gain the floor—if he might be willing, if the Senator from Alaska is prepared to go forward, to set aside at least temporarily his amendment. That would give the Senator from North Carolina and I a chance to chat a little bit about it but to allow the Senator from Alaska to go forward with his amendments.

Mr. HELMS. I will be delighted to have the amendment set aside. But let us go ahead and let me request the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, while I am at it, it is in order for me to ask for the yeas and nays on the bill; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I so request.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the amendment of the distinguished Senator from North Carolina be temporarily set aside and that the Senator from Alaska be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, my thanks to the managers of the bill and to my good friend from North Carolina.

Mr. President, last year, during debate of the Freedom Support Act, I expressed my concern that the United States was ignoring the enormous potential of the Russian far east. Over the last 12 months, we have made substantial progress in recognizing the importance of this region.

The United States has recently opened a new consulate in Vladivostok, a satellite office in Khabarovsk, and two new foreign commercial service offices in the Russian far east. These new offices will be of great benefit to the American business community. But this is only a beginning.

The Russian far east has enormous potential. Russia contains over one-half of the world's supply of coal, oil, and natural gas. It also has one-fifth of the world's timber, and nearly all of those resources are in Siberia and the Russian far east.

Alaskans have long understood the importance of this region, and have developed extensive business and cultural links with the entire Russian far east. While the rest of America is only now beginning to pay attention to this critical region, the Europeans, the Koreans, and the Japanese have long since established a substantial presence in eastern Russia. We have a lot of catching up to do, but I believe that the bill before us is an important step in the right direction in doing just that.

This legislation includes a number of provisions important to America, and also very important to my State of Alaska. One such provision would establish a Russian enterprise fund to provide technical assistance, promote business development, and support economic reform in Russia. The creation of such a fund is critical to the development of small businesses in Russia.

In an effort to assure that the fund addresses the needs of not only western Russia, but the Russian far east as well, I have an amendment to offer which will create a Russian far east fund to provide for the unique needs of eastern Russia.

An equally important provision of this legislation addresses the Agency for International Development's Commodity Import Program. This program meets the needs of Russian businesses looking for critical technology, but also for American businesses looking for markets for their products.

I also have an amendment to assure that all American businesses are treated equally in this important program. This amendment clarifies that used Arctic oil equipment is eligible for financing under the Commodity Import Program. There has been a question raised concerning that.

Finally, there are provisions of this legislation dealing with the environment and natural resources. It is critical that this foreign aid bill assure the continued protection of our own natural resources.

In this regard, I have two additional amendments which address issues of concern, I think, to all States with fishery interests.

The first amendment deals with the retrieval of environmental data collected by over 25,000 Soviet scientists over the last 50 years. This data includes research on Pacific salmon populations which would be invaluable to our own domestic fishing industry.

In addition, the Russians have substantial data on nuclear contamination in the entire former Soviet Union, and particularly in the Arctic. Unfortunately, that valuable data is in immediate jeopardy of being destroyed. My last amendment will ensure that some of the funds going towards environmental programs in the bill will be used to retrieve, store, and analyze this important Russian data.

I also have an amendment to address the issue of foreign nationals fishing in the central Bering Sea, in an area known as the doughnut between the former Soviet Union, Eastern Russia, and my State. It is an area that is not within the 200 mile limit of either nation. We call that the doughnut. It is really the hole in the doughnut, Mr. President.

The language of this amendment affirms that it is the sense of the Congress that nations receiving American aid should cooperate with the United States toward reaching an international fisheries agreement to conserve the marine resources in the Bering Sea doughnut hole.

It is my understanding the managers of the bill and their staffs have reviewed these amendments, and I hope we can count on bipartisan support for their adoption.

I ask unanimous consent that Senator MURKOWSKI be a cosponsor of the enterprise fund and the old equipment amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 932

(Purpose: To establish a Russian Far East Enterprise fund)

AMENDMENT NO. 933

(Purpose: To clarify that used oil equipment is eligible for funding under the Commodity Import Program of the Agency for International Development)

AMENDMENT NO. 934

(Purpose: To establish a cooperative data retrieval, storage, and electronic networking system between Russia and the United States; for the location, retrieval, preservation and analysis of historical scientific environmental data from the former Soviet Union)

AMENDMENT NO. 935

(Purpose: To facilitate an international fishery agreement in the Central Bering Sea)

The PRESIDING OFFICER. Is the Senator seeking consent to set aside the committee amendments?

Mr. STEVENS. I thank the Chair for the courtesy. I ask unanimous consent that the pending amendment be set aside in order that the Senate might consider the four amendments I send to the desk at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. It is my understanding the amendments are being sent en bloc?

Mr. STEVENS. I ask unanimous consent that after initial presentation, reading of the amendments be dispensed with and available for adoption by the Senate en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the amendments by number.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments en bloc numbered 932 through 935.

The amendments are as follows:

AMENDMENT NO. 932

On page 91, between lines 5 and 6, insert the following new subsection:

(f) Notwithstanding subsection (b), of the funds made available under subsection (a), not less than $40,000,000 shall remain available until expended to establish and operate a Russian Far East enterprise fund. The fund shall be administered through the Agency for International Development to provide technical assistance, promote business development, and support economic reform in the Russian Far East.

AMENDMENT NO. 933

At the appropriate place in the bill insert the following new section:

SEC. . USED OIL EQUIPMENT.

Section 106(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151d(b)(1)), as amended, is further amended in the last sentence of the paragraph by striking the word "and" the second place it appears and inserting ", and the purchase of used oil equipment (including equipment used in the Arctic)" immediately before the period.

AMENDMENT NO. 934

On page 90, line 20, before the period, insert the following: ", of which amount not less than $4,000,000 shall be provided for the purpose of establishing, through an international academic consortium of research universities, a cooperative data retrieval, computer based storage, and electronic networking system between Russia, the United States, and Canada. The consortium will be formed for the identification, retrieval, preservation, and analysis of existing scientific environmental data stored in Russia, including data on northern region contamination, key environmental parameters related to contaminant transport processes (ice, wind, water, and biota), North Pacific and Bering Sea fisheries, marine mammals and sea birds, and northern human ecology".

AMENDMENT NO. 935

At the appropriate place in the bill insert the following new section:

SEC. . FISHING IN THE CENTRAL BERING SEA.

(a) FINDINGS.—The Congress finds that—

(1) the Central Bering Sea Fisheries Enforcement Act of 1992 (title III of P.L. 102-582) prohibits U.S. nationals and vessels from conducting fishing operations in the Central Bering Sea, in an area known as "the Doughnut", except when such fishing operations are in accordance with an international fishery agreement to which the United States and the Russian Federation are parties;

(2) the Central Bering Sea Fishery Enforcement Act also prohibits the entry into U.S. ports of any fishing vessel from a nation whose vessels or nationals conduct fishing operations in the Doughnut in the absence of such an international fishery agreement;

(3) the United States and the Russian Federation have participated in seven multilateral meetings among nations whose vessels or nationals fish in the Doughnut to discuss an international fishery agreement;

(4) a moratorium on fishing in the Doughnut for 1993 and 1994 was agreed to by the United States, the Russian Federation, Japan, Korea, Poland and the People's Republic of China as part of these discussions, in order to facilitate negotiations on an international fishery agreement;

(5) at the Vancouver Summit on April 4, 1993, Presidents Clinton and Yelsin committed to developing further bilateral cooperation on fishery matters in the Bering Sea;

(6) an international fishery agreement has not yet been reached despite the best efforts of the United States and the Russian Federation; and

(7) the cooperation of nations which receive aid through monies provided by this Act is needed in order for an international fishery agreement to be reached.

(b) REVIEW.—In light of the findings in subsection (a), it is the sense of the Congress that the cooperation of nations whose vessels and nationals conduct fishing operations in the Central Bering Sea should be carefully considered in making appropriations for programs from which those nations will receive aid monies in fiscal year 1995, and that Congress should seriously consider withholding any such monies until such time as an acceptable international fishery agreement is reached.

AMENDMENT NO. 932

Mr. MURKOWSKI. Mr. President, I rise today to cosponsor Senator STEVENS' amendment to the foreign operations appropriations bill regarding the establishment of a Far East Russia and a Pacific Russian Enterprise Fund as part of the economic assistance slated for Russia and the Newly Independent States.

Private sector development programs such as enterprise funds play an essential and integral role in the economic reform effort underway in Russia. These programs are aimed at developing a private enterprise infrastructure which would enhance U.S. investment and technical assistance. The enterprise fund would support the creation of local small- and medium-size companies in Russia and increase opportunities for trade and investment by United States companies.

I have seen first-hand the growth in business activity between the States on the west coast and the Russian Far East. Alaska Airlines is now flying from Anchorage to Vladivostok. Indian Valley Meats, headed by Dough Drum, has been working to teach Russians more efficient ways to process meat. The Alaska Russia Co., run by Dave Heatwole and Tom Austin are working on a hotel project in Magadan. The University of Alaska has opened the American-Russian Center, directed by Charles Neff, to train Russians to do business. In response to this growing interest and activity in the Russian Far East, the State Department established a consulate in Vladivostok last year. And more recently, progress is being made toward efforts by the Russian Government to open a trade office in Anchorage, AK.

Establishing a separate Russian Far East Enterprise Fund, in addition to a Russian-American Enterprise Fund, does not discount or take away from the privatization efforts taking place in Western Russia. Russian cities such as Moscow and St. Petersburg are obviously in need of private sector development assistance and are deserving of the attention they receive.

However, establishing a Russian Far East Fund helps highlight the importance of the economic reform efforts taking place in the Russian Far East, in such cities as Vladivostok and Khabarovsk. Vladivostok, for example, recently opened a stock exchange. The Far East has Russia's largest oil and gas reserves, as well as gold, diamonds, timber, and fisheries. If these resources are tapped, they could provide export revenues to support the economic restructuring in all of Russia.

Alaska's motto is "the Last Frontier." The way things are going, we may have to change it to "the second to the Last Frontier" since the Russian Far East is becoming the land of privitization pioneers.

AMENDMENT NO. 933

Mr. MURKOWSKI. Mr. President, I rise today to cosponsor Senator STEVENS' amendment to the foreign operations appropriations bill which clarifies that assistance provided under this legislation to help developing countries alleviate their energy problems can be used to purchase used oil equipment, including equipment used in the Arctic.

Clarifying that funds can be used for the purchase of used oil equipment serves an important purpose: Ensuring that foreign aid assistance is spent prudently and in a cost-effective manner. This should always be a goal of our aid programs, but it is particularly important at a time when we are calling on Americans to tighten their belts while the Congress tries to get its fiscal house in order.

Today, we are considering giving aid to the former states of the Soviet Union to the tune of $2.5 billion. I think my colleagues would agree that we want to make sure that this money is spent well. This amendment would help ensure that this happens.

Much of this massive block of aid aimed at Russia and the NIS is likely to go to revive Russia's oil and gas industry. A large percentage of Russian oil fields lie within the Arctic Circle. Oil equipment that has been used to open Arctic oil fields in the United States has been specifically produced for operations under severe Arctic conditions. Thus, this equipment offers operational and maintenance advantages to the Russians. As the production in these U.S. fields decreases, much of this equipment will be dormant and available for purchase at lower costs. It is my understanding that a new Arctic oil rig costs approximately $15 to 18 million. A fully reconditioned Arctic oil rig can be purchased for $7 to 10 million. Thus, this would be a good deal for the Russians, as well as for the American companies who will have surplus equipment on hand.

For these reasons, I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there any further debate on the amendments? If not, the question is on agreeing to the amendments.

The amendments (Nos. 932, 933, 934, and 935) were agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I thank again the distinguished Senator from North Carolina and the managers of the bill. I appreciate their courtesy at this time.

Mr. LEAHY. Am I correct the Senator from Alaska has completed all his amendments?

Mr. STEVENS. I have, I say to the Senator, Mr. President.

AMENDMENT NO. 936

(Purpose: To restrict further assistance to Syria)

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of Senator FEINGOLD and Senator GRASSLEY.

The PRESIDING OFFICER. For the information of the Senate, the pending amendment is the Helms amendment.

Mr. LEAHY. Mr. President, Senator HELMS is not present at the moment. I believe he would not have objection to setting it aside.

Without checking with him, I instead suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending amendment by the distinguished senior Senator from North Carolina be set aside; that further, it be brought back before the Senate at such time as we go back on this bill in the morning; and further, that 15 minutes after going back on the bill, there will be a vote on or in relation to the amendment, and the 15 minutes be equally divided under the control of the distinguished Senator from North Carolina and myself.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending committee amendment be set aside and that the Senate consider an amendment by Senator FEINGOLD for himself and Senator GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. FEINGOLD, for himself and Mr. GRASSLEY, proposes an amendment numbered 936.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 50, line 21, insert the following before the period: "and that with respect to Syria, the President certifies to Congress that Syria does not deny its citizens or any segment of its citizens the right or opportunity to emigrate.".

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 936) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 937

Mr. MCCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If the Senator will suspend, does the Senator seek unanimous consent to set aside the pending committee amendments?

Mr. MCCONNELL. I ask unanimous consent that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. ROBB, proposes an amendment numbered 937.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 92, line 4, after the word "ownership," insert the following: "repayment of commercial debt,".

Mr. MCCONNELL. Mr. President, quite simply, this amendment establishes repayment of commercial debt as one of the conditions of release of U.S. aid.

This amendment is cosponsored by Senator ROBB of Virginia and is agreeable to the chairman of the subcommittee.

In the past few years, at the request of the Russian Government, a number of American companies have delivered goods and services for which they have not been paid. I understand all of the companies have tried to arrange barter, extended payment schedules, or alternatives to being paid in cash, but have met with a fair amount of resistance from the Russian Government.

While the Russian Government acknowledges the debt is owed, they have been unwilling or unable to come to terms with the companies. I am concerned that failure to achieve progress on this issue may affect future investment and trade initiatives by the private sector crucial to a successful transition to free markets. I view this amendment as an effort to encourage some progress, particularly since the committee took note of the problem last year in its report.

Mr. President, it is my understanding that the amendment of myself, cosponsored by Senator ROBB, is acceptable certainly on this side, and I believe by the chairman, as well.

Mr. LEAHY. I understand there is no problem on this side of the aisle.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 937) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I would note that we have just about wrapped up almost all the amendments on this bill. I hope, before we finish up the bill, if anybody else has anything, they may want to bring it forward.

I would note the generally good-natured managers of this bill, the fact of how helpful we are trying to be to our colleagues. I suggest this is not always the case. The good nature might not always be there, but the helpfulness is. And those who want to take advantage of such sunny dispositions should consider that this is a good time to do so.

This bill is, as a practical matter, within a couple of hours of completion. We have resolved some of the more contentious issues in it already. So far there is only one amendment that I know of that is going to require a rollcall vote. The issues of everything from the Ukraine amendment to the PLO have been accepted.

I would kind of like to wrap it up so that my distinguished colleagues on the Appropriations Committee could move forward with their appropriations bills and for other business.

So I urge Senators, if they do have amendments, it would be nice to come forth because I would hate to have to commiserate with their disappointment as we walked off to conference with the bill completed and no room to take care of their needs, of which I am sure always their needs are justifiable.

Mr. MCCONNELL. Mr. President, we have approved, according to my count, 11 amendments. There are a few others of which we are aware that are acceptable. It seems to me we are making good progress toward finishing this bill in good order sometime, hopefully, early tomorrow.

Mr. LEAHY. Mr. President, I always hate to say something like this after 19 years here, but I feel almost like it tempts the gods in some way through this beautiful ceiling and that we are going to see lightning bolts coming. I think it demonstrates, certainly in the 19 years I have been here, that I have never seen a foreign aid bill move as rapidly as this.

I say that to commend my colleagues in both parties because I think it reflects the Senate's understanding of the two really significant foreign policy situations facing the United States today; the situation in the former Soviet Union and the situation in the Middle East. This foreign operations bill addresses both the situation in the Middle East and the situation in the former Soviet Union in a way no foreign aid bill has ever addressed those two areas.

I think it is a mark of the concern felt by most Senators in this body, of both parties, of all ideological stripes, that the United States has a historic role to play both in the Middle East and in the former Soviet Union, and the tools, to the extent that the resources of this great country are available, those tools are in here and people want it to go forward.

I thank my colleagues for that. I thank them for their cooperation in doing it. If we have this bill completed no later than noon tomorrow, I think, then we are well on our way to making the deadlines that we obviously need to make in our conference and so forth and move forward.

Again, I want to take this moment to compliment my good friend from Kentucky for the help that he has shown on his side of the aisle in making that possible.

Mr. MCCONNELL. Mr. President, there is one other amendment that I believe we can dispose of.

Mr. President, I ask unanimous consent that the pending amendments be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 938

(Purpose: To earmark $3 million for the World Food Program)

Mr. MCCONNELL. Mr. President, in behalf of Senator COCHRAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] for Mr. COCHRAN, proposes an amendment numbered 938.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 21, after the colon (:) add the following new proviso; "*Provided further*, That of the funds appropriated under this heading, not less than $3,000,000 shall be made available for the World Food Program:".

Mr. MCCONNELL. Mr. President, on behalf of the Senator from Mississippi, Senator COCHRAN, I offer the amendment at the desk, which is not controversial. It has been approved by both sides. Simply put, the World Food Program is the largest provider of multilateral food aid for the United Nations. Earlier this year, the House Foreign Affairs Committee included report language in support of contributions to the World Food Program.

Founded 30 years ago, the WFP has become one of the United Nations' key channels in emergency relief operations for victims of natural disasters and is a major supplier of food aid in support of development activities. WFP's food-work project uses food as an incentive for beneficiaries to participate in various development projects. For instance, the villager would receive food rations in exchange for planting trees to reforest the eroded mountainside. Food aid is also distributed in school feeding programs to improve learning and school attendance.

This is a very useful amendment on behalf of the senior Senator from Mississippi and has generated no objection.

Mr. LEAHY. Mr. President, the Senator from Mississippi discussed this amendment with me earlier. I commend him for it. I am well aware of the work of the food organization. It is one that the Senator from Mississippi and I have watched both from this committee, the Appropriations Committee, and also from the Agriculture Committee, along with the Senator from Kentucky. We serve on both of those committees. I have no objection to it. In fact, I commend him for bringing it forward. It is acceptable to this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 938) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REID). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending committee amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 939

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of Mr. DECONCINI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. DECONCINI, proposes an amendment numbered 939.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

(a) STATEMENT OF THE CONGRESS.—The Congress—

(1) notes the long friendship between Kenya and the United States and the constructive role played by Kenya during the humanitarian relief operation in Somalia;

(2) recognizes the steps taken by the Kenyan government toward establishing a more open and democratic political system, including the legalization of opposition political parties and the holding of multi-party elections in December 1992; and

(3) remains concerned about the continuing human rights abuses, government corruption, and economic mismanagement which threaten the political and economic future of Kenya.

(b) ASSISTANCE.—In providing future economic and development assistance to the Government of Kenya, the President shall take into account the extent of the Kenyan government's progress toward increasing respect for human rights, permitting freedom of expression, expanding cooperation and dialogue with the democratic opposition parties, improving the management of the economy, and reducing economic corruption, especially at the state-run Kenya Central Bank.

(c) PROHIBITION.—No funds appropriated by this Act under section 23 of the Arms Export Control Act may be provided to the Government of Kenya unless the President determines that providing such assistance is in the national interests of the United States and consults with Congress prior to making such a determination.

Mr. DECONCINI. Mr. President, I rise today to offer an amendment which accomplishes two goals. It recognizes the significant steps which the Kenyan Government has taken to respond to the will of the Kenyan people and open its previously one-party political system. It also modifies existing law by placing reasonable and justified conditions on any new aid to Kenya which the Clinton administration may wish to extend. In so doing, it also maintains the prohibition on any foreign military financing funds unless the administration determines and consults with Congress that extending these funds is in our national interest.

Kenya has long been a valuable United States ally in Africa. It is a significant trading partner and played a key strategic role for the West during the cold war. More recently, the Kenyan Government has cooperated, under often difficult circumstances, with the U.N. humanitarian effort in its neighbor to the north—Somalia.

At the same time, however, the United States and other friends of Kenya have had considerable concerns about developments within Kenya itself. These concerns about human rights abuses, a lack of a multiparty democratic system, extended detentions without trial, significant restrictions on travel outside Kenya, and widespread economic corruption within the Government and the ruling party, KANU, resulted in the international community suspending economic assistance to the Government in late 1991 until specific steps were taken to address these many problems.

For our part, the United States, through legislation offered by this Senator with the bipartisan support of this body, suspended military and economic aid to Kenya until it made certain changes in its system such as opening its political system to other political parties, permitting Kenyan citizens the freedom of travel, and ending detention without trial.

Fortunately, the situation on the ground in Kenya has changed dramatically since that period less than 2 years ago. That is why I am offering this amendment today. The restrictions on our aid programs with Kenya are outdated, they do not reflect the changes which have occurred since that time, and they need to be updated. This amendment does just that.

Since the restrictions were placed on aid to Kenya, President Moi—a man very averse to change—modified the constitution and allowed the legal formation of opposition political parties. Additionally, detentions generally have ended, the right of travel has been restored, and the judiciary—while still not as independent as it could be—has taken major steps forward. Most importantly, multiparty election were conducted in December 1992.

These elections marked a major milestone in Kenya's development into a functioning, multiparty democracy. While they were flawed, especially the registration process leading up to the elections, and suffered from valid charges from all sides of intimidation of candidates and voters, thus making them not up to acceptable international standards, the results were generally viewed to be ultimately representative of the will of the Kenyan people. Even if the elections were flawless, the results would basically have been the same. To its credit, Kenya has the most vibrant parliament in any government in Africa. These changes should be recognized and encouraged by the international community.

At the same time, I believe that Kenya still has a significant way to go before the United States resumes any unrestricted aid program. The election did not meet international standards for free and fair elections. The press, while critical of the Government, is not able to function totally without restrictions. During my visit to Nairobi last spring, members of the opposition related to me their concerns that while they are part of the Parliament, they continue to be routinely ignored by the President and the ruling party when it comes to the actual governing of the country.

Most importantly, however, is the continued widespread corruption within the Government and the State-run Kenya Central Bank. We in this body have a responsibility to our constituents at all times—but especially in these times of bloated budget deficits—to ensure that Taxpayer dollars are not blithely provided to other countries if those scarce resources run a significant risk of being misused.

Mr. President, I urge my colleagues to support this modest amendment. In so doing, we recognize the steps already taken by the Kenyan Government to open its political system while at the same reminding it that it still has a ways to go if it truly wants to be a functioning and responsible democracy. Passage of this amendment also ensures that our tax dollars will be distributed thoughtfully.

Mr. LEAHY. Mr. President, I understand that this amendment regarding Kenya has been approved on both sides.

Mr. MCCONNELL. Mr. President, I am not aware of any objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 939) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending committee amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 940

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of Mr. SIMON for himself, and Mrs. KASSEBAUM and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. SIMON for himself, and Mrs. KASSEBAUM, proposes an amendment numbered 940.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 81, strike Section 558, and insert in lieu thereof the following:

SEC. 558. UNITED STATES ASSISTANCE FOR THE TRANSITION TO A NON-RACIAL DEMOCRACY IN SOUTH AFRICA.

(a) REPEAL.—Section 116(e)(2), 116(f), and 116(g), section 117 (as added by the Comprehensive Anti-Apartheid Act of 1986), and section 535 of the Foreign Assistance Act of 1961 are repealed. Section 116(e)(1) of that Act is amended by striking "(1)".

(b) IN GENERAL.—The President is authorized and encouraged to provide assistance under chapter 10 of part 1 of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa) or chapter 4 of part II of that Act (relating to the Economic Support Fund) to support the transition to nonracial democracy in South Africa. Such assistance shall—

(1) focus on building the capacity of disadvantaged South Africans to take their rightful place in the political, social, and economic systems of their country;

(2) give priority to working with and through South African nongovernmental organizations whose leadership and staff represent the majority population and which have the support of the disadvantaged communities being served by such organizations;

(3) in the case of education programs—

(A) be used to increase the capacity of South African institutions to better serve the needs of individuals disadvantaged by apartheid;

(B) emphasize education within South Africa to the extent that assistance takes the form of scholarships for disadvantaged South African students; and

(C) fund nontraditional training activities;

(4) support activities to prepare South Africa for elections, including voter and civic education programs, political party building, and technical electoral assistance;

(5) support activities and entities, such as the Peace Accord structures; and

(6) support activities to promote human rights, democratization, and a civil society.

(c) GOVERNMENT OF SOUTH AFRICA.—

(1) Limitation and Assistance.—Except as provided in paragraph (2), assistance provided in accordance with this section may not be made available to the Government of South Africa, or organizations financed and substantially controlled by the government, unless the President certifies to the Congress that an interim government that was elected on a nonracial basis through free and fair elections has taken office in South Africa.

(2) Exceptions.—Paragraph (1) does not apply to assistance for—

(A) higher education institutions, particularly those traditionally disadvantaged by apartheid policies, or

(B) any other organization, entity, or activity if the President determines that the assistance would promote the transition to nonracial democracy in South Africa.

Any determination under subparagraph (B) shall be based on consultations with South African individuals and organizations representative of the majority population in South Africa (particularly consultations through the Transitional Executive Council) and consultations with the appropriate congressional committees.

Mr. LEAHY. Mr. President, I understand there is no objection to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 940) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Again, Mr. President, I am reminding everybody of what is the self-evident, good nature of the managers of this bill, and to come forward.

We are calling for the amendments, and I hope they will come. If not, we will wrap up the bill after the next vote.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 941

(Purpose: To require regular notification of the Appropriations Committees with respect to any obligation or expenditure of assistance for Nicaragua)

Mr. MCCONNELL. Mr. President, I send to the desk an amendment on behalf of Senator COVERDELL and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. COVERDELL, proposes an amendment numbered 941.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 48, line 11, insert "Nicaragua," after "Malawi,".

On page 48, line 17 add before the period "and Nicaragua.".

Mr. MCCONNELL. Mr. President, this is an amendment that has been cleared on both sides. As far as I am aware, there is no need for debate on it.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we have no objection over here.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 941) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, we have made great progress so far and, in fact, I would note for the Senate, we have moved further faster than any foreign aid bill that I have seen in my 19 years here.

I say this as a compliment to Senators on both sides of the aisle who have worked hard to cooperate to help move forward the two main pillars of this bill, the aid we have to help the Middle East peace process and the aid we have to bring out and support democracy in the former Soviet Union.

We will have a vote on or in relation to the Helms amendment 15 minutes after we go on to the bill following our recess.

I ask my friend from Kentucky if he has any amendments on his side that he is prepared to go forward with.

Mr. MCCONNELL. I would say to the chairman I think we have gone about as far as we could tonight. We have processed a number of amendments. I would hope that we might be able to wrap up here shortly.

Mr. LEAHY. Mr. President, then I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, as I have told the distinguished Senator from North Carolina I expect in the morning I will oppose or even move to table his amendment.

I note that while I understand his concern about U.S. citizens having their property expropriated in other countries, a concern I happen to share, this is not the way to go about addressing it. I have worked with other countries on behalf of citizens from my State who have had their property expropriated.

I share frustration when our own Government takes more of the interest of the other country than the interest of its own citizens. But I also note that many of these claims are extremely complicated.

I have had people come in with great tales of woe, until the other side is looked into and you find what every lawyer finds, that there are often two sides to a case.

You know, some of us, as lawyers, have been involved in eminent domain cases that involve the taking of property. You can have teeth being gnashed on one side and the State moving on the other side, until you start looking at some of the issues involved and find that they are extraordinarily complex.

We sometimes take a great deal of time to resolve these cases. In my own State, which has a court system that moves very rapidly, I have seen eminent domain cases go on for several years.

We cannot, in an amendment by legislative language to an appropriations bill, suddenly tell other countries to move their courts a lot faster than we move our own. These are issues that involve matters of national sovereignty. They often go to international arbitration.

Some of the same problems that people come to us in the Congress about and ask us to bring pressure to resolve in their favor, we find have already been submitted to international arbitration.

I think this amendment could potentially affect Russia, the Baltics, Albania, and others, without the national interest waiver that the President now has under current law, the Hickenlooper law.

I think this is a matter that does not belong on an appropriations bill. This is a matter that should require some discussion and debate in the regular authorizing fashion. It is a matter that can be done on an authorizing bill when one comes before the Senate. It should not be on an appropriations bill.

I mention that, Mr. President, so that Senators will know the feelings I will express in the morning. I hope that the amendment would not be passed. I think that it will end up creating more difficulties than it will solve.

I do feel very strongly that we can continue, as we have in the past, on individual cases of merit involving U.S. citizens, and that the United States can bring the kind of pressure it has and we can seek the kind of solutions that some of us, as individual Senators, have.

But putting this in is far too broad a provision in our foreign aid bill and will end up hampering the interests of the citizens of the United States, rather than helping them. It will end up putting the United States in a position of arbitrariness, when flexibility is needed. It will mean that we will not have the ability of everything from arbitration to argument, from carrot and stick to negotiation that we now have.

Mr. President, with that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEAHY. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RADAR STRIKE FORCE

Mr. PRESSLER. Mr. President, I rise at this time to announce my intention to introduce legislation creating the Rural Area Disaster Assistance Readiness [RADAR] Strike Force.

This year, throughout the Midwest, we have seen tremendous teamwork and cooperation among all Americans to help business owners, families, and individuals pick up the pieces lost during a long spring and summer of brutal rain and flooding. Mr. President, this was widespread devastation and the response was swift and effective. Unfortunately, small cities and towns devastated by isolated disasters do not always receive such responsiveness.

Federal assistance to rural areas often is unavailable or slow in coming. Put bluntly, the Federal Government's responsiveness could be expedited in most cases. For example, fire recently destroyed four small businesses in downtown Onida, SD—nearly one-third of this town of 900 businesses. Many might consider this an extremely small-scale problem. It is not, and that is my point. In some cases, when a disaster like this hits a small city, such as Onida, the community's entire economic base suffers immediately and dramatically. Yet, 65 days passed before the citizens of Onida were notified that SBA disaster assistance would be available. Compare that to the lightning quick attention given to Los Angeles when a segment of that city was plagued not by Mother Nature, but by man-made riots.

The critical problem my legislation is designed to address is that isolated, small town disasters often are overlooked, or, at the very least, given diminished priority. For many towns across America, the loss of one or two businesses can result in the loss of more than half of that community's job base. The fact is, timeliness should not be based on perceived need, population size, or even the extent of national network coverage. Federal responsiveness should be as uniform as possible once any localized disaster hits.

The purpose of the RADAR Strike Force is simple: It would examine the responsiveness of Federal, State, and local governments—as well as the private sector—in isolated disasters in small cities and towns. The strike force would review the unique needs faced by rural America in the aftermath of natural disasters. Further, the strike force would recommend how Federal disaster programs can best meet the unique needs of small cities and towns. The RADAR Strike Force would ensure that disaster assistance is available expeditiously long after cameras and TV reporters pack up and leave.

Mr. President, it was my initial intention to offer an amendment creating the RADAR Strike Force to the legislation now pending. However, I now see the distinguished Senator from Maryland on the floor and I wonder if she might respond to several questions I have on this issue.

Ms. MIKULSKI. I would be happy to do so.

Mr. PRESSLER. I thank my colleague. Do I understand correctly that the Senator would prefer I not offer this amendment to the pending measure, but rather wait until legislation to restructure the Federal Emergency and Management Agency is considered?

Ms. MIKULSKI. The Senator is correct. As stated earlier, I have agreed with my House counterpart not to include any authorization legislation in the VA-HUD bill. However, legislation I introduced earlier this year, which is before the Governmental Affairs Committee, is an appropriate bill through which to pursue this amendment. I believe that bill would provide a more appropriate vehicle for his amendment. However, let me also say that I understand the Senator from South Dakota's concern in this matter and agree fully that timely response to isolated, rural disasters is very important. I commend him for his concern for smaller communities. He is absolutely correct—the size of a community should not dictate the level of responsiveness in disaster assistance.

Mr. PRESSLER. I thank my distinguished colleague. Let me then ask, is it not correct that S. 995, the Federal Disaster Preparedness and Response Act of 1993, was introduced by the Senator from Maryland?

Ms. MIKULSKI. That is also correct. I have a very strong interest in the workings of FEMA and its ability to respond efficiently and appropriately to disasters across the Nation—whether they involve numerous States, major cities, or small towns in rural America.

Mr. PRESSLER. I thank the Senator. I wonder, would my colleague be willing to give me assurances that she will carefully consider and possibly support my proposal in the form of an amendment to S. 995 when it reaches the Senate floor?

Ms. MIKULSKI. I would be happy to assure the Senator that I will closely study his proposal.

Mr. PRESSLER. Thank you very much. Now, can the Senator tell me what the timetable is for consideration of S. 995? With her assurance to consider this proposal and to work with me, I am inclined not to offer this as an amendment to the pending measure. However, I also do not want to find myself in the position of being foreclosed from doing so in what I hope is the very near future.

Ms. MIKULSKI. I certainly understand the Senator's concern. As he can imagine, it is also my hope that S. 995 will come before the Senate in the not too distant future. I too would like to see improvements made in the way the Federal government responds to disasters in this Nation, and as the Senator knows, my bill seeks to achieve this goal through certain restructuring efforts. So, I hope that this legislation will come before the Senate soon.

However, as my colleague knows, that bill is pending before the Committee on Governmental Affairs, and I have no control over the schedule of that committee. Perhaps the Senator from South Dakota should direct his question to the Senator from Ohio.

Mr. PRESSLER. I thank the Senator from Maryland for her answers to my questions. I look forward to working with her on this important issue. If I could, I would like to ask several questions of my good friend from Ohio, the chairman of the Committee on Governmental Affairs.

Mr. GLENN. I would be pleased to respond to my colleague from South Dakota.

Mr. PRESSLER. Thank you. Let me begin by asking whether the chairman could give me an indication of when S. 995 will come before his committee?

Mr. GLENN. Well, let me just say that I have heard what my friend, the Senator from South Dakota, has said here today and believe his concerns dealing with the responsiveness to rural disasters certainly are relevant. I also would tell my colleague that it is my intention to hold a hearing on S. 995 next month.

Mr. PRESSLER. I thank the Senator for that information. Could the Senator from Ohio tell us when he expects the bill to reach the Senate floor?

Mr. GLENN. As the Senator knows, I do not control the floor schedule. I will say to the Senator from South Dakota I would hope to have the bill reported out of committee before this session ends. However, I should point out to my colleague that there may well be other committees with jurisdiction over this measure which may desire a sequential referral.

Mr. PRESSLER. I understand the Senator's position and thank him for the information he has provided. If I may ask just one additional question. I wonder if the Senator from Ohio, like the Senator from Maryland, would be willing to give me assurances that he will carefully consider and possibly support my proposal in the form of an amendment to S. 995 when it reaches the Senate floor?

Mr. GLENN. I would assure the Senator from South Dakota that I will closely study his proposal and work with him as the Federal Disaster Preparedness and Response Act of 1993 comes through committee and on to the Senate floor.

I would add that, as the Senator knows, in recent months we have had three major studies on Federal disaster assistance—by the General Accounting Office [GAO], the National Academy of Public Administration [NAPA], and the FEMA Inspector General. I'm not quite sure of the merits of creating another task force to examine Federal disaster response and recovery efforts overall. I am interested, however, in knowing whether there are real problems with respect to the delivery and receipt of that aid in small towns and rural areas, particularly those far away from large metropolitan centers. If there are impediments, we certainly need to address them in a proper fashion. Toward that end, I will be happy to work with my friends from South Dakota and Maryland in further action on S. 995.

Mr. PRESSLER. I thank my friend. Mr. President, given the assurances I have received from the Senator from Maryland, author of S. 995, and the Senator from Ohio, chairman of the Committee on Governmental Affairs, I will not offer my RADAR Strike Force proposal as an amendment to the pending measure. I am gratified that they understand the importance of what I am trying to accomplish.

I look forward to working with my colleagues from Maryland and Ohio. I would say that at this point, it also is my intention to offer an amendment creating the RADAR Strike Force during floor consideration of S. 995. I hope the strike force will be adopted as part of that bill so that it may offer valuable input on the responsiveness of public and private assistance to disasters in America's small cities and towns.

DEDICATION OF CATHERINE FILENE SHOUSE CAREER CENTER, HOOD COLLEGE, FREDERICK, MD

Mr. SARBANES. Mr. President, on September 10, 1993, Hood College in Frederick, MD, dedicated the Catherine Filene Shouse Career Center, an innovative new facility designed to give students a head start on their job search throughout their college career and beyond.

With generous gifts from Mrs. Shouse, Hood was able to add computers and software to its career center, enabling students and alumnae to use the most innovative technologies for career planning and placement.

Mrs. Shouse is known throughout the world for her significant contributions to the art world. Less known is her lifelong interest in women's careers.

In 1917, while still in college, Mrs. Shouse organized the Nation's first conference on women's careers. Three years later Mrs. Shouse prepared the pioneering inventory of "Careers for Women." In 1923 Mrs. Shouse was the first woman to receive a degree (M.Ed.) from Harvard University and has been appointed to Presidential commissions and boards by every U.S. President from Calvin Coolidge.

Mrs. Shouse founded and chaired the Institute of Women's Professional Relations which organized national conferences on opportunities for women with more than a high school eduction.

Her contribution to Hood College of the most modern technological equipment for worldwide career information is Mrs. Shouse's latest gift to women and has made a significant and positive impact on all of its students, building on a strong program of career planning and placement to create a model career center for the 21st century.

The career center is designed to help students at all levels of their education. Freshmen use the center to match their interests and aptitudes with college majors. As sophomores and juniors, they can tap into computerized listings of Hood graduates in a variety of careers, as well as more than 1,000 Hood internship placement sites.

As graduation approaches, students use the Catherine Filene House Career Center computers to identify graduate schools, to fill out Federal Government employment applications, to search up-to-the-minute job listings from hundreds of businesses and organizations, and to place their resumes on a data base available to employers nationwide.

With Mrs. Shouse's generous support Hood College has added another gem to its already impressive list of improvements in recent years.

Founded a century ago, Hood College is in the forefront of America's small residential liberal arts colleges for women and has earned a well-deserved national reputation for academic excellence. It has been consistently ranked by the annual U.S. News & World Report survey as one of America's best colleges. Hood also plays a central role in the educational and economic life of the Frederick region. The graduate school offers master's degrees in afternoon and evening programs designed for those who work and live in the region. In addition, Hood contributes more than $40 million to the area economy annually, as well as serving as a cultural center for the community, offering drama, concerts, lectures, workshops, and seminars.

Hood's undergraduates may choose from among 31 majors in the traditional liberal arts and sciences and other career—oriented study areas. Although most classes are offered on its 50-acre campus in Frederick, Hood also has an academic center in Montgomery County. Hood's program for adult learners, based on streamlined admissions, pre-enrollment advising, credit for life experience, and special support services, is now recognized as a national model. Classes are small—averaging 15–18 students—and are taught by outstanding faculty. Hood has one of the most advanced intern placement programs in the country and encourages students to take internships at one of many sites throughout the United States and abroad.

The contributions made by Mrs. Catherine Filene Shouse help fulfill the college's 100-year-old commitment to the education of an informed population.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Monday, September 20, the Federal debt stood at $4,390,873,657,386.08, meaning that on a per capita basis, every man, woman, and child in America owes $17,094.49 as his or her share of that debt.

SUPPORT FOR DEMOCRATIC REFORM IN RUSSIA

Mr. PELL. Mr. President, yesterday's events in Moscow have broad national security implication for the United States, and I welcome the swift, unequivocal show of support that the Clinton administration has shown for President Yeltsin's move to consolidate democratic reform in Russia. Responding to the developments in Moscow is a delicate high wire act for the United States, and the Clinton administration is performing this very difficult balancing act with precision and skill.

On the one hand, we do not want to interfere directly in the domestic affairs of Russia. On the other hand, we must signal our support for the reformers in Russia to ensure that the reform effort does not come crashing down. I would note that in striking the balance, it is important to remember that it is not Yeltsin the individual, no matter how much we may like and respect him, that we are endorsing, but rather, we are embracing what he is trying to achieve, namely the building of democratic and free market institutions.

The stakes are high, not only for Russia, but for its neighbors, and indeed, for us. Russia is undergoing a seachange, and without democrats at the helm in Russia, we run the risk of slipping back to the stormy days of the cold war.

Yesterday's events are the latest chapter in an ongoing political struggle between President Yeltsin who was elected in a free and fair election, and the parliament, which is a vestige of Russia's Communist past whose members who have not faced the ballot box in the post-Soviet era. The impasse between the reformers and the hard-liners could not last indefinately, and President Yeltsin took a bold move yesterday to break the stalemate and advance the democratic process.

It is important for us to remember that the referendum that was held in Russia last spring gave President Yeltsin a clear mandate to hold new parliamentary elections. In fact, some would argue that given the lengths to which the parliament has gone to frustrate reform, and given the people's unequivocal vote for new parliamentary elections, President Yeltsin has shown restraint in waiting this long to call for those elections.

These next few days will be crucial for President Yeltsin and the reform process, and it appears that cool heads are prevailing and that the crucial players in Russia are backing President Yeltsin's call for for elections. Although Vice President Rutskoi, whom the Parliament has named acting President has named his own hard-line cabinet, Defense Minister Grachev as well as the Minister of Internal Affairs are supporting Yeltsin. The military is showing respect for the people's will, and is not trying to capitalize on the situation. Prime Minister Chernomyrdin has told the press that his Government was giving President Yeltsin its unconditional support. Those are hopeful signs.

Mr. President, we will have to continue to watch events as they break. I would, however, join with the administration and other Members in calling for swift congressional consideration of our assistance package for Russia and the other Newly Independent States. In the coming days, we will be asked to vote for $2.5 billion in assistance to the Newly Independent States, including Russia. Now, more than ever, I believe we need to show the reformers in the NIS that we are in their corner. If we fail to act quickly, we will be pulling the rug out from under the reformers and sending the antireformers the message that we do not believe political and economic reform are priorities. We cannot afford to send that message.

TRIBUTE TO COL. WILLIAM J. FRIEL, USAF

Mr. GLENN. Mr. President, I rise today to pay tribute to one of our outstanding citizens and respected military leaders, Col. William J. Friel, who retired from the U.S. Air Force on August 31, 1993, with 30 years of honorable service. Throughout his career, Colonel Friel has served with distinction in many capacities, but his final assignment as assistant to the commander for total quality in the Air Force Material Command is indicative of his character and professionalism. His commitment to achieving the goals of the mission are distinguished; this Nation can be proud of his achievements and we will miss his invaluable leadership. We owe Colonel Friel our appreciation for his long and meritorious service to our Nation.

THE RUSSIAN CONSTITUTIONAL CRISIS

Mr. THURMOND. Mr. President, the alarming constitutional crisis in Russia contains a powerful message for Americans. As I have said many, many times on the Senate floor and in other forums, the final chapter on the Soviet Union has not been written. I have urged the administration not to base the rapid draw-down of our defense capabilities on the belief that Russia's peaceful course is settled. Even if this confrontation between Yeltsin and the Parliament is resolved peacefully, the seeds of conflict and instability will remain for some time to come. There may be more such confrontations in the future, which could lead to growing instability and violence, even civil war. We cannot afford to delude ourselves and assume that future violence will be contained within the borders of any one nation. It could spread throughout the former Soviet Union and beyond. Such anarchy in nations which retain thousands of nuclear weapons is an awesome prospect. No one can predict what the consequences might be.

I commend President Clinton and Secretary Christopher for their strong statements of support for President Yeltsin and the force of democracy. I agree that aid and support for Russian reform is an investment in the national security of the United States. But that kind of investment, important as it may be, is indirect. There is no guarantee that it will have any beneficial result. Indeed, the problems of the former Soviet States' transition to democracy may be so severe that no outside aid can positively influence the outcome. This requires the United States and Western democracies to make an adequate direct investment in their own security, and that means strong military and deterrent forces. We must hope for the best, and do our best to help Russia, but we must keep our powder dry.

This is a critical moment for Russia. The choices Russian leaders make in the next few days—especially leaders of the military and security services—may be the most fateful decisions they have ever made. Their choices will determine whether democracy will finally prevail or whether communism will continue under another name. They will also determine whether the world will be able to live in peace with Russia. I am encouraged that Defense Minister Grachev has so far succeeded in keeping Russia's armed forces out of the conflict. I earnestly hope that the military and internal security troops will support the duly elected President of the Russian Federation; or at a minimum, remain neutral, and allow this impasse to be resolved short of violence. All Americans should pray that Russians will not buy short-term stability at the price of freedom and prosperity, and that peaceful relations with the rest of the world will prevail.

WINTER-RELATED AID TO BOSNIA

Mr. PELL. Mr. President, I would like to speak about the desperate need for winter-related assistance to the people of Bosnia and Herzegovina. I am pleased to see that the foreign operations appropriations bill targets $20 million in humanitarian aid to Bosnia and Croatia. However, none of this money is specifically for winter-related assistance. Accordingly, I would like to express my hope that a significant portion of this $20 million will be allocated to the people of Bosnia for winter-related needs.

I understand that winter aid is among the administration's current priorities with regard to humanitarian assistance to Bosnia, and I encourage the State Department to pursue this objective to the maximum extent possible.

As the bloody war in the former Yugoslavia rages on, the humanitarian needs of the people of Bosnia and Herzegovina are as dire now as they have ever been. Whether or not a peace agreement is reached in the coming days, these war-plagued people face another long, life-threatening winter without sufficient food, fuel, or shelter.

Earlier this month, I introduced an amendment to the Committee mark of the fiscal year 1994 Foreign Assistance Authorization Act that $20 million be used for the provision and transportation of winter-related and other emergency assistance to Bosnia, including fuel, food, medicines, building materials, portable heating units, clothing, blankets, and other commodities.

That amendment paralleled a Pell-Dole amendment to last year's foreign operations appropriations bill, which required that at least $15 million be provided to Bosnia for winter-related relief. The Agency for International Development has been able to use those funds to provide winter-related assistance that it otherwise would not have been able to offer to the people of Bosnia.

At the time that last year's Pell-Dole amendment was passed, we had hoped that such a measure would not be needed again. Unfortunately, however, conditions in Bosnia continue to deteriorate, and the people of that country need our help in overcoming yet another brutal winter. Regrettably, that is not the case, and I would hope that we will do what we can to help alleviate the terrible suffering in Bosnia.

TRIBUTE TO MARK HATFIELD

Mr. PACKWOOD. Mr. President, I want to take you back to the school year 1949–50 when I was a senior in high school. I went to a young Republican meeting to hear a young teacher at Willamette University speak, a teacher named MARK HATFIELD who had recently become dean of men, as we then called the deans of women and deans of men in those days. He had become dean of men at a very young age, having received his masters at Stanford University but graduated undergraduate from Willamette.

I was very impressed, very moved by listening to him and meeting him that night. He was a principal factor in my choosing to go to Willamette University where I was a freshman in 1950.

MARK HATFIELD ran for the legislature in 1950. I worked on his first campaign. He ran for the State House of Representatives while he was still the dean of students. I worked on his first campaign that November. I subsequently pledged the fraternity Beta Theta Pi. MARK HATFIELD had been a Beta Theta Pi and was at the time unmarried. He would come to the house once or twice a week for dinner. We both played bridge, and we would engage in bridge games afterward and philosophical discussions.

At the time, the house was a very philosophical house. It had 51 members, of whom 17 were preministerial students. There was a heavy tenor of theology, morality, and philosophy in the house, and MARK HATFIELD was one of the best of the leaders of that group.

I worked again on his campaign for reelection in 1952 when he was reelected to the House of Representatives. I was subsequently elected fraternity president and he, of course, was dean of men.

From time to time, we inevitably had some problems with the brothers. I would have to go and plead with him for fraternal leniency for some errant brother that may have strayed from the correct path.

MARK and I, on a number of occasions, went to funerals together. One student was drowned in the surf in the ocean, and that was one of his obligations, I suppose, as dean of men and one of mine as president of the fraternity, to go to funerals.

I knew him very, very well. There were only two campaigns I did not get to work on. One was the general election in 1954, when I was in law school. He was then elected to the State Senate in 1954. He was elected in 1956 as Secretary of State, the youngest person ever to hold that office. Again, I was in law school and could not work on the campaign.

But I came back in 1958 to practice law in Oregon and worked on his campaign for Governor. He was elected Governor in 1958 and was the first Governor in Oregon to serve two full terms in this century. He was elected in 1958 and elected again in 1962.

Then I was elected to the legislature in 1963, and worked with him in his last term as Governor. We were close, close friends. I regarded him as a mentor, as a leader, not quite as a father figure because we were not that far apart in age, but more like an older brother.

He was elected to the Senate in 1966, and I was elected in 1968. We have served here as comrades and friends ever since. I can say this in all honesty, there is an axiom here that there is usually bad blood between two Senators from the same party from the same State who are forever getting into arguments about appointments. That has never, never been a factor with MARK HATFIELD and me. We have remained close to this day.

The reason I make this speech tonight, however, is not just to point out that there has been a wonderful, wonderful career with an extraordinary man, but to note just last month he passed the record as the longest serving Senator in the history of Oregon. Previously, that record had been held by Charles McNary. Charles McNary was a legendary Republican. He served as minority leader of the Republicans in the Senate in the thirties; he was Wendell Willkie's Vice Presidential candidate in 1940. He held the record of having served longer than any person in the Senate. MARK HATFIELD has now eclipsed that record.

I congratulate him. I hope it is not premature to wish him good luck in his next election in 1996, which I fervently hope he chooses to run. But in the meantime, I can with pride and privilege look back upon having known a man for 44 years with whom I have never had a cross argument, a man who I have learned from, a man who I respect, and a man who I hope I have at least another 15 or 20 or 25 years of association with personally, privately, and fraternally. He is an extraordinary man, an extraordinary leader, and an extraordinary friend.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 464. An act to redesignate the Pulaski Post Office located at 111 West College Street in Pulaski, Tennessee, as the "Ross Bass Post Office".

S. 779. An act to continue the authorization of appropriations for the East Court of the National Museum of Natural History, and for other purposes.

The message also announced that the House has passed the following bill, with amendment, in which it requests the concurrence of the Senate:

S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

The message further announced the House agrees to the amendment of the Senate to the bill (H.R. 20) to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 808. An act for the relief of James B. Stanley.

H.R. 949. An act to amend title 38, United States Code, to improve the veterans' home loan guaranty program and the State cemetery grants program, and for other purposes.

H.R. 1152. An act to direct the United States Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes.

H.R. 1385. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow formula grants to be used to prosecute persons driving while intoxicated.

H.R. 2056. An act to redesignate the Post Office Building located at 600 Princess Anne Street in Fredericksburg, Virginia, as the "Samuel E. Perry Post Office Building."

H.R. 2074. An act to authorize appropriations for the American Folklife Center for fiscal years 1994, 1995, 1996, and 1997.

H.R. 2294. An act to designate the Post Office building located at 1000 Lamar Street in Wichita Falls, Texas, as the "Graham B. Purcell, Jr. Post Office Building."

H.R. 2604. An act to establish a Wetlands Center at the Port of Brownsville, Texas, and for other purposes.

H.R. 2685. An act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes.

H.R. 2751. An act to amend title 5, United States Code, to provide for the granting of leave to Federal employees wishing to serve as bone-marrow or organ donors, and to allow Federal employees to use sick leave for purposes relating to the adoption of a child.

H.R. 2961. An act to authorize the Secretary of the Interior to construct and operate the Walter B. Jones Center for the Sounds at the Pocosin Lakes National Wildlife Refuge.

H.R. 3019. An act to amend title 5, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, and for other purposes.

H.R. 3049. An act to extend the current interim exemption under the Marine Mammal Protection Act for commercial fisheries until April 1, 1994.

H.R. 3051. An act to provide that certain property located in the State of Oklahoma owned by an Indian housing authority for the purposes of providing low-income housing shall be treated as Federal property under the Act of September 30, 1950 (Public Law 874, 81st Congress).

At 2:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 168. An act to designate the Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville Tennessee, as the "Howard H. Baker, Jr. United States Courthouses."

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 808. An act for the relief of James B. Stanley; to the Committee on the Judiciary.

H.R. 949. An act to amend title 38, United States Code, to improve the veterans' home loan guaranty program and the State cemetary grants program, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1152. An act to direct the United States Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes; to the Committee on the Judiciary.

H.R. 1385. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow formula grants to be used to prosecute persons driving while intoxicated; to the Committee on the Judiciary.

H.R. 2056. An act to redesignate the Post Office Building located at 600 Princess Anne Street in Fredericksburg, Virginia, as the "Samuel E. Perry Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2294. An act to designate the Post Office building located at 1000 Lamar Street in Wichita Falls, Texas, as the "Graham B. Purcell, Jr. Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2604. An act to establish a Wetlands Center at the Port of Brownsville, Texas, and for other purposes; to the Committee on the Environment and Public Works.

H.R. 2685. An act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes; to the Committee on Governmental Affairs.

H.R. 2751. An act to amend title 5, United States Code, to provide for the granting of leave to Federal employees wishing to serve as bone-marrow or organ donors, and to allow Federal employees to use sick leave for purposes relating to the adoption of a child; to the Committee on Governmental Affairs.

H.R. 2961. An act to authorize the Secretary of the Interior to construct and operate the Walter B. Jones Center for the Sounds at the Pocosin Lakes National Wildlife Refuge; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-279. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Agriculture, Nutrition, and Forestry.

"SENATE JOINT MEMORIAL 8016

"Whereas, a great public health alarm has been caused in Washington state with over four hundred fifty people confirmed as having contracted Escherichia coli 0157:H7 since early December of 1992; and

"Whereas, E. coli 0157:H7 has caused the death of three children, over one hundred fifty people have been hospitalized as of February 20, 1993, and thirty children have suffered hemolytic uremic syndrome, a serious side effect that causes kidney dysfunction and affects the blood clotting system; and

"Whereas, people have contracted the infection by eating insufficiently cooked hamburger that had this particular strain of E. coli bacteria which contaminated the meat during or after the time of slaughter; and

"Whereas, the extent that this newly detected strain of highly toxic bacteria is causing infections elsewhere in the United States is not accurately known because most other states have not designated E. coli 0157:H7 as a reportable disease; and

"Whereas, though citizens of the United States have enjoyed the safest food supply in the world, this outbreak has eroded confidence in food safety in general and meat inspection in particular, and unless the problem is fully addressed, additional outbreaks are likely to occur; Now, therefore,

"Your memorialists respectfully pray that the appropriate federal agencies, including, but not limited to, the Food Safety and Inspection Service of the United States Department of Agriculture, the Centers for Disease Control and Prevention, and the Food and Drug Administration form a task force to: (1) Promptly and fully investigate and monitor outbreaks of E. coli 0157:H7 throughout the United States in cooperation with state and local governments; (2) examine the full food chain process from farm to table to determine how improvements may be made to better guarantee the safety of our food supply; (3) examine whether meat and meat products imported into this country comply with comparable inspection and health standards as does domestically processed meat; (4) designate E. coli 0157:H7 as a reportable disease throughout the nation; and (5) start the process needed to update the Food and Drug Administration Model Food Code to reflect the new knowledge and technology that impact food safety: Be it

"*Resolved*, That the federal Food Safety and Inspection Service is requested to provide a written report to the Washington state legislature in January 1994 of the changes and improvements that have been accomplished to address this public health issue; and Be it

"*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, Mike Espy, Secretary of the United States Department of Agriculture, the federal Food Safety and Inspection Service, the Centers for Disease Control and Prevention, the Food and Drug Administration, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-280. A joint resolution adopted by the General Assembly of the State of Illinois; to the Committee on Armed Services.

"HOUSE JOINT RESOLUTION NO. 22

"Whereas, the Fitzsimmons Army Medical Center is an important facility to the 583,000 active duty military personnel, veterans, and their dependents in the 12-state Fitzsimmons Health Services Region, which includes Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming; and

"Whereas, Fitzsimmons is the only major medical training center located in the heartland of America, employing over two thousand military and 1,800 civilian employees with an average payroll of over 157 million dollars; and

"Whereas, the Fitzsimmons Initiative is focusing on several objectives: to obtain funding to complete the final phase of the Fitzsimmons project, to work with the Department of Defense to fast track the remaining 65 percent of design work for the Fitzsimmons project, and to move forward construction appropriations for the new Fitzsimmons Army Medical Center replacement hospital; and

"Whereas, without an accredited Fitzsimmons, no military medical training facility will exist in this region of the country: therefore, be it

"*Resolved, by the House of Representatives of the Eighty-Eighth General Assembly of the State of Illinois, the Senate concurring herein,* That we support the Fitzsimmons Initiative in its effort to accelerate the construction of a replacement hospital at the Fitzsimmons Army Medical Center and urge the Illinois Congressional Delegation to lend its support to this end: and be it further

"*Resolved,* That suitable copies of this preamble and resolution be presented to the Fitzsimmons Initiative and to the members of the Illinois Congressional Delegation."

POM-281. A concurrent resolution adopted by the Legislature of the State of Oklahoma; to the Committee on Armed Services.

"HOUSE CONCURRENT RESOLUTION NO. 1036

"Whereas, America's military forces have supported democratic ideals throughout the world community since the early 20th Century; and

"Whereas, in giving such support, America has readily offered its valiant men and women who sacrified their own lives and freedom to protect the lives of those persons caught in the crossfire of political warfare; and

"Whereas, in the heroic military efforts during World War I, World War II and the Korean War, many Americans lost their lives, were captured or have been deemed missing in action; and

"Whereas, veterans of these military conflicts prior to 1962 have not been duly recognized for their patriotism; and

"Whereas, the time has come for Americans to rally around their fallen defenders by supporting federal legislation that declares pre-1962 prisoners of war (POWs) to be eligible to receive the distinguished Purple Heart: Now, therefore, be it

"*Resolved by the House of Representatives of the 1st Session of the 44th Oklahoma Legislature, the Senate concurring therein:*

"That the Oklahoma Legislature respectfully memorializes the President of the United States and the Congress of the United States to pass legislation so that the deserving pre-1962 POWs can receive recognition for their honor, courage and dedicated service to this country.

"That copies of this resolution be distributed to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and all members of the Oklahoma Congressional Delegation."

POM-282. A resolution adopted by the Chamber of Key West, FL, relative to water quality in Florida Bay; to the Committee on Commerce, Science and Transportation.

POM-283. A resolution adopted by the County Council of Hilo, HI, relative to a natural disaster insurance and reinsurance program; to the Committee on Commerce, Science and Transportation.

POM-284. A resolution adopted by the City Commission of the City of Key Colony Beach, FL, relative to water quality in Florida Bay; to the Committee on Environment and Public Works.

POM-285. A resolution adopted by the Board of Supervisors of the County of Los Angeles, CA, relative to a tax credit; to the Committee on Finance.

POM-286. A resolution adopted by the City Council of the city of Clinton, NC, relative to a cigarette tax; to the Committee on Finance.

POM-287. A resolution adopted by the Chamber of Commerce of Kinston-Lenoir County, NC, relative to a cigarette tax; to the Committee on Finance.

POM-288. A resolution adopted by the Board of Commissioners of Person County, NC, relative to a cigarette tax; to the Committee on Finance.

POM-289. A resolution adopted by the City Council of the City of Lake Forest, CA, relative to governing language; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Tara Jeanne O'Toole, of Maryland, to be an Assistant Secretary of Energy (Environment, Safety and Health).

Jay E. Hakes, of Florida, to be Administrator of the Energy Information Administration, Department of Energy.

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Jane Alexander, of New York, to be Chairperson of the National Endowment for the Arts for a term of 4 years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMON:

S. 1479. A bill to amend the provisions of title 39, United States Code, to provide that certain periodical publications shall not be bound publications for mail classification purposes, and for other purposes; to the Committee on Governmental Affairs.

By Ms. MIKULSKI:

S. 1480. A bill to amend the provisions of the Public Health Service Act regarding grants to States for projects relating to Alzheimer's disease, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1481. A bill to extend the temporary suspension of duty on 1-ethyl-6- fluoro-1,4-dihydro-4-oxo-7-(1-piperazinyl)-3-quinoline-carboxcylic acid (norfloxin); to the Committee on Finance.

S. 1482. A bill to suspend temporarily the duty on Levodopa; to the Committee on Finance.

S. 1483. A bill to extend the temporary suspension of duty on N-Amidino- 3,5-diamino-6-chlorpyrazinecarboxamide monohydro-chloride dihydrate; to the Committee on Finance.

S. 1484. A bill to extend the temporary suspension of duty on 2,2- dimethylcyclopropylcarboxamide. ; to the Committee on Finance.

By Mr. DECONCINI:

S. 1485. A bill to extend certain satellite carrier compulsory licenses, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. DASCHLE, and Mr. GRASSLEY):

S. 1486. A bill to provide relocation assistance in connection with flooding in the Midwest, and for other purposes; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI:

S. 1480. A bill to amend the provisions of the Public Health Service Act regarding grants to States for projects relating to Alzheimer's disease, and for other purposes; to the Committee on Labor and Human Resources.

THE ALZHEIMER'S HOME AND COMMUNITY CARE PROJECT ACT

Ms. MIKULSKI. Mr. President, I rise today to introduce a bill which provides hope to millions of Americans who are valiantly struggling to provide care for loved ones, the Alzheimer's Home and Community Care Project Act.

This legislation, first funded just last year, has begun to blaze the trail toward providing the victims of Alzheimer's and other related conditions with less costly and more preferred options for care than full-time residence in nursing homes.

This is an objective which both sides of the aisle should embrace—it saves money for those with that priority, but more importantly it helps to keep families together while better meeting the needs of people afflicted with these disorders.

The families who decide to care for afflicted loved ones at home or in some other supervised residential setting, deserve our high regard and need our support. This bill does several things but none more important than helping provide families supporting an Alzheimer's patient with a program of temporary relief from the constant care required for such a person.

The heart of this program is to provide home health care, personal care, day care, companion care and so forth to individuals with these afflictions. But it also goes further and helps support the building of the infrastructure of public and private organizations needed to provide home-based and community-based long-term care.

This kind of service delivery system will be critical to the health care reform agenda, and also deserves our support.

Make no mistake, this program is very small, less than $5 million was appropriated for fiscal year 1994, and the need for these services is much larger than we address with this bill.

Our hope here is not so much to serve everyone in need, but to improve access to existing services for the underserved, and to better coordinate the services provided to people with these special needs from both public sources and private voluntary agencies.

My own State of Maryland can be used to illustrate what can be done with this program. With only $490,000 to work with, this program has made an enormous difference in four parts of my State where access to services has been a problem for families dealing with Alzheimer's disease.

In three rural communities—on the Eastern Shore, in western Maryland, and in southern Maryland—and in one inner-city location—the African-American community of Baltimore City, these funds have supported outreach workers, education for family caregivers and respite care—a lifeline for families who are providing for the round-the-clock needs of people with that need.

Mr. President, I would like to spend a few minutes telling some true life stories about people who are being helped by just the respite program in my State. These stories make clear that this program is not providing any frills. This is a critical need, an absolute necessity.

Most caregivers who benefit from this program are over 60, and the people they are caring for are over 80. And they have been providing care for over 3 years with virtually no time off.

Here are a few examples:

A 55-year-old woman who has been caring for her 94-year-old mother for the last 8 years. The program paid for the mother to stay in a nursing home for a few days so the daughter could take her first vacation with her family in all that time.

A 74-year-old man who has taken care of his wife for the last 4 years, until he got sick himself. The program is paying for a respite worker to give him time to recuperate.

A 60-year-old woman who has been caring for her 84-year-old mother for 11 years. Now the daughter has cancer. The program pays for a respite worker to care for the mother while the daughter recovers from chemotherapy.

A 42-year-old woman who is caring for her 81-year-old grandmother and her own autistic child. The program pays for adult day care so that the woman can work outside the home to pay for her child's special needs.

The program I have been talking about is a demonstration program. It is set up as a 3-year project to train families and move underserved populations into the service system. This is very important. The President is about to send us a health care reform plan that will include a home and community-based long-term care program. To make that work we need the kind of community-building that this Alzheimer's bill is supporting in my State.

All States need to do that kind of groundwork, which is why the bill I am introducing today provides for an expanded program. We need to make sure that all of the people afflicted with these heartbreaking illnesses will be able to benefit from health care reform when it is enacted.

Beyond changes in the funding and authorization period, the bill I introduce today makes only four modifications to current law:

The first is to eliminate the limitation on the number of States that can participate in the program. This responds to the enthusiasm the States have shown, with 40 States competing for the 15 slots provided in the first request for applications.

The second is to improve access to these services for minority and rural populations. These people have proven to be the most underserved relative to these afflictions and exploring ways to overcome barriers to access for them is badly needed.

The third change will allow grants to the States for periods longer than 3 years. This will provide States with the stability needed for them to transition to their role in long-term care under health care reform.

The last change expands the services provided under the bill beyond single family settings and into group homes and assisted living and other congregate living arrangements. These are promising and less costly alternatives to nursing homes for frail older persons, and also deserve the support provided by this bill.

Mr. President, I ask for the reauthorization of this important bill. This program is critical to the lives of some of America's most tragically afflicted citizens. The changes proposed here will help people who are already helping themselves but who need and deserve our assistance. I urge the support of the full Senate in preserving and expanding this critically needed program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alzheimer's Home and Community Care Project Act".

SEC. 2. GRANTS FOR DEMONSTRATION PROJECTS.

Section 398(a) of the Public Health Service Act (42 U.S.C. 280c–3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "not less than 5, and not more than 15,";

(2) in paragraph (2)—

(A) by inserting after "disorders" the following: "who are living in single family homes or in congregate settings"; and

(B) by striking "and" at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) to improve access for individuals with Alzheimer's disease or related disorders, particularly such individuals from ethnic, cultural, or language minorities and such individuals who are living in isolated rural areas, to services that—

"(A) are home-based or community-based long-term care services; and

"(B) exist on the date of enactment of this paragraph; and".

SEC. 3. DURATION.

Section 398A of the Public Health Service Act (42 U.S.C. 280c–4) is amended—

(1) in the title, by striking "LIMITATION ON";

(2) in subsection (a)—

(A) in the heading, by striking "LIMITATION ON"; and

(B) by striking "may not exceed" and inserting "may exceed"; and

(3) in subsection (b), in paragraphs (1)(C) and (2)(C), by inserting ", and any subsequent year," after "third year".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 398B(e) of the Public Health Service Act (42 U.S.C. 280c–5(e)) is amended by striking "and 1993" and inserting "through 1998".

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1481. A bill to extend the temporary suspension of duty on 1-ethyl-6-fluoro-1,4-dihydro-4-oxo-7-(1-piperazinyl)-3-quinolinecarboxcylic acid (norfloxin); to the Committee on Finance.

S. 1482. A bill to suspend temporarily the duty on Levodopa.

S. 1483. A bill to extend the temporary suspension of duty on N-Amidino-3,5-diamino-6-chlorpyrazinecarboxamide monohydrochloride dihydrate; to the Committee on Finance.

S. 1484. A bill to extend the temporary suspension of duty on 2,2-dimethylcyclopropylcarboxamide; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. LAUTENBERG. Mr. President, I introduce legislation on behalf of myself and Senator BRADLEY to suspend the duties on norfloxacin, amiloride HCl, D-carboxamide, and Levodopa.

This legislation would assist Merck & Co., Inc., U.S.A., headquartered in my State. There is no domestic production of norfloxacin, amiloride HCl, and D-carboxamide, and Merck & Co., must purchase these drugs from international markets.

NORFLOXACIN

The first bill would extend for 3 years the suspension of the duty on norfloxacin, a synthetic broad-spectrum antibacterial agent for oral administration used for the treatment of adults with urinary tract infections. Marketed by Merck & Co. as noroxin, this drug is not manufactured domestically and must be imported from Japan to meet United States demand.

AMILORIDE HYDROCHLORIDE

The next bill I am introducing would suspend for three years the duty on N-amidino -3,5 -diamino-6-chloropyrazinecarboxamide monohydro-chloride dihydrate, also known as amiloride hydrochloride. This compound is used in the processing of midamor, a potassium-sparing diuretic used with other agents in congestive heart failure and hypertension to help restore normal serum potassium levels in patients who develop hypokalemia.

D-CARBOXAMIDE

Mr. President, today I am also introducing a bill to suspend duties on dimethylcyclopropylcarboxamide, also known as D-carboxamide. D-carboxamide is combined with other ingredients to produce two drugs, primakin and tienam, which are supplied to domestic and foreign markets. Both pharmaceutical products have a remarkably broad spectrum of activity against gram-positive and gram-negative aerobic and anaerobic bacteria including strains resistant to penicillin. D-carboxamide is not produced in this country, and must be imported from Japan by Merck & Co.

LEVODOPA

Mr. President, the last bill I am introducing would suspend the duties on Levodopa. This drug is prescribed for the symptomatic treatment of idiopathic Parkinson's disease (paralysis agitans), post-encephalitic Parkinsonism, and symptomatic Parkinsonism which may follow injury to the nervous system by carbon monoxidé intoxication and manganese intoxication.

Mr. President, the duty-free status on these products expired at the end of 1992. In addition, in the case of each and every one of these bills, I have been informed by the International Trade Commission staff that no domestic manufacturer exists for the products or objects to the product's duty suspension. Yet these imports are critical to the U.S. manufacture of important pharmaceutical and industrial end use products. The tariff merely adds additional costs to the manufacturing process without protecting U.S. industry.

Mr. President, early in our history, the government relied on tariffs as a major source of income. In this century, with the introduction of the income tax, tariffs were replaced by other revenues as the main source of Government revenues. Some tariffs have remained in place to protect domestic markets from international competition. However, many tariffs have outlived their original purpose. Now, as a routine matter, after investigation by the International Trade Commission and the Finance and Ways and Means Committees, they are periodically suspended to avoid imposing burdens on U.S. companies trying to compete internationally.

To my knowledge, the products affected by these bills are not produced domestically, and tariffs on these drugs affected would serve only to make the U.S. company that imports them less competitive and perhaps cost its employees their jobs.

As our Nation continues to face a trade deficit, passage of this legislation would assist Merck & Co., Inc. and its employees in New Jersey by easing the way for its expansion and job creation.

Mr. President, I urge my colleagues to support this measure. I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NORFLOXACIN.

(a) IN GENERAL.—Heading 9902.30.85 of the Harmonized Tariff Schedule of the United States (relating to norfloxacin) is amended by striking "12/31/92" and inserting "12/31/95".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in subheading 9902.30.85 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992, and

(B) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 1482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEVODOPA.

(a) SUSPENSION OF DUTY.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"9902.31.12	3-hydroxy-L-tyrosine (Levodopa) (provided for in subheading 2922.50.25)	Free	No change	No change	On or before 12/31/96".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 1483

Be it enacted by the Senate and House of Representatives of the United States of America In Congress assembled,

SECTION 1. AMILORIDE HYDROCHLORIDE.

(a) IN GENERAL.—Heading 9902.30.88 of the Harmonized Tariff Schedule of the United States (relating to amiloride hydrochloride) is amended by striking "12/31/92" and inserting "12/31/95".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RELIQUIDATION.—Notwithstanding sections 514 of the Tariff Act of 1930 or any other provisions of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in subheading 9902.30.88 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992, and

(B) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 1484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. D-CARBOXAMIDE.

(a) IN GENERAL.—Heading 9902.30.68 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/95".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RELIQUIDATION.—Not withstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in subheading 9902.30.68 for the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992, and

(B) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

By Mr. DECONCINI:

S. 1485. A bill to extend certain satellite carrier compulsory licenses, and for other purposes; to the Committee on the Judiciary.

SATELLITE CARRIER COMPULSORY LICENSE EXTENSION ACT OF 1993

• Mr. DECONCINI. Mr. President, I introduce legislation to amend the copyright law with respect to the compulsory licenses for satellite and wireless cable television retransmissions.

The Satellite Carrier Compulsory License Extension Act of 1993 has two principal objectives: First, permanent extension of the section 119 compulsory license for satellite carrier retransmissions of broadcast signals to home satellite dish owners; and, second, amend the section 111 cable license to clarify that it includes wireless video retransmissions.

The compulsory license was designed to provide a fledgling cable industry with the legal authority to retransmit copyrighted television broadcast programming in exchange for a statutorily determined fee. In 1976, at the time of its enactment, it was an appropriate means to ensure that cable operators would have access to programming by facilitating the clearance of copyrights to hundreds of television programs.

Since the enactment of the cable compulsory license in 1976, the cable industry has changed dramatically while the cable compulsory license has remained the same. In the 102d Congress, while the Senate was considering the Cable Act of 1992, S. 12, questions arose concerning the compatibility between the Cable Act and the cable compulsory license.

In 1991, I commissioned a study from the Copyright Office to examine the cable and satellite compulsory licenses. The outcome of the study produced several recommendations for reforming the existing statutory licenses. Last year, I conducted 2 days of hearings that examined the benefits and limitations of the licenses.

Through these hearings, I became convinced that the licenses were in need of considerable reform to promote compatibility with the Cable Act of 1992 and to remedy some inequities and anachronisms. However, while I believe that short-term reform is essential, I also am committed to the ultimate repeal of the licenses. I attempted to achieve these goals during the conference between the House and the Senate on the Cable Act of 1992 but was unsuccessful.

I remain committed to compulsory license reform and repeal. However, I am equally committed to achieving a level of parity within this industry. While the cable industry has enjoyed this compulsory license on an uninterrupted basis since 1976, cable's competitors have not been so fortunate.

As the backyard satellite dish market grew through the 1980's, questions arose as to whether the cable compulsory license applied to the satellite carriers. The Copyright Office determined that satellite carriers were not eligible to use the cable compulsory license. Consequently, Congress passed the Satellite Home Viewers Act of 1988, which added another compulsory license, section 119, to the Copyright Act. This satellite license, like the cable license, permits the retransmission of copyrighted broadcast programming in return for a statutorily determined fee. Although the cable license is permanent, the satellite license is scheduled to expire next year.

The wireless cable industry also has emerged to retransmit television broadcast programming through microwave—wireless—transmissions. On July 11, 1991, the Copyright Office determined that a wireless retransmission of copyrighted programming is not eligible to use the cable compulsory license. The Copyright Office delayed the effective date of this determination until January 1995 which, in effect, means that the wireless industry's compulsory license will expire next year.

I am firmly committed to the reform and the ultimate repeal of this compulsory license system. However, I believe that cable's competitors should enjoy the same statutory authority with respect to access to such programming as cable. I think we must abandon our practice of allowing discriminatory practices against the cable industry's competitors with respect to the access of copyrighted programming. Every technological video retransmission medium should be treated on an equal footing. Therefore, while I will continue to work on phasing out the compulsory license system, in the meantime, the bill I introduce today is designed to ensure that every technological medium of retransmission video programming will receive a permanent compulsory license to copyrighted broadcast programming.

SATELLITE

This bill amends section 119 to establish fairness in the compulsory license arena by permanently extending the satellite carrier compulsory license beyond its December 31, 1994, expiration date. Satellite carriers will continue to have their own permanent license to make secondary transmissions of broadcast television stations to satellite home dish owners for their private home viewing.

Several technical amendments are also made to section 119 with respect to satellite carriers. First, the definition of a satellite carrier is amended to clarify that direct broadcast satellite, as defined by the FCC, is eligible for compulsory licensing if it is retransmitting broadcast signals for private home viewing. Thus, the DBS service, which is scheduled to go into operation next year, will be eligible for the section 119 license.

Second, the new royalty rates for satellite carriers which were arbitrated last year are included in the bill, replacing the original statutory rates.

Finally, two slight modifications are made to the arbitration process. The time period in which the arbitration panel has to hear evidence and issue a decision is raised from 60 to 180 days in order to allow the parties more time to assemble their cases. The arbitration process is slated to occur, if necessary, at regular 5-year intervals beginning in 1997.

WIRELESS

The bill also amends section 111, the cable license, of the Copyright Act to clarify the definition of a cable system which has been the source of continual controversy. This provision is designed to finally ensure that the section 111 license is technology neutral. Hence, new categories of retransmission services such as multichannel multipoint distribution service [MMDS] and local multipoint distribution service [LDMS], also known as wireless cable systems, are specifically covered by the cable license.

Mr. President, it is for these reasons that I urge my colleagues to support this legislation. I would like to thank the Copyright Office for their continued assistance in sorting through this complicated issue and for their counsel regarding the drafting of this legislation. I would like to express my sincere appreciation for the ceaseless efforts of Bill Roberts who has represented the Copyright Office in countless sessions of deliberation regarding the cable and satellite compulsory licenses.

I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Satellite Carrier Compulsory License Extension Act of 1993".

SEC. 2 STATUTORY LICENSE FOR SATELLITE CARRIERS.

Section 119 of title 17, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (C)—

(i) by striking out "90 days after the effective date of the Satellite Home Viewer Act of 1988, or";

(ii) by striking out "whichever is later,";

(iii) by inserting "name and" after "identifying (by" each place it appears; and

(iv) by striking out "; on or after the effective date of the Satellite Home Viewer Act of 1988,"; and

(B) by adding at the end thereof the following new subparagraph:

"(D) SAMPLE SITE MEASUREMENTS.—On or before January 1, 1995, and thereafter on or before each January 1, upon the request of a network each satellite carrier referred to under subparagraph (C) shall, jointly with that network, conduct measurements of the reception of over-the-air television broadcast signals of network stations affiliated with that network. The foregoing measurements shall be conducted within the predicted Grade B contours of up to 5 network affiliated stations selected by the network and taken at up to 20 subscriber house-holds per affiliated station that are selected by the network.";

(2) in subsection (a)(5)(C) by striking out "the Satellite Home Viewer Act of 1988" and inserting in lieu thereof "this section";

(3) in subsection (b)(1)(B)—

(A) in clause (i) by striking out "12 cents" and inserting in lieu thereof "17.5 cents per subscriber in the case of superstations not subject to syndicated exclusively under the regulations of the Federal Communications Commission, and 14 cents per subscriber in the case of superstations subject to such syndicated exclusivity"; and

(B) in clause (ii) by striking out "3" and inserting in lieu thereof "6";

(4) in subsection (c)—

(A) in the heading by striking out "DETERMINATION" and inserting in lieu thereof "ADJUSTMENT";

(B) in paragraph (1)—

(i) by striking out "December 31, 1992, unless"; and

(ii) by striking out "After that date," and inserting in lieu thereof "All adjustments of";

(C) in paragraph (2)—

(i) in subparagraph (A) by striking out "July 1, 1991," and inserting in lieu thereof "January 1, 1996, and every 5 years thereafter,"; and

(ii) in subparagraph (D) by striking out "until December 31, 1994" and inserting in lieu thereof "in accordance with the terms of the agreement"; and

(D) in paragraph (3)—

(i) in subparagraph (A) by striking out "December 31, 1991," and inserting in lieu thereof "July 1, 1996, and every 5 years thereafter,";

(ii) in subparagraph (E) by striking out "60" and inserting in lieu thereof "180"; and

(iii) in subparagraph (G) by striking out ", or until December 31, 1994"; and

(5) in subsection (d)—

(A) by amending paragraph (2) to read as follows:

"(2) NETWORK STATION.—The term 'network station' means a television broadcast station, including any translator station or terrestrial satellite station that rebroadcasts all or substantially all of the programming broadcast by a network station, that is owned or operated by, or affiliated with, one or more of the television networks in the United States which offer an interconnected program service on a regular basis for 15 or more hours per week to at least 25 of its affiliated television licensees in 10 or more States."; and

(B) in paragraph (6) by inserting ", and operates in the Fixed Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of the Code of Federal Regulations," after "Commission".

SEC. 3. CABLE COMPULSORY LICENSE.

Section 111(f) of title 17, United States Code, is amended in the paragraph relating to the definition of "cable system" by striking out "wires, cables" and inserting in lieu thereof "wires, microwave cables, terrestrially based transmission paths,".•

By Mr. HARKIN (for himself, Mr. DASCHLE, and Mr. GRASSLEY):

S. 1486. A bill to provide relocation assistance in connection with flooding in the Midwest, and for other purposes; to the Committee on Environment and Public Works.

THE COMPETITIVE COST EFFECTIVE RELOCATION ACT OF 1993

• Mr. HARKIN. Mr. President: I am introducing the Competitive Cost Effective Relocation Act of 1993. The legislation has been cosponsored by Senators DASCHLE and GRASSLEY. Similar legislation has been introduced by Congressman VOLKMER in the House.

This legislation will provide additional resources to allow State and local governments with Federal support to help low and moderate income families whose homes are damaged in natural disasters acquire new homes that are not in flood prone areas. Homeowners could receive preflood market value for their property allowing them to relocate.

The Federal assistance would come through an increase in the amount of FEMA hazard mitigation funds that is provided to States in Federal disasters. The amount would be increased from 10 percent of the amount of grants for public infrastructure in a State to 15 percent of the amount of those grants.

In addition, Mr. President, the amount of the local match for the hazard mitigation funds is decreased from 50 to 25 percent in the bill because of the inability of hard-hit States and local governments to make use of these funds. For housing relocation, the Federal match could be increased, at the administration's discretion, to 90 percent in the case of the 1993 Midwest flood.

A relocation project would only be acceptable if the local governments involved agreed that the land acquired under the program be used in perpetuity for uses appropriate for a flood plain. That is defined as only having bathroom facilities, other buildings which are open on all sides or structures approved by the director of FEMA.

Mr. President, I am afraid without this legislation, far too many families will rebuild, be flooded, and then rebuild again. And, each time Federal funds will pay for some of those costs. It is far better in many circumstances to buy the housing and permanently use the land for parks or other useful public purposes.

This situation has been brought to my attention by many city officials and individual flood victims in Iowa. The need for these funds is very real. I believe that this measure will allow for a logical broadening of Federal disaster assistance. I urge my colleagues to join me in supporting this measure.

I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Cost Effective Relocation Act of 1993".

SEC. 2. HAZARD MITIGATION.

(a) FEDERAL SHARE.—Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by striking "50 percent" and inserting "75 percent".

(b) TOTAL CONTRIBUTIONS.—Section 404 of such Act is further amended by striking "10 percent" and inserting "15 percent".

(c) APPLICABILITY.—The amendments made by this section shall apply to any major disaster declared on or after June 10, 1993.

SEC. 3. RELOCATION ASSISTANCE IN CONNECTION WITH MIDWEST FLOODING.

(a) INCREASE IN FEDERAL SHARE.—In providing hazard mitigation assistance under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with flooding in the Midwest occurring in the 1-year period beginning on April 13, 1993, the President, acting through the Director of the Federal Emergency Management Agency, may contribute 90 percent of the cost of relocation projects which meet the requirements of subsection (b).

(b) TERMS AND CONDITIONS.—A relocation project shall be eligible for funding under subsection (a) only if—

(1) the recipient of such funding is an eligible applicant under the Hazard Mitigation Grant Program established under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

(2) the recipient of such funding enters into an agreement with the Director of the Federal Emergency Management Agency under which the recipient provides assurances that—

(A) properties acquired under the project will be dedicated in perpetuity to uses which are compatible with accepted flood plain management practices; and

(B) new structures will not be erected on the flood plain other than (i) public facilities which are open on all sides and functionally related to a designated open space, (ii) rest rooms, and (iii) structures which are approved prior to construction in writing by the Director; and

(3) the recipient of such funding demonstrates that relocation assistance is unavailable from other sources.

(c) FUNDING.—For the purpose of funding relocation projects under subsection (a), the Director of the Federal Emergency Management Agency is authorized to waive the limitation on total contributions for hazard mitigation measures established by section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by this Act, except that in no case may such contributions exceed 10 percent of the estimated total amount of Federal disaster assistance to be provided under such Act in connection with flooding described in subsection (a).•

ADDITIONAL COSPONSORS

S. 503

At the request of Mr. D'AMATO, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 503, a bill to amend the Immigration and Nationality Act to provide that members of Hamas (commonly known as the Islamic Resistance Movement) be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States.

S. 530

At the request of Mr. MITCHELL, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 530, a bill to amend the Harmonized Tariff Schedule of the United States to clarify that certain footwear assembled in beneficiary countries is excluded from duty-free treatment.

S. 762

At the request of Mr. PRYOR, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 762, a bill to amend the Internal

Revenue Code of 1986 to simplify the pension laws, and for other purposes.

S. 833

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 833, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 834

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 834, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 891

At the request of Mr. CRAIG, the names of the Senator from Montana [Mr. BURNS], the Senator from Alaska [Mr. STEVENS], the Senator from Iowa [Mr. GRASSLEY], the Senator from South Carolina [Mr. THURMOND], the Senator from Louisiana [Mr. BREAUX], the Senator from Mississippi [Mr. LOTT], the Senator from Mississippi [Mr. COCHRAN], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 891, a bill to require the establishment of a Federal system for the purpose of conducting background checks to prevent the employment of child abusers by child care providers, to establish a Federal point-of-purchase background check system for screening prohibited firearms purchasers, to provide accurate and immediately accessible records for law enforcement purposes, to assist in the identification and apprehension of violent felons, and to assist the courts in determining appropriate bail and sentencing decisions.

S. 984

At the request of Mr. SIMON, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 984, a bill to prevent abuses of electronic monitoring in the workplace, and for other purposes.

S. 1082

At the request of Mr. COCHRAN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1082, a bill to amend the Public Health Service Act to revise and extend the program of making grants to the States for the operation of offices of rural health, and for other purposes.

S. 1118

At the request of Mr. HATFIELD, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1118, a bill to establish an additional National Education Goal relating to parental participation in both the formal and informal education of their children, and for other purposes.

S. 1159

At the request of Mr. MURKOWSKI, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1159, a bill to require the Secretary of the Treasury to mint coins in commemoration of women who have served in the Armed Forces of the United States.

S. 1329

At the request of Mr. D'AMATO, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 1408

At the request of Mr. LOTT, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1408, a bill to repeal the increase in tax on Social Security benefits.

S. 1425

At the request of Mr. CONRAD, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1425, a bill to establish a National Appeals Division of the Department of Agriculture to hear appeals of adverse decisions made by certain agencies of the Department, and for other purposes.

S. 1458

At the request of Mrs. KASSEBAUM, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1458, a bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

S. 1465

At the request of Mr. HARKIN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1465, a bill to amend certain education laws regarding gender equity training, dropout prevention, and gender equity research and data.

SENATE JOINT RESOLUTION 82

At the request of Mr. D'AMATO, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 82, a joint resolution to designate May 13, 1994, as "Irish Brigade-Marine Day."

SENATE JOINT RESOLUTION 135

At the request of Mr. SIMON, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from New Mexico [Mr. BINGAMAN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Hawaii [Mr. AKAKA], the Senator from Maine [Mr. COHEN], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 135, a joint resolution designating the week beginning October 25, 1993, as "World Population Awareness Day."

AMENDMENTS SUBMITTED

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1994.

BRYAN (AND OTHERS) AMENDMENT NO. 911

Mr. BRYAN (for himself, Mr. KERRY, Mr. WOFFORD, Mr. REID, Mr. SASSER, and Mr. BUMPERS) proposed an amendment to the bill (H.R. 2491) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes; as follows:

On page 59, line 15, strike out "$7,544,400,000" and all that follows through "*Provided*, That" and insert in lieu thereof "$7,532,100,000, to remain available until September 30, 1995: *Provided*, That none of the funds made available under this Act shall be available for the Towards Other Planetary Systems/High Resolution Microwave Survey program (also known as the Search for Extraterrestrial Intelligence project): *Provided further*, That".

D'AMATO AMENDMENT NO. 912

Mr. GRAMM (for Mr. D'AMATO) proposed an amendment to the bill (H.R. 2491), supra, as follows:

On page 40, line 20, before the period, insert the following: ": *Provided further*, That funds made available by this paragraph shall not be available for employment of more than 45 full-time equivalent positions".

NICKLES (AND MCCAIN) AMENDMENT NO. 913

Mr. NICKLES (for himself and Mr. MCCAIN) proposed an amendment to the bill (H.R. 2491) supra, as follows:

On page 69, line 23, strike "$391,000,000" and insert "$370,000,000".

On page 70, line 15, strike "$211,500,000" and insert "$190,500,000".

SIMON (AND OTHERS) AMENDMENT NO. 914

Mr. SIMON (for himself, Mr. PELL, and Mr. LOTT) proposed an amendment to the bill (H.R. 2491), supra, as follows:

On page 46, between lines 11 and 12, insert the following:

ABATEMENT, CONTROL, AND COMPLIANCE LOAN PROGRAM ACCOUNT

For the cost of direct loans, including the cost of modifying loans, under the Asbestos

School Hazard Abatement Act of 1984 (20 U.S.C. 4011 et seq.), $29,000,000: *Provided*, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,500,000.

In addition, for administrative expenses necessary to carry out the implementation of such Act, $1,000,000.

Funds for the cost of direct loans, and for administrative expenses, under this heading shall be derived from any funds available to the Environmental Protection Agency for fiscal year 1993 which remain unobligated at the end of such fiscal year.

BROWN (AND OTHERS) AMENDMENT NO. 915

Mr. BROWN (for himself, Mr. DOMENICI, and Mr. NICKLES) proposed an amendment to this bill (H.R. 2491), supra, as follows:

On page 36, line 8, strike out "$4,400,000,000" and insert in lieu thereof "$4,223,675,000".

MURKOWSKI AMENDMENT NO. 916

Mr. MURKOWSKI proposed an amendment to the bill (H.R. 2491), supra, as follows:

On page 13, line 16, strike "$369,000,000" and insert in lieu thereof "$271,900,000".

On page 14, line 5, after the colon, insert the following: "*Provided further*, That none of these funds shall be used for any project with a cost of $3,000,000 or more to construct, alter, extend, improve, replace or modernize any inpatient care facility, including any planning or architectural or engineering services in connection with any such project, unless funds have previously been made available for that purpose:".

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994 SUPPLEMENTAL APPROPRIATIONS FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION ACT OF 1993

DECONCINI (AND D'AMATO) AMENDMENTS NOS. 917-920

(Ordered to lie on the table.)

Mr. DECONCINI (for himself and Mr. D'AMATO) submitted four amendments intended to be proposed by them to the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and for other purposes, as follows:

AMENDMENT NO. 917

On page 92, between lines 11 and 12, insert the following:

(f) None of the funds provided under paragraphs (1), (2), or (3) of section 565. (a) shall be transferred to the Government of the Russian Federation until such time as that country has held free and fair preterm elections for the People's Deputies.

AMENDMENT NO. 918

On page 92, between lines 11 and 12, insert the following:

(f) None of the funds appropriated by this or any other Act except for humanitarian assistance shall be transferred to the Governments of Uzbekistan, Turkmenistan, or Tajikistan until such time as they have demonstrated their commitment to—

(1) respect the rights of individuals and groups to establish and operate, in full freedom, their own political parties or other political organizations; and

(2) democratic change through the holding of free and fair elections at the national level.

AMENDMENT NO. 919

On page 91, line 24, strike "Government of Russia" and insert the following: "government of any of the Newly Independent States".

AMENDMENT NO. 920

On page 90, line 14, after "sector." insert the following: "To the maximum extent possible, funds provided under this section shall be available to United States contractors and others involved in the housing industry.".

On page 91, line 14, insert "United States" after "the".

VETERANS' AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT 1994

STEVENS (AND MURKOWSKI) AMENDMENT NO. 921

Mr. STEVENS (for himself and Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 2491), supra, as follows:

On page 51 after line 21, insert the following new paragraph:

"No funds appropriated by this Act may be used to enforce the requirements of section 211(m) of the Clean Air Act in any nonattainment area where any State has prohibited the use of methyl tertiary butyl ether to comply with such requirements and where the State has committed to submit prior to October 1, 1994, a revision to its implementation plan or plans for carbon monoxide that would achieve carbon monoxide emissions reductions equivalent to those realized by implementation of such section.".

DECONCINI AMENDMENT NO. 922

Ms. MIKULSKI (for Mr. DECONCINI) proposed an amendment to the bill (H.R. 2491), supra, as follows:

On page 41, between lines 2 and 3, insert the following:

ADMINISTRATIVE PROVISION

None of the funds provided under this title or otherwise made available to the Department of Housing and Urban Development, which are obligated to State or local governments or to housing finance agencies or other public or quasi-public housing agencies, shall be used to indemnify contractors or subcontractors of the government or agency against costs associated with allegations or judgments of infringement of intellectual property rights or any legal proceedings related to such allegations.

RIEGLE (AND LEVIN) AMENDMENT NO. 923

Ms. MIKULSKI (for Mr. RIEGLE, for himself and Mr. LEVIN) proposed an amendment to the bill (H.R. 2491), supra, as follows:

On page 59, line 15 strike "7,532,100,000" and insert "7,544,400,000".

On page 61, insert the following prior to the proviso which begins on line 7: ": *Provided further*, That not more than $1,086,800,000 shall be for Mission to Planet Earth activities, of which $5,000,000 shall be for a socioeconomic data active archive center:

On page 61, insert the following before the period on line 12: ": *Provided further*, That not more than $289,500,000 shall be available for space research and technology activities

On page 61, delete the text on lines 13 through 16.

BUMPERS (AND OTHERS) AMENDMENT NO. 924

Ms. MIKULSKI (for Mr. BUMPERS, Mr. PELL, and Mr. DANFORTH) proposed an amendment to the bill (H.R. 2491), supra, as follows:

At the second excepted committee amendment, strike line 25 on page 70 through line 2 on page 71 and insert in lieu thereof the following: "be for activities under section 129(d)(5), (7) not more than $15,000,000 shall be for Summer of Service activities pursuant to section 122(a)(15), and (8) not more than $9,000,000 shall be made available for educational loan forgiveness authorized under section 428J of Higher Education Act: *Provided further*, That not".

FOREIGN OPERATIONS APPROPRIATIONS ACT FOR 1994

LEAHY (AND MCCONNELL) AMENDMENT NO. 925

Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2295, supra, as follows:

Section 516 is amended by adding a new subsection (c), as follows:

"(c) Subsection (a) shall cease to have effect during fiscal year 1994 with respect to the Palestine Liberation Organization (P.L.O.), programs for the P.L.O., and programs for the benefit of entities associated with it which accept the commitments made by the P.L.O. on September 9, 1993 if the President determines and notifies Congress that to do so is in the national interest; *Provided:* That subsection (a) shall resume full force and effect if at any time during fiscal 1994 the President determines and so notifies Congress that the P.L.O. has ceased to comply with the commitments it made on September 9, 1993, or the Congress, by joint resolution, determines that the P.L.O. has ceased to comply with the commitments it made on September 9, 1993."

LEAHY AMENDMENT NO. 926

Mr. LEAHY proposed an amendment to the bill H.R. 2295, supra, as follows:

On page 95, line 12, strike out "in" and all that follows through "member" on line 16, and insert in lieu thereof the following: "to any member of the Haitian Armed Forces who the Secretary of State knows or has reason to believe, based on all credible information available to him,".

HELMS AMENDMENTS NOS. 927-929

Mr. HELMS proposed three amendments to the bill H.R. 2295, supra, as follows:

AMENDMENT NO. 927

On page 103, between lines 17 and 18, insert the following new section:

RESTRICTION ON ASSISTANCE TO PERU

SEC. 579. (a) IN GENERAL.—None of the funds appropriated by this Act to carry out the Foreign Assistance Act of 1961 may be available for the Government of Peru until the President determines and so certifies to Congress that the Government of Peru has paid fair and equitable compensation to the survivors of Master Sergeant Joseph Beard, Jr., United States Air Force, who was killed during the attack by aircraft of the military forces of Peru on April 24, 1992, against a United States Air Force C-130 aircraft operating off the coast of Peru in international airspace.

(b) OPPOSITION TO FINANCING BY MULTILATERAL DEVELOPMENT BANKS.—The Secretary of the Treasury shall instruct the United States executive directors of the appropriate multilateral development banks to vote against any loan or other financial assistance for Peru until the condition described in subsection (a) is met.

(c) DEFINITION.—For purposes of this section, the term "appropriate multilateral development banks" means the International Bank for Reconstruction and Development, the International Development Association, and the Inter-American Development Bank.

AMENDMENT NO. 928

On page 103, between lines 17 and 18, insert the following:

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 579. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests. Any such report shall be submitted, in accordance with the procedures applicable to reprogramming notifications under section 634A, at least 15 days before any funds are obligated for such assistance.

AMENDMENT NO. 929

On page 103, between lines 17 and 18, insert the following:

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 579. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to the total unpaid parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" has the same meaning given to such term by section 644(q) of the Foreign Assistance Act of 1961.

DOMENICI AMENDMENT NO. 930

Mr. McCONNELL (for Mr. DOMENICI) proposed an amendment to the bill H.R. 2295, supra, as follows:

At the appropriate place, insert: "Of the funds appropriated by this Act under the headings 'Assistance for the New Independent States of the Former Soviet Union' and 'Operations and Maintenance, Defense Agencies', and allocated under section 565(a) paragraphs (1) and (6), not less than $50,000,000 shall be made available to the Secretary of Energy in consultation with the Secretary of State for a program of cooperation between scientific and engineering institutes in the new independent States and national laboratories in the United States designed to stabilize the technology base in the cooperating States as each strives to convert defense industries to civilian applications: *Provided*, That priority be assigned to programs in support of international agreements that prevent and reduce proliferation of weapons of mass destruction: *Provided further*, That the Secretary may enter into agreements involving private United States industry that include cost share arrangements where feasible: *Provided further*, That the Secretary may participate in programs that enhance the safety of power reactors: *Provided further*, That the intellectual property rights of all parties to a program of cooperation be protected: *Provided further*, That funds made available by this Section may be reallocated in accordance with the authority of Section 565(b) of this Act."

HELMS AMENDMENT NO. 931

Mr. HELMS proposed an amendment to the bill, H.R. 2295, supra, as follows:

On page 103, between lines 17 and 18, insert the following:

PROHIBITION ON ASSISTANCE TO COUNTRIES EXPROPRIATING UNITED STATES PROPERTY

SEC. 579. (a) PROHIBITION.—None of the funds appropriated or otherwise made available by this Act may be provided to a country (other than a country described in subsection (c)) whose government (or any agency or instrumentality thereof)—

(1) has before, on, or after the date of enactment of this Act—

(A) nationalized or expropriated the property of any United States person,

(B) repudiated or nullified any contract or agreement with any United States person, or

(C) taken any other action (such as the imposition of discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

(2) has not, within a period of 3 years (or where applicable, the period described in subsection (b)), returned the property or provided adequate and effective compensation for such property in convertible foreign exchange equivalent to the full value thereof, as required by international law.

(b) EXTENDED PERIOD FOR COMPENSATION IN THE CASE OF NEWLY DEMOCRATIC GOVERNMENTS.—In the case of a democratically elected foreign government that had been a totalitarian or authoritarian government at the time of the action described in subsection (a)(1), the 3-year period described in subsection (a)(2) shall be deemed to have begun as of the date of the installation of the democratically elected government.

(c) EXCEPTED COUNTRIES AND TERRITORIES.—This section shall not apply to any country established by international mandate through the United Nations or to any territory recognized by the United States Government to be in dispute.

(d) DEFINITION.—For purposes of this section, the term "United States person" means a United States citizen or corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

STEVENS (AND MURKOWSKI) AMENDMENTS NOS. 932–934

Mr. STEVENS (for himself and Mr. MURKOWSKI) proposed three amendments to the bill H.R. 2295, supra, as follows:

AMENDMENT NO. 932

On page 91, between lines 5 and 6, insert the following new subsection:

(f) Notwithstanding subsection (b), of the funds made available under subsection (a), not less than $40,000,000 shall remain available until expended to establish and operate a Russian Far East enterprise fund. The fund shall be administered through the Agency for International Development to provide technical assistance, promote business development, and support economic reform in the Russian Far East.

AMENDMENT NO. 933

At the appropriate place in the bill insert the following new section:

SEC. . USED OIL EQUIPMENT.

Section 106(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151d(b)(1)), as amended, is further amended in the last sentence of the paragraph by striking the word "and" the second place it appears and inserting ", and the purchase of used oil equipment (including equipment used in the Arctic)" immediately before the period.

AMENDMENT NO. 934

On page 90, line 20, before the period, insert the following: ", of which amount not less than $4,000,000 shall be provided for the purpose of establishing, through an international academic consortium of research universities, a cooperative data retrieval, computer based storage, and electronic networking system between Russia, the United States, and Canada. The consortium will be formed for the identification, retrieval, preservation, and analysis of existing scientific environmental data stored in Russia, including data on northern region contamination, key environmental parameters related to contaminant transport processes (ice, wind, water, and biota), North Pacific and Bearing Sea fisheries, marine mammals and sea birds, and northern human ecology".

STEVENS AMENDMENT NO. 935

Mr. STEVENS proposed an amendment to the bill H.R. 2295, supra, as follows:

At the appropriate place in the bill insert the following new section:

SEC. . FISHING IN THE CENTRAL BERING SEA.

(a) FINDINGS.—The Congress finds that—

(1) the Central Bering Sea Fisheries Enforcement Act of 1992 (title III of P.L. 102-582) prohibits U.S. nationals and vessels from conducting fishing operations in the Central Bering Sea, in an area known as "the Doughnut", except when such fishing operations are in accordance with an international fishery agreement to which the United States and the Russian Federation are parties;

(2) the Central Bering Sea Fishery Enforcement Act also prohibits the entry into U.S. ports of any fishing vessel from a nation whose vessels or nationals conduct fishing operations in the Doughnut in the absence of such an international fishery agreement;

(3) the United States and the Russian Federation have participated in seven multilateral meetings among nations whose vessels or nationals fish in the Doughnut to discuss an international fishery agreement;

(4) a moratorium on fishing in the Doughnut for 1993 and 1994 was agreed to by the United States, the Russian Federation, Japan, Korea, Poland and the People's Republic of China as part of these discussions, in order to facilitate negotiations on an international fishery agreement;

(5) at the Vancouver Summit on April 4, 1993, Presidents Clinton and Yeltsin committed to developing further bilateral cooperation on fishery matters in the Bering Sea;

(6) an international fishery agreement has not yet been reached despite the best efforts of the United States and the Russian Federation; and

(7) the cooperation of nations which receive aid through monies provided by this Act is needed in order for an international fishery agreement to be reached.

(b) REVIEW.—In light of the findings in subsection (a), it is the sense of the Congress that the cooperation of nations whose vessels and nationals conduct fishing operations in the Central Bering Sea should be carefully considered in making appropriations for programs from which those nations will receive aid monies in fiscal year 1995, and that Congress should seriously consider withholding any such monies until such time as an acceptable international fishery agreement is reached.

FEINGOLD (AND GRASSLEY) AMENDMENT NO. 936

Mr. LEAHY (for Mr. FEINGOLD for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 2295, supra, as follows:

On page 50, line 21, insert the following before the period: "and that with respect to Syria, the President certifies to Congress that Syria does not deny its citizens or any segment of its citizens the right or opportunity to emigrate."

MCCONNELL (AND ROBB) AMENDMENT NO. 937

Mr. MCCONNELL (for himself and MR. ROBB) proposed an amendment to the bill H.R. 2295, supra, as follows:

On page 92, line 4, after the word "ownership," insert the following: "repayment of commercial debt,".

COCHRAN AMENDMENT NO. 938

Mr. MCCONNELL (for Mr. COCHRAN) proposed an amendment to the bill H.R. 2295, supra, as follows:

On page 7, line 21, after the colon (:) add the following new proviso; "*Provided further*, That of the funds appropriated under this heading, not less than $3,000,000 shall be made available for the World Food Program:".

DECONCINI AMENDMENT NO. 939

Mr. LEAHY (for Mr. DECONCINI) proposed an amendment to the bill H.R. 2295, supra, as follows:

At the appropriate place insert:

(a) STATEMENT OF THE CONGRESS.—The Congress—

(1) notes the long friendship between Kenya and the United States and the constructive role played by Kenya during the humanitarian relief operation in Somalia;

(2) recognizes the steps taken by the Kenyan government toward establishing a more open and democratic political system, including the legalization of opposition political parties and the holding of multi-party elections in December 1992; and

(3) remains concerned about the continuing human rights abuses, government corruption, and economic mismanagement which threaten the political and economic future of Kenya.

(b) ASSISTANCE.—In providing future economic and development assistance to the Government of Kenya, the President shall take into account the extent of the Kenyan government's progress toward increasing respect for human rights, permitting freedom of expression, expanding cooperation and dialogue with the democratic opposition parties, improving the management of the economy, and reducing economic corruption, especially at the state-run Kenya Central Bank.

(c) PROHIBITION.—No funds appropriated by this Act under section 23 of the Arms Export Control Act may be provided to the Government of Kenya unless the President determines that providing such assistance is in the national interests of the United States and consults with Congress prior to making such a determination.

SIMON (AND KASSEBAUM) AMENDMENT NO. 940

Mr. LEAHY (for Mr. SIMON for himself and Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 2295, supra, as follows:

On page 81, strike Section 558, and insert in lieu thereof the following:

SEC. 552. UNITED STATES ASSISTANCE FOR THE TRANSITION TO A NONRACIAL DEMOCRACY IN SOUTH AFRICA.

(a) REPEAL.—Section 116(e)(2), 116(f), and 116(g), section 117 (as added by the Comprehensive Anti-Apartheid Act of 1986), and section 535 of the Foreign Assistance Act of 1961 are repealed. Section 116(e)(1) of that Act is amended by striking "(1)".

(b) IN GENERAL.—The President is authorized and encouraged to provide assistance under chapter 10 of part 1 of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa) or chapter 4 of part II of that Act (relating to the Economic Support Fund) to support the transition to nonracial democracy in South Africa. Such assistance shall—

(1) focus on building the capacity of disadvantaged South Africans to take their rightful place in the political, social, and economic systems of their country;

(2) give priority to working with and through South African nongovernmental organizations whose leadership and staff represent the majority population and which have the support of the disadvantaged communities being served by such organizations;

(3) in the case of education programs—

(A) be used to increase the capacity of South African institutions to better serve the needs of individuals disadvantaged by apartheid;

(B) emphasize education within South Africa to the extent that assistance takes the form of scholarships for disadvantaged South African students; and

(C) fund nontraditional training activities;

(4) support activities to prepare South Africa for elections, including voter and civic education programs, political party building, and technical electoral assistance;

(5) support activities and entities, such as the Peace Accord structures; and

(6) support activities to promote human rights, democratization, and a civil society.

(c) GOVERNMENT OF SOUTH AFRICA.—

(1) LIMITATION ON ASSISTANCE.—Except as provided in paragraph (2), assistance provided in accordance with this section may not be made available to the Government of South Africa, or organizations financed and substantially controlled by that government, unless the President certifies to the Congress that an interim government that was elected on a nonracial basis through free and fair elections has taken office in South Africa.

(2) EXCEPTIONS.—Paragraph (1) does not apply to assistance for—

(A) higher education institutions, particularly those traditionally disadvantaged by apartheid policies, or

(B) any other organization, entity, or activity if the President determines that the assistance would promote the transition to nonracial democracy in South Africa.

Any determination under subparagraph (B) shall be based on consultations with South African individuals and organizations representative of the majority population in South Africa (particularly consultations through the Transitional Executive Council) and consultations with the appropriate congressional committees.

COVERDELL AMENDMENT NO. 941

Mr. MCCONNELL (for Mr. COVERDELL) proposed an amendment to the bill H.R. 2295, supra, as follows:

On page 48, line 11, insert "Nicaragua," after "Malawi,".

On page 48, line 17 add before the period "and Nicaragua."

SECRETARY OF COMMERCE QUARTERLY FINANCIAL REPORT PROGRAM ACT OF 1993

LIEBERMAN AMENDMENT NO. 942

Mr. MITCHELL (for Mr. LIEBERMAN) proposed an amendment to the bill (H.R. 2608) to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. REAUTHORIZATION OF COLLECTION AND PUBLICATION OF QUARTERLY FINANCIAL STATISTICS BY THE SECRETARY OF COMMERCE.

(a) IN GENERAL.—Section 4(b) of the Act entitled "An Act to amend title 13, United

States Code, to transfer responsibility for the quarterly financial report from the Federal Trade Commission to the Secretary of Commerce, and for other purposes'', approved January 12, 1983 (Public Law 97–454; 96 Stat. 2494; 13 U.S.C. 91 note) is amended by striking out ''September 30, 1993'' and inserting in lieu thereof ''September 30, 1998''.

(B) EFFECTIVE DATE.—The amendment made under subsection (a) shall take effect on September 30, 1993.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, September 22, 1993, at 9:30 a.m., to consider the nomination of Gen. John M. Shalikashvili, USA, for reappointment in the grade of general and for assignment as Chairman of the Joint Chiefs of Staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on September 22, 1993, at 9:30 a.m. on the nomination of Reed Hundt of Maryland, to be a member of the Federal Communications Commission [FCC].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., September 22, 1993, to receive testimony from Daniel Dreyfus, nominee to be Director of Civilian Radioactive Waste Management, U.S. Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, to begin immediately upon completion of the 9:30 a.m. nomination hearing, September 22, 1993, to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 22, 1993, at 3:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ILLINOIS RIVERS PROJECT EDUCATIONAL PROGRAM

• Mr. SIMON. Mr. President, I am proud to acknowledge the Illinois Rivers Project Educational Program which was 1 of 25 environmental achievers recently selected to receive a 1993 Chevron Conservation Award in recognition of its efforts to develop creative and practical environmental solutions.

The Illinois rivers project is an innovative, multi-State program involving thousands of high school students who conduct on-site research and use telecommunications networks to share data on river ecosystems. The students' research data is also transmitted to scientific researchers and the U.S. Fish and Wildlife Service, which uses the information to monitor the quality of midwestern rivers.

I commend the members of the Illinois Rivers Project Educational Program for their dedication to protecting rivers in the Midwest. It is important to encourage programs like the Illinois rivers project that directly involve students in conserving the environment, thereby ensuring a continuing interest in protecting our precious natural resources. The efforts of committed individuals and groups, such as the Illinois Rivers Project Educational Program, are vital to our pursuit of a better world, and I salute their commitment.•

WORLD POPULATION AWARENESS WEEK

• Mr. JEFFORDS. Mr. President, I am pleased to join Senator PAUL SIMON as the lead sponsors of Senate Joint Resolution 135, World Population Awareness Week, to be observed October 22 through 28, 1993.

The purpose of this recognition week is to educate Americans about the serious problem of overpopulation and the extreme effects unchecked global population growth would have, not only on the United States and individual communities, but also on our world and its future.

The Washington Post recently reported in a July 18 article called ''Postmodern Malthus: Are There Too Many of Us To Survive?,'' that those of us born before 1950 have seen world population growth double. In 1950, our world population grew by 37 million. Yet, last year world population grew by 91 million. These are amazing statistics. In reality these statistics mean that we adding 250,000 people to the world every day.

Articles from papers in my home State of Vermont reported a tremendous increase in Vermont's population. In the first half of the century, Vermont's population increased by less than 10 percent, however over the last 40 years Vermont's population has increased by 50 percent. The U.S. Census Bureau statistics show that in 1900, the State of Vermont's population was 343,641 and by 1950 it was 377,747 which is only an increase of about 34,000 in 50 years. However, in 1990 Vermont's population had jumped to 567,758, increasing the population by 190,000 in only 40 years.

Not only do Vermonters need to be concerned about the increase in population in their own State, but our Nation needs to recognize the severe consequences of overpopulation abroad. Millions of people throughout the developing world and in the United States are suffering from hunger, poverty, disease, and unemployment.

Things that we take for granted are in grave danger of becoming in short supply. The Washington Post reported that world grain production, fertilizer, farmland use, fish catch, meat supply, and fossil fuel have all declined. World grain production, which is believed to be the most important economic measure of human well-being, expanded almost 3 percent per year from 1950 to 1984, while since then we have only seen about 1-percent increase per year. This shows that the economies and natural resources of our world are being jeopardized.

For the past 3 years, the Senate and the House have approved World Population Awareness Week, recognizing the need for educational programs, classes, events, and seminars all over the United States to teach U.S. citizens about overpopulation and its detrimental effect on the world's natural ecosystems, economic, health, political, and social stability.

I hope my colleagues will join me and become cosponsors of this important resolution and help to heighten awareness of this issue.•

THE POSSIBILITIES OF CHIROPRACTIC CARE

• Mr. DASCHLE. Mr. President, I recently received a copy of a report funded by the Ontario Ministry of Health entitled ''The Effectiveness and Cost-Effectiveness of Chiropractic Management of Low-Back Pain.'' This report concludes that chiropractic care provided by qualified professionals is safe and effective. In addition, it suggests that, for certain diagnoses, chiropractors often provide high quality care at a lower cost than physicians. I am intrigued by the results of this report and commend it to my colleagues' attention as we continue our efforts to reform our health care system.

Sufferers of low back pain have faced conflicting advice concerning methods of treatment. They also face high costs that often leave them with few choices when only medical services, not chiropractic treatments, are covered by their insurance companies. This is unfortunate. I believe insurers, both public and private, should expand the range of practitioners available to patients, not restrict them.

As you know, Mr. President, the United States has traditionally kept alternative forms of medicine on the fringes of society. As we pull nonphysician practitioners into the mainstream, we must protect patients from harmful treatment, while still allowing them to choose the method and practitioner they prefer, especially when evidence indicates that a group of practitioners provides high quality, cost-effective care.

At at time when we are looking for better and more cost-effective ways of providing health care for our Nation, I encourage my colleagues to fully examine the possibilities of chiropractic and other allied health care professionals.

The report follows:

THE EFFECTIVENESS AND COST-EFFECTIVENESS OF CHIROPRACTIC MANAGEMENT OF LOW-BACK PAIN

A STUDY TO EXAMINE THE EFFECTIVENESS AND COST-EFFECTIVENESS OF CHIROPRACTIC MANAGEMENT OF LOW-BACK PAIN

(By Pran Manga, Ph.D.[1], Douglas E. Angus, M.A.[2], Costa Papadopoulos, MHA[3], William R. Swan, B. Comm.[4])

TERMS OF REFERENCE

Preamble

The Government of Ontario is placing increasing emphasis on allocating public funds for services that are relatively more cost-effective and appropriate. Since health care services are labour intensive, the appropriate use of health human resources is of paramount significance. The appropriate numbers, distribution and mix of health professionals, and their interrelationships and roles in the provision of health services is an important part of the Government's health reform agenda.

The Government of Ontario is also keenly interested in reducing the incidence of work-related disability and injury and to improve the rehabilitation of disabled and injured workers. The Ontario Worker's Compensation Institute (OWCI) has just proposed a research agenda focusing on "soft-tissue sprains and strains, particularly low back strain". The OWCI notes that "low back pain is ubiquitous. Twelve to thirty percent of people in modern industrialized societies reported low back pain in the past year". It also notes that "if treatments of unproven worth or with major side effects are used on those with low-back pain, there is a potential for both iatrogenic disability and wasted resources".

In light of these objectives and concerns of the Government of Ontario, the proposed study will examine the effectiveness and cost-effectiveness of chiropractic management of low-back pain.

Terms of reference

The study shall include reports on six components as follows:

1. Overview of Cost of Low-Back Pain: An overview of the incidence, prevalence and economic costs of low-back pain in Ontario. The analysis will involve a review of the epidemiological and health economics literature, data from the Workers' Compensation Boards in Ontario and other jurisdictions, and Statistics Canada. Information from other countries will also be assessed. (See Chapter Two)

2. Description of Services: A general description of chiropractic, medical and other management of low-back pain in Ontario and how these services are billed for by the various professions who treat low-back pain. (See Chapter Three)

3. Evidence of Effectiveness: A critical review and assessment of the current scientific evidence of the safety, efficacy and effectiveness of chiropractic and other professional management of low-back pain. (See Chapter Four)

4. Evidence of Cost-Effectiveness: A critical review and evaluation of empirical studies reflecting on the cost-effectiveness of chiropractic and other professional management of low-back pain. The analysis will include a review of pertinent studies of the Workers' Compensation system. (See Chapter Five)

5. Evidence of Patient Satisfaction: Assessment of evidence of patient satisfaction with chiropractic and other professional management of low-back pain. (See Chapter Six)

6. Survey Design: Sample design of questionnaires for separate surveys of patients, chiropractors and medical practitioners concerning the treatment and management of low-back pain. The scope and content of these surveys should be informed by the literature review and analysis undertaken for the five preceding components of the study. (See Chapter Seven)

EXECUTIVE SUMMARY

Introduction

The serious fiscal crisis of all governments in Canada is compelling them to contain and reduce health care costs. It has brought a new and unprecedented emphasis on evidence-based allocation of resources, with an overriding objective of improving the cost-effectiveness of health care services.

The area of low-back pain (LBP) offers governments and the private sector an excellent opportunity to attain the twin goals of greater cost-effectiveness and a major reduction in health care costs. Today LBP has become one of the most costly causes of illness and disability in Canada—a phenomenon which does not appear to be generally appreciated or understood in medical and government circles in Canada. Studies on the prevalence and incidence of LBP suggest that it is ubiquitous, probably the leading cause of disability and morbidity in middle-aged persons, and by far the most expensive source of workers' compensation costs in Ontario—as indeed in most other jurisdictions.

Much of the treatment of LBP appears to be inefficient. Evidence from Canada, the USA, the UK and elsewhere shows that there are conflicting methods of treatment, many with little—if any—scientific evidence of effectiveness, and very high costs of treatment. Despite this, levels of disability from LBP are increasing.

In the Province of Ontario LBP is managed mostly by physicians and chiropractors, with physiotherapists also playing a significant role. While medical services are fully insured under Medicare, chiropractic care services are only partially covered. LBP patients incur the highest out-of-pocket expenses for chiropractic services. Virtually no out-of-pocket expenses are incurred for medical treatment, with the exception of drugs, and out-of-pocket expenses incurred for physiotherapy services fall somewhere in between the two.

Physicians, chiropractors, physiotherapists and an assortment of other professionals together offer about thirty-six therapeutic modalities for the treatment of LBP. In this study we focused principally on the effectiveness and cost-effectiveness of chiropractic and medical management of LBP.

Findings

F1. On the evidence, particularly the most scientifically valid clinical studies, spinal manipulation applied by chiropractors is shown to be more effective than alternative treatments for LBP. Many medical therapies are of questionable validity or are clearly inadequate.

F2. There is no clinical or case-control study that demonstrates or even implies that chiropractic spinal manipulation is unsafe in the treatment of low-back pain. Some medical treatments are equally safe, but others are unsafe and generate iatrogenic complications for LBP patients. Our reading of the literature suggests that chiropractic manipulation is safer than medical management of low-back pain.

F3. While it is prudent to call for even further clinical evidence of the effectiveness and efficacy of chiropractic management of LBP, what the literature revealed to us is the much greater need for clinical evidence of the validity of medical management of LBP. Indeed, several existing medical therapies of LBP are generally contraindicated on the basis of the existing clinical trials. There is also some evidence in the literature to suggest that spinal manipulations are less safe and less effective when performed by non-chiropractic professionals.

F4. There is an overwhelming body of evidence indicating that chiropractic management of low-back pain is more cost-effective than medical management. We reviewed numerous studies that range from very persuasive to convincing in support of this conclusion. The lack of any convincing argument or evidence to the contrary must be noted and is significant to us in forming our conclusions and recommendations. The evidence includes studies showing lower chiropractic costs for the same diagnosis and episodic need for care.

F5. There would be highly significant cost savings if more management of LBP was transferred from physicians to chiropractors. Evidence from Canada and other countries suggests potential savings of many hundreds of millions annually. The literature clearly and consistently shows that the major savings from chiropractic management come from fewer and lower costs of auxiliary services, much fewer hospitalizations, and a highly significant reduction in chronic problems, as well as in levels and duration of disability. Workers' compensation studies report that injured workers with the same specific diagnosis of LBP returned to work much sooner when treated by chiropractors than by physicians. This leads to very significant reductions in direct and indirect costs.

F6. There is good empirical evidence that patients are very satisfied with chiropractic management of LBP and considerably less satisfied with physician management. Patient satisfaction is an important health outcome indicator and adds further weight to the clinical and health economic results favouring chiropractic management of LBP.

F7. Despite official medical disapproval and economic disincentive to patients (higher private out-of-pocket cost), the use of chiropractic has grown steadily over the years. Chiropractors are now accepted as a legitimate healing profession by the public and an increasing number of physicians.

F8. In our view, the constellation of the evidence of: (a) the effectiveness and cost-effectiveness of chiropractic management of

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Footnotes at end of article.

low-back pain, (b) the untested, questionable or harmful nature of many current medical therapies, (c) the economic efficiency of chiropractic care for low-back pain compared with medical care, (d) the safety of chiropractic care, and (e) the higher satisfaction levels expressed by patients of chiropractors, together offers an overwhelming case in favour of much greater use of chiropractic services in the management of low-back pain.

F9. The government will have to instigate and monitor the reform called for by our overall conclusions, and take appropriate steps to see that the savings are captured. The greater use of chiropractic services in the health care delivery system will not occur by itself, by accommodation between the professions, or by actions on the part of the Workers' Compensation Board and the private sector generally.

Recommendations

Our recommendations for reform include the following:

R1. Current policy discourages the utilization of chiropractic services for the management of LBP. There should be a shift in policy to encourage and prefer chiropractic services for most patients with LBP.

R2. Chiropractic services should be fully insured under the Ontario Health Insurance Plan, removing the economic disincentive for patients and referring health providers. This one step will bring a shift from medical to chiropractic management that can be expected to lead to very significant savings in health care expenditure, and even larger savings if a more comprehensive view of the economic costs of low-back pain is taken.

R3. Chiropractic services should be fully integrated into the health care system. Because of the high incidence and cost of LBP, hospitals, managed health care groups (community health centres, comprehensive health organizations, and health service organizations) and long-term care facilities should employ chiropractors on a full-time and/or part-time basis. Additionally such organizations should be encouraged to refer patients to chiropractors.

R4. Chiropractors should be employed by tertiary hospitals in Ontario. Hospitals already employ chiropractic in the United States with good effect. Similar recommendations have been made recently by government inquiries in Australia and Sweden, and following government funded research in the U.K. and other countries. Unnecessary or failed surgery is not only costly but also represents low quality care. The opportunity for consultation, second opinion and wider treatment options are significant advantages we foresee from this initiative which has been employed with success in a clinical research setting at the University Hospital, Saskatoon.

R5. Hospital privileges should be extended to all chiropractors for the purposes of treatment of their own patients who have been hospitalized for other reasons, and for access to diagnostic facilities relevant to their scope of practice and patients' needs.

R6. Chiropractors should have access to all pertinent patient records and tests from hospitals, physicians, and other health care professionals upon the consent of their patients. Access should be given upon the request of chiropractors or their patients.

R7. Since low-back pain is of such significant concern to workers' compensation, chiropractors should be engaged at a senior level by Workers' Compensation Board to assess policy, procedures and treatment of workers with back injuries. This should be on an interdisciplinary basis with other professional, technical and managerial staff so that there is early development of more constructive relationships between chiropractors, physicians, physiotherapists and Board staff and consultants. A very good case can be made for making chiropractors the gatekeepers for management of low-back pain in the workers' compensation system in Ontario.

R8. The government should make the requisite research funds and resources available for further clinical evaluation of chiropractic management of LBP, and for further socio-economic and policy research concerning the management of LBP generally. Such research should include surveys to obtain a better understanding of patients' choices, attitudes and knowledge of treatments with respect to LBP. The objective of these surveys should be better information for health policy, programme planning and consumer education purposes.

R9. Chiropractic education in Ontario should be in the multidisciplinary atmosphere of a university with appropriate public funding. Chiropractic is the only regulated health profession in Ontario without public funding for education at present, and it works against the best interests of the health care system for chiropractors to be educated in relative isolation from other health science students.

R10. Finally, the government should take all reasonable steps to actively encourage cooperation between providers, particularly the chiropractic, medical and physiotherapy professions. Lack of cooperation has been a major factor in the current inefficient management of LBP. Better cooperation is important if the government is to capture the large potential savings in question and, it should be noted, is desired by an increasing number of individuals within each of the professions.

FOOTNOTES

[1] Professor and Director, Masters in Health Administration Program, University of Ottawa; and President, Pran Manga and Associates Inc., Ottawa.

[2] Adjunct Professor, University of Ottawa and Project Director, The Cost-Effectiveness of the Canadian Health Care System, Queen's—University of Ottawa Economic Projects.

[3] Health Care Consultant and Associate of Pran Manga and Associates, Inc.

[4] Consultant in Health Care Economics.●

SENATOR MAX BAUCUS ON HIS TRIP TO ASIA

● Mr. BAUCUS. Mr. President, 2 weeks ago, Vice President GORE completed his report on reinventing Government. As he did, we heard a lot about waste and inefficiency. We heard a lot about why our Government doesn't work well. Today I'd like to remind us about some of the good news.

I recently returned from a 2-week trip to East Asia. During this trip I spent 2 days in Japan and 11 days in China and Hong Kong. In the near future I will report on my meetings with government officials, business leaders, and others, and make some recommendations on our Asia policy in general, and our China policy in particular.

Today, however, I will simply thank the American public servants who helped make the trip a success. As I prepared for the trip, and during my visits to Tokyo, Beijing, Chengdu, Lhasa, Hong Kong, Guangzhou, and Shenzhen, it was my good fortune to have the help of some extremely able people in our Foreign Service.

I have always believed that whatever the flaws and failings of our Government, public service is a noble endeavor. These people proved me right. They work very hard; they represent our country well; and America is lucky to have them.

In Washington:

Peter Tomsen, Deputy Assistant Secretary of State; Russ LaMantia of the State Department's East Asia Bureau; Lee Sands, Director of the China desk at USTR; and Deborah Lehr, Deputy Director of the USTR China desk.

In Tokyo:

Charge d'Affaires William Breer; and Howard Krawitz, economic officer and my control officer. Howard worked very hard on very short notice to arrange my schedule, and gave me some very good advice about China as well.

In Beijing:

Ambassador, J. Stapleton Roy; Robert Winship, the First Secretary in the Economic Section and my control officer. Robert did a brilliant job in arranging meetings, transportation and plane connections for me; Deputy Chief of Mission Scott Halford; Chris Szymanski, Minister-Counselor for Economic Affairs; Mel Searls, Minister-Counselor for Commercial Affairs; Neil Silver, Minister-Counselor for Political Affairs; Marco DeCapua, Counselor for Science and Technology; Jim Brown, my exceptionally gifted interpreter; Jonathan Schrier and Bill Monroe of the economic section; Pat Freeman, Carol Reynolds and Deborah Kingsland of the political section; Mary Gorjance of the Science and Technology Section; Matt Brazil of the Foreign Commercial Service; Max Kwok of the press section; and Gyorgy Vajay of the General Services department.

In Chengdu:

Consul-General Don Camp; and Political/Economic/Commercial Officer John Brennan. Mr. Brennan was my control officer in Chengdu, where he helped arrange visits to agricultural areas and a meeting with the very busy Governor of Sichuan Province. He was also crucial to the success of my visit to Lhasa.

In Kathmandu, where the Embassy staff made sure that although my flight was late, I got on the plane to Hong Kong:

Vice Consul Doug Bayley, who I am proud to say is a former legislative correspondent in my Washington, office; and Peter Gadzinski, Chief of the Political and Economic Section.

In Hong Kong:

Consul General Richard Mueller; William Brekke, Acting Chief of the Commercial Service and my control officer. Mr. Brekke did heroic work not only in arranging meetings and local transportation, but in making sure I made the connection from Shenzhen to the Hong Kong airport on time; Jeffrey Bader, Deputy Principal Officer; and Brian Woo of the Political Section.

And in Guangzhou:

Consul General Eugene Martin; and Michael Spangler, Economic Officer and my control officer, who helped to enlighten me on doing business in China.

Finally, I want to give special thanks to the two members of my own staff who accompanied me on the trip:

Sharon Peterson, my Montana State director. Sharon made arrangements for the Montana business delegation and solved all our logistical problems; and Ed Gresser, my legislative assistant in Washington specializing in foreign affairs and trade, who put together my briefing materials and helped me set my itinerary.

My trip would not have succeeded without these people. I could not have had better advice on setting an itinerary, more efficient logistical help in scheduling it, and more informed briefings than I received from them. They have my gratitude, and once again, America is lucky to have them.●

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE ELECTIONS

● Mr. DODD. Mr. President, as outgoing Senate vice chairman of the Environmental and Energy Study Conference, I want to congratulate our colleagues, Senators JOHN McCAIN and JOE LIEBERMAN, who this morning have been elected the study conference's Senate chairman and vice chairman. They will serve throughout this Congress. This will be Senator McCAIN's second term as the conference's Senate chairman.

For the House, Representative JAN MEYERS has been elected chair, and Representative ANTHONY C. BEILENSON has been elected vice chairman.

The officers were elected by the study conference's executive committee, which itself was elected earlier this week.

Senate members of the executive committee are Senators JOHN H. CHAFEE, PATRICK LEAHY, JOSEPH I. LIEBERMAN, JOHN McCAIN, BOB PACKWOOD, CLAIBORNE PELL, and myself.

Those serving on the executive committee from the House are Representatives GARY L. ACKERMAN, ANTHONY C. BEILENSON, GEORGE E. BROWN, Jr., JIM COOPER, PETER A. DEFAZIO, DEAN A. GALLO, PORTER J. GOSS, STEVE GUNDERSON, LARRY LAROCCO, BOB LIVINGSTON, JAN MEYERS, FRANK PALLONE, Jr., MEL REYNOLDS, CARLOS A. ROMERO-BARCELÓ, DAN SCHAEFER, GERRY E. STUDDS, MIKE SYNAR, PETER G. TORKILDSEN, BARBARA F. VUCANOVICH, and BOB WISE.

The study conference is the largest legislative service organization, or caucus, in Congress, with a membership of more than 360 Senators and House Members. It provides objective analysis of the environmental, energy and natural resources issues before us and organizes forums and briefings for Senators and House Members to discuss these issues with administration officials and outside experts. The conference does not take political positions.

The conference makes a vital contribution to our policymaking. In fact, National Journal described the study conference's Weekly Bulletin as indispensable, and Newsday called the conference's work invaluable.

I look forward to working with the conference's new officers and the other members of the executive committee in guiding this fine organization.●

DETROIT MOUNTED POLICE: A CENTURY OF PRIDE, A CENTURY OF SERVICE

● Mr. LEVIN. Mr. President and colleagues, this year marks the 100th anniversary of the founding of the Detroit Mounted Police. This milestone was celebrated on August 27, at the opening ceremonies of the Michigan State Fair. As one who was born and raised in Detroit, I can remember clearly as a child watching these proud officers as they rode their horses in parades and other ceremonial and special events.

What is often overlooked, however, is that they serve a very pragmatic purpose, too: They are responsible for patrolling Belle Isle, Palmer Park, and some of the other key areas in my hometown. And they have served with distinction, providing security on more than one occasion for Presidents of the United States and other important dignitaries who come to Detroit.

Inspector Patrick Muscat and his mounted police have much to be proud of. Their drill team is recognized as one of the best in the Nation. What is not as well known, however, is the role these officers perform, both on and off duty, in community relations. They are indeed our premier goodwill ambassadors, to our young people in Detroit as well as to our newcomers and visitors to Detroit. I am proud of them, as are all who know them and their work.●

AMERICA TURNS INWARD

● Mr. GRAHAM. Mr. President, I ask to insert in the RECORD Mr. Adrian Karatnycky's article "America Turns Inward." Mr. Karatnycky is executive director of Freedom House, a human rights and public policy organization, who promotes democracy in Cuba and around the world.

The article follows:

[From the Washington Post, Aug. 22, 1993]

(By Adrian Karatnycky)

AMERICA TURNS INWARD

Two years after the collapse of the August coup and the unraveling of the Soviet Union confirmed America's status as the last supervisor, U.S. commitment to an engaged foreign policy is in question.

In Congress, the mood is one of retreat. This summer, the House of Representatives voted overwhelmingly to defund the National Endowment for Democracy, supported deep reductions in U.S. international broadcasting and voted to pare down funding for United Nations' blue helmets. In the House and Senate, "deficit hawks" have put in question the capacity of the United States to constructively influence international progress toward democracy and market economies. America's private foundations, too, are turning inward. The Journal of Philanthropy reports foundation support for international affairs has plummeted by 50 percent in the past year.

With the disappearance of the Soviet threat, the glue that held together the postwar foreign policy consensus is gone. Congressional leaders are deeply worried by open hostility to foreign aid, particularly among new members of Congress. Public confidence in traditional foreign policy institutions and leaders is in acute decline. A public opinion poll conducted last year showed that two-thirds of Americans believe the country cannot afford to fund foreign aid.

The public mood is given impetus by the failure of leadership. Undersecretary of State Tarnoff has suggested U.S. engagement in the world is constrained by declining economic power. At State, a mood of pessimism reigns as officials ponder a shrinking foreign aid budget that means declining U.S. influence abroad. The U.S. Agency for International Development will soon announce a consolidation of its missions, resulting in a reduced U.S. aid and development presence abroad. Increasingly, U.S. foreign aid is focused on three countries—Russia, Israel and Egypt.

While development aid, international radio broadcasting and the National Endowment for Democracy all face deep cuts, the budget of the Central Intelligence Agency has avoided the budget ax and stands at $27.5 billion, more than three times what is spent on development aid and democracy. Apparently, America's capacity to monitor political events remains intact, even as our capacity to favorably influence development falls victim to budget cutting.

Congressional hostility to foreign aid has ripened on the fertile soil of public resentment at past follies, including theft by corrupt Third World dictators. Ironically, the collapse of the 1991 coup in the Soviet Union means the United States is less beholden to such tyrants and can allocate assistance on merit and without reference to the Cold War power balance.

Yet instead of embracing opportunities offered by Soviet collapse, Congress has cut worthy, cost-effective programs that help strengthen democratic movements and groups in Asia, Africa, Latin America and the former Soviet Union.

The new mood in Congress and among the foreign policy elite cannot be characterized as isolationism. Objectionable and dangerous as isolationism was, it represented a coherent set of ideas about America and the world. In an earlier age, isolationism declared that America was strong enough, remote enough and large enough to withstand the tumult and conflict that was sweeping the world.

The new disengagement lacks even such a coherent—if flawed—framework. The proponents of reduced foreign aid and pro-democracy efforts do not say it is time for America to come home. Rather they see their assault on U.S. engagement overseas as a means to cut the deficit.

Despite the fact that U.S. peacekeepers in Somalia have cost hundreds of millions of dollars and that the raid on Baghdad cost a half-billion more, Congress believes it economically sound to cut a few tens of millions of dollars that could help democrats in their struggle against dictators like Saddam Hussein and Somalia's warlord Gen. Farah Aideed.

Ironically, U.S. retreat from the world will in the long run prove profoundly dangerous and expensive. From Sarajevo in Eastern Europe to Sukhumi in the Caucasus; from the Sudan to the Tajik-Afghan border, violence and warfare are on the ascent, while democracy and rule of law are under siege. In a number of former Soviet republics—including Azerbaijan, Lithuania, Tajikistan, Kazakhstan, and Uzbekistan—ex-Communists are once again firmly in control. And if democracy fails in Russia and Ukraine, we may once again confront a powerful military adversary.

China, Cuba, Syria, Indonesia and other dictatorships have taken notice of Western passivity to mount a cohesive and wide-ranging effort to erode international human rights standards at the recently concluded U.N. Human Rights Conference in Vienna.

Recently, one Washington foreign policy hand observed that with the collapse of the Soviet Union "we have gone from a two-superpower world to a no superpower world." In our still dangerous and conflict-ridden world, America cannot afford to surrender its status as the last superpower. It must reassume the mantle of leadership in the struggle to promote democracy and freedom. Otherwise, we and the world will pay a price that dwarfs the calculations of the accountants who now dominate our foreign policy debate.•

UNFUNDED FEDERAL MANDATES

• Mr. LUGAR. Mr. President, today in the city of Evansville, IN, community leaders from across my State have gathered to issue a call to Congress to put an end to unfunded Federal mandates. For too many years, Federal legislators in Washington, DC, have passed the cost of Federal programs on to State and local governments. Congress needs to put its money where its mouth is when it comes to imposing financially burdensome regulations on State and local governments.

I am pleased to join my colleague, Senator DIRK KEMPTHORNE, in promoting S. 993, the Community Regulatory Relief Act. This legislation would exempt State and local governments from new Federal regulations that were determined to be unfunded by the Congressional Budget Office [CBO]. Having served as the mayor of Indianapolis for eight years, I am personally familiar with the burden local officials face when scrambling to pay for Congress' new programs.

Mr. President, I would like to include in the RECORD the following resolution issued by Indiana officials today:

Whereas, unfunded mandates on State and local governments have increased significantly in recent years;

Whereas, Federal mandates require cities and towns to perform duties without consideration of local circumstances or capacity;

Whereas, local projects and needed services have been eliminated or postponed because the United States Congress has increased unfunded mandates and regulatory control while reducing financial assistance;

Whereas, executive Federal burdens on municipal governments force some combination of higher local taxes and fees and/or reduced local services;

Whereas, Indiana municipal officials do not wish to see municipalities reduced to custodial outposts for the Federal government's policies; and

Whereas, the National League of Cities, the Indiana Association of Cities and Towns as well as other State and local government organizations have begun a national public education campaign to help citizens understand the issue, beginning with a National Unfunded Mandates Day, October 27, 1993: Now, therefore, be it

Resolved, That the Indiana Association of Cities and Towns supports actions to inform the citizens and taxpayers about the devastating impact of these mandates on local discretionary spending for sorely needed improvements: Be it further

Resolved, That the Indiana Association of Cities and Towns calls upon our State and Federal representatives to heed our call and support legislation to curtail such unfunded mandates.•

COMMITTEE TO ESCORT THE PRESIDENT TO THE JOINT SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar Nos. 364, 365 and 366.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, en bloc, are as follows:

DEPARTMENT OF STATE

Hazel Rollins O'Leary, of Minnesota, to be the Representative of the United States of America to the 37th session of the General Conference of the International Atomic Energy Agency.

Ivan Selin, of the District of Columbia, to be an Alternate Representative of the United States of America to the 37th session of the General Conference of the International Atomic Energy Agency.

Jane E. Becker of the District of Columbia, to be an Alternate Representative of the United States of America to the 37th session of the General Conference of the International Atomic Energy Agency.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order the Senate will now return to legislative session.

FEDERAL TRADE COMMISSION ACT AMENDMENTS OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 187, S. 1179, the Federal Trade Commission authorization bill, that the committee amendments be agreed to, and the bill advanced to third reading, and that statements by Senators BRYAN and HOLLINGS be inserted in the RECORD at the appropriate place, as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to the consideration of the bill (S. 1179) to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 1179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Federal Trade Commission Act Amendments of 1993".

SEC. 2. UNFAIR METHODS OF COMPETITION.

Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end the following new subsection:

"(n) The Commission shall not have any authority to find a method of competition to be an unfair method of competition under subsection (a)(1) if, in any action under the Sherman Act (15 U.S.C. 1 et seq.), such method of competition would be held to constitute State action.".

SEC. 3. AGRICULTURAL COOPERATIVES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by redesignating sections 24 and 25 as sections 26 and 27, respectively, and by inserting immediately after section 23 the following new section:

"SEC. 24. (a) The Commission shall not have any authority to conduct any study, investigation, or prosecution of any agricultural cooperative for any conduct which, because of the provisions of the Act entitled 'An Act to authorize association of producers of agricultural products', approved February 18, 1922 (7 U.S.C. 291 et seq., commonly known as the Capper-Volstead Act), is not a violation of any of the antitrust Acts or this Act.

"(b) The Commission shall not have any authority to conduct any study or investigation of any agricultural marketing orders.".

SEC. 4. COMPENSATION IN PROCEEDINGS.

(a) Repeal.—Section 18(h) of the Federal Trade Commission Act (15 U.S.C. 57a(h)) is repealed, and subsections (i), (j), and (k) of section 18 are redesignated as subsections (h), (i), and (j), respectively.

(b) Conforming Amendment.—Section 18(a)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)) is amended by striking "subsection (i)" and inserting in lieu thereof "subsection (h)".

SEC. 5. KNOWING VIOLATIONS OF ORDERS.

(a) Exception for Consent Orders.—Section 5(m)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)(B)) is amended by inserting ", other than a consent order," immediately after "order" the first time it appears.

(b) Review of Determinations of Law.—Section 5(m)(2) of the Federal Trade Commission Act (15 U.S.C. 45(m)(2)) is amended by adding at the end of the following: "Upon request of any party to such an action against such defendant, the court shall also review the determination of law made by the Commission in the proceeding under subsection (b) that the act or practice which was the subject of such proceeding constituted an unfair or deceptive act or practice in violation of subsection (a).".

SEC. 6. PREVALENCE OF UNLAWFUL ACTS OR PRACTICES.

Section 18(b) of the Federal Trade Commission Act (15 U.S.C. 57a(b)) is amended by adding at the end the following new paragraph:

"(3) The Commission shall issue a notice of proposed rulemaking pursuant to paragraph (1)(A) only where it has reason to believe that the unfair or deceptive acts or practices which are the subject of the proposed rulemaking are prevalent. The Commission shall make a determination that unfair or deceptive acts or practices are prevalent under this paragraph only if it has issued cease and desist orders regarding such acts or practices, or any other information available to the Commission indicates a pattern of unfair or deceptive acts or practices.".

SEC. 7. EFFECTIVE DATE OF ORDERS.

(a) Orders Subject to Petition for Review.—Section 5(g)(2) of the Federal Trade Commission Act (15 U.S.C. 45(g)(2)) is amended to read as follows:

"(2) Except as to any order provision subject to paragraph (4), upon the sixtieth day after such order is served, if a petition for review has been duly filed; except that any such order may be stayed, in whole or in part and subject to such conditions as may be appropriate, by—

"(A) the Commission;

"(B) an appropriate court of appeals of the United States, if (i) a petition for review of such order is pending in such court, and (ii) an application for such a stay was previously submitted to the Commission and the Commission, within the thirty-day period beginning on the date the application was received by the Commission, either denied the application or did not grant or deny the application; or

"(C) the Supreme Court, if an applicable petition for certiorari is pending; or".

(b) Orders Subject to Sections 5(m)(1)(B) and 19(a)(2) of FTCA.—Section 5(g)(3) of the Federal Trade Commission Act (15 U.S.C. 45(g)(3)) is amended to read as follows:

"(3) For purposes of subsection (m)(1)(B) and of section 19 (a)(2), if a petition for review of the order of the Commission has been filed—

"(A) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals and no petition for certiorari has been duly filed;

"(B) upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals; or

"(C) upon the expiration of thirty days from the date of issuance of a mandate of the Supreme Court directing that the order of the Commission be affirmed or the petition for review be dismissed; or".

(c) Divestiture Orders.—Section 5(g)(4) of the Federal Trade Commission Act (15 U.S.C. 45(g)(4)) is amended to read as follows:

"(4) In the case of an order provision requiring a person, partnership, or corporation to divest itself of stock, other share capital, or assets, if a petition for review of such order of the Commission has been filed—

"(A) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals and no petition for certiorari has been duly filed;

"(B) upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals; or

"(C) upon the expiration of thirty days from the date of issuance of a mandate of the Supreme Court directing that the order of the Commission be affirmed or the petition for review be dismissed.".

SEC. 8. CIVIL INVESTIGATIVE DEMANDS.

(a) Definitions.—Section 20(a) of the Federal Trade Commission Act (15 U.S.C. 57b-1(a)) is amended—

(1) in paragraph (2), by inserting ", or in any antitrust violations" immediately after "section 5(a)(1))";

(2) in paragraph (3), by inserting "or any provisions relating to antitrust violations" immediately after "section 5(a)(1))";

(3) in paragraph (7), by inserting ", or any antitrust violation" immediately after "section 5(a)(1))"; and

(4) by adding at the end the following new paragraph:

"(8) The term 'antitrust violation' means any unfair method of competition (within the meaning of section 5(a)(1)); any violation of the Clayton Act; any violation of any other Federal statute that prohibits, or makes available to the Commission a civil remedy with respect to, any restraint upon or monopolization of interstate or foreign trade or commerce; or any activity in preparation for a merger, acquisition, joint venture, or similar transaction, which if consummated, may result in such an unfair method of competition or violation.".

(b) Issuance of Demand.—(1) Section 20 (c)(1) of the Federal Trade Commission Act (15 U.S.C. 57b-1 (c)(1)) is amended—

(A) by inserting "or tangible things" immediately after "documentary material" the first place it appears;

(B) by inserting "or to antitrust violations," immediately after "section 5 (a)(1)),"; and

(C) by inserting "to submit such tangible things," immediately after "copying or reproduction,".

(2) Section 20(c) of the Federal Trade Commission Act (15 U.S.C. 57b-1 (c)) is amended—

(A) by redesignating paragraphs (4), (5), (6), (7), (8), (9), (10), (11), and (12) as paragraphs (5), (6), (7), (8), (9), (10), (11), (13), and (14), respectively;

(B) by inserting immediately after paragraph (3) the following new paragraph:

"(4) Each civil investigative demand for the submission of tangible things shall—

"(A) describe each class of tangible things to be submitted under the demand with such definiteness and certainty as to permit such things to be fairly identified;

"(B) prescribe a return date or dates which will provide a reasonable period of time within which the things so demanded may be assembled and submitted; and

"(C) identify the custodian to whom such things shall be [submitted,".] *submitted.";* and

(C) by inserting immediately after paragraph (11), as so redesignated, the following new paragraph:

"(12) The submission of tangible things in response to a civil investigative demand shall be made under a sworn certificate, in such form as the demand designates, by the person to whom the demand is directed or, if not a natural person, by any person having knowledge of the facts and circumstances relating to such production, to the effect that all of the physical evidence required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been submitted to the custodian.".

(c) Applicability of Section 20 of FTCA.—Section 20(j)(1) of the Federal Trade Commission Act (15 U.S.C. 57b-1(j)(1)) is amended by inserting immediately before the semicolon the following: ", any proceeding under section 11(b) of the Clayton Act (15 U.S.C. 21(b)), or any adjudicative proceeding under any other provision of law".

SEC. 9. COMMISSION CUSTODY OF TANGIBLE THINGS.

Section 21 of the Federal Trade Commission Act (15 U.S.C. 57b-2) is amended—

(1) in subsection (a)(1), by inserting "tangible things," immediately after "documentary material,";

(2) in subsection (b)(1), by inserting ", tangible thing," immediately after "document";

(3) in subsection (b)(2)(A), by inserting "tangible things," immediately after "material,";

(4) in subsection (b)(3)—

(A) in subparagraph (A), by inserting "tangible things," immediately after "documentary material,";

(B) in subparagraph (B), by inserting ", and may make tangible things available," immediately after "oral testimony"; and by inserting ["things,"], *things,* immediately after "such [material,",] *material";*

(C) in subparagraph (C), by inserting "tangible things," immediately after "documentary material,"; and

(D) in subparagraph (D), by inserting ", tangible things," immediately after "documentary material";

(5) in subsection (b)(4), by inserting "tangible things," immediately after "documentary material,";

(6) in subsection (b)(5), by inserting "tangible things," immediately after "documentary material,";

(7) in subsection (b)(6)—

(A) by inserting immediately after the first sentence the following new sentence: "The custodian of any tangible things may make such things available for inspection to such persons on the same basis."; and

(B) by inserting "results of inspections of tangible things," immediately after ["such] "*Such* documentary material,"; and

(8) in subsection (b)(7), by inserting "tangible things," immediately after "documentary material,".

SEC. 10. DEFINITION OF UNFAIR ACTS OR PRACTICES.

Section 5 of the Federal Trade Commission Act (15 U.S.C. 45), as amended by section 2 of this Act, is further amended by adding at the end the following new subsection:

"(o) The Commission shall have no authority under this section or section 18 to declare unlawful an act or practice on the grounds that such act or practice is unfair unless the act or practice causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition.".

SEC. 11. COMMERCIAL ADVERTISING.

Section 18(h) of the Federal Trade Commission Act (15 U.S.C. 57a(h)), as so redesignated in section 4(a) of this Act, is amended by adding at the end the following: "The Commission shall have no authority under this section to initiate any new rulemaking proceeding which is intended to or may result in the promulgation of any rule by the Commission which prohibits or otherwise regulates any commercial advertising on the basis of a determination by the Commission that such commercial advertising constitutes an unfair act or practice in or affecting commerce.".

SEC. 12. VENUE AND SERVICE OF PROCESS.

(a) Authority to Serve Certain Persons.—(1) Section 13(a) of the Federal Trade Commission Act (15 U.S.C. 53(a)) is amended by striking the last sentence and inserting in lieu thereof the following: "Any suit may be brought where such person, partnership, or corporation resides or transacts business, or wherever venue is proper under section 1391 of title 28, United States Code. In such a suit, the court may, if the court determines that the interests of justice require that any other person, partnership, or corporation should be a party in such suit, cause such other person, partnership, or corporation to be summoned without regard to whether it resides or transacts business in the district in which the suit is brought. In any suit under this section, process may be served on any person, partnership, or corporation wherever it may be found.".

(2) Section 13(b) of the Federal Trade Commission Act (15 U.S.C. 53(b)) is amended by striking the last sentence and inserting in lieu thereof the following: "Any suit may be brought where such person, partnership, or corporation resides or transacts business, or wherever venue is proper under section 1391 of title 28, United States Code. In such a suit, the court may, if the court determines that the interests of justice require that any other person, partnership, or corporation should be a party in such suit, cause such other person, partnership, or corporation to be summoned without regard to whether it resides or transacts business in the district in which the suit is brought. In any suit under this section, process may be served on any person, partnership, or corporation wherever it may be found.".

(b) Procedures for Serving Process.—Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting immediately after subsection (b) the following new subsection:

"(c) Any process of the Commission under this section may [by] *be* served by any person duly authorized by the Commission—

"(1) by delivering a copy of such process to the person to be served, to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served;

"(2) by leaving a copy of such process at the residence or the principal office or place of business of such person, partnership, or corporation; or

"(3) by mailing a copy of such process by registered mail or certified mail addressed to such person, partnership, or corporation at his, or her, or its residence, principal office, or principal place or business.

The verified return by the person serving such process setting forth the manner of such service shall be proof of the same.".

SEC. 13. REPORT ON RESALE PRICE MAINTENANCE.

(a) Report to Congress.—The Federal Trade Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives the information specified in subsection (b) every six months during each of the fiscal years 1994, 1995, and 1996. Each such report shall contain such information for the period since the last submission under this section.

(b) Contents of Report.—Each such report shall list and [described,] *describe*, with respect to instances in which resale price maintenance has been suspected or alleged—

(1) each complaint made, orally or in writing, to the offices of the Commission;

(2) each preliminary investigation opened or closed at the Commission;

(3) each formal investigation opened or closed at the Commission;

(4) each recommendation for the issuance of a [compliant] *complaint* forwarded by the staff to the Commission;

(5) each complaint issued by the Commission pursuant to section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(6) each opinion and order entered by the Commission;

(7) each consent agreement accepted provisionally or finally by the Commission;

(8) each request for modification of an outstanding Commission order filed with the Commission;

(9) each recommendation by staff pertaining to a request for modification of an outstanding Commission order; and

(10) each disposition by the Commission of a request for modification of an outstanding Commission order.

Such report shall include the sum total of matters in each category specified in paragraphs (1) through (10), and copies of all such consent agreements and complaints executed by the Commission. Where a matter has been closed or terminated, the report shall include a statement of the reasons for that disposition. The description required under this subsection shall be as complete as possible but shall not reveal the identity of persons or companies making the complaint or those complained about or those subject to investigation that have not otherwise been made public.

SEC. 14. REPORT ON PREDATORY PRICING PRACTICES.

(a) Report to Congress.—The Federal Trade Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives the information specified in subsection (b) every six months during each of the fiscal years 1994, 1995, and 1996. Each such report shall contain such information for the period since the last submission under this section.

(b) Contents of Report.—Each such report shall list and describe, with respect to instances in which predatory pricing practices have been suspected or alleged—

(1) each complaint made, orally or in writing, to the offices of the Commission;

(2) each preliminary investigation opened or closed at the Commission;

(3) each formal investigation opened or closed at the Commission;

(4) each recommendation for the issuance of a complaint forwarded by the staff to the Commission;

(5) each complaint issued by the Commission;

(6) each opinion and [other] *order* entered by the Commission;

(7) each consent agreement accepted provisionally or finally by the Commission;

(8) each request for modification of an outstanding Commission order filed with the Commission;

(9) each recommendation by staff pertaining to a request for modification of an outstanding Commission order; and

(10) each disposition by the Commission of a request for modification of an outstanding Commission order.

Such report shall include copies of all such consent agreements and complaints executed by the Commission referred to in such report. Where a matter has been closed or terminated, the report shall include a statement of the reasons for that disposition. The descriptions required under this subsection shall be as complete as possible but shall not reveal the identity of persons or companies making the complaint or those complained about or those subject to investigation that have not otherwise been made public. The report shall include any evaluation by the Commission of the potential impacts of predatory pricing upon businesses (including small businesses).

SEC. 15. INTERVENTION BY COMMISSION IN CERTAIN PROCEEDINGS.

(a) Limitation on Use of Authorized Funds.—The Federal Trade Commission shall not have any authority to use any funds which are authorized to be appropriated to carry out the Federal Trade Commission Act (15 U.S.C. 41 et seq.) for fiscal years 1994, 1995, and 1996, for the purpose of submitting statements to, appearing before, or intervening in the proceedings of, any Federal or State agency or State legislative body concerning proposed rules or legislation that the agency or legislative body is considering unless the Commission advises the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding such action as soon as possible.

(b) Contents of Notice to Congress.—The notice required in subsection (a) shall include the name of the agency or legislator involved, the date of such action, and a concise statement regarding the nature and purpose of such action.

SEC. 16. RESOURCE ALLOCATION STUDY.

The Federal Trade Commission shall conduct an evaluation of the level of its personnel resources and the manner in which such resources are allocated. The Commission shall study—

(1) whether overall resources at the Commission are adequate to fulfill the Commission's responsibilities in the areas of competition and consumer protection;

(2) the distribution of personnel to individual offices of commissioners, departments, bureaus, and other units within the Commission, and whether the current allocation of

personnel most efficiently enables the Commission to fulfill its statutory mandate;

(3) the number of personnel in supervisory positions, contrasted with those personnel in nonsupervisory positions; and

(4) whether the amount of workyears devoted to research activities should be increased, and what results (if any) such an increase would produce.

The Commission shall transmit the results of such study, together with any recommendations that the Commission determines appropriate, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives not later than six months after the date of enactment of this Act.

SEC. 17. FEDERAL-STATE COOPERATION.

The Federal Trade Commission shall review its statutory responsibilities to identify those matters within its jurisdiction where Federal enforcement is particularly necessary or desirable, and those areas that might more effectively be enforced at the State or local level. In identifying such areas, the Commission shall—

(1) consider the resources available to the Commission and the States, as well as particular rules that have been promulgated by the Commission;

(2) consult with the attorneys general of the States, representatives of consumers and industry, and other interested parties; and

(3) consider such other issues as will result in more efficient implementation of the statutory responsibilities of the Commission.

Not later than six months after the date of enactment of this Act, the Federal Trade Commission shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives the information identified in paragraphs (1) through (3), together with specific recommendations for methods of achieving greater cooperation between the Commission and the States.

SEC. 18. CREDIT REPAIR ORGANIZATIONS AND LOAN BROKERS.

(a) DEFINITIONS.—In this section, the following terms apply:

(1)(A) The term "advance fee" means any fee (including any advance payment of interest or other fees for any extension of consumer credit) which is assessed or collected by a loan broker from any person seeking the consumer credit before the extension of such credit.

(B) The term "advance fee" does not include—

(i) any amount that the loan broker can demonstrate is collected solely for the purpose of payment to unaffiliated, third party vendors for actual expenses incurred and payable before the extension of any consumer credit; or

(ii) any application fee or other charge assessed or collected—

(I) by a retail seller of property that is primarily for personal, family, or household purposes or automobiles; and

(II) in connection with a consumer credit transaction in which a purchase money security interest arising under an installment sales contract (or any equivalent consensual security interest) is created or retained against any such property or automobile being sold by the retail seller to the person seeking the extension of credit.

(2) The terms "consumer" and "credit" have the meanings given to such terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

(3)(A) The term "credit repair organization" means any person who sells, provides, or performs, or represents that such person can or will sell, provide, or perform, in return for the payment of money or other valuable consideration, a service for the express or implied purpose of—

(i) improving a consumer's credit record, history, or rating; or

(ii) providing advice or assistance to a consumer with regard to the consumer's credit record, history, or rating.

(B) The term "credit repair organization" does not include—

(i) a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board, or a depository institution chartered by a State;

(ii) any nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code;

(iii) a licensed real estate broker acting within the course and scope of that license;

(iv) a licensed attorney at law rendering services within the course and scope of that license;

(v) any broker-dealer registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission acting within the scope of the Securities and Exchange Commission or the Commodity Futures Trading Commission regulations;

(vi) any consumer reporting agency acting within the course and scope of this title; or

(vii) any debt collector as defined in section 803 of the Fair Debt Collection Practices Act (15 U.S.C. 1692a), acting within the course and scope of that Act.

(4)(A) The term "loan broker" means any person who—

(i) for, or in expectation of, a consideration, arranges or attempts to arrange or offers to find for any individual, consumer credit;

(ii) for, or in expectation of, a consideration, assists or advises an individual on obtaining, or attempting to obtain, consumer credit; or

(iii) acts or purports to act for, or on behalf of, a loan broker for the purpose of soliciting individuals interested in obtaining consumer credit.

(B) The term "loan broker" does not include—

(i) any insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act; 12 U.S.C. 1813(c)(2)), any insured credit union (as defined in section 101(7) of the Federal Credit Union Act; 12 U.S.C. 1752(7)), or any depository institution which is eligible for deposit insurance under the Federal Deposit Insurance Act or the Federal Credit Union Act and has deposit insurance coverage provided by any State;

(ii) any lender approved by the Federal Housing Administration, Farmers Home Administration, or Department of Veterans Affairs;

(iii) any seller or servicer of mortgages approved by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation; or

(iv) any consumer finance company, retail installment sales company, securities broker or dealer, real estate broker or real estate salesperson, attorney, credit card company, installment loan licensee, mortgage broker or lender, or insurance company if such person is—

(I) licensed by and subject to regulation or supervision by any agency of the United States or by the State in which the person seeking to utilize the services of the loan broker resides; and

(II) is acting within the scope of that license or regulation.

(b) PROHIBITED PRACTICES OF CREDIT REPAIR ORGANIZATIONS.—A credit repair organization shall not charge or receive any money or other valuable consideration prior to completion of the services that the credit repair organization has agreed to perform for the consumer and that are described in subsection (a)(1).

(c) PROHIBITED PRACTICES OF LOAN BROKERS.—(1) No loan broker may receive an advance fee in connection with—

(A) arranging or attempting to arrange consumer credit;

(B) offering to find for any individual consumer credit; or

(C) advising any individual as to how to obtain consumer credit.

(2) No loan broker may—

(A) make or use any false or misleading representations or omit any material fact in the offer or sale of the service of a loan broker; or

(B) engage, directly or indirectly, in any act that operates or would operate as fraud or deception upon any person in connection with the offer or sale of the services of a loan broker, notwithstanding the absence of reliance by the person to whom the loan broker's services are offered or sold.

(d) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—Any violation of this section shall—

(1) be treated as a violation of a rule of the Federal Trade Commission issued pursuant to section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)); and

(2) be subject to enforcement by the Federal Trade Commission under the enforcement and penalty provisions applicable to violations of such rules.

(e) CRIMINAL PENALTY.—(1) Whoever knowingly violates subsection (b) or (c) shall be fined under title 18, United States Code, imprisoned for not more than five years, or both.

(2) Section 981(a)(1)(C) of title 18, United States Code, is amended—

(A) by striking "title or a violation" and inserting in lieu thereof "title, a violation"; and

(B) by inserting ", or a violation of section 18 (b) or (c) of the Federal Trade Commission Act Amendments of 1993" immediately before the period.

(3) For purposes of section 3005(a) of title 39, United States Code, a violation of subsection (b) or (c) of this section by any person shall constitute prima facie evidence that such person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of false representations.

SEC. 19. AUTHORIZATION OF APPROPRIATIONS.

Section 25 of the Federal Trade Commission Act, as so redesignated by section 3 of this Act, is amended—

(1) by striking "and" after "1981;"; and

(2) by inserting immediately before the period at the end the following: "; not to exceed $88,000,000 for the fiscal year ending September 30, 1994; not to exceed $92,000,000 for the fiscal year ending September 30, 1995; and not to exceed $95,000,000 for the fiscal year ending September 30, 1996, and such additional sums for the fiscal years ending September 30, 1994, and September 30, 1995, as may be necessary for increases in salary, pay, and other employee benefits as authorized by law".

SEC. 20. EFFECTIVE DATE; APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsections (b), (c), (d), (e), and (f), the provisions of this Act shall take effect on the date of enactment of this Act.

(b) APPLICABILITY OF SECTION 2.—The amendment made by section 2 of this Act shall apply only with respect to proceedings under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) after the date of enactment of this Act. This amendment shall not be construed to affect in any manner a cease and desist order which was issued, or a rule which was promulgated, before the date of enactment of this Act. This amendment shall not be construed to affect in any manner a cease and desist order issued after the date of enactment of this Act, if such order was issued pursuant to remand from a court of appeals or the Supreme Court of an order issued by the Federal Trade Commission before the date of enactment of this Act.

(c) APPLICABILITY OF SECTIONS 6 AND 11.—The amendments made by sections 6 and 11 of this Act shall apply only to rulemaking proceedings initiated after the date of enactment of this Act. These amendments shall not be construed to affect in any manner a rulemaking proceeding which was initiated before the date of enactment of this Act.

(d) APPLICABILITY OF SECTION 7.—The amendments made by section 7 of this Act shall apply only with respect to cease and desist orders issued under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) after the date of enactment of this Act. These amendments shall not be construed to affect in any manner a cease and desist order which was issued before the date of enactment of this Act.

(e) APPLICABILITY OF SECTIONS 8 AND 9.—The amendments made by sections 8 and 9 of this Act shall apply only with respect to compulsory process issued after the date of enactment of this Act.

(f) APPLICABILITY OF SECTION 10.—The amendments made by section 10 of this Act shall apply only with respect to cease and desist orders issued under section 5 of the Federal Trade Commission Act (15 U.S.C. 45), or to rules promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a), after the date of enactment of this Act. These amendments shall not be construed to affect in any manner a cease and desist order which was issued, or a rule which was promulgated, before the date of enactment of this Act. These amendments shall not be construed to affect in any manner a cease and desist order issued after the date of enactment of this Act, if such order was issued pursuant to remand from a court of appeals or the Supreme Court of an order issued by the Federal Trade Commission before the date of enactment of this Act.

So, the committee amendments were agreed to.

Mr. HOLLINGS. Mr. President, as chairman of the Commerce Committee, I heartily endorse S. 1179, legislation to reauthorize the Federal Trade Commission [FTC]. The FTC is one of the Nation's most vital consumer protection agencies. Its duties include protecting consumers from unfair and deceptive acts and practices and safeguarding the markets from anticompetitive behavior.

For over 10 years, Congress has attempted to reauthorize the FTC. The Commerce Committee has reported legislation to authorize the FTC in each Congress since the expiration of the FTC's last authorization in 1982. The legislation being considered by the Senate today is virtually identical to bills passed by the Senate in the 99th, 100th and 101st Congresses.

We all are aware that there are disagreements between Members of the House and Senate over issues relating to the agency's authorization. It is time that these matters are resolved in conference with the House on the differing versions of the authorization bills. Thus, I hope that we can act quickly to pass this bill, and move to conference expeditiously.

Mr. DANFORTH. Mr. President, I am pleased to join Senators BRYAN and GORTON in supporting S. 1179, the Federal Trade Commission Act Amendments of 1993. The Federal Trade Commission [FTC] has operated without an authorization since 1982. Since that time, efforts to resolve the differences between House and Senate FTC bills have failed in conference. As a result, many important issues regarding the FTC's mission have been addressed during the appropriations process.

The principal issue facing the Commission is how best to focus its resources. During the 1970's, the FTC initiated controversial rulemakings regarding commercial advertising. Congress responded by prohibiting these rulemakings. Under the leadership of FTC Chairman Janet Steiger, the FTC has concentrated more of its resources on individual transactions and practices in recent years. Much of this effort has been in the form of challenges to mergers and consumer fraud, and the imposition of civil penalties for violations of rules.

S. 1179 provides guidance to the Commission on how to allocate its resources. For example, the legislation restates the long-standing, bipartisan position of the Senate Commerce Committee that the Commission not be permitted to use its unfairness authority to promulgate industry-wide trade regulations on commercial advertising. Such rulemakings could ban otherwise truthful and nondeceptive advertising because the Commission objects to such ads. While the current Commission likely would not abuse this authority, that is no guarantee that this virtually unlimited authority would not be used by an FTC composed of different individuals whose objectives went far beyond the basic mandate of policing advertising to ensure that it is truthful and nondeceptive.

This bill also contains two provisions that address recent developments in consumer protection. First, the advance fee loan scam is a new method by which scam artists prey on unsuspecting consumers tempted by offers of easy credit. This scam involves the inducement of a consumer to pay a substantial fee prior to receiving a loan. According to the FTC, legitimate banks do not require such fees, which can be as high as $500. After receiving this fee, the scam artist disappears, and no loan is forthcoming.

The second issue is credit doctors, who promise to eliminate negative information in a consumer credit report, such as late payments on an account or a bankruptcy. Payment of between $200 and $1,500 is demanded up front, after which the consumer is assured that his credit record will be cleaned up so he can qualify for a loan. But these scam artists cannot deliver what they promise: The Fair Credit Reporting Act specifies procedures for maintaining information on a consumer's credit record, including how long such information may remain. According to the FTC, the result is that consumers are cheated out of tens of millions of dollars each year.

Mr. President, Congress must provide guidance to the Commission. The FTC must be a law enforcement agency for the marketplace. Under the leadership of Chairman Janet Steiger, the Commission is working to achieve this objective. This legislation will assist the Commission in fulfilling its mandate. I urge my colleagues to support this legislation.

Mr. BRYAN. Mr. President, I would like to present today for consideration by the full Senate, legislation to reauthorize the Federal Trade Commission. I, along with Senators DANFORTH and GORTON, introduced this legislation on June 29 of this year following an oversight hearing by the Consumer Subcommittee. The bill was reported overwhelmingly by the full Commerce Committee on August 3. The legislation provides authorizations for the Commission for fiscal years 1994 through 1996. This legislation is virtually identical to bills that have been passed by the Senate on numerous occasions.

As you know, Mr. President, the FTC has not been authorized in over a decade. This, in my opinion, is too long for any agency to be without an authorization, and certainly for an agency as vital as the FTC.

The Commission's authorization has been held up because of unresolved differences between Members of the Senate and House over the expansiveness of the FTC's authority in certain areas. The issue that has been of most concern is the issue regarding restrictions on the ability of the FTC to apply its unfairness rulemaking authority to commercial advertising. Several Members have expressed concern about the promulgation of potentially broad-based rules that might intrude upon or prevent legitimate commercial speech and believe restrictions are necessary. Although there have been bills considered by the Senate and House in the past, the two bodies have not met officially in three Congresses to discuss these issues. I am sure that Members of both the House and the Senate realize that this is an issue that will have to be resolved through an understanding by both bodies.

As I stated when we introduced this legislation in June, I am optimistic about the passage of an authorization bill for the FTC this year. A bill already has been passed by the House. Therefore, Mr. President, I am hoping that we can pass this legislation unanimously and proceed as quickly as possible in convening a conference with the House in order to resolve these issues.

Mr. GORTON. Mr. President, as the ranking Republican of the Consumer Subcommittee, I am delighted to join Senator BRYAN, the chairman of the subcommittee, in supporting Senate passage of S. 1179, the Federal Trade Commission Act Amendments of 1993. Senator BRYAN and I have worked to reauthorize the agencies within the subcommittee's jurisdiction and have been successful in all instances except this one. Since we assumed the leadership of the subcommittee, the Commerce Committee has reported FTC bills in each of the past two Congresses, but there has been no action by the House during that time. This Congress, I am pleased that, under the leadership of my colleague from Washington, Representative AL SWIFT, the House passed an FTC bill on June 21. Given this prompt action by the House, I am hopeful that the FTC will be reauthorized for the first time since 1980.

This legislation, which was ordered reported by the Commerce Committee on August 3, provides specific guidance to the Commission about how to allocate its resources and will enhance Commission enforcement efforts. For example, the bill prohibits rulemakings on commercial advertising pursuant to the Commission's unfairness authority. During the 1970's, the Commission initiated several controversial rulemakings in this area. The result was that a considerable amount of time and resources were spent on these undertakings, with no rules to show for the effort. Although the current Commission likely would never attempt to promulgate such rules, the prohibition in the bill will constrain their successors from attempting to repeat the mistakes of the past. Similarly, the restriction on Commission regulation of agricultural cooperatives and marketing orders reflects the desire to avoid duplicative regulation, as the Department of Agriculture is responsible for monitoring these activities.

The bill also enhances Commission enforcement efforts in several ways, including permitting the FTC to issue civil investigative demands for physical evidence and by allowing the Commission's Bureau of Competition to issue these demands. This provision will improve substantially the Commission's capability to address consumer fraud. Similarly, the expanded venue provision, which is based in part on 28 U.S.C. §1391, the general venue provision in the U.S. Code, will permit the FTC to bring defendants scattered throughout the country to justice in a single forum. This promotes judicial economy and will help the FTC to save precious resources for law enforcement.

The bill also addresses a long-standing problem involving the Commission's cease-and-desist orders. Under current procedures, such orders become final only after all appeals are exhausted. If a case goes to the Supreme Court, this can take many years. These procedures allow the appeal process to be used simply as a dilatory tactic. The provision in this bill allows cease-and-desist orders to become final 60 days after they are issued unless a court or the Commission issues a stay. This is a reasonable solution which continues to protect the right of defendants to challenge these orders.

Mr. President, since the 101st Congress, the FTC has thrived under the leadership of Chairman Janet Steiger. I believe that she and her fellow Commissioners will carry out their responsibilities even better after this legislation is enacted. I commend Senator BRYAN for his leadership on this issue, and I urge my colleagues to support this bill.

Mr. LIEBERMAN. Mr. President, I rise today in support of the Federal Trade Commission Authorization Act of 1993, which includes the text of S. 279, the Advance Fee Loan Prevention Act.

As you know, Mr. President, I introduced this bill in the last Congress and introduced it again this year following hearings held by the Government Affairs Committee's ad hoc Subcommittee on Consumer and Environmental Affairs, which I chaired in December 1991. In those hearings, the subcommittee heard testimony which revealed a clear need for legislation which would stand in the gap between scam perpetrators and their defenseless prey—the victims of hard times desperately in need of a loan. In our investigation we learned that the loan broker—otherwise known in cases such as these as the con artist—simply places an ad in a paper advertising his ability to secure a loan for the financially-strapped. The Better Business Bureau has estimated that financially-strapped consumers and small businesses are losing a million dollars or more each month to loan broker con artists. The ads, appealing to the desperation of their targets, generate calls to boiler-rooms around the country. Callers, frustrated and anxious to seize any opportunity available to them to meet their financial obligations, are informed that for a processing or good-faith fee—ranging anywhere from $100 to $100,000—a loan will be secured for them and their worries will be over. Their worries, however, are not over, Mr. President. They have merely been compounded. Any monetary reserve the victim may have had as a line of defense against hard times is now also gone. The con artist has lulled his victim with the promise of a loan just long enough to close up shop and move to another State.

This bill complements action previously taken by some States, such as Florida, and does not preempt their power. This legislation bestows upon the Federal Trade Commission the authority needed to quickly stop interstate advance fee loan fraud. Unregulated loan brokers will be prohibited from charging advance fees before loan closings. Criminal penalties of up to 5 years imprisonment, fines and civil forfeiture of all ill-gotten gains will be imposed to unregulated loan brokers who violate the law.

Mr. President, this legislation has the support of the Better Business Bureau which has asked for a comprehensive, nation-wide strategy to effectively eradicate advance fee loan scams and their perpetrators. I thank the chairman and ranking minority member of the Commerce Committee for including the Advance Fee Loan Prevention Act as part of the Federal Trade Commission Authorization Act, and I urge its adoption.

Mr. MITCHELL. Mr. President, I ask unanimous consent that Commerce Committee be discharged from further consideration of H.R. 2243, the House companion, and that the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1179, as amended, inserted in lieu thereof; that the bill be advanced to third reading, passed and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill H.R. 2243, as amended, was deemed read a third time and passed.

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 1179 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

JEMEZ NATIONAL RECREATION AREA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 196, H.R. 38, establishing the Jemez National Recreation Area.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill H.R. 38 to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 38

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT.

(a) PURPOSE AND ESTABLISHMENT.—In order to conserve, protect, and restore the recreational, ecological, cultural, religious, and wildlife resource values of the Jemez Mountains, there is hereby established the Jemez National Recreational Area (hereinafter in this Act referred to as the "recreation area"), to be administered by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary").

(b) AREA INCLUDED.—The recreation area shall be comprised of approximately 57,000 acres of lands and interests in lands within the Santa Fe National Forest as generally depicted on the map entitled "Jemez National Recreation Area—Proposed" and dated September 1992. The map shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia. The Secretary may from time to time, in consultation with local tribal leaders, make minor revisions in the boundary of the recreation area to promote management effectiveness and efficiency in furtherance of the purposes of this Act.

(c) MAP AND DESCRIPTION.—As soon as practicable after enactment of this Act, the Secretary shall file a map and legal description of the recreation area with the Committee on Natural Resources of the House of Representatives and with the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the Senate. Such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(d) NO ADDITIONAL LANDS.—No lands or interests therein outside of the boundaries of the recreation area may be added to the recreation area without specific authorization by Congress.

SEC. 2. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the recreation area in accordance with this Act and the laws, rules, and regulations applicable to National Forest System lands in a manner that will further the purposes of the recreation area. Management of the natural resources within the recreation area shall be permitted only to the extent that such management is compatible with and does not impair the purposes for which the recreation area is established. Recreational activities within the recreation area shall include (but not be limited to) hiking, camping, hunting, fishing, skiing, backpacking, rock climbing, and swimming.

(b) MANAGEMENT PLAN.—The Secretary shall, no later than 5 years after the enactment of this Act, develop a management plan for the recreation area, as an amendment to the Santa Fe National Forest Land and Resource Management Plan, to reflect the establishment of the recreation area and to conform to the provisions of this Act. Nothing in this Act shall require the Secretary to revise the Santa Fe Forest Land and Resource Management Plan pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974. During development of the management plan for the recreation area, the Secretary shall study newly designated land within the recreation area, and adjacent national forest land.

(c) CULTURAL RESOURCES.—In administering the recreation area, the Secretary shall give particular emphasis to the preservation, stabilization, and protection of cultural resources located within the recreation area in furtherance of the Archaeological Resources Protection Act of 1979, the National Historic Preservation Act, and the Act of August 11, 1978 (42 U.S.C. 1991) (commonly referred to as the "American Indian Religious Freedom Act").

(d) NATIVE AMERICANS.—(1) In recognition of the historic use of portions of the recreation area by Indian peoples for traditional cultural and **[**religious purposes**]** *customary uses*, the Secretary **[**shall,**]** *shall, subject to the provisions of section 2(n)* in consultation with local tribal leaders, ensure the protection of religious and cultural sites and provide access from time to time to those sites by Indian peoples for traditional cultural and **[**religious purposes**]** *customary uses*. Such access shall be consistent with the purpose and intent of the Act of August 11, 1978 (42 U.S.C. 1991) (commonly referred to as the "American Indian Religious Freedom Act"). **[**The Secretary, in accordance with such Act, upon request of an Indian tribe or pueblo, may from time to time temporarily close to general public use one or more specific portions of the recreational area in order to protect the privacy of religious activities and cultural uses in such portion by Indian peoples. Any such closure shall be made so as to affect the smallest practicable area for the minimum period necessary for such purposes.**]** *The Secretary, in accordance with such Act, upon request of an Indian tribe or pueblo, may from time to time temporarily close to general public use one or more specific portions of the recreational area in order to protect traditional and customary uses in such portions by Indian peoples.*

(2) In preparing and implementing management plans for the recreation area, the Secretary shall request that the Governor of the Pueblo of Jemez and the chief executive officers of other appropriate Indian tribes and pueblos make recommendations on methods of—

(A) assuring access to religious and cultural sites;

(B) enhancing the privacy and continuity of traditional cultural and religious activities in the recreation area; and

(C) protecting traditional cultural and religious sites in the recreation area.

(e) WILDLIFE RESOURCES.—In administering the recreation area, the Secretary shall give particular emphasis to the conservation and protection of wildlife resources, including species listed as sensitive by the Forest Service, within the recreation area and shall comply with applicable Federal and State laws relating to wildlife, including the Endangered Species Act of 1973.

(f) HUNTING.—The Secretary shall permit hunting and fishing on lands and waters under the jurisdiction of the Secretary within the recreation area in accordance with applicable Federal and State law. **[**The Secretary may designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies such designation by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.**]**

(g) TIMBER HARVESTING.—The Secretary may permit timber harvesting in the recreation area for commercial purposes, including (but not limited to) vigas, latillas, the gathering of fuelwood, and for purposes of public safety, recreation, wildlife, and administration, insofar as the harvesting is compatible with the purposes of the recreation area. Trees damaged or downed due to fire, disease, or insect infestation may be utilized, salvaged, or removed from the recreation area as authorized by the Secretary in furtherance of the purposes of this Act. Nothing in this Act shall be construed to affect the timber sales under contract on the date of enactment of this Act. Nothing in this Act shall be construed to effect the Los Griegos timber sale in the Los Griegos Diversity Unit number 0322 as shown on the West Half Diversity Unit map of the Santa Fe National Forest dated November 1991; except that the Secretary shall manage such sale using uneven aged management including the individual tree selection method.

(h) GRAZING.—The Secretary may permit grazing within the recreation area in accordance with regulations prescribed by the Secretary. Riparian areas shall be managed in such a manner as to protect their important resource values.

(i) TRANSPORTATION PLAN.—(1) Within 1 year after the date of enactment of this Act, the Secretary shall prepare a transportation plan that provides for the most efficient use of roads and trails to accomplish the purposes of this Act. The plan shall provide for a comprehensive trails system that provides for dispersed recreation while minimizing impact on significant archaeological and religious sites.

(2) The Secretary shall construct, maintain, and close roads within the recreation area after consultation with local tribal leaders and only in accordance with such plan.

(j) RECREATIONAL FACILITIES.—The Secretary shall provide for recreational facilities within the recreation area. Such facilities shall be constructed so as to minimize impacts on the scenic beauty, the natural character, and the archaeological and religious sites of the recreation area.

(k) VISITOR FACILITIES.—The Secretary shall establish a visitor center and interpretive facilities in or near the recreation area for the purpose of providing for education relating to the interpretation of cultural and natural resources of the recreation area.

(l) POWER TRANSMISSION LINES.—In accordance with Federal and State laws and regulations, the Secretary may permit a utility corridor for high power electric transmission lines within the recreation area only when the Secretary determines that—

(1) there is not a feasible alternative for the location of such corridor;

(2) damage to the recreational and scenic quality and to the archaeological and religious sites of the recreation area will not be significant;

(3) it is in the public interest that such corridor be located in the recreation area; and

(4) a plan to minimize harm to the resources of the recreation area has been developed.

(m) SCIENTIFIC INVESTIGATIONS.—The Secretary may permit scientific investigations within the recreation area upon the Secretary's determination that such investigations are in the public interest and are compatible with the purposes of this Act.

(n) RESOURCE PROTECTION.—The Secretary may designate zones where, and establish periods when, any activity otherwise permitted in the recreation area will not be permitted for reasons of public safety, administration, fish and wildlife management, protection of archaeological or cultural resources, or public use and enjoyment. Except in emergencies such designations by the Secretary shall be put into effect only after consultation with the appropriate State agencies, appropriate tribal leaders, and other affected parties.

SEC. 3. MINERALS AND MINING.

(a) LIMITATION ON PATENT ISSUANCE.—(1) Notwithstanding any other provision of law, no patents shall be issued after May 30, 1991, for any location or claim made in the recreation area under the mining laws of the United States.

(2) Notwithstanding any statute of limitations or similar restriction otherwise applicable, any party claiming to have been deprived of any property right by enactment of paragraph (1) may file in the United States Claims Court a claim against the United States within 1 year after the date of enactment of this Act seeking compensation for such property right. The United States Claims Court shall have jurisdiction to render judgment upon any such claim in accordance with section 1491 of title 28, United States Code.

(b) WITHDRAWAL.—Subject to valid existing rights, after the date of enactment of this Act, lands within the recreation area withdrawn from location under the general mining laws and from the operation of the mineral leasing, geothermal leasing, and mineral material disposal laws.

(c) RECLAMATION.—No mining activity involving any surface disturbance of lands or waters within such area, including disturbance through subsidence, shall be permitted except in accordance with requirements imposed by the Secretary, including requirements for reasonable reclamation of disturbed lands to a visual and hydrological condition as close as practical to their premining condition.

(d) MINING CLAIM VALIDITY REVIEW.—The Secretary of Agriculture shall undertake and complete within 3 years after the date of enactment of this Act an expedited program to examine all unpatented mining claims, including those for which a patent application has been filed, within the recreation area. Upon determination by the Secretary of Agriculture that the elements of a contest are present, the Secretary of the Interior shall immediately determine the validity of such claims. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void.

(e) PUBLIC PURPOSES.—The Secretary may utilize mineral materials from within the recreation area for public purposes such as maintenance and construction of roads, trails, and facilities as long as such use is compatible with the purposes of the recreation area.

SEC. 4. ADJOINING LANDS.

The Secretary may evaluate lands adjoining the recreation area for possible inclusion in the recreation area and make recommendations to Congress, including (but not limited to) that area authorized for study by section 5 of Public Law 101-556 (104 Stat. 2764), known as the Baca Location Number 1. The Secretary, in consultation with local tribal leaders and the National Park Service, shall, no later than 2 years after enactment of this Act, submit recommendations with respect to future boundaries for the recreation area.

SEC. 5. ACQUISITION OF LAND.

(a) STATE LAND.—Land and interests in land within the boundaries of the recreation area that are owned by the State of New Mexico, or a political subdivision of New Mexico, may be acquired only by donation or exchange.

(b) OFFERS TO SELL.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire land and interests in land within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange.

(2) LIMITATION.—The Secretary may not acquire lands within the recreation area without the consent of the owner thereof unless the Secretary has determined that such lands will be put to a use different from their use as of the date of enactment of this Act and that such new use would be incompatible with the protection of the natural and cultural resources of the recreation area.

[SEC. 5.] SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the committee amendments be adopted, that the bill be deemed read a third time, passed, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the committee amendments were agreed to.

The bill (H.R. 38), as amended, was deemed read a third time and passed.

Mr. BINGAMAN. Mr. President, I am very pleased that the Senate has today passed this legislation to authorize the establishment of the Jemez National Recreation Area in New Mexico. This national recreation area will be managed primarily to conserve, protect, and restore the recreational, cultural, archeological, ecological, scenic, and wildlife resource values within this unique area of the Santa Fe National Forest. A plan for the national recreation area will be developed as an amendment to the Santa Fe national forest land and resource management plan to assure that this management emphasis will be carried out.

The Jemez National Recreation Area is approximately 57,000 acres in size. It is a place of volcanically formed mountains with beautiful valleys, stands of mixed conifer and deciduous trees, small hidden ponds, and steep canyons ringed with brilliantly colored rimrocks. Within the area is the east fork of the Jemez River, 11 miles of which has been designated as a national wild and scenic river. The Jemez National Recreation Area will further ensure the river's beauty and recreational value. The area also holds an abundance of spectacular prehistoric sites.

This action will ensure for the future the interests of the over 300,000 visitors to the area each year. The Jemez Mountains area has long been valued by the citizens of Albuquerque, Santa Fe, Los Alamos, Espanola, and the surrounding communities for its exceptional recreational opportunities, the plentiful water and clean air, the numerous hot springs, the abundant wildlife, and just the sheer beauty of the place. People who visit again and again form special emotional attachments to the area. These are people who enjoy the area for hiking, camping, rock climbing, backpacking, fishing, hunting, snowmobiling, swimming, and cross-country skiing—in the Jemez Mountains they have the opportunity to do all of this.

With the rapid population growth in Santa Fe and Albuquerque, even greater demands will be made upon the area for these recreational opportunities. Recreational and interpretative facilities and a visitor center will be constructed with minimal impacts on the scenic values and primeval character of the recreation area. Maintenance of both new and existing facilities in the national recreation area will be emphasized from the start.

The Jemez Mountains are one of the richest areas in the Southwest for the evidence of ancient Indian occupation. Human habitation stretches back at least 4,000 years in this area. There have been major finds nearby at Bandelier National Mounment, Jemez Monument, and Puye Cliff. Survey in the area has recorded thousands of sites—from surface scatters of artifacts to large multiroom pueblos. In fact, some of the ruins are much larger than any within the National Park System. Site density is estimated at approximately 15 sites per square mile—there could well be 30,000 sites in the national recreation area. The proposed boundaries include the Virgin Mesa area, in which are found the most impressive cultural resource sites in the mountains. This bill directs that there will be particular emphasis given to the preservation, stabilization, and protection of these invaluable cultural resources.

Today, to the people of the Jemez Pueblo, this land remains sacred for them as it was for their Tewa-speaking ancestors; it contains significant religious sites and shrines. The bill directs the protection of these cultural and religious sites and assures access by Indian people for traditional cultural and religious purposes. Further, upon request of an Indian tribe, an area may be temporarily closed to the general public in order to protect the privacy of religious and cultural uses in that area. The Governor of the Pueblo of Jemez and chief executive officers of other Indian tribes in the area will be consulted in these matters during preparation of the national recreation area management plan.

The Jemez National Recreation Area is important habitat for the peregrine falcon, the goshawk, the meadow jumping mouse, the Jemez Mountain salamander, the Mexican spotted owl, and the wood lily—all species on State or Federal listings of endangered or threatened species. Emphasis will be given to the preservation and protection of these wildlife and botanical resources.

The bill will not affect traditional uses—grazing, hunting, and fishing will continue in the area at the request of many local citizens.

Timber sales for personal fuel wood, for vigas and latillas, and for purposes of public safety, wildlife needs, recreation and administration may continue. The Los Griegos sale, scheduled for fiscal year 1993, is specifically allowed on condition that uneven-aged management, including individual tree selection, will be used. Monitoring of this sale as it proceeds and after its completion will provide the Forest Service with valuable information for the planning of future timber sales throughout the Southwest. The methods prescribed for this sale might well be used more and more by the Forest Service in the future for the purposes of protecting threatened and endangered species, assuring biological diversity, and further controlling erosion in our fragile southwestern environment.

The largest elk herd in New Mexico migrates through this area. Hunting and fishing in the area will continue to be permitted; they are important both for subsistence and recreational activities.

Grazing may be permitted within the national recreation area in accordance with regulations. Riparian areas will be managed to protect their important resource values.

Local support for this bill is high; residents have been enthusiastic in their efforts to preserve the resources of the Jemez Mountains for future enjoyment. The Forest Service also supports the designation of a national recreation area. Areas like the Jemez Mountains are in need of our committed protection; they must be cherished for the benefit and enjoyment of present and future generations.

The House has already passed a similar bill to the one the Senate is passing today. I am delighted that after years of effort on the part of many New Mexicans and the New Mexico delegation, that we finally have legislation that will provide the Jemez area the protection it deserves.

PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM TERMINATION ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3019, the Performance Management and Recognition System Termination Act, just received from the House, that the bill be deemed read three times, passed and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the bill (H.R. 3019) was deemed read three times and passed.

MARINE MAMMAL PROTECTION ACT EXTENSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3049, a bill to extend the current interim exemption under the Marine Mammal Protection Act for Commercial Fisheries until April 1, 1994, just received from the House, that the bill be deemed read three times, passed and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the bill (H.R. 3049) was deemed read three times and passed.

AUTHORITY OF SECRETARY OF COMMERCE TO CONDUCT QUARTERLY FINANCIAL REPORT PROGRAM

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2608, a bill to extend the authority of the Secretary of Commerce to conduct the quarterly financial report program, just received from the House.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> A bill (H.R. 2608) to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 942

(Purpose: To provide for the reauthorization of the collection and publication of quarterly financial statistics by the Secretary of Commerce through fiscal year 1998, and for other purposes)

Mr. MITCHELL. Mr. President, on behalf of Senator LIEBERMAN, I sent to the desk a substitute amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Maine [Mr. MITCHELL] for Mr. LIEBERMAN proposes an amendment numbered 942.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Strike out all after the enacting clause and insert in lieu thereof the following:
>
> **SECTION 1. REAUTHORIZATION OF COLLECTION AND PUBLICATION OF QUARTERLY FINANCIAL STATISTICS BY THE SECRETARY OF COMMERCE.**
>
> (a) IN GENERAL.—Section 4(b) of the Act entitled "An Act to amend title 13, United States Code, to transfer responsibility for the quarterly financial report from the Federal Trade Commission to the Secretary of Commerce, and for other purposes", approved January 12, 1983 (Public Law 97-454; 96 Stat. 2494; 13 U.S.C. 91 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1998".
>
> (b) EFFECTIVE DATE.—The amendment made under subsection (a) shall take effect on September 30, 1993.

Mr. LIEBERMAN. Mr. President, it is with great satisfaction that I commend the Senate for reauthorizing the Quarterly Financial Statistics—title 13, chapter 3, subchapter IV. This collection is one of the cornerstones of our system of economic indicators, and is essential for monitoring the condition of our economy.

During the reauthorizing process I consulted a number of experts to learn more about this information collection. There was widespread support for this statistical series, and most took the opportunity to suggest ways in which our statistical system could be improved.

Ms. Gail Fosler, vice president and chief economist of the Conference Board pointed out that—

> Economic statistics are not only the basis of serious work but drive American attitudes about their own current and future welfare.

Mr. Joseph W. Duncan, vice president, corporate economist, and chief statistician of the Dun & Bradstreet Corp. said:

> Failure to reauthorize the series would have a very negative impact on the quality of economic statistics; and * * * would lead to risk of serious policy errors.

Information is fundamental to good management, and for us to manage our increasingly complex economy requires that we continuously update our information about the economy. Not only must we continually update our measures of performance, but we must also continuously watch to make sure that those performance measures continue to accurately represent the economy.

Twenty years ago we didn't collect information on computer services, protective services, or video tape rentals. Today these are all significant parts of our economy. Twenty years ago we didn't collect information on manufacturing digital watches, most families had never heard of mutual fund accounts, and there was only one long distance telephone company. Yet many of our statistical series have not changed over those 20 years to reflect these changes in our society.

One of the byproducts of the budget climate of the 1980's was the steady erosion of our statistical infrastructure. Recently, to the surprise of many professional economists, the Bureau of Labor Statistics announced that many people are not working full-time, but are working two or more part-time jobs. Ten years ago, in response to a shrinking budget, BLS discontinued collecting annual information on persons holding more than one job.

A recent GAO investigation of the numerous revisions in the gross domestic product [GDP] found no evidence of malfeasance. It did however document the error in this statistic.

The GDP is a summary measure of economic activity. We use it to judge how quickly the economy is growing, and we use it to identify recessions. It is made up of hundreds of other statistics—each an information collection series like the Quarterly Financial Statistics. As the underpinnings of the GDP weaken, the whole structure suffers. As some or all of the numbers that go into the GDP weaken, the GDP gets less accurate. That infrastructure, like the roads and bridges built decades ago, is in need of serious repair. I encourage the administration to look seriously at this in developing the 1995 budget, and I offer to work with them to make this investment happen.

We often hear complaints about the burdens the government places on businesses. The information we collect to monitor our economy is a relatively small part of that burden, but one that produces great benefits. I am pleased to be a part of this reauthorization, and I look forward to working with the administration to strengthen our statistical system.

Mr. President. I ask unanimous consent that the letters on the value of the quarterly financial statistics be included in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BOARD OF GOVERNORS
OF THE FEDERAL RESERVE SYSTEM,
Washington, DC, September 7, 1993.
Hon. JOSEPH I. LIEBERMAN,
Chairman, Subcommittee on Regulation and Government Information, Committee of Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for inviting me to comment on the usefulness of the Quarterly Financial Report (QFR), produced by the Bureau of the Census.

The QFR is used extensively in the Federal Reserve in both data construction, most notably our Flow of Funds Accounts for the United States, and in a broad range of analytical and research activities. For many purposes one needs information on business finances at a disaggregated level—by size of firm, by industry, or on an unconsolidated basis—and the QFR figures are uniquely suited to satisfying those requirements. If anything, it would be desirable to expand the program to include industries other than manufacturing, mining and trade.

In sum, we believe that the failure to reauthorize this program would have a significantly adverse effect on our work, and on that of others inside and outside government.

Sincerely,
ALAN GREENSPAN.

THE DUN & BRADSTREET CORP.,
New York, NY, September 16, 1993.
Senator JOSEPH I. LIEBERMAN,
Chairman, Subcommittee on Regulation and Government Information, U.S. Senate, Committee on Governmental Affairs, Washington, DC.

DEAR SENATOR LIEBERMAN: The Quarterly Financial Report is an important source of basic data for the National Income and Product Accounts published by the Bureau of Economic Analysis of the Department of Commerce. Next week a major review of federal statistics entitled "Statistics for the 21st Century" will be published. This review includes an examination of many aspects of our nation's economic statistics.

As co-author of the study, I strongly recommend reauthorization of the QFR and, in fact, suggest a special effort to improve the series. Failure to reauthorize the series would have a very negative impact on the quality of economic statistics; and as explained in our study, this would lead to risk of serious policy errors. The study specifically recommends:

"The Census Bureau should conduct a comprehensive review of the scope of the Quarterly Financial Report (QFR) in consultation with the Bureau of Economic Analysis to determine where it can feasibly remedy major data gaps in the quarterly estimates of corporate profits. Based on an assessment of the quality of the existing data sources used in estimating corporate profits, the review should include the benefits and costs of (a) expanding coverage to the construction, transportation, utilities, finance, and services industries; and (b) expanding the coverage to unincorporated businesses in those industries where sole proprietorships and partnerships are prominent. If some expansion of the QFR is warranted, research and pilot surveys will be necessary prior to operational surveys. The inclusion of banks in the survey would have to be coordinated with the banking regulatory agencies. The FY 1994 Census Bureau's budget includes a request for funds to add the business services industries (SIC 73) to the QFR. We support the request."

I will send you a copy of our study as soon as it is released by the printer next week.

Sincerely,
JOSEPH W. DUNCAN.

THE CONFERENCE BOARD,
New York, NY, September 16, 1993.
Senator JOSEPH I. LIEBERMAN,
Chairman, Subcommittee on Regulation and Government Information, U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: Thank you for your letter of September 9th regarding the Census Bureau's Quarterly Financial Report (QFR). The QFR is a key component of the national income accounts and the primary source for corporate profits and related corporate financial estimates. Presently, corporate profits levels have to be imputed at the time of the preliminary GDP release and become available only at the time of the first revision. Elimination of the QFR would eliminate the statistical basis for making any corporate profits or related estimate.

You may remember that I testified before the Subcommittee on Regulation and Government Information on the need for updated definitions and more extensive surveys of economic data to reflect the realities of a modern economy. This testimony was part of your review of the so-called "Boskin Initiative" on government statistics. As you are aware, not only was very little in this "Initiative" actually funded, but key statistical surveys like the government finance survey and construction programs were actually cut below current services in recent years. Census is currently on the verge of dropping the quarterly plant and equipment survey which was the subject of my testimony.

These cuts are not only damaging to the ability of the economic and financial community to analyze economic trends but also to the public policy process. The most recent revisions to the national income accounts which were the largest in 20 years, showed significantly higher national income in each of the past three years, in part because of upward revisions in corporate profits. These upward revisions suggest that the size of the QFR sample, which is now only 9,300 companies, needs to be expanded—not reduced or eliminated.

The QFR is one of the more modest reporting burdens on business requiring only a few hours per quarter for most businesses to complete. Indeed, the administrative burdens associated with almost every other major aspect of public policy change is far, far greater and seems never a deterrent to the policy process.

I strongly urge that you work to retain the QFR and congratulate you on your past efforts to support and enhance the economic statistical system. Economic statistics are not only the basis of serious analytical work but driven American attitudes about their own current and future welfare.

Sincerely,
GAIL FOSLER.

DEPARTMENT OF COMMERCE, ECONOMICS AND STATISTICS ADMINISTRATION,
Washington, DC, September 13, 1993.
Hon. JOSEPH I. LIEBERMAN,
Chairman, Subcommittee on Regulation and Government Information, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your recent inquiry concerning the authorization of the *Quarterly Financial Report* (QFR) program in Title 13, the Bureau of Economic Analysis (BEA) strongly supports the proposed legislation that provides the Secretary of Commerce with permanent authority to conduct the QFR program. The proposed legislation would recognize the continuing critical role of the QFR in the U.S. statistical system.

BEA uses information collected on the QFR forms in estimating the domestic corporate profits, taxes, dividends, and mining inventories components of the national income and product accounts (NIPA's). The QFR information is critical to the quality of BEA programs, particularly to the quarterly estimates of the corporate profits component of the gross domestic product. No other source provides quarterly tabulations of a representative sample of mining, manufacturing, and trade corporations—corporations whose profits account for about 55 percent of total domestic profits. Loss of data for this pivotal component of gross domestic product would seriously affect the quality of the NIPA's.

Sincerely yours,
CAROL S. CARSON,
Director.

DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington, DC, September 16, 1993.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Subcommittee on Regulation and Government Information, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am responding to your letter of August 27 in which you requested my views on the value of the Quarterly Financial Statistics program, produced by the Census Bureau, for the programs of the Bureau of Labor Statistics (BLS).

A quick survey of my staff indicated that data from the Quarterly Financial Statistics program are not directly utilized in the production of any BLS statistics. I understand that the Quarterly Financial Statistics are used in the development of some statistical series of the Bureau of Economic Analysis (BEA), but I could not hazard a guess on the impact of elimination of the Quarterly Financial Statistics program on the work of the BEA.

BLS economists and statisticians do regularly use statistics produced by other government agencies to aid in evaluating the relevance and efficiency of data collection efforts by BLS. The Quarterly Financial Statistics program plays a part in measuring the economic performance of U.S. businesses and thus provides background information for our efforts in this area. To illustrate this point, I would like to note that Secretary Reich has emphasized the importance of learning more about employment practices in "high performance" workplaces. The measures of financial performance used in the Quarterly Financial Statistics program may prove useful to BLS analysts in designing new surveys of the workplace which would tell us more about these employment practices. We have just begun to examine this possibility.

I hope these comments will be helpful to your review of the Quarterly Financial Statistics program.

Sincerely yours,
WILLIAM G. BARRON, Jr.,
Deputy Commissioner.

Mr. COCHRAN. Mr. President, as ranking member on the Subcommittee on Regulation and Government Information of the Governmental Affairs Committee, I want to commend Senator LIEBERMAN, who chairs our subcommittee, and his staff for their excellent work on this legislation to reauthorize the Quarterly Financial Report Program.

The information obtained through this program is a key component of several economic indicators, including the gross domestic product and the flow of funds.

I am also advised that the burden on businesses surveyed in the Quarterly Financial Report Program has been reduced, since the program was transferred from the Federal Reserve Board to the Census Bureau in 1983. The sample of smaller companies has been reduced and the questionnaire is now more readable.

Mr. President, I am especially pleased that the bill we are passing today, with the adoption of the Senate amendment, will limit reauthorization of the program to 5 years rather than extend it permanently, as provided in H.R. 2608 passed by the House.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the amendment (No. 942) was agreed to.

The PRESIDING OFFICER. Hearing no objection, the bill will be deemed read a third time and passed, as amended.

So, the bill (H.R. 2608), as amended, was deemed read for a third time and passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote and, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, on behalf of Senator LIEBERMAN, I send to the desk a title amendment.

So the title amendment was amended so as to read:

"An Act to provide for the reauthorization of the collection and publication of quarterly financial statistics by the Secretary of Commerce through fiscal year 1998, and for other purposes.".

ORDER FOR TUESDAY, SEPTEMBER 22, 1993, AT 8:30 P.M. AND ORDERS FOR WEDNESDAY, SEPTEMBER 23, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess until 8:30 p.m. this evening and that when the Senate reconvenes this evening the Senate as a body proceed to the Chamber of the House of Representatives to receive such communication as the President shall be pleased to make at the joint session, that at the close of the joint session the Senate then stand in recess until 8:30 a.m. on Thursday, September 23; and that on Thursday following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes and that the period for morning business be controlled as follows: The time from 8:30 a.m. to 9 a.m. and from 9:30 a.m. to 9:45 a.m. under the control of Senator WALLOP or his designee, that the time from 9 a.m. to 9:30 a.m. and from 9:45 a.m. to 10 a.m. be under the control of Senator DASCHLE or his designee and at 10 a.m. the Senate resume consideration of H.R. 2295, the foreign operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 8:30 P.M.

Mr. MITCHELL. Mr. President, if there be no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate at 7:25 p.m. recessed until 8:31 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mrs. MURRAY].

QUORUM CALL

Mr. SIMON. Madam President, I question the presence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BRYAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES—MESSAGE OF THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–137)

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the Hall of the House of Representatives for the joint session, and upon conclusion of the joint session the Senate will stand in recess until 8:30 a.m. on Thursday, September 23, 1993.

Thereupon, at 8:37 p.m., the Senate, preceded by the Secretary of the Senate, Walter J. Stewart, and the Sergeant at Arms, Martha S. Pope, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States.

(The address by the President of the United States, this day delivered by him to the joint session of the two Houses of Congress, appears in the proceedings of the House of Representatives in today's RECORD.)

RECESS UNTIL 8:30 A.M. THURSDAY

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:07 p.m. the Senate recessed until Thursday, September 23, 1993, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 22, 1993

IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be captain

AHLBERG, STEVEN JAMES
ALEXANDER, RONALD KEITH
ALLEN, LOIS ELIZABETH
ALLEY, JAMES RAY
ANDERSON, DARL RICHARD

ARGALL, CAROLYN LIMPER
AVVEDUTI, JOSEPH PETER, JR
BAGLEY, EDWARD GARLAND, III
BAKER, JOE ALLEN, III
BAKER, RUSH EMMONS, III
BALLARD, WILLIAM GARNET
BARBER, ARTHUR HOUGHTON, III
BARNES, ROBERT CARROLL
BEAL, STEPHEN DENNIS
BENKERT, JOSEPH ALBERT
BERNITT, THOMAS RICHARD
BESANCON, MICHAEL DAVID
BILLMYER, CAROLA ALMA
BILLS, MARTHA RIGBY
BLAKE, WILLIAM ROBERT, JR
BOLAND, JAMES FRANCIS, JR
BOONE, WILLIAM THOMAS
BRAY, JAMES DAVID
BRENNOCK, DANIEL JOSEPH
BROWN, CARRADEAN LYNN
BROWN, LARRY WARREN
BRYANT, FRANKLIN DAVID, JR
BULLARD, DONALD KENNETH
BURY, STEPHEN JOSEPH
BUSH, DANIEL EDWARD
CARMAN, JAMES ALLEN, JR
CARTER, EARL FREDERICK, JR
CARTER, THOMAS BEEMAN, JR
CASSARA, RICHARD JOHN
CASSIDY, PATRICK THOMAS
CHAPMAN, JAMES HASELDEN, JR
CHIAVEROTTI, GARY ROBERT
CLARKSON, DANNY LEROY
COBURN, BRUCE NORMAN, JR
COLEMAN, FRANK STEWART, JR
CONWAY, ROBERT THOMAS, JR
COOK, WILLIAM TERRANCE
COOPER, CHARLES GRAFTON, III
COVERT, HAROLD DUANE
CRANE, LARRY WAYNE
CRAWFORD, BRUCE WAYNE
CRAWFORD, MAY PERRI
CROWELL, PHILIP HOLMES, III
DAHMEN, DAVID ATHERTON
DAILEY, JOHN COUGHLAN
DAILEY, JOHN LAWRENCE, JR
DANKS, PAUL DOUGLAS
DAVIS, STEVEN EARL
DAWSON, JEAN ANNE
DENNY, PATRICK LEO
DESTAFNEY, JAMES JOSEPH, JR
DEULLEY, GARY WAYNE
DICK, RICHARD L
DODGE, KATHLEEN VIRGINIA WOLFE
DONAHUE, CONRAD JAMES, JR
DUDASH, TERRENCE MARK
DULL, TIMOTHY JEFFERSON
DUNAWAY, WILLIAM MICHAEL
DUNN, WILLIAM HOWARD
DURFEE, DAVID WEBSTER
ELAM, HARRY BAILEY
ENRIGHT, THOMAS FRANCIS
ESPINOSA, WILLIAM MICHAEL
EVANS, BILLIEANN
FEEKS, THOMAS MICHAEL
FERGUSON, JERRY FRANCIS
FERRITER, EDWARD CHADWICK
FISHBURNE, LILLIAN ELAINE
FISHER, RORY HILTON
FLEMING, JOHN LEROY
FORD, ROBERT DALE
FORD, THOM WOODWARD
GALLAGHER, THOMAS PAUL, III
GANGEWERE, ROBERT RUSSELL, JR
GAY, FREDERICK SYDNEY, JR
GERSHON, JOSEPH STEPHEN
GIBSON, DEANE KIMBLETON
GIBSON, ROBERT JOHN
GLOVER, GREY ALLEN
GOLDBERG, MARC DAVID
GOLDEN, KENNETH EUGENE
GORMAN, JOHN PAUL
GREEN, CONSUELLA
GREENAWALT, STANTON CHARLES
GREENERT, JONATHAN WILLIAM
GREGOR, JOHN BRADLEY
GUEST, FRANK BENJAMIN, III
HAGGART, JAMES ALAN
HALE, CHRISTOPHER DYER
HARRIS, RUSSELL ERIC
HARTLING, ROBERT MICHAEL
HARVEY, JOHN COLLINS, JR
HENDRICKSON, SCOTT LARS
HILLEY, HOWARD STEVENS, III
HLAVKA, STANFORD HAROLD
HOLMES, MICHAEL LYNN
HUGHES, LOUIS ALLAN
HUIATT, PATRICIA GRIFFIN
HUTCHISON, JEFFREY ALEXANDER
HUTTON, LINDA VAUGHT
INGRAM, ALFRED LOVERED VERNON
INGRAM, STEVEN RODNEY
JAMES, BRENT SNYDER
JAMES, ROBERT BOE
JOHNSON, JACOB LEE, JR
KANE, JAMES CHRISTOPHER
KEANE, JOSEPH PATRICK, JR
KEEPPER, ROBERT HAROLD
KEHO, JEFFREY DONALD
KELLY, JAMES DEAN
KILCLINE, THOMAS JOHN, JR
KLINGSEIS, FRANCIS JOSEPH
KOCH, DANA SUSAN
KORDIS, WILLIAM STEPHEN
KOVACH, GEORGE EUGENE
KRAJNIK, JOSEPH SCOTT
KUNKLE, STEVEN ALAN
KYLE, THOMAS GEORGE
LABRECQUE, TERENCE PAUL
LAEDLEIN, PAUL ARTHUR
LANDERS, PAUL KENNEDY
LANNING, ROGER BRIAN
LARAWAY, RITA ANN
LARIMER, STEPHEN WALKER
LARSON, LARRY EDWARD
LEE, RICHARD PATRICK
LINDNER, CARL MAX, III
LOCHAUSEN, VERNON C
LOREN, DONALD PATRICK
MACKINNON, DAVID ROBERT
MADISON, PATRICK TIMOTHY
MARINER, ROSEMARY BRYANT
MARSH, WILLIE CLYDE
MARSHALL, DAVID WARREN
MARVIN, GEORGE ROWE
MARZLUFF, PETER WADE
MASLOWSKY, ROBERT DAVID
MCCULLOUGH, BERNARD JOSEPH, II
MCDONALD, HARVEY BLAYLOCK
MCNALLY, WILLIAM JOHN
MEIER, DAVID KIRK
MERICLE, DAVID DEAN
MEYER, ETHEL
MEYER, MARY JAYNE
MEYER, TIMOTHY HUGH
MILLER, JOHN RICHARD
MILLER, MICHAEL JAMES
MOCINI, VINCENT PETER
MOORE, PAUL ANDREW, JR
MORRIS, PRIMA AMELIA ESCALON
MOSEMAN, JAMES AUGUST
MOSS, BRIAN WILLIAM
MURRAY, BILLY DENNIS
NEFF, JAMES RICHARD
NESTLERODE, ROBERT NORMAN
NEWMAN, MARLENE ANN
NEWTON, DANNY RAY
NICHOLS, STEVEN RAY
NORTON, DONALD GORDON
ODEA, JANE SKILES
OLSON, ERIC THOR
ONEIL, PATRICK DAVID
ORCHARD, RRED GREGG
PLOEGER, DAVID CHARLES
POWELL, JAMES RICHARD
POWERS, GLENN CURTIS
QUICK, GARY WAYNE
QUINN, JAMES JOSEPH
RADER, MICHAEL THOMAS
RANDALL, DONALD WILLIAM
REESE, RAOUL BURYLE
RENNINGER, JAMES BRUCE
REPSHOLDT, KAI THORVALD
RIGAS, TRIFON
ROBB, RANDOLPH ROLAND
ROGERS, THOMAS FOSTER
ROLLINS, BRYAN LEE
ROSS, THOMAS JOSEPH
RUEHE, FREDERIC RICHARD
RUSSELL, THOMAS BECKWITH, III
SATTERWHITE, BERNARD MASON J
SAUNDERS, ALEXANDER R., II
SCALA, PETER ANTHONY
SCHAEFFER, GEORGE, III
SCHWARTZEL, JOSEPH HENRY
SESTAK, JOSEPH AMBROSE, JR
SHAW, CLAUDE B
SHEPHERD, WILLIAM STINSON
SHEPPARD, WILLIAM LESTER, JR
SIMPSON, MICHAEL DOYLE
SKOWRONEK, LESLIE JEANNE
SLAVEN, GEORGE EDWARD, JR
SMANIA, DAVID JOHN
SMITH, ROBERT DALE
SPEARMAN, WALTER CUTHBERTSON
SPISHOCK, PATRICIA MARY
STARLING, HAROLD DENBY, II
STEUER, DONALD FRANCIS, JR
STEVENSON, JOHN RAYMOND, JR
STONE, DAVID MALCOLM
STONE, JEFFERY MORRIS
SUDKAMP, STEPHEN DONALD
SUMMERALL, DANIEL BUSH
TALLENT, HAMLIN BRUCE
TARBOX, JUDITH ANN
TAYLOR, LINDA S
TERPSTRA, RICHARD PAUL
THIGPEN, DAN IRVIN
THOMPSON, THOMAS ALLEN
TILTON, TERRY WARREN
TOALSON, VANCE LEE
TOMS, TERRY JACK
TYSON, WILLIAM JEANES, III
UNGVARSKY, WILLIAM JOSEPH
VANBELLE, BRUCE THOMAS
VILLARREAL, JOHN MARK
VINING, PIERRE GRIGSBY
VIRGILIO, RICHARD LOUIS
VUGTEVEEN, DANA LYLE
WACHENDORF, MILES BENTON
WAICKWICZ, JOHN JAMES
WALLACE, EDWARD CHARLES
WARD, GLENN HOWARD
WATTS, ROBERT DARRYL
WEBB, T LADSON, JR
WEBER, JOEL NATHAN
WEIDEMAN, CRAIG FRANCIS
WESSMAN, LYNN GAMMON
WHEELER, CHRISTOPHER EVERETT
WHITE, CARROLL LEROY
WHITMIRE, ROBERT DONALD
WILLIAMS, ROBBIE LYN
WILLMANN, DAVID WILLIAM
WILSON, CRAIG WILLARD
WILSON, EUGENE KENNON, JR
WOERMAN, WILLIAM JOSEPH, II
WOMACK, STEPHEN LEE
WORD, FRANK BROWN
WRIGHT, DAVID KEITH
WUETHRICH, CHRIS ALLEN
WYNKOOP, PETER
YARBOROUGH, JOSEPH EARL, JR
YORK, JAMES KENT
ZELIBOR, THOMAS E.
ZORTMAN, JAMES MILTON.

ENGINEERING DUTY OFFICERS

To be captain

BALLARD, JAMES CLAUDE, III
BISCEGLIA, STEPHEN VINCENT
BRUNER, TODD THORNTON WHITNE
ERMAN, REGINALD JOSEPH, JR
EVANS, WILLIAM GAYLORD
FREUND, BRUCE RICHARD
GOLDSBY, RICHARD EARL
HENNING, PETER JOHN
HOLLIS, STEPHEN JOE
JORGENSEN, PAUL C
LEARY, JAMES MARCELLUS
MCCORD, RAYMOND SCOT
MOSS, CHARLES MICHAEL
NEWTON, WAYNE JOSEPH
PUTNAM, GREER REED
RUCKER, HARRY JOSEPH
RUSSELL, WILLIAM DAVID
SCHEIB, TIMOTHY EDWARD
STILLWELL, JOHN WAYNE
TUDDENHAM, READ STAPLEY
WILLIAMS, VERNON THOMAS.

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be captain

BATOG, JOHN STANLEY
BEACH, EDWIN FRANKLIN
BROWN, FRANK HYATT
BUCKLEY, BRUCE WILLIAM
ENEWOLD, STEVEN LEE
FISHER, RAND HILTON
HENRY, DOUGLAS GORDON
HILL, WILLIAM JOHN
KNOLHOFF, LARRY EDWARD
ROGERS, MATTHEW JOSEPH
YERKES, WILLIAM MARK, JR.

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be captain

BACHMAN, MICHAEL CHARLES
STAHLER, WILLIAM DONALD
TRAYNER, RICHARD ELWOOD
WALSH, DANIEL PATRICK
WATRY, COLEEN ANN.

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be captain

DALY, JOSEPH THOMAS, III
HARDAWAY, JAMES HALLOWELL
HOULE, NORMAND ARTHUR
SARE, MICHAEL JOSEPH
TAMBURELLO, CHARLES.

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be captain

ALLISON, JOHN SIMMONS, JR
CARRINGTON, DAVID RICHARD
CHAMBERS, REGAN SCOTT
DARRAH, JOAN ELLEN
DUGGAN, MICHAEL JOHN
HUBBARD, ROBERT LEROY
KEY, WILLIAM TIGNER
KIRKPATRICK, JAMES REID
LEVITRE, ROSANNE MARIE
LEWIS, PAUL SCOTT
OLSEN, ALFRED JAMES
ROBINSON, EVAN DAHLSTROM
SIMERAL, ROBERT LEE
WATSON, JOSEPH ADRIAN
ZIEGLER, HOWELL CONWAY.

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be captain

BURNETTE, DEBORAH ANN
CONNOR, CHARLES DEAN, JR.

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be captain

ALDINGER, WILLIAM TYSON, JR
ETRO, JAMES FRANCIS
JOHNSON, WILLIAM FAWVER
SCHNOOR, ROBERT TIMOTHY
SMITH, BRADLEY PHILLIP
WHITFORD, DENNIS JAMES.

LIMITED DUTY OFFICERS (LINE)

To be captain

ALLEN, CHARLES EDWARD
ANDERSON, EDWARD WILLIAM
BASSETT, WILLIAM THOMAS
BECK, WAYNE ARTHUR
BROWN, LEROY ALLEN
CALHOUN, JIMMY ROYCE
DENEEN, BRIAN MICHAEL
EARNEST, WILLIAM GROVER
GRACIA, JAVIER
GUSTIN, BRUCE ALBERT, III
SHEEHAN, LEROY EDMUND
SIDES, JOHN ELVIN
SPANGLER, RALPH GRAHAM
STOLARZ, ROBERT MICHAEL.

THE FOLLOWING-NAMED COMMANDERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be captain

ADKISSON, GREGORY HUGH
ALEXANDER, CHARLOTTE E.
ANDRUS, CHRISTINE MILLE
BARRETT TERRY LEE
BOHNKER, BRUCE K.
BOSTON, EDWARD G.
BOTHWELL, LINDA HARRIET
BRICE, DAVID ALAN
BROOKS, DANIEL A.
BROWN, JAMES A.
BURGER, GERALD ARTHUR J.
CANNON, BRUCE WAYNE
CAREY, BENJAMIN ARTHUR
CORBETT, PAUL B.
DEAFENBAUGH, MARTIN KEI
DEAKINS, DENNIS EUGENE
DUKE, MARK STANFIELD
EATON, PETER WESLEY
EDMONDSON, JOHN S.
FISCHER, KATHLEEN F.
FLOYD, CHARLES
FORD, ROBERT E.
FRALEY, JOHN EVERETT
FREER, DOUGLAS HALL
GANTT, ROBERT MARION
GARST, PAUL DIMITRE
GIBBIN, CANDACE LYNN
GOFF, WALTER BOHMAN, II
GULLICKSON, GAIL M.
HALL, LEE D.
HANSEN, MARK KROGNESS
HARGRAVES, RONALD W.
HINKSON, MONTGOMERY
HUTCHISON, JANE WHITE
HYAMS, KENNETH CRAIG
IIAMS, GORDON JOHN
JENSEN, DONALD WILLIAM
JOHANEK, MICHAEL FREEMA
JONES, WARREN ALLEN
KROOK, LINDA SUSAN
LASKIN, WILLIAM BRADLYN
LEES, JOEL
LOPEZ, VIRGILIO DIZON
MAGUIRE, FRANKE E., JR
MALONE, JOHN D.
MASON, JON DONAVON
MCCOID, GERALD RAY
MCHUGH, JOHN JOSEPH
MILLS, LELAND DAVID
MITHELL, BENJAMIN SANF
MONTGOMERY, JAY R.
MOORE, GREGORY LYNN
MULGONG, ESTELITA T.
MURRAY, JOHN WILIAM
MURRAY, KEVIN M.
NAGEL, JOHN ROBERT
NOWLAN, GUY JEAN
OPFER, WALTER D.
PIECH, RICHARD FRANK
ROMANO, GEORGE CARMINE
SAINTEN, CARL B.
SCHACHERER, TIMONTHY G.
SIMPSON, CHARLES EUGENE
SKELTON, HENRY GRADY, II
SLADEK, GARY G.
SMITH, DAVID LAWRENCE
SMITH, JACK W.
STANDRE, KENNETH ALLEN
TALLEY, JAMES D.
TRUMP, DAVID H.
VALDEZ, MICHAEL R.
WAACK, MATTHEW W.
WAND, KEVIN TIMOTHY
ZAJDOWICZ, MARGAN MAMIE

SUPPLY CORPS OFFICERS

To be captain

ANDERSON, PETER KING
BIRD, LINDA JEANNE
BRANIFF, GREGORY JAMES
BRISTOW, JAMES STEVEN
BRISTOW, WILLIAM DAVIS
CORNELY, EDWARD PHILLIP
DELORENZO, JAMES MARC
EBERLY, DAVID ARTHUR
GORMLY, RICHARD BENTON
GUESS, HARRY SAMUEL, JR
HALL, KENNARD RAY
HUDOCK, MICHAEL DAVID
JAGGARD, MICHAEL FRANCIS
KALAS, MICHAEL ROBERT
LILIEBERG, CARL JOHN, III
MAAS, STEVEN WELLS
MCCLURG, JAMES RANDALL
MERRILL, KENNETH JAMES, III
MITCHELL, MARK LEONARD
NOBLE, GEOFFREY THOMAS
POPP, RONNALD GORDON
PROCTOR, LEONARD LEWIS
RANNENBERG, JOHN ELLIOTT
SANDERS, ROBERT EDINBURGH
SULLIVAN, NICHOLAS MARTIN

VANHOUWELING, GERARD ANTHONY
WAGNER, JEFFREY QUIGG
WESTIN, MARK DAVID

CHAPLAIN CORPS OFFICERS

To be captain

BEBEE, ROY L.
BLACK, BARRY CLAYTON
BLANCETT, E.F.
BUMBRY, WAYNE KEITH
CAPPAR, JOSEPH CLAUDE, JR
DILLION, WILLIAM P., JR
ESTABROOK, JOSEPH WALTER
GATES, RICHARD RALPH
LINZEY, GEORGE WILLIAM
MADDEN, JOHN RONALD
MALENE, ROBERT MICHAEL
MAY, CHARLES HENRY
NICKOLS, JAMES P.
PHILLIPS, ROBERT JOSEPH
YOUNG, DAVID RALPH

CIVIL ENGINEER CORPS OFFICERS

To be captain

BLANTON, GUY IVAN, JR
DAILIDE, EDUARD ARAS
FOGARTY, WILLIAM PATRICK
HAMBROCK, DANIEL LEE
JOHNSON, RALPH FLOYD
KORNEGAY, EDWARD LOUIS
KRAAI, BERNARD WILLARD, JR
KUBIC, CHARLES RICHARD
LEWIS, WILLIAM H., III
RICCIO, JOSEPH GEORGE A., JR
RITCHIE, ANDREW SCOTT
SAUNDERS, PETER DAVID
SMITH, GLENN RICHARD
STRYKER, HARRY FORD

DENTAL CORPS OFFICERS

To be captain

ALDRICH, DAVID A.
ALLEMANG, JOHN D., JR
ASSAD, DANIEL A.
BENNETT, GERALD E.
BURTON, RICHARD GEORGE
CERTOSIMO, ALFRED JOSEPH
CHRISTIAN, LESLIE ALLEN
GRAEF, TODD RICHARD
HATCH, CRAIG L.
HILGEMAN, JAMES LEANDER
HORNING, GREGORY M.
HULL, GEORGE R.
JOHNSON, MARK PAUL
JONES, GORDON K.
KUZMA, DAVID J.
MARINAK, KENNETH W.
MCDONALD, WILLIAM H.
MEIERS, JONATHAN C.
MERRIFIELD, RICHARD PAU
MORGAN, WILLIAM C., JR
MUCCI, PAUL C.
PARKER, WILLIAM B.
PAULIN, WILLIAM BRYANT
REED, LON NATHANIEL, III
RIDING, ROBERT H., JR
ROBINSON, BOYD E.
SMITH, LANGSTON DELANO
TAYLOR, PATRICK ERIC
TOTH, RICHARD W.
TYLER, MICHAEL W.
WEISNER, JOHN TURNER
WILHELM, MILES LEO
YORTY, JACK SCOTT

MEDICAL SERVICE CORPS OFFICERS

To be captain

ADKISON, JERRY BLAKE
AGENT, SELWYN KEITH
BLACK, RONALD WAYNE
BREEDEN, GARY CLINTON
KEARSLEY, ERIC EDWARD
KNOX, WILLIAM W.
LISSNER, CHRISTOPHER RO
MOORHEAD, CHARLES EMIL
MOUNTZ, THOMAS CECIL, JR
MOYNIHAN, MARGARET E.
OTLOWSKI, RICHARD
RUTHERFORD, BRUCE DOUGL
SCHNABLE, ROBERT MICHAE
SHANNON, PATRICK ALLEN
SMITH, EDWARD LEE
TAYLOR, MICHAEL AUSTELL
WHEELER, DAVID LEO
ZARKOWSKY, JOHN DAVID

NURSE CORPS OFFICERS

To be captain

BEESON, VIRGINIA REED
BOLD, JOAN ANN
CURLEE, CANDACE
DAY, MARILYN ANITA
DESAVORGNANI, ADRIANE A.
HILL, RUTH KIMBERLY
HUBER, JOAN MARIE
HUGHESREASE, MARSHA LYN
JOHNSTON, CHARLENE RYCH
MAPES, SIGRUN MARIANNE
MARTIN, KATHLEEN LOUSCH
MICHAEL, DOROTHY ANN
MORAN, JANICE WEAVER
PHILLIPS, DONALD W., JR
ROBSON, JOHN EDWARD
RUSCHMEIER, ELIZABETH M.
SULLIVAN, DENNIS JAMES
TEMPLETON, ALMA NANCY
ZABEL, NANCY DIANE

LIMITED DUTY OFFICERS (STAFF)

To be captain

CURRY, DENNIS SAMUEL

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be commander

ADAMSON, DAVE RAY
ALBANO, TONY LEE
ALBERTSON, GEORGE SCOTT
ALGERT, DAVID CHRISTIAN
ASH, WILLIAM EDWARD
AVILA, NANCY LYNN
BAKER, WILLIAM KEITH
BALDWIN, CLIFTON VERN
BALZER, GREGG ALLEN
BARCUS, RICHARD SCOTT
BARTCH, DIANNE ELIZABETH
BEATTIE, ROBERT LEE
BELSER, RITCHIE HUGH, III
BENHAM, TIMOTHY LANE
BERGJOHNSEN, JON F.
BERNARD, MICHAEL H.
BERRY, RALPH MICHAEL
BINNIE, WILLIAM BRIAN
BOBBITT, RICHARD BRIEN
BOND, PAULA HUBBARD
BOND, WILLIAM GEORGE
BORGER, WILLIAM H.
BORIK, FRANCIS CHRISTOPHER
BRANNON, MICHAEL WILLIAM
BROSKIKONCZEY, CAROLINE FRAN
BROWN, JOHN ALPHUS, JR.
BROWNE, BRUCE CLEMENT
BUNCE, THOMAS WILLIAM
BURGUNDER, MARK GERARD
BURKE, FRANCIS J.
BUTLER, SANDRA MARIE
BUZBY, MARK HOWARD
CAPS, JOHN CHRISTOPHER
CAREY, KEVIN MICHAEL
CARPENTER, VALERIE ELIZABETH
CARSON, ELLEN K. STIFFLER
CASEY, JAMES JOSEPH
CASEY, MICHAEL SCOTT
CASH, JAMES EARL
CASON, RANDY ALBERT
CHACE, CHRISTOPHER BRUCE
CHADEAYNE, DONALD JAMES
CHAPMAN, KENNETH JOHN, JR.
CHRISTENSON, JON RICHARD
CHURCH, MARTIN EDMOND
CLOYD, JAMES D.
COFFMAN, HOMER JAY
COLGARY, JAMES JOHN
COMBS, BILLY GLENN
CONCANNON, TONYA JO
COOPER, GARRAT EMMANUEL
COX, JAMES COOPER
COX, RONALD RICHARD
CRAYTON, MARK NMN
CRUM, MICHAEL JAMES
CULLOM, PHILIP HART
CURRY, MERL PAUL
CUSH, TERRANCE ALBERT
DAILL, KURT FRANKLIN
DALLAIRE, STEVEN MICHAEL
DALY, JOHN JOSEPH
DANIEL, EDDIE WHITFIELD
DANIELS, DIANNE LOUISE
DANLEY, MARK STEWART
DAVENPORT, WILLIAM J., JR
DAVIDOVICH, MAUREEN ELIZABET
DAVIDSON, JERRY SCOTT
DAVIS, MICHAEL D.
DAVISON, TIMOTHY LEE
DESIMONE, JAMES VINCENT A.
DIERS, VALOR NICKOLS
DIGGS, DONALD G.
DILLARD, JAMES LOUIS
DIPAOLA, PATRICK SAMUEL
DIXON, CHARLES B.
DOMINICK, JAMES STEWART
DREON, JOHN WILLIAM, JR
DRISCOLL, PATRICK
DRURY, KIM MARIE
DUBUQUE, DRU MCELROY
DURAN, ERNESTINE HENRY
DURHAM, RICHARD WADE
DZIELSKI, ANTHONY JOHN
EDWARDS, WILLIAM JAMES
ENDACOTT, DANA DOTTEN
ERICSON, JOHN RAYMOND
ERSKINE, DONALD KIM
EVANS, RONALD RICHARD
FAASSE, DAVID WILLIAM
FARSON, DANIEL PAUL
FISH, JONATHAN DEXTER
FITZPATRICK, R.D.
FLANDERSWURZEL, MOIRA NOREEN
FLORES, THEODORA HELENA
FOSSEEN, WILLIAM CONRAD
FREMONT, DOUGLAS
FRENCH, WILLIAM DOUGLAS
FULLER, ROBERT B.
GABRIELE, STEPHEN G.
GADALETA, ANTHONY M.
GALLAGHER, MICHAEL JAMES
GALVIN, BEULAH CLARE
GEDBAW, MARTHA HELEN
GEER, DAVID CALVIN
GERNAND, JOHN CHARLES
GIARDINA, TIMOTHY M.
GIGLIOTTI, JAMES
GILCHRIST, JOHN PORTER, III
GNASSI, STEVEN DONALD
GORIE, DOMINIC L.
GRANT, STEVEN DOUGLAS
GRAVEEN, JOHN W.
GRAY, WALTER S.
GREENE, JAMES KENT
GRIFFITH, RAYMOND
GRIFFITH, THEODORE PAUL
HAMPTON, GARY WAYNE
HANOLD, GREGG THOMAS
HARKINS, ROY H.
HARRIS, WILLIAM FREDERICK, JR
HARRISS, JOSEPH CHRISTOPHER
HART, LOREN JOSEPH
HAWKINS, ERNEST LEE
HELBLING, TIMOTHY JAMES
HELLE, DEBRA KAYE
HIBBARD, RUSTIE LEE
HICKS, JAMES MARR
HILEMAN, KENNETH L.
HILLAN, JAMES B.
HINES, NELSON RAY
HOBBS, KATHRYN MICHELLE
HOHL, THOMAS KENT
HOKER, WILLIAM PATRICK
HOLZINGER, DEBORAH BRASHIER
HORTON, THOMAS JOHN
HOUCK, KENNETH THEODORE
HUGHEN, WILLIAM GREGORY
HYDE, JERRY LYNN, JR
IFILL, VINCENT STCLAIR
INBODY, DONALD STEPHEN
INMAN, JOHN ELDON
JACKSON, BERNARD LLOYD
JACKSON, DAVID M.
JACKSON, LEON, JR
JAMES, MICHAEL LEE
JARDOT, DAVID EDWARD
JERABEK, DAVID J.
JOHANNES, JOSEPH E., JR
JOHNSON, DAVID CHARLES
JOHNSON, EDWARD ALLEN, JR
JOHNSON, EDWARD JAMES, JR
JOYCE, THOMAS MICHAEL
JUNE, CARL MICHAEL
KASLER, JAMES FREDERICK
KASSILKE, DONALD JEFFREY
KAST, PAUL ANTON
KELLER, RUSSEL C.
KENNEDY, MICHAEL ANTHONY
KILIAN, FREDERICK JOSEPH
KIMBALL, WILLIAM HUNTE
KIMBERLAIN, DANNY ROGER, JR
KING, TRAVIS LEE JR
KIRK, KRISTOPHER D.
KIYOHARA, DEAN MASUMI
KLEPPER, TOMMY DAVID
KLINE, JEFFREY EUGENE
KOENIG, JOHN CHARLES
KOLESNIKOFF, KARL EDWARD
KONECNY, ANTHONY D.
KREMER, STEVEN R.
KRUMEL, GLENN L.
KUNERT, JOHN A.
LANG, ALBERT GEORGE, JR
LARYS, ROBERT P.
LAWS, RANDALL JOHN
LEEDS, ROBERT GEORGE
LEEKER, RICHARD EUGENE JR
LEONARD, SHARON MAE
LINDSTROM, TIMOTHY EDWARD
LIVINGSTON, DIANE ELIZABETH
LOCKLEY, WAYNE TERRENCE
LOFINK, DIANE LEAH HRACHOVEC
LOUGHERY, JO ANNE
LUCARELLI, MICHAEL CHARLES
LUCE, STEVEN EUGENE
LUECK, DALE KEITH
LYNCH, RICHARD NORRIS
MACDOWELL, KENNETH
MACHIN, MARK ABBOTT
MAHAR, JEROME DANIEL
MARMANN, BARBARA ANNE
MARRIOTT, WILLIAM PETER, II
MARSHALL, PAMELA ANN
MATHISON, KEVIN BOURNE
MAYNARD, JAMES STEPHEN
MCCAFFREY, GEORGE ANTHONY
MCCANDLESS, WILLIAM BRUCE
MCCARTHY, THERESA ILENE
MCCARTHY, THOMAS RICHARD
MCCHESNEY, ROBERT NEWMAN, JR
MCCLAIN, DOUGLAS LEE
MCCOMAS, LESA ALEXANDER
MCGEE, WILLIAM STEPHEN
MCKINSTER, STEPHEN WARD
MCCLAIN, WILLIAM E.
MCNAMARA, JOSEPH KEVIN
MCNAMEE, EDWARD PATRICK, III
MCWITHEY, JERRY LEE
MILLAR, DOUGLAS LEE
MILLER, GUY KIM
MILLER, JAMES D.
MILLER, RUBY LYNETTE
MOON, DAVID BRIAN
MOORE, LESTER LARUE, JR
MOORE, ROBERT MILES
MOSTERT, JUSTIN RAYMOND
MOULDER, PAMELA ANN
MULCARE, TIMOTHY M.
MULLOY, JOSEPH P.
MURRAY, MARGARET MARY
NELLER, MICHAEL E.
NIEDERHAUSER, GLEN ALAN
NINER, FRANCIS J.
NOLAN, RICHARD JAMES, JR
NOLTE, PAUL STUART
NORMAND, MITCHELL W., JR
NORTH, LOIS ARTHUR, JR
OBRIEN, EDWARD V.
OBRIEN, EUGENE T.
OLSEN, WILLIAM ARTHUR
OLSON, PETER JOHN
OMORI, FRANCIS
OREM, JOHN HOWARD
OSMAN, CATHERINE HOWES
OTT, TIMOTHY MARK
PARADISE, SETH FOSS
PARKER, GREGORY S.
PASKO, JOHN A.
PATTON, WILLIAM ANTHONY
PEARSALL, CHARLES JUDD, III
PEDERSEN, JOHN BARRY
PENNIMAN, RUSSELL SYLVANUS
PHELAN, THOMAS P.
PIERSON, MARK ALAN
POMPIER, PAUL MAURICE
PONSOLLE, GEORGE LEOPOLD, JR.
PORTER, WILLIAM LUTHER
PRINDLE, BRIAN CHARLES
PROTHERO, DAVID WILLIAM
PRUITT, JOHN MONTEZE, JR.
QUIGLEY JOHN VICENT
QUIGLEY, MILES CHARLES, III
QUINN, DONALD P.
RABENS, MICHAEL VANCE
RADLOFF, ROBERT WAYNE
RAFFERTY, ELAINE RHOADES
RAMIREZ, RICHARD PAUL
RANEY, CHRISTOPHER W.P.
RATTE, JAMES E., JR.
RAY, TERESA LYNN
REICHL, JOHN R.
RICE, RANDY CLYDE
RICHARDSON, DAVID JOHN
RINER, FRANK GEORGE
ROBERTS, JOHN WILLIAM
ROMINGER, KENT VERNON
ROOT, DONALD L.
ROSE, ROGER MARTIN
ROSE, WILLIAM SCOTT
ROSS, STEPHEN SCOTT
ROSS, STEVEN H.
RUSSELL, TODD WALTER
RUSTCHAK, JANET SUZANNE
RUTHERFORD, ROBERT HART
RYAN, JAMES ROGER
RYSTROM, JON ALVIN
SANDO, JEAN MARIE
SEAMAN, MARK D.
SEBASTIAN, JAMES RANDAL
SEGLEM, MARK KEVIN
SEIGEL, STEVEN BRIAN
SELDEN, JOHN KITRIDGE
SELEKMAN, ROBERT JAMES
SHAFFER, PAUL THOMAS
SHANAGHAN, KERRY MICHAEL
SHERMAN, JEFFERSON W.
SHIKADA, DAVID SADAO
SHIPLEY, MITCHELL N.
SHRADER, LEE THEODORE
SKOGSTAD, BRITT C.
SMITH, ROBERT MICHAEL
SMITH, STEVEN LYNEL
SNELL, RAY L.
SOTOMAYOR, CARLOS ALFREDO
SPAIN, DAVID L.
SPICER, RAYMOND ALEXANDER
SPILLANE, ROBERTA
STAMBAUGH, JOHN ALAN
STANLEY, SHARON ANN
STEEN, SUZANNE CLARICE
STEINER, SUZANNE LYNNE
STONE, HOWARD LYONS, III
STRAUSSER, STEVEN RICHARD
SUMNER, JAMES FREDERICK, III
SUSALLA, MICHAEL PAUL
SWAUGER, ERNEST VANCE, JR.
SZOSTAK, MICHAEL JAMES
TALLANT, SHAWN R.
TALON, JAMES DAY
TANDY, CY SPICER
TAYLOR, RICHARD ROY
TEMPESTILLI, MARK
THUMA, CHARLES FREDERICK, JR.
TOLIS, SPENCER P.
TOTI, WILLIAM J.
TRAIL, KEVIN F.
TRONGALE, NICHOLAS ALBERT
TROST, HOWARD FRANK
TRUKKEN, SUSAN JANE
TUNGETT, DAVID WAYNE
TUNSTALLCALABRESE, THERESA L.
UHRICH, KEVIN KARL
URRUTIA, ALEXANDER L.
VALENTINE, WILLIAM DAWSON, JR.
VANBUSKIRK, LAURIE JEAN
VANBUSKIRK SCOTT R.
VOETSCH, STEPHEN STOCKTON
VOORHIES, GERALD JASON
WAGNER, MICHAEL EDWARD
WALKER, CONSTANCE ANN
WARD, ROBERT ORVILLE
WASYLKIW, THEODORE JOSEPH
WEBER, CLIFFORD DEAN
WEIGEL, ALAN MARK
WELCH, THADDEUS BAYNARD, III
WEST, RICHARD C.
WETHERALD, THOMAS STANLEY
WICKER, RICHARD FENTON, III
WILBURN, JADE BRYANT
WILLIAMS, THOMAS ROBERT
WILLIS, DAVID LEE
WILSON, ARTHUR DEAN
WILSON, DWIGHT E.
WOLTER, THOMAS MICHAEL
WOMBLE, THURSTON
WOOTTEN, MARK ALLAN
WRIGHT, CHARLES ROBERT
YARBRO, JOHN FRANK, JR.
YEAGER, WILLIAM E.
YOCUM, RICHARD A.
YOUNG, CHARLES MERRITT, III
YOUNG, JEFFREY CHARLES
YOUNG, RANDOLPH KYLE
YOUNG, ROBERT ALLEN
ZACK, RAYMOND ANDREW
ZAPERACH, RONALD WAYNE

ENGINEERING DUTY OFFICERS

To be commander

BERTHOLD, DUDLEY BRYANT
BROTHERS, DANIEL GLENWOOD
CRAMP, BERNARD J.
DELPERO, PHILIP MARIO
DURAKO, PATRICIA ANN
FOLEY, JAMES K.
HIDDEMEN, ROBIN LEE
HUME, LARRY JOE
INGRAM, JOHN DAVID, JR.
LAUFENBERG, ROBERT S.
LIENARD, DAVID EDWARD
LYLES, KEITH ORAN

MALUSH, RUDOLPH E.
MCCARTHY, WILLIAM FRANCIS
METCALF, SHERMAN GENE
METTE, JAMES A., JR.
POOLE, WILLIAM M.
PRUITT, HENRY L.
ROGER, JAMES EVERETT
SAPONE, DAVID THOMAS
SMITH, JAMES DEVINE, II
THROWERLESESNE, PAMELA EULA
WALKER, ROBERT AMOS
WEISSKOPF, MICHAEL KEVIN
WILLIS, PAUL A.

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be commander

BRUCE, SCOTT A.
BUCKLEY, ROBERT LEE
FOREMAN, MICAHEL JAMES
GRAHAM, ROBERT GORDON
LEVOCI, PETER A.
LOYER, JOHN R.
MELDRUM, ANDREW GRAHAM
MORONEY, DAVID T.
NARVESON, MARSHALL LEE
PIROZZI, PHILIP C.
STORCH, MARK GERALD
TRAINER, WILLIAM TIMOTHY
WELCH, WILLIAM J.
WILLIAMSON, MICHAEL LARRY
WOOTEN, DAVID CHARLES

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be commander

ALSTON, THOMAS PORTER
BECK, DAVID JOHN
BYRNE, VANESSA JANE
CHASE, JOHN HALL, JR.
CODE, CHARLIE C., JR.
DORGAN, MARTHA JO
GRAESER, KENNETH SCOTT
KARR, MARK EVAN
LOZANO, CARLOS
MACDONALD, STEPHEN JOSEPH
MEREDITH, MARK STANLEY
SCHLABAUGH, LARRY GLEN
TOPOLOSKY, JOHN JOSEPH
TYRPAK, JAMES NMN
WERNZ, GLENN ALLAN

AVIATION DUTY OFFICERS

To be commander

BRIDGES, STEPHEN DANIEL
SILVERMAN, DAVID B.

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be commander

DEETS, EDWARD H., III
DELOREY, RICHARD L.
HAGGARD, TERRY WAYNE
HARDING, SUSAN KAYE
HARRIS, BASIL N.
HERLIHY, THOMAS PHILIP
KELLY, KEVIN MICHAEL
LANGE, MICHAEL PRESCOTT
LIBBY, SUSAN MARGARET
LUDWIG, KEITH WILLIAM
MACDOUGALL, DAVID RUSSELL
ROHDE, WILLIAM ELWIN
SCOTT, GEORGE ROBERT
SMIETANA, STEPHEN THOMAS

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be commander

ANDERSON, STEVEN PAUL
BOGGS, ANN MUMMA
BRETHAUER, TODD STEVEN
CARTER, BRUCE W.
CLARK, MARK ALLAN
COONEY, DAVID MARTIN, JR.
COTHRON, TONY LEE
CREASY, DAVID WAYNE
DEGREE, JAMES JOSEPH
DORSETT, DAVID JOHN
FARRELL, KEVIN CLARK
FOX, DENNIS R.
GARDELLA, PAUL RICHARD, JR.
GREG, CARRIE MARTIN
GRIFFIN, ARTHUR C.
GUNGGOLL, MARK ERNEST
HIZENSKI, AMY LINDA
HOWARTH, THOMAS ANTHONY, II
HUDDLESTON, ROBERT
IRWIN, WILLIAM LOVEJOY
JOHNSON, MARY ALICE
KELLER, TRACY NEAL
KELLY, JAMES M.
LAMBRECHT, RONALD ANTHONY
LOUGHERY, HERBERT ANTHONY
MCINTYRE, ROBERT FRANCIS
MOORE, PAULA LOUISE
OBRIEN, PETER ALEXANDER
OGRADY, DENISE HELEN
REISKE, WILLIAM FRANCIS
ROCKER, JEFFREY NMN
SPROWLS, LAURA JOYCE
THOMAS, JOHN WATIES, JR.
WARD, THOMAS SPENCER

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be commander

GRADISHER, JOSEPH FRANCIS
KING, GLENDON MARK
WENSING, KEVIN MICHAEL

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be commander

BACON, JEFFREY LEWIS
BAROCK, RICHARD TIMOTHY
CURTIS, JOHN E.
GILLARD, DAVID W.
GRANDAU, FRANK JOSEPH
GREEN, CHARLES WILLIE
LILLY, CRAIG DOUGLAS
PAUL, LINDA SUE
SHEMA, RICHARD ALLEN
SHERIDAN, TIMOTHY FRANK
SMOLINSKI, STEVEN PAUL
TOLL, RAYMOND F., JR

LIMITED DUTY OFFICERS (LINE)

To be commander

BECKER, ERNEST CHARLES
BENNETT, MICHAEL RAY
BLAKLEY, ROBERT WILLIAM
BOUDAH, MARK FREDRICK
BRANGES, WARREN GREGORY
BUTLER, ROBERT G., JR
CALLIS, LLOYD BAKER JENKINS
CAVINESS, EDMOND CARROLL, II
CHESTNUTT, HAROLD DEAN
CHOYESKI, FRANKIE DALE
CLARK, JAMES LARRY
COX, WILLIAM LOUIS
CRESS, CLIFFORD W.
CRIPPS, ROY LOUIS
CRISLER, ROBERT BRUCE
DERRICK, JAY
DIAMOND, ROBERT
DILLON, VEON RICHARD
DOWNS, BERNARD RAPHAEL
DUKE, JAMES M. JR
EWING, WILLIAM ALBERT, JR
GARDINER, EDDIE JOSEPH, JR
GODWIN, MARSHALL EARL
HAMILTON, EDWIN PHILIP
HAVENS, WILLIAM EDWARD
HEERY, JOSEPH WILLIAM
HOMAN, LEWIS NEVIN
HURST, LARRY CARL
JEFFERSON, CHARLES RAY
KENNEDY, JOHN MICHAEL, JR
KING, LEONARD
LANDRY, HENRY GEORG, JR
LARKIN, STEPHEN EVERETT
LEHMAN, LAWRENCE LESTER
LEWARE, BENTLEY CHARLES
LIPPA, VAL EDWARD
MALSON, ROBERT CHARLES
MARTIN, JOHN LAWRENCE
MAYFIELD, ANDRE HENRY
MCFARLANE, ANTHONY E.
MEADORS, DENNIS EDGAR
MEIEROTTO, VERNON CLIFFORD
MUSTO, LAWRENCE LOUIS, JR
ODELL, JAMES CRAIG
OLIC, FRANK PHILIP
PAYNE, EDWARD
PHILLIPS, CHARLES LEON, JR
PORTER, JAMES MICHAEL
ROCKWELL, JOHN ERNEST
ROUSSEAU, LESTER GENE
RUBINK, GERALD DEAN
RUSTCHAK, DANIEL FRANKLIN
SCRANTON, MICHAEL STEPHEN
SELLERS, KENNETH RAY
SHARP, KENNARD WAYNE, JR
SHREINER, TERRY LEE
SIMONS, THOMAS PAUL
SIMS, HOLLIS E.
STARNES, WINFORD HUBERT, JR
THOMAS, CLARENCE AUGUSTUS, JR
TYRE, ODEEN LADALE
UNDERWOOD, JON HARLAND
VERMETTE, PAUL MICHAEL
WHEAT, GRAY RAY
YANKOVICH, EDWARD PAUL, JR
ZUCHERO, WILLIAM JOHN, JR

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be commander

ANDERSON, MICHAEL HUNTE
ANDERSON, WARREN
APRILL, BRIAN SCOTT
AVALLONE, JOHN MICHAEL
BLASSER, MARC H.
BLOOM, JAMES R.
BONO, RAQUEL CRUZ
BOYCE, KER
BRAUN, DALE
BREITERMAN, ANDREW CLAR
BRIDGES, JAMES D.
BRINK, DAVID ANDREW
BROOKS, JAMES ROBERT
BURTON, RICHARD JAMES
BUTLER, JAMES ARTHUR
BYNUM, EDWARD BRUCE
BYRNES, GORDON ANDREW
CHAHBAZI, JOHN CLARK
CHAWLA, SANTOSH JAMWAL
CHAWLA, SATISH
CHEESEMAN, EDWARD
CHRISTENSON, CATHERINE
CHURCH, PRESTON
CLEMENTS, WALTER LOWELL
COLEMAN, COLLEEN M.
COX, GERARD R.
CRANE, JAMES MONTGOMERY
CROWLEY, JOHN W.
CULPEPPER, RANDALL
CURIALE, STEVEN VINCENT
CURTIN, TIMOTHY JOSEPH
CURTIS, RICHARD D.
CURTIS, PETER HODSON
CUTTING, JONATHAN PAUL
DALTON, WARREN RICH
DAVIES, DAVID E.
DAVIS, DAVID A.
DELEONMENDOZA, FELICISI
DEMPSKI, JEFFREY WALTER
DENOBILE, JOHN WILLIAM
DICKERSON, MICHAEL MANF
DMOCHOWSKI, ROGER
DONNAL, JOHN F.
DOWNEY, MARK PATRICK
DRAKE, ALMOND JERKINS I.
DUSENBERY, DAVID
EDWARDS, RICHARD CALVIN
ENSELEIT, WOLFRAM H.
ESHMAN, STEPHEN JEFFREY
FEENEY, JOHN ROBERT
FETTER, JOHN EDGAR
FISCHER, ROBERT J.
FLETCHER, CLINTON LYNN
FORRESTER, JOSEPH M.
FRASSICA, DEBORAH ANNE
FROST, RANDALL E.
GARLAND, LANDON WELLFOR
GASTON, BENJAMIN M., IV
GIBB, MATTHEW DEWOLFE
GOEPFERT, CARY J.
GOYINS, GALE GERARD
GRAF, JAMES ALAN
GRAHAM, SCOTT J.
GREENWALD, JEFFREY ROBE
GRONKIEWICZ, BRUCE VINC
GROSSKREUTZ, SCOTT ROBE
HACKETT, THOMAS E.
HARRINGTON, JAMES F.
HEMP, JAMES ROBERT
HENNRIKUS, WILLIAM LAWR
HIGGINS, STANLEY MICHAE
HINSON, DOUGLAS M.
HOLZINGER, KARL A.
HOOD, ROBERT EARL, JR.
HOOKER, STEPHEN GLENN
HURLEY, DONALD
JENNINGS, HEIDI ANN
KEATING, ROBERT F.
KELLEY, RANDALL
KELSO, JOHN MONTANA
KERRICK, STEVEN SCOTT
KNOOP, KEVIN JOSEPH
KOFFMAN, ROBERT LEWIS
LAMM, JAMES DOMINIC
LAPA, JOYCE ANN
LAPPERT, PATRICK W.
LARKIN, BRENDA ANNE
LEWIS, DREW
LEWIS, EVELYN LYNNETTE
LLEWELLYN, DAVID M.
LONGSTAFF, JAMES EDWIN
LOVINS, DARRELL EVAN
MAGRINO, THOMAS JOSEPH
MAQUERA, VICTOR ADALBER
MARKWELL, JAMES KEVIN
MASCI, ROBERT L.
MAXWELL, JAMES M.
MCALEER, IRENE M.
MCCARTEN, MICHAEL DAMIA
MCGINNIS, MARY E.
MCWILLIAMS, TERRENCE R.
MITCHELL, CRAIG STEPHEN
MONAGHAN, TIMOTHY DANIE
MONTGOMERY, JEAN CHARLE
MOORE, GLEN LESLIE
MORAN, THOMAS J.
MORIN, WILLIAM DAIVD
MORRA, MARCUS NAPOLEONE
NELLESTEIN, MICHAEL EUG
NORWOOD, KENNETH WESTCO
NOWICKI, STEVEN DOUGLAS
ODONOVAN, TERRENCE M.
OLESEN, MARK CLIFFORD
ONEIL, KEVIN MICHAEL
OSGOOD, JOHN CHRISTOPHE
PAPARELLO, SCOTT
PELLOSIE, CARMINE JOHN
PEZOR, LAURENCE JOHN, JR
PLAJA, DENNIS JOHN
POWELL, CARL ALLEN
RALSTON, MARK ELMER
REED, JAMES SCOTT
REED, SANDRA LEE
REESE, CHARLES A.
REID, DAVID SETTLE
RICE, JAMES PHILIP
RICHIE, EMILY LEACH
RICHIE, THOMAS LAURENCE
ROBERTS, ALLEN H., II
ROBINSON, DON E.
ROSENBAUM, DONALD H.
ROWE, DENNIS N.
RUDOLPH, WILLIAM GARRY
SAGEMAN, WILLIAM SCOTT
SANDUSKY, WILLIAM
SASSLER, ALFRED MARK
SAVARINO, STEPHEN J.
SCHALL, DOUGLAS
SCHNEPF, GLENN ADRIAN
SCOTT, DANIEL ALFRED
SHANNON, STRATTON
SHIVELEY, DAVID LEE
SMITH, MARK DAVID
SMITH, WILLIAM
SOVER, ERIC RICHARD
SPENCER, DAVID DUANE
STABB, DAVID B.
STOCKEL, JOHN BRENNAN
STOCKS, ALTON L.
STRAND, WILLIAM RICHARD
SUMIDA, FLOYD KANAME
SWEENEY, WILLIAM B.
TAYLOR, ROBERT ROLAND
TENERIELLO, MICHAEL G.
THOENE, JOSEPH G.
THOMPSON, WILLIAM RALEI
TIMONEY, JAMES MICHAEL
TIMPERLAKE, ROGER W.
TOMASIC, PAUL V.
TORKILDSON, JOSEPH CHAR
TREZZA, SCOTT A.
TRIANA, MARK
TROUM, BETH ANN
TUREN, CLIFFORD H.
UTECHT, LYNN MARIE
VALBRACHT, LOUIS EDWARD
VICENS, JOSE JUAN
WAH, ROBERT MARCUS
WEBER, FREDERICK H.
WENZEL, MICHAEL SCOTT
WHEALTON, EDWARD
WILLIAMS, CYNTHIA MARY
WILLIAMS, JOHN P.
WILSON, ROBERT FRANCIS
WOJTCZAK, HENRY ALBERT
YORK, JAMES KELSO
YUND, ALAN JEFFREY

SUPPLY CORPS OFFICERS

To be commander

ABRAMOWICZ, SYLVESTER P. JR.
BECHTOL, DAVID J.
BELL, CHARLES W.
BERUBE, RAYMOND EDWARD
BOIKE, RICHARD EDWARD
BRYANT, MICHAEL BENTLEY
CASTILLO, STEVEN ANTHONY
COLE, CHARLES PEGRAM, JR.
CONDE, HENRY NMN
CUMMISKEY, JOSEPH WILLIA, III
DEGEORGE, JOHN FOSTER
DEGUIA, EDGARDO TAN
ENGLER, MAXINE RICHARD
FERRARO, ERIC L.
FITZGERALD, DAVID MICHAEL
FRANKWICH, JOSEPH ADAM
GEIS, EVERETT LEE
GRAHAM, PHILIP ELZY
HALE, ROBERT EDWARD
HARGROVE, ROGER DALE
HARMS, GERARD RICHARD
HECKELMAN, LOREN VERNE
HIGGINS, DAVID ALAN
HINTON, BRIAN LEE
HITCHOCK, JON VICTOR
HOLLAND, JAMES FRANCIS
HONEYCUTT, THOMAS WILLIAM
KEEFER, BRIAN DAVID
KENNEDY, MARK JAYE
LIEN, DANIEL MAURICE
MARTIN, DANA ALLEN
MCCARY, WILLIAM WRIGHT
MCKEE, LAURIE ANN
MCLEAN, HUGH SCOTT
MCNEILL, PAUL LYNN
MOORE, VIRGIL VANCE, IV
OBRIEN, RAYMOND MARK
PETERSEN, KEVIN LAWRENCE
PLUNKETT, MICHAEL JOSEPH
POAD, DOUGLAS ALLEN
PRENDERGAST, JOHN JOSEPH, III
PRICE, LARRY DALE
PRIEST, KEVIN MICHAEL
PULLEN, JAMES TERRY
RITCHIE, ROBERT JOSEPH
ROBBINS, PAUL H., JR.
SCHAUBER, JON ARTHUR
SCHEFFS, DALE K.
SCHWORER, WILLIAM JOSEPH III
SIMPSON, JOHNNY ROY
STABILE, MICHAEL E
STRINGER, TIMOTHY HAMPSHIRE
SWEENEY, JOHN JOSEPH, JR.
VALENTI, PHILIP JOSEPH
VIELLIEU, BENJAMIN LOUIS
WAITE, STEPHEN JOSEPH
WARKENTIEN, DAVID JEFFERY
WEBB, JULIE ELIZABETH
WEBSTER, CHRISTOPHER WILLIAM
WORLEY, BRUCE EDWARD

CHAPLAIN CORPS OFFICERS

To be commander

BUTLER, RICHARD COREY
CAIAZZO, GREGORY GENE
CLIFFORD, GEORGE MINOTT, III
HARRIS, JACKSON LEE, II
HEPNER, GREGORY ALLEN
JENSEN, WOLLOM ALLEN
JOHNSON, FRANKLIN OSCAR, JR.
JOHNSON, THOMAS STUART
MEYER, RONALD FREDERICK
MORGAN, JAMES PATRICK
PATTERSON, JAMES GRADY, JR.
POE, ERNEST ADLAI
REED, WILLIAM ALLEN
SEELY, GERALD DON
TATE, JESSIE RAYMOND
VALKO, ROBERT ANDREW
VERNER, THOMAS ROBERT
WASHBURN, MARY ELLEN
WHITE, MICHAEL KILLIAN
YORK, LORENZO COPPER

CIVIL ENGINEER CORPS OFFICERS

To be commander

AMARANTIDES, JOHN
BEARY, WILLIAM J.
BENGTSON, ROBERT HARRY
BIGGINS, TIMOTHY F.
BOLLINGER, JOHN REED
BOND, TIMOTHY J.
CALHOUN, THOMAS G.
CELLON, RICHARD E.
DELL, JAMES P.
DRAPER, JOHN DANIEL, JR.
ECKERT, ANDREW NORMAN
EICHERT, GEORGE EDWARD
ENGLE, GARY ALLEN
GEMENDER, MARK BENEDICT
HIRAKAWA, JIMMY SPENCER
HYDE, ROBERT WILLIAM
MCCULLUM, WILLIAM J.
ORNDOFF, DONALD HOYT

PATTERSON, MICHAEL J.
RADO, KENNETH LEWIS
ROTZ, ROBERT D.
SCHAEFER, MICHAEL EDWARD
SCHANZE, CHRISTOPHER NMN
SCHENK, ROBERT EUGENE, JR.
SMITH, FREDERICK RUSSEL
SNYDER, JOHN LEO
STIRLING, JAMES S.
VANHUTTEN, DARRELL YOUNG
WESTBERG, ROBERT

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be commander

BAGLEY, RICHARD WARREN
BANNOW, STEVEN WALKER
CLAUSSEN, ROGER REX
CLOPTON, CHARLES M.
GARAFFA, JOHN VINCENT
GETCHELL, ANTHONY B.
HATCH, GERALD T.
JOHNSON, PAUL CAMBRON J.
LEACHMAN, PENNIE CANNON
MCGREGOR, MICHAEL E.
NAGLE, TIMOTHY JOHN
NEWMAN, MELVIN DOUGLAS
NORMAN, JAMES BRADLEY
PRICE, CLARK ALAN
RITTER, WAYNE LYMAN, JR.
ROLPH, JOHN WILLIAM
SCHAPLER, ROBERT HANS
SPRATT, SHELLEY WINFIEL

DENTAL CORPS OFFICERS

To be commander

ANTUS, JAMES JOSEPH
ARENA, CHARLES ANTHONY
BARRETT, LAWRENCE ARTHU
BRYANT, NATHANIEL CEDRI
BUTT, WILLIAM EDWARD
CHAU, JAMES YUK MING
DEMAYO, THOMAS JOSEPH J.
DEPAUL, JOHN MICHAEL, JR.
DEURING, WILLIAM N.
EAGAN, DOUGLAS LAWRENCE
ECKENBERG, ROBERT NORMA
EIFERT, KENNETH GRAY
EISENHARDT, PETER WILLI
GERHARDT, PAUL WILBUR
HANEY, SCOTT C.
HUDSON, THOMAS CLAY
JOHNSON, DEBORAH KAY
LAFFERTY, THOMAS A.
MARTINO, JOHN F.
MCCLANAHAN, SCOTT BRINK
METZLER, DAVID GRANT
MOORE, BECKY SUE
NAPPEN, HOLLY LYNN
PASTOR, JAMES E.
PAUL, BRIAN FRANCIS
PROSE, GARY E.
REEG, EDWARD GEORGE
SANTULLI, GERALD ANTHON
SCHWAB, RICHARD ROY
SMITH, JAMES ALAN
SYNNOTT, SCOTT ARTHUR
THORPE, JEFFREY ROBERT
VARGA, KLARA J. EDITH
WALCZYK, THOMAS DANIEL
WHITE, CECIL, JR.
WRAY, ROGER DALE

MEDICAL SERVICE CORPS OFFICERS

To be commander

ALFORD, SAMUEL PATRICK
ASHBROOK, FRED MARTIN
BARROW, ANGELE WERTHMUL
BEAUGRAND, MARSHA JANE
BECKER, RICHARD ALAN
BENNETT, BRAD LEE
BIANCO, MARJORIE ANN
BOULDIN, AGNES ROGERS
BURANS, JAMES PETER
CABURIAN, EDGAR CLEMENT
CATABAY, RODRIGO SANTOS
CHURCHILL, FREDA VAUGHA
CLARK, JEFFREY LYNN
COCRANE, RICHARD MARK
CONNORS, JEANNIE LEE
CONNORS, ROBERT EDWARD
CRAIGMILES, RAYMOND GRE
DOLGIN, DANIEL LEE
DONLIN, MICHAEL THOMAS
ENGLISH, CHARLES K.
EPPS, JAMES CAMERON
FAHLER, DANNY J.
FULCHER, LARRY MATTHEWS
GETKA, ERIC JOSEPH
GIAMBARRESI, LEO IGNAZI
GLEISNER, DAVID PAUL
GREENAUER, MICHAEL ARTH
GRIFFITH, RICHARD OBRIE
HALL, GREGORY EUGENE
HARRIS, MONTE LEE
HEIDRICH, JERROLD CHRIS
HIRSH, ROGER NELSON
HUTTON, KENNETH LAVERN
JENKINS, WILLIAM BRENNA
KANE, EDWARD JOSEPH, JR
LANE, EDWARD MILTON
LUNDGREN, RICHARD ERICK
MANDERS, JULIAN HENRY J.
MARKO, KATHRYN WESTFALL
MATTHEWS, ROBERT ALLAN
MATTINGLEY, MARK WILLIA
MCCORMACK, MARCELLA MAU
MERCER, ALBERT HYLAND J.
MILLER, ARTHUR RICHARD
NEED, JAMES TERKEURST
NELSON, ALAN LEE
NIELSEN, DANN WILLIAM
NOELLER, KATHERINE RENE
NOVAK, DIANA MARY
PAIGEDOBSON, BEVERLY
PARKER, JAMES
PAST, MARILYN RAE
PRZYBYL, JANEE LEE
QUINONES, ROBERTO, JR.
REEVES, DENNIS LYNN
SELLIN, ROBERT ANTHONY
SHIGLEY, ELENOR MACARAE
SMITH, RANDALL JAY
SOLIS, SHIRLEY A.
STEIN, KENNETH ALAN
SWISHER, RAYMOND JOSEPH
TAKAHASHI, KENNETH
TATMAN, TERRY LEE
THOMAS, LEANNE LEE
TINNEY, GLENNA LEA
TITI, RICHARD J.
WALKER, MARK ANDREW
WHITE, STEPHEN CRAIG
YOUNG, WALTER MARTIN, JR.
ZAMBITO, PAUL RICHARD

NURSE CORPS OFFICERS

To be commander

ALLISON, RICH EUGENE
ANDRADE, ROSEMARIE
ARINGTON, RONALD GENE
BANKESTER, PEGGY JEAN
CAPPELLO, CYNTHIA SHAUN
CASTLEBERRY, LAURA ANNE
CONNORS, MARGARET ANN
COYLE, CYNTHIA ANN
CRANE, PAMELA ELIZABETH
CURTO, CHRISTINE JOSYAN
CWIKLA, JACQUELYN KAY
DEATER, MARY FERN
DELTORO, MIGUEL ANGEL J.
DESALVO, MARY ELIZABERTH
DOLAN, CHARLES C., III
DUNN, WILLIAM DAVID
EHLERS, CHRISTINE DIANE
FEDEROVICH, PETER NICHO
FELLER, CYNTHIA, M.
FELLIN, PATRICIA ANNE
FLIPPO, POLLY LYNN
FREVERT, GAYLE LYNN
GALLAHER, MICHAEL ROBER
GALLOWAY, GLYNN WARD, JR.
GARDNER, DONNA JEAN
GLACCUM, LOUANNE VICKER
GRAHECK, LAWRENCE DEAN
GREEN, MATTHEW ALAN
GUSTAFSON, LINDA PRINCE
HAMMOND, LEONA THERESA
HARTWELL, VATHRICE HAMI
HAUGHINBERRY, DONNA MAR
HAUSER, MARY LYNN
HERTERICH, DEBORAH KENT
HILL, FREDERICK CHARLES
HOLUB, NANCY LOUISE
HOOGENDORN, RAELENE KUL
HOURIGAN, JANE KATHRYN
KACMARSKY, RICHARD JOSE
KESTLE, LUCINDA ANN
KINNEY, MARY LOIS
KLINE, MARY A.
KOMANETSKY, M.S., FILLING
KREBES, GAY ANTOINETTE
LAMBERT, ARMAND D., JR.
LARSON, LAURIE WOOD
LAURENT, CHRISTOPHER LE
LEARY, BARBARA FRANCES
LEE, THOMAS KYLE
LEMON, MARCHIA HINKLE
LOGEMAN, JUDY ANN
MCCLAIN, DENNIS RAYMOND
MCCORMICK, CHARLOTTE HE
MCGLOON, ELIZABETH BRAD
MCGRATH, MARY CECILIA
MCKAY, DEBORAH ANN
MCKENZIE, ROBIN THERESA
MCNAMARA, KAREN JEANETT
MENENBERG, SONIA RISA
MICHAL, DIANE MARIE
MITCHELL, JACQUELINE AN
MORGAN, JANE MERCEDES
MORRISON, ROBERT WILLIA
MYNCHENBERG, THOMAS LJ
OFFRINGA, ROBERT ALLAN
PAGLIARA, CLAIRE MARIE
PAYONK, NOREEN KAY
PELLINI, DEBORAH
PRESSLER, ERIC PAUL
PRESTON, MARY CATHERINE
REDFORDVOGLER, SUSAN K.
ROBERTS, BARBARA ANN
SAFRAN, DORIS JEAN
SCHJAVLAND, ELENA T.
SHAUGHNESY, LARRY KEVIN
SHIFFER, SCOTT WAYNE
SIMPSON, PEGGY FAYE
SLATER, MAUREEN ANNE
SLOAN, ROSALIND
SMITH, FRANCES ROSE
SPATRISANO, WILLIAM F.
STEARNS, DIANE ALYNN
STOKKE, CHRISTOPHER A.
TAPP, NANCY ZIKARAS
TAYLOR, CHARLES EDWIN
THOMPSON, MICHAEL T.
VARBONCOEUR, EUGENIA C.
WASNEECHAK, DANIEL ALAN
WHITING, DAVID ROBERT
WIMETT, JEANINE LOUISE
WONDERLICH, DANIEL LEE

LIMITED DUTY OFFICERS (STAFF)

To be commander

MAURICIO, LORETO LADRINGAN
PIGEON, ROGER EMILE
ZEOLI, NICHOLAS FRANCIS, JR

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

AABERG, WAYNE THOMAS
ABALOS, AURORA SISON
ABITANTE, GEORGE PETER
ABRAMSON, ALAN JOHN
ADAMS, FREDERICK JAMES, III
AGAN, CHRISTOPHER EARL
AITCHESON, KENT ROBERT
ALCORN, FLOYD, II
ALEXANDER, PAUL MCLELLAN, JR
ALLEN, KIRK DEAN
ANDERSON, ROBERT DURAND, JR
ANDREWS, ANNIE BELLE
ANGLADE, PAUL PHILIPPE
APONTE, CARLOS EMILIO
AQUILINO, JOHN CHRISTOPHER
ARMSTRONG, JEFFREY HART
ASHTON, DUANE ROWAN
AUTEN, KENNETH WAYNE
AZMUS, DORA JUNE TAYLOR
BAILEY, THOMAS WAYNE
BALANTIC, FRANK WILLIAM
BALDREE, STEVEN W.
BALL, DANIEL JAMES
BARE, KEITH ALLEN
BARNES, THMAS EDWARD, JR
BARTHOLOMEW, DAVID JOSEPH, JR
BARTKOSKI, JEFFREY SCOTT
BARTKOWSKI, MICHAEL SCOTT
BARTLETT, RUSSELL JAMES
BATCHELDER, CRAIG DOUGLAS
BATES, STEVEN E
BAXTER, STEVEN
BECKVONPECCOZ, STEPHEN W., JR
BEEDENBENDER, MARK G.
BEHNFELDT, BARRY WALDEN
BEHR, CARL GORDON
BELTZ, THOMAS JAMES
BERGER, MICHAEL DOMINIC
BERGER, THEODORE JAMES, JR
BERNIER, DENISE RENE
BERRY, JOHN KENNETH
BERTOLINO, LAWRENCE GERARD
BEVINGTON, DENNIS GERARD
BISHOP, JR WILLIAM CARL
BITTNER, LAWRENCE PAUL
BIZZELL, DIANE THERESE
BJORKLUND, BRUCE ROBERT
BLANCHARD, FREDERICK THEODOR
BLOCH, SUZANNE RUTH
BLOCK, THIMOTHY JAMES
BLUESTEIN, KEITH ALAN
BOGDAN, DAVID SCOTT
BOHNSTEDT, KEVIN DEREK
BOIS, STEVEN GERARD
BOND, THOMAS HENRY, JR
BONSALL, GEORGE
BOONE, LAYNE RENEE
BORDEN, STEVEN ARTHUR
BOSTOCK, TODD WILLIAM
BOTHAM, RICHARD DANIEL
BOTONIS, JULIE SHAINE
BOUDREAU, GEORGE BERNARD, III
BOURQUE, MICHAEL THOMAS
BOUTWELL, BRIAN HAROLD
BOUZEK, MATTHEW GERARD
BOWDEN, GREGORY WARNE
BOWLES, ROMAN DANIEL
BOWMAN, AARON LEROY
BOYENGA, JEROME IRVING
BRADLEY, ANTHONY STEVEN
BRAGG, RODERIC CHARLES
BRAKER, WILLIAM CHARLES
BRAKKE, BRIAN JAMES
BRANSOM, WENDY RENEE
BREEN, MICHAEL JOSEPH
BRELAND, ELIZABETH ANN
BROADWATER, JAMES CALVIN
BROCKMARK, JUDITH
BROENE, BRIAN JAMES
BROOKS, CONRAD DANIEL
BROSE, CHRISTOPHER VALENTINE
BROWN, BRUCE ALLEN
BROWN, DOUGLAS JAMES
BROWN, JAMES J.
BROWN, JAMES ROBERT
BROWN, LLOYD PERRYMAN, JR
BROWN, MICHAEL WAYNE
BROWN, ROGER WILLIAM
BRUHN, DAVID DANIEL
BUCK, SEAN SCOTT
BURDICK, KENDALL ARTHUR
BURGOYNE, DOUGLAS JEFFREY
BUTCHER, KATHARINE JAN
BUTLER, JOHN CHARLES
BUTLER, RICHARD WALLACE
BUTTS, WHITMORE SPENCER, III
BUZZARD, RAYMOND KARL
BYRD, JULIUS HENRY, JR
BYRNE, ROBERT JOSEPH J.
CACCIVIO, JOHN DAVID, JR
CAIN, WILLIAM JAMES
CALCOTE, ROY KEITH
CALLAGHAN, VIRGINIA R.
CAMERON, ROBERT JOHN, JR
CAMPBELL, KEVIN PETER
CAREY, JOSETTE LAVERNE
CARLISLE, HOLLY LOUISE
CARMON, TERRY LEE
CARROLL, THOMAS
CARTER, GORDON REID
CARTIER, MATTHEW GEORGE
CASTON, VENETIA LOUISE
CAVANO, MICHAEL JAMES
CECCHETTI, JON MARIO
CEREZO, GREGORY ESTRADA
CERVANTES, CHRISTOPHER THOMAS
CHAFFIN, CARL RAY
CHAMBLISS, ROBERT LEE
CHAMNESS, SHARON NENNO
CHASSEE, THOMAS JAMES
CHISHOLM, JOHN SCOTT
CLARK, MICHAEL STEVEN
CLARK, WILLIAM ISAAC
CLOCK, WILLIAM J.
COBB, REX NMN
COLLINS, CHRISTOPHER CLAY
COLLINS, WILLIAM JAMES
COMMONS, ROBERT ANDREW, II
CONOWITCH, KEVIN D.
CONROY, TIMOTHY MICHAEL
COOK, DARRELL CLIFFORD
CORD, GREGORY ALAN
CORRAL, DIEGO RAMIRO
CORREIA, JOSEPH EDWARD
COSTELLO, BRIAN THOMAS
COSTELLO, ROBERT P.
COUGHLIN, EDWARD STEPHEN
COUPE, JAMES DANIEL
CRAIG, CALVIN HULL
CRAWFORD, TIMOTHY WILLIAM
CROCE, JOHN DOUGLAS
CROOKS, CHARLES PATRICK
CROWERS, RICHARD TRYDAY, JR
CRUZ, PATRICIA K.
CRYER, JOHN FRANCIS
CULTON, TERRENCE E.
CUNDARI, STEPHEN GERARD
CURBEAM, ROBERT LEE, JR
CYRUS, ANGELA WILSON
DACEY, THOMAS WILLIAM
DALE, JEFFREY SCOTT
DALY, JOHN MICHAEL
DANET, VINCENT EMILE
DAVIDSON, STUART WAYNE
DAVIS, MARK EDWARD
DAVIS, TERRY KEY
DAVIS, TODD CHARLES
DAVITO, STEVEN PETER
DAWSON, ERIC LEE
DAWSON, PETER MURRAY
DEAN, ANDREW SANFORD
DEARDURFF, MARK JOSEPH
DEE, JAMES MICHAEL
DEGENNARO, ROBERT ANTHONY
DELAGARZA, MICHAEL ALBERTO
DELTORO, CARLOS
DEMARCO, JOSEPH FRANK
DENEALE, SUSAN VICTORIA
DENNIS, LYNN LARRY, JR
DESIMONE, DAVID ROBERT
DILEONARDO, GERALD ANTHONY
DILLMAN, PAUL STEVEN
DINE, WILLIAM ERIC
DISHER, ERIC STEPHEN
DITZLER, BRENT ALAN
DOBBS, MICHAEL JOHN
DOBER, DAVID MICHAEL
DOLAN, MATTHEW HUBERT
DORRIS, ROBERT JAMES
DOTY, CHARLES JOHN
DRAKE, JAMES FRANCIS
DROPP, ANTHONY HENRY
DRUMMOND, CHARLES FREDERICK
DUGAN, DANIEL EUGENE
DUKES, GARY LOUIS
DUNAN, GUY EDWIN
DUNLAP, SUSAN LYNN
DUNN, ARCHIBALD SCOTT
DURAN, JIMMY
DYER, EVELYN J.
DYER, MICHAEL ALLEN
DYKES, JOEL BARRY
EASTERBROOKS, JAMES PAUL
EATON, MICHAEL J.
EBERT, JOSEPH GEORGE
EDENS, JIM BEN, III
EDWARDS, EVAN BOND
EGBERT, THOMAS LINCOLN
EKKER, DAVID ANTHONY
ELAM, WILLIAM ALONZO
ELLIS, LANTZ CLIFFORD
ELLIS, PATRICK EDWIN
EMERSON, DONALD FRANCIS
EMERY, JAMES MICHAEL
EMMES, DEIRDRE MIGNON
ENRIQUEZ, KENNETH ANTHONY
ERICKSON, MICHAEL ROBERT
ESTRADA, WILLIAM RUBEN
EVERETT, MOSES DEROY, JR
FAHEY, JOHN RAYMOND
FAIRBAIRN, EDWARD JAMES
FALETTI, MATTHEW JAMES
FARLIN, STUART L.
FARNHAM, STUART THOMAS
FERNAN, PAUL THOMAS
FILLION, DANIEL HENRY
FINK, ROBERT DOUGLAS
FINNEGAN, RICHARD JOSEPH
FISCHER, STEPHEN LAURENCE
FITZGERALD, NANCY SUSAN
FITZGERALD, PATRICK JOHN
FITZGIBBON, JOHN WILLIAM
FLANAGAN, KEVIN FRANCIS
FLASKERUD, BRENT JAMES
FLATLEY, JAMES HENRY IV
FLETCHER, BRIAN NATHANIEL
FLISK, THOMAS AQUINAS, JR
FORKNER, CARL BYRON
FORNEY, DANIEL PRICE
FOSTER, MICHAEL JOHN
FRANKS, DOUGLAS PRESTON
FRASSE, CHRISTOPHER LEE
FREE, MITCHELL A.

FREITAG, WILLIAM FRANCIS
FROSLEE, HANS MICHAEL
FROST, PAUL JAMES
FULLER, RAYMOND TALLEY, JR
FURTNER, ANN MARIE
GALBREAITH, SCOTT MICHAEL
GALE, DAVID JOHN
GALER, NORMAN WAYNE
GALPIN, ARTHUR FREDERICK, III
GARDNER, RICHARD EUGENE, JR
GATES, JOSEPH HENRY
GENUNG, MARK DAVID
GEORGE, ANDREA LYNN
GERALD, CARVIN KEITH
GILES, ROY WAYNE
GILLESPIE, JEREMY WARD
GILLINGHAM, DAVID ROSS
GINN, LELON LEVOY
GORDON, JEFFREY DOUGLAS
GORDON, MICHAEL SEAN
GOTT, WILLIAM ALLEN
GRACE, ALLEN WARREN
GRAHAM, MICHAEL GLENN
GRANT, LARRY ALLEN
GRAY, KENNETH LEE
GREENBLATT, JERALD MORTON
GREENLEY, JAMES CHARLES
GREGOIRE, JEFFREY WILLIAM
GRESS, RICHARD JOHN, II
GRIMES, RICHARD DUGGAN
GROSS, ROBERT LAREN, JR
GUERRERO, WILLIAM ANDREW
GUSEMAN, ROGER PAUL, II
GWILLIAM, DAVID JOHN WALFORD
HABERMEHL, STUART DALE
HAGINS, GUERRY HALL, JR
HAHN, ROBERT GEORGE
HALE, ANDREW MARTIN
HALE, SCOTT WESLEY
HALLAL, MICHAEL PATRICK, JR
HAMILL, NORTHMORE WILBUR
HAMILTON, LEONARD JOSEPH
HAMILTON, WILLIAM CHRISTOPHE
HARRINGTON, GERALD ROGER
HARRIS, ARTHUR CLARENCE
HARRIS, CHARLES KENNETH
HARRIS, SCOTT DEAN
HARRISON, FRANCIS LEO, JR
HARRISON, JOHN WILLIAM, JR
HART, DEVIN LAFAYETTE
HART, JAMES BRIAN
HART, WILLIAM JOSEPH
HARTFORD, JOHN WILLIAM
HARTMAN, RICHARD KLINE, II
HAWKINS, GINA LORAINE
HAYES, RAYMOND CECIL
HAYNES, ANNETTE MARIE
HAYNES, PAUL ANDREW
HAZARD, CHARLES ALLEN KERR
HEADRICK, ROBERT HUGH, JR
HENDRICKSON, RANDALL M.
HENSON, CHRISTOPHER MICHAEL
HERRING, DAVID EDWARD
HERRINGTON, JOHN BENNETT
HERTLEIN, JAMES ARTHUR
HEYS, WILLIAM SCOTT
HICKS, GERALD THOMAS
HIGGINS, MICHAEL DAVID
HILL, HENRY JAMES
HILL, STEPHEN EARL
HILLEN, CAROLINE MARGARET
HILSCHER, GREGORY JOHN
HINKLEY, BRIAN EDWARD
HOFFMAN, DAVID MICHAEL
HOFFMAN, PAUL JOSEPH
HOFFMANN, RAYMOND FREDERICK
HONE, DON ALLAN
HONEKER, KENNETH SCOTT
HOOKS, ROBERT REESE
HOPGOOD, MARK ROY
HOPKINS, JAMES BUFORD, II
HOSPODAR, ROBERT SCOTT
HOUCHIN, MITCHELL LLOYD
HOUFEK, JOHN RICHARD
HOUGHTON, PAUL STEPHEN
HOWE, PHILIP GARDNER
HOWELL, WILLIAM ROBERT NEWTO
HOWICK, JAMES FRANKLIN
HOWLETT, JEFFREY RICHMOND
HOYLE, MARK RICHARD
HUGGINS, JEFF ALAN
HUGHES, BRIAN DAVID
HUNT, PETER PAUL
HURNI, PHILLIP RANDOLPH
INGRAM, KIM DENISE
ISLEY, TERRELL DWAYNE
JACKSON, STEPHEN MARK
JANACEK, THEODORE KENNETH
JARVIS, JAMES VINCENT
JENKINS, BRENT PERRY
JENNINGS, NATHANIEL HILLS
JOHN, SHARI L.
JOHNSON, KIRK ANDREW
JOHNSTON, DANIEL JOSEPH
JONES, ANDREW SEABORN
JONES, CALVIN AMOS, JR.
KAN, JONATHAN HIDEO
KAPAUN, DAVID MICHAEL, JR.
KARA, FRANK RING
KEATING, MICHAEL JOHN
KEELY, KATHLEEN ANNE
KEILTY, KEVIN JOSEPH
KELLY, CHRISTOPHER JAMES
KELLY, KEVIN FRANCIS
KELLY, SHAUN MICHAEL
KENDALL, JULIE ANNE
KENNEDY, SIDNEY DALTON
KENNEY, JOHN HERBERT, JR.
KERN, JEFFREY WILLIAM
KERSTEN, CHARLES WILLIAM
KESSLER, PHILLIP RAYMOND
KEYS, RICHARD DAVID
KING, ANDREW ALAN
KING, JOSEPH FRANCIS, JR.
KING, MILLIE MAE
KINNAVY, KATHERINE THERESE
KINNEY, JOHN GERALD
KISIEL, THOMAS KENNETH
KITCHENS, RICHARD WAYNE
KOCHMAN, STEVEN GEORGE
KOLBAS, PATRICK JOSEPH
KONDZELLA, STEPHEN TOBIAS
KONEFF, DOUGLAS ANTHONY
KOPAS, ROBERT GEORGE
KORPELA, NANCY CARROL
KOSZALKA, MARK WILCOX
KRAECKBARNES, AINSLIE ANN
KREFT, GERALD PAUL
KRIZ, MICHAEL JAMES
KROFT, JOHN MARK
KUHLMANN, DIETRICH HENRY, III
KUHN, JEFFERY SCOTT
KULP, JEFFREY ALAN
KUYATT, BRUCE NEAL
KUZMA, JAMES MICHAEL
LACKEY, PATRICIA ANN
LACSON, ERNANI MORENA
LACY, REX DAMIAN
LAGERGREN, LEIF ERIK
LAGO, ROBERTO
LANDRUM, CHARLES RAYMOND
LARSEN, SCOTT GREGORY
LARSON, CAROL LYNN
LAVOW, DEBRA JEAN
LEATHERS, SANFORD WESLEY
LEE, JOHN HUDSON
LEE, JOHN STEVEN
LELAND, JAMES MORRISON, III
LEMMON, DAVID ALEXANDER
LESTER, EDWARD JAY
LESTER, GREGORY ALLEN
LESTER, LINDA ANN
LEVINS, KENNETH CHARLES
LEWIS, GERARD MICHAEL
LEWIS, JAY SCOT
LEWIS, RAYMOND JOHN
LEWIS, WILLIAM PAUL
LIEPELT, ROBERT RUEBEN
LINNELL, PAUL FRANCIS
LIPPE, BRIAN THOMAS
LIVESAY, SANDRA THORNTON
LOFTUS, DEBORAH ANN
LONES, JOHN RUDGE, JR.
LONG, JEFFREY CARLTON
LORENZ, DANIEL SCOTT
LOWELL, KATHRYN AMY
LUFFY, TIMOTHY SCOTT
LUGINSLAND, JOSEPH HOWARD
LUNT, ROBERT PAUL
LUPTON, SHERMAN RUDOLPH
LYON, WESLEY WALDEN
MACLAREN, JON MARK
MALLETTE, JAMES ROBERT, JR.
MALONE, WINFRED ALAN
MANDULEY, OCTAVIO ENRIQUE
MARAOUI, ANDRE
MARINACCI, LOUIS GENE
MARRIOTT, WILLIAM ALAN
MARTIN, BRADLEY A.
MARTIN, BRADLEY SCOT
MARTIN, CYNTHIA ANNE
MARTIN, MARSHALL WARREN, JR.
MARTIN, MICHAEL LEO
MARTIN, RAUL ALBERT
MARTINELLI, FRANCIS IGNATIUS
MASON, RUSSELL WILLIAM
MATTHEWS, ROBERT DEWITT
MAYER, PETER CLARK
MAYFIELD, TERRY EDWARD
MAYNARD, DAVID NEAL
MAYNARD, TIMOTHY JACQUES
MCALOON, JEFFREY FRANCIS
MCCALL, DENNIS CHARLES
MCCLELLEN, JEFFREY HAROLD
MCCLURE, MARK LOOMIS
MCCORMICK, STUART ALAN
MCCOY, ANGELO ANTONIO
MCDAVID, CHARLES SCOTT
MCDONALD, ANN MARIE
MCDONALD, CHRISTOPHER JOHN
MCDONOUGH, BARRY RICHARD, JR
MCGLOTHIN, CHARLES CLIFTON J.
MCGOVERN, JAMES JOSEPH
MCHUGH, EVELYN KATHLEEN
MCILVAINE, BRIAN
MCKAVITT, THOMAS PATRICK, JR
MCKENZIE, JEFFREY LYNN
MCLEAN, KATHLEEN ANN
MCLEAN, MICHAEL BROOKS
MCMAHON, MARTIN GERARD
MCQUILKIN, WILLIAM CLINTON
MEHR, STEVEN JOHN
MELAMPY, RONALD WILLIS
MELIN, DAVID WHITING
MENZEN, DAVID ROBERT
MERCER, JOHN CHARLES
MERRITT, RONALD CECIL
MILEY, KENNETH EUGENE
MILLER, DAVID ANDREW
MILLER, JAMES AUGUSTUS, JR
MILLER, JOSEPH PEARCE, III
MILLER, MARVIN LEWIS
MILLER, STEPHEN TRISTAN
MILLS, SAM MICHAEL
MITCHELL, DEBORAH JEANNETTE
MITCHELL, STEPHEN RAYMOND
MODISETTE, JOEL DAVID
MODZELEWSKI, STEPHEN ANTHONY
MOHS, SAMUEL DAVID
MOLKENBUHR, MICHAEL SEAMON
MOODY, ANN MARIE
MOORE, PAUL WARREN
MOORE, SCOTT PURSE
MORALES, ROBERT CRUZ
MORAN, EUGENE FRANCIS
MORAN, TIMOTHY
MOREAU, ELLEN ELIZABETH
MORNEAU, FRANK ANTHONY
MORRILL, KENNETH VOSE
MORRIS, STEVEN MICHAEL
MORRISON, JOHN ALLEN
MORRISON, MARK EDWARD
MORRISON, PETER EDWARD
MORTON, EDWARD
MOSER, RICHARD EARL, JR
MOSS, ERIC BRIAN
MUHA, BARRY RYAN
MULL, ROBERT GEORGE, III
MULLIGAN JAMES OWEN
MUNIE, ROSEMARY COSTELLO
MUNNS, THOMAS M.
MURPHY, MICHAEL JOSEPH
MURPHY, THOMAS ALOYSIUS
MURPHY, THOMAS JOSEPH
MURRAY, DAVID ANDREW
MURRAY, WILLIAM SCOTT
MUSOLF, WAYNE ROY
MYERS, STEVEN J.
MYSINGER, WILLIAM RAY
NASHOLD, ANDREA GALE
NAZIMEK, JEANNE MARIE
NEAGLEY, JOHN PHILLIP
NEAL, RANDALL A.
NEEDHAM, DONALD MICHAEL
NELSON, DAVID ANDREW
NELSON, JOHN WILLIAM
NESTOR, DUANE EDWARD
NETTLETON, EDWARD E.
NEUENFELDT, ALAN RICHARD
NEUENFELDT, BRIAN DOMINIC
NILSSON, INGRID SUSANNE
NINAS, LARRY EDGAR
NOLAND, JOSEPH FRANCIS
NORBERG, CHARLES EVERETT, JR
NORDEL, STEPHEN DAVID
NOWELL, JOHN BLACKWELDER, JR
NYE, MARK CHARLES
NYGAARD, JOHN CHARLES
OGUREK, JEFFREY ALAN
OKEEFE, THOMAS W.
OLSON, LEE A.
ONORATI, ANTHONY BEACH
ORAVEC, MICHAEL JAMES
ORR, WILLIAM PARKER
ORTIZ, VINCENT MICHAEL
OSTWALD, DAVID ALLEN
OTIS, JAMES EDWIN
OWENS, DONALD RAY
OWENS, VICKY JEAN
OWINGS, RICHARD CHARLES
PADFIELD, JONATHAN MAX
PARDUE, PHILLIP CHARLES
PARROTT, NEIL RICHARD
PASCH, JAMES ROY
PATTERSON, ROBERT JOSEPH
PAULSEN, JAMES
PAYNE, JAMES THOMAS
PAYTON, TYRONE
PEARSON, DAVID TRACY
PEARSON, MICHAEL RICHARD
PETERSON, MARLENE JANE
PETERSON, WILLIAM LOUIS
PETTIGREW, TENISE LOUISE
PFIRRMANN, FREDERICK WILLIAM
PHILLIPS, ANN CLAIRE
PHILLPOTT, SCOTT JON
PICCHINI, THEODORE THOMAS
PICKER, JONATHAN DEANE
PIERCE, DAVID DICKEY
PIERSALL, CHARLES HOMER, III
POLLPETER, SCOTT DONALD
PONDS, FERNANDEZ LEWIS
POVLOCK, PAUL ANTHONY
PROULX JAMES CHESTER
PUTNAM, DAVID REID
QUISENBERRY, DAVID MAURICE
RABUN PATRICK COFFIER
RADICE, MARK ROBERT
RADOMSKI, WILLIAM ROBERT
RAGUSA, VIVAN LEROY, II
RAIMONDO, PHILIP BRIAN
RAND, ALICE LOUISE
RASNICK, PETER CRAIG
RATLIFF, CHRISTOPHER SCOLUM
RATNER, TODD GUILD
REA, THERESA MARIE
REAGANS, YOLANDA YVETTE
REAVEY, WILLIAM PATRICK, JR.
REDDEN, MARK EDWARD
REED, SHEENA LOPINO
RESSEL, FREDERICK CHARLES, JR.
RHUDY, DANNY DALE
RICE, ALLEN STUART
RICHARDS, PAUL RANDALL
RICHTER, DEAN ANTHONY
RITCHIE, STEVEN CRAIG
RIVERA, RICHARD CARLOS
RIXEY, JOSEPH WOODFORD
ROBELEN, ALDONA INGE
ROBERTO, FRANK, LOUIS, JR.
ROBINSON, ROBERT GORDON
ROBINSON, RONALD BRADFORD
ROBINSON, TERESIA ANN
RODER, NEIL ANDREW
RODGERS, DANIEL JOE
ROESCH, PATRIC KARL
ROGERS, MICHAEL PATRICK
ROGERS, ROBERT LOUIS
ROHRBACK, MARK DAVID
ROSS, JOHN ROBERT
ROSSANO GRAHAM WIGHT
ROTHENBERGER, DANIEL, D.
ROTHWEILER, GEORGE WILLIAM
ROWLAND, JOHN KEVIN
RUSH, KATHRYN GAYLE
SADSAD, ENRIQUE LERMA
SALINAS, FELIPE ELIEZER
SALITSKY, GEORGE JOSEPH
SALTERS, MICHAEL JEROME
SALVATO MICHAEL JOHN
SAMARIO HECTOR
SANDERS, MICHELLE LYNN
SASSCER MICHAEL SCOTT
SAULT KENNETH ROGER
SAWYER, DEAN ROBERT
SCHALLERT, ANTHONY RAY
SCHIFANDO, RICHARD PAYNE
SCHMIDT, CRAIG WAYNE
SCHMIDT STEVEN PAUL
SCHMIT, PETER J.
SCHNELL, DAVID ALLAN
SCHONENBERG, LEE WILLIAM
SCHREIBER, CHRISTOPHER GEORG
SCHREIBER, STEVEN RANDALL
SCOFIELD, RICHARD DENNIS
SELBREDE, CRAIG MICHAEL
SELLERS, DOUGLAS WAYNE
SERVIS, SHERIE LEE
SEWELL, ROSE MARIE
SHAFFER, FRANK PATRICK
SHANKLAND, PAUL DAVID
SHEEHAN, JOHN CHARLES
SHERRARD, JAMES LAMAR
SHOEN, STEPHEN CHRISTOPHER
SHOMAN, GARY
SHUMAN, ALAN DEAN
SILEO, JOSEPH ANTHONY
SILVERNAGEL, GREGORY ALAN
SIMET, STEVE BRIAN
SIMMONS, FRANK LLOYD
SIMS, JOHNNY DEAN
SLAUGHTER, JOHN MICHAEL
SLOAN, STEVEN EDWARD
SMITH, DIXON RHODES
SMITH, GORDON ANDY
SMITH, LYNN EDWARD
SMITH, MILTON AUGUSTUS, JR
SMITH, RICHARD DWAYNE
SMITH, RICKY DEAN
SMITH, TIMOTHY THOMPSON
SMITH, WALLACE DEAN
SMITS, THEODORE VERNON
SMOLA, SUSAN MARIE
SNAZA, CLAY JAMES
SNELL, WILLIAM ANTHONY, JR.
SNOW, JEANNINE ELIZABETH
SNYDER, DAVID ALAN
SNYDER, JOHN CARL
SOLEY, EDWARD THOMAS
SONNER, ROBERT ALAN
SOUTH, JERRY CURTIS, III
SPEER, JAMES ANDREW
SPERRY, JAMES BRENT
SPLINTER, STEVEN THOMAS
SPRINGER, JEFFREY MARK
STAHURA, DOUGLAS ANDREW
STAINBROOK, ANTHONY LEO
STASCAVAGE, JAMES FRANCIS
STAUFF, KEVIN PAUL
STAUFFER, JAMES VICTOR
STEELE, LEE ARTHUR
STEINBRONN, JEFFREY PAUL
STEPHENS, GARLAND
STEPHENS, ROBERT
STEVENS, JANE FRANCES
STEVENS, PAUL TRACY
STEWART, ROBERT BRUCE
STITT, PETER LYLE
ST JOHN, RICHARD WILLIAM
STOCK, JANET ANN
STOESSEL, SUSAN ANNETTE
STONE, MARK LYLE
STUART, SCOTT CLAYBORNE
SULLIVAN, RAYMOND EARL, JR
SULLIVAN, SEAN CORDEN
SUMMERS, JOHN MICHAEL
SUNDT, SCOTT MARTIN
SUSBILLA, ROBERT TAYAG
SUTHERLAND, STEVEN FRANKLIN
SWANSON, JOEL THOMAS
TAKESUYE, EDWARD LEE
TANNER, LORI JOAN MELLING
TAPPAN, SCOTT JEFFREY
TATE, MARK DENNIS
TAYLOR, THOMAS JOHN
TEICHER, DARIO ESLAIT
THEUS, DANIEL LAMAR
THOMAS, ROSS BAKER
THOMLISON, CYNTHIA ANN
THOMPSON, STEPHEN NORRIS
THURMAN, KATIE PODOLAK
TIBBETS, ERIC JUDSON
TILLER, DAVID CAMERON
TIMME, MARK THOMAS
TOOMBS, MATTHEW ALAN
TOWNS, WALTER LEE
TOWNSEND, JAMES RICHARD
TRAUB, WILLIAM F.
TRENCH, MICHAEL SHAWN
TUBBS, CURTIS WAYNE
TUCKER, RANDALL JAY
TURNER, ROBBIE G.
TWITE, ERIC HURON
TWOMEY, THOMAS RAMON
ULANDER, BRETT NELSON
VALDIVIESO, CHERYL L.
VALE, RICHARD A.
VANBLOEM, PATRICIA MARY
VANCE, BRIAN THOMAS
VANDERKAMP, MARTHA MARIE
VANDYKE, GREGORY GLENN
VANJOOLEN, VINCENTIUS JOZEF
VAUGHAN, TY COURTNEY
VELEZ, RAUL ANTONIO
VISLAY, TRICIA ANN
VISSCHER, KEVIN LAINE
VORMBROCKE, MICHAEL JOSEPH
VOTER, RICHARD SCOTT
WALDHAUSER, MICHAEL GORDON
WALKER, DOUGLAS EARL
WALKER, FLOYD KEITH, JR
WALKER, JOHN DIETRICH
WALKER, JOHN GARRETT
WALTER, GEORGE JOHN, JR
WALTHER, CURT ROBERT
WALTZ, JAMES DAVID
WATKINS, RICHARD JOSEPH, JR
WATSON, JOHN VIRGIL
WATT, CHRISTOPHER JOHN
WEARS, THOMAS G
WEBB, CHARLES DAVID
WEBB, JACKLYN DEWARE
WEBB, PETER KENT
WEBBER, DIANE ELIZABETH H
WESTERWICK, JON BARRY
WETTERSKOG, KEVIN
WHEELER, EDUARDO ESTEBAN
WHEELER, WILLIAM EDWARD
WHISMAN, CURTIS DUANE
WHITE, BRICE LANDREAU
WHITEHEAD, GEORGE SCOTT
WHITEMAN, PHILIP STEPHEN II
WHITSON, ANDREW SHEPHERD
WILDONGER, KEITH JOSEPH
WILLARD, RANDOLPH JAMES
WILLHITE, BRUCE ROBERT
WILLIAMS, CRAIG BACKUS
WILLIAMS, MARK HARDEE

WILLIS, ROBERT JON
WILLISTON, WILLIAM CURTIS
WINKELJOHN, JEFFREY ALAN
WINTERS, JEFFREY BRAD
WISEMAN, ALAN LESLIE
WOLFER, TY ROY
WONDER, FRANK ANTHONY
WOODS, ROBERT BLACK
WOOLSON, MARTHA ANNE
WORLEIN, CHERYL KAY
WRAY, CURTIS DEAN
WRIGHT, STEVEN ROLAND
WYANT, JAMES LYNTON
YANG, KUO H
YARDLEY, ROLAND JAMES
YBARRA, JAMES SIDNEY
YI, DONG JOO
YOUNG, MARSHALL STEPHEN
YOUNG, RICHARD STEPHEN
ZALAMEA, ULYSSES OCA
ZARING, ROBERT KEITH, JR
ZILBER, DAVID JOEL
ZWICK, JOHN RAFAEL

ENGINEERING DUTY OFFICERS

To be lieutenant commander

BAHRKE, FREDRIC GERARD
BAITINGER, ANDREW SCOTT
BROOKS, WILLIAM ALLEN
BROVARONE, THOMAS JOSEPH
CHIZEK, LARRY VERNON
CLARK, MICHAEL JOHN
DAVIS, MICHAEL HARRY
DEHAVEN, DARREL SCOTT
EREMIC, JOHN CURTIS
GAISER, ALFRED OTTO
GOOD, MICHAEL RICHARD
GRIBAUDO, MICHAEL LOUIS
GUTTENDORF, MARK BRANY
HAEMER, ROBERT BUDD
HARPER, CHRISTOPHER PAUL
HAWKINSON, TODD DAVID
IMPELLIZZERI, RICHARD
IWANOWICZ, STEPHEN EDWARD
JENKINS, DAVID ARTHUR
KAPOLKA, DAPHNE
KLEIN, DAVID LAWRENCE
LAWSON, JOHN ERNEST
LOGSDON, MARY JONES
MACDOUGALL, KAREN MARIE
MACRI, PAUL DOMINIC
MAURER, GERALD JACOB
MURPHY, MARY CATHERINE
NEIBERT, MICHAEL JOSEPH
POWELL, MARK EDISON
RENKEN, JAY ALAN
SCHNEIDER, WILLIAM ALFRED, JR
SERBINSKI, THEODORE JOSEPH
SITYAR, IRMA
SKOOG, HAROLD LOREN
SOUZA, RANDY
STANKO, MARK THOMAS
SWANK, DAVID PHILIP
TORSIELLO, KEVIN ALAN
VANOVER, KENNETH CHARLES
VINCE, ROBERT J
WHITNEY, MARK RICHARDSON
ZUROWSKI, MARY MARGARET

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be lieutenant commander

BRUNGER, CLIFFORD ALLAN
GAY DAVID LEE

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be lieutenant commander

AINSWORTH, WILLIAM THOMAS
BEACHAM, WILLIAM FREDERICK
BLACKWELL, JACQUELINE YVETTE
BRANSOM, WILLIAM ANTHONY
BRAYMER, THERESA MARY
BROWN, CATHERINE RUTH
BURROUGHS, RONALD KENNETH
BURT, TERRY MICHAEL
CHARTIER, DENNIS WAYNE
CHILDRESS, OLIN THOMAS, JR
COLON, CHRISTOPHER SCOTT
DENNIS, AUBREY DAN, JR
DISHONG, LARRY ALLEN
GEERDES, DAVID PAUL
HARDING, JON CAREY
JONES, MARTIN ARTHUR
KEAS, DAVID GILBERT
KENLON, EDWARD GEORGE, III
LEE, HUGO CLYDE
MOORE, ROBIN ANDREA
MUNSON, GRAIG STEVEN
NOZA, REYNALDO OBDIN
RAMSY, ROBERT GANES, JR
SCHANZ, KEITH ELDON
SEATON, GEORGE DAVID
SHANAHAN, CURT MATTHEW
WILEY, JANET LOUISE
WYNNE, ROSEMARY ANNE

AVIATION DUTY OFFICERS

To be lieutenant commander

COOLEY, THOMAS OWEN
STEWART, STEPHEN DEAN
STRICKLAND, CARY JAMES

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be lieutenant commander

BACHE, ROGER WILLIAM
BERGMAN, ROBERT GEORGE
BROWN, THOMAS LYNN
CHANEY, DONALD EUGENE
CLARKE, KATHRYN MARGARET
DEDRICKSON, RANDAL LEE
FISHER, MICHAEL R
HAEFNER, ROBERT JOHN
ILIFF, MICHELLE
KASINGER, CHARLES DARWIN
MAYER, MICHAEL MCCLANAHAN
NESTHUS, STEPHEN EDWARD
POOLE, JAMES ANDREW
PROPER, JEFFREY DENNIS
RICHARDS, GARY ALAN
SCHAEFER, EDWARD
SHUMA MICHAEL GENE
STREER, JOSEPH VALENTINE
SWEET, THOMAS ALLAN
WHITE, JEFFREY LYNN

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be lieutenant commander

ARCHEY, RICHARD LOUIS
BLACKWOOD, CAROL LEE
BRAKER, PATRICK JOHN
BROOKS, MARY CATHERINE
BRUNN, CHARLES CHRISTIAN
BYRD, JEFFREY THOMAS
CASEY, BRIAN PATRICK
CLEVELAND, MICHAEL SCOTT
CLIFTON, JOHN WAYNE
COATS, ROBERT VAUGHN
COBB, MICHAEL MAHANEY
COOK, ELIZABETH LYNN
CUGINI, JOEL ROBERT
CUNNINGHAM, JEFFREY HOWARD
DALLAS, DAVID THOAMS
DAVIS, KRIS OTISDEVINE, MIC[illegible]N,
DOUGLAS JOHN
HANSON, DAVID BRUCE
HEIDA, JEFFREY DEAN
HIPONIA, LORENZO SISON
HOPPA, ROBERT VALENTINE
HURLEY, DONALD JEFFERSON
JOHNSON, CECIL RAY, JR
KOHLER, MATTHEW JOSEPH
KOTHEIMER, WILLIAM CONRAD, JR
KWON, TONY
LANG, THOMAS HUGH
LEWIS, JAMES PETER
LIPTAK, CHRISTOPHER PETER
MARKER, STEVEN JAY
MCCABE, PATRICK CLARKE
MENGEL, JOHN WARREN, JR
MURPHY, MICHAEL GERARD
NEAL, GREGORY MARK
NICHOLS, THOMAS CHRISTIAN
NICHOLSON, BRIAN DAVID
NUGENT, ROBERT PAUL
OLSEN, GREER GIBSON
OLSON, ERIC WINTER
PENCE, TIMOTHY BARRY
PETERSON, ROY NEAL
PIERCE, KENNETH DEAN
PILLING, EVAN RHETT WILSON
POOLE, PHILLIP TODD
POOR, ROBERT WESLEY
REYNOLDS, MICHAEL LAWRENCE
ROSS, JON TODD
SAWYER, DARREN ANTWON
SCHEEL, GEORGE ANDREW
SCHMIT, JOHN JOSEPH
SCOFIELD, EVA LYNN
SHEA, JOHN JOSEPH
SHEEHAN, FRANCIS XAVIER, JR
SIMPSON, MARK STEVEN
SOLBERG, ONA CLAIRE
STARKWEATHER, ROBERT JAMES
STERNBERG, STEPHEN MICAHEL
SUTTON, FRANK ERWIN
THORNLOW, CHRISTOPHER CLARKE
WHITEHOUSE, EDWARD AARON
WILSON, ALVIN CARLISLE, III

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be lieutenant commander

FALLIN, JAMES ROYCE, JR
QUIMBY, JOSEPH L
ROSS, KENNETH BUDD
VANLEUNEN, THOMAS PAHLS, JR
YOST, JACQUELINE CHRISTINE

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be lieutenant commander

BOLDUC, STEVEN JAMES
CONLEE, DON THOMAS
COUSINS, JOHN DAVID
DECARIA, ALEX JOSEPH
DECARIA, MARCIA ANN
EDSON, ROBERT WAYNE
EVANS, MICHAEL EUGENE
GREER, SUSAN NANCY
HOWELL, DAVID WILLIAM
HUMISTON, RANDALL THOMAS
KATZ, SCOTT DAVID
REECE, RICHARD H.
SAMPSON, RAYMOND MARK
STEWART, PAUL COURTNEY
WARREN, STEVEN WALTER

LIMITED DUTY OFFICERS (LINE)

To be lieutenant commander

ADAMS, DONALD ROBERT
ADKINS, ANDREW LEWIS
ADKINS, JIMMY DALE
AGRICOLA, ROBERT JOHANNES
ALVERSON, JOHN MICHAEL
ALVEY, WILLIAM LISTON, JR.
ANDERSON, CHARLES LLOYD
ANNUNZIATA, ALBERT ANTHONY
ARNSTAM, MARK ALFRED
ATHERTON, JAMES DONALD
AUBERRY, TERRY WAYNE
BAKER, BILLY WAYNE
BAKER, DOUGLAS GORDON
BAKER, JONATHAN ANDREW
BARANN, DETLEV ANDREW
BARKER, ROBERT ALLEN
BARRETT, MICHAEL GENE
BATTLE, JOHNNY CORNELIOUS
BEALE, GARY CARLTON
BEELER, JAMES ROBERT SR.
BELL, WILLIAM LEWIS, JR.
BELLANDO, MICHAEL PETER
BENEDETTO, JOSEPH MICHAEL
BENSON, KAY ELLEFSON
BEVERIDGE, TERRANCE LEE
BROKAW, DENNIS LEE
BROWN, PHILIP ELROY
BROWN, STEVEN CARL
BROXTON, BOBBY JOE
BUNDY, DANIEL ARTHUR
BURRIS, JOHN RICHARD JR.
BUTCHERINE, DONALD EUGENE
BUTLER, ALBERT FRANCIS
BYRD, CARLTON LLOYD
CABALLERO, ORLANDO GILBERT
CACHO, DAVID ARVIN
CALLAO, EDUARDO PEREZ
CAMPBELL, KATHRYN DIANE
CAREY, ALBERT GREGORY
CAREY, RALPH WESLEY
CARGILL, LARRY DALE
CARLBERG, JON ALAN
CARPENTER, STEPHEN EDWARD
CAYLOR, GORDON LYNN, II
CHAPMAN, THOMAS WILLIS
CHEMAN, MICHAEL GERARD
CHRISTENSEN, MARC K.
CHRISTOFFERSEN, CRAIG P.
CLARK, SHERRY LYNN
CLIFTON, CHARLES RANDALL
CLOSE, CLARENCE CLIFFORD
COBB, STEPHEN ALFRED
COFFELT, RICHARD JOHN
COLE, JERRY ALLEN
CONNORS, GEORGE
CONOSCENTI, WILLIAM FRANK
CORPUS, ROLAND GARCIA
COSTANZO, DANIEL MARIO
CULP, WELDON HERBERT
CURRAN, THOMAS LEE
DAVIS, BILLY KEITH
DENHAM, RICHARD MICHAEL
DESOTTO, PHILIP VINCENT
DODSON, JOHN WILLIAM
DONOVAN, JAMES M.
DOVE, JAMES ELBERT
EATON, CRAIG LAVERN
ENDRESS, DAVID CHARLES
FAKES, CHRIS ALLAN
FARIAS, EDWARD JOHN
FISCHER, KEVIN MARTIN
FITZGERALD, CHRIS TUCKER
FLETCHER, KENNETH CARL
FRANKLIN, JERRY
FRANZEN, CHARLES ROBIN
FRENCH, JANER LOU
FRIEDMAN, GERALD
GABRIEL, FRANK
GATTERER, ROBERT ALLEN
GAUDRY, SAMUEL JOSEPH
GAWLIK, EDWARD JOHN, JR
GETMAN, RANDALL LYNN
GILBERT, GREGORY LEE
GILLIS, JOHN HAROLD
GOFF, GARRY LEE
GREFE, ROBERT WILLIAM
GUNTER, STANLEY LUTHER
GYURE, KENNETH ALEXANDER
HAGER, RANDALL JAMES
HALL, GEORGE RAYMOND
HALL, WILLIAM JOHN
HAMBLIN, STUART DOUGLAS
HAMNER, PHILIP LYLE
HARBESON, HAROLD LEON
HARRINGTON, ARTHUR GERARD
HART, MARVIN BRUCE
HAVIRD, ELBERT HILTON
HAWKER, WILLIAM ANTHONY
HAYNES, JEFFREY CHARLES
HEIDENREICH, GEORGE MICHAEL
HEIMBACH, PETER JAMES
HENDERSON, EMMETT ALVIN, JR.
HENKEL, JAMES JOSEPH
HERATH, DOUGLAS VERNON
HOLDRIDGE, DONALD DEWAINE, JR
HOLICKY, SANDRA LEA
HOLM, GARY DALE
HOLTZ, WILLIAM RAYMOND
HONECK, MARK CLAIR
HOOVER, KIM KEVIN
HOYT, DONALD OWEN
HUMPHREY, EDWARD EARL
HUMPHREY, LANCE KAYE
HUNTER, PATRICK ARTHUR
JACKSON, PHILLIP
JARRELL, PAUL CHRISTIAN
JENKINS, JAMES LEE
JEWETT, CHRISTOPHER FLINT
JOHNSON, CECIL CALDWELL
JOHNSTON, HAYES PLUMMER
JONES, CHRISTOPHER MICHAEL
JONES, TOMMY PAUL
JUSTICE, GIFFORD DEAN
KARABINOS, GEORGE RAYMOND JR
KENNEY, PAUL LUTHER
KELLY, KEVIN MARTIN
KEMP, WEYMAN EDGAR JR
DERNS, TERRILL DANIEL
KIDD, ROBERT DAVID
KOFFEL, KENNETH WILLIAM
KRAUSE, EDWARD ANTHONY JR
KRUG, WILLIAM CHARLES, III
LANCASTER, EDWIN LEE
LAWSON, DAVID ALAN
LEADFORD, JEWELLLANDON
LEPARD, DAVID HAROLD
LHOTKA, ERVEN ROBERT
LILE, STEVEN MICHAEL
LITTLE, PATRICK KIRWOOD
MACARAS, WILLIAM NMN
MACH, CHARLES RONALD
MACKAY, JAMES LEE
MADIA, FRANK OTTORINO
MANGUS, GARY STEPHEN
MANN, BOBBIE LYNN
MANNING, STEVE P
MARCH, JAMES WESLEY
MARTIN STEVAN DALE
MARX, TODD ROBERT
MASSE, PAUL EDMOND JR
MATTHEWS, WILHIMENIA THERESA
MAY, THOMAAS ROGER
MCCAIN, STANLEY JAMES
MCCOLLOUGH, DEWEY DWANE
MCDONOUGH, CHARLES MARK
MCEWEN, STUART PETER
MEREDITH, DENZIL RAY, JR.
MERRILL, ROBERT GORDON
MILLINER, BENNETT WISE
MINER, NORBERT LUDWIG
MISTLER, DENNIS L.
MITCHELL, DOUGLAS MICHAEL
MORSE, DALE JAMES
MURPHY THOMAS TERRANCE
NAGLE MARTIN ALBERT
NEASE, RICHARD LEE
NEELY, MICHAEL WAYNE
NEIDER, ROBERT LEE, JR.
NEUBERT, KENNETH GEORGE, JR.
NORTHRUP, BRUCE LLOYD
OBRIEN, JOSEF SYLVESTER
OTT, JAMES HOUSTON
OTTERY, JOHN PETER
PARKER, EDWARD STEPHEN
PASTIN, JOHN ROCCO
PATRICK, JEFFREY LYNN
PERKINS, STEVEN WAYNE
PHIPPS, CARL CLAIBORNE
PINE, MARION GAIL, JR.
PINKLEY, ROGER DALE
PIZZA, LAWRENCE ANTHONY, JR.
PORTER, KENNETH EDWIN
POTTS, RAY ALFRED
PRICE, RICHARD BRANSON
PRITCHARD, ROBERT EDWARD
QUINN, KEVIN JOSEPH
RANNO, GARY PETER
RATHBUN, MALCOLM WILLIAM
REDMOND, WILLIAM ROBERT
REEB, RANDAL DALE
REED, FRANK EARL, III
REED, THOMAS CLAUDE
REED, VICTOR LESLIE
RICHARDSON, EUGENE FELTON, JR.
RILEY, STEPHEN GEORGE, III
RIZER, THOMAS WALTER
ROBERTS, JEFFREY LYN
ROBINSON, STEVEN LEWIS
ROBLES, ERNEST RIVERA
RODGERS, JOSEPH BERNARD
ROGAYAN, ALEXANDER ZAMORA
RUBLE, HOWARD ANTHONY
RUSEK, RONALD MILTON
SANDERS, RICHARD BRYAN
SCHIAVONI, MARK ANTHONY
SCHNEBEL, KEITH ALAN
SCOTT, ROBERT P.
SHEARMAN, FRANK EDWARD, IV
SHIRLEY, CHARLES EDGAR
SIGAFOOSE, JAMES LEROY
SIMS, GREGORY ALAN
SIPPLE, BERNARD FRANCIS
SMITH, GARY ALDEN
SNIDER, ORVAL CLYDE, JR.
SOUTHALL, RALPH C.
SPONTAK, DOUGLAS E.
STACKS, EDWARD MICHAEL
STALLARD, THOMAS DALE
STANFIELD, LEONARD WYNFRED
STAPLETON, JOHN THOMAS, JR.
STEPPE, RONALD CLAY
STETTLER, GLEN JAMES
STEUER, STEVEN WILLIAM
STEWART, ROBERT CARL
STRAWN, MARC EUGENE
SUTHERLAND, DANIEL MORGAN
SWALLA, ALBERT EDWARD
SWANGIN, LYNN CONDY
SZASZ, KAROLY
TACK, RICHARD W.
TAYLORBROWN, NORAH HIDEMI
TEZAK, PATRICIA ANN
TODD, JOHN PAUL, JR.
TOOLE, JAMES ROBERT, JR.
TROTTER, JOSEPH WENDELL
WARE, DONALD LEROY
WAYMAN, PAUL DEAN
WELLBAUM, STEVEN EUGENE
WHELAN, JAMES FRANCIS
WILDS, TERRY RAY
WILKIE, DAVID BRUCE
WILLIAMS, JOHNNY
WINDHAM, WOODROW TERRY
WONG, JAMES CHUNMOO
WOOD, NICKY SPENCER
WOODS, ROBERT L.
WRIGHT, JOHN EDWARD
WYNN, JAMES DALE
YACOVONI, JAMES ALBERT
ZELESNIKAR, DANIEL PAUL

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT

TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be lieutenant commander

ALONSO, ROBERT A.
AMSBERRY, JAMES K.
ARMSTRONG, DEBRA L.
ARREGUI, PABLO
BALK, RICHARD
BALKKRADEL, SUSAN
BANEY, RICHARD N.
BEBB, DONALD RAYMOND
BELENKER, STUART
BELLAND, KRIS M.
BERRY, COLIN
BETHEA, MARCUS CARLISLE
BEVERLY, RICHARD E.
BIENVENU, LOUIS MAURICE
BILIK, ALFRED J., JR.
BLACK, DAVID K.
BLASCHKE, GREGORY S.
BLICE, JEFFREY P.
BOLSTER, DAVID E.
BOND, CHARLES D.
BOWER, ERIC A.
BRAMS, DAVID M.
BREWSTER, DOUGLAS F.
BRIER, DANIEL E.
BRIGGS, KEVIN A.
BRINSKO, KENNETH J.
BRODNIK, RANDY M.
BROOKER, CHARLES R.
BROWN, JOHN E.
BUCKLEY, ROBERT H.
BUETOW, MICAHEL
BUGLEWICS, THOMAS
BUNDY, JOEL T.
BURGESS, JOHN BUCHANAN
BURTON, KELVIN B.
VALVIT, THOMAS B.
CAMARCA, MARY A.
CANTILENA, CHRISTOPHER
CARBINE, DOUGLAS N.
CARBONELL, MIGUEL G.
CARUSO, JAMES L.
CASTELLAN, DAVID
CASTERELLA, PETER J.
CHAMBERLAIN, ROBERT J.
CHAVEZ, ALEXANDER C.
CHENG, LAWRENCE MASON
CHITWOOD, ORVIS H.
CHOWDHURY, MOHAMMED RAY
COGAR, WILLIAM B.
COLE, JEFFREY B.
COLLINS, JEFFREY S.
COLLINS, TIMOTHY PAUL
CONNER, RICHARD J.
CONWELL, JEFFREY A.
CRONIN, KELLY G.
CROSBY, CAROLYN SARGENT
CULTON, MARK ANDERSON
DAVILA, VIRGIL A.
DAVIS, DANIEL C.
DAY, CHRISTOPHER J.
DILLARD, DAVID G.
DISNEY, JEFFREY D.
DLUGOS, DENNIS J.
DOMMERMUTH, RONALD F., II
DORT, JONATHAN M.
DOUGHTY, FLOYD ARTHUR
DUNLEVY, TIMOTHY M.
DYKES, WILLIAM
EARHART, KENNETH C.
ESCHBACH, JEFFREY C.
EVANGER, ANDREW J.
EVANS, EDWARD E.
EWERT, TODD R.
FANTES, THOMAS P.
FEEKS, EDMOND F.
FELIX, STEVEN D.
FERRALL, ROBERT J.
FINDLEY, RUSSELL
FISK, JOHN W.
FLEMING, GEORGE
FLOYD, DAVID W.
FORD, GWENDOLYN C.
FOWLER, MARK D.
FRIAS, JUAN P.
FULLEN, DOUGLAS RANDALL
GANTT, RODDIE
GARCIA, EDDIE ALONZO
GARCIA, MICHAEL A.
GASMAN, MICHAEL A.
GASTON, DAVID A.
GENTILE, CHARON E.
GENTRY, JERRY L. II
GOFF, DAVID
GOLDBERG, BRUCE L.
GORELICK, DAVID S.
GRAVEDEPERALTA, JOSE M.
GRAY, JOHN M.
GRAYSON, GALEN
GREGG, KEVIN
GRIECO, ANTHONY
GRIFFAY, ANTHONY M.
GROSS, MAJOR R.
GUSTAFSON, KEITH B.
HAAS, GERALD R.
HALLIBURTON, CHARLES R.
HAM, DELBERT W.
HAMMER, PAUL
HANSEN, GEORGE H.
HARDIN, JEFFREY M.
HARFORD, ROBERT R.
HARRISON, EMMANUEL
HEINS, CYNTHIA LOUISE
HEISS, GORDON L.
HENRY, JOHN C.
HERBERT, ERIC
HERRON, BRYAN R.
HICKMAN, DANIEL D.
HINSHAW, KEVIN
HOLGUIN, RAUL
HUEPPCHEN, NANCY A.
HUEY, WILLIAM B.
HUHN, DANIEL EDWARD
HUTCHESON, JOEL C.
HYLER, DAVID S.
IANNACCONE, RAYMOND
INOUYE, WARREN S.
IWAOKA, D.
JACKSON, ROBERT
JAN, MOORE HUA
JENNINGS, CHRISTOPHER J.
JOHNSON, CHARLES II
JONES, DOUGLAS A.
JUN, STEPHAN FRANK
KANE, CHRISTOPHER JOSEP
KELLEY, JOHN
KENNEDY, TIMOTHY RAYMON
KEYES, ALAN S.
KIRKPATRICK, KURT J.
KNEPPER, JOHN A.
KOELLA, JOHN E
KRADEL, BRIAN K.
KUNCIR, ERIC J.
KURMIS, GARY F.
LAHREN, KRIS M.
LARRINAGA, JOHN A.
LE, THO D.
LE, TRUNG N.
LEONARD, DAVID
LEONG, HERMAN G.
LESLIE, THEODORE L.
LU, DAVID CHUNG
LUCIO, JOHN C.
MANSON, GREGG W.
MARATEA, EDWARD A. JR
MAREBURGER, STEVEN R.
MARTIN, NEIL J.
MCEWEN, GARY W.
MCKAY, MARY P.
MCQUEEN, MATTHEW ANTHON
MEISTER, RAYMOND K
MEJIA, ETIENNE A.
MERCADER, LUIS
MERWIN, MILES M.
MEYER, GRETCHEN A.
MICHITSCH, ROBIN U.
MILLAN, ERNESTO R.
MILLER, BRYAN D.
MILLIKEN, MARTIN
MILOWIC, KRISTI LYNN
MINOSOYDECAL, OSCAR E.
MITCHELL, PAUL
MOHS, DONALD C.
MOLOGNE, TIMOTHY S.
MOORE, THOMAS K.
MORRISON, ALAN L.
MORTON, BRYCE A.
NEPOMUCENO, YVES
OLLAYOS, CURTIS
OSTERWALD, BONNIE E.
PAGE, DEAN A.
PARSONS, ANDREW
PASTERNAK, JOSEPH
PAUL, FINSTER L.
PAYNE, MELVIN P.
PECHA, BRIAN S.
PELFREY, DAVID A.
PERDUE, PHILIP W.
PETERSON, CYNTHIA MARIE
PETULLO, DAVID J.
PICCIRILLI, CYNTHIA B.
PORTER, BURDETT R.
POWERS, THEODORE S.
QUAST, ROBERT F.
QUAYLE, SHARON S.
RANDALL, DAVID
REED, KEVIN JOSEPH
REICHARD, SCOTT R.
RITCHIE, JAMES V
ROBERTSON, THOMAS J.
ROEGNER, DOUGLAS P.
ROOKSTOOL, ROBERT J.
ROPER, JOHN ALEXANDER
ROSENQUIST, RONALD L.
RUBEY, ROBERT NEAL
RUSSELL, STEVEN R.
RUSSELL, WARREN K. II
RUTERBUSCH, JEFFREY A.
SANTIAGO, JULIO A.
SAPERSTON, ADAM R.
SARIDAKIS, MICHAEL A.
SAWYER, ROBERT N.
SCHMETZ, MARK A.
SCHOENFELD, PHILIP
SCHROFF, RICHARD L.
SCHRUBBE, BENJAMIN POWE
SHAPIRA, JOHN B.
SHAYNE, ANDREW
SHERMAN, STERLING SCOTT
SHIELDS, RAYMOND C.
SHUFFER, PHILLIP M.
SIMPSON, ROBERT
SMALL, ROBERT W.
SMULLEN, BRIAN D.
SORRELLS, TIMOTHY C.
SPANDORFER, STEVEN D.
STAAB, JEFFREY P.
STADTLANDER, SEAN M.
STERNER, DAVID CHARLES
STID, MARK A.
STINNETT, BRUCE A.
STONUM, THOMAS S.
STREETER, JACKSON
STRONG, BRADLEY W.
STUBBS, GINA LEWIS
SULLIVAN, NEIL M.
SUNADA, FAY Y.
SUTHERLAND, MARK V.
SUTTON, JOHN J.
TAM, DAVID A.
TARVER, JAMES H.
TASKER, SYBIL A.
THIBAULT, GLENN F.
THOMPSON, BRADLEY S.
THOMPSON, MICHAEL A.
THORNBURY, MELVIN
THRAN, MATTHEW J.
TICHENOR, JAMES R.
TOCCHI, LEE P.
TOMITA, SANDRA S.
TRENTHAM, ORIN P.
TROELL, ROBERT J.
TRUDEL, JOHN W.
TURNAGE, JIMMY WAYNE
TURNER, EDWIN DWAYNE
VAALER, ANDREW K.
VALDESDAPENA, ANTONIO E.
VALE, ROBERT M.
VANSCHAGEN, JOHN E.
WADE, JEFFREY T.
WAGGENER, RICHARD
WAGNER, MICHAEL R.
WALKER, LYNN
WEISS, DENTON D.
WELCH, GUSTIN M.
WILKERSON, ANDREW D.
WILLIAMS, JOSEPH H.
WILLIAMS, VERNON M.
WINFIELD, ALBERT C.
WOOD, STERLING HARBERT
WOODFORD, CLIFTON
WOODS, DIRK
WRIGHT, DAVID G.
YOUNG, THOMAS R.
ZINDER, DANIEL J.
ZINK, MARK THOMAS
ZOMBEK, WILLIAM

SUPPLY CORPS OFFICERS

To be lieutenant commander

ADAMS, GARY GRIFFITH
ALBRIGHT, CYNTHIA ANN
ALEXANDER CATHERINE DENISE
ALLISON, PHILLIP ROWE
ANDREANO, JAMES MATTHEW
ARNOLD, MICHAEL JUDD
ARNWINE, KEVIN MICHAEL
BENNETT, ROBERT JOHN
BERGERON, WAYNE JOHN
BRANNON, TROY EUGENE
BRAVO, MANUEL ESTABILLO
CAIN, STEVEN MARTIN
CAMPBELL, DANNY WAYNE
CARTER, ROBERT KENTON
CLAGUE, DANIEL GERARD
COLLINS, BRIAN JOHN
DANIELSON, SHERMAN ARTHUR
DESJARLAIS, GEORGIA KATHRINE
DOUGLASS, ROBERT CAMERON
DUMLAO, MARCIAL BERNARD
EBERT, LESS GLENN
EHRHARD, KEITH WILLIAM
EVERINGHAM, MICHAEL ALAN
FEELY, MATTHEW STEPHEN
FOWLER, ROSS OGDEN, III
GILBEAU, ROBERT JOHN ALBERT
GOELLER, DALE WELLINGTON
GRASSILLI, LEO JOSEPH, III
GREENE, TIMOTHY MICHAEL
GWOZDZ, ROBERT LOUIS
HAMMOND, GARY EDWIN
HATHCOCK, CARL RUSSELL
HUSSON, CLAUDE ROBERT, III
JOHNSON, JERRY
KANE, MICHAEL WALTER
KIRK, MICHAEL KENNEDY
KNOBLOCH, KURT BENET
LARSON, CRAIG ALLEN
LAZO, MILANTE FORONDA
LEOPARD, GUY LESCHER, JR.
MALVEAUX, JOHN
MARCHBANKS, KEITH LYNN
MARLER, JAMES ERWIN, JR.
MARSH, MICHAEL ROBERT
MIGLIORE, STEPHEN JAMES
MILLS, JACK QUENTIN
MOORE, ROSA RUIZ
OHL, MARK ANTONI
OREAR, DENNIS PAUL
OSBOURN, DOUGLAS ALAN
PALKO, DANIEL ANTHONY
PRITCHARD, JEFFREY WILLIAM
PROTACIO, PATRICK EUGENE
RECTOR, HERSCHEL HERMAN, JR.
REEVES, ROSS ROBERT
REID, JEROME LEON DACOSTA, JR.
RICHARDSON, TOMMY LEE
RIVAS, GERALD ALAN
ROBILLARD, GLENN CHARLES
ROBINSON, MICHAEL WAYNE
RODRIGUEZ, RAYMOND JOHN
RYAN, WILLIAM PATRICK
SANTIAGO, ROLANDO MELCHIADES
SANTOS, ADONAI DIONICIO
SAWHER, WALTER, III
SHEEHAN, EDWARD WILLIAM, JR.
SHEPPARD, BRIAN DAVID
SHIELDS, JAMES LOUIS, III
SISK, STEVEN KENNETH
SIST, ARNO JOHN
SMITH, DANIEL JOSEPH
SMITH, STEVEN LEE
SPILLMAN, EMIL EDWIN
SPRUILL, JOSEPH LESLIE
STANSFIELD, PATRICK JOHN
THOMAS, JAMES GARNET
TULENKO, EDWARD
TURNER, ROBERT BURCHEL
VARNER, CYNTHIA RASCH
WALKER, RAYMOND ALEXANDER
WALKER, SAMUEL NATHAN
WALTERS, ELIZABETH STEPHANIE
WEINER, DANA STUART
WHELAN, RICHARD THORNE
WHITE, DERRICK THOMAS
WILLIAMSON, WAYNE JOHN
YEATMAN, DENNIS FRANCIS
YOUNG, DAVID LARRY
YUEN, JONATHAN ALEX
YUSTAK, LISA ANN

CHAPLAIN CORPS OFFICERS

To be lieutenant commander

ARNOLD, RICHARD LEWIS
BEEDE, CLAUDE ROBERT
BJORKLUND, BRIAN DAVID
BROWN, STEVEN DOUGLAS
BUCK, CHRISTOPHER EVANS
CARR, GARY W.
CHEATHEM, LESA DEVON
CREELY, THOMAS E.
CWIKLINSKI, CARL JEROME
DAVIS, BETTIE JEAN
DEATON, PAUL R.
DEVINE, WILLIAM D.
ELLIOTT, PATRICK KELLY
ELSON, IRVING ALEX
GIRARDIN, DAVID WALTER
GREENSLIT, LAWRENCE PUTNEY
GREGORY, PETER WILSON
HALL, DANIEL RAY
HOOD, WILLIAM RIENKS
JENSEN, VAL JON
JONES, LAURENCE WHITMAN
JONES, NEIL GEORGE
KALSOW, LARRY DONALD
KIBBEN, MARGARET GRUN
KLEPACKI, MICHAEL STEPHEN
LANGSTON, MICHAEL W.
LARSEN, SAMUEL HARRY
LEA, JOHN HARVEY, III
MORRIS, GARY WAYNE
PENNELL, GRADY J.
PHILLIPS, JERRY FRANKLIN
PHILLIPS, TRAVIS M., JR.
ROCHEFORD, DENNIS JOHN
SCHUTZ, MICHAEL LOUIS
SCHWABAUER, DAVID MICHAEL
SCORDO, JOSEPH ANTHONY
STEPHENS, DANIEL CLIFTON
STURGIS, RONALD CARL
TARGONSKI, CONRAD ANDREW
TORRALVA, ARMANDO SALAZAR
UHALL, MICHAEL ANTHONY
YOUNG, DENNIS WILLIAM
YUILLE, THOMASINA ALEXINE

CIVIL ENGINEER CORPS OFFICERS

To be lieutenant commander

ANGELL, JOSEPH ADRIEN, II
BABCHYCK, BRUCE COURTNEY
BAKER, JOHN TIMOTHY
BALLINGER, CATHERINE ANN
BEEBE, MATTHEW RICHARD
BELL, STEPHEN SPENCER
BERTOLACCINI, STEVEN GERARD
BOONE, DAVID MIKIO
BOOTHE, DOUGLAS HAMMOND
BOWERS, MICHAEL SHON
BREWER, SCOTT ALAN
BUFFKIN, MARK DUBOSE
CLAUSE, DONALD WILLIAM
COX, ANTHONY JAMES
COZIER, DAVID ROBBINS
CUNNINGHAM, THOMAS WILLIAM
CURIA, ROBERT GAETANO
DUPES, STEVEN RAY
ERMOVICK, ANTHONY VINCENT
FLORO, CHRISTOPHER VAN OLIVE
GATCHALIAN, DONALD HYNSON
GOMEZ, PAZ BELTRAN
GRAVEN, JAY ANTHONY
GRIP, WILLIAM GEORGE
GUERRA, JUAN MANUEL JR
HAMILTON, SHAWN KEITH
HODGES, GARY LEE
HONKOMP, CHRISTOPHER JOHN
IRBY, JULIAN BUTLER
JOHNSON, BRIAN DAVID
KELLEY, DAVID FREDERICK
KENEALY, WILLIAM EDWARD
KILLMEYEREBERT, CYNTHIA.
LANDIS, JONATHAN ROBERT
LASATER, DARIN VON
LEINBERRY, BETH ELISE
MARKIEWITZ, MARTIN ARNOLD
MORTON DOUGLAS GRAY
MOURITSEN, JOHN WARREN
MUNOZ, HERMOGENES REYES
NATSUHARA, KAREN FUSAE MATSU
NATSUHARA, ROGER MITSURU
NICHOLAS, THOMAS CHARLES
ORLOWSKY, JOSEPH GERARD
PETERSON, MICHAEL WILLIAM
PUNSALAN, ROMELEO NONATO
PUNTENNEY, MICHAEL CRAIG
RODINA, THOMAS JAMES
SCHMADER, KELLY JOSEPH
SHIRK, WILLIAM HENRY
SIEGFRIED, ROBERT WILLIAM
SNOW, RALPH GORDON
SOARES, PAUL ANTHONY
SPEAR, THEODORE EDWARD
STADER, JAMES FRANCIS
VOGELSANG, KEVIN GEORGE
VOLTZ, JEFFREY DAVID
WEISENBURGER, KIMBERLY DALE
WILHELM, WADE BERNARD
WIRSCHING, STEVEN MICHAEL
WOODSON, ROSS DAVID
YEHLEN, MARK HENRY

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be lieutenant commander

AUCLAIR, MARCELLA JANE
BASTIEN, RICK DENIS
BLAZEWICK, ROBERT BRIAN
BOORDA, ROBERT NATHAN
BROUGHTON, LEROY ALEXAN
BUDENSIEK, MARK DAVID
CERVI, GREGG ANTHONY
CLANCY, BENJAMIN BEALE
CRANDALL, DARSE E
DUTTON, PETER ALAN
DWIGANS, DEAN LEROY
FISCHERANDERSON, KAREN
FOSTER, KIRK ALAN
GALLOTTA, STEPHEN MICHA
GREEN, MICHAEL GERARD
GROGAN, DAVID EDWARD
HEROLD, JENNIFER STANFI
HORRIGAN, WILLIAM CHRIS
HORWITZ, JEFFREY SCOTT
JACOBS, THOMAS WILLIAM
JAMROZY, STEPHEN ANTHON
JOHNSON, KAREN ANNETTE
JOHNSON, RONALD NESTOR
KENNEY, SCOTT ARTHUR
LUSTER, JEFFREY PAUL
MAHER, STEPHEN JAMES
MCPALMER, TERESA ANN
MOBERG, BRETT ALLEN
MORGAN, DAVID PAUL
NELSON, JON ELMER
OBRIEN, GREGORY JOHN
OROURKE, KENNETH JOHN
PALMER, MICHAEL TIMOTHY
POE, STACY ANN
REILLY, GEORGE FRANCIS
SCHAFF, CHARLES EDWARD
SHIRLEY, MATTHEW GRAHAM
SNEATH, KAREN LYNN
TINKER, JULIE LYNN
VINCENT, ROBERT EVERETT
WAITS, JOHN KIRK
WARE, GLENN THOMAS
WENTWORTH, MICHAEL JOHN

DENTAL CORPS OFFICERS

To be lieutenant commander

AUTH, VINCENT GERARD
BEGOTKA, BRUCE A.
BELMONTE, STEPHEN A.
BERNARDY, JOHN SCOTT
BETTIOS, IOANA
BROWNING, JOHN PERRY
BUCHMANN, CRAIG ERIC
BURGER, CARRIE LEE

CABASSA, ROBERTO JOAQUI
CAMPBELL, ROBERT DOUGLA
CANBY, FREDERICK LOOMIS
CATRON, GLENN LEE
CHESTAND, MAGGIE JANE
CISNEROS, ROBERT ANDREW
COLBURN, SCOTT WILLIAM
COUREY, JAMES MICHAEL
CUMMINGS, GARY MICHAEL
DOROFF, DAVID PAUL
DRISCOLL, PHILIP G.
ENEA, STEVEN ARNOLD
FLYNN, KEVIN FRANCIS
GASKIN, ELIZABETH BOWLE
GILLIS, SCOTT VINCENT
GORTHY, JEANETTE MARIA
GRIESER, PETER A.
GRZESIK, SANGSOO J.
HAGAN, CHARLES ERIC
HALUSKA, SCOTT EDWARD
HARMATZ, DAVID MARC
HARRISON, ROBERT B.
HILT, BRUCE ROBERT
HOAG, JAMES DOUGLAS
JARAMILLO, CARLOS VILLA
KOCH, BRADLEY STEVEN
KORSNES, JEFFREY NILS
KORSNES, MARIA ISABEL
KREMP, PETER GERHARD
KUKLOK, KIERIAN BRIAN
LEMASTERS, GRANT DAVID
LESSIG, MARGARET ANN
LLOYD, DAVID ROBERT
MAZZEO, NICHOLAS
MCDAVID, VALERIE GAIL
MCGEE, MARK
NEITZKE, CRAIG MATTHEW
NESBIT, LINDA KAE
ONEILL, EDGAR PATRICK
POSCH, MICHELLE MARY
READ, LANCE A.
SMITH, SCOTT MITCHELL
SONNIER, KEITH EDWARD
TAITO, LEE ANTHONY
THOMAS, CRAIG JOSEPH
TINDLE, DAVID IRA
TRASK, GEORGE LEE
TUCKER, DENNIS MAXWELL
UHER, DEBORAH ELIZABETH
UNSELL, MICKEY LEE
VANDERVORT, GENE ALLEN
VAZQUEZ, VANESSA LYNETT
WATKINS, BRIAN DOUD
WEINACKER, GERARD GRAY
WILLIAMS, CURTIS C.
WOLFGANG, MICHAEL J.
WORM, DONALD ALFRED, JR.

MEDICAL SERVICE CORPS OFFICERS

To be lieutenant commander

ABELS, CECIL CARLTON, II
ALBIA, DON CENON B.
AREVALO, LUISITO JOCSON
BAKER, GARY LEWIS
BALESTRIERI, THOMAS MIC
BANGS, MICHAEL JOHN
BARNARD, LEESA JAN
BASLER, JOANN
BEAVERS, GREGORY MARK
BIRON, JOSEPH EDWARD
BLANCHE, WILLIAM HARVEY
BLAND, MARK JOSEPH
BRADLEY, WILLIAM PAUL
BRITTON, CLIFFORD LYLE
BRUCE, DANIEL JAMISON
BUTLER, BARBARA KAY
BYRON, MICHAEL RAY
CABANACAN, JESUS BALLES
CANBY, JAMES BENJAMIN I
CASTILLO, VALMORI MORTE
CLEMENS, DONALD STEPHEN
COOK, KEVIN DOUGLAS
CROWL, PETER E.
DAVIES, DAVID ANDREW
DAVIS, MICHAEL AUSTIN
DAVIS, STEVEN KENNETH
DEGEORGIO, PHILIP ANDRE
DELVECCHIO, RAFAEL JUAN
DEPPERMAN, DAVID LAWSON
DESIMONE, PAUL MICHAEL
DIEHL, JAMES GERALD
DODGE, RONALD FLOYD
DOUGLAS, STEVEN ANDREW
DUFFY, NANCY LOU
DUGGER, OSKER LEE
EHRESMANN, ELAINE CLAIR
ELLIOTT, TAMERA JANE
FERRARA, JEAN MARIE
FEYH, WILLIAM HOWARD
FITZPATRICK, JAMES BERN
FONTANOZA, CONSOLACION
FORMISANO, JERRY ANTHON
FRAGOSO, LINO LUIS
FRANCE, ROBERT LYLE
FULFORD, DAVID WILLIAM
GABB, GEORGE FREDERICK
GALESKI, STEVEN MICHAEL
GOLDBERG, KATHY FEHNEL
GRAHAM, DENISE MARIE
GREEN, KENNETH PETER
GRIFFITH, JEFFREY SAMUE
GRIMSLEY, GERALD RANDOL
GROSSO, LISA LYNN
GUTIERREZ, DAVID
HACKETT, DON E.
HAGEN, DONALD DELANO
HASTING, STEPHEN ROY
HATFIELD, GARY LEE
HATHAWAY, GAIL LOUISE
HERNANDEZ, RENE SUZAN
HILAND, JAMES WILLIAM J.
HOFF, MELINDA JEAN
HOOVER, DIANE LYNN
HORN, DAVID SAMUEL
HOYOS, GERMAN E.
HUSEMAN, WILLIAM FRANK
JACKSON, JASON AZEL
KARPACHINSKI, NICK
KERR, BRIAN GREGORY
KILLEA, PATRICIA JEAN
KNOWLES, JOHN WILLIAM
KOPACZ, PETER EFREM
KRECEMAN, WILLIAM HILL
LAMBRECHT, MARK PAUL
LANIER, STEPHEN NORMAN
LAVENDER, DAVID ROBERT
LAWRY RUSSELL SCOTT
LEDERER, MARK RICHARD
LEFEVER, BRYCE EDWIN
LINDO, RUPERT FITZGERAL
LIOTTA, PHILIP LEE
LITTLE, KEVIN LEE
LLANES, BENJAMIN POBRE
LOE, MICHAEL M.
LONG, RONALD EUGENE
LOPES, NANCY ELIZABETH
LOTT, MICHAEL WAYNE
LUSSIER, WILLIAM A.
MACALALAD, DANA LYNN PO
MAMMINO, ELISE JUSTINE
MAMOT, KENNETH JOSEPH
MARRIONEAUX, ORY SAMUEL
MARTIN, JOHN L JR.
MARTINEZ, FABIO MAURICI
MCCALLUM, DAVID LEE
MCCLENDON, DWIGHT MYRO
MCDONALD, SHARON M.
MCWHORTER, LISA KAY
MILLER, NANCY LEIGH
MILSON, KURT SAMUEL
MOORE, KEVIN MICHAEL
MOORE, WILLIAM GARY
MOSMAN, GARY WILLIAM
MURPHY, CHRISTOPHER BRI
MURRAY, TERRENCE MICHAE
NESSMITH, SUSAN PATRICI
PARNELL, CLAUDE LAURENC
PEREZ, JOSE RAMON
PETRILLO, MARTIN ANTHON
PICCIONE, FRANCES
POLIZZI, DIANE KAY
POSVISTAK, MARK STEVEN
POWELL, KENNETH VICTOR
PRICE, DAVID EUGENE
RAKES, GARY HOWARD
RAMOS JOSE ALBERTO
READING, MITCHELL JOHN
RIAHI, SANDY JO
RICHERSON, MARK ALAN
ROSE, PATRICIA LYNN
RYAN, DANIEL JAMES
SAMMON, MORGAN TAYLOR
SANDERSON, PATRICK ALSO
SAWYER, THOMAS JOSEPH
SCHAUER, DAVID ALAN
SCHLEGEL, ROBERT MARK
SHAPPEL, SCOTT ALLEN
SHUMAKER, DEBORAH JEAN
SIRCY, MICHEAL JOHN
SMITH, DAVID PHILLIP, JR.
SPADA, PAUL THOMAS
SPEERUET, LISA C.
SPERNOW, ELIZABETH ANN
STEVENSON, ANN ARLINE
STONE, MICHAEL DOUGLAS
SUMNER, FREDERICK SILVI
SWAN, BRIAN DAVID
SYMONDS, STEPHEN BROOKS
SYRING, KEITH ALAN
TABACH, GARY
TALMADGE, STEPHEN ALFRE
TELA STEPHEN DOUGLAS
THOMAS, CLARENCE, JR.
THORLEY, EVAN ASHBY
THORNTON, SCOTT ALEXAND
THRALLS, JAMES ARTHUR
TILLERY, LAURA SUZANNE
TOMLINSON, DAVID WENDEL
TUCKER, PAMELA ONEITA
UPHAM WILLIAM JOHN
VANORDEN, KARL FREDERIC
VILLANUEVA, AMILCAR
VILLAREAL, HENRY BARELA
WARREN, MICHAEL LEE
WHALEN, DANIEL GERALD
WHITLEY, ALICE
WILLIAMSON, DIANA L.
WINKLERPEISER, SHARON K.
WOLGEMUTH, KEITH STEHMA
WOOD, ELAINE JEAN
WOODRUFF, RONALD RUDOLP
ZIEMKE, GREGG W.

NURSE CORPS OFFICERS

To be lieutenant commander

ALSBERRY, ANGELA MARY
AXMAN, LINNEA MARIE
BAKER, BRENDA CAROLE
BAKER, JAMES DUANE
BARNHART, MEEGAN PAGE
BECK, MICHAEL RONALD
BERNATEK, THOMAS J.
BLACK, RENAE LAREE
BLONIEN, JODY KATHRYN
BODE, AMY ELIZABETH
BOYER, PATRICIA SUE
BRACE, LISA GAIL
BRADSHAW, ELLA FRANCES
BRAITSCH, ELIZABETH ANN
BRENNAN, KRISTI BROWN
BROWNVIDAL, LINDA MAY
CHAN, PATRICK PAKNAM
CLARK, SUZANNE MARIE
COLLENS, CHARLES TERRY
COWAN, JUDY A.
CURLL, NANCY LEE
DELANEY, THOMAS JOSEPH
DIAZ, MARGARET ANNE
DIRENZO, KAREN ANN
ELUMONEAL, ANGELIA DENI
ELY, HELENA GERTRUDE
FERGUSON, JAMES PAUL
FINK, MARK HAMILTON
FRANCIS, LAFRANCIS D.
GIANINO, SUSAN MARIE
GIGUERE, ARTHUR JOSEPH
GIZA, PAMELA GAYLE
GODWIN, BRUCE WAYNE
GRAU, KRISTE J. MILLER
GREEN, KRISTIN LEE
GROSDIDIER, RENE AUGUST
HADDOCK, ALLEN HOUSTON
HANRAHAN, EDWARD JOSEPH
HANSEN, STEFFANI HETMAN
HARRELLPARKER, JANICE M.
HASSELBECK, ANNETTE NOE
HENDRICKSON, ROBERT G.
HO, CHRISTOPHER W.
IRELAND, LINDA ANN
JONAK, PAULA MARIA
JONES, SCOTT MORGAN
KEENAN, MARY DEBRA
KENNEY, GUTSHALL MARY K.
KIRKLAND, RANDOLPH J.
KLUS, BARBARA ANN
KNOERL, DANIEL VINCENT
KOVACH, CYNTHIA
KOZLAK, JOANNE THERESA
KREMLER, JEAN ELIZABETH
LAROSE, JOEL PATRICK
LEIBY, LISA JANE
LINDSEY, SUSANNA KAY
LONGENECKER RUTH ANN
LUKE, JAIME ANN
MALEBRANCHE, MARK ROY
MARKS, KEVIN TIMOTHY
MARSH, CLAUDIA SELCH
MARTIN MARY ELIZABETH
MATA, CRUZ
MCGAHAN, MATTHEW FRANCI
MICHO JERRY JAMES
MILLER, KARYN LYNN
MIRANDA SHAUNEEN MURRA
MOCK, CARRIE ANNE
MOLER, ROBERT ANTHONY
MONNENS HELEN LINNEA
MORRO, MARYALICE
MORSE, BEVERLY ANN
MOUWDY, CURTIS DARREL
PEARCE, GINAMARIE
PEARL, JAMES EDWARD
PELLEGRINI, JOSEPH EDWA
PERDUE, MARY KATHRYN
PHELPS, MELISSA R.
PYLE, SONJA MARIE
RAIMONDO, LISA HENNING
REISER, ELIZABETH ANN
REMEY, CAROL LYDIA
RODRIGUEZ, WANDA IVELIS
ROTHACKER, JOHN ALOYSIU
RUPERT, DAVID THOMAS
SALOMON, KAREN LEA
SCHALL, MARY BETH
SCOTT, SUSAN MILLS
SCOTT, VANESSA MARIE
SEXTON, PAULA JEAN
SHAW, CAROLYN MARIE
SIEMER, THERESA E.
SIMPKINS, GREGORY LOUIS
SLATTEN, JANET DAVIS
SLEICHTER, PEGGY MARIE
SOWELL, PAMELA MAE
STEWART, BONNIE L. FIELD
SUTTON, VALERIE J.
TYSOR, PATRICK WILLIAM
VERNERE, MICHAEL
VOGLER, ROBERT CHARLES
WAEGERLE, JOHN DAVID
WIGGANS, LAURA BEATRICE
WILBERT, DEBRA MAY
WILCOX, MARY KATHLEEN
WILSON, SONIA ELAINE
WOODHEAD, SHIRLEY BELLE
ZECKSER, DARLENE VESTA
ZELLER, MAUREEN JOAN

LIMITED DUTY OFFICERS (STAFF)

To be lieutenant commander

ANTOINE, BRUNO VINCENT
BENOIT, RICHARD OMER
BRINK, SANFORD ALLAN
ELLSWORTH, LEE
FLORA, RAYMOND AUGUSTINE, JR
FRENCH, JAMES ANDRE
GABOURY, JOHN KEIJI
JOHNSTON, HARRY ROBERT
KENNAMER, LARRY JAMES
LASTRELLA, AMANDO LLORIN
ROOT, GARY DONALD
SMITH, EVERETTE JENNINGS, JR
TARPLEY, FRANKLIN JERRY
TURNWALL, DICK DEAN

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR PROMOTION AS RESERVES OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 593, 8366, AND 8372, OF TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8372 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE OF 18 JUNE 1993 AND PROMOTIONS MADE UNDER SECTION 8366 SHALL RE EFFECTIVE UPON COMPLETION OF SEVEN YEARS OF PROMOTION SERVICE AND TWENTY-ONE YEARS OF TOTAL SERVICE, UNLESS A LATER PROMOTION EFFECTIVE DATE IS REQUIRED BY SECTION 8372(C), OR THE PROMOTION EFFECTIVE DATE IS DELAYED IN ACCORDANCE WITH SECTION 8380(B) OF TITLE 10.

LINE OF THE AIR FORCE

To be lieutenant colonel

JOAN M. ABELMAN [redacted]
RUSSELL H. ABERNETHY [redacted]
THOMAS J. ACCAMANDO [redacted]
RONALD G. ADAMS [redacted]
MARC C. ALBERTSEN [redacted]
DALE H. ALLEN [redacted]
FREDERICK L. ALLEY [redacted]
LOUIS AMADIO [redacted]
LINDA S. AMES [redacted]
DENNIS R. ANDERSON [redacted]
JOSEPH P. ANDERSON [redacted]
ROLAND E. ANDERSON [redacted]
ROBERT J. ANNETT [redacted]
DANIEL P. APLAND [redacted]
RICARDO APONTE [redacted]
FRANK P. ARCURY [redacted]
ARTHUR W. ARNOLD [redacted]
BRUCE D. ARNOLD [redacted]
DAVID L. ARNOLD [redacted]
MICHAEL W. ASKINS [redacted]
JERRY L. BABLER [redacted]
CLARK J. BALDWIN [redacted]
LYLE L. BALLANCE, JR [redacted]
LEO R. BALTHAZOR [redacted]
JAY A. BANASIAK [redacted]
BRIAN R. BARBER [redacted]
ROBERT S. BARCA [redacted]
EDD G. BARNES, JR [redacted]
JAMES E. BARNETT, JR [redacted]
JOHN M. BARNETT, [redacted]
CECELIA A. BARRIERE [redacted]
HILMAR H. BARTELS [redacted]
PAUL R. BARTON [redacted]
FOSTER I. BATTEN [redacted]
DANIEL M. BAUMGARTNER [redacted]
MARGARET A. BAYER [redacted]
JAMES C. BEACHELL [redacted]
KENNETH A. BEAN [redacted]
JAMES E. BECK, JR [redacted]
WILFRIED N. BECKMANN [redacted]
VAUGHN P. BELLISTON [redacted]
MICHAEL G. BENNETT [redacted]
DAVID E. BENTON [redacted]
CLARK L. BERGGREN [redacted]
WILLIAM A. BERNSTEIN [redacted]
WILLIAM J. BERRY [redacted]
THOMAS R. BERTOLDI [redacted]
LANCE H. BESHARA [redacted]
GLORIA A. BETTENCOURT [redacted]
DEBORAH N. BIELANSKI [redacted]
ALAN S. BIETRY [redacted]
JOHN E. BIGGS, JR [redacted]
DANA BISHOP [redacted]
DONALD C. BLACK, JR [redacted]
DAVID A. BLESSING [redacted]
JAY D. BLOCH [redacted]
DAVID E. BLUBAUGH [redacted]
GERALD R. BOCKENEK [redacted]
DAVID L. BOMBARD [redacted]
JOHNNY E. BONNER [redacted]
MICHAEL R. BOSS [redacted]
CHRIS M. BOURGEOIS [redacted]
RICHARD J. BOWE [redacted]
DAVID C. BOWEN [redacted]
ALLEN R. BOYD, JR [redacted]
DAVID H. BOYD [redacted]
LARRY W. BRADFORD [redacted]
RICHARD J. BRADFORD [redacted]
JAMES R. BRASWELL [redacted]
JERRY R. BRETTHAUER [redacted]
EDWARD F. BRIGGS [redacted]
JOHN D. BRITTO [redacted]
LARRY L. BROCK [redacted]
LESLIE C. BROOKS [redacted]
WILLIAM R. BROOKS [redacted]
WILLIAM D. BROOME [redacted]
MARK W. BROPHY [redacted]
EDWARD F. BROWN [redacted]
RICHARD W. BROWN [redacted]
RAYMOND B. BRUEN [redacted]
JOHN R. BRUNS, JR. [redacted]
JEFFERY W. BRYANT [redacted]
WILLIAM R. BRYNDLE [redacted]
LARRY D. BUELOW [redacted]
RONALD E. BULLARD [redacted]
ROBERT L. BURDEN [redacted]
GEORGE D. BURGESS [redacted]
WILLIAM D. BURKE [redacted]
BILL B. BURKHART [redacted]
JOHN B. BURROUGHS, JR [redacted]
ROBERT L. BURTON [redacted]
WAYNE E. BURTON [redacted]
STANLEY J. BURZYCKI [redacted]
MARK E. BUSCH [redacted]
DENNIS M. BUSHMAN [redacted]
ARMANDO A. BUSTOS [redacted]
THOMAS R. BUTLER [redacted]
THOMAS E. BYRD [redacted]
RICARDO CABEZADEVACA [redacted]
JAMES R. CALLARD [redacted]
VERA S. CALLAWAY [redacted]
WILLIAM G. CALLAWAY, JR [redacted]

DONALD E. CALLENDER [redacted]
ANDREW T. CALTAGIRONE [redacted]
MARSHALL A. CALVERT [redacted]
PATRICK G. CAMPBELL [redacted]
DAVID CANE [redacted]
ROBERT J. CARLISLE, II [redacted]
ROBERT B. CARLSEN [redacted]
MICHAEL S. CARR [redacted]
PATRICK R. CASADAY [redacted]
STEVE G. CASTLE [redacted]
WILLIAM R. CECIL [redacted]
JUDITH I. CENTERS [redacted]
BARNEY B. CHAPMAN, JR [redacted]
MICHAEL D. CHASE [redacted]
DAVID A. CHRISTIANSON [redacted]
JAMES M. CLARK, JR [redacted]
RICHARD G. CLAWSON [redacted]
MICHAEL W. CLEMENTS [redacted]
EDWARD W. CLIVER [redacted]
WILLIAM C. COLLINS [redacted]
JAMES F. COOK, JR [redacted]
STEPHEN A. COOPER [redacted]
ROBERT J. COTTROL [redacted]
FRANK W. COUNTRYMAN, JR [redacted]
GEORGE L. COUVILLON [redacted]
TERRY D. COVINGTON [redacted]
GEORGE J. COYLE, JR [redacted]
MARK L. CRAMER [redacted]
JIMMY C. CRAWFORD [redacted]
RICHARD A. CRAWFORD [redacted]
WILLIAM B. CROUCH, JR [redacted]
EDDIE F. CROWELL [redacted]
STEPHEN F. CROWELL [redacted]
JUSTIN CULKOWSKI [redacted]
FLOYD CURRY, JR [redacted]
JANICE I. DAILEY [redacted]
ROBERT M. DANIELS [redacted]
LAWRENCE M. DANNER [redacted]
MICHAEL J. DAVENPORT [redacted]
STEVEN A. DAVIDSON [redacted]
BRUCE E. DAVIS [redacted]
RICHARD C. DAVIS [redacted]
WILLIAM A. DAVIS [redacted]
WILLIAM D. DECELL [redacted]
ROSS D. DEKRAAY [redacted]
WILLIAM W. DENIG [redacted]
ROCK A. DESILETS [redacted]
DEAN J. DESPINOY [redacted]
MARK F. DEVANE [redacted]
WILLIAM G. DEVENS, II [redacted]
ARTHUR C. DICKINSON [redacted]
EDWARD D. DINGIVAN [redacted]
DAVID P. DION [redacted]
PETER M. DISCENZA [redacted]
LARRY G. DOBB [redacted]
BERNARD C. DONNER, JR [redacted]
JOHN D. DORNAN [redacted]
WILLIAM F. DRAKE, JR [redacted]
WILLIAM C. DRENNAN, JR [redacted]
GERALD W. DROPPO [redacted]
JOHN M. DUMOULIN [redacted]
JAMES P. DUNN [redacted]
GREG DURGIN [redacted]
GREGORY E. DURIO [redacted]
WILLIAM W. EATON [redacted]
GEORGE A. EBERT [redacted]
JOSEPH V. EBURNO [redacted]
EDWARD M. EDEN [redacted]
HERNDON H. EDGERTON [redacted]
ROBERT B. EDWARDS [redacted]
ERIC G. ELDON [redacted]
JAMES D. ELLISON [redacted]
L. FRANKLIN EMERSON, JR [redacted]
DANNY E. EPPS [redacted]
JAMES R. ERICKSON [redacted]
STEPHEN N. ESTES [redacted]
LYLE D. FARQUHAR [redacted]
GREGORY R. FARR [redacted]
WILLIAM P. FARRELL [redacted]
RICHARD B. FAUQUIER, II [redacted]
SEAN E. FIELDING [redacted]
ALFRED J. FIERTNER [redacted]
LESLIE R. FINE [redacted]
JAMES T. FITZGERALD [redacted]
MICHAEL J. FITZPATRICK [redacted]
DIANA L. FLEEK [redacted]
DENNIS E. FOLEY [redacted]
SCOTT F. FONES [redacted]
EVERETT K. FOSTER [redacted]
JOSEPH W. FOWLER [redacted]
SHERRIE L. FOWLKES [redacted]
MICHAEL H. FOX [redacted]
CHARLES T. FRANSSEN [redacted]
RORY J. FREY [redacted]
JEFFREY M. FROHN [redacted]
LAWRENCE M. FUCCELLA [redacted]
FRANCIS M. FUJIOKA [redacted]
RONALD E. GABLER [redacted]
RICHARD L. GALANTE [redacted]
THOMAS V. GAMMON [redacted]
LUIS GARCIA [redacted]
JAMES A. GARDNER, JR [redacted]
CHARLES A. GAUTHIER [redacted]
NORMAN B. GENUNG [redacted]
DAVID C. GERRISH, JR [redacted]
GORDON L. W. GETTINGS [redacted]
TIMOTHY K. GICALE [redacted]
GARY R. GILBERT [redacted]
RICHARD W. GILCHRIST [redacted]
GARY M. GILLESPIE [redacted]
GEORGE T. GILLUM [redacted]
JAMES E. GLENN [redacted]
PAUL E. GOLDMAN [redacted]
ALAN R. GOLDSBOROUGH [redacted]
THOMAS GONZALEZ [redacted]
JAMES W. GOULD [redacted]
JAMES S. GRANDCOLAS [redacted]
JAMES W. GRAVES [redacted]
ROBERT S. GRAVES [redacted]
RICHARD D. GRAYSON [redacted]
THOMAS M. GREENE [redacted]
RICHARD L. GRIFFITH [redacted]
JOHN G. GRONES [redacted]
STEPHEN P. GROSS [redacted]
GERALD A. GUAY [redacted]
MARK S. GUEST [redacted]
DON C. HACKNEY [redacted]
JAMES O. HAFEMAN [redacted]
DANIEL C. HALL [redacted]
DARYL R. HALL [redacted]
DIANE M. HAMER [redacted]
PATRICIA C. HAMLYN [redacted]
WILLIAM L. HAMMOND, JR [redacted]
STEVEN E. HANSEL [redacted]
CRAIG M. HANSEN [redacted]
CRAIG V. HANSEN [redacted]
HENRY J. HAPP, II [redacted]
GERRY W. HARBAUGH [redacted]
STEVEN A. HARDAWAY [redacted]
JACK L. HARPER [redacted]
ROBERT A. HARRINGTON [redacted]
BRIAN K. HARRIS [redacted]
JAMES J. HARRIS, JR [redacted]
LESLIE N. HARRIS [redacted]
ROBERT S. HART [redacted]
KENNETH R. HATHAWAY [redacted]
JOHN R. HAYES, JR [redacted]
R. ANTHONY HAYNES [redacted]
MICHAEL J. HEAD [redacted]
ROBERT D. HEATH [redacted]
THOMAS G. HEATH [redacted]
GEORGE P. HECK [redacted]
TRUMAN H. HEICHER [redacted]
FRANKLIN C. HEISNER [redacted]
DONALD F. HEMPHILL, I [redacted]
ROBERT T. HENDRICKSON, JR [redacted]
ALLEN E. HESS [redacted]
ALLEN E. HIDER [redacted]
RUTH A. HILL [redacted]
JOHN S. HILLER [redacted]
DANIEL J. HIRST [redacted]
STEVEN W. HOAGLAND [redacted]
TERRANCE D. HOBBS [redacted]
RAYMOND B. HOCTOR, JR [redacted]
KENNETH S. HODGES [redacted]
MARILYN R. HOFMAN [redacted]
THOMAS H. HOOD [redacted]
ALAN D. HOOVER [redacted]
CLARENCE N. HORLEN, JR [redacted]
ROBERT P. HORTON [redacted]
JOE L. HOUGHTALING [redacted]
PAUL F. HUMEL [redacted]
JOHNIE V. HUNEYCUTT [redacted]
DOUGLAS E. HYDEMAN [redacted]
PHILIP D. INSCOE [redacted]
RODNEY L. JACOBSON [redacted]
STEVEN J. JAMES [redacted]
CARL A. JANSSEN, JR [redacted]
JOHN W. JENSON [redacted]
WILLIAM B. JERNIGAN [redacted]
DAVID E. JOHNSON [redacted]
GLENN R. JOHNSON [redacted]
MARY V. JOHNSON [redacted]
PERRY C. JOHNSON [redacted]
ROBERT A. JOHNSON, JR [redacted]
ROBERT L. JOHNSON [redacted]
ROY F. JOHNSON [redacted]
KENNETH I. JOHNSTON [redacted]
SHERMAN V. JOHNSTON [redacted]
VERLE L. JOHNSTON, JR [redacted]
BRYAN R. JOLLEY [redacted]
ALAN L. JONES [redacted]
DALE R. JONES [redacted]
DOUGLAS G. JONES [redacted]
JEFFERY M. JONES [redacted]
KERRY D. JORDAN [redacted]
MICHAEL H. JOSEPH [redacted]
WILLIAM W. JOSEPHSON [redacted]
LOUIS S. KARABLY, JR [redacted]
DALE E. KAVULLA [redacted]
LEONARD C. KEARL, JR [redacted]
PATRICK K. KEARNY [redacted]
ROBERT M. KELLER [redacted]
MICHAEL A. KELLEY [redacted]
LYNDON J. KELLOGG, JR [redacted]
RICHARD W. KENNEY [redacted]
DAVID B. KENT [redacted]
HARRY S. KEYES [redacted]
MICHAEL J. KILEY [redacted]
WILLIAM J. KINDRED [redacted]
CHARLES E. KING [redacted]
ROBERT B. KING [redacted]
STEPHEN E. KING [redacted]
DENNIS G. KIRBY [redacted]
MARK R. KLEINE [redacted]
THOMAS J. KNAPIK [redacted]
ELAINE L. KNIGHT [redacted]
CHARLES W. KOENIG [redacted]
ROBERT W. D. KOLOWITZ [redacted]
EDWARD S. KOSIBA [redacted]
VERNON R. KOYM, JR [redacted]
GREGORY H. KUH, [redacted]
FREDRIC C. KURTH, JR [redacted]
ROBERT M. LADOW [redacted]
KIM LARONDA [redacted]
ROBERT J. LARSEN [redacted]
MARVIN G. LARSON [redacted]
JOHN S. D. LATOUR [redacted]
ERNEST M. LAVE [redacted]
GEORGE A. LAWRENCE [redacted]
JOEL A. LEACH, II [redacted]
MARK D. LEE [redacted]
RUSSELL J. LEE [redacted]
SAMUEL J. LEE [redacted]
MICHAEL A. LEMONS [redacted]
ERIC H. LENZ [redacted]
DAVID C. LEONARDO [redacted]
ROBERT P. LEVER [redacted]
ROY A. LEWANDOWSKI [redacted]
RALPH F. LIEBHABER [redacted]
THOMAS A. LINSTER [redacted]
REX M. LITTLE [redacted]
ROBERT F. LITTLEFIELD [redacted]
MICHAEL D. LIVELY [redacted]
KAY B. LONG [redacted]
WALTER S. LONG [redacted]
CHARLES L. LUCAS [redacted]
JAMES T. LUSK [redacted]
LARRY C. MACINTOSH [redacted]
LAWRENCE D. MACLEAN [redacted]
JOHN G. MADDEN [redacted]
ROBERT T. MADDEN [redacted]
JAMES J. MADON [redacted]
STEPHAN H. MAGNER [redacted]
ROBERT W. MARCOTT [redacted]
ROBERT S. MARKS [redacted]
JOHN F. MARPLE [redacted]
GORDON L. MARTENS [redacted]
GLENN M. MARTIN [redacted]
JACOB E. MARTIN [redacted]
KENNETH L. MARTINDALE [redacted]
MICHAEL J. MASTROMICHALIS [redacted]
JOHN P. MATANOCK [redacted]
SIDNEY P. MAXEY [redacted]
MARK J. MAY [redacted]
MELINDA R. MAZZARELLA [redacted]
PATRICK T. MCALEER [redacted]
STEVEN B. MCBRIDE [redacted]
RODNEY M. MCCALL [redacted]
JOHN F. MCCREARY [redacted]
JANET E. MCGUIRE [redacted]
LESLIE R. MCLEAN, II [redacted]
THOMAS A. MCLOUGHLIN [redacted]
CHRISTOPHER C. MEARS [redacted]
JAMES R. MICHAEL [redacted]
GERALD F. MICHELETTI [redacted]
JAMES J. MIKOLAJCZYK [redacted]
JERRY D. MILES [redacted]
DAVID E. MILLER [redacted]
DENNIS M. MILLER [redacted]
MILTON J. P. MILLER [redacted]
RONALD F. MILLER [redacted]
PAUL W. MIMS, JR [redacted]
KENNETH E. MITCHELL [redacted]
ROBERT V. MITCHELL [redacted]
KERRY F. MOORE [redacted]
NICHOLAS R. MORENO [redacted]
FITZ R. MORGAN, II [redacted]
JAMES S. MORRIS, JR [redacted]
DAVID J. MORRISON [redacted]
MICHAEL A. MOZELESKI [redacted]
JAMES D. MURPHY [redacted]
CHARLES J. MYERS [redacted]
LAWRENCE P. MYERS [redacted]
PHILIP NAPOLITANO [redacted]
ROBERT W. NEAR [redacted]
ALAN W. NEIL [redacted]
ROBERT L. NERENBERG [redacted]
DWIGHT R. NESS [redacted]
ROBERT C. NEWLIN [redacted]
DAVID N. NICHOLS [redacted]
KIM S. NIELSON [redacted]
JAMES E. NOLAN, JR [redacted]
JOHN G. NORRIS [redacted]
PETER W. NORWOOD [redacted]
STEPHEN C. NOWATZKI [redacted]
JOHN J. OCONNOR, II [redacted]
STEVEN P. OCONNOR [redacted]
MICHAEL N. OKUMOTO [redacted]
DENNIS E. ORTELLI [redacted]
LARRY A. ORTKIESE [redacted]
JOHN C. OSBOURNE [redacted]
MATTHEW R. OTTEN [redacted]
JOHN M. PALANICA [redacted]
RANDALL A. PANISELLO [redacted]
HARRY A. PAPE [redacted]
HARRY C. PAPINEAU [redacted]
JAMES M. PARSONS [redacted]
ROBERT M. PATTERSON [redacted]
JOHN W. PATTON, II [redacted]
WILLIAM L. PATTON [redacted]
JOHN PELLEGRINO [redacted]
LEE PERKINS [redacted]
JOHN M. PERRITT, JR [redacted]
GREGG T. PERRY [redacted]
STEPHEN E. PETERSEN [redacted]
NANCY J. PETERSJANOVER [redacted]
WAYNE F. PETITTO [redacted]
MICHAEL S. PETRASZKO [redacted]
CHRISTOPHER D. PHILLIPS [redacted]
GARY M. PHILLIPS [redacted]
ROBERT M. PHOENIX [redacted]
RANDALL E. PIKE [redacted]
JAMES J. PINTER [redacted]
WALLACE K. POND, II [redacted]
JOSEPH R. POWELL [redacted]

DAVID L. PRINCE [redacted]
RICHARD E. PURVIS [redacted]
RICHARD L. PYATT [redacted]
ROBERT E. QUICK, JR [redacted]
JOHN S. QUINN [redacted]
LARRY I. RANK [redacted]
DOUGLAS L. RANKIN [redacted]
RONALD W. RANSOM [redacted]
THOMAS J. RATH [redacted]
GORDON J. RAVENSCROFT [redacted]
MARTIN L. READ [redacted]
TERESA S. REDDER [redacted]
RODNEY L. REDDING [redacted]
CHARLES E. REED, JR [redacted]
RANDOLPH REMORENKO [redacted]
DIETER REMUS [redacted]
THOMAS A. REPAS [redacted]
HAROLD G. REPASKY [redacted]
DAVID W. RHOADS [redacted]
DAVID A. RICHARDS [redacted]
ROSCOE N. RICHMOND [redacted]
BARBARA U. RILEYCUNNINGHAM [redacted]
WILLIAM C. ROBERSON [redacted]
BARRY K. ROBERTS [redacted]
RANDY L. ROBERTS [redacted]
CHARLES C. ROBERTSON [redacted]
ARTHUR N. ROGERS [redacted]
RENNY M. ROGERS [redacted]
RODERIQUE R. ROHAS [redacted]
BRENT A. ROSEBERRY [redacted]
MICHAEL D. ROSENBAUM [redacted]
DAVID B. ROSS [redacted]
ROBERT L. ROTTMAN [redacted]
DENNIS M. ROYER [redacted]
RAYMOND I. RUCKER, JR [redacted]
STEVEN L. RUSTAND [redacted]
RONALD A. RUTLAND [redacted]
FREDERICK P. SACHS [redacted]
RUSSELL H. SAHR [redacted]
ROBERT D. SAIN [redacted]
DANNY G. SAMPLES [redacted]
MICHAEL J. SARA [redacted]
JANE E. SCHERERHART [redacted]
RONALD L. SCHIPPERS [redacted]
THOMAS W. SCHMITT [redacted]
WALTER R. SCHOBEL [redacted]
HARRY W. SCHONAU, III [redacted]
KEVIN M. SCHROEDER [redacted]
RICHARD W. SCHUBERT [redacted]
KARL B. SCHULTZ [redacted]
ROBERT C. SCHWARTZ [redacted]
GERARD D. SCHWARTZEL [redacted]
JOHN R. SCOGGINS, JR [redacted]
ROBERT E. SCOTT [redacted]
DAVID O. SEELEY [redacted]
MARK A. SEGURA [redacted]
MARY A. SEIBEL [redacted]
JOSEPH M. SELDEN [redacted]
WILLIAM W. SEMMLER [redacted]
ROBERT D. SHANKS, JR [redacted]
DON R. SHARP [redacted]
MICHAEL T. SHEEHAN [redacted]
JEFFREY W. SHEETS [redacted]
CHRISTOPHER S. SHEFFLER [redacted]
RANDALL L. SHEPARD [redacted]
MAYNARD R. SHEPHERD [redacted]
STEPHEN A. SHIELL [redacted]
PHILIP I. SIEGEL [redacted]
KENNETH W. SIMMONS [redacted]
RICHARD S. SIMPSON, II [redacted]
RALPH R. SINKFIELD [redacted]
MATTHEW J. SKUNDRICK [redacted]
DONALD L. SLONE [redacted]
GARY W. SMITH [redacted]
JAMES B. SMITH [redacted]
STEVEN W. SMITH [redacted]
WILLIAM H. SMITH [redacted]
RICHARD L. SPEAR [redacted]
MICHAEL C. STAMPLEY [redacted]
GREGORY A. STANKIE [redacted]
ELSON E. STAUGAARD, JR [redacted]
CAROL L. STEARNS [redacted]
JOHN M. STEELE [redacted]
JOHN R. STEFONIK [redacted]
ERIK H. STOER [redacted]
EDWARD S. STOKES, II [redacted]
GREGORY L. STOREY [redacted]
JAMES N. STRENGTH [redacted]
ROGER A. STROUD, JR [redacted]
KENNETH D. SUGGS [redacted]
CHARLES E. SUNDELL [redacted]
STEPHEN L. SWAILS [redacted]
MICHAEL D. SWAIN [redacted]
JAMES W. SWANNER [redacted]
NORMAN G. TAFLINGER [redacted]
ALVA K. TAKEMOTO [redacted]
TIMOTHY G. TARRIS [redacted]
JAMES W. TAVENER [redacted]
MARK J. TAYLOR [redacted]
BRADLEY M. THALKEN [redacted]
EDWARD J. THOMAS, JR [redacted]
TIMOTHY J. THOMSON [redacted]
ROBERT L. TOMLINSON, JR. [redacted]
WHITNEY A. TONNESSEN [redacted]
LUTHER J. TOPPER [redacted]
DALE O. TORGERSON [redacted]
JAMES K. TOWNSEND [redacted]
GEORGE E. TROTTER, II [redacted]
RICHARD J. TUCCI [redacted]
GEORGE S. TUCKER [redacted]
RONALD M. TURTUR [redacted]
ALEC G. TUSCANY [redacted]
DOUGLAS C. UHLAND [redacted]
PETER K. UNDERWOOD [redacted]
THOMAS J. UNDERWOOD [redacted]
JOHN J. UNWIN, JR [redacted]
JOHN F. URBAN [redacted]
ARTHUR L. UTLEY [redacted]
HELIO J. VALDES [redacted]
THOMAS L. VANDERHEYDEN [redacted]
ROBERT W. VAUGHAN [redacted]
GARY W. VAUGHN [redacted]
MARK W. VAUSE [redacted]
GREGORY E. VERNON [redacted]
GREGORY W. VISYAK [redacted]
CHARLES T. VONO [redacted]
MICHAEL M. VUCKOVICH [redacted]
DANIEL J. WALKER, IV [redacted]
JAMES J. WALSH [redacted]
JOE A. WALTZ [redacted]
CHARLES M. WARD [redacted]
NEDWIN R. WARD [redacted]
MEADE C. WARTHEN [redacted]
WARREN R. WATKINS [redacted]
JAMES H. WATROUS [redacted]
JOHNNY R. WEAVER [redacted]
DARRELL W. WEBB [redacted]
JOHN A. WEBB [redacted]
LARRY W. WEIGLER [redacted]
DONALD L. WEIMER [redacted]
JOSEPH B. WEISS [redacted]
JAMES R. WESTERN, JR [redacted]
PAUL W. WHALEY [redacted]
JOHN D. WHEELER [redacted]
MARK A. WHITE [redacted]
ROBERT C. WHITE [redacted]
TEDDY L. WHITE [redacted]
ARTHUR J. WHITMORE, III [redacted]
ERIC G. WIENER [redacted]
AUDREY L. WIGGAM [redacted]
BRIAN E. WILLIAMS [redacted]
JIMMY L. WILSON [redacted]
VICTOR E. WINEGAR, II [redacted]
DAVE W. WITT [redacted]
JAMES L. WOBKER [redacted]
JOHN E. WOERLY, JR [redacted]
WILLIAM E. WOODS, II [redacted]
ROBERT E. WOODSIDE [redacted]
GARY L. WOODWARD [redacted]
STEPHEN N. WORNOFF, JR [redacted]
KERRIS L. WRIGHT [redacted]
MARYANNE WRIGHT [redacted]
STEPHEN A. WRIGHT [redacted]
WILSON M. YAGER [redacted]
THOMAS D. YATES [redacted]
THOMAS G. YLIKOPSA [redacted]
BRADLEY C. YOUNG [redacted]
LAWRENCE J. YOUNGBLUT [redacted]
IAN G. ZAHN [redacted]
STEPHEN E. ZEER [redacted]
GLEN J. ZEVENBERGEN [redacted]
DWAINE A. ZITKO [redacted]
HARRY E. ZUBIK [redacted]
MICHAEL J. ZWICK, [redacted]

DENTAL CORPS

To be lieutenant colonel

JOHN R. ABEL [redacted]
GUY E. ACHESON [redacted]
KEITH B. AGUILERA [redacted]
RAYMOND M. BAUMGARDNER, JR, [redacted]
ROBERT L. BIRDWELL [redacted]
NOEL I. CAPESTANY [redacted]
RICHARD C. GIEMZA [redacted]
ROGER W. GILBERT [redacted]
CHARLES B. KLEMZ, [redacted]
JEFFREY C. LANDON [redacted]
ROBERT M. MORTENSEN [redacted]
JAMES E. SCHREINER [redacted]
MICHAEL C. SPIELBERGER [redacted]
JOHN A. TALL [redacted]
LAURENCE A. WARREN [redacted]
SIEGFRIED R. WEIGELE [redacted]
SUE E. WESTON [redacted]
JOHN D. WIEBE [redacted]
HORACE B. WILKES [redacted]
RAYMOND WILLIAMS, JR [redacted]

MEDICAL CORPS

To be lieutenant colonel

WILLIAM R. ACKER [redacted]
ARSENIA P. ALIGNAY [redacted]
RAIQUA S. ARASTU [redacted]
RICHARD J. BAROHN [redacted]
MARK R. BASSETT [redacted]
RANDALL L. BEATTY [redacted]
JOHN K. BLEVINS [redacted]
ROBERTO A. CARO [redacted]
ANGEL C. CUNANAN [redacted]
MANUEL G. DEE [redacted]
RAMASUBBAREDDY DHANIREDDY [redacted]
DARRYL G. DILLMAN [redacted]
JOSEPH F. DIVITA [redacted]
CHARLES A. DUNCAN [redacted]
LUCKEY M. DUNN [redacted]
WILLIAM T. GALEY [redacted]
DANIEL P. GILLEN [redacted]
JEFFRY A. GOLDES [redacted]
MARSHALL W. GRANT [redacted]
STEPHEN M. HOWELL [redacted]
GARY S. JEWELL [redacted]
CHARLES W. JOSEPH, IV [redacted]
SOOREN KARAYAN [redacted]
TOSCA E. KINCHELOWSCHMIDT [redacted]
JOHN A. KREMER, II [redacted]
CRAIG W. KUEBKER [redacted]
LISA A. KUHAR [redacted]
HUGH K. LANCASTER, JR [redacted]
MANOHAR R. MANCHANDIA [redacted]
ANNAMMA T. MATHEW [redacted]
JAMES M. MCGREEVY [redacted]
JEFFREY S. MEINTS [redacted]
RICHARD L. MORGAN [redacted]
MELLAYNE R. MYERS [redacted]
MOHAMMED A. NAYEEM [redacted]
SUSAN K. PALMER [redacted]
DONALD K. PORTER [redacted]
WAYNE E. SCHURICHT [redacted]
KIRBY V. C. TURNER [redacted]
STEVEN K. WHITE [redacted]
ROBERT L. WINDERS [redacted]
LINDA L. C. YANG [redacted]

NURSE CORPS

To be lieutenant colonel

LINDA J. ADAMS [redacted]
AGNES K. BOEHNING [redacted]
MONTEZ D. BOWERS [redacted]
RAYMOND E. BREZINSKI [redacted]
MARILYN G. BUNKER [redacted]
CAROL T. CAIN, [redacted]
ROSEMARY CAPPELLI [redacted]
JEANNETTE P. CARTER [redacted]
JIMMIE R. CASSAT [redacted]
GARY G. CHAMBERS [redacted]
TERI L. CHILDERS [redacted]
ANNE M. CHISHOLM [redacted]
BARBARA L. CONNER [redacted]
ELVIRA G. COOLEY [redacted]
WATSON DIANA K. CRUMP [redacted]
KARLENE A. DEVINE [redacted]
LINDA K. DONALD [redacted]
JAMES F. DRESCHER [redacted]
MARY L. DUNCAN [redacted]
PAMELA J. ELLICO [redacted]
KAREN F. ENOCHS [redacted]
DAVID O. EVANS [redacted]
MARIANNE G. FARRAR [redacted]
MICHELE M. FORMICOLA [redacted]
JUDITH M. FORREST [redacted]
LAURA B. GILDERUBIO [redacted]
CARYN A. GRAHAM, [redacted]
SUSAN S. GRANT [redacted]
LYNN M. GULICK [redacted]
JANE L. HAGELE [redacted]
LINDA A. HARTFORD [redacted]
DOLORES M. HENDERSON [redacted]
LUANN E. HIEATT [redacted]
JEANETTE A. HIGGINS [redacted]
JAYNE L. HILDEBRAND [redacted]
ANN M. HINDMAN, [redacted]
PATRICIA G. HUGGINS [redacted]
LINDA S. JOHNSON [redacted]
SYLVIA J. JOHNSON [redacted]
PATRICIA A. JORDAN [redacted]
NANCY J. KELLEY [redacted]
CAROL S. KENNEDY [redacted]
JANE E. KIEHLE [redacted]
KENNETH W. KIRKPATRICK [redacted]
ROBERT E. KOENEN, [redacted]
SHARI A. LARSON [redacted]
LINDA F. LEAR [redacted]
JOANN LEGENDRE [redacted]
PAULA LIOTTA [redacted]
SUSAN M. LOCKE [redacted]
KATHLEEN M. LUX [redacted]
ANNE S. MANLY [redacted]
LINDA L. MCHALE [redacted]
LINDA G. MCKEVITT, [redacted]
LORRAINE M. MCKINNON [redacted]
JEANNE M. MELIUS [redacted]
LINDA E. MILLER [redacted]
PAULA A. MONDLOH [redacted]
DONALD R. MOORE [redacted]
THOMAS E. MORRILL [redacted]
KRISTINE M. MOSORA [redacted]
WANDA C. MURRAY [redacted]
BETTY H. NEWELL [redacted]
BARBARA M. PETERSON [redacted]
ELAINE PRENKOWITZFREY [redacted]
DONNA J. REINER [redacted]
DEBORAH A. ROBINSON [redacted]
LYNNETTE D. ROESLER [redacted]
SHERRA L. ROGERS [redacted]
JAMES M. SCHUMAN [redacted]
MARION E. SHARKEY [redacted]
EMILY J. SMITH [redacted]
JANIS L. STANGLE [redacted]
MURILYNNE M. STATON [redacted]
VICKIE L. C. STEPHANY [redacted]
MARY K. TOCK [redacted]
CONSTANCE L. TRICEBOCK [redacted]
LAN E. VANDEVEER [redacted]
ANGEL M. VASQUEZ [redacted]
TOMMIE L. VOLKMANN [redacted]
JOAN L. WAKEFIELD [redacted]
DORIS A. WALSH [redacted]
SARAH F. WATERMAN [redacted]
OLIVIA O. WERTZ [redacted]
MARY J. WHITE [redacted]
CECILIA J. WILLIAMS [redacted]
NOREEN S. WOLANSKY [redacted]
KATHLEEN A. WOODY [redacted]

JEAN M. WRIGHTSIMS [redacted]
LEE W. YATES [redacted]
MILDRED A. YOUNG [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

RICHARD G. BIONDI [redacted]
JOHN L. BOZARTH [redacted]
RUBEN R. CARDENAS [redacted]
ROSE D. ENCINAS [redacted]
ALEXANDER J. FADROWSKY, III [redacted]
RICHARD L. HAMILTON [redacted]
ROY A. HART [redacted]
ROBERT L. KARPINSKI [redacted]
REX A. LUCAS [redacted]
THOMAS O. MCKEE [redacted]
SAMUEL E. MCVAY [redacted]
MORRIS SPARKS [redacted]
RUSS A. STANSELL [redacted]
CHRISTOPHER C. STEVENS [redacted]
GEORGE M. STONER, JR [redacted]
JON R. WESTERGAARD [redacted]
THOMAS L. WOLTMAN [redacted]

BIOMEDICAL SERVICE CORPS

To be lieutenant colonel

TIMOTHY R. BOOSINGER [redacted]
PHILLIP R. BROWN [redacted]
LAURA N. BUTTS [redacted]
JOHN C. CAMPBELL [redacted]
JOHN M. CLEGG, JR [redacted]
NELSON W. COUCH [redacted]
DAVID P. DAVIS [redacted]
PATRICIA M. DUVALL [redacted]
JANET C. GREEN [redacted]
FREDRICK T. HORN [redacted]
PAUL G. KLINGER [redacted]
WILLIAM E. MALONE [redacted]
DAVID A. MCCOOL [redacted]
CARLYN R. MUNN [redacted]
LYNN F. OBORN [redacted]
JOHN A. PHELPS [redacted]
PATRICIA E. PIRRELLO [redacted]
CLIFTON W. POLING [redacted]
COLIN R. ROBINSON [redacted]
FRANCIS A. SIRO [redacted]
ARTHUR V. TENNYSON [redacted]
JAN M. TINDER [redacted]
LEONARD M. TYLER [redacted]
ROGER D. WETHERINGTON [redacted]
DAVID E. WITHERSPOON [redacted]
GARY J. WOODS [redacted]

IN THE AIR FORCE

THE FOLLOWING UNITED STATES AIR FORCE RESERVE OFFICER TRAINING CORPS GRADUATES FOR APPOINTMENT IN THE REGULAR AIR FORCE IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

LINDEN C. ADAMS [redacted]
LISA D. ADAMS [redacted]
MICHAEL L. ALLEY, JR [redacted]
WILLIAM B. ASHWORTH [redacted]
MICHAEL A. ASSID [redacted]
CHARLES R. AUKLAND [redacted]
ELBERT T. BALEY [redacted]
DONALD E. I. BAKER, II [redacted]
REGINA G. BECK [redacted]
ALLISON R. BEST [redacted]
RICHARD G. BISHOP [redacted]
JUSTIN W. BOLDENOW [redacted]
REBECCA J. BOLL [redacted]
JOSEPH G. BOUCHARD, JR [redacted]
ANDREW L. BOYD [redacted]
JONATHAN C. BOYD [redacted]
JOE S. BROSIOUS [redacted]
KEITH E. BRYZA [redacted]
TERRY L. BULLARD [redacted]
LARRY D. BURNS [redacted]
DAVID A. CAGLARCAN [redacted]
YVONNE M. CALHOUN [redacted]
CHARLES M. CARPENTER [redacted]
CAMILLE Y. CHANDLER [redacted]
CATHRYN J. CHISLAGHI [redacted]
MICHAEL L. CLARK [redacted]
SCOTT S. COBURN [redacted]
LAURA L. COOK [redacted]
TOMMY CORMIER [redacted]
KIMBERLY R. COTTINGHAM [redacted]
JEFFERY D. CRUM [redacted]
JAMES P. DAMATO [redacted]
MARC A. DAUTEUIL [redacted]
CHRISTOPHER M. DAVIS [redacted]
JEFFERY R. DIBIASI [redacted]
KEVIN L. DOLATA [redacted]
MICHAEL L. DOWNS [redacted]
DIANA L. DYE [redacted]
CASEY D. EATON [redacted]
JILL S. ERICKSON [redacted]
MARK J. FELTZ [redacted]
RICHARD H. FILLMAN, JR [redacted]
SHAWN D. FORD [redacted]
PATRICK C. FRAGILE [redacted]
ERIC H. FROEHLICH [redacted]
MICHAEL L. GAUTHIER [redacted]
JOHN M. GONDOL [redacted]
BRENT A. GROMETER [redacted]
MICHAEL T. HAMMMOND [redacted]
DONNA L. HARDEMON [redacted]
MARGARET M. HASPER [redacted]
TIMOTHY HENDERSON [redacted]
PAUL M. HERTZBERG [redacted]
PHILIP C. HICKS [redacted]
MATTHEW W. HIGER [redacted]
DAVID L. HIGGINBOTHAM [redacted]
KEITH D. HODSDEN [redacted]
KIMBERLY A. HOLT [redacted]
CHRISTOPHER L. HOOVER [redacted]
GINA C. HUMBLE [redacted]
BERNARD P. HUND [redacted]
STEPHEN K. HUNTER [redacted]
JODI A. HUTTON [redacted]
ERIC J. JACHIMOWICZ [redacted]
ANN MARIE JOJOLA [redacted]
TERRI A. JONES [redacted]
JOHN M. KANUCH [redacted]
ANNEMARIE L. KENEW [redacted]
KELLY M. KLEIN [redacted]
DAVID M. KOEHLER [redacted]
JOHN B. I. KOHLER, II [redacted]
GREGG A. KOPECK [redacted]
MARK A. KRABY [redacted]
LISA BLAIR KRUMM [redacted]
RONDA R. LEATHERS [redacted]
HANSEL E. LEE, JR [redacted]
KARRIE J. LEMARR [redacted]
TIMOTHY R. LEWIS [redacted]
MICHAEL J. LIQUORI [redacted]
TODD A. LUCE [redacted]
ROBERT K. LYMAN [redacted]
MICHAEL E. MARTIN [redacted]
DENISE M. MCDONALD [redacted]
RICKY T. MCGLOTHIN [redacted]
KRISTAL L. MCMASTER [redacted]
ALEXANDER R. MERZ [redacted]
CARL C. MISNER [redacted]
KEVIN J. MORELLO [redacted]
ROBERT J. MORSE [redacted]
TIMOTHY J. MOSER [redacted]
JENNIFER K. MUSER [redacted]
FRANCINE N. NELSON [redacted]
DARIN J. NEUFELD [redacted]
STACY C. NICHOLSON [redacted]
DEWAYNE A. NIKKILA [redacted]
MITCHELL L. NORDER [redacted]
DAWN N. OGLE [redacted]
PAUL M. OLDHAM [redacted]
GEORGE E. PARKER, JR [redacted]
ROBERT J. PETERSON [redacted]
JAMES D. PETRICK [redacted]
JAMES W. POLANOSKY, JR [redacted]
JEFFERY A. POWELL [redacted]
DAVID C. PRATT [redacted]
BRETT M. PROVINSKY [redacted]
RHODRI L. PURCELL [redacted]
BRITTON C. READ [redacted]
ALEX J. REED [redacted]
CHRISTINE M. REESE [redacted]
STEFANIE M. ROBERTS [redacted]
BRIAN I. ROBINSON [redacted]
LAURA L. RUDOLPH [redacted]
HELEN A. SALTSGIVER [redacted]
CLINTON DEWAYNE SANDERS [redacted]
KARL C. SCHLOER [redacted]
JOHN H. SCHRIMPF [redacted]
KEITH S. SHANEMAN [redacted]
MILDRED L. SHINGLER [redacted]
ROBERT R. SKIDMORE [redacted]
ERIC C. SORBO [redacted]
HUNG K. TANG [redacted]
HEATHER F. TAYLOR [redacted]
MICHAEL E. TEIGEN [redacted]
ROBERT B. TRSEK [redacted]
JENNIFER L. VANDERMARK [redacted]
JENNIFER V. VAZQUEZ [redacted]
DAVID E. VERCELLONE [redacted]
MICHAEL J. VETH [redacted]
RUSSELL S. VOCE [redacted]
ALEXANDRIA R. WATSON [redacted]
GRANT T. WELLER [redacted]
DYLAN T. WELLS [redacted]
KEVIN M. WENKS [redacted]
TRACY L. WICKHAM [redacted]
DWAYNE E. WILLIAMS [redacted]
LYNN M. WILLIAMS [redacted]
JOEL F. WINTON [redacted]
DUSTIN P. ZIEGLER [redacted]
JAMES W. ZIMMERMAN [redacted]
MICHAEL A. ZROSTLIK [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3366:

ARMY NURSE CORPS

To be lieutenant colonel

MARY E. ABT [redacted]
CHERYL A. ADAMS [redacted]
MARY J. AHWESH [redacted]
CARMEN E. ALTHOFF [redacted]
ROGER P. ALTHOFF [redacted]
MARY L. AMES [redacted]
RAYMOND J. ARBOUR [redacted]
PAMELA S. ARPIN [redacted]
MARIANNE R. BACON [redacted]
CAROLYN A. BANNON [redacted]
GLADYS E. BARCLAY [redacted]
KATHLEEN A. BASSANI [redacted]
CHARLOTTE F. BEASON [redacted]
DAVID C. BELT [redacted]
GEORGE T. BENOIT [redacted]
ROBERT J. BERGER [redacted]
BARBARA A. BERMUDEZ [redacted]
THELMA L. BERNARD [redacted]
SHARO BERRYCARRION [redacted]
BEAUTON L. BLACK [redacted]
ANITA B. BOGAN [redacted]
SANDY M. BOND [redacted]
MARY BOOKER [redacted]
CHERIE J. BOUDWIN [redacted]
NANCY D. BOURGEOIS [redacted]
PAUL C. BRADRICK [redacted]
LINDA N. BRESSEM [redacted]
VEREN BRILEYHUDSON [redacted]
RUTH A. BROWER [redacted]
WILLIAM BRUMFIELD [redacted]
RALPH L. BUCHANAN [redacted]
CHRISTINE BUDNICK [redacted]
JO A. BURCH [redacted]
RUTH A. BURKE [redacted]
BONNIE W. BURNER [redacted]
CANDACE M. BURNS [redacted]
DORIS E. BUTCHER [redacted]
MARILYN J. BYINGTON [redacted]
BARBARA G. CALDARA [redacted]
CATHERIN CAPESTANY [redacted]
IRENE CARR [redacted]
GARY M. CARROLL [redacted]
JAMES R. CARROLL [redacted]
SHIRLEY E. CARTER [redacted]
MARGARET L. CARVETH [redacted]
CHESTER P. CHECKETT [redacted]
PHYLLIS A. CHELETTE [redacted]
GARY A. CLARK [redacted]
MARILYN G. COLLINS [redacted]
SELWYN J. COLLINS [redacted]
CHARLINA COPELAND [redacted]
CAROL COSGROVE [redacted]
ETHEL M. COUGHLIN [redacted]
CAROLYN M. CRAIG [redacted]
LINDA G. CROSSER [redacted]
JENNIFER A. CROTTY [redacted]
SAUNDRA K. CRUMP [redacted]
JEANNE Q. CUTCHINS [redacted]
DAVID M. DALTON [redacted]
EDNA B. DAVIS [redacted]
PATRICIA D. DAVIS [redacted]
ROBERT J. DELAIR [redacted]
KAY L. DICKISON [redacted]
JOHN P. DIGIORIGO [redacted]
SHARON S. DITTMAR [redacted]
RUTH E. DIXON [redacted]
HILL C. DURHAM [redacted]
JOHANNA L. EDWARDS [redacted]
MARY A. ELDER [redacted]
JACQUELINE E. ELLIS [redacted]
EDITH ELZIE [redacted]
MICHELE F. EMOND [redacted]
GLORIA C. ESSOKA [redacted]
ANNA M. FATH [redacted]
C. FERNANDEZCEPEDA [redacted]
LESLIE L. FILAPELLO [redacted]
CARLA J. FINN [redacted]
JANIE R. FISCHER [redacted]
RICHARD S. FISHER [redacted]
NAOMI K. FOODY [redacted]
DIANA G. FRENCH [redacted]
MELISSA A. FRENDAK [redacted]
JANET FREUDENRICH [redacted]
MARJORIE D. FREUND [redacted]
MICHAEL J. FREY [redacted]
MARY K. FRY [redacted]
ANN A. GALE [redacted]
LAURA J. GALLAGHER [redacted]
LINDA L. GALLOWAY [redacted]
SANDRA A. GALVIN [redacted]
M. GARCESVELAZQUEZ [redacted]
CAROLYN F. GARNETT [redacted]
CARL A. GARVIN [redacted]
GENWYL A. GLOVER [redacted]
KATHRYN A. GOOD [redacted]
LINDA GOODALEFURTH [redacted]
KLEIN B. GOODMAN [redacted]
PHYLLIS T. GRANT [redacted]
CLAUDIA J. GRATE [redacted]
MARSHA M. GREENE [redacted]
PATRICE GREENFIELD [redacted]
MADONNA L. GRIFFEY [redacted]
JUDITH M. GRIGGERS [redacted]
DEBRA L. GUILMETTE [redacted]
JACQUELIN GULLETTE [redacted]
RICHARD E. HAAS [redacted]
RITA R. HAGERTY [redacted]
CATHERINE HAMILTON [redacted]
ELIZABETH HAMILTON [redacted]
JEANNE L. HARDIN [redacted]
MARY A. HARPER [redacted]
JANIE V. HARRIS [redacted]
BILLY D. HARWELL [redacted]
CLAYTON C. HAYES [redacted]
NANCY A. HAYES [redacted]
WAYNE R. HEATON [redacted]
JACQUELINE HEBERT [redacted]
LARRY J. HENDRICKS [redacted]
EDMOND HENDRICKSON [redacted]
PEGGY J. HENGEVELD [redacted]
ROSANNE M. HERMAN [redacted]

MARILYN J. HESSER [redacted]
HARVEY A. HICKS [redacted]
ELAINE HIERS [redacted]
LAWRENCE J. HILL [redacted]
VIRGINIA HOLLIDAY [redacted]
ROSA HOLLISBIRD [redacted]
JOYCE A. HOLT, [redacted]
BEY L. HOPKINS [redacted]
ROBIN K. HORNER [redacted]
GARY R. HOWARD [redacted]
SUSAN M. HUGGLER [redacted]
JOYCE T. HUMPHREYS [redacted]
KATHLEEN V. IRELAND [redacted]
JEAN M. JENNY [redacted]
DEBORAH J. JOHNSON [redacted]
FRANK J. JOHNSON [redacted]
JUDITH A. JOSEPH [redacted]
KATHLEEN A. KALETA [redacted]
PATRICIA A. KELLY [redacted]
ELLEN A. KENNEDY [redacted]
FLOYD E. KING [redacted]
CAROL L. KONCHAN [redacted]
MARGARET M. KUHN [redacted]
BONNIE D. LACEWELL [redacted]
JAMES A. LALONDE [redacted]
CAROL L. LAMBRECHT [redacted]
SHARON E. LAZARUS [redacted]
GEORGE P. LEAMY [redacted]
RENE J. LEBLANC [redacted]
JESSIE M. LECLAIR [redacted]
CHRISTINE C. LEWIS [redacted]
JAMES E. LLOYD [redacted]
NORMA J. LLOYD [redacted]
PRETTI P. LOCKHART [redacted]
VAN D. LOENNIG [redacted]
KATHLEEN M. LONG [redacted]
RAY E. LONG [redacted]
DEBORAH M. LOVELAND [redacted]
JANICE K. MALDONADO [redacted]
WILLIAM G. MALLON [redacted]
MARGARET MALONEY [redacted]
GLORIA J. MARTIN [redacted]
MARY L. MAYWETHER [redacted]
JEAN L. MCCASKILL [redacted]
SHIRLEY MCCASKILL [redacted]
JAMES J. MCCOLGAN [redacted]
JANE M. MCCOY [redacted]
CONSTANCE MCCRARY [redacted]
MARY L. MCDONALD [redacted]
ROBERT J. MCKENNETT [redacted]
MARY J. MCKENZIE [redacted]
WINIFRED MCMORROW [redacted]
ZERLI MCNEALINGRAM [redacted]
JEANETTE MCNUTT [redacted]
SHAREE H. MERKLEY [redacted]
RAYMOND T. MIERZWA [redacted]
SUSANNE M. MIHALEK [redacted]
BETH E. MILLER [redacted]
FRED P. MILLER [redacted]
PATRICIA L. MILLER [redacted]
TAREN J. MILLER [redacted]
BOBBY B. MILLS [redacted]
MARTHA A. MOODY [redacted]
KAREN P. MOORE [redacted]
KATHLYN S. MOORE [redacted]
KATHLEEN MOORHEAD [redacted]
WILLIAM R. MORRIS [redacted]
KATHLEEN MORRISSEY [redacted]
MARIE O. MOSLEY [redacted]
BRENDA J. MYERS [redacted]
HELEN M. NEUBERT [redacted]
MARTHA C. NON [redacted]
SHERRY B. NORDMEYER [redacted]
CYNTHIA K. OBRIEN [redacted]
SUSAN K. OCONNELL [redacted]
GAIL P. OLENDER [redacted]
DUANE R. OPP [redacted]
KAREN E. ORR [redacted]
MICHAEL R. OSTROSKI [redacted]
DOLOR OTEROCOLLAZO [redacted]
RICHARD C. PARADIS [redacted]
NANCY W. PEARSON [redacted]
JOSE A. PENAJURADO [redacted]
PEGGY L. PETERBURS [redacted]
JOHN T. PETERSON [redacted]
NANCY R. PICKETT [redacted]
JEAN POMPEWALTMAN [redacted]
CONSTANCE L. POPE [redacted]
GARY W. POWERS [redacted]
DEBRA PREWDELEKTO [redacted]
PATRICIA PRIMOSCH [redacted]
KATHRYN S. RAASCH [redacted]
DORIS C. RAVISH [redacted]
JOSEPHINE M. REED [redacted]
JAMES C. REGUR [redacted]
JUTTA B. RICE [redacted]
LINDA L. RICHARDS [redacted]
BARBARA RICHARDSON [redacted]
BARBARA A. ROARK [redacted]
CATHY A. ROBERT [redacted]
DUANE H. ROBERTS [redacted]
FRANK J. ROSATO [redacted]
DAVID D. ROSE [redacted]
PHILLIP E. ROSS [redacted]
AMANDA C. ROWE [redacted]
LINDA S. ROY [redacted]
MARCO SADRES [redacted]
KENNETH P. SANNER [redacted]
LOLA J. SASSER [redacted]
ROBERT W. SAUM [redacted]
LYDIA SCARBROUGH [redacted]
PAUL E. SCHAUM [redacted]
LORETTA SCHLACHTA [redacted]
REBECCA B. SCHWANER [redacted]
MARTHA L. SCOTT [redacted]
DIAN S. SHACKELFORD [redacted]
JACQUELINE D. SMITH [redacted]
KAREN L. SMITH [redacted]
LANI W. SMITH [redacted]
PATRICIA A. SMITH [redacted]
PAUL E. SMITH [redacted]
MARY E. SORRELL [redacted]
JERRY W. SPRADLEY [redacted]
CHERYL A. SPRAY [redacted]
THOMAS F. STACK, JR [redacted]
SHARON A. STANLEY [redacted]
ARGARITA M. STEWART [redacted]
CYNTHIA J. STEWART [redacted]
ELISABETH STEWART [redacted]
KATHLEEN STOCKMAN [redacted]
DELEO D. STOLL [redacted]
LOTTY E. STOUT [redacted]
DALE E. STREIN [redacted]
NANCY L. SUTTON [redacted]
NANCY A. SZAREK [redacted]
LINDA D. THIELEMIER [redacted]
TERRY K. THOMAS [redacted]
GAIL M. TIDMORE [redacted]
PATRICE V. TILLMAN [redacted]
PATRICK W. TINDALL [redacted]
MARYELLYN TISON [redacted]
DONNA L. TRACY [redacted]
MARGARET TRIMBLE [redacted]
SUSAN A. TURCKE [redacted]
PATRICIA A. TURNER [redacted]
ESTELLE L. TUTHILL [redacted]
ROBIN B. UMBERG [redacted]
ELIZABETH VANTVEER [redacted]
BARBARA J. VENDT [redacted]
SHEILA M. VERDON [redacted]
MARJORIE VOSS [redacted]
CARLA A. WALKER [redacted]
GLORIA C. WALKER [redacted]
MYRA L. WALKER [redacted]
PAMELA S. WALLACE [redacted]
THERESA M. WARDLE [redacted]
MARJORY K. WATERMAN [redacted]
WESLEY C. WEAVER, [redacted]
WILLIAM R. WEAVER [redacted]
ANNIE L. WEBSTER [redacted]
WILLIE M. WHITE [redacted]
JUDITH A. WIECK [redacted]
SARAH D. WILLIAMS [redacted]
DEBBIE T. WINTERS [redacted]
CELIA J. WINTZ [redacted]
JO F. WOOD [redacted]
LOLA M. WOODSON [redacted]
CATHERINE E. WRIGHT [redacted]
KATHLEEN A. YAGICH [redacted]
JOAN F. YEASH [redacted]
JANICE B. YOUNG [redacted]
ROBIN L. ZOPHY [redacted]

DENTAL CORPS

To be lieutenant colonel

STERLING C. BEASLEY [redacted]
DONALD W. BEGEZDA [redacted]
MARK S. BELLO [redacted]
WILLIAM A. BENNETT [redacted]
GERALD J. BOTKO [redacted]
GARY M. BOURGEOIS [redacted]
TERRY G. BOX [redacted]
ROBERT BRIGHTBILL [redacted]
ROBERT W. CATER [redacted]
MARK L. CHARNLEY [redacted]
JOHN W. CHILES, [redacted]
RICHARD Y. CHO [redacted]
OSCAR S. DEPRIEST [redacted]
GARY P. DICKSON [redacted]
THOMAS F. DOWLING [redacted]
JOEL B. FEINBERG [redacted]
DAVID A. FELT, [redacted]
JOHN J. FERRY [redacted]
THOMAS D. FLANDERS [redacted]
ROBERT T. FRAME [redacted]
EDWARD F. FREDERICK [redacted]
JOHN A. GIBSON [redacted]
STEPHAN A. GINSBERG [redacted]
JOHN V. GLADDEN [redacted]
JOSE L. GONZALEZ [redacted]
GEORGE P. GREEN [redacted]
TERRY D. GRUBBS [redacted]
RAYMOND J. HAAG [redacted]
EARL D. HAMMIT [redacted]
JAMES W. HART [redacted]
STEPHEN F. HARTMAN [redacted]
JOSEPH L. HILL [redacted]
WADE L. HILL [redacted]
JAMES M. HOUSEWORTH [redacted]
CLYDE P. HOUSTON, [redacted]
CHARLES M. JENNESS [redacted]
MARK L. JOHNSON [redacted]
GENE P. KAHN [redacted]
ZAVON F. KANION [redacted]
RICHARD T. LEIBY [redacted]
ROBERT M. LORENZ [redacted]
JAMES L. MARKS [redacted]
ROBERT W. MARLIN [redacted]
JIMMY W. MATTHEWS [redacted]
TERRY A. MCCOOE [redacted]
ROBERT L. MCGUINN [redacted]
VIRGINIA MERCHANT [redacted]
DANIEL F. MULLEN [redacted]
MAURICE J. NETHERY [redacted]
ERIC W. NODERER [redacted]
MICHAEL J. OBRIEN [redacted]
GEORGE W. OTTO [redacted]
CRAIG H. RICKS [redacted]
ENRIQUE A. RIGGS [redacted]
THOMAS W. RILEY [redacted]
ALAN M. ROCKWERN, [redacted]
JOYCE E. RUBIN [redacted]
MITCHEL RUFFMAN [redacted]
CARL A. RUTHERFORD [redacted]
BRADLEY SAISSELIN [redacted]
LAWRENCE SCHEITLER [redacted]
ALBERT E. SCOTT [redacted]
ELIZABETH L. SHEA [redacted]
STEFAN SHERMAN [redacted]
ROGER SIENKIEWICZ [redacted]
ROBERT M. SKVORAK [redacted]
BEN M. SMITH [redacted]
LINDA L. SMITH [redacted]
DANIEL I. SPEARS [redacted]
MARK A. SPIKER [redacted]
DAVID J. SPINELLI [redacted]
THOMAS STERN [redacted]
RODERICK THIELE [redacted]
ROBERT E. THIELMAN [redacted]
JOSEPH L. THOMAN [redacted]
ETIEN TORMOSTORRES [redacted]
FREDERI WASSERMANN [redacted]
CHARLES WEBSTER [redacted]
GEORGE C. WEEKS [redacted]
STEWART WIDDOWSON [redacted]
ROBIN E. WILLIMAN [redacted]
GEORGE WOO, [redacted]
JUDSON R. WYNKOOP [redacted]
PHILIP E. YOUNG [redacted]

MEDICAL CORPS

To be lieutenant colonel

GOMBURZA M. ABAD [redacted]
ANDREW J. AHMANN [redacted]
YEONG K. AHN, [redacted]
HERBERT ALEXANDER [redacted]
LUIS A. ALMODOVAR [redacted]
JAMES A. AMEIKA [redacted]
VALENTINA ANDRAOS [redacted]
JOSEPH P. ARAIZA [redacted]
FEDERICO ARCALA [redacted]
DAVID M. ARMESTO [redacted]
EDWARD J. AUSMAN [redacted]
EDGAR H. BALLENAS [redacted]
JOHN K. BARTZ, [redacted]
JAMES F. BEATTIE [redacted]
JAMES L. BERGMAN [redacted]
EDWARD F. BIGSBY [redacted]
AKIRK BODARY, [redacted]
WALTER L. BOGART [redacted]
PHILLIP R. BRYANT [redacted]
DAVID R. BRYSON [redacted]
REED A. BURCH [redacted]
JOSEPH J. CALABRO [redacted]
JAMES B. CALDERBANK [redacted]
MARY E. CALLSEN, [redacted]
WAYNE E. CAMPBELL [redacted]
JUAN M. CAMPOS [redacted]
MARCUS E. CARR [redacted]
TODD R. CHACE [redacted]
KEH F. CHEN [redacted]
DOMINIC K. CHEUNG, [redacted]
JAI J. CHO, [redacted]
MARTIN CHRISTENSEN [redacted]
DOUGLAS A. CLARK [redacted]
JAMES H. CLINGAN [redacted]
MICHAEL W. COATNEY [redacted]
EVERARDO J. COBOS [redacted]
LAMAR P. COLLIE [redacted]
CARL J. CONLEY [redacted]
COURTNEY CRIM [redacted]
SAMUEL A. CROW, [redacted]
VERNESS CUNNINGHAM, [redacted]
JOHN E. DADOW, JR [redacted]
MICHAEL J. DALY [redacted]
PANAKKAL U. DAVID [redacted]
PAUL D. DAVIS [redacted]
FRANCISCO DELAROSA [redacted]
GLENN A. DEYO [redacted]
VASANT P. DHOPESH [redacted]
RODNEY S. DILL [redacted]
DOUGLAS P. DIONNE, [redacted]
DAVID L. DOERING, [redacted]
WILLIAM V. DOLAN [redacted]
WILLIAM C. DUNAWAY, [redacted]
JEFFREY DUNKELBERG [redacted]
ALLEN S. ELLIOTT [redacted]
J. ELLISBILLINGSLE [redacted]
DAVID T. ESTROFF [redacted]
DANIEL F. FLYNN [redacted]
FOREST W. FOLLETT [redacted]
PAUL E. FORZLEY, [redacted]
MICHAEL C. FOSTER [redacted]
RICHARD G. FOUTCH [redacted]
SAM F. FRANKEL [redacted]
JEFFREY L. FRYE [redacted]
JOHN J. FUNG [redacted]
SUB GAJENDRAGADKAR [redacted]
SISENANDO P. GALVEZ [redacted]
ARCHIMEDES GARCIA [redacted]
HOWARD E. GENDELMAN [redacted]
MICHAEL D. GETTER [redacted]
CHRISTIE GHICADUS [redacted]
CHIT G. GOH [redacted]

RICHARD GRANVILLE [redacted]
JAMES F. GRAUMLICH [redacted]
MURALI GUTHIKONDA [redacted]
DARROW E. HAAGENSEN [redacted]
DENNIS B. HALL [redacted]
ANSAR M. HAROUN [redacted]
JONATHAN E. HASSON [redacted]
DAVID M. HAYES [redacted]
JERRY W. HAYGOOD [redacted]
JOHN F. HAYNES [redacted]
JAMES E. HEDER [redacted]
THOMAS S. HELLING [redacted]
CHRISTOPHER HICKS [redacted]
RONALD HIGGINBOTHAM [redacted]
DURELL A. HILLER [redacted]
RICHARD E. HOLMES [redacted]
TOMAS HORNA [redacted]
STEPHEN W. HORNYAK [redacted]
RANDALL T. HULING [redacted]
ARTEMIO A. IFURUNG [redacted]
ARTHUR D. JABS [redacted]
MARY T. JACKSON [redacted]
ROBERT L. JACOBSON [redacted]
JUAN JIMENEZVEGA [redacted]
TONE J. JOHNSON [redacted]
ZEHERA N. KHAN [redacted]
ELIZABETH KLIBANOFF [redacted]
WALTER M. KOBIALKA [redacted]
ALLAN J. KOGAN [redacted]
MANGARAJU KOLLURU [redacted]
STEPHEN KOOPMEINERS [redacted]
KARL J. KREDER [redacted]
ROBERT A. KUNZ [redacted]
PETER C. LAFON [redacted]
BELA T. LANCZY [redacted]
CHRISTOPHER L. LEE [redacted]
LEONARD J. LIND [redacted]
THOMAS N. LITTLE [redacted]
PETER H. LOWRY [redacted]
FLORANTE E. LUZANO [redacted]
GARY K. MCALLISTER [redacted]
KEVIN P. MAGUIRE [redacted]
JOHN M. MANFRED [redacted]
WALTER MARCHLEWSKI [redacted]
ROY S. MAROKUS [redacted]
GARRETT L. MARR [redacted]
ALLAN B. MARTIN [redacted]
ROBERTO MASFERRER [redacted]
BRENT R. MCINTOSH [redacted]
NITIN R. MEHTA [redacted]
JOE J. MENDIOLA [redacted]
NARCISO D. MENDOZA [redacted]
RADU MIHAIL [redacted]
RONALD D. MILES [redacted]
RODERICK D. MOE [redacted]
IAN MOOREHEAD [redacted]
KEITH C. MOSES [redacted]
JOSEPH G. MOYER [redacted]
JAMES M. MULLINS [redacted]
MICHAEL J. MURRAY [redacted]
FERENC NAGY [redacted]
ARSENIO P. NAVARRO [redacted]
MOHAMED O. NAWAR [redacted]
MICHAEL L. NOEL [redacted]
DOROTHY A. NOVAK [redacted]
EDMUNDO S. NUNEZ [redacted]
ROBERT M. OLSON [redacted]
YAO C. ONG [redacted]
ALFRED O. PARK [redacted]
FRANK B. PARKS [redacted]
RAJNIKANT C. PATEL [redacted]
SHUTISH C. PATEL [redacted]
WILLIAM PATTERSON [redacted]
HERBERT W. PERCIVAL [redacted]
DOUGLAS A. PETERSON [redacted]
GARY R. PLOTKIN [redacted]
MICHAEL D. POOLE [redacted]
JOHN E. POPP [redacted]
PATRICK J. QUINLAN [redacted]
GITA S. RAMAN [redacted]
RICARDO J. RAMIREZ [redacted]
VENKATAPURAM REDDY [redacted]
JOHN E. REED [redacted]
BRIAN M. REES [redacted]
NESTOR J. REYES [redacted]
MERCEDITA Q. RIVERA [redacted]
WALTER RIVERA [redacted]
SUNG C. RO [redacted]
BRUCE W. ROGERS [redacted]
DONALD K. ROKOSCH [redacted]
JUDE T. ROUSSERE [redacted]
VASQUEZ E. RUEDA [redacted]
CEFERINA P. RUIZ [redacted]
JOHN B. RULE [redacted]
ERIC F. SABETY [redacted]
JOSEPH R. SALAZ [redacted]
ZIMARA M. SAMPAGA [redacted]
GERALD R. SCHWARTZ [redacted]
DWIGHT Y. SHEN [redacted]
ROUCHDY S. SHENOUDA [redacted]
PRAVINA B. SHETH [redacted]
JOSE T. SINGSON [redacted]
JOE L. SMOTHERS [redacted]
MOHAMMAD A. SOBHAN [redacted]
NISHA P. SOPREY [redacted]
ALBERT T. SPAW [redacted]
DEBORAH G. SPEARE [redacted]
DAVID L. SPEER [redacted]
GIOVANNA SPINELLA [redacted]
ALFRED N. STANFORD [redacted]
MICHAEL R. STEVER [redacted]
BARRY STRINGFIELD [redacted]
PAULA L. STUART [redacted]
STEPHEN L. STYRON [redacted]
BOLLEPALL SUBBARAO [redacted]
AVERELL H. SUTTON [redacted]
ROBERT J. SWAN [redacted]
MARGARET E. SWEENEY [redacted]
JIMMIE W. TAYLOR [redacted]
JAMES W. TEMPLIN [redacted]
HERBERT J. THOMAS [redacted]
LEYLAND A. THOMAS [redacted]
MICHAEL TILLIRSON [redacted]
KEVIN P. TRACY [redacted]
JOE E. TREVINO [redacted]
ROBIN L. TRUMBULL [redacted]
WARREN D. TURNER [redacted]
WILLIAM TURSI [redacted]
WILLIAM E. TYNDALL [redacted]
AUGUSTINE F. VELEZ [redacted]
JOHN C. VELTMAN [redacted]
HUNG T. VU [redacted]
ALONZO P. WALKER [redacted]
LAWRENCE R. WALKER [redacted]
EUGENE A. WALTKE [redacted]
JOHN P. WAYMACK [redacted]
LANCE D. WEAVER [redacted]
THOMAS WESTERMEIER [redacted]
RICHARD T. WHITE [redacted]
GARY L. WILSON [redacted]
MARK S. WINDER [redacted]
JAMES W. WOODHAM [redacted]
JONATHAN WOODSON [redacted]
IRENE I. YEVICH [redacted]
ALAN T. ZIMBARD [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

SAMUEL J. ALANO [redacted]
JAMES T. ALLEN [redacted]
BRUCE G. ANDERSON [redacted]
WILLIAM H. ANDERSON [redacted]
CHARLES H. ANTHONY [redacted]
PHILIP R. APPEL [redacted]
REGINALD W. ASLETT [redacted]
DON C. BAGWELL [redacted]
JOHN W. BARCH [redacted]
LENWARDE C. BEASLEY [redacted]
JOHN J. BELKO [redacted]
STEVEN J. BELL [redacted]
ALVIN BELTON [redacted]
STEVEN R. BENNETT [redacted]
TERRY H. BERNER [redacted]
GARRY W. BOSWELL [redacted]
PATRICK M. BOYD [redacted]
THOMAS M. BRANNOCK [redacted]
MICHAEL BRIDGEWATER [redacted]
GLEN D. BRITT [redacted]
MARSHALL J. BROWN [redacted]
JOHN J. BRUGGER [redacted]
DONALD E. BURGESS [redacted]
WILLIAM H. BURT [redacted]
WILLIAM E. CARTER [redacted]
JOHN P. CHANG [redacted]
PHILLIP CHRISTMAN [redacted]
JAMES B. CLARKE [redacted]
RONALD A. COCUZZO [redacted]
DONALD C. COFFIN [redacted]
JOHN R. COLEY [redacted]
WEBBER J. COMELLA [redacted]
DENNIS E. CONNER [redacted]
PAUL CONSIGLIO [redacted]
JERRY COTTON [redacted]
DANIEL J. CRAWFORD [redacted]
DAVID M. CUMMINGS [redacted]
DAVID L. DANIELS [redacted]
RANDY L. DANIELS [redacted]
DINESH V. DAVE [redacted]
JOHN D. DAVENPORT [redacted]
STEPHEN J. DEMSKI [redacted]
PAUL A. DENESON [redacted]
DAVID D. DENTON [redacted]
JOHN J. DIAMOND [redacted]
THOMAS J. DINWOODIE [redacted]
STEPHEN M. DOLGIN [redacted]
DENNIS DOMBROWSKI [redacted]
KENNETH L. DREHER [redacted]
CHARLES S. DRESBACH [redacted]
WILLIAM S. DURRETT [redacted]
ROBERT J. ECKRICH [redacted]
SHARYN K. EKLUND [redacted]
CHARLES W. ELLIOTT [redacted]
DAVID F. EVERETT [redacted]
ANTHONY J. FARANO [redacted]
ROBERT FITZGERALD [redacted]
MICHAEL A. FLEMMING [redacted]
HENRY L. FRANKLIN [redacted]
JAMES D. FRANKLIN [redacted]
LUTHER J. FRANKLIN [redacted]
ROBERT F. FRICKE [redacted]
BRIAN L. FRIEDMAN [redacted]
PAUL D. GANCHER [redacted]
SUSAN E. GARRETSON [redacted]
JAY E. GLENN [redacted]
JESSE S. GONZALEZ [redacted]
ROBERT R. GRANADO [redacted]
MICHAEL R. GRAY [redacted]
ROBERT GREIFENHAGEN [redacted]
RONALD D. GRIFFITH [redacted]
RONALD GRIMES [redacted]
EDUARDO GUERRERO [redacted]
RANDOLPH A. HALL [redacted]
CHARLES J. HANNAN [redacted]
JOHN W. HARBELL [redacted]
RONALD N. HARROFF [redacted]
FREDRICK A. HASSUT [redacted]
ROBERT J. HAWK [redacted]
GILMER M. HAYES [redacted]
DANIEL E. HENDRICKS [redacted]
JACK M. HICKEY [redacted]
HAROLD L. HILL [redacted]
JAMES E. HOLLAND [redacted]
RICHARD G. HUNTER [redacted]
LANCE E. HYLANDER [redacted]
TERRENCE INGRAHAM [redacted]
GEORGE H. IRBY [redacted]
DANA R. JACKSON [redacted]
WILLIAM B. JANIGA [redacted]
DONALD W. JEHN [redacted]
DOUGLAS H. JENKINS [redacted]
RANDOLPH W. JOHNSON [redacted]
SILVANUS P. JOHNSON [redacted]
JOHN C. KEMP [redacted]
RICHARD A. KEYSER [redacted]
STANLEY W. KING [redacted]
GLENN Y. KOBAYASHI [redacted]
BRUCE M. KOENIG [redacted]
WILLIAM G. KOSKY [redacted]
WILLIAM LAFOUNTAIN [redacted]
LAWRENCE E. LANDRUM [redacted]
KEITH J. LANG [redacted]
FRANCIS J. LAYER [redacted]
ROBERT E. LEE [redacted]
MICHAEL A. LEES [redacted]
WILLIAM L. LEMONS [redacted]
NORMAN LENTENBRINK [redacted]
JOHN C. LEWIS [redacted]
ROGER T. LITTLE [redacted]
CURTIS W. LONG [redacted]
THEODORE L. LONG [redacted]
HENRY J. LOPEZ [redacted]
SORREL E. LUHRS [redacted]
DAVID J. LUKE [redacted]
EDDIE N. LUMPKIN [redacted]
DANIEL L. MACINTYRE [redacted]
SHAIKH A. MANZOOR [redacted]
MARK E. MARLEY [redacted]
DWAYNE D. MARROTT [redacted]
WILLIAM K. MARSELLA [redacted]
WILLIAM B. MARTIN [redacted]
JOHN A. MAURER [redacted]
WILLIAM MCALISTER [redacted]
TIMOTHY J. MCCUE [redacted]
JOHN B. MCDONALD [redacted]
CLEM B. MCIVER [redacted]
LAWRENCE L. MEGOTZ [redacted]
CHARLE MINICHIELLO [redacted]
STEPHEN W. MITCHELL [redacted]
WILLIAM D. MIZE [redacted]
ROBERT B. MORGAN [redacted]
JOSEPH G. MOTSINGER [redacted]
RICHMOND B. MOWRY [redacted]
WILLIAM P. MUMPOWER [redacted]
WILLIAM D. MUSICK [redacted]
WILLIAM R. NAYES [redacted]
RICHARD F. NELSON [redacted]
BRENT P. NIXON [redacted]
HARALD E. OLAFSSON [redacted]
ROBERT W. OMER [redacted]
DANIEL P. OPPERMANN [redacted]
PATRICK S. ORILEY [redacted]
PEDR ORTIZMOLINARY [redacted]
ANGEL L. PADILLA [redacted]
ADA M. PALACIOS [redacted]
MICHAEL G. PAPPAS [redacted]
JEFFREY PARASZCZUK [redacted]
JOSEPH M. PARKER [redacted]
WILLIAM PATTERSON [redacted]
ALBERT A. PENNA [redacted]
EUGENE P. PHILIPP [redacted]
STANLEY PIOTROSKI [redacted]
PAUL L. RAGAINS [redacted]
ROBERT J. RAGONE [redacted]
BRUCE A. REDDISH [redacted]
JAMES D. REED [redacted]
JAMES F. REED [redacted]
HARRY REYNOLDS [redacted]
DENNIS C. RHEA [redacted]
KEVIN J. ROARK [redacted]
DONALD J. ROCHE [redacted]
RAUL RODRIGUEZ [redacted]
DENNIS S. ROGERS [redacted]
ROBERT ROGGENBACH [redacted]
HECTOR H. ROSADO [redacted]
ROBERT S. ROSS [redacted]
JOSEPH A. SANDRIN [redacted]
KAY A. SATHER [redacted]
ROBERT L. SAWYER [redacted]
JOSEPH SCELZA [redacted]
JOHN A. SCHENNE [redacted]
JOE R. SCHROEDER [redacted]
KENNETH L. SHIELDS [redacted]
DENNIS SHINGLETON [redacted]
HAROLD B. SILMAN [redacted]
JACK B. SILVER [redacted]
BARRY K. SLATTON [redacted]
MICHAEL A. SMAJD [redacted]
ELIZA SMIEHOROWSKI [redacted]
ED SOTOMAYORVICENS [redacted]
RAYMOND T. STANTON [redacted]
ROBERT N. STATON [redacted]
JAMES H. SUNIA [redacted]
JOHN H. SUTTON [redacted]
HOWARD S. SWAN [redacted]
ROBERT B. SWOPE [redacted]

LARRY E. TAYLOR [redacted]
JOHNNY B. THOMAS [redacted]
NANCY C. TIPTON [redacted]
THOMAS M. TOLER [redacted]
ROBERT J. TOTH [redacted]
STEVEN F. TRONNES [redacted]
ROY H. TRUCKS [redacted]
PETER O. USBEC [redacted]
JESUS B. VALENZUELA [redacted]
LINDA M. WALKER [redacted]
WILLIAM J. WALSH [redacted]
JACK N. WASHBURNE [redacted]
ROBERT J. WERNER [redacted]
STANLEY J. WHIDDEN [redacted]
CHRISTOPHER WHITE [redacted]
ALEXANDER L. WIATT [redacted]
KENNETH K. WIER [redacted]
RICHARD E. WILLIAMS [redacted]
DAVID A. WING [redacted]
CHARLES V. WIRTH [redacted]
JAME WOJCIECHOWSKI [redacted]
JAMES D. WOOD [redacted]
GROVER E. YOUNG [redacted]
WILLIAM C. ZEILLER [redacted]
HENRY E. ZERANSKI [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

GLENN E. BALLARD [redacted]
BARBARA I. BERKOFF [redacted]
HERBERT E. BRUNTEL [redacted]
JOYE F. BUCKLIN [redacted]
PHYLLIS M. BUTZEN [redacted]
PHYLLIS A. COTTON [redacted]
ELLEN G. EVANS [redacted]
BRIAN P. FOSTER [redacted]
BARBARA A. GREENE [redacted]
RICHARD L. JAMES [redacted]
RICHARD J. JENNINGS [redacted]
BEVERLY KACZYNSKI [redacted]
WILLIAM L. KICKHAM [redacted]
MARY B. MCQUARY [redacted]
DONALD C. MILLER [redacted]
KURT N. NEWTON [redacted]
MARGARET A. ONEILL [redacted]
ISABEL M. PARRAGA [redacted]
ELIZABETH RALEIGH [redacted]
GREENHALGH S. RASOR [redacted]
THOMAS H. RICHEY [redacted]
CHRISTINE SAJEVIC [redacted]
CRAIG L. STRONG [redacted]
DOUGLAS WAKEFIELD [redacted]
MIMI WANG [redacted]
SUSAN L. WILSON [redacted]

VETERINARY CORPS

To be lieutenant colonel

ROBERT V. ADAMSON [redacted]
PAMELA L. BARLOW [redacted]
KENNETH E. BARTELS [redacted]
JAMES M. BRYANT, [redacted]
MARION S. CORNWELL [redacted]
WILLIAM R. DEHAVEN [redacted]
DAVID L. FRITZ [redacted]
ROGER D. HUBNER [redacted]
LORRAINE K. JARBOE [redacted]
VIRGINIA W. JENKINS [redacted]
MARK D. MARKS [redacted]
EARL W. MORGAN [redacted]
STEPHEN K. SCOTT [redacted]
CAROL A. THOMPSON [redacted]
GARY L. WHITE [redacted]
GEORGE A. WHITE [redacted]
RICHARD D. WHITTEN [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate September 22, 1993:

DEPARTMENT OF STATE

HAZEL ROLLINS O'LEARY, OF MINNESOTA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 37TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

IVAN SELIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 37TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

JANE E. BECKER, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 37TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

HOUSE OF REPRESENTATIVES—*Wednesday, September 22, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We recognize the favor that we have received from the bounty of Your hand, O God, and in our best moments, we discern the gifts with which we have been endowed. Above all else, gracious God, we pray that we will learn to have hearts full of thanksgiving for the faith and hope and love that we have received. In spite of all the tasks before us, may we so live our lives that we begin each day with gratitude and appreciation for Your blessings to us and to all people. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. MANN] please come forward and lead the House in the Pledge of Allegiance.

Mr. MANN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 20 requests for 1-minute statements on each side.

THE MEASURE OF SUCCESS FOR PRESIDENT CLINTON'S HEALTH CARE PROPOSALS

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, the experts will be talking tonight, but the real test is what the President's proposal for comprehensive health care means to these West Virginians:

To the working Kanawha County family who had to give up legal custody of their daughter with cerebral palsy to her grandparents because the mother's insurance would not cover treatment;

To the Lewis County mother whose private insurance refused to cover the preventive treatment of removing precancerous cells, and then refused to cover any treatment for cancer for 2 years;

To the eastern panhandle couple who lost their assets and had to quit their jobs to qualify for financial assistance to buy the vitally needed medicines for their two hemophiliac sons; and

To the Braxton County couple with a lifetime insurance cap of $75,000 that was run through after only two hospitalizations for cancer.

These are the people, most of them working, who will measure the President's health proposals. These are the people whose fear and suffering this Congress can ease this year.

THE PRESIDENT'S PLAN IS A JOB KILLER

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, when President Clinton convened his secretive task force to redesign our health care system, we knew we would have trouble hanging onto our wallets. Now that we have seen the plan, it seems that millions of Americans will have trouble hanging on to their jobs as well.

In addition to imposing tens of billions of dollars in new taxes, the President plans to force businesses across America to provide expensive corporate-style health care benefits for all their employees—whether the businesses can afford to or not.

According to the Employment Policies Institute, such a mandate will destroy 3.1 million jobs, mostly low-wage, low-skill jobs held by the very people on whose behalf the President claims to be acting.

Mr. Speaker, it will not do a worker any good to try to give him health insurance at the expense of his job.

Mr. Speaker, Republicans want to give workers more choices in health care and let 3 million workers keep their jobs.

WISHING BORIS YELTSIN AND THE RUSSIAN PEOPLE WELL

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, I want to wish Boris Yeltsin good luck. The first president democratically elected in 1,000 years of Russian history is now engaged in yet another struggle against the forces of darkness and evil and totalitarianism and turning back the clock. We wish him well personally, and we wish well the Russian people who, on December 11, for the first time in their history, will elect democratically, freely and openly, a parliament worthy of the name parliament.

When a few of us visited Mr. Rutskoy not long ago, there was on his wall a large map of the Soviet Union. When we asked him why he had the map of a country that no longer exists, his answer was not very satisfactory. We now know the answer. The people who want to reestablish the Soviet Union as an expansionist, imperialist, totalitarian empire will lose, and the forces of democracy in Russia, led by Boris Yeltsin, will prevail.

WHO PAYS?

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, tonight the whole Nation is going to hear President Clinton present his health care plan with wonderful rhetoric such as low cost, access for everyone, and security for all. But the one detail the President will leave out of his speech tonight is, who pays.

White House staffers that created this plan estimated it will cost around $700 billion over the next 5 years. Who pays?

Who is going to pay for the President's plan—the young? The old? Single people? Married couples? Small businesses? The self-employed? Who pays for the huge new bureaucracy Clinton will form to ensure that all Americans are covered under Government-controlled health insurance?

Mr. Speaker, the President is going to make his health care plan seem like just another free lunch for us all. But he is not being honest with the American people unless he tells them tonight who pays.

LET US SUPPORT PRESIDENT CLINTON'S HEALTH CARE PLAN

(Mr. BLACKWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKWELL. Mr. Speaker, tonight the President will offer a bold, new initiative, designed to make health care accessible to all Americans.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I believe the President deserves the support of Congress, without regard to party or politics. Quality health care is fundamental to a good quality of life.

Over the next several weeks, many hearings will be held, much discussion will be undertaken, and the debate will rage on throughout the Congress and in virtually every sector of this Nation.

But, we must not lose sight of the fact that the President's plan controls costs, cuts the deficit, allows choice, promotes quality, eliminates fraud and waste, and covers everybody. It is universal.

Mr. Speaker, I intend to support the President in this effort to bring sanity to a mad system, to bring stability and security to the uncertainty and fear which represents health care in America.

No father should risk sickness because he is unable to help his sick child. No mother should pain because she cannot afford to heal her child's pain. No American should have to choose between health, eating, or paying the rent.

Let us put party and politics aside, Mr. Speaker. Let us support our President.

BEWARE OF THE HEALTH CARE TASK FORCE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, William F. Buckley once said that he would rather be governed by the first 500 names in the Boston telephone book than the first 500 names on the Harvard faculty. After reading the plan devised by the President's 511-member health care task force, I think I know exactly what he means.

This task force—composed of academics, Government employees, and assorted policy wonks—a bunch of bureaucrats has managed to propose exactly the wrong remedy for America's health care ills.

The global budgets and mandatory price controls—which, by whatever name are in the plan—will lead to health care rationing.

The managed competition will lead to sharp limits on consumer choice of health care providers and insurance packages.

The higher taxes and business regulations will greatly harm the economy and destroy, by one estimate, 3 million American jobs.

Nine out of ten doctors would probably agree that 50 million Federal bureaucrats are not the cure for national health care problems.

□ 1010

HEALTH CARE ACCESS TO TRADITIONALLY UNDERSERVED AREAS

(Ms. ENGLISH of Arizona asked and was given permission to address the House for 1 minute.)

Ms. ENGLISH of Arizona. Mr. Speaker, I rise today in anticipation of President Clinton's speech this evening to unveil the health care reform proposal. For the first 8 months of this administration, debate has centered around the effort to address the escalating costs and lack of access to basic health care services to many segments of our society.

The lack of access problem is of particular concern to a large portion of the constituency I represent—rural Arizona.

The health care reform proposal must address the unique concerns of America's rural population.

Many in rural Arizona are either unemployed, self-employed, seasonally employed, or employed by small businesses. Rural Arizona also has a large percentage of senior citizens.

Health care providers must provide the same high quality service in remote rural areas as in urban centers. We must seize the opportunity to ensure that traditionally underserved areas finally gain access to the quality health care that all Americans and their families deserve.

OUR BROKEN GOVERNMENT CANNOT FIX HEALTH CARE

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, the Government was broken and needed to be reinvented, but this week the Government is fixed, and it is going to save our health care system. Those are the two conflicting messages from the Clinton White House.

On the one hand they acknowledge that Government-run programs do not run very well, but on the other hand they propose a massive Government-driven reform of our health care system.

The Clinton health care reform plan will create over 350,000 bureaucratic jobs to replace 350,000 private sector jobs, 100 new bureaucracies nationwide. It is going to cost over $700 billion and limit the health care choices of every American.

It creates a national health care board, a kind of politburo of health made up of 7 individuals who will decide the basic benefits package for 250 million Americans.

In other words, the Clinton health care plan is another Federal bureaucratic solution to a real problem. The President needs to reconcile his conflicting messages.

The Government is broken and we should not rely on it to fix our health care system.

NOW IS THE TIME FOR HEALTH CARE REFORM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, not long ago, I received a letter from a man in Michigan.

Fourteen years ago, he was diagnosed with Hodgkins disease, which is a form of cancer.

But he fought it, and thanks to a strong will and some good doctors, he was pronounced cured.

Cured by everyone but his employer's insurance company, who refused to cover him because he was a bad risk.

And because of it, after 15 years on the job, his boss was forced to lay him off.

And now, he has no job—and he, his wife, and his two children have no health insurance.

Here you have a guy who did everything right.

Who paid his insurance premiums on time.

Who played by the rules.

And in return, he saw his whole idea of security shattered right before his eyes.

Mr. Speaker, people don't deserve to be treated like that in America.

Tonight, the President presents his plan for health care reform to the Nation.

A plan that will provide health security.

A plan that will ensure that no American family will ever lose their health insurance.

A plan that will make sure no other family will be forced to go through what this family went through.

Mr. Speaker, we can't wait any longer.

Now is the time for health care reform.

WORSE THAN THE DISEASE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, like the medieval doctors who tried to cure a fever by bleeding their patients white, the President's advisers may be prescribing a cure for our health care ills that is worse than the disease.

Say what you will about our health care problems, and there are problems, America has the finest health care system in the world.

Our death rate for many common diseases is lower than anywhere else and treatment is more available. For prostate problems, it is one-seventh the death rate in Sweden, a third of Germany's, and a quarter of the death rate in Great Britain.

For stomach and intestinal ulcers, the death rate per 100,000 is 2.7 in the United States, compared with 7.6 in Sweden, 4.9 in Germany, and 3.1 in Canada.

For hernias and intestinal obstructions, our rate is 1.7, compared to 3.2 in Sweden, 3.1 in Britain, and 2.7 in Germany.

Sure we need changes in our health care system but as we prepare to discuss health care reform, let us remember the wise counsel of the great physician Hippocrates: First, do no harm.

AMERICANS SHOULD ASK PERTINENT QUESTIONS ABOUT PRESIDENT'S HEALTH CARE PLAN

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, tonight, we are in for one whale of a Presidential sales pitch on the merits of a national health care system.

My fellow Americans, do me a favor, do yourself a favor, kick the tires. Look past the pinstripe and ask yourself some very pertinent questions like:

How are we going to pay for this? Who is going to pay for it? How much is it going to cost? Who is going to administer it? Will I be able to see the doctor of my choice? Will I be able to go to the hospital of my choice? Is this really a better plan?

And lastly, when all is said and done, ask yourself, do I trust a politically appointed commission in Washington to make the proper call of who is to be denied health care coverage when the money runs out?

Buckle up America, you are in for the ride of your life on this plan, a ride we cannot afford to rack up.

HEALTH CARE REFORM AND THE VA

(Mr. EDWARDS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Texas. Mr. Speaker, we have a special commitment to our veterans. The men and women who have fought for this Nation deserve the best possible health care available. They also deserve an independent hospital and health care system designed to serve their unique and special needs.

I want to commend President Clinton for honoring that commitment in his proposed health care reform plan.

The administration should be applauded for its position that no veteran will receive less care under health care reform than he or she is receiving now. Our Nation has a moral obligation to provide health care for those who have been willing to put their lives on the line for us.

In the months ahead Congress should work with President Clinton to support, improve and streamline the veterans health care system.

THE REPUBLICAN ALTERNATIVE: THE RIGHT CHOICE FOR HEALTH CARE REFORM

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, tonight the President will finally unveil his long-awaited plan to reform the Nation's health care. However, the Nation did not have to wait until tonight for a plan. Last year Republicans had one introduced in Congress.

Again this year, Republicans already have a plan. It has 114 Members supporting it—more than any other health care bill in Congress. And it could be enacted right now.

One look at our plan, and you will know where we agree and disagree with the President. We agree on the need to cut costs and deliver security in health care. However, we disagree in one fundamental respect: We do not think a system that delivers the world's best health care to over 80 percent of all Americans should be scraped. We think it should be reformed.

After tonight's hoopla has died down, Americans will start to ask the hard questions. What does it do to the business that employs me? Will it preserve my right to choose a doctor? How does it compare to what I already have? What will it cost?

When Americans start to ask the hard questions, they will find that Republicans have the right answers.

□ 1020

HEALTH CARE PROGRAM COVERS AMERICAN CITIZENS IN PUERTO RICO

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, as Puerto Rico's Representative, the Nation's territory with 3.5 million disenfranchised citizens, I wholeheartedly endorse President Clinton's health care reform plan.

After my participation in many of the discussions held during the formulation of this plan, I am particularly pleased that the American citizens of Puerto Rico have for the first time been included in the national health care program as full and equal partners. The President's plan does not please everybody. It is impossible to propose any reform that affects the whole Nation and at the same time pleases everybody. But it is by far the best plan submitted and President Clinton must be congratulated for taking such a bold and necessary step.

The plan the President is putting forward is a most important social and economic guarantee for all Americans since the adoption of Social Security six decades ago. It is a plan that will bring for the first time in the Nation's history a much-needed peace of mind to all American citizens, who will be able to lay aside their fears of losing their hard-earned savings or their home as a result of unexpected high medical expenses, a peace of mind that all of us will have access to quality health care whenever we need it, not as a privilege, not at outrageous costs, but as a right. Every American will have that security.

HEALTH CARE REFORM: BIG BUSINESS, BIG GOVERNMENT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker and Members of the House, the previous speaker mentioned something that I think bears repeating, that this health care plan will be the size and will be as far-reaching as the current Social Security system. We are talking about big business and big Government here. As we approach this debate, I think we should do it on a bipartisan basis, but that we as a Congress and we as Americans should have to ask some fundamental questions.

No. 1: Will a Government-sponsored health care system do a better job than a private system? Do we want more or less Government regulation? How many decisions do you want the Federal Government to make for you in your life? Can we afford another tax increase in the wake of the largest tax increase in the history of America? Do we need another $7 billion bureaucracy? Can small business afford another tax increase without laying off workers? And, finally, can we increase our individual and collective security without decreasing our individual freedom?

I think these are profound questions, and I think these are pertinent, and I think we as Americans, as we go through this debate, have to keep asking ourselves these questions.

DEMJANJUK SHOULD BE DEPORTED FORTHWITH

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, last evening John Demjanjuk returned to the shores of the United States in what is a punch in the gut to the thousands of Holocaust survivors living in America and the millions of other people of goodwill.

John Demjanjuk has been proven by an American court to have participated in Nazi concentration camps, to have been a part of war machine that brutally killed 6 million Jews and millions of others, Christians, Gypsies, Poles, and Slavs. Yet here he is back in America because the 6th circuit, in its own pursuit almost flying in the face of the law that this Congress passed, said he could come back to determine he was extradited improperly.

What is uncontrovertible is that he was deported properly. It was shown that he was a guard in various Nazi concentration camps. There are millions who clamor for American citizenship, who come here in little boats, risk their lives, who have done nothing, and yet we are letting this terrible, terrible human being back.

Mr. Speaker, it is a travesty, it is a disgrace, and I urge the Department of Justice to immediately begin proceedings to enforce the deportation order and send John Demjanjuk where he belongs, out of this country.

HEALTH CARE REFORM: LET'S GET DOWN TO IT

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, obviously most of us today are interested in health care, Many of us have been interested in health care for some time and indeed have been working on it for several years. So I am pleased it will come to the top of the agenda and we will do something about it.

However, we are going to have to make certain that we do not deal with it in terms of campaign rhetoric, just talking in general terms about the things we like to see happen. We are going to have to get down to it. It is going to be tough. It is like that tax bill we went through, where you can listen to both sides of this conversation and never know you were talking about the same thing.

That is going to be troublesome here. Some Western advice here we ought to take is, "Don't ask the barber if you need a haircut."

So we really ought not ask the people who are supporting this what the facts are. Everyone is for reducing the cost for universal coverage, for maintaining quality. The question you have to ask is: Do we want a program with more Government? Is there any evidence that the Government is the best provider, that we can do that? I think we have to ask who is going to pay the bill? Are we going to end up with better coverage with more money or worse coverage and more money?

Those of us from rural areas have to look for some flexibility. So I hope we address this and deal with some facts for a change.

HEALTH CARE REFORM: PREVENTION IS MOST IMPORTANT IN SAVING MONEY

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I too am very interested in health care, and tonight I think we are going to hear a plan that addresses most of the major issues. And it is not a plan that is going to be free, nor is it a plan that can have results overnight because in health care you can't because the most important thing about saving money in health care is prevention.

We must start to influence and pay more attention toward prevention. People must be self-reliant; they must act in a way that they preserve their own health and take the responsibility for that. When we see more of this practiced, we will see a reduction in the cost of health care. Most of the chronic diseases that cost a lot of money can be prevented when people take the responsibility for themselves and exercise, eat right, and not abuse the body through drugs and other poisonous types of habits.

Another thing that must be very essential to saving money in the long run is research because we know the results of what we can get from health care research. Many, many dollars have been saved by the findings and the use of those areas where we have done research.

I hope, Mr. Speaker, that we are looking at the real serious problem of health care reform.

CONGRATULATIONS TO KELLY ZIMMERMAN, YOUTH OF THE YEAR, BOYS AND GIRLS CLUBS OF AMERICA

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, this morning at a breakfast of representatives of the Boys and Girls Clubs of America they honored the five winners from these United States, representing 1.8 million members of the Boys and Girls Clubs. I am pleased to report that the individual chosen as the Youth of the Year to represent all of these young people and the over 1,400 clubs is Kelly Zimmerman from Orrville, Ohio, in the 16th District.

Kelly will be the first young lady, to be chosen as the Youth of the Year by the Boys and Girls Clubs of this Nation. She has an outstanding record of community service.

Just a few of her many accomplishments: She organized the Students Against Drunk Driving in her community; she was chosen by the board of the United Way as a full voting member, the first time they have put a young person in a position of this responsibility; she has worked extensively with the Salvation Army in many different ways in developing their programs of helping others.

Kelly has been a member of the Orrville Area Boys and Girls Club for 9 years and serves as a leader and role model for fellow club members. At the club, she organized a cheerleading program, volunteered as a gymnastics coach and worked in the activity center and junior gamesroom. Through her membership in the Keystone Club, a teen leadership group, Zimmerman served as chairperson of the first annual Midwest Keystone Conference and has been involved in the past three National Keystone Conferences. She is also a bible schoolteacher and greeter at the Trinity United Methodist Church, and a Red Cross blood donor.

While in school, Zimmerman was a member of the National Honor Society, and Fellowship of Christian Athletes. She was also president of the student council, and captain of the varsity football and basketball cheerleading squads. Zimmerman will begin her freshman year at the University of Toledo in the fall.

Mr. Speaker, Kelly certainly will be a shining example to all young people of what is good about American youth.

□ 1030

UNFUNDED MANDATES

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, in 10½ hours President Clinton is going to be unveiling his Government-run health care program. It seems to me it is a real tragedy that one of the problems that States and local governments and taxpayers in State and local areas are going to be shouldered with a burden which will continue to expand, and tragically his program does not address. I am referring, of course, to unfunded Federal mandates.

We here at the Federal level impose on State and local governments, and in my State of California it is costing $3 billion, the cost of providing health care and a wide range of other services to people who enter the United States illegally.

In fact, we learned at a hearing that we held with the task force on illegal reform during the month of August that it is easier for someone who is in this country illegally to gain health care when they enter the United States than it is for someone who is here legally.

Tragically, the Government-run program which President Clinton is going to be unveiling does not address that question at all. I hope very much that we can bring about an end to unfunded Federal mandates.

GRATITUDE TO PRESIDENT FOR BEGINNING HEALTH CARE PROGRAM

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, over a decade of deafening silence has ended. For 12 years we had Presidents who refused to address the crisis in national health care. This is not something new for this country. In 1948, standing in this very Chamber, Harry Truman addressed the issue of national health care and universal coverage, and President Bill Clinton has brought forth a program that, yes, may not be perfect, I say to my Republican colleagues, but indeed has reenergized the debate, has forced the House and the Senate, Republicans and Democrats, to focus on the issue of national health care for those uninsured, for those who are impoverished by the cost of insurance, by Americans who live in fear that their children or they will be sick and they could lose their homes.

This Nation and this Congress owes a debt of gratitude to President Clinton for beginning this debate anew and with his leadership we will come forward with a health care proposal that does meet the needs of the American people.

THE CHALLENGE OF HEALTH CARE

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, when former Surgeon General Dr. C.P. Everett Koop spoke to us a couple mornings ago, he said the following:

> Before we can enact the sweeping reform we need in health care, we must agree on the basic values and the ethics upon which our health care system and, indeed, our society is based and from which it draws its moral power. If we could reach an ethical consensus, I think many of the economic and political problems of health care reform would fall rather easily in line.

Then he further said:

> I don't imagine any one of us will agree with every point in the proposed reforms. I imagine that the President has his own reservations about some points. But our reservations—or even outright objections—to some provisions cannot give us the excuse to oppose everything.

Mr. Speaker, we have the opportunity to do something good for the American people, to provide universal health care security for every man, woman, and child in this country. I hope that we meet the challenge of this moment.

PROVIDING FOR CONSIDERATION OF H.R. 2750, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 252 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 252

Resolved, That during consideration of the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, the amendment printed in section 2 of this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill as so amended shall be considered as the original bill for the purpose of further amendment. The amendment printed in section 3 of this resolution may amend a portion of the bill not yet read for amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 2. The amendment considered as adopted in the House and in the Committee of the Whole is as follows:

Page 36, after line 10, insert: "$28,200,000 for the San Francisco Airport BART Extension Project and the Tasman Corridor LRT Project;"; and

Page 36, line 21, strike "$78,200,000" and insert in lieu thereof "$50,000,000".

SEC. 3. The amendment that may amend a portion of the bill not yet read for amendment is as follows:

Page 7, line 13, strike "$2,555,695,000" and insert in lieu thereof "$2,560,695,000"; and

Page 22, line 23, strike "$85,550,000" and insert in lieu thereof "$62,000,000".

SEC. 4. House Resolutions 211 and 221 are laid on the table.

The SPEAKER pro tempore. (Mr. MONTGOMERY). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. At this time I yield the customary 30 minutes for the purpose of debate only to the gentleman from Florida [Mr. GOSS]. Pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 252 is an open rule which provides that the en bloc amendments that are printed in section 2 of the rule shall be considered as adopted in the House and in the Committee of the Whole.

The rule also provides that the Goss en bloc amendments which are printed in section 3 of the rule are not subject to a division and my amend portions of the bill not yet read for amendment.

Finally, House Resolutions 211 and 221 are laid on the table.

Mr. Speaker, Chairman BOB CARR, ranking Republican FRANK WOLF and the members of the Transportation Appropriations Subcommittee should be commended for bringing this comprehensive bill to the floor. This spring, the committee conducted extensive hearings on programs and projects within their jurisdiction which are contained in 9 published volumes totaling approximately 10,000 pages.

Each year the subcommittee has the task of producing a bill which maintains the current transportation system and provides for new technologies which will make our Nation's transportation system intermodal, efficient, safe and cost effective. This year, all of this had to be achieved with a much tighter budget, and with maximum job creation in mind.

I would also like to commend Chairman CARR for developing economically based investment criteria which the subcommittee uses when evaluating individual funding requests. Chairman CARR and his staff spent numerous hours consulting with officials at the Department of Transportation, investment companies, and transportation consultants along with others to produce the investment criteria.

I encourage my colleagues to adopt this open rule so that we may begin debate on this important piece of legislation.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 252 marks the conclusion of a very long chapter in this year's transportation appropriation process. It's something of a cleanup rule that smoothes the rough edges and ensures that the fiscal year 1994 transportation appropriation bill will finally come to the floor without further delay. Normally appropriations bills do not necessarily need rules. But this bill—which has been reincarnated from an earlier version and which has had three different rules along the way—has proven to be anything but a normal bill. Since the first version first came before the Rules Committee in late June we have had much debate about the rules of this House and how we handle our Nation's budget. It has been a valuable debate, focusing on the basic principles of sound budgeting; asking whether—and how—to set priorities before we spend the taxpayers' money. I commend the chairman and ranking member of the Rules Committee—as well as the chairmen and ranking members of both the Appropriations and authorizing committees—for their diligence and perseverance in sorting things out. As a result of their efforts, today we have a rule that does two things: First, it incorporates an amendment by Chairman MINETA into the original text, restoring funding for the San Francisco BART extension project that had been in the original bill. Second, the rule allows this gentleman to offer en bloc an amendment to follow through on a commitment this House made earlier in the year to provide resources to the Coast Guard for additional missions it is asked to undertake, specifically the mission to provide coverage for the Haitian immigration program which has been successfully conducted, but at some cost extra to the Coast Guard which needs to be paid.

Mr. Speaker, this rule preserves the open amendment process—affording all Members the chance to make changes in H.R. 2750 in accordance with House rules. It also leaves vulnerable in the bill any provisions which do not comply with the standing rules of the House. I and others in the minority have continually advocated this type of open process, forcing us to live within our rules and allowing the greatest possible participation by the full membership of this House, the true deliberative process of legislation. I am pleased to support this rule, and I reserve the balance of my time.

□ 1040

Mr. GORDON. For purposes of debate only, Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CARR].

Mr. CARR of Michigan. Mr. Speaker, this is a hard thing for me to do: I rise reluctantly and oppose the rule. The chairman of the Committee on Rules and all the members of the Committee on Rules on both sides have spent far too many hours dealing with the matter of the Subcommittee on Transportation and of the Committee on Appropriations, and they have done so with the utmost of cooperation, the utmost of graciousness, and they have been very understanding, and I want to thank all the members of the Committee on Rules. We did not expect to find ourselves in the difficult parliamentary situation we are in, and we certainly did not intend to waste their time or depreciate its value, and I want to extend the sincerest of my gratitude for the Committee on Rules, for their cooperation.

It is customary, Mr. Speaker, for the manager of the bill and the chairman of a subcommittee to have it fall to him or her to ask for a rule. In this particular case we did not ask for a rule. We did not ask for this rule. I might say, again in gratitude to the Committee on Rules and to the leadership's staff, that we were consulted. It is not a surprise to us that we have this rule. Indeed its contents are not a surprise. We were talked to about what might be in the rule. But we did not ask for this rule.

Mr. Speaker, it is a rule that we believe fundamentally is a bad rule. Normally rules of the House are modified by resolutions out of the Committee on Rules to tailor the parliamentary situation for the consideration of legislation on the House floor. Occasionally the Committee on Rules, either on its own or at the urging of others, acts in a substantive way rather than just a procedural way. It offers essentially an amendment to the bill through the device of the adoption of the rule. It is called a self-executing rule, meaning that it self-executes an amendment to the legislation at hand.

This rule is, in the main, a self-executing rule and a self-executing rule only. It determines no rules of debate beyond the rules of the House. It makes no limitation on other amendments which might be offered under the rules of the House. It in no way enhances or diminishes the rights of all the Members of the House under the rules of the House to participate in the procedure of consideration of the transportation appropriations bill.

What it does do, Mr. Speaker, is amend the bill to restore a provision which the subcommittee, by unanimous agreement in our full Committee on Appropriations, in majority or substantial agreement, felt to be unwise, and the Committee on Rules has, in their rule, self-executed this provision back into our bill. It would be hypocritical for us, as members of the committee, to pass a provision out of our committee and through the full committee only to accept the Committee on Rules adding a provision that we felt genuinely was a bad provision back into this legislation.

So, Mr. Speaker, it is very hard because we like to cooperate. We appreciate the work of the Committee on Rules. We appreciate the leadership's role. It is very hard to stand and oppose a rule that I know that they intend to do good things very sincerely, but I must vigorously oppose the rule and will work for its defeat.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas [Mr. DELAY], a member of the Committee on Appropriations.

Mr. DELAY. Mr. Speaker, I, too, rise in opposition to this rule. I normally would not rise in opposition to what some are thinking is an open rule, and, except for my one objection, this is an open rule.

As the chairman of the Subcommittee on Transportation of the Committee on Appropriations has so eloquently pointed out, we did not on the subcommittee ask for a rule. We wanted to bring the bill to the floor, and let anyone amend, and let anyone take the opportunity of the rules to invoke points of order. But we just cannot seem to resist the opportunity to use the rule to take care of some personal concerns of certain Members of this House, and that is what this rule does.

Mr. Speaker, it has already been pointed out that this rule spends $28 million on a project in San Francisco that the subcommittee had evaluated and decided did not meet any criteria for good cost effectiveness in spending mass transit moneys. This is a project that in this rule spends $28 million in fiscal year 1994 which is just part of a $470 million project. This project, called the Tasman corridor project, is a rail system that goes to the San Francisco Airport that is only being ridden by employees of the airport. It has a cost per new rider index number of $40—$40 for each and every new rider.

The Federal Transit Administration really looks closely and frowns on any project that has a cost effectiveness number of around $10 per new passenger on a project. Yet this one has over $40 per new passenger project as a cost per new rider number. That is outrageous.

The chairman, over the course of this year, has established criteria which any project must meet, and it is a very extensive criteria so that we could get rid of this problem of having projects that are not worthy placed in our bill or any other bill. If you have a project, you should justify that project and the cost effectiveness of this project, and then we as a committee can and will support it.

But here we are, passing a rule that continues the spending of over $400 million in an open rule setting. If the supporters of this project want to spend this money, let them bring an amendment down here under the open rule process, and offer their amendment, and let it stand on its own before this House. We are going to have to use the debate on the rule to discuss this project, and this project is going to have to stand on its own as we go through the rule.

□ 1050

Make no mistake about it. Members should not come down to this floor and vote for this rule thinking they are supporting an open rule. This is an open rule in every other case, except it has this self-executing clause in it that spends $28 million.

So I am urging my colleagues to vote against this rule when we call the vote, because if you vote against this rule, you are voting to save over $400 million. That is what the vote is all about. It has nothing to do with the fight over jurisdiction that has been going on for the last couple of months. It has nothing to do with whether this is an open rule or not. A vote against the rule is a vote to save over $400 million. So I urge my colleagues to vote no on the rule.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield such time as he may consume to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise in support of the rule, not because it is the rule I sought or preferred, but because it appears to be the only rule we can get which allows us to proceed on an issue which should have been resolved months ago.

Before the Rules Committee last June I sought a rule which would allow points of order to be made against significant legislative provisions and unauthorized highway projects in the bill.

The first rule granted back in June by the Rules Committee reflected what I believed needed to be done. It protected all parts of the bill except the significant legislative provisions and unauthorized highway projects. Every rule since that first rule—and we are now on our third rule—has been some shade of imperfection compared to that first rule.

The rule now before us is the product of layer upon layer of move, countermove, and compromise. This rule allows the points of order to be made which I sought to have allowed; on that I prevailed. But the gentleman from Michigan sought to have the entire bill unprotected; and on that he prevailed.

It has been clear for many weeks what most of the Members of this House wanted to do with this bill: They wanted to remove the $284 million in earmarked highway projects and spend the money instead on the basic highway program which meets the most urgent highway improvement needs in all States. The appropriations bill takes the $284 million, sends one-third of it to 1 State, sends all the rest of it to 22 other states, and sends absolutely none of it to 27 States. Most of the Members of this House believe that the people of all States pay the taxes that support highway funding, and that the people of all States have urgent needs for highway improvements, so why shouldn't the people of all States get a fair share of their taxes back to do the highway work that needs to be done in their area?

What a rule should do is allow the will of this House to be carried out with as little wasted time and distracted rhetoric and anguish as possible. This rule meets only half that test. It will allow the will of this House to express itself on the unauthorized highway projects, but it will not do so in a direct and straightforward way, and that may in the end be to everyone's disadvantage. It did not have to be this way.

In short, we could have done what needed to be done without raising all kinds of issues that few believe need to be raised, few want raised, and few would support. That is not the course we have taken in this rule.

I want to thank the House leadership and the chair of the Rules Committee and its members for their patience and understanding in bringing this rule forward.

However, because this rule does allow the Members to work their will on the core issue of unauthorized highway projects and the equitable distribution of highway funding across the country, and because there appears at this time to be no alternative to proceeding under this rule, I urge support of the rule.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. MINETA. I very happily yield to my very fine colleague, the gentleman from Pennsylvania [Mr. SHUSTER], the ranking member on the Committee on Public Works and Transportation.

Mr. SHUSTER. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise to support the rule also and to be certain that my understanding is correct, that with regard to the Tasman project, which has been referred to here, which is self-executing in this rule, which affects several districts in California, it is my understanding that that project was indeed included in the transportation appropriation bill, that it was passed by the Transportation Appropriations Subcommittee, and that it was passed and accepted by the full Committee on Appropriations. Further, that only after the distinguished chairman of the Committee on Public Works and Transportation announced his opposition to the bill did they go back in so-called phase 2 and eliminate this project, which is important not only to the chairman, but to many Members from California.

Mr. Speaker, I would ask the gentleman from California [Mr. MINETA], is my understanding correct?

Mr. MINETA. Mr. Speaker, the gentleman from Pennsylvania is correct.

Mr. SHUSTER. Mr. Speaker, if the gentleman will yield further, I think this speaks volumes, when indeed the project was approved, and only was removed after the distinguished chairman stood up to oppose the legislation. I think that certainly should tell our Members an awful lot.

Mr. GOSS. Mr. Speaker, I yield 9 minutes to the distinguished gentleman from the Commonwealth of Virginia [Mr. WOLF], a member of the committee.

Mr. WOLF. Mr. Speaker, every Member ought to oppose the rule. Let me just say to my colleagues on the Committee on Rules, and I do not want to get personal in this, let me just stipulate that everyone is a good person, and I do not mean to attack anybody, because I did not come to Congress to attack or hurt people.

But if you are listening and you are on the Committee on Rules, this is why the gentleman from Oklahoma [Mr. INHOFE] got 218 signatures on his motion re: discharge petitions. The Congress and the people are fed up. They have had enough. There was one AP story in the Wall Street Journal, and Rush Limbaugh covered the Inhofe motion and they were lining up down here to sign it. Everyone who is not on the committee wants to sign it.

Mr. Speaker, what you have done to colleagues on both sides of the aisle is create an unprincipled act that is confusing to everyone. This is not appropriate; this is wrong.

The chairman came out with criteria under the leadership of the gentleman from Kentucky [Mr. NATCHER] trying to develop some rationale on these projects. I stipulate next year that the Speaker ought to provide some leadership, if the Speaker is listening, and tell the chairmen there will be no designated projects. Then the chairmen of all these committees can say, "When we have hearings, don't come before the committee, because it is the rules of the House."

Mr. Speaker, if that is what the rules are, fine. I will be the first Member to support them. I think that would be fine. Knock out all the earmarking. But what you have done here is inappropriate.

Now, for my side, they are sticking it to us on the Republican side again. If you come down here and you vote for this because maybe this helps your committee a little bit and we are going to forget about tomorrow, do not do it, because principle carries forth into the future.

So this is a bad rule, whether you are a Republican or whether you are a Democrat, and this is not a partisan issue. This clearly is not a partisan issue.

Mr. CARR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Michigan.

Mr. CARR of Michigan. Mr. Speaker, I just rise to thank the gentleman for all the work he has done on this bill, as well as so many things in the Congress. Not just on transportation. The gentleman from Virginia [Mr. WOLF] is a well-known expert in some areas of Africa that would astound the average Member. They do not realize the depth of the gentleman from Virginia [Mr. WOLF] and the good heart that he has.

☐ 1100

One of the things that troubled us, and I know that we have discussed before, is that there is a difference between ourselves and our friends on the authorizing committee. The authorizers had a tendency to worship at the shrine of the ISTEA formula. That ISTEA formula is flawed in many ways. They gloss over the fact that the formula is fundamentally not very fair. They would like us to believe that if it is formula, it must be fair. If it is formula, every State must be treated equally, or equitably.

In point of fact, the formula does not treat States equitably, because the formula, notwithstanding the efforts of some of us a few years ago to block it or change it, that formula is stuck out there and locks in advantages for certain States to the disadvantage of other States for a period of 6 years.

Also, without any malice, I could say that the members of the Committee on Public Works and Transportation I think legitimately tried to look at the needs of America when they passed that bill 2 years ago, but it was a snapshot in time.

We now know, for example, because of testimony and volumes of paperwork that was submitted to our committee, that there are situations around the country that were not and could not have been envisioned when the original ISTEA legislation was passed. Yet the Members representing those districts and the people, the traveling public in those districts, cry out for some of their tax dollars to meet some of their circumstances that could not have been foreseen, and they come to our committee.

We realize that, with the help of the gentleman, that we have broached and done something that is extraordinary. We accepted upon ourselves an extraordinary standard for making these adjustments. They had to be documented. We had to hold hearings.

This was not a frivolous tap on the shoulder of the chairman saying, "Buddy, can you give a dime, I have a tough election." That is not what this was about. The gentleman was key and a principal coauthor with me of the criteria that he mentioned.

We try to make these adjustments because the formula is not fair. Let me read just one, and I am not trying to pick on any personalities here. Take the State of Massachusetts. This is under the ISTEA formula. The State of Massachusetts ranks 13th in population. The State of Massachusetts ranks 40th in road miles. The State of Massachusetts ranks 16th in vehicle miles traveled. Yet, under the surface transportation highway formula, known as ISTEA, Massachusetts ranks second in the amount of money it gets.

If you are from Massachusetts, you should really be in favor of the formula. If you are from any other State, you ought to look very, very carefully.

For example, my own State, we in Michigan rank 8th in population, 7th in road miles, 8th in motor vehicle miles traveled, and yet Michigan only ranks 11th in the Nation in ISTEA.

The formula is not fair. Our committee has been called upon time and time again to make some adjustment. We asked the Committee on Public Works and Transportation to have a technical corrections bill. They have not produced one that has made it to the President's desk, so we ask the Congress to help us out. We are trying to help you out and trying to help the American traveling public out.

This is a bad rule. The rule does not do anything to alter the normal rules of the House except amend the bill to put a project costing a lot of money back into the bill.

Mr. WOLF. Reclaiming my time, Mr. Speaker, let me just close with this. Frankly, I am not against anybody. There are not three people in this body that I do not like, and let me just say that I have great respect for the gentleman from California [Mr. MINETA] for the work that he did on transferring the airports over, and the gentleman from Pennsylvania [Mr. SHUSTER], so I do not want to get into the personalities of projects.

I would just say this. This rule is almost an insult to any other committee, other than the Committee on Rules. I would say, it brings not honor on the committee. They cannot keep pushing us around, and particularly those of us on our side, but on their side, also.

I just ask the body, do not get involved in personalities. Look at it from a principled, intellectual point of view. The chairman has held extensive hearings. He has developed the criteria. This thing has been dragging on for a long while. Vote the rule down. Vote the rule down, and then let us come back with an open and complete no rule, as the chairman wanted, without any involvement of anybody, and let the chips fall where they may.

For my side to support this rule is to negate all the meetings that we have had where we talked about how we are being whipsawed by the Committee on Rules.

For those who have wondered why the gentleman from Oklahoma [Mr. INHOFE] got his 218 without any coverage, that is why. I ask the Committee on Rules to withdraw the bill. If they will not withdraw the bill, and I understand the problems, then I ask people on both sides, as the chairman, the gentleman from Michigan [Mr. CARR] said, and the gentleman from Texas [Mr. DELAY] said, defeat this rule. Let us come up with no rule. We want nothing. We want no protection.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me concur with the assessment of the gentleman from Michigan [Mr. CARR], of my friend, the gentleman from Virginia [Mr. WOLF], as probably one of the most decent individuals that is here in this body. However, I do think that he was a bit off the mark in trying to set up villains in this situation.

Let me also stipulate, I am not happy with this rule, either, quite frankly, because of some unbeknownst parliamentary rulings. I do not like the result. Also, I am disappointed that there has not been some technical corrections of the earlier ISTEA bill.

The fact of the matter is, those things aside, this is a wide-open rule. This is what the minority has been asking for. This is a wide-open rule, do anything you want, make any amendments, make whatever strike you want. Certainly that is what he chooses. If there is a portion of this bill that he is not happy with, then it is subject to being stricken. It is a wide-open rule. That is what has been asked for. There could be no rule that gives more flexibility, more leeway, to the minority.

Again, whether or not you like the bill, you like the outcome, and I have reservations myself, it does not address the fact that this is a wide-open rule that is not subject to whatever striking, whatever amendments that the minority or the majority party would like to make.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I would point out that this is a wide-open rule, and once the rule passes, anybody can offer any kind of an amendment to strike out any part of this bill. Indeed, it is wide open. We in the minority in particular should be supporting it.

Mr. GORDON. Mr. Speaker, I have no further requests for time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are a couple of things that have been said here about the Committee on Rules. I think if we go back and take a look at the voting record, we will discover that most of the rules that have passed the House this year have been passed without the support of the minority members of the Committee on Rules. We have not succeeded to the degree we would like to in getting open rules on the floor. I think that has been much discussed, and we all know that.

Mr. Speaker, I think that the frustration of the gentleman from Virginia [Mr. WOLF] is very genuine, and it expresses a very clear point for all of us to take under consideration. That is, we have not successfully resolved the way we do business, the people's business in this House, yet. The debate is not over on rules. The debate is not over on the types of squabbles that are going on between appropriators and authorizers.

I think it is absolutely clear from my reading of the original bill, H.R. 2490, that the contentious project that is being discussed was in fact in the original bill. Then it was taken out. Now it is being put back in.

☐ 1110

This is a fight between authorizers and appropriators that no Rules Committee could paper over. This fight is too great. No rule is going to hide this fight. It is going to have to be worked out in debate, and it is going to have to be worked out in the ballot box, and that is why we have these procedures. And I suggest that those opportunities are available to us. Certainly previous speakers have suggested that already.

I would also like to point out there is a little difference between a self-executing provision in a rule when you have a closed rule and a self-executing provision when you have an open rule. There is a different vulnerability, I would suggest, and the vulnerability does exist in this case. Projects are at risk to points of order, to stripping amendments and to other procedures of the deliberative process on the floor.

I guess this is the third version of a rule we have had on this bill, and nobody has been happy the whole way as far as I can see. We have left some pocket of unhappiness somewhere, and I suggest that it may be beyond the Rules Committee's authorization capability at this point to come up with happiness for all parties, because this has simply not worked out that way.

I participated in the debate. I feel that there is merit on both sides. And I do not have the wisdom individually to make the judgment on these individual projects. And frankly, I think it is appropriate that every Member of this body in this type of a situation should have their say-so. And I believe that is about what is going to happen.

To say we have solved controversies of this nature in the Rules Committee is too grand a statement. We do not have that ability. We have made it our best shot.

If the majority of the Rules Committee wishes to listen to the request to withdraw it, that is their privilege. We are not making such a motion to withdraw this rule at this time. Nor are we making any sense of abandonment of our pursuit of open rules to the greatest degree possible.

Having said these things, I know that we are going to get on with this, which is what we should be doing, because this is an appropriations bill which is long overdue, and we need to have an answer to the provisions of it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, in conclusion, let me just say there is an old cliche within the legal community that when you go to court, if you have the facts you argue the facts. If you do not have the facts, you argue the law, or in this case the procedure.

The facts are that even though again I do not think I am going to be happy with the conclusion of this particular bill, and I am not happy as I say with some of the parliamentary rulings, I am not happy with the fact that we did not have some earlier corrections of problems, but that does not put away the simple fact that this is an open rule. This is a rule that lays the entire bill on the table to strike what you may, to add whatever within amendments, and it is a complete open rule. So do not confuse that you may not like some portion of it, and you may not of the bill, or that you may not like the conclusion of the bill, with the facts of the matter. The fact of the matter is that this is an open rule and a wide open rule.

Mr. SOLOMON. Mr. Speaker, let me try to clarify a misimpression that has been conveyed during the debate on this bill.

It is true that this rule self-executes an amendment into the bill relating to the San Francisco Bay area rapid transit system.

And it is true that ordinarily we on this side vigorously protest self-executing rules.

But unlike some self-executing rules that do not allow for further amendments, and therefore do not give the House a separate vote on the self-executed provision, this rule does not otherwise alter or restrict the normal, open amendment process for appropriations bills.

What that means, quite simply, is that although the BART provision is made a part of the bill, it is done so for the purpose of further amendment. Members may still offer an amendment to strike that provision or reduce the amount appropriated for it.

Moreover, the amendment does not protect the provision against points of order, should someone wish to raise a point of order.

It must also be reiterated that this controversial provision was included in the first bill reported from the Appropriations Committee. So the Appropriations Committee has spoken twice on the matter—it has been of two minds.

This rule simply lets the House choose between those two options approved by the Appropriations Committee.

Finally, Mr. Speaker, we applauded the chairman of the Appropriations Committee earlier this year for indicating that he had no intention of coming to the Rules Committee asking for waivers of points of order.

Notwithstanding that, the subcommittee chairmen, in a majority of instances, have come to the Rules Committee asking for waivers. And we have granted them.

We had two previous rules on the first transportation bill reported by the Appropriations Committee. Both of those rules, House Resolution 211 and House Resolution 221, waived points of order against certain unauthorized provisions in that bill.

This rule does not waive points of order against anything. It is therefore the closest we have come in an appropriations rule this year to what the chairman of the Appropriations Committee has requested from the outset.

The only thing this rule does is to attempt to split the difference between two conflicting appropriations bills and between the two committees at loggerheads today. I therefore urge its adoption.

Mr. GORDON. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GORDON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to rule I, further proceedings on this resolution are postponed until later today.

RECESS

The SPEAKER pro tempore. Pursuant to rule I, the House stands in recess until 12:10 p.m.

Accordingly (at 11 o'clock and 15 minutes a.m.), the House stood in recess until 12:10 p.m.

☐ 1240

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 42 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 2750, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The SPEAKER. The pending business before the House is the vote de novo on House Resolution 252.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CARR of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 257, nays 163, not voting 14, as follows:

[Roll No. 447]

YEAS—257

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Berman
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Canady
Cantwell
Cardin
Clay
Clement
Clinger
Clyburn
Collins (GA)
Collins (IL)
Condit
Coppersmith
Costello
Cramer
Crapo
Danner
de la Garza
Deal
DeFazio
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards (CA)
Emerson
English (AZ)
Eshoo
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fish
Flake
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grandy
Gunderson
Hall (OH)
Hamburg
Harman
Hastert
Hayes
Hefley
Hinchey
Hoekstra
Holden
Horn
Houghton
Huffington
Hughes
Hutchinson
Hyde
Inhofe
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kennedy
Kennelly
Kim
King
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Levy
Lewis (GA)
Lipinski
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCollum
McDermott
McHale
McHugh
McInnis
McNulty
Meehan
Menendez
Meyers
Mfume
Mica

Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Morella
Nadler
Neal (MA)
Oberstar
Owens
Oxley
Pallone
Parker
Payne (NJ)
Payne (VA)
Pelosi
Petri
Pomeroy
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Ridge
Rose
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schaefer
Schenk
Schumer
Scott
Serrano
Shuster
Slaughter
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Strickland
Studds
Sundquist
Swett
Swift
Synar
Talent
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Torkildsen
Torres
Torricelli
Tucker
Unsoeld
Upton
Valentine
Velazquez
Volkmer
Walker
Walsh
Waters
Waxman
Weldon
Wheat
Williams
Wise
Woolsey
Young (AK)
Zeliff
Zimmer

NAYS—163

Allard
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Barcia
Bateman
Bentley
Bereuter
Bevill
Boehner
Bonilla
Boucher
Brewster
Brooks
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Carr
Castle
Chapman
Clayton
Coble
Coleman
Combest
Cooper
Cox
Coyne
Crane
Cunningham
Darden
DeLauro
DeLay
Dicks
Dornan
Durbin
Edwards (TX)
English (OK)
Evans
Everett
Fields (TX)
Fingerhut
Foglietta
Fowler
Franks (CT)
Furse
Gallo
Grams
Green
Greenwood
Gutierrez
Hall (TX)
Hamilton
Hancock
Hansen
Hastings
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoke
Hoyer
Hunter
Hutto
Inglis
Istook
Jacobs
Johnson (SD)
Johnston
Kasich
Kildee
Kingston
Knollenberg
Kolbe
Lancaster
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowey
Manzullo
McCloskey
McCrery
McCurdy
McDade
McKinney
McMillan
Meek
Mollohan
Moran
Murphy
Murtha
Myers
Natcher
Nussle
Obey
Olver
Ortiz
Orton
Packard
Pastor
Paxon
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Porter
Price (NC)
Ramstad
Ravenel
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Royce
Sabo
Sarpalius
Schiff
Schroeder
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Stearns
Stenholm
Stump
Stupak
Tanner
Taylor (NC)
Thurman
Vento
Visclosky
Vucanovich
Watt
Whitten
Wolf
Wyden
Wynn
Yates
Young (FL)

NOT VOTING—14

Collins (MI)
Conyers
Engel
Hilliard
Linder
McKeon
Michel
Neal (NC)
Slattery
Stokes
Towns
Traficant
Washington
Wilson

□ 1305

Messrs. WYDEN, EVERETT, BRYANT, McMILLAN, and DICKS changed their vote from "yea" to "nay."

Messrs. KIM, BAKER of Louisiana, HUFFINGTON, DOOLEY, and Ms. PRYCE of Ohio changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GORDON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Resolution 252.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON BILL MAKING APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE FOR FISCAL YEAR 1994

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

Mr. McDADE reserved all points of order against the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. CARR of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may be permitted to include tables, charts, and other extraneous materials on H.R. 2750.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. CARR of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes; and pending that motion I ask unanimous consent that the general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Virginia [Mr. WOLF] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

The motion was agreed to.

□ 1307

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, with Mr. BOUCHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Michigan [Mr. CARR] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. WOLF] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CARR].

Mr. CARR of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we finally bring before the House today the Transportation and related agencies appropriations bill for 1994. The bill is well below the administration's request and is under the Transportation Subcommittee's section 602(b) discretionary budget authority allocation. Under very tight budget constraints we bring you a balanced bill that provides for all essential operations of the Department of Transportation and increases funding for the critical infrastructure needs of the country. This is not a bill that supports the status quo. We have departed from some of the old ways of doing business in this body. As a result, we have upset some people. We have upset some who are content with the usual way things get done around here. With the serious fiscal problems facing the Nation, we think the old ways are not good enough anymore.

Mr. Chairman, it has often fallen to the Appropriations Committee to make the tough choices. This bill is no exception. We have had to weigh the relative merits of important law enforcement activities of the Coast Guard, capital requirements of Amtrak, and the operation of the air traffic control system with the administration's investment priorities for highways, transit, and rail systems. I think we have struck a balance that a vast majority of this body can support. I think the Appropriations Committee has produced a good bill under very difficult fiscal conditions.

As with all appropriations bills, this product is the result of numerous hours of hearings that are contained in nine volumes totaling more than 10,000 pages. In addition to administration witnesses, the subcommittee heard testimony from approximately 270 Members of Congress and public witnesses. As an example of the daunting challenge the subcommittee faced, more than 200 Members of Congress asked for over $5 billion for more than 200 separate projects. Obviously we weren't able to accommodate them all. We were only able to provide for about 20 percent of the requests we received.

To deal with the number of requests received, the subcommittee implemented a new procedure this year. After weeks of briefings and consultation with many experts in the field, the subcommittee adopted a set of investment-based criteria to use in evaluating special requests. The criteria have much in common with guidelines published by the Office of Management and Budget concerning benefit-cost analysis for Federal programs. They also seek to generate the same type of information used by many commercial investment firms. The main purpose in using the criteria is to ensure we provide only for those projects that have a high economic rate of return and a robust benefit-cost ratio.

I must say that I have been surprised by the ability of project sponsors and managers to produce responses to the questions posed in the criteria in a relatively short period of time. When the criteria were introduced in early May, it was my expectation that we would phase in the use of the criteria and they would not have a major impact until next year. That turned out not to be the case. Virtually every project listed in the bill or report has had documentation supplied that supports its inclusion.

The criteria have been reprinted near the beginning of the committee's report. It should be noted that we view the development and use of the criteria as a dynamic—not static—condition. We hope to work on and improve the criteria in the future. To that end, we welcome the comments and suggestions of our colleagues. Comments have been made that the criteria are nothing more than a set of good questions, without cohesion or a unifying theme. Although I do not agree with that observation, I challenge anyone to point to any other procedures that generate as much financial and economic data with which to evaluate project merit.

I do want to point out, as noted in the committee report, that project documentation and responses to the criteria should be received for the 1995 Transportation bill no later than May 15, 1994. This will allow the subcommittee adequate time to review the responses before making its funding recommendations. I might add that next year there will be more communication and consultation with the authorization committee regarding funding for special projects in appropriations bills and general provisions that might be legislative in nature. The goal, of course, will be to avoid the situation that occurred this year and delayed consideration of this measure.

Before getting into the specifics of the committee's recommendations, I want to relate some of the major forces that helped shape the legislation we bring to the floor today.

To the extent possible within our budget allocations, the committee tried to provide for the elements in the administration's investment proposals. For the Federal-aid highway program, we were able to provide approximately one-half of the requested increase in the obligation limitation. For transit programs, we were able to do better. The bill contains all but $125 million of the amounts requested for transit formula and discretionary grants. We have included all but $50 million of the $802 million requested for transit operating subsidies. We wanted to include the entire request, but were unable to do so given our outlay allocation. Transit operating subsidies is one of the few accounts in the bill with a high spendout rate. The others, such as Coast Guard and FAA operating expenses, have already been reduced more than we prefer. So we reluctantly have cut transit operating subsidies.

High-speed rail is another of the administration's top priorities in their investment package. This initiative is currently unauthorized. Accordingly, we have deferred providing funding for the program at this time. Should the authorization be farther along at the time of our conference, we will consider the request then. In this regard, I think a note of caution is in order. Some high-speed rail advocates would have you believe there could be 10 to 20 high-speed corridors in this country in the next decade. This may raise expectations that can never be met. With current technology, high-speed rail requires electrification, and electrification is very costly. The only electrified corridor in the United States today is the Northeast corridor, and it will require an additional $1.4 billion just to electrify the section between New Haven and Boston. In the future it may be possible to have fossil fuel locomotives capable of high-speed operations. Indeed, the bill includes funds to research this issue. But for right now, high speed means electrification. For these reasons, the committee believes an incremental approach as outlined by the president of Amtrak and discussed by the Secretary of Transportation is the best course of action.

Another initiative of the subcommittee this year was a conscious effort to delete many of the items previously contained in the bill that have only a tenuous relationship, at best, to transportation. One notable example is zero funding for airway sciences. The 1993 Transportation Act contained $30 million for such programs. The program is not authorized and, in my opinion, has been subject to some abuses in the past.

For the first time this year, our report specifies certain projects for airport improvement grants. It should be noted that the amount of funding reserved for the three projects singled out is less than $30 million. This is only 2 percent of the total program of $1.5 billion. The committee has taken this action partly because the Federal Aviation Administration does not have in place an economically based investment policy apparatus for making sound funding decisions. We hope to work with the FAA in the months to come as it improves the process by which allocations are made.

In past years, virtually all of the transit section 3 money in the bill for both buses and new starts has been identified for specific projects. While this was a boon for those fortunate enough to receive such consideration, it has led to inequities. For example, there is currently unobligated on the books of the Federal Transit Administration $987 million in section 3 funds set aside in earlier bills for certain projects, including $228 million for bus projects. These projects may have environmental problems or difficulty in obtaining the non-Federal share of funding required. At the same time, FTA has documented the demand for worthwhile bus projects estimated to cost $780 million that it cannot fund. This is not good policy. We have tried to strike a balance. Within the bus program, we have set aside some of the funds. But we have also provided $100 million, or nearly 30 percent of the total, to be allocated at the discretion of the Secretary. The situation is similar in the section 3 new start program. When combined with unneeded carryover funds, we have again provided $100 million to be distributed at the discretion of the Secretary. We certainly hope the other body will follow suit in this practice, so we can preserve this discretion through the conference stage.

Now I'd like to address some of the specifics in the bill. It would provide $13.7 billion in new budget authority for the programs of the Department of Transportation and related agencies, a decrease of $530 million below the amounts requested by the administration. As reported, the bill is $10.3 million under the section 602(b) discretionary budget authority allocation and $907,000 below the outlay allocation.

For the Office of the Secretary of Transportation the bill includes $234 million, an increase of $29 million above the request. Most of the increase is due to the consolidation of all the Offices of Civil Rights from the various modes into the Office of the Secretary. We believe this will improve their operation and make implementation and compliance more uniform throughout the department.

The bill also recommends no authority for the essential air service program. Although the initial reasons for this activity were sound, it has definitely outlived its usefulness. It is now subject to abuse and results in extreme inequities across the country. It also results in subsidies of up to $430 per passenger for some short trips.

Total recommended funding for the Coast Guard is $3.56 billion, about $24 million below the 1993 level and $167 million below the 1994 request. This is a tight budget for the Coast Guard. There is no question about that. Two items should be noted, however. The first is that most of the reduction, or $106 million, is in the investment accounts—acquisition and research and development. Thirty-five million dollars for seagoing buoy tenders was identified by the administration as a lower priority. They know we can't fund everything in the President's budget. They are willing to defer some items until next year. We agree with that. We have had to reduce the operating expenses of the Coast Guard by approximately $54 million. We would rather not do that. However, this bill has several large accounts, such as highways, transit, and airport grants that spend out very slowly. In order to meet our outlay target—which is $400 million below the budget—we had to reduce some of the faster spending accounts. The largest of those accounts are FAA and Coast Guard operations. On a percentage basis, the operating and administrative accounts of some agencies in the bill were reduced more than the Coast Guard. Coast Guard operating funds are essentially at a hard freeze level. I know that our friends on the authorization committee are concerned with the levels for the Coast Guard, and especially with the amounts for operating expenses. Let me assure you we have recommended reductions only in those areas deemed the lowest priorities and those the farthest from the Coast Guard's core responsibilities. We have been working with our colleagues on the authorizing committee, and I believe we have reached a compromise. This bill contains $36 million more for the Coast Guard than the earlier bill reported from our committee. That amount includes $20 million for operating expenses, to be allocated at the discretion of the Commandant, and $16 million for helicopter spare parts and the vessel traffic system program in the acquisition account. In addition, the Defense appropriations bill reported by the committee this morning contains some extra funding for certain Coast Guard operating expenses.

The total recommended for the Federal Aviation Administration is $6.95 billion in new budget authority and a limitation on obligations of $1.5 billion in the grants-in-aid for airports program. This represents reductions of $400 million in budget authority and $379 million in the obligation limit below the amounts requested in the budget. More than 95 percent of the budget authority reduction is in the facilities and equipment account. The operations account has been reduced by only $7 million, to ensure the safe and reliable operation of the Nation's air traffic control system. While the committee has recommended a rather large cut in the obligation limit for the airport improvement program, this should be viewed as a one-time only reduction. It has been taken for several reasons. First, it helps in achieving our outlay target. Second, the committee is not entirely pleased with the process the FAA has used in making AIP grants. The committee believes the FAA needs to base its decisions more on economic factors and doesn't think a higher level should be provided until such a process has been implemented.

The committee has included several general provisions in the bill related to the FAA. There is one I want to address at this time. It concerns the diversion of airport revenues for nonairport uses. Notwithstanding the fact that there is a law on the books requiring airport generated revenues be used only for aviation purposes—some municipalities believe they can treat airport generated funds like general revenue sharing. Especially at a time when the Nation's airlines are experiencing major and sustained financial losses, the committee does not think we should be condoning apparent violations of the law in the diversion of such revenues. Accordingly, the bill includes a general provision that would not make available any of the funds provided in the act to a municipality that diverts airport revenues. This section merely reinforces provisions of the statute enacted in 1982.

Rebuilding America's infrastructure has been one of the new administration's top priorities. For the Federal-aid highway program, they requested an obligation limitation of $18.4 billion, an increase of more than $3 billion above the 1993 limit. Due to budget constraints, the committee could not provide the full amount. We have recommended a limit of $17.2 billion. This is more than $1.8 billion above the 1993 level. The committee also recommends the requested amount of $2.1 billion for items exempt from the obligation limitation.

It is true that the bill provides for certain highway projects not requested by the administration. I think a few comments are in order regarding these projects. First, it should be noted that the level of projects recommended is less than the level appropriated in 1993. It represents only 1.7 percent of total highway funding provided in this bill. By way of comparison, the $6.2 billion included in ISTEA for demonstration projects represents 5.1 percent of total highway funding authorized in that legislation. I also might add that several of the projects for which we recommend funding in the surface transportation account are ISTEA authorized projects. But the proponents of the projects realize that the amount of funds authorized is not enough, and they have asked us to provide augmentation.

Second, and what is more important, documentation in response to the criteria issued by the subcommittee earlier this year has been submitted for each project for which funding is recommended. These projects have been reviewed on their merits—not on the basis of in whose congressional district they happen to be located. As a result, it happens there are funds included for freshmen Members on both sides of the aisle. Some projects that have received special consideration for several years are not included in this bill. If it appeared that the project was banking money and had a large obligated balance, little or no funding is recommended this year. It should also be noted that this year—for the first time—the bill limits the availability of funds for these projects to 4 years. This is the same time period as for the basic highway program. We see no reason why funds for these projects should remain available for obligation longer than funds in the base program.

In that vein I might add that the bill contains a general provision that would also limit contract authority made available on October 1, 1993, pursuant to provisions in the authorization act to 4 years. The bill as reported would treat virtually all highway funds the same. Whether the source is the basic Federal-aid highway program, special designation in the authorization act, or special designation in an appropriations act, the money would be available for obligation for 4 years. Our friends on the authorizing committee testified before the Rules Committee that they want to be able to strike the provision that would limit the availability of moneys for their projects, funded with contract authority. If such a point of order is made, I will have to concede it. Technically they are within the rules to strike it. But I would hope that in the spirit of fairness and good government that they would not do so. Limiting the time allowed for the use of all the highway funds will mean no more situations where funds are frozen unproductively for up to 10 years or more while worthwhile projects can not get to bid due to lack of funding.

Mr. Chairman, we have also recommended a general provision that prohibits the use of funds in the bill to implement the section in the Intermodal Surface Transportation Efficiency Act of 1991 that would require 5 percent of the asphalt laid in 1994 to contain crumb rubber modifiers. The report makes clear that the committee does not object to the use of crumb rubber modified asphalt. It merely objects to the mandates that specific amounts of such asphalt must be used. We have also directed the Federal Highway Administration to conduct a study with an organization such as the Transportation Research Board to try to resolve some of the outstanding issues regarding crumb rubber modified asphalt.

The bill also includes the recommended rescission of $95 million in budget authority previously made available. Of this total $68.7 million is from highway programs, including $65.1 million originally made available in authorization acts. Technically, those rescissions are subject to points of order. But I hope that no one from the authorization committee will strike these rescissions. We have taken funds only from projects that have had little or no activity in at least 5 years, and in some cases, more than 10 years. Members of the authorization committee may try to paint this action as an infringement upon matters under their jurisdiction. The truth is we need to redirect these unproductive funds to prevent further cuts in essential programs. You should know we have received scorekeeping credit from the Congressional Budget Office for these rescissions. Since the bill as reported is close to our discretionary budget authority allocation, the effect of points of order on the rescissions will be to place the bill above its allocation. The committee felt it made much more sense to rescind unneeded authority than to further reduce money in the bill for essential programs.

For the National Highway Traffic Safety Administration, the bill includes a total program level of $295 million. This represents an increase of $25.1 million above fiscal year 1993. The bill specifies that $220.8 million of this amount is to be derived from the highway trust fund, with the balance from the general fund.

The committee's recommendation of $121 million for NHTSA's operations and research will essentially support a current services budget for administrative and program activities. For the most part, pending the nomination of a new administrator for the agency, the committee has not recommended funding for new initiatives. One notable exception is the approval of requested funding to support antidrinking and driving initiatives, especially those aimed at young people. The committee has not recommended the $2 million requested to initiate construction of the national advanced driving simulator.

The bill includes limitations on obligations of $174 million for the various highway traffic safety grant programs, an increase of $32.4 million above the fiscal year 1993 level. We recommend the administration's request of $123 million for the section 402 State and community highway safety grants, of which $8 million is targeted for young driver initiatives; $25 million for the section 410 alcohol incentive grant program; and $10.5 million for the section 408 alcohol-impaired driving countermeasures program. The section 153 safety belt and motorcycle helmet use grants program is funded at the fiscal year 1993 level of $12 million. In total, the additional funding recommended for fiscal year 1994 will sustain and enhance State efforts to deter drunk driving, encourage motorists to buckle up, and improve the safety of those who drive on our Nation's roads.

The President's budget requested $1.056 billion for the programs and activities of the Federal Railroad Administration, including $105 million in obligation limitations. The bill recommends $807 million for the FRA, including $3.5 million in limitations. Of the total reduction of $265 million, $136 million represent the deferral of the administration's high-speed rail initiative, pending enactment into law of authorizing legislation. The committee also recommends $698 million for Amtrak including $130 million for the Northeast corridor improvement program and $100 million for capital. The bill also includes $10 million for local rail freight assistance and $2 million for nonelectric locomotive technology research.

I have already touched on some of the major recommendations of the committee concerning the transit programs. Let me add that the committee tried to provide as much of the administration's investment initiative for transit as we could. In total, the budget request for transit was $4.6 billion, including $2.96 billion in obligation limitations. The committee has recommended $4.48 billion, including $2.85 billion in limitations. We have provided all but $50 million of the $802 million requested for transit operating subsidies. Otherwise, we have recommended the entire request for formula grants. Concerning discretionary grants we recommend the budget requests of $354 million for buses and bus related facilities and $760 million for rail modernization. The bill includes $593 million of the $657 million requested for new fixed guideway systems. As noted earlier, when combined with unused authority from 1993, the totals recommended in the bill increase the discretion allowed the Secretary and the relative percentages are very similar to those proposed in the budget. The bill also includes the budget request of $200 million for the Washington Metropolitan Area Transit Authority.

For the Research and Special Programs Administration, the bill includes appropriations and obligation limitations that total $54 million. This represents a 7.8-percent increase above the fiscal year 1993 level. Of this amount, $19.5 million is provided for the pipeline safety program, including $2.4 million to be financed from the oil spill liability trust fund to implement the Oil Pollution Act of 1990. The committee has recommended a 7-percent increase for the State grants-in-aid program to encourage States to assume greater pipeline safety enforcement jurisdiction and a small increase—4.3 percent—for Federal pipeline safety compliance efforts. The bill also includes $10.75 million, including an appropriation of $400,000 and an obligation limitation of $10.35 million, for emergency preparedness grants, curriculum development, and administration. This program level is a reduction of 2.3 percent below the level provided in fiscal year 1993.

The committee's recommendations also include raising the staff ceiling at the Volpe National Transportation Systems Center to 525 full-time positions and 575 full-time equivalent positions. An increase in the staff ceiling will allow the Volpe Center to respond aggressively to priority transportation research and analysis needs, including those in the areas of intelligent vehicle highway systems and air traffic control. Funding for these positions will come from research expenditures made by other Federal entities which contract with the Volpe Center.

Mr. Chairman, other recommendations are contained in the committee's report. Given the constraints under which we have had to conduct our work this year, I believe this is a very good bill and I urge Members to support it.

□ 1320

Mr. WOLF. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of H.R. 2750, the fiscal year 1994 Transportation appropriations bill.

I am glad that this bill has finally made it to the floor for consideration by the full House, and I would urge my colleagues to give it a fair hearing.

We are going to hear a lot today about procedure and about which committee should do what and when. In fact, I would guess that the American people—if they have been paying attention to the turf battles that have surrounded this bill in the last couple months—have concluded that the Congress cares a lot more about internal process than about meeting needs.

I ask my colleagues to look beyond these issues and judge H.R. 2750 solely on how well it meets the Nation's infrastructure needs.

This bill is about a country on the move, and how to make that travel as smooth and as seamless as possible.

H.R. 2750 is about moms and dads going to work, the grocery story, and the drycleaners. It is about families going to church, ballet recitals, and little league games. It is about taking the subway and commuter rail to Camden Yards to see the Orioles win at baseball, and about taking a yellow bus to school so that you can be a winner at life. And piling everyone plus the dog into a station wagon for the cross-country trip to grandma and grandpa's. Or, leaving the dog at home and booking a flight.

It is also about the products that fuel our economy. They, too, are on the move, on their way to market by truck, by rail, by air, by pipeline, and by barge.

This bill provides for $37.7 billion to fund needed improvements in our Nation's transportation infrastructure. This includes all modes of transportation—highways, transit, railroads, and aviation.

Mobility does have its downside. Sometimes, with all the movement, people and things arrive at the same place at the same time and accidents happen. H.R. 2750 addresses this, too, by providing for countless safety measures.

In addition to getting people where they want to go, this bill is also about people in trouble at sea who are rescued by the U.S. Coast Guard, which is also funded in this bill.

It is about the finest air traffic control system in the world. This system serves as traffic cop for the 3,500 airplanes, big and small, that are in our airways at any given moment during peak flying hours. Even so, there is sometimes human error or a machine doesn't work. This bill provides for transportation safety board go teams which arrive at the site of a crash within hours to learn what happened and how to make sure it does not happen again.

This bill is about inspecting pipelines to hopefully discover ruptures before they occur, and if a break does occur, destroying livelihoods and fragile ecosystems, learning how we can prevent such catastrophes.

H.R. 2750 is about looking ahead to a day when smart cars and smart highways team up with hopefully smart drivers to make accidents even less frequent.

You are going to hear today that some of the programs in this bill have not been authorized, and that is true. For example, this bill includes funding to help the community of Jacksonville, FL, patch a gaping hole that has developed on a highly traveled interstate bridge. Authorization bills for surface transportation programs are passed every 5 or 6 years. Understandably, the residents of Jacksonville cannot wait that long to address what is an obvious safety problem, so they turned to their Member in Congress for help.

Other Members have also brought needs in their communities to the attention of our subcommittee, and frankly, the law of supply and demand prevented us from meeting all those needs. We have tried in H.R. 2750 to meet the needs brought to us by Members as fairly as possible by evaluating them against a new set of investment criteria. I want to compliment my friend, the gentleman from Michigan, Chairman BOB CARR, for taking this initiative to bring even greater discipline to the allocation of limited resources.

This bill is the product of the strict oversight that our subcommittee gives every year to Department of Transportation [DOT] projects. And it is within budget, as appropriations bills are required to be.

H.R. 2750 is not a perfect bill, but it represents a sincere attempt to balance finite resources against the daunting needs that come with a country literally on the move. I hope we will show the American people today that we think it is more important to get the job done than it is to argue about jurisdiction, and I urge the Members' support in passing this legislation.

Finally, Mr. Chairman, I would be remiss if I did not compliment the yeoman's work of one of the finest subcommittee staffs in the Congress. Many hours have been invested in this effort by Del Davis, Rich Efford, Cheryl Smith, and Linda Muir of the subcommittee staff, and by John Blazey and Jan Powell of the minority staff.

Mr. Chairman, I reserve the balance of my time.

Mr. CARR of Michigan. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. NATCHER], the distinguished chairman of the Committee on Appropriations.

Mr. NATCHER. Mr. Chairman, I rise in support of the Transportation Appropriations bill for fiscal year 1994. This is the 12th appropriations bill for fiscal year 1994 to come before the House. This will leave only the Defense Appropriations bill, which we reported out of full committee this morning. The Defense bill will be brought forward next week.

The Senate is moving on our other bills that have already passed the House. We will be moving rapidly toward conferences as the Senate acts, so that congressional action on as many of our bills as possible will be completed prior to the beginning of the fiscal year.

Mr. Chairman, we have 13 appropriation bills. When the budget is sent up here each year the Committee on Appropriations divides the discretionary funding portion into 13 parts. They are not equal, money-wise, but this enables us to develop 13 bills that are needed to fund the Government. We passed 11 of those 13 bills before the Fourth of July recess, and we sent them off to the other body. The Transportation and Defense bills would have passed by that time, but had to be held up for two or three different reasons.

Mr. Chairman, following is a fuller account of the status of fiscal year 1994 appropriations bills:

1 signed into law:
Legislative (P.L. 103-69).
1 conference report:
Agriculture (passed House—pending in Senate).
4 passed House and Senate:
Commerce-Justice-State-Judiciary.
District of Columbia.
Treasury-Postal Service (conferees appointed).
Interior.
3 passed House and reported by Senate:
VA-HUD.
Foreign Operations.
Labor-HHS-Education.
2 passed House and pending in Senate:
Energy and Water.
Military Construction.
1 pending in the House:
Transportation.
1 reported:
Defense (floor action expected the week of September 27).

Mr. Chairman, I want to thank every Member in the House for helping us with our bills. We appreciate it.

I want to say to the chairman of the subcommittee, the gentleman from Michigan [Mr. CARR], and the ranking minority member, the gentleman from Virginia [Mr. WOLF], and every member on the subcommittee, they have worked hard. They have produced a good bill, and we appreciate it.

Mr. Chairman, this bill provides for important transportation programs. It makes important investments in our highways, airports, and railroads. We need this bill so our country can continue to develop safe and efficient transportation systems.

I recommend this bill be adopted.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. DELAY], a hard-working member of the committee.

Mr. DELAY. Mr. Chairman, I rise in strong support of the bill. This is the bill that literally keeps America moving, and I am proud to be a part of this subcommittee. From the outset, I would like to commend my chairman, the gentleman from Michigan, BOB CARR, for his diligent efforts on behalf of this Nation's transportation needs. In just his first year as chairman of the subcommittee, he has instituted many crucial and necessary changes to the committee, and I applaud his efforts. I would also like to pay tribute to my ranking member, the gentleman from Virginia [Mr. WOLF]. In his first year as ranking member he, too, has put in many long hours crafting this Nation's transportation needs. I commend the gentleman, and again, am proud to serve on the committee with him.

Mr. Chairman, this committee has gone to great lengths to address transportation programs in a fair and responsible manner. There are many provisions in the bill that are timely and necessary in support of our Nation's transportation infrastructure.

Some in Congress would rather play games and cause turf battles rather than advance this Nation's transportation. Some in Congress would go so far as to decimate legislation that is good for the taxpayer and good for the country.

Let us look at the simple facts. The Transportation Subcommittee passes a bill, without exception, each and every year. Although there is an outside possibility that important and much needed authorization language is forthcoming in some future mystery authorization bill, we all know the political realities of the authorizing process and we all know that this simply will not happen this year.

Some in Congress keep preaching how important certain provisions are, and express their support in principle as they strike them to points of order, thus knocking them out of the bill. I sincerely hope that this does not happen, because there are good provisions in this bill that are needed now that will assist the transportation infrastructure of this Nation. I believe that the American people would agree that until the appropriate committee passes authorization legislation on a regular basis, Congress should not stifle the will of the American public and American business by eliminating the opportunity for valuable and needed provisions to become law.

Let me give you some examples. Some in Congress feel that—because of jurisdictional turf battles—it is more important to keep previously appropriated funds from as far back as 1982 that are in dormant accounts unspent rather than rescind those accounts and put the money back to work building roads and bridges, projects that can create jobs now.

The airline industry, which as a whole paid out of $5.9 billion last year in taxes and fees, is on the verge of collapse. Yet some in Congress believe that it is important to strike one of the only provisions in the bill which help airlines remain competitive. The bill prohibits the collection of passenger facility charges on frequent flyer award tickets. This makes sense. This is a small provision that helps the airline industry stay competitive, and yet some in Congress would like to charge those already-in-debt airlines even more for awarding these tickets.

These are just two examples of sound public policy that I believe the majority of the House believes needs to become law. Yet because of turf battles, the inability of those committees which have jurisdiction to produce and enact legislation, these good ideas never become law. Who loses? The taxpayer and those who work in the industries that would benefit under this bill.

Mr. Chairman, I sincerely hope that Members would take a moment to understand the actions of this committee and make an effort to improve this Nation's transportation system. Members should take a long look at the political realities of some of these provisions—should they be struck from the bill—and support the legislation as presented to us today.

I invite all Members to ask the hard questions regarding provisions they are concerned about in this bill. I, and the subcommittee, welcome the opportunity to justify our actions, and ask support for the bill.

Mr. CARR of Michigan. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina [Mr. PRICE], a distinguished member of the committee.

Mr. PRICE of North Carolina. Mr. Chairman, I, too, rise in support of H.R. 2490. I want to add my words of commendation to the gentleman from Michigan [Mr. CARR], our new chairman and Mr. WOLF, our new ranking member. Mr. CARR has done an outstanding job in his first year. He is responding to this new challenge with energy and integrity, as is our new ranking member, the gentleman from Virginia [Mr. WOLF]. They have continued the important bipartisan tradition of this committee. We also, of course, are indebted to our fine professional staff—Del Davis, Rich Efford, Linda Muir, and Cheryl Smith—for their critical contributions to this bill.

□ 1330

This is a bill that is a bit different from some of the transportation appropriation bills we have dealt with in the past. We have not been content this year to simply extol the virtues of transportation investments in the abstract.

In hearings throughout the year we have questioned witnesses carefully about the economic impact of transportation spending. We have pushed them to justify what they were requesting.

This led the subcommittee to develop investment criteria for highway, transit, and airport projects. These criteria helped guide the subcommittee's decisionmaking to ensure that we are spending these dollars wisely.

We have also taken other steps to improve our decisionmaking. For example, we are directing the Coast Guard to develop a better method for evaluating performance. Some of its budget items, particularly in research and development, are in serious need of better analysis and justification.

We have made some hard decisions not to fund certain programs such as the airway sciences program. We know that we need to push technology training in this country, but this particular program seems to have lost its sense of purpose. It has been used to fund some projects that do not deserve to be in a transportation or even an education bill. So we have removed that funding until that program can regain its integrity.

In the highway area we have some important fiscal reform decisions which, unfortunately, under this rule, are vulnerable to a point of order. We have proposed to rescind funding for certain low-priority and moribund projects. I do not know how anyone could quarrel with that. We want to place funding for highway demonstration projects that are listed in an authorization or an appropriation bill on the same footing as funds in the basic Federal aid program. Currently funds from basic programs are available only for 4 years, but funds for these specifically listed projects are available for an unlimited period of time. Our subcommittee wants to stop that.

Without any time limits, money from the 1982 to 1987 transportation authorization bills has remained unspent. We are struggling to find funding to meet our transportation needs, but this money sits frozen, unavailable for critical priorities. Our subcommittee found $64 million from these bills still unspent. Some money has been tied up for more than 10 years. We want to end this insane policy and use this money to build roads and provide jobs, so we have proposed to rescind that $64 million.

It is most regrettable that these policy changes are not protected by this rule. But I think the burden of responsibility is on the House Committee on Public Works and Transportation to explain why these monies are still tied up, why they are just sitting there when we have such pressing needs in this country. We have got to find a way to make these changes. They are critical to improving the effectiveness of our transportation programs, and I look forward to working with my colleagues to implement these changes.

Even if these provisions are struck, this is still a bill well worthy of our support. I ask my colleagues to support the subcommittee's careful work. This is a bill which will provide jobs for our Nation's citizens and improve our economic efficiency, and I urge its support.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, during the 100th Congress, funds were appropriated for a bypass bridge in Toms River, NJ, a growing town, overburdened with traffic congestion. The funding for the bridge was provided to the State of New Jersey which contributed matching funds for its design and construction.

Currently, the funds are ready to be used. State and local officials have decided on the bridge design, which has been approved by the Department of Transportation. Traffic studies have commenced. The New Jersey Department of Environmental Protection and Energy will be issuing wetlands and stream approach permits. The project is ready to move forward, using the funding authorized by the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Now, after all of the preliminary work has been completed for the construction of this much-needed bridge, the Appropriations Committee has included a provision in the bill to rescind the funds that the 100th Congress intended for the Toms River bridge.

I urge my colleagues to support striking the provision that rescinds amounts made available for highway demonstration projects in the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Mr. WOLF. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. REGULA], a member of the committee.

Mr. REGULA. Mr. Chairman, I rise in strong support of the fiscal year 1994 appropriations bill for the Department of Transportation and related agencies. As a new member of the subcommittee, I have been impressed with the time and energy devoted to very in-depth analyses of transportation issues. I particularly commend our chairman, BOB CARR, and ranking minority member, FRANK WOLF, for their leadership in crafting this bill.

This bill was fairly and carefully written. The subcommittee spent a full 27 days in hearings with every administration and agency funded in this bill. A week was devoted to outside witnesses, the public, if you will, who presented about 200 requests worth more than $5 billion.

Funding decisions for these requests are based on a project's merits. Each request underwent scrutiny based on investment criteria developed by the subcommittee. We looked at such things as whether the project is on a State's transportation plan.

In the case of Ohio, we went to the director of highways and said do these projects fulfill a pressing need in our State, and that was part of the criteria established by the chairman. We looked at the cost/benefit ratio, the share of the local match, are the communities and the States willing to put up the money, do they believe in the project enough to do that, and we looked at the value of the benefits produced by the project.

The American Public has demanded that we change the way we do business in Washington and that means giving them their money's worth when it comes to allocating taxpayers' funds. This bill does that.

The bill also rescinds money that has been stuck in a funding pipeline and will not be spent. The projects have either been completed without using all of their allocation, or have not as yet obligated any funds. Rescissions also affect projects which have only obligated a small percentage and have been identified as being a low priority by the State's department of transportation.

If you believe in a more prudent and judicious use of Federal funds, then you should support this bill. There is no justifiable reason to let this money sit unused when there are so many other pressing needs to which it can be directed.

There are some provisions and programs in this bill which are unauthorized and Members will argue that they should be deleted. If this is your philosophy then let's be consistent.

The Coast Guard is not authorized, but I do not believe any Member would support striking the funds they need to carry out their vital functions such as search and rescues, responding to oilspills, intercepting smugglers' ships filled with illegal immigrants, and their drug interdiction activities. These are programs your constituents support.

The Airport Improvement Grant Program is also not authorized, but I do not believe many Members would argue that we leave the Nation's airports unable to improve safety, extend and rehabilitate runways, or build taxiways.

But let us look at what is in this bill. The Local Rail Freight Assistance Program is funded at $10 million. This is a very popular program that provides support for the continuation of rail freight service and track rehabilitation on light density lines.

The Coast Guard is provided with a total of $3.5 billion. An amendment will be offered this afternoon to restore additional funds for operating expenses. The Coast Guard has once again proven its value to life, commerce, and property during the crisis in the Mississippi flood, and deserves our support.

We provided $8.4 billion for the Federal Aviation Administration for continuing operations, facilities, and equipment, including modernization of the air traffic control system, and grants in aid for airports. The FAA does a good job of maintaining air safety and the committee's recommendation reflects that.

For programs of the Federal Highway Administration, the committee provides $19.7 billion. Most of this money comes from the highway trust fund paid for by gas taxes. The amount recommended in the bill is $1.3 billion less than last year. Included are activities such as motor carrier safety grants and railroad-highway crossings projects.

Under the National Highway Safety Administration, we provided $123 million for section 402 safety grants designed to assist States in reducing traffic crashes, fatalities, and injuries.

We have heard today about a disaster in one of the Southern States with trains, an example of why safety is important.

The Federal Transit Administration is provided with a total of $4.4 billion, of which $2.4 billion is for formula grants, and $1.7 billion is for discretionary grants. We have left $150 million of discretionary money unallocated to leave to the discretion of the Secretary as to its use.

In conclusion, I want to ask my colleagues to take a thoughtful and comprehensive look at this bill. I believe you will come to the same conclusion as the members of the subcommittee and the full committee; namely, that this bill responds to the public's demand for wiser spending, fairness, and accountability, as well as beginning a process of economic-based criteria that has been endorsed by conservatives and liberals alike. This bill is good transportation policy for the United States.

Mr. CARR of Michigan. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Texas [Mr. COLEMAN], a member of the committee.

Mr. COLEMAN. Mr. Chairman, I rise today in support of H.R. 2750, the Transportation appropriations bill for fiscal year 1994, and to express my appreciation for the leadership of Chairman BOB CARR and the ranking member, FRANK WOLF, in crafting this important piece of legislation. These are new roles for these two members of the subcommittee, and I want to commend them for their diligence and hard work.

I also want to thank my colleagues on the committee who worked so tirelessly on the many complex issues related to our Nation's infrastructure and transportation needs. It is also important to express my gratitude to the Transportation Subcommittee staff who serve a critical function in the legislative process by their command of the budget's intricacies as well as policy issues.

This year, Chairman CARR and the subcommittee implemented a major initiative, economically based investment criteria, as a method of evaluating requests for special funding consideration. I want to congratulate the chairman for developing this criteria because it assisted Members representing communities across the country in structuring their requests and assisted the subcommittee in reviewing them. These were applied to highways, transit, and aviation projects.

I would like to thank my colleagues on the subcommittee for their support for critical transportation projects in my district including extension of the Border Highway in El Paso, a study of El Paso Airport and Loop 375 corridor regional transportation center, construction of a paratransit facility, and the purchase of alternative fuel buses by the city of El Paso. These projects all submitted economic information relative to the investment criteria and received scrutiny alongside of hundreds of other proposals.

In addition to the local projects, the subcommittee adopted language in its report which recognizes the great need in developing the infrastructure along the United States border regions with Mexico and Canada, and directs the Department of Transportation to give high priority to these areas in the allocation of discretionary funds and grant awards. I would like to commend my colleagues for their support for this concept, and would urge the administration to reflect this concern in its budget submissions to the Congress.

Finally, the subcommittee included my amendment which prohibits airports from collecting passenger facility charges from passengers flying on frequent flyer bonus awards. This reaffirms congressional intent that these charges were not to be collected from frequent flyers, and I would urge the House to maintain this position as it did last year.

I recommend this bill to my colleagues, and urge its passage.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. MACHTLEY] who I believe will be the next Governor of the great State of Rhode Island, and who I will be sorry to see leaving.

Mr. MACHTLEY. Mr. Chairman, I rise in strong support of H.R. 2750. I believe it will help revive our economy, and in particular I think it is good, sound transportation policy.

During these difficult economic times, New England particularly has suffered and received a disproportionate share during the slowdown and recession that has crippled so many of our industries. But now we have an opportunity to make an investment that offers both enormous economic as well as environmental advantages to our region and to other regions of the country.

Within H.R. 2750 is a Northeast corridor improvement program. Investing in state-of-the-art mass transit is a means to an end of creating jobs, attracting new businesses and increasing tourism, and at the same time protect our environment.

Studies show that if rail travel is reduced to 3 hours between New York and Boston, up to 3 million additional travelers a year will choose this means of transportation. Such traffic would provide a much needed boost to the economy of New England. Not only will an expansion of the corridor help revive our region's economy, but it will help keep our invaluable environmental conservation programs going.

Trains are quieter and trains are quicker, and rail travel conserves both fuel and land. Consider this: A 12-lane highway can be put on a 2-track train transportation corridor for the same amount of vehicles and passengers per hour.

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This makes rail travel six times more efficient than roads. Improved rail service could be the ultimate painkiller for the commuter headaches of New England.

In 1985 passengers experienced 2.7 billion hours of vehicle delays in the Northeast corridor. The figure in the year 2005 is 12 billion hours of traffic delays, and that is a lot of Advil.

Continuing to invest in our roads and our infrastructure in this country in the Northeast is critically important for business. I ask my colleagues to join me in supporting H.R. 2750 as a substantial progress toward the infrastructure improvement here.

Mr. CARR of Michigan. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Minnesota [Mr. SABO], a member of the committee and chairman of the Committee on the Budget.

Mr. SABO. I thank the gentleman for yielding this time to me and I congratulate him, the gentleman from Michigan [Mr. CARR], and the ranking member of the subcommittee, the gentleman from Virginia [Mr. WOLF], for their work in putting this bill together. I think it is a good bill and deserves passage.

From my perspective in the Committee on the Budget it meets all of our guidelines for staying within the allocations to the subcommittee. But more importantly it deals with some very fundamental and important transportation issues in this country.

Let me speak to a couple of things that are of particularly local concern. Sometimes we are told we are not supposed to talk about those. But there are things that we do that are important.

In this bill it is funding for the planning of the transit system in our metropolitan area. It is there because the State took action in the State legislative session to fund the local matching funds. We had indicated to local folks that we would pursue Federal funds when local matching funds were in place.

We were not going to pursue funds for hypotheticals. We waited until the actual funds were in place.

They are there. Now this bill would appropriate Federal matching funds as specified by law for this project. Good project, should be done, I understand it may be struck. I hope we can resolve that later on. I think that it is a prime example of how there are things that we have to deal with on an annual basis where it is not possible to deal with them several years in advance.

We also have funding for another small suburban community which is doing work in advance of the re-doing of a major freeway. What they are doing is re-doing the frontage road early. The impact of that is that they are doing it in conformance with local plans, they are doing it so it will save a whole series of small businesses in their community.

If they simply waited for the rehab of the full freeway, the Federal funds still would have been there, I think at a higher match level, but it probably would have meant that the small businesses that existed along that freeway would have had to go out of business or move. Because of our action in previous Congresses, and in this bill, they are able to make that change consistent with local plans and also to preserve some very important small businesses in this community.

So I thank the gentleman from Michigan [Mr. CARR] for his good work and I look forward to continue working with him.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. I thank the gentleman for yielding this time to me, this very valuable time.

Mr. Chairman, on August 10, 1993, a collision occurred in a navigation channel outside the entrance to Tampa Bay between two tug/barges and a 357-foot freighter. The accident resulted in a thunderous explosion and 380,000 gallons of oil spilled into the Gulf of Mexico.

However, this is not the first accident to occur at the mouth of Tampa Bay. Most of us will never forget the disaster that occurred in May 1980, when a freighter ran into the Sunshine Skyway Bridge, causing one of its spans to collapse and killing at least 40 people.

Mr. Chairman, I would like to engage the gentleman from Michigan [Mr. CARR], chairman of the subcommittee, in a brief colloquy with regard to a Coast Guard vessel traffic system designed to prevent such shipping accidents.

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BILIRAKIS. I certainly will yield to the gentleman.

Mr. CARR of Michigan. I thank the gentleman for yielding.

Mr. Chairman, the gentleman [Mr. BILIRAKIS] is absolutely correct. I know from personal experience the situations about which he speaks. It is a very treacherous area of water, particularly with low visibility at times. I pledge, and I think I can speak for the rest of the members of the subcommittee, that we are interested in the VIS system. We will work with the gentleman in future years, in future appropriation bills, to make sure that this potentially dangerous body of water is improved and that vessels can transit the area with greater safety.

Mr. BILIRAKIS. I thank the gentleman so very very much. This type of an accident of course we know not only affects dollars but obviously does great damage to the environment. I know a spill of 380,000 gallons has really affected that area. Of course the cost of the cleanup will be enormous, as we know, several billion dollars at least.

We are talking about this vessel traffic service and the fact that it probably would go a long way toward a solution to trying to keep these types of accidents from taking place.

So I very much appreciate the gentleman's willingness to work with us and hopefully also with the chairman of the Committee on Public Works and Transportation so that we can try to do something to help the Coast Guard, basically, to help us in matters such as this.

Mr. CARR of Michigan. Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise to thank Congressman MINETA and Congressman SHUSTER for speaking out against the $284 million for earmarked and unauthorized highway demonstration projects which I assume will fall upon a point of order being raised.

As I do so, I realize it is a bit of a painful situation we have here, but the rules of the House of course require the projects be authorized by law before they are funded and none of the $284 million it earmarks is authorized.

Mr. Chairman, on July 20, 1993, the Porkbusters Coalition circulated a Dear Colleague letter announcing our intention to offer an amendment to strike these earmarks and asking Members for their support.

We were pleased that Congressmen MINETA and SHUSTER took up the fight and I think that legitimately as representatives obviously of the authorizing committee that is only right. I also deeply respect and appreciate the views that have been ably expressed by the gentleman from Michigan [Mr. CARR], chairman of the subcommittee, and also by the ranking Republican, the gentleman from Virginia [Mr. WOLF], both of whom are good friends of mine. It is ironic and unfortunate that both of these gentlemen have worked hard to open up, I think, hearings in the Committee on Appropriations process and they ought to be lauded for those efforts. However, restoring this money to the highway formula would increase highway funding for 40 States and eliminate questionable projects that we know are earmarked and not authorized.

These 40 States gain funds because the earmarks would direct the majority of the funds to just a few States. The effects of earmarking funds for unauthorized projects are not isolated to this bill. Whenever Congress earmarks funds in most appropriations bills for unauthorized projects, most States, unfortunately, lose. I hope that this has been really a constructive debate from which we have all learned some lessons.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if I may, I would like to engage in a colloquy with the chairman of the subcommittee, the gentleman from Michigan [Mr. CARR].

I would like to bring to the attention of this body an issue that greatly concerns me. Currently the Department of Transportation and the Architectural and Transportation Barriers Compliance Board and the Department of Justice are conducting a proposed rulemaking process that would suspend the requirements for detectable warnings at curb ramps and hazardous vehicular areas until January 26, 1995, in order to conduct further research on potential safety concerns.

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I think this is a laudable rulemaking; however, the July 9, 1993, notice of proposed rulemaking on this matter specifically excludes transit platform edges, thus making the assumption that untested detectable warning materials are safe for rail platform edges.

There does not appear to be a consensus within the disabled community that proposed detectable warnings are necessary. For example, the National Federation of the Blind [NFB], an organization of over 50,000 blind people in the United States, has taken the position that detectable warnings should not be used because the information they convey tends to be confusing. NFB points out that the platform edge itself is a natural barrier that can be detected by the use of a white cane or dog guide. Many advocates for the disabled believe that the detectable warning may lead to tripping or falling.

Alternate platform edging systems must be thoroughly assessed. Safety records should be compared between transit agencies using the truncated domes material and transit agencies using other approaches to platform edging. Costs and benefits and simple reason must not be ignored. Let us take the time required to ensure that safety will indeed be enhanced by whatever alternative is required after thorough research and analysis. As presently contemplated, this requirement appears to be an example of the old adage "If it isn't broken, don't fix it."

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the committee chairman.

Mr. CARR of Michigan. Mr. Speaker, I rise in complete agreement with the gentleman's concerns. This requirement would add substantial cost and expense associated with the installation of these devices, without a showing that it would be cost-beneficial, or that they even work. As the gentleman pointed out, some groups in the handicapped sector have said they are even counterproductive, not to mention the number of people who may twist an ankle by an unsure footing on an irregular surface.

I think we ought to urge the Department of Transportation and the Justice Department and the Access Board to incorporate a final rule that would include a study to make sure that whatever rule they promulgate is in effect cost-effective and does what it says it is going to do, not just for one segment, but for all segments that use transit systems.

We have to deal with all transit platform edges, including key stations, new stations, and altered stations. they should be included.

The effective date of any rule should be suspended indefinitely until we can complete the research that we just talked about.

So I want to heartily endorse what the gentleman has said and congratulate him on bringing this particular matter to the attention of the committee.

Mr. WOLF. Mr. Chairman, I thank the gentleman.

Mr. CARR of Michigan. Mr. Chairman, I yield such time as he may consume to a distinguished gentleman from Washington [Mr. SWIFT], a member of the Committee on Energy and Commerce, and the chairman of the Subcommittee on Transportation and Hazardous Materials that deals with Amtrak, and a good friend.

Mr. SWIFT. Mr. Chairman, I thank the gentleman for yielding this time to me.

I also want the gentleman to know that I appreciate his efforts and the efforts of the ranking member of the subcommittee to address the concerns of my subcommittee.

I have some continued concerns about Amtrak funding as to whether it is going to have adequate moneys to maintain the current system.

Several months ago this body voted for a fiscal year 1993 supplemental appropriation that provided additional operating and capital for Amtrak. This showed clearly that Amtrak could not survive on the amount provided last year. This added funding allowed Amtrak to address their current-year shortfall due to the continued recession and to avoid furloughing hundreds of Amtrak employees. Even with this money, however, Amtrak expects to be $10 million in the hole at the beginning of next year.

This year's appropriations bill, until recently, would have provided Amtrak with $20 million more than last year's level. But the bill before us today has stripped out that $20 million, leaving Amtrak with the same funding level as last year.

Mr. Chairman, can the gentleman give me his assurance that he would look sympathetically upon restoration of that $20 million to Amtrak in the context of a supplemental request for funding? Can the gentleman also assure me that he would look sympathetically upon the restoration of this funding during the conference deliberations with the other body?

Mr. CARR of Michigan. Mr. Chairman, if the gentleman will yield, I can most assuredly grant those assurances.

It was a sad and difficult time, and I want to thank the gentleman. A lot of people do not know how some accommodations get made around here.

The fact of the matter is, the gentleman is absolutely correct. In our first product, we wanted to put Amtrak on the footing where they would be able to efficiently spend all their moneys throughout the year and know how much they would have.

We did not want to keep them on a short string where they would have to come back to us for a supplemental. We really did not want to do that.

In that philosophy, we are very much in sync.

It became clear, however, that we did have a conflict with regard to fitting some pieces of this big transportation puzzle together. We had to make some accommodations to another committee, the Merchant Marine Committee.

The gentleman was so gracious in his understanding of the imperative that we had in front of us, and I want to thank him for extending us that courtesy.

In return, I really pledge to the gentleman that our initial product, which the gentleman agrees with and I had hoped we could deliver to the House, is really where we want to be this year in conference if we can get there and certainly next year in our bill hopefully we can resolve some of these conflicts a little earlier so that we do not get into that situation.

Most assuredly, we are not going to let anything happen to Amtrak. If they need a supplemental, we are going to be there.

Furthermore, there is the device of reprogramming if we need to do that, and I want to thank the gentleman for his cooperation.

Mr. SWIFT. Mr. Chairman, I thank the gentleman very, very much for his assurances in that regard and his cooperation throughout the bill.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I rise for the purpose of entering into a colloquy with the chairman of the subcommittee.

Mr. Chairman, I am interested in a section of the bill that provides $6.8 for transportation planning, research, and development by the office of the Secretary; this represents a $3.8 million increase over the President's budget and over the current fiscal year.

Would the committee chairman give his opinion how these funds are to be spent?

Mr. CARR of Michigan. Mr. Chairman, if the gentleman will yield, a portion of these funds are appropriately directed to projects that would enhance the safe and efficient operation of commercial trucks. Recent examples have focused on the commercial drivers license, techniques to improve brake maintenance, and the causes of driver fatigue. New projects under development will monitor drivers' fitness for duty, electronic card applications for the commercial driver's license, devices to automate roadside inspections, compliance with truck weight limits, and the promotion of seat belt use by truckdrivers, and so forth.

We believe all those things are important, and in past legislation they have been included in their own sections, and it is very much the intent of the committee that while we reorganize some of the funding, that the function not be dropped and we will continue to communicate this with the Secretary of Transportation if the need arises.

Mr. DELAY. Mr. Chairman, the committee report language makes special mention of these funds being directed to industry-affiliated institutes and research organizations such as the Trucking Research Institute. Is that the chairman's understanding?

Mr. CARR of Michigan. Mr. Chairman, if the gentleman will yield further, yes, it is.

I might say to the gentleman again in the spirit of cooperation and reinventing Government, the thing that is going on now, a request by the Secretary of Transportation not to be too tied down if we gave him some more discretion, to trust him, that he would do the right thing. I think he will. We have communicated that. It is very much in our intention that the funding that had been going to the Trucking Research Institute in fact be favored with his discretion. We will monitor that situation very carefully.

Mr. DELAY. Mr. Chairman, I thank the gentleman for this explanation.

□ 1400

Mr. CARR of Michigan. Mr. Chairman, I yield 4½ minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA], a distinguished member of the committee.

Mr. FOGLIETTA. Mr. Chairman, I rise in strong support of the fiscal year 1994 Transportation appropriations bill. As the newest member of the Transportation Subcommittee, I applaud the leadership and fairness of my chairman, BOB CARR.

The bill we are considering today is a good bill. It is a fair bill. And it represents a change in the way our subcommittee has done business. Our subcommittee asked questions that have never been asked before. The bill sets standards to measure the bang for the buck we get out of our transportation investments. It looks at costs and benefits.

It says that if you get money for a project and can't spend it in a reasonable amount of time, it should be given back to be spent on other worthwhile projects and to put people to work.

These are changes for the better. They are changes that have helped us to make better decisions about how we spend taxpayers' dollars.

Further, as chairman of the Congressional Urban Caucus, I support this bill because it reaffirms a commitment to U.S. cities and the people who live in them by increasing funding for public transit. It provides $2.4 billion to operate and upgrade transit systems nationwide—a 30-percent increase.

I am especially proud of increased funding provided in the bill for rail modernization, the program which helps repair and restore older city transit systems like my own in Philadelphia. Investments in transit translate into mobility for urban residents to jobs and opportunities. Transit takes commuters stuck in traffic out of the traffic jams and gets them to work. And public transit is good for the environment.

This is a good bill and I urge my colleagues to support it.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Michigan [Mr. CARR].

Mr. Chairman, I would like, first of all, to commend you for your leadership on this bill, especially under the difficult circumstances and budget constraints. I also want to recognize the significant increases we are able to provide for public transit in the bill. However, I was disappointed we were forced to reduce the amount of funding provided for Federal operating assistance in the formula grant program.

This reduction comes at a most unfortunate time. New Federal mandates imposed since 1990 have increased operating expenses by hundreds of millions of dollars each year, and these costs are stretching transit systems' resources to their breaking point.

I am concerned that if operating assistance is not continued at adequate levels, service cutbacks and fare increases could result. It is my hope that as this bill moves forward into conference, resources will be pursued to raise the amount of funding available for operating assistance to provide at least last year's level, and I would ask the gentleman from Michigan to comment.

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I yield to the gentleman from Michigan.

Mr. CARR of Michigan. Mr. Chairman, I want to congratulate the gentleman from Pennsylvania [Mr. FOGLIETTA] for diligence as a new member of our committee. His fingerprints are very much upon the product of this bill, particularly with respect to rail modernization. Those who are interested in rail modernization owe a debt of gratitude to the gentleman from Philadelphia for his staunch advocacy for his point of view.

I also want to share with the gentleman his concern that the factors motivating the piecing together of this bill were very difficult, as he knows. Transit operating pays out at a very rapid rate and thus constrains us in terms of our budget authority and outlay problems. We did not want to reduce transit operating below the administration request. In fact, I would have loved to have improved it, as the gentleman knows, but we ran into several money collisions in putting this bill together. So, to reconcile these conflicts we, unfortunately, had to clip the operating subsidy in a way that neither one of us wanted to. We had to make the tough choices.

Mr. Chairman, we hope we do not have to do it next year.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia [Mr. KINGSTON] who has been working very hard on this particular project.

Mr. KINGSTON. Mr. Chairman, I, too, would like to enter into a colloquy with the gentleman from Michigan [Mr. CARR] on a bridge in our area, the Sidney Lanier Bridge, and, first of all, I want to say, thank you, and thank you, Mr. WOLF, for all the work that you have put into this bill and all the support that you have given me and my staff in trying to get the Sidney Lanier Bridge funded.

Mr. Chairman, as my colleagues know, it is under the discretionary portion of the budget now. There is some discussion going on with FHA as to whether the bridge would actually qualify for discretionary money, and there are also some questions that we are getting back from the Georgia DOT on it. What we are hoping to do is get some of the funding put in on the Senate side, maybe under Truman Hobbs or some other vehicle, and my question would be: If we are able to do that, could we get your support, or reconsideration, or some sort of consideration, in the conference committee?

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Michigan.

Mr. CARR of Michigan. Mr. Chairman, I thank the gentleman from Georgia [Mr. KINGSTON] for his question and want to say that the gentleman has been most diligent in pursuing this matter. It really is a matter of two bridges, the Sidney Lanier Bridge in the gentleman's district and the Chelsea Street Bridge in Boston, MA, which I believe we will be talking about a little later on, but the same applies to both bridges.

Heretofore, Mr. Chairman, those bridges have been designated under a program called obstructions to navigation in the Coast Guard account. Yet, fundamentally, those are bridges to carry vehicular traffic, and in the truest of intermodal senses the obstruction to navigation ought to be given points when assessing the need and priority for the highway bridge.

I have just talked to the Secretary of Transportation about this issue. He is familiar with it. He supports, I believe, the committee's desire to move the restoration of these bridges, the repair of these bridges, to the highway side of the ledger, relieving the Coast Guard account, and he has pledged to work with us. He has pledged to work with us, and he has indicated that he would get us together with the new FHWA Administrator, Mr. Rodney Slater, to remedy the situation, and I pledge on behalf of our committee to work very diligently to see that these two very needed bridges are taken care of and that we do it with highway funds.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman very much.

Again, Mr. Chairman, I appreciate the leadership of the gentleman from Michigan [Mr. CARR] and the gentleman from Virginia [Mr. WOLF], and I just want to say thank you.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say that I pledge to work with the gentleman from Georgia [Mr. KINGSTON] and also the gentleman from Massachusetts [Mr. KENNEDY], and with the chairman, to resolve this problem. Both have been very diligent and dogged, and the people in their congressional districts should know they both have worked on this.

So, Mr. Chairman, I pledge to do everything I possibly can.

Mr. KENNEDY. Mr. Chairman, will the gentleman yield?

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts.

Mr. KENNEDY. Mr. Chairman, I just want to thank the gentleman from Michigan [Mr. CARR], as well as the gentleman from Virginia [Mr. WOLF] for their agreement to try and make certain that this navigational hazard in Chelsea, MA, gets taken care of. This is a critical bridge without which people will be denied heating oil this winter, and it is something that needs urgent attention of the committee.

So, Mr. Chairman, I very much appreciate the willingness of both the gentleman from Virginia [Mr. WOLF] and the gentleman from Michigan [Mr. CARR] to make certain that this bridge gets the million dollars that it so desperately needs.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I thank the gentleman from Virginia [Mr. WOLF] for yielding this time to me.

Mr. Chairman, I want to say that this year the transportation appropriations bill has certainly invoked an enormous amount of controversy, and I respect the differences of the parties involved. But, as I see it, the Committee on Public Works and Transportation reports a highway authorization bill every 5 to 6 years in which Members of Congress have just one opportunity to get specific projects authorized, and what is a Member to do in the interim if an emergency situation arises?

Mr. Chairman, in my district we have an emergency situation in which the Las Cruces public school system decided to build a new high school directly across a major highway without underpasses, overpasses or a frontage road system, and if something is not done immediately, those students and parents entering and exiting the school will be in danger each time they cross this major highway. The school system is not solely to blame due to the city's enormous growth in this particular area, and in addition, Mr. Chairman, New Mexico politics, being what they are, and directing State-allotted funds to other parts of the State, southern New Mexico often gets the raw end of the deal in allocating these funds.

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I brought this particular predicament to the attention of my colleagues on the Appropriations Subcommittee on Transportation and they agreed that we have a situation which deserves immediate attention.

The Committee on Appropriations made its determination about which projects are the most deserving and urgently needed on the basis of the very extensive new set of highway criteria developed by Chairman CARR and the gentleman from Virginia [Mr. WOLF]. I have never seen a more responsible and detailed submission requirement from any committee, and I commend the Appropriations Subcommittee on Transportation for this approach.

To now strip all of these projects, which I am assured will happen when a point of order is raised, as if they have received an unfair advantage, is creating a tremendous hardship. I would suggest that the highway authorization bill works to construct their bill in nearly the same fashion. If it were actually researched, we would find that most of the Member-driven projects are actually coming from the authorizing committees, rather than the Committee on Appropriations.

The school opened this fall, and already we have had an incident which nearly caused a life threatening situation.

I will continue to bring this matter before all the appropriate committees in the House and urge them to save lives in my district. It is my hope that my colleagues will agree, and will allow some of these emergency projects to receive the necessary Federal funding. I would hope that whatever compromise has been struck between Chairman MINETA and Chairman CARR will address the needs of Members who have similar situations in their districts.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I rise today in opposition to provisions in this bill that defund the Essential Air Service Program. Unfortunately, the procedures governing debate make it difficult—if not impossible—for me or any other Member from offering an amendment that would restore funding to this small, but critical, program.

The EAS Program is one of the rare Federal programs that has not only provided a valuable service to the average rural citizen, but also has been provided at a very modest—and continually decreasing—cost to the Federal Government. In fact, overall costs of the program have dramatically fallen over the last 15 years. The program was created in 1978, along with the deregulation of the airline industry, to assist small communities in maintaining minimal commercial air service. The program has kept air service in rural areas—where it would have been lost many years ago—by providing a relatively small Federal payment to air carriers.

In 1978, over $100 million was appropriated for EAS, today full operation of the current program only costs $38 million. However, while the amount of Federal tax dollars spent on essential air service has gone down, the need and use of the program in rural America has not. Unfortunately, this bill unilaterally defunds the program without taking these facts into consideration.

In my home district, where six communities receive EAS funds, the number of passengers using EAS flights increased by 9 percent in 1992—even with the elimination of two flights that resulted in a 16-percent decrease at one of our airports. Further, EAS passenger totals in the State of Kansas have increased to 47,000 passengers. At the same time, the cost per passenger for the EAS subsidy in Kansas actually dropped 33 percent—from an estimated $60.21 in 1991 to $40.88 in 1992. Simply put—in Kansas, EAS costs are down, ridership is up and competition is appearing—competition that will allow for the natural attrition of the program—but this emerging competition will also be stymied if the program is unilaterally defunded.

Let us recall that, in 1990, the 101st Congress took a hard look at the Essential Air Service Program, and made several adjustments—including the elimination of communities serviced by EAS and the size of per-passenger payments. These changes were done to ensure the continuation of the program and we authorized the program for an additional 10 years.

The fat around essential air service has been trimmed. What remains today are communities that heavily rely on EAS. Without commercial air service for these struggling communities, prospective businesses are not likely to settle in rural areas—thus limiting the economic viability and future of these communities.

I realize during this age of reinventing Government, praising the success of a program is not always as popular as eliminating one. As we run down the road to reform, we must not eliminate the life-support systems that enable rural America to exist.

Although an amendment is not expected to restore funding, it is my hope that the Senate will act to make funding available and the issue resolved during the conference on this bill. I urge my colleagues' future support for this program.

Mr. Chairman, for all the critics of this program, and there are many, and it is an easy target, I urge them to simply get on a plane with me as I travel to Wichita, to Amarillo, to Lincoln, to Kansas City, and to Denver, and then drive with me 5 hours to the small communities which would be denied this air service. We then could have ample time to visit each other, and you could explain to me why the $38 million will go to major airports and not continue to rural and small town America.

Mr. KYL. Mr. Chairman, as the fiscal year 1994 Transportation appropriations bill is read and opened to amendment later today, points of order will be raised against 57 unauthorized highway demonstration projects. I rise in strong support of that effort, which grew out of an amendment that Congressman FAWELL and I and other members of the Porkbusters Coalition had intended to offer when the Transportation bill was originally scheduled for action back in August.

A separate amendment will be offered to implement the second part of the Porkbusters amendment—to put the $284 million that those highway projects would cost back into the Federal-aid highway program to be distributed by formula instead.

Mr. Chairman, I want to make several points at the outset: First, these funds are derived from highway-use taxes and are intended solely for use in transportation improvement projects. The American people deserve to know that the funds are expended promptly, and properly, for the purposes for which they were collected.

Second, simply striking the $284 million from the bill together would not reduce the Federal budget deficit. These are highway trust fund moneys, and if they are not expended, they simply remain in the highway trust fund. And, that's not the kind of savings account the American people want or need.

That is because trust fund surpluses are invested in Government securities. Only IOU's are left in the trust fund, and the resources are actually used to finance other Government operations unrelated to transportation. Running a trust fund surplus may make Congress look fiscally responsible, but it is in reality a way for Congress to covertly increase taxes and spending. If the funding isn't needed, we should just cut transportation-related taxes instead and give that money back to the American people.

Mr. Chairman, this effort begins the process of reversing the trend toward ever-increasing numbers of highway demonstration projects. A record number of such projects were included in the 1991 highway bill.

Keep in mind that demonstration projects are really just a way for Members of Congress to get publicity and buy support from narrow segments of their constituencies. It is pork-barreling pure and simple. And, it not only means taxpayers have to finance some questionable projects, but that, in many cases, their States are being deprived of additional funding that could be used for needed transportation improvements.

Arizona, for example, got a few projects in the 1991 bill amounting to $18.3 million, but because of the pork-barreling, Arizona lost—lost—about $300 million more over the life of the more than 500 special projects earmarked in that legislation.

The special project earmarking in the fiscal year 1994 Transportation appropriations bill before us today represents more of the same, only this time Arizona gets no special projects at all. Were the special project funding simply allocated by formula, Arizona would get almost $4 million. In fact, 40 States would do better under our plan than under the Appropriations Committee's bill.

That is because just a few States—coincidentally, the most prominent being Michigan, the home State of the subcommittee chairman—take the bulk of the funding under the appropriations bill. Michigan alone takes nearly a third of the total.

The Public Works Committee/Porkbusters alternative would require that projects compete against other worthwhile projects for funding; States would have to get priorities. Our plan would help ensure that the best projects, and the most needed projects—not just the best-connected projects—are funded first.

This effort promotes fiscal responsibility over pork-barreling. It ensures that funds are distributed fairly, rather than on the basis of which States and districts are represented among committee and subcommittee chairmen and ranking members.

Mr. Chairman, I urge my colleagues to support this effort and put the interests of the taxpayers ahead of the special interests.

Mr. PETRI. Mr. Chairman, I support the amendment offered by the chairman of the Public Works and Transportation Committee which will increase funding for our regular highway program by the amount of funding now contained in the bill for unauthorized highway projects. These projects will be stricken on a point of order.

Since the unauthorized projects are funded through the highway trust fund, it is logical and appropriate that these funds be restored to our highway program and distributed to all the States. Indeed, this has been the expectation of many Members since the debate on these particular projects began a few months ago.

Allowing these trust funds to be spent on our basic highway program and distributed through established formulas to all the States is the right thing to do, and I urge my colleagues to support this amendment.

Mr. WILLIAMS. Mr. Chairman, I rise in strong concern about this bill's zero funding of the Essential Air Service Program.

Essential Air Service was established to counterbalance the expected abandonment of rural America by the commercial airlines upon deregulation. Essential Air Service provides appropriate Federal assistance making sure that our smaller, remote towns and cities have access to commercial airline services.

The Essential Air Service cities in central and eastern Montana have been determined by the Department of Transportation to be among the most isolated in the lower 48 States, in terms of the travel times to the closest regional airport. In some of these communities airline service is the only form of public transportation assistance available.

Mr. Chairman, every one of the seven Montana communities served by Essential Air Service is deeply involved in economic development. I would say to my colleagues who know about the tough, creative work that goes into economic development and diversification in rural towns, this program is a fundamental building block of those efforts. In our modern society, economic diversification is simply impossible without access to the regional and national business, academic, or governmental community. For these seven Montana cities few, if any, Federal programs are more important to economic development efforts.

As just one example, folks in Glasgow, MT, worked for years to attract the Boeing Corp. to house its jet aircraft testing program at the former air force base there. Certainty over future access to commercial air transportation was critical in sealing the deal bringing Boeing to Glasgow. And so this relatively small program was literally a linchpin to Glasgow's success story in economic development.

I understand the committee's concern that we should continue to work on how we target the funds we spend in Essential Air Service to make sure we're getting help to those towns that have a real need. Congress should be concerned that this assistance is targeted to those areas where it's absolutely essential, and we should avoid subsidies in those places where access to a regional airport is really a matter of convenience.

But I strongly encourage my colleagues to take out a map and find Lewiston, or Wolf Point, or Sidney: Essential Air Service is not a convenience, it's absolutely critical to these Montana towns and so I am greatly concerned about the action we take here today.

Mr. PAYNE of Virginia. Mr. Chairman, I rise to express my concerns about the provisions in this bill relating to the Essential Air Service Program. The city of Danville, VA, is one of those small municipalities that the EAS Program was designed to protect. With a population of only 53,000, continued commercial air service allows Danville to remain a gateway for commerce and business for the entire south central part of the State.

In the years before 1978, when the airline industry was deregulated, commuter air passenger levels at the Danville airport averaged almost 13,000 arrivals and departures annually. In the years after the industry was deregulated, this number plummeted to an annual average of less than 2,400, with a low point of 936 in 1981.

In a deregulated environment, the ability of small airports like Danville to attract passengers is at the mercy of airline scheduling. Years when the airlines serving the area increase the number of flights or improve the routes, passenger levels soar. Other years, when few flights are provided or when the routes are so convoluted that you can actually drive the distance in less time than it takes to fly, not surprisingly, the number of passengers drops.

Without the Essential Air Services Program, the airlines have made it quite clear that they would discontinue services to places like Danville entirely. For the tens of thousands of people in Danville and the surrounding areas, this means a 1½-hour drive to the nearest airport with passenger service, in North Carolina. It means less business travel into the area, and as a consequence, fewer opportunities for economic growth.

It is my understanding that funding for the Essential Air Service Program will be restored when this bill is taken up by the other body. I strongly support this effort. If the program needs review, I believe it should be done by the authorizing committee, where it can be evaluated in the context of aviation policy in our country.

I believe the investment we are putting into the Essential Air Services Program is a wise use of our scarce resources, making it possible for small, rural communities to expand their economy and increase jobs. I strongly support continued funding for the program.

Mrs. FOWLER. Mr. Chairman, I rise in support of H.R. 2750, the fiscal year 1994 Transportation appropriations bill. Thanks to the leadership of Chairman CARR and ranking member Mr. WOLF, the committee has reported a bill which is fiscally prudent but also serves to meet our Nation's transportation needs.

Due to some of those needs, however, we find ourselves in a bit of a procedural quagmire. As we all know, Congress only authorizes a new Intermodal Surface Transportation Efficiency Act [ISTEA] every 5 years. Our problem is how to meet transportation needs that did not exist at the time the authorizing bill was passed. The yearly appropriations bill serves as an excellent safety net for such situations.

Jacksonville, FL's, Fuller Warren Bridge was built with local funds in 1954 and was designed to handle a maximum capacity of 73,800 vehicles per day. Since its construction, however, the bridge has been incorporated into the Interstate System. It is now used by almost 100,000 motorists a day. This heavy use has led to some problems.

In January 1992, the bridge was closed for 6 days when engineers found seam cracks in the counterweights. Last July, the bridge was closed again when a 3-foot chunk of the roadway fell into the St. Johns River. Remarkably, no one traveling on or beneath the bridge was hurt.

While this hole has been filled, more damage is expected. Engineers recently inspecting the bridge reported,

> The number of cracks found in the superstructure components demonstrates that these have reached their fatigue limits.

When the next piece of the bridge falls, someone could be hurt or killed.

The Fuller Warren Bridge must be replaced. And unfortunately, my constituents and all those who travel I–95 do not have time to wait another 4 years until the Public Works Committee authorizes its next highway bill. By that time, a tragedy could have occurred or the bridge could be closed, rerouting travelers 60 miles out of the way.

I am not suggesting that the Public Works Committee has failed. On the contrary, their 1991 legislation is a transportation policy landmark. Yet their unwillingness to yield to Jacksonville's special circumstances obliges me to stand with Chairman CARR, ranking member Mr. WOLF, and the entire subcommittee to ensure a safe new bridge for the traveling public.

Ms. ESHOO. Mr. Chairman, much has been said today about the bay area rapid transit project and the Tasman light rail project. Caught up in a House committee dispute these projects have been maligned as a ill-conceived, poorly planned projects that are bad policy.

Mr. Chairman, while I understand that some people fear that their personal power here in Congress may be at stake that is no reason to ignore the facts.

As a person from local government, I worked on the BART extension. The Tasman light rail project is in my district. These transportation projects, in a part of our country that is a major economic engine, are projects where local communities have determined them so important that they have levied local sales taxes on themselves to help pay for them.

At a time when county and local governments are competing with each other for every dollar of assistance the counties, cities, and towns of the bay area worked with unprecedented cooperation in establishing transportation priorities. They then worked with State and Federal governments succeeded in convincing officials that these projects were good transportation policy.

Mr. Chairman, many of the people who for shortsighted political reasons are now criticizing these projects voted to approve them only a few months ago. It is unfortunate that this is the case and I hope that my colleagues will join in voting to reject this strategy and move forward with this legislation.

Mr. DUNCAN. Mr. Chairman, I would like tc express my continuing concerns about a project being funded by this bill.

This bill contains $163,050,000 for the Los Angeles metro rail project.

I want to make the record clear that I continue to question metro rail construction and administrative expenditures that have been made by the Los Angeles County Transportation Commission [LACTC] now called the Los Angeles County Metropolitan Transportation Authority [MTA].

The first 4.4 mile section of the federally funded red line portion of the Los Angeles metro rail system, according to a January 28, 1993 USA Today article, was completed with $200 million in cost overruns.

Recently, the MTA awarded a contract to build high-speed railcars to a foreign-owned company in Germany, when a highly qualified American-owned company had a bid $18 million lower. Although these railcars will not be built with Federal funds these cars will operate on a system where billions of Federal tax dollars have been and will continued to be utilized. I continue to object to this carefree spending attitude.

I am also very concerned about reports in the September 3, 1993, edition of the Los Angeles Times that reveals the concrete tunnels built for the federally funded red line portion of the metro line were not built to specifications. MTA has terminated the construction manager in charge of this project and at my request Secretary Peña has undertaken an independent review of the tunnel construction. Concerns have been raised that these tunnels will not hold up under stress of an earthquake. The taxpayer paid for 12-inch-thick concrete tunnels and we should not settle for less. We must ensure that these tunnels are safe for the traveling public.

Another example of the carefree spending approach of the MTA was brought to light when the General Accounting Office [GAO] reported that MTA is spending $40,000 per year to supply free coffee to their employees at taxpayers expense. After I raised this issue publicly in the Los Angeles press the MTA ended this abuse of tax dollars. It should not require action by a Member of Congress to eliminate what is an obvious waste of tax dollars. This should have never been approved in the first place.

One California State legislator was so upset by wasteful expenditures such as this that he introduced a bill that would cut off funding to transportation agencies in the State, such as the Los Angeles Metropolitan Transportation Commission, which spends tax dollars on food, beverages, lodging, and entertainment, membership in clubs, and gifts for their employees.

Questions were raised in a March 24, 1993, Los Angeles Times article as to whether it was proper for the LACTC, a public agency, to promote a complex foreign tax shelter by leasing back LACTC railcars to a Japanese investment company in the Cayman Islands. The only beneficiaries of this tax shelter were the Japanese investors and the $370 per hour lawyers hired to put this deal together. It has been reported that taxpayers will lose up to $3.9 million on this deal.

Los Angeles County Councilman Joel Wach criticized this transaction in the March 24, 1993, Los Angeles Times article as "the kind of sleight of hand that has shaken the public's confidence in the Transportation Commission and raised serious questions about how tax dollars are spent."

On June 10, 1993, the MTA voted to spend $112 million for a new MTA headquarters building when Los Angeles has a high office space vacancy rate.

The Federal Government has spent over $1.3 billion on the red line portion of the Los Angeles Metro System and reports say the ultimate cost of the entire transportation network will cost Federal, State, and local taxpayers $183 billion over the next 30 years.

During his Presidency, President Reagan called the proposed Los Angeles subway system a project of "dubious merit."

I applaud the whistleblowers who have come forward and continue to come forward with complaints about this project.

My goal continues to remain one of ensuring that tax dollars are spent wisely and honestly on what has become one of the largest public works projects in U.S. history.

Ms. SNOWE. Mr. Chairman, I rise today in support of two critical programs which were not funded in the 1994 fiscal year Transportation appropriations bill: the Essential Air Service Program and funding for the establishment of long range radar in northern Maine.

The Essential Air Service Program was established as a result of airline deregulation in 1978. Through this program, subsidies are provided to airlines serving many smaller communities which otherwise might not have continued to receive air service as airlines adapted to deregulation.

Mr. Speaker, I represent a very rural district. It is imperative that this program continue to be fully funded. Within the State of Maine, six communities have EAS determinations. Of those six communities, two began receiving subsidized air service in July 1992 and two other communities are at risk of needing subsidies. In fact, one of those at-risk communities may lose air service in the near future. These communities rely heavily on their small community airports, and any decline in service could be devastating.

In addition, I strongly oppose the committee's decision not to provide the Federal Aviation Administration with funds to establish long range radar in northern Maine.

Since 1981, the Federal Aviation Administration has identified a need for improved radar coverage in northern Maine. In fact, just last year, the House Appropriations Subcommittee on Transportation issued a committee report which recognized that northern Maine lacks a long range radar installation which can provide adequate coverage for civilian and other types of aircraft. This project gains even more importance with the scheduled closure of Loring AFB in 1994, which currently provides radar coverage for the region.

A sound infra-structure is critical to a region's economic development and recovery. The decline of radar coverage in northern Maine, and the omission of funds for EAS, will clearly hamper future economic development in the region. Mr. Speaker, Maine's fragile state economy cannot afford further deterioration of its air transportation system.

Mr. EWING. Mr. Speaker, I rise in partial support of the 1994 Transportation appropriations bill. I applaud this bill for demonstrating that Congress can act in a fiscally responsible manner by appropriating almost 5 percent less than the President requested. However, this bill abandons many small communities and towns across the Nation by eliminating funding for the essential Air Service Program. I have always supported this program and feel that it is essential to the transportation needs of people living in areas not served by a large airport. It is my hope that the Senate will provide funding for this valuable program so that service to these communities can be maintained.

Mr. WOLF. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CARR of Michigan. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in section 2 of House Resolution 252 is adopted.

The bill, as amended, is considered as an original bill for the purpose of further amendment.

The amendment printed in section 3 of House Resolution 252 may amend a portion of the bill not yet read for amendment and shall not be subject to a demand for division of the question.

The Clerk will read.

The Clerk read as follows:

H.R. 2750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,173,000.

POINT OF ORDER

Mr. LINDER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LINDER. Mr. Chairman, I make a point of order against the language appearing in the bill at page 2, line 5 through line 7. This paragraph provides appropriations for programs not authorized by law, and is in violation of House rule XXI, clause 2.

Mr. CARR of Michigan. Mr. Chairman, I might note that this is one of the legislative committees that appears to be very interested in what we have included in certain projects in the bill that they claim are unauthorized. Let the RECORD show that the activities of the Office of the Secretary of Transportation, the heartbeat of the Department, has not been authorized for 10 years. Yet I do not recall a single time during the last decade, including this year, when an authorizing committee has objected to the inclusion of these unauthorized funds in the bill, these funds being for the activities of the Secretary's Office.

Mr. Chairman, I think this is just another example of the selective enforcement of the rules employed by some of our colleagues on authorizing committees. If an item is unauthorized, but they like it, they sort of overlook it. If it is an item they do not like, for whatever reason, they raise points of order.

Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $481,000.

POINT OF ORDER

Mr. LINDER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LINDER. Mr. Chairman, I rise to make a point of order against the language appearing in the bill on page 2, lines 8 through 10. The paragraph provides appropriations for programs not authorized by law, and is in violation of House rule XXI, clause 2.

Mr. CARR of Michigan. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained.

Mr. LINDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the chairman in a question and answer colloquy. I have points of order striking the language on the rest of page 2, all of page 3, and all of page 4, for the same reason. If the chairman, the gentleman from Michigan [Mr. CARR], is willing to concede those points of order, it might facilitate moving a little quicker.

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. LINDER. I yield to the gentleman from Michigan.

Mr. CARR of Michigan. Mr. Chairman, if I could ask the gentleman a question about his point of order, that means for the Office of the Assistant Secretary for Budget and Programs, for the Office of the Assistant Secretary for Governmental Affairs, for the Office of the Assistant Secretary for Administration, the Office of Public Affairs, the Executive Secretariat, the Contract Appeals Board, the Office of Civil Rights, the Office of Small and Disadvantaged Business Utilization, Transportation Planning, Research, and Development, and the Office of Commercial Space Transportation Operations and Research, those are all included in the point of order?

Mr. LINDER. Mr. Chairman, that is correct.

Mr. CARR of Michigan. And none other?

Mr. LINDER. Mr. Chairman, at this point, none other. Those are a series of points of order that I intend to raise. I will have some later in the bill.

Mr. CARR of Michigan. Mr. Chairman, does the request of the gentleman include the Office of General Counsel, the Assistant Secretary for Transportation Policy, and the Office of the Assistant Secretary for Aviation and International Affairs? Is that in this request?

Mr. LINDER. Mr. Chairman, the answer is no. For the Office of Assistant Secretary for Budget Programs, the Office of Assistant Secretary for Governmental Affairs, the Office of Assistant Secretary for Administration, the Office of Public Affairs, the Executive Secretariat, the Contract Appeals Board, the Office of Civil Rights, the Office of Small and Disadvantaged Business Utilization, Transportation Planning, Research, and Development, and the Office of Commercial Space Transportation Operations and Research.

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Mr. CARR of Michigan. Mr. Chairman, if the gentleman will continue to yield, I am a little confused then. Is the gentleman also raising a point of order against the General Counsel's Office?

Mr. LINDER. Yes.

Mr. CARR of Michigan. And then the Assistant Secretary for Transportation Policy and the Office of Assistant Secretary for Aviation?

Mr. LINDER. Mr. Chairman, that is correct.

Let me just say that we can do this through individual points of order on each of these two or three lines at a time, or we can agree that the gentleman makes his argument against all the points at once, if he likes, and try and facilitate.

Mr. CARR of Michigan. Mr. Chairman, if the gentleman will continue to yield, I would only say, and I intend to not object to the unanimous-consent request, I would, again, reiterate what I said before. These have been unauthorized for 10 years. We are waiting around to see an authorization. We are trying to help out the process of government.

I would only say that while we are reinventing government, somebody ought to reinvent the Congress. Why do we get ourselves in this situation.

Certainly, it is not the making of our committee. We think it is the responsible thing to do to move forward to try to give the Department some certainty of what they are about to receive in these items.

I, essentially, concede the point of order and on this grouping would not object.

Mr. LINDER. Mr. Chairman, the gentleman's point is well-taken, and he has an ally with me if we are talking about reinventing Congress.

Let me, for clarification, say to the chairman that the points of order include all the language from page 2, line 5 through page 4, line 24. The points of order are all in violation of House rule XXI, clause 2. They provide appropriations for programs not authorized by law.

The CHAIRMAN. The Chair would advise the gentleman from Georgia that the Chair cannot entertain that unanimous-consent request until that portion of the bill has been considered as read. The Chair would entertain a request from the gentleman from Michigan, a unanimous-consent request, to the effect that that portion of the bill be considered as read.

Mr. CARR of Michigan. Mr. Chairman, I ask unanimous consent that the bill until page 4, line 24, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the bill from page 2, line 11 through page 4, line 24 is as follows:

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $7,867,000.

OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY

For necessary expenses of the Office of the Assistant Secretary for Transportation Policy, $2,410,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $8,082,000.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $2,826,000, including not to exceed $40,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,225,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $33,623,000, of which $6,417,000 shall remain available until expended.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,353,440.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $850,000.

CONTRACT APPEALS BOARD

For necessary expenses of the Contract Appeals Board, $602,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,998,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $934,000: *Provided*, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, $6,815,000.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

For necessary expenses for operations and research activities related to commercial space transportation, $4,400,000, of which $1,500,000 shall remain available until expended.

POINT OF ORDER

Mr. LINDER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LINDER. Mr. Chairman, I raise the point of order to all of those portions of the bill from page 2, line 5, through page 4, line 24, that they are appropriating without authorization.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CARR] wish to be heard on the point of order?

Mr. CARR of Michigan. Mr. Chairman, I concede the point of order.

The CHAIRMAN. Since that portion of the bill has been read, the point of order is conceded and sustained.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed $92,220,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriations Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, $15,540,000, to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs for the Payments to Air Carriers program in fiscal year 1994: *Provided further*, That none of the funds in this Act shall be used by the Secretary of Transportation to make payment of compensation under section 419 of the Federal Aviation Act of 1958, as amended, in excess of the appropriation in this Act for liquidation of obligations incurred under the "Payments to air carriers" program: *Provided further*, That none of the funds in this Act shall be used for the payment of claims for such compensation except in accordance with this provision.

RENTAL PAYMENTS

For necessary expenses for rental of headquarters and field space and related services assessed by the General Services Administration, $149,605,000: *Provided*, That of this amount, $3,262,000 shall be derived from the Highway Trust Fund, $37,114,000 shall be derived from the Airport and Airway Trust Fund, $576,000 shall be derived from the Pipeline Safety Fund, and $175,000 shall be derived from the Harbor Maintenance Trust Fund; *Provided further*, That in addition, for assessments by the General Services Administration related to the space needs of the Federal Highway Administration, $17,524,000, to be derived from "Federal-aid Highways", subject to the "Limitation on General Operating Expenses".

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $180,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That those funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,500,000. In addition, for administrative expenses to carry out the direct loan programs, $220,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed four passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,555,695,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which $32,250,000 shall be expended from the Boat Safety Account: *Provided*, That the number of aircraft on hand at any one time shall not exceed two hundred and twenty-three, exclusive of aircraft and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That of the funds provided under this head, not less than $8,000,000 in vessel maintenance and overhaul work currently scheduled to be conducted at the Coast Guard Yard is to be awarded based upon a competitive solicitation of both public and private shipyards.

POINT OF ORDER

Mr. LINDER. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LINDER. Mr. Chairman, I make a point of order against the language appearing in the bill on page 7, line 6, through page 8, line 7. These paragraphs provide appropriations for programs not authorized by law and are in violation of House rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CARR] wish to be heard on the point of order?

Mr. CARR of Michigan. Mr. Chairman, I do.

I would like to speak and be heard on the point of order.

Again, I would like to direct a question so that I know we are talking about the same thing, not to be vexatious, but would the gentleman give me the starting page and line again.

Mr. LINDER. Mr. Chairman, page 7, line 7, Coast Guard Operating Expenses, all of that language down through line 7 on page 8.

Mr. CARR of Michigan. Being "Coast Guard Operating Expenses."

Mr. LINDER. All that language prior to "Acquisition, Construction Improvements."

Mr. CARR of Michigan. Mr. Chairman, I would merely, in being heard on the point of order, say that this is doubly unfortunate, because in the past example we have had no authorization for 10 years. And we have tried to put things together where they were not by other committees.

In this case, the other committee has acted, I would tell the gentleman from Georgia, and it has passed the House.

Now we are waiting on the Senate, and we are going to be in conference. And these bills are going in tandem. I would hope that the gentleman would not press his point of order on this matter.

Again, we get into reinventing Congress. We are hanging up on technicalities here. It does not make good policy or good procedure, particularly.

Mr. Chairman, I have to concede the point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WALKER] wish to be heard on the point of order?

Mr. WALKER. Mr. Chairman, I do seek to be heard on the point of order.

The chairman of the subcommittee makes a legitimate point with regard to what the House committee has done. The House committee has acted responsibly.

Here is the problem we have run into, though. Over in the Senate, the fact is that authorizers and appropriators sit on the same committees over there. The same person sits on the two committees. And what is happening is that they do not pass the authorization bills. They do everything in the appropriations process. Therefore, we do not see authorization bills being passed.

We have run into it in our committee in an awful lot of instances. So, therefore, either bills are not passed timely, or they are never passed.

The gentleman from Michigan has just mentioned a moment ago that there were lines of items where there has not been an authorization for 10 years. He has done his work, I would say to the House, and put a bill over there.

The question is whether or not we are going to get it. The only pressure that we have to assure that the authorization process works all the way through is to deny the appropriations if they have not met the rules.

It seems to me that that is what the gentleman from Georgia is about doing here. He is attempting not to subvert what the gentleman from Michigan is trying to do in a positive way, but he is sending a signal that if the authorization process does not work, then indeed, the appropriations ought not go forward so that we live within the rules of the House.

I rise in support of what the gentleman from Georgia is doing. He is not doing this with any attempt to be malicious to the Coast Guard or to the work done by the Committee on Appropriations. He is doing this as a way of enhancing the ability of the authorizers to get their work done in the Senate so it is back here in a timely fashion and so we do not run into these problems all the time.

It is a difficult position for him to take. It is one of the tough things that has to be done every once in a while in the Congress. But I congratulate him for making this stand.

It seems to me it enhances, not undermines, the process.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. TAUZIN] wish to be heard on the point of order?

Mr. TAUZIN. Mr. Chairman, in response to my friend, the gentleman from Pennsylvania, the Coast Guard authorization bill has never failed to clear the Senate. It has always come back.

The gentleman does not have to send a message to the Senate. The Senate is going to report the authorization back to us timely, as it does every year. We do not have a problem there.

The problem with the gentleman's point of order is that if he does not withdraw it, the House goes to conference on this bill without its position on Coast Guard spending to be brought to the conference. We have done our work with the Coast Guard authorizing committee, the Committee on Merchant Marine and Fisheries. We have reported the bill out. This House has acted on it.

The Senate always returns the authorizing for the Coast Guard back to this Chamber. That is not a problem. All the gentleman is doing, by raising this point of order, is putting us in some jeopardy.

I am not sure the gentleman is aware of it. The Coast Guard is out today trying to rescue people in an awful Amtrak collision that occurred in Mobile, AL. People were killed.

The Coast Guard has got all kinds of units out there trying to rescue lives right now. We are talking about technicalities today on a point of order.

I understand the gentleman can make it technically under the rules, but I would urge the gentleman, it is not necessary to send this message to the Senate. The authorizing committees for the Coast Guard have always reported their bill back to us. We have done our job on time.

I urge the gentleman not to make this point of order in order to give us a chance to conference with the Senate on the very important points of authorizing the spending for the Coast Guard in this bill.

□ 1430

Let me point out that as it emerged from the Committee on Appropriations, we had real problems with the fight between transportation funding and Coast Guard funding, since the Coast Guard is under this department.

We have worked out those problems, however, with the chairman of the subcommittee. We have resolved them in a way that gives the Coast Guard a great deal of help in meeting its expenses this year. Do not put us in that kind of jeopardy. I ask the gentleman to please consider withdrawing his point of order and letting us go to conference on this bill. The authorization bill has always come back, and it will come back in this very important area of the Nation's services.

The CHAIRMAN. Does the gentleman from Florida [Mr. GOSS] seek recognition on the point of order?

Mr. GOSS. I do, Mr. Chairman,

Mr. Chairman, there is very little I can add to the eloquent words of the chairman of the subcommittee, who has just outlined the situation, except also to urge my colleague and friend, the gentleman from Georgia [Mr. LINDER] to reconsider his point of order.

Not only did we pass the authorization in this House that had a sense-of-Congress attachment to it that allowed us to provide funds for these types of missions that the Coast Guard is called upon for the citizens of America that are really unforeseen. Tragically, we have had this horrible train wreck with Amtrak in the Mobile Bay area. The Coast Guard is there on the scene trying to provide what relief we can.

Before that, it was Haiti, which is what an amendment I have ready to go, if this point of order is withdrawn, concerns. We are trying not to ask something special, but to allow them to go about their business. I would suggest that we really are hung up on a technicality here, and the record of history of the good working relationships between the Chambers and the committees authorizing and appropriating on this would allow the gentleman to withdraw that point of order with honor.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WALKER] wish to be heard on the point of order?

Mr. WALKER. I wish to be heard further on the point of order, Mr. Chairman.

Mr. Chairman, the gentleman from Louisiana [Mr. TAUZIN] makes a good point, but it somewhat baffles me why the point would be against what the gentleman from Georgia [Mr. LINDER] is doing.

If in fact we are going to get an authorization bill back, that authorization bill then will set the policy for the Coast Guard. It does not matter at that point whether the House has gone into the appropriations process with these figures or not. The policy will be set by that authorization bill, regardless of where the money ends up.

If in fact the authorization bill comes back in a timely manner, it will drive the policy of the Coast Guard. I do not think anybody believes that the actions of the gentleman from Georgia [Mr. LINDER] will end up defunding the Coast Guard. It is simply a matter of whether or not authorization drives policy or appropriation drives policy.

The gentleman from Georgia, it seems to me, is putting us in a position where the authorization process will drive the policy, rather than the appropriation process. That, I think, is a fundamental good that we draw out of this. No one, I think, will believe that the gentleman from Georgia will actually end up, in the end, defunding the Coast Guard. Therefore, the question is from where the policy derives.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. TAUZIN] seek recognition?

Mr. TAUZIN. I do, Mr. Chairman.

Mr. Chairman, I think the problem is we are talking about an allocation to the whole transportation sector of this budget. We have worked very closely with the chairman of the Committee on Appropriations to ensure this appropriation within that broad allocation includes sufficient funds for the Coast Guard. It did not, originally.

If this point of order is made against the bill, and if the Coast Guard appropriations section is out of the bill, it opens the door for people to take those funds and reallocate them under transportation to other needs in transportation, which would include other bridges, roads, and other mass transit projects around the country. We do run the risk of deappropriating for the Coast Guard.

I urge the Member not to take that risk. We have put in some good, hard labor here to make sure the Coast Guard got a fair share of this broad transportation legislation. If the gentleman does away with our labor, he leaves it up to the Senate to make those decisions.

I do not know what the Senate is going to do. It could, indeed, reallocate those funds over to very popular transportation projects in somebody's State. That could well happen. I urge the gentleman to give this House some say in that process. The way to do it is by allowing the Coast Guard authorization section to go forward, so we can go to conference and work with the Senate to protect the necessary funding for the Coast Guard.

The CHAIRMAN. The Chair would ask the gentleman from Georgia [Mr. LINDER] if he insists on his point of order.

Mr. LINDER. Mr. Chairman, under the arguments I have heard, and some of them very reasonable, I will withdraw my point of order, and the succeeding ones, on the Coast Guard. I have other point of order to be raised on the bill.

The CHAIRMAN. The point of order is withdrawn.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS:

Page 7, line 13, strike "$2,555,695,000" and insert in lieu thereof "$2,560,695,000"; and

Page 22, line 23, strike "$85,550,000" and insert in lieu thereof "$62,000,000".

Mr. GOSS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GOSS. Mr. Chairman, first I would like to start off by thanking and congratulating my friend and colleague, the gentleman from Georgia [Mr. LINDER], for his, I think, proper and wise decision in this matter. I believe the principle he is standing up for is correct, but I believe the facts in this case for us going forward on this procedure far outweigh this, and there will be no damage done to the principle whatsoever.

Mr. Chairman, the intent of my amendment is clear and simple, even if the math is not. This amendment cuts the unauthorized, unstarted demonstration project account by enough—$23.55 million—to restore $5 million to the Coast Guard's operating expenses account.

On July 29, this body passed by unanimous voice vote an amendment to the Coast Guard authorization bill which stated that we would endeavor to provide adequate funds for all extraordinary missions undertaken by the Coast Guard. We can begin today to fulfill that promise by passing this amendment.

The Coast Guard is the smallest of our armed services, yet its responsibilities are great. We ask the Coast Guard to be responsible for the navigation and safety of our waterways, for maritime law enforcement, for emergency search and rescue, for maritime inspection and licensing, for defense readiness, and much, much more.

On top of these vital functions, since January of this year, and several times in the recent past, a massive Coast Guard deployment has patrolled the windward passage between Haiti and the United States. Operation "Able Manner" has involved an extraordinary commitment of manpower and equipment. While these efforts have successfully saved our States and the Federal Government untold millions of dollars, the cost to the Coast Guard has been great: Nearly $100 million overall. The Coast Guard estimates that the incremental cost—over what the Guard has in its budget for interdiction efforts—of this operation will be $5 million—meaning that other important missions will suffer.

While this amendment alone may not be enough, it will reimburse the Coast Guard for its extraordinary efforts over the past year.

More importantly, my amendment will assert that this body stands behind its own policies and supports the Coast Guard in its many vital missions.

Mr. Chairman, I urge support for this amendment.

Mr. CARR of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first I would like to preface my remarks by making two comments.

One, I would like to thank the gentleman from Georgia [Mr. LINDER] for being open-minded in listening to the arguments on the floor, in good spirit, and recognizing that the rules are here in general to help us, but sometimes get in the way.

Our committee is working very closely with the Committee on Merchant Marine and Fisheries, and we intend, and will be supported by the gentleman's action, to take a bill to the Senate to deal with them on the Coast Guard.

We hope the authorization legislation is done before we must act, but because we face a deadline they do not face, that may be out of phase, but we are working closely. I want to thank the gentleman.

I also want to commend the gentleman from Florida [Mr. GOSS]. I do not know of five conversations I have had with the gentleman from Florida over many years of serving here together where he has not brought up his affection for the Coast Guard.

□ 1440

There is no one, at least that I am aware of, on that side of the aisle who cares more passionately about the Coast Guard, and I reluctantly oppose his amendment. I do so because, simply speaking, the funds are not needed.

I direct the attention of all Members to page 28 of the committee report where it notes that the bill contains $13,770,000 at the total discretion of the Commandant of the Coast Guard to address unforeseen operational contingencies during the year. If it is a high priority for the Coast Guard to pay back other budget activities which were depleted to finance the Haitian interdiction efforts, the funds are available in this bill to do so. We do not need to add funds to the bill for that.

We have had extensive hearings and we have tried to monitor very carefully how much money they need. If there is an unforeseen contingency, we expect that we would be receiving reprogramming requests or, indeed, a supplemental, which is inevitably around the corner every year because of the unforeseen.

The committee did hold extensive hearings. The Coast Guard did not ask the committee for additional funds to address the Haitian interdiction problem. The Coast Guard has unexpected operational needs coming up virtually every year, and because of this they have the flexibility in their appropriation to finance these new priorities without requesting additional appropriations.

As I have said, Mr. Chairman, the Coast Guard did not ask the subcommittee for additional funds for this purpose. The statement of administration policy on our earlier bill did not request more funding for these specific activities. We have received no indication from the Coast Guard or the Secretary of Transportation that they are needed.

We have been fair to the Coast Guard. We have added back, as the gentleman from Louisiana said, $36 million from our earlier bill to provide additional funding.

The defense appropriations bill is expected to include even further operational funding for the Coast Guard. And to put this in perspective, the bill before us includes $2.5 billion for Coast Guard operating expenses, and the gentleman's amendment would only add $5 million, which is less than 1 percent.

As I have indicated, the funding is not needed since the bill already includes a discretionary account for the Commandant to use. And I would further point out that the effect of this amendment is to move money from highways to the Coast Guard. We try to do a very careful balancing act in this transportation bill between the modes, and it would seem to me quite unfair to highway users that they get caught up in a bidding war to see who could do more for the Coast Guard, and who can love the Coast Guard more. It would seem to me that this is exactly the kind of thing that our friends on the Public Works and Transportation Committee should be objecting to, and I hope they do.

I oppose the amendment.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

I reluctantly oppose the amendment because Mr. GOSS is a good Member and a good supporter, and I know his concerns.

Let me just reiterate some of the things the chairman said. The chairman read the section in the bill, I would tell the gentleman, where there is a $13,770,000 discretionary increase which is located on page 28 of the committee report. It says:

> The recommendation includes $13,770,000 to provide the Commandant of the Coast Guard resources to address unforeseen operational needs as they arise during the year.

So the money is there. And frankly, if the gentleman's amendment would earmark this, I would be inclined to support him. But by doing this, I think Members should know that we are taking the money away from highway safety. Do we earmark high safety? We could have taken money from demostration projects and put it in highway safety or truck safety. There is not an area of the country that does not have truck safety problems with rotted tires, faulty brakes, and things like that. If you want to put any additional money in, well, let us put it into truck safety, or if we wanted, we could put it in air safety.

So the discretionary ability is here for the Coast Guard to do this, and if there is a need let me just tell the chairman, and the return of Aristide does not help, then I will support the gentleman with regard to a reprogramming. But it just is not needed now, unless we just want to spend more money.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from the Commonwealth of Virginia for yielding. I am very much encouraged by the assurances I have from the distinguished chairman and from the gentleman from Virginia to meet the needs of the Coast Guard, and I take those in good faith as they are offered. And I am sure that that is welcome news to all of those who care that the Coast Guard is able to accomplish these many missions that they have.

The reason that I brought this amendment forward today was to make sure that we understand that this is a mission that we sent the Coast Guard on. The United States sent the Coast Guard on this mission. This was a very special mission. It was a special cost, and this sort of falls into a pay-as-you-go thing. We have spent this money. This is well beyond contingencies. This is a special, extra operation that has its own code name. Consequently, we have a price tag. We found out what the incremental cost would be for this special operation and now we have to pay for it.

It seemed to me sensible to suggest that we pay monies that we have on hand for expenditures that we have committed, that we get those bills out of the way before we go out and contract more bills for projects which are yet to be started. That was the rationale behind this.

But with the assurances that I have received from the distinguished leadership of this committee that is so important on this matter, I am somewhat assuaged. I still will press on my amendment and vote "yes." But I thank the gentleman for listening and for giving me this time.

Mr. WOLF. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $310,700,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $79,200,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 1998; $27,100,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1996; $47,700,000 shall be available for other equipment, to remain available until September 30, 1996; $119,200,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1996; and $37,500,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1994.

(RESCISSION)

Of the funds provided under this heading in Public Law 102-388, $20,000,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $22,100,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $5,940,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $548,774,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $64,000,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $22,500,000, to remain available until expended, of which $4,457,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92-75, as amended, $32,250,000, to be derived from the Boat Safety Account and to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, $4,568,219,000, of which $2,294,500,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That, of the funds available under this head, $2,000,000 shall be made available for the Mid-American Aviation Resource Consortium in Minnesota to operate an air traffic controller training program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard setting organization to assist in the development of aviation safety standards: *Provided further*, That no funds under this head may be used for the implementation, execution or enforcement of section 91.21 of title 14 of the Code of Federal Regulations pertaining to the use of portable electronic devices on aircraft: *Provided further*, That none of these funds shall be available for new applicants for the second career training program.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word. I do so for the purpose of calling attention to language at the bottom of page 11, line 25. The gentleman from Michigan has included language prohibiting enforcement of a provision of the Code of Federal Regulations concerning portable electronic devices on aircraft. There is no such FAA regulation.

This prohibition on use of electronic devices such as laptop computers and telephone aboard aircraft has been a matter of concern by pilots who have noticed fluctuations in their cockpit instruments, and have raised this issue with the FAA, which has undertaken a study of the issue. And our Subcommittee on Aviation has requested the FAA to pursue the study in some considerable depth, and to report to the committee on its findings when it has concluded a comprehensive assessment of the issue.

But the gentleman, I understand, is attempting to get at the issue, but it is an individual airline-by-airline action, not a Federal regulation, not a Federal aviation regulation. And whether in some respects this action by airlines may be an attempt for commercial purposes to prohibit use of portable electronic devices such as telephones so that, as some have alleged, airlines can force passengers to use their own onboard telephones, I am not prepared to address.

☐ 1450

But I appreciate the gentleman's concern about this matter. I just wanted to point out that aim has been taken at the wrong target; it is the airlines, not the FAA, it is not a Federal regulation.

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Michigan.

Mr. CARR of Michigan. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for bringing this to the attention of the floor. I had not intended to do that. The gentleman gives a good opportunity here to discuss the issue. The gentleman is, I think, fundamentally correct, but let me flesh it out a little bit.

This section was passed by the FAA, I believe, in the early 1960's. It was passed at a time when portable devices in planes were tube-type or first-generation transistors, electronics which did not have the integrity that the electronics do today. They were also at a time when the avionics of an airplane were frequently tube or first-generation transistors, and there was a concern.

This section empowers the airlines to do what they are doing today. And it is our intent to focus attention that this section is not up to date, does not contain the best technical advice, was never intended to be applied to today's situation. That is the testimony of the FAA people to myself as I have inquired about this.

We seek here to remove that authority to the airlines to do that. As the gentleman pointed out, in our appropriations bill 3 years ago we provided money for the test the gentleman is talking about, and they have yet to take that test and to complete it. We urged them to do so.

I know the gentleman has a keen interest and has had testimony before this subcommittee, and I look forward to cooperating with the gentleman on it.

Mr. OBERSTAR. Mr. Chairman, we have asked the FAA to give a complete formal report to our committee, and we would be glad to share it with the gentleman when it is done.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized by the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,142,000,000, of which $1,945,500,000 shall remain available until September 30, 1996, and of which $196,500,000 shall remain available until September 30, 1995: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $240,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs under the Airport and Airway Improvement Act of 1982, as amended, and under other law authorizing such obligations, $2,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of $1,500,000,000 in fiscal year 1994 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended: *Provided further*, That none of the funds in this Act shall be available for planning, approving, or administering new airport letters of intent signed after the date of enactment of this Act.

AMENDMENT OFFERED BY MR. CLEMENT

Mr. CLEMENT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLEMENT: On page 14, line 9, strike the colon and all that follows through "Act" on line 13.

Mr. CLEMENT. Mr. Chairman, why are we more interested in keeping businesses and local governments from doing business, creating jobs, and creating economic opportunity?

Why are we more interested in hurting our Nation with more rules, more regulations, and more prohibitions?

Congress and the Federal Government should be looking to encourage economic activity. We should be encouraging airports, which generate enormous economic growth to expand and improve their capacity.

Congress should be done more, not less, to help communities grow and to create businesses opportunities.

Regrettably, the bill before us contains a detrimental provision intended to strangle airports, strange communities, and strangle opportunity.

Mr. Chairman, airports at a number of cities across the country have been able to grow and expand and generate economic activities for their citizens using letters of intent.

But other airports will be denied these same opportunities because of the language in the bill.

Rather than encourage growth, the Appropriations Committee has decided to stifle it.

Mr. Chairman, it's time to stop Congress' heavy-handed treatment. It's time to end unnecessary restrictions and prohibitions. It's time to strike this prohibition which would bar the Federal Aviation Administration from using a cost-effective and creative means of assisting airports to expand and generate economic growth in their community.

Since its inception, letters of intent have provided certainty and continuity to airports and the FAA as they try to meet the increasing demands placed on our air travel system.

Because the flow of funds from the airport trust fund is insufficient and unpredictable, airports and the FAA sign letters of intent by which the Federal Government pledges future years' disbursements for airport construction projects.

Using these letters of intent, airport operators are able to go immediately to the capital markets and float bonds to finance the costs of constructing airport improvement projects. Under letters of intent, the FAA reimburses airports at a later date.

The projects financed with letters of intent meet the same eligibility requirements as projects financed with direct grants. The question is not over merit or eligibility of these projects. They are all paid for out of the aviation trust fund. The question is one of the timing of the receipt of Federal funds. By permitting airport operators to go to the capital markets, airports can undertake construction immediately. The alternative under the direct grant program for an airport operator to await receipt of the total amount necessary for a project, or to bid parts of the project as grants are made. In both cases, the overall costs of construction is greater than under LOI's.

These letters have stretched scarce aviation trust fund dollars. They are supported by the airport community and the Public Works Committee because they are efficient financing mechanisms and save costs otherwise resulting from delay.

If letters of intent are barred, much needed airport projects will be delayed, overall project coasts and costs to the airport trust fund will increase, and our local and regional economies slowed.

Mr. Chairman, we also need to reverse Congress' increasing appetite to micromanage. We need to break down barriers, not create them. We need to have confidence in our department and agency administrators.

The language contained in this bill is an inappropriate and unwarranted change of a cost-effective policy. It is opposed by the Department of Transportation. Indeed, Transportation Secretary Peña has said that he would like the Department to continue to have discretion in administering this program.

The prohibition is also opposed by the American Association of Airport Executives. And it is opposed by airports and community leaders looking to generate economic growth.

I urge that this language be deleted. Let us encourage creative ways to improve communities and create jobs.

Let us continue to allow airports and the FAA the flexibility to plan for and to finance airport improvements with letters of intent.

Let us end the heavy-handedness of the Federal Government more interested in strangling opportunity than in creating it.

This is a good move, and that is why it is very necessary for all of us to support this amendment, which would be very beneficial to all concerned. It just comes down to basic common sense and good judgment.

Mr. CARR of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I reluctantly oppose my good friend, the gentleman from Tennessee. He accuses me of trying to strangle airports. I assure you there have been occasions when I would like to strangle some of my colleagues; I have never wanted to strangle an airport.

The fact is, Mr. Chairman, that under the funding levels of this bill, approximately 70 percent of FAA's discretionary funds will be set aside for existing letters of intent. Because of the rapid growth of letters of intent in past years, the FAA has very little discretionary funding left. This Congress has even less because what happens, Mr. Chairman, is that there is a tendency on the part of the executive for the purpose of their own reelection campaign, to go out and grant letters of intent to key areas of the country on the election campaign trail, to promise them some kind of permanent victory in the future. What letters of intent do is bind future administrations, they bind future Congresses, they give us less discretion. Those who are concerned about the budget deficit say that one of the reforms we ought to have in the Congress is to have more discretion here in making funding decisions.

□ 1500

We have made entitlements of so many programs and many of them are out of control. Letters of intent amount to nothing more than case-by-case entitlements. We are seeking to curb them.

We do nothing to affect existing letters of intent in the pipeline. We are going to have to live with them. We are going to have to live with those decisions of prior FAA Administrators for whatever reason, but what we are trying to do is return more discretion to the FAA and the Congress so that some of the smaller airports that do not have lobbying clout at the FAA, that cannot press their case for an LOI might have a better chance at getting some of these funds.

If we allow new LOI's to be added to those already in effect, the entire program is basically put on autopilot, with no flexibility for the FAA to award grants based on changing needs.

This may be good for a few airports that get their funding locked in with an LOI, but it is really bad for the majority, for the great majority of airports in the country, which would find the well dry when their needs, need to be addressed.

This provision allows the administration and the FAA more discretion in their ability to award airport grants where they are needed on an annual basis and not simply because somebody somewhere issued a letter of intent for something.

I have heard the question raised that since the FAA is not required to sign letters of intent today, why should we prohibit them from signing new ones? The reality is that there is great pressure on the FAA to sign these multiyear letters-of-intent agreements.

Perhaps they have not been as firm as they could have been in saying no to airports. I know how difficult it is to say no to people, believe you me. After this year, I know that. But saying yes too many times to too many airports has led the FAA to the problem that we have today.

Now, we have heard the statement of LOI supporters that these agreements save money. I can tell you that I have seen no evidence, and we have asked this question, we have seen no evidence that LOI's can save the Federal Government money, even though the procedure has been in place since 1987. If significant savings exist, I am certain that we would have heard about them by now. I am also sure that the FAA would have documented these savings, but they have said nothing.

I have also heard the argument that since these projects are eligible for funding, we should allow them to be funded on a multiyear basis without having to wait for future appropriations, that the projects would be delayed if we waited for annual appropriations.

This is very dangerous thinking, Mr. Chairman. There is virtually an unlimited number of projects, good projects around the country, which could be funded. If we did not have to worry about the annual budget constraints or the budget deficit or LOI's, we could accelerate needed medical research, low-income housing projects, and a whole host of other things, but we have to prioritize.

Now, the gentleman has also said this gives funding certainty. We have asked people on Wall Street, we have spent a lot of time this year with investment bankers and investment counselors in the public sector.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. CARR of Michigan was allowed to proceed for 3 additional minutes.)

Mr. CARR of Michigan. Mr. Chairman, they have said that they do not pay attention to LOI's because ultimately the funding is not certain. Appropriations can dip below the LOI requirement, so they do not count that for their bond ratings.

Mr. Chairman, I would like to summarize and say that this amendment would tie our hands in future years. It would hinder our ability to reduce the deficit. It contains discretion in the FAA, in the Department of Transportation and in the Congress, and we should leave our options open.

Mr. Chairman, I urge defeat of the amendment.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we are only talking about a moratorium here for 1 year. I think it is important to the body and to those who are watching back in their offices to understand, that the use of letters of intent, or LOI's, has grown so rapidly that the resources are almost entirely designated to a few airports, perhaps mostly the airports that all of you do not represent.

Just to give you an example, beginning in fiscal year 1990, letters of intent consumed only 8 percent of the discretionary resources. Today letters of intent use 75 percent. In 3 years, from 8 to 75 percent.

A "Dear Colleague" letter was circulated warning that a number of airports might be hurt by the provision in the bill. The information that the FAA gives us is that this is not true, because there is virtually no money left for new letters of intent. If you voted for the budget deficit reduction package because we had to do something for the deficit, you just cannot give letters of intent if there is no money there.

Last, under our bill, the FAA would have had $191 million of discretionary funding. At $173.1 million, 90 percent is already set aside for LOI's. Therefore, only $18.6 million is available for new ones, and we have a waiting list of $164 million.

Let me just also say, the gentleman from Tennessee should know that Tennessee has the largest letter of intent pending from his own State, which is $68.7 million. I mean, it would take everything. There would be no money left for anything else. It would just go to that one airport down in Tennessee, so anybody in Alabama, Mississippi, Pennsylvania, Massachusetts, California, New York, where would they go? There would be nothing left.

So if we had more money and you could just print it up, you could give these letters of intent out to everyone and everyone would feel good.

What the committee tried to do and the chairman tried to do is the responsible thing. It is what you do in your own budget. You say, "Hold off. We have spent enough. We are going to stop and we are going to examine where we are. It is a 1-year moratorium."

So I understand, I sympathize with the gentleman from Tennessee, but a 1-year moratorium gives the Congress and the FAA the ability to get hold of things. Otherwise, this program will be out of control.

Mr. Chairman, I just urge Members to oppose this amendment and support the committee with regard to the 1-year moratorium where we can get control of the costs.

Mr. MINETA. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Tennessee.

Mr. Chairman, I rise in strong support of the amendment by our colleague from Tennessee [Mr. CLEMENT].

The bill prohibits new letters of intent from being issued in the Airport Improvement Program. Letters of intent are long range commitments to airports that better enable long range airport development planning. Letters of intent also make the overall program more cost effective because of better, long range planning and prioritization. This aspect of the Airport Program makes good sense and should be continued. There is no indication that the FAA will overcommit if funding is reduced.

We have heard calls to make the Government more responsive to its customers. This amendment does this, and I urge its adoption.

Now, there have been a couple comments made about the fact this is only for 1 year. The problem is that the consequence of a 1-year prohibition is really in effect long term. Disbursements under letters of intent occur in the fiscal year following the fiscal year in which the letter of intent is signed. So therefore, letters of intent that could have been signed in the fiscal year 1994, the year of the committee's prohibition, but which are not signed until fiscal year 1995, would not receive their first dollar of Federal money until fiscal year 1996. So this really is not a 1-year moratorium. This really becomes a much longer term issue.

Now, there has been a comment also made about the fact that the letters of intent are consuming a larger amount of the FAA discretionary resources.

The facts are that if this is the case, then it is really the subcommittee's own doing. The Subcommittee on Transportation of the Committee on Appropriations decreased the obligation ceiling from $1.8 billion to $1.5 billion.

Now, the consequence was that the LOI's as a percentage of the FAA discretionary resources went from 36 percent in fiscal year 1993 to 75 percent in 1994.

Now, in actual dollar amounts, however, letters of intent payments between fiscal year 1993 and that expected to be made in fiscal year 1994 only went from $139 million to $179 million, or 28 percent.

So the House should not preclude the issuance of LOI's, inasmuch as the Senate Transportation and Appropriations Subcommittee has a higher level of spending authority than the House counterpart. It is expected that the Senate subcommittee will appropriate $1.7 to $1.8 billion for FAA grants and aid, thus keeping LOI's as a percentage of total grants and aid at a level much closer to those of the past years, and, therefore, I urge the adoption of this amendment.

□ 1510

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Tennessee [Mr. CLEMENT] concerning the letters of intent. I think the gentleman from California [Mr. MINETA] and the gentleman from Tennessee [Mr. CLEMENT] have both explained very well the purpose of letters of intent, which is to expedite the construction of capacity expanding airport projects, major projects, that in addition to the entitlement funds which airports use for runway expansion, and taxiway and other hard side improvements, that discretionary funds allow them to move a little faster on a larger sized project on a discretionary basis that the FAA has used with some very careful thought over the years since they were first permitted letters of intent in 1987. Since that time, very judiciously, the FAA has authorized only 40 such letters of intent that have supported airport construction in the amount of over $2 billion. Those projects could not have been undertaken without the assurance of a dedicated revenue stream that the airport authority could count on.

The gentleman from Virginia has raised objections. The gentleman very well knows that the reasons that the airport authority for National and Dulles was created was so that it would not have to depend year to year on appropriated funds from the Congress to build facilities out of federally controlled and owned operated airports, and so it was semiprivatized so that it, too, would have a bond issue capability that it could depend upon from year to year and not have to worry about running out of money in the midst of a major project. The same thing for other airports around the country.

I want to make it very clear, Mr. Chairman, that these letters of intent have been targeted only to those airports that are significant to the national aviation air space system, that enhance and expand capacity and that are revenue savers, and I say:

> If you have to segment a major multimillion-dollar airport project into little pieces, each of the little pieces is going to cost significantly more than the whole.

Now the committee says, and Members got up to say, that the letters of intent, as a percent of discretionary funds, go up to over 70 percent of the total discretionary funds committed under the LOI. They do not say that the reason the percentage creeps upward is that they cut the discretionary funds in this bill. The administration's request for airport and airways improvement was $1.8 billion. The committee cut a hundred million of that, shifted it over to highways and transit, and then turns around and says:

> Oh, no. Look, fellows, if you continue with letters of intent, look how much of the discretionary fund it's going to chew up. On an average the discretionary fund is around 150 to 175 million of the $1.8 billion that we would have had. It's about 10 percent. But if you chop $300 million, obviously you squeeze down the discretionary pot. If you left the $300 million, then you would have a discretionary fund of somewhere around $450 to $475 million, and letters of intent would be in the range of less than a third of that discretionary fund.

So, do not blame letters of intent for an action that the committee itself has taken to reduce the amount of money for airport improvements.

As my colleagues know, I say the LOI process has been very judiciously used by FAA. It has been very restrained, very cautiously used, and has operated to enhance capacity at key airports and is a process that ought to be retained. If we did not have obligational authority, the highway program, highways, would cost four or five times what they do, but because highway authorities can count on those dollar amounts coming year after year, we can segment projects and get better return on our investment.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, it has been suggested here that this provision of the bill would provide more discretion, more flexibility, to the FAA. It seems to me it actually provides less because it takes away a tool which they have used very effectively to save money, to get more bang for the buck. In other words, we have been able to do more very vitally needed airport projects because of the fact they have the letters of intent where they can frontload.

Mr. OBERSTAR. Mr. Chairman, the gentleman from Pennsylvania [Mr. CLINGER] has stated another facet very well.

Mr. CARR of Michigan. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CARR of Michigan. Mr. Chairman, just a few comments.

I think what we are seeing in the very excellent presentation of the gentleman from Minnesota [Mr. OBERSTAR] and our committee is essentially two committees coming at the problem from a different point of view. We would love nothing better than to give top dollar to every account, and we would have loved to give top dollar to the airport improvement program.

We have a problem that the Committee on Public Works and Transportation does not have. We get scored with outlays. We have an outlay problem, and this gets pretty arcane for those listening who may not be tuned into the intricacies of Federal budgeting. But we have only three or four accounts, I would tell the gentleman from Minnesota, which are high outlay rate accounts: Coast Guard operating expenses, FAA operations including air traffic control, and transit operating subsidies. In the outyears, if we get into an outlay problem, the only way we can solve that problem is to go to accounts like these. I am sure that the gentleman would not want us to cut back on air traffic control. I do not think the gentleman wants us to further restrict transit operating expenses, as we had to do this year and we did not want to, or further restrict Coast Guard operating expenses.

We just had a long dialog with the gentleman from Florida, the gentleman from Georgia, and the gentleman from Louisiana among others. The only way our committee can manage these resources is not only just budgeting this year, but looking down the road, and that is why we for 1 year only reduced the AIP program to reduce our outlay congestion 2 or 3 years from now. That is the main reason we did that.

So, Mr. Chairman, the gentleman is correct in identifying some of the linkage between the LOI limitation and the overall amount, but it was not that we were mean-spirited. We have serious fiscal problems from year to year, and we are trying to be as fair as possible to everybody. We believe that the LOI's plus the slow outlay rate of AIP gives us future year problems, and that is what we are trying to solve, and we would surely appreciate the gentleman's help.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. CARR of Michigan. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I would have been happy to yield to the gentleman if I had had the time under my discussion, but 3 years ago our authorizing subcommittee entered into an understanding with the Subcommittee on Transportation to remove the trigger on AIP and operations account that prohibited, and I will not go into the details, but that created again a logjam, as the gentleman just described, over operations, and AIP funding under which the gentleman's predecessor, Chairman LEHMAN, we agreed to remove the trigger to increase the amount of funding that would come out of a trust fund for operations to 75 percent in exchange for an agreed upon amount of increase in the AIP program.

□ 1520

We have lived up to that. We took that language out with great debate within the aviation community and the airport community, and we have stuck with it. Those amounts out of trust fund into operations account have grown, as we said they should.

So there is another dimension to the point that the gentleman has raised. I understand the gentleman has a different problem. The gentleman has to deal with the Coast Guard, highways, and automobiles. We are dealing only with the aviation trust fund. We thought we had an agreement that would keep those dollar amounts going up, and that would also accommodate letters-of-intent provisions that have been beneficial for airport development.

Mr. CARR of Michigan. Mr. Chairman, reclaiming my time, I would also note in a similar fashion with Chairman TAUZIN that the gentleman's committee has passed out an authorization bill. The funds that we have in this bill are technically unauthorized again. Again, there is a little disagreement over picking and choosing what rule XXI problem you want, but we do appreciate the gentleman allowing us to proceed with the appropriation, even though his own process is not completed.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, this amendment will strike provisions of the bill which prohibit the FAA from issuing letters-of-intent to help finance airport improvement projects.

Continuation of the FAA's letters-of-intent program is necessary to provide the sure knowledge to airports that the FAA will participate over a multiyear period in major airport construction programs.

Because of the need to raise funds in order to finance construction, bonds must often be issued. An FAA letter-of-intent demonstrates Federal commitment to the project, and in so doing assures the bond community that their funding has the support of the FAA. Therefore, FAA letters of intent help decrease the cost of airport construction.

There is a significant need for more airport development funding in order to prevent a significant deterioration in the ability of our airport system to move air traffic efficiently.

According to the latest FAA survey, more than 23 of this Nation's major airports are unacceptably congested. Additionally, the FAA predicts that passenger enplanements will increase by 60 percent by the year 2004. Simply put, the airport capacity of today will not meet the transportation demands of tomorrow.

Airport congestion costs our economy billions of dollars a year in lost productivity. Unless we work to increase airport capacity, the number of airports with unacceptable delays will continue to grow. Airport construction will not proceed efficiently if the FAA is not permitted to offer letters of intent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. CLEMENT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CLEMENT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 317, noes 117, not voting 4, as follows:

[Roll No. 448]

AYES—317

Abercrombie
Ackerman
Allard
Andrews (ME)
Applegate
Bacchus (FL)
Baker (CA)
Ballenger
Barca
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Berman
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bunning
Buyer
Byrne
Callahan
Calvert
Cantwell
Cardin
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Collins (GA)
Collins (IL)
Combest
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
de Lugo (VI)
DeFazio
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fields (LA)
Fingerhut
Fish
Flake
Fowler
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Herger
Hilliard
Hinchey
Hoagland
Hoekstra
Holden
Horn
Houghton
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson, E.B.
Johnston
Kanjorski
Kasich
Kennelly
Kim
King
Kingston
Kleczka
Klug
Kolbe
Kopetski
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Lloyd
Machtley
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
McCandless
McCollum
McCurdy
McDermott
McHale
McHugh
McInnis

McKeon
McKinney
McMillan
McNulty
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Montgomery
Moorhead
Morella
Murphy
Nadler
Neal (MA)
Norton (DC)
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rowland
Roybal-Allard
Royce
Rush
Sangmeister
Santorum
Sarpalius
Sawyer
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wise
Woolsey
Wyden
Young (AK)
Young (FL)

NOES—117

Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (LA)
Barcia
Barlow
Bentley
Bereuter
Bevill
Bonilla
Bonior
Boucher
Brown (OH)
Bryant
Burton
Camp
Canady
Carr
Chapman
Coleman
Condit
Coyne
Darden
Deal
DeLauro
DeLay
Dingell
Dixon
Durbin
Fawell
Fazio
Fields (TX)
Filner
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Gallo
Gonzalez
Grandy
Green
Greenwood
Hall (OH)
Hefley
Hefner
Hobson
Hochbrueckner
Hoke
Hoyer
Huffington
Istook
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kennedy
Kildee
Klein
Klink
Knollenberg
Kreidler
Levin
Lightfoot
Livingston
Long
Lowey
Mann
Matsui
Mazzoli
McCloskey
McCrery
McDade
Meehan
Meek
Minge
Mollohan
Moran
Murtha
Myers
Natcher
Neal (NC)
Nussle
Obey
Packard
Pastor
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Price (NC)
Regula
Rostenkowski
Roth
Roukema
Sabo
Sanders
Saxton
Sharp
Shays
Smith (IA)
Stokes
Stupak
Taylor (MS)
Taylor (NC)
Torres
Visclosky
Washington
Whitten
Wilson
Wolf
Wynn
Yates
Zeliff
Zimmer

NOT VOTING—4

Collins (MI)
Conyers
Ford (TN)
Skelton

☐ 1542

Messrs. WILSON, MOLLOHAN, MATSUI, ZELIFF, KLINK, BEVILL, GONZALEZ, TAYLOR of Mississippi, CONDIT, PETERSON of Florida, and Ms. PELOSI changed their vote from "aye" to "no."

Mr. ALLARD and Mr. ROGERS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today I intend to support the fiscal year 1994 Transportation appropriations bill, because I know the chairman and his subcommittee have labored hard under difficult fiscal circumstances to craft the best possible bill for the Nation.

I will say that I am disappointed with the bill, however. I am particularly concerned with two important transportation projects that were left out of the bill entirely. It is my hope that in working with the Senate in conference these projects might get a second consideration, and the funds found to proceed.

MARC

The first project is modernization and expansion of the Maryland Rail Commuter Service. MARC is a tremendous mass transit success story. Ridership on the lines between Baltimore and Washington, and Washington and western Maryland has more than doubled in recent years. The only thing restricting further growth in ridership is the lack of railcars to carry the commuters, and limited parking at stations.

MARC has tried to make due with some of the oldest rolling stock in the Nation—and regular breakdowns have resulted. Most recently the system purchased 4 locomotives being retired by the Chicago Commuter System. This purchase finally allowed MARC to put 40-year-old self-propelled cars that often caught fire into reserve service. As I ride the system regularly, I can assure my colleagues that MARC is pushing the natural life of every piece of equipment it has.

Parking is also a huge problem. Today the lot at the BWI Airport station is regularly filled by 6:30 a.m. and commuters arriving later must walk half a mile. I hear about this problem each day as Laura Gamble, a member of my staff, makes this hike as a part of her commute to Washington. MARC has hesitated to improve or expand parking, though, as they do not have seats to carry the additional ridership that would result.

Again from personal experience, MARC operates in a region where the roads are clogged and new commuters are joining the rush each day. We all hear the morning traffic reports with constant tieups on 270, 95, and the Baltimore-Washington Parkway. In addition, the entire region has severe air quality problems that require drastic action.

Putting more and better rolling stock on the MARC lines, increasing the reliability of locomotives, and adding parking are the easiest and most direct means to address the congestion on our roads and the pollution of our air. This is the top priority of the Maryland Department of Transportation and I cannot imagine another transit project where small investments would lead directly to such large benefits. Yet, no funds were included in this bill to fulfill the $160 million ISTEA authorization for MARC.

MAGLEV

A second issue of great concern is the lack of any funding for initial development of a maglev train prototype. Many picture these trains as a Buck Rogers, space age dream. They are not. Maglev is ready for prototype development—building on the leading American R&D efforts of firms such as Westinghouse, Grumman, and Bechtel. As these names suggest, maglev is one of the most promising fields for defense conversion. Maglev promises safe, low-cost, energy-efficient, high-speed transportation as never before seen in this Nation.

The administration requested $28 million in fiscal year 1994 to fund the first phase of the maglev prototype authorized under ISTEA. In 1991, the Congressional Office of Technology Assessment, in a report on the viability of a U.S. maglev program, concluded:

> If improved mobility, new transportation alternatives using U.S. technology, and international competitiveness are the goals, then Federal demonstration and implementation programs must be established.

Even more recently the Army Corps of Engineers, following a thorough, critical review of maglev found that:

> * * * Potential economic and public benefits from the U.S. based system are sufficient to justify initiation of phase 1 of a prototype development program.

It is my fear that if we do not act now to begin a consistent, multi-year funding program for a maglev prototype, the United States will suffer, yet again, as another American-invented technology is commercially exploited by foreign competitors.

In voting for the bill today, I hope that as the subcommittee takes this bill to conference, the merits of both the MARC expansion and a maglev prototype will be reconsidered and the necessary funding found for these efforts.

☐ 1550

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under title XIII of the Federal Aviation Act of 1958.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take time at this moment, at the appropriate point in the bill, to refer to language in the accompanying committee report on page 66 which purports to direct the Federal Aviation Administration to make airport improvements grants in the amount of approximately $10 million each for three specifically mentioned projects. This practice of place naming, though not in the bill but in the committee report, is undesirable on policy grounds, and I take this time to insist that the FAA not consider it legally binding.

From the earliest days of the AIP Program there have been attempts by various Members to influence both the authorizing and appropriating committees to designate funds for specific projects in the FAA program. Those demands have been successfully resisted by both committees up until this year's action.

The FAA in the past has made very sound, objective decisions on which projects to fund using criteria in the AIP program. This year's appropriation committee attempts or would have the effect of ending a 20-year policy against place naming.

Three years ago, when we brought my first AIP authorization bill to the House floor, there were no references in the bill or in the committee report to any specific project. The bill that we will soon bring to the House floor again on that same subject follows that practice, no specific project references.

Elsewhere in the committee report I read with great interest a section entitled "Aviation Criteria" which I read to be a list of questions about airport projects, but no answers as to how these questions evolve or can be converted into standards or criteria. I am not expressing an opinion as to whether or not these three projects should be funded. In my judgment, the FAA will fund these three projects because they are important, they are necessary to the Nation's airspace system and to the growth of air traffic in this country. They are good projects. But there is a process within the FAA by which it will consider those projects and make its judgment independently without prodding or direction from the Appropriations Committee.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I thank the gentleman for yielding and just want to rise in support of the gentleman's comments, and stress the fact that in the history of our committee and the authorizing process we have deliberately stayed away from place naming and designating projects. And we are talking about flexibility, giving flexibility to the FAA to do this. This tends to encroach upon that flexibility, and it takes away that measure that we are all trying to get, which is more flexibility in the FAA to do so.

So I would strongly support the gentleman.

Mr. OBERSTAR. I appreciate the gentleman's support.

There is a publication of the GAO that states clearly the governing legal principle that "restrictions on a lump sum appropriation contained in legislative history are not legally binding on the department or agency unless they are carried into or specified in the appropriations act itself."

Mr. BORSKI. Mr. Chairman, will the gentleman yield for a question?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. BORSKI. Mr. Chairman, I understand that the gentleman from Minnesota is very concerned that certain airport projects are the subject of specific funding earmarks in the committee report accompanying H.R. 2490. Is the gentleman aware that the project to construct a third parallel runway at Philadelphia International Airport will increase capacity by 40 per cent and is thus tailor-made for funding under the Airport Improvement Program?

Mr. OBERSTAR. Yes, I am aware of that, and that is a splendid project. The Philadelphia airport expansion is important to the national airspace system. It will enhance capacity not only in Philadelphia but nationwide, and it is a classic airport improvement program candidate. It is the very kind of project that the FAA, using its independent judgment and criteria, already considered, I am confident, and will support.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. OBERSTAR] has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 30 additional seconds.)

Mr. OBERSTAR. I am happy to support the gentleman with the FAA in that request, but I just do not like to see specific references to specific projects either in the bill or the committee report. We are not going to do that in our bill. They ought not to do it in this one.

Mr. BORSKI. I thank the gentleman.

Mr. CARR of Michigan. Mr. chairman, I move to strike the last word.

Mr. Chairman, I was not going to say much, but I am constrained to defend the product of the committee.

We had extensive hearings for the first 3 months of the year, and we asked the administration to tell us how they made decisions about how they spent our taxpayers' money. We were pleasantly surprised to find out that the Federal Highway Administration not only has some excellent criteria but also has an excellent way of gathering data and creating a database.

We asked the Federal Transit Administration the same questions, and while in our judgments they were not quite up to snuff with what we would like to see in terms of economic-based investment criteria, they at least have some methodology, some measures. They collect data, they issue reports, and they make judgments based on economic merit. They prioritize projects. They can say which is a good cost-effective project and which is a low performer without regard to the property that is asking for the money.

The greatest disappointment we had was with the FAA Airport Improvement Program. While the FAA facilities and equipment activity did have some economic criteria, some investment criteria supporting their decisionmaking, the Airport Improvement Program had nothing. In fact, the acting Administrator said, "We don't have any. We don't do that. It's not our business, and we don't want to do it."

We think they ought to do it. We think it is good, sound management. We think it is a proper part of reinventing government. And we hope that the new Secretary of Transportation and the new FAA Administrator will try to implement some economic-based investment criteria in their judgment making.

I understand that my good friends from the Public Works and Transportation Committee have an undying, almost genetic affection for formulas and allocations, regardless of whether they happen to sift out in any rational economic investment sense. And we had hoped that the chairman of the committee would have required that the FAA develop some economic investment-based criteria in the reauthorization rather than just these scattered-gun approaches. It is like you are broadcasting grass seed across your lawn. You hope some of them will survive, germinate and actually prove useful. The fact of the matter is broadcast strategies in public dollars tend to waste a lot of money. We cannot do that anymore with our deficit.

So we had hearings. People came to us. We have our rigorous investment criteria. We will use it again. We will do an even better job because we are still learning. We would appreciate the comments of anybody who wants to help us learn and improve the process.

But out of our process these three projects stood out, and I do not think it is altogether clear that if we had not gone through that process and focused the attention on those three airport situations that the FAA would in fact have moved forward. I think they have some affection for those projects, but I do not think they had anywhere near the priority that they have today. So I think we have done the country a service.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). None of the funds in this Act shall be available for activities under this head the obligations for which are in excess of $9,970,000 during fiscal year 1994. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, including motor carrier safety program operations, and research of the Federal Highway Administration not to exceed $462,961,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed $166,460,000 of the amount provided herein shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities, and private sources, for training expenses incurred for non-Federal employees.

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, $10,000,000 to be derived from the Highway Trust Fund: *Provided*, That not to exceed $100,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $10,000,000 in fiscal year 1994 for "Highway-Related Safety Grants".

RAILROAD-HIGHWAY CROSSINGS PROJECTS

For necessary expenses of certain railroad-highway crossings projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, $12,828,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $17,198,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1994.

□ 1600

AMENDMENT OFFERED BY MR. MINETA

Mr. MINETA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MINETA: Page 17, line 19, strike "$17,198,000,000" and insert "$17,482,663,000".

Mr. MINETA. Mr. Chairman, as the Members of this House are well aware, the core of the dispute here has been $284 million in unauthorized funding which, under this bill, would not move through the normal highway program allocations to all the States, but would instead be directed to specific projects in a few States.

Under the bill 1 State would get a third of these funds, 40 States would receive less funding than if these same dollars were simply distributed through the basic highway program allocation enacted into law just 2 years ago, and 27 States would get none of these funds at all.

That is not fair to the people all over this country who pay gas taxes for the purpose of getting the road improvements they need. That is not fair to the people all over this country who have legitimate needs for highway improvements and highway safety projects.

The funding for these projects is not authorized. These projects have not even been considered in a public markup session in any committee. And they are in this bill contrary to the rules of the House. I don't find that acceptable, and most of the Members of this House don't find that acceptable.

As I have indicated to all the Members, I am striking all the unauthorized highway projects in this bill by points of order. The total funding involved is $284 million. And as I have committed to the Members of this House, I am offering this amendment to restore that amount to the basic highway program, simply by raising the obligation ceiling for Federal-aid highways and highway safety construction programs by the $284 million.

The result of my amendment would be that these funds, instead of being distributed to only a few States, would be distributed to all States.

This is the way to be fair to all who have paid the taxes, and to all who have highway needs. Forty States will do better under my amendment than they would under the earmarked projects in the bill. There can be no question but that my amendment will provide a fairer distribution of these tax dollars and will therefore reflect better on this institution.

I urge all Members to support my amendment.

Mr. CARR of Michigan. Mr. Chairman, I rise in opposition to the amendment.

I do so only to take a few minutes to talk about the nub of the controversy between our committees.

I will oppose this amendment. I will not call for a rollcall vote, and I hope that the other side will not either. I am under no illusion about how the vote will go. I think Members are anxious to move on. We have a few more things to do in this bill, and we need to conclude and, hopefully, conclude tonight in an expeditious fashion because we are going to have the President here and we are anxious to listen to him.

But I merely want to point out that the nub of the controversy here has to do with whether you like or you see shortcomings in the highway allocation formula in ISTEA. The chairman of the Committee on Public Works and Transportation has made the assertion, and many have joined him in the assertion, that somehow or other the formula in ISTEA is fair and therefore anything that tinkers with that formula or moves some of the money around is unfair and that what everybody ought to do is support his efforts to put money back into the formula because that will be more fair.

I would just ask the Members to give pause and examine this particular item that I am about to read. If ISTEA formulas are fair, then why does the State of Massachusetts, which ranks 13th in population, 10th in road miles, and 16th in vehicle miles traveled, rank 2d in the amount of formula money under ISTEA? If you are from Massachusetts, you are getting a real good deal, and I can appreciate why you would want to reallocate everything back that you could into the ISTEA formula.

Consider my own State of Michigan: Michigan is the 8th largest State by population, has the 7th longest system of roads, is 8th in the amount of motor vehicle miles traveled, and yet the State of Michigan gets the 11th ranking, we rank 11th in ISTEA funding. From our State's point of view, that is not very fair. Putting money back into the ISTEA formula is to give an advantage to those communities that have already, by virtue of their own political expertise, locked in their advantage for a full 6 years.

Some of our States have needs too. That is a little bit of what this argument between the committees is about.

The other thing is that, without regard to the sincerity and the hard work of the members of the Committee on Public Works and Transportation, when they examined the legislation 3 years ago they saw an America that has changed since that time. We now have Members coming to us who have been elected since ISTEA was originally passed, saying, "We have got a bridge that is falling down, we have population movement that we couldn't foresee. We even have," and get this, "we even have a cost increase or a need to accelerate a project which was in fact authorized in ISTEA but for which ISTEA didn't give us enough money. Would you, on your Appropriations Committee, give us enough money to complete our project or to accelerate our projects?" So, as the gentleman from Tennessee said on a different issue, "The community could spend its money more wisely and in a more economically efficient manner."

But it seems to me that, rather than allow good policy to take place for the benefit of the customers and the users and the owners of this Government, we get hung up in rules which were designed in another time to solve another problem to try to fence off little jurisdictions between our committees. And that is really where we are—that is the nub of the argument.

We believe the Committee on Public Works and Transportation has an awesome responsibility. We honor their work. They set in motion an architecture which will last for a long number of years.

On the other hand, we all know that situations change. We live in a changing world. There are changing patterns, and nothing changes faster than transportation. So the Committee on Appropriations has tried, knowing that we would exercise an extraordinary procedure, to do something that make sense. We have accepted standards which the Committee on Public Works and Transportation did not accept when they put their projects together. So we thought we would get the approval of the Public Works Committee and some partnership with them in continuing this.

So I oppose the amendment. Again I will not be very vigorous about this. I know that the membership wants to move on.

□ 1610

Mr. SHUSTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the distinguished chairman of the Committee on Public Works and Transportation.

This amendment simply says that the funds which were put in the highway trust fund will be distributed by the formula that was agreed upon by the Congress to the various States; so every State becomes a multimillion-dollar winner if we adopt this amendment.

I would also say to my good friend, the gentleman from Michigan, that I agree with him that things change and, indeed, I think we on the Public Works and Transportation Committee are going to have to find a way to be more responsive to the changes that he refers to.

Up until 1978, the surface transportation legislation that we dealt with was dealt with on a 2-year basis. Then we went to the longer, the 5-year, the 6-year basis.

I believe our committee should reconsider going back to the 2-year legislation in the future and this Member will certainly be exploring that possibility, because I think it gives us the opportunity to address the very real problems that the distinguished gentleman from Michigan has referred to here.

I would also point out in reference to the formula and Massachusetts appearing to be such a great winner under the formula, that the reason Massachusetts under ISTEA got the money that it got was not because of its position relative to the percentage formula of distribution, but rather because this Congress has said time and time again that the Interstate System should be completed and the funds required to complete it should be provided. Massachusetts was one of the last States to complete the Interstate System, and therefore the reason Massachusetts got so much money in ISTEA was not because of the percentage formulas in the various categories, but rather because Massachusetts finally was going to complete the interstate, and so they got a big slug of money at the tail end, whereas many of our States, Michigan, Pennsylvania, and other States, got much more money for interstate completion on the front end.

If you take away the cost to complete the interstate, Massachusetts not only would not be second in the funds, but simply applying the various percentage formulas in the various categories, primary, secondary, et cetera, Massachusetts would have been way down.

Indeed, once the interstate is completed, Massachusetts will fall down somewhere in the middle.

So I think referring to the funds they received in ISTEA really does not totally present the whole picture.

For all those reasons, I think we have work to do on the Public Works and Transportation Committee, and I certainly intend to try to be helpful in making us more responsive in terms of compressing the time.

Mr. Chairman, I urge my colleagues to support the amendment of the gentleman from California. It makes every State a multimillion-dollar winner.

Mr. COLEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, like the chairman of my subcommittee, I did not plan to speak on this issue, either, but it is interesting to me to hear our colleagues all of a sudden decide they have nearly $300 million and they want to spend it. Interesting. How quickly we forget.

If we are going to take the $284 million—is that the number? I think that is the number that the gentleman from California [Mr. MINETA] is talking about, the amendment of the gentleman from Tennessee [Mr. CLEMENT] that passed recently, as you know, argued about the letters of intent. We rejected the idea we would not inhibit those.

I suppose now we really have a serious outlay problem. I am very concerned about that as a member of the Appropriations Committee and would only suggest that perhaps we ought not to put the $300 million in. Let them go ahead and strike, if he is successful in striking the project to spend $284 million, rather than $300 million, and save the money.

You know, we are not talking about peanuts here. It is interesting to me to hear people all of a sudden decide that, well, we are the Public Works Committee, we will spend the $300 million, not worrying about outlay problems and budgetary requirements, restrictions in the Budget Act, and by the way, members of the Public Works Committee also voted for or against earlier this year.

It seems to me that perhaps passing this particular amendment would be a grand mistake.

I would hope that for reasons of complying with the Budget Act that we save the $300 million. Let us do that instead.

Mr. RAHALL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the distinguished gentleman from Michigan, the chairman of the Subcommittee on Transportation of the Committee on Appropriations, has put a great deal of commendable work into this legislation and into transportation policy.

The distinguished gentleman from California, my chairman of the Committee on Public Works and Transportation, is to be most strongly commended for his patience, for his tenacity, and for his attention to the legislative process. That is the issue today.

Chairman MINETA has fully explained his effort to restore the $284 million to the States in funding that would have gone to the projects that are points of order on this bill. Forty-one States will gain additional funding from Chairman MINETA's amendment.

Chairman CARR has mentioned the fact that things have changed since ISTEA. I totally agree with him in that observation; but the insinuation is that the Committee on Public Works and Transportation has been idle since passage of ISTEA. Nothing could be further from the truth.

We held 5 days of extensive oversight hearings this year on the implementation of ISTEA. We have heard from transportation officials and groups across the country as to whether or not and what parts of ISTEA are working most effectively and whether a correction bill should be in order. Will a technical correction bill be in order? Yes.

Will the Committee on Public Works and Transportation undertake such an effort? Yes. We will be undertaking such an effort.

I remind the gentleman from Michigan that we undertook such an effort last year and passed a technical corrections bill out of this House, only to see it fall by the wayside in the other body.

So it is not like we are sitting idle and not undertaking responsibilities to examine changes that have occurred since ISTEA was implemented.

In addition to oversight on ISTEA, we have had a number of other issues on our agenda this year. Now that perhaps staff attention and the Members' attention can be diverted back to the technical corrections, we can move even more quickly after passage of this Transportation appropriations bill.

Looking down the road, under ISTEA we have a requirement that an estimated 155,000 mileage system be submitted to Congress by the 18th of December of this year by the Secretary. This will be a followup to the post-Interstate System. This system of highways will be known as NHS, National Highway System.

Congress must act on this highway system by September of 1995, or all interstate maintenance funding would be cut off to the States.

So that will be a major vehicle for us not only to look at what we have done in ISTEA, but to look at overall transportation policy.

ISTEA is a complex bill. It is truly an Intermodal Surface Transportation Efficiency Act, and as such we cannot rush quickly into changes, but rather time is needed to see that it is working, to see what parts may need change.

To our Members, to our new Members especially who have been elected since the implementation of ISTEA, I say we are listening to you and we hear the changes that need to be made, especially in your respective districts. It is not like we are throwing those comments out, going in one ear and out the other. We are listening and we are going to take your concerns into consideration. When we do, perhaps maybe not in a technical corrections bill, it will be when we enact the National Highway System, the next major highway bill to go through this body.

So again, Mr. Chairman, I urge adoption of Chairman MINETA's amendment. I say to my colleagues, this is about process. This Member, as chairman of the Surface Transportation Subcommittee is certainly not against demonstration projects. That is not what I am up here arguing with the appropriators about, but it is about the process and it is about whether projects are authorized or not, whether they have received the proper congressional scrutiny. That is what this whole exercise is all about.

Mr. Chairman, I urge adoption of the amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment before us anticipates the striking of the highway projects in the Transportation Appropriations bill. A great deal has been said about the process by which those projects were proposed and approved. I want to talk about that for just a few minutes, because there has been a good deal of misunderstanding about exactly what the Subcommittee on Transportation did.

As a matter of fact, these projects have been extensively reviewed, much more extensively, much more carefully this year than in previous years. Our subcommittee took testimony from Members about the projects. Members had to provide economic criteria for their projects to make certain that each project was a sound investment.

Now the Intermodal Surface Transportation Efficiency Act, with its contract authority for hundreds of demonstration projects: that was a 6-year authorization, and the question is: What if a pressing need appears after that bill is passed? The answer until this year has been that our subcommittee, the Transportation Appropriation Subcommittee, was free to respond.

One of the two North Carolina projects in the bill, for example, the Neuse River Bridge, has deteriorated rapidly over the last 2 years and has a sufficiency rating of 5 on a scale of 50. Our subcommittee is trying to help North Carolina begin that $70 million project.

Now my colleagues might say, "Well, why doesn't North Carolina just apply for discretionary bridge funds?" The answer is that the authorizing committee has decided to treat donor States with bridge problems unfairly. Any minimum allocation State that receives discretionary bridge funds has those funds subtracted from their minimum allocation for the next year.

It is that simple. It is a zero-sum game. With that kind of provision, the authorizers are thumbing their noses at the donor States saying, "If you have bridge needs, you can just wait until we get around to a new authorization bill."

Mr. Chairman, this is unfair to donor States like North Carolina, and Texas, and California, and Michigan, and Florida, and Indiana, to name just a few.

Now how is it that the Committee on Public Works and Transportation authorizes projects? Let us talk about that for a minute. It is a unique arrangement, and I think it is a troubling arrangement.

When the Committee on Public Works and Transportation authorizes a project, it provides contract authority for it also. They talk a lot about authorizing on appropriations bills. Well, let us talk about appropriating on authorization bills! In simple terms, these highway demos, all $6 billion of them, are authorized and appropriated from the start, one fell swoop. The Appropriations Committee has no way to review these projects and make adjustments due to fiscal constraints or problems with the projects.

Let us say a project runs into an environmental problem, for example. They will have their money sitting there unobligated for years.

I ask, "Why shouldn't you make adjustments in the funding level to meet changing circumstances?" Often we might want to reduce funding. In this bill, for example, we brought in $64 million in rescissions for moribund projects, and our friends have stricken that on a point of order. They do not want to face that problem, and they do not want the Appropriations Subcommittee to face it either.

In other instances, Mr. Chairman, we might want to increase spending because of a project's urgency, but we are not allowed to. So the money just sits there while our roads remain unbuilt and our employment rate remains unacceptably high. It is simply bad financial management, this Public Works process. The Joint Committee on Organization of the Congress simply must review the contract authority process and help us find some way to deal with it.

Now we fund a relatively small number of highway projects in our appropriations bill, and that is one way to deal with this problem. It is not a total solution, but it is one way.

For example, another North Carolina project in this bill, U.S. Highway 64, is in my district. That is a $30 million project, not the largest of projects as highway demonstrations go. The Committee on Public Works and Transportation in ISTEA did provide some money for this project, all of $5.3 million! North Carolina unfortunately was not one of the blessed eight States, the eight States that received almost 50 percent of the $6 billion spent in ISTEA for highway demo projects. Therefore, to help make this important project a reality, other Federal funds were needed. It was not that this project lacked merit. The Committee on Public Works and Transportation recognized that in providing some money for it. It is just that the money was not anywhere near an adequate amount.

So, we got witnesses to come in, we applied the economic criteria, and we passed muster, and the Appropriations Subcommittee has provided some additional funding for this project. I submit to my colleagues that this ought to be in this bill. It ought to stay in this bill.

It is the sort of thing we ought to be doing year to year in our annual appropriations bill, and it is unclear to me why the Public Works and Transportation Committee has suddenly abandoned the division of labor we have had for many years.

The year-to-year funding process is a needed corrective to multiyear authorizations. This funding is more flexible, more targeted, and more accountable, and I would suggest to my colleagues that to simply strike these projects and to fall back on contract authority is inefficient and wasteful.

This year-to-year funding of highway projects pales in comparison to what the Committee on Public Works and Transportation does through its contract authority. At the same time it is a way to correct some of the deficiencies in that process, target that funding, make it more flexible, and make certain that it is adequately utilized. I urge rejection of the amendment.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the struggle over the Transportation Appropriations bill has not been a matter of personalities, but of different views of process, each of which has enjoyed some support at one time or the other in the practices of this body. The view taken by the gentleman from California [Mr. MINETA], however, simply must he upheld to maintain the integrity of the House authorization process. The House authorization process. The House authorization process, this process involving most of the Members of this House, is central to our operations.

As to the practices of the other body, if I may say so, I know few Members of this House who regard the Senate as a model for this body.

More than process is at stake, however: $284 million, which, under legislation passed by the Congress, belongs to every State is at stake. This large amount would have been significant at any time. It is especially significant this year when the stimulus package failed, when business has increased its productivity by laying off workers, when we are closing military bases, when we are downsizing the Federal Government, and when we will be voting for health care reform and eliminating jobs in that sector, when we have cut every major program in the Government and when we have extracted from the President a pledge to do even further cuts.

Precisely because the Congress recognized that fights over funding would develop among the States, we long ago devised a formula for the allocation of transportation funds to the States. If one does not like the formula, use the process: Come to the committee and help us change the formula.

This formula assures that objective factors, including the number of vehicles traveled on the highway system, and population density, and not political considerations, power, relationships or other subjective factors will govern. We will all lose eventually if we tamper with this careful methodology. Moreover, it would be criminal to allow these funds to go unused even in a time of deficit reduction or to allow them to be used for other purposes.

There is consensus among economists that transportation projects are the most efficient way to stimulate the economy, yet we have done amazingly little pump-priming. We see the result in the current unemployment rate of 6.7 percent, and 12.5 percent in the black community, and in an infrastructure that cries out for our attention.

In the 19th century and early 20th century this country guaranteed economic growth by investing its public funds in a magnificent infrastructure. We renewed its vitality over the years. In the most recent period, however, we have squandered our initial investment by allowing bridges, highways, and water projects to be deteriorated so much that it will cost billions more to revive them now than if we had done ordinary maintenance and made timely and necessary additions.

The fairest and most efficient use of the $284 million is for the Basic Highway Program. There is money under the allocation formula for every State in this bill, and there is no State that does not need this money for transportation-related purposes today. The rational and equitable approach is to go back to the status quo ante and treat these funds as we would have had this fight been unnecessary.

Mr. Chairman, I urge, and strongly urge, support of the amendment offered by the gentleman from California [Mr. MINETA].

Mr. SHARP. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Indiana.

Mr. SHARP. Mr. Chairman, the gentlewoman from the District of Columbia [Ms. NORTON] has articulated the statement that we have got a formula here that will distribute the funding on an equitable and rational basis, on the basis of objective factors, and I regret to say that my State has been a donor State all along, and, while we did get——

Ms. NORTON. Reclaiming my time, Mr. Chairman, I say to the gentleman, If your State is treated unfairly, it has been treated unfairly by the entire Congress. This committee would be open, I am certain, to looking at any unfairness in the formula. It is unfair to use a process——

Mr. SHARP. With due respect to the gentlewoman, and there are many Members on this committee, and I agree with her that the committee is quite open and in 3 years will take up the formula issue, but I will also say we all know that in this Chamber, whether it is the gentlewoman's committee, my committee, or the entire House, that formula was based on the power distribution in this country, not just on factors.

☐ 1630

What has happened is through the appropriations process, and, I might add, through the generosity of your committee, which endorsed projects like some of us have in this bill, we have gotten at least some more equitable distribution.

Ms. NORTON. Mr. Chairman, reclaiming my time, who is to say that your distribution is more equitable than the one that the committee has allocated?

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the distinguished chairman of the Public Works Committee.

Let every Member of this House be clear on what we are voting on here. This vote is not about projects. This vote is not simply about dollars, although 41 States would have gotten shortchanged under the bill as reported. This is not a referendum on the worthiness of any particular unauthorized project. This vote is not even about a turf fight between committee chairs.

What we are really being asked to decide is whether the Congress of the United States, and the President, can set transportation policy for this country and see that policy implemented. That fundamental principle is being challenged today.

This Nation's competitiveness has been hobbled by our neglect of our transportation infrastructure, and by the failure to think and plan comprehensively for our Nation's transportation needs. This failure has cost us jobs. The monumental achievement of ISTEA was that we turned a corner and began to fill that gap.

We must not move backward. We need comprehensive planning for our infrastructure. I urge my colleagues to support the gentleman's amendment and preserve this Nation's ability to set comprehensive transportation policy.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Missouri.

Mr. COLEMAN. Mr. Chairman, the only question I have and one of the reasons I got up and said anything at all, is it bothers me a lot that it is now being decided by the House that the Committee on Appropriations did not get enough money through ISTEA. In fact, we were $284 million short, if I understand the argument of the gentleman. Is that the belief of the Members of the House that have spoken, such as the gentleman from New York, from the Committee on Public Works and Transportation? Were we short $284 million for ISTEA?

Mr. NADLER. Mr. Chairman, reclaiming my time, I could answer that question for myself as a Member of the House, but not on behalf of the Committee on Public Works and Transportation, obviously. I prefer that there would be full funding of ISTEA. That was the pledge of the President during his campaign, and I would hope we would come as close to that as possible.

Now, as far as I understand what happened, the administration proposed its budget, the committee did what it did, and the Committee on Appropriations then came along and said, "Well, we will spend on transportation the same amount of money, but we will take out of ISTEA $305 million and put it in other specific projects in nine States." I do not think the Committee on Appropriations was trying to reduce the amount spent on transportation. They were simply trying to substitute some projects.

Now, I agree with what I take to be both the conclusion of the Committee on Public Works and Transportation and the Committee on Appropriations as to the appropriate amounts to be spent on transportation. I would simply hope that this amendment passes, so it is put back into transportation.

Mr. COLEMAN. Mr. Chairman, if the gentleman will yield further, I think it needs to be said that the Committee on Appropriations does not set the allocation for transportation. We did that in the House, in the Budget Act. I hope that everyone does not believe that the Committee on Appropriations sits around and says, "This is how much we are going to spend on transportation as a function of the United States Government," or, "This is how much we are going to spend on defense as a function of the United States Government." That is not done by the Committee on Appropriations.

Mr. Chairman, I certainly hope the gentleman understands that that was not our decision. In fact, I want to reiterate, one of the major problems we are going to have, because we have already agreed we are going to do letters of intent, now we want to add $284 million to this section. If some of the projects are not struck, I guess we are going to have a problem again with outlays of a pretty substantial sum. I just wanted to warn the gentleman that that will be a problem, and, in fact, if Members are for deficit reduction, they will vote no.

Mr. NADLER. Mr. Chairman, reclaiming my time, I think the fact is most of those projects are going to be struck because they violate the rules of the House. I think those projects which were not protected are going to be struck. They violate the rules of the House. The argument really is an argument against the rules of the House, which is not appropriate here now.

Mr. Chairman, I urge adoption of the amendment.

Mr. McCLOSKEY. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, much has been said, and I think has been alluded to by several Members already, and I think all of us basically know how this is going to go. I might say I think it is obvious to everyone that this is one of the more unenviable times in House history in our legislative experience where we have severe conflicts, if you will, between friends and leaders, and, quite frankly, sometimes between competing committees, unfortunately, that overall are very important to our President and to future existence.

But I am very concerned, quite frankly, about not only the people I represent in Indiana, but also people that are represented by other Members, as to all the projects that very likely will be struck today.

I think Chairman MINETA talked about equity and the idea that an overall unearmarked allocation is the fairest thing for the American people. But as the gentleman from Indiana [Mr. SHARP] raised, and I wish the gentleman from California [Mr. MINETA] would speak to this in a little bit, because I am very concerned about communications today, not just making a point, but Indiana is a donor State.

Mr. Chairman, the other thing I want to point out is probably no one has helped me more in my concern for Indiana, the Indianapolis-Evansville highway, than the gentleman from California [Mr. MINETA], who made this a priority upgrade, put it in ISTEA, and cooperated with some $26 million in authorization previously.

Basically what happened, with the help of the gentleman from Michigan [Mr. CARR], is the $9 million ultimately that would help this project that has been endorsed by the gentleman from California [Mr. MINETA], even promoted by him, in essence would be put on a little bit faster track, in an area which is not only a donor State, but which has truly severe unemployment and underemployment. We need those jobs.

Mr. Chairman, when I heard the opening statement of the gentleman from California [Mr. MINETA], as I sat in my office trying to handle three or four different sets of constituents coming in, I was, quite frankly, sincerely concerned for the thrust, where the gentleman said, in essence, our efforts are unfair to the American people.

I understand that authorization-appropriations process and competition. But where do me and 59 other Members and all the millions of people we represent stand in this process as far as the future, wanting more action on priority projects that the gentleman has been in agreement with, over the next 4 years, before the next 4 years runs around?

Mr. MINETA. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the distinguished chairman, the gentleman from California.

Mr. MINETA. Mr. Chairman, I think the kind of pleas that Indiana, that the gentleman from Indiana [Mr. McCLOSKEY], the gentleman from Indiana [Mr. SHARP], the gentleman from Indiana [Mr. HAMILTON], the gentleman from Indiana [Mr. MYERS], and other Members of the Indiana delegation have raised, who have talked about this, in ISTEA we worked very, very closely with all of the Members. As I recall, we went from 72 cents on the dollar in terms of the formula distribution prior to ISTEA, and we went very significantly to 85 cent on the dollar.

Mr. McCLOSKEY. Mr. Chairman, reclaiming my time, that is true. But we are still a donor State. Some people get more than a dollar, do they not?

Mr. MINETA. Mr. Chairman, if the gentleman will yield further, under the minimum allocation program, we made sure that States like Indiana were brought up very, very much. So we recognize that there are inadequacies.

□ 1640

There are also a lot of States that got a lot of interstate moneys in the early years of the Interstate Defense Highway Program, after it was signed into law by President Eisenhower. So a lot of those, I think, figures, if we look at the total time from 1956 to 1991, we will find that there has been a very equitable share that has been coming back. And we will work with the gentleman and others to make sure this happens.

Mr. McCLOSKEY. Mr. Chairman, we know that historically. But what is our immediate future, then, come spring, as far as sincere efforts to push projects?

Mr. MINETA. Mr. Chairman, if the gentleman will continue to yield, earlier the subcommittee chair of the Subcommittee on Surface Transportation indicated that there would be two things that would be coming to us very quickly. One is the technical corrections bill and, then, the second would be something relating to the National Highway System. That we hope to be able to do, work on, I think, sometime in the early part of 1994.

But I also have to, I think, reflect on the fact that the ISTEA legislation did pass by a vote of 372 to 47. I think at the time we had good, strong support for it.

There is no question that there may be some tweaking that has to be done, and we will do that in the course of the deliberations of the technical corrections and the NHS legislation.

Mr. COPPERSMITH. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from California [Mr. MINETA].

Mr. Chairman, I rise in support of the amendment offered by Chairman MINETA. In my opinion, this amendment corrects the appropriation of highway funding in H.R. 2750, the 1993 surface transportation appropriations bill for fiscal year 1994.

As Chairman MINETA has noted, H.R. 2750 earmarks $284 million for 57 projects in 24 States. States not blessed with a special earmarked project must fight for a share of the significantly decreased pot of discretionary money left over.

This amendment corrects this situation by redistributing the $284 million according to the formula established by the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA]. Under ISTEA's funding formula, 41 States, including those 26 that received no special earmarks in this bill, will see their share of highway funding increase. For example, Arizona will receive some $3.7 million more under ISTEA's more equitable distribution system. Many other States will do much better under the existing formula.

Regardless of whether your State gains or loses, however, you should support this amendment if you support fairness. We should not crimp transportation funding in 26 States in order to prefer specific projects in favored States. As we seek to reinvent government, we should not allow bringing home the bacon to dominate the legislative process. This amendment redistributes transportation funding across the Nation according to the established ISTEA formula approved by Congress. It is the right thing to do.

I urge you to support Chairman MINETA's amendment.

Mr. PETRI. Mr. Chairman, I support the amendment offered by the chairman of the Public Works and Transportation Committee which will return to our regular highway program the funding for the unauthorized highway projects which have been stricken from the bill.

Since the unauthorized projects that have been deleted on points of order were funded through the trust fund, it is logical and appropriate that these funds be restored to our highway program and distributed to all the States. Indeed, this has been the expectation of most Members since the debate began on these particular projects a few months ago.

Allowing these trust funds to be spent on our basic highway program and distributed through established formulas to all the States is the right thing to do, and I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MINETA].

The question was taken; and on a division (demanded by Mr. MINETA) there were—yeas 8, nays 16.

RECORDED VOTE

Mr. MINETA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 154, not voting 3, as follows:

[Roll No. 449]

AYES—281

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Boehner
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Byrne
Callahan
Calvert
Cantwell
Clay
Clement
Clinger
Clyburn
Coble
Collins (GA)
Collins (IL)
Condit
Coppersmith
Costello
Cramer
Cunningham
Danner
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Duncan
Dunn
Edwards (CA)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fields (LA)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gejdenson
Geren
Gilchrest
Gilman
Gingrich
Glickman
Goodling
Gordon
Grandy
Gunderson
Gutierrez
Hamburg
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hilliard
Hinchey
Hoagland
Hoekstra
Hoke
Holden
Horn
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kim
King
Kingston
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Levy
Lewis (GA)
Linder
Lipinski
Lloyd
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCandless
McCrery
McCurdy
McDermott
McHale
McKeon
McKinney
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murphy
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Petri
Pickle
Pomeroy
Portman
Poshard
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sanders
Sangmeister
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Shuster
Skelton
Slattery
Slaughter
Smith (NJ)
Smith (OR)
Snowe
Spence
Spratt
Stark
Strickland
Studds
Stump
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Volkmer
Vucanovich
Waters
Waxman
Wheat
Williams
Wise
Woolsey
Wynn
Young (AK)
Zeliff

NOES—154

Allard
Andrews (TX)
Archer
Armey
Baesler
Barcia
Barrett (NE)
Barton
Bentley
Bereuter
Bilirakis
Bliley
Bonilla
Bonior
Boucher
Brooks
Bryant
Burton
Buyer
Camp
Canady
Cardin
Carr
Castle
Chapman
Clayton
Coleman
Combest
Cooper
Cox
Coyne
Crane
Crapo
Darden
de la Garza
DeLay
Dingell
Dixon
Dornan
Dreier
Durbin
Edwards (TX)
Evans
Fazio
Fields (TX)
Foglietta
Fowler
Frost
Furse
Gekas
Gephardt
Gibbons
Gillmor
Gonzalez
Goodlatte
Goss
Grams
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hastings
Hefner
Hobson
Hochbrueckner
Houghton
Hoyer
Jacobs
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kildee
Klink
Knollenberg
Lancaster
Leach
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Long
Manzullo
Mazzoli
McCloskey
McCollum
McDade
McHugh
McInnis
McMillan
Meek
Miller (FL)
Moran
Murtha
Myers
Natcher
Neal (NC)
Nussle
Ortiz
Orton
Packard
Pastor
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Porter
Price (NC)
Pryce (OH)
Ramstad
Regula
Roemer
Rogers
Romero-Barcelo (PR)
Royce
Sabo
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Smith (IA)
Smith (MI)
Smith (TX)
Solomon
Stearns
Stenholm
Stokes
Stupak
Taylor (NC)
Upton
Vento
Visclosky
Walker
Walsh
Washington
Watt
Weldon
Whitten
Wilson
Wolf
Wyden
Yates
Young (FL)
Zimmer

NOT VOTING—3

Collins (MI)
Conyers
Shaw

☐ 1706

Messrs. VENTO, DE LA GARZA, LANCASTER, CANADY, MCMILLAN, CRAPO, ZIMMER, and ROYCE changed their vote from "aye" to "no."

Mr. HOKE, Mrs. VUCANOVICH, and Messrs. EVERETT, CUNNINGHAM, QUILLEN, OLVER, ISTOOK, MOLLOHAN, DOOLITTLE, and TEJEDA changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. CARR of Michigan. Mr. Chairman, I ask unanimous consent that the bill through page 20, line 3, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the bill from page 17, line 22 through page 20, line 3 is as follows:

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the amounts made available for Federal-aid highways pursuant to provisions of the Surface Transportation Assistance Act of 1982, $1,596,386 are rescinded.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the amounts made available for Federal-aid highways pursuant to provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987, $54,014,000 are rescinded.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available for the functional replacement of publicly-owned facilities located within the proposed right-of-way of Interstate Route 170 in Public Law 96-131, $200,000 are rescinded.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available under this heading in Public Law 100-71, $364,180 are rescinded.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the authority made available for the intersection safety demonstration project in Public Law 100-457, $3,059,960 are rescinded.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the authority made available for bridges on Federal dams pursuant to 23 U.S.C. 320, $9,478,139 are rescinded.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $18,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

During fiscal year 1994 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $42,500,000.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97-424, $68,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $65,000,000 for "Motor Carrier Safety Grants".

The CHAIRMAN. Are there any points of order against the provisions contained in that section of the bill?

POINTS OF ORDER

Mr. MINETA. Mr. Chairman, based on the section of the bill contained in the unanimous-consent request by the distinguished chairman of the subcommittee, I have three points of order.

The CHAIRMAN. The gentleman will state his points of order.

Mr. MINETA. Mr. Chairman, I make a point of order on page 17, line 22, rescission, highway trust fund; a point of order on page 18, line 1, rescission, highway trust fund; and page 18, line 22, rescission, highway trust fund.

Mr. Chairman, I raise a point of order against these provisions. These provisions violate clause 2 of rule XXI because they would rescind their respective amounts in trust fund contract authority, not general fund appropriations, for the costs of designing and constructing certain facilities that are enumerated in the bill.

□ 1710

As I have said, a similar point in all of these, these are highway trust fund contract authority. While they are a form of direct spending, we are authorizing and rescinding highway trust fund contract authority, and that is not within the jurisdiction of the Committee on Appropriations. Thus I am asking for inclusion of the rescission provision as it relates to these three points of order and feel that this is legislation in an appropriations bill and would be subject to the point of order.

The CHAIRMAN. The Chair is going to ask if other Members desire to be heard on the point of order.

Does the gentleman from Michigan [Mr. CARR] seek recognition?

Mr. CARR of Michigan. Yes, Mr. Chairman. I wish to be heard on the point of order.

In the interest of time I want to thank the gentleman from California. What we have done here is try to expedite the business of the House. We have read several sections of the bill, and the gentleman has combined three points of order. I would like to respond to each one of them, in turn.

The first point of order, occurring on page 17, the paragraph the gentleman wishes to strike, would rescind slightly more than $1.5 million of funds made available in the Surface Transportation Act of 1982. Now I would like the Members of the House to listen to this. This is a rescission of funds available in a 1982 Surface Transportation Act. The two projects involved here have been completed, and the money is just sitting there. This is the important matter that the gentleman from North Carolina [Mr. PRICE] spoke to so eloquently a few moments ago.

In the first point of order we seek to recover funds in this bill that are just sitting in the pipeline.

Again, this is the point that the gentleman from North Carolina so eloquently addressed. Prior authorization bills created funding priority for special projects. Now, in the main, a lot of those projects are being completed or pursued. But in our investigation, in our hearings, with the help of the General Accounting Office, we have discovered some dead demo money. This is money that is in the pipeline that is not going anywhere, it cannot go anywhere. The first point of order that the gentleman from California made, on page 17, this is $1.5 million made available in the Surface Transportation Act of 1982, all the way back to 1982. It involves two projects. The two projects that are mentioned, one in California, one in Pennsylvania, have been completed. They are done, they are finished. These funds cannot flow to those projects. They are completed.

But the money, $1.5 million, is locked up because it cannot be spent for any other purpose, by definition of the authorization act.

So, in our bill we sought to recover some of that money, get it to work, get it to where it is needed, get it to where people have the need for jobs.

And so I would ask for the Chair to rule on the point or order. We believe that we ought to be able to recover this money, put it to work, and not rest on the technicalities of the rules of the House, however nice they might be. They simply are not working for the customers and owners of this Government.

On the second point of order, Mr. Chairman, I would like to say that the paragraph would rescind $54 million of funding provided in the Surface Transportation and Uniform Relocation Assistance Act of 1987. We are not talking about ISTEA, we are talking about ISTEA's predecessors. We took this action because these projects either had no obligations or obligations of less than 25 percent since the enactment of more than 5 years ago. The authority for the basic highway program available is usually 4 years; these have gone 5 years. The projects cannot get any more than 25 percent of their funding obligated within 5 years. We think that money should be reprioritized, put it on projects that can go today instead of being stuck, in dead demo money. We would ask the Chair to rule on that.

On the third point of order, we basically concede a point of order as a technical violation of the House rules, but before getting off my feet, I want to let the Members know that the first $10 million of authority for the bridges on Federal dams program was provided for in the 1946 Highway Act. Subsequent acts have increased the total to $65 million. The Federal Highway Administration indicates that all valid requirements for this program have been satisfied. Indeed, earlier this year when the FHWA financial officials were asked for candidate programs that were no longer needed and could be cleaned up where residual authority could be returned, they cited this program. We would really ask that the chairman of the Public Works and Transportation Committee not insist on his point of order, particularly on this one. This is a dead money that is stuck in the pipelines; it is not working for the people.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. CARR of Michigan. I do not have the time.

The CHAIRMAN. Does the gentleman seek to be heard on the point of order?

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to ask the gentleman, is it not true that there is one project in here, which is State Road 4, in Maryland, $2.1 million that is there, and yet the State of Maryland did not know that they had it and so they went out and spent their own money and the project is finished?

Mr. CARR of Michigan. That is right.

Mr. WOLF. So the project is finished, and $2.1 million there, and no one can do anything with it.

Mr. CARR of Michigan. And unless the gentleman would relent on this point of order, we cannot recover that money.

Mr. MINETA. If I may be heard further, Mr. Chairman, I understand what our very fine friend from Michigan is saying, and I recognize, yes, there are provisions from 1982 and 1987 legislation, and they are legitimate points, and I know he has strong feelings about it.

However, it seems to me what we are talking about here really does not go to the question that is being raised by the Chair, because I acknowledge that there is a certain legitimacy about what he is mentioning. The only issue, the only issue before the Chair right now is whether or not this provision is in violation of the House rules. The fact is that for the reasons I have stated, the provisions that I have outlined here are in violation of rule XXI, that these are authorizing or rescinding highway trust fund contract authority, and that this is not within the jurisdiction of the Committee on Appropriations, and so therefore I insist on my point of order.

□ 1720

The CHAIRMAN. The Chair is ready to rule.

Under clause 2(b) of rule XXI, the Appropriations Committee may only recommend rescissions of appropriations that were contained in prior appropriations acts, but not rescissions of contract authority that is contained in other laws.

Therefore, each of the points of order raised are sustained.

Are there other points of order against that part of the bill?

If not, are there amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

BALTIMORE-WASHINGTON PARKWAY

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 and section 1069 of Public Law 102-240 for the Baltimore-Washington Parkway, to remain available until expended, $16,000,000.

SURFACE TRANSPORTATION PROJECTS

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for certain ongoing highway and surface transportation projects that improve safety, reduce congestion, or otherwise improve surface transportation, $92,610,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order against this provision.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. Mr. Chairman, I raise a point of order against page 20, lines 10 through 17.

This provision violates clause 2 of rule XXI because it would appropriate approximately $92,610,000 for unauthorized highway demonstration projects and because it contains legislative provisions. As such, this provision is subject to a point of order for a number of reasons.

First, the language of the bill is not project specific. Projects are listed in the report. The report represents no more than congressional intent.

The statutory language which is controlling appropriate funds to control these funds is for "certain ongoing highway and surface transportation projects."

Under this language, the Secretary of Transportation could pick and choose which projects to fund, arguably including unauthorized projects. Thus, this provision could support an unauthorized appropriation.

Second, the provision appropriates funds to "remain available until September 30, 1997."

This period of availability is beyond the fiscal year to which the appropriation bill applies and is not authorized in law.

Third, this provision appropriates money out of the highway trust fund contrary to section 9503(c)(1) of the Internal Revenue Code. That sections provides that the highway trust fund may only be used to fund programs authorized in the Highway Acts of 1956, 1982, 1987; and 1991.

Thus, because this provision provides funding from the highway trust fund for projects not authorized by one of these laws, it has the effect of changing existing law and therefore is in violation of rule XXI.

Fourth, Mr. Chairman, this provision does not come within the exception to rule XXI, clause 2(a) for continuation of "appropriations for Public Works and objects which are already in progress."

Again, because the provision is not project specific, it cannot be demonstrated that the funds would only be used on projects meeting the exception.

In any case, it is clear from the precedents that the exception is narrowly construed and has been applied only to Federal projects. As applied specifically to highways, the precedents have required that the United States actually hold title to the road.

The projects referred to in the committee report do not meet this test.

The precedents also make clear that "an appropriation for a public work in excess of a fixed limit of cost is not in order."

Specifically, the exception for continuation of a public work in progress is not available to appropriate in excess of such a fixed limit.

For example, ISTEA provided contract authority for fixed amounts for projects. This does not authorize additional appropriations for those projects and the exception cannot be used to appropriate additional amounts.

Thus, for the reasons enumerated above, page 20, lines 10 through 17, constitute a violation of rule XXI and is subject to a point of order.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CARR] seek recognition on the point of order?

Mr. CARR of Michigan. Yes, Mr. Chairman. I wish to be heard on the gentleman's point of order.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CARR of Michigan. Mr. Chairman, the gentleman in this particular point of order is arguing the bill provides funds in excess of the amounts authorized, and as such violates clause 2, rule XXI.

This is an important point of order and an important challenge. I would ask my friends and colleagues in the House to pay careful attention.

In the particular section that the chairman is objecting to, all of the projects in this particular section were authorized.

What is being objected to is that the amounts exceed seemingly what might have been authorized by ISTEA.

But here is where we have a problem in dealing with ISTEA in all its imperfections. ISTEA authorized a number of demonstration projects, over 500 I guess, 500 demonstration projects and it authorized an amount of money for those 500 projects; but if you add up what it takes to build all those projects and you add up the amount of money that was given to those projects, they do not give enough money to build the projects; so essentially ISTEA gets projects pregnant, but does not give them enough money for birth and delivery.

I believe at the time I was around, I talked to the people who were involved and I cannot quite believe that the Public Works and Transportation Committee intended that we will give projects enough to get started, but not really enough to give them any kind of an efficient construction period or even perhaps completion, that somehow or other money from God or the sky is going to rain down and get these projects completed.

So it falls to the Appropriations Committee, because Members come and say, "Chairman CARR, I have got an ISTEA authorized project."

I say, "Fine. What can we do?"

Well, they say, "We don't have enough money, or ISTEA requires a payout over 6 years to come in equal lump sums of 18.4 percent."

Does anyone in this room know a highway that builds itself at the rate of 18.4 percent a year? None of them do.

Typically you will have the first year will be design, 10 percent. The next year will be some construction. That will get you up to 40 percent. The next year will be another slug of construction of 40 percent, and then you have some finishing costs, maybe another 10 percent. That is how highways are built; but ISTEA in its infinite wisdom granted 500 demonstration projects out there, and then pays the money out so slowly so that States cannot effectively use it.

So what happens? One of two things happen. Either the money sits clogged up in the pipeline and they never really accumulate enough money to really get underway with the project, and that money then cannot be used on other projects that are ready to go, or the project extends so long that cost estimates get out of line.

Now, the people in the Public Works and Transportation Committee back 3 years ago could not project what the costs of the finishing of a project would be, so we end up with this massive, massive problem.

Let me give you an example here. This is one that just astounds me. It happens to come from my own State. The project happens to be in the district of Congressman BONIOR, the majority whip.

ISTEA authorized the M-59 project, but it was very important. The Public Works and Transportation Committee apparently thought it was very important to authorize that project; but the committee provided only $5.4 million for fiscal year 1992 through 1997 for this particular project.

Now, the fact of the matter is that this project is going to cost $175 million. If you pay it out at the rate that ISTEA pays this out, this project will take over 100 years to complete. That is not efficient in anybody's book.

So is it any wonder that the people affected came to the Appropriations Committee and said, "Well, can't you help us accelerate this project? Can't we build it at a more efficient rate, this project which the Public Works and Transportation Committee apparently thinks is a good project and authorized?"

So we try to help those kinds of situations in this particular section.

It really boggles my mind that standing on the thin rules of niceties of rules of the House that we are going to end up doing something stupid across the land in terms of the investment of our hard-earned transportation dollars.

So in the alternative, I would ask the gentleman if he would not kindly reconsider offering the point of order on this provision, and in the alternative ask for a ruling of the Chair against the point of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. ORTON. I do wish to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Utah [Mr. ORTON] is recognized.

□ 1730

Mr. ORTON. Mr. Chairman, I thank both committee chairs of the Committee on Public Works and Transportation and the Appropriations Subcommittee on this particular issue. I would just like to ask the chairman of the Committee on Public Works and Transportation to reconsider insisting on this point of order, and let me just describe for my colleagues very briefly a situation in my district.

I was not here when ISTEA was passed. In fact, when ISTEA was passed, there is an area in my district, in southern Provo, UT, which had been growing at a fairly good speed, but no unforeseen problems there. We do have an interstate freeway interchange down there. But subsequent to passage of ISTEA a little company named Novell, and all of my colleagues probably recognize the name because most of them use the software in their computer systems in their offices, but Novell began to expand quickly and rapidly, and the city of Provo developed an industrial park in that area. Thousands of jobs moved into the area, so now we have thousands of commuters going to this particular area in my district, and they have to travel on the freeway interstate system. The exchange is inappropriately designed for that amount of traffic. There needs to be a redesign of the interchange. The people now are driving up through the city of Provo which is causing Utah County in Provo to be in nonattainment of the Clear Air Act, costing tens of thousands of dollars of costly cleanup. If we could redesign this particular area, which this demonstration project would do, it not only effectively and efficiently moves the traffic more safely, but it also helps us clean up the environmental problem. That issue, that problem, was not foreseen when we passed ISTEA. This project is an authorized project. This project is in the middle of funding. We have funded it in the past, and now, because of the rules of the House and the debate, discussion, over who is going to decide when and how much money is going to be funded, we are at risk now of pulling all of the funding from that project.

Mr. Chairman, the people in my district care less about the niceties of the rules of the House than they care about jobs, than they care about the environment, and than they care about getting these projects appropriately funded on time, and so I have great respect, and I have great admiration, for both of the chairmen, but I would ask the gentleman from California [Mr. MINETA] if he would reconsider this point of order although it may be technically correct. I fear that the application of this point of order will cause great disruption, will be inefficient, will show the public in my district that we have a very difficult time in actually conducting the affairs of the people of this country.

So, with that I would ask the chairman of the Committee on Public Works, the gentleman from California [Mr. MINETA], to reconsider.

Mr. MINETA. Mr. Chairman, again there are merits to what has been talked about both by the distinguished chair of the Appropriations Subcommittee on transportation, as well as our fine colleague, the gentleman from Utah [Mr. ORTON]. Again, if it were of that high priority, it seems to me the State would be willing to step forward as well on the Utah project. But it seems to me the issue again before us here is whether or not this provision is in violation of the House rules, and, Mr. Chairman, I am going to have to insist on my point of order.

The CHAIRMAN. The Chair is prepared to rule.

For these reasons stated: One, that authorization levels in existing law [ISTEA] are exceeded in the distribution of the lump sum figure; two, that the availability of funds beyond the fiscal year 1994 is provided contrary to existing law; and, that three, the "work in progress" exception in clause 2(a) rule XXI is not applicable to funding out of the highway trust fund, the point of order made by the gentleman from California is sustained.

The Clerk will read.

The Clerk read as follows:

ONGOING HIGHWAY PROJECTS

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses for certain ongoing highway, road, and bridge projects that improve safety, reduce congestion, or otherwise improve transportation methods, $6,300,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order against the provision.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. Mr. Chairman, I raise a point of order against page 20, lines 18–25. This provision violates clause 2 of rule 21 because it would appropriate approximately $6.3 million for unauthorized highway demonstration projects and because it contains legislative provisions. As such, this provision is subject to a point of order for a number of reasons:

First, the language of the bill is not project specific. Projects are listed in the report. The report represents no more than congressional intent. The statutory language which is controlling appropriates funds for certain ongoing highway and surface transportation projects. Under this language, the Secretary of Transportation could pick and choose which projects to fund, arguably including unauthorized projects. Thus, this provision could support an unauthorized appropriation.

Second, the provision appropriates funds to remain available until September 30, 1997. This period of availability is beyond the fiscal year to which the appropriations bill applies and is not authorized in law.

Third, this provision appropriates money out of the highway trust fund, contrary to section 9503(c)(1) of the Internal Revenue Code. That section provides that the highway trust fund may only be used to fund programs authorized in the Highway Acts of 1956, 1982, 1987, and 1991. Thus, because this provision provides funding from the highway trust fund for projects not authorized by one of these laws, it has the effect of changing existing law and therefore is in violation of rule 21.

Fourth, this provision does not come within the exception to rule XXI, clause 2(a), for continuation of appropriations for public works and objects which are already in progress.

Again, because the provision is not project specific, it cannot be demonstrated that the funds would only be used on projects meeting the exception.

In any case, it is clear from the precedents that the exception is narrowly construed and has been applied only to Federal projects. As applied specifically to highways, the precedents have required that the United States actually hold title to the road. The projects referred to in the committee report do not meet this test.

The precedents also make clear that an appropriation for a public work in excess of a fixed limit of cost is not in order. Specifically, the exception for continuation of a public work in progress is not available to appropriate in excess of such a fixed limit. For example, ISTEA provided contract authority of fixed amounts for projects. This does not authorize additional appropriations for those projects and the exception cannot be used to appropriate additional amounts.

Thus, for the reasons enumerated above, page 20, lines 10 to 17, constitute a violation of rule 21 and is subject to a point of order.

The CHAIRMAN. Do other Members desire to be heard on the point of order?

Mr. LIGHTFOOT. Mr. Chairman, I would like to be heard in opposition to the point of order.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. LIGHTFOOT. Mr. Chairman, the language in question is funding for two ongoing highway projects. One of the projects is in my district to continue funding of the four laning of the Highway 330 corridor between Des Moines, IA, and Marshalltown, IA.

Mr. Chairman, both projects funded in this section are authorized and ongoing. There is an impression that the only way one can authorize a project is by having it listed as a demonstration project in a highway bill. Despite this belief of the Public Works Committee, most road projects are authorized through respective State's highway plans. Otherwise, every federally funded road construction project in this country would have to be named in a highway bill. We know that is not the case. And I can assure the chairman that both projects in this section of the bill are prominent parts of their respective State highway plans.

Rule 21 clause 2(a) creates an exception to funding unauthorized projects in order to continue appropriations for public works and objects which are already in progress.

Both the Federal Highway Administration and the Iowa Department of Transportation have classified the Iowa Highway 330 corridor project as an "Ongoing Project." It is my understanding the other project contained in this section is also considered an ongoing project by the Federal Highway Administration and Virginia Department of Transportation.

Precedents established by this House have defined the term "public works and objects already in progress" to mean tangible matters like buildings and roads. In addition, this House has previously established that: "A public work to come within terms of the rule must be actually in progress according to the usual significance of the words." The Iowa Highway 330 corridor has already been four laned from Des Moines to Bondurant. Clearly, the precedents established by this House qualify these projects for appropriation.

Those raising this point have argued that House precedents have established that a general system of roads on which some work has been done can not be admitted as work in progress. However, Mr. Chairman, these are specific roads in dire need of being completed, not a general system of roads on which some work has been done.

The subcommittee on transportation appropriations required Marshall county and the State of Iowa to answer a long and detailed series of questions on the merit of this project. And I am pleased to say this project had one of the highest cost-benefit ratios of any submitted. This project is not busy work. This is funding to help jump start an important project with a majority State and local funding.

Let me also say to my colleagues that these funds are even more necessary in light of the millions of dollars in damage that this road suffered during the summer flooding in Iowa.

No one's district is immune from these emergencies and I urge that this point of order not be sustained.

□ 1740

Mr. CARR of Michigan. Mr. Chairman, I rise to be heard on the point of order. Pending that, I would like to announce that this will be the final matter for today. It will be my intention after we conclude this matter to move that the Committee rise. There will be no more votes, so the Chamber can be prepared for the President's appearance tonight.

Mr. Chairman, I would like to rise in support of the gentleman's opposition to the point of order. I think it is well founded.

Once again, I want to say that we have put these projects through some rigorous analysis. Maybe not the analysis that they need to fit pristine rule XXI considerations. But I would join the gentleman in opposing the point of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order raised by the gentleman from California [Mr. MINETA].

The gentleman makes the point of order that the funds appropriated in the paragraph entitled "Ongoing Highway Projects" are unauthorized, and thus in violation of clause 2 of rule XXI. The gentleman from Iowa [Mr. LIGHTFOOT] has argued that although the funds may be unauthorized, they are in order under the exception to clause 2 of rule XXI, which allows unauthorized appropriations to continue funding public works and objects which are already in progress, referred to as the "works-in-progress exception."

The Chair will sustain the point of order for two reasons in addition to extended accountability beyond the fiscal year:

First, the Chair must take note of the precedents demonstrating a tendency in this century to narrow the range of projects to which the works-in-progress exception applies. One such precedent—recorded in volume 7 of Cannons Precedents at section 1150—is particularly salient. There, the Chair held the construction of a road, although an extension of roads already built, not to be in continuation of a public work.

As the gentleman from Iowa [Mr. LIGHTFOOT] has explained, one project funded by this paragraph is for an extension to a road in various phases of construction. No actual work has begun on the phase of the road funded by this paragraph. Thus, the precedent cited above is directly on point, and the Chair is compelled to sustain the point of order.

Second, the legal authority for expending highway trust funds is outlined in section 9503(c) of the Internal

Revenue Code. That section states in positive terms that highway trust fund monies shall be available where authorized by specific enumerated acts. The paragraph in question circumvents that requirement. Deschler's Precedents, volume 8, chapter 26, section 8.9, stands for the proposition that the works-in-progress exception may not be invoked to circumvent existing law. The Chair further notes that the works-in-progress exception has historically been applied only in cases of general revenue funding.

Therefore, the Chair sustains the point of order.

Mr. CARR of Michigan. Mr. Chairman, I wish to thank Members for their cooperation in today's debate.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. COPPERSMITH] having assumed the chair, Mr. BOUCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1985

Mr. FROST. Mr. Speaker, I ask unanimous consent to have my name removed from cosponsorship of H.R. 1985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE AMERICAN HEALTH SECURITY ACT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GENE GREEN of Texas. Mr. Speaker, tonight the President will unveil his plan to reform our Nation's health care system. As a Member who campaigned on this issue I would like to commend the President and the First Lady on their efforts and urge all Members to approach this issue with an open mind and in a bipartisan manner.

The plan addresses:

Universal access by providing a means of coverage for all citizens.

The rising cost of prescription drugs is addressed by providing all Americans coverage, including senior citizens who do not have coverage now.

Individuals will have flexibility in choosing their own health care provider.

Just this morning I received a letter from one of my constituents along with his premium notice that is going up nearly 10 percent at one time, after a 9.5 percent increase in July. This small business person says it better than any of us that we simply "can't continue like this."

The President has heard this plea and I hope Congress has heard it on a bipartisan basis, because we do not get sick as Republicans or Democrats. It is Americans who get ill.

The President's health care plan represents a good start and I urge my colleagues to keep the reality of the uninsured in mind and remember that we are all paying now and will continue to pay more if we do nothing.

I include for the RECORD a copy of the letter my constituent received.

IMPORTANT POLICYHOLDER NOTICE

On August 1, 1993 or on the date to which your premiums are paid, if this is later, a 9.9% rate increase will be placed into effect on your policy. The enclosed is your notice of this rate increase. We suggest that you retain this notice by placing it with your policy.

Many of you who receive this letter received a similar notification in late May that a 9.5% rate increase was being placed into effect on July 1, 1993.

If you took the time to read the May 26, 1993 notice, you would have quickly noted that this "communication" sounded rather negative. The reason for this was we were not certain, at that time, that a 9.5% rate increase would be sufficient. However, we wanted to keep your premium rates as low as possible, and we had hoped that a higher rate increase would not be necessary. We now find that an additional rate increase is mandatory.

The rates we charge only mirror what physicians are charging for their services, what drug companies are charging for medicines and what hospitals are charging for diagnostic tests and treatment. When the preceding charges increase, the premiums we charge must be increased. Now, you may ask, "What is going to be done with the increased revenues from my higher premiums?" Our answer to this is that this money is going to the "same place" that your premium dollars have gone in the past—to pay the ever increasing charges of services by hospitals, physicians, and drug companies.

In simple terms, the cost of your insurance is increasing because the amount we are paying in claims has increased.

We recently received a letter from the Texas Chamber of Commerce which stated, in part, that in Texas "health care coverage cost an average of $5,891 per family in 1991. . . .". Obviously, this cost is much higher now. So you see even with this rate increase, for most of you, the cost of your insurance coverage is still very low. Remember, if you were to cancel your policy, no one will win—you will still need insurance and the Company will lose a valued policyholder. Please do not cancel your policy before you call and discuss such a decision with us.

□ 1750

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Report. No. 103–252) on the resolution (H. Res. 254) providing for the further consideration of the bill (H.R. 2401), to authorize appropriations for fiscal year 1994 for military personnel strengths for fiscal year 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

THE SPEAKER pro tempore (Mr. COPPERSMITH). The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER pro tempore. The Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 5 o'clock and 50 minutes p.m.) the House stood in recess until 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 41 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 144 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the

House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from Maryland [Mr. HOYER];

The gentleman from California [Mr. FAZIO];

The gentlewoman from Connecticut [Mrs. KENNELLY];

The gentleman from South Carolina [Mr. DERRICK];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Georgia [Mr. GINGRICH];

The gentleman from Texas [Mr. ARMEY];

The gentleman from Illinois [Mr. HYDE];

The gentleman from Arkansas [Mr. DICKEY]; and

The gentleman from Arkansas [Mr. HUTCHINSON].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Maine [Mr. MITCHELL];

The Senator from Kentucky [Mr. FORD];

The Senator from Arkansas [Mr. PRYOR];

The Senator from Massachusetts [Mr. KENNEDY];

The Senator from Michigan [Mr. RIEGLE];

The Senator from New York [Mr. MOYNIHAN];

The Senator from West Virginia [Mr. ROCKEFELLER];

The Senator from South Dakota [Mr. DASCHLE];

The Senator from Pennsylvania [Mr. WOFFORD];

The Senator from California [Mrs. FEINSTEIN];

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from Mississippi [Mr. LOTT];

The Senator from Oklahoma [Mr. NICKLES];

The Senator from Texas [Mr. GRAMM];

The Senator from South Carolina [Mr. THURMOND];

The Senator from Oregon [Mr. PACKWOOD];

The Senator from Rhode Island [Mr. CHAFEE]; and

The Senator from Kansas [Mrs. KASSEBAUM].

The Doorkeeper announced the ambassadors, ministers, and Chargé d'Affaires of foreign governments.

The ambassadors, ministers, and Chargé d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 7 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

HEALTH CARE REMARKS—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–137)

The PRESIDENT. Mr. Speaker, thank you very much.

Mr. Speaker, Mr. President, Members of Congress, distinguished guests, my fellow Americans. Before I begin my words tonight, I would like to ask that we all bow in a moment of silent prayer for the memory of those who were killed and those who have been injured in a tragic train accident in Alabama today.

(A moment of silent prayer was observed.)

Amen.

My fellow Americans, tonight we come together to write a new chapter in the American story. Our forebears enshrined the American dream: life, liberty, the pursuit of happiness. Every generation of Americans has worked to strengthen that legacy to make our country a place of freedom and opportunity, a place where people who work hard can rise to their full potential, a place where their children can have a better future.

From the settling of the frontier to the landing on the Moon, ours has been a continuous story of challenges defined, obstacles overcome, new horizons secured. That is what makes America what it is and Americans what we are.

Now we are in a time of profound change and opportunity. The end of the cold war, the information age, the global economy have brought us both opportunity, and hope, and strife, and uncertainty. Our purpose in this dynamic age must be to make change our friend and not our enemy. To achieve that goal we must face all our challenges with confidence, with faith and with discipline, whether we are reducing the deficit, creating tomorrow's jobs and training our people to fill them, converting from a high-tech defense to a high-tech domestic economy, expanding trade, reinventing government, making our streets safer, or rewarding work over idleness. All these challenges require us to change.

If Americans are to have the courage to change in a difficult time, we must first be secure in our most basic needs. Tonight I want to talk to you about the most critical thing we can do to build that security.

This health care system of ours is badly broken, and it is time to fix it.

Despite the dedication of literally millions of talented health care professionals, our health care is too uncertain and too expensive, too bureaucratic and too wasteful. It has too much fraud and too much greed. At long last, after decades of false starts, we must make this our most urgent priority, giving every American health security, health care that can never be taken away, health care that is always there. That is what we must do.

On this journey, as on all others of true consequences, there will be rough spots in the road and honest disagreements about how we should proceed. After all, this is a complicated issue. But every successful journey is guided by fixed stars, and if we can agree on some basic values and principles, we will reach this destination and we will reach it together.

So tonight I want to talk to you about the principles that I believe must embody our efforts to reform America's health care system: security, simplicity, savings, choice, quality, and responsibility.

When I launched our Nation on this journey to reform the health care system, I knew we needed a talented navigator, someone with a rigorous mind, a steady compass, a caring heart. Luckily for me and for our Nation, I did not have to look very far.

Over the last 8 months, Hillary and those working with her have talked to literally thousands of Americans to understand the strengths and the frailties of this system of ours. They met with over 1,100 health care organizations. They talked with doctors and nurses, pharmacists and drug company representatives, hospital administrators, insurance company executives and small and large businesses. They spoke with self-employed people. They talked with people who had insurance and people who did not.

They talked with union members, and older Americans, and advocates for our children.

The First Lady also consulted, as all of you know, extensively with governmental leaders in both parties, in the States of our Nation, and especially here on Capitol Hill.

Hillary and the task force received and read over 700,000 letters from ordinary citizens. What they wrote and the bravery with which they told their stories is really what calls us all here tonight. Every one of us knows someone who has worked hard and played by the rules and still been hurt by this system that just does not work for too many people, but I would like to tell you about just one.

Kerry Kennedy owns a small furniture store that employs seven people in Titusville, FL. Like most small business owners, he has poured his heart and soul, his sweat and blood into that business for years. But over the last several years, again like most small business owners, he has seen his health care premiums skyrocket, even in years when no claims were made. And last year he painfully discovered he could no longer afford to provide coverage for all his workers because his insurance company told him that two of his workers had become high risks because of their advanced age. The problem was that those two people were his mother and father, the people who founded the business and still work in the store.

This story speaks for millions of others. And from them we have learned a powerful truth: We have to preserve and strengthen what is right with the health care system, but we have got to fix what is wrong with it.

We all know what is right. We are blessed with the best health care professionals on Earth, the finest health care institutions, the best medical research, the most sophisticated technology.

My mother is a nurse. I grew up around hospitals. Doctors and nurses were the first professional people I ever knew and learned to look up to. They are what is right with this health care system.

But we also know that we can no longer afford to continue to ignore what is wrong. Millions of Americans are just a pink slip away from losing their health insurance, and one serious illness away from losing all their savings. Millions more are locked into the jobs they have now just because they or someone in their family has once been sick and they have what is called a preexisting condition.

And on any given day over 37 million Americans, most of them working people and their little children, have no health insurance at all.

And in spite of all this, our medical bills are growing at over twice the rate of inflation, and the United States spends over a third more of its income on health care than any other nation on Earth, and the gap is growing, causing many of our companies in global competition severe disadvantage.

There is no excuse for this kind of system. We know other people have done better. We know people in our own country are doing better. We have no excuse. My fellow Americans, we must fix this system, and it has to begin with congressional action.

I believe as strongly as I can say that we can reform the costliest and most wasteful system on the face of the Earth without enacting new broad-based taxes. I believe——

I believe it because of the conversations I have had with thousands of health care professionals around the country, with people who are outside this city but are inside experts on the way this system works and wastes money.

The proposal that I describe tonight borrows many of the principles and ideas that have been embraced in plans introduced by both Republicans and Democrats in this Congress. For the first time in this century, leaders of both political parties have joined together around the principle of providing universal, comprehensive health care. It is a magic moment, and we must seize it.

I want to say to all of you, I have been deeply moved by the spirit of this debate; by the openness of all people to new ideas and argument and information. The American people will be proud to know that earlier this week when a health care university was held for Members of Congress, just to try to give everybody the same amount of information, over 320 Republicans and Democrats signed up and showed up for two days just to learn the basic facts of the complicated problem before us.

Both sides are willing to say, "We have listened to the people. We know the cost of going forward with this system is far greater than the cost of change."

Both sides I think understand the literal ethical imperative of doing something about the system we have now.

Rising above these difficulties and our past differences to solve this problem will go a long way toward defining who we are and who we intend to be as a people in this difficult and challenging era. I believe we all understand that.

And so tonight let me ask all of you, every Member of the House, every Member of the Senate, each Republican and each Democrat, let us keep this spirit and let us keep this commitment until this job is done. We owe it to the American people.

Now, if I might, I would like to review the six principles I mentioned earlier and describe how we think we can best fulfill those principles.

First and most important, security. This principle speaks to the human misery, to the costs, to the anxiety we hear about every day, all of us, when people talk about their problems with the present system.

Security means that those who do not now have health care coverage will have it, and for those who have it, it will never be taken away. We must achieve that security as soon as possible.

Under our plan every American will receive a health care security card that will guarantee a comprehensive package of benefits over the course of an entire lifetime, roughly comparable to the benefit packages offered by most Fortune 500 companies. This health care security card will offer this package of benefits in a way that can never be taken away.

So let us agree on this, whatever else we disagree on: Before this Congress finishes its work next year, you will pass and I will sign legislation to guarantee this security to every citizen of this country.

With this card, if you lose your job or you switch jobs, you are covered. If you leave your job to start a small business, you are covered. If you are an early retiree, you are covered. If someone in your family has unfortunatley had an illness that qualifies as a preexisting condition, you are still covered. If you get sick or a member of your family gets sick, even if it is a life-threatening illness, you are covered. And if an insurance company tries to drop you for any reason, you will still be covered because that will be illegal.

This card will give comprehensive coverage. It will cover people for hospital care, doctor visits, emergency and lab services, diagnostic services like Pap smears and mammograms and cholesterol tests, substance abuse, and mental health treatment.

And equally important, for both health care and economic reasons, this program for the first time will provide a broad range of preventive services, including regular check-ups and well baby visits.

It is just common sense. We know, any family doctor will tell you that people will stay healthier and long-term costs to the health system will be lower if we have comprehensive preventive services. You know how all of our mothers told us that an ounce of prevention was worth a pound of cure? Our mothers were right.

And it is a lesson, like so many lessons from our mothers, that we have waited too long to live by. It is time to start doing it.

Health care security must also apply to older Americans. This is something I imagine all of us in this room feel very deeply about.

The first thing I want to say about that is that we must retain the Medicare Program. It works to provide that kind of security.

But this time, and for the first time, I believe Medicare should provide coverage for the cost of prescription drugs.

Yes, it will cost some more in the beginning. But again, any physician who deals with the elderly will tell you that there are thousands of elderly people in every State who are not poor enough to be on Medicaid but just above that line and on Medicare, who desperately need medicine, who make decisions every week between medicine and food. Any doctor who deals with the elderly will tell you that there are many elderly people who don't get medicine, who get sicker and sicker and eventually go to the doctor, and wind up spending more money and draining more money from the health care system than they would if they had regular treatment in the way that only adequate medicine can provide.

I also believe that, over time, we should phase in long-term care for the disabled and the elderly on a comprehensive basis.

As we proceed with this health care reform, we cannot forget that the most rapidly growing percentage of Americans are those over 80. We cannot break faith with them. We have to do better by them.

The second principle is simplicity. Our health care system must be simpler for the patients and simpler for those who actually deliver health care: our doctors, our nurses, our other medical professionals.

Today we have more than 1,500 insurers with hundreds and hundreds of different forms. No other nation has a system like this. These forms are time-consuming for health care providers, they are expensive for health care consumers, they are exasperating for anyone who has ever tried to sit down around a table and wade through them and figure them out.

The medical industry is literally drowning in paper work. In recent years the number of administrators in our hospitals has grown by four times the rate that the number of doctors has grown. A hospital ought to be a house of healing, not a monument to paperwork and bureaucracy.

Just a few days ago the Vice President and I had the honor of visiting the Children's Hospital here in Washington, where they do wonderful, often miraculous things for very sick children. A nurse named Debbie Feinberg told us that she is in the cancer and bone marrow unit, and the other day a little boy asked her just to stay at his side during his chemotherapy. And she had to walk away from that child because she had been instructed to go to yet another class to learn how to fill out another form for something that didn't have a lick to do with the health care of the children she was helping.

That is wrong, and we can stop it, and we ought to do it.

We met a very compelling doctor named Lilian Beard who said that she did not get into her profession to spend hours and hours, some doctors up to 25 hours a week, just filling our forms. She told us she became a doctor to keep children well and to help save those who got sick. We can relieve people like her of this burden.

We learned, the Vice President and I did, that in the Washington Children's Hospital alone the administrators told us that they spend $2 million a year, in one hospital, filling out forms that have nothing whatever to do with keeping up with the treatment of the patients. And the doctors there applauded when I was told and I related to them that they spend so much time filling out paperwork that, if they only had to fill out those paperwork requirements necessary to monitor the health of the children, each doctor on that one hospital staff, 200 of them, could see another 500 children a year. That is 10,000 children a year.

I think we can save money in this system if we simplify it. And we can make the doctors and the nurses—and the people that have given their lives to help us all be healthier—a whole lot happier, too, on their jobs.

Under our proposal there would be one standard insurance form, not hundreds of them. We will simplify also, and we must, the Government's rules and regulations because they are a big part of this problem.

This is one of those cases where the physician should heal thyself.

We have to reinvent the way we relate to the health care system along with reinventing Government. A doctor should not have to check with a bureaucrat in an office thousands of miles away before ordering a simple blood test; that is not right, and we can change it.

And doctors, nurses, and consumers should not have to worry about the fine print. If we have this one simple form, there will not be any fine print. People will know what it means.

The third principle is savings. Reform must produce savings in this health care system; it has to. We are spending over 14 percent of our income on health care; Canada is at 10; nobody else is over 9. We are competing with all these people for the future. And the other major countries, they cover everybody, and they cover them with services as generous as the best company policies here in this country.

Rampant medical inflation is eating away at our wages, our savings, our investment capital, our ability to create new jobs in the private sector and this Public Treasury. You know the budget we just adopted had steep cuts in defense, a 5-year freeze on the discretionary spending so critical to reeducating America, and investing in jobs and helping us to convert from a defense to a domestic economy. But we passed the budget which has Medicaid increases of between 16 and 11 percent a year over the next 5 years and Medicare increases of between 11 and 9 percent in an environment where we assume inflation will be at 4 percent or less.

We cannot continue to do this. Our competitiveness, our whole economy, the integrity of the way the Government works, and ultimately our living standards depend upon our ability to achieve savings without harming the quality of health care.

Unless we do this, our workers will lose $655 in income each year by the end of the decade. Small businesses will continue to face skyrocketing premiums, and a full third of small businesses now covering their employees say they will be forced to drop their insurance. Large corporations will bear bigger disadvantages in global competition, and health care costs will devour more and more and more of our budget.

Pretty soon all of you, or the people who succeed you, will be showing up here and writing out checks for health care and interest on the debt and worrying about whether we have got enough defense, and that will be it, unless we have the courage to achieve the savings that are plainly there before us.

Every State and local government will continue to cut back on everything from education to law enforcement to pay more and more for the same health care.

These rising costs are a special nightmare for our small businesses, the engine of our entrepreneurship and our job creation in America today. Health care premiums for small businesses are 35 percent higher than those of large corporations today, and they will keep rising at double-digit rates unless we act.

So how will we achieve these savings? Rather than looking at price controls or looking away as the price spiral continues, rather than using the heavy hand of Government to try to control what is happening or continuing to ignore what is happening, we believe there is a third way to achieve these savings:

First, to give groups of consumers and small businesses the same market bargaining power that large corporations and large groups of public employees now have. We want to let market forces enable plans to compete. We want to force these plans to compete on the basis of price and quality, not simply to allow them to continue making money by turning people away who are sick or old or performing mountains of unnecessary procedures.

But we also believe we should back this system up with limits on how much plans can raise their premiums year in and year out, forcing people again to continue to pay more for the same health care without regard to inflation or the rising population needs.

We want to create what has been missing in this system for too long and what every successful nation who has dealt with this problem has already had to do: to have a combination of private market forces and a sound public policy that will support that competition but limit the rate at which prices can exceed the rate of inflation and population growth if the competition does not work, especially in the early going.

The second thing I want to say is that, unless everybody is covered—and this is a very important thing—unless everybody is covered, we will never be able to fully put the brakes on health care inflation. Why is that? Because when people do not have any health insurance, they still get health care; but they get it when it is too late, when it is too expensive, often from the most expensive place of all: the emergency room.

Usually by the time they show up, their illnesses are more severe and their mortality rates are much higher in our hospitals than those who have insurance. So they cost us more.

And what else happens? Since they get the care but they do not pay, who does pay? All the rest of us. We pay in higher hospital bills and higher insurance premiums. This cost shifting is a major problem.

The third thing we can do to save money is simply by simplifying the system, what we have already discussed. Freeing the health care providers from these costly and unnecessary paperwork and administrative decisions will save tens of billions of dollars.

We spend twice as much as any other major country does on paperwork. We spend at least a dime on the dollar more than any other major country. That is a stunning statistic, and it is something that every Republican and every Democrat ought to be able to say: "We agree that we are going to squeeze this out; we cannot tolerate this. This has nothing to do with keeping people well or helping them when they are sick."

We should invest the money in something else.

We also have to crack down on fraud and abuse in the system. That drains billions of dollars a year. It is a very large figure, according to every health care expert I have ever spoken with.

I believe we can achieve large savings, and that large savings can be used to cover the unemployed, uninsured, and will be used for people who realize those savings in the private sector to increase their ability to invest and grow, to hire new workers or to give their workers pay raises, many of them for the first time in years.

Now, nobody has to take my word for this; you can ask Dr. Koop. He is up here with us tonight, and I thank him for being here.

Since he left his distinguished tenure as our Surgeon General, he has spent an enormous amount of time studying our health care system, how it operates, what is right and wrong with it. He says we could spend $200 billion every year, more than 20 percent of the total budget, without sacrificing the high quality of American medicine.

Ask the public employees in California who have held their own premiums down by adopting the same strategy that I want every American to be able to adopt, bargaining within the limits of a strict budget.

Ask Xerox which saved an estimated thousand dollars per worker on their health insurance premium.

Ask the staff of the Mayo Clinic, who we all agree provides some of the finest health care in the world. They are holding their cost increases to less than half the national average.

Ask the people of Hawaii, the only State that covers virtually all of their citizens and have still been able to keep costs below the national average.

People may disagree over the best way to fix this system. We may all disagree about how quickly we can do what, the thing that we have to do; but we cannot disagree that we can find tens of billions of dollars in savings in what is clearly the most costly and the most bureaucratic system in the entire world. And we have to do something about that, and we have to do it now.

The fourth principle is choice. Americans believe they ought to be able to choose their own health care plans and keep their own doctors. And I think all of us agree.

Under any plan we pass, they ought to have that right. But today under our broken health care system, in spite of the rhetoric of choice, the fact is that that power is slipping away from more and more Americans. Of course it is usually the employer, not the employee, who makes the initial choice of what health care plan the employee will be in. And if your employer offers only one plan, as nearly three-quarters of small- and medium-size firms do today, you are stuck with that plan and the doctors that it covers.

We propose to give every American a choice among high quality plans. You can stay with your current doctor, join a network of doctors and hospitals, or join a health maintenance organization. If you do not like your plan, every year you will have the chance to choose a new one.

The choice will be left to the American citizen, the worker, not the boss, and certainly not some Government bureaucrat.

We also believe that doctors should have a choice as to what plans they practice in; otherwise citizens may have their own choices limited.

We want to end the discrimination that is now growing against doctors and to permit them to practice in several different plans. Choice is important for doctors, and it is absolutely critical for our consumers. We have got to have it in whatever plan we pass.

The fifth principle is quality. If we reform everything else in health care but fail to preserve and enhance the high quality of our medical care, we will have taken a step backward, not forward.

Quality is something that we simply can't leave to chance. When you board an airplane, you feel better knowing that the plane had to meet the standards designed to protect your safety, and we can not ask any less of our health care system.

Our proposal will create report cards on health plans, so that consumers can choose the highest quality health care providers and reward them with their business. At the same time, our plan will track quality indicators so that doctors can make better and smarter choices of the kind of care they provide.

We have evidence that more efficient delivery of health care doesn't decrease quality. In fact, it may enhance it. Let me just give you one example of one commonly performed procedure, the coronary bypass operation.

Pennsylvania discovered that patients who were charged $21,000 for this surgery received as good or better care as patients who were charged $84,000 for the same procedure in the same State. High prices simply don't always equal good quality.

Our plan will guarantee that high quality information is available in even the most remote areas of this country, so that we can have high quality service, linking rural doctors, for example, with hospitals, with high-technology urban medical centers. And our plan will ensure the quality of continuing progress on a whole range of issues by speeding research on effective prevention and treatment measures for cancer, for AIDS, for Alzheimer's, for heart disease, and for other chronic diseases.

We have to safeguard the finest medical research establishment in the entire world, and we will do that with this plan. Indeed, we will even make it better.

The sixth and final principle is responsibility. We need to restore a sense that we are all in this together and that we all have a responsibility to be a part of the solution.

Responsibility has to start with those who profit from the current system. Responsibility means insurance companies should no longer be allowed to cast people aside when they get sick. It should apply to laboratories that submit fraudulent bills, to lawyers who abuse malpractice claims, to doctors who order unnecessary procedures. It means drug companies should no longer charge three times more for prescription drugs made in America here in the United States than they charge for the same drugs overseas.

In short, responsibility should apply to anybody who abuses this system and drives up the cost for honest, hard-working citizens, and undermines confidence in the honest, gifted health care providers we have.

Responsibility also means changing some behaviors in this country that drive up our costs like crazy, and without charging them we will never have the system we ought to have. We will never. Let me just mention a few, and start with the most important.

The outrageous costs of violence in this country stem in large measure from the fact that this is the only country in the world where teenagers can walk the streets at random with semiautomatic weapons and be better armed than the police.

Let us not kid ourselves. It is not that simple.

We also have higher rates of AIDS, of smoking and excessive drinking, of teen pregnancy, of low birth weight babies, and we have the third worst immunization rate of any nation in the Western Hemisphere. We have to change our ways if we ever really want to be healthy as a people and have an affordable health care system, and no one can deny that.

But let me say this, and I hope every American will listen, because this is not an easy thing to hear. Responsibility in our health care system is not just about them. It is about you. It is about me. It is about each of us.

Too many of us have not taken responsibility for our own health care and for our own relations to the health care system. Many of us who have had fully paid health care plans have used the system whether we needed it or not, without thinking what the costs were. Many people who use this system do not pay a penny for their care, even though they can afford to.

I think those who do not have any health insurance should be responsible for paying a portion of their new coverage. There can not be any something for nothing, and we have to demonstrate that to people. This is not a free system.

Even small contributions, as small as a $10 copayment when you visit a doctor, illustrate that this is something of value. There is a cost to it. It is not free.

And I want to tell you that I believe that all of us should have insurance. Why should the rest of us pick up the tab when a guy who does not think he needs insurance or says he can not afford it gets in an accident, winds up in an emergency room, gets good care, and everybody else pays? Why should the small business people who are struggling to keep afloat and take care of their employees have to pay to maintain this wonderful health care infrastructure for those who refuse to do anything?

If we are going to produce a better health care system for every one of us, every one of us is going to have to do our part. There can not be any such thing as a free ride. We have to pay for it. We have to pay for it.

Tonight I want to say plainly how I think we should do that. Most of the money would come, under my way of thinking, as it does today, from premiums paid by employers and individuals. That is the way it happens today.

But under this health care security plan, every employer and every individual will be asked to contribute something to help here.

This concept was first conveyed to the Congress about 20 years ago by President Nixon, and today a lot of people agree with the concept of shared responsibility between employers and employees, and that the best thing to do is to ask every employer and every employee to share that. The Chamber of Commerce has said that, and they are not in the business of hurting small business. The American Medical Association has said that.

Some call it an employer mandate, but I think it is the fairest way to achieve responsibility in the health care system, and it is the easiest for ordinary Americans to understand, because it builds on what we already have and what already works for so many Americans. It is the reform that is not only easiest to understand but easiest to implement in a way that is fair to small business, because we can give a discount to help struggling small businesses meet the cost of covering their employees.

We should require the least bureaucracy or disruption and create the cooperation we need to make the system cost-conscious even as we expand coverage, and we should do it in a way that does not cripple small businesses and low-wage workers. Every employer should provide coverage, just as three-quarters do now. Those who pay are picking up the tab for those who do not today. I do not think that is right.

To finance the rest of reform, we can achieve new savings, as I have outlined, in both the Federal Government and the private sector through better decisionmaking and increased competition. And we will impose new taxes on tobacco.

I do not think that should be the only source of revenues. I believe we should also ask for a modest contribution from big employers who opt out of the system, to make up for that those who are in the system pay for medical research, for health education centers, for all of the subsidies to small business, for all of the things that everyone else is contributing to.

But between those two things, we believe we can pay for this package of benefits and universal coverage and a subsidy program that will help small business. These sources can cover the cost of the proposal that I have described tonight.

We subjected the numbers in our proposal to the scrutiny of not only all the major agencies in Government. I know a lot of people don't trust them, but it would be interesting for the American people to know that this was the first time that the financial experts on health care in all the different Government agencies had ever been required to sit in a room together and agree on numbers. It had never happened before.

But obviously that is not enough, so then we gave these numbers to actuaries from major accounting firms and major Fortune 500 companies who have no stake in this, other than to see that our efforts succeed. So I believe our numbers are good and achievable.

Now what does this mean to an individual American citizen? Some will be asked to pay more. If you are an employer and you are not insuring your workers at all, you will have to pay more. But if you are a small business with fewer than 50 employees, you will get a subsidy. If you are a firm that provides only very limited coverage, you may have to pay more, but some firms will pay the same or less for more coverage.

If you are a young single person in your twenties, and you are already insured, your rates may go up somewhat because you are going to go into a big pool with middle-aged people and older people, and we want to enable people to keep that insurance even when someone in their family gets sick. But I think that is fair, because when the young get older they will benefit from it, first; and, second, even those who pay a little more today will benefit 4, 5, 6, 7 years from now by our bringing health care costs closer to inflation. Over the long-run we can all win, but some will have to pay more in the short run.

Nevertheless, the vast majority of the Americans watching this tonight will pay the same or less for health care coverage that will be the same or better than the coverage they have tonight. That is the simple reality.

If you currently get your health insurance through your job, you still will. And for the first time, everybody will get to choose from among at least three plans to belong to.

If you are a small business owner who wants to provide health insurance to your family and your employees but you cannot afford it because the system is stacked against you, this plan will give you a discount that will finally make insurance affordable.

If you are already providing insurance, your rates may well drop because we will help you as a small business person join thousands of others to get the same benefits big corporations get at the same price they get those benefits.

If you are self-employed, you will pay less, and you will get to deduct from your taxes 100 percent of your health care premiums.

If you are a large employer, your health care costs will not go up as fast, so that you will have more money to put into higher wages, and new jobs, and to put into the work of being competitive in this tough global economy.

Now, these, my fellow Americans, are the principles on which I think we should base our efforts: security, simplicity, savings, choice, quality, and responsibility. These are guiding stars that we should follow on our journey toward health care reform.

Over the coming months you will be bombarded with information from all kinds of sources. There will be some who will stoutly disagree with what I have proposed, and with all other plans in the Congress for that matter. And some of the arguments will be genuinely sincere and enlightening; others may simply be scare tactics by those who are motivated by the self-interests they have in the waste the system now generates, because that waste is providing jobs, incomes, and money for some people.

I ask you only to think of this when you hear all these arguments: Ask yourself whether the cost of staying on this same course is not greater than the cost of change. And ask yourself when you hear the arguments whether the arguments are in your interests or someone else's.

This is something we have got to try to do together.

I want also to say to the Representatives in Congress you have a special duty to look beyond these arguments. I ask you instead to look into the eyes of the sick child who needs care, to think of the face of the woman who has been told not only that her condition is malignant, but not covered by her insurance, to look at the bottom lines of the businesses driven to bankruptcy by health-care costs, to look at the for-sale signs in front of the homes of families who have lost everything because of their health-care costs.

I ask you to remember the kind of people I have met for the last year and a half: the elderly couple in New Hampshire that broke down and cried because of their shame at having an empty refrigerator to pay for their drugs; a woman who lost a $50,000 job that she used to support her six children because her youngest child was so ill that she could not keep health insurance and the only way to get care for the child was to get public assistance; a young couple that had a sick child and could only get insurance from one of the parents' employers that was a nonprofit corporation with 20 employees, and so they had to face the question of whether to let this poor person with the sick child go or raise the premiums of every employee in the firm by $200.

And on and on and on.

I know we have differences of opinion, but we are here tonight in a spirit that is animated by the problems of those people and by the sure knowledge that, if we can look into our hearts, we will not be able to say that the greatest Nation in the history of the world is powerless to confront this crisis.

Our history and our heritage tell us that we can meet this challenge. Everything about America's past tells us we will do it.

So I say to you, "Let us write that new chapter in the American story. Let us guarantee every American comprehensive health benefits that can never be taken away."

You know, in spite of all the work we have done together and all the progress we have made, there are still a lot of people who say it would be an outright miracle if we passed health care reform.

But, my fellow Americans, in a time of change you have to have miracles; and miracles do happen. I mean, just a few days ago we saw a simple handshake shatter decades of deadlock in the Middle East. We have seen the walls crumble in Berlin and South Africa. We see the ongoing brave struggle of the people of Russia to seize freedom and democracy. And now it is our turn to strike a blow for freedom in this country, the freedom of Americans to live without fear that their own Nation's health-care system will not be there for them when they need it.

It is hard to believe that there was once a time in this century when that kind of fear gripped old age, when retirement was nearly synonymous with poverty, and older Americans died in the street. That is unthinkable today because over a half century ago Americans had the courage to change, to create a Social Security system that ensures that no Americans will be forgotten in their later years.

Forty years from now our grandchildren will also find it unthinkable that there was a time in this country when hard-working families lost their homes, their savings, their businesses, lost everything simply because their children got sick or because they had to change jobs. Our grandchildren will find such things unthinkable tomorrow if we have the courage to change today.

This is our chance. This is our journey. And when our work is done, we will know that we have answered the call of history and met the challenge of our time.

Thank you very much and God bless you all.

[Applause, the Members rising].

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 6 minutes p.m., the joint sessions of the two Houses were dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mrs. KENNELLY. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SHAW (at the request of Mr. MICHEL), from 4 p.m. today, on account of personal reasons.

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes each day, on October 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, and 29.

Mr. CRAPO, for 30 minutes, on September 24.

(The following Members (at the request of Mr. MINETA) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Ms. NORTON, for 60 minutes, on September 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WOLF) and to include extraneous matter:)

Mrs. MEYERS of Kansas.

Mr. DREIER.

Mr. GINGRICH, in two instances.

Mr. CRANE.

Mr. BEREUTER.

Mr. STUMP.

Mr. PACKARD.

Mr. SMITH of Texas.

Ms. MOLINARI.

(The following Members (at the request of Mr. MINETA) and to include extraneous matter:)

Mrs. LLOYD.

Mr. HAYES, in two instances.

Mr. WISE, in two instances.

Mr. HAMILTON, in two instances.

Mr. FAZIO.

Mr. LEVIN, in three instances.

Mr. NEAL of Massachusetts.

Mr. TEJEDA.

Mr. SLATTERY.

Mr. STOKES.

Mr. TRAFICANT.

Mr. BONIOR.

Mr. WYNN.

Mr. BROWN of Ohio, in three instances.

Mr. DEUTSCH.

Mr. COPPERSMITH.

Mr. MATSUI.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 168. An act to designate the Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville, Tennessee, as the "Howard H. Baker, Jr. United States Courthouse."

BILLS, RESOLUTIONS, AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills, resolutions, and joint resolution of the House of the following titles:

On September 10, 1993:

H.R. 2010. A bill to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

On September 15, 1993:

H. Res. 249. Resolution electing the Honorable G.V. (Sonny) Montgomery Speaker pro tempore during any absence of the Speaker until September 15, 1993.

On September 21, 1993:

H.J. Res. 220. Joint resolution to designate the month of August as "National Scleroderma Awareness Month," and for other purposes.

H.R. 873. Resolution to provide for the consolidation and protection of the Gallatin Range.

ADJOURNMENT

Mrs. KENNELLY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, September 23, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1916. A letter from the Comptroller of the Department of Defense, transmitting notification that up to $11.0 million is proposed to be obligated to assist the Republic of Ukraine for civilian nuclear reactor safety upgrades; to the Committee on Appropriations.

1917. A letter from the Secretary of Housing and Urban Development, transmitting the Fiscal Year 1992 Annual Report for the Homeownership and Opportunity for People Everywhere [HOPE 2] program for multifamily rental developments, pursuant to Public Law 101-625, section 431 (104 Stat. 4172); to the Committee on Banking, Finance and Urban Affairs.

1918. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a report required by section 918 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

1919. A letter from the Board of Governors, Federal Reserve System, transmitting the Board's annual report on the assessment of the profitability of credit card operations of depository institutions, pursuant to 15 U.S.C. 1637; to the Committee on Banking, Finance and Urban Affairs.

1920. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of the Retained Earnings of the District of Columbia Water and Sewer Enterprise Fund", pursuant to D.C. Code Section 47–117(d); to the Committee on the District of Columbia.

1921. A letter from the Secretary of Education, transmitting Notice of Final Funding Priority—Services for Children with Deaf-Blindness Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1922. A letter from the Secretary of Education, transmitting Notice of Final Funding Priority—Secondary Education and Transitional Services for Youth with Disabilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1923. A letter from the Commissioner, National Center for Education Statistics, transmitting the fifth annual report on dropout and retention rates entitled, "Dropout Rates in the United States: 1992"; to the Committee on Education and Labor.

1924. A letter from the Secretary of Education, transmitting a draft of proposed legislation entitled, "Cohort Default Rate Simplification Act of 1993"; to the Committee on Education and Labor.

1925. A letter from the Secretary of Health and Human Services, transmitting a copy of the 1992 edition of "Health, United States, 1992 and Healthy People 2000 Review", pursuant to 42 U.S.C. 242m(a)(2)(D); to the Committee on Energy and Commerce.

1926. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Singapore (Transmittal No. DTC–40–93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1927. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. C–93 which relates to enhancements or upgrades from the level of sensitivity of technology or capability described in section 36(b)(1), AECA certification 90–65 of 10 September 1990, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on Foreign Affairs.

1928. A letter from the Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 1993, pursuant to 36 U.S.C. 1101(28), 1103; to the Committee on the Judiciary.

1929. A letter from the Administrator, Small Business Administration, transmitting the annual report for Fiscal Year 1992, pursuant to 15 U.S.C. 639(b); to the Committee on Small Business.

1930. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to delete a requirement that the Under Secretary for Health in the Department of Veterans Affairs be a doctor of medicine; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 2151. A bill to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet program, and for other purposes; with an amendment (Rept. 103–251). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. H. Res. 254. A resolution providing for further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes (Rept. 103–252). Referred to the House Calendar.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 1036. A bill to amend the Employee Retirement Income Security Act of 1974 to provide that such act does not preempt certain State laws; with an amendment (Rept. 103–253). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURTHA: Committee on Appropriations. H.R. 3116. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103–254). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DREIER:

H.R. 3115. A bill to improve access, affordability, and competition in health care, through the implementation of flexible savings accounts and malpractice reform, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

By Mr. MURTHA:

H.R. 3116. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

By Mr. BARLOW:

H.R. 3117. A bill to initiate planning and design for a replacement facility at Fort Campbell, KY for the purpose of providing educational opportunities for military personnel and their dependents; to the Committee on Appropriations.

By Mr. EVANS (for himself, Mr. LEACH, Mr. LIPINSKI, and Mr. SANGMEISTER):

H.R. 3118. A bill concerning treatment of the Centennial Bridge, Rock Island, IL, under title 23, United States Code; to the Committee on Public Works and Transportation.

By Mrs. LLOYD:

H.R. 3119. A bill to establish a coordinated strategy of health promotion and disease prevention activities through the Public Health Service; to the Committee on Energy and Commerce.

By Mr. MCHALE (for himself, Mr. ANDREWS of New Jersey, Mr. BACHUS of Alabama, Mr. BAESLER, Mr. BARCIA of Michigan, Mr. BARLOW, Mr. BARRETT of Wisconsin, Mr. BORSKI, Mr. BROWN of Ohio, Ms. DANNER, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DOOLITTLE, Mr. EVANS, Mr. FROST, Mr. PETE GEREN of Texas, Mr. GREENWOOD, Mr. GUTIERREZ, Mr. HOKE, Mr. HOLDEN, Ms. NORTON, Mr. INSLEE, Mr. JOHNSTON of Florida, Mr. JOHNSON of Georgia, Mr. KANJORSKI, Mr. KLEIN, Mr. KLINK, Mr. KNOLLENBERG, Mr. KREIDLER, Mr. LANCASTER, Mr. MENENDEZ, Mr. MCCLOSKEY, Mr. MCINNIS, Mr. MEEHAN, Mr. MINGE, Mr. MURPHY, Mr. MURTHA, Mr. ORTON, Mr. POMEROY, Mr. QUINN, Mr. ROYCE, Mr. SANTORUM, Ms. SCHENK, Mr. SHUSTER, Mr. SKELTON, Mr. STUPAK, Mr. SWETT, Mr. TALENT, Mr. TAYLOR of Mississippi, Mr. TEJEDA, Mr. TUCKER, and Mr. UNDERWOOD):

H.R. 3120. A bill to assure the rights of victims of crime; to the Committee on the Judiciary.

By Mr. SLATTERY (for himself, Mr. GREENWOOD, Mr. PALLONE, and Mr. QUILLEN):

H.R. 3121. A bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUMP (for himself, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. HUTCHINSON, and Mr. LINDER):

H.R. 3122. A bill to amend title 38, United States Code, to revise and improve the long-term care programs of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. DE LA GARZA (for himself, Mr. ROBERTS, Mr. ENGLISH of Oklahoma, Mr. COMBEST, and Mr. BOEHNER):

H.R. 3123. A bill to increase the interest rates electric and telephone borrowers pay under the lending programs administered by the Rural Electrification Administration and otherwise restructure the lending programs carried out by that Administration; to the Committee on Agriculture.

By Mr. ACKERMAN:

H.J. Res. 264. Joint resolution designating the month of March 1994 as "Chronic Fatigue Syndrome Awareness Month"; to the Committee on Post Office and Civil Service.

By Ms. MCKINNEY:

H. Con. Res. 149. Concurrent resolution concerning United States support for President Jean-Bertrand Aristide upon his return to Haiti as its President; to the Committee on Foreign Affairs.

By Mrs. BENTLEY (for herself, Mr. SPRATT, Mr. BONILLA, Mr. SKEEN, and Mr. STUMP):

H. Con. Res. 150. Concurrent resolution expressing the sense of the Congress that the President, with the advice and consent of the Senate, should post-humously advance Rear Adm. Husband E. Kimmel to the grade of admiral on the retired list of the Navy and Maj. Gen. Water C. Short to the grade of lieutenant general on the retired list of the Army; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII,

244. The SPEAKER presented a memorial of the House of Representatives of the State of Texas, relative to authorizing the Department of Agriculture to sell processed, previously-redeemed, discontinued, and no-longer negotiable food stamps to the public for numismatic purposes; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BILIRAKIS introduced a bill (H.R. 3124) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel RBOAT; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. SANDERS.

H.R. 59: Mr. STUPAK.

H.R. 145: Ms. DANNER.

H.R. 147: Mr. COX.

H.R. 302: Mrs. MALONEY, Mr. CAMP, and Mrs. LLOYD.

H.R. 349: Mr. WYNN, Mr. GORDON, and Mr. TORRES.

H.R. 425: Mr. BISHOP.

H.R. 427: Mr. BISHOP, Mr. DEFAZIO, and Ms. PRYCE of Ohio.

H.R. 441: Mr. PORTMAN.

H.R. 455: Mr. DUNCAN and Mr. PRICE of North Carolina.

H.R. 509: Mr. CAMP.

H.R. 562: Mr. INHOFE.

H.R. 563: Mr. INHOFE.

H.R. 769: Mrs. ROUKEMA.

H.R. 796: Mr. LEACH, Mr. CARDIN, and Ms. FURSE.

H.R. 814: Mr. ROEMER, Mr. MCKEON, and Mr. KREIDLER.

H.R. 830: Mr. DICKS, Mr. HOLDEN, and Mr. GOSS.

H.R. 831: Mr. COX.

H.R. 833: Mr. ANDREWS of Maine, Mr. PAYNE of New Jersey, and Mr. REED.

H.R. 883: Mr. BARTLETT of Maryland, and Mr. MCCRERY.

H.R. 898: Mr. KOPETSKI, Mr. BOEHLERT, Mr. ROSE, Mr. FAZIO, Mr. MINETA, Mr. SMITH of Oregon, Mr. TEJEDA, Mr. SARPALIUS, and Mr. UNDERWOOD.

H.R. 911: Mrs. ROUKEMA, Mr. GILCHREST, Mr. DUNCAN, and Mr. FLAKE.

H.R. 962: Mr. SAWYER, Mr. FINGERHUT, and Mr. MANN.

H.R. 972: Mr. SCHIFF.

H.R. 1126: Mr. PORTMAN.

H.R. 1322: Mr. LEWIS of Florida, Mr. MCMILLAN, Mr. SPENCE, Mr. HOUGHTON, Mr. YOUNG of Alaska, Mr. QUILLEN, and Mr. CALLAHAN.

H.R. 1391: Mr. TRAFICANT, Mr. BACCHUS of Florida, Mr. LANTOS, Mr. CLAY, and Mr. DEUTSCH.

H.R. 1392: Mr. COX.

H.R. 1504: Mr. PAYNE of Virginia and Mr. DOOLEY.

H.R. 1533: Mr. BACCHUS of Florida, Mr. HASTINGS, Ms. ESHOO, Ms. WOOLSEY, Mrs. MINK, Mr. DORNAN, and Mr. HOBSON.

H.R. 1622: Mr. COX.

H.R. 1796: Mr. RICHARDSON, Mr. GEJDENSON, Mr. HALL of Ohio, Mr. PAYNE of Virginia, Mr. ZIMMER, Mr. BOUCHER, Mr. MCCLOSKEY, Mr. SMITH of Iowa, and Mr. SKEEN.

H.R. 1921: Mr. JACOBS.

H.R. 1980: Mr. STENHOLM and Mr. ORTON.

H.R. 1987: Ms. NORTON.

H.R. 2043: Mr. SKAGGS.

H.R. 2221: Mr. CANADY, Mr. CRANE, Mr. DEAL, Mr. HANSEN, Mr. MANN, and Mr. POSHARD.

H.R. 2268: Mr. EMERSON.

H.R. 2357: Mr. LANTOS.

H.R. 2370: Mr. BISHOP.

H.R. 2438: Mr. CANADY.

H.R. 2444: Mr. RAMSTAD, Mr. FISH, Mr. COX, Mr. SUNDQUIST, Mr. SHAYS, Mr. KOLBE, and Mr. DEAL.

H.R. 2488: Mr. MATSUI and Mr. SANDERS.

H.R. 2572: Mr. SANDERS.

H.R. 2612: Mr. LANTOS and Mr. EDWARDS of California.

H.R. 2641: Mr. BILBRAY.

H.R. 2831: Mr. MATSUI, Mr. FAZIO, Mr. COX, Ms. WOOLSEY, Mr. STARK, Ms. ESHOO, Mr. EDWARDS of California, Mr. BEILENSON, Mr. BERMAN, Mr. WAXMAN, Mr. BECERRA, Ms. ROYBAL-ALLARD, Ms. HARMAN, and Mr. BROWN of California.

H.R. 2855: Mr. JEFFERSON.

H.R. 2877: Mr. HINCHEY.

H.R. 2879: Mr. KNOLLENBERG.

H.R. 2898: Mr. SANDERS.

H.R. 2903: Mr. EMERSON, Mr. CANADY, and Mr. SOLOMON.

H.R. 2913: Mr. BARTON of Texas, Mr. SUNDQUIST, Mr. COBLE, Mr. INGLIS of South Carolina, Mr. KNOLLENBERG, Mr. GREENWOOD, Mr. HYDE, Mr. RAVENEL, Mr. GALLEGLY, Mr. BACHUS of Alabama, Mr. BLUTE, Mr. EWING, Mr. ROYCE, Mr. SCHIFF, Mr. SHAYS, Mr. WOLF, Mr. COX, Mr. BURTON of Indiana, Mr. GILCHREST, Mr. WELDON, Mr. MCDADE, Ms. FOWLER, Mr. TALENT, Mr. FIELDS of Louisiana, Mr. HANSEN, Mr. BALLENGER, Mr. RAMSTAD, Mr. BARTLETT of Maryland, Mr. KING, Mr. HUTCHINSON, Mr. SOLOMON, Mr. SANTORUM, Mr. DIAZ-BALART, Mr. SPENCE, Mr. MCCANDLESS, Mr. CANADY, and Mr. FAWELL.

H.R. 2936: Mr. HOEKSTRA, Mr. VISCLOSKY, and Mr. EWING.

H.R. 2938: Mr. HOEKSTRA, Mr. VISCLOSKY, and Mr. EWING.

H.R. 3030: Mr. BAKER of Louisiana, Mr. ROHRABACHER, Mr. POMBO, Mr. BATEMAN, and Mr. BOEHNER.

H.R. 3031: Mr. BAKER of Louisiana, Mr. ROHRABACHER, Mr. POMBO, Mr. BATEMAN, Mr. BOEHNER, and Mr. ANDREWS of New Jersey.

H.J. Res. 79: Mr. KLEIN.

H.J. Res. 113: Mr. SKELTON.

H.J. Res. 155: Mr. LIVINGSTON, Mr. SPRATT, Mr. SKELTON, Mr. REYNOLDS, Mr. YOUNG of Alaska, Mr. TAUZIN, Mr. RICHARDSON, Mr. HOAGLAND, Mr. SERRANO, Mr. LEHMAN, Mr. SMITH of Iowa, Mr. WYNN, Mr. PACKARD, Mrs. MEEK, Mr. FRANK of Massachusetts, Mr. MONTGOMERY, Mr. MEEHAN, Ms. MALONEY, Mr. DIAZ-BALART, Mr. FILNER, Ms. MCKINNEY, Mr. OBERSTAR, Mr. GLICKMAN, and Mr. LAROCCO.

H.J. Res. 178: Mr. FILNER, Mrs. MEEK, Mr. CLEMENT, Mr. MCCLOSKEY, Mr. GREENWOOD, Mr. NADLER, Mr. MURTHA, Mr. YATES, Mr. HUTTO, Mr. BERMAN, Mr. STUDDS, Mr. PAYNE of Virginia, Mr. MENENDEZ, Mr. WELDON, Mr. DARDEN, Mrs. LLOYD, and Mrs. COLLINS of Illinois.

H.J. Res. 194: Mr. BARRETT of Wisconsin, Mr. SANDERS, Mr. REYNOLDS, Mr. BROWN of

Ohio, Mr. ARCHER, Mr. ANDREWS of New Jersey, Mr. LIVINGSTON, Mr. LAZIO, Mr. MCCRERY, Mrs. BENTLEY, Mr. MANN, Mr. RICHARDSON, Mr. BACCHUS of Florida, Mr. BROWN of California, Mr. OBERSTAR, Mr. BREWSTER, Mr. BARCA of Wisconsin, Mr. TEJEDA, Mr. HINCHEY, Mr. COOPER, Mr. COX, Mr. ROMERO-BARCELO, Mr. JEFFERSON, Ms. WOOLSEY, Mr. ANDREWS of Maine, Mr. FALEOMAVAEGA, Mr. CALLAHAN, Mr. DICKEY, Mr. GLICKMAN, Mr. DICKS, Mr. GILLMOR, Mr. BAESLER, Mr. RAMSTAD, Mr. JOHNSTON of Florida, Mr. LANTOS, Mr. KLINK, Mr. SABO, Mr. EWING, Mr. SARPALIUS, Mr. JOHNSON of South Dakota, Mr. STARK, Mr. SMITH of Texas, Mr. SAWYER, and Mr. KANJORSKI.

H.J. Res. 197: Mr. MACHTLEY, Mr. ROBERTS, Mr. FRANKS of Connecticut, Mr. KLECZKA, Ms. SNOWE, Mr. REED, Mr. VOLKMER, and Mr. MEEHAN.

H.J. Res. 198: Mr. SCHAEFER and Mr. HANSEN.

H.J. Res. 251: Mr. BALLENGER, Mr. SOLOMON, Mr. BAKER of Louisiana, and Mr. FAWELL.

H.J. Res. 257: Mr. SOLOMON.

H.J. Res. 260: Mr. KASICH, Mr. KREIDLER, Mrs. MINK, and Mr. MATSUI.

H. Con. Res. 104: Mr. BACCHUS of Florida.

H. Con. Res. 110: Mr. STUMP, Mr. SLATTERY, Mr. PASTOR, and Mr. STRICKLAND.

H. Con. Res. 116: Mr. TALENT, Mr. SOLOMON, and Mr. LEVY.

H. Con. Res. 141: Mr. ARCHER and Mr. PAXON.

H. Con. Res. 147: Mr. KLUG and Mr. FINGERHUT.

H. Res. 134: Mr. DICKEY.

H. Res. 148: Mr. PORTMAN.

H. Res. 242: Mr. KNOLLENBERG.

H. Res. 243: Mr. KNOLLENBERG.

H. Res. 244: Mr. KNOLLENBERG.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1985: Mr. FROST.

EXTENSIONS OF REMARKS

TRIBUTE TO "McD," ROBERT F. McDERMOTT, ON HIS RETIREMENT AS CEO OF USAA

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. SMITH of Texas. Mr. Speaker, I rise to honor a man known throughout the San Antonio area simply as "McD." McD is Robert F. McDermott, one of the most public-spirited and patriotic Americans I have ever known. After a half-century of remarkable accomplishments as a military and corporate and civic leader, General McDermott stepped down as head of USAA, our 21st largest diversified financial services company, on September 1, 1993. On October 6, San Antonio will honor McD at an event titled: "Celebrating 25 Years of Vision in San Antonio: 25 Years of McD."

Who and what is this man so many have come to love and revere? His biography gives clues but perhaps not the complete answer. The son of a musician, he attended the renowned Boston Latin School. An accomplished musician himself—he even played his trombone here in Washington with a visiting band in the late 1930s—he also was captivated by flight, inspired by Lindbergh, and the military. He entered West Point, graduated in 1943 and flew P-38 fighters in 61 missions over Europe.

During those war years, he met and married another McDermott, Alice, a Connecticut teacher but no relation. They were to have three sons and two daughters and then 13 grandchildren. The love of McD's life, Alice died in 1990 but remains his hero.

After a West Point faculty tour, McD later became the new Air Force Academy's first dean and, at 39, the youngest military flag rank officer at the time in 1959. He has been called the "Father of the Air Force Academy" for the innovations he brought to the academy, many later adopted by the sister service academies.

With five children to educate, McD retired from the Air Force in 1968 to join USAA, then a small auto insurer for military officers. Declining more lucrative offers, he saw USAA as an unique opportunity for service. McD transformed a small company with $207 million in assets owned and managed into a financial services giant with more than $31 billion. It was a remarkable 25 years.

Concurrently, McD, retaining his unmistakable Boston accent, consciously metamorphosed into a San Antonian and Texan. His civic accomplishments, focusing on doing things for people, boggles the mind, particularly when added to the enormous expansion and diversification he masterminded at USAA. Initiatives aimed at health, education, bricks and mortar and, above all, children, are only some of the elements of his remarkable legacy. He did it by applying the inimitable McD vision, zeal and persuasiveness. He already has been honored many times over—even a section of Interstate 10 that runs by USAA headquarters now bears his name.

But his extraordinary 50-year career only suggests what really motivates McD. The essence lies perhaps in his own words, as he addressed a USAA management meeting on July 22, 1993 when he announced that he was stepping down as CEO. In his reflections, he identified his compass. It was not "bigger and better" for the sake of bigger and better. Rather, it was a moral lesson he learned in Sunday School. As he put it: "* * * we learned that Christ, during his time, had summed up the Ten Commandments in a positive way, instead of 'Thou shall not * * *,' which most of the commandments started with. He said there are two commandments and, stating them in a positive way, he said, 'Thou shall love thy God, and thou shall love thy neighbor as thy self.' For years after that, I tried to probe the deeper meaning of those two simple commandments and what it would mean to me in my life."

That McD has lived the "Golden Rule" is indisputable. And he has already reaped rewards of that unusual commitment. As he told USAA executives: "* * * my psychic income is the highest of anybody in San Antonio or in the insurance industry."

What then is McD? He is many things, among them citizen, soldier, pilot, musician, father, grandfather, teacher, leader, innovator, and patriot. But to me he is what I would call simply a 20th century renaissance man, that rare individual, a model for us all.

He will continue giving of his talents as he steps down from USAA's helm. Who knows what the years to come will bring from this wonderful man? It has been a privilege to know him and work with him. We are all the better for his good works.

TRIBUTE TO CHIEF J. SNIZEK

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. BROWN of Ohio. Mr. Speaker, I rise before you today to pay tribute to a distinguished civil servant from South Amherst, OH. Chief Thomas J. Snizek, who is retiring at the end of September, he has served his community for nearly a half century. It is an honor to have someone of his caliber in Lorain County.

In 1946, Mr. Snizek began his service as a special deputy marshal with the South Amherst department. Only 3 years later he was promoted to the status of deputy marshal, and it was from this position that he rose to the honor of police chief in 1953.

Chief Snizek is a member of both the American and the Ohio Police Hall of Fame. In the American Hall of Fame he has the additional distinction of holding the Medal of Honor. Chief Snizek is also an honorary police officer in Reims, France.

Chief Snizek has been an invaluable asset to the South Amherst police department. His keen sense of public service has been a hallmark of his 47 years in law enforcement, and 40 years as the department's police chief.

Mr. Speaker, it is with great pride that I ask you and my fellow Members of Congress to join me in recognizing Chief Snizek for his many years of service to the South Amherst police department. I am proud to represent Chief Snizek in Congress, and it is a privilege for me to honor him in this small way as his remarkable career in law enforcement comes to a close.

SCARE TALK ABOUT NAFTA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. GINGRICH. Mr. Speaker, I encourage all my colleagues to read the following editorial by Robert J. Samuelson exposing the alarmist scare-tactics currently being used to drum up unfounded opposition to the North American Free Trade Agreement. I hope that this will be helpful in unclouding the debate about NAFTA.

SCARE TALK ABOUT NAFTA

On NAFTA, Jay Leno got it about right. NAFTA is shorthand for the North American Free Trade Agreement—a free trade pact between the United States and Mexico. Last week, Leno wandered out of his studio to ask people on the street what they think of it. Think of it? Hey, they have hardly heard of it. A typical response went: "Nafta? How do you spell that?" As Leno discovered, Americans aren't lying awake worrying about NAFTA.

All of which makes the strident opposition of so many congressional Democrats mystifying. They're not only against it. They're determined to defeat it and humiliate President Clinton, who backs the agreement. Hello, anybody home? Yes, George Bush originally negotiated NAFTA, but he's gone to Texas; this guy Clinton is your president. The opposition is all the more perplexing, because the case against NAFTA is so weak.

What we're being told is that free trade with Mexico would devastate the U.S. economy. With its low wages, Mexico would unleash a flood of cheap imports into our markets. There would be a mass exodus of U.S. factory jobs, as hordes of American companies fled across the border. "Save Your Job, Save Our Country: Why NAFTA Must Be Stopped—Now" is the book by Ross Perot and Pat Choate that captures the worst fears. Many unions make similar arguments.

All this is scare talk. To understand why, you need to grasp NAFTA's basics. They boil down to three propositions.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(1) Contrary to anti-NAFTA rhetoric, the trade agreement would probably boost U.S. jobs. But the impact on jobs—whether good or bad—would be small.

The idea that Mexico will hijack our industrial base is a myth. "If this fear were realistic, it would already have happened," as economist Gary Hufbauer of the Institute for International Economics puts it. Mexico's wages have long been lower than ours, and most of its exports already enter our market without any tariff. (The average tariff; 1.9 percent.) If companies were going to flee, they would have done so years ago. They haven't fled for lots of reasons: American workers are more productive than Mexican workers; Mexico's transportation and communications systems are less efficient; U.S. companies need to be close to U.S. customers.

Our economy is 20 times the size of Mexico's. Mexico simply isn't capable of flooding us with cheap goods. Nor can it absorb enough of our exports to generate dramatic U.S. job increases. Still, most of the import barriers that would come down under NAFTA would be Mexico's against our products. Its tariffs average about 10 percent. This is one reason most experts think NAFTA initially would raise U.S. exports and jobs. Recent experience is encouraging. Since the mid-1980s, Mexico has unilaterally cut its steep tariffs and quotas. Annual U.S. exports soared from $12 billion to $41 billion between 1986 and 1992. A $5 billion trade deficit became a $5 billion trade surplus.

(2) NAFTA is an exercise in enlightened foreign policy—an effort to make Mexico richer and thereby, a better neighbor.

Both Presidents Bush and Clinton have bought the promise of NAFTA, which is the brainchild of Mexican President Carlos Salinas de Gortari. For Salinas, NAFTA represents a way to consolidate radical changes in Mexico's economic policies. He has tried to dismantle elaborate economic controls. Many state-owned companies have been sold. Tariff reductions have been dramatic. The goal is to spur economic growth by creating a climate that attracts investment and opens Mexico to global competition.

So far, Salinas has enjoyed modest success. Since 1989 Mexico has lured about $42 billion in new foreign investment. Meanwhile, its economy has grown consistently for six years, a contrast with the stagnation of the early 1980s. NAFTA would make Mexico's low tariffs and relaxed restrictions on foreign investment harder to undo by encasing them in a treaty. Salinas's economic policies have also had a political edge. Trying to cooperate with the United States, he has abandoned anti-American rhetoric.

(3) If NAFTA works, huge gains for the United States would emerge gradually over 10 or 15 years.

A prosperous, stable and democratic Mexico would simply be a better neighbor than a poor, unstable and undemocratic Mexico. Higher economic growth would ultimately reduce illegal immigration into the United States. Mexicans could stay home and get jobs. It would be easier to cooperate with Mexico on issues ranging from the environment to drug traffic. Finally, a more prosperous Mexico would help some mature U.S. industries. Autos are a good example. Mexico has about eight cars per 100 people; we have about 57 per 100. A richer Mexico would buy more cars, and many of these would be designed and built in the United States.

The obsession with jobs obscures what NAFTA is really about: the remaking of Mexico. Some U.S. industries would lose under NAFTA; others would gain. But the potential losses are tiny compared with job disruptions that are caused by business cycles or new technologies. The real cloud over NAFTA is that it may not remake Mexico, as Mexican political scientist Jorge Castaneda argues in "Foreign Affairs." Mexico might not attract ample foreign investment. Joblessness might rise, because inefficient Mexican firms can't withstand foreign competition. Salinas's modest political reforms, designed to end one-party rule, might stall. Corruption, as Castaneda notes, remains widespread.

But NAFTA is the gamble that Mexico's leaders have made, and no one has advanced a better idea. The question for Americans is whether the alternative—conducting U.S.-Mexican relations without the agreement—is good policy. it isn't. Defeating NAFTA might stunt Mexico's economic development. It would also represent an enormous setback to U.S.-Mexican relations, because Mexico's leaders have staked so much on NAFTA.

The alarmism about jobs is actually an assault on the president's authority to make foreign policy. The economic logic against NAFTA is weak as is the political logic. Congressional opposition is a wrecking operation. It has little popular appeal. Jay Leno knows this, but do congressional Democrats?

RURAL HEALTH CARE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 15, 1993, into the CONGRESSIONAL RECORD:

RURAL HEALTH CARE

President Clinton is expected to unveil his health care reform package sometime this fall. I will be particularly interested to see how the President's plan will affect rural communities in Indiana and around the country. Rural community leaders have struggled to maintain health services that are badly needed by local residents and critical to long-term economic development. Businesses are reluctant to locate to communities without physicians and a nearby hospital. Keeping health services available in rural America, however, is proving to be increasingly difficult. Young physicians are choosing urban practices in increasing numbers and are declining opportunities to practice the primary care specialties most needed in rural areas: family medicine, internal medicine and pediatrics.

ACCESS TO MEDICAL CARE

Rural America suffers from limited access to medical care. Small rural communities in this country have only about half as many physicians per capita as larger ones. Two thirds of all of the country's rural counties either have no physician or are so short of a sufficient number that they are classified as Health Professions Shortage Areas (HPSAs). Likewise, during the 1980's 10% of the nation's rural hospitals closed their doors and the closures are continuing unabated during the present decade. Hospitals with less than 100 beds and low occupancy rates have been particularly vulnerable.

Exacerbating the problem is the fact that rural populations generally are older and poorer than their urban counterparts. They are 25% more likely to report that they suffer from a chronic disease than the rest of the population. Rural people need more access to health care but, at present, they are less likely to get it.

EXPERIENCE IN INDIANA

Eleven of the Indiana counties of the 9th District are classified as HPSAs, in whole or in part: Franklin, Ohio, Switzerland, Jennings, Scott, Brown, Crawford, Spencer, the central part of Ripley, the southwest part of Washington, and the southeast portion of Harrison. When the Indiana State Department of Health surveyed rural residents in 1991 about their views on health care in their communities, 21% expressed concern about the shortage of physicians. Securing physicians for such communities can be very difficult. Professional recruiters often charge $20,000, or more, with no guarantee of success.

Indiana rural hospitals have fared much better than those of the nation as a whole. Close to 200 rural hospitals have shut down nationwide over the past five years, but only one of these was in Indiana (the George Ade Hospital in Brook). Prudent Hoosier hospital management and strong support for local hospitals have kept our rural hospitals open so far, but most rural hospitals in Indiana continue to face a difficult financial situation.

FEDERAL EFFORTS

During the past ten years Congress has approved a number of initiatives to help rural communities secure physicians and keep rural hospitals open. The National Health Service Corps, which assigns physicians and other health professionals to HPSAs in return for a free medical education, has been revitalized. 13 of these physicians now serve in Indiana. Medicare payments to primary care physicians, the bulk of those serving rural areas, have been increased at the expense of payments to specialists. Additional 10% Medicare bonuses are paid to physicians who serve HPSAs.

In addition, many reimbursement increases to rural hospitals under Medicare have been made. While payments to urban hospitals are still higher for the same procedure, the differences have been greatly narrowed. Higher payments also are made to several special categories of rural hospitals, including large rural referral centers, small hospitals that serve isolated rural towns, hospitals that use some of their beds for nursing care some of the time, and hospitals that serve a particularly high percentage of Medicare patients. Over half of the nation's rural hospitals now have received financial assistance under a federal Transition Grant program that helps hospitals and the communities they serve adjust the service mix of the hospital to better serve local needs. I supported these programs, and others like them, and will continue to press for improvements in rural health care.

STATE EFFORTS

Many states play important roles in improving access to health services in rural areas. Some pay higher rates to rural physicians (Kentucky) or rural hospitals (Oregon) under their Medicaid programs, which provide health services to the poor. Some establish and operate clinics in rural areas (North Carolina) or set up medical practices and recruit physicians (Wisconsin). The University of Minnesota sends many third year medical students out to rural medical practices to understudy family physicians for nine to twelve months. These students go on to primary care careers in rural Minnesota in most cases.

PRIVATE INITIATIVES

Governments can help solve this problem, but they can not do it alone. For example, unless local citizens have enough confidence in their local physicians and hospitals to use them, instead of driving to the city for health care, they are likely to lose them. Health providers play an important role as well. Rural hospitals that form consortiums to benefit from economies of scale are more likely to survive. So are those which are innovative in finding expertise in management. Sometimes this means hiring a health care management company to manage the hospital—as the Perry and Jennings county hospitals have done.

CONCLUSION

We are in a period in Washington in which most health care issues have been placed on hold, pending introduction of the President's health care reform proposal. The White House health care reform task forces paid considerable attention to rural issues and I am quite hopeful that the proposal President Clinton will introduce later this month will help extend services to rural areas. When the proposal is submitted, I will seek the consultation of physicians, other health care professionals and users of health care to help determine its merits. The nation's governors are very concerned that health care reform allow considerable flexibility to the states so that a state like Hawaii that already guarantees health care to most residents will not have to start all over again. I believe that state experiments to make affordable health care available should be encouraged and agree with the need for flexibility in national health care reform, particularly to meet rural needs.

TRIBUTE TO LARRY GREGORY, FIREFIGHTER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. LEVIN. Mr. Speaker, I rise today to pay tribute to a dedicated firefighter, Larry Gregory, as he prepares to retire from public service. His commitment to the safety of his neighbors in Sterling Heights, MI, deserves recognition and praise.

Almost 25 years ago, in September 1969, Mr. Gregory was hired by the Sterling Heights Fire Department. He was reinstated in February 1981 and continued his service as acting sergeant from 1986 until 1988.

Mr. Gregory has always gone beyond the call of duty to reach out to the community. He participated in the Fire Department Explorers Program throughout the 1980's as a counselor. He also assisted with Fire Department Open Houses and Community Service Day Programs.

Mr. Gregory will retire on November 10 of this year to enjoy his retirement with his wife, Catherine, and four sons. I extend my wishes for a healthy and happy retirement.

YELTSIN MOVES TO END CHAOS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. HOYER. Mr. Speaker, yesterday, President Boris Yeltsin cut the Gordian knot that has paralyzed Russian politics for over a year: he suspended the constitution, disbanded the Russian parliament, and called for new parliamentary elections in December. Technically speaking, this act was illegal, as Yeltsin himself acknowledged. But he forcefully made the argument that he acted in the spirit of democracy by breaking the letter of the law.

Last April, large majorities of voters in Russia voiced their support of President Yeltsin and his policies, while calling overwhelmingly for new parliamentary elections. Basing his mandate on that referendum, as well as his June 1991 victory as Russia's first ever democratically elected president, Yeltsin has moved to realize the will of Russia's electorate.

President Clinton and the leaders of the Western democracies have backed Yeltsin's action, recognizing that the situation in Russia is extraordinary, historic and worrisome. The overwhelming power of an unrestrained executive branch, and the absence of popular representation and checks and balances, have been the cause of many of Russia's misfortunes over the centuries. So under other, ordinary circumstances, the West, and especially this body, the United States Congress, would applaud the assertiveness shown by the Russian Congress of People's Deputies in its ongoing struggle with President Boris Yeltsin—a strong personality who sometimes behaves erratically.

But the primary reason for continued Western backing for Yeltsin is our perception of the divergent goals pursued by the contending branches of power. Yeltsin is explicitly pro-American, pro-Western, pro-market, and has pursued a relatively restrained policy toward the other former Soviet Republics. There are grounds for concern about implementation of these policies, but compared to what we could expect from the Russian Parliament, Yeltsin's objectives are more promising of democratic and economic reforms being implemented and succeeding. The Parliament has accused the West of seeking to undermine and weaken Russia. It urges a much more hardline approach to the other former republics. As for economic reform, the Parliament opposes Yeltsin's privatization program, and largely reflects the views of the Communist Party nomenklatura and managers of large industrial enterprises and collective farms. Moreover, the Russian Parliament—while not uniformly reactionary or pro-Communist, as is often claimed—nevertheless represents the political realities of 1990, before the lifting of the Communist Party's monopoly. Its members do not have the obvious legitimacy Yeltsin enjoys, they do not reflect the political realities of today's Russia, and under the current leadership, the Parliament has done everything in its power to undercut Yeltsin and his programs.

The result has been what a Washington Post article last Saturday aptly called "irrelevant chaos." But Mr. Speaker, Russia—with its thousands of nuclear warheads and pivotal position in world politics—cannot afford "irrelevant chaos," and neither can the United States afford such conditions in Russia. It is imperative for the people of Russia, and for our own interests, that a democratically elected government implement necessary reforms and keep Russia on a pro-Western track. Boris Yeltsin's courageous and admittedly risky move yesterday, we hope, will lead to precisely that outcome.

New parliamentary elections are now scheduled for December 12. Members of the current parliament should be allowed to run for office. If they win, we should honor their victory as an expression of the democratic process—and President Yeltsin will have to, as well. Meanwhile, we look forward to that vote, and are wishing success to the people of Russia.

TRIBUTE TO THE FIRST EVANGELICAL CHURCH OF LORAIN, OH

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. BROWN of Ohio. Mr. Speaker, I rise before you today to recognize the achievements of the First Evangelical Lutheran Church of Lorain, OH. During the month of September 1993, this remarkable church will celebrate over 90 years of service to the community.

Established in 1899, the First Evangelical Lutheran Church was originally a mission church with services in both German and English. In 1903 the mission was reorganized, and a constitution and by-laws were adopted.

Following reorganization, the present church property was purchased along with an old schoolhouse which was moved to the property and used as the place of worship. In 1924 the present church was erected, with only a slight setback when it was struck by a tornado during construction.

The First Evangelical Lutheran Church has been a bedrock of fortitude and support for the community since its inception in 1899. Through programs such as the Senior Taxi Service, and Meals on Wheels, this church has worked to improve the lives of many people. In addition, the church has taken part in the sponsorship of a refugee family from Laos, and the regular donation of food to the area's needy families.

During this month of September 1993, the First Evangelical Lutheran Church of Lorain has paused to honor and praise the deep and abiding Christian commitment of its many past and present members. Over the years this church has been blessed with members who have given unselfishly to provide valuable human services where the need continues to be so great.

Two individuals who exemplify the generous giving that First Evangelical Lutheran Church has become known for are the Rev. Linwood H. Chamberlain, Jr., and the Rev. Jimmy W. Madsen. Their efforts have done much to enhance the cultural, spiritual, and educational development of Lorain area residents.

Mr. Speaker, it is with great pride that I ask you and my fellow Members of Congress to join me in recognizing the First Evangelical Lutheran Church to join me in recognizing the First Evangelical Lutheran Church of Lorain and its many members. As they celebrate their 90-year anniversary, let us remember the church's true commitment to enhancing the dignity and nurturing the spirit of all people.

WE CAN LEARN FROM EXCHANGE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. GINGRICH. Mr. Speaker, I believe that one of the most effective ways for the United States to help Russia and the Commonwealth of Independent States make the difficult transition to democracy and capitalism is to establish direct and personal relationships between Americans and the people of Russia, Ukraine, and the other Republics.

This summer, residents of the Sixth District of Georgia hosted some 100 Russians in their homes to show them what freedom and life in America is all about. I urge my colleagues to read the following article about what we can learn from this exchange and to support the efforts of organizations like Freedom Exchange which are dedicated to bringing people to the most dynamic Nation on Earth and encouraging them to take freedom, democracy, and free markets back with them in the effort to establish a more united, peaceful world.

[From the Gwinnett Post-Tribune, Aug. 18, 1993]

WE CAN LEARN FROM EXCHANGE

This summer some residents of the Sixth District have been involved in an experiment that is an important step toward global peace and prosperity.

This year's pilot program of Freedom Exchange brought 140 young Russian business people and professionals to the United States to show them the basics of freedom and the free enterprise system.

The largest group of these Russian visitors are here in the Sixth District. These 100 young men and women are working side by side with American business people to learn the basics of capitalism: how to attract customers, advertising, marketing, and customer service.

Several families and business people have told me that they are learning as much about Russia and Russians as our guests are learning about America. This is a two way program of two people learning about each other.

This is what some of the hosts are saying:

"The people in this program seem to be the upcoming movers and shakers in Russia. What they learn here will make some important changes," said Karen Hills of the North Fulton Chamber of Commerce in Roswell.

"We are learning a lot about each other, but at the same time I realize how often we take for granted what we have and how fortunate we are," said Donna Row, an East Cobb real estate agent.

"I see a young group of people who can change the system in Russia. There is hope, but only with assistance from us," said Charlie Bowers, a Roswell businessman.

"We are both learning. I am learning factual things, he (the Russian intern) is learning impressions. The thing that we are learning the most is that we are not different," said Rosalee Hopkins, owner of Bianco Hopkins & Associates in Norcross.

Just as the Freedom Exchange is a learning experience for both sides, I think there is much we can learn from today's Russia.

Recently, I traveled to Russia and was impressed with the dramatic scale of change I saw. Their flag has changed, the name of their country has changed, all the old rules are gone.

We Americans have to respect and recognize what an enormous human risk the people of Russia are taking, and we have to ask ourselves, if they are this prepared to change their country, how much are we prepared to change our country?

It seems that we are preaching one thing to President Yeltsin and the Russians and practicing another in Washington. In Russia we are saying, "You need less bureaucracy, you need less red tape, you need more incentives, you need more privatization, you need more decentralization, get power out of Moscow back to the local communities, get power away from the bureaucracy back to the marketplace, have the marketplace set prices and set incentives."

Why then, if we say wage and price controls do not work in Russia, do we think they could work to improve health care in the United States?

In Russia we are seeing what happens when a government doesn't control its budget. To keep the Russian currency from collapsing, the government is calling in old rubles and replacing them with new ones. Four years ago the official exchange rate was 18 Russian rubles to an American dollar. This spring the ruble was worth about half a cent and losing value at one percent a day. By the end of this month a ruble—unless it was printed this year—will be worthless.

If the Russian people who have lived for 70 years under Communism can be expected to learn about market incentives, privatization, decentralization, free markets, private property, then why can't we Americans in Baltimore, New York, Detroit, Philadelphia and Atlanta, also be asked to learn? If they can privatize apartments in Moscow, why can't we find a way to privatize public housing in America?

Our government has indicated a real interest in what happens here with Freedom Exchange. They see this as an experiment which if it works, will be expanded dramatically next year to have at least 10,000 Russians visiting across all of America.

These men and women of Russia decided to take time out of their lives to learn more about freedom and more about America. The host families are sharing of their homes, their time and their lives.

These are the types of relationships we must foster if our children and grandchildren are to live in a united, peaceful world.

REINVENTING GOVERNMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 22, 1993 into the CONGRESSIONAL RECORD:

REINVENTING GOVERNMENT

The Clinton Administration has embarked on an ambitious effort to "reinvent" government—overhauling the executive branch to make federal programs work better and cost less. Following the efforts of various states and businesses, the aim is to replace a large bureaucracy and its bloated chains of command with a more entrepreneurial, decentralized government with power and accountability shifted more to workers. The goal is to make government leaner and more customer-oriented, and to help restore public confidence in government. Based upon a National Performance Review headed by Vice President Gore, the Administration's reform effort proposes hundreds of specific recommendations, ranging from eliminating half of federal management jobs to changing the way the government buys computers. President Clinton has made reinventing government one of his top priorities.

MAIN THEMES

The report, which is very tough on government, criticizes the way government hires people, buys things, centralizes decisionmaking, duplicates programs, and uses outdated procedures. It recommends lengthening the federal budget process from one year to two, minimizing congressional restrictions on federal agencies, cutting federal personnel regulations, giving managers more flexibility in hiring and firing, decentralizing decisionmaking, updating procurement procedures, cutting government regulations in half, adopting measurable performance goals for programs, closing unnecessary field offices, consolidating some agencies, and opening up federal monopolies like the Government Printing Office.

The plan would save an estimated $108 billion over five years, primarily through eliminating some 252,000 federal jobs—12% of the civilian, nonpostal workforce—as well as through procurement reform and upgrading government technology. About half of the recommendations can be implemented by the President by executive action. The rest would need the specific approval of Congress.

POSITIVE FACTORS

Although there have been about a dozen major executive branch reform efforts this century, several factors suggest that this attempt could be more successful. First, the effort to cut back the government bureaucracy is being undertaken by a Democratic President—which means the recommendations have been met with less initial skepticism—and he will be working with a Democratic-controlled Congress. Second, the Gore task force was staffed by those working within government rather than outsiders, and the report has received support from federal employee unions because it aims to free workers to better it aims to free workers to better do their jobs. Third, President Clinton strongly believes in the reinventing government effort. He undertook similar reforms while Governor. Fourth, the report—one of the best government reports I have read—has strong bi-partisan support. Fifth, there is a widespread recognition that in this era of federal belt-tightening, programs must be shown to operate efficiently if they are to survive. Finally, Americans are clearly upset about overall government performance, and the basic themes of this effort resonate well with the public.

CRITICISMS

Yet skeptics argue that there are several problems with the overall reinventing government effort. First, the report focuses on how government agencies can perform their tasks better, rather than asking the more basic question of whether the agencies should still be performing those tasks at all.

Second, much of the reinventing government effort boils down to less oversight of executive branch employees—by reducing management, employee regulations, and congressional oversight. What some see as red tape, others see as political and financial safeguards. A backlash could emerge, for example, if favoritism creeps back into personnel decisions and government purchases, or if newly empowered mid-level employees make decisions costing taxpayers millions of dollars. Third, deep personnel cuts could come from popular departments and agencies. If carried out proportionately, three-fourths of the cuts would come from the Departments of Defense, Veterans Affairs, Treasury (which includes federal law enforcement), Health and Human Services (which handles social security and medicare), and Agriculture. Fourth, some say that the executive branch is not grossly overstaffed. The 3 million federal civilian workforce (including 800,000 postal workers) basically has not grown over the past twenty years. Indeed, it has shrunk from 3.5% of all civilian employment in 1970 to 2.6% in 1990. The real growth in government employment has been at the state and local levels, where jobs have grown from 10 million to 15 million since 1970. Finally, it is difficult to apply the lessons of businesses and the states to the federal government. Some state experiments have not worked well, and the success of large businesses in "reinventing" themselves has been mixed. Moreover, lessons are not easily transferred to the federal government because of its sheer size and lack of competitors, and because its goals are not easily quantifiable and its "customers" often make quite conflicting demands.

OVERALL ASSESSMENT

The process of reinventing the federal government will certainly not be easy. Many powerful constituencies would be affected by the changes. Neither politicians nor bureaucrats give up turf easily, and government entities tend to grow inexorably. Serious roadblocks to the major recommendations could arise in Congress, not just because Members might protect constituents or pet programs, but also because of genuine disagreements with the executive branch over program goals and the proper oversight role of Congress.

Yet I believe that the overall direction being recommended by the Administration is correct. We need a government that is smaller and smarter. We must follow the example of corporate America which for years has been "downsizing" and becoming "lean". Although some of the specific proposals will need careful scrutiny, the broad themes—that government should be more innovative, allow its manages to manage, be more responsive to its customers, and give more attention to results—are right on target.

But for recommendations to become reality, it is crucial that President Clinton demonstrate clearly that he is serious about the effort. He must quickly sign executive orders to implement various recommendations that he can carry out himself. He must show that he will put his power and prestige behind pushing other recommendations through Congress. And he must make it clear to all that he is in this for the long haul—frequently updating the American people on what has been accomplished so far and what remains to be done. The reinventing government effort will take many years, and it will take serious, constant presidential leadership. The report is an important first step, but implementation and followthrough will be crucial.

TRIBUTE TO DONALD SITKO, FIREFIGHTER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. LEVIN. Mr. Speaker, I rise today to pay tribute to Donald Sitko, a devoted husband, father, and Firefighter. Firefighters such as Lieutenant Sitko put their lives on the line to protect citizens from danger. They are truly a cornerstone of the community.

This year, Lieutenant Sitko ends a long career with the Sterling Heights Fire Department. He began his public service in 1970, and worked for the safety of the community for 23 years. In 1989, he was promoted to lieutenant, at which post he served until his reirement.

As a firefighter, Lieutenant Sitko risked his life to save the lives of neighbors and friends as well as complete strangers. He extended his help to the entire community through the fire department open houses.

Donald Sitko spent his career ensuring a safe existence for others. As he prepares to retire in the company of his wife Christine, and his daughter Jennifer, I wish him the same security and peace that he has provided for his community.

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE ELECTIONS

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. WISE. Mr. Speaker, as outgoing House chairman of the Environmental and Energy Study Conference, I would like to announce the election this morning of our colleague JAN MEYERS as House chair and TONY BEILENSON as vice chairman of the study conference, to serve for the duration of this Congress.

Senator JOHN MCCAIN was reelected Senate chairman, and Senator JOE LIEBERMAN was elected Senate vice chairman.

The officers were elected by the study conference's executive committee. The committee was elected earlier this week by the full study conference membership.

Those serving on the executive committee from the House are Representatives GARY L. ACKERMAN, ANTHONY C. BEILENSON, GEORGE E. BROWN, JR., JIM COOPER, PETER A. DEFAZIO, DEAN A. GALLO, PORTER J. GOSS, STEVE GUNDERSON, LARRY LAROCCO, BOB LIVINGSTON, JAN MEYERS, FRANK PALLONE, JR., MEL REYNOLDS, CARLOS A. ROMERO-BARCELÓ, DAN SCHAEFER, GERRY E. STUDDS, MIKE SYNAR, PETER G. TORKILDSEN, BARBARA F. VUCANOVICH, and myself.

Those who will serve on the executive committee for the Senate are Senators JOHN H. CHAFEE, CHRISTOPHER J. DODD, PATRICK LEAHY, JOE LIEBERMAN, JOHN MCCAIN, BOB PACKWOOD, and CLAIBORNE PELL.

The study conference is the largest legislative service organization in Congress, with a membership of more than 270 House Members and 89 Senators. The conference provides us with objective analysis of environmental, energy and natural resources issues and provides forums and briefings for Senators and House Members to discuss these issues with representatives of the administration, the science community, and interest groups. The conference does not take political positions. It was founded in 1975.

The conference is an important resource that helps improve the effectiveness and efficiency of our offices. By pooling modest membership fees to support a staff of 10 specialists, we receive far more information than we would be able to compile in our own offices at the same cost.

I am pleased that the conference's value to Congress is widely recognized. For example, National Journal described the conference's weekly bulletin as "indispensable," and Newsday called the conference's work "invaluable."

I congratulate the new study conference officers and, as an executive committee member, I look forward to assisting them in their efforts.

A TRIBUTE TO JOHNSON'S BOOKSTORE FOR 100 YEARS OF EXCELLENCE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to pay tribute today to Johnson's bookstore, which has been serving the citizens in Springfield, MA. This year, Johnson's is celebrating it's 100th birthday. The store was brought into existence in 1893, by Henry R. Johnson and his brother Clifton Johnson. Within a few years Johnson's bookstore evolved into the landmark it is today on 1379 Main Street.

Johnson's is not only a bookstore, it offers much more. The Johnson brothers began by supplying the consumer with bookkeeping equipment and stationery. Today as a result of their hard work and dedication, the store has grown tremendously. When you walk through the front of the store you will find books, office supplies, stationery, greeting cards, framed pictures, leather goods, and toys. Just when you think you have covered all corners of the store, there is yet another section. In the other section of the store, built in 1914, you will find the antique department and the secondhand bookshop. As seen, the store is able to satisfy the needs of any customer who enters.

In addition to the store's quality of merchandise, there are always friendly and knowledgeable sales people to answer any questions you might have. These people are the third and fourth generation of the Johnson family, who are continuing to carry on the legacy of Johnson's.

Mr. Speaker, as an avid reader, I have always appreciated a good bookstore. Libraries and bookstores are places where knowledge is shared and passed on to new readers. At Johnson's, leisurely browsing is always encouraged. I am proud to have this fine bookstore in my hometown and I salute the owners and employees of Johnson's bookstore on 100 years of quality service. I wish them another 100 years of success.

CSCME: A MIDDLE EAST SECURITY FRAMEWORK

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. HOYER. Mr. Speaker, the recent mutual recognition agreement between Israel and the Palestine Liberation Organization is a historic step forward. Having fundamentally altered the politics of the Middle East, it makes the possibility of a broader security framework a reality. I believe that a Conference on Security and Cooperation in the Middle East [CSCME], modeled on the Conference on Security and Cooperation in Europe [CSCE], could make a significant and constructive contribution to that end. It offers a process by which barriers to trade, travel, and communication can be discussed and removed; in which old hatreds and passions can be channeled into constructive dialogues between states and peoples; and within which regional stability can be established.

In particular, several aspects of the CSCE are directly applicable to the Middle East: first, the built-in follow-up process; second, the CSCE's status as a political, rather than legal, framework; third, consensus decisionmaking; fourth, the broad and interrelated issues it covers; and fifth, its comprehensive membership.

As you know, Mr. Speaker, the CSCE—also known as the Helsinki process—is an ongoing, multilateral forum now involving 53 states, including the United States and Canada. The process was born with the signing of the Helsinki Final Act on August 1, 1975. In hindsight, the Helsinki Final Act's three sets of provisions—on military security, economic and environmental cooperation, and human contacts and humanitarian affairs—represent a masterful balance between competing interests and objectives.

The Final Act initiated an ongoing dialogue in a bitterly divided, post-war Europe which had accumulated the largest concentration of armaments in the history of humanity. The follow-up process mandated by the Final Act brought contending blocs to the negotiating table to address the issues which divided them by reviewing implementation and expanding the scope of their cooperation.

Even critics of the CSCE would agree that the political commitments undertaken by the participating states to implement objectives in the areas of military security, economic cooperation and the environment, and human rights and humanitarian concerns and the discussions that revolved around the implementation of those commitments helped spur change in the former Warsaw Pact. And dialogue in the CSCE is not restricted to states; it involves their peoples to a very large degree. Ordinary citizens and nongovernmental organizations took up the moral debate and the notion of accountability and injected them back into the political realm of the CSCE. These aspects of the CSCE—political dialog and public participation—are critical in the Middle East.

The CSCE's rule of consensus is the natural and necessary counterpart to this dialog. Diverse and divided countries must be assured that the issues of critical importance to their national security and, indeed, their very existence, will not be threatened by merely taking part in a discussion. For this reason, the CSCE assures its participants that decisions will not be imposed upon them by a majority vote. Logically, there is a stronger basis for seeking compliance with commitments when they have been freely undertaken. In a process where even the smallest country has an equal vote, no state can refuse to implement a commitment on the grounds it was simply outvoted. For these reasons, a CSCME should also incorporate consensus as the basis for making decisions.

In particular, the 10 principles of the Helsinki Final Act that guide relations between States exemplify the careful equilibrium necessary to give participating states a vested interest in the process, despite the barriers which have divided them. While Principle I provides for the sovereign equality of states and Principle VI mandates nonintervention internal affairs, Principle VII requires respect for human rights and fundamental freedoms, and instilled in citizens the idea that states were accountable to the governed as well as to each other. While Principle IV speaks of the territorial integrity of states, Principle VIII recognizes the right to self-determination of peoples, and Principle I states that borders can be changed peacefully and in accordance with international law.

Even with the tremendous changes that Europe has undergone in the last several years, the wide range of issues covered in the CSCE continues to give every player some stake in the game. The agenda for a CSCME must likewise be shaped to reflect the issues which are of particular concern to the region. But in addition to other questions of special relevance to the Middle East, the original CSCE principles might serve as a useful outline for opening discussions on a CSCME. Based on more than 18 years of experience, I would argue that these principles have proved their worth. These concepts will take on increasing importance as the peoples of the Middle East demand more accountability from their leaders and as states do so from each other.

A Middle East security framework, in which all the states work together to reduce the likelihood of conflict, has resonant and far-reaching appeal. Such a framework need not depend upon an exact convergence of values or an overall balance of power. A Conference on Security and Cooperation in the Middle East can encourage regional security through arms control, verification, confidence- building, and crisis prevention, just as the Helsinki Final Act provides for confidence-building measures in recognition of the integral interrelationship between the political and military aspects of security.

Both the United States and Russia could play an important role in seeing that a CSCME process is initiated because both share interest containing radical Islamic fundamentalism, stemming terrorism, and securing peace and security in the region. Boris Yeltsin's reformist government well understands the benefits of CSCE. The presence of a multilateral forum for discussion provides an outlet for grievances and a framework for conflict resolution. It must also be remembered that currently in the state of Israel are well over half a million Jews from the former Soviet Union. Though they fought for years to leave their homeland, they nevertheless maintain ties with Russia that can now attract and anchor Russian engagement in an ongoing CSCME process.

Of course, there are no guarantees that a CSCME could solve the complex and explosive problems confronting the Middle East. Meetings and documents can change nothing by themselves if the political will of the participating States is in question. But we are now at an historic juncture where long-absent political will may suddenly exist. We have just witnessed an agreement which has made the conditions for a long-term peace better that they have ever been before. In such a climate, a CSCE-type process can bring strength in its persistence, in its relentless determination to foster continued political will among its participating States and, just as important, among their citizens. The United States should be prepared to remain engaged in the process and to sustain what may be a new order in the Middle East.

Once implacable enemies, the PLO and Israel have now set the stage to live side by side in peace. At the White House signing, Prime Minister Yitzhak Rabin sadly noted that for many the ceremony has come too late. But weary of hate and revenge that have claimed so many lives, Israel and the PLO took a step toward creating a new order in the Middle East. The establishment of a Conference on Security and Cooperation in the Middle East would provide an opportunity to bring healing and reconciliation to a region badly in need of both.

TRIBUTE TO ELYRIA HIGH SCHOOL FOOTBALL PROGRAM

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. BROWN of Ohio. Mr. Speaker, I rise before you today to recognize the achievements of the Elyria High School football program. On September 24, 1993, the school will hold a celebration day to mark 100 years of football at Elyria High School.

Beginning in 1893, as the Crimson and White, the Elyria High School team, now known as the Pioneers, has maintained a rich tradition in football. The many dedicated players, coaches, and fans that have been a part of this program have set the precedence of excellence and commitment that continues today.

Not only has Elyria High continued a football tradition that has fallen from many school curriculums in our country, but they have done it with many notable achievements.

Among the Pioneer's distinguished alumni is Mr. Vic Janowicz. Playing for the Pioneers in 1945–47. Mr. Janowicz went on to become a Heisman Trophy winner. In 1989 the Pioneers achieved another honor when they earned the title of Erie Shore Conference Champs.

Mr. Speaker, it is with great pride that I ask you and my fellow Members of Congress to join me in recognizing the Elyria High School football program. Through the efforts of many, Elyria High has carried on a remarkable football tradition for the last 100 years. It is my sincere hope that this legacy will continue with yet another impressive performance by the 1993–94 Elyria High team.

THE VETERANS' LONG-TERM CARE ACT OF 1993

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. STUMP. Mr. Speaker, I rise to introduce the Veterans' Long-Term Care Act of 1993. This legislation will clearly identify a population of veterans for whom the Department of Veterans Affairs must provide essential long-term care services.

The Committee Veterans' Affairs on which I serve as ranking minority member has for the past 2 years been grappling with the urgent need to reform the VA's system of eligibility for health care services. The issue of eligibility reform for veterans' health care has been put on hold until we know what health reform for the Nation will be. There is no reason why the provisions of this bill cannot ultimately become part of a larger eligibility reform measure for veterans. However, this bill will ensure that the long-term care needs of veterans will be met regardless of what is contained in the national health reform package for all Americans. If we don't act now to preserve an essential mission for the VA in the Nation's health system, we run the risk of losing the VA system altogether.

While virtually all of the Nation's 27 million veterans are eligible for care in the VA, due to years of underfunding, the VA is only able to care for about 2.7 million veterans annually, or about 10 percent of the total veteran population. VA's current eligibility criteria for access to health care services have been imposed over the years to help VA contend with its perennially inadequate budget. As a result, the system is a patchwork approach to health care delivery with a series of differing criteria establishing priority to inpatient care and outpatient care. To make matters worse, there are no established criteria for the provision of long-term care. The legislation I am introducing today will specifically address eligibility and priority for long-term care services.

The VA must have a clearly identified long-term care mission. The aging of the veteran population has put demands on the VA system which will not be met by President Clinton's national health plan. In 1990, there were 7 million veterans 65 years or older; by 2000, that number will rise to 9 million. Of these, 1.3 million veterans will be over 85. Health care utilization rises with age and the VA is simply not in a strong position to meet the needs of aging veterans. Put another way, consider the fact that 11 percent of the total U.S. population are over age 65 comprising 24.5 percent of the veteran population.

Currently, aging veterans account for 38 percent of hospital stays, 32 percent of ambulatory care visits, and 80 percent of all nursing home admissions. Yet according to the Paralyzed Veterans of America in their recent report, Strategy 2000, the VA has accommodated only about 20 percent of the market share—the rest of veterans' long-term care needs have been met through State veterans' homes, community nursing homes utilizing Medicaid, or private payment for care. Of the near $15 billion a year VA health care budget, VA only spends approximately 10 percent on long-term care programs.

Essentially, this legislation will change that trend and ensure that VA place more emphasis on programs which meet the true needs of the veterans it serves. It does so first, by clearly identifying a long-term care mission for the VA, as well as those veterans mandated to receive long-term care services, and then follows through with a series of measures designed to enhance the provision of these services. Support of this legislation will affirm my colleagues recognition that the veterans of your districts must have access to a comprehensive array of long-term care services specifically designed to meet their needs regardless of what ultimate array of health benefits will be contained in any future health reform bill approved by this body for all Americans. After all is said and done, no one can argue with the point that veterans who have served their country honorably are a cherished population.

The VA has over the years developed an extensive network of nursing homes, domiciliaries, adult day health-care programs, hospital-based home care programs, long-term psychiatry programs and various noninstitutional alternatives for care. Many of VA's long-term care programs have evolved due to the very nature of war-incurred disabilities and the life-long need for health-related services. Not only are the numbers of veterans aging at a rate which doubles that of the rest of the population, but many are aging with the additional burden of permanent and in some cases catastrophic disabilities. Nowhere other than in today's VA facilities is it more apparent that the cost of a strong national defense continues long after the final shots are fired.

The bill I am proposing today has very few PAYGO implications. The bill provides mandatory free long-term care services to certain veterans with service-connected disabilities and very poor and permanently disabled veterans. I must stress that the bill does not seek to deny access to long-term care services to any veterans. Rather, it requires the Secretary of Veterans Affairs to establish a mechanism for the collection of premiums and copayments to allow access to other veterans based on their ability to pay. The bill is purposely flexible in this regard in that it does not specify the amount of such premiums and copayments. Rather, the bill gives appropriate responsibility to the Secretary to devise a fee schedule which will maximize the provision of services and at the same time help the Government defray the expense. As my colleagues know, long-term care is frequently the most costly of all health-related services. It is my belief that veterans who have the ability to contribute to the cost of their care, if given the choice, would gladly participate in exchange for the kind of insurance this bill provides.

Many have talked about the need for the VA to become more competitive with the private sector if VA is to survive in the aftermath of implementation of a national health plan. Years of underfunding have eroded VA's ability to provide care in a timely and customer-oriented manner. Many believe that given the choice veterans would gladly opt for service in the private sector. Mr. Speaker, no Member of this body is more in tune with the desires of the veterans community than those of us who sit on the Veterans' Affairs Committee. In hearing after hearing, veterans have strongly supported the maintenance of a separate and independent health care system for veterans. One reason frequently cited in arguing for the preservation of VA health care is the agency's ability to provide cost-effective, yet innovative, state-of-the-art long-term care. The VA just doesn't provide enough of it.

The inclusion of a comprehensive long-term care benefit for veterans will help prevent a recurrence of the Canadian experience. When national health reform took place in Canada in 1968, the separate system for Canadian veterans disappeared. No one had the demise of Canadian veterans hospitals in mind, as I am sure my colleagues do not today, it simply was subsumed by the larger national system. What's more, it is unlikely that any national plan would be able to provide the types of costly, specialized services veterans need and deserve without busting the budget. VA has for a long time operated in a cost-controlled environment. VA has a long history of managed care. Inclusion of long-term care benefits provided through VA would not only increase the agency's competitiveness in attracting veterans, it would ensure that the care is provided in a cost-effective manner.

The bill contains a number of funding mechanisms which will help offset the cost of long-term care. In a 1992 GAO report, it was reported that in fiscal year 1990, VA offset through copayments less than one-tenth of 1 percent of its costs to provide nursing home and domiciliary care in VA and community facilities. In comparison, GAO looked at eight State programs that charged for care and the offsets ranged from 4 to 43 percent of operating costs. GAO concluded that if VA had offset similarly, its yearly cost recoveries would have been between $43 and $464 million. Yet in fiscal year 1991, about 55 percent of the veterans discharged from VA long-term care were considered unable to pay. Of these, only 17 percent would be automatically eligible for free long-term care services as mandated in the bill. The remaining 38 percent would be subjected to premiums and copayments as required by the bill and established by the Secretary in return for guaranteed access. Such receipts would result in a PAYGO plus and help VA defray the cost of long-term care. However, the success of this bill will depend on the Secretary's ability to balance the amounts of premiums and copayments charged to veterans with the actual costs of care. The program would need to function as a well-administered insurance program augmented by annual appropriations for those highest priority veterans to whom the VA would continue to provide free care as it now does.

Also included in the legislation is an effort to allow VA more flexibility in contracting with non-VA providers, such as community nursing homes. The bill provides authority for the Secretary to contract for needed long-term care services in the community when VA facilities are geographically inaccessible, lack sufficient capacity, or when it would be more economical to contract for such care. The planning aspects of the bill direct the Secretary when assessing the need for new long-term care facilities, to take into consideration other Government facilities in the area and facilities available in the community so as to avoid duplication of existing long-term care capacity.

Finally, the bill contains an innovative new authority for the VA to establish veterans' continuing care centers. These centers would be established with another Federal agency, a State or private corporation or nonprofit organization and would be collocated with VA medical centers, outpatient clinics, or nursing homes. They would function as an additional level of care between institutionalzation and home care. Currently, VA can provide home care, but it limits that care to veterans who live within a certain specified distance from the medical center. Many veterans live too far away from the medical center to qualify and must either give up their independence and enter a nursing home, find an alternative mode of care, or go without care.

The establishment of continuing care centers would allow veterans to get needed health care while still living in a home setting. VA would be authorized to enter into a partnership with an entity which would construct individual, handicap-accessible housing units on VA grounds for use by the veteran, as well as his or her spouse or primary caregiver. What is particularly unique about this arrangement is that the veteran would enter into a rental agreement and lease the unit. In addition, VA would be authorized to establish a primary care team to oversee the health care services provided to the veteran. I believe these centers would become a truly desirable alternative to institutional care by allowing the veteran to maintain his or her independence while still being able to easily access the VA health care system.

This program is targeted to veterans who would otherwise require hospitalization or nursing home placement. The veteran would be provided through the participating entity a package of benefits such as meal service, homemaking services or transportation. Such services would be included in the monthly fee paid by the veteran to the participating entity. The VA would facilitate access to health services for the veteran.

Many veterans are faced with long-term rehabilitation following spinal cord injuries, extensive burns and many other disabilities. Often the veteran is placed in the hospital or nursing home, the most costly forms of care, in order to receive such rehabilitation. Additionally, he or she must face the separation from home and family during a difficult and long-term recovery. Continuing care centers would allow the veteran to live with a loved one or primary caregiver who will share in the responsibility of caring for the veteran and maintains maximal independence of the veteran. It is a win-win situation for the VA in terms of saving money by not having to provide more costly forms of care and also for the veteran. I am particularly interested in VA pursuing a contract with HUD so that subsidized housing units of this type could be made affordable to lower income veterans.

This bill offers a comprehensive, yet cost-effective package of long-term care benefits for our Nation's veterans. In this era of health reform, it is essential for Congress to function as guardians of the health care benefits promised to veterans long ago. This bill will preserve that promise. It sends a strong message to the veteran of this Nation that the country will continue to honor its obligation to care for that veteran throughout his or her lifetime. I urge my colleagues to support this bill.

SALUTE TO GLORIA IMAGIRE AND WINSTON ASHIZAWA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. MATSUI. Mr. Speaker, I rise today to salute Mrs. Gloria Imagire and Mr. Winston Ashizawa for their undivided support and continued leadership. On September 18, 1993, the Asian Community Center will be honoring these two outstanding individuals at the seventh annual fundraiser for the Asian Community Nursing Home.

The Asian Community Nursing Home is guided and supported by the Asian Community Center and has been a successful and valuable caretaker for many senior citizens in Sacramento. Their dedicated staff, volunteers, and supporters have made this organization one of the most respectable nursing homes in the State. This year two individuals have been chosen as exemplary leaders of these successfully run enterprises.

Mrs. Gloria Imagire was a member of the Asian Community Center board of directors from the time of the first planning meeting in the summer of 1971 through 1992. Her tenure on the board saw the development of numerous service projects, including Asian Resources, Asian Pacific Community Counseling, and Health for All. Over the years, she chaired various committees, including the building committee for the nursing home project, which entailed an active role in the review of sites and designs.

Mr. Winston Ashizawa has served on the Asian Community Center board since 1972. In that time, he has been an active member, serving as both a chairman for numerous committees as well as board vice president. His work was instrumental in the establishment of the Asian Community Nursing Home, for which he attended many city council and board of supervisor meetings to testify for the need of such a facility. Mr. Ashizawa was involved in the fundraising, building, equipment purchasing, and design committees for the nursing home project.

Mr. Speaker, the Sacramento community is proud of the commitment from Gloria Imagire and Winston Ashizawa. I ask that my colleagues join me in saluting these outstanding leaders and their tireless dedication to the Asian Community Center and the Asian Community Nursing Home.

RAISING THE THRESHOLD FOR APPRAISALS FROM $100,000 TO $250,000 WILL NOT ALLEVIATE THE CREDIT CRUNCH

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. DEUTSCH. Mr. Speaker, before I came to Congress in January, I practiced real estate and land use law. As a result, I had the opportunity to work frequently and closely with licensed real estate appraisers, and came to appreciate the importance of the work of real estate appraisers in the real estate purchase and lending process. The proposal by Federal bank regulators to raise the mandatory appraisal threshold from $100,000 to $250,000 will eliminate appraisals for most residential real estate transactions, endanger consumers and taxpayers, and will not alleviate the credit crunch. I urge the regulators to reconsider this proposal in favor of the program put forth by the Appraisal Institute.

I, therefore, commend to Federal bank regulators, and my colleagues, the following article by Bernard J. Fountain, MAI, SRA, the president of the Appraisal Institute. The Appraisal Institute is a professional organization that represents approximately 32,000 appraisers and appraiser candidates nationwide, and which advances appraisal reform.

THEY'RE AT IT AGAIN

(By Bernard J. Fountain)

Taxpayers beware. Here we go again.

No one ever said that cleaning up after the savings and loan mess would be easy. But one might have assumed that Federal agencies charged with regulating the nation's banks and thrifts would not so soon repeat past mistakes.

Yet, banking regulators, with the blessing of the Clinton administration, have mistakenly concluded that the need for professional, independent appraisal of residential property values somehow conflicts with the need to streamline burdensome banking regulations. In their misguided effort to provide relief to America's financial institutions, these regulators propose to remove upwards of 90 percent of home mortgage transactions from the scrutiny of a state licensed or certified appraiser.

Who then would be responsible for determining the fair market value of most residential property? The answer could easily be someone within the very bank or thrift that is doing the lending, a situation that all but invites fraud and abuse.

Before I detail the pitfalls of this foolhardy scenario, some history is in order.

Under the banner of regulatory reform, the Reagan administration eased many restrictions on banks and S&Ls.

In this deregulatory atmosphere, many lenders regarded an appraisal as a mere formality, necessary but meaningless paperwork or a rubber stamp, not a vital safeguard against making unsound loans. Faulty appraisals were performed on some property by untrained, inexperienced people who overinflated real estate values. Some appraisers were more responsive to the banks that hired them than to a code of professional ethics. Later overvalued properties on the books of banks and thrifts caused serious losses when defaults occurred, and the financial institutions could only recoup a fraction of the loan amount.

The combination of loose regulation and no uniform standards for appraisal professionals was part of the recipe for economic disaster.

A House subcommittee reported in 1985 "that appraisal abuses and deficiencies have, in varying degrees, contributed to hundreds of millions of dollars in losses, hundreds of weakened and/or failed institutions and hundreds of enforcement actions." Between 1981 and 1984, House investigators discovered that Fannie Mae and Freddie Mac—those quasi-governmental agencies that invest in home mortgages—experienced "significant appraisal problems and associated losses." In just one nine-month period, for example, Freddie Mac forced 70 participating lenders to repurchase more than 300 mortgages for unacceptable, inadequate, or missing appraisals—at an estimated cost of $15.2 million. And when Fannie Mae sold 4,307 properties acquired through default, the aggregate sales price was $63.2 million less than their original appraised value.

To remedy this deteriorating situation, Congress enacted appraisal reform legislation in 1989, setting up a system to require appraisers to satisfy educational and experience standards. Appraisers currently perform their work subject to state enforcement and industry standards.

The Appraisal Institute, along with consumer groups, mortgage insurers and secondary market investors, fought for these reforms and applauded their enactment. Today we are appalled that federal regulators would undermine reform before it has even had a chance to work.

The purchase of a home is, for most consumers, the most important financial transaction they ever make. Yet the $250,000 threshold proposed by the regulators denies the benefits of appraisal reform to an estimated nine of every ten homebuyers. It denies them protection from paying a price for their home unjustified by the market. It makes them vulnerable to shady practices by some lending institutions single-mindedly pursuing loan origination fees and other upfront payments regardless of the consequences.

For taxpayers, the $250,000 threshold threatens to bring back some of the nightmares of the S&L crisis. An Institute for Strategic Development (ISD) study found that small dollar loans backed by faulty appraisals can, in the aggregate, pose significant portfolio risk even to large financial institutions. With virtually all of a bank or thrift's home mortgage portfolio and a large percentage of commercial loans at risk of being improperly appraised, we could see an increase in bank and thrift failures, and even another taxpayer bailout.

For banks and thrifts, this high threshold relieves no burdens and provides no benefits. Use of a licensed and certified appraiser better protects their portfolios.

The Savings & Community Bankers of America, in its comments to the Federal regulators, argued that it would be the institutions most inclined to make risky loans that would take advantage of a lower threshold. "We can envision prominent advertisements proclaiming 'No Appraisals Required! Loans up to $250,000—No Appraisal Fees.' "

These community bankers know the value of good appraisals and do not want to do anything to weaken their underwriting process.

Unfortunately, other banking groups do not agree. They have argued to Federal regulators that the current appraisal rules are causing needless expenses and needless delays for homebuyers and small business people because of a shortage of qualified appraisers. However, these arguments are just plain wrong.

The cost of an appraisal is only a very small part of the total fees and costs associated with a real estate transaction. And the current system doesn't increase costs. A survey by the Consumer Federation of America indicates that appraisal costs have not risen. Further, the supply of licensed and certified appraisers is plentiful—the latest count is nearly 80,000 and increasing. In fact, new licensing procedures "should spur an increase in the supply of appraisers, helping to reduce prices," says the Institute for Strategic Development.

The $250,000 threshold is not regulatory relief; it's regulatory recklessness. Homeowners, taxpayers and responsible financial institutions should join with the Appraisal Institute in demanding a withdrawal of this damaging proposal. If the federal regulators don't regain their senses, Congress should act swiftly to save them from their reckless appeasement of the institutions they are charged with overseeing.

RETAIN THE TRADE EMBARGO TO VIETNAM

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Ms. MOLINARI. Mr. Speaker, last week President Clinton decided to ease the economic embargo against Vietnam. Myself and 60 other House colleagues addressed a letter dated September 13, 1993, to the President, requesting him not to repeal the embargo.

Given the President's decision, our bipartisan letter was not taken into consideration. The President further eased the trade embargo with Vietnam by allowing American companies to bid for construction and development projects in Vietnam that are financed by the International Monetary Fund and other global lending institutions. Earlier, in July the President refused to attempt to block other nations from paying off Vietnam's $140 million foreign debt, and with Hanoi's debt paid, Vietnam will be eligible for loans from the World Bank and the Asian Development Bank.

Despite recent attempts to portray itself as open and cooperative with the United States, Hanoi has been less than forthcoming with information concerning the remains of missing Americans, and often manifests selective cooperation. For instance, there have been 92 individual discrepancy cases where a live American was in Hanoi's hands. Yet, no explanation was provided for these disparities.

The easing of economic sanctions to allow foreign aid and business investment in Vietnam, strips any remaining so-called sanctions to a level of noneffectiveness. Any assistance from the International Monetary Fund would include U.S. tax dollars. I do not believe that most tax payers would be pleased to know their hard-earned money is going to support Hanoi. Easing the trade embargo leaves the Socialist Republic of Vietnam [SRV] with no incentive to provide us with detailed status information on those soldiers Missing in Action [MIA]/Prisoners of War [POW] who were known to have been living but not repatriated during Operation Homecoming in 1973. With the collapse of the Soviet Union and concomitant aid to Vietnam, the effectiveness of economic sanctions would have increased, thereby providing a greater incentive for Hanoi to be sincere in its interaction with the United States. President Clinton however, succeeded in his desire not to permit an increased effect of economic sanctions toward Hanoi.

Vietnam is a nation riddled and acclaimed for numerous and egregious human rights abuses, and the Clinton administration claims to be a champion of such rights. But when all is said and done, the Clinton administration ultimately displays symbolism over substance. The issue at hand is humanitarian, and economic sanctions are the sole mechanism available to us to force the Socialist Republic of Vietnam to accurately account for all those who served there.

This shameful act by President Clinton flies in the face of all those who valiantly served this great Nation, and the families many of our brave soldiers were never to see again. In 1864, in a letter expressing his grief for the loss of a Union soldier, President Lincoln wrote, "So costly a sacrifice upon the altar of freedom." In 1993, President Clinton has cheapened the brave service of our soldiers to such an insignificant level, it defies description. Unlike President Lincoln, Bill Clinton could care less about the loss of American servicemen. And unlike the veterans who so rightly demonstrated against the President's attendance at the Vietnam War Memorial, he will not silence the voice of this Congresswoman.

My colleagues, we have a special obligation to our missing servicemen and their families. Those persons who served this great Nation and sacrificed their lives for it are owed a special obligation from us. We must work with Vietnam to bring about their immediate return. However, due to Hanoi's history of displaying uncooperative and even obstructive behavior, the United States must maintain a full economic embargo, so as to ensure future cooperation. To ease economic sanctions in light of the current situation would break faith with those who valiantly served their country and their families, and thereby amount to nothing more than a rank obscenity.

I urge my colleagues who have not joined us in our message to the President, to make their voices known, if not for themselves, then for those we have the duty to represent.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 13, 1993.

President WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: We, a coalition of Members of Congress who are concerned about the status of American soldiers who fought during the Vietnam War are requesting that you do not lift the trade embargo to Vietnam on September 14, 1993.

We ask you to consider that there have been ninety-two individual discrepancy cases where a live American was on Hanoi's hands. Yet, Hanoi has not explained what has happened to them. In addition, one-hundred and eight eyewitnesses have asserted that they saw Americans in captivity in Southeast Asia as recently as 1993. Some eyewitnesses have reported that approximately fifty Americans have died while in captivity in

Hanoi, yet their bodies have not been returned to the United States.

A decision to ease trade sanctions against Vietnam will give Hanoi access to loans from multilateral lending institutions. Lifting the trade embargo would leave the Socialist Republic of Vietnam (SRV) with no incentive to provide us with detailed status information on those soldiers Missing In Action (MIA)/(Prisoners of War (POW) who were known to have been living but not repatriated during Operation Homecoming in 1973. The issue here is humanitarian and the only mechanism available to us to force the SRV to accurately account for all those who served in Vietnam is through economic sanctions.

Although the SRV has promised to make an effort to determine the fate of those American soldiers who are missing in action, their inability to explain the disposition of the remains, is unsettling. According to the Acting Deputy Assistant Secretary of Defense, Edward W. Ross, "At a minimum . . . the Vietnamese have yet to fully account for the remains of the eleven individuals where photographs from Vietnamese archives have confirmed death."

This indicates that their cooperation is selective and that perhaps the Vietnamese are not prepared to make a good-faith effort to resolve the situation.

In his statement, Mr. Ross indicated that he felt a special obligation to our missing servicemen and their families. We agree that these servicemen are owed a special obligation and that we must work with the SRV to bring about their immediate return. However, because of the SRV's history of uncooperative and even obstructive behavior we believe that the United States must maintain the trade embargo, so as to insure their future cooperation. This economic vehicle is the only way to successfully accomplish our humanitarian goal.

I appreciate the careful consideration and concern that you have shown by not making a quick or hasty decision on this matter. While deliberating over this decision we urge you to also consider and have concern for the millions of American families of Vietnam Veterans who continue to be haunted by the fate of their loved ones.

Susan Molinari, Jerry Solomon, Olympia Snowe, John Linder, Peter Visclosky, Frank Pallone, Floyd Spence, Douglas Applegate, Mike Crapo, Steve Buyer, Herbert C. Klein, Scott Klug, Spencer Bachus, Marge Roukema, Jim Talent, Bill Young, Peter King, Jack Quinn, Rich Baker, Duncan Hunter, Roscoe Bartlett, William Lipinski, Ileana Ros-Lehtinen, Austin Murphy, Mike Bilirakis, Leslie Byrne, Rick Santorum, Ed Royce, Peter G. Torkildsen, Jim Ramstad, Charles Wilson, Bob Dornan.

Thomas W. Ewing, Dana Rohrabacher, Ron Machtley, Corrine Brown, Craig Thomas, John T. Doolittle, Benjamin A. Gilman, E. (Kika) de la Garza, Curt Weldon, Steve Schiff, Jerry Lewis, Jim Traficant, Tom DeLay, Charles T. Canady, Frank R. Wolf, Dean A. Gallo, Bill Goodling, Porter Goss, Mac Collins, Ron Klink, Gene Green, John Duncan, Jim Saxton, Frank McCloskey, Jim Bacchus, John McHugh, Tom Lewis, Dana Rohrabacher.

TRIBUTE TO FREDERICK D. PAWLOWSKI ON HIS RETIREMENT AS A FIREFIGHTER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. LEVIN. Mr. Speaker, I rise today to pay tribute to a devoted public servant, Frederick D. Pawlowski. Mr. Pawlowski's dedicated service as a firefighter in Sterling Heights, MI, merits special notice as he retires.

Mr. Pawlowski leaves behind a legacy of leadership in the Sterling Heights Fire Department. In 1966, he began his career in the former township of Sterling Heights as a "pipeman," as firefighters were then called. He was promoted to sergeant in January 1971, and later to fire inspector in October 1974. From 1984 to 1986, he served as acting fire marshal, and was promoted to fire marshal in 1990.

From June 5, 1990, until his retirement this year, Mr. Pawlowski served tirelessly as the fire marshal of the city of Sterling Heights. At every level of his career, he assisted with the basic training of new firefighters in order to pass on his skills and knowledge. He also coordinated Fire Prevention Week open houses to pass on fire safety practices to the public. His commitment to the safety of the community is recognized and respected by his superiors, his colleagues, and the community.

As Mr. Frederick D. Pawlowski leaves his position as fire marshal to spend more time with his wife, Marge, his six children, and two stepchildren, I extend my sincere wishes for a healthy and happy retirement.

TRIBUTE IN HONOR OF CAPT. JACK DEAN ON THE OCCASION OF HIS RETIREMENT FROM THE TEXAS RANGERS

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. TEJEDA. Mr. Speaker, the Texas Rangers enjoy a long and distinguished history as one of this Nation's most formidable law enforcement agencies. Their heroism and bravery in the face of seemingly insurmountable odds is legendary. Officially established in 1835 to assist a nascent Texas gain independence and protect its frontier, the rangers grew into the States premier police corps. Although rangers no longer ride the open brush country to enforce the laws of an unruly West, they continue their tradition of excellence as an arm of the Texas Department of Public Safety. It is with great honor that I pay tribute today to a modern Texas Ranger, Capt. Jack Dean, who is retiring after serving more than 30 years as a Texas lawman.

Born a year after the 100th anniversary of Texas' independence, Jack Dean has carried on the ranger tradition by devoting his adult life to the protection of the public. Standing more than 6 feet tall, he, like other rangers, continues to carry his saddle with him wherever he goes. Admired by his colleagues, he has earned the respect of people of diverse backgrounds and interests. Integrity and honor remain his watchwords.

Jack Dean's tenure in law enforcement took him literally to the four corners of the State of Texas. He cut his teeth in the 1960's as a Texas State Trooper, serving in the East Texas city of Tyler and the West Texas town of Pecos. He joined the ranks of the Texas Rangers in 1970 and was stationed in the border city of McAllen. His promotion to sergeant in 1974 took him to Waco in North Central Texas. In 1978, Dean earned his gold captain's badge and relocated to San Antonio, the heart of Central Texas. On September 24, 1993, the Texas Rangers will honor Capt. Jack Dean on his retirement, a bittersweet moment for him and the Texas law enforcement community.

As captain, Dean supervised 15 Texas Rangers in the demanding 39-county region of South Texas, his official duties were equally challenging: the protection of life and property, the suppression of riots and insurrections, the apprehension of fugitives from justice, and the investigation of major crimes and public corruption. Throughout the years, his dedication and skill earned him more than 30 commendations for meritorious performance. In more straightforward terms, Jack Dean saved lives, fought corruption, and defended public safety.

Captain Dean pursued a path of professional growth that serves as an example to all. He has undertaken more than 2,000 hours of training at various institutions, including the Federal Bureau of Investigation Academy's courses on special weapons and terrorism. What he learned, he shared with others as an instructor at the Texas Department of Public Safety Academy and other law enforcement organizations. Dean left his mark on the Texas Department of Public Safety, serving on committees overseeing the department's swat teams and revising ranger recordkeeping and statistical reporting. He took an active role in the local community with service on the San Antonio Crime Commission and the San Antonio Police Academy Building Committee.

The Texas Rangers helped shape Texas history, and Capt. Jack Dean continues that great tradition. While the number of cattle rustlers has diminished, the need for excellent law enforcement has not. Jack Dean provided the demanding qualities expected of a Texas Ranger, and his dedication to law enforcement, and to the people he served so well, will not soon be forgotten.

PLANNED PARENTHOOD OF METROPOLITAN WASHINGTON HONORED ON ITS 25TH ANNIVERSARY IN PRINCE GEORGES COUNTY

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. WYNN. Mr. Speaker, I rise today to pay tribute to Planned Parenthood of Metropolitan Washington [PPMW]. For a quarter of a century, this organization has established a proud tradition of service in Prince Georges County, MD, which I represent. During the 25 years of service, they have been a strong advocate for and provider of reproductive health care in the county.

From a solid base of volunteer support built in the early years, PPMW's reproductive health, public advocacy, and education programs have grown to serve over 3,000 Prince Georgians in 1993. Today, PPMW is the largest private provider of high-quality, low-cost family planning, gynecological care, and HIV testing in the county.

In 1992, PPMW led the successful campaign to secure voter approval of a Maryland statute safeguarding a woman's right to choose abortion. Prince Georges County volunteers donated countless hours to educating their fellow citizens about the need for access to safe and legal abortion services in Maryland.

Planned Parenthood of Metropolitan Washington works in close collaboration with the department of health, public schools, hospitals, criminal justice system, churches, and community agencies throughout the county. These partnerships enable PPMW to expand its programs and continue to play an important role in the lives of Prince Georges County citizens.

Mr. Speaker, I am proud to represent such a dedicated group of professionals, and I wish them many more years of success and service in Prince Georges County and throughout the metropolitan area.

WOMEN'S HEALTH INFORMATION ACT OF 1993

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mrs. LLOYD. Mr. Speaker, today I am introducing legislation, the Women's Health Information Act of 1993, to improve the dissemination of health information and education to the consumer.

Mr. Speaker, a recent General Accounting Office [GAO] study on how well the Federal Government, through the Public Health Service [PHS] and the National Institutes of Health [NIH], is meeting its mandate to develop and to disseminate health information to midlife and older women has revealed that the PHS under DHHS has no overall strategy to identify information needed to ensure that the agencies are communicating vital research results to women and to health care professionals.

It was found that the eight agencies within the PHS and the 14 institutions under NIH are not coordinated in their efforts, have separate goals, budgets, and levels of interest in public information. When it comes to making sure that enough of the health promotion materials are available, no one really knows if they have printed a sufficient number. There does not seem to be a process to eliminate and to estimate how many pamphlets will be needed, how many have been sent out, or how many are still available in inventory. Each does not necessarily know what the others are doing. Therefore, consumers must be motivated, patient, and persistent in order to make the required number of phone calls to separate agencies to locate information on her desired topic.

In general, the average consumer relies on her health care professional and the media to obtain health information. Because there are so many different agencies and institutes within the Federal Government, the average consumer, who may or may not be well educated, would find it difficult to know where and whom to call for information. This bill improves that role by developing one office that is knowledgeable about which agencies and institutions are conducting specific research and who publishes which brochures about specific health topics.

Mr. Speaker, this bill would establish a coordinated strategy of health promotion and disease prevention activities through the PHS. It would establish a clearinghouse on women's health to compile, archive, and disseminate information concerning women's health and to publish a yearly summary of such materials to be made available upon request. It will establish a toll-free hotline and assess demand for publications and costs on an annual basis, and develop publications as needed.

Finally, the bill will study and evaluate the overall effectiveness of health communications and shall include an analysis of efforts regarding researching underserved population.

It's been proven many times that health promotion can change behavior and prevent disease, disability, and premature institutionalization in later life. But how effectively is information being disseminated to the general public, to health care professionals, and in particular women. The American public wants an efficient and effective use of their tax dollars and they deserve it from every agency in the Federal Government.

Mr. Speaker, I urge my colleagues to join me in supporting the Women's Health Communications Act of 1993 which will establish a one-stop-shop for health promotion and education.

TRIBUTE TO BOB WISE OF WEST VIRGINIA FOR HIS LEADERSHIP OF THE ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mrs. MEYERS of Kansas. Mr. Speaker, as House chair of the Environmental and Energy Study Conference, I would like to express the conference's gratitude to our colleague from West Virginia, Bob Wise. Bob has just concluded 8 years as an officer of the study conference.

Bob first was elected the study conference's House vice chairman in 1985. He was reelected to a second term and then was elected House chairman in 1989. Bob was re-elected to that post in 1991.

We have been very fortunate to have Bob guiding the conference over many years. He has approached his leadership role with a dedication to the highest standards in every aspect of the conference's work.

Bob has done an excellent job in recommending ways the conference can most effectively meet the informational needs of Members. That National Journal has described the conference's objective analysis of environment, energy and natural resource issues as indispensable is in no small part a tribute to Bob.

The conference does not take political positions, and Bob has been a careful steward in ensuring the conference's complete independence from any and all outside groups. He has been a forceful spokesman for the conference on the House floor.

The conference has benefited greatly from Bob's quiet good judgment. He has given generously of his time in advising the conferencee on issues large and small. He has been gracious in dealing with the inevitable but thankless tasks involved in guiding an organization such as this.

Bob has made an invaluable contribution to the development of study conference services for Members. His chairmanship has resulted in an unprecedented level of Member services, which, not surprisingly, has resulted in record memberships and record funding.

Bob has done a superb job as chairman and vice chairman of the study conference. He is regarded with genuine affection by his colleagues and the conference's staff, and we will miss his day-to-day involvement with the conference work.

We are grateful that Bob will continue to serve on the conference's executive committee and we still will have the benefit of his advice.

On behalf of the study conference's members and staff, our thanks to Bob for a job very well done.

U.S. GRAIN SHIPPERS GOUGE TAXPAYERS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. BEREUTER. Mr. Speaker, the United States merchant marine continues to gouge American taxpayers by submitting bids two to four times world rates for shipping United States food aid donations to Russia. Even more egregious is the fact that these greedy benefactors of United States food aid do not have to justify their inflated bids to the American public. Instead, their cargo preference subsidies are paid quietly through U.S. Department of Agriculture accounts.

Fortunately, for those who wish to examine the U.S. merchant marine's indirect pipeline to the U.S. Treasury, the following provisions from the September 16, 1993, Journal of Commerce article are, certainly, worthwhile reading.

[From the Journal of Commerce, Sept. 16, 1993]

ONLY THREE U.S. CARRIERS BID TO HAUL FOOD AID—RATES QUADRUPLE FOREIGN PRICES

(By Stephanie Nall)

WASHINGTON.—After the maritime industry won a high-profile battle this spring for the right to carry 75% of food aid shipments to Russia, only three U.S.-flag ships have entered the bidding—leaving about 88% of the cargo for foreign-flag ships.

Russia and the U.S. Department of Agriculture last week sought bids to purchase corn and soybean meal and to ship the commodities as part of a much-publicized $700 million loan aid package granted earlier this year.

Coastal Carriers Corp. submitted bids last week of $89.95 a ton for two 32,000-ton U.S.-flag container barge units to carry corn from a U.S. Gulf port to the Russian port of Novorosisk.

That was about four times the rates foreign-flag carriers sought for the same shipments.

But the Department of Transportation's Maritime Administration ruled the rates fair and reasonable after the Department of Agriculture asked for a ruling.

The third bid—submitted by Liberty Shipping Group, Ltd.—was for 48,000 tons at $49.53 a ton. All three of the U.S.-vessel bids were accepted, but the remainder of the 772,000 tons of corn will be carried on foreign-flag vessels at rates of $21.95 to $23.98 a ton.

Another U.S.-flag line submitted three bids ranging from $99 to $104 a ton, but withdrew them to accept a bid to carry other government cargo.

Had it not been withdrawn, the USDA would have accepted it as well, an official said.

In June, the Senate passed a non-binding resolution to limit U.S.-flag rates on shipments to Russia to no more than double the world market level.

That resolution was stripped before the appropriations bill was signed into law, but some senators are upset that Marad officials aren't using world competition as a yardstick in determining whether a rate is fair or reasonable.

"These recent U.S.-flag bids of four times the market rate demonstrate two things," Sen. Chuck Grassley, R–Iowa, said Wednesday.

"It underscores the continued arrogance and political smugness of the U.S.-flag merchant marine. . . . It provides clear evidence just how useless Marad's fair and reasonable rate regulation is. Even the 'Buy America' laws protect American taxpayers by allowing foreign products and services to be purchased if U.S. bids are 6% over the foreign bids," Sen. Grassley said.

TRIBUTE TO THE IDORA PARK HISTORICAL SOCIETY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to a group of hard-working individuals in my 17th Congressional District. I want to commend the Idora Park Historical Society for the job they have done and continue to do in cleaning up the old Idora Park grounds.

Recently, this fine collection of concerned citizens decided to fix up old Idora Park. This organization, which is not made up of wealthy citizens, invested time and sweat equity into the project of cleaning up the facility. Let me tell you something, that was no easy task.

Mr. Speaker, in 1984, a devastating fire ravaged its main roller coaster, destroying several attractions. The park closed soon after that. For years, the neglected buildings deteriorated and the weeds began to grow. At one point in its history Idora Park was the best regional amusement park in northeast Ohio. The wildcat roller coaster was listed as one of the ten best in the country. Many special events were held in the grand ballroom.

That all ended with the fire in 1984. But now the park is beginning to take on its old shine again. Working on weekends with their own tools, the Idora Park Historical Society is close to renovating the old ballroom. They plan to tackle the carousel and roller coasters next.

Mr. Speaker, part of their plan was to make the approved list for the National Register of Historical Places. This goal has recently been achieved. With this listing, the society can now apply for tax provisions and qualifications for grants.

Mr. Speaker, I want to congratulate the Idora Park Historical Society on this the first of many victories I know they will have on their road to restoring the historical heritage of Idora Park.

POTTER STEWART

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. COPPERSMITH. Mr. Speaker, I join with my colleagues in support of Mr. PORTMAN's bill to designate a Federal courthouse in Cincinnati in honor of Justice Potter Stewart. Other speakers have described Justice Stewart's career, so I do not want to repeat those details. Instead, I want to focus on a few aspects of this man's life and urge my colleagues to join in honoring him.

Potter Stewart attended college and law school at Yale University, but after receiving his education, returned to his hometown to serve his community. He entered local politics, gaining election to and serving on the Cincinnati City Council, including vice mayor. He shares that honor with my friend and colleague, DAVID MANN, who now serves in this House but formerly served as mayor of Cincinnati. Justice Stewart served as a model of giving back to the community through public service at the lowest, but most important, level of government.

Justice Stewart then served for 4 years as a judge on the U.S. Court of Appeals for the Sixth Circuit, followed by 23 years as a Justice of the U.S. Supreme Court. Throughout his career on the bench, he showed great intelligence, craftsmanship, and judicial temperament, gaining the well-deserved respect of his judicial colleagues, legal scholars, and lawyers.

I had the opportunity to meet Justice Stewart personally shortly after his retirement from the Supreme Court, when he came to Yale Law School for a speech and a dinner. I also knew Justice Stewart's brother, Zeph Stewart, who was a professor of classics at Harvard. Thus, in addition to Justice Stewart's professional accomplishments, I can speak, in a very small way, to his personal qualities as well.

During his life, Justice Stewart feared that a sentence from his concurring opinion in the Jacobellis case would overpower all his other contributions and perhaps even appear on his tombstone. Indeed, this bill will allow visitors to DAVID MANN's district looking for the Federal courthouse to know it when they see it. Nonetheless, in light of his love for the law, his long and distinguished service as a judge, and his loyalty to his community, I urge my colleagues to support this honor for Justice Potter Stewart.

A TRIBUTE TO THE AIDS MEMORIAL QUILT ON DISPLAY IN SACRAMENTO

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to the Names Project AIDS Memorial Quilt, "A Personal Journey," which will be on display in Sacramento, CA, from September 24 through 26.

Acquired immune deficiency, or AIDS, has reached epidemic proportions in our country. To date, there have been more than 118,000 AIDS diagnosed cases in the United States, resulting in the tragic loss of 70,500 individuals. In California alone, over 60,000 cases of AIDS have been reported and more than 37,000 deaths, proving the urgent need for education in HIV awareness and prevention.

The AIDS quilt display is designed to build a powerful, positive, creative symbol of remembrance and hope, but more importantly, it acts as a teaching tool to educate young and old in a compassionate and caring way.

With this in mind, a pilot project aimed at young people has been added. "Kids Day at the Quilt" will tell the HIV/AIDS story through direct participation in the quilt display in conjunction with school site education programs.

"Kids Day at the Quilt" is being cosponsored by the Sacramento display host committee, the California Department of Education Capital Region Health Kids Center, and the California Department of Health Service Office of AIDS. It is supported by the California State PTA, religious leaders, and area organizations. Over 700 schools in 10 counties have been asked to participate.

Mr. Speaker, I am very proud to nationally acknowledge the important role and objectives of the Names Project and the AIDS Memorial Quilt have in educating people across the country about this deadly disease. I ask my colleagues in the House of Representatives to join me today in commending the community of Sacramento for providing this opportunity to view the quilt and experience firsthand the profound expressions of love and loss from AIDS which this unique memorial bears.

TRIBUTE TO ALBERT BRYLEWSKI, JR.

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to my longtime and dear friend, Mr.

Albert Brylewski, Jr. Al will be leaving the Michigan Employment Security Commission after working there for over 30 years and establishing an outstanding record.

I know Al to be a man of great character and integrity. Al cares deeply about workers and their jobs. He has offered me wise advice over the years on these issues. Al has specifically counseled me on reforming the delivery system for workers' benefits. His knowledge and suggestions have been extremely valuable to me in my career.

Al helped countless Michigan workers during his service at the MESC. One of his most rewarding duties was the time he spent working on the Trade Readjustment Act. The Trade Readjustment Act was established to give benefits to workers who lost their jobs because of foreign competition. Al ran the office that managed the Trade Readjustment Act in Michigan. Among the many activities he supervised was the hiring of 500 temporary workers to assist with processing the many claims of displaced workers. Thousands of displaced workers were helped, thanks to Al's commitment and dedication.

Al has always maintained an open-door policy. In fact, during the difficult times for the automobile companies in Michigan, there was one occasion when the number of applicants for T.R.A. assistance was so large that their sheer number and force actually broke down his door. Al worked unceasingly to help all of those in need.

Al and I share a Polish heritage. We both attended St. Florian's Elementary School in Hamtramck, MI. I know Al is deeply devoted to his family. He and his wife Gerri have two wonderful children, Jim and Sharon. I am proud that his son Jim was an intern in my office in Washington, DC. Jim now has a fine position with the Detroit Tigers. Their lovely daughter, Sharon, is now a successful dental hygienist. The family has always been unusually close and caring and has been kind enough to welcome me often into their home.

Throughout my years in politics, the Brylewski family has been enormously helpful to me. They have always offered their support and shared their time and energy. I am grateful to Al and the family for their loyalty and friendship.

Al has been involved in many community activities. He is currently the vice chairman of the Macomb economic growth alliance. He is a past member of the board of directors for the Job Training Partnership Act. He is also the MESC's representative on the Director's Environmental Committee.

I ask my colleagues to join me in saluting Mr. Albert Brylewski, Jr. He is a valued member of our community and a true friend. I know Al will now turn his talents and convictions towards other worthwhile pursuits. I look forward to sharing more enjoyable times together.

COMPETITIVE AFFORDABLE HEALTH CARE REFORM ACT OF 1993

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. DREIER. Mr. Speaker, I am encouraged by the introduction of President Clinton's health care reform plan, which proposes a system of managed competition and health care affordability. The President's plan provides a good framework for developing a bipartisan consensus in Congress on a state-of-art health care system that can be a model for other countries.

However, I believe there are a number of problems with the President's plan which must be addressed. Health reforms must improve people's access to quality care without destroying the current strengths of the system. For example, the majority of individuals with employer-provided benefits are satisfied with their current health insurance plans. And yet, the President proposes to terminate without exception all existing insurance plans causing severe disruption in people's coverage.

The President also proposes significant cuts in many people's access to health care. Medicare would be slashed by pushing senior citizens into HMO's where they won't be able to choose their own physical or hospital. Treatment and tests would be rationed, only generic drugs would be issued in most cases, any patients would be forced to see nurses instead of doctors in many instances.

Consumer choices are severely limited under the President's plan. People will only be allowed to obtain insurance through the one government-run regional monopoly in the form of one-size-fits-all benefits package. Individuals who wish to continue treatment by a doctor not in their plan, or to purchase private health insurance, will in effect have to pay twice for such coverage.

The President's plan also needs to be adjusted to lessen the blow to our fragile economy. The President proposes over $700 billion in new Federal spending, to be administered by over 100 new Federal bureaucracies. This will be financed by $105 billion in new taxes, in addition to the 10 percent payroll tax and a corporate assessment tax. Combined with the costly new coverage mandates imposed on small businesses, millions of people are expected to lose their jobs under the President's plan. We can not afford to lose more jobs in California.

In addition, Mr. Speaker, the President's plan does not adequately address two primary reasons cited by President Clinton for health care reform: to control skyrocketing health care costs and to reduce the Federal deficit. Under the President's plan, total health care spending is projected to rise faster over the next several years than it would under the current system. In fact, without the new taxes and the assumed greater efficiency under a government-run system, the President's plan would add another $65 billion to the national debt.

As a result, Mr. Speaker, today I am introducing an alternative to the President's health care reform plan. The Competitive Affordable Health Care Reform Act will make health care more affordable and accessible to all consumes without costly new mandates and without creating new, inefficient government bureaucracies. This legislation will encourage the development of flexible savings accounts [FSA], which individuals can use to purchase insurance coverage, pay health care expenses directly, or withdraw as taxable income at the end of the year. These accounts are fully portable, so that individuals do not have to worry about loss of coverage if they change jobs or become unemployed.

Currently, section 125 of the Internal Revenue Code permits employers to offer their employees a flexible spending account plan, whereby pre-tax funds may be set aside to cover the employee's health care and dependent care expenses. The employee decides at the beginning of each year how many dollars to set aside for direct medical expenses, and how many dollars to allocate towards insurance premiums, child care, and other fixed benefits. As written, the Code requires that any unused FSA funds at the end of each year must revert back to the employer, or be rebated to all employees as a group. Thus, moneys set aside for direct expenses which are not accrued by the end of the year are effectively lost to that employee.

Unfortunately, this mandated "Use It or Lose It" rule has the perverse effect of inducing employees, just before the end of each year, to overconsume otherwise unnecessary health care, so as not to lose their set-aside funds. Extra checkups, five pairs of glasses, ultra-deluxe tooth caps—employees have every incentive to try to find creative—though inefficient—ways of spending their extra FSA funds at the end of the year.

The Competitive Affordable Health Care Reform Act gives employees the option of withdrawing any excess funds as taxable income at the end of the year, or rolling the funds over into the following year's FSA fund. Employees are thereby given an incentive to conserve health care resources, and to increase their health care savings over time. Increased Federal revenues from taxes on the withdrawn FSA income could then be used to finance health care reform for the uninsured or underinsured.

The Competitive Affordable Health Care Reform Act also continues deductibility of current employer health care plans, provides a health care refundable tax credit for the uninsured, and allows self-employed individuals to deduct 100 percent of their health care expenses up to a maximum level. This plan builds on the current strengths of our system, while providing universal coverage and insurance portability.

To controls costs, the Competitive Affordable Health Care Reform Act initiates a number of legal and regulatory reforms. Attorneys fees and jury awards will be reduced, out-of-court settlements through alternative dispute resolution will be encouraged, and hospitals and insurers will be able to use standardized claims and reporting forms. The 800 plus State and Federal anti-competitive health care regulations and mandates will be replaced, and consumers will be given access to easy to understand health care costs forms and value information to make their own coverage choices.

Mr. Speaker, giving our Government full control of 14 percent of our economy is not a cure for our health care system. People need more information, more choice, more freedom, and better incentives. I look forward to working with President Clinton to build a true market-oriented system, without turning the management of our health care over to another government bureaucracy.

THE HEALTH CARE MANDATE WILL CREATE LOSS OF JOBS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. CRANE. Mr. Speaker, the Clinton administration has a misconception about the effects of mandates in health care reform. Without a doubt, mandates requiring employers to pay for their workers' health insurance expenses will translate directly into higher labor cost. As a result, many employers will have to cut back on employee wages and hours in order to stay in business. The hardest hit by health care mandates will be the low-wage jobs that will be eliminated. In his article, "The Price of a Health Care Mandate," Carlos Bonilla outlines the effects of health care mandates on businesses. I submit Mr. Bonilla's article, which appeared in the August 20, 1993, issue of the Wall Street Journal, to my colleagues' attention and urge them to keep it in mind as we consider these important matters in the future.

THE PRICE OF A HEALTH CARE MANDATE

(By Carlos Bonilla)

Speaking to the American Hospital Association earlier this month, Hillary Rodham Clinton questioned why companies that do not provide health insurance to their employees should be allowed to "get what amounts to a free ride." Mrs. Clinton—who headed the White House Health Care Task Force—demonstrated with this comment that she had no idea at all how health care is actually financed in America.

Mrs. Clinton has confused employment-based health insurance with employer-paid health insurance. In fact, there is no such thing as employer-paid health insurance. All workers who receive health insurance through their place of employment pay for that coverage, either directly through deduction from their paychecks or indirectly through lower wages. The absence of a health insurance deduction on a pay stub by no means makes this an expense paid for by employers.

Because of this confusion, Mrs. Clinton has failed to ask the question that belongs at the core of any discussion of a health care mandate: What will be the impact on employment of a federally mandated wage increase of approximately $5,000—the employer's share of the cost of providing health insurance coverage (for a worker with dependents) that the administration is proposing?

THE O'NEILLS' ESTIMATE

June O'Neill and David O'Neill, both professors of economics at Baruch College, City University of New York, have the answer in a study prepared for the Employment Policies Institute. Recognizing that a mandate requiring employers to pay their workers' health insurance expenses translates directly into an increase in labor costs, the O'Neills estimate that this increased cost will lead to the loss of 3.1 million jobs.

These lost jobs will not be scattered randomly across the economy. They will be heavily concentrated in just seven industries. More than 75% of the lost jobs will be in industries such as restaurants, other sectors of retail trade and construction.

Although seemingly unrelated, these seven industries share one common trait: They are all employers of large numbers of low-wage, and therefore more often uninsured, workers. The disproportionately large concentration of job losses in these industries relative to the economy as a whole reflects the concentration of low-wage workers in these sectors. Labor costs would rise by more than 19% in the restaurant industry with a health care mandate. Costs would rise by more than 33% in private household services and by more than 15% in agriculture.

An external increase in labor costs, such as the Clinton mandate would impose, is not a major issue in higher-wage industries. In these industries, any costs that arise will be quickly shifted back onto payrolls—not necessarily through an immediate reduction in wages (although some of that will no doubt happen) but more often from an erosion in wage increases until the compensation package is brought back into line.

This cannot happen as readily for low-wage jobs. Cutting a planned 5% wage increase on a $40,000 job by half shifts $1,000 of the mandate onto a worker's wages in just one year. In this example, a complete shifting of the mandate's cost can be accomplished in five years—an employer cost has been converted into an employee cost. But it would take 15 years of such shifting to accomplish the same for a minimum-wage job. Moreover, faster shifting through an immediate reduction in the earnings of low-wage workers is blocked by the minimum wage. And even without the minimum-wage constraint, a serious institutional constraint comes into play: Who would work at a $10,000-a-year job only to see cash wages halved to $5,000? A Blue Cross card won't pay the rent.

In low-wage jobs, the only means to reduce labor costs is to reduce labor. And when labor costs are a high percentage of total operating costs, as they are in the most affected industries, the effect will be large job losses. Job losses are not related to the size of the firm. Although the administration has spoken often of its intention to accommodate small business, business size is a crude determinant: Many "small" businesses, such as law firms and venture capital firms, are much better suited to absorb higher labor costs than some of the largest companies providing mostly entry-level jobs.

Clearly, a mandate on a restaurant with 100 employees—many of them part-timers working for relatively low wages—has a very different impact than a mandate on General Motors, yet both are likely to be viewed as capable of absorbing the new mandate. As a consequence, low-wage workers, the portion of the work force that a mandate aims to help, will suffer the bulk of the job losses from a mandate.

President Clinton has vowed to the American people to "end welfare as we know it." His prescription appears to rely heavily on a familiar remedy: Two years of education and training for adult recipients, after which they would be expected to find a job and cease reliance on government assistance. The president's premise, at least according to the campaign rhetoric, is to help public assistance recipients find not only a job but a "good" job. The question before us is whether the president's definition of a good job—one that appears to include a generous mandated health benefits package—effectively eliminates the prospects of obtaining any job at all.

Many of the people seeking to move from welfare to work are qualified only for lower-wage positions. They can move up the ladder only if they are given the opportunity to work. But a mandate is insensitive to the labor market. It would vastly increase the cost of hiring these workers, thereby becoming a latent disincentive to hire the typical single mother on welfare.

These individuals cannot pay for benefits by trading wages. They pay with their jobs.

President Clinton seems to have taken note of some of the problems a mandate would impose on low-wage industries Speaking to the nation's governors Monday, the president stated that a mandate had the potential to place low-wage industries "in deep trouble." The president went on to offer the hope that a mandate's costs would be capped at about 7% of payroll.

Caps on the mandate's cost, if they are actually realized, will reduce the job loss estimates presented here. But it is still premature to bank on caps, at least at the level discussed by the president. Too much of the financing for health reform hinges on predicted savings from the delivery of health care, savings that have proved elusive to more than one president. Moreover, the president's hope to cap the mandate cost at 7% may be hopelessly unrealistic. Recent estimates have placed the cost of health care reform at between 10% and 12% of payroll. A cap at 7% would leave the president many billions of dollars short of the revenue he needs for reform just months after passing a large tax increase. Caps on mandates may very well experience the same fate as the middle-class tax cut.

SAME MISTAKEN ASSUMPTION

Yet job losses will continue, even with the president's admission that accommodation needs to be made for the needs of law-wage workers and industries. These losses will arise because the president is proceeding on the same mistaken assumption as Mrs. Clinton: that is employers who pay for benefits out of profits instead of workers out of wages.

The nation's economists agree. This spring the Survey Center at the University of New Hampshire polled members of the American Economics Association regarding their views on health care mandates. (The association is the leading professional body for American economists.) Eighty percent of economists responded that a health-care mandate would result in lost jobs for lower wage workers. The O'Neills have quantified that loss.

In his speech to the nation's governors, the president warned the public to stop believing that health care is "paid for by the tooth fairy." He would do well to heed his own advice.

HONORING DR. PETER CORONA

HON. WILLIAM P. BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. BAKER of California. Mr. Speaker, Dr. Peter Corona has contributed 42 years of service to the public school system of California and has impacted the lives of thousands of individuals. He has served as a teacher, coach, vice principal, principal, business manager, assistant superintendent, superintendent, community college teacher and State university teacher.

Corona served as a superintendent of schools for a span of 34 years and has been an educational leader in school districts ranging in size from a small hamlet of 150 students to a district covering seven cities with 33,000 students.

Dr. Corona's breadth of experience includes schools in rural, suburban and inner-city urban America, working with various ethnic groups including large numbers of African-Americans, Hispanics, Asians, Native Americans, and Caucasians.

He has achieved a long and distinguished list of awards for community service accomplishments and leadership in professional organizations. His awards include: Bringing the All American City Award to the City of Montebello; being selected Man of the Year for Emeryville; America's Superintendent of the Month by the American Association of School Administrators; One Thousand Notable Americans; Who's Who in America; and Who's Who in the World.

Peter Corona lectured internationally and has been published widely. His accomplishments have been documented with considerable positive recognition. His administrative leadership style has been discussed in public administration and educational courses in a number of college and universities in California.

Corona has established a reputation for having left each of his school districts in better financial shape. He exemplifies the type of educational leadership America needs today.

As a Member of the U.S. House of Representatives, I commend Dr. Peter Corona for his varied deeds of leadership, goodwill, and for the mark he has made on the educational community and the many lives he has touched. It is hoped that his spirit of commitment will continue to be emulated by those who follow in his footsteps.

THE TRAUMATIC BRAIN INJURY ACT OF 1993

HON. JIM SLATTERY

OF KANSAS

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

HON. FRANK PALLONE, JR.

OF NEW JERSEY

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1993

Mr. SLATTERY. Mr. Speaker, I am pleased to be joined today by my colleagues, Representative GREENWOOD of Pennsylvania, Representative PALLONE of New Jersey, and Representative QUILLEN of Tennessee in reintroducing the Traumatic Brain Injury Act of 1993.

We have each sponsored legislative bills regarding this issue earlier this year and have come together today to jointly place our bipartisan efforts behind one single initiative which we hope will be considered by Congress and enacted into law.

Every 15 seconds someone in the United States sustains a head injury and 98 percent of these individuals will survive the accident. According to the National Head Injury Foundation [NHIF], a survivor of a severe brain injury typically faces 5–10 years of intensive medical and related services at an annual cost of approximately $86,000. Estimated lifetime costs to care for a traumatic brain injury survivor can exceed $4,000,000.

Half of all traumatic brain injuries are caused by car accidents. Among children, abuse accounts for 64 percent of all infant head injuries, while 50,000 head injuries occur each year as a result of bicycle accidents. This act will encourage development of national standards for bicycle helmets.

The legislation we are introducing today will also help raise public awareness of the serious risks and tragic consequences of head injuries and will designate a Federal agency to oversee and promote projects to prevent traumatic brain injury and to assist in rehabilitation efforts across the Nation.

This legislation also will assist States in creating advisory boards to coordinate citizen participation in community traumatic brain injury programs and will create a registry to advance epidemiologic research efforts across the Nation.

Additionally, our legislation calls for major studies to be conducted on the causes and prevention of brain injury. More importantly, this legislation emphasizes the discovery and use of unique ways to prevent injury and heighten individual responsibility. It is important that we find effective ways to encourage people to act responsibly, without establishing the adversarial relationships that are created by government mandates like helmet laws.

Currently there are no national standards for motorcycle helmets, and in some instances it has been documented that a poorly designed helmet can be more dangerous in an accident than no helmet at all. Our legislation encourages Federal, State, and local health agencies to take a more comprehensive approach to preventing traumatic brain injury by looking deeper into the root causes of these injuries.

I am pleased that the State of Kansas was the first State to submit and receive approval on a Title XIX Home and Community-Based Services Waiver to provide services to people with head injuries in their own home. I am hopeful that our legislation will encourage other States to develop home care programs for traumatic brain injury survivors and will create a nationwide network for survivors and their families and friends.

The Traumatic Brain Injury Act, which emphasizes prevention and treatment options, will help these individuals and their families cope with the debilitating and lifelong consequences of these tragic accidents.

I encourage my colleagues to cosponsor this important legislation and I look forward to the speedy enactment of the Traumatic Brain Injury Act of 1993.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 23, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 24

10:00 a.m.

Labor and Human Resources

To hold hearings on the nominations of F. William McCalpin, of Missouri, John G. Brooks, of Massachusetts, Edna Fairbanks Williams, of Vermont, LaVeeda Morgan Battle, of Alabama, Ernestine P. Watlington, of Pennsylvania, Maria Luisa Mercado, of Texas, Thomas F. Smegal, Jr., of California, Nancy Hardin Rogers, of Ohio, Douglas S. Eakeley, of New Jersey, John T. Broderick, Jr., of New Hampshire, and Hulett Hall Askew, of Georgia, each to be a Member of the Board of Directors of the Legal Services Corporation.

SD–430

SEPTEMBER 27

2:00 p.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Diane Blair, of Arkansas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

SR–253

Foreign Relations

To hold hearings on the nominations of Carol J. Lancaster, of the District of Columbia, to be Deputy Administrator of the Agency for International Development, Margaret V. W. Carpenter, of California, to be Assistant Administrator for Asia of the Agency for International Development, and John Roggen Schmidt, of Illinois, for the rank of Ambassador during his tenure of service as the Chief U.S. Negotiator of the Uruguay Round.

SD–419

SEPTEMBER 28

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation to reorganize the Department of Agriculture.

SR–332

Commerce, Science, and Transportation
Aviation Subcommittee

To hold hearings on proposed legislation to authorize funds for programs of the Airport Improvement Act.

SR-253

10:00 a.m.

Finance

To hold hearings with the Committee on Labor and Human Resources on S. 491, to provide health care for every American and to control the cost of the health care system.

SR-325

Labor and Human Resources

To hold hearings with the Committee on Finance on S. 491, to provide health care for every American and to control the cost of the health care system.

SR-325

2:00 p.m.

Foreign Relations

To hold hearings on the nominations of Alan John Blinken, of New York, to be Ambassador to Belgium, Parker W. Borg, of Minnesota, to be Ambassador to the Republic of Iceland, Richard A. Boucher, of Maryland, to be Ambassador to the Republic of Cyprus, Swanee Grace Hunt, of Colorado, to be Ambassador to the Republic of Austria, Thomas A. Loftus, of Wisconsin, to be Ambassador to Norway, William Dale Montgomery, of Pennsylvania, to be Ambassador to the Republic of Bulgaria, and Thomas Michael Tolliver Niles, of Kentucky, to be Ambassador to Greece.

SD-419

Labor and Human Resources
Employment and Productivity Subcommittee

To hold hearings on S. 1361, to establish a national framework for the development of School-to-Work Opportunities systems in all States.

SD-430

SEPTEMBER 29

9:30 a.m.

Environment and Public Works

To hold hearings on Robert W. Perciasepe, of Maryland, to be Assistant Administrator for the Office of Water, Lynn R. Goldman, of California, to be Assistant Administrator for the Office of Prevention, Pesticides and Toxic Substances, Elliott P. Laws, of Virginia, to be Assistant Administrator for the Office of Solid Waste and Emergency Response, and Jean C. Nelson, of Tennessee, to be General Counsel, all for the Environmental Protection Agency.

SD-406

10:00 a.m.

Foreign Relations

To hold hearings on the nominations of Marian C. Bennett, of the District of Columbia, to be Inspector General, U.S. Information Agency, Tobi Trister Gati, of New York, to be Assistant Secretary of State for Intelligence and Research, and Daniel L. Spiegel, of Virginia, to be U.S. Representative to the European Office of the United Nations, with the rank of Ambassador.

SD-419

Labor and Human Resources

To hold hearings on certain provisions of S. 491, to provide health care for every American and to control the cost of the health care system.

SD-430

2:00 p.m.

Foreign Relations

To hold hearings on the nominations of Roger R. Gamble, of Virginia, to be Ambassador to the Republic of Suriname, Peter F. Romero, of Florida, to be Ambassador to the Republic of Ecuador, and William Lacy Swing, of North Carolina, to be Ambassador to the Republic of Haiti.

SD-419

SEPTEMBER 30

10:00 a.m.

Foreign Relations

To hold hearings on the nominations of Edward Joseph Perkins, of Oregon, to be Ambassador to Australia, and Richard W. Teare, of Ohio, to be Ambassador to Papua New Guinea and to serve concurrently as Ambassador to Solomon Islands and to the Republic of Vanuatu.

SD-419

Foreign Relations

To hold hearings on the nomination of Carol Bellamy, of New York, to be Director of the Peace Corps.

S-116, Capitol

OCTOBER 6

9:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up proposed legislation to reorganize the Department of Agriculture.

SR-332

HOUSE OF REPRESENTATIVES—*Thursday, September 23, 1993*

The House met at 10 a.m.

The Rabbi Leslie Gutterman, senior rabbi, Temple Beth El, Providence, RI, offered the following prayer:

Almighty God, Ruler of all nations: At this season of renewal shimmering with historic transformation, we invoke Your blessings upon all who hold responsibility in our national life.

May the deliberations in this House of the people foster the noblest ideals and well-being of America.

We pray that our beloved land will ever be bright with freedom's holy light so it may serve as a shining example of justice and compassion to the entire world.

Deepen our faith in the human capacity for goodness and inspire each of us to do what we can do to banish bigotry and promote peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. STEARNS] come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that it will receive requests from 15 Members on each side for 1-minute statements.

WELCOME TO RABBI LESLIE YALE GUTTERMAN

(Mr. MACHTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACHTLEY. Mr. Speaker, it is my honor and personal privilege to welcome to this Chamber, along with my distinguished colleague, the gentleman from Rhode Island, JACK REED, Rabbi Leslie Yale Gutterman, senior rabbi of Temple Beth-El, Providence, RI, a spiritual leader of our State, an individual whose concerns for community and love of people have made him a counselor and friend to many ordinary citizens and leaders in our State.

Rabbi Gutterman serves on the board of many civic and charitable institutions. He has been a lecturer of religious studies and a noted columnist. His life, as a reflection of his faith, is an inspiration to those of us who know him and have the privilege of calling him a friend. His prayers have not only been heard by the Supreme Being, but by our Supreme Court.

It is with a great deal of personal pride and privilege, as I say, that I welcome him to our Chamber.

Mr. REED. Mr. Speaker, will the gentleman yield?

Mr. MACHTLEY. I yield to my distinguished colleague, the gentleman from Rhode Island, who would also like to welcome Rabbi Gutterman.

Mr. REED. Mr. Speaker, I thank my colleague for yielding to me.

I join him, Mr. Speaker, in welcoming Rabbi Leslie Gutterman, a man of wisdom, compassion, and wit; a man whose words, as well as deeds, inspire the entire Rhode Island community to be more decent, more humane, more understanding, and more dedicated to opportunity and to the decency that we all seek in our daily lives.

HEALTH CARE REFORM: A MATTER OF SURVIVAL, NOT A POLITICAL ISSUE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last night President Clinton outlined his program to reform our country's national health care system. He launched the debate, and I can tell the Members that the people in my district are desperate for the health care debate to begin.

Last week I spent 5 days in my district meeting and talking with constituents about health care reform. I met with doctors, nurses, business people, hospital administrators, people who have health care coverage and people who do not. All agreed on one thing, that we need health care reform now.

Rising health care costs are devastating to our economy, our families, our senior citizens, and our small businesses. In Connecticut, the effects of health care and that crisis are everywhere. The story of Kathy Berko of Hamden, CT, is all too common.

Kathy Berko employs five people at her small manufacturing firm. She has four different health plans for those five employees. In the past 3 years, health care premiums for one employee have increased 50 percent. Recently Kathy interviewed a highly skilled professional whom she wanted to hire. One problem was that he had a preexisting condition. He underwent heart bypass surgery last year. If she decides to hire him, her insurance rates will increase by 50 percent.

That is our current health care system in a nutshell: a business owner who is kept from making her business more competitive, a hard-working American who was denied a job due to no fault of his own.

We need health care reform now. For Kathy Berko and people like her all across this country, health care reform is not a political issue, it is a matter of survival. Let us do it.

TELEPROMPTER FIASCO, AN EXAMPLE OF BUREAUCRATIC MISMANAGEMENT

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, last night we had a very symbolic warning about the dangers of Government-run bureaucratic health care. When the President of the United States began to address a joint session of Congress and the American people, his TelePrompter had the wrong speech. That is right. For the most important domestic policy speech of his administration, the bureaucracy put the wrong speech in the TelePrompter. For 7 minutes, President Clinton read from his typed script while his White House staff changed the TelePrompter to the right speech.

President Clinton is very smart, and last night was only a speech. Imagine a below-average bureaucrat on a bad day dealing with your electrocardiogram, your CAT scan, your MRI, your x ray. A Government that cannot run a travel office or a TelePrompter cannot run an entire health care system for Americans.

Last night's mistake was a useful symbolic warning about the inefficiencies and incompetencies of the Government bureaucracies. We do need health reform, but we need a market-driven, decentralized system based on personal responsibility with less Government. That is what the House Republican affordable health care bill now does. Last

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

night's TelePrompter reminds us why we need to move in that direction.

PRESIDENT CLINTON'S HEALTH REFORM PLAN

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, I rise today to praise President Clinton for focusing the Nation's attention and agenda on the urgent need to reform health care and commend him for his bold vision for how to do so.

Regardless of what one thinks of the mechanics of the President's proposal, the President deserves credit for preparing a plan guaranteeing universal quality coverage. Now Congress must move swiftly to ensure that the principles of President Clinton's plan are preserved.

Under the President's plan, all Americans will be guaranteed a comprehensive benefit package at an affordable price, regardless of where or whether they work, how much money they earn, or whether they have ever been sick. The discriminatory insurance practices of overcharging or excluding people because of preexisting conditions would be outlawed.

Mr. Speaker, again this plan ensures that every American will be guaranteed access to a comprehensive benefit package, no matter what.

Mr. Speaker, it is truly a great day for America. A great day for all Americans.

AID TO RUSSIA—WE NEED ACCOUNTING OF ITS USE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, we all know what is happening in Russia today. The struggle for democracy in Russia is not easy, and it is especially complicated now. To compound the problem, according to two recent articles in Forbes magazine, organized crime and unscrupulous government officials are accumulating vast fortunes by controlling the privatization of Russia's command economy and by diverting aid meant for the Russian people.

According to Forbes, U.S. aid such as wheat is being illegally milled into flour, then reexported for an extraordinary profit. Donated American hot dogs are reportedly being sold from small kiosks all over Moscow, kiosks owned by the son of the Russian minister in charge of the program designed to distribute the food to Moscow's needy.

We cannot and should not interfere in the sovereign domestic rights of another Nation. But when we are sending our money to help the people of that nation, we can and we should expect an accounting of its use, especially under these present circumstances.

Today I am asking for a clear identification and accounting of this use. If we are going to continue to send money to Russia without a full accounting, we must know right now what is happening. We owe the taxpayers no less.

□ 1010

CONVERSING TO SOLVE OUR HEALTH CARE PROBLEMS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, last night the Nation heard the words of our great President, Bill Clinton, who brought to the focus of this Nation the problems with the health care system. Back earlier in this year our President had appointed the First Lady to run the task force. She has done an outstanding job in doing that.

This Nation is now focused on the problems that we have in our health care system because of the efforts of our President and our First Lady. We need to now not debate whether we need health care reform. We need to converse as to what we can do to solve the problems.

The President and the First Lady have given us their solutions to these problems which will lead us to a proposal or a plan that would provide for security for all people in this country, knowing that forever in their life they would have health care. It also would lead to quality, affordable health care for all with the right to choose your own physician and your own hospital.

HEALTH CARE

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, one out of every seven dollars in America is spent on health care. We now spend over $900 billion on medical care for Americans.

But the numbers do not really bear out the importance of the health care issue. That happens when a loved one gets sick and needs attention. Then, it becomes very important that the best health care is available.

We must reform health care to improve and maintain the good things in our current system—the best in the world. And, we need reforms to help find coverage for the millions of Americans without health insurance.

Yet, we must not allow the Government to create another huge, inefficient, ineffective, bureaucracy with Washington experts telling parents when, where, and how they and their children will receive medical treatment. And, telling small businesses and their employees that they have got to pay higher taxes so the Government can run yet another part of their lives.

The President has described the problems well. Now he must call for an open, bipartisan approach to finding the solution.

NO MORE AID TO RUSSIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, even though Russia is in a turmoil, Uncle Sam wants to send Russia another $2.5 billion. Unbelievable, ladies and gentlemen. When will Uncle Sam ever learn that you just cannot put high-powered gasoline, tank after tank, into a toy car and think that that high-powered gasoline is going to make that toy car run.

I say let us stop this madness. This money may only end up building another bunker that may possibly protect a right-wing dictator in Russia. Let the Russian people finance democracy, and let us use the money in America. Let us not ship it overseas. Maybe we can plow it into some health care for every American rather than ending up maybe building another bunker for another dictator in Russia.

Think about that.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would like to remind all persons in the gallery that they are here as guests of the House and should not be involved in approval or disapproval of the proceedings. That is in violation of the rules of the House.

THE DEVIL IS IN THE DETAILS

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, in his speech last night, President Clinton made the right diagnosis, but offered the wrong prescription for our Nation's health care problems.

The President did an excellent job of identifying the problems with our health care system and defining the principles we need to keep in mind in order to reach the goal of making health care affordable for all Americans.

However, the devil in the President's plan is in the details.

To follow the Clinton prescription, we must believe that the Government will reduce and not increase paperwork.

We must buy the argument that price controls will result in savings without cutting quality and leading to rationing.

We must be confidenced that Government programs will give us greater choice at less cost than the private sector.

And, we must somehow accept the argument that making employers bear the burden will not result in fewer jobs, less benefits, and lower wages.

Mr. Speaker, considering the way the Government has administered Medicare and Veterans health programs, and the way Government controls its own budget, I believe all Americans should be wary of handing our entire $900 billion health care industry over to the Federal Government.

Let us make sure we make change for the better, not for the worse. Let us make sure we do it right.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will have to tell our guests again that they may not participate in what takes place on the House floor. So the Chair wishes our guests would respect the wishes of the Chair and the rules of the House.

ASIA-PACIFIC ECONOMIC COOPERATION

Mr. UNDERWOOD. Mr. Speaker, the new Asia-Pacific Economic Cooperation Organization has the potential of being the cornerstone of a new Pacific community. However, it stifles the role of some vital players: U.S. territories.

Guam lies at the heart of Pacific Asia and is an economy far more tied to Asian developments than to the United States. Still, the State Department has deemed Guam's participation as a member economy of APEC as unwarranted.

APEC liberally calls its members economies, and the State Department states that it is not an organization of countries. But while China, for example, holds three different seats in APEC, one belonging to the crown colony of Hong Kong, territories such as Guam will only be permitted to participate through the United States seat. This gross misperception and misrepresentation is a clear example of the anomaly of territorial status and the inconsistencies in U.S. policies regarding territories.

I am disappointed that the State Department does not see Guam's importance and unique status in the Pacific economy. It seems only logical that Guam be permitted as a member economy in APEC, just like Hong Kong in this well thought out organization.

This House must seek to better define Guam's status and relationship with the United States and the State Department must become more sensitive to territories.

THE PRINCIPLES

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, last night the President detailed six very admirable principles as it relates to health care. He talked about simplicity, security, savings, quality, choice, and responsibility.

He also talked about his desire to work with Republicans. So I would like to paraphrase the founder of our party, Abraham Lincoln, in his 10 points by asking the President to remember this:

Mr. President, you can't get simplicity by adding more bureaucracy. You can't guarantee security by promoting unemployment.

You can't get savings by paying the salaries of 300,000 additional bureaucrats. You can't encourage quality by discouraging the free-market.

You can't give the consumer choice by prohibiting consumer choice. You cannot encourage responsibility by taking away a person's initiative and independence.

Mr. Speaker, the principles by the President were fine and we support them. But his package will not fulfill those promises.

I urge him to work with those of us who have offered Republican alternatives so that we can get the job done.

□ 1020

HEALTH CARE BENEFITS FOR ILLEGAL ALIENS—A TROUBLING DETAIL

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, last night the President gave us his health care plan. But, as they say, the devil is in the details. Here is one of the many details that needs fixing:

Illegal aliens are ineligible for guaranteed, government-paid benefits or so we thought.

But the plan mandates employers to pay for health care for all employees, regardless of immigration status.

There is an easy way to avoid making American businesses pay for illegal aliens' health care.

Let the INS have information related to the health insurance premiums paid by employers.

But, the Clinton plan expressly forbids the Government controlled health alliance from sharing this information with the INS—another part of our Government.

This is ridiculous and must be changed. We should be trying to control illegal aliens, not subsidizing their health care.

THE PRESIDENT HAS COURAGE AND VISION

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to commend the President for his courage and his vision in calling for heath care reform. Our President understands that health care is a right, not a privilege. I am very proud of the President for his leadership.

We are more than lucky, but blessed to have a First Lady who has taken the lead on health care reform.

All Americans must have health care—for the long-term good of our country. This is not a partisan issue. We must all pull together. We must all work together. And we must be bold.

I look forward to the day—and that day is coming—when all Americans will have quality health care.

Mr. Speaker, that can never, ever be taken away.

WAITING PERIODS PERMIT CRIMES TO OCCUR

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, on March 30, 1981, John Hinckley attempted to assassinate former president Ronald Reagan. Had the Brady bill been the law of the land, nothing different would have happened, because Hinckley purchased his gun 5 months before the shooting. But waiting periods permitted crimes in the Los Angeles riots. Store owners who had guns were able to protect themselves and prevent looting. Those who did not have guns could not buy them because there was a waiting period; their shops were looted, and frequently they were injured.

No one wants guns sold to criminals, but a waiting period is not the answer.

I am today submitting a bill, the Felon Identification and Police Safety Act, which sets up a national computerized register of criminals and others who should not be able to purchase guns. The information under this act will be encoded on drivers license or the alternative identification card. Guns could not be purchased without an identification and a read-only device at the point of purchase, which would prevent the sale of guns to criminals.

This is a commonsense law that will provide every safety feature that is envisioned by the waiting period without inconveniencing law-abiding citizens.

MOVE FORWARD ON HEALTH CARE IN THE NAME OF THE AMERICAN PEOPLE

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. LOWEY. Mr. Speaker, as I listened to President Clinton last night, I thought of the hundreds of New Yorkers whose very personal stories make clear why we must seize this moment to achieve real changes in our health care system.

I thought of Alan Benjamin of Rego Park, retired from the New York Port Authority, having endured brain surgery now finds himself confronting a bureaucracy of complicated forms and constant battles for reimbursements.

I thought of Natalie Hirsch of Larchmont, a 22-year-old liver transplant recipient. Her preexisting condition leaves her in constant fear of losing health coverage.

I thought of Mollie Horowitz of Yonkers, living on a fixed income, and facing over $1,000 a year in prescription drugs.

And I thought of hundreds of others: Small business people whose health care costs are threatening their ability to stay in business; families facing the emotional and financial stress of providing long-term care for a loved one; parents struggling to make ends meet and see that their children have regular checkups.

For Mollie Horowitz, for Alan Benjamin, for Natalie Hirsch, and for countless others, we must join together—in a sense of bipartisan cooperation—and work with this administration to structure an approach to health care that will ensure quality health care to all Americans at a price we can afford.

HEALTH CARE REFORM: WE HAVE SOME BROAD AREAS OF AGREEMENT

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, last night President Clinton laid out a broad outline for health care reform, listing six major principles necessary to deal with, six principles with which none of us can disagree.

There will be some disagreement as to how to reach those principles and how to achieve the reform he wants and we want.

Mr. Speaker, there presently exists in this House President Clinton's proposal, two other Democrat proposals, and three Republican proposals. And in those six proposals there are some broad areas of agreement. We all agree on tort reform, not entirely on the precise nature of it, but we agree it is necessary.

We agree that previously existing conditions should not force people out of the insurance system. We agree on uniform claim forms for insurance companies.

Mr. Speaker, I urge the President to grab those areas on which there is broad agreement today, pass them tomorrow. Let us get started on this arduous process. We can debate the broad divides that we have between us on philosophy, but let us agree on what we agree on tomorrow and begin the process.

THE PRESENT HEALTH CARE SYSTEM IS UNFAIR

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEPHERD. Mr. Speaker, before I ran for the Utah Senate and for Congress, I owned a business, a publishing business. For 10 long, hard years I worked as small-business people work, dawn till dusk, trying to meet the bottom line. I felt it was my responsibility to provide health care for my employees, and I did—and I was punished.

I was punished every single time I went into the marketplace and made a bid on a contract. I was punished because I was the only publisher of my size with whom I competed that provided health care for my employees.

I did not get contracts, because I took responsibility and they did not. They were perfectly content to allow me to pay for health care for their employees.

Mr. Speaker, that is not fair. It is time for all Americans to step to the plate, it is time for all of us to take responsibility for the single most important thing in all of our lives: Our health care.

HEALTH CARE REFORM: WAIT UNTIL YOU SEE WHAT FREE HEALTH CARE COSTS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, last night after I heard the President's comments, my first reaction was that if you think our current health care system is expensive, wait until you see how much free health care costs.

This morning, though, Mr. Speaker, I rise to state my agreement with the President that we need to address reducing the costs of health care in this country.

This political body of Congress will find it easy to posture and debate on elements of health care reform on which we disagree.

However, I, like the previous two speakers, I think, urge my colleagues in Congress and the American people to begin the process of reform by considering in this year those areas in which we agree.

Let us move ahead with the President's suggestion of simplicity. We can start today with reducing the overzealous regulation and paperwork that we have imposed on health care providers. We can agree to allow small businesses the same low-cost employee health care advantage that is now available to big business. We can change our tax laws to allow 100 percent deductibility for those individuals who do not have health insurance provided by their employer, and we can agree to allow hospitals to share high-technology equipment without fear of antitrust laws.

Mr. Speaker, I urge my colleagues to sit down with the many bills that have already been introduced by both sides, and move ahead with health care reform.

□ 1030

TAKE ANOTHER LOOK AT SINGLE PAYOR HEALTH PLAN

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON of Florida. Mr. Speaker, we all have our own ideas of what a perfect health care system should look like. But my friends, this is too important. Do not let perfection be the enemy of the good.

To those who are fighting for a single payor plan, I urge you to take another look. Do not be so certain that the Government has all the answers.

To those who are fighting for a pure form of managed competition, I beg you to be flexible. There is too much at stake to be strident .

To my Republican friends, I am hopeful we can work together. Let neither side be careless with our remarks.

My friends, on this matter of great importance I share Benjamin Franklin's wish that every Member, "doubt a little of his own infallibility".

This is America's business. Let us get past ideology and go to work.

TWO MESSAGES ON HEALTH CARE

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, I am in a state of complete confusion regarding the message from President Clinton on health care.

What I heard a week and a half ago with respect to the Government is that the Government is broken and it needs to be reinvented. Apparently now the Government is fixed and it is going to save our health care system. I do not understand the two messages.

I went to the Health Care University last week. I listened to the people who were talking. I would call it more, claiming to be a refugee from the sixties myself, I think it could be more aptly described as a teach-in than Health Care University; but the message I heard there from Roger Altman and other members of the administration is that, in fact, this is going to create a new bureaucracy to manage all this; and yet I heard from the President last night that it is not going to create a new bureaucracy.

What I would admonish all my colleagues to do and the American people to do, Mr. Speaker, is to listen very, very carefully to the debate that is going to come out on this over the following months and find out exactly where the details are.

Is it going to create a new bureaucracy or not? Are there going to be more Government employees or fewer? Will you have greater freedom of choice or less?

"OOPS" NOT A GOOD ENOUGH EXCUSE FROM AT&T

(Mr. MFUME asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MFUME. Mr. Speaker, when I looked at a publication last week and saw a major corporation like AT&T, representing the citizens of Africa with a cartoon of a gorilla in an in-house newspaper, I, like many of you, could not believe my eyes.

It is hard to imagine that in 1993 a publication could make it through multiple levels of art editors and managing editors and senior editors and no one realized the meanness of the act or the sheer offensiveness of the characterization.

AT&T called this a slip-up in the editorial process.

The members of the Congressional Black Caucus say that perhaps the harm was done long before the cartoon was ever drawn.

"Oops" is not a plausible excuse.

"Oops" does not prevent a reoccurrence.

We challenge AT&T to go beyond their meek apology and to put in place real programs and decision-making opportunities for African-Americans, Latinos and Asians, so that this shameful affront does not reoccur.

CORPORATE RESPONSIBILITY

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, last night we heard from President Clinton. We heard about his health care plan, and this day we have heard a lot of responses from Members on both sides of the aisle.

The last point of the health care plan was about responsibility, Mr. Speaker.

Well, I would like to talk about another aspect of responsibility today, and that is the responsibility of our corporate citizens, to wit AT&T.

Yes, AT&T has been responsible for letting out a publication that demeans not only Africans, but people of color all over the country, a publication that depicts a gorilla in Africa as a representation of the people there, while people in the other continents around the world are represented by human beings.

Mr. Speaker, this caricature, this stereotype is the kind of thing that has gotten people like Margie Schott and Al Campanos the scorn of the country. It is the kind of thing that has made heads roll when people make this kind of slip-up and mistake.

AT&T should be held to no less standards. They should be responsible for this act.

As I understand it, no one has been fired yet, but the responsibility must not stop there. It is the responsibility of this Black Caucus and the responsibility of conscientious people all over this country to hold their feet to the fire and make sure that this does not happen again.

HEALTH CARE REFORM: THE PROMISE OF SECURITY

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, as a new Member of Congress, I am particularly sensitive to the health care concerns of my constituents. During the election, I spoke with many individuals and families who were struggling to obtain access to high-priced health care.

All Americans, especially the disadvantaged, need health security for their families. Parents need the assurance that they will be able to provide primary and preventive health care services for their children. And all families need the assurance that they can care for their elderly loved ones without spending their life savings.

I know firsthand the problems the citizens of the First District of North Carolina face in their efforts to receive adequate health care. I know a widowed woman who fears that she may have to sell her home in order to provide continued health coverage for herself. I know workers whose employers do not provide health coverage for them or their families; others who are having to spend more and more of their limited income on their family's medical needs. I also know an individual whose employers provide good health benefits, but is fearful because she has been diagnosed with a form of cancer which may prevent her from working full time. This renders her without any health insurance.

Most Americans currently have good reason to fear because they lack adequate health coverage, but all will benefit from the universal coverage proposed by the President.

The President has provided a challenging proposal for health care reform; Congress should begin immediately to deliberate, consider, modify, and enhance his health care reform package for all Americans.

IN SUPPORT OF B-2 STEALTH BOMBER

(Mr. McKEON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKEON. Mr. Speaker, today the House will resume consideration of the Department of Defense authorization bill. Among the many issues of importance in this legislation is the need for modernizing our Nation's fleet of bomber aircraft.

I am encouraged by proposals from the other body which suggest that production of the B-2 Stealth bomber be increased from 20 to 25 aircraft. I support this increase, and believe that it is in our best interest to preserve the Stealth component of our defense industrial base. This Stealth component, when combined with the addition of a precision strike capability outlined in the Defense Department's "bottom-up" review, will give our Nation a modern, mobile, and reliable bomber fleet.

Currently, assembly of the final B-2 bombers are nearing completion. I urge my colleagues to support efforts to continue production of the B-2, which will be an asset to our troops and our Nation for decades to come.

TIME TO FIX BROKEN HEALTH CARE SYSTEM

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, recently just a minute ago the minority whip likened the mistake at the teleprompter last night to the Government. The message seemed to be that if the Government cannot run a TelePrompter, do you want it running health care?

Let me ask the other question. Do you like the present system? Do you like the way the insurance companies are running health care right now?

They are very efficient. They can deny a child coverage because of a preexisting illness on the basis of one lab test.

They are very efficient in handing out annual rate increases, as much as 35 percent sometimes to small businesses.

Do you like the same system with the paperwork that we have got, overwhelming paperwork that is returned to providers for failure to mark one blank?

Do you think this is an efficient system, when this country pays more per capita than any industrial nation and still leaves 37 million uninsured? That is efficiency?

What the President offered last night was flexibility, market incentives, reduced paperwork, and comprehensive health care.

I will take the challenge of the minority whip on the TelePrompter. The President saw the problem and fixed it.

Now it is time to do the same with a broken health care system.

PRESIDENT HAS WRITTEN FIRST PAGE OF HEALTH CARE BOOK

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the struggle to revamp the Nation's health care laws is a long, long book. Last night the President only wrote the first page, but what a first page it was. He showed he was ready to take on a difficult and long struggle. He showed he was able to focus the Nation on the proper questions as to how we should restructure the system, and most of all, the President showed empathy for the average American and what he or she must go through in these days of increasing costs and decreasing availability of care.

Of course, we all know, Mr. Speaker, that the devil is in the details in this plan.

In the next few months in my district the retired policeman or teacher will sit around their desks and their kitchen tables with their calculators figuring out how the plan affects them.

The senior citizen on Medicare or Medigap will ask, "How does it affect me?"

We will have to answer those questions.

□ 1040

However, my colleagues, if it is as the President stated last night, that his plan will cost the average American the same or less and give the average American the same or more, then no special interests will be able to stand in the way of this plan.

A UNIVERSAL HEALTH CARE PLAN FOR AMERICA

(Mr. DEUTSCH asked and was given permission to address the House for 1 minute.)

Mr. DEUTSCH. Mr. Speaker, last night the President's speech outlined a dramatic approach for this country, and hopefully 40 years from now we will remember last night the way we remember what Franklin Roosevelt did 50 years ago when we established the Social Security system, the same complaints, the same concern. But we have established what is probably the greatest social policy program in the world today.

The challenge the President addressed to us, the challenge for the Congress and for the American people that he has set out for us, is that this Congress, before we adjourn in January 1995, will pass a universal health care plan for America. That is the challenge.

On the facts about the economic impact, Mr. Speaker, every economist who has looked at the health care system in America, there is a universal consensus that we can have better, more health care, quality health care in this country at less cost and save money. There is no debate over that issue.

Finally, on the guiding principles that the President established, over the next several months, and literally over the next year, we will be working on the details, but, as long as we keep those guiding principles in sight, as long as we commit to meeting that challenge that the President laid out in this room yesterday evening of a universal health care plan for America, our goals will be achieved, and our results will be unbelievable.

CORPORATE-SPONSORED RACISM

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my utter disgust at a recent internal publication which was circulated by one of the largest multinational corporations in America.

It is not gross insensitivity which allows for the portrayal of African people as gorillas "reaching out and touching someone."

It is racism and that is one commodity corporate America cannot afford to export.

How can we talk about a global community when some people persist in viewing not just a people, but an entire continent as subhuman?

There is no excuse for the publication of this cartoon and there should be no tolerance of it. The editors and the creator of this image must be held accountable.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. CARR of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

The motion was agreed to.

□ 1045

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, with Mr. BOUCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN., When the Committee of the Whole rose on Wednesday, September 22, 1993, the bill had been read through page 20, line 25.

The Clerk will read.

The Clerk read as follows:

KENTUCKY BRIDGE PROJECT

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for continuing construction to replace the Glover Cary Bridge in Owensboro, Kentucky, $12,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

77TH STREET RECONSTRUCTION PROJECT, RICHFIELD, MINNESOTA

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for continuing construction of the 77th Street Reconstruction Project in Richfield, Minnesota, $7,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

Mr. MINETA. (during the reading). Mr. Chairman, may I ask what provision we are on right now?

The CHAIRMAN. The Chair would advise the gentleman that the Clerk was beginning to read the paragraph beginning on line 16, page 21, but had not commenced the reading of that paragraph.

Mr. MINETA. Let me ask about page 21, lines 1 through 7.

The CHAIRMAN. That section has been read.

Mr. MINETA. Mr. Chairman, I did not hear that portion being read, and I have a point of order on that provision.

The CHAIRMAN. The Chair would advise the gentleman that that section of the bill has been passed in the reading and would ask the gentleman if he desires to make a unanimous-consent request that the Committee return to that section.

Mr. MINETA. Since I did not, and I believe other Members have not heard that portion read, Mr. Chairman, I would ask unanimous consent that that portion be read for consideration at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. CARR of Michigan. Mr. Chairman, reserving the right to object, I do so to really join with the gentleman from California [Mr. MINETA] in finding out where we are.

As the gentleman knows, and those who might be listening to our words may not know, we have been busy in some discussions in the hopes that we might resolve a few matters, and regrettably we were not attentive to the exact parliamentary situation here.

So, Mr. Chairman, would you tell us exactly again where we are? I regret asking again, but there are some things going on here. Actually what we are trying to do is expedite the bill. Would the Chair kindly tell us exactly where we are now again?

The CHAIRMAN. The Chair would advise the Committee that at the moment the reading has proceeded through line 15 on page 21. The Clerk was beginning to read on line 16 on page 21 at the time the question was raised.

Mr. CARR of Michigan. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Committee will return to line 1 on page 21.

□ 1050

The Clerk will read.

The Clerk read as follows:

KENTUCKY BRIDGE PROJECT

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for continuing construction to replace the Glover Cary Bridge in Owensboro, Kentucky, $12,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I may have contributed to the confusion a moment ago by standing and trying to obtain recognition.

The CHAIRMAN. The Chair would inquire of the gentleman from Minnesota [Mr. OBERSTAR] if the gentleman desires to raise a point of order with respect to the language commencing on line 1, page 21?

Mr. OBERSTAR. Mr. Chairman, no, I do not.

The CHAIRMAN. Are there any points of order to be raised to that language?

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. Mr. Chairman, I raise a point of order against page 21, lines 1 through 7, on the basis that this provision violates clause 2 of rule XXI. First of all, this project is unauthorized. And while there have been previous appropriations, the project has never been authorized by law.

In addition, the period of funding availability until September 30, 1997, is not authorized.

Also, this provision appropriates money out of the highway trust fund, contrary to section 9503(C)(1) of the Internal Revenue Code. That section provides that the highway trust fund may only be used to fund programs authorized in the Highway Acts of 1956, 1982, 1987, and 1991. Thus, because this provision provides funding from the highway trust fund for a project not authorized by one of these laws, it has the effect of changing existing law, and, therefore, is in violation of rule XXI.

Finally, this provision does not come within the exception to rule XXI, clause 2(A), for continuation of appropriations for public works and objects which are already in progress.

It is clear from the precedents that the exception is narrowly construed and has been applied only to Federal projects. As applied specifically to highways, the precedents have required that the United States actually hold title to the road. The project in this paragraph does not meet this test. Thus, Mr. Chairman, for the reasons enumerated above, lines 1 through 7 on page 21 are in violations of rule XXI and subject to a point of order.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CARR] desire to be heard?

Mr. CARR of Michigan. Mr. Chairman, I do. This falls within the exceptions in rule XXI for works in progress, and we would ask the Chair to rule.

The CHAIRMAN (Mr. BOUCHER). Do other Members desire to be heard on the point of order?

The Chair is prepared to rule.

The gentleman from California [Mr. MINETA] makes the point of order that the funds appropriated in the paragraph entitled "Kentucky Bridge Project" are unauthorized and thus in violation of clause 2 of rule XXI. The gentleman from Michigan has argued that although the funds are indeed unauthorized they are in order under the exception to clause 2 of rule XXI which allows unauthorized appropriations to continue funding public works and objects which are already in progress, referred to as the "works-in-progress exception." The Chair need not rule on whether this project is exclusively a federally owned project.

The legal authority for expending highway trust funds is outlined in section 9503(c) of the Internal Revenue Code. That section states in positive terms that highway trust fund moneys shall be available where authorized by specific enumerated acts. The paragraph in question circumvents that requirement. Deschler's Precedents, volume 8, chapter 26, section 8.9, stands for the proposition that the works-in-progress exception may not be invoked to circumvent existing law. Therefore, the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

77TH STREET RECONSTRUCTION PROJECT, RICHFIELD, MINNESOTA

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for continuing construction of the 77th Street Reconstruction Project in Richfield, Minnesota, $7,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

34TH STREET CORRIDOR PROJECT, MOORHEAD, MINNESOTA

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for continuing construction of the 34th Street Corridor Project in Moorhead, Minnesota, $5,750,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

MCCLELLAN AVENUE PROJECT, MARQUETTE, MICHIGAN

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for continuing construction of the McClellan Avenue Project in Marquette, Michigan, $2,900,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

OTHER SURFACE TRANSPORTATION PROJECTS

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for certain highway and surface transportation projects and parking facilities, including feasibility and environmental studies, that improve safety, reduce congestion, or otherwise improve transportation methods, $48,003,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

OTHER HIGHWAY PROJECTS AND FACILITIES

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for other highway projects and facilities, including feasibility and environmental studies, that improve safety, reduce congestion, or otherwise improve transportation methods, $85,550,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

Mr. CARR of Michigan (during the reading). Mr. Chairman, in order to expedite the process here, I ask unanimous consent that that portion of title I, down through page 22, line 24, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Are there points of order to the text incorporated within the unanimous-consent request of the gentleman from Michigan [Mr. CARR]?

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. Mr. Chairman, I have a point of order against certain provisions here, and I will start with page 21, lines 8 through 15.

I raise a point of order on the basis that this violates clause 2 of rule XXI. The basis of these points of order really is based on rule XXI, although the justifying reasons vary with each of the various provisions.

If there is no objection, I will ask that my statement be made part of the Record relative to each of these points of order, if the gentleman from Michigan [Mr. Carr] does not object and will concede these points of order.

Mr. CARR of Michigan. Mr. Chairman, we concede the points of order.

The CHAIRMAN. The Chair will advise the gentleman from California [Mr. Mineta] that since all five paragraphs are read, he may make his point of order with respect to all five paragraphs.

Mr. MINETA. Mr. Chairman, since the gentleman from Michigan [Mr. Carr] has conceded the points of order, I will go ahead and submit these statements.

The CHAIRMAN. Does the gentleman from Michigan [Mr. Carr] wish to be heard?

Mr. CARR of Michigan. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. Boucher). The point of order with respect to the five sections is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

BORDER HIGHWAY PROJECT

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for the border highway project authorized in Public Law 89-795, $8,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. Mr. Chairman, I raise a point of order against page 23, lines 1 through 6. This provision violates clause 2 of rule XXI.

First of all, this project is not authorized for appropriations from the highway trust fund. In addition, the period of funding availability until September 30, 1997, is not authorized. Also, this provision appropriates money out of the highway trust fund, contrary to section 9503(C)(1) of the Internal Revenue Code. That section provides that the highway trust fund may only be used to fund programs authorized in the Highway Acts of 1956, 1982, 1987, and 1991. Thus, because this provision provides funding from the highway trust fund for a project not authorized by one of these laws, it has the effect of changing existing law, and, therefore, is in violation of rule XXI.

Finally, this provision does not come within the exception to rule XXI, clause 2, for continuation of appropriations for public works and projects which are already in progress. It is clear from the precedents that the exception is narrowly construed and has been applied only to Federal projects. As applied specifically to highways, the precedents have required that the United States actually hold title to the road. The project in this paragraph does not meet this test.

Thus, for the reasons enumerated above, page 22, lines 17 through 24, is in violation of rule XXI, and subject to a point of order.

The CHAIRMAN. Does the gentleman from Indiana [Mr. Visclosky] seek recognition?

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Does the gentleman from Indiana wish to speak on the point of order?

Mr. VISCLOSKY. Mr. Chairman, I wish to speak on the point of order.

Mr. Chairman, I would advise the Chair that I wish to make a comment relative to the last point of order. I would point out to the Chair I was on my feet and not recognized, and would simply like to make a comment by striking the last word.

The CHAIRMAN. The Chair would advise the gentleman from Indiana [Mr. Visclosky] that such a comment could be made at the appropriate time by a motion to strike the last word. At the moment the Chair is entertaining debate on the question of the point of order.

Does any Member desire to be heard on the point of order?

PARLIAMENTARY INQUIRY

Mr. COLEMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLEMAN. Mr. Chairman, I understood that we had started page 23, is that not correct? We are still on page 22. This point of order was raised to a section called "Other Highway Projects and Facilities," lines 17 through 24, on page 22.

The CHAIRMAN. At the moment the Clerk has read on page 23, beginning on line 1, and the point of order has been raised to the section beginning on line 1 and continuing through line 6 on page 23.

Mr. COLEMAN. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman is recognized.

Mr. COLEMAN. Mr. Chairman, as has been discussed, Mr. Chairman, rule XXI, section 2(a) provides that "No appropriation shall be reported in any general appropriation bill, or shall be in order as an amendment thereto, for any expenditure not previously authorized by law, except to continue appropriations for public works and objects which are already in progress." I believe that the Boarder Highway project in my district qualifies under that portion of the sentence which pertains to an expenditure "authorized by law" and "to continue appropriations for public works and objects which are already in progress."

Public Law 89-795 clearly authorizes a border highway along the United States bank of the Rio Grande River in connection with the settlement of the Chamizal boundary dispute between the United States and Mexico in 1963. In fact, August 28 was the 30 year anniversary of this historic treaty. This agreement, originated by President Kennedy and completed by President Johnson and President Adolfo Lopez Mateos to correct the changing international boundary at El Paso and Ciudad Juarez, created a permanent river channel. It also clearly envisioned the creation of a border highway along the international boundary.

While portions of the highway have already been completed, the current border highway project in El Paso continues the work contemplated in 1966 when the authorization was signed into law by permitting additional right of way acquisition and construction. As trade increases between the United States and Mexico, the need for a border highway becomes more necessary.

In addition to considerations related to increased commerce, this highway construction will increase safety and emergency access in the area. Furthermore, construction of the highway will alleviate congestion on other roads in the area and contribute to the preservation of the historic El Paso area missions, which date back to the 17th century. Construction will also improve economic development and create jobs in this economically depressed region of the country.

The chronology of the border highway project in El Paso dates back to 1963 when El Paso mayor, Judson Williams, and International Boundary and Water Commissioner, Joseph Friedkin, met with Federal and State officials to discuss construction of the border highway paralleling the new river channel. Ten governmental agencies met to coordinate the project including the Federal Highway Administration, the old U.S. Bureau of Public Roads, and the Texas Highway Commission. My predecessor, Congressman Richard White, Senator Ralph Yarbrough, and Texas' favorite son, President Lyndon Johnson were all personally involved in this project.

Under the authorization, the Secretary of Transportation is permitted to construct a border highway in conjunction with the State of Texas and city of El Paso.

In addition to the authorization, last year's Transportation appropriations bill provided $1.6 million for the border highway project in Texas. This money provides for feasibility studies, preliminary engineering and design, environmental studies, right-of-way acquisition, improvements, and construction of roadways of the highway during the current fiscal year. This phase will lead directly into further right-of-way acquisition and construction, and clearly lends itself to consideration as a project already in progress as permitted by rule XXI.

I have obtained letters of explanation and news release from the State of Texas Department of Transportation in support of the work in progress argument I am making today. In fact, the State of Texas has informed me that the border highway project is part of the State project development plan and within the transportation improvement plan for the El Paso region.

For all of these reasons, I request that the point of order against this provision be overruled by the Chair.

□ 1100

Mr. Chairman, the State of Texas has informed me that the border highway project is part of the State project development plan and within the transportation improvement plan for the El Paso region. I would ask, Mr. Chairman, for those reasons that the point of order against this provision be overruled by the Chair.

The CHAIRMAN (Mr. BOUCHER). Is there further discussion on the point of order?

The Chair is prepared to rule. For the reasons stated in sustaining the previous point of order, this point of order is also sustained. The precedent cited by the gentleman from Texas, the statute referred to in his remarks, Public Law 89-795, authorized general fund appropriations, not appropriations from the highway trust fund. The section in question on page 23 makes appropriations from the highway trust fund, and, therefore, the statute is not an authorization for these appropriations and the "work in progress" exception does not apply.

For these reasons, the point of order is sustained.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Indiana [Mr. VISCLOSKY] is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. MINETA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MINETA. Mr. Chairman, if I might inquire of the Chair, does this include at this point a point of order, or does this still allow me the right to raise a point of order, although the gentleman from Indiana [Mr. VISCLOSKY] has been recognized to strike the requisite number of words?

The CHAIRMAN. The Chair would tell the gentleman from California that a point of order could still be made to the paragraph beginning on line 7, page 23. The Clerk has not read that paragraph at this time.

The Chair has recognized the gentleman from Indiana for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I would advise Members that my remarks pertain to the bill beginning at page 22, lines 17 through 24. Although the issue has been cited, I do feel constrained to remark about the contents of the legislation.

As a member for nearly 7 years of the Committee on Public Works and Transportation, I appreciate the concerns of the gentleman from California [Mr. MINETA] and the gentleman from Pennsylvania [Mr. SHUSTER] relative to the jurisdiction of their committee, and to protect their prerogatives under the authorization process.

I also appreciate the comments that were made by the gentleman from West Virginia that indicated that their committee was not sitting idle, that they had extensive oversight hearings for 5 days, that they had heard from countless groups across the country about the efficacy of ISTEA, and that the technical corrections bill that was formulated in the House failed only because of inaction in the other body.

The gentleman from Pennsylvania had also indicated that he would consider in the future moving to ensure a 2-year legislative cycle in terms of the authorization process. I, too, have a responsibility. My responsibility is to protect the people that I represent.

On Dr. King's birthday this year, January 18, there was an accident on the South Shore South Bend Railroad in the city of Gary, IN, on the Gantlet Bridge where east- and westbound tracks came together on a single roadbed. The wall that passed through each train, as it was described in the media, was like a giant razor blade, said the chief of the fire department in Gary, IN, Benjamin Perry. "We had a lot of people decapitated."

We also had a 10-year-old traveling by himself to see his father in the city of Chicago who was killed. He was among seven individuals on that train in January of this year who were killed. More than 70 were injured. It was the second accident on that single-lane bridge since 1985, and it was the deadliest accident on that railroad in 87 years.

I was on the Committee on Public Works and Transportation when the ISTEA was enacted, but, certainly, the arbitrary formulas that were developed at that time could never have anticipated the tragedy that occurred in Gary, IN, on January 18.

The $6 billion of earmarks that were thoughtfully considered by the committee also could never have anticipated the tragedy that occurred this year. I appreciate that we had a technical corrections act. That failed. But appropriation bills move through this body every year. There is a vehicle to take care of these types of safety concerns, and as the legislation itself talks about, the projects earmarked in the paragraph I am discussing were for safety.

I cannot wait for oversight hearings to be completed. I cannot wait for a change in policy in terms of the authorization cycle to be completed. We need to restore the confidence of every man, woman, and child on that train going east and west in Gary, IN, and in northern Indiana, throughout the year.

I am disappointed that the motion to strike was not defeated. I appreciate the internal politics in the Chamber, but I would hope that in the future we can reach a balance in terms of a recognition that the roles and responsibility to save lives and improve the commerce and the movement of people and goods in this country could be balanced.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HIGHWAY WIDENING PROJECT

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for the continuation of the widening of State highway 35 from Houston to Alvin and Angelton, Texas, $9,400,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

HIGHWAY PROJECT STUDIES

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for feasibility and environmental studies for certain highway and surface transportation projects and parking facilities that improve safety, reduce congestion, or otherwise improve surface transportation, $7,150,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1996.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order against the provision.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. Mr. Chairman, I raise a point of order on page 23, lines 7 through 13. This provision violates clause 2 of rule XXI. First of all, this project is unauthorized. The period of funding availability until September 30, 1997, is not authorized. Also, this provision appropriates money out of the highway trust fund, contrary to section 950(c)(1) of the Internal Revenue Code. That section provides that the highway trust fund may only be used to fund programs authorized in the Highway Acts of 1956, 1982, 1987, and 1991.

Thus, because this provision provides funding from the highway trust fund for a project not authorized by one of these laws, it has the effect of changing existing laws, and, therefore, it is in violation of rule XXI.

Finally, this provision does not come within the exception to rule XXI, clause 28, for continuation of "appropriations for public works and projects or objects which are already in progress."

It is clear from the precedents that the exception is narrowly construed and has been applied only to Federal projects. As applied specifically to highways, the precedents have as required that the United States actually hold title to the road, and the projects in this paragraph do not meet this test.

Thus, for the reasons enumerated above, Mr. Chairman, I raise a point of order against the provision on page 23, lines 7 through 13, and ask for a ruling on this point of order.

□ 1110

The CHAIRMAN. Does the gentleman from Michigan [Mr. STUPAK] desire to be heard on the point of order?

Mr. STUPAK. Mr. Chairman, I rise against the point of order.

The CHAIRMAN. The gentleman from Michigan is recognized on the point of order.

Mr. STUPAK. Mr. Chairman, I rise against the point of order on line 1, page 22 of the transportation bill. The language in question effects the completion of funding for the McClellan Avenue in Marquette, MI.

First, I would like to commend the chairman of the Subcommittee on Transportation, the gentleman from Michigan [Mr. CARR] for the rigorous criteria he set forward in this transportation bill in order to enable these projects to be placed in the bill. It is refreshing for a freshman Member like myself to see that such requests for funding were judged on their merits and not on politics.

But the reason why I rise today is that the McClellan Avenue project was previously federally funded and is an ongoing project. The Federal Government and the Michigan Department of Transportation have been working toward the completion of McClellan Avenue since 1979, beginning with the first part of this project, the U.S. 41 bypass. Under rule XXI, clause 2(a) of the rules of the House, a provision dating back to 1837, projects that are ongoing are protected against points of order like the one lodged by the distinguished chairman of the Committee on Public Works and Transportation, and I respectfully request that the Chair overrule the point of order.

As my friend from Iowa [Mr. LIGHTFOOT] stated yesterday, "Those raising this point have argued that the House precedents have established that a general system of roads on which some work has been completed cannot be admitted as work in progress."

As was the case yesterday, McClellan Avenue is not a general system of roads. Rather, it is a specific improvement project designed to relieve congestion that is strangling the business district of Marquette County. It is an ongoing project. Right now the road is halfway completed with a snow fence preventing further traffic from going down the half-completed roadway.

If this project is approved, it can be completed in the fiscal year that we are arguing on this transportation bill. Therefore, I would argue the gentleman to withdraw his point of order on this particular project.

The CHAIRMAN. Does any other Member desire to be heard on the point of order on the pending paragraph?

Mr. WOLF. Mr. Chairman, on behalf of the gentleman from Texas [Mr. DELAY], who wanted to be heard on this point of order, I am going to raise it on his behalf and at his request.

The CHAIRMAN. The gentleman from Virginia is recognized on the point of order.

Mr. WOLF. Mr. Chairman, on behalf of Mr. DELAY, I would like to take this opportunity to justify to the House this very important and timely project which runs through Mr. DELAY's congressional district.

Existing Highway 35 runs from the city of Houston south to the city of Angleton, TX. This project, as Mr. DELAY I think rightly says, is roughly 50 miles long, and once the road reaches Angleton it travels west to Corpus Christi which is roughly 130 miles down the road.

The question that Mr. DELAY asks is why is the project justified. Mr. Chairman, he views this project as proposed in the bill before us today as a project that was overlooked during the consideration of the ISTEA legislation. Let me explain what Mr. DELAY means by being overlooked.

During consideration of the ISTEA legislation there was a provision added by another gentleman from Texas, Congressman LAUGHLIN, to construct a new multilane freeway from Corpus Christi north to Angleton, TX. The new multilane freeway is to be built on existing Highway 35 right-of-way. This project was authorized in the ISTEA legislation at $41.7 million.

For the most part, the Highway 35 project parallels U.S. 59, which runs in the same direction and is a four-lane divided highway. In fact, as Mr. DELAY said, most of the east-west traffic in this part of Texas travels on U.S. 59 because it runs right through the city of Houston, the fourth largest city, as Members know, in the Nation.

Here is the key. The highway project that is authorized in the ISTEA legislation is a valuable one, moving traffic from south Texas and the Corpus Christi area to Angleton, some 50 miles from the city of Houston. Why the project ended there, Mr. DELAY really is not sure. But this is where the authorization ends.

The logical extension of Highway 35, after traveling well over 100 miles from Corpus Christi, would be to continue the road improvement into Houston. In fact, if the road was completed all the way to Houston, the majority of the traffic would be in the stretch of road from Angleton to Houston, not from Corpus Christi to Angleton. So you see, the busiest portion of the highway did not get any consideration during the ISTEA.

That is why this particular project has its own category in this legislation today. The uniqueness of this highway project did not allow it to properly fit in other highway categories. The committee believed that because of the obvious oversight of this highway project, and because it connects directly with an ISTEA authorized project, Mr. DELAY might have an opportunity to include it in the bill today.

Mr. Chairman, Mr. DELAY believes strongly that the highway widening project slated for Highway 35 in the ISTEA legislation can be found under section 1107 of the act entitled "Innovative Projects." This project is indeed innovative, but not until the logical extension of the road is completed to serve the fourth largest city in America.

In Houston, where everyone knows the traffic jams are legendary, under Mr. DELAY's leadership they are making a big difference here in providing substantial progress with mobility because of the well-planned regional bus program. However, more good highways are needed now to help complete Houston's mobility needs.

Today we have an opportunity to direct this oversight and keep traffic moving. Mr. DELAY is in a meeting so he could not make it here but is on his way, but he would hope that they would not insist on the point of order and allow this project to move ahead. And on behalf of Mr. DELAY he sincerely hopes that this request would be lived up to.

The CHAIRMAN. Do any other Members desire to be heard on the point of order?

Mr. REGULA. Mr. Chairman, I would like to say a few words in opposition to the point of order.

The CHAIRMAN. The gentleman from Ohio is recognized on the point of order.

Mr. REGULA. Mr. Chairman, the Public Works and Transportation Committee passed an excellent bill in ISTEA in 1991. But here we are and it is almost 1994, and I think the exercise we are going through here on the issue of points of order on this bill illustrates one of the problems. That is where there is a need we cannot address simply because of the time delay on authorization.

I think that we ought to change our procedure in the House to allow an authorization bill each year so that those of us who have projects that deserve consideration will have an opportunity to do so. And specifically one that is in this bill is an appropriation for bridges in Stark County which is part of the 16th District. These bridges are a real safety hazard and consequently, because the problems need to be addressed immediately or we are going to have possible accidents and threats to the security of those using the roads, we should be able to go forward with this particular appropriation. It is not a lot of money and it will generate substantial State and local funds.

But because of the delay in having an authorization bill, it is impossible to bring the issue before the appropriate committee. These bridges are described in one of the local newspapers where it says, "Residents cross over decaying bridges." "No repair money spells big problems." "Bridges heavy for ambulances." And one of the bridges has actually partially collapsed, and as a result ambulances and school buses can no longer use it.

This is just one example of a crumbling infrastructure problem that we are unable to respond to because of the points of order that have been raised on transportation projects in this bill. I would hope that the authorizing committee would give consideration to having a bill each year so that there is an opportunity to address serious problems that exist in each of the communities that we represent here, and that we would have an opportunity to bring the evidence in front of that committee so that we would not be confronted with the problem that we have today.

Is the gentleman from Ohio [Mr. TRAFICANT] wishing to speak on the point of order to the pending paragraph?

Mr. TRAFICANT. To a degree, Mr. Chairman.

The CHAIRMAN (Mr. BOUCHER). The Chair at the moment is entertaining discussion on the point of order.

The Chair is prepared to rule on the point of order.

For those reasons stated by the gentleman from California in making a point of order, and sustained in prior points of order, the point of order is sustained.

□ 1120

PARLIAMENTARY INQUIRY

Mr. MINETA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MINETA. Mr. Chairman, the fact that the Clerk has now read page 23, line 14, does this preclude me from raising a point of order if the gentleman from Ohio [Mr. TRAFICANT] is recognized?

The CHAIRMAN. The point of order will have to be made first.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order on page 23, line 14.

The CHAIRMAN. The Clerk will read the paragraph beginning on line 14.

The Clerk read as follows:

HIGHWAY PROJECT STUDIES

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for feasibility and environmental studies for certain highway and surface transportation projects and parking facilities that improve safety, reduce congestion, or otherwise improve surface transportation, $7,150,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1996.

The CHAIRMAN. For what purpose does the gentleman from California rise?

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order against the provision on page 23, lines 14 through 22.

This provision violates clause 2 of rule XXI because it would appropriate $7.150 million out of the highway trust fund for general feasibility and environmental studies. These studies are not authorized.

In addition, the period of funding availability until September 30, 1996, is not authorized. Thus this provision constitutes an unauthorized appropriation and is subject to a point of order.

The CHAIRMAN. Do other Members desire to be heard on the point of order?

Mr. CARR of Michigan. Mr. Chairman, we concede the point of order.

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. DELAY. Mr. Chairman, I would like to be heard on the point of order.

Mr. Chairman, I would just like to take this opportunity to justify this very important and timely study for a highway which runs through a portion of my congressional district; I do not understand what obviously is going to be the ruling on this particular project.

A portion of U.S. Highway 59 in and near Houston, TX, otherwise known as the Southwest Freeway, is a major artery for traffic into and around the Houston metropolitan area. The portion of the Southwest Freeway I am concerned about runs from the center of Houston to the southwest through my hometown of Sugar Land, continuing on out to Rosenberg, TX. This is the proposed super highway from the Canadian border to Mexico. Houston is a growing city. The surrounding area has exploded. In fact, in recent years, Fort Bend County, which is the county where the highway study would be made, has been the fastest growing county in the Nation. There has been a literal explosion of population to the southwest of Houston.

Mr. Chairman, the Federal Highway Administration and the Texas Department of Transportation have made incredible efforts to keep up with the demands on the highway system in this area. Roughly 13 miles of the Southwest Freeway from the center of Houston out to Beltway 8, has recently completed years of construction to widen and increase the overall capacity of the highway. The highway has been widened in some places to 12 lanes. Further, the State has already started in motion the design and engineering of the next portion of the Southwest Freeway which takes the improved road out another 5 miles. This portion of the highway will eventually have five lanes of traffic in each direction.

Where is the problem and why am I defending this $250,000 study? The State does not have the money to get the ball rolling on any further extension of this highway. However, the need is extreme.

Again, Fort Bend County has been in recent years the fastest growing county in the Nation. Even if the road projects that were underway were completed today, it still would not be enough—the widening of highway 59 to Rosenberg, TX is needed now.

One could argue that the request for $250,000 for this highway study is authorized. Under section 1105 of the ISTEA legislation titled "High Priority Corridors on National Highway System" U.S. Highway 59, including the portion of the highway I propose to study, has been designated a high priority corridor. Under this designation there are several interesting factual points the ISTEA legislation makes.

Under section 1105(b) there is an explanation of the purpose of this section. And I quote,

> It is the purpose of this section to identify highway corridors of national significance; to include those corridors on the National Highway System; to allow the Secretary, in cooperation with the States, to prepare long-range plans and feasibility studies for these corridors; to allow the states to give priority to funding the construction of these corridors; and to provide increased funding for segments of these corridors that have been identified for construction.

U.S. Highway 59, the Southwest Freeway, is the high priority corridor the ISTEA legislation speaks about. I sincerely hope that the gentleman would not insist on his point of order and allow this study to proceed and assist in the mobility of those who use this important artery.

Mr. Chairman, in my opinion, this is an authorized project, it is authorized money, and I urge the Chair to rule against the point of order.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule.

For those reasons stated by the gentleman from California [Mr. MINETA] in making the point of order, and sustained in prior points of order, the point of order is sustained.

The Chair recognizes the gentleman from Ohio to strike the last word.

Mr. TRAFICANT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to make a few comments as we move on. First, I had raised a number of points of order several years back on the House Treasury and Postal Service bill, and I got an awful lot of flack. I would like to say this: I never raised a point of order on any Member's project in their district. I rise today for two reasons: First, I rise to join forces with and to be associated with the remarks of the gentleman from Ohio [Mr. REGULA]. I believe a 5-year bill must be revisited each year by the static needs of America in our intermodal transportation network.

But second of all, I think it is important to say that Congress should take a very close look at House rules, especially as we talk about reinventing Government. I think it is most important that we do not waive points of order on appropriation bills, but we do allow the authorizing committees to visit each and every important issue we face as a Member or, in fact, this Nation.

I would like to say to the gentleman from Michigan [Mr. CARR] that there are an awful lot of things that perhaps the authorizing committee could have looked at and should have looked at, but were constrained by this 5-year bill. I think all the public-works people should be joining forces; this need not happen.

I think the authorizing and appropriating committee can get together a little bit better than this. But I have to see individual Members' projects hurt. If it is in fact because of the fact the Public Works Committee is not addressing them in a timely fashion, then let us make sure we do not have any more of this constraint by 5-year deals that do not allow us to visit each year public-works needs.

I want to close out by saying I have been caught in the trap of this 5-year deal too much myself. I have several freeway systems that have never been connected. And I am right in the middle of this country.

I certainly am not going to continue to see us resist the appropriators if the authorizers are not going to deal with the issues facing this country.

So, with that, I would just encourage again these open rules without waiving points of order, and I would hope, when it comes down to individual projects, we understand the dynamics in each case; sometimes many of these projects are warranted.

AMENDMENT OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARR of Michigan: On page 23, after line 22, insert the following:

KENTUCKY BRIDGE PROJECT

For up to 80 percent of the expenses necessary for continuing construction to replace the Glover Cary Bridge in Ownesboro, Kentucky, $12,000,000.

Mr. WOLF. Mr. Chairman, I yield the gentlewoman from Jacksonville, FL, who I believe wanted to comment on this point of order with regard to the Fuller Warren Bridge.

The CHAIRMAN. The Chair would advise the gentleman that there is no point of order pending at the moment. The gentleman from Michigan has submitted an amendment.

☐ 1130

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. Mr. Chairman, I raise a point of order in order to explain clearly to the House what this amendment is all about.

This amendment would provide funds for the very same project I just struck a little while ago on a point of order.

Now, the stricken provision would have funded this project out of the highway trust fund. For that reason and for other reasons that I have stated, this provision is in violation of rule XXI.

This amendment is a redraft of that provision and it provides funding for the project out of general funds and not highway trust funds.

It also limits the availability of funding for fiscal year 1994, thereby curing another violation in the earlier provision.

Thus, it is my understanding that the amendment, since it provides general funds and cures the rule XXI violations in the earlier version, is not a violation of rule XXI because it falls under the "work in progress exception." As I have stated, that exception is a very narrow one. In fact, this is the only highway project in the bill to which the particular set of circumstances of this project would apply.

The focus of all my points of order, as I stated yesterday and previously today, is when there are violations of rule XXI to which I objected in the Rules Committee, and those I will challenge; but since this amendment is not in violation of rule XXI, I will not press my point of order.

Obviously, Members will have to decide for themselves the merits of the amendment.

So, Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

The gentleman from Michigan [Mr. CARR] is recognized for 5 minutes.

Mr. CARR of Michigan. Mr. Chairman, as was just recently stated, this is a project that has been going on for a number of years. In fact, it is a project for which this House has provided funding each year for the past 5 years, not including 1994. The project is well underway. The funds we have recommended here will keep the construction on track.

I might add, Mr. Chairman, that although this project has not been included in an authorization bill, it is a prime example of the type of cooperation and understanding that used to prevail in this body. I, for one, hope it will be possible to return to that type of comity.

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CARR].

The amendment was agreed to.

Mrs. FOWLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to have spoken earlier on the point of order.

Mr. Chairman, I rise in support of H.R. 2750, the fiscal year 1994 Transportation appropriations bill. Thanks to the leadership of Chairman CARR and ranking member, Mr. WOLF, the committee has reported a bill which is fiscally prudent but also serves to meet our Nation's transportation needs.

Due to some of those needs, however, we find ourselves in a bit of a procedural quagmire. As we all know, Congress only authorizes a new Intermodal Surface Transportation Efficiency Act [ISTEA] every 5 years. Our problem is how to meet transportation needs that did not exist at the time the authorizing bill was passed. The yearly appropriations bill serves as an excellent safety net for such situations.

The Jacksonville, FL, Fuller Warren Bridge was built with local funds in 1954 and was designed to handle a maximum capacity of 73,800 vehicles per day. Since its construction, however, the bridge has been incorporated into the Interstate System. It is now used by almost 100,000 motorists a day. This heavy use has led to some problems.

In January 1992, the bridge was closed for 6 days when engineers found seam cracks in the counterweights. Last July, the bridge was closed again when a 3-foot chunk of the roadway fell into the St. Johns River. Remarkably, no one traveling on or beneath the bridge was hurt.

While this hole has been filled, more damage is expected. Engineers recently inspecting the bridge reported, "The number of cracks found in the superstructure components demonstrates that these have reached their fatigue limits." When the next piece of the bridge falls, someone could be hurt or killed.

The Fuller Warren Bridge must be replaced. And unfortunately, my constituents and all those who travel I–95 do not have time to wait another 4 years until the Public Works Committee authorizes its next highway bill. By that time, a tragedy could have occurred or the bridge could be closed, rerouting travelers 60 miles out of the way.

I am not suggesting that the Public Works Committee has failed. On the contrary, their 1991 legislation is a transportation policy landmark. Yet their unwillingness to yield to Jacksonville's special circumstances obliges me to stand with Chairman CARR, ranking member, Mr. WOLF, and the entire subcommittee to ensure a safe new bridge for the traveling public.

Mr. Chairman, I would ask that we do not strike this project from the bill. This is a safety measure. It is not a demonstration project. It is a public safety measure and we need to begin working to get a replacement as soon as possible.

Mr. SHUSTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do this to recognize the distinguished chairman of the full

Appropriations Committee, the gentleman from Kentucky [Mr. NATCHER].

I think the House should note that a few moments ago we missed the opportunity to make a point of order against a provision which was in the bill. We moved on past that provision, so anybody could have stood up.

The only way we could get at it was through unanimous consent. Anybody could have objected to that unanimous-consent request.

The distinguished chairman of the full Appropriations Committee, the gentleman from Kentucky [Mr. NATCHER] could have objected and the provisions he likes would have been in the bill. He did not do that.

I think it is a measure of the fairness and the integrity of the gentleman from Kentucky, the distinguished chairman of the full committee, that he let us go back to deal with that particular provision. We were able to make a point of order, and we were able to strike it, only because of the integrity and the fairness of the gentleman from Kentucky. I think that needs to be noted.

So I, for one, was very pleased as we moved along in this debate to support the amendment that was offered for the gentleman from Kentucky. I think this House once again has a measure of this man, this distinguished American patriot.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, as amended) and the National Traffic and Motor Vehicle Safety Act, $74,221,000, to remain available until September 30, 1996.

AMENDMENT OFFERED BY MR. COLEMAN

Mr. COLEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN: At the appropriate point in the bill, add the following:

BORDER HIGHWAY PROJECT

For up to 80 percent of the expenses necessary for the border highway project authorized in Public Law 89–795, $8,000,000.

Mr. MINETA. Mr. Chairman, I reserve a point of order on the amendment.

Mr. SHUSTER. Mr. Chairman, I also reserve a point of order on the amendment.

Mr. COLEMAN. Mr. Chairman, let me say to the Chairman of the Committee of the Whole, if the Chair could direct somebody to make copies of that amendment to be certain during the time following my argument in behalf of this amendment, they will be provided a copy.

I did not, by the way, ask that it not be read. I think if the gentleman was listening could have heard exactly what the amendment does. It merely appropriates money for a measure that was authorized, in the same amount that was authorized, back in 1966.

Mr. Chairman, I would ask for passage of this amendment. The reasons that I have given before, of course, are to see to it that the level of service that we can provide for the Border Highway would provide relief for existing traffic congestion at the Socorro Road and highway 20, a project that provides significant economic revitalization to the cities of El Paso and Socorro. The extension is a major construction project that is designed to protect the historic Mission Trail located in El Paso County. It would help relieve air quality to a large extent.

We also try, to move traffic away from just freeways. In fact, this four-lane extension is certainly appropriate and was provided for and authorized in the legislation passed in 1966.

Mr. Chairman, I would ask for adoption of the amendment, and I exclude for the RECORD letters from the Texas Department of Transportation:

TEXAS DEPARTMENT
OF TRANSPORTATION,
El Paso, TX, July 27, 1993.

Hon. RONALD D. COLEMAN,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN COLEMAN: In reference to the extension of the Border Highway from Zaragosa Road to the Fabens Port of Entry, we offer the following information. The U.S. Department of Transportation allocated to the Texas Department of Transportation $1,600,000.00 in federal funds for the development of this project as well as two other projects on Loop 375. The Texas Transportation Commission approved these projects for feasibility studies as part of the Federal Demonstration Projects Program by Minute Order Number 102310 dated May 25, 1993.

The El Paso Metropolitan Planning Organization (MPO) has included this project, the extension of the Border Highway from Zaragosa Road to the Fabens Port of Entry, in the proposed 1994 Transportation Improvement Plan (TIP) which is scheduled to be approved in September 1994. Further, we are planning to begin a feasibility study to determine a route and other aspects of this project in the fall of 1994. A consultant will be selected to conduct this study. Prior to the feasibility study, we will be conducting a Value Engineering Study in which we will determine the objectives we wish to obtain from the feasibility study.

We are now pursuing this project in a diligent manner and we will continue to do so after the feasibility study is complete. Another project which is now in the planning process is the extension of Yarbrough Drive north to Fred Wilson Drive (Inner Loop). This project is also included in the 1994 TIP and is scheduled to be approved for a feasibility study by the Texas Transportation Commission on July 29, 1993. The Inner Loop project is included in the Airport Study being conducted by the City of El Paso. It will also be pursued in a diligent manner.

If further information is required, please contact me at (915) 774–4220.

Sincerely,
CARLOS V. DOMINGUEZ, P.E.,
Director of Transportation, Planning and Development.

TEXAS DEPARTMENT
OF TRANSPORTATION,
Austin, TX, July 27, 1993.

Hon. RONALD D. COLEMAN,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN COLEMAN: In the 1993 Appropriation Act, the United States Congress authorized a $1.6 million feasibility study for the extension of the Border Highway (Loop 375) from Zaragosa Street to the City of Fabens.

As you know, the existing highway facilities serving this area (FM 258 and SH 20) are either experiencing congestion or approaching capacity. Additional capacity in this area will be required to provide for the mobility needs of the public.

In order to assure that an adequate transportation system is provided to meet the mobility needs of the public, the Department is diligently pursuing this study. The Department supports the concept of the "Border Highway" as a method to address the needs. The feasibility study will include environmental studies and public input on project alternatives.

Your efforts in Congress to provide assistance are greatly appreciated.

Sincerely,
ARNOLD W. OLIVER, P.E.,
Executive Director.

BORDER HIGHWAY STUDIES AUTHORIZED

El Paso will reap the benefits of $1.6 million in federal transportation funds to study the Border Highway (Loop 375).

The Texas Transportation Commission ordered that three highway demonstration projects on the U.S.-Mexico Border Highway at El Paso be added to the 1993 Transitional Project Development Plan.

The three proposed projects in El Paso county are: Loop 375 from Texas 20, 0.47 mile north of Borderland Road, to Loop 375 (Transmountain Road), 0.13 mile west of Interstate 10; Loop 375 from Santa Fe Street to Paisano Drive (US 85); and an extension of Border Highway from Americas Avenue (Loop 375) to Farm-to-Market Road 1109 in Fabens.

The 1993 Federal Appropriations Act allocated $1.6 million in federal funds to the Texas Department of Transportation for preliminary engineering and design, environmental studies, right-of-way acquisition, improvements and construction of roadways for the U.S.-Mexico border highways listed above.

"Although the costs for these projects is anticipated to be much higher than the amount allocated, the feasibility studies are needed to determine estimates of potential costs," said commission member Henry Muñoz III.

Once the feasibility studies are complete, the findings will be reviewed by the commission.

The CHAIRMAN. Does the gentleman from California insist on his point of order?

Mr. MINETA. I do insist on the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state the point of order.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, it seems to me again that this is a project that despite the fact that the very fine gentleman from Texas has allowed now that this project be funded by the general fund, rather than the highway trust fund, the underlying authorization is still not there. Therefore, it would be subject to a point of order on the basis of clause 2, rule XXI.

□ 1140

The CHAIRMAN. Does any other Member desire to be heard on the point of order of the gentleman from California [Mr. MINETA]?

Mr. SHUSTER. Mr. Chairman, I reserve the point of order.

At what point are we in the bill?

The CHAIRMAN. The amendment offered by the gentleman from Texas would add a paragraph on page 24 after line 9.

Mr. SHUSTER. I do not believe that is in order, Mr. Chairman. It is not germane to that point.

POINT OF ORDER

Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHUSTER. Mr. Chairman, I make a point of order that it is not germane. We have already read past that point.

The CHAIRMAN. Does the gentleman from Texas [Mr. COLEMAN] desire to be heard on either point of order?

Mr. COLEMAN. Of course, as I said at the outset, it is authorized and still in the title, and it can be in order at any time in that title.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule and on the point of order raised by the gentleman from Pennsylvania [Mr. SHUSTER] would rule that the amendment offered by the gentleman from Texas in the form of a new paragraph is germane at this point in the bill relating to highway funding. For that reason the point of order of the gentleman from Pennsylvania is not sustained.

With respect to the point of order raised by the gentleman from California [Mr. MINETA], the statute that is relied upon by the gentleman from Texas for his authorization does authorize appropriations from the general fund. His amendment also would appropriate from the general fund, and for that reason this is an authorization contained in Public Law 89–795, and for that reason the point of order raised by the gentleman from California is not sustained.

Is there debate on the amendment offered by the gentleman from Texas [Mr. COLEMAN]?

Mr. SHUSTER. Mr. Chairman, one of the concerns I have here is that there are other projects which I understand fall in the same category. I believe there are five or six other projects that fall in the same category, and, if we had some assurances that those projects were going to be treated equally and fairly, that would be a factor in the determination as to whether to support or oppose this amendment.

So, I would be interested, if anyone would care to comment on that, and I would be further interested in the position of the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA] as to what his position is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. COLEMAN].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under 23 U.S.C. 403 and section 2006 of the Intermodal Surface Transportation Efficiency Act of 1991, to be derived from the Highway Trust Fund, $46,780,000, to remain available until September 30, 1996.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 153, 402, 406, 408, and 410, section 2007 of the Intermodal Surface Transportation Efficiency Act of 1991, and section 209 of Public Law 95–599, as amended, to remain available until expended, $138,550,000, to be derived from the Highway Trust Fund: *Provided*, That, notwithstanding subsection 2009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1994, are in excess of $163,500,000 for programs authorized under 23 U.S.C. 402 and 410, as amended, of which $123,000,000 shall be for "State and community highway safety grants", $12,000,000 shall be for section 153 "Safety belt and motorcycle helmet use" grants, $3,500,000 shall be for the "National Driver Register", and $25,000,000 shall be for section 410 "Alcohol-impaired driving countermeasures programs": *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $10,500,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further*, That not to exceed $5,153,000 of the funds available for section 402 may be available for administering "State and community highway safety grants": *Provided further*, That not to exceed $500,000 of the funds made available for section 410 may be available for technical assistance to the States: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs authorized under section 209 of Public Law 95–599, as amended, the total obligations for which are in excess of $4,750,000 in fiscal years 1982 through 1994.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds available for "Alcohol safety incentive grants" under 23 U.S.C. 408(g), the amounts in excess of the funds made available for obligation in this Act, estimated to be $6,493,000, are rescinded.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. On page 26, line 7 through that portion which was just read, I have a point of order against that provision. It is a point of order against page 26, lines 7 through 12.

Mr. Chairman, this provision violates clause 2 of rule XXI because it would rescind $6.493 million in highway trust fund contract authority, not general fund appropriations for the alcohol safety and Senate grant program. Highway trust fund contract authority is a form of direct spending which is legislative in nature. Authorizing or rescinding highway trust fund contract authority is not within the jurisdiction of the Committee on Appropriations. At this time inclusion of the rescission on page 26, lines 7 through 12, constitutes legislation in an appropriations bill, and accordingly this provision is subject to a point of order.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CARR] desire to be heard on the point of order?

Mr. CARR of Michigan. I do, Mr. Chairman.

Of course the Committee on Appropriations considers contract authority a violation of the principle that we do not appropriate on authorization language, but that bill is not before us, and we concede the point of order.

The CHAIRMAN (Mr. BOUCHER). The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $14,865,000, of which $2,485,000 shall remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

LOCAL RAIL FREIGHT ASSISTANCE

For necessary expenses for rail assistance under section 5(q) of the Department of

Transportation Act, as amended, $10,000,000, to remain available until expended.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $43,927,000, of which $1,357,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from non-Federal sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities other than State rail safety inspectors participating in training pursuant to section 206 of the Federal Railroad Safety Act of 1970.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $20,166,000, to remain available until expended: *Provided*, That up to $100,000 shall be made available to support, by financial assistance agreement, railroad-highway grade crossings safety programs, including Operation Lifesaver: *Provided further*, That $100,000 is available until expended to support by financial assistance agreement railroad metallurgical and welding studies at the Oregon Graduate Institute.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, $130,000,000.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation authorized by 45 U.S.C. 601, to remain available until expended, $431,000,000, of which $331,000,000 shall be available for operating losses incurred by the Corporation and for labor protection costs, and of which $100,000,000 shall be available for capital improvements: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further*, That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1994: *Provided further*, That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further*, That funds provided to cover operating losses incurred by the Corporation shall be utilized only for the following expense categories: train operations, maintenance of equipment, maintenance of way, on-board services, and station services: *Provided further*, That the Corporation shall maintain adequate information in its financial management systems to monitor and account for the specific uses of funds appropriated herein: *Provided further*, That no funds in this Act may be used, either directly or indirectly, to support intercity bus routes unconnected by a rail segment provided by the National Railroad Passenger Corporation Thruway Bus Service Program.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Page 29, line 2, strike "$431,000,000" and all that follows through "available" on line 5, and insert $100,000,000,".

Mr. HEFLEY. Mr. Chairman, this is not a new issue. It seems like we deal with this issue with some regularity. But this amendment ends the operating law subsidy of $331 million for fiscal year 1984 for Amtrak. The purpose of the amendment is to begin to put Amtrak back on the track to privatization and, hopefully, profitability.

Mr. Chairman, if we look at the history of Amtrak, it was created in 1970 under the Rail Passenger Service Act to be a for-profit corporation, not a for-loss corporation. It was created to provide intercity and commuter rail passenger service in the United States. After World War II, most intercity travel shifted to autos, buses, and airplanes, and at this time railroads began losing on their rail passenger service.

Mr. Chairman, the relationship between Government and Amtrak was intended to be a temporary relationship, not a permanent relationship.

Why should we terminate the Amtrak subsidy? Amtrak should be returned to the private sector. It is the most subsidized form of intercity transportation. By continually subsidizing Amtrak, Mr. Chairman, the incentive to become profitable or to break even is lost.

If we look at the figures in 1988, they lost $650 million; 1989, $666 million; 1990, $704 million; 1991, $721 million; and in 1992, Mr. Chairman, $711 million. Since 1971 Federal subsidies have exceeded $15 billion. Amtrak's operating losses have exceeded the Federal subsidy by $48 billion over the last 3 years alone.

It is time to return Amtrak to the private sector. The 1998 Presidential Commission on Privatization, which was a bipartisan group and included members of both labor and management, concluded that privatization was in the best interests of not only the American people, but also of the railroads.

My colleagues may recall that Presidents Ford, and Carter and Reagan all saw the need to eliminate this excessive subsidy.

Is privatization feasible? There is nothing etched in stone that says rail passenger service has to lose money. In fact, privatization is the only way Amtrak can maintain profitability.

Several options are available for Amtrak, one of which provides for it to shed its money-losing routes and retain the most profitable ones. This would accomplish two things. It would slice a sizable chunk out of its operating expenses and would enable Amtrak to concentrate on the more prosperous ones which could possibly lead to new capital for modernized trains, and tracks and other improvements.

Conrail is a good example of modernization that works. This was a freight railroad once owned and operated by the Federal Government. But Conrail has proven itself as it has been privatized, and its finances have been in the black.

Let us take this step toward fiscal responsibility. Let us help out the railroad, the American taxpayers, the Federal Government's balance sheet, by eliminating the operating loss for the subsidy of Amtrak.

Mr. CARR of Michigan. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

Mr. Chairman, it is unfortunate that this amendment comes also at the time that we have just witnessed in the news the tragedy of the Amtrak derailment and considerable loss of life near Mobile, AL.

□ 1150

If the gentleman's amendment were to pass, within 7 days, on October 1, Amtrak would have no operating subsidy. Amtrak, of course, has revenues from ongoing operations, but it also has to run trains. Amtrak probably could not even contribute to the accident investigation within 7 days. Amtrak would not have the money even to do the cleanup from the accident, the tragic accident of two nights ago.

The fact of the matter is the House has voted repeatedly to sustain and support Amtrak with operating subsidies. Usually those questions receive at least 300 votes in this body.

Mr. Chairman, each time we have fights such as this one, it creates uneasiness in the private financial market, which Amtrak needs to finance it's capital improvements and lower its Federal subsidy. All we are doing when we make artificial cuts such as proposed here is to reduce service quality and make Amtrak less competitive with the airlines and the automobile. This reduces ridership which in turn leads to a higher Federal operating subsidy in the future.

Amtrak's financial performance improved during most of the 1980's. Amtrak's Federal operating subsidy has dropped from $675 million in 1981 to $351 million as reported in this bill. There is no national passenger railroad in the world today that is meeting all of its costs, and Amtrak is certainly among the world leaders in recovering its costs.

I should also note that Amtrak currently operates some of the country's most critical commuter rail systems, including northern and southern California, Boston, Connecticut, Maryland, and northern Virginia. Without adequate Federal operating subsidy, Amtrak would be terminated and these systems would shut down until a new operator could be found. This would be extremely disruptive to those communities, and would have a ripple effect on the economies of those regions.

The gentleman's amendment would not reduce funding for Amtrak's capital program or for the northeast corridor infrastructure program. This is curious, since his amendment to delete Amtrak's operating subsidy would put Amtrak out of business. Needless to say, if Amtrak goes out of business, it's hard to imagine how they would spend all of their capital or infrastructure money. So I'm not sure the gentleman's amendment is even internally consistent.

But I do know the amendment would be detrimental to this Nation, and would shut down our only national passenger rail system. About 25,000 workers would be laid off at a time when we are trying to get this country back to work. It is unnecessary. We have adequate funding to sustain Amtrak. I am sorry this kind of amendment has come up once again this year, because I believe the will of this body has been expressed many times on the need for a national passenger rail system.

I strongly urge the defeat of the amendment.

Mr. WOLF. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I appreciate what the gentleman from Colorado [Mr. HEFLEY] is trying to do. I would say though to Members, this really is a killer amendment. Basically, if one is in support of this, it probably would have been better to just zero them out, to just close them down and put the blinds across the place.

Second, Amtrak does a good job. It serves the key critical areas of the United States, particularly the Northeast corridor, coming down from Boston, to New York, to Washington, and then on to Richmond and into the South.

Third, I believe it would hurt the economy. To have a shot like this to the economy, I think, would actually create havoc. Not only with the unemployment that it would bring for the people that work with Amtrak, but all the other businesses that rely on it. In the Washington, DC, area there are many people, thousands every day, who take Amtrak to many, many different places. It would also hurt the commuter rails that are being operated around the country.

Mr. Chairman, I appreciate what the gentleman from Colorado [Mr. HEFLEY] is doing, and he is a good, good friend. But I would hope that Members, if there is a vote on this, will come over and realize the best and most responsible vote is a no vote.

Mr. COX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the early 1970's, the Government made a fateful decision. Transportation experts convinced officials that the Government could run a nationwide system of passenger rail lines more efficiently than private firms could. These same experts guaranteed that the Government would only need to provide a temporary infusion of funds into the new nationalized rail system. They said that the lines would pay their own way within a few years. They said that the system would eventually return a profit to the taxpayers.

Today we know that these promises were only wishful thinking. Instead of profitable operations, the government-run railroad monopoly has saddled the taxpayer with billions in debt and annual obligations.

In 1992, Amtrak had revenues of $1.3 billion. Its expenses were $2 billion. Last year's net loss was $712 million.

This enormous loss works out to a taxpayer subsidy for each and every passenger of more than $25. In fact, according to the Cato Institute, Amtrak is "20 times more heavily subsidized than is travel by automobile, bus, or air."

The evidence is in: A Government passenger rail monopoly doesn't work. There is, however, another way—a better way—to do this: Privatize Amtrak, just as we did Conrail. In 1992, Conrail, which was privatized 6 years ago, earned $282 million on revenues of $3.3 billion. In fact, the railway has now made money in every year since its privatization except for 1991, when the recession and the gulf war reduced consumer demand for shipping by rail.

But before it was privatized—when Conrail was a Government-run railroad—its fiscal performance was just as poor as is Amtrak's now. Industry Week magazine noted in 1979 that the railroad was "neglecting locomotive and freight-car maintenance, had quit paying principal and interest on its bonded indebtedness, and had even stopped paying taxes." Even at that, the system was still in the red—losing $1 million a day.

Privatization forced Conrail to compete, and in so doing, to succeed.

Passenger railroads in Argentina and New Zealand are being privatized this year. Five years ago, Japan began the process of privatizing Japan National Railways, breaking up into six passenger rail companies. By 1991, all six railways were operating at a profit, and privatization of several more is proceeding on schedule.

The amendment before us today could eliminate Amtrak's annual losses, and improve its service. It will save taxpayers billions, and make our Nation more competitive. Let us just do it.

□ 1200

Mr. TRAFICANT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. I want to agree in one principle with the previous speaker, that passage of this amendment would stop the operating losses, and certainly would privatize Amtrak. I think it would do something else. I think it would kill all passenger service, rail passenger service, in our country.

There are a lot of small communities like our area that would not have been included in a rail passenger service system, were it not for the designs of Congress. If all of these programs were so successful that the privateers would take them on, why was there no service for the American people?

There is only one other option. If we do not have Amtrak, the option to the American transport community and the consumer is that it be subject to only the other options that are available, and without rail, those other options in the marketplace would be much higher.

What we have done is, we have a service and we have been able to maintain some rail, both with freight, both with passengers. Now Conrail and freight is privatized. I think there will be a point in time, the right time, when Amtrak will be privatized, but that time is not ours, not now.

Let me make the following point. The gentleman cited all the big operating losses. Let us look back 5, 6 years, and look at those operating losses. They are an awful lot less today. Even though they are significant, they are a lot less today. If we also look at one other factor, we now have in other parts of our country individual passengers that are acclimated to rail transport. That serves as a hedge against the other alternative transportation modes that are out there.

I say that even though there is an operating loss, it is cost effective for maintaining a rail passenger service mode of transportation in this country.

I would advise against this amendment. It does sound good on the surface. I think the gentleman bringing it is right. I do not think the time is ripe, and I think Congress has made rail passenger service a part of our transportation intermodal network, and we should keep it there.

When the time comes where it can be privatized effectively, as with Conrail, I think Congress at that time will do the right thing.

Mr. CASTLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in full praise of the sponsor of the amendment, the gentleman from Colorado [Mr. HEFLEY], but in opposition to the amendment itself. I agree with the previous speaker, the gentleman from Ohio [Mr. TRAFICANT], with respect to the point.

The point is simply this. Amtrak has not worked as we had hoped it would have worked by now. A lot of us would have hoped it could have been privatized and on its way to profitability, similar to Conrail and some other rail services in this country. I think eventually that should be the target. There are inefficiencies which I can talk about ad nauseam, but the bottom line is simply that an amendment such as this, which would be abrupt and immediate, would simply destroy what is there now and not give the opportunity to build a good, private, and profitable system, which is the direction that we should go.

Mr. Chairman, I live in Wilmington, DE. It is on the main line between New York and Washington. I often travel that line. Many of my constituents do. The economy of our city is very sensitive to people coming in from major cities on Amtrak and going out to major cities on Amtrak. Obviously, we believe it is important. Having said that, it does not mean that I have not seen the inefficiencies which probably led to this amendment, and which lead to some of the unprofitability. Even the people who work on Amtrak will admit to that. There are many good people who work there, but there are many who understand that not all is as it could be, and we should try to do better.

I am totally for privatization in the right circumstance and handled in the right way, and it is my hope that eventually we can take this under wing and make absolutely sure that we move from the direction of losses, which is the direction we are going now, to the point where we have ultimate profitability. I am concerned that if this amendment passes, we may be talking about a circumstance that would absolutely abandon the rail service which is so significant.

I would also say, as an advocate of rail service in general, beyond just Amtrak, that as I look at modes of transportation in this country and realize the difficulties of the environment with respect to automobiles and other vehicular traffic, as I look at the crowding in airports, the difficulty of getting to airports, I realize that if our cities and our inner cities are to survive and to thrive, one of the very best answers is rail service, which tends to go into those areas.

I would consider it to be one of the most important aspects of transportation we have in this country. Even in 1993, it is not something that we should be putting behind us as being antiquated, but something we should be working on, as they have in other countries, in order to help expedite it and to make it better.

As one waits on a sideline for another train to go by, we realize that the system could be a lot better. It is a service which I think a lot of people have found is the best way to go. We can talk to virtually any business person or anyone else who travels between the areas of New York and Washington, and they will say the single best way to travel is on the Amtrak service when they are near enough to be able to get to it. That is something we should encourage in each and every urban area in this country.

Mr. Chairman, I regretfully rise to oppose the amendment, but I do feel that in this particular instance that it must be opposed. Perhaps, though, the goal of the amendment can someday be met if we work together on it.

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the amendment to cut funds from Amtrak, which serves the transportation needs of many of my constituents who travel the Northeast corridor.

Today we are discussing the importance of making sound Federal investments in transportation policy. I support Federal support of Amtrak because it is an energy-efficient transportation option important to our Nation's economic strength. But it is important to remember that Amtrak's financial stability depends on the financial stability of the communities it serves.

When implementing Northeast corridor improvements, Amtrak must take into consideration the impact these changes will have on the redevelopment plans of the communities it serves—and relies on for passengers. In my district, Amtrak is considering moving its service from the existing station in downtown New Rochelle to a new station several miles away. This is not only a waste of tax dollars, it also reflects a failure to cooperate with local officials in promoting a strong economy.

I oppose the move to a new station at Nardozzi Place for several reasons. Most importantly, it threatens the city's plans for revitalizing the downtown area. Their efforts will be hampered if Amtrak follows through on their plans to leave the downtown area. Indeed, if Amtrak leaves the downtown station, it will deprive the area of critical economic activity—a source of jobs and revenue.

Additionally, this station is the only link in Westchester County between Amtrak and commuter rail lines. Moving the station would deprive many travelers of access to commuter rail. At a time when communities are striving to comply with the Clean Air Act by reducing auto emissions, we should be working to increase intermodalism, not limiting travelers' mass transit options.

Today, we are considering the use of taxpayer funds for Amtrak. The American people want to support sound economic investments—we want to see Amtrak expand service on the Northeast corridor and improve service, but we do not want to see Amtrak do this at the expense of local communities' economic vitality.

I urge Amtrak to work with local communities to address their concerns—in New Rochelle and elsewhere.

I urge my colleagues to oppose the Hefley amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appear to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 84, noes 337, not voting 17, as follows:

[Roll No. 450]

AYES—84

Allard
Andrews (TX)
Armey
Baker (CA)
Baker (LA)
Ballenger
Bartlett
Barton
Bilirakis
Boehner
Bonilla
Bunning
Buyer
Coble
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Dunn
Fawell
Fields (TX)
Gallegly
Gillmor
Gingrich
Goodling
Goss
Grams
Hansen
Hastert
Hefley
Hoekstra
Hoke
Huffington
Hunter
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
Kingston
Knollenberg
Kyl
Lancaster
Lewis (FL)
Linder
Livingston
Manzullo
McCandless
McCrery
McInnis
McKeon
Miller (FL)
Minge
Molinari
Moorhead
Packard
Paxon
Pombo
Porter
Portman
Ramstad
Ravenel
Rohrabacher
Ros-Lehtinen
Royce
Schaefer
Sensenbrenner
Shaw
Smith (MI)
Smith (OR)
Smith (TX)
Stump
Talent
Thomas (WY)
Vucanovich
Walker
Young (AK)

NOES—337

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Goodlatte
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez

Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McDermott
McHale
McHugh
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

Archer
Edwards (CA)
Faleomavaega (AS)
Hancock
Herger
Hutchinson
Kaptur
LaFalce
McKinney
Pelosi
Petri
Romero-Barcelo (PR)
Sawyer
Serrano
Tauzin
Velazquez
Whitten

□ 1227

Ms. DANNER, Ms. BROWN of Florida, and Messrs. BLUTE, RUSH, and ZELIFF changed their vote from "aye" to "no."

Mr. LEWIS of Florida changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Page 29, line 2, strike "$431,000,000, of which $331,000,000" and insert "$397,900,000, of which $297,900,000".

□ 1230

Mr. HEFLEY. Mr. Chairman, the chairman of the committee and the ranking member have beat me into submission on that last amendment. They have convinced the body that that is too drastic, that to cut all the operating subsidy for Amtrak was simply too drastic.

So what I am proposing here with this amendment is a weaning amendment.

Over the years I have been a rancher. When calves or bulls are born, within minutes they are up nursing on mother's milk, but at about 4 to 6 months you have to wean them.

Now, they do not like it. There is never a good time to wean them. There is never an appropriate time. They would stay on mother's milk, I suppose, forever if you did not go through the weaning process, and it is sometimes painful, but you do it anyway because it is the right thing to do.

What this amendment does is begin to wean Amtrak off. It simply reduces the subsidy by 10 percent and tells Amtrak that this is the direction we are going to be going. We are going to get you off of mother's milk. It is going to take longer, but we are going to get it done.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 271, not voting 14, as follows:

[Roll No. 451]

AYES—153

Allard
Andrews (TX)
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Cramer
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Ewing
Fawell
Fields (TX)
Gallegly
Gillmor
Gingrich
Goodling
Gordon
Goss
Grams
Grandy
Gunderson
Hall (TX)
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kanjorski
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Leach
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
Meyers
Miller (FL)
Minge
Molinari
Moorhead
Neal (NC)
Nussle
Orton
Oxley
Packard
Paxon
Penny
Petri
Pickle
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Ravenel
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Stupak
Sundquist
Talent
Tanner
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vucanovich
Walker
Walsh
Weldon
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—271

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Engel
English (AZ)
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Goodlatte
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lantos
LaRocco
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Michel
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Swett
Swift
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns

Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOT VOTING—14

Clayton
Edwards (CA)
Faleomavaega (AS)
Hancock
Kaptur
LaFalce
Laughlin
Romero-Barcelo (PR)
Synar
Tauzin
Valentine
Velazquez
Washington
Whitten

□ 1252

Mr. KENNEDY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

To enable the Secretary of Transportation to pay obligations and liabilities of the National Railroad Passenger Corporation, $137,000,000, to remain available until expended: *Provided*, That this amount is available only for the payment of: (1) tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in fiscal year 1994 in excess of amounts needed to fund benefits for individuals who retired from the National Railroad Passenger Corporation and for their beneficiaries; (2) obligations of the National Railroad Passenger Corporation under section 358(a) of title 45, United States Code, due in fiscal year 1994 in excess of its obligations calculated on an experience-rated basis; and (3) obligations of the National Railroad Passenger Corporation due under section 3321 of the Internal Revenue Code of 1986.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That no new loan guarantee commitments shall be made during fiscal year 1994: *Provided further*, That, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts realized from the sale of notes or securities sold under authority of this section shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That any underwriting fees and related expenses shall be derived solely from the proceeds of the sales.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the planning or execution of the National Magnetic Levitation Prototype Development program as defined in subsections 1036(b) and 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991.

HIGH-SPEED GROUND TRANSPORTATION

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of the High-Speed Ground Transportation program as defined in subsections 1036(c) and 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, $4,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $3,500,000 for the "High-Speed Ground Transportation" program.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by the Federal Transit Act and 23 U.S.C. chapter 1 in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $19,569,000: *Provided*, That no more than $37,731,000 of budget authority shall be available for these purposes.

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9, 16(b)(2), and 18 of the Federal Transit Act, to remain available until expended, $1,324,916,000: *Provided*, That no more than $2,404,867,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds provided under this head for formula grants no more than $752,278,000 may be used for operating assistance under section 9(k)(2) of the Federal Transit Act.

UNIVERSITY TRANSPORTATION CENTERS

For necessary expenses for university transportation centers as authorized by section 11(b) of the Federal Transit Act, to remain available until expended, $3,238,000: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses for transit planning and research as authorized by section 26 of the Federal Transit Act, to remain available until expended, $37,000,000: *Provided*, That no more than $76,125,000 of budget authority shall be available for these purposes: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for training.

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21(a) of the Federal Transit Act, $1,140,000,000, to remain available until expended and to be derived from the Highway Trust Fund: *Provided*, That $18,162,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's administrative expenses account: *Provided further*, That $1,079,951,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account: *Provided further*, That $2,762,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's university transportation centers account: *Provided further*, That $39,125,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's transit planning and research account.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $1,707,425,000 in fiscal year 1994 for grants under the contract authority in section 21(b) of the Federal Transit Act: *Provided*, That notwithstanding any provision of law, there shall be available for fixed guideway modernization, $760,060,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $354,315,000; and there shall be available for new fixed guideway systems, $593,050,000, as follows—

$10,000,000 for alternatives analysis only for the South Boston Piers Transitway Project;

$55,000,000 for the Chicago Central Area Circulator Project;

$1,600,000 for the Cleveland Dual Hub Corridor Project;

$60,000,000 for the Dallas South Oak Cliff LRT Project;

$40,500,000 for the Houston Regional Bus Plan Program of Projects;

$2,000,000 for alternatives analysis only for the Kansas City South Corridor LRT Project;

$163,050,000 for the Los Angeles Metro Rail MOS-2 and MOS-3 Projects;

$2,400,000 for alternatives analysis only for the New Orleans Canal Street Corridor Project;

$1,000,000 for the Northeast Ohio Commuter Rail Project;

$13,000,000 for design only for the Orange County Transitway System Project;

$50,000,000 for the Pittsburgh Busway Projects;

$70,000,000 for the Portland Westside LRT Project;

$1,500,000 for the Sacramento LRT Extension Project;

$28,200,000 for the San Francisco Airport BART Extension Project and the Tasman Corridor LRT Project;

$2,000,000 for preliminary engineering only for the Salt Lake City South LRT Project;

$19,600,000 for the St. Louis METRO Link LRT to Airport Project;

$10,000,000 for the Florida Tri-County Commuter Rail Project;

$3,200,000 for preliminary engineering only for the Twin Cities Central Corridor Project;

$10,000,000 for the Wisconsin Central Commuter Line Project; and

$50,000,000 which shall be allocated at the discretion of the Secretary of Transportation: *Provided further*, That Public Law 102-388 is amended under Federal Transit Administration, "Discretionary grants" by deleting "not less than $76,500,000 for the Honolulu Rapid Transit Starter Line of Projects;": *Provided further*, That of the funds affected by the preceding proviso, $26,500,000 shall be for the South Boston Piers Transitway and $50,000,000 shall be allocated at the discretion of the Secretary.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 36, after line 10, strike: "$28,200,000 for the San Francisco Airport BART Extension Project and the Tasman Corridor LRT Project,"; and

On page 36, line 21, strike "$50,000,000" and insert in lieu thereof "$78,200,000".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, let me say at the outset that some of us are a little uncomfortable with being caught in the crossfire that has been going on on the floor here amongst the authorizing and appropriating committees and all kinds of things which are happening. We are concerned about the process that has developed as a part of that crossfire that went to the question of the rule.

Mr. Chairman, there were a number of us on our side of the aisle who supported the rule on the basis it was the right thing to do to bring this bill to the floor in a way that Members had an opportunity to get at points or order in the bill and other things that opened the bill up. In that sense, I suppose, we ended up then voting "yes" on the rule, in support of what became characterized as the Committee on Public Works and Transportation's position on the rule.

On the other hand, there were a number of us who were uncomfortable with the fact that that rule at the same time put a self-enacting amendment into the bill that had not been included by the committee. So as that process developed on our side, a number of us said we were going to vote for the rule, but we would like to have a separate vote on the so-called Mineta amendment.

Mr. Chairman, I want to assure the gentleman from California [Mr. MINETA] at the outset that this is not aimed at him, nor is it even aimed at the project as such, because I think that the merits of that can be debated. But there is a question in my mind whether or not we are going to have a process here which works for all of the Members.

Mr. Chairman, self-enacting amendments in rules is not a very good process. The only way the House has to speak to that particular question is to have a separate vote, as was permitted under this rule on this particular amendment.

It is my understanding of the reason why this amendment was left out of the bill from the Committee on Appropriations is because it did not meet the criteria that normally is met by the Federal Transit Administration. The Federal Transit Administration normally suggests that you should not have a new rider cost index of over $14. In this particular instance, this is a project where that cost per new rider is over $40. So you have a significant question about the long-term cost of the project, about a $400 million project, and whether or not this cost is being sunk into a project where the long-term merits of it are right.

There are lots of other Members who have studied this issue a lot more than I have who understand the implications of that. Maybe they will debate that as part of this particular amendment. But from my perspective, I am simply saying I am on the floor offering the amendment on the belief that we ought to have an up or down vote on this specific question that ended up in the rule, and I do not think it was properly reflected in the rule by those of us who voted "yes" for reasons entirely different than the self-enacting amendment. So we will now have our opportunity to reflect on this particular project as an individual item as a result of what was done in this parliamentary crossfire that has been going on.

Mr. Chairman, therefore, I do offer the amendment. I would urge a vote on the amendment based on the debate that is about to occur.

□ 1300

Mr. MINETA. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment being offered by our colleague, the gentleman from Pennsylvania. I urge my colleagues to vote against this amendment.

The first transportation bill contained $28.2 million for two San Francisco Bay area transit projects, and the second reported bill deleted these same funds out of retribution for my actions on this bill.

The rule, which Members overwhelmingly supported yesterday by nearly a 100-vote margin, restored these funds. Now we see this amendment offering to delete the funds a second time.

Mr. Chairman, when will this nonsense end? How can we continue to punish bay area commuters because of a jurisdictional dispute here in Washington?

Nothing about these projects has changed between the first bill reported from the Appropriations Committee, which included the $28.2 million, and this amendment today.

The Bay Area Rail Extension Program will still provide more than 70 percent non-Federal match overall—almost four times more local match than the law requires. By area voters taxed themselves to provide this local match and build these projects. Let me repeat that: Bay area voters so strongly support these projects that they voted to tax themselves to provide the non-Federal match. How often does that happen?

The Clinton administration recommended $28.2 million in fiscal year 1994 for these projects, which is the amount currently contained in the bill.

The bay area has already obligated more than $200 million for these projects. This amendment would force us to throw away that money and stop the work in midstream.

These projects are extensions to proven, existing rail transit systems with a combined ridership of 280,000 daily passengers. They are not "pie-in-the-sky" ideas but extensions to proven systems already serving bay area commuters.

Mr. Chairman, I would like to read from two letters that I have received. One is from Hewlett-Packard Co., in which I would like to read a portion of the letter which says:

> As you are aware, each of these projects has a critical role in the Bay Area's Regional Rail Program. Both will serve many of the 17,000 HP employees in this area, and are directly related to the economic health of Silicon Valley generally.

The other letter is from Lockheed Missiles & Space Co.

> Lockheed Missiles & Space Company is headquartered in Sunnyvale, California. Our main facility, which is directly adjacent to the proposed Tasman Extension, employs over 15,000 employees who will be served by the light rail.
>
> Local commitment: When Santa Clara County residents approved a 20-year local tax to provide funds for a comprehensive transit improvement program including Tasman, they demonstrated an extraordinary commitment.

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has expired.

(By unanimous consent, Mr. MINETA was allowed to proceed for 3 additional minutes.)

Mr. MINETA. Continuing:

> Currently 70 percent of the funds for Tasman have been secured through State and local sources.
>
> Economic importance: The Tasman line links high density, ethnically diverse neighborhoods with job-rich Silicon Valley companies, including Lockheed, Intel, Hewlett-Packard, GTE, Raytheon, ESL, Sun Microsystems, Amdahl and NASA-Ames.
>
> Environmental quality: These projects are critical elements in the region's ability to achieve the Federal and California clean air standards.
>
> System extension: The 12.4-mile Tasman line is an extension of the successful 21-mile Guadalupe Light Rail.

Mr. Chairman, this amendment would strike funds for vitally needed projects which have overwhelming local support, the full support of the Clinton administration, as well as the unanimous support of all 12 members of the bay area congressional delegation.

I urge my colleagues to defeat this amendment.

Mr. Chairman, I include for the RECORD the letters from which I read.

LOCKHEED MISSILES &
SPACE COMPANY, INC.,
Sunnyvale, CA, June 8, 1993.

Hon. BOB CARR,
Chairman, Subcommittee on Transportation, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN CARR: I am writing to urge your support of two vitally needed rail projects in the San Francisco Bay Area: the Tasman light rail extension and the BART extension.

Lockheed Missiles & Space Company is headquartered in Sunnyvale, California. Our main facility, which is directly adjacent to the proposed Tasman extension, employs over 15,000 employees who will be served by the light rail.

The Tasman and BART extension are critical elements in the Bay Area's regional rail program. Roughly $155 million, authorized by ISTEA for these two projects, must be appropriated in the 1993/94 fiscal year. The appropriations would provide the $98 million needed for the Tasman light rail extension to purchase rail cars and right-of-way.

There are a number of compelling reasons for supporting the Tasman project:

Local Commitment: When Santa Clara County residents approved a 20-year, local tax to provide funds for a comprehensive transit improvement program including Tasman, they demonstrated an extraordinary commitment. Currently 70 percent of the funds for Tasman have been secured through state and local sources.

Economic Importance: The Tasman line links high density, ethnically diverse neighborhoods with job rich Silicon Valley companies, including Lockheed, Intel, Hewlett-Packard, GTE, Raytheon, ESL, Sun Microsystems, Amdahl and NASA-Ames.

Environmental Quality: These projects are critical elements in the region's ability to achieve the Federal and California clean air standards.

System Extension: The 12.4 mile Tasman line is an extension of the successful 21-mile Guadalupe light rail.

I urge your strong support of these vitally needed projects. Please do not hesitate to contact me personally if you have any questions about the necessity of these rail extensions to the Bay Area and Silicon Valley.

Sincerely,

JOHN N. MCMAHON,
President and CEO.

HEWLETT-PACKARD CO.,
Palo Alto, CA, June 15, 1993.

Hon. NORM MINETA,
San Jose, CA.

DEAR REPRESENTATIVE MINETA: On behalf of Hewlett-Packard, I wanted to thank you for your June 1 letter to Rep. Bob Carr, chairman of the Appropriations, Transportation Subcommittee, urging appropriation of Section 3 New Start funds for the Tasman light-rail and BART heavy-rail extensions.

As you are aware, each of these projects has a critical role in the Bay Area's regional rail program. Both will serve many of the 17,000 HP employees in this area, and are directly related to the economic health of Silicon Valley generally.

HP urges you to continue your efforts seeking the support of Rep. Carr to appropriate at least $98 million in Section 3 New Start funds, if not the total $155 million authorized by ISTEA for FY's 1993 and 1994.

Thank you again for your time, interest and leadership on this important matter. Your continued assistance is greatly appreciated.

Sincerely,

WILLIAM E. TERRY,
Executive Vice President.

Mr. CARR of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

I would like to preface my remarks here by making a personal comment about my good friend, the gentleman from California [Mr. MINETA]. I want to take this opportunity, while supporting this amendment, to say that the gentleman from California [Mr. MINETA] and I came to Congress at the same time. We have worked together side by side all these years. We agree on 90 percent of whatever issues are before the Congress.

He is one of the finest legislators we have in this body. I want to take this personal opportunity to say that while I may not appoint the gentleman from California [NORM MINETA] as the executor of my estate, he is my friend and there is no war.

I want to admonish our friends in the gallery, the media, have tended to write into these circumstances comments that have no basis in fact. The simple truth is that he sticks up for his point of view, and I try to stick up for my point of view. We are friends and we are professionals.

Having said that, I cannot make an exception for a friend. The Walker amendment supports the position of the Subcommittee on Transportation and the full Appropriations Committee. While in our first bill we overlooked or looked the other way on the fact that this project is a poor performer on economic merit, we chose, in our second bill, not to look the other way. And this amendment, by the gentleman from Pennsylvania, another good friend with whom I am not accustomed to agreeing as much as I agree with the gentleman from California [Mr. MINETA], points out that this project should not be on our priority list.

He does not intend this as punishment, nor do I intend my support as punishment, of the fine people of the San Francisco Bay area, any more than the points of order made by the gentleman from California [Mr. MINETA] were intended as punishment for the literally hundreds of projects, construction workers, and people who drive on the highways that need projects that have been knocked out on a point of order were intended as punishment.

This is not about punishing people. This is about deciding which investments for America are the best.

Now, let me read from the Federal Transit Administration's 3(j) Report. It refers to a section of the Federal Transit Act. The FTA is required to make certain reports and recommendations to the Congress on the quality of the investments we are asked to make. This is not the appropriations subcommittee talking. This is not even the gentleman from Michigan [Mr. CARR] talking. This is the Federal Transit Administration.

For the Tasman Light Rail Line, the report indicates under cost effectiveness that the project has a cost per new rider, per new trip of $40. The index reflects a relatively low number of new riders. The new riders are low because of the land use characteristics of the corridor, which include free employee parking at numerous low density and dispersed employment locations along the transit line.

□ 1310

On environmental benefits, the 3(j) report said: "The Tasman project would reduce vehicle miles traveled in the study area by less than 1 percent."

They say with regard to local financial commitment that,

> The capital finance plan has been rated low, pending the development of a new financial plan or reprogramming of State funding to make up for the $59.8 million shortfall. SCCTD currently covers less than 15 percent of its operating costs at the fare box. Adding more light rail and buses would reduce the operating ratio further.

The Federal Transit Administration has guidelines which our committee has tried to follow. They have a system of judging economic merit called cost per new additional trip or rider. Their guideline calls for a goal of $6 to $10 per new additional rider.

Let me read some examples of some of the projects we have included in the bill. The Los Angeles minimum operating segment, No. 1, this is the Los Angeles subway—$6 per new additional rider.

Let me take another one. The St. Louis light rail line that just started service the other day, and has some really good initial ridership figures, and we hope it continues, has an index of $9 per new additional rider.

Let us find another one here. We have Atlanta, two projects, one at $5 per new additional rider, one at $6 per new additional rider.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CARR] has expired.

(By unanimous consent, Mr. CARR of Michigan was allowed to proceed for 2 additional minutes.)

Mr. CARR of Michigan. Mr. Chairman, I could go on, and on, and on. Down here, the San Jose-Tasman project, $40 per new additional rider. There are very few transit projects on the list that come close to $40 per new additional rider. Only a very few are in that range.

The fact of the matter is, with all due respect to my friend and colleague, the gentleman from California [Mr. MINETA], this project should not be a priority. BART has received billions and billions of dollars from the Federal Government. They have spent it well.

A lot of their lines are performing tremendously. They do not need this extra one. There are communities across the Nation which have not yet begun, which have low cost per new additional rider. They need a chance to receive some of this money.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would point out a fundamental difference between this project and the projects which were knocked out on points of order. This project was duly authorized in ISTEA. Moreover, as has been pointed out, this project was included in the transportation appropriation bill passed by the subcommittee, and was passed by the full Subcommittee on Transportation of the Committee on Appropriations. Only after the jurisdictional battle erupted was this project removed.

There are some who say that it is obvious that this was purely retaliation. I do not say that. That is a judgment for each of us to make, but I think it is very significant to note.

Further, there has been a lot of talk here about the cost per rider being $40. I would point out a couple of very significant factors. First of all, most transit projects are funded with 80 percent Federal dollars. This project is funded with only 30 percent Federal dollars. I wish we could have this kind of a ratio for all of our transportation projects. If we did, we would be able to rebuild America's transportation system. Unfortunately, we do end up spending about 80 percent Federal dollars for most of them.

This project uses only 30 percent Federal dollars. If we look at this particular project and do the arithmetic, take the estimated $40 per new rider total cost, and multiply that by the 30 percent which is paid by the Federal Government, that boils down to a $12 Federal cost per rider, so it is quite low.

I would point out further that it is the local people in California who have decided to put up 70 percent of the total project's cost so they must think this is a worthwhile project. Further, I would point out to my friend from the Committee on Appropriations that, if I read the bill correctly, perhaps he inadvertently misspoke when he said there was no other project that had an estimated cost of $40 per new rider.

The bill indicates, if I read it correctly, the Kansas City project has a new rider cost between $50 to $89, much more than the $40 figure attributed to the California project. Further, the Kansas City project, which is included in this appropriation bill, is 80 percent Federal funded. So here we have a project in the bill with a new rider cost between $50 and $89, 80 percent federally funded. Then we have this San Francisco Bay project which is estimated to cost $10 per new rider, of which only 30 percent is federally funded. Therefore, the San Francisco project has a Federal cost per rider which is much, much lower than the Kansas City project which is also funded in this bill.

For all of these reasons, I think we should vote down this amendment, recognizing that this project is justified, and in fact has been justified and authorized under the rules of the House. I would urge defeat of this amendment.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there may not be a war going on, but let me say this, the San Francisco Bay Area Rapid Transit District has blood all over it. Something is going on here.

This project, the Tasman Bay Area Rapid Transit District, was in the first bill as it came to the floor. When that rule was rejected, this project disappeared from the bill as it came back to the floor. There were no hearings intervening, there was no new evidence in between. The JJJ report did not come out in those 48 hours. We simply had a rule go down and a price was extracted; misguided, misinterpreted, not based upon the facts.

The fact was that this $28 million was recommended by, I think, it is technically the JJJ report of the administration. The fact was, this went through the hearings in the appropriations process and was recommended by the committee as the bill came to the floor. Now an effort is to remove it.

We understand we are caught in a political struggle and the leadership understood that. That is why this was made part of the self-enacting rule, which this House voted overwhelmingly to approve. Let us understand what happens here. The Bay Area Rapid Transit District involves some 12 or more Members of Congress. A number of years ago we decided we would not get into trying to outbid one another, what extension went where on what timetable at what cost.

We turned that over to the Metropolitan Transportation Commission and they would make this system compete against new bridges, road widening projects, freeway projects, everything else going on in the bay area. They tell some of us no some years, and they tell some of us yes in other years. They tell me I will now have to wait because I had an extension that was authorized a couple of years ago, and another county will go forward.

In support of that process, unique in this system, in support of that process, the people of the San Francisco Bay area have voted to raise their gas taxes by 10 cents, have voted to raise their sales tax by half a cent, have voted to raise their bridge fares so that we could conduct and complete an integrated transportation system around San Francisco Bay, a major metropolitan area in this country.

□ 1320

That will include light rail, it will include heavy rail, which it does already and has for 30 years. It will include commuter lanes. It will include bus connections, van system connections, van pooling by corporations, widening of highways in some areas, all of the things that make for an integrated plan. And that plan has been on line, on approval, on schedule. And as the gentleman from Pennsylvania pointed out, and the gentleman from California pointed out, it has been greatly overmatched by the local taxpayers from all sources of local taxes.

So what the gentleman from Pennsylvania [Mr. WALKER] would have Members do is to come along and second-guess those local determinations where we have made those determinations at all levels of Government, approved by the administration, approved by the Appropriations Committee, approved by the authorizing committee, and now say we are going to scratch the funding. Not only does that have huge financial implications for the immediate planning of this system and keeping it on schedule, things such as buying railcars because the rails are built, can we open the system, but it threatens to open up all of the old fissures that were there at the local level.

He also says to local government, to citizens in local areas that should you desire to overmatch Federal dollars because you believe a project is important, this now discourages you. I would welcome my colleagues who think this is a cavalier vote to think about whether or not they could get their constituents to overmatch on a 70–30 basis. It is tough. It is not easy. But the people of the San Francisco Bay area, on a bipartisan basis, with business involved, with the largest corporations, with the homebuilders, with everybody recognizing the need of this district, approved this plan. And now Congress is coming along under the Walker amendment and going to suggest that somehow this was wrong, it is improper. Every hurdle that was required was met by this project, at the administrative level, at the congressional level, and at every level of Government.

I may not see BART funding in Contra Costa county that I represent for many more years, because we made a deal on our projects. We went ahead and we helped to put up moneys for the airport, and the people got together at the airport and they shifted some of their money across the bay. Unheard of local cooperation by local government. That is what the Walker amendment unravels.

We ought not to pass this amendment. We ought to understand that we have a serious jurisdictional conflict going on. But the people of the San Francisco Bay area, the local governments, the people that have committed their money, the people that have bought the bonds, the people that are now working on those projects should not pay the price for that jurisdictional fight. This is in fact simply unfair. And I am telling you, let us vote on the merits. Let us not vote based upon the political personalities that are involved here or the jurisdictional conflicts of this committee. It is simply not the way to deal.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. I think he makes a strong case.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I think the gentleman makes a very strong case for the process that has been used here. I would simply say to the gentleman from my perspective, my concern is that if in fact it has those kinds of merits we ought not to have to come to procedural shenanigans in order to move it forward. And in my view, when you do self-enacting amendments on rules we have in fact resorted at that point to procedural shenanigans that diminish the merits of the project.

So I am reflecting as much as anything on the procedural shenanigans that took place, and I thank the gentleman for yielding.

Mr. MILLER of California. Well, I hope if I die I never die procedurally.

Let me just say to the gentleman I appreciate the point he is raising. But he also appreciates the conflict that was caught here, and this was the one project that would not have been allowed that review as the bill was brought to the floor, and was in fact prejudiced because of the two versions, the earlier version and the second version of the bill.

As much as I do not like it, and as the gentleman knows, when I go the Rules Committee for my committee, I ask for open rules, and basically that is the way I believe it should be done. But every now and then, through circumstances over which we have no control, I do not believe that my constituents or the Greater San Francisco Bay area should be prejudiced. So this simply puts us back into the bill. And now the gentleman is in the position that he would have been under the first bill to strike the project or what have you, so nobody is prejudiced by the procedure. I do not like it. The Rules Committee did not like it and the leadership was not happy with it. But there was no other way to sort of crack this nut. But the gentleman was not prejudiced because that rule did not prevent him from offering this amendment. He could have had that under the first one, so I agree with the point he is making.

I would love it if he would make his point and withdraw the amendment and understand that the point is well made. But we ought not to put at risk this kind of incredibly integrated planning process and agreement that we have over local transportation.

Mr. WALKER. Mr. Chairman, will the gentleman yield further?

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(On request of Mr. WALKER, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. WALKER. If the gentleman will yield further, I think he makes his point.

On the other hand, then it does become, from the standpoint of many of us who voted for the rule that allowed the bill to be put in, a separate vote on this amendment I think becomes a rational thing to do. But I appreciate the gentleman's debate. I think he makes a useful point that is a part of it.

Mr. MILLER of California. I would still ask for a no vote on this procedural point of order.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to address the statement made by our colleague, Mr. WALKER, when he referred to shenanigans, and to assure him once again, as my colleague, Mr. MILLER, did, that this has been by the book, the BART funding request, from our standpoint.

As Members may know, the bay area is a 12 congressional district area that constitutes the San Francisco Bay area. This is a project that has been authorized. It is in the President's budget, and in fact was in the first appropriations bill that was put forth by the Subcommittee on Transportation. So its worth was recognized already by the appropriators and the fact that it was authorized was also recognized in the presentation by my colleague, the gentleman from California [Mr. MILLER].

The project in the San Francisco Bay region, as others have said, but it bears repetition, Mr. Chairman, have a 70 percent local funding match, almost four times what the law requires. My colleague, Mr. MILLER, mentioned, and I will say again, that this represents a considerable accomplishment for us, that 12 bay area Members would set aside the competition for the dollars for their own counties or regions in order to come together in a bay area regional request where in some years we get nothing for our own districts, but support those of others of our colleagues in order to have the Bay Area Rapid Transit receive the funding that it needs in order to provide transportation to promote commerce in our area, while doing so in an environmentally sound manner.

This proposed San Francisco Bay regional extension would allow existing systems with a combined ridership of more than 280,000 daily passengers to be lengthened.

The BART extension would directly serve the area's single largest traffic generator, the San Francisco International Airport, which has 75,000 employees, in addition to serving more than 28 million passengers a year, many of whom would use the BART system.

This funding is critical to maintaining the region's transportation improvements. Since these Federal funds trigger the release of local funds, it is essential to keep the entire program moving forward.

For those Members who were not here earlier, it was mentioned, and I will reiterate, that this represents a joint effort of 12 Members of the bay area. In order for us to reach this agreement, many of us would have to go back to our counties and ask for the counties to vote sales taxes in order to make this 70 percent local funding match. So this has been a cooperative effort, and we are feeling the pain ourselves by taxing our own people to make that local match, which again I repeat is four times what the law requires.

I urge my colleagues to support the funding for the bay area's rail extensions by reinstating the earmark for this purpose that has been deleted by the subcommittee, which same subcommittee included it in its original mark that was supposed to come to the floor, but for reasons has not.

And to my colleague from Pennsylvania [Mr. WALKER], who offered the amendment because of his concern about shenanigans, I say that we have proceeded with our request for BART by the book, have tremendous local match, authorized project, even in the President's budget for the same amount, and its worth has been recognized by being in the first appropriations bill.

☐ 1330

May I also say that this is a modest request. Frankly we need more but in the interest of all of the fiscal concerns present here we are hoping to get this $26 million which is essential to us.

I urge my colleagues to vote "no" on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the requisite number of words and I reluctantly enter into this debate because I am aware of the strong feelings that exist on both sides and of the recent history of this issue, which has made it more difficult for all of us.

But I do want to say a few things that are pertinent to this amendment and I want to urge support of the amendment.

First, it is ironic that we have had a couple of days of debate here where the chairman of the Committee on Public Works, who is entirely within his rights in terms of the technical rules of the House, has gotten up and has argued against the kind of flexibility that many people, many of us think has served us well in past years. The understanding has been, that although we are dealing with a multiyear authorization in transportation matters, we need to get some flexibility through the year-to-year appropriations process.

We proposed for example that moribund projects totaling $64 million, funds just sitting there unused, should be rescinded. That flexibility was denied us, stricken on a point of order.

Members got up in this well time after time to say that the amount of authorized funds in ISTEA was inadequate to complete a project. Could we not have some flexibility to step up work on an urgent or emergency project? We were told that no, that flexibility is not available to us.

Now we are being asked by that same chairman for flexibility. We are being asked for special consideration for his own project, even though on most criteria it would fall short.

As a matter of fact as you look down the list of transit projects included in this bill, this project simply does not pass muster in terms of cost-effectiveness ratios, in terms of the estimated cost per new trip.

Dallas, $9; St. Louis, $9; Portland, $19, a little high, but still $19; Chicago, $17; Houston, $4; Pittsburgh, $5; Salt Lake City, $7; and then you come to San Francisco Airport, $27 per new ride and San Jose/Tasman, $40.

Those are not acceptable ratios.

Now the gentleman from Pennsylvania [Mr. SHUSTER] has made a great deal of what appears to be one exception on the list, namely the funding for Kansas City South, which is listed as $50. Indeed, that is the only one on the list that goes above the San Jose/Tasman figure. But I would point out that this is a project that is only now at the alternatives analysis stage and I assure you, if the Kansas City people want to move on toward preliminary engineering and final design, if those numbers are not improved I do not think that project will remain on the list.

So really we have in Tasman a project that does not measure up to the criteria that we have set, the criteria that I think most Members of this body think we ought to consistently apply to these projects. We simply cannot do it all. We have got to be harder on ourselves in terms of cost criteria that we impose. For that reason this project has quite properly been omitted.

Finally let me say, Mr. Chairman, that if the project does have the exceptional merit that has been claimed for it, it will be on the list for a fair and open competition because I remind you that Mr. WALKER's amendment simply puts this money, the money that is stricken, into the discretionary account. The San Francisco airport portion of this in particular might be able to compete effectively for that money and would have the opportunity to do so.

So we would shift the money to a discretionary account and if this project had the merits claimed for it, then it could compete on its merits with projects from all over this great country of ours. That seems fair enough, and I urge adoption of the amendment.

Ms. ESHOO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Walker amendment. Much was said yesterday and again today about the Bay Area Rapid Transit and the Tasman light rail projects. Obviously this is caught up in a House dispute and these projects have been, in my view, much maligned as ill-conceived, poorly planned projects and too costly and that they are bad policy.

Mr. Chairman, well, there is much heat that has been generated on this and a lot of politics, I hope I can cast some light on these two transportation projects which have been authorized and appropriated by this House.

Having served in local government for the last decade, I worked on the BART extension. The Tasman light rail project, a different system, is in my congressional district. These transportation projects in a part of our Nation that is the economic engine are projects that local communities determined to be so important that they chose to tax themselves through an increase in their gas tax, in their sales tax, and in their bridge tolls, in a period of time when other tax proposals across this country in every single Member's community, I would venture to say, would have been difficult at the least to pass in most communities would have failed. Before any Federal assistance was requested, public hearings were held, an election to establish taxes was held, and transportation projects were reviewed, studied, and ranked. Citizens chose to invest in self-help and real local-Federal-State partnerships. At a time when county and local governments are competing against each other for every single nickel and dime the counties, cities, and towns of the bay area and all the Members of the bay area, Republicans and Democrats, worked together with unprecedented cooperation in establishing these transportation priorities.

They then worked with the State and Federal Governments and succeeded in convincing all of them that these were meritorious cases and meritorious projects that competed and competed fairly on price tags and on their own internal project viability.

I urge my colleagues to soundly reject this amendment because what it will say to people, not only in the Bay area but all over the country, is that it is not worth it to be self-help, it is not worth coming together to form partnerships; go to Washington, try to grab the dough, don't do it through a process, and that is what the reward will be to people all over this country who really want to try to do the right thing.

I urge my colleagues to reject this amendment.

Mr. FAZIO. Mr. Chairman, will the gentlewoman yield?

Ms. ESHOO. I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentlewoman for yielding and thank her for her comments.

The gentlewoman underscores I think the most valid point we are trying to make here, which is that the Bay area historically has paid far more than other urban areas of the country of its own local transportation costs. It is far harder to pass a gas tax or a sales tax locally, much more difficult to find the bridge tolls to do the things that have to be done locally, before we begin to attract the Federal dollars.

BART would never have been built if it had not been for local initiative.

Historically those of us in the West have been put in this very difficult position where, unless we have an urban crisis, we cannot generate the kind of money that high density Eastern and Midwestern communities have historically seen before their transit development took place.

We want to provide advance planning, we want to avoid the urban crisis, we want to do what can be done despite this sprawl that we know has historically characterized western cities to avoid the kind of urban transit gridlock that we are still playing catchup with in other parts of the country.

The CHAIRMAN. The time of the gentlewoman from California [Ms. ESHOO] has expired.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words. I will conclude and then yield to my colleague from California. I simply will conclude by saying that we should not be held to a standard that would deprive us of the funds we need to anticipate the urban crisis that has so impacted other regions of the country. Regions which did not have the foresight, did not have the local funding initiatives to go on their own and have been playing catchup with more Federal dollars.

☐ 1340

I think what we have seen today is really frankly a sad state, where because of conflicts between committees we have thrown some projects to the wolves.

I have a great affection for both gentlemen involved in this dispute that is ongoing. I certainly have friends in both camps.

I would hope we could put this kind of combat behind us so that in the future we can do what we historically have done when we bring authorizations and appropriations for transportation to the floor.

But I would ask my colleagues on both sides of the aisle not to pile on, not to add to the acrimony; help us by preserving this provision, defeating this amendment by the gentleman from Pennsylvania [Mr. WALKER], which has a very pernicious effect and throws this conflict into another orbit.

I would hope we could let cooler heads prevail here in opposition to this amendment.

Mr. LANTOS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to approach this issue not just from the point of view of a Member in whose district the San Francisco International Airport is located where this transportation project will provide enormous benefits for the several million people living in the bay area and the millions of people visiting the bay area, but I would like to approach it from my vantage point as a professional economist.

This project was first proposed well over a quarter of a century ago. At that time political maneuverings prevented the building of the entire project, which would have been a model for the Nation, a mass rapid transit system circling the San Francisco Bay area.

In the 1950's this entire project could have been built for a tiny fraction of the amount that we are now devoting to building a mile of this project. If we succeed again in a delay, the economic consequences of the area will not only be devastating in terms of not proceeding with the mass rapid transit project, but it will be devastating for the taxpayers of this Nation, because every year's postponement will mean that every mile will cost more the longer we postpone the building of this indispensable link to the San Francisco International Airport.

Now, we have played by the book. Local contributions have been exemplary. The degree of regionwide planning has been almost extraordinary. It is a model for this Nation, and to have to return to our districts and explain that inside the beltway political maneuverings are preventing millions of people of substituting efficient and environmentally sound energy saving transportation for clogging up our freeways is simply absurd.

We are dealing here with an issue that relates not just to transportation, we are dealing with the fundamental issue of the credibility of our government and the credibility of this Congress.

Are we prepared to deal with the issues that are on the minds of the American people and that concern their economic well-being, or are we dealing with jurisdictional fights that have nothing to do with the welfare of the American people? That is the underlying issue in this dispute.

It is not just building another stretch of a mass transit system, however badly it is needed. It is the narcissistic view of Congress itself that is so pathetically preoccupied with its own prerogatives, its own little jurisdictional fights, that these issues transcend the underlying realities that preoccupy the American people.

This bit of mass rapid transit will provide better transportation for the bay area, but far more importantly, if we defeat this amendment it will restore some measure of confidence in our ability to deal with real issues and not with our perceived perquisites as kings of the hill.

Mr. CARR of Michigan. Mr. Chairman, I move to strike the requisite number of words.

It was not my intention to prolong the debate, but I really must respond to my good friend from the bay area, for whom I have the highest esteem. He has made a very, very cogent argument from the narrow point of view of the bay area.

What about all the other people in America who have been standing in line waiting for an opportunity for a transit system half as good as the BART system, which has been receiving Federal funding for years. They have spent their money well. We have not been stingy with BART. We have not been stingy with the bay area.

I resent the notion that our Committee is somehow or other trying to punish the bay area. That is not the issue, I would tell my friends from the bay area.

There are communities all over America which do not yet have a light rail line, but they could construct systems at a cost much less than $40 per new additional rider.

What about Salt Lake City, for example? What about the people on the Wasatch Range in Salt Lake City? Their project has a cost-effectiveness index of $7.

And incidentally, I do not have any light rail projects in my district. Michigan, as I have said before, does not have a light rail project.

There are people all over this country who would like less congestion, cleaner air, more job opportunities. But you know, a few projects around the country got their foot in the door early, and for no reason other than that, they are deemed to have merit.

Their first couple of segments had lots of merit. The next couple segments still had merit. The segments that go beyond that begin to lose merit, and way out at the tail end of the system they are not very cost effective.

But guess what? Those projects have the wherewithal because they got their foot in the door early. Their Representatives in the Congress continue to argue that we should spend more money and more money on those big projects, while communities all over this country are still standing in line.

Now, this amendment would move the money for a poor performing project to the Secretary's discretion, and some of these other communities in America might have a chance at some of that money.

So if you do not have a big project in your district and you have one you might like to have or your local people are concerned about getting a light rail system going, I urge you to vote for the Walker amendment.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. CARR of Michigan. I am glad to yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, a very brief question for the gentleman. I have listened very attentively to what the gentleman had to say, and I just have one very brief question for the gentleman.

All that the gentleman says is very interesting in light of the fact that the gentleman from Michigan brought this project, to pass this out of the subcommittee with the BART money in it. At some point the gentleman voted for this project this year in this way, and then later took it out in full committee. So that is a question my constituents would like to have answered.

And by the way, this project is not in my district, but I am part of it.

So my question is, the gentleman voted for it once——

Mr. CARR of Michigan. Reclaiming my time, Mr. Chairman, I do not speak for every member of the committee.

I will say for this Member, we were in error reporting it out the first time. It was in the 3(j) report. I think we probably were too political. We were too concerned about the State delegation and the effect it might have on the Members. We should not have been. We were wrong.

Ms. PELOSI. Perhaps the gentleman is wrong now.

Mr. CARR of Michigan. We corrected ourselves the second time, and now we are going by regular order.

Ms. PELOSI. Perhaps the gentleman is wrong now, Mr. Chairman.

Mr. SHUSTER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, I do this simply to make the point particularly for my fiscally conservative colleagues. This is not a cost-cutting amendment. If this amendment were to pass, not one penny would be saved.

☐ 1350

These funds simply would be put back into the discretionary account for the Clinton administration to spend as they see fit. So I say to my colleagues, however, you choose to vote, please don't think this is a cost-cutting amendment, for it is not.

Mr. MINETA. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from California.

Mr. MINETA. First of all, the 3(j) report did recommend that this project be funded for the $28.2 million that was in the first bill, that has now been restored and is the subject of this amendment. However I would like to point out that much has been made about the Federal Transit Administration's cost effectiveness index and the fact that this $20 criteria, is exceeded by the Tasman project, which is at $40, and they made the fact that Kansas City South is at $50 and Portland-Hillsboro is at $25 to $75.

But the fact is this cost effectiveness index is only one of the factors that goes into determining whether or not a transit application is a good one. There are other factors that go into it, such as congestion relief, improved mobility, clean air goals, and energy conservation. These are all quantitative factors that go into a formula, just as cost effectiveness does. So, no one factor predominates because each transit project is unique. Some projects may do better or worse than other projects under the various criteria, and yet this debate would have us say that the cost-effectiveness index ought to be the one narrowly defined index which supersedes all the other factors.

So, Mr. Chairman, this amendment discriminates against the parts of the country which have less than the very highest population and have less than the very highest employment densities. These regions often provide more local funds than would otherwise be required, and that is what the San Francisco Bay area has done. They have taxed themselves either on gasoline tax or sales tax in order to come up with an overmatch.

This amendment would also prohibit the Secretary from recognizing those local contributions and funding any of these projects if they did not fare well under, again, one narrowly defined index, and so in this way this amendment would actually serve as a disincentive to State and local governments to provide higher non-Federal matching funds. Clearly, to me, the results would be less transit benefits for the Federal dollars that are being expended throughout the country.

So, Mr. Chairman, again I urge my colleagues to defeat the amendment offered by the gentleman from Pennsylvania [Mr. WALKER], and I thank the gentleman from Pennsylvania [Mr. SHUSTER] for having yielded to me.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Chairman, I will be brief, but I just wanted to make the point with regard to what was said on the saving of $28 billion. The gentleman is absolutely right. It remains in the 302(b) account.

I would also make the point, however, that for all of the good things said about this project the fact is the money does remain in the account. It is a fully authorized project. It does not need this special designation in order to get the money. The fact is the secretary, at his discretion, could decide to give the entire amount of money to this project if, in fact, he wanted to. For those of us who live in other areas of the country that are not covered by these big projects the fact is that these special designations mean that the pool of money for all projects is thereby diminished when we specify here on the floor special ones. This does not take away from the ability of the Bay Area Rapid Transit to get money. It simply means that it is not going to get a special designation by this House.

Mr. Chairman, I say to my colleagues, So, therefore, if you believe within the 302(b) account there should be as much discretion as possible, what you do is vote for my amendment. If you believe that a certain project deserves special consideration and that only those projects should get the money, you vote against my amendment. But in this case it seems to me the responsible thing fiscally to do to ensure that high priority projects are the ones that get the right kind of treatment is to vote for my amendment to ensure that as much as possible there is discretion exercised for the entire country, not just for a few areas of the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 136, noes 290, not voting 12, as follows:

[Roll No. 452]

AYES—136

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (LA)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Camp
Canady
Carr
Castle
Coble
Coleman
Combest
Cox
Crane
Cunningham
DeLay
Doolittle
Dornan
Dreier
Edwards (TX)
Everett
Fields (TX)
Fingerhut
Fish
Foglietta
Fowler
Franks (CT)
Gillmor
Goodlatte
Goodling
Goss
Grams
Gunderson
Hamilton
Hansen
Hefley
Hefner
Hoekstra
Hoke
Houghton
Hutto
Hyde
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Kasich
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Leach
Lehman
Linder
Livingston
Manzullo
McCollum
McCrery
McCurdy
McHugh
McInnis
McMillan
Meyers
Michel
Miller (FL)
Minge
Murphy
Myers
Natcher
Nussle
Obey
Orton
Oxley
Paxon
Penny
Peterson (FL)
Peterson (MN)
Pickle
Portman
Price (NC)
Pryce (OH)
Quillen
Ramstad
Ravenel
Roberts
Rohrabacher
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Sharp
Shays
Skeen
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Synar
Tanner
Taylor (NC)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Weldon
Wilson
Zimmer

NOES—290

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Duncan
Dunn
Durbin
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastert
Hastings
Hayes
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Hoyer
Huffington
Hughes
Hutchinson
Inhofe
Inslee
Jefferson
Johnson (CT)
Johnson (GA)

Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McDade
McDermott
McHale
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Olver
Ortiz
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Shaw
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Talent
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—12

Bishop
Edwards (CA)
Faleomavaega (AS)
Gingrich
Hancock
Hunter
Kaptur
Lloyd
Romero-Barcelo (PR)
Tauzin
Velazquez
Washington

☐ 1414

The Clerk announced the following pair:

On this vote:

Ms. Kaptur for, with Mr. Edwards of California against.

Ms. HARMAN, Mr. INHOFE, and Mr. ZELIFF changed their vote from "aye" to "no."

Messrs. NATCHER, FOGLIETTA, OBEY, and ANDREWS of Texas, changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21(b) of the Federal Transit Act, administered by the Federal Transit Administration, $1,000,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, $45,000,000, to remain available until expended.

POINT OF ORDER

Mr. LINDER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LINDER. Mr. Chairman, I make a point of order against the language appearing in the bill on page 37, line 15 through line 18. It provides appropriations for programs not authorized by law and is in violation of House rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CARR] wish to be heard on the point of order?

Mr. CARR of Michigan. Mr. Chairman, we concede the point of order.

The CHAIRMAN. (Mr. BOUCHER). The point of order is conceded and sustained.

Mr. PAYNE of New Jersey. Mr. Chairman, I move to strike the last word.

I would like to enter into a colloquy with the gentleman from Michigan [Mr. CARR].

With regard to the National Highway Traffic Safety Administration, we are particularly proud in New Jersey to have one of the leading trauma care researchers nationally examining the relationship between vehicular structure and accidents and traumatic injury, care, cost, and patient outcome and recovery. This work has been supported by NHTSA. I consider this especially important to continue and, therefore, seek the gentleman's reassurance that this work will continue under the NHTSA fiscal year 1994 spending plan, as we are about to enter the next critical phase of this project.

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PAYNE of New Jersey. I yield to the gentleman from Michigan.

Mr. CARR of Michigan. Mr. Chairman, I would be glad to give the gentleman assurances that our subcommittee will do all that we can. This was a topic in our hearings this year with NHTSA. We found that they did not have quite the enthusiasm for the project that we do.

We believe that there is much to be learned by clinical research that is examining what happens inside an automobile in a real crash.

Not only is the gentleman to which you refer, in the State of New Jersey, an excellent researcher, but I also should add there are others we are aware of at the Ryder Trauma Center at Jacksonville Memorial Hospital in the city of Miami. These people have added greatly to the knowledge of NHTSA and crash survivability.

In fact, we believe that we ought to have a few more researchers around the country doing this so that we sample different populations of people in automobiles.

I hope that the individual expected to be nominated as new NHTSA Administrator, Dr. Martinez, who is not a highway engineer but a physician who has an EMS background in northern California, will also have this same inclination toward clinical research.

☐ 1420

Indeed, I have had a conversation with him about it. I think that we will be able to work very productively with him on the kind of clinical research that the gentleman raises. I thank the gentleman for raising this small but important aspect of NHTSA research before the Congress and the American public.

Mr. PAYNE of New Jersey. I thank the gentleman very much.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96–184 and Public Law 101–551, $200,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $10,901,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: On page 38, after line 19, insert the following:

ADDITIONAL HIGHWAY PROJECTS

APPALACHIAN CORRIDOR IMPROVEMENT PROJECT

For 80 percent of the expenses necessary to continue construction on Kentucky Corridor B of the Appalachian Development Highway System, as authorized by section 1069(y) of Public Law 102–240, $3,800,000.

CUMBERLAND GAP TUNNEL PROJECT

For 80 percent of the expenses necessary for the Cumberland Gap Tunnel Project, as authorized by 1069(c) of Public Law 102–240, $10,000,000.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, this is a simple amendment. It adds funds for two projects that were in the bill earlier. They have been authorized, and I think the amendment has been cleared by the parties concerned.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Does the gentleman desire to be heard now on the point of order?

Mr. MINETA. Yes, Mr. Chairman, I raise a point of order in order to explain the situation about this amendment.

This amendment would provide funds for two projects that I struck earlier on a point of order. The stricken provisions would have funded these projects out of the highway trust fund. For that reason, and for other reasons that I stated at the time, the provisions were in violation of rule XXI.

This amendment, however, is a redraft of those provisions. It does provide funding for the projects out of general funds, not out of the highway trust fund. It also limits the availability of funding for fiscal year 1994, thereby curing another violation in the earlier provision.

Accordingly, Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I do not have a lot to argue here. I think the matter is ready for a vote. I think the parties have inspected it and scoured it carefully.

Mr. Chairman, this amendment would provide $3,800,000 in funding for corridor B in Kentucky of the Appalachian Development Highway System. Construction is underway which will provide four-lane service along a 15-mile section of corridor B between Paintsville, KY, and Prestonsburg, KY, in Johnson and Floyd Counties, respectively. The funding in my amendment is intended to be utilized for this section. Authorization for appropriations for this purpose is contained in section 1069(y) of Public Law 102–240, the Intermodal surface Transportation Efficiency Act of 1991.

My thanks go to the chairman and ranking minority member of the Appropriations Subcommittee on Transportation for their help and support for this important work in my congressional district, and also to the chairman and ranking minority member of the Committee on Public Works and Transportation for their cooperation.

I urge adoption of the amendment.

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I am happy to yield to the gentleman from Michigan.

Mr. CARR of Michigan. Mr. Chairman, I thank the gentleman for yielding to me. We have reviewed the amendment and find it to be in order, and to be a good amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the functions of Hazardous Materials Safety and for expenses for conducting research and development, $12,320,000, of which $1,334,000 shall remain available until expended: *Provided*, That up to $1,000,000 in fees collected under section 106(c)(11) of the Hazardous Materials Transportation Act (49 U.S.C. App. §1805(c)(11)) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

POINT OF ORDER

Mr. LINDER. Mr. Chairman, I make a point of order against the language appearing in the bill on page 38, line 22, through page 39, line 10.

The CHAIRMAN. The gentleman will state the point of order.

Mr. LINDER. Mr. Chairman, these paragraphs provide appropriations for programs not authorized by law, and are in violation of House rule XXI, clause 2.

The CHAIRMAN. Do other Members desire recognition on the point of order?

Mr. CARR of Michigan. Yes, Mr. Chairman. We concede the point of order.

Mr. CHAIRMAN. (Mr. BOUCHER). The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

AVIATION INFORMATION MANAGEMENT

For expenses necessary to discharge the functions of Aviation Information Management, $2,533,000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for aviation information management: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees established to support the electronic tariff filing system: *Provided further*, That there may be credited to this appropriation funds received from user fees established to defray the costs of obtaining, preparing, and publishing in automatic data processing tape format the United States International Air Travel Statistics data base published by the Department.

EMERGENCY TRANSPORTATION

For expenses necessary to discharge the functions of Emergency Transportation and for expenses for conducting research and development, $915,000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

RESEARCH AND TECHNOLOGY

For expenses necessary to discharge the functions of Research and Technology and for expenses for conducting research and development, $1,863,000, of which $585,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

PROGRAM AND ADMINISTRATIVE SUPPORT

For expenses necessary to discharge the functions of Program and Administrative Support, $6,160,000, of which $180,000 shall be derived from the Pipeline Safety Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination: *Provided further*, That no employees other than those compensated under this appropriation shall serve in the Office of the Administrator, the Office of Policy and Programs, the Office of Management and Administration, and the Office of the Chief Counsel.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $19,479,000; of which $2,449,000 shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended; and of which $17,030,000 shall be derived from the Pipeline Safety Fund, of which $8,400,000 shall remain available until expended.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out section 117A(i)(3)(B) of the Hazardous Materials Transportation Act, as amended, $400,000 to be derived from the Emergency Preparedness Fund, to remain available until expended: *Provided*, That not more than $10,350,000 shall be made available for obligation in fiscal year 1994 for amounts made available by section 117A(h)(6)(B) and (i)(1), (2) and (4) and section 118 of the Hazardous Materials Transportation Act, as amended: *Provided further*, That such amounts shall only be available to the Secretary of Transportation.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $39,000,000: *Provided*, That not more than $1,000,000 of the funds made available under this head shall be available for implementation of Public Law 101–576.

POINT OF ORDER

Mr. LINDER. Mr. Chairman, I raise a point of order against the language appearing in the bill on page 42, lines 9 through 16.

The CHAIRMAN. The gentleman will state the point of order.

Mr. LINDER. Mr. Chairman, this paragraph provides appropriations for programs not authorized by law and is in violation of rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CARR] desire recognition on the point of order?

Mr. CARR of Michigan. Mr. Chairman, we will concede the point of order. However, I would just like to say that this, again, illustrates why the Committee on Appropriations is called upon to act in the absence of authorizations. This is a situation we did not create and we wish would not exist, but we concede this point of order because the authorizing committees have not done their job.

The CHAIRMAN (Mr. BOUCHER). The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $3,348,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $37,105,000, of which not to exceed $1,000 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), and not to exceed $1,5000 for official reception and representation expenses, $44,904,000: *Provided*, That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such: *Provided further*, That $7,300,000 in fees collected in fiscal year 1994 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701 shall be made available to this appropriation in fiscal year 1994.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Page 43, strike line 15 and all that follows through page 44, line 2.

Mr. HEFLEY. Mr. Chairman, the amendment we are offering today strikes the funding of $44.9 million in new appropriations and $7.3 million in fees for the Interstate Commerce Commission. Why would we pick on the ICC? First, we think because it is unnecessary.

Originally, the Commission was in charge of enforcing regulations for all surface transportation. That includes railroads, trucks, buses, and moving companies. That was before the Staggers Act of 1980 deregulated the railroads and the Motor Carrier Act of 1980 deregulated the trucking industry, and the Household Goods Transportation Act of 1980 deregulated the moving industry, and the Bus Regulation Reform Act of 1982 deregulated the busing industry. To one degree or another, just about every industry under the ICC has been deregulated. This leaves the ICC with just a shell of regulations to enforce.

Second, we can save money by doing this. The ICC's remaining duties could be carried out by other agencies, and it could be done for less money. We do not need to spend $40 million a year to run the ICC.

I know someone is going to step forward and say, "Hey, you cannot do this on an appropriation bill, this is not the appropriate forum." Yes, you can, and yes, it is. Cutting unnecessary spending is exactly what the appropriation process is for.

Somebody else is going to say, "What about the ICC's remaining duties?" We thought about that. The gentleman from Ohio [Mr. KASICH], the gentleman from California [Mr. CONDIT], and I are introducing legislation to help the process along. Our bill would transfer the ICC's remaining responsibilities to the Department of Transportation. It would end wasteful duplication and it would save up to $30 million per year.

Mr. Chairman, the American people have voted for a change, and this is just the kind of change they voted for. It is an opportunity to trim the size of government. It is an opportunity to make government more efficient. It is an opportunity to save $30 million every year, and I hope my colleagues will support the amendment and our legislation.

Mr. Chairman, I rise in opposition to the amendment.

Mr. CARR of Michigan. Mr. Chairman, I rise in opposition to the amendment. The Hefley-Kasich amendment would strike $44.9 million in salaries and expenses for the Interstate Commerce Commission, and thereby eliminate all funding for the agency as of October 1, 1993. The distinguished gentlemen from Colorado and Ohio have indicated that their amendment would be the first step of a two-step process of transferring the responsibilities of the Interstate Commerce Commission [ICC] to the Department of Transportation [DOT]. They say that they will offer detailed legislation for later consideration that will spell out exactly which of the ICC's statutory functions and responsibilities are to be transferred.

Mr. Chairman, this amendment puts the cart before the horse. Why should we eliminate an entire agency, when we have no information about which, if any, of the ICC's functions are to be transferred to the Department of Transportation or any other Federal agency? Why should we believe, Mr. Chairman, that the Department of Transportation—a huge bureaucracy—can carry out the Commission's functions any better than the ICC does now? The answer is that we don't know, because we have not studied what is broken in the current system and what needs fixing. But, zero funding the Commission is not the right way to do it.

Mr. Chairman, I believe that there is really another agenda at work here. For several years, the distinguished gentleman from Colorado has introduced a bill to sunset the ICC—in 1988, 1989, 1992, and again this year. He has been unsuccessful and now we are being asked to blindly terminate funding for an agency, because the authorizing committees have refused to go along with what the gentleman from Colorado seeks; that is, to deregulate the surface transportation industry.

Mr. Chairman, the ICC is mandated under the Interstate Commerce Act to regulate interstate surface transportation by railroad, truck, bus, inland barge, certain pipelines, and household goods movers. The ICC's activities are aimed at ensuring that competitive, efficient, and safe interstate transportation services are provided to meet the needs of the Nation's shippers, receivers, and consumers. If Congress desires to further deregulate interstate transportation, to transfer or eliminate the Commission's current statutory functions, that is our prerogative. But, this is not the time nor the place to have that debate.

Mr. Chairman, no congressional committee—either an authorizing committee or the Appropriations Committee—has recommended that the ICC be abolished. No public hearings have been held on this matter. The Department of Transportation is opposed to this amendment. Indeed, President Clinton submitted a budget request of $45.4 million for the ICC for fiscal year 1994. Yet, under this amendment, we would wipe out an entire agency in one fell swoop without any meaningful consideration of its functions and responsibilities.

Mr. Chairman, in their "Dear Colleague," the sponsors of this amendment say that their legislation does not repeal any current regulatory function, nor does it address how much regulation is appropriate for the transportation industry. Yet, this amendment would in effect preclude the ICC from implementing regulatory activities mandated by law. Nor does the amendment put into place any alternative regulatory mechanisms within the Department of Transportation.

The end result of the amendment would be to harm farmers and agricultural shippers who rely on the ICC to determine the reasonableness of rail rates and practices; to undermine efforts to ensure competition in the intercity bus industry; to harm rail labor and other individuals affected by rail mergers, sales, constructions, and abandonments; and to terminate the assistance provided by the ICC to thousands of consumers who encounter problems in their dealings with regulated carriers. For example, each year, the ICC investigates about 2,600 complaints alone from individuals with complaints against household goods moving companies.

Mr. Chairman, there are many other beneficial activities carried out by the ICC on a daily basis. A few additional examples are:

First, the ICC ensures that interstate trucking firms carry insurance.

Second, in recent years, the ICC has brought a number of enforcement actions against bus operators transporting passengers to special events, such as casinos or bingo games, who had no insurance or authority to operate.

Third, the ICC has revoked the certificates of registration of Mexican motor carriers because the companies misrepresented the nationality of their owners in applying for ICC approval and were operating illegally in the United States.

Fourth, the ICC has conducted annually over 500 compliance surveys, 15,000 safety fitness reviews of motor carriers, over 1,000 preliminary investigations, and 400 final investigations. Moreover, questions of safety, insurance, and compliance will become even more demanding if the North American Free-Trade Agreement is passed.

Fifth, the ICC recently completed a number of cases involving tariff violations where the motor carrier agreed to withdraw balance due bills for undercharges sent to customers and to refund all moneys collected as a result of balance due billings for undercharges.

Mr. Chairman, the sponsors of this amendment argue that they are only trying to streamline the Federal bureaucracy and to save money. In regard to budgetary savings, I want to note that the ICC has already contributed its fair share toward deficit reduction. The agency has taken its share of budget reductions over the years. This bill provides $44.9 million and 620 staff years for the Commission and would allow the collection of $7.3 million in fees. The amounts in the bill represent a 67-percent reduction in staffing, and nearly a 50-percent reduction in the Commission's appropriation since 1981. What other Federal agencies can make the claim they are operating with 50 percent less money today than 12 years ago? The ICC has already had to reinvent itself to do more with less.

The gentlemen's "Dear Colleague" suggests that by eliminating "redundant" positions in general administration, human resources, field offices, and so forth, between the ICC and the Department of Transportation, we could save some $30 million per year. But, according to cost estimates prepared by CBO, savings of this magnitude would be possible only by eliminating Federal regulation of motor carriers, intercity buses, interstate water carriers, household goods freight forwarders, and other carriers now under the jurisdiction of the ICC. Again, Mr. Chairman, this amendment is not about making Government more efficient and streamlined. It's about doing away with fundamental economic and safety regulation of interstate surface transportation.

And let us be clear that this amendment does not transfer any ICC functions to the Department of Transportation; it would eliminate the entire agency. Six hundred twenty-five people who now work at the agency who would be laid off under this amendment. This amendment makes no provision for the transfer of any of these employees to the Department of Transportation or any other Federal agency. According to Commission estimates, approximately $30 million would be required to cover severance costs for some 600 Commission employees who would be laid off. Moreover, Mr. Chairman, this amendment is flawed because it makes no provisions for the orderly close-out of ICC operations that would be required by the amendment.

Mr. Chairman, the ICC has a unique role in regulating some 61,000 for-hire companies to ensure that competitive, efficient and safe transportation services are provided. This amendment would terminate the activities of the ICC which are beneficial to consumers and those involved in the transportation of goods and people. The amendment is ill-advised.

I urge the defeat of the amendment.

☐ 1430

Mr. KASICH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I guess I would start by saying: "AL GORE, where are you?"

This is an effort to really invent Government. This is the first vote in the House of Representatives on trying to really reinvent Government. BOB CARR is right when he pointed to our wagon here. As Members can see, the Interstate Commerce Commission was created in 1887, and one of the things it regulated was the wagons that carried ice around America. And since this time that it was created in 1887, all of these changes have occurred in the Federal law to deregulate all of these industries that the gentleman from Colorado [Mr. HEFLEY] referred to.

They still have functions and they still have some authority. That is why we do not want to just eliminate the Interstate Commerce Commission, but we want to transfer the authority from the Interstate Commerce Commission into the Department of Transportation and consolidate. The chart here just describes some things that talk about how outdated this is, and how we need to reinvent Government.

But let us get back to the basic. Gregory Walden, who is an ICC commissioner, and I talked to him yesterday, has said, and has published papers saying, "One is hard pressed to locate a single type of function that is not currently being performed by DOT or other Cabinet departments." One of the commissioners of the ICC says get rid of it. Put the function in the Department of Transportation.

Senator DANFORTH feels the same way and will be offering the same amendment, and will transfer authority into Commerce.

Now people say—people say if you are going to transfer the authority how do you save money. These are the offices that can be eliminated. I am not going to tell you they have to be eliminated, but these are the ones that are obviously subject to elimination if we consolidate with DOT, and let me tell you what they are. You do not need five commissioners' offices anymore. You do not need an Office of Congressional Relations so they can come up and lobby to perpetuate this antiquated operation. You do not need the Office of Human Relations, the Office of Inspector General. You do not need any administrative services. You do not need system development. You do not need library services. And you could cut down on the field offices of this agency.

All we are trying to do in this amendment, the only thing that we are trying to do is to say consolidate the ICC within the giant bureaucracy of the Department of Transportation, which I believe has 68,000 employees. If DOT needs some of the employees from the ICC to carry on the functions that remain, that are useful, we are willing to allow them to take some of the savings from the Interstate Commerce Commission bureaucracy and transfer some of those dollars into DOT so that the same functions can be performed within DOT without having to have two separate bureaucracies.

AL GORE, where are you? This is what AL GORE is saying he wants to do. We are not trying to do away with any of the regulations. We are not going to make that decision here. All we are trying to do, is to do away with duplicative authorities, bureaucracies, and we are trying to save taxpayers' money.

The simple fact is you may ask why are we doing it on an appropriation bill. Because it is the only chance we have. Now could you imagine. I say to my colleague from Ohio, that you would go back to your districts and tell your people well, you see, the reason why we do not consolidate these bureaucracies is because I did not have an authorization bill to do it, and I did not want to eliminate it in the appropriations bill because if we had done it then I would not have crossed all of the t's and dotted all of the i's, and it would not have been congressionally proper. Now what would your constituents say about congressionally proper?

This is the opportunity to reinvent Government. This is not a Republican or a simple Democrat position. We have the gentleman from California [Mr. CONDIT] on the Democrat side. This comes down to those who want to protect the status quo, and those who want to responsibly change the status quo.

If this amendment should pass, we have a further amendment that would allow the transfer of some dollars into DOT to pay for these bureaucrats that need to be moved over whose functions are vital.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KASICH] has expired.

(By unanimous consent, Mr. KASICH was allowed to proceed for 2 additional minutes.)

Mr. KASICH. What we do is we ask that the Secretary of Transportation do a smooth transition and consolidation. Now that is a very reasonable approach. Get rid of the ICC, the bureaucracy, take the functions that are critical and move them into DOT. Let some of the bureaucracy from ICC go to the Department of Transportation to do the necessary functions. Eliminate the overgovernment, the waste, the duplication of taxpayer dollars. We can achieve the same results and still save money by reinventing Government.

I want to say to my colleagues that this is our first chance. Every single amendment to this bill so far has been defeated. We did not mess with demonstration projects here. I do not know where we are finally going to come down on mass transit, and that is a legitimate debate between all sides. But this should be one that we should all embrace. And as we get to the conference committee on appropriations we can figure out ways to work this.

Really, it is the will, it is the will to really reinvent the Government of the United States. It is the will of the Republican Party to support AL GORE's position that there are things in the Federal Government that could be made more efficient. And we ask Members on a bipartisan basis to reinvent Government for the United States, maintain safety in America, save money for the taxpayers. We can have it all around if we can just beat down the enemy of the public, and the enemy in Washington, DC, Mr. Status Quo, has got to go.

Mr. DINGELL. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, as the chairman of one of the legislative committees which deals with the affairs of the ICC, I want to explain to my colleagues why this is a bad amendment.

The first reason is that the author does not know what the ICC does. He has never considered the basic questions of why we need to have the kind of matters that are handled by the ICC done by an administrative agency which has an open process which is available to Members of Congress to know what goes on.

The ICC in the area of railroad service has jurisdiction over mergers, consolidations and bankruptcies, abandonments, and line sales. Now why is it important that this be done in an open and a collegial body?

□ 1440

Because the Congress needs to know what is going on inside that agency. The ICC can approve the abandonment of rail lines as long as 1,000 miles or longer, indeed intercontinental. Think, if you will, please, about what you would do if rail service were to be abandoned in your district involving a single community or a number of communities and the consequences of that abandonment to the people in your area. Think about the abandonment of a single spur which would terminate the service to a factory, to a community, to a waste treatment plant, to a water treatment plant. Imagine the consequences of shutting a silo or a grain elevator which serves a rural community. And imagine if it is done by some bureaucrat down in the bowels of the Department of Transportation instead of being done in an open process into which you and your constituents can intervene. You know, if you look into parts of the Middle Western United States—Iowa, Colorado, the Dakotas, western Minnesota, in Colorado, Kansas, Nebraska—you will find that there are huge areas in those parts of the country which today are being afflicted by the closure and by the shutdown and abandonment of large amounts of transportation services; that is, the rail service upon which those communities are dependent. Imagine if you are a Member of Congress from Texas or Colorado and all of a sudden rail service is terminated and you have got a factory that has to have rail service to move heavy commodities in and out that cannot be moved by truck, in an area where there is no barge service, and where you cannot see to it that your constituents have the opportunity to be heard, and that there is no public record—as there would not be.

Now, this is an interesting amendment; it tends to show that it has not been considered. We are told that at some time later, if we adopt this, some amendment may be offered to this legislation which will permit the House to consider then the transfer of funds. But this House, under the rules which we have here before us, cannot deal with how the functions will be transferred and what functions will be transferred and how they will be administered.

There is no way whatsoever that the transfer of these functions can be defined or that you can assure that the openness of the procedures will be available to protect your constituents.

Contemplate what happens if the major industry in your district confronts, under this amendment, the closure and termination of rail service into the principal industry in your district and you have no requirements of openness or fairness or collegiality and fair consideration, as are now required by the Administrative Procedures Act, and as are now imposed upon the ICC for the protection of your constituents. Imagine what you are going to do when you find yourself confronted with that particular situation.

Now, it is interesting to note the quote; the fellow by the name of Walden, he is supposedly a great authority on these matters. My colleagues should know that he got appointed virtually the last day of the last administration. He has not been confirmed, he has never been scrutinized by the Senate or the Congress, he has never appeared before this or any other legislative body, and he serves only until the time—and let us hope it comes at an early time—that his successor is appointed and duly qualified, because he has shown with some convincing evidence that he does not know anything about the business.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

Mr. DINGELL. Let us go to other things. Now, rail service: Those who exist in the Midwest in the flood area, my colleagues who come from that area know that there is need of rail service and the need for there to be arrangements for alternative services. Who is the agency which is charged under law with assuring that those services are available? Guess. The ICC.

That is the agency that you and I and all of us as Members of this body will go to to assure that rail service in time of trouble of that sort, is available to the people whom we serve. You will ask, I am sure, that if your constituents are afflicted with that kind of situation, that they have the opportunity to have it done in a fair and open and a public process in which a record is kept. Imagine the possibility of a bankruptcy. You want to see to it that if there is a bankruptcy, that that bankruptcy is handled in an open manner by a collegian body which is responsible to the Congress and which has a duty to come up here in response to the Congress' command.

It is also your hope, I think and hope, that you would see that body function in an open fashion in connection with matters of this sort.

Now, the ICC has responsibilities over the highway safety, and a broad array of similar responsibilities to those which I have been describing in connection with highway safety, barge transportation, and a number of other matters. They deal with questions involving the reasonableness of rates. And if you want to see rates made, you do not want to see rates made as they would be made in Europe where some bureaucrat in the ministry of transportation stamps "approved" or "disapproved" or he decides that he will act or not act.

The ICC is an agency which is required by law to hear the proceedings before it, to do it in an open fashion and to proceed in a fashion which allows all of us to know what that agency is doing.

The same thing cannot be said about the Department of Transportation. They have a duty to see that their information services on the costs of transportation so that we can understand whether our people are receiving proper services at fair costs. And that is what the library that was referred to does; it was not just a collection of books, it was a collection of information on rates and ratemaking.

I would urge my colleagues to reject this amendment. It is at best frivolous and it is assuredly mischievous. I will tell you that if this amendment is adopted, you have no assurances that any of the essential responsibilities that are carried out by the ICC will be carried out by the DOT or even that this body, in the proceedings in which we are now engaged, can do anything to see to it that those responsibilities are transferred in a way which will leave us, as a Members of this body, responsible to the people who elect us, able to go home and say, "We have protected you against abandonment, we have seen to it that the processes of Government affecting you and affecting transportation," which is after all the lifeblood of this Nation, "are conducted in a fair, open, and responsible fashion."

Mr. Chairman, I urge my colleagues to reject this amendment. It is irresponsible, it is unwise; its benefits are conjectural and it is dependent on the somewhat dismal hope that at some future time somebody will offer an amendment which will in fact, in part, cure it.

Remember that if you vote for this amendment, you can anticipate one thing: that the processes which are now open and in which you may have an intelligent and wise participation and in which the concerns of your constituents will be met in an open and fair fashion, will be closed to you. And on questions like abandonment and services to grain elevators, to industries in your districts, to farmers and communities, you will have very, very little say and very, very little access to the projects.

I urge my colleagues to reject this outrageous amendment.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words. And let me first apologize to the gentleman from California [Mr. CONDIT], who is a coauthor of this amendment, I felt it was important for me to come up following the chairman [Mr. DINGELL] because I serve on the Transportation Subcommittee of the Committee on Appropriations and I wanted to respond to some of the things which the chairman of the Committee on Energy and Commerce has said.

Mr. Chairman, I have the utmost respect for the gentleman from Michigan, the chairman of the Committee on Energy and Commerce. The chairman, when he describes the functions of the ICC, is totally correct in everything he says as to what the ICC does, and its functions, which are in response to the laws that have set up the functions of the ICC.

The only thing I might mention in the area of regulating trucks and regulating rates, it is the function of the ICC to get involved in the free enterprise system and mess it up because it gets involved in normal ratemaking, and deals being made between shippers and truckers, and it messes it up. But that is a different issue.

☐ 1450

This amendment does not change any of that law at all. What this amendment does and the intent is to move the ICC from its present structure and move it into the Department of Transportation. Nothing that the chairman of the Committee on Energy and Commerce has said would be removed or stopped under the intent of this amendment, nothing, because the Department of Transportation can handle all these functions within itself without the overhead of the ICC.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I am glad to yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I would like to ask the gentleman, under this amendment as we transfer the authority that is legitimate, that the Secretary of Transportation believes must be transferred to the Department of Transportation, if in case of pestilence, war, flood, volcanoes, tornadoes, hurricanes, tsunami, does the gentleman think America will survive?

Mr. DELAY. Mr. Chairman, the gentleman from Ohio makes a wonderful point.

What we are trying to do is to help the Vice President and the President reinvent the Government. This is a perfect agency that really, in my opinion, serves no useful function, except that maybe you can make a case for the railroads that was made by the chairman, but that can be done in the Department of Transportation.

Now, as to the allegation that this is a frivolous amendment, that it only cuts the ICC out and does nothing and we cannot put it in because of the present structure, that we knocked out the entire Office of the Secretary of Transportation and there is no place to put it in this bill, listen, we all know how this place works. I serve on the Transportation Subcommittee on Appropriations.

What will happen to $45 million cut by this amendment? The $45 million will not go to deficit reduction. The $45 million stays in the account of the Transportation Appropriations Subcommittee, and when we get to conference and reestablish the Secretary of Transportation's Office, we will take that $45 million, less the overhead for ICC, and give it to the Secretary and say, "Do your job." That is what will happen.

Now, this is a perfect chance. Ask yourselves, have you gotten any letters in the last 10 years in support of the Interstate Commerce Commission? The only letters I have received, the only contact I have had, are the fully paid Commissioners who serve on the Interstate Commerce Commission, Commissioners that in some cases did not even meet for 5 years and got paid.

The chairman talks about all these hearings on rates and trucking, they do this and do that. They have not had a rate hearing in ages. They collect the rates that are sent to them by the shippers and the truckers. They put them over in a file somewhere.

We even had comments in testimony somewhere about putting them in boxes. They wanted this big supercomputer, put it all into computers. All they do is just collect information. They do not do anything, except draw salaries.

Now, this is a perfect place for you to do something about streamlining government, do something that is good, streamline government. Let us make the responsibilities of the ICC more efficient. If we still have to continue doing the things the chairman of the committee on Energy and Commerce says are important in the ICC, the Department of Transportation can perform all of them.

Mr. Chairman, vote aye on the Kasich-Condit-Hefley amendment.

Mr. CONDIT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today we have a perfect opportunity to move this concept of reinventing government along. We can take a step today, granted it is a small step, but we can take a step in the direction of streamlining the Government.

We are doing exactly what has been called for in the proposal of reinventing government, that is to define areas that are unnecessary and begin to eliminate them.

I call upon my colleagues today out there watching, if you want to be a part of that, if you want to be on the cutting edge, if you want to be up front and streamline this Government, this is the first vote today.

Now, along with my colleague, the gentleman from Ohio, I called the commissioner yesterday, because I could not believe this. I could not believe what I was reading about the ICC.

What he said to me in a nutshell was that it is unnecessary, that most of the responsibilities have already been sent out to other agencies, and because of deregulatory legislation, its responsibilities are almost zero, and whatever responsibilities are left are duplicated by other agencies.

He also mentioned the world "wasteful." It is wasteful for us to continue the ICC, and he pointed out to me, I already knew this, that this is not a new idea. This idea has been floating around for a long time.

A lot of people concede that we ought to do this, but they want to do it at another time, a different day, a different year. This is the day to do this.

The Grace Commission called for this. The CBO deficit option plan calls for this.

The gentleman from Texas [Mr. DELAY] I believe in 1986 had a bill to do this.

It is time for us to streamline government.

He also said to me that all the functions that we are concerned about, in all due respect to the chairman of the Committee on Energy and Commerce, what he said to me was all those functions will remain. They will be protected and performed by the Department of Transportation, and we are prepared to take the second step.

The second step is to assure that those functions that need to be performed are done by the Department of Transportation.

Let me say that eliminating what we do not need and consolidating functions is exactly what Vice President GORE and President Clinton are asking us to do, to eliminate what we do not need.

Mr. Chairman and Members, we do not need the ICC today. It is a 100-year-old agency that has outlived its usefulness, and it is time to eliminate what we do not need.

Mr. Chairman, let us take the step today toward reinventing government. If we cannot take this tiny step, we are going to have a hard time taking the steps that we need to take to really reinvent government, so let us take this small step today. Let us support this amendment. Let us be helpful to the Vice President and to the President in reinventing government, and eliminate what we do not need.

Mr. SWIFT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. The argument, as I understand it on this amendment, is that by transferring the regulatory activities and oversight responsibilities of this independent agency to the executive bureaucracy, we will have more efficient oversight of the national transportation system. There are two obvious flaws to that argument.

First of all, this amendment assumes that if we cut off funding for this independent agency, we will then come back after the fact and amend or eliminate the Interstate Commerce Act itself, that the functions of the ICC can be assumed all or in part by the Department of Transportation.

In the meantime, there will be no regulation, no oversight, no cop on the beat for surface transportation in this country.

The second logical leap that this amendment takes is that by subsuming an independent, and I might add an effective agency of 620 persons in a Department of 68,000, we are somehow going to make more efficient the work now being done by an independent regulatory body that has already undergone major downsizing without any loss of effectiveness.

Earlier speakers have given the impression that Congress over the years has done nothing to deal with the ICC. He says this is our first opportunity. Nonsense.

In the past 14 years, the Interstate Commerce Commission has cut its employment level from a little over 2,000 workers to just over 600. That is a 70-percent reduction in work force.

Appropriations over that period, not reflecting inflation, have dropped 42 percent.

Congress, it is implied, has somehow been shirking, paying no attention or allowing the ICC as its responsibilities have changed to just remain the same as it has always been, and that is nonsense and it is not true. Congress has been shrinking the ICC already in an orderly fashion. There is no reason to believe that we will not do more as is indicated.

□ 1500

The question was asked, "Where is AL GORE," which I though introduced a wholly unnecessary, partisan tinge to this entire debate. The fact is AL GORE is there. It is just we have got some people that are running as fast as their little legs will carry them to get out in front of him, take a couple of bows before the parade comes along and tramples them. Congress is going to be dealing with the reinvention of Government, and where it is necessary we can look at this. But we are going to do it in an orderly fashion.

In their "Dear Colleague" on July 21, Mr. Chairman, the proponents of this amendment said that after its passage they will introduce legislation to clarify, and that is their word, clarify, what it is they mean to do in transferring the functions. They also state that after they have dismantled the ICC they would like to have the Secretary of Transportation submit some recommendations to Congress on what pieces of the Interstate Commerce Act should be kept and which pieces perhaps should be thrown away.

I would be most pleased to hear from the Secretary as to any recommendations the administration has to amend the Interstate Commerce Act. It is not sealed in concrete. The Committee on Energy and Commerce made a major overhaul of that act in 1980 through the Staggers act, and if the proponents of this amendment want to introduce legislation to clarify which powers the Interstate Commerce Act they wish to change, I would encourage them to do so. The approach they have taken, however, is to make the regulation of surface transportation a high-speed game of chicken. "Pass the amendment," they say, "and then, and then, we will come back, and we will clarify, and we will recommend, and we will submit detailed legislation for later consideration to see if what we have dismembered we should try to put back together." That is a heck of a way to run a railroad.

Defeat the amendment and permit the orderly process through reinventing Government and other procedures to determine what needs to be done. On this amendment vote "no".

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

Mr. Chairman, my colleagues, maybe we should eliminate the ICC, but this is surely not the way to do it. We would create chaos in the transportation industry if we zeroed out the funding for the ICC without determining exactly how we are going to have the critical functions, which under the law they must perform, provided for.

For example, there is a negotiated rates crisis in the trucking industry today, a $38 billion problem involving thousands of companies, and enormous administrative proceedings and litigation. This would be thrown into complete disarray with no agency dealing with this issue. The already beleaguered trucking industry would indeed be thrown into chaos.

Mr. Chairman, we should look at the question of the ICC, and I for one welcome the recommendations of the Vice President. But let us do it in an orderly fashion. Let us first determine what the policy should be and how we should change the ICC or if we should eliminate it, and then let us make the related decisions concerning the dollars and the budgetary implications thereof.

This is an irresponsible amendment in my judgment, and I think it should be soundly defeated.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as chair of the Committee on Public Works and Transportation, I rise in opposition to the amendment.

The committee shares jurisdiction over the Interstate Commerce Commission [ICC] with the Committee on Energy and Commerce. Neither committee has recommended that the ICC be abolished, and I firmly believe that even if such a proposal should be considered, it should be scrutinized closely by both committees before any action is taken by the House.

It is virtually impossible to dismantle an agency of the Federal Government between enactment of this bill and October 1, 1993, which is the beginning of the fiscal year.

Controversy over economic regulation of the bus, truck, and bus industries has been going on for years. After the major regulatory changes were enacted in the early 1980's the controversy refocused on further regulatory reforms, including Federal deregulation. To date, no new major reforms have been enacted and efforts to deregulate those transportation industries regulated by the ICC have not been successful. During that time, however, Congress has lessened substantially the staff at the ICC.

If the Congress is going to shut down the ICC, it should do so only after comprehensive hearings on such action and only after it has a clear understanding of all the implications of terminating regulatory controls on major segments of the Nation's transportation industry—an industry which has revenues of over $125 billion.

It is my firm view that it is bad policy to terminate economic regulation of our transportation industry by eliminating funding for the responsible agency to carry out its functions without addressing at the same time the underlying regulatory laws. Under the amendment, the underlying regulatory laws would remain in place; however, there would be no agency left to enforce them. The resulting situation would be chaotic. It would be extremely detrimental to the railroads, trucking companies, and bus companies regulated by the ICC and to those that they serve.

It is my understanding that the sponsors of the amendment claim that if the amendment is adopted they will offer legislation at a later date on how to transfer the ICC's regulatory functions. No light is shed upon which functions will be retained or to which agency these functions will be transferred. To put it mildly, this is placing the cart before the horse. If fiscal year 1994 starts and no such legislation has been enacted—the Nation will be faced with a major problem—one that could have major economic consequences on the rail, trucking, bus industries and the shippers and public served by them.

Although the sponsors of the amendment claim cost savings, it is not quite clear as to how much—or even if any—savings would accrue as a result of this proposed action, or how those savings would be achieved.

Finally, I would point out that the amendment would dismantle an agency of the Federal Government without any thought to or prior provision for the transition of staff agency function. I firmly believe that the Congress should not authorize the closing of this agency or any agency in such a precipitous manner.

I therefore ask my colleagues to join me in opposition to the amendment.

Mr. COX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what we are talking about is reducing Government spending. Sometimes we propose reducing Government spending with across-the-board cuts, and sometimes Members of Congress come to the floor and explain that you cannot cut across the board because some Government spending is more important than other Government spending and, by reducing across the board, irrationally you make everything work less well.

So, in this season we are talking about a more sensible way to cut the Government and to reduce it. We are talk about actually liquidating those things we do not need, and an across-the-board cut in the library might have all the logic of taking 5 percent out of every book. That would not work very well.

I say to my colleagues, "Sometimes, if you are running a failing enterprise, as we are here, with a $4 trillion debt and a $300 billion annual loss, you have got to look at liquidating those parts of the operation that don't work, shutting down the unprofitable ventures and putting your resources where they really do accomplish something."

Now the ICC is the oldest regulatory agency in Washington. It was created in 1887. It is hoary. It is ancient. It no longer has a function to perform. The original bill creating the ICC was 10 pages long. It simply required that rates be reasonable and that they be published. It prohibited discrimination and price fixing.

Now the ICC Act is over 500 pages long. It governs everything from container size, to truck shipping rates, to safety standards for buses. The trouble is that in recent years Congress has so diminished the actual responsibilities of the ICC in this area that it has nothing left to do.

Since 1980 Congress has deregulated the railroads, we have deregulated the trucking industry, we have deregulated the moving industry, we have deregulated the busing industry, and yet the ICC lives on only to deprecate the work of the Department of Transportation and other agencies.

The deregulation of the last few years has increased competition and reduced costs to consumers. The success of deregulation frankly makes the entire function of the ICC unnecessary. It has an annual budget of $40 million. We know from the ICC itself that this bill will save us between $2.3 million in the first year and $8.6 million in each subsequent year.

Mr. Chairman, the amendment is supported by people like Citizens for a Sound Economy, Citizens Against Government Waste, the National Taxpayers Union, even the National Association of Manufacturers, and yet people here on the floor have called this amendment outrageous. That was the word of the chairman of the Committee on Energy and Commerce.

Other people have called it irresponsible. I have noted that some people have said we should actually eliminate the ICC, but just that we must do it in an orderly fashion. I interpret that to mean not now. Somebody else said this is not the way to do it. The right way to do it is later. Another Member said it is virtually impossible to dismantle any agency of the Federal Government this year. Well, I cannot think of anything better to do than start with the oldest, most ancient, hoary regulatory agency in Washington, something that the majority of the commissioners said should go and has no more function. Let us liquidate it. The only chaos, and one Member said we would have chaos if we did this, the only chaos is going to be the shouts, and hoots and hollers of taxpayers across the Nation that we finally closed something down around here.

I say to my colleagues, "Let's face it. With a $4 trillion national debt we can no longer talk about reducing the rate of growth in Government spending. We have got to liquidate entire parts of the Federal Government."

☐ 1510

This is the best place to start. Let us just do it.

Mr. RAHALL. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, this amendment is not necessarily frivolous in its nature; it is just simply ridiculous. It shows the need for and the responsible role of government in providing some type of stability over our society and over business and they way our economy should be governed, in my opinion.

Mr. Chairman, I rise, in my capacity as the chairman of the Subcommittee on Surface Transportation, in opposition to this amendment to eliminate funding for the Interstate Commerce Commission.

Mr. Chairman, over 100 years ago the ICC was created to regulate transportation services provided by railroads. In the 1930's, this jurisdiction was extended to the motor carrier industry.

In both instances, the purpose and intent was—and to this day remains—the same: The public interest requires that transportation services, which are critical to the growth and stabilization of our Nation's economy, be subject to governmental oversight.

Absent some economic regulation, cutthroat competition among carriers leads to numerous bankruptcies, as well as discriminatory and inadequate service.

The ICC was established to put an end to, or at least curtail, these problems for the betterment of all Americans.

In fact, when the ICC fails to enforce provisions such as the filed rate doctrine—as it has done so under the deregulatory zealots of the last two administrations—the adverse effects on the trucking industry become readily apparent.

Bankruptcies, unemployment, despair, owed wages and pension fund deficits occur.

I would submit that by requiring motor carriers to file their rates with the ICC, and adhere to those rates, all industry participants—both carrier and shipper—will be insured of having knowledge of all market prices.

This is one of the primary reasons to maintain a viable ICC, such as the type we expect to see emerge under its current chairperson.

In short, if you wish to see chaos and anarchy in the rail and trucking industries, then support this amendment.

But I happen to believe that when we look at the facts we are seeing some type of regulatory policy which provides stability and order in today's marketplace.

In addition, the ICC has been downsizing. In 1980, for example, when the Motor Carrier Deregulation Act was enacted, the ICC was operating with an appropriation of close to $80 million, with an average employment of 1,946 individuals. In 1992 the annual appropriation for the ICC is down by close to 50 percent, to just a little under $41 million annual appropriation, and the average employment is down by over 60 percent to 613 average individuals employed at the ICC.

So the appropriation is not only coming down, but the employment at the ICC is coming down as well.

Mr. Chairman, I believe the public interest is best served by having the ICC as we currently have it, and I believe the public interest is best served by defeating this amendment.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, let me first of all say that in 11 years of offering amendments on the House floor, I have never heard such talk about the author not knowing what he is talking about and the amendment being irresponsible. I mean, it almost borders on personal attack, which kind of gets you a little upset, until you stop and you figure it out.

You see, this place around here operates in some respects like a Japanese horror movie. You know, those movies you get on Friday night like "Godzilla" and "Mothra"?

Mr. Chairman, let me tell you how this works. You see, the whole world, all the peoples of the world, try to figure out how to stop this monster, and all the monster wants to do is use any and every tactic it possibly can to preserve itself so it can continue to dominate.

See, that is why Congress is in some respects like a Japanese horror move, and it is exactly why Ross Perot and Rush Limbaugh and the people who are fighting the establishment down here are so popular.

Let me tell you a little bit about the budget. You see, the ICC budget did decline. But let me tell you what it is doing in 1994. It is headed back up again.

All of the functions that are designed to protect us against all the disasters we have heard about still are preserved within the Department of Transportation.

Mr. Chairman, let me tell you a couple of other things. The Federal Highway Administration, they handle safety fitness; the Railroad Administration, rail safety; the aviation mergers, Department of Transportation; and, you know, the Treasury and Agriculture actually handle economic regulation, as arcane and complicated as this.

Come on, folks. To say that one group of bureaucrats over at the ICC are not as good as the bureaucrats over at the DOT, that argument just does not hold water with anybody, except if you are living in the world of the status quo.

So what I would say to my colleagues is you have got to figure out if you are for what our President said last November. Are you for change? If you are for change, you have got to vote for this. If you are for the status quo, if you think for a second that the Department of Transportation cannot handle the problem of abandoned rail lines, that we have to have a complete bureaucracy of administrative services and systems development and an inspector general and commissioners' offices, and all of these field offices and library services, then come on. This is an attempt to keep things exactly like they have been since 1887.

In terms of the bill that we are presumably going to introduce, which I will do when I am done with my speech, I am going to drop it in the hopper, do you know what the bill says? The Secretary of Transportation will get together and the Secretary will figure out what functions he needs in order to guarantee the successful continued regulation and safety requirements we need in this country.

The bill is going in the hopper. It gives the Secretary of Transportation the authority to decide what he or she needs and the money they need and how much money we can save.

Mr. Chairman, the bottom line is it is a responsible amendment. This is an amendment that basically says no to Mothra and Godzilla and King Kong. Oh, no, you are not going to keep dominating us. Oh, no, the status quo is not going to keep surviving. Oh, yes, the American people are sick and tired of the same old business in Washington, DC. And Ross Perot and Rush Limbaugh and all the other talk show hosts who some people want to gag, you see, they will get their way, because what they are going to do is they are going to unleash the power of the people of this country who want to see this place fixed. They are tired of sending their money to support the same old tired, rundown Government, just like Jurassic Park government, the same old tired Government, let us just do it again and again.

But you know what? The people for change, we might not win this amendment. But do you know what? Our day is going to come. Because at the end of the movie they kill Mothra, and they kill Godzilla, and they kill King Kong, and they change the status quo. And so will we.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am opposed to the amendment. I am going to oppose the amendment, but in defense of my colleague, the gentleman from Ohio [Mr. KASICH], let me just say that I think he does speak about a certain frustration that a lot of people have. And I do not think it is appropriate to call this irresponsible or say the amendment makes no sense.

I remember in 1984 we did exactly what the gentleman from Ohio [Mr. KASICH] is saying when we merged the Civil Aeronautics Board. The first recommendation actually came under the Carter administration to merge the CAB, and we put it into the Department of Transportation.

So the idea does have merit, and I would urge the Congress and authorizing committees here to listen to what my colleague said.

□ 1520

My concern today is the impact on the employees, the impact on the mission until we actually have the way whereby we are going to merit this. But I think the gentleman's bill makes sense and the idea, at least, makes sense. And I think the idea should be given a lot of consideration, because I did hear many of the same arguments made against the merger of the CAB into the Department of Transportation, some of the same arguments against that were made against the Kasich amendment.

Once we merged it into the Department of Transportation, it worked extremely well.

I sense that the gentleman is on to something that eventually, as this thing is carefully crafted, there will be a time, as we phase in, whereby it will be in the Department of Transportation. And quite frankly, under the leadership of Secretary Pẽna, I would feel quite comfortable with it being there. And I would feel quite comfortable with it being there with the previous Secretaries of Transportation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 222, not voting 9, as follows:

[Roll No. 453]

AYES—207

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bentley
Bereuter
Bliley
Blute
Boehner
Bonilla
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chapman
Clement
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Everett
Ewing
Fawell
Fingerhut
Fish
Fowler
Frank (MA)
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kennedy
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Long
Machtley
Maloney
Mann
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McMillan
Meehan
Meyers
Mfume
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Neal (MA)
Nussle
Orton
Packard
Parker
Paxon
Payne (VA)
Penny
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Sharp
Shaw
Shays
Sisisky
Skeen
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Williams
Wynn
Young (AK)
Young (FL)
Zimmer

NOES—222

Abercrombie
Ackerman
Andrews (ME)
Applegate
Barca
Barcia
Barlow
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Durbin
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Hoyer
Hughes
Hutchinson
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klein
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lowey
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKeon
McKinney
McNulty
Meek
Menendez
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Nadler
Natcher
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Ridge
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schumer
Scott
Serrano
Shepherd
Shuster
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Yates
Zeliff

NOT VOTING—9

Edwards (CA)
Faleomavaega (AS)
Green
Hancock
Klink
Romero-Barcelo (PR)
Smith (MI)
Tauzin
Velazquez

☐ 1544

Mr. RUSH and Mr. HALL of Texas changed their vote from "aye" to "no."

Ms. MALONEY and Messrs. BEREUTER, LEWIS of California and MINGE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

Mr. CARR. Mr. Chairman, I ask unanimous consent that the portion of the bill from page 44, line 33 through page 50, line 8 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the bill from page 44, line 3 through page 50, line 8 is as follows:

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $11,000 for official reception and representation expenses of the Board; not to exceed $5,000 for official reception and representation expenses of the Secretary; and not to exceed $30,000 for official reception and representation expenses of the Administrator, $51,742,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That none of these funds may be used for the planning or execution of nonadministrative and capital programs the obligations for which are in excess of $540,000,000 in fiscal year 1994: *Provided further*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed thirty-five passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama), the purchase price of which shall not exceed $19,000 per vehicle.

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99-662, $9,707,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed $225,000 shall be available for expenses of administering the rebates.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, $51,663,569: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Volpe National Transportation Systems Center, and none of the funds in this Act shall be available for the implementation of any change in the current Federal status of the Turner-Fairbank Highway Research Center.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1994 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1993, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 15 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1994, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), and 144 of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102-240; and

(3) not distribute amounts authorized for administrative expenses, the Federal lands highway program, the intelligent vehicle highway systems program, and amounts made available under sections 104, 1047, 1064, 6001, 6006, 6023, and 6024 of Public law 102-240, and not more than $1,107,124 for section 5002 of Public Law 102-240.

The CHAIRMAN. Are there points of order to the text included in the unanimous consent request?

Mr. MINETA. Mr. Chairman, I take it that since the unanimous consent request goes to line 8 of page 50, subsection (d) is not included?

The CHAIRMAN. The Chair would advise the gentleman that that is correct. the unanimous-consent request goes through line 8 on page 50.

Are there any amendments to that part of the bill included in the unanimous-consent request?

If not, the Clerk will read.

The Clerk read as follows:

(d) The limitation on obligations for Federal-aid highways for fiscal year 1994 shall not apply to obligations for emergency relief under section 125 of title 23, United States Code; obligations under section 157 of title 23, United States Code; projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97-424, and sections 1061, 1103 through 1109, 4008, 6023(b)(8) and 6023(b)(10) of Public Law 102-240; projects authorized by Public Law 99-500, Public Law 99-591 and Public Law 100-202; or projects covered under subsections 149 (b) and (c) of Public Law 100-17: *Provided*, That during the period October 1 through December 31, 1993, the aggregate amount of obligations under section 157 of title 23, United States Code for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97-424, sections 1061, 1103 through 1109, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102-240, and for projects authorized by Public Law 99-500 and Public Law 100-17, shall not exceed $302,551,350.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order against subsection (d) of the provision.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. Mr. Chairman, I raise a point of order against section 310(d). This provision violates clause 2 of rule XXI because it would legislate the establishment of a first quarter limitation for the minimum allocation program and highway demonstration projects. In other words, of the funds made available in the fiscal year for these programs, those which can be obligated in the first quarter would be limited.

No such limitation on these programs exists in law. Thus section 310(d) constitutes legislation in an appropriations bill and is subject to a point of order.

The CHAIRMAN. Do other Members desire to be heard on the point of order?

Mr. CARR of Michigan. Mr. Chairman, I desire to be heard on the point of order.

I rise to vigorously oppose this point of order. It is not a limitation on the annual obligation of the funds in the bill. It merely is a limitation on an allocation of one of four quarters of the money in the legislation.

□ 1550

It limits the cash flow, in other words, for the first quarter of the next fiscal year. Now, while I have a large number of my colleagues on the floor, I hope they listen to this because you have been hearing a lot about clause 2, rule XXI. The gentleman from California has been defending the purity of clause 2, rule XXI. This is a good example of why we ought to change clause 2, rule XXI, if we cannot have the parliamentarian interpret this to give us some more flexibility.

Let me get to the core of this issue: This section of our bill was requested by the administration. Let me say that again: This section of the bill was requested by the administration.

This is not some invention of the Committee on Appropriations, in some mean game of jurisdictional gotcha over the Committee on Public Works and Transportation. This is legislation that is requested by the administration.

Why would they request this? It simply is an accounting matter. It turns out that the experience of obligation under these accounts during the first quarter of the year are well below the 15 percent limitation that the administration suggests in this legislation. In fact, the fiscal year 1989 first quarter obligation for programs and projects in question was only 10.8 percent; in 1990 the figure was only 13.6 percent; in 1991 it was 17.3 percent, but in fact there were extenuating circumstances, such as the last enactment of the appropriations account that artificially inflated the amount. The figure in 1992 was 15.6 percent, and the amount in 1993 was a low 8.3 percent.

On average, first quarter obligations for the past 5 years is 13.1 percent. So the administration is making a wise proposal to us. They are saying, "If you will put a limitation on that is 15 percent, we are going to save some money." This is not just an accounting gimmick to save outlays; but it actually saves money.

In fact, the administration tells us that if we are allowed to prevail on this, Mr. Chairman, we will save $23 million in outlays. Why should we not try to save the taxpayers some money? We will save $23 million in outlays.

Now, if the Chair happens to rule in favor of the gentleman from California [Mr. MINETA], in effect what that means is that when we go to conference with the Senate we are going to have to make up that $23 million worth of outlays. Where will we make it up? Well, maybe in transit operating, maybe a cut in the Coast Guard, maybe a cut in air traffic control.

This is a real problem for our committee. We have to meet outlay targets. That is something our good friends on the authorizing committee do not have to do. We have a serious problem.

I would ask the chairman from the State of California if we would not refrain from making this point of order. It is technical, it is accounting, it was not invented by the Committee on Appropriations; it is supported by the administration. They are the authors of this to try to save the taxpayers some money. Let us not insist on silly juridicational rules or points of order that go far beyond just commonsense judgment.

And if we cannot do that, then maybe we ought to meet in a reorganization and really revise rule XXI, clause 2, because we clearly see instances of where it is getting in the way of good sound management. Reinventing Congress might include a measure of change in this particular rule if we cannot get some parliamentary relief.

I ask the Chair to rule.

The CHAIRMAN. Does the gentleman from California [Mr. MINETA] insist on the point of order?

Mr. MINETA. Mr. Chairman, I do.

Let me just say again that it is not a question of being a stickler; it is a very simple issue of whether or not this is legislation on an appropriations bill. Members of the Committee on Appropriations have not had any conversation with anybody on the authorizing committee on this issue, and neither has anybody from the administration, from the Federal Highway Administration, from the Department of Transportation, no one, no one has been in touch with the authorizing committee on this issue.

This is a very clear issue in the ISTEA legislation of 1991. I think this is a perfect example of why rule XXI should be enforced and ask for a ruling of the Chair on this issue.

Mr. CARR of Michigan. Further, Mr. Chairman, if I may be heard further, let me say to Chairman MINETA that I just hope that on this one we do not let pride of authorship get in the way of saving the taxpayers some money.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule.

The language contained in subsection (d) on page 50 either removes or imposes an aggregate statutory limitation on obligational authority and is not a limitation on the availability of funds within the bill. Therefore, the language is legislation on an appropriations bill, and the point of order is sustained.

The Clerk will read.

Mr. CARR of Michigan. Mr. Chairman, I ask unanimous consent that the portion of title III, down to page 53, line 12, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Does the gentleman's unanimous-consent request include section 315 down through line 12 on page 53?

Mr. CARR of Michigan. That is correct, Mr. Chairman.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the portion included in the unanimous-consent request is as follows:

(e) Subject to paragraph (c)(2) of this section, a State which after August 1 and on or before September 30 of fiscal year 1994 obligates the amount distributed to such State in that fiscal year under paragraphs (a) and (c) of this section may obligate for Federal-aid highways on or before September 30, 1994, an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102-240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which are not obligated on the date such State completes obligation of the amount so distributed.

(f) During the period August 2 through September 30, 1994, the aggregate amount which may be obligated by all States pursuant to paragraph (e) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102-240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which would not be obligated in fiscal year 1994 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(g) Paragraph (e) shall not apply to any State which on or after August 1, 1994, has the amount distributed to such State under paragraph (a) for fiscal year 1994 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and ten political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 312. Not to exceed $800,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 313. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under section 21 of the Federal Transit Act, previously made available for obligation, or to any other authority previously made available for obligation under the Discretionary Grants program.

SEC. 314. None of the funds in this Act shall be available for the construction of, or any other costs related to, the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan.

SEC. 315. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

The CHAIRMAN. Are there points of order to the material included within the unanimous-consent request?

Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 316. None of the funds made available in this Act may be obligated or expended for any transit project that has a cost-effectiveness index higher than $20 per new trip.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order against the provision of section 316.

The CHAIRMAN. The gentleman will state the point of order.

Mr. MINETA. Mr. Chairman, I raise a point of order against section 316. This provision violates clause 2 of rule XXI because it has the effect of changing existing law. It is legislation on an appropriations bill.

Section 316 states that, "None of the funds made available in this act may be obligated or expended for any transit project that has a cost-effectiveness index higher than $20 per new trip."

In order to comply with this provision, the Secretary of Transportation would have to analyze each transit project to determine whether it has a cost-effectiveness index of $20 or more per new trip. Since the provision applies, and I quote, "to any transit project," the Secretary would be required to analyze all transit projects. This includes transit projects under section 3, under section 9 of the Federal Transit Act, as well as section 3 of the act. It would apply to the purchase of buses and the construction of bus and rail facilities. It would apply to reconstruction and rehabilitation projects as well as new construction.

This is a significant departure from existing law. Under current law, section 3(i)(1)(b) of the Federal Transit Act, the Secretary is only required to make a determination of cost effectiveness for a new fixed guideway system or extension of those systems funded under section 3 of the Federal Transit Act. The Secretary is not required to make a cost-effectiveness determination for new fixed guideway systems funded under section 9 of the act, nor is the Secretary required to make cost-effectiveness determinations for any other transit projects.

□ 1600

The Secretary does not have to make a cost-effectiveness determination for the purchase of new buses, or for the construction of bus facilities or for reconstruction or rehabilitation projects.

In fact, the Secretary does not have to do this type of analysis for the vast majority of transit projects.

Under current law, only new fixed guideway systems or extensions of those systems funded under section 3 of the Federal Transit Act must be analyzed for cost effectiveness. This is a relatively small number of projects. By requiring this type of analysis for all transit projects, section 316 will impose significant new burdens on the Secretary of Transportation. He or she will be required to collect and analyze significant amounts of information on transit projects for which this type of analysis is not currently required. This represents the bulk of the transit program.

By greatly expanding the universe of projects for which a cost-effectiveness analysis must be done, section 316 imposes significant new duties on the Secretary. As such, section 316 is not a valid limitation. It is legislation on an appropriations bill and in violation of rule XXI.

Therefore, Mr. Chairman, it is my understanding that the Appropriations Committee will try to argue that section 316 is a valid limitation. They would argue that section 316 applies only to those projects for which a cost-effectiveness determination is currently required. That is new fixed guideway systems.

Apparently their whole argument hinges on the word "has."

Since section 316 refers to "any transit project that has a cost-effectiveness index of $20 or more per new trip," the appropriators argue that the word "has" somehow limits the applicability of section 316 to new fixed guideway projects. To me this is not the correct approach.

If the Appropriations Committee had meant to limit the provisions to new fixed guideway systems, then it should have done so explicitly.

The term "new fixed guideway system" should have been used in lieu of the term "any transit project."

By using the term "any transit project" the Appropriations Committee has made section 316 applicable to all transit projects, not just new fixed guideway projects.

Let me give an example of just how to me absurd the Appropriations Committee interpretation is. If the provision had stated that no funds could be obligated on "any transit project that has a cost-benefit ratio greater than 1.0," then it seems clear that the Secretary would be required to do a cost-benefit analysis on each transit project to determine which projects have a ratio greater than 1.0. Those projects would not be eligible for funding.

Well, the provisions before us is precisely the same. It requires the Secretary to analyze each transit project to determine its cost effectiveness. Only in this way can the Secretary determine these projects which exceed $20 per new trip. This is the only reasonable reading of the provision.

Mr. Chairman, I would like at this point to raise two principles of parliamentary procedure that I believe are applicable here. First, the burden of proof is on the Appropriations Committee to prove that the provision is a valid limitation. The burden of proof is on the appropriators to prove that section 316 is limited to new fixed guideway systems.

Second, if section 316 is subject to two interpretations, and it is not clear which interpretation is the better reading, then the Chair is obliged to rule against the Appropriations Committee and in favor of the authorizing committee.

As I mentioned before, I do not think that the Appropriations Committee's interpretation of section 316 is reasonable; however, if for some reason the Chair decides that it is as reasonable an interpretation as the interpretation being offered by our committee, then the Committee on Public Works and Transportation position should prevail.

In effect, in these types of situations, it seems to me the tide goes to the authorizing committee.

Mr. Chairman, for all these reasons I insist on my point of order that section 316 violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Michigan seek recognition?

Mr. CARR of Michigan. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan is recognized on the point of order.

Mr. CARR of Michigan. Mr. Chairman, the gentleman makes his point of order on the basis that the language in section 316 applies to portions of the transit program other than the section 3 fixed guideway new start activity, and as such, requires additional duties of the executive and therefore constitutes legislation on an appropriations bill.

I strongly disagree with the gentleman's labored interpretation for the following reasons:

In the first place, the language in question states that funds may not be obligated, and I quote, "for any transit project that has a cost-effectiveness index higher than $20 per new trip," end of quotation. I believe the words "that has" are the operative words in the section.

I believe an unbiased reading of section 316 would lead one to the conclusion that if a project has a cost-effectiveness index prepared pursuant to existing laws, existing rules and existing regulations, then and only then the limitation applies. If a project does not have such an index, the section 316 simply does not apply. There is nothing in the language that requires indices to be prepared for other projects or other matters.

I would add, Mr. Chairman, that there are numerous references in statute and regulation to support my view. Quoting first from the Urban Mass Transportation Major Capital Investment Policy as printed in the Federal Register of May 18, 1984:

> The policy is applicable in particular to proposals for discretionary grants authorized by section 3 of the federal transit Act, as amended . . . ." and, continuing the quotation:
>
> For purposes of this statement, a 'major urban mass transportation investment' is any project that involves the construction of a new fixed guideway segment, or extension of an existing fixed guideway, for use by buses or rail vehicles.

Under the portions of the policy entitled "Rating Criteria" and "Cost-Effectiveness," the following comments appear:

> Because the two primary criteria, cost-effectiveness and local financial commitment, are quantifiable, it is possible to formulate numerical indices of project merit based on them, as a primary guide to ratings.
>
> Cost-effectiveness is represented by the incremental costs and effectiveness of fixed guideway alternatives compared to the transportation system management alternative.

Mr. Chairman, turning now to Public Law 102–240, the last surface transportation act, managed by the Public Works committee. I quote from section 3010, entitled "Criteria for new starts" which amended Section 3 of the Federal Transit Act.

> A grant or loan for construction of a new fixed guideway system or extension of any fixed guideway system may not be made under this section unless the Secretary determines that the proposed project—. . . . is justified based on a comprehensive review of its mobility improvements, environmental benefits, cost-effectiveness, and operating efficiencies; . . . .

No other sections of the Federal Transit Act so require cost-effectiveness indices to be prepared as a condition for grant receipt.

□ 1610

Finally, Mr. Chairman, I draw your attention to the report on funding levels and allocations of funds prepared by the Federal Transit Administration, the so-called Section 3(j) Report. As stated in the executive summary:

> This report provides the Department of Transportation's recommendations to Congress for allocation of funds to be made available for construction of new fixed guideway systems and extensions (Section 3 New Start funding) for fiscal year 1994.

Two tables in the report contain columns with cost-effectiveness entries. In addition, nearly each project narrative summary contains a paragraph describing the cost-effectiveness index. An explanation of one of the tables just mentioned contains the following statement:

> These columns correspond to the wider range of project justification factors (including cost-effectiveness) stipulated in ISTEA.

Mr. Chairman, I apologize for the length of my statement on this point of order. But I believe it is important to show the weight of evidence relating cost-effectiveness indices to section 3 new start fixed guideway projects and only to such projects. And to show that the indices are prepared for the appropriate projects pursuant to requirements in the authorizing legislation and are reported to the Congress annually in the section 3 (j) report. No additional duties are involved.

I know that the gentleman from California [Mr. MINETA] would like to write our bill. I know that the gentleman from California would like to write our sections. I know that the gentleman from California would love to interpret his intent for what we wrote. The fact of the matter is, Mr. Chairman, we intended to have this section apply only to section 3, new start fixed guideway projects which are already in existence, and I would say with regard to the notion of tiebreaking is close calls, Mr. Chairman, it would seem to me that in fairness the parliamentary situation ought to give the benefit of the doubt to the committee that has drafted the legislation. To do otherwise invites labored interpretations of our work in an effort to try to use inappropriately clause 2 of rule XXI.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule.

The gentleman from California [Mr. MINETA] makes the point of order that section 316 of the bill changes existing law in violation of clause 2 of rule XXI by requiring determinations of a cost-effectiveness index for any transit project, including those projects not currently required by the Federal Transit Act to produce such an index. The gentleman argues, therefore, that the provision is legislation on an appropriations bill. The gentleman from Michigan [Mr. CARR] argues that the section is not intended to apply to any project that does not already have such an index and, therefore, that no new duties are required.

The Chair believes all transit projects inherently possess some cost-per-new-trip figure that could be calculated. However, under existing law a review of cost effectiveness is required to be performed only for the class of transit projects authorized by section 3 of the Transit Act. Section 316 applies only to a project that requires a cost effectiveness analysis. The text of the provision need not be read to require the imposition of new cost effectiveness tests. Rather, section 316 takes the cost effectiveness requirements of existing law as it finds them. Therefore, the provision does not change existing law contrary to clause 2 of rule XXI, and the Chair overrules the point of order.

AMENDMENT OFFERED BY MR. MINETA

Mr. MINETA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MINETA: Page 53, strike section 316, lines 13 through 16, and renumber all the sections that follow accordingly.

Mr. MINETA. Mr. Chairman, I rise to offer this amendment to strike section 316 of the bill. This section contains language which severely limits the authority of the Secretary of Transportation to fund transit projects and which virtually rewrites entire provisions of the Federal Transit Act which are within the jurisdiction of the authorizing committee. The act contains a wide range of factors which the Secretary must consider in funding transit projects under this section 3 grant program. Now these factors include congestion relief, improved mobility, clean air goals, and energy conservation goals. No one factor predominates because each transit project is unique and may do better or worse than other projects under the various criteria. Yet section 316 would superimpose what I feel is one narrowly defined index over all of the other factors.

Now this provision would also heavily discriminate against the parts of the country which have less than the very highest population and employment densities. These regions often provide more local funds than would otherwise be required under the law in order to increase the cost effectiveness of their use of Federal funds. Yet section 316 would prohibit the Secretary from recognizing those higher local contributions and funding of these projects if they did not fare well under one narrowly defined index. In this way, in many instances, section 316 would actually serve as a disincentive to State and local governments to provide higher non-Federal matching funds. The result would be less transit benefits for the Federal dollars being expended.

Section 316 might even result in States losing Federal highway funds under the sanctions of the Clean Air Act. Transit projects are almost always included in the list of projects needed to bring a State into compliance with clean air goals, yet under its narrowly defined index section 316 in some instances would prohibit their funding. If the State were subsequently sanctioned by the EPA for not attaining its clean air goals, section 316 would have cost that State both its highway as well as transit projects.

Finally, section 316 was not the subject of any hearings on the part of the Appropriations subcommittee. This section was inserted in the second version of the transportation bill and reported out of committee with no discussion and no debate as far as I know. We should not allow such a fundamental shift in Federal policy to be made without the benefit of fair and open consideration.

Mr. Chairman, the flexibility of equity contained in the Federal Transit Act benefits all States and allows all projects to compete equally. We should not let the passage of section 316 undermine and establish funding process which has worked well for decades, and so, therefore, I urge my colleagues to support my amendment to defeat section 316.

Mr. CARR of Michigan. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from California [Mr. MINETA].

Mr. Chairman, the language we have here, as the Chair ruled, is not subject to a point of order. It is a legitimate limitation completely within the jurisdiction of the Subcommittee on Transportation of the Committee on Appropriations.

Now, as I said, I know that the gentleman from California [Mr. MINETA] wants to help us write our bill, and I know that he wants to be both an authorization committee and an Appropriations Committee.

□ 1620

But I can tell my friends in the Congress that he was not in our hearing rooms. He was not in our discussions. He was not in our deliberations. So how can he stand here and tell you that section 316 was not addressed during our process?

I was. I sat in the chair virtually every day of hearings for nearly 4 months. I listened to hundreds of witnesses. I had hundreds of conversations with my colleagues. And when it comes to transit, I will tell you, we discuss, we deliberate, we hold hearings on the section 3(j) report and the cost effectiveness of projects.

We started this year not by holding budget hearings, but by getting expert economics witnesses from the administration and transportation. Our very first hearing was with economists. We had meetings with Wall Street investment bankers and other experts early in the year, because the administration was late with their budget submission. We held extensive hearings on cost-benefit analysis. We had Federal Transit Administration officials in our committee room not once, not twice, but about five times, to discuss cost effectiveness. How can you invest the taxpayers' money better? How can we do a better job with their hard earned dollars that they entrust to us to use to return positive economic investment for them?

This bill went through excruciating analysis by all the members of our subcommittee. Cost-benefit analysis, cost per new additional rider, was very much in the forefront of our minds as we crafted our legislation.

While it is true that we in fact reported two bills, we would continue, if we were to report another bill tomorrow, to seek to improve it. We believe that we have the right to improve one bill over another. We believe this was an improvement over the first bill, and it was very much part of the hearings. It was very much part of deliberations. It was very much part of discussions. And it was put in here very deliberately, to save the taxpayers' money, to help the Federal Transit Administration prioritize projects.

Mr. Chairman, I urge a no vote on this amendment. Because if you do not do this, then any project that comes along, no matter what is the cost per new additional rider, we are going to be stuck. Our committee is trying to help the administration in its effort to reinvent government. We are also trying to reinvent the Congress here. We are trying to do a better job. We are trying to get better outcomes for all of America, not just those areas that have been receiving funding for years. There are systems in the country with cost effective core projects which decided that an extension would be good, and another extension would be better, and yet another extension would be even better. Well, pretty soon you get out to the end of the line.

I tell my friends from the WMATA area here, the core system of the red line that runs down through Washington, DC has a very high cost effectiveness rating, a high approval rating. But by the time you get way, way out to the fingertips of this system, sometimes the cost effectiveness starts to drop off. And while it is true that in some of these areas, various constituencies and jurisdictions, local jurisdictions have made deals with one another about how if you support my section, then I will support yours, and you scratch my back and I will scratch yours, well, that is what the American people are tired of. They want some cost effectiveness put on these things. That is why we put this in the bill, and I urge the defeat of this amendment.

Mr. SHUSTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from California [Mr. MINETA].

Mr. Chairman, the language in the legislation, in the appropriation before us today in section 315, is simply another transparent attempt to kill the Tasman project in the San Francisco Bay area. This vote is simply a repeat, in effect, of the vote that already occurred.

It is important to note that this section 315 was not in the original appropriation bill that was passed by the transportation subcommittee or the transportation full committee. It was only put into the bill after the gentleman from California [Mr. MINETA] objected to the language in the appropriation bill, which violated the rules of the House. So it is simply retaliatory language to kill the project in the San Francisco area.

I would also point out, and this really is the debate all over again, that Members should vote, I would think, the same way they voted on the previous vote, on the substance of the issue. I would point out there is no savings whatsoever by keeping this language in here, because the money will be spent. It simply will be spent by the Clinton administration, rather than for the projects.

So this is nothing more than a repeat of the previous vote. I would urge that we support Chairman MINETA's amendment.

Mr. MINETA. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from California [Mr. MINETA], the distinguished chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding.

Mr. Chairman, the gentleman is absolutely correct. It is what we had previously voted on, known as the Walker amendment. But this time it seems to me that using just this, to say that this is going to be the sole determining factor, then it seems to me we are going to be affecting Kansas City, we are going to be affecting Portland, we are going to be affecting the New Jersey project, as well as possibly the Boston project, if the cost effectiveness index is the only factor.

Mr. Chairman, I think what is really important is the fact that there are factors that have to be considered in terms of making these determinations. I would hope that Members recognize that there are other issues that have to be taken into consideration when the Secretary of Transportation is making a decision on transit projects, and not just the sole cost-effectiveness index. But there are environmental issues, the Clean Air Act, and other factors that ought to be considered.

Mr. SHUSTER. Mr. Chairman, reclaiming my time, if Members voted against the Walker amendment, they should vote in favor of the Mineta amendment at this point in time. I would urge my colleagues to do so.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do so to reinforce a very important point in the debate over this provision of the bill, and that is that the language in the appropriations bill would substitute one narrow factor, an important factor, an economic consideration, but one which is one of several factors that the Committee on Public Works and Transportation wrote in, together with our counterpart in the other body, and reaffirmed in conference, over a long period of debate, after extensive hearings in the Subcommittee on Surface Transportation on this matter of public transit and its relationship to a whole range of other values and issues that affect the whole of society, including relieving congestion in urban areas and reducing traveltime, reducing the cost to people stuck in traffic because there are not enough options to move people in congested areas. And transit is a way to do that.

The effect of traffic upon the Clean Air Act, which dominates the whole transportation sector of our society, and providing that as a factor in determining transit grants, should be the effect of such systems in relieving, reducing, the contribution to the particulates and the oxides, sulfur, and nitrous oxides, that foul our air.

Transit is a way to achieve reduction in those factors and to meet the Clean Air Act goals. Also energy conservation. We all know what we went through in the early seventies in the energy crisis of that era. The pressure has been to reduce consumption of energy in our transportation network, which is the principal consumer of energy.

☐ 1630

We wrote all those factors into a formula that the Department is to consider in making grants. And now the Committee on Appropriations comes along and says, "No, that doesn't count, we give you one factor to determine," trying to substitute one judgment for another that this House, that the other body, that together as a Congress we agreed were important factors to be considered.

This committee, the Committee on Appropriations, in this section of the bill would wipe all of that out and substitute one judgment for a whole range of other considerations that we feel are important, that the Congress considered to be important, that an administration considered to be important.

Finally, I must take exception with an obiter dictum by my good friend, the gentleman from Michigan, commenting that the chairman of the Committee on Public Works and Transportation would like to write the bill, write the Committee on Appropriations bill. I do not think that that has ever been the consideration.

The purpose of the gentleman's objections and points of order has been to keep the Committee on Appropriations bill in line with what its role is and not to intervene in rewriting legislation that our committee has written and which is public law.

I urge support of the Mineta amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MINETA].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 317. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 12 per centum by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 318. Such sums as may be necessary for fiscal year 1994 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act.

SEC. 319. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 320. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to Federal Aviation Administration design and performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by the Federal Aviation Administration in accordance with agency criteria.

SEC. 321. None of the funds made available in this Act may be used by the Federal Aviation Administration for a new national weather graphics system.

SEC. 322. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 323. None of the funds provided in this Act shall be made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers.

SEC. 324. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Federal Aviation Administration's flight service stations at Red Bluff Airport in Red Bluff, California, and Tri-City Airport in Bristol, Tennessee.

SEC. 325. Of the funds provided for "Research, development, test, and evaluation" in this Act, the Coast Guard shall utilize $1,000,000 to enter into a grant agreement with the International Oceanographic Foundation, Inc. for research activities at the South Florida oil spill research center.

Mr. CARR of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the portion of title III, down to page 56, line 8, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Does the gentleman's request include everything through line 8 on page 56?

Mr. CARR of Michigan. Mr. Chairman, that is correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Are there points of order to the material contained within the unanimous-consent request?

If not, are there amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 326. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Discretionary Grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 1996, shall be made available for other projects under section 3 of the Federal Transit Act, as amended.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. Mr. Chairman, I raise a point of order against section 326. This provision violates clause 2 of rule XXI, because it would limit the availability of Section 3, Bus and New Start Transit Funds, to 3 fiscal years rather than "Until expended," as ISTEA provides. Thus, the provision constitutes legislation in an appropriations bill and is subject to a point of order.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CARR] wish to be heard on the point of order?

Mr. CARR of Michigan. Mr. Chairman, I wish to be heard on the point of order.

Again, Mr. Chairman, this is not a House or a Committee on Appropriations initiative. It originated last year in the Senate. But because it is good government, the administration included a similar provision in its budget request this year.

We also believe that it is good government. Basically, the language allows the Federal Transit Administration a little flexibility in the management of the discretionary grants programs. It allows the Federal Transit Administration to move funds from earmarked projects that have not obligated their funds for 3 years.

It served as a lever to encourage projects to move to obligation and not let funds sit idly on the books.

The administration wanted to be able to move the funds after 2 years, but we felt that that did not allow quite enough time.

So we, on our own, changed the time frame from 2 to 3.

Again, Mr. Chairman, this is not an invention of the Committee on Appropriations desiring to grab the jurisdiction of the authorizing committee. This is good government. It is a good government proposal that I wish the chairman of the Committee on Public Works and Transportation would consider.

I would ask the gentleman to withdraw his point of order and not rest on whether someone gave him a phone call from downtown as to whether we ought to do good government. It is either good government or it is not good government. It does not make it better government if the gentleman from California [Mr. MINETA] got a phone call.

I do not know what the communications with the Department were with the gentleman from California [Mr. MINETA]. Perhaps it was an oversight if they did not call him, as he cited last time, when we had another good government technical amendment.

I hope the gentleman would put aside those kinds of feelings and withdraw his point of order and save the taxpayers some money for once, not let rule XXI, clause 2 get in the way.

But, if the gentleman does not withdraw his point of order, I reluctantly concede the point of order.

The CHAIRMAN. Does the gentleman from California [Mr. MINETA] insist on the point of order?

Mr. MINETA. Mr. Chairman, I do.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule.

Because the provision begins with the phrase "Notwithstanding any other provision of law," it is legislation on an appropriations bill. For the reason stated by the gentleman from California, the point of order is sustained.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 327. Notwithstanding any other provision of law, before apportionment of funds made available by this Act under "Federal Transit Administration, Formula Grants", $21,176,000 shall be made available for metropolitan planning activities under section 8(n) of the Federal Transit Act, as amended.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I rise to a point of order against the provision, section 327.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. Mr. Chairman, I raise a point of order against section 327. This provision violates clause 2 of rule XXI, because it would alter a basic funding scheme in ISTEA by providing an additional $21 million on top of the $34 million which would otherwise be applied to metropolitan planning activities under ISTEA takedown provisions.

ISTEA set the statutory relationship between funding for planning and funding for actual transit projects. H.R. 2750 would reduce transit project funds and then increase planning money; thus, altering the basic funding scheme established by ISTEA.

As such, section 327 constitutes legislation in an appropriations bill and is subject to a point of order.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CARR] wish to be heard on the point of order?

Mr. CARR of Michigan. Mr. Chairman, I wish to be heard on the point of order.

Once again, this provision did not originate with the Committee on Appropriations. It was proposed by the administration in its 1994 budget as a cost-saving measure.

It is envisioned as a one-time provision. And basically, because it is a one-time provision, we would not go to the authorizing committee to make it happen, because it could not happen that way, that quickly.

Basically, it tries to implement certain provisions of the Intermodal Surface Transportation Efficiency Act. ISTEA placed considerable new emphasis on the role of the metropolitan planning organizations.

The administration supports this increased role of the MPO's, at least partly because the FTA's capital construction program has grown over the years.

Additional planning at the local level is needed to support the larger capital program. Since other resources were not available to support the MPO's, the administration included this language in the budget to increase support for MPO's nearly to the level envisioned by ISTEA.

Absent this provision, funding in the bill for MPO's will be $34.3 million. If unconstrained, ISTEA would call for a level of $57.7 million.

Section 327 would increase the MPO level to $55.4 million or nearly the amount directed by the authorization bill.

□ 1640

This is a good example of good government, good management. Please do not let clause 2 of rule XXI stand in the way of a good outcome for the hard-working taxpayers of this country.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule. Because the provision begins with the phrase "notwithstanding any other provision of the law," it is also legislation on an appropriation bill, and for that reason and the other reasons stated by the gentleman from California [Mr. MINETA], the point of order is sustained.

The Clerk will read.

The Clerk read as follow:

SEC. 328. The Commercial Motor Vehicle Safety Regulatory Review Panel established pursuant to section 209 of Public Law 98-554 is hereby terminated.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order on section 328.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. Mr. Chairman, I raise a point of order against section 328. This section violates the rule because it terminates the Commercial Regulatory Review Panel. The panel was authorized through the Motor Carrier Safety Act of 1984 to review the uniformity of State and Federal safety laws that relate only to interstate carriers. This safety panel exists and is pursuing its mandate.

H.R. 2750 does not limit or zero out funding for the review panel. Rather, section 328 would terminate it. As such, this constitutes legislation in an appropriation bill, and is subject to a point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. CARR].

Mr. CARR of Michigan. Mr. Chairman, we concede the point of order.

The CHAIRMAN. (Mr. BOUCHER). The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 329. None of the funds made available in this Act may be used to prohibit the obligation of up to $9,000,000 apportioned under title 23, United States Code, section 104(b)(3) for the State of North Carolina for capital improvements for their rail impact project in the Interstate 40/85 corridor from Raleigh to Charlotte during reconstruction of Interstate 40/85.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order against section 329.

The CHAIRMAN. The gentleman will state it.

Mr. MINETA. Mr. Chairman, this section violates clause 2 of rule XXI because it would have the effect of allowing a State to obligate $9 million of its surface transportation program money for a project that is not eligible under that program. Although the provision is written as a limitation, it is in fact an extension or expansion of projects eligible under ISTEA.

By preventing DOT from prohibiting the project, the effect is to authorize construction of a project not authorized under current law.

Thus, section 329 is not a valid limitation, but rather constitutes legislation in an appropriation bill, and is subject to a point of order.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. PRICE] on the point of order.

Mr. PRICE of North Carolina. Mr. Chairman, I rise to discuss briefly the provision which the chairman of the Committee on Public Works and Transportation proposes to strike on a point of order. This provision would provide my State of North Carolina with the flexibility that it needs to spend part of its regular Federal highway allocation on a rail improvement project. The provision adds no new money. It simply would give the State the flexibility that it needs to spend the money as it sees fit.

I have reviewed this project carefully. I believe it is consistent with the spirit and the letter of the Intermodal Surface Transportation Efficiency Act. We have worded this provision as a prohibition. However, I realize under the technical rules of the House, it is subject to this point of order, and I do not intend to contest that.

I would, however, argue for the merits of that. If we cannot have the point of order withdrawn today, I would hope it would receive serious attention in the future.

The CHAIRMAN (Mr. BOUCHER). Does any other Member seek recognition on the point of order?

The Chair is prepared to rule. For the reasons stated by the gentleman from California [Mr. MINETA], the provision does not qualify as a straight limitation, and for that reason, the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 330. None of the funds made available in this Act may be used to implement, administer, or enforce the provisions of section 1038(d) of Public Law 102-240.

Mr. COPPERSMITH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to discuss my concerns with section 330 of H.R. 2750.

Mr. Chairman, this section prevents the Department of Transportation from using funds to implement, administer, or enforce section 1038(d) of the Intermodal Surface Transportation Efficiency Act.

I will briefly state my conclusion. If the subcommittee desired the Committee on Public Works and Transportation to revisit section 1038 of ISTEA, then it has already accomplished this objective, but I believe section 330 of this bill represents an inferior way to legislate over this type of issue.

If we do agree section 1038 needs some type of adjustment, I would hope we would do it in a way that will help the States, and not confuse them.

Mr. Chairman, section 330 of H.R. 2750 prevents the Department of Transportation from using funds to implement, administer, or enforce section 1038(d) of the Intermodal Surface Transportation Efficiency Act (Public Law 102–240), known as ISTEA. Section 1038(d) of ISTEA requires State departments of transportation, beginning in 1994, to use minimum amounts of recycled materials in asphalt pavements, and increasing amounts of crumb rubber from scrap tires in subsequent years.

Asphalt rubber, the most widely used technology within the larger product category crumb rubber modifiers, originated in Arizona. In 1965, a Phoenix city engineer named Charlie MacDonald developed the technique, and our State has found that asphalt rubber, properly applied, makes longer lasting roads in nearly every climatic and road condition throughout our State. Many Members may not realize the variety of climates and topography in Arizona, ranging from low desert to high alpine, and asphalt rubber has proved its worth across that broad variety. Other Western States and Europe also have used asphalt rubber widely. Asphalt rubber and other crumb rubber modifier technologies also provide a way to recycle rubber from tens of millions of scrap tires discarded annually.

In section 1038, Congress supported the expanded use of these technologies. I agree that Congress should not impose mandates in an indiscriminate and arbitrary manner. Most Members of Congress would agree with me in preferring that we provided States with incentives rather than a requirement to use these technologies. However, in this case, section 1038 requires use of a low minimum threshold of these products because the existing contracting system has failed to accept these technologies and has slowed the development of a national market for these products.

In June of this year, subsequent to the hearing referred to in the Appropriation Committee's report to H.R. 2750, the Federal Highway Administration and the U.S. Environmental Protection Agency issued a joint report to Congress stating that no evidence exists that crumb rubber modified pavements have harmful emissions and cannot be recycled. This report, while indeed recommending additional research, shows no scientific reason to stop using crumb rubber modifiers.

I understand that change is never easy. Section 1038 requires State departments of transportation and the pavement industry to change how they do business and use more environmentally friendly technologies. Over 100 national environmental organizations have registered support for section 1038, and for good reason.

More specifically, I have concerns that section 330 of H.R. 2750 will confuse State departments of transportation. Section 330 does not eliminate the States' obligations to meet the section 1038 requirements. Of course, if it did, section 330 would violate House Rule 21 disallowing authorizing language in an appropriations bill. Section 330 only prevents the Secretary of Transportation from using funds to administer ISTEA's section 1038(d), but under section 1038(a) the Federal Highway Administration may not disapprove funding for any crumb rubber modifier project. Again, section 330 could not modify section 1038(a) of ISTEA without violating House Rule 21. Finally, the Federal Highway Administration issued implementation guidelines which allow States to use reclaimed asphalt pavement, which they already use in large quantities, to meet the section 1038 requirements in 1994. Section 330 will remove the incentive to States to use recycled materials.

If we need to modify section 1038 of ISTEA, let us do so in a careful manner before the House Public Works and Transportation Committee, and not as a small part of the annual work of the Appropriations Subcommittee on Transportation. In fact, the Public Works and Transportation Committee is considering recommendations to adjust section 1038 to provide States with greater flexibility.

If the subcommittee wished to prompt the Public Works and Transportation Committee to revisit section 1038, then it already has accomplished this objective. However, I suggest that section 330 of this bill represents an inferior way to legislate this type of issue. If we agree that section 1038 needs adjustment, then let us do it properly to help the States, not to confuse them.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 331. None of the funds made available in this Act may be used to implement, administer, or enforce the labeling and marking requirements relating to bulk packagings containing oil established by the rule published by the Research and Special Programs Administration of the Department of Transportation on February 2, 1993 (58 Fed. Reg. 6864).

SEC. 332. Funds appropriated in Public Laws 101–526, 102–143, and 102–388 for a structure to replace the bridge over the 17th Street Causeway in Fort Lauderdale, Florida, may be used either for a replacement bridge or a tunnel.

SEC. 333. None of the funds provided by this Act shall be made available to any State, municipality or subdivision thereof that diverts revenue generated by a public airport in violation of the provisions of the Airport and Airway Improvement Act of 1982, as amended.

POINT OF ORDER

Mr. OBERSTAR. Mr. Chairman, I reserve a point of order against section 333.

The CHAIRMAN. The gentleman will state his point of order.

Mr. OBERSTAR. Mr. Chairman, this section purports to provide that none of the funds provided by the act can be made available to any local government agency, they mean an airport or a city government, which spends revenues generated by the airport under control of that city or local government body, for purposes other than the capital and operating expense of the airport, in violation of the AIP assurances that the airport had to give that revenues generated on the airport would stay on the airport.

This provision would apply to all funding under the act, not only AIP funding, but also transit funding and highway funding, so that a local government agency applying for a transit grant that also operates an airport, and may have diverted revenues from the airport, would be ineligible for transit grants. If they are responsible for highway development, they would be ineligible for highway funding.

The language gives to the Secretary a broader authority than now exists. The Secretary certainly has authority to enforce provisions of the FAA Program with whatever penalties may be available under that program, to enforce compliance with the FAA Act. Nowhere in the FAA Act is there an authority for the Administrator of FAA or the Secretary of the Department of Transportation to go outside of the FAA and deny to a local governing body other transportation funds because it did not comply with some provision under the FAA Act.

This language creates new authority, new duties for the Secretary, by requiring the Secretary to use authority other than the FAA Act to comply, to enforce compliance, with the act.

However, given some of the very narrow rulings that the Chair has issued and that we have discussed within the body here, I am afraid that I might not prevail on this argument. However, I make the argument, and I reserve the point of order, to show that the committee is reaching far beyond authority in the FAA Program to achieve a purpose that may be well and good and valid.

I also want to point out that our Subcommittee on Aviation has reported a bill that deals with revenue diversion, both for those airports which were grandfathered in, for whom the diversion was legal, and those not grandfathered, for whom revenue diversion is illegal.

We have quite an extensive section, and we devoted quite a bit of our hearing to this subject matter. When our bill comes to the floor, I think many of those who care about this, will be very pleased with the language.

I just have to raise this point to show that it just goes way beyond.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CARR] wish to be heard on the point of order?

Mr. CARR of Michigan. Mr. Chairman, this may surprise all of the people who are watching, but the fact is our committees are working, if not together, in tandem on this particular issue. We have been observing the actions in this area and approve of them.

□ 1650

We have held hearings on this. And I might say we have asked our surveys and investigation staff to examine airport diversion allegations all over the country. Three years ago I asked the inspector general of the Department of Transportation to initiate an investigation of airport revenue diversions, and she has done a marvelous job reporting last year on the first 23. And they are going to take about 23 or 25 airports a year, and they are looking into it. The General Accounting Office is concerned.

So all of us are concerned about this. And let us be honest. This comes to our immediate attention not just now, but it has been around. But it bubbles up from time to time, and the latest bubble up has to do with the statements of some of our good friends in local government in Los Angeles and Los Angeles County, and what revenues they might partake of from the Los Angeles-LAX airport.

The gentleman is absolutely correct in describing what our legislation would do. It is a strict limitation, requires the Secretary, and gives the Secretary no discretion, does not require him to do a thing. It does make the point, and I welcome the discussion right now and thank the gentleman for yielding, that communities ought to be somewhat circumspect when they start looking at their local airport as somehow or other a burden or an opportunity for local revenue. They ought to reflect on the fact that Members of Congress from all over the country have supported a highway program that puts pavement on the roads of their community, that puts buses on the pavement, that puts light-rail cars and rails to speed their urban congestion.

The idea that a local unit of government would take this sort of narrow view that the Federal Government does not do anything but penalize them for having a local airport should be rejected.

I would just merely say that of course I rise in opposition to the point of order. But I do not want that to obscure the fact that in our own tracks we are working cooperatively, and we agree on the end gain here.

Mr. OBERSTAR. The objection that I have, and obviously the gentleman shares, is that communities may consider airports as a cash cow to divert money for nonairport purposes. We both want to prevent that from happening. The gentleman's approach I think is draconian and goes far beyond what is intended. And I would hope that in conference the language would be dropped because by then I expect our language would be in place which deals with this in a more focused and more flexible manner.

Mr. CARR of Michigan. Mr. Chairman, I cannot make a flat-out guarantee that that will happen. But our legislation did move slightly before his. We are gratified that you are moving. That eases our burden a bit. And we look forward to working with the gentleman on it, and perhaps in conference we can get a little bit better result than the one we have here.

Mr. OBERSTAR. I certainly hope by then that this language will not have been a necessity, and we will have dealt with it in the appropriate fashion.

Mr. CHAIRMAN, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

The Clerk will read.

The Clerk read as follows:

SEC. 334. None of the funds in this Act may be used by the Federal Aviation Administration to support research, engineering or other activities conducted by a limited liability corporation.

SEC. 335. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

POINT OF ORDER

Mr. OBERSTAR. Mr. Chairman, I make a point of order against section 335.

The CHAIRMAN. The gentleman will state his point of order.

Mr. OBERSTAR. Mr. Chairman, this language requires the Secretary to make a change in the way that slots are allocated at O'Hare Airport. It is a new action not authorized in current law and imposes an action upon the Secretary that is not now required. It requires in fact a new determination by the Department or by the Administrator of FAA that is not now imposed.

Under the provisions in the bill when the Administrator is presented with a request that slots be made available for international operations, the Administrator or the Secretary will have to determine how many slots in fact will be withdrawn from each U.S. carrier as of the date in the provision, which is October 31, 1993. That determination is not required under existing law or existing regulations.

Under existing regulations slots can be removed from U.S. carriers as needed for international service by U.S. or foreign airlines. The situation is the following: When the United States and another country negotiate a bilateral aviation agreement that provides for service for U.S. carriers from this country to another country and for carriers from that country to the United States, we are obligated under the provisions of the bilateral to make slots available for that service to be carried out. The bilaterals also include provisions for the FAA to assure that U.S. carriers get equal treatment, that if the foreign government does not give U.S. carriers adequate slots at the foreign airport, then the Administrator and the Department of Transportation deny that access to U.S. airports to the same degree that access is denied to U.S. carriers overseas.

So there is authority to deal with the problem that the Appropriations Committee attempts to address here. In fact, in the operation at O'Hare of the slot rule, U.S. carrier slot availability has grown considerably while foreign air carriers' slots have increased only 4 percent at O'Hare. Our committee deals with this problem in the bill that we have reported but has not reached yet the House floor by dealing in addition to the O'Hare problem with all four slot-controlled airports. They have to be considered as an entity and particularly at O'Hare this is a problem, because it is the world's busiest airport. It is of enormous importance at home and abroad.

But I think to deal in this limited way with a problem of such magnitude in the context of an appropriation bill is inappropriate, and I would argue that because it does impose new actions and new determinations upon the Secretary that it is a violation of clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Illinois [Mr. DURBIN] seek recognition on the point of order?

Mr. DURBIN. Mr. Chairman, I seek recognition in opposition to the point of order raised by the gentleman from Minnesota.

The gentleman from Minnesota is my friend, and is highly regarded for his knowledge on the subject. I would like to ask that the committee and the Chair in particular reject his point of order for the following reasons, and I will be as brief as possible because I know everyone is anxious to see this bill come to a final vote.

Under the current situation, slots are given to airlines at three airports in America. Those slots are, in point of fact, the opportunity for an airline to actually land an airplane at that airport. The Federal Aviation Administration allocates those slots for safety reasons, and O'Hare International Airport is affected.

At the current time there are slots that are given to domestic air carriers at O'Hare and international air carriers at O'Hare. The gentleman is correct that from time to time negotiations take place, bilateral negotiations, and some of those slots are given to international carriers through the FAA.

So far the explanation I think is acceptable to everyone. But the next step is the part that we object to.

At that point, domestic air carriers, American Airlines, United Airlines, and the like are forced to surrender their slots, their landing opportunities, to international air carriers.

□ 1700

One might argue that since, for example, both of these airlines fly all over the world, certainly they have some reciprocity and be given a slot in another country in return. In fact, that is not the case. That is the reason for this language.

What happens is that domestic American carriers lose their slots at O'Hare International to foreign carriers, but receive no reciprocity. They continue to battle with those foreign carriers for an opportunity to land in their country.

I think we need reciprocity and fairness in this process. And that is the reason why I have brought this language before the House in this appropriation bill.

This language creates indirect interference, which is the standard under rule XXI, and an incidental burden on the FAA. It does not require any new duties by the agency. The distinctions between international and domestic slots are already made. What we do is cap the withdrawal of slots. The timeframe which we have chosen is 1 month after the effective date of this legislation in the new fiscal year, which is, incidentally, the time when they make the new allocations for the new season, and it does not create any burden on the agency.

This is, I think, in the strictest sense of the word a limitation on funds for a specific purpose consistent with rule XXI.

The CHAIRMAN. Does the gentleman from Minnesota seek recognition further?

Mr. OBERSTAR. Mr. Chairman, I wish to be heard further on the point of order.

With respect to the matter of percentage of slots by domestic carriers operating in international service out of O'Hare, in 1985 United Air Lines had 35 percent of the slots, and in 1993, 45 percent; American had 25 percent in 1985, today it has 35 percent of the slots.

Foreign-flag carriers had 2 percent in 1985, and only 4 percent in 1993.

With respect to the question of the U.S. Government exercising authority to retaliate against foreign carriers who do not comply with the bilateral, I would cite the issue of United Parcel Service, which was seeking access to Tokyo/Norita; because the Japanese Government was restrictive, the United States Government delayed the entry of a Japanese carrier, Nippon Cargo Airways, into the United States marketplace, I had a very significant hand in seeing that it happened by holding hearings and impressing upon our Government the importance of restricting NCA until our carriers got commensurate rights in Japan.

But I must return to the point of order, which is that the determination required under this provision in the act is not now required under existing law and regulation. It is a new determination. The Secretary will have to make this very elaborate determination of how many slots have been withdrawn from each carrier on a date specified in the act. I therefore, believe it is in violation of the rules.

The CHAIRMAN. Does the gentleman from Michigan seek recognition?

Mr. CARR of Michigan. Mr. Chairman, I wish to be heard on the point of order.

I do not want to drag this out. I request the point of order be denied. The provision is a strict limitation. It applies solely to appropriations under consideration. It is not applicable to funds appropriated in other acts. The provision does not impose new duties upon the executive branch. The existing procedures require the department to know the number of slots withdrawn from each carrier on October 31, 1993, the date specified in the bill.

The provision states that no slots may be withdrawn above that amount if they are to be provided to a foreign carrier. Since the department is required to keep such data anyway, the provision imposes no new duties. The provision does not change fundamental policy. It requires an administrative change at one airport, not all slot-controlled airports.

For these reasons, the provision in question is a valid limitation. I ask the point of order be denied.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule.

The gentleman from Minnesota [Mr. OBERSTAR] makes the point of order that section 335 of the bill changes existing law, in violation of clause 2 of rule XXI, by requiring new duties on the Federal Aviation Administration to determine the pedigree of slots at O'Hare Airport, which he argues is not currently required.

The gentleman from Illinois [Mr. DURBIN] argues that this information is already being collected under existing regulations and, therefore, would not require any new determinations.

The provision does not appear to impose additional duties in violation of clause 2 of rule XXI, and for these reasons the Chair overrules the point of order.

The Clerk will read.

The Clerk read as follows:

SEC. 336. None of the funds provided by this Act shall be made available for any airport development project, or projects proposed in any grant application submitted in accordance with title V of Public Law 97-248 (96 Stat. 671; 49 U.S.C. App 2201 et seq.) to any public agency, public authority, or airport that imposes a fee for any passenger enplaning at the airport in any instance where the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flyer award coupon.

POINT OF ORDER

Mr. OBERSTAR. Mr. Chairman, I rise to make a point of order against section 336.

The CHAIRMAN. The gentleman will state the point of order.

Mr. OBERSTAR. In this section the committee attempts to deal with the matter of imposition of passenger facility charges upon frequent-flier tickets. These are tickets that a traveler does not pay for but are awarded as a result of meritorious use of a particular airline to accumulate a number of points and achieve the benefits provided under the frequent-flier program.

In the 1990 act that established the passenger facility charge authority, the committee made part of what is now public law—wrote the law in such a way passenger facility charges would not be imposed upon frequent-flier tickets.

In reporting new legislation from our committee, we have further emphasized that provision of law. The committee goes beyond current law, though. In order to administer section 336, the FAA would have to undertake new investigations not now required under existing law. Existing law does not require the action that the committee proposes to require. Existing law does not limit the right of a privately owned airport, for example, to impose fees on passengers. For this reasons the FAA has no duty to be aware of whether these airports are collecting fees from paying or nonpaying passengers. Privately owned airports are available for AIT grants if they are open to the public. Therefore, to enforce section 336, when a private airport applies for a grant, the FAA would have to undertake a new investigation not required by existing law, to determine whether the airport was imposing a fee on nonpaying passengers.

Section 336, therefore, constitutes legislation in an appropriations bill and is subject to the point of order I have just made.

Mr. COLEMAN. Mr. Chairman, if I may be heard on this point of order, again I think the Congress should be well aware that we have indeed already acted on this issue before. The Aviation Safety and Capacity Extension Act of 1990, to which the gentleman from Minnesota [Mr. OBERSTAR] referred, did establish a new type of facility charge program that permitted airports to impose charges of up to $12 per round trip on passengers traveling on scheduled airlines. The statute specifies that airlines shall collect this charge from paying "passengers." Nevertheless, PFC regulations promulgated by the FAA did not incorporate the term we in Congress used, "paying passengers," which was used in that law, but used instead an entirely different, a term not a word of art, certainly, but one that they called "passenger emplaned." And the regulation's definition of the latter term references made to "revenue passenger," which is a far more ambiguous term than "paying passengers." That departure from the precise language of the law has incorrectly exposed an entire category of passengers to the statutorily unauthorized collection of PFC's. In the last Congress I offered language, which the Committee on Appropriations accepted and which this Congress passed, and it became law, that prohibited the FAA from using any appropriated funds to plan or execute any rule to add the cost of PFC's to frequent-flier tickets.

□ 1710

As you know, those are the ones that oftentimes are made as travel awards to citizens. Unfortunately, the FAA chose to interpret this prohibition in the strictest of terms; (1) exempting all previously approved PFC's from that prohibition and (2) placing only a temporary restriction on the practice.

Because the FAA has chosen to circumvent what I believe to be very strong congressional intent in this matter in the last Congress, I am today telling everyone here that what we did again in the Appropriations Committee was merely to say that we would see to it that the FAA would withhold all AIP funds from any airport which continues to impose PFC's on frequent fliers.

I would say, Mr. Chairman, in addition to that, that this does not create new law, but rather does what we have done before.

The CHAIRMAN. Does the gentleman from Michigan seek recognition on the point of order?

Mr. CARR of Michigan. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CARR of Michigan. Mr. Chairman, I rise in opposition to the point of order.

Mr. Chairman, this section was rewritten in H.R. 2750 specifically to address the concern expressed by the House Public Works Committee in their testimony before the Rules Committee on our earlier bill.

Yes, we had two bills, and yes, we tried to improve the bill. They expressed a concern that the provision, as originally written, constituted legislation on an appropriations bill, so we changed the provision to conform with House rules and their wishes.

As written in this bill, section 336 is a valid limitation under clause 2 of rule XXI. It prohibits the use of funds for any airport development project at an airport which imposes a passenger facility change [PFC] on travelers using frequent flyer tickets. When the PFC legislation was passed, it was never intended that PFC's would be collected from passengers traveling on frequent flyer benefits. Even though the legislative history is clear in that regard, the Department of Transportation has unwisely and improperly ruled otherwise. The purpose of the provision in this bill is to correct the misinterpretation of existing law by the Department of Transportation.

Mr. Chairman, this provision is clearly a valid limitation under clause 2 of rule XXI. It does not impose additional duties on the executive branch, since the Department already prohibits the collection of PFC's on frequent flyer tickets at some airports, but not at others. Only public airports are authorized by law to impose PFC's, according to the Federal Aviation Act and the Airport and Airway Improvement Acts. The FAA must approve all PFC's. Therefore, they are required to know which airports have PFC's and which do not. Private airports may not impose such fees. This is an ongoing administrative and a process within DOT. Therefore, the provision requires no determinations or duties which are not currently being performed. The provision does not extend beyond the fiscal year covered by this bill or to programs or activities not covered by the bill.

Mr. Chairman, the provision in question is a valid limitation under the House rules. I ask that the point of order be denied.

The CHAIRMAN. Does the gentleman from Minnesota wish to be heard further on the point or order?

Mr. OBERSTAR. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. OBERSTAR. Mr. Chairman, it is not correct to say that nonpublic airports may not impose fees. The language in section 336 says, "impose a fee for any passenger emplaning," and until 1972 all airports were free to impose fees, and many did so, public as well as private.

In 1972 a prohibition was imposed and it was changed in subsequent law and modified further in the 1990 act; but the 1990 act does not prohibit nonpublic private airports from imposing a fee. Therefore, this language requires a new determination upon the Secretary with respect to private airports.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule.

The gentleman from Minnesota [Mr. OBERSTAR] makes the point of order that section 336 of the bill changes existing law in violation of clause 2 of rule XXI by requiring new duties on the Federal Aviation Administration to determine whether an airport is collecting fees for each enplaning passenger. The gentleman from Michigan argues that this information is already being collected under existing regulations, and thus would not require any new determinations. The section applies to public agencies, public authorities and airports, meaning apparently either public or private airports. Under existing law, certain private airports are eligible applicants for airport improvement grants. The Chair is unable to find in existing law where the FAA is charged with knowledge of fee assessment practices that may exist at private airports. Therefore, in the opinion of the Chair, the section does impose new duties in violation of clause 2 of rule XXI. The point or order is sustained.

AMENDMENT OFFERED BY MR. COLEMAN

Mr. COLEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN: Amend H.R. 2750 on page 58 by adding the following new section:

SEC. 336. None of the funds provided by this Act shall be made available for any airport development project, or projects, proposed in any grant application submitted in accordance with title V of Public Law 97-248 (96 Stat. 671; 49 U.S.C. App 2201 et seq.) to any public agency, public authority, or public airport that imposes a fee for any passenger enplaning at the airport in any instance where the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flyer award coupon.

Mr. OBERSTAR. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Minnesota reserves a point of order against the amendment.

Mr. COLEMAN. Mr. Chairman, in the interest of time, I will just say to my colleagues that we have indeed explained already this particular issue.

I think most Members of Congress would agree that what we did in the last Congress was correct. Indeed, the intention was never on the part of the Congress of the United States, and I would hope not on this new administration or this new Department of Transportation, to believe that it was our intention to charge nonpaying passengers a PFC charge on their tickets.

When people think they have a contract with an airline for a travel award or a coupon for them to fly without paying for the ticket because they have garnered mileage on a certain number of trips on a specific airline, all of a sudden to say, "No, no. We intended for you to have to pay money in order to fly."

Many of us think it is right and proper for them not to be collecting fees at airports.

It was not our intention when we first passed the 1990 act, nor was it our intention when we passed the bill last year. Rather, it was our intention to prohibit it.

I think the Members of the House will again vote the way they did in 1990 and in 1992.

I really and truly believe that I have corrected the amendment, Mr. Chairman, so that we are referring only to public airports. That is the only change I made in section 336.

I added the word "public" in front of the word "airport", so that if in fact some new duty were to be imposed on the FAA by this section, that is no longer true, because they will not be required to look at any private airports.

With that, Mr. Chairman, I ask for the adoption of the amendment.

The CHAIRMAN. Does the gentleman from Mississippi wish to make a point of order?

Mr. OBERSTAR. I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

POINT OF ORDER

Mr. OBERSTAR. Mr. Chairman, I object to the language on grounds that this is a limitation on appropriations and inappropriate in the Committee of the Whole House.

Further, I would advise the gentleman from Texas that this is an issue that will be dealt with extensively in the reauthorization bill that our Committee will bring to the House floor. That would be an appropriate time for the gentleman to fine tune or adjust whatever he may wish to do or may not feel is strong enough in our language, or whatever. At that point there would be plenty of time to deal with this issue, but I do make the point of order that this is a limitation and in violation of the rules of the House.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule on the point of order raised by the gentleman from Minnesota.

While the amendment offered by the gentleman from Texas corrects the legislative content at issue in the previous ruling, the amendment offered by the gentleman from Texas is in the form of a limitation.

Therefore, it is not in order during the reading of the bill under the provisions of clause 2–C of rule XXI.

Therefore, the point of order raised by the gentleman from Minnesota is sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 337. None of the funds in this Act may be used for the planning, design or construction of an additional air carrier runway at Tulsa International Airport.

SEC. 338. Notwithstanding any other provision of law, authority made available on October 1, 1993 for sections 1069 and 1103–1108 of Public Law 102-240 shall remain available for obligation until September 30, 1997.

□ 1720

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. Mr. Chairman, I raise a point of order against section 338.

Mr. Chairman, this section violates clause 2 of rule XXI because it would limit the availability of ISTEA demonstration projects to 4 years instead of, quote, until expended, unquote, as authorized by ISTEA. As such, this provision constitutes legislation in an appropriations bill and is subject to a point of order.

The CHAIRMAN. Do other Members desire recognition on the point of order?

Mr. CARR of Michigan. Mr. Chairman, yes, I wish to be heard on the point of order, but, before explaining my position on the point of order, I would like to let those who may be paying attention to our affairs here know that we are winding down and that this is likely to be one of the last of maybe one or two more small matters before we will begin taking some votes. So, Members ought to be advised that attendance on the floor will be required probably within the next 5 or 10 minutes.

Mr. Chairman, section 338 limits the availability of authority provided by ISTEA for specially earmarked projects to 4 years. Without this provision those funds will remain available until expended. We recommend this language for two principal reasons.

First of all, funding for the basic Federal-aid highway program remains available to a State for obligation for 4 years. That provision is contained in the law authorizing the program. Also, the recommended period of availability for the specially designated projects in this bill as reported from committee was 4 years. We believe all highway funding should have the same period of availability.

Second, limiting the availability of these funds will require States to move projects to obligation more quickly. This should have the beneficial impact of reducing the current unobligated balance for ISTEA demonstration projects of more than $1 billion.

Let me repeat that. Unobligated balances from ISTEA demonstration projects; pork, if my colleagues will, over $1 billion; projects will either have to move that obligation or face loss of funding through a reprogramming or by lapsing to the Federal Treasury. If a project has not been able to get its funding obligated by the end of 4 years, there is probably ample reason to put the money to better use elsewhere.

This is an extension of what we tried to bring to the House floor and tried to get the approval of the House and the Committee on Public Works and Transportation for some good financial management. This refers to dead demo money. If we have this provision, we will no longer have dead demo money in the out-years, money that cannot be touched by anybody, cannot be put to work, cannot be put to creating employment opportunities for America's people, but locked up in some permanent political victory for the benefit of some clever politician.

Mr. Chairman, section 338 is a good government provision. It makes sound financial sense. However, it does go to funds not included in this bill.

Once again, I would ask the gentleman from California [Mr. MINETA] to refrain from his point of order so that good government can reign at least once in this bill so that we do not get hung up on procedural niceties between congressional committees while the hard-earned tax dollars of the hard-working taxpayers gets locked away in some account in the Treasury unable to be used. It simply is not right, and I would plead with the chairman of the Committee on Public Works and Transportation to put sound financial management ahead of jurisdictional niceties.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule on the point of order.

The Chair sustains the point of order on the ground that the provision constitutes legislation on an appropriations bill.

First, it commences with the phrase "notwithstanding any other provision of law." Second, it affects funding provided in another act.

For those reasons the point of order raised by the gentleman from California [Mr. MINETA] is sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 339. None of the funds made available by this Act may be obligated or expended to design, construct, erect, modify or otherwise place any sign in any State relating to any speed limit, distance, or other measurement on any highway if such sign establishes such speed limit, distance, or other measurement using the metric system.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 59, after line 15, insert the following new section:

SEC. 340. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. For what purpose does the gentleman from Michigan [Mr. CARR] rise?

Mr. CARR of Michigan. Mr. Chairman, I rise to congratulate the gentleman from Ohio [Mr. TRAFICANT] for his industry on behalf of the American worker and to support his amendment.

The CHAIRMAN. The Chair was under the impression that the gentleman might be raising a point of order.

Mr. TRAFICANT. It is a buy-American amendment, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT] for 5 minutes.

Mr. TRAFICANT. It is a buy-American amendment that has been placed on all the bills, and I would like to say this, that the gentleman from Michigan [Mr. CARR] and the gentleman from Virginia [Mr. WOLF] could have risen and asked for a point of order under rule XXI, clause 2, and stricken this language. I think it is indicative of the fact that many of the things they have done in the bill that have been stricken were done in good faith and trying to create good Government, and I want to thank them personally for it. I realize they could have done that. I think it is constructive language, and, unfortunately, again an authorizing committee has not made this available.

I also want to say of the many concerns this chairman has, many people in the Committee on Public Works and Transportation will work on them and try to get them authorized for him, and I appreciate his objectivity as a new chairman, and I think he is a good chairman.

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Michigan.

Mr. CARR of Michigan. Mr. Chairman, the gentleman is a distinguished member of the Committee on Public Works and Transportation, and we have had many chats about good sound public policy, and I know that the gentleman is committed to good Government, sound Government, sound financial management, and I know he is one member of that committee who would not let clause 2 of rule XXI stand in the way of doing something right. I appreciate that, and in exchange for that and in exchange for his defense of the American worker I gladly accept the amendment.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I have no objection to the amendment and ask that the amendment be supported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1994".

AMENDMENT OFFERED BY MR. COLEMAN

Mr. COLEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN: Amend H.R. 2750 on page 59 by adding the following new section after section 339:

SEC. . None of the funds provided by this Act shall be made available for any airport development project, or projects, proposed in any grant application submitted in accordance with title V of Public Law 97-248 (96 Stat. 671; 49 U.S.C. App 2201 et seq.) to any public agency, public authority, or public airport that imposes a fee for any passenger enplaning at the airport in any instance where the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flyer award coupon.

Mr. COLEMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. MINETA. Mr. Chairman, could I at least find out the nature of this amendment before the unanimous consent request is granted?

The CHAIRMAN. Objection is heard to the unanimous consent request. The Chair will ask the Clerk to read the amendment in its entirety.

The Clerk re-reported the amendment.

□ 1730

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. Mr. Chairman, looking at this amendment, it is a limitation in terms of the appropriations here, and it seems to be out of order. Again, the Subcommittee on Aviation previously had made a point of order on a very similar amendment that was offered by the gentleman from Texas [Mr. COLEMAN], and it seems to me it would still be out of order here.

The CHAIRMAN. Does the gentleman from Texas [Mr. COLEMAN] seek recognition on the point of order?

Mr. COLEMAN. Mr. Chairman, I do, to state simply this: that the prior point of order on which my amendment was ruled out of order on a point of order by the gentleman from California [Mr. MINETA], I understood to be because I was in violation of rule XXIII. It was a limitation. I accepted that.

Mr. Chairman, I understand rule XXIII to require that the bill be finished, and at the end of the bill we can raise such amendments. I am doing so, in total compliance with rule XXIII.

Mr. Chairman, I would move adoption of the amendment.

Mr. CARR of Michigan. Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, I direct the attention of the Chair to clause 2, subsection (d). The bill has been read, and I would think that the gentleman's amendment is in order.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule. A limitation amendment is in order at this time, as long as it is not legislation on an appropriations bill. The limitation offered by the gentleman from Texas [Mr. COLEMAN] would amend the same section 336 that his earlier amendment would have amended, and the defect which was contained in section 336 of the bill has been cured. Therefore, the amendment is not legislation on an appropriations bill, it is in order at this point since no preferential motion to rise and report has been offered, and the point of order, therefore, is overruled.

The Chair recognizes the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, again, I think people now understand, as this is the third time on this particular issue. It was never our intention to charge people who get frequent flier mileage additional money for them to do so.

Mr. Chairman, what in fact really happens is that while we have a blue ribbon commission trying to figure out how to keep the domestic airlines in America healthy on the one hand, at the same time we find ways to tax them. Unfortunately, this tax is being eaten by the airlines.

Mr. Chairman, I think this is a mistake, and it is something that we here in the House of Representatives and in the Congress of the United States never intended. I think we are right to pass this amendment, like we did in 1992. I think it was never intended we would tax people for frequent flier miles when they believe they have a contract with the airlines that they will get a free ticket from time to time. I think it is wrong to try to charge people those extra fees.

Mr. Chairman, I would hope the House would do what it did last year, and pass this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. COLEMAN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

Mr. CARR of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are at the end of the bill, and we are going to have some votes now as we leave the Committee of the Whole and go into the House.

Mr. Chairman, I want to say that after 2 days, we have had exhaustive, sometimes heated, vigorous debate, and I want to thank all who have participated, both here on the floor and through participation around the Congress.

Mr. Chairman, I want to particularly thank my good friend, the gentleman from Virginia [Mr. WOLF], who has given me a lot of good advice. Maybe I would have been better off had I taken some of his good advice. But the gentleman is a friend and an able colleague and partner in this venture, and I want to thank him, as well as all the members of the committee and the staff.

Mr. Chairman, I particularly want to thank you. This has not been one of the easier bills over which to preside. It has involved a lot of keen attention to parliamentary detail, that in some cases is not required, and that made this job and your job much tougher. But you carried it out with a great deal of skill and dignity. We can all easily see why the people of your district have you here representing them.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong support of H.R. 2750, the surface transportation appropriations bill. This bill responds to the many and various transportation problems that face our Nation, including ground and air transport for both short and long distances for both urban and rural communities.

I am pleased to see that this bill addresses the urgent transit problems facing the residents of Chicagoland as well as citizens in urban and rural areas across the country.

Included in H.R. 2750 is an increase in the capital funds available to urban areas under the ISTEA formula. This increase will allow cities like Chicago to provide needed services to their citizens who depend on public transportation.

The increase in capital funds received by the Chicago Transit Authority will hopefully lead to the renovation and improvement of the Lake Street El. This project is extremely important to many citizens in the 7th Congressional District in Illinois who depend on a good public transit system for employment, business and to pursue their daily activities.

The bill also includes funds for many other worthwhile projects like the Delay Reduction Program at O'Hare Airport. This project would make travel to O'Hare, one of the Nation's busiest airports, less stressful by reducing the time of the delays that air travelers often experience.

While the bill successfully addresses many transportation issues there are a few areas which receive less than adequate treatment. I am particularly concerned that H.R. 2750 includes language that may reduce funds for air traffic control facilities and services at Chicago airports. The provision included in the bill may defer construction of operations support wings at the Chicago airport. The reduction in this small program appears to be pound-wise and penny-foolish.

Mr. Speaker, H.R. 2750 includes funding for many necessary programs which are essential to the Nation's transportation system. While everything in the bill is not funded perfectly, by and large the ordering of priorities in this legislation is appropriate. I urge my colleagues to join me in voting for transportation by voting H.R. 2750.

Mr. MARKEY. Mr. Chairman, I rise in strong support of continued funding for Amtrak's ambitious high-speed rail project between New York and Boston and for the acquisition of this Nation's first generation of built-in-America high-speed passenger equipment. I applaud Chairman CARR's decision to include funding for the New York-Boston project in the bill. Completion of the improvements, permitting 3-hour service between New York and Boston, will have a profound transportation, environmental, and economic impact on the entire Northeast.

Amtrak is subject to Buy-America provisions and, as a result, the procurement will lead to the development in this country of a state-of-the-art high-speed rail equipment manufacturing capability. The United States once led the world in rail car manufacturing and Amtrak's new procurement will allow us once again to demonstrate to the world the quality and technology we are able to produce.

In addition, as part of the procurement, Amtrak is requiring the development of a nonelectric power unit that will permit high-speed rail operations in corridors that lack electrified rail service. In this way, Amtrak's new train sets are likely to become the standard for the Nation—in both electric and nonelectric rail territory—for high-speed rail service in the next century.

I understand that it will take Amtrak over 4 years to complete the acquisition of its proposed 26 high-speed train sets. Assuming Amtrak is able to award a contract early next year, this means that the full complement of high-speed trains will not be available for service until sometime in 1998—a long way from now. It clearly is important, therefore, that Amtrak move forward just as quickly as possible with the train set acquisition in order for the country to benefit from the jobs, skills, and improved transportation that will result from this project. The project will increase transportation accessibility and efficiency for the Northeast and the rest of the country as well as alleviate a huge burden from the environment.

Mr. BROWN of California. Mr. Chairman, I want to bring a matter of concern to the attention of the Members. There are many worthwhile projects included in this bill. Much of our transportation infrastructure is in need of repair and there are pressing reasons for extending the capacity of our highway and rail systems.

These projects are near term. But, as we have learned on many occasions, there is also a need to prepare for the future.

When we passed the ISTEA bill, the Congress recognized a need for certain research and development programs. One of those programs called for the development of a prototype maglev system. This program was designed to determine whether or not maglev could be economical in the future.

The experience of American aerospace companies, coupled with our national laboratory experience in superconducting materials, cryogenics, and advanced composite materials, could lead to the finest form of transportation in the world.

We knew maglev was not ready for commercial deployment in 1991. That was one reason we authorized the maglev prototype program. Another reason we authorized the program, was because the extent of research and development required was too risky for private companies to develop on their own.

Appropriations has not funded this project for fiscal year 1993 or fiscal year 1994 while stating in their report, "We do not believe the technology is ready to jump to the full scale operating demonstration that has been proposed in the Surface Transportation Act."

In response I can only say, it never will be ready if it isn't developed. That is the purpose of the research and development program. Mr. Chairman I ask that the maglev program be included as authorized in future appropriation bills.

Mr. KIM. Mr. Chairman, I rise to express my great disappointment about the point of order that was raised against various highway projects including the Ontario International Airport ground access road program. This is an important on-going project that deserves continued Federal funding.

Ontario International Airport is currently undergoing significant expansion and modernization. The construction of new aprons, facilities and a much larger passenger terminal are underway or about to begin.

This aviation facility is crucial to the growing southern California region for the following reasons:

First, Ontario handles 6.1 million passengers with continued increases projected. It is the inland empire's major airport. As it has already exceeded terminal capacity by three times, bids for the new $300 million terminal have already been solicited and construction should begin before the year's end.

Second, Ontario is the primary west coast hub for United Parcel Service and Federal Express. They've already invested millions of dollars in the facility.

Third, Ontario Airport serves as the primary landing alternative to Los Angeles when fog or other dangers prohibit normal landings at LAX. The traffic is significant.

Fourth, the inland empire is the most rapidly growing area in California. Growth has outpaced infrastructure. Ontario Airport is a key intermodal cross-roads at the intersection of three interstate highways, three primary arterials, three rail lines and is adjacent to the regional multimodal transit center.

But, growth along these spokes has overwhelmed the hub. It needs serious improvements to accommodate current needs and reach full potential in the future.

The Ontario Airport road access project that was stricken from the bill included five highway interchange projects, over 20 miles of primary arterial highway and four highway-railroad grade separations.

Most importantly, this project included the essential access roads linking the airport and the new terminal to the rest of the region. What good is a new terminal if there are inadequate, or in certain cases no roads to get to it? Striking this essential project is irresponsible.

The funding of the project was almost complete—66 percent of the total $126 million project cost is being carried by local and private contributions. The current Federal contribution is only 27 percent. That's well below most road projects. The item in the transportation appropriations bill was a request of only $9.8 million. It represents the last segment of the project. But, the unnecessary delay caused by a political fight about congressional committee jurisdiction will ultimately cost the taxpayer much more because delays of ongoing projects add costs.

I'm also very disturbed by the local economic disruption this action will cause. The inland empire has one of the highest unemployment rates in California—which itself has one of the highest rates in the Nation. The Ontario Airport expansion program represents quality jobs during this time of great economic need.

Furthermore, the improved infrastructure will promote even greater growth and job creation as local businesses take advantage of the new, expanded airport facilities. Southern California, already hit by extensive base closings and aerospace contract cuts, cannot afford any delays.

How does this body explain to the people of the inland empire that this number one priority for the region has been delayed because one committee in Congress was upset about the actions of another? Do the unemployed care about committee jurisdiction?

I did not come to Congress to play house politics. I came to help improve the economy and transportation infrastructure of the inland empire, California and the Nation as a whole. I am extremely disappointed that the public's infrastructure needs have taken a back seat.

Mr. Chairman, I want to thank Congressman BOB CARR, the chairman of the Appropriations Transportation Subcommittee, for including the Ontario Airport access roads project in the original bill. I appreciate his understanding of the importance of this project and his willingness to fight for it. I also want to thank Congressman FRANK WOLF, the ranking minority member of the subcommittee, for his continued support and my neighbor, Congressman JERRY LEWIS who has been so instrumental not only this year, but for many previous years in helping provide crucial Federal support for Ontario Airport. And, while I am disappointed that the project was stricken in a parliamentary move, I also want to thank the chairman of the Public Works Committee, NORM MINETA of California and ranking minority member BUD SHUSTER, for also recognizing the significance of this project and for their willingness to help find another means to fund these key access roads as expeditiously as possible.

Mr. BAKER of California. Mr. Chairman, Federal funding for Greenville Road is critical in order to meet the Lab's obligations to pay its fair share of infrastructure costs around the Lawrence Livermore National Laboratory. Unfortunately, the fiscal year 1994 transportation appropriations bill no longer includes funding for this important project. I look forward to continuing to work with Chairmen NORM MINETA and BOB CARR to secure funds for the road.

Greenville Road is a two-lane rural roadway on the easterly edge of the city of Livermore which connects Lawrence Livermore and Sandia National Laboratories to Interstate 580, the primary commuter route between the San Francisco Bay Area and the outlying San Joaquin Valley communities. The planned widening and improvement of Greenville Road is a 3-stage project of which stage 1 has been funded by a Federal Department of Energy [DOE] grant.

The primary objective of this needed project is to alleviate the hazardous flow of employee traffic between the Lawrence Livermore/Sandia facility and Interstate 580. These two Labs currently employ some 10,000 persons, an estimated 7,000 of whom work a normal 8 a.m. to 4:30 p.m. shift. A significant number of these employees commute along the Greenville Road route between Interstate 580 and the Lawrence Livermore Laboratory, generating over 90 percent of the traffic on this road.

The project has already received a DOE grant of $1.8 million for planning activities. It is logical that the Federal Government should realize the benefits of its initial investment with this further appropriation which will benefit its Lab employees.

The city of Livermore has already spent $11 million in transportation improvements near the Laboratory, an expenditure which directly benefits DOE. It is now the Federal Government's turn to join the local community in improving the area infrastructure by assuring the safety of its employees through a widening of the access road to the Lab.

In summary, Greenville Road is used almost exclusively by Federal employees en route to work at the national laboratories. Since the local community has already done its part to improve infrastructure around the labs, it is the responsibility of the Federal Government to pitch in to improve a very hazardous situation faced by its employees each day. Federal assistance with Greenville Road widening requires immediate Federal attention.

I will continue to work for Federal funding of this critical project as this Congress proceeds.

Mr. CARR of Michigan. Mr. Chairman, with that, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended as modified, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. McNULTY] having assumed the chair, Mr. BOUCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. GOSS. Mr. Speaker, a separate vote is requested on the Clement amendment to strike provisions of the bill which prohibit the FAA from issuing new airport approval grant letters of intent, and the Mineta amendment, that adds $284 million for Federal aid to highways and highway safety construction programs.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 14, line 9, strike the colon and all that follows through "Act" on line 13.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 311; nays 94, not voting 28, as follows:

[Roll No. 454]

YEAS—311

Abercrombie
Allard
Andrews (ME)
Applegate
Armey
Baker (CA)
Ballenger
Barca
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Cramer
Crapo
de la Garza
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fields (LA)
Fingerhut
Fish
Flake
Ford (MI)
Ford (TN)
Fowler
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Herger
Hilliard
Hinchey
Hoagland
Hoekstra
Holden
Horn
Houghton
Hughes
Hunter

Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kasich
Kennelly
Kim
King
Kingston
Kleczka
Klein
Klug
Kolbe
Kopetski
Kyl
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Lloyd
Machtley
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
McCandless
McCloskey
McCollum
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Menendez
Meyers
Mfume
Mica
Michel
Mineta
Mink
Moakley
Molinari
Montgomery
Moorhead
Morella
Murphy
Myers
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rowland
Roybal-Allard
Royce
Rush
Sangmeister
Santorum
Sarpalius
Sawyer
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Sundquist
Swett
Swift
Synar
Talent
Tanner
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Volkmer
Vucanovich
Walker
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wise
Woolsey
Wyden
Young (AK)
Zeliff

NAYS—94

Andrews (NJ)
Andrews (TX)
Archer
Bachus (AL)
Baesler
Baker (LA)
Barcia
Bentley
Bereuter
Bonilla
Bonior
Boucher
Brown (OH)
Burton
Camp
Canady
Carr
Coleman
Coyne
Crane
Darden
Deal
DeLauro
DeLay
Dixon
Durbin
Fawell
Fazio
Fields (TX)
Filner
Foglietta
Frank (MA)
Franks (CT)
Gallo
Grandy
Greenwood
Hefner
Hobson
Hochbrueckner
Hoke
Hoyer
Huffington
Istook
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kennedy
Kildee
Knollenberg
Kreidler
Levin
Lightfoot
Livingston
Long
Lowey
Mann
Mazzoli
McCrery
McDade
Meehan
Meek
Minge
Mollohan
Moran
Murtha
Natcher
Neal (NC)
Nussle
Packard
Pastor
Penny
Peterson (FL)
Price (NC)
Regula
Rostenkowski
Roth
Roukema
Sabo
Sanders
Saxton
Sharp
Shays
Stokes
Stupak
Taylor (NC)
Visclosky
Walsh
Whitten
Wilson
Wolf
Wynn
Yates
Zimmer

NOT VOTING—28

Ackerman
Bacchus (FL)
Berman
Bilirakis
Cunningham
Danner
DeFazio
Dooley
Farr
Gibbons
Gingrich
Green
Hancock
Hansen
Hefley
Klink
LaRocco
Martinez
McKeon
Miller (CA)
Miller (FL)
Pelosi
Smith (IA)
Tauzin
Thurman
Velazquez
Washington
Young (FL)

□ 1759

Messrs. BROWN of Ohio, BARCIA of Michigan, and ARCHER, Ms. KAPTUR, and Mr. SHAYS changed their vote from "yea" to "nay".

Messrs. BROOKS, WYDEN, KLEIN, and SARPALIUS changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mr. MCNULTY). The Clerk will report the other amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 17, line 19, strike "$17,198,000,000" and insert "$17,482,663,000".

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOSS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XV and the Chair's prior announcement, this is a 5-minute vote, and will be followed by additional votes.

The vote was taken by electronic device, and there were—ayes 267, noes 132, not voting 34, as follows:

[Roll No. 455]

AYES—267

Abercrombie
Andrews (ME)
Andrews (NJ)
Applegate
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Boehner
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Buyer
Byrne
Callahan
Calvert
Cantwell
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Cramer
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Duncan
Dunn
Durbin
Edwards (CA)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fields (LA)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gejdenson
Gekas
Gilchrest
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastert
Hayes
Herger
Hilliard
Hinchey
Hoagland
Hoekstra
Hoke
Holden
Horn
Huffington
Hughes
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kennedy
Kennelly
Kim
King
Kingston
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lantos
Laughlin
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCrery
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murphy
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pomeroy
Portman
Poshard
Quillen
Quinn
Rahall
Rangel
Ravenel
Reynolds
Richardson
Ridge
Roberts
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sanders
Sangmeister
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shepherd
Shuster
Skelton
Slattery
Slaughter
Smith (NJ)
Smith (OR)
Snowe
Spence
Spratt
Stark
Strickland
Studds
Stump
Sundquist
Swett
Swift
Synar
Talent
Tanner
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Torkildsen
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Vento
Volkmer
Vucanovich
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wynn
Young (AK)
Zeliff

NOES—132

Allard
Andrews (TX)
Archer
Armey
Baesler
Barrett (NE)
Barton
Bentley
Bereuter
Bliley
Bonilla
Bonior
Boucher
Brooks
Bryant
Burton
Camp
Canady
Cardin
Carr
Castle
Chapman
Coleman
Combest
Cooper
Cox
Coyne
Crane
Crapo
Darden
DeLay
Dingell
Dixon
Dornan
Dreier
Edwards (TX)
Evans
Fazio
Fields (TX)
Foglietta
Fowler
Frost
Furse
Gillmor
Goodlatte
Goss
Grams
Greenwood
Hamilton
Hastings
Hefner
Hobson
Hochbrueckner
Houghton
Hoyer
Hunter
Hutto
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kildee
Knollenberg
Lancaster
Leach
Lehman
Levin
Lightfoot
Livingston
Manzullo
McCloskey
McCollum
McDade
McHugh
McInnis
McMillan
Meek
Moran
Murtha
Myers
Natcher
Neal (NC)
Nussle
Ortiz
Orton
Packard
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Porter
Price (NC)
Pryce (OH)
Ramstad
Regula
Roemer
Rogers
Rohrabacher
Roth
Royce
Sabo

Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Sensenbrenner
Sharp
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (TX)
Solomon
Stearns
Stenholm
Stokes
Stupak
Taylor (NC)
Torres
Upton
Visclosky
Walker
Walsh
Weldon
Whitten
Wilson
Wolf
Wyden
Yates
Zimmer

NOT VOTING—34

Ackerman
Bacchus (FL)
Berman
Bilirakis
Cunningham
Danner
DeFazio
Farr
Gephardt
Geren
Gibbons
Gingrich
Green
Hancock
Hansen
Hefley
Hutchinson
Johnston
Klink
LaRocco
Martinez
McKeon
Miller (CA)
Miller (FL)
Pelosi
Petri
Pickle
Reed
Smith (IA)
Tauzin
Thurman
Velazquez
Washington
Young (FL)

☐ 1806

The Clerk announced the following pair:

On this vote:

Mr. DeFazio for, with Mr. Bilirakis against.

Mr. FAZIO changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TAYLOR OF NORTH CAROLINA

Mr. TAYLOR of North Carolina. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TAYLOR of North Carolina. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TAYLOR of North Carolina moves to recommit the bill, H.R. 2750 to the Committee on Appropriations with instructions to report back the same to the House forthwith with the following amendments:

On page 33, line 1, strike "$1,324,916,000: Provided further, That no more than $2,404,867,000" and insert "$1,009,975,000: Provided further, That no more than $2,089,926,000".

On page 59, after line 15, insert the following new section:

SEC. 340. Notwithstanding any other provision of this Act, except for the amounts provided under "Coast Guard Operating Expenses", "Federal Aviation Administration Operations" and "Federal Transit Administration Formula Grants", each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is reduced by 1.54 percent.

Mr. TAYLOR of North Carolina (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The gentleman from North Carolina [Mr. TAYLOR] is recognized for 5 minutes in support of his motion to recommit.

Mr. TAYLOR of North Carolina. Mr. Speaker, my motion with instructions would reduce the bill by $811 million. That still puts the bill $1.5 billion above the 1993 budget authority and $1.2 billion above the outlays.

Mr. Speaker, this would decrease the total expenditures by roughly 1.54 percent, and I urge its passage.

Mr. Speaker, this motion to recommit is not complicated. It reduces budgetary resources in this bill by a total of $811 million.

It accomplishes this in the following ways: First, it reduces budget authority for formula grants of the Federal Transit Administration while still providing an increase of $359 million over last year's amount; Second, it reduces all other accounts in this bill by 1.54 percent—except for operations of the Coast Guard and Federal Aviation Administration.

Mr. Speaker, overall I think this bill is a good one. The subcommittee has done a commendable job staying within its 602(b) allocation.

My issue is not with whether or not this subcommittee is at its allocation, my issue is with total spending above the fiscal year 1993 enacted level. And this bill is above fiscal 1993 by $1.5 billion in budget authority and $1.2 billion in outlays.

When the full appropriations committee considered the 602(b) allocation for each of its subcommittees, the Republican members offered an alternative allocation that would have saved $10.2 billion in budget authority and $4.6 billion in outlays during the upcoming fiscal year.

Obviously, that alternative was not adopted, but the sentiment of the alternative remains.

Not long ago the people of this Nation spoke and said that they did not want business as usual. They want an end to deficit spending, they want Government to do more with less, and they want action now.

Last month, this Congress debated how much to increase taxes and how much to increase spending. The argument seemed backwards to me then and it still is—cut spending first, and then—if all else fails—raise taxes.

A number of my colleagues during the budget reconciliation felt uneasy about supporting the budget package and clammered for additional spending reductions. Well, this is the first appropriations bill to come to the floor since adoption of reconciliation.

And now is the time to put your money where your mouth is.

This motion to recommit reduces the budgetary resources in this bill by $811 million without jeopardizing the safety of the flying American public and without reducing the operations of the U.S. Coast Guard. All other programs in this bill would be reduced by 1.54 percent, saving a small $811 million out of a total of $37.6 billion of resources provided in this bill.

This is a responsible approach. I urge adoption of my motion.

☐ 1810

The SPEAKER pro tempore (Mr. MCNULTY). Does the gentleman from Michigan [Mr. CARR] wish to be heard on the motion to recommit?

Mr. CARR of Michigan. Mr. Speaker, I oppose the motion to recommit. I rise in strong opposition to the motion to recommit.

The motion to recommit flies in the face of the many months of hard work by the Committee and the many hardworking hours of the Committee of the Whole. The fact of the matter is, Mr. Speaker, our bill, even as amended, comes below our 602(b) allocations. I repeat, our bill is below our 602(b) allocations.

It is also below the President's budget. We have stayed within these budget targets, and we have made a balanced bill. The motion to recommit now seeks to unbalance the bill.

Mr. Speaker, I urge a "no" vote on the motion to recommit.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BUNNING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 312, noes 89, not voting 32, as follows:

[Roll No. 456]

AYES—312

Abercrombie
Andrews (ME)
Applegate
Baesler
Baker (CA)
Ballenger
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Calvert
Camp
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Dornan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Hutto

Hyde
Inhofe
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Parker
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (NJ)
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tejeda
Thomas (CA)
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)

NOES—89

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (LA)
Barca
Barrett (NE)
Bartlett
Barton
Bereuter
Boehner
Bunning
Burton
Buyer
Canady
Castle
Combest
Condit
Cox
Crane
Crapo
Dickey
Doolittle
Dreier
Duncan
Fawell
Fields (TX)
Franks (NJ)
Gallo
Gekas
Goodlatte
Goss
Grams
Gunderson
Hall (TX)
Herger
Huffington
Hunter
Inglis
Istook
Johnson, Sam
Kasich
King
Klug
Knollenberg
Kyl
Lazio
Lewis (FL)
Linder
Manzullo
McHugh
McInnis
Minge
Moorhead
Nussle
Orton
Pallone
Paxon
Penny
Peterson (MN)
Petri
Pombo
Portman
Ramstad
Roberts
Rohrabacher
Roth
Royce
Schaefer
Sensenbrenner
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stenholm
Stump
Taylor (MS)
Taylor (NC)
Thomas (WY)
Walker
Whitten
Williams
Yates
Zeliff
Zimmer

NOT VOTING—32

Ackerman
Bacchus (FL)
Berman
Bevill
Bilirakis
Cunningham
Danner
DeFazio
Farr
Geren
Gibbons
Gingrich
Green
Hancock
Hansen
Hefley
Jacobs
Johnston
Klink
LaRocco
Martinez
McKeon
Miller (CA)
Miller (FL)
Pelosi
Pickle
Slaughter
Smith (IA)
Tauzin
Thurman
Velazquez
Young (FL)

□ 1828

The Clerk announced the following pairs:

On this vote:

Mr. DeFazio for, with Mr. Bilirakis against.

Mr. Martinez for, with Mr. Cunningham against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CORRECTIONS IN ENGROSSMENT OF H.R. 2750, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. HOYER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2750, the Clerk be authorized to make technical corrections, including corrections in spelling, punctuation, section numbering, and cross-referencing.

The SPEAKER pro tempore. (Mr. McNulty). Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERSONAL EXPLANATION

Mrs. THURMAN. Mr. Speaker, on September 23, 1993, I was absent for several rollcall votes during consideration of H.R. 2490, Department of Transportation and related agencies appropriations bill, 1994.

Had I been present, I would have voted "aye" on roll No. 454, 455, and 456.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, due to a recent series of previously scheduled town hall meetings and individual meetings with constituents I was unable to register my votes.

Had I been present:

Rollcall votes 453, 454, 455, and 456. I would have voted "no" on No. 453 and No. 454 and I would have voted "aye" on No. 455 and No. 456.

PERMISSION TO HAVE UNTIL MIDNIGHT TOMORROW, SEPTEMBER 24, 1993, TO FILE CONFERENCE REPORT ON H.R. 2403, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, September 24, 1993, to file a conference report on the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MAKING IN ORDER ON MONDAY, SEPTEMBER 27, 1993, CONSIDERATION OF HOUSE RESOLUTION 134, RELATING TO PUBLICATION OF MEMBERS SIGNING A DISCHARGE MOTION

Mr. INHOFE. Mr. Speaker, I ask unanimous consent that the business in order pursuant to clause 3 of rule XXVII, immediately after the approval of the Journal on Monday, September 27, 1993, be dispensed with and that it shall instead be in order at 4 p.m. or thereafter that day for Representative Inhofe, or his designee, to call up House Resolution 134 for consideration under the same terms as if discharged from the Committee on Rules pursuant to clause 3 of rule XXVII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask to proceed for 1 minute to inquire of the distinguished majority leader the program for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I am happy to yield to the gentleman from Missouri [Mr. Gephardt].

□ 1830

Mr. GEPHARDT. Mr. Speaker, obviously votes are finished for today. There will be no votes tomorrow.

On Monday, September 27, the House will meet at 1 p.m. to consider six bills on suspension. Recorded votes on the suspensions will be postponed until the end of legislative business.

Mr. Speaker, the House will consider the following bills on suspension:

House Concurrent Resolution 133, printing of statements in tribute to late Justice Thurgood Marshall;

Senate Concurrent Resolution 4, printing of Senators of U.S. Historical Biographies;

Senate Concurrent Resolution 5, guide to research collections of former U.S. Senators;

Senate Concurrent Resolution 6, Senate election, expulsion, and censure cases;

H.R. 2689, to amend Public Law 100–518 and the U.S. Grain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs; and

H.R. 2399, Catawba Indian Tribe Land Claims Settlement Act of 1993.

We will also consider House Resolution 134, Publication of Members Signing a Discharge Motion, 1 hour of debate. That will be taken up at around 4 o'clock. Votes will begin to occur after 4:30.

Motions to go to conference on three or four appropriation bills, Commerce, Justice and State, District of Columbia, Foreign Operations, and Interior, are expected.

On Tuesday, September 28, and the balance of the week, the House will meet at 10 a.m. The House will consider H.R. 2401, Defense authorization for fiscal year 1994, subject to a rule; H.R. 3116, Department of Defense appropriations for fiscal year 1994, subject to a rule; a continuing resolution. As the gentleman knows, we are nearing the end of the fiscal year. We will consider possible legislation to extend the Unemployment Compensation Program, subject to a rule. H.R. 2151, Maritime Security and Competitive Act of 1993, subject to a rule, will be considered. Finally, H.R. 2351, Arts, Humanities, and Museums Amendments of 1993, subject to a rule.

Conference reports on appropriations bills are expected as they become available.

Mr. MICHEL. Mr. Speaker, the gentleman made the point with respect to House Resolution 134 that we would, regardless of where we were in the debate on the suspensions, begin debate on that resolution in the 4 o'clock range.

Mr. GEPHARDT. In the area of 4 o'clock.

Mr. MICHEL. Would the gentleman be able to predict at what time we might conclude our business Monday evening? I have had a request for that information. I am not sure what is in the offing.

Mr. GEPHARDT. Mr. Speaker, the answer is in the 8 o'clock area.

ADJOURNMENT TO MONDAY, SEPTEMBER 27, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on Monday next.

The SPEAKER pro tempore. (Mr. MCNULTY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 28, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 27, 1993, it adjourn to meet at 10 a.m. on Tuesday, September 28, 1993.

The SPEAKER pro tempore. Is here objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PRESIDENT CLINTON'S HEALTH CARE ADDRESS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, last night the President overcame the special interests, the nay sayers and the TelePrompters to deliver a home run to overhaul the health care system, the biggest domestic initiative since Social Security.

Let us remember, however, that this is only the first inning. The President was bipartisan in his approach. The other side has made some constructive proposals, and unlike the acrimonious budget debate, hopefully they will be part of this debate.

The biggest asset of the plan is security. No matter what, you will be covered, whether you are sick, you change jobs or you move. Every American will have health care. We will also be able to pay for this plan. It will also be fair to small business, and we will have for the first time one of the major initiatives in health care passed by the end of this session of Congress.

Mr. Speaker, last night the President took a major step toward securing something that is critical for the health of the people in this country—peace of mind.

For far too long, American families have lacked security due to a fear of losing their health insurance. And this fear is warranted as insurance companies have found various means of excluding people from coverage.

In my State of New Mexico, we have the highest rate of uninsured people in the country.

The President addresses that problem by making sure that his plan extends universal access to insurance for all. The President's plan extends access to people with preexisting conditions, to the unemployed, and to all other populations who are often excluded from affordable coverage under our current system.

Each American will have access to a very lucrative basic benefits package that cannot be taken away even if a job is lost, someone gets sick, or someone moves.

In the State of New Mexico, many individuals and small businesses cannot afford the cost of health insurance, which continue to increase by as much as 20 percent each year.

Most of the businesses in my district are small businesses. Insurance companies charge them as much as 35 percent more for health insurance than they charge larger businesses.

The President's plan eliminates the enormous differences in insurance premium prices that exist under our current system.

To help keep premiums affordable for businesses and individuals, a cap is placed on the amount that premiums can increase.

The plan also will provide subsidies to small businesses and low-income individuals.

This will help so many in my State who want health insurance themselves or would like to provide it to their employees but are priced out of the health insurance market now.

Furthermore, Mr. Speaker in our current system, even health care experts cannot explain what their health policy does or does not cover. For this reason, it becomes essentially impossible to choose coverage. This makes no sense at all.

The President's plan returns common sense to health insurance by requiring health care providers to give consumers understandable information on policies available to them.

Not only will the choices available to individuals be clearer but they will also have more plans to choose from.

Today, only one of three small- and medium-sized businesses offer a choice of coverage to their employees. Under this plan all employees of companies of any size will have a choice of plans.

Another great advantage of this plan over the status quo is simplicity.

When we are spending 25 cents out of every health care dollar on administrative costs and we still have 37 million uninsured people, something is dramatically wrong with our system.

Unnecessary regulations and paperwork keep doctors from having the time to see patients.

Unnecessary paperwork means the number of hospital administrators is increasing four times faster than the number of doctors.

In a State like mine that suffers from a shortage of physicians, such a statistic is a slap in the face.

Through simplifying the current system we not only save on unnecessary costs, but we are helping both doctors and patients with the bureaucratic redtape complained about by all.

Mr. Speaker, I would also like to applaud the President's goal of returning responsible behavior to a system that certainly lacks it now.

In this country, we do not turn people away from care at any point when they truly need it.

If an uninsured man who has smoked over two packs of cigarettes a day for years walks into a hospital in cardiac arrest, he is going to get the care that he needs.

Under the President's plan not only will that gentleman be covered by insurance, but he will also have preventive care available to him at little or not cost before his health has deteriorated.

If that person wants to enter a smoking cessation program, he will even be able to do that.

If we want to hold down health care costs, we need to stop people from free riding on the system.

We can do that by covering all people under the new system and provide big incentives for people to get preventive care. The President's plan does just that.

On all counts, the President has presented Congress with the most comprehensive and sensible health care reform plan that this institution has ever seen. I look forward to the coming months of debate and deliberation on the President's plan.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROOKS. Mr. Speaker, today I am introducing the Violent Crime Control and Law Enforcement Act of 1993.

Right before the August recess, I stood in the Rose Garden with President Clinton to announce the outlines of comprehensive legislation to fight the scourge of crime. That bill is now a reality of more than 400 pages of tough, result-oriented legislation. Without a doubt, it is the strongest and most comprehensive crime bill in decades.

It does not take a Harvard sociologist to understand the devastating effects of crime in our society, in our streets, in our lives. As communities have lost their cohesion, as family values have been replaced by the subculture of gangs, violence has spread uncontrollably. Where once there were certain definable groups of organized crime in large cities, we now live in a state of constant and diffused criminal activity, perpetuated by individuals or small groups, in every community, urban or rural.

The legislation introduced today will finally break this deadly cycle—for it is deadly not to have more cops on the beat; it is deadly not to deter heinous crimes with appropriately severe punishments; and it is deadly to release prisoners back on to the streets who are still drug dependent.

During the past several years, I have tried to pass into law a comprehensive crime fighting bill. Unfortunately, my efforts—and Senator BIDEN'S efforts in the other body—have been thwarted by a handful of politicians more interested in posturing than taking action. This year, it is inconceivable to me that anyone would be willing to opt for "gridlock" rather than "lockup" in fighting crime. Our streets are flowing with blood, and the American public is tired of politicians vying with each other about just who is tougher on crime.

Realistically, 97 percent of all violent crime occurs at the State level. The new Federal crimes specified in this legislation thus represent a small percent of total violent activity in America. However, the bill I introduce today will not only help fight crime at the Federal level, but will, most importantly, help our States and cities fight crime through a variety of programs.

The legislation will give local law enforcement the tools necessary to stop crime, including thousands of new cops on the beat. The bill will steer youthful first-time offenders away from a life of crime, and mandate drug treatment of prisoners before they are released back on the streets. Death penalty appeals will be streamlined, allowing justice to prevail in a fair yet firm manner. The bill will ensure that terrorists will find no safe haven here.

Mr. Speaker, as I believe it will be helpful to our colleagues in reviewing this omnibus proposal, I would like to insert in the RECORD at this point a listing of the titles and subtitles of the bill and a brief summary of the bill's provisions, which includes a listing of the numerous death penalties to be found in the bill.

I also want to point out that certain provisions contained in the conference report on the crime bill from the last Congress—which served as a basis for this effort—are not included in the package introduced today.

In developing this crime package, I have been in consultation with other committees of the House of Representatives, and certain provisions of last Congress' crime package are not included in today's proposal because they fall within the purview of other committees' rule X jurisdiction. For convenience of my colleagues and others, those provisions and committees with jurisdiction follow: Territorial sea matters (Merchant Marine Committee); midnight basketball (Banking Committee); rural drug prevention (Energy and Commerce Committee); failure to obey order to land (Merchant Marine Committee; Public Works); enhanced penalties for certain offenses (Armed Services, Intelligence, Foreign Affairs Committees); close loophole on certain imports (Ways and Means Committee); notification of large sums of cash and contraband in airport screenings (Public Works); drug abuse resistance education programs (Education and Labor); and, undercover operations—churning (Ways and Means).

Also, certain provisions have already been enacted into law. They include: Civil remedy for terrorism (Public Law 102-572); certain crime victims' funding provisions (Public Law 102-572); certain State and local law enforcement funding provisions (42 USC 3793(5) and Public Law 102-140, Sec. 108); Mandatory Literacy Program (Public Law 102-73); sports protection (Public Law 102-559); trauma centers (Public Law 102-321); use of certain educational records (Public Law 102-325); conforming authority for magistrates (Public Law 102-572); maritime law enforcement (Public Law 102-583); economic terrorism task force (Public Law 102-558); savings and loan task force (Public Law 101-647).

Mr. Speaker, in conclusion, when citizens live in fear of physical harm, of drugs corrupting their neighborhoods, of a criminal justice system that does not respect victims or dispense its justice with certainty, the American people deserve decisive action, now. I urge my colleagues to put aside slogans and join with me in moving swiftly forward with this urgently needed legislation.

SUBTITLES IN THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Title I—Public Safety and Policing
Title II—Death Penalty
Title III—Habeas Corpus Reform
Title IV—Coerced Confessions
Title V—Firearms
Subtitle A—Brady Handgun Violence Prevention Act
Subtitle B—Gun Crime Penalties
Title VI—Youth Violence
Subtitle A—General
Subtitle B—Criminal Street Gangs
Subtitle C—Certainty of Punishment for Young Offenders
Subtitle D—Juvenile Drug Trafficking and Gang Prevention Grants
Title VII—Terrorism
Subtitle A—Maritime Navigation and Fixed Platforms
Subtitle B—General Provisions
Title VIII—Sexual Violence and Child Abuse
Subtitle A—Sexual Abuse
Subtitle B—Child Protection
Subtitle C—Crimes Against Children Registration
Title IX—Crime Victims
Title X—State and Local Law Enforcement
Subtitle A—Safer Streets and Neighborhoods
Subtitle B—DNA Identification
Subtitle C—Department of Justice Community Substance Abuse Prevention
Subtitle D—Drug Testing of Arrested Individuals
Subtitle E—Racial and Ethnic Bias Study Grants
Title XI—Provisions Relating to Police Officers
Subtitle A—Law Enforcement Family Support
Subtitle B—Police Pattern or Practice
Subtitle C—Police Corps and Law Enforcement Officers Scholarship Programs
Subtitle D—Study Rights of Police Officers
Title XII—Grant Program for State Prisons
Title XIII—Federal Prisons
Subtitle A—General
Subtitle B—Drug Testing
Subtitle C—Enhanced Penalties for Drugs in Federal Prisons
Subtitle D—Drug Treatment in Federal Prisons

Subtitle E—Studies
Title XIV—Rural Crime
Subtitle A—Fighting Drug Trafficking in Rural areas
Subtitle B—Drug Free Truck Stops and Safety Rest Areas
Title XV—Drug Control
Subtitle A—Drug Emergency Areas
Subtitle B—Precursor Chemicals
Subtitle C—General Provisions
Title XVI—Drunk Driving Provisions
Title XVII—Commissions
Subtitle A—Commission on Crime and Violence
Subtitle B—National Commission to Study the Causes of the Demand for Drugs in the United States
Subtitle C—National Commission to Support Law Enforcement
Title XVIII—Motor Vehicle Theft Prevention
Title XIX—Protections for the Elderly
Title XX—Consumer Protection
Title XXI—Sentencing Provisions
Title XXII—Computer Crime
Title XXIII—International Parental Kidnapping
Title XXIV—Safe Schools
Title XXV—Financial Institutions Fraud Prosecutions
Title XXVI—White Collar Crime Amendments
Title XXVII—Gambling
Title XXVIII—Bail Posting Reporting
Title XXIX—General Increased Penalty Provisions
Title XXX—Miscellaneous
Title XXXI—Technical Corrections

BRIEF SUMMARY OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

TITLE I.—PUBLIC SAFETY AND POLICING

Title I targets crime by putting more police "on the beat" in local neighborhoods and communities. The general purposes of the title include:

Increasing the number of visible officers in community policing;

Enhancing police skills in community interaction;

Encouraging innovative programs for community assistance in crime prevention; and

Developing new technologies to help police become more proactive, rather than reactive, to crime.

Community Policing Program. The Attorney General is authorized to make grants to State and local governments and to other public and private entities to increase police presence, to enhance police-community cooperation in addressing crime and disorder, and otherwise to enhance public safety.

Grant money would be used for hiring additional law enforcement officers and rehiring officers who have been laid off for budgetary reasons for deployment in community-oriented policing.

Other funding objectives include: proactive crime control and prevention; specialized training; facilitation of police-community interaction; development of innovative programs; community involvement in crime prevention efforts; and adoption of community policing as an organization-wide philosophy.

The Attorney General is also authorized to provide technical assistance to State and local governments, which may include the development of a flexible model for implementing community or problem-oriented policing. This assistance may also include establishing training centers to train police executives, managers, trainers, and supervisors regarding community or problem-oriented policing and improving police-community interaction.

States must provide at least 25% of the funding for community policing programs and must also submit plans for assuming the full costs of increased police hiring following a five-year period of Federal assistance.

Grant applications must include a long-term strategy and detailed implementation plan reflecting consultation with community groups and appropriate public and private agencies; information concerning coordination with other governmental agencies; and plans for obtaining necessary funds for continuing the program following the conclusion of Federal support.

Grants to State and local governments are to be used to supplement, and not to supplant, State and local funds; no more than 5% of available funds may be used for administrative costs; and, money received through the asset forfeiture program may be used to cover the non-Federal portion of programs funded under the title.

Each funded program must include an evaluation component (including outcome measures), and the performance of each grant recipient is to be reviewed by the Attorney General.

This program authorizes appropriations of $200 million for FY94, $150 million for FY95, FY96, FY97, FY98, and for FY99.

TITLE II.—DEATH PENALTY

This title establishes the death penalty for certain enumerated offenses as well as procedures for the constitutional imposition of the Federal death penalty. It provides the Federal death penalty for the following offenses:

Aircraft piracy where death results.
Bank robbery where death results.
Carjacking where death results.
Child sexual exploitation where death results.
Conspiracy to violate civil rights where death results.
Damage of Federal property by explosives where death results.
Damage of Federal property by fire where death results.
Damage of property affecting commerce by fire where death results.
Damage of property affecting commerce by explosives where death results.
Destruction of aircraft where death results.
Destruction of aircraft facilities where death results.
Destruction of motor vehicle facilities where death results.
Destruction of motor vehicles where death results.
Drive-by shootings where death results.
General espionage.
Genocide.
Hostage-taking where death results.
Interference with federally-protected activities where death results.
Interstate explosives offense where death results.
Kidnapping where death results.
Mailing dangerous articles where death results.
Murder in aid of racketeering.
Murder of Cabinet officers.
Murder of certain foreign officials.
Murder of court officers.
Murder of diplomats.
Murder by escaped Federal prisoner.
Murder of Federal law enforcement officials.
Murder of Federal judges.
Murder with firearm in course of Federal drug crime.
Murder with firearm in course of Federal violent crime.
Murder with firearm during Federal drug trafficking crime.
Murder during firearms attack in or on Federal facility.
Murder of high-level government officials.
Murder for hire.
Murder of juror.
Murder by life-term Federal prisoner.
Murder of local official assisting Federal law enforcement officer.
Murder of members of families of Federal officials with intent to impede or retaliate.
Murder of Members of Congress.
Murder of President.
Murder in special maritime and territorial jurisdiction.
Murder of staffs of high-level government officials.
Murder of State official assisting Federal law enforcement officer.
Murder of Supreme Court Justices.
Murder of U.S. national in foreign country.
Murder of Vice-President.
Obstruction of free exercise of religious rights where death results.
Rape where death results.
Retaliatory murder of informant.
Retaliatory murder of witness.
Retaliatory murder of victim.
Sexual abuse crimes where death results.
Terrorist murder of U.S. national abroad.
Torture resulting in death.
Treason.
Use of weapon of mass destruction where death results.
Violence at international airports where death results.
Violence against maritime navigation where death results.
Violence against maritime platforms where death results.
Wartime espionage.
Willful deprivation of Federal rights where death results.
Witness-tampering murders.
Wrecking trains where death results.

TITLE III.—HABEAS CORPUS REFORM

Filing Deadlines. Imposes a 180-day limitations period for the filing of Federal habeas corpus petitions. The limitations period applies in capital cases, and in non-capital cases in which the State provides counsel for State post-conviction review. A one-time 60-day extension of the period is available upon a showing of good cause.

Stays of Execution in Capital Cases. Provides an automatic stay of execution in capital cases through the consideration of the first Federal habeas corpus petition. Thereafter, a stay of execution may be granted only if the habeas petition on its face satisfies the requirements for successive petitions.

Limits on New Rules; Standard of Review. Prohibits a Federal court from announcing or applying a new rule to grant relief to a habeas corpus petitioner with two narrow exceptions. Defines a new rule as one that changes the constitutional or statutory standards that prevailed at the time the petitioner's conviction and sentence became final on direct appeal. This section also codifies case law providing for an independent Federal habeas corpus review of claims under Federal law.

Limits on Successive Petitions. Provides that in capital and non-capital cases, a prisoner may bring a second or subsequent petition only if the prisoner shows both cause for not having brought the claim before and prejudice if the claim is not heard. The section also requires Federal courts to give prompt consideration to successive petitions, notwithstanding other items on their dockets.

Provision of Qualified Counsel. Sets standards and procedures for the provision of qualified counsel for indigent defendants at all stages of State capital litigation. Appointed lawyers are to be paid reasonable hourly fees, to be set by the State's highest court.

State Counsel Funding. Provides for grants to States to help fund the provision of defense counsel in capital cases. Also provides grants for the prosecution in Federal habeas corpus cases in an amount equal to that allocated to capital resource centers.

TITLE IV.—COERCED CONFESSIONS

This title reverses the United States Supreme Court's decision in *Arizona* v. *Fulminante*, by declaring that the admission of a coerced confession into evidence in a criminal trial shall never be considered harmless error when the confession is involuntarily obtained. The title also identifies the appropriate harmless error standard for criminal proceedings in Federal court.

TITLE V.—GUN CRIME PENALTIES

Subtitle A.—Brady Handgun Violence Prevention Act

Brady Handgun Violence Prevention Act. Establishes an interim Federal waiting period of up to 5 days before a licensed dealer, importer, or manufacturer may sell, deliver, or transfer a handgun to a private purchaser. During that waiting period, a local law enforcement official would do a background check to determine whether the applicant is ineligible to purchase a handgun under Federal or State law. The interim waiting period would be replaced by an "instant background check" system, once the Attorney General certifies that such a system is established. There is authorized to be appropriated for this program $100 million for FY94 and each fiscal year following.

Subtitle B.—Gun Crime Penalties

Semiautomatics. Enhances the penalty for use of a semiautomatic firearm during the commission of a crime of violence or a drug trafficking crime.

Explosives: Second Offense. Enhances the penalty for a second conviction of using or carrying an explosive in the commission of a Federal felony.

Smuggling Firearms in Aid of Drug Trafficking. Prohibits and penalizes the smuggling of firearms into the United States in furtherance of a Federal or State trafficking crime.

Theft of Firearms and Explosives. Prohibits and penalizes the theft of firearms or explosives that have moved in interstate commerce.

False Statement in Gun Buying. Increases the penalty for knowingly making a false, material statement in connection with the acquisition of a firearm from a licensed dealer.

Possession of Explosives by Felons and Others. Prohibits the possession of explosives by felons, fugitives, drug users and persons adjudicated mentally defective.

Explosives Destruction. Authorizes summary destruction of explosives subject to forfeiture where the explosives cannot be safely removed and stored and allows an innocent owner to make application for reimbursement of the value of the property.

Stolen Firearms. Prohibits a variety of transactions involving stolen firearms (receipt, possession, concealment, sale) which have moved in interstate commerce.

Counterfeiting or Forgery. Enhances the penalty when a firearm is used in the commission of counterfeiting or forgery.

Firearms Possession by Felons. Enhances the penalties for gun possession by violent felons and serious drug offenders.

Receipt of Firearms by Nonresident. Prohibits and penalizes the transfer of firearms to a nonresident of a State, except for lawful sporting purposes.

Firearms and Explosives Conspiracy. Prohibits and penalizes conspiracies to commit firearms and explosives crimes.

Incendiary Ammunition. Directs the Treasury Secretary to conduct a study of incendiary ammunition to determine whether it has a reasonable sporting or law enforcement purpose.

Firearms, Explosives Theft. Prohibits and penalizes the theft of firearms or explosives from a licensed importer, manufacturer or dealer.

Distribution of Explosives. Prohibits and penalizes the distribution of explosives to a person who is legally disqualified from having the explosives.

"Burglary" Clarification. Defines "burglary" for purposes of Armed Career Criminal Statute provisions regarding predicate offenses.

Interstate Gun Trafficking. Increases the penalty for interstate gun trafficking.

TITLE VI.—YOUTH VIOLENCE

Subtitle A.—General

Using Kids to Deal Drugs. Increases the penalties for employing children under the age of 18 to distribute drugs or to assist in avoiding apprehension for a drug offense.

Commencement of Juvenile Proceeding. Clarifies when a juvenile can be transferred to adult prosecution and when a dispositional hearing can be held with regard to that juvenile.

Bindover System for Violent Juveniles. Authorizes grants for bindover systems for the prosecution of 16- and 17-year olds as adults for certain violent crimes (murder in the first or second degree, attempted murder, armed robbery with a firearm, aggravated battery or assault with a firearm, criminal sexual penetration when armed with a firearm, and drive-by shootings).

Subtitle B.—Criminal Street Gangs

Criminal Street Gangs. Provides a term of imprisonment of not more than 10 years and/or a fine for a gang member or person acting on behalf of a criminal street gang who commits a Federal drug or violent crime offense and who has had a prior drug or crime of violence conviction. The penalty is to run consecutively to any other sentence imposed.

A "criminal street gang" is a group, organization, or association of 5 or more persons whose members have engaged in a continuing series of drug crimes or crimes of violence.

Subtitle C.—Certainty of Punishment for Young Offenders

Certainty of Punishment for Young Offenders. Authorizes grants to States to develop alternative methods of punishment for young offenders to traditional forms of incarceration and probation. The alternatives developed must ensure certainty of punishment for young offenders, and promote reduced recidivism, crime prevention and assistance to victims. There is authorized to be appropriated $200 million for each of FY94, 95, and 96.

Subtitle D.—Juvenile Drug Trafficking and Gang Prevention Grants

Juvenile Drug Trafficking and Gang Prevention. Authorizes grants for programs to curb the formation or continuation of juvenile gangs and the use and sale of illegal drugs by juveniles. Additionally, authorizes grants for public or non-profit private organizations or individuals to identify promising new juvenile drug reduction and enforcement programs, as well as programs to address the unique crime, drug, and alcohol-related challenges faced by juveniles living at or near international ports of entry and in other international border communities, including rural localities. There is authorized to be appropriated $100 million for each of FY94 and 95.

TITLE VII—TERRORISM

Subtitle A.—Maritime Navigation and Fixed Platforms

Maritime Navigation and Fixed Platforms. Prohibits and penalizes the seizure of a ship or fixed platform by force, an act of violence against a person on board, damage or destruction of a ship, a fixed platform, or maritime navigation facilities, or the injuring or killing of a person in connection with such activities. Provides the death penalty where death results.

Subtitle B.—General Provisions

Weapons of Mass Destruction. Provides the death penalty where death results from the use of a weapon of mass destruction.

Crimes Against U.S. Nationals on Foreign Ships. Extends special maritime and territorial jurisdiction to offenses committed by or against a U.S. national during a voyage on a foreign vessel that is scheduled to arrive or depart from the United States.

Torture. Provides criminal penalties for the commission of torture outside the United States. Provides the death penalty when the torture results in death. Torture is defined as an act committed under color of law and intended to inflict severe physical or mental pain or suffering upon one within the official's custody or control.

Extension of Statute of Limitation. Provides for an extended, 10-year statute of limitations for certain terrorist offenses.

F.B.I. Access to Telephone Subscriber Information. Provides the FBI with access to telephone subscriber information if the Director or Deputy Assistant Director certifies that the requested information is relevant to a foreign counterintelligence investigation and that there are specific facts giving reasons to believe that it pertains to an agent of a foreign power or to an individual engaged in international terrorism or clandestine intelligence activities involving a violation of U.S. criminal statutes.

Violence at International Airports. Criminalizes acts of terrorism at U.S. international airports. Provides the death penalty where a death results from attempting or performing an act of violence or destruction at an airport.

Terrorism Against Civilian Aviation. Provides criminal penalties for willful violations of airport or airline security regulations.

Counterfeiting United States Currency Abroad. Prohibits and penalizes the making, dealing or possessing of any counterfeit U.S. obligation or security, or plate or stone used to counterfeit such obligation or security outside the United States if such an act would constitute a violation within the U.S.

Enhanced Penalties for Terrorist Crimes. Enhances penalties for any felony, whether committed within or outside the U.S., that involves or is intended to promote international terrorism.

Alien Witness Cooperation. Amends the Immigration and Nationality Act to allow the Attorney General to grant a nonimmigrant visa to an alien who possesses critical and reliable information about a criminal organization, who is willing to supply such information to law enforcement authorities, and whose presence in the United States is essential to the success of an investigation or prosecution of an individual involved in the organization. This section also allows the spouse and children of such an alien to join the alien in the United States. It limits to 100 the number of nonimmigrant visas per fiscal year and limits the period of admission to 3 years. The Attorney General may adjust the status of these individuals to that of permanent resident under specified circumstances. Such aliens must report to U.S. officials quarterly, may not be convicted of a crime while in the U.S., and must waive the right to contest deportation prior to any adjustment of status.

Material Support to Terrorists. Penalizes those who provide "material support or resources" to terrorists. The term "material support or resources" is defined to mean currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, but does not include humanitarian assistance to persons not directly involved in such violations.

TITLE VIII.—SEXUAL VIOLENCE AND CHILD ABUSE

Subtitle A.—Sexual Abuse

Sexual Abuse Amendments. Prohibits and penalizes the intentional touching of the naked genitalia of a person under 16 years with an intent to abuse, humiliate, degrade, or arouse or gratify the sexual desire of any person.

Subtitle B.—Child Protection

Child Protection. Establishes a national background check system whereby child care organizations can determine whether prospective employees have histories of child abuse or other serious crimes. States are required to have at least 80% currency of crime cases in their systems within 3 years. The Act also directs a study of child abusers' criminal records. There is authorized to be appropriated $20 million for each of FY94, 95, and 96.

Subtitle C.—Crimes Against Children Registration

Crimes Against Children Registration. This program encourages States to establish registration systems for persons convicted of crimes against minors (kidnapping, false imprisonment, criminal sexual conduct, solicitation to engage in sexual conduct, use in sexual performance, or solicitation to practice prostitution). Under the proposal, such convicts would be required to keep law enforcement authorities informed of their addresses for a period of ten years following release from prison or being placed under supervision. Fingerprints and photographs would be forwarded to State law enforcement agencies which, in turn, would forward them to the FBI. States that fail to establish such systems within three years could lose 10 percent of their Byrne Grant funding.

TITLE IX.—CRIME VICTIMS

Victims' Fund Percentage Allocation Modification. Specifies the amounts available for grants under certain sections of the Victims of Crime Act of 1984.

Relationship of Crime Victim Compensation to Certain Federal Programs. Prohibits victims' compensation funds from being diverted to other federally-financed programs.

Victim's Right of Allocution in Sentencing. Gives victims of violent crimes and sexual abuse the right to address the court concerning the sentence to be imposed on the convicted offender. The right may be exercised by a parent or guardian if the victim is under 18, or by one or more family members if the victim is deceased or incapacitated.

Report on Battered Women's Syndrome. Directs the Attorney General and the Secretary of the Department of Health and Human Services to report to Congress on the medical and psychological basis of battered women's syndrome and the extent to which evidence of the syndrome has been admitted as evidence as to guilt or as a defense in criminal trials.

TITLE X.—STATE AND LOCAL LAW ENFORCEMENT

Subtitle A.—Safer Streets and Neighborhoods

Safer Streets and Neighborhoods. Ensures that the funding formula for Federal-State grants is continued and that federal financial assistance intended for State and local law enforcement is not diverted to Federal programs.

Subtitle B.—DNA Identification

DNA Identification. Establishes a national DNA quality control system for the identification of criminals. Grants to develop DNA analysis would be available to States whose laboratories meet certain quality assurance standards and whose analyses are disseminated in accordance with confidentiality requirements. The quality assurance standards to be followed by the States would be developed by the FBI. In addition, the FBI would be authorized to maintain an index of DNA records of persons convicted of crimes, DNA samples from crime scenes, and DNA samples of human remains. FBI personnel performing DNA analysis would be required to undergo proficiency testing.

There is authorized to be appropriated for DNA analysis improvement $10 million for each of FY94, 95, 96, 97, and 98. There is authorized to be appropriated for DNA proficiency testing $4.5 million for each of FY94, 95, 96, 97, and 98.

Subtitle C.—Department of Justice Community Substance Abuse Prevention

Community Partnerships. Establishes a grant program for eligible coalitions to study and implement substance abuse prevention programs. To be eligible, a coalition would have to include a variety of public and private organizations, agencies and individuals committed to preventing abuse. The efforts of the coalitions would involve substantial community participation. Priority would be given to communities providing evidence of significant substance abuse and support for eliminating it. There is authorized to be appropriated for this program $15 million for FY94, $20 million for FY95, and $25 million for FY96.

Subtitle D.—Drug Testing of Arrested Individuals

Drug Testing of Arrested Individuals. Authorizes grants for drug testing of individuals upon arrest and on a regular basis pending trial for the purpose of making pretrial detention decisions. There is authorized to be appropriated for this program $100 million for each of FY94, 95, and 96.

Subtitle E.—Racial and Ethnic Bias Study Grants

Racial and Ethnic Bias Study Grants. Authorizes grants for States that establish, by State law or by the court of last resort, plans for analyzing the role of race in their criminal justice systems. State plans must include recommendations designed to correct any findings of racial or ethnic bias. There is authorized to be appropriated for this program $2 million for each of FY94, 95, 96, 97, and 98.

TITLE XI.—PROVISIONS RELATING TO POLICE OFFICERS

Subtitle A.—Law Enforcement Family Support

Law Enforcement Family Support. Requires the Bureau of Justice Assistance to establish guidelines to implement family-friendly policies in law enforcement divisions of the Justice Department; identify model programs that provide support to law enforcement families; and provide technical assistance for stress reduction and family support efforts by State and local law enforcement agencies. It also establishes a grant program for State and local law enforcement agencies, and organizations representing State and local law enforcement personnel, to provide family support services to law enforcement personnel. There is authorized to be appropriated for this program $5 million for each of FY94, 95, 96, 97, and 98.

Subtitle B.—Police Pattern or Practice

Police Pattern or Practice. Makes it unlawful for law enforcement officers to engage in a pattern or practice of conduct that deprives persons of their constitutional or Federal rights. The Attorney General would be authorized to bring a civil injunctive action to eliminate such a pattern or practice.

Subtitle C.—Police Corps and Law Enforcement Officers Scholarships Programs

Police Corps and Law Enforcement Officers Scholarships. Seeks to increase the number of police with advanced education and training, to provide educational assistance to law enforcement personnel and students with an interest in law enforcement, and to recruit more highly educated officers.

Police Corps. This program authorizes up to 10 Community Police Corps Programs in which participants can receive scholarships of not more than $5,000 annually times the number of years in the educational institution's regular program in exchange for a commensurate period of work with a State or local police force upon graduation. If participants do not follow through on their commitment, they must pay back all the scholarship money plus interest at a fair rate specified by the Attorney General.

There is authorized $5 million for each of FY94, 95, 96, 97, and 98. Up to 10% of the grant funds can be awarded to law enforcement officers currently employed by the jurisdiction, and who are assigned to community-oriented policing or who exercise supervisory or training roles in relation to such officers. The grants can be used for college or post-graduate work.

Law Enforcement Scholarships.—This program provides scholarships for in-service law enforcement personnel who seek further education. Grants are also provided for summer jobs or part-time jobs during the year for high school students interested in law enforcement careers. 80% of funds is to be allocated on the basis of the relative number of law enforcement officers per State, and 20% of funds is to be based on the relative shortage of law enforcement personnel. Scholarships are to be paid back with law enforcement service. There is authorized to be appropriated $25 million for each of FY94, 95, 96, and 97.

Subtitle D. Study of Rights of Police Officers

Study of Rights of Police Officers. Requires that the Attorney General conduct a study of the procedures followed in internal, noncriminal investigations of State and local law enforcement officers to determine if such investigations are conducted fairly. The Attorney General must report the results of that study to Congress no later than one year after the date of enactment.

TITLE XII—GRANT PROGRAM FOR STATE PRISONS

Substance Abuse Treatment in State Prisons. Authorizes grants for residential substance abuse treatment programs in State prisons. To be eligible, programs must be carried out in residential treatment facilities set apart from the general prison population and last between 9 and 12 months. There is authorized to be appropriated $100 million for each of FY 94, 95, and 96.

TITLE XIII—FEDERAL PRISONS

Subtitle A. General

Prisoner's Place of Imprisonment. Provides that the Bureau of Prisons may not consider the social or economic status of a prisoner in designating his or her place of imprisonment.

Prison Impact Assessments. Requires that any submission of legislation by the executive or judicial branch that might affect Federal prison populations be accompanied by an impact statement. Any request from Congress for such a statement on pending legislation would have to be answered by the Attorney General, in consultation with the Sentencing Commission and the Administrative Office of the Courts, within 14 days. An impact statement must include (1) the impact on prison, probation, and supervised release populations, (2) the fiscal impact of such population changes, (3) any other significant factors affecting the cost of the measure and its impact on components of the criminal justice system, and (4) a statement of underlying assumptions and methodologies. In addition to assessing particular pieces of legislation, the Attorney General must submit annual reports showing the cumulative impact of all relevant legislation enacted during the calendar year.

Notification of Release of Prisoners. Requires notice to State and local law enforcement authorities concerning the release or relocation to their areas of Federal offenders under post-release supervision at least five days prior to such release or relocation. Applies to prisoners convicted of drug trafficking and violent crimes.

Application to Prisoners to Which Prior Law Applies. As parole no longer exists in the Federal penal system, this clarifies that, in a case of a prisoner convicted of an offense committed prior to November 1, 1987—when parole did exist—reference to supervised release in Federal criminal law is to be deemed a reference to probation or parole.

Subtitle B. Drug Testing

Drug Testing of Offenders on Post-Conviction Release. Requires periodic drug testing of Federal offenders on post-conviction release.

Subtitle C. Enhanced Penalties for Drugs in Federal Prisons

Enhanced Penalties for Drug Trafficking in Federal Prisons. Provides enhanced penalties for drug trafficking in Federal prisons.

Enhanced Penalties for Illegal Drug Use in Federal Prisons. Provides enhanced penalties for illegal drug use in Federal prisons.

Subtitle D. Drug Treatment in Federal Prisons

Drug Treatment in Federal Prisons. Establishes a schedule for the Bureau of Prisons to place all eligible prisoners into residential substance abuse treatment programs for between 9 and 12 months, in facilities separate from the general prison population. Eligible prisoners would be those with substance abuse problems who are willing to participate in the program. At least 50% of eligible prisoners would have to be in treatment by the end of FY1995, 75% by the end of FY1996, and 100% by the end of FY1997. A prisoner who successfully completes such programs could receive a reduction in sentence of up to one year. Such sums as necessary is authorized to be appropriated for each fiscal year.

Subtitle E. Studies

National Institute of Justice Study. Directs the National Institute of Justice to study the feasibility of establishing an information clearinghouse to facilitate the interstate transfer of prisoners to facilities near their families.

Study and Assessment of Alcohol Use and Treatment. Directs the National Institute of Justice (NIJ) to study the recidivism rates of persons who were under the influence of alcohol at the time they committed their crimes. The study would compare the recidivism rates of those who participated in a residential treatment program while in custody and those who did not. NIJ would also conduct a study of the use of alcohol, alone or in combination with other drugs, as a factor in violent, domestic, and general criminal activity.

TITLE XIV—RURAL CRIME

Subtitle A. Fighting Drug Trafficking in Rural Areas

Fighting Drug Trafficking in Rural Areas. Provides an annual grant authorization for rural drug enforcement and requires the Attorney General to establish rural drug enforcement task forces in each Federal judicial district that includes significant rural lands. It also authorizes the Attorney General to cross-designate law enforcement officers from several Federal law enforcement agencies in furtherance of the purposes of the title and directs the Director of the Federal Law Enforcement Training Center to develop a specialized course of instruction to train law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

There is authorized to be appropriated for rural law enforcement $50 million for FY94, and such sums as necessary for FY95 and 96. There is authorized to be appropriated for rural drug enforcement training $1 million for each of FY94, 95, and 96.

Subtitle B. Drug Free Truck Stops and Safety Rest Areas

Drug Free Truck Stops and Safety Rest Areas. Enhances penalties for drug distribution at or near truck stops and safety rest areas.

TITLE XV—DRUG CONTROL

Subtitle A. Drug Emergency Areas

Drug Emergency Areas. Permits the President to declare a State, or part thereof, a drug emergency area, to take all necessary actions to save lives and to protect property and public health and safety, and to make grants aggregating $25 million for any single major drug-related emergency. A drug-related emergency would exist where drug smuggling, trafficking, abuse, or related violence reaches dramatic levels.

Grant money must be divided equally between drug supply and demand reduction efforts, unless State or local conditions dictate otherwise. In addition to monetary assistance, the President may direct any Federal agency to utilize its authorities and resources (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) to assist State anti-drug efforts.

There is authorized to be appropriated for this program $100 million for each of FY94, 95, and 96.

Subtitle B. Precursor Chemicals

Precursor Chemicals. Imposes registration requirements for precursor chemicals and requires all manufacturers to submit annual reports on the total quantity of listed chemicals produced during the year. It also provides that brokers and traders will be subject to the same record-keeping and reporting requirements for international transactions as exporters and will be subject to the same criminal penalties.

Additionally, the proposal allows the DEA to apply a targeted approach to export controls and establishes criminal penalties for attempting to evade reporting requirements and for smuggling listed drugs. The DEA would have the same inspection authority for listed chemicals as it presently has for controlled substances.

An additional felony would be created for an individual who violates the Solid Waste Disposal Act in the handling of chemicals used to illegally manufacture a controlled substance.

Subtitle C. General Provisions

Drug Dealing in Public Housing Authority Facilities. Prohibits and penalizes drug dealing in or near public housing authority facilities.

Anabolic Steroids Penalties. Prohibits and penalizes a physical trainer or adviser who tries to persuade an individual to use anabolic steroids. The penalty is increased if that individual is under 18.

Advertising. Prohibits and penalizes advertising which aims to illegally solicit or sell drugs.

Enhanced Penalties for Drug-Dealing in "Drug-Free" Zones. Enhances penalties for drug-dealing in "drug-free" zones, such as schools and public housing.

National Drug Control Strategy. Contains a Congressional declaration that among the long-term goals of the National Drug Control Strategy should be the availability of drug treatment to all who need it.

TITLE XVI—DRUNK DRIVING PROVISIONS

This title applies State laws in areas of Federal jurisdiction and provides supplementary prison terms and fine authorizations for cases where drunk driving endangers or injures a person below the age of 18. In addition, it contains a Congressional declaration that courts should take into consideration any history of drunk driving in determining child custody and visitation rights.

TITLE XVII—COMMISSIONS

Subtitle A. Commission on Crime and Violence

National Commission on Crime and Violence. Establishes a national commission to develop a comprehensive crime control plan for the 1990s. The Commission would have 22 members, 16 of whom would be appointed by Congress and 6 by the President.

Subtitle B. National Commission to Study the Causes of the Demand for Drugs in the United States

National Commission to Study the Causes of the Demand for Drugs. Establishes a commission to study the causes of the demand for drugs in the United States. The Commission would have 13 members, 10 appointed by Congress and 3 by the President.

Subtitle C. National Commission to Support Law Enforcement

National Commission to Support Law Enforcement. Establishes a commission with the dual purpose of reviewing and recommending changes regarding the operations and effectiveness of law enforcement and the working conditions and compensation of law enforcement officers at the Federal, State, and local levels. The Commission would have 25 members, 20 of whom would be appointed by Congress and 5 by the President. The Comptroller General would serve in an advisory capacity to oversee the methodology and approach of the Commission's study.

TITLE XVIII—MOTOR VEHICLE THEFT PREVENTION

This title directs the Attorney General to develop a voluntary motor vehicle theft prevention program, which would involve putting decals on the vehicles of consenting owners. Such vehicles could then be stopped by law enforcement officers under conditions specified in rules promulgated by the Attorney General, if the officers have a reasonable suspicion that the vehicles are not being operated by or with the consent of their owners. The title also prohibits and penalizes tampering with motor vehicle identification numbers to further the theft, sale or receipt of a stolen vehicle. Such sums as necessary to carry out the program is authorized to be appropriated.

TITLE XIX—PROTECTIONS FOR THE ELDERLY

Missing Alzheimer's Disease Patient Alert Program. Directs the Attorney General to make grants in support of programs to protect and locate missing patients with Alzheimer's disease and related dementias. There is authorized to be appropriated $1 million for each of FY94, 95, and 96.

Crimes Against the Elderly. Directs the Sentencing Commission to ensure that the sentences for those convicted of crimes of violence against elderly victims be sufficiently stringent to deter such crimes, incapacitate such offenders, and provide enhanced penalties under specified criteria.

TITLE XX—CONSUMER PROTECTION

Insurance Business Crimes. Establishes new Federal penalties for insurance industry crimes, including embezzling from insurance companies, making false entries in insurance company books with intent to deceive, and corruptly influencing or obstructing proceedings before State insurance regulatory agencies or insurance examiners. This section also prohibits persons convicted of criminal felonies involving dishonesty or breach of trust from engaging in the insurance business.

Credit Card Fraud. Strengthens Federal law with regard to credit card fraud by prohibiting the sale of credit cards without credit card company authorization; fraudulent receipt of payments via credit card for goods never received or inferior to those promised; and laundering of credit card receipts.

Mail Fraud. Extends the mail fraud statute to include mail sent by private interstate carriers.

TITLE XXI—SENTENCING PROVISIONS

Among the miscellaneous changes to sentencing and magistrate provisions in this title: the unlawful possession of a controlled substance or firearm, and the refusal to cooperate in drug testing would mandate the revocation of supervised release.

TITLE XXII—COMPUTER CRIME

This title strengthens the provisions of Federal law penalizing computer crimes, particularly in relation to hackers who insert viruses into computers.

TITLE XXIII—INTERNATIONAL PARENTAL KIDNAPPING

This title would prohibit and penalize international parental child kidnapping. It also authorizes grants for training and educational programs on interstate and international parental child abduction. There is authorized to be appropriated $250 thousand to carry out this program.

TITLE XXIV—SAFE SCHOOLS

This title provides annual authorizations for safe schools grants and assistance. It directs the Director of the Bureau of Justice Assistance in consultation with the Secretary of Education to make grants to those local educational agencies most directly affected by crime and violence. Grants would be used to fund anti-crime and safety measures; to develop crime and drug prevention programs; for school victim counselling programs; for crime prevention equipment including metal detectors and video-surveillance devices; and for anti-gang programs. There is authorized to be appropriated $100 million for each of FY94, 95, and 96.

TITLE XXV—FINANCIAL INSTITUTIONS FRAUD PROSECUTIONS

This title strengthens the provision in current law that disqualifies certain persons with criminal records from participating in the affairs of insured depository institutions and credit unions.

TITLE XXVI—WHITE-COLLAR CRIME AMENDMENTS

Proceeds of Extortion. Prohibits and penalizes the receipt possession, concealment or disposal of money or property obtained by extortion. Regarding ransom money, makes it unlawful to transport, transmit, or transfer in interstate or foreign commerce the proceeds of a kidnapping, or to receive, possess, conceal or dispose of the proceeds knowing they have been unlawfully obtained.

Proceeds of a Postal Robbery. Prohibits and penalizes the receipt, possession, concealment or disposal of the proceeds of a postal robbery.

Obstruction of Civil Investigative Demands. Extends the prohibition against obstructing civil investigative demands to include obstruction in racketeering and false claims investigations.

Definition of Savings and Loan Associations in Bank Robbery Statute. For purposes of 18 U.S.C. 2113, defines "savings and loan association" to mean any Federally-chartered savings association or State-chartered savings association insured by the Federal Deposit Insurance Corporation and any corporation under a certain provision of the Federal Deposit Insurance Act operating under the laws of the United States.

TITLE XXVII—GAMBLING

Clarifying Amendments Regarding Scope of Prohibition Against Gambling on Ships in International Waters. Clarifies the scope of the current prohibition against certain "gambling ships."

Criminal History Information. Gives a State gaming enforcement office located within a State Attorney General's office access to FBI criminal history record information for licensing purposes.

TITLE XXVIII—BAIL POSTING REPORTING

This title requires State and Federal criminal court clerks to report to the Internal Revenue Service and prosecutors the name and taxpayer identification number of anyone accused of a drug, money laundering or racketeering crime who posts cash bail exceeding $10,000. The names of individuals other than licensed bail bondsmen posting such bail on behalf of such persons would also be reported.

TITLE XXIX—GENERAL INCREASED PENALTY PROVISIONS

Assault. This section increases the penalties for assault of a Federal officer, of foreign officials, of official guests and internationally protected persons, and assault within a maritime and territorial jurisdiction. It also increases the penalties for the assassination, kidnapping or assault of the President, the presidential staff, congressional leaders, Cabinet officials, and Supreme Court Justices.

Manslaughter. Increases the maximum penalties for voluntary and involuntary manslaughter.

Conspiracy to Commit Murder for Hire. Increases the maximum penalties for conspiracy to commit murder for hire.

Increased Penalties for Counterfeiting—Obligations or Securities. Increases the maximum penalty for counterfeiting obligation or securities through the misuse of any plates, stones, or other objects.

Increased Penalties for Trafficking in Counterfeit Goods and Services. Increases the maximum penalty for trafficking in counterfeit goods and services, and enhances the penalty for second offenders. Provides that such an offense can also serve as a money laundering predicate.

Civil Rights Violations. Broadens the scope and increases the penalties for conspiracies to deprive persons of their civil rights.

Travel Act. Increases the penalties for Travel Act violations involving violence.

TITLE XXX—MISCELLANEOUS

Additional Authorization for Drug Enforcement Administration. There is authorized to be appropriated for the Drug Enforcement Administration $100 million for FY94. These funds are to be used to hire 350 new agents and support staff to investigate drug trafficking in rural areas; to expand DEA State and local task forces; and to hire and train 50 special agents and support personnel to investigate violations of Federal laws regulating anabolic steroids.

Extension of Civil Rights Statutes. Extends the protections of the criminal civil rights statute to any person in a State. (Currently, the statute only covers State "inhabitants.")

Audit Requirement for State and Local Law Enforcement Agencies Receiving Federal Asset Forfeiture Funds. Requires the Comptroller General to audit annually Federal asset forfeiture funds. It also directs the Attorney General to require State and local enforcement agencies to audit annually and detail the uses and expenses to which forfeiture funds were dedicated and the amount used for each use or expense.

Administrative and Contracting Expenses. Requires a report to Congress containing a description of the administrative and contracting expenses paid from the forfeiture fund.

Optional Venue for Espionage and Related Offenses. Creates an optional venue in the District of Columbia for espionage and related offenses regarding the gathering, transmitting, losing or delivering of defense information.

Undercover Operations. Establishes how certain elements of an offense involving stolen or counterfeit goods may be established. This provision is intended to ensure that the scope of the statute extends to situations where the property was not actually stolen but was represented by law enforcement officials during the course of a sting operation as stolen, and was in fact believed by the defendant to be stolen.

Wiretaps. Prohibits and penalizes the disclosure of information obtained through wiretapping or electronic surveillance with the intent to obstruct a criminal investigation.

Theft of Major Art Works. Prohibits and penalizes the theft or procurement by fraud of any object of cultural heritage held in a museum.

Misuse of "DEA" Initials. Prohibits and penalizes the unauthorized use of the words "Drug Enforcement Administration" and the initials "DEA" in a manner calculated to convey the impression of DEA endorsement.

Trial by a Magistrate in Petty Offense Cases. This provision permits concurrent sentencing of a defendant to imprisonment and probation for petty offenses and the trial of petty offenses by magistrates.

Definition of Livestock. There is no definition of "livestock" in current Federal criminal law. This provision adds such a definition and includes carcasses, since the livestock may be slaughtered after theft and before interstate transfer.

TITLE XXXI—TECHNICAL CORRECTIONS

This title contains various technical amendments to title 18 of the United States Code.

SUPPORT VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Without objection, Mr. SCHUMER was given permission to address the House for 1 minute, and to revise and extend his remarks.

There was no objection.

Mr. SCHUMER. Mr. Speaker, I rise in support of the introduction of H.R. 3131, the crime bill, long awaited. Let me say to my colleagues, this is a very important bill for us, because if you ask people throughout America what their number one or number two problem is, they are going to say their own safety.

For years and years and years we have debated here in Washington the great ideological differences, those on the left fighting those on the right, and we did nothing to make people's lives safer, to do what they were really asking us to do.

This bill, fairly similar to last year's bill, makes a dramatic change. It does not spend most of its time on those great ideological issues, whatever one's position is. It, rather, talks about practical solutions: Cops on the beat, mandatory drug treatment in the prisons, safe schools, money for local law enforcement, taking the guns away from criminals, and tough penalties for those who commit crimes with drugs, with violence, with terrorism.

These are very important things, and we cannot neglect them. We cannot let our other disputes bring these issues down. Because if this bill passes, I am convinced, my colleagues, our streets will indeed become somewhat safer.

So I say to each and every Member, I want to commend the chairman for his work on the bill. We hope to have this bill go through in a bipartisan way. We hope that at the end of this year, we will be able to say there are more cops on the streets, there are fewer guns in the hands of criminals, and that the streets are finally a little bit safer and we are fulfilling our constituents' requests, demands, and pleas.

Mr. Speaker, I hope that we will see this bill on the President's desk before we adjourn this year.

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REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2758 AND H. RES. 134

Ms. MCKINNEY. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2758 and House Resolution 134.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentlewoman from Georgia?

There was no objection.

TRANSFER OF SPECIAL ORDER TIME

Mr. FILNER. Mr. Speaker, I ask unanimous consent that the special order for the gentleman from Michigan [Mr. BONIOR] on September 23, 1993, be allocated to the gentleman from Ohio [Mr. BROWN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CHANGE IN SPECIAL ORDER TIME

Mr. FILNER. Mr. Speaker, I ask unanimous consent to change the 15-minute special order on September 23, 1993 for the gentleman from California [Mr. FILNER] to a 5-minute special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE AT&T ARTICLE WHICH APPEARED IN THE SEPTEMBER, 1993 ISSUE OF "FOCUS," AT&T'S ALL EMPLOYEE MAGAZINE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, on Friday, September 17, 1993, it came to my attention that a depiction of an African as a monkey appeared in an internal AT&T employee publication which went to all AT&T employees. It was a cartoon portraying international calling which shows a monkey placing a call from the continent of Africa to the other continents. All other continents were portrayed by a human cartoon figure placing a call.

As a member of the African-American community and a Member of Congress who represents a district which is 65.6 percent African-American, I am deeply offended and troubled by this portrayal of my people. There never has and never will be a place for this type of irresponsible corporate behavior.

My concern is deepened by the fact that AT&T has in many areas been at the forefront of committing time, effort and resources to the African-American community. AT&T has received awards from the United Negro College Fund for its employee and foundation contributions. It received an award of distinction from the General Services Administration for its nearly 40 percent use of minority subcontractors on the Federal Telephone System (FTS 2000). Further, the magazine, Black Enterprise, cited AT&T as one of the top 25 companies for African-Americans to work in—and the list goes on. The fact that AT&T has worked so hard to achieve tangible results in the aforementioned areas makes this incident all the more tragic.

I sincerely hope that the gravity with which I and other African-Americans view this demeaning incident will not only serve as a wake-up call to AT&T, but to all of its corporate brothers and sisters, that even an unintentional slur to the African-American community will be neither tolerated nor overlooked.

THE PARK SCHOOL—25 YEARS OF YEAR-ROUND EXCELLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today I rise to pay tribute to the Park Elementary School in Hayward, CA, the oldest year-round school in the Nation. In 1968, Park adopted the first single-track, 200-day school calendar under previsions of a special pilot program approved by the California State Legislature.

In the years since, thousands of children have attended the Park School, providing 25 years of experience that other States have used as a resource. Last year, 23 States had year-round programs and the number of year-round schools is expected to double in the next 2 years.

Principal Jeanne Duarte-Armas will gather with the students and faculty of the Park School tomorrow morning to celebrate the school's silver jubilee. They will be jointed by city leaders and national leaders in the field of year-round education to begin the next 25 years together. I extend them my best wishes, Mr. Speaker, and ask my colleagues to join me in honoring those who make the Park School a special place to learn for their years of achievement and excellence.

CONGRATULATIONS TO THE PEOPLE OF SAUDI ARABIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, it is with great pleasure that I rise on this national day of the Kingdom of Saudi Arabia to announce the resolution of all outstanding issues between the creditors of Sanderson & Porter and the Kingdom of Saudi Arabia. I express my sincere gratitude to King Fahd of Saudi Arabia and to his very able Ambassador to the United States, Prince Bandar bin Sultan. I also recognize the professional efforts of Sharp & Lankford and R.L. Walker & Co. in resolving this matter, which has been the subject of numerous floor speeches, committee hearings, joint letters, individual pleas, and protracted negotiations.

As you may recall, Mr. Speaker, Sanderson & Porter was a prestigious American engineering firm engaged by the Kingdom of Saudi Arabia to work on three major desalination projects in the Kingdom. Sanderson & Porter ultimately went out of business, and 12 American creditor banks assumed a debt owed Sanderson & Porter. A U.S. court-appointed audit committee, assisted by Sharp & Lankford and Walker & Co., was charged with pursuing the claim.

I became involved in the matter in the fall of 1990 when it was brought to my attention that two of the American creditor banks were Missouri banks. I worked in earnest for over 2 years with the Saudi Arabian bureaucracy; but, recently, the wise intervention of King Fahd and the discretion he granted to Prince Bandar resulted in satisfaction of the claim.

Prince Bandar set out a framework through which meetings were held, exchanges of information occurred, terms were negotiated, and the claim was resolved. Mr. Speaker, thanks to Prince Bandar and his actions, which were true to his word, this issue has been fully put to rest; and I believe that a healthy, bilateral relationship between the United States and Saudi Arabia is enhanced by the resolution.

Abraham Lincoln once responded to criticism that he did not "dispose of his enemies" by pointing our that, when you make your enemy your friend, the "enemy has been disposed." Prince Bandar's diplomacy and personal attention to the issue have, through the resolution of the matter, given new life to this anecdote. We may all wish that this principle will become a guiding light to all parties seeking the path to peace in the Middle East.

I entered this dispute resolution process an adversary, and Prince Bandar has made me his friend by effectively, completely, and sincerely moving the issues to conclusion. I thank him for his hard work and thoughtful and fair deliberation, and King Fahd for authorizing him to do so. I extend warm, good wishes to the people of Saudi Arabia on their national day.

AN ENVIRONMENTAL DISASTER IN SOUTHERN CALIFORNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, this evening, I wish to bring to my colleagues' attention an environmental disaster in southern California which threatens the health and safety of hundreds of thousands of American citizens: the flow of raw, untreated sewage from Tijuana, Mexico into San Diego, CA.

Tijuana is one of the fastest growing cities in North America. Unfortunately, necessary infrastructure improvements have not kept pace with this spectacular population growth. As a prime example, Tijuana's wastewater treatment system has been unable to treat all of the wastewater generated by private and commercial sources. As Tijuana sits at a higher elevation than San Diego, raw sewage travels from Tijuana into the United States through the Tijuana River Valley and empties into the Pacific Ocean. The volume of raw sewage flowing in the river can vary, depending on rainfall, but has averaged over 30 million gallons per day [Mgal/d]. Some days, it has been as high as 60 [Mgal/d]. Mr. Chairman, can any other Member of this House say that 30–60 mgd of raw sewage flows through the middle of his or her district.

As you can imagine, these raw sewage flows have a disastrous impact on American citizens. The health of my constituents is clearly at risk. Threats of encephalitis, malaria, dysentery and cholera are all very real. In addition to polluting the Tijuana River, the sewage contaminates U.S. beaches, forcing their closure for 146 days in 1993 alone. Aside from the health risks associated with polluted beaches, the economic impact to these seaside communities has been tragic. Tourism is a sizable segment of the local economy—and you can easily imagine how tourists would rate a destination distinguished by raw sewage and closed beaches.

To address this chronic situation, a provision was included in the Water Quality Act of 1987 which authorized funds for the construction of an International Wastewater Treatment Plant in San Diego. An agreement between the United States and Mexico charged the International Boundary and Water Commission with responsibility for design and construction of the treatment plant. A site has been selected, but not one shovelful of dirt has yet been turned. Originally, construction was due to be completed next year.

The treatment plant has several problems. First, as currently designed, the plant will be able to treat only 25 mgd of wastewater. This is completely inadequate to deal with the current realities. Daily flows of 30 mgd are common. As Tijuana continues to expand, we can expect sewage flows to grow as well.

In addition, the completion date has slipped from 1994 to 1998. A variety of funding and design delays are blamed. But whatever the causes, raw sewage continues to flow.

If all this is not bad enough, the situation has recently deteriorated even further. While much of the problem previously came from renegade flows not captured by Tijuana's sewage system, in the past month, highly concentrated, raw sewage has been deliberately released from the Tijuana wastewater treatment system into the United States. Thus, concentrated, raw sewage is almost literally being forced down the throats of my constituents. It contaminates their backyards, fouls the air, and further deteriorates local land values and economic activity.

On behalf of my constituents, Mr. Speaker, I have developed a plan to stop the sewage flows. My legislation, H.R. 3020, has three components. First, it calls on the IBWC to accelerate its construction plans for the treatment plant. The plant must be in operation by the end of 1995.

Second, the plant's capacity must be expanded from the current design stipulation of 25 mgd to a minimum of 50 mgd.

Third, the costs associated with this capacity upgrade and accelerated schedule should be fully borne by the Mexican Government.

One of the most frustrating aspects of this problem is the seeming indifference of the Mexican Government to resolve a problem which is clearly its responsibility. There are currently no plans to upgrade the existing Tijuana treatment system, no plans to initiate a domestic water conservation program and no efforts to find other solutions on the Mexican side of the border.

When it comes to hurricanes and floods, this Congress has moved rapidly to clean up communities and repair infrastructure. We should do no less for a community ravaged by raw sewage from Mexico.

NO EXTRADITION/NO NAFTA?

The SPEAKER pro tempore (Ms. ENGLISH of Arizona). Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of California. Madame Speaker, the United States-Mexico Extradition Treaty is broken and now is the time to fix it. Let me explain.

Earlier this week, I finally felt compelled to begin speaking out about a terrible crime that took place in my region of southern California 1 year ago. That particular on-going case involves a 28-year-old Mexican national, Serapio Zuniga Rios, who is wanted for a brutal assault on a 14-year-old girl. This suspect remains at large, even though his whereabouts in Mexico were known for several months until he vanished from his hometown just a few weeks ago.

Certainly this case is horrible on its own terms and cries out for justice. I intend to do everything I can to press for this suspect to be apprehended and brought to trial.

But this is not at all an isolated case. It is altogether too common and symptomatic of a widespread, systemic law enforcement problem in California and elsewhere. This breakdown is directly related to the flat refusal of the Mexican Government, as a matter of policy, to ever extradite any Mexican national who is suspected of committing a crime in the United States to stand trial, even in cases involving murder, aggravated assault, rape, or statutory rape.

Yes, there exists a United States-Mexico Extradition Treaty. But in practice it functions as a one-way street.

Article 9 of the 1978 United States-Mexico Extradition Treaty specifically authorizes each country to extradite its own nationals, but leaves extradition to the discretion of each government on a case-by-case basis. The Mexican Government has already refused the extradition request for Zuniga Rios, in spite of direct and repeated appeals from United States Secretary of State Christopher and other high-ranking United States Government officials. However, whenever either government declines to extradite any national when formally requested to do so, that government is obligated to submit the case to its local authorities for prosecution.

In reality, the Mexican Government always rejects out of hand formal United States requests. Even more disappointing and frustrating to United States law enforcement officials, the Mexican Government often declines to pursue suspects and prosecute them under the applicable Mexican laws.

Now is an appropriate and opportune time for the United States Government to persuade the Mexican Government to abandon its nonextradition policy and to come into full compliance with the letter and spirit of the United States-Mexico Extradition Treaty. While Mexico is not the only country that declines to extradite its nationals when sought for crimes committed in the United States, it makes sense that the United States Government seek more cooperation from the Mexican Government in this regard at this point in time. This would clearly establish that countries seeking much closer and preferential trade ties with the U.S. can reasonably be expected to pursue much closer cooperation in law enforcement and criminal justice matters among a broad range of equally important, cross-cultural, bilateral concerns.

Fortunately, a very promising venue is now open to the Clinton administration to seek a change in Mexican Government policy.

Unbeknownst to most Americans, there are bilateral consultations in progress between high-ranking United States and Mexico law enforcement officials. I submit the following explanatory newspaper clipping from the June 22, 1993 edition of The Washington Post. In fact, these consultations originally arose from a Mexican Government request that the United States Government commit to never again pursue any cross-border kidnapping of any Mexican national to face criminal charges in the United States.

These consultations should not be one-sided. While I concur that the United States ought not engage in cross-border kidnappings, the United States ought to secure a change in the Mexican Government's policy of nonextradition in return. After all, one wonders whether any cross-border kidnapping would ever have been contemplated if more cooperation from Mexican law enforcement authorities had been forthcoming.

My view is that these consultations offer a prime opportunity for the United States Government to request that the Mexican Government change its policy against the extradition of suspected felons to stand trial in the United States for crimes they are accused of committing in our country. At the very least, United States negotiators should secure binding guarantees from the Mexican Government that Mexican authorities will vigorously pursue, arrest, and prosecute to the full letter of Mexican law any suspected felons who flee to Mexico to avoid prosecution in the United States. With the proposed North American Free-Trade Agreement [NAFTA] before the Congress this fall, now is a crucial time to impress upon the Mexican Government the primacy of the rule of law, not just in commercial trade considerations.

Following are copies of letter that Congressman CLAY SHAW, KEN CALVERT, and I have sent to President Clinton, Secretary of State Christopher, and Attorney General Reno to urge them to pursue this course of action.

[From the Washington Post, June 22, 1993]

UNITED STATES AND MEXICO PLAN TALKS ON EXTRADITION

(By Daniel Williams)

Mexico and the United States will attempt to negotiate an end to the U.S. practice of abducting criminal suspects in Mexico for trial in this country, Secretary of State Warren Christopher said yesterday.

The talks are being convened at Mexico's request. But in return for an end to U.S. kidnappings, Mexico will be asked to ease its opposition to the extradition of its citizens to the United States, a senior State Department official said.

The move seemed part of an attempt to clear the air of controversial issues as U.S. lawmakers prepare to debate the North American Free Trade Agreement, which would eliminate trade barriers among Mexico, the United States and Canada. NAFTA, as the proposed treaty is known, has attracted opposition in Congress because of fears that U.S. firms would relocate in Mexico where labor costs are just a fraction of U.S. rates.

The ability of drug traffickers to elude capture in Mexico is a sticking point in U.S.-Mexican is a sticking point in U.S.-Mexican relations and a factor used against the proposed trade agreement. Critics of NAFTA say drugs would cross the border more freely if customs barriers were to fall.

"We have agreed to negotiate the extradition issue to find a legally binding way to prohibit territorial abductions," Christopher said during a photo session with Fernando Solana, the visiting Mexican foreign affairs secretary. "The foreign secretary and I have asked our negotiators to proceed as quickly as possible on this very sensitive and important issue."

Christopher said that President Clinton, like President George Bush before him, had assured Mexico in writing that the abductions would stop. Mexico, however, is seeking further assurance in a legally binding treaty, the senior State Department official said.

Negotiatons will begin in July, although Mexico's hope that the issue can be settled by summer's end may be overly ambitious, the official added.

In the 1980s, Mexico became a leading conduit for cocaine from South America as U.S. interdiction efforts in Caribbean disrupted traditional smuggling routes.

In 1985, Mexican drug traffickers captured, tortured and killed Enrique Camarena, a U.S. Drug Enforcement Administration agent working in Guadalajara, Mexico. In 1990 U.S. agents kidnapped Humberto Alvarez Machain, a suspect in the Camarena case, and spirited him across the border.

The abduction angered the Mexican government. Mexican officials were further enraged when the U.S. Supreme Court declined to free Alvarez last year on the ground that his abduction did not violate the U.S-Mexico extradition treaty, on which Mexico's protests were based.

Other suspects in the Camarena killing are in Mexican jails or at large. Mexico, like other Latin American countries, prefers to try within its territory citizens who are wanted abroad.

Ratification of NAFTA is awaiting the outcome of negotiations on side agreements that would address such key U.S. concerns as labor standards and pollution control. Both Clinton and Christopher took Solana's visit as an opportunity to lobby for approval of NAFTA.

"By approving NAFTA, we can cement in place a new source of jobs and economic growth for workers in Canada, Mexico and our own country," said Clinton.

Christopher said that trade with Mexico favors the United States and that enactment of NAFTA would create jobs. He called the proposed treaty an "overriding national interest."

Solana said that Mexico is "fully devoted and determined" to take part in NAFTA. His visit to Washington was one in an ongoing series of get-togethers between U.S. and Mexican officials to discuss issues of trade, immigration, water, the environment and other matters.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 22, 1993.

Hon. BILL CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to bring to your attention a criminal justice and extradition matter of utmost concern to us. Once you read our enclosed correspondence to Mexican President Salinas, we hope you will understand and share our sense of outrage and dismay.

As if the horrible crime which this family in Riverside County, California has endured is not bad enough, their plea for official help from the U.S. Government seemingly has fallen largely on deaf ears, too.

First, after our repeated prodding, it still took the U.S. Departments of State and Justice nine months to formally request the extradition of the suspect for whom there has been a longstanding felony warrant in California. Even when the U.S. Ambassador presented the extradition request last month, we were told by State Department officials that he was told by the Mexican authorities not to expect extradition to occur.

Second, the Immigration and Naturalization Service (INS) was within three weeks of granting permanent resident status to this suspect last fall even after the crime occurred. INS authorities were totally unaware that the Riverside County Sheriff's Department had issued a felony arrest warrant for this suspect until that fact was called to their attention by the victim's aunt who happens to work on Capitol Hill.

Third, not having heard anything, in mid-June we requested a meeting with officials of the State and Justice Departments concerning substantive developments in this case. Frankly, our patience was exhausted.

Three State Department officials provided a very general briefing, after the Justice Department officials bailed out at the last minute. To say we were disappointed would be an understatement. They simply reported that two weeks earlier a formal extradition request had been made, but that they had little reason to expect a favorable Mexican response, especially given that no Mexican national has ever been extradited to the U.S. Even though there exists a U.S.-Mexico Extradition Treaty, we were told in very matter of fact fashion that Mexican law also prohibits the extradition of its nationals as though we should accept this fact as a fait accompli.

The only shred of encouragement they offered to us was that some opening might arise in ensuing weeks during informal bilateral discussions on extradition issues. Imagine our dismay when we learned that these discussions seem to have been prompted, in no small part, by a Mexican Government demand that the U.S. Government commit to never again kidnap a Mexican national to stand trial in the U.S. as was done in the case involving a Mexican suspect in the torture and murder of a U.S. Drug Enforcement Agency (DEA) agent in Mexico.

In these discussions, we question whether unilaterally acceding to this Mexican Government demand is not tantamount to treating the symptom and not the underlying cause of the fundamental extradition problem that exists between Mexico and the U.S. Could it be that the cross-border kidnapping was deemed necessary precisely because the Mexican Government refused to extradite the suspect involved, while also refusing to take action against him under Mexican law?

The bilateral U.S.-Mexican extradition discussions now in progress present a prime opportunity to make real progress in pursuit of justice in the Riverside County, California case and, at the same time, achieve badly-needed, lasting improvements in extradition policies between Mexico and the U.S.

We do not understand and cannot accept the uncaring manner in which the Rios case has been handled by Mexican authorities to date. It calls into question the rule of law within Mexico and good faith in relations between our two countries. More broadly, it is unacceptable for the U.S.-Mexico Extradition Treaty to be interpreted as a one-way street where the U.S. extradites our nationals to stand trial in Mexico, but the Government of Mexico refuses to reciprocate.

We strongly urge you to secure the immediate extradition of Serapio Zuniga Rios to stand trial for the heinous crime he is acussed of having committed last year in Riverside County, California. We also urge that permanent improvements be discussed with the Mexican Government and incorporated in the U.S.-Mexico Extradition Treaty to make certain that any persons formally charged with crimes on either side of the Rio Grande are routinely extradited to face charges and stand trial in the country where the crimes are alleged to have occurred.

We will take further steps as warranted by your actions in relation both to this case and its broader policy implications.

Sincerely yours,

CLAY SHAW,
GEORGE E. BROWN, JR.,
KEN CALVERT,
Members of Congress.

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PRESIDENT CLINTON'S HEALTH CARE REFORM PROPOSAL FOR VA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I am very pleased with the proposed VA role put forth by President Clinton in his health care reform plan.

The President's plan maintains an independent health care option—the VA—for veterans. It will expand access to veterans who currently are unable to get VA services. Veterans with service-connected disabilities or low incomes who choose VA as a provider will pay nothing for their care. Higher income veterans whose conditions are not related to military service will be required to pay a share of the cost of their treatment just as other citizens.

I am especially pleased that, under the President's reform proposal, VA will be given new revenue sources. Besides Federal appropriations, for the first time ever VA will be able to collect from Medicare for the treatment of higher income non-service-connected veterans. VA also will receive funds from health alliances for the treatment of all employed veterans who enroll with VA.

Veterans should have no concern about their health care services being diminished by this plan—they won't—and the entire veteran community should enthusiastically endorse the reform proposal as it pertains to VA.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 2295) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEAHY, Mr. INOUYE, Mr. DECONCINI, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. BYRD, Mr. MCCONNELL, Mr. D'AMATO, Mr. SPECTER, Mr. NICKLES, Mr. MACK, Mr. GRAMM, and Mr. HATFIELD to be the conferees on the part of the Senate.

THE DANGERS OF THE NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 60 minutes.

Mr. BROWN of Ohio. Madam Speaker, over the last several months a group of us have come to the House floor to discuss the North American Free-Trade Agreement, to discuss our reasons for opposing that agreement. Joining me this evening is the distinguished gentleman from Michigan [Mr. BONIOR], the majority whip, who has been the real leader in the House in opposition to the North American Free-Trade Agreement; has spoken articulately about the problems of wages, the problems of lost jobs, the problems of hurting American workers' wages, and telling us over and over again how NAFTA is a job killer, how it devastates communities, how it hurts small businesses.

Also with us this evening is my fellow Ohioan, MARCY KAPTUR, who has been a great leader in the opposition to NAFTA. She has always worked for working people, especially in her district. She will talk tonight also about the problems with NAFTA and how it has been a job killer in our communities throughout the country, not just in places like Ohio and Michigan, but all over the country.

The premise of the pro-NAFTA people, the premise of the large American corporations that have spent tens of millions of dollars already in trying to sell something that the American people do not want to buy, trying to sell NAFTA to us, their premise is that jobs that go to Mexico, as the Mexicans begin to get a little wealthier, that there will be a middle class produced in Mexico; that a middle class will form, and they will then turn around and buy Thunderbirds made in my district, or they will buy other kinds of expensive American consumer items, and that will help with American jobs and help with Mexican jobs, and a rising tide lifts all boats.

That is their attitude about what NAFTA will do. There is absolutely no evidence that that will happen. Just this week the majority leader, the gentleman from Missouri [Mr. GEPHARDT], who is the second ranking Member of the House of Representatives, came out in strong opposition to the North American Free-Trade Agreement. I would like to share some things this evening about what Mr. GEPHARDT said about the problems of wages, the problems of lost jobs, the problems of Mexico, the problems of this trade agreement, and what it means to us.

First of all, the Mexican Government has set wages artificially low in Mexico, which means that the Mexicans will never be able to turn around and buy American consumer goods. For instance, in Mexico in the last 12 years, wages have gone down 32 percent, even though 2,000 American businesses hiring 600,000 to 700,000 Mexican workers, jobs that should be in Toledo, OH and in Lorraine, OH, and Macomb County, MI and San Diego and Texas and all over this country, 600,000 jobs went to Mexico in these 2,000 businesses.

What did that do? That did not raise Mexican wages like the proponents of NAFTA say. What that did is during that time Mexican wages have gone down 32 percent. At the same time, Mexican productivity, those workers actually enriched their employers to the point that productivity went up 41 percent in Mexico during that time. Wages went down 32 percent, productivity went up 41 percent.

In a free society like ours, like in this country, in a free society wages go up at about the same rate as productivity, so if workers are producing more and doing better for their companies, those workers are going to be paid more. That would be the basis of free trade.

In Mexico that simply has not happened. There is the theory and there is the reality. The people that are for NAFTA are making the case, trying to make the case, that free trade is what Adam Smith taught us, and free trade philosophically will make all boats rise, and free trade will make more jobs in America and more jobs in Mexico.

The reality is that this agreement, this North American Free-Trade Agreement, will cost American jobs, will not make the Mexican people wealthier to the point that they can buy Thunderbirds and they can buy other kinds of consumer goods from the United States.

That is the basic reason they say NAFTA should work, is that it will increase the wealth in Mexico, so they will buy more American goods. Clearly, it will not increase the wealth in Mexico. It simply will be a job killer for Americans. It will devastate small businesses and devastate communities in the United States and school systems and all of that in our communities throughout this great country.

Two other issues I would like to briefly mention, and then I would like to yield some time to the majority whip, DAVID BONIOR.

The Mexican Government has spent huge amounts of money lobbying our Government on NAFTA. The Mexican Government has spent somewhere in the vicinity of $30 million to convince your elected Representatives, to convince the people that sit in this body and vote on legislation, to convince us that the North American Free-Trade Agreement is a great thing. Never, never in human history has one country spent that kind of money to lobby the elected Representatives of another country.

It is pretty clear if the Mexican Government is spending that kind of money lobbying for NAFTA, that the people that run the Mexican Government are going to benefit from NAFTA, not Mexican workers, not American school children, not Americans that work for a living, Americans that play by the rules and do the right thing. Clearly, Americans will not benefit from this agreement.

The $30 million the Mexican Government has spent is compounded by the fact that there are 36 families in Mexico that possess, that own, 50 percent of the wealth of that country. I will say that again, 36 families in Mexico control 50 percent of the wealth in that country. Those are the people that will benefit from NAFTA.

Similarly, the largest American corporations that are also lobbying us, and the gentlewoman from Ohio [Ms. KAPTUR] and the gentleman from Michigan [Mr. BONIOR] have been the targets, as I have, of incredibly intense lobbying by American corporations and by the wealthiest Americans, and by the newspaper publishers, and people like that in this country. That is who NAFTA is for. NAFTA is for the largest corporations in this country, and NAFTA will benefit those 36 Mexican families that control half the wealth of that country.

The last issue I would like to briefly address with NAFTA that has not been much talked about, but is going to get bigger and bigger, that is the simple cost of implementation of NAFTA. NAFTA is a $50 billion Government program. Conservatives love to talk about, and rightly so, sometimes, and love to guard against very expensive new Government programs. This NAFTA program will probably be the most expensive new program this Congress votes on this year. It will cost $50 billion to implement NAFTA for this reason.

First of all, American tariffs will go down, which will cost the American Government several billion dollars in each year in the years ahead in lost revenue, because those tariffs will not be collected from imports coming in from Mexico.

Second, the Governor of Texas has already asked the Congress for $10 billion to implement NAFTA, to build highways and build and repair highways and bridges and sewer projects. The Governor of Arizona has not weighed in yet. The Governor of New Mexico has not weighed in yet. Especially the Governor of California has not weighed in yet.

You can bet they are going to come to this Congress with hat in hand asking for over $40 billion to implement NAFTA. To do that, this Congress has to do two things, under the new way that budgets are done in this Congress, under the reforms that have been accomplished. That is, for that $50 billion shortfall, for this $50 billion new Government program, the North American Free Trade Agreement, remember that, $50 billion, a $50 billion new Government program, to pay for that we have got to either increase taxes or we have to cut specific programs. That is the law. That is what we have to do.

I cannot go back to the people of Ohio and say, "Oh, we are going to raise your taxes so we can build some new things in Texas, so the Mexicans can steal your jobs." That is a pretty hard case to make. I do not plan to make that case to the people of my district, to increase taxes to pay for this $50 billion new Government program.

The other way we do it is, to raise this $50 billion, we would have to make cuts in programs, and I do not think that we can make the people of Michigan, that we can tell the people of Michigan, "We are going to cut this program for you so that the people of southern California will have these new sewer systems and these new roads and bridges, to pay for this $50 billion new program." The people of Ohio do not want to see cuts to pay for those programs along the Mexican border. The people of Michigan do not want to see those cuts. None of us want to see increased taxes for this $50 billion government program.

Those are all reasons that NAFTA simply will not work. It is not in our interest. It is a job killer. It costs so much, this new government program. There is something simply unseemly about a government spending 30 million, so far, dollars in lobbying your elected Representatives. There is simply something unseemly about that.

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Those are all reasons that we need to get the word out in this country that NAFTA is a bad idea. The more we know about it the less people like it, and I think that is why NAFTA is going to go down to defeat in the next couple of months.

Madam Speaker, I now yield to the gentleman from Macomb County, MI, Mr. DAVID BONIOR, the majority whip.

Mr. BONIOR. Madam Speaker, I thank my colleague for yielding. And I want to thank him and MARCY KAPTUR from Ohio and my friend, BART STUPAK from Michigan, who have also joined us as we talk about an issue that I think is of prime importance not only to our region of the country but to the Nation as a whole.

Madam Speaker, if we could bring the easels and charts forward to my right side, I would appreciate that as I want to talk about some issues that are on those charts.

Madam Speaker, my opposition to NAFTA is based on one thing, and I think it is shared by my friends who are joining with me this evening, and that is the concern for working families, their jobs, and the right to a decent standard of living.

Those of us who are in the forefront in trying to stop NAFTA have been accused of playing to people's fears. Yes, we have heard the pain, and we have heard the suffering and felt the suffering of those who have lost their jobs. We have seen whole communities devastated. We have watched families try to make ends meet on wages that are half what they were just a few short years ago.

Does this mean that we are motivated by fear? We are determined that America should not continue to repeat the mistakes of the past. But does that mean we have no vision for the future? Just the opposite.

You cannot have a vision of the future, you cannot chart a course that will help America compete in a global economy, if you ignore the reality of what is happening to the American people today. The theories of economists are not enough. We must look at the economic reality that is facing this country and the workers in this country each and every day.

We have lost over 500,000, half a million jobs to Mexico in the last decade, and we will lose between 500,000 and a million more jobs in the next decade if NAFTA goes through. Even conservative economists who believe there will be a net job gain under NAFTA in the long term admit that the United States will suffer massive dislocation in the short term, especially in certain sectors and regions of the country.

Ask yourselves what happened to the people who lost their jobs in the 1980's. Everybody knows them. They are in your family, in your neighborhood, you work with their relatives. Most of them did eventually find work, just as most people who will lose their jobs under NAFTA will eventually find work. But at dramatically reduced wages after long periods of unemployment.

A Department of Labor study concluded that many of the people who lost their jobs in the last decade took a 50-percent pay cut when they finally found work again. Their wages were cut in half. Everybody who has had this type of worker dislocation in their district understands this.

The proponents of NAFTA argue that exports to Mexico are already increasing, and that means jobs for American workers. But let us look at the reality of those exports. Capital goods, that is manufacturing plants and equipment, that accounts for 24 percent of United States exports to Mexico last year. Intermediate goods, parts to make final products that are then shipped back to the United States accounts for 61 percent. Only 15 percent of our exports to Mexico were finished consumer goods that the Mexican people could buy. We are, in fact, through capital goods and intermediate goods, things that are made here, shipped off and assembled and shipped right back, we are in fact selling Mexico our factories and our jobs. And our jobs are following.

Just look at this ad to my right, both of them. I think they tell the story very well. It says here, "Yes you can in Yucatan," the campaign by the Mexican Government. At my far right the ad says, "I can't find good, loyal workers for a dollar an hour within a thousand miles from here." It shows a beleaguered-looking American businessman. And the ad goes on to say that labor costs average under a dollar an hour, including benefits, and it goes on to say you could save over $15,000 a year per worker if you had an offshore production plant here. So if you want to see how well you and your plant managers can live, while cutting your competitive costs, call this number, come to Yucatan.

So my office called that number, and I can tell you that they have been besieged by companies all across America calling to find out how they can get in on the goodies. the dollar an hour in wages and benefits package and saving $15,000 a year, and making sure that the management lives in quite comfortable circumstances.

This other ad basically is the same campaign. It says, "Can you cut labor costs 300 percent in 90 minutes? Yes, you can, in Yucatan." They brag about the low-wage situation in Mexico and how American corporations will find it attractive to come down there.

Now the opponents of this will say to you well, you know, they are coming down anyway, these corporations are coming down anyway. So does that argue for us to accelerate that fleeing of American jobs in manufacturing and other facilities in this country?

And people should understand quite clearly that if this passes, as SHERROD BROWN has mentioned, it will cost a ton of money. Some people guesstimate $40 billion in lost revenues and increased infrastructure repair to roads, highways, bridges, retraining workers. It is an expensive proposition, No. 1.

Second, if this passes, as you know, the trade tariff comes off the United States, and it will be more attractive for people to come down to Mexico and relocate. It will be more attractive because they are protected against nationalization of corporations. It will be more attractive for them to flee American workers in the United States and go down to Mexico because they do not have to worry about copyright infringements.

This treaty will accelerate, as these ads clearly point out, the exodus of American jobs. It is as simple as this: How can we expect a Mexican worker to buy an American car when his wages for a whole week will barely allow him to buy a set of sparkplugs? NAFTA will make our jobs our No. 1 export.

And yes, I have been critical of Mexico's current economic and political system. The minimum wage, as you know, in Mexico is 58 cents an hour. And the Mexican Government deliberately keeps wages low, despite increasing worker productivity. We have talked about that productivity increase over the weeks. We have seen an increase in the reports done by Prof. Harley Shaikin, one of the top economists who knows the Mexican economy. Yet the government and those 36 families that Congressman BROWN alluded to control the society in terms of wages.

Mexico's environmental record is a disaster. As we heard in a 5-minute speech not too long ago by the gentleman who represents the border district of Tijuana, Mr. FILNER, it is a disaster with raw sewage coming over here and it is poisoning their people from basically, oftentimes, American production facilities located on the border dumping pollution at will.

The restrictions on freedom and basic human rights are well documented. I want to hear the proponents of this treaty talk about the 532 members of the opposition political party that have been killed by federal police in the last 10 years. You do not hear about that. You do not hear about it from the publishers. You do not hear about it from the editors. You do hear about it from the reporters. They will not talk about it. And what is particularly disturbing to me is they will not talk about over the past 10 years the 26 journalists that have been killed there since 1988.

The judicial system is rife with corruption and Amnesty International has cited Mexico for the widespread use of torture. It is an interesting read. I would recommend it to those of you who are concerned about basic human rights in the Americas.

I mentioned several times and I am going to repeat it again, because Mario Marjislova, a Democrat, one of the great writers in the Americas today, a Peruvian, said that Mexico is the perfect dictatorship because it gives you the guise of a democracy, but yet underneath it, underneath it, there is no sense, there is no decency.

Let me talk to Members about some of these human rights issues because I think they are terribly important and they need repeating. Fifty-eight journalists have been killed in Mexico in the last 10 years, 26 have been killed since 1988.

□ 1910

A magazine editor, Ignacio Castillo, was murdered in November 1992 after returning home from a protest against intimidation of the press. Others in Mexico said he had been killed because he discovered information damaging to the State in which he lived and to the Governor of that State. Borge was accused of illegally diverting $41 million of public money.

Another point in fact: In October 1991 a young television journalist named Gabriel Venegas was found murdered by the side of the road. Two weeks ago a journalist named Juvencio Galvez was found stabbed to death in the same region. Another point: The London-based Pen Club dispatched a delegation to investigate these and other abuses against journalists. Club leader John Farell was quoted as saying that journalists were worried about the "large number of reporter assassinations and disappearances as well as death threats and attacks against journalists in Mexico."

In 1985 a reporter named Manuel Buendia was fatally shot four times while entering a garage near his office. Most agreed the death was linked to his 38 years of outspoken journalist attacks on the corrupt political system in Mexico. Only 9 hours after that death, that shooting, the body of another reporter was found in a ditch, his mouth gagged and wired, and with three bullets in his head.

In another incident in that same year, an American reporter from Texas was arrested, interrogated, and tortured for 12 hours. He had been interviewing workers on a hunger strike who were protesting having been fired from a maquiladora plant, trying to organize for better conditions.

In June of this year the secretary general of the Latin American Federation of Journalists in Mexico:

> Mexico is the member with the highest number of killed and disappeared journalists in the last 23 years, with 84 cases.

It goes on and on and on. If I could talk to you about something that just happened this week that I think needs to be discussed here tonight.

On Tuesday, this week, a busload of trade unionists who were participating in a tour of a maquiladora facility in the Tijuana area were detained by the Mexican police for over 3½ hours. Most of the group, about 40 altogether, were members of the International Association of Machinists and Aerospace Workers. The group also included Maryland State legislator John Jeffries, who is the chair of the Maryland General Assembly Black Caucus.

And for me, most importantly the group included a constituent of mine, John Winterhalter. He lives with his wife and two sons in Romeo and worked as a business agent for Machinists Local 2848 in Warren, MI. The group was detained in a fenced area, they were isolated, not allowed to make phone calls, not even to the American consulate. Every person on the bus was asked to show identification, including addresses and ages.

At first they were told—they were not told why they were being detained; then they were told they needed a special visa to enter the maquiladora zone even though no such requirement exists under Mexican law.

Then they were told their violation was simply discussing internal working conditions with Mexican workers. That was a quote. That is understandable because of the absolutely horrendous, terrible situation that exists in the maquiladoras.

Eighty percent of those factories down there are American corporations. About the same number, 80 percent of the people there are kids and women, and they treat them like dogs in terms of what they pay them, the way they live, the pollution they are exposed to.

Before releasing these machinists, the Mexican police admitted that they detained the bus at the request of the owners of one of the maquiladora factories, Carlisle Plastics, which is headquartered in Boston, MA.

The situation in this maquiladora zone is just one example of what we can expect to find throughout Mexico if NAFTA passes. This shows that while our factories may freely cross the border under NAFTA, the workers who will fill them are not free. You cannot have free trade with a country that does not practice freedom for its own people or its visitors.

It shows how different our very own companies treat their workers when they move their plants south of the border. Anyone concerned about the lives and the futures of workers in the United States, Canada, or Mexico should not ignore the ugly reality of Mexico's policies today.

I could go on and on and on about the judicial system, about the locked-in political system, of the fraud in the elections, but I will come to that in another evening.

NAFTA, unbelievably, does nothing to change this. NAFTA will give us more of the same; NAFTA will lock in the status quo. There are people in Mexico trying to reform the judicial system, trying to improve human rights, trying to organize independent labor unions so the workers' standards can rise. NAFTA will lock in the people who are in charge now. And it will accelerate the economic damage that is being done to both Mexico and the United States.

Our future is linked with the future of the people of Mexico. We must be on the side of those who are fighting for democratic reform and for a decent standard of living for the people of Mexico, not on the side of the status quo. Our choice is not between the past and the future; the question is what kind of future do we envision for workers on both sides of the border? Now, that is on both sides of the border.

Some are making the argument that we are not looking to the future, we are hiding in the past. The future is not reducing American workers' labor standards and wages to the level that they were before we made the progress we made over the past 40 years. The future is not doing away with the environmental, safety laws, consumer laws that people fought hard for in this country, in State legislatures and in this very Chamber.

That is not the future. The future is not keeping the status quo in Mexico, which instituted and keeps demanding these practices that I have just enunciated to you this evening. The future is moving beyond that. The future is a better standard of living for the workers on both sides of the border. The tragedy is that workers were not considered in this agreement. It is so clear, it is so obvious they were not given the time of day.

Do we really want to ratify a system that keeps Mexican wages low, provides no protection for health, safety, or environmental matters? And also, to ask American workers to compete in a system where the deck is stacked, unfairly stacked against us? Is this the future that NAFTA envisions that will export American jobs, that will reduce Americans' standard of living and will not provide Mexican workers with a high enough standard of living to buy our products, or do we want a future instead that raises the skills, the wages, the standard of living in America, encourages investment, encourages training and infrastructure and job creation so that our workers can compete? Should we not demand that any agreement with Mexico helps raise the standard of living of Mexican workers closer to our level instead of reducing our standard of living to theirs?

That should be fundamental and basic. It is what the Europeans do. When the countries of Europe launched the effort to build an unified economic market—they had been working on it for 40 years—they developed certain standards of democracy, political freedom, labor rights, and health and safety standards that each country must meet before they are accepted. That is why Spain, Portugal, Greece, and now Turkey have had the difficult time getting in, because they have not met these standards.

They are trying to meet them. Some of them have met them already. But those are the goals. It took the European Community over 40 years to integrate economies where wages and standards of living and the basic political systems were far more similar than ours with Mexico. Even so, the European Community will spend $100 billion on adjustment programs between 1989 and 1993 to try to make their pact work.

Who will pay the costs here, as Sherrod Brown has indicated, in this country that will result from NAFTA; costs to retrain workers, retool factories, rebuild our infrastructure, cleanup the environmental border mess?

We have been told it could cost in excess of $40 billion. We could not get, we are fighting first of all over how to deal with the unemployment compensation extension bill this week, trying to figure out where to get a little bit of money to take care of our own workers here. We could not get $16 billion for jobs in the stimulus package.

Now, all of a sudden, many of the same people who were adamantly opposed in both bodies in this institution on that issue are coming forward and are going to support us on these issues? Not credible.

As it stands right now, the people of Michigan will pay that cost in lost jobs, in lowered standards of living, years of wondering how we will put the lives of our families and our neighbors back together after NAFTA.

Would I like to support a North American Free-Trade Agreement? I would say, "Yes; yes, I would." Do I believe we could over time put together an agreement that is good for both the people of Mexico and Michigan? Yes, I do.

□ 1920

But this agreement is a bad deal. It is a lousy negotiated deal. It is a sellout of workers on both sides of the border and a reward to those who have abused and exploited the people of Mexico who are trying to raise themselves and their families.

That is why I say this NAFTA is not the NAFTA for us. This is not the NAFTA we want. This is not the NAFTA that is good for the people of the Americas.

I thank my colleague for yielding and giving me a chance to express myself, and, before using up the time that he has so generously given to me, I would like to point out to my colleagues, I think, a very interesting column.

Madam Speaker, I do not know if the people follow the press, but it is oftentimes two and three to one pro-NAFTA press. It is so obvious and clear. It is their right, obviously. The editors and the publishers feel strongly about this, but it is certainly one-sided.

But here is another side. It is called "The Free-Trade Debate: A Matter of Class" by Joe Urschel, and if I could just take a few seconds, I would like to read a little bit of it to my colleagues tonight because it appeared in USA Today. He says:

> The elite pushing NAFTA doesn't understand workers' very real anxieties.
>
> The Clinton folks thought they achieved a great coup when they trotted out ex-presidents Ford, Carter and Bush to endorse the North American Free Trade Agreement.
>
> What an impressive image. Elder statesmen putting aside their differences to support one of the few things they have in common: a love for NAFTA.
>
> Others, though, look at this group and see something different: Three retired millionaires living on fat government pensions, all of whom were voted out of office for bungling the economy.
>
> Here's something else they have in common—and they share it with everyone who supports this pact: Under no conceivable scenario would they be adversely affected if it were passed.
>
> The coalition pushing NAFTA is a broad band of big-business leaders, Republicans, "New Democrats," academics who practice the illusory science of economics and the newspaper intelligentsia which runs the nation's editorial pages.
>
> To them, NAFTA is not about jobs. It's merely a theoretical concept which, at the very least, will be good for the returns on their mutual fund investments.
>
> George Will is not going to lose his job if he is wrong about NAFTA. If NAFTA further erodes the standard of living for the American worker, it will be no worse for Jerry Ford than a little drizzle on the back nine. Lee Iacocca can keep right on cashing in options and making millions.
>
> Working folks don't really matter to America's new monied professionals. That is the dirty little secret of NAFTA. Unions are increasingly seen as an impediment to profits in this new "global economy," which seems to dictate that people who work with their hands should be paid with buttons and string.
>
> And the coddled opinion leaders of the baby boom—who've inherited their lofty standards from the mill workers, farmers, cooks and bricklayers who were their fathers and grandfathers—sit in ergonomically designed chairs and tap out enlightened thought about "the realities of international competition" and tell the workers to "adapt."
>
> People who couldn't grab the right end of a hammer without a prep course from Bob Vila now sit in judgment of which kind of labor is "skilled" or "unskilled" and ape the words of economists (the Chance Gardeners of social thought) about which kind the country needs.
>
> Even the proponents of NAFTA admit that, initially, the pact will result in tens of thousands of jobs lost to Mexico (not their jobs, however). But—they predict!—hundreds of thousands of new jobs will be created. The point is, everything is conjecture. No one knows what will happen.
>
> American workers are being asked to jeopardize the job they've got and opt for the "two in the bush." Anyone who takes his or her skepticism or fears the least bit seriously is a "freak," a "protectionist" or, to use Jimmy Carter's word, a "demagogue."
>
> Seems he's gotten over his malaise.

I just want to conclude by suggesting to my colleagues that this is not a good treaty. It is not good for the workers in this country. We can do much better. We have a new President, Mexico will have a new President themselves very shortly, and there may be a change of government in Canada. It seems to me what we ought to do is have all these new leaders go back to the drawing table, and maybe this dose of reality in terms of really who was affected and who the parliaments in all these countries are, or at least some of these countries are talking about and standing up for the workers, the citizens of these nations will have some bearing on their future decisions, and I thank my colleague for his time this evening.

Mr. BROWN of Ohio. Madam Speaker, I find particularly interesting what the gentleman from Michigan [Mr. BONIOR] said, what the distinguished majority whip said, about rewarding those people that have been so much a part of the exploitation of Mexican workers and have been so much a part of sending American jobs to Mexico. If we pass the North American Free Trade Agreement, if this Congress passes that agreement, we have rewarded those, we are rewarding those American companies, who have left Toledo, OH, and left Lorain, OH, and Elyria, OH, and left the district of the gentleman from Michigan [Mr. STUPAK], and taken off to go to Mexico, rewarding those companies, rewarding those companies that exploit Mexican workers oftentimes from American companies and multinational companies that have disregarded any kind of human decency with the environment, with worker safety, with child labor, with all the kinds of things they have done with very, very low wages. We are also rewarding, if we agree to NAFTA, we are also rewarding the Mexican Government, those 36 families in control of 50 percent of the wealth, and I would add before yielding time to my friend, the gentlewoman from Ohio [Ms. KAPTUR], from Toledo, that the Mexican Government, the longest reigning, single, now that the Bolsheviks at the Soviet Government have fallen, that the Mexican Government is the longest reigning, single-party government in the world. No single party has ruled over a country as many years as the 65 years that the PRI, the party of the ruling party of Mexico, has, and with the corruption that surrounds one-party dictatorship is, as we have learned all of our lives about the Soviets, we see some of those same kinds of activities as the gentleman from Michigan [Mr. BONIOR] pointed out about the Mexicans and that you cannot, if you adopt their government, you cannot have free trade without free elections. You cannot have free trade without a middle class. Disagreement is wrong.

Madam Speaker, I yield to the honorable gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Madam Speaker, I thank the gentleman from Ohio [Mr. BROWN] for his ability, for his dedication and for his passion on this important issue. No one would know about freedom and free elections more than he does, having served as Secretary of State of our great State of Ohio for many, many years, and it is a pleasure for me to appear with him this evening, along with our distinguished majority whip who spoke so compassionately this evening about what this proposed executive agreement that they are calling a treaty is really about, and also to be here tonight with the gentleman from Michigan [Mr. STUPAK] who is from the upper peninsula in the northern area of his State, who has made such a contribution to the debate and who cares so very deeply, not just for the people of his own State, but for those of our country and the working people of Mexico as well.

I could not help but as I listened to some of the other speakers tonight think what an incredible privilege it is to serve here in this Congress as people who, as we all are, are elected freely by the people of our districts who send us here. We have the great gift of free speech in this country, and here we stand in the seat of democracy, the Free World, being able to speak our minds and our hearts this evening in the Congress of the United States, and I know that elected officials in Mexico do not have this right. If they speak against the treaty or against their Government, they will not be broadcast in that country, and I am reminded of those who gave their lives to preserve our Bill of Rights, and we are here as free citizens, as freely elected citizens, as Members of this House. We are not standing outside on a rainy evening somewhere out there not being able to be heard, but, as freely elected officials of the people of the United States, we are here to fight for our constituents, and that is an honor that I shall treasure for the rest of my days.

I could not help but thinking as well, as I listened to the speakers this evening and after having read this proposed agreement several times, that there are certain words that should be in that agreement that are not, and I hope the President of the United States is listening, and I hope the Secretary of Commerce is listening, and our U.S. Trade Representative, and our Secretary of Labor, because the word "people" does not really appear in the agreement. The word "democracy" is missing from the agreement. The words "free enterprise" and "rising standards of living" are missing from the agreement. But there are plenty of words that are repeated often in the agreement, words like "investment," words like "G–7 currencies," words like "intellectual property rights," not words that you use around the dinner table every evening. That is for sure.

□ 1930

I wanted to make a point that what is wrong with this treaty is not only some of what is in it, but also what is missing from it. We had such great hopes that over the last several months, with the new Trade Ambassador and a new Secretary of Labor, that perhaps some of those words and some of those concepts and some of those pillars of a true common market of the Americas could be put into the agreement.

We stand ready to work with this administration, or any administration, in laying a really strong foundation for the world of the 21st century. In many ways we feel short-changed, because we have not been given that right or that opportunity.

Last week I had the opportunity to testify before the Committee on Ways and Means of this House to talk about what is in this treaty and what is not in this treaty. If any of the listening audience are interested in that testimony, I would certainly be happy to mail it out. Just mail your note to Congresswoman MARCY KAPTUR, here in Washington, DC, in the Nation's Capitol, House of Representatives, and I will receive that request.

But before I testify, the Secretary of Labor of our country testified, a newly appointed Secretary of Labor, confirmed by our Senate. I was very disappointed in his testimony. There are several points that I want to make about that.

I read his testimony. It appears to me that he is trying to change his job title. He was sworn in as the U.S. Secretary of Labor. His job is to worry about the working people of our country, those who are on the job, those who are unemployed, those who need training to go into the work place.

He appears to me to want to change his title. In every formal statement I have seen him make he wants himself to be called the Secretary of the American Work Force. I wonder, in looking at some of the clever labeling that is being done on packaging nowadays, when he says that, does that mean that he has the same allegiance to other nations of North America, to Canada, to Mexico? When he says "Secretary of the American Work Force," since North America and South America are very large continents, exactly what does his job title change mean? I was troubled by that, and I am wondering what he has in mind.

One of the other parts of his testimony that kind of made me wonder, he basically said that the people who were opposed to this current draft, this current proposed agreement, were people who really were not experts; that in fact this who oppose this treaty were somehow mentally deficient. They did not really understand; and that in fact the experts knew what was best.

I would say to the Secretary of Labor, go back and read the Constitution of the United States. It does not say we, the experts of the United States; it does not say we, the corporate presidents of the United States; it does not say we, the stockholders of the United States. It says we, the people of the United States. Each of us is equal. Each of us has a vote. Each of us matters. It is not just expert opinion, it is public opinion. It is public experience. It is the experience of the people we know, our neighbors, our friends, and communities.

Does that not matter for something? I think every single person in this debate is an expert, and tonight I would like to read into the RECORD the opinions of people that I consider to be the true experts in this debate.

I want to read the statement of Henry J. Laird. Henry is an Ohioan. He is an expert.

Henry says:

> My dislocation from the Eaton Corporation is only one of the four plant closures or downsizings that have been my misfortune to experience. I was employed there for over 5 years as a maintenance mechanic plantwide doing everything from air conditioning to plumbing, line maintenance and facility care and repair. Part of the time I did repair on the line that was shipped to Mexico. My last wage was $12.38 plus overtime.
>
> The plant manager called a plant meeting to announce the line was being moved to Mexico around early to mid 1989.

I might parenthetically say that the reason it was moving is because back in the mid-1980's, the tariff relief started to be put into place. Mexico began removing most of her tariffs, 80 percent of which have now been removed. That is why we have seen this rush of over 2,100 United States firms down to Mexico.

Henry says:

> I assisted with the breakdown and shipment of the automotive controls line to Mexico which included 4- and 5-ton presses and other related equipment. The last line to be sent there left after the plant closing was announced, displacing 75–100 workers and was gone by the end of 1990. This left a very large floor area which was used for the storage of other finished goods. When the plant closure was announced they said the reason was that there was too much floor space in the plant so this was the beginning of the end of the Eaton plant in Fremont. It became too expensive to keep the plant open when it was under capacity. Several engineers and maintenance men went to Mexico to help set up the machinery to help get them started.

What amazes me is the humility and the love of his country, of people who have been hurt in their own personal lives so much.

Henry says:

> I am currently looking for work again from another partial closure. I am a veteran of three tours in Vietnam as a Navy Machinist Mate. As a single head of household with two kids at home, I am finding it tough to make my house payments. Right now I am behind 1 month on my mortgage and my health insurance expires March 31, 1992. I am basically a hard-working guy who believes in going out and finding work, not waiting for the job to come to me. Today's job market is really challenging.
>
> In closing I would like to ask you congressmen to bring our jobs back home to America where they belong. God Bless America.

Mr. Speaker, I wanted to read a story also tonight of Linda Starr. I will end my statement this evening with her testimony. Linda Starr is from my home community of Toledo, OH. I would say to the Secretary of Labor, Mr. Reich, she is an expert.

Linda Starr says:

> My name is Linda Starr, and I am here to help the American people keep their jobs. I'm a 47-year-old displaced worker who gave 24 years of hard work to Dura Mechanical components. I did assembly work, timekeeping, heat treating, forklift operator, receiving, stocking, material handler, inventory, shipping clerk, loading and unloading trucks. I learned all these jobs so I could work when things were slow, and when they started sending our best and biggest jobs to Dura Mexico for assembly.
>
> We were told if we worked hard and received a Q–1 rating we would get more jobs,

> so we did and they shut the whole plant down. We were the only Dura subsidiary that got the Q-1 rating. For what? So we could troubleshoot for Mexico. We perfected the product and they got the work.
>
> We took concessions in our last contract to keep our jobs, but to no avail. The more we did the more they wanted.
>
> The atmosphere between company and employees became very bitter when they announced the plant closing.
>
> Since last December, I have sent in numerous resumes, (that's how most people are hiring nowadays), I haven't received a single response. The few places that have accepted my applications I have had the same results.
>
> I have gone to several local colleges to seek further education, but they want me to go to school full time, without working, in order to do my best. I must work as soon as possible because I am self supportive. The only alternative I see is truck driving school because I can complete the course in 12 weeks.
>
> They say there is no age discrimination, but I believe there is.

□ 1940

And so to the Secretary of Labor I say, Linda Starr of Toledo, OH, is an expert.

As this debate begins to heat up here in Washington, I would like to say on the record that it is important that the American public be fully informed. This treaty and the side agreements total now over 2,100 pages. There is much to know. There is much to learn. There is much to understand. But once the people understand, we will win this fight in Washington, DC, to keep our jobs, to uphold our standard of living and to fight for democracy in the other countries of these Americas.

If you are interested in receiving the testimony that I presented before the Committee on Ways and Means, again, write Congresswoman MARCY KAPTUR, here in Washington, DC.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. ENGLISH of Arizona). The Chair will remind the gentlewoman that remarks in debate should be addressed to the Speaker and not to those who may be viewing the proceedings.

Mr. BROWN of Ohio. Madam Speaker, I thank the gentlewoman from Ohio [Ms. KAPTUR] for, again, her very good presentation and the work she has done laboring on this, against this agreement for so many months.

Before yielding to my distinguished freshman colleague and friend, the gentleman from Michigan [Mr. STUPAK], I want to point out a couple of things, partly on what the gentleman from Michigan [Mr. BONIOR] said and what the gentlewoman from Ohio [Ms. KAPTUR] said.

There are organizations forming all over America to convince American companies to close their plants in America and move their companies to Mexico. I have a letter, that I might read briefly, from a company in Arizona that is trying to get American companies to go south of the border. It goes to a gentleman in New Jersey and it says:

> Today in Mexico, one dollar buys: One hour of direct labor including the cost of the following employee fringe benefits and employer payroll taxes.

So the $1 is for labor and 14 days Christmas bonus, 7 days paid vacation, vacation bonus, seventh day pay, Social Security taxes, Federal education tax, Federal housing tax, Federal nursery tax, State taxes, and national retirement savings fund.

"Please call me at" a phone number "if you're interested in finding a hard-working, low-cost workforce less than $1/hour that is not 6,000 miles away."

That is what American employers and what some American businesses are doing to try to find cheap labor to go to Mexico. That will only get worse under the North American Free Trade Agreement.

Jorge Castaneda, a professor in Mexico who wrote this article on foreign affairs and is an expert on Mexican society said there cannot be free trade without a middle class, and the NAFTA agreement will not build a middle class in Mexico. It will just continue the exploitation of Mexican workers, drive American workers wages down, cause plant closings in the Midwest and the Northwest and the West and all over the United States, and will be a job killer, will hurt small business and will devastate communities.

Madam Speaker, I yield to the gentleman from Michigan [Mr. STUPAK], who has joined the fight early in his entire time as a Member of Congress the last 8 months and has worked hard to defeat it, a real leader in this fight.

Mr. STUPAK. Madam Speaker, I'd like to thank the distinguished majority whip, DAVID BONIOR, for once again organizing tonight's special order. Your leadership in opposing the North American Free-Trade Agreement is deeply appreciated not only by me, but by the citizens of the First Congressional District of Michigan. I am proud to stand in this Chamber once again with Representative SHERROD BROWN of Ohio, Representative MARCY KAPTUR of Ohio—together we can and will defeat NAFTA.

Madam Speaker, I rise tonight to once again express my unequivocal opposition to the North American Free-Trade Agreement. NAFTA has consistently been big news in Washington throughout this my first year in Congress, but it is only of late that the NAFTA is making the front pages of many papers outside the beltway.

This increased news coverage has caused the American people to focus on this issue. Since the August recess, many Members of this House, including myself, have begun hearing quite a bit from our constituents regarding NAFTA. In my northern Michigan district the response to this agreement has been overwhelmingly anti-NAFTA. Why is this so, Madam Speaker?

Because in Michigan we have already seen plants close and set up shop in Mexico. We've already seen our workers lose their jobs in the name of the almighty corporate dollar. We've already seen small manufacturers leave our State to take advantage of Mexico's cheap labor force.

Madam Speaker, our State's slogan is "Say Yes to Michigan," but during the next few months it should be changed to "Not this NAFTA." Although different words, both slogans carry the same meaning.

Madam Speaker, I would like to commend Majority Leader GEPHARDT on delivering a passionate, thoughtful statement last Tuesday when he outlined the reasons why he is opposed to NAFTA. Our colleague, SHERROD BROWN, was correct in pointing out that Mr. GEPHARDT has raised the level of debate concerning NAFTA, and I would like to thank him and welcome his support to defeat NAFTA.

I agree with the majority leader's assessment that our goal for a free-trade agreement should be to raise the standard of living for both American workers and Mexican workers. And, unfortunately, this agreement falls far short of reaching that goal of helping all workers that will be dehumanized by NAFTA.

As other Members and economists have noted, Mexican workers have increased their productivity by more than 30 percent since 1980, but their real wages have fallen by 32 percent. Economists tell us that wages for workers and productivity should increase at roughly the same rate, but in Mexico, as the statistics indicate, this is not happening. The reason for this trend is because the Mexican Government has sold out its people so their economic elite can profit.

The Mexican Government, which some have called a totalitarian government, refuses to allow its workers to have fundamental rights—the right to strike, the right to assemble, and the right to bargain collectively. Without these rights, Mexican workers will continue to have no bargaining leverage with management. With no bargaining leverage, there will be no improvement in Mexican worker's wages.

This is concerning to me not only from a human rights aspect, but also because it refutes one of the major arguments put forth by proponents of the NAFTA. Their argument is that under NAFTA the disposable income of the Mexican worker will increase, and this will lead to Mexicans buying more American products. But clearly, this argument is flawed.

This agreement will do nothing to increase the purchasing power of the Mexican worker. Tariffs between Mexico and the United States have declined during the last decade, but this has not caused the purchasing power of the

Mexican worker to increase. Unfortunately, this NAFTA will do nothing to change that.

Yes, the United States does have a trade surplus, but much of that trade surplus comes from capital and intermediate goods. Capital goods, the equipment that goes into a factory for its operation, accounted for 24 percent of United States exports to Mexico in 1992. And intermediate goods, parts—for example, auto parts—that must be assembled to form a consumer product accounted for 61 percent of United States exports to Mexico in that same year.

This export market to Mexico, which in 1992 accounted for 85 percent of our exports, is a limited windfall. Once we've sold Mexico enough goods to equip its factories and build its own intermediate goods, that export windfall in trade surplus will diminish.

There is another troubling piece of the economic puzzle concerning NAFTA. NAFTA will erase the tariffs between Mexico and the United States. The Congressional Budget Office has estimated that tariff duty losses from NAFTA will total $214 million in fiscal year 1994 and a total of $2.53 billion over a 5-year period.

This loss in revenue will have to be replaced. Offsets for that revenue loss can only come from increased taxes or lower entitlement spending covered under the pay-as-you-go portion of the 1990 budget agreement and the recent deficit reduction package. If implemented, it will be up to the American people to cover the tariff offsets by paying more in taxes or have important social programs cut. Is it fair to ask the American people to pay more or receive less to jump start the Mexican economy?

Besides the $2.53 billion in tariff revenues, we will also have to come up with $40 billion in start-up costs for the NAFTA. Earlier this year we couldn't pass a $16 billion economic stimulus package for this country. How can we now, in good faith, vote for a $40 billion economic stimulus for the Mexican economy? The answer is we can't.

Any way you look at this NAFTA—whether through the eyes of an American worker, the eyes of a Mexican worker, or the eyes of a fiscally responsible legislator—this agreement is a bad one. I am not against free trade, but I am against this agreement, which was hastily negotiated and does nothing to protect the American worker, the Mexican worker, or the American people. I urge my colleagues and the American people to oppose this NAFTA.

Mr. BROWN of Ohio. Madam Speaker, I thank the gentleman from Michigan [Mr. STUPAK]. In the last minute or so, I would like to wrap up again, and again thank the gentlewoman from Ohio [Ms. KAPTUR] for her leadership, the gentleman from Michigan [Mr. BONIOR], the majority whip, and my freshman colleague [Mr. STUPAK], for his good work on NAFTA.

The fact that people here want to enact a new Government program that is going to cost $40 billion or $50 billion is just amazing to me. All the arguments against NAFTA, it will cost jobs, it will be a job killer, it will hurt small business, it will devastate communities, those arguments should be enough.

However, if they are not, for those Members of Congress that really are serious about dealing with the Federal budget, really care about Government spending, really care about getting our fiscal house in order, how we can face the voters and say, "We want to enact a new $50 billion Government program," is beyond my comprehension.

I again thank my colleagues for joining me tonight. I urge, certainly, the American people also to write their Members of Congress in opposition to NAFTA.

NAFTA WILL BENEFIT BOTH AMERICA AND MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER. Madam Speaker, I had not planned to be here this evening, but votes went on and I missed the last nonstop flight to Los Angeles. I was in my office, assuming that my colleagues on the other side of the aisle would be focusing on the health care reform package that was discussed last night here by the President, and I was rather surprised to hear my two friends, the gentleman from Michigan [Mr. BONIOR] and the gentleman from Ohio [Mr. BROWN], proceed to talk about the North American Free-Trade Agreement, basically attacking one of the top priority programs that President Clinton has.

I hesitate to stand here, as a Republican Member of the House, countering my Democrat colleagues. I happen to be a very strong proponent of the North American Free-Trade Agreement. I believe that it is the sole program that President Clinton has embraced which will create jobs right here in the United States of America.

When I heard my colleagues proceed to talk about the situation as it exists in Mexico and the problems that they foresee with the implementation of a North American Free-Trade Agreement, I could not help but come over here to the floor to try and respond to a few of the items; and quite frankly, Madam Speaker, to talk about the politics of the North American Free-Trade Agreement.

It is fascinating that over the past several months those who have opposed the North American Free-Trade Agreement have really been center stage. They have worked through organized labor, through a wide range of other organizations, associating themselves with Ross Perot, Jesse Jackson, Jerry Brown, Pat Buchanan, and others, trying to lay the groundwork to defeat the North American Free-Trade Agreement.

Last week we saw, as the gentleman from Michigan [Mr. BONIOR] mentioned, in the editorial that he referred us to today, a little while ago, three former Presidents unite with President Clinton, demonstrating their strong support for the North American Free-Trade Agreement.

Madam Speaker, I should add in response to the editorial which was critical of the three former Presidents, saying that they had been drummed out of office because of weak economic policies and other things, that there are others who have strongly supported it. Ronald Reagan recently wrote an editorial in the Wall Street Journal in strong support of the North American Free-Trade Agreement, and former President Nixon, who is recognized as a paramount expert in international policy, has strongly supported the North American Free-Trade Agreement.

As we look at this issue, yes, I am a Republican, and the four people our colleagues have heard from for the last hour are Democrats, but I stand here with many Democrats who strongly support this package, the most prominent of which is the President of the United States, Bill Clinton, who last Tuesday in the White House provided some very eloquent remarks about the importance of diminishing trade barriers and creating opportunities for us to export United States-made products not only to Mexico, but ultimately to the rest of Latin America.

My colleagues provided a wide range of arguments, and I will say, Madam Speaker, that there are many things about Mexico that they describe which, frankly, are accurate. They talked about the fact that many jobs in their States of Ohio and Michigan over the past several years have fled to Mexico. They have talked about the environmental problems that exist in Mexico. They have talked about the plight of impoverished Mexican people, and most of the things that they have referred to are accurate, right on target.

The thing that needs to be remembered, Madam Speaker, is that this is the situation without NAFTA. One would conclude from the devastation to which they referred that the North American Free-Trade Agreement created the problems that have existed in Mexico for the past 60 years, since the Free Party took control under Mr. Cardenas in 1929. I hasten to remind my colleagues that in 1929 there was not a North American Free-Trade Agreement. In fact, as we sit here in September of 1993, there is not a North American Free-Trade Agreement.

I agree, many horrible things have happened in Mexico during the past 60 years, but since 1987 there have been many dramatic improvements which have taken place in Mexico. I would like to take just a few minutes to talk about some of those.

In the early 1980's, there was a move by then President Jose Lopez Portillo, and he did it, to nationalize the banking system in Mexico. That, obviously, was something that was counter to the wave of the late 1980s, as we have witnessed a privatization move toward free market in Eastern and Central Europe, the rest of Latin America, the former Soviet Union, the Pacific Rim, and other parts of the world.

We saw that nationalization of the banking industry in the early 1980s in Mexico fail. It failed because it created a horrendous debt crisis. It failed because it lowered the standard of living of the people of Mexico, and as the majority leader said yesterday in his statement, we did see a decrease in wages in Mexico, but some changes took place in the mid-1980's, and I mentioned a moment ago 1987.

Let me say what happened. Mexico in the latter part, the middle 1980s, actually, under President Miguel la Madrid, in 1986 joined the General Agreement on Tariffs and Trade. That is an organization which the United States participates in actively, and for 7 years they have involved all of the countries who are members of GATT, the General Agreement on Tariffs and Trade, who have been working to bring about an agreement that will reduce trade barriers here.

That started the positive improvement in the economy in Mexico. Then in 1987, under the new President, President Carlos Salinas de Gortari, very bold and dramatic moves were made toward privatization, toward improvement in markets, expansion of markets, and that has been probably the boldest and most dynamic and positive move that has taken place in this 60-year period of one-party control, the Institutional Revolutionary Party's control of Mexico.

□ 2000

What we have seen in the past several years is improvements all the way around in Mexico.

Tragically, my colleagues who oppose NAFTA like to say that we have this major corruption that exists in Mexico, and we hear people rarely talk about the fact that this system in Mexico is the best form of dictatorship because it looks like a democracy.

Well, they must look at present history. And I am referring to the things that have taken place since 1987. Madam Speaker, there has been an explosion of political pluralism and political opportunity and freedom in Mexico since 1987. Let me take just a moment to talk about the fact that the opposition party, the PAN party, one of the major opposition parties in Mexico, the National Action Party, has won scores of mayorships and has won gubernatorial elections in Mexico. Now, they do not proceed to tell you that. But obviously we have seen greater democratization take place.

It is perfect in Mexico? Absolutely not. And am I going to stand here as an apologist for everything that takes place in Mexico? Of course not. But I will stand here and say that as we have seen greater political opportunities exist in Mexico over the past several years, we have also seen a dramatic improvement in the economic plight of the working people of Mexico.

Let me underscore that again. Contrary to the words that we have heard as we look at 1980 juxtaposed to 1993, when there were problems in the early 1980s, we have seen in the past several years improvements in the standard of living and the wage rates of workers in Mexico.

Let me say that as we look at this challenge of trying to pass this agreement, I am not going to say that it is a perfect agreement. Virtually everyone on the other side of the aisle who spoke in opposition to NAFTA tonight said, and will continue to say, I support free trade and I would like to see a North American Free-Trade Agreement, but not this NAFTA. This is not the NAFTA that we should have.

I would say, Madam Speaker, that as we look at the laborious negotiating process which went on, this was started really in the late 1980s, and President Bush talked about it actually before that. The former Ambassador to Mexico, John Gavin, a friend of mine in Los Angeles, talked about the idea of reducing trade barriers. My colleague from Arizona, JIM KOLBE, and I, and others, joined in calling for reducing trade barriers with Mexico. This is something that has been pursued for a long period of time, and we have been able to put together this agreement not only for the NAFTA, which was initialed a year ago last month by President Bush among the countries of Canada, the United States, and Mexico, but we also saw these side agreements put together with our great United States Trade Representative, Mickey Kantor, and others in the administrations in both Canada and Mexico.

Now as we look at this group of opponents to NAFTA I say to my colleagues on the other side of the aisle who have said we would like to support a North American Free-Trade Agreement but not this one, I challenge them to come up with an agreement which will have the support of Ross Perot, Pat Buchanan, Jesse Jackson, Jerry Brown, and others who come from all sides of the political spectrum, and frankly have differing concerns on the North American Free-Trade Agreement. Come up with an agreement that we can put together that will ultimately bring the tariff rates between the United States and Mexico and the United States, Mexico, and Canada to zero, which is what this does over a 15-year period.

My friend from Toledo, Ms. KAPTUR, spoke a few minutes ago about the fact that this is a 2,100-page agreement. She is right. Do you know the reason that it is so long, Madam Speaker? The reason is that there are so many tariffs that exist today on a wide range of goods and services among these three countries that it was necessary to have this package put together.

I find it very interesting that my colleagues from Ohio and Michigan, and those were the two States represented here this evening in opposition to NAFTA, come from States which are benefiting greatly from the prospect of implementation of a North American Free-Trade Agreement, and they are benefiting greatly today because of the privatization in Mexico which has brought about this tremendous surplus in trade with Mexico. As has been said time and time again, in the 1986, 1987 area we ran nearly a $6 billion trade deficit with Mexico. Basically, we were buying $6 billion more in goods than they were buying from us. Since this privatization under President Salinas has taken place over the past few years, we now have observed that there is a $5.4 billion trade surplus that has developed. Basically, the poor people of Mexico who cannot afford to buy anything have ended up buying $5.4 billion more in goods from the United States than we have purchased from them. So it seems to me that as my friends from Michigan and Ohio look at this they should realize that their States today are benefiting from the privatization and changes which have taken place in Mexico.

My friend, the distinguished whip, has rarely talked about the fact that he drives back to Michigan and sees plants that have closed down. Again, we have all witnessed that sort of thing. But over August I drove back here through that part of the country and have seen economic growth which has taken place, and there are many very good examples.

Our new colleague, Mr. STUPAK, talked about the problem in the auto industry. The penalty in the auto industry for United States-manufactured automobiles to be sold in Mexico is very great. It is very high today. In fact, it is so high that we only sell 1,000 United States-manufactured automobiles in Mexico per year. Projections are that within the first year of implementation of the North American Free-Trade Agreement, because that tariff barrier will be reduced in the first year, we will see a sixty-fold increase in the number of United States-manufactured automobiles to Mexico. We will basically see us go from 1,000 automobiles per year to 60,000 in the first year alone.

And I was struck when I heard my friend from Michigan talk about the problems in the auto industry. I went back and I looked, and this is a USA Today editorial which was mentioned earlier by my friend from Michigan [Mr. BONIOR]. I think it is important to look at the Money section of USA Today, and the type of item here, which is right at the top says:

> NAFTA would create 15,000 auto jobs in the USA, Bill Hoagland, GM executive vice-president, predicts. He says if Congress approves the North American Free Trade Agreement, the Big Three U.S. automakers will increase auto exports by 1 million autos in the first year, well beyond the 60,000 figure that we have heard. That equals 50,000 jobs at automakers and their suppliers, he says.

One million autos in the first year.

Now, it is very important for us to look at how people have already recognized the benefit right here in the United States. We have underscored the fact that earlier this summer an announcement was made by General Motors and the United Auto Workers that a plant that is building Chevy Cavaliers is moving from Mexico back to Lansing, MI. Why? Because, well, my friends on the other side of the aisle regularly talk about this very low wage rate in Mexico, but the fact of the matter is, General Motors came to the conclusion that the United States autoworker was seven to eight times more productive than the autoworker in Mexico.

Michael Kinsley did a recent editorial in the Los Angeles Times in which he pointed to the fact that the United States of America cannot expect to pay $16 an hour to workers who are going to see the same work being done for $3 an hour in Mexico. The fact of the matter is we have got to realize today we are much more productive. We are hoping that Mexican workers are going to become more productive, because this clearly is a win-win situation for the United States and Mexico.

I will ask my colleagues, tell me, what benefit is there to the United States of America in having a poor southern neighbor? The fact of the matter is there is no benefit whatsoever.

I want to see Mexico's economy improve. I do not want to see Mexico's economy improve at the expense of the United States economy, because of course my first concern are the workers whom I represent in southern California where we have a 9-percent unemployment rate, and many serious economic problems. But I know that we can enhance the economies of both Mexico and the United States. And what does that do for us? What it does is it takes those 88 million consumers in Mexico and enhances their opportunity to purchase United States-manufactured goods. As their standard of living improves, what will be one of the top things that they will insist upon? Improved environmental standards, which is another concern that many of us have.

□ 2010

Where is it that we see the worst environmental standards on the face of the Earth? In Third World countries, in the poorest nations. In stronger economies there is an insistence by the people for an improved environment. And then, of course, we must ask once again—and I want to see political pluralism expand, I want to see greater, freer, and fairer elections take place in Mexico—but as the standard of living improves in Mexico, clearly we will see an even greater degree of political pluralism. So as we look at these issues, Madam Speaker, it is very apparent that benefits are going to be accrued on both sides of the border.

Now, I am always fascinated by many of these people who are opposed to NAFTA who have a tendency to engage in Japan bashing too. They like to point out the fact that we have very strained relationships with Japan. But when you think of it, why is it that they criticize Japan so? Criticism is leveled toward Japan for a major reason: They do not allow the United States of America to sell its goods and services in their country without a horrendous tariff barrier and other barriers that exist.

So it would seem to me that my colleagues who are so virulently opposed to Japan's policy and are concerned about our relationship with Japan and the fact that they do not open their border, do not reduce their barriers to trade for us—and, by the way, I should say we are working on that. I am trying to get a United States-Japan free trade agreement introduced so we can diminish those barriers and increase export opportunities for United States goods to Japan. But right now those who are so virulently opposed to Japan's policy of keeping our goods out should be ecstatic at the prospect of a North American Free-Trade Agreement because the average tariff on United States-manufactured goods going into Mexico today is 10 percent. The average tariff on Mexican goods coming into the United States is only 4 percent. Now, Madam Speaker, that is a 2½ times differential. In fact, Mexico has a 2½ times advantage over us today. But with the implementation of the North American Free-Trade Agreement, we will take that 10-foot wall that exists on their side and the 4-foot wall that exists on our side and bring it to zero.

Now, those who are so critical of Japan's tariff barriers should be on cloud nine at the prospect of United States autoworkers selling, as Bill Hoagland of General Motors has said, 1 million autos in the first year, creating 15,000 jobs in the auto industry, among the automakers and suppliers.

So I say to my friends, Madam Speaker, who are so opposed to the North American Free-Trade Agreement and critics of Japan, look at the details.

One of the things I believe that has been said is that when the American people hear the facts and find out what exactly is happening here, they will be opponents. I disagree. I believe that when the facts come out, we will find overwhelming support for a North American Free-Trade Agreement. They have controlled the debate for the past several months. But what it has been, Madam Speaker, is really fear versus facts.

The facts are on our side. One of the problems we face in southern California, it seems to me, can be addressed. When we earlier this year, just a couple of months ago, were debating the Commerce, State, Justice appropriations bill, California Democrats and Republicans stood up to talk about the need to increase the Border Patrol. This House voted to transfer $60 million that is going to be expended for increasing the Border Patrol. I supported that. I support toughening up our border patrol.

But, Madam Speaker, it seems to me we have to get to the root, the root of the problem of illegal immigration.

Now, I ask rhetorically over and over and over again, why is it that someone in Mexico flees Mexico and comes to the United States? One very simple and basic reason: economic opportunity. Economic opportunity is what they are seeking, whether it is a Government service which is provided for health care, welfare, education, these items, or a job opportunity. That is what they are seeking. They are looking for a better life.

Now, most every Californian knows someone who has been in the United States illegally and sent money back to their family in Mexico. They do not want to leave their families in Mexico, but they have to, for economic survival.

Well, under the North American Free-Trade Agreement, we clearly are going to see economic standards in Mexico improve. It strikes me that as that happens, we will clearly see a diminution of that flow of illegal immigration across the border.

I should say parenthetically that hand in hand with that we should eliminate the unfunded Federal mandates whereby the Federal Government forces my State of California and other States to provide education, welfare, heath care, and other Government services to people who have entered the United States illegally. We should end that. It is costing California taxpayers $3 billion a year.

So it seems to me, Madam Speaker, that what we should be doing is ending the magnet of those programs which are provided that we impose on the taxpayers of California to provide, end that, and at the same time implement the North American Free-Trade Agreement so that we can improve the standard of living and job opportunities within Mexico.

Now, over the next couple of months there will be charge after charge leveled, but I think it is important for us to underscore the fact that this is a bipartisan cause; Democrats and Republicans alike support this plan.

I have been a longtime supporter of the North American Free-Trade Agreement. The reason I am standing here tonight on this issue is that Bill Clinton last Tuesday gave a very strong and moving statement in support of the North American Free-Trade Agreement. I can sympathize with many of my Republican colleagues who have said, "My gosh, if the President of the United States can't get enough Democrats to join on board in support of this, we are not about to give him that strong victory." I can sympathize with that concern. But I will say from having talked to the President about this, he is strongly committed. I say that as a Republican. He is strongly committed to implementation of the North American Free-Trade Agreement.

I have said that I want to do everything that I possibly can to assist him in this. Why? Because he recognizes, as President Bush recognized when he launched this package and as all the other former Presidents recognize, that the wave of the future is to diminish barriers.

Now, I think one of the things we need to look at too is the prospect of what could happen with the defeat of NAFTA. I am not one who likes to predict gloom and doom; in fact, I am one who seems to be always able to find a silver lining in a dark cloud. But we have, over the past several years, witnessed extraordinary improvement in our relationship with the countries of Latin America. We have observed the European Community come together in a free-trading bloc. We have observed countries in the Pacific rim diminishing barriers as they come together with free trade. It would be absolutely ludicrous and, I believe, tragic for the United States of America to stick its head in the sand and try to stand alone, ignoring our neighbors to the north and our neighbors to the south.

Now, I have had the opportunity, since I have been a Member of Congress, especially during the 1980's as we were dealing with the very challenging and difficult situations that existed in El Salvador, Nicaragua, Panama, Guatemala, Honduras, countries in South America, to observe the fact that these countries desperately want to improve their ties with this hemisphere.

What they have done is they have moved throughout the 1980's and up to today toward democracy, political pluralism, free markets. Now, as we argue on behalf of reducing the regulatory burden on the business sector of the economy—and last night, right behind me, President Clinton talked about reducing the burdensome regulation and paperwork imposed on those who are health care providers in this country. Now, as we work to try to decrease that regulatory burden all the way across the board, we have encouraged the other countries throughout this hemisphere to do the same. And now the ultimate barrier that prevents the free flow of goods and services is one that we are trying to bring down so that we can strengthen our ties with the other countries in this hemisphere, and that, of course, is the North American Free-Trade Agreement.

□ 2020

What we need to do is realize that our countries there have already asked the United States to begin a negotiating process for a free trade agreement. I am speaking, of course, of Chile which for a long period of time has been wanting to embark on a free trade agreement with the United States.

When I have been, not long ago, in Central America and talked with people in El Salvador, for example, they are very strongly supporting the North American Free Trade Agreement. Why? Because they know that ultimately opportunities for economic growth and expansion of their goods and services and their opportunity to purchase U.S.-manufactured goods and services will be enhanced as trade barriers come down.

Now, Madam Speaker, I should say that our friends in Japan would love to see the North American Free Trade Agreement defeated. I have been talking about the Americas. Well, if the NAFTA is defeated, clearly Japan will seize the opportunity to embark on a free trade arrangement with Mexico.

And what does that mean? What it means is that Mexico will become an export platform for Japanese products. NAFTA ensures that that will not happen. NAFTA has tough rules of origin requirements, and we will have an opportunity to strengthen our ties here, which is what we should do.

As we look at the wave of the future, the fact is that the Berlin Wall has come down, the fact is that we have seen the explosion of satellite technology, cellular telephones, fax machines, and tomorrow night in Los Angeles I am going to be addressing the graduating class. They are expecting about 1,500 people, I am told, at ITT Technical Institute, and these are people who are involved in the exploding technological advances of the future.

As my colleagues know, I look at our State of California. I was told last night by my former State senator, Bill Campbell, who is the president of the California Manufacturers Association, and I had heard this before, but he reminded me last evening that IBM has indicated that they will have little choice but to move to Mexico another plant if NAFTA is defeated. If NAFTA passes, they will be able to maintain their employment base in California.

It is very simple. The tariff that exists today on computers going from the United States into Mexico is roughly 20 percent, and IBM knows that they want to be able to take advantage of those 8 million consumers in Mexico, many of whom are interested in getting further into the computer area. Well, the only way that they can do it under the status quo of the present situation is to move to Mexico, open up a plant in Mexico. But the people with IBM, who as we all know are struggling, have said, if we can pass a North American Free-Trade Agreement, they would not be required to move from the United States, giving up jobs in the United States, and moving to Mexico because that 20 percent barrier, tariff barrier that exists today, will drop to zero.

So what does that mean? It means more jobs will be created here in the United States, and we will have greater opportunities there, and, as the economy further improves, we will see a benefit all the way around.

Madam Speaker, it seems to me that the debate is going to be going on and on and on and on for a long period of time, and we have people on both sides of the aisle who oppose this.

I am particularly privileged on this issue to be working very closely with President Clinton, with my Democrat colleagues who are actively pursuing this, the Speaker of the House who is a strong supporter of this, and on the Republican side, many Republicans have been working diligently on this, and we are coming together.

Those who are supporting NAFTA are supporting a view toward the future and a view toward improving the standard of living for the Americas on both sides.

Many people have said that we should not put into place NAFTA now because of the economic problems that we have in the United States and in my California. I will say, Madam Speaker, that now is the time to encourage and expand opportunities for job creation and my devastated State of California, and NAFTA is the best opportunity to do that, and I hope very much that, when this vote approaches in the next couple of months, that we will see our colleagues stand together and vote with the future in support of diminishing trade barriers and creating job opportunities right here in the United States of America.

NAFTA

The SPEAKER pro tempore (Ms. ENGLISH of Arizona). Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 30 minutes.

Mr. HUNTER. Madam Speaker, I have had a the privilege to listen to my good friend, the gentleman from California [Mr. DREIER], who as a fellow Republican, is on the other side of the issue here, and I have also had a chance to listen to a number of other speakers today who have talked about NAFTA, about the North American Free-Trade Agreement and the problems that we see with the agreement. The gentleman from California [Mr. DREIER], my good friend, has talked in his optimistic way about the promise that he sees in this agreement. But let me just say as a Republican, a Member who has many customs brokers in my district and who theoretically should be foursquare for NAFTA because of my geographical location, having most of the Mexican border in my district in California and being interested, of course, in good business deals, that it is supposed to be the Republican idea, that good business is good for the country, that it produces growth, and jobs and quality of life. I have to tell you that I have looked at the agreement, and the agreement is not a good deal for the people of the United States of America.

Madam Speaker, I think, if my colleagues will look at the deal and if they will look at the statement that the advocates have made, it is fairly easy to take these statements, and take some of the facts that are the foundation for the statements, and simply pull them apart like peeling an onion and finding that there is not a lot left to substantiate the position of the pro-NAFTA forces, and let me just start out.

First, it is true that we have a wall of tariffs with respect to our goods going into Mexico that is about 2½ times the 4-percent wall that we have on the average against Mexican goods coming into the United States. On the other hand, if you are a businessperson, and you are looking to get into a market, and you are looking to get a reciprocal agreement with someone who is going to buy your goods, you just do not ask what the tariffs are. You do not ask how high the wall is. You ask what is on the other side of the wall.

Well, when you look at what is on the other side of the wall, you are trading access to the American market which is huge, the richest consumer market in the world. That is what is on our side of the wall, and you are trading that for a consumer market on the other side of the wall that is in Mexico which is roughly the size of San Diego. The reason it is so small is because the average Mexican worker makes about $2,500 a year.

Now let me explain why we are not getting a good deal in this NAFTA agreement, and first let us make sure everybody understands: This is not a philosophical exchange, this is a business deal, this is an investment deal, and you have to look at the provisions of the deal. You cannot simply meet it with broad platitudes about growth and global responsibility and all the good promises that you see in the future. You have to look at getting real assets in return for the real assets that you give away.

To some degree, if you listen now to President Clinton's flowery speech that he made at the White House to President Carter, that economic expert with his forgetting about his 21 percent interest rates; if you listen to their statements, they are full of platitudes, generalities, world growth, economic growth, as a result of a global market and reciprocity.

□ 2030

They say it is not a zero sum game. Well, if you are a businessman and you lose all your money, it is a zero sum game.

So let us look at real facts. On the Mexican side of the border you have the average Mexican citizen with about a $2,500-per-year income. That is all he has to spend—not just on American goods, but on enough food, blankets, and shelter to keep him and his family alive. So he has $2,500 a year, about eight bucks a day, to live on.

Now, the prospect, the idea that the academicians and the politicians who favor NAFTA give, that are expounded in the arguments that we are hearing in the last several weeks, are based on the idea that we are going to give Mexico a market in the United States by pulling our tariffs down. We are going to make Mexico investment friendly. And that is very true. This treaty makes it very, very tempting to move your factory to Mexico.

Then Mexico workers, because of the law of supply and demand, as more and more of them are needed to fill the burgeoning factories, pretty soon the law of supply and demand will drive up their wages. When all of the machinists are taken, soon machinists' wages will go up, and you will see these people making $2,500 a year go up to $25,000 a year, or $15,000 a year, some area in which they can then become a real consumer of American goods. That is the theme.

Now, let me tell you why it is not going to work and why the treaty is a doomed treaty to start out with. In the first place, the Salinas government is asking companies from around the world to invest in Mexico. The biggest thing they are promising them, and I have got some of the advertisements right here, official Mexican Government advertisements, the hook in all of the advertisements is cheap labor. Not only cheap labor today, but a guarantee that you will have cheap labor. If you invest in Mexico, you can count on it for a long time to come.

Here is one ad. It shows a businessman in his vest, his tie, and he is in a pensive mood. He is asking this question: "I can't find good loyal workers for a dollar an hour within 1,000 miles of here." And the answer from the official Mexican Government advertisement: "Yes, you can; in Yucatan."

You turn the page and you see another advertisement. Again, an American executive: "I can't keep my labor costs down. My turnover rate is high and my standard of living is high." There he is, trying to figure out what he is going to do with his company, which presently is based in America, employing Americans. The answer is: "Yes, you can; in Yucatan."

So the point is, if you go to the seminars, if you listen to these facilitators that are asking American companies to go to Mexico, the big hook is cheap labor.

So Mr. Salinas, through the arm of the Labor Party, the CTM, which control labor policy in Mexico and keeps labor artificially suppressed in terms of wages, is turning to the international investment community and saying, "If you put millions of dollars in Mexico, you can count on cheap labor. I will keep those rates down."

He cannot then turn to the United States and say, "Well, I know you folks have to count on our wages coming up, because right now we cannot buy much of anything. So believe me, wages will come up at some point in the future, and those $2,500 a year people will be making $25,000 a year. And, yes, they will be buying Ford Tauruses from Detroit workers." He cannot say both things at the same time.

Now, the interesting thing about this whole argument about wages in Mexico is this: The people who oppose NAFTA, like myself, do not say anti-Mexican things with respect to labor. We in fact compliment Mexican labor, because Mexican labor should be complimented. There are a lot of myths that are being spread about Mexican labor in this debate.

One of those myths is that Mexican labor is not productive. I saw one of the rebuttals to one of our conferences the other day, and it was the gentleman from California [Mr. MATSUI], I believe, who said, "We all know that Mexican workers are only about one-fifth as productive as American workers."

That is not true. If Mexican workers have top-notch equipment and have good training, Mexican workers are very productive.

Let us not just say that, let us prove it. Let us look at the plant in Hermosillo, Mexico, where the Ford automobile company has built what I call an experiment in the productivity of Mexican workers.

They put in first-class equipment. They hired 2,000 workers. They gave them good training, because you can give people a lot of training when you are only paying them $1.63 an hour. You can only give them a week or two of training in the United States. You can give them 4 months of training for less money than you spend for a week or two of training in the United States.

If you give them top-notch equipment, which they did in Hermosillo, Mexico, what do you find? That is a plant that has a capability of building 165,000 units, vehicle units per year.

Let me tell you what you find. When J.D. Powers and Associates, one of the most prestigious automobile efficiency and production experts in the world, rates plants, and goes through 46 plants in Mexico and the United States, including leading Japanese companies, what do they find? They find that the Ford plant in Hermosillo, Mexico, ranks sixth out of 46 North American assembly plants, beating a number of leading American and Japanese plants. So that experiment is over.

Now, you will find exactly the same thing in the Chrysler plant in Toluca. You will find that in the Nissan plant in Aguascalientes, several hundred miles north of Mexico City.

In that plant they have achieved the lowest number of defects on engines checked at the end of the line of any of the company's plants worldwide. That means of all the Nissan plants in the world, the one north of Mexico City had the highest quality.

Nissan then announced that the Mexican plant will produce all engines for the United States-assembled Altima, which is one of the company's most important products in the hotly competitive United States market. The company projects engine exports will reach an annual rate of 120,000 by late 1993.

That does not sound like nonproductive Mexican workers, who are only going to take low-end jobs, to me. That sounds like sharp, bright, energetic people, who have good middle-level management and who have an excellent educational machine.

Let us talk about education a little bit, because that is part of the equation in productivity. You hear these platitudes from the free traders and pro-NAFTA people that say, "Well, if labor was the only thing in the world, how come Haiti is not the manufacturing powerhouse?"

Well, of course, Haiti is not a manufacturing powerhouse, and never can be, because they do not have good middle-level management, because they do not have good education, because they do not have a stable political situation.

But Mexico has all of these things. Mexico is graduating about 200,000 people a year in its vocational schools, and its vocational schools are darn good. It is going to have about 362,000 engineers in its schools. That is almost as many as the United States has.

Those people are well-educated, to go into high productivity, high-technology, industrial work, funded by investments from North America and around the world, and produce excellent, excellent products.

Hermosillo switched over to building a new more intricate model of the Ford Escort and Mercury Tracer in 1990. This was as their productivity began to rise. In most cases the productivity of these experiments by American automobile makers rose within 2 or 3 years after opening the plant, and rose to 70, 80, and 90 percent of the productivity of an American worker.

After their productivity began to rise, they invested $300 million in expansion and changeover. It was at the end of 1992 that J.D. Powers placed them sixth out of 46 automobile plants in North America in terms of quality.

□ 2040

Now, in the case of machine yield, which is a very important aspect of performance and quality, in one American plant in Mexico, over an 8-year period, 1983 to 1991, the Mexican plant attained 89 percent of the productivity of a United States plant.

In the last year of production on the same engine, it attained 97 percent of the productivity of the American plant. Remember this, these are workers that are working for a buck 63 an hour, and they are competing against workers that are being paid over $25 an hour, fully loaded.

Now, if you have got a worker who is a high-quality worker, highly productive, wins international awards for quality and he will work for one-seventh, one-eighth, one-ninth the price of a worker in another area, you do not have to be a rocket scientist to decide where you are going to send your manufacturing.

Now, Mickey Kantor was on a show the other night, the "Larry King Show." And somebody called up in the middle of the show and asked a question about automobiles. It was an automobile worker who was a little disturbed. He had heard they were making a few automobiles in Mexico. And Mr. Kantor answered, "Don't worry. When NAFTA passes, we are going to be able to sell 60,000 automobiles."

He said the same thing that the gentleman from California [Mr. DREIER] just said. He said we only sell 1,000 now. We will be able to sell 60,000 when this thing passes.

My colleagues, the Big Three are making and exporting from Mexico to the United States right now 250,000 automobiles a year. That means even if we go up to 60,000, we are going to have a 190,000 automobile deficit.

Mexico is the biggest exporter of engines. That is interesting, listening to people who are pro-NAFTA who say, "Don't worry, Mexican workers are only going to take low-level jobs."

The most sophisticated engines in the world are well-produced in Mexico, about 1.2 million units a year. And all of these plants, whether it is Nissan or Chrysler or Ford, are ramping up to produce more and more. They are doing a darn good job.

Now, people may say that is OK. You have got productive workers and now, as that productivity goes up in Mexico, those people are going to earn more than $2,500 a year. And they are now going to be buying American products. We will sell them something. Maybe we will not sell them a car, because they can make their own, but we are going to sell them something.

And we all know, because we listen to these economic professors, that the law of supply and demand in a perfect environment, even with respect to labor, pushes prices up, wages up ultimately.

That means when you hire all the machinists or 95 percent of the machinists are hired, and they are tough to find, they become in demand. And the machinists can command more in terms of wages.

Let us look at the experiment that we have seen with respect to the link in Mexico, and this is very critical, the link between wages and productivity.

When the Maquiladora plants—those are twin plants—were first planned for Mexico, those experts, those academics told us two things would happen.

They said, first, Maquiladoras, when they come into style and they employ a lot of Mexicans, we are going to see wages rise in Mexico dramatically. And when that happens, what are you going to see? You are going to see a radical reduction in illegal immigration. That was about 1980, when those academics said that and pushed the Maquiladora operation.

Let me tell you what has happened since 1980. No. 1, real wages have gone down. That is not a misprint. You did not mishear me. Real wages in the Maquiladoras have gone down in the 13 years since 1980. They have gone down about 33 percent. Productivity has risen like a rocket. Mexican workers are hard workers. They are well-educated. They are well-managed. They do a good job in Maquiladoras.

They are about 80 percent more productive. They are 33 percent less well paid. So you have got a nightmare for the American blue collar worker. He has got a gentleman on the other side of the border who is capable of taking his job but is not capable of buying his product.

So what happened? The professors projected that wages would go up, illegal immigration would go down. Wages have gone down, contrary to what the professors said. And illegal immigration has gone through the roof, contrary to what the academics, the professors said.

The professors tell us this time they think they have really got it right, and they can predict what is going to happen.

One commonsense statement that you might ask yourself, if you are a businessman or a worker, is this, if Mexico has been poor, relatively poor with a very low per capita income for this entire century, and we only have a 4-percent tariff barrier with Mexico, the United States is not a bad neighbor. We do not invade them. We do not raid them. We are not mean to them. Why has not Mexico become prosperous? Is it really that 4 percent tariff barrier that the gentleman from California [Mr. DREIER] talks about?

Is it because we did not have a free-trade agreement with Mexico that they are not prosperous? Is that why people travel thousands of miles to come to the United States for a job? I do not think so.

I think if you look at Mexico, what they need is a solid dose of freedom. That means they need to have two parties with a political balance that is split, where you do not have to be a member of the PRI to buy or sell, to locate a plant, to have a labor dispute, to do any of the things that we do in the free America with respect to capital management and labor.

When they have economic freedom and political freedom in Mexico, they are going to do pretty good. Until they have that, we cannot count on a totally pure environment of supply and demand to drive up Mexican wages.

Now, it has been pointed out a number of times about what happened when Mexican wages, when labor in Mexico attempted to push up their wages. There were a number of times when they attempted to strike, when they attempted to take advantage of the high productivity that they had produced for their employer.

In all of those cases, the Salinas government, true to its word to the investors, suppressed the attempts to raise wages in Mexico. So you have an artificial suppression of this law of supply and demand. And because of that, wages are not going to come up. And because of that, you have got a break in this link that we find in a free economy between productivity and wages.

So looking at it very simply and very logically, if you are an American and this is a business deal, you are not getting a lot for what you are giving. And I think that is an important thing for Americans to consider.

Now, let me talk just for a minute about the $40 billion trade that we have or 40 billion dollars' worth of trade that we have each year with Mexico, according to the President and according to Mickey Kantor, his very able Trade Representative.

Mr. Kantor has used the term $40 billion many times, and it is time, frankly, to pull the wings off this butterfly.

There is not $40 billion in trade with Mexico. That figure gives smoke and mirrors, frankly, a bad name.

Let me tell you what about 34.7 percent of that $40 billion is, and this is absolutely true. And I have got a letter from Mr. Kantor's assistant to demonstrate that it is true. I am not making it up. Let me tell you what it is.

About 34.7 percent of the so-called exports to Mexico are not exports at all. It is U-turn merchandise. What is U-turn merchandise?

U-turn merchandise is this podium that I am holding that may be built in Washington, DC, or in San Diego, CA; in my country. And let us say that this podium is built by American workers. It is intended to be sold to the Congress of the United States, paid for by taxpayers. And let us say that the work that has gone into this, work and materials, is about 100 bucks. And this podium has been built right here in Washington, DC, in a little cabinet-making shop.

It is put on a bus, and it is carried to Tijuana, Mexico to be sanded and varnished, because they do a great job of sanding and varnishing.

□ 2050

Folks, when this podium crosses the international border at Tijuana on the bus, President Clinton counts this as a $100 export to Mexico. It is not going to the Mexican market. It is going to be U-turned and taken right back to America in a short period of time. He calls that an export to Mexico.

Let us say it is sanded and varnished in Mexico, in Tijuana, and that is about $10. It is then put back on the bus. It now has $110 in it, right, built up here for $100, sanded and varnished here, sanded in Mexico, put back on the bus in Tijuana, and it is bused back to Washington, DC, to be sold to the U.S. Congress.

Mr. Clinton and Mr. Kantor then call that a $110 export from Mexico to the United States. My suggestion to them is that if we really want to give the gentleman from California [Mr. DREIER] some good ammunition, the free traders some good ammunition for this agreement, why don't they just waggle these buses about six times on the international line and they can turn Mexico into our biggest trading partner, because it is all fiction. That is 34.7 percent, according to the Mexican figures, of the $40 billion.

Let us continue to tear the wings off this butterfly, this $40 billion butterfly. About another $12 billion to $14 billion of that $40 billion is what is known as capital goods that we are selling to Mexico. Watch out, folks, this is another wild one.

When Briggs & Stratton announced about a week ago that they are going to move a piece of their manufacturing to Mexico, if they take American equipment, let us say they take 2 million dollars' worth of machine tools with this plant and move them to Mexico, or they buy 2 million dollars' worth of machine tools to relocate their plant in Mexico after they fire all their American workers, then when that bus, that five-ton truck carrying their machine tools crosses the border at Juarez, Mr. Clinton and Mr. Kantor will call that a $2 million export to Mexico, which created hundreds of jobs.

How did they get the creation of hundreds of jobs? They take these phony numbers, about $12 billion to $14 billion in capital equipment, which really is American plants moving south and firing their workers in the United States. They take that $12 billion or $14 billion, they take the approximately $15 to $16 billion in U-turn merchandise that never goes to Mexico, made in America for Americans with a little bit added on in Tijuana, they add that up, and they say, let me say, for every $1 billion in trade, a $1 billion in economic activity amounts to about 20,000 jobs, so therefore, we have created 700,000 jobs with trade to Mexico, when in reality you have not created anywhere near those jobs.

Any American who is logical can validate what I have just told you if you do a couple of things. First, if you ask me, I will be happy to send you the letter from Mr. Kantor admitting that is how you can U-turn merchandise.

Second, visit the average Mexican citizen in Tijuana or Juarez or other places. The average Mexican citizen does not buy $500 worth of American goods, and that is a fact. If you really get down to consumer merchandise, it is about $4 billion worth. That is about one-tenth of what the pro-NAFTA people are saying we are buying.

My colleagues tell me, "Republicans should be for good business. Therefore, all of the Republicans should be for the NAFTA deal." Just because Republicans support business and the idea of making deals and bringing about economic growth and employing people does not mean that we take bad deals. We are supposed to be the Yankee traders. We are supposed to be the people that look at a deal and say, "Wait a minute, don't give me your platitudes. Don't tell me it is best in the West. Don't tell me 'Go see Cal,' show me what all of the provisions say and let me add them up and see if they accrue to my benefit or the other guy's benefit, or maybe to both of our benefits."

What we are really doing is talking about building a very business-friendly investment bed in Mexico. Here is my response to my Republican and Democrat colleagues, including some of my Democrat friends who are against NAFTA, as I am, but have not supported something that I think is very important. Why don't we create an investment bed in the United States? Why don't we make the United States investment-friendly? Why don't we eliminate unnecessary regulations that are strangling our small business people? Why don't we eliminate a workmen's compensation system that is giving big payoffs to all kinds of frauds and crooks and people who claim they were stressed by their jobs, so they can collect so much money that ultimately their employer has to close down, or in some States they eliminate the number of the types of industries that you can have in your business, because workmen's compensation insurance is such a big piece of payroll.

Why don't we eliminate some of these regulations that we have put on our businesses? Why don't we make it so that it does not take as long as it took us to win World War II, 4 years, to subdivide a piece of land in San Diego County, CA; a deliberate attempt at slow growth, at no growth, and at making housing expensive for the average working person?

I think there is a better way than signing the NAFTA agreement, voting through the NAFTA agreement, and doing in Mexico what we ought to be doing in the United States. That is making this country business-friendly, so that everybody, big business, small business, and working America can do well.

Let me just finish by telling the Members what I think the American ideal and the Republican ideal should be. My father was a guy who joined the Marines in World War II, had a successful business, ran cattle, came back from the Marine Corps and started a business as a building contractor. He was a rock-ribbed Republican conservative, never went union, had a lot of fights with unions, never went union, but he always told me that unions in many ways did some good things for this country because they helped to build a middle class.

He said, "You know, they helped to build a middle class, and that means that people can afford to buy homes and buy the cars down the street and do all the other things to keep this economy going."

Henry Ford said kind of the same thing my father said in a little different way. Henry Ford, the story goes, was asked in the 1930's, "Why are you paying your workers so much?" Maybe that was the guy who wrote the ad, "Yes, you can in Yucatan." "Why are you paying these workers so much? Everybody is out of work."

Henry Ford said, "I want to pay Americans a good living so they can afford to buy my cars," basically the same thing my father told me. When my father bought steel for his homes, bought nails, he always bought American, even though you could buy foreign steel, foreign nails, for about half the price.

Once you drive a nail in a 2 by 4 and you frame up the house, nobody knows where you got it. But he always bought American, because he felt a loyalty to the working people who stood by his side in the Pacific, as a U.S. marine, who carried our flag in the Nation's conflicts and who carried the tax burden that helps to build our roads, our bridges, our schools, and all of the great infrastructure that this society depends upon, that gives the physical attributes, man-made physical attributes of this great country that we call America.

My father was and is the Republican ideal. These people who are going to Mexico are not the Republican ideal. That is the politics of abandonment. It is true that we have had problems, working people have had problems with management, businesses have had problems with labor. However, the components of the American industrial base have never abandoned each other. That is what we are on the verge of doing.

I want to ask all my Democrat friends and all my Republican friends, after NAFTA is voted down, which it should be, to join together to do what we should have done a long time ago, and that is build a business-friendly investment base in the United States of America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. MICHEL) from 5:30 p.m. today, on account of traveling with the President.

Mr. BILIRAKIS (at the request of Mr. MICHEL) from 5:30 p.m. today, on account of traveling with the President.

Mr. MCKEON (at the request of Mr. MICHEL) after 5 p.m. today, on account of official business in the district.

Mr. GIBBONS (at the request of Mr. GEPHARDT) for September 23, after 4:40 p.m., on account of official business.

Mrs. THURMAN (at the request of Mr. GEPHARDT) for September 23, after 5 p.m., on account of official business.

Mr. DEFAZIO (at the request of Mr. GEPHARDT) for September 23, after 3:30 p.m., on account of official business.

Mr. LAROCCO (at the request of Mr. GEPHARDT) for September 23, after 4 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOKE) to revise and extend their remarks and include extraneous material:)

Mr. EWING, for 5 minutes each day, on September 28, 29, and 30, and October 5, 6, 7, 12, 13, and 14.

Mr. GEKAS, for 60 minutes, on September 27.

Mr. HORN, for 60 minutes each day, on September 30 and October 5.

Mr. EMERSON, for 5 minutes, today.

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of California, for 5 minutes, today.

Mr. FIELDS of Louisiana, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HOKE) and to include extraneous matter:)

Ms. ROS-LEHTINEN.
Mr. TAYLOR of North Carolina.
Mr. SMITH of New Jersey.
Mr. GUNDERSON.
Mr. GILMAN.
Mr. EWING.
Mr. SOLOMON.
Mr. MANZULLO.
Mr. FRANKS of New Jersey.
Mrs. MORELLA.
Mr. SPENCE.

(The following Members (at the request of Mr. FILNER) and to include extraneous matter:)

Mrs. THURMAN.
Mr. LANTOS in two instances.
Mr. BONIOR in four instances.
Mr. HOYER.
Mr. STOKES.
Mr. TEJEDA in three instances.
Mr. DEFAZIO.
Mrs. MALONEY.
Mr. ROEMER.
Mr. MFUME.
Mr. SKAGGS.
Mr. TORRES.
Mr. LAROCCO.
Mr. ANDREWS of Texas.
Mr. CLAY
Mr. WAXMAN.
Mr. VISCLOSKY.
Mr. KANJORSKI.
Mr. BROWN of California.
Mr. OWENS.
Mr. KILDEE.
Mr. PAYNE of New Jersey.
Ms. BROWN of Florida.
Ms. ROYBAL-ALLARD.
Mr. FRANK of Massachusetts.
Mr. DE LA GARZA.
Mrs. LLOYD.
Mr. WILLIAMS.

(The following Members (at the request of Mr. HUNTER) and to include extraneous matter:)

Mr. CLAY.
Ms. MOLINARI.
Mr. KENNEDY.
Mr. SERRANO.
Mr. FOGLIETTA.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that

that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1513. An act to designate the United States courthouse located at 10th and Main Streets in Richmond, Virginia, as the "Lewis F. Powell, Jr. United States Courthouse."

H.R. 2431. An act to designate the Federal building in Jacksonville, Florida, as the "Charles E. Bennett Federal Building."

H.R. 20. An act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

H.R. 3019. An act to amend title 5, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, and for other purposes.

H.R. 3049. An act to extend the current interim exemption under the Marine Mammal Protection Act for commercial fisheries until April 1, 1994.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 464. An act to redesignate the Pulaski Post Office, located at 111 West College Street in Pulaski, Tennessee, as the "Ross Bass Post Office."

S. 779. An act to continue the authorization of appropriations for the East Court of the National Museum of Natural History, and for other purposes.

ADJOURNMENT

Mr. HUNTER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, September 27, 1993, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1931. A letter from the Director, Congressional Budget Office, transmitting their report on evaluating DOD's cost analyses regarding expansion of the CHAMPUS Reform Initiative, pursuant to Public Law 102-484, section 712(c) (106 Stat. 2435); to the Committee on Armed Services.

1932. A letter from the Secretary of Education, transmitting a notice of Final Priority for Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with the Most Severe Disabilities and Technical Assistance Projects, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1933. A letter from the Assistant Secretary for Legislative Affairs, Department of Defense, transmitting notification of the President's finding that the furnishing, sale, and/or lease of defense articles and services to the Cooperative Republic of Guyana will strengthen the security of the United States and promote world peace (PD No. 93-35), pursuant to 22 U.S.C. 2311, section 12(b)(1); 22 U.S.C. 2753, section 906; to the Committee on Foreign Affairs.

1934. A letter from the Vice-Chair, Merit Systems Protection Board, transmitting a report titled "The Changing Face of the Federal Workforce: A Symposium on Diversity," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce, H.R. 618. A bill to extend and revise rule making authority with respect to Government securities under the Federal securities laws, and for other purposes; with an amendment (Rept. 103-255). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT of Maryland (for himself, Mr. Crane, Mr. Goodlatte, and Mr. Smith of Michigan):

H.R. 3125. A bill to provide for the identification of felons and persons adjudicated mentally incompetent on driver's licenses and certain identification documents through a magnetic strip containing coded information and through the establishment of a national system for the identification of such persons, and to impose criminal penalties on any federally licensed firearms dealer who sells a handgun to a person without using a device to read the magnetic strip on the driver's license or identification document of the person; to the Committee on the Judiciary.

By Ms. CANTWELL:

H.R. 3126. A bill to authorize the Secretary of Transportation to convey vessels to assistance International, Inc. (a nonprofit corporation); to the Committee on Merchant Marine and Fisheries.

By Mr. KASICH:

H.R. 3127. A bill to transfer to the Secretary of Transportation the functions of the Interstate Commerce Commission; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mrs. MALONEY:

H.R. 3128. A bill to abolish the National Board for the Promotion of Rifle Practice and to eliminate the promotion of civilian marksmanship by the Department of Defense; to the Committee on Armed Services.

H.R. 3129. A bill to allow interstate banking through acquisitions of existing banks, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KILDEE (for himself, Mr. Ford of Michigan, Mr. Goodling, Mr. Miller of California, Mr. Gunderson, Mr. Sawyer, Mr. Owens, Mrs. Unsoeld, Mr. Reed, Mrs. Mink, Mr. Engel, Mr. Gene Green of Texas, Ms. English of Arizona, Mr. Strickland, Mr. Romero-Barcelo, Mr. Martinez, Mr. Andrews of New Jersey, and Mr. Faleomavaega):

H.R. 3130. A bill to improve America's schools; to the Committee on Education and Labor.

By Mr. BROOKS (for himself, Mr. Schumer, and Mr. Hughes):

H.R. 3131. A bill to control and prevent crime; to the Committee on the Judiciary.

By Mr. OWENS (for himself, Mr. Reynolds, Mr. Clay, Mr. Nadler, Ms. Norton, Mr. Lewis of Georgia, Ms. Velazquez, Mr. Dellums, Mrs. Meek, and Mr. Hastings):

H.R. 3132. A bill to prohibit the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition, with certain exceptions; to the Committee on the Judiciary.

By Mrs. LLOYD:

H.J. Res. 265. Joint resolution to designate October 19, 1993, as "National Mammography Day"; to the Committee on Post Office and Civil Service.

By Mr. TAYLOR of North Carolina (for himself, Mr. Clement, Mr. Weldon, Mr. Clyburn, Mr. Hamburg, Mrs. Mink, Mr. Walsh, Mr. Kasich, Mr. McDermott, Mr. de la Garza, Ms. Norton, and Mr. Hochbrueckner):

H.J. Res. 266. Joint resolution designating both September 29, 1993, and September 28, 1994, as "National Barrier Awareness Day"; to the Committee on Post Office and Civil Service.

By Mr. PAYNE of New Jersey (for himself, Mr. Jefferson, Mr. McDermott, Mr. Flake, Mr. Mfume, Mr. Abercrombie, Mr. Ford of Tennessee, Mr. Blackwell, Mr. Hughes, Mr. Kleczka, Mr. Tucker, Mrs. Mink, Mr. Gene Green of Texas, Mr. McCurdy, Mr. Volkmer, Mr. Ford of Michigan, Mr. Roemer, Mr. Holden, Mr. Lewis of Georgia, Mr. Conyers, Mr. Wynn, Mr. Richardson, Mr. Hastings, Mr. Owens, Mr. Fields of Louisiana, Mr. Reynolds, Mr. Moran, Mr. Wheat, Mr. Clay, Mr. Schumer, Mr. Kennedy, Mr. Peterson of Florida, Ms. Pelosi, Ms. Eddie Bernice Johnson of Texas, Mrs. Clayton, Mr. Dellums, Ms. McKinney, Mrs. Collins of Illinois, Mr. Coyne, Mr. Kopetski, Mr. Payne of Virginia, Mr. Matsui, Mr. Neal of Massachusetts, Mr. Levin, Mr. Hilliard, Mr. Thompson, Mr. Hayes, Mr. Towns, Mr. Rush, Ms. Brown of Florida, Mr. Bishop, Mr. Brewster, Mr. Stokes, Mr. Scott, Mr. Rangel, Ms. DeLauro, and Mr. Dixon):

H. Con. Res. 151. Concurrent resolution concerning the movement toward democracy in the Federal Republic of Nigeria; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. SKAGGS (for himself, Mr. Peterson of Florida, and Mr. Gilchrest):

H. Con. Res. 152. Concurrent resolution concerning human rights and democracy in Vietnam; to the Committee on Foreign Affairs.

By Mr. SOLOMON (for himself and Mr. Gilman):

H. Con. Res. 153. Concurrent resolution expressing the sense of the Congress in support of the President of the Russian Federation, Boris Yeltsin; to the Committee on Foreign Affairs.

By Ms. MOLINARI (for herself, Mr. McCloskey, Mr. King, Mr. Levy, and Mr. Engel):

H. Con. Res. 154. Concurrent resolution concerning the need for immediate investigation into violations of international law in the former Yugoslavia and prosecution of persons responsible for those violations; to the Committee on Foreign Affairs.

By Mr. BLUTE:

H. Res. 255. Resolution expressing the sense of the House of Representatives that any laws enacted pertaining to the reform of our Nation's health care system should apply to Members of Congress; to the Committee on House Administration.

By Mr. TALENT:

H. Res. 256. Resolution amending the Rules of the House of Representatives to preclude the Committee on Rules from reporting any rule or order waiving the applicability of the germaneness requirement to any emergency supplemental appropriation for a natural disaster; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. REED.

H.R. 22: Mr. ANDREWS of Texas.

H.R. 64: Ms. NORTON.

H.R. 71: Mr. RICHARDSON.

H.R. 303: Mr. ANDREWS of New Jersey.

H.R. 323: Mr. ZIMMER.

H.R. 340: Mr. MCINNIS.

H.R. 393: Mrs. ROUKEMA.

H.R. 401: Mr. LEVY.

H.R. 479: Mr. RICHARDSON.

H.R. 509: Mr. LINDER and Mr. FRANKS of Connecticut.

H.R. 672: Mr. MOAKLEY and Ms. BYRNE.

H.R. 786: Mr. COLEMAN, Mrs. ROUKEMA, and Mr. WISE.

H.R. 799: Mr. NUSSLE, Mr. POMBO, and Mr. BARLOW.

H.R. 830: Mr. TORRES and Mr. MYERS of Indiana.

H.R. 923: Mr. BISHOP.

H.R. 1009: Mr. PORTMAN.

H.R. 1031: Mr. ROYCE, Mr. MURPHY, Mr. BARRETT of Wisconsin, and Mr. WILSON.

H.R. 1078: Ms. HARMAN.

H.R. 1203: Mr. TORKILDSEN, Mr. HOBSON, and Mr. TANNER.

H.R. 1205: Mr. PACKARD and Mr. SHAYS.

H.R. 1276: Mr. SKEEN and Mr. SCHAEFER.

H.R. 1295: Mr. GLICKMAN and Mr. WALSH.

H.R. 1302: Mr. LEVY.

H.R. 1355:Mr. CALVERT.

H.R. 1383: Mr. PACKARD and Mr. PORTER.

H.R. 1463: Mr. RANGEL.

H.R. 1608: Mr. BACHUS Alabama, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BUYER, Mr. DOOLEY, Mr. FLAKE, Mr. GRAMS, Mr. HOYER, Mr. MCCOLLUM, Mr. SKAGGS, Mr. SKEEN, and Mr. SPRATT.

H.R. 1697: Mr. DOOLEY.

H.R. 1738: Mr. ROBERTS.

H.R. 1753: Mr. PETERSON of Minnesota.

H.R. 1755: Mr. PETERSON of Minnesota.

H.R. 1802: Mr. SHAYS.

H.R. 1827: Mr. BREWSTER.

H.R. 1883: Mr. SOLOMON, Mr. HERGER, Mr. COX, Mr. WYNN, and Mr. HORN.

H.R. 1886: Ms. MCKINNEY, and Mr. FILNER.

H.R. 1933: Mr. HOYER, Mr. BACCHUS of Florida, Mr. BILBRAY, Mr. WALSH, and Mr. HOCHBRUECKNER.

H.R. 2017: Mr. WYNN.

H.R. 2062: Mr. CHAPMAN.

H.R. 2088: Mr. CUNNINGHAM, Mr. HOEKSTRA, Mr. KNOLLENBERG, and Mr. MCINNIS.

H.R. 2121: Mr. RUSH, Mr. DUNCAN, Mr. KLUG, Mrs. MORELLA, Mr. ZIMMER, Mr. HOBSON, Mr. SMITH of Texas, Mr. SAM JOHNSON, Mr. BATEMAN, Mr. SCHAEFER, Ms. MARGOLIES-MEZVINSKY, and Mr. JOHNSTON of Florida.

H.R. 2171: Mr. FIELDS of Louisiana, Mr. ROWLAND, and Mr. CALVERT.

H.R. 2263: Mr. SANDERS.

H.R. 2292: Mr. ANDREWS of Maine, Mr. PETERSON of Minnesota, and Mr. LINDER.

H.R. 2326: Mr. ORTON, Mr. BARCIA of Michigan, Mr. DOOLITTLE, Mr. HASTINGS, Mr. ROHRABACHER, Mr. KLECZKA, Mr. BAKER of California, Mr. KREIDLER, and Mr. PAYNE of Virginia.

H.R. 2394: Mr. FLAKE and Mr. LEWIS of Florida.

H.R. 2395: Mr. FLAKE.

H.R. 2427: Mr. MCDERMOTT.

H.R. 2434: Mr. HUNTER.

H.R. 2574: Mr. RICHARDSON.

H.R. 2580: Ms. NORTON, Mr. WAXMAN, Mr. SANDERS, Mr. OLVER, Mr. HINCHEY, and Mr. ENGEL.

H.R. 2638: Mr. POSHARD and Mr. TOWNS.

H.R. 2641: Mr. SWETT, Ms. DANNER, and Mr. FRANK of Massachusetts.

H.R. 2671: Mr. KLUG and Mr. BATEMAN.

H.R. 2787: Mr. WATT and Ms. WOOLSEY.

H.R. 2788: Mr. FILNER.

H.R. 2834: Mr. POSHARD, Mr. DEUTSCH, and Mr. HINCHEY.

H.R. 2835: Mr. POSHARD, Mr. DEUTSCH, and Mr. HINCHEY.

H.R. 2836: Mr. JOHNSON of South Dakota.

H.R. 2838: Mr. WELDON.

H.R. 2864: Mr. TORRES and Mr. FRANK of Massachusetts.

H.R. 2872: Mr. QUINN, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. POMBO, Mr. BARTLETT of Maryland, and Mr. SANTORUM.

H.R. 2884: Mr. BONIOR.

H.R. 2921: Mrs. COLLINS of Illinois and Mr. PARKER.

H.R. 2968: Ms. MARGOLIES-MEZVINSKY, Mr. SOLOMON, and Mr. LEVY.

H.R. 3017: Mr. FROST.

H.R. 3023: Mr. ABERCROMBIE, Mr. GREENWOOD, Ms. CANTWELL, Mr. BARRETT of Nebraska, Mr. PETERSON of Florida, Mr. RAHALL, Mr. FROST, Mr. RAVENEL, Mr. MINETA, Mr. GOSS, Mr. GORDON, Mr. LEVY, and Mr. TEJEDA.

H.R. 3024: Mr. GREENWOOD, Mr. COMBEST, Mr. LEVY, Mr. DUNCAN, Mrs. VUCANOVICH, and Mrs. MEYERS of Kansas.

H.R. 3041: Ms. BYRNE.

H.R. 3080: Mr. DUNCAN, Mr. MICA, and Mr. DREIER.

H.R. 3086: Mr. SHAW, Mr. CANADY, and Mr. TORKILDSEN.

H.R. 3105: Mr. KING and Mr. SOLOMON.

H.R. 3118: Mr. COSTELLO and Mr. DURBIN.

H.J. Res. 9: Mr. BACHUS of Alabama, Mr. HOEKSTRA, and Mr. LINDER.

H.J. Res. 38: Mr. BEREUTER.

H.J. Res. 113: Mr. SUNDQUIST.

H.J. Res. 117: Mr. ROYCE.

H.J. Res. 148: Ms. ENGLISH of Arizona, Mr. FAZIO, Mr. JOHNSON of South Dakota, Mr. KANJORSKI, Mrs. MINK, Mr. MOAKLEY, Mr. QUILLEN, Mr. ROBERTS, Mr. SANGMEISTER, Ms. MCKINNEY, Mr. TANNER, Mr. ROHRABACHER, Mr. ROSE, Mr. ARCHER, Mr. SKEEN, Mr. RIDGE, Mr. KENNEDY, Mr. PICKLE, Mr. SAWYER, Mr. HALL of Texas, Mr. GLICKMAN, Mr. MCINNIS, Mr. VOLKMER, and Mr. MCCOLLUM.

H.J. Res. 175: Mr. GALLO, Mr. PRICE of North Carolina, and Mr. LAFALCE.

H.J. Res. 178: Mr. MCINNIS, Mr. SCHAEFER, Mr. MATSUI, and Mr. JOHNSTON of Florida.

H.J. Res. 187: Ms. NORTON.

H.J. Res. 194: Mr. STUMP, Mr. SHARP, Ms. DUNN, Mr. DE LA GARZA, Mr. JACOBS, Mr. ROEMER, Mr. HALL of Texas, Mr. TAYLOR of Mississippi, Mr. SYNAR, Mr. DURBIN, Mr. TORRICELLI, Mr. YATES, Mr. WYDEN, Mr. COSTELLO, Mr. FARR, Ms. MARGOLIES-MEZVINSKY, Mr. MFUME, Mr. OLVER, Mr. LAROCCO, Mr. BLACKWELL, Mr. HOCHBRUECKNER, Mr. PICKLE, Mr. SCOTT, Mr. REED, and Ms. DANNER.

H.J. Res. 206: Mr. ACKERMAN, Mr. CLAY, Mr. DICKEY, Mr. HOCHBRUECKNER, Mr. HOLDEN, Mr. JACOBS, Mr. OWENS, Mr. PARKER, Mr. SABO, Mr. VALENTINE, and Mr. YOUNG of Florida.

H.J. Res. 212: Mr. HAMBURG, Mr. STEARNS, Mrs. BENTLEY, Miss COLLINS of Michigan, Mr. COSTELLO, Mr. LAUGHLIN, Mr. ROGERS, Mr. BUNNING, and Mr. LIPINSKI.

H.J. Res. 234: Mr. YOUNG of Alaska, Mr. WOLF, Mr. HAMILTON, Mr. WYDEN, Mr. SPENCE, Ms. NORTON, Mr. HOEKSTRA, Mr. JACOBS, Mr. ORTON, Mr. ACKERMAN, Mr. BROWDER, Mr. CALLAHAN, Mr. COBLE, Mr. HYDE, Mr. INHOFE, Mr. LANCASTER, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. CRAMER, Mr. CLEMENT, Mr. DE LUGO, and Mr. DICKS.

H.J. Res. 254: Mr. HANSEN.

H.J. Res. 256: Mr. GREENWOOD, Mr. COMBEST, Mr. LEVY, Mr. DUNCAN, and Mrs. VUCANOVICH.

H. Con. Res. 47: Mr. ROHRABACHER.

H. Con. Res. 52: Mr. COSTELLO and Ms. SNOWE.

H. Con. Res. 100: Mr. CLINGER, Mr. RUSH, and Mr. MCINNIS.

H. Con. Res. 103: Mr. RANGEL and Mr. ABERCROMBIE.

H. Con. Res. 141: Mr. HANCOCK, Mr. BACCHUS of Florida, Mr. KIM, and Mr. BARRETT of Nebraska.

H. Res. 40: Mr. MARKEY and Mr. FAZIO.

H. Res. 165: Mr. ROYCE, Mr. HERGER, Mr. SCHAEFER, Mr. STARK, Mr. MICA, Mr. REYNOLDS, Mr. TORRICELLI, Mr. PALLONE, Mr. GUTIERREZ, and Mr. MOAKLEY.

H. Res. 247: Mr. SHAYS, Mr. GREENWOOD, Mr. COMBEST, Mr. LEVY, Mr. DUNCAN, and Mrs. VUCANOVICH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2758: Ms. MCKINNEY.

H. Res. 134: Ms. MCKINNEY.

SENATE—*Thursday, September 23, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Commit thy works unto the Lord, and thy thoughts shall be established.—Proverbs 16:3.

Almighty God, Lord of history, Ruler of all nature, sooner or later the problems of the whole world—between nations and within nations, between states and within states—confront the U.S. Senate. In addition, the demands and desires of millions of constituents beg for attention. Such a burden is too big for anyone but God. Nevertheless, the Senators must face these issues.

Give them grace to look to Thee for guidance and direction. Help them see that dependence upon Thee strengthens their independence. Make real to their minds and hearts the promise of the Proverb: "Commit thy works unto the Lord, and thy thoughts shall be established."

In His name who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 23, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

The time until 9 a.m. shall be under the control of the Senator from Wyoming [Mr. WALLOP] or his designee.

Mr. WALLOP addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming [Mr. WALLOP] is recognized.

THE PRESIDENT'S HEALTH CARE PLAN

Mr. WALLOP. Mr. President, the Nation was treated to an eloquent speech last night which was, at best, long on comfort and short on detail. All the appropriate buzzwords for a worried American society were included—security, choice, portability, and responsibility.

There is no reason to reject out of hand anything that we heard last night because nothing we heard is in the form of a legislative proposal. But if some of the details of the plan that was leaked or purloined are to be believed, there are reasons why Americans should pay a good deal of attention to what is being discussed.

Mr. President, it is wise, I think, for Americans to examine what their life is like when it is directly affected by the Government. The Government is inefficient. The Government is insensitive. Increasingly, in America, Government is arrogant. We have seen all of these problems in other dimensions of our life.

Under the plan, there is a quote that says: "In the event more consumers apply to enroll in a particular plan than its capacity allows, the alliances"—these new Government agencies that are to be set up, or Government-run health care agencies, as they are better called—"may develop a process of random selection for use in determining which new applicants may enroll."

The plan also says: If you do not sign up for a health plan on time, "the alliance assigns the individual to the lowest cost plan available."

Mr. President, this is not choice. This is Government telling Americans what they may or may not have, may or may not do.

These Government-run health care agencies will be able to exclude a plan if the proposed premium exceeds the quoted weighted average premium within the alliance, and the State, with the approval of the National Health Board, may waive the requirement for each alliance to offer a fee-for-service plan.

Mr. President, this is not choice. Some of us grew up worrying a little bit about whether the Government ought to have such definite control in and of our lives.

Under the administration's plan, businesses will be ordered to pay 80 percent, or at least a significant portion of the health care costs of their employees.

This is not choice. This is a mandate. Make no mistake about it, Americans, the Government will be ordering us to "contribute."

Now, most of us grew up with Webster's definition of "contribution" in mind. We thought that there was something vaguely voluntary about a contribution. Most of us believed that any time we were ordered to do something it was a "tax" or a "fee" or a "fine" or some other kind of word, but it was not a "contribution."

Now, as we begin to debate health care reform, I urge Americans not to be caught up in words that sound comforting, but to parse the real meaning of words and the real intention of the legislation that presumably will come before us.

Seven hundred billion dollars, Mr. President, is not chicken scratch. Seven hundred billion dollars is the cost of this program as estimated by the administration. Those of us who have been around Government for a little while may find it difficult to remember the last time Government overestimated the cost of anything.

The problem that we face is that, in order to make this program fall within that cost figure, we must now talk about so-called mandatory caps or global budgets, amounts beyond which we cannot spend.

Mr. President, if we get to the point where we no longer can spend, then presumably care will be denied or the cost will increase, or taxes will rain from some other place. But, presumably, when you reach the mandatory cost caps, you cannot order care to be provided for nothing. Or perhaps we can?

But one must be suspect of the kind of care that could be provided for nothing. I doubt that there will be a willing provider at the other end.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The chairman of the Senate Finance Committee, having examined the financing proposals, referred to them as fantasy. It behooves the people of America, the Senate of the United States, the House of Representatives of the United States, the administration and others to examine carefully what it is we are going to cast America into. We cannot bring through one act of the Congress, one-seventh of the gross domestic product under the heel and ever watchful, total eye of the Government of the United States, without disrupting great lines of economic communication.

It is genuinely important to examine what happens when the Government enters into the fray. Last year, Members will recall, we were going to provide great relief to viewers of cable television. It was going to answer our consumers' prayers and complaints overnight. The Government was going to take care of us.

And now we learn how. The Government is going to take care of us by preempting C-SPAN, the darling favorite of Members of the Senate. But many Americans do like to watch it. And it will no longer be available. Mandated programs for which there is already existing duplication in the market, and increasing costs, have been the result of Government control of cable television. When Government begins to control the health care of Americans, it will only ease the plight of a few. And when we are taking a look at the problem that exists on the face of America with regard to the delivery of health care, it behooves us to solve the problem that exists and not change the system that benefits 80 to 85 percent of Americans better than any other system in this world.

Remember, the medical destination of the world is the United States of America. Consumers of socialized, government-controlled medicine from all over the world come here for the best and the latest medical technology. Our neighbors to the north in Canada come down to get the care they must wait in line for, lest their health be damaged in Canada.

Our neighbors to the north in Canada have a system that is bankrupt. Two new hospitals in the prairie provinces have been built, right across the border from Montana, and they are not going to be operated because they cannot be financed.

There are things wrong and Americans know it, with the American health care system. But words of comfort lacking in details will not solve the problem that exists and worries us today.

Mr. President, I yield 10 minutes to the Senator from Georgia.

The ACTING PRESIDENT pro tempore. The Senator from Georgia [Mr. COVERDELL] is recognized for 10 minutes.

Mr. COVERDELL. Mr. President, I thank the distinguished Senator from Wyoming for yielding this time.

I, first, would like to commend the President and First Lady for having brought to the forefront an issue that has been on the minds of so many Americans for a considerable period of time. I also commend the President for having invited extended debate from all sectors of our country, both parties—the invitation to step forward and participate in this issue that is being weighed by so many American families and businesses at this time.

But I also rise to suggest that the American people should maintain a very inquiring mind and they should ask some very serious questions of their Congress and of their President with regard to the ramifications of health care reform.

The first thing I think the American people ought to ask is how is this going to be financed? I think that is particularly pertinent when we understand that 90 percent, 80 to 90 percent of the American people today have insurance. In my State it is 90 percent. That ranges from State to State, but that is a significant portion of our population that is currently participating in a program we say everybody should have.

Additionally, we know somewhere between 70 and 80 percent of the American people are reasonably satisfied with the manner in which they protect themselves with health coverage and the quality of health delivery that they receive in this country. If we picture a chart and we have 80 to 90 percent of the people who are covered, and 70 to 80 percent of the people satisfied, it narrows the scope of the problem.

Yet what we were talking about in the President's speech last night is something that is going to affect everyone, not just the people who have had some difficulty with this system—but everyone. So it is reasonable to ask, if you currently have insurance and if you are currently satisfied with what is being delivered in the way of health coverage in the United States, what will this change do to us?

The first analysis that we have seen suggests, to create this overhaul that affects 100 percent, not just the people who for one reason or another might not have insurance or have become dissatisfied with the system, but everyone, if we are going to impose what is being suggested, another $100 to $150 billion of new taxes to make the change, it would certainly give me pause. As a person who has come out of the business community, I am sure it will give those I left behind in that business pause. If we are suggesting to them, as the President did last evening when he ran down the litany of individuals and types of people who are going to pay a good bit more money—younger people, small businesses, probably even a number of large businesses—they are going to have to pay a good deal more money to cause this program to come into effect.

I am reminded that we have just spent 7 months in a bruising battle over whether the American economy could withstand an enormous new tax increase. During the term of this administration we have raised taxes $130 billion, and the analysis of what this proposal would cost is that plus $20 or $30 billion. In other words, we spent 7 months fighting over whether or not the economy could withstand tax levels of another $130 billion, yet we are now talking about a proposal that could cost anywhere from $100 to $160 billion, on top of the $130 billion, on top of the $147 billion we put on the American economy just 30 months ago.

I think probably our folks in small town America and our cities struggling with infrastructure are beginning to wonder what has happened in Washington if we are going to tax $147 billion and then $130 billion, and now here we are, again, talking about $100 to $150 billion. That is $500 billion potentially in new taxes in about a 36- to 48-month period.

Can the American economy withstand this? I think the American people need to reflect very seriously on that kind of a new burden.

Often, when I have had an opportunity to speak on the floor of the U.S. Senate, I harken back, as I think perhaps you do, Mr. President, on the 1992 elections. We are both products of that. Almost a revolution. In my State, we had a 73-percent turnout. Unheard of. I do not think they were turning out because of the dazzling personalities necessarily that were running for public office. They were turning out because there was a deep sense of frustration, and they were saying to Washington: "Don't do things like you have been doing them in the past."

They really were electing change in many ways. They certainly were, in my State. I think they were, in the Presidential election. They were asking for change. They were saying: "We don't want to do these things the way we have been doing them."

I have, since that time, traveled a good bit in this country and certainly throughout my State. I have had many, many visitors here from all walks of life, and the one message that I hear over and over and over is: "We just have too much government in our lives; we can't turn around without bumping into the government; we can't run our business without government intervention at every step of the way; we can't run our lives."

Mr. President, you know that there is a great discussion now about what is called Federal mandates, orders from the Federal Government to our local communities to do this and that, usually laudable programs but inflexible, untimely, burdensome without regard to how a local community can respond. And so as you go from community to community, they are saying: "You have to remove this burden that the Federal Government continues to put on us." They tell some of the most bizarre stories of illogical dealings with the Federal bureaucracy.

Why am I talking about all this Federal bureaucracy? Because I believe the American people, when they evaluate all the debate on health care reform, ought to ask themselves: Do they want a greater Federal role? Do they want the Federal Government to run the health delivery system in the United States more than it already does?

I do not think they do, but I guess this debate will give us an answer.

The health delivery system in the United States represents 15 percent of our economy. One of the greatest problems we have in the health delivery system today is the Federal portion of it. We talk about the forms and the administrative burdens of the health delivery system. Most of it is imposed by the Federal Government.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. COVERDELL. Mr. President, I yield the floor.

Mr. McCAIN. I believe that it is essential that we reform our health care system. Americans deserve the security of knowing that they will not lose their health care coverage if they get sick or lose their job or if they change jobs. The deserve a system that is responsive to their particular needs without resulting in excessive costs or paperwork requirements. Most of all, they deserve to know that when they are sick or injured, they will get the medical attention that they need when they need it without having to worry about losing their homes, savings, and financial security.

Many Americans currently have good health care coverage at a reasonable cost. For them, the objective of reform is to ensure that they are able to maintain their coverage no matter what happens to them—without being subject to unreasonable costs or having their level of benefits diminish. Other Americans have no health insurance or inadequate coverage or coverage that costs a disproportionate share of their incomes. For them, the objective of reform is to ensure that they are able to obtain the full coverage that they truly need—coverage that will protect them when they are ill—at a cost that is affordable.

So we need a system that meets the needs of all Americans. In developing this system, we must not ignore or compromise the situations of the many Americans whose needs are currently being met. We must build upon the strengths of our current system—a system that is the envy of the entire world in terms of quality and technological excellence—to meet the needs of those who are not being served currently. While I agree with those who say we need change, I do not agree that all change would be good. I believe that the change that would result from the Clinton health care plan would be terrible for our country.

The Clinton plan will either dramatically increase our health care costs or dramatically decrease our quality of care, depending on precisely how it implements its cost controls. Any health care reform proposal that provides coverage for the entire uninsured population while ensuring access to a Cadillac standard benefits package will inevitably increase costs unless there are extremely strong mechanisms to contain such costs. However, if such mechanisms are too strong, quality will be compromised. The Clinton plan's highly regulatory approach ignores fundamental laws of supply and demand, and will either bankrupt our country or destroy our health care infrastructure.

The Clinton plan purports to contain costs by relying on its regional purchasing alliances in conjunction with global budgets limiting increases in insurance premiums. These purchasing cooperatives are so highly regulated that they will not be able to induce strong competition. Some viable competitors will not be permitted by the regional alliances to compete in the market. Due to the rules of managed competition which have been adopted by the administration, those plans that are in the market will be limited in their flexibility to compete rigorously.

The Clinton plan's global budgets and premium price controls, which will be applied arbitrarily, will further cause some insurers to drop out of the market. This will result in reduced competition and ultimately increased costs. As we have seen with price controls in the past, price ceilings typically serve to operate as price floors. When the price controls are ultimately taken away, as they inevitably will be once they've failed, they will cause a wave of hyperinflation in the health care sector that will shock our economy. This, in turn, will force the Government to further cut back on benefits and ultimately to cut back on access.

The Clinton plan may save the Government some money in the short run by imposing strong limits on Medicare and Medicaid—but this will be to the detriment of program beneficiaries. It is impossible to cut $238 billion from these programs without substantially harming the people we are supposed to be helping. These costs will ultimately be shifted onto business. Of course, this issue is somewhat academic because I agree with the distinguished Democrat Senator from New York, Senator MOYNIHAN, that the proposed level of cuts in Medicare and Medicaid are pure "fantasy."

The Clinton plan finances itself largely through the savings it projects will occur as a result of its reforms. It is extremely unclear how a plan that provides $700 billion in new Federal spending will result in savings or where these savings would come from. The administration even has the gall to claim that its plan will reduce the deficit by $91 billion. They must think that the American people are pretty naive. In fact, it is likely that the deficit will increase as a result of the unprecedented subsidization by Government under their proposal—subsidization of individuals at all levels of income.

History should teach us that projections of costs for new social programs are typically underestimated, and estimates of cost savings are overestimated. When the Medicare Program was enacted in 1965, it was projected that the costs of the program in 1990 would be less than $10 billion. The actual costs in that year were over $100 billion. This underestimate of over tenfold should not be surprising. It is always the tendency of policy advocates to overestimate benefits and underestimate costs.

The Clinton plan will create yet another huge Government entitlement program. To obtain political support, it offers a new health care subsidy for early retirees. This provision alone will cost the taxpayer over $10 billion initially. However, it will be far more costly to our country in the long run, because it will induce many individuals to retire early. This will occur just when the ratio of workers to retirees will be the lowest in our history, and we should be encouraging people to retire later in life. This new unprecedented subsidy may be good politics for the President, but it is horrendous policy for our Nation.

The Clinton plan will also cause substantial economic hardship to employers and employees. By imposing the requirement that all employers must pay for the health insurance premiums of their employees, many small and marginal businesses will either become unviable or cut back on their operations. They will have no choice but to lay off workers, who will then be much worse off than before reform. Low wage workers will be most at-risk, because health benefits constitute a large percentage of their overall wage and benefits package. A recent study by the Employment Policy Institute estimates that as many as 3 million Americans could lose their jobs.

In the restaurant catering industry alone, this study found that labor costs could rise 19 percent, resulting in 800,000 lost jobs. The increased labor costs will, of course, be passed on to consumers. We should all realize that the employer mandate in the Clinton proposal is really an intellectually dishonest way of imposing a new tax on the American public. It is the economic equivalent of a 7.9-percent payroll tax. Like other taxes, it will discourage economic activity, sacrifice jobs, and result in higher costs throughout the economy.

It is amusing to me that one of the major concerns of the administration in developing its plan was to simplify our health care system. Yet, they have managed to develop the most complicated, bureaucratic, regulatory labyrinth that this country will ever have seen. Even according to the administration's own estimate, the new bureaucratic structure will cost $2 billion. If passed, we would be entrusting the health care of our Nation to the same Government that Vice President GORE recently said does not work and must be reinvented.

It is absolutely amazing the level of Government intervention and intrusion of this plan into the private market and private lives of American citizens. For example, the new Federal National Health Board has the power and obligation to issue regulations for the national health care budget and to enforce that budget. Despite all that we have learned from the Soviets about the ineffectiveness of centralized planning, it assumes that a board of bureaucrats can manage the huge health care sector—one-seventh of our economy—better than the decentralized decisions of the market.

Under their plan, the Secretary of Health and Human Services has the power to determine acceptable drug prices. It is uncertain how she will make such lofty determinants confident that she will not be creating a strong disincentive for companies to develop the drugs that our citizens need—possibly a cure for cancer or even AIDS. Again, the administration exhibits remarkable arrogance in claiming that it can allocate our resources more efficiently than the market.

The Secretary of the Treasury is even authorized under the Clinton plan to impose payroll taxes on all employers in a State if the State does not comply with Federal regulations. This provision should make clear to the public that the mandate for all employers to pay their employees' premiums is actually a hidden tax on employers and employees. The administration attempts to make this hidden tax more palatable by limiting the employer obligation to a specific percentage of its payroll. However, this just means that the general taxpayer will have to pay the remainder, or more likely, it will just add to our astronomical Federal deficit and debt.

By contrast to the Clinton plan, the Chafee proposal developed by some of my Republican colleagues is decidedly preferable. It does not impose a mandate on employers to pay for the premiums of all their employees. Yet, it responsibly ensures that Americans will be able to obtain health insurance. It does not impose arbitrary global budgets or price controls on the health care sector, but induces cost containment through strong price competition. While I do not favor the use of purchasing cooperatives, at least the alliances in the Chafee plan are not imposed mandatorily on employers. The Chafee plan is not the bureaucratic, regulatory disaster that the Clinton proposal is.

In fact, there are some elements of the Chafee proposal, and even a few elements of the Clinton plan, that I strongly favor. For example, it is long overdue that we pass the small market reforms that would prevent insurers from discriminating against people with preexisting conditions, and that would prevent them from dropping enrollees or increasing their premiums when they get sick. It is absolutely essential that health insurance is fully portable. Also, provisions in the Chafee plan to reform our broken malpractice system and to ensure administrative efficiency have my full and enthusiastic support.

While I applaud the efforts of my Republican colleagues in trying to make the Clinton managed competition approach viable, I have some fundamental concerns about this approach to health care reform that made it impossible for me to support and cosponsor their plan. I am opposed to the concept of using purchasing alliances, even if entirely voluntary, to provide access to health insurance. Although the alliances used in the Chafee plan are fairly innocuous, they open the door to the expansion of such alliances to the quasi-governmental agencies contemplated in the Clinton proposal. I believe that this extension of initial authority is almost inevitable and should make us extremely wary of developing such a system. It will inevitably result in a reduction of individual choice.

Moreover, I am very concerned about the projections of savings under the Chafee plan. While this proposal is infinitely more fiscally responsible than the Clinton plan, it will not result in the savings that it claims will permit us to phase in coverage of the entire population. You simply cannot expand benefits substantially without increasing costs unless you have a strong mechanism to contain costs or to alter behavior to enhance efficiency. To the credit of Chafee proposal, it does not impose arbitrary cost controls as the Clinton plan does. Unfortunately, it also does not induce sufficient cost consciousness among consumers to ensure reduced costs through enhanced efficiency.

I believe that we can achieve all that the Clinton and Chafee plans hope to achieve without the reliance on purchasing alliances to contain costs or on speculative savings to finance expanded access. This can only be done by dramatically increasing the cost consciousness of consumers, and allowing consumers to choose who will provide their care and how they receive that care. Unless we impose this high level of personal responsibility and cost consciousness, competition will offer only limited success in containing costs while maintaining quality. The more cost conscious consumers are, the more competitive the market will be.

As a result, I support reform which would guarantee access to protection against catastrophic illnesses and injuries for all Americans. I want to make very clear what I am talking about when I discuss such catastrophic coverage. I am definitely not talking about the coverage that was included in the Catastrophic Care Act of 1983. That was coverage that many Medicare beneficiaries did not want or were already paying for. I introduced the bill that ultimately repealed that ill-considered legislation. The primary lesson of that episode, which we must keep in mind now, is that we should not pass major new health care legislation until the American people understand it and are ready to support it, particularly the financing provisions.

The catastrophic coverage that I am proposing now is coverage of all costs beyond a specified large deductible in the event that an individual or household incurred extraordinary health care costs in a single year—such as costs for cancer, heart disease, brain injury, or other major chronic illness or disability. This is the coverage that Americans truly need to ensure the care they require in the event of a true health crisis. It will protect them from losing their homes and everything that they have worked for when such crisis arises. Moreover, all Americans have an interest in insuring catastrophic costs, because we must all pay for those who do not have such coverage and who become severely ill.

Such catastrophic coverage would be available through the market to all people who have incomes large enough to afford it, and it would be subsidized for those who cannot afford it. Individuals would be able to pay for the up-front costs up to the catastrophic limits with pretax dollars using a medical savings account—a type of IRA with which consumers can defer taxes on income and interest to pay for medical care, or if money is left over, for retirement, child care, downpayment on a first home or other permitted expenses.

By focusing on catastrophic coverage, we can bring premiums down to very reasonable levels and ensure broad coverage of all services needed when an individual becomes seriously ill or injured. Insurers would compete to offer such coverage, thereby bringing premiums down even further. They would be prohibited from discriminating against people with preexisting conditions and would not be able to pull the rug out from under consumers when they become ill. By authorizing medical savings accounts, consumers will be able to pay for up-front medical costs, encouraging preventive care while offering a strong incentive to obtain only that care which is cost effective.

I wish that I could tell you—as the Clinton administration has—that we as a country can expand coverage to all of our citizens who are not currently insured, and expand the scope of health care benefits for all of our citizens, while reducing our health care costs and actually reducing our budget deficit. That would be a remarkable trick. I will not tell the American public this, because it is not true and is the greatest health care fraud that has ever been perpetrated on them. The fact is that someone is going to have to pay for the administration's great generosity—and it will be all of us.

President Clinton deserves much credit for bringing health care reform to the top of our policy agenda. However, his approach is not the way to achieve such reform. Mark my words that if the plan that President Clinton unveiled last night passes, it will bankrupt our country while destroying all that is good with American health care. Instead, we can achieve reform in a responsible manner that will preserve both our health care system and the economic vitality of our Nation. I am committed to working with the President and my colleagues on both sides of the aisle in achieving this essential goal.

Mr. COVERDELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, under the order issued last night, the time from 9 a.m. until 9:30 a.m. is controlled by Senator DASCHLE, or his designee. I yield myself 10 minutes until the hour of 9:10 this morning.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 10 minutes.

HEALTH CARE

Mr. REID. Mr. President, I was born and raised in a small mining community in the southern part of the State of Nevada. During the time I grew up there, the town had probably 250 people, and it was principally a mining community.

As I grew up there with my parents and my brothers, I can remember an event taking place that I will never forget, and that was an unusual occurrence because coming to our town from, I do not know, someplace—maybe Las Vegas—was a mobile x-ray vehicle. The purpose of it was to find out if people had miner's consumption, tuberculosis because there had been cases—I remember a case of a man going away to a sanitarium.

I do not know who in my family had their chest x rayed, but I know my mother did. The reason I remember that is because after the x ray, several weeks later, something came in the mail, and it was a letter indicating that my mother's test had been returned positive.

We were all afraid, concerned, but my parents had no ability, Mr. President, to do anything about the fact that this x ray had come back with a positive report.

So all we did was worry about it. My mother never, ever went to a doctor to find out about this chest x ray that had come back indicating she had some disease.

We worried a lot. I know as a young boy, I worried a lot about my mother not going to a doctor to find out what was wrong with her.

Well, as the years have gone by, I assume that that test was a false test, a false positive. I assume, Mr. President, that had she been able to go to a doctor, the doctor would have maybe taken another x ray and found there was nothing wrong with her, because my mother passed away many years later from some other problem.

I can remember also another occasion when my little brother, who was less than 2 years younger than I, was coming home from school, and he was going too fast on his bicycle and he slid and broke his leg. We helped him up and took him into the house. He never went to a doctor. You can still see where his leg was broken now these many, many years later. He lie on the bed, and I can remember that, Mr. President. You could not touch the bed because it would hurt him so much; he would cry.

Well, he lie in the bed until he got up and could walk, and it turned out that he was not crippled but suffered a lot unnecessarily, probably. But my father, his jobs were not always jobs that even the people paid him. Sometimes the mines did not pay regularly, never health insurance. There was not a doctor in the town, and to go to a doctor or hospital, you had to go a long way away.

I mention this this morning because when you think about what President Clinton talked about last night, you are not talking about things that never, ever happen or do not happen today. These occurrences such as happened to my mother and my brother are real, live things that happened to real people, not decades ago but they still happen. There are people just like my parents, uneducated, who really do not understand what they can do and cannot do. Some people understand the system better and can use emergency rooms like their family physician. My parents did not know how to do that then. They would not know how to do that now. People all over America today are faced with the same situation that my family was faced with as I was growing up.

That is why, Mr. President, what President Clinton talked about last night is going to cause a change in the lives of people in America for the better, because every American will receive a health security card which guarantees them that a comprehensive package of benefits can never be taken away. If you lose your job, like my dad did lots of times; if you move, like we did on occasion; or you get sick, like we did on occasion, you are covered. That is not true today, and that is too bad.

In the State of Nevada, the small State of Nevada, 15,000 people lose their health insurance every month. Now, some of them get it back, but 15,000 people lose their health insurance every month. That does not take into consideration those who never have had insurance. Nationally, over 2 million Americans a month lose their health insurance. Some of them will get it back. Most of them will get it back in a period of a week or 2 months or 6 months; 85 percent of Americans without health insurance are workers. Coverage is currently denied because of preexisting conditions or because a person loses their job, moves, or they or a member of their family becomes ill. Small businesses face all kinds of problems.

It would have been easier for the President to do nothing, to ignore this dilemma. He could have taken a Band-Aid approach to the problem. He could have slapped a Band-Aid here or there on this gaping sore. It really would not have helped for long; it would have been cosmetic in nature and would have helped for a while. But he decided not to do that, and I admire and appreciate that. I just hope that next year at this time we are able to carry through on what he suggested we should do.

The problem outlined last night by our President continues to cause much pain and suffering for Americans. By now, you have all heard the story of how families have gone bankrupt, women who make the choice of whether they are even going to be able to go to a doctor before giving birth, children denied drugs—the legal kind—seniors denied drugs, lacking the ability to purchase these medicines that are so important, Americans losing their jobs or staying with jobs they would rather leave.

The collective pain is overwhelming; 1 out of every 4 of us will lose our health coverage sometime in the next 2 years. Insurance companies pick and choose who they want to cover. If you change jobs, move, or get sick, they can drop you. Insurance companies charge small businesses as much as 35 percent more than big businesses; 3 out of every 10 employers with fewer than 500 employees offer health insurance plans. The rest do not. Millions of Americans today have almost no choice.

Twenty-five cents out of every dollar of a hospital bill goes to bureaucracy and paperwork, not patient care. Health care, fraud, and abuse last year cost $80 billion, 10 cents out of every dollar. Our Nation's health care costs have gone up almost 400 percent since 1980. If we do nothing, it will continue to go up. Next year, it will go up by over $100 billion.

It is important, Mr. President, that we follow through on what was outlined to us last night: That there be security; that every American receive this health security card; that we do something to contain costs so that there are savings. We are going to have to spend smarter and make health plans compete for your business. We need to maintain quality.

We are going to provide free preventive care, and in the process we will be able to save money in doing that. We have to give people in America information which they need so they can make a valid choice. We are going to preserve your right to choose your doctor. That is important. And most important to me is that we are going to streamline the paperwork which is choking everyone who has the ability to watch this television—Members of the Senate, their families, and staff. It is choking everyone and not allowing doctors and nurses to do their jobs. Simplifying forms and cutting back on regulations will give doctors more time to practice and care for us.

Mr. President, I have no doubt we will have a good number of naysayers—it has already started—people who say: Today is not the time to do it; we will do it tomorrow, next week, next year. But right now, the system is not in shambles, just a few problems.

But, Mr. President, those voices are going to be drowned out. We know it is a problem. There have been health care plans submitted by Democrats and Republicans. We have to approach this on a bipartisan basis. The naysayers must be drowned out, as I hope will be the grandstanders, the demagogs, and even troublemakers. Special interest groups will vie to maintain their special interests. We have to be aware of that and make sure we are able to sort out fact from fiction.

I ask my colleagues not to lose sight of the real issue. The real issue is affordable, quality health care for all Americans—all Americans. The path toward that end is now before us in Congress. We can walk down that path, Mr. President, together, if we put our heads together and keep our eyes on the goal.

So I ask each of my colleagues, Democrats and Republicans, to join the outline that the President gave us and reach that goal. And in doing so, we will provide security for the American public as it relates to health care.

Mrs. BOXER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from California [Mrs. BOXER] is recognized.

THE PRESIDENT'S SPEECH TO THE JOINT CONGRESS

Mrs. BOXER. Thank you very much, Mr. President.

I want to compliment the Senator from Nevada for his remarks, which were, as usual, very much to the point.

I have to say that, after serving in the House of Representatives for 10 years and here just almost a year, I do not think I have ever been as moved by a President's speech before. It is true—I have to say that, of course, as a Democrat, I sat through speeches by President Reagan and President Bush combined—I admit that I was looking forward to hearing a Democrat speak.

But that is not the point I am making, because each time the President, whoever he or she may be, Republican or Democrat, each time the President speaks to the Congress in a special joint session, partisanship really disappears because we have one President, and there is always a certain excitement surrounding that event, a certain anticipation surrounding that event. Of course, last night there was great anticipation and excitement.

What we heard was really quite remarkable and what we saw was really quite remarkable because we saw a President who really understands, I think, what is one of the greatest crises facing this Nation. He understands it. He can explain it. He has mastered it. And with the help of the First Lady, Mrs. Clinton, he has really taught a lot of us what we need to know before we can get involved, as we will now, in solving this crisis.

And it is not only "we," meaning the Members of the Congress, but "we," meaning all Americans, because this health care reform package is really on first base. As the Senator from Nevada said, we have to bring it home to all of our people, and to do that it will take courage because there will be those who are afraid to take on the special interests, there will be those who are afraid of change. And we must work together with the American people and make sure they are engaged in this because it is about all of our lives.

The President put a human face on the crisis. As he told histories about the people he has met, I found myself remembering many stories, and I am sure all of us have that same remembrance.

I remember that when I was a Member of Congress before this issue became so prominent, a mother came into my office in California. She came from a very proud farming family. Many people think I only represent the city, but I also represent the suburbs and the farmlands. Of course, now I do more than that. This woman came in with her very strapping and handsome son who had a recurrence of a cancer. He was a football player at the local high school. He was accepted to a very fine college. Because he had had this cancer about 10 or 11 years before, he was uninsurable. So they have no insurance. This proud farming family had to hold bake sales so that this young man could get the operations that he needed.

I went to some of those bake sales and my heart went out to this family because they felt so ashamed that they could not handle the situation. Who could handle the situation when you have to pay $100,000 for an operation? There is no one really—maybe a few, like Donald Trump. Even he is having some financial problems. But that is one case. We lost this young man. I remember that he came to Washington with his mother and he went from Congressperson to Congressperson to Congressperson because he wanted us to understand the problem.

I remember a woman who was a nurse in a doctor's office about a year and a half ago. She had used up the cap on her insurance policy. She had this very unusual disease, and it required a very complicated operation where they actually connected her organs in different ways than they normally would be connected. She needed very expensive medication. It was $11,000 a month. She needed it to live until she could get her body into a situation where it no longer needed the medicine.

She had passed the cap on the insurance plan. They were on the verge of having to sell their house unless her condition improved very quickly. I remember her. Ironically, this woman was a nurse who had worked all her life and her husband worked, but they had passed the cap on the insurance policy. Once they went over a certain amount of money, she had no more insurance.

Of course, I remember my own mother—it was interesting that the Senator from Nevada has his story—my own mother who lost every penny because she had to go to a nursing home and she spent her last dime and could not leave a penny for her children or her grandchildren, which was her fondest dream and hope. She died on the very day, literally—within the next few days she would have had to go on Medicaid. We tried to keep her home, by the way, at a cost of $250 a day. We did it for as long as we could do it. But, again, who could pay $250 a day for nursing care at home?

President Clinton has addressed that in his plan. We are expanding in-home care.

There was a young man who I met through the Make A Wish Foundation, again with a very serious, complicated, life-threatening disease. His wish was to meet the President. He went to the White House. He met the President.

I had to just call and beg the doctor, who wanted very much to help, to allow the operation of this young man to take place in the best hospital in the Los Angeles community. I think, I hope, I believe the outcome was good.

But we should not have to be begging physicians and begging hospitals. We should have a health care system that works. The President wants to fix it. He gave us an American solution. He did not superimpose another country's solution on us. He took the best of what the States are doing, like Hawaii and California.

So, in conclusion, if I might ask for 1 additional minute, we have a President who put a human face on the problem. We have a President who offered us an American solution with the principles that have been outlined—simplicity, choice, security, health care that is always there. Now it is up to us. He challenged us. He said in 40 years let us make sure that our grandchildren look back on us and say they did the right thing, they solved the problem. And I was never as proud as I was last night to be in the Congress of the United States of America to play a small role, with my colleagues, in helping to shape the solution to this very serious problem.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DASCHLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota, Mr. DASCHLE, is recognized.

THE PRESIDENT'S ADDRESS TO THE JOINT CONGRESS

Mr. DASCHLE. Mr. President, I know the Senator from Michigan is waiting to speak. I will only be a minute. Let me commend the distinguished Senator from California for her eloquent comments and the passion with which she expresses herself. I admire her for many reasons. But her ability to speak from the heart is unsurpassed.

Nothing is more persuasive, I think, than a story that illustrates one's point. What she shared with us again this morning are personal accounts of real human crises today, and stories that took place in California over a period of time. Stories like these brought the President to this Congress last night to challenge the American people to find a way to address our health care problems; and to do it in a collective way that lifts this country up to a height that we have not been in health care in our history. So I commend her for her contribution and the tremendous effort she has put forth so far to see that we succeed.

I yield the floor.

Mr. RIEGLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

HEALTH CARE

Mr. RIEGLE. First of all, I thank the Senator from South Dakota [TOM DASCHLE] for his important leadership in bringing us together to once again focus on this issue.

I also want to thank the President of the United States and the First Lady, Hillary Rodham Clinton, for the extraordinary leadership they are giving to this health care reform issue.

Over the last several months since this new Presidency has started, they have taken this issue and worked day and night on it. Last night, I thought we heard a magnificent presentation by the President. I know I was moved by the force of his personal commitment to this issue, supported by Hillary Rodham Clinton, who has worked so hard to lead the effort of the staff of experts across the country in this area.

I was struck because I felt last night that the President was expressing, as only a President can, all of the things he has seen and heard throughout this country, starting from his own experience in Arkansas as Governor there for many years, but also in traveling the country as a Presidential candidate, seeing the families and individuals facing impossibly difficult medical and health situations, in many cases with no insurance, and in many cases with inadequate insurance, and many cases when people get sick and actually have the insurance taken away precisely at the time they need it.

This is a complex issue, but it can and must be solved. I thought that last night the program laid out by the President established the right goals. It establishes the right sense of urgency, and it gives us a chance now to finally step up to this problem and solve it.

Yesterday, at the leadership meeting at the White House, Vice President GORE said we ought to set as a timetable for ourselves having this done by the end of this Congress, which would be about October 1 of next year, 1994. I think that is the right timetable. It gives us a little more than a year to do it. I think that is enough time. I do not think we should take more time than that. I think we should set as a goal for ourselves the task of getting it done over that period of time. I want to make a pledge that, as chairman of the Finance Committee Subcommittee on Health or Families and the Uninsured, I will do whatever it takes. I will invest every ounce of energy that I can lay my hands on to work with my Republican colleagues and Democratic colleagues to get this done.

I want to commend Senator DOLE for the statement I heard him make. I know he has some differences with some of the elements of this plan, but I heard in his remarks an understanding of this problem, partly borne out of his own personal experience of having to face some very tough medical challenges in his life and in his family. I heard him express a feeling about this problem that really not only did I greatly respect, but caused me to believe that there is a way, with leadership coming from the key leaders in this institution and in the Congress generally on both sides of the aisle, to actually break this deadlock, take this complex problem and work it through.

I want to commend Senator CHAFEE as well, my ranking minority member, for having taken the lead on his side of the aisle in terms of the mechanics of health care reform. We have worked on this now over many years. During the last administration, actually a large bipartisan group of us developed a set of principles as to how we would go about reforming the health care system. That is the only way we can get this done—on a bipartisan basis, and the health care problem has nothing to do with partisan politics. When a person gets sick or needs insurance, or does not have insurance, or they get bills they cannot handle, whether they are Republican, Democrat or independent makes no difference. We should not approach it on that basis. We ought to approach it as Americans helping other Americans, and now is the time to do it.

I have come to the floor over the last several months, many, many, months, to talk about individual case histories of citizens and families in Michigan struggling with health problems they just cannot manage, unless there is an overall health care reform.

I will state one case today. I thought about her last night. A young woman named Cheryl Eichler in my State, one of the most powerful personalities I have ever met since I have been in politics. She was a witness at one of 37 different hearings I have held on health care reform. She was suffering at the time from Crohn's disease, was 31 years old and worked as a manager at a 7-Eleven. She had no health insurance at work and could not afford, on a salary of about $12,000 a year, to buy private health care insurance. Time and again, she would get sick with Crohn's disease and would not go to the doctor until it became very severe, because she literally did not have the money to pay the doctor bills.

She died several months after she appeared before our committee. I am convinced that Cheryl Eichler would be alive today if she had gotten the health care she needed when she needed it.

That is the story of countless tens of thousands, probably hundreds of thousands of people, right now in our country. We have children all across America today who have not a penny of health insurance. We cannot allow that to go on, and we do not have to.

We are spending 14 percent of our entire economy on health care. It is the largest single business activity in our entire economic system. And the costs are out of control; they are crushing families, individuals and businesses, and it is time now for us to respond as a citizenry, through our elected form of government, to tackle this problem and to solve it.

So I want to say again to the President, to the First Lady, thank you for your leadership. It is valiant leadership, and it is long overdue. Now is the time for both parties to come together and build this legislative package. We can do it. The country needs it, and we cannot wait any longer to get it done. It can be an affirming event for democracy itself. We talk about reinventing Government. I think we also need to reinvent our democracy in the sense of demonstrating that we can take and step up to a difficult problem of this kind and solve it. It is one that affects every family in this country. The American people are relying on us, and now it is time to take the baton passed to us last night by the President and run it the final leg, produce this legislation, and do something to help every citizen in America.

I thank the Chair.

Mr. DASCHLE. Madam President, let me commend the Senator from Michigan for his powerful statement. As the chairman of the Subcommittee on the Uninsured in the Finance Committee, no one has put more effort, time and leadership than the Senator from Michigan into dealing with this very difficult and complex series of problems that we have to face.

So he speaks from experience, and he certainly speaks from conviction. I deeply appreciate his contribution to our effort this morning.

Let me ask what the order is at this point.

The PRESIDING OFFICER (Mrs. BOXER). The time until 9:30 a.m. shall be under the control of the Senator from South Dakota or his designee, and the time until 9:45 shall be under the control of the Senator from Wyoming [Mr. WALLOP], or his designee.

The Senator has a few minutes remaining. The Senator from Wyoming is not present.

HEALTH CARE

Mr. DASCHLE. Mr. President, I note there is no one on the other side. Until someone from the Republican side appears, perhaps I will take a couple of moments to express my own views about the President's speech last night.

I, like those who have preceded me, want to commend the President for a remarkable demonstration last night of his leadership. I do not know that the President can fully appreciate the degree to which the American people are indebted to him and to this administration for the work and contribution they have made and the work which begins as we consider the proposals made last night by the President.

Madam President, I now see a colleague, the Senator from Texas, on the floor. So let me yield the floor at this time and allow for the regular order.

The PRESIDING OFFICER. Is there anyone from the Republican side who wishes to take some time at this moment?

Mrs. HUTCHISON. Thank you, Madam President.

Not at this moment. I will ask for recognition in a couple of minutes.

The PRESIDING OFFICER. Does the Senator feel it will be about 5 minutes?

Mrs. HUTCHISON. Yes, I think so.

The PRESIDING OFFICER. Does the Senator from South Dakota wish to continue remarks until that time?

Mr. DASCHLE. Madam President, if the Senator from Texas will indicate when she is interested in speaking, I will certainly defer to her as soon as she is prepared to make her remarks.

Let me again pick up where I left off. I think the credit goes to the President, but it certainly goes as well to the First Lady. As she sat looking down on the House Chamber last night, I would have loved to have had some idea what may have gone through her mind. Certainly, with all the work, all the meetings, all the leadership, all of the communication, the tremendous effort she put forth, it must have been a very important night for her.

We commend her for the tremendous work she has done to bring us to this point. Were it not for her leadership, were it not for the cooperation that she has provided us in so many ways over the many months this year, I guarantee you that we would not be in the position we are this morning: probably the best position to confront the issue of health care reform in this century.

It was not just an important night for the First Lady and the President. It was an important night for 37 million people who at long last have the opportunity to see some resolution to the woes that they have experienced in dealing with the nightmarish situation that they must face, recognizing that they have no health insurance.

It was an important night for the doctors, nurses, and hospital administrators who for so long expressed in so many ways the difficulties that they have in our current system: The mountains of paperwork that they have to deal with, and the incredible amount of time that they have to dedicate to administrative responsibilities when, their profession should be one dedicated to improving health.

It had to have been an important night to businessmen who continue to tell us that they are outmaneuvered by our foreign competitors because of health care costs.

Madam President, I understand that there are colleagues on the other side who wish to regain their time. I yield to them for the time allotted under the regular order.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Oklahoma.

Mr. NICKLES. Madam President, I did not want to interrupt my colleague from South Dakota. I appreciate his comments.

HEALTH CARE

Mr. NICKLES. Madam President, I rise today to comment on the President's speech last night on health care.

First, I compliment the President and Mrs. Clinton for their leadership on the health care issue and also for some stated goals they mentioned. Having health care for every American is certainly a goal that I share.

The President mentioned also last night bringing health care costs down. It is a must. I happen to share and agree with that goal very much.

The President mentioned in his speech the need to cut out a lot of the paperwork and bureaucracy in health care. I support that wholeheartedly.

There are several aspects of the President's speech last night that I mentioned and I think are well received.

I would like to see us agree. I would like to see us pass some of these provisions this year.

The President mentioned people should not be denied health care because of preexisting illness. We passed this on the floor in the Senate already I believe on two occasions. We can pass that this year. I would like for us to do that.

There were several of the President's provisions with which I happen to agree. I also have very serious concerns about some of the things the President said last night as well, and I would like to touch on some of those.

The President held up a card, and he said, "This card will promise you all kinds of benefits." He made a lot of promises, a lot of very expensive promises. He did not pay for them. Some people had little buttons "Who pays?" I think that is a good question. Where is the money coming from?

I am very concerned about political leaders if they come out and say here is a multitude of benefits that we are going to give everybody and not really be straightforward in where the costs are going to come from or how much it is going to cost. I will just mention a few things.

No. 1, the idea of mandates and mandating this on every business, small business and large, I think is going to have significant economic consequences.

I came from the private sector. I used to run a small business. I ran a very small business, one that did not offer health insurance for my employees. It was a janitor service. If you put a mandate on a small employer such as that, you are going to price those jobs to where they are not economic. They will not be created. It will cost jobs. That is a fact.

The President's response to that is we will subsidize small employers. I ask the question: How much are we going to subsidize? If you have a married couple in a family coverage, the coverage estimated under this plan—it is a corporate average of 500—is to be about $4,200 per family. You put that kind of mandate on a small business. This person is only making $10,000 or $12,000 a year. That job cannot pay for that. It is not economically strong enough to pay for it. Therefore, you price them out.

Are you going to subsidize that amount? The President's proposal says, no, the employer has to pay 3½ percent. If an employee makes $10,000, that is $350. That means a subsidy is equal to about $3,900. Wow. That is a massive subsidy under the President's proposal.

He said the subsidy for the first 5 years will only be $160 billion. I think he has grossly underestimated the amount of subsidies. And he also has limitations on what the employer contributions will be for health care. I know a lot of employers are going to applaud that, but it also means the Government is going to have to subsidize the difference.

If I happen to be an employer, I want to hold health care costs down. I think that is great. But I really am not interested in having the Federal Government come in and subsidize the balance of that expense.

Then there are other little things. The President says we are going to pay for this through savings in Medicare and Medicaid. I think we should have savings in Medicare and Medicaid.

The President proposed saving under Medicare $124 billion and Medicare $114 billion, in other words, more than cutting the growth in those programs in half. Yet at the same time he is talking about massive expansions in the programs, having drugs included, having long-term health care included. Those programs have enormous potential to grow. Medicare and Medicaid have been compounding at a very fast growth rate. He is going to expand the benefits in both programs. Yet he says we are going to cut the total amount of money that we spend. I do not think that is possible.

The President did not mention last night a proposal that has been added to his package, evidently added at the midnight hour. Now we are going to have the Federal Government pick up retirees' cost between the age of 55 and 65. During the briefings that were given—and I thank the administration and I thank Senator DASCHLE for his leadership for the briefings that were given for Senators and Congressmen on Monday and Tuesday—but I asked some of the officials: Why are they coming up with a new proposal to have the Federal Government pay 80 percent of the health care cost of retirees between the ages of 55 and 65? And there was not a good answer.

This is not a Federal responsibility. Why should we pick that up from the companies that have made that contractural obligation? That is an enormously expensive provision, and it is not really included in their proposal. They do not have it in their cost estimates. But it is going to cost billions and billions of dollars.

Ira Magaziner stated I think on Monday it is going to cost about $5 billion a year. I think he has grossly underestimated how much that would cost.

I think companies will say: I thank you very much, Federal Government. If you are going to pick up 80 percent of retirees' health care costs, we are delighted for you to do it. More and more people would be encouraging early retirement as a result of that.

That is a serious mistake and should not be in this proposal.

Madam President, my comments are if you add up all these new promises, new benefits, drug care and long-term health care benefits, and now we are going to pick up retirees, early retirement health care benefits, and going to have a Cadillac plan, not a minimum-based plan that everybody in America would have, but we are going to offer a real nice plan for everybody in America, and Uncle Sam is going to pay for almost all of it, and we are going to subsidize all the businesses that have maybe a moderate type plan or something. This plan is going to cost hundreds of billions of dollars, and the only new taxes I see to pay for it are $105 billion of so-called sin taxes, which I guess are going to be primarily on cigarettes. I do not know if you increase the price of cigarettes a dollar a pack, you will raise that amount of money, or $2 a pack. I do not know. But I do know $105 billion over the next 5 years will not come anywhere near paying for the total cost of this program.

The net result is overpromised and underfinanced, and the only way I see trying to make the figures equal is have more Government regulation, more price regulation, more volume regulation, more Government interference and takeover of the health care system, which despite all the problems is still the best health care system in America.

One final comment. That is this idea of having a national plan that provides this. I set up a health care plan for my employees. That health care plan is now illegal. For anybody in America that has a health care plan with less than 5,000 employees that health care plan is now illegal. Uncle Sam is going to write your health care plan.

I am not one that subscribes to the theory that Washington, DC, knows best and that this White House or this Congress or some national benefits board can compose plans that are better than many of the plans throughout the country.

For example, in our little company in Ponca City, OK, we have dental care for our employees. We pay half of it. And now that is going to be illegal. I just happen to disagree with this thought that one national plan is the correct solution for this problem.

Madam President, again, I share some of the goals and aspirations of the President and Mrs. Clinton. I compliment them for their leadership. I look forward to working with them. But I also raise serious concerns about how this package is put together, how much it would cost, and what it would do to the quality of health care in the future.

Madam President, how much time do we have remaining?

The PRESIDING OFFICER. The minority controls the time until 9:45.

Mr. NICKLES. I yield the remainder of the time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

QUALITY OF HEALTH CARE

Mrs. HUTCHISON. I thank the Senator from Oklahoma.

A cataclysmic change in the way we deliver health care in this country was unveiled in the Capitol last night. I really want to compliment the President and I want to compliment the First Lady because they have put hours and hours and hours into coming up with what they think to be the best health care reform. I know they are sincere and I know they want to make our system better.

I want to talk about quality today, because I believe quality is what people are looking at when they are deciding: Do they want to trade in what they have now for what we might have in the future with this new change? And it is, indeed, a total change in the way we deliver health care in this country.

Why is it that people from around the world come to the United States for their health care needs? Why is it that so many of the renowned surgeons in the world were trained right here in America? And why is it that most Americans are happy with their own health care? It is because the quality of the American health care system is the best in the whole world.

My concern is that the President is putting in a plan that has price controls, mandates, and premium caps.

What we are looking at is rationing of health care. That is what we see in the people who come from Canada and Great Britain and other countries around the world, we see rationing, because if a man wants a cataract operation or if a woman needs an appendectomy, they may have to wait 8 months in the system that rations health care. And if we are going to put caps on what we can spend, you are looking at rationed health care. Make no mistake about it.

This plan is supposed to cost $700 billion. It is not clear how we are going to pay for that because the taxes that were mentioned last night will not cover $700 billion.

We are going to be looking at massive payroll taxes on businesses that may be having a hard time making ends meet right now. There may be more costs to people, as the President mentioned last night, for a system that may not be as good.

Our health care system in America is not perfect. We all admit that. I believe the President is sincere and I think the First Lady has really, really put the time and effort into this. I think they want to work with Republicans and Democrats and all Members of the Congress to reform the system to make it better. I will work with the President to do that.

I want to make every effort to change our system for the better, and my main goal will be to keep the quality that we now have in our system.

What will we support? We will support initiatives that ensure malpractice reform, including putting caps on noneconomic damages. We must establish medical savings accounts to provide consumers with incentives to control health care spending. We need portability so, if someone loses a job or has to change jobs, they know they are going to be covered and health care coverage will not be a factor in whether they can, indeed, change jobs to go to something that is better for them and for their families.

We need standardized insurance forms. The President is for that. I agree with him.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NICKLES. Madam President, I ask unanimous consent that the Senator from Texas have an additional 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. HUTCHISON. What we need is to make sure that our health care providers do have the time not to fill out forms but to work with the sick children, as the President discussed last night.

As American families sit down at the kitchen table to decide if they are going to trade in the health care coverage that they have now for this new system, they are going to look at what they have now. They are going to say: "How does it work? How much does it cost me? Is the care that I am getting what I want? Do I have the doctors that I am comfortable with? Am I sure that my parents will be able to have the care that they need going into their later years?"

That is what they are going to be looking at.

And they are going to say: "Am I ready to trade what I have now for what I see on the table?", which is a massive Government bureaucracy that will be running our health care system that I believe will lead to rationed health care.

So, as American families are making their decisions, I think they are going to say: "I want to know all the specifics before I trade in what I know is a good system."

I think the President will sit down with Republicans. His plan is a start and the Republican alternative plan is a start. My hope is that we can come together and improve the greatest health care system in the world and make it even better for our citizens.

But my goal is going to be to make sure that we have the quality of coverage that our citizens now enjoy and that we will be able to cover the babies that we have and the elderly parents that are growing older—thank goodness. We need to cover all of them, and that will be our goal.

I believe the President and the Republican Members of Congress and the Democrat Members of Congress can come to terms if we are willing to sit down and say, "Let's compromise. Let's make sure we keep the quality while we are going for the universal care for everyone in this country."

Thank you, Madam President.

I thank the Senator from Oklahoma for yielding me time and I now yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

In line with the request of the Senator from Oklahoma, I would simply ask unanimous consent that the 15 minutes for the Members on this side begin at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

FACES OF THE HEALTH CARE CRISIS

Ms. MOSELEY-BRAUN. Madam President, last night, the President outlined his plan to control our wayward health care system. His commitment to dealing with our health care problems and daring to forge ahead with a comprehensive solution is an example of real leadership—the type of leadership that has been lacking, in my opinion, for all too long.

The President did a fine job last night of informing the American people, educating the people, and inspiring us to meet the challenge of reforming our ailing health care system to provide quality health care to all Americans.

Reforming the health care system is one of the most complex and difficult problems to solve. Changes to our present system affect each and every American and will have a major impact on the Nation's economy and our ability to compete in the 21st century.

The President's plan faces the challenge. The President's proposal guarantees health care coverage to all Americans through an employer-based system for employed Americans and Federal subsidization for those without jobs. What must be understood is that the battle is not over the President's plan, but between change that is sorely needed and doing nothing—the status quo.

The status quo means continuing current practices, and there are many obvious reasons why that is not an option.

There are right now, 38 million Americans with no insurance at all.

Millions more have inadequate coverage, or are denied coverage due to what has been called the preexisting condition exception.

Many Americans are forced to stay in jobs they have, solely because they cannot transfer their health insurance and might lose them, should they leave their jobs.

More and more employers are less able to afford escalating health insurance costs.

In the meantime, as a nation we are spending well over 14 percent of our gross domestic product on health care, and that is expected to rise to more than 20 percent by the year 2000. Those percentages translated into real numbers mean that the $830 billion we spend this year will increase to $930 billion next year and, by the year 2000, $1.7 trillion.

What many people do not understand is that if we do not take control of these escalating costs now we will cripple our ability as a nation to compete in the 21st century. Our major trade competitors—Germany and Japan—put less than 10 percent of their economic capacity into health care. Translated into a real life example, health care costs alone add an additional $1,100 to each car built in the USA versus $550 in Japan. What that means is we are at a competitive disadvantage in these world markets simply because of our out-of-control health care costs.

The facts I have just cited underscore the need for reform. Statistics, however, sometimes fail to really show the human side of the story. I want to talk now about a real family and their efforts to cope with their very real health needs.

Angelica and Elmer Zarndt and their two children, Patricia and Christine, are a farm family living in northern Illinois. Their oldest daughter Patricia has been afflicted with lupus for several years. The father's insurance would not cover Patricia's chronic condition, but the family was able to receive assistance through a Federal program.

Patricia has been receiving her care from specialists at La Rabida Hospital. La Rabida is a nationally recognized hospital specializing in the care of very sick children.

It is around the block from my House, and I served on the board of that hospital as a volunteer before I came to the Senate. I had, unfortunately, to resign when I took membership here, but La Rabida is a fine hospital with a national reputation for serving very sick children.

This year Patricia turned 21 and was no longer eligible for assistance. Her father's insurance was able to pick her up for an additional 2 years—until she turns 23.

The problem is that the family's insurance will only pay for inpatient and emergency room care. The daughter is enrolled in college studying to be a nurse and works 35 hours a week. Her physician has advised her she should not work over 22 hours because her lupus has become active again in the last 6 months. She works herself ragged to pay her portion of the family's premium but has delayed going to the doctor because she cannot afford to pay the bill for an outpatient visit. Her employer has refused to allow her to work full time because they do not want to cover her health insurance costs.

Angelica Zarndt has epilepsy and diabetes, she has also had her thyroid removed. Because her thyroid was removed before her husband bought his current insurance it was deemed a preexisting condition and any related care is not reimbursable. To manage her illnesses she takes 28 different medications a day.

Elmer Zarndt was diagnosed with a brain tumor last year. Though his insurance covered the necessary surgery, his insurance has no prescription drug coverage, nor does it cover outpatient visits. Even though both he and his wife skimp on necessary doctor visits and ration their medication, prescription drugs run the family over $500 a month. Mr. Zarndt's physician advised him to take off a full year before returning to the strenuous work entailed in running a farm. He was only able to recuperate for 9 months, because without an income, he was unable to purchase the medication necessary for him to live.

What is so amazing is that their insurance covers emergency room care, but will not cover preventive and primary care.

This is a family with an annual income of only $18,000 to $21,000 per year. Their health insurance plus medication costs add up to over $12,000 per year. That's more than 50 percent of the family income.

This story illustrates several of the problems inherent in our current health care system:

The unfairness of preexisting condition exclusions;

The inappropriate focus on acute care at the expense of preventive and primary care;

The lack of coverage for prescription drugs; and

The growing unaffordability of health care.

To listen to Angelica Zarndt describe how her daughter forces herself to go to work when she is too sick to get out of bed, and to delay going to the doctor for 6 months because the family cannot afford to pay is just heartwrenching and it is inhumane.

The Clinton plan would help this family. The Zarndt's premiums would be more affordable due to community rating. Primary and preventive care would be covered and encouraged and necessary prescription drugs would no longer eat up one-third of the family's annual income.

While there are many provisions of the Clinton plan that need to be reviewed further, and, frankly, I still believe a single-payer plan is the solution, the President's announcement is not the end of the health care debate—it is the beginning. Our task now is to take a hard look at the specifics and make certain the guidelines he pointed out last night get covered. Some areas of particular importance include:

How will services be adequately provided in rural areas?

How will the poor fare? Are we institutionalizing our current two-tiered system?

Will Medicare and Medicaid cuts reduce access to high quality care?

And the real crux—financing. Are the projected savings real and will they pay for expanded access and expanded benefits? Does the plan make budget and financial sense?

Even though health care reform will be a long haul, we do have consensus that something must be done, and there is bipartisan support for change. The prospects for real change are greater than they have been in a very long time.

In August, I held several townhall meetings, one of which focused solely on health care. At all of those meetings, and particularly the Health Care Forum held in Springfield, IL, the message was clear—Illinois citizens want health care reform that preserves the best of our current system—choice and quality, while holding down costs so that our country can compete in the future. The President has taken the first step. It is time for all of us here in the Congress to move forward together, on a bipartisan basis to make changes that are so critically necessary for individual Americans, people like the Zarndts, with whom I spoke, other families who are affected by this crisis, and for our collective future as a nation.

Madam President, I was asked last night by a youngster, what difference is this reform going to make in my life? This is a teenager. Sometimes when you try to respond to a young person's question, it is more difficult, talking with statistics about complicated issues, because you have to cut to the heart of the matter.

The answer finally dawned on me, and I responded to this young person and said, "Health care is kind of like air. It is something you have to have. You do not really think about it until you need it. But if it gets cut off, you are in deep trouble."

The fact of the matter is our health care system is not working. It does not serve all too many people. It costs entirely too much money. It is too unpredictable. It is wasteful. It is broken, and we can fix it.

I am delighted that last night President Clinton took a comprehensive view of what is required for reform and challenged Americans to rise to the occasion, to put together the specifics of a plan to fix this ailing system. I believe we can do it. I believe we can set up a health care system that will allow people to be guaranteed access to quality health care here in America that is second to none. I know we have the resources to do so.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Madam President, let me commend the Senator from Illinois for an excellent statement in her presentation this morning. We appreciate in so many ways her membership in the Senate and the contribution she makes so often.

This statement, again, this morning, is an indication of her desire to see health care reform and her willingness to play a key role in the enactment of good health care reform legislation sometime within the next 12 months, and I thank her.

How much time remains?

The PRESIDING OFFICER. The Senator from South Dakota controls 3 minutes.

Mr. DASCHLE. Madam President, I will not ask for additional time. I know there are other speakers waiting to express themselves on this and other issues.

Let me just end the way I began by commending the President for his leadership and for the effort made last night. Let me also commend the First Lady for the work that she has contributed in bringing us to this point.

Let me also say that I hope, as a result of what we have heard again this morning, we can look forward to a real bipartisan effort in solving this problem sometime in the next 12 months.

The American people expect it. The American people understand the importance of what it is we are attempting to do.

The message is clear: The need for security and health care is not a Republican issue and it is not a Democratic issue. The need for security is an American issue. We must recognize the importance of every American having the kind of health care they need, health care that is always there under any circumstance, regardless of employment, regardless of income, regardless of health condition. With the health security card, we can tell America: At long last you are going to have what every other industrialized country has today.

There have been assertions this morning that somehow we have the best health care system in the world. I think that is arguable. We do not have the best health care system in the world when life expectancy in this country is only 19th or 20th in the world. We do not have the best health care system in the world when there are at least a dozen other countries, in the Western Hemisphere, whose children have lower infant mortality rates. We do not have the best health care system in the world when 37 million people cannot walk in the front door of a doctor's office expecting care.

So I question whether or not we have the best health care system in the world. There are a lot of people out there who understand the importance of addressing this issue in a constructive way to make it the best health care system in the world, to do what we know as Americans we can do when we set our minds to it, taking all the energy and the imagination and the determination that has so often been the hallmark of American efforts in the past, dedicating that kind of attention and cohesive approach to solving this problem.

We can do it, as the President said last night. We will do it if we have the leadership on both sides of the aisle that we heard last night and again this morning.

So I thank, Madam President, the body for giving us this time. I now yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Madam President, was leader's time reserved?

The PRESIDING OFFICER. Leader's time was reserved.

Mr. DOLE. I would like to use 2 minutes of that without impacting on the bill or the time for the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORKING TOGETHER ON HEALTH CARE

Mr. DOLE. Madam President, I missed a number of the speakers this morning, but I wanted to indicate my sincere desire that we will be able to work together on health care. It is an issue that affects everybody in America. It is an issue that should be addressed. There are common agreements in some of the concepts about universal coverage.

It seems to me that we have an opportunity, an obligation, and a responsibility to start off going in the same direction. Certainly we have a lot of problems with the President's proposals. He probably has a lot of problems with our proposals. But he did indicate a willingness to be flexible. He at least indicated that nothing was set in concrete.

I think that is the way we must start this debate. It is going to be a long, long, tortuous road to travel before we finally come together on a health care bill that I hope will pass the Congress with broad bipartisan support because, otherwise, I am not certain a bill will pass.

Different Democrats have different ideas; different Republicans have different plans. In my view, at this point, the more plans the better. The more ideas on how to deal with this big, big issue the better.

As someone who has had a great deal of health care in my lifetime and someone who at one time understood how difficult it was to pay for it—I remember in my hometown people passing around cigar boxes to collect money so I could go to Chicago to have operations. So I know when people are in need and do not have the money, it is a big, big problem.

I just hope that we can work together and stick together. It may not happen, it may not work, but at least we ought to start in that direction.

So I applaud the President for his speech last night, Mrs. Clinton for her leadership, and to indicate, again, that we are prepared to work together on probably the most important issue that we will be dealing with in the next 10 or 20 years.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. LEAHY. Madam President, parliamentary inquiry. What is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, morning business would be closed at 10 o'clock and we would move to consideration of H.R. 2295.

Mr. LEAHY. Am I correct that 15 minutes after we move into it, there will be a vote on, or in relation to, the pending Helms amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Madam President, I understand the Senator from Pennsylvania wishes to speak for 5 minutes. I ask unanimous consent that we delay the beginning of the foreign operations bill for 5 minutes, with all falling in line as previously discussed, so we can have the vote about 20 or some odd minutes after the hour.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Pennsylvania.

NOMINATION OF GENERAL SHALIKASHVILI

Mr. SPECTER. Madam President, I thank the distinguished Senator from Vermont for arranging these 5 minutes for me.

After noting the media reports that President Clinton had identified General Shalikashvili as the son of an army officer from the Georgian Province of Russia when his father had been an officer in the Nazi Waffen SS, I was concerned that General Shalikashvili himself might have failed to correct the record. I strongly adhere to the proposition that a son is not responsible for the conduct of his father. My concern related to General Shalikashvili's own conduct after he heard the inaccurate statement about his father.

After discussing the facts with General Shalikashvili and reviewing the memoirs of his father, Dmitri Shalikashvili—and those memoirs provide the factual basis for his father's military activities in connection with the Waffen SS—I am satisfied that General Shalikashvili was not a party to any misstatements.

The issue arose on August 11, 1993, when President Clinton announced the nomination of General Shalikashvili to be the next Chairman of the Joint Chiefs of Staff. The President stated that General Shalikashvili was:

> The son of a Georgian army officer—that's the Georgia over there, not over here * * *. In 1944, when he was 8 years old, his family fled in a cattle car westward to Germany in front of the Soviet advance.

A document entitled "Georgian Legion, Part II, by Dmitri Shalikashvili" recites his father's activities and in a sequence relating to the end of World War II:

> Now let me return to the current events and what bearing they had on me. At that time a Georgian Cavalry Regiment was about to be formed. The commander of this regiment was to be Col. Tsulukidze. The regiment was not to be under the command of the regular army, but under the S.S. All the Georgian battalions were always under the command of the regular army. * * *
>
> Now, the command of the Waffen S.S. sent a request to the Georgian Liaison Office, in Berlin to dispatch them, on a temporary basis, a cavalry officer, who could give expert advice on matters pertaining to cavalry. It was me who was chosen. However, my assignment was to be a temporary one and I was to stay-on, as an officer of the regular army.

Those references recite Dmitri Shalikashvili's limited association with the SS.

Had General Shalikashvili known the facts set forth in the manuscript and remained silent after the President made incorrect statements, in my judgment that would have had a material bearing on his credibility and competency to be confirmed as Chairman of the Joint Chiefs of Staff.

In a meeting with General Shalikashvili on September 21—the day before yesterday—we discussed these issues. General Shalikashvili stated that he had no knowledge that his father had any connection with the Waffen SS until he heard about it from the news media.

General Shalikashvili gave a fuller version of his father's career as follows:

> Dmitri Shalikashvili who hailed from the Georgia Province, served in the Russian Army in a cavalry regiment in St. Petersburg. He fought in the Russian Revolution in support of the Czar against the Communists. When the Communists were successful in the Revolution, Dmitri Shalikashvili returned to Georgia which declared its independence after the collapse of the Czarist regime.When the Communists took over Georgia, Dmitri Shalikashvili went to Poland. When the Polish government sought foreign officers to train their army, Dmitri Shalikashvili joined the Polish Army and then fought in the Polish Army against the Germans. When Germany conquered Poland, his father surrendered to Germany in a preference to the possibility of being captured by the Soviets. In 1943 Dmitri Shalikashvili then joined the Georgian Legion of the German army which was being organized as were other ethnic legions such as the Armenian Legion and the Romanian Legion. Dmitri Shalikashvili was with the Germany army in Italy in 1945 when he was captured by the British and was taken to a British prisoner of war camp.

General Shalikashvili further advised that in the fall of 1944 his family except for his father—mother, brother, sister and himself—left Poland for Germany in a freight car. In the fall of 1952 at the age of 16, General Shalikashvili advised that he immigrated to Peoria, IL, with his family.

General Shalikashvili emphasized that he did not know his father was transferred to a Waffen SS unit until he saw his father's manuscript for the first time after the media accounts.

While the transcript of the confirmation hearing of September 22 is not yet available, I am advised that General Shalikashvili testified to the same effect before the Armed Services Committee. In light of General Shalikashvili's outstanding record in the Army and based on General Shalikashvili's responses, it is my judgment that General Shalikashvili should be confirmed to serve as Chairman of the Joint Chiefs of Staff. Since I had raised these issues at a hearing of the Defense Appropriations Subcommittee with Secretary of Defense Les Aspin on September 14, I thought it appropriate to make this floor statement at the earliest possible time.

U.S.S. "ARLEIGH BURKE" (DDG-51)

Mr. COHEN. Madam President, I rise today to pay tribute and to welcome home the crew of the Aegis class destroyer—U.S.S. *Arleigh Burke* [DDG-51]—after recently serving our country so well on their first deployment to the Mediterranean, Adriatic, and Red Sea, as part of the *Theordore Roosevelt* battle group. These sailors worked long and hard to demonstrate and validate this ship's awesome capabilities while continuing the proud heritage begun by its namesake, Adm. Arleigh Burke nearly 70 years ago—that is—to protect, safeguard and defend the vital interests of the United States, our allies and our friends—from the sea.

Armed with the Aegis weapons system, spy-1 multifunction phased array radar, a vertical launching system, and advanced antiair, antisubmarine, and surface-to-surface missile systems, the destroyer *Arleigh Burke* proved without question, that this class of men-of-war is the most powerful and capable destroyer ever put to sea.

As an integral part of a 10-ship task force, *Arleigh Burke* dedicated much of its 6-month deployment to enforcing the United Nation sanctioned no-fly zone over Boznia and Herzegovina—operation deny flight—and monitoring humanitarian and missions into the former Yugoslavia as part of operation provide promise. During these intense operations, *Arleigh Burke* provided essential air control and safety of flight operations where air traffic density often exceeded 200 aircraft at any one time.

While under NATO operational control during operation deny flight, the *Arleigh Burke* was designated as area defense coordinator where it integrated and operated with eight ally navies to enforce embargo operations in accordance with U.N. Resolutions 713, 757, 787, and 820.

Demonstrating the quintessence of flexible presence—as the sole escort of the aircraft carrier *Theodore Roosevelt*—and responding to short-notice tasking following the United States Tomahawk retaliatory strike on Iraqi intelligence sights—the *Arleigh Burke* transited from the Adriatic into the Red Sea in support of Operation Southern Watch to assist in enforcing the United Nations sanctioned no-fly zone in Iraq. Throughout the ship's participation in this operation, *Arleigh Burke* performed the demanding coordinating tasks of strike planning, air control and defense, surface tracking and defense and submarine tracking and defense—all, without flaw.

Madam President, in total, the men serving aboard the *Burke* spent over 120 days at sea as a key participant in six real world and multinational operations. The demanding operational schedule placed upon this ship and its crew during its first operational deployment not only validates the need for this class of ship but also underscores the need of the Congress to support the President's budget proposal which includes funding for the construction of three ships of this class for fiscal year 1994.

In closing Mr. President, I ask my colleagues to join me in saluting the sailors of the Aegis destroyer *Arleigh Burke* for the professionalism, pride, and commitment to duty as demonstrated throughout their first historic deployment—a deployment which helped preserve that which we in America so often take for granted within the confines of our own borders—peace and stability. We thank them for a job well done and we thank their families and friends for enduring the loneliness and hardships which they so graciously accepted in support of their country and their navy.

EULOGY FOR DR. THOMAS G. HIGGINS

Mr. SASSER. Madam President, I rise today to pay tribute to Dr. Thomas G. Higgins. Dr. Higgins passed away on September 17.

It is fair to say that Dr. Higgins devoted his entire career to the service of his country. Though he spent many years in the U.S. Navy, even as a private citizen he worked ceaselessly to the benefit of the U.S. Government.

Dr. Higgins served honorably in the Navy as an aviator. After earning his doctorate in logistics, he designed the system which the Navy uses today to manage its operational support aircraft.

After leaving the Navy, however, Dr. Higgins continued to serve the Government in other capacities. While operating a number of private concerns, Dr. Higgins gave selflessly of his time, energy, and expertise to encourage other Government uses for the system he designed.

Let me be clear about one thing: Dr. Higgins had no proprietary interest in this system. He designed it while in the Navy, and therefore it was Navy property. Dr. Higgins worked so hard, and gave so freely of himself, simply because he believed that Government-wide use of his system was in the best interest of the country.

Recent events have proven that Dr. Higgins' efforts were not in vain. Right now, all the military services are working toward implementation of the latest generation of the Navy system. In addition, the General Services Administration is developing a program based on the Navy system which any civilian agency will be able to run on an ordinary personal computer.

Madam President, these events would not have been possible without the work of Dr. Higgins.

Dr. Higgins assisted me immeasurably in the course of my investigation of Government aircraft. I believe my investigation has led to considerable improvement in the management of civilian aircraft—and the information and expertise Dr. Higgins provided to me was truly a cornerstone in my investigation.

Dr. Higgins was a gentleman and a patriot. I believe it is fitting that he will rest in Arlington National Cemetery, in the shadow of the Nation's Capital. Dr. Higgins has left us a legacy for which I am very grateful, and we will always remember him with the deepest affection.

CONGRATULATIONS TO DR. DAVID SATCHER ON HIS APPOINTMENT AS DIRECTOR OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION

Mr. MATHEWS. Madam President, I rise today to congratulate Dr. David Satcher, the new Director of the Centers for Disease Control and Prevention appointed by President Clinton. As he assumes his new duties, Dr. Satcher closes his distinguished tenure as president of Meharry Medical College in Nashville, TN, where he has served since 1982.

Dr. Satcher's longstanding interests in health promotion and disease prevention will serve this Nation well. He will bring particular concerns with violence and substance abuse in inner cities to his new post. His interest in prevention is particularly appropriate as this Nation begins a debate on health care reform.

Dr. Satcher was born in Anniston, AL, and received his B.S. degree from Morehouse College in Atlanta, GA, in 1963. He received his M.D. and Ph.D. degrees from Case Western Reserve University in 1970. He was elected to Phi Beta Kappa at Morehouse and to Alpha Omega Medical Honor Society while at Case Western Reserve University.

He completed his residency training at Strong Memorial Hospital of the University of Rochester in New York. He also completed a Macy faculty fellowship in community medicine at King-Drew Medical Center in 1974 and the Robert Wood Johnson Clinical Scholars Program at UCLA in 1976.

Prior to coming to Meharry, Dr. Satcher served as professor and chairman of the Department of Community and Family Medicine at the Morehouse School of Medicine. Before joining Morehouse, Dr. Satcher served on the faculty of the King-Drew Medical Center and the UCLA School of Medicine.

Dr. Satcher's professional interests include medical genetics, with particular focus on sickle cell disease, and the areas of hypertension, cancer, and geriatrics. He has published widely and has served as principal investigator on several major grants for the National Institutes of Health, the National Science Foundation, and the Health Resources and Services Administration.

Dr. Satcher has received numerous honors and awards and has been actively involved in professional and community activities. He has served on several advisory councils and blue ribbon panels to the Department of Health and Human Services and the Congress. His numerous honors and awards include election to the Institute of Medicine of the National Academy of Science in 1986, the Watts Grassroots Award for Community Leadership in 1978, and Man of the Year by the March of Dimes of Nashville, TN, in 1987.

His vibrant leadership at Meharry Medical College has included development of several centers of excellence and research, the development of clinical teaching relationships with several institutions, a fundraising campaign, and a plan for academic renewal.

Dr. Satcher is married to poet Nola Richardson. He has four children, three boys and a girl.

Madam President, I ask my colleagues to join me in recognizing the appointment of Dr. David Satcher of Meharry Medical College in Nashville, TN, as Director of the Centers for Disease Control and Prevention. Dr. Satcher brings a career of distinguished service on behalf of the health of the poor and least advantaged in our country to his new position and is an excellent selection for the Centers for Disease Control and Prevention.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Madam President, anyone even remotely familiar with the U.S. Constitution knows, that no U.S. President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,392,902,007,724.38 as of the close of business on Tuesday, September 21. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,102.39.

EAST TIMOR

Mr. DURENBERGER. Madam President, I rise to add my voice to those of my colleagues with regard to the situation in East Timor.

My colleagues are well aware of my interest and activity in regard to Indonesia's persistent abuse of human rights in East Timor. The State Department's "Country Reports on Human Rights for 1992," as well as "Amnesty International's Report 1993" detail reports of torture, arbitrary arrest, unfair trials, and many other abuses, including harassment of human rights monitors. I believe that the language in the committee's report on this bill sends a strong message to the Indonesian Government that their record of human rights in East Timor will not be tolerated.

I was pleased earlier this year when the Clinton administration reversed previous United States policy and joined the U.N. Human Rights Commission in rebuking Indonesia for its continued repression of the East Timorese. I was also among those who urged the President to raise this issue with President Soeharto of Indonesia during the G-7 summit, which I am pleased he did.

Madam President, this legislation, combined with other recent actions by the United States, sends a strong message to the Indonesian Government that the United States will no longer turn a blind eye to its repression of the East Timorese. And we will continue to press ahead and consistently urge the Indonesian Government to accept internationally accepted standards of human rights.

Thank you, Madam President, I yield the floor.

THE RETIREMENT OF MAJ. GEN. PETER McVEY, U.S. ARMY

Mr. LEVIN. Madam President, I wish to note that a great soldier is preparing to retire and I want to pay tribute to his service to this Nation. Maj. Gen. Peter M. McVey, currently the program executive officer for Armored Systems Modernization for the Army, is planning to retire at the end of September, after more than 36 years of service.

Among his many honors, General McVey has the distinction of having successfully managed the entire M1 Abrams tank program from conception to development and deployment. The M-1 tank is the finest tank in the world. It is a complex piece of equipment that helped U.S. forces win decisively in the Persian Gulf war. Bringing such a program through its many stages is a daunting task, requiring untiring constancy, focus and determination over a period of some 20 years. General McVey helped keep the program together under very difficult conditions and produced a heavyweight success. And nobody deserves more credit for this success than Pete McVey.

Of course, General McVey has had many other responsibilities and successes, in addition to the M-1 tank, over the course of his career. He has been primarily responsible for the modernization of the U.S. armored vehicle fleet over the last decade, including the Bradley Fighting Vehicle and the M–113 Family of Vehicles, as well as less well known but equally important systems. This work has included complex upgrades, conversions and modernization of many systems. His efforts have helped insure that when American forces are called to serve they have the most modern, capable equipment available anywhere.

In addition, General McVey has led the charge on the future improvements to our armored forces, including the effort to "digitize the battlefield." This involves placing digital communication and navigation equipment on our vehicles in order to permit a revolutionary improvement in our combat capabilities. It would also reduce the tragic problem of fratricide, when our forces mistakenly shoot at our own vehicles because of problems identifying them as friendly forces. For the first time our digitized forces, on the ground and in the air, will be able to know their exact location and to communicate what they know to each other in any weather and at night. This capability will insure that the U.S. military will be even more capable than during Operation Desert Storm.

So, Madam President, Major General McVey has had an illustrious and successful career and deserves our sincere thanks and appreciation for his dedication and service to the Nation. I wish to add my personal appreciation and to wish General McVey the best for the future after he retires.

COMMENDING DOROTHY SANTIAGO

Mr. LIEBERMAN. Madam President, like too many cities in America today, Hartford, CT, is suffering from a wave of crime that has made thousands of law-abiding citizens prisoners in their own homes, afraid to go out after dark, or to walk the streets of their neighborhoods.

Gangs exchange gunfire, at times taking innocent lives along with their own. Drug dealers and addicts threaten the fabric of civilized society, and pose a terrible risk to children, whose future is increasingly in doubt.

Amidst all the gloom there exists some shining examples of courage, morality and humanity that give us some reason to have hope for our communities.

One such example is Dorothy Santiago, a brave women who saw her world crumbling around her, and who stood up and said, "No!" to the drug dealing, "No!" to the prostitution, "No!" to the thefts, the guns, the gangs.

And for her efforts, she and her family have been threatened and abused. Gang members say they will "take care of her."

Those of us who share her frustration at the crime that has diminished the quality of our lives must, in turn, take care of her and others like her who dare to speak up against the madness. We must rally to their side, let them know they are not alone in their fight, and help them win this war on crime.

The story of Dorothy Santiago represents one more flesh-and-blood reason why we need to pass a new crime bill, one that can help us put more police on the street, more criminals behind bars, and more teeth in the rule of law so that the good can be protected from the bad.

Mr. President, I would like to include in the RECORD of this body an editorial from today's Hartford Courant which praises Dorothy Santiago for her courage, and which calls on others to join her just cause.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE COURAGEOUS DOROTHY SANTIAGO

Hartford neighborhoods need more people who, like Dorothy Santiago, have the courage to speak out against drug use, crime and gangs. Hers is a dangerous and often lonely fight.

Ms. Santiago lives in the heart of the Frog Hollow neighborhood and for years watched as stolen cars were brought next door and cut up for parts. She watched drug dealers and addicts conduct their business. Finally, she joined Hartford Areas Rally Together, a neighborhood group that, among its many activities, tracks crime. Last November, Ms. Santiago spoke against gang activity on Madison Street in a story printed in The Courant. Since then, she has endured a barrage of threats and has been called a snitch. Ms. Santiago says her former husband was beaten up in retaliation for her remarks.

Lesser people would put their heads down and retreat to the safety of silence. Intimidation is the stock in trade of punks and criminals. Ms. Santiago continued to keep police informed about gang members who hang out near her home. She also continued to denounce them publicly. Last week, members of a gang threatened to "take care of her" and a police guard was sent to her home.

The treatment of Ms. Santiago should outrage and inspire the hundreds of others who live like hostages in neighborhoods terrorized by thugs. Neighborhood groups dedicated to ending tolerance of illegal behavior need all the support they can get. The effectiveness of the police, whose resources are stretched thin by the need for more patrolling, would increase measurably with information and backing from more citizens.

Ms. Santiago undoubtedly has admirers. What she needs are more outspoken neighbors to change the odds on the street.

DR. EUGENE P. TRANI'S VIEWS ON AID TO RUSSIA AND OTHER NEW INDEPENDENT STATES

Mr. ROBB. Mr. President, Dr. Eugene P. Trani, president and professor of history at Virginia Commonwealth University, is very much involved in the development of democracy in Russia; and he has written to me on the issue of aid to Russia and the other new Independent States.

Dr. Trani has been traveling to Russia since 1981, when he went to Moscow State University as a Fulbright lecturer in American history. Over the years, he has seen first hand the challenges to—and opportunities for—cooperation between the United States and the new Independent States.

At his own university, he has pursued a number of activities, including cooperative biotechnology initiatives between VCU and Russian researchers and the Virginia Biotechnology Research Park; alliances with Richmond-area businesses to help train Russian exchange students; and a program of technical assistance in hospital administration in Vladivostok, supported by the United States Agency for International Development.

Given the events in Russia this week, Dr. Trani's statement in support of the aid package to the new Independent States is highly relevant. I would like to include Dr. Trani's letter for the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VIRGINIA COMMONWEALTH UNIVERSITY,
Richmond, VA, September 23, 1993.

Hon. CHARLES S. ROBB,
U.S. Senate, 493 Russell Building, Washington, DC.

DEAR SENATOR ROBB: I am writing to urge you to support aid to Russia and the other New Independent States and to urge your colleagues in the Senate to do the same.

In our country, we take our democracy for granted. The American experiment in democracy is now more than 200 years old, and it is a great success. The Russian experiment in democracy, however, is only two years old, and it is extremely fragile.

Everyday, our friends in Russia are breaking down the old Soviet-style barriers, doing for the first time things that Americans do daily and take for granted. They are forming partnerships with westerners in business, law, health care, and education. But, as we have just witnessed in the constitutional crisis between President Boris Yeltsin and the hardliners of the Russian parliament, the outcome of the Russians' struggle to establish a democracy is by no means certain.

American efforts to strengthen Russian democracy and the Russian economy contain benefits for the American people. A strong Russian economy means new markets for American businesses, and that means jobs for Americans. It also means an investment in stability by supporting Russian reform, which enhances our own ability to refocus our defense priorities and the use of our limited national resources.

We also are now living in an era shorn of the politics of the cold war. We need only look at the unprecedented outbreak of peace between the PLO and Israel. While we may not know the result of this development for years, it is no coincidence that it has occurred in the wake of the end of the bilateral world of just a few years ago.

Self-interest is a powerful motivating force. In the case of the still uncertain fate of the Russian experiment in democracy, it is in the interest of the United States to support that experiment—to help give the Russian people the tools that they need to make their experiment every bit as successful as our own.

For this reason, I urge you and your colleagues in the Senate to support appropriate aid for Russia and the other New Independent States—not in haste, but as a deliberate act. We must do our part based on our long-term objectives, not only in response to the current urgency of political and economic conditions in Russia.

The perseverance of our country's earliest leaders, coupled with the strong support of our allies, enabled us to build American democracy. We are now in an extraordinary position to serve as mentors to the emerging Russian democracy. It is a role that we should eagerly, willingly, and enthusiastically embrace.

Sincerely,

EUGENE P. TRANI,
President.

THE PRESIDENT'S HEALTH CARE REFORM PLAN AND PRESCRIPTION DRUGS: IMPROVING ACCESS; ASSURING QUALITY; A FIRST STEP TOWARD CONTAINING COSTS

Mr. PRYOR. Mr. President, last night President Clinton described for the Congress and the American people his plan to reform our Nation's ailing health care system. The President and the First Lady have been on an enormous, but certainly needed task, and we all owe them a sincere debt of gratitude.

In this statement, I hope to address some of the President's proposals relating to prescription drug coverage and cost containment. As chairman of the Special Committee on Aging, I have placed special emphasis on the ability—or should I more appropriately say inability—of millions of older Americans to obtain the medications needed to maintain life and health. Too often I have recited the now familiar statistics concerning the lack of public and private insurance coverage among older Americans for prescription drugs, and the fact that drug costs have increased three times the rate of inflation over the past 12 years.

This health care reform initiative gives us once and for all an opportunity to make prescription drugs available and affordable for all Americans. I want to work with the administration and the Congress to make this a reality.

THE PRESIDENT'S PLAN DOES A GOOD JOB IN IMPROVING PRESCRIPTION DRUG COVERAGE

The President's plan goes a long way toward making prescription medications more available for all Americans. All health plans will be required to cover prescription drugs as a standard medical benefit. This is good news since almost 25 percent of Americans under 65 have no prescription drug coverage whatsoever. Many others have only limited insurance coverage for medications. Most of these Americans are poor but ineligible for Medicaid, but nonetheless have significant prescription drug bills without a way to pay for them.

The President is proposing that Medicare cover the cost of outpatient prescription drugs. This is also good news, since prescription drug costs are now the highest out-of-pocket medical cost for 3 of 4 older Americans. It is older Americans who have been hardest hit by skyrocketing prescription medication costs.

A recent AARP study found that nearly 8 million older Americans over 55 say that they have to make choices between buying food and paying for medications. We may finally put an end to this shameful situation in our country.

A Medicare drug benefit will obviously be an important but expensive addition to the Medicare Program. We must find a way to assure that all parties to the drug benefit—the beneficiaries, the pharmacists, and the drug manufacturers—shoulder their fair share of the responsibility for containing costs in any program developed, to assure that it remains fiscally solvent and financially viable.

THE PRESIDENT'S PLAN IMPROVES THE QUALITY OF PHARMACEUTICAL CARE FOR MEDICARE BENEFICIARIES

The President's plan recognizes that a much better job needs to be done in educating older Americans on how to take their medications properly. The plan establishes a program that requires pharmacists to offer to counsel Medicare beneficiaries on the use of their drugs. This is particularly important for older Americans who often take more than one prescription medication. This program will also reduce the number of adverse reactions from medications as well as decrease the need for medication-related hospitalizations and physician visits.

I am pleased that the proposal recommends for Medicare beneficiaries the same approach that was enacted for Medicaid recipients in the Omnibus Budget Reconciliation Act [OBRA] of 1990. In that legislation, a comprehensive program of drug use review [DUR] was developed for Medicaid beneficiaries. Now in its first full year of implementation, I believe that the Medicaid DUR Program will not only save costs, but it will significantly improve quality of care. Since OBRA '90 was passed, most States now require that a pharmacist offer to counsel all of their patients—not just Medicaid recipients—on how to use their medications. This is the first step toward a more expanded role for pharmacists in the health care system.

However, I also believe that any Medicare prescription drug program should be able to use the same managed care principles that have been so effectively used by managed care organizations, and other third party prescription drug programs. In fact, a major drug manufacturer has endorsed the use of coordinated pharmaceutical care as a way to assure that the right drug is given to the right patient at the right time. While I am not making a judgment in this statement about whether this manufacturer's particular approach to pharmaceutical care is the most appropriate, I will work to see that pharmaceutical care principles are included in any Medicare drug benefit.

The President's plan does not address the issue of providing coordinated pharmaceutical care and pharmacy services to Americans outside of the Medicare Program. I do not want to see pharmaceuticals just become commodities which are moved from place to place in the cheapest way possible. There is much more to providing pharmaceuticals than that, and it is my hope that all health care plans will offer coordinated pharmaceutical care and pharmacy services as part of the standard benefits package.

THE PRESIDENT'S COST CONTAINMENT APPROACHES ARE A FIRST STEP IN THE RIGHT DIRECTION

The President's plan appears to rely primarily on competition in the marketplace, and the good faith of the manufacturers to contain drug costs. The proposals in the President's package, in my mind, represent the most modest or minimal forms of pharmaceutical cost restraint that could have been proposed. While a step in the right direction, I am concerned that this part of the plan may not go far enough in bringing down drug prices.

The three aspects of pharmaceutical cost containment which I believe are needed in health reform are: Short term cost containment on pharmaceuticals during the period of transition to the new system; cost containment for new drugs; and cost containment in publicly-funded prescription drug programs, notably Medicare. The plan appears to be headed down the right path toward containing costs in the Medicare drug program. However, the plan generally fails to adequately address short-term pharmaceutical cost containment measures and the impact that new drug prices will have on the health care system.

TRANSITION TO THE NEW SYSTEM

It is likely that 2 or 3 years will go by before any new Medicare drug benefit is up and running or before universal prescription drug coverage is phased in. The President's plan assumes that health care plans will use drug formularies, volume purchasing, therapeutic interchange, generic substitution, and drug use review [DUR] to help contain total pharmaceutical expenditures to contain drug costs thereafter. All these tools can work, and have been shown to be effective. However, it is a far stretch of the imagination to assume that all plans will be in operation, no less have these tools in place, in 2 or 3 years. The drug industry would have us believe that, for the most part, the majority of the pharmaceutical marketplace is now, all of a sudden, highly price competitive. This is also a stretch of the imagination.

In fact, no more than half of the marketplace is operating under some form of managed care pharmaceutical principles. While these competitive principles are likely to apply to more and more of the pharmaceutical market as time goes by, they cannot be expected to take over the majority of the market for some time.

For these reasons, a logical question to ask is, How drug costs can be contained during the period of transition to the new system? The manufacturers have said that they want to voluntarily restrain their drug prices. As I said in a statement to the Senate on September 15, these voluntary approaches by the manufacturers do not appear to be working to restrain price increases for the average American buying drugs at the local pharmacy. Manufacturers' prices at the retail level continue to go up much faster than inflation.

I believe that we need a new voluntary pharmaceutical cost containment approach, and I have challenged the drug industry to sign a commitment to the Secretary of Health and Human Services [HHS] to limit their individual retail price increases to the inflation rate. In my mind, this approach will help older Americans afford their medications during the period of transition to universal prescription drug coverage.

We should give the drug manufacturers every opportunity to make good on a voluntary commitment that is meaningful and that stops rapidly-escalating price hikes at the retail level. However, if manufacturers do not adequately address this situation on a voluntary basis, I do not think we should close the door on requiring price restraints during the transition time, or until health plans can have their formularies and volume-purchasing programs in effective operation.

NEW MEDICATIONS

New medications are expected to be expensive, especially new biotechnology drugs. Americans are willing to help finance vital research and development on new, improved medications. However, the fact is that for too long Americans have almost singlehandedly subsidized research and development, excessive marketing costs, and exorbitant drug industry profits for the entire world, and that is not fair. Americans have invested heavily through the Tax Code to support the development of new drugs, and then are asked to pay the highest prices in the world. Therefore, there is a need to assure that new drugs are reasonably priced and made affordable to America's health care system.

That does not seem to be an unreasonable request of drugmakers, especially since all health care plans will have to extend coverage to expensive new medications under the universal prescription drug benefit.

The President's approach gives the manufacturers the benefit of the doubt when pricing their new products. Specifically, the plan requires that a breakthrough drug committee be established, and be charged with reviewing the prices of new drugs which are determined to be excessively priced. The committee would then make some public declaration about whether it believed, based on the available evidence, that the price of the drug was reasonable. It would appear that the intent of this committee is to make drug manufacturers think twice about pricing a product excessively, for fear of negative publicity through this process.

The establishment of this breakthrough drug committee is a step in the right direction because it brings into the public domain the debate over the pricing of new drugs. It appears, however, that the committee's enforcement authority is more like gums rather than teeth. This concerns me and should concern all health care providers, institutions, advocates, and consumers.

The committee's sole enforcement mechanism appears to be public shaming of drug manufacturers that excessively price their products, and declarations about how unreasonable a price really is. I expect that the committee could make public declarations until it is blue in the face about the unreasonableness of a new drug's price with little real impact.

In the past, public shaming of drug companies regarding their prices has produced little more than frustration as far as I am concerned. In spite of all the criticism that has been leveled at the pricing of new drugs such as Clozaril, Foscavir, and Betaseron, I do not recall the companies lowering their prices. The negligible response of drug manufacturers to public shaming is nothing less than shameful itself.

It may be necessary to strengthen the powers given to this breakthrough drug committee so that, while not controlling or setting the price, it makes the manufacturer wring from the final price of a new drug any excessive profits and exorbitant marketing costs that it would seek to heap on the American public. A reasonable price is a reasonable expectation.

MEDICARE DRUG PROGRAM COST CONTAINMENT

I am pleased that the administration has had the wisdom to craft a Medicare drug benefit which includes meaningful cost containment. All parties involved in the proposed benefit should have a part in containing the cost of the program. Like the Medicare Catastrophic Coverage Act of 1988, beneficiaries will have their share of the financing burden. Additionally, community pharmacists have specific caps on the amounts that they can be reimbursed.

However, this proposal recognizes that Medicare will become a large-volume payer for pharmaceuticals, and should be able to use the same type of cost containment approaches used by other fee-for-service prescription drug programs: rebates and negotiations. Other large-volume purchasers and payers, such as hospitals, HMOs, and other health plans will be negotiating with drug manufacturers over the price of the drugs that they buy. The Medicare Program, the single largest pharmaceutical program in the country, should be afforded and same benefit, and should not be discriminated against by drug manufacturers.

It is very difficult to understand or rationalize why Medicare—the largest single payer for drugs in the market—would not deserve some sort of price break. Yet, the manufacturers are referring to the 15-percent discount on their drug products in the President's proposal as a tax. Manufacturers have to negotiate discounts and rebates with hundreds of health plans on a regular basis. Are those taxes, or just the cost of doing business with these plans? These manufacturers also refer to the authority given to the Secretary to negotiate new drug prices as a potential blacklist. Yet, many health plans in the United States do not automatically provide coverage for a drug or biological unless the plan determines that the drug is cost effective as compared to other drugs which are covered.

Even new drugs which represent significant therapeutic advances are often prescribed under some type of guidelines or protocols. Should Medicare be any different in how it operates? Manufacturers cannot and should not make Medicare—the taxpayer and elderly funded drug benefit—a final source of untapped and unrestricted revenues. Medicare's drug benefit should be a managed drug benefit. Manufacturers have to play by the same set of rules with all purchasers—whether public or private.

THE PRESIDENT'S PLAN INCREASES THE FEDERAL GOVERNMENT'S ALREADY SUBSTANTIAL CONTRIBUTION TO NEW DRUG RESEARCH AND DEVELOPMENT

The President's plan will help to defray some of the costs of new drug research and development in the United States. First, the plan provides billions of dollars more in addition to the billions the Federal Government already allocates to the National Institutes of Health to support research and development for new treatments. The NIH is the premier biomedical research institution in the world in helping to find treatments for diseases that affect all Americans, especially older Americans. These include chronic and recurrent illnesses, such as Alzheimer's and cardiovascular diseases, and infectious diseases, such as AIDS and tuberculosis.

Second, the standard benefits package helps to pay the cost of clinical trials on new and investigational drugs, which is the most expensive part of the new drug development process. It is important to note the substantial increased commitment to research and development in the plan because the basis of the drug industry's argument against cost containment is that it will reduce R&D—especially for drugs used to treat older Americans. The President's plan, in fact, will assure that more, not less, emphasis is placed on research for diseases affecting older Americans.

The President's plan also recognizes that we need to assure that drugs which are developed with Federal support, and then transferred to the private sector for further development are priced reasonably. I intend to pursue protections under health care reform to assure that the American taxpayer's investment in research and development is protected, and I commend the President for his concern with the taxpayer's investment as well.

UNIVERSAL PRESCRIPTION DRUG COVERAGE: THE DRUG INDUSTRY'S PANACEA

Drug manufacturers are angling for their ultimate panacea: Universal coverage for prescription drugs without any meaningful cost containment. According to the Pharmaceutical Manufacturers Association's [PMA's] own numbers, 72 million Americans lack prescription drug insurance coverage. With all Americans covered for prescription drugs, that will mean a significant expansion in the manufacturers' sales and revenues.

There is no doubt that pharmaceutical manufacturers' revenues and profits will grow under health reform. Millions of prescriptions that currently go unfilled because individuals cannot afford them will be filled. In fact, a recent report about the future of the pharmaceutical marketplace said the following:

> * * * U.S. pharmaceutical sales have grown at a compounded rate of 17.5 percent over the past three years, reaching more than $50 billion in 1992. Even if the growth rate were slowed to 7 percent, sales would exceed $90 billion by the end of the decade.

That's an increase in sales of 80 percent in just a little over 6 years. Even if a majority of the new prescriptions that are dispensed are filled with generic drugs, the brand name drug industry benefits because they control most generic drug sales already.

In spite of all the talk by the drug industry that the President's plan casts dark shadows on the drug industry's future, the combined effect of increased sales from universal coverage, minimal cost constraints on pharmaceutical pricing, and increased Federal efforts to support new drug research and development, translate to a real boom for the drug industry from the President's plan.

Over the course of this debate, I will work hard to assure that health care planks, both public and private, have the tools necessary to effectively manage their drug expenditures. It is essential that the American consumer be the ultimate beneficiary of expanded prescription drug coverage—not highly paid drug company executives, lobbyists, or stockholders in drug manufacturing entities. As the President said last night in his address, the days of profiteering are over in the health care system.

I look forward to working with all interested parties—consumer groups, older Americans, health care institutions, and plans, brand name and generic manufacturers, the States, and my fellow colleagues—in achieving this goal.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

FOREIGN OPERATIONS APPROPRIATIONS ACT OF 1994

The PRESIDING OFFICER. The Senate will resume consideration of H.R. 2295, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Helms amendment No. 931, to prohibit assistance to countries whose governments expropriate United States property.

AMENDMENT NO. 931

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes for debate on the Helms amendment No. 931.

Who yields time?

Mr. HELMS. Madam President, I suggest the absence of a quorum, with the time to be charged to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, if we only have 7½ minutes apiece, I would have to object to that. Why do I not speak for 1 minute? I will take 1 minute of my time. I am going to be losing it anyway.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, the amendment prohibits assistance to countries which expropriate U.S. property. On the face of it, it is very appealing. We want the United States to stand up for American interests. But we already have a law that allows us to do that. This says that we will ignore the complexities of international arbitration, of courts, of any fact that may be in dispute and arbitrarily charge in with a piece of legislation, authorizing legislation added to an appropriations bill, with no legislative record, no background.

I think it is far, far too much. I think we assume that courts in these other countries will move faster than our own courts. We might take 5 to 10 years to go through a complex case in our own Federal courts. We are telling them you better act immediately.

Now, I agree with the Senator from North Carolina that sometimes our own administration people become too enamored of the country they are in. They have the clientitis attitude, and they do not fight hard enough for Americans. But this is not the way to do it. It does not have the national interest waiver the President now has under current law. It would even cut off aid to a country if that country had, in good faith, agreed to arbitrate the case as most people expect them to do with a recognized arbitration board. You may have both parties, Americans and the country, agreeing to go to arbitration and we have to come charging in.

I do not think this is a good amendment, and I would have to oppose it. I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. I yield 3 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island

Mr. PELL. I thank my friend and colleague from Vermont.

I would add that I share Senator HELMS' concern regarding the expatriation of U.S. citizens, but in trying to address this issue we are going down a draconian path because what this would do, it would be retroactive. It would require Russia, for example, to resolve potentially thousands of claims, many of which would go back to the Bolshevik Revolution, if not earlier. Many such claims may never be resolved, and it would be unwise for the United States to insist at this time that nations undergoing difficult democratic transition try to resolve property issues from many decades ago. Russia does not have the money at this time to pay that compensation and develop its economy at the same time.

What we are saying with this amendment is that we are putting a greater emphasis on resolving the property claims of United States citizens from the 1920's than for the United States to promote democracy and market reform today in the countries of the former Soviet Union and Eastern Europe. Moreover, much of American assistance is targeted at helping these countries privatize and develop the legal framework relating to property rights. By denying assistance we would only be slowing down this process.

So while I agree with the objective of the Senator from North Carolina, I feel that this is too Draconian, too extreme a measure, and believe it should be defeated at this time.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Vermont controls 3 minutes, 35 seconds.

Mr. LEAHY. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time remaining will be equally deducted.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Parliamentary inquiry. What is the time situation, please?

The PRESIDING OFFICER. The Senator from North Carolina controls 7 minutes.

Mr. HELMS. Seven minutes.

The PRESIDING OFFICER. Correct.

Mr. HELMS. Did I use 30 seconds while there was no conversation?

The PRESIDING OFFICER. The time allocated was 15 minutes equally divided.

Mr. HELMS. Fair enough. And what does the other side have?

The PRESIDING OFFICER. The Senator from Vermont controls 3 minutes.

Mr. HELMS. Three minutes.

The PRESIDING OFFICER. Three minutes.

Mr. HELMS. That sounds reasonable. Herman Talmadge used to say—and I do not mean any offense to staff members around this place—that they sure do write some draconian statements for the Senators to make that do not make any sense at all in addressing the merits or demerits of an amendment.

Now, when you start using the word "draconian" to describe an amendment that simply says: Let us look after the American citizens who are being abused by foreign governments that are receiving foreign aid from the U.S. taxpayers. When you use draconian, some staff member ought to think a second time before he puts anything like that on a piece of paper.

Now, I was talking to the distinguished Senator from Alaska in the cloakroom, and I hope he will tell the Senate, and make it a matter of record, what he told me.

I yield to the Senator such time as he may need for that purpose.

Mr. STEVENS. Madam President, my comment will be very short.

I just happened to mention to the Senator from North Carolina the first matter I ever handled when I got out of law school was the matter of a California family that had a ranch in Mexico which was confiscated. To my knowledge, there was never any compensation for that.

Since I have been here, I have worked on behalf of constituents who lost planes in confiscation in the Middle East, boats in South America.

I think every Senator who has been here for a while has a whole trail of constituents who have had problems in foreign countries that have been totally ignored. I think the Senator from North Carolina has one way that we might get some attention to these matters, so I intend to support his amendment.

Mr. HELMS. I thank the Senator.

Let me set the record straight. This matter is not draconian. It is common sense. It looks after the American citizen who is being abused by countries receiving foreign aid from the American taxpayers.

Now, there is going to be a motion to table, and I hope Senators who vote to table this amendment will be prepared to explain it back home—why they voted to table this amendment.

The Helms amendment now pending just closes loopholes in the current law, and I say again, Madam President, that there comes a time when all of us ought to back up and say, look, we have to choose between these countries that are begging for and getting foreign aid from us, and the rights of the American citizens. We ought to come down on the side of the American citizen every time, but we have not been doing that.

This is not a new issue. There have been laws on the books regarding this issue for more than 30 years. This amendment pending is based on the Hickenlooper amendment of 1962, which has been invoked only twice in 30 years.

The State Department runs the show. They stonewall. They say, oh, no, we cannot offend any of the countries that might take some of our foreign aid money. We must let them kick in the pants American citizens who own property.

This Senator says the State Department better stop that. This is what this amendment is all about. The Hickenlooper amendment cut off aid if a country fails "to take appropriate steps" to return the property or compensate the owner. The Helms amendment cuts off aid if, within 3 years, a country receiving foreign aid from the pockets of the American taxpayers does not return the property or compensate the owner.

Congress has previously voted to cut off aid when a country failed to resolve a property claim and compensation was paid.

This is not a partisan issue. It was just as bad under the Reagan and Bush State Departments as it is under the present State Department—the bottom line is that the State Department always has had a chronic case of "clientitis." They regard these foreign countries, who reach out the hand to get the foreign aid, as their clients. I have been unsuccessful—I discussed this on the floor yesterday at some length, in getting the State Department to help American citizens all over the world who are being abused by these very countries that get foreign aid from the United States.

This amendment does not cut off aid to Russia. It does not cut off aid to the newly independent states and democratically elected governments that were previously ruled by totalitarian dictatorship. They have 3 years to resolve property claims. And Israel, by the way, is not affected by this amendment.

We are going to hand out a little information sheet to the Senators as they come in. I do hope that the Senate will vote with the American people and not vote to table this amendment.

I reserve the remainder of my time.

Mr. LEAHY. Madam President, I yield myself 1 minute.

Madam President, I understand the frustration of the Senator from North Carolina. I happen to agree with him.

I might tell the Senator that since I have been in the Senate and chairman of this committee I have fought very hard in some of these American cases and have been successful by applying through the normal channels in taking it on. It has required an enormous amount of my time and personal attention with calls to heads of state and everything else. I have been successful.

What I worry about is that this cuts such a broad swath that we are telling other countries to have their courts move faster than the way the courts in North Carolina or Vermont or anywhere else might work.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. What is the time situation, Madam President?

The PRESIDING OFFICER. The Senator from North Carolina controls 1 minute and 19 seconds; the Senator from Vermont controls 1 minute and 56 seconds.

Mr. HELMS. Madam President, I reserve the remainder of my time.

Mr. LEAHY. Madam President, let me do this. Let me suggest the absence of a quorum with the time not to be counted against either side.

Mr. HELMS. Very well.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection it is so ordered.

ORDER OF PROCEDURE

Mr. HELMS. Mr. President, inasmuch as we have worked out a compromise here—and as Herman Talmadge would say, "Glory be, the people in the State of Georgia are saying that the State Department has finally gotten the message." I ask unanimous consent that it be in order for me to modify my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I am going to send the modification to the desk. Let me read it.

The President may waive the prohibition to section 579(a) if he determines and so notifies Congress that it is in the national interest to do so. Such determination must be made on a country by country basis every 180 days.

AMENDMENT NO. 931, AS MODIFIED

Mr. HELMS. Mr. President, I send a modified amendment to the desk.

The PRESIDING OFFICER. The Senator has that right, and the amendment is so modified.

The amendment (No. 931), as modified, is as follows:

On page 103, between lines 17 and 18, insert the following:

PROHIBITION ON ASSISTANCE TO COUNTRIES EXPROPRIATING UNITED STATES PROPERTY

SEC. 579. (a) Prohibition.—None of the funds appropriated or otherwise made available by this Act may be provided to a country (other than a country described in subsection (c)) whose government (or any agency or instrumentality thereof)—

(1) has before, on, or after the date of enactment of this Act—

(A) nationalized or expropriated the property of any United States person,

(B) repudiated or nullified any contract or agreement with any United States person, or

(C) taken any other action (such as the imposition of discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

(2) has not, within a period of 3 years (or where applicable, the period described in subsection (b)), returned the property or provided adequate and effective compensation for such property in convertible foreign exchange equivalent to the full value thereof, as required by international law.

(3) the President may waive the prohibition in section 579(a) if he determines and so notifies Congress that it is in the national interest to do so. Such determination must be made on a country by country basis every 180 days.

(b) EXTENDED PERIOD FOR COMPENSATION IN THE CASE OF NEWLY DEMOCRATIC GOVERNMENTS.—In the case of a democratically elected foreign government that had been a totalitarian or authoritarian government at the time of the action described in subsection (a)(1), the 3-year period described in subsection (a)(2) shall be deemed to have begun as of the date of the installation of the democratically elected government.

(c) EXCEPTED COUNTRIES AND TERRITORIES.—This section shall not apply to any country established by international mandate through the United Nations or to any territory recognized by the United States Government to be in dispute.

(d) DEFINITION.—For purposes of this section, the term "United States person" means a United States citizen or corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

Mr. HELMS. Mr. President, so there will not be an interruption, I ask unanimous consent that I have about 2 or 3 minutes to explain where we are coming from on this.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. HELMS. Mr. President, if the State Department does not get the message on this amendment as modified, they are going to need two hearing aids for each ear, because it is sending word that Congress is not going to tolerate coddling nations receiving foreign aid—nations which abuse American citizens by seizing and holding their property and refusing to compensate the American citizens, and so forth.

I have been working on this thing for a long time, and I thank the distinguished managers of the bill. I want the State Department to know that they better not play games with one waiver after another, because that will not work. What they are going to have is 180 days, and then they have to put up or shut up.

With that, I conclude and I say again that people in Georgia are saying the State Department has finally gotten the message. I believe we have the yeas and nays. I hope we can proceed with the vote. I thank the Chair.

Mr. LEAHY. Mr. President, the Senator from North Carolina knows I share his concern and sometimes the feeling of clientitis. I point out that we also, fortunately, have had within our State Department many extremely qualified people who do remember which country they represent, and it is the United States of America. I have been impressed many, many times in visits around the world where our Ambassadors and others speak first for U.S. interests. But there have been instances where they have not.

With this modification, so that we do not get into the draconian—I use the word, not staff—measures that I described as possible before, I think that we have a reasonable situation. I will support the amendment.

With that, Mr. President, I yield back all time on this side.

The PRESIDING OFFICER. Does the Senator from North Carolina yield his time?

Mr. HELMS. Mr. President, I will use 30 more seconds. We have received hundreds upon hundreds of complaints from people all over this country whose rights have been abused. Let me list a few States that come to mind that we have heard from in the past 30 days: Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Tennessee, Texas, Vermont, Virginia, and Washington.

Maybe they will get the word now that we are trying to do something for them.

I yield the remainder of my time.

INDONESIA AND MILITARY SPENDING

Mr. JOHNSTON. Mr. President, I draw your attention to the committee's comments about military spending and Indonesia on pages 30 and 31 of the committee report which states:

While the committee supports the goals of AID's development assistance program in Indonesia, it is concerned about reports that Indonesia plans to spend three-quarters of a billion dollars for military aircraft from a British manufacturer at the same time that it seeks United States assistance for economic and social development. The committee requests that administration to carefully consider Indonesia's military expenditures in making decisions about allocating bilateral economic assistance to that country. With such funds significantly reduced because of budgetary constraints, the administration should not provide economic development assistance to nations which waste their own national funds on unnecessary military expenditures.

For fairness' sake, I am compelled to point out that, contrary to the impression this language leaves, Indonesia has one of the lowest rates of military spending in the world, and a rate which has declined according to the World Bank from over 18 percent of all central government expenditures in 1972 to just over 8 percent in 1989. Today, according to our State Department, the Indonesian defense and security budget for fiscal year 1992–93 is approximately $1.9 billion, roughly 6.7 percent of the total budget and 2 percent of Indonesia's GNP.

Indonesia's defense budget is the lowest among all ASEAN countries and one of the lowest in the entire Asian region.

In 1989, for example, the U.S. Arms Control and Disarmament Agency [ACDA] ranked Indonesia 115 in the world in terms of military expenditures per capita. In that year, Indonesia spent $8 per capita on military spending programs. This was less than any other government in South Asia except Bangladesh. Malaysia, for example, spent $61 per capita; Thailand spent $33 per capita; Sir Lanka spent $13 per capita; and the Philippines spent $15 per capita.

As a percent of central government expenditures devoted to military spending programs, in 1989 ACDA found that Indonesia ranked 95th in the world—allocating 8.2 percent of all central government spending to military programs and a rate which has decreased since that time. Again, this was less than virtually every other government in the region: Malaysia devoted 10 percent of all central government expenditures to military spending; Sri Lanka, 10.2 percent; Philippines, 12.1 percent. By this measure, Bangladesh comes out almost double that of Indonesia—allocating over 15 percent of all central government expenditures on military spending.

All of these countries have requested and received development and/or economic assistance from the United States in the past.

Many other recipients of United States economic and development assistance either spend more per capita or as a percent of central government expenditures on the military than does Indonesia. Many other recipients also import more arms as a percent of total arms imports than does Indonesia. According to ACDA, in 1989 Indonesia ranked number 86 in terms of the percent of arms imports of total imports. In 1989, arms exports constituted 0.6 percent of all imports.

By none of these measures is Indonesia expending an extraordinary amount on military programs. Indeed, each of these measures indicates Indonesia is spending considerably less than most nations on military programs, and less than its neighbors in ASEAN and South Asia.

What are they spending their military dollars on? Most of the modest purchases Indonesia is making, or attempting to make, have to do with replacing very old equipment related to mobilization capability and defensive needs which are related to geography.

Indonesia's land and sea mass is almost as extensive as that of the United States but is composed of over 17,000 islands—6,000 of which are inhabited—spread across 3,200 miles of ocean. This geographic fact poses daunting strategic defense problems. For one, air and sea lift capability are critical for the barest bones defense, and I might add to respond to natural disasters like the tragic earthquake on the island of Flores last year which killed over 1,000 people and left hundreds of families without homes. Emergency and rebuilding assistance all had to be airlifted or sealifted in, much from the island of Java, located some distance away.

Let me also point out that the military purchases mentioned in this report language will total $450 million [US], not $750 million [US] as stated, and are for purchasing British Hawk fighter trainers over a number of years, and a number of budgets, with the first deliveries scheduled to begin in 1995.

As for the amount of funds that Indonesia devotes to economic and social development, in 1989 Indonesia devoted 10 percent of all central government expenditures to education, and over 30 percent to housing, social security and welfare, both up considerably from the prior decade. Just this year, Indonesia enacted legislation extending mandatory education programs from the current 6 years for another 3—a good record for a developing nation and a good indication of Indonesia's commitment to spending more on education and human resources in the future.

In their current 5-year plan, Indonesia has begun to put more resources into all of its Eastern Provinces, including Timor. It is true, as the committee report states, that only 13 percent of the population on Timor completed primary school in 1990. What the report fails to state, however, that in large part this fact is due to years of neglect during Portuguese rule on the island. Since 1983, the number of primary, junior secondary, and high schools on Timor has risen dramatically and at present, according to U.S. AID, present enrollment rates are not far behind the national average. This is a dramatic change in the last decade.

Despite these investments, Timor remains the poorest area in Indonesia. The needs, which are a result of hundreds of years of neglect by the Portuguese, are great: less than half the population in Dili has clean drinking water, few job opportunities are available for the nearly 4,000 high school graduates entering the job market each year, infant mortality rates remain high and immunization levels are low, serious shortages of medicine and trained medical personnel continue to persist.

Instead of suggesting that we may consider cutting development assistance funds to Indonesia, I think we should be proposing targeted increases to help the population on Timor whose needs are so great. AID in fact is now developing a plan to provide more of our development assistance [DA] dollars to Timor, including strategies to increase assistance to NGO's on Timor. I understand the constraints we face with the foreign aid budget, but I hope that more attention will be paid to the needs of the people of Timor within available funds, and that AID's efforts will be encouraged.

Mr. President, I am also troubled by the report language on page 30 of the committee report which encourages the administration to terminate all FMS training, including training programs the Indonesians are purchasing with their own funds.

I believe this language will be counterproductive to our efforts to promote and encourage increased sensitivity to the real human rights concerns which exist in Timor.

I am told that this year Indonesia has proposed to purchase $1.85 million in training for a total of 24 officer-students at the Naval Post Graduate School, the Institute for Defense Management, and the senior Institute of Defense Management. The courses these students will take are in professional military education as well as defense management. Most of the courses are expanded IMET [E-IMET] courses, the content of which deals with U.S. human rights concerns as an integral part of the course curriculum. It seems to me that this is an effective way to professionalize the officer corps in Indonesia, and assure that these military leaders are aware of and trained in a manner consistent with our overall policy objectives.

I do not believe that cutting off all access to such courses will promote increased sensitivity to human rights. Indeed, perhaps what we should be doing is requiring that greater attention in course content for any programs purchased be given to training in democracy, democratic values, and human rights.

I did not support the action taken last year to cut off IMET funds for Indonesia. Mr. President, and I do not believe we can point to any positive outcome this cutoff has brought in terms of increasing awareness in the military of the need to respect and recognize human rights. Many would argue that this cutoff has eliminated a strong leveraging tool that our Government had.

Nonetheless, I recognize that debate is over. I would however encourage my colleagues to consider the consequences of further isolating the Indonesian military from western contacts and values. I do not think that will bring about a positive result; to the contrary I believe it will prove counterproductive to the human rights goals which we all share.

We should all recognize the importance of a stable Indonesia and a friendly Indonesia, Mr. President.

Contrary to what some have stated, our national security and diplomatic interests in Indonesia have grown since the end of the cold war.

Indonesia is the fourth largest country in the world—184 million people—and the largest Moslem nation in the world. Indonesia has been a moderating voice in the Non Aligned Movement which Indonesia currently chairs. Indonesia has played an important role in seeking to negotiate a peaceful solution in Cambodia and currently has troops on the ground in Cambodia as part of the United Nations peacekeeping effort, and in another potentially difficult regional dispute in the South China Sea involving the Spratly Islands. Absent Indonesia's role in these disputes, it is likely that the United States would have a more difficult role to play in this key region of the world.

Moreover, despite opposition by some Indonesian Moslems, Indonesia supported sanctions against Iraq. Indonesia continues to play a key role in APEC, and long been a proponent of activities such as the annual ASEAN post ministerial conferences and now APEC that help bridge the Pacific.

Our national security interests in Indonesia have grown despite the end of the cold war, primarily because of the increased United States military commitments and deployments in the Indian Ocean and the Persian Gulf.

Since the early 1970's, the United States 7th Fleet has moved warships through the straits between Indonesian Islands that connect the Pacific and Indian Oceans. A major portion of the fleet deployed through these passages during the Persian Gulf vessel-reflagging crisis of 1988 and the Persian Gulf conflict of 1990-91.

In addition, we are now seeking access to port and ship repair installations in several Southeast Asian nations, including Indonesia, where we have access to ship repair facilities at Surabaya. These access arrangements are critical to Admiral Larsen's "places, not bases" regional security strategy.

Commercially, we also have important interests in maintaining and strengthening our relationship with Indonesia.

Let me state at the outset that Louisiana has important interests in strengthening and maintaining our commercial relationship with Indonesia. Indonesia is the seventh largest market for exports from Louisiana, which included a variety of products such as industrial machinery, computer equipment, chemicals and petroleum and coal products. This market was worth $570 million to my State last year, a 79-percent increase over 1990. In addition, there are a number of Louisiana-based companies which have significant operations in Indonesia which help support many Louisiana jobs.

This relationship is about more than jobs for Louisiana, however, as important as that may be to this Senator.

It is about jobs now for many Americans.

According to the Department of Commerce, many business and job opportunities are under serious discussion right now. Hughes was recently selected to construct Indonesia's next two Palapa C telecommunications satellites, and General Dynamics is continuing efforts to win the award for the estimated launch of the second satellite valued at an estimated $75 million in the face of fierce competition from the French firm, Arianespace. AT&T is bidding on a $60 million fiber optics telecommunications line on Java but faces significant competition in this bid from Alcatel of France, Fujitsu of Japan, and Siemens of Austria. Motorola is bidding on an $85 million forestry project against strong competition from Philips U.K. Boeing is planning to sell $600 million in aircraft—B737's and B747's—to Garuda Airlines, the first portion of an eventual $2.1 billion order with deliveries through 1999. Mission Energy, a consortium which includes Mitsui and General Electric, is negotiating with the Government of Indonesia for development of the Paiton power project. This project, described as a build-own-operate electric powerplant is the first of its kind in Indonesia and according to the Department of Commerce, would generate $1 billion in exports of goods and services over 30 years.

These opportunities are expected to increase in the future. Indonesia is a key player in ASEAN, the six member Association of Southeast Asian Nations, which is the third largest trading partner of the United States—after Japan and the European Community.

U.S. exports to ASEAN grew 86 percent from 1988 to 1992, the highest growth rate of any of our markets. To Indonesia, United States merchandise exports increased by $886 million in 1992, or by over 46.8 percent over 1991.

If Indonesia's growth rate continues at 5.7 percent or higher, as many anticipate that it will, this will become an even bigger market for United States products in the future.

Some estimate for example that Indonesia will import almost $61 billion worth of goods to complete planned infrastructure projects in the remainder of this decade. I hope United States businesses will obtain a substantial share of this business, and I believe they have a reasonable chance of competing successfully given the superiority of our products and technical expertise, and the good performance record that many United States companies have had in Indonesia for many years.

In addition, United States direct foreign investment has continued to grow as Indonesia has pursued an aggressive policy encouraging foreign investment. In 1991, direct U.S. foreign investment was $3.5 billion, excluding investments in the oil sector which are structured as production sharing contracts. This amounted to a $232 million increase over 1990.

Given Indonesia's tremendous natural resources and infrastructure needs, I believe these investment opportunities will only increase in the future. If the past in prologue, such investments will help support many jobs in the United States as the projects financed are supplied by American workers and with American goods.

We have many interests in strengthening and promoting our relationship with Indonesia, Mr. President, all of which are of increasing importance. On every front, increased openness and access are important and I hope that we will increase the ties at every level which will lead to progress in every area.

Of one thing I am certain: closing doors unilaterally and making unilateral threats do not help us achieve any of our goals. It does not promote our national security interests. It does not promote our diplomatic interests. It does not strengthen our economic and commercial interests. And ironically, it may result in steps back, not forward, on human rights and the growth of democracy.

With the exception of the Netherlands and Portugal, we are virtually alone in our acts to cut off or limit or condition assistance to Indonesia, as this body did last year. Other West European, Australian, and Japanese Governments have maintained ties and increased them. A good measure of the political sentiments of these countries was seen in the July 1992 meeting of the Consultative Group on Indonesia, at which time donor agencies and governments pledged $4.95 billion in economic assistance, a level higher than that approved in 1992 and higher than recommended by the World Bank.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Arizona [Mr. DECONCINI], and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—92

Akaka
Baucus
Bennett
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—4

Bingaman
Feingold
Simon
Wellstone

NOT VOTING—4

Biden
Chafee
DeConcini
Wofford

So the amendment (No. 931) as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Vermont.

Mr. LEAHY. Madam President, our colleagues have been very, very helpful in moving things through. Yesterday, we passed the Russian aid part of this bill, which was, I think, a significant step forward. And we have passed other items, including waiver authority necessary for the PLO to be meeting with United States authorities and Israeli authorities in Washington or here in the United States, if necessary. These are very significant steps forward.

We have had probably a dozen, I say to my friend from Kentucky, I think we had 12 to 14 significant amendments accepted yesterday. We have this amendment. The distinguished Senator from North Carolina worked with us on a modification which got the support of all Members.

There are a number of Senators that suggest some amendments may make a point or maybe they would not. If they do not feel strongly about them, I urge them not to bring them forward. Of course, every Senator has his or her right to do so.

But I hope, Madam President, that we can finish this bill relatively early today, early enough so that the distinguished majority leader can bring forth the next appropriations bill, but, even more importantly, so Senator McCONNELL and I can start preparing for a conference, which is going to have to start today, as a practical matter, because we are going to leave for the Jewish holidays tomorrow, as we should.

We have to finish this bill, as I said time and time again, by the end of the fiscal year.

But we have made great steps forward in the Middle East section. We have passed virtually all but one aspect of the Middle East package. We passed all of the former Soviet Union, NIS, Russian, and Ukraine aid section. And we are moving apace.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

EXCEPTED COMMITTEE AMENDMENTS ON PAGE 88, LINES 11 THROUGH 14 AND ON PAGE 18, LINES 5 THROUGH 16

Mr. McCONNELL. Madam President, I ask unanimous consent that the remaining committee amendments be adopted and be considered for amendment purposes as original text.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

So the committee amendments on page 88, lines 11 through 14 and on page 18, lines 5 through 16, were agreed to.

Mr. McCONNELL. Madam President, I ask unanimous consent that Senator BYRD be added as a cosponsor to amendment No. 937.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 943

(Purpose: To withhold funds from Russia if that country has recently provided assistance for Cuba)

Mr. McCONNELL. Madam President, I have an amendment by Senator MACK which has been cleared on both sides. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. MACK, for himself and Mr. McCONNELL, proposes an amendment numbered 943.

Mr. McCONNELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 103, between lines 17 and 18, insert the following new section:

RUSSIAN ASSISTANCE TO CUBA

SEC. 601. Of the funds appropriated by this Act under the headings "Assistance for the New Independent States of the former Soviet Union" and Operations and Maintenance, Defense Agencies," $380,000,000 shall not be available for obligation for Russia unless the President certifies on April 1, 1994, that the government of Russia has not provided assistance to Cuba during the preceding 18 months: *Provided*, That the Committees on Appropriations shall be notified 15 days in advance of the obligation of such funds through the regular notifications procedures of the Committees on Appropriations.

Mr. MACK. Madam President, I recognize the urgency of the assistance to Russia in this bill. But I rise with an amendment that, regrettably, restricts a portion of that assistance until it can be determined that Russia is not assisting Cuba.

Earlier this year Russia announced that it would provide a $380 million credit for Cuba. I was astounded by this announcement, both because I thought the days of Russia's assistance to Cuba were over, and because I did not understand how Russia could afford to extend such a loan.

I quickly wrote to Secretary Christopher expressing my intention to offer an amendment to this bill to cut $380 million—the amount of loan—from our assistance to Russia if this loan was as it seemed: a handout to a bankrupt totalitarian dictator from an almost bankrupt fledgling democracy.

I received a two-page response from Secretary Christopher confirming that Russia did intend to make the loan, but with no information about the terms of the loan or why we should have any confidence that this loan will be repaid. With almost no concrete information about the loan, the State Department accepts the Russian assurances that this is a loan at market rates.

Cuba is already about $7 billion in arrears to Western creditors, and has announced in June that it cannot fulfill existing international contracts for sugar. Given the general collapse of the Cuban economy, I find it hard to believe that the Russian credits will ever be repaid. It would certainly be unreasonable to assume that the Russian credits are on market terms when we have no information to that effect.

Madam President, the Castro regime, according to public CIA testimony, is in acute distress. Fidel Castro is so desperate for hard currency that he is making dollars legal tender in Cuba, even though this step will likely exacerbate tensions in Cuba and earn little cash for the regime. There could not be a worse time for the Russian Government to step in and subsidize the Castro regime.

This amendment, sponsored by myself and Senator McCONNELL, withholds $380 million of our assistance to Russia until April 1, 1994, at which time the funds will be released if the President can certify that Russia has not assisted Cuba over the previous 18 months. The amendment also subjects these funds to the regular notification procedures of the Appropriations Committees.

The result of this amendment will be to give the administration the leverage they need to convince the Russians between now and April that this loan to the Castro regime is not in their interest and should not go forward.

I will say now that this Senator regards the Russian loan as assistance and will oppose the release of the funds in April if the loan has in fact gone forward.

Madam President, I hope that this amendment can prevent the tragedy of a fledgling democracy aiding a dying dictatorial regime. Our support for freedom in Russia cannot be at the expense of the freedom of the people of Cuba.

I ask for adoption of the amendment, and I ask unanimous consent that my exchange of letters with Secretary Christopher be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 9, 1993.

Hon. WARREN M. CHRISTOPHER,
Department of State,
Washington, DC.

DEAR MR. SECRETARY: The Cuban Democracy Act grants the President authority to impose sanctions on "any country that provides assistance to Cuba." In the Act assistance is defined to include grants, loans, credits, or trade on better than market terms. On July 7, Cuban media reported that Cuba and Russia had reached agreement on a $380 million credit "for completion of unfinished Soviet technological projects in Cuba." $30 million of the credit will reportedly be directed to Cuba's Juragua nuclear plant.

Mr. Secretary, the Castro regime, according to public CIA testimony, is in "acute distress." Fidel Castro is so desperate for hard currency that he is making dollars legal tender in Cuba, even though this step will likely exacerbate tensions in Cuba and earn little cash for the regime. There could not be a worse time for the Russian government to step in and subsidize the Castro regime. And there is no good time to fund the unsafe Juragua nuclear plant, which if completed would threaten Americans and Cubans with ecological disaster.

The State Department has maintained that it has no evidence that the Russian credits constitute subsidies or assistance to Cuba. At the same time, the State Department says it does not know what the terms of the Russian credit to Cuba are.

Cuba is already about $7 billion in arrears to Western creditors, and has announced in June that it cannot fulfill existing international contracts for sugar. Given the general collapse of the Cuban economy, I find it hard to believe that the Russian credits will ever be repaid. It would certainly be unreasonable to assume that the Russian credits are on market terms when we have no information to that effect.

Without any information to the contrary, I must assume that the Russian credits are what they were to be—a direct subsidy to the Cuban government. It is therefore my intention to offer an amendment to reduce U.S. assistance to Russia by $380 million. I regard this as a minimal step, given that the Cuban Democracy Act authorizes the cutoff of all assistance to any country that assists Cuba.

I would appreciate any concrete information you have concerning the Russian credits to Cuba. I know you share my concern for enforcing the Cuban Democracy Act and for ensuring that U.S. assistance does not facilitate aid to the Castro regime.

Sincerely,

CONNIE MACK.

THE SECRETARY OF STATE,
Washington, September 4, 1993.

Hon. CONNIE MACK,
U.S. Senate.

DEAR SENATOR MACK: Thank you for conveying your concerns regarding Russia's decision to provide $380 million of industrial credits to Cuba. You have raised an important and difficult issue. I certainly share your concern about the possibility that Russo-Cuban economic relations may still contain an element of assistance. There are several considerations which I urge you to bear in mind as you determine your approach to this issue.

The partnership we are constructing with Russia is critical to the national security of the United States, has great humanitarian import, and offers potentially enormous economic benefits to both countries. It also has produced very favorable results for our Cuba policy: a major cause of the Castro regime's acute distress is the fact that massive subsidies from Moscow have ended.

Reducing American assistance for Russian reform efforts could jeopardize these tremendous benefits.

You have indicated an interest in concrete information concerning the Russian credits to Cuba. It is our understanding that the bulk of the credits (approximately $350 million) are to complete projects related to the sugar industry. The Russians evidently believe that these investments will help ensure a steady supply of raw sugar. Russia requires raw sugar because it has developed its own processing industry; Cuba is the only bulk supplier of raw sugar that Russia has been able to locate. (At one point the Russians sought our assistance in locating other suppliers, but all the countries we approached prefer to market refined sugar.)

The remaining $30 million of Russian credits are for mothballing the nuclear power plant which had been under construction at Juragua. The Russian government, which is fully aware of our non-proliferation and safety concerns about the Juragua plant, has concluded that completion of the project is not feasible under present circumstances.

Russian government officials have assured us that the credit terms are at market rates and are stricter than similar agreements Russia has with other countries. We have no independent confirmation of these statements. However, even if we were able to obtain copies of the credit agreements, it might be difficult to state definitively whether or not the terms conformed precisely to market rates.

The Russians have told us very clearly that the Cubans will have to repay these credits. You referred to Cuba's June announcement regarding its international sugar contracts and expressed skepticism regarding repayment prospects. On June 3 Cuba declared 'force majeure,' citing storm damage, in announcing delays in fulfilling international sugar contracts. Russian officials have told us that Cuba has continued to ship sugar on time, and noted that in fact Russia has gotten behind schedule in its oil shipments. In my view, Russia has no incentive and scant wherewithal to give money to Cuba. I see no basis for assuming that the Russians do not expect repayment. The President is a strong supporter of the Cuban Democracy Act and will respond appropriately if there are sufficient grounds to determine that Russia or any other country is assisting Cuba.

Let me assure you that this Administration, from President Clinton down, takes the concerns you raised very seriously. The question is how best to ensure that Russia does not provide assistance to Cuba. I firmly believe that we are on the right track in building a cooperative relationship with Russia and communicating clearly our concerns on such matters. The President has done so in discussions with President Yeltsin, as have I with Foreign Minister Kozyrev. We will continue to stress the importance of this matter to the American people.

On the other hand, a reduction of assistance to Russia on the assumption that its credits to Cuba constitute a subsidy could be counterproductive, given that the Russians deny assisting Cuba and there is scant evidence to disprove them. Such a reduction in support for Russian reforms, founded primarily on an assumption about Russian intentions, could severely strain U.S.-Russian relations, thereby complicating efforts to address every issue on our bilateral agenda.

I hope that this has been responsive to your concerns, and I look forward to another opportunity to exchange views on this issue or any other.

Sincerely,

WARREN CHRISTOPHER.

Mr. MCCONNELL. Madam President, as I indicated, it is my understanding that the Mack amendment has been cleared on both sides.

Mr. LEAHY. The Senator from Kentucky is correct.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 943) was agreed to.

Mr. MCCONNELL. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 944

Mr. MCCONNELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] for himself and Mr. LEAHY, Mr. DOLE, Mr. BYRD, and Mr. STEVENS, proposes an amendment numbered 944.

Mr. MCCONNELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 92, following section (2), insert the following new sections.

(F) None of the funds appropriated by this or any other Act, shall be made available to any government of the New Independent States—

(1) if that government directs any action in violation of the territorial integrity or national sovereignty of any other New Independent State, such as those violations included in Principle Six of the Helsinki Final Act.

(2) Beginning 30 days after enactment of this Act, and every April 1, and September 1, thereafter, the Secretary of State shall report to the Committee on Appropriations of each House of Congress on steps taken by the governments of the New Independent States to achieve compliance with section (1). In preparing the report the Secretary shall consult with the U.S. Representative to the Conference on Security and Cooperation in Europe and the Assistant Secretary for Human Rights.

(G) None of the funds appropriated by this or any other Act for the New Independent States of the former Soviet Union shall be made available for any state to enhance its military capability, provided that this restriction does not apply to demilitarization or nonproliferation programs, or programs conducted under Section 565(a)(5) of this Act.

(H) It is the Sense of the Senate that at least one-third of the funds made available by this Act for the New Independent States of the former Soviet Union shall be provided to countries other than Russia.

Mr. MCCONNELL. For several months there have been reports of Russian officers and soldiers becoming involved in local border and ethnic disputes. Reports have ranged from the Russian military supporting separatist elements in Georgia, to their involvement in combat in Moldavia and Tadzhikistan. To be absolutely balanced and fair, it is unclear how much of this activity has been approved or directed by the leadership in Moscow. However, it is nonetheless troubling. Virtually all new independent states are struggling with economic and political crises.

Mr. LEAHY. Madam President, the Senate is not in order. This is an extremely important amendment.

The PRESIDING OFFICER. The Senator from Vermont makes a very good point. May we please have order so this debate may proceed. There will be order in the gallery. The Sergeant at Arms will restore order in the gallery. Conversations on the floor will desist so we may proceed with debate on this amendment.

The Senator from Kentucky.

Mr. McCONNELL. Madam President, virtually all the newly independent states are struggling with economic and political crises. The continued presence of Russian troops is seriously complicating the prospects for success. For example, we learned in the last few days the crisis in Georgia has escalated. SU-25 bombers have actually bombed targets inside Georgia.

Since the secessionist Ossetian forces do not have fighter bombers, one can only assume Russian field commanders are actively engaged in the war against the elected Georgian Government of President Shevardnadze. Additional information about President Yeltsin's role is murky, particularly since he is engaged in a battle of his own in Moscow, as we are all aware, and we all support him in his efforts. He has also had the added difficulty of housing and providing for troops returning from the Baltics and Europe, which is why we increased the administration's troop withdrawal program from $6 million to $190 million in this package.

But not being able to accommodate them at home should not be viewed as a license to freelance or promote trouble in other emerging democracies. Many of us recently received a letter from Georgian President Shevardnadze, pleading for help to safeguard democracy and stability in the region.

He wrote, and I will quote from his letter:

> My people have unequivocally opted for freedom and democracy and have taken important steps in that direction, including multiparty elections and a free press.

But President Shevardnadze believes Georgia's future is in danger because Russian troops are, in his words, "engineering a disaster."

I believe this amendment answers his plea. Aid is conditioned upon his respect for territorial integrity and national sovereignty. Congressional support for economic and political reform is not offered in a vacuum. We cannot afford to overlook destabilizing imperial ambitions.

I would like to believe President Yeltsin understands and shares this concern, since he has worked hard to assure good relations with all of Russia's neighbors. I consider this amendment a statement of support for those efforts and an opportunity to make an important contribution to peace, stability, and democracy in Georgia and in the region.

In summary, what we are saying by this amendment is our assistance to Russia is conditioned upon the respect for the territorial integrity of the newly Independent States. Quite simply, it is important that the newly Independent States be assured, as much as we can assure them, that the Russians are primarily interested in what is going on inside Russia rather than turmoil, tumult that may occur in the newly Independent States.

I am not aware of any opposition to this amendment. I think it is also supported by the chairman of the subcommittee, as I indicated earlier.

Mr. LEAHY. If the Senator will yield, I am a cosponsor, with Senator McCONNELL on this. I do support it.

I was moved by the very gripping letter that I received, as other members of the committee did, from Mr. Shevardnadze. I am concerned by the same things that concern the Senator from Kentucky, that these border clashes and involvement beyond the borders, into these Republics, can be the kind of destabilizing factor that could unravel the whole progress toward democracy in the NIS. And I think we have to be on record very clearly, what our position is.

Obviously, we are dealing with some of the foreign aid funds. That is a very clear way of expressing your concern. I join with the Senator. I urge the adoption of the amendment.

Mr. McCONNELL. Mr. President, if I may, I would like to thank the distinguished chairman of the Appropriations Committee as well for his support for this amendment. I am not aware of any other Senators who wish to speak on the amendment.

The PRESIDING OFFICER (Mr. KERRY). If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 944) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 945

(Purpose: To certify continued progress on Russian troop withdrawal from Latvia and Estonia)

The PRESIDING OFFICER. The Senator from West Virginia, the distinguished President pro tempore of the Senate, is recognized.

Mr. BYRD. I thank the Chair. I thank the chairman, Mr. LEAHY, and the ranking member, Mr. McCONNELL.

Since 1990, the Senate has repeatedly voiced its support for the independence of the Baltic nations of Latvia, Lithuania, and Estonia. When the Lithuanians took to the polls in 1990, they held the first multiparty election anywhere in the territory of the Soviet Union in 72 years. That election proved to be the precursor of a season of electoral change and was followed quickly by elections in Latvia and Estonia. These three tiny nations formed the vanguard of a movement that has now dramatically and irreversibly altered the international landscape. The Soviet Union no longer exists, and no matter how much they may wish for the old days of the Soviet empire, the nostalgic hardliners can never reconstruct that behemoth. We must not forget that the brave peoples of the Baltic nations set the pace of actions that brought down that illegitimate system.

But restoring their freedom and independence was not without cost. The Government of the former Soviet Union refused to let go of these nations, even after acknowledging that Stalin had illegally incorporated them into the Soviet empire during World War II. The Soviets instituted economic, political and military intimidation in a futile attempt to retain control of these countries. The Baltic nations refused to back down and made the ultimate sacrifice of human life when Russian troops tried to quell the tide of rising nationalism in early 1991. Is it little wonder that these nations desperately want to rid themselves of the last vestiges of Soviet domination, specifically the Russian troops still stationed on Baltic soil?

The Russian Government has consistently claimed that the primary reason for delaying the troop withdrawal is the lack of adequate housing and jobs for the soldiers returning to Russia. President Clinton has proposed, and this bill includes, a substantial program to assist in the construction of housing and repatriation of these troops. This claim by the Russians never constituted an acceptable excuse for keeping troops illegally in the Baltic nations, but I applaud the President for his initiative in trying to eliminate that situation.

We should remember that Boris Yeltsin, then President of the Russian Republic of the Soviet Union, first recognized the Baltic nations' independence in August 1991. This step constituted a bold and courageous act by President Yeltsin. To his credit, President Yeltsin has made significant progress over the last 2 years in reducing the troop levels. He should be commended for reaching an agreement with Lithuania, and for complying with that agreement on schedule. Since last fall, when the Senate passed the 1993 foreign operations appropriations bill, the overall number of troops in the Baltic nations has declined from 120,000 to about 23,000—4,000 in Estonia and 18,700 in Latvia—and the Russians have completely withdrawn from Lithuania. This drawdown has continued despite periodic threats from Russian officials that the withdrawals would be suspended and linked to other bilateral issues. The reduction of almost 100,000 troops is very significant and Mr. Yeltsin should be congratulated for achieving this over the strong opposition of nationalistic forces in Russia.

But with the current uncertainty about events in Russia, and the inability of the Governments of Latvia and Estonia to reach agreements with Russia on final withdrawal, it is just as important as ever that we keep attention focused on this issue. Therefore, I am offering this amendment to require the President to certify every 6 months that the Russians have either signed agreements and are abiding by them, or have continued to make "substantial progress" toward withdrawal. This is a continuation of a provision contained in the fiscal year 1993 Foreign Operations Appropriations Act. That provision required the President to certify, by June 1, 1993, that the Russians had made "substantial progress" toward withdrawal. The President made that certification based on the significantly reduced troop levels in the three countries. This amendment would require the same such certification every 6 months until the Russian troops have completely withdrawn.

The provision in last year's bill also called for withholding aid if the Russians had not reached an agreement for withdrawal, or had not completely withdrawn by October 6, 1993. Despite significantly reduced troop levels, the Russians still have not signed agreements with Latvia or Estonia, and probably will not do so by that deadline. This means that any fiscal year 1993 funds remaining obligated will be cut off. The State Department has informed my staff that this will be a fairly small amount. I think it is unfortunate that the Russians could not meet the deadline, but they have known for a year what the consequences would be.

Some might suggest that all U.S. assistance should be withheld until those agreements are in place. I think that the loss of funds from last year's act is entirely appropriate, but I also think that the very significant progress made over the past year warrants allowing the fiscal year 1994 program to proceed, as long as the President can certify continuing "substantial progress." This is a reasonable standard, worked out with Congressman Obey during the conference on the foreign operations bill last year, and one that will be a useful tool as the administration urges the Russians to finish their withdrawal. The complete cutoff of aid is a blunt instrument and likely to be counterproductive at this particular time. I intend this amendment to be helpful not counterproductive.

This amendment reaffirms the position of the Congress—the Russian troops illegally occupying Latvia and Estonia must be withdrawn. I think it is important for the Congress to continue to press, in whatever ways we can, for the complete withdrawal of those forces.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LEAHY, Mr. MCCONNELL, Mr. DOLE, Mr. DECONCINI, Mr. D'AMATO, Mr. RIEGLE, Mr. PRESSLER, Mr. SIMON, Mr. FORD, Ms. MOSELEY-BRAUN, Mr. HOLLINGS, and Mr. MCCAIN, proposes an amendment numbered 945.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . RESTRICTION ON ASSISTANCE FOR RUSSIA.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available by this Act (other than funds to carry out humanitarian assistance) may be available in any fiscal year for Russia unless the President has certified to the Congress not more than 6 months in advance of the obligation or expenditure of such funds that—

(1) the Government of Russia and the Governments of Latvia and Estonia have established a timetable for the withdrawal of the armed forces of Russia and the Commonwealth of Independent States, and all parties are complying with such timetable; or

(2) Russia and the Commonwealth of Independent States continue to make substantial progress toward the withdrawal of their armed forces from Latvia and Estonia.

(b) TERMINATION OF CERTIFICATION REQUIREMENT.—Subsection (a) shall remain in force until the President certifies to the Congress that all of the armed forces of Russia and the Commonwealth of Independent States have withdrawn from Latvia and Estonia or that the status of those armed forces has been otherwise resolved by mutual agreement of the parties.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the amendment. I think the Senate ought to be heard with its votes and its voice.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I have no objection if the managers wish to delay this vote until another rollcall vote, whatever is most convenient for the Senate.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, let me say to the distinguished chairman of the Appropriations Committee, this is an excellent amendment. I personally congratulate him for it. I would like to be added as a cosponsor. I understand the administration supports this approach.

Mr. BYRD. Mr. President, I ask unanimous consent the distinguished Senator [Mr. MCCONNELL], be added as a cosponsor of the amendment, and the distinguished chairman of the subcommittee be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I also thank the distinguished chairman for his courtesy in wanting to delay this vote, but I think we will go ahead with the vote because we are going through amendments fairly rapidly. I do want to complete this bill. I will suggest the absence of a quorum first.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment No. 945. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Pennsylvania [Mr. WOFFORD], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 1, as follows:

[Roll Call Vote No. 283 Leg.]

YEAS—97

Akaka
Baucus
Bennett
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone

NAYS—1

Nunn

NOT VOTING—2

Biden
Wofford

So the amendment (No. 945) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, again, so that people can understand where we are, we are making significant progress. We passed the Russian aid part, and we have done one of the major PLO amendments. We have significant other parts in this bill that have been completed.

Before the last vote, I had noted that immediately after that vote, I was going to yield to the senior Senator from North Dakota, who has a matter of some significance, and I think one that Senators would realize really does go into the area of personal privilege.

Mr. WARNER. Mr. President, if I may have the attention of the manager, I wonder if I could ask of the managers and my distinguished colleagues for the courtesy to speak for not more than a minute and a half about the amendment just passed.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senator from Virginia be recognized for a minute and a half, and at the completion of that time that the Senator from North Dakota [Mr. CONRAD] be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELCOMING THE SWEDISH-AMERICAN CHAMBER OF COMMERCE

Mr. WARNER. Mr. President, the Senate of the United States is honored today to have as visiting guests the Swedish-American Chamber of Commerce. We are pleased to have a large number of the leading citizens of Sweden visiting the United States. They are being hosted primarily by the former Swedish Ambassador to the United States, Mr. Wilhelm Wachtmeister, and others, and they are extremely interested, coincidentally, in the very amendment just acted upon by the United States Senate. And the strong affirmation of the U.S. Senate on behalf of the people of these Baltic States is a message that they will be very privileged to take back home and make known in their country.

We are happy to have them today. Several Members of the Senate will be addressing them. I was privileged to do so a short time ago.

I conclude by saying that the Senate welcomes this delegation. I ask unanimous consent that the Senator from Virginia be made an original cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I yield the floor.

CONDEMNING ARTICLE IN ROLL CALL REGARDING QUENTIN BURDICK

Mr. CONRAD. Mr. President, I ask for the attention of my colleagues. I came to the office this morning and was presented with a column from the Roll Call newspaper with the headline: "Was Senator Burdick a Communist Sympathizer?" The inside headline, Mr. President, said that the FBI found Burdick had ties to Communists.

Mr. President, this can be best described as a shameful and monstrous lie. The FBI is prepared to issue an apology to the family of Senator Burdick. But I think this deserves special attention.

First of all, Mr. President, Quentin Burdick was no Communist. That is indisputable. Anybody that knew Quentin Burdick, anybody that knew his history, knew that Quentin Burdick was a progressive who fought for the people of the State of North Dakota, without hesitation. But he was no Communist.

Mr. President, this article in the Roll Call publication says more about Roll Call than it says about Quentin Burdick. First of all, to publish this article, when Quentin Burdick is dead and gone and not able to defend himself, is shameful. It is shameful. And Roll Call ought to publish an apology to Senator Burdick's family immediately.

Mr. President, it is not just a matter that Senator Burdick is not here to defend himself; it also goes to the question of what is the proof that was offered by the FBI that tied Quentin Burdick to the Communists? What is the proof? Well, if you read the article, Mr. President, you find that the first bit of proof was that in 1944 an anonymous source told the Federal Bureau of Investigation—an anonymous source, mind you—that "Burdick had bought a 1-year subscription to a Communist newspaper." Well, there is proof that somebody is a Communist, that they had a subscription to a newspaper that the Communists put out.

Mr. President, first of all, there is no proof that he had such a subscription. There is an anonymous source. This, from the darkest period, perhaps in American history, when anonymous sources were used to smear people's good name and their reputations. An anonymous source said Quentin Burdick had a subscription to a Communist newspaper. No proof that he had the subscription to a Communist newspaper—just an anonymous source. Maybe he did have a subscription to a Communist newspaper. It would not be too surprising for a political figure in North Dakota to have a subscription to lots of different newspapers. The better to know what one's competition and adversaries were doing.

Beyond that, we have no assurance that his political opponents did not buy him a subscription to a newspaper. I have all kinds of subscriptions given to me. In fact, I have a subscription to this rag—Roll Call. And I am embarrassed by that.

I am profoundly embarrassed that I am on the list of Roll Call, who does not have any shame, any conscience, to put out this kind of trash about a man that is dead, with absolutely not a hint of proof. They ought to apologize to Senator Burdick's family, and they ought to do it today.

What is the next bit of proof that they offer that Senator Burdick had ties to the Communists? Well, they have another anonymous source—anonymous source—to destroy somebody's reputation with anonymous sources from 50 years ago. What kind of trash merchants are these that run this Roll Call publication? Have they no conscience? Have they no shame?

In 1946, an anonymous source said that Burdick's name appeared on a list of subscribers to the Worker. Well, there is proof. Another subscription in his name to the Worker.

What is the next item of proof that is offered to indicate that Quentin Burdick had ties to the Communist Party? Well, he attended the Progressive Citizens of America convention in Chicago. Well, there is real proof that he is a Communist. He attended a convention in Chicago—not of the Communist Party, but of the Progressive Citizens of America. You know, Quentin Burdick told me about being involved in those conventions.

He was there representing the North Dakota Farmers Union. Boy, there is a real radical group, the North Dakota Farmers Union, the broadest-based farm organization in the State of North Dakota.

He went to a convention at which they talked about fighting for farmers in this country, which was a lifelong passion of Quentin Burdick's.

The next item of proof is that in 1948 Quentin Burdick attended a Progressive Party convention that nominated Henry Wallace. Henry Wallace was the Secretary of Agriculture of the United States, Vice President of the United States, and Quentin Burdick represented an agricultural State, had supported the Roosevelt-Wallace ticket. That is no proof that anybody is a Communist. That is not even a hint that someone is a Communist.

What is the next item of proof that is offered in this disgusting Roll Call story? The report alleged that in 1945—now listen to this—Burdick attended a meeting at Fargo with several known Communist Party members.

Well, Mr. President, in the 1940's you could not go to a farm meeting in North Dakota that did not have some Communist Party members in attendance. There is no way that anyone in public life did not go to meetings with known Communist members. The Communist Party was an active participant in politics in those days.

Quentin Burdick was not a Communist. There is not a shred of evidence in this article that he was. In fact, they quote from J. Edgar Hoover himself who said, "Burdick has not been the subject of a security investigation by the Bureau, and our files do not reflect that he is a member of the Communist Party."

Mr. President, I think we really have to ask ourselves how low has journalism sunk in this country, how low has the Roll Call publication sunk to put this kind of story in the Roll Call paper of today?

There really are not words to describe that I can use publicly how I feel about what Roll Call has done, what I feel about their lack of responsibility, their lack of integrity, their lack of decency, their lack of fairness, and their lack of sensitivity.

But I would say Roll Call has reached a new low around here, and Mr. Glenn Simpson, who wrote this article, shame on you; shame on you. He says early in the article:

> The information was never made public. But if the findings had been revealed at the time—

Of course, there were no findings, an absolute absurdity.

> when cold war hysteria was rampant and guilt by association with Communists was a common tactic, they could have well led to the defeat of Burdick in his 1960 Senate bid.

Mr. President, this article is guilt by association. Was Quentin Burdick a Communist sympathizer? This is the rankest kind of guilt by association. It is the worst kind of media hype. It is the trashiest kind of tabloid journalism.

Shame on you Roll Call. You ought to apologize.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I would hope that if any Member of the Senate were to leave this body and depart this Earth and be slandered in the press, there would be those on the floor who would stand as eloquently as my colleague, Senator CONRAD, just has done to defend them.

I thought I had seen it all. One gets the feeling around here, with every new revelation, every new magazine, show on television, every new newspaper edition that you think it's gone as far as it can go. Then you open Roll Call and see this and you realize we have not found the bottom yet.

I have the same reaction as my colleague, Senator CONRAD. He has used most of the adjectives. I may now use a couple of them.

When I read the piece on Senator Quentin Burdick this morning, I called the new Director of the FBI, Louis Freeh. Recently appointed by President Clinton, Mr. Freeh is a refreshing new face at the FBI. I also talked to Floyd Clarke, the Deputy Director of the FBI, a steady hand who has been there for some time. He is a man in whom I have great trust.

They are a breath of fresh air at the FBI. These abuses would not happen under them, I am confident.

But what has happened here is that a newspaper has printed the results of the dark days of the FBI during which they collected information, gossip, rumors, innuendo, and stuck it in a file, potentially to be used as a form of political blackmail.

Mark Twain once said a lie travels halfway around the world before the truth gets its shoes on. He understood what he was talking about.

Senator Quentin Burdick served in this body for about three decades. I worked with him for a dozen of those years as a Member of the House of Representatives. Senator Burdick was tough, crusty, frugal, honest, and he fought like the dickens for things he believed in. And most of what he fought for was free speech, the rights for the average people, for the people who are impoverished, the people who are down and out, the people who did not have any friends in high places. He cast a lot of controversial votes when it was not popular to do so on civil rights and other key issues.

Now, on Thursday, September 23, 1993, we open a newspaper and it says, "Was Senator Burdick a Communist Sympathizer?" That headline is tough enough. Subhead: "FBI Files Obtained by Roll Call Reveal Late North Dakota Senator Was Found To Have Ties to CP."

On the next page the headline says: "FBI Found Burdick Had Ties to Communists."

Let me go back to the first part of the story for a moment.

In 1959, Senator Burdick had just been elected to the U.S. Congress, a major breakthrough. We had never had Democrats elected in North Dakota before. You could convene all the Democrats in that part of the country in a phone booth and still have a little room left. Senator Burdick went out and fought them all and took unpopular stands during elections, and in 1958 won—won a seat in the U.S. Congress. A year-and-a-half later in a special election, he won a seat in the U.S. Senate and served there until last year, when he died.

> A week after Burdick was sworn in to his first House term, FBI Director Hoover apparently ordered the Minneapolis bureau of the FBI to prepare a memo on Burdick's Communist ties "which will be suitable for dissemination."

What Communist ties? The ties my friend from North Dakota has just described, that some anonymous source said he had a subscription to a Communist newspaper. There was no proof he had a subscription. A mystery source just said he did. But even if he did it does not demonstrate the man is a Communist. This is the most outrageous bunch of trash I've ever seen. Senator CONRAD said it all and I guess I do not need to repeat it.

But you know, about the time I think we have found bottom in irresponsible reporting, I find that those who are bottom fishing have discovered there is a deeper bottom someplace.

When will all of it stop?

I got involved in public service because I am proud of doing this. And I know Senator Burdick was proud of it. To have this after he is dead is unthinkable. First of all, it is a lie. But, second, he is not able to defend himself.

Was there ever a story in 35 years about a midnight drive from Minot to Bismarck after a late meeting by people who are dedicated—that is the way people in here serve, it is the way Senator Burdick served.

I cannot tell you the nights we got in at 1 or 2 in the morning, stopping for a piece of pie in Sterling on the way. That is the way public service is. Yet everybody talks about perks and all the negatives, much of it untrue.

The fact is Senator Burdick served 35 years in that way in the House and Senate. How are you rewarded for that? Your memory is tarnished by this pack of lies, by a headline in a rag sheet that says "FBI Files Obtained by Roll Call Reveal Late North Dakota Senator Was Found To Have Ties to the Communist Party." "FBI Found Burdick Had Ties to Communists." Lies. All of it lies.

This probably builds somebody's profits. I hope they can carry wallets when they gather money that way. I think it would take a special kind of lack of moral conscience to carry a wallet around if you obtained money this way.

Let me make a couple other points. I indicated that I called the Director of the FBI this morning and said, "You owe the Burdick family an apology, Mr. Freeh. Not you, personally, but the FBI does."

Mr. Freeh is the new Director and, I think, a wonderful man and a breath of fresh air. He was not aware of this. But I explained to him what it was. And he said to me, "I think I agree. I am going to see if we can do even more than that."

This unfortunate event reflects the dark days of the FBI. There was a chapter of shame in the FBI.

Could there have been a story here? Yes, there could have been a story. Do you know what the story could have been and should have been, if somebody designed to want to take out these bunch of scurrilous lies from the bowels of the FBI? The story should have been about the dark ages of the FBI when it was collecting rumors and innuendo and trying to use it as an instrument of political repression in a democracy.

That sounds like Eastern Europe.

We have got a building downtown with J. Edgar Hoover's name on it. It ought to be taken off. There has been a discussion about that around here. That building ought not have J. Edgar

Hoover's name on it. His name ought to be removed. I do not care how it is removed. I assume you can chisel it out pretty quickly.

But why should we have the name of a Director of the FBI on a building when we see chapter after chapter of what happened in the 1940's, 1950's, and 1960's in the FBI.

This is supposed to be the best law enforcement agency in the world. It usually was, and it can be. But there was a dark chapter in its history and that is what this story should have been. If they designed to write a story, they should have written a story the way it should have been written about the FBI and the chapter of shame about what they did to innocent people in this Country.

Now, it is my hope that when this chapter passes and this newspaper is gone—and, after all, these are used to wrap fish in 24 hours later—that Senator Burdick will be remembered as a man who dedicated nearly 35 years of his life to serving the public interest.

He served with quiet dignity and strength and did the best he could for many, many years. Never asked for much. Never held many press conferences. Always used to say he was not a show horse, he was a workhorse.

In the end, Senator Burdick had enormous health problems, and yet he still served. Through it all, I remember last year coming over to this Chamber—and many of you in this Chamber remember him in this way—one night at midnight, as we were trying to wrap up some things. He was in his eighties, in failing health, but he was still on the Senate floor serving his State. And for that, his memory is tarnished by a pack of lies in a publication that does not know better. Well, I think knows better—knows that if you publish this, somehow you sensationalize to the point that you make more money.

My hope is that the Burdick family will get—and I expect they will get—from the FBI, the appropriate apology. At least the Director indicated to me this morning he thought that would be the case, and that they would try to do more.

My hope is this newspaper will take a look at these headlines and this information and decide they, too, owe Senator Jocelyn Burdick, the entire Burdick family, an apology for what they have done to the name of a wonderful public servant.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I will be brief.

I cannot really add much to the comments of my colleagues from North Dakota. But I think especially Senator CONRAD understands the reason that I rise to speak about these articles in Roll Call.

I think I came to know Quentin Burdick really quite well. I did not know him as well as Senator CONRAD or Senator DORGAN, but he reminded me a lot of my dad, who struggled when he was older. And so I made it my business to get to know Senator Burdick.

I began to realize how much of a teacher he was and how much I could learn from him.

Madam President, I want to say to Jocelyn Burdick, I want to say to the Burdick family, that in my office we have a big picture of Senator Burdick. He is a hero to me, because he had such a wonderful feel for people. He is a hero to me, because when I first came here—and I have told this story before—I was once rushing to go home on a weekend and he stopped me. He said, "Where you going, young man?" I liked it when he called me "young man." I said, "I have to go back to Minnesota." He said, "No, you have to stay here and fight for the people." He meant it.

I would just like to make it clear to this newspaper that picture of Senator Burdick will always be in my office, because he reminds me of the very best of public service. He reminds me of what it is like to be a Senator who really fights hard for what he believed in and for the people he represented.

These articles today in this newspaper remind me of the very worst abuse of journalistic license. This is appalling; it is unconscionable.

Senator DORGAN is right. Really the headline ought to have been about a very, very nightmarish period in the history of our country when we did not, as a nation, live by the rules which are established by the first amendment, which is the very essence of democracy. That is what this is about. The FBI—not now, but then—at its very worst.

Madam President, let me conclude this way. I speak also in memory of my father. My father was a newspaperman, and for part of my father's life he was an editorial page writer. I want to tell you, my dad, who was a Jewish immigrant, who fled Communist Russia, would have been outraged by this piece of trash, because my father, unlike this newspaper, understood the real honor of living in a representative democracy. And the real honor of living in a representative democracy is to respect the rights and dignity of people and not to engage in this kind of vicious ex post facto red-baiting, the very thing that I had thought we moved beyond long ago.

I apologize to Jocelyn Burdick and the Burdick family on behalf of this newspaper. I hope this newspaper will live up to a decent standard of journalistic integrity and apologize to the Burdick family, apologize to the Senate, and apologize to the people in this country.

I wonder if I can ask the distinguished Senator from Vermont, I now have an amendment I would like to send to the desk. I wonder if I can proceed?

QUENTIN BURDICK

Mr. LEAHY. Madam President, I note the statement made by my distinguished friends from North Dakota. I served with Quentin Burdick for more than 19 years. I am not, for the life of me, able to figure out what in Heaven's name was gained by this article. Is this a case, now, where this publication files a Freedom of Information Act request on 535 Members of Congress each year, to see if the FBI has anything on them? The U.S. attorney? And everybody else? Is this what we have come to? Is this what we have come to?

I have no idea how this is being carried out in North Dakota, but I feel very sorry for the other Senator Burdick, Senator Jocelyn Burdick, in this.

I have heard of slow news days, and things being blown out of proportion, but this goes beyond the pale. I can suggest motivations. I will not because that would be as stupid as some of the things done here.

FOREIGN OPERATIONS APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. LEAHY. Madam President, I suggest, with Senator WELLSTONE, the distinguished Senator from Minnesota, on the floor, that we go forward with his Haiti amendment at this time. I think it would be an appropriate time to go forward. And I know he has been waiting here some time to do it.

AMENDMENT NO. 946

(Purpose: Relating to restoration of democracy in Haiti)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. HARKIN, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 946.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 103, between lines 17 and 18, insert the following:

POLICY WITH RESPECT TO RESTORATION OF DEMOCRACY IN HAITI

SEC. (a) FINDINGS.—The Senate finds that—

(1) the Governors Island Accord signed in July 1993 calls for the restoration of democracy in Haiti, including a return of Haiti's duly-elected President Jean Bertrande Aristide;

(2) in the last 3 months, scores of Haitians have been killed or injured in politically-motivated attacks by paramilitary groups operating with the apparent complicity of Haitian security forces, and international human rights monitors have reported a greater increase in violence than at any time since the violent overthrow of President Aristide in 1991;

(3) officials of President Aristide's government have received death threats or have been otherwise threatened, harassed, and intimidated as they have attempted to exercise the duties of their offices;

(4) conditions in Haiti are forcing Haitians to flee their country in search of refuge;

(5) the exodus of Haitian refugees contributes to regional instability and threatens to overwhelm the ability of the United States and other nations to provide safe haven to these refugees;

(6) the recent acts of violence are completely unjustifiable and violate the spirit of national reconciliation embodied in the Governors Island Agreement;

(7) the United Nations sanctions suspended recently, after consultation with the United States and other nations, were suspended in good faith, in the full expectation that the terms of the Governors Island Accord would be executed faithfully by all parties in an atmosphere free of political violence, coercion, and intimidation;

(8) on September 17 the United Nations Security Council deplored the recent upsurge in violence in Haiti and said that if the Secretary General determines there has been serious and consistent noncompliance with the Governor's Island Agreement, the Council "will immediately reinstate those measures provided for in Resolution 841 appropriate to the situation, with particular emphasis on those measures aimed at those deemed responsible for the noncompliance of the agreement."; and

(9) on September 21, 1993, President Aristide called upon the United Nations to reimpose comprehensive sanctions on Haiti.

(b) POLICY.—(1) It is the sense of the Senate that the highest priority of United States policy toward Haiti should be to help restore democratic government there in an atmosphere free of violence and fear.

(2) The Senate—

(A) commends the President for condemning the violence in Haiti, and for his continuing vigorous efforts to convey to the Haitian security forces the United States' unshakable support for the interim government of Prime Minister Malval and the restoration of democracy there under the Governors Island timetable, as evidenced by a recent visit of high-ranking United States diplomatic and military officials to Haiti to discuss security and other issues with Haitian military officials; and

(B) urges the President-

(i) to consider immediate reimposition of United States-sponsored sanctions against the de facto military government of Haiti;

(ii) to consult on an urgent basis with other members of the Security Council to determine if a reimposition of United Nations-sponsored sanctions is now appropriate;

(iii) to provide all necessary support to expedite the arrival of United Nations police monitors in Haiti; and

(iv) to support the new Government of Haiti's efforts to identify and remove human rights violators from the Haitian security forces.

Mr. WELLSTONE. Madam President, I ask the names of Senator HARKIN and Senator MOSELEY-BRAUN be included as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. This amendment, which I believe has been approved on both sides, speaks to the events in Haiti. The amendment urges support of President Aristide's return, and urges the President to immediately consider reimposing sanctions on the de facto military government there, and to consult on an urgent basis with our Security Council allies regarding reimposition of U.N. sanctions as well. In the last 3 months, scores of Haitians have been killed or injured in politically motivated attacks by paramilitary groups operating with the apparent complicity of the Haitian security forces.

International human rights monitors have reported a greater increase in violence than at any time since the violent overthrow of President Aristide in 1991.

A prominent supporter of President Aristide, Antoine Izmery, was publicly and brutally assassinated on September 12, 1993. I think all of us read with much horror about his being dragged out of a Catholic Church called the Sacre Coeur and shot in the head. Numerous officials of President Aristide's government have received death threats or have been otherwise threatened. And, in light of all of this, I think it is important that the United States Senate today send a powerful diplomatic signal, a message, to those in the Haitian military who have defied the international community and President Aristide for years.

This amendment urges the President, first, to consider immediate reimposition of United States-sponsored sanctions against the de facto military Government of Haiti; second, to consult on an urgent basis with other members of the Security Council to determine if reimposition of U.N.-sponsored sanctions is now appropriate; and third, to provide all necessary support to expedite the arrival of United Nations police monitors in Haiti.

I cannot emphasize enough how important it is that we get those U.N. police monitors there as soon as possible. I speak about that with a sense of urgency.

Finally, the amendment urges the President to support the new Government of Haiti's efforts to identify and remove human rights violators from the Haitian security forces.

I am pleased both sides of the aisle have accepted this amendment. I introduced the amendment, I say to the Senator from Vermont, with a sense of history, with a sense of timing. President Aristide is scheduled to return to Haiti October 30. This is, I think, a very, very uncertain and troubling time. What we see right now happening in Haiti should concern us all. I think this is a very positive and very strong and very firm diplomatic signal we are sending on behalf of the people of Haiti's democratic rights, and with a hope that country can now move back to democracy and nonviolence.

U.N. sanctions were suspended just about 3 weeks ago, in good faith, in the full expectation that the Governor Island Accord would be executed faithfully by all parties in an atmosphere free of political violence and intimidation. But the renewed violence, on such a large scale, calls into serious question the Haitian military's commitment to the accords. This amendment sends the message, and I hope it is heard loud and clear in Port-au-Prince: The United States will act swiftly to respond to violence designed to derail the accords. Two days ago, President Aristide urged reimposition of U.S. and U.N. sanctions. We must respond to that call now, before it is too late.

Madam President, I ask unanimous consent to have printed several articles and a copy of a recent U.N. report into the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 19, 1993]

SAVE THE HAITI AGREEMENT

The Clinton Administration was proud to take credit for brokering a United Nations agreement in July intended to return President Jean-Bertrand Aristide to power in Haiti by Oct. 30. Finally, the Clinton team seemed to have gotten the knack of mixing threat and compromise in the right proportions to achieve diplomatic success.

Now the Administration needs to get tough again with the military and police leaders who are out to wreck that agreement by letting thugs murder and intimidate Aristide supporters during the final weeks of the scheduled transition.

State Department and U.N. warnings aren't enough. Without immediate moves to reimpose global economic sanctions and tough U.S. restrictions on the assets of Haitian leaders, the transition government will be paralyzed and President Aristide's return compromised.

Nobody expected the transition period to proceed smoothly. But few were prepared for the systematic targeting of Aristide associates and supporters that is now taking place.

Last weekend, plainclothes auxiliaries under police command raided a Roman Catholic memorial mass, dragging off and executing Antoine Izmery, a major Aristide financial supporter, while uniformed police looked on. During the next few days, armed men invaded Government ministries and issued death threats against transition cabinet members, U.N. observers and even the U.N. mediator, Dante Caputo. These terror tactics have already led the prosecutor investigating political violence to resign and forced the postponement of crucial National Assembly sessions after frightened legislators stayed away.

When the July agreement was being negotiated, Aristide supporters opposed the idea of leaving the commanders who staged the coup in charge while the transition government was set up. They relented after winning assurances that the U.N. stood ready to reimpose sanctions, if necessary, to make these officers abide by the agreement.

Those assurances are now being put to the test. A nonbinding Security Council statement Friday renewed the threat of sanctions, setting no deadline. That won't be enough. Toothless diplomacy didn't work in Haiti when the Bush and Clinton Administrations tried it for more than a year and a half after the coup. It won't work now. Unless the U.S. and other U.N. powers quickly back up their demands for effective, impartial law enforcement, Haitian democracy may not get a second chance.

[From the Washington Post, Sept. 20, 1993]

THE TASK OF PURGING HAITI'S ARMY

(By Kenneth Roth)

With ousted Haitian President Jean-Bertrand Aristide scheduled to return to power at the end of October, the Clinton administration's human rights policy faces a defining moment. Now that Robert Malval, Aristide's new prime minister, has taken office, the administration is poised to begin providing trainers and aid to the Haitian army.

Clinton officials say they want to "professionalize" a force that has been responsible for mass murder, torture and arbitrary detention since the September 1991 coup. But they have yet to insist that the soldiers behind these crimes be dismissed from the army and their abuses ended before the spigot of U.S. assistance is turned on. Whether President Clinton is willing to issue this demand will reveal the strength of the "democracy" that he says is the centerpiece of his human rights policy.

How best to reform an abusive military regime has been hotly debated for more than a decade. The Reagan and Bush administrations believed the solution lay in elected government—what they called "democracy." Because they saw elected government as the best guarantor of human rights, they opposed anything that might impede a quick transition from military rule, including efforts to establish accountability for the military's gross abuses.

But this willingness to disregard past human rights violations came at a cost, to the victims and their families, whose grievances were ignored, and to the new governments, whose efforts to build the rule of law were undermined by a precedent of impunity. Seeing no price to pay for their crimes, security forces in U.S.-backed "democracies" often continued to employ political violence, unchecked by the formal relinquishment of power. Moreover, with the emergence in recent years of such elected tyrants as Serbia's Slobodan Milosevic, it has become obvious that elections alone cannot protect human rights.

The Clinton administration took office trumpeting a more sophisticated approach to human rights protection. It, too, offered a "democracy" program, but it stressed not only elections but also the need to build democratic institutions, such as an independent judiciary, a professional corps of prosecutors and a law-abiding police force. But this program has yet to be put into practice. Haiti, with its murderous and recalcitrant army, provides the first tough test.

So far, the administration appears to believe that it can reform the Haitian army and its equally brutal police division simply by sending U.S. trainers and aid. The administration vows that no human rights abuser will receive U.S. training, but it has no practical plans to vet participants. Nor, like its predecessors, is the administration supporting efforts to hold military officials accountable for their abuses.

At a congressional hearing in July, Lawrence Pezzullo, the administration's point man on Haiti, argued that it should be up to Haitians whether to rid the army of abusive members. But since Haitians must deliberate under the barrel of a gun, that neutrality amounts to an endorsement of the status quo. Unless Washington exerts its considerable leverage, the army is unlikely to allow its mass murders to be purged, despite President Aristide's insistence.

The Clinton administration's apparent faith in the ability of U.S. trainers to transform an abusive military is profoundly misplaced. As similar efforts in El Salvador and elsewhere have shown, no message from the head of a classroom, no matter how eloquently delivered, will prevail over the lesson of impunity that is shouted each day that those responsible for murder and torture retain their official positions.

In Haiti, the task of purging the army is particularly urgent because violence is accelerating against Aristide supporters who dare to meet or demonstrate. The apparent goal of the soldiers behind this repression is to ensure that even if Aristide regains power, he will lack the organized backing he needs to proceed with military reform and to subject the army to civilian rule. If U.S. aid goes forward while this abuse continues, the U.S. government will become an accomplice in the army's violence while tacitly accepting its highly circumscribed view of Haitian democracy.

Training without accountability and an end to abuses is simply not enough to ensure respect for human rights. The long-term process of building democratic institutions will never succeed if, in the meantime, abuses are tolerated and abusers go unpunished. If his democracy policy is to merit the label, President Clinton should announce that no trainers or aid will go to the Haitian military until, at minimum, political violence ends and those responsible are dismissed from their posts.

[From the New York Daily News, Sept. 17, 1993]

GET TOUGH WITH HAITI'S THUGS

After briefly pretending to harbor democratic impulses, the Haitian military has returned to more normal inclinations: murder and intimidation. Six weeks before the planned return from exile of President Jean-Bertrand Aristide, the island nation is shadowed by violence. It's time for the United States and the United Nations to force the thugs to step down. . .

In a July agreement, the military promised to cede power to Aristide, who has duly elected and then driven from the country two years ago. So what has happened? Their killings have continued, culminating in the brazenly barbaric slayings last week of Antoine Izmery, a prominent Aristide supporter, and two others. Paramilitary murderers—members of the infamous "attaches" led by Port-au-Prince Police Chief Col. Joseph Michel Francois—dragged the three from a church service commemorating a similar massacre in 1988. They were made to kneel and were beaten before being shot point-blank. Only a few days before, attaches and uniformed police killed five people and wounded 30 during an installation ceremony for Port-au-Prince mayor Evans Paul.

The campaign of terror is crippling the move toward democracy. On Monday the prosecutor in charge of investigating killings and human rights abuses resigned after getting death threats. He'd been in office only two weeks as part of the civilian transition government. According to Prime Minister Robert Malval, other ministers have been threatened as well, and fear has kept the new information minister from going to work.

The July agreement, sponsored by the UN and signed by army commander Raoul Cedras, calls on the military to maintain law and order under Malval's civilian government, then to resign before Aristide's return Oct. 30. Under intense pressure, Aristide acceded to the deal, despite fears the military would use intimidation to hold on to power. His fears were clearly justified. Every day that Cedras, Francois and their cohorts continue their insidious work their influence over the country's institutions grows stronger.

The Clinton administration and the UN must make it clear that Haiti's military leaders have to step down now or face painful consequences. The accord contemplates an underserved amnesty for their past monstrosities. That can be take away, as can the financial rewards military leaders no doubt expect after their resignations. Finally, the economic sanctions and oil embargo, which forced the military to the negotiating table in the first place, can be reimposed. These choked Haiti badly, causing great public pain, but they worked. They could again.

UNITED NATIONS SECURITY COUNCIL,
August 26, 1993.

REPORT OF THE SECRETARY-GENERAL

1. The present report is a follow-up to the report dated 13 August 1993 (S/26297), in which the Secretary-General reiterated that, as previously stated in his report dated 12 July (S/26063), he would recommend to the Security Council that the sanctions it imposed by resolution 841 (1993) be suspended as soon as the Prime Minister of Haiti had taken office (S/26297, para. 12). In the same paragraph, the Secretary-General referred to the letter addressed to him by the President and the Security Council on 15 July 1993 (S/26085), stating that the members of the council confirmed their readiness to suspend the measures imposed by resolution 841 (1993) immediately after the ratification of the Prime Minister and his assumption of his functions in Haiti.

2. The Prime Minister-designate of Haiti, Mr. Robert Halval, was ratified by the Senate on 18 August 1993 and by the chamber of Deputies on 23 August 1993. He subsequently won a vote of confidence on his programs in the Senate on 24 August 1993 and in the chamber of Deputies on 25 August 1993. The process of confirmation of the Prime Minister-designate has thus been completed.

3. The Prime Minister of Haiti having assumed his functions, the Secretary-General recommends that the measures imposed by resolution 841 (1993) be suspended immediately.

4. The Secretary-General recalls that the suspension will automatically be terminated and sanctions reimposed if at any time he, having regard to the views of the Secretary-General of the Organization of American States, reports to the Council that the parties to the Governors Island Agreement or any authorities in Haiti have failed to comply in good faith with the Agreement. Some of the circumstances that would lead the Secretary-General to conclude that such a breach has occurred have been spelled out in paragraph 11 of his report of 12 July 1993 (S/26063) and in paragraph 8 of his report of 13 August 1993 (S/26297).

5. The Secretary-General further recalls that, immediately after the return of President Aristide to Haiti on 30 October 1993, he

will report to the Security Council with a view to the sanctions being lifted definitively.

UNITED NATIONS SECURITY COUNCIL,
August 25, 1993.

REPORT OF THE SECRETARY-GENERAL CONCERNING HAITI

1. The Governors Island Agreement, signed by the President of the Republic of Haiti, Reverend Father Jean-Bertrand Aristide, and the Commander-in-Chief of the Haitian Armed Forces, General Raoul Cadras, provides in paragraph 5 for "assistance for modernizing the Armed Forces of Haiti and establishing a new police force with the presence of United Nations personnel in these fields" (S/26063, para. 5).

2. As I indicated in paragraph 14 of my report to the Security Council dated 12 July 1993 (S/26063), it was my intention, following consultations with the Constitutional Government of Haiti, to put forward recommendations to the Council concerning United Nations assistance in the modernization of the Armed Forces as well as in the establishment of a new police force. In his letter to me dated 15 July 1993 (S/26085), the President of the Security Council informed me of the Council's readiness to take urgent action in this regard upon the presentation of my proposals. Pursuant to the receipt of President Aristide's letter of 24 July 1993 (S/26180, annex), I am now in a position to make the pertinent recommendations for the consideration of the Security Council. These recommendations, which are set forth below, are based on advice from Mr. Dante Caputo, the Special Envoy of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States (OAS), who has discussed them with the Constitutional Government. The "Friends of the Secretary-General for Haiti", namely Canada, France, the United States of America and Venezuela, have also made a valuable contribution in defining the recommendations in the present report.

ASSISTANCE IN THE POLICE SECTOR

3. Although the Haitian Constitution provides for a police force separate from the Armed Forces, at the present time the responsibilities of the Armed Forces of Haiti include both military and police functions. In accordance with paragraph 7 of the Governors Island Agreement, and paragraph 4 of the New York Pact of 16 July 1993 (see S/26297, annex), a law is to be adopted, on the basis of an emergency procedure, to establish a new police force. Paragraph 5 of the Governors Island Agreement calls for the presence of United Nations personnel to assist in its establishment. Pending the creation of the new force, President Aristide's letter of 24 July 1993 requested the United Nations to provide advice and assistance for the purpose of improving the functioning of the existing security forces, with particular reference to respect for human rights.

4. It is recalled that, at the request of President Aristide, an International Civilian Mission jointly staffed and funded by the United Nations and OAS was established in Haiti in February 1993 with the task of verifying respect for human rights and the eradication of all forms of violence. The civilian police personnel whose deployment in Haiti is recommended in accordance with the arrangements outlined below would benefit from the experience and information already obtained by the Mission in Haiti and would coordinate their activities as appropriate with that Mission, whose strength has now reached nearly 200 deployed throughout Haiti.

5. Pending adoption of the necessary legislation for the creation of the new police force, including the appointment of a commander-in-Chief of the Police by the President of Haiti, in accordance with the procedure set up in article 141 of the Haitian Constitution, United Nations civilian police would assist the Government in monitoring the activities of those members of the Armed Forces who are currently carrying out police functions. These civilian police would be known as United Nations police monitors. They would establish liaison at all levels of the Haitian police force in order to provide guidance and advice, monitor the conduct of police operations and ensure that legal requirements are met and police actions correctly executed.

6. The police monitors would strengthen the international presence in Haiti, demonstrating the international community's commitment to the restoration of democracy in that country. Their deployment would also help to discourage civil unrest during the delicate process of implementing the governors Island Agreement and the political accords contained in the New York Pact. This process has already begun and their deployment should start immediately after the new Prime Minister takes office (see S/26180, enclosure).

7. In consultation with the Government of Haiti, the United Nations would, at a later stage, assist in the establishment of a Police Academy and in the training of a new generation of police officers there. As police officers of the new civilian police organization assume their responsibilities, the United Nations police monitors would be progressively phased out.

8. For the purposes described above, it is estimated that a total of 567 United Nations police monitors will be required.

9. In order to perform their duties, the United Nations police monitors would require access to all information on the deployment of all personnel charged with civilian police functions, including control of civil disturbances, and would need to enjoy complete freedom of movement throughout Haitian territory.

10. The United Nations police monitors would also be entitled to hold discussions freely and confidentially with any person or group, including members of the Armed Forces performing police functions, of the new Haitian police force, of the Ministry of Justice and of other relevant components of the Haitian judicial system and to collect any information deemed relevant.

11. The United Nations police monitors would be entitled to submit recommendations regarding particular cases or situations and to make inquiries with the appropriate authorities regarding those recommendations. They would also institute a programme of information and education aimed at explaining the tasks entrusted to them and promoting an understanding of, and respect for, the new civilian police force.

ASSISTANCE FOR THE MODERNIZATION OF THE ARMED FORCES

12. As proposed in President Aristide's letter of 24 July 1993, it is further recommended that the United Nations provide assistance for a military modernization programme in the form of training teams and a unit of construction engineers. The training teams would consist of 12 trainers per team, with an average of 60 trainers being present in Haiti at any given time. The teams would be rotated frequently as training in one subject was completed and training in another began.

13. The teams would provide training in non-lethal skills for officers and non-commissioned officers, at the general staff, regional and unit levels. The programme would be phased to meet training requirements determined through coordination between the Chief of the United Nations Mission and the Government of Haiti. Its purpose would be to train Haitian soldiers in skills relevant to what will become their primary missions in accordance with article 266 of the Haitian Constitution as responsibility for internal security is transferred from the Armed Forces to the new civilian police force. It would thus include the development of military engineering capability (e.g. road-building, well-drilling) and skills in areas such as disaster relief, search and rescue, and surveillance of borders and coastal waters.

14. As a foundation for this training, the United Nations would work with the Haitian Government to develop a modern code of conduct, reform the military justice system, and improve the effectiveness of the Inspector General of the Armed Forces.

15. In addition to the training programme, a military construction unit, with a strength of approximately 500 all ranks, would be deployed to work with the Haitian military to carry out construction projects relevant to the modernization of the military and of benefit to the civilian population. These projects have been designed, in consultation with the Haitian Government, to give military personnel on-the-job training in relevant construction and engineering skills. They include:

(a) The construction of new barracks;
(b) The conversion to civilian use of military facilities no longer required by the Armed Forces in execution of their newly defined mission;
(c) The renovation of medical facilities;
(d) The repair of roads and drilling of wells in rural areas.

These projects would be completed within six to eight months. Additional projects might be developed if such was the wish of the Haitian Government.

UNITED NATIONS MISSION IN HAITI

16. The tasks described above would be carried by the mission to be known as "United Nations Mission in Haiti". This Mission would be under the command of the United Nations, vested in the Secretary-General under the authority of the Security Council. It would be headed in the field by a Special Representative of the Secretary-General, namely the Special Envoy who already oversees the activities of the international Civilian Mission and who would coordinate the activities of the two missions. The Special Representative would report to the Secretary-General on the United Nations Mission in Haiti. The civilian police component would be headed by a Police Commissioner reporting to the Special Representative. The military component, consisting of military trainers and a unit of construction engineers, would be headed by a commander who would also report to the Special Representative.

17. As regards the concept of operations, the United Nations Mission in Haiti would establish its headquarters in Port-au-Prince and sub-headquarters in different parts of the country as required for its operations. In order to carry out its functions, the Mission would, as already noted, need to have freedom of movement and communication and enjoy the other rights that would be necessary for the performance of its task. Its

> personnel would also have to be granted all relevant privileges and immunities under the Convention on the Privileges and Immunities of the United Nations. Should the Security Council decide to establish the Mission, it would be my intention to initiate consultations with a view to concluding a Status-of-Mission Agreement along the usual lines.
>
> 18. The personnel for the civilian police and military components of the Mission would be provided by the Governments of Member States at the request of the Secretary-General. They would use their national uniforms, with United Nations headgear and accoutrements, and would carry side-arms for their own protection.
>
> 19. I shall, as soon as possible, submit, in an addendum to the present report, a statement on the financial and administrative implications of the Mission described above, the costs of which are provisionally estimated at approximately US$ 37 million for an initial period of six months.
>
> 20. On the basis of the present report, the Security Council is recommended to authorize the establishment and immediate dispatch, as soon as the conditions set up in the Governors Island Agreement are met, of the United Nations Mission in Haiti for an initial period of six months. The duration of the Mission would be subject to periodic review, in the light of the progress achieved in the restoration of democracy in Haiti.

Mr. WELLSTONE. Madam President, I ask unanimous consent to add Senator BOXER as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Madam President, I also ask to be listed as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I do support the resolution. Yesterday I saw an administrative official was quoted in the press as saying the situation in Haiti is not as bad as some are saying. Balderdash. I wonder whether the scores of people who have been ruthlessly attacked and killed by the agents of the Haitian Army's policy feel that way. I wonder how Antoine Izmery, who was dragged out of mass by people who were obviously part of the security forces—dragged in front of the people who were at mass, in this Catholic country—who was brought out in the street and just shot to death as though he were some sort of rabid animal—I wonder how they would feel? I wonder how his family feels.

That situation is not as bad as it might seem? What is worse?

The fact is, the forces in Haiti who oppose the return of President Aristide are going to do anything, no matter how barbaric, to sabotage democracy in Haiti. It is not bad enough that some of the same oligarchy and some of the same forces of the police and military who have robbed this poor country, have sucked the lifeblood out of this country, have shipped millions of dollars into accounts all over the world while they are living in unparalleled and totally undeserved luxury—now they want to do more. We cannot let that happen.

I hope the administration will recognize, in this resolution, Congress' deep concern about the situation in Haiti, the need for forceful, immediate action by the Clinton administration to prevent further bloodshed in Haiti, and the collapse of the Governors Island accord. It goes beyond being obscene what is happening down there. This is so immoral; it is so long. How can the people who claim to be the leaders of this poor, impoverished, desperate little country treat their own country the way they do? Have they no sense of shame? Have they no sense of patriotism, even to their country? Have they no sense of humaneness—of humanness toward their fellow human beings? Apparently not.

Madam President, I am advised on behalf of the Republican side and Senator MCCONNELL, they are also prepared to accept this. I believe we should go ahead and accept this amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, I ask unanimous consent to be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. We simply have to be more sensitive to these kind of problems. Haiti is a country of desperate poverty, where they need every hope they can get. One of the reasons Haiti has not lifted its standard of living, it has had oppressive governments for so many years with Papa Doc and all the others.

I will add one person who cannot vote in the Senate, who would be here voting in sympathy, would be a citizen of Illinois, Catherine Dunham, now in her eighties, a marvelous citizen who has been interested in Haiti for a long time.

She lives in East St. Louis, IL. I am sure Catherine Dunham, if she were here, would be urging us to support this.

A SHODDY BIT OF JOURNALISM

Mr. SIMON. Madam President, while I have the floor, let me take 2 minutes to join those who commented on this article in Roll Call about our former colleague, Senator Quentin Burdick.

The heading of the story was: "Was Senator Burdick a Communist Sympathizer?" It is just, frankly, old-fashioned McCarthyism in this article. Newspapers and reporters can make mistakes just like Senators can make mistakes, and Roll Call has made a bad one here.

Let me summarize because the summary is under the picture of a young Quentin Burdick.

> Among the findings of the FBI: His name on a list of subscribers to the Worker—

Meaning the Daily Worker.

> his attendance at the 1949 Progressive Citizens of America Convention in Chicago, and his ties to Henry Wallace.

No. 1, the article says it is an anonymous source. It says he was a subscriber to the Worker. First of all, maybe that anonymous source is inaccurate. No. 2, maybe somebody else subscribed for him. Maybe he subscribed to find out what was going on. I subscribed for many years to the National Review, published and edited by William Buckley. That does not mean I agree with William Buckley on everything he has to say. That number one contention is absolutely ridiculous.

His attendance at the 1949 Progressive Citizens of America Convention. There were Communists in that organization. I am old enough, unlike the Presiding Officer, to remember those days vividly. There was an active Communist minority within the Progressive group. But most of them were good, decent, humanitarian citizens.

Then finally, his ties to Henry Wallace. No one seriously suggests, as they read the history of Henry Wallace, that Henry Wallace was a Communist. Did he associate with some Communists in his effort in 1948 when, fortunately, Harry Truman won? Yes. But Henry Wallace was Vice President of the United States, Secretary of Agriculture, a great corn researcher, a great humanitarian. I had the privilege of meeting him a couple times. I suppose because I met him a couple of times, I had ties to Henry Wallace.

It is just absolutely ridiculous, something like that, and to do this—if they want to do it to you or me, Madam President, let them do it. Quentin Burdick is dead. He cannot even speak for himself.

I just think it is a shoddy bit of journalism. I wanted to add that.

FOREIGN OPERATIONS APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. LEAHY. Madam President, I noticed the Senator from Colorado was on his feet.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, I simply want to mention that the amendment has been cleared on our side and there is no objection.

HOPEFULLY DAYS OF McCARTHYISM ENDED

Mr. BROWN. Madam President, I will add a word as well that, hopefully, the days of McCarthyism have ended. I certainly agree with the Senator from Minnesota that this kind of activity is deplorable.

I might also add, though, that I view as McCarthyist and disdainful not only the incident that he has described. Equally disdainful is the covert operation at the State Department where State Department employees have been checking the background files of 161 Republicans in apparent violation of the Privacy Act. It appears McCarthyism extends even to this administration. In my view, both are to be condemned.

FOREIGN OPERATIONS APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 946) was agreed to.

Mr. LEAHY. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, unless there are further amendments, I am ready to go to third reading.

Mr. PRESSLER addressed the Chair.

Mr. LEAHY. I yield to the Senator from South Dakota.

AMENDMENT NO. 947

(Purpose: To restrict funds to pay voluntary contributions to the United Nations until an independent inspector general is established within that organization)

Mr. PRESSLER. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself and Mr. HELMS, proposes an amendment numbered 947.

Mr. PRESSLER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 103, between lines 17 and 18, insert the following new section:

PROHIBITION ON VOLUNTARY CONTRIBUTIONS TO THE UNITED NATIONS

SEC. 579. (a) PROHIBITION.—Two-thirds of the aggregate amount of funds appropriated or otherwise made available by this Act for United States voluntary contributions to the United Nations and its specialized agencies shall be withheld from obligation and expenditure until a certification is made under subsection (b). The President may provide the remainder of such funds, which are not subject to withholding, to such United Nations projects and programs as the President determines to be in the national interest.

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the President to the Congress that—

(1) the United Nations has established a permanent, independent inspector general with responsibilities and authority similar to that of the offices of Inspectors General authorized by the Inspector General Act of 1978;

(2) the office described in paragraph (1) is carrying out internal audits and investigations of United Nations operations, remedying any irregularities found by such audits, and establishing a system of cost-based accounting; and

(3) the United Nations has established a system allowing for the review of internal audits by representatives of the permanent members of the United Nations.

(c) DEFINITION.—For purposes of this section, the term "United Nations operations" includes any program, project, or activity conducted or supported, in whole or in part, by the United Nations or any of its specialized agencies.

Mr. PRESSLER. Madam President, on behalf of myself and Senator HELMS, I have sent this amendment to the desk.

The amendment I am offering is very simple: It requires that two-thirds of our voluntary contributions to the United Nations be withheld until the President certifies that the United Nations has established a permanent, independent inspector general, as well as a system for review of internal audits by member nations.

I am sure my colleagues will agree that this is a tough amendment. It is tough. Some may say too tough. But it is necessary. It is necessary if this Congress finally is to take a stand against the rampant waste, fraud, abuse, and outright thievery that takes place at the United Nations.

Last Sunday, the television newsmagazine "60 Minutes" aired a scathing report on the U.N.'s runaway gravy train. This report is the latest and most visible example of the growing worldwide media and public interest in U.N. mismanagement. In the last few months, I have talked with reporters from England, Germany, and Japan. U.N. mismanagement is a page one story. It is about time. Madam President, I ask unanimous consent that several of the most recent articles on U.N. mismanagement be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 15, 1993]

REVEALED

(By Nick Rufford, Ian Burrell, and David Leppard)

The United Nations is losing an estimated Pounds 270m each year more than three-quarters of Britain's annual contribution because of corruption, waste and mismanagement, an investigation by The Sunday Times Insight team has discovered.

Evidence of widespread financial abuse within the world's largest international bureaucracy comes as the row grows over its role in Operation Irma, the trouble-ridden evacuation of wounded refugees from Bosnia.

The disclosures will fuel international criticism of the UN and its refugee agency. Last week, the UN High Commissioner for Refugees (UNHCR) was accused of incompetence and red tape in its handling of Operation Irma.

As estimated Pounds 1m has so far been raised in public donations for Operation Irma. But aid agencies are angry that hundreds of times that amount has already been squandered by the UN this year.

The abuses typify the UN culture "talking poor by day and living rich by night", said Dennis Goodman, a former American delegate to the UN in New York. Goodman said that during his time at the UN headquarters, "I felt that we did nothing not one thing to help put a square meal on anyone's table".

While the organisation appeals for tens of millions of pounds in donations, senior UN officials enjoy perks and career expectations that would be unthinkable to most employees in the private sector.

Among the abuses at the UN, Insight has discovered:

A senior UN official, in charge of supplies to millions of refugees in Bosnia and Africa, set up secret companies with a British-based businessman to whom he approved UN payments of more than Pounds 9m. Following Insight's investigation Romani Urasa was last week suspended from his job as chief of supply and transport at the UNHCR, pending the outcome of an internal inquiry.

Thirty-nine top UN officials in New York, Geneva and Vienna are on the payroll despite being unemployed. Dubbed "desk warmers", some sit at home on salaries of up to Pounds 100,000 a year.

Millions of pounds are paid out to "double dippers", retired UN officials who are paid consultancy fees on top of their generous pensions.

A UN internal report into corruption and inefficiency by Richard Thornburgh, a former UN under-secretary general, was suppressed and later shredded. Thornburgh, a former American attorney-general, appointed last year to root out waste in the UN, said: "There are a number of senior people who have no assignment and yet there is no capability to terminate these people's jobs."

As chief of transport and supply, Urasa reported to Sadako Ogata, the UNHCR chief. Until his removal he controlled a Pounds 100m budget for distributing food, medicine, clothing and other equipment to the world's 18m refugees. He played an important role in the UN airlift of supplies to Sarajevo, and is responsible for sending supplies to aid workers and refugees in Bosnia.

Insight's three-month investigation has drawn on thousands of pages of UN internal reports, and interviews with more than 20 top UN officials in New York, Geneva, and London. It has exposed the organisation as being paralysed by corruption, mismanagement and waste.

Internal audit reports reveal an alarming pattern of abuse. In the last two-year period alone, Pounds 540m has been squandered, one former senior UN official said.

Critics say the Pounds 7-billion-a-year organisation must be reformed. They have demanded that Boutros Boutros-Ghali, the secretary-general, introduce new auditing procedures.

Jeffrey Clark, deputy director of the Refugee Policy Group, an international agency helping refugees in Bosnia, said: "At the very moment when the UN needs to persuade people and governments to spend more on expanded operations, its credibility is undermined by waste, mismanagement, ineptitude and pure stupidity."

From its foundation in 1945, the UN has grown from an organisation of 1,500 people to a bureaucracy of more than 51,600, with a further 9,600 consultants employed by its agencies. Its expenditure in the two years 1989–1991 reached nearly Pounds 10 billion. Britain's contribution last year exceeded Pounds 350m.

Among those who tried in vain to stop the waste was Alan Keyes, a UN assistant secretary until 1987, who objected to heating equipment in the underground garage at UN headquarters in New York. "I thought it was a waste of money to worry about keeping cars warm when the people we are meant to be looking after could not even afford cars," he said.

[From the New York Times, Aug. 15, 1993]

TALK POOR BY DAY

(By Nick Rufford, Ian Burrell and David Leppard)

Neelam Merani is living high off the hog. The 52-year-old United Nations official spends his days relaxing on the sun-drenched terrace of his luxury apartment in Geneva, overlooking the city's lake. At night he and his Swiss wife, Esther, do the round of elegant parties on the UN's international cocktail circuit.

The Pounds 100,000 salary that supports the Meranis' comfortable lifestyle includes a special allowance to cover the high cost of living in the Swiss city. Merani no longer works, but his salary continues to be paid out of UN funds.

Two years ago Merani, an Indian-born UN career official who joined the organisation in London in 1964, was moved from his position as head of a UN campaign to raise global awareness of natural disasters. Grandly titled the International Decade for Natural Disaster Reduction (IDNDR), the project was part of the UN's refugee programme.

But a year after its launch in 1990, the IDNDR was dubbed the "disaster decade" by critics who accused its secretariat of waste, mismanagement and inefficiency. In one year alone the campaign spent half its Pounds 1m income on salaries and staff travel.

Merani was blamed, he says unfairly, for the failure. Some in the UN unkindly nicknamed him the "master of disaster". He was moved sideways to the World Meteorological Organisation (WMO), which studies weather patterns. Later he was told to go home on "special leave" and await further orders. Although he still lists his occupation in the Geneva directory as "UN fonctionnaire", he has not been asked to lift a finger for the UN since.

Merani's bosses at UN headquarters in Geneva decline to discuss his case. They have drawn a veil over his existence. They say he has "left" the UN and is no longer on its payroll. But Merani insists he is still being paid.

Merani is one of at least 39 UN staff 15 professionals and 24 general service employees who are retained on full salary without having a real job. Officially known as supernumeraries, they cost the taxpayers and donors who fund the UN an estimated Pounds 2m a year.

Critics say Merani's position and that of other supernumeraries, nicknamed "desk warmers", demonstrates how millions of pounds that should be earmarked for relief supplies and peacekeeping efforts is spent instead supporting a vast and uncontrolled bureaucracy.

Dick Thornburgh, a former American attorney-general, appointed last year to root out waste in the UN said: "There are a number of senior people who have high positions and no assignment and yet there is no capability to terminate these people's jobs."

Internal audit reports reveal an alarming pattern of abuse, mismanagement and greed which has become endemic in the organisation. In the last two-year period alone, pounds 540m has been squandered, one former senior UN official said.

Money which the public might assume was destined for the needy in drought-stricken or war-torn areas has instead been spent on projects that have nothing to do with aid or peacekeeping.

At a time when the organisation is appealing to member countries and the public for tens of millions of pounds in voluntary donations, senior UN officials continue to enjoy generous benefits, perks and job-for-life expectations that would never be tolerated outside.

The hub of the UN's international operations, and the root of most of its problems, is a monolithic 38-story office complex overlooking the East river in Manhattan, New York.

Here, 14,000 permanent staff are attached to the UN Secretariat and its dependencies. Their job is to service the principal UN organs the general assembly, the security council secretariat and the economic and social council which shape UN policies and administer its programmes.

When it was founded in 1945 to promote a new world order after the second world war, the UN employed just 1,500 people.

Yet 48 years later it has become a bureaucracy run wild, employing more than 51,600 people internationally with a further 9,600 consultants employed by its agencies. Total spending by the UN for the two years ending in 1991 has mushroomed to nearly Pounds 10 billion. Britain's contribution last year exceeded Pounds 350m.

Facilities at the UN's headquarters reflect the lavish lifestyles of many of its senior officials. They include a gourmet restaurant, an expensively furnished bar and a lounge exclusively reserved for UN delegates. There is even a meditation room.

Alan Keyes, a UN assistant secretary until 1987, was overruled in his objections to the installation of expensive heating equipment in the underground garage. "I thought it was a waste of money, to worry about keeping cars warm when the people we are meant to be looking after could not even afford cars."

Some of the worst losses, according to the UN's own audit reports, are in programs designed to help the most disadvantaged people. In a statement to a UN financial committee in 1991, the United States expressed grave concern over "the seriousness and number of cases of fraud and presumptive fraud" in the office of the UN High Commissioner for Refugees (UNHCR), the agency set up to help the homeless in countries hit by disaster, famine and war. "Large amounts have been embezzled by UNHCR staff," the statement said.

Western taxpayers who foot the UN's Pounds 7 billion-a-year bills may be reassured by the familiar images of blue-bereted peacekeeping troops on the front line and aid workers feeding hungry children. The reality, according to its growing critics, is that the organization has become a runaway gravy train.

One of those on board was Jean-Pierre Hocke. In 1989, he abruptly resigned as head of the UNHCR after he was accused of using Pounds 300,000 from a UN fund for entertainment and first-class air travel for himself and his wife. Hocke admitted flying first class but denied wrongdoing. While Hocke, a Swiss national, spared no luxury on himself, he urged his staff to forgo all but the most essential missions, explaining that the UNHCR was Pounds 25m in debt.

Hocke had already been criticized for running the UNHCR in an authoritarian and inefficient manner. On one occasion he ordered the destruction of all 138,000 copies of the UNHCR's magazine, Refugees, at a cost of thousands of pounds. He claimed that one article was too critical of the German government and might sour his planned visit there.

Before Hocke left, a confidential American State Department document noted: "If he doesn't change, Hocke will only further discredit himself with the traditional donor governments and further pollute the air with the negativism which already swirls around the UNHCR."

Hocke was never accused of fraud. Despite the circumstances surrounding his departure, he kept his UN pension, believed to be about Pounds 100,000 a year and was not asked to refund any of the money.

In another scandal that the UN has tried to cover up, Shinga-Vele Lukika, the former UNHCR special representative to Uganda and Djibouti, in the Horn of Africa, was forced to resign in 1991 after widespread financial abuses were discovered in his offices.

While Lukika, a Zairean national, oversaw relief operations in Uganda, food aid worth Pounds 250,000 disappeared from a warehouse on orders bearing his signature. Grain valued at Pounds 160,000 also vanished. Finally, more than Pounds 300,000 worth of UN vehicles were sold or given away.

An internal UN investigation found numerous financial irregularities involving food aid, procurements, exchange rates, agency property, a construction project and use of an agency aircraft. UN auditors finally totted up more than Pounds 2m in losses from Lukika's relief operations. But Lukika had powerful friends in the UN's Africa hierarchy. Instead of being sacked he was moved to another senior UN post, in Djibouti.

Soon afterwards, a further Pounds 450,000 in UN funds went missing, much of it apparently paid to companies that did not exist. When Lukika was finally forced to resign, he was denied his severance pay. UN chiefs nevertheless allowed him to keep his pension.

This weekend, as the UNHCR is caught up in the row over Operation Irma, the plan to evacuate seriously wounded victims of the civil war in Bosnia, it faces a further scandal.

Sadako Ogata, the UNHCR chief, has moved one of her most senior officials to other duties after an investigation by The Sunday Times Insight team into his business dealings with a British entrepreneur.

Romani Urasa, head of the agency's supply and transport division, is now co-operating with UN chiefs who are investigating his links with Mohamed Adel Gawish, a Leicester company director. Gawish, 45, is a close friend of Urasa and one of a favoured group of UNHCR-approved contractors which has supplied millions of pounds worth of goods to the refugee agency.

Until the start of the internal inquiry last week, Urasa was responsible for authorising lucrative purchase orders from Chancel International, a Gawish company that supplies equipment for UN refugee camps in Africa. In one month this year, Urasa signed purchase orders to Chancel for more than $1m (Pounds 670,000) worth of tents, sleeping mats and eating utensils destined for UN refugee camps.

Yet Urasa failed to disclose to his superiors at the UNHCR that he had helped Gawish set up private businesses in the British Virgin Islands and Tanzania.

On one occasion, Tanzanian-born Urasa allegedly paid Pounds 4,000 to a business consultant to establish a company for Gawish in Dar es Salaam. The company, Celection Shipping, was registered in May to deal in UN and other relief supplies to Africa. Urasa was later repaid the money by Gawish.

Documents show that in January, Gawish's company was temporarily blacklisted by the UNHCR over a shipment of 14,000 sleeping mats sent to Gawish to refugee camps in war-torn Sierra Leone. The mats were thought to be defective. Gawish later agreed to forgo payment.

On another occasion, Gawish sent a consignment of sports T-shirts to Somalian refugees with "National Team" emblazoned on them. Urasa has told the UN inquiry that he realised he had made an "error of judgment" and had severed private links with Gawish.

Critics say such cases typify the self-interest, profligacy and lack of proper financial controls that are rife throughout the UN. "Many senior UN officials talk poor by day and live rich by night," said Dennis Goodman, a former American government delegate to the UN. He says many of the "fat cats" have created an opulent lifestyle for themselves, insulated from the plight of those whose suffering they should be working to alleviate. Salaries and payoffs at the top of the organisation now outstrip those in many multinational companies.

"I have heard this expression, talk poor by day, live rich at night. But I would say the truth was we lived rich by day and lived rich at night," said Keyes. Another former American delegate said: "I felt that we did nothing not one thing to help put a square meal on anyone's table."

Boutros Boutros-Ghali, the Egyptian-born secretary-general of the UN, runs his multibillion-pound empire from a penthouse office on the 38th floor of the New York headquarters.

When he first came to office in January last year, Boutros-Ghali, Bou-Bou to his friends, announced a wide-ranging programme of reforms to dismantle the UN's top-heavy bureaucracy. During a visit to UN offices in Geneva a few months later he was shocked to discover the true level of squandering and overmanning. "I went (to Geneva) and I was (verbally) attacked," he remarked. "There are thousands of staff. Half of them do no work."

But the Pounds 150,000-a-year secretary general has continued to tolerate questionable "Spanish" practices among his colleagues. These include "double dipping", a term for UN officials who retire only to be re-employed on handsome consultancy fees to supplement their generous pensions.

One "double-dipper" is Virendra Dayal, an under-secretary-general at the New York headquarters. Dayal was the subject of controversy in 1990 when Western governments blocked his application for the post of high commissioner of refugees amid allegations of cronyism against Perez de Cuellar, then UN secretary-general.

Last year, after his Pounds 100,000 post as chief of staff to the secretary-general was abolished in a cost-cutting move, Dayal was given a Pounds 300,000 payoff. But like many of his peers, Dayal found he could count on his network of UN contacts to avoid immediate departure. Boutros-Ghali reappointed him as "special adviser". Dayal was paid Pounds 30,000 to write a report on peacekeeping. He later became special envoy to South Africa.

Another of Boutros-Ghali's advisers is Victor Sukhodrev, formerly the personal interpreter of Mikhail Gorbachev, the Soviet president, and special adviser to Perez de Cuellar on Soviet affairs. Although Sukhodrev passed retirement age last year, he has been kept on as a "special assistant" to Boutros-Ghali at a fee of about Pounds 80,000 a year.

Such "double dipping" pervades the upper ranks. Brian Urquhart, a former under-secretary-general, resigned in 1984 and began claiming his full pension. But he was offered a lum-sum, tax-free payment of Pounds 300,000 to work as a "special political affairs adviser" for just one year.

Urquhart, who comes from a family of prominent English socialists, sees nothing wrong. "I don't see why people who retire after a long and honorable career shouldn't later be taken on temporarily as consultants."

Last year Boutros-Ghali asked Thornburg, a UN under-secretary-general, to assess the "integrity, efficiency and cost-effectiveness" of the organization. Thornburgh investigated the "continuing practice of awarding costly 'consulting' contracts to high-level officials following their retirement or termination of services". He uncovered the stranglehold of the "old boy network" over appointments on the top floor in New York.

But Thornburgh's campaign for reform ended in bitter failure last March. A controversial appointee, he was accepted into the UN only on the understanding that the United States would pay its backlog of UN contributions. He proposed that corrupt, incompetent or inefficient employees be sacked and a new central auditing procedure be set up. He demanded the creation of a new post of inspector general * * * But when he left those plans went with him.

"The United Nations now is almost totally lacking in effective means to deal with fraud, waste and abuse by staff members," he reported. "The chronically fragmented and inadequate structures for audit, inspection, investigation and programme evaluation are currently so ineffective that time and again we have been called on to create ad hoc teams to carry out investigations into allegations of serious wrongdoing."

Thornburgh's report was personally requested by Boutros-Ghali. But it did not even produce an acknowledgement slip. "It was suppressed," said Thornburgh. "Remaining copies were confiscated and in some cases shredded. This is the kind of shoot-the-messenger mentality that inhabits the upper levels of the (UN)."

Another former top UN official believes its unchecked growth has contributed to financial mismanagement: "It started off as a nice neat edifice and then bits and pieces got built on to it all over the place. Finally you could hardly see the original structure at all."

The UN has more than 50 agencies and 100 committees and special ad hoc bodies, known by an alphabet soup of acronyms that few outsiders comprehend. They include the UPU (Universal Postal Union) and WIPO (World Intellectual Property Organisation). The institutions are scattered across the world, sometimes, it seems, for no other purpose than to give UN member states a UN agency of their own.

There is a United Nations University in Tokyo; a UN International Research and Training Institute for the Advancement of Women in the Dominican Republic; and the UN Special Representative for the law of the Sea in Jamaica.

A plethora of UN regional "economic commissions" in Ethiopia, Jordan, Chile, Thailand and Switzerland employ more than 2,700 people and cost Pounds 190m every two years.

As the UN has mushroomed, critics say it has lost its way. In 1984, at the height of the famine, it set aside Pounds 50m to build the economic commission in Ethiopia at a time when private relief agencies were desperate for funds to feed the starving. Nine years on, with costs over Pounds 70m, the project remains unfinished. Further delays mean the building will not be completed until 1995.

Many see the UN as a giant paper mill, driven by civil servants who measure their output by written reports. A labyrinth of committees produces esoteric studies which do little but gather dust on shelves.

The titles on the UN's latest publications list include: "The science and praxis of complexity: the findings of a UN sponsored symposium which explored the subject of interdisciplinary and real life complexities in the social sciences".

Another paper, entitled "Imperialism: the Permanent Stage of Capitalism", contends that imperialism not hunger or disease is the most important problem facing the world. "This work undertakes a critique of established liberal, radical and Marxist approaches to the subject," it announces.

Earlier this year, the UN Department for Human Rights issued its latest Human Rights Yearbook for 1986. Production delays meant it was seven years too late.

In a scathing attack in June, Madeleine Albright, the United States permanent representative to the UN, said: "Tens of millions of pages of translated documents will be issued this year, some on the most arcane of subjects, and most will sit on someone's desk unread or be placed in other appropriate receptacles."

Some departments exist only to promote special years or decades such as Merani's disaster decade. The UN's Outer Space Affairs Division, based at the New York headquarters, spent 1992 promoting International Space Year.

One of the worst examples of abuse followed the decision by Perez de Cuellar in April 1988 to appoint Hans Hoegh, a one-time Norwegian florist, as his special representative to raise funds for the promotion of the UN Decade of Disabled Persons. Hoegh's office spent Pounds 1m in two and a half years on "running expenses". The UN's own board of auditors stated: "No substantial funds have been raised for projects under the auspices of the United Nations. The objective * * * was not met."

This year is the Year of Indigenous Peoples, organised by the UN's indigenous peoples' unit. Staff at the Geneva offices have produced brochures and laid on a year-long timetable of international conferences for UN delegates. Last February, during the warm New Zealand summer, the International Conference for Indigenous Women was hosted by the Maori Women's Welfare League in Christchurch.

Last week, UN delegates travelled to Hawaii for 10 days of "para-tribunal land struggle" hosted by the International People's Tribunal of Hawaii. Geneva will this week host a conference of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change. Later this year delegates will gather from around the world in Arequipa, Peru, for the first Congress of Indigenous Intellectuals.

UN officials rarely fly economy class, a policy endorsed by Perez de Cuellar, who was concerned about "the cramped conditions, excessive noise and inadequate service".

When Michael Irwin, a former director of the UN-affiliated World Bank, suggested colleagues follow his example in saving money by not travelling first class, he was admonished by other UN staff. One member told him: "Your (plan) will be seen as a gift to the bean-counters and the USUK budget bashers."

Travel costs in 1992-93 are estimated at more than Pounds 25m for the UN secretariat alone, a figure that excludes millions more in travel spending by the dozens of agencies. A recent audit found that air tickets bought by the UN for employee home visits from an in-house travel agency were up to 55 percent more expensive than elsewhere.

The lack of accountability at UN Geneva, home of the IDNDR and the UNHCR, and the city that inspired Frankenstein's monster, has astonished even the UN's own board of auditors. In a report last year after a rare visit, they comlained: "(In UN Geneva) major reviews of budgetary and financial controls have not been executed for years." The auditors discovered that the United Nations Disaster Relief Organisation (UNDRO), which supervised the setting up of Merani's IDNDR disaster decade, was not audited at all.

The chiefs of some autonomous UN agencies rule their fiefdoms like autocrats, answering to nobody. In countries that receive their aid, they are treated as visiting dignitaries. The enormous power and budgets they wield are reflected in the palatial style of their headquarters, usually located in the most fashionable European cities.

The Food and Agriculture Organisation (FAO) occupies a six-storey marble building and annex near the Colosseum in Rome. The UN's biggest specialised agency employing more than 7,700 people, it has been run by Edouard Saouma, of Lebanon, for 18 years. One third of its two-yearly budget of Pounds 860m, donated to end world hunger, is spent in Rome.

The United Nations Educational, Scientific and Cultural Organisation (Unesco) is run from plush headquarters in Paris. In the 1980s, the United States and Britain withdrew funding after Washington noticed that 80 percent of its regular budget was spent on its head office, including a penthouse for Frederico Mayor, its director-general.

In Geneva, the International Labour Organisation (ILO) is set in landscaped grounds with an artificial lake against the picturesque backdrop of the Alps. Founded when global trade unionism was a worthy ideal, the ILO's budget has expanded to Pounds 268m a year, paying for the upkeep of 39 offices around the world and 3,054 employees, of which some 2,000 are permanent.

Its three main objectives are the "promotion of the advance of democracy", the "fight against poverty" and the "protection of working people (by) improving conditions of work life". One former UN official remarked that if the ILO were to close down tomorrow, nobody would notice the difference, except its own employees.

The UN Conference on Trade and Development (UNCTAD) is yet another Geneva agency. Its principal objective is to boost Third World trade. Yet in one year it spent 10 times as much on its offices and staff as it did on "encouraging economic co-operation among developing countries".

But even the spending of these self-perpetuating and self-protecting bureaucracies is dwarfed by the huge bills for peacekeeping operations. As well as longstanding blueberet campaigns in Cyprus and Palestine and more recent operations in Iraq, Somalia and Bosnia, the UN has committed 19,500 troops, 1,020 bureaucrats and a budget of Pounds 1.2 billion to Cambodia.

Some argue that the money is well spent. But since the UN has no effective audit system there is no way of really knowing. The arrears on the UN's regular budget and peacekeeping accounts now exceed Pounds 1.6 billion. Judging from the level of waste at individual UN agencies, it is likely that at least 10 percent of peacekeeping funds is squandered.

Last month, after UN auditors checked the Cambodian operations, eight senior UN officials were suspended. They were later dismissed because of alleged irregularities in contracts for hiring of helicopters.

Boutros-Ghali said last month that the UN faces an unprecedented financial crisis. He now accepts that some parts of his organisation are inefficient and overmanned. "(We need to) restore discipline in an organisation where the laisser-aller and fragmentation are widespread," he said.

At his home by Lake Geneva, Neelam Merani continues to enjoy the prosperous lifestyle of the UN career diplomat. Last week he denied incompetence. He pointed to a report by the UN's board of auditors which suggests that it is not him, but the whole UN system, which is to blame for the absurdity of his predicament. "The reasons for placing the staff member on special leave were not disclosed," the report said. "The board is of the opinion that United Nations funds have been wasted."

"I thought I was doing the best job I had ever done," Merani told friends. "I was told simply to sit at home until further orders. I am still a permanent official of the UN. I am paid through the payroll. Yet nobody calls me up and says "do this or that' and I haven't pursued it terribly much myself. It is just politics in the UN, isn't it?"

U.N. CREATES NEW POST TO INVESTIGATE WASTE

(By Andrew Katell)

UNITED NATIONS.—Addressing repeated complaints of U.N. waste and mismanagement, Secretary-General Boutros Boutros-Ghali on Tuesday created a new post to police the way U.N. money is spent.

Mohamed Aly Niazi, a fellow Egyptian and U.N. insider who had previously been in charge of internal U.N. audits, was appointed to take charge of the new watchdog agency.

Asked whether such an insider could be objective, spokesman Ahmad Fawzi told reporters Niazi is expected to take a "responsible and zealous look" at management problems. But a congressional critic blasted the move as "window-dressing." Sen. Larry Pressler, R–S.D., said in a statement the investigator lacks the authority and independence to do a good job and will be using "the same personnel, the same bureaucracy that has been part of the U.N.'s serious mismanagement problems."

The United States, the biggest contributor to the U.N. budget, has complained for years that the United Nations is poorly equipped to investigate corruption, waste and mismanagement.

It has been pressing for appointment of an inspector general, similar to the post found in many U.S. federal agencies. Niazi will be called Assistant Secretary-General for Inspections and Investigations.

Boutros-Ghali said that although Niazi will start his job Sept. 1, creation of a higher-level post with broader authority will not be proposed until the fall of 1994.

Boutros-Ghali assumed office two years ago with pledges to reform the sprawling bureaucracy, which employs more than 50,000 people worldwide.

The Clinton administration wants to show wary members of Congress it is taking a tough line against waste and corruption at the United Nations, to increase support for Washington to pay $786 million in outstanding regular and peacekeeping U.N. dues.

Pressler has drafted legislation to withhold some of U.S. voluntary contributions unless the administration certifies that a permanent, independent U.N. investigator is appointed and conducts regular audits.

"The American taxpayer needs to be assured that his dollars are not being stolen or needlessly wasted by the U.N.," Pressler said.

Among the problems facing the United Nations is an investigation into alleged irregularities in bidding for helicopter contracts for U.N. peacekeeping. Eight top U.N. procurement officers have been suspended.

[From the Washington Times, Sept. 20, 1993]

FINANCIAL WOES THREATEN U.N. MISSION

(By Victoria Graham)

NEW YORK.—Once the Cold War ended, a world in turmoil began dialing up the United Nations like 911, summoning mediators, peacekeepers and good Samaritans to the rescue. But the emergency line may soon go unanswered.

The 48th General Assembly convenes tomorrow as the United Nations hunkers down for a spell of limited ambitions, short of both money and political will.

The world body faces its gravest financial crisis ever. The United States and some other governments among the 184 members remain delinquent in paying assessments, and Secretary-General Boutros Boutros-Ghali warns his cash on hand will last only into early October.

The U.N. Security Council, meanwhile, is wavering before the world's most glaring affront to peace—the civil war in Bosnia-Herzegovina—and would be hard-pressed to take on new challenges.

"This is a watershed for the U.N.—a time of promise and peril—but the decisions lie largely with the member states," said Edward Luck, president of the U.N. Association of the United States, an advocacy group that sees both great possibilities for the United Nations and chronic problems in management.

"The U.N. can't work miracles, and whether members provide the cash and support its needs is dubious," he said in an interview.

Combatting charges of mismanagement has become a major preoccupation of the U.N. leadership.

"There is fraud, waste and abuse in any big organization," said Richard Thornburgh, the former U.S. attorney general who stepped down this year as a U.N. undersecretary-general. "The question is what you do about it, and precious little is done at the U.N."

The budget troubles have been building for years.

The regular U.N. budget is about $1 billion a year, and annual spending on peacekeeping—a separate budget—has ballooned to an estimated $3.5 billion. As of Aug. 31, arrears by member states totaled $839 million for the regular budget and $1.08 billion for peacekeeping.

Of that, U.N. statistics show, the U.S. Government owes $517 million to the regular budget and $261 million to peacekeeping. Russia and Japan are next in delinquencies. Some point out that the overall U.N. shortfall of approximately $2 billion equals the cost of a single American B–2 stealth bomber.

The U.S. government had been paying off its U.N. arrears the past three years as part of a five-year program. But Congress has not appropriated funds to pay arrears after October—a sign of wobbling commitment.

In another sign of the anti-U.N. feeling in Washington, the House of Representatives last week narrowly voted down a $10 million appropriation to help pay for a U.N. peacekeeping command and control center in New York.

Mr. Thornburgh, who left his U.N. post six months ago, has delivered a scathing report on U.N. management practices, calling the budget process "surreal" and saying the organization seems unwilling to get rid of incompetent staff.

He cited "overstaffing, deadwood . . . and lack of good middle management." He said that the world body lacks the proper means to investigate and punish fraud, and that an independent inspector general's post should be established.

Mr. Boutros-Ghali has stopped short of that—instead bringing back a retired U.N. auditor and fellow Egyptian to look at allegations of impropriety. He has also promised that U.N. restructuring will not cost anyone a job.

In the peacekeeping area alone, problems include the purchase of eight times as many vehicles as necessary for the Cambodia operation, the wrongful diversion of supplies from warehouses, and allegations that contract awards for helicopter service were biased.

Financial straits have forced Mr. Boutros-Ghali to order cuts in travel and in hiring temporary help and to limit meeting hours and translation and documentation services. Officials say the cash shortage may mean no mid-October paychecks for U.N. staff.

Mr. Luck of the U.N. Association said charges of abuse should be put in perspective. The U.N. budget is "tiny," he said. "The U.S. government probably wastes more in one day than the U.N. does in one year."

"We are going through a transition period," said Melissa Wells, an American who succeeded Mr. Thornburgh as U.N. management chief. "It is difficult to adjust from having done things in one way to doing them in new ways and funding them on a sustained basis."

She said new demands being made in peacekeeping and other areas show that member governments "see a very active and important role for the U.N. in the future."

But relative successes in the peacekeeping arena, such as in Cambodia, are mixed with setbacks—as in Angola, where a U.N. peace plan failed to disarm the combatants and a civil war reignited, and particularly in the former Yugoslavia and Somalia.

In Bosnia, the world organization's humanitarian mission has managed to save many lives with food and medical relief, but the Security Council has lacked the consensus needed for decisive action to end the war. It has not even been able to deploy the soldiers needed to protect what it itself declared to be "safe areas" for threatened Muslims in Bosnia.

Mr. PRESSLER. Madam President, in roughly 13 minutes, "60 Minutes" documented what I have known for years: the United Nations suffers from serious financial irresponsibility. For example, the United Nations peacekeeping operation in Cambodia has been a diplomat's dream, but an auditor's nightmare. Consider the following:

When awarding contracts for helicopters, the United Nations shunned cost-effective bids in favor of more expensive, but preferred clients;

Scores of vehicles and equipment were bought but never used;

U.N. vehicles and equipment were stolen by the Cambodian Government—some of those stolen articles resurfaced in the open market;

Water purification systems were purchased, but do not work;

U.N. auditors recommended the dismissal of two U.N. personnel for misconduct, but no action has been taken against them; and

The United Nations inadvertently purchased 850 minibuses that were never needed for the operation. The United Nations is now struggling to find other uses for them—a waste of $10 million.

The examples I have described demonstrate that U.N. mismanagement is seriously out of control. Yet, according to Melissa Wells, the U.N. Under Secretary General for Management, confidential internal audits of the U.N. operation in Cambodia have uncovered far more abuses beyond those I have just cited. Think of that for a moment—as disturbing as the examples I have described are, the United Nations chief management officer says we have just exposed the tip of the iceberg.

I am sure many of us would like to see those internal audits. I certainly would. I have requested to view a number of audits, but my requests are ignored. Even if the President himself requested to view the internal audits, he could not see them. Why? U.N. rules prohibit representatives of the member countries to review confidential audits. Think of that—the single largest contributor to the United Nations is not allowed to see how its money is being managed or, more appropriately, mismanaged. That must change.

The "60 Minutes" team pointed out other examples of U.N. mismanagement in New York. Mike Wallace uncovered evidence that the United Nations was publishing reports of events years after the fact. For example, a 1986 Human Rights report was not published until 1992. Mr. Wallace also found that the U.N. Public Information Office could do without 700 of its 1,000 employees if it instituted cost-effective automation. Yet, no U.N. official has the authority to institute any reorganization plan that results in the reduction of U.N. personnel, regardless of how much time and money it would save. That too must change.

Consolidation is one of the many reforms that is sorely needed in the United Nations. Melissa Wells' predecessor, former Attorney General Richard Thornburgh, wrote a blistering report of the U.N. management fiasco. Was the Thornburgh report welcomed? No, the U.N. leadership shredded it. Mr. Thornburgh found that the United Nations has numerous bureaus, commissions, and agencies with overlapping or duplicative functions. For example, there are three different U.N. offices in Rome just to deal with food. There are reports of unauthorized staff—U.N. deskwarmers. There are reports of retired U.N. personnel who are hired back as consultants and receive both a consultant fee and their pensions. And just recently, the Secretary General hired a special representative to manage the U.N. golden anniversary. Yet, the position and salary—approximately $140,000 per year net of taxes—was never approved by the General Assembly. That too must change.

The United Nations has no system to monitor cash flow. No U.N. official could tell us how many people are on the U.N. payroll. However, whatever the number is, it is above the amount authorized by the U.N. General Assembly.

Now we are learning that the United Nations is in a financial crisis. Monday's Washington Times reported that the United Nations "faces its greatest financial crisis ever." Should we and other member nations come to aid the United Nations in this crisis. Absolutely, but only if it cleans up its management shop first. The United Nations can do plenty to save money. It can streamline its administration. It can dismiss unauthorized staff. It can dismiss staff who are found to have committed waste, fraud, or abuse. It can eliminate duplicative or unnecessary bureaus, agencies, or offices. In short, the United Nations can tighten its belt a few notches and channel those savings where needed.

However, the United Nations seems prepared to trade in its belt for an elastic waistband. The Secretary General's proposed U.N. operating budget for 1994–95 calls for an 11-percent increase over the current year, including a 20-percent increase in travel expenses. Keep in mind, this is the United Nation's normal operating budget. It does not include the budget for peacekeeping. Both the operating budget's amount and the growth rate exceed the levels authorized by the 47th General Assembly. As a result, the United States is required by law to withhold 20 percent of funds appropriated for our assessed U.N. contributions.

Just to be fair, the United Nations has proposed several measures aimed at coping with its cash-flow problem. However, these so-called economy measures are reductions in services that amount to savings of no more than $5 million per year—a very meager amount for an institution that spends $10 million per day. Further, according to Monday's Washington Times, the Secretary General has pledged that any reorganization would not result in the reduction of U.N. personnel. Is this reform? I think not.

Finally, I have serious concerns that our financial obligations to the United

Nations will be increased fraudulently. Permit me to explain. Under its own rules, the United Nations operates a separate fund to finance administrative costs in direct support of peacekeeping activities. These funds are included as part of the U.N. peacekeeping budget. The United States is obligated to pay 31.7 percent of the U.N. peacekeeping budget, compared to our obligation to pay 25 percent of the regular budget. The Secretary General has submitted a proposal for the General Assembly to allocate $32 million for administrative costs for peacekeeping through the end of 1993. I have learned that most of the proposed expenditures have nothing to do with peacekeeping.

Madam President, the Secretary General's proposal has far-reaching implications—if successful, I have no doubt it will lead to a larger effort to shift regular budget expenses to peacekeeping. This would force the United States to pay 31.7 percent of the costs rather than at the 25-percent regular budget rate. Thus, the U.N. leadership is pulling a fast one on the American taxpayer by artificially inflating our financial obligations to the United Nations.

Madam President, I could keep going and going. If I stood here and detailed all the examples of the mismanagement, the waste, the outright thievery at the United Nations, I would outdo the Energizer Rabbit. However, I have made my point, the United Nations is the world's policeman, but it has not the resources or the will to police itself. The United Nations is home to the world's most distinguished diplomats, but it lacks an undiplomatic, distinguished, tough-minded inspector general to clean up the U.N. financial act.

That is the bottom line. The United Nations is in need of reform now. The United Nations can begin reform by establishing a permanent, independent inspector general. I understand that the U.N. leadership does not find tough fiscal management very exciting. U.N. personnel are there to participate in the grand world of diplomacy, not the grubby world of balance sheets. I fear for the repercussions if we continue to allow the United Nations to turn its back on sound management practices. I fear that the United Nations distaste for management will cause the American taxpayer to have a growing distaste for the United Nations. As I told Mike Wallace, I fear that once the American taxpayer learns of what is going on in the United Nations, the credibility of and support for the United Nations will suffer as a result. More and more Americans are learning of U.N. waste, fraud, and abuse. Now they are looking to us as their representatives in Congress to do something about it.

I am here to do something about it. I am here to do something about it because I support the United Nations. I twice served as a congressional delegate to the United Nations, including service just 1 year ago. I served on the U.S. Commission to improve the effectiveness of the United Nations, along with my good friend from Rhode Island, the chairman of the Foreign Relations Committee. Though the Commissioners had differing opinions on many subjects, the entire Commission strongly believed the United Nations needed a tough, independent inspector general. I believe in the United Nations. I believe that the United Nations represents one of our Nation's most sound, cost-effective foreign policy investments. My problem is not with the United Nations as an institution. My problem is with the U.N. leadership. My frustration would not be so strong if I did not believe in the United Nations itself.

I also recognize there have been other attempts to withhold funds for the United Nations to achieve reform. Most recently, the Senate passed the State Department appropriations bill, which would withhold U.N. arrearage payments of no more than $44 million until an inspector general is established. I commend my good friend from New Mexico, Senator DOMENICI, for attaching that provision in the bill. Frankly, more should be withheld. We already withhold an amount that exceeds $44 million annually in order to achieve relatively minor administrative reforms. These current withholdings have not had the desired effect. We need to be tougher. To withhold only arrearages would be like trying to stop a charging elephant with a baseball bat—we will bruise the United Nations, but we will not stop mismanagement in its tracks.

Some will argue that we are making political hay of the United Nations. Some have stated that the United States is full of waste, fraud, and abuse, and Congress should not be pointing fingers at the United Nations. Yes, waste occurs in our Government. The difference is we have independent inspectors general to investigate fraud, and punish wrongdoers. U.S. attorneys can indict any one of us here in Congress for violating the law. Not one U.N. official has that kind of authority. When asked by Mike Wallace when was the last time a U.N. employee was fired for fraudulent or illegal activities, the U.N. chief management officer could not answer the question.

Some also will argue that this amendment would hurt very needy programs and projects within the United Nations. I disagree. These programs are being hurt now. Every dollar that is wasted, embezzled or stolen is a dollar taken away from projects like UNICEF. It is about time we withhold a significant portion of those funds until we know they will be put to good, unwasteful use. If we pass this amendment, all the United Nations has to do to receive full funding is to get its house in order. The reform ball will be in the U.N. court. That is where it should be. Let us pass them the ball by passing this amendment.

Some also will claim the United Nations is cleaning up its act. Some may point to the recent appointment by the United Nations of a so-called inspector general. If any of my colleagues believe this, I have some monuments for sale here in town real cheap. I urge my colleagues to take a look at the fine print on this so-called inspector general. The office is only temporary. It is not independent. It uses the same resources that have failed to accomplish management reform. And to top it off, the person appointed to fill this so-called inspector general position is a two-decade veteran of the runaway U.N. gravy train and is a friend of the Secretary-General. This is not reform. This is merely window-dressing. It is a feeble attempt to assuage the concerns and silence the critics in the United States.

Madam President, it is very unfortunate that we have to take punitive action. I feel we have little choice. The U.N. leadership refuses to take seriously our requests for a tough inspector general with teeth. We have tried diplomacy. We have tried friendly persuasion. My friends, the United Nations is paying little, if any, attention to its largest contributor. Our words have received little notice.

I have little doubt that if the Senate passes my amendment today, the U.N. leadership will sit up and take notice. It is about time that the single largest contributor to the United Nations exercise its ultimate leverage. Yes, it has come to that. Our obligations to the United Nations will continue to grow. The U.N. responsibilities will continue to grow. It is time for the United States to take a step back and insist on the United Nations to police itself with the same vigor and commitment it applies when it polices the world. I urge my colleagues to adopt the amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Madam President, I rise today——

Mr. LEAHY. Madam President, could I just make one inquiry.

Is this an amendment or is this to be a sense-of-the-Senate resolution?

Mr. PRESSLER. This is an amendment that is at the desk, Madam President.

Mr. LEAHY. I understand.

Mr. BYRD. Madam President, who has the floor?

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. BYRD. Will the Senator yield briefly without losing his right to the floor?

Mr. BRADLEY. I am pleased to yield without losing my right to the floor.

Mr. BYRD. Madam President, does the Senator address the same subject?

Mr. BRADLEY. No.

Mr. BYRD. I thank him for yielding. I will not take more than a few minutes.

Madam President, I commend the Senator from South Dakota for his leadership on this issue. I know that he worked to include a provision on the Commerce, State, Justice appropriation bill to encourage the creation of an independent, effective Inspector General for the United Nations.

The Senator is on exactly the right track with his efforts. The United Nations desperately needs true oversight in the form of an Office of Inspector General with all the attributes normally associated with such a position. Undersecretary General Dick Thornburgh suggested creating this office as the centerpiece of his U.N. reform proposal. More recently, the U.S. Mission to the United Nations, under the able leadership of Ambassador Madeleine Albright, has tried, without success, to prod the United Nations into creating this office. Providing adequate review and oversight through an Inspector General would represent an important first step to putting a very messy house in order at the United Nations, and the United States, as its largest contributor, should insist on at least this most basic reform.

However, consideration of this issue would be more appropriate when the Senate considers the State Department authorization bill sometime later this year. That bill includes the authorization for the general assessment for overall U.N. funding. I think the Senator from South Dakota would agree that it would be preferable to attach such an amendment to that funding rather than the voluntary contributions for the specialized agencies contained in this appropriations bill.

Madam President, if the Senator would withhold his amendment, or if he has already offered it, withdraw it, at this time I would like very much to work with him to draft a proposal that we could both support on the authorization bill. I think it might be more effective.

Mr. PRESSLER. I thank my colleague, the distinguished President pro tempore. I know he has made a real contribution on this subject.

I want to clarify a few points. Am I correct in stating that though the Senator from West Virginia supports the substance of my amendment, he would have to oppose it because it is being offered on an appropriations measure?

Am I also correct in stating that the Senator from West Virginia would be willing to join in the effort for perhaps even a tougher measure if he so wishes on the authorization bill?

Mr. BYRD. I would be certainly willing to do so, be happy to do so. I would suggest that our staffs—and the distinguished Senator thinks well of our staffs—in the meantime work together to develop such an amendment.

Mr. PRESSLER. With that understanding, I would be willing to withdraw the pending amendment, knowing that sometime in the near future I would be offering a similar, if not tougher, amendment with the distinguished President pro tempore and the distinguished ranking member of the Foreign Relations Committee.

However, I have another amendment, a sense of the Congress, which states that the U.N. Secretary General should immediately establish a permanent, independent inspector general, as well as a system of review of internal audits.

I have shared this amendment with my friend from West Virginia and my friend from Vermont. As I understand it, my colleagues are prepared to accept this amendment. We will then offer an inspector general amendment similar to the measure just withdrawn on the State Department authorization bill and seek a rollcall vote on that.

Is that acceptable?

The PRESIDING OFFICER. I would remind the Senator from South Dakota that the Senator from New Jersey has the floor and he yielded to the Senator from West Virginia for the purposes of a statement.

Mr. BYRD. Madam President, if I might have the further indulgence of the distinguished Senator from New Jersey for the moment, yes, I would be very happy to. I hope the Senator will withdraw this amendment.

Mr. PRESSLER. I wish to withdraw this amendment and send my sense-of-the-Congress amendment to the desk and have that agreed to on both sides.

Mr. BYRD. Yes.

I hope the Senator from South Dakota will add my name to that sense-of-the-Senate amendment.

The PRESIDING OFFICER. Is there objection? If there is no objection, the amendment is withdrawn.

The amendment (No. 947) was withdrawn.

AMENDMENT NO. 948

(Purpose: To express the sense of the Congress with respect to establishing an independent inspector general within the United Nations)

Mr. PRESSLER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself and Mr. BYRD, proposes an amendment numbered 948.

On page 103, between lines 17 and 18, insert the following:

STATEMENT OF POLICY ON THE UNITED NATIONS

SEC. . It is the sense of the Congress that—

(1) the Secretary General of the United Nations should—

(A) immediately establish a permanent, independent inspector general with responsibilities and authority similar to the offices of Inspectors General as authorized by the Inspector General Act of 1978, and that such office should carry out internal audits and investigations of United Nations operations, remedy any irregularities found by such audits, and establish a system of cost-based accounting; and

(B) establish a system allowing for the review of internal audits by representatives of the permanent members of the United Nations; and

(2) the President and the Congress should pursue measures as are necessary to achieve the reform goals referred to in paragraph (1).

Mr. PRESSLER. Madam President, I want to commend the Senator from West Virginia for his leadership and for his cosponsorship of this amendment.

I ask unanimous consent to place additional materials in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HON. LARRY PRESSLER, SUPPLEMENTAL VIEWS FROM THE REPORT OF THE U.S. COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

The end of the Cold War and the rise of democracy from the ashes of communism have prompted the United States to re-evaluate its strategic, military and foreign policy goals and the apparatus designed to achieve them. Worldwide, the post-Cold War transition has not been without bloodshed. Regional conflicts and ethnic tensions are on the rise. Desert Storm, Operation Restore Hope and UNOSOM II in Somalia, and UNPROFOR in the former Yugoslavia demonstrate the post-Cold War conflicts may require multilateral intervention. As a result, the role of the United Nations has taken on increased importance.

There are difficult tasks ahead for the U.N. and its member nations. Twelve U.N. peacekeeping operations were established in the last five years. Of those twelve, seven were undertaken just in 1992. These operations will cost the U.N. nearly $4 billion in 1993. As many as twelve new peacekeeping operations may be proposed over the next year, including a peace enforcement operation in Bosnia-Hercegovina. That operation alone could almost double the current peacekeeping budget.

Keep in mind, that is just peacekeeping. From food relief in Somalia to election monitoring in Cambodia, U.N. personnel face demanding challenges. Resources, both human and material, are being stretched to the limit.

The United States has much at stake in the current and future success of the United Nations. The ability of multilateral organizations like the U.N. to resolve regional conflicts, and advance the causes of human rights, free governments and free markets reduce the fiscal and diplomatic pressure on the United States, as the world's sole superpower, to be the world's sole superpolice officer. If successful, the U.N. is a cost-effective investment for the U.S. Indeed, as the single-largest contributor to the United Nations, the U.S. has the most to gain, and the most to lose in terms of how effectively the U.N. carries out its mission and mandates.

The U.S. Commission on Improving the Effectiveness of the United Nations was created to assist the U.N. in meeting its new challenges. The Commission was created with the understanding that the U.N. must evolve as the world evolves. This evolution cannot occur unless the U.N. first improves its effectiveness in meeting its current obligations in peacekeeping and the promotion of democracy and human rights.

As is evident by this report, there are no simple solutions to improving U.N. effectiveness. Several of my fellow commissioners expressed concern that the Commission was unable to reach a consensus on final recommendations. I am not concerned. This is an extremely complex issue. Different perspectives and recommendations on methods to improve the U.N. are needed. Therefore, I am pleased with the Commission's decision to publish two primary perspectives written by our two Chairmen, as well as supplemental views from individual commissioners.

If one reads the report in its entirety, he or she will recognize there is common ground among the commissioners, particularly with respect to the recommendations made in the areas of management and peacekeeping reform. Of course, there are differences of opinion in other areas. I believe this diversity is due to two basic uncertainties: the uncertainty of the future course of the post-Cold War world, and the uncertainty of how well the U.N. will respond effectively in the face of a changing world.

The two primary views offered by Chairman Leach and Chairman Lichenstein approach the issue of U.N. effectiveness from differing vantage points. Chairman Leach offers a highly ambitious and worthy agenda for the U.N. I am in general agreement with a good portion of Chairman Leach's recommendations. I share his view that clear standards should be established for peacekeeping and peace enforcement activities. I also commend Chairman Leach for recognizing that the United Nations can and should play a greater role in non-proliferation and arms control measures.

However, I am not yet convinced of Chairman Leach's conclusion that the U.N. is in need of a standing army, or a rapid deployment "U.N. legion." My objections are based on the high cost and questionable effectiveness of a force that would have a limited mission. Rather than incur the costs of recruiting, training, maintaining and deploying a rapid response force, the U.N. could enlist the services of similar standing forces of U.N. member countries, or even NATO.

I also have serious reservations regarding the establishment of a permanent international criminal court within the U.N. I agree that the war crimes tribunals in Tokyo and Nuremberg after World War II are proof that an international forum can prosecute war criminals fairly. In fact, I support the establishment of a similar criminal court to prosecute those suspected of war crimes in the former Yugoslavia.

However, some important legal issues need to be resolved before this Commission or any U.S. entity advocates the creation of a permanent criminal court. For instance, questions of jurisdiction, sovereignty, rules of procedure and evidence, custody, witness protection, investigation, incarceration, and punishment remain to be raised and discussed fully. A permanent international body also would require an increased financial commitment from the U.N.'s member nations.

The need for an international criminal court is a divisive issue for U.S. policy leaders, primarily because of the myriad of legal questions that remain unanswered. A recommendation by this Commission for the establishment of a criminal court is, at best, premature. It is my hope that the President and the Congress, working with the U.N., will examine carefully the relevant issues before coming to any conclusions on the need for an international court. I believe a Commission recommendation to examine these questions represents a more constructive approach to this issue.

If I have an overall criticism with the approach taken by my good friend, Chairman Leach, it is the fact that his report is light on criticism of the U.N.'s leadership and their management practices. Largely for this reason, I find myself more philosophically aligned with the perspective offered by Chairman Lichenstein. Chairman Lichenstein rightfully recognizes that the U.S. should be wary of loading additional responsibilities and missions on the U.N., since it is experiencing difficulty with its current responsibilities.

The Lichenstein perspective also recognizes the political dynamics operating within the U.N. Though an entity established to promote democracy and human rights, the U.N. is administered largely by representatives of authoritarian and statist governments. It is they, through the General Assembly, that control the allocation of U.N. resources and staff. This political dynamic limits our nation's influence to effectuate administrative and management reforms within the U.N. It is because of this political dynamic that this nation must be wary of recommending the creation of new bureaucracies within the U.N.

I wish to commend both Chairmen for recommending various methods to achieve more effective and more accountable U.N. management. For years now, U.N. management reform has been at the top of my agenda. As my fellow commissioners know, I have served twice as a Congressional Delegate to the U.N. I am all too familiar with rampant waste, fraud and abuse that are the unfortunate pillars of U.N. management. I have witnessed U.N. mismanagement firsthand. It is clearly the rule, not the exception.

The following are a few noted examples of U.N. mismanagement:

Minicomputer systems valued at $100,000 each were purchased for several Multinational Programming and Operational Centers in Cameroon, Morocco, Niger, Rwanda, and Zambia. These computers were never put into operation and are now obsolete.

More than $10 million was advanced to the U.N. Institute for Training and Research. However less than $900,000 was authorized by the General Assembly.

U.N. financial rules require purchases of $20,000 or more be subject to competitive bidding. However, only 17 percent of such purchases during 1990–91 were awarded through competitive bidding. The remaining 83 percent were awarded under what the U.N. administrators termed "permitted exemptions."

Recent reports of procurement fraud have surfaced in connection with UNTAC, the peacekeeping operation in Cambodia. The U.N. violated its own competitive bidding rules in order to favor a long-standing supplier of helicopters for its peacekeeping operations.

Though the U.N. has a $12,000 limit on pension benefits, there have been reports of U.N. retirees who are receiving more than $100,000 in pension benefits, as well as payments as contractors that are at or above their old pay scales.

In 1991, the Executive Director of the U.N.'s International Telecommunications Union in Geneva awarded 90 percent of its staff a "special pay allowance" amounting to an additional 3 to 4 percent temporary pay increase, which cost the U.N. $1.3 million. The rationale given was that all of these employees had accepted additional responsibilities. Yet, the salary scale for U.N. employees ranges between 10 to 20 percent higher than for comparable positions in the U.S. Civil Service. Though the General Assembly rejected the special pay allowance, the Secretary General approved the additional pay.

I could go on and on with examples. There are reports of offices with duplicative or obsolete functions, of wanton nepotism, and of personnel who are nothing more than hall-walkers or seat-warmers. The U.N. has no system for tracking daily cash-flow. The U.N. cannot determine even the actual number of personnel on its payroll. However, we do know that the number is above the amount authorized by the General Assembly.

On October 15, 1992, I presented to the U.N. Fifth Committee the United States' position regarding U.N. audit reports. In that speech, I made a series of requests for information and reforms on behalf of the United States Government. To date, I have not received a report on what action, if any, were taken by the U.N. Secretariat in response to these requests. I also have received very little follow-up on these issues with the Department of State.

Governor Richard Thornburgh also witnessed runaway mismanagement firsthand during his tenure as U.N. Under Secretary for Management, as evidenced by his recent report. I could not agree more with Governor Thornburgh's call for a U.N. Inspector General. As Inspector General alone can serve as a deterrent to mismanagement and fraudulent practices, but a more thorough, top to bottom review of the entire administrative process is necessary.

Each of the member nations of the U.N. has had to evolve its foreign policies in response to post-Cold War realities and the emergence of a new world order. The United Nations should evolve as well. This evolution may require additional resources for peacekeeping or human rights promotion. This report offers several recommendations that would allow the United Nations to evolve effectively in the years ahead. The current Administration may wish to pursue a number of these recommendations. As a result, our financial commitment to the U.N. may increase. However, I have serious concerns about providing additional assistance for new U.N. missions without first insisting on management reform within the U.N. Absent such reform, the credibility of the U.N. as an effective agent of peace and democracy will suffer.

The first new mission of the U.N. should be to clean its administrative house. The first priority of the State Department, and our U.S. representative to the U.N., should be to insist and assist on U.N. reform. We cannot expect and should not allow the U.N. to broaden its responsibilities until it demonstrates the capacity to effectively fulfill its current obligations and put an end to waste, fraud and abuse. We should not consider providing additional resources for new U.N. missions until U.N. management reform is achieved. In fact, I believe we should go further. I have advocated withholding a portion of our voluntary contributions to the United Nations until the State Department has certified that an entity or mechanism similar to an Inspector General is in place and regular audits are being performed. I believe the power of the U.S. taxpayer purse can work to attain fiscal management goals.

I support the United Nations. I want to help the United Nations be a more effective organization. That is why I served as a Congressional Delegate to the U.N. on two occasions. That is why I serve on this Commission. However, I have grown increasingly frustrated at the lip service given to U.N. management reform. The fact is, the U.N. personnel system is no longer efficient or effective in fulfilling its current responsibilities. There needs to be a professional service within the U.N., and there needs to be administrative controls, and an Inspector General to investigate and punish waste, fraud and abuse. This Commission must insist on strong management reform, first and foremost. American taxpayers need to be assured that their dollars are not being stolen or needlessly wasted.

Mr. PRESSLER. Madam President, I will be offering this amendment on the State Department authorization bill with the Senator from West Virginia.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 948) was agreed to.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I rise today to voice my support for this foreign operations appropriations bill and, in particular, the funds devoted to aiding the New Independent States of the former Soviet Union.

Recent events in Russia, culminating in Boris Yeltsin's decision to dissolve the Soviet-era parliament and go to the people for a new body, shed new light on the importance and urgency of this assistance. The process of democratization in the newly independent states is a fragile one. In Russia, Boris Yeltsin and the Government have been shackled in their efforts to bring democracy and prosperity by the Soviet-era Parliament.

In the past, President Yeltsin has turned for his mandate to the Russian people. His authority is based on his standing as Russia's first popularly elected President. When Parliament threatened Yeltsin's reforms with bureaucratic deadlock, he turned once again to the Russian people in last April's referendum. Once again the Russian people supported democratization and reform.

Now, facing renewed paralysis, President Yeltsin has opted to go to the people again. There is always a danger in bypassing existing structures. I must admit that his action makes me uneasy. But I can also see that, under the circumstances, he has little choice. Still, we will have to watch carefully to make sure that the democratic principle—rule by the people—is preserved. and, of course, we cannot outlaw the possibility of compromise in the next several months.

We must also continue our efforts to bolster reform with our assistance. It is in America's interest to see Russia and its neighbors become democracies with market-based economies that raise living standards, with a much smaller defense establishment, and with an acceptance of free flowing capital, trade, and ideas.

In formulating a strategy for assisting the NIS, the United States should be guided by three principles. First, we need to think more of the long term. We need to see the U.S.-NIS relation beyond tomorrow's headline and the next election, and we must think about the future generations of people who will be responsible for maintaining the democratic, free market systems that we want their countries to adopt. Second, we need to recognize our interdependence. We are all part of one world—economically, environmentally, socially—and our destinies will be bound together for generations to come. Finally, United States policy toward the former Soviet Republics ultimately has to affect human beings for the better. We must keep our focus on people as much as on economic projections; on the human spirit as much as military hardware.

With these three principles in mind, I believe that one of the most cost-effective ways to accomplish our goals of economic prosperity and political security for Russia, its neighbors, and ourselves is to provide for educational and cultural exchanges. Educational exchanges have a long-term impact, bringing young people from the former Soviet Union to the United States to live, study, and experience American culture in our homes, schools, and communities. These future leaders take back to their home countries invaluable firsthand knowledge of how a free-market democracy functions.

At the same time, Americans benefit from both sides of the exchanges: as hosts and as students visiting the NIS. On the one hand, Americans learn from having foreign students in their homes and classrooms. On the other, Americans studying in Kiev, St. Petersburg, Vilnius, and Alma-Ata return home with a better understanding of the people of the NIS. They also have the unique privilege of witnessing firsthand the new frontiers of democratic capitalism.

On a long-term basis, it is not food or supplies that the people of the former Soviet Union need, but a vision. A vision of what their new societies could look like. A vision of what their societies should look like. And by accepting students into their homes and lives, Americans can help to provide this. This program calls for a personal involvement that other aid programs do not demand of Americans. Instead of shipping over a plane full of advisers, we will bring in a plane full of talented youth. I believe this is what the situation demands.

We must move swiftly. The people of the new independent states must be brought out of their isolation now. We must make up for 40 years of barriers between our citizens and theirs. We cannot afford to be complacent. A slow response risks retrenchment of economic and democratic reforms. President Yeltsin democrats of Russia and other republics, need our help. The time to intensify our efforts is now.

Around this time last year, the U.S. Congress created a high school exchange program under the Freedom Support Act, and from the moment the first group of Russian students arrived in the United States last January, we have seen firsthand that this program works. According to Dr. Elena Lenskaya, head of the International Cooperation Department of the Russian Ministry of Education, the impact of the exchange program in the republics has been profound. It is, for many, the first tangible evidence of help from the United States.

The response to the high school exchanges in the NIS has been overwhelmingly enthusiastic, and the program's impact has already been felt all the way to the far corners of the former Soviet Union. By next June, nearly 5,400 high school students from the United States and the former Soviet Union will have participated in the first wave of Freedom Support Act exchanges. They come for long-term stays of a semester or a school year and short-term thematic and school linkage exchanges.

Although the bulk of the NIS students have come from Russia, others have arrived from Ukraine, Kazakhstan, Kyrgyzstan, and Moldova—and not just from Moscow, St. Petersburg, and other big cities. Students have been selected from small towns, urban centers, and rural areas to come to the United States. They come for long-term stays of a semester or a year and short-term thematic and school linkage exchanges.

The centerpiece of the high school program is the academic-year experience for 1,200 NIS students. This month, 650 Russian, 230 Ukrainian, and 320 students from other NIS countries have arrived in the United States and are now living with American host families and attending American high schools for this school year. Students have been placed in 820 cities and towns in 45 States, from the gulf coast to the eastern seaboard to the Pacific Northwest. Among these communities is St. Charles, MO, in the heart of the Mississippi flood plain, where students have already been able to witness an American drama unfolding.

The impact of the exchanges does not stop with those students who are actually chosen to participate in the program. The exchanges have a rippling effect. After their stay in the United States, participating students will go back to Russia, Ukraine or Kazakhstan and share their experience with their families, friends, and fellow students.

Moreover, every student that competes for a slot is affected by the program. The selection process is conducted by American organizations that send staffers to interview and test nominees throughout the far reaches of Russia and the other republics. Selection is based on merit and potential—not on whose child a student is or who an applicant knows. For many students, just the opportunity to participate in a fair, open competition for the exchange scholarships exposes them to the possibilities that exist in a democratic society.

Over 7,000 students competed for the 1,200 slots in the academic-year exchange program. In Armenia alone, 1,500 students applied for 32 slots in the program. When the names of the semifinalists were posted, a crowd larger than recent anti-government demonstrations gathered at the American Embassy in Yerevan to see whether they had made the list.

I also want to point out that these exchanges benefit Americans as well as citizens of the New Independent States. American students participating in the exchanges, of course, have the opportunity to learn firsthand about the people and culture of the NIS. In addition, the vast majority of funds for exchanges are spent in the United States, bolstering our economy. Of last year's total appropriation of $20 million for the high school program, in is estimated that only $2.2 million will be spent in the NIS. The remainder will remain in the United States, benefiting local communities through scholarships and stipends, supporting American business, such as airlines, insurance companies, and participating organizations, and paying the salaries of Americans involved in both public and private sector facets of the program.

I cannot begin to express my excitement about the success of this program in its first year, and I commend USIA and the participating exchange organizations for the tremendous job they did in getting the program off the ground so quickly. But more needs to be done. That's why I introduced with Senator LEAHY and others the Freedom Exchange and Training Act, S. 968, earlier this year, and that is why I applaud this bill's inclusion of $116 million for an expansion of the educational exchanges we began last year. I urge the administration to commit $40 million of the NIS assistance package to high school student exchanges, $25 million to undergraduates, $20 million to graduate students, $10 to community colleges, $10 million to university partnerships, $10 million for secondary school teachers and administrators, and $1 million for a scholar residence exchange.

Mr. President, person-to-person contact—not dollars—will build the bonds that will construct an era of mutual respect to replace the cold war era of mutual suspicion. The success of and enthusiasm for the educational exchanges, both in the United States, and the NIS, have proven to me their worth and the importance of ensuring that they continue.

The potential for these exchange programs is unlimited. I believe we must give preferential treatment to students and educators interested in the social sciences, the humanities, teaching English, or acquiring knowledge or skills applicable to building democratic institutions. Existing exchange programs for undergraduate and graduate students should be expanded, and we must ensure that community colleges receive their fair share of the funds. Exchanges for community college students will provide new opportunities to students who may not be served by the secondary or traditional undergraduate exchanges. University partnerships will also provide useful avenues for curriculum and faculty development in the NIS.

Exchanges of secondary school teachers and administrators will prove to be a vital link in reaching increasing numbers of students. One teacher who has a positive exchange experience in the United States can have an impact on many students who may have no other opportunity to learn firsthand information about our Nation and its values.

In addition, we must also provide funds to establish scholars-in-residence programs at U.S. institutions such as the Woodrow Wilson Center. We would be foolish to not take advantage of the insights and knowledge of such intellectual leaders as Davlat Khudonazarov, a former presidential candidate in Tajikistan who was driven out of his home country. We should seize the opportunity to learn from the experience of individuals like Davlat and fund the establishment of a scholar-in-residence program.

Most importantly, we must expand the Freedom Support Act Secondary School Exchange Program and ensure that it receives $40 million of the funds made available for exchange programs in this appropriations bill. This amount would allow over 10,000 high school students to participate in exchanges. These youths will live with families, attend schools, and return to their own homes having learned about our institutions, skills, and values. They will have acquired a better appreciation of how they—the future leaders—can build their own institutions. Because we want the students' experiences to be meaningful, the program should favor long-term exchanges of a semester to a year over short-term stays.

Moreover, the recruitment of students should be carried out in an efficient, uniform manner, and the selection and examination of students should be a cooperative effort with input from established exchange organizations. The selection process should be designed to ensure the selection of a group of students representative of all parts of Russia and the other new independent states. USIA and the exchange organizations that participated in the program's implementation did an outstanding job recruiting, selecting, and finding placements for the students this year, and I am confident that they are committed to and capable of carrying out the expended exchange program that I am advocating here.

Mr. President, we must take advantage of the opportunity before us and open our homes, schools, and communities to the people of the former Soviet Union. The long-term dividends of our efforts today are great, and we will all be enriched by strengthening the human bonds that hold our countries together.

The time has come for us to forge a new era of U.S.–NIS relations. Let us continue to build new relationships with Russia and the other former republics—one based on two peoples coming together in a common commitment to make the tough choices for the long-term health of each country and the world; two peoples aware that having stared each other to the brink of nuclear holocaust, we now have a special responsibility to find in each other and within ourselves the capacity to reorder, to begin anew, to reconceive our possibilities as two nations, two peoples, one world.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 949

(Purpose: To eliminate World Bank capital stock funding increases due to Bank mismanagement and loans to countries acting against U.S. interests)

Mr. BROWN. Madam President, I rise to send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 949.

Mr. BROWN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER.Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike lines 9 through 24.

Mr. BROWN. Madam President, this amendment deals with some additional funding that is included in the bill for U.S. capital investment in the International Bank for Reconstruction and Development, otherwise known as the World Bank.

This is a capital request; that is, we will with these funds purchase stock. In the Senate bill the amount of money involved is $27,910,000. This is an increased stock contribution. The House bill has $55 million for the same purpose in it.

What the Senate Appropriation Committee has done I believe is significantly more responsible than what the House has done—and they are to be praised. They have taken note of some of the concerns about the World Bank and have tried to act.

Madam President, I offer this amendment to eliminate that money. I want to alert Members why I think that an additional contribution to the World Bank—not a cut in our contribution—but an additional stock purchase in the World Bank, is not a good idea.

Each Member and each American who listens to this debate will make his or her own conclusions about the sense or nonsense of making additional capital contributions to the World Bank. But one thing I hope is that they will listen, that they will consider the facts, and they will think of the hardworking men and women in this country whose money we are taking for this purpose and decide whether or not they really believe in good conscience that this additional expenditure must be made.

Madam President, I believe with all my heart that this is a bad expenditure. It is not only unworthy of taking the taxpayers' money for, but it sends the wrong signal. It is an insult to the working men and women of this country to have their money spent for purposes like this.

Perhaps those sound like strong words, but I ask every American who listens to this debate and reads this debate to consider the following nine factors that make a compelling case that the World Bank is out of control. Some may say: "Come on now. A bank out of control. Bankers are quiet, calm, nice people. We know many of the people who work at the World Bank. They are fine people." And, indeed, they are.

But I hope people will listen to what the facts are because sometimes we get so busy with our lives in this Congress that we do not take the time to look at the way taxpayers' funds are being spent. The expenditures and the activities of the World Bank are a scandal, they are a disgrace. Until this country begins to accept its responsibility for looking after the taxpayers' money, the World Bank is not going to be straightened out.

Madam President, here are the facts:

There is a new headquarters being built for the World Bank. At a time when Washington real estate has been falling in value, when there is a lot of rented space available at much lower prices than has been the case in the past, at a time when we are closing down military bases, at a time when Government office space is being freed up in the Washington, DC, area, the World Bank is building a huge, new World headquarters. In a period when many private contractors are building facilities at less than what they projected. The construction costs of the World Bank's new Taj Mahal are out of control.

The headquarters was designed for $206 million. Many people thought it a scandal when it was estimated that building costs could run as high as $250 million. Nonetheless, a recent report in the Washington Post reveals that the cost of the new headquarters will not be the $206 million that was originally planned, nor the $250 million that some feared it might rise to, but now the building is projected to reach a cost of $290 million.

Anyone who says that is good management simply has not taken a look at the way the World Bank operates. That is an increase in cost of a little less than 50 percent at a time when many private organizations are coming in with actual construction costs less than was targeted because of depressed real estate conditions in the Washington area. These scandalously increased costs are a clear indication that the Bank's management is ineffective.

If that does not persuade the Members of this body, let me suggest a look at the Bank's travel expenditures.

Madam President, this Nation has just gone through a massive tax increase, the biggest tax increase in the history of this country, and we did it because our budget was out of whack. Members of this body voted for and against it with strong feelings, but I do not know of anyone who came here and said it was not a crisis that needed to be addressed.

What does the World Bank do that takes our taxpayers' money?

In terms of travel, a report from the World Bank—that is not someone outside; this is from the World Bank itself—indicated that in a 1992–1993 breakdown of Bank travel: 59 percent of the flights was first class, 15 percent were business class, and only 26 percent of the travel was economy class. Why not? The U.S. taxpayers and other taxpayers around the world are footing the bill. The Bank's staff is not spending their own money. They are spending our money and other countries' money.

I do not know of any private business that permits extravagant travel similar to the World Bank. The Bank did change their policy after we reviewed this issue last year. We had assurances they are going to straighten up and fly right, so to speak. What are the facts?

Since they changed their policy, 37 percent of the travel is first class, 34 percent was business class, and only 29 percent economy class.

Madam President, I want to hear those who advocate giving away hardworking Americans' money to the World Bank by increasing our contributions come and tell me why we ought to pay for first class travel. They need to explain to the American people why that is critical.

Here are the facts: Simply eliminating first class travel and only flying business class—and as many Members know business class is considerably less expensive—would save the World Bank $11 million. Those are not my numbers. Those are the numbers from the World Bank.

The World Bank would realize an $11 million savings simply by requiring its employees to travel business class. If, indeed, they traveled economy class or tourist class, as most American taxpayers travel, the Bank would save $30 million a year. That is more than the entire increase in capital included in this bill. They would not have to cut back their operations. They would not even have to reduce the rate they want to increase their operations. All the Bank would have to do is to quit flying first class.

Third, country clubs.

It may surprise some to know that the International Monetary Fund, a sister organization to the World Bank, has a private country club to which World Bank employees may join.

Should they have that fringe benefit? Well, perhaps that can be debated. One thing is for sure, Madam President. The average American taxpayer who we are going to tax to send this money to the World Bank does not have similar privileges. No one would come forward and say that a country club privilege is a sign that this group has cut their expenses to the bone.

Fourth, operating costs.

Madam President, before any organization should draw their money from the taxpayers, we ought to at least look and see how they are spending their money.

The World Bank's own figures indicate its operating costs are in excess of $1 billion a year. Let me repeat that. This is a bank that does not produce cars or trucks. It processes loans at below market rates, at least in most instances. When they are not below market rates, the loans are at least concessional in terms of creditworthiness. These loans are not ones that need a lot of salesmen to go out and sell them. All that they require is simply processing the applications.

(Mr. DORGAN assumed the chair.)

Mr. BROWN. Mr. President, let me read into the RECORD at this point a portion of an article that appeared in the Economist in the June 16, 1993 edition speaking about the World Bank.

> This comes at a particularly tricky time.

The article is referring to the increase in money taken from American taxpayers this year.

> On June 23, the bank board approved an administrative budget for the 1994 fiscal year of nearly $1.4 billion.

That is an administrative budget of $1.4 billion—a 1-year increase of 11 percent. Does anyone think this group is in such dire need that they require more money from the American taxpayer when they can increase their administrative costs by 11 percent in 1 year?

The article goes on:

> Staff costs, broadly defined, make up two-thirds of the budget.

Two-thirds of the budget in staff costs.

The proposed salary increase is over 6 percent.

Mr. President, the American taxpayers that this money is coming from have not gotten a 6 percent raise this year.

I listened to both Democratic and Republican Members on this floor talk about how America's fiscal crisis was so great that we would have to eliminate COLA's from Americans who have earned them working for the Federal Government or who have earned other retirement benefits. I do not know of a single Member, Democrat or Republican, regardless of how they voted on COLA's, that did not feel badly about eliminating COLA's.

No one came to this floor and said, "Look, this is great news. We are eliminating the COLA's." Everyone said it is sad, but we have to bite the bullet.

For instance, how does anyone on this floor justify cutting COLA's on the American military, which this body voted to do, and then turning around and giving a 6 percent pay increase to World Bank employees? Is anyone proud of that? Does anyone think it makes sense that the men and women who populate our Armed Forces, some of whom are at the poverty level, some of whom qualify for food stamps, are not getting a cost-of-living adjustment, yet World Bank employees get a 6 percent raise? If they do, I hope they will come forward and explain why it is fair.

Mr. President, I do not think it is fair. I believe any objective Member who looks at these four factors we have talked about, is going to conclude that the World Bank is out of control.

Mr. President, one way to judge whether or not the World Bank needs additional capital is to look at its budget. We have already looked at the huge increase in its administrative costs. Let us look a little closer.

The World Bank average salary—including janitors, receptionists, and secretaries—according to the London Financial Times, is $123,000. And the London Financial Times points out the money is tax free.

Just to put it in perspective, let me point out that the average American would have to make $185,000 to take home the equivalent of $123,000 after taxes. I do not know if that includes the new tax increase or not.

These folks at the bank are not in the poor category. They are getting a 6-percent increase in the new budget and an 11-percent increase in administrative costs and an average of $123,000 a year.

Does anyone in this body think that is fair? It is a mistake to tax the American people to send to the World Bank to fund these outrageous salaries. That is not fair. It is not reasonable. Frankly, the World Bank is out of control.

Mr. President, that figure of $123,000 is not mine, it comes from the London Financial Times.

But let me suggest, any Member who is interested in independent verification of the figure should get a copy of the World Bank Annual Report for 1993. Open it to page 100, table 5-4, World Bank budget of expenses and administrative programs.

Mr. President, I know the men and women who serve on our Appropriations Committee. I honestly believe if they take a look at the abuse that goes on in this World Bank, they will be horrified and they will not stand behind this increase in funding. They are conscientious people who do a tough job. But this Member's view is that this kind of overhead is not only shocking, but scandalous.

If you look at those reports out of the World Bank, you will find something else.

No. 6, I call it.

That is an item in addition to the salary for 7,000 people, consultants. Consultant expense is not an unknown category. It is one the U.S. has tried to curtail and limit because, occasionally, it can be abused.

The new budget for the World Bank calls for $101.6 million in consultant fees. Now, keep in mind these are folks who are making below-market-rate loans or loans to people who could not get loans elsewhere. They not only have astronomical salaries and huge staffs, but they have to hire outside consultants to help them figure out how to make loans at concessional rates. That is outrageous; $101.6 million is a scandal and this body should not put up with it. We should not tax American taxpayers to add $101.6 million in consultant fees to the World Bank. That is outrageous.

I believe any objective Member of this body, Democrat or Republican, who reviews these figures, who looks at them, who reads the report and who thinks about the subject will come to the same conclusion: $101.6 million in consultant fees is a scandal.

It is important to note that the decision before us does not belong to the World Bank board of directors. The question to us, the representatives of the American taxpayers, is whether or not we will ignore our responsibilities.

No. 7, we ought to look at the quality of loans the World Bank makes with these $123,000-a-year employees and $101.6 million in consultants. What kind of loans do they make?

Keep in mind, some of these loans are way, way below market rates. The Bank's internal audit report says that 37.5 percent of all of the loans made by the World Bank's highly paid staff, with the help of their very generously paid consultants, have been judged unsatisfactory. And the rate of unsatisfactory loans has gone up dramatically and continuously.

This condemnation of the loans is not of my making. It is from a report done by the World Bank itself—37.5 percent unsatisfactory loans is a scandal. It is unacceptable. Even more importantly, 37.5 percent is well above any of the rates that are considered unsatisfactory for loan portfolios for many of the institutions that have been shut down in the United States.

Perhaps equally shocking is the fact that valid, independent, outside audits and program reviews have not been done on a regular basis. And last year's internal review indicates a scandalous level of unsatisfactory loan management.

While we are at it, we ought to mention that while we insist that U.S. banks have auditors and reviews, and international organizations have inspectors general, and while we could not dream of allowing someone to sell stock in this country without an independent audit, we do not have those same requirements for the World Bank.

Is there anybody who is recommending this funding, this increase in funding for the World Bank, who thinks it is wrong to have an independent audit and independent program review? If so, I hope they will come forward. I hope they will tell us why an independent financial audit is a necessity for selling stock in America for many American corporations but that we ought to give our taxpayers' money to an international organization that does not even require independent reviews.

I honestly believe any Member who looks through the record of the World Bank's performance and salaries and abuses will be shocked.

Management is an important factor here. The Government of Canada, and specifically the Canadian auditor general, has urged caution for their Government. Let me quote from his report. He says:

> Given Canada's growing financial exposure—

I ought to interject that Canada's growing financial exposure is nothing compared to that of the United States. I continue on with the Canadian auditor general's report.

> The highly uncertain environment and the lack of adequate information of the quality of each institution's loan portfolio, prudence is recommended.

Is that a basis to subscribe for additional stock without fundamental changes? I do not think so.

We should note some of the activities of the World Bank. Some will say wait a minute, we have a voice in that World Bank. True, they have some problems, but we have a voice there. If we do not buy more stock we might not be able to control things.

One of the things we have long objected to are loans to Iran. In the period we have objected to loans to Iran—when the United States pointed out one of the things Iran has done that very few countries in the history of mankind when Iran invaded the sovereign territory of an Embassy of a foreign country and kidnaped foreign diplomats—the World Bank has been expanding and increasing loans to Iran.

Since March 1991 the World Bank has made six loans to Iran. The total of the loans are $847 million, and all of them were approved over U.S. objections.

The Senate committee report notes that the World Bank's support for Iran is a problem. What we have is a clear demonstration of loans that we think are irresponsible and inappropriate, and which we have opposed with all our might and which have been consistently—six times—approved over our heads.

Is anyone comfortable with expanding the amount of money we give the World Bank when they fund the economies of international renegades? More importantly, is there anyone in the Chamber who will come forward and say that expanding the amount of stock we buy from the World Bank will help control that activity?

If there is anything this says, it says that we are rewarding the Bank for their activity. If the Bank can abuse its management and our reaction is to increase the amount of money we entrust to them, does it not simply indicate we lack resolve? Maybe sending that signal is the most devastating of all. Many Americans have expressed concerns about this.

This amendment is not just the product of the National Taxpayers' Union, although I think they are concerned about increased Government spending. It is not simply the product of people who want efficiency in the Federal Government, although I think they would be horrified by this increased expenditure. It expresses the concerns of many other groups: The Environmental Defense Fund, Sierra Club, Friends of the Earth, the National Wildlife Federation. All of them are for this amendment and endorse it. All of them think it is wrong to increase the funding here.

Let me quote from some of them. This is a March 1, 1993, testimony concerning the World Bank. Referring to the World Bank:

> Withholding of the information generated in project preparation, its failure to provide for local participation on the part of its putative beneficiaries, and the poor quality of its projects, are causes for withholding funding until a reform plan is in place and operating successfully.

That statement is from the Friends of the Earth.

This quote is from the National Wildlife Federation.

> If in the future the World Bank were able to make deep and sustainable reforms in its ways of doing business there might be room for renewal of U.S. participation. However, over the years I have become convinced that something dramatic is needed to create a will to reform. Nothing short of a cutoff of U.S. funds will do.

That is from the National Wildlife Federation. I hope every Member will ask themselves if taking more taxpayers' money and giving it to the World Bank is going to cause them to reform? Or is it more likely to cause the Bank to continue on as before? I think the latter is more likely.

Here is one from the Environmental Defense Fund.

> We have reached the conclusion that it would be environmentally, socially, and economically irresponsible to appropriate funds for either the IBRD, the World Bank, or IDA, given the alarming evidence of the World Bank's lack of the most basic accountability and sense of responsibility for the environmental and social impact of its projects.

Those are not my words. Those are the words of the Environmental Defense Fund and the Sierra Club. Whether it is the latest report from the Washington Post, whether it is the article in the Economist, whether it is the words of the Environmental Defense Fund or others, it is clear from all sources that the World Bank is simply out of control. I hope in response, those who want to take taxpayers' money and give it to the World Bank—I hope in response they will tell us how this additional funding is going to help them reform. I must say, I do not find it convincing. If anything, I think it sends the opposite message.

Men and women of good will come to this body to serve our Nation. They have an awesome responsibility because, while we have different philosophies and while we have different knowledge bases, all of us come with a sincere interest in serving the American people.

I must tell my colleagues as honestly as I can, as sincerely as I know how, the World Bank's activities are such a scandal that it is a disgrace for this Chamber to allocate more money for it. I believe every taxpayer in this country would be incensed to think that their money is being taken away from them to add to this nonsense.

How can we honestly stand here and take more taxpayers' money to subsidize runaway salaries, runaway office buildings, bloated bureaucracies, and an absolutely flagrant arrogance, refusing to bring good management to the process? How can we honestly say you have to have an independent audit to sell stock in this country, but you do not have to have an independent audit to take taxpayers' money and loan it in loans that are clearly not good? How does anyone come to the floor and say 37.5 percent of their loans classified as unsatisfactory is a basis upon which to increase our investment?

That is nonsensical. It is unfair. It is unreasonable. I must say, I do not see a basis for either any Democrat or any Republican in this Chamber to support taking this money from American taxpayers for these purposes.

If we add money to the World Bank under these circumstances, we send a clear message that the Bank can do anything it wants; that there is no limit to salaries, no limit to expenses, no limit to consultants, no limit to exorbitant office buildings; that we do not care enough about the taxpayers of this country; and ultimately, that we are not going to safeguard their hard-earned funds.

Mr. President, I do not intend to take much more time of the Senate. I will have an additional amendment after this on another portion of it. This only deals with the new stock request. But I hope very much that those who want to take the taxpayers' money to increase the Bank's capitalization will answer some basic questions.

I hope they will come and tell us why it is we ought to acquiesce in a new World Bank headquarters whose costs have skyrocketed from $206 to $290 million.

I hope they are going to come and tell us why we should not save $30 million by requiring the Bank staff to fly coach class.

I hope they will come and tell us why the country club is such a great idea.

I hope they will come and tell us why $1.4 billion of administrative costs makes sense.

I hope they are going to come and tell us why they think it is fair to pay people an average salary of $123,000 a year tax free.

Before we take more taxpayers' money, I hope they will come and justify the $101.6 million of consultant fees this coming year.

Before they take our taxpayers' money, I hope they will come and tell us how proud they are of the management that classifies their own loan portfolio as 37.5 percent unsatisfactory, according to their own reports.

I hope they explain to us why they do not insist the World Bank have independent auditors and publish the results.

I hope they will tell us why they do not insist on having audits and reviews.

I hope they will address the questions of the environmental problems and destructive practices of the World Bank that so many American organizations are concerned about.

I hope they will tell us how it is that the loans to Iran that have been passed and authorized over and above our objections, I hope they will tell us how by buying more stock we are going to prevent the Bank from going over our head in the future.

Most of all, Mr. President, I hope they will explain to the American taxpayers, and the working men and women of this country, to whom we have just given the biggest tax increase in the history of any country on the face of the Earth, I hope they will tell them why they think this is such a great use of their money.

Mr. President, sometimes—sometimes—we in this body become so partisan or divided into committees or divided into parties that we do not listen to each other. Sometimes we get so fixed in our positions we cannot change. But, Mr. President, this is a good amendment. This expenditure is outrageous and is an insult to the American people, and I hope this body will act to save the money that is involved.

Mr. LEAHY. Will the Senator yield?

Mr. BROWN. I will be glad to yield.

Mr. LEAHY. Mr. President, I do not want to cut off the Senator in any way because he has an absolute right to talk as long as he wants. I only urge, again—I am happy to have votes on all of these. I advised the leader I am perfectly willing to stay in all night tonight, all day tomorrow and tomorrow night, if necessary. If necessary, we will start our conference, I would assume, Saturday morning, Sunday morning on this so that we can go forward. I just would like to get at some point a resolution of this.

I cannot think of anybody or any group that could be an easier target than the World Bank unless it was the EBRD, the European Bank for Reconstruction and Development. We cut all funding for the EBRD out of this bill.

I hope everybody understands what we have here. Last year, the United States pledged $70 million to the World Bank.

If I can have the attention of the Senator from Colorado, we cut about two-thirds of that out. We cut $43 million of that which had already been pledged by the last administration; we cut almost $30 million more than what the House of Representatives put in.

Even if I thought we had the money to give the full amount that had been pledged by the United States to the World Bank, I still would not have put it in. I am fed up with the Bank's slowness in dealing with excessive salaries, first-class travel, and other perks.

The Senator from Colorado, Mr. President, is absolutely correct in pointing these out. I do not fly first class. I am entitled to under the Senate rules. I do not do it. I am not going to spend the taxpayers' money that way. At almost 6 feet 4 and 210 pounds, I would like to fly first class, but I do not do it because I want to save money. I do not see any reason why they have to. The salaries are excessive. So I understand that.

But when we are millions of dollars already in arrears in what we pledged to them, cutting it to zero does not help because the Bank is going to be the major engine for economic reform in Russia and financing the development of the oil sector alone, which could make or break the Russian economy. Their role is crucial. If we really want to bring democracy and a market economy back to Russia, we are going to have to use the World Bank.

Also, the President of the United States and the Secretary of State are trying to get countries to help out with costs in the Middle East. The United States is not going to pay all the costs of peace in the Middle East. We do not have the money. We cannot do it all. We are calling on the Europeans, the other Arab nations, and Japan to help out. We will pledge some, and we have some money in here for that. But the other countries must do their part. The Bank has just announced a major loan to support economic development in the West Bank and Gaza. I cannot imagine anybody—anybody—among the Palestinian delegation or the Israeli delegation who does not want that to go forward.

We are cutting our foreign aid budget. We have cut it by billions of dollars this year alone. So the Bank becomes a more important source of funding for development.

I would hate to see if next year we are saying, here is the United States with a tiny fraction of what is going to be the cost of the Middle East peace agreement, now we want the World Bank and others to step forward to carry the bulk of the costs. And they are going to say, "Sorry, we don't have it, you are not really a voice in it, you are not paying any money in, you're irrelevant." Then those we want to support peace in the Middle East come to us and say, "Where is the money?" And we will have to say, "We don't have it, either."

I am not defending the Bank's slowness in enacting reforms. It has been far too slow. They should go faster, but they are responding. The other donors are also resisting reform. The Europeans and the Japanese have blocked some of the reforms—reforms that would make the Bank more responsive to the public. But if we walk away, we have no voice in the World Bank. Then those who are opposed to the reforms win, the United States loses and we do not have the engine of the World Bank to do the things we want it to do.

Incidentally, I tell my friend from Colorado, last year we contributed $58 million to the World Bank. In their disbursements, they bought exports from the United States worth $1.3 billion. So it is not a one-way street. We gave them $58 million, and they spent about 25 times that on exports in the United States. That means hundreds of thousands of jobs here.

So it is not just an unclosed loop by any means. We get money back in the United States. Sure, they have to make changes. One of the reasons I took our pledge of $70 million and cut it by $43 million down to $27 million was to get their attention.

I think what we do is we make the cuts, as I and the distinguished Senator from Kentucky have in this bill, and tell them that is the way it is going to be until reforms come about.

If we simply walk away, there is no incentive for them to make reform; there is no incentive for them to work with us.

Incidentally, if the World Bank gives loans to Iran—I know the Senator from Colorado mentioned that—we have a provision in the bill that cuts our contribution further if the Bank makes any loans to Iran.

As I said, we have not made any increase. We have cut $43 million. We have cut from the amount passed by the House. And we have cut from the amount that was passed and signed into law by the President last year.

Nobody concurs more than I do in the criticisms of some of the profligate activities by those within the World Bank that have been outlined by my friend from Colorado. I stand side by side with him on that criticism. It is because I feel that way that I have made these cuts. But let us not remove any chance for the United States to bring about reforms. Let us not remove any ability to help guide these efforts, maybe very expensive efforts, needed in the Middle East peace. Let us not remove any ability for us to encourage the kind of steps that have to be taken in the former Soviet Union, steps that not only save us a great deal of money but enhance our national security.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. Mr. President, before I make a few observations about the Brown amendment, let me mention for our colleagues who may be listening, we have Senator SMITH here ready to offer an amendment and then Senator BROWN has a second amendment. The chairman and I have discussed stacking those—having the debate first and stacking those. That is agreeable to Senator BROWN and Senator SMITH. So we are hoping we will be able to dispose of those three sometime in the next 45 minutes or so.

Mr. President, let me just say with regard to the Brown amendment, I find myself in the awkward position of defending at least a little bit the World Bank. The Senator certainly made some valid points.

The Wapenhus report laid out a compelling and detailed account of the many problems which have troubled the Bank. It is my understanding that the report has been taken seriously by the Bank leadership and is considered a blueprint for reform, and some of those reforms have actually begun.

In the meantime, however, as the chairman pointed out, it was precisely because of these concerns raised in the report that the administration's request of $70 million was reduced by the House to $55 million and reduced again in our bill to $27 million. So we are responding to the criticisms of the Bank by reducing their funding significantly. At a point, however, when we are expecting the Bank to be directly involved in promoting economic development in the Newly Independent States, I think any further reduction is unwise and would compromise our interests in the region. I believe the Senate's reduction of $43 million—we reduced it $43 million—more than half the President's request, makes the point that we expect radical change in the Bank's management practices.

As Senator BROWN raised concern about the Bank's loans to Iran, the committee agreed to withhold half the funds until April 1 and the balance until September 1. We have also been assured by the Secretary of the Treasury that there are no loans anticipated for Iran this year. But if one pops up, we have control over our contribution with this controlled, if you will, disbursement in the bill.We will suspend our contribution if the Bank lends to Iran.

Further, based on this Wapenhus report that I referred to earlier, there are, I am told by staff, new internal regulations. I am told the staff over at the Bank does fly coach class, that the World Bank does not own or operate a golf course, and the expanded operating budget that we are asking for here is a direct result—I repeat, a direct result—of activities in the newly independent countries. In other words, this is part of the former Soviet Union Newly Independent States aid portion of the foreign operations bill.

So I think the points raised by the Senator from Colorado are good points. I just happen to believe that we are already addressing them in the underlying bill. And so at the appropriate point, I am going to, in conjunction with the chairman, make a motion to table the Brown amendment.

I believe that completes the discussion on this side of the aisle on the Brown amendment. I am wondering if it will not be all right for the Senator from Colorado to temporarily lay his amendment aside and go to the amendment of the senior Senator from New Hampshire.

Mr. BROWN. If the Senator will yield.

Mr. MCCONNELL. I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, I will try to be very brief in response and to yield the floor to the Senator from New Hampshire, who has a separate amendment.

I would first like to ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The Senator requests the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Mr. President, I think some valid points have been brought up. There was a valid concern about making sure that we have an ability through international institutions to make loans to the Palestinians as part of the peace effort. Let me assure the body that is not jeopardized in any way by this amendment. This amendment simply eliminates increases in stock purchases for the World Bank. It does not affect the International Development Agency. It does not affect the portion of our callable capital. Most importantly, it does not restrict the ability of the agencies to work in the Middle East.

Members who are concerned ought to keep in mind that the International Monetary Fund, which of course is a separate organization entirely, even though it is a sister organization, has its own reserves. In addition to all its other assets, it has $42 billion in gold reserves. The IMF's ability to assist Palestinian development is certainly not maxed out.

In addition, it is estimated by the Congressional Research Service that the World Bank currently possesses some $22 billion in liquid assets. So far from being hard pressed to deal with the Palestinian issue, it is clear they have far more than needed to deal with this new opportunity.

Also, Mr. President, let me mention that the lending limit that is reported in the annual report of the World Bank—and this is the 1993 annual report—gives a full breakout of numbers for the Bank's lending capacity and its outstanding loans. The 1993 numbers are these: Lending limit, a little over $183 billion; current loans outstanding, $104 billion.

That leaves a balance of something in the neighborhood of $79 billion in unused lending capacity. So if Members were concerned that somehow not buying new stock in the World Bank would shortfall or limit or restrict their ability to respond to the Palestinian development, I think these Members will be happy to note that billions and billions of additional capital is available. They have many, many times the ability to respond to that crisis without any additional new stock.

Furthermore, I should also mention that concerns have been voiced in the past about maintaining our share of the International Monetary Fund are not mirrored here with the World Bank. We are not in the position with the World Bank to exercise a veto as we are with some other international organizations. So by not buying additional stock we will not jeopardize our leverage.

Mr. President, I ask unanimous consent to have printed in the RECORD a recent article by Sharon Walsh from the Washington Post dealing with the World Bank complex.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 23, 1993]

WORLD BANK COMPLEX COSTING $84 MILLION MORE THAN BUDGETED

(By Sharon Walsh)

The renovation of the World Bank's six-building complex in downtown Washington is over budget by $84 million, and the bank is close to ending an inquiry into four officials who helped oversee the project and were placed on administrative leave during the investigation.

The bank's project covers a city block in Northwest Washington two blocks from the White House, between G and H streets, and 18th and 19th streets. It involves the demolition and rebuilding of four buildings and the renovation of two others.

The project originally was expected to cost $206 million. But this spring estimates were boosted to $250 million, and the final cost is now projected at $290 million, according to bank officials.

The U.S. government is the World Bank's largest single shareholder, with a 17 percent stake, but no U.S. taxpayer funds are involved in the building project. The bank's activities are funded by money it raises in private capital markets, and it makes money on interest on its loans.

The World Bank assists developing nations with loans that usually are tied to specific development projects and with other support.

Cost overruns in a large construction project are not unusual. but the bank's officials were concerned about the higher-than-expected costs because they come on the heels of a recent scandal involving the European bank for Reconstruction and Development in Paris. In that case, officials of the bank were using luxurious building materials and charging personal expenses to the bank.

In the first part of a two-pronged, internal investigation of the World Bank's cost overruns, it has been determined that the primary problem was that the original construction cost estimates were not realistic.

"There was the expectation when we started that it would be possible to get lower bids [because of the downturn in the construction industry] so we went with the lower budget," said World Bank spokesman Tim Cullen. 'The tragedy behind all this is that there were engineering studies at the time that said the original cost estimate should have been $250 million."

Cullen said that costs for rental space for World Bank employees displaced by the project also had been somewhat higher than expected. The bank employs about 7,000 staff and long-term consultants.

Also, additional work was initiated that wasn't in the bank's original budget, Cullen said. That work was not separately authorized by senior managers and executive directors at the bank were not informed, he said.

"It doesn't sound like terrible incompetence to me," said Andy Florance, president of Realty Information Group in Bethesda, a local commercial real estate research firm. "They're doing a lot of complicated shuffling, and it's hard to factor in those numbers."

A second part of the investigation, looking at the actions of staff members and whether disciplinary actions are necessary, is expected to be completed in October.

Cullen emphasized that there is no presumption of wrongdoing on the part of the four officials who were placed on paid leave July 14. He said the bank is looking into whether some of its procedures need to be changed.

The four administrators on leave are: Bil Sel Alisbah, the senior official of the group, vice president for personnel and administration; Harinder Kohli, director of the information, technology and facilities department when the project started; Hywel Davies, current director of that department; and Sam Niedzviecki, the project manager in the department.

'I haven't been accused of anything," Niedzviecki said, when asked to comment. "I'm just waiting for the results of the inquiry. It's a traumatic process."

Kohli and Davies both declined to comment, saying the case remained under investigation. Alisbah was not at home yesterday to respond to a phone call requesting comment.

Sven Sandstrom, one of the three managing directors of the World Bank, is in charge of the investigation. He declined to comment until his report is finished.

Cullen said he believed there was no issue of the overuse of luxurious materials in the buildings. "Our buildings are really quite modest," he said. "There's no marble, no escalators, nothing fancy about it. There's concrete outside instead of limestone."

The bank's project includes the construction of about 1.5 million square feet of space, at a cost per square foot of $123, Cullen said. That is less than what the General Services Administration estimates construction normally costs, in downtown Washington.

Mr. BROWN. Mr. President, I ask unanimous consent to add Senator BURNS and Senator SMITH as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, let me simply close with this: I hope before any Member votes on this amendment, they will ask themselves if they can go to their constituents and justify taking their tax money to put into this kind of disgraceful—at least what this Member believes is disgraceful—operation that has clearly shown an air of disregard for even basic common sense and basic sound management principles in banking and lending.

I yield the floor.

Mr. MCCONNELL. Mr. President, I am going to move on behalf of myself and the Senator from New Hampshire to table the Brown amendment, and then ask unanimous consent to lay the Brown amendment temporarily aside, and go to the amendment of Senator SMITH.

I move to table the Brown amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCONNELL.I ask unanimous consent that the Brown amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Thank you, Mr. President.

I would like to compliment the Senator from Colorado [Mr. BROWN] for his outstanding leadership in exposing this abuse of taxpayers' money at the World Bank in this time when it is very difficult for many taxpayers to even pay their taxes, let alone have the money wasted someplace else outside of the United States. I think it is absolutely essential that this kind of information be brought to the floor of the Senate and to the American people. I commend him for his leadership. I am proud to be a cosponsor of his amendment.

AMENDMENT NO. 950

(Purpose: To make available additional appropriations for the technology reinvestment portion of defense conversion programs and to offset that authority from foreign assistance programs)

Mr. SMITH. Mr. President, I send an amendment to the desk on behalf of myself and Senator KEMPTHORNE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself and Mr. KEMPTHORNE proposes an amendment numbered 950.

Mr. SMITH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 105, between lines 14 and 15, insert the following new section:

REDUCTION IN FOREIGN ASSISTANCE APPROPRIATIONS

SEC. 601. (a) The total amount appropriated by this Act (other than this section) for fiscal year 1994 is hereby reduced by $200,000,000 in accordance with subsection (b).

(b)(1) Except as provided in paragraph (2), amounts appropriated for the fiscal year ending September 30, 1994, in this Act for each program and payment that is not required by law is reduced by the appropriate percentage so that the total reduction would equal the amount specified in subsection (a).

(2) Paragraph (1) does not apply to any appropriation in this Act which is available only for a specified country.

(c) There are hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the fiscal year ending September 30, 1994, $113,500,000 for the necessary expenses of carrying out the following defense conversion authorities for technology reinvestment:

(1) The defense dual-use critical technology partnerships program under section 2511 of title 10, United States Code.

(2) The commercial-military integration partnerships program under section 2512 of title 10, United States Code.

(3) The regional technology alliances assistance program under section 2513 of title 10, United States Code.

(4) The authority to enter into defense advanced manufacturing technology partnerships under section 2522 of title 10, United States Code.

(5) The program of assistance for manufacturing extension programs under section 2523 of title 10, United States Code.

(6) The defense dual-use assistance extension program under section 2524 of title 10, United States Code.

Mr. SMITH. Mr. President, I ask for the yeas and nays on my amendment, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH. Mr. President, the amendment that I am offering today is really quite simple and straightforward. I hope that I will have the attention of my colleagues who are listening.

This amendment would reduce the overall funding level of the foreign operations bill that is now before us by $200 million. It would make these funds available for utilization under the technology reinvestment portion of the Defense Conversion Program.

As my colleagues might recall, the Technology Reinvestment Program, or TRP as it is known, was initiated last year to assist U.S. companies as they try to make the difficult transition from defense unique to dual-use technology development and application.

This program was crafted as a bipartisan initiative. It had strong support both from the Pryor and Rudman task forces on defense conversion.

This Technology Reinvestment Program has two very important features that make it important to all Senators.

First, the program requires that all funds be awarded on the basis of merit-based competition. That is something that is sometimes unique around here, but these funds are awarded on the basis of merit, and competition.

Second, the program recognizes that the private sector stands to profit from the results of this research and, therefore, requires that applicants be willing to pay for at least 50 percent of the cost of their proposals using other than the Federal funding. In other words, each applicant must pledge 50 percent of the funding.

This is an important feature because it helps to ensure that only the most promising proposals are brought forward. It is not simply a bag of money that everybody is trying to get. These companies must pledge 50 percent of the award.

Let me emphasize again for the benefit of my colleagues, all States, every State, stands to benefit from this program.

The interest expressed in the TRP has been phenomenal. In fact, the Advanced Research Projects Agency has received nearly 3,000 proposals for TRP funding. And of these, 15 percent of the applications have come from small businesses. Overall, the applicants have offered to spend a total of $8.5 billion of their own money—3,000 individual proposals from businesses across this Nation, in every State, pledging $8.5 billion of their own money in order to convert defense unique technology to dual use or commercial technology.

This is an extremely positive response. It is unprecedented, and it validates the merit and the efficacy of these critical programs. And it illustrates the need. There is a tremendous need. These folks have reached out to us for help and have offered to put their money up to do it, and we have an obligation, I think, to reach back and help them.

Unfortunately, Mr. President, under this program, we are only going to be able to fund a very small fraction of these proposals because of budget limitations. To date we have appropriated $500 million in fiscal year 1993 and authorized only $600 million in the Senate bill for fiscal year 1994 for this conversion.

While well intentioned and very constructive, these funds, as you can see, are going to be far short of the need. And the worthy proposals, many worthy proposals that have been submitted, are not going to be funded.

People are going to lose jobs, and new technology that might have been developed is not going to happen.

The amendment that I offer would allow us to fund 20 percent more of these proposals than will otherwise be the case next year. This will provide direct tangible results to small, medium, and large businesses in every State, in every State throughout the United States.

And it will also advance Congress' very clearly stated goal of assisting traditional defense-related firms in the difficult transition from military to commercial production.

I might say to my colleagues that, as a member of the Armed Services Committee throughout the past several months on the floor of this Senate and in private conversations, I have heard many of my colleagues lament about the need for defense conversion. Here is your opportunity to do something about it.

This is not an amendment to slam or beat up on foreign operations. It is a matter of priority.

Mr. President, I understand that many of my colleagues believe very strongly in the foreign aid program and the specific allocations included in this bill. Let me assure my friends on both sides of the aisle that this amendment does not reduce the level of aid to Israel or any other earmarked country; they are exempted from this reduction.

My amendment would merely cut $200 million from the foreign aid that is not earmarked in this bill. It makes it available for established programs that enjoy strong bipartisan support and directly benefit tens of thousands of Americans.

In closing, Mr. President, I urge my colleagues to support this important amendment. It does not reduce aid to Israel, as I said, nor any other earmarked country. It merely entails a very modest reduction, about 2.5 percent in foreign aid out of the $12.5 billion, while at the same time providing immense benefits to Americans who are struggling through the economic recession and the transition from military to dual use production.

By investing in the technology reinvestment programs established by Congress, we are expanding high quality employment opportunities, and we are enhancing U.S. competitiveness.

Mr. President, I urge my colleagues to adopt this amendment.

Mr. LEAHY. Mr. President, should we be spending money on defense conversion? Of course, we should. I am from a State that is becoming increasingly a high-technology State. We can use that, too. We feel the effects of the defense cuts in Vermont in our computer industry and our machine tool industry, weapons industry, and others. But let us keep in mind what we have done already in this bill.

We have cut a larger percentage from the foreign aid bill than any other appropriations bill that is going to appear before this body. We have cut billions of dollars out of the request, considerably below the other body. We have already cut this bill so much so we can keep the commitments the President has made to Israel, to Egypt, to the former Soviet Union, and I support the President on that. But to do that, we have had to cut virtually everything else in here.

This is what this amendment would do, after the cuts we have already made. UNICEF would be cut. Let everybody understand that you would be voting to cut UNICEF. The child survival programs would be cut. Let it be clear that everybody who votes for this amendment is voting to cut child survival programs. Victims of war—something demonstrating the humanitarianism of the United States. Anybody voting for this votes to cut funds for victims of war. Funds for sub-Saharan Africa, already the poorest region in the world, would be cut further.

Family planning. We have a modest amount of money in here for family planning. I have heard a lot of Senators stand up and say we have to do more to stop unchecked population growth. I want every Senator to know that if they vote for this, they voted to cut money for family planning.

Disaster aid. We all wring our hands for that, and we say we want to help when disaster strikes. If we vote for this, make sure the next time there are earthquakes in Armenia or floods in Bangladesh, starvation in the Sahara, or crop disasters in the Middle East, remember that we voted to cut disaster aid, because that is what this amendment does.

I remember as a young man in college when John F. Kennedy proposed the Peace Corps, what a tremendous idea that was. I have always supported the Peace Corps. I did not serve there; I did not have that opportunity, as many others have. Let us be clear that if we vote for this, we are also voting to cut the Peace Corps. And, please, when we give speeches that we are in favor of the Peace Corps and the wonderful things it has done, always add the line: "I voted to cut it."

Refugee aid. How can we look in the faces of refugees? We spend for refugees, with one exception, about $17 per capita for refugees who live in desperate conditions, literally starving. We are the most powerful nation on Earth, and we spend $17, $18 per year per refugee. That is not very much. But we are going to cut that, too, refugee aid. This amendment would cut it.

Environment. We are in favor of protecting the environment. So many Senators, Republicans and Democrats alike, have joined with me and the predecessor of the ranking member, Senator Kasten, and also the distinguished ranking member, in helping us find money to save rain forests, and so on. We would have to cut that too.

Is there anybody here who is not in favor of AIDS prevention? Is there anybody here who has not given speeches and told people that those who suffer from this terrible disease—we at least want to help stop the spread of AIDS. Well, we are going to cut AIDS prevention money in this amendment.

We have a humanitarian, moral responsibility in this country. We send billions of dollars to dictators. We send billions of dollars to people who stand up and say: We are with the United States, we are against Communism. We almost could save postage by shipping it to their Swiss bank accounts instead of to them.

We do spend some of our money that does enhance our national security and the national security of our allies. But when you are the wealthiest, most powerful nation on Earth, which takes up only 5 percent of the population and uses 30 to 40 percent of the world's resources, do we not have some moral, humanitarian responsibilities? Is there not a moral element to our foreign aid program? Other countries give a lot more of a percentage of their resources than the United States, and they use a lot less of the world's resources than we do. We have a responsibility.

Can we stand up here and say we are going to cut UNICEF; we are going to cut child survival programs; we are going to cut funds for victims of war; we are going to cut money for sub-Saharan Africa; we are going to cut family planning; we are going to cut disaster aid; we are going to cut the Peace Corps and refugee aid; or AIDS prevention, or the environment. I would hope not. We have already in this bill cut almost every one of those areas. Let us not cut them any further.

I agree with the Senator from New Hampshire in putting money into defense conversion. Let us do so in the defense bill, where it belongs. But here we are not cutting one cent from recipients who have powerful lobbies in this city, and we are asked to cut it from the groups that have no lobby and have no voice.

Mr. President, I will be their voice if nobody else will.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky [Mr. McCONNELL].

Mr. McCONNELL. Mr. President, I think it is important to point out in relation to the Smith amendment that in fiscal 1993 we spent $1.7 billion on defense conversion and $2.3 billion in this year's bill. So we are spending money on defense conversion, a most important cause.

With regard to this year's foreign aid bill, as has been said before and I think bears repeating, we are $1.8 billion below—I repeat, below—President Clinton's request. We are $1.1 billion below what we spent last year, and we are $500 million below what the House is advocating we spend this year.

Mr. President, I say to Members of the Senate we are already slashing foreign aid substantially.

What does this additional $200 million cut mean? It clearly means, in spite of the earmarks, that we are going to adversely impact our Russian assistance program, which almost everybody in the Senate supports, $300 million in export-import funds for our private sector involvement in the Newly Independent States is not—I repeat—not protected by earmark.

Of course, that money helps our businesses operating in the former Soviet Union. So we will impact—make no mistake about it—we will impact assistance to the Newly Independent States. We will inevitably impact the Middle East and certainly other programs, many of which the chairman has mentioned, UNICIF, confidence building measures in Cyprus, peacekeeping in Cambodia, El Salvador, and the Sinai. All of these will be impacted if we go any further.

Defense conversion is important. We are already spending money on that, substantial amounts of money. We are squeezing this foreign aid package down way below the President's request, way below last year, way below the House.

Mr. President, I just do not think we ought to go any further. This is a finely tuned, crafted measure that has been very, very difficult to put together, and with all due respect to the Senator from New Hampshire—and I know he is well-intentioned in his amendment—I simply do not think we ought to go that far. At the appropriate time I will move to table the Smith amendment, but I do not know whether Senator SMITH wants to speak further on the amendment or not.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from New Hampshire, Mr. SMITH.

Mr. SMITH. Mr. President, just a few comments in rebuttal.

I hope that my colleagues are listening to the debate. Sometimes these people make up their minds early and miss out on the debate. This is a very important amendment for many, many people in America, and I hate to see information put out that is not accurate.

My friend from Kentucky said we spent billions on defense conversion. I would say the programs affected by my amendment received only $500 million in 1993, not billions, and only $600 million in 1994, not billions. That is the first point.

Also I would say to my friend from Vermont, whom I respect very much—he is a very formidable debater and made some very good points—however, the oldest trick in the book, I guess, for want of a better phrase, is to read a laundry list of programs that have very good objectives and begin to list them all and point out how they are all going to be terribly disrupted.

Let us be realistic. If Senators feel that some of these programs have priority over Americans who are trying to find a job or fighting to stay solvent, then that is their choice when they make their vote. I do not want to engage in that because many of the programs, including AIDS research, that the Senator from Vermont mentioned, I support, of course, and I hardly think that a 2.5-percent reduction to help businesses convert from defense to nondefense jobs, after winning the cold war, is a serious hit, and that somehow all of these programs will fall apart. The truth of the matter is it is a matter of priority. We spend too much to begin with, and we ought to prioritize it a little better.

Let me give an example of the type of thing we are talking about here, because I hear my friend talking about AIDS and flood relief, and all these other things. But the proposals we are talking about under this technology reinvestment program are unique. They are innovative. They are not run-of-the-mill technology or approaches. They are new, and they are in the development stage. They not only are going to enhance competitiveness in the American business arena, but they are going to produce new products that I believe will have direct tangible benefits to American society and to world society.

Let me give you a specific example. I will only cite one in the interest of time.

One of these 3,000 proposals which have been submitted by a high-technology firm would involve the development of an advanced hypodermic injection device that could be inserted directly into a cancerous growth and kill the cancer without damaging the surrounding tissue.

If that works, how many lives will that save? How many lives will that affect? And that is not just American lives, Mr. President, with all due respect to the Senator from Vermont. Cancer is a worldwide disease the last time I looked. These firms are reaching out. They could easily put their tails between their legs and quit.

But, they are not doing that. They are putting the money up and they are saying, help us, match us 50 percent, and we will take that technology that we used to win the cold war and turn it to peacetime use and help advance medical technology and a variety of other critical technologies.

I think they ought to be commended for it, not knocked around on the Senate floor for it.

This is just one example. I could cite many more just as solid in terms of the technological advances that we are talking about here, but I am not going to go through them all in the interest of time.

Let me just conclude the debate by making these points: This does not reduce any money for earmarked countries. It takes a 2.5-percent hit on the nearly $8 billion spread around to a lot of different causes.

I hardly think this is going to destroy the entire range of aid programs. It reduces merely the overall level of foreign aid by $200 million. That is all it does.

Every State and every Senator has a vested interest in this amendment. The proposals under TRP come from all over the country. They will help areas of the Nation that have been hit the hardest—California, Texas, Massachusetts, New England, and the South, where these States have taken tremendous hits, most of it high technology. These are the people who are going to be helped the most. The Advanced Research Projects Agency has received 3,000 proposals, and 15 percent of these, as I said, are from small business. The applicants, as I said, have put up $8.5 billion of their own money. This is not a handout.

They are going to produce new jobs. They are going to produce new technology. They are going to cure diseases. They are going to do all kinds of things to the benefit of American people and American jobs. And the spinoff will have a worldwide impact, especially if something like the example that I cited in the case of destroying cancer cells was to come to fruition, which it very well might. But, it may not if this amendment were to fail.

So you see, the question before the Senate is quite simple. American business, American technology, American jobs across the board versus some programs in some countries that have no direct benefit to our Nation. That is all it is. That is the decision. There is nothing complicated about it.

For a 2.5-percent reduction in this foreign aid bill, excluding, again, all of the earmarked moneys, we can fund 20 percent more of these vital programs.

How many tax dollars are going to come back to the U.S. Treasury as a result of the jobs that these technologies will produce? Think of what those same firms did for the United States of America by developing the weapons and the technology to win the cold war. Think of the thousands of lives they have saved, and now they may again, in a peacetime endeavor, save hundreds of thousands of more lives. That is all we are asking. That is not too much to ask.

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. SMITH. Yes.

Mr. LEAHY. The Senator excepts all the earmarked countries, but to use the same percentage, would we not do a lot more for the U.S. economy if we included the earmarked countries?

Mr. SMITH. Yes, we would. But that is not my intention.

Mr. LEAHY. Why is that? Would you not get a lot more money.

Mr. SMITH. Well, because my intent was to make a responsible reduction without jeopardizing our long-standing commitments to nations such as Israel who depend so much on the economic and security assistance that the United States provides.

Mr. LEAHY. We could make the argument, Mr. President, we could take the whole foreign aid bill and not spend 1 cent of it abroad, spend it all right here in this country. I could think of things like childhood immunization, the school lunch program, various educational matters, housing for the elderly, as well as the groups that the Senator from New Hampshire has spoken of—incidentally, that is a program that I do support on this defense conversion.

We could put all the money in those programs and not spend 1 cent on foreign aid. I suspect that we would find that our export business would drop substantially, our national security costs would go up, and our ability to influence world events, as the only superpower left in the world, would decline if we did that. I suspect the Senator from New Hampshire would agree with me.

But if we are going to really start taking out percentages, if we are going to start taking out percentages from the foreign aid bill to help a particular U.S. domestic program, then why not at least be consistent and take it out all away across the board from every country and not just from groups that do not have much going for them here with Senators, like funds for the sub-Sahara in Africa, victims of war, and family planning, so on and so forth.

I only mention that as something for Senators to think about. Why are the groups that are already most vulnerable, those already cut substantially, the ones cut the most?

Mr. SMITH. Mr. President, in response to the Senator, I would say this. As the Senator well knows, in our foreign relations with other countries, funds are earmarked because of long-standing commitments that have been made. That is why they are earmarked. I do not intend to disrupt the relationship with those countries by dipping into the earmarked area of the money.

Now what I am suggesting is another issue entirely. My amendment seeks to reduce by a modest amount the additional and, in my view, excessive funding for nonearmarked countries and programs. I think this is legitimate. But I would say the Senator from Vermont is certainly free to offer a second-degree amendment if he chooses.

Mr. LEAHY. I do not want to cut into it. We have already cut $2½ billion out of the foreign aid bill. We can go to any one of these things that people can find money elsewhere for. We have already cut way below the President's request, way below what the other body has done, way below what last year's foreign aid bill was, which was a cut in and of itself.

I have made greater cuts in this foreign aid bill than has ever been made, certainly in the 19 years I have been here in the U.S. Senate. So I have done my cutting.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to support Senator SMITH's amendment.

Before speaking to the amendment, I want to comment that this is somewhat difficult for me because I am a member of Senator LEAHY's Foreign Operations Subcommittee and I know his hard work and I understand the frustration that he feels. Not only is he a person who looks like a U.S. Senator but he is also one who acts like a U.S. Senator. I know he feels very deeply about these things. But when I thought, what would the people of California want me to do, there is no question that they would want me to vote for this amendment. I would like to say why.

Vermont has a population of 564,000; Kentucky has a population of 3.6 million; California has a population of 31 million of which 1.3 million people are out of work today. Today, there is no way to help their everyday life that is more profound than to enable the employment possibilities of the individual. The 1.3 million unemployed people is more than the population of the States of 26 of my colleagues in this body.

What Senator SMITH proposes is out of a $12 billion pool—not million, $12 billion pool—that an extra $200 million in budget authority be added into the $600 million authorized for the technology reinvestment project.

Mr. LEAHY. Will the Senator yield at that point? My colleague says this is taken out of a $12 billion pool of foreign aid money?

Mrs. FEINSTEIN. That is my understanding.

Mr. LEAHY. No, it is not. Because the Senator has made sure that Israel is not touched, Egypt is not touched, Russia is not touched, everybody who has had a powerful voice here is not being touched. Over $7.5 billion is not touched by this amendment. It is taken out of a smaller pool. That is why it is a disproportionately larger cut on Peace Corps, AIDS prevention, river blindness, women in development, family planning, and all the others.

Mrs. FEINSTEIN. This is a 2.5-percent cut excluding the earmarked programs such as Israel, Russia, and Greece. Is that not correct, Senator LEAHY?

Mr. LEAHY. No, it is a $200 million cut taken out of a $5 billion pool. I am doing the math in a hurry, but that is about a 6 percent cut of programs that have already been cut in this foreign aid bill.

It is substantially more than 2 percent because we are taking it out of a $5 billion pool, not out of a $12 or $13 billion pool.

Mrs. FEINSTEIN. I have a CBO table stating that there is $7.8 billion in unearmarked funds; $200 million of that is 2.5 percent. The people of the State of California sent me here to improve their quality of life.

This is a modest amendment. I have done my share for AIDS. I started the first AIDS program in America and have been there every single time. And I have never ever as a mayor or as a U.S. Senator voted against supporting programs of value.

But when you have people who cannot support their families in your own State and you have an opportunity to improve a pool of money that is going to go into the supply of grants which is directly going to produce jobs which is going to put food on their tables, sometimes charity does begin at home.

So I feel very strongly about this. I am proud to support the Senator's amendment. I believe it is going to enable California to get a little bit more of its just share.

Senator, I might tell you, California this last year paid $11 billion more in taxes to the Federal Government than it gets back in any kind of program. Taking an additional cut in foreign aid does not seem to be too much to do for people, when there are almost a million-and-a-half people unemployed.

I ask unanimous consent that the CBO table be entered into the RECORD.

I yield the floor.

There being no objection, the table ordered to be printed in the RECORD, as follows:

Foreign operations account	1993 budget authority	Senate report: fiscal year 1994		Year 2	Year 3	Year 4	Year 5
		Budgeting authority	Outlays new				
Title I							
IBRD		27.911	2.791	12.560	12.560		
Global Environment Facility		30.000	1.680	3.090	4.200	4.500	4.530
IDA		957.143	134.957	134.957	130.171	172.286	96.671
International Finance Corporation		17.881	2.602	6.258	8.940		
IDB—Fund for Special Operations		20.164	.403	2.016	3.630	4.033	3.630
IDB—paid in capital		56.166		8.425	19.658	28.083	
InterAmerican Investment Corp							
EAI Investment Fund		50.000	7.500	12.500	12.500	10.000	7.500
ADB—paid in capitol		2.000	.870	.226	.226	.226	.226
Asian Development Fund		62.500	1.250	5.000	10.000	10.000	10.000
African Development Fund		135.000		13.500	24.300	24.300	24.300
African Development Bank							
European Development Bank							
Enhanced Structural Adjustment Facility							
International Organizations		360.628	244.866	82.944	20.195	7.934	
IFAD (by transfer)							
International organizations total		360.628	244.866	82.944	20.195	7.934	
Total title I		1,719.392	397.000	281.477	246.380	261.361	146.857
Title II							
Development Assistance		1,203.900	96.312	662.145	240.780	96.312	48.156
Development Assistance—Rescission							
Sub-Saharan Africa Development Assistance		784.000	39.200	164.640	188.160	94.080	54.880
Sub-Saharan Disaster Assistance							
Intenational Fund for Ireland							
PSRF Subsidies		2.000	.408	.796	.796		
PSRF Administration Costs							
ASHA							
Disaster Assistance		48.965	12.241	12.976	8.422	5.484	3.574
Payment to FB Retirement							
AID Operating Expenses		494.080	370.560	98.816	18.775	3.459	
AID Inspector General		38.519	28.889	7.704	1.464	.270	
HIG Program Subsidies		16.078	1.608	2.412	3.216	2.412	1.608
HIB Administration		8.239	7.695	.503			
Economic Support Fund—Other		243.500	60.875	68.180	43.343	27.516	17.532
Economic Support Fund—Israel							
Economic Support Fund—Rescission							
Debt Reduction Program		7.000	7.000				
Special Assistance Initiative—Philippines							
Special Assistance Initiative—East Europe		380.000	96.520	113.620	63.460	40.280	26.600
Special Assistance Initiative—FSU		603.820	129.821	169.070	121.972	82.120	63.401
African Dev. Foundation		16.905	9.298	5.072	1.691	.507	
Inter-American Foundation		30.960	14.861	8.576	7.430		
OPIC Program Subsidies—Direct Loans		2.717	.348	1.576	.793		
OPIC Program Subsidies—Guarantees		6.348	1.904	3.301	1.143		
OPIC Administrative Expenses		7.518	7.292	.226			
Peace Corps		219.745	180.411	32.522	2.637	1.318	
Intl. Narcotics Control		100.000	35.000	37.000	16.300	10.200	
Migration & Refugee Assistance		670.688	488.261	175.050	4.024	2.012	
Emergency Refugee Assistance		49.261	35.862	12.857	.542		
Anti-Terrorism Assistance		15.244	9.909	3.506	1.524	.152	
Total title II		4,949.487	1,634.275	1,580.545	726.471	366.121	215.751
Title III							
IMET		21.250	10.625	7.438	1.785	.340	
FMS—Israel							
FMS—Egypt							
FMS—Other Country Programs							
FMS—Administration		23.558	22.003	1.437			
FMS—Deob/Reob Sec. 510(b)							
Foreign Military Sales Financing		23.558	22.003	1.437			
Demobilization and Transition Fund							
FMF Program Subsidies							
FMF—Program Administration							
SDAF—Obligation Limit, Rescission							
SDAF—Program Termination							
Peacekeeping Operations		62.500	43.125	19.375			
Non-Proliferation Activities		10.000	2.500	2.800	2.700	2.000	
Total title III		117.308	78.253	31.050	4.485	2.340	
TITLE IV							
Trade and Development Program		40.000	8.280	16.000	11.000	3.000	
Eximbank Program Subsidies		1,000.000	133.000	411.000	214.000	151.000	91.000
Eximbank Administration Expenses		45.369	42.375	2.768			
Eximbank Negative Subsidy Receipts							
Total title IV		1,085.369	183.655	429.768	225.000	154.000	91.000
Title VI—Supplemental Appropriations:							
Multilateral Facility Contribution							
Special Assistance Initiative—FSU							
Defense O&M							
Total title VI							
Bill total		7,871.556	2,293.183	2,322.839	1,202.337	783.822	453.608
Smith across-the-board cut		[1] −200.000	−58.265	−59.019	−30.549	−19.915	−11.525
Defense Conversion		113.577	58.265	40.093	10.108	2.499	1.363
Difference		−86.423		−18.926	−20.441	−17.417	−10.162

[1] −2.54 percent.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the manager of the bill, the Senator from Vermont.

Mr. LEAHY. Mr. President, I understand the commitment of the Senator from California to the people of her State. I agree with her. I have also, I should tell the Senator from California, a number of times both in the Agriculture Committee and other committees I have chaired, supported programs that benefit California. I have voted for disaster relief and other areas and have been asked by the people of my own State why I was doing it.

Nobody in California elected me, incidentally, as nobody among the biggest recipients in this bill elected any of us. If we want to use that as an example, since there is nobody in this foreign aid bill who elected any of us we ought to do away with the whole foreign aid bill. I do not think the Senator from California was suggesting that. But I have voted for program after program involving California, helping California, not because there are any votes in that for me but because I thought it was my responsibility as a United States Senator to another part of our country that needed it.

I have done this in the Agriculture Committee as well as in other ways at the request of Senators from California. I suspect I will do it in the future. But I hope we would not make decisions here only based on the size of States. That is not what the Constitution of this country intended. Every State has two U.S. Senators. Every U.S. Senator has a responsibility to the whole country. And every U.S. Senator has a responsibility to his or her constituents. These are responsibilities that merge. They should not be setting Senators apart from each other, particularly on matters of foreign policy.

We can decide whether we want to have a foreign aid bill or not. Foreign aid accounts for less than 1 percent of our total budget. But if that fraction of 1 percent is necessary for domestic use, then we as U.S. Senators can vote to use it all here in the United States. But let us not stand up and beat our chests and say how great it is to be the one superpower of the world, how great it is to be the leader of the free world, how great it is to be the most powerful and wealthiest nation on Earth—because with that comes responsibilities. It is the responsibilities of little states to big states and big states to little states. It is a responsibility we share with our own country and with the rest of the world. It is a very easy thing to stand up and say, "Let us balance the budget, let us do away with foreign aid. Let us balance the budget. If we only had that money from foreign aid we would not have these problems in our schools, crime, drug problems, whatever else it might be." That is an easy, crowd-pleasing statement to make. It has everything going for it except accuracy.

The fact of the matter is, it is still less than 1 percent of our budget. There are a lot of things that benefit us as Americans in this. We improve and increase our export markets substantially from many of the programs that are in this foreign aid bill, programs that create tens of thousands of jobs right here in the United States of America. We have programs that improve our security. What is better? To spend a tiny, tiny fraction of 1 percent to bring about democracy and a free enterprise system in Russia? Or to spend 10, 20, 30, 40 percent of our budget to build nuclear weapons to face off against a heavily armed totalitarian state?

What is better, to help develop Third World nations that are the largest increasing market for our goods? Or to ignore them? These are things that we have to do. I mention this because it is so easy to say if we end foreign aid we could end up doing so much at home.

The fact of the matter is, we are the wealthiest and most powerful nation on Earth and with that comes certain responsibilities.

Frankly, Mr. President, those responsibilities go to those who do not have powerful voices in the Congress: victims of starvation in sub-Sahara Africa; those who are dying of AIDS, of river blindness; women who are trying to start businesses and improve their lives in so many Third World nations. They do not have powerful voices here.

As I said, I will speak for them, and I will speak against this amendment because they are going to be hurt disproportionately, far more than all the recipients of aid that are going to be excepted from this amendment.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. SMITH].

Mr. SMITH. Mr. President, the Senator from California was correctly commenting about the costs. I might just say, the Senator from Vermont did not provide what I believe is accurate information. I have the CBO numbers, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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Special Assistance Initiative—FSU							
Defense O&M							
Total title VI							
Bill total		7,871.556	2,293.183	2,322.839	1,202.337	783.822	453.608
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Defense Conversion		113.577	58.265	40.093	10.108	2.499	1.363
Difference		−86.423		−18.926	−20.441	−17.417	−10.162

[1] −2.54 percent.

Mr. SMITH. Mr. President, the number is about $7.8 billion. The 2.5 percent is coming from $7.8 billion, not $2 billion or $3 billion as was stated. That is where the $200 million comes from.

The information provided by the Senator from Vermont is simply wrong. I think it is important we have some type of accuracy in the debate. I might also say that I am not trying to grandstand here or to be a crowd pleaser in the sense that it is very easy to talk about what is for America rather than what is for some foreign country.

The truth of the matter is, we make cuts in budgets around here every day. We had a 2.5-percent reduction in the legislative appropriations bill a short time ago, as all Senators know. I do not see any less staff running around here as a result of that. We live with it. It is not the end of the world; 2.5 percent is not a lot of money when you look at the whole budget picture.

There are literally thousands of applications, and certainly a very large percent, as my friend from California knows came from California, New England, and the South.

I might also say, it is very important to distinguish here that this defense conversion program was formulated in a bipartisan way last year. We had no idea what the response was going to be to this program because firms had to provide half of the money up front themselves. The $8.5 billion came in as a result of that. We offered the program and they responded. We made this program possible, and we said, "If you are interested, put your money up," and they did because they need help, as the Senator from California knows. They need help. Not only are they going to get help this way, they are going to be helping us by creating new technology. This is exactly what we want them to do. We want them to move from the cold war economy to peaceful uses of the technology. That is what they want to do, and that is what this amendment gives them the opportunity to do.

I would agree with the Senator from Vermont, we would not be standing here today if, in fact, we had gotten a few thousand dollars or even a few million dollars in response to this program. We did not. We got $8.5 billion in pledges for this program because people want this help. These companies have asked for help, and we have the opportunity to provide it. I just do not see how that is the end of the world for international aid programs or any other program that the Senator from Vermont talked about. It is simply not going to happen.

I think the Senator from California was exactly correct when she said these are the people who elected us. These are the people who put us here. They are the people now who need help. These people did a tremendous job for us over the last 40 or 50 years. The technology that they developed, the help that they gave this country to win the cold war, to win the Persian Gulf war and to stand up to communism, they did that for us. They deserve this little bit of help and, yes, they deserve it before some international organization somewhere out there, God knows where. It is not going to be missed, believe me. Take a few administrators out of the loop somewhere. It is not going to hurt. It is not going to cripple foreign aid programs.

Who knows, maybe one of these 3,000 proposals will produce a cure for AIDS. Maybe that will be the spinoff, and then that will benefit the international community as well. Who knows. Let us not be so shortsighted.

This is a good amendment. It is worth supporting, and now is the time to do it. Not later, not after we realize that companies who had the will to convert did not get the opportunity to convert and literally go out of business. That would be tragic. We must not let that happen.

I urge my colleagues to support the Smith amendment, and I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I was going to make a motion to table the Smith amendment, but there may be further observations.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, if I may, let me just give you a story of a man—and this is close because it happened to have been in my campaign—who was a machinist in a defense plant, who was one of the 250,000 people who have lost their defense jobs in just the last 2 years in California. He had to find another part-time job and sell his home. His wife is very ill with cancer. Their insurance has been canceled on them and they are just beside themselves.

This is exactly the kind of family for which defense conversion dollars was meant to target, and there are hundreds of thousands of them—250,000 alone in California in just the last couple of years from just Defense downsizing and base closures.

I appreciate the concerns of the largest freedom-loving country on Earth, but other countries also have to understand that sometimes money has to go to the home front. I submit to this Senate, very respectfully, that this is a time when we have to take a look, and wherever we can, do what we can for the people who sent us here and who are hard pressed today and whose lives are turned around because they cannot earn a living.

This small amount will probably provide several thousand people with additional work, plus all of the new innovations that may be brought from it. I think it is a small amount—only $200 million out of a total foreign aid budget of $12 billion.I think it is what we were sent here to do.

I am very happy to support the amendment of the Senator from New Hampshire.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. SMITH].

Mr. SMITH. Mr. President, I believe there was a motion to table.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I move to table the Smith amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCONNELL. Mr. President, it is my understanding that Senator BROWN is now ready. How long does he think he might take?

Mr. BROWN. I think I can complete my discussion within 3 minutes.

Mr. MCCONNELL. I will say to our colleagues, it is our current intention—I understand the Republican leader wants a few minutes to speak—but we will probably have three back-to-back votes on the first Brown amendment, the Smith amendment, and the second Brown amendment probably commencing around 3:15, or thereabout, just to give everybody fair notice.

I yield the floor.

AMENDMENT NO. 951

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 951.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . MIDDLE EAST PEACE FACILITATION ACT.

(a) Until January 1, 1994, the President shall have the authority to waive section 307 of the Foreign Assistance Act, as amended, with respect to the Palestine Liberation Organization (PLO), programs for the PLO, and programs for the benefit of entities associated with it, which accept the commitments made by the PLO on September 9, 1993: *Provided*, That before exercising this authority, the President shall consult with the relevant Committees of the Senate and the House of Representatives: And *Provided further*, That the President determines, and notifies Congress that to do so is in the national interest;

(b) Subsection (a) shall cease to have effect if at any time prior to January 1, 1994, the President determines and so notifies Congress that the PLO has ceased to comply with the commitments it made on September 9, 1993, or the Congress, by joint resolution, determines that the PLO has ceased to comply with the commitments it made on September 9, 1993.

Mr. LEAHY. Mr. President, this just modifies some language to go with the language that was adopted by the Senate yesterday regarding the PLO.

Mr. MCCONNELL. That has been cleared on this side, as well.

The PRESIDING OFFICER. Is there further debate?

There being none, the question is on agreeing to the amendment.

The amendment (No. 951) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 952

(Purpose: To permit expenditure of funds for war reserve stockpiles in Thailand)

Mr. MCCONNELL. Mr. President, on behalf of Senator STEVENS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. STEVENS, proposes an amendment numbered 952.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

On page 56 of the bill, at the end of section 535, Location of Stockpiles, after "Republic of Korea" the second time it occurs, add "and $20,000,000 may be available for stockpiles in Thailand".

Mr. STEVENS. Mr. President, the amendment I propose permits the Department of Defense to liquidate current lease obligations to the Government of Thailand for the storage of war reserve stockpiles. This amendment adds no new spending to the bill, but permits the Department to use available funds to meet these costs.

This matter was not included in the administration's original budget request for 1994. It was raised in a subsequent package. I understand that the U.S. Pacific Command places a high priority on obtaining this authority, in order to maintain our existing mutual defense and support agreements with Thailand.

As our Nation looks to expanded relations with Vietnam, and continues to emphasize improved counternarcotics enforcement by nations in Southeast Asia, our support for agreements with nations in the region is critical. Thailand has undergone considerable political upheaval in recent years, but the commitment of the King and other leaders in Thailand has moved the country toward democracy—we need to add to that momentum.

Mr. President, the managers of the bill have been very considerate in accommodating the requests of this Senator on this bill, and I appreciate their support for the matters I have raised during floor consideration of this measure. As this language is not included in the House version of the bill, I ask that they accept this amendment, to give the administration an opportunity to work out any concerns about the War Reserve Stockpile Program in Thailand during their conference with the House.

Mr. President, I urge the adoption of the amendment.

Mr. MCCONNELL. Mr. President, this amendment by the senior Senator from Alaska has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the amendment offered on behalf of the Senator from Alaska.

The amendment (No. 952) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 953

(Purpose: To place a limitation on the obligation of funds appropriated for the International Bank for Reconstruction and Development and the International Development Association)

Mr. BROWN. Mr. President, I rise to offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. If the Senator will withhold, the Senate is currently in a nondebatable posture.

Mr. LEAHY. Mr. President, I ask unanimous consent that the motion to table stand in effect but that motion be temporarily set aside to follow after the vote on the first Brown amendment, prior to the vote on the second Brown amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the amendment offered by the Senator from Colorado.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 953.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 8, before the period insert the following: ": *Provided further*, That none of the funds appropriated under this heading may be obligated until the International Bank for Reconstruction and Development has established within the Bank a position of an independent inspector general".

On page 4, line 14, before the period insert the following: ": *Provided further*, That none of the funds appropriated under this heading may be obligated until the International Development Association has established within the Association a position of an independent inspector general".

Mr. BROWN. Mr. President, this amendment is quite straightforward. What it does is ask for an inspector general. It suggests we not deliver additional funds to the World Bank until an inspector general has been provided for. It is a standard kind of thing we expect all of our administrative departments to adhere to. It is the type of safety measure for international organizations that has broad support not only in this Chamber but I think within our Government.

My understanding is that the World Bank is even considering something of a panel that may well, if it is independent, be qualified under this. But I believe it is a minimum we can do, in light of the very egregious management misconduct that has taken place in the World Bank, to at least ask before we contribute more money to this organization that they, indeed, have an inspector general.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Is there further debate?

Mr. BROWN. Mr. President, I ask for the yeas and nays.

Mr. LEAHY. Mr. President, if the Senator will withhold, again on the idea of moving forward, so we can get on to other matters, I think the amendment will probably be accepted.

Does the Senator really need the yeas and nays?

Mr. BROWN. I withdraw my request for the yeas and nays.

Mr. McCONNELL. Mr. President, let me say also, having further studied the amendment of the Senator from Colorado, I think it is acceptable and will be glad to support it.

Mr. BROWN. I thank the distinguished chairman and distinguished ranking member.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 953) was agreed to.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, just so we understand now, because I had assumed there was going to be a second Brown amendment to require a rollcall vote, but we have just accepted that, so we make sure we have the procedure right, I ask unanimous consent that when we vote on or in relation to the Smith amendment No. 950, it occur without any intervening action or debate immediately upon the disposition of the Brown amendment No. 949, and no second-degree amendments be in order to either amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LEAHY. Mr. President, while we would normally go ahead now on this, I understand the distinguished Republican leader, Mr. DOLE, is in the Chamber.

Mr. President, I know the distinguished Republican leader is here for a matter that he wanted to discuss. So I suggest that we withhold on the votes we were going to have so that I can yield to the distinguished Senator from Kansas. I ask that following the statement by the distinguished Republican leader, the distinguished senior Senator from Rhode Island be recognized for a response.

The PRESIDING OFFICER. The Chair recognizes the Republican leader, Mr. DOLE.

Mr. DOLE. Mr. President, I had intended to offer an amendment this afternoon which would have stated that no additional United States forces should be deployed in Bosnia and Herzegovina, or any other area of the former Yugoslavia, without the advance approval of Congress, unless these forces are conducting humanitarian relief operations or involved in enforcing the no-fly zone over Bosnia and Herzegovina.

Last year, United States forces were deployed to Somalia on a limited humanitarian mission. That mission has changed to law enforcement and to nation building—a change which has not been adequately explained or justified to Congress and the American people.

Because of the concerns over the mission creep in Somalia, the Senate passed an amendment, similar to the one I had intended to offer, requiring the President to explain in detail the mission of the United States forces and urging him to seek and receive approval of the Congress for deployment in Somalia to continue.

The Clinton administration has made a qualified commitment to provide United States forces to implement a settlement in Bosnia, if one is reached; in fact, some are saying as many as 25,000 American troops.

The Bosnian Government is under intense pressure from the international community to accept the deal, even though it would take away about 70 percent of their country. And so before this administration makes a hard and fast commitment to a new military operation in Bosnia, Congress must and should have an opportunity to hear the mission explained in detail and we must have the option to debate the issue on its merits.

In light of discussions held with the distinguished chairman of the Foreign Relations Committee, Senator PELL, who shares my concerns about the need for thorough consultations, I will not offer this amendment. The chairman has agreed to hold hearings possibly as early as next week on the issue of potential United States involvement in implementing a settlement in Bosnia and Herzegovina. In addition, we will be working on a resolution along the lines of my amendment for the Senate to consider.

Mr. President, I believe that the United States does have a clear interest at stake in Bosnia and Herzegovina. We have an interest in upholding international order and supporting principles such as the territorial integrity of internationally recognized states. Moreover, we have a stake in the stability of that region.

Unfortunately, I think the United Nations and European approach to the war against Bosnia—an approach which the United States has gone along with as furthering these interests—indeed, in my view, the Owen/Stoltenberg plan does just the opposite. It provides for the dismemberment of a U.N. member state, setting a terrible future precedent for future wars of aggression.

So, in addition to my concerns about the enforceability of the plan, I have serious reservations about deploying U.S. ground troops to enforce a plan which essentially rewards aggression and takes away 70 percent of an independent nation. Do we want to send 25,000 troops to make certain we enforce the gains made, in this case, primarily by Mr. Milosevic, but also by the Croats under Mr. Tudjman?

I have long believed there are other options which do not pose the same danger of getting bogged down in a quagmire, are less costly, and would pose fewer risks to our forces, in particular—I repeat—lifting the arms embargo against the Bosnians, and NATO air strikes.

In any event, I believe all aspects of potential involvement in Bosnia and Herzegovina, or in other areas of the former Yugoslavia, should be thoroughly deliberated.

Mr. President, I do not wish to foreclose any options for the United States. However, there must be a thorough congressional debate on our own policy.

I thank the committee chairman for agreeing to hold hearings. I look forward to working with him and other interested Senators on both sides of the aisle in pursuing a resolution that might properly address this subject.

I ask unanimous consent that the amendment I had intended to offer be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 103, between lines 17 and 18, insert the following new section:

SEC. .

(a) FINDINGS.—The Congress finds that—

(1) Whereas the Clinton administration has indicated its willingness to increase the participation of United States Armed Forces in United Nations-commanded operations, in particular, peacekeeping operations.

(2) Whereas the North Atlantic Treaty Organization (NATO) has authorized the use of air strikes in Bosnia-Hercegovina in the event of the continued strangulation of Sarajevo and other areas, and to safeguard United Nations Protection Forces (UNPROFOR) in Bosnia-Hercegovina.

(3) Whereas the United States supported the NATO decision to authorize air strikes and has offered to make available aircraft flown by United States military personnel for such operations.

(4) Whereas the President has indicated his willingness to commit as many as 25,000 United States ground forces to participate in implementation of a potential peace settlement in Bosnia-Hercegovina under the auspices of NATO in coordination with the United Nations.

(5) whereas the United States has deployed forces to support United Nations peacekeeping efforts in Macedonia and has placed these forces under United Nations command.

(6) Whereas United States Armed Forces in Somalia are currently engaged in combat under United Nations command in increasingly uncertain and dangerous circumstances.

(7) Whereas on September 9, 1993, the Senate expressed its concern regarding the changing mission of United States Armed Forces in Somalia.

(8) Whereas on September 9, 1993, by a vote of 90 to 7, the Senate called on the President to gain Congressional approval for the continued deployment of United States Armed Forces to Somalia.

(b) STATEMENT OF CONGRESSIONAL POLICY.—

(1) CONSULTATION WITH CONGRESS.—The President should consult closely with the Congress regarding United States policy with respect to Bosnia-Hercegovina and the other states of the former Yugoslavia before committing additional United States Armed Forces to these states under the command and auspices of any international organization, regional treaty structure, or foreign entity, for purposes other than enforcing the no-fly zone over Bosnia-Hercegovina and conducting humanitarian relief operations.

(2) REPORTING REQUIREMENT.—Before committing additional United States Armed Forces to Bosnia-Hercegovina or any other state of the former Yugoslavia under the command and auspices of any international organization, regional treaty structure, or foreign entity for purposes other than enforcing the no-fly zone over Bosnia-Hercegovina and conducting humanitarian relief operations, the President should submit a detailed report to Congress on the goals and objectives of such troop deployments, the command arrangements, and the size, functions, locations, and anticipated duration of the mission.

(3) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (b) and before committing additional United States Armed Forces to operations in Bosnia-Hercegovina or any other states of the former Yugoslavia, under the auspices of any international organization, regional treaty structure, or foreign entity, for purposes other than the enforcement of the no-fly zone over Bosnia-Hercegovina or conducting humanitarian relief operations, the President should seek and receive Congressional approval.

Mr. DOLE. I yield the floor to the distinguished chairman of the Foreign Relations Committee.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, the Senator from Kansas, the distinguished minority leader, intended to offer an amendment regarding the deployment of United States Armed Forces to the former Yugoslavia. It calls for Presidential consultation with Congress, including the submission of a report detailing goals and objectives of such deployment. It also says the President should seek and receive congressional approval before committing U.S. Armed Forces to the former Yugoslavia.

I agree with Senator DOLE that this consultation is necessary and I support the minority leader in this effort. The President has indicated he may commit as many as 25,000 troops to enforce the potential peace settlement. I believe that this warrants intense examination, discussion, and a skeptical look on the part of the Congress.

However, I do not believe we should discuss this issue in the context of the appropriations bill that is before us. Rather, I believe the issue of the deployment of U.S. troops should be discussed in the Foreign Relations Committee, the oversight legislative committee. In that regard, I have called for hearings on Senator DOLE's legislation so that we might discuss the subject.

And I appreciate very much the graciousness of the minority leader in holding off in his amendment pending any hearings.

Mr. DOLE. Mr. President, I thank the distinguished chairman.

Mr. MCCAIN. Mr. President, 3 years ago this past August, President Bush organized an international effort to turn back the aggression of Saddam Hussein. Critics and supporters of Operation Desert Storm alike have come to recognize the diplomacy of President Bush and his use of the United Nations as a textbook example of effective foreign policy.

There should be no doubt that the success of that operation was the result of American political leadership in New York and American leadership in the field on the Arabian peninsula.

I am becoming increasingly concerned that the administration is inclined to relinquish the advantages of American leadership by ceding authority for the command of U.S. troops to the United Nations. If this body's debate on United States policy in Somalia on September 9 is any indication, many of my colleagues share these concerns.

Press reports have indicated that the administration is very seriously considering an expanded role for U.S. troops in U.N. peacekeeping operations. I ask unanimous consent that two articles from the Washington Post concerning the internal administration debate on this matter be placed in the RECORD following my remarks.

The administration's willingness to place United States forces at the disposal of the United Nations has been demonstrated in Somalia and in policy statements regarding the situation in Bosnia.

The North Atlantic Treaty Organization has authorized airstrikes in Bosnia and established a complex structure by which the strikes will be coordinated with the United Nations.

We learned the hard way in Korea, Vietnam, and Lebanon that it is one thing to defeat a regular military force in the field and another to intervene in a guerrilla or popular war. In simple technical terms, it can take us several fighter bombers to locate and kill a single artillery piece. We can never be sure of locating and killing mortars and rocket launchers.

There is no way to be surgical about air strikes against scattered infantry forces or guerrillas mixed in with civilian populations. Vietnam has taught us that you need massive amounts of airpower, you do immense amounts of damage to everything around your target, and you often fail.

Despite threats from the administration to use airstrikes, these practical difficulties and the evolution of our policy in Bosnia offers me no reassurances that the administration can ensure effective military action.

One of the principled guidelines to the proper use of military force is that it serve clearly defined and achievable political and military objectives. Our policy in Bosnia has never been clearly defined by the administration. With unclear political objectives, I see no way to provide our service men and women, and the American people, with clearly defined military objectives.

The administration opposed the Vance-Owens peace plan, then supported it, then once again opposed it. The administration supported the Owens-Stoltenberg accord, then opposed it. The administration announced its intention to support the objectives of the Bosnian Moslems, then pressured the Moslems to abandon these objectives, then once again supported their objectives.

To solve these uncertainties in Bosnia, or anywhere else, by ceding authority to the United Nations is a very serious mistake.

First, it is wrong on principle: Congress and the President, as the elected leaders of the American people, and responsible for the lives of American service men and women when they are placed in harms way. The Constitution is clear in this regard.

Second, it is a mistake because the United Nations, and many within the administration, tend to set lofty and ill-defined goals for United Nations forces, goals which are, in my opinion, often militarily unachievable.

Somalia is a prime example of lofty ambitions gone awry. Our service men and women have become, as a result of policy debates in New York, part of a mission to build Somalia into a stable democracy—something, incidently, it has never been, and shows no sign of becoming this decade.

The manner in which military force is to be used to further this grandiose objective has been left unclear. Without a clear military objective, our forces in Somalia have found themselves involved in a situation where they cannot distinguish between friend and foe. They have often been presented with situations where they cannot even distinguish between civilians and combatants.

A clear majority of my colleagues expressed these same concerns when we debated United States policy in Somalia 2 weeks ago.

The failure of the United Nations to provide peacekeeping troops with effective and recognized military objectives is a recurring problem. It is a problem Congress should examine closely before consenting to increased cooperation with United Nations peacekeeping operations.

The Israelis, for one, can testify from experience that the actual ability of United Nations troops to keep the peace is highly questionable. Having been lulled into a false sense of security by the presence of UN peace keeping troops on their southwest border, the Israelis were unprepared in 1967 when Arab forces waived aside the United Nations and launched an invasion.

The choice before us is whether we are to use the United Nations, as President Bush did in the Persian Gulf, to form effective international coalitions in support of United Nations objectives, or whether we are to take our guidance from failed U.N. commanded operations in such places as the Sinai and Somalia.

I believe that when the lives of our servicemen and women are at stake, as they are today in Somalia and Macedonia, and as they may soon be in Bosnia, this question is worthy of extended debate.

On September 9, 1993, by a vote of 90 to 7, the Senate passed a measure calling on the President to request and receive congressional authorization for the continued use of U.S. Armed Forces in Somalia. The amendment Senator DOLE and I planned to offer concerning the use of U.S. Armed Forces in Bosnia is essentially the same.

The only difference is that this time we would have asked the President to receive congressional authorization for the deployment of U.S. Armed Forces before they are deployed. As we learned in Lebanon, as the Israelis learned in the Sinai, and as we are now learning in Somalia, military force is only successful if it serves clearly defined and achievable military objectives, and if the objectives are matched with an appropriate mission and sufficient resources.

This amendment would have called on the President to provide Congress and the American people with a clear description of U.S. policy in Bosnia and the objectives of the military forces he proposes to commit to the region. Like the amendment on Somalia, it called on him to then request of Congress the authority to commit U.S. forces for the purposes he describes.

There are guidelines I have used since my election to the Senate to determine the merits of U.S. military action. They are guidelines, appropriately enough, first formulated by former Secretary of Defense Caspar Weinberger following the debacle in Lebanon.

I believe our efforts at peace keeping must be evaluated carefully and publicly in light of these reasonable guidelines.

First, the United States should not commit forces to combat unless our strategic interests are at stake. When humanitarian interests are at stake, as in Kurdistan, Bangladesh, or Somalia, forces should only be committed when the risk to our forces is slight and such a commitment is acceptable to the American people.

Second, our Armed Forces should only be committed if they have clearly defined political and military objectives and the mission and capability to carry out these objectives.

Third, the relationship between our objectives and the composition and disposition of our forces must be continually reassessed and adjusted as necessary.

Fourth, if the Congress and the President decide on a case by case basis to cooperate with the United Nations, command arrangements must be clearly defined, the United States must retain freedom of action, and any foreign command must be both effective and subject to clear limitations.

I, for one, am not prepared to allow the United Nations to decide for us whether these conditions have been sufficiently met. They did not have the right answers in the Sinai in 1967, they do not have the right answers in Somalia, and I fear they do not have the right answers in Bosnia.

Caspar Weinberger, in the article laying down the guidelines to which I have just referred, goes on to sum up the importance of national debate as follows:

> Before the United States commits combat forces abroad the U.S. government should have some reasonable assurance of the support of the American people and their elected representatives in the Congress. * * * The public elects a president as a leader. * * * He takes an oath to protect and defend the Constitution. The people also expect a Congress sworn to the same principles and duties.

I think he states the case well.

Having made this case I would like reassure my colleagues on a couple of points.

First, nothing in the amendment that my colleagues and I had planned to offer today is intended to impair the President's ability to respond to an emergency humanitarian situation in which immediate military action is necessary. I recognize that a situation may arise, such as wholesale massacre, for which extended congressional debate would be inappropriate and I believe the President must retain the authority to respond to such a contingency.

Second, nothing in the amendment was intended to impair the President's ability to enforce the no-fly zones over Bosnia or interfere with medical evacuations and humanitarian relief flights. These are measured responses to a very complex situation and I support them.

I appreciate Senator PELL'S willingness to hold hearings on this matter and look forward to the Foreign Relations Committee's deliberations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 5, 1993]

WIDER U.N. POLICE ROLE SUPPORTED

(By Barton Gellman)

President Clinton's top national security advisers have agreed to support the "rapid expansion" of United Nations peace enforcement operations around the world, but the new policy falls far short of U.N. hopes and the aggressive proposals of some members of the administration.

The initiative, outlined in the classified final draft of Presidential Decision Directive 13, endorses the United Nations as ersatz world policeman and commits Washington to support multinational peacemaking and peacekeeping operations "politically, militarily and financially." Its major emphasis is boosting the size and professionalism of the U.N. headquarters staff, where fewer than 80 full-time employes now attempt to control 80,000 troops around the world in 14 separate operations.

If signed by Clinton this month as expected, the directive would formalize the president's acceptance of U.N. command over U.S. troops, a significant milestone. But the document rejects any open-ended U.S. commitments and directs American commanders to disobey U.N. orders they judge to be illegal or "military imprudent."

The presidential directive and accompanying review paper, known respectively as PDD–13 and PRD–13, distill five months of contentious interagency debate over the best response to a world full of post-Cold War ethnic and subnational conflict. The new policy comes at a time of unprecedented growth in demands for U.N. intervention, and amid serious problems with major operations in Somalia and the Balkans.

In 1990, according to briefing charts prepared by the Pentagon's Joint Staff, the United Nations had about 10,000 peacekeepers deployed for an annual cost of $819 million. By this year, there were more than 80,000 U.N. peacekeepers deployed with annual bills exceeding $3.6 billion.

The final draft of PDD–13, approved in a July 14 interagency meeting of senior officials and obtained by The Washington Post, rejects Secretary General Boutros Boutros-Ghali's ambitious call last year for a standing U.N. "rapid deployment force" for intervention in world trouble spots, an idea Clinton endorsed in his presidential campaign. The Pentagon, in the words of one officer, threw "a major dose of cold reason" on more ambitious proposals from the State Department and National Security Council staff.

The Presidential directive is in the form of a memorandum to Clinton's senior national security advisers. It says the United States will neither "earmark" U.S. military units for U.N. peace operations nor even promise in advance to supply generic capabilities, such as combat engineering or air cover. Instead, Washington will list a set of capabilities that it may be willing to contribute "on a case-by-case basis."

The effect of that restraint, according to one disappointed administration advocate of greater commitment, leaves the world body in the position of "rounding up a posse" every time it considers a new intervention. At the same time, the presidential directive endorses a broad new definition of what constitutes a "threat to international peace and security," setting the stage for forcible U.N. intervention when a country undergoes "sudden and unexpected interruption of established democracy or gross violation of human rights."

The policy allows for U.S. troops to be placed under the "operational control" of a U.N. commander, which ratifies an experiment underway in Somalia. When the American-led humanitarian intervention there gave way to U.N. command in May, Clinton became the first president since the Korean War to place American troops under the world body's control.

But in a controversial hedge, the directive orders U.S. commanders in such operations to maintain separate reporting channels to higher U.S. military authorities and disobey U.N. orders which they judge to be illegal, outside the agreed U.N. mandate or "militarily imprudent and unsound." The United States will also reserve "the right to terminate the participation of the U.S. unit . . . and to take whatever actions it deems necessary to protect them if they are endangered," the directive says.

Although Pentagon officials insisted on these conditions, they acknowledge that they make for what one called "a double-edged sword."

"If we're in charge, do we want the Turks to say, 'I don't like that order?' " asked one officer who has closely followed the debate. "It's going to cause us some problems as we try to sell this to other nations in the U.N."

Madeleine K. Albright, U.S. ambassador to the United Nations, acknowledged in a closed-door talk to Army officers last Thursday that the reservation of national decision-making power makes for "serious command and control problems" in a U.N. force, according to a tape recording of her remarks.

Those problems are already manifest in Somalia. Italian forces in Mogadishu have conducted military operations and negotiations there without notifying Turkish Lt. Gen. Cevik Bir, the operation's overall commander, and they have refused direct orders to attack Somali militias. Small contingents from Kuwait and Saudi Arabia have likewise rebuffed Bir's commands, and a 1,174-man American quick reaction force was never placed under Bir.

"If this is the wave of the future, the future looks pretty ugly," said another Army officer.

But a senior administration official who has played a central role in drafting the new policy initiative insisted that the hedge against "imprudent" orders would not justify the behavior of the Italians. He said it is intended only to stop reckless tactical moves, not disagreements over a mission's larger strategy.

A central aim of PDD–13 is to boost the prestige, staff and resources of the U.N. military headquarters staff, long hobbled by the U.S.-Soviet deadlock and unaccustomed to operational responsibility. The initiative seeks to more than double the peacekeeping headquarters with 100 new staff members, 20 of whom would be supplied by the State and Defense departments.

A revamped U.N. staff, the directive says, should have a "research division," a euphemism for military intelligence; an operations division with a 24-hour staff and encrypted command, control and communications facilities; a "rapidly deployable headquarters team" to control new operations in the field, and a "standing airlift capability" using commercial and possibly leased Russian military transports.

Unwilling to pay for most of this, the Clinton administration is directing Albright to begin recruiting donors, "focusing on Japan and Germany," to expand the peacekeeping office.

Within the administration, the State and Defense departments have been battling for months to control the newly important budgets and policy decisions on peace operations. The dispute flared Tuesday at a closed meeting of the Senate Armed Services and Foreign Relations committees attended by senior Pentagon, State and National Security Council staff officials. "It was abruptly ended after the administration embarrassed itself by not speaking with one voice," said one government official.

U.S. RECONSIDERS PUTTING GIS UNDER U.N.

(By Barton Gellman)

The Clinton administration, under conflicting pressures from Congress and the United Nations, is moving away from a broad new policy on peace enforcement operations that would have placed U.S. combat troops under U.N. command.

A high-level interagency group chaired by deputy national security adviser Samuel R. "Sandy" Berger had approved the new policy July 14 for President Clinton's signature. The classified initiative, known as Presidential Decision Directive 13, welcomed the "rapid expansion" of U.N. peace enforcement operations and said the United States would sometimes contribute armed forces "under the operational control of a United Nations commander."

But Cabinet-level officials, who got their first look at the directive this month, are reconsidering. One major reason is a backlash in Congress, prompted in part by anxiety over operations in Somalia and Bosnia.

Officials said the policy has been redrafted twice since its disclosure Aug. 5 in The Washington Post, and its basic thrust is moving away from committing U.S. forces routinely to U.N. control. The larger a peacekeeping operation and the more violent it becomes, according to the emerging consensus, the more likely the administration is to insist on U.S. control.

"I don't think the United States—I don't think the United States Congress—is ready to place U.S. combat forces under U.N. command," said one disappointed mid-level official, who supported the draft approved this summer.

Peace operations have been the only growth industry for a U.S. military establishment shrinking rapidly after the Cold War. The United Nations, likewise, has eight times more peace keepers deployed around the globe today—about 80,000 in all—than it did just three years ago.

Already feeling overstretched by commitments ranging from Somalia and Iraq to Bosnia and Haiti, the Clinton administration is looking for another way to treat a rash of ethnic and subnational conflicts. Its strategy is to share the military and financial burdens by encouraging the United Nations to become the world policeman that America does not want to be.

But Congress objects. With near unanimity by Republicans and substantial defections by Democrats, the House this month rejected an administration proposal to provide $30 million to cover U.S. deployments in future peace-keeping operations and $10 million to help build a U.N. command post in New York. The Senate voted 90 to 7 to require the administration by Nov. 15 to justify continued deployment of U.S. troops to Somalia.

These conflicting demands make for a tricky new world order balancing act. Even as it seeks to reassure Congress that the United States will retain the final say over the use of American troops, the administration is now abandoning a provision in earlier policy drafts that would have given U.S. officers veto power over orders from higher U.N. commanders.

The July 14 draft said U.S. unit commanders in U.N. operations "will be instructed not to comply with orders which they believe to be outside the mandate of the mission to which the United States agreed with the United Nations, or are illegal under U.S. or international law, or are militarily imprudent or unsound."

After strong protests from Secretary General Boutros Boutros-Ghali and U.N. peacekeeping under-secretary Kofi Annan, U.S. Ambassador to the U.N. Madeleine K. Albright cabled Secretary of State Warren Christopher last month that keeping such a veto would lead other nations to follow suit, destroying any potential for coherent U.N. command.

The latest draft has removed any reference to "imprudent or unsound" orders, officials said. If a commander receives illegal orders or orders he believes to be outside the U.N. mandate, the policy now directs him to appeal up the U.N. chain of command, and then to his U.S. senior commanders.

There is not as clear an answer yet to the question of placing Americans under U.N. command in the first place, though the direction of recent deliberations is clear. One advocate of a stronger U.N. role said "it does not look like, when all is said and done, that we are going to rule out putting U.S. forces under a U.N. commander." But other officials said the conditions for doing so were likely to be very restrictive.

Clinton's Cabinet-rank advisers, including Christopher, Albright and Defense Secretary Les Aspin, could not agree on a final text of the directive at a meeting held last Friday. Christopher, according to two officials, has taken personal control of drafting one key passage.

Christopher is trying to refine what one State Department official called "a three-tiered approach," in which successively stricter criteria would determine U.S. backing for a U.N. peace operation, the involvement of U.S. troops and a commitment of those U.S. troops to combat.

Approval of a U.N. operation would require a case of international aggression, humanitarian disaster or a sudden threat to an "established democracy," combined with an international consensus on what to do about it. U.S. participation would depend on U.S. national interests, domestic political support, a clearly defined end point and the likelihood that the mission would not succeed without U.S. help.

For operations involving substantial use of force, U.S. participation would require a vital national or allied interest and a clear commitment to win, among other factors.

Ironically, according to some administration officials, the increasing bloody mission in Somalia probably would not meet these new policy tests.

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania, [Mr. SPECTER], is recognized.

Mr. SPECTER. Mr. President, I thank the Chair.

Mr. President, I rise to make a few brief comments about the bill. At the outset I congratulate the distinguished Senator from Vermont, the chairman of the committee, and the distinguished Senator from Kentucky, the ranking Republican, for an outstanding job on a very complicated bill.

I am glad to see that there is an allocation in this bill of $3 million for the War Crimes Tribunal to move ahead with investigations on the war crimes of the former Yugoslav Government as we have had so many reports about Serbian atrocities.

The comment has just been made about what the United States can do by way of assistance to try to eliminate the so-called ethnic cleansing and genocide. It is a complicated matter, given the difficulty in allocating ground troops and the controversy about the utility of air strikes or the effectiveness of an embargo. One avenue of approach is clear, however; that is, we must move ahead to try to bring the war criminals to justice.

The United Nations has passed a resolution authorizing a War Crimes Tribunal and 11 judges have now been selected. They are currently in the process of selecting a chief prosecutor. While all of this is happening with no funding specified, money is necessary now in order to initiate investigations and gather evidence. If evidence is not gathered in a timely fashion, it evaporates as eyewitnesses become difficult to locate and recollections diminish. Therefore, it is very important that evidence be gathered at an early date. It would have been preferable to have that evidence gathered some time ago. But there is no use looking backward.

During the August recess I had an opportunity to talk with Secretary General Boutros Boutros-Ghali, and our U.N. Ambassador, Madeleine Albright, about the operation of the War Crimes Tribunal. Each expressed to me a grave concern about the inability of the United Nations to fund at least a minimal operation to gather evidence. And $3 million should move that ahead.

It should be borne in mind that efforts must be undertaken by the State Department to get other member States of the United Nations to do their share. This is a very, very important operation, and a War Crimes Tribunal successfully put into operation could form the basis for a later permanent international criminal court, something many in this Chamber and in the House have worked on.

The distinguished Senator from Connecticut, [Mr. DODD], and I, have introduced resolutions on this subject. Some go back as far as 7 years. A War Crimes Tribunal would be an important precedent for an international criminal court which could work effectively on terrorism and drug control.

We have seen horrendous acts of international terrorism go unchecked. In one famous case involving Abu Abbas, implicated in the hijacking of the Achille Lauro and the murder of Leon Klinghoffer, he was sent by Egypt in an airliner to Tunis, it was intercepted by the United States. After a standoff with Italian authorities, Abu Abbas was not given to the United States but was given to Italy, who in turn gave custody to Yugoslavia. All of these countries were unwilling to turn over this terrorist to the United States because of concerns about national sovereignty. Had there been an international criminal court, it is my view that it would have been highly likely that Abu Abbas would have been turned over to an international court.

The very serious Colombian drug dealing is an illustration of international narcotics trafficking. Again, Colombia has been unwilling to turn over many of these drug dealers to the United States for prosecution. And again, had there been an international criminal court, I think extraditions to that court would have been realistic and possible.

Hence, the War Crimes Tribunal has many important functions in bringing the war criminals in the Serbia-Bosnia conflict to justice and in setting a precedent for an international criminal court as a permanent international institution.

Mr. President, I am also pleased to note that this bill is accompanied by a report which urges, and I am hopeful this will be retained in conference, the Agency for International Development to provide at least $20 million in support for the International Foundation for Education and Self-Help in promoting self-help programs in Africa.

This foundation has been substantially the handiwork of a very distinguished Pennsylvanian, Dr. Leon Sullivan, who organized Self-Help and OIC, Opportunities Industrialization Corps. Dr. Sullivan has long been a leader in this country. An African-American, he has pioneered work for job training, and for job placement for African-Americans and other minorities, and the underprivileged. He has recently taken his tremendous energy to Africa where he has initiated programs there doing wonders in leveraging United States aid.

This is a very important allocation of $20 million. It has been, as noted on page 75 of the committee report, the urging of the Senate, and, I hope, the Congress, to allocate these funds for the International Foundation for Education and Self-Help.

There is also an important provision with respect to international drug trafficking which is so serious in Africa. Many of these nations lack trained personnel to move ahead in this field.

The Center for Substance Abuse Prevention in the U.S. Department of Health and Human Services has personnel which could be made available to help out in this line.

During the April recess, the distinguished Senator from South Dakota [Mr. PRESSLER], and I had an opportunity to travel to certain of the sub-Saharan African countries and saw firsthand the problems with drug control. This language directs the Agency for International Development to attend to this problem. We also saw substantial problems in Africa in which the International Foundation for Education and Self-Help would also be able to assist.

One final comment, Mr. President. That is with respect to our aid to Russia and other independent nations from the old Soviet Union. I supported the amendment offered by the distinguished Senator from West Virginia, the President pro tempore, Senator BYRD, on conditioning United States aid to withdrawal of the Soviet Union from the Balkan countries.

There is absolutely no reason why the Soviet Union ought to stay in those independent countries. There has been tremendous insistence by the Balkan countries to have the Soviet Union remove its troops, and when we are engaged in such very substantial aid with Russia, that is a very legitimate condition.

The committee report has further urged that the administration take steps to get collateral security from Russia and the other new independent States formerly in the Soviet Union because we are advancing very substantial sums on foreign aid. Russia and the other countries with material assets, gold and minerals, should provide collateral security.

I offered an amendment on this subject several years ago, and I had considered offering an amendment on this bill and decided not to do so out of deference to the new administration to give the Clinton administration an opportunity to focus on this issue of collateral security.

It is my intention to offer such an amendment next year if some action is not taken along this line.

The recent developments in the Soviet Union are cause for considerable concern, and I wish to note my own concern for the activities of President Yeltsin in violation, or at least apparent violation, of the Russian Constitution. President Clinton has given his full endorsement to President Yeltsin, and up until the present time, there is no doubt that President Yeltsin has been on a very constructive course to try to bring democracy to Russia and a market economy. When you have a situation where the President of Russia has a major disagreement with the parliament of Russia, it is pretty hard to say who is right and who is wrong from a distance.

I am concerned, however, where you have the Constitution being violated, or apparently violated—all the reports say that it is—and you have the Supreme Court of Russia saying that President Yeltsin has acted improperly. Then, I believe there is cause for concern about our blanket endorsement of President Yeltsin under those circumstances. I think it is vital that Mr. Yeltsin proceed in a principled way, and that while we might support his objectives at the present time, it goes without saying that the ends do not justify the means. While we may agree with what President Yeltsin is doing today, we may find authoritarian practices in dissolving the parliament and violating the Russian Constitution to be very damaging in the long run.

Mr. LEAHY. Will the Senator yield for a question?

Mr. SPECTER. Yes.

Mr. LEAHY. Technically, under the unanimous-consent agreement, I advise the Senator that we are supposed to be voting on two amendments. I wonder if he might give us some idea, because we have a third one we are going to connect into that as part of an earlier agreement—this was before the Senator was on the floor—with the leadership, so that it would not interfere with testimony going on before a couple of committees.

I want to start the series of votes, one which will require 15 minutes or more, by 3:25 or 3:30. I realize the Senator was otherwise engaged when the earlier unanimous-consent agreement was entered into. I hate to cut into his time but, technically, we are going to have to enter into a unanimous-consent agreement if he has a longer speech.

Mr. SPECTER. I appreciate the time constraints that the Senator from Vermont has articulated, and I will finish in another 2 or 3 minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent, then, that the Senator from Pennsylvania be recognized for another 4 minutes; that then the Senator from Nebraska [Mr. KERREY], be recognized to bring up his amendment on which there will be 15 minutes of debate evenly divided, and at the end of that, there would be the two pending votes, on which the yeas and nays have already been ordered, they would begin, the Brown and Smith amendments, and followed by the Kerrey amendment, if the yeas and nays are ordered.

The PRESIDING OFFICER. Is there objection?

Mr. KERREY. Reserving the right to object, 15 minutes equally divided probably would not give us enough time. It would probably take 15 minutes for the two or three of us who may want to speak for it. I am not sure anybody is going to speak in opposition to it.

Mr. LEAHY. How about half an hour?

Mr. KERREY. All right, and I will yield back what is not used.

Mr. LEAHY. Mr. President, I so modify my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I was referring to the action of President Yeltsin involving the Russian Parliament and the concern about that kind of procedure in violation of the Russian Constitution. The Russians have had a long history of one-man rule, going back to the days of the Communist dictators and before that the czars. If we are to see some real improvement in what is happening in Russia to warrant very substantial foreign aid which is contained in this bill, then I think it is important that the move to democracy be carried out in a very realistic fashion. Where you have authoritarian control, as exhibited by President Yeltsin, it runs counter to democratic principles and is in line with the authoritarianism of the czars of the past and Communist dictators.

I express this concern, because unless President Yeltsin is able to conduct the affairs of Russia in accordance with the kinds of objectives which have been articulated by the administration and the Congress—that is, a movement to democracy and free enterprise—then it undercuts the basis for the kind of very substantial foreign aid which we have given. Further, it would require some action on the part of the United States Government and may lead to some amendments at a future time by this Senator and others.

I yield the floor.

Mr. LEAHY. I believe under the agreement, the Senator from Nebraska is to be recognized.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I ask unanimous consent that the committee amendments be laid aside for the consideration of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 954

(Purpose: To express the sense of the Congress concerning human rights and democracy in Vietnam)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself, Mr. ROBB, and Mr. MCCAIN, proposes an amendment numbered 954.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 103, between lines 17 and 18, insert the following:

POLICY CONCERNING HUMAN RIGHTS AND DEMOCRACY IN VIETNAM

SEC. 597. (a) FINDINGS.—The Congress finds that—

(1) the ending of the Cold War provides an unprecedented opportunity for democratic reform and improvements in human rights throughout the world;

(2) the government and citizens of the United States view positively recent improvements in resolving POW/MIA cases by the Socialist Republic of Vietnam and wish to promote even greater openness in that country;

(3) recent economic reforms and initiatives undertaken by the Vietnamese Government can best be encouraged and built upon through political liberalization;

(4) the interests of the United States and the people of Vietnam, and the international community would best be served by having a friendly and democratic government in Vietnam;

(5) the United States currently has no program to support political reform in Vietnam; and

(6) greater respect for internationally recognized human rights and a peaceful transition to democracy in Vietnam would greatly reduce the threat to the stability of Southeast Asia, allow for the rapid resolution of the POW/MIA issue, and enable the creation of a free-market economy in Vietnam.

(b) POLICY.—It is the sense of the Congress that—

(1) the United States should support the process of nonviolent democratic reform in Vietnam;

(2) the Secretary of State should declare United States support for the democratization of Vietnam and reaffirm that measurable progress on the POW/MIA issue is critical to normalizing economic and diplomatic relations with the United States;

(3) the Administration should take the lead in mobilizing the United Nations, ASEAN members, human rights organizations, and the various other interest groups, including United States businesses operating in Vietnam under the guidelines of current United States policy, to work toward the common goal of promoting basic human rights, the rule of law and free and democratic elections in Vietnam; and

(4) the United States should increase its support for Voice of America programming in Vietnam.

(5) the Administration should make every effort to stress with officials of the Vietnamese government at every opportunity the importance of human rights in the relationship between our two nations.

(6) the Administration should raise with officials of the Vietnamese government at every opportunity outstanding individual human rights cases.

Mr. KERREY. Mr. President, I ask that Senators ROBB and MCCAIN be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, this is a simple amendment which expresses the Senate's intent that human rights considerations and democratic movements inside Vietnam be supported by the United States. It is a fairly simple, straightforward amendment. It is in conformance with policies that we have thoughout the rest of the world.

In fact, I ask unanimous consent that an article that appeared in the September 16, 1993, Washington Post regarding Strobe Talbott's visit to Turkmenistan and Uzbekistan be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 16, 1993]

U.S. PROTESTS DETENTIONS IN CENTRAL ASIAN STATES

(By Fred Hiatt)

MOSCOW, September 15—U.S. ambassador-at-large Strobe Talbott cut short a visit to the Central Asian nation of Turkmenistan and refused to sign an aid agreement there to protest the detention of four opposition leaders who had been scheduled to meet with him, a U.S. official said today.

The crackdown was the second such incident during Talbott's tour of former Soviet countries this week. In Uzbekistan, another Central Asian nation under one-party rule, at least two and probably four or more human rights activists were detained or intimidated to keep them from meeting with the ambassador, according to the U.S. official and human rights activists.

Talbott, who is President Clinton's senior adviser on affairs relating to the former Soviet Union, protested the incidents in meetings with the presidents of both countries. He told Uzbek President Islam Karimov and Turkmen President Saparmurad Niyazov that Washington will not provide economic aid if there are no democratic reforms in their countries.

"We said in both places that we can't separate democratization from economic reform, that the two go hand in hand and that that's what we're willing to support" a U.S. official said.

According to an official Uzbek newspaper, Karimov essentially told Talbot to mind his own business, saying that the problems of Uzbekistan should be solved by itself, its nation, its people and its leadership," the Reuter news agency reported.

Uzbekistan and Turkmenistan, two of the 15 former Soviet republics, are predominantly Muslim nations where Iran, China, Russia, Turkey and to a lesser extent the United States have sought to exert influence. While Turkmenistan, which is rich in natural gas deposits, has embraced the free market at least in rhetoric, both it and Uzbekistan remain under the control of former Communist bosses who have not permitted the emergence of opposition parties or dissent.

Erika Dailey, a research associate for the human rights monitoring group Helsinki Watch in New York, said the detentions this week are "clearly part of a continuing pattern of abuse to silence people who freely express dissenting opinions." She said dissidents have been detained, arrested or beaten up on several previous occasions when foreign officials or human rights activists were visiting.

In Tashkent, the Uzbek capital, Talbott was able to meet with several dissidents in the U.S. Embassy on Monday, and he did not cut his trip short, contrary to earlier news reports. But several invited guests did not appear, the U.S. official said.

It was later learned that one dissident, opposition leader Otanazar Aripov, had been visited by his former jailer, who strongly encouraged Aripov not to attend. Aripov, who was in prison from last December until August 6 for allegedly seeking to overthrow the government, also found two police vehicles parked outside his home.

Another invited guest was detained by police on her way to the meeting. Human rights activists here said they believe those detained also include Shukhrat Ismatullayev, the co-chairman of the Birlik Popular Movement, a leading opposition group.

There is no free speech in Uzbekistan," Daily said. "there is heavy censorship and a brutal crackdown against people who speak their minds."

While still in Tashkent on Tuesday, Talbott learned that four dissidents whom he had hoped to meet in Ashkhabad, the Turkmen capital, would not be permitted to see him. One was arrested, one was detained without a charge and "two were encouraged to go to their dachas," a U.S. official said.

As a result, Talbott canceled his meetings with all officials except the president and also scrubbed a planned signing ceremony for a bilateral aid agreement. In a brief visit to the country this morning, Talbott met with Niyazov. Human rights figured prominently in the discussion," the U.S. official said.

U.S. officials have been unable to learn the whereabouts of the four. Attempts to obtain comment from the Uzbek and Turkmen embassies here tonight were unsuccessful. An Uzbek spokesman said he knew nothing of the detentions.

Meanwhile, reliable sources reported tonight that Azerbaijani leader Gaidar Aliyev, another former Communist boss, reportedly arrested 20 members of the opposition Popular Front, broke up a political meeting and burned an issue of a newspaper that took issue with his readiness to join the Commonwealth of Independent States.

Mr. KERREY. He protested the fact that human rights activists were being detained or intimidated to keep them from meeting him, and he informed the presidents of those republics that the United States would not provide economic aid if there are no democratic reforms in their countries.

On a recent trip by the Senator from Virginia, [Mr. ROBB], to Vietnam, he attempted to see Dr. Nguyen Dan Que, who is imprisoned on a 20-year sentence in Vietnam. What is his crime? His crime is advocating for democratic freedoms inside of that country. Now we are moving toward being able to have normal relations and ending trading sanctions with Vietnam, and there is growing enthusiasm. We read about it all the time. I think it is time for us to go solidly on record with the Government of Vietnam that we believe political liberalization is an important way to develop their economy, and it is a very important precondition of our being able to have this kind of normal relations.

Mr. President, there are other Members here to speak on this amendment, including Senator MCCAIN. This is a fairly straightforward amendment.

I have testified before the Foreign Relations Committee before, and it is not my intent to be a hardliner. I am not talking about this necessarily as a precondition. I am saying that the United States of America fought a war for freedom inside Vietnam 20 years ago, and ought to, as we go back in, express our concern for political freedom for people inside that country. It is a very reasonable, important, and balanced thing for us to do, given our policies in the rest of the world.

Mr. President, I yield at this time to the distinguished Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my colleague from Nebraska not only for this amendment, but for his consistent efforts on behalf of democratization and human rights in Vietnam, as well as throughout the world.

Mr. President, I agree with Senator KERREY's view. He has been our moral compass on the issue of normalization of relations with Vietnam. He has struck a careful balance between orderly progress on relations between our two nations, and his emphasis on human rights and democratization.

I think Senator KERREY, who served in Vietnam, did so on behalf of the freedoms we hold dear. We and many other Americans are not about to abandon those principles as the United States moves forward in its relationship with Vietnam. I thank the Senator for this amendment.

I think it is indicative of the lack of Vietnamese progress on human rights that Senator ROBB, our colleague from Virginia, was told that he would see a certain Dr. Que, a human rights activist, when he was in Vietnam, and then was deprived of doing so. That, frankly, is not acceptable, and the Vietnamese should know that such actions are harmful to our long-term relationship.

This amendment seeks to make the United States commitment to human rights in Vietnam absolutely clear. It further encourages the administration to raise these concerns with the Vietnamese officials at every opportunity.

Mr. President, I think that the business community in America, as well as the Vietnamese Government, and all others who are in favor of improved relations with Vietnam, should understand that what Senator KERREY's amendment is saying is that, yes, we understand that it is in the United States' national interests to have an improved relationship with Vietnam, but we will continue to pursue democratization and respect for human rights in Vietnam, as we do in every other corner of the world. In fact, some of us feel we have a special obligation to pursue that goal in Vietnam.

I yield the floor.

Mr. KERREY. I thank the Senator.

Mr. President, I ask unanimous consent that JOHN KERRY, of Massachusetts, be added as an original cosponsor of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERREY. Mr. President, DAVID SKAGGS, in the House, did a lot of work in developing this amendment. The Senator from Arizona made important changes in it.

There is a lot of support behind the idea of moving toward close relationships with Vietnam, but doing it with not only great concern for a reconciliation having to do with our own POW's, but also the reconciliation inside of Vietnam with the idea of personal freedom for human rights.

I appreciate very much DAVID SKAGGS' work in the House of Representatives. He did an awful lot of work developing the amendment itself.

I appreciate, as well, the distinguished chairman and ranking member of the subcommittee, as well as the chairman of the Foreign Relations Committee, who agreed not to urge a point of order upon the body in this particular regard.

At this time, Mr. President, I am prepared to yield back the remainder of my time.

Mr. LEAHY. Is the Senator requesting the yeas and nays?

Mr. KERREY. Yes.

Mr. President, I ask for the yeas and nays on the amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that no second-degree amendment be in order to the Kerrey amendment and any vote on or in relation to that amendment be stacked to occur without intervening action or debate upon the disposition of amendment No. 950.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that, following the first of the stacked votes, the subsequent votes be 10-minute rollcall votes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I yield back any time that remains.

The ACTING PRESIDENT pro tempore. All time on the Kerrey amendment has been yielded back.

VOTE ON AMENDMENT NO. 949

The ACTING PRESIDENT pro tempore. Under the previous order, the question occurs on the motion to table the Brown amendment No. 949.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Pennsylvania [Mr. WOFFORD] is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—55

Akaka
Bennett
Biden
Boren
Boxer
Bradley
Breaux
Chafee
Cochran
Coverdell
Danforth
Daschle
DeConcini
Dodd
Exon
Feingold
Feinstein
Ford
Glenn
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone

NAYS—44

Baucus
Bingaman
Bond
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cohen
Conrad
Craig
D'Amato
Dole
Domenici
Dorgan
Durenberger
Faircloth
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kempthorne
Kohl
Lott
McCain
Murkowski
Nickles
Nunn
Pressler
Pryor
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Wofford

So the motion to lay on the table the amendment (No. 949) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 950

The ACTING PRESIDENT pro tempore. Under the previous order, the question occurs on the motion to table the Smith amendment (No. 950). The yeas and nays have been ordered, with the time reduced to 10 minutes in which to vote.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Pennsylvania [Mr. WOFFORD], is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—64

Akaka
Baucus
Bennett
Biden
Boren
Bradley
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Conrad
Coverdell
D'Amato
Danforth
Daschle
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Ford
Glenn
Gorton
Graham
Harkin
Hatch
Hatfield
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Reid
Rockefeller
Roth
Sarbanes
Shelby
Simon
Specter
Wellstone

NAYS—35

Bingaman
Bond
Boxer
Breaux
Brown
Cohen
Craig
DeConcini
Dole
Faircloth
Feinstein
Gramm
Grassley
Gregg
Heflin
Helms
Hollings
Hutchison
Kempthorne
Kohl
Lautenberg
Lott
McCain
Nickles
Pressler
Pryor
Riegle
Robb
Sasser

Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Wofford

So the motion to lay on the table the amendment (No. 950) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 954

The ACTING PRESIDENT pro tempore. The question is on agreeing to the Kerrey amendment No. 954. The yeas and nays have been ordered, with the time being reduced to 10 minutes. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Pennsylvania [Mr. WOFFORD], is necessarily absent.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—99

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
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Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone

NAYS—0

NOT VOTING—1

Wofford

So the amendment (No. 954) was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 955

(Purpose: To express the sense of the Senate with respect to the importation of products made with child labor, and for other purposes)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. HATFIELD, proposes an amendment numbered 955.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING IMPORTATION OF PRODUCTS MADE WITH CHILD LABOR.

(a) FINDINGS.—The Senate makes the following findings:

(1) Principle 9 of the Declaration of the Rights of the Child, proclaimed by the General Assembly of the United Nations on November 20, 1959, states that "the child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental, or moral development".

(2) Article 2 of the International Labor Convention No. 138 Concerning Minimum Age For Admission to Employment states: "The minimum age specified in pursuance of paragraph 1 of this article shall not be less than the age of compulsory schooling and, in any case, shall not be less than 15 years.".

(3) The International Labor Organization estimates there are hundreds of millions of children in Asia, Africa, and Latin America under the age of 15 that are working, many of them in dangerous industries such as glass, metal works, textiles, mining, and fireworks manufacturing.

(4) The number of children under the age of 15 who are working, and the scale of their suffering, increase every year, despite the existence of more than 20 International Labor Organization conventions on child labor and laws in many countries which prohibit the employment of underage children. The Department of Labor's second biennial report on international worker rights, notes that "child labor has been a dramatically worsening global problem".

(5) In many countries, children under the age of 15 lack either the legal standing or means to protect themselves from exploitation in the workplace.

(6) Bonded child labor is a particularly egregious violation of human rights and constitutes a de facto form of slavery.

(7) The South Asian Coalition on Child Servitude estimates there are over 55,000,000 child laborers in South Asia alone, of which 10,000,000 are bonded child laborers.

(8) The employment of children under the age of 15 commonly deprives the children of the opportunity for basic education, perpetuates the cycle of poverty, often undermines the stability of families, denies gainful employment to millions of adults, and retards efforts to achieve sustainable economic development in Third World nations.

(9) Since the passage of the Fair Labor Standards Act of 1938, the intent of the Congress has been to assure that the streams of commerce are not defiled by the products of child labor.

(10) American consumers do not want to provide a market for goods produced by the sweat and toil of children.

(11) Evidence suggests that many products made with child labor are being imported into the United States.

(12) September 18, 1993, has been set aside to observe International Day Against Child Servitude.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the economic exploitation of children, especially the practice of bonded child labor should be strongly condemned;

(2) it should be the policy of the United States to not allow the importation of products made by children who are employed in industry or mining; and

(3) the President should take action to seek an agreement with governments that conduct trade with the United States for the purpose of securing an international ban on trade in products made with child labor.

Mr. HARKIN. Mr. President, this is a sense-of-the-Senate resolution expressing the sense of the Senate with respect to the importation of products made with child labor.

Mr. President, I send this amendment on behalf of myself and Senator HATFIELD. I want to thank my colleagues, especially the chairman and ranking member of the Senate Finance Committee, Senators MOYNIHAN and PACKWOOD for their help and their work on getting this put together so that it was acceptable to both sides.

Mr. President, on March 18, I introduced the Child Labor Deterrence Act of 1993 which prohibits the importation of any product made in whole or in part by children under the age of 15 who are employed in industry or mining. It is identical to a bill that I introduced last August.

Mr. President, I do not intend to take very long. I will be as brief as possible. But I do want to get on record the importance of this resolution, what it seeks to do, and why I believe it is important that we adopt the resolution. Again, my thanks to the committee for its acceptance of this sense-of-the-Senate resolution.

This resolution puts the Senate on record as expressing its principled opposition to the abhorrent practice of exploiting children for commercial gain and asserting that it should be the policy of the United States to prohibit the import of products made through the use of child labor.

Mr. President, I would like to dedicate this resolution to the memory of Jim Sweeney, my dedicated and talented foreign policy aide—who was really the driving force behind this resolution for a couple of years—but who was killed tragically in a car accident on August 21 of this year.

It is impossible for anyone on our staff or anyone, I am sure, here in this Chamber to think about issues such as child exploitation and social justice without thinking about the commitment and dedication of so many people to eradicating injustice around the globe. Such was the dedication of my staff assistant, Jim Sweeney. Without his tireless commitment to ending child exploitation, this resolution would not have been possible.

The passage of this resolution, Mr. President, is further testimony to Jim Sweeney's enduring commitment to human rights.

Mr. President, recently, most American adults celebrated Labor Day by taking the day off work. Many lounged by the pool or invited friends over for a barbecue.

I doubt if there was anyone in this body today who sent his or her 6- or 7-year-old son or daughter over to the chemical factory, or the steel mill, or coal mine, or textile factory, to put in a day's work.

It was not so long ago that we outlawed child labor in this country—and for good reason.

America decided kids should spend their time in school, not in sweat shops. They realized if businesses could not do the right thing by America's kids, then the Government would have to step in and do it for them.

That was then, and this is now. Unfortunately, in today's America, such compassion for children often stops at our borders. Multinationals that would not dare hire a 14-year-old kid in Boston exploit 9-year-old kids in Bangladesh.

Importers that get rich off carpets weaved by kids in India would not open the door to a kid in Indianapolis. And parents who cringe at the thought of their own children being exploited do not think twice about buying products from countries that exploit theirs. But I am sure that is because they do not know those products are made by children.

Mr. President, it is my hope that if the Senate sets the proper example with this resolution, other governments might follow our lead.

We have good reason for optimism. On September 18, just last week, people around the world celebrated International Day Against Child Servitude.

From Bombay to Bangkok, and from Morocco to Mexico, people of conscience stood up for the rights of children, even if their governments would not.

In Indonesia, citizens rallied against a system that allows children to work in light bulb factories for 8 hours a day, 6 days a week, and make a measly $3 a week.

In Mexico, consumers with a conscience spoke out against illegally employing children in hazardous jobs. We know that in that country 13-year-old girls have been found working 48-hour weeks making electric wiring strips for General Electric and making dashboard components for General Motors.

In Bangladesh, where as many as 50,000 kids are reported to be working in the garment industry, children themselves rallied for their rights.

It seems to me, Mr. President, that if these burdened and beleaguered people can stand up for their children abroad, we ought to be able to stand up for them here in America.

This resolution merely asks this body to go on record as opposing a practice outlawed in the Declaration of the Rights of the Child proclaimed in 1959 by the General Assembly of the United Nations.

That resolution says in part:

> The child shall not be admitted for employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental, or moral development.

Mr. President, I submit that the practices I have just described violate each and every word of that U.N. resolution.

Mr. President, this is not the first time I have stood here to document the extent of this problem. I have talked about bonded child laborers in Pakistan who have either been sold to factory owners or have inherited the debt of their parents. Half of them will never reach the age of 12 because of disease and malnutrition.

I have told the story of Charitra Chowdhary, a 12-year-old boy freed from virtual slavery in the carpet factories of northern India, who said:

> If we moved slowly, we were beaten on our backs with a stick. We wanted to run away, but the doors were always locked.

Mr. President, here is a picture, I think it speaks a thousand words. It shows what I am talking about in these textile factories, at least in southern Asia. Here are young kids, 8 to 11 years old, and they work up to 13 hours a day and are not even allowed outdoors. They are making these carpets that we sell in our finest stores in America today.

I believe, Mr. President, if the American people knew certain products were made by child labor, they would not buy them, even if they could save a buck or two. But there is no way we know that. They come in, and they are blended with everything else, and nobody knows what products are made by child labor.

A New York Times report estimated that in India, 300,000 to 1 million children work in the weaving industry making carpets for 12 to 16 hours a day.

The United States purchases over 40 percent of India's carpet exports.

The United States accounts for more than 50 percent of export earnings from the garment industry in Bangladesh alone. So our hands are not clean in the dirty business of child exploitation. But I am proud to say, Mr. President, that when the United States does decide to speak up, it can certainly make a difference.

Already, as a result of introducing my bill in August 1992, foreign governments, industry, and importers have begun to change their ways. According to information I have received, the Oriental Rug Importer's Association has decided to deal with child labor issues. I congratulate them for that.

The Bangladesh Garment Manufacturers and Exporters Association and the Government of Bangladesh have warned that country's garment industry of the dire consequences of violating Bangladesh law and employing children. I compliment them for that.

I have been informed that the Government of India will require the registration of carpet looms, and has taken several other steps to prevent the exploitation of children in the carpet industry. I compliment the Government of India for taking those steps.

In this country, corporations are developing codes of ethics that prohibit the use of child labor in the manufacture of their products.

So the hard work that has been done on this issue is starting to pay off.

With this resolution, Mr. President, we can send a clear message to the world that the continued exploitation of children will not be tolerated by the United States.

Mr. President, again I thank the committee for the acceptance of this amendment. I thank my colleagues on the other side, especially Senator HATFIELD, for developing this legislation. And I also want to thank Senator PACKWOOD and Senator MOYNIHAN on the Finance Committee for their help in clearing this amendment and making some changes that needed to be made, which made it a stronger and better resolution.

I yield the floor.

Mr. LEAHY. Mr. President, I thank the Senator from Iowa for his cooperation. I know that he spoke much less time than he wanted to, and I appreciate that.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 955) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 956 THROUGH 960, EN BLOC

Mr. LEAHY. Mr. President, I send a number of amendments to the desk and ask they be considered, en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Vermont [Mr. LEAHY] proposes amendments numbered 956 through 960, en bloc.

The amendments, en bloc, are as follows:

AMENDMENT NO. 956

At the appropriate place, insert:

The Senate finds that:

President Yeltsin has consistently tried to push forward economic and political reform;

President Yeltsin was given a mandate by the Russian people to hold elections and continue the process of economic reform;

Boris Yeltsin is the first and only popularly elected president of Russia, and the parliament of Russia is a holdover from the Soviet regime;

The conservative parliament has consistently stymied political and economic progress in Russia;

Slow progress on economic reform has prompted the IMF to review its disbursement of Russia's second tranche from the Systemic Transformation Facility;

Political and economic reform has been impeded by the actions of the hardline parliament;

Corruption is rampant and is impeding economic and political reform, and must be vigorously and effectively combated; and

Therefore, it is the sense of the Senate that:

(A) That the Senate supports President Yeltsin in his effort to continue the reform process in Russia, including his call for new parliamentary elections consistent with the results of the April 25, 1993 referendum, and

(B) Further United States Government economic assistance should be provided in accordance with President Yeltsin's call for and holding of free, fair, and democratic parliamentary elections.

Mr. DECONCINI. Mr. President, I rise today to introduce a sense-of-the-Senate amendment to H.R. 2295, the foreign operations appropriations bill for fiscal year 1994. My amendment, cosponsored by Senator D'AMATO, accomplishes two goals: Expressing our firm support for President Yeltsin's call for new parliamentary elections and, linking further U.S. economic assistance with Yeltsin's commitment to actually hold these elections.

For more than a year we have witnessed the high drama which has characterized relations between President Yeltsin and the obstinate hardline Russian Parliament. The conflict between Yeltsin, Russia's first and only popularly elected President, and the holdover conservative Parliament has stymied the reform effort in Russia. This is a parliament that was born and is still working under the rules of the former Soviet State.

In an attempt to break this impasse and move ahead with reforms, Russian voters, in a national referendum in April overwhelmingly supported President Yeltsin's call for parliamentary elections while backing his reform program. The Parliament's reaction has been one of obstruction and delay which has jeopardized the reform process in Russia. Jeffrey Sachs, a key economic adviser to President Yeltsin and perhaps the strongest voice for massive aid to Russia in the past, recently noted that the economic reform process is all but dead in the water. Sachs observed in late August, that:

> The West can do little at this point, except to spell out the stakes clearly to Yeltsin and hold back on financial aid to the Russian Government until the reformers are more strongly in place.

Sachs continued:

> What's needed for decisive progress is a breakthrough to new elections that can retire most of the old guard.

The difficult political situation in Russia has been further complicated by widespread corruption and abuse. Russia's State Security Agency estimates that between 1991 and 1992 one-third of oil exports and one-half of nickel exports were stolen state property. In addition, there is no central authority to monitor the dispersal of foreign aid, much of which is reportedly siphoned off by old-guard bureaucrats and black marketeers. Illegal capital flight from Russia over the past 2 years has run into the tens of billions of dollars.

This prompted the head of the IMF earlier this year to remark that:

> There is no point in giving credits to Russia because in the absence of financial reform the money would simply end up in bank accounts outside the country.

The amendment I offer today, which was drafted prior to President Yeltsin's dramatic announcement that he was suspending Parliament until elections scheduled for December 11 and 12, is an effort to support Yeltsin's courageous persistence to stay the course of reform. Mr. Yeltsin has had a mandate to do this since last April when the Russian people supported his call for such elections.

STATUS OF REFORM IN RUSSIA

How can we possibly think that a country whose government is in a state of chaos, which is mired in corruption and which is more than $400 million in arrears in U.S. taxpayer-guaranteed commodity credits can properly utilize economic assistance funds which to date have been grossly misused? The only Russians who are going to benefit are the crooks.

As my colleagues in this Chamber consider the NIS aid package, I urge them to consider honestly and thoroughly the status of political and economic reform in Russia. I am well aware of the argument that if we do not pass this legislation it could have a serious impact on Yeltsin's ability to survive and to hold the line against those in Russia who do not want to see genuine reform go forward. I want to stress that if I thought for a minute that this proposed aid bill would in fact do that, I would seriously consider supporting it because there is no question that a stable, democratic Russia is in our national interests.

But I submit, Mr. President, that the political and economic situation in Russia has deteriorated to the point that the only way to help Russia is to make assistance contingent upon that government's ability to implement reform. As Professor Sachs has said:

> If conditionality is to have any bite at all, it should preclude "business as usual" when the reforms themselves are under mortal challenge.

President Yeltsin's drastic step of suspending Parliament was taken in response to the fact that his government's reform efforts have been consistently thwarted by the hardline Parliament.

Mr. President, Russia is a basket case. It would be folly to extend hundreds of millions more dollars in economic assistance to Russia at this point. We must wait until elections are held. We must wait until this crisis plays out in Russia. We must wait until the Russian Government and its people are, in fact, able to move ahead with genuine economic reform and combat corruption.

An article in the Washington Post last week, entitled "Problems in Russia Imperiling Aid Again," points out that:

The IMF is holding up $1.5 billion until Russia can demonstrate reductions in government spending and progress in cutting inflation.

Russia is asking major creditors to cancel altogether $18 billion in debt payments due this year. Russia's foreign debt is estimated to total $80 billion.

The World Bank is holding up $600 million in light of IMF concerns and confusion as to who the Bank is supposed to deal with in Russia.

I cannot in good conscience commit United States taxpayers' dollars to a country as currently mired in corruption and chaos as Russia is, especially given the fact that we have crying needs in our own country.

Unemployment in the United States is currently running at 6.7 percent. In the group of industrialized countries, we are among the highest in infant mortality statistics, and one-quarter of our children live in poverty. Our elderly are barely able to care for themselves and our working men and women are facing job layoffs daily.

I stress again that I am a firm believer in assisting the reform process in all of the newly independent states—not just Russia. Our own security is affected by the progress of such reform. But we cannot afford to pump in hundreds of millions of more economic assistance into what amounts to a black hole. To do otherwise will betray our own citizens and, ironically, do nothing but aid the hardliners and criminals in Russia.

Such assistance must be linked to economic reform. And, as we have witnessed during the past year, economic reform cannot move ahead without meaningful political reform.

AMENDMENT NO. 957

On page 51, line 19, delete all that follows the number 91–672 to the colon on line 20.

AMENDMENT NO. 958

(Purpose: To make a technical amendment)

On page 103, between lines 17 and 18, insert the following:

DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES

SEC. . Section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403) is amended by adding at the end thereof the following:

"(q) 'Appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.".

AMENDMENT NO. 959

(Purpose: To restrict military assistance to Egypt until certain conditions are met)

Page 26, at the end of line 13, strike "." and insert the following: ": *Provided further*, That none of the funds herein shall be obligated for the Foreign Military Financing Program for Egypt under the Secretary of State certifies to Congress that all United States citizens being detained in Egypt are receiving or have received fair trials and due process."

The President may waive this provision if he determines it is in the national interest and so advises Congress.

AMENDMENT NO. 960

(Purpose: Relating to the World Bank Group)

On page 103, between lines 17 and 18, insert the following new section:

WORLD BANK GROUP

SEC. 579. (a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to use the voice and vote of the United States to urge that the World Bank Independent Inspection Panel—

(1) provide recommendations for improving the economy, efficiency, and effectiveness of operational programs and administrative functions of members of the World Bank Group, including cost overruns, and salary and travel expenses; and

(2) prevent and detect fraud and abuse in programs and functions of members of the World Bank Group.

Beginning on July 1, 1994, and on July 1 of each year thereafter, the Secretary of the Treasury shall submit to the Senate Foreign Relations Committee and the House Committees on Appropriations Banking, Finance and Urban Affairs Committee a report prepared by the Department of the Treasury, with the participation of the Treasury Inspector General, including information provided by the World Bank Inspection Panel.

(b) DEFINITIONS.—For purposes of this section, the term "World Bank Group" includes the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, and the Multilateral Investment Guarantee Agency.

The PRESIDING OFFICER. Is there further debate on the amendments?

Is there objection to considering them en bloc?

Without objection, the amendments are agreed to.

So, the amendments (No. 956, No. 957, No. 958, No. 959, and No. 960) were agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent that Senator PRYOR be added as an original cosponsor of amendment No. 953.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, may I take a moment to raise an issue of tremendous concern to me? Our Embassy in Argentina is a historic landmark which I understand may be sold. A decision of this significance to the Argentinian public—a symbol of our long and productive diplomatic relations—should not be auctioned off without consultation with appropriate Members of Congress.

Mr. LEAHY. I could not agree with the Senator more. Decisions such as this may appear inconsequential and in fact do more damage to the good will between good neighbors than intended.

Mr. DODD. I appreciate the chairman taking note of my concern.

ECONOMIC SUPPORT FUNDS AND DEVELOPMENT ASSISTANCE FOR U.S. SCHOOLS AND HOSPITALS ABROAD

Mr. MITCHELL. Mr. President, I thank Senator LEAHY for the excellent job he has done under unusually difficult circumstances in bringing this bill to the Senate. His subcommittee, including Senator MCCONNELL, is to be commended for working under such tight budgetary constraints.

I would like to clarify one element of the economic support fund [ESF] and development assistance [DA] accounts. The bill recommends $10 million from ESF and DA accounts for humanitarian assistance to Lebanon. I support this vital assistance. The bill also directs the Agency for International Development [AID] to continue funding for educational institutions in Lebanon; namely, the American University in Beirut, Beirut University College, and International College. According to the Appropriations Committee report, these institutions are also intended to receive assistance from ESF and DA accounts.

In the past, American educational institutions operating in Lebanon have received support from both the ASHA program and the Lebanon assistance account. Congress has made clear in prior years that AID should use both of these funding sources to help sustain these American institutions.

I would like to ask Senator LEAHY if this remains the Appropriations Committee's intention, even though for fiscal year 1994 there is no separate ASHA line item and funds for both ASHA and Lebanon assistance will be drawn from the ESF and DA accounts.

Mr. LEAHY. I appreciate the majority leader's commitment to these critical programs. I would say in response to Senator MITCHELL's question that he is correct. There is no intention on my part to change past practice with respect to support for American educational institutions in Lebanon. The fact that the committee's report does not explicitly mention these institutions in connection with humanitarian assistance to Lebanon should not be interpreted as a departure from past practice. Similarly, assistance to these institutions from funds designated for Lebanon should not preclude them from assistance allocated under the ESF and DA accounts for American educational institutions.

Mr. MITCHELL. I thank the chairman of the Foreign Operations Subcommittee for his clarification of this matter and appreciate his ongoing support for United States assistance to Lebanon.

SYRIAN EMIGRATION

Mr. FEINGOLD. Mr. President, I want to speak briefly about the amendment which I authored and which was accepted last night regarding Syrian restrictions on the basic human right of freedom of movement.

Jews suffer severe persecution in Syria. They are subjected to harassment by the secret police, heavy surveillance, and eavesdropping of their international telephone calls. Because their loyalty to the state is forever in question, they are prohibited from selling both commercial and personal property, even though the Syrian Government gave assurances in April 1992, that such sales would now be permitted.

Understandably, Syrian Jews want to escape this persecution, and reunite with their families in the United States. They have been prohibited from leaving, however, because of Syrian President Hafez el-Asad's severe and arbitrary restrictions on the right to emigrate. For President Asad, Syrian Jews are commodities which he barters. Last year, after sustained pressure, Asad promised President Bush that Syrian Jews would be permitted to travel from Syria. Shortly before the U.S. election, however, Asad cut off emigration and is now permitting only 2 to 3 people to leave a week.

This not only creates more divided families, but also flies in the face of the promises Asad made to the United States as well as international standards of human rights. Furthermore, as the Clinton administration continues to press for freedom of emigration, it appears that Asad is trying to get double credit for the release of Syrian Jews. This should not be rewarded.

My amendment would maintain the prohibition on indirect aid to Syria until the President has certified to Congress that Syria does not deny its citizens or any segment of its population the right or opportunity to emigrate. This statutory language would condition aid to Syria—in this case, indirect assistance—on freedom of emigration. it is consistent with a measure I authored in the Senate Foreign Relations Committee on the 1993 Foreign Assistance Act, section 531 of S. 1467, which restricted aid to Syria until the right of emigration for its citizens is secured.

This is also a timely amendment. As the Middle East peace process fortunately moves forward, restrictions on those that make peace with Israel will be eased. For example, later this month we will vote on legislation to overturn several United States prohibitions on the Palestine Liberation Organization [PLO] in the wake of its dramatic agreement with Israel. There are optimistic indications that Syria may be moving forward as well. However, since Syrian Jewish emigration is a universal human rights issue—and not a topic within the framework of the Middle East peace process—I want to ensure that appropriate sanctions against Syria will remain in place so that the United States can maintain its leverage on this important issue.

INDONESIA AND EAST TIMOR

Mr. FEINGOLD. Mr. President, I commend the chairman of the Foreign Operations Appropriations Subcommittee, the Senator from Vermont [Mr. LEAHY], for his leadership in addressing the grave human rights issues arising from the treatment of the people of East Timor by Indonesia.

Last year, the House and Senate Appropriations Committees prohibited further funding for the International Military Education and Training [IMET] program for Indonesia because of the Indonesian Government's failure to take decisive action to punish those responsible for the November 1991 massacre in Dili.

This year's Foreign Operations appropriations bill continues that policy. The committee's report also contains very strong language, which I strongly endorse, expressing the continuing concern of the committee about the human rights abuses of the Indonesian Government.

The Indonesian occupation of East Timor has been a longstanding issue of international concern. Just 5 days after the brutal Indonesian invasion of East Timor in December 1975, the United Nations General Assembly called immediately for Indonesia to withdraw its armed forces and recognize the right of self-determination for East Timor. Since then the United Nations has adopted eight resolutions reaffirming human rights in East Timor, and the United States Congress has passed five resolutions condemning Indonesian actions in East Timor.

However, the Government of Indonesia has blatantly disregarded these signals. Instead, it has occupied East Timor with a brutal hand, resettling hundreds of thousands of East Timorese in camps in the late 1970's, and has been charged by the International Red Cross of deliberately starving more than 100,000 East Timorese during the same period. Throughout the 1980's the Indonesian military controlled East Timorese villages and the movements of East Timorese residents. There have been several waves of imprisonments, killings, and disappearances.

The most public of these atrocities was the Dili massacre in November 1991. In front of reporters' cameras, the Indonesian military opened fire on a peaceful demonstration for self-determination, and killed at least 100 East Timorese. The Indonesians—though forming a somewhat bogus National Commission of Inquiry to investigate the massacre—have been unrepentant and irresponsible in administering justice in East Timor. The Government tried 13 civilian demonstrators for "subversion" and/or "spreading enmity toward the Indonesian Government." The demonstrators received sentences ranging from 6 years to life imprisonment. On the other hand, after intense international pressure, the Government also tried eight soldiers who participated in the Dili massacre for "disobeying order." Their sentences range from 8–18 months. This was, as the Senate Appropriations Committee wrote in last year's report, "a gross disparity."

Moreover, Indonesian military officials responsible for East Timor have made outrageous statements. Indonesian Gen. Theo Syafei, military commander of East Timor, said, "If something similar to the November 12 event were to happen under my leadership, the number of victims would probably be higher." General Mantiri, regional commander, announced, "We don't regret anything. What happened was quite proper * * * They were opposing us, demonstrating, even yelling things against the government * * * so that is why we took firm action."

Most seriously, the identities of 66 civilians who were killed by Government forces are still unaccounted for. The task of identifying these people was assigned to the Armed Forces Commander in Chief, Gen. Try Sutrisno, who has since become Vice President.

In the past 2 years, human rights groups have reported that the repression of East Timor residents by the Indonesian military troops has continued unabated, and that torture of detainees remains a common practice. Human rights and humanitarian groups, including the International Committee on the Red Cross, have been barred from doing their work in East Timor. Even Senators PELL and BOREN were refused visas to East Timor last summer. Only 3 weeks ago, when the first Congressional staff delegation in a few years went to Dili, at least 53 students were rounded up and sent to "guidance courses." There precise whereabouts are still unknown, even after a Swedish Parliamentary delegation inquired about them last week.

The list of grave human rights violations in East Timor goes on and on. The main perpatrator of these abuses is the Indonesian military. With 13 battalions of 1,000 soldiers each currently deployed in East Timor, Indonesia's occupation is growing more and more repressive.

For these reasons, I strongly concur with the statement contained in the Appropriation's Committee report expressing the concern that the United States send a consistent message of support for human rights to the Indonesian Armed Forces, particularly with regard to the issuing of licenses for commercial and foreign military sales of military equipment to Indonesia by the administration.

As a member of the Senate Foreign Relations Committee, I authored an amendment, section 514 of S. 1467, which was unanimously adopted by the full committee on September 8, which requires the administration to consult with Congress and make a determination as to whether there have been improvements in the human rights situation in East Timor before approving the sale or transfer of defense articles or services or the issuance of licenses for commercial sales of defense equipment subject to the notification provisions of the Arms Export Control Act.

I am very pleased that the Clinton administration supported this amendment when it was adopted by the Foreign Relations Committee and I worked closely with the administration in drafting that amendment which expressed both the views of the committee and the administration regarding the linkage between human rights concerns and foreign military arms sales. President Clinton has made it clear that the human rights concerns over East Timor will continue to play an integral role in policymaking in this area. I have also strongly applauded the action of the Clinton administration earlier this year in disapproving a proposed transfer of F–5E aircraft from Jordan to Indonesia in light of these human rights concerns. The administration consulted with Members of Congress prior to making this decision and received strong support for its action on this specific sale. Additionally, in July, at the urging of 43 Senators, President Clinton raised the issue of human rights abuses in East Timor with President Suharto at the G–7 meeting in Tokyo.

The Clinton administration also supported a resolution in the U.N. Human Rights Commission which strongly criticized the Indonesian Government for human rights abuses. These actions were totally consistent with the congressional intent expressed both in the unanimous approval of my amendment by the Senate Foreign Relations Committee and the views expressed by the Senate Appropriations Committee in the report accompanying this measure.

I have been very pleased with the administration's approach to this issue, to its firm commitment to consult with Congress before any actions are taken with regarding to the sale or transfer of arms to Indonesia, and its view that these sales or transfers should be linked to substantial improvements in the human rights situation in East Timor. I have been assured that such considerations will be part of future administration decisions on arms sales to Indonesia, and I expect that such consultations will continue as part of administration policy. It would be unconscionable if lethal United States weapons were sold to the Indonesians and then used against the people of East Timor. I know that the Clinton administration and Members of Congress share that view.

Again, I want to commend the distinguished Senator from Vermont for his leadership on this issue and to say that it is a great privilege for me to be working with him on this important human rights issue. The work that has been done by both the Foreign Relations Committee regarding the criteria for consideration of arms sales to Indonesia under the Arms Export Control Act and by the Senate Appropriations Committee in prohibiting funding for Indonesia under the IMET program should send a very clear signal that both Congress and the administration are united in their disapproval of the continuing human rights abuses in East Timor.

Mr. LEAHY. Mr. President, I commend Senator FEINGOLD for his statement. He makes several excellent points and I want to associate myself with what he has said.

Last year, I sponsored an amendment on the foreign operations bill to condition military training aid to Indonesia on human rights. In the end, the Congress cut off the aid completely, because of our sense of outrage about the massacre in November 1991 of as many as 100, and perhaps more, defenseless civilians who were peacefully demonstrating in East Timor.

That cutoff of aid sent an unambiguous message to the Indonesian military that we will not stand by silently and continue to send aid if they commit these kinds of abuses.

The human rights problems in East Timor and elsewhere in Indonesia are a matter of record. The State Department and the international human rights organizations have documented them for years.

Since the 1991 massacre, the Indonesian Government has sentenced the demonstrators to long prison terms, and given the soldiers who fired the shots a slap on the wrist.

They have yet to come clean about what happened to the bodies of scores of demonstrators who are still missing and presumed dead.

They have never taken any punitive action against those who ordered and authorized the shootings. Instead, they blame the demonstrators for their own deaths.

Earlier this year, the Indonesian Government joined China in opposing the United States position at the U.N. Human Rights Commission, that fundamental human rights are universal.

The universality of basic human rights is something the United States, and indeed all countries, should support unequivocally.

I do not question Indonesia's economic and strategic importance to the United States. Indonesia is a huge country, with immense resources. It is a beautiful country with a rich and diverse culture.

The United States and Indonesia have had a close relationship in the past, and I fully expect that to continue.

But we must also be true to our own ideals.

Several weeks ago the Foreign Relations Committee unanimously reported Senator FEINGOLD's amendment to put conditions on the sale of military equipment to Indonesia. That was a strong statement by the committee, and it is consistent with the Congress' action last year cutting off military aid.

I am pleased that Senator FEINGOLD decided not to offer his amendment to this bill, because we are under great time pressure to get it passed and onto the President's desk. We do not have time to debate this amendment today.

But I do want to say that I believe the Feingold amendment that was adopted by the Foreign Relations Committee after negotiations with the administration, is sound policy. The State Department was involved in drafting the final text, and I am confident that the Clinton administration will use its influence to achieve the amendment's goals.

President Clinton and Secretary of State Christopher have said that promoting democracy and human rights are central goals of our foreign policy. I know that they are aware of the longstanding interest in the Congress in East Timor.

Sales of military equipment, particularly lethal and other equipment that could be used to commit human rights abuses, should not be approved unless the Indonesian Government is dealing with these human rights problems.

To those who say this is the wrong approach, that the Indonesian Government will only buy its weapons elsewhere, I say who else will set an example, if not the United States?

Today, the United States is by far the largest arms supplier in the world. The developing countries, many of which are undemocratic and cannot even feed their own people, spend over $200 billion every year on their armed forces. It is up to us to set the standard, to stop the proliferation of weapons that are used to suppress democracy, and to deny human rights.

I commend Senator FEINGOLD, and the Foreign Relations Committee for taking a stand on this issue.

Mr. FEINGOLD. I appreciate those remarks by the Senator from Vermont. I know that the distinguished chairman of the Senate Foreign Relations Committee, the Senator from Rhode Island [Mr. PELL], has also been deeply involved in raising the issue of human rights abuses in East Timor and has been a consistent leader in the efforts to raise these concerns. I have appreciated his leadership and support on this issue in the Foreign Relations Committee deliberations.

CONTINUING HUMAN RIGHTS ABUSES BY INDONESIA IN EAST TIMOR

Mr. PELL. Mr. President, I welcome and concur with the remarks of Senator FEINGOLD concerning the situation in East Timor. He is to be commended for the strong position he has taken on this issue.

Earlier this month the Foreign Relations Committee unanimously adopted an amendment offered by Senator FEINGOLD that called on the President to consult with the Congress and make a determination as to whether there have been improvements in the human rights situation in East Timor prior to approval of military equipment sales to Indonesia.

Many of my colleagues may be unfamiliar with the situation in East Timor which sparks our concern.

East Timor is part of a small island, formerly a Portuguese colony, which was invaded by Indonesia in 1975 after Portugal's precipitous withdrawal. Indonesia, whose Foreign Minister Adam Malik had previously assured East Timorese leaders that Indonesia would support the principle of self-determination, allegedly feared that the small island, over a thousand miles from the Indonesian capital of Jakarta, would become a Marxist hot-bed, threatening Indonesia's stability. However, a Catholic people, the East Timorese have few historical, cultural, or ethnic ties to the rest of Indonesia.

Following Indonesia's invasion, East Timor was closed to outside observers for 13 years while the military attempted to assert control. Estimates by international human rights groups of the number of deaths from war or mistreatment range from 100,000 to 300,000 out of a total population of 750,000. The Indonesian military continues to maintain a force of over 10,000 although the Indonesian military says there are less than 150 armed rebels remaining. Clearly, East Timor never did, nor does it today, pose a threat to Indonesia.

But the large security presence is testimony to the continued passive resistance by East Timorese to their Indonesian overlords. On November 12, 1991, Indonesian security forces fired upon a procession of East Timorese who had participated in a memorial mass in honor of a Timorese youth killed by internal security forces in late October. Over 100 people were killed. Many remain unaccounted for despite promises by the Indonesian Government to do so.

The Indonesian authorities then arrested several demonstrators charging them with subversion. After show trials, these East Timorese received prison sentences ranging from 5 years to life. Ten Indonesian soldiers also tried for participating in the massacre were sentenced to prison for terms ranging from 8 months to 18 months. The gross disparity in treatment is obvious.

Since then, Indonesia has continued to subject the East Timorese to arbitrary arrest or interrogation. The International Red Cross that conducts prison visits has withdrawn twice from East Timor because of implements placed in their way by the Indonesian authorities.

The State Department's 1992 human rights report observes that in Indonesia:

> In addition, to extrajudicial killings and unfair trials, other serious human rights problems continued. They include torture and other mistreatment of prisoners and detainees, arbitrary arrest and detention, arbitrary interference with privacy, significant restrictions on freedom of speech and press, assembly and association, and on freedom of movement, and the inability of citizens to change their government. Other problem areas include harassment of human rights monitors, discrimination and violence against women, and restrictions on worker rights.

It is this egregious situation that continues to provoke concern in the Congress—to which Senator FEINGOLD gave voice in his amendment to the Foreign Assistance Act of 1993.

Senator LEAHY and the Committee on Appropriations are also to be commended for the forceful statement they made in foreign aid legislation last year when the United States military training program to Indonesia was eliminated and this year in the very strong language contained in this appropriations bill concerning Indonesia.

They urge in their report that the administration pursue a policy toward the Indonesian Armed Forces that sends a consistent message of support for human rights. I agree. I would also agree that licensing of commercial and foreign military sales of military equipment to Indonesia should only occur if significant progress is made by Indonesia in improving the human rights situation in East Timor and elsewhere in Indonesia.

I believe that both the Appropriations and Foreign Relations Committee have sent a very clear signal to Indonesia that much more needs to be accomplished to resolve the East Timor crisis.

I know the administration understands and shares our concern, as Senator FEINGOLD has observed. It has long been my view that a satisfactory solution to this issue can only occur if the Indonesian Government—perhaps under United Nations auspices—negotiates directly with the East Timorese.

The United States was the first country to recognize Indonesia's independence. We have strong ties to Indonesia. However, Indonesia should recognize that the principle that led us to recognize Indonesia's independence is the same principle that leads us to criticize Indonesia when it denies independence to others.

Mr. DOMENICI. Mr. President, I rise in support of the Senate-reported version of H.R. 2295, the Foreign Assistance Appropriations bill for fiscal 1994. This bill also includes a supplemental for fiscal 1993.

I agree with the distinguished managers that we should move ahead with this bill although, like them, I regret that it does not reflect the basic reforms that are needed in foreign aid. I encourage the administration to rapidly implement the reinventing government initiatives that Vice-President GORE has proposed for our foreign aid program. They are overdue.

Recent developments in the Middle East and the former Soviet Union make it imperative that the President have in hand the resources provided by this bill. That is why we are proceeding without waiting for a new, better, and cheaper way to do foreign assistance.

I commend the bipartisan leadership, the distinguished chairman and ranking Republican member of the Appropriations Committee, and the managers of the bill for working with the Budget Committee to bring this bill to the floor. The common agreement to focus on assistance to Russia and Ukraine has resulted in an agreement to include section 577, a directed scorekeeping provision, in this bill.

As ranking Republican and former chairman of the Budget Committee, I have been reluctant to agree to scorekeeping provisions that have not been reported by the Budget Committee.

At the request of the President and the Leadership, as part of an effort to provide effective and speedy help to Ukraine and Russia, I will not oppose the inclusion of section 577 in the Senate-reported bill. It is my understanding that the chairman of the Budget Committee does not consider this to be a precedent for similar language in other legislation. I certainly do not.

This bill provides new budget authority of $12.5 billion in fiscal year 1994 and $1.6 billion in a fiscal year 1993 supplemental for foreign assistance and export financing activities of the United States. The new outlays associated with the bill in fiscal year 1994 total $5.7 billion. When prior-year appropriations and other adjustments are taken into account, the bill totals $12.7 billion in BA and $14.2 billion in outlays. The fiscal year 1993 supplemental will not result in any additional outlays in fiscal year 1993.

This bill is under the President's request by $1.9 billion and falls below the subcommittee's section 602(b) allocation by $1.1 billion in BA. Upon enactment of section 577 of this bill, temporarily adding last year's loan guarantees for Israel to the list of discretionary programs exempted from our ceilings and allocations, the Senate-reported bill will fall within its outlay allocation for fiscal year 1994.

The managers of all appropriations bills this year have had to make many difficult decisions in order to fit each bill within its section 602(b) budget allocation. The managers of this bill are no exception, and U.S. agreements to fund the World Bank and other multilateral institutions will not be met this year as a result. I have no brief for these banks, but I note that the President is relying on them to fund a substantial share of his initiatives in Russia and the Middle East.

I appreciate the managers accepting my amendment to direct $50 million of the Ukraine and Russian aid to an effort to stabilize scientific and engineering institutions in those countries. I urge them and the administration to support this amendment in conference.

Under Soviet rule, immense resources were poured into these institutions, many of which could play an important role in the economic recovery of those nations. In the present economic climate, many of these engineering and scientific institutes are disintegrating.

My amendment number 930 seeks to direct 2 percent of the funds directed toward the former Soviet Union to efforts by American companies and national laboratories to stabilize these national assets in Russia and Ukraine. The stabilization partnership program will help these former Soviet institutes survive and function in the civilian, market economies that we all anticipate over there.

I commend the managers for their efforts, and I look forward to considering the conference agreement next week.

Mr. LEAHY. Mr. President, I ask unanimous consent that supporting statements, including a letter from the President of the United States, be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, September 20, 1993.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: This week the Senate will vote on the fiscal year 1994 Foreign Operations Appropriations Bill. I support this bill and urge members to vote for it as it comes before them for consideration.

Passage of this legislation will enable the United States to provide tangible support for the historic changes taking place in the former Soviet Union and the Middle East.

This bill appropriates funds that will allow us to meet our commitments to President Boris Yeltsin and other democratic and pro-market reformers in Russia, Ukraine, Armenia and the other new independent states. Given the vast resources we poured into the Cold War, both in dollars and in lives, we must not let pass the opportunity to support a peaceful transition for these new countries toward democracy and market economies.

The creation of peaceful, market-oriented democracies where once communism reigned is central to our national interest because it can improve America's security and be a long-term source of American jobs and business opportunities.

In addition, this bill continues our support for the countries that are participating in the breathtaking events unfolding in the Middle East. As we witnessed just last week here in Washington, this is the beginning of a bold new era in that troubled region of the world. The funding contained in this bill will support these promising efforts to secure a just and lasting peace among Israel and her Arab neighbors.

My Administration has worked closely with Members of Congress from both parties to bring this bill to the Senate floor. I am grateful for all the hard work and bipartisan leadership that this bill represents. I believe it will help make our nation more secure, our people more prosperous, and our world more peaceful.

Sincerely,

BILL CLINTON.

[From the Executive Office of the President,
Sept. 20, 1993]

STATEMENT OF ADMINISTRATION POLICY ON H.R. 2295—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, FISCAL YEAR 1994

This Statement of Administration Policy expresses the Administration's views on H.R. 2295, the Foreign Operations, Export Financing, and Related Programs Appropriations Bill, FY 1994, as reported by the Senate Appropriations Committee.

The Administration supports Senate passage of H.R. 2295 as reported by the Committee. The Administration is pleased that the Committee has provided full funding for assistance to Russia, Ukraine, Armenia, and the other new independent states of the former Soviet Union. The transition of these states to democratic, free market countries represents a turning point in U.S. foreign relations. A free and democratic Russia will benefit generations of Americans to come, whether those benefits be in the form of new economic opportunities or a safer, more secure world. The United States must do all that is possible to send a strong signal of support during this historic transition. The funding appropriated in H.R. 2295 will provide such support.

The Administration would strongly oppose any efforts to reduce economic assistance to Russia and the other new independent states, or to place burdensome restrictions on the use of such assistance.

The Administration supports the Committee's efforts to honor our commitments to the Camp David countries by fully funding the Administration's request. With the dramatic events unfolding in that region, it is crucial that the United States' support for the countries involved in the peace process not waver.

The Administration appreciates the Committee's efforts to report a bill that is relatively free of earmarks. The Administration understands the funding constraints placed on other foreign assistance programs in order to accommodate the above-mentioned priorities. As a result, the constrained funding levels make it all the more important that the Administration have the maximum possible flexibility to use the remaining funds in accordance with ever-changing foreign policy priorities. Therefore, the Administration could not support further earmarking or restrictions on the floor of the Senate and would work to see that such language be dropped in conference.

This bill could not have reached this stage in the legislative process without strong, bipartisan leadership. The Administration looks forward to continuing to work with Members of both parties to ensure that the United States remains an active and engaged leader in global affairs.

THE SECRETARY OF STATE,
Washington, DC, September 22, 1993.

Hon. PATRICK J. LEAHY, Chairman,
Committee on Appropriations, Foreign Operations Subcommittee, U.S. Senate.

DEAR SENATOR LEAHY: The Administration strongly supports the Senate language regarding the United Nations Population Fund (UNFPA) in the Foreign Operations Appropriations bill (H.R. 2295).

Funding UNFPA, the largest multilateral donor in population programs, is an important indication of the Administration's strong commitment to international population assistance.

The United States is adamantly opposed to coercive policies and practices in family planning programs, and we are dismayed by reports of continuing abuses in the Chinese family planning program. UNFPA, however, is a strong advocate of voluntarism in its programs and has confirmed that it will seek to disassociate itself from any national program that deviates from the principles of voluntarism.

UNFPA is currently being funded by the United States with the stipulation that no U.S. funds will be used in China and that U.S. funds must be kept in a separate, segregated account. The Administration supports continuation of these stipulations as well as the additional Senate language to refund to the United States an amount equal to that which UNFPA contributes to the People's Republic of China (PRC) in 1994 that is in excess of the amount that UNFPA had planned to contribute to the PRC in that year.

The Senate language ensures the flexibility we need to meet our foreign policy objectives and affirms our commitment to help lead international efforts to promote voluntary, comprehensive family planning.

Thank you.

Sincerely,

WARREN CHRISTOPHER.

COALITION FOR EMPLOYMENT
THROUGH EXPORTS, INC.,
Washington, DC, September 20, 1993.

Re H.R. 2295—FY '94 Foreign Operations Appropriations Bill

Hon. PATRICK J. LEAHY
Chairman, Subcommittee on Foreign Operations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Coalition for Employment through Exports (CEE), representing U.S. exporters, labor unions, and state governors, appreciates your leadership on H.R. 2295, the FY '94 Foreign Operations Appropriations bill. We believe this bill, as amended by the Foreign Operations Subcommittee and full Committee, is very important for programs in the Newly Independent States (NIS), Eastern Europe, the Export-Import Bank of the U.S. (Eximbank), the Trade and Development Agency, and the Overseas Private Investment Corporation. These programs provide significant benefits to our economy in terms of exports and American jobs.

The Coalition recognizes the budget constraints in the 150 Account this year and the difficult choices facing the Subcommittee during consideration of this legislation. In view of this, CEE is very pleased that your bill includes a $1 billion appropriation for Eximbank. We believe that level could enable the Bank to meet projected demand for $18–$20 billion in exports during the next fiscal year. As you have recognized in the bill, export financing is critical to U.S. competitiveness throughout the world—and, in particular, in the new and emerging markets in the NIS and Eastern Europe.

CEE strongly supports this legislation. We are currently contacting all members of the Senate to encourage them to vote for H.R. 2295 when it reaches the Floor this week. Again, thank you for your support and efforts on behalf of U.S. exporters. We appreciate it as well as the dedication and hard work of Eric Newsom in drafting the legislation. The Coalition looks forward to working with you in the future. With best regards.

Sincerely,

PEGGY A. HOULIHAN
President.

CEE MEMBER COMPANIES

AT&T.
AlliedSignal.
American Textile Machinery Association.
Arkel International, Inc.
Association for Manufacturing Technology.
Asea Brown Boveri.
Bechtel Group, Inc.
The Boeing Company.
Brown & Root, Inc.
Catepiller Inc.
Chrysler Corporation.
Digital Equipment Corporation.
Dresser Industries, Inc.
Dresser-Rand.
Fluor Corporation.
GTE Corporation.
General Electric Company.
General Railway Signal Corporation.
Ingersoll-Rand Company.
Motorola, Inc.
PACCAR, Inc.
Private Export Funding Corporation.
Rockwell International.
Scientific-Atlanta, Inc.
Sea-Land Service, Inc.
United Technologies Corporation.
Varian.
Westinghouse Electric Corporation.

CEE AFFILIATE SUPPORTERS

LABOR ORGANIZATIONS

American Federation of Government Employees,
Building and Construction Trades Department, AFL–CIO.
Coalition of Labor Union Women.
Communications Workers of America.
Council of Engineers and Scientists Organizations.
International Brotherhood of Electrical Workers.
International Ladies Garment Workers Union.
International Union of Electrical, Radio and Machine Workers.
International Union of Operating Engineers.
Maritime Trades Department, AFL–CIO.
United Association of Plumbers and Pipefitters.
United Automobile, Aerospace and Agricultural Implement Workers of America.
United Brotherhood of Carpenters and Joiners of America.
United Steel Workers of America.

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Mario M. Cuomo, Governor of New York.
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James Florio, Governor of New Jersey.
Mike Lowry, Governor of Washington.
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Fife Symington, Governor of Arizona.
Tommy G. Thompson, Governor of Wisconsin.
George V. Voinovich, Governor of Ohio.
Pete Wilson, Governor of California.

SEPTEMBER 20, 1993.

To Members of the United States Senate.

Subject: FY '94 Funding for Eximbank: Senate Version of H.R. 2295.

We are writing to you to encourage your support for FY '94 funding for the Export-Import Bank of the United States (Eximbank) which is included in the Senate version of H.R. 2295.

Exports have increased dramatically in recent years. Demand for competitive financing to support exports has grown to record levels. Congress has an important opportunity this year to address Eximbank funding as a domestic issue, in the context of exports and their contribution to our economy thought jobs and other benefits. This year, Eximbank will reach the highest activity level in its 59 year history, surpassing the 1981 record of $12.8 billion.

Business projections indicate that demand for Eximbank financing will reach $18–20 billion in Fiscal Year 1994 which begins on October 1, 1993. H.R. 2295 includes $1 billion in appropriations for Eximbank which we believe will support this activity level. Funding at this level could expend U.S. exports by about $6 billion and support 120,000 additional American jobs.

Eximbank is one of the most cost effective export promotion programs with a high leverage factor of subsidy to program support (1:20). In view of the importance of this, we urge you to support this legislation.

AFL-CIO/Building & Construction Trades Department.
AFL-CIO/Maritime & Trades Department.
AFL-CIO/Industrial Union Department.
AFL-CIO/International Union of Operating Employees.
AT&T.
American Federation of Government Employees.
Aerospace Industries Association.
Air Products and Chemicals.
AlliedSignal Inc.
American Business Council of the Gulf Countries.
American Consulting Engineers Council/International Engineering Committee.
American Textile Machinery Association.
Andreae & Associates.
Arkel International, Inc.
Asea Brown Boveri, Inc.
Associated General Contractors of America.
Association for Manufacturing Technology.
Bankers Association for Foreign Trade.
Barclays Bank PLC.
Bechtel Group, Inc.
The Boeing Company.
Brown & Root, Inc.
Caterpillar Inc.
Chase Manhattan Bank.
Chrysler Corporation.
Coalition for Employment through Exports.
Communications Workers of America.
Construction Industry Manufacturers Association.
Digital Equipment Corporation.
Dillingham Construction Corporation.
Dresser Industries, Inc.
Dresser-Rand.
Edison-Hubbard Corporation.
Electronics Industry Association.
Enron Corporation.
Essex Products Group.
First Union National Bank.
Fluor Daniel, Inc.
GTE Corporation.
General Electric Company.
GeoResearch, Inc.
Grumman Corporation.
Harnischfeger Corporation.
Honeywell, Inc.
INDRESCO Inc.
Ingersoll-Rand Company.
Intercom International Consultants.
International Association of Machinists and Aerospace Workers.
International Brotherhood of Electrical Workers.
M.W. Kellogg Company.
Maryland Industrial Development Financing Authority.
McDermott Incorporated.
Midland Bank PLC.
Mitsui & Co. (U.S.A.), Inc.
Morrison Knudsen Corporation.
Motorola Inc.
National Association of State Development Agencies.
National Association of Manufacturers.
National Constructors Association.
National Foreign Trade Council.
Oxytech Systems, Inc.
PACCAR, Inc.
Paper Converting Machine Company.
Perez Trading Company.
Polysius Corporation.
Projects International Associates, Inc.
Publishers Equipment Corporation.
Robert Wray Company.
Rockwell International.
Scientific-Atlanta, Inc.
Sea-Land Service, Inc.
Small Business Exporters Association.
Society of the Plastics Industry, Inc.
State of New York.
Stewart & Stevenson Services, Inc.
Stoesser Register Systems.
Stone & Webster International Corporation.
Telecommunications Industry Association.
UAAA Implement Workers of America.
United Association of Plumbers & Pipefitters.
United Brotherhood of Carpenters.
U.S. Chamber of Commerce.
U.S. Trading & Investment Company.
United Steel Workers of America.
United Technologies Corporation.
Varian.
Washington State Department of Trade & Economic Development
Web Press Corporation.
Westinghouse Electric Corporation.

WORLD BANK

Mr. PRYOR. Mr. President, I am offering an amendment to improve the accountability of the World Bank and ultimately produce savings for the U.S. taxpayers. A brief look at the World Bank's recent track record will demonstrate the reason for my concern and the necessity for this amendment. The World Bank has three major problem areas: Extravagant spending and skyrocketing operational costs; an incredible number of failed projects; and a history of loans to repressive regimes.

The root of these problems can be summarized in two words: No oversight. My amendment would establish an inspector-general-type function of reporting just like those found in over 20 other agencies.

The operating costs at the World Bank are approximately $1 billion per year. What does $1 billion buy? It buys some pretty wasteful spending—by anyone's standards. Here are some examples.

World Bank employee salaries average $123,000, and Mr. President, that $123,000 is tax-free. The World Bank picks up the tab on maintaining the Bretton Woods Golf Course in Potomac, MD, which the World Bank owns jointly with the International Monetary Fund. Another cost overrun of note is the current refurbishing project of the World Bank's Washington headquarters. After debating the merits of marble floors, the World Bank has thankfully settled on Italian tiles. The final estimate for this rebuilding project is expected to exceed $250 million.

In addition, Mr. President, the World Bank spends approximately $30 million on first-class travel for its executives each year—$30 million just to sit in the front of the plane. This is quite a lavish operating budget for an organization which was created to assist the poor underdeveloped countries.

Mr. President, one of the internal world audits at the World Bank recently estimated that 37.5 percent of World Bank loans and projects are failures. Mr. President, this is an organization which spends a tremendous amount of money on overhead, and pays its people extremely well. Yet almost 40 percent of its projects are total failures. One reason for this failure rate is that World Bank employees have traditionally been promoted on the basis of the quantity, not the quality, of their loan projects. As an economist at the Center for Strategic and International Studies, Mr. Paul Craig Roberts, put it:

> It is lucky for the World Bank officers that they are immune from prosecution. If the same standards were applied to them as were applied to S&L executives and directors, they would be facing liability suits, shareholder outrage and possible criminal prosecution.

It is an understatement to conclude that something is clearly wrong here.

Finally, Mr. President, despite United States expressions of concern and outright objection, there has been an increase in World Bank loans to repressive regimes, such as China and Iran. Mr. President, although China continues to commit gross abuses of human rights, it received more than $2.5 billion in loans from the World Bank in 1992. The increase in loans to Iran is equally disturbing, given its hostility toward the United States and suspected involvement in terrorist activities. In fact, the Foreign Operations

Subcommittee has fenced funding to ensure that the World Bank has not made any capital loans to Iran after October 1, 1993.

Mr. President, I could go on and on reviewing the problems of this organization. However, I do not believe that this is necessary. The committee, in its report, clearly outlines its many concerns with World Bank operations. I commend the committee for its findings, and for its decision to reduce overall funding to the World Bank. The World Bank is also aware that it must take a long look at the way it operates.

Mr. President, the Senate must insist on an effective means by which Congress can receive objective, reliable information about World Bank operations. I believe the World Bank also needs an inspector general type of structure to help it in its efforts to improve program success and management efficiency. Mr. President, this amendment respects the autonomy of the World Bank, while also giving the Congress enhanced ability to better account for American tax dollars.

Mr. President, just a few days ago my amendment read that no funds would go to the World Bank until independent oversight was established over the World Bank.

I am happy to announce that late last night, under the urging of Treasury Secretary Bentsen, the World Bank's Board of Directors agreed to establish an independent inspection panel.

I commend Secretary Bentsen for his leadership in getting the World Bank to enact this important reform.

The World Bank inspection panel is a step in the right direction, but it will need to prove itself to this Senator and to a wary Congress. That is where this amendment comes in. Specifically, our legislation will require that the Treasury Secretary use the office of the Treasury inspector general and other Treasury offices to make an annual report to Congress, by July 1 of each year. His report will include recommendations for improving the economy, efficiency, and effectiveness in the administration of World Bank operational programs and administrative functions. It will also identify fraud and abuse in World Bank programs and functions.

The Secretary's report to Congress will rely heavily on the investigative work of the new World Bank inspection panel, but will also include independent analysis by the Treasury Department and the Treasury inspector general.

This is, in effect, a system of checks to let Congress know what is going on at the World Bank and whether the inspection panel is doing its job.

If, next year we find that information is still not flowing to Congress, and that mismanagement and waste at the World Bank is not coming under control, then I will be back at the same time next year with my original amendment. I thank the Chair, and urge acceptance of this amendment.

Mr. BYRD. Mr. President, I commend and thank Senator LEAHY and Senator McCONNELL, who have worked so hard to bring this bill to the floor. It has been exceptionally difficult this year to accommodate all the traditional demands on our foreign aid budget, and to fund the administration's package of aid for Russia and the other newly Independent States of the former Soviet Union. Special thanks also go to Senator INOUYE and Senator STEVENS, who helped to work out the complex funding arrangements for aid to the former Soviet States. I am sure we are all hopeful that the situation in Russia will stabilize and that elections will occur soon, so that this aid can continue to help them to rebuild on a strong democratic and market-oriented foundation. I also want to thank Senator LEAHY and McCONNELL for their help and support on my amendment dealing with the Russian troops in the Baltic nations.

This is never an easy or popular bill, but the ease and speed with which the Senate has completed action on this legislation is testimony to the preparation and hard work of Senator LEAHY, Senator McCONNELL, and their staffs, especially Eric Newsom, Tim Rieser, Fred Kennedy, Jim Bond, and Juanita Rilling.

Mr. DOLE. Mr. President, one of the most important aspects of the bill is the appropriation of $2.5 billion for aid to Russia and the other States of the former Soviet Union.

I recognize the extraordinary lengths the managers had to go to find this money. I commend them for their efforts. But, the events of the last 48 hours underscore how urgent United States support for the reform process in Russia really is.

In disbanding the Parliament, President Yeltsin has taken a drastic step—but he has done so in order to try to guarantee that genuine democratic and economic reforms will continue. The United States has supported President Yeltsin's reform efforts in the past and it is essential that we continue to do so.

Last April's referendum made it clear that the Russian people want democracy, and that they want a free market economy. The hardliners who dominated the Congress and the Supreme Soviet were the main obstacle to achieving those goals.

In view of the assurances President Yeltsin gave President Clinton that free and fair elections would be held in December, and that he remained committed to real democratic and economic reform, it seems to me that we in the Congress need to be supportive.

Because of his commitment to democracy, President Yeltsin is out on a limb—so we have to make sure that the limb is not cut off. Supporting this aid package is one way to make sure that doesn't happen.

WAIVER OF STATUTORY PROHIBITIONS REGARDING THE PLO

Mr. INOUYE. Mr. President, I rise to express my support for the administration's efforts to foster peace in the Middle East. Like so many Americans, I am pleased that we have begun to see a break in the tragic gridlock which has gripped the region for nearly five decades.

Let us hope this new beginning leads to a permanent and lasting peace across the Middle East. I, for one, wish the parties to this accord every possible success. It is they who must live in the region. It is they who must find the will, and the means, to settle their differences.

However, Mr. President, while the recent events on the south lawn of the White House point to the potential for a new era in Israeli-Palestinian relations, it is unclear where this long and difficult road will lead.

For those of us who have long struggled with the issues of terrorism, radicalism and anti-Americanism in the Middle East, the changes brought about by the Israeli-PLO accord leave many questions unanswered. They are questions which relate to the sincerity of the PLO, the accountability of its members for past crimes against American citizens, and the ability of that organization to fully reform its behavior.

It is just these unknowns which cause me to pause and reflect upon efforts now under way by the administration to dismantle the range of statutes which have defined the essence of United States policy toward the PLO.

After all, it has been just over a week since Israel, a long-time democratic ally of the United States, signed a Declaration of Principles with the PLO. In the history of the Middle East or the lives of nations, this is no time at all.

Yet, with virtually no time for us to absorb the full impact of last week's events, the administration already is asking that Congress consider waiving statutory provisions which lay at the core of our Nation's policy toward terrorism, immigration, and foreign assistance.

I am deeply concerned by the speed at which this normally deliberative body is rushing to overturn the work of the last 20 years and render the well-conceived, well-hewn judgments of the past null and void.

Mr. President, there has been no formal debate on the consequences which might arise from changes in these statutes.

There have been no hearings by the relevant committees of jurisdiction.

There exists no detailed explanation by the administration on how it intends to work with the PLO, audit funds provided to the PLO, or assess whether the PLO has complied with the terms of the accord with Israel?

In short, Mr. President, we find ourselves groping in the darkness for not only the answers to questions but the very questions themselves.

This is no way to make foreign policy, particularly on matters of such seminal importance to our security.

I wish to state categorically that it is not my intention to stand in the way of peace between Israel and the Palestinians. We are living a historic moment and we have an obligation to support the two parties as they reach across the great divide of war and mistrust.

However, supporting the peace process must not take precedence over our constitutional responsibilities. Encouraging the path to mutual recognition should not be viewed as inconsistent with our duty, as Members of this democratic body, to attend to the broader foreign policy interests of the United States.

It is for this reason, Mr. President, that I am heartened by the decision of the managers of this bill to strike a compromise which provides for only the most modest change to existing law regarding the PLO until the Senate has the opportunity to fully deliberate on the matter.

I support the proposal to waive, until January 1, 1994, only section 307 of the Foreign Assistance Act. It is my understanding that this waiver would only permit the administration to channel funds to international organizations set to assist in the support of the Israeli-Palestinian Declaration of Principles. Similarly, it requires that the President consult with the relevant committees of the Senate and the House of Representatives and that he make a determination that his actions are consistent with the national interest.

This limited authority is appropriate to the moment and should be exercised wisely and with the appropriate accountability over the obligation and expenditure of funds.

The maintenance of broad public support in this country for the peace process demands that we not be seen to rush to throw money at a problem which, at its core, involves the development of working relationships between the parties.

Mr. President, I look forward to the opportunity to comment on the administration's broader proposals for the Middle East as they evolve. Until then, let us hope that only good intentions and thoughtful actions pave the road to peace.

THE TIME IS LONG PAST FOR AN INSPECTOR GENERAL AT THE UNITED NATIONS

Mr. HELMS. Mr. President, I do not know how many of you saw last Sunday's episode of "60 Minutes." I was able to do so and I must say that I was absolutely appalled by what I saw and heard. On national television, U.N. officials attested to the fact that every year the United Nations squanders and steals hundreds of millions of dollars. This revelation did not surprise me. I have been investigating these problems for years.

What did get my ire going, though, was to listen to the absolutely disinterested reaction to these allegations by the people at the United Nations who are supposed to be investigating these types of allegations. When the crew interviewed the highest ranking U.N. official, who is supposed to be in charge of tracking the disbursement of funds and investigating fraud, waste, and abuse throughout the United Nations, the only answer she could come up with was, "Well, I am looking into it." She did not offer any explanation of the problems, any suggestions for their reconciliation, or any prescriptions for renovation in the U.N. accounting system. She did not even acknowledge that the U.S. mission to the United Nations advocates the establishment of an inspector general.

This year alone the United States is donating $1½ billion to the United Nations—1½ billion taxpayer dollars. This $1½ billion buys us the proud title of "Single Largest Donor to the United Nations." I do not find that anything to be proud of. In fact, it is an absolute disgrace to hold that title when the U.S. Congress, the administration, and U.S. citizens know well that millions of dollars are vanishing down the invisible drain at the bottom of the United Nations building in New York.

Based on the fact that we donate 30.4 percent of the entire U.N. peacekeeping budget and 25 percent of the rest of the U.N. budget, the least the United States deserves is the knowledge that someone in New York is controlling how our taxpayer dollars are being spent. If the United Nations were operating, as it suggests, under generally accepted accounting procedures, why is it so opposed to the establishment of an Office of the Inspector General? If there were not any fraud and abuse to be found, then the Inspector General could give the United Nations a clean bill of health and all these years of accusations of fraud and abuse could come to an end. I know for certain, though, that this would not be the case.

I am certain that the findings of an independent inspector general would appall every nation that donates even $1 to the United Nations. What is the United Nations afraid of? The American taxpayers, at a minimum, deserve to know where their money is going. I support Senators PRESSLER and BYRD in their drive to root out all the money wasters in the United Nations organization. If it takes stopping up the flow of money we give to the United Nations to affect this change, then I am all for it.

MULTILATERAL ASSISTANCE INITIATIVE (MAI)

Mr. LUGAR. Mr. President, I notice that the distinguished senior Senator from Hawaii is on the floor of the Senate. I want to point out that Senator INOUYE has been one of the strongest supporters in the Congress of the Multilateral Assistance Initiative—the MAI—for the Philippines. His support for the MAI has been critical to sustaining this innovative foreign assistance program over the years and I simply wanted to acknowledge his enormous contribution to the MAI.

If I might, I wonder whether Senator INOUYE has any thoughts about the Multilateral Assistance Initiative or about United States-Philippine relations in general. I am certain that any remarks he may have will be beneficial to the membership as a whole.

Mr. INOUYE. Mr. President, I wish to offer some thoughts about United States-Philippine relations and the important role the MAI has played in assisting the Philippines to secure the benefits of democratic government and a free market economy. Building a new, post-bases relationship between the United States and the Philippines is important because the two countries continue to share significant commercial and security interests. Moreover, our deep cultural and historical ties make the Philippines and the United States strong and effective allies.

Demonstrating support for President Ramos by continuing our commitment to the MAI would further America's interests in the Philippines and go far toward rebuilding this important bilateral relationship.

The MAI represents a unique approach to development assistance because it leverages relatively small amounts of U.S. funds into much larger overall contributions from other public and private donors. The MAI is an excellent example of development assistance burden-sharing and is one of the most effective uses of American assistance dollars. Clearly, at this time of severe criticism of American assistance programs, supporting these new and innovative approaches is desirable.

I strongly urge the administration to make every effort to meet its target commitments under the MAI. In fiscal year 1994 this was to be $40 million.

President Ramos has committed the Philippines to continue pursuing the difficult free market reforms begun by his predecessor. For example, recent changes in the Philippines' banking and investment regulations make the Philippines one of East Asia's most open economies. In addition, the Philippines has realized considerable successes in economic growth, reducing inflation, reducing external debt, and privatizing state-owned enterprises. Providing continued strong support for the MAI will help ensure the success of such reforms.

However, the MAI has provided far more than necessary capital and political incentive for economic reform. The MAI has also focused attention on the issue of sustainable development and environmental protection. Projects have been implemented through the MAI which contribute both to the well-being of rural Filipinos and, at the same time, protect Philippine forests and coastal waters. Environmental NGO's here and in the Philippines have been brought together to begin addressing environmental degradation. It is fair to say that Philippine natural resources, particularly coastal areas and forests, are better protected today because of the MAI.

Regarding the environment, I would like to raise another issue that concerns me greatly: possible contamination left behind by American military forces in the Philippines. Hazardous and contained sites may have been left behind by American troops after their withdrawal. In a report published last year, the GAO listed sites known to be damaged and noted the seepage of chemicals into the soil and water. Besides the health and environmental risks posed by such contamination, future economic development in the Philippines could be retarded due to the reluctance of investors to commit resources in an environmentally uncertain atmosphere. I propose, therefore, that a joint United States-Philippine task force be created to investigate the extent of contamination at the former United States bases and to identify appropriate cleanup actions.

I would also like to suggest the creation of a $2 million disaster relief stockpile in the Philippines. Given the rash of natural disasters in the region, the United States has wasted significant amounts of resources by repeatedly transporting relief supplies to affected areas. If supplies were pre-positioned in the Philippines, valuable time and resources would be saved when disasters strike. In this time of acute budgetary constraints, every opportunity to conserve resources should be found. I believe a disaster relief stockpile in the Philippines is one such opportunity.

Beginning to rebuild a new post-bases relationship with the Philippines is in the American interest because of our trade, defense, historical, and cultural ties. The Philippines is our oldest ally in the region, a large purchaser of American goods and services, and a natural window to the vibrant economies of East Asia.

Mr. LUGAR. Mr. President, let me just say that I concur fully with the comments made by Senator INOUYE. I would also like to comment on the Philippine Multilateral Assistance Initiative [MAI]. The MAI was conceived in the late 1980's by Senator Cranston, Steve Solarz, Jack Kemp, and myself. It has enjoyed the strong endorsement and active support by Senator INOUYE over the past several years. It had the strong support of former Secretary of State Shultz and sketched a bold new approach to supporting the incipient democracy in the Philippines by kick-starting the economy, and giving hope to the Filipinos that the future held out prospects better than the past. Just as importantly, the MAI created a framework for foreign assistance burden-sharing among the industrial countries.

In 1989, the United States committed itself to a $1 billion program over 5 years. This was done with the understanding that our assistance would leverage a far larger commitment of funds from other developed countries. The MAI has been successful in doing that and has elicited about $9 billion in pledges from 27 countries since its inception. It has been helpful in bringing about economic stability, improving the infrastructure, and alleviating aspects of chronic poverty in the Philippines. It has stimulated much-needed policy reform and economic liberalization in the Philippines, but this is only the start of a long-term restructuring that needs to be done.

At present, the United States has met less than half its financial commitment to the MAI, despite its success in leveraging funds from other countries. The administration has proposed $40 million for fiscal year 1994, which is a fraction of what was intended when the MAI was first conceived and implemented. That amount is now jeopardized by budget constraints and the ill feelings following the vote of the Philippine Senate to terminate the base agreements with the United States. Despite the demonstrated success of the MAI, the struggle to secure and sustain momentum for the initiative has become a difficult one.

In the past few years, there has been a liberalized foreign investment regime put in place in the Philippines. Local government has been strengthened, progress has been made to develop a sound environmental policy, several tax measures have been passed, and nearly $1 billion in government holdings have been privatized in recent years. These and other successes can be linked directly or indirectly to the MAI and the incentives it provided to reform the economy and the political system. It is a record of accomplishment that should be continued, not ended. The MAI should be applauded, not ignored.

Much more needs to be done to improve and revitalize the environment, deregulate the economy, liberalize the trade regime, reduce debt obligation, improve revenue collection, expand power generation, and reduce public sector corruption if the MAI and related programs are going to be even more effective.

I do not believe the Congress or the administration should abandon or lessen interest in the MAI. In my judgment, the MAI is an innovative model for foreign assistance burden-sharing that should be praised and emulated rather than reduced or obliterated. It has been the model on which the Support for East European Democracy [SEED] and the assistance to the former States of the Soviet Union is based. The MAI is multiyear, it is multinational, and it is multidimensional in that it marries increased official aid flows, enhanced trade, and more investment to the Philippines, in exchange for economic reform and liberalization. These are attributes of U.S. assistance that should be emulated: long-term commitment; burden-sharing; coupling of aid, trade, and investment, together with demands for internal reforms in the recipient country to render U.S. assistance more valuable.

The MAI was established to help improve the economic underpinnings to nurture democracy in the Philippines. That has been its principal objective ever since it was backed by the Congress just a few years ago. The logic of MAI is still relevant in the Philippines and is also applicable elsewhere. We should try harder to make it work. It is in our interest to do so.

In addition to helping the Philippines achieve mutual goals of democracy and free market economics, the MAI helps develop a good market for United States goods. The Philippines is already a major purchaser of American products and will be an even greater trade partner as its economy develops. The United States cannot afford to overlook its most natural ally and trading partner in the world's fastest growing region.

Finally, I would like to include a thought about the rescissions included in this bill. Taking back previously committed funds in this matter is poor policy, however much pressure there is from declining budgets and increasing demands. In many instances it amounts to reneging on our promises. It will create numerous foreign policy problems for the United States which may not be worth the budgetary savings that will be gained.

This is especially true in the Philippines, where funds in the pipeline represent our side of the United States-Philippines bases agreement in effect until 1991. Reclaiming funds provided prior to the termination of the bases agreement is truly unfair. Despite the anger and disappointment generated by the decision of the Philippines Senate to terminate the bases agreement, the United States should honor its commitments for the period in which the agreements were in effect. I urge the administration to take this into consideration when deciding how to allocate the rescissions in this bill.

I also urge the administration to find the funds in this reduced foreign assistance bill to keep the Multilateral Assistance Initiative [MAI] an on-going and viable part of our approach to foreign assistance and foreign policy.

I thank the Chair. I also thank Senator INOUYE for his remarks.

JOHNS HOPKINS-NANJING UNIVERSITY CENTER FOR CHINESE AND AMERICAN STUDIES

Mr. HARKIN. Mr. President, I rise today in support of the pending legislation, H.R. 2295, the 1994 foreign operations appropriations bill.

I would like to discuss one of the important programs in our foreign affairs program and, I believe, one of the most critical activities in support of human rights—the Johns Hopkins-Nanjing University Center for Chinese and American Studies. I am very pleased that the committee has included language in support of the Hopkins-Nanjing program in its committee report to the bill, and I would like to take a few moments to say a few words about this.

The Hopkins-Nanjing Center plays a critical role in exposing Chinese students to American methods of thinking and to advancing American political ideas, including the freedom of speech, freedom of press, and human rights. Chinese and American students live and study together under a 1-year graduate level program, learning about each others' institutions, systems, customs, and values—and about democracy.

The Hopkins-Nanjing Center provides the training and education necessary to develop and maintain the democratic beliefs and free market principles that the United States was founded on and which I believe are crucial for China, including training in economics, business, trade, government and politics, international relations and foreign policy. The center's most important feature is its open-stack library and lack of censorship, which provides a unique learning experience for future leaders in Sino-American relations. This open-stack, totally uncensored library in China—home to one-quarter of the world's people—is absolutely critical in a country where democracy is knocking on the door.

Mr. LEAHY. I would say to my colleague from Iowa that the committee report makes clear that it is the committee's intent that the bill includes funds for the continuation of the Hopkins-Nanjing program.

Mr. HARKIN. I thank the chairman for his comments and support.

MILWAUKEE INTERNATIONAL HEALTH TRAINING CENTER

Mr. KOHL. Mr. Chairman, in past years the committee has recognized the importance of a unique program in my home State of Wisconsin and has included report language recommending that AID provide funding for the Milwaukee International Health Training Center. It is my understanding that the committee continues to fully support funding for the program.

Mr. LEAHY. That is correct. The committee has endorsed this program in the past and urges AID to again support it.

Mr. KOHL. I would also like to mention an additional project. The Milwaukee County Training Center for Local Democracy, which is training Polish local government officials in decentralized management, deserves AID's support and I would hope that it would be possible to get language included in the conference report.

Mr. LEAHY. Again, the committee urges AID to consider supporting the program and will be happy to propose such language during conference.

POPULATION GROWTH

Ms. MIKULSKI. We have worked together in the past on women's issues as well as environmental concerns and the impact of population growth on both. In May of this year, the State Department counselor and our former colleague, Tim Wirth declared that the Clinton administration would help lead a renewed global effort to achieve population stabilization. In an eloquent speech before the U.N. preparatory committee of the 1994 International Conference on Population and Development, counselor Wirth suggested a new approach to population which I believe is a more appropriate and effective one. He suggested dealing with population by acknowledging the rights and needs of women, the environment and development. The Clinton administration recognizes that population growth is neither an isolated problem, nor simply a matter of fertility control.

Any population policy supported by the United States must be committed to promoting women's access to a range of quality reproductive health care services and dedicated to the empowerment of women so that they are equal partners in all aspects of decision making concerning economic and social development. Further, we must help ensure access to primary health care, with an emphasis on child survival. Finally, we must be committed to ensuring that our population policy supports sustainable development.

I believe that the Senator from Vermont shares my view on this and that it reflects the views of our committee.

Mr. LEAHY. My long record of support for an effective U.S. population policy speaks for itself. I believe the Senator from Maryland and I are in agreement on this issue. I also commend the President and join him in his commitment to moving population issues to the forefront of this Nation's global priorities. I strongly support the administration's efforts to enunciate a U.S. population policy that responds to the special concerns of women, particularly with regard to reproductive health and reproductive rights. Comprehensive U.S. population policies must aim at improving women's health and expanding education and economic opportunities for women, as well as providing safe and effective means of voluntary family planning. In my view, curbing runaway population growth must be a central objective of our foreign aid program.

Ms. MIKULSKI. Unfortunately, Mr. President, past U.S. policies have paid far too much attention to contraceptive distribution and not enough to the health and well-being of women and children.

Mr. LEAHY. I agree with the Senator that in the past our population policy has not given sufficient recognition to the need for a comprehensive approach which includes overall health and well-being of women and children.

EXPORT-IMPORT BANK

Mr. BRADLEY. I rise to engage the Senator from Vermont in a colloquy on the Export-Import Bank. Is it the Senator's understanding that the Export-Import Bank exists to provide direct loans, tied-aid grants, interest subsidies, and mixed credits and insurance to assist American firms in making export sales?

Mr. LEAHY. That is my understanding.

Mr. BRADLEY. Does the Senator from Vermont agree that the Export-Import Bank should make a concerted effort to expand participation by small- and medium-sized businesses in its programs?

Mr. LEAHY. I agree with the Senator from New Jersey.

Mr. BRADLEY. I further believe that the Export-Import Bank should put its limited resources to better use by only providing assistance to large, creditworthy firms that could otherwise obtain market financing when such assistance is necessary to counter a subsidy given to its competition. Otherwise, we are using taxpayer money when the market would be more efficient. It is my understanding that the Export-Import Bank currently has no procedure for evaluating whether an applicant requires assistance to counter a subsidized competitor. I am so concerned about this market distorting inefficiency that I had intended to move to cut the Export-Import Bank's funding. However, I have decided not to act this year, since we have a new administration and new Bank management. I believe they deserve a year to address this problem by devising and implementing such a procedure with a view to giving priority to applicants that face subsidized competition. I ask the chairman to look into this matter when the subcommittee acts on the fiscal year 1995 Foreign Operations Appropriations Act.

Mr. LEAHY. I will look at the concern raised by the Senator from New Jersey.

HADASSAH MEDICAL ORGANIZATION

Mr. LAUTENBERG. Mr. President, I would like to ask the chairman of the subcommittee to engage in a colloquy about the fiscal 1994 foreign operations appropriations bill.

Mr. LEAHY. I would be pleased to discuss the bill with the Senator from New Jersey.

Mr. LAUTENBERG. In previous years, the subcommittee has included report language about organizations and institutions that have promoted American educational ideals overseas through the American Schools and Hospitals Abroad Program. One of the organizations the subcommittee has previously highlighted in report language is Hadassah Medical Organization.

Mr. LEAHY. The Senator is correct.

Mr. LAUTENBERG. This year, as a result of an oversight, Hadassah Medical Organization was not mentioned in the report accompanying the Senate version of the fiscal year 1994 appropriations bill. A number of other organizations were highlighted. Would the chairman of the subcommittee be willing to include language on Hadassah Medical Organization in the statement of the managers?

Mr. LEAHY. I would note that no Member requested report language on Hadassah, which I agree is a fine organization doing wonderful work. As the Senator knows, the statement of managers must be agreed with the House managers and I cannot unilaterally put anything in it. However, I would be pleased to suggest to the House a sentence commendatory of Hadassah's use of foreign assistance funds for inclusion in the statement of managers. As a matter of longstanding policy, I do not myself endorse applications by specific organizations for ASHA grants.

COMMITTEE REPORT ON NIGERIA

Ms. MOSELEY-BRAUN. Mr. President, I would like to call the attention of the distinguished majority manager of the bill, my warm friend from Vermont, Senator LEAHY, to the current situation in Nigeria.

Yesterday, I met with elected members of the Nigerian House and Senate from both political parties. We discussed events in Nigeria since the canceling of the June 12 elections.

I know we all share the desire to see Nigeria return to full democracy, which is why our policies must be based on the best analysis of the Nigerian situation possible, and why they must be based on the most up-to-date information possible.

As I am sure the distinguished Senator from Vermont knows, on August 26, President Babangida resigned and turned over the Government to civilian leadership. An interim National Government has been established under Mr. Ernest Shonekan. Under the interim Government, the democratically elected Parliament has full powers under the Nigerian Constitution.

I am informed that a dialog has begun in the last few weeks to insure that the process of democratic transition in Nigeria continues. Both political parties who ran in the June 12 election are participating in this dialog. Mr. Shonekan has released political prisoners, taking a giant step toward improving human rights in Nigeria. Further, there has been an agreement to hold new Presidential elections on February 19, 1994.

These Parliamentarians were clear in their commitment to continue the process of democratization in Nigeria. I believe their commitment is genuine, and I think it is extremely important that the United States take recent and anticipated events in Nigeria into account as it makes important policy decisions that will have a major influence on that country.

In light of the changing circumstances in Nigeria, I would hope the Senator from Vermont, as the chairman of the Foreign Operations Subcommittee of the Senate Appropriations Committee, will continue to closely review the situation in Nigeria, and base the final recommendations in the fiscal year 1994 foreign operations appropriations bill and its associated conference report as it relates to Nigerian issues on the results of that review.

Mr. LEAHY. I am aware that circumstances in Nigeria continue to change. My colleagues and I will continue to review the situation as we go to conference on this bill. I thank the Senator from Illinois for bringing the subject of Nigeria to the attention of the Senate.

Mrs. MURRAY. Mr. President, I rise in support of the fiscal year 1994 spending bill for foreign operations, and I would like to highlight some of the issues addressed in the bill that are especially important to the citizens that I represent in Washington State.

There is no question that the needs of Americans come first when we are determining how to best use taxpayer dollars, and that is where my priorities lie. But it is my view that our Nation as a whole, and my State in particular, benefit greatly from our foreign aid program.

While foreign aid has never been popular, it has always served our Nation well. The benefits of foreign aid are not as obvious or direct as the expenditure of our tax dollars for programs like education or highway construction, but they are just as real. Providing assistance to other countries serves the U.S. national interest in many ways.

First, foreign aid benefits our own economic security. Chronic U.S. trade deficits constitute a major threat to our economy and to the long-term stability of the international system. While there is no single answer to the trade problem, one part of the solution involves strengthening the economies of nations which are consumers of goods that we produce. Economic assistance helps us achieve that goal. By helping to strengthen the economies of our neighbors in Latin America, for example, we are better able to build upon our important trading relationship in that region.

In addition, a significant part of our foreign aid program is targeted to promoting U.S. exports to the developing world. Developing countries are the fastest growing U.S. export market. In 1991, U.S. exports to the developing world totaled $148 billion, up from $127 billion the year before. The Department of Commerce estimates that each $1 billion in U.S. exports supports close to 20,000 American jobs.

One of the most effective U.S. export promotion mechanisms is the Export-Import Bank. I commend Chairman LEAHY for the leadership he has displayed in supporting increased resources for the Eximbank. The bill before us provides $1 billion for Exim's loan guarantee and subsidy programs—representing a significant increase above what the House provided and the amount requested by the President.

This funding is important because, with help from organizations such as the Eximbank, U.S. companies are able to enter foreign markets despite international financial uncertainties. This assistance will be critical in helping United States companies remain competitive in the new markets of Russia and the new independent states, and throughout Eastern Europe.

In Washington State, the Eximbank gives critical help to small and large businesses alike—providing nearly $1.7 billion in support for exports from Washington last year. Boeing, for example, used well over $1 billion in Exim loan guarantees last year, and expects that figure to double this year. Boeing's success in foreign markets translates into jobs and profits not only for Boeing, but for thousands of other American companies and workers. Boeing uses over 5,000 suppliers from almost every State in the Union.

Other Washington companies like PACCAR and SeaLand continue to benefit from Eximbank support, and I am pleased the bill before us gives Exim the necessary resources to help Washington State exporters.

Foreign aid also funds research at hundreds of American universities—including the University of Washington and Washington State University. In 1991, these two universities received over $3.3 million in U.S. Agency for International Development [USAID] funds. Eastern Washington University, in Cheney, has also benefited from AID programs.

In recent years, with the leadership of Chairman LEAHY and others, Congress has shifted the emphasis of our foreign aid program away from military assistance to programs that aid the world's children. In keeping with the goals outlined at the 1990 United Nations World Summit for Children, the bill continues to emphasize funding for health and child survival, AIDS, and basic education.

Foreign aid also allows us to address cross-border problems that affect us here at home. In the area of international family planning, the bill increases that budget substantially, with the goal of helping to reduce maternal mortality rates and give women more control over their reproductive lives. At the same time, by supporting international family planning programs, the United States does its share to aid global efforts to curb the Earth's overwhelming population growth rate.

On the issue of population assistance, let me also commend both President Clinton and Chairman LEAHY for the leadership they have displayed in restoring United States support for the United Nations Population Fund—the world's largest source of population aid. The United States was instrumental in creating the UNFPA in the late 1960's, and it is time we restore U.S. leadership in this area.

Let me comment on a few country specific issues.

Since the breakup of the Soviet Union, we have had to conduct our relations with the new Independent States [NIS] in a climate of political uncertainty. With President Yeltsin's decision to disband his nation's parliament, President Clinton will have to move cautiously in releasing any U.S. assistance. But I do believe the Senate should press ahead today and approve the aid, so that the President has the tools at his disposal to respond as events merit.

The bill before us provides over $2.5 billion in aid to Russia and the NIS, which the President considers to be a top foreign assistance priority. The United States has a strong interest in promoting a stable, peaceful world. Aid to Russia and the new Independent States is targeted for that purpose.

As we promote stability, we are creating new markets for U.S. businesses and products. My State of Washington is currently doing more trade with Russia than any other State in the Nation—most of it involving small- and medium-size businesses. Again, this is an example of how foreign aid furthers our national security objectives and helps promote economic growth both at home and abroad.

In connection with the assistance program for Russia and the former Republics, let me state my firm commitment to seeing that the U.S. AID and the NIS task force make every effort to ensure that proposals from contractors from all parts of the country receive equal consideration for contracts.

I raise this concern because despite the expertise that has developed in Washington State in both the private and nonprofit sectors in doing business and providing services in the NIS, I have heard repeated complaints from small- and medium-sized businesses and nonprofit organizations in my State that they are unable to get access to U.S. AID contracts.

When I reviewed the data relevant to this situation provided to me by the Department of State, I learned that of 150 prime contracts given out by AID for projects in the NIS, 92 have gone to contractors in the Washington, DC, metropolitan area. That's over 60 percent. In contrast, none has gone to Washington State, or to Oregon, or to Alaska, or to Montana. Two did go to Idaho, and one to Colorado.

This points to an important problem. It is my view that AID funds too narrow a group—typically large firms, located in or near Washington, DC, which may in fact lack in-country field experience. I have been told that AID does this to get programs underway as soon as possible, and the large contractors tend to have the resources possible to put programs in motion quickly. I am concerned, however, that this approach is not efficient in the long run and will not make the best use of our aid dollars.

It is my view that smaller projects deserve greater focus within AID's NIS programs. Too often smaller projects, which are typically the most successful and run by small- and medium-sized companies, slip through the cracks of lending and funding sources. AID contracts are often far too large for the average firm working on the ground. In addition, I have heard reports where the costs of administering such huge amounts of money have consumed up to 40 percent of the Federal money to the prime contractor, a considerable sum by any standard but an astronomical amount measured by its potential in Russia.

So, in the coming months I will continue to work hard to ensure that greater regional representation is achieved in awarding the contracts, and that small- and medium-sized businesses and organizations are not cut out of the process. I have brought this problem to the attention of the State Department and U.S. AID, and officials in those agencies have been cooperative, assuring me that the situation will change. I look forward to working with the coordinator for NIS assistance to resolve these problems, which affect the entire Pacific Northwest.

Within the overall Russian aid program, let me also say that I am extremely supportive of the Russian-American Enterprise Fund, and a smaller fund that will be devoted to assisting small- and medium-sized enterprises specifically in the Russian Far East. The funds will promote private enterprise development and help disseminate western business know-how. Among other functions, the funds will serve to provide greatly needed equity for joint-ventures between American and Russian businesses. Fund resources will also be available for worker training and technical aid.

In other areas, I continue to strongly support aid to Israel and Egypt. Israel remains an extremely vital United States ally, and I commend that nation for doing the hard work necessary to bridge the differences with the Palestinians to reach their historic peace agreement. The bill we are considering contains a small but important earmark of $25 million to help support the Palestinians as they develop a program of self-government.

I am also pleased that this bill prohibits any military aid from going to El Salvador. Our country has an obligation to support in any way possible the implementation of the peace accords. As we work to help the people of El Salvador rebuild their communities, the administration's request for nearly $3 million in military aid is counterproductive. The evidence available indicates that the Salvadoran Armed Forces are responsible for the majority of the human rights atrocities committed during the past decade, and there is simply no good reason why we should provide further military aid.

Let me close by putting the foreign aid budget into perspective.

Obviously, the realities of our budget deficit dictate that we carefully scrutinize our overall foreign aid program, and make cuts where possible. Foreign aid has been reduced substantially in recent years. Since 1985, Congress has cut the administration's requests for foreign aid by more than $8 billion. Last year, Congress cut foreign aid spending by several hundred million dollars from the previous year's level.

Our Nation currently devotes less than 1 percent of the Federal budget to foreign aid. During the 1950's, we spent 10 percent of our national budget in this area. As a percentage of our gross national product, foreign aid for 1993 represented an all time low—just one-quarter of 1 percent.

The lion's share of money the United States devotes to foreign aid is spent here at home. Seventy-three percent of all economic aid and nearly 95 percent of military aid is spent within our own borders. This reinvestment in our own economy creates hundreds of thousands of jobs. We contribute about $2 billion annually to multilateral development banks, the majority of which is spent on procurement in the United States.

The task for Congress is to develop a foreign aid program that recognizes our domestic budget crisis while continuing to promote American interests abroad. I believe the bill before us does exactly that, and I strongly urge its adoption.

CUTS IN DISASTER AND DEVELOPMENT ASSISTANCE

Mr. SIMON. Mr. President, I am deeply disturbed by the devastating cuts in our fiscal year 1994 foreign assistance appropriations bill. Most shocking of all is the Senate's apparent willingness to slash disaster assistance by nearly one-third from the fiscal year 1993 level. Substantial cuts have been made to the Development Fund for Africa, and this bill proposes to cut other development assistance by more than 20 percent below this year's level. The affects of these cuts will be felt throughout the world, and represent a major misstep for our foreign aid program.

The nations of sub-Saharan Africa are going through a pivotal phase in their development. Many countries, such as Sudan, Zaire, and Somalia, remain stricken by civil war or violence. Others, such as Liberia and Mozambique, are holding together through fragile peace agreements. Still others, such as Zambia and Nigeria, are struggling with the difficult realities of undertaking democratic reform. Yet these nations' prospects for sustained recovery and development are limited by an economic climate that has seen set negative transfers of assistance to Africa from the industrialized nations. During the last decade, much of Africa has been the victim of falling per capita incomes, increasing hunger and accelerating degradation of the social infrastructure and the natural environment.

The proposed cut in disaster assistance is particularly crucial for Africa. The bulk of disaster assistance this year went to relief operations in Somalia and Sudan. U.S. assistance was critical in forestalling widespread starvation after a drought struck most of southern Africa during 1992. The reduction would also impair current United States relief operations in Bosnia, South Asia, and other areas that might fall victim to famine, war, or natural disaster. If it were not for our disaster aid this past year, the death tolls in these crisis areas would have been much higher, especially for women and children. Yet, as we are all aware, their suffering is not over. Disaster and recovery needs persist in Africa and elsewhere.

I would like to remind my colleagues that there was overwhelming American public support last December for Operation Restore Hope to secure the delivery of food aid to starving Somalis. This is but one example of the broad public consensus that the United States should continue to play a leading role in providing relief in emergency situations abroad. And unlike many of our foreign aid programs, disaster assistance has received high praise for its efficiency and sound management. Approving these cuts in disaster assistance represents an abdication of our moral obligation to assist the poor, the hungry, and the afflicted throughout the world. It also represents an abdication of our responsibility as the world's superpower to assume a leadership role in times of crisis.

Public debate has intensified over the last year with regard to our need to revamp and refocus our foreign aid program. There is widespread recognition that our priorities can and should change in the post-cold-war era. This is echoed in the "Many Neighbors, One Earth" resolution, Senate Concurrent Resolution 26, which I introduced in May and now has the support of more than a quarter of the Senate. This resolution targets shifting of aid toward poverty reduction and programs that promote sustainable development. Senator MOSELEY-BRAUN and I have received close to 2,000 letters from constituents in our home State supporting this resolution; they are telling us that this kind of foreign aid reform reflects their desire to leave a better, more secure world to the next generation. I am pleased that these objectives have been incorporated in the fiscal year 1994 foreign aid authorization bill, but we still have a long way to go.

I commend Senator LEAHY for his past efforts to achieve cuts in military and security aid to finance development programs. Yet the programs hit hardest by the cuts in this bill are those that serve the poorest of the poor. We are removing critical aid from Africa, the continent that has the highest concentration of impoverished peoples. The cuts to development assistance will drain funds for such essential programs as immunization for children, AIDS prevention, and microenterprise development. Furthermore, this aid—particularly through the Development Fund for Africa—has been critical in spurring democratic reform on the continent, through its emphasis on supporting programs that help to build strong civil societies.

Budgetary pressures and new demands for foreign aid have forced the Senate to make some difficult choices during this year's appropriations. Yet these choices need not come at the expense of those suffering around the world. I appeal to Senator LEAHY and to those who will participate in the House-Senate conference on this bill to restore the amounts appropriated to disaster assistance, the Development Fund for Africa and for other development assistance to their fiscal year 1993 levels.

We must combat global poverty—and not simply because it is the right thing to do. Ignoring the needs of the developing countries could have serious repercussions for the security and economic prosperity of the United States. Many of the armed conflicts that threaten global peace and order are in the less developed world. Furthermore, with more than a third of U.S. exports going to developing countries, millions of U.S. jobs already depend on the economic health of the less developed nations. If their economies stagnate, as they did throughout the 1980's the U.S. economy will certainly continue to feel the effects—poverty abroad is a threat to prosperity at home. It is in our national interest to lend the necessary assistance to help end conflict in these countries, alleviate suffering, and support the development of strong, democratic governments that in turn can help their people build more productive lives.

UNITED STATES ASSISTANCE TO THE GOVERNMENT OF NICARAGUA

Mr. DODD. Mr. President, I want to draw attention to section 567 of the appropriations measure which is now before us. This provision sets forth certain conditionality on a critical portion of the fiscal 1994 foreign aid package for the government of Nicaragua. It is a very significant provision, and it has strong bipartisan support here in the Senate.

I hope, however, that there is no misreading of this provision, in terms of the people of Nicaragua believing that it is more important to talk to Washington officialdom than it is to talk among themselves. That would be a serious mistake.

While it is clear that the United States, like many other countries, is concerned, for example, about the human rights situation in Nicaragua, about property rights, and about civilian control of the military, it should be no less clear that the course of democracy in that politically troubled land must be determined by the citizens of Nicaragua.

Accordingly, I want to take this opportunity to urge, once again, that Nicaraguans from across the political spectrum commit themselves to settling their differences at the negotiating table, and that they agree to stay there for however long it takes to achieve a national consensus on the major issues that continue to divide their country.

Mr. President, I am sure that the people of Nicaragua know that there is no short-cut to a stable democracy and to a secure and lasting peace in their land. But they also know that, regardless of the timeframe, the task is theirs to fulfill and the starting point is a genuine political dialog among themselves.

MACK AMENDMENT ON THE WORLD BANK AND IRAN

Mr. MACK. Mr. President, I rise to bring to the attention of the Senate an amendment that I offered in the Foreign Operations Subcommittee that is now incorporated in the bill before us. The effect of this provision is to block all funding in this bill for the general capital increase for the World Bank if the Bank makes any new loans to Iran.

Secretary of State Warren Christopher has labeled Iran an international outlaw. The April 1993 State Department report "Patterns of Global

Terrorism" states that Iran is the most dangerous sponsor of state terrorism in the world today. The Wall Street Journal of May 11, 1993 contains the headline, "Iran Nuclear Power Effort Hides Drive For Weapons, Some U.S. Analysts Say."

Iran also opposes the recent agreement between Israel and the Palestinians and will probably be a chief sponsor of terrorism directed at scuttling the agreement.

Despite all this and over United States objections, the World Bank agreed to $450 million in loans to Iran this spring. In response I wrote a letter, which was signed by 30 Senators, to President Clinton urging him to raise the issue of loans to and trade with Iran at the July G–7 summit in Tokyo.

Now we find out that four loans to Iran, totaling $475 million are now in the planning stages at the Bank. A September 10 Wall Street Journal article reports that these new loans will not be voted on until the Bank's board holds a broad discussion on lending to Iran.

Clearly, the World Bank is feeling the pressure, but has taken no decision about further lending to Iran. In the meantime, the World Bank bureaucracy will continue to process new loans to the Iranian Government, no matter how much terrorism that government promotes, no matter how much new weaponry they buy, and no matter how many weapons of mass destruction they accumulate.

The provision now included in this bill sends the strongest possible signal to the World Bank that the United States will no longer tolerate loans to the rogue nation of Iran. Under this provision, the Bank will not receive one dime of new funding from the United States if any of these loans to Iran go forward.

Mr. President, I hope this provision will convince the Bank to end its lending to Iran once and for all so long as Iran continues to support terrorism throughout the world. I ask unanimous consent that a letter from me and other Senators to President Clinton, the President's response to me, and an editorial on this matter be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 30, 1993.

The PRESIDENT,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: As you prepare for the July G–7 summit in Tokyo, we wish to bring to your attention a matter that deserves a higher priority on our agenda: curtailing Western trade and credits to Iran. The recent arrests in New York can only highlight the potential threat to Americans and our allies from terrorists and their state sponsors.

Secretary Christopher was right to label Iran an "international outlaw." Iran is fomenting terrorism against a number of nations, from Egypt to Turkey. Iran plans to take delivery of long range missiles from North Korea, has bought submarines from Russia, and has reached agreements on nuclear technology with China and Russia. Iran is emerging as the greatest threat to American allies in the region.

We were, therefore, encouraged by the announced "dual containment" policy and by reports that Secretary Christopher urged the European Community foreign ministers to ban the sale of military useful equipment and technology to Iran. We are concerned, however, that banning dual use trade with Iran is not enough, and that our allies may not agree to take even this limited step without greater U.S. efforts.

Despite the clear and growing Iranian threat, our G–7 allies overrode U.S. opposition to $450 million in loans to Iran from the World Bank, and rescheduled almost $3 billion in debt. Amazingly, Japan is planning to provide a $350 million project loan to Iran.

It is a scandal that our allies are willing to subsidize the terrorist regime in Tehran. We fear that, without your personal leadership, this scandal will further threaten the security of the United States and our allies. We should do our utmost to convince our allies to stop trying to woo Iran with trade and credits, especially since Iran is now clearly vulnerable to financial pressure.

We commend you for the steps you have already taken in this direction, and encourage you to make the containment of Iran an even higher priority for the United States at the July G–7 summit.

Sincerely,

Connie Mack, Dianne Feinstein, Robert Dole, Daniel Inouye, Richard Lugar, Frank Lautenberg, Alfonse D'Amato, Joseph Lieberman, Jesse Helms, Richard Bryan, Larry Craig, Dennis DeConcini, John McCain, Herb Kohl, William Cohen, John Glenn, Charles Grassley, Carl Levin, Dan Coats, Fritz Hollings, Arlen Specter, Howard Metzenbaum, Robert Bennett, Russell Feingold, Don Nickles, Byron Dorgan, Barbara Boxer, Tom Harkin, Hank Brown, Daniel Akaka.

THE WHITE HOUSE,
Washington, July 19, 1993.

Hon. CONNIE MACK,
U.S. Senate, Washington, DC.

DEAR SENATOR MACK: I want to thank you and your colleagues for your letter on Iran trade and the G–7 Summit and express my appreciation for your support for our policy towards Iran.

As you note, Iran continues to pose a grave threat through its support of terrorism and efforts to obtain sensitive technologies to enhance its military capabilities and acquire weapons of mass destruction. Through its efforts to subvert and destabilize the region, including opposition to the Middle East peace process, Iran poses a threat to both its neighbors and the world.

We have made clear to our G–7 partners the importance of working together to adopt a coordinated approach to controlling exports to Iran of strategic goods and technologies. Our strategy is simple: we want to change Iranian behavior that is clearly dangerous to our mutual interests. We believe that a unified policy of economic pressure can bring Iran to alter its policies. At our urging, the EC has agreed to form a working group to discuss such policy coordination. A United States experts team will be meeting with EC representatives very soon to discuss our concerns.

I want to assure you that this issue is of considerable importance to me. I hope that, working together with our G–7 partners, we can achieve progress.

Thank you again for your support.

Sincerely,

BILL CLINTON.

[From the Washington Times, Apr. 8, 1993]

THE WORLD BANK'S SELECTIVE CONDITIONALITY

"Conditionality"—a big word that's very much on the mind of World Bank officials these days. Under the leadership of Lewis Preston, World Bank president since 1991, the bank has sought a new role of for itself. Today, the institution doesn't just evaluate countries on their economic performance and creditworthiness, it scrutinizes their social policies as well. "Poverty reduction" is the buzz word of the day in the bank's august headquarters on 19th Street.

As a concept, the application of "conditionality" in the area of foreign aid is not a bad idea. Africa particularly affords plenty of examples of dictators who have grown rich on Western money while their countries have fallen into chaos. The vast amounts of American money poured into Somalia certainly have not made that country any shining example of progress.

The problem arises with the questions of application. When it comes to actual countries in the real world, "conditionality" turns out to be rather in the eye of the beholder. What looks reasonable to the World Bank can look insufferably intrusive to countries like India and Kenya, both of whom have recently rejected World Bank loans for that very reason.

What's more, some of the World Bank's deserving borrower countries can look pretty undeserving, even downright unsavory, to others.

Given that the World Bank, as often stated in its literature, emphasizes "human resource development, environmentally sustainable development and private sector development," how can it be that a new set of loans was just approved for a country like Iran?

After all, Iran is not exactly known as an international leader in any of these categories. Yet the United States was the lone dissenter on the bank's 24-member board, which approved another loan for the country March 30. Thanks to the high standards of "conditionality" of the bank, Iran can now look forward to receiving $160 million for an electrical plant. Previously, in March, approval was given for a $157 million loan to improve irrigation and a $141 million loan for health and family planning.

It could be argued that Iran's record on exporting terrorism might be enough to disqualify its leadership from the bounty of the international community. Secretary of State Warren Christopher called it a "dangerous country" March 30, and it remains at the top of the State Department's list of terrorist states. Certainly Egyptian President Hosni Mubarak seemed to agree with that estimation as he sought U.S. cooperation during his meeting with President Clinton to combat the surge of violent Muslim fundamentalism, which remains one of Iran's main exports right now.

It is of course true that Iran could also do with "human resource" development. It could also do with a new regime, democracy, human rights and many other nice things, which are only likely to be further postponed if we keep funding the mullahs. They have no problem finding money to buy a plethora or arms in the Russian army's ongoing fire sale, from submarines to Backfire bombers. They don't need World Bank money at all.

Mr. McCONNELL. Mr. President, before the debate on the Foreign Operations Appropriations Act draws to a close, I want to inform my colleagues of a recent meeting I had just outside this Chamber. Having managed this bill since this morning, the Senate Reception Room has ably served as my meeting place with constituents.

This afternoon, I had the pleasure to once again see my friends from Consolidated Health Systems, Inc. and its affiliate, Highlands Regional Medical Center. Their trip to Washington is timely, given the President's health care address to the Nation last night. Like me, they have some concerns with the administration's proposal and its potential adverse impact to rural areas. They, too, are worried about bigger bureaucracy, less choice, and sources of financing for the plan.

The spokesman for the group, Clarence Traum, is the president and CEO of Highlands Regional Medical Center. Over the years, Clarence has been an important resource to me and my staff on health care issues. For the past 2 years, he has been a key factor in the success of health care forums I have participated in throughout Kentucky, including one at Highlands. I want to express my gratitude and deep appreciation to Clarence for his assistance in helping me to better understanding the complex issue of health care reform.

Mr. President, I learned during our meeting that today is Highlands 20th anniversary. While I personally congratulated Clarence Traum, Kevin Yeager, Burl Spurlock, Ted Nairn, Raymond Bradbury, and Mike Duncan, I ask my colleagues to join me in applauding the doctors, nurses, and staff at Highlands for their commitment to quality medical care. Serving residents in over four counties in eastern Kentucky, I wish the medical center many more years of success.

Mr. GORTON. Mr. President, in our Government's quest to help the aerospace industry, we have found that enacting policies that actually work is difficult. From lower fuel taxes to fewer foreign subsidies, to keeping open some controversial markets, we have recognized what we hoped to accomplish, but had trouble getting there.

I was, therefore, relieved this spring when the administration retained last year's funding for the Export-Import Bank when nearly everything else in our foreign aid budget was being cut severely. This program is one of the sure-fire ways of helping a number of American exporters, including those in telecommunication, petroleum development, power generation—and transportation. By absorbing reasonable credit risk beyond the realm of the private sector, and matching the effect of export credit subsidies from other governments, the Bank makes possible exports that otherwise would not happen. These include sales from large industries, such as Boeing, as well as increased work for hundreds of subcontractors whose reliance on exports is often unacknowledged.

The need for this assistance has become increasingly important in recent years. There are a number of struggling airlines in the world that simply cannot buy aircraft without government financing. There is also a greater effort by governments to provide financing for aircraft manufacturers.

I was, therefore, somewhat troubled that even though the President had not cut funding for the Bank, it still would not be fully funded. Over the past 2 years, the Eximbank has exhausted its funds before demand was met. This year, the Bank predicted that $18 to $20 billion in exports could be supported through the Bank's financing. However, the President's budget request of $757 million would support $16.5 million in exports. That would leave as much as $3 billion in exports without financing—and therefore impossible to complete. According to the Department of Commerce, those $3 billion in exports could support 57,000 jobs. At a time when our Government was having trouble enacting programs that would truly help our large manufacturers, the Eximbank was going without full funding.

For these reasons, I greatly appreciate the work of the chairman of the Foreign Operations Appropriation Subcommittee, Senator LEAHY, and the ranking member, Senator McCONNELL, in recognizing the unique importance of the Export-Import Bank. In spite of dealing with an overall foreign aid budget that has dropped $1.3 billion from last year's appropriation, and being asked to find an unexpected $2.5 billion for Russian aid, they have appropriated $1 billion for the Bank; $700 million of this fund will be used similar to last year's Eximbank funds—and will likely support the same $20 in exports for every $1 spent. The remaining $300 million will be used exclusively for exports into Russia. While that money may not support as much in exports, it will nonetheless support exports in the billions of dollars while at the same time helping Russia.

In spite of lengthy discussions and debate in the past 6 months on helping the aerospace industry, the willingness of the Foreign Operations Appropriation Subcommittee to provide this additional $300 million in funding has proved among our Government's best accomplishments.

Mr. BURNS. Mr. President, I rise today to express my feelings on this bill, H.R. 2295, the foreign operations appropriations bill. We have tremendous challenges facing us in America, and as such our resources are desperately needed right here at home. I want to do all that I can to make sure that those resources are expended as sparingly and carefully as possible. So it is very important that we examine this package as closely as possible to make sure it is in the best interests of the folks back home. I think that it is.

I do have many concerns about this bill, and I do want to lay them out. However, the importance of the measures in this bill which will help the states of the former Soviet Union make the transition to stable, friendly democracies, as well as further the Middle East peace process, means that on balance I think it is worthy of support. We have reached a critical juncture in at least those two areas, and America must seize the opportunity to stabilize the end of the cold war and to resolve the conflict in the Middle East.

President Yeltsin has just taken a very difficult and dangerous step. Facing the paralysis of the Government of Russia, the spiraling economic problems and the last of public confidence slipping away, he has chosen to shed the Soviet Union's long-defunct constitution by dissolving the Parliament and calling for free elections in December. I think Montanans and Americans support Russia's move toward democracy. As a result, I think it is vitally important that we pass a major aid package now, to help stabilize the economy, show our support, and bring the country around to a freely elected and popular government.

On September 14, I was witness to a ceremony that was broadcast worldwide to tens of millions of people. It was a scene that few would have predicted even days before it took place. Prime Minister Rabin and PLO Chairman Arafat shook hands and committed themselves in front of God and all to a peaceful 21st century in the Middle East.

Out in my home State of Montana, we know that there is something interesting about crossing a mountain range called topping the rise. It seems like both going up and coming down are hard and dangerous, and when you arrive at the other side, there is not much there to let you know the task is done. But there is a point right in the middle, where you have been climbing and climbing without seeming to get anywhere, when you suddenly come out at the top and you can see way off in the distance—you top the rise. You can see the whole path behind you, and all the trouble it has been. And you can see all the trouble you are going to have coming up. But most of all you can just see, and you always want to pause for a bit and take account of things then.

For me, the Mideast peace process topped a rise on the south lawn of the White House 1 week ago. I was privileged to be there and look out over the long years of fighting and tension stretching back into the past, and out over the switchbacks and tough arguments that will take place in the future. With the speeches given, we could look back to the founding of Israel in 1948 and that year's war, the 1967 war and its triumph, the long years of the intifaddah. We could also see the protesters and the deliberate absence of some parties vital to the continuing peace process in the future, assuring a lot of scraped knees on the way down the slope to safety and peace.

Finally, I saw two men who had fought—literally fought—against the other side, who had seen a great many good people killed for their causes. And I saw them shake hands. I do not say they were enthusiastic about shaking hands, but they did it.

Now, I noticed something else about them shaking hands—President Clinton stepped in and gently pushed them together. They had made all those diplomatic breakthroughs over the last weeks, and it still took a little shove to bring them together. And with President Carter and President Bush and eight Secretaries of State looking on, I could see the long friendship between Israel and the United States paying off, as it has over and over again in the past.

I know that it will continue to be that way in the future, as well. At this critical moment in history, the President has indicated that we are going to stand behind Israel all the way, making sure that the progress which has been made is locked in. I feel that the U.S. Congress must follow that lead.

All of the support and encouragement which we have been able to provide to our old allies will become even more important now that the final phase of the peace process, that treacherous downward climb, has begun. And I feel that America should make sure that this historic opportunity does not slip away.

I do want to air some dirty laundry, just so that those here in the Senate who deal directly with these issues more than I know where I stand and what my concerns are.

I am concerned about the sheer size of this bill. I know that it is a decrease from last year, and I applaud that. In fact, it is about half the size of last year's appropriation. If it were not smaller, I really could not support it. Here is why: The Clinton administration recently reported that foreign aid is overwhelmingly being wasted, misspent, and mismanaged. With the delivery of this report it seems to me that a complete overhaul of the United States foreign aid program is waiting in the wings. With major reform so close, it is hard to justify to folks back home spending $12½ billion more. That is a lot of money, Mr. President, and if the whole program is faulty, it seems to me we can slow things down a bit. This Congress seems to enjoy spending money it does not have, and this is particularly difficult to explain to taxpayers when the Federal Government has publicly acknowledged that spending the money is not working.

I also have some specific problems with this bill. For example, I believe that we could have followed the example of the House in cutting the amount of money appropriated for the U.N. Fund for Population Assistance. While I appreciate the efforts of the subcommittee members to deal with this problem, I cannot agree that we should be spending Montana's tax dollars on a program which operates population control projects in China, where such atrocities as forced abortion and mandatory sterilization have taken place. Under previous administrations money was not placed in the bill for UNFPA and I think that is the wisest course; but even assuming that we follow the President's lead in this area, couldn't we compromise by cutting out the amount spent in China, as was done in the House? The $14 million saved that way could certainly be used better in the United States.

Regarding aid to the Newly Independent States, I do see the overall importance of providing aid to emerging democracies and our strategic partners in the world, and will not stand in the way of that aid. I recognize that foreign aid is an important tool in the conduct of foreign affairs, as we have very real and legitimate economic, political, and strategic interests in the world. For example, it is estimated that waging the cold war cost every American family over $80,000. If we allow Russia and other formerly Soviet countries to collapse back into communism, we will waste that huge investment. So I believe that these measures' benefits far outweigh their costs.

Still, some portions of the important aid to the former Soviet Union concern me. A couple of issues have not been resolved to my satisfaction. I would like to see aid to Russia and Ukraine which is earmarked also be conditioned to some extent on the destruction of the countries' nuclear arsenals. My main interest in helping these countries is to reduce the threat that kids in Montana will have to go to bed at night worried about never waking up. The nuclear issue has not been dealt with directly enough for my taste. Relieving them of the burden of nuclear arms is good for us all.

Montanans have told me that they want more realism and less charity in our foreign aid program—if we keep it at all. Again, it is very important to prevent a collapse in the former Soviet Union, and this is an investment in that direction, and I acknowledge that. But I want to air my concern on these issues.

I am glad to see that unnecessary and wasteful foreign aid is being cut. For example, there was $107 million of foreign aid which was clearly being thrown to the wind: The aid to the Government of Nicaragua, which has been tied to numerous terrorist acts. I was proud to cosponsor the amendment to the Commerce, Justice and State appropriation which restricted that $107 million until the President is satisfied that the terrorists have been apprehended and government involvement has ended. This amendment was agreed to by a vote of 77 to 23 on July 28. I am glad to see the Nicaragua language in this bill as well.

I appreciate the chance to express my problems with this bill. On balance, I do feel that the vital programs in this bill outweigh its problems, but I look forward to reforms of these programs in the near future by the Clinton administration and to a drastically changed bill next year.

Mr. LEAHY. Regular order, Mr. President.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. LEAHY. Mr. President, the yeas and nays, I believe, have been ordered; is that correct?

The PRESIDING OFFICER. That is correct.

The bill having been read the third time, the question is, Shall the bill pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] is necessarily absent.

Mr. DOLE. I announce that the Senator from Wyoming [Mr. SIMPSON] is necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 10, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—88

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Brown
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin

Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—10

Byrd
Craig
Faircloth
Helms
Hollings
Kempthorne
Kohl
Roth
Smith
Wallop

NOT VOTING—2

Breaux
Simpson

So the bill (H.R. 2295), as amended, was passed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I move that the Senate insist on its amendments, request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. AKAKA) appointed Mr. LEAHY, Mr. INOUYE, Mr. DECONCINI, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. BYRD, Mr. MCCONNELL, Mr. D'AMATO, Mr. SPECTER, Mr. NICKLES, Mr. MACK, Mr. GRAMM of Texas and Mr. HATFIELD conferees on the part of the Senate.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Vermont.

Mr. LEAHY. Mr. President, I do want to thank all Senators for their help and cooperation in this. I stated earlier in the week, we were under significant time pressure to pass this bill so we could conference it and get it on the President's desk by the end of the fiscal year.

We all know we had two extraordinary events in the past couple of weeks. One, of course, was the signing of the Middle East peace agreement, and there was a very significant part in this bill, including waiver authority for the President of the United States involving visits of members of the PLO here in the United States. There was also significant flexibility given to the President so he could help with the Middle East peace process.

The other part, of course, is the extraordinary package of help to the new Independent States of the former Soviet Union. We saw and we see what is happening even today in Russia. It is, I believe, to the credit of the U.S. Senate that we were not deterred from moving forward, again giving flexibility to the President of the United States to respond to the situation there.

The distinguished majority leader, Senator MITCHELL, and the distinguished Republican leader, Mr. DOLE, have worked very hard to help bring this about. Nobody has worked harder on the other side than the distinguished Senator from Kentucky, Mr. MCCONNELL, who has worked not only with me but with all his colleagues to help move forward.

Senator BYRD, as I have noted before, the chairman of the overall committee, has brought together key chairmen in this, Senator INOUYE, Senator SASSER, myself, and our counterparts on the Republican side to make sure we could put together a bill. All of that has shown the kind of cooperation on a foreign policy issue reflecting what Senator Vandenberg said decades ago about partisanship stopping at the water's edge. Indeed it did to make this possible.

Having done all that, and everything the Senators could do, it required some of the most brilliant staff work I have seen to put this through. On my side of the aisle on the committee, the staff director, Eric Newsom, who has served with such distinction for this body both on the Foreign Relations Committee and as minority staff director in the Senate Intelligence Committee and now staff director here, performed Herculean efforts to pull it together, ably assisted by Tim Rieser, from Vermont, a lawyer who has shown over and over again the ability to bring groups together as he did. All that backstopped by Fred Kenney. Had it not been for Fred, we would not even be able to pull this bill to the floor.

I know Senator MCCONNELL was ably helped by Robin Cleveland, Jim Bond, and Juanita Rilling. They each did an outstanding job. I know he wishes to say something there, so I will yield to him.

But I cannot underscore enough how important it was that Senators cooperated to move forward in a very crucial time for the foreign policy of the United States and actually, I believe, set a record, certainly in the 19 years I have been here, in getting a foreign aid bill through. I yield to my friend from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I want to associate myself with the remarks of my friend from Vermont and tell him how much I enjoyed working with him on my first foreign operations bill as ranking member of the subcommittee. Particularly my hat is off to Robin Cleveland and Jim Bond, Republican staffers who worked tirelessly in helping this to come out right. I am extremely grateful to them for their contribution, not only for helping me, but their contribution to our country.

This is an enormously significant bill. We have launched a Russian aid program. We have crafted a niche for Ukraine. We have begun the process of helping in the Middle East, as the Israelis and the Palestinians seem to be on the verge of coming together after all these years.

I think in the finest American tradition, we have continued our role, now, as the only world superpower. We cannot abandon our responsibilities abroad simply because at the moment the mood of our country is mostly to focus on domestic issues. We still continue to be the leader of the world. In order to be the leader, you have to exercise leadership. And the spirit and philosophy underlying the crafting of this bill is that the United States is still going to be the leader of the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky yields the floor. The Senator from Vermont is recognized, Mr. LEAHY.

Mr. LEAHY. Mr. President, I thank the distinguished Senator for his kind words. I also would note that we worked here in this body with the other end of Pennsylvania Avenue. We also had tremendous help, starting with the President of the United States, who made some very significant and very helpful calls; the Secretary of State, Warren Christopher, who met with Mr. MCCONNELL and myself and other key Senators at length about this; Ambassador Strobe Talbott, who is heading up so much of this effort, who spent time answering questions of Senators; assistant Secretary Wendy Sherman, who I do not believe ever sleeps because of the amount of time she spent going back and forth, talking with Senators and helping us through all the difficulties; and those who work with her on her staff.

I think of Brian Atwood, the new Administrator of AID, already serving so very well and improving the credibility of that agency. His efforts helped us in getting this bill passed.

Mr. President, I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. BAUCUS). The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, have the authority to proceed at any time to Calendar No. 201, H.R. 2518, the Labor-HHS appropriations bill and the committee amendments be agreed to en bloc, with the following exceptions:

Committee amendments found on page 9, line 23 through page 10, line 7; page 18, lines 21 through 24; page 19, lines 12 through 15; page 42, line 20 through page 43, line 2; page 44, lines 12 through 16; page 45, lines 7 through 25; page 62, lines 20 through 23; page 74, lines 20 through 25.

I further ask unanimous consent that with respect to the committee amendment found on page 74, lines 20 through 25, that no amendments to the language proposed to be stricken be in order.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Could the majority leader clarify for me, is it the understanding of the other side "to be stricken be in order," that this would mean during the entire consideration of this bill and not just the amendment?

Mr. MITCHELL. I am advised that the answer is that it would not cover the entire consideration of the bill but is intended to cover the consideration of the amendment.

Mr. SMITH. Under that scenario, I would have to object because the intention here would be that this amendment would be debated. If we are going to have it so it can be brought up again any time during the bill, then it defeats the purpose of the unanimous consent agreement. I would just ask that you add "during consideration of the bill."

Mr. MITCHELL. Mr. President, I have not negotiated this agreement. If there is a misunderstanding, I think it best be resolved by the participants directly.

Might I ask the Senator, by his objection, is he expressing an intention that if this is not resolved to his satisfaction, that he will object to proceeding to this bill?

Mr. SMITH. If there is not at least an agreement that the consideration of the bill be the scope, yes. I thought we had had that understanding. I do not wish to do that. I think we might be able to get an agreement here so that we can move on. My objective is not to stop bringing up the bill, but just to get an agreement on the language I thought we had agreed to. But the Parliamentarian on our side recommends this language to protect everyone.

Mr. MITCHELL. I am not familiar either with the source of the language—I do not know who drafted this. I have not been personally involved in these discussions. Therefore, what I suggest is that I withdraw my request for consent and the participants can discuss the matter directly.

I simply say to the Senator, I understand his position and he has every right to object to proceeding to the bill, but if we get to that point, then we are going to have to be here for quite a while. We are trying to finish the appropriations bills by midnight next Thursday, the end of the fiscal year. If we have a filibuster on a motion to proceed to an appropriations bill—that is an extraordinary action which would, of course, require an extraordinary response. I hope it does not happen, and I require all the participants to resolve this if they can.

Mr. SMITH. I am saying to the leader that would be my intention, trying to resolve it momentarily, if we can, so you can move on.

Mr. MITCHELL. I want to say to the Senator also, so there can be no misunderstanding, if it cannot be resolved, I do intend to move to proceed to the bill, and if the Senator is going to object to that and require a cloture motion to be filed, it will have to be with the knowledge and the understanding that we will just stay right in around the clock and will have to be filibustering, which the Senator will have to be present and speaking, otherwise, the Chair will put the question, because of the closeness of the end of the fiscal year and the importance of completing action on these bills. I hope it does not happen, and I encourage everybody involved to work it out.

Mr. President, I withdraw my request, and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I might say to my friend Senator BIDEN, I have been here for quite some time. Would you need a lot of time? I might just let you proceed. I need about 15 minutes.

Mr. BIDEN. I need less time than that. I have been here as well. You go right ahead.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

A TIME FOR TELEVISION TO ACT ITS AGE

Mr. DOMENICI. Mr. President, I rise to speak about two matters. One, I would like to speak about a rather extraordinary speech that occurred during the Emmy Awards last weekend, and I call my few remarks "A Time for Television to Act Its Age."

Mr. President, at the recent Emmy Awards, a long-time ABC news correspondent, Barbara Walters, took a few minutes to recognize the 50th anniversary of television and to make a few candid observations about the broadcast industry. I sincerely hope millions of Americans were watching because Barbara Walters, who has been in the forefront of television news for years, gave a rather remarkable, albeit short, speech. She presented an uncommonly candid and frank assessment of the state of television today.

Clearly, for the past 50 years, television has played an increasingly important role in the daily lives of Americans as its influence has expanded. Today, after years of network domination, television is undergoing a transformation. There are more channels, more choices and, as a result, increased competition for viewers. In some cases, that increased competition has brought the best of the medium to the forefront: New programs, education, drama.

Through it, the cameras, and through those lenses we have seen the fall of the wall in Berlin, the rescue of small children; we were there when Mother Nature unleashed her fury in south Florida and thousands rushed to help; and television brought the signing of the Middle East accord into the homes of Americans.

But in other cases, that competition for viewers and ratings has brought out the worst. There is an increasing amount of violence on television, and that is of great concern and causing more concern by the day.

As Michael Medved recently wrote:

> Heavy exposure to televised violence is one of the causes of aggressive behavior, crime and violence in society. Television violence affects youngsters of all ages of both genders, of all socioeconomic levels and all levels of intelligence. It cannot be denied or explained away.

The question is, What do we do about it? How do we curb that without resorting to censorship?

This was the issue tackled head on by Barbara Walters in her speech, and I would like to quote two paragraphs from what she said:

> But television is fifty, an age often associated with middle-age maturity. It's time we, who work in television, started acting our age and accepting our responsibility. It is time we, not the commissions and panels, concern ourselves with doing something about violence and moral values on television. And generally speaking, we haven't.

She also proceeded to say:

> In my own part of the business, this is the year of the news magazine. At its best, the magazine can offer information and enlightenment in surprising depth. At its worst, fighting for the ratings, a news magazine can go for the juiciest murder or the silliest expose'. I know because I've probably done a few of these myself—but in the long run, I think it hurts us all. We should have a better purpose.

Now, as she reminded each of us, the viewing public, of the power we possess, she concluded:

> The responsibility is not just with those of us in the industry. It is also with all of you viewing this program. If you choose the higher road, television will, too, because you not only turn the set on, you can also turn it off. And if enough of you do not like what is on, it will not stay on. In your hands is the ultimate power. Use it.

Mr. President, I compliment Barbara Walters on these comments and I ask unanimous consent to place her entire remarks—they are not very long—in the RECORD, for it is my hope that all of those who read her comments will use that power, be it the television industry or the American people.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PERSPECTIVE TV SEGMENT; ISSUES CONFRONTING TELEVISION

(By Barbara Walters)

Tonight, as we honor the best of the past television season, the Academy has asked me to say a few words of my own about this giant industry of ours, which has affected every aspect of our lives.* * * A few words about 50 years of television.

We're here tonight to celebrate the abundance of entertainment on television, the programs and people that light up the screen year after year. Just look at who is in this audience. Look at the nominees of well-deserved awards for entertaining us all. And think for a minute how fortunate we are to have such abundance and to know there is, as we say on television, "more to come." It's been an extraordinary 50 years.

Of course, if you are under the age of fifty, you won't remember when there was no television when you listened to, instead of watched, wonderful stars like Jack Benny, and Fred Allen and Candice Bergen's father, Edgar Bergen, and his wooden sidekick Charlie McCarthy. And then came that box with the little screen.* * *

And it transformed our lives. It showed us the best of times and the worst of times. * * * From the bright side of the moon to the dark side of human nature.* * * From the most glorious ballets to the most hideous battles. We have seen Presidents inaugurated and a President assassinated.

Television has brought the lives of the oil-rich Ewing family of Texas to remote corners of the world, where they'd never heard of Dallas, and allowed Dallas and the rest of America to see the Berlin wall fall, Beijing erupt, Democracy come to South Africa, and the Soviet Union cease to exist.

But television is fifty, an age often associated with middle age maturity. It's time we, who work in television, started acting our age and accepting our responsibilities. It is time we, not the commissions and panels, concern ourselves with doing something about violence and moral values on television. And generally speaking, we haven't.

In my own part of the business, this is the year of the news magazine. At its best, the magazine can offer information and enlightenment in surprising depth. At its worst, fighting for the ratings, a new magazine can go for the juiciest murder or the silliest expose'. I know because I've probably done a few of these myself—but in the long run, I think it hurts us all. We should have a better purpose.

Fifty is also a time to take stock and do some planning. For generations of children, television has been the closest companion, always there * * *. Especially for latch-key children, where television can make an enormous difference. It can, with compassion and tolerate, educate for life. It isn't often doing that now. But what a challenge. What an accomplishment. If it can.

Yet, the responsibility is not just with those of us in the industry. It is also with all of you viewing this program. If you choose the higher road, television will too, because you not only turn the set on, you can also turn it off. And if enough of you do not like what is on, it will not stay on. In your hands is the ultimate power. Use it.

Thank you, and have a great television evening.

Mr. DOMENICI. Now, Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes 44 seconds remaining.

PHYSICAL AND FISCAL FITNESS

Mr. DOMENICI. Mr. President, now I rise to speak a little bit tonight about the Health Care Program that the President spoke of last night. And again here I choose to call these remarks—and I wish to be very careful so we understand the difference between the two words—I would like to start by saying we as a people and as a government need to remain fiscally fit as well. We are now talking about physical fitness when we talk about health reform. But I submit you cannot talk about health care in the dimensions we are talking about it and in the dimensions the President spoke about it without those of us who are worried about jobs, economic prosperity, growth, our standard of living rising rather than falling, getting the debt of our Nation down rather than letting it rise, we cannot escape talking about those two kinds of well-being together—physical well-being and fiscal well-being.

So last night the President presented us with an effective diagnosis of the broad problems plaguing our ailing health delivery system. Reform is clearly needed to ensure that the system gets more efficient and that Americans have access across the board, all of them, to quality health care.

But as we try to improve their physical health, we should not overlook their fiscal health as well. When details of this plan begin to arrive on the scene—and so far they are only sketchy—one thing is beginning to be clear: The President has outlined a very expensive Government-run program. It is a massive overhaul of our Government's health care system. He is asking us, our Government and the health delivery system, to perform reconstructive surgery on one-seventh of the entire American economy. The bill for that, if we try to do everything the President suggested, in my humble opinion, will be enormous. In fact, I am not at all sure, when we are through analyzing it, that we are not being asked to do far more than we can afford or that the economy can afford to sustain.

This is not by way of saying this Senator is not willing to cooperate and work for the best reform package we can put together. I am. I have told the President that. I told our Republicans that. There is no doubt about it.

Now, let me proceed to the concerns I have, and they will all come out in more detail. There will be hearings in many committees, and these issues will be flushed out for certain because we cannot escape them.

Initial estimates put the cost of the plan at as much as $600 billion in new costs to the Government. Now, shortly I will talk about how we will pay for them according to the President's plan. But if you add up the new entitlements or programs contemplated by the President, they are over $600 billion.

Perhaps I should put in the RECORD at this point the figures on this so everybody can see what I extracted from the President's message and the documents, and if I am wrong, hopefully in the ensuing days someone can inform me. But for Medicare prescription drugs, the estimate is $72 billion; long-term care, the estimate is $73 billion; new health initiatives, $18 billion; administrative costs, $11 billion; and new subsidies not in the existing system, that is $419 billion.

Now, if my quick addition is right, that is $593 billion in new spending. Actually, I think for purposes of discussion we are safe in saying $600 billion because it is also contemplated that we cover early retirees, and we do not know the costs, although I will admit it is somewhere around $5 or $6 billion a year, so it cannot be much over $20 or $25 billion over 5 years.

I ask unanimous consent that the figures which I extracted as best I could be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The President's health reform proposal—Federal budgetary effects, 1994–2000

[Administration preliminary estimates]

	Billions
New spending:	
Subsidies	$419
Early retirees	(?)
Medicare prescription drugs	72
Long-term care	73
New public health initiative	18
Administrative costs	11
Subtotal, new spending	593
Spending cuts:	
Employed Medicare/Medicaid in alliances	−186
State Medicaid maintenance of effort	−73
Medicare/Medicaid caps	−238
Other Federal programs	−47
Subtotal, spending cuts	−544
Taxes:	
Self-employed deduction/long-term care	−16
Sin taxes/corp. assessment	105
Effects of mandate on taxes	51
Subtotal, tax increase	140
Deficit	−91

Mr. DOMENICI. Mr. President, let me proceed.

The initial estimates, as I said, put the new costs in this plan at $600 billion in new programs and new subsidies. These are the administration's numbers, as I indicated, and they will be funded by savings from the system and $140 billion in new taxes.

Now, I want to harken back to last year's campaign and to everything that has been said through the entire budget debate by the President and almost everyone who understands our fiscal dilemma.

I am going to paraphrase what the President has said—if he said this one time, he said it a thousand times—we will not completely resolve our deficit crisis until we control health care spending.

Now, it has been said in different ways with different words but thousands of times. The statement has been you cannot get the deficit under control without getting the spiraling costs of health care under control. I probably started saying that before the President. I am delighted that we agree on it. And I think it remains a very big issue because the reason we were concerned about that is because if you cannot get the deficit under control, you cannot have a vital, growing American economy with jobs for the future. So it becomes a fiscal problem, and a jobs and prosperity problem.

Last spring, when proposals were made to cap Medicare and Medicaid by the distinguished Senator from Georgia and the Senator from New Mexico such that we would save $130 billion to $150 billion or even more over 5 to 6 years, it did not pass. It almost passed in the Senate. But for the most part, it was thought that it would not work by some, by others that you could not do that without knowing precisely how you would get there. And by many it was thought that it would inappropriately shift burden from the public to the private sector.

The most conspicuous and ardent of those concerned in that last regard was my friend, the majority leader, that to do that you would shift or you could shift to the private sector the costs.

This approach now shows up, and it saves $238 billion in the President's program. And I must say that while we all hope it will work, let me make sure everybody understands those savings are hopeful. We wish for them. But the new programs that I outlined before when fully implemented will cost what we have said.

I will go through a few more savings and spending cuts that the President recommends. But I must say that I am very concerned when we are going to spend first and save later.

I believe we ought to save first and cautiously approach the implementation of this new plan, so that the big savings we expect from the internal refinement and the competition we will build into the system, that we have the savings before we spend on new programs. I truly believe that will become a major issue. I believe if there are no politics involved, and I do not say there are, but if we do not end up making political decisions in that regard, that our best sense about our economic and jobs future will force us to say, save first and spend on new programs in health care later.

Obviously, the $238 billion that will be filtered back into the system is not the only savings contemplated. The President's plan said there will be $186 billion in savings from having Medicaid and employed Medicare beneficiaries in the alliances, meaning that business will pay that because they are going to be employing people who would be on Medicare or Medicaid, and they should get off in that case and be covered by employees health programs.

The State will pay $73 billion in guaranteed money for their Medicaid programs, and then there are a few others. So if you add up the spending cuts—you know what they are; I have announced and explained the largest ones—you will, over time, if it works, cut spending by $544 billion.

All that is left to make this $600 billion program, the new add ons and the subsidies is $140 billion in new taxes.

I will not talk much about that tonight. We know it is supposedly cigarette taxes and some new tax on corporations which supposedly will get a big benefit by staying out of the system and running their program on their own.

Mr. President, clearly, as I look at this plan, when you put it all together and try to do it all, there really is absent one thing, and that is commonsense reality.

I do not believe we will get too far down the line before businesses, economists, and those who look at the American economic system insist that before we walk so fast, we had better be concerned about moving that many hundreds of billions around in this American economy. Whether it be in the name of reform or reorganizing health care over a 5- or 6-year period, to move that many hundreds of billions of dollars from where they are now spent to somewhere else, from one subsidy to another, seems to me extremely, extremely precarious from the standpoint of fiscal sanity and economic prosperity.

Having said that, let me say that does not mean that we cannot work hard together and find a way to gradualize this program. I do not believe, once we have put the program on the books and made it law, that we have to then implement it with great dispatch. I believe we can cover some real sore spots out there, and this can be carried out on the basis of let us see what we save before we spend more; let us gradually carry it out; let us see if competition works.

It is supposed to save a lot of money, but what if it does not?

With that, Mr. President, I have a few more things to say. I want to just close with what I think is probably proof that what I started with is true. When we said let us get health care under control in order to get our deficit under control, we also were very worried about what percent of all of our economic activity, what percent was going to health care.

I assume that that meant that as soon as possible, you would cause the percent of our gross national product being spent on health care to come down, rather than go up. We saw the charts. It is 14 percent now. It will be 25 percent by 2010. Some people say: So what? Well, that means, in layman's language, one out of every four people you run into is taken care of. It sounds like a strange society. But one-fourth of our entire productivity is health care.

So I thought the new program would bring it down. I regret to say the program, in percent of GDP, using the President's own numbers, goes up from 14 percent to 17.3 in just about 6 to 7 years, if it does not stop and start down. I wonder if we do not have a new health care program, an economic program, and a fiscal soundness program that got unhealthy while the health program purports to get healthier.

Having said that, I do not choose today to talk about who pays for this specificity. I will, as soon as I can analyze it—because it does concern me—as to the new burdens of who will pay and how we will know it will work.

But for tonight, I hope the Senate and those who are interested in putting the package together will find my remarks not remarks aimed at defeating anybody's plan, but rather constructive from the standpoint of what we must be concerned about as we move ahead together.

I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on H.R. 2493 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their repective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 3, 1993.)

HEALTH CARE REFORM

Mr. MITCHELL. Mr. President, I thank the distinguished Senator from New Mexico for his comments, and I especially appreciate his suggestion of wanting to work together to get a bill passed. I believe that most Members of the Senate feel that way. I will carefully review his remarks, and especially the estimates contained in his remarks of what the President's health care proposal will or will not do.

I would merely like to say at this time, without attempting to get into a point-by-point discussion, that we have a once-in-a-generation opportunity to make meaningful and beneficial change in our society.

It is true that the health care industry represents about one-seventh of our economy. And that is all the more reason we need to change it.

In 1960, Americans spent in total on health care $27 billion. This year, Americans will spend $838 billion on health care; next year, $950 billion. We cannot tolerate this continued rate of increase in health care costs.

We ought to have and will have a vigorous and constructive debate here in the Senate, in the House, and across the country on health care over the next several months.

But the very worst thing that could happen to our country is for nothing to happen, for us to talk ourselves into a state of inaction, which is so commonplace in this institution, and to suggest or to act on the belief that what we do poses risks, without acknowledging the extreme risks of inaction and continuing the current course on which our country is embarked with respect to health care. We must act.

I believe that the President deserves the thanks of every American for having the courage, and taking the time, and making the effort to analyze and review this comprehensive problem with a thoroughness with which no previous President has done in our lifetime, and for coming forward with a bold and courageous and fair proposal to deal with this problem.

The challenge is now for the Members of this Senate and the House of Representatives to rise to the occasion, to rise above partisanship, and to enact legislation that will make those changes.

So, Mr. President, I look forward to the debate. We obviously have some disagreements. I think on this there can be no disagreement. The system needs changing, and it is up to us to change it.

I encourage every Member of this Senate to get out the CONGRESSIONAL RECORD and read the debates that occurred at the time the Social Security Act was first proposed. There was then concern; there was then anxiety; there was then statement after statement about what would happen if this were enacted. And they were legitimate concerns, they were legitimate statements as are the concerns and statements today.

But if President Franklin Roosevelt and the Members of that Congress had been unwilling to take that bold action, the Social Security System would not have been created.

Who among us now, what Senator, what Member of the House of Representatives is willing to stand up and say: Social Security should be repealed? Not one. There is not one in either body. We have to be willing to seize the moment. It will take tremendous effort; it will take good faith; it will take a willingness to see the other person's point of view; it will take a willingness to negotiate and compromise where necessary, on all sides. But I think it can be done, because I have enough confidence in the Members of this institution, Democrats and Republicans alike, to know that they are prepared to rise to this occasion.

So I look forward to that debate, and I look forward to reviewing the concerns expressed earlier today, and those that will be expressed over time. I think we have to keep our eyes on the ultimate objective, and the ultimate objective is that we have to change this system.

Mr. DOMENICI. If the majority leader will yield. Let me say that I could almost stand here and say—with the exception of the part where you said you would look at my estimates, I would agree with all of the statements you made. I would almost give the same speech.

I think now is the time. We have to take risks. I say that the estimates I have are not mine. Every one is taken out of the President's last draft statement. I do believe that it is fair that we talk about the reality and what is in the proposal. That is what I chose to do today, and I am sure that is what the Senator understands.

Mr. MITCHELL. I think the President's estimates ought to be subjected to careful scrutiny by this body like everybody else's.

HEALTH CARE

Mr. BIDEN. Mr. President, I reiterate what I have said to a number of my constituents last night and this morning with regard to health care. Every single thing that I have heard in terms of caution, fear and/or opposition to the proposal the President put forward last night was said in the thirties about Social Security.

This is the time to be prudent, but not timid. I ask everyone to think, what do you think this body would do if we had no Social Security, and a President of the United States stood up and said every employer in America is going to have to contribute to Social Security? We would have every small business person and everybody standing up saying: Oh, my God, what are we doing? The system works pretty well.

As the majority leader said, there is not a single, solitary U.S. Senator or Congressperson that I am aware of that in fact, even if they believed it, would dare say they want to repeal the Social Security System. Employers contribute; employees contribute. That is how it works; that is how this other system will work. We will fight out the details and precisely in what measure and proportion. It was revolutionary then; it is not revolutionary now. It is a shame we have taken too long.

Prudence, yes; timidity, no.

Mr. MITCHELL. I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed for 10 minutes for the introduction of legislation.

THE PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I thank the Chair.

(The remarks of Mr. BIDEN pertaining to the introduction of S. 1488 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BIDEN. I thank the manager of the bill for allowing me to have this time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I move that the Senate adopt the conference report on H.R. 2493.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the conference report.

The report was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT REQUEST

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate concur en bloc to the amendments of the House to the amendments of the Senate in disagreement, with the exception of amendments numbered 29 and 164, and that all the preceding motions be reconsidered en bloc and tabled.

Mr. GRAMM. Reserving the right to object, Mr. President, and I will object. We have some contentious amendments out here. I think people are going to want to see what happens to them before we close out options that we might have to offer other amendments. So, once we have dealt with these contentious amendments, I certainly could at that point withdraw my objection. My objective is not to hold anybody up, but I just want to be sure we have the full range of flexibility in this debate. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BUMPERS. Mr. President, I am pleased to bring before the Senate, the conference report on H.R. 2493, the appropriations bill for agriculture, rural development, and related agencies for fiscal year 1994. I hope my colleagues will support it.

The conference report contains several significant changes from the Senate-passed version of the bill. First of all, the conference agreement funded the Wetlands Reserve Program at a reduced level from the Senate version. The conference report allows up to 75,000 acres to be entered into the reserve where the Senate version allowed up to 100,000.

Another significant change from the Senate-passed version of the bill is that the Market Promotion Program is funded at a level of $100,000,000 instead of $75,000,000 as proposed by the Senate.

The WIC Program is funded as proposed by the House at $3,210,000,000, a $350 million increase to the 1993 level. Mr. President, I want to reiterate that well over half of the funding in this bill—56 percent—or $39.5 billion is for domestic food programs that go predominantly to urban areas. These programs include WIC, food stamps, child nutrition, and the Emergency Food Assistance Program.

Probably the most significant change the conferees made to the Senate bill affects the Food and Drug Administration. The bill does not require the additional $175 million in user fees that the Senate bill contained. Total salaries and expenses of FDA are set at $867,339,000. This amount represents an increase of $85,304,000, or 10.9 percent, to the 1993 level.

The conference agreement provides funding levels similar to the Senate bill for agricultural research, rural development, conservation, extension, and inspection programs.

One of the research items merits further explanation because the breakdown of funds is not readily apparent in the statement of the managers. For competitive research grants, the bill provides a total of $112,150,000. Within that total, $40,000,000 is for plant systems, $25,000,000 is for animal systems, $8,000,000 is for nutrition, food quality and health, $18,000,000 is for natural resources and new products, $7,500,000 is for process and new products, $4,000,000 is for markets, trade and policy, $4,500,000 is for water quality, $1,250,000 is for global change, $2,500,000 is for integrated pest management, and $1,400,000 is for pesticide impact assessment.

The conference agreement goes along with the House recommendation of combining several agencies. The Agricultural Cooperative Service is merged into the Agricultural Marketing Service. The Human Nutrition Information Service is merged into the Agricultural Research Service. And the Office of International Cooperation and Development has been merged into the Foreign Agricultural Service.

With regard to the honey program, the provision limiting payments to $50,000 per producer was retained by the conference committee. However, the full House, when considering the conference report, altered the provision limiting payments to zero dollars. The provision with regard to wool and mohair that the Senate had adopted has been deleted. In addition, the provision allowing the refinancing of REA loans has also been deleted.

In summary, the conference bill totals $71 billion in total new obligational authority.

I commend the conference report to my colleagues and recommend that it be accepted.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me first thank the distinguished Senator from Arkansas, the chairman of the subcommittee, for his hard work and effective work and leadership in bringing this conference report back to the Senate.

Mr. President, we present for the Senate's approval today the conference report on H.R. 2493, the Fiscal Year 1994 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

The conference agreement provides total appropriations of $71 billion for the fiscal year beginning October 1, 1993, for programs and activities of the U.S. Department of Agriculture, the Food and Drug Administration, the Commodity Futures Trading Commission, and for payments and expenses of the farm credit system. This is $5.6 billion below the total amount requested by the President.

Including congressional budget scorekeeping adjustments and prior-year spending actions, this conference agreement provides discretionary spending of $14.8 billion in budget authority and $14.3 billion in outlays. These amounts are within the subcommittee's revised 602(b) discretionary spending allocations.

The committee of conference on this bill considered 167 amendments in disagreement between the two Houses. While not all issues were settled in the way I would have preferred, I believe we have reached an agreement which meet the many funding requirements covered by the bill within the limited resources available.

For domestic food programs administered by the U.S. Department of Agriculture, this bill provides $39.5 billion. Spending on these programs—which include food stamps; the special supplemental food program for Women, Infants and Children [WIC]; the school lunch and breakfast programs; and the Emergency Food Assistance Program—represents roughly 56 percent of the total new budget authority provided by this agreement. This includes $3.2 billion for the WIC program, an increase of $350 million above the current funding level for this program.

This agreement also provides for increased investments in rural housing and development programs so beneficial to improving the lives of those who live in our Nation's small towns and rural communities. These include increases above fiscal year 1993 and $611 million in rural housing loan authorizations; $42.7 million for rental assistance; $21.7 million for rural development grants; $234 million in rural water and sewer, community facility, and industrial development loan authorizations; and $75 million for rural water and waste disposal grants.

Total funding of $2.9 billion is provided for existing conservation programs administered by the Soil Conservation Service and the Agricultural Stabilization and Conservation Service. This includes $66.7 million for the Wetlands Reserve Program to fund a program in 20 States, including the nine States currently participating in the pilot program. The conference agreement limits to 75,000 the number of acres enrolled in the program in fiscal year 1994, as opposed to 50,000-acre limitation contained in the Senate bill and the 100,000-acre limitation proposed by the House.

The agreement directs nearly $1.7 billion to agricultural research and extension activities, provides over $3.4 billion for farm ownership and operating loans, $1.9 billion in rural electric and telephone loan authorizations, and a total program level of $1.6 billion for Public Law 480 assistance

For the Market Promotion Program which contributes to our continuing efforts to expand overseas markets for U.S. agricultural products, $100 million is provided. While this is below the House bill level of $127.7 million, it is $25 million above the Senate bill amount.

The Senate receded to the House on funding for the Food and Drug Administration [FDA]. As my colleagues might recall, to comply with the total spending limitations on the Senate bill, the Senate assumed $175 million of the $200 million in collections proposed by the President from new user fees on FDA-regulated activities. This conference agreement maintains the House bill position which provides a direct appropriation of $813 million for the FDA, and rejects this new user fee proposal.

Mr. President, the October 1 start of the new fiscal year is quickly approaching. The conference committee completed action on this appropriations measure on August 3 and the conference report was adopted by the House 3 days later, just prior to the start of the August recess. Senate action on this conference agreement is necessary to send this bill to the President and have it in place before the start of the new fiscal year. I believe it represents a good compromise on this bill, and I urge its adoption by the Senate.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT IN DISAGREEMENT NO. 18

Mr. BUMPERS. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 18.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

AMENDMENT IN DISAGREEMENT NO. 28

Mr. BUMPERS. Mr. President, I move the Senate concur in the amendment of the House to the amendment the Senate numbered 28.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

AMENDMENT IN DISAGREEMENT NO. 29

Mr. BUMPERS. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate, and that is amendment numbered 29. That is the amendment that Senator BRYAN takes exception to.

The amendment is as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 29 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$453,736,000".

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. BUMPERS. Mr. President, I want to protect the rights of the Senator from Nevada. He does object to this amendment and wishes to offer his own amendment.

Mr. BRYAN. I do, indeed.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BUMPERS. Mr. President, will the Senator from Nevada yield?

Mr. BRYAN. I yield, so long as I do not lose my right to the floor.

Mr. BUMPERS. Certainly not.

Mr. President, I ask unanimous consent that the Bryan amendment take 30 minutes, equally divided between the two sides, between Senator GRAMM and Senator BRYAN, and that there be no second-degree amendments in order.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 961 TO AMENDMENT IN DISAGREEMENT NO. 29

Mr. BRYAN. Mr. President, I move that the Senate now concur in the amendment of the House of Representatives to the amendment of the Senate numbered 29 to the bill H.R. 2493, entitled "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes," with the following amendment.

Mr. President, I now send that amendment to desk on behalf of myself, Senator JOHN KERRY, Senator LAUTENBERG, and Senator FEINGOLD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself, Mr. KERRY, Mr. LAUTENBERG, and Mr. FEINGOLD, proposes an amendment numbered 961.

Mr. BRYAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

After the sum proposed by said amendment, insert the following: "*Provided*, That none of the funds appropriated or otherwise made available by this Act shall be used to support the price of wool or mohair by means of loans, purchases, payments, or other operations:".

Mr. BRYAN. Mr. President, I will reserve to myself 7 minutes of the 15 minutes that is under my control.

Is my understanding correct that the parliamentary situation is that each side is allotted 15 minutes on this issue?

The PRESIDING OFFICER. The Chair advised that there are 30 minutes, divided 15 minutes to each side.

Mr. BRYAN. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 7 minutes.

Mr. BRYAN. Mr. President, I want to, at the outset, acknowledge the work of my distinguished friend and colleague, Senator JOHN KERRY, who, together with me, has worked over the past several months to eliminate what I consider one of the most outrageous and indefensible expenditures of public money, and that is the wool and mohair subsidy. In the appropriations bill before us, it is $190 million. Those that have analyzed it from the political left and the political right all have reached the conclusion that this is one of many Federal programs that ought to be eliminated.

I want to explain to my colleagues why we are offering it in the context of an amendment to the technical amendment. I simply point out that Senator KERRY and I and others, on 2 occasions this year, have brought this issue before the floor: Once on the reconciliation bill, where a majority of the Senate went on record as favoring the elimination of the wool and mohair subsidy; and once again on the agriculture appropriations bill, where a great majority of my colleagues voted to eliminate the subsidy. And now, as a result of the conference, not one dime has been eliminated from this $190 million appropriation for this year.

A brief word about the history of the program. In 1954, the wool and mohair subsidy was established, primarily because it was felt that wool, being part of a national strategic reserve, that there was some national interest involved in subsidizing the program.

Six years later, wool was taken off the national strategic reserve and, like so many programs that are part of the Federal budget, this one continues on, I suspect in perpetuity, if we are not able to eliminate it.

Under this program, one can receive as much as $300,000 in payments annually—$150,000 for wool and $150,000 for mohair.

You will hear, Mr. President, and Members of the Senate, that this does not cost the taxpayers a dime. No argument could be more disingenuous than that. You will hear that there is a tariff on wool and that the funding for this program is as a consequence of the wool tariff.

That is true, but it is partially misleading. There has been a tariff on wool since 1824. For 130 years before this subsidy was created, there was a tariff on imported sheared wool. Each dollar generated from that tariff went directly to the Treasury. But for this subsidy, under the amendment on which my distinguished friend and colleague from Massachusetts and I have been working, all of the $190 million that is diverted to fund this program would go into the Treasury. So there is a direct impact, the consequence of which makes the Federal deficit this year $190 million larger than it otherwise would have been.

In my view, the American taxpayer is being fleeced. This is a program without justification. It is a program which ought to be eliminated. The Senate has gone on record twice as having voted to eliminate the program this year, and for those who give the great speeches on the floor of this Chamber, impassioned oratory about the deficit, this is an opportunity now to eliminate a subsidy program that has no national justification and which would, indeed, reduce the deficit this year by an amount of $190 million.

I suggest the time for action is now. I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time? Who yields time? If no time is yielded, all time will be counted equally against each side.

Mr. BRYAN. Mr. President, may I inquire of the Chair, how much time do I have under my control remaining?

The PRESIDING OFFICER. The Senator has 9 minutes 40 seconds remaining.

Mr. BRYAN. I yield to the distinguished Senator from Massachusetts [Mr. KERRY], 4 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 4 minutes.

Mr. KERRY. Mr. President, I congratulate my colleague Senator BRYAN and thank him for his effort and cooperation in it. This really is a very straightforward and basic test for the U.S. Senate. It is a tragic story and a tragic commentary on the process, but I suppose a true commentary, that after two votes and after all the ridicule and after all the pompous speeches about cuts, that despite the will of the majority of the Senate having been twice expressed, this comes back to us now—the wool and mohair subsidy—despite the fact that in 1954 this was created as a subsidy that took from the wool tariff that has been in effect, as my colleague pointed out, for years before that and stripped away some of the revenue that went to the Federal Treasury to pay for a subsidy for strategic purposes that only 6 years later were taken away. In 1960 the strategic need for a wool subsidy was denied by the Government. But notwithstanding that, force of habit stayed in place. No one can cite a strategic interest for this. No one can cite a legitimate economic interest for continuing to fund a wool and mohair subsidy to the tune of $190 million a year or some $900 million, almost $1 billion, over the course of the next 5 years.

After all is said and done, this is the test of whether or not the U.S. Senate is serious, or politicians are serious, about being responsible with the public dollar. It has been articulated by countless observers, no less than Sam Donaldson, who has a ranch and has sheep. He says it is absurd that he should be paid for raising these sheep. But he is.

We ought to be finally moving to address this issue. For my colleagues who stand up and say, "Wait a minute, this does not come from the taxpayers of this country," that is not true as my colleague has pointed out. The taxpayers of this country are paying interest on the debt. The taxpayers of this country are suffering for the deficit. This money went to the general revenue before the subsidy, and because of this subsidy it takes money from the general revenue. We pay more interest, the deficit is higher, money that might go to other programs is diverted, and the taxpayer is, indeed, impacted. It is scored on the budget.

By voting to take away this subsidy, we can actually reduce the deficit of this country. I suggest this is one of the most telling statements that has come before the Senate as to whether or not we are willing to do that.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. MATHEWS). Who yields time? If no one yields time, time will be charged equally against both sides.

Senator GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I yield 2 minutes to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana, Senator BURNS, is recognized.

Mr. BURNS. Mr. President, I have just a brief statement here. The tariff that is collected on wool that is brought into this country is around $400 million. The program outlay to the wool producers, which was an incentive for those folks to produce more wool, is around $97 million. I imagine we will have some other quotes on the figures. But I want to remind the American people, the American consumer, that this little tag you find in your suit, down here, which says "100 pure wool," that little tag costs the American consumer more money than this program does.

When you collect $400 million and you only pay out $97 million to sheep producers, I ask this Government, where is the rest of the money going to go? Are you going to divert those dollars to do other things? It seems right now the program is a very successful program. In fact, it is 3 to 1 on the plus side. I call that a pretty good business and a pretty reliable and a pretty good deal.

This is a program which contributes revenues back to our government. This program has acted as a price and income support to an important sector of the agriculture community since its enactment in 1954.

The program is entirely financed through revenues accrued from the import tariff. By law, the price and income support provisions of the Wool and Mohair Program could utilize up to 70 percent of the tariff proceeds but, in fact, the use has been in the 30-percent range. Thus, this valuable program has essentially been operated at no cost to the taxpayer. If fact, through taxes, this program returns funds to our treasury.

One by one our agriculture programs are being targeted for elimination. Do people within Washington have any concept of where their food and fiber is coming from? Well, Montanans know it comes with a lot of hard work from the land. And programs, like the Wool and Mohair Program, help our producers survive.

Agriculture drives Montana's economy. Instead of looking for ways to cut agriculture, we need to be looking for ways to make this business profitable. And people within the beltway do not understand that agriculture is a business—it is Montana's largest business. It not only supports farm and ranch families, it supports businesses on Main Street.

The elimination of Wool and Mohair Program is not the answer to Government spending cuts. It is a profitable program and is important to me because it is important to Montana.

So I speak in opposition to the amendment of the Senator from Nevada and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. Will the Senator yield 2 minutes?

Mr. GRAMM. I yield 2 minutes to the distinguished Senator from South Dakota.

Mr. DASCHLE. I thank the Senator from Texas. I will just make two points. I know we have very limited time.

The first is there are many in this Chamber who talked about the need for jobs over and over again. We have all given our speeches. This is a terribly misguided amendment. This amendment will kill the industry. This amendment will destroy thousands and thousands of jobs across this land. This amendment will hurt agriculture more than perhaps any other amendment we will consider in the next several hours.

So I sincerely hope, Mr. President, everyone will realize the job-killing consequences that this amendment will have.

Second, we have come a long way reforming the Wool Act, already. The Budget Reconciliation Act that we passed earlier this year puts payment limits of $50,000 and achieves a $48 million savings. I hope we will let that legislation work over the next couple of years.

Let us take a look. We said we wanted limits; we now have limits. We said we wanted reform; we now have reform. Let us make sure the reform works. Let us try to keep the limited number of jobs we have in rural America.

I yield the floor.

The PRESIDING OFFICER. Who yields time? If no one yields time, both sides will be charged equally.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. I yield myself 2 minutes.

Mr. President, I just want to make a point here that this program pays on average 210 percent of the market value of the production of wool—210 percent. I know of no justification for that kind of a program and that kind of a subsidy.

In 1991, less than 1 percent of the producers received 54 percent of all the payments.

Finally, let me make this point. We all try the best we can to represent, protect and defend the interests of our individual States. I want to make it clear to my colleagues that this is not an attempt to point the finger at somebody else: "You ought to begin; the cuts ought to begin in your State, not my own State.'' Nevadans receive some of the subsidies. I spent the August recess explaining why we ought to step up and take our fair share and eliminate these programs.

If everybody takes the position that "this is in my State and I am impacted, we can't sacrifice or give up these kinds of subsidies," we will never make any progress on the deficit.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time? No one yields time, it will be deducted equally.

Mr. BUMPERS. Mr. President, can I prevail on the two Senators who control the time to yield back so we can go to a vote on this?

Mr. GRAMM. Mr. President, I think the people on this side would like to conclude the debate. We can do that quickly if the opponents of the program completed their debate. I think we each have a word or two to say, then I think the distinguished Senator from South Dakota will move to table. It seems to me that is the reasonable approach.

Mr. KERRY addressed the Chair.

Mr. BRYAN. I yield the remainder of the time to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. How much time is remaining?

The PRESIDING OFFICER. The Senator controls 3 minutes 22 seconds.

Mr. KERRY. Mr. President, I will try to accommodate my colleagues and proceed.

Let me just say, I do not come to the floor and I do not think the Senator from Nevada comes to the floor misunderstanding that there are folks out there that this affects. We understand that. I understand our colleagues who are here to defend that.

The problem is that we have all been asked to make these tough choices about where we are putting money. I have a lot of folks in Massachusetts who I think are engaged in legitimate efforts to provide for the United States, as well as for their families. They would love to have a subsidy, but they are not getting it. In fact, many of our communities, the fabric of those communities have been torn apart. They have lost their jobs. There is no subsidy for them.

I do not think it is sufficient just to come to the floor and say: "This is going to have an impact." Yes, it is going to have an impact. Everything we are doing in Washington today is going to have an impact. We have cut 250 billion bucks from a lot of discretionary programs that will matter to people. There are people who are going to pay more for Medicare; there are people who are going to have more to pay in terms of taxes. The question is whether we should be legitimizing and paying for economic activity for which there is no rational reason for the Government asking taxpayers to subsidize it.

If my colleagues can come forward with a legitimate program that says this is important to this fabric or that fabric and we ought to be doing it for them, then let us frame a program that does that appropriately. But this is not that program, Mr. President.

There was one office that gave out $5.2 million in wool and mohair subsidy checks in 1991. The top 10 recipients collected between $90,000 and $340,000 apiece, which was enough, as the Washington Post said, to put a few Lincolns in the carports. We should not be in the business of subsidizing Lincolns in the carports.

I know we brought it down to $50,000 now. I understand that. But $50,000 of subsidy for what? For wool that we can purchase elsewhere at a better price, which is exactly what all our NAFTA supporters are suggesting we ought to be doing, which is exactly what the whole notion of free trade is all about?

Mr. President, payments to ranchers have soared to about $3.60 of payments from the U.S. Government for every $1 of mohair sold to manufacturers last year. It has gone up to $3.60 from 88 cents in 1987. So we gave the Nation's 10,000 mohair ranchers some $50 million of subsidies a couple of years ago alone, despite the fact of falling market prices in the world marketplace.

I do not know one of my colleagues who would argue for that policy for anything else unless it was in their State and affected some of their citizens directly as this does.

Mr. President, this is really where the test comes. Are we willing to make some of those tough choices? I believe in supporting a program, as does the Senator from Nevada, that makes sense economically. This is not such a program.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAMM. Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senator has 10 minutes 42 seconds remaining.

Mr. GRAMM. Mr. President, I am going to try to be brief.

From 1954 to 1991, the fee imposed on wool imports has raised $7.4 billion in revenues and paid out only $2.3 billion, leaving a $5.1 billion net surplus to the Federal Treasury.

Our colleagues talk about this farm program. This program is not substantively different from any other farm program on the books. It is different in two ways: One, because the fee imposed exceeds the cost of the program, if you look at the two as a net, it is a moneymaker to the Federal Government. But the real difference is that this is a small program that primarily affects 12 States.

If the logic of this program is wrong—and this point may be debatable—then the logic of the milk program is wrong; the logic of the grain program is wrong; the logic of every other American farm program is wrong. I wonder if my colleagues, who single out a tiny little program in 12 States, are going to vote the same way on the milk program, on the grain program, on all of our other farm programs? My guess is they will not.

The amazing thing is that the President on August 31 sent a letter to the chairman of the House Agriculture Committee, KIKA DE LA GARZA, thanking him for his leadership in making responsible reductions in the wool and mohair program in the budget reconciliation bill. The Congress supported dramatic cutbacks in this program in response to criticisms, and I am opposed to terminating the program. If we had cut other farm programs by the amount that we cut this program, we would have reduced farm expenditures by billion of dollars.

Mr. KERRY. Will the Senator yield?

Mr. GRAMM. I will not yield.

So the paradox is that we have a program here that was cut dramatically, a program that with the fee is a revenue raiser for the Treasury, and yet we are about to vote to eliminate this little program, not on logic. If we were voting on the logic which this amendment espouses, we would be voting on the question of whether to eliminate every farm program in America. But we are voting on this amendment because it is a tiny little program that affects a few States and even with that affect it is relatively small compared to some other agriculture programs.

So that, I think, is the principle that we are dealing with here. I think it is important that people remember that.

Mr. COCHRAN. Mr. President, will the Senator yield for 30 seconds?

Mr. KERRY. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield 30 seconds.

Mr. COCHRAN. Mr. President, we just finished cutting the wool program by $48 million over 5 years in the Budget Reconciliation Act. In the conference that we had on this issue, we said that if the reconciliation bill did not deal with this problem, we would take it up in the appropriations process later.

It was dealt with. Major program changes to the wool program will be debated on the 1995 farm bill as well. The wool program is fully supported by its own tariff, and I hope my colleagues will join others and defeat the Bryan amendment.

Mr. KERRY. Will the Senator from Texas yield?

Mr. GRAMM. Mr. President, I yield 2 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, you have heard the arguments that I think are most substantive on this most important issue. Let me read a paragraph from a letter I have just received from the President of the American Farm Bureau. I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRAIG. It says the American Farm Bureau is concerned that all agricultural programs are now being threatened because these Senators have decided they will not follow the lead of the Ag Committee, which took the lead under the appropriate chairman, and you have just heard the ranking member speak, to responsibly move to cut this program, to fence it, to reduce it, and to bring it under control, and we did that. We did that in the last farm bill. The appropriations committee acted appropriately, and I think the American Farm Bureau and every interest on this floor that represents an agricultural program ought to feel directly threatened tonight that someone will step in now and begin to pick out an individual program.

Uniquely enough, this is the program that finances itself and does not ask of the American taxpayer that they finance it, and it is limited to a few States.

So I think not only are we risking the very basis of the farm program that we examine every 4 years; it is this individual program that is at risk, a self-financing program that is very important. It represents over $2 billion of activities in the general economy of this Nation. It is very important to a number of States, and I think it clearly is an important part of rural agricultural industries of the West.

That is why it has been recognized over the years but, more importantly, why it has become a self-financing approach and does not ask the American taxpayer to be a part of it. That is why I hope that this amendment is defeated with a tabling motion.

I yield back the remainder of my time.

EXHIBIT 1

A FARM BUREAU SPEEDLINE,
Washington, DC, September 3, 1993.

Hon. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: The American Farm Bureau Federation (AFBF) is concerned that the Senate may adopt amendments to the FY '94 agricultural appropriations conference report that will be detrimental to agricultural producers and rural economies. AFBF opposes efforts to dismantle or zero-out funding for particular commodity programs in the appropriations bill. We believe this would constitute legislating on an appropriations bill, and it would circumvent the proper legislative procedure for reviewing and reauthorizing specific commodity programs contained in the omnibus farm bill. We expect the normal reauthorization to occur in 1995.

Based upon recent actions in the House and in the Senate, amendments may be offered to eliminate appropriations of funds to make payments to producers in the wool, mohair and honey programs. We support continuation of these programs as authorized by the 1990 farm bill. Criticism of these programs fails to take into account many of the circumstances that affect producers of these commodities including the impact of subsidized exports from other nations, secondary economic and agricultural benefits created by these industries and the consumer benefits that result from stability in the production of these commodities in rural America.

AFBF's primary concern is that all agricultural programs are threatened by a strategy of divide and conquer. Commodity programs are periodically reexamined in a comprehensive fashion when the farm bill is reauthorized. These programs are now being subjected to additional jeopardy in the appropriations process, which appears to be increasingly designed to circumvent normal legislative procedure. Under a more thorough examination of the merits of commodity programs, Congress has seen fit to operate a system that affords additional stability to these volatile industries. In both the authorizing legislation and the budget reconciliation process, reasonable and incremental budgetary reductions have been incorporated into the structure of these programs. AFBF believes that this process of incremental reduction is preferable to the extreme shock therapy that elimination of funding would create.

AFBF urges you to reject amendments offered to the agricultural appropriations bill that would eliminate funding for any commodity program. This is the wrong vehicle in which to impose such a drastic change. This action would severely impair the economic health of the affected agricultural sectors and the rural economies that depend upon them.

Sincerely,

DEAN R. KLECKNER,
President.

Mr. KERRY. Will the Senator from Texas yield for a quick question?

Mr. GRAMM. Mr. President, we divided the time on this issue. Our opponents have had an opportunity to make their case. I think that we have Members who are ready to cast their vote. Maybe some of them might be voting with me. I yield to the Senator from South Dakota for the purpose of moving to table the amendment.

Mr. DOLE. Mr. President, I just wanted to rise at this point to include a statement in the RECORD prior to the vote about the distinguished Republican whip Senator SIMPSON who has to be at a very important board meeting tomorrow at 8:30. He thought when he left this afternoon this would not be coming up because of a problem that developed. He certainly does not fault anybody on this because this is a privileged matter, and the RECORD will disclose Senator DANFORTH did pair with the distinguished Senator from Wyoming.

Mr. President, Senator SIMPSON has served as a board member of the Buffalo Bill Historical Society for many years. Late this afternoon—he departed to attend an important board meeting of that organization which would begin at 8:30 a.m. on Friday in Cody, WY.

Prior to his departure—he made several inquiries concerning the evenings floor situation. Late in the afternoon on Thursday—it was not contemplated that there would be any votes on the Agriculture Appropriations conference report. That was the intention of both leaders at the time of Senator SIMPSON's departure, approximately 2 hours ago. That intention was communicated to Senator SIMPSON.

Unfortunately, the floor situation in the interim changed due to objections to a proposed unanimous-consent agreement to consider the Labor/HHS conference report. The majority leader then sought to bring up this conference report, and Senator BRYAN offered this amendment.

Senator SIMPSON has always been a strong supporter of the Wool and Mohair Program.

I am pleased that an opponent of the program, Senator DANFORTH, has agreed to a live pair with Senator SIMPSON, who would have altered his travel plans if this vote would have been contemplated at the time of his departure.

Mr. President, the effort today is an effort to kill an important agricultural program and is clearly legislating on an appropriations bill.

Perhaps the worst part of this action, is that it is legislating the elimination of this vital agricultural commodity program in a retroactive action, eliminating support for wool that was produced this year. Farm and ranch families who have worked all year to produce a product, most often with borrowed funds, with the production and the Wool Act incentive as collateral, will find their return reduced by more than half.

Domestic prices for wool and mohair today are at a record low because of a decision by a foreign government. The Australian Government has encouraged a record supply of wool now flooding our markets and making profit impossible here.

Today's market situation is almost identical to what it was here in 1954; this Government's decision to dramatically reduce import tariffs allowed Australia to flood our wool markets.

You have been told that the Wool Act came about only for military uniforms. That is not accurate. The Wool Act came about in 1954—after even the Korean war, and it came about because imports had severely threatened the livelihood of thousands of our family farmers and ranchers.

Killing the Wool Act during the appropriations process is a punitive action that will eliminate thousands of jobs in this country and reward Australia.

When Congress established the Wool Act, it was established as a self-financing program funded by a portion of the remaining small tariff on imported wool. It makes no economic sense to kill it today. The current Wool Act contains provisions that its payments will decline as the market recovers. This year's reconciliation bill capped its payments at $50,000 to mirror other commodity programs and reduced the costs of the program over $48 million through 1997.

I encourage my colleagues to vote to retain the Wool Act. It is a vitally necessary agricultural commodity program responding to today's market decisions.

Mr. HATCH. Mr. President, last week, this body debated the issue of increasing grazing fees and reforming rangeland management for millions of America's livestock ranchers. This week, the object of our debate is focused on elimination of the Wool and Mohair Incentive Program, known as the Wool Act, which will affect 350,000 American jobs and 125,000 American families involved in agriculture. This body, rightly, succeeded in placing a moratorium on the implementation of the Rangeland Reform Program. I am confident that the clear judgment that prevailed last week will rule today on the Bryan amendment to the Agriculture appropriations conference report.

Last week, I mentioned on this floor the importance of agriculture to Utah's overall economy. Another vital part of Utah's agriculture community is the sheep industry. Utah ranks sixth nationally in the number of head of sheep with 450,000 head, located on 2,300 sheep operations. And, while the total value of Utah's sheep inventory in 1992 increased from the 1991 level, wool production in pounds was down as was the average fleece weight from the 1991 levels.

Elimination of the Wool Act, as proposed by the Bryan amendment, would be extremely devastating to Utah sheepherders. Utah's woolgrowers sold their wool in 1993 at low prices, as low as they have been in many years, and have just survived 3 years of low land market values. Elimination of the Wool Act to Utah's producers would result in an immediate reduction of one-third of Utah's producers, with two-thirds of all of Utah's producers leaving the industry within 5 years.

This is not a pure subsidy, since the payments come from tariffs begun in 1954. It is worth stating, as well, that credit is going to be withdrawn by conventional and agricultural lending institutions. Virtually all lenders, across-the-board, will withdraw financial support to Utah's woolgrowers because these institutions recognize sheepmen cannot make it without the Wool Act and they do not want to make bad loans.

The backbone of Utah's rural economy is agriculture. The Rangeland Reform 1994 Program and this proposed elimination of the Wool Act will do nothing more than devastate another key segment of Utah's economy. It is unfair and unreasonable. I urge my colleagues to vote against the Bryan amendment and support the western—American—producers of this vital commodity. I cannot imagine that our Senate colleagues would want to destroy this domestic industry.

Mr. GORTON. Mr. President, today we are debating an amendment which will eliminate the current wool and mohair subsidy. Earlier this year I voted to eliminate the subsidy even though I, like many of my colleagues in the Senate, have constituents who benefit from this program.

I have listened to the concerns of wool growers in my State and their support for continuation of the program. Needless to say, woolgrowers in my State are not too happy with my vote to eliminate the program and my vote today will be displeasing as well.

As the Federal deficit grows I cannot justify the continuation of this subsidy. I will not single out woolgrowers from my decision to eliminate programs which are antiquated and no longer serve their purpose. There are other programs in the Federal budget which have outlived their purpose and I will give these programs equally careful scrutiny.

We must get the Federal deficit under control and cut those programs which we can no longer afford.

Mr. PRESSLER. Mr. President, I strongly oppose the amendment by the Senator from Nevada. The Wool and Mohair Price Support Program is not costing the taxpayers one dime. Indeed, it is not like the other farm programs.

Let me tell you the facts about this program. The Wool and Mohair Price Support Program is vital to the survival of 4,000 South Dakota sheepgrowers. South Dakota is the sixth largest sheep-producing State in the Nation. The Wool and Mohair Price Support Program assures a vital domestic sheep industry in South Dakota and all other States. The program provides supplemental income to farm and ranch families at no net cost to taxpayers. It enables these families to compete in the international market place on a level playing field. More important, the program helps support many rural communities in South Dakota that exist on income generated by the sheep industry.

The effects in South Dakota should the Bryan amendment be adopted would be devastating. Butte County would lose $1.9 million. Harding County would lose nearly $1 million. Meade County would lose nearly $500,000. The livelihoods of the 1,500 sheep and lamb producers in these counties would be ruined. The numbers are worse for all of South Dakota. The livelihoods of over 4,000 sheep and lamb producers would be ruined. Nearly 9 million would disappear from the agriculture economy. Small businesses would be put in jeopardy. In some cases the safety and soundness of rural banks would be put at risk. This lost income could likely lead to higher taxes to pay for education and community services. The $9 million could easily reach $50 million as lost farm dollars ripple through the State's economy. One can just imagine the effects nationwide.

If this amendment becomes law, several things would happen. First, farmers and ranchers would have lower income and the Nation could lose many family farms. Second, there would be reduced supplies of wool which would result in higher prices for consumers for wool products. This would hit lower-income families the hardest. Finally, the United States would have to rely on foreign suppliers for wool which will add to our trade deficit. These are effects that we simply cannot live with.

Mr. President, the benefits of the Wool and Mohair Price Support Program are many. In the West, sheep are raised on land that would not otherwise be productive. The program supports the people who work on that land, supports the surrounding communities and is important for rural development. I ask my colleagues to defeat this amendment.

Mr. BUMPERS. Mr. President all time must be yielded back before such a motion can be made.

Mr. GRAMM. Mr. President, I yield back the remainder of my time.

Mr. DASCHLE. Mr. President, I move to table and ask for the yeas and nays.

Mr. PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DANFORTH (When his name was called). Mr. President, on this vote, I have a pair with the Senator from Wyoming [Mr. SIMPSON]. If he were present and voting, he would vote "yea". If I were at liberty to vote, I would vote "nay". I withhold my vote.

Mr. DOLE. I announce that the Senator from Arizona [Mr. MCCAIN], and the Senator from Wyoming [Mr. SIMPSON], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—41

Baucus
Bennett
Bingaman
Bond
Breaux
Brown
Burns
Campbell
Cochran
Conrad
Coverdell
Craig
Daschle
Dole
Domenici
Dorgan
Durenberger
Faircloth

Feinstein
Ford
Gramm
Grassley
Hatch
Heflin
Helms
Hutchison
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Lott
McConnell
Murkowski
Pressler
Pryor
Shelby
Stevens
Thurmond
Wallop
Wofford

NAYS—56

Akaka
Biden
Boren
Boxer
Bradley
Bryan
Bumpers
Byrd
Chafee
Coats
Cohen
D'Amato
DeConcini
Dodd
Exon
Feingold
Glenn
Gorton
Graham
Gregg
Harkin
Hatfield
Hollings
Inouye
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Smith
Specter
Warner
Wellstone

PRESENT AND GIVING A LIVE PAIR—1

Danforth, against

NOT VOTING—2

McCain
Simpson

So the motion to table the amendment (No. 961) was rejected.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BRYAN. Mr. President, I move to reconsider the vote.

Mr. WALLOP addressed the Chair.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WALLOP. Mr. President, the Senator is entitled to recognition over and above the motion to reconsider. I seek recognition.

The PRESIDING OFFICER. The Senator from Nevada was on his feet and was addressing the chair.

Mr. MITCHELL. Regular order, Mr. President.

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I understand and I regret the vote by which the Senate failed to table the amendment.

The PRESIDING OFFICER. I remind the Senator that debate is not in order.

Mr. WALLOP. Mr. President, I ask unanimous consent that I may be permitted to proceed to make a short statement, and then I will yield thereafter to the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. If I may ask the Senator, can the Senator give me an idea of how long he wishes to speak?

Mr. WALLOP. I wish no more than 3 minutes.

Mr. BUMPERS. Fine.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. WALLOP. I state again that I regret that vote. Mr. President, there is a new fad in the Senate—that is, toying with the lives of earnest and hardworking Americans. There was no reason for this, from a budget perspective. This is a self-sustaining program, the length of which and the termination of which had already been established.

What we are doing is, in order to show how courageous we may be in cutting the budget deficit, we are cutting the lives of people without touching the deficit, cutting the lives of hard-working Americans whose values and standards are the things by which most people in this office give great deal of precedence and heed. They say: We admire people who have families; we admire people who take risks, who work for themselves.

Now, Mr. President, if one can be permitted, a short statement of paranoia. There is a distinctly anti-Western flavor that is overtaking the Senate of the United States. The West offers no threat in return; it could not if it wished to. But I think it bears mentioning that those of us whose lives are affected by votes whose purpose is purely and simply political, and it cannot have been said to have had an effect on the budget, regret and resent such treatment.

Mr. President, I yield the remainder of my time to the minority leader.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 961) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I move the Senate concur in the amendment of the House to the amendments of the Senate, and I will list those en bloc, and I would except the last one which is amendment 164 to which the Senator from Colorado [Mr. BROWN] wishes to offer an amendment.

I move that the Senate concur in the amendment of the House to the amendment of the Senate on amendments 36, 40, 74, 78, 111, 136, 137, and 142 and move their adoption en bloc.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

So, the amendments were agreed to, as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 36 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$4,265,000"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 40 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$423,395,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 74 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$133,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 78 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$20,242,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 111 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted in said amendment, insert "$25,000,000 and the foregoing $15,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 136 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert ": *Provided further*, That until revised allocation regulations have been issued, the Secretary may waive the 15-percent cap regulation to ensure that all funds are allocated to States most in need".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 137 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert ": *Provided further*, That no State will incur an interest liability to the Federal Government on WIC rebate funds provided that all interest earned by the State on these funds is used for program purposes".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 142 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$118,027,000".

Mr. BUMPERS. Mr. President, I move the Senate concur in the amendment of the House to the amendment of the Senate on amendment 164.

The PRESIDING OFFICER. Is there objection?

The Senator from Colorado [Mr. BROWN].

AMENDMENT NO. 962

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN] for himself, Mr. LAUTENBERG, Mr. BRYAN, Mr.

CHAFEE, Mr. KERREY, and Mr. REID, proposes an amendment numbered 962.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. 730. (b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C.

And on page 76 of the House engrossed bill, H.R. 2493, strike all on line 17 down through line 24.

Mr. MITCHELL. Mr. President, will the Senator yield for the purpose of permitting me to propound a unanimous-consent request that deals with the next bill that comes up unrelated to this matter?

Mr. BROWN. I yield.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, earlier I had sought consent with respect to proceeding to the Labor-HHS appropriations bill and some disagreement had arisen among those involved. I am now advised this has now been resolved. I am going to put the unanimous consent. If it is approved, I will make a statement with respect to the understanding of the parties as it has been conveyed to me.

Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may at any time turn to the consideration of Calendar No. 201, H.R. 2518, the Labor-HHS appropriations bill; that the reported committee amendments be agreed to en bloc with the following exceptions:

Committee amendments found on page 9, line 23 through page 10, line 7; page 18, lines 21 through 24; page 19, lines 12 through 15; page 42, line 20 through page 43, line 2; page 44, lines 12 through 16; page 45, lines 7 through 25; page 62, lines 20 through 23; page 63, line 14; and page 74, lines 20 through 25.

I further ask unanimous consent that with respect to the committee amendment on page 74, lines 20 through 25, no amendments to the language proposed to be stricken be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the last mentioned committee amendment, page 74, lines 20 through 25, I am advised deals with the subject of abortion.

I am advised that the understanding of the parties on both sides is that no amendment relating to abortion will be offered until Tuesday.

Therefore, it is my intention that we will proceed to this bill immediately upon disposition of the pending bill, the Agriculture appropriations conference report, and that we will complete action on all matters other than abortion by Tuesday, including votes on Tuesday, which I will describe in a moment.

So that will be the last matter on this bill and we will, hopefully, complete action on the bill then. That, of course, requires the cooperation of Senators.

What I am trying to work out in cooperation with Senator DOLE and the managers of the Labor-HHS appropriations bill is to have a series of amendments debated on Monday, with the votes to be held on Tuesday morning, and then the last matter remaining would be the abortion issue which would then be debated and voted on.

That means that there will have to be some effort by the managers, and others, to deal with whatever other amendments are to be offered, hopefully, on tomorrow.

My strong desire is that we can complete that, that we not stay in late this evening, that we can get out at a reasonable hour this evening, and we can then be in a position to finalize an agreement tomorrow that will enable us to complete action on this measure on Tuesday.

I remind my colleagues that the fiscal year ends at midnight next Thursday, and we are going to have lengthy sessions next week as we make an effort to complete action on as many appropriations bills as we can.

Mr. HARKIN. Mr. President, will the Senator yield?

Mr. SMITH. Mr. President, will the Senator yield?

Mr. MITCHELL. I yield to the Senator from Iowa and then to the Senator from New Hampshire.

Mr. HARKIN. I have a question. It seems to me that we could at least have a possibility of debate on the last excepted amendment dealing with abortion. We could have at least a debate on Monday with a vote on Tuesday. We can be here and at least debate it and have debate on Monday if that is all right.

Mr. MITCHELL. That was agreeable to me. I was conveying what I had been told.

I yield now to the Senator from New Hampshire for comments on that or any other statement he wishes to make.

Mr. SMITH. Mr. President, I thank the leader for yielding.

First of all, I want to make sure that the understanding is that this would be the first vote on abortion and no votes preceding this item would be in order; is that correct?

Mr. MITCHELL. Yes.

Mr. SMITH. Also, I think there are many people who have indicated to me on our side that they would like to participate in the debate and it not be that that be allowed to happen on Tuesday. I think the preference will be to begin debate on Tuesday.

Mr. MITCHELL. Mr. President, we are right back to the issue that we keep coming back to that Senators do not want to be here on Friday or Monday and do not want to be here in the evening.

That is agreeable with me.

Might I suggest as a compromise that we try to arrange it so that the debate can occur on Monday and there be some time on Tuesday for those Senators who cannot make it on Monday but not that we had the entire debate on Tuesday? Might that be agreeable to the Senator?

Mr. SMITH. This Senator can be here on Monday and will be here on Monday. That will be acceptable to me.

I want to preserve and reserve any time on this for other Members who cannot be here on Monday who would like to participate in the debate. I want to be sure they will have the time.

Mr. MITCHELL. You see what is happening is a self-fulfilling prophesy.

I am trying to accommodate as many Senators as possible, but if we cannot get Senators here on Monday to do business to enable us to stack votes on Tuesday, then we have to start with votes on Monday and compel all Senators to be here. It is kind of a chasing our tail around in doing this.

Why not let us finish this bill here that is pending in the meantime and let us try to work this out? We have been trying to cooperate on that.

Mr. SMITH. If there are other amendments going to be voted on Monday, that is all right with me.

Mr. DOLE. We have two.

Mr. MITCHELL. I understand that.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MITCHELL. I yield.

Mr. STEVENS. I want to make sure that the only amendment that is covered by the proposal, that no amendment's language proposed be stricken be in order, that is, only the abortion amendment; is that right? Only the amendment on page 74, that is not subject to amendment.

Mr. MITCHELL. The agreement, as stated, limited that language to that one amendment. That is the last sentence, that with respect to the committee amendment found on page 74 lines 20 through 25, no amendments to the language proposed be stricken be in order. So, by its terms, I believe that limits it to that one amendment.

Mr. STEVENS. I thank the Senator.

Mr. SMITH. If the leader will yield, when he initially propounded the explanation for the agreement he indicated right, as I understood it, and when the Senator from Iowa commented, then we got back on Monday.

I am not trying to delay anything, as he knows. But I just think that the understanding that we had on our side that the debate would take place on Tuesday. I am willing to begin debate on Monday as long as these people are protected, that is, if there is time for the debate on Monday.

(Mrs. BOXER assumed the chair.)

Mr. MITCHELL. The Senator is correct. That was the understanding, as conveyed to me.

One of the problems I have, frankly, is that, without any knowledge on my part—I do not know how it happened—I was simply told that the principals themselves had agreed to put this off until Tuesday.

Well, one of the problems with that is, we are trying to finish these bills by the end of the fiscal year and I am trying to do it in a way that gets the business done and accommodates all the Senators. It is becoming increasingly difficult, because I have a lot of requests to have no votes on Friday and no votes on Monday. Then, as soon as we get here on Tuesday, I get a request that the Senate not be in session late on Tuesday, late on Wednesday, or late on Thursday. When you add on top of that all the morning business requests we get, which consume all morning, every morning, the amount of time in which we can deal with these things becomes more and more compressed.

I think the best thing to do is to try to work this out now with our staffs and the participants in a way that accommodates as many Senators as possible. I do not think there is anything useful to be gained by continuing this discussion.

So, Madam President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I move to reconsider the vote on the amendments that were adopted en bloc a few moments ago.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 962

Mr. BROWN. Madam President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment of the Senator from Colorado is incorrectly drafted, the Chair informs the Senator.

Mr. BROWN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to withdraw amendment numbered 962.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

The amendment (No. 962) was withdrawn.

AMENDMENT NO. 963 TO AMENDMENT IN DISAGREEMENT NO. 164

Mr. BROWN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself, Mr. LAUTENBERG, Mr. BRYAN, Mr. CHAFEE, Mr. KERREY, Mr. REID, and Mr. GORTON, proposes an amendment numbered 963 to amendment in disagreement numbered 164.

Mr. BROWN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

SEC. 730. (b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of zero dollars in the 1994 crop year.

SEC. 731. Section 712 of this Act shall have no effect.

Mr. BROWN. Madam President, the amendment that is before the body is one that deals with honey and the honey amendment that left this body. We had acted to limit assistance payments to honey producers to $50,000 when it reached this body. The measure when it reached the House was amended to reduce that $50,000 limitation to zero, to no assistance at all.

What has come back is that limitation, limiting it to zero. I have offered this amendment which concurs with that particular amendment that is limiting it to zero. It makes it clear that it applies to all aspects of the program, including forfeitures and loans and so on. I should note for clarity, though, this, while it is an amendment to an appropriations bill, does not eliminate the underriding authorization for the honey program. All it does is eliminate the expenditures during this fiscal year for the honey program.

Moreover, because of this authorization, it is still possible for the Secretary of Agriculture to administer the loan program on a no-cost basis, should he wish to.

It is my belief that is part of the reason why other Members of this body have chosen to go along with the amendment. So the amendment that is before the body is one that will zero out the cost of the honey program this year in all of its aspects.

I might note for clarity that the House vote was quite clear in wanting to eliminate the cost, 344 to 60. We have coordinated this amendment with the House sponsor. It is my understanding the House sponsor is in agreement with this measure and our revised amendment will be accepted by the House.

I might also note the delay in our discussions here was for the addition of a clerical amendment that the distinguished Senator from Arkansas had asked me to add to this amendment for courtesy purposes. It simply says, "On page 76 of the House engrossed bill, H.R. 2493, strike all from line 17 down through line 24." As I understand it, while that is not directly relating to this particular matter, it is an accommodation to other Members.

With that explanation, Madam President, with the understanding we have agreement of the body on this amendment, I yield my time.

Mr. COCHRAN. Will the Senator yield for just one question?

Mr. BROWN. I yield.

Mr. COCHRAN. I understand by the language of the amendment, this does not eliminate the right of a producer to obtain a loan, but it does cancel the forfeiture part of the program. Is that correct?

Mr. BROWN. That is quite correct. It actually does not cancel it because the underlying authorization language, of course, still exists. But it ensures that no payments from the Federal Government will go either in forfeitures or in the subsidy payments or other aspects of it. And the loan program that does remain, as I read the amendment, has to be operated, if indeed it is operated at all, on a no-cost-to-the-Government basis.

Mr. COCHRAN. I thank the Senator.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 963) was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Madam President, I move the Senate concur in amendment No. 164 of the House to the amendment of the Senate, as amended.

The PRESIDING OFFICER. Without objection, the motion to concur is agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Madam President, I rise in support of the conference report accompanying H.R. 2493, the Agriculture, Rural Development, and related agencies appropriations bill for fiscal year 1994.

The final bill totals $59.3 billion in BA and $49.2 billion in outlays for fiscal year 1994 when outlays from prior-year budget authority and other completed actions and adjustments are taken into account.

This bill comes back from conference above the 6029(b) allocation by $77 million in outlays. I understand that the Appropriations Committee will file a revised section 602(b) allocation to accommodate the final bill prior to its consideration by the Senate.

The bill had included provisions which were similar to those in the reconciliation bill.

Since the reconciliation bill was enacted first, those savings were no longer available to the subcommittee and thus exceeding their 602(b) allocation.

The committee's loss in saving includes $21.1 million for the Wetlands Reserve Program and the Conservation Reserve Program, $45 million for the Market Promotion Program, and $13.7 million for modifications to the Crop Insurance Program.

I realize that the conferences on these bills were in progress simultaneously, however, the Congress is not going to score the savings twice.

I commend the distinguished subcommittee chairman and ranking member for their support of $3.2 billion for the WIC Program, an increase of $350 million over 1993 levels.

I also appreciate the subcommittee's support for a number of ongoing projects and programs important to my home State of New Mexico.

I regret that my amendment to require the administration to refinance Rural Electrification Administration loans under existing contracts is excluded from the final bill. However, I note that a similar provision is incorporated in the reconciliation bill.

I urge the passage of the bill.

Mr. BURNS. Madam President, I want to state that if there had been a recorded vote on the final passage of the Agriculture appropriations bill, I would have voted "no."

The elimination of the Wool and Mohair Program and the Honey Price Support Program will have devastating effects on the agriculture interest in Montana.

ACP FUNDS FOR THE LAKE CHAMPLAIN BASIN

Mr. LEAHY. Madam President, I would like to enter into a conversation with Senator BUMPERS, the floor manager of this bill, on a matter of great importance to my State.

Before I begin, I want to commend the Senator from Arkansas for the very able job he has done in pulling together this year's agricultural appropriations bill. The preparation and completion of this particular bill clearly requires special care and effort, and it is evident that he has met this challenge well. I am grateful for his willingness to fund the Wetland Reserve Program, and I know this country will be served well by the 75,000 acres that are to be enrolled under the fiscal year 1994 appropriation.

I want to specifically thank the Senator for the help he has given my State in its efforts to improve the water quality of Lake Champlain. The $2 million that he has provided in the Water Quality Incentives Program [WQIP], which is part of the Agricultural Conservation Program [ACP], represents a significant commitment towards working on non-point source pollution issues in my State and the basin as a whole.

My concern is that the WQIP is not the ideal program for the delivery of these funds. WQIP was designed to provide cost-share assistance for various management-oriented pollution control practices. Much of the work that needs to be done on the farms in the Lake Champlain basin is structural.

Would the Department be acting in a manner consistent with the conference report if the $2 million that has been made available under the WQIP portion of the ACP program be provided instead under the ACP program itself, and in this way be used for cost share payments for structural work on farms in the basin?

Mr. BUMPERS. Yes, it is my intention that this $2 million be made available under the ACP program for the structural work that the Senator describes and that I understand is ongoing in the basin in support of the water quality improvement efforts in the Senator's State and New York.

Mr. LEAHY. I thank the Senator very much. I look forward to working with the Senator in the future on this and the many other important issues facing agriculture in this country.

MIDWEST PLANT BIOTECHNOLOGY CONSORTIUM

Mr. KOHL. The fiscal year 1994 Agriculture appropriations bill includes a CSRS special grant for the Midwest Plant Biotechnology Consortium. It is my understanding that it is the intent of the Committee that this fiscal year 1994 grant will be administered in the same cooperative manner as is currently in place.

Mr. BUMPERS. Yes, it is the intent of the Committee that the fiscal year 1994 special grant for the consortium be administered in the same cooperative manner.

Mr. COCHRAN. Madam President, I know of no other request for opportunity to speak on this side. As far as I know that concludes action on the conference report on this side of the aisle.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. MITCHELL. Madam President, I ask the Chair lay before the Senate Calendar No. 201, H.R. 2518, the Labor, HHS appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2518) making appropriations for Departments of Labor, Health and Human Services, and Education and related agencies, for the fiscal year ended September 30, 1994, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.R. 2518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act, $92,406,000, together with not to exceed $46,655,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, **[**$4,943,181,000**]** *$4,588,536,000* plus reimbursements, to be available for obligation for the period July 1, 1994, through June 30, 1995, of which **[**$61,871,000**]** *$65,000,000* shall be for carrying out section 401, **[**$78,303,000**]** *$88,000,000* shall be for carrying out section 402, $8,957,000 shall be for carrying out section 441, $1,473,000 shall be for the National Commission for Employment Policy, **[**$5,357,000**]**

$5,800,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under the Job Training Partnership Act, and [$3,831,000] *$3,861,000* shall be for service delivery areas under section 101(a)(4)(A)(iii) of the Job Training Partnership Act in addition to amounts otherwise provided under sections 202, 252 and 262 of the Act; and, in addition, $126,556,000 is appropriated for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers, including $20,000,000 for new centers, as authorized by the Job Training Partnership Act, in addition to amounts otherwise provided herein for the Job Corps, to be available for obligation for the period July 1, 1994 through June 30, 1997; and, in addition, *$178,000,000 is appropriated for carrying out part B of title II of the Job Training Partnership Act to be available for obligation for the period October 1, 1993 through June 30, 1994; and, in addition, $50,000,000 is appropriated for carrying out part D of title IV of the Job Training Partnership Act to be available for obligation for the period October 1, 1993 through June 30, 1995; and, in addition,* $744,000 is appropriated for the Glass Ceiling Commission authorized by title II of the Civil Rights Act of 1991; and, in addition, [$744,000] *$1,500,000* is appropriated for the National Center for the Workplace authorized by title XV, part A, of Public Law 102–325; and, in addition, $12,537,000 is appropriated for activities authorized by title VII, subtitle C of the Stewart B. McKinney Homeless Assistance Act *and, in addition, $750,000 is appropriated for the Women in Apprenticeship and Nontraditional Occupations Act (Public Law 102–530): Provided*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers. [: *Provided further*, That $300,000,000 for carrying out part B of title II of the Job Training Partnership Act shall be available for obligation for the period October 1, 1993 through June 30, 1994: Provided further, That appropriations in this paragraph are available to carry out the Women in Apprenticeship and Nontraditional Occupations Act (Public Law 102–530) for the period beginning October 1, 1993.]

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $320,190,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $90,310,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and payments as authorized by title II of Public Law 95–250, as amended, and of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended, $190,000,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year: *Provided*, That amounts received or recovered pursuant to section 208(e) of Public Law 95–250 shall be available for payments.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49–491–1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502–504); necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, and sections 225, 231–235 and 243–244, title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H), 212(a)(5)(A), (m) (2) and (3), (n)(1), and 218(g) (1), (2), and (3), and 258(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); necessary administrative expenses to carry out the Targeted Jobs Tax Credit Program under section 51 of the Internal Revenue Code of 1986, and section 221(a) of the Immigration Act of 1990, [$69,542,000] *$77,042,000* together with not to exceed [$3,327,707,000] *$3,338,389,000* (including not to exceed $2,098,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $1,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1994, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 1996; and of which [$67,486,000] *$74,986,000* together with not to exceed $807,870,000 of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1994, through June 30, 1995, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which $347,272,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1994 is projected by the Department of Labor to exceed [3.28] *3.427* million, an additional $27,000,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and section 104(d) of Public Law 102–164, and section 5 of Public Law 103–6, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1995, $2,556,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1994, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for Labor-Management Standards, $27,309,000.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, [$64,408,000] *$64,058,000*.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1994, for such Corporation: *Provided*, That not to exceed $34,194,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $237,176,000 together with $989,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act*: Provided, That, notwithstanding 31 U.S.C. 3302, or any provision of Public Law 102–170, Public Law 102–394, this Act, or any subsequent Appropriations Act, the Secretary of Labor is authorized to accept, retain and spend in the name of the Department of Labor all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992).*

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $279,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That such sums as are necessary may be used for a demonstration project under section 8104 of title 5, United States Code, in which the Secretary may reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements from Federal Government agencies unobligated on September 30, 1993, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1994: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., Chapter 81, or under Subchapter 33, U.S.C. 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, [$1,001,575,000] *$1,002,175,000*, of which $947,967,000, shall be available until September 30, 1995, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which [$28,929,000] *$29,529,000* shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $24,384,000 for transfer to Departmental Management, Salaries and Expenses, and $295,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to June 15 of the current year: *Provided further*, That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

Occupational Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, [$294,640,000] *$297,244,000*, including not to exceed $68,630,000, which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

Mine Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, [$193,858,000] *$195,002,000*, of which $5,740,000 shall be for the State Grants Program, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

Bureau of Labor Statistics

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, [$281,768,000] *$282,018,000*, together with not to exceed [$51,927,000] *$51,227,000*, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

Departmental Management

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of five sedans, and including up to $4,320,000 for the President's Committee on Employment of People With Disabilities, [$142,242,000] *$143,127,000*, together with not to exceed $332,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

[Hereafter, funds received for services rendered to any entity or person for use of Departmental facilities, including associated utilities and security services, shall be credited to and merged with this fund.]

For expenses necessary for the maintenance and operation of a comprehensive program of centralized services which the Secretary of Labor may prescribe and deem appropriate and advantageous to provide on a reimbursable basis under the provisions of the Economy Act (subject to prior notice to OMB) in the national office and field: Provided, That such fund shall be reimbursed in advance from funds available to agencies, bureaus, and offices for which such centralized services are performed at rates which will return in full cost of operations including services obtained through cooperative administrative services units under the Economy Act, including reserves for accrued annual leave, worker's compensation, depreciation of capitalized equipment, and amortization of ADP software and systems (either acquired or donated): Provided further, That funds received for services rendered to any entity or person for use of Departmental facilities, including associated utilities and security services, shall be credited to and merged with this fund.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $186,648,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 2001–10 and 2021–26.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $47,215,000, together with not to exceed $3,990,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISION

SEC. 101. The Secretary of Labor is authorized to accept, in the name of the Department of Labor, and employ or dispose of in furtherance of authorized activities of the Department of Labor, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

SEC. 102. Notwithstanding any other provision of law, funds provided to the Department of Labor under this Act shall be expended to support no fewer than an annual full-time equivalent level of 17,658 for fiscal year 1994.

SEC. 103. Section 8102 of title 5, United States Code ("the Act") is amended to redesignate subsection (b) of subsection (c) and to add the following new subsection (b):

"(b) An individual convicted of a violation of 18 U.S.C. 1920, or of any felony fraud related to the application for or receipt of benefits under subchapter I or III or chapter 81 of title 5, shall (in addition to any other penalties provided by this subchapter) as of the date of the conviction, forfeit all entitlement to any prospective benefits provided by subchapter I or III for any injury occurring on or before the date of the conviction.".

SEC. 104. None of the funds appropriated under this Act shall be expended by the Secretary of Labor to implement or administer either the final or proposed regulations referred to in section 303 of Public Law 102–27.

This title may be cited as the "Department of Labor Appropriations Act, 1994".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, [and XXVI] *XXVI, and XXVII* of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, Public Law 101–527, and the Native Hawaiian Health Care Act of 1988, as amended, [$2,833,588,000] *$2,954,341,000,* of which $415,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided*, That when the Department of Health and Human Services administers or operates an employee health program for any Federal department or agency, payment for the full estimated cost shall be made by way of reimbursement or in advance to this appropriation: *Provided further*, That of the funds made available under this heading, $942,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $9,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $375,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,946,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed [$2,500,000] *$3,000,000* shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, [$80,000,000] *$110,000,000,* to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, [and XIX] *XIX, and XXVII* of the Public Health Service Act, sections 101, 102, 103, 201, 202, and 203 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, [$1,910,182,000] *$2,088,781,000,* of which $16,648,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That training of private persons shall be made subject to reimbursement or advances to this appropriation for not in excess of the full cost of such training: *Provided further*, That funds appropriated under this heading shall be available for payment of the costs of medical care, related expenses, and burial expenses hereafter incurred by or on behalf of any person who had participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further*, That amounts received by the National Center for Health Statistics from reimbursements and interagency agreements and the sale of data tapes may be credited to this appropriation and shall remain available until expended: *Provided further*, That in addition to amounts provided herein, up to $28,873,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,082,267,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out sections 301 and 1105 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,277,880,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $169,520,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney diseases, $716,054,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $630,650,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,065,583,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $875,511,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $555,195,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $290,260,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311, and title IV of the Public Health Service Act with respect to environmental health sciences, $264,249,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $420,303,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis, and musculoskeletal and skin diseases, $223,280,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $162,823,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $51,018,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse, and alcoholism, $185,617,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $425,201,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $613,444,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, [$328,915,000] *$332,915,000*: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further, That $8,000,000 shall be for extramural facilities construction grants to be awarded on a competitive basis and in accordance with the criteria of section 481A(c)(2) of subpart 1 of part E of title IV.*

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, [$119,030,000] *$131,925,000.*

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, [$22,240,000] *$19,988,000.*

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, [$118,481,000] *$120,481,000.*

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, [$224,746,000] *$241,225,000*: *Provided*, That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: *Provided further, That of the funds made available under this heading, $15,000,000 shall be made available for the Director's Discretionary Fund, of which $12,000,000 shall be allocated to the relevant Institutes, Centers and Divisions to support the activities of the Decade of the Brain Program: Provided further*, That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to emergency activities the Director may so designate: *Provided further*, That no such appropriation shall be increased or decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer.

BUILDINGS AND FACILITIES

For construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, [$114,385,000] *$101,000,000*, to remain available until expended.

Substance Abuse and Mental Health Services Administration

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out the Public Health Service Act with respect to substance abuse and mental health services, section 612 of Public Law 100–77, as amended, and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, [$2,057,167,000] *$2,119,205,000*, of which $952,000, together with unobligated balances for facilities renovation, shall be available for maintenance and repair of Federally-owned facilities at Saint Elizabeths Hospital and shall remain available until expended: *Provided*, That no portion of amounts appropriated for the programs of the Department of Health and Human Services shall be available for obligation pursuant to section 571 of the Public Health Service Act, other than an amount of [$4,000,000] *$3,000,000* from amounts appropriated to carry out section 510 of that Act.

Assistant Secretary for Health

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

For the expenses necessary for the Office of the Assistant Secretary for Health and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, [$68,758,000] *$71,167,000*, and, in addition, amounts received by the Public Health Service from Freedom of Information Act fees, reimbursable and interagency agreements and the sale of data tapes shall be credited to this appropriation and shall remain available until expended.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

Agency for Health Care Policy and Research

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, [$129,051,000] *$139,305,000*, together with not to exceed $4,792,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 1142 of the Social Security Act and not to exceed $994,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; and, in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $13,204,000.

Health Care Financing Administration

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $64,477,413,000, to remain available until expended.

For making, after May 31, 1994, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1994 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1995, $26,600,000,000 to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $45,731,440,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, title XIII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, section 4360 of Public Law 101–508, and section 4005(e) of Public Law 100–203, not to exceed [$2,172,598,000] *$2,192,414,000*, together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended; the [$2,172,598,000] *$2,192,414,000* to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to this appropriation.

Social Security Administration

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $28,178,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $575,181,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1995, $190,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, [$20,181,775,000] *$20,172,775,000*, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after [July 31] *June 15* of the current fiscal year benefit payments to individuals under title XVI of the Social Security Act for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1995,

$6,770,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than [$4,874,285,000] *$4,876,085,000* may be expended, as authorized by section 201(g)(1) of the Social Security Act *or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 as such sections were in effect on January 1, 1993*, from any one or all of the trust funds referred to therein: *Provided, That no more than $542,398,000 shall be derived from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: Provided further, That reimbursement to the Trust Funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1996: Provided further, That not more than $1,800,000 is available for expenses necessary for the Commission on the Social Security "Notch" Issue, established by section 635 of Public Law 102–393 as amended.*

In addition to funding already available under this heading, and subject to the same terms and conditions, $320,000,000, of which $260,000,000 shall be derived from the Federal Disability Insurance Trust Fund, for disability caseload processing.

In addition to funding already available under this heading, and subject to the same terms and conditions, [$330,000,000] *$220,000,000*, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $11,915,966,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1995, $4,200,000,000 to remain available until expended.

PAYMENTS TO STATES FOR AFDC WORK PROGRAMS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,100,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,507,408,000 to be available for obligation in the period October 1, 1994 through June 30, 1995, of which $100,000,000 shall be available for reimbursing States for costs incurred during the period October 1, 1993 through September 30, 1994.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, an additional $600,000,000: Provided, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $400,000,000.

COMMUNITY SERVICES BLOCK GRANT

For making payments under the Community Services Block Grant Act, section 408 of Public Law 99–425, and the Stewart B. McKinney Homeless Assistance Act, [$447,643,000] *$465,649,000*.

PAYMENTS TO STATES FOR CHILD CARE ASSISTANCE

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981, $892,711,000, *which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year*.

SOCIAL SERVICES BLOCK GRANT

[For monthly payments to States for carrying out title XX of the Social Security Act, $2,800,000,000.]

For making grants to States pursuant to section 2002 of the Social Security Act, $2,800,000,000. For carrying out section 2007 of the Social Security Act, an additional $1,000,000,000, which shall remain available until expended.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the State Dependent Care Development Grants Act, the Head Start Act, the Child Development Associate Scholarship Assistance Act of 1985, the Child Abuse Prevention and Treatment Act, chapters 1 and 2 of subtitle B of title III of the Anti-Drug Abuse Act of 1988, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, the Comprehensive Child Development Act, the Abandoned Infants Assistance Act of 1988, chapter 2 of subtitle A of title IX of Public Law 101–501, subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act, and part B of title IV and section 1110 of the Social Security Act, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, section 204 of the Immigration Reform and Control Act of 1986, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, Public Law 100–77, *the Commission on Child and Family Welfare established under Public Law 102–521,* and section 126 and titles IV and V of Public Law 100–485, [$4,169,806,000] *$4,296,796,000*.

FAMILY SUPPORT AND PRESERVATION

For carrying out section 430 of the Social Security Act, $60,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $2,992,900,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 10404 of Public Law 101–239 (volunteer senior aides demonstration), [$841,875,000] *$881,863,000*.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, [$94,149,000] *$92,793,000*, together with $31,261,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$62,379,000] *$64,800,000*, together with not to exceed $36,617,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $18,308,000, together with not to exceed $3,874,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $12,000,000.

GENERAL PROVISIONS

SEC. 201. None of the funds made available by this Act for the National Institutes of Health, except for those appropriated to the "Office of the Director", may be used to provide forward funding or multiyear funding of research project grants except in those cases where the Director of the National Institutes of Health has determined that such funding is specifically required because of the scientific requirements of a particular research project grant.

SEC. 202. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 203. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 204. None of the funds appropriated in this title for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

[SEC. 205. Notwithstanding any other provision of this Act, amounts available in this Act for administrative costs for each agency of the Public Health Service funded in this Act shall not exceed the amount set forth therefor for each such agency in the budget estimates and accompanying justification of estimates submitted for the appropriations.]

SEC. 206. None of the funds appropriated under this Act may be used to implement the provisions of section 706(e) of the ADAMHA Reorganization Act, Public Law 102–321, or section 399L(b) of the Public Health Service Act or section [1911(d)] *1503* of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 207. For the purpose of carrying out subparts II and III part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.) for fiscal years 1993 and 1994, the Secretary of Health and Human Services shall obligate $7,532,065 from the amounts made available pursuant to section 1935(b) of such Act for fiscal year 1994, of which $673,706 shall be available to Arkansas, $40,702 shall be available to Georgia, $144,331 shall be available to Hawaii, $488,178 shall be available to Idaho, $223,109 shall be available to Indiana, $820,641 shall be available to Iowa, $729,745 shall be available to Kansas, $609,672 shall be available to Kentucky, $69,682 shall be available to Louisiana, $34,514 shall be available to Maine, $349,997 shall be available to Minnesota, $8,626 shall be available to the Red Lake Indian Tribe, $500,441 shall be available to Mississippi, $184,176 shall be available to Montana, $231,450 shall be available to Nebraska, $8,896 shall be available to North Carolina, $97,530 shall be available to North Dakota, $66,083 shall be available to Ohio, $578,520 shall be available to Oklahoma, $557,924 shall be available to Oregon, $167,753 shall be available to South Carolina, $319,674 shall be available to Tennessee, $196,426 shall be available to West Virginia, $195,834 shall be available to Wisconsin, and $234,455 shall be available to Wyoming.

SEC. 208. Not to exceed $190,400,000 may be obligated in fiscal year 1994 for contracts with Utilization and Quality Control Peer Review Organizations pursuant to part B of title XI of the Social Security Act.

SEC. 209. Notwithstanding any other provision of law, funds provided to the Department of Health and Human Services under this Act shall be expended to support no fewer than an annual full-time equivalent level of 103,062 for fiscal year 1994.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1994".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

(INCLUDING TRANSFER OF FUNDS)

[For carrying out education reform activities including activities authorized by the Carl D. Perkins Vocational and Applied Technology Education Act and section 4601 of the Elementary and Secondary Education Act of 1965, $133,750,000, of which $3,750,000, under section 402 of the Perkins Act, shall be used by the Secretary for activities, including peer review of applications, related to school-to-work transition, and not less than $30,000,000 shall be used under section 420A of the Perkins Act for State grants to initiate activities in States and localities related to school-to-work transition.]

For carrying out education reform activities authorized in law, including activities authorized by the Carl D. Perkins Vocational and Applied Technology Education Act, $166,000,000, of which $5,000,000, under section 402 of the Perkins Act, shall be used by the Secretary for activities, including peer review of applications, related to school-to-work transition, and not less than $45,000,000 shall be used under section 420A of the Perkins Act for State grants and subgrants to initiate activities in States and localities related to school-to-work transition: Provided, That $116,000,000 of the funds provided shall be for carrying out activities authorized by the Goals 2000: Educate America Act, or similar legislation, if enacted into law by April 1, 1994; and that if such legislation is not enacted by that date, this amount shall be used for any authorized activity, as determined by the Secretary of Education in consultation with the Congress: Provided further, That any funds appropriated in this account may be transferred as necessary to other Department of Education accounts.

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For carrying out the activities authorized by chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as amended, and by section 418A of the Higher Education Act, [$6,871,147,000] *$6,971,620,000*, of which [$6,844,682,000] *$6,943,175,000* shall become available on July 1, 1994 and shall remain available through September 30, 1995: *Provided*, That [$5,597,000,000] *$5,687,000,000* shall be available for basic grants under section 1005 [excluding subsection (a)(3),] $694,000,000 shall be available for concentration grants under section 1006, [$39,734,000] *$42,000,000* shall be available for capital expenses under section 1017, [$89,123,000] *$92,123,000* shall be available for the Even Start program under part B, [$302,773,000] *$306,000,000* shall be available for migrant education activities under subpart 1 of part D, $35,407,000 shall be available for delinquent and neglected education activities under subpart 3 of part D, $60,712,000 shall be for State administration under section 1404, $25,933,000 shall be for program improvement activities under section 1405, $13,100,000 shall be for evaluation and technical assistance under sections 1437 and 1463, and [$2,980,000] *$4,960,000* shall be for rural technical assistance under section 1459: *Provided further*, That no State shall receive less than $340,000 from the amounts made available under this appropriation for concentration grants under section 1006: *Provided further*, That no State shall receive less than $375,000 from the amounts made available under this appropriation for State administration grants under section 1404.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools as authorized by Public Laws 81–815 and 81–874, as amended, [$813,074,000] *$748,368,000*: *Provided*, That [$630,000,000] *$567,080,000* shall be for payments under section 3(a), $123,629,000 shall be for payments under section 3(b), $29,462,000, to remain available until expended, shall be for payments under section 3(d)(2)(B), $16,293,000 shall be for payments under section 2, [$1,786,000 shall be for payments under section 3(e),] and $11,904,000, to remain available until expended, shall be for construction and renovation of school facilities, including $4,563,000 for awards under section 10, $3,770,000 for awards under sections 14(a) and 14(b), and $3,571,000 for awards under sections 5 and 14(c): *Provided further*, That all payments under section 3 shall be based on the number of children who, during the prior fiscal year, were in average daily attendance at the schools of a local educational agency and for whom such agency provided free public education, except that (1) any local educational agency that did not exist in the prior fiscal year and that would be eligible under this proviso for payments under section 3 for the current fiscal year had it been an operating local educational agency in the prior fiscal year, shall be paid on the basis of the number of children who, during the current fiscal year, are in average daily attendance at the schools of such agency and for whom such agency provides free public education; and (2) any local educational agency with an increase of 5 percent or more from the prior fiscal year to the current fiscal year in the number of children described in section 3 of the Act, as a direct result of activities of the United States, and that submits a written request to the Secretary, shall be paid on the basis of the number of children who, during the current fiscal year, are in average daily attendance at the schools of such agency and for whom such agency provides free public education: *Provided further*, That notwithstanding the provisions of section 3(d)(3)(A), aggregate current expenditure and average daily attendance data for the third preceding fiscal year shall be used to compute local contribution rates: *Provided further*, That notwithstanding the provisions of section 3(d)(2)(B), 3(d)(3)(B)(ii), and 3(h)(2), eligibility and entitlement determinations for those sections shall be computed on the basis of data from the fiscal year preceding each fiscal year described in those respective sections as they were in effect for fiscal year 1991.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out the activities authorized by chapter 2 of title I and titles II, III, IV, V, without regard to sections 5112(a) and 5112(c)(2)(A), and VI of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; the Civil Rights Act of 1964; title V of the Higher Education Act; title IV of Public Law 100–297; and the Follow Through Act; [$1,339,178,000] *$1,393,893,000*, of which [$1,014,709,000] *$1,065,101,000* shall become available on July 1, 1994, and remain available through September 30, 1995: *Provided*, That of the amount appropriated, [$24,925,000] *$25,196,000* shall be for national programs under part B of chapter 2 of title I, and [$246,016,000] *$252,658,000* shall be for State grants for mathematics and science education under part A of title II of the Elementary and Secondary Education Act of 1965: *Provided further, That of the amount provided for the State and local programs under part B of title V of the Elementary and Secondary Education Act, up to $32,838,000 may be used for Department of Education activities authorized under the Safe Schools Act, or similar legislation, if such legislation is enacted by April 1, 1994; and any funds used for such activities shall be available from October 1, 1993 through September 30, 1994.*

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, title VII and part D of title IV of the Elementary and Secondary Education Act, [$242,789,000] *$232,251,000*, of which [$36,672,000] *$35,708,000* shall be for training activities under part C of title VII, and [$40,000,000] *$35,968,000*, which shall become available on July 1, 1994 and remain available until September 30, 1995, shall be for immigrant education activities authorized by part D of title IV.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act and title I, chapter 1, part D, subpart 2 of the Elementary and Secondary Education Act of 1965, [$3,039,442,000] *$3,134,734,000*, of which [$2,108,218,000] *$2,163,508,000* for section 611, [$325,773,000] *$343,751,000* for section 619, [$243,769,000] *$256,280,000* for section 686 and [$113,755,000] *$120,000,000* for title I, chapter 1, part D, subpart 2 shall become available for obligation on July 1, 1994, and shall remain available through September 30, 1995: *Provided*, That any State agency eligible to receive funds under such subpart shall, at a State's discretion, be deemed to be a local educational agency for the purposes of part B of the Individuals with Disabilities Education Act: *Provided further*, That no State shall receive more per child under such subpart than it received for fiscal year 1993: *Provided further*, That any funds for such subpart that are not allocated because of the preceding proviso shall be available for carrying out section 611 of the Individuals with Disabilities Education Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, [Public Law 100–407] *the Technology-Related Assistance for Individuals with Disabilities Act*, and the Helen Keller National Center Act, as amended, [$2,251,028,000] *$2,316,913,000*.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $6,463,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $41,836,000, of which $336,000 shall be for the endowment program as authorized under section 207 and shall be available until expended and $193,000 shall be for construction and shall be available until expended.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), [$77,435,000] *$79,435,000*, of which $1,000,000 shall be for the endowment program as authorized under section 207 and shall be available until expended *and $2,000,000 shall be for construction and shall be available until expended.*

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, and the Stewart B. McKinney Homeless Assistance Act, [$1,474,243,000] *$1,483,433,000*, of which $300,000 for the national assessment of vocational education shall become available October 1, 1993 and remain available until expended; $2,946,000 for tribally controlled postsecondary vocational institutions shall become available on October 1, 1993 and remain available until September 30, 1994; and the remainder shall become available on July 1, 1994 and shall remain available through September 30, 1995: *Provided*, That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Education Act, $436,000 of the amount available for Tech-Prep shall be for evaluation of the program and [$31,327,000] *$40,327,000* shall be for national programs under title IV, including $9,662,000 for research, of which $6,000,000 shall be for the National Center for Research on Vocational Education; [$16,705,000] *$25,705,000* for demonstrations, notwithstanding section 411(b), *including $5,000,000 for model community education and employment centers*; and $4,960,000 for data systems: *Provided further*, That of the amounts made available under the Adult Education Act, $3,928,000 shall be for national programs under section 383, and $4,909,000 shall be for the National Institute for Literacy under section 384.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, and parts C, E, *G*, and H of title IV of the Higher Education Act of 1965, as amended, [$8,120,366,000] *$8,004,293,000*, which shall remain available through September 30, 1995: *Provided*, That the maximum Pell Grant for which a student shall be eligible during award year 1994–1995 shall be [$2,250] *$2,300*: *Provided further*, That notwithstanding section 484(f) of such Act, the Secretary may, without limitation, require an institution of higher education to verify the accuracy of data used to determine student eligibility for assistance under title IV of that Act.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For the cost of Federal Family Education loans, including administrative costs other than Federal administrative costs, as authorized by title IV, part B, of the Higher Education Act, as amended, such sums as may be necessary to carry out the purposes of the program: *Provided*, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended. In addition, for Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $72,466,000.

[GUARANTEED STUDENT LOANS PROGRAM ACCOUNT

[(RESCISSION)

[The amounts provided under this heading in Public Law 102–394 for programs authorized by title XIV of the Higher Education Act are rescinded.]

FEDERAL DIRECT STUDENT LOAN PROGRAM ACCOUNT

For the cost of [the direct loan demonstration program authorized by section 451 of Public Law 102–325 (106 Stat. 569)] *direct loans authorized by title IV, part D, of the Higher Education Act, as amended*, such sums as may be necessary to carry out the purposes of the program, including such sums as may be derived from negative subsidy receipts: *Provided*, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I, III, IV, V, VI, VII, VIII, IX, part A and subpart 1 of part B of title X, XI, without regard to section 1151, and XII [and section 1410] of the Higher Education Act of 1965, as amended; the Mutual Educational and Cultural Exchange Act of 1961; and title VI of the Excellence in Mathematics, Science and Engineering Education Act of 1990; [$889,855,000] *$882,974,000*, of which $7,565,000 for endowment activities under section 331 of part C of title III and $18,029,000 for interest subsidies under title VII of the Higher Education Act, as amended, shall remain available until expended, and $397,000 shall be available for section 1204(c)*: Provided, That under subpart 6 of part A of title IV of the Higher Education Act, the District of Columbia and the Commonwealth of Puerto Rico shall receive funding allocations as if they were States and shall not be subject to the limitations on the non-State entities listed in section 419G(b).*

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $192,686,000, of which $3,441,000, to remain available until expended, shall be for a matching endowment grant to be administered in accordance with the Howard University Endowment Act (Public Law 98–480).

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, $730,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

To carry out the purposes of title VII, part B of the Higher Education Act, as amended, and subject to the limitations of section 724 of such part, the Secretary is authorized to enter into insurance agreements to provide financial insurance to guarantee for full payment of principal and interest on qualified bonds upon the conditions set forth in subsections (b), (c) and (d) of section 723 of such part: *Provided*, That bonds insured pursuant to such part shall not exceed [$178,500,000 *$357,000,000*, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $200,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out the activities authorized by section 405 and section 406 of the General Education Provisions Act, as amended *(or any successor authority)*; section 1562, [section 1566,] section 2012, subpart 2 of part A of title II, and parts B, E, and F of title IV of the Elementary and Secondary Education Act of 1965, as amended; part B of title III of Public Law 100–297; title IX of the Education for Economic Security Act; [section 6041 of Public Law 100–418;] title II of Public Law 102–62; and section 551 of the Higher Education Act, [$277,244,000: *Provided*, That $5,396,000 shall be for Grants for Schools and Teachers under subpart 1 and $3,687,000 shall be for Family School Partnerships under subpart 2 of part B of title III of Public Law 100–297; $14,582,000 shall be for national diffusion activities under section 1562; $879,000 shall be for Blue Ribbon Schools under section 1566; and $15,872,000 shall be for national programs under section 2012] *$301,398,000: Provided, That $31,000,000 shall be for research centers,* *including funds to extend the existing award for a research center on the education of disadvantaged students for up to one year; $38,032,000 shall be for regional laboratories, including $9,508,000 for rural initiatives; $40,000,000 shall be for activities under the Fund for Innovation in Education; $4,463,000 shall be for civic education activities under section 4609; $5,396,000 shall be for Grants for Schools and Teachers under subpart 1 and $3,687,000 shall be for Family School Partnerships under subpart 2 of part B of title III of Public Law 100-297; $14,582,000 shall be for national diffusion activities under section 1562; $16,072,000 shall be for national programs under section 2012, including $3,672,000 for the National Clearinghouse for Science and Mathematics under section 2012(d); and $15,000,000 shall be for regional consortia under subpart 2 of part A of title II; $9,607,000 shall be for Javits gifted and talented students education; $27,000,000 shall be for star schools, of which $4,500,000 shall be for a demonstration of a statewide, two-way interactive fiber optic telecommunications network, carrying voice, video, and data transmissions, and housing a point of presence in every county; $1,737,000 shall be for territorial teacher training; and $3,212,000 shall be for the National Writing Project.*

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, III, IV, and VI of the Library Services and Construction Act (20 U.S.C. ch. 16), and title II of the Higher Education Act, [$145,101,000] *$147,517,000, of which $19,000,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended, and $4,960,000 shall be for section 222 and $2,802,000 shall be for section 223 of the Higher Education Act, of which $2,500,000 shall be for demonstration of on-line and dial-in access to a statewide, multitype library bibliographic database through a statewide fiber optic network housing a point of presence in every county, connecting library services in every municipality.*

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, [$352,008,000] *$291,921,000*: *Provided*, That the Secretary may use funds appropriated to carry out any Department of Education programs under which awards are made on a competitive basis to reimburse this account for the direct expenses of non-Federal experts to review applications and proposals for such awards.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $56,570,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $28,840,000.

GENERAL PROVISIONS

SEC. 301. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 302. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 303. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 304. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 305. Notwithstanding any other provision of law, funds provided to the Department of Education under this Act shall be expended to support no fewer than an annual full-time equivalent level of 4,836 for fiscal year 1994.

This title may be cited as the "Department of Education Appropriations Act, 1994".

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

For expenses necessary for Action to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, [$201,526,000] *$203,287,000*: *Provided*, That $34,667,000 shall be available for title I, section 102, and $982,000 shall be available for title I, part C.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1996, [$292,640,000] *$320,000,000*: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $30,241,000.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $5,842,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $904,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, [$1,590,000] *$1,791,000*.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $171,274,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, [$8,506,000] *$8,807,000*.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For the expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $7,362,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $4,171,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

Prospective Payment Assessment Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $4,500,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $277,000,000, which shall include amounts becoming available in fiscal year 1994 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $277,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1995, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board, $73,791,000, to be derived from the railroad retirement accounts: *Provided*, That $200,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Provided further*, That notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 231-231u).

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $17,010,000 shall be apportioned for fiscal year 1994 from moneys credited to the railroad unemployment insurance administration fund.

SPECIAL MANAGEMENT IMPROVEMENT FUND

To effect management improvements, including the reduction of backlogs, accuracy of taxation accounting, and debt collection, $3,300,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That these funds shall supplement, not supplant, existing resources devoted to such operations and improvements.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,742,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

Soldiers' and Airmen's Home

OPERATION AND MAINTENANCE

For operation and maintenance of the United States Soldiers' and Airmen's Home, to be paid from funds available to the Soldiers' Home in the Armed Forces Retirement Home Trust Fund, $43,139,000: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction and renovation of the physical plant, to be paid from funds available to the Soldier's Home in the Armed Forces Retirement Home Trust Fund, $4,930,000, to remain available until expended.

United States Institute of Peace

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $10,912,000.

United States Naval Home

OPERATION AND MAINTENANCE

For operation and maintenance of the United States Naval Home, to be paid from funds available to the Naval Home in the Armed Forces Retirement Home Trust Fund, $10,775,000.

CAPITAL PROGRAM

For construction and renovation of the physical plant to be paid from funds available to the Naval Home in the Armed Forces Retirement Home Trust Fund, $473,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 502. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 503. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 504. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 505. The Secretaries of Labor and Education are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 506. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Surgeon General of the United States determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs, except that such funds may be used for such purposes in furtherance of demonstrations or studies authorized in the ADAMHA Reorganization Act (Public Law 102-321).

[COMPLIANCE WITH BUY AMERICAN ACT

[SEC. 507. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

[SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

[SEC. 508. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

[(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

[PROHIBITION OF CONTRACTS

[SEC. 509. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.]

SEC. 509. (a). Notwithstanding any other provision of law, monthly benefit payments under part B or part C of the Black Lung Benefits Act *for months after December 1993 and before October 1994 shall be calculated as though the provisions of Federal law prescribing pay rates for Federal employees continued in effect, without amendment to or limitation of such provisions, after January 1993.*

(b). Of the amounts provided under title XII of Public Law 102-368, Additional Assistance to Distressed Communities, under the heading "Community Investment Program", $225,000,000 are rescinded.

[SEC. 510. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.]

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994".

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, the Senate is now in consideration of the Labor, Health and Human Services, and Education appropriations bill for fiscal year 1994. I would say, before I even start my opening statement, that I hope Senators who are present here or perhaps in their offices watching this on their televisions understand we are now on the appropriations bill for Labor, Health, Education. It is open for amendment now, and I urge any Senators who have an amendment, please to come to the floor yet this evening and offer their amendments. We hope to dispose of amendments in order. We do not have anyone yet who has come up to say they want to offer an amendment, but we would like to have those amendments brought up this evening and move ahead expeditiously on the bill.

So I just wanted to let Senators know we are open for business and we would like to get this bill moving and we will take any amendments that Senators have to offer this evening.

This year's budget has been a special challenge for the subcommittee. In previous years, past Presidents have sent us budgets that fell within the budget resolution. We made changes. Maybe we did not all agree on the priorities.

This year, we have a new President whose priorities for the Departments of Labor, Health and Human Services, and Education we fully support. The major problem, however, was that the President's budget just did not add up.

That left us with three options: Reduce the President's investment programs, come up with a larger allocation, or reduce noninvestment programs.

In a spirit of compromise, we combined the first two options. In that regard we would like to thank Chairman BYRD, who gave us a discretionary allocation of $67.033 billion, $4.5 billion over last year's level, and the Departments of Labor, Health and Human Services, and Education, which presented us with a significantly reduced investment list after our subcommittee hearings in May.

This enabled us to preserve 42 percent of the President's investment initiatives. If I am not mistaken, I believe this subcommittee funded a greater portion of the President's investment initiatives than any other subcommittee.

We have also tried to accommodate the nearly 800 separate requests from the Members of the Senate, but many of these requests are only partly funded. I am sure Senators understand with the tight budget constraints that that has to be so.

To the best of our ability, the bill reflects the priorities of all the Members of the Senate, the authorizing committees, and the President of the United States.

The recommendations before the Members represent the full allocation under section 602(b). The Members should know, therefore, that any amendment to this bill will need an appropriate offset in order to avoid a Budget Committee point of order.

Mr. President, the bill now before us totals $260.9 billion. Of that total, $67.033 billion is for discretionary budget authority under control of this subcommittee. The remaining $193.9 billion is for mandatory programs funded by this subcommittee.

Discretionary spending in this bill is 7.2 percent higher than the fiscal 1993 level, while mandatory funding increases 5.1 percent.

The administration sent to Congress a proposed budget that was more than $5.4 billion over the discretionary ceiling for fiscal 1994.

The President also requested $72.5 billion for the programs within the jurisdiction of our subcommittee—a $10 billion increase over this subcommittee's allocation. Included in that figure was $9 billion for the President's initiatives, such as Head Start, assistance for dislocated workers, Goals 2000, and other worthy programs.

Within those constraints, and with the aforementioned assistance of Chairman BYRD and the Cabinet agencies, the committee has done a good job of balancing the interests of individual Senators and the President's investment initiatives.

In summary, Mr. President, in an attempt to meet the administration's request for its investment programs, our allocation was increased over last year.

I want to remind my colleagues, however, that in spite of that increase, the allocation for this subcommittee is $5.6 billion less than the President's request for programs under this subcommittee's jurisdiction.

Thus, the recommendations now before the Members include increases over fiscal 1993—but less than the President's request—for each of our major departments.

This committee also gave a high priority to implementing several major initiatives from Vice President GORE's National Performance Review. We have included initiatives to combat fraud, eliminate redundant programs, reduce paperwork, and trim administrative costs.

Specifically: The committee recommends prohibiting the payment of Federal workers' compensation benefits to individuals convicted of fraud. According to the National Performance Review, agencies have difficulty terminating such benefits under current law, even after discovering fraudulent claims.

The committee has directed the Health Care Financing Administration to support pilot projects on a uniform, nationwide system for electronic billings, claims, and other data.

The committee has encouraged the Health Care Financing Administration to fund pilot projects for combating waste, fraud, and abuse in durable medical equipment, and for improving safeguards for Medicare claims payments through using private agencies. This includes making payments on a contingency basis, as suggested by the NPR.

In the Education Department, the committee has made a special effort to end fragmented and redundant programs. To that end, this bill recommends the elimination of 13 programs in the Department, saving $46 million.

The committee recommends holding the line on administrative costs by reducing staffing levels for each Department. From 1993 to 1994, the Department of Labor's full-time equivalent positions drop from 18,110 to 17,698; HHS from 105,332 to 103,062; and Education from 4,960 to 4,836. This is just a first step toward fulfilling the NPR's promise of eliminating 252,000 Federal positions altogether within the next 4 years.

Let me briefly highlight some of the other initiatives in this bill:

The committee recommends $1.1 billion for dislocated workers assistance, and $1 billion for the Job Corps.

We recommended $100 million for the joint Department of Labor and Department Education school-to-work transition initiative.

For immunization, the bill provides a $213 million increase over the 1993 level. We also include a 600 million increase for the Head Start Program, equal to the increase this subcommittee provided last year for this important program.

For the Low Income Home Energy Assistance Program, the bill provides $1.5 billion for program year 1994. This is $32 million over the request. The House deferred consideration of this matter.

This bill includes an increase of $631 million, or 6.1 percent, for the National Institutes of Health, reflecting this committee's strong belief that the NIH is a vital investment program for our Nation.

The committee has provided more than $200 million for rural health programs, such as the National Health Service Corps, health outreach, research and hospital transition grants, as well as essential access community hospitals. In addition, $669 million is provided for community and migrant health care centers.

The committee has provided $248 million for the administration's education reform initiatives, including Goals 2000 and Safe Schools. For Chapter I, the committee recommends a $90 million increase over the House level.

In a moment I will yield for any opening statement that Senator SPECTER, our ranking member, may want to make.

Madam President, our bill contains many other highlights, but in the interest of time, I will not take the time of the Senate to discuss them. We are trying to complete this bill so we can complete conference and get this bill to the President's desk before the end of the next fiscal year on September 30, next week.

I believe that is possible if Senators will come over and offer their amendments and not drag it out. I might also add that we hope to have a fairly speedy conference. Last year, our conference lasted less than 5 hours. We hope to have a similar conference this year so that we can get the bill to the President before the end of next week.

Madam President, I now want to yield to my ranking member, Senator SPECTER, for any comments he may wish to make. I am deeply indebted, once again, this year to Senator SPECTER and to his staff for his excellent advice and assistance throughout this process. Senator SPECTER's counsel is reflected throughout this bill and report. I am most grateful for all of his help in bringing this bill to the floor.

I might just add parenthetically, I deeply appreciate his help and support because I know my good friend had some very severe medical problems during the course of the debate and the development of this bill. Yet, he was there, and he was there with his staff, and working very hard on this. I want him to know how much I appreciate that. It took a great deal of effort on his part to do that. I think it is indicative of his commitment to not only getting this bill through, but his commitment to making sure that we have a good bill and one that can be supported by both sides of the aisle.

So, again, I want to thank Senator SPECTER and his staff for all of their help. Following Senator SPECTER's comments, Madam President, I will make the routine motion regarding adoption of committee amendments.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, at the outset I thank my distinguished colleague from Iowa for his very generous comments and state the fine leadership which Senator HARKIN has brought to the very complex issues which we face on this subcommittee. When you take the subject matters of labor, health, human services and education, you have an enormous amount of very critical aspects of Federal funding. The bill contains almost $261 billion and of that, $67 billion is present in discretionary spending.

When Senator HARKIN comments about my own medical situation, I am very thankful for the kind of research and advance technology which is present in the U.S. health care system. The fact that I had an MRI examination which disclosed a life-threatening problem which was resolved has made me even more appreciative of research.

As we have looked at the budget of the National Institutes of Health in the 12 years I have been on the subcommittee, notwithstanding budget cuts which have been present in many, many items, we have maintained the NIH funding. So that this year there is a $10.9 billion allocation for NIH, and that is an increase of over $630.7 million from the prior year's appropriation. That is more than 6 percent, substantially more than the inflation rate. At NIH, and as I travel through my State and around the country, there is acknowledgment by the researchers that this is just what the doctor ordered.

We have had an escalation in medical costs, and although I had been familiar for some time with the MRI, it was only when it was a very personal matter to me that I noticed that the MRI has only been with us since 1984 as a relatively new item. So that as we make allocations of these figures, Senator HARKIN and I have exerted our maximum efforts. We do not have enough money to handle all the problems, but we think we have presented a balanced bill which has taken account of really the significant priorities.

One of the items of enormous importance is the incidence of cancer—breast cancer and prostate cancer—a killer of about 11 to 14 percent of the women and men in America. We have made major increases in funding on both of those lines.

Overall, families have done well in this bill: Women, infants, and children, as we have made allocations to take into account the most serious medical problems; in child immunizations; in AIDS services; in educational matters with an additional funding of $600 million for Head Start; with allocations of additional funding for family violence—so that there has been very close attention paid to those important items.

With respect to the work force and job opportunities and educational work leading to jobs, we have, again, been very concerned about the allocations with dislocated workers and have an increase of almost $500 million, and increased funding for the Job Corps and School To Work, mine health and safety; black lung, where we have exempted black lung beneficiaries from any freeze on Federal employee cost-of-living adjustments, an area which is very important in my State and very important nationally.

The issue of competitiveness have been taken into account in this bill with increased funding where we are trying to look to the future to see to it that American industry is able to compete in the world market.

One other item of tremendous importance has been the low-income home energy assistance which is a very important item in my State. And I have been contacted by many of my constituents. Our bill recommends an advance appropriation of $1.5 billion for the 1994–95 winter, and the bill would permit States to borrow up to $100 million from the advance to cover program costs for the 1993–94 winter.

We know that for many people with limited budgets it is a matter of heat or eat, and we have tried to accommodate on this very pressing problem.

There are many other matters of major importance, Madam President, such as low-birthweight baby initiative where we have had increased funding and have called on the Secretaries of Health and Human Services and Education to meet with the Chairman and I in order to try to alleviate the human tragedy where infants are brought into this world about as big as my hand weighing 16, 18, 29 ounces, with the financial tragedy of billions of dollars.

There is obviously a tremendous amount in this bill, but the hour is late, and I recognize, as did my colleague, the importance of at least some succinctness of the presentation of these opening statements.

Madam President, I join the distinguished Senator from Iowa, the chairman of the subcommittee, in supporting the Labor-HHS and Education bill that is before the Senate today. Again this year, as in past years, it has been extremely difficult for this subcommittee, because our allocation was insufficient to adequately meet the health, education and employment training needs of this country. I want to take this opportunity to commend the distinguished Senator from Iowa for his leadership in putting together such a comprehensive bill despite enormous budget pressures.

The bill before us today totals more than $260.9 billion, including $67 billion in discretionary spending. The programs contained in this bill address the range of human needs—from public health improvement and disease prevention to early childhood education and college student aid. Funds are also included for programs to help train and retrain America's work force. Collectively, the programs in this bill represent an investment in the people and the institutions that help shape our national character and help us remain competitive with our world partners.

BIOMEDICAL RESEARCH

The bill before us contains $10.9 billion for the National Institutes of Health, an increase of over $630.7 million above the fiscal year 1993 appropriation. The amounts recommended in this bill will enable NIH to carry on high priority research into the causes and cures of diseases that continue to plague this country. The increase provided will enable scientists to pursue the most promising avenues of research into such dreaded diseases as diabetes, heart and circulatory disorders, Alzheimer's, cancer, Parkinson's, and other neurological illnesses. Within the amount for NIH, $613.4 million is recommended to support research on mental illnesses. This is an increase of $30.3 million over the fiscal year 1993 level.

I would like to focus attention on two areas of particular concern to me.

BREAST CANCER

Breast cancer is the second leading cause of cancer deaths among women, surpassed only by lung cancer. In the United States, 181,000 new cases of breast cancer were diagnosed in 1992—10,700 of these cases in Pennsylvania. In that same year, breast cancer claimed 46,300 lives, including the lives of 2,800 Pennsylvanians. The incidence of breast cancer has increased approximately 1 percent per year since the early 1970's. The bill before us today provides for an expanded breast cancer research program in fiscal year 1994, with an increase of over $8.6 million above last year's funding level. The amount recommended includes a total of $80 million for grants to States to development comprehensive screening and education programs.

Breast cancer, if caught in the early stages, has a 5-year survival rate of 91 percent. However, if the cancer has spread beyond the breast, the 5-year survival rate is reduced to 69 percent. These figures prove that early detection and screening can dramatically reduce the incidence of death from breast cancer.

Studies also have determined that since mammography services are available in most communities, limited supply is not the reason why more women have not had mammographies. One study suggested that 45 percent of the women surveyed said they had not received a mammogram because they were not told to do so by their physicians.

The same survey concluded that 40 percent of women were not screened because they felt there was no need since they had no family history of breast cancer. The fact is that 80 percent of women diagnosed with breast cancer had no family history of the disease.

The number of women who have ever had a mammogram increased to 74 percent in 1992, from 64 percent in 1990. However, the increase is not spread evenly across all groups of women. The major increase occurred among white women with incomes of over $25,000 per year. Efforts of the American Cancer Society, women's health groups, and even equipment manufacturers, to educate consumers and of professional groups to educate physicians, are probably responsible for much of the screening increase. But much more needs to be done. The increase provided in this bill will help educate and screen women at the lower end of the income scale.

LOW BIRTH WEIGHT INITIATIVE

Each year, about 7 percent, or 287,000, of the 4,100,000 babies born in the United States are of low birth weight and therefore, at far greater risk of death or disability. Although the infant mortality rate in the United States fell to an all-time low in 1989, an increasing percentage of babies are still born of low birth weight.

It is a human tragedy for a child to be born weighing 16 ounces with attendant problems which last a lifetime. I first saw a 1-pound baby in 1984, and I was astounded to learn that Pittsburgh, PA, at that time, had the highest infant mortality rate of African-American babies of any city in the United States. I wondered, how this could be—especially in a city that is known throughout the world for its medical institutions. It was an amazing thing for me to see a 1-pound baby—about as big as my hand.

It is tough enough coming into this world if you weigh 8 pounds 10 ounces, as I was reported to have weighed when I was born. If you weigh 16 or 20 ounces, it is a tragedy.

Beyond the human tragedy of low birth weight there are the financial consequences. In 1990, the hospital-related costs for caring for low birth weight newborns totaled more than $2 billion, or an average of $21,000 per infant. And in infants of extremely low birth weight, hospital costs often exceed $150,000.

It is generally recognized that prenatal care that begins in the first weeks of pregnancy and is appropriate to the mother's level of health risk can effectively prevent low birth weight births and improve birth outcomes. To address this issue, the bill recommends $1.7 billion, an increase of $125.5 million over the 1993 level, for programs which support education, counseling, and prenatal services for pregnant women and women of child-bearing age who are at risk for poor birth outcomes.

ALZHEIMER'S RESEARCH

This bill also addresses one of the most devastating health problems confronting this country—Alzheimer's disease. We have invested approximately $305 million to support the most promising avenues of research on a disease that has already stricken over 4 million Americans, and threatens millions more in the years ahead.

AIDS

This bill contains $2.4 billion for research, education, prevention, and services to battle the scourge of AIDS. This amount represents an increase of $493.5 million over last year's funding level. Included in this amount is $328 million to provide grants to metropolitan areas hardest hit by this disease. This increase will bring the total number of cities receiving grants to a total of 34, 9 more than were able to be funded last year.

I am also pleased to report that the pediatric AIDS demonstration program under title IV of the Ryan White Act has been funded at $22 million. This money helps coordinate services for women, infants, and children who are infected with HIV or who are at risk of developing the disease. I want to alert my colleagues to the fact that in December 1992, a 52-percent increase in pediatric AIDS cases had been reported. The increase in the adult population has grown 15 percent. Because of their unique vulnerability, infants suffering from AIDS require specially tailored approaches for treatment, prevention, and care. The funds provided will continue the existing pediatric and adolescent AIDS demonstration projects.

FAMILY VIOLENCE

It is estimated that three to four million American women are battered each year; battering is the single largest cause of injury to women. Medical costs associated with family violence total approximately $3.5 billion annually. To prevent the incidence of family violence and provide immediate shelter to victims and their families, the bill includes $28.7 million, an increase of $3.8 million over last year's appropriation. In addition, $10 million has been provided to the Centers for Disease Control and Prevention to implement a national program to prevent violence against women.

EDUCATION

The future promise of a nation is dependent on the opportunities and capabilities of its youth. Because of very severe budget constraints, this bill does not contain all of funds necessary to strengthen our educational system. But we are moving in the right direction. The bill provides $28.7 billion for education programs. The amount recommended provides $7.9 billion for student financial aid, including $6.3 billion for Pell grants which will continue the maximum Pell grant at $2,300. The bill also restores the $195 million cut that the President proposed in funding for the campus-based aid programs.

For education for disadvantaged children, the bill includes $6.9 billion, an increase of $262.6 million over the fiscal year 1993 level. Capital expenses for private schools has increased to $42 million and the Even Start Program, funded at $89.1 million has increased to $92.1 million.

Temple University is currently developing two programs to identify new and innovative methods of effectively educating at-risk children and preparing teachers to better deal with drugs, alcohol, and family unemployment problems. The bill includes $1.5 million for demonstration programs modeled after projects currently underway at Temple University.

The bill also restores $32.7 million in funding for library programs that the administration proposed to decrease or eliminate, bringing the total amount available to $147.5 million, an increase of $1.4 million above the fiscal year 1993 appropriation.

COMPETITIVENESS INITIATIVE

America's hopes for economic growth and a continued leadership role in the global market all require that we afford every young American the opportunity to pursue an education. An education that will provide these young people with the foreign language, math and science and technological skills needed to continue this Nation's competitive edge. This bill contains $618.3 million, an increase of $57.1 million over the fiscal year 1993 level for programs in this area.

JOB TRAINING

In this Nation, many once-familiar occupations have declined or disappeared and wholly new industries emerge—often in a matter of months. These new industries call for a new set of skills, skills that are both broader and deeper than are currently being taught in our schools. To help address this need, the bill includes $4.9 billion for job training for adults and youth, including $853.7 million for summer youth employment and $1.1 billion for the retraining of dislocated workers.

LIHEAP

The Low Income Home Energy Assistance Program is of vital importance to the people of the Commonwealth of Pennsylvania. Funding for this program supports grants to States to deliver critical assistance to low income households to help meet the growing costs of heating and cooling their homes. This bill contains $1.5 billion, an increase of $70 million above the fiscal year 1993 funding leval. To stress the importance of continued funding for this program, I would like to inform the Senate that 71,000 families in Philadelphia, with incomes of $5,000 a year or less, spend 40 percent of their incomes on energy costs. And for Pennsylvania households earning $7,500 a year, energy costs account for 27 percent of income.

PATIENT'S RIGHTS

There are many ways that this country can achieve savings in terminal health care costs. It is well known that a large part of expenditures are made in the last few years, or few weeks of a person's life, and there is no systematic way of giving an individual the option of what that person wants by way of life supports, when it is obviously a terminal situation to be handled by a living will. But if someone moves from Kansas to Pennsylvania, as I did, the laws are likely to be different, and while there is a Federal law to inform people of these choices there is no clear standard for patients and providers to follow.

Again, no one should make a decision for anyone else about that judgment, but there ought to be a mechanism of informing people so they have informed consent, and let them move ahead.

To begin to address this problem, the bill includes $1 million to support demonstration projects in at least four States to implement education and counseling programs for patients and providers to improve their understanding of patients' rights under existing law to decline medical treatment and/or issue advance directives.

DIAGNOSTIC RADIOLOGY

Health experts agree that early detection of disease is the most effective approach to a positive treatment and cure. It is also the most successful method of controlling costs associated with disease.

With the commercial introduction of the MRI in 1984, the number of MRI procedures performed has doubled since that time with 6.5 million procedures being performed in the United States in 1991. However, many primary care providers have been slow to adopt the use of MRI's and instead continue to order tests that are outmoded and are proven to be less accurate.

The committee report, at my request, contains language which would direct the Agency for Health Care Policy Research to work with the American College of Radiology to develop diagnostic patient care guidelines for use by all physicians. These guidelines would identify which procedures are most beneficial as well as cost effective and would help in the development of national standards and diagnostic patient care guidelines for radiology services.

In closing, Madam President, I again want to thank Senator HARKIN and his staff and the other Senators on the subcommittee for their cooperation in a very tough budget year.

Mr. HARKIN. Madam President, I ask unanimous consent that the committee amendments on page 18, lines 21 through 24, page 44, lines 12 through 16, and on page 62, lines 20 through 23 be tabled en bloc.

Madam President, these amendments delete the employment floors for the Departments of Labor, Health and Human Services, and Education.

Mr. SPECTER. Madam President, that is entirely acceptable to this side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Committee amendments on page 18, lines 21 through 24; page 44, lines 12 through 16, and page 62, lines 20 through 23 were tabled en bloc.

Mr. HARKIN. Madam President, I have just taken action to delete the employment floors for the Departments of Labor, Health and Human Services, and Education from the bill.

Prior to reporting the Labor-HHS bill, three other bills had been reported out of the Senate Appropriations Committee. Each of those bills included employment floors. Given the stated objective of the National Performance Review to reduce Federal employment by 250,000 jobs over the next 5 years, exempting certain agencies from employment floors makes no sense. Because of the employment floors in the other three bills, every other Federal department and agency would be forced to absorb the personnel cuts of the selected few that were exempted. This is not good government, and it makes no sense. If we are going to reduce Federal employment by 250,000 jobs, then all agencies should be on a level playing field allowing the administration to exercise judgment on where those staffing cuts should be made.

This bill already includes staffing cuts made in response to the administration's budget request. However, to force agencies such as the Social Security Administration, the Mine Safety and Health Administration, Inspectors General, and the Public Health Service to absorb additional staffing cuts because other agencies are exempted, would impact on the ability of those agencies to provide services and to protect the health and safety of the public was unacceptable. Hence, I included employment floors in the Labor-HHS bill.

It is my understanding from Chairman BYRD that all employment floors have been or will be dropped from the other bills. With that understanding, I urge the adoption of this amendment.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 9, LINE 23

Mr. HARKIN. Madam President, might I inquire now, what is the pending amendment?

The PRESIDING OFFICER. The pending business is the first excepted committee amendment on page 9, line 23.

Mr. HARKIN. Through page 10, line 7?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Madam President, that is the first excepted committee amendment. This is an excepted amendment that deals with the wage and hour provisions in the Department of Labor. I am not familiar with who wanted it excepted, but I would hope that whoever may have an amendment to this would come over and offer the amendment. Other than that, Madam President, I do not see that we have anything else to do here, and I yield the floor.

MORNING BUSINESS

Mr. METZENBAUM. Madam President, I ask unanimous consent that the Senate now go into morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The remarks of Mr. METZENBAUM pertaining to the introduction of S. 1489 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 464 An act to redesignate the Pulaski Post Office located at 111 West College Street in Pulaski, Tennessee, as the "Ross Bass Post Office."

S. 779. An act to continue the authorization of appropriations for the East Court of the National museum of Natural History, and for other purposes.

H. R. 1513. An act to designate the United States courthouse located at 10th and Main Streets in Richmond, Virginia, as the "Lewis F. Powell, Jr. United States Courthouse."

H.R. 2431. An act to designate the Federal building in Jacksonville, Florida, as the "Charles E. Bennett Federal Building."

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 7:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 20. An act to amend title V, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

H.R. 3019. An act to amend title V, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, and for other purposes.

H.R. 3049. An act to extend the current interim exemption under the Marine Mammal Protection Act for commercial fisheries until April 1, 1994.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1552. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to executive order, notice of projections of the direct spending targets for fiscal years 1994 through 1997; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on the Governmental Affairs.

EC-1553. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report relative to the Civilian Health and Medical Program of the Uniformed Services; to the Committee on Armed Services.

EC-1554. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to extend the authority of the Secretary of Defense to waive reimbursement for certain costs incurred in the NATO Airborne Warning and Control System program; to the Committee on Armed Services.

EC-1555. A communication from the Secretary of Energy, transmitting, pursuant to law, a report of an independent assessment and summary of an environmental restoration program during calendar years 1992 and 1993; to the Committee on Armed Services.

EC-1556. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, notice of a determination relative to the Massachusetts Housing Finance Agency; to the Committee on Banking, Housing and Urban Affairs.

EC-1557. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report relative to savings associations; to the Committee on Banking, Housing and Urban Affairs.

EC-1558. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on the profitability of the credit card operations of depository institutions; to the Committee on Banking, Housing and Urban Affairs.

EC-1559. A communication from the Secretary of Energy, transmitting, pursuant to law, the quarterly report for the Strategic Petroleum Reserve for the quarter ending in June 1993; to the Committee on Energy and Natural Resources.

EC-1560. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a first-of-a-kind engineering program for commercialization of advanced light water reactor technology; to the Committee on Energy and Natural Resources.

EC-1561. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Social Security Administration for fiscal year 1992; to the Committee on Finance.

EC-1562. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements; to the Committee on Foreign Relations.

EC-1563. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the 1993 Federal Financial Management Status Report and 5-Year Plan; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1994" (Rept. No. 103-146).

By Mr. JOHNSTON, from the Committee on Appropriations, with amendments:

H.R. 2445. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103-147).

By Mr. SASSER, from the Committee on Appropriations, with amendments:

H.R. 2446. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103-148).

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 668. A bill to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the Act, and for other purposes (Rept. No. 103-149).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PELL (for himself and Mr. HELMS):

S. 1487. A bill entitled "Middle East Peace Facilitation Act of 1993"; to the Committee on Foreign Relations.

By Mr. BIDEN:

S. 1488. A bill to control and prevent crime; placed on the calendar.

By Mr. METZENBAUM (for himself, Mr. CONRAD, Mr. DORGAN, Mr. FEINGOLD, Mr. HARKIN, Mrs. BOXER, Ms. MOSELEY-BRAUN, and Mr. DASCHLE):

S. 1489. A bill to redesignate the J. Edgar Hoover Federal Bureau of Investigation Building located at Ninth and Pennsylvania Avenue, NW Washington, D.C., as the Federal Bureau of Investigation Building; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. LEAHY, and Mr. CRAIG):

S. 1490. A bill to amend Public Law 100-518 and the United States Grain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes; placed on the calendar.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. COCHRAN, Mr. KENNEDY, Mr. JEFFORDS, Mr. LEVIN, Mr. DECONCINI, Mr. PRYOR, Mr. CHAFEE, Mr. DORGAN, Mr. HEFLIN, Mr. PELL, Mr. SARBANES, Mr. DOLE, Mr. STEVENS, Mr. BAUCUS, Mr. AKAKA, Mr. SIMON, and Mr. DASCHLE):

S.J. Res. 137. A joint resolution designating October 16, 1993, and October 16, 1994, each as "World Food Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WELLSTONE (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 146. A resolution to authorize testimony, production of documents, and representation; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PELL (for himself and Mr. HELMS):

S. 1487. A bill entitled "Middle East Peace Facilitation Act of 1993"; to the Committee on Foreign Relations.

MIDDLE EAST PEACE FACILITATION ACT OF 1993

Mr. PELL. Mr. President, today, along with the distinguished Senator from North Carolina, Senator HELMS, I am introducing a bill on behalf of the Senate Committee on Foreign Relations to promote the Middle East peace process.

The historic peace accord between Israel and the Palestine Liberation Organization was signed just 10 days ago. I am certain that every Senator realizes the importance of moving quickly to facilitate its implementation.

Those of us who attended the signing ceremony on the White House lawn last week watched the Secretary of State sign the accord on behalf of the United States. That stroke of a pen put the full faith and commitment of the United States behind the agreement.

If the United States is to stand by its commitment, however, the Congress must give the President a modicum of flexibility to put the agreement into practice. The amendment that Senator HELMS and I offer today will do just that.

The bill provides the President temporary authority to waive, on a case-by-case basis, certain legislative restrictions against the PLO.

I know that many Senators have reservations about the ability of the PLO to live up to the promises it has made. Accordingly, the amendment lays out the strict condition that the PLO must abide by its commitments to Israel and to the United States before the President may waive any provision of law.

Mr. President, this is a defining moment in the history of the Middle East. The Senate must take this small step to ensure that the United States is able to do its part for peace.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(a) The Palestine Liberation Organization has recognized the State of Israel's right to exist in peace and security; accepted United Nations Security Council resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators;

(b) Israel has recognized the Palestine Liberation Organization as the representative of the Palestinian people;

(c) Israel and the Palestine Liberation Organization signed a Declaration of Principles on Interim Self-Government Arrangements on September 13, 1993 at the White House;

(d) The United States has resumed a bilateral dialogue with the Palestine Liberation Organization;

(e) In order to implement the Declaration of Principles on Interim Self-Government Arrangements and facilitate the Middle East peace process, the President requires flexibility to waive certain provisions of law pertaining to the Palestine Liberation Organization.

SEC. 2. WAIVER AUTHORITY.

(a) Until January 1, 1994, the President shall have the authority to waive any provision of law enumerated in paragraph (b) of this section, provided that before exercising this authority, the President shall consult with the relevant Committees of the Senate and House of Representatives, and further provided that the President determines, and so certifies to the Chairmen and Ranking Members of the relevant Committees of the Senate and House of Representatives—

(i) that it is in the national interest of the United States, and,

(ii) that the Palestine Liberation Organization continues to abide by all commitments in its letter of September 9, 1993, to the Prime Minister of Israel, in its letter of September 9, 1993, to the Foreign Minister of Norway, and in, and resulting from the implementation of, the Declaration of Principles signed on September 13, 1993;

(b) The following provisions of the following acts shall be waived in accordance with the procedure in paragraph (a) of this section:

(i) Section 307 of the Foreign Assistance Act, as amended, with respect to the Palestine Liberation Organization (P.L.O.), programs for the P.L.O., and programs for the benefit of entities associated with it;

(ii) Section 1003 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (P.L. 100-204);

(iii) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (P.L. 98-164) with respect to the Palestine Liberation Organization (P.L.O.), programs for the P.L.O., and programs for the benefit of entities associated with it; and

(iv) Section 37, Bretton Woods Agreement Act (P.L. 79-171).

Mr. HELMS. Mr. President, 2 days ago, a group of us sat down with the administration to discuss changes needed in PLO-related legislation. I expressed the genuine hope that Senators will deal in real terms with what has happened between the Israeli and Palestinians and not make the mistake of assuming that things have happened which in fact have not happened.

I reiterate: Some see a historic finality about what happened at the White House last week, but there's nothing final about the signatures and the promises. I suggested to the administration that they cool it in terms of their zeal to go overboard in their willingness to change laws and a lot of other things to embrace the PLO.

Well, they haven't cooled it, so Senator PELL and I are turning down the air conditioners. We're agreeing, albeit reluctantly on my part, to give the administration some flexibility in giving money to groups associated with the PLO, and we've agreed to let the PLO open an office here. But we're giving the administration that flexibility only until January 1, 1994.

In the meantime, Mr. President, the Senate will have time to reflect on just how passionate a love affair the State Department wants to have with a bunch of people who have made a career of brutal terrorism.

The chairman of the Foreign Relations Committee and I have agreed that these issues will be addressed in final form on the State Department authorization bill. At that time, I hope all Senators with strong feelings about this issue will speak up.

George Washington couldn't tell a lie. I myself also like to practice candor, and I'm obliged to acknowledge that I believe the State Department is moving too fast. I am worried that the United States will not have sufficient oversight over the money we are rushing to pledge to the Palestinians. I fear the PLO may turn a Washington office into a mini-embassy.

There's no one who wants peace more than I do, so I want to be accommodating in this matter. I believe we all will be watching how the PLO treats the new privileges we have granted. But in all candor, I'm as nervous about this as a cat in a room full of rocking chairs. But it is a risk that I have decided should be taken—in the name of peace.

By Mr. BIDEN:

S. 1488. A bill to control and prevent crime; placed on the calendar.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. BIDEN. Mr. President, I rise to introduce the Violent Crime Control

Law Enforcement Act of 1993, a comprehensive, tough, and effective crime fighting measure that deserves, in my view, the support of the entire Senate and the Congress.

It has the support of the President of the United States and the Attorney General. It has the support of the majority of police organizations in America and the majority of prosecutors in the United States of America.

I hope the introduction of this bill will mark the end of the easy rhetoric about who sounds tougher on crime, and begin the hard process of enacting a piece of anticrime legislation that would truly benefit the American people.

If there was any subject that was the epitome of gridlock in the previous two years, it was anticrime legislation.

For too long, a majority of this body has preferred politics to pragmatics. Last Congress, we had an opportunity to pass a crime bill that contained measure after measure, supported by Democrats and Republicans alike, endorsed by every major police agency in the Nation. But instead of passing it, we remained mired in disagreements over a few provisions that sparked political heat out of proportion to their relative importance in effectively fighting crime.

In doing so, we lost a chance to enact into law a bill that included substantial aid to State and local law enforcement agencies, included the death penalty, included a significant reform of the habeas corpus system, included the Brady bill and many other anticrime measures—a bill that enjoyed the support, as I said, of nearly every major law enforcement group in the Nation.

Today, I introduce a bill that has the strong support of many of those same people. Notwithstanding the support, I have no illusions that the path to enacting a crime bill will be easy.

I hope that each and every one of my colleagues will respond to this introduction and our debate, which is anticipated in October, by putting aside political gamesmanship, and join the President, the Attorney General, the law enforcement agencies, and the prosecutors of this Nation to pass a bill the American people so desperately need and, I believe, so greatly deserve.

At bottom, passing this bill is about keeping faith with the American people: It is about giving priority to steps we know can make a difference in fighting crime and making compromises on those issues that remain controversial; and it is about putting behind us arguments over the relative merits of the conservative approach to crime versus the liberal answer, and focusing instead on what really works, whether the Devil is conservative or liberal. It is about solutions—solutions that are going to make things better for people in our communities to deter crime and improve the safety of our communities even if that means drawing from both the liberal and the conservative answers.

There are three things in my two decades here in this body working on this issue that I have come to believe that we absolutely know about crime. And they form the cornerstones of the bill that I introduce today.

First, more police on our streets means less crime. Plain and simple, a police officer standing on the street corner reduces the opportunities for violence, and increases the odds for apprehension if violence occurs. The Federal Government must help get more police officers on the streets.

The irony is over the last 30 years crime has increased greatly. In 1961, there was one reported crime for every police officer. By 1991, there were almost five crimes per officer.

The bill I introduce today includes the commitment of the President of the United States for 100,000 new police officers. This bill specifically contains provisions for 50,000 new police officers. The remaining 50,000 are contained in other bills and other initiatives that have been introduced and/or are already passed by the Congress.

The second thing we know about crime is that punishment for all criminals must be swift and certain and effective.

Violent criminals must be removed from our streets and put in prison. But there are more effective ways to deal with non-violent offenders than spending $80,000 to build a new prison cell and $30,000 per criminal to keep them in jail.

This crime bill expands proven programs that deter offenders from the criminal path.

For example, instead of building new prisons for non-violent first-time offenders, it puts them in boot camps, using existing Federal facilities that we are closing down now.

This crime bill expands other proven programs, providing and mandating drug treatment, a proven method for cutting recidivism.

I will not bore you with all the details but a criminal, a cocaine addict, and a heroin addict commit literally hundreds, hundreds of crimes a year. I believe it is roughly, and I will submit this for the record, roughly 175 crimes per year. You know if that addict is in treatment for a year, even if they never get cured, the number of crimes they commit while in treatment drops off by about half. How many cops do we need—to have the addict population committing 175 crimes a year? It is about time we used our heads.

My bill also offers alternatives, as I said, like boot camp prisons and drug courts like they have in Dade County. What they do in these drug courts, as so many young people move into the drug stream, is to focus on intervening quickly and intensively on youth offenders who commit an increasing percentage of our serious and violent crimes and puts them under intensive scrutiny even though it is their first offense.

The third thing we know we have to do is to keep guns out of the hands of children and convicted felons. If any of you wonder why when you walk through Union Station or downtown places throughout America and you see young men walking around in extremely baggy clothing—some of them have assault weapons under those shirts. They have TEC-9 semiautomatic weapons under those shirts. They are children. They are children chronologically and they are pariahs on society—in fact 24,000 murders last year, 24,000 Americans murdered. And what have we done to keep guns out of the hands of children and convicted felons?

Today, this Nation allows convicted criminals to walk into gun stores with a few dollars in their pockets and walk out 10 minutes later with a deadly weapon in their hands, or a number of deadly weapons. Some allow you to walk in and buy an entire cache of arms. That is why a critical component of the Democrats' plan is to pass the Brady bill and an assault weapons ban.

At the request of Sarah Brady, the bill I introduce today does not contain the Brady bill, as it did last year.

Senator METZENBAUM introduced the Brady bill, S. 414, on February 24, 1993. Sarah Brady has asked that the Senate consider the bill free-standing, rather than as part of a larger anti-crime bill. I believe she is right, and I have complied with this request and will continue to work with Sarah Brady and the sponsors of that bill to gain passage of the that legislation standing alone.

In addition, I will work to support the efforts of Senators DECONCINI and METZENBAUM to pass a comprehensive assault weapons ban, which is also not in this crime legislation, that will prohibit the sale of specifically identified military-style assault guns.

The bill I introduce today contains important crime fighting measures contained in the conference report crime bill such as increased penalties for many serious crimes, including expansion of the death penalty for such crimes as murder of a law enforcement officer or terrorist killing; and many programs as well to aid State and local law enforcement, where 95 percent of crime fighting occurs.

Mr. BIDEN. Mr. President, I do want to point out that the bill contains a new title one—public safety and policing—which is really the product of Congressman SCHUMER in the House. It authorizes, over 5 years, $3.5 billion for community policing, "cops on the beat," to fund 50,000 new police officers, and the President has committed that he will fight for that money in his budget as well.

While the remainder of the 100,000 are being funded through other legislation, this program serves as the cornerstone of the President's 100,000 police effort.

I would suggest that we put aside the partisanship that has characterized this debate for so long, and toward that end, the one thing that held up the crime bill last year was a debate over habeas corpus and that is why, in this bill, I spent 5 months before introducing it and negotiating with the National Association of Attorneys General and with the National District Attorneys Association. The majority in each association agreed on, debated, and ended up agreeing on the language in this bill.

There are no guns in this bill. There is no antigun legislation. That will be dealt with separately. There is no reason to continue to debate over habeas corpus. Prosecutors now support this. I hope we can put aside partisanship now in the same way that the attorneys general and the DA's, in a bipartisan way, have approached this. I hope we will, too.

The bill also contains a new title three, habeas corpus reform, a compromise provision negotiated with the Nation's prosecutors who have opposed previous efforts to reform the Federal habeas system.

The title will limit State inmates to a single Federal habeas corpus appeal subject to a first-time ever 6-month time limit.

In return, every indigent capital defendant will be provided, at all stages, from trial through the end of State proceedings, with counsel meeting tough, specific standards of experience.

Last year the habeas reform title of the conference report was the single provision most cited by those who opposed bringing that bill to a vote. That provision lacked the support of the Nation's prosecutors.

This year, I sat down with representatives of the States attorneys general and the district attorneys and, in consultation with the defense community, negotiated a compromise.

The results of that effort are a true compromise. Neither side likes every provision, but both sides recognize that it merits support.

In particular, with the support of the Nation's prosecutors as convincing proof of the merits of this reform provision, I hope that my Republican colleagues will now join with me and support this crime bill.

It is our chance to make a real impact in the Nation's ability to fight the violence and the crime that victimizes millions of innocent Americans every year.

Let us end the gridlock and deal with the crime issue. Let's not waste our time fighting each other, when we should be spending it—on behalf of the American public—passing a bill that will truly help us win the war against crime and drugs.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Crime Control and Law Enforcement Act of 1993".

SEC. 2. TABLE OF CONTENTS.

The following is the table of contents for this Act:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—PUBLIC SAFETY AND POLICING

Sec. 101. Short title.
Sec. 102. Findings and purposes.
Sec. 103. Community policing; "Cops on the Beat".

TITLE II—DEATH PENALTY

Sec. 201. Short title.
Sec. 202. Constitutional procedures for the imposition of the sentence of death.
Sec. 203. Specific offenses for which death penalty is authorized.
Sec. 204. Applicability to Uniform Code of Military Justice.
Sec. 205. Death penalty for murder by a Federal prisoner.
Sec. 206. Death penalty for civil rights murders.
Sec. 207. Death penalty for the murder of Federal law enforcement officials.
Sec. 208. New offense for the indiscriminate use of weapons to further drug conspiracies.
Sec. 209. Foreign murder of United States nationals.
Sec. 210. Death penalty for rape and child molestation murders.
Sec. 211. Death penalty for sexual exploitation of children.
Sec. 212. Murder by escaped prisoners.
Sec. 213. Death penalty for gun murders during Federal crimes of violence and drug trafficking crimes.
Sec. 214. Homicides and attempted homicides involving firearms in Federal facilities.
Sec. 215. Murder in course of alien smuggling.

TITLE III—HABEAS CORPUS REFORM

Sec. 301. Short title.
Sec. 302. Filing deadlines.
Sec. 303. Stays of execution in capital cases.
Sec. 304. Limits on new rules; standard of review.
Sec. 305. Limits on successive petitions.
Sec. 306. New evidence.
Sec. 307. Certificates of probable cause.
Sec. 308. Provision of counsel.
Sec. 309. Capital litigation funding.
Sec. 310. Certification of compliance.
Sec. 311. Effective date.

TITLE IV—GUN CRIME PENALTIES

Sec. 401. Enhanced penalty for use of a semiautomatic firearm during a crime of violence or a drug trafficking crime.
Sec. 402. Enhanced penalty for second offense of using an explosive to commit a felony.
Sec. 403. Smuggling firearms in aid of drug trafficking.
Sec. 404. Theft of firearms and explosives.
Sec. 405. Revocation of supervised release.
Sec. 406. Revocation of probation.
Sec. 407. Increased penalty for knowingly making false, material statement in connection with the acquisition of a firearm from a licensed dealer.
Sec. 408. Possession of explosives by felons and others.
Sec. 409. Summary destruction of explosives subject to forfeiture.
Sec. 410. Elimination of outmoded language relating to parole.
Sec. 411. Prohibition against transactions involving stolen firearms which have moved in interstate or foreign commerce.
Sec. 412. Using a firearm in the commission of counterfeiting or forgery.
Sec. 413. Enhanced penalties for firearms possession by violent felons and serious drug offenders.
Sec. 414. Receipt of firearms by nonresident.
Sec. 415. Firearms and explosives conspiracy.
Sec. 416. Study of incendiary ammunition; report to Congress.
Sec. 417. Theft of firearms or explosives from licensee.
Sec. 418. Disposing of explosives to prohibited persons.
Sec. 419. Clarification of "burglary" under the armed career criminal statute.
Sec. 420. Increased penalty for interstate gun trafficking.

TITLE V—OBSTRUCTION OF JUSTICE

Sec. 501. Protection of court officers and jurors.
Sec. 502. Prohibition of retaliatory killings of witnesses, victims and informants.
Sec. 503. Protection of jurors and witnesses in capital cases.
Sec. 504. Death penalty for the murder of State officials assisting Federal law enforcement officials.
Sec. 505. Death penalty for murder of Federal witnesses.

TITLE VI—YOUTH VIOLENCE

Subtitle A—Increased Penalties for Drug Trafficking and Criminal Street Gangs

Sec. 601. Strengthening Federal penalties for employing children to distribute drugs.
Sec. 602. Commencement of juvenile proceeding.
Sec. 603. Criminal street gangs.

Subtitle B—Juvenile Drug Trafficking and Gang Prevention Grants

Sec. 611. Grant program.

Subtitle C—Bindover System for Certain Violent Juveniles

Sec. 621. Bindover system.

TITLE VII—TERRORISM

Subtitle A—Maritime Navigation and Fixed Platforms

Sec. 701. Offenses of violence against maritime navigation or fixed platforms.
Sec. 702. Technical amendment.
Sec. 703. Effective dates.

Subtitle B—General Provisions

Sec. 711. Weapons of mass destruction.
Sec. 712. Enhanced penalties for certain offenses.
Sec. 713. Territorial sea extending to twelve miles included in special maritime and territorial jurisdiction.

Sec. 714. Assimilated crimes in extended territorial sea.
Sec. 715. Jurisdiction over crimes against United States nationals on certain foreign ships.
Sec. 716. Torture.
Sec. 717. Extension of the statute of limitations for certain terrorism offenses.
Sec. 718. FBI access to telephone subscriber information.
Sec. 719. Violence at airports serving international civil aviation.
Sec. 720. Preventing acts of terrorism against civilian aviation.
Sec. 721. Counterfeiting United States currency abroad.
Sec. 722. Economic terrorism task force.
Sec. 723. Terrorist Death Penalty Act.
Sec. 724. Sentencing guidelines increase for terrorist crimes.
Sec. 725. Alien witness cooperation.
Sec. 726. Providing material support to terrorists.

TITLE VIII—SEXUAL VIOLENCE AND CHILD ABUSE

Subtitle A—Sexual Abuse

Sec. 801. Sexual abuse amendments.

Subtitle B—Child Protection

Sec. 811. Short title.
Sec. 812. Purposes.
Sec. 813. Definitions.
Sec. 814. Reporting by the States.
Sec. 815. Background checks.
Sec. 816. Funding for improvement of child abuse crime information.

Subtitle C—Crimes Against Children

Sec. 821. Short title.
Sec. 822. Establishment of program.
Sec. 823. State compliance.

TITLE IX—CRIME VICTIMS

Subtitle A—Victims' Rights

Sec. 901. Victim's right of allocution in sentencing.
Sec. 902. Mandatory restitution and other provisions.

Subtitle B—Crime Victims' Fund

Sec. 911. Amounts of funds for costs and grants.
Sec. 912. Relationship of crime victim compensation to certain Federal programs.
Sec. 913. Administrative costs for crime victim compensation.
Sec. 914. Use of unspent 1402(d)(2) money.
Sec. 915. Grants for demonstration projects.
Sec. 916. Administrative costs for crime victim assistance.
Sec. 917. Maintenance of effort.

TITLE X—STATE AND LOCAL LAW ENFORCEMENT

Subtitle A—DNA Identification

Sec. 1001. Short title.
Sec. 1002. Funding to improve the quality and availability of DNA analyses for law enforcement identification purposes.
Sec. 1003. Quality assurance and proficiency testing standards.
Sec. 1004. Index to facilitate law enforcement exchange of DNA identification information.
Sec. 1005. Federal Bureau of Investigation.
Sec. 1006. Authorization of appropriations.

Subtitle B—Department of Justice Community Substance Abuse Prevention

Sec. 1011. Short title.
Sec. 1012. Community partnerships.

Subtitle C—Racial and Ethnic Bias Study Grants

Sec. 1021. Study grants.

TITLE XI—PROVISIONS RELATING TO POLICE OFFICERS

Subtitle A—Law Enforcement Family Support

Sec. 1101. Law enforcement family support.

Subtitle B—Police Pattern or Practice

Sec. 1111. Cause of action.
Sec. 1112. Data on use of excessive force.

Subtitle C—Police Corps and Law Enforcement Officers Training and Education

CHAPTER 1—POLICE CORPS

Sec. 1121. Short title.
Sec. 1122. Purposes.
Sec. 1123. Definitions.
Sec. 1124. Establishment of Office of the Police Corps and Law Enforcement Education.
Sec. 1125. Designation of lead agency and submission of State plan.
Sec. 1126. Scholarship assistance.
Sec. 1127. Selection of participants.
Sec. 1128. Police Corps training.
Sec. 1129. Service obligation.
Sec. 1130. State plan requirements.
Sec. 1131. Assistance to States and localities employing Police Corps officers.
Sec. 1132. Authorization of appropriations.
Sec. 1133. Reports to Congress.

CHAPTER 2—LAW ENFORCEMENT SCHOLARSHIP PROGRAM

Sec. 1141. Short title.
Sec. 1142. Definitions.
Sec. 1143. Allotment.
Sec. 1144. Establishment of program.
Sec. 1145. Scholarships.
Sec. 1146. Eligibility.
Sec. 1147. State application.
Sec. 1148. Local application.
Sec. 1149. Scholarship agreement.
Sec. 1150. Authorization of appropriations.

Subtitle D—Study Rights of Police Officers

Sec. 1161. Study on officers' rights.

TITLE XII—DRUG COURT PROGRAMS

Sec. 1201. Coordinated administration of programs.
Sec. 1202. Drug testing upon arrest.
Sec. 1203. Certainty of punishment for young offenders.
Sec. 1204. Residential substance abuse treatment for prisoners.

TITLE XIII—PRISONS

Subtitle A—Federal Prisons

Sec. 1301. Prisoner's place of imprisonment.
Sec. 1302. Prison impact assessments.
Sec. 1303. Federal prisoner drug testing.
Sec. 1304. Drug treatment in Federal prisons.

Subtitle B—State Prisons

Sec. 1321. Boot camps and regional prisons for violent drug offenders.
Sec. 1322. National Institute of Justice study.
Sec. 1323. Study and assessment of alcohol use and treatment.
Sec. 1324. Notification of release of prisoners.
Sec. 1325. Application to prisoners to which prior law applies.

TITLE XIV—RURAL CRIME

Subtitle A—Fighting Drug Trafficking in Rural Areas

Sec. 1401. Authorizations for rural law enforcement agencies.
Sec. 1402. Rural drug enforcement task forces.
Sec. 1403. Cross-designation of Federal officers.
Sec. 1404. Rural drug enforcement training.

Subtitle B—Drug Free Truck Stops and Safety Rest Areas

Sec. 1411. Drug free truck stops and safety rest areas.

TITLE XV—DRUG CONTROL

Subtitle A—Increased Penalties

Sec. 1501. Enhancement of penalties for drug trafficking in prisons.
Sec. 1502. Closing of loophole for illegal importation of small drug quantities.
Sec. 1503. Penalties for drug dealing in public housing authority facilities.
Sec. 1504. Anabolic steroids penalties.
Sec. 1505. Increased penalties for drug-dealing in "drug-free" zones.
Sec. 1506. Enhanced penalties for illegal drug use in Federal prisons.

Subtitle B—Precursor Chemicals Act

Sec. 1511. Short title.
Sec. 1512. Definition amendments.
Sec. 1513. Registration requirements.
Sec. 1514. Reporting of listed chemical manufacturing.
Sec. 1515. Reports by brokers and traders; criminal penalties.
Sec. 1516. Exemption authority; additional penalties.
Sec. 1517. Amendments to list I.
Sec. 1518. Elimination of regular supplier status and creation of regular importer status.
Sec. 1519. Administrative inspections and authority.
Sec. 1520. Threshold amounts.
Sec. 1521. Management of listed chemicals.
Sec. 1522. Forfeiture expansion.
Sec. 1523. Regulations and effective date.

Subtitle C—General Provisions

Sec. 1531. Clarification of narcotic or other dangerous drugs under RICO.
Sec. 1532. Conforming amendments to recidivist penalty provisions of the Controlled Substances Act and the Controlled Substances Import and Export Act.
Sec. 1533. Program to provide public awareness of the provision of Public Law 101-516 that conditions portions of a State's Federal highway funding on the State's enactment of legislation requiring the revocation of the driver's licenses of convicted drug abusers.
Sec. 1534. Advertising.
Sec. 1535. National drug control strategy.
Sec. 1536. Notification of law enforcement officers of discoveries of controlled substances or large sums of cash in excess of $10,000 in weapon screening.

TITLE XVI—DRUNK DRIVING PROVISIONS

Sec. 1601. Short title.
Sec. 1602. State laws applied in areas of Federal jurisdiction.
Sec. 1603. Sense of Congress concerning child custody and visitation rights.

TITLE XVII—COMMISSIONS

Subtitle A—Commission on Crime and Violence

Sec. 1701. Establishment of Commission on Crime and Violence.
Sec. 1702. Purpose.
Sec. 1703. Responsibilities of the Commission.

Subtitle B—National Commission to Study the Causes of the Demand for Drugs in the United States

Sec. 1711. Short title.

Sec. 1712. Establishment.
Sec. 1713. Duties.
Sec. 1714. Membership.
Sec. 1715. Staff and support services.
Sec. 1716. Powers of Commission.
Sec. 1717. Reports.
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Subtitle C—National Commission to Support Law Enforcement

Sec. 1721. Short title.
Sec. 1722. Congressional findings.
Sec. 1723. Establishment.
Sec. 1724. Duties.
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Sec. 1726. Experts and consultants.
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Sec. 1729. Termination.
Sec. 1730. Repeals.

TITLE XVIII—BAIL POSTING REPORTING

Sec. 1801. Short title.
Sec. 1802. Required reporting by criminal court clerks.

TITLE XIX—MOTOR VEHICLE THEFT PREVENTION

Sec. 1901. Short title.
Sec. 1902. Motor vehicle theft prevention program.
Sec. 1903. Altering or removing motor vehicle identification numbers.

TITLE XX—PROTECTIONS FOR THE ELDERLY

Sec. 2001. Missing Alzheimer's disease patient alert program.
Sec. 2002. Crimes against the elderly.

TITLE XXI—CONSUMER PROTECTION

Sec. 2101. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.
Sec. 2102. Consumer Protection Against Credit Card Fraud Act of 1993.
Sec. 2103. Mail fraud.

TITLE XXII—FINANCIAL INSTITUTION FRAUD PROSECUTIONS

Sec. 2201. Short title.
Sec. 2202. Federal Deposit Insurance Act amendment.
Sec. 2203. Federal Credit Union Act amendments.
Sec. 2204. Crime Control Act amendment.

TITLE XXIII—SAVINGS AND LOAN PROSECUTION TASK FORCE

Sec. 2301. Savings and loan prosecution task force.

TITLE XXIV—SENTENCING PROVISIONS

Sec. 2401. Imposition of sentence.
Sec. 2402. Technical amendment to mandatory conditions of probation.
Sec. 2403. Supervised release after imprisonment.

TITLE XXV—SENTENCING AND MAGISTRATES AMENDMENTS

Sec. 2501. Authorization of probation for petty offenses in certain cases.
Sec. 2502. Trial by a magistrate in petty offense cases.

TITLE XXVI—COMPUTER CRIME

Sec. 2601. Computer Abuse Amendments Act of 1993.

TITLE XXVII—INTERNATIONAL PARENTAL KIDNAPPING

Sec. 2701. Short title.
Sec. 2702. Title 18 amendment.
Sec. 2703. State court programs regarding interstate and international parental child abduction.

TITLE XXVIII—SAFE SCHOOLS

Sec. 2801. Short title.
Sec. 2802. Safe schools.

TITLE XXIX—MISCELLANEOUS

Subtitle A—Increases in Penalties

Sec. 2901. Increased penalties for assault.
Sec. 2902. Increased penalties for manslaughter.
Sec. 2903. Increased penalties for civil rights violations.
Sec. 2904. Increased penalties for trafficking in counterfeit goods and services.
Sec. 2905. Increased penalty for conspiracy to commit murder for hire.
Sec. 2906. Increased penalties for travel act violations.

Subtitle B—Extension of Protection of Civil Rights Statutes

Sec. 2911. Extension of protection of civil rights statutes.

Subtitle C—Audit and Report

Sec. 2921. Audit requirement for State and local law enforcement agencies receiving Federal asset forfeiture funds.
Sec. 2922. Report to Congress on administrative and contracting expenses.

Subtitle D—Gambling

Sec. 2931. Criminal history record information for the enforcement of laws relating to gaming.
Sec. 2932. Clarifying amendment regarding scope of prohibition against gambling on ships in international waters.

Subtitle E—White Collar Crime Amendments

Sec. 2941. Receiving the proceeds of extortion or kidnapping.
Sec. 2942. Receiving the proceeds of a postal robbery.
Sec. 2943. Conforming addition to obstruction of civil investigative demand statute.
Sec. 2944. Conforming addition of predicate offenses to financial institutions rewards statute.
Sec. 2945. Definition of savings and loan association in bank robbery statute.
Sec. 2946. Conforming definition of "1-year period" in 18 U.S.C. 1516.

Subtitle F—Safer Streets and Neighborhoods

Sec. 2951. Short title.
Sec. 2952. Limitation on grant distribution.

Subtitle G—Other Provisions

Sec. 2961. Optional venue for espionage and related offenses.
Sec. 2962. Undercover operations.
Sec. 2963. Undercover operations—churning.
Sec. 2964. Report on battered women's syndrome.
Sec. 2965. Wiretaps.
Sec. 2966. Theft of major artwork.
Sec. 2967. Balance in the criminal justice system.
Sec. 2968. Misuse of initials "DEA".
Sec. 2969. Addition of attempted robbery, kidnapping, smuggling, and property damage offenses to eliminate inconsistencies and gaps in coverage.
Sec. 2970. Definition of livestock.
Sec. 2971. Extension of statute of limitations for arson.

TITLE XXX—TECHNICAL CORRECTIONS

Sec. 3001. Amendments relating to Federal financial assistance for law enforcement.
Sec. 3002. General title 18 corrections.
Sec. 3003. Corrections of erroneous cross references and misdesignations.
Sec. 3004. Repeal of obsolete provisions in title 18.
Sec. 3005. Correction of drafting error in the Foreign Corrupt Practices Act.
Sec. 3006. Elimination of redundant penalty provision in 18 U.S.C. 1116.
Sec. 3007. Elimination of redundant penalty.
Sec. 3008. Corrections of misspellings and grammatical errors.
Sec. 3009. Other technical amendments.
Sec. 3010. Corrections of errors found during codification.
Sec. 3011. Problems related to execution of prior amendments.
Sec. 3012. Amendments to section 1956 of title 18 to eliminate duplicate predicate crimes.
Sec. 3013. Amendments to part V of title 18.

TITLE I—PUBLIC SAFETY AND POLICING

SEC. 101. SHORT TITLE.

This title may be cited as the "Public Safety Partnership and Community Policing Act of 1993".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) according to data compiled by the Federal Bureau of Investigation, in 1961, there was approximately 1 reported violent crime per city police officer, but while from 1961 to 1991 there was no substantial increase in United States cities' police employment rate, during the same period the number of reported violent crimes per city police officer rose to approximately 4.6 per officer;

(2) National Crime Survey figures indicate that nearly 5,000,000 households in the United States had at least 1 member who had been a victim of violent crime during 1991;

(3) these victims of violence experienced more than 6,400,000 crimes of which about one-half were reported to law enforcement authorities;

(4) community-oriented policing ("cops on the beat") enhances communication and cooperation between law enforcement and members of the community;

(5) such communication and cooperation between law enforcement and members of the community significantly assists in preventing and controlling crime and violence, thus enhancing public safety; and

(6) while increasing and maintaining police resources and presence in the community are the long-term responsibility of State and local governments, State and local law enforcement agencies are in need of immediate assistance to begin the process of rehiring officers who have been laid off for budgetary reasons and hiring new, additional officers to assist in the implementation of community-oriented policing.

(b) PURPOSES.—The purposes of this title are to—

(1) substantially increase the number of law enforcement officers interacting directly with members of the community ("cops on the beat");

(2) provide additional and more effective training to law enforcement officers to enhance their problem solving, service, and other skills needed in interacting with members of the community;

(3) encourage the development and implementation of innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community; and

(4) encourage the development of new technologies to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime,

by establishing a program of grants and assistance in furtherance of these objectives, including the authorization for a period of 6 years of grants for the hiring and rehiring of additional career law enforcement officers.

SEC. 103. COMMUNITY POLICING; "COPS ON THE BEAT".

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following new part:

"PART Q—PUBLIC SAFETY AND CITY POLICING; 'COPS ON THE BEAT'

"SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.

"(a) GRANT AUTHORIZATION.—The Attorney General may make grants to units of State and local government, and to other public and private entities, to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

"(b) REHIRING AND HIRING GRANT PROJECTS.—Grants made under subsection (a) may be used for programs, projects, and other activities to—

"(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing; and

"(2) hire new, additional career law enforcement officers for deployment in community-oriented policing across the Nation.

"(c) ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—

"(1) increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

"(2) provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

"(3) increase police participation in multidisciplinary early intervention teams;

"(4) develop new technologies to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime;

"(5) develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community;

"(6) establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances;

"(7) establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community; and

"(8) develop and establish new administrative and managerial systems to facilitate the adoption of community-oriented policing as an organization-wide philosophy.

"(d) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney General may give preferential consideration to grants for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection (h).

"(e) TECHNICAL ASSISTANCE.—(1) The Attorney General may provide technical assistance to units of State and local government, and to other public and private entities, in furtherance of the purposes of the Public Safety Partnership and Community Policing Act of 1993.

"(2) The technical assistance provided by the Attorney General may include the development of a flexible model that will define for State and local governments, and other public and private entities, definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.

"(3) The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers and supervisors concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of the Public Safety Partnership and Community Policing Act of 1993.

"(f) UTILIZATION OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

"(g) MINIMUM AMOUNT.—Each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection. In this subsection, 'qualifying State' means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

"(h) MATCHING FUNDS.—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 1702(c)(8).

"(i) ALLOCATION OF FUNDS.—The funds available under this part shall be allocated as provided in section 1001(a)(11)(B).

"(j) TERMINATION OF GRANTS FOR HIRING OFFICERS.—The authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of 6 years from the date of enactment of this part. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this part and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.

"SEC. 1702. APPLICATIONS.

"(a) IN GENERAL.—No grant may be made under this part unless an application has been submitted to, and approved by, the Attorney General.

"(b) APPLICATION.—An application for a grant under this part shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

"(c) CONTENTS.—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall—

"(1) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies and reflects consideration of the statewide strategy under section 503(a)(1);

"(2) demonstrate a specific public safety need;

"(3) explain the locality's inability to address the need without Federal assistance;

"(4) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

"(5) certify that there has been appropriate coordination with all affected agencies;

"(6) outline the initial and ongoing level of community support for implementing the proposal including financial and in-kind contributions or other tangible commitments;

"(7) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support; and

"(8) if the application is for a grant for hiring or rehiring additional career law enforcement officers—

"(A) specify plans for the assumption by the grantee of a progressively larger share of the cost in the course of time, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support;

"(B) assess the impact, if any, of the increase in police resources on other components of the criminal justice system; and

"(C) explain how the grant will be utilized to reorient the affected law enforcement agency's mission toward community-oriented policing or enhance its involvement in or commitment to community-oriented policing.

"SEC. 1703. REVIEW OF APPLICATIONS BY STATE OFFICE.

"(a) IN GENERAL.—Except as provided in subsection (c) or (d), an applicant for a grant under this part shall submit an application to the State office designated under section 507 in the State in which the applicant is located for initial review.

"(b) INITIAL REVIEW OF APPLICATION.—(1) The State office referred to in subsection (a) shall review applications for grants under this part submitted to it, based upon criteria specified by the Attorney General by regulation or guidelines.

"(2) Upon completion of the reviews required by paragraph (1), the State office referred to in subsection (a) shall determine which, if any, of the applications for grants under this part are most likely to be successful in achieving the purposes of the Public Safety Partnership and Community Policing Act of 1993.

"(3)(A) The State office referred to in subsection (a) shall list the applications for grants under this part in order of their likelihood of achieving the purposes of the Public Safety Partnership and Community Policing Act of 1993 and shall submit the list along with all grant applications and supporting materials received to the Attorney General.

"(B) In making the submission to the Attorney General required by subparagraph (A), the State office referred to in subsection (a) may recommend that a particular application or applications should receive special priority and provide supporting reasons for the recommendation.

"(c) DIRECT APPLICATION TO THE ATTORNEY GENERAL BY CERTAIN MUNICIPALITIES.—Notwithstanding subsection (a), municipalities the population of which exceeds 150,000 may submit an application for a grant under this part directly to the Attorney General. In this subsection, 'municipalities the population of which exceeds 150,000' means units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, and consortia or associations that include one or more such units of local government or law enforcement agencies.

"(d) DIRECT APPLICATION TO THE ATTORNEY GENERAL BY OTHER APPLICANTS.—Notwithstanding subsection (a), if a State chooses not to carry out the functions described in subsection (b), an applicant in the State may submit an application for a grant under this part directly to the Attorney General.

"SEC. 1704. RENEWAL OF GRANTS.

"(a) IN GENERAL.—Except for grants made for hiring or rehiring additional career law enforcement officers, a grant under this part may be renewed for up to 2 additional years after the first fiscal year during which a recipient receives its initial grant, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

"(b) GRANTS FOR HIRING.—Grants made for hiring or rehiring additional career law enforcement officers may be renewed for up to 5 years, subject to the requirements of subsection (a), but notwithstanding the limitation in that subsection concerning the number of years for which grants may be renewed.

"(c) MULTIYEAR GRANTS.—A grant for a period exceeding 1 year may be renewed as provided in this section, except that the total duration of such a grant including any renewals may not exceed 3 years, or 6 years if it is a grant made for hiring or rehiring additional career law enforcement officers.

"SEC. 1705. LIMITATION ON USE OF FUNDS.

"(a) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to State or local governments shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State or local sources.

"(b) ADMINISTRATIVE COSTS.—No more than 5 percent of the funds available under this part may be used for the costs of States in carrying out the functions described in section 1703(b) or other administrative costs.

"(c) NON-FEDERAL COSTS.—State and local units of government may use assets received through the Assets Forfeiture equitable sharing program to cover the non-Federal portion of programs, projects, and activities funded under this part.

"(d) HIRING COSTS.—Funding provided under this part for hiring or rehiring a career law enforcement officer may not exceed $75,000, unless the Attorney General grants a waiver from this limitation.

"SEC. 1706. PERFORMANCE EVALUATION.

"(a) EVALUATION COMPONENTS.—Each program, project, or activity funded under this part shall contain an evaluation component, developed pursuant to guidelines established by the Attorney General. The evaluations required by this subsection shall include outcome measures that can be used to determine the effectiveness of the funded programs, projects, and activities. Outcome measures may include crime and victimization indicators, quality of life measures, community perceptions, and police perceptions of their own work.

"(b) PERIODIC REVIEW AND REPORTS.—The Attorney General shall review the performance of each grant recipient under this part. The Attorney General may require a grant recipient to submit to the Attorney General the results of the evaluations required under subsection (a) and such other data and information as the Attorney General deems reasonably necessary to carry out the responsibilities under this subsection.

"SEC. 1707. REVOCATION OR SUSPENSION OF FUNDING.

"If the Attorney General determines, as a result of the reviews required by section 1706, or otherwise, that a grant recipient under this part is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 1702, the Attorney General may revoke or suspend funding of that grant, in whole or in part.

"SEC. 1708. ACCESS TO DOCUMENTS.

"(a) BY THE ATTORNEY GENERAL.—The Attorney General shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this part and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this part.

"(b) BY THE COMPTROLLER GENERAL.—Subsection (a) shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

"SEC. 1709. GENERAL REGULATORY AUTHORITY.

"The Attorney General may promulgate regulations and guidelines to carry out this part.

"SEC. 1710. DEFINITION.

"In this part, 'career law enforcement officer' means a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711, et seq.) is amended by striking the item relating to part Q and inserting the following:

"PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; 'COPS ON THE BEAT'

"Sec. 1701. Authority to make public safety and community policing grants.
"Sec. 1702. Applications.
"Sec. 1703. Review of applications by State office.
"Sec. 1704. Renewal of grants.
"Sec. 1705. Limitation on use of funds.
"Sec. 1706. Performance evaluation.
"Sec. 1707. Revocation or suspension of funding.
"Sec. 1708. Access to documents.
"Sec. 1709. General regulatory authority.
"Sec. 1710. Definition.

"PART R—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in paragraph (3) by striking "and O" and inserting "O, P, and Q"; and

(2) by adding at the end the following new paragraph:

"(11)(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

"(i) $200,000,000 for fiscal year 1994;

"(ii) $650,000,000 for fiscal year 1995;

"(iii) $650,000,000 for fiscal year 1996;

"(iv) $650,000,000 for fiscal year 1997;

"(v) $650,000,000 for fiscal year 1998; and

"(vi) $650,000,000 for fiscal year 1999.

"(B) Of funds available under part Q in any fiscal year, up to 5 percent may be used for technical assistance under section 1701(e) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part Q, and up to 5 percent may be used for the costs of States in carrying out the functions described in section 1703(b) or other administrative costs. Of the remaining funds, 60 percent shall be allocated for grants pursuant to applications submitted as provided in section 1703(a) or (d), and 40 percent shall be allocated for grants pursuant to applications submitted as provided in section 1703(c). Of the funds available in relation to grants pursuant to applications submitted as provided in section 1703(a) or (d), at least 85 percent shall be applied to grants for the purposes specified in section 1701(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part Q. Of the funds available in relation to grants pursuant to applications submitted as provided in section 1703(c), at least 85 percent shall be applied to grants for the purposes specified in section 1701(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part Q.".

TITLE II—DEATH PENALTY

SEC. 201. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1993".

SEC. 202. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH.

(a) IN GENERAL.—Part II of title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH SENTENCE

"Sec.
"3591. Sentence of death.
"3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Special provisions for Indian country.

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381;

"(2) an offense described in section 1751(c), if the offense, as determined beyond a reasonable doubt at the hearing under section

3593, constitutes an attempt to intentionally kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

"(3) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury that resulted in the death of the victim;

"(C) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(D) intentionally and specifically engaged in an act, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"§ 3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is to be imposed on a defendant, the finder of fact shall consider any mitigating factor, including the following:

"(1) IMPAIRED CAPACITY.—The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) MINOR PARTICIPATION.—The defendant is punishable as a principal in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) EQUALLY CULPABLE DEFENDANTS.—Another defendant or defendants, equally culpable in the crime, will not be punished by death.

"(5) NO PRIOR CRIMINAL RECORD.—The defendant did not have a significant prior history of other criminal conduct.

"(6) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(7) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

"(8) OTHER FACTORS.—Other factors in the defendant's background, record, or character or any other circumstance of the offense that mitigate against imposition of the death sentence.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) PRIOR ESPIONAGE OR TREASON OFFENSE.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of either life imprisonment or death was authorized by law.

"(2) GRAVE RISK TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security.

"(3) GRAVE RISK OF DEATH.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (3), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) DEATH DURING COMMISSION OF ANOTHER CRIME.—The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1203 (hostage taking), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472 (i) or (n)) (aircraft piracy).

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—For any offense, other than an offense for which a sentence of death is sought on the basis of section 924(c), the defendant—

(A) during and in relation to the commission of the offense or in escaping or attempting to escape apprehension used or possessed a firearm (as defined in section 921); or

(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use or attempted or threatened use of a firearm (as defined in section 921) against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to 1 or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMITTING OFFENSE.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism.

"(10) CONVICTION FOR TWO FELONY DRUG OFFENSES.—The defendant has previously been convicted of 2 or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(11) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(12) CONVICTION FOR SERIOUS FEDERAL DRUG OFFENSES.—The defendant had previously been convicted of violating title II or III of the Controlled Substances Act for which a sentence of 5 or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise.

"(13) CONTINUING CRIMINAL ENTERPRISE INVOLVING DRUG SALES TO MINORS.—The defendant committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act (21 U.S.C. 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of that Act (21 U.S.C. 859).

"(14) HIGH PUBLIC OFFICIALS.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice-President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A), if the official is in the United States on official business; or

"(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(i) while he or she is engaged in the performance of his or her official duties;

"(ii) because of the performance of his or her official duties; or

"(iii) because of his or her status as a public servant.

For purposes of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution or adjudication of an offense, and includes those engaged in corrections, parole, or probation functions.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, the attorney shall, a reasonable time before the trial or before acceptance by the court of a plea of guilty, sign and file with the court, and serve on the defendant, a notice—

"(1) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the government will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family, and may include oral testimony, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim and the victim's family, and any other relevant information. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. The defendant may present any information relevant to a mitigating factor. The government may present any information relevant to an aggravating factor for which notice has been provided under subsection (a). The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by 1 or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(1), an aggravating factor required to be considered under section 3592(b) is found to exist; or

"(2) an offense described in section 3591 (2) or (3), an aggravating factor required to be considered under section 3592(c) is found to exist,

the jury, or if there is no jury, the court, shall consider whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall recommend whether the defendant should be sentenced to death, to life imprisonment without possibility of release or some other lesser sentence. The jury or the court, if there is no jury, regardless of its findings with respect to aggravating and mitigating factors, is never required to impose a death sentence and the jury shall be so instructed.

"(f) SPECIAL PRECAUTION TO ENSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"§ 3594. Imposition of a sentence of death

"Upon a recommendation under section 3593(e) that the defendant should be sentenced to death or life imprisonment without possibility of release, the court shall sentence the defendant accordingly. Otherwise, the court shall impose any lesser sentence that is authorized by law. Notwithstanding any other law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without possibility of release.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) The court of appeals shall address all substantive and procedural issues raised on the appeal of a sentence of death, and shall consider whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor and whether the evidence supports the special finding of the existence of an aggravating factor required to be considered under section 3592.

"(2) Whenever the court of appeals finds that—

"(A) the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the admissible evidence and information adduced does not support the special finding of the existence of the required aggravating factor; or

"(C) the proceedings involved any other legal error requiring reversal of the sentence that was properly preserved for appeal under the rules of criminal procedure,

the court shall remand the case for reconsideration under section 3593 or imposition of a sentence other than death.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§ 3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of the State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does provide for the implementation of a sentence of death, and the sentence shall be implemented in the latter State in the manner prescribed by such law.

"(b) PREGNANT WOMAN.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(c) MENTAL CAPACITY.—A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability, lacks the mental capacity to understand the death penalty and why it was imposed on that person.

"§ 3597. Use of State facilities

"(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections, the United States Department of Justice, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any prosecution or execution under this section if such participation is contrary to the moral or religious convictions of the employee. In this subsection, 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

"§ 3598. Special provisions for Indian country

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country (as defined in section 1151 of this title) and which has occurred within the boundaries of Indian country, unless the governing body of the tribe has elected that this chapter have effect over land and persons subject to its criminal jurisdiction.".

(b) TECHNICAL AMENDMENT.—The part analysis for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 227 the following new item:

"228. Death sentence .... 3591".

SEC. 203. SPECIFIC OFFENSES FOR WHICH DEATH PENALTY IS AUTHORIZED.

(a) CONFORMING CHANGES IN TITLE 18.—Title 18, United States Code, is amended as follows:

(1) AIRCRAFT AND MOTOR VEHICLES.—Section 34 of title 18, United States Code, is amended by striking the comma after "imprisonment for life", inserting a period, and striking the remainder of the section.

(2) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the section and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy.".

(3) EXPLOSIVE MATERIALS.—(A) Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(B) Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(C) Section 844(i) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(4) MURDER.—The second undesignated paragraph of section 1111(b) of title 18, United States Code, is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

(5) KILLING OF FOREIGN OFFICIAL.—Section 1116(a) of title 18, United States Code, is amended by striking "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

(6) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(7) NONMAILABLE INJURIOUS ARTICLES.—The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the paragraph.

(8) PRESIDENTIAL ASSASSINATIONS.—Subsection (c) of section 1751 of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section, shall be punished—

"(1) by imprisonment for any term of years or for life; or

"(2) if the conduct constitutes an attempt to intentionally kill the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President, by death or imprisonment for any term of years or for life.".

(9) WRECKING TRAINS.—The second to the last undesignated paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life", inserting a period, and striking the remainder of the section.

(10) BANK ROBBERY.—Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

(11) HOSTAGE TAKING.—Section 1203(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(12) MURDER FOR HIRE.—Section 1958 of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined not more than $250,000, or both".

(13) RACKETEERING.—Section 1959(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine of not more than $250,000, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine of not more than $250,000, or both;".

(14) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than $1,000,000 or imprisonment for life," and inserting ", where death results, by death or imprisonment for life and a fine of not more than $1,000,000, or both;".

(15) CARJACKING.—Section 2119(3) of title 18, United States Code, is amended by striking the period after "both" and inserting ", or sentenced to death.".

(b) CONFORMING AMENDMENT TO FEDERAL AVIATION ACT OF 1954.—Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473) is amended by striking subsection (c).

SEC. 204. APPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

Chapter 228 of title 18, United States Code, as added by this title, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801).

SEC. 205. DEATH PENALTY FOR MURDER BY A FEDERAL PRISONER.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1118. Murder by a Federal prisoner

"(a) OFFENSE.—A person who, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, commits the murder of another shall be punished by death or by life imprisonment.

"(b) DEFINITIONS.—In this section—

"'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house.

"'murder' means a first degree or second degree murder (as defined by section 1111).

"'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Murder by a Federal prisoner.".

SEC. 206. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

(a) Conspiracy Against Rights.—Section 241 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(b) Deprivation of Rights Under Color of Law.—Section 242 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(c) Federally Protected Activities.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5) by inserting ", or may be sentenced to death" after "or for life".

(d) Damage to Religious Property; Obstruction of the Free Exercise of Religious Rights.—Section 247(c)(1) of title 18, United States Code, is amended by inserting ", or may be sentenced to death" after "or both".

SEC. 207. DEATH PENALTY FOR THE MURDER OF FEDERAL LAW ENFORCEMENT OFFICIALS.

Section 1114(a) of title 18, United States Code, is amended by striking "punished as provided under sections 1111 and 1112 of this title," and inserting "punished, in the case of murder, by a sentence of death or life imprisonment as provided under section 1111, or, in the case of manslaughter, a sentence as provided under section 1112.".

SEC. 208. NEW OFFENSE FOR THE INDISCRIMINATE USE OF WEAPONS TO FURTHER DRUG CONSPIRACIES.

(a) Short Title.—This section may be cited as the "Drive-By Shooting Prevention Act of 1993".

(b) In General.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 36. Drive-by shooting

"(a) Definition.—In this section, 'major drug offense' means—

"(1) a continuing criminal enterprise punishable under section 403(c) of the Controlled Substances Act (21 U.S.C. 848(c));

"(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) section 1013 of the Controlled Substances Import and Export Control Act (21 U.S.C. 963); and

"(3) an offense involving major quantities of drugs and punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)).

"(b) Offense and Penalties.—(1) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, causes grave risk to any human life shall be punished by a term of no more than 25 years, by fine under this title, or both.

"(2) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of 2 or more persons and who, in the course of such conduct, kills any person shall, if the killing—

"(A) is a first degree murder (as defined in section 1111(a)), be punished by death or imprisonment for any term of years or for life, fined under this title, or both; or

"(B) is a murder other than a first degree murder (as defined in section 1111(a)), be fined under this title, imprisoned for any term of years or for life, or both.".

(c) Technical Amendment.—The chapter analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

"36. Drive-by shooting.".

SEC. 209. FOREIGN MURDER OF UNITED STATES NATIONALS.

(a) In General.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1118. Foreign murder of United States nationals

"(a) Definition.—In this section, 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"(b) Offense.—A person who, being a national of the United States, kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113.

"(c) Limitations on Prosecution.—(1) No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same conduct.

"(2) No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the conduct took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person's return. A determination by the Attorney General under this paragraph is not subject to judicial review.".

(b) Technical Amendments.—(1) Section 1117 of title 18, United States Code, is amended by striking "or 1116" and inserting "1116, or 1118".

(2) The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Foreign murder of United States nationals.".

SEC. 210. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.

(a) Offense.—Chapter 109A of title 18, United States Code, is amended—

(1) by redesignating section 2245 as section 2246; and

(2) by inserting after section 2244 the following new section:

"§ 2245. Sexual abuse resulting in death

"A person who, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

(b) Technical Amendments.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by striking the item for section 2245 and inserting the following:

"2245. Sexual abuse resulting in death.
"2246. Definitions for chapter.".

SEC. 211. DEATH PENALTY FOR SEXUAL EXPLOITATION OF CHILDREN.

Section 2251(d) of title 18, United States Code, is amended by adding at the end the following: "Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

SEC. 212. MURDER BY ESCAPED PRISONERS.

(a) In General.—Chapter 51 of title 18, United States Code, as amended by section 109(a), is amended by adding at the end the following new section:

"§ 1119. Murder by escaped prisoners

"(a) Definition.—In this section, 'Federal prison' and 'term of life imprisonment' have the meanings stated in section 1118.

"(b) Offense and Penalty.—A person, having escaped from a Federal prison where the person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112.".

(b) Technical Amendment.—The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 109(b)(2), is amended by adding at the end the following new item:

"1119. Murder by escaped prisoners.".

SEC. 213. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES.

Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(o) A person who, in the course of a violation of subsection (c), causes the death of a person through the use of a firearm, shall—

"(1) if the killing is a murder (as defined in section 1111), be punished by death or by imprisonment for any term of years or for life; and

"(2) if the killing is manslaughter (as defined in section 1112), be punished as provided in that section.".

SEC. 214. HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.

Section 930 of title 18, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(2) in subsection (a) by striking "(c)" and inserting "(d)"; and

(3) by inserting after subsection (b) the following new subsection:

"(c) A person who kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113.".

SEC. 215. MURDER IN COURSE OF ALIEN SMUGGLING.

Section 274(a) of the Immigration and Naturalization Act (8 U.S.C. 1324) is amended by inserting before the period at the end the following: "; *Provided further*, That if during and in relation to an offense described in paragraph (1) the person causes serious bodily injury to, or places in jeopardy the life of, any alien, such person shall be subject to a term of imprisonment of not more than 20 years, and if the death of any alien results, shall be punished by death or imprisoned for any term of years or for life.".

TITLE III—HABEAS CORPUS REFORM

SEC. 301. SHORT TITLE.

This title may be cited as the "Habeas Corpus Reform Act of 1993".

SEC. 302. FILING DEADLINES.

(a) In General.—Section 2242 of title 28, United States Code, is amended—

(1) by amending the heading to read as follows:

"§ 2242. Filing of habeas corpus petition; time requirements; tolling rules";

(2) by inserting "(a)(1)" before the first paragraph, "(2)" before the second paragraph, "(3)" before the third paragraph, and "(4)" before the fourth paragraph;

(3) by amending the third paragraph, as designated by paragraph (3), to read as follows:

"(3) Leave to amend or supplement the petition shall be freely given, as provided in the rules of procedure applicable to civil actions."; and

(4) by adding at the end the following new subsections:

"(b) An application for habeas corpus relief under section 2254 shall be filed in the appropriate district court not later than 180 days after—

"(1) the last day for filing a petition for writ of certiorari in the United States Supreme Court on direct appeal or unitary review of the conviction and sentence, if such a petition has not been filed within the time limits established by law;

"(2) the date of the denial of a writ of certiorari, if a petition for a writ of certiorari to the highest court of the State on direct appeal or unitary review of the conviction and sentence is filed, within the time limits established by law, in the United States Supreme Court; or

"(3) the date of the issuance of the mandate of the United States Supreme Court, if on a petition for a writ of certiorari the Supreme Court grants the writ and disposes of the case in a manner that leaves the sentence undisturbed.

"(c)(1) Notwithstanding the filing deadline imposed by subsection (b), if a petitioner under a sentence of death has filed a petition for post-conviction review in State court within 270 days of the appointment of counsel as required by section 2258, the petitioner shall have 180 days to file a petition under this chapter upon completion of the State court review.

"(2) The time requirements established by subsection (b) shall not apply unless the State has provided notice to a petitioner under sentence of death of the time requirements established by this section. Such notice shall be provided upon the final disposition of the initial petition for State post-conviction review.

"(3) In a case in which a sentence of death has been imposed, the time requirements established by subsection (b) shall be tolled—

"(A) during any period in which the State has failed to appoint counsel for State post-conviction review as required in section 2258;

"(B) during any period in which the petitioner is incompetent; and

"(C) during an additional period, not to exceed 60 days, if the petitioner makes a showing of good cause.

"(d)(1) Notwithstanding the filing deadline imposed by subsection (b), if a petitioner under a sentence other than death has filed—

"(A) a petition for post-conviction review in State court; or

"(B) a request for counsel for post-conviction review,

before the expiration of the period described in subsection (b), the petitioner shall have 180 days to file a petition under this chapter upon completion of the State court review.

"(2) The time requirements established by subsection (b) shall not apply in a case in which a sentence other than death has been imposed unless—

"(A) the State has provided notice to the petitioner of the time requirements established by this section and of the availability of counsel as described in subparagraph (B); such notice shall be provided orally at the time of sentencing and in writing at the time the petitioner's conviction becomes final, except that in a case in which the petitioner's conviction becomes final within 30 days of sentencing, the State may provide both the oral and the written notice at sentencing; in all cases, the written notice to petitioner shall include easily understood instructions for filing a request for counsel for State post-conviction review; and

"(B)(i) the State provides counsel to the petitioner upon the filing of a request for counsel for State post-conviction review; or

"(ii) the State provides counsel to the petitioner, if a request for counsel for State post-conviction review is not filed, upon the filing of a petition for post-conviction review.

"(3) The time requirements established by subsection (b) shall be tolled in a case in which a sentence other than death has been imposed—

"(A) during any period in which the petitioner is incompetent; and

"(B) during an additional period, not to exceed 60 days, if the petitioner makes a showing of good cause.

"(e) An application that is not filed within the time requirements established by subsection (b) shall be governed by section 2244(b).".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 153 of title 28, United States Code is amended by amending the item relating to section 2242 to read as follows:

"2242. Filing of habeas corpus petition; time requirements; tolling rules.".

SEC. 303. STAYS OF EXECUTION IN CAPITAL CASES.

Section 2251 of title 28, United States Code, is amended—

(1) by inserting "(a)(1)" before the first paragraph and "(2)" before the second paragraph; and

(2) by adding at the end the following new subsections:

"(b) In the case of a person under sentence of death, a warrant or order setting an execution shall be stayed upon application to any court that would have jurisdiction over a habeas corpus petition under this chapter. The stay shall be contingent upon the exercise of reasonable diligence by the applicant in pursuing relief with respect to the sentence and shall expire if—

"(1) the applicant fails to file for relief under this chapter within the time requirements established by section 2242;

"(2) upon completion of district court and court of appeals review under section 2254, the application is denied and—

"(A) the time for filing a petition for a writ of certiorari expires before a petition is filed;

"(B) a timely petition for a writ of certiorari is filed and the Supreme Court denies the petition; or

"(C) a timely petition for certiorari is filed and, upon consideration of the case, the Supreme Court disposes of it in a manner that leaves the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel, and after being advised of the consequences of the decision, the applicant competently and knowingly waives the right to pursue habeas corpus relief under this chapter.

"(c) If any 1 of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution unless the applicant has filed a habeas corpus petition that satisfies, on its face, section 2244(b) or 2256. A stay granted pursuant to this subsection shall expire if, after the grant of the stay, 1 of the conditions specified in subsection (b) (2) or (3) occurs.".

SEC. 304. LIMITS ON NEW RULES; STANDARD OF REVIEW.

(a) LIMITS ON NEW RULES.—

(1) IN GENERAL.—Chapter 153 of Title 28, United States Code, as amended by section 306(a), is amended by adding at the end the following new section:

"§ 2257. Law applicable

"(a) Except as provided in subsection (b), in a case subject to this chapter, the court shall not announce or apply a new rule to grant habeas corpus relief.

"(b) A court considering a claim under this chapter shall apply a new rule when—

"(1) the new rule places a class of individual conduct beyond the power of the criminal lawmaking authority to proscribe or prohibits the imposition of a certain type of punishment for a class of persons because of their status or offense; or

"(2) the new rule constitutes a watershed rule of criminal procedure implicating the fundamental fairness and accuracy of the criminal proceeding.

"(c) As used in this section, a 'new rule' is a rule that changes the constitutional or statutory standards that prevailed at the time the petitioner's conviction and sentence became final on direct appeal.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 153 of title 28, United States Code, as amended by section 306(b), is amended by adding at the end the following new item:

"2257. Law applicable.".

(b) STANDARD OF REVIEW.—Section 2254(a) of title 28, United States Code, is amended by adding at the end the following: "Except as to Fourth Amendment claims controlled by Stone v. Powell, 428 U.S. 465 (1976), the Federal courts, in reviewing an application under this section, shall review de novo the rulings of a State court on matters of Federal law, including the application of Federal law to facts, regardless of whether the opportunity for a full and fair hearing on such Federal questions has been provided in the State court. In the case of a violation that can be harmless, the State shall bear the burden of proving harmlessness.".

SEC. 305. LIMITS ON SUCCESSIVE PETITIONS.

Section 2244(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) A claim presented in a habeas corpus petition that was not timely presented in a prior petition shall be dismissed unless—

"(A) the petitioner shows that—

"(i) the failure to raise the claim previously was the result of interference by State officials with the presentation of the claim, in violation of the Constitution or laws of the United States;

"(ii) the claim relies on a new rule that is applicable under section 2257 and was previously unavailable; or

"(iii) the factual predicate for the claim could not have been discovered previously through the exercise of reasonable diligence; and

"(B) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to—

"(i) undermine the court's confidence in the factfinder's determination of the applicant's guilt of the offense or offenses for which the sentence was imposed; or

"(ii) demonstrate that no reasonable sentencing authority would have found an aggravating circumstance or other condition of eligibility for a capital or noncapital sentence, or otherwise would have imposed a sentence of death.

"(2) Notwithstanding other matters pending before the court, claims for relief under this subsection from a case in which a sentence of death was imposed shall receive a prompt review in a manner consistent with the interests of justice.".

SEC. 306. NEW EVIDENCE.

(a) In General.—Chapter 153 of title 28, United States Code, as amended by section 304(a)(1), is amended by adding at the end the following new section:

"§ 2256. Capital cases; new evidence

"For purposes of this chapter, a claim arising from a violation of the Constitution, laws, or treaties of the United States shall include a claim by a person under sentence of death that is based on factual allegations that, if proven and viewed in light of the evidence as a whole, would be sufficient to demonstrate that no reasonable factfinder would have found the petitioner guilty of the offense or that no reasonable sentencing authority would have found an aggravating circumstance or other condition of eligibility for the sentence. Such a claim shall be dismissed if the facts supporting the claim were actually known to the petitioner during a prior stage of the litigation in which the claim was not raised. Notwithstanding any other provision of this chapter, the claim shall not be subject to section 2244(b) or the time requirements established by section 2242. In all other respects, the claim shall be subject to the rules applicable to claims under this chapter.".

(b) Technical Amendment.—The chapter analysis for chapter 153 of title 28, United States Code, as amended by section 304(a)(2), is amended by adding at the end the following new item:

"2258. Capital cases; new evidence.".

SEC. 307. CERTIFICATES OF PROBABLE CAUSE.

The third paragraph of section 2253 of title 28, United States Code, is amended by adding at the end the following: "However, an applicant under sentence of death shall have a right of appeal without a certificate of probable cause, except after denial of a habeas corpus petition filed under section 2244(b).".

SEC. 308. PROVISION OF COUNSEL.

(a) In General.—Chapter 153 of title 28, United States Code, as amended by section 304(a)(1), is amended by adding at the end the following new section:

"§ 2258. Counsel in capital cases; State court

"(a) Counsel.—(1) A State in which a sentence of death may be imposed under State law shall provide legal services to—

"(A) indigents charged with offenses for which capital punishment is sought;

"(B) indigents who have been sentenced to death and who seek appellate, post-conviction, or unitary review in State court; and

"(C) indigents who have been sentenced to death and who seek certiorari review of State court judgments in the United States Supreme Court.

"(2) This section shall not apply or form a basis for relief to nonindigents.

"(b) Counsel Certification Authority.—A State in which a sentence of death may be imposed under State law shall, within 180 days after the date of enactment of this subsection, establish a State counsel certification authority, which shall be comprised of members of the bar with substantial experience in, or commitment to, the representation of criminal defendants in capital cases, and shall be comprised of a balanced representation from each segment of the State's criminal defense bar, such as a statewide defender organization, a capital case resource center, local public defender's offices and private attorneys involved in criminal trial, appellate, post-conviction, or unitary review practice. If a State fails to establish a counsel certification authority within 180 days after the date of enactment of this subsection, a private cause of action may be brought in Federal district court to enforce this subsection by any aggrieved party, including a defendant eligible for appointed representation under this subsection or a member of an organization eligible for representation on the counsel certification authority. If the court finds that the State has failed to establish a counsel certification authority as required by this subsection, the court shall grant appropriate injunctive and declaratory relief, except that the court shall not grant relief that disturbs any criminal conviction or sentence, obstructs the prosecution of State criminal proceedings, or alters proceedings arising under this chapter.

"(c) Duties of Authority; Certification of Counsel.—The counsel certification authority shall—

"(1) establish and publish standards governing qualifications of counsel, which shall include—

"(A) knowledge and understanding of pertinent legal authorities regarding issues in capital cases;

"(B) skills in the conduct of negotiations and litigation in capital cases, the investigation of capital cases and the psychiatric history and current condition of capital clients, and the preparation and writing of legal papers in capital cases;

"(C) the minimum qualifications required by subsection (d); and

"(D) any additional qualifications relevant to the representation of capital defendants;

"(2) establish application and certification procedures for attorneys who possess the qualifications established pursuant to paragraph (1);

"(3) establish application and certification procedures for attorneys who do not possess all the qualifications established pursuant to paragraph (1) but who possess, in addition to the minimum qualifications required by subsection (d), additional resources (such as an affiliation with a publicly funded defender organization) and experience that enable them to provide quality legal representation comparable to that of an attorney possessing the qualifications established pursuant to paragraph (1);

"(4) establish application and certification procedures, to be used on a case by case basis, for attorneys who do not necessarily possess the minimum qualifications required by subsection (d), but who possess other extraordinary experience and resources that enable them to provide quality legal representation comparable to that of an attorney possessing the qualifications established pursuant to paragraph (1);

"(5) publish a current roster of attorneys certified pursuant to paragraphs (2) and (3) to be appointed in capital cases;

"(6) establish and publish standards governing the performance of counsel in capital cases, including standards that proscribe abusive practices and mandate sound practices in order to further the fair and orderly administration of justice;

"(7) monitor the performance of attorneys certified pursuant to this subsection; and

"(8) delete from the roster the name of any attorney who fails to meet the qualification or performance standards established pursuant to this subsection.

"(d) Minimum Counsel Standards.—All counsel certified pursuant to paragraph (2) or (3) of subsection (c) or appointed pursuant to subsection (f) shall possess, in addition to any qualifications required by State or local law, the following minimum qualifications:

"(1) familiarity with the performance standards established by the counsel certification authority;

"(2) familiarity with the appropriate court system, including the procedural rules regarding timeliness of filings and procedural default; and

"(3) in the case of counsel appointed for the trial or sentencing stages, at least 2 of the qualifications listed in subparagraph (A) and 1 of the qualifications listed in subparagraph (B), or 1 of the alternative qualifications listed in subparagraph (C):

"(A) Qualifying Trial Experience (must have 2).—Prior experience within the last 10 years as—

"(i) lead or sole counsel in 12 jury trials, of which no fewer than 5 were criminal jury trials;

"(ii) lead or sole counsel in 3 criminal jury trials in which the charge was murder or aggravated murder;

"(iii) co-counsel in 5 criminal jury trials in which the charge was murder or aggravated murder;

"(iv) lead or sole counsel in no fewer than 5 criminal jury trials involving crimes of violence against persons, punishable by imprisonment of over 1 year,

which were tried to a verdict or to a deadlocked jury.

"(B) Qualifying Capital Trial Experience (must have 1).—

"(i) lead or sole counsel within the last 5 years in the trial of at least 1 capital case that was tried through sentencing;

"(ii) co-counsel in the trial of no fewer than 2 capital cases (1 of which occurred within the last 5 years) that were tried through sentencing;

"(iii) successful completion within the preceding 2 years of a training program in capital trial litigation that has been certified by the counsel certification authority or, if the authority has not certified a program, successful completion of an at least 12-hour training program in capital trial litigation for which continuing legal education (CLE) credit is available, and which the CLE authority in the State has certified as comporting with the objectives and requirements of this section.

"(C) Alternative Qualifying Experience for Trial.—Notwithstanding subparagraphs (A) and (B), an attorney shall be eligible for certification pursuant to paragraph (2) or (3) of subsection (c) or appointment pursuant to subsection (f) if the attorney—

"(i) has conducted 5 evidentiary hearings and has been employed for more than 1 year by a capital resource center, a unit or its equivalent that specializes in capital cases within a public defender office, or a public interest law office specializing in capital litigation; or

"(ii) has been certified by the State capital litigation resource center as competent to be assigned to a capital trial;

"(4) in the case of counsel appointed for appellate or unitary review, at least 1 of the qualifications listed in subparagraph (A) and 1 of the qualifications listed in subparagraph (B), or 1 of the alternative qualifications listed in subparagraph (C):

"(A) Qualifying Appellate Experience (must have 1).—Prior experience within the past 5 years as—

"(i) lead or sole counsel in no fewer than 10 appeals, of which no fewer than 5 were criminal appeals;

"(ii) lead or sole counsel in at least 6 criminal felony appeals;

"(iii) lead or sole counsel in 3 criminal or felony appeals, at least 1 of which was an appeal of a murder or aggravated murder conviction,

which were fully briefed.

"(B) QUALIFYING CAPITAL APPELLATE EXPERIENCE (MUST HAVE 1).—

"(i) lead or sole counsel within the last 5 years in the appeal or unitary review of at least 1 capital case;

"(ii) co-counsel in the appeal or unitary review of no fewer than 2 capital cases, 1 of which occurred within the last 5 years;

"(iii) successful completion within the preceding 2 years of a training program in the litigation of capital appeals that has been certified by the counsel certification authority or, if the authority has not certified a program, successful completion of an at least 12-hour training program in capital litigation with a focus on appeals for which continuing legal education (CLE) credit is available, and which the CLE authority in the State has certified as comporting with the objectives and the requirements of this section.

"(C) ALTERNATIVE QUALIFYING EXPERIENCE FOR APPEALS.—Notwithstanding subparagraphs (A) and (B), an attorney shall be eligible for certification pursuant to paragraph (2) or (3) of subsection (c) or for appointment pursuant to subsection (f) if the attorney—

"(i) has been employed for more than 1 year by a capital resource center, a unit or its equivalent that specializes in capital cases within a public defender office, or a public interest law office specializing in capital litigation; or

"(ii) has been certified by the State capital litigation resource center as competent to be assigned to a capital appeal; and

"(5) in the case of counsel appointed for post-conviction proceedings, at least 2 of the qualifications listed in subparagraph (A) and at least 1 of the qualifications listed in subparagraph (B), or 1 of the alternative qualifications listed in subparagraph (C):

"(A) QUALIFYING POST-CONVICTION EXPERIENCE (MUST HAVE 2).—Prior experience within the past 10 years as—

"(i) lead or sole counsel in no fewer than 3 post-conviction proceedings;

"(ii) co-counsel in no fewer than 5 post-conviction proceedings;

"(iii) 1 of the trial qualifications listed in paragraph (3)(A);

"(iv) 1 of the appellate qualifications listed in paragraph (4)(A).

"(B) QUALIFYING CAPITAL POST-CONVICTION EXPERIENCE (MUST HAVE 1).—

"(i) lead or sole counsel within the last 5 years in the trial (through sentencing), appeal, or post-conviction review of at least 1 capital case;

"(ii) co-counsel in the trial (through sentencing), appeal, or post-conviction review of no fewer than 2 capital cases, 1 of which occurred within the last 5 years;

"(iii) successful completion during the preceding 2 years of a training program in the litigation of capital post-conviction proceedings that has been certified by the counsel certification authority or, if the authority has not certified a program, successful completion of an at least 12-hour training program in capital litigation with a focus on post-conviction proceedings for which continuing legal education (CLE) credit is available, and which the CLE authority in the State has certified as comporting with the objectives and requirements of this section.

"(C) ALTERNATIVE QUALIFYING EXPERIENCE FOR POST-CONVICTION PROCEEDINGS.—Notwithstanding subparagraphs (A) and (B), an attorney shall be eligible for certification pursuant to paragraph (2) or (3) of subsection (c) or appointment pursuant to subsection (f) if the attorney—

"(i) has conducted 3 evidentiary hearings and has been employed for more than 1 year by a capital litigation resource center, by a unit or its equivalent that specializes in capital cases within a public defender office, or by a public interest law office specializing in capital litigation; or

"(ii) has been certified by the State capital litigation resource center as competent to be assigned to a capital post-conviction proceeding.

"(e) APPOINTMENT OF CERTIFIED COUNSEL.—(1) The State court shall appoint at least 2 attorneys to represent an indigent at trial, and at least 1 attorney to represent an indigent at the appellate, unitary or post-conviction review stage, including—

"(A) a lead counsel who is named on the roster published pursuant to subsection (c)(5);

"(B) a defender organization or resource center, which shall designate appropriate attorneys affiliated with the organization, including a lead counsel who is named on the roster; or

"(C) a lead counsel certified pursuant to subsection (c)(4).

"(2) The State court may appoint additional attorneys upon a showing of need.

"(f) APPOINTMENT OF NONCERTIFIED COUNSEL.—(1) If there is no roster of attorneys published pursuant to subsection (c)(5), or if no attorney on the roster can accept the appointment and if no attorney certified pursuant to subsection (c)(4) has been appointed, the State court shall appoint at least 2 attorneys to represent an indigent at trial, and at least 1 attorney to represent an indigent at the appellate, unitary or post-conviction review stage, including—

"(A) a lead counsel who possesses the minimum qualifications required by subsection (d); or

"(B) a defender organization or resource center, which shall designate appropriate attorneys affiliated with the organization, including a lead counsel who possesses the qualifications required by subsection (d).

"(2) No attorney shall be appointed pursuant to this subsection unless the State court has first conducted an evidentiary hearing on the record in which the court determines, after the attorney gives sworn testimony and presents documentary proof that the attorney possesses each of the qualifications required by subsection (d), that the attorney possesses the requisite qualifications. In making its determination, the court shall, to each qualification required by subsection (d), make a specific finding on the record that the attorney possesses the qualification.

"(g) No attorney may be denied certification pursuant to paragraph (2) or (3) of subsection (c) or appointment pursuant to subsection (f) solely because of prior employment as a prosecutor.

"(h) Prior to appointing counsel pursuant to this section, the State court shall inquire as to whether counsel maintains a workload which, by reason of its excessive size, will interfere with the rendering of quality representation or create a substantial risk of a breach of professional obligations.

"(i) If a person entitled to an appointment of counsel declines to accept an appointment, the State court shall conduct, or cause to be conducted, a hearing, at which the person and counsel proposed to be appointed shall be present, to determine the person's competence to decline the appointment, and whether the person has competently and knowingly declined it.

"(j) If a State court fails to appoint counsel in a proceeding specified in subsection (a), or if a State court in a proceeding described in subsection (a)—

"(1) fails to appoint the number of counsel required in subsection (e);

"(2) appoints counsel whose name is not on the roster published pursuant to subsection (c)(5);

"(3) appoints counsel who has failed to present a certification issued pursuant to subsection (c)(4); or

"(4) when subsection (f) applies, fails to hold the hearing, receive the requisite testimony and proof, or make the determination required by subsection (f),

a Federal court, in a proceeding under this chapter, shall neither presume findings of fact made at such proceeding to be correct nor decline to consider a claim on the ground that it was not raised in such proceeding at the time or in the manner prescribed by State law. In no circumstances other than those described in this subsection shall a determination of noncompliance with this section provide a basis for relief to a petitioner proceeding under this chapter.

"(k) No attorney appointed to represent a prisoner in State post-conviction proceedings shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made, unless the prisoner and attorney expressly request continued representation.

"(l) Notwithstanding the rates and maximum limits generally applicable to criminal cases and any other provision of law to the contrary, the highest State court with jurisdiction over criminal cases shall, after notice and comment, establish a schedule of hourly rates for the compensation of attorneys appointed pursuant to this section that are reasonable in light of the qualifications of attorneys appointed and the local practices for legal representation in cases reflecting the complexity and responsibility of capital cases. For each attorney appointed pursuant to this section, the State court shall separately order compensation at the rates set by the highest State court for the hours the attorneys reasonably expended on the case and for reasonable expenses paid for investigative, expert, and other reasonably necessary services. Any aggrieved party may bring a private cause of action in Federal district court to enforce the provisions of this subsection for the establishment of a schedule of reasonable hourly rates for the compensation of attorneys. In such an action, the Federal court shall not independently determine the appropriate rates, but shall decide whether the hourly rates as scheduled by the State court are within the range of reasonableness consistent with the criteria stated in this subsection. If the hourly rates as scheduled are not within the range of reasonableness, or if no schedule of rates has been established, the court shall grant appropriate injunctive or declaratory relief, except that the court shall not grant relief that disturbs any criminal conviction or sentence, obstructs the prosecution of State criminal proceedings, or alters proceedings arising under this chapter.

"(m) The ineffectiveness or incompetence of counsel appointed pursuant to this section during State or Federal post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel at any phase of State or Federal post-conviction proceedings.

"(n) Nothing in this section changes the constitutional standard governing claims of ineffective assistance of counsel pursuant to the sixth amendment to the Constitution of the United States. A determination of noncompliance with this section (as opposed to the facts which support such a determination) shall not provide a basis for a claim of constitutionally ineffective assistance of counsel.

"(o) The requirements of this section shall apply to any appointment of counsel made after the effective date of this Act in any trial, direct appeal, or unitary review of a capital indigent. Counsel shall be appointed as provided in this section in any post-conviction proceeding commenced after the effective date of this Act. In no case shall counsel appointed for a proceeding commenced before the effective date of this Act be subject to the requirements of this section, nor shall any person whose counsel was appointed for any trial, appeal, post-conviction or unitary review before the effective date of this Act be entitled to any relief, including application of subsection (j), based on a claim that counsel was not appointed in conformity with subsection (e) or (f).".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 153 of title 28, United States Code, as amended by section 304(a)(2), is amended by adding at the end the following new item:

"2258. Counsel in capital cases; State court.".

SEC. 309. CAPITAL LITIGATION FUNDING.

(a) GRANTS UNDER THE EDWARD BYRNE GRANT PROGRAM.—

(1) IN GENERAL.—Subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new section:

"HABEAS CORPUS LITIGATION

"SEC. 511A. Notwithstanding any other provision of this title, the Director shall provide grants to the States, from the funding allocated pursuant to section 511, for the purpose of supporting litigation pertaining to Federal habeas corpus petitions in capital cases. The total funding available for such grants within any fiscal year shall be equal to the funding provided to capital resource centers, pursuant to Federal appropriation, in the same fiscal year.".

(2) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. preceding 3701) is amended by inserting after the item relating to section 511 the following new item:

"Sec. 511A. Habeas corpus litigation.".

(b) GRANTS FOR STATE CAPITAL LITIGATION.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 103(a) is amended—

(A) by redesignating part R as part S;

(B) by redesignating section 1801 as section 1901; and

(C) by inserting after part Q the following new part:

"PART R—GRANTS FOR STATE CAPITAL LITIGATION

"SEC. 1801. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance shall make grants to States from amounts appropriated to carry out this part for the use by States and by local entities in the States to comply with section 2258 of title 28, United States Code.

"SEC. 1802. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part, the Chief Executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) An application under paragraph (1) shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(b) STATE OFFICE.—The office designated under section 507—

"(1) shall prepare an application under this section; and

"(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1803. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Director shall make a grant under section 1801 to carry out the activities described in the application submitted by an applicant under section 1802 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Bureau has made an affirmative finding in writing that the proposed activities have been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1802 shall be considered to be approved, in whole or in part, by the Director not later than 45 days after first received unless the Director informs the applicant of specific reasons for disapproval.

"(c) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Director shall not disapprove any application without first affording the applicant reasonable notice and opportunity for reconsideration.

"SEC. 1804. DISTRIBUTION OF FUNDS.

"For fiscal years 1994, 1995, and 1996, the Federal share of a grant made under this part may not exceed 75 percent of the total costs of the activities described in the application submitted under section 1702 for the fiscal year for which the project receives assistance under this part. Thereafter, the Federal share of a grant made under this part may not exceed 50 percent.

"SEC. 1805. EVALUATION.

"(a) IN GENERAL.—(1) A State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director.

"(2) The Director may waive the requirement specified in subsection (a) if the Director determines that such evaluation is not warranted in the case of any particular State.

"(b) DISTRIBUTION.—A State or local entity may use not more than 5 percent of the funds it receives under this part to develop an evaluation program under this section.".

(2) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 103(b), is amended by striking the matter relating to part R and inserting the following:

"PART R—GRANTS FOR STATE CAPITAL LITIGATION

"Sec. 1801. Grant authorization.
"Sec. 1802. State applications.
"Sec. 1803. Review of State applications.
"Sec. 1804. Distribution of funds.
"Sec. 1805. Evaluation.

"PART S—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1901. Confirmation of rules, authorities, and proceedings.

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 103(c), is amended—

(A) in paragraph (3) by striking "and Q" and inserting "Q, and R"; and

(B) by adding at the end the following new paragraph:

"(12) There are authorized to be appropriated such sums as are necessary to carry out activities under part R.".

SEC. 310. CERTIFICATION OF COMPLIANCE.

(a) IN GENERAL.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 501 et seq.) is amended by adding at the end the following new section:

"CERTIFICATION OF COMPLIANCE

"SEC. 509A. In any application for a grant under this subpart, a State in which a sentence of death may be imposed shall certify whether it will comply with the provisions of section 2258 of title 28, United States Code. If the State chooses not to certify that it will comply with the provisions of that section, the amount of funds that the State is eligible to receive under that subpart shall be reduced by 75 percent. If the State certifies that it will comply with the provisions of section 2258 of title 28, United States Code, the amount of funds that the State is eligible to receive under that subpart shall not be reduced by virtue of any failure or alleged failure to carry out any of the requirements of that section. The sole enforcement mechanisms for the requirements set forth in that section shall be those provided in that section, to which the State shall be deemed to have consented by certifying that it will comply with the provisions of that section.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. preceding 3701) is amended by inserting after the item relating to section 509 the following new item:

"Sec. 509A. Certification of compliance.".

SEC. 311. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date that is 180 days after the date of enactment of this Act.

(b) SECTION 2258(b) OF TITLE 28, UNITED STATES CODE.—Section 2258(b) of title 28, United States Code, as added by section 208(a), shall take effect on the date of enactment of this Act.

TITLE IV—GUN CRIME PENALTIES

SEC. 401. ENHANCED PENALTY FOR USE OF A SEMIAUTOMATIC FIREARM DURING A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.

(a) AMENDMENT TO SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to provide an appropriate enhancement of the punishment for a crime of violence (as defined in section 924(c)(3) of title 18, United States Code) or a drug trafficking crime (as defined in section 924(c)(2) of title 18, United States Code) if a semiautomatic firearm is involved.

(b) Semiautomatic Firearm.—In subsection (a), "semiautomatic firearm" means any repeating firearm that utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round and that requires a separate pull of the trigger to fire each cartridge.

SEC. 402. ENHANCED PENALTY FOR SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate amendments to the sentencing guidelines to appropriately enhance penalties in a case in which a defendant convicted under section 844(h) of title 18, United States Code, has previously been convicted under that section.

SEC. 403. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING.

Section 924 of title 18, United States Code, as amended by section 213, is amended by adding at the end the following new subsection:

"(j) A person who, with intent to engage in or to promote conduct that—

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802); or

"(3) constitutes a crime of violence (as defined in subsection (c)(3),

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned not more than 10 years, fined under this title, or both.".

SEC. 404. THEFT OF FIREARMS AND EXPLOSIVES.

(a) Firearms.—Section 924 of title 18, United States Code, as amended by section 403(a), is amended by adding at the end the following new subsection:

"(k) A person who steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.".

(b) Explosives.—Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(k) A person who steals any explosives materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.".

SEC. 405. REVOCATION OF SUPERVISED RELEASE.

Section 3583 of title 18, United States Code, is amended by striking subsection (g) and inserting the following:

"(g) Mandatory Revocation for Possession of Controlled Substance or Firearm or for Refusal To Cooperate With Drug Testing.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

"(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing imposed as a condition of supervised release,

the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).".

SEC. 406. REVOCATION OF PROBATION.

(a) Continuation or Revocation.—Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A"; and

(2) by striking the last sentence.

(b) Mandatory Revocation.—Section 3565(b) of title 18, United States Code, is amended to read as follows:

"(b) Mandatory Revocation for Possession of Controlled Substance or Firearm or for Refusal To Cooperate With Drug Testing.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3);

"(2) possesses a firearm (as defined in section 921) in violation of Federal law or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing in violation of the condition imposed under subsection (a)(4),

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.".

SEC. 407. INCREASED PENALTY FOR KNOWINGLY MAKING FALSE, MATERIAL STATEMENT IN CONNECTION WITH THE ACQUISITION OF A FIREARM FROM A LICENSED DEALER.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (a)(1)(B) by striking "(a)(6),"; and

(2) in subsection (a)(2) by inserting "(a)(6)," after "subsections".

SEC. 408. POSSESSION OF EXPLOSIVES BY FELONS AND OTHERS.

Section 842(i) of title 18, United States Code, is amended by inserting "or possess" after "to receive".

SEC. 409. SUMMARY DESTRUCTION OF EXPLOSIVES SUBJECT TO FORFEITURE.

Section 844(c) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraphs:

"(2) Notwithstanding paragraph (1), in the case of the seizure of any explosive materials for any offense for which the materials would be subject to forfeiture in which it would be impracticable or unsafe to remove the materials to a place of storage or would be unsafe to store them, the seizing officer may destroy the explosive materials forthwith. Any destruction under this paragraph shall be in the presence of at least 1 credible witness. The seizing officer shall make a report of the seizure and take samples as the Secretary may by regulation prescribe.

"(3) Within 60 days after any destruction made pursuant to paragraph (2), the owner of (including any person having an interest in) the property so destroyed may make application to the Secretary for reimbursement of the value of the property. If the claimant establishes to the satisfaction of the Secretary that—

"(A) the property has not been used or involved in a violation of law; or

"(B) any unlawful involvement or use of the property was without the claimant's knowledge, consent, or willful blindness,

the Secretary shall make an allowance to the claimant not exceeding the value of the property destroyed.".

SEC. 410. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

(a) Section (e)(1) of Title 18.—Section 924(e)(1) of title 18, United States Code, is amended by striking ", and such person shall not be eligible for parole with respect to the sentence imposed under this subsection".

(b) Section 924(c)(1) of Title 18.—Section 924(c)(1) of title 18, United States Code, is amended by striking "No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed under this subsection.".

SEC. 411. PROHIBITION AGAINST TRANSACTIONS INVOLVING STOLEN FIREARMS WHICH HAVE MOVED IN INTERSTATE OR FOREIGN COMMERCE.

Section 922(j) of title 18, United States Code, is amended to read as follows:

"(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.".

SEC. 412. USING A FIREARM IN THE COMMISSION OF COUNTERFEITING OR FORGERY.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to provide an appropriate enhancement of the punishment for a defendant convicted of a felony under chapter 25 of title 18, United States Code, if the defendant used or carried a firearm (as defined in section 921(a)(3) of title 18, United States Code) during and in relation to the felony.

SEC. 413. ENHANCED PENALTIES FOR FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to—

(1) appropriately enhance penalties in cases in which a defendant convicted under section 922(g) of title 18, United States Code, has 1 prior conviction by any court referred to in section 922(g)(1) of title 18 for a violent felony (as defined in section 924(e)(2)(B) of that title) or a serious drug offense (as defined in section 924(e)(2)(A) of that title); and

(2) appropriately enhance penalties in cases in which such a defendant has 2 prior convictions for a violent felony (as so defined) or a serious drug offense (as so defined).

SEC. 414. RECEIPT OF FIREARMS BY NONRESIDENT.

Section 922(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.".

SEC. 415. FIREARMS AND EXPLOSIVES CONSPIRACY.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 404(a), is amended by adding at the end the following new subsection:

"(l) A person who conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 404(b), is amended by adding at the end the following new subsection:

"(l) A person who conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 416. STUDY OF INCENDIARY AMMUNITION; REPORT TO CONGRESS.

(a) STUDY.—The Secretary of the Treasury shall conduct a study of the incendiary ammunition offered for sale under the brand name "Dragon's Breath" and also known as the "Three Second Flame Thrower", and all incendiary ammunition of similar function or effect, for the purpose of determining whether there is a reasonable sporting use for such ammunition and whether there is a reasonable use for such ammunition in law enforcement.

(b) REPORT TO THE CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit to the Committee on the Judiciary of the House of Representatives a report containing the results of the study required by subsection (a) and recommendations for such legislative or administrative action, with respect to the ammunition referred to in subsection (a), as the Secretary deems appropriate.

SEC. 417. THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 415(a), is amended by adding at the end the following new subsection:

"(m) A person who steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined under this title, imprisoned not more than 10 years, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 415(b), is amended by adding at the end the following new subsection:

"(m) A person who steals any explosive material from a licensed importer, licensed manufacturer, or licensed dealer, or from any permittee shall be fined under this title, imprisoned not more than 10 years, or both.".

SEC. 418. DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.

Section 842(d) of title 18, United States Code, is amended by striking "licensee" and inserting "person".

SEC. 419. CLARIFICATION OF "BURGLARY" UNDER THE ARMED CAREER CRIMINAL STATUTE.

Section 924(e)(2) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B)(ii);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) the term 'burglary' means any crime punishable by a term of imprisonment exceeding 1 year and consisting of entering or remaining surreptitiously within a building that is the property of another with intent to engage in conduct constituting a Federal or State offense.".

SEC. 420. INCREASED PENALTY FOR INTERSTATE GUN TRAFFICKING.

Section 924 of title 18, United States Code, as amended by section 417(a), is amended by adding at the end the following new subsection:

"(n) A person who, with the intent to engage in conduct that constitutes a violation of section 922(a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years.".

TITLE V—OBSTRUCTION OF JUSTICE

SEC. 501. PROTECTION OF COURT OFFICERS AND JURORS.

Section 1503 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever";

(2) by striking "fined not more than $5,000 or imprisoned not more than five years, or both." and inserting "punished as provided in subsection (b).";

(3) by adding at the end the following new subsection:

"(b) The punishment for an offense under this section is—

"(1) in the case of a killing, the punishment provided in sections 1111 and 1112;

"(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years; and

"(3) in any other case, imprisonment for not more than 10 years."; and

(4) in subsection (a), as designated by paragraph (1), by striking "commissioner" each place it appears and inserting "magistrate judge".

SEC. 502. PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS AND INFORMANTS.

Section 1513 of title 18, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting after the section heading the following new subsection:

"(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings given by a person to a law enforcement officer; shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112; and

"(B) in the case of an attempt, imprisonment for not more than 20 years.".

SEC. 503. PROTECTION OF JURORS AND WITNESSES IN CAPITAL CASES.

Section 3432 of title 18, United States Code, is amended by inserting before the period the following: ", except that such list of the veniremen and witnesses need not be furnished if the court finds by a preponderance of the evidence that providing the list may jeopardize the life or safety of any person".

SEC. 504. DEATH PENALTY FOR THE MURDER OF STATE OFFICIALS ASSISTING FEDERAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 112(a), is amended by adding at the end the following new section:

"§ 1120. Killing persons aiding Federal investigations

"A person who intentionally kills—

"(1) a State or local official, law enforcement officer, or other officer or employee while working with Federal law enforcement officials in furtherance of a Federal criminal investigation—

"(A) while the victim is engaged in the performance of official duties;

"(B) because of the performance of the victim's official duties; or

"(C) because of the victim's status as a public servant; or

"(2) any person assisting a Federal criminal investigation, while that assistance is being rendered and because of it,

shall be sentenced as provided in section 1111, including by sentence of death or by imprisonment for life.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 112(b), is amended by adding at the end the following new item:

"1120. Killing persons aiding Federal investigations.".

SEC. 505. DEATH PENALTY FOR MURDER OF FEDERAL WITNESSES.

Section 1512(a)(2)(A) of title 18, United States Code, is amended to read as follows:

"(A) in the case of murder (as defined in section 1111), the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112;".

TITLE VI—YOUTH VIOLENCE

Subtitle A—Increased Penalties for Drug Trafficking and Criminal Street Gangs

SEC. 601. STRENGTHENING FEDERAL PENALTIES FOR EMPLOYING CHILDREN TO DISTRIBUTE DRUGS.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Notwithstanding any other provision of law, any person at least 18 years of age who knowingly and intentionally—

"(1) employs, hires, uses, persuades, induces, entices, or coerces, a person under 18 years of age to violate any provision of this section; or

"(2) employs, hires, uses, persuades, induces, entices, or coerces, a person under 18 years of age to assist in avoiding detection or apprehension for any offense of this section by any Federal, State, or local law enforcement official,

is punishable by a term of imprisonment, or fine, or both, up to triple that authorized by section 841(b).".

SEC. 602. COMMENCEMENT OF JUVENILE PROCEEDING.

Section 5032 of title 18, United States Code, is amended by striking "Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until" and inserting "A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 (disposition after a finding of juvenile delinquency) until".

SEC. 603. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 25 the following new chapter:

"CHAPTER 26—CRIMINAL STREET GANGS

"Sec.

"521. Criminal street gangs.

"§ 521. Criminal street gangs

"(a) DEFINITIONS.—In this section—

"'conviction' includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent or controlled substances felony.

"'criminal street gang' means any group, club, organization, or association of 5 or more persons—

"(A) whose members engage or have engaged within the past 5 years, in a continuing series of violations of any offense treated in subsection (b); and

"(B) whose activities affect interstate or foreign commerce.

"(b) PENALTY.—A person who, under the circumstances described in subsection (d), commits an offense described in subsection (c), shall, in addition to any other sentence authorized by law, be sentenced to a term of imprisonment of not more than 10 years and may also be fined under this title. Such a sentence of imprisonment shall run consecutively to any other sentence imposed.

"(c) OFFENSES.—The offenses described in this section are—

"(1) any Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years;

"(2) any Federal felony crime of violence; and

"(3) a conspiracy to commit any of the offenses described in paragraphs (1) and (2).

"(d) CIRCUMSTANCES.—The circumstances described in this section are that the offense described in subsection (c) was committed by a person as a member of, or on behalf of, a criminal street gang and that person has been convicted within the past 5 years for—

"(1) an offense described in subsection (c);

"(2) any State offense—

"(A) involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 1 year after imprisonment; or

"(B) that is a crime of violence; for which the maximum penalty is more than 1 year's imprisonment;

"(3) any Federal or State offense that involves the theft or destruction of property for which the maximum penalty is more than 1 year's imprisonment; or

"(4) a conspiracy to commit any of the offenses described in paragraphs (1), (2), or (3).".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 25 the following new item:

"26. Criminal street gangs .... 521".

Subtitle B—Juvenile Drug Trafficking and Gang Prevention Grants

SEC. 611. GRANT PROGRAM.

The Juvenile Justice and Delinquency Prevention Act of 1974 is amended in part B—

(1) by inserting after the heading the following:

"Subpart I—General Grant Programs";

and

(2) by adding at the end the following new subpart:

"Subpart II—Juvenile Drug Trafficking and Gang Prevention Grants

"FORMULA GRANTS

"SEC. 231. (a) IN GENERAL.—The Administrator may make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective programs including education, prevention, treatment and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) PURPOSES.—The grants made under this section can be used for any of the following specific purposes:

"(1) To reduce the participation of juveniles in drug related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools.

"(2) To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles.

"(3) To develop within the juvenile justice system, including the juvenile corrections system, new and innovative means to address the problems of juveniles convicted of serious, drug-related and gang-related offenses.

"(4) To reduce juvenile drug and gang-related activity in public housing projects.

"(5) To provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to identify drug-dependent or gang-involved juvenile offenders and to provide appropriate counseling and treatment to such offenders.

"(6) To promote the involvement of all juveniles in lawful activities, including in-school and after-school programs for academic, athletic or artistic enrichment that also teach that drug and gang involvement are wrong.

"(7) To facilitate Federal and State cooperation with local school officials to develop education, prevention, and treatment programs for juveniles who are likely to participate in the drug trafficking, drug use or gang-related activities.

"(8) To prevent juvenile drug and gang involvement in public housing projects through programs establishing youth sports and other activities, including girls' and boys' clubs, scout troops, and little leagues.

"(9) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system, with the highest possible priority being to provide drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers.

"(10) To provide education and treatment programs for youth exposed to severe violence in their homes, schools, or neighborhoods.

"(11) To establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletics provide a positive alternative to drug and gang involvement.

"(c) USE OF GRANT FUNDS.—Of the funds made available to each State under this section, 50 percent of the funds made available to each State in any fiscal year shall be used for juvenile anti-gang or anti-drug education, prevention, and treatment programs and 50 percent shall be used for juvenile anti-gang or anti-drug enforcement programs.

"SPECIAL EMPHASIS DRUG DEMAND REDUCTION AND ENFORCEMENT GRANTS

"SEC. 232. (a) PURPOSE.—The purposes of this section are—

"(1) to provide additional Federal assistance and support to identify promising new juvenile drug demand reduction and enforcement programs;

"(2) to replicate and demonstrate those programs to serve as national, regional, or local models that could be used, in whole or in part, by other public and private juvenile justice programs; and

"(3) to provide technical assistance and training to public or private organizations to implement similar programs.

"(b) PRIORITY.—In making grants under this section, the Administrator shall give priority to programs aimed at juvenile involvement in organized gang- and drug-related activities, including supply and demand reduction programs.

"(c) AUTHORIZATION.—The Administrator may make grants to, or enter into contracts with, public or private non-profit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231.

"(d) AUTHORITY OVER FUNDS.—The Administrator shall have final authority over all funds awarded under this subchapter.

"(e) RESERVATION OF FUNDS.—Of the total amount appropriated for this subchapter, 20 percent shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 as described in section 232(a).

"(f) FEDERAL SHARE.—Grants made under this section may be made for amounts up to 100 percent of the costs of the programs or projects.

"SPECIAL INTERNATIONAL PORTS OF ENTRY JUVENILE CRIME AND DRUG DEMAND REDUCTION GRANTS

"SEC. 233. (a) PURPOSE.—The purposes of this section are—

"(1) to provide additional Federal assistance and support to promising new programs that specifically and effectively address the unique crime and drug and alcohol related challenges faced by juveniles living at or near International Ports of Entry and in other international border communities, including rural localities;

"(2) to replicate and demonstrate these programs to serve as models that could be used, in whole or in part, in other similarly situated communities; and

"(3) to provide technical assistance and training to public or private organizations to implement similar programs.

"(b) AUTHORIZATION.—The Administrator may make grants to, or enter into contracts with, public or private non-profit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231, if the beneficiaries of the grantee's program are juveniles living at or near International Port of Entry or in other international border communities, including rural localities.

"(c) AUTHORITY OVER FUNDS.—The Administrator shall have final authority over all funds awarded under this section.

"(d) RESERVATION OF FUNDS.—Of the total amount appropriated for this subchapter, 5 percent shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 as described in section 233(a).

"(e) FEDERAL SHARE.—Grants made under this section may be made for amounts up to 100 per centum of the costs of the programs.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 234. There are authorized to be appropriated to carry out this subpart—

"(1) $100,000,000 for fiscal year 1995; and

"(2) such sums as are necessary for fiscal year 1996.

"ALLOCATION OF FUND

"SEC. 235. Of the total amounts appropriated under this subpart for any fiscal year the amount remaining after setting aside the amounts required to be reserved to carry out section 232 shall be allocated as follows:

"(1) $400,000 shall be allocated to each of the participating States.

"(2) Of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of juveniles of the State bears to the population of juveniles in all of the participating States.

"APPLICATION

"SEC. 236. (a) IN GENERAL.—Each State applying for a grant under section 231 and each public or private entity applying for a grant under section 232 shall submit an application to the Administrator in such form and containing such information as the Administrator shall prescribe.

"( ) REGULATIONS.—To the extent that it is practicable to do so, the Administrator shall prescribe regulations governing applications for this subpart that are substantially similar to the applications required under part I and part C, including the procedures relating to competition.

"(c) COORDINATION OF FEDERAL ASSISTANCE.—In addition to the requirements prescribed under subsection (b), each State application submitted for a grant under section 231 shall include a detailed description of how the funds made available under that section will be coordinated with Federal assistance provided in parts B and C of title II of this Act and by the Bureau of Justice Assistance under the Drug Control and System Improvement Grant program.

"REVIEW AND APPROVAL OF APPLICATIONS

"SEC. 237. The procedures and time limits imposed on the Federal and State Governments under sections 505 and 508, respectively, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755 and 3758) relating to the review of applications and distribution of Federal funds shall apply to the review of applications and distribution of funds under this subpart.".

Subtitle C—Bindover System for Certain Violent Juveniles

SEC. 621. BINDOVER SYSTEM.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751), as amended by section 1002, is amended—

(1) by striking "and" at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(23) programs that address the need for effective bindover systems for the prosecution of violent 16- and 17-year-olds in courts with jurisdiction over adults for the crimes of—

"(A) murder in the first degree;

"(B) murder in the second degree;

"(C) attempted murder;

"(D) armed robbery when armed with a firearm;

"(E) aggravated battery or assault when armed with a firearm;

"(F) criminal sexual penetration when armed with a firearm; and

"(G) drive-by shootings as described in section 36 of title 18, United States Code.".

TITLE VII—TERRORISM

Subtitle A—Maritime Navigation and Fixed Platforms

SEC. 701. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

Chapter 111 of title 18, United States Code, is amended by adding at the end the following new sections:

"§ 2280. Violence against maritime navigation

"(a) OFFENSES.—

"(1) IN GENERAL.—A person who unlawfully and intentionally—

"(A) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

"(B) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

"(C) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

"(D) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

"(E) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

"(F) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

"(G) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (F); or

"(H) attempts to do any act prohibited under subparagraphs (A) through (G),

shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

"(2) THREAT TO NAVIGATION.—A person who threatens to do any act prohibited under paragraph (1) (B), (C) or (E), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) JURISDICTION.—There is jurisdiction over the prohibited activity in subsection (b)—

"(1) in the case of a covered ship, if—

"(A) such activity is committed—

"(i) by a person engaged in terrorism or who acts on behalf of a terrorist group;

"(ii) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

"(iii) in the United States and the activity is not prohibited as a crime by the State in which the activity takes place; or

"(iv) the activity takes place on a ship flying the flag of a foreign country or outside the United States, by a national of the United States or by a stateless person whose habitual residence is in the United States;

"(B) during the commission of such activity, a national of the United States is seized, threatened, injured or killed; or

"(C) the offender is later found in the United States after such activity is committed;

"(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

"(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

"(c) DEFINITIONS.—In this section—

"'covered ship' means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country.

"'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law.

"'ship' means a vessel of any type whatsoever not permanently attached to the seabed, including dynamically supported craft, submersibles or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up.

"'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States.

"§ 2281. Violence against maritime fixed platforms

"(a) OFFENSES.—

"(1) IN GENERAL.—A person who unlawfully and intentionally—

"(A) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

"(B) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

"(C) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

"(D) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety;

"(E) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (D); or

"(F) attempts to do anything prohibited under subparagraphs (A) through (E),

shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

"(2) THREAT TO SAFETY.—A person who threatens to do anything prohibited under paragraph (1) (B) or (C), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) JURISDICTION.—There is jurisdiction over the prohibited activity in subsection (b) if—

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States, if—

"(i) by a person engaged in terrorism or who acts on behalf of a terrorist group; or

"(ii) if the activity is not prohibited as a crime by the State in which the activity takes place;

"(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

"(C) in an attempt to compel the United States to do or abstain from doing any act;

"(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

"(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

"(c) DEFINITIONS.—In this section—

"'continental shelf' means the sea-bed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea.

"'fixed platform' means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.

"'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law.

"'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States.".

SEC. 702. TECHNICAL AMENDMENT.

The chapter analysis for chapter 111 of title 18, United States Code, is amended by adding at the end the following new items:

"2280. Violence against maritime navigation.
"2281. Violence against maritime fixed platforms.".

SEC. 703. EFFECTIVE DATES.

This subtitle and the amendments made by this subtitle shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2)(A) in the case of section 2280 of title 18, United States Code, the date the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

Subtitle B—General Provisions

SEC. 711. WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress finds that the use and threatened use of weapons of mass destruction (as defined in section 2332a of title 18, United States Code, as added by subsection (b)) gravely harm the national security and foreign relations interests of the United States, seriously affect interstate and foreign commerce, and disturb the domestic tranquility of the United States.

(b) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by inserting after section 2332 the following new section:

"§ 2332a. Use of weapons of mass destruction

"(a) DEFINITIONS.—In this section—

"'national of the United States' has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"'weapon of mass destruction' means—

"(A) any destructive device (as defined in section 921);

"(B) poison gas;

"(C) any weapon involving a disease organism; or

"(D) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

"(b) OFFENSE.—A person who uses, or attempts or conspires to use, a weapon of mass destruction—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States;

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.".

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, is amended by inserting after the item relating to section 2332 the following new item:

"2332a. Use of weapons of mass destruction.".

SEC. 712. ENHANCED PENALTIES FOR CERTAIN OFFENSES.

(a) SECTION 1705(b).—Section 206(b) of the International Economic Emergency Powers Act (50 U.S.C. 1705(b)) is amended by striking "$50,000" and inserting "$1,000,000".

(b) SECTION 1705(a).—Section 206(a) of the International Economic Emergency Powers Act (50 U.S.C. 1705(a)) is amended by striking "$10,000" and inserting "$1,000,000".

(c) SECTION 1541.—Section 1541 of title 18, United States Code, is amended—

(1) by striking "$500" and inserting "$250,000"; and

(2) by striking "one year" and inserting "5 years".

(d) CHAPTER 75.—Sections 1542, 1543, 1544 and 1546 of title 18, United States Code, are each amended—

(1) by striking "$2,000" each place it appears and inserting "$250,000"; and

(2) by striking "five years" each place it appears and inserting "10 years".

(e) SECTION 1545.—Section 1545 of title 18, United States Code, is amended—

(1) by striking "$2,000" and inserting "$250,000"; and

(2) by striking "three years" and inserting "10 years".

SEC. 713. TERRITORIAL SEA EXTENDING TO TWELVE MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States wherever that term is used in title 18, United States Code.

SEC. 714. ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.

Section 13 of title 18, United States Code (relating to the adoption of State laws for areas within Federal jurisdiction), is amended—

(1) by inserting after "title" in subsection (a) the following: "or on, above, or below any portion of the territorial sea of the United States not within the territory of any State, Territory, Possession, or District"; and

(2) by inserting at the end the following new subsection:

"(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Territory, Possession, or District, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of that State, Territory, Possession, or District it would lie within if the boundaries of such State, Territory, Possession, or District were extended seaward to the outer limit of the territorial sea of the United States.".

SEC. 715. JURISDICTION OVER CRIMES AGAINST UNITED STATES NATIONALS ON CERTAIN FOREIGN SHIPS.

Section 7 of title 18, United States Code (relating to the special maritime and territorial jurisdiction of the United States), is amended by inserting at the end thereof the following new paragraph:

"(8) To the extent permitted by international law, any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.".

SEC. 716. TORTURE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.
"2340. Definitions.
"2340A. Torture.
"2340B. Exclusive remedies.

"§ 2340. Definitions

"In this chapter—

"'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from—

"(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

"(B) the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

"(C) the threat of imminent death; or

"(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality.

"'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.

"'United States' includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(38)).

"§ 2340A. Torture

"(a) OFFENSES.—A person who outside the United States commits or attempts to commit torture shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) JURISDICTION.—There is jurisdiction over the prohibited activity in subsection (a) if—

"(1) the alleged offender is a national of the United States; or

"(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

"§ 2340B. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item for chapter 113A the following new item:

"113B. Torture .... 2340.".

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 717. EXTENSION OF THE STATUTE OF LIMITATIONS FOR CERTAIN TERRORISM OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3285 the following new section:

"§ 3286. Extension of statute of limitations for certain terrorism offenses

"Notwithstanding the provisions of section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32 (aircraft destruction), section 36 (airport violence), section 112 (assaults upon diplomats), section 351 (crimes against Congressmen or Cabinet officers), section 1116 (crimes against diplomats), section 1203 (hostage taking), section 1361 (willful injury to government property), section 1751 (crimes against the President), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2331 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2340A (torture) of this title or section 902 (i), (j), (k), (l), or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1572 (i), (j), (k), (l), or (n)), unless the indictment is found or the information is instituted within ten years next after such offense shall have been committed.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 213 of title 18, United States Code, is amended by inserting after the item relating to section 3285 the following new item:

"3286. Extension of statute of limitations for certain terrorism offenses.".

SEC. 718. FBI ACCESS TO TELEPHONE SUBSCRIBER INFORMATION.

(a) REQUIRED CERTIFICATION.—Section 2709(b) of title 18, United States Code, is amended to read as follows:

"(b) REQUIRED CERTIFICATION.—The Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director, may—

"(1) request the name, address, length of service, and toll billing records of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

"(2) request the name, address, and length of service of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of such provider, in communication with—

"(i) an individual who is engaging or has engaged in international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States; or

"(ii) a foreign power or an agent of a foreign power under circumstances giving reason to believe that the communication concerned international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.".

(b) REPORT TO JUDICIARY COMMITTEES.—Section 2709(e) of title 18, United States Code, is amended by adding after "Senate" the following: ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,".

SEC. 719. VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 36. Violence at international airports

"(a) DEFINITIONS.—In this section, 'terrorism' and 'terrorist group' have, respectively, the meanings stated in section 140 of Public Law 100-204 (22 U.S.C. 2656f).

"(b) OFFENSE.—A person who unlawfully and intentionally, using any device, substance, or weapon—

"(1) performs an act of violence against a person at an airport serving international civil aviation that causes or is likely to cause serious bodily injury or death; or

"(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport,

if such an act endangers or is likely to endanger safety at that airport, or attempts to do such an act, shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(c) JURISDICTION.—There is jurisdiction over the prohibited activity in subsection (b) if—

"(1) the prohibited activity takes place in the United States and—

"(A) the perpetrator of the prohibited activity engages in terrorism or acts on behalf of a terrorist group;

"(B) the activity violates subsection (b)(1) and the person against whom the violence is directed is engaged in international air travel;

"(C) the activity violates subsection (b)(2) and the facility or aircraft destroyed or damaged is owned by or leased by a foreign flag carrier or the services disrupted are primarily for the benefit of such a carrier; or

"(D) the activity is not prohibited as a crime by the law of the State in which the airport is located; or

"(2) the prohibited activity takes place outside the United States and the offender is later found in the United States.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

"36. Violence at international airports.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

SEC. 720. PREVENTING ACTS OF TERRORISM AGAINST CIVILIAN AVIATION.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, as amended by section 719(a), is amended by adding at the end the following new section:

"§ 37. Violations of Federal aviation security regulations

"A person who willfully violates a security regulation under part 107 or 108 of title 14, Code of Federal Regulations (relating to airport and airline security) issued pursuant to section 315 or 316 of the Air Transportation Security Act of 1974 (49 U.S.C. App. 1356 and 1357), or a successor part, shall be fined under this title, imprisoned for not more than 1 year, or both.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, as amended by section 719(b), is amended by adding at the end the following new item:

"37. Violations of Federal aviation security regulations.".

SEC. 721. COUNTERFEITING UNITED STATES CURRENCY ABROAD.

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding before section 471 the following new section:

"§ 470. Counterfeit acts committed outside the United States

"A person who, outside the United States, engages in the act of—

"(1) making, dealing, or possessing any counterfeit obligation or other security of the United States; or

"(2) making, dealing, or possessing any plate, stone, or other thing, or any part thereof, used to counterfeit such obligation or security,

if such act would constitute a violation of section 471, 473, or 474 if committed within the United States, shall be fined under this title, imprisoned for not more than 15 years, or both.".

(b) TECHNICAL AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 25 of title 18, United States Code, is amended by adding before section 471 the following new item:

"470. Counterfeit acts committed outside the United States.".

(2) PART ANALYSIS.—The part analysis for part I of title 18, United States Code, is amended by amending the item for chapter 25 to read as follows:

"25. Counterfeiting and forgery .... 470".

SEC. 722. ECONOMIC TERRORISM TASK FORCE.

(a) ESTABLISHMENT AND PURPOSE.—There is established an Economic Terrorism Task Force to—

(1) assess the threat of terrorist actions directed against the United States economy, including actions directed against the United States government and actions against United States business interests;

(2) assess the adequacy of existing policies and procedures designed to prevent terrorist actions directed against the United States economy; and

(3) recommend administrative and legislative actions to prevent terrorist actions directed against the United States economy.

(b) MEMBERSHIP.—The Economic Terrorism Task Force shall be chaired by the Secretary of State, or the Secretary's designee, and consist of—

(1) the Director of Central Intelligence;

(2) the Director of the Federal Bureau of Investigation;

(3) the Director of the United States Secret Service;

(4) the Administrator of the Federal Aviation Administration;

(5) the Chairman of the Board of Governors of the Federal Reserve;

(6) the Under Secretary of the Treasury for Finance; and

(7) such other members of the Departments of Defense, Justice, State, Treasury, or any other agency of the United States government, as the Secretary of State may designate.

(c) ADMINISTRATIVE PROVISIONS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Economic Terrorism Task Force.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the chairman of the Economic Terrorism Task Force shall submit a report to the President and the Congress detailing the findings and recommendations of the task force. If the report of the task force is classified, an unclassified version shall be prepared for public distribution.

SEC. 723. TERRORIST DEATH PENALTY ACT.

Section 2332(a)(1) of title 18, United States Code is amended to read as follows:

"(1) if the killing is murder (as defined in section 1111(a)), be fined under this title, punished by death or imprisonment for any term of years or for life, or both;".

SEC. 724. SENTENCING GUIDELINES INCREASE FOR TERRORIST CRIMES.

The United States Sentencing Commission is directed to amend its sentencing guidelines to provide an appropriate enhancement for any felony, whether committed within or outside the United States, that involves or is intended to promote international terrorism, unless such involvement or intent is itself an element of the crime.

SEC. 725. ALIEN WITNESS COOPERATION.

(a) ESTABLISHMENT OF NEW NONIMMIGRANT CLASSIFICATION.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (Q),

(2) by striking the period at the end of subparagraph (R) and inserting "; or", and

(3) by adding at the end the following new subparagraph:

"(S) subject to section 214(j), an alien—

"(i) who the Attorney General determines—

"(I) is in possession of critical reliable information concerning a criminal organization or enterprise, and

"(II) is willing to supply such information to Federal or State law enforcement authorities or a Federal or State court of law, and

"(ii) whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise,

and the spouse and minor children of the alien if accompanying, or following to join, the alien.".

(b) CONDITIONS OF ENTRY.—

(1) WAIVER OF GROUNDS FOR EXCLUSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by inserting before paragraph (2) the following new paragraph:

"(1) The Attorney General may, in the Attorney General's discretion, waive the application of subsection (a) (other than paragraph (3)(E) thereof) in the case of a nonimmigrant described in section 101(a)(15)(S), if the Attorney General deems it in the national interest. Any such waiver shall be deemed a waiver of any comparable ground for deportation under section 241(a)(1)(A).".

(2) NUMERICAL LIMITATIONS; PERIOD OF ADMISSION; ETC.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(j)(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 100.

"(2) No alien may be admitted into the United States as such a nonimmigrant more than 5 years after the date of the enactment of this subsection.

"(3) The period of admission of an alien as such a nonimmigrant may not exceed 3 years. Such period may not be extended by the Attorney General.

"(4) As a condition for the admission, and continued stay in lawful status, of such a nonimmigrant, the nonimmigrant—

"(A) shall report not less often than quarterly to the Commissioner such information concerning the alien's whereabouts and activities as the Attorney General may require,

"(B) may not be convicted of any criminal offense in the United States after the date of such admission, and

"(C) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of deportation, any action for deportation of the alien instituted before the alien obtains lawful permanent resident status.

"(5) The Attorney General shall submit a report annually to the Committees on the Judiciary of the House of Representatives and of the Senate concerning—

"(A) the number of such nonimmigrants admitted,

"(B) the number of successful criminal prosecutions or investigations resulting from cooperation of such aliens,

"(C) the number of such nonimmigrants whose admission has not resulted in successful criminal prosecution or investigation, and

"(D) the number of such nonimmigrants who have failed to report quarterly (as required under paragraph (4)) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant.".

(3) PROHIBITION OF CHANGE OF STATUS.—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking "or (K)" and inserting "(K), or (S)".

(c) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

"(h)(1) If, in the opinion of the Attorney General—

"(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S) has supplied information described in clauses (i) and (ii) of that section, and

"(B) the provision of such information has substantially contributed to the success of an authorized criminal investigation or the successful prosecution of an individual described in clause (ii) of that section,

the Attorney General may adjust the status of the alien (and the spouse and child of the alien if admitted under such section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

"(2) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval, and the Secretary of State shall reduce by 1 the number of visas authorized to be issued under section 201(d) and 203(b)(4) for the fiscal year then current.".

(2) EXCLUSIVE MEANS OF ADJUSTMENT.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(A) by striking "or" before "(3)" and "(4)"; and

(B) by inserting before the period at the end the following: "; or (5) an alien who was admitted as a nonimmigrant described in section 101(a)(15)(S)".

(d) EXTENDING PERIOD OF DEPORTATION FOR CONVICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by inserting "(or 10 years in the case of an alien provided lawful permanent resident status under section 245(h))" after "five years".

SEC. 726. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding the following new section:

"§ 2339A. Providing material support to terrorists

"(a) DEFINITION.—In this section, 'material support or resources' means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, but does not include humanitarian assistance to persons not directly involved in such violations.

"(b) Offense.—A person who, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2331, or 2339 of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i)), or in preparation for or carrying out the concealment of an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than 10 years, or both.".

(b) Technical Amendment.—The chapter analysis for chapter 113A of title 18, United States Code, is amended by adding the following new item:

"2339A. Providing material support to terrorists.".

TITLE VIII—SEXUAL VIOLENCE AND CHILD ABUSE

Subtitle A—Sexual Abuse

SEC. 801. SEXUAL ABUSE AMENDMENTS.

(a) Definitions of Sexual Act and Sexual Contact for Victims Under the Age of 16.—Paragraph (2) of section 2245 of title 18, United States Code, is amended—

(1) in subparagraph (B) by striking "or" after the semicolon;

(2) in subparagraph (C) by striking "; and" and inserting "; or"; and

(3) by inserting a new subparagraph (D) as follows:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;".

Subtitle B—Child Protection

SEC. 811. SHORT TITLE.

This subtitle may be cited as the "National Child Protection Act of 1993".

SEC. 812. PURPOSES.

The purposes of this subtitle are—

(1) to establish a national system through which child care organizations may obtain the benefit of a nationwide criminal background check to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(2) to establish minimum criteria for State laws and procedures that permit child care organizations to obtain the benefit of nationwide criminal background checks to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(3) to provide procedural rights for persons who are subject to nationwide criminal background checks, including procedures to challenge and correct inaccurate background check information;

(4) to establish a national system for the reporting by the States of child abuse crime information; and

(5) to document and study the problem of child abuse by providing statistical and informational data on child abuse and related crimes to the Department of Justice and other interested parties.

SEC. 813. DEFINITIONS.

For the purposes of this subtitle—

(1) the term "authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this subtitle;

(2) the term "background check crime" means a child abuse crime, murder, manslaughter, aggravated assault, kidnapping, arson, sexual assault, domestic violence, incest, indecent exposure, prostitution, promotion of prostitution, and a felony offense involving the use or distribution of a controlled substance;

(3) the term "child" means a person who is a child for purposes of the criminal child abuse law of a State;

(4) the term "child abuse" means the physical or mental injury, sexual abuse or exploitation, neglectful treatment, negligent treatment, or maltreatment of a child by any person in violation of the criminal child abuse laws of a State, but does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty;

(5) the term "child abuse crime" means a crime committed under any law of a State that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person;

(6) the term "child abuse crime information" means the following facts concerning a person who is under indictment for, or has been convicted of, a child abuse crime: full name, race, sex, date of birth, height, weight, a brief description of the child abuse crime or offenses for which the person has been arrested or is under indictment or has been convicted, the disposition of the charge, and any other information that the Attorney General determines may be useful in identifying persons arrested for, under indictment for, or convicted of, a child abuse crime;

(7) the term "child care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children;

(8) the term "domestic violence" means a felony or misdemeanor involving the use or threatened use of force by—

(A) a present or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim as a spouse; or

(D) any person defined as a spouse of the victim under the domestic or family violence laws of a State;

(9) the term "exploitation" means child pornography and child prostitution;

(10) the term "mental injury" means harm to a child's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors or by a change in behavior, emotional response, or cognition;

(11) the term "national criminal background check system" means the system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

(12) the term "negligent treatment" means the failure to provide, for a reason other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child;

(13) the term "physical injury" includes lacerations, fractured bones, burns, internal injuries, severe bruising, and serious bodily harm;

(14) the term "provider" means

(A) a person who—

(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care;

(15) the term "qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides child care or child care placement services, including a business or organization that licenses or certifies others to provide child care or child care placement services;

(16) the term "sex crime" means an act of sexual abuse that is a criminal act;

(17) the term "sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children; and

(18) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

SEC. 814. REPORTING BY THE STATES.

(a) In General.—An authorized criminal justice agency of a State shall report child abuse crime information to, or index child abuse crime information in, the national criminal background check system.

(b) Provision of State Child Abuse Crime Records Through the National Criminal Background Check System.—(1) Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) investigate the criminal records of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line capacity basis through the national criminal background check system;

(B) establish guidelines for the reporting or indexing of child abuse crime information, including guidelines relating to the format, content, and accuracy of child abuse crime information and other procedures for carrying out this Act; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State—

(A) achieve, by not later than the date that is 3 years after the date of enactment of this Act, at least 80 percent currency of final case dispositions in computerized criminal history files for all identifiable child abuse crime cases in which there has been an event of activity within the last 5 years;

(B) continue to maintain at least 80 percent currency of final case dispositions in all identifiable child abuse crime cases in which there has been an event of activity within the preceding 5 years; and

(C) take steps to achieve full disposition reporting, including data quality audits and periodic notices to criminal justice agencies identifying records that lack final dispositions and requesting those dispositions.

(c) Liaison.—An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of technical assistance in cases of child abuse.

(d) ANNUAL SUMMARY.—(1) The Attorney General shall publish an annual statistical summary of the child abuse crime information reported under this subtitle.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim or alleged violator.

(e) ANNUAL REPORT.—The Attorney General shall publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal background check system.

(f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not later than 180 days after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State;

(C) whether there are crimes or classes of crimes, in addition to those defined as background check crimes in section 3, that are indicative of a potential to abuse children; and

(D) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the Chairman of the Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

SEC. 815. BACKGROUND CHECKS.

(a) IN GENERAL.—(1) A State may have in effect procedures (established by or under State statute or regulation) to permit a qualified entity to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether there is a report that a provider is under indictment for, or has been convicted of, a background check crime.

(2) The authorized agency shall access and review State and Federal records of background check crimes through the national criminal background check system and shall respond promptly to the inquiry.

(b) GUIDELINES.—(1) The Attorney General shall establish guidelines for State background check procedures established under subsection (a), which guidelines shall include the requirements and protections of this subtitle.

(2) The guidelines established under paragraph (1) shall require—

(A) that no qualified entity may request a background check of a provider under subsection (a) unless the provider first completes and signs a statement that—

(i) contains the name, address, and date of birth appearing on a valid identification document (as defined by section 1028(d)(1) of title 18, United States Code) of the provider;

(ii) the provider is not under indictment for, and has not been convicted of, a background check crime and, if the provider is under indictment for or has been convicted of a background check crime, contains a description of the crime and the particulars of the indictment or conviction;

(iii) notifies the provider that the entity may request a background check under subsection (a);

(iv) notifies the provider of the provider's rights under subparagraph (B); and

(v) notifies the provider that prior to the receipt of the background check the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care;

(B) that each State establish procedures under which a provider who is the subject of a background check under subsection (a) is entitled—

(i) to obtain a copy of any background check report and any record that forms the basis for any such report; and

(ii) to challenge the accuracy and completeness of any information contained in any such report or record and obtain a prompt determination from an authorized agency as to the validity of such challenge;

(C) that an authorized agency to which a qualified entity has provided notice pursuant to subsection (a) make reasonable efforts to complete research in whatever State and local recordkeeping systems are available and in the national criminal background check system and respond to the qualified entity within 15 business days;

(D) that the response of an authorized agency to an inquiry pursuant to subsection (a) inform the qualified entity that the background check pursuant to this section—

(i) may not reflect all indictments or convictions for a background check crime; and

(ii) may not be the sole basis for determining the fitness of a provider;

(E) that the response of an authorized agency to an inquiry pursuant to subsection (a) be limited to the conviction or pending indictment information reasonably required to accomplish the purposes of this Act;

(F) that the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care on the basis of a background check under subsection (a) until the provider has obtained a determination as to the validity of any challenge under subparagraph (B) or waived the right to make such challenge; and

(G) that each State establish procedures to ensure that any background check under subsection (a) and the results thereof shall be requested by and provided only to—

(i) qualified entities identified by States;

(ii) authorized representatives of a qualified entity who have a need to know such information;

(iii) the provider who is the subject of a background check;

(iv) law enforcement authorities; or

(v) pursuant to the direction of a court of law;

(H) that background check information conveyed to a qualified entity pursuant to subsection (a) shall not be conveyed to any person except as provided under subparagraph (G);

(I) that an authorized agency shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check;

(J) that a State employee or a political subdivision of a State or employee thereof responsible for providing information to the national criminal background check system shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis a background check; and

(K) that a State or Federal provider of criminal history records, and any employee thereof, shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a criminal background check, or due to a criminal history record's being incomplete.

(c) EQUIVALENT PROCEDURES.—(1) Notwithstanding anything to the contrary in this section, the Attorney General may certify that a State licensing or certification procedure that differs from the procedures described in subsections (a) and (b) shall be deemed to be the equivalent of such procedures for purposes of this Act, but the procedures described in subsections (a) and (b) shall continue to apply to those qualified entities, providers, and background check crimes that are not governed by or included within the State licensing or certification procedure.

(2) The Attorney General shall by regulation establish criteria for certifications under this subsection. Such criteria shall include a finding by the Attorney General that the State licensing or certification procedure accomplishes the purposes of this Act and incorporates a nationwide review of State and Federal records of background check offenses through the national criminal background check system.

(d) REGULATIONS.—(1) The Attorney General may by regulation prescribe such other measures as may be required to carry out the purposes of this Act, including measures relating to the security, confidentiality, accuracy, use, misuse, and dissemination of information, and audits and recordkeeping.

(2) The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

SEC. 816. FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.

(a) USE OF FORMULA GRANTS FOR IMPROVEMENTS IN STATE RECORDS AND SYSTEMS.—Section 509(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the records required by the Attorney General under section 914 of the National Child Protection Act of 1993 with the Attorney General for the purpose of implementing the National Child Protection Act of 1993.".

(b) ADDITIONAL FUNDING GRANTS FOR THE IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.—(1) The Attorney General shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this subtitle;

(B) for the improvement of existing computerized criminal history files for the purposes of this subtitle;

(C) to improve accessibility to the national criminal background check system for the purposes of this subtitle; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history record in, the national criminal background check system for the purposes of this subtitle.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of $20,000,000 for fiscal years 1995, 1996, and 1997.

(c) WITHHOLDING STATE FUNDS.—Effective 1 year after the date of enactment of this Act, the Attorney General may reduce by up to 10 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for that State under section 914 of this Act.

Subtitle C—Crimes Against Children

SEC. 821. SHORT TITLE.

This subtitle may be cited as the "Jacob Wetterling Crimes Against Children Registration Act".

SEC. 822. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, being placed on parole, or being placed on supervised release.

(2) DEFINITION.—For purposes of this subsection, the term "criminal offense against a victim who is a minor" includes—

(A) kidnapping of a minor, except by a noncustodial parent;

(B) false imprisonment of a minor, except by a noncustodial parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of minors to engage in sexual conduct;

(E) use of minors in a sexual performance; or

(F) solicitation of minors to practice prostitution.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.—An approved State registration program established by this section shall contain the following requirements:

(1) NOTIFICATION.—If a person who is required to register under this section is released from prison, paroled, or placed on supervised release, a State prison officer shall—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the conviction data and fingerprints to the Identification Division of the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the officer within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing.

(c) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from imprisonment, or placed on parole or supervised release.

(d) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in such State. It is the sense of Congress that such penalties should include at least 6 months imprisonment.

(e) PRIVATE DATA.—The information provided under this section is private data on individuals and may be used for law enforcement purposes and confidential background checks conducted with fingerprints by a designated State law enforcement agency for child care services providers.

SEC. 823. STATE COMPLIANCE.

(a) COMPLIANCE DATE.—Each State shall have 3 years from the date of enactment of this Act in which to implement the provisions of this subtitle.

(b) INELIGIBILITY FOR FUNDS.—The allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) received by a State not complying with this subtitle 3 years after the date of enactment of this Act shall be reduced by 10 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

TITLE IX—CRIME VICTIMS

Subtitle A—Victims' Rights

SEC. 901. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended by—

(1) striking "and" following the semicolon in subdivision (a)(1)(B);

(2) striking the period at the end of subdivision (a)(1)(C) and inserting in lieu thereof "; and";

(3) inserting after subdivision (a)(1)(C) the following:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the second to last sentence of subdivision (a)(1), striking "equivalent opportunity" and inserting in lieu thereof "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) inserting "the victim," before "or the attorney for the Government."; and

(6) adding at the end the following:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) 'victim' means any individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian in case the victim is below the age of eighteen years or incompetent; or

"(B) one or more family members or relatives designated by the court in case the victim is deceased or incapacitated;

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present; and

"(2) 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code.".

SEC. 902. MANDATORY RESTITUTION AND OTHER PROVISIONS.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "may order" and inserting "shall order"; and

(B) by adding at the end the following new paragraph:

"(4) In addition to ordering restitution of the victim of the offense of which a defendant is convicted, a court may order restitution of any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(A) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (c) by striking "If the Court decides to order restitution under this section, the" and inserting "The";

(5) by striking subsections (d), (e), (f), (g), and (h); and

(6) by adding at the end the following new subsections:

"(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

"(B) projected earnings and other income of the offender; and

"(C) any financial obligations of the offender, including obligations to dependents.

"(3) A restoration order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender.

"(4) An in-kind payment described in paragraph (3) may be in the form of—

"(A) return of property;

"(B) replacement of property; or

"(C) services rendered to the victim or to a person or organization other than the victim.

"(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

"(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

"(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(h) A restitution order shall provide that—

"(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

"(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

"(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful;

"(B) notify the court and the interested parties when an offender is 90 days in arrears in meeting those obligations; and

"(C) disburse money received from an offender so that each of the following obligations is paid in full in the following sequence:

"(i) a penalty assessment under section 3013 of title 18, United States Code;

"(ii) restitution of all victims; and

"(iii) all other fines, penalties, costs, and other payments required under the sentence; and

"(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

"(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

"(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

"(k) An order of restitution may be enforced—

"(1) by the United States—

"(A) in the manner provided for the collection and payment of fines in subchapter (B) of chapter 229 of this title; or

"(B) in the same manner as a judgment in a civil action; and

"(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

"(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.".

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

"(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs."; and

(4) by adding at the end thereof the following new subsection:

"(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.".

Subtitle B—Crime Victims' Fund

SEC. 911. AMOUNTS OF FUNDS FOR COSTS AND GRANTS.

Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(C) 1 percent shall be available for grants under section 1404(c); and

"(D) 4.5 percent shall be available for grants as provided in section 1404A.".

SEC. 912. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.

Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following:

"(e) Notwithstanding any other provision of law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay, then—

"(1) such crime victim compensation program shall not pay that compensation; and

"(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.".

SEC. 913. ADMINISTRATIVE COSTS FOR CRIME VICTIM COMPENSATION.

(a) CREATION OF EXCEPTION.—The final sentence of section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking "A grant" and inserting "Except as provided in paragraph (3), a grant".

(b) REQUIREMENTS OF EXCEPTION.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended by adding at the end the following new paragraph:

"(3) Not more than 5 percent of a grant made under this section may be used for the administration of the State crime victim compensation program receiving the grant.".

SEC. 914. USE OF UNSPENT 1402(d)(2) MONEY.

Section 1404(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(1)) is amended—

(1) by striking "or for the purpose of grants under section 1403 but not used for that purpose"; and

(2) by adding at the end the following: "The Director, in the Director's discretion, may use amounts made available under section 1402(d)(2) for the purposes of grants under section 1403 but not used for that purpose, for grants under this subsection, either in the year such amounts are not so used, or the next year.".

SEC. 915. GRANTS FOR DEMONSTRATION PROJECTS.

Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting "demonstration projects and" before "training".

SEC. 916. ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.

(a) CREATION OF EXCEPTION.—Section 1404(b)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(2)) is amended by striking "An eligible" and inserting "Except as provided in paragraph (3), an eligible".

(b) REQUIREMENTS OF EXCEPTION.—Section 1404(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)) is amended by adding at the end the following new subsection:

"(3) Not more than 5 percent of sums received under subsection (a) may be used for the administration of the State crime victim assistance program receiving such sums.".

SEC. 917. MAINTENANCE OF EFFORT.

Section 1407 of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by adding at the end the following new subsection:

"(h) Each entity receiving sums made available under this Act for administrative purposes shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.".

TITLE X—STATE AND LOCAL LAW ENFORCEMENT

Subtitle A—DNA Identification

SEC. 1001. SHORT TITLE.

This subtitle may be cited as the "DNA Identification Act of 1993".

SEC. 1002. FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.

(a) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

(1) by striking "and" at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(22) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (hereinafter in this title referred to as 'DNA') for identification purposes.".

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end thereof the following new paragraph:

"(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at such laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1123 of the DNA Identification Act of 1993;

"(B) DNA samples obtained by, and DNA analyses performed at, such laboratory will be accessible only—

"(i) to criminal justice agencies for law enforcement identification purposes;

"(ii) in judicial proceedings, if otherwise admissable pursuant to applicable statutes or rules;

"(iii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

"(iv) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) such laboratory, and each analyst performing DNA analyses at such laboratory, will undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1123 of the DNA Identification Act of 1993.".

(c) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 1995 through 1999 there are authorized to be appropriated $10,000,000 for grants to the States for DNA analysis.

SEC. 1003. QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.

(a) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory directors. The advisory board shall include as members scientists from state and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(2) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(3) The standards described in paragraphs (1) and (2) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(4) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(b) ADMINISTRATION OF THE ADVISORY BOARD.—For administrative purposes, the advisory board appointed under subsection (a) shall be considered an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5. U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date 5 years after the initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

SEC. 1004. INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.

(a) The Director of the Federal Bureau of Investigation may establish an index of—

(1) DNA identification records of persons convicted of crimes;

(2) analyses of DNA samples recovered from crime scenes; and

(3) analyses of DNA samples recovered from unidentified human remains.

(b) Such index may include only information on DNA identification records and DNA analyses that are—

(1) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1123 of the DNA Identification Act of 1993;

(2) prepared by laboratories, and DNA analysts, that undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1123 of the DNA Identification Act of 1993; and

(3) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissable pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) The exchange of records authorized by this section is subject to cancellation if the quality control and privacy requirements described in subsection (b) of this section are not met.

SEC. 1005. FEDERAL BUREAU OF INVESTIGATION.

(a) PROFICIENCY TESTING REQUIREMENTS.—

(1) GENERALLY.—Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1123(b). Within 1 year of the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this paragraph, the term "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(2) REPORT.—For 5 years after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on the Judiciary of the House and Senate an annual report on the results of each of the tests referred to in paragraph (1).

(b) PRIVACY PROTECTION STANDARDS.—

(1) GENERALLY.—Except as provided in paragraph (2), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(A) to criminal justice agencies for law enforcement identification purposes; or

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged.

(2) EXCEPTION.—If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) CRIMINAL PENALTY.—(1) Whoever—

(A) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(B) willfully discloses such information in any manner to any person or agency not entitled to receive it;

shall be fined not more than $100,000.

(2) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Bureau of Investigation $4,500,000 for each of fiscal years 1995 through 1999 to carry out sections 1003, 1004, and 1005.

Subtitle B—Department of Justice Community Substance Abuse Prevention

SEC. 1011. SHORT TITLE.

This section may be cited as the "Department of Justice Community Substance Abuse Prevention Act of 1993".

SEC. 1012. COMMUNITY PARTNERSHIPS.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new subpart:

"Subpart 4—Community Coalitions on Substance Abuse

"GRANTS TO COMBAT SUBSTANCE ABUSE

"SEC. 531. (a) DEFINITION.—As used in this section, the term 'eligible coalition' means an association, consisting of at least 7 organizations, agencies, and individuals that are concerned about preventing substance abuse, that shall include—

"(1) public and private organizations and agencies that represent law enforcement, schools, health and social service agencies, and community-based organizations; and

"(2) representatives of 3 of the following groups: the clergy, academia, business, parents, youth, the media, civic and fraternal groups, or other nongovernmental interested parties.

"(b) GRANT PROGRAM.—The Attorney General, acting through the Director of the Bureau of Justice Assistance, and the appropriate State agency, may make grants to eligible coalitions in order to—

"(1) plan and implement comprehensive long-term strategies for substance abuse prevention;

"(2) develop a detailed assessment of existing substance abuse prevention programs and activities to determine community resources and to identify major gaps and barriers in such programs and activities;

"(3) identify and solicit funding sources to enable such programs and activities to become self-sustaining;

"(4) develop a consensus regarding the priorities of a community concerning substance abuse;

"(5) develop a plan to implement such priorities; and

"(6) coordinate substance abuse services and activities, including prevention activities in the schools or communities and substance abuse treatment programs.

"(c) COMMUNITY PARTICIPATION.—In developing and implementing a substance abuse prevention program, a coalition receiving funds under subsection (b) shall—

"(1) emphasize and encourage substantial voluntary participation in the community, especially among individuals involved with youth such as teachers, coaches, parents, and clergy; and

"(2) emphasize and encourage the involvement of businesses, civic groups, and other community organizations and members.

"(d) APPLICATION.—An eligible coalition shall submit an application to the Attorney General and the appropriate State agency in order to receive a grant under this section. Such application shall—

"(1) describe and, to the extent possible, document the nature and extent of the substance abuse problem, emphasizing who is at risk and specifying which groups of individuals should be targeted for prevention and intervention;

"(2) describe the activities needing financial assistance;

"(3) identify participating agencies, organizations, and individuals;

"(4) identify the agency, organization, or individual that has responsibility for leading the coalition, and provide assurances that such agency, organization or individual has previous substance abuse prevention experience;

"(5) describe a mechanism to evaluate the success of the coalition in developing and carrying out the substance abuse prevention plan referred to in subsection (b)(5) and to report on such plan to the Attorney General on an annual basis; and

"(6) contain such additional information and assurances as the Attorney General and the appropriate State agency may prescribe.

"(e) PRIORITY.—In awarding grants under this section, the Attorney General and the appropriate State agency shall give priority to a community that—

"(1) provides evidence of significant substance abuse;

"(2) proposes a comprehensive and multifaceted approach to eliminating substance abuse;

"(3) encourages the involvement of businesses and community leaders in substance abuse prevention activities;

"(4) demonstrates a commitment and a high priority for preventing substance abuse; and

"(5) demonstrates support from the community and State and local agencies for efforts to eliminate substance abuse.

"(f) REVIEW.—Each coalition receiving money pursuant to the provisions of this section shall submit an annual report to the Attorney General, and the appropriate State agency, evaluating the effectiveness of the plan described in subsection (b)(5) and containing such additional information as the Attorney General, or the appropriate State agency, may prescribe. The Attorney General, in conjunction with the Director of the Bureau of Justice Assistance, and the appropriate State agency, shall submit an annual review to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. Such review shall—

"(1) evaluate the grant program established in this section to determine its effectiveness;

"(2) implement necessary changes to the program that can be done by the Attorney General; and

"(3) recommend any statutory changes that are necessary.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 1995, $20,000,000 for fiscal year 1996, and $25,000,000 for fiscal year 1997.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after the item relating to section 522 the following:

"SUBPART 4—COMMUNITY COALITION ON SUBSTANCE ABUSE

"Sec. 531. Grants to combat substance abuse.".

Subtitle C—Racial and Ethnic Bias Study Grants

SEC. 1021. STUDY GRANTS.

(a) FINDINGS.—The Congress finds that—

(1) equality under law is tested most profoundly by whether a legal system tolerates race playing a role in the criminal justice system; and

(2) States should examine their criminal justice systems in order to ensure that racial and ethnic bias has no part in such criminal justice systems.

(b) AUTHORIZATION OF GRANT PROGRAM.—

(1) IN GENERAL.—The Attorney General, acting through the Bureau of Justice Assistance, may make grants to States that have established by State law or by the court of last resort a plan for analyzing the role of race in that State's criminal justice system. Such plan shall include recommendations designed to correct any findings that racial and ethnic bias plays such a role.

(2) CRITERIA FOR GRANTS.—Grants under this subsection shall be awarded based upon criteria established by the Attorney General. In establishing the criteria, the Attorney General shall take into consideration the population of the respective States, the racial and ethnic composition of the population of the States, and the crime rates of the States.

(3) REPORTS BY STATES.—Recipients of grants under this subsection shall report the findings and recommendations of studies funded by grants under this subsection to the Congress within reasonable time limits established by the Attorney General.

(4) REIMBURSEMENT OF STATES.—Grants may be made to reimburse States for work started prior to the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

TITLE XI—PROVISIONS RELATING TO POLICE OFFICERS

Subtitle A—Law Enforcement Family Support

SEC. 1101. LAW ENFORCEMENT FAMILY SUPPORT.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 309(b)(1), is amended—

(1) by redesignating part S as part T;

(2) by redesignating section 1901 as 2001; and

(3) by inserting after part R the following new part:

"PART S—FAMILY SUPPORT

"SEC. 1901. DUTIES OF DIRECTOR.

"The Director shall—

"(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

"(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

"(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

"(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

"(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

"(6) determine issues to be researched by the Bureau and by grant recipients.

"SEC. 1902. GENERAL AUTHORIZATION.

"The Director may make grants to States and local law enforcement agencies and to organizations representing State or local law enforcement personnel to provide family support services to law enforcement personnel.

"SEC. 1903. USES OF FUNDS.

"(a) IN GENERAL.—A State or local law enforcement agency or organization that receives a grant under this Act shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

"(b) REQUIRED ACTIVITIES.—A law enforcement agency or organization that receives funds under this part shall provide at least one of the following services:

"(1) Counseling for law enforcement family members.

"(2) Child care on a 24-hour basis.

"(3) Marital and adolescent support groups.

"(4) Stress reduction programs.

"(5) Stress education for law enforcement recruits and families.

"(6) Provide technical assistance and training programs to support any or all of the services described in paragraphs (1), (2), (3), (4), and (5).

"(c) OPTIONAL ACTIVITIES.—A law enforcement agency or organization that receives funds under this part may provide the following services:

"(1) Post-shooting debriefing for officers and their spouses.

"(2) Group therapy.

"(3) Hypertension clinics.

"(4) Critical incident response on a 24-hour basis.

"(5) Law enforcement family crisis telephone services on a 24-hour basis.

"(6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.

"(7) Counseling for peers.

"(8) Counseling for families of personnel killed in the line of duty.

"(9) Seminars regarding alcohol, drug use, gambling, and overeating.

"(10) Technical assistance and training to support any or all of the services described in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9).

"SEC. 1904. APPLICATIONS.

"A law enforcement agency or organization desiring to receive a grant under this part shall submit to the Director an application at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Such application shall—

"(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;

"(2) include a statement from the highest ranking law enforcement official from the State or locality or from the highest ranking official from the organization applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

"(3) assure that the Director or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this part.

"SEC. 1905. AWARD OF GRANTS; LIMITATION.

"(a) GRANT DISTRIBUTION.—In approving grants under this part, the Director shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"(b) DURATION.—The Director may award a grant each fiscal year, not to exceed $100,000 to a State or local law enforcement agency or $250,000 to a law enforcement organization for a period not to exceed 5 years. In any application from a State or local law enforcement agency or organization for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Director shall review the progress made toward meeting the objectives of the program. The Director may refuse to award a grant if the Director finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

"(c) LIMITATION.—Not more than 10 percent of grant funds received by a State or a local law enforcement agency or organization may be used for administrative purposes.

"SEC. 1906. DISCRETIONARY RESEARCH GRANTS.

"The Director may reserve 10 percent of funds to award research grants to a State or local law enforcement agency or organization to study issues of importance in the law enforcement field as determined by the Director.

"SEC. 1907. REPORTS.

"(a) REPORT FROM GRANT RECIPIENTS.—A State or local law enforcement agency or organization that receives a grant under this part shall submit to the Director an annual report that includes—

"(1) program descriptions;

"(2) the number of staff employed to administer programs;

"(3) the number of individuals who participated in programs; and

"(4) an evaluation of the effectiveness of grant programs.

"(b) REPORT FROM DIRECTOR.—(1) The Director shall submit to the Congress a report not later than March 31 of each fiscal year.

"(2) Such report shall contain—

"(A) a description of the types of projects developed or improved through funds received under this part;

"(B) a description of exemplary projects and activities developed;

"(C) a designation of the family relationship to the law enforcement personnel of individuals served; and

"(D) the number of individuals served in each location and throughout the country.

"SEC. 1908. DEFINITIONS.

"For purposes of this part—

"(1) the term 'family-friendly policy' means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and

"(2) the term 'law enforcement personnel' means individuals employed by Federal, State, and local law enforcement agencies.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 309(b)(2), is amended by striking the matter relating to part R and inserting the following:

"PART S—FAMILY SUPPORT

"Sec. 1901. Duties of director.
"Sec. 1902. General authorization.
"Sec. 1903. Uses of funds.
"Sec. 1904. Applications.
"Sec. 1905. Award of grants; limitation.
"Sec. 1906. Discretionary research grants.
"Sec. 1907. Reports.
"Sec. 1908. Definitions.

"PART V—TRANSITION; EFFECTIVE DATE; REPEALS

"Sec. 2001. Continuation of rules, authorities, and privileges.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 309(b)(3), is amended—

(1) in paragraph (3) by striking "and R" and inserting "R, and S"; and

(2) by adding at the end the following new paragraph:

"(13) There are authorized to be appropriated to carry out part U $5,000,000 for each of fiscal years 1995, 1996, 1997, 1998, and 1999. Not more than 20 percent of such funds may be used to accomplish the duties of the Director under that part, including administrative costs, research, and training programs.".

Subtitle B—Police Pattern or Practice

SEC. 1111. CAUSE OF ACTION.

(a) UNLAWFUL CONDUCT.—It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

(b) CIVIL ACTION BY ATTORNEY GENERAL.—Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

SEC. 1112. DATA ON USE OF EXCESSIVE FORCE.

(a) ATTORNEY GENERAL TO COLLECT.—The Attorney General shall, through the victimization surveys conducted by the Bureau of Justice Statistics, acquire data about the use of excessive force by law enforcement officers.

(b) LIMITATION ON USE OF DATA.—Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of the victim or any law enforcement officer.

(c) ANNUAL SUMMARY.—The Attorney General shall publish an annual summary of the data acquired under this section.

Subtitle C—Police Corps and Law Enforcement Officers Training and Education

CHAPTER 1—POLICE CORPS

SEC. 1121. SHORT TITLE.

This chapter may be cited as the "Police Corps Act".

SEC. 1122. PURPOSES.

The purposes of this chapter are to—

(1) address violent crime by increasing the number of police with advanced education and training on community patrol; and

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement.

SEC. 1123. DEFINITIONS.

In this chapter—

"academic year" means a traditional academic year beginning in August or September and ending in the following May or June.

"dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director.

"Director" means the Director of the Office of the Police Corps and Law Enforcement Education appointed under section 1124.

"educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree in legal- or criminal justice-related studies; or

(B) a course of graduate study legal or criminal justice studies following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses.

"institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"participant" means a participant in the Police Corps program selected pursuant to section 306.

"State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

"State Police Corps program" means a State police corps program that meets the requirements of section 1130.

SEC. 1124. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps and Law Enforcement Education shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program established by this chapter and shall have authority to promulgate regulations to implement this chapter.

SEC. 1125. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under this chapter shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this chapter;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program; and

(4) meet the requirements of section 1130.

SEC. 1126. SCHOLARSHIP ASSISTANCE.

(a) SCHOLARSHIPS AUTHORIZED.—(1) The Director may award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

(2)(A) Except as provided in subparagraph (B), each scholarship payment made under this section for each academic year shall not exceed—

(i) $7,500; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of scholarship assistance received by any one student under this section shall not exceed $30,000.

(3) Recipients of scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(4)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) REIMBURSEMENT AUTHORIZED.—(1) The Director may make payments to a participant to reimburse such participant for the costs of educational expenses if the student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

(i) $7,500; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of payments made pursuant to subparagraph (A) to any 1 student shall not exceed $30,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this subsection shall only be used to attend a 4-year institution of higher education, except that—

(1) scholarships may be used for graduate and professional study; and

(2) if a participant has enrolled in the program upon or after transfer to a 4-year institution of higher education, the Director may reimburse the participant for the participant's prior educational expenses.

(d) AGREEMENT.—(1)(A) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director.

(B) An agreement under subparagraph (A) shall contain assurances that the participant shall—

(i) after successful completion of a baccalaureate program and training as prescribed in section 8, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(ii) complete satisfactorily—

(I) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study); and

(II) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 1128; and

(iii) repay all of the scholarship or payment received plus interest at the rate of 10 percent if the conditions of clauses (i) and (ii) are not complied with.

(2)(A) A recipient of a scholarship or payment under this section shall not be considered to be in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) If a scholarship recipient is unable to comply with the repayment provision set forth in paragraph (1)(B)(ii) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from a participant who violates an agreement described in paragraph (1).

(e) DEPENDENT CHILD.—A dependent child of a law enforcement officer—

(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(2) who is not a participant in the Police Corps program, but

(3) who serves in a State for which the Director has approved a Police Corps plan, and

(4) who is killed in the course of performing police duties,

shall be entitled to the scholarship assistance authorized in this section for any course of study in any accredited institution of higher education. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

(f) APPLICATION.—Each participant desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

SEC. 1127. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant shall—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 1130(c)(5), including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this Act, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 1129, and such a participant shall be subject to the same benefits and obligations under this chapter as other participants, including those stated in section (b)(1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 9, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) It is the intent of this chapter that there shall be no more than 20,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, a 4-year institution of higher education—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official church mission may be granted such leave of absence.

(f) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

SEC. 1128. POLICE CORPS TRAINING.

(a) IN GENERAL.—(1) The Director shall establish programs of training for Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this chapter.

(2) The Director may enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces) to obtain the services of persons qualified to participate in and contribute to the training process.

(3) The Director may enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(b) TRAINING SESSIONS.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) FURTHER TRAINING.—The 16 weeks of Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 10 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) COURSE OF TRAINING.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) EVALUATION OF PARTICIPANTS.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) STIPEND.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

SEC. 1129. SERVICE OBLIGATION.

(a) SWEARING IN.—Upon satisfactory completion of the participant's course of education and training program established in section 1128 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) RIGHTS AND RESPONSIBILITIES.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) DISCIPLINE.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 1126, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 1126(d)(1)(B)(iii) shall not apply.

(d) LAYOFFS.—If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 1126, the Director may permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 1126(d)(1)(B)(iii) shall not apply.

SEC. 1130. STATE PLAN REQUIREMENTS.

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 1127;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since June 21, 1989; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) ensure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

SEC. 1131. ASSISTANCE TO STATES AND LOCALITIES EMPLOYING POLICE CORPS OFFICERS.

Each jurisdiction directly employing Police Corps participants during the 4-year term of service prescribed by section 1129 shall receive $10,000 on account of each such participant at the completion of each such year of service, but—

(1) no such payment shall be made on account of service in any State or local police force—

(A) whose average size, in the year for which payment is to be made, not counting Police Corps participants assigned under section 106, has declined more than 2 percent since January 1, 1993; or

(B) which has members who have been laid off but not retired; and

(2) no such payment shall be made on account of any Police Corps participant for years of service after the completion of the term of service prescribed in section 1129.

SEC. 1132. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this chapter—

(1) $100,000,000 for each of fiscal years 1995 and 1996; and

(2) such sums as are necessary for each of fiscal years 1997, 1998, and 1999.

SEC. 1133. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than April 1 of each year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate.

(b) CONTENTS.—A report under subsection (a) shall—

(1) state the number of current and past participants in the Police Corps program, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic, racial, and gender dispersion of participants in the Police Corps program; and

(3) describe the progress of the Police Corps program and make recommendations for changes in the program.

CHAPTER 2—LAW ENFORCEMENT SCHOLARSHIP PROGRAM

SEC. 1141. SHORT TITLE.

This chapter may be cited as the "Law Enforcement Scholarships and Recruitment Act".

SEC. 1142. DEFINITIONS.

In this chapter—

"Director" means the Director of the Bureau of Justice Assistance.

"educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, and related expenses.

"institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"law enforcement position" means employment as an officer in a State or local police force, or correctional institution.

"State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 1143. ALLOTMENT.

From amounts appropriated under section 1150, the Director shall allot—

(1) 80 percent of such amounts to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all States; and

(2) 20 percent of such amounts to States on the basis of the shortage of law enforcement personnel and the need for assistance under this title in the State compared to the shortage of law enforcement personnel and the need for assistance under this title in all States.

SEC. 1144. ESTABLISHMENT OF PROGRAM.

(a) USE OF ALLOTMENT.—

(1) IN GENERAL.—A State that receives an allotment pursuant to section 1143 shall use the allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

(i) full-time employment in summer; or

(ii) part-time (not to exceed 20 hours per week) employment for a period not to exceed 1 year.

(2) EMPLOYMENT.—The employment described in paragraph (1)(B)—

(A) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an institution of higher education and who demonstrate an interest in undertaking a career in law enforcement;

(B) shall not be in a law enforcement position; and

(C) shall consist of performing meaningful tasks that inform students of the nature of the tasks performed by law enforcement agencies.

(b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each State that receives an allotment under section 1143 the Federal share of the cost of the activities described in the application submitted pursuant to section 1147.

(2) FEDERAL SHARE.—The Federal share shall not exceed 60 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of scholarships and student employment provided under this chapter shall be supplied from sources other than the Federal Government.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the programs conducted pursuant to this title and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue rules to implement this title.

(d) ADMINISTRATIVE EXPENSES.—A State that receives an allotment under section 1143 may reserve not more than 8 percent of the allotment for administrative expenses.

(e) SPECIAL RULE.—A State that receives an allotment under section 1143 shall ensure that each scholarship recipient under this title be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(f) SUPPLEMENTATION OF FUNDING.—Funds received under this chapter shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

SEC. 1145. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—Scholarships awarded under this chapter shall be for a period of 1 academic year.

(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this chapter may use the scholarship for educational expenses at an institution of higher education.

SEC. 1146. ELIGIBILITY.

(a) SCHOLARSHIPS.—A person shall be eligible to receive a scholarship under this chapter if the person has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—A person who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this chapter.

SEC. 1147. STATE APPLICATION.

(a) IN GENERAL.—Each State desiring an allotment under section 1143 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall—

(1) describe the scholarship program and the student employment program for which assistance under this title is sought;

(2) contain assurances that the lead agency will work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out this chapter;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this chapter and that the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this chapter;

(5) contain assurances that under such student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under such scholarship program the State will make scholarship payments to institutions of higher education on behalf of persons who receive scholarships under this chapter;

(7) with respect to such student employment program, identify—

(A) the employment tasks that students will be assigned to perform;

(B) the compensation that students will be paid to perform such tasks; and

(C) the training that students will receive as part of their participation in the program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

SEC. 1148. LOCAL APPLICATION.

(a) IN GENERAL.—A person who desires a scholarship or employment under this chapter shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall describe—

(1) the academic courses for which a scholarship is sought; or

(2) the location and duration of employment that is sought.

(c) PRIORITY.—In awarding scholarships and providing student employment under this chapter, each State shall give priority to applications from persons who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) pursuing an undergraduate degree; and

(3) not receiving financial assistance under the Higher Education Act of 1965.

SEC. 1149. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—A person who receives a scholarship under this chapter shall enter into an agreement with the Director.

(b) CONTENTS.—An agreement described in subsection (a) shall—

(1) provide assurances that the scholarship recipient will work in a law enforcement position in the State that awarded the scholarship in accordance with the service obligation described in subsection (c) after completion of the scholarship recipient's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the scholarship recipient will repay the entire scholarship in accordance with such terms and conditions as the Director shall prescribe if the requirements of the agreement are not complied with, unless the scholarship recipient—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which the scholarship recipient may seek employment in the field of law enforcement in a State other than the State that awarded the scholarship.

(c) SERVICE OBLIGATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a person who receives a scholarship under this title shall work in a law enforcement position in the State that awarded the scholarship for a period of 1 month for each credit hour for which funds are received under the scholarship.

(2) SPECIAL RULE.—For purposes of satisfying the requirement of paragraph (1), a scholarship recipient shall work in a law enforcement position in the State that awarded the scholarship for not less than 6 months but shall not be required to work in such a position for more than 2 years.

SEC. 1150. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this chapter $30,000,000 for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

(b) USES OF FUNDS.—Of the funds appropriated under subsection (a) for a fiscal year—

(1) 80 percent shall be available to provide scholarships described in section 1144(a)(1)(A); and

(2) 20 percent shall be available to provide employment described in sections 1144(a)(1)(B) and 1144(a)(2).

Subtitle D—Study Rights of Police Officers

SEC. 1161. STUDY ON OFFICERS' RIGHTS.

The Attorney General, through the National Institute of Justice, shall conduct a study of the procedures followed in internal, noncriminal investigations of State and local law enforcement officers to determine if such investigations are conducted fairly and effectively. The study shall examine the adequacy of the rights available to law enforcement officers and members of the public in cases involving the performance of a law enforcement officer, including—

(1) notice;

(2) conduct of questioning;

(3) counsel;

(4) hearings;

(5) appeal; and

(6) sanctions.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Congress a report on the results of the study, along with findings and recommendations on strategies to guarantee fair and effective internal affairs investigations.

TITLE XII—DRUG COURT PROGRAMS

SEC. 1201. COORDINATED ADMINISTRATION OF PROGRAMS.

(a) APPLICATION.—The Attorney General may establish a unified or coordinated process for applying for grants under this title. In addition to any other requirements that may be specified by the Attorney General, an application for a grant under any provision of this title shall—

(1) include a long-term strategy and detailed implementation plan;

(2) explain the applicant's inability to fund the program adequately without Federal assistance;

(3) certify that the Federal support provided will be used to supplement, and not supplant, State and local sources of funding that would otherwise be available;

(4) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

(5) certify that there has been appropriate coordination with all affected agencies; and

(6) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

(b) REGULATORY AUTHORITY.—The Attorney General may issue regulations and guidelines to carry out the programs authorized by this title, including specifications concerning application requirements, selection criteria, duration and renewal of grants, evaluation requirements, matching funds, limitation of administrative expenses, submission of reports by grantees, recordkeeping by grantees, and access to books, records, and documents maintained by grantees or other persons for purposes of audit or examination.

(c) TECHNICAL ASSISTANCE AND EVALUATION.—The Attorney General may provide technical assistance to grantees under the programs authorized by this title. The Attorney General may carry out, or arrange by grant or contract or otherwise for the carrying out of, evaluations of programs receiving assistance under the programs authorized by this title, in addition to any evaluations that grantees may be required to carry out pursuant to subsection (b).

(d) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this section or other provisions of this title, or in coordinating activities under the programs authorized by this title.

SEC. 1202. DRUG TESTING UPON ARREST.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1101(a), is amended—

(1) by redesignating part T as part U;

(2) by redesignating section 2001 as section 2101; and

(3) by inserting after part S the following new part:

"PART T—DRUG TESTING UPON ARREST

"SEC. 2001. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing, implementing, or continuing a drug testing project when individuals are arrested and during the pretrial period.

"SEC. 2002. STATE APPLICATIONS.

"(a) GENERAL REQUIREMENTS.—To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) MANDATORY ASSURANCES.—To be eligible to receive funds under this part, a State shall agree to develop or maintain programs of urinalysis or similar drug testing of individuals upon arrest and on a regular basis pending trial for the purpose of making pretrial detention decisions.

"(c) CENTRAL OFFICE.—The office designated under section 507—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2003. LOCAL APPLICATIONS.

"(a) IN GENERAL.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 2002(c).

"(2) An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 90 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If such application is approved, the unit of local government is eligible to receive such funds.

"(b) Distribution to Units of Local Government.—A State that receives funds under section 2001 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 90 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 90-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 2004. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) State Distribution.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of individuals arrested in such State bears to the number of individuals arrested in all the participating States.

"(b) Local Distribution.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State the portion of such funds that bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in the State for criminal justice in the preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified in such State's application.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 2001, the Director shall award such funds to units of local government in such State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) Federal Share.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2002 for the fiscal year for which the projects receive assistance under this part.

"(d) Geographic Distribution.—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"SEC. 2005. REPORT.

"A State or unit of local government that receives funds under this part shall submit to the Director a report in March of each fiscal year that funds are received under this part regarding the effectiveness of the drug testing project.".

(b) Technical Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1101(b), is amended by striking the matter relating to part T and inserting the following:

"Part T—Drug Testing Upon Arrest

"Sec. 2001. Grant authorization.
"Sec. 2002. State applications.
"Sec. 2003. Local applications.
"Sec. 2004. Allocation and distribution of funds.
"Sec. 2005. Report.

"Part U—Transition; Effective Date; Repealer

"Sec. 2101. Continuation of rules, authorities, and proceedings.".

(c) Authorization of Appropriations.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1101(c), is amended—

(1) in paragraph (3) by striking "and S" and inserting "S, and T"; and

(2) by adding at the end the following new paragraph:

"(14) There are authorized to be appropriated to carry out the projects under part T $100,000,000 for each of fiscal years 1995, 1996, and 1997.".

SEC. 1203. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1202(a), is amended—

(1) by redesignating part U as part V;

(2) by redesignating section 2101 as section 2201; and

(3) by inserting after part T the following new part:

"PART U—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"SEC. 2101. GRANT AUTHORIZATION.

"(a) In General.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

"(b) Alternative Methods.—The alternative methods of punishment referred to in subsection (a) should ensure certainty of punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

"(1) alternative sanctions that create accountability and certainty of punishment for young offenders;

"(2) boot camp prison programs;

"(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

"(4) innovative projects;

"(5) correctional options, such as community-based incarceration, weekend incarceration, and electric monitoring of offenders;

"(6) community service programs that provide work service placement for young offenders at nonprofit, private organizations and community organizations;

"(7) demonstration restitution projects that are evaluated for effectiveness; and

"(8) innovative methods that address the problems of young offenders convicted of serious substance abuse, including alcohol abuse, and gang-related offenses, including technical assistance and training to counsel and treat such offenders.

"SEC. 2102. STATE APPLICATIONS.

"(a) In General.—To request a grant under this part, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) Assurances.—An application under subsection (a) shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(c) State Office.—The office designated under section 507 shall—

"(1) prepare the application as required under subsection (a); and

"(2) administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2103. REVIEW OF STATE APPLICATIONS.

"(a) In General.—The Director shall make a grant under section 2101(a) to carry out the projects described in the application submitted by an applicant under section 2102 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Director has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) Approval.—An application submitted under section 2102 shall be considered approved, in whole or in part, by the Director not later than 45 days after it is first received unless the Director informs the applicant of specific reasons for disapproval.

"(c) Restriction.—Grant funds received under this part shall not be used for land acquisition or construction projects other than alternative facilities described in section 2102(b) for young offenders.

"(d) Disapproval Notice and Reconsideration.—The Director shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 2104. LOCAL APPLICATIONS.

"(a) In General.—To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 507.

"(b) Approval.—An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 45 days after the application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(c) Disapproval.—The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(d) Effect of Approval.—If an application under paragraph (1) is approved, the unit of local government is eligible to receive the requested funds.

"(e) Distribution to Units of Local Government.—

"(1) In general.—A State that receives funds under section 2101 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Director has approved the application submitted by the

State and has made funds available to the State.

"(2) Waiver.—The Director may waive the 45-day requirement of paragraph (1) upon a finding that the State is unable to satisfy the requirement under State statutes.

"SEC. 2105. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) State Distribution.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders of the State bears to the number of young offenders in all the participating States.

"(b) Local Distribution.—

"(1) In general.—A State that receives funds under this part in a fiscal year shall distribute to units of local government in the State for the purposes specified in section 2101 the portion of such funds that bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in the State for criminal justice in such preceding fiscal year.

"(2) Undistributed funds.—Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State for purposes specified in section 2101.

"(3) Award of funds by the director.—If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for a fiscal year will not be used by the State or that a State is not eligible to receive funds under section 2101, the Director shall award such funds to units of local government in the State, giving priority to the units of local government that the Director considers to have the greatest need.

"(c) Federal Share.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2102(a) for the fiscal year for which the projects receive assistance under this part.

"SEC. 2106. EVALUATION.

"(a) Submission.—

"(1) In general.—Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

"(2) Waiver.—The Director may waive the requirement specified in paragraph (1) if the Director determines that an evaluation is not warranted in the case of a particular State or unit of local government.

"(b) Distribution.—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

"(c) Administrative Costs.—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section.".

(b) Technical Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1202(b), is amended by striking the matter relating to part U and inserting the following:

"Part U—Alternative Punishments for Young Offenders

"Sec. 2101. Grant authorization.
"Sec. 2102. State applications.
"Sec. 2103. Review of State applications.
"Sec. 2104. Local applications.
"Sec. 2105. Allocation and distribution of funds.
"Sec. 2106. Evaluation.

"Part V—Transition; Effective Date; Repealer

"Sec. 2201. Continuation of rules, authorities, and proceedings.".

(c) Definition.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended by adding at the end the following new paragraph:

"(24) 'young offender' means an individual 28 years of age or younger.".

(d) Authorization of Appropriations.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1202(c), is amended—

(1) in paragraph (3) by striking "and T" and inserting "T, and U"; and

(2) by adding at the end the following new paragraph:

"(15) There are authorized to be appropriated to carry out the projects under part U $200,000,000 for each of fiscal years 1995, 1996, and 1997.".

SEC. 1204. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1203(a), is amended—

(1) by redesignating part V as part W;

(2) by redesignating section 2201 as section 2301; and

(3) by inserting after part U the following new part:

"PART V—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"SEC. 2201. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities.

"SEC. 2202. STATE APPLICATIONS.

"(a) In General.—(1) To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State alcohol and drug abuse agency.

"(b) Drug Testing Requirement.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

"(c) Eligibility for Preference With After Care Component.—

"(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the drug treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

"(2) State aftercare services must involve the coordination of the prison treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the drug treatment program.

"(3) To qualify as an aftercare program, the head of the drug treatment program, in conjunction with State and local authorities and organizations involved in drug treatment, shall assist in placement of drug treatment program participants with appropriate community drug treatment facilities when such individuals leave prison at the end of a sentence or on parole.

"(d) State Office.—The office designated under section 507—

"(1) shall prepare the application as required under this section; and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2203. REVIEW OF STATE APPLICATIONS.

"(a) In General.—The Bureau shall make a grant under section 2201 to carry out the projects described in the application submitted under section 2202 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) Approval.—Each application submitted under section 2202 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) Restriction.—Grant funds received under this part shall not be used for land acquisition or construction projects.

"(d) Disapproval Notice and Reconsideration.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 2204. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) Allocation.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of the State bears to the total prison population of all of the participating States.

"(b) Federal Share.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2202 for the fiscal year for which the projects receive assistance under this part.

"SEC. 2205. EVALUATION.

"Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1203(b), is amended by striking the matter relating to part V and inserting the following:

"PART V—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"Sec. 2201. Grant authorization.
"Sec. 2202. State applications.
"Sec. 2203. Review of State applications.
"Sec. 2204. Allocation and distribution of funds.
"Sec. 2205. Evaluation.

"PART W—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2301. Continuation of rules, authorities, and proceedings.".

(c) DEFINITIONS.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), as amended by section 2102(c), is amended by adding at the end the following new paragraph:

"(25) 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

"(A) directed at the substance abuse problems of the prisoner; and

"(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 2202(d), is amended—

(1) in paragraph (3) by striking "and U" and inserting "U, and V"; and

(2) by adding at the end the following new paragraph:

"(16) There are authorized to be appropriated to carry out projects under part V $100,000,000 for each of fiscal years 1995, 1996, and 1997.".

TITLE XIII—PRISONS

Subtitle A—Federal Prisons

SEC. 1301. PRISONER'S PLACE OF IMPRISONMENT.

Paragraph (b) of section 3621 of title 18, United States Code, is amended by inserting after subsection (5) the following: "In designating the place of imprisonment or making transfers under this subsection, there shall be no favoritism given to prisoners of high social or economic status.".

SEC. 1302. PRISON IMPACT ASSESSMENTS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 4047. Prison impact assessments

"(a) Any submission of legislation by the Judicial or Executive branch which could increase or decrease the number of persons incarcerated or in Federal penal institutions shall be accompanied by a prison impact statement, as defined in subsection (b) of this section.

"(b) The Attorney General shall, in consultation with the Sentencing Commission and the Administrative Office of the United States Courts, prepare and furnish prison impact assessments under subsection (c) of this section, and in response to requests from Congress for information relating to a pending measure or matter that might affect the number of defendants processed through the Federal criminal justice system. A prison impact assessment on pending legislation must be supplied within 7 days of any request. A prison impact assessment shall include—

"(1) projections of the impact on prison, probation, and post prison supervision populations;

"(2) an estimate of the fiscal impact of such population changes on Federal expenditures, including those for construction and operation of correctional facilities for the current fiscal year and 5 succeeding fiscal years;

"(3) an analysis of any other significant factor affecting the cost of the measure and its impact on the operations of components of the criminal justice system; and

"(4) a statement of the methodologies and assumptions utilized in preparing the assessment.

"(c) The Attorney General shall prepare and transmit to the Congress, by March 1 of each year, a prison impact assessment reflecting the cumulative effect of all relevant changes in the law taking effect during the preceding calendar year.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 303 is amended by adding at the end the following new item:

"4047. Prison impact assessments.".

SEC. 1303. FEDERAL PRISONER DRUG TESTING.

(a) SHORT TITLE.—This title may be cited as the "Federal Prisoner Drug Testing Act of 1993".

(b) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3608. Drug testing of Federal offenders on post-conviction release

"The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each judicial district the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4) of this title. There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this section.".

(2) The table of sections at the beginning of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

"3608. Drug testing of Federal offenders on post-conviction release.".

(c) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and";

(3) by adding at the end the following new paragraph:

"(4) for a felony, a misdemeanor, or an infraction, that the defendant refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on probation and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual defendant if the defendant's presentence report or other reliable sentencing information indicates a low risk of future substance abuse by the defendant."; and

(4) by adding at the end the following: "The results of a drug test administered in accordance with paragraph (4) shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A defendant who tests positive may be detained pending verification of a positive drug test result. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. Notwithstanding the requirements of section 3565(b), the court shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test administered in accordance with paragraph (4).".

(d) CONDITIONS ON SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: "The court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the court as provided in section 3563(a)(4). The results of a drug test administered in accordance with the preceding subsection shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. Notwithstanding the requirements of section 3583(g), the court shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test.".

(e) CONDITIONS OF PAROLE.—Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: "In every case, the Commission shall also impose as a condition of parole that the parolee pass a drug test prior to release and refrain from any unlawful use of a controlled substance and submit to at least 2 periodic drug tests (as determined by the Commission) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the Commission for any individual parolee if it determines that there is good cause for doing so. The results of a drug test administered in accordance with the provisions of the preceding sentence shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. Notwithstanding the requirements of section 4214(f), the Commission shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test.".

SEC. 1304. DRUG TREATMENT IN FEDERAL PRISONS.

(a) SHORT TITLE.—This section may be cited as the "Drug Treatment in Federal Prisons Act of 1993".

(b) DEFINITIONS.—As used in this section—

(1) the term "residential substance abuse treatment" means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

(A) directed at the substance abuse problems of the prisoner; and

(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems; and

(2) the term "eligible prisoner" means a prisoner who is—

(A) determined by the Bureau of Prisons to have a substance abuse problem; and

(B) willing to participate in a residential substance abuse treatment program.

(c) IMPLEMENTATION OF SUBSTANCE ABUSE TREATMENT REQUIREMENT.—

(1) In order to carry out the requirement of the last sentence of section 3621(b) of title 18, United States Code, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall provide residential substance abuse treatment—

(A) for not less than 50 percent of eligible prisoners by the end of fiscal year 1995;

(B) for not less than 75 percent of eligible prisoners by the end of fiscal year 1996; and

(C) for all eligible prisoners by the end of fiscal year 1997 and thereafter.

(2) Section 3621 of title 18, United States Code, is amended by adding at the end the following:

"(d) INCENTIVE FOR PRISONERS' SUCCESSFUL COMPLETION OF TREATMENT PROGRAM.—

"(1) GENERALLY.—Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provided under subsection (b) of this section, shall remain in the custody of the Bureau for such time (as limited by paragraph (2) of this subsection) and under such conditions, as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for drug abuse and discontinue such conditions on determining that drug abuse has recurred.

"(2) PERIOD OF CUSTODY.—The period the prisoner remains in custody after successfully completing a treatment program shall not exceed the prison term the law would otherwise require such prisoner to serve, but may not be less than such term minus one year.".

(d) REPORT.—The Bureau of Prisons shall transmit to the Congress on January 1, 1993, and on January 1 of each year thereafter, a report. Such report shall contain—

(1) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

(2) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible; and

(3) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1995 and each fiscal year thereafter such sums as may be necessary to carry out this title.

Subtitle B—State Prisons

SEC. 1321. BOOT CAMPS AND REGIONAL PRISONS FOR VIOLENT DRUG OFFENDERS.

(a) DEFINITION.—In this section, "boot camp prison program" means a correctional program of not more than 6 months' duration involving—

(1) assignment for participation in the program, in conformity with State law, by prisoners other than prisoners who have been convicted at any time of a violent felony;

(2) adherence by inmates to a highly regimented schedule that involves strict discipline, physical training, and work;

(3) participation by inmates in appropriate education, job training, and substance abuse counseling or treatment; and

(4) aftercare services for inmates following release that are coordinated with the program carried out during the period of imprisonment.

(b) ESTABLISHMENT OF GRANT AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Attorney General may make grants to States and to multi-State compact associations for the purposes of—

(A) developing, constructing, expanding, and improving boot camp prison programs;

(B) developing, constructing, and operating regional prisons that house and provide treatment for violent offenders with serious substance abuse problems; and

(C) assisting in activating existing boot camp or prison facilities that are unutilized or underutilized because of lack of funding.

(2) TECHNICAL ASSISTANCE.—The Attorney General may provide technical assistance to grantees under this section.

(3) UTILIZATION OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this section.

(c) STATE AND MULTI-STATE COMPACT APPLICATIONS.—

(1) IN GENERAL.—To request a grant under this section, the chief executive of a State or the coordinator of a multi-State compact association shall submit an application to the Attorney General in such form and containing such information as the Attorney General may prescribe by regulation or guidelines.

(2) CONTENT OF APPLICATION.—In accordance with the regulations or guidelines established by the Attorney General, an application for a grant under this section shall—

(A) include a long-term strategy and detailed implementation plan;

(B) include evidence of the existence of, and describe the terms of, a multi-State compact for any multiple-State plan;

(C) provide a description of any construction activities, including cost estimates, that will be a part of any plan;

(D) provide a description of the criteria for selection of prisoners for participating in a boot camp prison program or assignment to a regional prison or activated prison or boot camp facility that is to be funded;

(E) provide assurances that the boot camp prison program, regional prison, or activated prison or boot camp facility that receives funding will provide work programs, education, job training, and appropriate drug treatment for inmates;

(F) provide assurances that—

(i) prisoners who participate in a boot camp prison program or are assigned to a regional prison or activated prison or boot camp facility that receives funding will be provided with aftercare services; and

(ii) a substantial proportion of the population of any regional prison that receives funds under this section will be violent offenders with serious substance abuse problems, and provision of treatment for such offenders will be a priority element of the prison's mission;

(G) provide assurances that aftercare services will involve the coordination of the boot camp prison program, regional prison, or activated prison or boot camp facility, with other human service and rehabilitation programs (such as educational and job training programs, drug counseling or treatment, parole or other post-release supervision programs, halfway house programs, job placement programs, and participation in self-help and peer group programs) that reduce the likelihood of further criminality by prisoners who participate in a boot camp program or are assigned to a regional prison or activated prison or boot camp facility following release;

(H) explain the applicant's inability to fund the program adequately without Federal assistance;

(I) identify related governmental and community initiatives that complement or will be coordinated with the proposal;

(J) certify that there has been appropriate coordination with all affected agencies; and

(K) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

(d) LIMITATIONS ON FUNDS.—

(1) NONSUPPLANTING REQUIREMENT.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

(2) ADMINISTRATIVE COSTS.—No more than 5 percent of the funds available under this section may be used for administrative costs.

(3) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 75 percent of the total cost of the program as described in the application.

(4) DURATION OF GRANTS.—

(A) IN GENERAL.—A grant under this section may be renewed for up to 3 years beyond the initial year of funding if the applicant demonstrates satisfactory progress toward achievement of the objectives set out in an approved application.

(B) MULTIYEAR GRANTS.—A multiyear grant may be made under this section so long as the total duration of the grant, including any renewals, does not exceed 4 years.

(e) CONVERSION OF PROPERTY AND FACILITIES AT CLOSED OR REALIGNED MILITARY INSTALLATIONS INTO BOOT CAMP PRISONS AND REGIONAL PRISONS.—

(1) DEFINITION.—In this subsection, "base closure law" means—

(A) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note);

(B) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note);

(C) section 2687 of title 10, United States Code; and

(D) any other similar law.

(2) Determination of suitability for conversion.—Notwithstanding any base closure law, the Secretary of Defense may not take any action to dispose of or transfer any real property or facility located at a military installation to be closed or realigned under a base closure law until the Secretary notifies the Attorney General of any property or facility at that installation that is suitable for use as a boot camp prison or regional prison.

(3) Transfer.—The Secretary shall, upon the request of the Attorney General, transfer to the Attorney General, without reimbursement, the property or facilities covered by the notification referred to in paragraph (2) in order to permit the Attorney General to utilize the property or facilities as a boot camp prison or regional prison.

(4) Applicability.—This subsection shall apply with respect to property or facilities located at military installations the closure or realignment of which commences after the date of enactment of this Act.

(f) Performance Evaluation.—

(1) Evaluation components.—

(A) In general.—Each boot camp prison, regional prison, and activated prison or boot camp facility program funded under this section shall contain an evaluation component developed pursuant to guidelines established by the Attorney General.

(B) Outcome measures.—The evaluations required by this paragraph shall include outcome measures that can be used to determine the effectiveness of the funded programs, including the effectiveness of such programs in comparison with other correctional programs or dispositions in reducing the incidence of recidivism.

(2) Periodic review and reports.—

(A) Review.—The Attorney General shall review the performance of each grant recipient under this section.

(B) Reports.—The Attorney General may require a grant recipient to submit to the Attorney General the results of the evaluations required under paragraph (1) and such other data and information as the Attorney General deems reasonably necessary to carry out the Attorney General's responsibilities under this section.

(3) Report to congress.—The Attorney General shall submit an annual report to Congress describing the grants awarded under this section and providing an assessment of the operations of the programs receiving grants.

(g) Revocation or Suspension of Funding.—If the Attorney General determines, as a result of the reviews required by subsection (f), or otherwise, that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application, the Attorney General may revoke or suspend funding of the grant in whole or in part.

(h) Access to Documents.—The Attorney General and the Comptroller General shall have access for the purpose of audit and examination to—

(1) the pertinent books, documents, papers, or records of a grant recipient under this section; and

(2) the pertinent books, documents, papers, or records of other persons and entities that are involved in programs for which assistance is provided under this section.

(i) General Regulatory Authority.—The Attorney General may issue regulations and guidelines to carry out this section.

(j) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to carry out this section $200,000,000, to remain available until expended.

(2) Use of appropriated funds.—No more than one-third of the amounts appropriated under paragraph (1) may be used to make grants for the construction, development, and operation of regional prisons under subsection (b)(1)(B).

SEC. 1322. NATIONAL INSTITUTE OF JUSTICE STUDY.

(a) Feasibility Study.—The National Institute of Justice shall study the feasibility of establishing a clearinghouse to provide information to interested persons to facilitate the transfer of prisoners in State correctional institutions to other such correctional institutions, pursuant to the Interstate Corrections Compact or other applicable interstate compact, for the purpose of allowing prisoners to serve their prison sentences at correctional institutions in close proximity to their families.

(b) Report to Congress.—The National Institute of Justice shall, not later than 1 year after the date of the enactment of this Act, submit to the Committees on the Judiciary of the House of Representatives and the Senate a report containing the results of the study conducted under subsection (a), together with any recommendations the Institute may have on establishing a clearinghouse described in such subsection.

(c) Definition.—For purposes of this section, the term "State" includes the District of Columbia and any territory or possession of the United States.

SEC. 1323. STUDY AND ASSESSMENT OF ALCOHOL USE AND TREATMENT.

The Director of the National Institute of Justice shall—

(1) conduct a study to compare the recidivism rates of individuals under the influence of alcohol or alcohol in combination with other drugs at the time of their offense—

(A) who participated in a residential treatment program while in the custody of the State; and

(B) who did not participate in a residential treatment program while in the custody of the State.

(2) conduct a nationwide assessment regarding the use of alcohol and alcohol in combination with other drugs as a factor in violent, domestic, and general criminal activity.

SEC. 1324. NOTIFICATION OF RELEASE OF PRISONERS.

Section 4042 of title 18, United States Code, is amended—

(1) by striking "The Bureau" and inserting "(a) In General.—The Bureau";

(2) by striking "This section" and inserting "(c) Application of Section.—This section";

(3) in paragraph (4) of subsection (a), as designated by paragraph (1) of this subsection—

(A) by striking "Provide" and inserting "provide"; and

(B) by striking the period at the end and inserting "; and";

(4) by inserting after paragraph (4) of subsection (a), as designated by paragraph (1) of this subsection, the following new paragraph:

"(5) provide notice of release of prisoners in accordance with subsection (b)."; and

(5) by inserting after subsection (a), as designated by paragraph (1) of this subsection, the following new subsection:

"(b) Notice of Release of Prisoners.—(1) Except in the case of a prisoner being protected under chapter 224, the Bureau of Prisons shall, at least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to a new jurisdiction, cause written notice of the release or change of residence to be made to the chief law enforcement officer of the State and of the local jurisdiction in which the prisoner will reside.

"(2) A notice under paragraph (1) shall disclose—

"(A) the prisoner's name;

"(B) the prisoner's criminal history, including a description of the offense of which the prisoner was convicted; and

"(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

"(3) A prisoner is described in this paragraph if the prisoner was convicted of—

"(A) a drug trafficking crime, as that term is defined in section 924(c)(2); or

"(B) a crime of violence, as that term is defined in section 924(c)(3).

"(4) The notice provided under this section shall be used solely for law enforcement purposes.".

SEC. 1325. APPLICATION TO PRISONERS TO WHICH PRIOR LAW APPLIES.

In the case of a prisoner convicted of an offense committed prior to November 1, 1987, the reference to supervised release in section 4042(b) of title 18, United States Code, shall be deemed to be a reference to probation or parole.

TITLE XIV—RURAL CRIME

Subtitle A—Fighting Drug Trafficking in Rural Areas

SEC. 1401. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) Authorization of Appropriations.—Section 1001(a)(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(9)) is amended by striking "and such" and all that follows through "part O" and inserting "$50,000,000 for fiscal year 1995 and such sums as are necessary for fiscal years 1996 and 1997 to carry out part O".

(b) Amendment to Base Allocation.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "$100,000" and inserting "$250,000".

SEC. 1402. RURAL DRUG ENFORCEMENT TASK FORCES.

(a) Establishment.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, shall establish a Rural Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands.

(b) Task Force Membership.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service; and

(5) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. 1403. CROSS-DESIGNATION OF FEDERAL OFFICERS.

The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1402(b)(5) with jurisdiction to enforce the provisions of the Controlled Substances Act on non-Federal lands to the extent necessary to effect the purposes of this title.

SEC. 1404. RURAL DRUG ENFORCEMENT TRAINING.

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $1,000,000 for each of fiscal years 1995, 1996, and 1997.

Subtitle B—Drug Free Truck Stops and Safety Rest Areas

SEC. 1411. DRUG FREE TRUCK STOPS AND SAFETY REST AREAS.

(a) SHORT TITLE.—This section may be cited as the "Drug Free Truck Stop Act".

(b) AMENDMENT TO CONTROLLED SUBSTANCES ACT.—

(1) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following new section:

"TRANSPORTATION SAFETY OFFENSES

"SEC. 409. (a) DEFINITIONS.—In this section—

"'safety rest area' means a roadside facility with parking facilities for the rest or other needs of motorists.

"'truck stop' means a facility (including any parking lot appurtenant thereto) that—

"(A) has the capacity to provide fuel or service, or both, to any commercial motor vehicle (as defined under section 12019 of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2716)) operating in commerce (as defined in that section); and

"(B) is located within 2,500 feet of the National System of Interstate and Defense Highways or the Federal-Aid Primary System.

"(b) FIRST OFFENSE.—A person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or safety rest area is (except as provided in subsection (b)) subject to—

"(1) twice the maximum punishment authorized by section 401(b); and

"(2) twice any term of supervised release authorized by section 401(b) for a first offense.

"(c) SUBSEQUENT OFFENSE.—A person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is subject to—

"(1) 3 times the maximum punishment authorized by section 401(b); and

"(2) 3 times any term of supervised release authorized by section 401(b) for a first offense.".

(2) TECHNICAL AMENDMENTS.—

(A) CROSS REFERENCE.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by inserting "409," before "418," each place it appears.

(B) TABLE OF CONTENTS.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by striking the item relating to section 409 and inserting the following new item:

"Sec. 409. Transportation safety offenses.".

(c) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide an appropriate enhancement of punishment for a defendant convicted of violating section 409 of the Controlled Substances Act, as added by subsection (b).

TITLE XV—DRUG CONTROL

Subtitle A—Increased Penalties

SEC. 1501. ENHANCEMENT OF PENALTIES FOR DRUG TRAFFICKING IN PRISONS.

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting before "Any" the following new sentence: "Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence imposed by any court for an offense involving such a controlled substance.";

(2) in subsection (d)(1)(A), by inserting after "a firearm or destructive device" the following: "or a controlled substance in schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C) of this subsection";

(3) in subsection (d)(1)(B), by inserting before "ammunition," the following: "marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection,";

(4) in subsection (d)(1)(C), by inserting "methamphetamine, its salts, isomers, and salts of its isomers," after "a narcotic drug,";

(5) in subsection (d)(1)(D), by inserting "(A), (B), or" before "(C)"; and

(6) in subsection (b), by striking "(c)" each place it appears and inserting "(d)".

SEC. 1502. CLOSING OF LOOPHOLE FOR ILLEGAL IMPORTATION OF SMALL DRUG QUANTITIES.

Section 497(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1497(a)(2)(A)) is amended by adding "or $500, whichever is greater" after "value of the article".

SEC. 1503. PENALTIES FOR DRUG DEALING IN PUBLIC HOUSING AUTHORITY FACILITIES.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within"; and

(2) in subsection (b) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within".

SEC. 1504. ANABOLIC STEROIDS PENALTIES.

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended by inserting after subsection (a) the following:

"(b)(1) Whoever, being a physical trainer or adviser to an individual, endeavors to persuade or induce that individual to possess or use anabolic steroids in violation of subsection (a), shall be fined under title 18, United States Code, or imprisoned not more than 2 years, or both. If such individual has not attained the age of 18 years, the maximum imprisonment shall be 5 years.

"(2) As used in this subsection, the term 'physical trainer or adviser' means any professional or amateur coach, manager, trainer, instructor, or other such person, who provides any athletic or physical instruction, training, advice, assistance, or other such service to any person.".

SEC. 1505. INCREASED PENALTIES FOR DRUG-DEALING IN "DRUG-FREE" ZONES.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend existing guidelines to provide that a defendant convicted of violating section 419 of the Controlled Substances Act (21 U.S.C. 860) shall be assigned an offense level under chapter 2 of the sentencing guidelines that is no less than level 20.

SEC. 1506. ENHANCED PENALTIES FOR ILLEGAL DRUG USE IN FEDERAL PRISONS.

(a) DECLARATION OF POLICY.—It is the policy of the Federal Government that the use or distribution of illegal drugs in the Nation's Federal prisons will not be tolerated and that such crimes shall be prosecuted to the fullest extent of the law.

(b) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to appropriately enhance the penalty for a person convicted of an offense—

(1) under section 404 of the Controlled Substances Act involving simple possession of a controlled substance within a Federal prison or other Federal detention facility; or

(2) under section 401(b) of the Controlled Substances Act involving the smuggling of a controlled substance into a Federal prison or other Federal detention facility or the distribution or intended distribution of a controlled substance within a Federal prison or other Federal detention facility.

(c) NO PROBATION OR SUSPENSION OF SENTENCE.—Notwithstanding any other law, the court shall not place on probation or suspend the sentence of a person convicted of an offense described in subsection (b).

Subtitle B—Precursor Chemicals Act

SEC. 1511. SHORT TITLE.

This title may be cited as the "Chemical Control Amendments Act of 1993".

SEC. 1512. DEFINITION AMENDMENTS.

(a) DEFINITIONS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (33) by striking "any listed precursor chemical or listed essential chemical" and inserting "any list I chemical or any list II chemical";

(2) in paragraph (34)—

(A) by striking "listed precursor chemical" and inserting "list I chemical"; and

(B) by striking "critical to the creation" and inserting "important to the manufacturer";

(3) in paragraph (34) (A), (F), and (H), by inserting ", its esters" before "and";

(4) in paragraph (35)—

(A) by striking "listed essential chemical" and inserting "list II chemical";

(B) by inserting "(other than a list I chemical)" before "specified";

(C) by striking "as a solvent, reagent, or catalyst"; and

(5) in paragraph (38) by inserting "or who acts as a broker or trader for an international transaction involving a listed chemical, a tableting machine, or an encapsulating machine" before the period;

(6) in paragraph (39)(A)—

(A) by striking "importation or exportation of" and inserting "importation, or exportation of, or an international transaction involving shipment of,";

(B) in clause (iii) by inserting "or any category of transaction for a specific listed chemical or chemicals" after "transaction";

(C) by amending clause (iv) to read as follows:

"(iv) any transaction in a listed chemical that is contained in a drug that may be marketed or distributed lawfully in the United States under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) unless—

"(I)(aa) the drug contains ephedrine or its salts, optical isomers, or salts of optical isomers as the only active medicinal ingredient or contains ephedrine and therapeutically insignificant quantities of another active medicinal ingredient; or

"(bb) the Attorney General has determined under section 204 that the drug or group of drugs is being diverted to obtain the listed chemical for use in the illicit production of a controlled substance; and

"(II) the quantity of ephedrine or other listed chemical contained in the drug included in the transaction or multiple transactions equals or exceeds the threshold established for that chemical by the Attorney General."; and

(D) in clause (v) by striking the semicolon and inserting "which the Attorney General has by regulation designated as exempt from the application of this title and title II based on a finding that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered;";

(7) in paragraph (40) by striking "listed precursor chemical or a listed essential chemical" each place it appears and inserting "list I chemical or a list II chemical"; and

(8) by adding at the end the following new paragraphs:

"(43) The term 'international transaction' means a transaction involving the shipment of a listed chemical across an international border (other than a United States border) in which a broker or trader located in the United States participates.

"(44) The terms 'broker' and 'trader' mean a person that assists in arranging an international transaction in a listed chemical by—

"(A) negotiating contracts;

"(B) serving as an agent or intermediary; or

"(C) bringing together a buyer and seller, buyer, and transporter, or a seller and transporter.".

(b) Removal of Exemption of Certain Drugs.—

(1) Procedure.—Part B of the Controlled Substances Act (21 U.S.C. 811 et seq.) is amended by adding at the end the following new section:

"REMOVAL OF EXEMPTION OF CERTAIN DRUGS

"Sec. 204. (a) Removal of Exemption.—The Attorney General shall by regulation remove from exemption under section 102(39)(A)(iv)(II) a drug or group of drugs that the Attorney General finds is being diverted to obtain a listed chemical for use in the illicit production of a controlled substance.

"(b) Factors To Be Considered.—In removing a drug or group of drugs from exemption under subsection (a), the Attorney General shall consider, with respect to a drug or group of drugs that is proposed to be removed from exemption—

"(1) the scope, duration, and significance of the diversion;

"(2) whether the drug or group of drugs is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance; and

"(3) whether the listed chemical can be readily recovered from the drug or group of drugs.

"(c) Specificity of Designation.—The Attorney General shall limit the designation of a drug or a group of drugs removed from exemption under subsection (a) to the most particularly identifiable type of drug or group of drugs for which evidence of diversion exists unless there is evidence, based on the pattern of diversion and other relevant factors, that the diversion will not be limited to that particular drug or group of drugs.

"(d) Reinstatement of Exemption With Respect to Particular Drug Products.—

"(1) Reinstatement.—On application by a manufacturer of a particular drug product that has been removed from exemption under subsection (a), the Attorney General shall by regulation reinstate the exemption with respect to that particular drug product if the Attorney General determines that the particular drug product is manufactured and distributed in a manner that prevents diversion.

"(2) Factors to be considered.—In deciding whether to reinstate the exemption with respect to a particular drug product under paragraph (1), the Attorney General shall consider—

"(A) the package sizes and manner of packaging of the drug product;

"(B) the manner of distribution and advertising of the drug product;

"(C) evidence of diversion of the drug product;

"(D) any actions taken by the manufacturer to prevent diversion of the drug product; and

"(E) such other factors as are relevant to and consistent with the public health and safety, including the factors described in subsection (b) as applied to the drug product.

"(3) Status pending application for reinstatement.—A transaction involving a particular drug product that is the subject of a bona fide pending application for reinstatement of exemption filed with the Attorney General not later than 60 days after a regulation removing the exemption is issued pursuant to subsection (a) shall not be considered to be a regulated transaction if the transaction occurs during the pendency of the application and, if the Attorney General denies the application, during the period of 60 days following the date on which the Attorney General denies the application, unless—

"(A) the Attorney General has evidence that, applying the factors described in subsection (b) to the drug product, the drug product is being diverted; and

"(B) the Attorney General so notifies the applicant.

"(4) Amendment and modification.—A regulation reinstating an exemption under paragraph (1) may be modified or revoked with respect to a particular drug product upon a finding that—

"(A) applying the factors described in subsection (b) to the drug product, the drug product is being diverted; or

"(B) there is a significant change in the data that led to the issuance of the regulation.".

(2) Technical amendment.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236) is amended by adding at the end of the section relating to part B of title II the following new item:

"Sec. 204. Removal of exemption of certain drugs.".

(c) Regulation of Listed Chemicals.—Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended—

(1) in subsection (a)(1)—

(A) by striking "precursor chemical" and inserting "list I chemical"; and

(B) in subparagraph (B) by striking "an essential chemical" and inserting "a list II chemical"; and

(2) in subsection (c)(2)(D) by striking "precursor chemical" and inserting "chemical control".

SEC. 1513. REGISTRATION REQUIREMENTS.

(a) Rules and Regulations.—Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by striking the period and inserting "and to the registration and control of regulated persons and of regulated transactions.".

(b) Persons Required To Register Under Section 302.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended—

(1) in subsection (a)(1) by inserting "or list I chemical" after "controlled substance" each place it appears;

(2) in subsection (b)—

(A) by inserting "or list I chemicals" after "controlled substances"; and

(B) by inserting "or chemicals" after "such substances";

(3) in subsection (c) by inserting "or list I chemical" after "controlled substance" each place it appears; and

(4) in subsection (e) by inserting "or list I chemicals" after "controlled substances".

(c) Registration Requirements Under Section 303.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

"(h) The Attorney General shall register an applicant to distribute a list I chemical unless the Attorney General determines that registration of the applicant is inconsistent with the public interest. Registration under this subsection shall not be required for the distribution of a drug product that is exempted under section 102(39)(A)(iv). In determining the public interest for the purposes of this subsection, the Attorney General shall consider—

"(1) maintenance by the applicant of effective controls against diversion of listed chemicals into other than legitimate channels;

"(2) compliance by the applicant with applicable Federal, State and local law;

"(3) any prior conviction record of the applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

"(4) any past experience of the applicant in the manufacture and distribution of chemicals; and

"(5) such other factors as are relevant to and consistent with the public health and safety.".

(d) Denial, Revocation, or Suspension of Registration.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a)—

(A) by inserting "or a list I chemical" after "controlled substance" each place it appears; and

(B) by inserting "or list I chemicals" after "controlled substances";

(2) in subsection (b) by inserting "or list I chemical" after "controlled substance";

(3) in subsection (f) by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(4) in subsection (g)—

(A) by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(B) by inserting "or list I chemical" after "controlled substance" each place it appears.

(e) PERSONS REQUIRED TO REGISTER UNDER SECTION 1007.—Section 1007 of the Controlled Substances Import and Export Act (21 U.S.C. 957) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting "or list I chemical" after "controlled substance"; and

(B) in paragraph (2) by striking "in schedule I, II, III, IV, or V," and inserting "or list I chemical,"; and

(2) in subsection (b)—

(A) in paragraph (1) by inserting "or list I chemical" after "controlled substance" each place it appears; and

(B) in paragraph (2) by inserting "or list I chemicals" after "controlled substances".

(f) REGISTRATION REQUIREMENTS UNDER SECTION 1008.—Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended—

(1) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The Attorney General shall register an applicant to import or export a list I chemical unless the Attorney General determines that registration of the applicant is inconsistent with the public interest. Registration under this subsection shall not be required for the import or export of a drug product that is exempted under section 102(39)(A)(iv).

"(B) In determining the public interest for the purposes of subparagraph (A), the Attorney General shall consider the factors specified in section 303(h).";

(2) in subsection (d)—

(A) in paragraph (3) by inserting "or list I chemical or chemicals," after "substances,"; and

(B) in paragraph (6) by inserting "or list I chemicals" after "controlled substances" each place it appears;

(3) in subsection (e) by striking "and 307" and inserting "307, and 310"; and

(4) in subsections (f), (g), and (h) by inserting "or list I chemicals" after "controlled substances" each place it appears.

(g) PROHIBITED ACTS C.—Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) by striking "or" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(9) if the person is a regulated person, to distribute, import, or export a list I chemical without the registration required by this Act.".

SEC. 1514. REPORTING OF LISTED CHEMICAL MANUFACTURING.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended—

(1) by inserting "(1)" after "(b)";

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)";

(4) by striking "paragraph (2)" and inserting "subparagraph (B)";

(5) by striking "paragraph (3)" and inserting "subparagraph (C)"; and

(6) by adding at the end the following new paragraph:

"(2) A regulated person that manufactures a listed chemical shall report annually to the Attorney General, in such form and manner and containing such specific data as the Attorney General shall prescribe by regulation, information concerning listed chemicals manufactured by the person. The requirement of the preceding sentence shall not apply to the manufacture of a drug product that is exempted under section 102(39)(A)(iv).".

SEC. 1515. REPORTS BY BROKERS AND TRADERS; CRIMINAL PENALTIES.

(a) NOTIFICATION, SUSPENSION OF SHIPMENT, AND PENALTIES WITH RESPECT TO IMPORTATION AND EXPORTATION OF LISTED CHEMICALS.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding at the end the following new subsection:

"(d) A person located in the United States who is a broker or trader for an international transaction in a listed chemical that is a regulated transaction solely because of that person's involvement as a broker or trader shall, with respect to that transaction, be subject to all of the notification, reporting, recordkeeping, and other requirements placed upon exporters of listed chemicals by this title and title II.".

(b) PROHIBITED ACTS A.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended to read as follows:

"(d) A person who knowingly or intentionally—

"(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this title or title II;

"(2) exports a listed chemical in violation of the laws of the country to which the chemical is exported or serves as a broker or trader for an international transaction involving a listed chemical, if the transaction is in violation of the laws of the country to which the chemical is exported;

"(3) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of this title or title II; or

"(4) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of the laws of the country to which the chemical is exported,

shall be fined in accordance with title 18, imprisoned not more than 10 years, or both.".

SEC. 1516. EXEMPTION AUTHORITY; ADDITIONAL PENALTIES.

(a) NOTIFICATION REQUIREMENT.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971), as amended by section 5(a), is amended by adding at the end the following new subsection:

"(e)(1) The Attorney General may by regulation require that the 15-day notification requirement of subsection (a) apply to all exports of a listed chemical to a specified country, regardless of the status of certain customers in such country as regular customers, if the Attorney General finds that such notification is necessary to support effective chemical diversion control programs or is required by treaty or other international agreement to which the United States is a party.

"(2) The Attorney General may by regulation waive the 15-day notification requirement for exports of a listed chemical to a specified country if the Attorney General determines that such notification is not required for effective chemical diversion control. If the notification requirement is waived, exporters of the listed chemical shall be required to submit to the Attorney General reports of individual exportations or periodic reports of such exportation of the listed chemical, at such time or times and containing such information as the Attorney General shall establish by regulation.

"(3) The Attorney General may by regulation waive the 15-day notification requirement for the importation of a listed chemical if the Attorney General determines that such notification is not necessary for effective chemical diversion control. If the notification requirement is waived, importers of the listed chemical shall be required to submit to the Attorney General reports of individual importations or periodic reports of the importation of the listed chemical, at such time or times and containing such information as the Attorney General shall establish by regulation.".

(b) PROHIBITED ACTS A.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)), as amended by section 5(b), is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the comma at the end of paragraph (4) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(5) imports or exports a listed chemical, with the intent to evade the reporting or recordkeeping requirements of section 1018 applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation qualifies for a waiver of the 15-day notification requirement granted pursuant to section 1018(e) (2) or (3) by misrepresenting the actual country of final destination of the listed chemical or the actual listed chemical being imported or exported; or

"(6) imports or exports a listed chemical in violation of section 1007 or 1018,".

SEC. 1517. AMENDMENTS TO LIST I.

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended—

(1) by striking subparagraphs (O), (U), and (W);

(2) by redesignating subparagraphs (P) through (T) as (O) through (S), subparagraph (V) as (T), and subparagraphs (X) and (Y) as (U) and (X), respectively;

(3) in subparagraph (X), as redesignated by paragraph (2), by striking "(X)" and inserting "(U)"; and

(4) by inserting after subparagraph (U), as redesignated by paragraph (2), the following new subparagraphs:

"(V) benzaldehyde.

"(W) nitroethane.".

SEC. 1518. ELIMINATION OF REGULAR SUPPLIER STATUS AND CREATION OF REGULAR IMPORTER STATUS.

(a) DEFINITION.—Section 102(37) of the Controlled Substances Act (21 U.S.C. 802(37)) is amended to read as follows:

"(37) The term 'regular importer' means, with respect to a listed chemical, a person that has an established record as an importer of that listed chemical that is reported to the Attorney General.".

(b) NOTIFICATION.—Section 1018 of the Controlled Substances Act (21 U.S.C. 971) is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking "regular supplier of the regulated person" and inserting "to an importation by a regular importer"; and

(B) in paragraph (2)—

(i) by striking "a customer or supplier of a regulated person" and inserting "a customer of a regulated person or to an importer"; and

(ii) by striking "regular supplier" and inserting "the importer as a regular importer"; and

(2) in subsection (c)(1) by striking "regular supplier" and inserting "regular importer".

SEC. 1519. ADMINISTRATIVE INSPECTIONS AND AUTHORITY.

Section 510 of the Controlled Substances Act (21 U.S.C. 880) is amended—

(1) by amending subsection (a)(2) to read as follows:

"(2) places, including factories, warehouses, and other establishments, and conveyances, where persons registered under section 303 (or exempt from registration under section 302(d) or by regulation of the Attorney General) or regulated persons may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of controlled substances or listed chemicals or where records relating to those activities are maintained."; and

(2) in subsection (b)(3)—

(A) in subparagraph (B) by inserting ", listed chemicals," after "unfinished drugs"; and

(B) in subparagraph (C) by inserting "or listed chemical" after "controlled substance" and inserting "or chemical" after "such substance".

SEC. 1520. THRESHOLD AMOUNTS.

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)), as amended by section 2, is amended by inserting "of a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical," before "a threshold amount, including a cumulative threshold amount for multiple transactions".

SEC. 1521. MANAGEMENT OF LISTED CHEMICALS.

(a) IN GENERAL.—Part C of the Controlled Substances Act (21 U.S.C. 821 et seq.) is amended by adding at the end the following new section:

"MANAGEMENT OF LISTED CHEMICALS

"SEC. 311. (a) OFFENSE.—It is unlawful for a person who possesses a listed chemical with the intent that it be used in the illegal manufacture of a controlled substance to manage the listed chemical or waste from the manufacture of a controlled substance otherwise than as required by regulations issued under sections 3001, 3002, 3003, 3004, and 3005 of the Solid Waste Disposal Act (42 U.S.C. 6921, 6922, 6923, 6924, and 6925).

"(b) ENHANCED PENALTY.—(1) In addition to a penalty that may be imposed for the illegal manufacture, possession, or distribution of a listed chemical or toxic residue of a clandestine laboratory, a person who violates subsection (a) shall be assessed the costs described in paragraph (2) and shall be imprisoned as described in paragraph (3).

"(2) Pursuant to paragraph (1) a defendant shall be assessed the following costs to the United States, a State, or another authority or person that undertakes to correct the results of the improper management of a listed chemical:

"(A) The cost of initial cleanup and disposal of the listed chemical and contaminated property.

"(B) The cost of restoring property that is damaged by exposure to a listed chemical for rehabilitation under Federal, State, and local standards.

"(3)(A) A violation of subsection (a) shall be punished as a class D felony, or in the case of a willful violation, as a class C felony.

"(B) Pursuant to its authority under section 944 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to provide for an appropriate enhancement of punishment for a willful violation of subsection (a).

"(4) A court may order that all or a portion of the earnings from work performed by a defendant in prison be withheld for payment of costs assessed under paragraph (2).

"(c) USE OF FORFEITED ASSETS.—The Attorney General may direct that assets forfeited under section 511 in connection with a prosecution under this section be shared with State agencies that participated in the seizure or cleaning up of a contaminated site.".

(b) EXCEPTION TO DISCHARGE IN BANKRUPTCY.—Section 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(13) for costs assessed under section 311(b) of the Controlled Substances Act.".

SEC. 1522. FORFEITURE EXPANSION.

Section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a)) is amended—

(1) in paragraph (6) by inserting "or listed chemical" after "controlled substance"; and

(2) in paragraph (9) by striking "a felony provision of".

SEC. 1523. REGULATIONS AND EFFECTIVE DATE.

(a) REGULATIONS.—The Attorney General shall, not later than 90 days after the date of enactment of this Act, issue regulations necessary to carry out this title.

(b) EFFECTIVE DATE.—This title and the amendments made by this title shall become effective on the date that is 120 days after the date of enactment of this Act.

Subtitle C—General Provisions

SEC. 1531. CLARIFICATION OF NARCOTIC OR OTHER DANGEROUS DRUGS UNDER RICO.

Section 1961(1) of title 18, United States Code, is amended by striking "narcotic or other dangerous drugs" each place it appears and inserting "a controlled substance or listed chemical, as defined in section 102 of the Controlled Substances Act".

SEC. 1532. CONFORMING AMENDMENTS TO RECIDIVIST PENALTY PROVISIONS OF THE CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(a) Sections 401(b)(1) (B), (C), and (D) of the Controlled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and (D)) and sections 1010(b) (1), (2), and (3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b) (1), (2), and (3)) are each amended in the sentence or sentences beginning "If any person commits" by striking "one or more prior convictions" through "have become final" and inserting "a prior conviction for a felony drug offense has become final".

(b) Section 1012(b) of the Controlled Substances Import and Export Act (21 U.S.C. 962(b)) is amended by striking "one or more prior convictions of him for a felony under any provision of this title or title II or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant drugs, have become final" and inserting "one or more prior convictions of such person for a felony for a felony drug offense have become final".

(c) Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking the sentence beginning "For purposes of this subparagraph, the term 'felony drug offense' means".

(d) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following new paragraph:

"(43) The term 'felony drug offense' means an offense that is punishable by imprisonment for more than one year under any law of the United States or of a State or foreign country that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances.".

SEC. 1533. PROGRAM TO PROVIDE PUBLIC AWARENESS OF THE PROVISION OF PUBLIC LAW 101-516 THAT CONDITIONS PORTIONS OF A STATE'S FEDERAL HIGHWAY FUNDING ON THE STATE'S ENACTMENT OF LEGISLATION REQUIRING THE REVOCATION OF THE DRIVER'S LICENSES OF CONVICTED DRUG ABUSERS.

The Attorney General, in consultation with the Secretary of Transportation, shall implement a program of national awareness of section 333 of Public Law 101-516. The program shall notify the Governors and State Representatives of the requirements of that section.

SEC. 1534. ADVERTISING.

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) It shall be unlawful for any person to print, publish, place, or otherwise cause to appear in any newspaper, magazine, handbill, or other publications, any written advertisement knowing that it has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. As used in this section the term 'advertisement' includes, in addition to its ordinary meaning, such advertisements as those for a catalog of Schedule I controlled substances and any similar written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. The term 'advertisement' does not include material which merely advocates the use of a similar material, which advocates a position or practice, and does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance.".

SEC. 1535. NATIONAL DRUG CONTROL STRATEGY.

(a) IN GENERAL.—Section 1005(a) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1504(a)) is amended by adding at the end the following new paragraph:

"(5) Beginning with the first submission of a National Drug Control Strategy to Congress after the date of the enactment of the Violent Crime Control and Law Enforcement Act of 1993, the goals, objectives, and priorities of such Strategy shall include a goal for expanding the availability of treatment for drug addiction.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that among the long-term goals of the National Drug Control Strategy should be the availability of drug treatment to all who are in need of such treatment.

SEC. 1536. NOTIFICATION OF LAW ENFORCEMENT OFFICERS OF DISCOVERIES OF CONTROLLED SUBSTANCES OR LARGE SUMS OF CASH IN EXCESS OF $10,000 IN WEAPON SCREENING.

Section 315 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) Discoveries of Controlled Substances or Cash in Excess of $10,000.—Not later than 90 days after the date of the enactment of this section, the Administrator shall issue regulations requiring employees and agents referred to in subsection (a) to report to appropriate Federal and State law enforcement officers any incident in which the employee or agent, in the course of conducting screening procedures pursuant to subsection (a), discovers a controlled substance the possession of which may be a violation of Federal or State law, or any sizable sums of cash in excess of $10,000 the possession of which may be a violation of Federal or State law.".

TITLE XVI—DRUNK DRIVING PROVISIONS

SEC. 1601. SHORT TITLE.

This title may be cited as the "Drunk Driving Child Protection Act of 1993".

SEC. 1602. STATE LAWS APPLIED IN AREAS OF FEDERAL JURISDICTION.

Section 13(b) of title 18, United States Code, is amended—

(1) by striking "For purposes" and inserting "(1) Subject to paragraph (2) and for purposes"; and

(2) by adding at the end the following new paragraph:

"(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if—

"(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

"(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

"(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age.".

SEC. 1603. SENSE OF CONGRESS CONCERNING CHILD CUSTODY AND VISITATION RIGHTS.

It is the sense of the Congress that in determining child custody and visitation rights, the courts should take into consideration the history of drunk driving that any person involved in the determination may have.

TITLE XVII—COMMISSIONS

Subtitle A—Commission on Crime and Violence

SEC. 1701. ESTABLISHMENT OF COMMISSION ON CRIME AND VIOLENCE.

There is established a commission to be known as the "National Commission on Crime and Violence in America". The Commission shall be composed of 22 members, appointed as follows:

(1) 6 persons by the President;

(2) 8 persons by the Speaker of the House of Representatives, two of whom shall be appointed on the recommendation of the minority leader; and

(3) 8 persons by the President pro tempore of the Senate, six of whom shall be appointed on the recommendation of the majority leader of the Senate and two of whom shall be appointed on the recommendation of the minority leader of the Senate.

SEC. 1702. PURPOSE.

The purposes of the Commission are as follows:

(1) To develop a comprehensive and effective crime control plan which will serve as a "blueprint" for action in the 1990's. The report shall include an estimated cost for implementing any recommendations made by the Commission.

(2) To bring attention to successful models and programs in crime prevention and crime control.

(3) To reach out beyond the traditional criminal justice community for ideas when developing the comprehensive crime control plan.

(4) To recommend improvements in the coordination of local, State, Federal, and international border crime control efforts.

(5) To make a comprehensive study of the economic and social factors leading to or contributing to crime and specific proposals for legislative and administrative actions to reduce crime and the elements that contribute to it.

(6) To recommend means of targeting finite correctional facility space and resources to the most serious and violent offenders, with the goal of achieving the most cost-effective possible crime control and protection of the community and public safety, with particular emphasis on examining the issue of possible disproportionate incarceration rates among black males and any other minority group disproportionately represented in State and Federal correctional populations, and to consider increased use of alternatives to incarceration which offer a reasonable prospect of equal or better crime control at equal or less cost.

SEC. 1703. RESPONSIBILITIES OF THE COMMISSION.

The commission shall be responsible for the following:

(1) Reviewing the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence.

(2) Examining the impact that changes to state and Federal law have had in controlling crime and violence.

(3) Examining the impact of changes in Federal immigration laws and policies and increased development and growth along United States international borders on crime and violence in the United States, particularly among our Nation's youth.

(4) Examining the problem of youth gangs and provide recommendations as to how to reduce youth involvement in violent crime.

(5) Examining the extent to which assault weapons and high power firearms have contributed to violence and murder in America.

(6) Convening field hearings in various regions of the country to receive testimony from a cross section of criminal justice professionals, business leaders, elected officials, medical doctors, and other citizens that wish to participate.

(7) Reviewing all segments of our criminal justice system, including the law enforcement, prosecution, defense, judicial, corrections components in developing the crime control plan.

Subtitle B—National Commission to Study the Causes of the Demand for Drugs in the United States

SEC. 1711. SHORT TITLE.

This subtitle may be cited as the "National Commission to Study the Causes of the Demand for Drugs in the United States".

SEC. 1712. ESTABLISHMENT.

There is established a National Commission to Study the Causes of the Demand for Drugs in the United States (referred to in this subtitle as the "Commission").

SEC. 1713. DUTIES.

(a) In General.—The Commission shall—

(1) examine the root causes of illicit drug use and abuse in the United States, including by compiling existing research regarding those root causes;

(2) evaluate the efforts being made to prevent drug abuse;

(3) identify the existing gaps in drug abuse policy that result from the lack of attention to the root causes of drug abuse;

(4) assess the needs of Government at all levels for resources and policies for reducing the overall desire of individuals to experiment with and abuse illicit drugs; and

(5) make recommendations regarding necessary improvements in policies for reducing the use of illicit drugs in the United States.

(b) Examination.—Matters examined by the Commission under this section shall include the following:

(1) Characteristics.—The characteristics of potential illicit drug users and abusers or drug traffickers, including age and social, economic, and educational backgrounds.

(2) Environment.—Environmental factors that contribute to illicit drug use and abuse, including the correlation between unemployment, poverty, and homelessness on drug experimentation and abuse.

(3) Associations and social relationships.—The effects of substance use and abuse by a relative or friend in contributing to the likelihood and desire of an individual to experiment with illicit drugs.

(4) Culture.—Aspects of, and changes in, philosophical or religious beliefs, cultural values, attitudes toward authority, status of basic social units (such as families), and traditions that contribute to illicit drug use and abuse.

(5) Physiological and psychological factors.—The physiological and psychological factors that contribute to the desire for illicit drugs.

(6) Efforts of governments.—The current status of Federal, State, and local efforts regarding the causes of illicit drug use and abuse, including a review of drug strategies being promoted by Federal, State, and local authorities to address the causes of illicit drug use and abuse.

SEC. 1714. MEMBERSHIP.

(a) Number and Appointment.—

(1) In general.—The Commission shall consist of 13 members, as follows:

(A) President.—Three individuals appointed by the President.

(B) Senate.—Five individuals appointed jointly by the majority and minority leaders of the Senate. Not more than 3 members appointed under this paragraph may be of the same political party. At least 1 member appointed under this paragraph shall be a recovering drug user.

(C) House of representatives.—Five individuals appointed jointly by the Speaker, majority leader, and minority leader of the House of Representatives. Not more than 3 members appointed under this paragraph may be of the same political party. At least 1 member appointed under this paragraph shall be a recovering drug abuser.

(2) Goals in making appointments.—In appointing individuals as members of the Commission, the President and the majority and minority leaders of the House of Representatives and the Senate shall seek to ensure that—

(A) the membership of the Commission reflects the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology;

(ii) psychology;

(iii) law;

(iv) bio-medicine;

(v) addiction; and

(vi) ethnography and urban poverty, including health care, housing, education, and employment.

(b) PROHIBITION AGAINST OFFICER OR EMPLOYEE.—Each individual appointed under subsection (a) shall not be an officer or employee of any government and shall be qualified to serve the Commission by virtue of education, training, or experience.

(c) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed within 60 days after the date of the enactment of this Act for the life of the Commission.

(d) MEETINGS.—The Commission shall have its headquarters in the District of Columbia, and shall meet at least once each month for a business session that shall be conducted by the Chairperson.

(e) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—No later than 15 days after the members of the Commission are appointed, such members shall designate a Chairperson and Vice Chairperson of the Commission.

(g) CONTINUATION OF MEMBERSHIP.—If a member of the Commission later becomes an officer or employee of any government, the individual may continue as a member until a successor is appointed.

(h) VACANCIES.—A vacancy in the Commission shall be filled not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(i) COMPENSATION.—

(1) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 1715. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—The Chairperson shall appoint a director after consultation with the members of the Commission, who shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the director may appoint personnel as the director considers appropriate.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist in carrying out its duties under this Act.

(f) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress, as well as agencies and elected representatives of the executive and legislative branches of government. The Chairperson of the Commission shall make requests in writing where necessary.

(g) PHYSICAL FACILITIES.—The General Services Administration shall find suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. 1716. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devices of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devices shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 1717. REPORTS.

(a) MONTHLY REPORTS.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) REPORTS.—

(1) INTERIM REPORT.—The Commission shall submit an interim report to the President and the Congress not later than 1 year before the termination of the Commission. The interim report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative and administrative action based on the Commission's activities to date. A strategy for disseminating the report to Federal, State, and local authorities shall be formulated and submitted with the formal presentation of the report to the President and the Congress.

(2) FINAL REPORT.—Not later than the date of the termination of the Commission, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, and recommendations, including an assessment of the extent to which recommendations of the Commission included in the interim report under paragraph (1) have been implemented.

(c) PRINTING AND PUBLIC DISTRIBUTION.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public upon request.

SEC. 1718. TERMINATION.

The Commission shall terminate on the date which is 2 years after the Members of the Commission have met and designated a Chairperson and Vice Chairperson.

Subtitle C—National Commission to Support Law Enforcement

SEC. 1721. SHORT TITLE.

This subtitle may be cited as the "National Commission to Support Law Enforcement Act".

SEC. 1722. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

(3) law enforcement officers are on the front line in the war against drugs and crime;

(4) the rate of violent crime continues to increase along with the increase in drug use;

(5) a large percentage of individuals arrested test positive for drug usage;

(6) the Presidential Commission on Law Enforcement and the Administration of Justice of 1965 focused attention on many issues affecting law enforcement, and a review twenty-five years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decreased funding; and

(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working conditions, and responsibility for crime control would assist in redefining the relationships between the Federal Government, the public, and law enforcement officials.

SEC. 1723. ESTABLISHMENT.

There is established a national commission to be known as the "National Commission to Support Law Enforcement" (referred to in this subtitle as the "Commission").

SEC. 1724. DUTIES.

(a) IN GENERAL.—The Commission shall study and recommend changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

(1) FUNDING.—The sufficiency of funding, including a review of grant programs at the Federal level.

(2) EMPLOYMENT.—The conditions of law enforcement employment.

(3) INFORMATION.—The effectiveness of information-sharing systems, intelligence, infrastructure, and procedures among law enforcement agencies of Federal, State, and local governments.

(4) RESEARCH AND TRAINING.—The status of law enforcement research and education and training.

(5) EQUIPMENT AND RESOURCES.—The adequacy of equipment, physical resources, and human resources.

(6) COOPERATION.—The cooperation among Federal, State, and local law enforcement agencies.

(7) RESPONSIBILITY.—The responsibility of governments and law enforcement agencies in solving the crime problem.

(8) IMPACT.—The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

(b) CONSULTATION.—The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

SEC. 1725. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 23 members as follows:

(1) Seven individuals from national law enforcement organizations representing law enforcement officers, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the majority leader of the Senate;

(C) One shall be appointed by the minority leader of the House of Representatives;

(D) One shall be appointed by the minority leader of the Senate; and

(E) One shall be appointed by the President.

(2) Seven individuals from national law enforcement organizations representing law enforcement management, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the majority leader of the Senate;

(C) One shall be appointed by the minority leader of the House of Representatives;

(D) One shall be appointed by the minority leader of the Senate; and

(E) One shall be appointed by the President.

(3) Two individuals with academic expertise regarding law enforcement issues, of whom—

(A) One shall be appointed by the Speaker of the House of Representatives and the majority leader of the Senate.

(B) One shall be appointed by the minority leader of the Senate and the minority leader of the House of Representatives.

(4) Two Members of the House of Representatives, appointed by the Speaker and the minority leader of the House of Representatives.

(5) Two Members of the Senate, appointed by the majority leader and the minority leader of the Senate.

(6) One individual involved in Federal law enforcement from the Department of the Treasury, appointed by the President.

(7) One individual from the Department of Justice, appointed by the President.

(8) One individual representing a State or local governmental entity, such as a Governor, mayor, or State Attorney General, to be appointed by the Majority Leader of the Senate.

(9) One individual representing a State or local governmental entity, such as a Governor, mayor, or State Attorney General, to be appointed by the Speaker of the House of Representatives.

(10) One individual representing a State or local governmental entity, such as a governor, mayor, or State Attorney General, to be appointed by the President.

(b) COMPTROLLER GENERAL.—The Comptroller General shall serve in an advisory capacity and shall oversee the methodology and approach of the Commission's study.

(c) CHAIRPERSON.—Upon their appointment the members of the Commission shall select one of their number to act as chairperson.

(d) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall receive no additional pay, allowance, or benefit by reason of service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) APPOINTMENT DATES.—Members of the Commission shall be appointed no later than 90 days after the enactment of this Act.

SEC. 1726. EXPERTS AND CONSULTANTS.

(a) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this title.

(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

SEC. 1727. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for purposes of this title, hold hearings, sit and act at the times and places, take testimony, and receive evidence, as the Commission considers appropriate.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title. Upon request of the chairperson of the Commission, the head of an agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 1728. REPORT.

Not later than the expiration of the eighteen-month period beginning on the date of the appointment of the members of the Commission, a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has determined to be appropriate shall be submitted to Congress.

SEC. 1729. TERMINATION.

The Commission shall cease to exist upon the expiration of the 60-day period beginning on the date on which the Commission submits its report under section 1738.

SEC. 1730. REPEALS.

Title XXXIV of the Crime Control Act of 1990 (Public Law 101-647; 104 Stat. 4918) and title II, section 211B of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (Public Law 101-515; 104 Stat. 2122) are repealed.

TITLE XVIII—BAIL POSTING REPORTING

SEC. 1801. SHORT TITLE.

This title may be cited as the "Illegal Drug Profits Act of 1993".

SEC. 1802. REQUIRED REPORTING BY CRIMINAL COURT CLERKS.

(a) IN GENERAL.—Each clerk of a Federal or State criminal court shall report to the Internal Revenue Service, in a form and manner as prescribed by the Secretary of the Treasury, the name and taxpayer identification number of—

(1) any individual charged with any criminal offense who posts cash bail, or on whose behalf cash bail is posted, in an amount exceeding $10,000; and

(2) any individual or entity (other than a licensed bail bonding individual or entity) posting such cash bail for or on behalf of such individual.

(b) CRIMINAL OFFENSES.—For purposes of subsection (a), the term "criminal offense" means—

(1) any Federal criminal offense involving a controlled substance;

(2) racketeering (as defined in section 1951, 1952, or 1955 of title 18, United States Code);

(3) money laundering (as defined in section 1956 or 1957 of title 18, United States Code); and

(4) any violation of State criminal law involving an offense substantially similar to an offense described in paragraph (1), (2), or (3).

(c) COPY TO PROSECUTORS.—Each clerk shall submit a copy of each report of cash bail described in subsection (a) to—

(1) the office of the United States Attorney; and

(2) the office of the local prosecuting attorney, for the jurisdiction in which the defendant resides (and the jurisdiction in which the criminal offense occurred, if different).

(d) REGULATIONS.—The Secretary of the Treasury shall promulgate such regulations as are necessary within 90 days of the date of enactment of this Act.

(e) EFFECTIVE DATE.—This section shall become effective 60 days on the date of the promulgation of regulations under subsection (d).

TITLE XIX—MOTOR VEHICLE THEFT PREVENTION

SEC. 1901. SHORT TITLE.

This title may be cited as the "Motor Vehicle Theft Prevention Act".

SEC. 1902. MOTOR VEHICLE THEFT PREVENTION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Attorney General shall develop, in cooperation with the States, a national voluntary motor vehicle theft prevention program (in this section referred to as the "program") under which—

(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner—

(A) states that the vehicle is not normally operated under certain specified conditions; and

(B) agrees to—

(i) display program decals or devices on the owner's vehicle; and

(ii) permit law enforcement officials in any State to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions; and

(2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

(b) UNIFORM DECAL OR DEVICE DESIGNS.—

(1) IN GENERAL.—The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals or other devices to be displayed by motor vehicles participating in the program.

(2) Type of design.—The uniform design shall—

(A) be highly visible; and

(B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully.

(c) Voluntary Consent Form.—The voluntary consent form used to enroll in the program shall—

(1) clearly state that participation in the program is voluntary;

(2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully;

(3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner; and

(4) include any additional information that the Attorney General may reasonably require.

(d) Specified Conditions Under Which Stops May Be Authorized.—

(1) In general.—The Attorney General shall promulgate rules establishing the conditions under which participating motor vehicles may be authorized to be stopped under this section. These conditions may not be based on race, creed, color, national origin, gender, or age. These conditions may include—

(A) the operation of the vehicle during certain hours of the day; or

(B) the operation of the vehicle under other circumstances that would provide a sufficient basis for establishing a reasonable suspicion that the vehicle was not being operated by the owner, or with the consent of the owner.

(2) More than one set of conditions.—The Attorney General may establish more than one set of conditions under which participating motor vehicles may be stopped. If more than one set of conditions is established, a separate consent form and a separate design for program decals or devices shall be established for each set of conditions. The Attorney General may choose to satisfy the requirement of a separate design for program decals or devices under this paragraph by the use of a design color that is clearly distinguishable from other design colors.

(3) No new conditions without consent.—After the program has begun, the conditions under which a vehicle may be stopped if affixed with a certain decal or device design may not be expanded without the consent of the owner.

(4) Limited participation by states and localities.—A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

(e) Motor Vehicles for Hire.—

(1) Notification to lessees.—Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall, prior to transferring possession of the vehicle, notify the person to whom the motor vehicle is rented or leased about the program.

(2) Type of notice.—The notice required by this subsection shall—

(A) be in writing;

(B) be in a prominent format to be determined by the Attorney General; and

(C) explain the possibility that if the motor vehicle is operated under the specified conditions, the vehicle may be stopped by law enforcement officials even if the officials have no other basis for believing that the vehicle is being operated unlawfully.

(3) Fine for failure to provide notice.—Failure to provide proper notice under this subsection shall be punishable by a fine not to exceed $5,000.

(f) Notification of Police.—As a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program, and with the conditions under which motor vehicles may be stopped under the program.

(g) Regulations.—The Attorney General shall promulgate regulations to implement this section.

(h) Authorization of Appropriations.—There are authorized such sums as are necessary to carry out this section.

SEC. 1903. ALTERING OR REMOVING MOTOR VEHICLE IDENTIFICATION NUMBERS.

(a) Basic Offense.—Subsection (a) of section 511 of title 18, United States Code, is amended to read as follows:

"(a) A person who—

"(1) knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle or motor vehicle part; or

"(2) with intent to further the theft of a motor vehicle, knowingly removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act,

shall be fined under this title, imprisoned not more than 5 years, or both.".

(b) Excepted Persons.—Paragraph (2) of section 511(b) of title 18, United States Code, is amended—

(1) by striking "and" after the semicolon in subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) a person who removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, if that person is the owner of the motor vehicle, or is authorized to remove, obliterate, tamper with or alter the decal or device by—

"(i) the owner or his authorized agent;

"(ii) applicable State or local law; or

"(iii) regulations promulgated by the Attorney General to implement the Motor Vehicle Theft Prevention Act.".

(c) Definition.—Section 511 of title 18, United States Code, is amended by adding at the end thereof the following:

"(d) For purposes of subsection (a) of this section, the term 'tampers with' includes covering a program decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act for the purpose of obstructing its visibility.".

(d) Unauthorized Application of a Decal or Device.—

(1) In general.—Chapter 25 of title 18, United States Code, is amended by adding after section 511 the following new section:

"§ 511A. Unauthorized application of theft prevention decal or device

"(a) Whoever affixes to a motor vehicle a theft prevention decal or other device, or a replica thereof, unless authorized to do so pursuant to the Motor Vehicle Theft Prevention Act, shall be punished by a fine not to exceed $1,000.

"(b) For purposes of this section, the term 'theft prevention decal or device' means a decal or other device designed in accordance with a uniform design for such devices developed pursuant to the Motor Vehicle Theft Prevention Act.".

(2) Technical amendment.—The chapter analysis for chapter 25 of title 18, United States Code, is amended by adding after the item relating to section 511 the following new item:

"511A. Unauthorized application of theft prevention decal or device.".

TITLE XX—PROTECTIONS FOR THE ELDERLY

SEC. 2001. MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

(a) Grant.—The Attorney General shall award a grant to an eligible organization to assist the organization in paying for the costs of planning, designing, establishing, and operating a Missing Alzheimer's Disease Patient Alert Program, which shall be a locally based, proactive program to protect and locate missing patients with Alzheimer's disease and related dementias.

(b) Application.—To be eligible to receive a grant under subsection (a), an organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including, at a minimum, an assurance that the organization will obtain and use assistance from private nonprofit organizations to support the program.

(c) Eligible Organization.—The Attorney General shall award the grant described in subsection (a) to a national voluntary organization that has a direct link to patients, and families of patients, with Alzheimer's disease and related dementias.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1995, 1996, and 1997.

SEC. 2002. CRIMES AGAINST THE ELDERLY.

(a) In General.—Pursuant to its authority under the Sentencing Reform Act of 1984 and section 21 of the Sentencing Act of 1987 (including its authority to amend the sentencing guidelines and policy statements) and its authority to make such amendments on an emergency basis, the United States Sentencing Commission shall ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the public from additional crimes of such a defendant, and to adequately reflect the heinous nature of such an offense.

(b) Criteria.—In carrying out subsection (a), the United States Sentencing Commission shall ensure that—

(1) the guidelines provide for increasingly severe punishment for a defendant commensurate with the degree of physical harm caused to the elderly victim;

(2) the guidelines take appropriate account of the vulnerability of the victim; and

(3) the guidelines provide enhanced punishment for a defendant convicted of a crime of violence against an elderly victim who has previously been convicted of a crime of violence against an elderly victim, regardless of

whether the conviction occurred in Federal or State court.

(c) DEFINITIONS.—In this section—

"crime of violence" means an offense under section 113, 114, 1111, 1112, 1113, 1117, 2241, 2242, or 2244 of title 18, United States Code.

"elderly victim" means a victim who is 65 years of age or older at the time of an offense.

TITLE XXI—CONSUMER PROTECTION

SEC. 2101. CRIMES BY OR AFFECTING PERSONS ENGAGED IN THE BUSINESS OF INSURANCE WHOSE ACTIVITIES AFFECT INTERSTATE COMMERCE.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new sections:

"§ 1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

"(a)(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and, with the intent to deceive, knowingly makes any false material statement or report or willfully and materially overvalues any land, property or security—

"(A) in connection with any financial reports or documents presented to any insurance regulatory official or agency or an agent or examiner appointed by such official or agency to examine the affairs of such person, and

"(B) for the purpose of influencing the actions of such official or agency or such an appointed agent or examiner,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as established under this title or imprisonment for not more than 10 years, or both, except that the term of imprisonment shall be not more than 15 years if the statement or report or overvaluing of land, property, or security jeopardizes the safety and soundness of an insurer.

"(b)(1) Whoever—

"(A) acting as, or being an officer, director, agent, or employee of, any person engaged in the business of insurance whose activities affect interstate commerce, or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

willfully embezzles, abstracts, purloins, or misappropriates any of the moneys, funds, premiums, credits, or other property of such person so engaged shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if such embezzlement, abstraction, purloining, or misappropriation described in paragraph (1) jeopardizes the safety and soundness of an insurer, such imprisonment shall be not more than 15 years. If the amount or value so embezzled, abstracted, purloined, or misappropriated does not exceed $5,000, whoever violates paragraph (1) shall be fined as provided in this title or imprisoned not more than one year, or both.

"(c)(1) Whoever is engaged in the business of insurance and whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business, knowingly makes any false entry of material fact in any book, report, or statement of such person engaged in the business of insurance with intent to—

"(A) deceive any person about the financial condition or solvency of such business, or

"(B) deceive any officer, employee, or agent of such person engaged in the business of insurance, any insurance regulatory official or agency, or any agent or examiner appointed by such official or agency to examine the affairs of such person about the financial condition or solvency of such business,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if the false entry in any book, report, or statement of such person jeopardizes the safety and soundness of an insurer, such imprisonment shall be not more than 15 years.

"(d) Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined as provided in this title or imprisoned not more than 10 years, or both.

"(e)(1)(A) Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under this section, and who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined as provided in this title or imprisoned not more than 5 years, or both.

"(B) Any individual who is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined as provided in this title or imprisoned not more than 5 years, or both.

"(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if such person has the written consent of any insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

"(f) As used in this section—

"(1) the term 'business of insurance' means—

"(A) the writing of insurance, or

"(B) the reinsuring of risks,

by an insurer, including all acts necessary or incidental to such writing or reinsuring and the activities of persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons;

"(2) the term 'insurer' means any entity the business activity of which is the writing of insurance or the reinsuring of risks or any receiver or similar official or any liquidating agent for such an entity, in his or her capacity as such, and includes any person who acts as, or is, an officer, director, agent, or employee of that business;

"(3) the term 'interstate commerce' means—

"(A) commerce within the District of Columbia, or any territory or possession of the United States;

"(B) all commerce between any point in the State, territory, possession, or the District of Columbia and any point outside thereof;

"(C) all commerce between points within the same State through any place outside such State; or

"(D) all other commerce over which the United States has jurisdiction; and

"(4) the term 'State' includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"§ 1034. Civil penalties and injunctions for violations of section 1033

"(a) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 1033 and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. If the offense has contributed to the decision of a court of appropriate jurisdiction to issue an order directing the conservation, rehabilitation, or liquidation of an insurer, such penalty shall be remitted to the regulatory official for the benefit of the policyholders, claimants, and creditors of such insurer. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(b) If the Attorney General has reason to believe that a person is engaged in conduct constituting an offense under section 1033, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following new items:

"1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.

"1034. Civil penalties and injunctions for violations of section 1033.".

(c) MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE.—

(1) TAMPERING WITH INSURANCE REGULATORY PROCEEDINGS.—Section 1515(a)(1) of title 18, United States Code, is amended—

(A) by striking "or" at the end of subparagraph (B);

(B) by inserting "or" at the end of subparagraph (C); and

(C) by adding at the end the following new subparagraph:

"(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce;''.

(2) LIMITATIONS.—Section 3293 of title 18, United States Code, is amended by inserting ''1033,'' after ''1014,''.

(3) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) Whoever—

''(A) acting as, or being, an officer, director, agent or employee of a person engaged in the business of insurance whose activities affect interstate commerce, or

''(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

with intent to obstruct a judicial proceeding, directly or indirectly notifies any other person about the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined as provided by this title or imprisoned not more than 5 years, or both.

''(2) As used in paragraph (1), the term 'subpoena for records' means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section 1033 of this title.''.

SEC. 2102. CONSUMER PROTECTION AGAINST CREDIT CARD FRAUD ACT OF 1993.

(a) SHORT TITLE.—This section may be cited as the ''Consumer Protection Against Credit Card Fraud Act of 1993''.

(b) FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.—Section 1029 of title 18, United States Code, is amended in subsection (a) by inserting after paragraph (4) the following new paragraphs:

''(5) knowingly and with intent to defraud effects transactions, with one or more access devices issued to another person or persons, to receive payment or any other thing of value during any one-year period the aggregate value of which is equal to or greater than $1,000;

''(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

''(A) offering an access device; or

''(B) selling information regarding or an application to obtain an access device; or

''(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, one or more evidences or records of transactions made by an access device;''.

(c) TECHNICAL AMENDMENTS.—Section 1029 of title 18, United States Code, as amended by subsection (b), is amended—

(1) in subsection (a) by striking ''or'' at the end of paragraph (3);

(2) in subsection (c)(1) by striking ''(a)(2) or (a)(3)'' and inserting ''(a) (2), (3), (5), (6), or (7)''; and

(3) in subsection (e) by—

(A) striking ''and'' at the end of paragraph (5);

(B) adding ''and'' at the end of paragraph (6); and

(C) adding at the end thereof the following new paragraph:

''(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether it is affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.''.

SEC. 2103. MAIL FRAUD.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting ''or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier,'' after ''Postal Service,''; and

(2) by inserting ''or such carrier'' after ''causes to be delivered by mail''.

TITLE XXII—FINANCIAL INSTITUTION FRAUD PROSECUTIONS

SEC. 2201. SHORT TITLE.

This title may be cited as the ''Financial Institutions Fraud Prosecution Act of 1991''.

SEC. 2202. FEDERAL DEPOSIT INSURANCE ACT AMENDMENT.

Section 19(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)) is amended in paragraph (2)(A)(i)(I)—

(1) by striking ''or 1956''; and

(2) by inserting ''1517, 1956, or 1957''.

SEC. 2203. FEDERAL CREDIT UNION ACT AMENDMENTS.

Section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d)) is amended to read as follows:

''(d) PROHIBITION.—

''(1) IN GENERAL.—Except with prior written consent of the Board—

''(A) any person who has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense, may not—

''(i) become, or continue as, an institution-affiliated party with respect to any insured credit union; or

''(ii) otherwise participate, directly or indirectly, in the conduct of the affairs of any insured credit union; and

''(B) any insured credit union may not permit any person referred to in subparagraph (A) to engage in any conduct or continue any relationship prohibited under such subparagraph.

''(2) MINIMUM 10-YEAR PROHIBITION PERIOD FOR CERTAIN OFFENSES.—

''(A) IN GENERAL.—If the offense referred to in paragraph (1)(A) in connection with any person referred to in such paragraph is—

''(i) an offense under—

''(I) section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1344, 1517, 1956, or 1957 of title 18, United States Code; or

''(II) section 1341 or 1343 of such title which affects any financial institution (as defined in section 20 of such title); or

''(ii) the offense of conspiring to commit any such offense,

the Board may not consent to any exception to the application of paragraph (1) to such person during the 10-year period beginning on the date the conviction or the agreement of the person becomes final.

''(B) EXCEPTION BY ORDER OF SENTENCING COURT.—

''(i) IN GENERAL.—On motion of the Board, the court in which the conviction or the agreement of a person referred to in subparagraph (A) has been entered may grant an exception to the application of paragraph (1) to such person if granting the exception is in the interest of justice.

''(ii) PERIOD FOR FILING.—A motion may be filed under clause (i) at any time during the 10-year period described in subparagraph (A) with regard to the person on whose behalf such motion is made.

''(3) PENALTY.—Whoever knowingly violates paragraph (1) or (2) shall be fined not more than $1,000,000 for each day such prohibition is violated or imprisoned for not more than 5 years, or both.''.

SEC. 2204. CRIME CONTROL ACT AMENDMENT.

Section 2546 of the Crime Control Act of 1990 (Public Law 101–647, 104 Stat. 4885) is amended by adding at the end the following new subsection:

''(c) FRAUD TASK FORCES REPORT.—In addition to the reports required under subsection (a), the Attorney General is encouraged to submit a report to the Congress containing the findings of the financial institutions fraud task forces established under section 2539 as they relate to the collapse of private deposit insurance corporations, together with recommendations for any regulatory or legislative changes necessary to prevent such collapses in the future.''.

TITLE XXIII—SAVINGS AND LOAN PROSECUTION TASK FORCE

SEC. 2301. SAVINGS AND LOAN PROSECUTION TASK FORCE.

The Attorney General shall establish within the Justice Department a savings and loan criminal fraud task force to prosecute in an aggressive manner those criminal cases involving savings and loan institutions.

TITLE XXIV—SENTENCING PROVISIONS

SEC. 2401. IMPOSITION OF SENTENCE.

Section 3553(a)(4) of title 18, United States Code, is amended to read as follows:

''(4) the kinds of sentence and the sentencing range established for—

''(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or

''(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code;''.

SEC. 2402. TECHNICAL AMENDMENT TO MANDATORY CONDITIONS OF PROBATION.

Section 3563(a)(3) of title 18, United States Code, is amended by striking ''possess illegal controlled substances'' and inserting ''unlawfully possess a controlled substance''.

SEC. 2403. SUPERVISED RELEASE AFTER IMPRISONMENT.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), by striking ''possess illegal controlled substances'' and inserting ''unlawfully possess a controlled substance'';

(2) in subsection (e)—

(A) by striking ''person'' each place such term appears in such subsection and inserting ''defendant''; and

(B) by amending paragraph (3) to read as follows:

''(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or"; and

(3) by adding at the end the following new subsections:

"(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

"(i) DELAYED REVOCATION.—The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.".

TITLE XXV—SENTENCING AND MAGISTRATES AMENDMENTS

SEC. 2501. AUTHORIZATION OF PROBATION FOR PETTY OFFENSES IN CERTAIN CASES.

Section 3561(a)(3) of title 18, United States Code, is amended by adding at the end: "However, this paragraph does not preclude the imposition of a sentence to a term of probation for a petty offense if the defendant has been sentenced to a term of imprisonment at the same time for another such offense.".

SEC. 2502. TRIAL BY A MAGISTRATE IN PETTY OFFENSE CASES.

Section 3401 of title 18, United States Code, is amended—

(1) in subsection (b) by adding "other than a petty offense" after "misdemeanor"; and

(2) in subsection (g) by amending the first sentence to read as follows: "The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.".

TITLE XXVI—COMPUTER CRIME

SEC. 2601. COMPUTER ABUSE AMENDMENTS ACT OF 1993.

(a) SHORT TITLE.—This title may be cited as the "Computer Abuse Amendments Act of 1993".

(b) PROHIBITION.—Section 1030(a)(5) of title 18, United States Code, is amended to read as follows:

"(5)(A) through means of a computer used in interstate commerce or communications, knowingly causes the transmission of a program, information, code, or command to a computer or computer system if—

"(i) the person causing the transmission intends that such transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data, or program; or

"(II) withhold or deny, or cause the withholding or denial, of the use of a computer, computer services, system or network, information, data or program; and

"(ii) the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to one or more other persons of value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or

"(B) through means of a computer used in interstate commerce or communication, knowingly causes the transmission of a program, information, code, or command to a computer or computer system—

"(i) with reckless disregard of a substantial and unjustifiable risk that the transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data or program; or

"(II) withhold or deny or cause the withholding or denial of the use of a computer, computer services, system, network, information, data or program; and

"(ii) if the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to one or more other persons of a value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals;".

(c) PENALTY.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)(B) by striking "and" after the semicolon;

(2) in paragraph (3)(A) by inserting "(A)" after "(a)(5)"; and

(3) in paragraph (3)(B) by striking the period at the end thereof and inserting "; and"; and

(4) by adding at the end thereof the following:

"(4) a fine under this title or imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(5)(B).".

(d) CIVIL ACTION.—Section 1030 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Any person who suffers damage or loss by reason of a violation of the section, other than a violation of subsection (a)(5)(B), may maintain a civil action against the violator to obtain compensatory damages and injunctive relief or other equitable relief. Damages for violations of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to economic damages. No action may be brought under this subsection unless such action is begun within 2 years of the date of the act complained of or the date of the discovery of the damage.".

(e) REPORTING REQUIREMENTS.—Section 1030 of title 18 United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The Attorney General and the Secretary of the Treasury shall report to the Congress annually, during the first 3 years following the date of the enactment of this subsection, concerning investigations and prosecutions under section 1030(a)(5) of title 18, United States Code.".

(f) PROHIBITION.—Section 1030(a)(3) of title 18 United States Code, is amended by inserting "adversely" before "affects the use of the Government's operation of such computer".

TITLE XXVII—INTERNATIONAL PARENTAL KIDNAPPING

SEC. 2701. SHORT TITLE.

This subtitle may be cited as the "International Parental Kidnapping Crime Act of 1993".

SEC. 2702. TITLE 18 AMENDMENT.

(a) IN GENERAL.—Chapter 55 (relating to kidnapping) of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1204. International parental kidnapping

"(a) DEFINITIONS.—In this section—

"'child' means a person who has not attained the age of 16 years.

"'parental rights', with respect to a child, means the right to physical custody of the child—

"(A) whether joint or sole (and includes visiting rights); and

"(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

"(b) OFFENSE.—A person who removes a child from the United States or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title, imprisoned not more than 3 years, or both.

"(c) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense under this section that—

"(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody or visitation rights, and that order was obtained pursuant to the Uniform Child Custody Jurisdiction Act and was in effect at the time of the offense;

"(2) the defendant was fleeing an incidence or pattern of domestic violence; or

"(3) the defendant had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant's control, and the defendant notified or made reasonable attempts to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible.

"(d) RULE OF CONSTRUCTION.—This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.".

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, inasmuch as use of the procedures under the Hague Convention on the Civil Aspects of International Parental Child Abduction has resulted in the return of many children, those procedures, in circumstances in which they are applicable, should be the option of first choice for a parent who seeks the return of a child who has been removed from the parent.

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

"1204. International parental kidnapping.".

SEC. 2703. STATE COURT PROGRAMS REGARDING INTERSTATE AND INTERNATIONAL PARENTAL CHILD ABDUCTION.

There is authorized to be appropriated $250,000 to carry out under the State Justice

Institute Act of 1984 (42 U.S.C. 10701 et seq.) national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

TITLE XXVIII—SAFE SCHOOLS

SEC. 2801. SHORT TITLE.

This title may be cited as the “Safe Schools Act of 1993”.

SEC. 2802. SAFE SCHOOLS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1204(a), is amended—

(1) by redesignating part W as part X;

(2) by redesignating section 2301 as section 2401; and

(3) by inserting after part V the following new part:

“PART W—SAFE SCHOOLS ASSISTANCE

“SEC. 2301. GRANT AUTHORIZATION.

“(a) IN GENERAL.—The Director of the Bureau of Justice Assistance, in consultation with the Secretary of Education, may make grants to local educational agencies for the purpose of providing assistance to such agencies most directly affected by crime and violence.

“(b) MODEL PROJECT.—The Director, in consultation with the Secretary of Education, shall develop a written safe schools model in English and in Spanish in a timely fashion and make such model available to any local educational agency that requests such information.

“SEC. 2302. USE OF FUNDS.

“Grants made by the Director under this part shall be used—

“(1) to fund anticrime and safety measures and to develop education and training programs for the prevention of crime, violence, and illegal drugs and alcohol;

“(2) for counseling programs for victims of crime within schools;

“(3) for crime prevention equipment, including metal detectors and video-surveillance devices; and

“(4) for the prevention and reduction of the participation of young individuals in organized crime and drug and gang-related activities in schools.

“SEC. 2303. APPLICATIONS.

“(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a local educational agency shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

“(b) REQUIREMENTS.—Each application under subsection (a) shall include—

“(1) a request for funds for the purposes described in section 2302;

“(2) a description of the schools and communities to be served by the grant, including the nature of the crime and violence problems within such schools;

“(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

“(4) statistical information in such form and containing such information that the Director may require regarding crime within schools served by such local educational agency.

“(c) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that shall contain—

“(1) a description of the crime problems within the schools targeted for assistance;

“(2) a description of the projects to be developed;

“(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filed with existing resources;

“(4) an explanation of how the requested grant will be used to fill gaps;

“(5) a description of the system the applicant will establish to prevent and reduce crime problems; and

“(6) a description of educational materials to be developed in Spanish.

“SEC. 2304. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

“(a) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration and technical assistance.

“(b) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

“(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

“(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 2303(c).

“SEC. 2305. AWARD OF GRANTS.

“(a) SELECTION OF RECIPIENTS.—The Director, in consultation with the Secretary of Education, shall consider the following factors in awarding grants to local educational agencies:

“(1) CRIME PROBLEM.—The nature and scope of the crime problem in the targeted schools.

“(2) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 2303(c).

“(3) POPULATION.—The number of students to be served by the plan required under section 2303(c).

“(b) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

“SEC. 2306. REPORTS.

“(a) REPORT TO DIRECTOR.—Local educational agencies that receive funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 2303(c).

“(b) REPORT TO CONGRESS.—The Director shall submit to the Committee on Education and Labor and the Committee on the Judiciary a report by October 1 of each year in which grants are made available under this part which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants under 2303(b)(4), and an evaluation of programs established under this part.

“SEC. 2307. DEFINITIONS.

“For the purposes of this part:

“(1) The term ‘Director’ means the Director of the Bureau of Justice Assistance.

“(2) The term ‘local educational agency’ means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary and secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.”.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1204(b), is amended by striking the matter relating to part W and inserting the following:

“PART W—SAFE SCHOOLS ASSISTANCE

“Sec. 2301. Grant authorization.
“Sec. 2302. Use of funds.
“Sec. 2303. Applications.
“Sec. 2304. Allocation of funds; limitations on grants.
“Sec. 2305. Award of grants.
“Sec. 2306. Reports.
“Sec. 2307. Definitions.

“PART X—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2401. Continuation of rules, authorities, and proceedings.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1204(d), is amended—

(1) in paragraph (3) by striking “and V” and inserting “V, and W”; and

(2) by adding at the end the following new paragraph:

“(17) There are authorized to be appropriated to carry out projects under part U $100,000,000 for each of fiscal years 1994, 1995, and 1996.”.

TITLE XXIX—MISCELLANEOUS

Subtitle A—Increases in Penalties

SEC. 2901. INCREASED PENALTIES FOR ASSAULT.

(a) CERTAIN OFFICERS AND EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting “, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases,” after “shall”;

(2) in subsection (b) by inserting “or inflicts bodily injury” after “weapon”.

(b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND INTERNATIONALLY PROTECTED PERSONS.—Section 112(a) of title 18, United States Code, is amended—

(1) by striking “not more than $5,000” and inserting “under this title”;

(2) by inserting “, or inflicts bodily injury,” after “weapon”; and

(3) by striking “not more than $10,000” and inserting “under this title”.

(c) MARITIME AND TERRITORIAL JURISDICTION.—Section 113 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by striking “of not more than $1,000” and inserting “under this title”; and

(B) by striking “five” and inserting “ten”; and

(2) in subsection (e)—

(A) by striking “of not more than $300” and inserting “under this title”; and

(B) by striking “three” and inserting “six”.

(d) CONGRESS, CABINET, OR SUPREME COURT.—Section 351(e) of title 18, United States Code, is amended—

(1) by striking “not more than $5,000,” and inserting “under this title,”;

(2) by inserting “the assault involved in the use of a dangerous weapon, or” after “if”;

(3) by striking "not more than $10,000" and inserting "under this title"; and

(4) by striking "for".

(e) PRESIDENT AND PRESIDENT'S STAFF.—Section 1751(e) of title 18, United States Code, is amended—

(1) by striking "not more than $10,000," both places it appears and inserting "under this title,";

(2) by striking "not more than $5,000," and inserting "under this title,"; and

(3) by inserting "the assault involved the use of a dangerous weapon, or" after "if".

SEC. 2902. INCREASED PENALTIES FOR MANSLAUGHTER.

Section 1112 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "fined under this title or" after "shall be" in the first undesignated paragraph; and

(B) by inserting ", or both" after "years";

(2) by striking "not more than $1,000" and inserting "under this title"; and

(3) by striking "three" and inserting "six".

SEC. 2903. INCREASED PENALTIES FOR CIVIL RIGHTS VIOLATIONS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended—

(1) by striking "not more than $10,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "results";

(3) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(4) by inserting ", or both" after "life".

(b) DEPRIVATION OF RIGHTS.—Section 242 of title 18, United States Code, is amended—

(1) by striking "more more than $1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire," after "bodily injury results";

(3) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or" after "death results";

(4) by striking "shall be subject to imprisonment" and inserting "imprisoned"; and

(5) by inserting ", or both" after "life".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5)—

(1) by striking "not more than $1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results;

(3) by striking "not more than $10,000" and inserting "under this title";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results";

(5) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(6) by inserting ", or both" after "life".

(d) DAMAGE TO RELIGIOUS PROPERTY.—Section 247 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by inserting "from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(2) in subsection (c)(2)—

(A) by striking "serious"; and

(B) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results"; and

(3) by amending subsection (e) to read as follows:

"(e) As used in this section, the term 'religious property' means any church, synagogue, mosque, religious cemetery, or other religious property.".

(e) FAIR HOUSING ACT.—Section 901 of the Fair Housing Act (42 U.S.C. 3631) is amended—

(1) in the caption by striking "bodily injury; death;";

(2) by striking "not more than $1,000," and inserting "under this title";

(3) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results";

(4) by striking "not more than $10,000," and inserting "under this title";

(5) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results";

(6) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(7) by inserting ", or both" after "life".

SEC. 2904. INCREASED PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

(a) IN GENERAL.—Section 2320(a) of title 18, United States Code, is amended—

(1) in the first sentence by striking "imprisoned not more than five years" and inserting "imprisoned not more than 10 years"; and

(2) in the second sentence by striking "imprisoned not more than fifteen years" and inserting "imprisoned not more than 20 years".

(b) LAUNDERING MONETARY INSTRUMENTS.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "or section 2319 (relating to copyright infringement)," and inserting "section 2319 (relating to copyright infringement), or section 2320 (relating to trafficking in counterfeit goods and services),".

SEC. 2905. INCREASED PENALTY FOR CONSPIRACY TO COMMIT MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by inserting "or who conspires to do so" before "shall be fined" the first place it appears.

SEC. 2906. INCREASED PENALTIES FOR TRAVEL ACT VIOLATIONS.

Section 1952(a) of title 18, United States Code, is amended by striking "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than 5 years, or both" and inserting "and thereafter performs or attempts to perform (A) any of the acts described in paragraphs (1) and (3) shall be fined under this title, imprisoned for not more than 5 years, or both, or (B) any of the acts described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life".

Subtitle B—Extension of Protection of Civil Rights Statutes

SEC. 2911. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended—

(1) by striking "inhabitant of" and inserting "person in"; and

(2) by striking "such inhabitant" and inserting "such person".

Subtitle C—Audit and Report

SEC. 2921. AUDIT REQUIREMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES RECEIVING FEDERAL ASSET FORFEITURE FUNDS.

(a) STATE REQUIREMENT.—Section 524(c)(7) of title 28, United States Code, is amended to read as follows:

"(7)(A) The Fund shall be subject to annual audit by the Comptroller General.

"(B) The Attorney General shall require that any State or local law enforcement agency receiving funds conduct an annual audit detailing the uses and expenses to which the funds were dedicated and the amount used for each use or expense and report the results of the audit to the Attorney General.".

(b) INCLUSION IN ATTORNEY GENERAL'S REPORT.—Section 524(c)(6)(C) of title 28, United States Code, is amended by adding at the end the following flush sentence: "The report should also contain all annual audit reports from State and local law enforcement agencies required to be reported to the Attorney General under subparagraph (B) of paragraph (7).".

SEC. 2922. REPORT TO CONGRESS ON ADMINISTRATIVE AND CONTRACTING EXPENSES.

Section 524(c)(6) of title 28, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) a report for such fiscal year containing a description of the administrative and contracting expenses paid from the Fund under paragraph (1)(A).".

Subtitle D—Gambling

SEC. 2931. CRIMINAL HISTORY RECORD INFORMATION FOR THE ENFORCEMENT OF LAWS RELATING TO GAMING.

A State gaming enforcement office located within a State Attorney General's office may obtain from the Interstate Identification Index of the FBI criminal history record information for licensing purposes through an authorized criminal justice agency.

SEC. 2932. CLARIFYING AMENDMENT REGARDING SCOPE OF PROHIBITION AGAINST GAMBLING ON SHIPS IN INTERNATIONAL WATERS.

(a) The first paragraph of section 1081 of title 18, United States Code, is amended by adding at the end the following: "Such term does not include a vessel with respect to gambling aboard such vessel beyond the territorial waters of the United States during a covered voyage (as defined in section 4472 of the Internal Revenue Code of 1986 in effect as of September 21, 1993).".

Subtitle E—White Collar Crime Amendments

SEC. 2941. RECEIVING THE PROCEEDS OF EXTORTION OR KIDNAPPING.

(a) PROCEEDS OF EXTORTION.—Chapter 41 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

"§ 880. Receiving the proceeds of extortion

"A person who receives, possesses, conceals, or disposes of any money or other property which was obtained from the commission of any offense under this chapter that is punishable by imprisonment for more than 1 year, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 3 years, fined under this title, or both."; and

(2) in the table of sections, by adding at the end the following new item:

"880. Receiving the proceeds of extortion.".

(b) RANSOM MONEY.—Section 1202 of title 18, United States Code, is amended—

(1) by designating the existing matter as subsection "(a)"; and

(2) by adding the following new subsections:

"(b) A person who transports, transmits, or transfers in interstate or foreign commerce any proceeds of a kidnapping punishable under State law by imprisonment for more than 1 year, or receives, possesses, conceals, or disposes of any such proceeds after they have crossed a State or United States boundary, knowing the proceeds to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.

"(c) For purposes of this section, the term 'State' has the meaning set forth in section 245(d) of this title.".

SEC. 2942. RECEIVING THE PROCEEDS OF A POSTAL ROBBERY.

Section 2114 of title 18, United States Code, is amended—

(1) by designating the existing matter as subsection (a); and

(2) by adding at the end the following new subsection:

"(b) A person who receives, possesses, conceals, or disposes of any money or other property which has been obtained in violation of this section, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.".

SEC. 2943. CONFORMING ADDITION TO OBSTRUCTION OF CIVIL INVESTIGATIVE DEMAND STATUTE.

Section 1505 of title 18, United States Code, is amended by inserting "section 1968 of this title, section 3733 of title 31, United States Code or" before "the Antitrust Civil Process Act".

SEC. 2944. CONFORMING ADDITION OF PREDICATE OFFENSES TO FINANCIAL INSTITUTIONS REWARDS STATUTE.

Section 3059A of title 18, United States Code, is amended—

(1) by inserting "225," after "215";

(2) by striking "or" before "1344"; and

(3) by inserting ", or 1517" after "1344".

SEC. 2945. DEFINITION OF SAVINGS AND LOAN ASSOCIATION IN BANK ROBBERY STATUTE.

Section 2113 of title 18, United States Code, is amended by adding at the end the following:

"(h) As used in this section, the term 'savings and loan association' means (1) any Federal savings association or State savings association (as defined in section 3(b) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(b)) having accounts insured by the Federal Deposit Insurance Corporation, and (2) any corporation described in section 3(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)(C)) which is operating under the laws of the United States.".

SEC. 2946. CONFORMING DEFINITION OF "1-YEAR PERIOD" IN 18 U.S.C. 1516.

Section 1516(b) of title 18, United States Code, is amended—

(1) by inserting "(i)" before "the term"; and

(2) by inserting before the period the following: ", and (ii) the term 'in any 1 year period' has the meaning given to the term 'in any 1-year period' in section 666 of this title.".

Subtitle F—Safer Streets and Neighborhoods

SEC. 2951. SHORT TITLE.

This subtitle may be cited as the "Safer Streets and Neighborhoods Act of 1993".

SEC. 2952. LIMITATION ON GRANT DISTRIBUTION.

(a) AMENDMENT.—Section 510(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760(b)) is amended by inserting "non-Federal" after "with".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1993.

Subtitle G—Other Provisions

SEC. 2961. OPTIONAL VENUE FOR ESPIONAGE AND RELATED OFFENSES.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

"§ 3239. Optional venue for espionage and related offenses

"The trial for any offense involving a violation, begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, of—

"(1) section 793, 794, 798, or section 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421); or

"(3) section 4(b) or 4(c) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783 (b) or (c));

may be in the District of Columbia or in any other district authorized by law.".

(b) TECHNICAL AMENDMENT.—The item relating to section 3239 in the table of sections of chapter 211 of title 18, United States Code, is amended to read as follows:

"3239. Optional venue for espionage and related offense.".

SEC. 2962. UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 21. Stolen or counterfeit nature of property for certain crimes defined

"(a) Wherever in this title it is an element of an offense that—

"(1) any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated; and

"(2) the defendant knew that the property was of such character;

such element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

"(b) For purposes of this section, the term 'official representation' means any representation made by a Federal law enforcement officer (as defined in section 115) or by another person at the direction or with the approval of such an officer.".

(b) TECHNICAL AMENDMENT.—The table of sections of chapter 1 of title 18, United States Code, is amended by adding at the end the following new item:

"21. Stolen or counterfeit nature of property for certain crimes defined.".

SEC. 2963. UNDERCOVER OPERATIONS—CHURNING.

Section 7601(c)(3) of the Anti-Drug Abuse Act of 1988 (relating to effective date) is amended to read as follows:

"(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall cease to apply after December 31, 1994.".

SEC. 2964. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) REPORT.—Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the Congress a report on the medical and psychological basis of "battered women's syndrome" and on the extent to which evidence of the syndrome has been held to be admissible as evidence of guilt or as a defense in a criminal trial.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include—

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State and Federal court cases that have admitted evidence of battered women's syndrome as evidence of guilt as a defense in criminal trials; and

(3) an assessment by State and Federal judges, prosecutors, and defense attorneys on the effects that evidence of battered women's syndrome may have in criminal trials.

SEC. 2965. WIRETAPS.

Section 2511(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (c);

(2) by inserting "or" at the end of paragraph (d); and

(3) by adding after paragraph (d) the following new paragraph:

"(e)(i) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511(2)(A)(ii), 2511(b)–(c), 2511(e), 2516, and 2518 of this subchapter, (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, (iii) having obtained or received the information in connection with a criminal investigation, (iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation,".

SEC. 2966. THEFT OF MAJOR ARTWORK.

(a) OFFENSE.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 668. Theft of major artwork

"(a) DEFINITIONS.—In this section—

"'museum' means an organized and permanent institution, the activities of which affect interstate or foreign commerce, that—

"(A) is situated in the United States;

"(B) is established for an essentially educational or aesthetic purpose;

"(C) has a professional staff; and

"(D) owns, utilizes, and cares for tangible objects that are exhibited to the public on a regular schedule.

"'object of cultural heritage' means an object of art or cultural significance that is registered with the International Foundation for Art Research or an equivalent registry.".

"(b) OFFENSES.—A person who—

"(1) steals or obtains by fraud from the care, custody, or control of a museum any object of cultural heritage; or

"(2) knowing that an object of cultural heritage has been stolen or obtained by fraud, if in fact the object was stolen or obtained from the care, custody, or control of a museum (whether or not that fact is known to the person), receives, conceals, exhibits, or disposes of the object,

shall be fined under this title, imprisoned not more than 10 years, or both.".

(b) FORFEITURE.—

(1) CIVIL.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting "668," after "657,".

(2) CRIMINAL.—Section 982(a)(2) of title 18, United States Code, is amended by inserting "668," after "545".

(c) PERIOD OF LIMITATION.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3294. Theft of major artwork

"No person shall be prosecuted, tried, or punished for a violation of or conspiracy to violate section 668 unless the indictment is returned or the information is filed within 20 years after the commission of the offense.".

(d) TECHNICAL AMENDMENTS.—

(1) CHAPTER 31.—The chapter analysis for chapter 31 of title 18, United States Code, is amended by adding at the end the following new item:

"668. Theft of major artwork.".

(2) CHAPTER 213.—The chapter analysis for chapter 31 of title 18, United States Code, is amended by adding at the end the following new item:

"3294. Theft of major artwork.".

SEC. 2967. BALANCE IN THE CRIMINAL JUSTICE SYSTEM.

(a) FINDINGS.—The Congress finds that—

(1) an adequately supported Federal judiciary is essential to the enforcement of law and order in the United States,

(2) section 331 of title 28 provides in pertinent part that the Chief Justice shall submit to Congress an annual report of the proceedings of the Judicial Conference and its recommendations for legislation,

(3) in 1990, in response to the recommendations of the Judicial Conference for additional judgeships, Congress enacted legislation creating 85 additional judgeships with an effective date of December 1, 1990,

(4) only 1 of these vacancies has been filled,

(5) during the current administration, it has taken an average of 502 days from the time a judgeship becomes vacant until such vacancy is filled,

(6) the enactment of legislation providing additional funding for the investigation and prosecution facets of the criminal justice system has a direct and positive impact on the needs and workload of the Judiciary, which is already severely overloaded with criminal cases,

(7) recommendations by the Judicial Conference for the filling of judicial vacancies are currently made on the basis of historical data alone,

(8) the General Accounting Office, pursuant to the 1988 Anti-Drug Abuse Act, has developed a computer model that measures the potential effect of fiscal increases on one or more parts of the criminal justice system on the Judiciary,

(9) the General Accounting Office has established that an increase in the resources allocated to the investigative and prosecutorial parts of the criminal justice system, brings about an increase in the number of criminal cases filed, which in turn adds to the need for additional judgeships,

(10) the allocation of resources to portions of the Federal criminal justice system other than the Judiciary contributes to the need for additional judgeships that cannot be anticipated by the use of historical data alone, and

(11) the use of historical data alone, because of its inability to project the need for additional judgeships attributable to the increase in criminal caseload adds to the delay in meeting the needs of the Judiciary.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Judicial Conference should be encouraged to make its recommendations to Congress for additional judgeships utilizing historical data and a workload estimate model designed to anticipate an increase in criminal filings resulting from increased funding in one or more components of the Federal criminal justice system, and to take into account the time expended in the appointive and confirmation process.

SEC. 2968. MISUSE OF INITIALS "DEA".

(a) AMENDMENT.—Section 709 of title 18, United States Code, is amended—

(1) in the thirteenth unnumbered paragraph by striking "words—" and inserting "words; or"; and

(2) by inserting after the thirteenth unnumbered paragraph the following new paragraph:

"A person who, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words 'Drug Enforcement Administration' or the initials 'DEA' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date that is 90 days after the date of enactment of this Act.

SEC. 2969. ADDITION OF ATTEMPTED ROBBERY, KIDNAPPING, SMUGGLING, AND PROPERTY DAMAGE OFFENSES TO ELIMINATE INCONSISTENCIES AND GAPS IN COVERAGE.

(a) ROBBERY AND BURGLARY.—(1) Section 2111 of title 18, United States Code, is amended by inserting "or attempts to take" after "takes".

(2) Section 2112 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(3) Section 2114 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(b) KIDNAPPING.—Section 1201(d) of title 18, United States Code, is amended by striking "Whoever attempts to violate subsection (a)(4) or (a)(5)" and inserting "Whoever attempts to violate subsection (a)".

(c) SMUGGLING.—Section 545 of title 18, United States Code, is amended by inserting "or attempts to smuggle or clandestinely introduce" after "smuggles, or clandestinely introduces".

(d) MALICIOUS MISCHIEF.—(1) Section 1361 of title 18, United States Code, is amended—

(A) by inserting "or attempts to commit any of the foregoing offenses" before "shall be punished", and

(B) by inserting "or attempted damage" after "damage" each place it appears.

(2) Section 1362 of title 18, United States Code, is amended by inserting "or attempts willfully or maliciously to injure or destroy" after "willfully or maliciously injures or destroys".

(3) Section 1366 of title 18, United States Code, is amended—

(A) by inserting "or attempts to damage" after "damages" each place it appears;

(B) by inserting "or attempts to cause" after "causes"; and

(C) by inserting "or would if the attempted offense had been completed have exceeded" after "exceeds" each place it appears.

SEC. 2970. DEFINITION OF LIVESTOCK.

Section 2311 of title 18, United States Code, is amended by inserting after the second paragraph relating to the definition of "cattle" the following new paragraph:

"'Livestock' means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, goats, fowl, sheep, and cattle, or the carcasses thereof.".

SEC. 2971. EXTENSION OF STATUTE OF LIMITATIONS FOR ARSON.

Section 844(i) of title 18, United States Code, is amended by adding at the end the following: "No person shall be prosecuted, tried, or punished for any noncapital offense under this subsection unless the indictment is found or the information is instituted within 10 years after the date on which the offense was committed.".

TITLE XXX—TECHNICAL CORRECTIONS

SEC. 3001. AMENDMENTS RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT.

(a) CROSS REFERENCE CORRECTIONS.—(1) Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended—

(1) in subsection (a) by striking "Of" and inserting "Subject to subsection (f), of",

(2) in subsection (c) by striking "subsections (b) and (c)" and inserting "subsection (b)",

(3) in subsection (e) by striking "or (e)" and inserting "or (f)",

(4) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by striking ", taking into consideration subsection (e) but", and

(ii) by striking "this subsection," and inserting "this subsection", and

(B) in subparagraph (B) by striking "amount" and inserting "funds".

(b) CORRECTIONAL OPTIONS GRANTS.—(1) Section 515(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) by striking "subsection (a)(1) and (2)" and inserting "paragraphs (1) and (2) of subsection (a)", and

(B) in paragraph (2) by striking "States" and inserting "public agencies".

(2) Section 516 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in subsection (a) by striking "for section" each place it appears and inserting "shall be used to make grants under section", and

(B) in subsection (b) by striking "section 515(a)(1) or (a)(3)" and inserting "paragraph (1) or (3) of section 515(a)".

(c) DENIAL OR TERMINATION OF GRANT.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking "M.," and inserting "M,".

(d) DEFINITIONS.—Section 901(a)(21) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(21)) is amended by adding a semicolon at the end.

(e) PUBLIC SAFETY OFFICERS DISABILITY BENEFITS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended—

(1) in section 1201—

(A) in subsection (a) by striking "subsection (g)" and inserting "subsection (h),", and

(B) in subsection (b)—

(i) by striking "subsection (g)" and inserting "subsection (h)",

(ii) by striking "personal", and

(iii) in the first proviso by striking "section" and inserting "subsection", and

(2) in section 1204(3) by striking "who was responding to a fire, rescue or police emergency".

(f) HEADINGS.—(1) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART M—REGIONAL INFORMATION SHARING SYSTEMS".

(2) The heading for part O of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART O—RURAL DRUG ENFORCEMENT".

(g) TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in the item relating to section 501 by striking "Drug Control and System Improvement Grant" and inserting "drug control and system improvement grant",

(2) in the item relating to section 1403 by striking "Application" and inserting "Applications", and

(3) in the items relating to part O by redesignating sections 1401 and 1402 as sections 1501 and 1502, respectively.

(h) OTHER TECHNICAL AMENDMENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 202(c)(2)(E) by striking "crime,," and inserting "crime,",

(2) in section 302(c)(19) by striking a period at the end and inserting a semicolon,

(3) in section 602(a)(1) by striking "chapter 315" and inserting "chapter 319",

(4) in section 603(a)(6) by striking "605" and inserting "606",

(5) in section 605 by striking "this section" and inserting "this part",

(6) in section 606(b) by striking "and Statistics" and inserting "Statistics",

(7) in section 801(b)—

(A) by striking "parts D," and inserting "parts",

(B) by striking "part D" each place it appears and inserting "subpart 1 of part E",

(C) by striking "403(a)" and inserting "501", and

(D) by striking "403" and inserting "503",

(8) in the first sentence of section 802(b) by striking "part D," and inserting "subpart 1 of part E or under part",

(9) in the second sentence of section 804(b) by striking "Prevention or" and inserting "Prevention, or",

(10) in section 808 by striking "408, 1308," and inserting "507",

(11) in section 809(c)(2)(H) by striking "805" and inserting "804",

(12) in section 811(e) by striking "Law Enforcement Assistance Administration" and inserting "Bureau of Justice Assistance",

(13) in section 901(a)(3) by striking "and," and inserting ", and",

(14) in section 1001(c) by striking "parts" and inserting "part".

(i) CONFORMING AMENDMENT TO OTHER LAW.—Section 4351(b) of title 18, United States Code, is amended by striking "Administrator of the Law Enforcement Assistance Administration" and inserting "Director of the Bureau of Justice Assistance".

SEC. 3002. GENERAL TITLE 18 CORRECTIONS.

(a) SECTION 1031.—Section 1031(g)(2) of title 18, United States Code, is amended by striking "a government" and inserting "a Government".

(b) SECTION 208.—Section 208(c)(1) of title 18, United States Code, is amended by striking "Banks" and inserting "banks".

(c) SECTION 1007.—The heading for section 1007 of title 18, United States Code, is amended by striking "Transactions" and inserting "transactions" in lieu thereof.

(d) SECTION 1014.—Section 1014 of title 18, United States Code, is amended by striking the comma which follows a comma.

(e) ELIMINATION OF OBSOLETE CROSS REFERENCE.—Section 3293 of title 18, United States Code, is amended by striking "1008,".

(f) ELIMINATION OF DUPLICATE SUBSECTION DESIGNATION.—Section 1031 of title 18, United States Code, is amended by redesignating the second subsection (g) as subsection (h).

(g) CLERICAL AMENDMENT TO PART I TABLE OF CHAPTERS.—The item relating to chapter 33 in the table of chapters for part I of title 18, United States Code, is amended by striking "701" and inserting "700".

(h) AMENDMENT TO SECTION 924(a)(1)(b).—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking "(q)" and inserting "(r)".

(i) AMENDMENT TO SECTION 3143.—The last sentence of section 3143(b) of title 18, United States Code, is amended by striking "(b)(2)(D)" and inserting "(1)(B)(iv)".

(j) AMENDMENT TO TABLE OF CHAPTERS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item relating to the chapter 113A added by section 132 of Public Law 102–27, but subsequently repealed.

(k) PUNCTUATION CORRECTION.—Section 207(c)(2)(A)(ii) of title 18, United States Code, is amended by striking the semicolon at the end and inserting a comma.

(l) TABLE OF CONTENTS CORRECTION.—The table of contents for chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"3509. Child Victims' and child witnesses' rights.".

(m) ELIMINATION OF SUPERFLUOUS COMMA.—Section 3742(b) of title 18, United States Code, is amended by striking "Government," and inserting "Government".

SEC. 3003. CORRECTIONS OF ERRONEOUS CROSS REFERENCES AND MISDESIGNATIONS.

(a) SECTION 1791 OF TITLE 18.—Section 1791(b) of title 18, United States Code, is amended by striking "(c)" each place it appears and inserting "(d)".

(b) SECTION 1956 OF TITLE 18.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207–51; 21 U.S.C. 857)" and inserting "section 422 of the Controlled Substances Act (21 U.S.C. 863)".

(c) SECTION 2703 OF TITLE 18.—Section 2703(d) of title 18, United States Code, is amended by striking "section 3126(2)(A)" and inserting "section 3127(2)(A)".

(d) SECTION 666 OF TITLE 18.—Section 666(d) of title 18, United States Code, is amended—

(1) by redesignating the second paragraph (4) as paragraph (5);

(2) by striking "and" at the end of paragraph (3); and

(3) by striking the period at the end of paragraph (4) and inserting "; and".

(e) SECTION 4247 OF TITLE 18.—Section 4247(h) of title 18, United States Code, is amended by striking "subsection (e) of section 4241, 4243, 4244, 4245, or 4246," and inserting "subsection (e) of section 4241, 4244, 4245, or 4246, or subsection (f) of section 4243,".

(f) SECTION 408 OF THE CONTROLLED SUBSTANCE.—Section 408(b)(2)(A) of the Controlled Substances Act (21 U.S.C. 848(b)(2)(A)) is amended by striking "subsection (d)(1)" and inserting "subsection (c)(1)".

(g) MARITIME DRUG LAW ENFORCEMENT ACT.—(1) Section 994(h) of title 28, United States Code, is amended by striking "section 1 of the Act of September 15, 1980 (21 U.S.C. 955a)" each place it appears and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(2) Section 924(e) of title 18, United States Code, is amended by striking "the first section or section 3 of Public Law 96–350 (21 U.S.C. 955a et seq.)" and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(h) SECTION 2596 OF THE CRIME CONTROL ACT OF 1990.—Section 2596(d) of the Crime Control Act of 1990 is amended, effective retroactively to the date of enactment of such Act, by striking "951(c)(1)" and inserting "951(c)(2)".

(i) SECTION 3143 OF TITLE 18.—The last sentence of section 3143(b)(1) of title 18, United States Code, is amended by striking "(b)(2)(D)" and inserting "(1)(B)(iv)".

SEC. 3004. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.

Title 18, United States Code, is amended—

(1) in section 212, by striking "or of any National Agricultural Credit Corporation," and by striking "or National Agricultural Credit Corporations,";

(2) in section 213, by striking "or examiner of National Agricultural Credit Corporations";

(3) in section 709, by striking the seventh and thirteenth paragraphs;

(4) in section 711, by striking the second paragraph;

(5) by striking section 754, and amending the table of sections for chapter 35 by striking the item relating to section 754;

(6) in sections 657 and 1006, by striking "Reconstruction Finance Corporation,", and by striking "Farmers' Home Corporation,";

(7) in section 658, by striking "Farmers' Home Corporation,";

(8) in section 1013, by striking ", or by any National Agricultural Credit Corporation";

(9) in section 1160, by striking "white person" and inserting "non-Indian";

(10) in section 1698, by striking the second paragraph;

(11) by striking sections 1904 and 1908, and amending the table of sections for chapter 93 by striking the items relating to such sections;

(12) in section 1909, by inserting "or" before "farm credit examiner" and by striking "or an examiner of National Agricultural Credit Corporations,";

(13) by striking sections 2157 and 2391, and amending the table of sections for chapters 105 and 115, respectively, by striking the items relating to such sections;

(14) in section 2257 by striking the subsections (f) and (g) that were enacted by Public Law 100–690;

(15) in section 3113, by striking the third paragraph;

(16) in section 3281, by striking "except for offenses barred by the provisions of law existing on August 4, 1939";

(17) in section 443, by striking "or (3) 5 years after 12 o'clock noon of December 31, 1946,"; and

(18) in sections 542, 544, and 545, by striking "the Philippine Islands,".

SEC. 3005. CORRECTION OF DRAFTING ERROR IN THE FOREIGN CORRUPT PRACTICES ACT.

Section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) is amended, in subsection (a)(3), by striking "issuer" and inserting in lieu thereof "domestic concern".

SEC. 3006. ELIMINATION OF REDUNDANT PENALTY PROVISION IN 18 U.S.C. 1116.

Section 1116(a) of title 18, United States Code, is amended by striking ", and any such person who is found guilty of attempted murder shall be imprisoned for not more than 20 years".

SEC. 3007. ELIMINATION OF REDUNDANT PENALTY.

Section 1864(c) of title 18, United States Code, is amended by striking "(b) (3), (4), or (5)" and inserting in lieu thereof "(b)(5)".

SEC. 3008. CORRECTIONS OF MISSPELLINGS AND GRAMMATICAL ERRORS.

Title 18, United States Code, is amended—

(1) in section 513(c)(4), by striking "association or persons" and inserting in lieu thereof "association of persons";

(2) in section 1956(e), by striking "Evironmental" and inserting in lieu thereof "Environmental";

(3) in section 3125, by striking the quotation marks in paragraph (a)(2), and by striking "provider for" and inserting in lieu thereof "provider of" in subsection (d);

(4) in section 3731, by striking "order of a district courts" and inserting in lieu thereof "order of a district court" in the second undesignated paragraph; and

(5) in section 151, by striking "mean" and inserting "means".

(6) in section 208(b), by inserting "if" after "(4)";

(7) in section 209(d), by striking "under the terms of the chapter 41" and inserting "under the terms of chapter 41";

(8) in section 1014, by inserting a comma after "National Credit Union Administration Board"; and

(9) in section 3291, by striking "the aforementioned" and inserting "such".

SEC. 3009. OTHER TECHNICAL AMENDMENTS.

(a) Section 419 of Controlled Substances Act.—Section 419(b) of the Controlled Substances Act (21 U.S.C. 860(b)) is amended by striking "years Penalties" and inserting "years. Penalties".

(b) Section 667.—Section 667 of title 18, United States Code, is amended by adding at the end the following: "The term 'livestock' has the meaning set forth in section 2311 of this title.".

(c) Section 1114.—Section 1114 of title 18, United States Code, is amended by striking "or any other officer, agency, or employee of the United States" and inserting "or any other officer or employee of the United States or any agency thereof".

(d) Section 408 of Controlled Substances Act.—Section 408(q)(8) of the Controlled Substances Act (21 U.S.C. 848(q)(8)) is amended by striking "applications, for writ" and inserting "applications for writ".

SEC. 3010. CORRECTIONS OF ERRORS FOUND DURING CODIFICATION.

Title 18, United States Code, is amended—

(1) in section 212, by striking "218" and inserting "213";

(2) in section 1917—

(A) by striking "Civil Service Commission" and inserting "Office of Personnel Management"; and

(B) by striking "the Commission" in paragraph (1) and inserting "such Office";

(3) by transferring the table of sections for each subchapter of each of chapters 227 and 229 to follow the heading of that subchapter;

(4) so that the heading of section 1170 reads as follows:

"§ 1170. Illegal trafficking in Native American human remains and cultural items";

(5) so that the item relating to section 1170 in the table of sections at the beginning of chapter 53 reads as follows:

"1170. Illegal trafficking in Native American human remains and cultural items.";

(6) in section 3509(a), by striking paragraph (11) and redesignating paragraphs (12) and (13) as paragraphs (11) and (12), respectively;

(7) in section 3509—

(A) by striking out "subdivision" each place it appears and inserting "subsection"; and

(B) by striking out "government" each place it appears and inserting "Government";

(8) in section 2252(a)(3)(B), by striking "materails" and inserting " materials";

(9) in section 14, by striking "45," and "608, 611, 612,";

(10) in section 3059A—

(A) in subsection (b), by striking "this subsection" and inserting "subsection"; and

(B) in subsection (c), by striking "this subsection" and inserting "subsection";

(11) in section 1761(c)—

(A) by striking "and" at the end of paragraph (1);

(B) by inserting "and" at the end of paragraph (3); and

(C) by striking the period at the end of paragraph (2)(B) and inserting a semicolon;

(12) in the table of sections at the beginning of chapter 11—

(A) in the item relating to section 203, by inserting a comma after "officers" and by striking the comma after "others"; and

(B) in the item relating to section 204, by inserting "the" before "United States Court of Appeals for the Federal Circuit";

(13) in the table of sections at the beginning of chapter 23, in the item relating to section 437, by striking the period immediately following "Indians";

(14) in the table of sections at the beginning of chapter 25, in the item relating to section 491, by striking the period immediately following "paper used as money";

(15) in section 207(a)(3), by striking "Clarification of Restrictions" and inserting "Clarification of restrictions";

(16) in section 176, by striking "the government" and inserting "the Government";

(17) in section 3059A(e)(2)(iii), by striking "backpay" and inserting "back pay"; and

(18) by adding a period at the end of the item relating to section 3059A in the table of sections at the beginning of chapter 203.

SEC. 3011. PROBLEMS RELATED TO EXECUTION OF PRIOR AMENDMENTS.

(a) Incorrect Reference and Punctuation Correction.—(1) Section 2587(b) of the Crime Control Act of 1990 is repealed, effective on the date such section took effect.

(2) Section 2587(b) of Public Law 101–647 is amended, effective the date such section took effect, by striking "The chapter heading for" and inserting "The table of sections at the beginning of".

(3) The item relating to section 3059A in the table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by adding a period at the end.

(b) Lack of Punctuation in Stricken Language.—Section 46(b) of Public Law 99–646 is amended, effective on the date such section took effect, so that—

(A) in paragraph (1), the matter proposed to be stricken from the beginning of section 201(b) of title 18, United States Code, reads "(b) Whoever, directly"; and

(B) in paragraph (2), a comma, rather than a semicolon, appears after "his lawful duty" in the matter to be stricken from paragraph (3) of section 201(b) of such title.

(c) Biological Weapons.—(1) Section 3 of the Biological Weapons Anti-Terrorism Act of 1989 is amended, effective on the date such section took effect in subsection (b), by striking "2516(c)" and inserting "2516(1)(c)".

(2) The item in the table of chapters for part I of title 18, United States Code, that relates to chapter 10 is amended by striking "Weapons" and inserting "weapons".

(d) Placement of New Section.—Section 404(a) of Public Law 101–630 is amended, effective on the date such section took effect, by striking "adding at the end thereof" each place it appears and inserting "inserting after section 1169".

(e) Elimination of Erroneous Characterization of Matter Inserted.—Section 225(a) of Public Law 101–674 is amended, effective on the date such section took effect, by striking "new rule".

(f) Clarification of Placement of Amendment.—Section 1205(c) of Public Law 101–647 is amended, effective the date such section took effect, by inserting "at the end" after "adding".

(g) Elimination of Duplicate Amendment.—Section 1606 of Public Law 101–647 (amending section 1114 of title 18, United States Code) is repealed effective the date of the enactment of such section.

(h) Error in Amendment Phrasing.—Section 3502 of Public Law 101–647 is amended, effective the date such section took effect, by striking "10" and inserting "ten".

(i) Clarification That Amendments Were to Title 18.—Sections 3524, 3525, and 3528 of Public Law 101–647 are each amended, effective the date such sections took effect, by inserting "of title 18, United States Code" before "is amended".

(j) Correction of Paragraph Reference.—Section 3527 of Public Law 101–647 is amended, effective the date such section took effect, by striking "4th" and inserting "5th".

(k) Repeal of Obsolete Technical Correction to Section 1345.—Section 3542 of Public Law 101–647 is repealed, effective the date of enactment of such Public Law.

(l) Repeal of Obsolete Technical Correction to Section 1956.—Section 3557(2)(E) of Public Law 101–647 is repealed, effective the date of enactment of such Public Law.

(m) Clarification of Placement of Amendments.—Public Law 101–647 is amended, effective the date of the enactment of such Public Law—

(1) in section 3564(1), by inserting "each place it appears" after the quotation mark following "2251" the first place it appears; and

(2) in section 3565(3)(A), by inserting "each place it appears" after the quotation mark following "subchapter".

(n) Correction of Word Quoted in Amendment.—Section 3586(1) of Public Law 101–647 is amended, effective the date such section took effect, by striking "fines" and inserting "fine".

(o) ELIMINATION OF OBSOLETE TECHNICAL AMENDMENT TO SECTION 4013.—Section 3599 of Public Law 101-647 is repealed, effective the date of the enactment of such Public Law.

(p) CORRECTION OF DIRECTORY LANGUAGE.—Section 3550 of Public Law 101-647 is amended, effective the date such section took effect, by striking "not more than".

(q) REPEAL OF DUPLICATE PROVISIONS.—(1) Section 3568 of Public Law 101-647 is repealed, effective the date such section took effect.

(2) Section 1213 of Public Law 101-647 is repealed, effective the date such section took effect.

(r) CORRECTION OF WORDS QUOTED IN AMENDMENT.—Section 2531(3) of Public Law 101-647 is amended, effective the date such section took effect, by striking "1679(c)(2)" and inserting "1679a(c)(2)".

(s) FORFEITURE.—(1) Section 1401 of Public Law 101-647 is amended, effective the date such section took effect—

(A) by inserting a comma after ", 5316"; and

(B) by inserting "the first place it appears" after the quotation mark following "5313(a)".

(2) Section 2525(a)(2) of Public Law 101-647 is amended, effective the date such section took effect, by striking "108(3)" and inserting "2508(3)".

(t) INCORRECT SECTION REFERENCE.—Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)) is amended by striking "1404(a)" and inserting "1404A".

(u) MISSING TEXT.—Section 1403(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(1)) is amended by inserting after "domestic violence" the following: "for—

"(A) medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care;

"(B) loss of wages attributable to a physical injury resulting from a compensable crime; and

"(C) funeral expenses attributable to a death resulting from a compensable crime".

SEC. 3012. AMENDMENTS TO SECTION 1956 OF TITLE 18 TO ELIMINATE DUPLICATE PREDICATE CRIMES.

Section 1956 of title 18, United States Code, is amended—

(1) in subsection (c)(7)(D), by striking "section 1341 (relating to mail fraud) or section 1343 (relating to wire fraud) affecting a financial institution, section 1344 (relating to bank fraud),";

(2) in subsection (a)(2) and in subsection (b), by striking "transportation" each place it appears and inserting "transportation, transmission, or transfer";

(3) in subsection (a)(3), by striking "represented by a law enforcement officer" and inserting "represented"; and

(4) in subsection (c)(7)(E), by striking the period that follows a period.

SEC. 3013. AMENDMENTS TO PART V OF TITLE 18.

Part V of title 18, United States Code, is amended—

(1) by inserting after the heading for such part the following:

"CHAPTER 601—IMMUNITY OF WITNESSES";

(2) in section 6001(1)—

(A) by striking "Atomic Energy Commission" and inserting "Nuclear Regulatory Commission"; and

(B) by striking "the Subversive Activities Control Board,"

(3) by striking "part" the first place it appears and inserting "chapter"; and

(4) by striking "part" each other place it appears and inserting "title".

EXHIBIT 1

TITLE-BY-TITLE ANALYSIS

TITLE I.—PUBLIC SAFETY AND POLICING

Title I targets crime by putting more police "on the beat" in local neighborhoods and communities. The general purposes of the title include:

Increasing the number of officers in community policing;

Enhancing police skills in community interaction;

Encouraging innovative programs for community assistance in crime prevention; and

Developing new technologies to help police become more proactive than reactive to crime.

Community Policing Program.—The Attorney General is authorized to make grants to state and local governments and to other public and private entities to increase police presence, to enhance police-community cooperation in addressing crime and disorder, and otherwise to enhance public safety.

Grant money would be used for hiring additional law enforcement officers and rehiring officers who have been laid off for budgetary reasons for deployment in community-oriented policing.

Other funding objectives: to facilitate police-community interaction; to develop innovative programs to include community involvement in crime prevention efforts; and to facilitate the adoption of community policy as an organization-wide philosophy.

The Attorney General is also authorized to provide technical assistance to state and local governments, which may include the development of a flexible model for implementing community or problem-oriented policing. This assistance may also include establishing training centers to train police executives, managers, trainers, and supervisors about community or problem-oriented policing and about improving police-community interaction.

States must provide at least 25% of the funding for community policing programs and must also submit plans for assuming the full costs of increased police hiring following a five-year period of federal assistance.

Grant applications must also include a detailed long-term strategy and implementation plan reflecting consultation with community groups and appropriate public and private agencies; information concerning coordination with other governmental agencies; and plans for obtaining necessary funds for continuing the program following the conclusion of federal support.

Grants to state and local governments are to be used to supplement, and not to supplant, state and local funds; no more than 5% of available funds may be used for administrative costs; money received through the asset forfeiture program may be used to cover the non-federal portion of programs funded under the title.

Each funded program must include an evaluation component (including outcome measures), and the performance of each grant recipient is to be reviewed by the Attorney General.

TITLE II.—DEATH PENALTY

This title provides the largest—ever expansion of the federal death penalty to cover 47 offenses. It outlines procedural provisions to ensure that the death penalty is imposed fairly and in accordance with the Constitution.

In all, the death penalty is provided for the following offenses:

1. Murder of President, Vice-President or high-level members of their staffs.
2. Murder of diplomats or certain foreign officials.
3. Kidnapping resulting in death.
4. Hostage-taking resulting in death.
5. Murder for hire.
6. Murder in aid of racketeering.
7. Genocide.
8. Murder by life-term federal prisoner.
9. Conspiracy to violate civil rights resulting in death.
10. Willful deprivation of federal rights resulting in death.
11. Interference with federally protected activities resulting in death.
12. Obstruction of free exercise of religious rights resulting in death.
13. Drive-by shootings.
14. Murder of U.S. national in foreign country.
15. Rape, sexual abuse crimes resulting in death.
16. Child sexual exploitation resulting in death.
17. Murder by escaped federal prisoner.
18. Murder with firearm in course of federal violent crime or drug crime.
19. Murder during firearms attack in or on federal facility.
20. Murder of court officer or juror.
21. Retaliatory murders of witnesses.
22. Murder of state or local officer assisting federal officer.
23. Fatal violence against maritime navigation.
24. Fatal violence against maritime platforms.
25. Use of weapon of mass destruction resulting in death.
26. Torture resulting in death.
27. Fatal violence at international airports.
28. Terrorist murder of U.S. national abroad.
29. Espionage.
30. Carjacking resulting in death.
31. Murder of an alien in the course of a smuggling offense.
32. Treason.
33. Destruction of aircraft or aircraft facilities resulting in death.
34. Destruction of motor vehicles or motor vehicle facilities resulting in death.
35. Murder of members of families of federal officials with intent to impede or retaliate.
36. Murder of members of Congress, cabinet officers, or Supreme Court Justices.
37. Interstate explosives offense resulting in death.
38. Damage of federal property by fire or explosives resulting in death.
39. Damage of property affecting commerce by fire or explosives resulting in death.
40. Murder in special maritime and territorial jurisdiction.
41. Murder of federal judges or law enforcement officers.
42. Witness-tampering murders.
43. Mailing dangerous articles where death results.
44. Attempted presidential assassination that nearly succeeds.
45. Wrecking trains where death results.
46. Murder in course of bank robbery.
47. Aircraft piracy where death results.

TITLE III.—HABEAS CORPUS REFORM

Filing Deadlines.—Imposes a 180-day limitations period for the filing of federal habeas corpus petitions. The limitations period applies in both capital cases and non-capital cases in which the state has offered the petitioner counsel for State post-conviction review. The 180-day period begins from the time the petitioner's conviction becomes final on state direct review. It is generally tolled while the petitioner pursues state post-conviction remedies, unless the petitioner fails to initiate post-conviction review within 270 days in capital cases or 180 days in non-capital cases. A one-time 60-day extension of the period is available upon a showing of good cause.

Stays of Execution in Capital Cases.—Provides an automatic stay of execution in capital cases through the consideration of the first federal habeas corpus petition. Thereafter, a stay of execution may be granted only if the habeas petition on its face satisfies the requirements for successive petitions.

Limits on New Rules; Standard of Review.—Prohibits a federal court from announcing or applying a new rule to grant relief to a habeas corpus petitioner. Rather, a petition must be considered under the prevailing legal standards at the time the conviction became final. Accordingly, this section defines a new rule as one that changes the constitutional or statutory standards that prevailed at the time the petitioner's conviction and sentence became final on direct appeal. The section preserves the two narrow, traditional exceptions for the application of a new rule that either constitutes a watershed rule of criminal procedure or recognizes that the state may not criminalize the petitioner's conduct.

This section also codifies case law providing for an independent federal habeas corpus review of claims under federal law, except for Fourth Amendment exclusionary rule claims. It further specifies that the state bears the burden of proving harmless error in federal habeas corpus review of state criminal convictions.

Limits on Successive Petitions.—Provides that in capital and non-capital cases, a prisoner may bring a second or subsequent petition only if the prisoner shows cause for not having brought the claim before and prejudice if the claim is not heard. To establish cause, a petitioner must show that the claim could not have been discovered previously through reasonable diligence or was unavailable as a result of official misconduct. To establish prejudice, a prisoner must show that the claim undermines confidence in his or her guilt or that no reasonable sentencer would have imposed the death penalty. The section also requires federal courts to give prompt consideration to successive petitions, notwithstanding other items on their dockets.

New Evidence.—Allows prisoners in capital cases to present claims of actual innocence based on newly discovered evidence that the petitioner did not previously know about. The section authorizes relief if the prisoner presents factual allegations which, if proven and viewed in light of the evidence as a whole, would demonstrate that no reasonable fact finder would have found the petitioner guilty or eligible for the death penalty.

Provision of Counsel.—Sets standards and procedures for the provision of counsel for indigent defendants at all stages of state capital litigation. The baseline standards of knowledge and experience set forth in the section may be supplemented by a counsel certification authority, which would be established by the state and comprised of members of the State's criminal defense bar.

The counsel certification authority is charged with creating a roster of qualified lawyers eligible for court appointment. If no roster lawyers are available, the court may appoint a lawyer who meets the baseline standards. Appointed lawyers are to be paid reasonable hourly fees, to be set by the state's highest court.

If the state court fails to appoint a lawyer from the roster (or a lawyer meeting the baseline standards if no roster lawyer is available), the federal court on habeas review is not to presume findings of fact made in the state court to be correct nor decline to consider a claim on the ground that it was not raised before the state court in the manner prescribed by state law.

Capital Litigation Funding.—Provides for grants to states to help fund the provision of defense counsel. The section authorizes federal grants of up to 75% of the additional costs imposed by the new counsel requirements during the first three years following enactment of the title, and 50% thereafter. Also authorizes grants for the prosecution in federal habeas corpus cases in an amount equal to that allocated to capital resource centers.

TITLE IV.—GUN CRIME PENALTIES

Semiautomatics.—Enhances the penalty for the use of a semiautomatic firearm during the commission of a crime of violence or a drug trafficking crime.

Explosives: Second Offense.—Enhances the penalty for a second conviction of using or carrying an explosive in the commission of a federal felony.

Smuggling Firearms in Aid of Drug Trafficking.—Prohibits and penalizes the smuggling of firearms into the United States in furtherance of a federal or state drug trafficking crime.

Theft of Firearms and Explosives.—Prohibits and penalizes the theft of firearms or explosives that have moved in interstate commerce.

Revocation of Supervised Release.—Mandates the revocation of supervised release and the institution of a prison term for a defendant who possesses drugs or a firearm in violation of a condition of supervised release.

Revocation of Probation.—Mandates the revocation of probation for possession of drugs or firearms.

False Statement in Gun Buying.—Increases the penalty for knowingly making a false, material statement in connection with the acquisition of a firearm from a licensed dealer.

Possession of Explosives by Felons and Others.—Prohibits the possession of explosives by felons, fugitives, drug users and persons adjudicated mentally incompetent.

Explosives Destruction.—Authorizes the summary destruction of explosives subject to forfeiture where the explosives cannot be safely removed and stored.

Stolen Firearms.—Prohibits a variety of transactions involving stolen firearms (receipt, possession, concealment, sale) which have moved in interstate commerce.

Counterfeiting or Forgery.—Enhances the penalty for use of a firearm in the commission of counterfeiting or forgery.

Firearms Possession by Felons.—Enhances the penalties for gun possession by violent felons and serious drug offenders.

Receipt of Firearms by Nonresident.—Prohibits and penalizes the transfer of firearms to a nonresident of a state, except for lawful sporting purposes.

Firearms and Explosives Conspiracy.—Prohibits and penalizes conspiracies to commit firearms and explosives crimes.

Incendiary Ammunition.—Directs the Treasury Secretary to conduct a study of incendiary ammunition to determine whether it has a reasonable sporting or law enforcement purpose.

Firearms, Explosives Theft.—Prohibits and penalizes the theft of firearms or explosives from a licensed importer, manufacturer or dealer.

Distribution of Explosives.—Prohibits and penalizes the distribution of explosives to a person who is legally disqualified from having the explosives.

"Burglary" Clarification.—Defines "burglary" for purposes of Armed Career Criminal Statute provisions regarding predicate offenses.

Interstate Gun Trafficking.—Increases the penalty for interstate gun trafficking.

TITLE V.—OBSTRUCTION OF JUSTICE

Protection for Court Officers and Jurors.—Increases penalties for threats and intimidation of jurors and court officers and for obstruction of justice. Provides the death penalty for the murder of jurors and court officers.

Retaliatory Killings.—Provides the death penalty for retaliatory killings of witnesses, victims and informants, and increases penalties for attempted killings of such persons.

Protection of Jurors and Witnesses in Capital Cases.—Creates an exception to current law requiring that persons charged with capital offenses be furnished with a list (with addresses) of veniremen and witnesses. Under this section, the court would be authorized to withhold the list where it finds, by a preponderance of the evidence, that disclosure might jeopardize any person's life or safety.

State Officials Aiding Federal Officials.—Provides the death penalty for the murder of state officials working with federal law enforcement officials in connection with federal criminal investigations.

Federal Witnesses.—Provides the death penalty for the murder of federal witnesses.

TITLE VI.—YOUTH VIOLENCE

Subtitle A.—Increased Penalties for Drug Trafficking and Criminal Street Gangs

Using Kids to Deal Drugs.—Increases the penalties for employing children to distribute drugs or using children to avoid apprehension for a drug offense.

Criminal Street Gangs.—Provides for an up to 10 year prison term for a gang member or person acting on behalf of a criminal street gang who commits a federal drug or violent crime offense and who has had a prior drug or crime of violence conviction. The penalty is to run consecutively to any other sentence imposed.

A "criminal street gang" is a group of 5 or more whose members have engaged in a continuing series of drug crimes or crimes of violence.

Subtitle B.—Juvenile Drug Trafficking and Gang Prevention

This subtitle authorizes grants for programs to curb the formation or continuation of juvenile gangs and the use and sale of illegal drugs by juveniles. The subtitle additionally authorizes grants for public or non-profit private organizations or individuals to identify promising new juvenile drug reduction and enforcement programs. A grant program would also be established to assist public or non-profit private organizations or individuals with initiatives addressing the unique crime and alcohol related challenges faced by juveniles living at or near international ports of entry and in other international border communities, including rural localities.

Subtitle C.—Bindover System for Violent Juveniles

This subtitle would authorize grants for bindover systems for the prosecution of 16-

and 17-year olds as adults for certain violent crimes (murder in the 1st or 2nd degree, attempted murder, armed robbery with a firearm, aggravated battery or assault with a firearm, criminal sexual penetration when armed with a firearm, and drive-by shooting).

TITLE VII.—TERRORISM

Subtitle A.—Maritime Navigation and Fixed Platforms

Prohibits and penalizes the seizure of a ship or fixed platform by force, an act of violence against a person on board, damage or destruction, or the injuring or killing of a person in connection with such activities. Provides the death penalty where death results.

Subtitle B.—General Provisions

Weapons of Mass Destruction.—Provides the death penalty where death results from the use of a weapon of mass destruction.

Crimes in Extended Territorial Sea.—Extends the application of state, territory or district law for offenses committed in territorial waters that are not otherwise committed within a state's territory or district.

Crimes Against U.S. Nationals on Foreign Ships.—Extends special maritime and territorial jurisdiction to offenses committed by or against a U.S. national during a voyage on a foreign vessels that is scheduled to arrive or depart from the United States.

Torture.—Provides the death penalty for the commission of torture outside the United States. Torture is defined as an act committed under color of law and intended to inflict severe physical or mental pain or suffering upon one within the official's custody or control.

Extension of Statute of Limitations.—Provides for an extended, 10-year statute of limitations for certain terrorist offenses.

F.B.I. Access to Telephone Subscriber Information.—Provides the FBI with access to telephone subscriber information if the Director or Deputy Assistant Director certifies that the requested information is relevant to a foreign counterintelligence investigation and that it pertains to an agent of a foreign power.

Violence at International Airports.—Criminalizes acts of terrorism at U.S. international airports. Provides the death penalty where a death results from attempting or performing an act of violence or destruction at an airport.

Terrorism Against Civilian Aviation.—Provides criminal penalties for willful violations of airport or airline security regulations.

Counterfeiting United States Currency Abroad.—Prohibits and penalizes the making, dealing or possessing of any counterfeit U.S. obligation or security, or plate or stone used to counterfeit such obligation or security outside the United States if such an act would constitute a violation within the U.S.

Economic Terrorism Task Force.—Creates an Economic Terrorism Task Force to assess the threat of terrorist actions directed against the U.S. economy, evaluate the adequacy of existing policies, and recommend administrative and legislative actions.

Terrorist Death Penalty Act.—Provides the death penalty for the killing of a U.S. national outside the country.

Increased Penalties for Terrorist Crimes.—Enhances penalties for any felony, whether committed within or outside the U.S., that involves or is intended to promote international terrorism.

Alien Witness Cooperation.—Authorizes the Attorney General to grant a nonimmigrant visa to an alien who possesses critical information about a criminal organization and whose presence in the United States is essential to an investigation or prosecution of the organization. This section also allows the spouse and children of such an alien to join or remain in the United States. It limits to 100 the number of nonimmigrant visas per fiscal year and limits admission to 3 years. Such aliens must report quarterly, may not be convicted of a crime while in the U.S., and must waive the right to contest deportation.

Material Support to Terrorists.—Penalizes those who provide "material support" to terrorists.

TITLE VIII.—SEXUAL VIOLENCE AND CHILD ABUSE

National Child Protection Act.—Under this proposal (the "Oprah" Act), the Attorney General is to establish a national background check system whereby child care organizations can determine whether prospective employees have histories of child abuse or other serious crimes. States are required to have at least 80% currency of crime cases in their systems within 3 years. The Act also directs a study of child abusers' criminal records.

Jacob Wetterling Crimes Against Children Registration Act.—This proposal encourages states to establish registration systems for persons convicted of crimes against minors (kidnapping, false imprisonment, molestation, solicitation to practice prostitution). Under the proposal, such convicts would be required to keep law enforcement authorities informed of their addresses for a period of ten years following release from prison or being placed under supervision. Fingerprints and photographs would be forwarded to state law enforcement agencies which, in turn, would forward them to the FBI. States that fail to establish such systems within three years would lose 10% of their Byrne Grant funding.

TITLE IX.—CRIME VICTIMS

Subtitle A.—Victims Rights

Victim's Right of Allocation in Sentencing.—Gives victims of violent crimes and sexual abuse the right to address the court concerning the sentence to be imposed on convicted offenders. The right may be exercised by a parent or guardian if the victim is under 18, or by one or more family members if the victim is deceased or incapacitated.

Mandatory Restitution and Other Provisions.—Requires courts to order criminal defendants to pay restitution to victims. A restitution order would constitute a lien against real or personal property.

Subtitle B.—Crime Victims' Fund

This subtitle prohibits victims' compensation funds from being diverted to other federally financed programs. It authorizes the Director of the Office for Victims of Crime to use unspent compensation funds for assistance programs in either the year such funds are not spent or in the following year, and it allows up to five percent of a victim compensation or assistance program grant to be used for administrative costs. The subtitle also requires grantees to certify that no grant funds will be used to supplant state and local funds but, rather, will supplement those otherwise available funds.

TITLE X.—STATE AND LOCAL LAW ENFORCEMENT

Subtitle A.—DNA Identification

This subtitle would establish a national DNA quality control system for the identification of criminals. Grants to develop DNA analysis would be available to states whose laboratories meet certain quality assurance standards and whose analyses are disseminated in accordance with confidentiality requirements. The quality assurance standards to be followed by the states would be developed by the FBI. In addition, the FBI would be authorized to maintain an index of DNA records of persons convicted of crimes, DNA samples from crime scenes and DNA samples of human remains. FBI personnel performing DNA analysis would be required to undergo proficiency testing.

Subtitle B.—DOJ Community Substance Abuse Prevention: Community Partnerships

This subtitle would establish a grant program for "eligible coalitions" to study and implement substance abuse prevention programs. To be eligible, a coalition would have to include a variety of public and private organizations, agencies and individuals committed to preventing abuse. The efforts of the coalitions would involve substantial community participation. Priority would be given to communities providing evidence of significant abuse.

Subtitle C.—Racial and Ethnic Bias Study Grants

This subtitle authorizes grants for states that establish, by state law or the court of last resort, plans for analyzing the role of race in their criminal justice systems. State plans must include recommendations designed to correct any findings of racial or ethnic bias.

TITLE XI.—PROVISIONS RELATING TO POLICE OFFICERS

Subtitle A.—Law Enforcement Family Support

Under this grant proposal, the Bureau of Justice Assistance would establish guidelines to implement family-friendly policies in law enforcement divisions of the Justice Department; identify model programs that provide support to law enforcement families; and provide technical assistance for stress reduction and family support efforts by state and local law enforcement agencies.

Subtitle B.—Police Pattern or Practice

This provision authorizes the Attorney General to bring a civil injunctive action against law enforcement officers who engage in a pattern or practice of conduct that deprives persons of their constitutional or federal rights in order to eliminate such a practice.

Subtitle C.—Police Corps and Law Enforcement Officers Training and Education

These programs seek to increase the number of police with advanced education and training and to provide educational assistance to law enforcement personnel and students with an interest in law enforcement.

Police Corps.—This program authorizes college and graduate school scholarships (of up to $30,000) in exchange for four years work with a state or local police force upon graduation. If participants do not follow through on their commitment, they must pay back all the scholarship money plus 10% interest.

Participants are to be selected on a competitive basis, must meet trainee requirements (mental, physical capabilities, character) and must attend two 8-week training sessions. Priority is to be given to areas with the greatest law enforcement need. Support is also provided to offset costs to localities for hiring police corps cadets.

Law Enforcement Scholarships.—This program provides scholarships for in-service law enforcement personnel who seek further education. Grants are also provided for summer jobs or part-time jobs during the year for high school students interested in law enforcement careers. 80% of funds are to be allocated on the basis of the relative number of law enforcement officers per state, and 20% of funds are to be based on the relative shortage of law enforcement personnel. Scholarships are to be paid back with law enforcement service.

TITLE XII.—DRUG COURT PROGRAMS

This title establishes three programs, coordinated by the Attorney General, to support innovative efforts that combat crime through drug testing, drug treatment and alternative punishments for young drug offenders—efforts similar to Miami/Dade County "Drug Court."

Drug Testing of Arrested Individuals.—Authorizes grants for drug testing upon arrest and on a regular basis pending trial for the purpose of making pretrial detention decisions.

Certainty of Punishment for Young Offenders.—Grants would be available for states to develop alternative methods of punishment for young offenders to traditional forms of incarceration and probation. The alternatives developed must ensure certainty of punishment for young offenders and promote reduced recidivism, crime prevention and assistance to victims.

Drug Treatment in State Prisons.—Authorizes grants for residential substance abuse treatment programs in state prisons. To be eligible, programs must be carried out in residential treatment facilities set apart from the general prison population and last between 9 and 12 months.

TITLE XIII.—PRISONS

Prisoner's Place of Imprisonment.—Provides that the Bureau of Prisons may not show favoritism to prisoners of high social or economic status in designating their place of imprisonment.

Prison Impact Assessments.—Requires that any submission of legislation by the executive or judicial branch that might affect prison populations be accompanied by an impact statement. Any request from Congress for such a statement on pending legislation would have to be answered by the Attorney General, in consultation with the Sentencing Commission and the Administrative Office of the Courts, within 7 days. An impact statement would have to show (1) the effect on prison, probation, and supervised release populations, (2) the fiscal impact of such population changes, (3) any other significant factors affecting the cost of the measure and its impact on components of the criminal justice system, and (4) a statement of underlying assumptions and methodologies. In addition to assessing particular pieces of legislation, the Attorney General would be required to submit annual reports showing the cumulative impact of all legislation enacted during the calendar year.

Drug Testing of Offenders on Post-Conviction Release.—Requires periodic drug-testing of federal offenders on post-conviction release.

Drug Treatment in Federal Prisons.—Establishes a schedule for the Bureau of Prisons to place all eligible prisoners into residential substance abuse treatment programs for between 9 and 12 months, in facilities separate from the general prison population. Eligible prisoners would be those with substance abuse problems who are willing to participate in the program. At least 50% of eligible prisoners would have to be in treatment by the end of FY 1995, 75% by the end of FY 1966, and 100% by the end of FY 1997. Prisoners who successfully complete such programs could be released up to a year early.

Boot Camps and Regional Prisons for Violent Drug Offenders.—Authorizes the Attorney General to make grants to states for the development and operation of boot camps and regional prisons for violent drug-abusing offenders. Boot camps would provide a highly regimented schedule of strict discipline, physical training, and work, as well as remedial education and treatment for substance abuse. Boot camp admission would be limited to defendants who have not been convicted of violent felonies. Regional prisons would house and provide treatment for violent offenders with serious substance abuse problems. Grants may also support the activation of boot camp and regional prison facilities already constructed by state or local governments. All grants under this section will support aftercare services for prisoners to reduce the likelihood of repeat criminality following release.

Prisoners Transfer Clearinghouse.—Directs the National Institute of Justice to study the feasibility of establishing an information clearinghouse to facilitate the interstate transfer of prisoners to facilitates near their families.

Study and Assessment of Alcohol Use and Treatment.—Directs the National Institute of Justice (NIJ) to study the recidivism rates of persons who were under the influence of alcohol at the time they committed their crimes. The study would compare the recidivism rates of those who participated in a residential treatment program while in custody and those who did not. NIJ would also conduct a study of the use of alcohol, alone or in combination with other drugs, as a factor in criminal activity.

Notification of Release of Prisoners.—Requires notice to state and local law enforcement authorities concerning the release or relocation to their areas of federal offenders under post-release supervision. Applies to prisoners convicted of drug trafficking and violent crimes.

TITLE XIV.—RURAL CRIME

Subtitle A.—Fighting Drug Trafficking in Rural Areas

This subtitle provides an annual grant authorization for rural drug enforcement and requires the Attorney General to establish rural drug enforcement task forces in each federal judicial district that includes significant rural lands. It also authorizes the Attorney General to cross-designate law enforcement officers from several federal law enforcement agencies in furtherance of the purposes of the title and directs the Director of the Glynco, Georgia training facility to develop a specialized course of instruction to train law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

Subtitle B.—Drug Free Truck Stops and Safety Rest Areas

This subtitle enhances penalties for drug distribution at or near truck stops and safety rest areas.

TITLE XV.—DRUG CONTROL

Subtitle A.—Increased Penalties

Drug Trafficking in Prisons.—Enhances penalties for drug trafficking in prisons.

Drug-Dealing in "Drug-Free" Zones.—Enhances penalties for dealing drugs near "drug free" zones (schools, playgrounds, youth centers, public pools, video arcades).

Close Loophole for Illegal Importation of Small Drug Quantities.—Provides uniform alternative penalty of $500 under customs laws for attempting to smuggle drugs into the United States.

Drug Dealing in Public Housing Authority Facilities.—Prohibits and penalizes drug dealing in or near public housing authority facilities.

Anabolic Steroids Penalties.—Prohibits and penalizes a physical trainer who tries to persuade a trainee to use anabolic steroids. The penalty is increased if the trainee is under 18.

Drug Use in Federal Prisons.—Enhances penalties for illegal drug use in federal prisons.

Subtitle B.—Precursor Chemicals

This subtitle imposes registration requirements for precursor chemicals and requires all manufacturers to submit annual reports on the total quantity of listed chemicals produced during the year. It also provides that brokers and traders will be subject to the same record-keeping and reporting requirements for international transactions as exporters and will be subject to the same criminal penalties.

Additionally, the proposal allows the DEA to apply a targeted approach to export controls and establishes criminal penalties for attempting to evade reporting requirements and for smuggling listed drugs. The DEA would have the same inspection authority for listed chemicals as it presently has for controlled substances.

An additional felony would be created for an individual who violates the Solid Waste Disposal Act in the handling of chemicals used to illegally manufacture a controlled substance.

Subtitle C.—General Provisions

Advertising.—Prohibits and penalizes advertising which aims to illegally solicit or sell drugs.

National Drug Control Strategy.—Congressional declaration that among the long-term goals of the National Drug Control Strategy should be the availability of drug treatment to all who need it.

Discoveries of Drugs or Large Sums of Cash at Airports.—Requires the Federal Aviation Administration to issue regulations requiring employees to report to law enforcement authorities the discovery of illegal drugs or large amounts of cash (over $10,000) in airport security screenings.

TITLE XVI.—DRUNK DRIVING PROVISIONS

This title provides supplementary prison terms and fine authorizations for cases where drunk driving endangers or injures a person below the age of 18.

TITLE XVII.—COMMISSIONS

National Commission on Crime and Violence.—Establishes a national commission to develop a comprehensive crime control plan for the 1990's. The Commission would have 22 members, 16 of whom would be appointed by Congress, and 6 by the President.

National Commission to the Study the Causes of the Demand for Drugs.—Establishes a commission to study the cause of the demand for drugs. The Commission would have 13 members, 10 appointed by Congress, and 3 by the President.

National Commission to Support Law Enforcement.—Establishes a commission with the dual purpose of reviewing the operations and effectiveness of law enforcement, and improving working conditions and compensation for law enforcement officers. The Commission would have 23 members, 18 of whom would be appointed by Congress, and 5 by the President. the Comptroller General would serve in an advisory capacity to oversee the methodolgy and approach of the Commission's study.

TITLE XVIII.—BAIL POSTING REPORTING

This title would require state and federal criminal court clerks to report to the Internal Revenue Service and prosecutors the name and taxpayer identification number of anyone accused of a drug, money laundering or racketeering crime who posts cash bail exceeding $10,000. The names of individuals other than licensed bail bondsmen posting such bail on behalf of such persons would also be reported.

TITLE XIX.—MOTOR VEHICLE THEFT PREVENTION

This title directs the Attorney General to develop a voluntary motor vehicle theft prevention program which would involve placing identifiable decals on the vehicles of consenting owners. Such vehicles could then be stopped by law enforcement officers upon a reasonable suspicion that the vehicles were not being operated by or with the consent of their owners. The title also prohibits and penalizes tampering with the decals to further the theft of a vehicle.

TITLE XX.—PROTECTIONS FOR THE ELDERLY

Locating Missing Alzheimer's Patients.—Directs the Attorney General to make grants in support of programs to protect and locate missing patients with Alzheimer's disease and related dementias.

Crimes Against the Elderly.—Directs the Sentencing Commission to ensure that the sentences for those convicted of crimes of violence against elderly victims by sufficiently stringent to deter such crimes, incapacitate such offenders, and provide enhanced penalties under specified criteria.

TITLE XXI.—CONSUMER PROTECTION

Insurance Business Crimes.—Establishes new federal penalties for insurance industry crimes, including embezzling from insurance companies, making false entries in insurance company books with intent to deceive, and corruptly influencing or obstructing proceedings before state insurance regulatory agencies or insurance examiners. This section also prohibits persons convicted or criminal felonies involving dishonesty or breach of trust from engaging in the insurance business.

Credit Card Fraud.—Strengthens federal law with regard to credit card fraud by prohibiting the sale of credit cards without credit card company authorization; fraudulent receipt of payments via credit card for goods never received or inferior to those promised; and laundering of credit card receipts.

Mail Fraud.—Extends the mail fraud statute to include mail sent by private interstate carriers.

TITLE XXII.—FINANCIAL INSTITUTIONAL FRAUD PROSECUTIONS

This title strengthens provisions disqualifying certain persons with criminal records from participating in the affairs of insured dipository institutions and credit unions. It encourages the Attorney General to report to Congress on the collapse of private insurance deposit corporations.

TITLE XXIII.—SAVINGS AND LOAN PROSECUTION TASK FORCE

This title authorizes a savings and loan criminal fraud task force within the Justice Department to prosecute criminal cases involving savings and loan institutions.

TITLES XXIV-XXV.—MISCELLANEOUS SENTENCING AND MAGISTRATE PROVISIONS

Among the miscellaneous changes to sentencing and magistrate provisions in these titles: permits concurrent sentencing of a defendant to imprisonment and probation for petty offenses and the trial of petty offenses by magistrates.

TITLE XXVI.—COMPUTER CRIME

This title strengthens the provisions of federal law penalizing computer crimes, particularly in relation to hackers who insert viruses into computers.

TITLE XXVII.—INTERNATIONAL PARENTAL KIDNAPPING

This title would prohibit and penalize international parental child kidnapping.

TITLE XXVIII.—SAFE SCHOOLS

This title provides annual authorizations for safe schools grants and assistance. It directs the Director of the Bureau of Justice Assistance in consultation with the Secretary of Education to make grants to those local educational agencies most directly affected by crime and violence. Grants would be used to fund anti-crime and safety measures; to develop crime and drug prevention programs; for school victim counselling programs; for crime prevention equipment including metal detectors and video-surveillance devices; and for anti-gang programs.

TITLE XXIX.—MISCELLANEOUS

Subtitle A.—Increases in Penalties

Assault.—This section increases the penalties for assault of a federal officer, of foreign officials, of official guests and internationally protected persons, and assault within a maritime and territorial jurisdiction. It also increases the penalties for the assassination, kidnapping or assault of the President, the presidential staff, congressional leaders, Cabinet officials, and Supreme Court Justices.

Manslaughter.—Increases the maximum penalties for voluntary and involuntary manslaughter.

Civil Rights Violations.—Broadens the scope and increases the penalties for conspiracies to deprive persons of their civil rights.

Travel Act.—Increases the penalties for Travel Act violations involving violence.

Trafficking in Counterfeit Goods and Services.—Increases the penalty for trafficking in counterfeit goods and services, and enhances the penalty for second offenders. Provides that such an offense can also serve as a money laundering predicate.

Increased Penalty for Conspiracy to Commit Murder for Hire.

Subtitle B.—Extension of Civil Rights Statutes

Extends the protections of the criminal civil rights statute to any person in a state. (Currently, the statute only covers state "inhabitants.")

Subtitle C.—Audit and Report

Audit Requirement for State and Local Law Enforcement Agencies Receiving Federal Asset Forfeiture Funds.—Requires the Comptroller General to annually audit federal asset forfeiture funds. It also directs the Attorney General to require state and local enforcement agencies to annually audit and detail the uses and expenses to which forfeiture funds were dedicated and the amount used for each use or expense.

Administrative and Contracting Expenses.—Requires a report to Congress containing a description of the administrative and contracting expenses paid from the forfeiture fund.

Subtitle D.—Gambling

Criminal History Information.—Gives a state gaming enforcement office located within a state Attorney General's office access to FBI criminal history record information for licensing purposes.

Subtitle E.—White-Collar Crime Amendments

Proceeds of Extortion.—Prohibits and penalizes the receipt, possession, concealment or disposal of money or property obtained by extortion. Regarding ransom money, this section makes it unlawful to transport in interstate commerce the proceeds of a kidnapping, or to receive, possess, conceal or dispose of the proceeds knowing they have been unlawfully obtained.

Obstruction of Civil Investigative Demands.—Extends the prohibition against obstructing civil investigative demands to include obstruction in racketeering and false claims investigations.

Subtitle F.—Safer Streets and Neighborhoods

This subtitle ensures that federal financial assistance intended for state and local law enforcement is not diverted to federal programs.

Subtitle G.—Other Provisions

Optional Venue for Espionage and Related Offenses.—Creates an optional venue in the District of Columbia for espionage and related offenses regarding the gathering, transmitting, losing or delivering of defense information.

Report on Battered Women's Syndrome.—Directs the Attorney General and the Secretary of the Department of Health and Human Services to report to Congress on the medical and psychological basis of battered women's syndrome and the extent to which evidence of the syndrome has been admitted as evidence as to guilt or a defense in criminal trials.

Wiretaps.—Prohibits and penalizes the disclosure of information obtained through wiretapping or electronic surveillance with the intent to obstruct a criminal investigation.

Thefts of Major Art Works.—Prohibits and penalizes the theft or procurement by fraud of any object of cultural heritage held in a museum. The property of persons thus convicted would be subject to criminal forfeiture.

Misuse of "DEA" Initials.—Prohibits and penalizes the unauthorized use of the words "Drug Enforcement Administration" and the initials "DEA" in a manner calculated to convey the impression of DEA endorsement.

Mr. DOLE. Mr. President, crime has become so pervasive today, so routine, that many Americans react to it not with outrage, but with a shrug, with an attitude of tired acceptance.

But there is nothing acceptable about the fact than an American is murdered every 21 minutes, raped every 5 minutes, robbed every 46 seconds, and assaulted every 29 seconds.

While the U.S. population increased by 41 percent from 1960 to 1990, the violent crime rate increased by more than 500 percent. And if the current rates continue, a staggering 8 out of 10 Americans can expect to be a victim of violent crime at least once in their lives.

THE NEIGHBORHOOD SECURITY ACT

Last August, Senate Republicans went on the offensive against crime by introducing the Neighborhood Security Act. This bill is not the final word. It's not perfect. But it recognizes that America desperately needs a tourniquet, a short-term plan to stop the bleeding and restore some semblance of order on our streets.

The Neighborhood Security Act seeks to accomplish this short-term goal in the following ways:

First, it provides $2 billion for the hiring of additional police officers, including the reassignment and retraining as police officers of those members of the military who have been discharged as a result of the military build-down.

Our fighting men and women have discipline and weapons training—two key skills necessary for effective law enforcement. The talents of these young patriots should not be wasted, but instead should be redeployed on our State and local police forces.

Second, the Neighborhood Security Act provides $3 billion in funding for new prison construction, including the construction of 10 new regional prisons. Each of the 50 States would be allowed to send their prisoners to these prisons, but only if the States reform their own criminal laws by adopting mandatory minimum sentences for gun offenses and violent crimes, the pretrial detention of violent offenders, the recognition of victim's rights at trial, and truth-in-sentencing laws, whereby convicted criminals must serve at least 85 percent of their sentences.

These truth-in-sentencing laws are essential if we are to restore the confidence of the American people in our criminal justice system: The sentence ordered must be the sentence ultimately served.

Third, the Neighborhood Security Act establishes Federal safe school districts. In a safe school district, any juvenile 16 years of age or older who uses or carries a gun in or near a school would be prosecuted as an adult. No exceptions. If convicted of a gun-related crime, certain mandatory minimum sentences would apply. Again, no exceptions.

Safe school districts would be eligible for $500 million in Federal grants to purchase metal detectors, closed-circuit cameras, gun hotlines, and to beef-up police patrols in and around schools.

No doubt about it, it's a sad day when metal detectors and closed-circuit cameras take the place of books and writing pads as the most important purchases a school administrator can make, but do we have any choice when the security of our children is at stake?

Fourth, the Neighborhood Security Act gives the U.S. Border Patrol and the INS more resources to stem the flow into this country of criminal aliens, who make up an inordinately large portion of our total prison population.

Fifth, it reforms our criminal laws to stop the seemingly endless appeals that clog up our court system and deny justice to the victims of crime.

And finally, Mr. President, unlike other anticrime bills Congress has debated in the past, the Neighborhood Security Act recognizes that security indeed carries a price tag, a price tag we simply can't charge to the deficit.

Our legislation pays for itself by reducing overhead expenses across-the-board in the Federal Government, and by modestly cutting the overhead payment rate for federally funded university research.

BIPARTISANSHIP

Mr. President, crime prevention should not be a partisan issue. A robber doesn't ask if you're a Democrat or a Republican before he sticks a gun in your ribs.

So, I look forward to working with Senator BIDEN and with my Democrat colleagues in passing a comprehensive anticrime bill * * * not next year, but sometime this year. We don't agree on everything. We certainly have our differences, and you can be certain we will debate these differences.

But, in my view, these differences can be, and indeed must be, bridged if Government is to fulfill its first obligation—guaranteeing the safety and security of its citizens. Time is running out.

Mr. D'AMATO. Mr. President, I rise today to discuss the administration's proposals for the upcoming crime bill. To put it simply, I am outraged that despite all of the talk of getting tough on crime, the administration has shown itself, in fact, to be soft on crime. By deleting two provisions that I added to the 1991 crime bill, the new bill will not be one that cracks down on crime, but one that gives criminals a break—a break that they do not deserve and should not get.

I ask, why is it wrong to require minimum sentences for handgun offenses? Why is it wrong to require that a person using a gun in a violent crime or drug offense be given a mandatory minimum 10-year sentence? Why is it wrong to give that person 20 years if that gun is fired, or even 30 if a silencer was used? This is mind-boggling. We must get a handle on crime. We must provide real sentencing, not the few years those convicted presently get for these offenses. Anything less is conceding the crime war to the criminals. This we cannot do.

Moreover, it cannot be wrong to require the death penalty for large-scale drug enterprises. Those who sell death, should receive death. How many people have to die before we come to the realization that we need a greater sanction against those who head the criminal drug enterprises. Those who sell drugs to children should be punished with the death sentence. Killing people by selling them drugs has the same result as killing them with a gun. The death penalty for drug kingpins, like my death penalty amendment for terrorist activities passed by the Senate in July, provides the ultimate sanction. This is right and this is just. We should do no less.

In stripping these provisions from its proposed crime bill, the administration does itself and the people of the United States a great injustice. In essence it is simple, if you use a gun, you should go to jail. If you kill with a gun, you should die. If you kill kids with drugs, you should receive the death penalty. The American people deserve this protection, and overwhelming numbers demand it.

By Mr. METZENBAUM (for himself, Mr. CONRAD, Mr. DORGAN, Mr. FEINGOLD, Mr. HARKIN, Mrs. BOXER, Ms. MOSELEY-BRAUN, and Mr. DASCHLE):

S. 1489. A joint resolution to redesignate the J. Edgar Hoover Federal Bureau of Investigation building located at Ninth and Pennsylvania Avenue, NW., Washington, DC, as the Federal Bureau of Investigation Building; to the Committee on Environment and Public Works.

FEDERAL BUREAU OF INVESTIGATION BUILDING REDESIGNATION ACT

Mr. METZENBAUM. Mr. President, I rise to introduce legislation to remove the name of J. Edgar Hoover from the building that serves as the headquarters of the FBI. Today's story in Roll Call causes me to do that which I have been thinking about doing for a long time.

Every time I drive by the FBI Building, I cannot help but feel embarrassed and ashamed that we continue to so honor the memory of a man who perpetuated such a fraud upon the American people for so many decades.

Parading around the Nation as a squeeky-clean crime-fighting G-man, J. Edgar Hoover, we now know, thoroughly abused the powers of his office, and completely trampled upon the individual rights of thousands of patriotic, law-abiding American citizens.

Until today, however, I have never bothered to act upon my irritation.

But now I learn that Hoover spent considerable energy trafficking in anonymous innuendo in an attempt to smear my late friend and colleague Quentin Burdick as a Communist sympathizer. That's the last straw.

The very idea that Quentin was somehow a Communist is, on its face, laughable. I do not take this floor to defend Quentin Burdick's memory or his honor because it needs no defending. His service to his country, his work on behalf of the people of North Dakota, his love of freedom and democracy, and his unassailable character represent well the man Quentin Burdick was.

Quentin Burdick's memory will not be tarnished by some of J. Edgar Hoover's sleazy Red baiting 50 years ago. But those actions certainly should seal once and for all, the historical legacy of J. Edgar Hoover.

As one who has himself been the target of these Communist sympathizer smears over the years, I can tell you that it is offensive to have your patriotism questioned. However, I have also learned that the people of this country are much more fair-minded, thoughtful, and just, than the likes of J. Edgar Hoover. This kind of sleaze does not stick, and it certainly will not stick to the memory of Quentin Burdick.

I am not going to read into the RECORD all the ridiculous trash contained in those files. We have come too far in this country to take seriously the rantings of Red-baiting, black-balling political figures of yesteryear.

I am also not going to catalog here the volumes of transgressions now known to have been committed by J. Edgar Hoover during his tenure as Director. We all know that evidence abounds that Hoover deserves no honor here in the Nation's Capital, and it is time we remove that stain on the FBI Building, and wipe away some of the darker incidents in our recent history.

By Mr. DASCHLE (for himself, Mr. LEAHY, and Mr. CRAIG):

S. 1490. A bill to amend Public Law 100-518 and the U.S. Grain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes.

FEDERAL GRAIN INSPECTION SERVICE AUTHORIZATION

Mr. DASCHLE. Mr. President, the U.S. Department of Agriculture's Federal Grain Inspection Service [FGIS] is responsible for designing grain standards that effectively communicate the storability and end-use characteristics of grain, maintaining and supervising the official inspection system, and conducting mandatory inspections of export grain. FGIS was last reauthorized in 1988, and this authority expires September 30, 1993.

The Subcommittee on Agricultural Research, Forestry, and General Legislation, has conducted frequent and intensive oversight activities on FGIS. The oversight included a year-long investigation by the General Accounting Office. On May 13, 1993, the subcommittee held a hearing to examine opportunities to improve the operations of FGIS, and on September 9, 1993, the subcommittee held a hearing to examine the abusive use of water to control grain dust.

On September 3, 1993, a discussion draft of the FGIS reauthorization legislation was released to all interested parties, which included all of the grain trade and grower organizations. The hearings and comments received in response to the discussion draft demonstrated a consensus of views that were incorporated into the legislation being introduced today.

Very briefly, the bill extends FGIS inspection operations and authorizes appropriations for FGIS through September 30, 2003, provides increased flexibility to the agency, and enables FGIS to do fee-based testing of commercial inspection and weighing equipment. It is my hope that this proposed legislation will enable FGIS to operate in a more efficient manner and, at the same time, more effectively meet the needs of the U.S. grain industry.

Another mission of FGIS, and one that was given higher priority by the grain quality title of the 1990 farm bill, is to provide leadership through incentives in the grain marketing system for all participants—from plant breeders, to farmers, to country elevators, to shippers, and to exporters—to meet the quality needs of end users. Not only does the U.S. grain industry have to compete in the world export market, it will increasingly have to compete with other countries in our own domestic market.

Because of this important grain quality issue, this legislation includes statutory language to ban the addition of water to grain. However, the language provides flexibility to allow for development and implementation of new water-based dust control systems, and allows the use of water as a carrier in the application of amendments such as pesticides, vitamins, or dyes.

Finally, instead of a ban on the application of water, the optimal solution would be the development of a self-enforcing mechanism within the marketplace. That is, it would be preferable to simply eliminate any potential financial gain that would result from adding water to increase weight. Pricing and contracting grain on the basis of its dry matter weight would be exactly the kind of market-driven enforcement scheme I envision. Maybe in the long run the marketing system will move to dry matter pricing. However, there is currently no indication of a shift in that direction and nothing to encourage the adoption of dry-matter marketing. Therefore, I am convinced that, until we see a genuine market solution, this legislative solution is necessary to protect the integrity of American grain in the United States and international markets.

This bill is the result of extensive subcommittee oversight and input from the grain industry. FGIS is an essential part of the U.S. grain industry, and I would encourage the Senate to move quickly with the reauthorization of FGIS.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) REFERENCES TO UNITED STATES GRAIN STANDARDS ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the United States Grain Standards Act (7 U.S.C. 71 et seq.).

SEC. 2. EXTENSION OF AUTHORITY TO COLLECT FEES TO COVER ADMINISTRATIVE AND SUPERVISORY COSTS.

(a) IN GENERAL.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100-518; 7 U.S.C. 79 note) is amended by striking "1993" and inserting "2003".

(b) LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.—Section 7D (7 U.S.C 79d) is amended—

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "2003".

(c) REAUTHORIZATION OF APPROPRIATIONS.—Section 19 (7 U.S.C. 87h) is amended by striking "1993" and inserting "2003".

SEC. 3. COMPREHENSIVE COST CONTAINMENT PLAN.

Section 3A (7 U.S.C. 75a) is amended—

(1) by redesignating the first through fourth sentences as subsections (a) through (d), respectively; and

(2) by adding at the end the following new subsection:

"(e)(1) The Administrator shall develop and carry out a comprehensive cost containment plan to streamline and maximize the efficiency of the operations of the Service, including standardization of fees, in order to minimize taxpayer expenditures and user fees and encourage the maximum use of official inspection and weighing services at domestic and export locations.

"(2) Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit a report that describes actions taken to carry out paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

SEC. 4. USE OF INSPECTION AND WEIGHING FEES, AND OFFICIAL INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) INSPECTION AUTHORITY.—Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs"; and

(2) in the second sentence of subsection (i), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government".

(b) WEIGHING AUTHORITY.—Section 7A (7 U.S.C. 79a) is amended—

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the following: " 'official weighing' or";

(2) in the second sentence of subsection (d), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (i), by inserting before the period at the end the following: "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION AND WEIGHING AT INTERIOR LOCATIONS.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out inspections within a single geographical area without undermining the policy stated in section 2".

(b) WEIGHING AUTHORITY.—The second sentence of section 7A(i) (7 U.S.C. 79a(i)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out the weighing provisions within a single geographic area without undermining the policy stated in section 2".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the following: ", or is supervised under a contractual arrangement,"; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the following: "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the following: "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

(a) IN GENERAL.—Section 13(a) (7 U.S.C. 87b(a)) is amended by striking paragraph (11) and inserting the following new paragraph:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A;".

(b) ADDING WATER TO GRAIN.—Section 13(d) is amended by adding at the end the following new paragraph:

"(4)(A) Except as provided in subparagraph (B), no person shall add water to grain for purposes other than milling, malting, or other processing or pest control operations.

"(B)(i) Subject to clause (ii), the Administrator shall allow, through the issuance of permits, the addition of water to grain to suppress grain dust unless the Administrator determines that the addition of water materially reduces the quality of the grain or impedes the objectives of this Act.

"(ii) The Administrator may charge a reasonable fee for the issuance of a permit under clause (i). Fees collected under this subparagraph shall be deposited into the fund created by section 7(j).".

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) (7 U.S.C. 87c(a)) is amended by striking "shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than $10,000, or both such imprisonment and fine; but, for subsequent offense subject to this subsection, such person".

SEC. 9. REPORTS, TESTING OF INSPECTION AND WEIGHING EQUIPMENT, OTHER SERVICES, AND APPROPRIATE COURTESIES TO REPRESENTATIVES OF FOREIGN COUNTRIES.

Section 16 (7 U.S.C. 87e) is amended—

(1) in subsection (b), by striking the third sentence; and

(2) by adding at the end the following new subsections:

"(g)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(h)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of grain inspection instruments used for commercial inspections in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede with objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(i)(1) The Administrator may perform such other services as the Administrator considers appropriate in accordance with such regulations as the Administrator may prescribe.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, and 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization, compliance, and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with the proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(4) Funds described in paragraph (3) shall be deposited into the fund created by section 7(j).

"(j) The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2.".

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than $10,000 or both the imprisonment and fine".

SEC. 11. LIMITATION OF APPROPRIATIONS.

Section 19 (7 U.S.C. 87h) is amended by striking "sections 7, 7A, and 17A of this Act" and inserting "sections 7, 7A, 7B, 16, and 17A".

SEC. 12. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting ", the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 13. ELIMINATION OF GENDER-BASED REFERENCES.

(a) Section 3 (7 U.S.C. 75) is amended—

(1) in subsection (a), by striking "his delegates" and inserting "delegates of the Secretary"; and

(2) in subsection (z), by striking "his delegates" and inserting "delegates of the Administrator".

(b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended by striking "his judgment" and inserting "the judgment of the Administrator".

(c) Section 5 (7 U.S.C. 77) is amended—

(1) in subsection (a)(1), by striking "his agent" and inserting "the agent of the shipper"; and

(2) in subsection (b), by striking "he" and inserting "the Administrator".

(d) Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator";

(2) in subsection (b)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his judgment" and inserting "the judgment of the Administrator"; and

(3) in subsection (e)(2)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his discretion" and inserting "the discretion of the Administrator".

(e) Section 7A(e) (7 U.S.C. 79a(e)) is amended by striking "he" and inserting "the Administrator".

(f) Section 7B(a) (7 U.S.C. 79b(a)) is amended by striking "he" and inserting "the Administrator".

(g) Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a), by striking "him" and inserting "the Administrator"; and

(2) in subsections (c) and (f), by striking "he" each place it appears and inserting "the Administrator".

(h) Section 9 (7 U.S.C. 85) is amended by striking "him" and inserting "the licensee".

(i) Section 10 (7 U.S.C. 86) is amended—

(1) in subsection (a), by striking "he" each place it appears and inserting "the Administrator"; and

(2) in subsection (b), by striking "he" and inserting "the person".

(j) Section 11 (7 U.S.C. 87) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "he" and inserting "the producer"; and

(B) in paragraph (5), by striking "he" each place it appears and inserting "the Administrator".

(k) Section 12 (7 U.S.C. 87a) is amended—

(1) in subsection (b), by striking "his judgment" and inserting "the judgment of the Administrator"; and

(2) in subsection (c), by striking "he" and inserting "the Administrator".

(l) Section 13(a) (7 U.S.C. 87b(a)) is amended—

(1) in paragraph (2), by striking "his representative" and inserting "the representative of the Administrator";

(2) in paragraphs (7) and (8), by striking "his duties" each place it appears and inserting "the duties of the officer, employee, or other person"; and

(3) in paragraph (9), by striking "he" and inserting "the person".

(m) Section 14 (7 U.S.C. 87c) is amended—

(1) in subsection (a), by striking "he" and inserting "the person"; and

(2) in subsection (b), by striking "he" each place it appears and inserting "the Administrator".

(n) Section 15 (7 U.S.C. 87d) is amended by striking "his employment or office" and inserting "the employment or office of the official, agent, or other person".

(o) Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "his power" and inserting "the power of the person".

(p) Section 17A (7 U.S.C. 87f-1) is amended—

(1) in subsection (a)(2), by striking "he" and inserting "the producer"; and

(2) in subsection (c), by striking "he" and inserting "the person".

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. COCHRAN, Mr. KENNEDY, Mr. JEFFORDS, Mr. LEVIN, Mr. DECONCINI, Mr. PRYOR, Mr.

CHAFEE, Mr. DORGAN, Mr. HEFLIN, Mr. PELL, Mr. SARBANES, Mr. DOLE, Mr. STEVENS, Mr. BAUCUS, Mr. AKAKA, Mr. SIMON, and Mr. DASCHLE):

S.J. Res. 137. A joint resolution designating October 16, 1993, and October 16, 1994, each as "World Food Day"; to the Committee on the Judiciary.

WORLD FOOD DAY JOINT RESOLUTION

Mr. LEAHY. Mr. President, I am pleased to introduce a joint resolution designating October 16th of 1993 and 1994 as World Food Day. The purpose of this day is to increase global awareness of poverty and hunger, and to stimulate national and international action in the fight to feed the world.

I first introduced such a resolution in 1981. This year, nearly 450 private voluntary organizations and thousands of community leaders are participating in the planning of World Food Day observances. October 16th will also serve as a focal point for year-round hunger programs.

The member nations of the Food and Agriculture Organization of the United Nations unanimously designated October 16 of each year as World Food Day to increase public awareness of world hunger problems.

Hunger and malnutrition remain daily facts of life for hundreds of millions of people in this country and throughout the world. The children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease. Many other children suffer permanent physical or mental impairment because of vitamin or nutrient deficiencies.

The people of the United States have a long tradition of demonstrating humanitarian concern for the hungry and malnourished people of the world. The enormous food production capacity of the United States is a valuable tool in efforts to resolve the world hunger problem and maintain world peace.

By bringing the plight of hunger to national and international attention, "World Food Day" helps to search for and bring about solutions to end hunger in developing countries.

I urge every Senator to cosponsor this important resolution.

Mr. President, I ask unanimous consent that the full text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD as follows:

S.J. RES. 137

Whereas hunger and malnutrition remain daily facts of life for hundreds of millions of people in the world;

Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment because of vitamin or protein deficiencies;

Whereas the United States has a long tradition of demonstrating humanitarian concern for the hungry and malnourished people of the world;

Whereas there is growing concern in the United States and in other countries for environmental protection and the dangers posed to the future food supply from misuse and overuse of land and water, loss of biological diversity, and erosion of genetic resources on a global scale;

Whereas the world community increasingly calls upon the United States to resolve food problems stemming from local conflicts and civil unrest (such as in Somalia and the former Yugoslavia), calling for the use of peacekeeping forces as well as the provision of emergency food supplies;

Whereas the United States plays a major role in the development and implementation of interregional food and agricultural trade standards and practices, and recognizes the positive role what food trade can play in enhancing human nutrition and alleviating hunger;

Whereas, although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, and the elderly, the homeless, and children, remain vulnerable to malnutrition and related diseases;

Whereas our Government is now preparing a National Plan of Action for nutritional well-being in accordance with the commitment made at the recent International Conference on Nutrition;

Whereas the conservation of natural resources, the preservation of biological diversity, and strong public and private programs of agricultural research are required for the United States to remain the largest surplus food producer in the world and to continue to aid the hungry and malnourished people of the world;

Whereas the United States is the world leader in the development of biotechnology aimed at enhancing the improved production, safety, and quality of the world food supply and must continue to retain such role;

Whereas the Congress of the United States is aware of and strongly supports plans and preparations for the International Conference on Plant Genetic Resources planned for 1995;

Whereas participation by private voluntary organizations and businesses, working with national governments and the international community, is essential in the search for ways to increase food production in developing countries and improve food distribution to hungry and malnourished people;

Whereas the member nations of the Food and Agriculture Organization of the United Nations unanimously designated October 16 of each year as World Food Day because of the need to increase public awareness of world hunger problems;

Whereas past observances of World Food Day have been supported by proclamations by Congress, the President, the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, and by programs of the Department of Agriculture, other Federal departments and agencies, and the governments and peoples of more than 150 other nations;

Whereas 450 private voluntary organizations and thousands of community leaders are participating in the planning of World Food Day observances in 1993, and a growing number of these organizations and leaders are using this day as a focal point for year-round programs; and

Whereas the people of the United States can express their concern for the plight of the hungry and malnourished people throughout the world by study, action, fasting, and donating food and money: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1993, and October 16, 1994, are each designated as "World Food Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe World Food Day with appropriate ceremonies and activities, including worship services, fasting, educational endeavors, and the establishment of year-round food and health programs and policies.

ADDITIONAL COSPONSORS

S. 289

At the request of Mr. REID, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 421

At the request of Mr. DASCHLE, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 421, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 431

At the request of Mr. EXON, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 431, a bill to amend the Motor Vehicle Information and Cost Savings Act.

S. 455

At the request of Mr. HATFIELD, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 598

At the request of Mr. DURENBERGER, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 598, a bill to amend the National Labor Relations Act to provide for expedited adjudication of unfair labor practice charges, and for other purposes.

S. 762

At the request of Mr. PRYOR, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 762, a bill to amend the Internal Revenue Code of 1986 to simplify the pension laws, and for other purposes.

S. 784

At the request of Mr. HATCH, the names of the Senator from California [Mrs. BOXER], the Senator from Nebraska [Mr. EXON], the Senator from Ohio [Mr. GLENN], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 936

At the request of Mr. CHAFEE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 936, a bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the Medicare Program, and for other purposes.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1231

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 1231, a bill to provide for simplified collection of employment taxes on domestic services, and for other purposes.

S. 1326

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1326, a bill to establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior.

S. 1469

At the request of Mr. DORGAN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1469, a bill to require air carriers to provide 90 days' notice to the Secretary of Transportation, the appropriate State agencies, and affected communities prior to the termination, suspension, or significant reduction of air service.

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 105

At the request of Mr. INOUYE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 105, a joint resolution designating both September 29, 1993, and September 28, 1994, as "National Barrier Awareness Day."

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the names of the Senator from Ohio [Mr. GLENN], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. D'AMATO], the Senator from Minnesota [Mr. DURENBERGER], the Senator from New Hampshire [Mr. GREGG], the Senator from Alabama [Mr. SHELBY], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 134, a joint resolution to designate October 19, 1993, as "National Mammography Day."

AMENDMENT NO. 931

At the request of Mr. HELMS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Amendment No. 931 proposed to H.R. 2295, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and for other purposes.

AMENDMENT NO. 937

At the request of Mr. MCCONNELL, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Amendment No. 937 proposed to H.R. 2295, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and for other purposes.

SENATE RESOLUTION 146—TO AUTHORIZE TESTIMONY, PRODUCTION OF DOCUMENTS, AND REPRESENTATION

Mr. WELLSTONE (for Mr. MITCHELL, for himself, and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 146

Whereas, in the case of United States v. Deborah Gore Dean, Cr. No. 92–0181, pending in the United States District Court for the District of Columbia, the defendant has caused a subpoena to be served on former Senator William Proxmire, and has placed several current and former Members of the Senate on a list of potential witnesses filed with the Court;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas, in regard to present Senators, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself or herself from the service of the Senate without leave;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to represent Committees with respect to subpoenas or orders issued to them, and to represent Members and employees of the Senate with respect to subpoenas or orders issued to them in their present or former official capacity: Now, therefore, be it

Resolved, That Senator William Proxmire and any other present or former Senators whose testimony or document production may be required are authorized to testify and produce documents in the trial of United States v. Deborah Gore Dean, Cr. No. 92–0181 (D.D.C.), except as to matters for which a privilege should be asserted and except, with respect to sitting Members of the Senate, when their attendance at the Senate is necessary for the performance of their legislative duties.

SEC. 2. That the Senate Legal Counsel is directed to represent Senator William Proxmire and any other present or former Members in connection with the testimony or document production authorized under section 1.

SEC. 3. That the authority provided by Senate Resolution 140, 103d Congress, for testimony by present and former Senate employees shall apply to document production by them, the authority provided by Senate Resolution 334, 102d Congress, for the production of documents to the Independent Counsel by the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs, shall apply to the production of documents by them to the defendant, and the Senate Legal Counsel is directed to represent the Committee on Banking, Housing, and Urban Affairs in connection with any subpoena to the committee for documents.

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994 SUPPLEMENTAL APPROPRIATIONS FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION ACT OF 1993

MACK (AND McCONNELL) AMENDMENT NO. 943

Mr. McCONNELL (for Mr. MACK, for himself and Mr. MCCONNELL) proposed an amendment to the bill (H.R. 2295) making appropriations for operations, export financing, and related programs for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 103, between lines 17 and 18, insert the following new section:

RUSSIAN ASSISTANCE TO CUBA

SEC. 601. Of the funds appropriated by this Act under the headings "Assistance for the New Independent States of the Former Soviet Union" and Operations and Maintenance, Defense Agencies," $380,000,000 shall not be available for obligation for Russia unless the President certifies on April 1, 1994, that the government of Russia has not provided assistance to Cuba during the preceding 18 months; *Provided*, that the Committees on Appropriations shall be notified 15 days in advance of the obligation of such funds through the regular notifications procedures of the Committees on Appropriations.

McCONNELL (AND OTHERS) AMENDMENT NO. 944

Mr. McCONNELL (for himself, Mr. DOLE, Mr. BYRD, and Mr. STEVENS) proposed an amendment to the bill H.R. 2295, supra, as follows:

On page 92, following section (2), insert the following new sections:

(F) None of the funds appropriated by this or any other Act, shall be made available to any government of the New Independent States—

(1) if that government directs any action in violation of the territorial integrity or national sovereignty of any other New Independent State, such as those violations included in Principle Six of the Helsinki Final Act.

(2) Beginning 30 days after enactment of this Act, and every April 1, and September 1, thereafter, the Secretary of State shall report to the Committee on Appropriations of each House of Congress on steps taken by the governments of the New Independent States to achieve compliance with section (1). In preparing the report the Secretary shall consult with the U.S. Representative to the Conference on Security and Cooperation in Europe and the Assistant Secretary for Human Rights.

(G) None of the funds appropriated by this or any other Act for the New Independent States of the former Soviet Union shall be made available for any state to enhance its military capability, provided that this restriction does not apply to demilitarization or non-proliferation programs, or programs conducted under section 565(a)(5) of this Act.

(H) It is the sense of the Senate that at least one-third of the funds made available by this Act for the New Independent States of the former Soviet Union shall be provided to countries other than Russia.

BYRD (AND OTHERS) AMENDMENT NO. 945

Mr. BYRD (for himself, Mr. LEAHY, Mr. McCONNELL, Mr. DOLE, Mr. DECONCINI, Mr. D'AMATO, Mr. RIEGLE, Mr. PRESSLER, Mr. SIMON, Mr. FORD, Ms. MOSELEY-BRAUN, Mr. HOLLINGS, Mr. WARNER, Mr. LAUTENBERG, and Mr. McCAIN) proposed an amendment to the bill H.R. 2295, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . RESTRICTION ON ASSISTANCE FOR RUSSIA.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available by this Act (other than funds to carry out humanitarian assistance) may be available in any fiscal year for Russia unless the President has certified to the Congress not more than 6 months in advance of the obligation or expenditure of such funds that—

(1) The Government of Russia and the Governments of Latvia and Estonia have established a timetable for the withdrawal of the armed forces of Russia and the Commonwealth of Independent States, and all parties are complying with such timetable; or

(2) Russia and the Commonwealth of Independent States continue to make substantial progress toward the withdrawal of their armed forces from Latvia and Estonia.

(b) TERMINATION OF CERTIFICATION REQUIREMENT.—Subsection (a) shall remain in force until the President certifies to the Congress that all of the armed forces of Russia and the Commonwealth of Independent States have withdrawn from Latvia and Estonia or that the status of those armed forces has been otherwise resolved by mutual agreement of the parties.

WELLSTONE (AND OTHERS) AMENDMENT NO. 946

Mr. WELLSTONE (for himself, Mr. HARKIN, Ms. MOSELEY-BRAUN, Mr. LEAHY, Mrs. BOXER, and Mr. SIMON) proposed an amendment to the bill H.R. 2295, supra, as follows:

On page 103, between lines 17 and 18, insert the following:

POLICY WITH RESPECT TO RESTORATION OF DEMOCRACY IN HAITI

SEC. . (a) FINDINGS.—The Senate finds that—

(1) the Governors Island Accord signed in July 1993 calls for the restoration of democracy in Haiti, including a return of Haiti's duly-elected President, Jean Bertrande Aristide;

(2) in the last 3 months, scores of Haitians have been killed or injured in politically-motivated attacks by paramilitary groups operating with the apparent complicity of Haitian security forces, and international human rights monitors have reported a greater increase in violence than at any time since the violent overthrow of President Aristide in 1991;

(3) officials of President Aristide's government have received death threats or have been otherwise threatened, harassed, and intimidated as they have attempted to exercise the duties of their offices;

(4) conditions in Haiti are forcing Haitians to flee their country in search of refuge;

(5) the exodus of Haitian refugees contributes to regional instability and threatens to overwhelm the ability of the United States and other nations to provide safe haven to these refugees;

(6) the recent acts of violence are completely unjustifiable and violate the spirit of national reconciliation embodied in the Governors Island Agreement;

(7) the United Nations sanctions suspended recently, after consultation with the United States and other nations, were suspended in good faith, in the full expectation that the terms of the Governors Island Accord would be executed faithfully by all parties in an atmosphere free of political violence, coercion, and intimidation;

(8) on September 17 the United Nations Security Council deplored the recent upsurge in violence in Haiti and said that if the Secretary General determines there has been serious and consistent noncompliance with the Governor's Island Agreement, the Council "will immediately reinstate those measures provided for in Resolution 841 appropriate to the situation, with particular emphasis on those measures aimed at those deemed responsible for the noncompliance of the agreement."; and

(9) on September 21, 1993, President Aristide called upon the United Nations to reimpose comprehensive sanctions on Haiti.

(b) POLICY.—(1) It is the sense of the Senate that the highest priority of United States policy toward Haiti should be to help restore democratic government there in an atmosphere free of violence and fear.

(2) The Senate—

(A) commends the President for condemning the violence in Haiti, and for his continuing vigorous efforts to convey to the Haitian security forces the United States' unshakable support for the interim government of Prime Minister Malval and the restoration of democracy there under the Governors Island timetable, as evidenced by a recent visit of high-ranking United States diplomatic and military officials in Haiti to discuss security and other issues with Haitian military officials; and

(B) urges the President—

(i) to consider immediate reimposition of United States-sponsored sanctions against the de facto military government of Haiti;

(ii) to consult on an urgent basis with other members of the Security Council to determine if a reimposition of United Nations-sponsored sanctions is now appropriate;

(iii) to provide all necessary support to expedite the arrival of United Nations police monitors in Haiti; and

(iv) to support the new Government of Haiti's efforts to identify and remove human rights violators from the Haitian security forces.

PRESSLER (AND HELMS) AMENDMENT NO. 947

Mr. PRESSLER (for himself and Mr. HELMS) proposed an amendment to the bill H.R. 2295, supra, as follows:

On page 103, between lines 17 and 18, insert the following new section:

PROHIBITION ON VOLUNTARY CONTRIBUTIONS TO THE UNITED NATIONS

SEC. 579. (a) PROHIBITION.—Two-thirds of the aggregate amount of funds appropriated or otherwise made available by this Act for United States voluntary contributions to the United Nations and its specialized agencies shall be withheld from obligation and expenditure until a certification is made under subsection (b). The President may provide the remainder of such funds, which are not subject to withholding, to such United Nations projects and programs as the President determines to be in the national interest.

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the President to the Congress that—

(1) the United Nations has established a permanent, independent inspector general with responsibilities and authority similar to that of the offices of Inspectors General authorized by the Inspector General Act of 1978;

(2) the office described in paragraph (1) is carrying out internal audits and investigations of United Nations operations, remedying any irregularities found by such audits, and establishing a system of cost-based accounting; and

(3) the United Nations has established a system allowing for the review of internal audits by representatives of the permanent members of the United Nations.

(c) DEFINITION.—For purposes of this section, the term "United Nations operations" includes any program, project, or activity conducted or supported, in whole or in part, by the United Nations or any of its specialized agencies.

PRESSLER (AND BYRD) AMENDMENT NO. 948

Mr. PRESSLER (for himself and Mr. BYRD) proposed an amendment to the bill H.R. 2295, supra, as follows:

On page 103, between lines 17 and 18, insert the following:

STATEMENT OF POLICY ON THE UNITED NATIONS

SEC. . It is the sense of the Congress that—

(1) the Secretary General of the United Nations should—

(A) immediately establish a permanent, independent inspector general with responsibilities and authority similar to the offices of Inspectors General as authorized by the Inspector General Act of 1978, and that such office should carry out internal audits and investigations of United Nations operations, remedy any irregularities found by such audits, and establish a system of cost-based accounting; and

(B) establish a system allowing for the review of internal audits by representatives of the permanent members of the United Nations; and

(2) the President of the Congress should pursue measures as are necessary to achieve the reform goals referred to in paragraph (1).

BROWN (AND OTHERS) AMENDMENT NO. 949

Mr. BROWN (for himself, Mr. SMITH, and Mr. BURNS) proposed an amendment to the bill H.R. 2295, supra, as follows:

On page 2, strike lines 9 through 24.

SMITH (AND KEMPTHORNE) AMENDMENT NO. 950

Mr. SMITH (for himself and Mr. KEMPTHORNE) proposed an amendment to the bill H.R. 2295, supra, as follows:

On page 105, between lines 14 and 15, insert the following new section:

REDUCTION IN FOREIGN ASSISTANCE APPROPRIATIONS

SEC. 601. (a) The total amount appropriated by this Act (other than this section) for fiscal year 1994 is hereby reduced by $200,000,000 in accordance with subsection (b).

(b)(1) Except as provided in paragraph (2), amounts appropriated for the fiscal year ending September 30, 1994, in this Act for each program and payment that is not required by law is reduced by the appropriate percentage so that the total reduction would equal the amount specified in subsection (a).

(2) Paragraph (1) does not apply to any appropriation in this Act which is available only for a specified country.

(c) There are hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the fiscal year ending September 30, 1994, $113,500,000 for the necessary expenses of carrying out the following defense conversion authorities for technology reinvestment:

(1) The defense dual-use critical technology partnerships program under section 2511 of title 10, United States Code.

(2) The commercial-military integration partnerships program under section 2512 of title 10, United States Code.

(3) The regional technology alliances assistance program under section 2513 of title 10, United States Code.

(4) The authority to enter into defense advanced manufacturing technology partnerships under section 2522 of title 10, United States Code

(5) The program of assistance for manufacturing extension programs under section 2523 of title 10, United States Code.

(6) The defense dual-use assistance extension program under section 2524 of title 10, United States Code.

LEAHY AMENDMENT NO. 951

Mr. LEAHY proposed an amendment to the bill H.R. 2295, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . MIDDLE EAST PEACE FACILITATION ACT.

(a) Until January 1, 1994, the President shall have the authority to waive section 307 of the Foreign Assistance Act, as amended, with respect to the Palestine Liberation Organization (PLO), programs for the PLO, and programs for the benefit of entities association with it, which accept the commitments made by the PLO on September 9, 1993: *Provided*, That before exercising this authority, the President shall consult with the relevant Committees of the Senate and the House of Representatives: *And provided further*, That the President determines, and notifies Congress that to do so is in the national interest;

(b) Subsection (a) shall cease to have effect if at any time prior to January 1, 1994, the President determines and so notifies Congress that the PLO has ceased to comply with the commitments it made on September 9, 1993, or the Congress, by joint resolution, determines that the PLO has ceased to comply with the commitments it made on September 9, 1993.

STEVENS AMENDMENT NO. 952

Mr. MCCONNELL (for Mr. STEVENS) proposed an amendment to the bill (H.R. 2295), supra; as follows:

At the appropriate place, insert:

On Page 56 of the bill, at the end of section 535, Location of Stockpiles, after "Republic of Korea" the second time it occurs, add "and $20,000,000 may be available for stockpiles in Thailand".

BROWN (AND OTHERS) AMENDMENT NO. 953

Mr. BROWN (for himself, Mr. PRYOR, and Mr. KEMPTHORNE) proposed an amendment to the bill (H.R. 2295), supra, as follows:

On page 4, line 8, before the period insert the following: ": *Provided, further*, That none of the funds appropriated under this heading may be obligated until the International Bank for Reconstruction and Development has established within the Bank a position of an independent inspector general".

On page 4, line 14, before the period insert the following: ": *Provided, further*, That none of the funds appropriated under this heading may be obligated until the International Development Association has established within the Association a position of an independent inspector general".

KERRY (AND OTHERS) AMENDMENT NO. 954

Mr. KERRY (for himself, Mr. ROBB, Mr. MCCAIN, and Mr. KERRY) proposed an amendment to the bill (H.R. 2295), supra, as follows:

On page 103, between lines 17 and 18, insert the following:

POLICY CONCERNING HUMAN RIGHTS AND DEMOCRACY IN VIETNAM

SEC. 597. (a) FINDINGS.—The Congress finds that—

(1) the ending of the Cold War provides an unprecedented opportunity for democratic reform and improvements in human rights throughout the world;

(2) the government and citizens of the United States view positively recent improvements in resolving POW/MIA cases by the Socialist Republic of Vietnam and wish to promote even greater openness in that country;

(3) recent economic reforms and initiatives undertaken by the Vietnamese Government can best be encouraged and built upon through political liberalization;

(4) the interests of the United States and the people of Vietnam, and the international community would best be served by having a friendly and democratic government in Vietnam;

(5) the United States currently has no program to support political reform in Vietnam; and

(6) greater respect for internationally recognized human rights and a peaceful transition to democracy in Vietnam would greatly reduce the threat to the stability of Southeast Asia, allow for the rapid resolution of the POW/MIA issue, and enable the creation of a free-market economy in Vietnam.

(b) POLICY.—It is the sense of the Congress that—

(1) the United States should support the process of nonviolent democratic reform in Vietnam;

(2) the Secretary of State should declare United States support for the democratization of Vietnam and reaffirm that measurable progress on the POW/MIA issue is critical to normalizing economic and diplomatic relations with the United States.

(3) the Administration should take the lead in mobilizing the United Nations, ASEAN members, human rights organizations, and the various other interest groups, including United States businesses operating in Vietnam under the guidelines of current United States policy, to work toward the common goal of promoting basic human rights, the rule of law and free and democratic elections in Vietnam; and

(4) the United States should increase its support for Voice of America programming in Vietnam.

(5) the Administration should make every effort to stress with officials of the Vietnamese government at every opportunity the importance of human rights in the relationship between our two nations.

(6) the Administration should raise with officials of the Vietnamese government at every opportunity outstanding individual human rights cases.

HARKIN (AND HATFIELD) AMENDMENT NO. 955

Mr. HARKIN (for himself and Mr. HATFIELD) proposed an amendment to the bill (H.R. 2295), supra, as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING IMPORTATION OF PRODUCTS MADE WITH CHILD LABOR.

(a) FINDINGS.—The Senate makes the following findings:

(1) Principle 9 of the Declaration of the Rights of the Child, proclaimed by the General Assembly of the United Nations on November 20, 1959, states that "the child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental, or moral development.

(2) Article 2 of the International Labor Convention No. 138 Concerning Minimum Age For Admission to Employment states: "The minimum age specified in pursuance of paragraph 1 of this article shall not be less than the age of compulsory schooling and, in any case, shall not be less than 15 years."

(3) The International Labor Organization estimates there are hundreds of millions of children in Asia, Africa, and Latin America under the age of 15 that are working, many of them in dangerous industries such as glass, metal works, textiles, mining, and fireworks manufacturing.

(4) The number of children under the age of 15 who are working, and the scale of their suffering, increase every year, despite the existence of more than 20 International Labor Organization conventions on child labor and laws in many countries which prohibit the employment of underage children. The Department of Labor's second biennial report on international worker rights, notes that "child labor has been a dramatically worsening global problem".

(5) In many countries, children under the age of 15 lack either the legal standing or means to protect themselves from exploitation in the workplace.

(6) Bonded child labor is a particularly egregious violation of human rights and constitutes a de facto form of slavery.

(7) The South Asian Coalition on Child Servitude estimates there are over 55,000,000 child laborers in South Asia alone, of which 10,000,000 are bonded child laborers.

(8) The employment of children under the age of 15 commonly deprives the children of the opportunity for basic education, perpetuates the cycle of poverty, often undermines the stability of families, denies gainful employment to millions of adults, and retards efforts to achieve sustainable economic development in Third World nations.

(9) Since the passage of the Fair Labor Standards Act of 1938, the intent of the Congress has been to assure that the streams of commerce are not defiled by the products of child labor.

(10) American consumers do not want to provide a market for goods produced by the sweat and toil of children.

(11) Evidence suggests that many products made with child labor are being imported into the United States.

(12) September 18, 1993, has been set aside to observe International Day Against Child Servitude.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the economic exploitation of children, especially the practice of bonded child labor should be strongly condemned;

(2) it should be the policy of the United States to not allow the importation of products made by children who are employed in industry or mining; and

(3) the President should take action to seek an agreement with governments that conduct trade with the United States for the purpose of securing an international ban on trade in products made with child labor.

DECONCINI AMENDMENT NO. 956

Mr. LEAHY (for Mr. DeConcini) proposed an amendment to the bill (H.R. 2295), supra, as follows:

AMENDMENT NO. 956

At the appropriate place, insert:

The Senate finds that:

President Yeltsin has consistently tried to push forward economic and political reform;

President Yeltsin was given a mandate by the Russian people to hold elections and continue the process of economic reform;

Boris Yeltsin is the first and only popularly elected president of Russia, and the parliament of Russia is a holdover from the Soviet regime;

The conservative parliament has consistently stymied political and economic progress in Russia;

Slow progress on economic reform has prompted the IMF to review its disbursement of Russia's second tranche from the Systemic Transformation Facility;

Political and economic reform has been impeded by the actions of the hardline parliament;

Corruption is rampant and is impeding economic and political reform and must be vigorously and effectively combated; and

Therefore, it is the sense of the Senate that:

(A) That the Senate supports President Yeltsin in his effort to continue the reform process in Russia including his call for new parliamentary elections consistent with the results of the April 25, 1993 referendum, and

(B) Further United States Government economic assistance should be provided in accordance with President Yeltsin's call for and holding of free, fair, and democratic parliamentary elections.

PELL (AND OTHERS) AMENDMENT NO. 957

Mr. LEAHY (for Mr. Pell) (for himself, Mr. Helms, Mr. Kerry, and Mr. Pressler) proposed an amendment to the bill (H.R. 2295), supra, as follows:

On page 51, lien 19, delete all that follows the number 91-672 to the colon on line 20.

LEAHY AMENDMENT NO. 958

Mr. LEAHY proposed and amendment to the bill (H.R. 2295), supra; as follows:

On page 103, between lines 17 and 18, insert the following:

DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES

Sec. . Section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403) is amended by adding at the end thereof the following:

"(q) 'Appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.".

LEVIN AMENDMENT NO. 959

Mr. LEAHY (for Mr. Levin) proposed an amendment to the bill (H.R. 2295), supra, as follows:

Page 26, at the end of line 13, strike "." and insert the following: ": *Provided further*, That none of the funds herein shall be obligated for the Foreign Military Financing Program for Egypt until the Secretary of State certifies to Congress that all United States citizens being detained in Egypt are receiving or have received fair trials and due process.

"The President may waive this provision if he determines it is in the national interest and so advises Congress.".

PRYOR (AND BROWN) AMENDMENT NO. 960

Mr. LEAHY (for Mr. Pryor, for himself and Mr. Brown) proposed an amendment to the bill (H.R. 2295), supra, as follows:

On page 103, between lines 17 and 18, insert the following new section:

WORLD BANK GROUP

Sec. 579. (a) In General.—The Secretary of the Treasury shall instruct the United States Executive Director of the Bank of use the voice and vote of the United States to urge that the World Bank Independent Inspection Panel—

(1) provide recommendations for improving the economy, efficiency, and effectiveness of operational programs and administrative functions of members of the World Bank Group, including cost overruns, and salary and travel expenses; and

(2) prevent and detect fraud and abuse in programs and functions of the World Bank Group.

Beginning on July 1, 1994, and on July 1 of each year thereafter, the Secretary of the Treasury shall submit to the Senate Foreign Relations Committee and the House Committees on Appropriations Banking, Finance and Urban Affairs Committee a report prepared by the Department of the Treasury, with the participation of the Treasury Inspector General, including information provided by the World Bank Inspection Panel.

(b) Definitions.—For purposes of this section, the term "World Bank Group" includes the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, and the Multilateral Investment Guarantee Agency.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

BRYAN (AND OTHERS) AMENDMENT NO. 961

Mr. BRYAN (for himself, Mr. Kerry, Mr. Lautenberg, and Mr. Feingold) proposed an amendment to the bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes, as follows:

After the sum proposed by said amendment, insert the following: "*Provided*, That none of the funds appropriated or otherwise made available by this Act shall be used to support the price of wool or mohair by means of loans, purchases, payments, or other operations:".

BROWN (AND OTHERS) AMENDMENT NO. 962

Mr. BROWN (for himself, Mr. Lautenberg, Mr. Bryan, Mr. Chafee, Mr. Kerrey, and Mr. Reid) proposed an amendment to the bill (H.R. 2493), supra, as follows:

Sec. 730. (b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the Agricultural

Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C.).

And on page 76 of the House engrossed bill, H.R. 2493, strike all on line 17 down through line 24.

BROWN (AND OTHERS) AMENDMENT NO. 963

Mr. BROWN (for himself, Mr. LAUTENBERG, Mr. BRYAN, Mr. CHAFEE, Mr. KERREY, Mr. REID, and Mr. GORTON) proposed an amendment to the bill (H.R. 2493), supra, as follows:

At the end of the amendment add the following.

SEC. 730. (b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of zero dollars in the 1994 crop year.

SEC. 731. Section 712 of this Act shall have no effect.

LABOR-HHS-EDUCATION APPROPRIATIONS ACT

WELLSTONE (AND OTHERS) AMENDMENT NO. 964

Mr. WELLSTONE (for himself, Mr. HARKIN, Mr. FEINGOLD, and Mr. METZENBAUM) proposed an amendment to the bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes, as follows:

At an appropriate place, insert the following:

"SEC. . CONGRESSIONAL COVERAGE UNDER HEALTH CARE LEGISLATION.

(1) FINDINGS.—Congress finds—

(A) Congress is expected to consider legislation in the near future that would offer health insurance plans at different prices;

(B) The reform is likely to include a standard health care plan designed to be affordable to average Americans, but also will make more expensive plans available to those who can afford them;

(C) Differences in the prices of the plans could result in differences in quality, and could also affect an individual's ability to choose between managed care and fee for service plans;

(D) The best guarantee of equity in a social program is to include people of all income levels and social classes in the same system with the same benefits, as is the case in the health care systems of most other industrialized countries;

(E) Members of Congress should not create a system designed to impel millions of their constituents to join health care plans they themselves are unwilling to join;

(F) Members of Congress who participate in the standard, average-priced health care plan can provide an immediate warning of quality problems, deficiencies, and underservice, and can thus ensure that everyone, regardless of income, place of residence, health status, or employment will have access to quality health care; and

(2) SENSE OF CONGRESS.—It is the sense of Congress that when health care reform legislation is enacted, all Members of Congress should enroll in a standard health care plan that charges no more than the average premium.

HOMELESS AND COMMUNITY DEVELOPMENT AMENDMENTS ACT OF 1993

RIEGLE AMENDMENT NO. 965

Mr. WELLSTONE (for Mr. RIEGLE, for himself, Mr. SARBANES, Mr. BOND, and Mr. D'AMATO) proposed an amendment to the bill (H.R. 2517) to establish certain programs and demonstrations to assist States and communities in efforts to relieve homelessness, assist local community development organizations, and provide affordable rental housing for low-income families, and for other purposes, as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "HUD Demonstration Act of 1993".

SEC. 2. INNOVATIVE HOMELESS INITIATIVES DEMONSTRATION PROGRAM.

(a) PURPOSE.—The purpose of this section is to enable the Secretary of Housing and Urban Development (hereafter in this Act referred to as the "Secretary"), through cooperative efforts in partnership with other levels of government and the private sector, including nonprofit organizations, foundations, and communities, to demonstrate methods of undertaking comprehensive strategies for assisting homeless individuals and families (including homeless individuals who have AIDS or who are infected with HIV), through a variety of activities, including the coordination of efforts and the filling of gaps in available services and resources. In carrying out the demonstration, the Secretary shall—

(1) provide comprehensive homeless demonstration grants under subsection (c); and

(2) provide innovative project funding under subsection (d).

(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) HOMELESS INDIVIDUAL.—The term "homeless individual" has the meaning given such term in section 103 of the Stewart B. McKinney Homeless Assistance Act.

(2) HOMELESS FAMILY.—The term "homeless family" means a group of one or more related individuals who are homeless individuals.

(3) INCORPORATED DEFINITIONS.—The terms "State", "metropolitan city", "urban county", "unit of general local government", and "Indian tribe" have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974.

(4) JURISDICTION.—The term "jurisdiction" means a State, metropolitan city, urban county, unit of general local government (including units in rural areas), or Indian tribe.

(5) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means an organization—

(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(B) that, in the case of a private nonprofit organization, has a voluntary board;

(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

(D) that practices nondiscrimination in the provision of assistance.

(6) VERY LOW-INCOME FAMILIES.—The term "very low-income families" has the meaning given such term in section 3 of the United States Housing Act of 1937.

(c) COMPREHENSIVE HOMELESS INITIATIVE.—

(1) DESIGNATION.—The Secretary shall designate such jurisdictions as the Secretary may determine for comprehensive homeless initiative funding under this subsection.

(2) AUTHORITY.—The Secretary may provide assistance under this subsection to—

(A) jurisdictions designated under paragraph (1) (or entities or instrumentalities established under the authority of such jurisdictions); or

(B) nonprofit organizations operating within such jurisdictions,

to establish comprehensive homeless initiatives to carry out the purpose of this section.

(3) CRITERIA.—The Secretary shall establish criteria for designating jurisdictions under paragraph (1), which shall include—

(A) the extent of homelessness in the jurisdiction;

(B) the extent to which the existing public and private systems for homelessness prevention, outreach, assessment, shelter, services, transitional services, transitional housing, and permanent housing available within the jurisdiction would benefit from additional resources to achieve a comprehensive approach to meeting the needs of individuals and families who are homeless or who are very low-income and at risk of homelessness;

(C) the demonstrated willingness and capacity of the jurisdiction to work cooperatively with the Department of Housing and Urban Development (hereafter in this Act referred to as the "Department"), nonprofit organizations, foundations, other private entities, and the community to design and implement an initiative to achieve the purposes of this subsection;

(D) the demonstrated willingness of nongovernmental organizations to commit financial and other resources to a comprehensive homeless initiative in the jurisdiction;

(E) the commitment of the jurisdiction to make necessary changes in policy and procedure to provide sufficient flexibility and resources as necessary to implement and sustain the initiative;

(F) national geographic diversity in the designation of jurisdiction; and

(G) such other factors as the Secretary determines to be appropriate.

(4) CONSULTATION.—Prior to designating jurisdictions under paragraph (1), the Secretary shall consult with the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding such designations.

(5) COMPREHENSIVE STRATEGY.—Recipients of assistance under this subsection shall, in cooperation with the Secretary, other governmental entities, nonprofit organizations, foundations, other private entities, and the community, develop a comprehensive plan that—

(A) sets forth a realistic and feasible strategy that contains specific projects and activities to carry out the purpose of this section;

(B) demonstrates the willingness of the appropriate government and private entities and other parties to participate cooperatively in this plan;

(C) specifies the projects and activities to be funded under this subsection;

(D) provides an estimate of the cost of implementing the initiative funded under this subsection;

(E) enumerates amounts to be made available to fund the comprehensive homeless initiative by participating governmental entities, nonprofit organizations, foundations, and the community, as appropriate, and requests funds from the Secretary pursuant to this subsection; and

(F) provides such other information as the Secretary determines to be appropriate.

(6) DESIGNATION.—The designation referred to in paragraph (1) and assistance provided under paragraph (2) shall be made on a noncompetitive basis.

(d) INNOVATIVE PROJECT FUNDING.—

(1) AUTHORITY.—The Secretary is authorized to provide assistance under this subsection to jurisdictions and nonprofit organizations operating within such jurisdictions to establish innovative programs to carry out the purpose of this section.

(2) APPLICATIONS.—Applications for assistance under this subsection shall be in such form, and shall include such information, as the Secretary shall determine. Each application shall include—

(A) a description of the extent of homelessness in the jurisdiction;

(B) an explanation of the extent to which the existing systems, both public and private, for homelessness prevention, outreach, assessment, shelter, services, transitional services, transitional housing, and permanent housing available within the jurisdiction would benefit from additional resources to achieve a comprehensive approach to meeting the needs of individuals and families who are homeless, or who are very low-income and at risk of homelessness;

(C) a description of the projects and activities for which the applicant is requesting funding under this subsection and the amounts requested;

(D) the demonstrated willingness and capacity of the jurisdiction to work cooperatively with the Department, nonprofit organizations, foundations, other private entities, and the community, to the extent feasible, to design and implement an initiative to achieve the purposes of this subsection;

(E) a statement of commitment from the jurisdiction to make necessary changes in policy and procedure to provide sufficient flexibility and resources as necessary to implement and sustain the program; and

(F) such other information as the Secretary determines to be appropriate.

(3) CRITERIA.—The Secretary shall establish selection criteria for awarding assistance under this subsection, which shall include—

(A) the extent to which the program described in the application achieves the purpose of this section;

(B) the extent to which the applicant demonstrates the capacity to implement a program that achieves the purpose of this section;

(C) the extent to which the program described in the application is innovative and may be replicated or may serve as a model for implementation in other jurisdictions;

(D) diversity by geography and community type; and

(E) such other criteria as the Secretary determines to be appropriate.

(e) REPORTS.—

(1) RECIPIENTS OF FUNDS.—Each recipient of funds under subsections (c) and (d) shall submit to the Secretary a report or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) describe the use of funds made available under this section; and

(B) include a description and an analysis of the programs and projects funded, the innovative approaches taken, and the level of cooperation among participating parties.

(2) INTERIM HUD REPORT.—The Secretary shall submit to the Congress, in conjunction with the 1995 legislative recommendations of the Department, a report describing the results of the demonstration program funded under this section to date. The report shall contain a summary and analysis of all information contained in any reports received by the Secretary pursuant to paragraph (1) and shall contain recommendations for future action.

(3) FINAL HUD REPORT.—Not later than 3 months after all recipient reports have been submitted under paragraph (1), the Secretary shall submit to the Congress a final report. The Secretary's final report shall contain a summary and analysis of all information contained in the reports received by the Secretary pursuant to paragraph (1) and shall contain recommendations for future action.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for fiscal year 1994 to carry out this section. Of the amounts appropriated pursuant to this subsection, not less than 25 percent shall be used to carry out innovative project funding under subsection (d). All funds shall remain available until expended.

(g) REPEAL.—This section shall be repealed effective on October 1, 1994.

SEC. 3. MOVING TO OPPORTUNITIES.

Section 152(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note) is amended in the first sentence by striking "$52,100,000" and inserting "$165,000,000".

SEC. 4. CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING.

(a) IN GENERAL.—The Secretary is authorized to provide assistance through the National Community Development Initiative to develop the capacity and ability of community development corporations and community housing development organizations to undertake community development and affordable housing projects and programs.

(b) FORM OF ASSISTANCE.—Assistance under this section may be used for—

(1) training, education, support, and advice to enhance the technical and administrative capabilities of community development corporations and community housing development organizations;

(2) loans, grants, or predevelopment assistance to community development corporations and community housing development organizations to carry out community development and affordable housing activities that benefit low-income families; and

(3) such other activities as may be determined by the National Community Development Initiative in consultation with the Secretary.

(c) MATCHING REQUIREMENT.—Assistance provided under this section shall be matched from private sources in an amount equal to 3 times the amount made available under this section.

(d) IMPLEMENTATION.—The Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this section. The notice shall take effect upon issuance.

(e) AUTHORIZATION.—There are authorized to be appropriated $25,000,000 for fiscal year 1994 to carry out this section.

SEC. 5. AUTHORIZATION FOR COMMUNITY HOUSING PARTNERSHIPS AND SUPPORT FOR STATE AND LOCAL HOUSING STRATEGIES.

Section 205 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 12724) is amended—

(1) in paragraph (1), by striking "$14,000,000 for fiscal year 1994" and inserting "$25,000,000 for fiscal year 1994"; and

(2) in paragraph (2), by striking "$11,000,000 for fiscal year 1994" and inserting "$22,000,000 for fiscal year 1994".

SEC. 6. SECTION 8 COMMUNITY INVESTMENT DEMONSTRATION PROGRAM.

(a) DEMONSTRATION PROGRAM.—The Secretary shall carry out a demonstration program to attract pension fund investment in affordable housing through the use of project-based rental assistance under section 8 of the United States Housing Act of 1937.

(b) FUNDING REQUIREMENTS.—In carrying out this section, the Secretary shall ensure that not less than 50 percent of the funds appropriated for the demonstration program each year are used in conjunction with the disposition of either—

(1) multifamily properties owned by the Department; or

(2) multifamily properties securing mortgages held by the Department.

(c) CONTRACT TERMS.—

(1) IN GENERAL.—Project-based assistance under this section shall be provided pursuant to a contract entered into by the Secretary and the owner of the eligible housing that—

(A) provides assistance for a term of not less than 60 months and not greater than 180 months; and

(B) provides for contract rents, to be determined by the Secretary, which shall not exceed contract rents permitted under section 8 of the United States Housing Act of 1937, taking into consideration any costs for the construction, rehabilitation, or acquisition of the housing.

(2) AMENDMENT TO SECTION 203.—Section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11) is amended by adding at the end the following new subsection:

"(*l*) Project-based assistance in connection with the disposition of a multifamily housing project may be provided for a contract term of less than 15 years if such assistance is provided—

"(1) under a contract authorized under section 6 of the HUD Demonstration Act of 1993; and

"(2) pursuant to a disposition plan under this section for a project that is determined by the Secretary to be otherwise in compliance with this section.".

(d) LIMITATION.—(1) The Secretary may not provide (or make a commitment to provide) more than 50 percent of the funding for housing financed by any single pension fund, except that this limitation shall not apply if the Secretary, after the end of the 6-month period beginning on the date notice is issued under subsection (e)—

(A) determines that—

(i) there are no expressions of interest that are likely to result in approvable applications in the reasonably foreseeable future; or

(ii) any such expressions of interest are not likely to use all funding under this section; and

(B) so informs the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) If the Secretary determines that there are expressions of interest referred to in

paragraph (1)(A)(ii), the Secretary may reserve funding sufficient in the Secretary's determination to fund such applications and may use any remaining funding for other pension funds in accordance with this section.

(e) IMPLEMENTATION.—The Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this section. The notice shall take effect upon issuance.

(f) APPLICABILITY OF ERISA.—Notwithstanding section 514(d) of the Employee Retirement Income Security Act of 1974, nothing in this section shall be construed to authorize any action or failure to act that would constitute a violation of such Act.

(g) REPORT.—Not later than 3 months after the last day of each fiscal year, the Secretary shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report summarizing the activities carried out under this section during that fiscal year.

(h) ESTABLISHMENT OF STANDARDS.—Mortgages secured by housing assisted under this demonstration shall meet such standards regarding financing and securitization as the Secretary may establish.

(i) GAO STUDY.—The Comptroller General of the United States shall conduct a study evaluating the demonstration authorized under this section and shall report its findings to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than 3 months after the conclusion of the demonstration.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000,000 for fiscal year 1994 to carry out this section.

(k) TERMINATION DATE.—The Secretary shall not enter into any new commitment to provide assistance under this section after September 30, 1998.

SEC. 7. NATIONAL COMMISSION ON MANUFACTURED HOUSING.

(a) EXTENSION OF COMMISSION.—Section 943(g) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4415) is amended by striking "on October 1, 1993" and inserting "on October 1, 1994".

(b) FINAL REPORT.—Section 943(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4414) is amended by striking "9 months after the Commission is established pursuant to subsection (b)" and inserting "August 1, 1994".

(c) INTERIM REPORT.—Section 943(d) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4414) is amended—

(1) by redesignating paragraph (2) (as amended by subsection (b) of this section) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) INTERIM REPORT.—Not later than March 1, 1994, the Commission shall submit an interim report to the Secretary and the Congress. The report shall describe the activities of the Commission under paragraph (1) and shall contain any information specified in such paragraph that is available to the Commission and any evaluations and recommendations specified in such paragraph that may be made by the Commission, at such time.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 943(f) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4415) is amended by inserting after the first sentence the following new sentence: "There are authorized to be appropriated for fiscal year 1994 such sums as may be necessary to carry out this section.".

SEC. 8. RECIPROCITY IN APPROVAL OF HOUSING SUBDIVISIONS AMONG FEDERAL AGENCIES.

(a) EXTENSION OF AUTHORITY.—Section 535(b) of the Housing Act of 1949 (42 U.S.C. 1490o(b)) is amended by striking "June 15, 1993" and inserting "September 30, 1994".

(b) RETROACTIVITY.—An administrative approval of a housing subdivision made after June 15, 1993, and before the date of the enactment of this Act is approved and shall be considered to have been lawfully made, but only if otherwise made in accordance with the provisions of section 535(b) of the Housing Act of 1949.

SEC. 9. FHA INSURANCE AUTHORITY.

Section 531(b) of the National Housing Act (12 U.S.C. 1735f–9(b)) is amended by striking "$65,905,824,960" and inserting "$110,165,000,000".

SEC. 10. GNMA GUARANTEE AUTHORITY.

Section 306(g)(2) of the National Housing Act (12 U.S.C. 1721(g)(2)) is amended by striking "$88,000,000,000" and inserting "$107,700,000,000".

SEC. 11. ADMINISTRATION OF SECTION 8 PROGRAM.

(a) ADMINISTRATIVE FEE.—Notwithstanding the second sentence of section 8(q)(1) of the United States Housing Act of 1937, other applicable law, or any implementing regulations and related requirements, the fee for the ongoing costs of administering the certificate and housing voucher programs under subsections (b) and (o) of section 8 of such Act during fiscal year 1994 shall be—

(1) not less than a fee calculated in accordance with the fair market rents for Federal fiscal year 1993; or

(2) not more than—

(A) a fee calculated in accordance with section 8(q) of such Act, except that such fee shall not be in excess of 3.5 percent above the fee calculated in accordance with paragraph (1); or

(B) to the extent approved in an appropriation Act, a fee calculated in accordance with such section 8(q).

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study assessing the costs incurred by public housing agencies in administering the voucher and certificate programs under subsections (b) and (o) of section 8 of the United States Housing Act of 1937.

(2) SPECIFIC REQUIREMENTS.—The study conducted under this subsection shall—

(A) take into account variances in costs attributable to the geographic area, the tenant population, and the number of units covered by a public housing agency; and

(B) include an analysis of the costs associated with Federal mandates, such as the family self-sufficiency program, and such other factors that the Secretary determines to be appropriate.

(3) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Congress a report containing the results of the study conducted under this subsection in conjunction with the Department of Housing and Urban Development's 1994 legislative recommendations.

SEC. 12. AMENDMENTS TO PUBLIC LAW 102–389.

(a) EXTENSION OF TIME.—Subject to appropriations made in advance in an appropriations Act, title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (Public Law 102–389), is amended under the heading "Administrative Provisions" in the second undesignated paragraph by striking "October 1, 1993" and inserting "October 1, 1994".

(b) PROJECT-BASED ASSISTANCE.—Title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (Public Law 102–389), is amended under the heading "Administrative Provisions" in the ninth undesignated paragraph by inserting "(which may be project-based assistance)" after "36 units".

NOTICES OF HEARINGS

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry, and General Legislation will hold a hearing on the implementation of agricultural research priorities. The hearing will be held on Thursday, October 7, 1993, at 2:30 p.m. in SR–332.

For further information, please contact Richard Hess at 224–2321.

AUTHORITY FOR COMMITTEES TO MEET

COMMITEE ON ARMED SERVICES

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, September 23, 1993 at 9 a.m., to consider the following nominations: Dr. John J. Hamre to be Comptroller of the Department of Defense; Mr. Frederick F.Y. Pang to be Assistant Secretary of the Navy for Manpower and Reserve Affairs; Ms. Nora Slatkin to be Assistant Secretary of the Navy for Research, Development and Acquisition; and Mr. R. Noel Longuemare, Jr. to be Deputy Under Secretary of Defense for Acquisition.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Thursday, September 23 1993, at 10 a.m. to conduct an oversight hearing on the operations of the RTC, focusing on allegations of waste, fraud, abuse, mismanagement, and discrimination, raised by current or former RTC employees.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, September 23, beginning at 10 a.m., to conduct an oversight hearing on the implementation of the Clean Air Act Amendments of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 23, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 23, 1993, at 2:30 p.m., to hold a hearing on U.S. refugee programs for 1994: Annual refugee consultations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Consumer Subcommittee of the Committee on Commerce, Science and Transportation be authorized to meet on September 23, 1993, at 10 a.m., on S. 687, the Product Liability Fairness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HAITI

• Mr. MOYNIHAN. Mr. President, today, the Senate has taken action to help address the troubling violence which has gripped Haiti in recent weeks. I rise to express my deep concern over recent developments in that nation.

Events are moving swiftly. The Governors Island accord for restoring democracy to Haiti, signed in July by Raoul Cedras, the leader of the military and President Jean-Bertrand Aristide, outlined an orderly transfer of power. As part of that agreement a transition cabinet appointed by President Aristide and approved by the Haitian Parliament was established on August 25, paving the way for President Aristide's return on October 30.

The Governors Island accords appeared to be on schedule. That is until September 11 when those who would oppose democracy turned to terrorism to thwart an orderly transition. On that day, a Catholic Mass was raided by what were reported to be plainclothes auxiliaries under police command who apprehended Antoine Izmery, a close associate of President Aristide's who played a visible role in the 1990 election campaign, and executed him. Since then, transition cabinet members and U.N observers have received death threats.

It is obvious that there are those within Haiti who believe that they can forestall a return to democracy and the rule of law through terrorism. Those responsible for such acts must be brought to justice and a clear message conveyed: Democracy will not be thwarted or postponed.•

REGARDING: BESSENE E. KING

• Mr. McCAIN. Mr. President, it was recently brought to my attention the good work Ms. Bessene King does for our great State of Arizona. I would like to extend my sincere thanks and appreciation for all her years of service to Arizona.

Ms. King spent many hours of work in making yellow knot patriotic camouflage ribbon for the "Welcome Home Troops" parade and celebration held on May 11, 1991, in Flagstaff, AZ. This was her special way to thank our brave men and women who proudly served our country in Desert Storm. The yellow ribbons for those who serve in the military is only one way Ms. King gives of her time to the State of Arizona. I would like the Senate of the United States to take note of this very fine, patriotic woman and the work that she does.

It is my understanding that Ms. King is working publicly to have the yellow knot patriotic camouflage ribbon become a national symbol. I admire her convictions and applaud her laudable efforts.

Mr. President, I would like Ms. Bessene to know how much I appreciate her commitment, caring, and devotion to the many people she touches in Arizona. I would like to wish Ms. King every success in the future. She is an inspiration to us all.•

NALANI KANAKA'OLE AND PUALANI KANAKA'OLE KANAHELE NATIONAL HERITAGE FELLOWS

• Mr. AKAKA. Mr. President, I rise today to welcome and recognize two distinguished residents of the State of Hawaii, Nalani Kanaka'ole and Pualani Kanaka'ole Kanahele, National Heritage Fellows of the National Endowment for the Arts.

Over the years, hula has remained a cultural link to our past. From generation to generation, the history and religion of the Hawaiian people have been passed down. Nalani and Pualani, the caretakers of this important legacy, are called kumu hula—teachers—who are respected and revered for their knowledge and experience. Today, I rise to honor two of Hawaii's foremost kumu hulas, Nalani Kanaka'ole and Pualani Kanaka'ole Kanahele.

The Kanaka'ole sisters, daughters of Edith Kanaka'ole, have focused their talent and energy in cultivating and developing mele kahiko, an ancient style of hula which intertwines music, dance, and lore. The traditional kahiko is one of the most difficult styles of dance which requires extensive experience and physical conditioning. Mele oli is the accompanied Hawaiian chants that displays the mastery of the Hawaiian language and culture.

The National Endowment for the Arts has chosen two outstanding individuals who exemplify the finest of American folk artists. Their halau, Halau 'O Kekuhi, was chosen to represent the Hawaiian mele at the Smithsonian Festival of American Folklife and was also invited to participate in America's Reunion, the inaugural celebration for President Clinton. As National Heritage Fellows, Nalani and Pualani, have reached the pinnacle of recognition for their dedication and commitment to preserving the Hawaiian culture through dance.

As we near the end of the United Nation's International Year of the World's Indigenous Peoples, it is befitting that the National Endowment for the Arts recognizes the Kanaka'oles for their experience and expertise in hula, the traditional dance of the Hawaiian people.

Let me express my warmest aloha and heartiest congratulations to two wonderful and talented individuals—Nalani Kanaka'ole and Pualani Kanaka'ole Kanahele.•

GENERAL AVIATION LIABILITY REFORM

• Mr. HATCH. Mr. President, I would like to take this time to comment on a bill that was introduced on September 14, 1993, by Senator KASSEBAUM regarding liability reform for the general aviation industry. Senator KASSEBAUM's efforts have been stellar over the years in attempting to secure congressional approval for product liability reform for the general aviation industry. I commend her for her leadership on this issue.

As an original cosponsor to S. 1458, the General Aviation Revitalization Act, I want the record to show that I strongly support this measure, and I encourage my colleagues to do the same. Simply stated, S. 1458 establishes a 15-year statute of repose for civil suits brought against light and business aircraft manufacturers and parts producers for aviation accidents.

Mr. President, the single most significant problem that the general aviation industry faces today is the issue of product liability. In a recent poll taken by the Aircraft Owners and Pilots Association [AOPA] of its members, product liability was identified, overwhelmingly, as the most distressing issue facing its members. This fact is extremely significant when you consider that AOPA membership is comprised of consumers, who are the likely victims of accidents involving general aviation accidents. Therefore, although AOPA maintains strong interest in providing an adequate and fair compensation system, it recognizes the need for reform in this area and has strongly endorsed the 15-year statute of repose.

In addition to strong endorsements from virtually all aviation-related industry groups for reform in general aviation to Ensure a Strong Competitive Airline Industry recommended in its report to the President that a 15-year statute of repose be enacted.

I could go into much detail regarding the plight of the general aviation industry over the past 10–15 years. However, in the interest of time I would like to limit my comments to two areas in particular. First, I want to let my colleagues know what this bill does not do, because I have the feeling that many Members of Congress may be harboring fears that creating a statute of limitations in the area of general aviation product liability will be opening a pandora's box.

Let me state for the record that S. 1458 does not create a Federal standard of liability, limit the jurisdiction of any State court, or attempt to change existing State laws regarding joint and several liability, comparative fault, or punitive damages. Believe me when I say, Mr. President, that I would like to see reforms in all of these areas. In fact, I cosponsored, earlier in this session, a much more comprehensive piece of legislation that attempts to deal with these very issues on a broader scale. However, I recognize that there is significant reluctance among many of my colleagues to support more drastic reforms. Therefore, the statute of repose offers a more than reasonable compromise while creating a needed boost to the general aviation industry—an industry that has lost 50 percent of its employees over the past decade.

This brings me to my second and last point—jobs. Mr. Russ Myer, chairman and CEO of Cessna, has recently indicated that if the statute of repose is passed Cessna will increase production by 1,500–2,000 aircraft. This would mean the creation of several thousand jobs all across the Nation in the general aviation industry. In my State of Utah alone, it is estimated by one engine manufacturer that if the statute of repose legislation is passed, it will create at least 150 new jobs, and this is not to mention potential benefits at another Utah manufacturing facility and the many other service related industries within Utah.

Mr. President, in this time of increased business costs, increasing global competition, and general economic malaise—all resulting in job losses—I hope that the Senate will pass expeditiously this critical piece of legislation that will no doubt improve our ability to address all three of these areas.•

SEARS ISLAND, SEARSPORT, ME

• Mr. COHEN. Mr. President, I come to the floor to express my concerns about the continued delays on a project which is of great importance to the State of Maine.

Today, I contacted Carol Browner, the Administrator of the Environmental Protection Agency, to express my strong support for the construction of a new marine dry cargo terminal at Sears Island in Searsport, ME and bring this important project to her attention.

I have supported the proposed deep water cargo port facility since its beginning and believe that the project represents a significant economic opportunity for the State of Maine. The decision to build the facility is the result of years of study and analysis by various public and private entities and I have supported the public discussion and interagency consultation involved in the preparation of environmental impact statements over the past decade. This process has clearly demonstrated that Maine needs a modern dry cargo handling facility and that Sears Island is the best location.

The Maine Department of Transportation recently completed a detailed evaluation of alternative sites. The results of the full alternative analysis, including information relevant to all sites that have been evaluated, will be fully discussed in the draft Supplemental Environmental Impact Statement [SEIS] which is expected to be published at the end of November and will be open to public comment and review.

The project has received broad-based support in Maine. The residents of Searsport and the surrounding area have continually supported, through the ballot box and at public meetings, efforts to bring economic development into the mid-coast region. In addition, the people of Maine have supported this project on two separate occasions, first in 1981 and again in 1983, when funding for the project was requested through bond issues that were approved in statewide referendums. The project enjoys the strong support of Maine's Governor and has the bipartisan support of the Maine State Legislature.

The port facility would increase manufacturing jobs in the paper and forest products industry and provide a unique opportunity for Maine enterprises and natural resource industries to expand their export potential. Demand for the facility is strong and the project is designed to satisfy immediate and future cargo needs.

It has become increasingly important that the review of this project proceed expeditiously. Over the last 10 years, delays have resulted in lost revenues, lost business opportunities, and lost jobs. Further delay will result in still higher costs, and may imperil the project. The State has already invested over $12.5 million in construction costs based on permits that were approved by the U.S. Coast Guard and the U.S. Army Corps of Engineers.

The economic recession has taken a severe toll in Maine and the entire Northeast. Job creation and economic development are critical to Maine's econcmic recovery. The Sears Island cargo port is an important means of achieving job creating and economic growth in Maine.

Because of my strong commitment to this project, and my belief that this project represents an opportunity to balance the needs of the business and environmental communities, I have asked Administrator Browner to review the project personally and have invited her to come to Maine for a tour of the island. I strongly believe that a cooperative effort by everyone is needed to resolve the remaining issues involved and ask the administration to act expeditiously toward this end.•

MINORITY BUSINESS MONTH

• Mr. RIEGLE. Mr. President, October is "Minority Business Month" in my home State of Michigan, and I would like to draw attention to the importance of nurturing and supporting minority-owned enterprises. With cutthroat international competition, and the threatening specter of NAFTA looming over U.S. manufacturing jobs, we need to utilize the strength of our diversity and ingenuity to keep ahead in the global marketplace in all areas. While minority-owned businesses have made impressive gains during the past decade, there are clear improvements which must be made to facilitate even more growth and success. Small businesses, in particular, are key to providing new jobs in our economy, and we must ensure that a good deal of these new jobs are created by and for our minority citizens.

The road to establishing a successful minority-owned business is largely an uphill climb. Although the Small Business Administration's 8(a) Program awarded a record $4.3 billion in fiscal year 1992, a 10-percent increase over fiscal year 1991, serious administrative problems have continued to plague this critically important agency. For example, the response to new applications has consistently been delayed well over the statutorily required 90 days, causing significant financial hardship for many eligible applicants. Many of us here in the Senate are pleased that the new SBA Administrator, Mr. Erskin Bowles, has committed himself to streamlining the SBA's bureaucratic operations and increasing its sensitivity to the needs of minority businesses. A lack of adequate financing is the largest problem for small businesses, especially minority enterprises, and we have the ability and obligation to fairly distribute our resources.

At the Federal level, there is much more to be done toward ensuring fair minority contracting. For example, the GAO reported this year that a particular Federal agency fell 50 percent short of its 1992 goal of increasing its contracting with minority-owned and women-owned law firms to 20 percent. It managed only 6 percent for minority-owned firms, and a dismal 4 percent for women-owned firms. Although the agency came much closer to its goal of awarding 30 percent of contracts to minority-owned businesses in other areas, the GAO found significant improvements which would be made. The GAO's findings at this one agency can be applied to the Federal Government as a whole—every agency should assess and improve its minority outreach program to level the playing field for all Federal contract contenders.

Fortunately, President Clinton has taken an active interest in improving the economic viability of minority-owned businesses, and has recently appointed a Michiganite to his White House Conference on Small Business. As the president and chief executive officer of the Small Business Association of Michigan [SBAM], Mr. Gary M. Woodbury has extensive experience in the challenges facing all types of business enterprises, and will join fellow conferees in improving our current small business programs. This administration has clearly stated the objectives of this conference, and included examination of the status of minority and women owned businesses as a top priority. I look forward to examining the conference's legislative recommendations, and working here in the Senate toward a comprehensive plan improving the economic viability of struggling enterprises in our minority communities.

In stark contrast to this renewed interest in the welfare of minority businesses, recent court decisions have undermined our Government programs. A Supreme Court decision issued this summer, Northeastern Florida Chapter of Associated General Contractors versus City of Jacksonville, opens court challenges to minority set-aside programs all across the country and seriously threatens these valuable programs. By widening the legal opening for contractors and businesses to file suit, and narrowing the constitutional ground for set-aside programs, the Court has made it significantly more difficult for minority enterprises to obtain Government contracts. In Michigan, we developed a disadvantaged business program designed to steer assistance and Government contracting opportunities to all eligible companies—unfortunately, even this moderate program is being challenged in the Supreme Court. Despite such adversity, many minority-owned enterprises have succeeded and are reaching down to help other struggling businesses stay afloat.

A good example of this network approach in Detroit-based First Independence National Bank, Michigan's oldest and largest minority owned and operated financial institution. Last year, they introduced the Contractor Assistance Program [CAP] in partnership with the Michigan State Housing Development Authority [MSHDA]. CAP provides working capital loans, networking opportunities, and ongoing skills training to help small Michigan contractors build strong businesses. This past program year, First Independence and MSHDA approved and dispersed over half a million dollars in loans through CAP to Michigan contractors, and provided classroom skills training to a dozen contractors. CAP has been so successful in assisting contractors that First Independence and MSHDA have planned to expand next year's program, making $1,875,000 in loans and quadrupling the number of training programs. First Independence National Bank has employed the kind of private/public initiative needed to effectively assist disadvantaged and minority-owned businesses.

In addition to the community of small businesses, large minority-owned companies contribute to our national economic growth and provide thousands of American jobs. According to a recent survey, the Nation's 100 largest black-owned companies posted an impressive 14.1-percent in sales last year, bringing their revenue to $9 billion—this increase is in addition to the 10.4-percent rise in 1991.

With a growing awareness of minority contracting issues, the future may hold even brighter financial prospects. For example, Dearborn-based United Technologies Automotive [UTA] has agreed to begin offering up to 5 percent of its annual $900 million purchasing budget to minority and women suppliers. Currently, less than 1 percent of the suppliers for the $2.3 billion international automobile component and systems manufacturer are minorities. UTA's new initiative could mean more than $40 million for minority businesses, a commendable commitment to diversity and increased opportunity. I sincerely hope that other corporations, similar to UTA and the big three automakers will use the Michigan model in designing their own minority outreach programs.

Minority business month is not only a time of reflection on our road ahead in nurturing minority enterprises, but also a period of recognition and celebration of those successful enterprises which have beaten the odds. In Detroit, a new magazine is coming out with an eye toward making all of us more aware of business diversity and prosperity. Corporate Colors, expected to be on the stands next month, will be the first Michigan magazine directed at minority business owners and executives. The brainchild of Corporate Detroit magazine and Detroit cable television host Kelvin Boston, this publication will inform business owners and potential business owners on issues which specifically affect minority-owned enterprises, and will help provide positive role models for young entrepreneurs. As minority business month approaches, I urge my colleagues in the Senate to do their share in advancing minority-owned businesses in there own States and in the country as a whole.•

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Rhode Island.

SENATOR QUENTIN BURDICK

Mr. PELL. I would like to add a word of support for Quentin Burdick, for the man, for the memory, for the things for which he stood. I knew him over the years. We were about the same age and the same time in the Senate. I found him always a man of honor, probity, and tremendous loyalty, with fidelity to our country. I regret these aspersions that have come out of the papers of the FBI and hope the country as a whole will bear in mind the kind of man that Quentin really was—a just, fair, and knowledgeable man. I know nobody who would have had greater sense of loyalty to the United States.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BIDEN. Madam President, I ask unanimous consent to be able to speak for 3 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 90TH ANNIVERSARY OF SALESIANUM SCHOOL

Mr. BIDEN. Madam President, on September 1, 1903, three French clergymen, members of the Oblates of St. Francis de Sales, with assistance from the Visitation Sisters whose convent was nearby, opened the doors to a new boys' school in Wilmington, DE. The first class probably didn't look very impressive to an outsider—there were fewer than 20 young men—but those first students at the Salesianum School, and the original faculty, started a powerful tradition which remains very much a force in my home State, and the surrounding region, today.

Over the past 90 years, there have been many changes at Salesianum. In

1957, the school moved from its original location at Eighth and West Streets in Wilmington, to its present site on North Broom Street. Both the faculty and the student body have grown; more than 11,000 students have graduated from Salesianum since that first class, and its current enrollment is just under 1,000. This year, the Visitation Sisters, who helped with translations—not to mention meals—in those early years, left their convent in Wilmington for a more rural setting. Through a cooperative exchange program, female students from a nearby Catholic girls' school now attend some classes at Salesianum. There are courses offered in 1993 that the original faculty would find unusual if not unsettling, and I'm frankly not sure how those turn-of-the-century founders would feel about the name by which Salesianum has become known affectionately throughout the Delaware Valley, "Sallies." That is what we call it.

This is a very hard 90th anniversary tribute for this U.S. Senator to deliver. I went to the other Catholic boys' school, which is now coeducational, called Archmere. Salesianum was our biggest competitor. But I rise today because there is nothing more striking than the Salesianum tradition.

Under the steady and faithful leadership of the Oblates of St. Francis de Sales, that tradition has been built upon and expanded, but never diverted by the forces of time or by changes in our society as a whole. It is, above all, a tradition of excellence and service to the community.

Students at Salesianum, as a remarkable record of scholastic achievement attests, have learned well the lessons of their English, science, math, history, and other academic classes.

Student athletes at Sallies have been a remarkable group of individuals over the past 90 years. They have set about every record there is to hold in the State of Delaware. And they have learned the lesson of discipline and teamwork for which they have been known for 90 years.

But they have learned much more. A Salesianum education instills a sense of values, with a special emphasis on responsible citizenship and a sense of obligation to the broader community, and that is one of the most important lessons of all.

As the Presiding Officer knows, we all go around to the various high schools in our States and I can say, without hesitation, that the only school consistently, year in and year out, whose tradition has not changed, is that of Salesianum. There is absolute integrity and decorum among the students at that large school. It looks no different than the day the school was built. If you walk into those hallways today, they are as shiny and remarkably clean as they were the first day that school went into existence.

This is not a school for wealthy young men. This is a school for inner-city kids and suburban kids. This is a school that has characterized the sense of obligation that the Oblates of St. Francis de Sales have epitomized.

That characterization of a Sallies education is not something I have arrived at by mere impression or by taking anyone's word for it. It is a description that arises directly from the facts, from the very tangible experience of the contributions Salesianum graduates have made in my community and the many other communities where they live and work. They have been in Congress; and they have served in every major public office and private enterprise in our State.

There literally is not a single avenue of public service in which you will not find Salesianum alumni present in great numbers and doing good work. From the ranks of Delaware's elected officials to the judges on our courts, to lawyers who argue before them, from our police and fire departments to the nonprofit and volunteer agencies that meet such vital needs in our State, from those who guide our religious lives to those who uphold our proud athletic heritage, Sallies graduates are among Delaware's true leaders.

During the commemoration of the 90th anniversary of the school's founding, I am deeply proud to bring those accomplishments and contributions of the Salesianum community to the attention of the Senate and the Nation. The Sallies tradition is indeed very worthy of celebration and of emulation by others throughout the country.

To Father Robert Kennedy, Salesianum's president, and Father Thomas McGee, the current principal—and to everyone associated with that school, who maintain its tradition of excellence and service in their work and the example by which they live their lives—I offer enthusiastic congratulations from grateful neighbors and fellow citizens. With best wishes for the next 90 years and beyond, my only hope is that Archmere, my alma mater, beats them more regularly than they have in the past 90 years. This is truly a fine bunch of people, who continue to provide a great service to my State, inner city and suburban communities.

I yield the floor.

Mr. WELLSTONE. Madam President, what is the pending order of business?

The PRESIDING OFFICER. H.R. 2518.

AMENDMENT NO. 964 TO THE COMMITTEE AMENDMENT ON PAGE 9, LINE 23

(Purpose: To ensure that Members of Congress participate on an equal basis with their constituents in the health care system that results from health care reform legislation)

Mr. WELLSTONE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. HARKIN, Mr. FEINGOLD and Mr. METZENBAUM, proposes an amendment numbered 964 to the Committee Amendment on Page 9, Line 23.

Mr. WELLSTONE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

"SEC. . CONGRESSIONAL COVERAGE UNDER HEALTH CARE LEGISLATION.

(1) FINDINGS.—Congress finds—

(A) Congress is expected to consider legislation in the near future that would offer health insurance plans at different prices;

(B) The reform is likely to include a standard health care plan designed to be affordable to average Americans, but also will make more expensive plans available to those who can afford them;

(C) Differences in the prices of the plans could result in differences in quality, and could also affect an individual's ability to choose between managed care and fee for service plans;

(D) The best guarantee of equity in a social program is to include people of all income levels and social classes in the same system with the same benefits, as is the case in the health care systems of most other industrialized countries;

(E) Members of Congress should not create a system designed to impel millions of their constituents to join health care plans they themselves are unwilling to join;

(F) Members of Congress who participate in the standard, average-priced health care plan can provide an immediate warning of quality problems, deficiencies, and underservice, and can thus ensure that everyone, regardless of income, place of residence, health status, or employment will have access to quality health care; and

(2) SENSE OF CONGRESS.—It is the sense of Congress that when health care reform legislation is enacted, all Members of Congress should enroll in a standard health care plan that charges no more than the average premium.

Mr. WELLSTONE. Madam President, I know that there will be no further votes tonight, but I thought I might briefly summarize this amendment I have sent to the desk. This amendment is on behalf of myself, Senator HARKIN, Senator FEINGOLD, and Senator METZENBAUM.

Let me just simply read this amendment, because I think then it will be clear to my colleagues what will be voted on tomorrow, and I will take some time tomorrow to summarize this as well.

Findings:

Congress is expected to consider legislation in the near future that would offer health insurance plans at different prices;

The reform is likely to include a standard health care plan designed to be affordable to average Americans, but also will make more expensive plans available to those who can afford them;

Differences in the prices of the plans could result in differences in quality, and could also effect an individual's ability to choose between managed care and fee for service plans;

The best guarantee equity in a social program is to include people of all income levels and social classes in the same system with the same benefits, as is the case in the health care systems of most other industrialized countries;

Members of Congress should not create a system designed to impel millions of their constituents to join health care plans they themselves are unwilling to join;

Members of Congress who participate in the standard, average-priced health care plan can provide an immediate warning of quality problems, deficiencies, and underservice, and can thus ensure that everyone, regardless of income, place of residence, health status, or employment, will have access to health care.

These are, if you will, the findings, and therefore, this is the sense of the Congress, which is what this amendment calls for:

It is the sense of the Congress that when health care reform legislation is enacted, all Members of Congress should enroll in a standard health care plan that charges no more than the average premium.

Actually, Madam President, I think this is an amendment that many of my colleagues will support, because what I am saying here is that as we grapple with this very, very important issue and we decide what will be the basic package of benefits, and that gets defined as a standard health care plan which charges the average premium, it is very important that what we vote for our constituents, we apply that to ourselves as well.

I do not think that this is an amendment which, in any way, shape or form, is an attempt to—and I want to make this clear tonight, and I will try, to the best of my ability, to make it even clearer tomorrow—this is, from my point of view, the opposite of some of the bashing we see right now. I am proud of public service; I am proud to be here. Many people in the U.S. Congress have a highly developed sense of public service. So the amendment is not offered in that spirit. But I do think, Madam President, that there is a very strong feeling in the Nation that there should not be a great disparity between those of us who are the representatives and the people we represent.

My feeling is that if we pass this sense-of-the-Congress amendment, we will be sending a very powerful message to people across the country, which is what we decide should be a good, average premium plan, should be the package of benefits and the cost for the vast middle majority, middle class of America, and that we also will participate in that plan.

Madam President, as a matter of constitutional law, there is no way in this amendment that I could literally require it. It just says that we "should." I am not saying to my colleagues that you "must." I could not do it constitutionally, and I do not know that I would even want to do so, because clearly, as long as some citizens can opt into higher cost plans, you cannot, on the floor of the Senate, say to a Senator or a Representative you could not do that. But I do want to have a recorded vote, and I would ask that the yeas and nays be recorded for this, if I might do so.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. WELLSTONE. I will wait until tomorrow. I will ask for a recorded vote, because I think that if we have a strong, positive vote—and I think we will—that there are two goals that are accomplished. First of all, we are telling the people in the country that when we look at the package of benefits, what is that package of benefits going to be when it comes to preventative health care or long-term or mental health or substance abuse; how are we going to figure out that average cost?

When we grapple with those questions, we will be saying to the people in the country, listen, what we are voting for you, as our constituents, we are voting for ourselves. People, I think, will say: You know what, we really appreciate that this is the way Senators and Representatives are looking at this.

So I offer this amendment in the most positive way. The second point I want to make tonight—and I will come back to this amendment tomorrow morning—is that I think it creates some interesting leverage, because as I think about the ways in which people responded to the President last night, it was an inspiring speech. It was a moving speech about a moving issue, and I think that there were a couple of ways in which the President really connected to people in the United States.

One was when he essentially spoke to security, when he said to people: Listen, this is going to be insurance that no one can take away from you, and it is going to be a decent package of benefits for yourself and your loved ones. You are going to be covered.

I think people really appreciated that. It resonated with people in our country.

The other thing I think the President said that also resonated with people in Minnesota—and I am sure in California and all across the land—was: Look, Members of the House and Members of the Senate, let us get down to work and let us pass a decent reform bill.

Now, Madam President, what I am saying through this amendment is that as we think about this package of benefits, if we go on record as the U.S. Senate as the body saying what we vote for our constituents we think should apply to ourselves, as we think about this package of benefits and whether or not it will be truly comprehensive, this will create exactly, I think, the kind of leverage that ought to be there because what we are really saying is: Look, as we think about what we are going to include and think about meeting the needs of people in this country, let us remember we went on record saying this should apply to ourselves as well.

So, Madam President, I am excited about the amendment. I hope it will generate a lot of support in the U.S. Senate.

I do not want to keep you here any later tonight. I do not see any other Senators on the floor, so we will come back to this tomorrow morning. I would like a little bit more time to discuss this. There may be some other Senators that will want to be cosponsors or who want to discuss it as well, and then we will have a vote on it, I assume, tomorrow morning.

Madam President, seeing no one else on the floor of the Senate, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FEINGOLD). Without objection, it is so ordered.

MORNING BUSINESS

Mr. WELLSTONE. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I would like to notify colleagues that the items we are about to discuss have been cleared by the other side.

UNANIMOUS-CONSENT AGREEMENT

Mr. WELLSTONE. Mr. President, I ask unanimous consent that there be a time limitation on the committee amendment to H.R. 2518 on page 74 of 4 hours divided as follows: 2 hours equally divided to be used on Monday, September 27 and 2 hours equally divided on Tuesday, September 28 to be used from 10:30 a.m. to 12:30 p.m. with a vote on, or in relation to the committee amendment occurring at 2:15 p.m., with the time for debate to be divided between Senators SMITH and HARKIN, or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination:

Calendar 368. Jay E. Hakes, to be Administrator of the Energy Information Administration.

I further ask unanimous consent that the nominee be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed en bloc is as follows:

DEPARTMENT OF ENERGY

Jay E. Hakes, of Florida, to be Administrator of the Energy Information Administration, Department of Energy, vice Calvin A. Kent, resigned.

STATEMENT ON THE NOMINATION OF JAY HAKES

Mr. GRAHAM. Mr. President, I rise today to share with my colleagues in the Senate my unqualified support for Dr. Jay Hakes' nomination to be Administrator of the Energy Information Administration [EIA] within the Department of Energy.

Mr. President, Dr. Jay Hakes has the knowledge, the experience, and the talent to successfully fulfill the duties of EIA Administrator. As head of the Florida Energy Office from 1981–85, Dr. Hakes dealt with an array of energy matters, including collecting and analyzing energy consumption and supply data for the Nation's fourth largest State. He served in this position for 4 years, longer than any other director has served.

As Governor of Florida, I was fortunate to have Dr. Hakes as my chief of staff, and the director of our U.S. Senate state offices for over 6 years. In this latter position, Dr. Hakes oversaw one of the most active and effective constituent response offices in the Senate. He was equally fair-minded and responsive to members of the congressional delegation and their staff.

Dr. Hakes also has impressive Government experience on the national level. He worked at the Agency for International Development, the Department of the Interior, and President Jimmy Carter's White House. Dr. Hakes has been an advisor on energy issues to the Florida Solar Energy Center, the U.S. General Accounting Office, the Office of Technology Assessment, and the National Governors' Association.

Having worked closely with Dr. Jay Hakes for 13 years, Mr. President, I can say without hesitation that he is a man of great integrity and devotion to public service; he is committed to promoting renewable resources and has extensive experience within State and National Government. President Clinton has recognized his professionalism, and, today, in our vote to confirm Dr. Hakes, the U.S. Senate has added its strong voice of support. I congratulate Dr. Hakes and look forward to working with him in his new capacity as Administrator of EIA.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

JOINT REFERRAL—NOMINATION OF LAURI FITZ-PEGADO

Mr. WELLSTONE. Mr. President, as if in Executive Session, I ask unanimous consent that the nomination of Lauri Fitz-Pegado to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commerce Service be jointly referred to the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN FOLKLIFE CENTER

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2074, a bill to authorize appropriations for the American Folklife Center, just received from the House, that the bill be deemed read three times, passed and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2074) was deemed read three times and passed.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 102–166, appoints Ann Szostak, of Maine, as a member of the Glass Ceiling Commission, vice Joanne D'Arcangelo, resigned.

AUTHORIZATION OF TESTIMONY, DOCUMENT PRODUCTION, AND REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. WELLSTONE. Mr. President, on behalf of the majority leader and Republican leader I send a resolution to the desk and ask for its immediate consideration, that the resolution be agreed to, the preamble be adopted, the motion to reconsider be laid upon the table and that a statement by the majority leader be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 146) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 146

Whereas in the case of *United States* v. *Deborah Gore Dean*, Cr. No. 92–0181, pending in the United States District Court for the District of Columbia, the defendant has caused a subpoena to be served on former Senator William Proxmire, and has placed several current and former Members of the Senate on a list of potential witnesses filed with the Court;

Whereas by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas in regard to present Senators, by rule VI of the Standing Rules of the Senate, no Senator shall absent himself or herself from the service of the Senate without leave;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to represent Committees with respect to subpoenas or orders issued to them, and to represent Members and employees of the Senate with respect to subpoenas or orders issued to them in their present or former official capacity: Now, therefore, be it

Resolved, That Senator William Proxmire and any other present or former Senators whose testimony or document production may be required are authorized to testify and produce documents in the trial of United States versus Deborah Gore Dean, Cr. No. 92–0181 (D.D.C.), except as to matters for which a privilege should be asserted and except, with respect to sitting Members of the Senate, when their attendance at the Senate is necessary for the performance of their legislative duties.

SEC. 2. That the Senate Legal Counsel is directed to represent Senator William Proxmire and any other present or former Members in connection with the testimony or document production authorized under section 1.

SEC. 3. That the authority provided by Senate Resolution 140, 103d Congress, for testimony by present and former Senate employees shall apply to document production by them, the authority provided by Senate Resolution 334, 102d Congress, for the production of documents to the Independent Counsel by the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs, shall apply to the production of documents by them to the defendant, and the Senate Legal Counsel is directed to represent the Committee on Banking, Housing, and Urban Affairs in connection with any subpoena to the committee for documents.

Mr. MITCHELL. Mr. President, by Senate Resolution 334, 102d Congress, and Senate Resolution 140, 103d Congress, the Senate authorized the production of documents and the testimony of Senate employees in connection with the case of United States versus Deborah Gore Dean, pending in the United States District Court for the District of Columbia. This case arises out of the investigation by Independent Counsel Arlin M. Adams, who was appointed in 1990, of allegations that Federal officials and others conspired to defraud the United States in connection with Department of Housing and Urban Development programs. Among the charges against Ms. Dean are several counts of lying to the Committee on Banking, Housing, and Urban Affairs during hearings on her nomination to be an Assistant Secretary at the Department of Housing and Urban Development.

The defendant has caused a subpoena to be served on former Senator William Proxmire, who was Banking Committee chairman at the time of the Dean nomination. The following resolution would authorize the testimony in this case of Senator Proxmire and any other present or former Members, whose testimony may be required. In the language generally employed in resolutions authorizing the testimony of Members or employees, the resolution authorizes testimony, "except concerning matters for which a privilege should be asserted." This language makes clear that the authorization is not a directive to testify, and that where a privilege or other objection exists, the Member may assert it, notwithstanding that the Senate has authorized the Member's testimony.

The defendant has filed a list of potential witnesses which includes other present or former Members. If any present Members are subpoenaed to testify, the Senate would have an additional concern that testimony be scheduled to avoid conflict with a Member's legislative duties. Rule VI of the Standing Rules of the Senate provides that "No Senator shall absent himself from the service of the Senate without leave." For that reason, resolutions on testimony by sitting Senators customarily provide for an exception to authorization when attendance at the Senate is necessary for the performance of legislative duties.

The following resolution also would authorize the Senate Legal Counsel to represent any present or former Members in connection with any subpoenas for testimony or production of documents in this case, as well as provide additional authorization that may be necessary.

FEDERAL EMPLOYEES LEAVE SHARING AMENDMENTS ACT OF 1993

Mr. WELLSTONE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 1130), a bill to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1130) entitled "An Act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Leave Sharing Amendments Act of 1993".

SEC. 2. REPEAL OF TERMINATION PROVISION.

Section 2(d) of the Federal Employees Leave Sharing Act of 1988 (5 U.S.C. 6331 note) is repealed, effective as of October 30, 1993.

SEC. 3. ADVANCED LEAVE NOT TO BE CONSIDERED IN DETERMINING WHETHER ANY PAID LEAVE IS AVAILABLE.

(a) IN GENERAL.—Sections 6331(4) and 6361(6) of title 5, United States Code, are each amended by striking "leave." and inserting "leave (disregarding and advanced leave).".

(b) TECHNICAL CORRECTION.—Section 6331(4) of title 5, United States Code, is amended by inserting "the term" after "(4)".

SEC. 4. ACCRUAL OF LEAVE.

Section 6337(c) of title 5, United States Code, is amended to read as follows:

"(c)(1) Any annual or sick leave accrued by an employee under this section shall be transferred to the appropriate leave account of such employee under subchapter I, and shall be available for use—

"(A) as of the beginning of the first applicable pay period beginning after the date on which the employee's medical emergency terminates as described in paragraph (1) or (2) of section 6335(a); or

"(B) if the employee's medical emergency has not yet terminated, once the employee has exhausted all transferred leave made available to such employee under this subchapter.

"(2) In the event that the employee's medical emergency terminates as described in section 6335(a)(3)—

"(A) any leave accrued but not yet transferred under this section shall not be credited to such employee; or

"(B) if there remains, as of the date the emergency so terminates, any leave which became available to such employee under paragraph (1)(B), such leave shall cease to be available for any purpose.

"(d) Nothing in this section shall be considered to prevent, with respect to a continuing medical emergency, further transfers of leave for use after leave accrued under this section has been exhausted by the employee.".

SEC. 5. EMPLOYEE PARTICIPATION IN LEAVE BANK AND LEAVE TRANSFER PROGRAMS.

(a) AUTHORITY TO PARTICIPATE IN BOTH PROGRAMS.—

(1) IN GENERAL.—Section 6373 of title 5, United States Code, is amended to read as follows:

"§ 6373. Authority to participate in both programs

"(a) The Office of Personnel Management shall prescribe regulations under which an employee participating in a leave bank program under this subchapter may, subject to such terms or conditions as the Office may establish, also make or receive donations of leave under subchapter III.

"(b) Notwithstanding any provision of section 6337 or 6371, if an employee uses leave transferred to such employee under subchapter III and leave made available to such employee under this subchapter in connection with the same medical emergency, the maximum number of days of annual leave and sick leave, respectively, which may accrue to such employee in connection with such medical emergency shall be the same as if all of that leave had been made available to such employee under this subchapter.".

(2) TECHNICAL AMENDMENT.—The table of sections for chapter 63 of title 5, United States Code, is amended by striking the item relating to section 6373 and inserting the following:

"6373. Authority to participate in both programs.".

(b) ELIMINATION OF PROVISION TREATING LEAVE BANK PROGRAM AS A DEMONSTRATION PROJECT.—Section 6362 of title 5, United States Code, is amended—

(1) by striking subsection (b); an

(2) in subsection (a) by striking "(a)".

SEC. 6. EFFECTIVE DATE.

Except as provided in section 2, this Act and the amendments made by this Act shall take effect as of the 120th day after the date of the enactment of this Act or such earlier date as the Office of Personnel Management may by regulation prescribe.

Mr. WELLSTONE. I move the Senate concur in the amendment of the house.

The PRESIDING OFFICER. Without objection the motion is agreed to.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote by which the motion was agreed to and I move to table the motion to reconsider.

The motion to lay on the table was agreed to.

MEASURE PLACED ON THE CALENDAR—S. 1490

Mr. WELLSTONE. Mr. President, I ask unanimous consent that S. 1490, the U.S. Grain Standards Act Amendments of 1993, introduced earlier today by Senators DASCHLE, LEAHY, and CRAIG, be placed on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 578

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may at any time proceed, but not prior to October 22, to the consideration of Calendar No. 163, S. 578, the Religious Freedom Restoration Act; and that the bill be considered under the following limitations:

That there be 30 minutes for debate on the bill, with all time equally divided and controlled in the usual form; that the only amendments in order be the following: a Kennedy-Hatch amendment clarifying technical amendments, 10 minutes for debate; a Reid amendment regarding exempting prisons from bill's provisions, 2½ hours for debate; that upon the disposition of aforementioned amendments and the user or yielding back of time, the bill, as amended, if amended, be advanced to third reading; and that the Senate then proceed to the immediate consideration of Calendar No. 64, H.R. 1308, the House companion; that all after the enacting clause be stricken and the text of S. 578, as amended, if amended, be inserted in lieu thereof; that the bill be advanced to third reading; and that the Senate vote on final passage of H.R. 1308, as amended; that upon the disposition of H.R. 1308, the Senate measure, S. 578, be indefinitely postponed; with all of the above occurring without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so order.

CERTAIN PROPERTY OWNED BY AN INDIAN HOUSING AUTHORITY

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3051, a bill just received from the House, to provide that certain property owned by an Indian housing authority located in the State of Oklahoma shall be treated as Federal property; that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 3051) was deemed read the third time and passed.

HOMELESS AND COMMUNITY DEVELOPMENT AMENDMENTS ACT OF 1993

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 2517, the Homeless and Community Development Amendments Act of 1993, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2517) to establish certain programs and demonstrations to assist States and communities in efforts to relieve homelessness, assist local community development organizations, and provide affordable rental housing for low-income families, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO 965

(Purpose: To provide a complete substitute)

Mr. WELLSTONE. Mr. President, on behalf of Senator RIEGLE and others, I send to the desk a substitute amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for Mr. RIEGLE, for himself, Mr. SARBANES, Mr. BOND, and Mr. D'AMATO, proposes an amendment numbered 965.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "HUD Demonstration Act of 1993".

SEC. 2. INNOVATIVE HOMELESS INITIATIVES DEMONSTRATION PROGRAM.

(a) PURPOSE.—The purpose of this section is to enable the Secretary of Housing and Urban Development (hereafter in this Act referred to as the "Secretary"), through cooperative efforts in partnership with other levels of government and the private sector, including nonprofit organizations, foundations, and communities, to demonstrate methods of undertaking comprehensive strategies for assisting homeless individuals and families (including homeless individuals who have AIDS or who are infected with HIV), through a variety of activities, including the coordination of efforts and the filling of gaps in available services and resources. In carrying out the demonstration, the Secretary shall—

(1) provide comprehensive homeless demonstration grants under subsection (c); and

(2) provide innovative project funding under subsection (d).

(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) HOMELESS INDIVIDUAL.—The term "homeless individual" has the meaning given such term in section 103 of the Stewart B. McKinney Homeless Assistance Act.

(2) HOMELESS FAMILY.—The term "homeless family" means a group of one or more related individuals who are homeless individuals.

(3) INCORPORATED DEFINITIONS.—The terms "State", "metropolitan city", "urban county", "unit of general local government", and "Indian tribe" have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974.

(4) JURISDICTION.—The term "jurisdiction" means a State, metropolitan city, urban county, unit of general local government (including units in rural areas), or Indian tribe.

(5) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means an organization—

(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(B) that, in the case of a private nonprofit organization, has a voluntary board;

(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

(D) that practices nondiscrimination in the provision of assistance.

(6) VERY LOW-INCOME FAMILIES.—The term "very low-income families" has the meaning given such term in section 3 of the United States Housing Act of 1937.

(c) COMPREHENSIVE HOMELESS INITIATIVE.—

(1) DESIGNATION.—The Secretary shall designate such jurisdictions as the Secretary may determine for comprehensive homeless initiative funding under this subsection.

(2) AUTHORITY.—The Secretary may provide assistance under this subsection to—

(A) jurisdictions designated under paragraph (1) (or entities or instrumentalities established under the authority of such jurisdictions); or

(B) nonprofit organizations operating within such jurisdictions,

to establish comprehensive homeless initiatives to carry out the purpose of this section.

(3) CRITERIA.—The Secretary shall establish criteria for designating jurisdictions under paragraph (1), which shall include—

(A) the extent of homelessness in the jurisdiction;

(B) the extent to which the existing public and private systems for homelessness prevention, outreach, assessment, shelter, services, transitional services, transitional housing, and permanent housing available within the jurisdiction would benefit from additional resources to achieve a comprehensive approach to meeting the needs of individuals and families who are homeless or who are very low-income and at risk of homelessness;

(C) the demonstrated willingness and capacity of the jurisdiction to work cooperatively with the Department of Housing and Urban Development (hereafter in this Act referred to as the "Department"), nonprofit organizations, foundations, other private entities, and the community to design and implement an initiative to achieve the purposes of this subsection;

(D) the demonstrated willingness of nongovernmental organizations to commit financial and other resources to a comprehensive homeless initiative in the jurisdiction;

(E) the commitment of the jurisdiction to make necessary changes in policy and procedure to provide sufficient flexibility and resources as necessary to implement and sustain the initiative;

(F) national geographic diversity in the designation of jurisdiction; and

(G) such other factors as the Secretary determines to be appropriate.

(4) CONSULTATION.—Prior to designating jurisdictions under paragraph (1), the Secretary shall consult with the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding such designations.

(5) COMPREHENSIVE STRATEGY.—Recipients of assistance under this subsection shall, in cooperation with the Secretary, other governmental entities, nonprofit organizations, foundations, other private entities, and the community, develop a comprehensive plan that—

(A) sets forth a realistic and feasible strategy that contains specific projects and activities to carry out the purpose of this section;

(B) demonstrates the willingness of the appropriate government and private entities and other parties to participate cooperatively in this plan;

(C) specifies the projects and activities to be funded under this subsection;

(D) provides an estimate of the cost of implementing the initiative funded under this subsection;

(E) enumerates amounts to be made available to fund the comprehensive homeless initiative by participating governmental entities, nonprofit organizations, foundations, and the community, as appropriate, and requests funds from the Secretary pursuant to this subsection; and

(F) provides such other information as the Secretary determines to be appropriate.

(6) Designation.—The designation referred to in paragraph (1) and assistance provided under paragraph (2) shall be made on a noncompetitive basis.

(d) Innovative Project Funding.—

(1) Authority.—The Secretary is authorized to provide assistance under this subsection to jurisdictions and nonprofit organizations operating within such jurisdictions to establish innovative programs to carry out the purpose of this section.

(2) Applications.—Applications for assistance under this subsection shall be in such form, and shall include such information, as the Secretary shall determine. Each application shall include—

(A) a description of the extent of homelessness in the jurisdiction;

(B) an explanation of the extent to which the existing systems, both public and private, for homelessness prevention, outreach, assessment, shelter, services, transitional services, transitional housing, and permanent housing available within the jurisdiction would benefit from additional resources to achieve a comprehensive approach to meeting the needs of individuals and families who are homeless, or who are very low-income and at risk of homelessness;

(C) a description of the projects and activities for which the applicant is requesting funding under this subsection and the amounts requested;

(D) the demonstrated willingness and capacity of the jurisdiction to work cooperatively with the Department, nonprofit organizations, foundations, other private entities, and the community, to the extent feasible, to design and implement an initiative to achieve the purposes of this subsection;

(E) a statement of commitment from the jurisdiction to make necessary changes in policy and procedure to provide sufficient flexibility and resources as necessary to implement and sustain the program; and

(F) such other information as the Secretary determines to be appropriate.

(3) Criteria.—The Secretary shall establish selection criteria for awarding assistance under this subsection, which shall include—

(A) the extent to which the program described in the application achieves the purpose of this section;

(B) the extent to which the applicant demonstrates the capacity to implement a program that achieves the purpose of this section;

(C) the extent to which the program described in the application is innovative and may be replicated or may serve as a model for implementation in other jurisdictions;

(D) diversity by geography and community type; and

(E) such other criteria as the Secretary determines to be appropriate.

(e) Reports.—

(1) Recipients of funds.—Each recipient of funds under subsections (c) and (d) shall submit to the Secretary a report or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) describe the use of funds made available under this section; and

(B) include a description and an analysis of the programs and projects funded, the innovative approaches taken, and the level of cooperation among participating parties.

(2) Interim hud report.—The Secretary shall submit to the Congress, in conjunction with the 1995 legislative recommendations of the Department, a report describing the results of the demonstration program funded under this section to date. The report shall contain a summary and analysis of all information contained in any reports received by the Secretary pursuant to paragraph (1) and shall contain recommendations for future action.

(3) Final hud report.—Not later than 3 months after all recipient reports have been submitted under paragraph (1), the Secretary shall submit to the Congress a final report. The Secretary's final report shall contain a summary and analysis of all information contained in the reports received by the Secretary pursuant to paragraph (1) and shall contain recommendations for future action.

(f) Authorization of Appropriations.—There are authorized to be appropriated $200,000,000 for fiscal year 1994 to carry out this section. Of the amounts appropriated pursuant to this subsection, not less than 25 percent shall be used to carry out innovative project funding under subsection (d). All funds shall remain available until expended.

(g) Repeal.—This section shall be repealed effective on October 1, 1994.

SEC. 3. MOVING TO OPPORTUNITIES.

Section 152(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note) is amended in the first sentence by striking "$52,100,000" and inserting "$165,000,000".

SEC. 4. CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING.

(a) In General.—The Secretary is authorized to provide assistance through the National Community Development Initiative to develop the capacity and ability of community development corporations and community housing development organizations to undertake community development and affordable housing projects and programs.

(b) Form of Assistance.—Assistance under this section may be used for—

(1) training, education, support, and advice to enhance the technical and administrative capabilities of community development corporations and community housing development organizations;

(2) loans, grants, or predevelopment assistance to community development corporations and community housing development organizations to carry out community development and affordable housing activities that benefit low-income families; and

(3) such other activities as may be determined by the National Community Development Initiative in consultation with the Secretary.

(c) Matching Requirement.—Assistance provided under this section shall be matched from private sources in an amount equal to 3 times the amount made available under this section.

(d) Implementation.—The Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this section. The notice shall take effect upon issuance.

(e) Authorization.—There are authorized to be appropriated $25,000,000 for fiscal year 1994 to carry out this section.

SEC. 5. AUTHORIZATION FOR COMMUNITY HOUSING PARTNERSHIPS AND SUPPORT FOR STATE AND LOCAL HOUSING STRATEGIES.

Section 205 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 12724) is amended—

(1) in paragraph (1), by striking "$14,000,000 for fiscal year 1994" and inserting "$25,000,000 for fiscal year 1994"; and

(2) in paragraph (2), by striking "$11,000,000 for fiscal year 1994" and inserting "$22,000,000 for fiscal year 1994".

SEC. 6. SECTION 8 COMMUNITY INVESTMENT DEMONSTRATION PROGRAM.

(a) Demonstration Program.—The Secretary shall carry out a demonstration program to attract pension fund investment in affordable housing through the use of project-based rental assistance under section 8 of the United States Housing Act of 1937.

(b) Funding Requirements.—In carrying out this section, the Secretary shall ensure that not less than 50 percent of the funds appropriated for the demonstration program each year are used in conjunction with the disposition of either—

(1) multifamily properties owned by the Department; or

(2) multifamily properties securing mortgages held by the Department.

(c) Contract Terms.—

(1) In general.—Project-based assistance under this section shall be provided pursuant to a contract entered into by the Secretary and the owner of the eligible housing that—

(A) provides assistance for a term of not less than 60 months and not greater than 180 months; and

(B) provides for contract rents, to be determined by the Secretary, which shall not exceed contract rents permitted under section 8 of the United States Housing Act of 1937, taking into consideration any costs for the construction, rehabilitation, or acquisition of the housing.

(2) Amendment to section 203.—Section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11) is amended by adding at the end the following new subsection:

"(*l*) Project-based assistance in connection with the disposition of a multifamily housing project may be provided for a contract term of less than 15 years if such assistance is provided—

"(1) under a contract authorized under section 6 of the HUD Demonstration Act of 1993; and

"(2) pursuant to a disposition plan under this section for a project that is determined by the Secretary to be otherwise in compliance with this section.".

(d) Limitation.—(1) The Secretary may not provide (or make a commitment to provide) more than 50 percent of the funding for housing financed by any single pension fund, except that this limitation shall not apply if the Secretary, after the end of the 6-month period beginning on the date notice is issued under subsection (e)—

(A) determines that—

(i) there are no expressions of interest that are likely to result in approvable applications in the reasonably foreseeable future; or

(ii) any such expressions of interest are not likely to use all funding under this section; and

(B) so informs the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) If the Secretary determines that there are expressions of interest referred to in paragraph (1)(A)(ii), the Secretary may reserve funding sufficient in the Secretary's determination to fund such applications and may use any remaining funding for other pension funds in accordance with this section.

(e) IMPLEMENTATION.—The Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this section. The notice shall take effect upon issuance.

(f) APPLICABILITY OF ERISA.—Notwithstanding section 514(d) of the Employee Retirement Income Security Act of 1974, nothing in this section shall be construed to authorize any action or failure to act that would constitute a violation of such Act.

(g) REPORT.—Not later than 3 months after the last day of each fiscal year, the Secretary shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report summarizing the activities carried out under this section during that fiscal year.

(h) ESTABLISHMENT OF STANDARDS.—Mortgages secured by housing assisted under this demonstration shall meet such standards regarding financing and securitization as the Secretary may establish.

(i) GAO STUDY.—The Comptroller General of the United States shall conduct a study evaluating the demonstration authorized under this section and shall report its findings to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than 3 months after the conclusion of the demonstration.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000,000 for fiscal year 1994 to carry out this section.

(k) TERMINATION DATE.—The Secretary shall not enter into any new commitment to provide assistance under this section after September 30, 1998.

SEC. 7. NATIONAL COMMISSION ON MANUFACTURED HOUSING.

(a) EXTENSION OF COMMISSION.—Section 943(g) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4415) is amended by striking "on October 1, 1993" and inserting "on October 1, 1994".

(b) FINAL REPORT.—Section 943(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4414) is amended by striking "9 months after the Commission is established pursuant to subsection (b)" and inserting "August 1, 1994".

(c) INTERIM REPORT.—Section 943(d) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4414) is amended—

(1) by redesignating paragraph (2) (as amended by subsection (b) of this section) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) INTERIM REPORT.—Not later than March 1, 1994, the Commission shall submit an interim report to the Secretary and the Congress. The report shall describe the activities of the Commission under paragraph (1) and shall contain any information specified in such paragraph that is available to the Commission and any evaluations and recommendations specified in such paragraph that may be made by the Commission, at such time.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 943(f) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4415) is amended by inserting after the first sentence the following new sentence: "There are authorized to be appropriated for fiscal year 1994 such sums as may be necessary to carry out this section.".

SEC. 8. RECIPROCITY IN APPROVAL OF HOUSING SUBDIVISIONS AMONG FEDERAL AGENCIES.

(a) EXTENSION OF AUTHORITY.—Section 535(b) of the Housing Act of 1949 (42 U.S.C. 1490o(b)) is amended by striking "June 15, 1993" and inserting "September 30, 1994".

(b) RETROACTIVITY.—An administrative approval of a housing subdivision made after June 15, 1993, and before the date of the enactment of this Act is approved and shall be considered to have been lawfully made, but only if otherwise made in accordance with the provisions of section 535(b) of the Housing Act of 1949.

SEC. 9. FHA INSURANCE AUTHORITY.

Section 531(b) of the National Housing Act (12 U.S.C. 1735f–9(b)) is amended by striking "$65,905,824,960" and inserting "$110,165,000,000".

SEC. 10. GNMA GUARANTEE AUTHORITY.

Section 306(g)(2) of the National Housing Act (12 U.S.C. 1721(g)(2)) is amended by striking "$88,000,000,000" and inserting "$107,700,000,000".

SEC. 11. ADMINISTRATION OF SECTION 8 PROGRAM.

(a) ADMINISTRATIVE FEE.—Notwithstanding the second sentence of section 8(q)(1) of the United States Housing Act of 1937, other applicable law, or any implementing regulations and related requirements, the fee for the ongoing costs of administering the certificate and housing voucher programs under subsections (b) and (o) of section 8 of such Act during fiscal year 1994 shall be—

(1) not less than a fee calculated in accordance with the fair market rents for Federal fiscal year 1993; or

(2) not more than—

(A) a fee calculated in accordance with section 8(q) of such Act, except that such fee shall not be in excess of 3.5 percent above the fee calculated in accordance with paragraph (1); or

(B) to the extent approved in an appropriation Act, a fee calculated in accordance with such section 8(q).

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study assessing the costs incurred by public housing agencies in administering the voucher and certificate programs under subsections (b) and (o) of section 8 of the United States Housing Act of 1937.

(2) SPECIFIC REQUIREMENTS.—The study conducted under this subsection shall—

(A) take into account variances in costs attributable to the geographic area, the tenant population, and the number of units covered by a public housing agency; and

(B) include an analysis of the costs associated with Federal mandates, such as the family self-sufficiency program, and such other factors that the Secretary determines to be appropriate.

(3) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Congress a report containing the results of the study conducted under this subsection in conjunction with the Department of Housing and Urban Development's 1994 legislative recommendations.

SEC. 12. AMENDMENTS TO PUBLIC LAW 102–389.

(a) EXTENSION OF TIME.—Subject to appropriations made in advance in an appropriations Act, title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (Public Law 102–389), is amended under the heading "Administrative Provisions" in the second undesignated paragraph by striking "October 1, 1993" and inserting "October 1, 1994".

(b) PROJECT-BASED ASSISTANCE.—Title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (Public Law 102–389), is amended under the heading "Administrative Provisions" in the ninth undesignated paragraph by inserting "(which may be project-based assistance)" after "36 units".

Mr. DOMENICI. Mr. President, although I will not attempt to block this bill with its provision to promote the investment of pension funds in affordable housing, I have serious reservations about the precedent it sets.

I certainly understand the attractiveness of the concept. At a time we can no longer sustain the dramatic rate of growth of Government spending and the proliferation of new programs we've enjoyed in past decades, it makes good sense to encourage the private sector to invest in socially sensitive projects.

I am not convinced, however, that pension funds should be the source of that capital when both a Federal subsidy upfront and a Federal guarantee of the investment prove necessary.

Over the past few years, the growing reservoir of capital in private and public pension funds has become the increasingly attractive target to policymakers at all levels of Government.

Politicians who are struggling for ways to finance increased social spending or the revitalization of local and regional economies look at pension fund assets which have grown 500 percent since 1978—to a total exceeding $3 trillion, or roughly 26 percent of total financial assets in the United States.

President Clinton, when he was a candidate, advocated the tapping of pension fund assets to supplement public funding of transportation infrastructure. Now we are looking at a proposal to facilitate the investment of private pension fund assets in affordable housing.

While I am one of the strongest advocates of encouraging public-private partnerships, the common assumption in these pension fund investment proposals which troubles me most is the provision of a real or implied Federal guarantee of the rate of return.

In this case, the Federal Government would provide a subsidy up front to increase the marketability of these multifamily housing mortgages, then Fannie Mae or Freddie Mac; that is, the Federal Government would take the loss should the projects ultimately fail. What kind of partnership assigns all the risk to one partner?

My first concern with this concept is about the potential increase in exposure to the Federal Government. Should we choose to go down the path of promoting Federal guarantees to solicit pension fund investments in projects that are not otherwise marketable, are we not setting in place the creation of yet another huge unfunded Federal liability?

One might ask, if these investments are good, high-quality investments, why is there a shortage of private investors? In fact, pension funds currently have the option of making these kinds of investments. If they are generally not good investments, why should we be encouraging pension funds to put resources there?

What is the impact on the long-term rate of return for these pension funds? Need I point out that the Federal Government also picks up the tab for failed private pension funds through programs of the PBGC?

While on its face,this demonstration may seem harmless enough, it appears clearly designed for the AFL–CIO fund, with the prospect of that union's requirement of all union labor. That raises more than a few questions about the ultimate cost and allocation of these projects.

Mr. President, there have been several modifications made to this particular proposal that offers some reassurance to those of us with reservations. I have been assured that ERISA standards will be maintained in this demonstration project, and that the GSE standards on multifamily housing will be complied with to minimize risk of default.

I would urge my colleagues, however, not to be lulled into presuming that the pension funds of this country will be the panacea which solves our budget problems. Particularly in the Section 8 Program at HUD, we will be faced with some extraordinary tough choices as billions in section 8 contracts come up for renewal in the next 2 or 3 years.

Mr. President, I will not object to this bill going forward tonight, but will be vigilant in my efforts to minimize future reliance on Federal guarantees which provide a short-term solution and the potential for long-term disaster.

INNOVATIVE HOMELESS INITIATIVES DEMONSTRATION PROGRAM

Mr. President, during Secretary Cisneros' confirmation hearing he and I discussed the need to simplify the homeless programs in HUD. I believe this demonstration program proposed by the Secretary is an excellent follow-up on his commitment to try and find better ways to help the homeless.

There are about 20 specific homeless programs authorized in the Stewart B. McKinney Homeless Assistance Act, as amended. After we consolidated several of the HUD housing programs for the homeless in the Housing and Community Development Act of 1992, there are five basic housing programs for the homeless:

First, shelter plus care;

Second, supportive housing program;

Third, emergency shelter grants;

Fourth, supplemental assistance [SAFAH]; and

Fifth, section 8 moderate rehabilitation.

The Department of Health and Human Services has a list of programs about twice as long. Adding the Department of Education, the Department of Labor, Medicaid, and food stamps, it is easy to see why helping the homeless can be so complicated.

The advantage of this initiative is clear. If passed, we will be able to demonstrate flexible, coordinated approaches to homeless policy. The key to this comprehensive homeless initiative is a national competition to test new ideas for bringing government and private organizations together to deliver a coordinated system for meeting the full spectrum of needs of homeless individuals and families in a local jurisdiction. I have long advocated the need to coordinate housing and services in a way to minimize Federal redtape. I believe the comprehensive homeless initiative is a good way to inspire potential grantees to design such systems.

For example, an Albuquerque organization could find better ways to coordinate local alcohol and drug treatment programs with local homeless shelters. Job training could be added to the spectrum of services along with private apartments for small groups of two to four roommates. By pooling their resources, groups of homeless men and women can begin to experience more independent living while building their employment and homemaking skills

Another city might want to bring homeless veterans together to form independent living centers with an emphasis on continued education and employment counseling.

The possibilities are exciting. Each community has different strengths to offer and different homelessness problems. Health and mental health care can be better coordinated with shelters and transportation systems.

The Secretary of Housing and Urban Development plans to try these comprehensive services in Washington, DC, New York, and Los Angeles along with about seven or eight other middle size and small cities. Homelessness on the Navajo Indian reservation could also be addressed on a pilot basis as would several rural areas. In short, the Federal Government can and should learn from those who actually serve the homeless on a day-to-day basis.

We will be able to take the best of the comprehensive services plans and improve the multiform McKinney Act programs next year when we reauthorize it next year. Many good ideas and experience gained in this comprehensive homeless initiative could help us design a more responsive and flexible national homeless program. The comprehensive homeless initiative is authorized at $150 million.

A smaller amount, $50 million, would be authorized and targeted to a national competition to develop more innovative approaches to reducing homelessness. A sampling of geographic diversity would add to our ability to try new ideas and hopefully to help us find better ways to address the complex problems of homelessness—from severe mental illnesses to temporary homelessness as a result of a job loss or some other family crisis.

Mr. President, I am enthusiastic about the prospect of this potential fund of $200 million, about one-fifth of our total Federal spending on the homeless, to try more comprehensive and innovative approaches to addressing the worst of human problems in America. I urge my colleagues to support this bold effort to go beyond the traditional boundaries of Federal agency and congressional committee jurisdictions. It is unfortunate that our national programs have to fall along the lines of Federal agency and congressional committee divisions rather than approaching the problem from the point of view of the nonprofits, local governments, and homeless people. They are the ones who have solid ideas about better ways to use about $1 billion in Federal resources to trigger more community participation and support for those most in need.

America is not proud of having so many citizens living on the streets. Perhaps we can be proud of a new effort to simplify our national approach to a problem that needs more local input and inspires more local initiative. The Federal Government should not be the culprit in dividing up the available Federal resources into 20 or so different categories. More of the thinking and the allocation of resources can and should be done with local leadership.

I look forward to the innovations that will result from Secretary Cisneros' initiative, and I would like to thank him for keeping his promise to try to find better ways to bring housing and services together for the homeless. I urge my colleagues to support this approach to homelessness. Hopefully, we will learn better ways to use Federal resources to address one of America's most tragic problems.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 965) was agreed to.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2517), as amended, was passed.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote by which the bill was passed and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the title amendment is agreed to.

MEASURE PLACED ON CALENDAR—VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. WELLSTONE. Mr. President, I ask that S. 1488, introduced earlier today by Senator BIDEN, be read the first time.

The PRESIDING OFFICER. The bill, S. 1488, will be read for the first time.

The legislative clerk read as follows:

A bill (S. 1488) to control and prevent crime.

The PRESIDING OFFICER. Is there objection to reading the bill a second time?

Mr. WELLSTONE. I object on behalf of the Republican leader.

The PRESIDING OFFICER. Objection is heard. The bill will be read on the next legislative day.

ORDERS FOR FRIDAY, SEPTEMBER 24, 1993

Mr. WELLSTONE. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Friday, September 24; that following the prayer the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of H.R. 2518, the Labor, HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I also want to announce for my colleagues that there could very well be a vote tomorrow morning on the Wellstone amendment.

RECESS UNTIL 9:30 A.M. FRIDAY

Mr. WELLSTONE. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:31 p.m., recessed until Friday, September 24, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 23, 1993:

DEPARTMENT OF STATE

Victor L. Tomseth, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

EXECUTIVE OFFICE OF THE PRESIDENT

Jennifer Anne Hillman, of the District of Columbia, for the rank of Ambassador during her tenure of service as Chief Textile Negotiator.

DEPARTMENT OF DEFENSE

Gilbert F. Casellas, of Pennsylvania, to be General Counsel of the Department of the Air Force, vice Ann Christine Petersen, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate September 23, 1993:

DEPARTMENT OF ENERGY

JAY E. HAKES, OF FLORIDA, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION, DEPARTMENT OF ENERGY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE PUBLIC HEALTH AND SAFETY ACT OF 1993

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. OWENS. Mr. Speaker, I rise to introduce the Public Health and Safety Act of 1993 on behalf of myself and nine of my colleagues: MEL REYNOLDS, BILL CLAY, JERRY NADLER, ELEANOR HOLMES NORTON, JOHN LEWIS, NYDIA VELÁZQUEZ, RON DELLUMS, CARRIE MEEK, and ALCEE HASTINGS. This legislation, first introduced in the Senate by Senator JOHN CHAFEE, would prohibit the transfer or possession of handguns and handgun ammunition, except in limited circumstances. It would go a long way toward protecting our citizens from violent crime.

The need for a ban on handguns cannot be overstated. Unlike rifles and shotguns, handguns are easily concealable. Consequently, they are the weapons of choice in most murders, accounting for the deaths of 25,000 Americans in 1991.

Most other industrialized countries have virtual bans on handgun sales, which account for the vast difference in homicide rates between the United States and these other nations. In 1987, the U.S. homicide rate for men of the ages 15 to 24 was 22 per 100,000, compared to 0.5 for Japan, 1.0 for Germany, and 1.2 for England.

Gun violence is getting worse in this country, not better. In either 1990 or 1991, San Diego, Dallas, Phoenix, Los Angeles, Washington, New York, Boston, Charlotte, Milwaukee, Oakland, Colorado Springs, Minneapolis, Rochester, New Orleans, and Columbus all surpassed their previous murder records.

If we do not act now, the gun culture will continue to thrive, growing like a fungus in our schools, and sapping our health care system of its much needed resources.

No longer do students bring apples to school for their teachers. Instead, approximately 100,000 students bring guns to school each day. From 1986 to 1990, at least 71 students and employees were killed by guns at school; 201 were wounded; and 242 were held hostage. And in January 1992 at Jefferson High School in Brooklyn, a student killed one teen and another bystander, bringing the school's death toll for the school year to 56.

We cannot expect our children to learn in the classroom if they are looking over their shoulders to see if the next bullet has their name on it. A 1991 school crime survey conducted by the Department of Justice revealed that 37 percent of public school students and 27 percent of private school students fear attack at or on the way to school.

We also cannot expect to reign in the costs of our health care system if emergency rooms are overflowing with victims of gun violence. Hospitals across the Nation are closing affiliated trauma centers because of the spiraling costs associated with treating gunshot wounds. From 1989 to 1991, the average per-patient cost of gunshot wounds at a major New York hospital was $9,646. None of this even considers the costs of ambulance services, follow-up care, medication, and rehabilitation. The estimated cost of firearms injury to the U.S. health care system exceeds $4 billion per year.

The Public Health and Safety Act would abate the rising tide of handgun violence. It would prohibit the importation, exportation, manufacture, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition. Violators would be subject to penalties of up to $5,000 and up to 5 years in prison.

A 6-month grace period would be established during which time handguns could be turned in to any law enforcement agency with impunity and for reimbursement at the greater of $25 or the fair market value of the handgun. After the grace period's expiration, handguns could be turned in voluntarily with impunity from criminal prosecution, but a civil fine of $500 would be imposed.

Exemptions from the handgun ban would be permitted for Federal, State, or local government agencies, including military and law enforcement; collectors of antique firearms; federally licensed handgun sporting clubs; federally licensed professional security guard services; and federally licensed dealers, importers, or manufacturers.

I urge the Judiciary Committee to consider this legislation without delay, in conjunction with the President's crime package. While passage of the Brady bill would help to reduce gun violence by requiring a 5-day waiting period on handgun purchases and encouraging law enforcement agencies to conduct background checks, it would be an initial step toward stemming gun violence, instead of the giant leap forward this country so desperately needs.

The Public Health and Safety Act of 1993 represents a moderate, middle-of-the-road approach to handgun control which deserves the support of all members of Congress who want to stop gun murders now. If this legislation is not passed swiftly, handguns will continue to be sold over the counter as easily as aspirin; the Nation's at-risk youth will continue to attempt to resolve their problems by turning to handgun violence; and all of us will continue to fear for our lives when we step out of our homes at night.

CELEBRATION OF THE 25TH ANNIVERSARY OF THE NATIONAL ALLIANCE OF BUSINESS

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. GUNDERSON. Mr. Speaker, this year is the 25th anniversary of the National Alliance of Business, a unique partnership between business and Government, which was established in 1968 by President Lyndon B. Johnson with Henry Ford II, to address the employment and training needs of disadvantaged Americans.

The National Alliance of Business started with some of America's most prominent corporations pledging to generate thousands of new job opportunities for young people in the business sector. Eventually, the network spread with Government support to a voluntary, national, public and private sector partnership with thousands of companies working through local offices of the Alliance providing greater job and training opportunities for the unemployed.

For most of the 1970s, the Alliance had local offices in about 300 of the Nation's largest urban areas working with businesses to provide jobs for individuals most in need of help, such as disadvantaged youth and adults, returning Vietnam veterans, and ex-offenders. This national effort was staffed primarily by corporate loaned executives and business volunteers.

In 1980, the Alliance sought to expand its mission and to help business volunteers who were participating in local private industry council training programs created under the Comprehensive Employment and Training Act Amendments of 1978. Private industry councils were designed to cover every geographic area of the country and involved local businesses in Government efforts to provide meaningful training to the disadvantaged. These councils were also designed as a public and private sector partnership to ensure that training met the needs of the modern workplace and placed program participants in available jobs. With the enactment of the Job Training Partnership Act in 1982, the private industry councils were formally established in full partnership with local elected officials to address the employment problems and job skill needs of disadvantaged Americans. By 1982, private industry councils replaced the network of local National Alliance of Business metro offices.

The Alliance has served the Nation through six administrations. Every President since 1968 has supported the work of the Alliance in partnership with the Federal Government and has asked for help with workforce problems. As an important partner of the U.S. Department of Labor and the U.S. Department of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Education, the Alliance has developed recommendations and policies aimed at developing a workforce that can compete with international producers.

This Federal commitment to a partnership with business has been matched with a succession of some of America's best corporate leaders serving as chairmen of the Alliance. Since Ford Motor Company first provided such leadership in 1968, corporations whose executives have chaired the Alliance include: PepsiCo, Chrysler Corporation, Alcoa, Sears Roebuck, General Motors Corporation, Rockwell International, Security Pacific Bank, Mutual of Omaha, Textron Inc. TRW Inc., Aetna Life & Casualty Co., United States Steel Corporation, The BFGoodrich Company, BellSouth Corporation, The Equitable Financial Companies, and the Kroger Company.

Through the years, the Alliance has focused business and government policymakers on the changing needs of the workplace. The growing interest of the business community in the quality of public education led the Alliance to enlist other national business organizations to create the Business Coalition for Education Reform, co-chaired by the Business Roundtable and the Alliance. The Alliance helps U.S. business participate in work force development through education reform initiatives, school-to-work-programs, the design of job training and assistance programs for the economically disadvantaged and dislocated workers, and helping to shape national policies that enhance current workers' skills and productivity.

Not since the Alliance's creation has its mandate to improve the quality of our Nation's work force seemed so important as it is today. The Alliance has prepared itself to focus on three critical areas:

Restructuring education to equip students with the skills for life-long learning;

Developing youth apprenticeship and other school-to-work programs that help prepare students for the modern workplace; and

Integrating publicly funded training programs into a comprehensive and coherent delivery system at the state and local levels.

The work force continues to grow in importance as an economic edge in international commerce. Entering its second 25 years, the Alliance remains poised to help the Government and the private sector to work in partnership for an unparalleled competitive American economy in the 21st century.

Mr. Speaker, I congratulate the National Alliance of Business on 25 years of commitment to improve the skills and economic opportunities of American workers. I wish them continued success in the next quarter century.

THE 150TH ANNIVERSARY OF HERNANDO COUNTY, FL

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mrs. THURMAN. Mr. Speaker, on September 30, the people of Hernando County in Florida's Fifth District will celebrate the county's 150th birthday.

The county was named for Hernando de Soto, who traveled through it in 1539. The original county was organized before Florida statehood and then was divided into three counties 100 years ago. Many of its first settlers came mainly from South Carolina and Georgia.

Located along west-central Florida's Nature Coast, Hernando County offers vacationers and nature enthusiasts abundant opportunities to sample its bounty. From the Chassahowitzka River to the Withlacoochee State Forest to the water attractions along the Weeki Wachee River, Hernando County retains its pristine beauty.

But, Hernando County's real assets are its people, which numbered 926 in the 1850 census. My, how things have changed. In the 1980's, the population more than doubled to over 100,000 people, making it one of the fast-growing communities in Florida and the Nation. Today, Hernando County offers that wonderful combination of a strong economy and natural beauty and old southern charm and modern living for young and old alike.

Today, recreational activities of every sort are the backbone of the county's economy. Within Hernando County, a visitor could see the black bear, the Florida panther, and the Weeki Wachee mermaid. But, Hernando County is also home to strong agriculture, mining, and manufacturing operations.

I am proud to represent the people of Hernando County, and I want to wish them the very best on this momentous occasion. The county is rich in its heritage, its strength of community, and its quality of life. May the next 150 years bring nothing but health, happiness, and success to Hernando County and its wonderful people.

Finally, Mr. Speaker, I want to include for the RECORD a resolution adopted by the Board of County Commissioners of Hernando County to commemorate this anniversary.

RESOLUTION NO. 93-134

Whereas, Hernando County is celebrating its 150th birthday; and

Whereas, Hernando County's sons and daughters, both past and present, are proud of Hernando County's successful past with its rich tradition; and

Whereas, Hernando County's citizens and residents, both old and new, are appreciative of Hernando County's storied history with its proud heritage; and

Whereas, Hernando County's people, both young and old, are hopeful of Hernando County's promising future with its exciting challenges; and

Whereas, Hernando County has served as a joyful home to her many sons and daughters for 150 years.

Now, therefore be it resolved by the Hernando County Board of County Commissioners as follows:

Section 1. On the occasion of the 150th birthday of Hernando County, the joy and excitement of Hernando County's people for the past and present grandeur of Hernando County is hereby proclaimed.

Section 2. During the celebration of Hernando County's 150th birthday, the citizens of Hernando County are encouraged to view and appreciate the beauty of Hernando County.

Section 3. While reflecting on Hernando County's historic achievements, the people of Hernando County are implored to give thanks for Hernando County—its proud past—its promising future and its caring people.

SALUTE TO THE 29TH AERIAL PORT SQUADRON, SELFRIDGE AIR NATIONAL GUARD BASE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. BONIOR. Mr. Speaker, I rise today to give one final salute to the men and women of the 29th Aerial Port Squadron at Selfridge Air National Guard Base. This weekend, 29 APS will conduct an inactivation ceremony on the base.

Since 1973, 29 APS, originally the 927th Aerial Port Flight, has faithfully performed its peacetime and wartime missions. The 29th APS is highly respected and has been recognized for its professionalism throughout the world. In keeping with its motto, "Anything, Anywhere," the squadron has successfully completed both humanitarian and wartime tasks around the globe.

All branches of the armed services, including the Coast Guard, have utilized the services of 29 APS. Over the years, the squadron has participated with distinction in many Pentagon-sponsored exercises and operations. During Operations Desert Shield and Desert Storm, they were responsible for packing and loading over 400 tons of advanced amphibious assault equipment for the U.S. Marine Corps. The support 29 APS provided most certainly contributed to the rapid success of these operations.

For 20 years, we have depended on our friends in the 29th APS at Selfridge. And, for 20 years the men and women of the 29th have not let us down. I urge my colleagues to join me in showing appreciation for a job well done by offering a final salute and well-deserved thanks to the 29th APS at Selfridge Air National Guard Base.

PEACE MOVES REQUIRE STRONG DEFENSE POSTURE

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. TEJEDA. Mr. Speaker, last week we witnessed the unbelievable—two enemies sworn to the other's destruction shaking hands on the south lawn of the White House. The handshake marks the end of one era and the beginning of another. The PLO has stated that the dispute with the Israelis will henceforth be settled, not by arms or terror, but by negotiations and agreement. Finally.

I applaud President Clinton's support for the Israel-PLO accord. The benefits to the parties are self-evident, and we in the United States clearly stand to gain by peace in the Middle East. A stable, secure Middle East has long been in the national self-interest of the United States. The efforts orchestrated by the Israelis and the PLO are a bold first step on the road to stability and peaceful coexistence.

But it is only a first step. The Israelis—to whom a package left on the sidewalk strikes fear after decades of terrorism—agreed to give up the tangible for the intangible, control over land today for the promise of peace tomorrow. Israel will allow members of the Palestine Liberation Army, the main guerrilla force to the PLO, to serve as armed policemen within miles of Jewish population centers. We will be watching whether the PLO can successfully transform itself from outlaw terrorist organization to a responsible body devoted to peaceful coexistence with Israel.

We are mistaken if we believe that peace is immediately at hand. Like the fall of the Berlin Wall and the dissipation of the USSR, the peace moves in the Middle East signal only the beginning of a new order. These tentative, first steps are risky, tenuous, and the road to peace is filled with unexpected dangers. Neither Israel nor the United States can afford to lower its guard as we both move forward on the road to new, more peaceful world order.

The United States must remain committed to Israel's security, now more than ever, continuing to guarantee Israel's technological military advantage. We must make every effort to ensure that Israeli citizens remain secure, and I firmly support our continued aid to Israel. Similarly, the United States must not—in the euphoria over the downfall of the Soviet Union and the East Bloc—dissipate its ability to defend itself and its vital interests throughout the world.

We have made cutbacks, significant cutbacks, in our military budget. We have trimmed the fat, and will continue to do so. But we must not cut into our muscle—our troops must remain the best prepared and equipped in the world, ready to respond to crises around the globe. Our troops remain in Somalia, and the situation in Bosnia may require U.S. military involvement. This week's events in Russia—Boris Yeltsin's dissolving of parliament and the potential for backsliding—spotlight the uncertainties and dangers attendant with reform in the former Soviet Union. Georgia is in the midst of a civil war, and other regions remain unstable. Our military budget cannot be the gluttonous feeding grounds for deficit reduction or other programs.

Both the United States and Israel must maintain their military capabilities. I am committed to our national security and to that of our democratic ally in the Middle East. We must move forward boldly and with confidence, in strength, not weakness.

THE 30TH ANNIVERSARY OF REMARKABLE SURVIVAL STORY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. LANTOS. Mr. Speaker, this year marks the 30th anniversary of one of the most remarkable stories of survival under seemingly impossible conditions. The story received international attention at the time because it was so extraordinary. On February 4, 1963, a small private plane crash-landed in the Yukon Territory in northern Canada. Aboard were the private pilot, Ralph Flores, and his passenger, Helen Klaben. Their story of survival for 49 days in sub-zero temperatures is truly incredible.

When the aircraft went down, one of the plane's two tanks was full of gas, but the plane did not explode or burst into flames on impact. Both the pilot and the passenger survived the crash, but both were seriously injured. Ralph Flores sustained severe injuries. His lips were shredded, his chin was split, his left eye was purple and red, his ribs and jaw were broken. Helen Klaben's arm was broken and two of her toes became infected with gangrene. Temperatures plunged to more than 40 degrees below zero.

The pair had little to live on. The food they had with them consisted of 8 cans of food, one pound of crackers, protein pills, five small pieces of chocolate, and two tablespoons of Tang. For 49 days they were able to live off of these meager supplies and water. Under these extremely difficult circumstances, with injuries and little food, Ralph Flores was able to perform exceptional actions necessary to insure their survival, including climbing trees and carrying out other acts requiring great physical strength that even a person living under normal conditions would have difficulty performing.

Mr. Flores and Ms. Klaben survived this incredible ordeal by relying on their faith in God. Ralph Flores is a Mormon, born in Mexico. Helen Klaben is Jewish. Helen kept up her spirits by reading the Bible, which she finished reading just hours before the rescue, which Ralph had predicted.

Mr. Speaker, how were these two people able to survive this incredible ordeal? The only explanation that seems to be adequate was expressed in a letter to Mr. Flores from the President of the United States at that time, John F. Kennedy: "We are happy that miracles still happen in this day and age."

Mr. Speaker, I call the attention of my colleagues in the Congress to this remarkable event that took place some 30 years ago, because just a few days ago, my wife Annette and I again had the great pleasure to see Ralph Flores and his wife when they visited Washington. It was my pleasure for a number of years to have Ralph Flores as a neighbor in San Bruno, CA. Their daughter and son-in-law are currently constituents in my congressional district.

I invite my colleagues to join me in paying tribute to the incredible strength of character, the will to survive, and the unwavering faith which Ralph Flores showed 30 years ago and which he continues to exhibit today.

INSENSITIVITY OF AT&T

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Ms. BROWN of Florida. Mr. Speaker, I rise today to express my extreme concern over the recent insensitivity shown to African-Americans by AT&T. They recently published a degrading depiction of Africans as gorillas in their employee magazine. Although they offered a public apology, I am concerned that the thoughtlessness that resulted in the publication of this depiction, is merely the tip of a corporate policy iceberg that fails to value the contributions of people of color in their company and in the global community.

Why has there been no action taken to remove the editor of the publication which depicted Africans and African-Americans in such a poor light?

Why doesn't AT&T have an African-American officer or senior level executive in a position to work with African-American political, social, and business segments of the community?

What is AT&T doing to increase the number and dollar value of contracts awarded to minority vendors?

I, and other members of the Congressional Black Caucus, look forward to an opportunity to work with corporate organizations, like AT&T, to improving the roles of people of color in these organizations.

VIRGINIA TASHJIAN HONORED

HON. BARNEY FRANK

OF MASSACHUETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. FRANK of Massachusetts. Mr. Speaker, one of the outstanding institutions in the city of Newton where I live is the public library. Both physically and conceptually, the Newton library is a source of legitimate pride for the people of the city. The main library building, which was recently built under the chairmanship I must note of my district director, Dorothy Reichard, is an outstanding example of public architecture. And the library itself is a vital part of the city, providing exactly the sort of services that people have a right to expect from public institutions, but don't always receive.

No individual was more responsible for this impressive record than Virginia Tashjian. On September 19, the people of Newton honored her on her retirement after 50 years of extraordinary service to the people of Newton through the free library. For 23 of those years, she was the library director. Virginia Tashjian is one of the best public servants I have ever met. Her love of people combined with her love of reading to make her ideally suited for the job of library director. Virginia Tashjian has earned her retirement and the people of Newton wish her well. And I understand that she will forgive them for having a feeling of deep regret at her leaving even while they wish her well in the next phase of her busy and rewarding life.

TRIBUTE TO JOHNSON AND WALES UNIVERSITY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Ms. ROS-LEHTINEN. Mr. Speaker, it is with pleasure that I bring to the attention of the House the opening of the Florida campus of Johnson and Wales University. This private nonprofit university is the world's largest food service and hospitality school with students from 78 foreign countries and from every State in the country. The new campus will officially open with an estimated 450 students on September 27, 1993.

The university will certainly thrive under the leadership of Drs. Morris J.W. Gabe, chairman of the board and chancellor, and Donald G. MacGregor, president of the Florida campus. Dr. David Weinstein, director of institutional planning is responsible for ensuring that the establishment of the Florida campus of Johnson and Wales University became a reality.

Ms. Brenda Bassett has done a wonderful job of promoting the university and making the public aware of the success of Johnson and Wales. The university has five campuses located in Providence, RI; Charleston, SC; Norfolk, VA; North Miami, FL, and on the Caribbean island of St. Martin. It was founded in 1914 by Gertrude I. Johnson and Mary T. Wales and was devoted to business education. Since 1972, with the establishment of its first culinary arts division, over 22,000 students currently employed in the industry were enrolled in 20 degree programs in food service and hospitality.

Craig Claiborne, esteemed food writer, has noted that the university is creating a cadre of chefs trained in America rather than Europe, as had long been the case. As this critic has said, these chefs are creating a new cuisine based on the best of American cooking. Referring to Johnson and Wales graduates, Claiborne wrote in the New York Times Magazine, "It is they, I believe, who will determine to a great degree the future of America's glory in the kitchen."

Johnson and Wales has been a significant contributor in the food service and hospitality industry and its local communities. Their alumni, impacting both the industry and community, have made names for themselves as chefs, bakers, food service managers and owners across America and around the world.

I am pleased to let the House and the American public know about this great institution's new home in south Florida.

AT&T AND AFRICA

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I join my colleagues in expressing my anger and disappointment in the total lack of sensitivity displayed recently on the part of one of our Nation's largest and most successful companies, AT&T. In the cartoon, people on different continents are depicted making telephone calls—but in Africa, instead of a human caller, we are presented with the insulting image of a primate holding a telephone receiver. This is an affront to the nations of Africa and to the dignity of all African-Americans who have struggled so hard to overcome the prejudice and negative stereotypes that should be a thing of the past.

This unfortunate incident is especially shocking in view of the fact that the chairman of AT&T, Robert Allen, helped negotiate the Civil Rights Act of 1991; yet, Mr. Allen has apparently chosen not to take any disciplinary action against those in his company responsible for the offensive illustration. I call on him to send a strong signal to his employees by taking action against those who permitted the publication of this ugly and derogatory picture. If a picture is worth a thousand words, this illustration speaks volumes about the insensitivity of a major corporation.

Mr. Speaker, the Congressional Black Caucus has asked AT&T to take this opportunity to examine its record with regard to hiring and promotion of African-Americans and to make positive changes. I hope that AT&T will do the right thing and display corporate responsibility to change the atmosphere that allowed the publication of this offensive caricature.

BARRIER AWARENESS DAY

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise today to introduce a long overdue bill that recognizes one of the most courageous and frequently forgotten groups in our Nation. I refer to the more than 43 million Americans who must overcome the barriers they encounter due to a physical or mental disability. These special people, on a daily basis, must confront institutional as well as attitudinal prejudices. For that reason, I urge my colleagues to join me in declaring September 29, 1993 and September 28, 1994, as "National Barrier Awareness Day."

While the responsibility of combating institutional prejudices traditionally belongs in the realm of laws, the creation of a National Barrier Awareness Day combats the attitudinal prejudices found in the ignorances of those who consider these hard working Americans second-class citizens. It educates and enables people to understand the difficulties of living with a disability—a challenge that 80 percent of Americans experience at some point in their lives.

Finally, Mr. Speaker, by establishing September 29, 1993 and September 28, 1994, as "National Barrier Awareness Day," we can help all Americans to better comprehend how to deal with other people's challenges as well as their own. When we achieve this goal, our Nation will certainly be a better place.

THE CRISIS IN BOSNIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. SMITH of New Jersey. Mr. Speaker, the nightmare in Bosnia wages relentlessly as the world, reticent to become involved, stares in disbelief. The media have tired of the 17-month-old war, and Americans and Europeans sitting in front of the television news seem to be numbed by the countless deaths, the refugees, the ethnic cleansing, the war crimes, and the detention camps.

Recently, as ranking member of the Helsinki Commission, I joined a number of our colleagues in meeting with Alija Izetbegovic, President of Bosnia and Herzegovina. Our meeting preceded his scheduled meetings with Secretary of State Warren Christopher and President Clinton. With respect and distinction, President Izetbegovic sought to measure the level of support which he can expect from the United States. His strength at the bargaining table is only as strong as the will of his own people combined with the security offered by the outside world. The deafening silence of nations around the globe has left, and will continue to leave, the Bosnians and their President alone at the negotiating table against the aggressive Serbs and the advancing Croats.

The latest map which had been configured at the Geneva talks was not acceptable to President Izetbegovic who would be left with only 29 percent of the original land mass of Bosnia and Herzegovina. The land would not even be contiguous and several of the six sections would face imminent strangulation by economic and ethnic pressures. The bottom line of the map which was on the table in Geneva is this: Aggression pays dividends, especially if the situation is murky and no political leaders in the free world are willing to be leaders on a very tough issue.

I can understand why President Izetbegovic found the map unacceptable. The Serbs would be granted more than 50 percent of the land as a payoff for their aggression. I read with surprise that the Croats would gain as much as 17 percent of the Bosnian territory. It was only months ago that we were coming to the defense of the Croats decrying the aggression by Serb troops and irregulars on their territory.

President Clinton has expressed his commitment to utilize U.S. troops once an enforceable peace settlement has been obtained. The Bosnians are in the position, though, that they need a clear understanding of what political and military commitment the United States—and other countries—is willing to take, on their behalf. The history of the last 8 months though points to an irresolute U.S. foreign policy.

As I did with our former President, I call upon President Clinton to take the leadership in this crisis of human tragedy. With all due respect, bold leadership has not been evident. I implore the President to act on his promises of support and defense. The first step, which would at least let the Bosnians fight with some effectiveness against their aggressors, would be the lifting of the arms embargo. We simply can't be deterred or take no for an answer. This would permit them to obtain ammunition, antitank and antimissile munitions. The mournful cry of President Izetbegovic will continue to haunt the United States and the Security Council members. The other day he pleaded, "Defend us or let us defend ourselves. You have no right to deprive us of both."

I continue to support strategic airstrikes of the Serb troops which refuse to withdraw from Mount Igman around Sarajevo, military staging grounds and supply lines. On July 23, 76 Members of the House, including myself, and 13 Senators sent an urgent letter to President Clinton outlining 7 steps which we believe the United States should communicate with the international community. The steps included the use of aerial bombardment by NATO forces of Serb militant positions in the surrounding hills and the elimination of Serb blockades. The position of Serb forces remains threatening and, in my opinion, the United States has abrogated its leadership role in the name of multilateral agreements.

While the United States continues to flounder with its stated, diplomatic policy towards the former Yugoslavia, we cower behind the cloak of multilateralism and the whims of the U.N. Security Council. But even where there has been international agreement, in the case of prosecuting war crimes, leadership is missing. Last February, member states of the United Nations pledged to establish an international war crimes tribunal. The victims continue to await the appointment of a prosecutor and the establishment of a prosecutors office.

When I listened at our recent meeting, to the despondent and sober position of the Bosnian Government and their people, I could only think that this may indeed be the last opportunity we have to take the leadership role which the United States should and does command. If we are going to shore up the Bosnian weak negotiating position, then let's declare our position and move decisively in what is a moral commitment.

Otherwise, the Commander in Chief should acknowledge to Congress, the American people and the victims of aggression in the former Yugoslavia, that he cannot justify a unilateral military response by the United States. At least, then, the Bosnians will know that they stand alone, that they will have to defend themselves.

Mr. Speaker, that acknowledgment and admission would be unconscionable.

IMPROVING AMERICA'S SCHOOLS ACT OF 1993

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. KILDEE. Mr. Speaker, today I am introducing, with the bipartisan support of 17 other members of the Committee on Education and Labor, the administration's proposal to reauthorize the Elementary and Secondary Education Act of 1965.

The Improving America's Schools Act of 1993 is one of the most carefully conceived and crafted reauthorization proposals I have seen from an administration in my 17 years in the Congress. Its comprehensive vision, featuring the themes of high standards for all children, strong focus on improving teaching and learning, and increased flexibility and accountability at the local level, provides a solid framework to guide the reauthorization process. While everyone may not agree with each of its provisions, such as the formula for distributing chapter 1 funding, it offers a very thoughtful approach to enhancing the impact of Federal assistance in improving educational opportunities for, and the performance of, all students.

The Committee on Education and Labor has a strong tradition of seeking excellence in our education system and the themes and strategy embodied in this bill are worthy of our consideration.

TRIBUTE IN HONOR OF BRIG. GEN. ROBERT F. McDERMOTT (RET.) ON THE OCCASION OF HIS RETIREMENT AS CHAIRMAN AND CEO OF USAA

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. TEJEDA. Mr. Speaker, over the past 25 years my hometown of San Antonio has grown dramatically, blossoming into a major metropolitan center serving as a magnet for tourists and new business alike. One of the leaders in this dramatic growth has been retired Brig. Gen. Robert F. McDermott of USAA, an insurance and diversified service company founded in 1922. On September 1, 1993, General McDermott, or "McD" to his many friends, retired as chairman and CEO of USAA, a position he held since 1969.

General McDermott, with a deep spiritual faith, seizes opportunities. After graduating from the U.S. Military Academy, he served in the Air Force as a P–38 pilot in World War II, earned a masters in business administration from Harvard while on active duty, served on the faculty as a professor at West Point, and played an instrumental role as dean of the Air Force Academy, designing its curriculum and ensuring that the school became accredited. His retirement from the Air Force in 1968 gave him the opportunity to put his many skills to work at USAA.

Under his leadership, USAA, like its San Antonio home, bloomed. With current owned and managed assets of $30 billion, USAA is now the fifth largest insurer of private automobiles and the fourth largest homeowners insurer in the Nation. The company, once known primarily as a small automobile insurer, now offers a range of financial services to its membership base of current and former military officers. It is no surprise that USAA is one of the largest private employers in San Antonio.

General McDermott's vision and leadership defined USAA's growth. He sought to reduce paper use at USAA with pioneer uses of computers and other information technology; he initiated the 4-day work week at USAA contributing to a marked decrease in employee turnover; and he made consumer service the watchword of his business. The numerous awards he has received from various business organizations stand as a testament to his many abilities. His operating philosophy is based on the golden rule: serve others as you would like them to serve you.

His retirement from USAA offers San Antonio an opportunity. With more time on his hands, he has characteristically expressed an interest in pursuing the many philanthropic and community projects for which he is known. We can expect General McDermott to continue his efforts on behalf of children and families. At USAA, he developed a successful mentoring program with more than 1,000 youth participants who are completing their high school education. USAA also funded the "Scared Silent" program on child abuse that gained national recognition. We all welcome and support his continued efforts.

SUPPORT FOR ACTION OF PRESIDENT BORIS YELTSIN OF RUSSIA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. SOLOMON. Mr. Speaker, President Boris Yeltsin of Russia has taken a risky, but in my view, absolutely necessary step toward furthering political and economic reform in Russia by dissolving parliament and calling for new elections.

While we in Congress certainly could never countenance the abolition of parliamentary government any where in the world, this is not the intent of President Yeltsin.

It is clear from Mr. Yeltsin's long record of commitment to democratic principles and from his call for quick elections that he has made this move in order to strengthen, not abolish parliamentary democracy in Russia.

The current Russian parliament was elected in March 1990, while the Soviet Union still existed and the Communist Party still had a monopoly on political power.

While a few of the seats were competitively contested, the majority were simply filled by the chosen candidates of the Soviet Communist Party.

Worse, the current parliament operates under the auspices of the former Soviet constitution, originally drafted by Josef Stalin and then reworked by Brezhnev in the late 1970s.

Since the dissolution of the Soviet Union, the Russian parliament has used every method possible to stymie and subvert the economic reform process.

They have supported renegade military forces in neighboring countries. They have laid claim to sovereign Ukrainian territory.

And their new leader, Vice President Rutskoi, has called for the restoration of the Soviet Union.

Neither this parliament nor the current constitution can be considered legitimate by any stretch of the imagination, Mr. Speaker.

This is why nearly 70 percent of the Russian people supported new parliamentary elections in last April's referendum.

However, this parliament, backed by its rubber-stamp constitutional court, nullified the results.

And that is why I support the measure taken yesterday by President Yeltsin, Mr. Speaker.

I also commend President Clinton for his bold support for Yeltsin and hope that other Members of this body will do the same.

TRIBUTE TO SENATOR ARTHUR MILLER, JR.

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a good friend and a leader in my community who has distinguished himself in the Michigan State Senate. My dear friend, Michigan Senator Arthur Miller, Jr., has accomplished much during his career in public service.

Senator Miller was first elected to public office in 1971 as a member of the Warren City Council. Quickly recognized as an effective leader, he went on to serve as Warren Council president. Senator Miller was first elected to the Michigan Senate in 1977. His colleagues in the Michigan Senate demonstrated their respect for Senator Miller when they chose him to be the Democratic leader on April 16, 1985. I am proud to say that my friend Senator Miller still serves as the Democratic leader.

Throughout his distinguished career, Senator Miller has worked on major legislation to make our community a better place to live. Among his many legislative accomplishments, he has worked to protect citizens from the dangers of drunk drivers, passed legislation to protect consumers, worked to protect one of our area's greatest natural resources, Lake St. Clair, and enhanced the rights of crime victims. Senator Miller's love for and dedication to our community exemplifies his sincerity and commitment to improving the quality of life for all.

The Miller family and the Bonior family have always been close. Senator Miller's father, Arthur Miller, Sr., was the mayor of Warren when my father was the mayor of East Detroit. Our families did many things together, both socially and politically. Senator Miller's wife, Marsha, was my sister's best friend. Art and Marsha have four terrific kids—Holly Ann, Nicole Marie, Arthur Joseph III, and Derek Edward.

The Roseville Democratic Committee will honor Senator Miller on September 23, 1993, at their annual testimonial dinner. I ask my colleagues to join me in saluting Michigan State Senator Arthur Miller, Jr., on his achievements. He has been a true friend and serves the citizens of our community with distinction. I am proud of my long relationship with Art and his entire family.

STATEMENTS OF ISRAELI PRIME MINISTER YITZHAK RABIN AND ISRAELI FOREIGN MINISTER SHIMON PERES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. LANTOS. Mr. Speaker, the White House ceremony last week for the signing of the Israeli-Palestinian Declaration of Principles is an event that could become one of the great historic events in the last half of this century.

I say "could", Mr. Speaker, because it marks only the first step on a long, long journey. The successful completion of this journey will require considerable patience and good will on the part of the Israeli people, who have shown themselves willing to take great risks for peace. It will require major shifts in direction on the part of the PLO, and it will require a clear and convincing demonstration that the PLO has indeed done a volte face in renouncing terrorism and accepting the right of the State of Israel to live in peace and security. It will require considerable creative leadership on the part of the United States Government to reassure all parties to the Middle East conflict and to devise creative solutions to the intractable problems of this area.

Mr. Speaker, two speeches at this momentous event were particularly moving—the address by Israeli Prime Minister Yitzhak Rabin and the address by Israeli Foreign Minister Shimon Peres. Both men have given their lives in service to the people of Israel. These men have been leaders in the fight against the PLO for decades, but now they have assumed great risks and taken bold action in their desire to bring peace to the people of Israel—both Jewish and Arab.

Mr. Speaker, I admire their courageous and bold leadership and I commend their determination and tenacity. I insert their remarks at the White House ceremony in the RECORD, and I urge my colleagues to give these statements the careful, thoughtful attention they deserve.

REMARKS BY PRIME MINISTER YITZHAK RABIN

Mr. President, ladies and gentlemen, this signing of the Israeli-Palestinian Declaration of Principles, here today, is not so easy—neither for myself, as a soldier in Israel's wars, nor for the people of Israel, not to the Jewish people in the Diaspora who are watching us not with great hope, mixed with apprehension. It is certainly not easy for the families of the victims of the wars, violence, terror, whose pain will never heal. For the many thousands who have defended our lives in their own, and even sacrificed their lives for our own—for them, this ceremony has come too late. Today, on the eve of an opportunity—opportunity for peace—and perhaps an end of violence and wars—we remember each and every one of them with everlasting love.

We have come from Jerusalem, the ancient and eternal capital of the Jewish people. We have come from an anguished and grieving land. We have come from a people, a home, a family, that has not known a single year—not a single month—in which mothers have not wept for their sons. We have come to try and put an end to the hostilities, so that our children, our children's children, will no longer experience the painful cost of war, violence and terror. We have come to secure their lives and to ease the sorrow and the painful memories of the past—to hope and pray for peace.

Let me say to you, the Palestinians: We are destined to live together on the same soil, in the same land. We, the soldiers who have returned from battle stained with blood, we who have seen our relatives and friends killed before our eyes, we who have attended their funerals and cannot look into the eyes of their parents, we who have come from a land where parents bury their children, we who have fought against you, the Palestinians—

We say to you today in a loud and clear voice: Enough of blood, and tears. Enough. We have no desire for revenge. We harbor no hatred towards you. We, like you, are people—people who want to build a home, to plant a tree, to love, to live side by side with you—in dignity, in empathy, as human beings, as free men. We are today giving peace a chance, and saying again to you: Enough. Let us pray that a day will come when we all will say: Farewell to the arms.

We wish to open a new chapter in the sad book of our lives together—a chapter of mutual recognition, of good neighborliness, of mutual respect, of understanding. We hope to embark on a new era in the history of the Middle East. Today, here in Washington, at the White House, we will begin a new reckoning in relations between peoples, between parents tired of war, between children who will not know war. President of the United States, Ladies and Gentlemen,

Our inner strength, our high moral values, have been derived for thousands of years from the Book of Books, in one of which, Koheleth, we read:

To every thing there is a season, and a time to every purpose under heaven:
A time to be born, and a time to die;
A time to kill, and a time to heal;
A time to weep and a time to laugh;
A time to love, and a time to hate;
A time of war, and a time of peace.

Ladies and Gentlemen, the time for peace has come.

In two days, the Jewish people will celebrate the beginning of a new year. I believe, I hope, I pray, that the new year will bring a message of redemption for all peoples; a good year for you, for all of you. A good year for Israelis and Palestinians. A good year for all the peoples of the Middle East. A good year for our American friends, who so want peace and are helping to achieve it, for Presidents and members of previous administrations, especially for you, President Clinton, and your staff, for all citizens of the world; may peace come to all your homes.

In the Jewish tradition, it is customary to conclude our prayers with the word 'Amen'. With your permission, men of peace, I shall conclude with words taken from the prayer recited by Jews daily, and whoever of you volunteer, I would ask the entire audience to join me in saying 'Amen':

"Oseh shalom bimrovav, Hu yaaseh shalom aleynu v'al kol yisrael v'imru amen"

REMARKS BY FOREIGN MINISTER SHIMON PERES

Mr. President, Your Excellencies, ladies and gentleman.

Mr. President, I would like to thank you, and the great American people, for peace and support. Indeed, I would like to thank all those who have made this day possible.

What we are doing today is more than signing an agreement. It is a revolution. Yesterday, a dream. Today, a commitment. The Israeli and the Palestinian peoples who fought each other for almost a century have agreed to move decisively on the path of dialogue, understanding and cooperation.

We live in an ancient land. And as our land is small, so must our reconciliation be great. As our wars have been long, so must our healing be swift. Deep gaps call for lofty bridges.

I want to tell the Palestinian delegation that we are sincere, that we mean business. We do not seek to shape your life or determine your destiny. Let all of us turn from bullets to ballots, from guns to shovels. We shall pray with you. We shall offer you our help in making Gaza prosper and Jerico blossom again.

As we have promised, we shall negotiate with you a permanent settlement, and with all our neighbors a comprehensive peace—peace for all.

We shall support the agreement with an economic structure. We shall convert the bitter triangle of Jordanians, Palestinians and Israelis into a triangle of political triumph and economic prosperity. We shall lower our barriers and widen our roads, so goods and guests will be able to move freely to all places—holy and other.

This should be another Genesis. We have to build a new commonwealth on our old soil; a Middle East of the people and a Middle East for the children. For their sake, we must put an end to the waste of the arms race, and invest our resources in education.

Ladies and gentlemen, two parallel tragedies have unfolded. Let us become a civic community. Let us bid once and for all farewell to wars, to threats, to human misery. Let us bid farewell to enmity, and may there be no more victims on either side.

Let us build a Middle East of hope, where today's food is produced and tomorrow's prosperity is guaranteed; a region with a common market; a Near East with a long-range agenda.

We owe it to our fallen soldiers to the memory of the victims of the Holocaust. Our hearts, today, grieve for the lost lives of young and innocent people yesterday in our own country. Let their memory be the foundation we are establishing today—a memory of peace, on fresh and old tombs. Suffering is first of all human. We also feel for the innocent loss of Palestinian life.

We begin a new day. The day may be long and the challenges enormous. Our calendar must meet an intensive schedule.

Mr. President, historically, you are presiding over a most promising day in the very long history of our region, of our people. I thank all of you, ladies and gentlemen, and let's pray together. Let's add hope to determination, as all of us, since Abraham believed in freedom, in peace, in the blessing of our great land and great spirit. From the eternal city of Jerusalem, from these green promising lawn of the White House, let's say together, in the language of our Bible:

"Peace, peace to him that is far off and to him that is near, said the Lord, and I will heal him."

SUPPORT DOMESTIC VIOLENCE AWARENESS MONTH

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. EWING. Mr. Speaker, I would like to take this opportunity to express my support for H. Res. 178 which would designate October 1993 and October 1994 as Domestic Violence Awareness Month. I also want to commend my colleague, Representative SLAUGHTER, for her diligence in sponsoring this resolution for the past several years.

Fear of crime is a fact of life for many Americans, but polls indicate that twice as many women as men are afraid to be alone on the streets or in their homes. Unfortunately, statistics show that many women do have reason to fear crime in their homes. Statistics on domestic violence show that an act of domestic violence occurs every 18 seconds. Every year, some 3 to 4 million women are beaten by their husbands or some 3 to 4 million women are beaten by their husbands or boyfriends. A women is more likely to become injured by domestic abuse then by an auto accident or mugging.

Many children and elderly people are also the victims of family violence. The number of reported cases of child abuse and neglect has doubled over the course of the past decade. Elderly abuse is only starting to receive public attention, but is indeed an issue which needs to be addressed.

The problems stemming from domestic violence can sometimes continue outside of the home for women who are able to flee from their abusive attackers. Many women and children are turned away from battered women's shelters each year due to a lack of space. Some estimates have been made that as many as one-half of our Nation's homeless women and children are victims fleeing from domestic violence. Many women are too scared to leave their abusive homes due to fear of retaliation and therefore their abuse goes unreported.

Hopefully, Domestic Violence Awareness month will help bring many of these issues to the attention of the American public. Continued education and training may be some of the best defenses against these forms of abuse. Additionally, the work of shelters and legal advocacy programs has to be supported. Victims have to be sent the message that they are not alone in their struggles. We as a Nation have to concentrate on making our homes safe places which are free of physical and mental abuse. Too many women and children currently live in environments of violence and fear.

Mr. Speaker, I am glad to cosponsor H. Res. 178 and urge my colleagues to support this bill.

UNITED STATES FOOD ASSISTANCE TO RUSSIA

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. DE LA GARZA. Mr. Speaker, I want to bring to my colleagues' attention the response I received from the Secretary of Agriculture to recent articles published in Forbes and U.S. News & World Report concerning the operation of the United States Department of Agriculture's food assistance programs in Russia.

The American people want to help the republics of the former Soviet Union in their transition toward democratic governments and market-based economies. We must realize this cannot happen overnight and that, in fact, our assistance efforts will encounter many problems during this transition period. The U.S. objective has been and must continue to ensure that our taxpayer-funded assistance is used to meet the region's needs as effectively as possible.

The House Committee on Agriculture is monitoring the Russian food assistance effort closely. I share the concerns of my House colleagues who want assurances that U.S. taxpayer dollars are not wasted on programs or projects for which they were not intended. We will conduct vigorous oversight of this program and we will look at any additional legislative measures necessary to ensure the integrity of this assistance effort.

When these magazine articles appeared, I encouraged the U.S. Department of Agriculture to respond in detail. For the benefit of my colleagues, I am including herein the August 27, 1993, letter that I received from Secretary of Agriculture Mike Espy on this issue, as well as the Department of Agriculture's point-by-point discussion of allegations contained in the magazine articles that the Department says are erroneous.

The letter and discussion papers follow:

DEPARTMENT OF AGRICULTURE,
Washington, DC, August 27, 1993.

Hon. E (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I wish to share with you some information which should answer any questions you have stemming from two recent magazine articles attacking the U.S. Department of Agriculture's (USDA) food assistance programs in Russia. The two articles were printed in the August 16, 1993 issue of Forbes and the August 23, 1993 issue of U.S. News and World Report.

Much of the USDA humanitarian assistance is being sold in Russia and elsewhere in order to provide turnover to new commercial outlets which compete with the old state monopolies. This has created friction between new entrepreneurs, whom the United States wishes to encourage, and the old guard, which spreads allegations similar to those in the Forbes article. Much donated food is indeed being sold, but the proceeds are going to the Russian Humanitarian Commission for developmental and humanitarian use.

The U.S. News and World Report article, aside from containing several inaccuracies, misses two important points.

First, the primary goal of food assistance is to deliver adequate volumes of food to individuals who need it. In order to attain this goal, the U.S. Government must work with structures which can receive, store, process, and distribute large quantities of food. In post-Soviet Russia, the only organizations capable of the volumes in question are the former state monopolies such as Exportkhleb and Roskhleboprodukt. Because Russia is in transition and does not yet have private companies able to handle large amounts of food aid, USDA must work with those organizations which exist.

Second, the food aid constitutes part of a comprehensive package of U.S. assistance, the intent of which is to help stabilize Russia and to help the Kremlin move Russia along toward democratic and market-oriented reforms. There is no question that in the short term food assistance channeled through state monopolies can impede movement to a market economy; there is also no question, however, that failure to deliver needed assistance could lead to social unrest and loss of support for Russian President Yeltsin's reformist government. We believe that it has been important in the short run to avert potentially destabilizing food shortages and thereby to ensure survival of a reform-minded government.

It must also be noted that the U.S. Government is supporting use of new private structures to the degree that they are capable of handling food assistance. Over 800,000 tons of donated U.S. grains has already been sold through new commodity exchanges—about the maximum they could handle—in Moscow and Saratov, but no mention is made of this in the U.S. News and World Report article. The United States has encouraged the Russian Government to channel food assistance through the private sector, even to the point of including this as a stipulation in one of the most recent bilateral food assistance agreements. USDA is also funding technical assistance to develop private wholesale markets and commodity exchanges. Again, no mention is made of this in the article.

The Forbes article is simply not factual in many respects, and in other respects presents such a biased picture as to be misleading. Please find enclosed a point-by-point refutation of the allegations in that article. Please find as well a rebuttal to several inaccurate statements made in the U.S. News and World Report article.

Sincerely,

MIKE ESPY,
Secretary.

USDA RESPONSE TO "FOOD MISCHIEF" FORBES MAGAZINE, AUGUST 16, 1993

The article does not mention that the U.S.-flag vessels Chestnut Hill and Aspen are tankers, which are not used to carry bulk grain for commercial sales. Foreign ports are often not equipped to discharge grain from tankers, and that in fact is the case in former Soviet ports. This has been one cause for delays in berthing and discharge.

USDA's commodity credit guarantee programs have not "lost $6.5 billion since 1981." Outlays have reached this level, but much of this has been or will be recovered. It is true that Russia is in default on loans to the then-Soviet Union guaranteed under USDA's commodity credit guarantee program (GSM-102), but again, these are being rescheduled as part of the Paris Club process. The article does not mention this, nor does it mention that the Russian Government, and not Exportkhleb, is responsible for this debt.

USDA has no information to suggest that high U.S. freight rates for shipments to Russia are a result of "shakedowns and long delays." U.S.-flag bids on freight tenders in fact rose to cover $100 per ton earlier this year for reasons which are unclear to USDA. These bids were rejected because the Commodity Credit Corporation (CCC) did not have enough funds available.

Cargo preference is a matter of law, and the Administration will comply with the legal requirement that 75 percent of food assistance cargoes move on U.S.-flag vessels if they are available at fair and reasonable rates, as provided by the law.

It is true that in the aggregate food supplies are ample in Russia. This was a conclusion drawn nearly 2 years ago by a series of Presidential missions on food availability in the Soviet Union. However, localized food shortages have been a threat until very recently, particularly in the politically important major cities, and with price reform under way low-income groups remain at risk. Food aid has been provided not on a scale sufficient to feed all of Russia—that wasn't needed—but on a scale sufficient to alleviate hardship among the most hard-hit groups and to avert political unrest, and in those respects we have been successful.

The author refers to U.S. wheat being illegally milled into flour. That's what wheat is for, milling into flour so it can be baked into bread. As to the allegation that flour from U.S. wheat provided under our assistance programs has been re-exported to Uzbekistan and other Central Asian republics, we have heard those allegations and are investigating, but have so far been unable to substantiate them. These reported exports were likely of Russian-grown wheat in normal, small-scale, cross-border trade which is allowed under our food aid agreements.

Russia does import high-protein U.S. wheat and blend it with lower-quality domestic wheat for milling into flour; Russia also mills domestic Russian wheat and sells that flour to Central Asia. This traditional trade is permissible under our agreements. That this trade exists does not mean that U.S. flour is being milled and re-exported.

It is simply not true that a Russian minister's son is selling U.S.-donated hot dogs. The U.S. Government has donated no hot dogs to Russia. USDA is aware that Roskhleboprodukt President Cheshinsky's son, Valery Cheshinsky, owns many kiosks in Moscow, and that American hot dogs are among the things he sells. These hot dogs, however, were purchased commercially from a U.S. supplier, not provided as assistance.

The article claims that Exportkhleb will "resell much of (the grain) throughout Russia, keeping much of the proceeds itself" while passing the debt to the Russian state. This is simply not true. The proceeds of sale will accrue to the Russian Government, as stipulated in the Food for Progress agreements. Exportkhleb is merely acting as a purchasing agent for the Russian Government, using its expertise to buy commodities for the importer.

It is simply untrue that Granitex has an interest in delaying discharge at port. First, Granitex was not the shipping agent for the Aspen and Chestnut Hill cargoes. Second, under the $700 million Food for Progress program, Russia does not plan to contract for freight with demurrage or dispatch.

Also, the relationship of Granitex to Exportkhleb was examined in detail before USDA accepted the nomination of Granitex by the Russian Federation. Acceptance of this nomination does not violate either USDA regulations or U.S. law. Contrary to the articles' assertion, it does not constitute a conflict of interest according to the facts as we know them.

It is true that Russian negotiators insisted on "customs of the port" since shippers' demands that U.S.-flag carriers be given priority would violate international agreements to which Russia is a signatory. They did, however, guarantee quick discharge, promising to use the good offices of the Russian Government to exert pressure on the ports so that berthing and discharge would take place as quickly as possible.

Russian Vice President Rutskoy has in fact complained that humanitarian assistance is being sold and has likened it to criminal enterprise. In this respect General Rutskoy reflects the thinking of Russian hard-liners, who do not understand that much donated food is legally and legitimately being monetized, with the proceeds accruing to the Russian Government for humanitarian and developmental purposes. We frankly do not accept General Rutskoy's criticism as credible: he does not differentiate between truly criminal activity and what we in the West call the market.

The CARESBAC butter issue arose because a miscommunication between CARESBAC's Washington and St. Petersburg's offices led to two different sets of CARESBAC employees accidentally to make conflicting deals to sell the same lot of butter through two separate agents. When the CARESBAC employees in St. Petersburg tried to claim the butter, the warehouse refused to release it pending instructions from CARESBAC in Washington. One of the St. Petersburg CARESBAC employees claimed to have received death threats but we subsequently learned, upon investigation, that this claim was grossly exaggerated. The former CARESBAC employee who claimed to have been threatened is now back in Russia working for another private voluntary organization.

USDA did not tell the two CARESBAC employees to "leave Russia immediately." The two CARESBAC employees in question told USDA officials that they had received death threats, had gone into hiding, and were contemplating leaving Russia immediately. A USDA official in Moscow, on advice from Washington, advised the two CARESBAC employees that their personal safety was more important than short-term fulfillment of CARESBAC's contract with USDA, and that if they believed their lives to be in danger USDA would certainly not insist that they remain in Russia. This was an appropriate and prudent response, given that we did not have all the facts yet and that violent crime is a growing problem in Russia.

The article states that the U.S.-flag vessel Mormacsky charged $91 per ton to ship 36,000 tons of feed wheat, as if that were a representative U.S.-flag rate. While the information on this voyage is approximately true (the rate was actually $92), the article fails to note that this represents a rate from the Great Lake to St. Petersburg. The same vessel delivered bulk grain from the Gulf of Mexico to Novotallinn, Estonia, for the more representative rate of $62 per ton this year. Rates out of Lake ports are simply higher than those out of the Gulf.

It is not true that Russia has been forced to take "mainly those (commodities) where there are massive surpluses." The commodity mix across all government-to-government food assistance agreements with Russia, a mix which does in fact include sugar, pork, poultry, soybean meal, peanuts (not peanut butter) as well as feed grains and wheat, was agreed to mutually during the negotiations. As you know, USDA has a strong interest in seeing as broad a mix of commodities as possible, particularly with respect to inclusion of further-processed products. The Russian side recognized this and agreed to inclusion of a relatively broad array of items aside from feed grains and protein meal.

We have in fact donated peanut butter to Russia, but through a private voluntary organization, not the Russian Government.

It is not true that European Russians "eat little rice," or that the 87,000 tons of Food for Progress donated rice will be "sold cheaply to Russian traders" and then re-exported. First of all, in fact Russia historically has produced about 1 million tons of rice per year and imported rice from Vietnam and Thailand to fill domestic demand. Second, the U.S. donated rice is being monetized through private commodity exchanges—yes, to private Russian traders, but via new private sector mechanisms. The donational agreement stipulates that this rice may not be exported, and the Russians are quite well aware of that.

Finally, the *Forbes* article asserts that since "Exportkhleb and the ports control the railcars", they will shortchange Russian farmers, whose grain will rot in the fields while imported grain gets priority. This is patently false. The railcars are controlled by the Russian railroad ministry, not by Exportkhleb and the ports. Also, the grain delivery schedule is in the hands of the Russian Government through its U.S. agent, Granitex. They will decide when they want vessels to arrive and coordinate the railcars accordingly. Asserting that "it seems inevitable" that Russia's grain will be "left to rot in the fields" is not credible given past experience and the small volume of grain imports involved under the Food for Progress program relative to traditional levels of imports.

USDA RESPONSE TO "THE OLD GUARD FEEDS AT THE AID TROUGH" U.S. NEWS AND WORLD REPORT, AUGUST 23, 1993

With respect to use of Exportkhleb to handle grain deliveries, it is not true that Exportkhleb is in debt to the United States for previous grain sales. That debt is held by

Russia as sovereign debt and is in the process of being rescheduled through the Paris Club. Exportkhleb served and continues to serve as an agent for the Russian Government, but is not responsible for the Russian Government's debts.

As to the alleged conflict of interest among Granitex, Exportkhleb,and the ports, USDA examined this relationship in detail and concluded that acceptance of the Russian Government's nomination of Exportkhleb as the purchasing agent was not in violation of either U.S. law or U.S. regulations governing food aid programs.

USDA has also been unable to substantiate allegations of significant corruption, diversion of food aid, or re-export of donated commodities. Many of these allegations can be traced to opponents of reform who seek to discredit the Yeltsin government and to undermine support for it.

USDA Deputy Assistant Administrator for Export Credits Glenn Whiteman was misquoted as saying he doubted whether USDA has conducted a review of ownership records of Granitex, Exportkhleb and Roskhleboprodukt. In fact, such a review was conducted, and Mr. Whiteman told the report that since no conflict of interest was apparent, he doubted that further investigation would be needed.

As to why USDA is not using commodity exchanges for delivering grain, it in fact is using commodity exchanges for distribution of 817,00 tons of donated grain. Grain purchased either commercially or through concessional sales, however, is more problematic. Sales on a commercial or quasi-commercial basis through the exchanges will be virtually impossible as long as Russia maintains a massive grain subsidy program. Fortunately, we have reason to believe that Russian Government grain subsidies to millers and bakers will be phased out (due to budget constraints) by the end of this year.

While it is true that Exportkhleb owns 10 percent of Granitex, and the ports in Russia own small stakes in Exportkhleb, the portions of ownership are so small as to fail to constitute an affiliation under program regulations. Therefore, the question of conflict of interest does not arise. Perhaps more to the point, there are no other actors in Russia capable of handling large shipments of bulk grains.

The article alleges that the Russian Government earns commissions on grain moved through Roskhleboprodukt, 51 percent of which, it asserts, still belongs to the Russian Government. The Russian Government earns no commissions on grain handled by Roskhleboprodukt. This allegation indicates that the author does not understand USDA's food aid programs. In terms of USDA programs, Roskhleboprodukt is the "importer" of most of the tonnage under the $700 million package, but is operating under the authorization of the Russian Government, which is the signatory to the agreements.

As an aside, while it is probably true that most of Roskhleboprodukt's physical infrastructure (mills, elevators, and so on) still is owned 51 percent by the government, the company is in fact on the road to privatization and is considered a contractor of the Russian federal government.

It should also be noted that because of the Russian Government's price controls and subsidies, Roskhleboprodukt loses money on sales of grain to mills. The price Roskhleboprodukt charges to mills is set by the State. Until recently it was 12,000 rubles per ton, about $12; it is now 24,000 rubles per ton, about $24; on October 1 the price will be raised to 55,000 rubles per ton. This is well below the cost to the Russian Government of the grain, and the difference must be made up from the state treasury.

USDA has heard allegations of requests from various quarters for bribes, including allegations that ports, warehouses, and others have demanded bribes. As the article notes, we have raised this issue to the highest levels and have pursued it vigorously with the Russian Government. Corruption is a problem in Russia, as it is in many other countries receiving food aid, and we are dealing with it there as we must elsewhere. We have, however, uncovered no evidence of corruption with respect to USDA programs.

It is noteworthy that both the CIA and private voluntary organizations have concluded that fraud, corruption and waste in the food aid programs to Russia are negligible when compared to traditional food aid beneficiary countries. A CIA study indicates that only a small two percent of food aid to Russia is not accounted for.

The article alleges that the Russian inland freight firm (presumably Soyuzvneshtrans) raised its tariff from $21 to $71 per ton on August 9, and implies that this was an arbitrary action intended to extract cash from the shipper. We are aware that inland freight rates rose sharply in August, and that previous quotes to shippers have been superseded by higher tariffs. This is due largely to a Russian Government decision to liberalize fossil-fuel prices, which for years have been so far below the world market as to be ridiculous. fuel prices have accordingly skyrocketed and with them inland freight costs. This is attributable not to corruption or extortion, but to the impact of deregulation of the Russian energy sector and the move toward a market economy, but the article fails to take this into account. We have made a representation to the Russian Government on the basis of the retroactive nature of the tariff increase, however.

A TAX THAT'S GOOD FOR YOU

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. ANDREWS of Texas. Mr. Speaker, C. Everett Koop, the former U.S. Surgeon General, authored an opinion editorial in Tuesday's edition of The Washington Post, on using tobacco taxes to help pay for health care reform. I commend it to my colleagues.

[From the Washington Post, Sept. 21, 1993]

A TAX THAT'S GOOD FOR YOU

(By C. Everett Koop)

"Health-related taxes are different."

That's what President Clinton said in February, when he suggested a hefty cigarette tax—perhaps as much as $2 a pack—as one of the ways to pay for the health care reform that most Americans know we need. He's right.

A cigarette tax is different because it helps almost everyone. A substantial cigarette tax would benefit not only the entire nation by helping to provide more accessible health care at a lower cost, but it would also benefit particular groups; smokers would benefit because it would help them to quit; nonsmokers would benefit because the air they breathe would have less harmful smoke; children would benefit because fewer kids would get hooked on cigarettes; and—if the tax is done right—even tobacco farmers could benefit. the only real losers would be the tobacco industry, which has made its profits by lying to the American people about the dangers of smoking.

Now that the president is only a day away from unveiling his health care reform plan, the tobacco industry lobbyists are pressuring the president to back down, to settle for a cigarettes tax as low as 50 cents, and they're linking arms with tax opponents in Congress to defeat this critical part of health care reform. Now, more than ever, President Clinton needs to remember his own words—for cigarette taxes are different indeed.

Cigarette taxes are different because they are the most effective way to discourage tobacco use among young people. In Canada, where cigarette taxes have been raised to more than $3 per pack, youth smoking rates have dropped by 60 percent.

Cigarette taxes are different because cigarettes kill more than 400,000 Americans each year, and rob our economy of $68 billion a year in health care costs and lost productivity. Increasing the cigarette tax could be one of the most important public health measures this country has ever taken. Experts predict that a $2 per pack increase would persuade millions of young people not to start smoking and would help millions of current smokers to quit. About 7.6 million Americans would choose not to smoke because of the tax.

Figuring that smoking kills about a third of all those who smoke, this tax could prevent the premature death of at least 2 million Americans alive today. No other single aspect of any health care reform plan can make so dramatic a claim. Let's not lose this unique opportunity to prolong those 2 million lives just to please the tobacco industry and its friends in Congress.

Senators and congressmen should be happy to find a tax that is actually popular. Polls show that almost 80 percent of Americans—Republicans and Democrats, young and old, men and women—support a large cigarette tax. So those members of Congress elected on a "no new taxes" pledge can go along with this one; even Sen. Robert Dole, the dean of tax opposition, has singled out the cigarette tax as one he could support. Cigarette taxes are indeed different.

Even tobacco farmers could benefit from the new cigarette tax if it is as hefty as once planned. Most tobacco farmers know the right and smart thing to do is to get out of a business that produces disease. disability and death, and this tax can help them make the transition to the smoke-free society and smoke-free economy that lie in our future. A small percentage of the revenue from this tax could be returned to tobacco-growing states to be used to help tobacco farmers diversify. Instead of blindly opposing the $2 cigarette tax, tobacco-state members of Congress should be fighting for their share of the pie to help move their states into the economy of the 21st century.

President Clinton says he wants dialogue on the health care reform package, and that should eventually produce the plan the nation needs. But there's already one issue on which almost everyone agrees—a major cigarette tax. Let's not let the tobacco industry make victims of the public on this one. Health-related taxes are different; they're good for you.

HONORING THE CRISPELL MIDDLE SCHOOL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. GILMAN. Mr. Speaker, I am pleased today to call to the attention of my colleagues the accomplishments of the Crispell Middle School, located in Pine Bush, NY, in my 20th Congressional District. It is with pride that I rise to congratulate the middle school, and its principal, Patrick Mataraza, on being selected by the drug-free school recognition program for its achievement in developing a comprehensive drug prevention program. I would also like to note that Crispell Middle School was one of only 59 schools nationwide to receive such recognition.

In order to be recognized under the comprehensive prevention award, a school must successfully address six requirements, including recognizing and assessing the drug problem; setting, implementing, and enforcing a drug policy; developing and implementing a drug education program; educating and training its staff; promoting parent involvement in the project; and, interacting with community groups and agencies.

Clearly, meeting these requirements was a difficult task. However, the benefits extend well beyond the recognition given these 59 schools. Obviously, having such a strong program will benefit the students, teachers, and the entire community of Crispell Middle School for years to come.

Though many of our Nation's middle school children may never have been exposed to drugs, sadly we know many children that age have experimented with drugs. In the next few years of these young people's lives, they will see and hear a lot about drugs. It is my hope that this program will provide them with the strength, for years to come, to "Just say no."

I have to say, I am a little sad to see that our children are already facing these kinds of risks and related troubles with drugs. I hope my colleagues all share my view, that drugs are bad news, and will join with me today in congratulating the students, teachers, and parents of the Crispell Middle School for making such a significant and commendable effort in eradicating drugs in their school.

MALPRACTICE REFORM

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. MANZULLO. Mr. Speaker, I am an original cosponsor of H.R. 3080, the Affordable Health Care Now Act of 1993, which is the Republican health care alternative to the President's proposal, which was announced last night.

I am proud to have been involved in the development of this bill through the Republican health care task force. H.R. 3080 has one of the highest degree of support for health care reform legislation from Members of the House—112 cosponsors so far. I truly believe it is far superior to the Government-run health plan proposal of the Clinton administration. We need to use and improve upon the creative resources of the private sector, instead of creating a $700 billion health care bureaucracy run by Washington.

H.R. 3080 would improve health care access without heavy-handed Government mandates by encouraging employers to obtain affordable health coverage through group purchasing arrangements. The Republican alternative also creates family medical savings accounts, which would allow individuals to control their own health care spending. This will allow competition—not Government bureaucracies—to control prices.

H.R. 3080 would also allow States to use certain Medicaid funds to purchase health plans and provide subsidies to people with incomes up to 200 percent of the poverty level so that the poor continue to have access to health care. To cover those who might fall through the cracks, the Republican health care alternative proposes to expand the Community Health Center Program by $1.5 billion.

The Affordable Health Care Now Act guarantees security, just like the President's proposal. Here we agree. H.R. 3080 limits preexisting condition restrictions under all employer plans. It allows portability of health care plans from job to job. This gives peace of mind to those who are thinking about changing jobs or starting a new business in that they will have the same level of health care coverage as before. Finally, H.R. 3080 prohibits employer health plans from being canceled or denied renewability for whatever reason. This means that the small business owner would no longer have to make a decision between canceling a health care plan or firing an employee with a catastrophic illness.

H.R. 3080 also contains provisions to limit the growth of health care costs by requiring a uniform billing form and to fight fraud and abuse in the health care system. Once again, here we agree with the President. In addition, the Republican health care alternative removes antitrust impediments to communities that wish to coordinate the delivery of health care services.

But as with everything in life, I don't support 100 percent every provision in this bill. My purpose in cosponsoring the bill was to bring to the table the many superior ideas listed above that are in this bill.

My one major concern with H.R. 3080 is with part 2 of title II, the provisions dealing with medical malpractice reform. Although I believe in the basics of tort reform, I do not believe that the alternative dispute resolution, which is a mechanism to screen cases before they are filed in State courts, meets constitutional muster. I also do not believe it is fair because for all practical purposes it would effectively deny both the plaintiff and the defendant the right to a trial before a judge or a jury. The right to have a persons' case heard before a judge or a jury system is the cornerstone of our judicial system.

Mr. Speaker, as we debate health care reform, I hope that we can seriously consider H.R. 3080. This should not be a partisan issue. My disagreement with the medical malpractice reform provisions in my own party's bill shows that there is plenty of room for negotiation on both sides of the aisle. But I also hope, Mr. Speaker, that the other positive provisions in H.R. 3080 receive the hearing they deserve and that they ultimately become law.

TRIBUTE TO THE 10TH ANNIVERSARY OF THE ACUTE PHYSICAL REHABILITATION CENTER AT KAISER PERMANENTE MEDICAL CENTER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. BROWN of California. Mr. Speaker, it is with great pride that I rise today to pay tribute to the Acute Physical Rehabilitation Center at Kaiser Permanente Medical Center on the celebration of its 10th year anniversary.

Today, Kaiser physicians, professional rehabilitation staff, administrators, supervisors, and members of the community are gathered together to celebrate 10 years of the center's success. I regret that I cannot be there, but I send my congratulations to all those who have played a role in the establishment and operation of the center.

The center, located in my congressional district in the city of Fontana, was established in 1983, and has since served as an intrical part of Kaiser Permanente Medical Center. The center is a 16-bed, acute, Medicare approved, rehabilitation center providing comprehensive rehabilitation services to patients who have experienced strokes, traumatic head injuries, amputations, and spinal injuries. The center provides care in physical therapy, speech therapy, recreational therapy, neuropsychological services, social services, and rehabilitation nursing.

I consider it of great benefit for the people of southern California to have access to such a center. We are fortunate and unique in that the Acute Physical Rehabilitation Center at Kaiser is the only acute physical rehabilitation center in the Kaiser southern region. The center provides an integrated, multilevel, multidisciplinary approach to treatment for patients with neuromuscular or orthopedic conditions. Providing patients with this full range of necessary services and medical expertise in one place allows for quicker recovery and improved patient care.

At this time, I would like to offer special recognition to the founder and director of the center, Dr. Victor Schell, whose vision of an integrated center for acute rehabilitation was translated into reality through his caring, drive, and dedication. I am proud to have this opportunity to herald his good works and the continued excellence of the Kaiser Rehabilitation Center.

HUMAN RIGHTS AND DEMOCRACY IN VIETNAM

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. SKAGGS. Mr. Speaker, today, my colleagues and fellow Vietnam veterans, Mr. GILCHREST, and Mr. PETERSON, and I are introducing a bipartisan resolution to express United States support for democratic reform and human rights in Vietnam.

Like many other nations in this post cold-war period, Vietnam is currently reaching out, although somewhat tentatively, seeking to open up its economy. Self-interest has forced this revision to Marxist doctrine, as well, I suspect, as the hope of gaining acceptance in the greater world community. Yet, while one hand reaches for international engagement, the other still clings to a Communist past.

Vietnam is pressing ahead with economic reforms and working much more cooperatively with the United States on POW/MIA cases. This is certainly encouraging news. It's very distressing, however, that the Vietnamese Government continues to persecute its citizens for seeking freedoms that are recognized as basic throughout the world.

Thus, though economic liberalization and international cooperation are welcome steps, they don't bring us to the end of the line. Political reform is also needed, and the United States has an opportunity to play an influential role in that regard.

We believe that the United States can, and should, take the lead in encouraging Vietnam to take the next step on the road to international acceptance by holding free and fair elections and recognizing the fundamental rights of its citizens. As the United States Government moves towards lifting the economic embargo and establishing normal relations with Vietnam—a process I support—Vietnam's actions with regard to human rights and democracy can't be left out of consideration, These key objectives should be included and addressed as part of the normalization process.

This is not an effort to move the goal post in the process outlined in the so-called "roadmap" that defines and links progress on the POW/MIA issue and other matters with progress towards normalization. Rather, it is to urge an additional dimension to U.S. policy as the roadmap is traversed.

Our resolution will help close a gap in U.S. policy. It expresses the same of Congress that the United States should support democratic reform in Vietnam, including the holding of free elections, and the promotion of fundamental freedoms and the rule of law. By supporting this resolution, Congress would send the signal that economic liberalization must be accompanied by democratic reform and adherence to international human rights standards. By supporting nonviolent democratic reform in Vietnam, we can serve the interests of the Vietnamese people, remain true to America's ideals, and contribute to the suitability of the region.

I invite my colleagues to cosponsor this bill and join us in expressing Congress' support for democracy and human rights in Vietnam.

NATIONAL MAMMOGRAPHY DAY

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mrs. LLOYD. Mr. Speaker, in 1993 alone, 182,000 women will be diagnosed with breast cancer—a disease which will claim the lives of 46,000 of these women. The House of Representatives has recognized October 1993, as Breast Cancer Awareness Month, but we need to do more. That's why I am introducing National Mammography Day. Mammograms will provide women with the resources to detect breast cancer before it can kill.

Half a million women have died of breast cancer in the past decade. This is a shameful statistic when you consider that we have come such a long way in being able to cure early detection of breast cancer under optimal conditions. Mammograms are 90 percent successful in early detection of breast cancer under optimal conditions.

In recent years, Congress has taken a number of steps to unlock the mysteries of this dreaded disease. Research funding has been dramatically increased, and awareness and education efforts are proving successful. Breast cancer is finally being recognized as an important national health issue. This disease has been allowed to plague American women for too long.

There is no known cure for breast cancer. But we do know that in fighting this disease early detection and treatment are key to survival. As a breast cancer survivor myself, I know firsthand how important mammography is in revealing the presence of cancer. Mammograms can reveal the invasion of cancer up to 2 years before regular clinical breast examinations or breast self-examinations. Mammograms are especially important for older women. Women 65 years old and older face twice the chance of developing breast cancer. To my dismay, Medicare will only allow for coverage of mammography screening every other year in spite of the fact that the American Cancer Society and the National Cancer Institute recommends annual screening mammographies under part B of Medicare for this age group and older. No women can be considered immune from this disease.

Mammograms are a relatively quick and safe procedure. To ensure high quality mammograms, I was successful in enacting the Breast Cancer Screening Safety Act which requires that facilities use only equipment specifically designed for mammography; that all facilities establish a quality control program that assures that the machines are used properly; that they are regularly maintained, and that all machines are inspected. The legislation also requires that only qualified individuals perform mammograms.

This resolution, which is the result of the hard work of a number of organizations takes the initiative to set-aside one day in the midst of National Breast Cancer Awareness Month to encourage women to receive, or sign up for, a mammogram as well as bring about greater awareness and understanding of one of the key components in fighting this disease.

The organizations proposing National Mammography Day include: the American Cancer Society, the American Academy of Family Physicians, the American College of Radiology, the American Medical Women's Association, the American Society of Clinical Oncology, Cancer Care Inc., the Centers for Disease Control and Prevention, the National Alliance of Breast Cancer Organizations, the National Cancer Institute, the Susan G. Komen Foundation, the American College of Obstetricians and Gynecologists, Y-ME, and the Zeneca Pharmaceuticals Group.

I am pleased today to assist these organizations by introducing a congressional resolution on the same premise as their proposal. I urge my colleagues to join me in this effort.

TRIBUTE TO KIMBERLY CLARICE AIKEN

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. SPENCE. Mr. Speaker, it is a pleasure for me to recognize, with pride, the new Miss America, Kimberly Clarice Aiken. Kimberly is a resident of the Second District of South Carolina, which I have the honor to represent. She is the first Miss South Carolina since 1957 to win the national crown.

Kimberly is a graduate of Columbia High School. She attended the University of North Carolina in Charlotte and recently transferred to the University of South Carolina in Columbia, where she will be a sophomore, majoring in accounting.

The new Miss America is an outstanding young lady, who exemplifies the best that our country has to offer. She is a very talented vocalist, who also has a strong commitment to making this world a better place for those who are less fortunate.

Last year, Kimberly established the Homeless Education and Resource Organization [HERO], to collect and distribute food to needy families in Columbia. She has stated that she would like to broaden awareness of the plight of homeless persons by making homelessness the theme of her reign as Miss America. I am confident that she will have much success in this effort.

Mr. Speaker, it is a privilege for me to pay tribute to this fine South Carolinian. She has my best wishes for a reign that is filled with joy and marked by achievement.

TRIBUTE TO FOX-2-SEVEN

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. TEJEDA. Mr. Speaker, I rise to pay tribute today to a very special group of men—the men of Fox Company, 2d Batallion, 7th Marines. Next week, the Fox-2-Seven Association will hold their second reunion for the men who fought in Korea from 1950 to 1953.

The Korean war is often referred to as "the forgotten war." For more than 1 million Americans who fought, and more than 35,000 who died, the war and their memories will always remain. The story of the 7th Marines' struggle for survival at the Chosin Reservoir has been dubbed the "Frozen Chosin." On November 27, 1950, 300,000 Chinese Communist Army soldiers launched a vicious attack on the 5th and 7th Marines, trapping the 8,000 men and separating them from the rest of the 1st Marine Division. The attack came on a night when the temperature fell to a chilling 20 below zero.

Fox Company was deployed at Toktong Pass on a ridge dubbed "Fox Hill." If the Chinese took this pass, the marines trapped at Chosin would be completely overrun. During the next 5 days, the 220 men of Fox-2-7 were engaged in a ferocious battle against the enemy and the elements. With temperatures hovering around 15 below zero, wave upon wave of Chinese soldiers ascended the pass only to be repulsed in intense hand-to-hand combat.

By the time reinforcements arrived, the men of Fox-2-7 had successfully defended Toktong Pass and killed approximately 1,000 enemy soldiers. Those who were not wounded or killed by enemy fire suffered from frostbite or other maladies brought by the horrendous conditions. Capt. Bill Barber commanded Fox-2-7's defense and was awarded the Medal of Honor for his bravery and leadership. From 1950 to 1953, the men of Fox-2-7 earned 5 Medals of Honor, 7 Navy Cross Medals, and 16 Silver Stars.

Four men from Texas will attend next week's reunion: Jose Lopez, Jr., Fidel Gomes, and Edward Gonzales from San Antonio, and Donald Childs from Austin. It is my hope that, with time, more Americans will come to learn and remember the valiant struggles endured by the men of Fox-2-7 during the forgotten war. Semper fi.

PRISONERS SHOULD NOT RECEIVE SOCIAL SECURITY BENEFITS

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. FRANKS of New Jersey. Mr. Speaker, I would like to bring to my colleagues' attention my support for restricting Social Security benefits for those confined in public institutions by court order after a verdict of not guilty by reason of insanity.

This issue came to my attention because of a recent incident in New Jersey. On January 5, 1993, 27-year-old Herbert Ollson escaped Marlboro State Psychiatric Hospital and drew upon more than $7,000 in Social Security checks to pay for a room at the New York City hotel. Fortunately, within a week he was recaptured. He had been sent to the hospital after being declared not guilty by reason of insanity for repeatedly stabbing his Branchburg, NJ parents. He was labeled as extremely dangerous by authorities after his escape because he potentially could lapse into a psychotic condition without his daily medication.

This story is relevant because Herbert Ollson was able to accomplish his escape with the financial help of Social Security. Because of a loophole in the law, Mr. Ollson was able to accumulate thousands of dollars in checks which he took with him when he fled the hospital.

The ease with which this young man escaped his court-ordered treatment was a scandal in New Jersey. Constituents of mine rightfully complained upon hearing this story because it raises an important issue—should any violent offender receive Social Security benefits.

In my judgment, the current situation is wrong. Those placed in public institutions after a verdict of not guilty by reason of insanity for a violent criminal act should not continue to receive Social Security benefits while separated from society. It distorts the implicit contract contained within Social Security binding citizens and their Government. Social Security is meant to promote the welfare of this society, to help those in need. Continuing to send Social Security checks to those who are involuntarily confined in a mental hospital could enhance the ability for dangerous individuals to actively threaten the safety and security of their neighbors.

To rectify this problem, I have introduced a bill (H.R. 2161) to eliminate Social Security benefits for incarcerated felons. My bill contains a provision that prohibits the distribution of benefits to those receiving a verdict of not guilty by reason of insanity and involuntarily confined due to a court order.

In 1986, the inspector general of the Department of Health and Human Services estimated that approximately $1 million a year was being illegally distributed to prisoners. The particular problem of Social Security benefits being received by those confined after a verdict of not guilty by reason of insanity is simply part of a larger mishandling of these benefits within our justice system.

Recently, I testified before the House Social Security Subcommittee regarding this problem. Joining me at that hearing was the prosecutor of Somerset County, NJ, Mr. Nicholas Bissell. Nick Bissell's review in detail of Mr. Ollson's case underlined the serious threat to public safety raised by his escape.

Mr. Speaker, it is unconscionable that we give prisoners Social Security benefits, while many law-abiding Social Security recipients have had their taxes raised this year. I urge my colleagues to support legislation that would prohibit Social Security benefits being wrongfully given to those who have violated and continue to threaten the public safety.

PERSONAL REQUEST

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. LAROCCO. Mr. Speaker, I respectfully request a leave of absence for the remainder of today, September 23, 1993. As a member of the Bonneville Power Administration Task Force of the Natural Resources Committee, I have a long scheduled commitment at a hearing in Boise, ID, on Friday, September 24. The hearing, chaired by Mr. DEFAZIO, will examine the status of efforts to rebuild declining stocks of salmon in Idaho and the Northwest.

A SPECIAL SALUTE TO ATTORNEY JOHN LEWIS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. STOKES. Mr. Speaker, on Monday, September 27, 1993, the Jewish National Fund of America will hold its Tree of Life Award testimonial dinner at the Stouffer Tower City Plaza Hotel in Cleveland. I am pleased to announce that this year's dinner will honor a noted member of the Cleveland community, Attorney John E. Lewis. I join his colleagues, friends, and family members in saluting Attorney Lewis on this special occasion. I want to take this opportunity to share with my colleagues and the Nation some biographical information regarding Attorney John E. Lewis.

John Lewis received his bachelor's degree from Amherst College and earned his juris doctorate degree from the University of Michigan. He joined Squire, Sanders and Dempsey in 1958 and was named partner in 1967. Since 1985, John Lewis has held the post of managing partner of the 180-lawyer Cleveland office. With 400 lawyers in 13 offices in the United States and Europe, Squire, Sanders and Dempsey is one of the world's largest and most respected firms.

Mr. Speaker, I am proud to note that John Lewis has enjoyed a distinguished career at Squire, Sanders and Dempsey. His legal emphasis has been in the areas of labor, education and public employment. John Lewis developed the public-sector labor practice for the firm, and before assuming the role of managing partner, was responsible for more than 200 school districts across the State of Ohio, including Cuyahoga County. He has coauthored two books, "Ohio School Law" and "The Ohio Collective Bargaining Law," and has lectured on employment and education issues nationally.

John Lewis is admitted to practice in the State and Federal courts, including the U.S. Supreme Court. Attorney Lewis also boasts memberships in the American, Ohio State, Cleveland and Cuyahoga County Bar Associations. In addition, he is a fellow of the American Bar Foundation.

Mr. Speaker, I am proud to note that throughout his distinguished legal career, Attorney Lewis has been equally committed to the revitalization and economic development of the Cleveland community. In earlier years, it was John Lewis who spearheaded the campaign to raise funds for the renovation of the city's vaudeville theaters. His successful effort, the first major public-private capital venture in the Cleveland area, also included the birth of the prestigious Playhouse Square Foundation. Lewis continues his work with the foundation, serving as vice chairman of its development committee.

John Lewis' efforts to create jobs in the Cleveland area is evidenced by his leadership as chairman of Clean-Land, Ohio. The goal of the organization is to improve the appearance of the city in order to attract both the tourist and business industry. In the area of education, Attorney Lewis has chaired the education committee of the Greater Cleveland

Roundtable. In this capacity, he was deeply involved with the Cleveland Initiative for Education, a program which successfully raised $16 million to provide work and college tuition for inner-city students.

Currently, John Lewis serves as vice chairman of University Circle, Inc.; a member of the executive committee of the Greater Cleveland Growth Association; a trustee of the Musical Arts Association; and a member of Cleveland Tomorrow. John and his wife, Cathy, who is vice president of Resource Careers, are longtime residents of Cleveland Heights. They have four children and two grandchildren.

Mr. Speaker, I am proud to rise today to salute Attorney John Lewis. Over the years, I have been privileged to work with John on a number of civic and community issues and boards. He is an individual who has not only been successful in our community, but has given back to that community. His dedication to educating inner-city children is legion. Also, his devotion to eradicating the diverse issues which cause racial conflict and tension has been noted throughout our community.

John Lewis is an outstanding individual, a brilliant attorney, and a respected member of the community. I applaud the Jewish National Fund of America for honoring him and I am pleased to join them in this special salute to my good friend.

TRIBUTE TO DANIEL "RUDY" RUETTIGER

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. ROEMER. Mr. Speaker, I rise today to honor a resident of my congressional district, who has captured the hearts and imaginations of all those who have heard his story. It is the story of one man's dream, his goal, his aspirations, and his determined efforts to achieve them. Since he was a little boy, listening to Notre Dame football on the radio and watching it on television, it was Daniel "Rudy" Ruettiger's desire to play football for the Irish.

Mr. Speaker, Rudy's dream is not unique, but one shared by countless boys throughout the years. To dream of heroes and of one day taking a place at their side is an age-old wish. Today, as when Rudy was a boy, there are millions of young people with fantastic dreams of achievement and heroism.

As Americans, we should know that there is no dream too big or too elusive to be achieved. It was a young sickly boy, often dreaming of knights and heroism, that would become a hero himself in the South Pacific by saving the lives of his PT crew and who would go on to be the Commander in Chief of all the Armed Forces, John F. Kennedy. It was a young girl's dream of adventure and soaring to new heights that made Amelia Earhart one of the foremost aviators in our country. Rudy's dream of playing football for Notre Dame may seem small in comparison to the achievements of those whom we call heroes. Yet his story is larger than life because of the many obstacles that stood between him and the attainment of his dream.

Not only was Rudy slight by major college football standards—only 5 feet 6 inches tall and 175 pounds—but his grades were not good enough to be accepted for entrance into the university. Financial considerations also played a role. As 1 of 12 children in a working class family, Rudy also lacked the financial resources to pay for college. After working in a foundry, where he saw a good friend lose his life in an industrial accident, Rudy decided life was too short not to pursue his dream.

At age 25, well past the traditional age of starting college, Rudy gained entrance to Holy Cross Junior College. Located just across the road from Notre Dame, he worked diligently to improve his grades so he might transfer to Notre Dame. He worked long hours at many different jobs to support himself, and he continued to dream of playing for the Irish. Rudy's dedication was rewarded and he was accepted for admission to Notre Dame.

Pleading his case with Coach Ara Parseghian, Rudy was allowed to join the team as part of the "meat squad," which meant being practice fodder for the much bigger and quicker players who were among the best in the country. Rudy remained undeterred. After 2 years of relentless battering and gruelling practice, Rudy's one and only moment came with 27 seconds left in the final game of his college career.

With new Coach Dan Devine's nod, Rudy stepped on the field at Notre Dame Stadium, the victory march playing in his ears and the roaring chant of "Ru-dee, Ru-dee" echoing from the crowd of more than 50,000. His story was well-known to his teammates, classmates, and the fans in the stadium that day, and all were cheering for him now. Rudy made the most of his opportunity—he sacked the quarterback on the final play of the game. His teammates hoisted him high on their shoulders and carried him off the field.

Mr. Speaker, Rudy's story is now a Hollywood movie. People everywhere will have the opportunity of seeing the story for themselves. I trust that they will be moved by Rudy's courageous story. Rudy Ruettiger continues to share his story with all who will listen. He continues to live in South Bend and is a motivational speaker. Not every child will grow up to be President, a great aviator or a football player at Notre Dame. But Rudy's story is testimony that the American dream is alive and well, and that—if one is willing to pay the price—no dream is impossible.

PULASKI DAY PARADE TO CELEBRATE POLISH-AMERICAN PATRIOTISM

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which is to take place on October 3 in New York City. This event, the Pulaski Day Parade, will celebrate Polish-American patriotism by paying tribute to Brig. Gen. Casimir Pulaski who gave his life for the cause of American freedom in our Revolutionary War.

During his lifetime, General Pulaski earned a reputation as an honorable man, a gallant soldier, and a highly capable general who always preceded his soldiers into battle. His courage was, and remains, legendary. Despite the fact that he led a short life, historians have recognized General Pulaski as a visionary military leader, a soldier of liberty, an intrepid fighter, and the epitome of a cavalry man. When General Pulaski was mortally wounded in the Battle of Savannah on October 11, 1779, at the young age of 32, America lost one of its greatest friends and supporters.

General Pulaski was a soldier of Polish nationality who came to our country because he believed in the cause of individual freedom and democracy. In the end he made the supreme sacrifice for his adopted country. This parade serves as a living reminder of General Pulaski's dedication and courage, and as an opportunity to reflect on the many achievements of Polish-Americans over the history of our Nation.

PERSONAL REQUEST

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. DEFAZIO. Mr. Speaker, I respectfully request a leave of absence for the remainder of today, Thursday, September 23, 1993. I understand that this absence may result in missing votes on the Transportation appropriations bill and the Defense Authorization.

Mr. Speaker, as you know, earlier this year I was appointed to chair a task force on the Bonneville Power Administration. Many of the issues related to the BPA have a tremendous impact on the northwest economy. In late July, the task force scheduled a hearing in Boise, ID, on Friday, September 24, 1993. The hearing will examine the status of efforts to rebuild declining stocks of Columbia River Salmon.

The hearing is scheduled to begin at 8 a.m. in the morning. The last available flight tonight that will get me to Boise before 8 a.m. on Friday leaves from National Airport at 5 p.m. today. Therefore, in order to fulfill my responsibilities to chair the task force hearing in the morning, I request a leave of absence for the remainder of today.

BOSNIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. HOYER. Mr. Speaker, it was almost 30 years ago that the cries for help and screams of agony of Kitty Genovese went unheeded by her neighbors as she was brutally slain outside her home. Of the 38 people who later admitted to hearing the young woman's pleas, not one called the police until after Kitty Genovese's harrowing 35 minute ordeal had ended, leaving her dead.

According to a New York Times report, the murder of Kitty Genovese did not occur swiftly, but spanned more than half-an-hour. During that time, her attacker was twice interrupted by the sounds of neighbors' voices and the flash of apartment lights. Twice, the prospect that someone would come to Kitty Genovese's rescue caused her attacker to flee. But twice, the attacker returned when no neighbors, no police, no assistance actually materialized. Undeterred, Kitty's murderer returned a final time to finish what he had started, finding Kitty at the back of her building where she had crawled in hopes of finding safety. Tragically, there was no hope for Kitty Genovese and there, near dozens of her own neighbors, her killer delivered the final blow.

Mr. Speaker, today Bosnia continues its struggle against the repeated assaults of Serbian and now Croatian forces just as Kitty Genovese battled against a senseless act of violence 30 years ago. On several occasions, we have witnessed those aggressors stay their assaults at the prospect that Bosnia would be aided by the international community. But, like Kitty Genovese's murderer, each time they have returned to try to finish their crime—the annihilation of an independent Bosnian State and the eradication of the Bosnian Moslem people—when Bosnia's neighbors have failed to act decisively.

Mr. Speaker, it is true that inaction generally is not considered a crime. The inaction or indifference of Kitty Genovese's neighbors was certainly incomprehensible, and may have been immoral, but it was not illegal. Inaction in the face of genocide, however, is decidedly both immoral and illegal. In the aftermath of the Holocaust, the world community agreed that when confronted with efforts to destroy in whole or in part a national, ethnic, racial, or religious group, it is not merely an option to act but a duty. The convention on the prevention and punishment of the crime of genocide makes it a legal obligation for states, including the United States, both to prevent and to punish acts of genocide. Yet here we are witnesses to the third attempt this century to annihilate a people within Europe. And the actions of the international community have only prolonged the disaster in Bosnia. And now the West is pressuring the Bosnians to agree to a plan that sows the seeds of future conflict, keeps alive the hatreds that set in motion the forces of this brutal war, rewards genocide, and promises the very real possibility of the ultimate expulsion of Moslems from the territory of Bosnia and Herzegovina. And so we have a picture of the new world order.

A few weeks ago, I along with the Helsinki Commission's chairman, Senator DECONCINI, and almost a dozen of our colleagues from the Commission met with Bosnian President Izetbegovic. It was a somber meeting, for most of us in the room understood that too much time had been allowed to go by, too many people had been allowed to be murdered, too many cities destroyed, and too many expectations for rescue had been allowed to go unmet.

Nevertheless, President Izetbegovic pressed his cause as he has done relentlessly now for 18 months and as he had done just the day before at the United Nations Security Council. Once again he asked for the right to defend his country and people against genocide, for help in securing a peace that, at a minimum, will give the Bosnians the chance to survive, and for the United Nations to enforce and thus give some measure of credence to its own resolutions. But at the U.N., his pleas for help were met by a silence as disturbing and as deafening as the acts of inhumanity taking place in Bosnia. Only the U.S. Representative, Ambassador Madeleine Albright, responded. But even the United States can take no pride in its role in this, as yet unfinished, tragedy. As Christopher Hitchens wrote in a recent Washington Post commentary:

> There would have been excellent pragmatic reasons for defending the integrity of Bosnia: No destruction of a U.N. member State; no warrant for ethnocide; no spread of greater Serbia into areas of wild cross-border fantasy; no year-round violations of the Geneva Convention; no future war between NATO partners; and some others equally compelling. But one feels somehow dirtied by advancing these arguments. A highly evolved civilization has existed in Bosnia for many centuries. Not even now, in spite of hellish pressure, is there any serious intercommunal violence in the streets of multicultural Sarajevo. The Bosnians asked for the right to defend themselves, and were denied even that. So the pragmatic arguments should be tempered with humility, as we come to the realization that the Bosnians would have been better off with no American pledges at all.

While I believe that we have not done all we can to prevent genocide in Bosnia, I do not believe that it is too late to act. But as I have said many times on this very floor and in letters to the administration, the United States must take the lead. We must support the Bosnians in getting a peace settlement they can accept—this means that Serb and Croat negotiators must take Bosnian amendments to the plan on the table or face the prospect of retaliatory measures. These measures include the immediate lifting of the international arms embargo as it applies to Bosnia and Herzegovina, in keeping with that country's right to self-defense as provided for under article 51 of the Charter of the United Nations. And we must not forget justice, to bring those directly responsible for directing or committing war crimes or crimes against humanity to account. Perhaps the most important aspect of the rule of law is not its ability to prevent wrongs—rather, it is the capacity of a system based on the rule of law to redress wrongs: That is what sustains our faith and commitment to it. If the international community rewards aggression and permits criminals to retain their gains with zero accountability then we shall have forged the contours of a new world order far worse than the old. For if we permit these people to prevail, the new era will be shaped by the voices of violence and vengeance; an unwillingness of democracies to back up stated commitments with effective action and an ineffective United Nations.

Let there be no mistake; this is not simple moralizing. Inevitably, our interests in Europe will be tested by this conflict as it spreads. We have just seen renewed fighting in Croatia, Kosovo remains the victim of unabated repression, the situation in Sandzak is worsening and tensions throughout the region are markedly high. Moreover, nationalist demagogues elsewhere can look to feeble international action in the former Yugoslavia as encouragement of their own brutal plans for the treatment of minorities and neighboring peoples.

Mr. Speaker, for decades experts have struggled to find out why so many people listened, or watched, the killing of Kitty Genovese but failed to do anything. It was both the inaction and number of bystanders that raised so many fundamental questions about our society: The value of human life, the willingness of individuals to take responsibility for one another, and the terrifying prospect that others might stand by and watch us be destroyed.

Perhaps, years from now, diplomats and policy pundits will gather around a table and wonder how was it that so many of Bosnia's neighbors and friends stood by, watched and listened to its desperate cries for help, occasionally turned on a searchlight or shook a fist at its attackers, but ultimately let it be destroyed.

FATHER MAURICE NUTT MAKES HISTORY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. CLAY. Mr. Speaker, it gives me great pleasure to pay special tribute to an outstanding member of the St. Louis Archdiocese, Father Maurice Nutt.

Father Nutt was recently christened the 32d pastor of the historical St. Alphonsus "Rock" Catholic Church of St. Louis, one of the largest African-American Roman Catholic parishes in the United States. Thirty-year-old Father Nutt now hails as the youngest priest to preside over a parish in the entire country and he is St. Rock's first African-American pastor.

Maurice Nutt grew up attending St. Rock Church—a city landmark built in 1867 that did not admit blacks until 1947—where he began serving as an altar boy at the age of 5 and most recently was the associate pastor. Father Nutt attended Carver Elementary School in St. Louis before going to high school in Wisconsin. He later received his bachelor degree from Holy Redeemer College also in Wisconsin where he majored in philosophy. He holds a master's in theology from Xavier College in New Orleans and a master's in divinity from Catholic Theological Union in Chicago. He is presently a candidate for a doctorate in ministry at Aquinas Institute of Theology in St. Louis. Father Nutt has been a theology professor at St. Louis University, a retreat director and youth minister, in addition to lecturing on Catholicism around the world. Today, largely because of Father Nutt, the celebrated St. Rock is a progressive parish that merges Afrocentricity with the traditional, making for a spirit filled Mass that calls for standing room only. Committed to the community, St. Rock also has an extensive outreach program to help meet the needs of its parish.

From altar boy to parish pastor, Father Nutt has not only made headway, but history as well. My fellow St. Louisans and I are very proud to claim him as our own.

THE 80TH ANNIVERSARY OF ST. NICHOLAS ROMANIAN BYZANTINE CATHOLIC CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. VISCLOSKY. Mr. Speaker, I rise today to celebrate the 80th anniversary of the establishment of St. Nicholas Romanian Byzantine Catholic Church in East Chicago, IN.

Sunday, September 26, 1993, will mark the 80th anniversary of the completion of the church, located at 4301 Olcott Avenue, in East Chicago. The celebration festivities will be held at the Knights of Columbus Hall in East Chicago at 12 p.m., immediately following the Sunday Mass.

The church, erected in 1913, was dedicated to the worship of God in the tradition of the Romanian Byzantine Greek rite, in unity with the Pope in Rome. The founding members and first parish council members to be honored include: Parish president, Dumitru Silagi; notary, John Sancya; and founding members Vasile Sinas, Michael Cinko, George Boudi, Dumitru Chivari, Florian Dragos, Mihai Tunas, John Ardelean, John Boian, Theodore Pop, Michael Morasan, Louis Bank, Sr., Michael Nestor, Nicholas Hoble, Louis Bank, Jr., Vasile Tripp, John Kovach, Vasile Buda, John Angyus, Sr., and George George.

St. Nicholas has been blessed with a very distinguished succession of resident pastors originating with Father Aurel Bungardean in 1914, who was succeeded in 1920 by Father Alexander Bungardean in 1914, who was succeeded in 1920 by Father Alexander Popp. In late summer of 1921, Father Victor Crisan assumed the pastorship until 1933, when Father Victor Vamos was appointed. Two years later, in 1935, Father Anthony Dunca replaced Father Vamos, and served as St. Nicholas' resident pastor until 1943. For 51 years, from 1943 until his retirement in 1992, Father George C. Muresan reigned as pastor.

I would also like to extend congratulations to Dr. George T. Stroia for his honorable appointment as parish administrator. A lifetime member, Dr. Stroia is the son of Elizabeth Drag, one of St. Nicholas' original members, and grandson of George Boudi, a founder of the church.

Over the years, many men and women have generously contributed to the maintenance and renovation of St. Nicholas Romanian Byzantine Catholic Church. I would like to commend every parishioner of St. Nicholas, past and present, for their commitment to preserve their ethnic heritage through worship in the Romanian Byzantine rite. May this 80th anniversary celebration prove to be a most joyful occasion. May God bless you all.

HONORING DR. ELEANOR K. CHOW FOR HER 23 YEARS OF SERVICE TO THE MONTEBELLO UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. TORRES. Mr. Speaker, I rise today to recognize Dr. Eleanor K. Chow for her 23 years of dedicated service to the Montebello Unified School District Board of Education.

Dr. Chow was first elected to the board in a special election in January 1971. She has been reelected a number of times, serving several terms as president of the board.

Born and raised in California, Dr. Chow completed her elementary and secondary education in the Montebello Unified School District. She is a graduate of the University of California, Los Angeles and holds an honorary doctorate of law degree from Pepperdine University. She has a son and two daughters.

Dr. Chow has dedicated her career to the field of education. In addition to her duties as a member of the Board of Education, she is currently president of the board of directors of the Association of California Urban School Districts. She also sits on the California School Boards Association, as well as the board for the California Commission on Teacher Credentialing.

Through her participation in various educational, political, and community organizations, Dr. Chow has sought to promote equity for women and minorities. She is a past member of the National Women's Political Caucus and the National Organization for Women. Her involvement in the Korean American Association and the Asian Pacific Family Center keeps her current on issues in the Asian community.

Dr. Chow received many awards in recognition of her contributions in the areas of education and community service. In 1987, she was honored for her contributions to education at the mayor's annual observance of Asian/Pacific American Heritage. Los Angeles and the California Association for Health, Physical Education, Recreation and Dance accorded her the honor of Outstanding Community Member Award for 1991. In recognition of her efforts to promote literacy, she was selected to become a member of President Bush's Task-Force on Consumer Literacy Round Table.

Mr. Speaker, on October 1, 1993, colleagues and friends will gather at a special dinner to pay tribute to Dr. Chow for her contributions to the educational needs of the greater Montebello community. It is with great pride that I ask my colleagues to join me in saluting this exceptional individual for her outstanding service to the children and adults of the Montebello Unified School District.

BEGIN WAR CRIMES INVESTIGATIONS IN FORMER YUGOSLAVIA IMMEDIATELY

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Ms. MOLINARI. Mr. Speaker, I rise today to introduce with my colleague, Congressman FRANK MCCLOSKEY, an important resolution which calls on the President and the United Nations to immediately begin the formal investigation process into the thousands of war crime violations committed in the former Yugoslavia.

Mr. Speaker, time is of the essence. Since the U.N. establishment of an International War Crimes Tribunal last May, no prosecutor has been appointed, no official investigations have begun and no indictments have been wrought. Meanwhile, back in Bosnia, criminal activity continues to escalate with some 220,000 residents having been killed, well over 2 million refugees left homeless, and thousands of women brutally raped.

As we sit here today hoping that the international communities fulfills its promises and obligations that justice will be served, it appears more and more likely that politics will continue to take precedence over any resolute response.

In order for the war crimes tribunal to retain any credibility and ensure justice for the many victims of war crimes, the United States and United Nations must avoid the temptation to weaken the prosecutorial and investigation process in the name of peace. The resolution I introduce today works to expeditiously investigate such heinous crimes and ensure that evidence is not destroyed or lost and that witnesses and survivors do not disappear.

The keystone to a successful tribunal is the nomination of a strong managing prosecutor. It is the prosecutor who is not only responsible for leading the prosecution in each case, but who is also responsible for conducting the official investigations and gathering the evidence.

This resolution calls on the United Nations to get serious about these prosecutions by approving of a prosecutor by October 8, 1993 and setting aggressive deadlines in which to move forward. In addition, this resolution urges the United Nations to begin using the almost $1 million earmarked for such investigation immediately to interview the victims and gather important legal evidence.

Perhaps most importantly, this resolution calls on our administration and the international community to withhold consideration of lifting the economic sanctions against the Federal Republic of Yugoslavia—Serbia and Montenegro—until all indictments against those persons ultimately responsible have been issued and until those indicted have been turned over to the International Tribunal.

We must not let the human atrocities of this war go unrecognized. If we all truly believe in the words "never again" then the time to act is today.

FEARS, HOPES AND NAFTA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. KILDEE. Mr. Speaker, I would like to share with my colleagues an editorial that recently appeared in my hometown newspaper, The Flint Journal which makes a compelling case against the present North American Free Trade Agreement. I believe this editorial raises several critical questions that each Member of Congress must consider before voting on this NAFTA.

[From the Flint Journal, Sept. 22, 1993]

FEARS, HOPES AND NAFTA

Labor Secretary Robert Reich accuses those who attack the North American Free Trade Agreement of engaging in the politics of fear.

The thought apparently never occurred to him that nearly 6 million really good reasons exist why many Americans and communities should fear the dangerously flawed NAFTA. Those 6 million reasons are jobs and, more importantly the individuals, families and communities that depend on them. These important reasons were the focus of the anti-NAFTA rally sponsored by U.S. Sen. Donald W. Riegle, D-Flint, that featured Ross Perot last Saturday in Lansing.

Even the Clinton administration admits jobs will be lost and incomes reduced. On Sunday, presidential counselor David Gergen said the administration believes savings, from its plan to streamline government could be used to help retrain workers whose jobs are lost. Although some are skeptical the money will be available, Gergen insists it will be.

But questions put to Gergen and Reich at the National Conference of Editorial Writers convention earlier this month remain unanswered: Training for what? Jobs that don't exist? What good is that?

The importance of those questions rises with the number of jobs at risk—numbers NAFTA supporters downplay and distort. Perot and Riegle peg the figure at at least 5.9 million manufacturing jobs, including 239,500 in Michigan, based on a study by the Manufacturing Policy Project.

Carl Levin, Michigan's other U.S. senator, says: "The underlying premise supporting NAFTA is that U.S. exports to Mexico will increase and all exports create jobs. But this claim and NAFTA's very foundation is based on highly distorted export figures.

"First, these calculations are based on export figures alone. They conveniently ignore the job loss as resulting from imports from Mexico to the U.S.

"Second, even if you look only at exports, one-third of U.S. exports to Mexico go across the border for a few days or weeks for assembly and then come right back to America for consumption. The Department of Commerce classifies them as 'exports' but, in reality, they represent little more than trading with ourselves.

"What's more, one-third of U.S. exports that the Commerce Department shows going to Mexico don't represent jobs gained—they represent lost jobs to America. Many products used to be assembled in the U.S. and now are assembled in Mexico."

For example, says Levin, let's say an assembly plant in the United States closes, moves to Mexico and puts 1,000 Americans out of work. Some U.S. parts suppliers will now start sending the parts to Mexico. They are now considered exports. The Commerce Department counts the activity as a job creator because some of the parts are exported for a brief period to a new Mexican assembly plant.

Levin says, "If every assembly plant in America picked up and moved to Mexico and still used some U.S. parts suppliers, the way the Commerce Department figures things, our exports and job growth would show a huge jump despite the catastrophic loss of U.S. assembly jobs. That kind of reasoning just doesn't make sense—and U.S. workers will lose out because of it."

Not only will U.S. workers lose out, so, too, will the communities they live in. And so will the U.S. economy because not only will Mexicans who earn much less be unable to buy the products, neither will an increasing number of Americans who lose jobs or whose standards of living continue to decline.

And as Perot asks: Does the United States really want its manufacturing base to continue to erode? A nation cannot remain a superpower without a sound manufacturing and industrial base.

Some NAFTA proponents say opposition is pointless because U.S. companies interested in taking advantage of Mexico's low wages, lower worker safety and environmental standards and other factors can leave, and have left, without NAFTA.

But as Perot argues in his new book "Save Your Job, Save Our Country," which he coauthored with Pat Choate, NAFTA has less to do with trade than it has to do with investment. "Its principal goal is to protect U.S. companies and investors in operating in Mexico."

And as U.S. Rep. Dale E. Kildee, D-Flint, has warned, NAFTA could prompt a flight of capital investment to Mexico at a time when America is in desperate need of investment.

That brings us full circle to Reich who told editorial writers: "If we play our cards right, American workers don't have to be competing with machines or with cheap foreign labor in performing low-skill tasks. The answer lies in racing upward instead—toward high value-products and higher-wage work."

But that takes investment—especially in communities that are already hard hit. And it takes time.

Reich also admits that unlike previous economic recoveries, in this one too many Americans are working in one or more temporary, part-time or low-wage jobs. Even these jobs are becoming scarcer. And a growing number of Americans are worried about job security.

Reich predicted NAFTA would win on its merits. We say it should be defeated for its lack of them. Now is not the time to gamble on NAFTA.

On Saturday in Lansing, Riegle and Perot did not engage in the politics of fear. They engaged in the politics of concern.

They also engaged in the politics of hope by reminding the crowd of 3,000 and the millions who watched the C-Span broadcast or followed the news that they have the power to defeat NAFTA.

LET BOSNIA DEFEND ITSELF

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. BONIOR. Mr. Speaker, I had hoped we could meet here today and talk about steps that had been taken to end the fighting in Bosnia.

I had hoped we could meet here and take a small measure of confidence that 18 months of genocide, of inhumanity, and of bloodshed in Bosnia were coming to an end.

But sadly, we gather here today no closer to peace in Bosnia than we were before.

Sadly, last Monday's meeting aboard the British aircraft carrier *Invincible,* where negotiators were trying to reach an agreement, broke down.

As a result, last Tuesday's meeting at Sarajevo airport, where international mediators hoped a peace agreement would be signed, was canceled.

So instead of marking a moment of hope for peace, the fighting rages in central Bosnia as if last week's cease-fire agreement didn't even exist * * * and Sarajevo stands on the brink of surrender.

We are now facing a winter in Bosnia of continued fighting, disrupted humanitarian relief efforts and the specter of Serbian forces pursuing a final solution.

And once again we are left asking the difficult questions:

When will it all end?

How many have to die?

And the most damning question of all: How did we wind up in such a desperate situation?

Mr. Speaker, I'm afraid history will not answer that question kindly.

I'm afraid that history will record the inescapable truth that shortly after achieving freedom and democracy in Eastern Europe and the Soviet Union, the West failed to act when a brutal dictator perpetrated mass genocide in Europe.

Let's make no mistake about it: We are here because of a lack of political will on the part of our Western Allies.

Our Nation's response has been plagued by self-doubt and a lack of resolve.

But there should be no doubt that what is happening to the Moslems in Bosnia is genocide.

The statistics are staggering—over 200,000 people dead and more than 2 million refugees.

But statistics don't bleed, people do.

And while we hem and haw, Bosnia bleeds.

Just look at America's response to Bosnia:

First, we pressure the Bosnians to accept the Vance-Owen peace plan * * * a plan which to a large degree rewarded Serbian aggression. And thinking that the international community would put pressure on the Serbs to negotiate a peace, the Bosnians agreed. But we failed to act and the bloodshed continued.

Next, we tried to establish "safe havens," which is a sugar-coated term to describe what are basically ethnic ghettos filled with refugees. Serbian artillery made a mockery of this idea while U.N. forces could only stand by and watch.

This summer, the U.N. Security Council had an opportunity to take a strong stand, but nine nations couldn't muster enough courage to approve air strikes and lift the arms embargo.

When the moment arrived to stand up and be counted—Britain France, Russia, China, Japan, Spain, Brazil, Hungary, and New Zealand could only abstain.

Now, we are telling the Moslems that they should accept a partition of their country, fully rewarding Serbian aggression.

Not only did we fail to stand up to the Serbs, we prevented the Bosnians from defending themselves.

The arms embargo on the outgunned Bosnians make absolutely no sense at all.

To have imposed the arms embargo in the first place is incomprehensible. To have kept it in place for so long, and after so much suffering, is utterly shameful.

I believe that lifting the arms embargo is the very least we could have done.

Bosnian President Alija Izebegovic expressed this anguish the best, when he said: "Defend us or let us defend ourselves. You have no right to deprive us of both."

What can we do now?

Only actions, not words or good intentions, matter now.

To continue the arms embargo would condemn the Bosnians to a long cold winter of continued rape, slaughter, and starvation.

Beyond lifting the arms embargo, the U.N. war crimes tribunal appointed this weekend must vigorously pursue the barbaric butchers who are responsible for these unspeakable atrocities.

In addition, we must make absolutely clear to the brutal dictator of Belgrade, Slobodan Milosevic, that aggression in Kosova will be met with a swift and strong response.

But now we must act to halt the bloodshed in Bosnia.

Our conscience demands it.

Our humanity demands it.

This is nothing less than one of the great moral challenges of our time.

And we've got to have the courage to meet it.

For humanity's sake, I pray that we will.

HOUSE BANKING COMMITTEE APPROVES LEGISLATION TO CURB INSURANCE REDLINING

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. KENNEDY. Mr. Speaker, I am pleased to report to my colleagues that H.R. 1257, "The Insurance Consumer Protection Act of 1993," was approved by the Committee on Banking, Finance and Urban Affairs on September 22, 1993. H.R. 1257 addresses the problem of discrimination in the insurance industry.

The Banking Committee, during extensive hearings concerning the issue of insurance redlining, received compelling testimony regarding the affordability, availability, and adequacy, of insurance for minority and low-income citizens. The committee heard testimony that several agents were told by a company sales manager to "get away from blacks," and sell to "good, solid, premium-paying white people." Another agent was told by a company underwriter that "We don't write Blacks or Hispanics." This shocking anecdotal evidence was supported by 12 years of data submitted by Missouri State Insurance Commissioner Jay Angoff. This data was collected from insurers themselves and is similar to the data H.R. 1257 would collect elsewhere in the country. It shows that, in the cities of St. Louis and Kansas City, low-income minorities had to pay more money for less coverage than their white counterparts, despite the fact that losses in minority areas were actually less than those in white areas. This evidence directly challenges industry assertions that minorities are too risky to insure. Based on this disturbing evidence, the committee was compelled to act on this important issue.

Prior to the committee markup, we received letters regarding this legislation from HUD Secretary Henry G. Cisneros and OMB Associate Director Christopher Edley. Copies of these letters are enclosed.

Secretary Cisneros expressed his "wholehearted support" for this legislation, and provided reasons why HUD should administer the program it would establish.

Mr. Edley's letter sets forth the principles that the administration supports in legislation to address insurance redlining. Virtually all of those principles are directly reflected in the provisions of H.R. 1257, including: reporting by census tract, reporting of the race and gender of policyholders, reporting of claims information, and reporting on a continual basis—that is without a sunset. These provisions are not contained in any other legislation introduced to address the insurance redlining issue.

Mr. Speaker, these are important issues and I am pleased that the administration has taken a position on them. At this point, I would respectfully ask that the letters enclosed from the Office of Management and Budget and the Department of Housing and Urban Development be included in the RECORD for the benefit of my colleagues.

[The material follows.]

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 20, 1993.

Hon. JOSEPH P. KENNEDY II,
Chairman, Subcommittee on Consumer Credit and Insurance, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Administration recognizes that the practice of insurance redlining can have severe economic impacts on both businesses and individuals, and as a result on whole neighborhoods and communities. To effectively detect and address the problem of insurance redlining, the collection of data assessing the availability, affordability and quality of insurance for individuals and small businesses is necessary. Any discrimination discerned from the analysis of these data would then be aggressively opposed.

Working with the Departments and Commerce, Housing and Urban Development and Treasury and other interested agencies, we have developed a set of principles that the Administration could support in final legislation addressing the problem of insurance redlining. I have enclosed these principles with this letter.

The Administration believes that insurance redlining is an important issue that deserves immediate attention and welcomes your Committee's action on this matter. The Administration urges Congress to act quickly on the insurance redlining provisions and separate other unrelated provisions that may impede enactment of final legislation.

Thank you for your consideration of the Administration's principles. If you have any questions about these principles feel free to contact me at 395-3120.

Sincerely,

CHRISTOPHER F. EDLEY, Jr.
Associate Director for Economics and Government.

Enclosure.

ADMINISTRATION PRINCIPLES ON INSURANCE REDLINING

The following five elements outline the Administration's principles regarding the collection of insurance data.

1. Insurers (including Fair Access to Insurance Requirements—FAIR plans) should be required annually to disclose information to the federal government on the nature of their business activity:

The information should be reported by census tract or their statistical equivalent (if necessary by street address and zip code) and submitted in a machine readable format to facilitate efficient evaluation of the data.

The information should be collected at the individual policy level.

The information should include data on (1) pricing, number and total coverage levels of policies issued, denied, cancelled and renewed, (2) data on the number of insurance agents employed, terminated and relocated by region and (3) data on claims costs and other objectives economic variables as determined by the federal government.

The information should include (1) the race, gender and income level of all applicants and policyholders, (2) the race of agents and (3) other variables as determined by the federal government.

Administration of data collection/analysis should be modeled after Home Mortgage Disclosure Act data (HMDA) collection/analysis.

These data, consistent with the Freedom of Information Act, should be made available to the public for review.

2. The federal government shall compile, analyze and prepare an annual report of such data.

3. Disclosure of such information should be mandatory for all auto, commercial, small business and homeowners lines of insurance. Disclosure of private mortgage insurance shall be contingent upon a determination that insurers are not complying with the reporting requirements modeled after HMDA:

Disclosure requirements should be phased in over a few years to reduce extreme burden on insurers (particularly small insurance companies).

4. Failure to disclose information, submit data on time or provide follow-up data as required should result in a sufficiently large civil money penalty to discourage such occurrences.

5. Within a reasonable period of time after enactment of such legislation, an evaluation of the disclosure requirement and the data collected should be conducted and a report submitted to the President and Congress to determine the need to continue/modify such requirements.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
Washington, DC, September 22, 1993.

Hon. JOSEPH P. KENNEDY II,
Chairman, Subcommittee on Consumer Credit and Insurance, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to express my wholehearted support of Title II of the proposed Insurance Consumer Protection Act on insurance redlining. This legislation is necessary to address a major impediment to home ownership now experienced by low-income and minority persons.

I also want to state the reasons why we believe that the Department of Housing and Urban Development and its Office of Fair Housing and Equal Opportunity should administer this program:

The Courts have supported the Department's position that insurance redlining is a violation of the Fair Housing Act for which the Secretary of HUD has enforcement responsibility.

The authority to test discriminatory insurance practices would mesh with the substantial experience FHEO has acquired in conducting testing under the Fair Housing Initiatives Program.

HUD's new oversight responsibilities relating to the secondary mortgage market (Fannie Mae and Freddie Mac), the Federal Housing Finance Board and the Resolution Trust Corporation closely relate to the insurance redlining issue.

In closing I would like to reiterate that this function provides an excellent fit with our existing fair housing and other programmatic responsibilities. I will provide to FHEO from existing HUD resources whatever is necessary to achieve these additional responsibilities.

Sincerely,

HENRY G. CISNEROS,
Secretary.

TRIBUTE TO WENDELL W. YOUNG III

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise on this occasion to salute Wendell W. Young III, on the occasion of his being elected an international vice president of the 1.3 million member strong United Food and Commercial Workers Union, representing workers throughout the United States and Canada.

Wendell is currently serving as president of the Pennsylvania State Council of the UFCW. He has served as president of the Philadelphia area Local 1776 for 31 years, representing 24,000 workers in southeastern and central Pennsylvania.

I have known Wendell Young for years in his service as president of the local 1776 of the United Food and Commercial Works, and I cannot think of a more fitting tribute to Wendell than his being elected to an international vice presidency. He has committed decades of service and devotion to the members of his union, and his experience and knowledge will do nothing but strengthen the union as it forges ahead towards the turn of the century.

KETUBAH B'NAI B'RITH 13TH BIRTHDAY CELEBRATION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. WAXMAN. Mr. Speaker, I rise today to congratulate Ketubah B'nai B'rith on the celebration of its 13th year of service to southern California. Ketubah B'nai B'rith has been integral in providing humanitarian assistance to worthy groups throughout the Greater Los Angeles area. This organization's uninterrupted commitment to service is a testament to its founders embrace of American values and ideals.

Ketubah B'nai B'rith will be celebrating its 13th year with a Bar/Bat Mitzvah party on Sunday, October 3, 1993 at the JW Marriott Hotel, 2151 Avenue of the Stars, Los Angeles CA. During the festivities, guests will be entertained by the renowned musical comedy star John Raitt, who has appeared in such Broadway favorites as Carousel.

A number of important participants in this organization will be honored at this ceremony, virtually all of whom are long-time constituents and friends of mine. W.C. Chastain, a leader in the world of business and commerce, will be honored as a patron of the Ketubah Contract, the newsletter of this group. Additionally, a special tribute will be paid to past presidents of Ketubah, including my dear friends Hy and Ethel Haves, Ketubah's founders. Hy also has the distinction of being the Honorary Mayor of the Palisades Highlands.

Other past presidents who will be honored include Darnold and Phyllis Blivas, the late Bob and Myrtle Ensel, Edwin and Susan Isenberg, Lou and Dorothy Miller, David and Rose Siegel, and Dr. William and Norma Zack. The current presidents of this association are Marvin and Ruth Levin.

The Ketubah Bar/Bat Mitzvah Party will also seek to raise funds for the organization, allowing it to continue its noble work on behalf of B'nai B'rith and the community. The Ketubah charitable fund is used to support the B'nai B'rith agencies, including the Anti Defamation League, B'nai B'rith Youth Organization and Hillel; plant trees in the B'nai B'rith International Forest in Israel; provide local services, including an annual Passover Seder for the elderly and indigent; and assist in furthering B'nai B'rith's programs political action, Jewish learning, and senior services.

I would like to strongly commend Ketubah B'nai B'rith for its important role in the southern California community, and wish it many more years of prosperity and service to humanity.

TRIBUTE TO FOURTH ANNUAL FATHER ROGER GIGLIO DINNER HONOREES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1993

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mrs. Aida Rosa, Mr. Peter Castellana, Jr., Ms. Nancy Biberman, Ms. Ismene Speliotis and Dr. Earnest Drucker, who will be honored this coming October 1 at the fourth annual Father Roger Giglio dinner held by the Saint Benedict the Moor community-based AIDS and drug rehabilitation program in the South Bronx.

Aida Rosa, Principal of P.S. 30 in the South Bronx, is an outstanding educator who, in her commitment to increasing the learning capacity of her pupils, works actively—and successfully—to improve the overall quality of their lives. She collaborates closely with educational, health and social service agencies, and as a member of Community Planning Board No. 1, and various other boards, plays a crucial role in gaining better services and living conditions for the entire South Bronx community.

Peter Castellana is the president of Western Beef, a chain of 14 food stores he and his brothers built with the aim of providing quality products at affordable prices to lower income communities. Mr. Castellana is involved in numerous social programs serving children, and under his direction Western Beef makes major contributions to community food banks.

Nancy Biberman and Ismene Speliotis are president and vice-president, respectively, of the Women's Housing & Economic Development Corp., or WHEDCO, not-for-profit corporation they founded to develop and operate interconnected housing and economic development programs for low-income women and their families. These highly talented and motivated individuals have made important contributions to New York City's low-income and homeless populations throughout their careers. As director and associate director of the Highbridge Community Housing Development Fund, they worked together to develop a 23 building, $60 million, housing rehabilitation project for low- and moderate-income families in the South Bronx. Now with WHEDCO they are developing a comprehensive housing, job training, and economic development project called Urban Horizons, and are consultants to five community-based organizations developing special needs housing in the Bronx, Brooklyn, Manhattan, and Queens.

Dr. Ernest Drucker, director of the Division of Community Health and professor in the Department of Epidemiology and Social Medicine at the Bronx's Montefiore Medical Center/Albert Einstein College of Medicine, is a leading figure in the field of social epidemiology, the study of the health consequences of social problems. Long an active voice on drug policy reform both domestically and internationally, he is editor-in-chief of the international journal "Addiction Research"; an editor of the "International Journal on Drug Policy"; and a member of the editorial board of the "American Journal of Drug and Alcohol Abuse." Dr. Drucker is a member of the board of directors of Saint Benedict the Moor and of Housing Works, Inc., an AIDS housing organization in New York City. He is also a founder and chairman of the board of directors of the international medical relief and human rights organization "Doctors of the World."

Mr. Speaker, these individuals have demonstrated extraordinary dedication to the most vulnerable members of our society. Their efforts are an eloquent tribute to the spirit of the late Father Roger Giglio, who founded the St. Benedict the Moor Aids and drug rehabilitation program and was its driving force until his death several years ago. I hope my colleagues will join me in recognizing their outstanding contributions, as well as those of Saint Benedict the Moor, which will honor them on October 1.